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of America

PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

SENATE—*Thursday, January 3, 1991*

The 3d day of January being the day prescribed by the Constitution of the United States for the annual meeting of the Congress, the 1st session of the 102d Congress commenced this day at 12 noon.

The Senate assembled in its Chamber at the Capitol.

The Senate was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

But he that is greatest among you shall be your servant. And whosoever shall exalt himself shall be abased; and he that shall humble himself shall be exalted.—Matthew 23:11, 12.

Eternal God, without beginning or end, omnipotent and omnipresent, consecrate these Thy servants who have dedicated themselves to their high calling. Save them from the love of power which leads to arrogance and causes them to bloat rather than grow. Deliver them from self-seeking which produces demagogs and treats rhetoric as an end in itself—from personal ambition and intransigence which render the Senate an institution where the whole is less than the sum of its parts—from an elite which expects attention and favor, seeking publicity for its own sake. Help them to be faithful to their calling and commitment, remembering that the greatest leaders have been servants. Help them to remember that as representatives they are also leaders and grant that they will not sacrifice critical leadership for mindless representation.

In His name who was the Servant of servants. Amen.

CREDENTIALS—RESIGNATION AND APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a letter of resignation, a certificate of appointment to fill the vacancy caused by the resignation, two certificates of election for unexpired terms, and the credentials of the 33 Senators elected for 6-year terms beginning January 3, 1991.

All certificates, the Chair is advised, are in the forms suggested by the Senate or contain all the essential requirements of the forms suggested by the Senate.

If there be no objection, the reading of the above-mentioned letter and the certificates will be waived, and they will be printed in full in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

U.S. SENATE,
Washington, DC, December 4, 1990.

Hon. DAN QUAYLE,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: I herewith tender my resignation as a Member of the United States Senate from the State of New Hampshire to become effective at the close of business on Tuesday, December 4, 1990.

I am obligated to assume my new position as a state Senator on December 5, 1990. The Constitution of the State of New Hampshire prohibits an individual from simultaneously holding both the offices of state Senator and United States Senator.

Sincerely yours,

GORDON J. HUMPHREY,
U.S. Senator.

STATE OF NEW HAMPSHIRE

CERTIFICATE OF APPOINTMENT, DECEMBER 7, 1990

Under the authority of New Hampshire Revised Statutes Annotated 661:5, I hereby appoint the Honorable Robert C. Smith of Tuftonboro, New Hampshire to fill the vacancy in the office of United States Senator from the State of New Hampshire for the balance of the term.

JUDD GREGG,
Governor of New Hampshire.

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, Daniel K. Akaka was duly chosen by the qualified electors of the State of Hawaii a Senator for the unexpired term ending at noon on the 3d day of January 1995, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Spark M. Matsunaga.

Witness: His excellency our governor John Waihee, and our seal hereto affixed at Honolulu, Hawaii this 26th day of November, in the year of our Lord 1990.

By the Governor:

JOHN WAIHEE,
Governor.

STATE OF INDIANA

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, Dan Coats was duly chosen by the qualified electors of the State of Indiana a Senator for the unexpired term ending at noon on the third day of January, 1993, to fill a vacancy in the representation from said state in the Senate of the United States caused by the resignation of Dan Quayle.

Witness: I, Evan Bayh, hereto set my hand and affix the seal of the State of Indiana this 6th day of December, in the year of our Lord 1990.

By the Governor:

EVAN BAYH,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, A.D. 1990, Max Baucus was duly chosen by the qualified electors of the State of Montana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1991.

Witness: His excellency our Governor Stan Stephens, and our seal hereto affixed at Helena this 10th day of December, in the year of our Lord 1990.

By the Governor:

STAN STEPHENS,
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Joseph R. Biden, Jr. was duly chosen by the qualified electors of the State of Delaware, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1991.

Witness: His excellency our Governor Michael N. Castle, and our seal hereto affixed at Dover this 5th day of December, in the year of our Lord 1990.

• This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

By the Governor:

MICHAEL N. CASTLE,
Governor.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, David L. Boren was duly chosen by the qualified electors of the State of Oklahoma as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1991.

Witness: His excellency our Governor Henry Bellmon and our seal hereto affixed at Oklahoma City, Oklahoma this 14th day of November in the year of our Lord 1990.

By the Governor:

HENRY BELLMON,
Governor.

STATE OF NEW JERSEY

CERTIFICATION OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Bill Bradley was duly chosen by the qualified electors of the State of New Jersey as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Jim Florio, and our seal hereto affixed at Trenton this 4th day of December, in the year of our Lord 1990.

By the Governor:

JIM FLORIO,
Governor.

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Hank Brown was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Roy Romer, and our seal hereto affixed at Denver this 17th day of December, in the year of our Lord 1990.

By the Governor:

ROY ROMER,
Governor.

STATE OF MISSISSIPPI

CERTIFICATION OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990 Thad Cochran was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Ray Mabus, and our seal hereto affixed at the Capitol in the City of Jackson, Mississippi, this 3rd day of December, in the year of our Lord 1990.

By the Governor:

RAY MABUS,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, William S. Cohen was duly chosen by the qualified electors of the State of Maine a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3d day of January, 1991.

Witness: His excellency our Governor John R. McKernan, Jr., and our seal hereto affixed at Augusta, Maine this twenty-sixth day of November, in the year of our Lord, 1990.

By the Governor:

JOHN R. MCKERNAN, Jr.,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Larry E. Craig was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1991.

Witness: His excellency our Governor Cecil D. Andrus, and our seal hereto affixed at Boise this 21st day of November, in the year of our Lord 1990.

By the Governor:

CECIL D. ANDRUS,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Pete Domenici was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991."

Witness: His excellency our Governor Garrey E. Carruthers, and our seal hereto affixed at Santa Fe, New Mexico this 27th day of November, in the year of our Lord 1990."

GARREY E. CARRUTHERS,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, J.J. Exon was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1991.

Witness: Her excellency our Governor Kay A. Orr, and our seals hereto affixed at Lincoln this 5th day of December, in the year of our Lord 1990.

KAY A. ORR,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Al Gore was duly chosen by the qualified electors of the State of Tennessee as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Ned McWherter, and our seal hereto affixed at the capitol in Nashville this 19th day of December, in the year of our Lord 1990.

By the Governor:

NED MCWHERTER,
Governor.

STATE OF TEXAS

This is to certify, that at a general election held on Tuesday, November 6, A.D. 1990 Phil Gramm was duly elected United States Senator for a term beginning January 3, 1991.

In testimony whereof, I have hereunto signed my name and caused the Seal of State to be affixed at the City of Austin, this the 19th day of December, A.D. 1990.

WILLIAM P. CLEMENTS, Jr.,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Terry E. Branstad, and our seal hereto affixed at Des Moines, Iowa, this tenth day of December in the year 1990.

By the Governor:

TERRY E. BRANSTAD,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Mark O. Hatfield was duly chosen by the qualified electors of the State of Oregon a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1991.

Witness: His excellency our Governor Neil Goldschmidt, and our seal hereto affixed at Salem, Oregon this 6th day of December, in the year of our Lord 1990.

By the Governor:

NEIL GOLDSCHMIDT,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM IN THE U.S. SENATE

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, the Honorable Howell Heflin was duly chosen by the qualified electors of the State of Alabama as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 1991.

Witness: His excellency our Governor the Honorable Guy Hunt, and our seal hereto affixed at the Alabama State House this Twentieth day of November, in the year of our Lord 1990.

By the Governor:

GUY HUNT,
Governor.

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Jesse A. Helms was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning January 3, 1991.

Witness: His excellency our Governor, James G. Martin, and our Seal hereto affixed at Raleigh this the 28th day of November, in the year of our Lord 1990.

By the Governor:

JAMES G. MARTIN,
Governor.

STATE OF LOUISIANA

ELECTION PROCLAMATION

To the President of the Senate of the United States:

This is to certify that on the 6th day of October, 1990, J. Bennett Johnston was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Buddy Roemer, and our seal hereto affixed at the City of Baton Rouge this 15th day of November, 1990.

In Witness Whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 15th day of November A.D., 1990.

BUDDY ROEMER,
Governor of Louisiana.

STATE OF KANSAS

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, nineteen hundred ninety Nancy Landon Kassebaum was regularly elected in accordance with the laws of the State of Kansas and of the United States of America a United States Senator for the regular term beginning on the third day of January, nineteen hundred ninety-one.

Witness: The Honorable Mike Hayden, our Governor, and our seal hereto affixed at Topeka, Kansas, this 28th day of November, in the year of our Lord, nineteen hundred ninety.

By the Governor:

MIKE HAYDEN,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, nineteen hundred and ninety John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-one.

Witness: His Excellency our Governor, Michael S. Dukakis, and our seal hereto affixed at Boston, this fifth day of December, in the year of our Lord nineteen hundred and ninety.

By the Governor:

MICHAEL S. DUKAKIS,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Carl Levin was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Given under my hand and the Great Seal of the State of Michigan this 4th day of December in the year of our Lord One Thousand Nine Hundred Ninety and of the Commonwealth One Hundred Fifty-Four.

By the Governor:

JAMES J. BLANCHARD,
Governor.

COMMONWEALTH OF KENTUCKY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To all to Whom These Presents Shall Come, Greeting:

Know Ye, That Mitch McConnell having been duly certified, that on the 6th day of November, 1990, was duly chosen by qualified electors of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 27th day of November in the year of our Lord one thousand nine hundred and 90 and in the one hundred and 99th year of the Commonwealth.

WALLACE G. WILKINSON,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 6th day of November 1990, Honorable Sam Nunn was duly chosen by the qualified electors of the State of Georgia a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning on the 3rd day of January 1991.

Witness: His excellency our Governor Joe Frank Harris, and our seal hereto affixed at the Capitol, in the City of Atlanta, this 6th day of December, in the year of our Lord 1990.

By the Governor:

JOE FRANK HARRIS,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Claiborne Pell was duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1991.

Witness: His Excellency our Governor Edward D. DiPrete, and our seal hereto affixed at Providence, this 5th day of December, in the year of our Lord 1990.

By the Governor:

EDWARD D. DIPRETE,
Governor.

STATE OF SOUTH DAKOTA

CERTIFICATE OF ELECTION

This is to certify, that on the sixth day of November, nineteen hundred ninety, at a general election Larry Pressler was duly chosen by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning the third day of January, nineteen hundred ninety-one.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 28th day of November, nineteen hundred ninety.

GEORGE S. MICKELSON,
Governor.

STATE OF ARKANSAS

To All To Whom These Presents Shall Come-Greeting:

Whereas, a canvass of the vote of all Counties in the General Election held on November sixth, One Thousand Nine Hundred and Ninety has been made, as provided by law, and whereas, It appears that David Pryor was duly chosen by the qualified electors of the State of Arkansas a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, One Thousand Nine Hundred and Ninety-one.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at Little Rock, this the seventeenth day of December, in the Year of Our Lord, One Thousand Nine Hundred and Ninety.

BILL CLINTON,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, John D. Rockefeller IV was chosen by the qualified electors of the State of West Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our Governor Gaston Caperton, and our seal hereto affixed on this the 9th day of November, One Thousand Nine Hundred Ninety, and in the year of our Lord One Thousand Nine Hundred Ninety.

By the Governor:

GASTON CAPERTON,
Governor.

STATE OF WEST VIRGINIA, EXECUTIVE DEPARTMENT, CHARLESTON

A Proclamation

Whereas, from the certificates of the Board of Canvassers of the several counties of West Virginia, it appears that, at the General Election held on November 6, 1990, the vote for the United States Senator was as follows:

	John Yoder (R) Harpers Ferry	Jay Rockfeller (D) Charleston
County:		
Barbour	1,881	4,625
Berkeley	5,044	5,576
Boone	866	3,488
Braxton	791	2,333
Brooke	1,230	4,647
Cabell	6,900	12,888
Calhoun	836	1,882

	John Yoder (R) Harpers Ferry	Jay Rockfeller (D) Charleston
Clay	691	1,701
Doddridge	1,016	955
Fayette	1,883	7,727
Gilmer	619	1,472
Grant	1,266	1,092
Greenbrier	2,625	5,070
Hampshire	1,618	1,881
Hancock	2,105	6,910
Hardy	947	1,693
Harrison	5,716	15,014
Jackson	2,600	3,719
Jefferson	2,762	3,622
Kanawha	16,117	28,936
Lewis	1,463	3,270
Lincoln	990	2,330
Logan	1,134	5,224
Marion	4,323	11,638
Marshall	2,568	6,725
Mason	2,467	5,525
McDowell	752	4,874
Mercer	3,858	8,364
Mineral	2,646	4,456
Mingo	808	4,438
Monongalia	4,651	12,714
Monroe	1,116	2,071
Morgan	1,485	1,400
Nicholas	1,585	4,018
Ohio	3,193	9,217
County:		
Pendleton	719	1,442
Pleasants	650	1,249
Pocahontas	914	1,978
Preston	2,513	4,317
Putnam	3,875	5,147
Raleigh	3,885	11,017
Randolph	2,040	5,070
Ritchie	1,179	1,290
Roane	1,728	2,153
Summers	829	2,344
Taylor	1,297	2,780
Tucker	626	1,738
Tyler	882	1,644
Upshur	2,009	3,474
Wayne	2,578	5,691
Webster	460	1,825
Wetzel	1,289	3,407
Wirt	449	852
Wood	8,459	13,246
Wyoming	1,138	4,075
Total	128,071	276,234

Now, therefore, I, Gaston Caperton, Governor of the State of West Virginia, by virtue of the authority vested in me by Chapter 3, Article 6, Section 11, of the Code of West Virginia, do hereby proclaim Jay Rockefeller was elected a member of the United States Senate for the term beginning the 3rd day of January, 1991.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

By the Governor:

GASTON CAPERTON,
Governor.

STATE OF ILLINOIS

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, nineteen hundred and ninety Paul Simon was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and ninety-one.

Witness: His excellency our Governor James R. Thompson, and our seal hereto affixed at the the city of Springfield this twenty-sixth day of November, in the year of our Lord nineteen hundred and ninety.

By the Governor:

JAMES R. THOMPSON,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION

Whereas according to the official returns of the General Election held in the State of Wyoming on the 6th day of November, 1990, regularly transmitted to the office of the Secretary of State and duly canvassed by the State Canvassing Board, it appears that Alan Simpson has been duly elected United States Senator.

Now, therefore, I, Mike Sullivan, Governor of Wyoming do hereby certify that he is elected for the term of six years from the 3rd day of January, 1991.

In witness whereof, I have hereunto set my hand and caused the Great Seal of Wyoming to be affixed. Given at Cheyenne this 26th day of November, 1990.

MIKE SULLIVAN,
Governor.

STATE OF NEW HAMPSHIRE

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, nineteen hundred and ninety Bob Smith was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd of January, nineteen hundred and ninety-one.

Witness: His Excellency, our Governor Judd Gregg and our Seal hereto affixed at Concord this twenty-sixth day of November, in the year of our Lord, nineteen hundred and ninety.

JUDD GREGG,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the sixth day of November, 1990, Ted Stevens was duly chosen by the qualified electors of the State of Alaska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

In testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Alaska, at Juneau, the Capital, this 28 day of December, A.D. 1990.

WALTER J. HICKEL,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Strom Thurmond was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our governor, Carroll A. Campbell, Jr., and our seal hereto affixed at Columbia, South Carolina this 26th day of November, in the year of our Lord 1990.

By the Governor:

CARROLL A. CAMPBELL, Jr.,
Governor.

COMMONWEALTH OF VIRGINIA

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, John W. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia a senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness: His excellency our governor, Lawrence Douglas Wilder, and our seal hereto affixed at the State Capitol in Richmond, Virginia this 29th day of November, in the year of our Lord 1990.

By the Governor:

LAWRENCE DOUGLAS WILDER,
Governor.

STATE OF MINNESOTA

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 6th day of November, 1990, Paul David Wellstone was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1991.

Witness our signature and the Great Seal of the State of Minnesota on this 10th day of December, 1990.

RUDY PERPICH,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four, as their names are called by the clerk in alphabetical order, the Chair will administer their oath of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, and Mr. BOREN.

These Senators, escorted by Mr. INOUYE, Mr. BURNS, Mr. ROTH, and Mr. NICKLES, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. BRADLEY, Mr. BROWN, Mr. COATS, and Mr. COCHRAN.

The Senators, escorted by Mr. LAUTENBERG, Mr. WIRTH, Mr. LUGAR, and Mr. LOTT, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. COHEN, Mr. CRAIG, Mr. DOMENICI, and Mr. EXON.

These Senators, escorted by Mr. MITCHELL, Mr. SYMMS, Mr. BINGAMAN, and Mr. KERREY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. GORE, Mr. GRAMM, Mr. HARKIN, and Mr. HATFIELD.

These Senators, escorted by Mr. SASSER, Mr. BENTSEN, Mr. GRASSLEY, and Mr. DOLE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. HEFLIN, Mr. HELMS, Mr. JOHNSTON, and Mrs. KASSEBAUM.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. SHELBY, Mr. SANFORD, Mr. BREAUX, and Mr. DOLE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. KERRY of Massachusetts, Mr. LEVIN, Mr. MCCONNELL, and Mr. NUNN.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. KENNEDY, Mr. RIEGLE, Mr. FORD, and Mr. FOWLER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. PELL, Mr. Pressler, Mr. PRYOR, and Mr. ROCKEFELLER.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. CHAFEE, Mr. DASCHLE, Mr. BUMPERS, and Mr. BYRD, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. SIMON, Mr. SIMPSON, Mr. SMITH, and Mr. STEVENS.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. DIXON, Mr. WALLOP, Mr. RUDMAN, and Mr. MURKOWSKI, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE.

These Senators, escorted by Mr. HOLLINGS, Mr. ROBB, and former Senator Mondale of Minnesota, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congradulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The Chair recognizes the majority leader.

CONGRATULATIONS TO SENATOR THURMOND

Mr. MITCHELL. Mr. President, I will momentarily suggest the absence of a quorum so that the roll will be called and a quorum established for the purpose of beginning the proceedings of this Senate, but I believe it appropriate to note at this time for the Members of the Senate and for all Americans that Senator THURMOND has just taken the oath of office to the Senate for the eighth time.

[Applause, Senators rising.]

Mr. MITCHELL. This is one other respect in which he is unique, among many.

CALL OF THE ROLL

Mr. MITCHELL. Mr. President, I suggest absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[Quorum No. 1]

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

The VICE PRESIDENT. A quorum is present.

The majority leader.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution informing the President of the United Staes that a quorum of each House is assembled.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 1) was agreed to, as follows:

Resolved, That a committee consisting of two Senators be appointed to join such commitee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF THE MAJORITY AND MINORITY LEADERS

The VICE PRESIDENT. Pursuant to the resolution, the majority and minority leaders are appointed as members of the committee.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

THE VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 2) was agreed to, as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 3) was agreed to, as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING MARTHA S. POPE AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 4) electing Martha S. Pope as the Sergeant at Arms and Doorkeeper of the Senate.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 4) was agreed to, as follows:

Resolved, That Martha S. Pope, of the State of Connecticut, be, and she is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 5) was agreed to, as follows:

Resolved, That the President of the United States be notified of the election of the Honorable Martha S. Pope, of Connecticut, as Sergeant at Arms and Doorkeeper of the Senate.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 6) notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 6) was agreed to, as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Martha S. Pope, of Connecticut, as Sergeant at Arms and Doorkeeper of the Senate.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REAPPOINTMENT BY THE PRESIDENT PRO TEMPORE

The VICE PRESIDENT. The Chair, on behalf of the President pro tempore pursuant to Public Law 95-521, reappoints Michael Davidson as Senate Legal Counsel, effective January 3, 1991, for a term to expire at the end of the 103d Congress.

RELATING TO THE REAPPOINTMENT OF MICHAEL DAVIDSON AS SENATE LEGAL COUNSEL

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask that it be stated and immediately considered.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 7) relating to the reappointment of Michael Davidson as Senate Legal Counsel.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution (S. Res. 7) was agreed to, as follows:

Resolved, That the reappointment of Michael Davidson to be Senate Legal Counsel made by the President pro tempore of the Senate this day is effective as of January 3, 1991, and the term of service of the appointee shall expire at the end of the One Hundred Third Congress.

Mr. MITCHELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUESTS

Mr. MITCHELL. Mr. President, I send to the desk en bloc 12 unanimous-consent requests and ask that they be immediately considered; that the requests be agreed to en bloc; and, that the motion to reconsider the adoption of these requests be laid upon the table.

The unanimous-consent requests, submitted en bloc, are as follows:

(1) Mr. President, I ask unanimous consent that for the duration of the 102d Congress, the Ethics Committee be authorized to meet during the session of the Senate.

(2) Mr. President, I ask unanimous consent that for the duration of the 102d Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

(3) Mr. President, I ask unanimous consent that during the 102d Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

(4) Mr. President, I ask unanimous consent that the majority and minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and the disposition of the reading of, or the approval of, the Journal.

(5) Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 102d Congress.

(6) Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

(7) Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 102d Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

(8) Mr. President, I ask unanimous consent that, for the duration of the 102d Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

(9) Mr. President, I ask unanimous consent that for the duration of the 102d Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives: and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

(10) Mr. President, I ask unanimous consent that for the duration of the 102d Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows.

(11) Mr. President, I ask unanimous consent that for the duration of the 102d Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

(12) Mr. President, I ask unanimous consent that no bills or further resolutions, or Committee-reported legislation, other than those whose introduction and consideration have been agreed to by the Majority Leader, following consultation with the Republican leader, be in order prior to January 23, and I further ask unanimous consent that, beginning January 23 and for the remainder of the 102d Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

The VICE PRESIDENT. Is there objection to the unanimous-consent requests?

Mr. DOLE. Mr. President, reserving the right to object, in any case, these are routine motions.

The VICE PRESIDENT. Is there objection?

Mr. HARKIN. Reserving the right to object, might the Senator inquire as to whether or not one of the resolutions en bloc to be considered is a resolution stating that no other resolutions would be introduced or considered by the Senate today?

Mr. MITCHELL. Mr. President, if I might respond to the Senator's inquiry, if he would permit me to do so.

Mr. HARKIN. I yield to the Senator from Maine for that purpose.

Mr. MITCHELL. Mr. President, the 12th of the series of requests does so provide. That has been standard operating procedure in the Senate for many years. In the past as all Senators know, following the constitutionally mandated convening of a new Congress, the Senate has been in recess awaiting the President's State of the Union Address and budget.

Consistent with that practice, there has developed the practice of there being no bills or resolutions introduced during that period of time. All offices were notified of this on November 30, in writing. Many offices have been in contact with the Senate floor staff, majority and minority, since then with respect to this fact.

Accordingly, this resolution provides that. This however also provides that in the event that the Senate is in session prior to the 23d which may well be, which we are going to get to in the next unanimous-consent request, that resolutions would be authorized then under the circumstances set forth in the request. And for the benefit of all of the Senators, I ask that the clerk state request No. 12. I ask unanimous consent that the clerk read request No. 12.

The VICE PRESIDENT. Without objection, the clerk will restate the request.

The legislative clerk read as follows:

(12) Mr. President, I ask unanimous consent that no bills or further resolutions, or Committee-reported legislation, other than those whose introduction and consideration have been agreed to by the majority leader, following consultation with the Republican leader, be in order prior to January 23, and I further ask unanimous consent that, beginning January 23 and for the remainder of the 102d Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

Mr. MITCHELL. Mr. President, if I might further continue my response.

The VICE PRESIDENT. The majority leader has the floor.

Mr. MITCHELL. The next item of business is a schedule of Senate activities in the period between now and January 23. And I will ask that be stated.

But what I am proposing, following consultation with the Speaker, the distinguished Republican leader, many Senators, is that we cancel the recess, that we come into session on a pro forma basis next week, awaiting the development of events with respect to the Persian Gulf, specifically the Secretary of State's visit, and that we assess the situation at that time; that is, sometime during next week as to when would be the appropriate time to recall the Senate for a full session for consideration of that matter.

The VICE PRESIDENT. Is there objection?

Mr. HARKIN. Reserving, the right to object, Mr. President.

Mr. ADAMS. Further reserving the right to object.

The VICE PRESIDENT. The Senator from Iowa.

Mr. ADAMS. The Senator from Washington further reserves the right to object.

Mr. HARKIN. Mr. President, I believe the Senator from Iowa has the floor.

The VICE PRESIDENT. The majority leader has the floor. The majority leader has made a unanimous-consent request. The Senator from Iowa has reserved the right to object. Does the Senator from Iowa still reserve the right to object?

Mr. HARKIN. I further reserve the right to object.

The VICE PRESIDENT. The Senator from Iowa.

Mr. HARKIN. On the basis that, as this Senator understands the reading of resolution No. 12, if the unanimous consent is forthcoming, if the unanimous consent is adopted, that will preclude until January 23 the introduction of any resolution by any Senator regarding the activities in the Persian Gulf unless unanimous consent is obtained to do just that.

Mr. MITCHELL. No. Mr. President, if I might interject, the Senator's statement is incorrect. I would ask the clerk to read the resolution again. It does not require unanimous consent. It requires approval of the majority leader following consultation with the Republican leader.

The VICE PRESIDENT. Does the majority leader desire to have the resolution read again?

Mr. MITCHELL. Yes.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

> (12) Mr. President, I ask unanimous consent that no bills or further resolutions, or Committee-reported legislation, other than those whose introduction and consideration have been agreed to by the majority leader, following consultation with the Republican leader, be in order prior to January 23, and I further ask unanimous consent that, beginning January 23 and for the remainder of the 102d Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

The VICE PRESIDENT. Is there objection to the resolution submitted by the majority leader?

Mr. HARKIN. I further reserve the right to object.

Mr. ADAMS. I further reserve the right to object.

Mr. HARKIN. Reserving the right to object. It is not without a heavy heart that I do so. These are not normal times. These are not the times of 6 years ago or 2 years ago. It is the time when America is facing a war. We are assembled here. We have a deadline of January 15 facing us with American men and women who may be dying in combat. I believe it is time for the Senate to debate this issue, and more specifically, to debate whether or not the President of the United States under the Constitution, must come to the Congress for the power before he can take offensive action. If we are precluded from offering this resolution today, it means that we will not be able to offer it until January 23, which I believe is unbecoming of the U.S. Senate.

We are here today. Our troops are in Saudi Arabia. Now is the time to debate it. It is being talked about in coffee shops, workplaces, homes, plants, and factories all over America; yet, we cannot discuss it and debate it today or tomorrow.

Mr. President, I have a resolution, along with Senator ADAMS and Senator BURDICK, which this Senator wishes to introduce today. Others may have their own. Now is the time and here is the place to debate the constitutional prerogatives of the President of the United States, not on January 23, but now, before January 15. That is why I reserved the right to object specifically to the 12th unanimous-consent request, understanding full well that the majority leader can preclude the offering by making a motion to adjourn the Senate. This Senator cannot stand here quietly and acquiesce to that unanimous-consent request, with all the high regard and admiration and respect I have for our majority leader. I mean that without qualification.

But this Senator cannot stand here and let this opportunity pass without raising his voice in protest on that unanimous-consent request and raising my voice that this Senate should debate this issue today and tomorrow. We are assembled; we are here. We should decide just what the constitutional prerogatives of the President are.

Mr. President, I ask that the unanimous-consent requests be separated and that each be taken up individually, rather than en bloc.

Mr. ADAMS. Mr. President, further reserving the right to object.

The VICE PRESIDENT. The majority leader has the floor. He has made a unanimous-consent request for 12 resolutions.

The majority leader is recognized.

Mr. MITCHELL. First, let me state that on November 30, every Senate office received, in writing, notification of the practice which I have just set forth. Not until this moment has the Senator from Iowa, or any other Senator, chosen or seen fit to come forward and express objections. It has been the practice in the Senate for years, and everybody understands it, or surely ought to have understood it, and I just wish that if Senators have an objection to a practice that has been the case for years, with respect to which they have received written notice over a month ago, that they would have the courtesy of notifying the majority leader of their objection in advance so that we can attempt to deal with the situation. Accepting all of that, let us get to the merits of the situation.

This morning the President announced that he has proposed a meeting between the Secretary of State and the Iraqi Foreign Minister. The dates proposed are next Monday, Tuesday, and Wednesday. I, for one, and the overwhelming majority of Senators with whom I have talked on both sides of the aisle about this subject, believe that a Senate debate on this issue would be much more productive and better informed if we knew if the meetings were going to take place, when they were going to take place, and if they take place, what occurs at the meetings.

The Senator from Iowa has repeatedly said, incorrectly, that accepting this precludes any action until the 23d. I have tried to say as clearly as I could to the contrary, that is not the case.

As I said, we are going to be in pro forma session next week. It is my expectation that we will be convening to debate this subject, but we want to do it at a time in which we can have a constructive, informed debate that advances the national interest, rather than retard it. So the statement that this is the time and this is the place is the statement of the Senator from Iowa. It may be the place. I do not believe it is the time. I believe we would be better served and best advance our Nation's interest, those who agree and disagree with the Senator's proposition, to conduct a debate at the time and in a circumstance in which we are best informed as to the current events and we know, for example, what the results of that meeting are.

So I suggest to the Senator and to all Members of the Senate that we permit the approval of this request, with the understanding and the expectation that we will be debating this subject at a time that is appropriate and when we know what is going to happen with respect to these meetings and not put ourselves in the position of possibly inadvertently undermining those meetings and the possible productive result that could follow therefrom.

Mr. HARKIN addressed the Chair.

The VICE PRESIDENT. The majority leader has the floor. Is there objection?

Mr. HARKIN. Further reserving the right to object.

The VICE PRESIDENT. The Senator from Iowa further reserves the right to object.

Mr. HARKIN. This Senator believes that the best time to debate the issue of Presidential prerogatives under the Constitution is before this country commits itself to war, not afterward. I have heard this resolution read twice. I would like to see it in writing. Perhaps there is something the Senator is not hearing. What the resolution says is that there will not be any resolutions until the 23d. We will be in pro forma session, I guess, and it will be up to the distinguished majority leader to decide the right time to debate this issue.

Again, with all due respect to the distinguished majority leader, this is a body of 100 Senators, each of us trying to fulfill our constitutional obligations, as we see those constitutional obligations. This Senator believes our constitutional obligations are here and now. This Senator does not, in any way, believe that debating the issue of the constitutional powers of the Presidency in any way undermines the United States of America. Never, never, never does it undermine the United States of America to assert our democratic principles and to debate the full meaning of the Constitution, especially the War Powers Act.

Now, again, reading this, it says:

> I ask unanimous consent that no bills or further resolutions or committee-reported legislation, other than those whose introduction and consideration have been agreed to by the majority leader, following consultation with the Republican leader, be in order prior to January 23.

So, therefore, no Senator would be allowed to introduce a resolution, even if we were to come back into session, unless it has been agreed to by the distinguished majority leader.

Mr. MITCHELL. Will the Senator yield on that?

The VICE PRESIDENT. The majority leader has the floor.

Mr. MITCHELL. As the Senator very well knows, any resolution that is introduced here is fully amendable. And when we get the Senate back into session to debate this matter it is my full intention—and I have never had any intention contra—to let anybody introduce as many resolutions as he or she wants on this subject. The Senator from Iowa may be assured that he can be first in line to introduce his resolution. So I want to make clear to him that there is no effort or desire here to prevent him from introducing his resolution, no intent or desire here to prevent him from speaking or saying all he wants.

Let me say one thing finally. I resent any implication that anyone who disagrees with the proposition that the Senator from Iowa has advanced does not share his commitment to the Constitution. I have been the principal advocate saying publicly and privately to the President over and over again, as late as this morning in the meeting with the distinguished Republican leader and the Speaker, and others, that I believe the President has the constitutional obligation to come to the Congress for prior approval before launching any military offensive action in the Persian Gulf.

But the fact of the matter is everybody here knows if we introduce that resolution today and start on that debate, that is not going to be the end of it. The Senator from Iowa will be the first one to have an amendment up here. And surely he, wanting that right himself, would not deny it to anybody else. So we will have amendments on amendments, resolutions on resolutions.

There is no conceivable way to contain the debate today on the precise and narrow question of what are the President's obligations under the Constitution at this time. Everybody knows that. So what I am suggesting is a course of action which is a decision by the Speaker and myself, based on consultation with a very large number of Senators and House Members, that the best course of action would be to see what happens with respect to this meeting, then be in a position to have an informed debate and have everything out and let everybody offer resolutions who want to offer resolutions; we could not prevent it anyway and should not.

Let us get clear on two points. First, it cannot be contained to any one resolution or any narrow subject matter whenever it has begun. Second, not wanting to debate that particular issue at this particular time does not suggest any lack of or diminution of commitment to the constitutional principle involved.

The Senator and I happen to agree on that point. There are others who disagree. And we are respectful of differences of opinion here. But let us get that straight. If we start now, then we are here now; we are in the middle of debate; we have 100 resolutions; we will have all the amendments that anybody wants. And the Secretary is having a meeting presumably next week.

Is that what we want to do? Is that constructive? Is that useful? Is there any reason why we could not do that following the meeting so that we know what happened and we can have a better informed and therefore more productive debate? That is the issue I think that is before us.

Mr. LEAHY. Mr. President, will the majority leader yield?

The VICE PRESIDENT. The majority leader has the floor.

Mr. ADAMS. Will the majority leader yield?

Mr. MITCHELL. I yield to the Senator from Iowa.

The VICE PRESIDENT. The majority leader has propounded a unanimous-consent request. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object, this Senator wants to thank the distinguished majority leader for engaging in this colloquy and letting us have time.

Again I respond, Mr. President, as to the request that the distinguished majority leader has propounded—and perhaps after the meeting takes place next Monday, Tuesday, and Wednesday—that might be the appropriate time for this body to debate this resolution or any other resolutions that other Senators might want to propound, or amendments thereto.

Again, this Senator has two questions. One, will this Senate be back in session next Thursday or Friday or Saturday or Sunday? Will it be back in session before the 15th? There is nothing before the Senate that says we will. We may not be back until the 23d.

Mr. MITCHELL. If I may interject, the Senator is incorrect. I previously stated that the next unanimous-consent request I am going to seek to obtain provides specifically that the Senate be in recess until noon next Monday, and then we recess until noon on Wednesday the 9th, and then recess until noon on Friday the 11th, and then recess until noon on Monday the 14th and Wednesday the 16th, precisely for the purpose of being in a position to have that kind of debate at the appropriate time.

Mr. HARKIN addressed the Chair.

Mr. ADAMS. Will the majority leader yield?

The VICE PRESIDENT. Under unanimous-consent request, the Senator from Iowa is reserving the right to object.

Mr. HARKIN. Mr. President, to respond, it is one thing to be in session, that we meet in session; it is quite another thing to have a window of opportunity in which to be able to offer resolutions. That can only take place, as this Senator understands, at the end of morning business. If morning business is never attended to, then we cannot offer resolutions or amendments thereto, and once again the unanimous consent says only those whose introduction and consideration have been agreed to by the majority leader following consultation with the Republican leader be in order prior to January 23.

Again this Senator has two questions. Will the Senate be in session at an appropriate time for Senators to offer resolutions and amendments, that is, at the end of morning business; and second, will the Senate be in session to attend to resolutions and amendments thereto after next Wednesday?

Mr. MITCHELL. My intention and expectation is that we will be at an appropriate time when I make the decision based upon the events that occur between now and then.

Mr. LEAHY. Will the Senator yield?

Mr. MITCHELL. Yes. It is my expectation and intention. But I have not made a decision precisely for the reasons I have stated.

Mr. LEAHY. Will the Senator yield to me?

Mr. MITCHELL. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader. I yield to nobody in this body in my strong feeling that the United States should not initiate a war without a declaration of war. But I believe that the majority leader is being put in an unfair position here.

I have been in many of those meetings the majority leader has been at with the President of the United States. The majority leader has stated over and over again clearly, often with a great deal of passion, that we must have a constitutional declaration of war if we are going to have a war, and that it is his desire and intent to bring the debate and to make it possible.

The distinguished Presiding Officer has also been at many of those meetings—in fact, all of them, I believe—where the distinguished majority leader has made this position clear.

We can stand up here this afternoon and 100 of us can go off in a hundred different directions on this debate. Eventually that may well happen. Sooner or later the U.S. Senate will speak and will vote and the majority vote will carry this issue.

I believe we would all do well for the Senate and for the country to allow the majority leader to go forward with the program he has laid out. I am absolutely convinced, having been at the meeting with him, that he is providing the opportunity for all of us, whether we would vote for or against a declaration of war, to have a chance to debate. We ought to give him the opportunity to set the schedule so that we can have that debate.

The VICE PRESIDENT. Is there objection to the unanimous-consent request?

Mr. ADAMS. Mr. President, reserving the right to object.

The VICE PRESIDENT. The Senator from Washington reserves the right to object.

Mr. ADAMS. I regret having to again reserve the right to object, but many of us have sent letters and have communicated back to the majority leader both by telephone and by letter indicating that we wish to have an opportunity to put in a resolution that would state that the President cannot carry out offensive actions without authorization of the Congress, authorization of the Congress either by declaration of war or otherwise. The timing of that vote is incredibly important.

I know the majority leader's good faith. I am a supporter of the majority leader in almost everything he does. But the difference of debating whether or not the President has the power to commit offensive actions after they have started and blood has been shed and now when we have an opportunity to say. This resolution of Senator ADAMS and Senator HARKIN is a very simple one.

It expresses the sense of Congress that Congress must approve any offensive military action against Iraq. It is not an attempt to run the war. It is a flat-out, simple statement, which is important in the President's meetings that he has with the majority leader, the meetings that he has with the others, that he knows that any offensive action is going to require a military response and that has to be authorized by Congress.

Now, we have reason for this. Many of us have seen invasion after invasion. We have seen hostilities taken. We have seen the War Powers Act absolutely decimated. And now we are talking about 500,000 American personnel facing 500,000 or more Iraq, personnel, with an effect on American foreign policy and our lives and our children's lives for 40 years. And that is dependent upon the President knowing he has to come back here. It is a separation of powers issue.

I had hoped that the majority leader would be in today with a joint resolution. That is what I expected when I heard his communication, that he would be putting forth a resolution today that we would either submit to committee or we would be debating prior to January 15.

This is not an ordinary year. This is not the year of the January 23 State of the Union Message; this is a self-imposed January 15 we either go to war or we do not type of box that the President put himself in.

I have a lot of faith in the majority leader. But he has just given over, with the minority leader—and I have not had an opportunity to talk with the minority leader to know where he is—a position that blocks all of us from trying to establish the fact that there must be either a declaration of war, statutory authorization, or appropriation of money for the President to proceed with offensive actions.

We do not know what that might be. We would be willing, if there were some kind of program that stated we will debate this before January 15, and this debate will have some parameters to it. But what we have seen and heard is that the majority leader and the minority leader will block all of us—and this could happen until after January 15, when hostilities have started—before we can have a debate.

Mr. MITCHELL. Mr. President, if I may respond to that.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. First, I say to the Senate, the new year has started and I have to be alert when people start praising how much they trust me and how much confidence they have in me, but—spare me the trust and the confidence and get right to the point of the objections from now on.

The Senator suggests, incorrectly, that the only two choices we have are a debate today or a debate after conflict has started. That is incorrect. Let me, state it again as plainly as I can. It is my intention, my expectation, my desire, my, hope, that we will have in the Senate a full, open, vigorous debate on the subject of the Persian Gulf, not just on the Senator's resolution, but on all of the issues of the debate, on all of those that any Senator wants to offer. And under the proposal that we are laying out, that can occur at any time between now and the 15th or between now and the 23d. That is a decision that we must make based upon the events that develop, and specifically next week.

So it is not a choice, as the Senator stated, between debating now or debating after the 23d, as the Senator from Iowa stated incorrectly, or, as the Senator from Washington stated incorrectly, debating now or debating after conflict has begun. Neither of those is a correct statement of the present state of events or of my intention in this regard. The choice is, do we do it now, at a time when the Secretary of State may be about to embark on a very important trip and visit and meeting with the Iraqi Foreign Minister next week, when we do not know what is going to happen in those talks, when what we say here may affect the occurrence and the outcome of those talks, and which may produce a result, I say to my colleagues, that is precisely the opposite of that which they say they are seeking to advance?

I would like to say one thing to my colleagues. It is one thing to talk. And there is going to be plenty of time to talk today. It is another thing to advance the principle or the cause in which you believe. And there are many occasions—and I say to you this may well be one of them—where, by prematurely forcing a decision on this principle, you achieve a result that is precisely the opposite of that which you say you want to achieve. Talking is one thing. Getting a final result and a vote that you want is another thing.

I urge my colleagues to take that into account when they say, "Here is what we ought to do and when we ought to do it." If your objective is more than just to talk, if your objective is to advance the principle which you purport to want to advance, then you ought to consider the consequences of that and the timing of that.

Mr. ADAMS. Under my reservation, Mr. President, will the distinguished majority leader then set a time for debate on January 12, or January 11, a day earlier, way in advance of January 15? Rather than saying it may happen, let us say it will happen. That is a fundamental point that the President must know from the Congress of the United States prior to January 15, what he is empowered to do or not empowered to do by this Congress. And that is the point of this reservation.

You give us no alternative but to come here now and say we have to have a resolution or we can be shut out. If you believe what you just stated, then give us a date for debate in advance of January 15 where we may debate this, and if we lose, we lose.

Mr. MITCHELL. But then you will have lost the position which you say you are purporting to advance.

Mr. ADAMS. My position is not a complicated position. My position is simply the constitutional position that the President cannot start offensive actions, which is war, without the Congress voting and approving that, or the declaration—call it a declaration of war; call it statutory authorization; call it what you want. It is a constitutional power, and that should be debated before January 15. Give me the date. I will be here. But the majority leader is not giving me an alternative. He is saying, "I may do it."

I love the majority leader. He is a great man. But he is going to be consulting with the minority leader; he is going to be consulting with the President. I, as one Senator, one Senator—and I guess I am joined by a second, and I hope by a majority—believe that this Congress, which has been out of session for months while this has happened, should state to the President, "You must come up here."

I know you believe it. I believe it. Maybe a lot do not believe it. But this is war, with 500,000 troops and a lot of casualties. I have heard it stated, and I believe it, by Senator INOUYE—he and I said the same thing when we left this Congress—"This looks like a shooting war." And if it is, why not tell the President that—that is all we want to do—so this is part of his calculations, that he has to get that statement of a declaration of war or an authorization of war?

Most of us may believe in something else, to use sanctions, but that is not the point here. The point here is the constitutional statement by this body prior to January 15, which the President indicates is when he is going to start shooting, that we have to authorize that. I think that is fundamental to the life of the people in this country, it is fundamental of this institution, and it is fundamental of the Congress as a whole, Mr. Majority Leader.

So I plead with the majority leader, either give us a date, or I am going to object to the unanimous-consent request.

Mr. MITCHELL. If I might, first, just so there can be no misunderstanding, I believe the Senator has mischaracterized the President's position. I do not believe the President has stated he is going to start shooting on January 15. I believe the President has said over and over again that January 15 is the date by which the withdrawal must occur, and that after that—no specified time—after that he believes that all means necessary will and should be used.

Now, just in fairness, we ought not to be permitting that kind of characterization which the Senator has stated.

Mr. ADAMS. Will the majority leader agree that there is some basis for my characterization that the President has indicated a use of force after that date? I mean, this is not something I have dreamed up.

Mr. MITCHELL. That is different from saying he is going to start shooting on January 15. That is fundamentally different and we ought to state it accurately, particularly on a matter of such gravity.

Mr. ADAMS. The probability or possibility the authorization—all of the keys have gone to January 15. I did not select that date out of the air. I selected it because that is what he is keyed on.

I am not trying to run his war for him because he may have it on one day or another. But I just know that after January 15, he says he can start shooting, and the Congress has to move before that date.

Mr. MITCHELL. Mr. President, will the Senator permit me?

The PRESIDING OFFICER (Mr. LIEBERMAN). The majority leader has the floor.

Mr. MITCHELL. I withdraw request No. 12.

Mr. President, I ask unanimous consent that requests 1 through 11 be approved.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, previously scheduled for this afternoon were a briefing for all Senators on the Persian Gulf situation at 3:15 p.m., to be followed by a party caucus. Those have been on the schedule for some weeks. We will now be proceeding to those functions. In the meantime, it is my hope that we can work out the matter with respect to the question of resolutions. So following consultation with Republican leader and with other Senators, I will momentarily seek consent to have the Senate stand in recess subject to the call of the Chair. It is my expectation that we will return, if the briefing lasts an hour and the caucus lasts an hour, both of which are reasonable, based upon past practice, about sometime between 5 and 6 or thereabouts when we would be in a position to come back in and proceed to resolve the issue that arose prior to the recent quorum call. I hope that we will be able to have that resolved in a satisfactory manner to all Senators.

In the interim, to permit the briefing and the party caucuses to occur as previously scheduled, I ask unanimous consent—I withhold my request at this moment.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that the signer assigned to the Sergeant at Arms office be allowed the privilege of the floor, beginning from 12 noon this date.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair.

THE PERSIAN GULF CRISIS

Mr. HOLLINGS. Mr. President, amidst George Bush's bellicose rhetoric toward Iraq, two charges are frequently heard: First, that Congress is playing it both ways—all criticism and no stand; and second, that we must move prompty to war lest the American people lose their interest in liberating Kuwait.

From the outset of this crisis, I have counseled that we must recall the lessons of the Vietnam war. In September, I stated that we should Arabize this confrontation before we lose a single GI. The history of this region teaches us that by winning, we could lose. Our policy must be long range rather than shortsighted.

Far from people losing interest in the Persian Gulf, it strikes me that people are only now beginning to examine this situation with a sense of urgency, and I can tell you that they do not support President Bush's policy of going to war soon after January 15. By the same token, I strongly dissent from the proposition that if President Bush starts a war without constitutional or congressional authority, the Congress should cut off funding. We only have one President. If he commands war, we must support our troops in the gulf and oppose any move to cut off funds. But I do oppose the President's giving that command at this time.

A word of caution from my days as an artilleryman in the North African desert nearly five decades ago: No matter how well the gun is aimed, if the recoil is going to kill you, you had better not fire. I take a lot of pride in the courage and can-do professionalism of American troops in the Persian Gulf. Likewise, I believe we owe it to those brave men and women to approach a war with Iraq with no illusions and no wishful thinking. As we count down to a potential January 15 D-day, bear in mind two lessons from our Vietnam misadventure:

Before we ask our youth to make the supreme sacrifice in battle, the American people—through unified action of the Congress and the President—must be together on the call.

You cannot impose a culture through the barrel of a gun.

President Bush acted correctly in preventing Saddam from advancing into Saudi Arabia. Congress by formal resolution approved this deployment and also approved sanctions against Iraq. At that time, President Bush counseled patience, and cautioned that sanctions would take 1 to 2 years to work. But on November 8, the day after election day, without consultation much less approval from Congress, the President committed the United States to deploying a huge offensive force in the Persian Gulf. In August, we were there to defend. But in November we were there to initiate a war. The President says our cause is to punish naked aggression. Senate Republican leader ROBERT DOLE says the reason is not aggression, but oil. Secretary of State James Baker says the reason is jobs.

It is an ancient truth that those who ignore the mistakes of history are doomed to repeat them. For centuries, the Arab nation has been in a state of civil war: Algeria versus Morocco; Libya versus Egypt; Syria versus Lebanon; Syria versus Iraq; Iraq versus non-Arab Iran; Egypt vesus Saudi Arabia; Yemen versus Saudi Arabia, and, from the time both countries were carved out by Britain, Iraq versus Kuwait. Yet for all these internecine hatreds, the Arab nation does agree on one thing: The Islamic religion, and the status of Westerners as unholy infidels. And, by the way, we Americans are the No. 1 infidels, and our culture is an affront to everything devout Moslems hold dear.

Our culture is for freedom, human rights, individualism, dissent, and free elections. Free elections simply don't exist in the Arab world. The Islamic notion of human rights is that when a child steals an apple, he gets his hand cut off. Human rights is treating their camels better than their women.

American Presidents have a hard time learning these cultural lessons. Lyndon Johnson dreamed he could get the South Vietnamese to fight for our idea of democracy. We poured money into Vietnam to win hearts and minds. But the Vietnamese culture rejected us as foreign occupiers—as infidels, if you will—and after 58,000 dead, we withdrew.

For decades, American policymakers viewed Iran and the Shah's regime as our bulwark in the Middle East. The United States military, the CIA, and American business all had a special relationship with Iran. Iranian cadets trained at Citadel. But all this was smashed overnight in 1979 as Iran's traditional Islamic culture reasserted itself. Today, you can count on one thing; Iranians despise the United States infidels and cheer our every setback.

President Bush's political rhetoric of—to use his own words—"kicking ass" entails what Gen. Colin Powell calls a sudden, massive, violent strike, with countless thousands of Iraqis killed. Such a wholesale slaughter of brother Arabs by infidels would quickly break up the hollow coalition of Western and Arab states arrayed against Saddam. Arab public opinion would be united in revulsion and outrage. Every Arab terrorist, every fundamentalist mullah, every anti-American zealot, would take heart. Instead of a new world order, we will create a new world disorder. This is what Admiral Crowe had in mind when he warned that by winning, the United States could lose.

Iraq has asserted claims on Kuwait from its birth. They were one country under the Ottoman Empire. At the end of World War I, the British took Kuwait on as a protectorate—for oil. When Iraq started to invade Kuwait in 1961, the British sent troops. The oil fields of Al Raudhatain and Sabriya have operated under a joint Iraqi-Kuwaiti claim. For years, Iraq has accused Kuwait of cheating by drilling into the Iraqi portion of the oil fields. This dispute came to a climax at the end of the Iran-Iraq war 2 years ago. Both Saudi Arabia and Kuwait made massive loans to Iraq to finance the 8-year war. Saudi Arabia forgave its share of the debt, saying that Iraq had protected the Arab world from the threat of Iranian radicalism. But Kuwait insisted that Saddam pay up $20 billion. This claim wrecked Iraqi's finances, and led Saddam to attack.

On July 27, Saddam called in April Glaspie, the United States Ambassador to Iraq. When asked the United States position on the Iraq-Kuwait dispute, Glaspie answered: "The United States has no position on the territorial disputes between Arab countries." Given this indifference or ambivalence prior to August 2, Saddam must have been surprised when, after the invasion, President Bush belatedly declared Kuwait's integrity to be a vital national interest of the United States, justifying war and the loss of American lives.

If it is now U.S. policy to militarily oppose naked aggression anywhere in the world, then the 82d Airborne is going to be a very busy group of men and women for years to come. Three weeks ago, there was Libyan-backed naked aggression against Chad; we sent military planes to evacuate friendly Libyan troops, but not to punish naked aggression. There is naked aggression in Afghanistan, in Cambodia, on the Indian-Pakistani border, but no United States intervention. One month ago, there was naked aggression by Syria against Lebanon—a massacre of 900 Christians—but no United States intervention. It is absurd to think that the United States can or should intervene to punish aggression unless our vital national interest is directly at stake. Our national interest was not at stake in Kuwait when Ambassador Glaspie—following clear instructions from the State Department—had her chat with Saddam in July. And it is not at stake today.

Militarily, the only sane approach to freeing Kuwait is not a frontal assault on fortified Iraqi positions, but a flanking action requiring incursions into Iraq in order to attack the occupation army from its rear. Yet all of our Arab allies, and Turkey as well, have made it clear that they will not participate in an attack into Iraq.

The Reagan-Bush policy has been one of wooing Saddam for the past 5 years. The United States subsidized sales of wheat to Iraq to the tune of over $5 billion. Helped by the savings from these food purchases, Iraq built a huge military. The United States Senate acted on July 25 to deny further agricultural credits to Iraq, but the Bush administration opposed this move. During the floor debate, a Senate delegation that had recently returned from Iraq characterized Saddam as "a man who is rational and a man who can be reasoned with."

This same Saddam Hussein is now called the new Hitler by President Bush. The trouble is that the Middle East is chock full of actual or potential Hitlers. To draw a more complete analogy to the 1930's, you could characterize Qadhafi of Libya as Hitler, Assad of Syria as Stalin, and Saddam as Mussolini. If we remove Saddam, there are countless clones behind him. Yes, we would all love to get rid of Saddam, as well as his chemical, biological, and nuclear weapons, but experts warn of the disastrous long-term consequences of humiliating an Arab country through total military defeat. Yet how we can remove Saddam and his exotic arsenal without first inflicting a total military defeat is beyond me.

President Bush attempts to stir our righteous indignation by pointing out that Saddam has used his military to attack two of his neighbors in the last 10 years. But that is precisely the charge leveled against the United States by the United Nations General Assembly, which twice in the last decade has condemned the United States for invading another country—Grenada in 1983, Panama in 1989. Incidentally, in both instances, Kuwait voted in the United Nations to condemn the American invasions. This shouldn't surprise us, because Kuwait has voted against United States positions in the United Nations more often than the Soviet Union.

Kuwait, bathed in unearned oil wealth, was indolent, arrogant, and spoiled. When attacked, most of its army cut and ran. NBC recently reported that 300,000 Kuwaitis have now relocated to Saudi Arabia, and only a pathetic 7,000 have volunteered to fight for the liberation of their country. The Kuwaiti Government's idea of resistance is to hire a top-dollar public relations firm, Hill and Knowlton, to sell the American public on liberating Kuwait. The United States got unsold on Kuwait in 1987, when we were flagging that nation's oil tankers to ensure their safe passage through the Persian Gulf during the Iran-Iraq war. When the U.S.S. *Stark* was hit, the injured sailors could not be taken to hospitals in nearby Kuwait. Kuwait refused to allow a United States vessel to dock in Kuwaiti ports, or for United States planes to land on Kuwaiti soil.

If Kuwait's major export were tangerines, we would not today have upward to 400,000 GI's in the Persian Gulf area. We are there for oil, pure and simple. And we need not be. The United

States has more oil than Saudi Arabia. Under Republican and Democratic administration alike in the 1970's, the United States pursued a policy of energy independence. But when President Reagan and Vice President Bush came to town, they moved to abolish the Department of Energy. "Let the market forces operate" was the cry. Imagine that! Let the Arab-dominated OPEC cartel have free rein. And now we are asked to sacrifice GI's for one of the greediest members of that cartel, Kuwait. Kuwait cut off oil shipments to the United States in 1967 and 1973, and doubled the price in 1979.

When President Bush began deploying troops in August, he was asked about the need for a U.S. energy policy. He replied that he was going on a ride in his 1-mile-a-gallon cigarette boat. The message: no need for conservation. In September, when Senators proposed stricter automobile fuel efficiency standards, a measure that would have saved a quantity of oil equal to the daily production of Iraq and Kuwait combined, the Bush administration opposed the bill. Surely, we should make a minimum sacrifice at home before we ask our boys to make the supreme sacrifice in Kuwait.

We should immediately institute a tough, long-range policy of energy independence. This policy should include an oil import tax as an incentive for domestic drilling, tougher automobile fuel economy standards, other fuel conservation measures, incentives for coal-fired energy production, greater reliance on nuclear power, plus more aggressive drilling offshore and in Alaska. Today, however, we are not primarily dependent on Middle Eastern oil. Japan, Germany, other European countries are. Yet apparently even they do not perceive that Kuwait is worth fighting over.

We have stopped Saddam and are willing to keep our Air Force and Navy on station in the gulf region. Face it, Uncle Sam is broke. We urgently need to rebuild America, not Kuwait.

Let the sanctions work. In the meantime, we can stand ready to punish Saddam with overwhelming air power. General Dugan was right, and he never should have been fired. But first and foremost, let us urgently Arabize this latest dispute among Arab nations. This is a family fight, and infidels are fools if they think they can step in and set things straight.

Let Arab forces gradually replace our own troops in Saudi Arabia. Then make a standing offer that if Arab forces want to go in to free Kuwait, we will support them with our air and naval power. But it must be an Arab initiative. And any war must be principally Arab versus Arab if we are to avoid disaster in the long-run for United States interests. Let us bear in mind that as outsiders—worse, as infidels in Arab eyes—we can never succeed in imposing our will on the Arab world, and we court tragedy if we try.

PERSIAN GULF

Mr. KENNEDY. Mr. President, rarely in the history of the Nation has a new Congress convened at a more ominous moment. Hundreds of thousands of American troops are poised for war in the Persian Gulf. America today faces the most profound decision that any country ever makes—whether to go to war against another nation.

The oath of office that President Bush took 2 years ago and that the new Senators have just taken is a solemn commitment to support and defend the Constitution of the United States. Two hundred years ago, when the Founding Fathers wrote that Constitution, they bestowed the power to declare war on Congress, not the President. And any President who is faithful to the Constitution will abide by that fundamental principle.

All of us welcome the administration's new offer today to seek a diplomatic settlement and bring about a peaceful resolution of the current impasse. The world continues to be united against Iraq's aggression and in support of the unconditional withdrawal of Iraq from Kuwait. Once that withdrawal is achieved, the door is open to address all other issues in the region.

But the American people are far from united on the question of going to war against Iraq on the January 15 timetable set by the President. President George Bush is not King George Bush. He does not have the unilateral authority to take this Nation into war. By refusing to seek congressional authorization for offensive action, the President is acting unconstitutionally and irresponsibly. He may threaten Iraq with war in the gulf, but he is also threatening America with our worst constitutional crisis since the Civil War.

Yesterday, I released a letter signed by 127 of the Nation's most distinguished law professors, representing a broad philosophical spectrum and stating their "firm conviction that the Constitution requires the President to obtain prior express congressional authorization before he may order U.S. Armed Forces to make war in the Persian Gulf." I expect that many more authorities on the Constitution will sign the letter in the coming days. This is a time when all Americans who care about the Constitution must stand up and be counted.

President Bush stubbornly insists that he needs no authorization from Congress to take the Nation into war. But saying so does not make it so. Perhaps the President can scrounge up a scholar or two to defend his indefensible position. But the overwhelming weight of the evidence is against him. And for good reason, because the President is wrong—dead wrong—and thousands of American soldiers may soon be dead because of him.

When the Founding Fathers wrote the Constitution, they recognized the danger that unrestrained Presidential power can lead the Nation into unwise wars which the people do not support. As a result, they carefully divided the war making power between Congress and the President. Article II of the Constitution makes the President the Commander in Chief of the Armed Forces. Article I gives Congress, and only Congress, the power to declare war—no ifs, ands, or buts.

Much has been made of the so-called 211 past incidents in which the United States has used force abroad without a declaration of war, compared to five instances in which war was declared. But none of these cases resemble the unprecedented situation in the Persian Gulf, in which 400,000 American troops may soon go to war.

The vast majority of these past cases were brief incidents involving small expeditions to protect U.S. citizens in danger or to attack pirates.

In 1813, 600 United States soldiers seized Mobile Bay in Florida against a small Spanish garrison.

In 1820, U.S. naval units raided the slave traffic.

In 1825, United States forces landed in Cuba to capture pirates.

We sent troops to the Fiji Islands in 1840 to punish natives for attacking American explorers.

We sent troops to the Hawaiian Islands in 1870 to place the American flag at half mast upon the death of a Hawaiian Queen, when the American consul refused to do so.

And so it goes. Such incidents are worthless as constitutional precedents for the grave crisis we now face in the Persian Gulf. You do not have to be a constitutional lawyer to understand the difference. Presidents have the authority to protect American lives and defend American property. But they do not have the authority to go to war in the vastly different circumstances we face in the gulf.

Unless President Bush provides an ironclad assurance that he will seek the authority of Congress before going to war against Iraq, Congress has its own responsibility to act. We cannot remain silent.

My own view is that we should enact legislation giving sanctions and diplomacy more time to work. No one knows whether sanctions will drive Saddam out of Kuwait. But we have a responsibility to our 400,000 troops and their families to find out.

Mr. President, I ask unanimous consent that the previously mentioned letter, along with a CRS report detailing the instances of use of U.S. Armed Forces abroad over the last 200 years, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 2, 1991.

Senator Edward M. Kennedy,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We, the undersigned law professors, write to express our firm conviction that the Constitution requires the President to obtain prior express congressional authorization before he may order United States armed forces to make war in the Persian Gulf. We write to affirm our belief in this fundamental constitutional principle, not to express our views on the wisdom of any contemplated action.

Article I, §8, cl. 11 of the Constitution states that "Congress shall have Power * * * [t]o declare War." Although Article II, §2, cl. 1 names the President as "Commander in Chief of the Army and Navy," we believe that the President may not invoke that authority to make war without consulting with and gaining the genuine approval of Congress.

The structure and history of our Constitution compel this sharing of responsibility. Like other presidential powers, executive power to conduct war remains subject to the checks and balances vested by the Constitution in Congress and the courts. "This system" in James Wilson's words, "will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large * * *." 2 *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* 528 (J. Elliot ed. 1888).

The fact that American troops have in the past participated in hostilities abroad without congressional authorization does not alter this fundamental constitutional principle. The essential meaning of a constitutional provision cannot be altered by inaction on the part of prior Congresses or Presidents.

The Constitution thus requires that the President meaningfully consult with Congress and receive its affirmative authorization before engaging in acts of war. We further believe that Congress must manifest its approval through formal action, not legislative silence, stray remarks of individual Members, or collateral legislative activity that the President or a court might construe to constitute "acquiescence" in executive acts.

We hope that our views will assist you and your colleagues as you prepare to discharge your constitutional responsibilities in this critical time for our Nation.

Sincerely,*

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Prof. Michael J. Palelle, John Marshall Law School.

Prof. Michael John Perry, Northwestern University School of Law.

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*We sign this letter on our own behalf and not as representatives of our respective schools.

Prof. Daniel H. Pollitt, University of North Carolina School of Law.

Prof. Philip J. Prygoski, Thomas M. Cooley Law School.

Prof. Peter E. Quint, University of Maryland School of Law.

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(List in process of formation.)

[CRS Report for Congress, Dec. 4, 1989]

INSTANCES OF USE OF UNITED STATES ARMED FORCES ABROAD, 1798–1989[1]

(Edited by Ellen C. Collier, Specialist in U.S. Foreign Policy, Foreign Affairs and National Defense Division)

The following list indicates approximately 215 times that the United States has utilized military forces abroad in situations of conflict or potential conflict to protect U.S. citizens or promote U.S. interests. The list does not include covert actions or numerous instances in which U.S. forces have been stationed abroad since World War II in occupation forces or for participation in mutual security organizations, base agreements, or routine military assistance or training operations. Because of differing judgments over the actions to be included, other lists may include more or fewer instances.[2]

The instances vary greatly in size of operation, legal authorization, and significance. The number of troops involved range from a few sailors or Marines landed to protect American lives and property to hundreds of thousands in Vietnam and millions in world War II. Some actions were of short duration and some lasted a number of years. In some instances a military officer acted without authorization; some actions were conducted solely under the President's powers as Chief Executive or Commander in Chief; other instances were authorized by Congress in some fashion; five (listed in bold-face type) were declared wars. For most of the instances listed, however, the status of the action under domestic or international law has not been addressed. Thus inclusion in this list does not cannote either legality or significance.

1798–1800—*Undeclared Naval War with France*. This contest included land actions, such as that in the Dominican Republic, city of Puerto Plata, where marines captured a French privateer under the guns of the forts.

1801–05—*Tripoli*. The First Barbary War, including the *George Washington* and *Philadelphia* affairs and the Eaton expedition, during which a few marines landed with United States Agent William Eaton to raise a force against Tripoli in an effort to free the crew of the *Philadelphia*. Tripoli declared war but not the United States.

1806—*Mexico (Spanish territory)*. Capt. Z. M. Pike, with a platoon of troops, invaded Spanish territory at the headwaters of the Rio Grande deliberately and on orders from Gen. James Wilkinson. He was made prisoner without resistance at a fort he constructed in present day Colorado, taken to Mexico, later released after seizure of his papers.

1806–10—*Gulf of Mexico*. American gunboats operated from New Orleans against Spanish and French privateers, such as La Fitte, off the Mississippi Delta, chiefly under Capt. John Shaw and Master Commandant David Porter.

1810—*West Florida (Spanish territory)*. Gov. Claiborne of Louisiana, on orders of the President, occupied with troops territory in dispute east of Mississippi as far as the Pearl River, later the eastern boundary of Louisiana. He was authorized to seize as far east as the Perdido River.

1812—*Amelia Island and other parts of east Florida, then under Spain*. Temporary possession was authorized by President Madison and by Congress, to prevent occupation by any other power; but possession was obtained by Gen. George Matthews in so irregular a manner that his measures were disavowed by the President.

1812–15—War of 1812. On June 18, 1812, the United States declared war between the United States and the United Kingdom of Great Britain and Ireland.

1818—*West Florida (Spanish territory)*. On authority given by Congress, General Wilkinson seized Mobile Bay in April with 600 soldiers. A small Spanish garrison gave way. Thus U.S. advanced into disputed territory to the Perdido River, as projected in 1810. No fighting.

1818–14—*Marquesas Islands*. Built a fort on island of Nukahiva to protect three prize ships which had been captured from the British.

1814—*Spanish Florida*. Gen. Andrew Jackson took Pensacola and drove out the British with whom the United States was at war.

1814–25—*Caribbean*. Engagements between pirates and American ships or squadrons took place repeatedly especially ashore and offshore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. Three thousand priate attacks on merchantmen were reported between 1815 and 1823. In 1822 Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies.

1815—*Algiers*. The second Barbary War, declared by the opponents but not by the United States. Congress authorized an expedition. A large fleet under Decatur attacked Algiers and obtained indemnities.

1815—*Tripoli*. After securing an agreement from Algiers, Decatur demonstrated with his squadron at Tunis and Tripoli, where he secured indemnities for offenses during the War of 1812.

1816—*Spanish Florida*. United States forces destroyed Nicholls Fort, called also Negro Fort, which harbored raiders making forays into United States territory.

1816–18—*Spanish Florida—First Seminole War*. The Seminole Indians, whose area was a resort for escaped slaves and border ruffians, were attacked by troops under Generals Jackson and Gaines and pursued into northern Florida. Spanish posts were attacked and occupied, British citizens executed.

1817—*Amelia Island (Spanish territory off Florida)*. Under orders of President Monroe, United States forces landed and expelled a group of smugglers, adventurers, and freebooters.

1818—*Oregon*. The U.S.S. *Ontario*, dispatched from Washington, landed at the Columbia River and in August took possession. Britian had conceded sovereignty but Russia and Spain asserted claims to the area.

1820–23—*Africa*. Naval units raided the slave traffic pursuant to the 1819 act of Congress.

1822—*Cuba*. United States naval forces suppressing piracy landed on the northwest coast of Cuba and burned a private station.

1823—*Cuba*. Brief landings in pursuit of pirates occurred April 8 near Escondido; April 16 near Cayo Blanco; July 11 at Siquapa Bay; July 21 at Cape Cruz; and October 23 at Camrioca.

1824—*Cuba*. In October the U.S.S. *Porpoise* landed bluejackets near Matanzas in pursuit of pirates. This was during the cruise authorized in 1822.

1824—*Puerto Rico (Spanish territory)*. Commodore David Porter with a landing party attacked the town of Fajardo which had sheltered pirates and insulted American naval officers. He landed with 200 men in November and forced an apology.

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[1] This list through 1975 is reprinted with few changes from: U.S. Congress. House. Committee on International Relations [now Foreign Affairs]. Subcommittee on International Security and Scientific Affairs. Background Information on the Use of U.S. Armed Forces in Foreign Countries, 1975 Revision. Committee print, 94th Congress, 1st session. Prepared by the Foreign Affairs Division, Congressional Research Service, Library of Congress. Washington, U.S. Government Printing Office, 1975. 84 p.

[2] Other lists include: Goldwater, Senator Barry. War Without Declaration. A Chronological List of 199 U.S. Military Hostilities Abroad Without a Declaration of War. 1798–1972. Congressional Record, V. 119, July 20, 1973: S14174–14183; U.S. Department of State. Armed Actions Taken by the United States Without a Declaration of War, 1789–1967. Research Project 806A. Historical Studies Division. Bureau of Public Affairs. For a discussion of the evolution of the lists and legal authorization for various actions, see Wormuth, Francis D. and Edwin B. Firmage, To Chain the Dog of War; the War Power of Congress in History and Law. Dallas, Southern Methodist University Press, 1986. Chapter 9, Lists of Wars. p. 133–149.

1825—*Cuba*. In March cooperating American and British forces landed at Sagua La Grande to capture pirates.

1827—*Greece*. In October and November landing parties hunted pirates on the islands of Argenteire, Miconi, and Androse.

1831–32—*Falkland Islands*. To investigate the capture of three American sealing vessels and to protect American interests.

1832—*Sumatra*—February 6 to 9. To punish natives of the town of Quallah Battoo for depredations on American shipping.

1833—*Argentina*—October 31 to November 15. A force was sent ashore at Buenos Aires to protect the interests of the United States and other countries during an insurrection.

1835–36—*Peru*—December 10, 1835 to January 24, 1836, and August 31 to December 7, 1836. Marines protected American interests in Callao and Lima during an attempted revolution.

1836—*Mexico*. General Gaines occupied Nacogdoches (Tex.), disputed territory, from July to December during the Texan war for independence, under orders to cross the "imaginary boundary line" if an Indian outbreak threatened.

1838–39—*Sumatra*—December 24, 1838 to January 4, 1839. To punish natives of the towns of Quallah Battoo and Muckie (Mukki) for depredations on American shipping.

1840—*Fiji Islands*—July. To punish natives for attacking American exploring and surveying parties.

1841—*Drummond Island, Kingsmill Group*. To avenge the murder of a seaman by the natives.

1841—*Samoa*—February 24. To avenge the murder of an American seaman on Upolu Island.

1842—*Mexico*. Commodore T.A.C. Jones, in command of a squadron long cruising off California, occupied Monterey, Calif., on October 19, believing war had come. He discovered peace, withdrew, and saluted. A similar incident occurred a week later at San Diego.

1843—*China*. Sailors and marines from the *St. Louis* were landed after a clash between Americans and Chinese at the trading post in Canton.

1843—*Africa*—November 29 to December 16. Four United States vessels demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory coast, etc., and to punish attacks by the natives on American seamen and shipping.

1844—*Mexico*. President Tyler deployed U.S. forces to protect Texas against Mexico, pending Senate approval of a treaty of annexation. (Later rejected.) He defended his action against a Senate resolution of inquiry.

1846–48—Mexican War. On May 13, 1846, the United States declared war with Mexico.

1849—*Smyrna*. In July a naval force gained release of an American seized by Austrian officials.

1851—*Turkey*. After a massacre of foreigners (including Americans) at Jaffa in January, a demonstration by the Mediterranean Squadron was ordered along the Turkish (Levant) coast.

1851—*Johanns Island (east of Africa)*—August. To exact redress for the unlawful imprisonment of the captain of an American whaling brig.

1852–53—*Argentina*—February 3 to 12, 1852; September 17, 1852 to April 1853. Marines were landed and maintained in Buenos Aires to protect American interests during a revolution.

1853—*Nicaragua*—March 11 to 13. To protect American lives and interests during political disturbances.

1853–54—*Japan*. The "opening of Japan" and the Perry Expedition.

1853–54—*Ryukyu and Bonin Islands*. Commodore Perry on three visits before going to Japan and while waiting for a reply from Japan made a naval demonstration, landing marines twice, and secured a coaling concession from the ruler of Naha on Okinawa; he also demonstrated in the Bonin Islands with the purpose of securing facilities for commerce.

1854—*China*—April 4 to June 15 to 17. To protect American interests in and near Shanghai during Chinese civil strife.

1854—*Nicaragua*—July 9 to 15. San Juan del Norte (Greytown) was destroyed to avenge an insult to the American Minister to Nicaragua.

1855—*China*—May 19 to 21. To protect American interests in Shanghai. August 3 to 4 to fight pirates near Hong Kong.

1855—*Fiji Islands*—September 12 to November 4. To seek reparations for depredations on Americans.

1855—*Uruguay*—November 25 to 29. United States and European naval forces landed to protect American interests during an attempted revolution in Montevideo.

1856—*Panama, Republic of New Grenada*—September 19 to 22. To protect American interests during an insurrection.

1856—*China*—October 22 to December 6. To protect American interests at Canton during hostilities between the British and the Chinese; and to avenge an unprovoked assault upon an unarmed boat displaying the United States flag.

1857—*Nicaragua*—April to May, November to December. To oppose William Walker's attempt to get control of the country. In May Commander C.H. Davis of the United States Navy, with some marines, received Walker's surrender and protected his men from the retaliation of native allies who had been fighting Walker. In November and December of the same year United States vessels *Saratoga, Wabash*, and *Fulton* opposed another attempt of William Walker on Nicaragua. Commodore Hiram Paulding's act of landing marines and compelling the removal of Walker to the United States, was tacitly disavowed by Secretary of State Lewis Cass, and Paulding was forced into retirement.

1858—*Uruguay*—January 2 to 27. Forces from two United States warships landed to protect American property during a revolution in Montevideo.

1858—*Fiji Islands*—October 6 to 16. To chastise the natives for the murder of two American citizens.

1858–59—*Turkey*. Display of naval force along the Levant at the request of the Secretary of State after massacre of Americans at Jaffa and mistreatment elsewhere "to remind the authorities (of Turkey) of the power of the United States."

1859—*Paraguay*. Congress authorized a naval squadron to seek redress for an attack on a naval vessel in the Parana River during 1855. Apologies were made after a large display of force.

1859—*Mexico*. Two hundred United States soldiers crossed the Rio Grande in pursuit of the Mexican bandit Cortina.

1859—*China*—July 31 to August 2. For the protection of American interests in Shanghai.

1860—*Angola, Portuguese West Africa*—March 1. To protect American lives and property at Kissembo when the natives became troublesome.

1860—*Colombia, Bay of Panama*—September 27 to October 8. To protect American interests during a revolution.

1863—*Japan*—July 16. To redress an insult to the American flag—firing on an American vessel—at Shimonoseki.

1864—*Japan*—July 14 to August 3. To protect the United States Minister to Japan when he visited Yedo to negotiate concerning some American claims against Japan, and to make his negotiations easier by impressing the Japanese with American power.

1864—*Japan*—September 4 to 14. To compel Japan and the Prince of Nagato in particular to permit the Straits of Shimonoseki to be used by foreign shipping in accordance with treaties already signed.

1865—*Panama*—March 9 and 10. To protect the lives and property of American residents during a revolution.

1866—*Mexico*. To protect American residents, General Sedgwick and 100 men in November obtained surrender of Matamoras. After 3 days he was ordered by U.S. Government to withdraw. His act was repudiated by the President.

1866—*China*—June 20 to July 7. To punish an assault on the American consul at Newchwang; July 14, for consultation with authorities on shore; August 9, at Shanghai, to help extinguish a serious fire in the city.

1867—*Nicaragua*. Marines occupied Managua and Leon.

1867—*Island of Formosa*—June 13. To punish a horde of savages who were supposed to have murdered the crew of a wrecked American vessel.

1868—*Japan (Osaka, Hiolo, Nagasaki, Yokohama, and Negata)*—February 4 to 8 April 4 to May 12, June 12 and 13. To protect American interests during the civil war in Japan over the abolition of the Shogunate and the restoration of the Mikado.

1868—*Uruguay*—February 7 and 8, 19 to 26. To protect foreign residents and the customhouse during an insurrection at Montevideo.

1868—*Colombia*—April. To protect passengers and treasure in transit at Aspinwall during the absence of local police or troops on the occasion of the death of the President of Colombia.

1870—*Mexico*—June 17 and 18. To destroy the pirate ship *Forward*, which had been run aground about 40 miles up the Rio Tecapan.

1870—*Hawaiian Islands*—September 21. To place the American flag at half mast upon the death of Queen Kalama, when the American consul at Honolulu would not assume responsibility for so doing.

1871—*Korea*—June 10 to 12. To punish natives for depredations on Americans, particularly for murdering the crew of the *General Sherman* and burning the schooner, and for later firing on other American small boats taking soundings up the Salee River.

1873—*Colombia (Bay of Panama)*—May 7 to 22, September 23 to October 9. To protect American interests during hostilities over possession of the government of the State of Panama.

1873—*Mexico*. United States troops crossed the Mexican border repeatedly in pursuit of cattle and other thieves. There were some reciprocal pursuits by Mexican troops into border territory. The cases were only technically invasions, if that, although Mexico protested constantly. Notable cases were at Remolina in May 1873 and at Las Cuevas in 1875. Washington orders often supported these excursions. Agreements between Mexico and the United States, the first in 1882, finally legitimized such raids. They continued intermittently, with minor disputes, until 1896.

1874—*Hawaiian Islands*—February 12 to 20. To preserve order and protect American lives and interests during the coronation of a new king.

1876—*Mexico*—May 18. To police the town of Matamoras temporarily while it was without other government.

1882—*Egypt*—July 14 to 18. To protect American interests during warfare between British and Egyptians and looting of the city of Alexandria by Arabs.

1885—*Panama (Colon)*—January 18 and 19. To guard the valuables in transit over the Panama Railroad, and the safes and vaults of the company during revolutionary activity. In March, April, and May in the cities of Colon and Panama, to reestablish freedom of transit during revolutionary activity.

1888—*Korea*—June. To protect American residents in Seoul during unsettled political conditions, when an outbreak of the populace was expected.

1888—*Haiti*—December 20. To persuade the Haitian Government to give up an American steamer which had been seized on the charge of breach of blockade.

1888-89—*Samoa*—November 14, 1888, to March 20, 1889. To protect American citizens and the consulate during a native civil war.

1889—*Hawaiian Islands*—July 30 and 31. To protect American interests at Honolulu during a revolution.

1890—*Argentina*—A naval party landed to protect U.S. consulate and legation in Buenos Aires.

1891—*Haiti*—To protect American lives and property on Navassa Island.

1891—*Bering Strait*—July 2 to October 5. To stop seal poaching.

1891—*Chile*—August 28 to 30. To protect the American consulate and the women and children who had taken refuge in it during a revolution in Valparaiso.

1893—*Hawaii*—January 16 to April 1. Ostensibly to protect American lives and property; actually to promote a provisional government under Sanford B. Dole. This action was disavowed by the United States.

1894—*Brazil*—January. To protect American commerce and shipping at Rio de Janeiro during a Brazilian civil war. No landing was attempted but there was a display of naval force.

1894—*Nicaragua*—July 6 to August 7. To protect American interests at Bluefields following a revolution.

1894-95—*China*. Marines were stationed at Tientsin and penetrated to Peking for protection purposes during the Sino-Japanese War.

1894-95—*China*. Naval vessel beached and used as a fort at Newchwang for protection of American nationals.

1894-96—*Korea*—July 24, 1894 to April 3, 1896. To protect American lives and interests at Seoul during and following the Sino-Japanese War. A guard of marines was kept at the American legation most of the time until April 1896.

1895—*Colombia*—March 8 to 9. To protect American interests during an attack on the town of Bocas del Toro by a bandit chieftain.

1896—*Nicaragua*—May 2 to 4. To protect American interests in Corinto during political unrest.

1898—*Nicaragua*—February 7 and 8. To protect American lives and property at San Juan del Sur.

1898—The Spanish-American War. On April 25, 1898, the United States declared war with Spain.

1898-99—*China*—November 5, 1898 to March 15, 1899. To provide a guard for the legation at Peking and the consulate at Tientsin during contest between the Dowager Empress and her son.

1899—*Nicaragua*. To protect American interests at San Juan del Norte, February 22 to March 5, and at Bluefields a few weeks later in connection with the insurrection of Gen. Juan P. Reyes.

1899—*Samoa*—March 13 to May 15. To protect American interests and to take part in a bloody contention over the succession to the throne.

1899-1901—*Philippine Islands*. To protect American interests following the war with Spain, and to conquer the islands by defeating the Filipinos in their war for independence.

1900—*China*—May 24 to September 28. To protect foreign lives during the Boxer rising, particularly at Peking. For many years after this experience a permanent legation guard was maintained in Peking, and was strengthened at times as trouble threatened.

1901—*Colombia (State of Panama)*—November 20 to December 4. To protect American property on the Isthmus and to keep transit lines open during serious revolutionary disturbances.

1902—*Colombia*—April 16 to 23. To protect American lives and property at Bocas del Toro during a civil war.

1902—*Colombia (State of Panama)*—September 17 to November 18. To place armed guards on all trains crossing the Isthmus and to keep the railroad line open.

1903—*Honduras*—March 23 to 30 or 31. To protect the American consulate and the steamship wharf at Puerto Cortez during a period of revolutionary activity.

1903—*Dominican Republic*—March 30 to April 21. To protect American interests in the city of Santo Domingo during a revolutionary outbreak.

1903—*Syria*—September 7 to 12. To protect the American consulate in Beirut when a local Moslem uprising was feared.

1903-04—*Abyssinia*. Twenty-five marines were sent to Abyssinia to protect the U.S. Counsul General while he negotiated a treaty.

1903-14—*Panama*. To protect American interests and lives during and following the revolution for independence from Colombia over construction of the Isthmus Canal. With brief intermissions, United States Marines were stationed on the Isthmus from November 4, 1903, to January 21, 1914, to guard American interests.

1904—*Dominican Republic*—January 2 to February 11. To protect American interests in Puerto Plata and Sosua and Santo Domingo City during revolutionary fighting.

1904—*Tangier, Morocco*. "We want either Perdicaris alive or Raisula dead." Demonstration by a squadron to force release of a kidnapped American. Marine guard landed to protect consul general.

1904—*Panama*—November 17 to 24. To protect American lives and property at Ancon at the time of a threatened insurrection.

1904-05—*Korea*—January 5, 1904, to November 11, 1905. To guard the American legation in Seoul.

1904-05—*Korea*. Marine guard sent to Seoul for protection during Russo-Japanese War.

1906-09—*Cuba*—September 1906 to January 23, 1909. Intervention to restore order, protect foreigners, and establish a stable government after serious revolutionary activity.

1907—*Honduras*—March 18 to June 8. To protect American interests during a war between Honduras and Nicaragua; troops were stationed for a few days or weeks in Trujillo, Ceiba, Puerto Cortez, San Pedro, Laguna and Choloma.

1910—*Nicaragua*—February 22. During a civil war, to get information of conditions at Corinto; May 19 to September 4, to protect American interests at Bluefields.

1911—*Honduras*—January 26 and some weeks thereafter. To protect American lives and interests during a civil war in Honduras.

1911—*China*. Approaching stages of the nationalist revolution. An ensign and 10 men in October tried to enter Wuchang to rescue missionaries but retired on being warned away. A small landing force guarded American private property and consulate at Hankow in October. A marine guard was established in November over the cable stations at Shanghai. Landing forces were sent for protection in Nanking, Chinkiang, Taku and elsewhere.

1912—*Honduras*. Small force landed to prevent seizure by the government of an American-owned railroad at Puerto Cortez. Forces withdrawn after the United States disapproved the action.

1912—*Panama*. Troops, on request of both political parties, supervised elections outside the Canal Zone.

1912—*Cuba*—June 5 to August 5. To protect American interests on the Province of Oriente, and in Havana.

1912—*China*—August 24 to 26, on Kentucky Island, and August 26 to 30 at *Camp Nicholson*. To protect Americans and American interests during revolutionary activity.

1912—*Turkey*—November 18 to December 3. To guard the American legation at Constantinople during a Balkan War.

1912-25—*Nicaragua*—August to November 1912. To protect American interests during an attempted revolution. A small force serving as a legation guard and as a promoter of peace and governmental stability, remained until August 5, 1925.

1912-41—*China*. The disorders which began with the Kuomintang rebellion in 1912, which were redirected by the invasion of China by Japan and finally ended by war between Japan and the United States in 1941, led to demonstrations and landing parties for the protection of U.S. interests in China continuously and at many points from 1912 on to 1941. The guard at Peking and along the route to the sea was maintained until 1941. In 1927, the United States had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 the United States had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901.

1913—*Mexico*—September 5 to 7. A few marines landed at Ciaris Estero to aid in evacuating American citizens and others from the Yaqui Valley, made dangerous for foreigners by civil strife.

1914—*Haiti*—January 29 to February 9, February 20 to 21, October 19. To protect American nationals in a time of dangerous unrest.

1914—*Dominican Republic*—June and July. During a revolutionary movement, United States naval forces by gunfire stopped the bombardment of Puerto Plata, and by threat of force maintained Santo Domingo City as a neutral zone.

1914-17—*Mexico*. The undeclared Mexican-American hostilities following the *Dolphin* affair and Villa's raids included capture of Vera Cruz and later Pershing's expedition into northern Mexico.

1915-34—*Haiti*—July 28, 1915, to August 15, 1934. To maintain order during a period of chronic and threatened insurrection.

1916—*China*. American forces landed to quell a riot taking place on American property in Nanking.

1916-24—*Dominican Republic*—May 1916 to September 1924. To maintain order during a period of chronic and threatened insurrection.

1917—*China*. American troops were landed at Chungking to protect American lives during a political crisis..

1917-18—World War I. On April 6, 1917, the United States declared war with Germany and on December 7, 1917, with Austria-Hungary.

1917-22—*Cuba*. To protect American interests during an insurrection and subsequent unsettled conditions. Most of the United States armed forces left Cuba by August 1919, but two companies remained at Camaguey until February 1922.

1918-19—*Mexico*. After withdrawal of the Pershing expedition, U.S. troops entered Mexico in pursuit of bandits at least three times in 1918 and six in 1919. In August 1918 American and Mexican troops fought at Nogales.

1918-20—*Panama*. For police duty according to treaty stipulations, at Chiriqui, during election disturbances and subsequent unrest.

1918-20—*Soviet Russia*. Marines were landed at and near Vladivostok in June and July to protect the American consulate and other points in the fighting between the Bolsheviki troops and the Czech Army which had traversed Siberia from the western front. A joint proclamation of emergency government and neutrality was issued by the American, Japanese, British, French, and Czech commanders in July and the party remained until late August. In August 7,000 men were landed in Vladivostok and remained until January 1920, as part of an allied occupation force. In September 1918, 5,000 American troops joined the allied intervention force at Archangel and remained until June 1919. These operations were to offset effects of the Bolshevik revolution in Russia and were partly supported by Czarist or Kerensky elements.

1919—*Dalmatia*. U.S. forces were landed at Trau at the request of Italian authorities to police order between the Italians and Serbs.

1919—*Turkey*. Marines from the U.S.S. *Arizona* were landed to guard the U.S. Consulate during the Greek occupation of Constantinople.

1919—*Honduras*—September 8 to 12. A land force was sent ashore to maintain order in a neutral zone during an attempted revolution.

1920—*China*—March 14. A landing force was sent ashore for a few hours to protect lives during a disturbance at Kiukiang.

1920—*Guatemala*—April 9 to 27. To protect the American Legation and other American interests, such as the cable station, during a period of fighting between Unionists and the Government of Guatemala.

1920-22—*Russia (Siberia)*—Febraury 16, 1920, to November 19, 1922. A marine guard to protect the United States radio station and property on Russian Island, Bay of Vladivostok.

1921—*Panama-Costa Rica*. American naval squadrons demonstrated in April on both sides of the Isthmus to prevent war between the two countries over a boundary dispute.

1922—*Turkey*—September and October. A landing force was sent ashore with consent of both Greek and Turkish authorities, to protect American lives and property when the Turkish Nationalists entered Smyrna.

1922-23—*China*. Between April 1922 and November 1923 marines were landed five times to protect Americans during periods of unrest.

1924—*Honduras*—February 28 to March 31, September 10 to 15. To protect American lives and interests during election hostilities.

1924—*China*—September. Marines were landed to protect Americans and other foreigners in Shanghai during Chinese factional hostilities.

1925—*China*—January 15 to August 29. Fighting of Chinese factions accompanied by riots and demonstrations in Shanghai necessitated landing American forces to protect lives and property in the International Settlement.

1925—*Honduras*—April 19 to 21. To protect foreigners at La Ceiba during a political upheaval.

1925—*Panama*—October 12 to 23. Strikes and rent riots led to the landing of about 600 American troops to keep order and protect American interests.

1926—*China*—August and September. The Nationalist attack on Hankow necessitated the landing of American naval forces to protect American citizens. A small guard was maintained at the consulate general even after September 16, when the rest of the forces were withdrawn. Likewise, when Nationalist forces captured Kiukiang, naval forces were landed for the protection of foreigners November 4 to 6.

1926-33—*Nicaragua*—May 7 to June 5, 1926; August 27, 1926, to January 3, 1933. The coup d'etat of General Chamorro aroused revolutionary activities leading to the landing of American marines to protect the interests of the United States. United States forces came and went, but seem not to have left the country entirely until January 3, 1933. Their work included activity against the outlaw leader Sandino in 1928.

1927—*China*—February. Fighting at Shanghai caused American naval forces and marines to be increased there. In March a naval guard was stationed at the American consultate at Nanking after Nationalist forces captured the city. American and British destroyers later used shell fire to protect Americans and other foreigners. Subsequently additional forces of marines and naval vessels were stationed in the vicinity of Shanghai and Tientsin.

1932—*China*. American forces were landed to protect American interests during the Japanese occupation of Shanghai.

1933—*Cuba*. During a revolution against President Gerardo Machada naval forces demonstrated but no landing was made.

1934—*China*. Marines landed at Foochow to protect the American Consulate.

1940—*Newfoundland, Bermuda, St. Lucia, Bahamas, Jamaica, Antigua, Trinidad, and British Guiana*. Troops were sent to guard air and naval bases obtained by negotiation with Great Britain. These were sometimes called lend-lease bases.

1941—*Greenland*. Taken under protection of the United States in April.

1941—*Netherlands (Dutch Guiana)*. In November the President ordered American troops to occupy Dutch Guiana but by agreement with the Netherlands government in exile, Brazil cooperated to protect aluminum ore supply from the bauxite mines in Surinam.

1941—*Iceland*. Taken under the protection of the United States, with consent of its Government, for strategic reasons.

1941—*Germany*. Sometime in the spring the President ordered the Navy to patrol ship lanes to Europe. By July U.S. warships were convoying and by September were attacking German submarines. In November, the Neutrality Act was partly repealed to protect military aid to Britain, Russia, etc.

1941-45—World War II. On December 8, 1941, the United States declared war with Japan, on December 11 with Germany and Italy, and on June 5, 1942, with Bulgaria, Hungary and Romania.

1945—*China*. In October 50,000 U.S. Marines were sent to North China to assist Chinese Nationalist authorities in disarming and repatriating the Japanese in China and controlling ports, railroads, and airfields. This was in addition to approximately 60,000 U.S. forces remaining in China at the end of World War II.

1946—*Trieste*. President Truman ordered the augmentation of U.S. troops along the zonal occupation line and the reinforcement of air forces in northern Italy after Yugoslav forces shot down an unarmed U.S. Army transport plane flying over Venezia Giulia. Earlier U.S. naval units had been dispatched to the scene.

1948—*Palestine*. A marine consular guard was sent to Jerusalem to protect the U.S. Consul General.

1948-49—*China*. Marines were dispatched to Nanking to protect the American Embassy when the city fell to Communist troops, and to Shanghai to aid in the protection and evacuation of Americans.

1950-53—*Korean War*. The United States responded to North Korean invasion of South Korea by going to its assistance, pursuant to United Nations Security Council resolutions.

1950-55—*Formosa (Taiwan)*. In June 1950 at the beginning of the Korean War President Truman ordered the U.S. Seventh Fleet to prevent Chinese Communist attacks upon Formosa and Chinese Nationalist operations against mainland China.

1954-55—*China*. Naval units evacuated U.S. civilians and military personnel from the Tachen Islands.

1956—*Egypt*. A marine battalion evacuated U.S. nationals and other persons from Alexandria during the Suez crisis.

1958—*Lebanon*. Marines were landed in Lebanon at the invitation of its government to help protect against threatened insurrection supported from the outside.

1959-60—*The Caribbean*. 2d Marine Ground Task Force was deployed to protect U.S. nationals during the Cuban crisis.

1962—*Cuba*. President Kennedy instituted a "quarantine" on the shipment of offensive missiles to Cuba from the Soviet Union. He also warned the Soviet Union that the launching of any missile from Cuba against any nation in the Western Hemisphere would bring about U.S. nuclear retaliation on the Soviet Union. A negotiated settlement was achieved in a few days.

1962—*Thailand*. The 3d Marine Expeditionary Unit landed on May 17, 1962 to support that country during the threat of Communist pressure from outside; by July 30 the 5,000 marines had been withdrawn.

1962-75—*Laos*. From October 1962 until 1975, the United States played a role of military support in Laos.

1964—*Congo*. The United States sent four transport planes to provide airlift for Congolese troops during a rebellion and to transport Belgian paratroopers to rescue foreigners.

1964-73—*Vietnam War*. U.S. military advisers had been in South Vietnam for a decade, and their numbers had been increased as the military position of the Saigon government became weaker. After the attacks on U.S. destroyers in the Tonkin Gulf, President Johnson asked for a resolution expressing U.S. determination to support freedom and protect peace in Southeast Asia. Congress responded with the Tonkin Gulf Resolution, expressing support for "all necessary measures" the President might take to repel armed attack against U.S. forces and prevent further aggression. Following this resolution, and following a Communist attack on a U.S. installation in central Vietnam, the United States escalated its participation in the war to a peak of 543,000 in April 1969.

1965—*Dominican Republic*. The United States intervened to protect lives and property during a Dominican revolt and sent more troops as fears grew that the revolutionary forces were coming increasingly under Communist control.

1967—*Congo*. The United States sent three military transport aircraft with crews to provide the Congo central government with logistical support during a revolt.

1970—*Cambodia*. U.S. troops were ordered into Cambodia to clean out Communist sanctuaries from which Viet Cong and North Vietnamese attacked U.S. and South Vietnamese forces in Vietnam. The object of this attack, which lasted from April 30 to June 30, was to ensure the continuing safe withdrawal of American forces from South Vietnam and to assist the program of Vietnamization.

1974—*Evacuation from Cyprus*. United States naval forces evacuated U.S. civilians during hostilities between Turkish and Greek Cypriot forces.

1975—*Evacuation from Vietnam*. On April 3, 1975, President Ford reported U.S. naval vessels, helicopters, and marines had been sent to assist in evacuation of refugees and U.S. nationals from Vietnam.[3]

1975—*Evacuation from Cambodia*. On April 12, 1975, President Ford reported that he had ordered U.S. military forces to proceed with the planned evacuation of U.S. citizens from Cambodia.

1975—*South Vietnam*. On April 30, 1975, President Ford reported that a force of 70 evacuation helicopters and 865 marines had evacuated about, 1,400 U.S. citizens and 5,500 third country nationals and South Vietnamese from landing zones near the U.S. Embassy in Saigon and Tan Son Nhut Airfield.

1975—*Mayaguez incident*. On May 15, 1975, President Ford reported he had ordered military forces to retake the SS *Mayaguez*, a merchant vessel en route from Hong Kong to Thailand with U.S. citizen crew which was seized from Cambodian naval patrol boats in international waters and forced to proceed to a nearby island.

1976—*Lebanon*. On July 22 and 23, 1974, helicopters from five U.S. naval vessels evacuated approximately 250 Americans and Europeans from Lebanon during fighting between Lebanese factions after an overland convoy evacuation had been blocked by hostilities.

1976—*Korea*. Additional forces were sent to Korea after two American military personnel were killed while in the demilitarized zone between North and South Korea for the purpose of cutting down a tree.

1978—*Zaire*. From May 19 through June 1978, the United States utilized military transport aircraft to provide logistical support to Belgian and French rescue operations in Zaire.

1980—*Iran*. On April 26, 1980, President Carter reported the use of six U.S. transport planes and eight helicopters in an unsuccessful attempt to rescue American hostages being held in Iran.

1981—*El Salvador*. After a guerilla offensive against the government of El Salvador, additional U.S. military advisers were sent to El Salvador, bringing the total to approximately 55, assist in training government forces in counterinsurgency. The number of advisers remained at the level of approximately 55 at the end of October 1989.

1981—*Libya*. On August 19, 1981, U.S. planes based on the carrier *Nimitz* shot down two Libyan jets over the Gulf of Sidra after one of the Libyan jets had fired a heat-seeking missile. The United States periodically held freedom of navigation exercises in the Gulf of Sidra, claimed by Libya as territorial waters but considered international waters by the United States.

1982—*Sinai*. On March 19, 1982, President Reagan reported the deployment of military personnel and equipment to participate in the Multinational Force and Observers in the Sinai. Participation had been authorized by the Multinational Force and Observers Resolution, Public Law 97–132.

1982—*Lebanon*. On August 21, 1982, President Reagan reported the dispatch of 80 marines to serve in the multinational force to assist in the withdrawal of members of the Palestine Liberation force from Beirut. The Marines left Sept. 20, 1982.

1982—*Lebonon*. On September 29, 1982, President Reagan reported the deployment of 1200 marines to serve in a temporary multinational force to facilitate the restoration of Lebanese government sovereignty. On Sept. 29, 1983, Congress passed the Multinational Force in Lebanon Resolution (P.L. 98–119) authorizing the continued participation for eighteen months.

1983—*Egypt*. After a Libyan plane bombed a city in Sudan on March 18, 1983, and Sudan and Egypt appealed for assistance, the United States dispatched an AWACS electronic surveillance plane to Egypt.

1983–89—*Honduras*. In July 1983 the United States undertook a series of exercises in Honduras that some believed might lead to conflict with Nicaragua. On March 25, 1986, unarmed U.S. military helicopters and crewmen ferried Honduran troops to the Nicaraguan border to repel Nicaraguan troops.

1983—*Chad*. On August 8, 1983, President Reagan reported the deployment of two AWACS electronic surveillance planes and eight F–15 fighter planes and ground logistical support forces to assist Chad against Libyan and rebel forces.

1983—*Grenada*. On October 25, 1983, President Reagan reported a landing on Grenada by Marines and Army airborne troops to protect lives and assist in the restoration of law and order and at the request of five members of the Organization of Eastern Caribbean States.

1984—*Persian Gulf*. On June 5, 1984, Saudi Arabian jet fighter planes, aided by intelligence from a U.S. AWACS electronic surveillance aircraft and fueled by a U.S. KC–10 tanker, shot down two Iranian fighter planes over an area of the Persian Gulf proclaimed as a protected zone for shipping.

1985—*Italy*. On October 10, 1985, U.S. Navy pilots intercepted an Egyptian airliner and forced it to land in Sicily. The airliner was carrying the hijackers of the Italian cruise ship *Achille Lauro* who had killed an American citizen during the hijacking.

1986—*Libya*. On March 26, 1986, President Reagan reported to Congress that, on March 24 and 25, U.S. forces, while engaged in freedom of navigation exercises around the Gulf of Sidra, had been attacked by Libyan missiles and the United States had responded with missiles.

1986—*Libya*. On April 16, 1986, President Reagan reported that U.S. air and naval forces had conducted bombing strikes on terrorist facilities and military installations in Libya.

1986—*Bolivia*. U.S. Army personnel and aircraft assisted Bolivia in anti-drug operations.

1987–88—*Persian Gulf*. After the Iran-Iraq War resulted in several military incidents in the Persian Gulf, the United States increased U.S. Navy forces operating in the Persian Gulf and adopted a policy of reflagging and escorting Kuwaiti oil tankers through the Gulf. President Reagan reported that U.S. ships had been fired upon or struck mines or taken other military action on September 23, October 10, and October 20, 1987 and April 19, July 4, and July 14, 1988. The United States gradually reduced its forces after a cease-fire between Iran and Iraq on August 20, 1988.

1988—*Panama*. In mid-March and April 1988, during a period of instability in Panama and as pressure grew for Panamanian military leader General Noriega to resign, the United States sent 1,000 troops to Panama, to "further safeguard the canal, U.S. lives, property and interests in the area." The forces supplemented 10,000 U.S. military personnel already in Panama.

1989—*Libya*. On January 4, 1989, two U.S. Navy F–14 aircraft based on the U.S.S. *John F. Kennedy* shot down two Libyan jet fighters over the Mediterranean Sea about 70 miles north of Libya. The U.S. pilots said the Libyan planes had demonstrated hostile intentions.

1989—*Panama*. On May 11, 1989, in response to General Noriega's disregard of the results of the Panamanian election, President Bush ordered a brigade-sized force of approximately 1,900 troops to augment the estimated 11,000 U.S. forces already in the area.

1989—*Andean Initiative in War on Drugs*. On September 15, 1989, President Bush announced that military and law enforcement assistance would be sent to help the Andean nations of Colombia, Bolivia, and Peru combat illicit drug producers and traffickers. By mid-September there were 50–100 U.S. military advisers in Colombia in connection with transport and training in the use of military equipment, plus seven Special Forces teams of 2–12 persons to train troops in the three countries.

1989—*Philippines*. On December 1, 1989, President Bush ordered U.S. fighter planes from Clark Air Base in the Philippines to assist the Aquino government to repel a coup attempt. In addition, 100 marines were sent from the U.S. Navy base at Subic Bay to protect the U.S. Embassy in Manila.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,119th day that Terry Anderson has been held captive in Lebanon.

Since the adjournment of the 101st Congress, we have witnessed the release of all of the remaining hostages held in Iraq and Kuwait by Saddam Hussein. Through the Christmas season and the first days of the new year, we continue to celebrate their reunion with their families and loved ones.

Yet, in our joy over their freedom, we must not lose sight of the Americans held hostage in Lebanon. Terry Anderson is the longest held. Christmas 1990 is the sixth he has spent with his captors.

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[3] This and subsequent mentions of Presidential reports refer to reports the President has submitted to Congress that might be considered pursuant to the War Powers Resolution (Public Law 91–148, November 7, 1973). For a discussion of the War Powers Resolution and various types of reports required under it, see The War Powers Resolution: Fifteen Years of Experience, CRS Report 88–529 F; or The War Powers Resolution: Presidential Compliance, CRS Issue Brief IB81050, updated regularly.

HONORING WILLIAM SISSLER

Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to a remarkable man who has devoted years of public service to the city of Crestwood, MO. I am speaking of Mr. Charles William Sissler.

Bill has served on the Board of Alderman for over 12 years. He has contributed to the city in countless ways by helping the elderly and the poor in times of need. He is also very active in Missouri politics as a precinct captain of the Gravois Republican Organization.

In addition to his dedication to his hometown, Bill also served his country during World War II. He was one of a committee of engineers that were assigned to Pearl Harbor a few days after the tragic Japanese attack. Bill cast the deciding vote to leave the U.S.S. *Arizona* in its resting place in Pearl Harbor and because of this, millions of people are able to see and remember this special place that is a part of our history. He was also responsible for saving the lives of several men on board the *Lexington* during the Battle of the Coral Sea. As the ship sank and people evacuated, Bill stopped to check one of the chambers, and found it was full of men trapped inside. He was recognized for his valiant and heroic efforts.

Mr. President, the people of Crestwood are grateful for Bill's service, loyalty and dedication. I join his family and many friends in thanking him for decades of selfless service to his community. The city of Crestwood is indeed fortunate to have such a dedicated public servant as Charles William Sissler.

NOTICE REGARDING MASS MAILING REPORTS

Formerly Senate rule 40 of the Standing Rules of the Senate required Senators to register all mass mailings distributed during a calendar year by February 1 the succeeding calendar year. A letter to Senators dated December 14, 1990, advised the offices of a filing date of January 2, 1991, for 1990 mass mailings based upon language contained in the 1990 Congressional Handbook. The Rules Committee has subsequently notified the Secretary of the Senate that in the absence of a filing date requirement by statute or regulation, the Secretary may establish the quarterly filings dates for mass mailings as required by section 323 of the Legislative Branch Appropriations Act for 1991.

In the interest of allowing Senators' offices sufficient time in which to compile accurate and complete reports, starting with all mailings sent after October 1, 1990, mass mailings must be filed on a quarterly basis on the 25th day of the month after the close of a preceding fiscal year quarter (January 25, April 25, July 25, and October 25); and must include the number of pieces mailed for each mass mailing. The filing which will be due on Friday, January 25, 1991, must include all mass mailings for calendar year 1990. In addition, the number of pieces sent for those mailings generated between October 1 and December 31, 1990, must also be provided.

Mass mailing registrations should be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116. The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept the filings.

MESSAGES FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 30, 1989, the Secretary of the Senate, on November 1, 1990, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 677. An act to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions;

S. 1805. An act to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164;

S. 2287. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 3187. An act to address immediate problems affecting environmental cleanup activities;

S. 3237. An act to authorize the Secretary of the Treasury to sell certain silver proof coin sets;

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement;

H.R. 3310. An act to authorize appropriations for activities of the National Telecommunications and Information Administration for fiscal years 1990 and 1991;

H.R. 4808. An act to encourage solar, wind, waste, and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978;

H.R. 5113. An act to amend the Public Health Service Act to revise and extend the program for the prevention and control of injuries;

H.R. 5140. An act to amend the Elementary and Secondary Education Act of 1965 to improve secondary school programs for basic skills improvement and dropout prevention and reentry, and for other purposes;

H.R. 5158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5313. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5507. An act regarding the Early Winters Resorts;

H.R. 5667. An act to amend the Water Resources Development Act of 1974 to transfer jurisdiction of the Big Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior;

H.R. 5732. An act to promote and strengthen aviation security, and for other purposes;

H.R. 5871. An act to amend the farm quota provisions of section 319 (g), (h) and (i) of the Agricultural Adjustment Act of 1938, and for other purposes;

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative Parties, for the full protection of Antarctica as a global ecological commons;

S.J. Res. 302. Joint resolution providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution;

S.J. Res. 318. Joint resolution providing for appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution; and

S.J. Res. 369. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills and joint resolutions were signed on November 5, 1990, subsequent to the sine die adjournment of the Congress by the President pro tempore [Mr. BYRD].

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on November 5, 1990, subsequent to the sine die adjournment of the Congress, announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 996. An act to promote excellence in American mathematics, science and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes;

H.R. 1463. An act to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System;

H.R. 2497. An act to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes;

H.R. 3045. An act to amend chapters 5 and 9 of title 17, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity are subject to suit in

Federal court by any person for infringement of copyright and infringement of exclusive rights in mask works, and that all the remedies can be obtained in such suit that can be obtained in a suit that can be obtained in a suit against a private person or against other public entities;

H.R. 3134. An act for the relief of Mrs. Joan R. Daronco;

H.R. 4630. An act to authorize the Secretary of Agriculture to acquire and study certain lands in the State of New Mexico, and for other purposes;

H.R. 4653. An act to reauthorize the Export Administration Act of 1979, and for other purposes;

H.R. 4721. An act to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, VA, as the "J. Kenneth Robinson Postal Building";

H.R. 4739. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 4793. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

H.R. 5021. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5112. An act to amend the Public Health Service Act regarding certain programs for health care services in the home and certain programs relating to Alzheimer's disease, and for other purposes;

H.R. 5114. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5229. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5241. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5257. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5311. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5399. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5409. An act to designate the Post Office building at 222 West Center Street in Orem, Utah, as the "Arthur V. Watkins Post Office Building";

H.R. 5687. An act to amend title 31, United States Code, to improve the general and financial management of the Federal Government;

H.R. 5769. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5796. An act to conduct certain studies of New Mexico;

H.R. 5803. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes; and

H.J. Res. 673. Joint resolution to designate November 2, 1990, as a national day of prayer for members of American military forces and American citizens stationed or held hostage in the Middle East, and for other purposes.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills and joint resolutions, except the bill H.R. 5114, were signed on November 5, 1990, subsequent to the sine die adjournment of the Congress by the President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of November 27, 1990, the enrolled bill H.R. 5114 was signed on November 5, 1990, subsequent to the sine die adjournment of the Congress, by Mr. LEAHY.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on November 8, 1990, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 169. An act to require the establishment of a United States Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote discussions toward international protocols in global change research, and for other purposes;

S. 321. An act to revise provisions of law that provide a preference to Indians;

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space;

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes;

S. 620. An act for the relief of Leroy W. Shebal of North Pole, Alaska;

S. 639. An act to establish the Spark Matsunaga Hydrogen Research, Development, and Demonstration Program Act of 1990;

S. 1931. An act to amend title 11 of the United States Code with respect to the nondischargeability of debts arising from unlawful driving while intoxicated or impaired and arising from restitution imposed for committing crimes;

S. 2056. An act to establish a program of grants for the development of State plans for meeting the objectives established by the Secretary of Health and Human Services for the health status of the population of the United States for the year 2000;

S. 2566. An act to establish the Smith River National Recreation Area, to redesignate the Sunset Crater National Monument, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act with respect to certain programs for the National Institutes of Health;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes;

S. 2936. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes;

S. 2946. An act to amend the Public Health Service Act to revise and extend the program establishing the National Bone Marrow Donor Registry, and for other purposes;

S. 3069. An act to provide a method of local private and Government research on environmental issues by geographic location;

S. 3084. An act to provide for the settlement of water rights claims of the Fallon Paiute Shoshone Indian Tribes, and for other purposes;

S. 3156. An act to correct a clerical error in Public Law 101–383;

S. 3176. An act to promote environmental education, and for other purposes;

S. 3215. An act to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil;

H.R. 29. An act entitled the "Antitrust Amendments Act of 1990";

H.R. 1230. An act for the relief of Jocelyne Carayannis and Marie Carayannis;

H.R. 1602. An act to amend the Public Health Service Act to improve emergency medical services and trauma care;

H.R. 2419. An act to authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the National Forest;

H.R. 2840. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes;

H.R. 3000. An act to require that fasterners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification in accordance with standardized methods, of fasteners used in critical applications, to increase fastener quality and reduce the danger of fastener failure, and for other purposes;

H.R. 3069. An act to establish an employment training program for displaced homemakers, and for other purposes;

H.R. 3298. An act for the relief of Benjamin H. Fonorow;

H.R. 3338. An act to direct the Secretary of the Interior to convey all interest of the United States in a fish hatchery to the State of South Carolina, and for other purposes;

H.R. 3642. An act for the relief of Izzydor Shever;

H.R. 3656. An act to clarify the application of the functional relationship test to gas utility holding companies registered under the Public Utility Holding Company Act of 1935;

H.R. 3977. An act to protect and conserve the continent of Antarctica, and for other purposes;

H.R. 4009. An act to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes;

H.R. 4107. An act to authorize the Secretary of the Interior to permit certain uses of lands within the Colonial National Historical Park in the Commonwealth of Virginia;

H.R. 4323. An act to amend the Federal Water Pollution Control Act relating to water quality in the Great Lakes;

H.R. 4487. An act to amend the Public Health Service Act to revise and extend the program for the National Health Service Corps, and to establish certain programs of grants to the States for improving health services in the States;

H.R. 4559. An act to establish the Red Rock Canyon National Conservation Area;

H.R. 4888. An act to improve navigational safety and reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment, and for other purposes;

H.R. 5007. An act to designate the facility of the United States Post Office located at 100 South John F. Kennedy Drive, Carpentersville, Illinois, as the "Robert McClory Post Office Building";

H.R. 5237. An act to provide for the protection of native American graves, and for other purposes;

H.R. 5264. An act to authorize modification of the Alaska Maritime National Wildlife Refuge;

H.R. 5308. An act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes;

H.R. 5419. An act to designate the Federal Building at 88 West 100 North in Provo, Utah, as the "J. Will Robinson Federal Building";

H.R. 5497. An act to authorize the Secretary of the Interior to acquire certain lands to be added to the Fort Raleigh National Historic Site in North Carolina;

H.R. 5567. An act to authorize international narcotics control activities for fiscal year 1991, and for other purposes;

H.R. 5708. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes;

H.R. 5909. An act to establish the Florida Keys National Marine Sanctuary, and for other purposes;

S.J. Res. 357. Joint resolution to designate October 1–31, 1991, as "Community Center Month";

H.J. Res. 562. Joint resolution designating October 21 through 27, 1990 as "National Humanities Week";

H.J. Res. 606. Joint resolution designating February 16, 1991, as "Lithuanian Independence Day";

H.J. Res. 652. Joint resolution to designate March 25, 1991, as "National Medal of Honor Day"; and

H.J. Res. 657. Joint resolution granting the consent of Congress to amendments to the Delaware-New Jersey Compact, and for other purposes.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills and joint resolutions were signed on November 9, 1990, subsequent to the sine die adjournment of the Congress by the Vice President.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on November 9, 1990, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies;

S. 319. An act to effect and exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes;

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes;

S. 566. An act to authorize a new Home Investment Partnership program, a National Homeownership Trust program, and HOPE programs, to amend and extend certain laws relating to housing, community and neighborhood preservation, and related programs, and for other purposes;

S. 845. An act to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes;

S. 1859. An act to restructure payment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes;

S. 1893. An act to reauthorize the Asbestos School Hazard Abatement Act of 1984;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes;

S. 2834. An act to authorize appropriations for fiscal year 1991 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S. 3012. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes;

S. 3266. An act to control crime;

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to protect certain lands in the Tongass National Forest in perpetuity, to modify certain long-term timber contracts, to provide for the protection of riparian habitat, and for other purposes;

H.R. 2006. An act to expand the powers of the Indian Arts and Crafts Board, and for other purposes;

H.R. 2061. An act to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993, and for other purposes;

H.R. 2570. An act to provide for the designation of certain public lands as wilderness in the State of Arizona;

H.R. 3095. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices;

H.R. 3703. An act to authorize Rumsey Indian Rancheria to convey a parcel of land;

H.R. 3789. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes;

H.R. 4834. An act to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts;

H.R. 5390. An act to prevent and control infestations of the coastal inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes; and

H.R. 5428. An act to designate certain public lands in the State of Illinois as wilderness; and for other purposes.

Under the authority of the order of the Senate of January 3, 1989, the bills S. 303, S. 319, S. 358, S. 566, S. 845, S. 1893, S. 2628, S. 2740, S. 2834, S. 3012, S. 3266, and H.R. 987 were signed on November 13, 1990, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of January 3, 1989, the bills S. 1859, H.R. 2006, H.R. 2061, H.R. 2570, H.R. 3095, H.R. 3703, H.R. 3789, H.R. 4834, H.R. 5390, and H.R. 5428 were signed on November 19, 1990, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on November 13, 1990, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes; and

H.R. 5316. An act to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill S. 1630 was signed on November 13, 1990, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill H.R. 5316 was signed on November 19, 1990, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on November 15, 1990, subsequent to the sine dine adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1939. An act to extend the authorization of appropriations for the Taft Institute;

S.J. Res. 329. Joint resolution to designate the week of November 3, 1990, to November 10, 1990, as "National Week to Commemorate the Victims of Famine in the Ukraine, 1932–1933", and to commemorate the Ukrainian famine of 1932–1933 and policies of Russification to suppress Ukrainian identity; and

S.J. Res. 364. Joint resolution to designate the third week of February 1991 as "National Parents and Teachers Association Week".

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill and joint resolutions were signed on November 19, 1990, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on November 19, 1990, subsequent to the sine die adjournment of the Congress, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4567. An act to authorize an exchange of lands in South Dakota and Colorado.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill was signed on November 19, 1990, subsequent to the sine die adjournment of the Congress, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 6:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 2. A resolution informing the Senate that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker of the House; and that Donnald K. Anderson, a citizen of the State of California, has been elected Clerk of the House.

H. Res. 3. A resolution notifying the Senate of the appointment of a committee on the part of the House, to join with a committee on the part of the Senate to notify the President that a quorum of each House is assembled and is ready to receive any communication that he may be pleased to make.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills and joint resolutions:

On November 6, 1990:

S. 3187. An act to address immediate problems affecting environmental cleanup activities;

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative Parties, for the full protection of Antarctica as a global ecological commons;

S.J. Res. 302. Joint resolution providing for the reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution; and

S.J. Res. 369. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

On November 8, 1990:

S. 1430. An act to enhance national and community service, and for other purposes; and

S.J. Res. 375. Joint resolution to designate October 30, 1990, as "Refuge Day."

November 9, 1990:

S. 169. An act to require the establishment of a U.S. Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote discussions toward international protocols in global change research, and for other purposes;

S. 321. An act to revise provisions of law that provide a preference to Indians;

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space;

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes;

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 620. An act for the relief of Leroy W. Shebal of North Pole, AK.

S. 639. An act to establish the Spark Matsunaga Hydrogen Research, Development, and Demonstration Program Act of 1990;

S. 677. An act to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions;

S. 1805. An act to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164;

S. 1931. An act to amend title 11 of the United States Code with respect to the nondischargeability of debts arising from unlawful driving while intoxicated or impaired and arising from restitution imposed for committing crimes;

S. 2056. An act to establish a program of grants for the development of State plans for meeting the objectives established by the Secretary of Health and Human Services for the health status of the population of the United States for the year 2000;

S. 2287. An act to authorize appropriations for the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 2566. An act to establish the Smith River National Recreation Area,. to redesignate the Sunset Crater National Monument, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act with respect to certain programs for the National Institutes of Health;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes;

S. 2936. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes;

S. 2946. An act to amend the Public Health Service Act to revise and extend the program establishing the National Bone Marrow Donor Registry, and for other purposes;

S. 3069. An act to provide a method of locating private and Government research on environmental issues by geographic location;

S. 3084. An act to provide for the settlement of water rights claims of the Fallon Paiute Shoshone Indian Tribes, and for other purposes;

S. 3156. An act to correct a clerical error in Public Law 101–383;

S. 3176. An act to promote environmental education, and for other purposes;

S. 3215. An act to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil;

S. 3237. An act to authorize the Secretary of the Treasury to sell certain silver proof coin sets;

S.J. Res. 318. Joint resolution providing for the appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution; and

S.J. Res. 357. Joint resolution to designate October 1–31, 1991, as "Community Center Month."

On November 13, 1990:

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

On November 19, 1990:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies;

S. 319. An act to effect and exchange of lands between the U.S. Forest Service and the Salt Lake City Corp. within the State of Utah, and for other purposes;

S. 566. An act to authorize a new HOME Investment Partnership Program, a National Home Ownership Trust Program, and HOPE programs, to amend and extend certain laws relating to housing, community and neighborhood preservation, and related programs, and for other purposes;

S. 845. An act to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes;

S. 1893. An act to reauthorize the Asbestos School Hazard Abatement Act of 1984;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes;

S. 2830. An act to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes;

S. 2834. An act to authorize appropriations for fiscal year 1991 for the intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S. 3012. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes; and

S. 3266. An act to control crime.

On November 20, 1990:

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes;

S. 1939. An act to extend the authorization of appropriations for the Taft Institute;

S.J. Res. 329. Joint resolution to designate the week of November 3, 1990, to November 10, 1990, as "National Week to Commemorate the Victims of the Famine in the Ukraine, 1932–33," and to commemorate the Ukrainian famine of the 1932–33 and the policies of Russification to suppress Ukrainian identity; and

S.J. Res. 364. Joint resolution to designate the 3d week of February 1991 as "National Parents and Teachers Association Week."

On November 26, 1990:

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

October 24, 1990:

S. 2017. An act to provide permanent endowment for the Eisenhower Exchange Fellowship Program;

S. 2540. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the east court of the National Museum of Natural History Building, and for other purposes;

S. 3046. An act to redesignate the Federal building located at One Bowling Green in New York, NY, as the "Alexander Hamilton United States Custom House";

S. 3127. An act to designate the Department of Veterans Affairs Medical Center in Albany, NY, as the "Samuel S. Stratton Department of Veterans Affairs Medical Center";

S.J. Res. 342. Joint resolution designating October 1990 as "Ending Hunger Month";

S.J. Res. 346. Joint resolution to designate October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America"; and

S.J. Res. 349. Joint resolution designating October 1990 as "Italian-American Heritage and Culture Month."

October 25, 1990:

S.J. Res. 158. Joint resolution designating October 21 through October 27, 1990, as "World Population Awareness Week."

October 30, 1990:

S. 1824. An act to amend the Education of the Handicapped Act to revise and extend the programs established in parts C through G of such act, and for other purposes;

S. 2167. An act to reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act;

S. 3091. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein;

S.J. Res. 270. Joint resolution to designate the period commencing February 17, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week";

S.J. Res. 323. Joint resolution designating November 11 through 17, 1990, as "Geography Awareness Week";

S.J. Res. 347. Joint resolution designating April 7 through 13, 1991, as "National County Government Week";

S.J. Res. 351. Joint resolution to designate the month of May 1991 as "National Trauma Awareness Month";

S.J. Res. 362. Joint resolution to designate the period commencing on November 18, 1990, and ending on November 24, 1990, as "National Adoption Week"; and

S.J. Res. 366. Joint resolution to designate March 30, 1991, as "National Doctors Day."

October 31, 1990:

S. 1747. An act to provide for the restoration of Federal recognition to the Ponca Tribe of Nebraska, and for other purposes;

S. 2059. An act to establish the Weir Farm National Historic Site in the State of Connecticut;

S. 2203. An act to authorize appropriation of funds to the Zuni Indian Tribe for reservation land conservation, and for other purposes;

S. 2737. An act to require the Secretary of the Treasury to mint a silver dollar coin in commemoration of the 38th anniversary of the ending of the Korean war and in honor of those who served;

S. 2753. An act to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act;

S. 2732. An act to designate the planned Department of Veterans Affairs Medical Center in Honolulu, HA, as the "Spark M. Matsunaga Department of Veterans Affairs Medical Center";

S. 3216. An act to designate the Department of Veterans Affairs Medical Center in Charleston, SC, as the "Ralph H. Johnson Department of Veterans Affairs Medical Center";

S.J. Res. 293. Joint resolution to designate November 16, 1990, as "National Philanthropy Day";

S.J. Res. 307. Joint resolution designating November 11 through November 17, 1990, as "National Women Veterans Recognition Week";

S.J. Res. 324. Joint resolution designating June 2 through 8, 1991, as a "Week for the National Observance of the 50th Anniversary of World War II";

S.J. Res. 353. Joint resolution to designate September 1991 as "National Rice Month"; and

S.J. Res. 388. Joint resolution waiving certain enrollment requirements with respect to S. 2830, the Food, Agriculture, Conservation and Trade Act fo 1990.

November 2, 1990:

S. 2846. An act to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of establishing a unit of the National Park System to interpret and commemorate the origins, development, and progression of jazz in the United States, and for other purposes; and

S. 3016. An act for the refief of Janice and Leslie Sedore and Ruth Hillman.

November 6, 1990:

S. 1890. An act to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes;

S. 3043. An act for the relief of Nebraska Aluminum Casings, Inc.; and

S. 3062. An act to transfer the responsibility for operation and maintenance of Highway 82 bridge at Greenville, MS, to the States of Mississippi and Arkansas.

November 7, 1990:

S. 2516. An act to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census, and for other purposes.

November 8, 1990:

S. 580. An act to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions;

S. 1756. An act to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine; and

S.J. Res. 375. Joint resolution to designate October 30, 1990, as "Refugee Day."

November 14, 1990:

S. 3156. An act to correct a clerical error in Public Law 101-383.

November 15, 1990:

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space;

S. 620. An act for the relief of Leroy W. Sahebal of North Pole, AK;

S. 639. An act to establish the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Program Act of 1990;

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes;

S. 1805. An act to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164;

S. 1931. An act to amend title 11 of the United States Code with respect to the nondischargeability of debts arising from unlawful driving while intoxicated or impaired and arising from restitution imposed for committing crimes;

S. 2056. An act to establish a program of grants for the development of State plans for meeting the objectives established by the Secretary of Health and Human Services for the health status of the population of the United States for the year 2000;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes;

S. 3187. An act to address immediate problems affecting environmental cleanup activities;

S. 3215. An act to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil;

S. 3237. An act to authorize the Secretary of the Treasury to sell certain silver proof coin sets;

S.J. Res. 302. Joint resolution providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution;

S.J. Res. 318. Joint resolution providing for appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution;

S.J. Res. 357. Joint resolution to designate October 1-31, 1991, as "Community Center Month"; and

S.J. Res. 369. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

November 16, 1990:

S. 169. An act to require the establishment of a United States Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote duscussions toward international protocols in global change research, and for other purposes;

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes;

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 677. An act to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions;

S. 1430. An act to enhance national and community service, and for other purposes;

S. 2287. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 2566. An act to establish the Smith River National Recreation Area, to redesignate the

Sunset Crater National Monument, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act with respect to certain programs for the National Institutes of Health;

S. 2936. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes;

S. 2946. An act to amend the Public Health Service Act to revise and extend the program establishing the National Bone Marrow Donor Registry, and for other purposes;

S. 3069. An act to provide a method of locating private and Government research on environmental issues by geographic location;

S. 3084. An act to provide for the settlement of water rights claims of the Fallon Paiute Shoshone Indian Tribes, and for other purposes;

S. 3176. An act to promote environmental education, and for other purposes; and

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative Parties, for the full protection of Antarctica as a global ecological commons.

November 28, 1990:

S. 319. An act to effect an exchange of lands between the U.S. Forest Service and the Salt Lake City Corp. within the State of Utah, and for other purposes;

S. 566. An act to authorize a new HOME Investment Partnerships Program, a National Home Ownership Trust Program, and HOPE Programs, to amend and extend certain laws relating to housing, community and neighborhood preservation, and related programs, and for other purposes;

S. 845. An act to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes;

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes;

S. 1893. An act to reauthorize the Asbestos School Hazard Abatement Act of 1984;

S. 1939. An act to extend the authorization of appropriations for the Taft Institute;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nations infrastructure, and for other purposes;

S. 2830. An act to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes;

S. 3012. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes;

S.J. Res. 329. Joint resolution to designate the week of November 3, 1990, to November 10, 1990, as "National Week to Commemorate the Victims of the Famine in the Ukraine, 1932–33," and to commemorate the Ukrainian famine of 1932–33 and the policies of Russification to suppress Ukrainian identity; and

S.J. Res. 364. Joint resolution to designate the 3d week of February 1991 as "National Parents and Teachers Association Week."

November 29, 1990:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies;

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; and

S. 3266. An act to control crime.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated.

EC–1. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated November 1, 1990; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC–2. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmiting, pursuant to law, the Final OMB Sequester Report for Fiscal Year 1991; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Special Committee on Aging, the Select Committee on Indian Affairs, and the Select Committee on Intelligence.

EC–3. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the President's Final Sequester Order for Fiscal Year 1991; pursuant to the order of January 3, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Special Committee on Aging, the Select Committee on Indian Affairs, and the Select Committee on Intelligence.

EC–4. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Final Sequestration Report for Fiscal Year 1991; pursuant to the order of January 3, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Special Committee on Aging, the Select Committee on Indian Affairs, and the Select Committee on Intelligence.

EC–5. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report on the determination of the 1990 fiscal year interest rate on rural telephone bank loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 1990 update of the Assessment of Impact of Current USDA Foreign Assistance Activities on United States Agricultural Exports; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report on the transfer of certain funds within the Department of Defense; to the Committee on Appropriations.

EC–8. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report that amounts appropriated to the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc. are less than the amount necessary due to exchange rate losses in September in the fourth quarter of fiscal year 1990; to the Committee on Appropriations.

EC–9. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report on an increase in the cost of a defense acquisition program by more than 15 percent; to the Committee on Armed Services.

EC–10. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC–11. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the Selected Acquisition Reports for the quarter ending September 30, 1990; to the Committee on Armed Services.

EC–12. A communication from the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC–13. A communication from the President of the United States, transmitting, pursuant to law, a report on the Potential Effects of Space Nuclear Reactors on Gamma-Ray Astronomy Missions; to the Committee on Armed Services.

EC–14. A communication from the President of the United States, transmitting, pursuant to law, an executive order entitled "National Emergency Construction Authority"; to the Committee on Armed Services.

EC–15. A communication from the President of the United States, transmitting, pursuant to law, an executive order extending the period of active duty with respect to the Coast Guard units assigned to active duty to serve as members of the Selected Reserve; to the Committee on Armed Services.

EC–16. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Korea for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC–17. A communication from the President of the United States, transmitting, pursuant to law, a report on U.S. antisatellite weapon activities and the survivability of U.S. satellites against current and potential antisatellite weapons deployed by the Soviet Union; to the Committee on Armed Services.

EC–18. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a baseline deviation notice concerning the T–45TS program; to the Committee on Armed Services.

EC–19. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, a report entitled "Report to the Congress on Defense Industry Conversion; to the Committee on Armed Services.

EC–20. A communication from the Assistant Secretary of the Air Force (Acquisition), transmitting, pursuant to law, notice that the Air Force plans to conduct a cost comparison of Gila Bend Air Force Auxiliary Field and Barry M. Goldwater, Range; to the Committee on Armed Services.

EC–21. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the annual report on the financial status of the Military Retirement System for fiscal year 1989; to the Committee on Armed Services.

EC–22. A communication from the Principal Deputy Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, the Base Structure Report for Fiscal Year 1991; to the Committee on Armed Services.

EC–23. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, certification that the current five year defense program fully funds the support costs associated with the 4000 LB Rough Terrain Forklift program; to the Committee on Armed Services.

EC–24. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1989 annual Civil Rights Data Report on Applicants and Beneficiaries of HUD Programs; to the Committee on Banking, Housing, and Urban Affairs.

EC–25. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Government National Mortgage Association's 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC–26. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report on the availability and use of mortgage credit in rural areas; to the Committee on Banking, Housing, and Urban Affairs.

EC–27. A communication from the Administrator of General Services, transmitting, pursuant to law, the thirteenth quarterly report on Federal actions taken to assist the homeless; to the Committee on Banking, Housing, and Urban Development.

EC–28. A communication from the President of the United States, transmitting, pursuant to law, an executive order declaring a national emergency with respect to the proliferation of chemical and biological weapons; to the Committee on Banking, Housing, and Urban Development.

EC–29. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. exports to the State of Bahrain; to the Committee on Banking, Housing, and Urban Development.

EC–30. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Effect of Airline Deregulation on the Level of Air Safety"; to the Committee on Commerce, Science, and Transportation.

EC–31. A communication from the Chairman of the National Transportation Board, transmitting, pursuant to law, the annual report of the Board for calendar year 1989; to the Committee on Commerce, Science, and Transportation.

EC–32. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on an expanded program of human performance research, including the development of a national plan for aeronautical human factors research and detailed information on air traffic controller performance research; to the Committee on Commerce, Science, and Transportation.

EC–33. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the National Airway System for fiscal year 1989; to the Committee on Commerce, Science, and Transportation.

EC–34. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the relative cost of shipbuilding in the various coastal districts of the United States for calendar year 1989; to the Committee on Commerce, Science, and Transportation.

EC–35. A communication from the Secretary of Transportation, transmitting, pursuant to law, the final report on the study of the use of tonnage in U.S. laws and regulations; to the Committee on Commerce, Science, and Transportation.

EC–36. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Out-Of-Pocket Costs of Medicare Beneficiaries for Physician Services; to the Committee on Finance.

EC–37. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the sixty-third quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC–38. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Electronic Media Claims"; to the Committee on Finance.

EC–39. A communication from the President of the United States, transmitting, pursuant to law, notice of his intention to designate Nicaragua as a beneficiary of the trade-liberalizing measuers provided for in the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC–40. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice that a reward has been paid; to the Committee on Foreign Relations.

EC–41. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to October 25, 1990; to the Committee on Foreign Relations.

EC–42. A communication from the Assistant legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 8, 1990; to the Committee on Foreign Relations.

EC–43. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, for the information of the Senate, the schedule of the Western European Union Assembly for December 3–6, 1990; to the Committee on Foreign Relations.

EC–44. A communication from the Assistant Secretary of State (legislative Affairs), transmitting, pursuant to law, a Presidential determination and supporting justification and additional information; to the Committee on Foreign Relations.

EC–45. A communication from the Assistant Secretary of the State (Legislative Affairs), transmitting, pursuant to law, notice that the President has authorized the use of assistance from the U.S. Emergency Refugee and Migration Assistance Fund for urgent needs of refugees and conflict victims in Africa, Asia, and Near East/South Asia; to the Committee on Foreign Relations.

EC–46. A communication from the President of the United States, transmitting, pursuant to law, notice that the national emergency with respect to Iran will remain in effect; to the Committee on Foreign Relations.

EC–47. A communication from the President of the United States, transmitting, pursuant to law, a report on recent developments in the Persian Gulf region; to the Committee on Foreign Relations.

EC–48. A communication from a Member of the Board of Directors of the Farm Credit Insurance Corporation, transmitting, pursuant to law, the annual report on the status of audit and investigative coverage for fiscal year 1989; to the Committee on Governmental Affairs.

EC–49. A communication from the Director of the Institute of Museum Services, transmitting, pursuant to law, the annual report on audit and investigative coverage for fiscal year 1990; to the Committee on Governmental Affairs.

EC–50. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on actions taken under the Program Fraud Civil Remedies Act for fiscal year 1990; to the Committee on Governmental Affairs.

EC-51. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual report on the status of audit and investigative activities during fiscal year 1990; to the Committee on Governmental Affairs.

EC-52. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a listing of audit reports issued during fiscal year 1990 regarding the thrift savings plan; to the Committee on Governmental Affairs.

EC-53. A communication from the Executive Director of the Interagency Council on the Homeless, transmitting, pursuant to law, the annual report of the Council on audit and investigative coverage for fiscal year 1990; to the Committee on Governmental Affairs.

EC-54. A communication from the Chairman of the Board of Trustees of the Woodrow Wilson Center, transmitting, pursuant to law, the annual report of the Center on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-55. A communication from the Governor of the Soldiers' and Airmen's Home, transmitting, pursuant to law, the annual report of the Home on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-56. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-57. A communication from the Acting President of the Inter-American Foundation, transmitting, pursuant to law, the annual report of the Foundation on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-58. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the annual report on internal controls and audit procedures in effect during calendar year 1990; to the Committee on Governmental Affairs.

EC-59. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-60. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-61. A communication from the Special Counsel of the United States, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-62. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report on compliance with the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC-63. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report on internal controls and administrative procedures in effect during calendar year 1990; to the Committee on Governmental Affairs.

EC-64. A communication from the Director of the U.S. Trade and Development Program, transmitting, pursuant to law, the annual report on the system of internal controls and administrative procedures in effect during calendar year 1990; to the Committee on Governmental Affairs.

EC-65. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-66. A communication from the Chairman of the Commission on Agricultural Workers, transmitting, for the information of the Senate, notice that the audit report of the Commission will be transmitted as soon as it is available; to the Committee on Governmental Affairs.

EC-67. A communication from the Acting Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-68. A communication from the Deputy Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the annual audit report of the Office; to the Committee on Governmental Affairs.

EC-69. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the annual report of the Office on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-70. A communication from the Chairperson of the Martin Luther King, Jr. Federal Holiday Commission, transmitting, pursuant to law, the annual audit and administrative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-71. A communication from the Staff Director and Director of Education of the Commission on the Bicentennial of the United States Constitution, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-72. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-73. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-74. A communication from the Chairman of the National Commission on Migrant Education, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-75. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Overview of the District's Municipal Borrowing Program"; to the Committee on Governmental Affairs.

EC-76. A communication from the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-77. A communication from the Executive Director of the Illinois and Michigan Canal National Heritage Corridor Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-78. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Annuity Payments for Retired District of Columbia Police Officers, Firefighters, and Teachers"; to the Committee on Government Affairs.

EC-79. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-80. A communication from the Administrative Officer of the Interstate Commission on the Potomac River Basin, transmitting, for the information of the Senate, notice that the audit report of the Commission will be submitted on or about January 1, 1991; to the Committee on Governmental Affairs.

EC-81. A communication from the Chairman of the Board of Directors of the Farm Credit System Assistance Board, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-82. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-83. A communication from the Administrator of General Services, transmitting, pursuant to law, a determination that it is necessary to use procedures other than competitive procedures with respect to the amendment of the solicitation for the design and construction of a U.S. Courthouse and Federal/Municipal Building in New York, New York; to the Committee on Governmental Affairs.

EC-84. A communication from the United States Commissioner of the Delaware River Basin Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-85. A communication from the United States Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-86. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the annual report of the Foundation on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-87. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the limitation imposed on amounts of premium pay for overtime to any individual employed by, or assigned to, the Indian Health Service; to the Select Committee on Indian Affairs.

EC-88. A communication from the National Commander of the American Ex-Prisoners of War, transmitting, pursuant to law, the annual audit report of the American Ex-Prisoners of War for the year ended August 31, 1990; to the Committee on the Judiciary.

EC-89. A communication from the Director of the Federal Bureau of Prisons, transmitting, pursuant to law, the annual report of the Board of Directors of the Federal Bureau of Prisons for fiscal year 1989; to the Committee on the Judiciary.

EC-90. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the fiscal year 1989 Low Income Home Energy Assistance Program; to the Committee on Labor and Human Resources.

EC-91. A communication from the Director of Communications and Legislative Affairs of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the consolidated annual report of the Commission for fiscal years 1986, 1987, and 1988; to the Committee on Labor and Human Resources.

EC-92. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the State Legalization Impact Assistance Grant program for fiscal year 1988; to the Committee on Labor and Human Resources.

EC-93. A communication from the Commissioner of the Rehabilitation Services Administration, transmitting, pursuant to law, the annual report of the Rehabilitation Services Administration for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-94. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: U.S. Government Printing Office's Financial Statements for Fiscal Year 1989"; to the Committee on Rules and Administration.

EC-95. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on Department of Defense Procurement from Small and Other Business Firms for the period October 1989 through August 1990; to the Committee on Small Business.

EC-96. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Department of Veterans Affairs Financial Statements for Fiscal Years 1989 and 1988"; to the Committee on Veterans Affairs.

EC-97. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the State Energy Conservation Program for calendar year 1990; to the Committee on Energy and Natural Resources.

EC-98. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a certification for Vermont under the Low-Level Radioactive Waste Policy Amendments Act of 1985; to the Committee on Energy and Natural Resources.

EC-99. A communication from the Assistant Secretary of the Interior (Policy, Management, and Budget), transmitting, pursuant to law, the reports of the Bureau of Land Management and the Fish and Wildlife Service on implementation of section 318 of the Interior and Related Agencies Appropriations Act through September 1, 1990; to the Committee on Energy and Natural Resources.

EC-100. A communication from the Deputy Secretary of Energy, transmitting, pursuant to law, notification of a delay in the submission of the report on reductions of carbon monoxide emissions; to the Committee on Energy and Natural Resources.

EC-101. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-102. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-103. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-104. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-105. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-106. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-107. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-108. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-109. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "1989 Annual Report on Low-Level Radioactive Waste Management Progress"; to the Committee on Energy and Natural Resources.

EC-110. A communication from the Director of the Office of Alcohol Fuels, Department of Energy, transmitting, pursuant to law, notice of the delay in submission of the report entitled "Report and Termination Plan by the Office of Alcohol Fuels"; to the Committee on Energy and Natural Resources.

EC-111. A communication from the Counselor to the Secretary of the Interior, transmitting a draft of proposed legislation to specify the applicability or inapplicability of certain Federal laws to the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Energy and Natural Resources.

EC-112. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, notice of a delay in the submission of a comprehensive annual report on activities of the Office for fiscal years 1989 and 1990; jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-113. A communication from the Inspector General, Environmental Protection Agency, transmitting, pursuant to law, the annual report of the mandated Superfund audit activities of the Inspector General of the Environmental Protection Agency for fiscal year 1989; to the Committee on Environment and Public Works.

EC-114. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the NASA biennial report on the state of our knowledge of the Earth's upper atmosphere; to the Committee on Environment and Public Works.

EC-115. A communication from the Administrator of General Services, transmitting, pursuant to law, an informational copy of a report on building project survey on the need and feasibility for constructing a parking facility at or near the Pirnie Federal Building in Utica, New York; to the Committee on Environment and Public Works.

EC-116. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1990; to the Committee on Environment and Public Works.

EC-117. A communication from the Secretray of the Interior, transmitting, pursuant to law, a report on the administration of the Marine Mannual Protection Act for calendar year 1989; to the Committee on Environment and Public Works.

EC-118. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, a report entitled "Superfund Costs Claimed by the Department of Energy Under Interagency Agreements With the Environmental Protection Agency-Fiscal Year 1989"; to the Committee on Environment and Public Works.

EC-119. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting pursuant to law, the Final Monthly Treasury Statement of receipts and Outlays of the U.S. Government for Fiscal Year 1990"; to the Committee on Finance.

EC-120. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures during the period April 1 through September 30, 1990 from moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-121. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of the decision of the President to extend production of the Naval Petroleum Reserves for a three year period beyond April 5, 1991; to the Committee on Armed Services.

EC-122. A communication from the Secretary of the Army, transmitting, pursuant to law, a report stating that a major defense acquisition program has breached its unit cost threshold by more than 25 percent; to the Committee on Armed Services.

EC-123. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursant to law, a report on a study with respect to converting the administrative support function at Lackland Air Force Base, Texas to performance by contract; to the Committee on Armed Services.

EC-124. A communication from the President of the United States, transmitting, pursuant to law, a report on developments since the last report concerning the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-125. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notice of an extension of time in Formal Docket No. 40385, Huron Valley Steel Corporation v. CSX Transporation, Inc., to the Committee on Commerce, Science, and Transportation.

EC-126. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the semiannual report on the effectiveness of the Civil Aviation Security program for the period January 1, through June 30, 1989; to the Committee on Commerce, Science, and Transportation.

EC-127. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "A Study of Land Information"; to the Committee on Energy and Natural Resources.

EC-128. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-129. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-130. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-131. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-132. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-133. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-134. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-135. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-136. A communication from the Secretary of Energy, transmitting, pursuant to law, the eleventh report on enforcement actions and comprehensive status of Exxon and stripper well overcharge funds for April 1 through June 30, 1990; to the Committee on Energy and Natural Resources.

EC-137. A communication from the Secretary of Energy, the Secretary of the Interior, and the Acting Director of the National Science Foundation, transmitting jointly, pursuant to law, the second annual report on the United States Continental Scientific Drilling program dated April 1990; to the Committee on Energy and Natural Resources.

EC-138. A communication from the Secretary of Energy, transmitting, pursuant to law, the draft of the Program Opportunity Notice for the Clean Coal Technology Program; to the Committee on Energy and Natural Resources.

EC-139. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, the "High Plains States Groundwater Demonstration Program 1990, Interim Report"; to the Committee on Energy and Natural Resources.

EC-140. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information by the Nuclear Regulatory Commission for the quarter ended September 30, 1990; to the Committee on Environment and Public Works.

EC-141. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the Clean Lakes Demonstration Program for 1989; to the Committee on Environment and Public Works.

EC-142. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination regarding United Nations consensus decision-making procedures, limitations on seconded employees, and reductions in United Nations Secretariat staff; to the Committee on Foreign Relations.

EC-143. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the text of ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries; to the Committee on Foreign Relations.

EC-144. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a quarterly report concerning human rights activities in Ethiopia for the period July 15 through October 14, 1990; to the Committee on Foreign Relations.

EC-145. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on Foreign Relations.

EC-146. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential determination that persons fleeing Kuwait and Iraq due to the current military crisis in the Persian Gulf as qualifying for assistance under the Migration and Refugee Assistance Act; to the Committee on Foreign Relations.

EC-147. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to November 21, 1990; to the Committee on Foreign Relations.

EC-148. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office during the month of October 1990; to the Committee on Governmental Affairs.

EC-149. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a certification concerning a Comptroller General request for a Department of Defense report; to the Committee on Governmental Affairs.

EC-150. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report under the Program Fraud Civil Remedies Act; to the Committee on Governmental Affairs.

EC-151. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Performance Review of PSI Associates, Inc. Under Contract or Non-Contract Agreements With the Department of Human Services"; to the Committee on Governmental Affairs.

EC-152. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "The District Loses Significant Federal Funds on Forest Haven Programs"; to the Committee on Governmental Affairs.

EC-153. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-154. A communication from the Public Printer of the United States, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ending September 30, 1990; to the Committee on Governmental Affairs.

EC-155. A communication from the Chair, Vice Chair, and Members of the GAO Personnel Appeals Board, transmitting, pursuant to law, the annual report of the Board for 1989; to the Committee on Governmental Affairs.

EC-156. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ending September 30, 1990; to the Committee on Governmental Affairs.

EC-157. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-158. A communication from the Director of the United States Peace Corps, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-159. A communication from the Administrator of General Services, transmitting, pursuant to law, the 1991 Strategic Plan of the General Services Administration; to the Committee on Governmental Affairs.

EC-160. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on Drug and Alcohol Abuse Prevention, Treatment and Rehabilitation programs and services for Federal civilian employees; to the Committee on Governmental Affairs.

EC-161. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursuant to law, the report on personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development (Domestic Policy Staff), and the Office of Administration for fiscal year 1990; to the Committee on Governmental Affairs.

EC–162. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC–163. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–164. A communication from the Chairman of the United States International Cultural and Trade Center Commission, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC–165. A communication from the Inspector General, Department of Justice, transmitting, pursuant to law, a report on the audit of the Department of Justice, Environment and Natural Resources Division Superfund financial activities for fiscal year 1989; to the Committee on Governmental Affairs.

EC–166. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, a report on the system of internal controls and financial systems in place during fiscal year 1990; to the Committee on Governmental Affairs.

EC–167. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC–168. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–169. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–170. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–171. A communication from the President and Chief Executive Office of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC–172. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–173. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–174. A communication from the Chairman of the Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Board on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC–175. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–176. A communication from the Administrator of General Services, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–177. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–178. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–179. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–180. A communication from the Chairman of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC–181. A communication from the President of the National Safety Council, transmitting, pursuant to law, the annual financial report of the Council and the Foundation for Safety and Health for fiscal years 1989 and 1990; to the Committee on the Judiciary.

EC–182. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1989; to the Committee on Labor and Human Resources.

EC–183. A communication from the Chairman of the Intergovernmental Advisory Council of Education, transmitting, pursuant to law, a report entitled "Running the Schools: The Road to Reform"; to the Committee on Labor and Human Resources.

EC–184. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor for fiscal year 1989; to the Committee on Labor and Human Resources.

EC–185. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the administration of the Longshore and Harbor Workers' Compensation Act for fiscal year 1989; to the Committee on Labor and Human Resources.

MESSAGES FROM THE HOUSE

At 6:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 2. A resolution informing the Senate that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker of the House; and that Donnald K. Anderson, a citizen of the State of California, has been elected Clerk of the House.

H. Res. 3. A resolution notifying the Senate of the appointment of a committee on the part of the House, to join with a committee on the part of the Senate to notify the President that a quorum of each House is assembled and is ready to receive any communication that he may be pleased to make.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Special Report entitled "Report on the Investigation of Issues Concerning Nominations for General Officer Positions in the Judge Advocate General's Corps, U.S. Army" (Rept. No. 102–1).

SENATE RESOLUTION 1—NOTIFYING THE PRESIDENT THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communications he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 4—ELECTING MARTHA S. POPE AS SERGEANT OF ARMS AND DOORKEEPER OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That Martha S. Pope, of the State of Connecticut, be, and she is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 5—NOTIFYING THE PRESIDENT OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the President of the United States be notified of the election of the Honorable Martha S. Pope, of Connecticut, as Sergeant of Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 6—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the House of Representatives be notified of the election of the Honorable Martha S. Pope, of Connecticut, as Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 7—RELATIVE TO THE REAPPOINTMENT OF MICHAEL DAVIDSON AS SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That the reappointment of Michael Davidson to be Senate Legal Counsel made by the President pro tempore of the Senate this day is effective as of January 3, 1991, and the term of service of the appointee shall expire at the end of the One Hundred and Third Congress.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Jon Leibowitz, a member of the staff of Senator HERB KOHL, to participate in a program in Taiwan, sponsored by Tamkang University, from November 25 through December 1, 1990.

The committee has determined that participation by Mr. Leibowitz in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Sally McConnell, a member of the staff of Senator QUENTIN N. BURDICK, to participate in a program in Taiwan, sponsored by Tamkang University, from November 25 through December 1, 1990.

The committee has determined that participation by Ms. McConnell in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mary Irace, a member of the staff of Congressman LEE H. HAMILTON, to participate in a program in Hong Kong, sponsored by the American Chamber of Commerce, from August 11 to 18, 1990.

The committee has determined that participation by Ms. Irace in the program in Hong Kong, at the expense of the American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Marc Schwartz, a member of the staff of Senator WYCHE FOWLER, JR., to participate in a program in China, sponsored by the United States-Asia Institute, from December 4 to 12, 1990.

The committee has determined that participation by Mr. Schwartz in the program in China, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. John Walsh, a member of the staff of Senator DONALD W. RIEGLE, JR., to participate in a program in Austria, sponsored by the Austrian Federal Economic Chamber, from January 5 to 12, 1991.

The committee has determined that participation by Mr. Walsh in the program in Austria, at the expense of the Austrian Federal Economic Chamber, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Marvin F. Moss a member of the staff of Senator PAUL S. SARBANES, to participate in a program in Belgium and Holland, sponsored by the Friedrich-Ebert Foundation, from November 25 through December 1, 1990.

The committee has determined that participation by Mr. Moss in the program in Belgium and Holland, at the expense of the Friedrich-Ebert Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Edward Barron, a member of the staff of Senator PATRICK LEAHY, to participate in a program in Thailand, sponsored by the Thai Food Processors Association, from December 1 to 7, 1990.

The committee has determined that participation by Mr. Barron in the program in Thailand, at the expense of the Thai Food Processor Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Donald Hardy, a member of the staff of Senator ALAN K. SIMPSON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute from December 3 to 13, 1990.

The committee has determined that participation by Mr. Hardy in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs, and the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Peter Galbraith, a member of the staff of Senator CLAIBORNE PELL, to participate in a program in Paris and Britanny, sponsored by the French Government, from November 9 to 16, 1990.

The committee has determined that participation by Mr. Galbraith in the program in Paris and Brittany, at the expense of the French Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Patricia Fahy, a member of the staff of Senator PAUL SIMON, to participate in a program in Taipei, sponsored by the Soochow University, from December 8 to 15, 1990.

The committee has determined that participation by Ms. Fahy in the program in Taipei, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Stephen T. Gallagher, a member of the staff of Senator ROBERT W. KASTEN, JR., to participate in a program in Taiwan, sponsored by the Chinese Culture University, from December 3 to 10, 1990.

The committee has determined that participation by Mr. Gallagher in the program in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Lisa A. Vehmas, a member of the staff of Senator J. BENNETT JOHNSTON, to participate in a program in Canada, sponsored by the Government of Canada, from November 4 to 10, 1990.

The committee has determined that participation by Ms. Vehmas in the program in Canada, at the expense of the Government of Canada, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Thomas Hill Moore, a member of the staff of Senator JOHN BREAUX, to participate in a program in South Korea, sponsored by the South Korean Congressional Staff Economic Exchange Program, from December 1 to 8, 1990.

The committee has determined that participation by Mr. Moore in the program in South Korea, at the expense of the South Korean Congressional Staff Economic Exchange Program, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Pamela Kruse, a member of the staff of Senator JAMES M. JEFFORDS, to participate in a program in Taipei, sponsored by the Soochow University, from December 8 to 15, 1990.

The committee has determined that participation by Ms. Kruse in the program in Taipei, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Mark Reiter, a member of the staff of Senator QUENTIN N. BURDICK, to participate in a program in China, sponsored by the People's Republic of China and the United States-Asia Institute, from December 3 to 13, 1990.

The committee has determined that participation by Mr. Reiter in the program in China, at the expense of the People's Republic of China and the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Martin W. Morris, a member of the staff of Senator RICHARD G. LUGAR, to participate in a program in Western Europe, sponsored by the Friedrich-Ebert Foundation, from November 25 through December 1, 1990.

The committee has determined that participation by Mr. Morris in the program in Western Europe, at the expense of the Friedrich-Ebert Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Sean Bersell, a member of the staff of Senator PETE V. DOMENICI, to participate in a program in Bolivia, sponsored by the Government of Bolivia and the Bolivian-American Chamber of Commerce, from November 28 through December 3, 1990.

The committee has determined that participation by Mr. Bersell in the program in Bolivia, at the expense of the Bolivian-American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Jonathan P. Raymond, a member of the staff of Senator ORRIN G. HATCH, to participate in a program in Bolivia, sponsored by the Bolivian-American Chamber of Commerce, from November 29 through December 5, 1990.

The committee has determined that participation by Mr. Raymond in the program in Bolivia, at the expense of the Bolivian-American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Helen Albert, a member of the staff of Senator ALFONSE D'AMATO to participate in a program in Bolivia, sponsored by the Bolivian-American Chamber of Commerce, from November 25 through December 5, 1990.

The committee has determined that participation by Ms. Albert in the program in Bolivia, at the expense of the Bolivian-American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Charles G. Nordhoff, a member of the staff of Senator SLADE GORTON, to participate in a program in Taiwan, sponsored by Tamkang University, from November 25 through December 1, 1990.

The committee has determined that participation by Mr. Nordhoff in the program in Taiwan, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Elizabeth Gardner, a member of the staff of Senator JOSEPH R. BIDEN, JR., to participate in a program in Belgium and The Netherlands, sponsored by the Friedrich Ebert Stiftung, from November 25 through December 1, 1990.

The committee has determined that participation by Ms. Gardner in the program in Belgium and The Netherlands, at the expense of the Friedrich Ebert Stiftung, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Kenan Jarboe, a member of the staff of Senator THOMAS A. DASCHLE, to participate in a program in Canada, sponsored by the Canadian Government, from November 4 to 10, 1990.

The committee has determined that participation by Dr. Jarboe in the program in Canada, at the expense of the Canadian Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Donald Santa, a member of the staff of Senator J. BENNETT JOHNSTON, to participate in a program in Canada, sponsored by the Government of Canada, from November 4 to 10, 1990.

The committee has determined that participation by Mr. Santa in the program in Canada, at the expense of the Government of Canada, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Brian McKeon, a member of the staff of Senator JOSEPH R. BIDEN, JR., to participate in a program in Bolivia, sponsored by the Bolivian-American Chamber of Commerce, from November 28 through December 5, 1990.

The committee has determined that participation by Mr. McKeon in the program in Bolivia, at the expense of the Bolivian-American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Stephen W. Hilton, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in Korea, sponsored by the A-san Foundation, from November 10 to 17, 1990.

The committee has determined that participation by Mr. Hilton in the program in Korea, at the expense of the A-san Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Annie Lesher, a member of the staff of Senator BARBARA A. MIKULSKI, to participate in a program in Bolivia, sponsored by the Bolivian-American Chamber of Commerce, from November 29 through December 3, 1990.

The committee has determined that participation by Ms. Lesher in the program in Bolivia, at the expense of the Bolivian-American Chamber of Commerce, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Frank Sieverts, a member of the staff of Senator CLAIBORNE PELL, to participate in a program in Western Europe, sponsored by the Friedrich-

Ebert Foundation, from November 25 through December 1, 1990.

The committee has determined that participation by Mr. Sieverts in the program in Western Europe, at the expense of the Friedrich-Ebert Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Brad Figel, a member of the staff of Senator BOB PACKWOOD, to participate in a program in Brussels, sponsored by the U.S. Government, from December 3 to 7, 1990.

The committee has determined that participation by Mr. Figel in the program in Brussels, at the expense of the U.S. Government, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Sandra Chiu, a member of the staff of Senator ALAN J. DIXON, to participate in a program in China, sponsored by the Tamkang University, from November 25 through December 1, 1990.

The committee has determined that participation by Ms. Chiu in the program in China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Philip J. Ufholz, a member of the staff of Senator STEVE SYMMS, to participate in a program in China, sponsored by the Far East Studies Institute in conjunction with the Chinese People's Institute of Foreign Affairs, from November 9 to 16, 1990.

The committee has determined that participation by Mr. Ufholz in the program in China, at the expense of the Far East Studies Institute in conjunction with the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Ms. Nancy E. Soderberg, a member of the staff of Senator EDWARD M. KENNEDY, to participate in a program in Europe, sponsored by the European Community's Visitors Programme, from October 21 to 28.

The committee has determined that participation by Mr. Soderberg in the program in Europe, at the expense of the European Community's Visitor's Programme, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. William Woolf, a member of the staff of Senator FRANK H. MURKOWSKI, to participate in a program in Thailand, sponsored by the Thai Food Processors Association, from November 16 to 21, 1990.

The committee has determined that participation by Mr. Woolf in the program in Thailand, at the expense of the Thai Food Processors Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Andrew Samet, a member of the staff of Senator DANIEL PATRICK MOYNIHAN, to participate in a program in Canada, sponsored by the Government of Canada, from November 4 to 10, 1990.

The committee has determined that participation by Mr. Samet in the program in Canada, at the expense of the Government of Canada, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Robert J. Carolla, a member of the staff of Senator GEORGE J. MITCHELL, to participate in a program in Thailand, sponsored by the Thai Food Processors Association, from November 16 to 21, 1990.

The committee has determined that participation by Mr. Carolla in the program in Thailand, at the expense of the Thailand Food Processors Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Brian McKeon, a member of the staff of Senator JOSEPH R. BIDEN, to participate in a program in China, sponsored by the Far East Studies Institute and the Chinese People's Institute of Foreign Affairs, from November 9 to 16, 1990.

The committee has determined that participation by Mr. McKeon in the program in China, at the expense of the Far East Studies Institute and the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. David Rudd, a member of the staff of Senator ERNEST F. HOLLINGS, to participate in a program in China, sponsored by the Far East Studies Institute, in conjunction with the Chinese People's Institute of Foreign Affairs, from November 9 to 16, 1990.

The committee has determined that participation by Mr. Rudd in the program in China, at the expense of the Far East Studies Institute, in conjunction with the Chinese People's Institute of Foreign Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Senator DAVE DURENBERGER and, his son, Charlie Durenberger, to participate in a program in Germany, sponsored by the U.S. Association of Former Members of Congress, in cooperation with the Frederick-Ebert Foundation and the German Marshall Fund of the United States, from November 8 to 12, 1990.

The committee has determined that participation by Senator DURENBERGER and, his son, Charlie Durenberger, in the program in Germany, at the expense of the U.S. Association of Former Members of Congress and the Frederick-Ebert Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Messrs. Sean Moran and Tom Kleine, members of the staff of Senator JESSE HELMS, to participate in a program in El Salvador, sponsored by the Committee for Democracy, from September 5 to 6, 1990.

The committee has determined that participation by Messrs. Moran and Kleine in the program in El Salvador, at the expense of the Committee for Democracy, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mary Irace, a member of the staff of Congressman LEE H. HAMILTON, to participate in a program in Hong Kong, sponsored by the American Chamber of Commerce, from August 11 to 18, 1990.

The committee has determined that participation by Ms. Irace in the program in Hong Kong, at the expense of the American Chamber of Commerce, is in the interest of the Senate and the United States.●

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:07 p.m., recessed subject to the call of the Chair; whereupon, the Senate, at 6:58 p.m., reassembled when called to order by the Presiding Officer [Mr. DASCHLE].

The PRESIDING OFFICER. The majority leader.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m. tomorrow, Friday, January 4; that following the prayer, the Journal of Proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FORD. As a clarification, Mr. President, I ask unanimous consent that the privilege of the floor granted earlier today to the signer assigned to the Office of the Sergeant at Arms be extended through the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition and if the distinguished Republican leader has no further business, I now ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 6:59 p.m., recessed until Friday, January 4, 1991, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, January 3, 1991*

This being the day fixed by the 20th amendment to the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the 102d Congress met in their Hall, and at 12 noon, were called to order by the Clerk of the House of Representatives, Hon. Donnald K. Anderson.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May Your blessing, O gracious God, be with each person who has been given the honor and responsibility of serving in this place. Conscious of the trust given by the people of our Nation, we pray that these Representatives will be good stewards of the resources of the land and faithfully seek to do the works of justice for all the people.

May our petitions for peace, O God, be translated into the works and the reality of peace. We remember this day citizens of our Nation who serve in distant places and all others who labor for peace so that conflict will be put aside and nations will enjoy the security they earnestly seek and deserve.

We thank You, O God, for the gift of life with all its possibilities and all its joy. On this special day at the beginning of this new Congress, we dedicate ourselves to preserve and protect Your gifts to us and to all people so that justice will roll down as waters and righteousness like an everflowing stream. Amen.

PLEDGE OF ALLEGIANCE

The CLERK. Will the Members-elect and their guests please rise and join with us in the Pledge of Allegiance to the Flag.

The Clerk led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution for the meeting of the 102d Congress, and as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 102d Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama to determine whether a quorum is present.

There was no objection.

The CLERK. Representatives-elect who have not obtained their voting ID cards may do so now in the Speaker's lobby.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ALABAMA

Bevill
Browder
Cramer
Erdreich
Harris
Callahan
Dickinson

ALASKA

Young

ARIZONA

Udall
Kolbe
Kyl
Rhodes
Stump

ARKANSAS

Alexander
Anthony
Thornton
Hammerschmidt

CALIFORNIA

Anderson
Beilenson
Berman
Boxer
Brown
Condit
Dellums
Dixon
Dooley
Dymally
Edwards
Fazio
Lantos
Lehman
Levine
Martinez
Matsui
Miller
Mineta
Panetta
Pelosi
Roybal
Stark
Torres
Waters
Waxman
Campbell
Cox
Cunningham
Dannemeyer
Doolittle
Dornan
Dreier
Gallegly
Herger
Hunter
Lagomarsino
Lewis
Lowery
McCandless
Moorhead
Packard
Riggs
Rohrabacher
Thomas

COLORADO

Campbell
Schroeder
Skaggs
Allard
Hefley
Schaefer

CONNECTICUT

DeLauro
Gejdenson
Kennelly
Franks
Johnson
Shays

DELAWARE

Carper

FLORIDA

Bacchus
Bennett
Fascell
Gibbons
Hutto
Johnston
Lehman
Smith
Bilirakis
Goss
Ireland
James
Lewis
McCollum
Ros-Lehtinen
Shaw
Stearns
Young

GEORGIA

Barnard
Darden
Hatcher
Jenkins
Jones
Lewis
Ray
Rowland
Thomas
Gingrich

HAWAII

Abercrombie
Mink

IDAHO

LaRocco
Stallings

ILLINOIS

Annunzio
Bruce
Collins
Costello
Cox
Durbin
Evans
Hayes
Lipinski
Poshard
Rostenkowski
Russo
Sangmeister
Savage
Yates
Crane
Fawell
Hastert
Hyde
Madigan
Michel
Porter

INDIANA

Hamilton
Jacobs
Jontz
Long
McCloskey
Roemer
Sharp
Visclosky
Burton
Myers

IOWA

Nagle
Smith
Grandy
Leach
Lightfoot
Nussle

KANSAS

Glickman
Slattery
Meyers
Nichols
Roberts

KENTUCKY

Hubbard
Mazzoli
Natcher
Perkins
Bunning
Hopkins
Rogers

LOUISIANA

Hayes
Huckaby
Jefferson
Tauzin
Baker
Holloway
Livingston
McCrery

MAINE

Andrews
Snowe

MARYLAND

Byron
Cardin
Hoyer
McMillen
Mfume
Bentley
Gilchrest
Morella

MASSACHUSETTS

Atkins
Donnelly
Early
Frank
Kennedy
Markey
Mavroules
Moakley
Neal
Studds
Conte

MICHIGAN

Bonior
Collins
Conyers
Dingell
Ford
Hertel
Kildee
Levin
Traxler
Wolpe
Broomfield
Camp
Davis
Henry
Pursell
Upton
Vander Jagt

MINNESOTA

Oberstar
Penny
Peterson
Sabo
Sikorski
Vento
Ramstad
Weber

MISSISSIPPI

Espy
Montgomery
Parker
Taylor
Whitten

MISSOURI

Clay
Gephardt
Horn
Skelton
Volkmer
Wheat
Coleman
Emerson
Hancock

MONTANA

Williams
Marlenee

NEBRASKA

Hoagland
Barrett
Bereuter

NEVADA

Bilbray
Vucanovich

NEW HAMPSHIRE

Swett
Zeliff

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

NEW JERSEY

Andrews
Dwyer
Hughes
Pallone
Payne
Roe
Torricelli
Gallo
Rinaldo
Roukema
Saxton
Smith
Zimmer

NEW MEXICO

Richardson
Schiff
Skeen

NEW YORK

Ackerman
Downey
Engel
Flake
Hochbrueckner
LaFalce
Lowey
Manton
McHugh
McNulty
Mrazek
Nowak
Owens
Rangel
Scheuer
Schumer
Serrano
Slaughter
Solarz
Towns
Weiss
Boehlert
Fish
Gilman
Green
Horton
Houghton
Lent
Martin
McGrath
Molinari
Paxon
Solomon
Walsh

NORTH CAROLINA

Hefner
Jones
Lancaster
Neal
Rose
Valentine
Ballenger
Coble
McMillan
Taylor

NORTH DAKOTA

Dorgan

OHIO

Applegate
Eckart
Feighan
Hall
Kaptur
Luken
Oakar
Pease
Sawyer
Stokes
Traficant
Boehner
Gradison
Hobson
Kasich
McEwen
Miller
Oxley
Regula
Wylie

OKLAHOMA

Brewster
English
McCurdy
Synar
Edwards
Inhofe

OREGON

AuCoin
DeFazio
Kopetski
Wyden
Smith

PENNSYLVANIA

Borski
Coyne
Foglietta
Gaydos
Kanjorski
Kolter
Kostmayer
Murphy
Murtha
Yatron
Clinger
Coughlin
Gekas
Goodling
McDade
Ridge
Ritter
Santorum
Schulze
Shuster
Walker
Weldon

RHODE ISLAND

Reed
Machtley

SOUTH CAROLINA

Derrick
Patterson
Spratt
Tallon
Ravenel
Spence

SOUTH DAKOTA

Johnson

TENNESSEE

Clement
Cooper
Ford
Gordon
Lloyd
Tanner
Duncan
Quillen
Sundquist

TEXAS

Andrews
Brooks
Bryant
Bustamante
Coleman
de la Garza
Edwards
Frost
Geren
Gonzalez
Hall
Laughlin
Ortiz
Pickle
Sarpalius
Stenholm
Washington
Wilson
Archer
Armey
Bartlett
Barton
Combest
DeLay
Fields

UTAH

Orton
Owens
Hansen

VERMONT

Sanders

VIRGINIA

Boucher
Moran
Olin
Payne
Pickett
Sisisky
Bateman
Bliley
Slaughter
Wolf

WASHINGTON

Dicks
Foley
McDermott
Swift
Unsoeld
Chandler
Miller
Morrison

WEST VIRGINIA

Mollohan
Rahall
Staggers
Wise

WISCONSIN

Aspin
Kleczka
Moody
Obey
Gunderson
Klug
Petri
Roth
Sensenbrenner

WYOMING

Thomas

☐ 1230

The CLERK. On this quorum call by electronic device, 427 Representatives-elect have recorded their presence. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable JAIME B. FUSTER, as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1989; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; and the election of the Honorable RON DE LUGO as Delegate from the Virgin Islands.

The Clerk has received copies of credentials showing the election of the Honorable BEN BLAZ, as Delegate from Guam; and the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa.

Without objection these two Delegates will be permitted to take the oath of office today.

There was no objection.

ELECTION OF SPEAKER

The CLERK. The next order of business is the election of the Speaker of the House of Representatives for the 102d Congress.

Nominations are now in order.

The Clerk recognizes the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 102d Congress the name of the Honorable THOMAS S. FOLEY, a Representative-elect from the State of Washington.

The CLERK. The Clerk now recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Clerk, as chairman of the Republican Conference, I am directed by the unanimous vote of that conference to present for election to the Office of the Speaker of the House of Representatives of the 102d Congress, the name of the Honorable ROBERT H. MICHEL, a Representative-elect from the land of Lincoln, the State of Illinois.

The CLERK. The Honorable THOMAS S. FOLEY, a Representative-elect from the State of Washington, and the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from North Carolina [Mr. ROSE]; the gentleman from California [Mr. THOMAS]; the gentlewoman from Colorado [Mrs. SCHROEDER]; and the gentlewoman from Maine [Ms. SNOWE].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

FOLEY—262

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey

Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

MICHEL—165

Allard
Archer
Armey
Baker
Ballenger
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Foley
Michel

NOT VOTING—1

Murphy

☐ 1325

The CLERK. The tellers agree in their tallies that the total number of votes cast is 429, of which the Honorable THOMAS S. FOLEY of Washington has received 262 and the Honorable ROBERT H. MICHEL of Illinois has received 165, with 2 voting "present."

Therefore, the Honorable THOMAS S. FOLEY of Washington is duly elected Speaker of the House of Representatives for the 102d Congress, having received a majority of the votes cast.

PERSONAL EXPLANATION

Mr. PRICE. Mr. Speaker, because of airline delays, I was inadvertantly absent for votes No. 1 and 2 earlier today. I ask that it be recorded that, had I been present, I would proudly have voted for THOMAS FOLEY as Speaker.

The CLERK. The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois [Mr. MICHEL], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Pennsylvania [Mr. GRAY], the gentleman from Maryland [Mr. HOYER], the gentleman from California [Mr. LEWIS], the gentleman from Washington [Mr. DICKS], and the gentleman from Washington [Mr. MORRISON].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

☐ 1330

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 102d Congress, who was escorted to the chair by the committee of escort.

Mr. MICHEL. Mr. Speaker and my colleagues, and ladies and gentlemen, and sleepy grandchildren too. First, I want to thank my Republican colleagues for according me the high honor to be your leader again in this 102d Congress. Second, a formal warm welcome to the 43 new Members, 18 on our side and 25 on the Democrat side. Collectively you give us a 10-percent infusion of new blood into the House of Representatives, and we are grateful for your presence.

Third, to my colleagues on the Democrat side of the aisle, let me say that during this Congress you Democrats and we Republicans will be carrying out our responsibilities as defenders of our respective political philosophies, and that is as it should be. This is neither the proper time nor the place to develop that particular theme. However, I thought you would want to know that you will be hearing from me about these great differences, maybe as early as later on this afternoon, and yes, for some time to come.

There is a saying attributed to Thomas Jefferson that applies to the task that we will undertake. "He does best in God's great world who does best in his own little world." And this House is a little world in which we have been called upon to do our best.

We come to this House with differing points of view and all shades of political thinking. This is where those clashes of ideas are to be argued and debated openly in an atmosphere of orderliness, decorum, civility, comity and mutual respect for one another. To preside over this body we have a very able and capable man who subscribes to all of these tenets, and who has already proved to be a very fair and impartial speaker.

I would wish that every Member of this House could say as I do, I am personally proud to call TOM FOLEY my good and trusted friend. And I am highly honored, extremely honored, to present him to you as the Speaker of the House of the 102d Congress.

Mr. FOLEY. My colleagues, I am deeply grateful for the opportunity to serve again as Speaker of this House.

My particular gratitude goes in the forefront to BOB MICHEL for his generous remarks. I consider it a great honor and opportunity to serve with the distinguished Republican leader. I have served in my time with distinguished Members of Congress of every political philosophy and position. But in my judgment, no one has brought greater talent, judgment, decency, loyalty, or respect for this House and its traditions than has BOB MICHEL. And if I may, I salute the wisdom of my Republican colleagues in choosing him as their leader.

I look forward to serving with you, BOB, in the coming 2 years. And as a symbol of our friendship and of my respect for you, I am going to return this gavel to you, as long as you promise to keep it off this desk.

I wish, of course, to express my gratitude to many others: to my constituents who have done me the honor of allowing me to serve in the Congress; to my staff; to my friends; and most particularly to my wife of 22 years, Heather, who has been my constant support and my selfless friend.

I have said many times, and I know my colleagues will understand this, that serving as the Speaker of the House of Representatives is the second greatest honor of my political life. The first for each one of us in this House must be the honor of serving the constituents that do us the great honor of allowing us to serve them. And to my constituents of the Fifth District of the State of Washington I express again my gratitude and thanks for their support and their confidence.

I am mindful as well of my responsibility in this House to undertake to discharge my responsibilities as Speaker with fairness and dignity. I pledge to you to wield this gavel firmly but fairly, in accordance with our established principles, procedures, and precedents.

I also pledge to expedite the business of the House, which is after all the business of the Nation. We convene the 102d Congress in trying times, confronted by difficult—perhaps critical—choices in both domestic and foreign affairs.

In addressing these important questions of economic strength and international stability, I intend to work in every way that I can with all of you; with the President; and with the leadership of the other body. I will pursue cooperation, not conflict; reconciliation not recrimination.

There will be of course, differences. As BOB MICHEL has said so well, this is the place where we must debate those differences, where we must display them and resolve them. But I hope to resolve them with respect, not resentment and retribution.

□ 1340

In all that we undertake, I hope we are guided by Jefferson's dictum that our Government is founded not on the fears and follies of man, but in his reason.

We are fond of calling this the people's body. We reflect in our diversity the great values and variety of our Nation. And it is here that the American people retain their most direct share in their Government.

I believe there is no higher calling than public service and no greater career than to serve in the House of Representatives. No other office offers so many challenges and opportunities. No other profession attracts so many people of talent, skill, and dedication. No other calling offers as many opportunities to improve the circumstances and promote the dignity of our fellow citizens.

In just a few moments I will administer the oath of office to the Members of the 102d Congress. Forty-three Members will take their oath for the first time.

For those of us who have taken it before, it is always a great thrill, a great sense of accomplishment to take the oath of office. But I think we have a sense of how important it is for you, the new Members, as you, perhaps more than the rest of us, are surrounded by your family and your friends as you begin your careers here in the House of Representatives.

I know that we will all undertake this oath with a sense of pride, with the resolve to improve our Nation and protect its institutions, and to fulfill our obligations as Members of the Congress in a way that brings credit to us individually, to our constituencies and to this House; so that, in Daniel Webster's words ascribed above this desk, "We also in our own day and generation may perform something worthy to be remembered."

I am now ready to take the oath of office. I ask the dean of the House of Representatives, the Honorable JAMIE L. WHITTEN, of Mississippi, to administer the oath of office.

Mr. WHITTEN then administered the oath of office to Mr. FOLEY, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedent, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and Resident Commissioner-elect rose, and the Speaker administered the oath of office to them, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. The gentleman and gentlewomen are now Members of the 102d Congress. Congratulations.

The Chair recognizes the gentleman from Maryland [Mr. HOYER].

□ 1250

MAJORITY LEADER

Mr. HOYER. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have elected as majority leader of the House the gentleman from Missouri, the Honorable RICHARD A. GEPHARDT.

The SPEAKER. The Chair now recognizes the gentleman from California [Mr. LEWIS].

MINORITY LEADER

Mr. LEWIS of California. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to officially notify the House that the gentleman from Illinois, the Honorable ROBERT H. MICHEL, has been selected as minority leader of the House.

MAJORITY WHIP

Mr. HOYER. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected the gentleman from Pennsylvania, the Honorable WILLIAM H. GRAY III, to act as majority whip.

MINORITY WHIP

Mr. LEWIS of California. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have elected as our minority whip the gentleman from Georgia, the Honorable NEWT GINGRICH.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, DOORKEEPER, POSTMASTER, AND CHAPLAIN

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Donnald K. Anderson, of the State of California, be, and he is hereby, chosen Clerk of the House of Representatives;

That Jack Russ, of the State of Maryland, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That James T. Molloy, of the State of New York, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Robert V. Rota, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Postmaster of the House of Representatives;

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. LEWIS of California. Mr. Speaker, I have an amendment to the resolution, but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain of the House of Representatives, the Reverend James Ford.

That portion of the resolution was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer an amendment in the nature of a substitute for the remainder of the resolution offered by the gentleman from Maryland [Mr. HOYER].

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LEWIS of California for the remainder of House Resolution 1: Strike out all after the resolving clause, and insert:

That William R. Pitts, Jr., of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

The Walter P. Kennedy, of the State of New Jersey, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Ronald W. Lasch, of the Commonwealth of Virginia, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Jay Pierson, of the State of Maryland, be, and he is hereby, chosen Postmaster of the House of Representatives.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. LEWIS].

The amendment in the nature of a substitute for the remainder of the resolution was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Maryland [Mr. HOYER].

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SPEAKER. The Chair will now swear in the officer of the House.

The officers-elect presented themselves at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. You are now elected officers of the House of Representatives of the 102d Congress.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 2) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Thomas S. Foley, a Representative from the State of Washington, has been elected Speaker; and Donnald K. Anderson, a citizen of the State of California, has been elected Clerk of the House of Representatives of the One Hundred Second Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL].

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Thomas S. Foley, a Representative from the State of Washington, Speaker; and Donnald K. Anderson, a citizen of the State of California, Clerk of the House of Representatives of the One Hundred Second Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed resolutions of the following titles, in which the concurrence of the House is requested:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 6

Resolved, That the House of Representatives be notified of the election of the Honorable Martha S. Pope, of Connecticut, as Sergeant at Arms and Doorkeeper of the Senate.

RULES OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred First Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the Rules of the House at the end of the One Hundred First Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the One Hundred Second Congress, with the following amendments included therein as part thereof, to wit:

(1) In rule I, amend clause 9(a) by adding at the end the following: "Any such telecommunications function shall be subject to rules and regulations issued by the Speaker.".

(2) In rule X, amend clause 1(e)(1) by striking "One Hundred First Congress" in both instances and inserting "One Hundred Second Congress".

(3) In rule X, amend clause 1(q) by repealing paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(4) In rule X, amend clause 1(t) by striking "title I of the Ethics in Government Act of 1978" and inserting "titles I and V of the Ethics in Government Act of 1978 and sections 7342, 7351, and 7353 of title 5, United States Code".

(5) In rule XI, amend clause 2(a) by striking "the Congress convenes" and inserting "the committee is elected".

(6) In rule XI, amend clause 2(d) to read as follows:

"Vice chairman or ranking majority Member to preside in absence of chairman

"(d) The member of the majority party on any standing committee or subcommittee thereof ranking immediately after the chairman shall be vice chairman of the committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.".

(7) In rule XI, amend clause 2(e)(6) by—

(A) striking the second parenthetical; and

(B) striking out the period at the end of the first sentence and everything in the second sentence preceding the colon and inserting the following: ", or as provided by section 305(a)(1) of the Congressional Budget Act of 1974 in the case of a concurrent resolution on the budget".

(8) In rule XII, amend the title to read as follows:

"Resident Commissioner and Delegates"

(9) In rule XVI, amend clause 4 by striking the last two sentences and inserting the following: "It shall be in order at any time during a day for the Speaker, in his discretion, to entertain motions that (1) the Speaker be authorized to declare a recess; and (2) when the House adjourns it stand adjourned to a day and time certain. Either motion shall be of equal privilege with the motion to adjourn provided for in this clause and shall be determined without debate.".

(10) In rule XXI, add at the end the following new clause:

"8. It shall not be in order to consider a bill, joint resolution, or conference report providing, increasing, or decreasing receipts or direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985), unless the conference report or bill or joint resolution as reported contains the following statement of law: "The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows: .". The blank shall be filled with a cost estimate provided by the Congressional Budget Office (prepared in consultation with the Joint Committee on Taxation where appropriate pursuant to section 201(g) of the Congressional Budget Act of 1974). The cost estimate shall be in writing and shall be signed, and shall contain an estimate of the amount of the change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995, resulting from the conference report or bill or joint resolution as reported.".

(11) In rule XXIII, amend clause 2 by adding at the end the following new paragraph:

"(c) In the Committee of the Whole, the Chairman may, in his discretion, reduce to not less than five minutes the period of time within which a rollcall vote by electronic device may be taken without any intervening business or debate on any or all pending amendments after the vote has been taken on the first pending amendment.".

(12) In rule XXIV, amend the third proviso of the fifth sentence of clause 7 by—

(A) striking out "during any one session of Congress" and inserting "during any one session of a Congress"; and

(B) striking out "at the next session of Congress" and inserting "at the next session of that Congress".

(13) In rule XXVII, amend the following by—

(A) deleting clause 2;

(B) striking "or has been seconded pursuant to clause 2 of this rule" in clause 3;

(C) striking the third sentence in the third undesignated paragraph of clause 4 and inserting: "If the motion prevails to discharge the Committee on Rules from any resolution pending before the committee, the House shall immediately consider such resolution, the Speaker not entertaining any dilatory motion except one motion to adjourn, and, if such resolution is adopted, the House shall immediately proceed to its execution."; and

(D) renumbering clause 3 as clause 2 and clause 4 as clause 3.

(14) In rule XLV, amend the following by—

(A) striking "On or after January 3, 1978, no" in clause 1 and inserting "No";

(B) redesignating clause 3 as clause 4; and

(C) inserting after clause 2 the following new clause:

"3. Notwithstanding any other provision of this rule, if an amount from the Official Expenses Allowance of a Member is paid into the House Recording Studio revolving fund for telecommunications satellite services, the Member may accept reimbursement from non-political entities in that amount for transmission to the Clerk of the House of Representatives for credit to the Official Expenses Allowance.".

(15) In rule XLVI, amend the following by—

(A) deleting clause 2 and by redesignating clauses 3 and 4 as clauses 2 and 3, respectively;

(B) amending clause 2 (as redesignated) to read as follows:

"2. A Member shall, before making any mass mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with applicable provisions of law, rule, or regulation.";

(C) adding a new clause 4 to read as follows:

"4. A Member may not send any mass mailing outside the congressional district of the Member, except that—

"(a) a Member may send mass mailings to any area in a county, if any part of the county adjoins or is inside the congressional district of the Member; and

"(b) in the case of redistricting, on and after the date referred to in section 3210(d)(1)(B) of title 39, United States Code, a Member may send mass mailings to the additional area described in that section.";

(D) striking "mailed" in clause 6 and inserting "postmarked" and inserting after the period the following: "If mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply."; and

(E) amending clause 7 to read as follows:

"7. For purposes of this rule—

"(a) the term 'mass mailing' means, with respect to a session in Congress, any mailing of newsletter or other pieces of mail with substantially identical content (whether such mail is deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces in that session, except that such term does not include any mailing—

"(1) of matter in direct response to a communication from a person to whom the matter is mailed;

"(2) from a Member to other Members of Congress, or to Federal, State, or local government officials; or

"(3) of a news release to the communications media."

"(b) The term 'Member' means any Member of the House of Representatives, a Delegate to the House of Representative, or the Resident Commissioner in the House of Representatives.

"(c) The term 'Members of Congress' means Senators and Representatives in, and Delegates and Resident Commissioners to, the Congress.".

(16) In rule XLVII, amend clause 2 as follows:

(A) by striking "affilate with or be employed" in paragraph (1) and inserting "receive compensation for affiliating with or being employed";

(B) by striking "to provide professional services which involves" in paragraph (1) and inserting "which provides professional services involving";

(C) by striking "for compensation" in paragraph (1);

(D) by striking "practice" in paragraph (3) and inserting "receive compensation for practicing"; and

(E) by striking "for compensation" in paragraph (3).

(17) In rule XLVII, amended clause 3(e) as follows:

(A) by inserting after "Member," the first place it appears the following: "officer or employee,";

(B) by amending paragraph (1) to read as follows: "(1) the salary of such individual as a Member, officer or employee;"

(C) by striking "Member" the first place it appears in paragraph (2) and inserting "individual" and by inserting after "Member," the second place it appears the following: "officer or employee,";

(D) by striking "Member" the first place it appears in paragraph (3) and inserting the following: "Member, officer or employee", and by striking "Member" the second place it appears and inserting "such individual"; and

(E) by striking "Member" the first place it appears in paragraph (4) and inserting the following: "Member" in the three subsequent places it appears and inserting "individual".

(18) In rule XLVIII, amended the following by—

(A) striking ", exclusive of service by any Member during the Ninety-fifth Congress" in clause 1(c);

(B) striking "the Ninety-seventh Congress and each Congress thereafter" in clause 1(c) and inserting "each Congress"; and

(C) striking "beginning after September 30, 1978" in clause 9.

(21) Add a new rule LI to read as follows:

"RULE LI.

"EMPLOYMENT PRACTICES.

"1. The provisions of the Fair Employment Practice Resolution, House Resolution 558 of the 100th Congress, are applicable to Members, officers, employees and employment positions of the House.

"2. The Committee on House Administration shall have authority to issue rules and regulations applying the rights and protections of the Fair Labor Standards Act in the House, including, but not limited to, determination of exemption categories, premitting the use of compensatory time as compensation under the maximum work week provisions of the Act, describing the record keeping requirements and providing that such record keeping provisions do not apply with respect to employees exempted pursuant to the Committee's Rules and Regulations.".

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], for the purposes of debate only, pending which I yield myself such time as I may consume.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. I ask the majority leader, and I cleared this with the minority leader, due to the vast number of speakers on this side of the aisle, and due to the importance of these rule changes, I ask unanimous consent that the debate time be extended from 1 hour to 1½ hours. We would like more than the limit of the unanimous-consent request, and we would appreciate the indulgence of the majority leader in granting that unanimous-consent request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. FROST. Mr. Speaker, I object to the unanimous-consent request.

The SPEAKER. The gentleman's objection is heard.

☐ 1400

Mr. GEPHARDT. Mr. Speaker, I yield 11 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, House Resolution 5 contains changes to the rules of the House of Representatives recommended for inclusion in the rules of the House for the 102d Congress. For the most part, the package contains amendments to the rules of the 101st Congress which are technical, clarifying, and confronting in nature or which eliminate obsolete provisions. Two of the recommended amendments, however, substantially affect the operations of the House. Those amendments will be explained in some detail in my statement and at this time I would like to take a few minutes to briefly summarize the recommended changes to the rules of the House.

Mr. Speaker, currently, clause 9(a) of rule I grants the Speaker the authority to direct and control closed circuit telecommunications systems within the House. The first amendment simply clarifies that the Speaker is empowered to issue rules and regulations affecting any telecommunications within the House.

The second amendment provides a waiver of the service limitation restrictions for service on the Committee on the Budget for those minority Members elected to the committee as the ranking minority member. This waiver was included in rule X in the 101st Congress and was, when first adopted, only applicable to the 101st Congress. This amendment extends the waiver through the 102d Congress.

The third amendment deletes an obsolete grant of authority to the Committee on Rules found in clause 1(q) of rule X. Prior to the adoption of the 1985 Gramm-Rudman-Hollings amendments to the Congressional Budget Act, authorizing legislation was required to be reported by May 15 of the year preceding the start of the fiscal year in which such authorizing legislation becomes effective. Rule X granted the Committee on Rules the authority to waive that provision of the Budget Act in those cases in which committees did not meet the May 15 deadline. However, the 1985 amendments deleted this provision and this amendment strikes this obsolete grant of authority.

The Ethics in Government Act, enacted during the 101st Congress, granted additional authority to the Committee on Standards of Official Conduct in order that it might carry out its responsibility to issue regulations and implement certain Government ethics laws as they apply to Members, officers, and employees of the House of Representatives. The fourth amendment merely expands the jurisdictional grant of authority in the rules of the House to reflect the committee's additional responsibilities under the act.

Mr. Speaker, the fifth amendment alters clause 2(a) of rule XI to give the standing committees of the House adequate time to organize the beginning of a Congress. The current rule requires committees of the House print their rules in the CONGRESSIONAL RECORD within 30 days after the Congress convenes. The amendment provides that the rules shall be printed within 30 days after the committee has been elected by the House.

The sixth amendment is a straightforward amendment which specifically provides that the ranking majority Member of each committee and subcommittee shall be designated as the vice-chairman of that committee or subcommittee.

The seventh amendment amends clause 2(l)(6) of rule XI in two respects. In the first instance, the amendment deletes duplicative and conflicting provisions contained in that clause to clarify that legislation is not eligible for consideration until after it has been available for 3 days. In the second instance, the amendment provides that the layover requirements for a budget resolution shall conform with the requirements of section 305(a)(1) of the Budget Act.

The eighth amendment is a technical change to the title of rule XII to reflect the current membership in the House of the Resident Commissioner of Puerto Rico and all Delegates.

The ninth amendment would allow the Speaker, in his discretion to recognize Members for a privileged motion which, if agreed to, would authorize the Speaker to declare a recess, either to a time certain or subject to the call of the Chair. Under the current rules, in order for the House to recess, it is necessary to obtain unanimous consent or the House must agree to a rule reported from the Committee on Rules providing for such a recess.

The 10th amendment is a matter of some substance. Mr. Speaker, this amendment would enhance informed and deliberate fiscal decisions by the Congress by incorporating a statutory statement of cost, provided by the Congressional Budget Office, into spending our revenue bills. Under the budget reform measures enacted at the end of the 101st Congress as part of the reconciliation package, it is imperative that Congress know the cost of legislation because, under the new pay-as-you-go procedure, a sequestration on all nonexempt entitlement programs is required to offset deficit increases caused by new entitlement and revenue legislation.

This amendment to rule XXI would require reported bills and conference reports to contain a statement of law codifying the CBO cost estimate for such bills and conference reports, through fiscal year 1995, for the purposes of pay-as-you-go sequestration. This statement of law will also ensure that the same CBO estimate is used for calculating the cost of legislation for purposes of any end-of-the-session sequestration applying to direct spending. A point of order would lie against a bill or conference report in violation of this requirement.

It is the opinion of the Democratic caucus that CBO cost estimates most accurately reflect the will of Congress and ensures that the scoring of these measures will be performed by an agency without any policy interests in the legislation which it is evaluating. The rule also ensures that Members will know when they vote on entitlement and revenue legislation whether enactment of such legislation may result in a sequester of all nonexempt direct spending programs, including Medicare.

In order to facilitate the business of the House, the 11th amendment would permit the Chairman of the Committee of the Whole to cluster votes in those instances in which a series of votes may take place in the Committee. In other words, the Chair would be permitted, in his discretion, to reduce the time on all votes subsequent to a 15-minute vote to 5 minutes so long as no other business intervenes between votes.

The 12th amendment is a technical amendment which clarifies that the alphabetical call of the committees under Calendar Wednesday shall begin anew with each session of a Congress as well as at the beginning of a Congress.

The 13th amendment amends rule XXVII in two respects. In the first instance, the amendments strikes the provisions in current House rules which requires a vote on ordering seconds on motions to suspend the rules. In the second instance, the amendment amends the discharge rule to clarify that resolutions discharged from the Committee on Rules are to be considered in the House in a manner similar to the consideration of bills discharged from other committees of the House.

Mr. Speaker, at the present time, all expenses associated with the use of the House Recording Studio and the electronic transmission of recording sessions are charged against the official expenses allowance of a Member. However, in some instances, the transmission costs are more properly attributed to the nonpolitical organization receiving the transmission. The 14th amendment would allow a Member, in those instances, to receive reimbursement and to restore his expense allowance in the exact amount of the transmission cost charged against the official expense allowance. Absent this amendment to rule XLV, it is possible that the receipt by a Member for reimbursement for expenses associated with an official communication is susceptible to characterization of the gift rule.

The 15th amendment conforms the limitations on the use of the frank in the current House rules with the additional restrictions on franking and mass mailings included in the legislative branch appropriations for fiscal years 1990 and 1991. The amendment strikes the annual limitation in the House Rule on postal patron mailings, requires that any mass mailing be submitted for prior approval to the Franking Commission, provides restrictions on mass mailings outside a Member's congressional district, requires that mass mailings must be postmarked no later than 60 days prior to an election, and adds the new statutory definition of mass mailing to the rule.

The 16th and 17th amendments in House Resolution 5 are technical and clarifying amendments which bring the Rules of the House into conformity with the Ethics Reform Act of 1989, as amended. Amendment No. 16 makes several grammatical changes to clarify that the ban on affiliation with a firm applies only if compensation is received and only to affiliation or employment with a professional services firm. Amendment No. 17 conforms the definition of the applicability of outside earned income in the Rules of the House to include appropriate references to officers and employees of the House.

Amendment No. 18 strikes several obsolete transition provisions in the House Rules relating to unofficial office accounts and the Permanent Select Committee on Intelligence.

The final amendment contained in House Resolution 5, Mr. Speaker, relates to a matter of great importance to the operation of the House of Representatives. Amendment No. 19 creates a new House rule LI which codifies the provisions of the Fair Employment Practices resolution first passed by the House in the 100th Congress and also authorizes the Committee on House Administration to issue rules and regulations to clarify and reconcile the application of the rights and protections of the Fair Labor Standards Act with other House policies and disbursing practices.

Paragraph 1 of the amendment, which makes permanent the Fair Employment Practices resolution, prohibits discrimination in employment actions and provides that the Office of Fair Employment Practices can adjudicate any complaints brought under the rule.

Paragraph 2 of the new rule grants the Committee on House Administration the authority to issue rules and regulations relating to the application of the minimum wage law in the House of Representatives. The rule specifically provides the committee with the authority to issue rules and regulations which would classify House employees as exempt and nonexempt for purposes of the Fair Labor Standards Act; to provide a means for compensatory time off in lieu of cash payments for work in excess of 40 hours a week for nonexempt employees; and to issue rules which will eliminate unnecessary recordkeeping for exempt employees.

Mr. Speaker, that concludes my explanation of the recommended amendments to the Rules of the House for the 102d Congress embodied in House Resolution 5.

□ 1410

Mr. SOLOMON. I thank the gentleman for yielding the time.

Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the distinguished historian George Galloway, in his "History of the U.S. House of Representatives," tells us, and I quote:

> The customary practice in post bellum days, when a new House met, was to proceed under general parliamentary law, often for several days, with unlimited debate, until a satisfactory revision of former rules had been effected.

Mr. Speaker, in recent times, this practice of open debate and amendment of the proposed set of House rules has been abandoned in favor of this abbreviated, 1-hour of debate with virtually no opportunity for amendment from either side of the aisle.

That tells us a lot, Mr. Speaker, of what has been happening to this House. The important rules of procedure which will guide our committees and subcommittees and this House in their crucial legislative deliberations over the next 2 years have been really relegated to a pro forma exercise.

But today, there is no longer an opportunity for Members to fully participate in offering amendments to reform this House as it should be reformed. If ever there has been a time when we should undergo a thorough debate and revision of our rules, this is it, now, today.

Victorious candidates usually come away from elections claiming a mandate. Well, if there is one mandate the American people handed us last November 6, it was this: "Clean up your act, Congress, clean up your act. House of Representatives: no more business as usual."

Some of my friends on the other side of the aisle like to crow that the President's approval rating has slipped to 52 percent, even though that is greater that at any time since John F. Kennedy was President. But do not crow too loudly, my colleagues. The approval rating of this Congress has fallen to a measley 23 percent, according to an ABC News election day survey. Remember that? Let me repeat: Only 23 percent of the American people approve of the way this Congress conducts its business. Is that anything to be proud of? I should hope not.

And yet, Mr. Speaker, just look at what the Democrat caucus serves up on opening day in the way of House rules changes. Take a hard look at your Democrat caucus resolution of House rule changes. Instead of toughening up the budget enforcement, they are already going back on last year's budget summit agreements.

Pay-as-you-go enforcement provisions, remember that? Remember all the talk about that on that side of the aisle? By substituting the Congressional Budget Office cost estimates in bills for session-end Office of Management and budget scorekeeping, you are opening the way for all kinds of games and abuses. The American people do not want that. Instead of the highly touted system of pay-as-you-go, you have turned this whole budget process back to play-as-you-go, or something else, the same old system that got us into the irresponsible fiscal mess we are in today. And to the American people, that is called pay-through-the-nose, and they are sick of it, gentlemen. The truth is, the Democrat caucus broke faith with the American people before the ink was even dry on the so-called deficit reduction budget agreement. You ought to listen to this upstairs in the Press Gallery: A plan that cemented into law a $165 billion tax increase on the American people conveniently left the door open for the Democrat caucus to weasel out of any meaningful spending cuts.

Mr. Speaker, I am embarrassed. I am embarrassed for your Democratic Party. I am embarrassed for the American people.

What other goodies have you Democrats slipped into this package? Well, for one you want to give the House Administration Committee authority to completely exempt the House, listen to this, from the Fair Labor Standards Act. How is that for fairness to American workers?

And speaking of fairness and openness, your Democratic rules would also make it possible for Members to reimburse their official accounts from undisclosed sources for TV satellite transmission. And you have changed the discharge rule so that you can completely alter the procedures for considering discharged bills and thereby thwart the original intent of the signers of the discharge petition.

Score another one for Democrat fairness.

Mr. Speaker, what we Republicans are proposing as an alternative to your House deform package is a 36-point program for genuine and thorough House reform. We call our package a Republican reform manifesto for a new House revolution.

First of all, and listen to this, tell me if you disagree with any of this: We would mandate reporting of a campaign reform bill, forcing a vote on this issue that the House has ignored for too many years. We would strengthen our committee system by requiring the realignment of committee jurisdictions along more functional and rational lines, reducing the number of subcommittees—we have way too many—abolishing proxy voting and one-third quorums, which lead to all kinds of abuses. We would require committees to adopt and implement oversight agendas and we would abolish the joint bill referrals that are tying this House in knots.

We would also bring about real budget reform, including, and listen to this, rescission authority for the President of the United States over unauthorized appropriations, making it harder to waive the Budget Act, something you did, you Democrats, 56 percent of the time last year on bills brought before this House. You waived the Budget Act and you waived Gramm-Rudman.

In addition, we would place strict limits on the use of omnibus continuing resolutions. We prohibit extraneous matters in reconciliation bills, something else that gets us in trouble all the time, and we mandate a study and recommendations on a biennial budget appropriations process.

Is this not what you want as well as us?

Finally, Mr. Speaker, our reform package gets at some of the gross procedural abuses which have been inflicted on members of both parties in recent years.

Today's gag rule is but a taste of what we are in for in the coming year. In the last Congress, 55 percent of all bills brought under rules were considered under a restrictive amendment process, 55 percent; compared to 14 years ago when it was only 15 percent. The press ought to take notice of that. Mr. Speaker, that is an insult to Members on both sides of this aisle. But more tragically, by prohibiting Members on both sides of the aisle from offering amendments you are disenfranchising the millions of Americans that we represent.

In conclusion, Mr. Speaker, the American people want and they expect better of us. Your package of rules gives them worse; our package would give them a House that works, for each of you and each of the American people that we represent.

Mr. Speaker and my colleagues, as I mentioned at the outset, it is outrageously arrogant to bring a resolution containing sweeping rules changes to this floor and be limited to only 1 hour of debate, particularly when the new rules completely unravel the Deficit Reduction Act that took months and months and months to accomplish.

But the time has come for you to be counted. Will this House vote yes to change the rules, thereby reaffirming the $165 billion tax increase on the American people last year? But at the same time, today, you are removing the one major enforcement procedure that controls spending in the Deficit Reduction Act. Or will you vote "no" with us to higher taxes? "No" to more taxes that are not tied to spending reductions and controls? That is what we are voting on here today. To all of you Democrats who were gagged and disenfranchised by closed rules, to all of you Democrats who were forced time and again to waive the Budget Act, thereby causing this disastrous fiscal mess we are in today, I say to you, gagged and disenfranchised Democrats, now is your chance to stand up and be counted, to show what you are made of, to have the guts to say on the floor of this House what your constituents are saying back home, "Enough is enough is enough. The American people want those deficits stopped. We want them stopped today, now."

Members of this House, with just a little spunk, with just a little backbone, we can do what is right for America by voting down the previous question. I urge a "no" vote and reserve the balance of my time.

H. RES. 5

(Providing for the Adoption of the Rules of the House)

An amendment in the nature of a substitute offered by Mr. MICHEL of Illinois.

Strike all after the resolving clause and insert in lieu thereof the following:

"That the Rules of the House of Representatives of the One Hundred First Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the rules of the House at the end of the One Hundred First Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the One Hundred Second Congress, with the following amendments included as part thereof:

"CAMPAIGN REFORM"

"(1)(a) The Committee on House Administration is directed to report to the House no later than June 30, 1991, legislation to reform Federal election law and campaign practices.

"(b) Not later than July 31, 1991, all other committees to which such bill may have been referred shall report such bill to the House with such amendments as may have been adopted. Any committee which has not reported as directed by such date shall be deemed to be discharged from the further consideration of such bill.

"(c) Not later than ten legislative days after the July 31, 1991, reporting deadline, the Committee on Rules shall report a resolution providing for the consideration of such campaign reform bill under an open amendment process. If such a resolution is not reported by such date, it shall be in order on any day thereafter for any Member to move that the House resolve into the Committee of the Whole House on the State of the Union for the consideration of the bill, said bill shall be debatable for not to exceed four hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and shall then be considered for amendment under the five-mninute rule.".

"REALIGNMENT OF COMMITTEE JURISDICTIONS

"(2) The Committee on Rules is directed to conduct a thorough and complete study with respect to the operation of House Rule X, 'Establishment and Jurisdiction of Standing Committees,' with a view to realigning the jurisdictions of House committees along more functional and rational lines in order to eliminate the duplication, overlap, and inefficiencies associated with the present committee system. The Committee shall report its findings and recommendations for change to the House no later than December 31, 1991.".

"VETO MESSAGES

"(3) In rule I, clause 5 is amended by adding the following new paragraph:

"(c) He shall, immediately after the reading of a veto message from the President, and without intervening motion or business, state the question on reconsideration of the vetoed measure, and no motion shall have precedence over a demand for the previous question on such question except one motion to postpone the vote on reconsideration to a date certain which shall not be later than the tenth legislative day thereafter.".

"BROADCAST COVERAGE

"(4) In rule I, clause 9(b)(1) is amended by inserting after the first sentence the following new sentence: 'He shall provide for the visual coverage of the proceedings of the House on a uniform basis throughout each day's session, and any such coverage may include periodic views of the entire Chamber provided that it is uniform throughout the day and does not detract from the visual coverage of any person who is speaking.'".

"HOUSE SCHEDULING REFORM

"(5) In rule I, add the following new clause:

"11. (a) At the beginning of each session of the Congress the Speaker shall, after consultation with the minority leader and the chairmen of the committees of the House, announce a legislative program for the session which shall include: (1) target dates for the consideration of specified major budgetary, authorization and appropriations bills; (2) an indication of those weeks during which the House will be in session (which, unless otherwise indicated, shall be assumed to be full, five-day work weeks for the conduct of committee and House floor business); (3) those weeks set aside for district work periods (which shall be scheduled at periodic intervals), holidays, and other recesses; and (4) the target date for the adjournment of that session.

"(b) The Speaker shall ensure that the minority leader is fully consulted in developing the legislative program for the House each week.".

"OVERSIGHT REFORM

"(6)(a) In rule X, clause 2 is amended by adding the following new paragraphs:

"(b)(1) Not later than March 1 in the first session of a Congress each standing committee of the House shall, in a meeting which is open to the public and with a quorum present, adopt and submit to the Committee on House Administration its oversight plans for that Congress. In developing such plans each committee shall, to the maximum extent feasible—

"(A) consult with other committees of the House which have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of assuring that such laws, programs, or agencies are reviewed in the same Congress and that there is maximum coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to assure such coordination and cooperation;

"(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

"(C) have a view toward insuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

"(2) It shall not be in order to consider any committee expense resolution, or any amendment thereto, pursuant to clause 5 of Rule XI for any committee which has not submitted its oversight plans as required by this paragraph.

"(3) Not later than March 15 in the first session of a Congress, after consultation with the Speaker, the majority leader, and the minority leader, the Committee on House Administration shall report to the House the oversight plans submitted by each committee together with any recommendations which it, or the House leadership group referred to above, may make to assure the most effective coordination of such plans and otherwise achieve the objectives of this clause.

"(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.".

"(b) In rule XI, clause 1(d) is amended to read as follows:

"(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending on January 3 of such year.

"(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

"(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(c) of Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.".

"MULTIPLE REFERRAL OF LEGISLATION

"(7) In rule X, clause 5(c) is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but, he may also refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one or more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other privisions as may be considered appropriate.".

"COMMITTEE ELECTIONS AND ORGANIZATION

"(8) In rule X, clause 6(a)(1), the first sentence is amended to read as follows: "The standing committees specified in clause 1 shall be elected by the House within seven legislative days after the commencement of each Congress, from nominations submitted by the respective party caucuses, and said committees shall hold their organizational meetings not later than three legislative days after their election.".

"COMMITTEE RATIOS

"(9)(a) In rule X, clause 6(a) is amended by adding at the end thereof the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or other subunit thereof), shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress. This subparagraph shall not apply to the Committee on Standards of Official Conduct which shall be constituted as provided for in subparagraph (2). For the purposes of this clause, the Resident Commissioner from Puerto Rico and the Delegates to the House shall not be counted in determining the party ratio of the House.".

"(b) In rule X, clause 6(f) is amended by inserting after the first sentence the following: "The membership of each such select committee (and of any subcommittee, task force or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

"SUBCOMMITTEE LIMITS

"(10) In rule X, clause 6(d) is amended to read as follows:

"(d)(1) Each standing committee of the House (except the Committee on the Budget) that has more than twenty members, shall establish at least four subcommittees; but, in no event shall any standing committee (except the Committee on Appropriations) establish more than six subcommittees.

"(2) No Member may serve at any one time as a member of more than four subcommittees of committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee, or any select committee, which is established for a period of longer than six months in any Congress.".

"PROXY VOTING BAN

"(11) In rule XI, clause 2(f) is amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.".

"OPEN MEETINGS

"(12) In rule XI, clause 2(g)(1) is amended by striking the colon in the first sentence and all that follows in paragraph one and inserting in lieu thereof the following: "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House, or involves committee personnel matters.".

"MAJORITY QUORUMS

"(13) In rule XI, clause 2(h)(2) is amended to read as follow:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.".

"REPORT ACCOUNTABILITY

"(14) In rule XI, clause 2(l)(2)(B) is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for and against reporting, and the names of those members voting for and against, shall be included in the committee report on the measure.". "In Rule XI, clause 2(l)(2) is further amended by adding at the end thereof the following:

"(C) With respect to each nonrecord vote on a motion to report any bill or resolution of a public character, the names of those members of the committee actually present at the time bill or resolution is ordered reported shall be included in the committee report.".

"COMMITTEE DOCUMENTS

"(15) In rule XI, clause 2(l) is amended by inserting after subparagraph (5) the following new subparagraph, and by redesignating existing subparagraphs accordingly:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either be approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), of such print, document, or other material shall contain on its cover the following disclaimer in bold face type:

'This material has not been officially approved by the committee [or subcommittee, as the case may be] on [name of committee or subcommittee] and may not therefore necessarily reflect the views of its members.'

and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members, other than the name of the committee or subcommittee chairman releasing the document, but shall be made available to all of the members of the committee not less than three calendar days (excluding Saturdays, Sundays and public holidays) prior to its being made public.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committee or its subcommittees, their jurisdictions or rules, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings or recommendations.

"(C) Nothing in this subparagraph shall be construed to authorize any subcommittee or chairman thereof to issue any print, document or other material not otherwise authorized by the rules of the committee.".

"OFFICIAL FOREIGN TRAVEL REPORTING

"(16) In rule XI, clause 2(n)(1)(B) is amended by inserting after the first sentence the following new sentence: 'All such individual reports shall also include a summary of all official meetings, interviews, inspection tours or other functions in which the individual participated, by country and date.'".

"SAME DAY CONSIDERATION OF RULES COMMITTEE REPORTS

"(17) In rule XI, the first sentence of clause 4(b) is amended by substituting the following for the matter in parentheses: '(except that it shall not be called up for consideration on the same calendar day, nor on the subsequent calendar day of the same legislative day, that it is presented to the House, unless so determined by a vote of not less than two-thirds of the members voting, but this provision shall not apply during the last three days of the session)' ".

"PERMITTING INSTRUCTIONS IN MOTIONS TO RECOMMIT

"(18) In rule XI, the second sentence in clause 4(b) is amended by substituting the following for the final clause: 'nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of Rule XVI, including a motion with amendatory instructions (except in the case of a Senate measure for which the language of a House-passed measure has been substituted).' ".

"RESTRICTIVE RULE LIMITATION

"(19) In rule XI, clause 4 is amended by adding the following new paragraph:

"(e) It shall not be in order to consider any resolution reported from the Committee on Rules providing for the consideration of any bill or resolution otherwise subject to amendment under House rules if that resolution limits the right of Members to offer germane amendments to such bill or resolution unless the chairman of the Committee on Rules has orally announced in the House, at least four legislative days prior to the scheduled consideration of such matter by the Committee on Rules, that less than an open amendment process might be recommended by the Committee for the consideration of such bill or resolution.".

"LIMITATION ON SELF-EXECUTING RULES

"(20) In rule XI, clause 4 is amended by adding the following new paragraph:

"(f) It shall not be in order to consider any order of business resolution reported from the Committee on Rules which provides that, upon the adoption of such resolution, the House shall be considered to have automatically adopted a motion, amendment, or resolution, or to have passed a bill, joint resolution, or conference report thereon, unless the consideration of such order of business resolution is agreed to by not less than two-thirds of the members voting, and the yeas and nays shall be considered as ordered when the Speaker puts the question on consideration.".

"BUDGET WAIVER LIMITATION

"(21) In rule XI, clause 4 is amended by adding at the end thereof the following new paragraph:

"(g)(1) It shall not be in order to consider any resolution reported from the Committee on Rules for the consideration of any measure which waives any specified provisions of the Congressional Budget Act of 1974, as amended, unless the report accompanying such resolution includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies, and a summary or text of any written comments on the waiver received by the committee from the Committee on the Budget.

"(2) It shall be in order after the previous question has been ordered on any such resolution, to offer motions proposing to strike one or more such waivers from the resolution, and each such motion shall be decided without debate and shall require for adoption the requisite number of affirmative votes as required by the Budget Act or the rules of the House. After disposition of any and all such motions, the House shall proceed to an immediate vote on adoption of the resolutions.

"(3) It shall not be in order to consider a resolution which waives all House rules except by a vote of two-thirds of those Members voting.".

"COMMITTEE STAFFING

"(22) In rule XI, clause 5 is amended by inserting the following new paragraph (a), and by redesignating existing paragraphs accordingly:

"(a)(1) It shall not be in order to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for House committee staff personnel for that year, and any such resolution shall be privileged.

"(2) In developing any primary expense resolution, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall verify in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, and in any amendment thereto, the committee shall specify the number of additional staff positions, if any, authorized by such resolution, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order to consider any supplemental expense resolution, or any amendment thereto, authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) It shall not be in order to consider any primary or supplemental expense resolution for one or more committees unless the report on such resolution includes a statement verifying that each such committee has adopted and compiled with a committee rule entitling the minority party on such committee, upon the request of a majority of such minority, to not less than one-third of the funds provided for committee staff pursuant to each primary or supplemental expense resolution.

"(8) For the purposes of the One Hundred Second Congress, the overall ceiling for committee staff in a resolution reported by the committee pursuant to subparagraph (1), or contained in any amendment thereto, shall not exceed 90 percentum of the total committee staff personnel employed at the end of the One Hundred First Congress.".

"COMMEMORATIVE CALENDAR

"(23) In rule XIII, insert the following new clause 6 and redesignate succeeding clauses accordingly:

"6. There shall also be a Commemorative Calendar to be comprised of unreported bills and resolutions respecting commemorative holidays and celebrations referred to the Committee on Post Office and Civil Service and requested by the chairman and ranking minority member of such committee, in writing, to be placed thereon. On the first and third Tuesdays of each month, after the disposal of such business on the Speaker's table as requires reference only and resolutions called on the Private Calendar, the Speaker shall direct the Clerk to call the bills and resolutions on the Commemorative Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be removed from such Calendar. Such bills and resolutions, if considered, shall be considered in the House.".

"AUTOMATIC ROLL CALL VOTES

"(24) In rule XV, add the following new clause:

"(7). The yeas and nays shall be considered as ordered when the Speaker puts the question upon final passage of any bill, joint resolution, or conference report thereon, making general appropriations, providing revenue, or adjusting the statutory rate of pay of Members of Congress, or on final adoption of any concurrent resolution on the budget or conference report thereon which provides an increase in the statutory debt limit.".

"APPROPRIATION REFORMS

"(25)(a) In Rule XXI, clause 2 is amended by striking the second sentence of paragraph (c) and paragraph (d) in its entirety, and by inserting the following new paragraph (d):

"(d)(1) For the purposes of House Rules, a 'general appropriation bill' shall include any bill or joint resolution making continuing appropriations in a fiscal year for a period in excess of thirty days, and any such measure shall include the full text of the language proposed to be enacted (as opposed to mere references to measures, or amendments thereto, which have been reported or passed by either House, or agreed to by a committee of conference).

"(2) The provision of clause 2(1)(3)(B) of Rule XI shall apply to any 'general appropriation bill' as defined in subparagraphs (1).

"(3) For the purpose of this clause, all points of order shall be considered as having been reserved against any general appropriation bill at the time it was reported.".

"(b) In Rule XXI, clause 2 is amended by inserting the after subparagraph (d) the following new paragraph:

"(e) It shall not be in order to consider any bill or joint resolution making continuing appropriations for a period of thirty days or less unless such measure only provides appropriations in the lesser amount and under the more restrictive authority of each pertinent appropriation measure: as passed by the House; as passed by the Senate; as agreed to by a committee of conference; or enacted for the preceding fiscal year.".

"(c) In rule XXI, clause 3 is amended by striking the period at the end thereof, inserting in lieu thereof a comma, and adding the following: "and shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law.".

"(d) In rule XI, clause 2(1)(3)(B) is amended by striking "(other than continuing appropriations)" and inserting in lieu thereof "(other than continuing appropriations, except as provided by clause 2(d) of Rule XXI)".

"(e) In rule XI, clause 4 is amended by adding at the end thereof the following new paragraph:

"(h) It shall not be in order, except by a vote of not less than three-fifths of the Members of the House duly chosen and sworn, to consider any rule or order from the Committee on Rules which waives the provisions of clause 2(e) of Rule XXI against the consideration of any short-term, continuing appropriations measures as defined therein; or which waives the provisions of clause 2 of Rule XXI against, or denies amendment to, any provision in a long-term, continuing appropriation measure as defined therein if said provision has not been previously considered and agreed to by the House.".

"RECONCILIATION LIMITATION

"(26) In rule XXI, add the following new clause:

"8.(a) No provision shall be reported in the House in any reconciliation bill pursuant to the most recent agreed to concurrent resolution on the budget, or be in order as an amendment thereto in the House or Committee of the Whole, which is not related to achieving the purposes of the directives to House committees contained in such concurrent resolution.

"(b) Nothing in this clause shall be construed to prevent the consideration of any provision in a reconciliation bill, or any amendment thereto, which achieves savings greater than those directed of a committee and which conforms to paragraph (c) of this clause, or to prevent the consideration of motions to strike made in order by the Committee on Rules to achieve the purposes of the directives.

"(c) For the purposes of this clause, a provision shall be considered related to achieving the purposes of directives contained in the most recently agreed to concurrent resolution on the budget if it is estimated by the House Committee on the Budget, in consultation with the Congressional Budget Office, to effectuate or implement a reduction in budget authority or in new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, or to raise revenues, or both, and, in the case of an amendment, if it is within (in whole or in part) the jurisdiction of any committee instructed in the concurrent resolution.

"(d) The point of order provided for by this clause shall not apply to Senate amendments or to conference reports.

"(e) For the purposes of this clause, all points of order shall be considered as having been reserved against a reconciliation bill at the time it was reported.".

"AUTHORIZATION REPORTING DEADLINE"

"(27) Rule XXI is amended by adding at the end thereof the following new clause:

"9. It shall not be in order to consider in the House any bill or joint resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15 preceding the beginning of such fiscal year.".

"PLEDGE OF ALLEGIANCE"

"(28) In rule XXIV, clause 1 is amended by inserting after the second order of business the following new order of business, and by redesignating succeeding orders accordingly: "third. The Pledge of Allegiance to the Flag.".

"SUSPENSION OF THE RULES"

"(29) In rule XXVII, clause 1 is amended by inserting after "1." the designation "(a)", and by inserting after paragraph (a) the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request is filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under suspension of the rules.

"(c) A motion to suspend the rules and pass or agree to any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of $50,000,000 for any fiscal year; nor shall it be in order to entertain a motion to suspend the rules to pass any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to entertain a motion to suspend the rules and pass or agree to any measure or matter unless written notice is placed in the Congressional Record of its scheduled consideration at least one calendar day prior to its consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto, and the date on which the measure or matter is scheduled to be considered.".

"DISCHARGE MOTIONS"

"(30) In rule XXVII, clause 4 is amended by inserting after the fourth sentence the following new sentence: "When one-hundred Members have signed the motion, the Clerk shall cause to be printed in the Congressional Record the name of each Member who has signed or withdrawn a signature to the motion, and shall thereafter publish an updated list in the Congressional Record at the end of each succeeding week the House is in session.".

"INCLUSION OF VIEWS WITH CONFERENCE REPORTS"

"(31) In rule XXVIII, clause 1 is amended by adding at the end thereof the following new paragraph:

"(e) If, on the day a report of any committee of conference has received the requisite number of signatures for approval by House conferees, any House conferee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views with the principal manager on the part of the House, such views shall be in writing and signed by that member. All such views so filed by one or more members of the committee shall be published in the same volume as the report of the committee of conference and the joint explanatory statement filed in the House, and the volume shall bear on its cover a recital that any such supplemental, minority, or additional views are included as part of that volume. This paragraph shall not preclude the immediate filing or printing of a conference report if a timely request to file such views was not made as provided by this paragraph.".

"INTELLIGENCE COMMITTEE OATH"

"(32)(a) In rule XLVIII, clause 1 is amended by adding at the end thereof the following new paragraph:

"(d) At the time a Member is appointed to serve on the select committee, or within thirty days after the adoption by the House of this provision, whichever is later, the Member shall take the following oath:

'I do solemnly swear (or affirm) that I will not directly or indirectly disclose to any unauthorized person any classified information received in the course of my duties on the Permanent Select Committee on Intelligence, except with the formal approval of the committee or of the House.'

The oath shall be administered by the Speaker of the House of Representatives. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each Member appointed to the select committee who has taken this oath, which shall be subscribed to by the Member who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and the Congressional Record.".

"(b) In rule XLVIII, at the end of clause 5, add the following new sentences: "Each employee of the select committee and any person engaged by contract or otherwise to perform services for or at the request of the select committee who is required to subscribe to the agreement in writing referred to in the first sentence of this clause shall, at the time of the signing or within thirty days after the adoption of this provision, whichever is later, also take the oath set out in clause 1(d) of this rule. The oath shall be administered by the chairman or by any member of the committee or of the committee staff designated by the chairman. The Clerk of the House of Representatives of the One Hundred Second Congress and each succeeding Congress shall cause this oath to be printed, furnishing two copies to each such person taking this oath, which shall be subscribed to by such person, who shall deliver them to the Clerk, one to be filed in the records of the House of Representatives, and the other to be recorded in the Journal of the House and in the Congressional Record.".

"(c) In rule XLVIII, clause 7(d), insert immediately after the words "paragraph (c)" the words "or the oath required by clause 1(d) of by clause 5," and by adding immediately after the last sentence of clause 7(d) the following new sentences: "The select committee may refer cases of unauthorized disclosure and violations of the required oaths to the Committee on Standards of Official Conduct for investigation. While a member of the committee is the subject of such a pending investigation, the select committee may determine by majority vote that the member shall not be given access to classified information.".

"ACCURACY OF THE CONGRESSIONAL RECORD"

"(33) At the end of the Rules of the House, add the following new rule:

"RULE LI."

"THE CONGRESSIONAL RECORD."

"1. The Congressional Record shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical and typographical corrections authorized by the Member making the remarks involved.

"2. Unparliamentary remarks may be deleted only by unanimous consent or by order of the House.

"3. The provisions of clause 4(e)(1) of rule X shall apply to violations of this rule.".

"ENHANCED RESCISSION AUTHORITY"

"(34)(a) The Committee on Rules and the Committee on Government Operations shall, not later than May 31, 1991, report legislation granting the President enhanced rescission authority with respect to any budget authority not authorized by law. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within

45-calendar days of continuous session of Congress (as defined by section 1011 of the Congressional Budget Act of 1974) after the date on which the President's special rescission messsage is received.

"(b) If such legislation is not reported by the committees named above by the date specified, the committees not reporting shall be considered as having been discharged from the further consideration of the first such bill introduced and it shall be in order on any day after June 3, 1991, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to two hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.".

"BIENNIAL BUDGET-APPROPRIATIONS PROCESS"

"(35) The Committee on Rules is directed to conduct a complete a through study of the advisability and feasibility of converting to a biennial budget and appropriations process and corresponding multi-year authorizations, and to report its findings and recommendations to the House not later than December 31, 1991.".

"APPLICABILITY OF CERTAIN LAWS TO THE HOUSE"

"(36)(a) It is the policy of the House that the laws of the United States set forth in subparagraph (b) should be amended to apply to the House of Representatives in the same or similar manner as such laws apply to the Executive Branch.

"(b) Not later than June 30, 1991, the standing committees of the House with subject matter jurisdiction over the following laws of the United States shall report to the House legislation to implement subparagraph (a):

"(1) The National Labor Relations Act;

"(2) The Occupational Safety and Health Act of 1970;

"(3) The Equal Pay Act of 1963;

"(4) The Age Discrimination in Employment Act of 1967;

"(5) Section 552 of title 5, United States Code (popularly known as the Freedom of Information Act);

"(6) Section 552a of title 5, United States Code (popularly known as the Privacy Act of 1974);

"(7) Title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity);

"(8) Chapter 39 of title 28, United States Code (relating to an independent counsel).

"(c) The Committee on Rules shall, not later than ten legislative days after any such legislation has been reported, report a resolution providing for the consideration of such measure in the Committee of the Whole House on the State of the Union under an open amendment process.

"(d) If such legislation is not reported by all the committees named above by the date specified, the first bill introduced which implements the policy referred to in subparagraph (a) and which encompasses all the laws referred to in subparagraph (a) and which encompasses all the laws referred to in subparagraph (b) shall be considered as having been discharged from all the committees to which it was referred. It shall be in order on any day after July 15, 1991, for any Member of the House (after consultation with the Speaker as to the most appropriate time for consideration), as a matter of highest privilege, to move to resolve into the Committee of the Whole House on the State of the Union for its consideration, and the bill shall be subject to four hours of general debate to be equally divided and controlled by the majority and minority leaders, or their designees, followed by consideration of the measure for amendment under the five-minute rule.".

A REPUBLICAN REFORM MANIFESTO FOR NEW HOUSE REVOLUTION: HIGHLIGHTS OF RECOMMENDATIONS

(Republican House Rules Substitute, 102d Congress)

Campaign Reform: The House Administration Committee would be directed to report a campaign reform bill no later than June 30, 1991, other committees no later than July 31st, and the Rules Committee would be required to report an open rule on the package not later than three legislative days after the latter deadline. If a rule is not reported, the package would be privileged for consideration on any day thereafter.

Committee Reforms:

The Rules Committee would be required to report recommendations no later than Dec. 31, 1991, to realign House committee jurisdictions along more rational and functional lines.

The joint referral of bills to more than one committee would be abolished (while retaining sequential and split referrals).

Committees (other than Appropriations) would be limited to no more than six subcommittees, and Members to no more than four subcommittee assignments.

Proxy voting and one-third quorums would be abolished;

Party ratios on committees must reflect the party ratio of the House.

Committee staff ceilings would be established and committee staff would be reduced by 10% from previous Congress.

Committees would be required to adopt oversight agendas at the beginning of a Congress and report on implementation of the agenda at the end of each Congress.

Roll call votes on reporting bills would be required in committee reports.

Foreign travel reports by Members and staff must include listing of official functions by country and date in addition to expense reporting, and made available for public inspection.

House Organization, Scheduling & Action:

Committees must be elected within seven legislative days of a new Congress and hold organizational meetings not later than three legislative days after their election.

The Speaker would be required to announce a legislative schedule at the beginning of each session including target dates for major legislation and move to more five-day work weeks.

Authorization bills must be reported by May 15th prior to the beginning of the fiscal year in which they are to take effect.

New limits would be placed on the consideration of bills under suspension of the rules and on the consideration of commemorative legislation.

Strict new limits would be placed on special rules from the Rules Committee relating to amendment restrictions, budget and blanket waivers, and self-executing rules, and the right to recommit bills with instructions would be guaranteed.

The names of Members signing discharge petitions would be made public after 100 signatures had been secured.

Budgetary Reforms:

The Committees on Rules and Government Operations would be required to report legislation by May 31, 1991, giving the President special recission authority (subject to congressional disapproval) over appropriated items for which authorizing legislation has not been enacted.

The Rules Committee would be required to report by Dec. 31, 1991, its recommendations on the feasibility and advisability of converting to a biennial budget-appropriations process, with multi-year authorizations.

Automatic rollcall votes would be required in the House on the final passage of all appropriations, tax and pay raise bills and conference reports, and on the final adoption of budget resolutions and conference reports containing debt limit increases.

Limitation amendments would be permitted on appropriations bills.

Short-term continuing appropriations bills would be subject to the lesser of the House or Senate passed bills or the previous year's appropriations.

Any long-term continuing appropriations would be required to contain the full text of all matters being enacted and would be subject to the same points of order as regular appropriations bills regarding unauthorized and legislative provisions, subject to waiver only by a three-fifths vote.

Extraneous matters in reconciliation bills would be subject to deletion by points of order.

(Republican Conference House Rules Amendments, 102d Congress)

"A house divided against itself cannot stand."—A. LINCOLN.

INTRODUCTION

Nothing was more clear to the American people in the final chaotic weeks of the 101st Congress than that their system of government had broken down and was in need of a complete overhaul.

While some attribute this governmental breakdown to the divided party control of the Presidency and Congress, the main sources of paralysis can be found within the Congress itself. The Democrats' control of the House for 56 of the last 60 years has produced a bloated and muscle-bound bureaucracy characterized by a multiplicity of 158 semi-autonomous subcommittees with overlapping and tangled jurisdictions, competing interests and fierce turf fights.

Democratic leadership attempts to cut-through or circumvent this muddled maze by resort to ad hoc task forces and restrictive amendment procedures often compound the problem by moving the legislative process to smoke-filled back rooms—far from the public eye and even majority membership participation.

A direct result of this decline in the committee system is the bankruptcy of the congerssional budget, authorization, and appropriation process. Missed budget deadlines and deficit targets, the failure to consider authorization bills in a timely manner (if at all), and the increased use of appropriations and reconciliation measures for authorization purposes all contribute to this confused blur of authority, accountability and openness.

The disintegration of a deliberative legislative, budgetary and ovesight process exacerbates internal divisions within the leadership and committees. This spectacle of disarray, the turn, accelerates the erosion of public confidence in Congress.

With public policy-making beyond the influence of most Members it's little wonder they are consumed instead by constituent concerns and reelection efforts. If the House has been successful at anything, it is getting its Members reelected—well over a 95% return rate in recent years. At one time it was asserted that the first job of a congressman was to get reelected. Now it seems to be the exclusive occupation of many Members.

All this has not been lost on the American people, 73% of whom express disapproval for the job Congress is doing. This mood of discontent is a growing tide that will not recede until Congress gets serious about reforming itself and its campaign practices.

This House divided against itself cannot stand unless it immediately undertakes a radical rennovation effort. To this end the House Republican Conference pledges itself in this "Republican Reform Manifesto for a New House Revolution."

THE COMMITTEE SYSTEM

Congressional committees have existed from the First Congress as agents of the House in fashioning legislation and conducting investigations. Woodrow Wilson, in his 1885 treatise, Congressional Government, wrote that, "Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work." Congressional committees truly are the workshops of the national legislature in which the details of legislation are hammered-out on the anvil of compromise.

And yet, in recent years, the House committee system has deteriorated, and the quality of legislation and oversight has suffered accordingly. The reasons for this decline of the committee system are fairly evident. While the reforms of the seventies to make committee chairmen more accountable to their party caucuses have been laudable in intent, their effect has been to foster a proliferation of semi-autonomous subcommittees.

With this explosion of subcommittees and staff, Members have been saddled with more subcommittee assignments, making it nearly impossible to conscientiously perform any assignment. Committees and subcommittees have attempted to counter poor attendance with rules that permit business to be conducted with only one-third of the Members present and the liberal use of proxy votes. This phantom legislating has produced legislation that is less representative as well conceived than if more Members had actually been present.

Compounding the problem of legislative accountability is the practice of referring legislation to more than one committee. The House approved this procedure in 1974 but rejected an attempt to rationalize committee jurisdictions. The result has been a maze of tangled lines of responsibility among 22 committees and 158 subcommittees that is trangling the legislative process.

The authorizing committees are also falling prey to budgetary squeeze-out—sandwiched in time as they are between the adoption of a budget resolution and the beginning of the appropriations process. With less and less time in which to enact authorizations, fewer authorizations are being properly considered if at all. In fiscal year 1990, for instance, $55.5 billion was appropriated for 49 programs which had not been reauthorized.

In an attempt to bring some order out of this committee chaos, the majority leadership has resorted to a variety of devices that have rendered authorizing committees nearly obsolete. These include devising special rules making in order authorizing language not considered at the committee level and even appointing ad hoc leadership task forces to draft bills in secret, away from public committee hearings and meetings. Unreported authorizations are also loaded onto such omnibus bills as reconciliation, appropriations measures and even debt limit measures. It is not unusual for Members to have no report or information on such entire bills which have been developed outside the regular committee process. In summary, committees are becoming less and less relevant to the legislative process.

THE FLOOR SITUATION

Given the shambles in which the House committee system finds itself today, it perhaps should not seem surprising that autocratic procedures are increasingly being used in an attempt to restore a measure of "efficiency" to the House. Unfortunately, "efficiency" has become a euphemism for political expediency and advantage, and has again come at the expense of deliberation and representation.

Whereas only 15% of the bills coming through the Rules Committee 12 years ago were brought to the floor under "restrictive rules" which limit the amendments Members may offer, this percentage has increased with each succeeding Congress until it stands at 55% today. Just as the American people have been disenfranchised at the committee level with phantom legislative devices, they are being silenced on the House floor as well by such "gag" rules.

To further limit the amendment process, the majority leadership has increasingly been restricting the minority party's right since 1909 to recommit a bill with instructions in the form of a final amendment. Whereas a decade ago this right was limited less than 4% of the time, in the 101st Congress it was circumscribed on 20% of the bills brought through the Rules Committee.

Another way to avoid proper deliberation, amendments, and votes is the "suspension of the rules" procedure. Under this device bills can be brought-up without being reported from committee, are subject to only 40-minutes of debate, cannot be amended, and must receive a two-thirds vote to pass. Votes on suspension bills can be "clustered" on the day after the bills were actually debated. Whereas just a decade ago only around 37% of the measures passed by the House were considered under the suspension of rules procedure, today the number of suspension bills passed comprises nearly 50% of all bill passed.

If the American people watching the House in action from the visitors' galleries or on TV are confused by all these goings on, they aren't too-far removed from their own Representatives who must often scramble to find out what it is they are voting on.

If, as Wilson observed, the "Congress in session is Congress on public exhibition," then today it is a poor exhibition of the representative and deliberative democracy the Founders intended. Much of this is traceable to the breakdown in the committee workshops. But the floor devices used to compensate for this breakdown have only made things worse both in terms of representation and the quality of legislation.

CONCLUSION

The paradox of the modern House is that while its Members are, by all measures, smarter, more dedicated and harder working than their predecessors, the House as a whole does not begin to equal the sum of its parts. The reason is easy to discern in the way the House is organized, or, more accurately, disorganized to promote the interests of its individual components—Members and subcommittees, over institutional and national interests. It is therefore little wonder that while 57% of the American people may approve of their own congressman, only 23% approve of the job the Congress is doing.

(A Summary of the Republican House Rules Substitute for H. Res. 5, 102nd Congress, January 3, 1991)

The rules of the House of the 101st Congress would be adopted as the rules of the 102nd Congress with the following amendments:

(1) *Campaign Reform.*—The House Administration Committee would be directed to report a campaign reform bill no later than June 30, 1991, other committees no later than July 31, 1991, and the Rules Committee would be directed to bring the bill to the floor under an open amendment process not later than three legislative days thereafter.

(2) *Committee Jurisdiction Realignment.*—The Rules Committee would be directed to study and report not later than Dec. 31, 1991, recommendations for realigning committee jurisdictions along more rational and functional lines to eliminate duplication, overlap and inefficiences in the present system.

(3) *Veto Messages.*—Immediately after the reading of a veto message, the Speaker would be required to state the question on the reconsideration of the vetoed bill, without intervening motion, thereby giving the House a chance to vote immediately on overriding the veto.

(4) *Broadcast Coverage.*—The Speaker would be required to provide uniform visual broadcast coverage of the House throughout the day which could include periodic views of the entire Chamber if they do not detract from the person speaking.

(5) *House Scheduling Reform.*—The Speaker would be required at the beginning of each session to announce a legislative program for the session that would include target dates for the consideration of major legislation, weeks in which the House would be in session (with full, five-day work weeks assumed unless otherwise indicated), district work periods, and the target date for adjournment. The Speaker would also be required to consult with the minority leader in developing each week's legislative program.

(6) *Oversight Reform.*—Committees would be required to formally adopt and submit to the House Administration Committee by March 1st of the first session their oversight plans for that Congress. It would not be in order to consider the funding resolution for any committee which does not submit its oversight plans as required. The House Administration Committee, after consultation with the majority and minority leaders, would report the plans to the House by March 15th together with its recommendations, and those of the joint leadership group to assure coordination between committees. The Speaker would be authorized to appoint ad hoc oversight committees for specific tasks from the membership of committees with shared jurisdiction. Committees would be required to include an oversight section in their final activity report at the end of a Congress.

(7) *Multiple Referral of Legislation.*—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained, subject to time limits and designation by the Speaker of a committee of principal jurisdiction.

(8) *Early Committee Organization.*—Committees must be elected within seven legislative days of the convening of a new Congress and must hold their organization meeting not later than three legislative days after their election.

(9) *Committee Ratios.*—The party ratios on committees would be required to reflect that of the full House (except for the Standards

Committee which is bipartisan). The requirement would extend to select and conference committees as well.

(10) *Subcommittee Limits.*—No committee (except Appropriations) could have more than six subcommittees, and no Member could have more than four subcommittee assignments.

(11) *Proxy Voting Ban.*—All proxy voting on committees would be prohibited.

(12) *Open Committee Meetings.*—Committee Meetings, which can now be closed for any reason, could only be closed for national security, personal privacy or personnel reasons.

(13) *Majority Quorums.*—A majority of the membership of a committee would be required for the transactions of any business.

(14) *Report Accountability.*—Committee reports on bills would be required to include the names of those members voting for and against reporting a bill or, in the case of a nonrecord vote, the names of those members actually present when the bill is ordered reported.

(15) *Committee Documents.*—Any committee prints or documents to be made available to the public which have not been approved by the committee must contain a disclaimer to that effect on their cover, may not contain the names of committee members other than the chairman authorizing the printing, and may not be made public until at least three days after they have been circulated to committee members.

(16) *Foreign Travel Reports.*—All Members and staff taking part in foreign travel at House expense would be required to disclose their official itinerary (including meetings, interviews, functions, inspections) by country and date in addition to currently required expense disclosure, and such reports would be available for public inspection in the offices of each committee not later than 60-days after the completion of travel.

(17) *Same Day Consideration of Rules Committee Reports.*—An order of business resolution from the Committee on Rules could not be considered on the same *calendar* day as reported, *or the subsequent calendar day of the same legislative day,* except by a two-thirds vote of the House.

(18) *Permitting Instructions in Motion to Recommit.*—The Rules Committee could not report an order of business resolution which prevented a motion to recommit, including one with amendatory instructions.

(19) *Restrictive Rule Limitation.*—It would not be in order to consider any order of business resolution from the Rules Committee restricting the right of Members to offer germane amendments unless the chairman of the Committee orally announces to the House, at least four legislative days before the Rules Committee meeting on the matter, that less than an open rule might be recommended by the committee.

(20) *Limitation on Self-Executing Rules.*—It would not be in order to consider any order of business resolution from the Rules Committee that provides for the automatic passage of any bill, joint resolution or conference report, or adoption of any motion, amendment, or resolution, except by a two-thirds House vote on agreeing to such consideration.

(21) *Budget Waivers.*—Any report from the Committee on Rules on a resolution waiving any provisions of the Budget Act against any bill would be required to include an explanation and justification of the waiver together with a summary or text of any comments received from the Budget Committee regarding the waiver. A separate vote could be demanded on any such waiver in a rule, subject to the requisite votes required by the Budget Act for such a waiver. Blanket waiver rules would require a two-thirds vote for consideration.

(22) *Committee Staffing.*—Committee funding resolutions could not be considered until the House has first adopted a resolution from the House Administration Committee setting an overall limit on committee staffing for the session. The minority would be entitled to up to one-third of the investigative staff funds, on request. The overall committee staff limit for the 102nd Congress could not be more than 90% of the total at the end of the 101st Congress.

(23) *Commemorative Calendar.*—A Commemorative Calendar would be created on which unreported commemoratives would be placed at the written request of the chairman and ranking minority member of the Post Office Committee. The Calendar would be called twice a month and any two objections would cause a commemorative to be removed from the Calendar.

(24) *Automatic Roll Call Votes.*—Automatic roll call votes would be required on final passage of appropriations, tax and Member pay raise bills and conference reports, and on final adoption of budget resolutions and conference reports containing debt limit increases.

(25) *Appropriation Reforms.*—The present restrictions on offering limitation amendments to appropriations bills would be abolished. Short-term continuing appropriations (30-days or less) could only provide for the lesser spending amounts and more restrictive authority as provided in either the House or Senate passed bills, the conference agreement, or the previous year's Act, and a three-fifths House vote would be required to waive this requirement. Long-term continuing appropriations measures (more than 30-days) would be required to contain the full text of the provisions to be enacted; the present prohibition on legislative language and unauthorized matters in appropriations measures would be extended to long-term CRs. Points of order and amendments to provisions in long-term CRs not previously agreed to by the House could only be denied by a three-fifths vote. Cost estimates would be required in reports on long-term CRs. Reports on all general appropriations bills, including long-term CRs would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure.

(26) *Reconciliation Limitation.*—It would not be in order to report in a reconciliation bill, or consider as an amendment thereto, a provision which is not related to a committee's reconciliation instructions to either reduce spending or raise revenues. Determination would be made by the Budget Committee.

(27) *Authorization Reporting Deadline.*—It would not be in order to consider any bill authorizing budget authority for a fiscal year if reported after May 15 preceding the beginning of the fiscal year (former Budget Act requirement).

(28) *Pledge of Allegiance.*—The Pledge of Allegiance would be required as the third order of business each day.

(29) *Suspension of the Rules.*—Measures could not be considered under the suspension of the rules procedure except by direction of the committee(s) of jurisdiction or on the request of the chairman and ranking minority member of such committee(s). No measure could be considered under suspension which authorizes or appropriates more than $50 million for any fiscal year. Notice of any suspension must be placed in the *Congressional Record* at least one day in advance of its consideration together with the text of any amendment to be offered to it. No constitutional amendment could be considered under suspension.

(30) *Discharge Motions.*—The Clerk of the House would be required to publish in the *Congressional Record* the names of those Members signing a discharge petition once a threshold of 100 signatures has been reached, and to publish an updated list of names at the end of each succeeding week.

(31) *Inclusion of Views with Conference Reports.*—Members of conference committees would be permitted three calendar days in which to file supplemental, minority, or additional views to be published with conference reports.

(32) *Intelligence Committee Oath.*—Members and staff of the Select Committee on Intelligence would be required to take an oath that they will not directly or indirectly disclose to any unauthorized person any classified information received in the course of their duties except by the approval of the committee or of the House.

(33) *Accuracy of Congressional Record.*—A new rule would be added to include the recommendations of the bipartisan Task Force on the Congressional Record of the House Administration Committee in the 101st Congress. The rule would require that the Record be a verbatim account of proceedings subject only to technical, grammatical or typographical corrections by the Member speaking. Unparliamentary remarks could only be deleted from the Record by unanimous consent or order of the House. Violations of the rule would be subject to the authority of the Committee on Standards of Official Conduct.

(34) *Special Rescission Authority.*—The Committees on Rules and Government Operations would be directed to report by May 30, 1991, legislation giving the President authority to rescind budget authority for which an authorization has not been enacted, unless Congress enacts a joint resolution disapproving the rescission within 45-days. If the committees do not report, automatic discharge of the first such bill introduced is provided.

(35) *Biennial Budget-Appropriations Process.*—The Rules Committee would be required to study and report its recommendations no later than Dec. 31, 1991, on the advisability and feasibility of converting to a biennial budget/appropriations process, together with multi-year authorizations.

(36) *Applicability of Certain Laws to Congress.*—The appropriate committees of Congress would be required to report, not later than June 30, 1991, legislation applying certain Federal health, safety, labor and civil rights laws to Congress. Automatic discharge is provided for the first such comprehensive bill if they do not all report.

Summary of Comparative Data on the U.S. House of Representatives

(1) Time in Session.—The House in the 101st Congress was in session 281 days, 69 days less than the 91st Congress and 25 days less than the 96th. At the same time, the 101st Congress averaged six hours a day, compared with 4.6 hours a day for the 91st Congress, and 5.8 hours per day for the 96th [Table 1].

(2) Legislative Output.—The 101st Congress House reported 635 public measures—635 measures (44%) less than the 91st and 243 measures (28%) less than the 96th. It passed 968 measures, 162 (14%) fewer than the 91st

and 39 bills (4%) more than the 96th [Table 1].

Whereas the 101st Congress did not act on 66 reported measures (10%); 61 reported measures (5%) were not acted on by the 91st, and 131 (15%) were not acted on in the 96th Congress.

(3) Commemoratives v. Substantive Enactments.—The 101st Congress enacted 232 commemoratives or 36% of all public laws—164 more commemoratives than enacted by the 91st Congress and 136 more than the 96th Congress. That left 418 substantive enactments in the 101st Congress—209 substantive laws (33%) less than the 91st Congress and 99 (19%) less than the 96th Congress [Table 1].

(4) Committees, Subcommittees, Staff and Costs.—The number of standing committees has remained relatively constant over the 20 years—21 in the 91st, 22 in the 96th, and 22 in the 101st. But, the number of subcommittees has risen from 136 to 158, a 40% increase. The number of committee staff over that two decade period has risen from 738 to 2,109—a 186% increase. The cost of operating the House in a two-year Congress has risen from $203 million in 1969–70 to $1.13 billion in 1989–90—a 457% increase—an average increase of 23% a year. [Table 1].

(5) Proxy Voting.—Of the 22 standing and 5 select committees in the House in the 101st Congress, 22 permitted proxy voting and only 5 prohibited it [Table 2].

(6) One-Third Quorums.—Of the House standing and select committees in the 101st Congress, 18 had rules permitting one-third of the membership to transact all business except reporting a measure, while only 9 did not [Table 2].

(7) Member & Staff Party Ratios on Committees.—Whereas Democrats comprised 60% of the House membership in the 101st Congress, they held an average of 61% of the committee and select committee seats (excluding Standards which is 50–50). And majority staff average 76% of all staff on the standing and select committees. Finally, the average committee ratio of staff to Members was 1.9 to 1, with one committee weighing-in with a staff to Member ratio of 3.6:1 (Budget), one at 3.4:1 (Post Office) and two at 3.3:1 (Appropriations and Energy and Commerce [Table 3].

(8) Open v. Restrictive Rules.—Whereas in the 95th Congress, of the 211 order of business resolutions or "rules" reported from the Rules Committee, 179 (85%) were open and only 32 (11%) restricted the amendment process, by the 101st Congress only 47 (45%) of the 104 rules granted were open while 57 (55%) were restrictive [Table 4].

(9) Restricting Instructions in Motions to Recommit.—Whereas the Rules Committee restricted the minority its right to offer amendatory instructions prior to final passage of a bill only three times (1.4% of total rules) in the 95th Congress, eight times (3.7%) in the 96th, three times (2.5%) in the 97th, and only once (0.6%) in the 98th, it restricted this right 14 times (12.2%) in the 99th Congress, 24 times (19.5%) in the 100th Congress, and 21 times (20%) in the 101st Congress [Table 5].

(10) Self-Executing Rules.—The practice of providing that, upon the adoption of an order of business resolution, an amendment or measure would automatically be agreed to, is called a "self-executing rule." Such a rule was used only once in the 95th Congress, never in the 96th, twice in the 97th, five times in the 98th, 20 times (16% of all rules) in the 99th, and 26 times (16%) in the 100th. In the 101st Congress the trend was down somewhat with only 13 self-executing rules (8% of the total) [Table 6].

(11) Unauthorized Appropriations.—More and more programs are being appropriated for without the required enactment of authorization measures. In fiscal 1989, some 31 laws totalling $23 billion in appropriations were not reauthorized; and in fiscal 1990, 49 such laws totalling $55.5 billion were unauthorized [Table 7].

(12) Budget Act Waivers.—Instances in which order of business resolutions or "rules" were reported from the Rules Committee waiving specific sections of the Budget Act or waiving all points of order, have grown since the enactment of the Budget Act in 1974. Whereas such waivers comprised only 19% of all rules granted in the 96th Congress, by the 99th Congress such waivers reached a record 65% of all rules. In the 100th Congress waivers dropped to 51% of all rules. But the trend was back up in the 101st Congress with 90 waivers in all, including 27 specific waivers and 63 blanket waivers, comprising 56% of all rules granted [Table 8].

(13) Suspension of the Rules.—Measures considered under the suspension of the rules procedure are debatable for only 40-minutes, are not subject to amendment (unless an amendment is presented with the bill when called-up), and require a two-thirds vote for passage. Whereas suspensions constituted on average 36% of all public bills and joint resolutions passed by the House in the 95th–99th Congress, that percentage increased to 48% in the 100th Congress, and 52% in the 101st Congress [Table 9].

TABLE 1.—COMPARATIVE LEGISLATIVE DATA FOR HOUSE OF REPRESENTATIVES

[91st, 96th, and 101st Congresses]

Item	91st Cong. 1969–70	96th Cong. 1979–80	101st Cong. 1989–90
Days in session [1]	350	326	281
Hours in session [1]	1,613	1,876	1,688
Average hours per day	4.6	5.8	6.0
Total public measures reported [1]	1,137	878	635
Public measures reported but not acted upon [1]	61	131	66
Total public measures passed [1]	1,130	929	968
Unreported measures passed as percent of total	4.8	19.6	41.2
Total public laws enacted [1]	695	613	650
Average pages per statute [2]	4.2	8.1	NA
Commemoratives enacted [3]	68	96	232
Commemoratives as percent of total enactments	9.8	15.7	36
Substantive laws (total minus commemoratives) [3]	627	517	418
Rollcall Votes [4]	443	672	878
Average votes per measure passed [5]	3.8	2.2	1.6
Congressional Record Pages of House Proceedings	25,855	25,079	23,160
Average Record pages per measure passed [5]	15	17	17
House standing committees	21	22	22
Select committees [6]	2	5	5
Subcommittees [7]	136	158	158
House committee staff [8]	738	2,017	2,109
House appropriations [9] (in millions of dollars)	203.1	645.9	1,129

[1] Data taken from "Resume of Congressional Activity," Daily Digest, Congressional Records, and House Calendars, 91st, 96th, and 101st Congresses. "Public measures" are bills and joint resolutions of a public nature, and do not include private bills, nor do they include simple or concurrent resolutions.

[2] Source: "Indicators of House of Representatives Workload and Activity," CRS Report for Congress by Roger H. Davidson and Carol Hardy, June 8, 1987 (Rept. No. 87–492 S).

[3] Commemoratives are isolated here as a subcategory of public laws, to be distinguished from more substantive enactments. The term "commemoratives" includes proclamations, commemorations, memorials, namings, coins and medals, and recognitions. Source: "Commemorative Legislation," by Stephen W. Stathis and Barbara L. Schwemle, Congressional Research Service, March 30, 1990 (Rept. No. 90–183 GOV).

[4] "Rollcall votes" include yea and nay votes and recorded votes, but not recorded quorum calls. Prior to 1971, recorded votes were not permitted on amendments in the Committee of the Whole. Sources: Daily Digest, "Resume of Congressional Activity," final Congressional Records for 91st, 96th, and 101st Congresses.

[5] "Measures passed" here includes not only bills and joint resolutions, but simple and concurrent resolutions as well.

[6] Select committees include an ad hoc legislative committee in the 96th Congress.

[7] Subcommittees include the subcommittees, panels and task forces of standing and select committees. Sources: Vital Statistics on Congress, 1984–85, by Ornstein, by Mann, Malbin, Schick and Bibby (AEI, 1984); Congressional Staff Directory, 1990, Ann Brownson, editor (Staff Directories, Ltd.: 1990).

[8] Figures for staff include statutory and investigative staff of all House standing and select committee plus H.I.S. staff. Sources: Vital Statistics on Congress, 1984–85, op. cit.; Congressional Staff Directory, 1970, 1980, 1990; House Administration Committee minority staff for 101st Congress; Report of the Clerk of the House, April–June, 1990 (House Doc. 101–230).

[9] Figures represent the budget authority appropriated for the House in the Legislative Branch Appropriations bills for the 91st (FY 1969–70), 96th (FY 1979–80), and 101st (FY 1989–90) Congresses. Sources: "U.S. House of Representatives and Senate: Budget Authority FY 1962–FY 1988," by Paul Dwyer, Congressional Research Service (Rept. No. 889–260 GOV); Budget of the U.S., Fiscal 1991; and Legislative Branch Appropriations Bill, 1991, House Report 101–648.

TABLE 2.—HOUSE COMMITTEE SURVEY, 101ST CONGRESS

Committee	Proxy voting [1]	One-third quorums [2]	No. of subcommittee [3]	No. of staff: 1990 [4]	Investigative staff budget: 1990 [5]
Agriculture	Yes	Yes [6]	8	68	$2,016,015
Appropriations	No	No	13	190	NA [7]
Armed Services	Yes	Yes	12	68	2,070,657
Banking, Finance	Yes	Yes	8	105	4,045,000
Budget	Yes	No	6	112	NA [7]
District of Columbia	Yes	Yes	3	40	324,512
Education and Labor	Yes	Yes	8	120	3,686,681
Energy and Commerce	Yes	Yes	6	141	5,491,231
Foreign Affairs	Yes	Yes	8	100	3,369,145
Government Operations	Yes	Yes	7	86	3,062,942
House Administration	Yes	Yes	7	65	1,505,000
H.I.S.				231	
Interior	Yes	Yes	6	64	1,873,875
Judiciary	Yes	Yes	7	79	2,189,205
Merchant Marine	Yes	Yes	6	78	2,211,483
Post Office and Civil Service	Yes	Yes	7	78	1,737,075
Public Works	Yes	Yes	6	81	2,630,875
Rules	No	No	2	40	672,413
Science and Technology	Yes	Yes	7	77	2,637,645
Small Business	Yes	Yes	6	51	1,066,395
Standards of Official Conduct	No	No	0	8	500,000
Veterans Affairs	No	No	5	38	719,458
Ways and Means	Yes	No	6	82	4,098,565

TABLE 2.—HOUSE COMMITTEE SURVEY, 101ST CONGRESS—Continued

Committee	Proxy voting[1]	One-third quorums[2]	No. of subcommittee[3]	No. of staff: 1990[4]	Investigative staff budget: 1990[5]
Select Committees					
Aging	Yes	Yes	6	35	1,481,499
Children, Youth, and Families	Yes	No	0	17	734,479
Hunger	Yes	No	2	14	628,505
Intelligence	No	No	3	25	305,000
Narcotics	Yes	Yes	0	16	700,770
Total	Yes–22 No–5	Yes–18 No–9	158	2,109	56,787,425

[1] House Rule XI, clause 2(f) permits proxy voting in committee if authorized by written rule adopted by the committee. Source for survey on proxies: "Rules Adopted by the Committees of the House of Representatives, 101st Congress," Rules Committee Print.

[2] House Rule XI, clause 2(h) permits committees other than Appropriations, Budget, and Ways and Means, to set the quorum for doing business other than reporting measures, issuing subpoenas, and closing meetings and hearings, at not less than one-third of the membership. Source: same as ff. 1.

[3] This figure includes long-term task forces and panels (more than 6 mos.). Sources: House Phone Directory (Spring, 1988); Congressional Staff Directory.

[4] This figure includes statutory and investigative staff. Sources: House Administration Committee; House Phone Directory (Summer, 1990); Clerk's Report, (April–June, 1990); and Congressional Staff Directory.

[5] This figure consists only of the money authorized through committee investigative expense resolutions and does not include funding for the 30 staffers (18 professional and 12 clerical staff) each committee is authorized by House rule and statute, and which are funded through the appropriations process. Source: Report on Committee Expense Resolution, 1990, H. Res. 346 (H. Rept. 101–419), Committee on House Administration, March 9, 1988.

[6] The Agriculture Committee permits a chairman to set a one-third quorum rule if notice is given in advance of a meeting.

[7] The Committees on Appropriations and Budget receive no investigative staff funds and instead are funded entirely through the appropriations process under an open-ended statutory authorization.

TABLE 3.—MEMBER & STAFF RATIOS ON HOUSE COMMITTEES, 101ST CONGRESS

Committee	Total members	Party ratio Democrat/Republican		Total staff	Staff ratio Democrat/Republican		Staff: Member ratio
		No.	Percent		No.	Percent	
Agriculture	45	27/18	60/40	68	47/21	69/31	1.5:1
Appropriations	57	35/22	61/39	190	145/45	76/24	3.3:1
Armed Services	53	32/21	60/40	68	NA		1.3:1
Banking	50	30/20	60/40	105	84/21	80/20	2.1:1
Budget	35	21/14	60/40	112	87/25	78/22	3.2:1
District of Columbia	11	7/4	64/36	40	30/10	75/25	3.6:1
Education and Labor	34	21/13	62/38	120	92/28	77/23	3.5:1
Energy and Commerce	43	26/17	60/40	141	119/22	84/16	3.3:1
Foreign Affairs	44	26/18	59/41	100	76/24	76/24	2.3:1
Government Operations	39	24/15	62/38	86	71/15	83/17	2.2:1
House Administration	21	13/8	62/38	65	55/10	85/15	3.1:1
Interior	37	23/14	62/38	64	46/18	72/28	1.7:1
Judiciary	35	21/14	60/40	79	65/14	82/18	2.3:1
Merchant Marine	45	27/18	60/40	78	57/21	73/27	1.7:1
Post Office	23	14/9	61/39	78	58/20	74/26	3.4:1
Public Works	50	30/20	60/40	81	53/28	65/35	1.6:1
Rules	13	9/4	69/31	40	28/12	70/30	3.1:1
Science and Technology	49	30/19	61/39	77	59/18	77/23	1.6:1
Small Business	44	27/17	61/39	51	38/17	75/25	1.2:1
Standards	12	6/6	50/50	8	6/2	75/25	0.6:1
Veterans Affairs	34	21/13	62/38	38	26/12	68/32	1.1:1
Ways and Means	36	23/13	64/36	82	61/21	74/26	2.3:1
Select Committees							
Aging	64	38/26	59/41	35	24/11	69/31	0.5:1
Children, Youth, and Families	30	18/12	60/40	17	12/5	71/29	0.5:1
Hunger	29	18/11	62/38	14	9/5	64/36	0.5:1
Intelligence	19	12/7	63/37	25	20/5	80/20	1.3:1
Narcotics	29	17/12	59/41	16	11/5	69/31	0.6:1

Note.—At the outset of the 101st Congress, there were 259 Democrats and 176 Republicans, giving the majority a 60 percent to 40 percent share of House seats.

Sources: Committee on House Administration; U.S. House of Representatives Telephone Directory; Congressional Staff Directory.

TABLE 4.—OPEN VS. RESTRICTIVE RULES, 95TH–101ST CONGRESSES

Congress (years)	Total rules granted[1]	Open rules[2]		Restrictive rules[3]	
		No.	Percent	No.	Percent
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
9tth (1981–92)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
Total	1,042	713	68	329	32

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: Rules Committee Calendars and Surveys of Activities, 95th–100th Congresses; "Notices of Action Taken," Committee on Rules, 101st Congress, through the sine die adjournment on Oct. 27, 1990.

TABLE 5.—RULES RESTRICTING THE MINORITY'S RIGHT TO OFFER MOTIONS TO RECOMMIT WITH INSTRUCTIONS

Congress	Total rules granted[1]	Rules restricting instructions[2]	As percent of total rules
95th	211	3	1.4
96th	214	8	3.7
97th	120	3	2.5
98th	155	1	.6
99th	115	14	12.2
100th	123	24	19.5
101st	104	21	20.0

[1] Only rules providing for the initial consideration of legislation are included and not rules providing for the consideration of conference reports, Senate amendments to a House bill, or appropriations rules which only provide waivers and do not affect the amendment process.

[2] Rules which restrict the right to offer motions to recommit with instructions include those which deny instructions or which in any way limit the right to offer an amendment in recommittal instructions.

Sources: Legislative Calendars, Committee on Rules, 95th–101st Congresses; "Notices of Action Taken," Committee on Rules, 101st Congress, as of sine die adjournment, Oct. 27, 1990.

TABLE 6.—SELF-EXECUTING RULES, 95TH–101ST CONGRESSES

Congress	Total rules granted[1]	Number of self-executing rules[2]	As percent of total rules
95th	256	1	0
96th	259	0	0
97th	152	2	1
98th	190	5	3
99th	164	20	12
100th	165	26	16

TABLE 6.—SELF-EXECUTING RULES, 95TH–101ST CONGRESSES—Continued

Congress	Total rules granted[1]	Number of self-executing rules[2]	As percent of total rules
101st	161	13	8

[1] This includes all rules granted by the Committee and not just those providing for the initial consideration of a bill.

[2] Self-executing rules are defined here as those order of business resolutions which provide for the automatic adoption of an amendment (or other matter) upon the adoption of the rule, thus eliminating the need for a separate vote on the substance of the matter. Rules containing more than one self-executing provision are only counted once for the purposes of this table.

Sources: Survey of Activities, Committee on Rules, 95th–100th Congresses; Legislative Calendars, Committee on Rules, 95th–100th Congresses; Notices of Action Taken," Committee on Rules, 101st Congress, as of the sine die adjournment on Oct. 27, 1990.

TABLE 7.—UNAUTHORIZED APPROPRIATIONS IN FISCAL YEARS 1989 AND 1990 BY HOUSE COMMITTEE

[Dollar amounts in millions]

House committee	Unauthorized appropriations, 1989		Unauthorized appropriatons, 1990	
	Number of laws	Amount	Number of laws	Amount
Agriculture			1	$37.7
Armed Services	1	$185.1	1	192.1
Banking, Finance and Urban Affairs	1	47.0	2	14,896.3
Foreign Affairs	3	10,338.4	6	15,450.7
Government Operations	1	2.4	2	2.7
House Administration	1	15.4	1	15.3
Interior and Insular Affairs	2	422.2	4	455.5
Energy and Commerce	14	5,122.7	19	5,844.1

TABLE 7.—UNAUTHORIZED APPROPRIATIONS IN FISCAL YEARS 1989 AND 1990 BY HOUSE COMMITTEE—Continued

[Dollar amounts in millions]

House committee	Unauthorized appropriations, 1989		Unauthorized appropriatons, 1990	
	Number of laws	Amount	Number of laws	Amount
Judiciary	3	5,836.2	4	6,640.3
Merchant Marine and Fisheries	4	203.0	3	10.5
Public Works and Transportation	4	583.6	4	706.9
Science, Space, and Technology	3	4,002.7	5	13,900.5
Ways and Means	1	51.2	1	4.0
Total	31	23,124.4	49	55,526.0

Note.—Authorizations under the jurisdiction of more than one committee are only counted once in the totals for the numbers of laws and amounts.

Sources: Congressional Budget Office, "Report on Unauthorized Appropriations and Expiring Authorizations," Jan. 15, 1989; Jan. 15, 1990.

TABLE 8.—BUDGET ACT WAIVERS REPORTED IN HOUSE, 96TH–101ST CONGRESS

Budget Act section waived	96th Cong.	97th Cong.	98th Cong.	99th Cong.	100th Cong.	101st Cong.
302(a) [1]	0	0	0	0	1	0
302(c) [2]	0	0	0	2	5	3
302(f) [3]	0	0	0	19	11	12
303(a) [4]	9	12	48	25	2	5
305(a) [5]	0	1	1	1	1	1
311 [6]	5	15	12	21	4	4
401(a) [7]	23	21	6	5	1	0
401(b) [8]	13	7	10	6	1	2
402(a) [9]	77	42	54	27	0	0
Budget waivers	127	98	133	106	37	27
Blanket waivers[10]	0	4	4	28	47	63
Total waivers	127	102	137	134	84	90
Total rules reported	259	152	190	164	165	161
Waivers as percent of total rules	49	67	72	82	51	56
Waivers minus § 402(a)[11]	50	60	83	107	84	90
Non-402(a) waivers as percent of rules	19	40	44	65	51	56

[1] Sec. 302(a) requires that the joint explanatory statement on a budget resolution conference report include an allocation by committee of outlays, and new budget-, entitlement-, and credit authority.

[2] Sec. 302(c) prohibits the consideration of any legislation reported from a committee which has not filed its section 302(b) suballocations.

[3] Sec. 302(f) prohibits the consideration of legislation which exceeds a committee's sec. 302(b) suballocation for discretionary new budget authority, new entitlement authority, or new credit authority.

[4] Sec. 303(a) prohibits the consideration of legislation providing new budget authority, new entitlement authority, new credit authority, or a change in revenues or public debt before the budget resolution for that year is adopted. [Note: This provision was modified with the enactment of Gramm-Rudman-Hollings I, to exempt from the point of order any appropriation bill considered in the House after May 15th, even though a final budget resolution is not in place (P.L. 99–177, effective Dec. 15, 1985).]

[5] Sec. 305(a) prohibits consideration of a budget resolution prior to the sixth day after it is reported.

[6] Sec. 311 prohibits consideration of any legislation which would exceed the outlay ceiling or revenue floor contained in the most recent budget resolution.

[7] Sec. 401(a) prohibits consideration of legislation providing new contract or borrowing authority not provided for in appropriations acts.

[8] Sec. 401(b) prohibits the consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported.

[9] Sec. 402(a) prohibits the consideration of any bill authorizing new budget authority for a fiscal year if not reported on or before May 15th preceding the beginning of such fiscal year. [Note: This provision was repealed with the enactment of Gramm-Rudman-Hollings I on Dec. 15, 1985.]

[10] Blanket waivers counted here are those provisions in a rule which waive all points of order against a bill or committee amendment in the nature of a substitute made in order as original text for amendment purposes. Not only do blanket waivers set aside all standing House rules, but all provisions of the Budget Act as well.

[11] To provide a constant for comparison purposes, sec. 402(a) waivers have been subtracted from total waivers here because the section was repealed on Dec. 15, 1985 (see ff. 9 above).

Sources: Legislative Calendar, Committee on Rules, 96th–100th Congresses; Survey of Activities, Committee on Rules, 96th–100th Congresses; "Notices of Action Taken," Committee on Rules, 101st Congress, through the sine die adjournment, Oct. 27, 1990.

TABLE 9.—BILLS AND JOINT RESOLUTIONS PASSED UNDER SUSPENSION OF THE RULES BY THE HOUSE

Item	Congress						
	95th	96th	97th	98th	99th	100th	101st
Total measures passed by House [1]	1,027	929	704	978	973	1,061	968
Total measures passed under suspension of rules [1]	389	340	251	371	349	510	502
Suspensions as percent of total measures passed	387	37	36	38	36	48	52

[1] "Measures" as used here refers only to bills and joint resolution and does not include simple and does not include simple and concurrent resolutions which are not presented to the President for his approval or disapproval.

Sources: Final Calenders of the House, 95th–100th Congress; and Table 1 in "Patterns of Floor Consideration in the House of Representatives," by Stanley Bach, Congressional Research Service, Dec. 9, 1989, for the 95th–99th Congresses; and H.I.S. data for 101st Congress.

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Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, as my colleagues know, I had planned to offer during the Democratic caucus, with the support of chairmen from other legislative committees, an amendment to rule X, clause 4 of the House rules. The amendment that I circulated to the caucus on November 30, 1990, would have clarified the jurisdiction of the legislative committees to consider and report bills and resolutions and to make recommendations to the Budget Committee establishing fees, charges, or assessments without running afoul of rule XXI, clause 5(b), which allows a point of order against tax and tariff measures originating in committees other than Ways and Means.

At the suggestion of the Speaker, however, our committee, the Committee on Ways and Means, the Parliamentarian, and the Speaker's staff entered into discussions about the matter. As a result, I understand that the Speaker plans today to issue a guidance statement regarding rule XXI after the House adopts rules for the 102d Congress. It will clarify the difference between a fee and a tax so that standing legislative committees can comply with rule XXI, clause 5(b). I will not at this time presume to state the Speaker's guidance, as that is his prerogative. I merely want to explain, by way of background, the history of this matter from the standpoint of the legislative committees.

Historically, legislative committees have reported fee, charge, and assessment provisions that have been enacted into law. Many have been adopted pursuant to the reconciliation process, but many others were adopted before reconciliation became a factor in 1980. They have been characterized as user fees, regulatory fees, and other types of assessments, including civil penalties. When paid, they have covered all or part of the direct and indirect costs of programs or activities of an agency that provides services or regulates those who pay. Such costs are not limited to, but can include administrative, enforcement, research, and monitoring expenses.

Some examples of such fees are: Land and water conservation fund fees imposed on park users; Federal Energy Regulatory Commission fees; fees for registration of commodity dealers; grazing fees; nuclear waste fees; fees for testing of iron, steel, and other materials; Clean Air Act fees; application fees for uninsured mortgages; export license fees; migratory bird hunting fees; and Nuclear Regulatory Commission fees, rail and pipeline safety fees, and fees to cover the activities of the U.S. Travel and Tourism Administration.

In 1983, the House amended the House rules to include rule XXI, clause 5(b). Points of order under the rule, as amended, have generally related to the application of the Internal Revenue Code and customs laws. However, in a series of rulings on October 4–5, 1989, the Speaker applied that clause to several fee provisions included in a reconciliation bill, generally holding that fees within the meaning of rule XXI, clause 5(b), in order not to constitute a "tax or tariff," must be collected merely to compensate the assessing governmental entity for providing a service or for the expenses incurred in regulating an activity.

At that time, the Speaker recognized that the rule "does not preclude the inclusion of 'revenue' measures in bills reported by committees not having jurisdiction over revenues" and that it "is clear that certain assessment, fees, and charges, while constituting revenue measures, are not necessarily taxes or tariffs as those terms are properly understood in law and in accepted budget concepts." The Speaker observed that, "Taxes are collected for the purposes of raising revenue to offset the general costs of Government as well as to offset the costs of services provided to a more generalized group of beneficiaries."

Despite these very general comments, the rulings gave many of us a concern about the future of such provisions in bills from the legislative committees and in the budget process. It was a matter of controversy during House consideration of the clean air bill in the last Congress, as well as during reconciliation. Thus, together with other committee chairmen, I sought a rule change so that the legislative standing committees could continue to consider and report fees, charges, and assessments of various sorts in bills and other measures. The guidance issued today is intended to clarify the matter to allow that result.

I believe the guidance will be very helpful and should be tried in the next Congress in lieu of the rule change. The Speaker has expressed an interest in accommodating the legislative committees' historical prerogative of reporting and enacting fee provisions while simultaneously protecting the tax jurisdiction of the Ways and Means Committee and the constitutional prerogatives of the House. If the guidance proves unavailing, which I hope will not be the case, we can revisit the rule change for the 103d Congress.

I understand that the guidance will continue to sustain fee provisions like those enacted in the Clean Air Act and the land and water conservation fund law and those established to run regulatory agencies like the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission. I believe it will be important in the health and securities areas, which are of immediate interest to the Committee on Energy and Commerce. It will clarify the rulings made during the reconciliation process in October 1989 that I earlier described.

I want to express my appreciation to the Speaker for his interest and participation in trying to resolve this important matter. I also want to express my appreciation to the other committee chairmen who wanted to resolve this issue and were willing to support a change in the House rules. I want to thank the Parliamentarians for their invaluable help. I believe the process was useful to them in learning more of the concerns of the committees and the nuances of the myriad fee programs, as well as the need for preserving this jurisdiction in the legislative committees in a manner that does not impinge on the tax jurisdiction of the Committee on Ways and Means and does not affect the prerogatives of the House.

Most importantly, I commend the distinguished and able chairman of the Committee on Ways and Means, DANNY ROSTENKOWSKI, for his cooperation and strong desire to work out this difficult and important issue. He and his staff have been very helpful and courteous in this endeavor, and I appreciate it. I feel all committees will benefit from the effort.

Mr. GEPHARDT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would like to respond briefly to the assertion that there is a breaking of the budget agreement through the imposition of the language of these rules. I would like to, in particular, express some thoughts about the controversy over OMB and CBO scoring, and what exactly was said in the summit, and how it was resolved.

Congressional participants in the summit repeatedly expressed concern to administration officials about the possibility of abusing the scorekeeping process as a way to achieve the administration's policy goals. As a result of these concerns, participants explored ways to minimize the possibility for manipulation.

Two basic approaches were considered. First, participants considered providing an estimating cushion for the pay-as-you-go sequester. This approach was strenuously opposed by several Republican congressional participants. When this approach proved unacceptable, OMB officials offered an alternative under which the OMB would provide a cost estimate at each stage of the legislative process which would then be binding on the agency. Although this alternative was only discussed in general terms, the estimate for a conference report would presumably be required to be available prior to the consideration of the conference report in each House, and OMB would be required to use that estimate for purposes of sequester calculations. Congressional participants strongly opposed this approach because it would necessitate, and indeed institutionalize, formal involvement by OMB and its staff in every aspect of legislative deliberation. This approach, in fact, could have given OMB more leverage over the legislative process than the approach contained in the new law, under which OMB's estimates of legislation are due after enactment.

In the end, it was not possible to reach a compromise on the issue of scorekeeping differences in direct spending and receipts legislation. When it became clear that we could not resolve this issue, we told administration officials that there was a real possibility that CBO scoring would be included in legislation presented to the President during the 102d Congress.

As we all know, this issue was raised in the final meeting on the budget, on October 26, 1990, hours before the reconciliation conference report was filed. The fact that it was not resolved to the satisfaction of congressional participants and that concerns remained about possible abuse of scorekeeping by OMB, and supported by the very fact of the agreement reached in the final meeting to require OMB and CBO to study differences in scorekeeping and provide a report to the Congress on this issue.

I would say that, if this rule is adopted, there are obvious alternatives that are available to the minority and to the administration.

First, it is critical to recognize that the new rule applies only to a subset of legislation considered by the House. It does not apply to appropriations or authorizations, but only to measures involving direct spending and receipts.

Second, if minority Members or others believe that the CBO estimate contained in the measure as reported is erroneous or inappropriate, they may seek to amend or strike the cost estimate.

In addition, a chairman who opposes the inclusion of the CBO estimate or believes it is unnecessary for a continuing measure may seek a waiver of the rule.

Third, since this is a House rule only, the issue as to whether to include the CBO estimate will be an issue for conference, and those who oppose inclusion can seek support for this position in the Senate.

Finally, of course, as the President's letter illustrates, the President can veto a bill which includes the CBO estimate, and he can also of course use the threat of veto to reach an accommodation on the scoring of a particular bill.

Finally, I think it is important to note that on the final meeting on October 26, again we did agree to require OMB and CBO to review their scorekeeping differences and report back to the Congress in May of 1991.

It well may be that the concerns that are felt on both sides can be bridged if some of the differences on scoring can indeed be bridged.

So, I really believe that this is an appropriate solution to this problem, and I am hopeful that in May of 1991 the problem can be put aside forever.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I rise in opposition to the proposed package of rules offered by the Democrats and urge a vote against the previous question, so that we might adopt our substitute package. The rules package offered at the beginning of the Congress is very similar to a genetic code. It does not determine our fate entirely, but it is the structure in which much of the fate of this Congress will be determined.

Mr. Speaker, the majority's rules package offers us an inheritance of misery. Think of it: 22 committees, 158 subcommittees, with hopelessly tangled and knotted lines of responsibility; funds appropriated for unauthorized programs; restrictive rules limiting amendments; nearly 50 percent of our bills passed under suspension of the rules. And a unilateral change in the budget agreement against all precedent and against our tradition of keeping our word.

Now I understand the situation a little bit differently than the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT]. The Democratic rules package, in my judgment, reneges on that bipartisan budget agreement, just enacted less than 2 months ago. Quite frankly the discussion centered on enforcement and that was why we agreed as we did. Now to say, "Well, we've got a different view of it, and we're going to avoid subscribing to an agreement that we so judiciously agreed to just a short time ago." It is one thing to say there was always that opportunity for us to change the agreement by law, and that is true. To change the law by joint resolution, however, requires the President's signature.

But the Democrats are not doing that. They are attempting to bypass that whole procedure by incorporating the change in a rule. They create a point of order that can be raised against spending and receipts legislation unless a provision is inserted in that particular piece of legislation with CBO's scorekeeping.

Now that just flies directly in the face of the controversial issue of enforcement that we discussed at length in the budget agreement. One of the reasons I supported the budget agreement was, notwithstanding the tax increases that we had, we thought we had bona fide spending cuts that were bound by law and could not be changed. If we were to have any increases, we would also have offsets, otherwise a minisequester would occur. Now what the Democrats are attempting to do by the rules, not by a law, is to subjugate all those deliberations we had over that protracted period of time and duck the strong enforcement provisions agreed to by the participants.

Mr. Speaker, that is why we are offended. An agreement is an agreement. I talked about in my introduction of the Speaker about dealing fairly and squarely with people and honoring one's word. That has always been my method of operation around here, to have my word as good as my bond, as good as gold. It is disappointing when we break that word between agreeing parties, particularly in regard to the one piece of legislation that was so profound in this last session as to be maligned, and criticized and talked about for months. My view had always been, "You wait until next year and we'll show you how we have brought about some good by these spending caps written into law, and so hard to get around and avoid."

□ 1430

And what you are attempting to do here is circumvent the strong enforcement by this change in the rules. It is really in my judgment unconscionable. So obviously, I have to take exception to the rules you are proposing and urge my colleagues to vote down the previous question so that we may substitute our package of rules so well portrayed by the distinguished gentleman from New York [Mr. SOLOMON].

If that fails, then I urge the Members to support a motion that the gentleman from New York or I will make, a motion to commit, that would negate this provision of the Democratic rules that undermines our budget agreement. It also calls for the Judiciary Committee to report out a balanced budget amendment for the consideration of the House no later than June 30, 1991.

So, Mr. Speaker, I would urge my colleagues to vote down the previous question. Hopefully, we can get our own substitute rules package adopted, and barring that, I urge the Members to support my motion to commit.

Mr. GEPHARDT. Mr. Speaker, I yield control of the balance of our time on this side to the gentleman from Texas [Mr. FROST].

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Texas [Mr. FROST] will be recognized to control the balance of the time on his side. The gentleman from Texas has 14 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 16 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of the proposed changes to the House rules. Some are alleging that the House rule requiring Congressional Budget Office and Joint Committee on Taxation outlay and revenue estimates to be included in revenue and entitlement bills undermines the credibility of the 1990 budget agreement. This is simply not the case. Instead, the proposed rule sends a strong message that we intend to live up to the agreement.

The budget agreement specified that any legislation which increased outlays for an entitlement program or reduced revenues must be paid for in each and every year for the next 5 years. To enforce that requirement, it was agreed that there would be an across-the-board, automatic cut in nonexempt direct spending programs if a bill were passed that was not budget neutral. The practical effect of this pay-as-you-go financing requirement will be that the Medicare Program will automatically be reduced or sequestered, and will compensate for about 80 percent of any enacted legislation which is not budget neutral. Members have a right to know when they cast their vote on the House floor whether or not Medicare and other direct spending entitlement laws are being changed. The proposed change to the House rule ensures that each Member will have this information.

The Committee on Ways and Means has lived up to the pay-as-you-go requirement for the past decade. For example, the Tax Reform Act of 1986 was revenue neutral over a 5-year period; the Family Support Act of 1988 was budget neutral; the catastrophic health insurance bill was budget neutral; and the child care bill approved by the committee last year was fully budget neutral.

To ensure that Medicare and other direct spending programs are not inadvertently sequestered requires that bills reported from a committee be budget neutral. This requires that cost estimates be prepared on each and every amendment that is offered in committee. OMB does not have the capacity or the staff to perform such a function. Furthermore, the Congressional Budget Office and the Joint Committee on Taxation already ably prepare cost estimates which are both independent and objective.

In addition, it is my view that last year's budget negotiators did not intend for OMB of this or any other administration to have the right to be involved in the day-to-day legislative activities of the Congress and its committees. Our system of government requires that the legislative branch be an equal and separate entity. That implies that Congress should work with congressional branch agencies in developing our legislative products. CBO and the Joint Committee on Taxation are independent of any member here. They are not political entities and their estimates reflect nonpartisan, objective analysis. By its very nature, OMB cannot make the same claim. Without this rule, the Director of OMB would have to review and prepare a cost analysis of any "chairman's mark" whether in the Ways and Means Committee or in any other committee of the Congress as well as all amendments that members wished to propose. This would be offensive to me as chairman and should be offensive to all Members of Congress on both sides of the aisle.

If the President believes that a bill is not budget neutral and that the CBO and JCT estimates that are included in a bill are substantially off the mark, the President can exercise his constitutional right to veto such a bill. I would hope that would not be necessary.

Finally, Mr. Speaker, this proposed rules change is important to ensure that the congressional budget process enforces the pay-as-you-go concept in the 1990 budget agreement. I fully intend to support and enforce the pay-as-you-go discipline in my committee since it is a discipline that I have imposed on the Ways and Means Committee for the last decade. I urge all Members to support the rules change.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE], who was just sworn in for the 17th time.

Mr. CONTE. Mr. Speaker, I thank my good friend, the gentleman from New York, for yielding this time to me, and I rise in opposition to the rule.

Mr. Speaker, today, amidst the pomp and circumstance of a new Congress, we set the rules of the road by which this Chamber will operate for the next 2 years.

Now, as one of our first acts, we are invited to undo one of the major achievements of the last Congress.

For the first time, the President and the Congress agreed to try to control the fastest growing costs of government—the entitlement programs that spend automatically, without control. We said, if Congress wants new automatic spending programs, it has got to pay for them—pay-as-you-go.

Fiscal responsibility. The law gave the Office of Management and Budget the job of assuring the new spending was fully paid for. That was a conservative provision, no doubt about it. OMB is more concerned about the paying than the going.

Now, less than 3 months later, before this provision has even been tested, the majority wants to change that agreement. Unilaterally, they have decided they don't like that conservative restraint on new automatic spending. And that is what is most distressing.

Here we go. The most fundamental question facing the Congress today is whether we can get the deficit under control. We made a fragile, 5-year agreement with the administration to move toward controlling the deficit. And now, we are invited to start unraveling it.

The message is clear. If this rules change passes, Congress shows there is one thing it wants more than pay-as-you-go—it's play-as-you-go.

Support the effort to commit the majority rules change proposal. Strike the deal-breaking erosion of fiscal restraint.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise to speak briefly on the proposed change regarding the bringing of congressional employees under the Fair Labor Standards Act, which was, I understand, addressed by the gentleman from New York.

We include our congressional employees now under the Fair Labor Standards Act, particularly the minimum wage law, by law. This rule change will not change that law. The majority members of the Committee on Education and Labor are satisfied that the leadership and the House Administration Committee are going to properly and legally address the categories for our employees to be in, whether they are covered or not covered. We trust that those who are covered will then suggest to us for legislative change that we allow compensatory time for service for time taken off.

So what we hope to do is this: We direct the leadership and we advise the House Administration Committee to abide by the law, and if there is a necessary change to the law concerning the overtime provision, they would refer them back to our committee. I certainly favor, and I think the majority of our Members favor, bringing all congressional employees under the comp time provision, much the same as those in municipal government and State government are included.

□ 1440

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding and for his clarification. I hope the gentleman from Pennsylvania [Mr. MURPHY] is correct that it would be the intent to bring back any change in either the exemption categories or in compensatory time, any change in law, to bring it back to the House for a vote, a separate vote, and to make it a change in law, not a change in the rules.

Mr. MURPHY. Mr. Speaker, reclaiming my time, I assure the gentleman from Texas [Mr. BARTLETT] that that is my position as a subcommittee chairman under the Committee on Education and Labor, that there be no deviation. That the Committee on House Administration may set categories and may make recommendations, but if it is a matter of a legislative change, something that deviates from the act, I certainly will join the gentleman in saying the matter should be brought before the floor.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out to the gentleman from Texas [Mr. BARTLETT] that under this rule that is pending today, the Committee on House Administration would have the authority to implement regulations on this subject and that is the intention of the Committee on House Administration to do so.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I would just note that as I heard what the gentleman from Texas [Mr. BARTLETT] said, a member of the Committee on Rules, and the gentleman from Pennsylvania said, I hear them saying two different things.

I hear the gentleman from Pennsylvania [Mr. MURPHY] say that any change in the exemption categories, which are set by law, would require a change in the law and could not be changed under this resolution. I would note this resolution does appear to change that.

Mr. FROST. Mr. Speaker, reclaiming my time, as a member of the Committee on Rules and a member of the Committee on House Administration, I would respond to the gentleman from Texas [Mr. BARTLETT], it is the intention of this resolution that regulations be issued and that they be issued by the Committee on House Administration.

If the gentleman from Pennsylvania [Mr. MURPHY] seeks to bring this matter up for a vote through his committee, he has the right to do that, but it is the intention that this matter be dealt with from this point forward by regulation.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished whip.

Mr. GINGRICH. Mr. Speaker, let me say first of all that this vote will be a case study in why the American people are increasingly angry at Congress. Just a few months ago the taxpayers were told they have to pay more taxes in a budget deal, but that political spending in Washington will be controlled for 5 years.

Now, on the very first day we are back in session, the Democratic leadership is breaking its agreement with the President. The Democratic leadership says they are not breaking their word. President Bush, on the other hand, says this new rule breaks the deal, and he will veto any bill which includes this new bigger spending provision.

Every House Republican who was part of the budget negotiations agree the Democratic leadership has broken the deal. For the working taxpayer, what is at stake is very clear. The Democratic new rule provides for higher spending. It will have Democrat-controlled staffs estimate new spending, and the result will be higher spending. That higher spending will lead to calls for higher taxes. Already there are a number of leading Democrats talking about a variety of tax increases.

Ironicaly, the budget deal was supposed to last for 5 years. It is being broken on the very first day the House is sworn in.

The Republican amendment is quite clear. Not only does it reestablish the deal that was made last fall, not only does it reestablish the control on spending, but it provides for a very clear date certain to bring up a balanced budget amendment. It is in fact a clear choice.

Now, every Member in this House went home and campaigned against more taxes, against spending in Washington, in favor of a balanced budget. In the next few minutes we are going to have a clear choice. Every Member is going to get to walk back in this room and vote, and vote one way or another. They are going to vote to break their word with the President, they are going to vote to break their word with the taxpayer, they are going to vote to have higher spending and ultimately higher taxes, or they are going to vote to send the signal to bring up a balanced budget amendment. They are going to vote to send the signal to keep their word with the President and the American people, and they are going to vote that they want to control spending.

It is a very clear choice, and I think everyone back home ought to look at those campaign speeches from last fall and they ought to look at this vote, because this vote is real. It is the vote that has real impact on the real pocketbook of every American.

Mr. FROST. Mr. Speaker, may I inquire of the Speaker as to the time remaining?

Mr. SPEAKER pro tempore. (Mr. HOYER). The Chair would advise the gentleman from Texas [Mr. FROST] that he has 7 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 11½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, what we have here is a rules package that says if you cannot live with it, change the rules and ignore whatever needs exist in this body for real reform.

Take, for example, the CONGRESSIONAL RECORD. Last year we had a commission that told us that we needed more accuracy in the CONGRES-

SIONAL RECORD. We were assured that we would not make the change then, but when we got to the new rules package, that this is one of the things that would be considered.

Well, maybe it was considered, but it was not included. So once again we are going to have a distorted CONGRESSIONAL RECORD because the Democratic majority will not live up to their obligation to make certain that the records of the House are an accurate reflection of what takes place in this body.

Take the Fair Labor Standards Act. We just had a discussion on the floor about that.

It turns out that the chairman of the subcommittee in the Committee on Education and Labor and the gentleman who has drafted the rules package are in complete difference as to the nature of what is happening here.

What it turns out is that the House has simply decided to throw out the law of the land with regard to the minimum wage and has decided to find a way that the House can work its way around it. So we really do not have to comply, like everybody else in the country does.

Take the budget deal. The budget deal last year was predicated on the fact that yes, we would raise taxes on the American people, but at the same time we were going to control spending in Washington.

What do we find out on the very first day of the new Congress? We find out that we are not going to control spending, that we are going to break the deal with the President of the United States, that we are going to figure out a way to use House rules as a mechanism for having brand new spending and much higher spending in the future.

It is very, very interesting how they plan to do this. It is very interesting that they are going to use the Committee on Rules as a vehicle for it, where they stack the ratios in the committee in a way that the minority cannot hope to get a fair ruling.

One of the things that was said by the majority leader that protects the minority is the fact one can go to the Committee on Rules for a waiver.

Big chance. Let us not kid ourselves. Let us not have a joke here. I mean, this is real stuff. That is what taxes are all about.

Now the American people are faced with massive tax increases and no control of spending, and the vote that we cast here in a few minutes will be on that issue.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I worked as hard as any Member in this Congress to control spending. I was delighted last fall when the budget agreement included tough spending limitations and enforcement mechanisms. If I felt that the rule being proposed by the Democratic Caucus today would unravel the effect of that budget agreement, I would vote against it. But on the contrary, I think it will help us to adhere to and enforce that budget agreement.

We will still have the spending limitations for various categories of spending. We will still have a pay-as-you-go requirement. All of those important budget reforms will still apply.

The only question before us today is whether OMB or CBO will be the scorekeeper.

We have to ask ourselves several questions: does OMB have a better track record in terms of making budget estimates? I think the answer is no.

Does OMB use a more conservative set of economic assumptions? I think if you look at the record over the years, the answer to that question is also no.

Does OMB have a tradition of nonpartisanship in the development of its budget number? I think again the answer is no.

If you are looking for objectivity in setting budget numbers, if you are looking for a timely response so that the work of Congress can proceed, I think the only reliable agency that we have been able to turn to over the years is the Congressional Budget Office. For that reason I feel that this rules change is an appropriate change. It will help us identify accurate numbers, objective numbers by which to measure our work. I think in so doing it will help us to enforce and implement, rather than undermine, the budget agreement reached last fall.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. GRADISON].

□ 1450

Mr. GRADISON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong opposition to the rules proposed by the Democrats, but especially the provision that instructs the House to disregard the agreement just entered into with the administration by requiring the President to use congressional scorekeeping on all fiscal legislative measures.

The devious proposal is not only a violation of an agreement, it is a direct affront to the rule of law, in particular to a law of the land whose ink is barely dry.

Had the White House instructed the executive departments to disregard a key element of the budget agreement, the Democratic leadership in the Congress would have gone ballistic. They would have urged editorial writers all over the country to object to the executive branch putting itself above the law. But what we see here today is the Democratic Party putting itself above the law.

Furthermore, the Democrats can hardly plead ignorance; it was, predominately, their votes that enacted this provision into law as part of the Omnibus Reconciliation Budget Act of 1990; it was their leaders who negotiated this provision which the majority leader now wants to change. The chairman of the Ways and Means Committee properly argues that the House should have CBO and Joint Tax Committee estimates before taking action on entitlement and tax changes. But he goes too far in arguing that OMB must be bound to follow these estimates in carrying out their sequestration responsibilities.

Mr. Speaker, this is not the way to begin a new Congress. This shameless, unilateral action by House Democrats will poison the waters and make it all but impossible for the House to work in a bipartisan manner to craft vital legislation that the American people need.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise on behalf of the gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican on the Education and Labor Committee, and myself and others in strong opposition to amendment 19, rule LI of this package. It is clear that what this rule does is to reexempt Congress from the Fair Labor Standards Act which we were finally covered by in the last session of Congress.

I say shame on this House, shame on the leadership for bringing this rule to us. For some 50 years Congress has been exempt from every single employee protection law that we have passed for the rest of the country. We are exempt from OSHA, we are exempt from civil rights, we are exempt from the Americans With Disabilities Act, we are exempt from AIDS discrimination, we are exempt from the National Labor Relations Act. We have been exempt from the Fair Labor Standards Act, and in what some say was the only good action taken by the 101st session of Congress, the only positive step was Congress did cover itself under the Fair Labor Standards Act to include Congress, congressional employees under those protections. But now rule LI provides for a reexemption.

Read it for yourself. The rule says that it will leave up to the House Administration Committee the determination of exemption categories and determination of permitting the use of compensatory time as compensation. Both exemption categories and compensatory time are spelled out specifically in the Fair Labor Standards Act by statute, and implemented by regulation of the Department of Labor.

Let us walk through what this means. It means, No. 1, a whole new set of exemptions. The law says exemptions for everyone else are professional, administrative and management, and yet this would provide for new categories thought to be called "legislative, essential, and representational," words and exemptions that are nowhere to be found in the law or either statute or regulation.

In 1989 the House of Representatives for the first time covered its own employees under a major labor law, the Fair Labor Standards Act. Today, with Item 19 of House Resolution 5, the House will attempt to reexempt its employees and set different rules for itself.

DETERMINATION OF EXEMPTION CATEGORIES

House Resolution 5 gives the House Administration Committee authority to determine exemption categories.

The FLSA includes three categories of exemptions which would apply to the House: professional, executive, and administrative.

Last fall, the House Administration Committee came up with three categories of employees who would be exempt from the provisions of the Fair Labor Standards Act: legislative, essential, and representational.

"Representational" employees could be caseworkers, receptionists, or legislative correspondents—all of whom are acting on behalf of their employers but most of whom do not meet the guidelines defining professional, executive, or administrative employees.

"Essential" employees could be just about anyone. When the House is in session late, staff is needed to keep the doors open, work the lights, make copies, answer phones, and so forth. These employees are essential, but again, not necessarily professional, executive, or administrative.

PERMITTING THE USE OF COMPENSATORY TIME

The FLSA is very specific about compensation for overtime. Overtime hours worked by covered employees must be compensated with wages at one and one-half times the regular rate.

Employees of a State or an interstate governmental agency may receive compensatory time off in lieu of overtime pay. Employees of Congress are nowhere given this option, and it would require an amendment to the law to change this.

AUTHORITY TO ISSUE RULES AND REGULATIONS

House Resolution 5 grants unlimited authority to the House Administration Committee to issue rules and regulations applying the FLSA to Congress. Apparently there would be no opportunity for review or comment by Members. The House Administration Committee should bring to the floor a resolution that offers guidance to Members on which employees are exempt—using FLSA guidelines—how to calculate overtime pay, how to treat holidays, mealtimes, and weekends, and other aspects of the law. But this House Resolution gives House Administration authority to unilaterally change the law and re-exempt Congress.

Congressional employees deserve the same rights and protections as private sector employees. Vote to defeat the previous question and to keep FLSA coverage for congressional employees.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, there is another reason we should be voting down the proposed rules changes by the Democratic majority.

During the budget battle of recent vintage, the Government of the United States was shut down or threatened to be shut down several times. We can never, never undergo that kind of possibility again.

What the Republican substitute, if allowed to be offered, would do is it would take a giant step toward preventing that very same poisonous shutdown of Government which we all seek to avoid. It would allow a continuing resolution, sadly which is needed from time to time, to go into automatic effect if we should fail to meet our responsibilities of a budget reconciliation, and thus prevent the shutdown of Government. We ought to give it a chance to work.

What infamous kind of thing it is to have the Government of the United States shut down while the Armed Forces of the United States are deployed in Saudi Arabia. That actually happened to us last time. Never again.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON], who voted for the Deficit Reduction Act because of the enforcement procedure that the Democrats are doing away with today.

Mr. HOUGHTON. Mr. Speaker, I speak against the rule changes, and specifically the change in the scoring system. I think it is wrong. I think it is inappropriate and I think the timing is bad.

My only hope is that this will not be a party line up or down vote, because I do not think it is a party issue. I just want to make two points.

I do not know what happened at the meetings. I was not there. But I assume a word is a word, and some people who I respect felt that the word was given, and if you agree to something you ought to stick with it.

Here is something that we have not even tried once and now we are trying to change it.

I have spoken to the heads and exheads of the CBO, and they agree with me. There is potentially a problem with the scorekeeping system. But that is not a problem really, because the conditions change, and the forecasting process is in terms of policy impact not economic changes.

I would just like to say one other thing. Here we are, the first session of the 102d Congress, and we are talking about something where the world is on the verge of catastrophe. I would only hope that we would not change the rule and get on with the business that we were sent here to do.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. McEWEN], a new member of the Rules Committee.

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as I understand the budget package during the eruption that took place in October it was that when we came back from the summit, Mr. Sununu and Mr. Darman negotiating on behalf of the administration said that ladies and gentlemen, we had forced the gentleman to eat his lips, but we had reached an agreement that will be advantageous again in the future. That was that over the next 5 years we decided upon various spending categories, and whenever Congress overspends we have the authority to reduce spending in that same area so that we do not supersede these limits over the next 5 years.

Some of us over here, most of us over here looked at Mr. Sununu and said Mr. Sununu, they are not going to abide by it. Come March, come April, they are going to just jump out of it, and you are going to be stuck with new taxes, and they are going to increase the spending anyhow. And he said, "Oh, no, you don't understand. We had a big summit, and we argued about it, and we even fought a little, and decided that OMB should decide it, and they conceded and gave a little, and we gave up a little with the tax package." And the Speaker came down here in the well and pleaded with us to come together on a bipartisan basis, for the good of the country, and so by a vote of a very narrow margin we decided to do it.

Some of us went back home and said, I said just a week ago to the chamber of commerce in Dayton, OH, that this thing would not last until March. I was wrong. It did not last through the first day.

□ 1500

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, as one of those minority of the minority that voted for both the summit package and ultimately the Budget Reconciliation Act, I guess I am standing up here today to say thank you to the majority for teaching me a very valuable lesson. Those of us here on our side who did not support the reconciliation bill but who are protesting this rules change because it is a breaking of a word really ought to be coming to the well and saying to those of us who trusted, "We told you so." You did tell us so. You told us that, all the way along, taxes are permanent, and that spending limits will not last. You were right. We were wrong.

We trusted.

The point is not whether CBO can do a better job than OMB. The point is not whether or not you may have a better idea as to how to do the scorekeeping. The point is that you came to all of us and you said, "We have a sugar coating to the very bitter pill of taxation."

I caught unshirted hell at home for my vote on that reconciliation bill, and I was able to say, "Yes, there are taxes, but there are spending limitations."

It is too bad I was only half right.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, a great many Members voted for the budget resolution because of the possibility of controlling spending.

I do not know about other districts, but my district in Kansas did not demand of me any new taxes, but they did want something done about controlling the deficit and controlling spending.

The spending caps in that resolution promised to be the most effective control on spending suggested yet. These caps were intermittent, and they did not offset one area of spending against another. If the overspending was in defense, the cutback had to be in defense. They were effective.

This reneges on that bipartisan agreement.

The majority party is incorporating in House rule, not law, where you do not need our votes, after making an agreement last October where you did need our votes to reach agreement.

This rule change it a betrayal. It is betrayal of all of us who voted for the budget agreement, of those in the country who believe that getting control of spending and the deficit is the most important domestic issue before Congress today.

The SPEAKER pro tempore (Mr. HOYER). The gentleman from New York [Mr. SOLOMON] has 1 minute remaining.

Mr. HENRY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes. I believe that mine would be the only request on this side. We are dividing our time, and we are 2 minutes short.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HENRY] is recognized for 2 minutes. This will not count against the 1 minute that the gentleman from New York [Mr. SOLOMON] has remaining.

Mr. HENRY. Mr. Speaker, I express my appreciation to my colleagues for understanding.

All of the Orwellian excellence in the world cannot obscure the fact of what we are doing.

Most of the debate on the majority side has really not clarified the question, but, in fact, tried to obscure it.

The fact is that we are raping the budget agreement that was reached only 3 months ago. That is what it is.

You might tell us it is adultery because it involves consenting adults. We are trying to tell you we are not consenting.

We are told that there were technical agreements that everyone understood were to be made later. That is what we were told. Here is the White House understanding. I read the President's message to the Speaker:

> This rule would change the new pay-as-you-go enforcement mechanism by overturning a specifically, specifically negotiated and agreed scoring provision. More important, if the proposed rule is adopted, the House of Representatives will have begun the 102nd Congress by undercutting the credibility of the entire budget agreement.

That is what we are doing, Mr. Speaker. Call it adultery. It is rape.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 1 minute remaining.

Mr. SOLOMON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the substance of this proposal, and with deep concern for the subversion of the legislative process contained in this package.

The substance strikes at the heart of the budget agreement. The process strikes at the heart of democracy, and so I am going to use such time as I may consume, and I am not going to recognize the authority of the Speaker's gavel, because I want to make very clear the implications of what is happening here.

First of all, this House is operating under precedent, not under rule. Precedent is something that we honor because we hold ourselves to a standard of ethical conduct that requires honoring our rules.

If we do not hold ourselves to that standard of ethical conduct, then the line between self-government and chaos disintegrates. If we cannot operate ethically, we cannot govern ourselves as a free nation. So, honor is everything; word is bond.

I choose not to be governed by the gavel, because I want to demonstrate that where word is not bond, democracy cannot survive.

The majority leader himself made my case. He said that in the summit agreement, the summiteers could not agree, so they adopted the OMB right to determine spending levels. But, he said, we—the Democrats—told the President that we might seek to change this part of the package, and he himself said, and you can look in the RECORD tomorrow, he himself used the words that, "We might propose changing this portion of the law, and the President could veto it." That is the proper course of action.

If we were doing that here today, democracy in its gut and at the level of trust that it demands would not be at risk; but the majority party is not proposing a statutory change for which they could be held accountable.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. JOHNSON of Connecticut. The majority party is proposing a rules change.

The SPEAKER pro tempore. The Chair would state to the gentlewoman that whatever point she is trying to make that the Chair is going to make a point.

Mrs. JOHNSON of Connecticut. It does not change the law.

The SPEAKER pro tempore. The House will operate under proper decorum.

Mrs. JOHNSON of Connecticut. Rather through the rule, they are intending to abrogate the content and meaning of the law. One could ask ones self, why is this happening today? It is happening for a very simple reason. It is happening for the same simple reason that Wall Street was crippled by greed. On Wall Street individual greed took precedence over that code of conduct that had in the past regulated business decisions, the conduct of business, on Wall Street.

What is happening here is that individual desire for spending programs is overriding the public interest in deficit reduction.

Mr. SIKORSKI. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentlewoman is out of order. The gentlewoman is making the point of not folowing the rules.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am sorry. I know this is unpleasant.

The SPEAKER pro tempore. The gentlewoman will remove herself from the well within 30 seconds.

Mrs. JOHNSON of Connecticut. It is imperative that some of us stand up for the fundamental principles on which democracy rests, and I will be done soon, but I will finish.

In the budget agreement that we adopted, we allowed a significant amount of spending increase and tax increases, and then we adopted a discipline over spending in the future years of the agreement.

Who in their right mind would have thought that we could have increased HHS spending 14 percent under a summit agreement whose goal it was to reduce the deficit?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mrs. JOHNSON of Connecticut. By implementing the budget agreement through such large first-year increases, we ate up our spending opportunity for this year as well. This rules change is being proposed because Democrat

Members are now angry that they ate up the spending last year.

The SPEAKER pro tempore. Does the gentleman from Texas seek time?

Mrs. JOHNSON of Connecticut. And that consequently, this year the summit agreement will require us to cut spending. To avoid having to discipline spending, these rules propose that we adopt another monitor of spending, another body to estimate costs, and thereby make room for new spending under a budget agreement that requires cuts.

PARLIAMENTARY INQUIRY

Mr. FROST. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mrs. JOHNSON of Connecticut. They are going to increase spending as they desire, abrogating the public interest in deficit reduction. In other words, those supporting this rules proposal now are subverting the fiscal constraint sections for the specified purpose of allowing more spending than the summit agreement would allow.

Mr. FROST. Mr. Speaker, has the time of the other side expired?

The SPEAKER pro tempore. The time of the other side has expired. The gentleman from Texas has 5 minutes remaining.

Mrs. JOHNSON of Connecticut. That is why this, today's debate, is happening. We are at a point where individual desires to spend on our own special interest programs are overriding the larger public interest in deficit reduction to which we as a Congress committed ourselves. Frankly, I feel personally compelled to demonstrate the consequences to democracy of the destruction of the moral principles that underly our form of government.

Just as my unwillingness to honor the rules of House debate creates havoc, so the majority party's unwillingness to adhere to a negotiated deal to which they gave their word, is deeply and fundamentally violative of the trust that is essential to democracy succeeding.

POINT OF ORDER

Mr. GONZALEZ. Mr. Speaker, I rise to a point of order. I rise to a point of order, Mr. Speaker.

Mrs. JOHNSON of Connecticut. As I said, I am not going to talk at length but only for the very few minutes necessary to make clear my concern with the substance and process violations in this rules proposal.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GONZALEZ. The gentlewoman is out of order and is defying the Chair's ruling and, therefore, I am imploring the Chair to exercise its authority to enforce the rules of the House by summoning the Sergeant at Arms and presenting the mace.

The SPEAKER pro tempore. The Chair may do that.

Mrs. JOHNSON of Connecticut. I regret that the majority party on such an important matter refused to allow Members the time we need, and I particularly regret this demonstration of oppression of the minority as democracy simply cannot survive if the minority's right to debate is deeply compromised. We must do better than this in the months ahead. We must reject these rules. We must come back with a rules package that honors statutory law and that does not seek to change law through the subterfuge of rules changes. We must come back with a package that honors the standard of ethical conduct on which this House has always depended.

I thank the Speaker.

☐ 1510

Mr. FROST. Mr. Speaker, for purposes of concluding debate, I yield the remaining time to the distinguished chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, first of all, let me urge support for the rules. The majority party, Democrats, control the House, and were elected by the people of this Nation to control the House. We intend to operate under the rules that we propose for the House. These rules are fair. They are balanced. They are responsible. They provide for the orderly operation of the House. That is our responsibility. That is what we fulfill today.

Specifically, on the issue of OMB and CBO, relating to the scoring of pay-as-you-go legislation; for those Members who voted for the budget agreement, let me address my remarks to those who voted for the budget agreement. It is not the intent of the leadership to in any way undermine the budget agreement. The issue here is not whether or not we enforce the budget agreement. We will enforce the budget agreement. The issue is not whether or not we will have pay-as-you-go requirements. We will have pay-as-you-go requirements. Indeed, the issue is not whether or not there will be sequester. The fact is that CBO in its scoring could indeed produce sequester with regard to pay-as-you-go legislation. Those are not the issues here.

The issue here is one issue alone: Who will be the scorekeeper for the House of Representatives when it comes to pay-as-you-go legislation, moving through this committee? The official scorekeeper of the House of Representatives in the Congress is the Congressional Budget Office. It scores authorizing bills, it scores appropriation bills, it scores, with the help of the Joint Committee, tax bills. It scores whether or not we have fulfilled our goals under the budget resolution. Therefore, it is incumbent that CBO be our official scorer when it comes to pay-as-you-go legislation.

Now, I recognize the conflict that has been created by Gramm-Rudman with regards to OMB and the use of sequester, and indeed OMB has the authority when it looks at overall deficit numbers, to establish whether or not we have breached those overall deficit numbers. The issue under this agreement is individual pay-as-you-go bills, and the question is: Is OMB going to score for the committee and for the House? Are they going to be the principal scorekeeper, or is CBO going to be the principal scorekeeper?

Now, what is the problem with the Office of Management and Budget? There are several. First of all, it is a branch of the executive branch of government. It is part of the executive branch of government. It basically advocates policy on the part of the executive branch of government. CBO does not do that. Third, there have been differences in scoring in major areas. For example, with regard to the issue on taxation, the capital gains. There was a difference of almost $21 billion between OMB and CBO. When it came to Medicare, there was a difference of $7 billion. When it came to food stamp legislation, almost 336-percent difference between numbers recommended by CBO and numbers by OMB.

So those were the legitimate concerns that came up during the budget summit. A lot of people have talked here about the issue of what was agreed to or not agreed to in the budget summit. I was chairman of the task force on the budget process. This was a disputed issue because of the very concerns that I have raised. We tried and made an effort to resolve the effort. One proposal was to develop a cushion, to allow for a cushion so that if there were differences, we could try to cover them within a proposed cushion. That was objected to, not by the Democrats, but by the Republicans. We offered another proposal with regard to OMB offering some scorekeeping at the conference stage. The problem, very frankly, was that Members did not want to be in a position of having to negotiate with OMB throughout the committee process. That is a legitimate concern. So, in the last meeting of the budget summit in the Speaker's office, the decision was that what we need is a study by OMB and CBO to try and resolve their differences so that we can, in fact, have a legitimate score on the pay-as-you-go bills in which there is unity between OMB and CBO, as to those scores.

Now, with regard to the flexibility of the minority in administration. If they do not like what is being proposed in the bills, they could offer an amendment on the floor. It can be waived through the Committee on Rules. It can be negotiated in conference, and the President ultimately has the ability, as he has stated, to veto the bills. My urging here is that we request OMB and CBO to implement a study, to report back to the Congress on their differences. We will not pass any pay-as-you-go legislation until we complete the budgetary in any event. Therefore, please allow Members the time to complete that study, resolve these differences, so that we can focus on policy issues. That is where the debate ought to be.

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the gentleman be given 2 additional minutes so that I can ask him a respectful question, as he pledged.

Mr. PANETTA. Mr. Speaker, I object to the request of the gentleman from New York [Mr. SOLOMON].

Mr. FROST. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore (Mr. HOYER). The question arises on the adoption.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to respond, as he pledged he would.

The SPEAKER pro tempore. There has already been an objection to that.

Mr. McEWEN. Mr. Speaker, I am renewing my personal request. I am asking unanimous consent to address the House for 2 minutes so that I may yield to the distinguished chairman, on questions that he made during the course of his presentation, questions that we challenged as being under dispute.

I would like to have a response, and therefore I ask unanimous consent for him to be permitted to respond.

The SPEAKER pro tempore. The Chair would indicate that the previous question has been moved.

Will the gentleman from Texas [Mr. FROST] withhold on the motion, or does he press the motion?

Mr. FROST. Mr. Speaker, I withheld on the motion, and I would not object to a 2-minute unanimous-consent request, for purposes of a response from the chairman. At that point, I will renew my motion to move the previous question.

Mr. SOLOMON. Mr. Speaker, I thank the Speaker, and thank the gentleman for understanding.

The SPEAKER pro tempore. Does the gentleman from New York request the additional unanimous consent for the 2 minutes?

Mr. SOLOMON. Mr. Speaker, yes, we do, so we can have a little colloquy.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. PANETTA] is recognized for an additional 2 minutes.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman, who has come before the Committee on Rules many times, that I deeply admire and respect him, and I do. However, the argument today is about the President of the United States, who called me on the phone at 6:30 a.m. on a Friday morning and told me that the gentleman from California [Mr. PANETTA] and the Democratic leadership had agreed to have OMB as the relevant agency. That is why he agreed to the tax increase.

Mr. PANETTA. Mr. Speaker, with all due respect to the President of the United States, the President of the United States was not present in the summit meetings. The President of the United States was not present during negotiations during this issue. There were three representatives from the administration who were present who are involved in this disputed issue. At the time, I said to them that if we could not resolve it here, make no mistake about it, this will be a disputed issue if we cannot resolve it. We could not resolve it. We made an effort to do that.

This is a way, very frankly, of trying to force the issue, so that hopefully OMB and CBO can reduce their differences on scoring. That solely the issue does not have anything to do with the budget agreement or pay as you go, or nothing to do with the enforcement. I intend that the agreement is fully enforced. I want to have an objective a scorekeeper as possible, and I prefer CBO over OMB. It is that simple.

Mr. McEWEN. Mr. Speaker, it says in the law that OMB would be the scorekeeper, and if that is established in the law, what is the purpose of this rule? Why the change, if it is not reneging upon an agreement? Why did we not proceed as we had proceeded before, except that it is a challenge?

Mr. PANETTA. The decision at the end of the final discussion on that was that indeed we would have a study by OMB and CBO to try to resolve their differences. That was the decision that we arrived at because these are great differences.

Now, to OMB's credit, they are trying to move toward more credible projections in terms of their costs.

□ 1520

I think all of us admit that OMB, whether it is a Democratic or a Republican administration, have played games with projections. They played games on economic projections. They played games on policy issues.

The CBO, on the other hand, remains the most objective scorekeeper for the House and the Senate. That is understood.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the President's communication may be inserted in the RECORD at this point.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The letter above referred to of December 21, 1990, from President Bush, is as follows:

THE WHITE HOUSE,
Washington, December 21, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I understand that the House Democratic Caucus has approved a rule for consideration by the House that would begin to undo the recently enacted Budget Agreement.

This rule would change the new pay-as-you-go enforcement mechanism by overturning a specifically negotiated and agreed scoring provision. More important, if the proposed rule is adopted, the House of Representatives will have begun the 102nd Congress by undercutting the credibility of the entire Budget Agreement. If specifically negotiated and agreed provisions are to be undone before the ink is dry, how can we expect the Agreement to be taken seriously? Where, one might reasonably ask, is the process of erosion to stop?

Abandonment of the Agreement would undermine hard-earned confidence in the U.S. Government's improved ability to control Federal spending. To undermine such confidence in the current economic circumstances seems to me to be particularly unwise.

In order to preserve the integrity of the Budget Agreement, I urge you to prevent the adoption of any rule that would violate our Agreement. And in order to preserve confidence in that Agreement, I must advise you that I will veto any bill that contains language such as that specified in the rule approved by the Democratic Caucus.

Sincerely,

GEORGE BUSH.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 162, not voting 18, as follows:

[Roll No. 3]

YEAS—250

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior

Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Campbell (CO)
Cardin
Carper
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit

Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey

Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—162

Allard
Archer
Armey
Baker
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Ireland
Jacobs
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Andrews (TX)
Aspin
Ballenger
Bustamante
Davis
Dymally
Hochbrueckner
Inhofe
Jefferson
Levine (CA)
Lipinski
Moran
Pallone
Savage
Sikorski
Smith (TX)
Snowe
Swett

☐ 1542

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOYER). Before the Chair takes the vote, if there are any Members who did not take the oath, if there are any Members who were absent when the oath was administered by the Speaker, the Speaker is prepared to give the oath before this vote is announced. Any Member who has not taken the oath, who wishes to take the oath now, will report to the well.

Mr. WEBER and Mr. SHUSTER changed their vote from "yea" to "nay."

Mr. JONES of North Carolina changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO COMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. MICHEL moves to commit the resolution H. Res. 5 to a select committee comprised of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendments:

(1) Strike paragraph (10) and redesignate succeeding paragraphs accordingly.

(2) At the end of the resolution, add the following new paragraph:

"(19)(a) The Committee on the Judiciary is directed to report to the House not later than June 30, 1991, a joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government.

"(b) Not later than ten legislative days after the Committee on Judiciary has reported a joint resolution pursuant to subparagraph (a), the Committee on Rules shall report a resolution providing for the consideration of such joint resolution in the Committee of the Whole House on the State of the Union under an open amendment process. If the Committee on the Judiciary has not reported a joint resolution as required by the date specified in subparagraph (a), the Committee on Rules shall report not later than ten legislative days after such date a resolution providing for the consideration in the Committee of the Whole of the first joint resolution introduced in the 102nd Congress to amend the Constitution to provide for a balanced budget for the United States Government under an open amendment process.

"(c) If the Committee on Rules has not reported a resolution pursuant to subparagraph (b) by the date specified, it shall be in order for any Member, as a matter of highest privilege, on any day thereafter, to move that the House resolve into the Committee of the Whole House on the State of the Union for the consideration of the first joint resolution introduced in the 102nd Congress proposing an amendment to the Constitution to provide for a balanced budget for the United States Government, the joint resolution shall be subject to ten hours of general debate to be equally divided between the proponents and opponents of the joint resolution, and shall then be considered for amendment under the five-minute rule.".

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, but I will yield to the Republican leader, the gentleman from Illinois [Mr. MICHEL] to explain what it is he is attempting to do.

Mr. MICHEL. Mr. Speaker, responding very briefly to the gentleman from New York [Mr. SOLOMON] under his reservation, my motion to commit would simply strike the CBO scoring directive and add a directive to the House Committee on the Judiciary to report to the House no later than June 30, 1991, a constitutional amendment requiring a balanced Federal budget. That is it in essence, and that is the motion to commit, and I urge my Members to support it.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Illinois for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 160, nays 256, not voting 14, as follows:

[Roll No. 4]

YEAS—160

Allard
Archer
Armey
Baker
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (OR)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—256

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—14

Aspin
Ballenger
Davis
Dymally
Hochbrueckner
Hopkins
Kasich
Levine (CA)
Moran
Neal (NC)
Savage
Sikorski
Smith (TX)
Snowe

☐ 1602

Mr. COYNE and Mr. EDWARDS of California changed their vote from "yea" to "nay."

Mr. NICHOLS changed his vote from "nay" to "yea."

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOYER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 160, not voting 28, as follows:

[Roll No. 5]

YEAS—242

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Clement
Coleman (TX)
Collins (IL)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Horn
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—160

Allard
Armey
Baker
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson

Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—28

Archer
Ballenger
Brown
Clay
Collins (MI)
Davis
Dwyer
Dymally
Espy
Flake
Hochbrueckner
Jefferson
Levine (CA)
Lewis (GA)
Mfume
Moran
Mrazek
Neal (MA)
Owens (NY)
Pickett
Rangel
Savage
Sikorski
Smith (OR)
Smith (TX)
Snowe
Towns
Washington

☐ 1622

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 5, the resolution just agreed to.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I represented the United States as an international observer during the second round of presidential elections in Guatemala on January 6. My plane was scheduled to depart and unfortunately, I missed votes on January 3. Had I been present, I would have voted "no" on rollcall 3, "yes" on rollcall 4, and "no" on rollcall 5.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. MICHEL. Mr. Speaker, I offer a resolution (H. Res. 6) and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1991, until otherwise ordered by the House to-wit: William R. Pitts, Jr., Walter P. Kennedy, Ronald W. Lasch, Jay Pierson, William Gavin and Vicki Martyak, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety- fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. MOAKLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That unless otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 2 o'clock post meridian on Wednesdays; 11 o'clock ante meridian on all other days of the week up to and including May 14, 1991; and that from May 15, 1991, until the end of the first session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridian on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. GEPHARDT. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That the following named Members, be and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Jamie L. Whitten, Mississippi, Chairman; William H. Natcher, Kentucky; Neal Smith, Iowa; Sidney R. Yates, Illinois; David R. Obey, Wisconsin; Edward R. Roybal, California; Louis Stokes, Ohio; Tom Bevill, Alabama; Bill Alexander, Arkansas; John P. Murtha, Pennsylvania; Bob Traxler, Michigan; Joseph D. Early, Massachusetts; Charles Wilson, Texas; Norman D. Dicks, Washington; Matthew F. McHugh, New York; William Lehman, Florida; Martin Olav Sabo, Minnesota; Julian C. Dixon, California; Vic Fazio, California; W.G. (Bill) Hefner, North Carolina; Les AuCoin, Oregon; William H. Gray III, Pennsylvania; Bernard J. Dwyer, New Jersey; Steny H. Hoyer, Maryland; Bob Carr, Michigan; Robert J. Mrazek, New York; Richard J. Durbin, Illinois; Ronald D. Coleman, Texas; Alan B. Mollohan, West Virginia; Robert Lindsay Thomas, Georgia; Chester G. Atkins, Massachusetts; Jim Chapman, Texas; Marcy Kaptur, Ohio; Lawrence J. Smith, Florida; David E. Skaggs, Colorado; David E. Price, North Carolina; Nancy Pelosi, California.

Committee on Foreign Affairs: Dante B. Fascell, Florida, Chairman; Lee H. Hamilton, Indiana; Gus Yatron, Pennsylvania; Stephen J. Solarz, New York; Gerry E. Studds, Massachusetts; Howard Wolpe, Michigan; Sam Gejdenson, Connecticut; Mervyn M. Dymally, California; Tom Lantos, California; Peter H. Kostmayer, Pennsylvania; Robert G. Torricelli, New Jersey; Howard L. Berman, California; Mel Levine, California; Edward F. Feighan, Ohio; Ted Weiss, New York; Gary L. Ackerman, New York; Morris K. Udall, Arizona; Jaime B. Fuster, Puerto Rico; Wayne Owens, Utah; Harry A. Johnston II, Florida; Eliot L. Engel, New York; Eni F.H. Faleomavaega, American Samoa; vacancy; vacancy; vacancy; vacancy; vacancy; vacancy.

Committee on House Administration: Charles Rose, North Carolina, Chairman; Frank Annunzio, Illinois; Joseph M. Gaydos, Pennsylvania; Leon E. Panetta, California; Al Swift, Washington; Mary Rose Oakar, Ohio; William (Bill) Clay, Missouri; Sam Gejdenson, Connecticut; Joe Kolter, Pennsylvania; Martin Frost, Texas; Thomas J. Manton, New York; vacancy; vacancy; vacancy; vacancy.

Committee on Rules: John Joseph Moakley, Massachusetts, Chairman; Butler Derrick, South Carolina; Anthony C. Beilenson, California; Martin Frost, Texas; David E. Bonior, Michigan; Tony P. Hall, Ohio; Alan Wheat, Missouri; Bart Gordon, Tennessee; Louise McIntosh Slaughter, New York.

Committee on Ways and Means; Dan Rostenkowski, Illinois, Chairman; Sam Gibbons, Florida; J.J. Pickle, Texas; Charles B. Rangel, New York; Fortney H. (Pete) Stark, California; Andrew Jacobs, Jr., Indiana; Harold E. Ford, Tennessee; Ed Jenkins, Georgia; Thomas J. Downey, New York; Frank J. Guarini, New Jersey; Marty Russo, Illinois; Donald J. Pease, Ohio; Robert T. Matsui, California; Beryl Anthony, Jr., Arkansas; Byron L. Dorgan, North Dakota; Barbara B. Kennelly, Connecticut; Brian J. Donnelly, Massachusetts; William J. Coyne, Pennsylvania; Michael A. Andrews, Texas; Sander M. Levin, Michigan; Jim Moody, Wisconsin; Benjamin L. Cardin, Maryland; Jim McDermott, Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1630

DESIGNATING MINORITY MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LEWIS of California. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Mr. Conte, Mr. McDade, Mr. Myers of Indiana, Mr. Miller of Ohio, Mr. Coughlin, Mr. Young of Florida, Mr. Regula, Mr. Pursell, Mr. Edwards of Oklahoma, Mr. Livingston, Mr. Green of New York, Mr. Lewis of California, Mr. Porter, Mr. Rogers, Mr. Skeen, Mr. Wolf, Mr. Lowery of California, Mr. Weber, Mr. DeLay, Mr. Kolbe, Mr. Gallo, and Mrs. Vucanovich.

Committee on Foreign Affairs: Mr. Broomfield, Mr. Gilman, Mr. Lagomarsino, Mr. Goodling, Mr. Leach, Mr. Roth, Ms. Snowe, Mr. Hyde, Mr. Bereuter, Mr. Smith of New Jersey, Mr. Burton, Mrs. Meyers of Kansas, Mr. Miller of Washington, Mr. Blaz, Mr. Gallegly, Mr. Houghton, Mr. Goss, and Ms. Ros-Lehtinen.

Committee on House Administration: Mr. Thomas of California, Mr. Dickinson, Mr. Gingrich, Mr. Roberts, Mr. Gillmor, and Mr. Walsh.

Committee on Rules: Mr. Solomon, Mr. Quillen, Mr. Dreier of California, and Mr. McEwen.

Committee on Ways and Means: Mr. Archer, Mr. Vander Jagt, Mr. Crane, Mr. Schulze, Mr. Gradison, Mr. Thomas of California, Mr. McGrath, Mr. Chandler, Mr. Shaw, Mr. Sundquist, Mrs. Johnson of Connecticut, Mr. Bunning, and Mr. Grandy.

The resolution was agreed to.

A motion to reconsider was laid on the table.

POLICIES OF THE CHAIR

The SPEAKER pro tempore. The Chair customarily takes this occasion on the opening day of a Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: First, privileges of the floor; second, introduction of bills and resolutions; third, requests for committees to sit during the 5-minute rule; fourth, unanimous consent requests for the consideration of bills and resolutions; fifth, recognition for 1-minute speeches and special orders; sixth, decorum in debate; seventh, conduct of votes by electronic device; eighth, jurisdictional concepts related to clause 5(b) of rule XXI; and ninth, appointment of conferees. These announcements where appropriate will indicate verbatim the origins of the stated policies and the dates thereof. The Speaker intends to continue the policies reflected in these statements in the 102d Congress.

1. Privileges of the Floor

The Speaker's announced instructions to the Doorkeeper and Sergeant at Arms in the 98th Congress on January 25, 1983, and in the 99th Congress on January 21, 1986, regarding strict enforcement of rule XXXII, specifying those persons having the privileges of the floor during sessions of the House, will be applied during the 102d Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending during the 5-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The SPEAKER. Rule XXXII strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining request for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the 5-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requested each chairman, and each ranking minority member, to submit to the Doorkeeper a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a "committee staff" badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the Doorkeeper and the Sergeant at Arms to assure proper enforcement of Rule XXXII.

2. Introduction of Bills and Resolutions

The Speaker's statement in the 98th Congress on January 3, 1983, regarding the signing of bills and resolutions, his determination of committee jurisdiction on a joint or sequential basis, and his discretionary authority to refer nongermane Senate amendments to House bills to the committees of appropriate jurisdiction, will continue to apply in the 102d Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92nd Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House. The Chair also desires to announce that pursuant to the authority granted him in Rule X, clause 5, he will continue the practice of making referral of bills and resolutions as indicated in the annotations under that clause contained in the House Rules and Manual.

3. Requests for Committees to Sit During the 5-Minute Rule

The Speaker's guidelines announced during the 98th Congress on March 3, 1983, regarding unanimous consent requests for committees to sit during the 5-minute rule will continue to apply during the 102d Congress.

ANNOUNCEMENT BY THE SPEAKER, MARCH 3, 1983

The SPEAKER. The Chair announces that he will recognize Members to make requests for committees to sit during the 5-minute rule only at certain times during the legislative day. While the precedents indicate that such requests when pending are not votes requiring the presence of a quorum, the Chair wishes to avoid the need for a call of the House pending such requests but at the same time to assure predictability as to when he will accord recognition. Therefore, the Speaker intends to set up the following guidelines:

First, as has been established by precedent, permission to sit shall require unanimous consent if the permission pertains to a day for which the program has not been announced. Thus, prior to the announcement of the legislative program for the following week, only one objection would be required to prevent a committee from sitting. Following the announcement by the Majority Leader, or his designee, of the program for the next week, the Chair would entertain requests for committees to sit during the following week and 10 objections would then be required. The Chair wants it to be clearly understood that the first available opportunity in the House following the announcement of the program is an appropriate time for considering requests pertaining to the following week if the announcement comes before the completion of all legislative business.

Second, the Chair will not entertain requests on days when all votes on legislative matters have been posponed to a later date; however, the Chair will accept requests for committee hearings to be held later in the week if the request has the concurrence of the ranking minority member of the committee or subcommittee.

Third, on days when legislative business is to be conducted, and when rollcall votes are in order on legislation, the Chair will recognize during the 1-minute period only when he is assured that the ranking minority member of the committee or subcommittee involved supports the requests for the hearings or meetings.

Requests that have been objected to by 10 or more Members pursuant to clause 2(i) of Rule XI may not be renewed on the same day unless the Chair is assured that the objections have been withdrawn. The Chair will in no instance entertain requests after the legislative business of the day has been concluded; that is, after leaves of absence have been laid down or unanimous consent requests from the majority and minority tables have been entertained at the end of the day.

4. Unanimous-Consent Requests for the Consideration of Bills and Resolutions

The Speaker's policy with respect to recognition for unanimous-consent requests for the consideration of unreported bills and resolutions and for the consideration of House bills with Senate amendments, as initially announced in the 98th Congress on January 25 and April 26, 1984, will apply during the 102d Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1984

The SPEAKER. As indicated [in section 757] of the House Rules and Manual, the Chair has established a policy of conferring recognition upon Members to permit consideration of bills and resolutions by unanimous consent only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with that policy, and with the Chair's inherent power of recognition under clause 2, Rule XIV, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 7, Rule I, will decline recognition for unanimous consent requests for consideration of bills and resolutions without assurances that the request has been cleared by that leadership. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

ANNOUNCEMENT BY THE SPEAKER, APRIL 26, 1984

The SPEAKER. With respect to unanimous consent requests to dispose of Senate amendments to House bills on the Speaker's table, the Chair will entertain such a request only if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

5. Recognition for 1-Minute Speeches and Special Orders

The Speaker's statement in the 98th Congress on January 25, 1984 with respect to the Speaker's policy for recognition for 1-minute speeches and special orders, alternating between both sides of the aisle, announced on August 8, 1984, and implemented on September 5, 1984, will apply during the 102d Congress.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1984

The SPEAKER. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for "1-minute" speeches and for special order requests. The Chair will alternate recognition for 1-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit 1-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

With respect to recognition for "special order speeches" at the end of legislative business of the day, the Chair will recognize first those Members who wish to address the House for 5 minutes or less, alternating between majority and minority Members, otherwise in the order in which those permissions were granted in the House. Thereafter, the Chair will recognize those Members who wish to address the House for longer than 5 minutes up to 1 hour, alternating between majority and minority Members in the order in which those permissions were granted by the House.

Thus, all Members can continue to obtain permissions to address the House in the same ways as are presently utilized, either by requests made by the acting majority and minority leaders at the end of the day through their respective Cloakrooms or by individual requests agreed to on the floor for that day or for a future day. For the request to be entertained, it should state "permission to address the House at the conclusion of legislative business, consistent with the Speaker's announced policy of recognition." Thus, Members should be on notice that a special order for more than 5 minutes, although agreed to at a prior time, may be preceded by a series of special orders of 5 minutes of less, or by a longer special order of a Member of the other party.

Further refinements of this policy based upon experience may be announced by the Chair in the future after consultation with the Minority Leader.

6. Decorum in Debate

It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XIV to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid personalities in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

7. Conduct of Votes by Electronic Device

As Members are aware, clause 5 of rule XV provides that "Members shall have not less than 15 minutes from the ordering of the rollcall or quorum call to have their vote or presence recorded."

While the rule obviously states a minimum, rather than maximum, time requirement for electronic votes, and while no occupant of the chair would attempt to prevent a Member who is in the Chamber at the expiration of that time from casting his or her vote, the Chair has noticed that in the past session inordinate delays in concluding electronic votes or quorum calls would occur when Members would notify the Chair through the Cloakrooms that they were on their way to the Chamber from a variety of locations.

The Chair would encourage all Members to depart for the Chamber promptly upon the appropriate bell and light signal, since there is no guarantee that Members can rely upon telephoned notice to the Cloakrooms in order to have votes held open. As indicated by his remarks on this subject on October 13, 1990, the minority leader joins the Chair in urging all Members to help avoid the unnecessary loss of time in conducting the business of the House.

8. Jurisdictional Concepts Related to Clause 5(b) of Rule XXI

Clause 5(b) of rule XXI prohibits the reporting of a tax or tariff matter by any committee not having that jurisdiction. Most of the questions of order arising under this clause since its adoption in 1983 have related to provisions that clearly affected the operation of the Internal Revenue Code or the customs laws. From time to time, however, such a question has related to a provision drafted as a user or regulatory fee levied on members of a class that occasions or avails itself of a particular governmental activity, typically to generate revenue in support of that activity.

In order to provide guidance concerning the referral of bills, to assist committees in staying within their appropriate jurisdictions under rule X, to assist committees without jurisdiction over tax or tariff measures in complying with clause 5(b) of rule XXI, and to protect the constitutional prerogative of the House to originate revenue bills, the Speaker will make the following statement:

Standing committees of the House (other than the Committees on Appropriations and Budget) have jurisdiction to consider user, regulatory and other fees, charges, and assessments levied on a class directly availing itself of, or directly subject to, a governmental service, program, or activity, but not on the general public, as measures to be utilized solely to support, subject to annual appropriations, the service, program, or activity (including agency functions associated therewith) for which such fees, charges, and assessments are established and collected and not to finance the costs of Government generally. The fee must be paid by a class benefiting from the service, program or activity, or being regulated by the agency; in short, there must be a reasonable connection between the payors and the agency or function receiving the fee. The fund that receives the amounts collected is not itself determinative of the existence of a fee or a tax. The Committee on Ways and Means has jurisdiction over "revenue measures generally" under rule X. That committee is entitled to an appropriate referral of broad-based fees and could choose to recast such fees as excise taxes. A provision only reauthorizing or amending an existing fee without fundamental change, or creating a new fee generating only a de minimis aggregate amount of revenues, does not necessarily require a sequential referral to the Committee on Ways and Means. The Chair intends to coordinate these principles with the Committee on the Budget and the Congressional Budget Office, especially in the reconciliation process, so that budget scorekeeping does not determine, and reconciliation directives and their implementation will not be inconsistent with, committee jurisdiction.

Further, it should be emphasized that the constitutional prerogative of the House to originate revenue measures will continue to be viewed broadly to include any meaningful revenue proposal that the Senate may attempt to originate.

9. Appointment of Conferees

Consistent with clause 6 of rule X, the Chair intends to develop and implement a policy that would enable him to the fullest extent feasible to simplify the appointment of conferees.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

House of Representatives,
Washington, DC, January 3, 1991.

Hon. Thomas S. Foley,
The Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Mr. W. Raymond Colley, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence of disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Ms. Dolores C. Snow, Assistant to the Clerk, or Mr. Dallas L. Dendy, Jr., Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 102nd Congress or until modified by me.

With great respect, I am
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

ADJOURNMENT FROM THURSDAY, JANUARY 3, 1991, TO MONDAY, JANUARY 7, 1991, AND SUNDRY MEETING DATES AND TIMES THROUGH WEDNESDAY, JANUARY 23, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; that when the House adjourns on Monday, January 7, 1991, it adjourn to meet at noon on Wednesday, January 9, 1991; that when the House adjourns on Wednesday, January 9, it adjourn to meet at noon on Friday, January 11; that when the House adjourns on Friday, January 11, it adjourn to meet at noon on Monday, January 14; that when the House adjourns on Monday, January 14, it adjourn to meet at noon on Wednesday, January 16; that when the House adjourns on Wednesday, January 16, it adjourn to meet at noon on Friday, January 18; that when the House adjourns on Friday, January 18, it adjourn to meet at noon on Tuesday, January 22; and that when the House adjourns on Tuesday, January 22, it adjourn to meet at noon on Wednesday, January 23.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INTRODUCTION OF RESOLUTION REGARDING IRAQ

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, today, Dick Durbin and I introduced a resolution which praises the diplomatic and economic leadership by the President in dealing with the Iraqi invasion of Kuwait. Our resolution, relying on the Constitution, also requires action by Congress before any offensive military action is initiated against Iraq.

The question of whether to go to war is such a grave decision, it is not a decision to be left to one man. Our Constitution wisely makes this the responsibility of Congress, not the President. In 1798, James Madison, considered by many to be the father of our Constitution, wrote to Thomas Jefferson:

> The Constitution supposes, what the history of all governments demonstrates, that the executive is the branch of power most interested in war, and most prone to it. [The Constitution] has accordingly, with studied care, vested the question of war in the legislature.

Madison warned that if the President,

> * * * obliges the legislature to declare war contrary to its judgment, and * * * imposes a like moral obligation, to grant the requisite supplies * * * it is evident that the people are cheated out of the best ingredients in their government, the safeguards of peace which is the greatest of their blessings.

Unlike the budget, Social Security, or any of the other issues confronting our country, the question of war is an issue of life or death. It is too critical a decision to be made by the President alone; the people, through Congress, must be heard.

In our zeal to uphold international law, we should not trample upon the supreme law of our land, the U.S. Constitution.

Dick and I are joined by the following Members in sponsoring this resolution: Frank Annunzio, George Miller, Edward Roybal, Pete Stark, Charles Schumer, Edolphus Towns, Barbara Boxer, Robert Mrazek, George Sangmeister, Lane Evans, Rick Boucher, George Hochbrueckner, Matthew McHugh, Louise Slaughter, Jolene Unsoeld, Bob Traxler, Ronald Dellums, Bernie Sanders, Jerry Costello, Romano Mazzoli, Charles Rangel, Sidney Yates, Gerald Kleczka, David Nagle, Martin Olav Sabo, Sam Gejdenson, Marcy Kaptur, Morris Udall, Chester Atkins, Henry Waxman, Leon Panetta, Kweisi Mfume, Peter Kostmayer, Glenn Poshard, John Lewis, and Howard Wolpe.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the audience that they should refrain from expressing any positive or negative expressions regarding the conduct of Members here on the floor of the House.

NO MORE BUDGET SUMMITS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, it is sad but necessary for Members, at the beginning of this new Congress, to reflect a little on where we are, on the increase in the national debt that is projected.

To do that, I want to draw the Members' attention to what was the projected deficit in January of 1990 for fiscal year 1991: $130 billion; 2 months later, CBO, the same agency, estimating the deficit projection, was $161 billion; 4 months later, July, CBO said the deficit for 1991 would be $232 billion; and then, in December, at the close of the year, the same agency, CBO, said the deficit would be $253 billion.

What is the increase in the national debt projected for this fiscal year; $399 billion? This place is out of control. The people that estimate figures have no idea of what is going on. What does it tell Members? We have to stop the idea that somehow budget summitry is going to solve our problems. We have to get rid of the idea that we can tax ourselves out of this mess. The only thing that can solve this is the Congress that has the guts to restrain the growth in spending by limiting spending increases in appropriation bills to no more than the rate of inflation, over what was spent in the preceding year.

Never, ever again will we have budget summits.

THREE MAJOR ISSUES NOW BEFORE CONGRESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the first day of the session is always very eventful. We have a chance to see our friends and greet the newcomers. This has been an eventful day. However, even beyond the human relations, this is an eventful day for me because I put my name on three major bills that I think could, if passed, and really change this country and our world.

One is the resolution referred to a moment ago by my friend from Florida, Mr. Bennett, which has to do with the power of the Congress to make war, and not the President alone. I think that is a very fundamental issue which must be dealt with in this Congress. I salute the Speaker for keeping Members in session through January and not allowing Members to be in recess.

The second bill is the Brady bill, which is a 7-day delay or waiting period before a handgun can be transferred. This, I think, would overcome much of the violence and many of the deaths we have seen thoughout our Nation, and certainly here in the District of Columbia.

The last bill perhaps is more fundamental than anything, and that is campaign reform, to change the very system by which we Members come to Congress to change a system which many of the people in America feel has been corrupted.

I think, Mr. Speaker, if we the Congress were to deal with these issues, I think we would have an absolutely sensational Congress.

Let me take this opportunity to wish all of our colleagues much health and happiness in this new year.

□ 1640

SECRETARY LUJAN REPRESENTS AMERICANS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I congratulate our former colleague, Secretary of the Interior Manuel Lujan, for representing the American people in the Matsushita's ownership of the concessions at Yosemite National Park.

Secretary Lujan is not coercing nor intimidating Matsushita as former Senate majority leader Howard Baker and former U.S. Trade Representative Robert Strauss claim. He expresses the sentiments of the American people, not those of Japan's shadow warriors who are hired guns for Matsushita as both Senator Baker and Bob Strauss are.

We live in America where we have freedom of speech, and not intimidation by the yen or the almighty dollar—or what the Washington Post calls an "elite corp of middlemen." We can still fight city hall. Secretary Lujan is a true public servant and is serving the best interests of the American people. That is something the hired guns of the Japanese have forgotten.

We need more people like Secretary Lujan to keep this country from being rolled over by the special interests of former Government officials who sell our future for a yen.

SUPPORT THE PRESIDENT ON THE PERSIAN GULF

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, there are those who would criticize the President of the United States for acting too hastily on the question of the Persian Gulf; yet if you look at the record you will see that this President consulted worldwide with multiple numbers of nations and leaders before taking one step in the Persian Gulf. He presented through his proper representatives resolutions in the United Nations and waited for 12 of them en seriatim to be considered and passed before taking the next vital step in the resolution of that crisis, and January 15 was set as a deadline for the removal of the Iraqi forces in Kuwait by the United Nations, not by the President. He has acted with calm and with dispatch and with restraint throughout this whole period.

I will support the President of the United States as a Member of Congress in the execution of American foreign policy, and if a resolution should be presented to the Congress to support the President in his efforts, I shall do that; but one thing we cannot do is to unilaterally withdraw from the President the power of congressional opinion and the power of American public opinion while he is negotiating in these stages of the policy in the Persian Gulf.

Let us stand with and rally around the President of the United States.

SUPPORT COLA INCREASE FOR VETERANS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, although the last congress we provided cost-of-living increases to our Federal retirees and Social Security recipients—we failed to grant a similar increase in VA disability payments. We failed to provide undiminished support to our Nation's veterans at a time when we were asking a new generation of servicemen to heed their country's call in the Persian Gulf.

This situation is nothing short of abominable and cannot be permitted to continue. How can we ask our citizens to serve their country now when we fail to deliver on our past promises?

How can we ask our countrymen to put their lives on the line when we effectively reduce support to those who are disabled in service to their Nation?

My own Veterans' Affairs Committee and the full House supported the COLA increase last year and it is the intention of the Veterans' Committee to act swiftly on this matter this year. But the matter remains unresolved today and every day until we act.

Mr. Speaker, let us send a clear message to all our veterans and to all our servicemen. Let us act quickly on this matter. Let us signify that our country places their sacrifice above all else.

FMLN MURDERED U.S. SOLDIERS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, we have just received some very sobering intelligence from El Salvador where yesterday a United States Army helicopter was reported shot down. That U.S. Army helicopter, Mr. Speaker, was not shot down, as claimed by the FMLN. It landed under control. The three American soldiers in it were not found dead, but rather they were murdered, with bullets in the backs of their heads.

This was a clearly marked U.S. Army helicopter with three American soldiers in it in U.S. Army uniforms. They were flying an administrative support mission for our Ambassador in El Salvador. They had no role whatsoever in support of the Salvadoran Armed Forces.

It is my hope, Mr. Speaker, that this atrocity will give second thoughts to those Americans who are giving aid and comfort and financial support to the FMLN Communist guerrillas in El Salvador. It is my hope that more Americans will begin to see these FMLN Communist guerrillas for the brutal killers that they are.

INTRODUCTION OF WETLANDS PROTECTION AND REGULATORY REFORM ACT OF 1991

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, today I am introducing the Wetlands Protection and Regulatory Reform Act of 1991. This comprehensive legislation revises the Clean Water Act's controversial section 404 wetlands permitting program. It offers a more balanced approach to identifying and regulating true wetlands, achieving a no overall net loss of wetlands goal, providing greater deference to State and local decisionmakers, and affording greater protections to private property owners. In addition, it would prohibit the Corps of Engineers from implementing major increases proposed in the fees for their regulatory program.

This bill embodies the growing public sentiment that the Nation's wetland laws need serious revision. This is particularly true for farmers and other private property owners, as well as local elected officials who are often prevented from pursuing important public works projects because of conflicting or intrusive regulations.

My bill reflects the views of those who value wetlands but recognize not all wetlands are created equally. The legislation should appeal to those who believe Federal regulations need to provide a more predictable, streamlined permitting process that respects private property rights and avoids unnecessary intrusions into land use and other matters involving State and local decisionmaking.

In addition, my bill sends the clear signal that increased education and incentives for private stewardship are preferable to heavy-handed regulations or counterproductive finger pointing at particular groups.

Mr. Speaker, I urge my colleagues to support this legislation and to get involved in the ongoing wetlands policy debate. With enough support from my colleagues, I hope to move this bill and the concepts embodied in it as part of the upcoming debate on Clean Water Act reauthorization or possibly as separate legislation. Either way, the need for wetlands protection and regulatory reform is too great to settle for continuing the status quo.

The time for action is now. My bill will help to provide the needed congressional guidance to get the section 404 program back on track and on the path toward a reasonable, national goal of no overall net loss.

It is my hope that this bill will help to continue the dialog on regulatory reform and, at the same time, promote some of the consensus recommendations by those who want a stronger, fairer, and more effective wetlands protection program.

For all these reasons, Mr. Speaker, I urge my colleagues to support the Wetlands Protection and Regulatory Reform Act of 1991.

INTRODUCTION OF BILL PROVIDING FOR DISABLED VETERANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise today to introduce a bill to ensure that the veterans of our country who were disabled in combat are well provided for this year and every year to come.

It is a disgrace that the service-connected, disabled veterans did not receive a cost-of-living adjustment for the 1991 fiscal year. Also, it is ironic that Congress would not help disabled veterans at this time, when you realize the sacrifices that many American men and women may have to make as a result of the Middle East conflict.

Mr. Speaker, my bill gives disabled veterans a cost-of-living increase in their disability compensation as of January 1, 1991. In addition, it includes a provision that will make this COLA automatic every year. Under my legislation, any time Social Security benefits are increased, disabled veterans' compensation rates will be increased by the same percentage.

By making this COLA automatic, we will insure that the service-connected disabled veterans are never again overlooked, as they were last session. We will ensure that those who served our country so well and were injured in the line of duty are justly compensated. Also, we will insure that disabled veterans will not be subject to the political whims of Congress.

Mr. Speaker, I urge my colleagues to give the disabled veterans of this country the compensation that they deserve and to cosponsor this important legislation.

EQUITY FOR DISABLED VETERANS

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, I want to congratulate Congressman STEARNS for his comments on COLA's.

It is imperative that we do equity when it concerns the veterans, as it is imperative that we do so for all elements of our society.

It was my understanding that regardless of the budget process that they were to receive their COLA's. Somehow it did not happen. It should have happened, and if it was not anticipated, it should have been. There must be COLA's for the disabled veterans. We do that for other elements of our society. We must do it for our veterans, the ones who served our country in time of need. Especially now we must act quickly to assure veterans that they will be treated fairly. We do it on Social Security. We do it with other benefits. Indeed, we have done it with our own salaries. Certainly we must do it for the disabled veterans.

THE ECONOMIC CRISIS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, late last year the liberal Democrats who control this body forced a budget down the throats of the American people; telling us it was just the medicine that the American economy needed. Many of us objected, and as our economy gets sicker and sicker the American people will remember who prescribed the second biggest tax hike in American history at a time when our economy was weak and faltering.

Well, the big spenders and the big taxers boxed in the President of the United States with their budget summit agreements and they pushed through this massive tax increase in the name of deficit reduction.

Now every day as the economic news comes in, as the economic calamity becomes ever more clear, and as our people are thrown out of work, they will know who is to blame.

The tax increase they foisted on us did not bring down the deficit 1 cent. It was a tax increase and not a deficit reduction, and now we are paying the price. The American people are being taxed out of their jobs and taxed out of the prosperity they have earned through their hard work.

☐ 1650

I say there will be no more budget summit agreements like this; never again will we agree to this. The American people will know who to blame for the economic crisis we face.

NO MORE BUDGETRY BY SUMMIT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the budget process is one of our major responsibilities and we ought not leave it to a handful of people negotiating behind the scene. Never again should we allow this to happen, Mr. Speaker. No more budgetry by summit.

When we allow the normal budget process to be usurped by a handful of negotiators working behind closed doors, the rest of us are not able to affect that process. Instead, it is presented to us as a fait accompli—a done deal that we are discouraged from changing in any way. The negotiators tell us that the agreement is bipartisan—that represents a negotiated compromise on all sides and any change will upset the delicate balance that holds the agreement together. Somehow the agreement takes on a life of its own and we are left out in the cold, so to speak.

Mr. Speaker, I want to point out that this way of legislating is completely irresponsible. It means that the constituents who elected us to represent them really have no voice in the process. It means that most of us—their representatives—are left out of crucial steps in the process. It means that the minority was subtly discouraged from promoting its own goals and ideals.

Mr. Speaker, what's wrong with taking the time with doing it right—especially with something this important? There should be no more budgeting by summit. Never again.

CONCERN ABOUT FORMER TOP U.S. GOVERNMENT OFFICIALS REPRESENTING FOREIGN GOVERNMENTS AND CORPORATE INTERESTS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, what is happening to this country? Today I read in the Washington Post that a former Senate majority leader and a former Democratic Party chairman have teamed up to accuse the Secretary of the Interior of intimidation and coercion because he wants a Japanese company—Matsushita—to donate tourist facilities at Yosemite National Park to the United States.

Across the country there has been growing concern about foreign investment, including the MCA purchase. There has been even greater concern regarding former top U.S. Government officials who represent foreign governments and corporate interests.

People are beginning to feel that what may have been acceptable when the United States was the unchallenged leader in trade and manufacturing may not be acceptable today.

And Secretary Lujan's concerns about Matsushita's ownership of the national park concessions seem to be supported by an article published in the Japanese Economic Journal on June 23, 1990. The article is about Japanese electronics companies under investigation by the IRS for substantially underreporting their United States income. It cites Matsushita sources as saying that its U.S. subsidiary, Matsushita Marketing of America, may owe over $74 million in U.S. taxes that it failed to pay. That is not a good track record for a company that could have a monopoly in a U.S. national park.

In closing, Mr. Speaker, there are a lot of Americans who are beginning to be concerned that high-level Government officials, former high-level officials have gone from serving their country to selling their country.

The article referred to follows:

[From the Japan Economic Journal, June 23, 1990]

U.S. UNITS HIT WITH TAX BILLS OF YEN 50 BILLION

The U.S. Internal Revenue Service has determined that three Japanese electronics companies' U.S. units have failed to pay proper corporate taxes and owe taxes totaling more than Yen 50 billion, because they failed to report income from their international deals, company sources said June 14.

The U.S. is applying a strict taxation assessment method on foreign companies operating in the U.S. Units of Hitachi Ltd., Toshiba Corp. and Matsushita Electric Industrial Co. illicitly transferred profits into their affiliated companies abroad in the early 1980s, according to the IRS.

If the companies pay the taxes, Japan's National Tax Administration Agency would refund a corresponding amount of corporate tax to the parent companies to avoid double taxation, observers in Tokyo said.

However, since it would involve the transfer of a large amount of tax revenues, the issue will likely entail consultations between the tax authorities of the two countries, the observes said.

According to Hitachi sources, the company's U.S. subsidiaries have been ordered by the IRS to pay more than Yen 10 billion in taxes for failure to report revenues in the early 1980s. The sources also said U.S. marketing units of other Hitachi group companies, including Hitachi Metals Ltd., Hitachi Chemical Co. and Nissei Sangyo Co. also owe taxes.

Toshiba sources said that the IRS has informed production and sales subsidiaries of Toshiba America Inc., a holding company, that payments of some Yen 50 billion are owed. The company allegedly failed to declare some revenues in the four years ended March 1983.

Matsushita sources said its U.S. marketing subsidiary, Matsushita Electric Corp. of America, owes taxes of almost Yen 10 billion.

Japanese company sources indicated that U.S. sales subsidiaries of other Japanese electronics firms and automakers are being audited for inaccuracies.

Sony Corp. has been asked to submit some financial documents stored at its Tokyo headquarters, company officials said.

The U.S. tax system aims at levying taxes on a corporation's revenues from its international deals with overseas affiliates, the observers said. Under the system, tax is imposed if a company, whether foreign or American, transfers profits in some illegitimate way, such as by manipulating export prices and royalty incomes.

In obtaining proper taxable incomes of a particular company, the IRS bases its calculations on reasonable prices, rather than prices provided by the company. Because the notion of reasonable prices is not clearly defined, the three Japanese companies involved are contesting the differences between figures they provided and what the IRS has determined as reasonable prices.

OIL IMPORT TAX

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, when I think of an oil import tax, I think of the greedy and the needy.

An oil import tax is simply a way for big oil to punish the American people with higher oil prices.

Though there is currently no shortage of oil, and though the Department of Energy has said that the lost Iraqi and Kuwaiti reserves will be offset fully through at least June 1991, the price of oil has remained high. And that is greedy.

And the American consumer, in this time of fiscal belt-tightening, is becoming more and more needy through no fault of their own. Big oil has already milked the average home heating oil consumer to the tune of an extra $25 a month. And an oil import tax would add an extra $5 per barrel fee on top of already high prices.

And to add inequity to injury, Mr. Speaker, the poor and fixed-income Americans who spend the greatest percentage of their income on heating oil and gasoline would be hurt most by another increase in the price of oil.

But you don't only have to be mad, you can also get even. I have offered a resolution which would send a message to the greedy oil barons that says, "we don't want a tax on oil which will hurt the American consumer further."

Let's represent the needy and not the greedy. Cosponsor my resolution.

ENFORCEMENT MECHANISMS REMOVED FROM BUDGET AGREEMENT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, there will not be much said on television tonight about something very significant which happened in this Chamber today, but it should be covered. There was an agreement made when we passed the budget this last year that increased taxes on the people of this country by $165 billion, there was an agreement made that we would have a pay-as-you-go provision in there that would cut spending in the future and control spending.

Today when we passed the rules in this body that provision was taken out. It was thrown out the window by the majority on a party line vote.

What that means is that increases in spending in this session of the 102d Congress is going to go up and up and up.

The gentleman from California [Mr. DANNEMEYER] pointed out to all of the Members of this body a few moments ago that the increase in public debt this year is going to be almost $400 billion, much more than we had estimated; $400 billion.

We raised taxes $165 billion on the backs of the American people and that was supposed to get the job done. The problem is we have taken all the enforcement mechanisms out today. The Democrat majority is responsible for that. We should hold them accountable, the American people should hold them accountable for breaking their word. They tied the President's hands in the budget agreement, they made him raise taxes $165 billion in order to get this enforcement mechanism put in there, and now they have taken it out. I think it is a shame.

□ 1700

RELEASE THE HIGHWAY TRUST FUNDS AND PREVENTION OF GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I rise to speak on two subjects about which I feel very strongly and which I would like the CONGRESSIONAL RECORD to reflect my avenue of this special order.

Mr. Speaker, if indeed the economy is in a downturn, if indeed we are in the midst of a building recession, then the Congress of the United States must take some action in order to deaden the possibilities of a full-blown recession, to stop it in its tracks, as it were. I propose that we begin to contemplate, and I will introduce legislation to do so, the release of the highway trust funds from where they are now bottled up in a place where they cannot be used for anything except to be counted toward deficit reduction. Well, that now turns out to be almost a useless exercise because the deficit has grown so out of whack that leaving the highway trust funds unused in purposes for which they were intended does not help the deficit and prevents the good benefit of their use as originally intended.

Now what will the big spenders in Congress do, or intend to do, or propose to do when they see unemployment steadily rising? They will propose a massive new spending program of a job program, to create new make-work jobs in order to thwart the rising tide of unemployment. Well, I reject that. Rather we should, if we are going to do anything, put to work those dollars which the taxpayers of the Nation have already dedicated to infrastructure and highway construction, namely the money that they paid at the gas tank which we have kept in reserve and held unused contrary to the taxpayers' intent. I say, "Let's keep faith with the taxpayers and stop the recession dead in its tracks all in one fell swoop, by releasing the funds from the highway trust fund for their original intended purpose."

What will that do? That will create thousands of new jobs immediately, just at a time when the big spenders will say that unemployment is rising to unacceptable levels. If we intend that money now for highway construction, for bridge repair, moneys that the taxpayers have already said, "Go ahead and use for these purposes," then we are succeeding in abiding by their wishes and rebuilding our infrastructure all at one time.

What better way to go than to create a jobs program of Government jobs, Government-created jobs, where we can use this money to put into the private sector, in a system already in place, ready and willing to accept the Congress's go-ahead to rebuild our infrastructure? What a wonderful way to stop the recession.

And what if we are wrong, that there is no recession? We still will be rebuilding our bridges and our highway system.

I believe that even the President of the United States who has said that he will not countenance any new spending program or jobs program, no new spending, with which I agree, this is old spending in reserve which the taxpayers of the Nation have entrusted us to spend for highway and bridge construction. I say, "Let's do it now."

The other issue on which I wish to briefly comment is the fiasco of the budget resolution of this last fall, the one that everyone, with which everyone, has been left with a sour taste in his mouth. The Government of the United States actually shut down during that process while our Armed Forces were in Saudi Arabia prepared to fight for the resolution of that Persian Gulf crisis.

I ask, "Can you imagine the Government of the United States shutting down while our Armed Forces are deployed in the Persian Gulf?"

We must never allow the shutdown of Government again, nor the threat of shutdown. We must enter into our procedure a technology by which, if on September 30 of the fiscal year no budget has been arrived at by the Congress of the United States, that automatically the next day the previous year's budget is put into place. That way we will have no stoppage of Government employees, no furloughs, no shutdown of agencies, no shutdown of the Government. We will eliminate for all time that scary picture of the Federal Government of the United States going out of existence in the middle of a calendar year.

Mr. Speaker, I will be introducing legislation again to try to implement that proposal. It was sad to note today that a meager attempt to amend the House rules through the rules resolution that would be offered by the Republicans was shut down by the Democratic majority where we could have taken steps never to allow the Government of the United States to shut down again.

THE DESERT SHIELD BURDEN SHARING ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, almost 4 months after introducing legislation to secure reasonable contributions from other nations with a vital interest in Operation Desert Shield, I feel compelled to call the attention of my colleagues once more to the inadequate response of some nations to provide resources critical to the success of this multinational effort.

I commend to your attention an article in the December 19, 1990, edition of the New York Times by my Senate colleague JIM SASSER, which makes note of the fact that as of November 30, 1990, Japan had deposited only 10 percent of a meager $4 billion contribution. This is just one example of how some of our trading partners have chosen to sit on the sidelines while the United States risks the lives of the members of its Armed Forces to protect global security and a fragile world economy.

Therefore, I am reintroducing the Desert Shield Burden Sharing Act, which would impose an additional 20-percent ad valorem duty on the goods of any country the President decides is not contributing a commensurate share of resources to defending vital international interests. This bill sends a clear and unequivocal message to our allies that the Congress is prepared to provide the President with the necessary tools to ensure that the costs of Operation Desert Shield will not be borne by only a few countries.

I, along with the American people, remain outraged by the inaction of nations who continue to sit on the fence. The burden should be shared, and those who should share it must respond now.

I am submitting the text of this bill as well as Senator SASSER's article for the benefit of my colleagues.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Desert Shield Burden-Sharing Act of 1991".

SEC. 2 DEFINITIONS.

For purposes of this Act:

(1) The term "commensurate contribution" means, in the case of a foreign country, that—

(A) such country is making a contribution to the multinational military mobilization and operations referred to in section 3; and

(B) such contribution is commensurate with—

(i) the extent of the economic benefit accruing to such country as a result of the securing of supplies of Persian Gulf area petroleum through such military mobilization and operations, and

(ii) the ability of such country to contribute, taking into account (in addition to such other factors as the President considers relevant) the financial and economic capabilities of the country and the balance of trade of such country with the United States.

(2) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(3) The term "foreign country" does not include any country that—

(A) is party to a free trade area agreement with the United States;

(B) is a beneficiary developing country under title V of the Trade Act of 1974 (relating to a generalized system of preferences); or

(C) is a beneficiary country under the Caribbean Basin Economic Recovery Act.

SEC. 3. PRESIDENTIAL DETERMINATIONS REGARDING MULTINATIONAL CONTRIBUTIONS TO THE MILITARY MOBILIZATION AND OPERATIONS AGAINST IRAQI AGGRESION.

Within 60 days after the date of the enactment of this Act, the President shall determine whether each foreign country is making a commensurate contribution to the multinational military mobilization and operations being carried out in and around the Arabian Peninsula in response to the invasion of Kuwait by the armed forces of Iraq on August 2, 1990.

SEC. 4. ADDITIONAL DUTIES ON PRODUCTS OF COUNTRIES DETERMINED NOT TO BE MAKING COMMENSURATE CONTRIBUTIONS.

(a) IMPOSITION OF ADDITIONAL DUTIES.—Subject to subection (b), the President shall, with respect to any foreign country that is determined under section 3 not to be making a commensurate contribution to the multinational military mobilization and operations referred to in such section—

(1) apply to all of the dutiable products of that country an additional duty at the rate of 20 percent ad valorem or the specific rate equivalent; and

(2) apply to all duty-free products of that country a duty of 20 percent ad valorem.

(b) SPECIAL PROVISIONS.—(1) The duties imposed under subsection (a) (1) and (2) on the products of a foreign country apply with respect to articles entered on or after the 30th day after the date on which the determination under section 3 regarding such country is made.

(2) Duties may not be applied under subsection (a) (1) or (2) on—

(A) articles that are duty-free; and

(B) the value of articles or contents of United States origin that are exempt from duty;

under chapter 98 of the Tariff Schedule of the United States.

(c) TERMINATION OF ADDITIONAL DUTIES.—The duties imposed under subsection (a) (1) and (2) on the products of any foreign country shall cease to apply effective with respect to articles entered on or after the date on which—

(1) the President determines that such country is making a commensurate contribution to the multinational military mobilization and operations referred to in section 3; or

(2) such military mobilization and operations are terminated.

SEC. 5. DISPOSITION OF ADDITIONAL DUTIES.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Desert Shield Reimbursement Fund which shall be available, subject to appropriation Acts, only for the reimbursement of appropriations made to support the United States participation in the military mobilization and operations referred to in section 3.

(b) DEPOSITS.—There shall be deposited into the Fund established under subsection (a) all duties collected pursuant to section 4.

SEC. 6. REPORT.

No later than the 180th day after the date of the enactment of this Act, the President shall submit to the Congress a report on the implementation of this Act, including, with respect to each foreign country the products of which are subject to duties imposed under section 4(a) (1) and (2), the bases for the determination made under section 3 regarding that country and the amounts collected by reason of such duties.

(From the New York Times, December 19, 1990)

IS UNCLE SAM GETTING STIFFED?

(By Jim Sasser)

WASHINGTON.—Early next year, the Pentagon will ask Congress for at least $20 billion in additional funds for Operation Desert Shield. That's just to keep the peace. A full-scale shooting war could cost the U.S. from $1 billion to $2 billion per day. At that rate, all of the $41 billion in deficit reductions we achieved in the budget agreement would be wiped out in a single month.

Though economic issues are clearly of lesser moment when weighed against the lives of thousands of young Americans, the economic consequences of war demand attention.

There is a heavy dose of irony in the specter of America mobilizing for a war to protect our economic self-determination and then sinking into economic quicksand beneath the cost of the operation itself.

All of which poses a fundamental question: Where are the financial contributions of our key allies, especially those who have more to lose than we do from a disruption of Persian Gulf oil?

Overall, the Bush Administration, preoccupied with forging international support for the use of American force in the gulf, has given scant attention to the question of who will pay. It has shown little interest in alerting the public to this issue and has exerted minimal pressure on our allies to pay up.

Japan relies on the Persian Gulf for some 70 percent of the oil it uses to sustain its $3 trillion-a-year economy. Its leaders reluctantly pledged $4 billion to the gulf effort—$2 billion in military assistance and $2 billion in foreign assistance.

As of Nov. 30, the Pentagon reported that its Major Foreign Contributors' Responsibility Sharing Program had received from Japan only $374 million, 40,000 Sony Walkmen and a few Toyotas.

Unified Germany arguably has more to gain from stable oil prices and a reliable new world order than any other industrialized nation. Nonetheless, Bonn has offered just $800 million, and, to date, we have received only $330 million of that sum.

A more glaring case still in Saudi Arabia, whose royal family asked the U.S. to protect that nation's immense oil reserves. A safe Saudi Arabia has been able to increase oil production in a tight market and realize a windfall profit of some $150 million a day. That's at a time when Americans are paying $80 million more per day for our gulf oil imports than we did prior to the August invasion of Kuwait.

The Saudis originally promised $3 to $5 billion in cash and in-kind contributions. So far, they have contributed only $987 million in cash and materiel—about 6.5 days' worth of their windfall oil profits.

Clearly, something is out of joint. America's share of the cost simply doesn't match our share of the international risk.

The Administration announced this week that it will seek $5 billion in additional foreign aid support from the allies to help Turkey, Jordan and Egypt offset the economic losses they have suffered since the crisis began. That seems a fair and generous course. In the meantime, Secretary of State James Baker should press the delinquent allies to pay their debts to the Desert Shield fund and not to accept "the check's in the mail" as an answer.

Every nation with a definable interest in the Persian Gulf should make a contribution that is commensurate with its interest. With our NATO allies and, especially with Japan, we should make this question a centerpiece for any future trade discussions. Moreover, we now have sufficient leverage in Saudi Arabia to simply demand a greater contribution from that country.

If we don't insist on that, our orchestra of nations against Saddam Hussein is virtually a one-man band.

WHAT THE LANGUAGE OF GOVERNMENT ACT MEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, as we open this 102d Congress, we are concerned with commitments—both around the world and at home. Commitments to world peace, to the end of hunger, to education, health care, fiscal responsibility—concerns that are vital to the future of our Nation and the world.

I come before the House of Representatives today seeking a commitment to our common language. Through passage of the Language of Government Act, we will establish English as our language of public business. The time has come for us to formulate a clear language policy for our country. To say to those who come here and to those who live here: It is important to know the common language of the United States. It is important to know the language spoken by 98 percent of our people.

Why do we need such a policy?

There is no more important reason for this legislation than unity. More than 150 languages are represented within our Nation's borders. In military affairs alone, the use of a common language is essential. Can you imagine the chaos in the Persian Gulf if the armed forces of the United States had to operate in 150 different languages? For the sake of a unified command, our military functions in our common language—English.

This legislation is not an attempt to stifle the use of other languages in the United States. Nations around the world—more than half of them, in fact—designate official languages in which their government operates. Countries like Venezuela, which specifies that Spanish is its official language. Does that mean that Venezuela prohibits the use of any other language but Spanish? Of course not. It means only that the Government of Venezuela functions in Spanish and it is important to know Spanish in Venezuela. Those who oppose official language in the United States do not understand the concept.

The essential issue of language of government is communication. Through our shared language, we debate our differences and reach compromises. We are united by respect for individual rights, belief in human dignity and freedom, and love of country. These feelings cannot be seen or felt, but they can be articulated through a common language, as they have been for more than two centuries of our Nation's history.

Yet our commitment to our common language is so undefined that the percentage of public school students who can read and write English is higher in the Scandinavian countries than it is in the United States. School children in Sweden, Norway, Finland, Denmark, and Iceland exhibit a greater English proficiency than school-age youngsters in this country.

In fact, it is possible to obtain a high school diploma in some parts of the United States without knowing the English language. This, at a time when illiteracy is crippling our work force. Last year, 44 percent of the applicants for jobs at the Prudential Insurance headquarters were unable to read at the ninth-grade level. Motorola has found that 80 percent of its applicants cannot pass a simple seventh-grade English comprehension test. With our illiteracy rate one of the highest in the world, we can no longer ignore the importance of English to our economic well-being.

The Language of Government Act establishes a commitment to our national language—not because English is better than any other, but because it is our common language. Because communication among our diverse people is essential to the well-being of our Nation.

This act does not legislate the use of English outside of Government. It does not interfere with the teaching of other languages or affect bilingual education. It has nothing to do with the language of the home, the church, the community center, or the conversation between two neighbors over the back fence. The Language of Government Act involves the language of public business, not private enterprise.

Because our Government operates in English now, this law will change very little about the way our Government conducts its business. This law, however, ensures a precise language of communication for governing. By making English our language of Government, we reaffirm our belief that a common language promotes unity and serves as a bridge for understanding in our diverse society.

Efficient communication among the branches of Government and among our people enables stability and diversity. This act provides a precise, unequivocal form of communication of our Nation's business, and I urge my colleagues to join me in its passage.

□ 1550

MANDATORY IMPORT BAN ON FOREIGN VIOLATORS OF IRAQ EMBARGO

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, we can crush Saddam Hussein with sanctions and avoid a bloody war—but only if our allies stop cheating on the embargo.

We need tougher measures to enforce the sanctions. Right now, dozens of companies in Germany alone are under investigation for selling goods to the Iraqis. This kind of profiteering is unconscionable, especially when thousands of American lives are on the line.

The pattern is by now familiar. Western companies sell critically needed supplies to middlemen in Lebanon and Cyprus, who then smuggle the goods through Jordan or Syria into Iraq. Big profits are made up and down the line and the Iraqis get the chemical additives they need to refine jet fuel and purify drinking water. The big loser is the American soldier in the desert, who may go to war because the sanctions aren't working.

Well, let's make them work. The German Government says it has no authority to punish its companies if they sell goods to Iraq via third countries. We can help them out here. Today, I am reintroducing a bill I first put forth last September that puts a mandatory import ban on any foreign company found cheating on the embargo. The big chemical companies might think twice about who they deal with if they know the entire United States market is on the line.

These firms should carry the burden of proving that their goods don't wind up in Iraqi hands. It's a hard line to take, but much less costly than going to war. In any case, we owe it to our young men over in Saudi Arabia and their families to at least try and make the sanctions work.

INTRODUCTION OF A BILL TO PROVIDE TAX AID TO DESERT SHIELD TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing legislation to ease the tax filing burden for American troops serving our country as part of the Desert Shield operation. This legislation is in recognition of the sacrifice and commitment of the men and women serving our country so well in the Persian Gulf. Making their tax responsibilities a bit less burdensome is the least we can do in return.

Specifically, the legislation would provide automatic tax-filing extensions to individuals who are serving in the Persian Gulf as part of the Desert Shield operation. Under the legislation, the time for filing tax returns, claiming refunds, and performing other acts required under the Federal tax laws would be extended until 60 days after the individual completes his or her services in the Persian Gulf as part of the Desert Shield operation. No interest charges would be due on tax underpayments for the period of the automatic extension. The Government would pay interest, however, on tax refunds.

Under current law, automatic extensions of time for filing Federal tax returns and performing certain other acts required under the tax laws are already available for troops in an area which the President has designated by Executive order as a "combat zone." In the event that these conditions are fulfilled, this relief would become available. The legislation which I am introducing today, however, would provide tax relief to the Desert Shield troops in the Persian Gulf without regard to any requirement that it be designated a combat tax zone, and without prejudice to any other tax relief currently available.

Under the legislation, this tax relief would be available as long as the President designates units of the Armed Forces to be part of the Desert Shield operation. It is anticipated that the Secretary of Defense shall provide to the Internal Revenue Service in a timely fashion the name and taxpayer identification number of each member of each designated unit performing services in the Persian Gulf area as part of the Desert Shield operation. It is also anticipated that this tax relief would be available only in response to the imminent, temporary hostilities in the Persian Gulf area, and would not be perpetuated, for example, for permanent garrisons of troops abroad.

Mr. Speaker, I urge strong support of all my colleagues for this important legislation, and hope that it can be enacted as expeditiously as possible.

DISABLED VETERANS DESERVE INFLATION INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, in the closing moments of the 101st Congress, the Congress attempted unsuccessfully to approve a cost-of-living adjustment to benefits for the Nation's service-disabled veterans and their widows. Ironically, other groups receiving Government benefits did receive inflation increases. Now, we have the opportunity to correct this serious omission.

Today, in an effort to expedite this matter, Representative BOB STUMP and I, along with 225 cosponsors, are introducing legislation that would provide a 5.4-percent cost-of-living adjustment for 2.2 million veterans who draw VA compensation for their service-connected injuries and disabilities. This increase also would apply to 300,000 widows and children of veterans who have died of service-connected causes. This COLA would be retroactive to January 1.

Mr. Speaker, other important veterans legislation passed by the House and left hanging at the end of 1990 will be reintroduced and considered separately in coming weeks, but it is of utmost importance that we move this bill quickly so that benefits for our service-disabled veterans can keep pace with the cost of living. If we approve this COLA bill without delay, veterans can begin receiving the increase in their March checks.

Passage of this bill should be the first priority of the 102d Congress.

THE PERSIAN GULF CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. BOXER] is recognized for 60 minutes.

Mrs. BOXER. Mr. Speaker, it is the end of an exciting day. It is swearing-in day, and this is my fifth time that I have been sworn into the Congress, going into my ninth year. I want to thank my constituents for this great honor. But tonight I have a heavy heart because I feel a great sense of uneasiness for this country, a great sense of uneasiness for our young people who are in the Middle East.

I think it is time that the Congress debated the Persian Gulf crisis. I am here tonight for that purpose. I am taking some time here because I promised my constituents that I would do everything that I could do to stop a war from starting in the Persian Gulf. It took us a long time to stop the Vietnam war. How much better it would be to stop a war before it starts. So I am starting a dialog tonight which no doubt will be continued.

In my district in California, 1,000 people turned out for two community meetings that I held, and 95 percent of them, by a show of hands, said they wanted us to find a peaceful way out of the Persian Gulf crisis, that they did not want to have to go to war. They said they would vote no on a resolution to go to war. I promised them I would come here and I would do what I could. My constituents believe that I have a duty and an obligation as a Member of this wonderful House of the people to uphold the Constitution of the United States of America, including article I, section 8, which gives Congress, and only Congress, the right to declare war.

So I went on a lawsuit that was organized by my colleague, Mr. RON DELLUMS of California, and the judge ruled on that lawsuit. He said, yes, the Congress and only the Congress, has the right to declare war; that the President is the Commander-in-Chief, and he can, of course, respond to an attack and he can act if our forces are in danger, but when it comes to a full-blown declaration of war, that must come from this Congress, not the United Nations and not from all the leaders of the world. When it comes to committing our kids, it is this Congress which must go on record.

So I say to those who might write or might say that it is unpatriotic for Congress to debate or to disagree with the war option, that this is not unpatriotic, that it is not unpatriotic to debate and discuss the Persian Gulf issue. It is patriotic.

I want to note that I have been joined in this Chamber by a leader in this fight to make sure that Congress gets to fulfill its constitutional responsibilities, the gentleman from Illinois [Mr. DURBIN]. In a little while I am going to yield to him. I will yield to the gentleman in a few minutes, after I go through my chart.

The thing that makes our Nation great, the thing that makes America great is not our arsenal of weapons. Many countries have weapons. We know that. We sold them to a lot of countries. The Soviet Union sold weapons to a lot of countries, and China sold weapons to a lot of countries. That is not what makes this country great.

What makes this country great is our system, our Constitution, our freedoms. The whole world is choosing our form of government. They are sending for our Constitution, for our Bill of Rights; they are not sending for our weapons. They are sending for our recipe for freedom, and in that recipe for freedom, in that Constitution is article I, section 8, and that says clearly that Congress, and only Congress, has the power to declare war.

We debate our issues out in the open. We disagree with our President sometimes, although we respect the office. We even disagree within parties sometimes. We disagree with each other, but we are loyal, and we are respectful to that system that our Founders laid out for us. In that spirit, we bring discussion and serious debate to the great issues of the moment.

Surely we cannot remain silent in the face of what could happen on January 15. Surely we will not run and hide in the face of 300,000 of our kids on the ground in the sands of Saudi Arabia.

Mr. Speaker, I am going to yield to my colleague because he brought home something to me today as we discussed this issue. This is the moment for me to yield to him about what is happening to our kids that we have over in Saudi Arabia. At this time it is my privilege to yield to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentlewoman from California for yielding and I applaud her for taking out this special order.

I know we are all caught up in the festivities of our being sworn in again for the Congress. There are many parties, there are receptions, and this is a joyful time in this town. But while all this happening is taking place, most of us are preoccupied by what is taking place in Saudi Arabia, where hundreds of thousands of Americans and many others stand to risk their lives for decisions that are being made in this city.

□ 1720

I thank the gentlewoman from California [Mrs. BOXER] for calling our attention back to the important issues which Congress should focus on above and beyond the question of whether we are sworn in for a new Congress.

I, of course, have strong feelings about this issue, as does the gentlewoman from California. But two of our colleagues, one from Texas, and one from my home State of Illinois, have even deeper feelings, because each of them has a son who is presently serving in Operation Desert Shield.

One of my colleagues, the gentleman from Illinois [Mr. COSTELLO], has a son who is a paratrooper on the front line in Saudi Arabia. He has had the opportunity to meet with him once and to speak with him a couple times by telephone. He tells me that life on the front line for our troops is very difficult. For the paratroopers, they shower every 8 days, a hot meal every other day. It is not a very happy life. It is a tough one. We owe all of these men and women who are serving a great debt of gratitude. It goes without saying that our hearts go out to them, and we are doing our best to bring them home safely, as quickly as possible.

But the gentlewoman from California [Mrs. BOXER] is going to present some information in this special order that is critically important as we consider several factors.

First and foremost, as the gentlewoman said, is the constitutional question. Our Founding Fathers decided that before this Nation went to war and risked or sacrificed the lives of any of its soldiers and sailors, that the American people would have a voice in that process. They would speak through their Representatives in Congress as to whether or not we would run that risk.

The President has been asked repeatedly over the last several months whether he will come to Congress to ask for that authorization before going to war. I will have to say in fairness, he has been equivocal at best.

I think the Constitution is clear and unequivocal. A resolution which I proposed for the Democratic caucus passed by a 5-to-1 margin several weeks ago restating the congressional authority, the only authority, to come forward and decide whether there is a declaration of war.

I hope that this Congress moves forward on that question again. I have introduced a resolution with the gentleman from Florida [Mr. BENNETT] asking that we bring this question before the floor of this House of Representatives as quickly as possible.

Let me make one final point here. The gentlewoman from California [Mrs. BOXER] is going to spell out in her special order the contributions that are being made by some of our allies. To some of them I applaud their efforts. They have stood, and they are joining us. We certainly believe that they can do more.

But it is a little unseemly for the United States to be standing out rattling a tin cup asking for these people, who are so dependent on Mideast oil, to contribute moneys toward this effort. At best they are sending checks, and we are sending our children.

When you consider that the Saudi Arabians, for example, have enjoyed an additional oil profit of about $4 billion a month since this crisis has started, it is just unconscionable for me to stand here and try to defend why they are not putting more into an effort that has already cost the American taxpayers $6 billion.

The gentlewoman from California [Mrs. BOXER] has called our attention and will in statistics and facts to the details of their contribution. If it is truly an international effort, as it should be, then we should ask for more than we have received from our allies.

I thank the gentlewoman for calling this special order. I support her and applaud her efforts in bringing the attention of this Congress to this critical issue.

Mrs. BOXER. I thank the gentleman very, very much. I also want to say to the gentleman I look forward to debating his resolution, the one he coauthored with the gentleman from Florida [Mr. BENNETT], to the floor, so that we can once and for all stand up and be counted on this issue of the rights and prerogatives of this Congress under the Constitution to decide if we want to send those kids to war.

I am going to continue for a moment before yielding to my good friend from Oregon.

This Congress needs answers to certain questions. On November 14, I sent a letter to President Bush. I am going to put it in the RECORD of this special order.

I said,

> Dear Mr. President, I write as an individual Member of Congress urging you to pursue a more vigorous and peaceful resolution of the Persian Gulf crisis.

Last week I wrote to the President,

> A friend of mine told me that her 22-year-old Marine Reserve son was asked to prepare his will before being sent to the gulf in January. Mr. President, when you sent our troops to the gulf, you told Congress these troops were in no imminent danger, thereby concluding that the War Powers Act was not triggered. What more evidence of danger is there, Mr. President, than a mother watching her young Marine son draw up his will on the instruction of supervisors?

You know, when you think about it, what does a 22-year-old have to leave his mother? His love, his promise, his hopes, his dreams. What do they put in a will but that?

I have kids who are in their twenties. I know what it takes to put effort into raising children, the love you give them, the support you give them, the love they give you back, the way they make you feel, how proud they make you feel. You do not want to see them die, and you certainly do not want to see them die in a situation that may not be fair to this country, and in a situation where there can be other ways out.

So in that letter I asked the President 11 questions, very straightforward. What are the estimates of American lives lost should we invade Kuwait or Iraq?

What are the estimates of non-American lives lost, both civilian and military?

What are the chances of a regional war taking place?

What are the chances of chemical weapons or biological weapons being used? If they are used, what are the lasting effects of these weapons?

What are the chances that oil supplies would be lost if such an invasion or war took place?

What economic impacts would that have on our country and the free world?

What would the impact on Americans be from terrorist attacks, both at home and abroad, if such a war took place?

I asked the President, when you sent troops to Saudi Arabia, you said they were being sent for defensive purposes. Why not replace those troops with a United Nations peacekeeping force at this time?

I asked when you sent troops to the Persian Gulf, you said you would use economic sanctions as the way to get Iraq out of Kuwait. How long did you think it would take, and why are you losing patience with the approach?

I asked about our allies' burden sharing.

I never got an answer. I got a perfunctory response from somebody who said, "The answers will be coming."

How can I represent my people if I cannot answer those fundamental questions? If I, as a Member of Congress, and my colleagues, do not have the reports, the papers, the advisory memoranda that the President is relying on to make his decisions?

In order to represent my people, in order for Congress to do its job, I decided that I would prepare a resolution of inquiry. I did so. I introduced it today with several Members, a bill that must be acted on within 2 weeks to get the answers to those questions.

We need to know, as we do in any other decision, what are the risks? What will happen under the best of circumstances, a quick war, and under the worst of circumstances, a prolonged war?

We need to know that so that we can weigh the benefits and the risks and make an intelligent decision.

This is not a time to run and hide in this Congress. This is a time to stand up and be counted. This is not a country that is run by a king. This is a country that is run by the Congress, the President, and the judiciary. The people deserve nothing less than the promise of their democracy. The people deserve nothing less than a full debate on this crisis.

Our sons and daughters in the gulf deserve nothing less. The parents of these sons and daughters, and I have some of them in my district, and I have seen their pain. They cannot even talk about it. They must demand nothing less than a full debate and participation of this Congress in this crisis. Not just notification. Not just for a few Members to be consulted, but all of us.

You know, it may be messy to have this debate. It may be inconvenient to have this debate. It may be a wordy debate. It may be a lengthy debate. It may be an untidy debate. But the parents of those sons and daughters and those sons and daughters themselves need the debate, now, before the fact.

Does it make us look weak as a country to have this debate? On the contrary, it makes us look strong. Only a nation that is confident of its system, confident of its freedom, could hold such a debate.

That is what separates us from dictators like Saddam Hussein. You do not hear any debate in his country. You do not hear any quarrels in his country. His country is run by fear, fear of the gun.

So let us show him and the world what democracy is all about, what freedom is all about. Do not let him dictate our agenda. Let us show the world how great a country we are.

We all want the same thing. We all want peace, but we may differ on how to get there. Let the debate begin.

□ 1730

Let us debate the alternatives to war open and in public so the world knows who we are, what we are about. We need to talk about when this policy changed.

I voted in favor of commending the President when he sent our troops to Saudi Arabia. And what is amazing is we drew the line in the sand: mission accomplished. We stopped them at that line. The hostages have come back. We have won victories here. No one would have predicted it. We did that.

Now it is time to let the rest of the policy work and to make this truly be a multinational force keeping the peace. Let the sanctions work.

We need many questions answered. Our greatest treasure is at stake, our young men and women, and our other treasure, our tax dollars, which must be guarded as well.

History shows that war is not that difficult to get into. Getting out of it is more difficult. Getting beyond war is difficult. But it can be done without our losing our credibility and our strength, and the debate must begin because the 435 Members in this Chamber and the 100 in the other Chamber have something to contribute to the debate; they have ideas.

This country does not function by the CIA making decisions. I know our President got a lot of training in the CIA, valuable training in the CIA. That is covert. But when we consider taking this country to war, the debate must begin.

There is a song that Bette Midler just recorded called "From a Distance," and she sings about how everything on Earth looks so beautiful from a distance. The sky looks so blue, the Earth looks so green, the people do not look hungry from far away, nobody looks to be fighting. It all looks so good from a distance she says, but when you get up close, it does not look as good, and we have work to do. It is the job of this Government working together, all of the branches, to make it look good, make it good for all our people up close.

From a distance, to listen to the President's words, it looks like it is the world versus Saddam Hussein. That is what he says, and he got the U.N. resolution, and the Secretary of State, Mr. Baker, flew all around this globe, and he is going to do it again, keeping our allies together. From a distance it sounds good. But let us get up close and see the sacrifices these other countries are making.

I have a chart here I want to share with Members. It shows the largest users of Persian Gulf oil and their contributions to the military effort in the gulf.

Let us take The Netherlands; 100 percent of their oil is from the Persian Gulf. When President Bush talked to us as a Nation, he said our way of life is at stake here. I assume he means our economic way of life, because surely the Government of Kuwait is not a democracy and we are not being threatened directly.

One hundred percent of the oil that The Netherlands uses comes from the Persian Gulf. They have committed no ground troops. They have committed no dollars. So The Netherlands gets 100 percent of its oil from the Persian Gulf, no ground troops, no dollars.

The Japanese, 63 percent of their oil is from the Persian Gulf, no ground troops, even in a defensive way, and a pledge of $4 billion that we just have not seen the check yet. I have to say that we still spend $27 billion a year defending the Japanese sea lanes. It is an outrage that they have pledged $4 billion and we have not even seen it yet.

Spain, 59 percent of its oil is from the Persian Gulf, no ground troops, no dollars pledged.

France, 38 percent, 8,400 ground troops, no dollars pledged.

Italy, 36 percent of its oil is from the Persian Gulf, no ground troops, no dollars.

Australia, 22 percent of its oil is from the Persian Gulf, no ground troops, no dollars.

The United Kingdom, 16 percent, 24,000 troops, the most troops of anyone else in this list, no dollars.

Germany, 11 percent, no ground troops, not even in a defensive capacity, and $2 billion pledged, and we hope we will receive that.

The United States of America, 11 percent of our oil is from the Persian Gulf, 300,000 ground troops, not to mention other troops in the area and $30 billion for a year's worth of that commitment.

It does not take a rocket scientist to see that something is wrong with this chart. If our economic lifestyle is at stake, as the President has stated, certainly these other countries have a worse situation facing them, and yet they do not make anywhere near the commitment of America.

There is one thing I have in my mind, a vision in my mind and I just cannot get it out of my mind, which is the joy and happiness that Secretary of State Baker and the President expressed when the U.N. resolution was passed. I looked behind that U.N. resolution and I knew that they were not commiting very much to the effort, and I said why are they so happy. It is as if these countries are saying, "Go, America, go protect our oil with your sons and daughters and your treasure, and we will thank you for it, and we will vote yes on a resolution in the United Nations."

We need to know more. We need to know what commitments were made to these countries to get their vote in the United Nations, and that is part of what my resolution of inquiry will ask for.

I think the American people need to know this. I think they have to get mad about this. I think we need a multinational force, truly multinational, truly a fair representation of the world on the sands of Saudi Arabia to keep our eye on Saddam Hussein.

Let the sanctions work. America will do its fair share, but not such an enormous and disproportionate share. It is wrong. It is wrong for our country.

I want to yield to my colleague from Oregon, PETER DEFAZIO, a leader in the fight to make sure that Congress gets its say in this matter.

Mr. DEFAZIO. I thank the gentleman for yielding and would like to return to the chart for a moment. I think she is making an extraordinary point here that has been little noted in the American press.

It is true, the United States is dependent for approximately 10 percent of our oil supply on the Persian Gulf region. So, should that supply disappear tomorrow, certainly we would be inconvenienced, but with fleet standards or something else, we could overcome that rather readily.

However, these other nations would be facing economic catastrophe or collapse were there a real threat to their oil being cut off, and this is a point that just needs to be made again and again. Why is it that the United States is there in such numbers and at such extraordinary expense and extraordinary risk to our young men and women in that magnitude, and these other countries, which are theoretically so much more at risk, are not there?

Look at the people of Saudi Arabia. One would think that with a fierce foe on the border, if there were imminent an invasion, they might at least institute a draft or call up some young men to the reserves. No, we do not find that going on in Saudi Arabia. We do not find that they are making any extraordinary effort to put troops on the front lines. It is the United States that is transporting troops 10,000 miles to put them on the front lines.

□ 1740

It was not the people of Saudi Arabia, not the Gulf Coordinating Council.

They just had a meeting, and they met, and they thanked brother Arab nations for all their efforts in the war. They did not thank the United States for our efforts to keep them free in that region.

Mrs. BOXER. Could the gentleman repeat that? I had not heard that. I am completely just stunned.

Mr. DEFAZIO. The Gulf Coordinating Council just finished their summit last week. They put out numerous pronouncements congratulating one another and other nations in the gulf for their extraordinary efforts and cooperation but not a word was said about the U.S. efforts. They have yet to visit or acknowledge our troops. They are just, you know, it is there, we are taken for granted somehow, or we are the mercenaries, or they are so used to having people do their work that we have just become part of that function, like the people they have used for many years to run the oil fields and clean the houses and other things.

If there is this extraordinary threat of invasion and of a takeover of that region by this heinous person, then one would think that they would be calling up their young people, that they would have a call to arms, they would be there in greater numbers, and that goes back to the earlier point that the gentlewoman was making which is: Why did the President of the United States and the Secretary, and I applaud their use of the United Nations. I think that was very wise.

I applaud the fact that we originally sent the Air Force and the Navy to prevent the invasion of Saudi Arabia. But the gentlewoman is right. At what point did we switch from defensive, from using the sanctions, from waiting out and bringing down Hussein through economic and political will and might, when did we change to the inevitability of a war, war that by all accounts would be fought on his terms rather than our terms, a massive ground war which would be an extraordinary mistake for this Nation, for that region? What is our long-term objective in the region?

Is it to bring peace and stability? Or is it purely expediency?

When Iran was the boogie man in the region, we supported Hussein. We built him up. He attacked Iran with chemical weapons. We cheered him on. We said nothing. He blew up the U.S.S. *Stark* killing sailors, and never accounting for how that attack took place. We said, "That is OK. We do not need really to investigate that. All we need is a simply apology." He attacked his own people, the Kurds, with poison gas.

A few days or 2 weeks before the invasion, we were debating on the floor of this House cutting off aid to Iraq, and the President and the Secretary of State were lobbying against that. Three days before, our ambassador sat down with him and said, "Mr. President, this is an inter-Arab dispute. The United States is not involved in this matter." One would think that if we were going to bring the Nation to war that we might have told him before he invaded Kuwait.

What is the long-term objective, Mr. President? We have got to ask. Where has the administration been?

Where are they now? We are now lurching toward Syria. We are embracing the one person in that region who probably is a worse terrorist and a worse person than Saddam Hussein, Hafez Assad, who harbors Abu Nidal, the people who probably blew up Pan Am 103, the people who assassinated our Marines in Lebanon, and suddenly their enemy is our enemy, and they are our friend. We are embracing them. They are taking over Lebanon basically with our consent.

Mrs. BOXER. The gentleman is so articulate on this point. What it seems to me is happening is that we are becoming like a Saddam Hussein, in other words, rather than the open debate that we always have in this Nation, rather than a coherent policy that I thought we used to have, rather than standing tall for human rights and never meeting with a leader such as the leader of Syria, we are doing that for expediency sake. That is not like this country. There is something wrong with that.

I think the gentleman is so right to interject that into this debate.

Mr. DEFAZIO. Where the gentlewoman started is where we should return to. Let us return to the basics of our democracy and our leadership of the free world and that is the Constitution of the United States of America and the fact that we have an elected body here to represent the people of America to engage in these difficult issues, to have a full and fair debate and to exert the will of the Nation.

If we have a debate on this floor and we decide and we vote for war, so be it. Then the people of America are committed to war and we should support that war and go forward as best we can as a Nation.

But absent that debate, absent consultation by the President, significant consultation, with the U.S. Congress under the War Powers Act, I believe that the President is in jeopardy of violating the Constitution of the United States and doing grievous harm to our democracy, to our Nation, committing us to a war to which I believe the Nation is not ready yet to be committed and, in fact, undermining our leadership of the free world, undermining our leadership of the new world order that the President likes to talk about.

No one doubts that the United States of America could destroy Saddam Hussein. We have the greatest nuclear arsenal in the world. We could destroy him in a second if we so wished. We could obliterate him for all time from the face of the Earth.

Sometimes a great nation shows its greatness and leads the world by restraining itself from such force and engaging in other productive actions.

Everything points to the fact that the sanctions are working. When the President's own head of the CIA says that the sanctions are working, we are bringing him to his knees, within 6 months his military capabilities will be significantly degraded, rationing is being imposed upon his people, he is becoming very unpopular, and we have the entire world cooperating in these sanctions; what would it hurt to wait a bit longer and wait out the sanctions rather than killing tens of thousands of young Americans, men and women, and young Arabs in a fight that will probably destabilize the entire region, bring down the King of Jordan and other moderates in that region, and throw that region into turmoil that, I believe, will last throughout our entire lifetimes.

It makes no sense to this Member of Congress nor does it seem to make much sense to my constituents.

Mrs. BOXER. I thank the gentleman for participating in this special order. I think he has raised some important issues.

As he pointed out, sanctions are going to take patience. Does anyone know how I know that? The President said that. As a matter of fact, I remember so clearly, and he said it with great belief. He said, "We need a lot of patience." I want to know why he changed his mind. What changed his mind? He said we need patience, we need to have a defensive posture in Saudi Arabia, and then suddenly he activated another 200,000 troops, and we are set for a war without debate.

Mr. DEFAZIO. People say, and I have heard members of the administration say, "Well, the American people are not patient. We cannot wait that out." I would point to the fact that we waited on the border of the Soviet Union and East Germany for 50 years after World War II until we won the cold war and the wall and those dictatorships came tumbling down. We have been on the border in Korea for 37 years since an armistice was declared in that area. The United States has tremendous staying power when our cause is just, and we can wait out this two-bit tinhorn dictator, and we can bring him to his knees through economic and political sanctions.

I am convinced that we are a great enough power to do that, and that the American people have the staying power to committing this Nation to doing that. That to me is a preferable course to a hasty rush to a war and the potential catastrophe that would take tens of years to undo.

Mrs. BOXER. I thank the gentleman again. The gentleman is so right.

This is really an opportunity for us in what President Bush calls the new world order to put together a truly multinational group to handle these kinds of hot spots. We are going to have them. Throughout the world's history we will have people like Saddam Hussein, and as the gentlewoman from Colorado [Mrs. SCHROEDER] says, if we become the 9-1-1 of the world, we are just not going to function. We are going to go broke.

We already have a $300 billion deficit. We cannot do the things we need to do.

I want to tell the Members one story that came out of my community meeting in which a young Kuwaiti woman came to speak at the community meeting, again, 1,000 people at these two meetings, and this young woman was very emotional. She was encouraging the United States to free her country, Kuwait, and she was very moved, and she said in a very broken voice:

> My country is in trouble. War has already started in my country. They are doing terrible things to our people. They are raping our women. It is hell.

A gentleman came up after this woman, and he said to her:

> Young lady, I feel so terrible for you. It must be a terrible thing. But I have news for you, too. There are women getting raped in America every day, and we do not have enough money for rape crisis centers. We do not have prevention programs. We cannot help our own people. We have 37 million people without health insurance. I feel so much for you, and we will do what we can to help, but we cannot take on all the burdens and this type of commitment unless it is as part of a multinational, truly multinational, force.

So we have an opportunity to work ourselves into a new time here where America is one of the leaders, where we have a highly mobile international force under the United Nations to move quickly as we did in Saudi Arabia to draw the line in the sand against aggression and to do what we need to do as part of this new world order.

This is the opportunity we have with this crisis, but we will blow it if it is America, and America only, that loses its treasure. It is not fair, and it is not just.

☐ 1750

Let the sanctions continue, as my colleague from Oregon said. Eventually they will force Hussein to mediate and get out of Kuwait. I, for one, think we should let medicine in. We should let food in, but we must not allow him to continue his military machine, and eventually those spare parts will not get in. Eventually, the sanctions will work, and again, the administration people say they are working. We must encourage mediation of this dispute, and I am very pleased that it looks like there is going to be one chance, hopefully, for that to take place, and I encourage that. I think we could have mediation that would result in Iraq getting out of Kuwait, if those sanctions continue, that would result in a test ban treaty, and nonproliferation treaties on nuclear weapons, and it could produce a treaty banning the proliferation of chemical and biological weapons.

We know how to negotiate. This country has done incredible things. We are helping negotiate in the Cambodian situation, and I hope it works. We helped negotiate in Nicaragua, and I hope it will work. We helped negotiate Camp David when Israel and Egypt came to a peaceful agreement that has lasted all these years. If we have done that, we can help negotiate peace in this circumstance.

Again, we have had two of our goals accomplished. Hussein has stopped at the Saudi Arabian line, and the hostages are freed, and now we can allow those sanctions to work.

The American people have sacrificed during these years of the cold war. It has not been easy for Americans. We spent $4 trillion defending NATO from the Warsaw Pact. We spent untold billions defending the Japanese sealanes, and we are still doing it. This is a golden moment in history. If we are correct on the way we handle this dispute, that is through a multinational U.N. peacekeeping operation, not American versus Saddam Hussein, but truly the world versus Saddam Hussein. If we do that, we will be able to have a peace dividend in this country. We will be able to bring those dollars home. We will be able to reduce our deficit. We will be able to invest in our people. It is so long overdue. We did have patience. Fifty years in the cold war. We can come out of the cold war now if we handle this situation correctly. We must be a leader in a new way, a way to bring the world together to stop aggression, not just by rhetoric and saying the world is united, but in reality, so that this kind of chart will never be shown again. When it is shown, it is going to show an equal contribution by the people of the world to peace. I am not saying that we will never have another problem in the world. I could not say that, but I am saying that if we can get beyond war in this case, we will have started off in the postcold war area on the correct foot. We will be strong. We will be wise. Most of all, we will follow this Constitution by allowing the Congress into this debate.

I have to tell Members the wisdom of our country lies not in the White House, not in these Chambers, not even in the halls of the Supreme Court. The wisdom of this country lies in our people. Our people have the wisdom. Members should have heard those thousand people talking to me. They know that there is a better way, other than sending those ground troops, into war. They know. They have seen the sacrifices of past generations. What is amazing to me, if we listen carefully, it is the former generals that are coming out and saying, "Slow down." It is even Senator DOLE, a Republican leader in the Senate who says that this country is not ready for war. He knows the hell of war. He has been there. I do not know the hell of war. I only know what I read. I only know what people tell me. I feel it in my heart, but I cannot even imagine.

As a matter of fact, when people say to me, "Do you think, BARBARA, this country is going to go to war," I do not even answer the question, because to me, to make that leap to think of those kids going into war is too big of a leap for me to make. Therefore, I hope this diplomatic effort by the President, by the Secretary of State, is successful. They will not haggle over what time of the day to meet, what day of the week to meet. Meet and talk; meet and talk, because there is too much at stake. What is really at stake here at this point in our history, are hundreds of thousands of our kids, and many other people, that will be hurt if aggressive action is taken.

Saddam Hussein has to be on notice that the world does not go along with his view of it. The world does not look kindly on one nation taking over another nation. That is clear. But we stopped him at the Saudi line. Everyone knows right now if he took aggressive action that would be it for him. He knows that. So let Members try to resolve the matter peacefully. If we do, when history is written, it would be said that at a very difficult moment in history, the American people and its leaders in the White House, in the Congress, and all the streets of America, pulled together and figured out a better way. If we do that, I know this country will reach its greatness, because we will be able to take our resources and use them to make this the greatest Nation on Earth.

GENERAL LEAVE

Mrs. BOXER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

HIGHEST PRIORITY: DEPOSIT INSURANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today, taking the opportunity presented to Members by this first day in the life of the 102d Congress in our history, I introduced legislation which I consider to be of the highest priority: deposit insurance reform, and as an inseparable adjunct, reform of our regulatory system, if it can be called a system.

Two years ago, the House gave me a tremendous and high privilege, the high honor and responsibility to be the chairman of the Committee on Banking, Finance and Urban Affairs. Today, I have the renewed privilege, and hence, the equal honor to serve in that capacity again. Two years ago, the highest priority for the committee was to reform the savings and loan industry, a path that has proved to be far more costly than anyone ever imagined, made tougher by economic conditions that combine the problem of that industry and, of course, today with the long shadow of war and the toll already taken, and the impact on our economy, with the altered cost of energy.

Let me say by way of parenthesis, that I called a hearing of the committee this last month. The idea was to review the economic impact of the developments in the Persian Gulf area, as it is so called, and we brought forth some preeminent witnesses.

Unfortunately, the press ignored all but one, and that was Chairman Greenspan, who to his everlasting credit accepted my invitation to appear before the committee.

Chairman Greenspan said, and it was overlooked by the press, the most impressive thing of all, and he said that if indeed we are, and he said, "I am not saying we are in a recession, because who defines that, but we are in a downturn. I am very disturbed by the increased incidence of unemployment"—and let me say this by way of added parentheses. Let me give some statistics. He did not give them. I got them from other sources, official Government sources.

In the month of October, our country lost 173,000-plus jobs. In the month of November alone, we lost 287,000-plus jobs, so we may not be in a recession. We may be in what we would have always called a depression.

So we see the impact now, even without a shooting phase. God willing, I hope we never will see that, but all we can do is hope and pray.

So that even though we did not stop or stem the bloodletting that had been suffered by the people in the case of the S&L industry, and mostly because we have no control over the administrative process once the Congress legislates general policy, reforms and sets up a regulatory umbrella.

Under the Constitution, there is no way that we can constitutionally go in and preempt the executive branch from the administrative responsibility.

I wish we had that power, because I could have absolutely had at least some say-so in avoiding the basic reasons why the bloodletting has not been stemmed, and therefore the escalating and the exponential increase in the projected cause of the resolution of even the S&L's, not talking about banks even.

Let me say again, more banks have failed than S&L's; so that not having any power to control party administration, the lateness of appointment of key officials to the agencies that resulted from the reform bill, we have to sit back and do the best we can by being patient and by exerting good will toward those who do have the responsibility of administering, yet in great anxiety seeing the things that should be done are not being done, things that are being done should not be done.

The industry that remains is one with sound standards, nevertheless. Two-thirds of the S&L industry is still there.

With tough regulation and sober outlook, the crooks are being steadily and resolutely jailed. Its high fliers have been run off and the remains of wrecked institutions are being cleaned up, and as I say, not as efficiently as we would like, but at least it is being done.

This task and the money to carry it out must be continued, however, painful the process might be and however slow and unyielding the response to our legislative advice is continuing to be.

Today we face still another great reform task, one of great complexity, but one that is unavoidable if we are to prevent another deposit insurance debacle. As a matter of fact, we do.

It is clear, as I have been saying, that the two main insurance funds are broke. It is clear that that is dramatic evidence that the system has broken down, as some of us have been anticipating, predicting, and talking about for over 20 years.

Today we must confront the task of rebuilding the bank insurance fund and reform the way the deposit insurance system is administered. At the same time, we must overhaul the way financial institutions are regulated. We must do these things because it does little good to throw tens of billions of new dollars into a system that has broken down.

Failure to understand reform would be akin to putting more oil into the crank case of a broken down motor. The system might run awhile, but it would foul the air, never run right, and in the end be too costly to fix.

Every nation must have a banking system that is efficient, that is responsive to the economic needs of the country, that serves the public well, and that enjoys public confidence above all.

This must be a system that operates in a safe and sound manner, that is well regulated, and that is capable of operating in a profitable manner.

It is not enough for us merely to guarantee depositories and depositors against loss. The best insurance in the world will not work if the building and fire codes are not good or are not enforced, nor is insurance any good if it is so costly that no one can afford its burden.

Today the Nation's banks are operating in a climate wholly changed from that of 10 years ago, much less than that over 50 years ago, which was before the war and in a depression when this system was basically formed. They are ill-equipped to do so and the vast number of bank failures in the past few years proves this.

Ten years ago the Federal Deposit Insurance Corporation was rebating insurance premiums to banks. Today the corporation reserves stand at their lowest levels in history. That is how dramatically this picture has changed.

The highest priority my committee has is to overhaul the banking system, and that task must begin immediately.

I wish I could have had my way 2 years ago and could have joined it to the S&L reform, but of course that was impossible.

I am introducing legislation today that addresses major elements of the deposit insurance system's problems and that overhauls the regulatory system for all depository institutions. It will be known as H.R. 6.

This bill also contains a number of badly needed reforms that will require depository institutions to be far more responsive than they are today to the needs of the average customer.

The bill I am offering today concentrates on safety and soundness because this is what must come before all else in banking and finance; but banks also need a more reasonable opportunity to be profitable if they are to be safe, sound, and efficient.

It would do us little good to engineer a safe automobile if no one could afford to build it, so we must also find ways to make banks more competitive than they are today so that they can attract the capital they need to carry out their vital economic functions.

The essential first step, however, is to develop a framework within which a better banking system can safely operate. There are certain simple principles that I want to discuss. First, the regulators of financial institutions should be independent. They should be independent of narrow industry interests, independent of narrow agency turf interests, and independent of transitory political interests.

Too often regulators have been captured by the industry that they are supposed to be regulating, or crippled by interagency fueds or cowed by political pressures generated by those who find effective regulation inconvenient.

Second, those who charter and regulate institutions should be separate from those who insure deposits.

Let me say for the record and in all justice to myself, because rather than ever having been commended, I have been more criticized than not for having spoken out in this well and this forum since the first month I came to the Congress, going now on 30 years, because it is this that I have discussed and this particular issue that since the first credit crunch in June 1966, I brought to the then great chairman, my fellow Texan, Mr. Patman, saying because we had the first credit crunch in June and that is what they called it for the first time, because the prime interest rate was jacked up overnight 1 whole percentage point and that immediately affected the S&L industry that was traveling with a certain privilege of what was known then as regulation 2, which is fancy language, and what it means is that the law gave them a little advantage in interest yield so they could compete with other financial institutions in offering long-term fixed 30-year mortgages.

☐ 1810

In other words, lending long and borrowing short. Unless they had a little advantage, nobody could stay in business if you do that, lend long and borrow short.

So that 1-percent prime interest rate hike destroyed and made them vulnerable, destroyed their stability. However, the interest rate picture leveled off.

But I warned, and I went to the chairman and I said:

> Mr. Chairman, the problem here is that this S&L industry, the same arm that insures is also chartering and that is not good. That is going to prove ultimately, some dim day, and I hope never, but I think the possibility and potential is there for disaster.

I said unlike the bank insurance fund, the FDIC, all that does is insure, it does not charter. But when I said "bank" that triggered in his mind an objection. He was known as Mr. S&L and he was also fought intensely and he fought back at what he called the big eastern banking interests.

So I think that second in this vital function we separate the insuring from the chartering function. Each has served as a check against the other.

A regulator that is also an insurer has a built-in conflict which can lead to disaster, as we saw in the case of the old S&L Insurance Corporation.

Third, regulation should be unified rather than split, scattered as it is today.

Fourth, regulation should be firm, unquestionably so. This regulation should reward good management, just as effectively as it punishes bad management.

Fifth, deposit insurance should be operated solely for its real purpose, the protection of ordinary depositors, not a guarantor, as it is today, of 99.5 percent of all deposits.

The average deposit in American commercial banks, insured banks, is not even $8,700. That means that there are a lot of Americans that have less than that. This is a median average.

So who is getting all of these payoffs? That is why I have said that the way they have been doing it, it is a bottomless pit. It will never have the money to pay out because they are paying out 99.5 percent of all deposits. That includes the uninsured, that includes those multimillionaires who have more than $100,000 and are being paid out as if they were insured, regardless of size and regardless of the intent of the law. Now no insurance system can survive if it proposes to underwrite every risk, and such a system only increases laxity and risky behavior, with the ironic result that it magnifies instability.

Sixth, the deposit insurance system is intended to serve depositors with convenient and affordable services, and the law should foster a responsive system of consumer banking services.

Those are the principles upon which my bill rests. I want to emphasize that I am also concerned with the profitability of the banking system. A system that is not profitable cannot attract capital, cannot provide affordable services and cannot function effectively as a provider of credit. A system that cannot compete effectively cannot survive, and no regulatory system, however elaborate, can keep afloat a system that cannot compete.

Let me highlight the main features of the bill as I am offering it today.

First it restricts deposit insurance to the $100,000 per account that the law always intended and still does. Any depositor could insure $100,000 at any one time. In addition, insure an equal amount placed in a retirement account such as a Keogh or individual retirement account. But the bill would prohibit paying off multimillion dollar accounts that are now insured for institutional investors and professional investors of one kind or another.

Today there are simply no effective limits on the amount of insurance deposits and therefore no limits on the amount of taxpayers' liability.

The reason is short and simple. There has been a usurpation, improperly, by the regulatory authorities who have interpreted such odious practices as "too big to fail." This is not only a threat to the taxpayer, it also saps the banking system of needed discipline.

The limit I am proposing effectively covers every average depositor 10 times over, and it also protects virtually every saver who wants to protect his nest egg.

The limit I am proposing simply restates and makes effective the intent of the law to provide ample deposit insurance for the average depositor.

The legislation will send into the field a streamlined and coordinated regulatory force, armed with the power, the mandatory power to intervene swiftly when an institution's conditions deteriorate.

No longer will the regulator be able to hem and haw, to engage in wishful thinking while institutions drop to zero net worth and become basket cases left for the care and feeding by taxpayers.

When the gauges creep into the red zone, the regulators must act, limit additional exposure to the insurance fund, and require stiff remedial steps. Examinations will no longer be a sometime thing. They will be an annual affair. States that carry out their own examinations for State chartered institutions must meet federally prescribed standards if they want Federal insurance.

Accounting standards are upgraded, and institutions with $100 million or more in assets must have annual audits. Institutions that run lucrative offshore and other foreign operations will be required to pay premiums on deposits in those institutions.

When the National Bank of Washington was closed earlier last year, FDIC paid off depositors in the institution's Nassau branch, a branch which had not paid one single dime into the insurance fund.

My bill ends that inequitable and costly charade.

Institutions that engage in risky activities, such as Charlie Keating did, will pay at the insurance window in the form of risk-based premiums. No more free rides for the high flyers.

The Federal deposit insurance fund should not be used to underwrite the risky or the imprudent practices of State-chartered institutions as has happened in the past.

Federally insured institutions would be restricted to the practices permitted to federally chartered institutions.

Nor should an institution system be required to grant insurance on an automatic basis to institutions that get a new charter, as they are today.

The decision to insure would be separate from the decision to charter.

All insurance functions will be placed in this unitary structure that I call the Federal Deposit Insurance Corporation, and the Federal Reserve will then continue to essentially have a role in monetary and economic policy.

The legislation also provides new safeguards for the customers of financial institutions. The taxpayers would stand behind the insurance and regulatory system, that is.

These provisions include requirements for a clear statement of interest on accounts, basic banking services, improvement to community reinvestment and strengthening antidiscrimination efforts in lending and machinery to ensure that consumer laws are enforced. I believe the regulatory system should be consolidated and made independent.

This would cut out the kind of costly, inefficient, overlapping, and in many respects, irrational regulation today.

A unified system can look at holding companies, banks and their affiliates in a way that is close to impossible today. And a unified system will have unified concepts. What is capital for?

One would be capital for another. What is one kind of risk in one case in an institution of a given nature will be the same kind of risk in another, and this regulatory system should be independent, as I have said earlier and repeat now, capable of making objective assessments without regard to narrow interests of industry or agency or of politics or external politics.

☐ 1820

The examination and supervisory functions of the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration and the Office of Thrift Supervision will be placed in one new agency that I would call the Federal Depository Institutions Regulatory Agency. The legislation puts heavy new responsibility on the holding companies, the payment of the insured institutions, to curtail risky activities in the subsidiaries making them liable for losses in the insurance fund.

This bill provides and represents a first step. It is not all that needs to be done or all that must be done. But it represents the first essential step toward rationalizing a regulatory system that no longer is workable.

President John Kennedy was a great and personal friend, used to say that a thousand mile trip or voyage had to begin with the first step, and this is what this reflects and represents. It is a first essential step, as I say, toward a rational regulatory system, toward making regulation effective, toward restoring deposit insurance to its real purpose and toward insuring a system that is responsible to the public need.

I have said, and I will say now because I can see it is going to be controversial, I will be fired at from all directions, that the interests that are out to protect their interest no matter what the cost is to the general interest have already pitched their tents on the Potomac since last year. I know that. But as always I have ultimate and supreme confidence in the good will, the good judgment, the good faith, and the absolute sense of responsibility I know is inherent in every one of the colleagues that I happen to know personally, whether they like me or do not like me, or whether they agree with me or do not. I have, and I always, assume that a colleague's motives are of the purest, like I think mine are, until proven otherwise by any doubt by actions that all then can judge.

So, having that faith, and given this as a first step, and having the prime responsibility as chairman of this committee, to set the agenda, mark the course, blaze a trail, the bill today represents that effort.

Much more will be said about this as the Congress proceeds. We face no greater need than to act on the problems that this bill is addressing.

I urge my colleagues to become acquainted with the issues and to weigh carefully these recommendations, for what we are·dealing with is the very foundation of a robust economy, and I will go further. I am not going to go into that issue. But it is the one that worries me more even than this, and that is our precarious situation with the currency that is fast on the road to debauchery.

What good does it do us to boast of our standard of living which has been under attack? How can we say we have any kind of defense mechanism, or much of freedom, if we suffer the loss of the value of our currency? The dollar has lost 55 percent of its value in less than 6 years.

Mr. Speaker, this cannot go on. We are in danger, and my biggest fear, because to me it is a clear and present fear, is that the dollar will be supplanted and replaced as the international reserve unit, and I cannot tell my colleagues what that will mean. That means we are gone. We are the only nation whose citizens have the luxury of paying their debts in their own currency. The dollar is replaced, and the danger is great.

Nobody will listen to me. Again this is something I have been talking about since 1979, in August.

But as of a year now it is clear, it is limpidly clear, that our Nation is at a precipice. Should I not speak out? Yes, I am, even if nobody listens.

This is an issue that sounds almost esoteric to the average, but it has everything to do with whether we have a continued economic freedom, even if it is relative, or we do not. And the threat is great. It would not take much.

When I have thrown this out to the great leaders in finance, in government, in private, international banking, I am told the same thing: "Oh, well, you know it's not going to happen. If it does, it will be in some long, distant future," and when I say, "Why not? Why can't it happen in 6 months? In a year?," they cannot tell me; they say, "It's not likely."

But then this is what the great committee on national economics at a point was telling Herbert Hoover in June 1929. In the words of the committee, it said, "Mr. President, we see nothing but unrestricted, unlimited prosperity to the foreseeable future." That was in May and June 1929, and you had that Black Friday that following October.

We know there are things we cannot predict, but we know there are things that we can project because of the fact that we are charged with knowledge, and so I have spoken out, and I am saying now, even though I am straying from the basic subject matter, because why? I am not straying because no matter what we do domestically, we can solve all our problems domestically, but we have no control over these external forces now over which we no longer have control.

I repeat, my colleagues. I am urging my colleagues to become intimately acquainted, and I want them to know, whether they are a member of this committee or not, I will continue to do what I pledge exactly the first week of the opening of the 101st Congress. I said I will come before this forum, which I have used greatly, and I will give my colleagues an accounting of what I, as the newly elected chairman of the Committee on Banking, Finance and Urban Affairs, intend to do and thus far have been able to do, and that I did all through the 101st Congress.

Even as late as after adjournment of the 101st Congress I sent each Member, not just the members of the committee, Members of the House, what the intent was by way of reform which is reflected in this bill I introduced today. With these reforms we can newly energize the engines of our economy. Without them we will only grow weaker.

Mr. Speaker, the issues are tough, but does that mean we do not try to confront and overcome?

Let me say that just within the last 32 hours we have had ominous developments in the State of Rhode Island. There the newly elected Governor has just in effect declared a bank and credit union holiday. And today I got the first statistics from the staff in Rhode

Island. Fifteen credit unions have been closed reflecting $1.5 billion of financial net worth.

□ 1830

They will only be able to save through Federal chartering 4 out of the 15. Why? Because a State insurance system went bust. It was contracted out privately.

Let me say something in addition to this. As early as 1984, shadows were cast of coming events when Nebraska, which was a smaller economy, had the first failure of the S&L State insurance system. It ended in scandal, and, if I remember correctly, the impeachment of one of the high State officials.

Then, shortly after that, you had Ohio, and the great crisis in Ohio. With what? With the State uninsured. Also the bankruptcy of the State reinsurance system.

Then we had Maryland right next door. That was worse. You used to have about 122 institutions in Maryland. You have all but a handful. Fortunately, about 82 of them could have been federally chartered. But you still have in Maryland over 15,000 Marylanders that have not gotten all of their money out that they had deposited in good faith and just felt it was insured, did not bother to find out whether it was or was not, or whether it was State, State uninsured, or State inadequately insured.

Fortunately, the State Legislature of Maryland appropriated millions of dollars so they could pay out some of the others. But you still have over 15,000.

What more did you need? I spoke out then, and I said to my colleagues then from this very well, I said, gentlemen, do not harbor and indulge in the luxury of thinking that it is just State. It is coming here on the Federal level.

Our FSLIC, the insurance fund for the savings and loan industry is broke.

Who would listen? Everybody was enjoying the merry-go-round. Why, we even had citizens that were good financial wizards.

I had a little housewife in my city of San Antonio saying, Mr. Chairman, Mr. Congressman, you are out there in the Banking Committee. I have just taken my money out of the S&L here. It was only paying me about 6¾ percent. I put it in a money market account. I am going to get 8 percent, 8¼. Don't you think that is good?

I said that I am not going to give an opinion. I am not a financial consulting individual. I do not know anything about it. I do not have any stocks, bonds, nor investments. All I have ever had is the element of office prescribed in the law that I would be entitled to. I have always made it a full-time job. I felt I was being paid to do a full-time job, so I never got into side activities. I did not want to worry with it.

It was not that I was goody-goody or goody two shoes or anything. It is just that is the way I wanted to be.

So I told this little lady, I said lady, the only thing I will ask you is this: the institution you tell me you drew your funds from is insured. What about this other?

Well, she did not know, and she did not much care to know.

It so happened that that is another loose cannon in our economy today, for over 23 percent of the deposits are uninsured mutual money markets.

So everybody was enjoying the merry-go-round. Why, it is going to last forever.

What about the land? I reported this in 1983 for the first time. Who gave a hoot? I said I know the acreage north of town that is not capitalized in a newly structured S&L, just chartered by the State, in which there is 20,000 acres north of town, you cannot do anything with it. You cannot even build low income or low rent housing. You certainly cannot grow anything on that rocky stretch.

I happen to know that just a year before that I could have bought a whole acre for less than $1,000. All of a sudden this acreage was being put down on the book value of that S&L at $20,000 an acre.

How could that last? All bubbles burst. That is where we are today. We sow to the wind, and we will reap the whirlwind. That is what we are doing right now.

Let me tell you about my home State of Texas. You think I am not worried? When I check on Rhode Island, I immediately said, I wonder how many credit unions I have in Texas that are privately so-called insured.

Well, the figure is about 250. We estimate that there is a total involvement there of some $3 billion worth.

Of course, when I talked about this bill, and I said I believe in bringing all insured depository institutions who are guaranteed by the American taxpayer under that same regulatory umbrella, these start shooting at me right away.

So now, just as of 32 hours ago, I think they can see what I was talking about and what I am talking about now.

The issues are tough. I repeat, the choice is very difficult. But the need to act is urgent, and unavoidable.

FAMILY AND MEDICAL LEAVE ACT

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, as the 102d Congress opens I applaud the re-introduction of the Family and Medical Leave Act by my colleague from Missouri, Representative CLAY.

The time for the passage of this legislation, Mr. Speaker, is long overdue. This is the same legislation that was passed in the last session of Congress by both the House and the Senate, only to be vetoed by the President. However, as the economy continues to tighten in the 1990's, it is imperative that families do not have to choose between working for a living and caring for a family.

This act will give working families the time to care for a newborn or ill child, the time to aid an elderly parent in need of assistance, and the time to deal with a personal illness or grievous medical condition, by providing up to 10 weeks of unpaid medical leave for affected employees.

In Rhode Island I cosponsored similar legislation which has become law. Eligible Rhode Island families now have the chance to care for their families in times of crisis. Rhode Island has taken an important step forward, and the Nation should follow.

We can ease the burden of the working men and women who at present are forced to choose between their families and their jobs. We have a national obligation to protect their jobs and the future health and prosperity of their children. I urge my colleagues to join me in cosponsoring this act and in answering the needs of a rapidly changing work force, by passing this legislation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL), after 2:30 p.m. today, on account of her attendance of the inauguration of the Governor of Maine.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes each day, on January 3, 7, 10, 14, and 17.

Mr. WOLF, for 30 minutes, today.

Mr. EMERSON, for 5 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on January 16, 23, and 24.

(The following Members (at the request of Mr. EVANS) to revise and extend their remarks and include extraneous material:)

Mr. DINGELL, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. BOXER, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ALEXANDER, for 60 minutes, on January 7.

Mr. GONZALEZ, for 60 minutes each day, on January 7, 9, and 11.

Mr. OWENS of New York, for 60 minutes each day, on January 7, 23, 24, 25, 28, 29, 30, and 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous material:)

Mr. RHODES in four instances.
Mr. HYDE in two instances.
Mrs. ROUKEMA in two instances.
Mr. FIELDS in two instances.
Ms. SNOWE in three instances.
Mr. GILMAN in 10 instances.
Mr. GALLEGLY in seven instances.
Mr. RIGGS.
Mr. MICHEL in two instances.
Mr. CLINGER in two instances.
Mr. LAGOMARSINO in six instances.
Mr. DORNAN of California.
Mr. CAMPBELL of California.
Mr. HORTON.
Mr. BROOMFIELD.
Mr. SCHULZE in three instances.
Mr. HAMMERSCHMIDT.
Mr. SLAUGHTER of Virginia.
Mr. CRANE in 10 instances.
Mr. CONTE in three instances.
Mr. EMERSON.
Mr. LEWIS of California.
Mr. MILLER of Ohio in three instances.
Mr. GREEN of New York.
Mr. WOLF.
Mr. KYL.
Mr. STUMP in two instances.
Mr. GEKAS.
Mr. GINGRICH in two instances.
Mr. SENSENBRENNER.
Mr. WELDON.
Mr. MARLENEE.

(The following Members (at the request of Mr. EVANS) and to include extraneous material:)

Mr. ROE.
Mr. EDWARDS of Texas.
Mr. PENNY in three instances.
Mr. STARK in three instances.
Mr. DINGELL in two instances.
Mr. SLATTERY.
Mr. MCHUGH.
Mr. KLECZKA.
Mr. BILBRAY.
Mr. MRAZEK.
Mr. EDWARDS of California in three instances.
Mrs. KENNELLY.
Mr. HERTEL in two instances.
Mr. OBERSTAR.
Mr. ENGEL in three instances.
Mr. LEVINE of California.
Mr. BORSKI.
Mr. BONIOR in four instances.
Mrs. COLLINS of Illinois.
Mr. BROOKS.
Mr. WEISS in 10 instances.
Mr. ROSTENKOWSKI.
Mr. HUBBARD.
Mr. BROOKS.
Mr. BRYANT in seven instances.
Mr. DONNELLY.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Monday, January 7, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Deputy Assistant Secretary (Communications, Computer, and Logistics), Department of the Air Force, transmitting notice that converting the administrative support function at Lackland Air Force Base, TX, to contractor performance is the most cost-effective method of accomplishment, pursuant to Public Law 100–463, section 8061 (102 Stat. 2270–27); to the Committee on Appropriations.

2. A letter from the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1991, pursuant to 2 U.S.C. 685 (H. Doc. No. 102–7); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Director, Congressional Budget Office, transmitting his final sequestration report for fiscal year 1991; to the Committee on Appropriations.

4. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of December 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–6); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of November 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102–9); to the Committee on Appropriations and ordered to be printed.

6. A communication from the President of the United States, transmitting a report on the effect of space nuclear reactors on gamma-ray astronomy missions for fiscal years 1990 and 1991, pursuant to Public Law 101–189, section 1012 (103 Stat. 1547); to the Committee on Armed Services.

7. A communication from the President of the United States, transmitting a report on United States antisatellite weapons activities and the survivability of United States satellites against current and potential antisatellite weapons deployed by the Soviet Union, pursuant to Public Law 101–189, section 1002(b) (103 Stat. 1540); to the Committee on Armed Services.

8. A communication from the President of the United States, transmitting his notification of his declaration of a national emergency with respect to the threat to the national security and foreign policy of the United States caused by the invasion of Kuwait by Iraq, pursuant to 50 U.S.C. 1701 et seq., 1601 et seq., and 3 U.S.C. 301 (H. Doc. No. 102–15); to the Committee on Armed Services and ordered to be printed.

9. A communication from the President of the United States, transmitting an Executive order authorizing the extension of the active duty of personnel of the Selected Reserve of the Armed Forces, pursuant to 10 U.S.C. 673(i) (H. Doc. No. 102–16); to the Committee on Armed Services and ordered to be printed.

10. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for Defense Articles estimated to cost $50 million or more (Transmittal No. 91–10), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

11. A letter from the Secretary of the Air Force, transmitting notification that the C-17A program manager acquisition unit cost, or the current procurement unit cost, has increased by more than 25 percent over unit cost shown in baseline SAR, on September 28, 1990, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

12. A letter from the Secretary of the Army, transmitting notification that the Family of Heavy Tactical Vehicles [FHTV] Palletized Load System [PLUS] Program has exceeded the program acquisition unit cost and current procurement unit cost baseline by more than 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

13. A letter from the Secretary of Energy, transmitting notification that the President has decided to extend production of the Naval Petroleum Reserves for a 3-year period beyond April 5, 1991, pursuant to 10 U.S.C. 7431(b); to the Committee on Armed Services.

14. A letter from the Secretary of Energy, transmitting the Department's implementation plan for development of a Systematic Evaluation Program at the Rocky Flats plant and a copy of the Defense Nuclear Facilities Safety Board's acceptance of the implementation plan; to the Committee on Armed Services.

15. A letter from the Secretary of Housing and Urban Development, transmitting a report on the availability and use of mortgage credit in rural areas, pursuant to Public Law 100–242, section 312 (101 Stat. 1897); to the Committee on Banking, Finance and Urban Affairs.

16. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the State of Bahrain, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

17. A letter from the Administrator, General Services Administration; transmitting the 13th quarterly report on Federal actions taken to assist the homeless, pursuant to Public Law 100–77, section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

18. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Performance Review of PSI Associates, Inc.," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

19. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "The District Loses Significant Federal Funds on Forest Haven Programs," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

20. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Overview of the District's Municipal Borrowing Program," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

21. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Annuity Payments for Retired District of Columbia Police Officers, Firefighters, and Teachers," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

22. A letter from the District of Columbia Retirement Board, transmitting the Board's annual report for fiscal year 1989, pursuant to D.C. Code, section 1-734(a)(1)(C); to the Committee on the District of Columbia.

23. A letter from the Secretary of Education, transmitting final regulations—assistance for local educational agencies in areas affected by Federal activities and arrangements for education of children where local educational agencies cannot provide suitable free public education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

24. A letter from the Secretary of Education, transmitting notice of final funding priorities for the National Institute on Disability and Rehabilitation research, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

25. A letter from the Secretary of Labor, transmitting the annual report of the Longshoremen's and Harbor Workers' for the period October 1, 1988 through September 30, 1989, pursuant to 33 U.S.C. 942; to the Committee on Education and Labor.

26. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's combined annual report for fiscal years 1986, 1987, and 1988, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Education and Labor.

27. A letter from the Assistant Secretary of Energy (Fossil Energy), transmitting notice that the status of the Strategic Petroleum Reserve Quarterly Report due November 15, 1990, has been delayed, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

28. A letter from the Secretary of Energy, transmitting the annual report on the State Energy Conservation Program for calendar year 1990, pursuant to 42 U.S.C. 6325; to the Committee on Energy and Commerce.

29. A letter from the Secretary of Health and Human Services, transmitting the third report of biomedical and behavioral research personnel for the period fiscal year 1989 through fiscal year 1990, pursuant to 42 U.S.C. 288b(c); to the Committee on Energy and Commerce.

30. A letter from the Director, Centers for Disease Control, transmitting a copy of the report "National HIV Seroprevalence Surveys"; to the Committee on Energy and Commerce.

31. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report on petroleum prices and profits in the 90 days following the invasion of Kuwait; to the Committee on Energy and Commerce.

32. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of reasons for failure to issue a decision in the *Huron Valley Steel Corporation* v. *CSX Transportation, Inc., et al* (Docket No. 40385) within the time period specified, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

33. A letter from the Acting Secretary of State, transmitting a progress report on the situation in El Salvador for the period April 1, 1990 to October 1, 1990, pursuant to Public Law 101-167, section 554(b) (103 Stat. 1237); to the Committee on Foreign Affairs.

34. A letter from the Administrator, Agency for International Development, transmitting the private sector revolving fund's annual report for fiscal year 1990, pursuant to 22 U.S.C. 2151f(h); to the Committee on Foreign Affairs.

35. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DTC-6-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

36. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Taiwan (Transmittal No. DTC-8-91), pursuant 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

37. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed manufacturing license agreement for the production of electronic countermeasure systems by Mitsubishi Corp. in Japan (Transmittal No. DTC-32-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

38. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to the United Kingdom (Transmittal No. DTC-2-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

39. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Saudi Arabia (Transmittal No. DTC-1-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

40. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed authorization for the export of three vessels and a proposed technical assistance agreement for the assembly of three vessels to the Arab Republic of Egypt (Transmittal No. DTC-4-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

41. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of proposed license for the export of defense articles or defense services sold commercially under a contract to Indonesia (Transmittal No. DTC-34-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

42. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting its quarterly report concerning human rights activities in Ethiopia covering the period July 15, 1990 to October 14, 1990, pursuant to Public Law 100-456, section 1310(c) (102 Stat. 2065); to the Committee on Foreign Affairs.

43. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting Presidential Determination 91-6 regarding U.N. consensus decisionmaking procedures, limitation on seconded employees, and reductions in U.N. Secretariat staff, pursuant to Public Law 101-246, section 405(c) (1), (2) (104 Stat. 65, 66); to the Committee on Foreign Affairs.

44. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting justification for request for appropriations to meet unexpected urgent refugee and migration needs of persons fleeing Kuwait and Iraq due to the current military crisis in the Persian Gulf, pursuant to 22 U.S.C. 2601(c)(3)); to the Committee on Foreign Affairs.

45. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting Presidential Determination 91-7 relating to decisionmaking procedures on budgetary matters in the International Civil Aviation Organization, the International Labor Organization, the World Health Organization, the U.N. Industrial Development Organization, and the World Meteorological Organization, pursuant to Public Law 101-246, section 405(c) (1), (2) (104 Stat. 65, 66); to the Committee on Foreign Affairs.

46. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting notification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DTC-6-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

47. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 02-91, concerning the proposed annex B to the Memorandum of Agreement with the Ministry for Defense of Norway, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

48. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 03-91, concerning a proposed Memorandum of Understanding with the Ministry for National Defense of France, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

49. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 2-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

50. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 91-09), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

51. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 91-10), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

52. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Turkey (Transmittal No. DTC-3-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

53. A letter from the Assistant Secretary (Legislative Affairs), Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially under a contract to the Republic of Korea (Transmittal No. DTC-5-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

54. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 90-37, authorizing the furnishing of assistance from the emergency refugee

and migration assistance fund for urgent needs of refugees and conflict victims in Africa, Asia, and Near East/South Asia, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

55. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Japan (Transmittal No. DTC–11–91), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

56. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to France (Transmittal No. DTC–39–90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

57. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending September 30 1990, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

58. A letter from the Director, Defense Security Assistance Agency, transmitting the fiscal year 1990 annual report on the operation of the special defense acquisition fund, pursuant to 22 U.S.C. 2795b(a); to the Committee on Foreign Affairs.

59. A communication from the President of the United States, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to The Netherlands for defense articles and services (Transmittal No. 91–11), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

60. A communication from the President of the United States, transmitting a progress report toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the period from August through early October 1990, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

61. A communication from the President of the United States, transmitting a report on developments since his last report of May 14, 1990, concerning the national emergency with respect to Iran, pursuant to 50 U.S.C. 1641(c) (H. Doc. No. 102–12); to the Committee on Foreign Affairs and ordered to be printed.

62. A communication from the President of the United States, transmitting his notification of his declaration of a national emergency with respect to chemical and biological weapons, pursuant to 50 U.S.C. 1703(b), 1621 (H. Doc. No. 102–13); to the Committee on Foreign Affairs and ordered to be printed.

63. A communication from the President of the United States, transmitting a report on the developments since his last report of August 9, 1990, concerning the national emergency with respect to Kuwait, pursuant to 50 U.S.C. 1621(a); to the Committee on Foreign Affairs and ordered to be printed.

64. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of John A. Bushnell, of Connecticut, to be Ambassador to the Republic of Costa Rica, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

65. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

66. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

67. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

68. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

69. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an award under the Witness Protection Program, pursuant to 22 U.S.C. 2708(h); to the Committee on Foreign Affairs.

70. A letter from the Department of State, transmitting the 21st 90-day report of progress of case on the investigation into the death of Enrique Camarena, the investigations of the disappearance of U.S. citizens in the State of Jalisco, Mexico, and the general safety of U.S. tourists in Mexico, pursuant to Public Law 99–93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

71. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

72. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting a report in reference to recent legislation passed by the Congress on the leasing of a naval landing ship dock to the Government of Brazil received from Brazil's Ambassador to the United States; to the Committee on Foreign Affairs.

73. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting a copy of the text of ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries; to the Committee on Foreign Affairs.

74. A letter from the General, U.S. Army Commander in Chief, Headquarters, U.S. Command, transmitting a report on the Democratic Peoples' Republic of Korea Panmunjom transfer of remains activities on May 28, 1990; to the Committee on Foreign Affairs.

75. A letter from the Chairman, Japan-United States Friendship Commission, transmitting the activities and recommendations report for fiscal year 1990, pursuant to 22 U.S.C. 2904(b); to the Committee on Foreign Affairs.

76. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue in effect beyond November 14, 1990, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 102–8); to the Committee on Foreign Affairs and ordered to be printed.

77. A letter from the Comptroller General, General Accounting Office, transmitting a report on the failure of the Secretary of Defense to provide access to certain records to the General Accounting Office, pursuant to 31 U.S.C. 716(b)(1); to the Committee on Government Operations.

78. A letter from the Director, Office of Management and Budget, transmitting notice of certification by the Comptroller General request for a Department of Defense report, pursuant to 31 U.S.C. 716(b)(1); to the Committee on Government Operations.

79. A letter from the Assistant Secretary of State (Legislative Affairs), transmitting a report on the activities of the Department under the statute of the Program Fraud Civil Remedies Act for the fiscal year ending September 30, 1990; to the Committee on Government Operations.

80. A letter from the Committee for the Purchase from the Blind and other Severely Handicapped, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

81. A letter from the Assistant Secretary for Force Management and Personnel, Department of Defense, transmitting the annual report on the financial status of the military retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

82. A letter from the Department of Housing and Urban Development, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

83. A letter from the Department of Labor, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

84. A letter from the Equal Employment Opportunity Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

85. A letter from the Administrator, Federal Intermediate Credit Bank of Jackson, transmitting the bank's annual pension plan report for the plan year ending December 31, 1989, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

86. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's concerning its implementation of the Sunshine Act during calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

87. A letter from the Federal Trade Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

88. A letter from the Administrator, General Services Administration, transmitting a copy of the 1991 strategic plan report; to the Committee on Government Operations.

89. A letter from the Interstate Commerce Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

90. A letter from the National Aeronautics and Space Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

91. A letter from the National Mediation Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

92. A letter from the Acting Executive Director, Neighborhood Reinvestment Corporation, transmitting a report on audit and investigative activities; to the Committee on Government Operations.

93. A letter from the Nuclear Regulatory Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

94. A letter from the Office of the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report in compliance with the requirements of the internal accounting and administrative control system for the year ending September 30, 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

95. A letter from the Office of the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the System's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

96. A letter from the Director, Office of Management and Budget, transmitting a report, entitled "Statistical Programs of the United States Government, Fiscal Year 1991"; to the Committee on Government Operations.

97. A letter from the Secretary of the U.S. Consumer Product Safety Commission, transmitting notice of a proposed new or altered Federal records systems, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

98. A letter from the Secretary of Energy, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

99. A letter from the Secretary of Transportation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

100. A letter from the Director, The Woodrow Wilson Center, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

101. A letter from the U.S. International Trade Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

102. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 1990 through September 30, 1990, pursuant to 2 U.S.C. 104a (H. Doc. No. 102–5); to the Committee on House Administration and ordered to be printed.

103. A letter from the Assistant Secretary of the Interior for Water and Science, transmitting the "High Plains States Groundwater Demonstration Program 1990 Interim Report," pursuant to 43 U.S.C. 390g–2(c)(2); to the Committee on Interior and Insular Affairs.

104. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

105. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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125. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

126. A letter from the Director, Federal Bureau of Prisons, transmitting the fiscal year 1989 annual report of the Board of Directors of Federal Prison Industries, Inc., pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

127. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the 1990 report and financial audit as of August 31, 1990, pursuant to 36 U.S.C. 1101(57), 1103; to the Committee on the Judiciary.

128. A letter from the American Gold Star Mothers, Inc., transmitting the corporation's report and financial audit as of June 30, 1990, pursuant to 36 U.S.C. 1101(63), 1103; to the Committee on the Judiciary.

129. A letter from the President, National Safety Council, transmitting the Council's report and financial audit for the fiscal years ended June 30, 1990 and 1989, pursuant to 36 U.S.C. 1101(36), 1103; to the Committee on the Judiciary.

130. A letter from the Director, Federal Bureau of Prisons, U.S. Department of Justice,

transmitting notice of a proposal to locate a 1,000-bed metropolitan detention center on one of three proposed sites in the District of Columbia; to the Committee on the Judiciary.

131. A letter from the Secretary of the Interior, transmitting a report on the administration of the Marine Mammal Protection Act of 1972 for the period of January 1, 1989 to December 31, 1989, pursuant to 16 U.S.C. 1373(f); to the Committee on Merchant Marine and Fisheries.

132. A letter from the Secretary of Transportation, transmitting the annual report for 1989 on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to 46 U.S.C. app. 1123(c); to the Committee on Merchant Marine and Fisheries.

133. A letter from the Special Assistant to the President for Administration transmitting the White House personnel report for the fiscal year 1990, pursuant to 3 U.S.C. 113; to the Committee on Post Office and Civil Service.

134. A letter from the Personnel Appeals Board, transmitting a copy of the 1989 annual report of the GAO Personnel Appeals Board; to the Committee on Post Office and Civil Service.

135. A letter from the Administrator, Federal Aviation Administration, transmitting the semiannual report on the effectiveness of the Civil Aviation Security Program for the period January 1, 1989, through June 30, 1989, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Public Works and Transportation.

136. A letter from the Secretary of Transportation, transmitting a report on the operations of the national airways system for fiscal year 1989, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Public Works and Transportation.

137. A letter from the Secretary of Transportation, transmitting a report on the effect of airline deregulation on the level of air safety, pursuant to 49 U.S.C. app. 1307(b); to the Committee on Public Works and Transportation.

138. A letter from the Administrator, Environmental Protection Agency, transmitting the 1989 annual report on the Clean Lakes Demonstration Program, pursuant to 33 U.S.C. 1324; to the Committee on Public Works and Transportation.

139. A letter from the Administrator, General Services Administration, transmitting a building project survey report which investigates the need and feasibility for constructing a parking facility at or near the Pirnie Federal Building in Utica, NY, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

140. A letter from the Administrator, Federal Aviation Administration, transmitting a report containing an overview of the recently expanded program of human performance research; to the Committee on Science, Space and Technology.

141. A letter from the National Aeronautics and Space Administration, transmitting a copy of the final report of the Advisory Committee on the Future of the U.S. Space Program; to the Committee on Science, Space and Technology.

142. A letter from the Under Secretary of Defense, transmitting the report on the Department of Defense procurement from small and other business firms for the period October 1989 through August 1990, and fiscal year 1990, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

143. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the final monthly Treasury statement of receipts and outlays of the U.S. Government for fiscal year 1990, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

144. A letter from the Director, the Office of Management and Budget, transmitting the final OMB sequester report to the President and Congress for fiscal year 1991, pursuant to 2 U.S.C. 901 (H. Doc. No. 102–11); to the Committee on the State of the Union of the Whole House and ordered to be printed.

145. A communication from the President of the United States, transmitting a copy of the President's final sequester order for fiscal year 1991; (H. Doc. No. 102–10); to the Committee on the State of the Union of the Whole House and ordered to be printed.

146. A letter from the Department of Agriculture, transmitting the second quarterly country and commodity allocation table showing current programming plans for food assistance for fiscal year 1991, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committee on Agriculture and Foreign Affairs.

147. A letter from the Comptroller General of the United States, transmitting the report on the fiscal year interest rate on rural telephone bank loans, pursuant to 7 U.S.C. 948(b)(3); jointly, to the Committee on Agriculture and Government Operations.

148. A letter from the Comptroller of the Department of Defense, transmitting notification of the transfer of $1,000 million from the defense cooperation account to the operation and maintenance appropriations; jointly, to the Committee on Appropriations and Armed Services.

149. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the Government National Mortgage Association's financial statements as of September 30, 1989 (GAO/AFMD–91–8, October 1990), pursuant to 31 U.S.C. 9106(a); jointly, to the Committee on Banking, Finance and Urban Affairs and Government Operations.

150. A letter from the Secretary of Health and Human Services, transmitting a report on the fiscal year 1989 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly, to the Committees on Education and Labor and Energy and Commerce.

151. A letter from the Office of Civilian Radioactive Waste Management, transmitting the Office of Civilian Radioactive Waste Management's report of activities during fiscal year 1989 and fiscal year 1990 will be submitted in December 1990, pursuant to 42 U.S.C. 10224(c); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

152. A letter from the Secretary of Health and Human Services, transmitting a report on electronic media claims for Medicare, pursuant to Public Law 101–239, section 6102(a) (103 Stat. 2182); jointly, to the Committees on Energy and Commerce and Ways and Means.

153. A letter from the Chairman, The Pepper Commission, a U.S. Bipartisan Commission on Comprehensive Health Care, transmitting a report of summary recommendations on access to health care and long-term care; jointly, to the Committees on Energy and Commerce and Ways and Means.

154. A letter from the Comptroller General, General Accounting Office, transmitting a report of the examination of the Department of Veterans Affairs consolidated financial statements for fiscal year 1989 and 1988; jointly, to the Committees on Government Operations and Veterans' Affairs.

155. A communication from the President of the United States, transmitting certification by the Secretary of Commerce that Norway has conducted whaling activities that diminished the effectiveness of the International Whaling Commission [IWC] conservation program, pursuant to 22 U.S.C. 1978(b) (H. Doc. No. 102–17); jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs, and ordered to be printed.

156. A letter from the Secretary of Energy, transmitting a draft of the program opportunity notice [PON] for the clean coal technology [CCT] IV solicitation; jointly, to the Commission on Appropriations; Energy and Commerce; and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 27, 1990, the following report was filed on November 6, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on taking a byte out of history: the archival preservation of Federal computer records (Rept. 101–978). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 28, 1990, the following report was filed on November 9, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on tax administration problems involving independent contractors (Rept. 101–979). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 27, 1990, the following reports were filed on November 14, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on FDA's continuing failure to prevent deceptive health claims for food (Rept. 101–980). Ordered to be printed.

Committee on Government Operations. Report on status of the implementation of title XI, the appraisal reform amendments of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] (Rept. 101–981). Ordered to be printed.

[Pursuant to the order of the House on October 28, 1990, the following report was filed on November 15, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on the U.S. Government's war against fraud, abuse, and misconduct in financial institutions: winning some battles but losing the war (Rept. 101–982). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 28, 1990, the following reports were filed on November 19, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on Bureau of Justice assistance discretionary drug treatment programs: the great disappearing act (Rept. 101–983). Referred to the Committee of the Whole House on the State of the Union.

Committee on Government Operations. Report on the minority farmer: a disappearing American resource; has the Farmers Home Administration been the primary catalyst? (Rept. 101–984). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on October 28, 1990, the following report was filed on November 21, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on Federal employee privacy rights and standard form 86 (Rept. 101–985). Ordered to be printed.

[Pursuant to the order of the House on October 28, 1990, the following reports were filed on November 27, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on Federal prosecutorial authority in a changing legal environment: more attention required (Rept. 101–986). Ordered to be printed.

Committee on Government Operations. Report on acquisition of ADP equipment—questionable practices by the Navy, its employees, the General Services Administration, and IBM (Rept. 101–987). Ordered to be printed.

Committee on Government Operations. Report that Navy's Seawolf attack submarine is proceeding along a path of high technical and financial risks (Rept. 101–988). Ordered to be printed.

[Pursuant to the order of the House on October 28, 1990, the following reports were filed on November 29, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on international procurement and waivers of the Buy American Act: U.S. business at a disadvantage (Rept. 101–989). Ordered to be printed.

Committee on Government Operations. Report on natural gas vehicle use by the U.S. Postal Service: the benefits of fleet conversion (Rept. 101–990). Ordered to be printed.

[Pursuant to the order of the House on October 28, 1990, the following reports were filed on November 30, 1990.]

Mr. CONYERS: Committee on Government Operations. Report on United States antinarcotics activities in the Andean region (Rept. 101–991). Ordered to be printed.

Committee on Government Operations. Report on the role of demand reduction in the national drug control strategy (Rept. 101–992). Ordered to be printed.

Committee on Government Operations. Report on U.S. Postal Service realignment of first-class mail delivery standards: just say slow (Rept. 101–993). Ordered to be printed.

Committee on Government Operations. Report on strategic defense system: criteria for deployment decision will not be met by 1993; critical issues must be resolved (Rept. 101–994). Ordered to be printed.

[Submitted December 18, 1990]

Mr. DIXON. Committee on Standards of Official Conduct. Report on summary of activities during the 101st Congress (Rept. 101–995). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 19, 1990]

Mr. MONTGOMERY: Committee on Veterans' Affairs. Activities report of the Committee on Veterans' Affairs, House of Representatives, 101st Congress (Rept. 101–996). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 20, 1990]

Mr. ROYBAL: Select Committee on Aging. Report on the activities of the House Select Committee on Aging in the 101st Congress (Rept. 101–997). Referred to the Committee of the Whole House on the State of the Union.

[Submitted December 21, 1990]

Mr. MILLER of California: Select Committee on Children, Youth, and Families. Report on the activities for the year 1989 (Rept. 101–998). Referred to the Committee of the Whole House on the State of the Union.

Select Committee on Children, Youth, and Families. Federal Programs affecting children and their families, 1990 (Rept. 101–999). Pursuant to House Resolution 84, referred jointly to the Committees on Ways and Means, Post Office and Civil Service, Armed Services, Veterans' Affairs, Education and Labor, Agriculture, Energy and Commerce, the Judiciary, Interior and Insular Affairs, and Banking, Finance and Urban Affairs and ordered to be printed.

Select Committee on Children, Youth, and Families. Opportunities for Success: cost-effective programs for children update, 1990 (Rept. 101–1000). Pursuant to House Resolution 84, referred jointly to the Committees on Education and Labor, Energy and Commerce, and Ways and Means and ordered to be printed.

Select Committee on Children, Youth, and Families. Respite care: a listing of resources (Rept. 101–1001). Pursuant to House Resolution 84, referred jointly to the Committees on Energy and Commerce and Education and Labor and ordered to be printed.

Mr. HALL of Ohio: Select Committee on Hunger. Progress report on the activities of the Select Committee on Hunger during the 101st Congress (Rept. 101–1002). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 2, 1991]

Mr. LAFALCE: Committee on Small Business. Summary of activities, a report of the Committee on Small Business, House of Representatives, 101st Congress (Rept. 101–1003). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. Report on survey of activities of the House Committee on Rules, 101st Congress (Rept. 101–1004). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANNUNZIO: Committee on House Administration. Report on the activities of the Committee on House Administration of the House of Representatives during the 101st Congress (Rept. 101–1005). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on the activities of the House Committee on Government Operations, 101st Congress (Rept. 101–1006). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. Report on the summary of legislative activities, 101st Congress (Rept. 101–1007). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Permanent Select Committee on Intelligence. Report on the activities of the Permanent Select Committee on Intelligence of the House of Representatives during the 101st Congress (Rept. 101–1008). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Select Committee on Children, Youth, and Families. Report on the activities for the year 1990 of the Select Committee on Children, Youth, and Families, House of Representatives, 101st Congress, 2d session (Rept. 101–1009). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. Report of the activities of the Committee on Armed Services for the 101st Congress (Rept. 101–1010). Referred to the Committee of the Whole House on the State of the Union.

Mr. PANETTA: Committee on the Budget. Report on the activities and summary report of the Committee on the Budget, 101st Congress (Rept. 101–1011). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. Report on activities during the 101st Congress (Rept. 101–1012). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 3, 1991]

Mr. ROSTENKOWSKI: Committee on Way and Means. Report on legislative review activity during the 101st Congress of the Committee on Ways and Means (Rept. 101–1013). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. Report on the activities of the Committee on Education and Labor during the 101st Congress (Rept. 101–1014). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary of the House of Representatives during the 101st Congress (Rept. 101–1015). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. Report on the legislative review activities of the Committee on Foreign Affairs, 101st Congress (Rept. 101–1016). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. Report on the legislative and review activities of the Committee on Interior and Insular Affairs during the 101st Congress (Rept. 101–1017). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. Report on the activities of the Merchant Marine and Fisheries Committee, 101st Congress (Rept. 101–1018). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. Annual report for the year 1989 of the Select Committee on Narcotics Abuse and Control (Rept. 101–1019). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANGEL: Select Committee on Narcotics Abuse and Control. Annual report for the year 1990 of the Select Committee on Narcotics Abuse and Control (Rept. 101–1020). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. Report on the activity of the Committee on Energy and Commerce for the 101st Congress (Rept. 101–1021). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Post Office and Civil Service. Report of the legislative and review activities of the Committee on Post Office and Civil Service (Rept. 101–1022). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. Report on the activities and summary report of the Committee on the District of Columbia, 101st Congress, (Rept. 101–1023). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report on activities of the Committee on Appropriations during the 101st Congress (Rept. 101–1024). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. FISH, Mr. GEPHARDT, Mr. GRAY, Mr. HOYER, Mr. FAZIO, Mrs. SCHROEDER, Ms. SNOWE, Mr. TOWNS, Mr. ORTIZ, Mr. MINETA, and Mr. MATSUI):

H.R. 1. A bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. CLAY (for himself, Mrs. ROUKEMA, Mrs. SCHROEDER, Mr. WELDON, and Mr. GORDON):

H.R. 2. A bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave; jointly, to the Committees on Education and Labor, Post Office and Civil Service, and House Administration.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, MR. APPLEGATE, Mr. WYLIE, Mr. PENNY, Mr. McEWEN, Mr. ROWLAND of Georgia, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. BILIRAKIS, Mr. HARRIS, Mr. RIDGE, Mrs. PATTERSON, Mr. JAMES, Mr. PAYNE of Virginia, Mr. STEARNS, Mr. PARKER, Mr. PAXON, Mr. JONES of Georgia, Mr. SMITH of New Jersey, Mr. GEREN of Texas, Mr. MAZZOLI, Mr. McNULTY, Mr. SCHUMER, Mr. GEJDENSON, Mr. MRAZEK, Mr. SHAW, Mr. PRICE, Mr. YATRON, Mr. KANJORSKI, Mr. BATEMAN, Mr. ROSTENKOWSKI, Mr. TALLON, Mr. IRELAND, Mr. SLATTERY, Mr. RUSSO, Mr. GINGRICH, Mr. VOLKMER, Mr. MACHTLEY, Mr. KILDEE, Mr. McMILLEN of Maryland, Mr. GALLO, Mr. SYNAR, Mr. WELDON, Mr. BOEHLERT, Mr. ANNUNZIO, Mr. ALEXANDER, Mr. SISISKY, Mr. DORNAN of California, Mr. BARNARD, Mr. TANNER, Mr. RAVENEL, Mr. THOMAS of Georgia, Mr. TRAFICANT, Mr. STARK, Mr. SCHIFF, Mr. WALSH, Mr. GOSS, Mr. HATCHER, Mr. McCOLLUM, Mr. DICKS, Mr. LEACH of Iowa, Mr. DAVIS, Mr. HORTON, Mr. SWIFT, Mr. COMBEST, Mr. SMITH of Oregon, Mr. GLICKMAN, Mr. MARTIN of New York, Mr. HUTTO, Mr. FEIGHAN, Mr. FIELDS, Mr. HOYER, Mr. McHUGH, Mr. HENRY, Mr. JONES of North Carolina, Mr. COLEMAN of Texas, Mr. DICKINSON, Mr. MOAKLEY, Mr. McDADE, Mr. HUBBARD, Mr. VANDER JAGT, Mr. NOWAK, Mr. HEFNER, Mr. BROWN of California, Mr. HAMILTON, Mr. LANCASTER, Mr. COBLE, Mr. RAY, Mr. WYDEN, Mr. McCLOSKEY, Mr. CONTE, Mr. CALLAHAN, Mr. KYL, Mr. GILMAN, Mr. WOLF, Mr. SAXTON, Mr. DERRICK, Mr. PERKINS, Mr. TOWNS, Ms. SNOWE, Mr. ATKINS, Mr. KOLBE, Mr. EDWARDS of Texas, Mr. FAWELL, Mr. GREEN of New York, Mr. DORGAN of North Dakota, Mr. ECKART, Mr. ROBERTS, Mr. FUSTER, Mr. HALL of Ohio, Mr. RINALDO, Mr. MAVROULES, Mrs. COLLINS of Illinois, Mr. LEWIS of California, Mr. MANTON, Mr. BILBRAY, Mr. HEFLEY, Mr. JACOBS, Mr. ROTH, Mr. de la GARZA, Mr. GAYDOS, Mr. JENKINS, Mr. TRAXLER, Mr. YOUNG of Alaska, Mr. MARLENEE, Ms. OAKAR, Mr. SKAGGS, Mr. FALEOMAVAEGA, Mr. COSTELLO, Mr. SANTORUM, Mr. ROHRABACHER, Mr. GONZALEZ, Mr. SKEEN, Mr. LEVIN of Michigan, Mr. TORRES, Mr. GIBBONS, Mr. HUNTER, Mrs. ROUKEMA, Ms. ROS-LEHTINEN, Mr. GOODLING, Mr. CLINGER, Mr. RICHARDSON, Mr. BROWDER, Mr. SUNDQUIST, Mr. HASTERT, Mr. RAHALL, Mr. FRANK of Massachusetts, Mr. BACCHUS, Mr. RANGEL, Mr. SPENCE, Mr. GALLEGLY, Mr. THOMAS of California, Mr. MOLLOHAN, Mr. HYDE, Mr. SCHEUER, Mr. EMERSON, Mr. LENT, Mr. KLECZKA, Mr. McCURDY, Mr. LIGHTFOOT, Mr. LEWIS of Florida, Mr. DONNELLY, Mr. BUSTAMANTE, Mr. PICKLE, Mr. DOWNEY, Mr. POSHARD, Mrs. BYRON, Mrs. MORELLA, Mr. PETERSON of Florida, Mr. OBERSTAR, Mr. BOUCHER, Mr. MOORHEAD, Mr. FORD of Tennessee, Mr. VISCLOSKY, Mr. EDWARDS of Oklahoma, Mrs. SCHROEDER, Mr. UPTON, Mr. VALENTINE, Mr. LAGOMARSINO, Mr. WHITTEN, Mr. MURPHY, Mr. PETRI, Mr. McGRATH, Mr. BLAZ, Ms. DeLAURO, Mrs. MINK, Mr. McCRERY, Mr. RHODES, Mr. MORRISON of Washington, Mr. HOBSON, Mr. SANDERS, Mr. HANSEN, Mr. DeFAZIO, Mr. SABO, Mr. BUNNING, Mr. SLAUGHTER of Virginia, Mr. QUILLEN, Mr. PICKET, Mr. WISE, Mr. NEAL of North Carolina, Mr. LOWERY of California, Mr. THOMAS of Wyoming, Mr. RAMSTAD, Mr. ANDREWS of Texas, Mr. OXLEY, Mr. HOLLOWAY, Mr. ESPY, Mr. COYNE, Mr. MINETA, Mr. MICHEL, Ms. KAPTUR, Mr. JOHNSON of South Dakota, Mr. SMITH of Iowa, Mr. BOEHNER, Mr. BRUCE, Mr. PACKARD, Mr. ENGLISH, Mr. HOPKINS, Mr. SOLOMON, Mr. LIVINGSTON, Mr. RITTER, Mr. UDALL, and Mr. ARMEY):

H.R. 3. A bill to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. GEPHARDT, Mr. MICHEL, Mr. GIBBONS, Mr. ARCHER, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. DOWNEY, Mr. RUSSO, Mr. PEASE, Mr. MATSUI, Mr. ANTHONY, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. DONNELLY, Mr. COYNE, Mr. ANDREWS of Texas, Mr. LEVIN of Michigan, Mr. MOODY, Mr. CARDIN, Mr. McDERMOTT, Mr. SCHULZE, Mr. GRADISON, Mr. THOMAS of California, Mr. McGRATH, Mr. SHAW, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. GRANDY, Mr. GRAY, Mr. HOYER, Mr. GINGRICH, and Mrs. BYRON):

H.R. 4. A bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 5. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; jointly, to the Committees on Education and Labor, Energy and Commerce, and Public Works and Transportation.

By Mr. GONZALEZ:

H.R. 6. A bill to reform the deposit insurance system to enforce the congressionally established limits on the amounts of deposit insurance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FEIGHAN (for himself, Mr. HUGHES, Mr. MAZZOLI, Mr. SCHUMER, Mr. SOLARZ, Mr. GREEN of New York, Mr. ANNUNZIO, Mr. TOWNS, Mr. BERMAN, Mr. LEVINE of California, Mr. WYLIE, Mr. EDWARDS of California, Mr. McHUGH, Mr. SMITH of Florida, Mr. WOLPE, Mr. MOODY, Mr. SHAYS, Mr. MILLER of Washington, Mr. BENNETT, Mr. STARK, Mr. DELLUMS, Mr. SABO, Mr. MARKEY, Mr. LEHMAN of Florida, Mr. CARDIN, Mr. HOYER, Mr. GONZALEZ, Mr. ROYBAL, Ms. PELOSI, Mrs. ROUKEMA, Mr. MRAZEK, Mr. SCHEUER, Mr. OWENS of New York, Mr. WEISS, Mr. SERRANO, Mr. TORRICELLI, Mr. CONYERS, Mr. JONES of Georgia, Mr. BORSKI, Mr. PAYNE of New Jersey, Mr. MANTON, Mr. ENGEL, Ms. KAPTUR, Ms. OAKAR, Mr. SAWYER, Mr. LANTOS, Mr. FASCELL, Mr. SYNAR, Mr. EVANS, Mr. BOEHLERT, Mr. BEILENSON, Mr. HOCHBRUECKNER, Mr. FUSTER, Mr. MATSUI, Mr. JOHNSTON of Florida, Mr. LEWIS of Georgia, Mr. ATKINS, Mr. de LUGO, Mr. DICKS, Mr. WASHINGTON, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. ROE, Mr. JACOBS, Mr. DONNELLY, Mr. STUDDS, Mr. HYDE, Mr. KENNEDY, Mr. VENTO, Mr. HALL of Ohio, Mr. LENT, Mr. McDERMOTT, Mr. STOKES, Mr. GOSS, Mr. SENSENBRENNER, Mr. GLICKMAN, Mr. MORAN, Mr. YATES, Mr. PORTER, Mr. BROWN of California, Ms. SLAUGHTER of New York, and Mr. STENHOLM):

H.R. 7. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; to the Committee on the Judiciary.

By Ms. OAKAR (for herself, Mr. STOKES, Mr. RAHALL, Mr. LEWIS of Georgia, Mr. ANNUNZIO, Mr. TOWNS, Mr. ABERCROMBIE, and Mr. HAYES of Illinois):

H.R. 8. A bill to provide for an equitable and universal national health plan administered by the States, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BROOKS (for himself and Mr. EDWARDS of California):

H.R. 9. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. CLINGER, and Mr. NOWAK):

H.R. 10. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. RANGEL, Mr. ARCHER, Mr. STARK, Mr. JACOBS, Mr. FORD of Tennessee, Mr. MATSUI, Mrs. Kennelly, Mr. COYNE, Mr. ANDREWS of Texas, Mr. MOODY, Mr. CARDIN, Mr. McDERMOTT, Mr. VANDER JAGT, Mr. MCGRATH, Mr. SUNDQUIST, AND MRS. JOHNSON of Connecticut):

H.R. 11. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; to the Committee on Ways and Means.

By Mr. HUGHES (for himself, Mr. ROE, Mr. DWYER of New Jersey, Mr. SAXTON, Mr. TALLON, Mr. GALLO, Mr. SMITH of New Jersey, Mr. PAYNE of New Jersey, Mr. BORSKI, Mr. RINALDO, Mr. CARPER, Mr. PALLONE, Mrs. ROUKEMA, Mr. FOGLIETTA, and Mr. HOCHBRUECKNER):

H.R. 12. A bill to amend the Federal Water Pollution Control Act and the Coastal Zone Management Act of 1972 to improve the quality of coastal recreation waters, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. WYLIE:

H.R. 13. A bill to amend the Congressional Budget Act of 1974 to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MINETA (for himself, Mr. OBERSTAR, Mr. CLINGER, Mr. HAMMERSCHMIDT, and Mr. ROE):

H.R. 14. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Public Works and Transportation.

By Mr. WYLIE:

H.R. 15. A bill to recapitalize the Federal Deposit Insurance fund, to restructure the financial institutions regulatory system, to reform the financial services industry and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; jointly, to the Committees on Energy and Commerce, and Ways and Means.

By Mr. ANNUNZIO:

H.R. 17. A bill to provide financial institution regulators with whistleblower protection; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 18. A bill to reform habeas corpus; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. MAZZOLI, Mr. FEIGHAN, and Mr. SMITH of Florida):

H.R. 19. A bill to amend title 18, United States Code, to prohibit the possession, transfer, and certain exports of restricted weapons, the manufacture of firearms capable of accepting a silencer or bayonet without alteration, and the possession and transfer of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

By Mr. CLAY (for himself and Mr. HORTON):

H.R. 20. A bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitation, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLUMS:

H.R. 21. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs; Armed Services; Intelligence (Permanent Select); Interior and Insular Affairs; Banking, Finance and Urban Affairs; Ways and Means; and Rules.

By Mr. RANGEL:

H.R. 22. A bill to amend the Internal Revenue Code of 1986 to make the targeted jobs credit permanent; to the Committee on Ways and Means.

H.R. 23. A bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. KILDEE:

H.R. 24. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided education assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mrs. SCHROEDER, Mr. ANDERSON, Mr. ATKINS, Mr. AUCOIN, Mr. BEILENSON, Mr. BERMAN, Mr. BOEHLERT, Mrs. BOXER, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CAMPBELL of California, Mr. CARDIN, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DICKS, Mr. DIXON, Mr. DOWNEY, Mr. ENGEL, Mr. EVANS, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLO, Mr. GEJDENSON, Mr. GRAY, Mr. GREEN of New York, Mr. HAYES of Illinois, Mr. HOYER, Mrs. JOHNSON of Connecticut, Mr. JONTZ, Mr. KENNEDY, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MARKEY, Mr. MATSUI, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MINETA, Mrs. MINK, Mr. MOODY, Mrs. MORELLA, Mr. MRAZEK, Mr. OWENS of New York, Mr. PALLONE, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. PORTER, Mr. PRICE, Mr. RICHARDSON, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SCHEUER, Mr. SCHUMER, Mr. SHAYS, Mr. SKAGGS, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Ms. SNOWE, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. SWIFT, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mrs. UNSOELD, Ms. WATERS, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WOLPE, Mr. WYDEN, and Mr. YATES):

H.R. 25. A bill to protect the reproductive rights of women; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 26. A bill to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FISH (for himself, Mr. MOORHEAD, and Mr. HYDE):

H.R. 27. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 28. A bill to grant the power to the President to reduce budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. ANNUNZIO:

H.R. 29. A bill to prevent consumer abuse by credit repair organizations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE:

H.R. 30. A bill to direct the Secretary of Transportation to carry out a highway demonstration project in the vicinity of Exton, PA; to the Committee on Public Works and Transportation.

By Mr. ANNUNZIO:

H.R. 31. A bill to amend the Federal Deposit Insurance Act to provide for the recapitalization of the bank insurance fund by requiring additional deposits in such fund by insured banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARMEY:

H.R. 32. A bill to repeal the existing quota and price support program for peanuts and to authorize the Secretary of Agriculture to support the price of peanuts at a level to be determined by the Secretary; to the Committee on Agriculture.

By Mr. DINGELL (for himself and Mr. BLILEY):

H.R. 33. A bill to amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ARMEY (for himself, Mr. CRANE, Mr. DANNEMEYER, Mr. DELAY, Mr. DORNAN of California, Mr. HANCOCK, Mr. HOLLOWAY, Mr. HAMMERSCHMIDT, Mr. HYDE, Mr. KOLBE, Mr. RHODES, Mr. LAGOMARSINO, Mr. ROHRABACHER, Mr. SOLOMON, Mr. SMITH of Texas, and Mr. WELDON):

H.R. 34. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mr. BALLENGER:

H.R. 35. A bill to designate certain lands in the State of North Carolina as wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. BENNETT:

H.R. 36. A bill to amend titles 10, 14, and 37, United States Code, relating to the promotion, separation, and mandatory retirement of warrant officers of the Armed Forces, establish the grade of chief warrant officer, W-5, and for other purposes; to the Committee on Armed Services.

H.R. 37. A bill to amend title 10, United States Code, to prohibit senior civilian officials of the Department of Defense and general and flag officers of the Armed Forces from working for defense contractors for a period of 2 years after leaving service in the Department of Defense; to the Committee on Armed Services.

H.R. 38. A bill to amend title 10, United States Code, to strengthen conflict-of-interest restrictions relating to defense procurement; to the Committee on Armed Services.

By Mr. UDALL (for himself, Mr. DELLUMS, Mr. ROYBAL, Mrs. PATTERSON, Mr. KILDEE, Mrs. SCHROEDER, Mr. JONTZ, Ms. PELOSI, Mrs. COLLINS of

Illinois, Mr. OWENS of Utah, Mr. MACHTLEY, Mr. TRAFICANT, Mr. RAVENEL, Mr. MOODY, Mr. JACOBS, Mr. EVANS, Mr. SHAYS, Mr. ANNUNZIO, Mr. RINALDO, Mrs. MORELLA, Mr. LEWIS of Georgia, Mr. LEVINE of California, Mr. SKAGGS, Mr. PRICE, Mr. GREEN of New York, Mr. VENTO, Mrs. BOXER, Mr. OBERSTAR, Mr. OWENS of New York, Mr. SIKORSKI, Mr. VALENTINE, Mr. SABO, Mr. MINETA, Mr. ATKINS, Mr. BEILENSON, Mr. JONES of Georgia, Mr. LEHMAN of Florida, Mr. DURBIN, Mrs. KENNELLY, Mr. PANETTA, and Ms. SLAUGHTER of New York):

H.R. 39. A bill to designate certain lands in Alaska as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 40. A bill to amend title 10, United States Code, to improve accountability over profits made by large contractors under negotiated defense-related Federal contracts; to the Committee on Armed Services.

H.R. 41. A bill to establish an employment program to make grants available to the States to provide employment to physically and mentally impaired individuals, and for other purposes; to the Committee on Education and Labor.

H.R. 42. A bill to improve contracting procedures for procurements of advisory and assistance services by the Federal Government, and for other purposes; to the Committee as Government Operations.

H.R. 43. A bill to establish a Commission on National Fiscal Priorities, and for other purposes; to the Committee on Government Operations.

By Mr. FIELDS (for himself, Mrs. BENTLEY, Mr. LENT, Mr. LAUGHLIN, Mr. SAXTON, Mr. STAGGERS, Mr. RHODES, Mr. GALLO, Mr. FEIGHAN, Mr. HUGHES, Mr. MILLER of Washington, Mr. RICHARDSON, and Mr. PICKETT):

H.R. 44. A bill to provide that certain service of members of the U.S. merchant marine during World War II constituted active military service for purposes of any law administered by the Veterans' Administration and to provide for the fair implementation of the cargo preference laws of the United States; jointly, to the Committees on Veterans' Affairs and Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 45. A bill to prohibit any department, agency, or instrumentality of the Federal Government, or any Government-sponsored enterprise, from requiring as a condition of sale of a property that the prospective buyer also buy a property that is contaminated with hazardous waste; to the Committee on Government Operations.

H.R. 46. A bill to establish a series of six regional Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States; to the Committee on House Administration.

H.R. 47. A bill to amend the Federal Election Campaign Act of 1971 to provide for mail registration and election day registration for elections for Federal office; to the Committee on House Administration.

H.R. 48. A bill to provide that the Secretary of the Army shall, whenever practicable, enter into agreements concerning the reconstruction of lands adversely affected by water resources projects; to the Committee on Public Works and Transportation.

H.R. 49. A bill to provide for a Veterans' Administration general medical and surgical hospital at Jacksonville, FL; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of California (for himself and Mr. CONYERS):

H.R. 50. A bill to regulate the conduct of the Federal Bureau of Investigation in certain matters relating to the exercise of rights protected by the first article of amendment to the Federal Constitution; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 51. A bill to amend the Internal Revenue Code of 1986 to provide that the disallowance of deductions for personal interest shall not apply to interest on loans used to buy fuel-efficient highway vehicles; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 52. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have Social Security protection in his or her own right; to the Committee on Ways and Means.

H.R. 53. A bill to amend title II of the Social Security Act to eliminate the reductions in Social Security benefits which are presently required in the case of spouses and surviving spouses who are also receiving certain Government pensions; to the Committee on Ways and Means.

H.R. 54. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death if such spouse has attained the age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 55. A bill to amend title II of the Social Security Act to provide full benefits for disabled widows and widowers without regard to age (and without regard to any previous reduction in their benefits); to the Committee on Ways and Means.

H.R. 56. A bill to amend title II of the Social Security Act to restore minimum benefits for future beneficiaries; to the Committee on Ways and Means.

H.R. 57. A bill to amend title II of the Social Security Act to provide that an individual's "years of coverage" for purposes of computing the special minimum benefit may include up to 10 additional years (not otherwise includible for that purpose) in which such individual had a child age 6 or under in his or her care; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 58. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income; to the Committee on Ways and Means.

H.R. 59. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for interest on certain corporate stock acquisition indebtedness; to the Committee on Ways and Means.

H.R. 60. A bill to amend the Internal Revenue Code of 1986 to require certain candidates for President of the United States to participate in three Presidential candidate debates as a condition for eligibility for payments under the Presidential Election Campaign Fund Act; to the Committee on Ways and Means.

H.R. 61. A bill to improve the protection of endangered species of wildlife in units of the National Forest System, the National Park System, and the National Wildlife Refuge System by increasing the maximum fine that may be imposed for violating posted speed limits in such units; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

H.R. 62. A bill to amend the Federal Election Campaign Act of 1971 to prohibit any Member of or candidate for the Congress from making contributions to any other Member of or candidate for the Congress and to prohibit Members of the Congress from soliciting and accepting contributions with respect to elections for congressional leadership officers within a political party; jointly, to the Committees on House Administration and Rules.

H.R. 63. A bill to increase the capability of U.S. maritime industries to meet the national defense and ocean transportation needs of the United States; jointly, the Committees on Merchant Marine and Fisheries, Ways and Means, and Armed Services.

H.R. 64. A bill to amend the Federal Water Pollution Control Act to make the lower St. Johns River, FL, eligible for priority consideration under the national estuary program; jointly, to the Committees on Public Works and Transportation, and Merchant Marine and Fisheries.

By Mr. BENNETT (for himself and Mr. RANGEL):

H.R. 65. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their Federal income tax refunds be contributed to Federal programs specified by the individuals on their tax returns; to the Committee on Ways and Means.

By Mr. BOEHLERT:

H.R. 66. A bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans; to the Committee on Public Works and Transportation.

By Mr. BOEHLERT (for himself, Mr. MARKEY, and Mr. SHAYS):

H.R. 67. A bill to establish a Department of Environmental Protection; to the Committee on Government Operations.

By Mr. BOEHLERT (for himself, Mr. BEREUTER, Mr. DICKINSON, Mr. ENGLISH, Mr. FAWELL, Mr. GOSS, Mr. HOUGHTON, Mr. PEASE, Mr. PORTER, Mr. RAVENEL, Mr. RINALDO, Mr. WOLF, and Mr. SHAYS):

H.R. 68. A bill to establish a commission to advise the President on proposals for national observances; to the Committee on Post Office and Civil Service.

By Mr. BRYANT:

H.R. 69. A bill to eliminate the requirements for certain refunds or penalties under the Natural Gas Policy Act of 1978; to the Committee on Energy and Commerce.

H.R. 70. A bill to provide a limited antitrust exemption for independence natural gas producer cooperatives; to the Committee on the Judiciary.

H.R. 71. A bill to restore the prohibition against all racial discrimination in the making and enforcement of contracts, including surety contracts; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 72. A bill to require the registration of consultants to the Department of Defense or to firms contracting with the Department of Defense; to the Committee on Armed Services.

By Mr. COOPER:

H.R. 73. A bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to the amateur radio service; to the Committee on Energy and Commerce.

By Mr. BRYANT (for himself and Mr. Fish):

H.R. 74. A bill to prohibit sports gambling under State law; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 75. A bill to provide a military survivor annuity for widows of certain retirement-eligible Reserve members of the uniformed services who died during the period between the establishment of the military survivor benefit plan and the creation of the Reserve component annuity under that plan; to the Committee on Armed Services.

H.R. 76. A bill to direct the Army Corps of Engineers to carry out a project for streambank protection along 2.2 miles of the Tennessee River adjacent to Sequoyah Hills Park in Knoxville, TN; to the Committee on Public Works and Transportation.

H.R. 77. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for retirement savings for individuals who are active participants in other retirement plans; to the Committee on Ways and Means.

H.R. 78. A bill to grant the power to the President to reduce budget authority; jointly, to the Committees on Government Operations and Rules.

H.R. 79. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limitation amounts for contributions to candidates for Federal office and to amend the Internal Revenue Code of 1986 to provide a tax credit for contributions to candidates for public office; jointly, to the Committees on House Administration and Ways and Means.

By Mr. BENNETT:

H.R. 80. A bill to abolish the National Security Council, and for other purposes; jointly, to the Committees on Intelligence (Permanent Select) and Armed Services.

By Mr. DYMALLY:

H.R. 82. A bill to establish the U.S. Commission on Obesity; to the Committee on Energy and Commerce.

By Mr. EMERSON:

H.R. 83. A bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered; to the Committee on Energy and Commerce.

H.R. 84. A bill to extend the retroactive period during which farm insolvency transactions are exempt from the prior law alternative minimum tax; to the Committee on Ways and Means.

H.R. 85. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. Ackerman, Mr. Shays, and Mr. Mfume):

H.R. 86. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child which is used for child's educational expenses shall be taxed at the child's rate and not the parent's rates; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 87. A bill to require certain entities receiving United States funds from the International Fund for Ireland to comply with the MacBride Principles; to the Committee on Foreign Affairs.

H.R. 88. A bill concerning paramilitary groups and British security forces in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. ENGLISH:

H.R. 89. A bill to amend the Rural Electrification Act of 1936 to increase the per diem rate of pay for members of the board of directors of the Rural Telephone Bank; to the Committee on Agriculture.

By Mr. SAWYER (for himself, Mr. Hoyer, Ms. Slaughter of New York, Mr. Dingell, Mr. Ackerman, Mr. Applegate, Mr. Berman, Mrs. Boxer, Mr. Coleman of Texas, Mr. de Lugo, Mr. Fuster, Mr. Gonzalez, Mr. Gordon, Mr. Guarini, Mr. Hayes of Illinois, Mr. Johnson of South Dakota, Mr. Kennedy, Mr. Levin of Michigan, Mr. Martinez, Mr. Matsui, Mr. Mineta, Mr. Murtha, Ms. Oakar, Mr. Panetta, Mr. Payne of New Jersey, Mr. Pease, Ms. Pelosi, Mr. Rangel, Mr. Richardson, Mr. Roybal, Mr. Schumer, Mr. Stokes, Mr. Torres, Mr. Towns, Mr. Washington, and Mr. Weiss):

H.R. 90. A bill to amend title 13, United States Code, to ensure that the population counts derived from the decennial census are as accurate as possible before they are transmitted to the States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ENGLISH:

H.R. 91. A bill to amend the Internal Revenue Code of 1986 to restore fairness for farmers, ranchers, and small businessmen under the tax laws by restoring certain provisions changed by the Tax Reform Act of 1986, and for other purposes; to the Committee on Ways and Means.

H.R. 92. A bill to amend the Internal Revenue Code of 1986 to repeal the requirement that the taxpayer identification number of dependents be included on the return; to the Committee on Ways and Means.

H.R. 93. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the importation of crude oil and refined petroleum products; to the Committee on Ways and Means.

By Mr. FIELDS (for himself and Mr. Young of Alaska):

H.R. 94. A bill to establish an Outer Continental Shelf Revenue Sharing Fund from which coastal States shall receive block grants; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. GINGRICH:

H.R. 95. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the use of funds provided under part A of chapter 1 of title I of such act for programs to provide monetary compensation to students for reading and reporting on books; to the Committee on Education and Labor.

By Mr. HERTEL:

H.R. 96. A bill to amend title XIX of the Social Security Act to increase the categories of individuals eligible to receive benefits under State plans for medical assistance under such title, to expand the benefits required to be provided under such plans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HERTEL (for himself and Mr. McNulty):

H.R. 97. A bill to amend the Export Administration Act of 1979 to prohibit the export of refined petroleum products during a period of war or hostilities between the United States and any other country; to the Committee on Foreign Affairs.

By Mr. BLAZ (for himself, Mr. Udall, Mr. Young of Alaska, and Mr. Lagomarsino):

H.R. 98. A bill to establish the Commonwealth of Guam, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Ways and Means.

By Mr. HERTEL:

H.R. 99. A bill to provide a penalty for increasing oil prices within 30 days after a declaration of war, the onset of military police action, or a major oilspill; to the Committee on the Judiciary.

By Mr. TORRES:

H.R. 100. A bill to amend title 18, United States Code, to provide penalties for participation in street gangs and to provide additional penalties for felonies in furtherance of the activities of such gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 101. A bill to impose an excess profits tax on the income of corporations engaged in the production of petroleum and petroleum products for a limited period; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. Horton, Mr. Lent, Mr. Roybal, and Mr. Espy):

H.R. 102. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to enhance the protections for members of the Armed Forces on active duty, including members of the Reserve components of the Armed Forces; to the Committee on Armed Services.

By Mr. GILMAN:

H.R. 103. A bill to amend title 38, United States Code, to extend eligibility for burial allowance to certain additional veterans and to increase the burial plot allowance for veterans from $150 to $300; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. Horton, and Mr. Lent):

H.R. 104. A bill to amend title 38, United States Code, to provide that persons considered to be Commonwealth Army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. Horton, Mr. Lent, Mr. Emerson, Mr. Machtley, and Mr. Kanjorski):

H.R. 105. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and to provide for an increase in the exempt amount under the earnings test for beneficiaries who have not attained retirement age; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 106. A bill to amend the Internal Revenue Code of 1986 to eliminate the age requirement for eligibility for the one-time exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

H.R. 107. A bill to amend title 32, United States Code, to authorize enlistment of certain nonresident aliens in certain understrength National Guard units during a 3-year test period and to amend the Immigration and Nationality Act to provide for adjustment of status of aliens so enlisting; jointly, to the Committees on Armed Services and the Judiciary.

By Mrs. MORELLA:

H.R. 108. A bill to extend health insurance and survivor annuity benefits to certain former spouses of Federal employees who would not otherwise be eligible therefor; to the Committee on Post Office and Civil Service.

H.R. 109. A bill to amend the provision of the Ethics in Government Act of 1978 prohibiting the acceptance of honoraria in order to create an exception for honoraria paid for reasons unrelated to the recipient's duties or position; jointly, to the Committees on Post Office and Civil Service, the Judiciary, and House Administration.

H.R. 110. A bill relating to certain contributions required to be made under the retirement provisions of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Texas (for himself, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, and Mrs. PATTERSON):

H.R. 111. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to make grants for the establishment of research centers at qualifying medical schools; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. HERTEL:

H.R. 112. A bill to amend the Internal Revenue Code of 1986 to provide an employer a credit against income tax for the cost of providing mammography screening for his employees; to the Committee on Ways and Means.

By Mr. JACOBS (for himself, Mrs. BOXER, Mr. TRAXLER, Ms. PELOSI, Mr. CONYERS, Mr. TRAFICANT, and Mr. KANJORSKI):

H.R. 113. A bill to require that any request by the President for a declaration of war include a cost/benefit statement, and to require that any declaration of war by the Congress include such a statement; to the Committee on Foreign Affairs.

By Mr. KANJORSKI:

H.R. 114. A bill to authorize civil actions for certain violations involving depository institutions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 115. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such act between July 1, 1973, and April 1, 1980; to the Committee on Education and Labor.

H.R. 116. A bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes; to the Committee on Energy and Commerce.

H.R. 117. A bill to terminate all U.S. assistance to the National Endowment for Democracy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MATSUI (for himself and Mr. SCHULZE):

H.R. 118. A bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 119. A bill to amend section 3056 of title 18, United States Code, to limit secret service protection of former Presidents when they are traveling to engage in income-producing activities; to the Committee on the Judiciary.

H.R. 120. A bill to extend the authority of the Secretary of the Treasury to enter into agreements with certain cities and counties for the withholding of city and county income and employment taxes from the pay of Federal employees who are residents of, or regularly employed in, such cities and counties; to the Committee on Post Office and Civil Service.

H.R. 121. A bill to change the date of the beginning of the Vietnam era to provide certain benefits available to veterans of a period of war to veterans who served in Southeast Asia during the period beginning on March 1, 1961, and ending on August 4, 1964; to the Committee on Veterans' Affairs.

H.R. 122. A bill relating to the period during which certain retail dealer occupational taxes may be assessed; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. SKELTON, Mr. DICKINSON, Mr. MYERS of Indiana, Mr. IRELAND, Mr. MONTGOMERY, Mr. HYDE, Mr. DANNEMEYER, Mr. HASTERT, Mr. HUTTO, Mr. BLILEY, Mr. WYLIE, Mr. RAVENEL, Mr. CALLAHAN, Mr. INHOFE, Mr. DUNCAN, Mr. LOWERY of California, Mr. HERGER, Mr. BROOMFIELD, Mr. BEVILL, Mr. GALLO, Mr. ROBERTS, Mr. MOORHEAD, Mr. SLAUGHTER of Virginia, Mr. LIPINSKI, Mr. PICKETT, Mr. PETRI, Mr. ARMEY, Mr. BEREUTER, Mr. SPENCE, Mr. UPTON, Mr. MCCANDLESS, Mr. KASICH, Mr. BATEMAN, Mr. MILLER of Ohio, Mr. LEWIS of California, Mr. PORTER, Mr. HANCOCK, and Mr. CLEMENT):

H.R. 123. A bill to amend title 4, United States Code, to declare English as the official language of the United States; to the Committee on Education and Labor.

By Mr. KANJORSKI:

H.R. 124. A bill to amend part D of title IV of the Social Security Act to make it clear that the existing authority to collect past-due child support from Federal tax refunds (under section 464 of that act), to the extent that such support remains unpaid when the child involved reaches the age of majority, may be exercised after the child reaches that age; to the Committee on Ways and Means.

H.R. 125. A bill to restrict the closing and downgrading of field offices of the Social Security Administration; to the Committee on Ways and Means.

H.R. 126. A bill to amend the Social Security Act to provide, in the case of any person who is a party in interest with respect to an employee benefit plan, that information requested from the Secretary of Health and Human Services to assist such person with respect to the administration of such plan shall be provided at least once without charge; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 128. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

H.R. 129. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

H.R. 130. A bill to amend the Internal Revenue Code of 1986 to allow employers a targeted jobs credit for employing certain older individuals; to the Committee on Ways and Means.

H.R. 131. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to allow individuals to use an income tax checkoff to provide for matching payments to primary and general election candidates for the office of Representative who receive at least $40,000 in contributions from individual residents of their congressional districts; jointly, to the Committees on Ways and Means and House Administration.

H.R. 132. A bill to authorize the establishment of a memorial on Federal land in the District of Columbia to honor individuals who have served as volunteers in the Peace Corps; jointly, to the Committees on Foreign Affairs and House Administration.

By Mr. KANJORSKI:

H.R. 133. A bill to reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mrs. KENNELLY:

H.R. 134. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts to terminally ill individuals; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. LEVIN of Michigan, Mr. CRANE, Mr. PANETTA, Mr. MATSUI, Mr. HYDE, Mr. GILMAN, Mr. GUARINI, Mr. VANDER JAGT, Mr. MILLER of Washington, Mr. STARK, and Mr. HUNTER):

H.R. 135. A bill to amend the Internal Revenue Code of 1986 to impose a 100-percent tax on income from frozen Iraqi assets; to the Committee on Ways and Means.

By Mr. MCCANDLESS:

H.R. 136. A bill to provide for leases by the Cahuilla band of Indians of greater than 25 years in duration; to the Committee on Interior and Insular Affairs.

By Mr. MCCANDLESS (for himself and Mr. HUNTER):

H.R. 137. A bill to provide for a research project in the Salton Sea area of southern California regarding an enhanced evaporation system for saline water; to the Committee on Interior and Insular Affairs.

By Mr. MCEWEN:

H.R. 138. A bill to require the President to make an annual report on the national energy and environmental strategy of the United States to Congress; to the Committee on Energy and Commerce.

H.R. 139. A bill to require any department, agency, or instrumentality that is responsible for a release of hazardous substances at a Superfund site to promptly pay for the costs and damages associated with such release, and to provide that other potentially responsible parties may not be required to pay such costs until the department, agency, or instrumentality has made its payment; to the Committee on Energy and Commerce.

H.R. 140. A bill to amend the Motor Vehicle Information and Cost Savings Act to repeal the fuel standards provision of that act; to the Committee on Energy and Commerce.

H.R. 141. A bill to amend title 38, United States Code, to provide for the payment, on an interim basis, of compensation, dependency, and indemnity compensation, and pension to veterans and their survivors and dependents if their claims for those benefits are not decided by the Department of Veterans Affairs within specified time limits; to the Committee on Veterans' Affairs.

H.R. 142. A bill to amend the Internal Revenue Code of 1986 to put tools in the hands of American workers by reinstating after 1991 a 10-percent investment tax credit for property used in manufacturing, production, extraction, or related purposes in the United States; to the Committee on Ways and Means.

H.R. 143. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

H.R. 144. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

H.R. 145. A bill to maintain a competitive, financially strong, and secure uranium enrichment capability in the United States by reorganizing the uranium enrichment enterprise, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs; and Science, Space, and Technology.

H.R. 146. A bill to grant the power to the President to reduce budget authority; jointly, to the Committees on Government Operations and Rules.

H.R. 147. A bill to provide the receipts and disbursements of the highway trust fund, the airport and airway trust fund, and the inland waterways trust fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President of the congressional budget; jointly, to the Committees on Public Works and Transportation and Government Operations.

By Mrs. MINK:

H.R. 148. A bill to provide for the conduct of basic research on certain matters relating to ovarian cancer; to the Committee on Energy and Commerce.

H.R. 149. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the mortgage revenue bond provisions and the low-income housing credit; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 150. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to Government bonds; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 151. A bill to amend the Internal Revenue Code of 1986 to permanently extend the exclusion for amounts received under qualified group legal services plans; to the Committee on Ways and Means.

H.R. 152. A bill to amend the Internal Revenue Code of 1986 with respect to the designation of income tax payments to the Presidential election campaign fund; jointly, to the Committees on House Administration and Ways and Means.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.R. 153. A bill to make technical amendments to the Veterans' Judicial Review Act; to the Committee on Veterans' Affairs.

H.R. 154. A bill to provide for the transfer of an existing United States memorial erected under the auspices of the American Legion, Inc., for the use and benefit of American officers and enlisted personnel who served in World War I to the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 155. A bill to exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. NEAL of North Carolina:

H.R. 156. A bill to direct the Secretary of Commerce to approve and distribute to food service operations instructions for removing food which has become lodged in a person's throat; to the Committee on Energy and Commerce.

H.R. 157. A bill to name the post office building located at 200 3d Street, SW., in Taylorsville, NC, as the "Clifford G. Watts Post Office"; to the Committee on Post Office and Civil Service.

H.R. 158. A bill to designate the facility of the U.S. Postal Service located on Highway 64 East in Hiddenite, NC, as the "Zora Leah S. Thomas Post Office"; to the Committee on Post Office and Civil Service.

H.R. 159. A bill to provide that the percentage of total apportionments of funds allocated to any State from the highway trust fund in any fiscal year be at least 100 percent of the percentage of estimated tax payments paid into the highway trust fund which are attributable to highway users in such State in the latest fiscal year for which data is available; to the Committee on Public Works and Transportation.

H.R. 160. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

H.R. 161. A bill requiring the President to take retaliatory action against foreign barriers and restrictions that unfairly limit U.S. trade; to the Committee on Ways and Means.

H.R. 162. A bill to repeal the provisions of the Internal Revenue Code of 1986 relating to the taxation of up to one-half of an individual's Social Security and certain railroad retirement benefits; to the Committee on Ways and Means.

H.R. 163. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Ways and Means.

H.R. 164. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of any contribution to any no net cost tobacco fund or any no net cost tobacco account shall be treated as a deductible expense; to the Committee on Ways and Means.

H.R. 165. A bill to amend the Internal Revenue Code of 1986 to provide for floating Social Security tax rates for old-age, survivors, and disability insurance; to the Committee on Ways and Means.

H.R. 166. A bill to establish the Health Care Crisis Policy Commission; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. OBERSTAR:

H.R. 167. A bill to provide an emergency public works jobs program by authorizing the construction of short-term infrastructure repair projects, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 168. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to authorize the appropriation of funds to carry out such acts for fiscal years 1992, 1993, and 1994; to the Committee on Public Works and Transportation.

H.R. 169. A bill to establish a Federal program to assist State and local governments in addressing the urgent need to repair and rehabilitate aging public facilities and to encourage the establishment of capital improvement programs that include life-cycle management of capital improvements, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 170. A bill to prevent ground water contamination by pesticides; jointly, to the Committees on Agriculture, Energy and Commerce, and Public Works and Transportation.

H.R. 171. A bill to establish a community adjustment assistance program for those areas which are in or facing serious economic distress, and for other purposes; jointly to the Committees on Public Works and Transportation and Banking, Finance and Urban Affairs.

By Mr. OBERSTAR (for himself, Mr. ROE, Mr. HAMMERSCHMIDT, and Mr. CLINGER):

H.R. 172. A bill to assure the continuing airworthiness of aging aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OLIN:

H.R. 173. A bill to amend the Solid Waste Disposal Act to place certain restrictions on the interstate disposal of solid waste; to the Committee on Energy and Commerce.

H.R. 174. A bill to amend the Federal Rules of Civil Procedure with respect to sanctions for the violation of rule 11; to the Committee on the Judiciary.

H.R. 175. A bill to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans' Affairs.

H.R. 176. A bill to suspend temporarily the duty on textile winding or reeling machines; to the Committee on Ways and Means.

By Mr. PEASE:

H.R. 177. A bill to amend the Solid Waste Disposal Act and the Toxic Substances Control Act to require the Administrator of the Environmental Protection Agency, in determining whether to issue a permit for a hazardous waste facility or to issue an approval for the incineration of polychlorinated biphenyls, to consider an applicant's record in owning or operating other hazardous waste facilities or incineration facilities; to the Committee on Energy and Commerce.

H.R. 178. A bill to amend the Solid Waste Disposal Act to authorize the Environmental Protection Agency to award grants to groups for technical assistance to oppose the issuance of permits under that act; to the Committee on Energy and Commerce.

By Mr. PENNY (for himself, Mr. CALLAHAN, Mr. TOWNS, Mr. MCNULTY, Mr. COLEMAN of Texas, Mr. LANCASTER, Mr. WOLPE, Mrs. SCHROEDER, Mr. OLIN, Mr. FRANK of Massachusetts, Mr. PAYNE of Virginia, Mr. VANDER JAGT, Mr. BEREUTER, Mr. MCGRATH, Mr. VENTO, Mr. WISE, Mr. RAVENEL, Mr. KLECZKA, Mr. MCDERMOTT, Mr. ERDREICH, Mr. DEFAZIO, Mr. MACHTLEY, Mr. JOHNSON of South Dakota, Mr. FROST, and Mr. HENRY):

H.R. 179. A bill to amend the Higher Education Act of 1965 to permit the deferral of payments on student loans during professional internships, regardless of duration; to the Committee on Education and Labor.

By Mr. PENNY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. STUMP):

H.R. 180. A bill to amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RANGEL:

H.R. 181. A bill to amend the Internal Revenue Code of 1986 to deny tax exempt status to educational institutions which have been found to have a policy of racial discrimination against any group in enrollment, hiring, or in other areas, until such institutions clearly and convincingly demonstrate their abandonment of such policy through the enrollment, hiring, or the taking of other vigorous, affirmative, and continued corrective action with respect to such group; to the Committee on Ways and Means.

H.R. 182. A bill to amend title XVI of the Social Security Act to exclude from income for purposes of the supplemental security income program amounts paid by a public housing agency to certain elderly residents of public housing for providing supervisory services for voluntary tenant patrols of public housing owned and operated by such agency; to the Committee on Ways and Means.

H.R. 183. A bill to define the circumstances under which construction workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax; to the Committee on Ways and Means.

H.R. 184. A bill to deny the Prince Edward School Foundation and its successors tax-exempt status during the period beginning on October 3, 1984, and ending when it has demonstrated its nondiscrimination policy for 2 consecutive school years by having more than a token number of black students in attendance, black teachers on the faculty, and black individuals in administrative and clerical positions; to the Committee on Ways and Means.

H.R. 185. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of liabilities incurred in connection with minimum premium plans; to the Committee on Ways and Means.

H.R. 186. A bill to amend the Harmonized Tariff Schedule of the United States to increase the duty-free tourist allowance with respect to articles acquired in Bermuda; to the Committee on Ways and Means.

H.R. 187. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for group legal services plans; to the Committee on Ways and Means.

H.R. 188. A bill to amend the Internal Revenue Code of 1986 to strengthen the rules prohibiting discrimination by certain social clubs and to extend such rules to discrimination on the basis of sex; to the Committee on Ways and Means.

H.R. 189. A bill to amend the Internal Revenue Code of 1986 to provide that $35 per month of transit passes provided by an employer shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 190. A bill to amend section 411 of the Higher Education Act of 1965 to exclude from eligibility calculations for basic grants the value of a family's residence; to the Committee on Education and Labor.

By Mrs. MORELLA (by request):

H.R. 191. To amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development agreements jointly; to the Committees on Science, Space, and Technology, and the Judiciary.

By Mr. BARNARD (for himself, Mr. BARTLETT, Mr. FRANK of Massachusetts, Mr. DREIER of California, Mr. LAFALCE, Ms. OAKAR, Mr. CARPER, Mr. BAKER, and Mr. ROTH):

H.R. 192. A bill to enhance competition in the financial services industry, to provide adequate enforcement of capital standards for insured depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

Mr. Gallo:

H.R. 193. To amend the Internal Revenue Code of 1986 to provide that employer subsidies for mass transit and van pooling be treated as working condition fringe benefits which are not included in gross income; to the Committee on Ways and Means.

By Mr. LEHMAN of California:

H.R. 194. To amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. CONTE:

H.R. 195. To amend the Energy Policy and Conservation Act to allow for a partial drawdown and distribution of the Strategic Petroleum Reserve in the event of a significant increase in the price of petroleum product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OWENS of New York:

H.R. 196. To amend the Job Training Partnership Act to establish a Youth Opportunities Unlimited Program; to the Committee on Education and Labor.

H.R. 197. A bill to reinvigorate cooperation between the United States and Latin America in science and technology; to the Committee on Science, Space, and Technology.

H.R. 198. A bill to amend title 38, United States Code, to eliminate the time period in which a veteran has to use his educational benefits; to the Committee on Veterans' Affairs.

H.R. 199. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mr. JENKINS (for himself, Mr. CRANE, Mr. SHAW, Mr. HORTON, Mr. VALENTINE, Mr. DEFAZIO, Mr. STUMP, and Mr. HAMMERSCHMIDT):

H.R. 200. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 201. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 202. A bill to amend title 38 of the United States Code in order to authorize the Administrator of Veterans' Affairs to make scholarship grants to individuals attending medical schools on the condition that such individuals will serve in Veterans' Administration facilities for a certain period of time upon completion of professional training, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 203. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans nursing homes; to the Committee on Veterans' Affairs.

H.R. 204. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

H.R. 205. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for contributions to individual retirement accounts; to the Committee on Ways and Means.

H.R. 206. A bill to amend title II of the Social Security Act to provide that upon the death of one member of a married couple the surviving spouse or surviving divorced spouse shall automatically inherit the deceased spouse's earnings credit to the extent that such credits were earned during the period of their marriage; to the Committee on Ways and Means.

H.R. 207. A bill to amend title II of the Social Security Act to restore and protect the benefit levels of workers reaching age 65 in or after 1982 (and their widows and widowers) by eliminating the "notch" between those levels and the corresponding benefit levels of persons who reached age 65 before 1982; to the Committee on Ways and Means.

H.R. 208. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Ways and Means.

H.R. 209. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 210. A bill to amend title II of the Social Security Act to provide that a divorced spouse may qualify for benefits on the basis of a marriage which lasted for as few as 5 years in the case of certain late-life divorces; to the Committee on Ways and Means.

H.R. 211. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 212. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death if such spouse has attained age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 213. A bill to amend title XVIII of the Social Security Act to authorize payment under the Medicare Program for certain services performed by chiropractors; jointly, to the Committees on Energy and Commerce, Ways and Means.

H.R. 214. A bill to amend title XVIII of the Social Security Act to provide for the enforcement of standards relating to the rights of patients in certain medical facilities; jointly, to the Committees on Energy and Commerce, Ways and Means.

H.R. 215. A bill to require the Environmental Protection Agency to conduct research on the management of infectious medical wastes; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology.

H.R. 216. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly; to the Committees on Ways and Means, Energy and Commerce.

By Mr. ROTH:

H.R. 217. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 218. A bill to amend the Fair Labor Standards Act of 1938 to increase the penalties for employers who violate such act, and for other purposes; to the Committee on Education and Labor.

H.R. 219. A bill to amend the Petroleum Marketing Practices Act to provide consumers with additional information concerning the octane rating of gasoline; to the Committee on Energy and Commerce.

H.R. 220. A bill to require the Consumer Product Safety Commission to require manufacturers of liquid consumer products which present a hazard to children to include denatonium benzoate in the products; to the Committee on Energy and Commerce.

By Mr. SMITH of Iowa:

H.R. 221. A bill to amend the Commodity Exchange Act to prohibit insider trading; to the Committee on Agriculture.

H.R. 222. A bill to amend the Poultry Products Inspection Act to reestablish minimum inspection and processing standards; to the Committee on Agriculture.

H.R. 223. A bill to amend the Commodity Exchange Act to require public disclosure of certain information relating to sales of commodities for export, and for other purposes; to the Committee on Agriculture.

H.R. 224. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

H.R. 225. A bill to amend the Securities Exchange Act of 1934 to prohibit certain trades; to the Committee on Energy and Commerce.

H.R. 226. A bill to amend title II of the Social Security Act to provide for the investment of the trust fund in the same investments permitted by pension funds guaranteed by the Employee Retirement Income Security Act and to require the trustees to meet the same prudent person standards required under that act; to the Committee on Ways and Means.

H.R. 227. A bill to require the Secretary of the Interior to establish a program to insure the stockpiling and replacement of topsoil on public lands and other lands which are moved or covered by surface mining projects, reclamation projects, and other Federal and federally assisted projects, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs.

H.R. 228. A bill to clarify the eligibility of certain small businesses for loans under the Small Business Act, to aid, protect, and preserve small businesses in meat production and marketing, and for other purposes; jointly to the Committees on Agriculture, Small Business.

H.R. 229. A bill to amend the Small Business Act to assist and protect small businesses and to protect small businesses against unreasonable use of economic power by major meatpacking companies, and for other purposes; jointly, to the Committees on Agriculture, Small Business.

By Ms. SNOWE:

H.R. 230. A bill to prohibit the introduction of a plastic container into interstate commerce that does not contain a marking that identifies the type of plastic resin used to produce the container, and for other purposes; to the Committee on Energy and Commerce.

H.R. 231. A bill to establish national goals for the reduction and recycling of municipal solid waste, to require the Administrator of the Environmental Protection Agency to promulgate regulations to attain those goals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STAGGERS (for himself, Mr. MONTGOMERY, and Mr. STUMP):

H.R. 232. A bill to amend title 38, United States Code, with respect to veterans' programs for housing and memorial affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 233. A bill to impose trade sanctions against any foreign person that exports items to Iraq which would not be permitted to be exported from the United States; to the Committee on Ways and Means.

By Mr. STUMP:

H.R. 234. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. VOLKMER:

H.R. 235. A bill to restore 10-year averaging and capital gains treatment for lump sum distributions from qualified pension plans; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 236. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland if the owners of the farmland, in a covenant binding themselves and all future owners of their land, restrict the use of such land to use as farmland; to the Committee on Ways and Means.

By Mr. WELDON:

H.R. 237. A bill to require that the Director of the Federal Emergency Management Agency conduct an inventory of resources available to the Federal Government for use in response to a natural disaster; to the Committee on Public Works and Transportation.

By Mr. EDWARDS of California (for himself, Mr. BROOKS, Mrs. SCHROEDER, Mr. FISH, Mr. GEPHARDT, Mr. GRAY, Mr. HOYER, Mr. FAZIO, and Ms. SNOWE):

H.J. Res. 1. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MICHEL:

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States requiring a balanced budget; to the Committee on the Judiciary.

By Mr. WYLIE:

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. ARCHER:

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

H.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.J. Res. 7. Joint resolution to repeal an obsolete joint rule of Congress (section 132 of the Legislative Reorganization Act of 1946, as amended) relating to sine die adjournment of Congress; to the Committee on Rules.

By Mr. BENNETT:

H.J. Res. 8. Joint resolution to amend the National Trails System Act to study the feasibility of establishing a Florida Frontiers Spanish Heritage Trail in northeast Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

H.J. Res. 9. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President and to authorize Congress to establish procedures relating to the nomination of Presidential and Vice-Presidental candidates; to the Committee on the Judiciary.

H.J. Res. 10. Joint resolution proposing an amendment to the Constitution to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year; to the Committee on the Judiciary.

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States relating to the limitation of expenditures in elections for public office; to the Committee on the Judiciary.

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.J. Res. 13. Joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week"; to the Committee on Post Office and Civil Service.

By Mr. EMERSON:

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

H.J. Res. 15. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

H.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

H.J. Res. 18. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States relating to the compensation of Senators and Representatives, providing that no increase in compensation shall take effect earlier than the following Congress; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. Stearns, Mr. Miller of Washington, Mr. Ravenel, Mr. Hansen, Mr. Bilirakis, Mr. Zimmer, Mr. Allard, Mr. Riggs, Mr. Gunderson, Mr. Hancock, Mr. McMillan of North Carolina, Mr. Nichols, Mr. Carper, and Mr. Lightfoot):

H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. Stearns, Mr. Miller of Washington, Mr. Hansen, Mr. Bilirakis, Mr. Ramstad, Mr. Zimmer, Mr. Allard, Mr. Riggs, Mr. Gunderson, Mr. Hancock, Mr. Inhofe, Mr. Nichols, Mr. Stump, Mr. Klug, and Mr. Crane):

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. MYERS of Indiana (for himself, Mr. Anderson, Mr. Annunzio, Mrs. Bentley, Mr. Bliley, Mr. Broomfield, Mr. Bunning, Mr. Bustamante, Mr. Jacobs, Mr. LaFalce, Mr. Lagomarsino, Mr. Livingston, Mr. Montgomery, Mr. Rinaldo, Mr. Smith of Florida, Mr. Tallon, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Wolf, and Mr. Yatron):

H.J. Res. 23. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 24, 1991 and November 22, 1992, as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. NEAL of North Carolina:

H.J. Res. 24. Joint resolution directing the Federal Open Market Committee of the Federal Reserve System to adopt and pursue monetary policies leading to, and then maintaining, zero inflation; to the Committee on Banking, Finance and Urban Affairs.

H.J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States providing that, except in cases of national emergency, expenditures of the U.S. Government in any fiscal year shall not exceed its revenues for that fiscal year; to the Committee on the Judiciary.

H.J. Res. 26. Joint resolution proposing an amendment to the Constitution of the United States providing that, except in cases of national emergency, expenditures of the United States Government shall not exceed its revenues, nor exceed 20 percent of the gross national product, in any fiscal year; to the Committee on the Judiciary.

H.J. Res. 27. Joint resolution designating the honeybee as the national insect; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE:

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States to provide for a 6-year term for the President and the Vice President, to limit the number of terms the President and the Vice President may serve, to provide for 3-year terms for Representatives, and to limit the number of consecutive terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Ms. SNOWE:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. Boxer, Mr. Bustamante, Mr. Carper, Mr. Clement, Mr. Fazio, Mr. Frost, Mr. Jacobs, Mr. Lagomarsino, Mr. Lantos, Ms. Long, Mr. McGrath, Mr. Matsui, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Schumer, Mr. Valentine, Mr. Wolf, and Mr. Towns):

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. STUDDS (for himself and Mr. Moakley):

H.J. Res. 32. Joint resolution to support continued efforts to enforce United Nations sanctions against Iraq, and to prohibit offensive United States military action against Iraq in the absence of authorization from Congress; to the Committee on Foreign Affairs.

By Mr. VOLKMER:

H.J. Res. 33. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

H.J. Res. 34. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. WALKER:

H.J. Res. 35. Joint resolution affirming the legislative intent under the Social Security Act to provide for increases in old-age insurance benefits with due regard to increases in the cost of living; to the Committee on Ways and Means.

By Mr. BENNETT (for himself and Mr. Durbin):

H. Con. Res. 1. Concurrent resolution to express the sense of the Congress that Congress must approve any offensive military action against Iraq; to the Committee on Foreign Affairs.

By Mr. NEAL of North Carolina:

H. Con. Res. 2. Concurrent resolution expressing the sense of the Congress that no offensive military action should be initiated by United States military forces against Iraq without the affirmative approval of the Congress; to the Committee on Foreign Affairs.

By Mr. GOSS:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress regarding terms of office for Members of the Congress; jointly, to the Committees on House Administration and the Judiciary.

By Mr. MOAKLEY:

H. Con. Res. 4. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem, in order to ensure fair and equitable treatment for those who have based their retirement plans on the Social Security benefit levels which existed or were projected, during most of their working lifetimes, under the pre-1977 law; to the Committee on Ways and Means.

By Mr. NEAL of North Carolina:

H. Con. Res. 5. Concurrent resolution expressing the sense of the Congress that tax legislation should not take effect earlier than 90 days after implementing regulations are issued; to the Committee on Ways and Means.

H. Con. Res. 6. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on Education and Labor and the Judiciary.

H. Con. Res. 7. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mrs. ROUKEMA (for herself and Mr. AuCoin):

H. Con. Res. 8. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Mr. HOYER:

H. Res. 1. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 2. Resolution to inform the Senate that a quorum of the House had assembled and had elected Thomas S. Foley, a Representative from the State of Washington, Speaker, and Donnald K. Anderson, a citizen of the State of California, Clerk; considered and agreed to.

H. Res. 3. Resolution authorizing the Speaker to appoint a committee of two Members to join with a like committee of the Senate to notify the President that a quorum of each House has been assembled and that the Congress is ready to receive any communications he may be pleased to make; considered and agreed to.

By Mr. WHITTEN:

H. Res. 4. Resolution authorizing the Clerk of the House to inform the President that the House of Representatives has elected Thomas S. Foley, a Representative from the State of Washington, Speaker, and Donnald K. Anderson, a citizen of the State of California, Clerk of the House of Representatives; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 5. Resolution adopting the Rules of the House for the One Hundred Second Congress; considered and agreed to.

By Mr. MICHEL:

H. Res. 6. Resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. MOAKLEY:

H. Res. 7. Resolution fixing the daily hour of meeting for the One Hundred Second Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 8. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. LEWIS of California:

H. Res. 9. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. CONTE:

H. Res. 10. Resolution expressing the House of Representatives' opposition to an imposition of an import fee on crude oil and refined products; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. Emerson, Mr. Panetta, Mrs. Roukema, Mr. Fazio, Mr. Morrison of Washington, Mr. Kostmayer, Mr. Gilman, Mr. Dorgan of North Dakota, Mr. Smith of Oregon, Mr. Bereuter, Mr. Penny, Mr. Upton, Mr. Ackerman, Mr. Herger, Mr. Espy, Mr. Hunter, Mr. Flake, Mr. Wolf, Mrs. Patterson, Mr. Smith of New Jersey, Mr. Foglietta, Mr. Bustamante, Mr. McNulty, Mr. Faleomavaega, Mr. Engel, Mr. AuCoin, Mr. Wheat, and Ms. Long):

H. Res. 11. Resolution to establish the Select Committee on Hunger; to the Committee on Rules.

By Mr. MILLER of California (for himself, Mr. Bliley, Mr. Lehman of Florida, Mr. Wolf, Mrs. Schroeder, Mrs. Vucanovich, Mr. McHugh, Mr. Packard, Mr. Weiss, Mr. Hastert, Mr. Anthony, Mr. Weldon, Mrs. Boxer, Mr. Smith of Texas, Mr. Levin of Michigan, Mr. Walsh, Mr. Rowland of Georgia, Mr. Machtley, Mr. Sikorski, Mr. Wheat, Mr. Martinez, Mr. Evans, Mr. Durbin, Mr. Skaggs, Mr. Sarpalius, Mr. Hall of Ohio, Mr. Emerson, Mr. Coughlin, and Mr. Gilman):

H. Res. 12. Resolution to establish the Select Committee on Children, Youth, and Families; to the Committee on Rules.

By Mr. NEAL of North Carolina:

H. Res. 13. Resolution expressing the sense of the House of Representatives that Federal excise tax rates should not be increased; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. Coughlin, Mr. Stark, Mr. Scheuer, Mrs. Collins of Illinois, Mr. Fascell, Mr. Hughes, Mr. Levine of California, Mr. Ortiz, Mr. Smith of Florida, Mr. Towns, Mr. Traficant, Mr. Mfume, Mrs. Lowey of New York, Mr. Payne of New Jersey, Mr. Gilman, Mr. Oxley, Mr. Dornan of California, Mr. Lewis of Florida, Mr. Inhofe, Mr. Herger, Mr. Shays, Mr. Brooks, Mr. Paxon, and Mr. Shaw):

H. Res. 14. Resolution to establish the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. SMITH of Iowa:

H. Res. 15. Resolution authorizing the House Administration Committee to investigate, recount, and report on contested elections for the House of Representatives; to the Committee on Rules.

By Mr. WELDON:

H. Res. 16. Resolution that the House of Representatives urges the President to instruct the Attorney General to appoint an independent counsel to investigate the involvement of Government officials in the savings and loan scandal; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the Speaker: Memorial of the General Assembly of the State of New Jersey, relative to enacting the "Lead Ban Act of 1990"; to the Committee on Energy and Commerce.

2. Also, memorial of the General Assembly of the State of Illinois, relative to allegations of Romanian mistreatment of handicapped children; to the Committee on Foreign Affairs.

3. Also, memorial of the General Assembly of the State of New Jersey, relative to the pedestrian walkway to Ellis Island; to the Committee on Interior and Insular Affairs.

4. Also, memorial of the General Assembly of the State of New Jersey, relative to the Clean Lakes Program; to the Committee on Public Works and Transportation.

5. Also, memorial of the Senate of the State of New York, relative to legal rights of veterans claiming benefits; to the Committee on Veterans' Affairs.

6. Also, memorial of the General Assembly of the State of New Jersey, relative to restrictions on diplomatic and trade relations with the Republic of Vietnam; jointly, to the Committees on Government Operations, Foreign Affairs, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 238. A bill for the relief of Craig A. Klein; to the Committee on the Judiciary.

By Mr. EMERSON:

H.R. 239. A bill for the relief of Oscar H. McCormack; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 240. A bill for the relief of Rodgito Keller; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 241. A bill for the relief of Lucille White, Gerald J. White, Gary White, and Sara White; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself, Mr. Kyl, Mr. AuCoin, Mr. Shays, Mr. Natcher, Mr. Pease, Mr. Clinger, Jr., Mr. DeFazio, Mr. Gordon, Mr. Dubbin, Ms. Pelosi, Mr. Torres, Mr. Hochbrueckner, and Mrs. Lowery of New York):

H.R. 242. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on House Administration.

H.R. 243. A bill to provide that receipts and disbursements of the Harbor Maintenance Trust Fund not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget, and for other purposes; jointly, to the Committees on Public Works and Transportation and Government Operations.

By Mr. APPLEGATE:

H.R. 244. A bill to amend title 38, United States Code, to revise the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans and to make miscellaneous improvements in veterans' compensation and pension programs; to the Committee on Veterans' Affairs.

By Mr. ARCHER:

H.R. 245. A bill to allow the President an item veto in appropriations bills; to the Committee on the Judiciary.

H.R. 246. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets; to the Committee on Ways and Means.

H.R. 247. A bill relating to the taxation of certain lump-sum benefit cancellation payments under the social security systems of Saudi Arabia; to the Committee on Ways and Means.

H.R. 248. A bill to amend the Internal Revenue Code of 1986 to provide a 30-percent capital gains deduction for corporate and noncorporate taxpayers; to the Committee on Ways and Means.

By Mr. ARCHER (for himself, Mr. Martin of New York, Mr. Broomfield, Mr. Hopkins, Mr. Gallo, Mr. Grandy, Mr. Lent, Mr. McCollum, Mr. Kyl, Mr. Hughes, Mr. Hall of Texas, Mr. Goodling, Mr. Wilson, Mr. McEwen, Mr. Machtley, Mr. Stearns, Mr. Wolf, Mr. Stallings, Mr. Shaw, Mr. Goss, Mr. Fawell, Mr. Armey, Mr. Blaz, Mr. Bunning, Mr. Chandler, Mr. Saxton, Mr. Lancaster, Mr. Conte, Mr. Weldon, Mr. Montgomery, Mr. Johnson of South Dakota, Mr. McDade, Mr. Cox of California, Mr. Rhodes, Mr. Frost, Mr. Bevill, Mr. Oxley, Mr. Vander Jagt, Mr. Fascell, Mr. Dickinson, and Mr. Dornan of California):

H.R. 249. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 250. A bill to authorize the Secretary of Labor to issue exemplary rehabilitation certificates for certain individuals discharged from the Armed Forces; jointly, to the Committees on Education and Labor and Armed Services.

H.R. 251. A bill to promote the conservation and enhancement of wetlands and to offset or prevent the loss of wetlands; jointly, to the Committees on Ways and Means, Merchant Marine and Fisheries, Public Works and Transportation, and Interior and Insular Affairs.

By Mr. BENNETT (for himself and Mr. Shays):

H.R. 252. A bill to provide protection for veal calves; to the Committee on Agriculture.

By Mrs. BENTLEY:

H.R. 253. A bill to remedy the serious injury to the U.S. shipbuilding and repair industry caused by subsidized foreign ships; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mrs. BENTLEY (for herself, Mr. Valentine, Mr. Blaz, Mr. Ritter, and Mr. Engel):

H.R. 254. A bill entitled, the "Government Procurement Act of 1991"; jointly, to the Committees on Government Operations and Armed Services.

By Mr. BEREUTER:

H.R. 255. A bill to provide Federal assistance for ground water resource and quality control projects, with emphasis on rural domestic and municipal water supply projects, and to encourage State and local participation in the development and management of ground water aquifer systems, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 256. A bill to amend the High Plains States Groundwater Demonstration Program Act of 1983 to authorize additional appropriations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 257. A bill to authorize the Secretary of Transportation to carry out a highway bridge demonstration project to improve the flow of traffic between the States of Nebraska and South Dakota; to the Committee on Public Works and Transportation.

By Mr. BILIRAKIS:

H.R. 258. A bill to provide benefits under the Survivor Benefit plan to surviving spouses of certain members of the Armed Forces retired before September 21, 1972; to the Committee on Armed Services.

H.R. 259. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mrs. BOXER:

H.R. 260. A bill to establish a program of grants to local educational agencies for purposes of conducting afterschool activities designed to promote learning and finishing high school; to the Committee on Education and Labor.

H.R. 261. A bill to amend the Marine Mammal Protection Act of 1972 to restrict purse seine fishing for tuna, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. BOXER (for herself, Mr. AuCoin, Mr. Bennett, Mr. Rahall, Mr. Feighan, Mr. Bryant, Mr. Eckart, Mr. Scheuer, Mr. Stark, and Mr. DeFazio):

H.R. 262. A bill to establish an independent defense procurement corps to procure all property and services required by the Department of Defense and to establish an Office of Inspector General to oversee such corps; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mr. AuCoin, Mr. Bryant, Mr. Scheuer, and Mr. DeFazio):

H.R. 263. A bill to amend title 10, United States Code, to require that a major defense procurement system meet requirements established for that system for a fiscal year before funds for that system for the next year are made available; to the Committee on Armed Services.

By Mr. BROOMFIELD:

H.R. 264. A bill to grant the power to the President to exercise a line item veto of new budget authority; jointly, to the Committees on Government Operations and Rules.

By Mr. BROOMFIELD (for himself and Mr. Wyden):

H.R. 265. A bill to deem certain national defense reserve vessels surplus property, to direct the Administrator of General Services to dispose of those vessels by selling them for scrapping in the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Government Operations.

By Mr. BRYANT:

H.R. 266. A bill to provide for comprehensive national oil security policy; to the Committee on Energy and Commerce.

H.R. 267. A bill to require the Federal Communications Commisson to establish procedures to prevent price-cap regulation from leading to degradation in the quality of the telephone network; to the Committee on Energy and Commerce.

By Mr. CLINGER:

H.R. 268. A bill to amend the Public Works and Economic Development Act of 1965 to establish a national public works corporation for purposes of providing financial assistance to States and local governments for the construction, rehabilitation, and repair of certain public facilities, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. CLINGER (for himself, Mr. Oberstar, and Mr. Mineta):

H.R. 269. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between Federal funds and trust funds, and for other purposes; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mrs. COLLINS of Illinois:

H.R. 270. A bill to provide that funds appropriated to the Department of Defense may not be used to purchase articles of packaged food not packaged in the United States or its possessions; to the Committee on Armed Services.

H.R. 271. A bill to require the President to direct the Secretary of Defense, the Secretary of Health and Human Services, and the Administrator of Veterans Affairs to submit to the appropriate committees of the Congress a joint report addressing the question of United States Government responsibility for providing benefits and services to individuals who served with certain voluntary organizations in support of the Armed Forces of the United States stationed in the Republic of Vietnam during the Vietnam era; to the Committee on Armed Services.

H.R. 272. A bill to require the Secretary of Housing and Urban Development to establish energy conservation standards for public housing projects and to carry out a program to demonstrate the effectiveness of energy conservation measures in public housing projects; to the Committee on Banking, Finance and Urban Affairs.

H.R. 273. A bill to require the Secretary of Housing and Urban Development to provide assistance for emergency repairs in lower income housing projects operated by the Chicago Housing Authority; to the Committee on Banking, Finance and Urban Affairs.

H.R. 274. A bill to amend the Truth in Lending Act to require lenders to post current interest rates charged for various categories of loans to consumers; to the Committee on Banking, Finance and Urban Affairs.

H.R. 275. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention; to the Committee on Education and Labor.

H.R. 276. A bill to amend title XIX of the Social Security Act with respect to requiring State plans for appropriately responding to the closing of hospitals; to the Committee on Energy and Commerce.

H.R. 277. A bill to improve coordination in the formulation of telecommunications policy within the executive branch, and for other purposes; to the Committee on Energy and Commerce.

H.R. 278. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once the retailer marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Energy and Commerce.

H.R. 279. A bill to authorize the Secretary of Health and Human Services to fund adolescent health demonstration projects; to the Committee on Energy and Commerce.

H.R. 280. A bill to amend the privacy provisions of title 5, United States Code to improve the protection of individual information and to reestablish a permanent Privacy Protection Commission as an independent entity in the Federal Government, and for other purposes; to the Committee on Government Operations.

H.R. 281. A bill to promote competitiveness and more efficient Government operations by requiring a value engineering review for certain types of Federal contracts, and for other purposes; to the Committee on Government Operations.

H.R. 282. A bill to provide for the mandatory registration of handguns; to the Committee on the Judiciary.

H.R. 283. A bill to amend the Internal Revenue Code of 1986 to make the low-income housing credit permanent and to facilitate the rehabilitation of public housing using such credit; to the Committee on Ways and Means.

H.R. 284. A bill to establish requriements relating to federally funded child care services; jointly, to the Committees on Education and Labor and Ways and Means.

H.R. 285. A bill to amend the Internal Revenue Code of 1986 to deny deductions for expenses of advertising to persons who discriminate against minority owned or formatted communications entities in the purchase or placement of advertisements, and to permit persons aggrieved by such discrimination to bring civil actions to recover lost profits and other appropriate damages; jointly, to the Committees on Ways and Means and the Judiciary.

H.R. 286. A bill to amend title XVIII of the Social Security Act to provide payment for dental services under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 287. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for services of registered nurses as assistants at surgery; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 288. A bill to assist in the development of microenterprises and microenterprise lending; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, Energy and Commerce, and Small Business.

By Mrs. COLLINS of Illinois (for herself, Mr. Bryant, Mr. Espy, Mr. Owens of New York, Mr. Payne of New Jersey, and Mr. Towns):

H.R. 289. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to continue and improve efforts to promote diversity in media ownership, management, and programming, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself, Mr. Waxman, Mr. Wolpe, Mr. Bryant, Mr. Wyden, Mr. Espy, Mr. Kostmayer, Mr. Walsh, and Mr. Neal of North Carolina):

H.R. 290. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself, Mr. MANTON, and Mr. OWENS of New York):

H.R. 291. A bill to amend the Communications Act of 1934 to establish procedures for the discontinuance of mobile radio services to persons engaged in drug trafficking, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. COLLINS of Illinois (for herself and Mr. JACOBS):

H.R. 292. A bill to strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal employment; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. CONTE (for himself, Mr. IRELAND, and Mr. SKELTON):

H.R. 293. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to exempt a Federal department, agency, or instrumentality from liability under that act when a facility is conveyed to the department, agency, or instrumentality due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means; to the Committee on Energy and Commerce.

By Mr. CONTE:

H.R. 294. A bill to restrict concessionaire contracts for accommodations, facilities, and services in areas administered by the National Park Service, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 295. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on windfall profits derived from crude oil, and for other purposes; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. MCDADE, Mr. SKELTON, and Mr. IRELAND):

H.R. 296. A bill to amend the Small Business Act to provide assistance to women business enterprises, and for other purposes; to the Committee on Small Business.

H.R. 297. A bill to amend the Small Business Act to provide assistance to women business enterprises, and for other purposes; to the Committee on Small Business.

By Mr. COX of California (for himself, Mr. ARCHER, Mr. ARMEY, Mr. BAKER, Mr. BALLENGER, Mr. BARRETT, Mr. BARTON of Texas, Mr. BARTLETT, Mr. BATEMAN, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. BUNNING, Mr. BROOMFIELD, Mr. CALLAHAN, Mr. CAMPBELL of California, Mr. COBLE, Mr. COMBEST, Mr. CRANE, Mr. DANNEMEYER, Mr. DELAY, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DORNAN of California, Mr. DREIER of California, Mr. DUNCAN, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FRANKS of Connecticut, Mr. GALLO, Mr. GINGRICH, Mr. GOSS, Mr. GRANDY, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HERGER, Mr. HASTERT, Mr. HEFLEY, Mr. HOLLOWAY, Mr. HOUGHTON, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. IRELAND, Mr. JAMES, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. MACHTLEY, Mr. MADIGAN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCEWEN, Mrs. MEYERS of Kansas, Mr. MICHEL, Ms. MOLINARI, Mr. MOORHEAD, Mr. NICHOLS, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mrs. PATTERSON, Mr. PAXON, Mr. PENNY, Mr. PORTER, Mr. PURSELL, Mr. RAMSTAD, Mr. RHODES, Mr. RIGGS, Mr. RINALDO, Mr. RITTER, Mr. ROHRABACHER, Mr. ROBERTS, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. SANTORUM, Mr. SENSENBRENNER, Mr. SHAW, Mr. SMITH of Oregon, Mr. SMITH of Texas, Ms. SNOWE, Mr. SOLOMON, Mr. STEARNS, Mr. SUNDQUIST, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 298. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes; jointly, to the Committees on Government Operations, Rules, Appropriations, and Ways and Means.

By Mr. CRANE:

H.R. 299. A bill to amend the National Foundation of the Arts and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Arts; to the Committee on Education and Labor.

By Mr. HOCHBRUECKNER (for himself, Mr. ANNUNZIO, Mr. ATKINS, Mr. AUCOIN, Mr. BEILENSON, Mr. BILBRAY, Mrs. BOXER, Mr. BRYANT, Mr. CARPER, Mr. DEFAZIO, Mr. DELLUMS, Mr. DOWNEY, Mr. EVANS, Mr. FAWELL, Mr. GALLO, Mr. GEJDENSON, Mr. GILMAN, Mr. GORDON, Mr. HORTON, Mr. HYDE, Mr. JONTZ, Mr. MCNULTY, Mr. MACHTLEY, Mr. MOODY, Mrs. MORELLA, Mr. NEAL of North Carolina, Mr. OWENS of New York, Mr. RAVENEL, Mr. ROYBAL, Mr. SABO, Mr. SAXTON, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SLATTERY, Mr. SOLARZ, Mr. STOKES, Mr. TORRES, Mr. TRAFICANT, Mr. HUGHES, Mrs. BENTLEY, Mr. MCDERMOTT, Mr. PENNY, Ms. PELOSI, Mr. PEASE, Mr. BILIRAKIS, Mr. BROWN of California, Mr. STUDDS, Mr. CLEMENT, Mr. TALLON, Mr. RINALDO, Ms. SLAUGHTER of New York, Mr. WOLPE and Mr. DE LUGO, Mr. VENTO, Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. FROST, Ms. OAKAR, and Mr. YATES):

H.R. 300. A bill to encourage recycling and composting by promoting the creation of markets for postconsumer materials, by establishing a grant program for recycling research, by requiring a public outreach program to provide information about recycling, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. CRANE:

H.R. 301. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 302. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction relating to taxes of inferior Federal courts; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Mr. HUBBARD, Ms. OAKAR, Mr. HORTON, Mr. SAXTON, Mr. WILSON, Mr. IRELAND, Mr. MOAKLEY, Mr. MCCURDY, Mr. CLINGER, Mr. DORNAN of California, Mr. WOLPE, Mr. WOLF, Mr. MARTIN of New York, Mr. RINALDO, Mr. GALLO, Mrs. COLLINS of Illinois, Mr. ALEXANDER, Mr. BEREUTER, Mr. GOSS, Mr. KENNEDY, Mr. GINGRICH, Mr. DORGAN of North Dakota, Mr. SHAYS, Mr. LANCASTER, Mr. LENT, Mr. QUILLEN, Mr. NEAL of Massachusetts, Mr. HUTTO, Mr. DUNCAN, Mr. COSTELLO, Mr. BRUCE, Mr. FROST, Mr. THOMAS of Wyoming, Mr. OXLEY, Mr. KILDEE, Mr. JONTZ, Mr. DEFAZIO, Mr. TORRES, Mrs. VUCANOVICH, Mr. PICKETT, and Mr. POSHARD):

H.R. 303. A bill to amend section 3104 of title 38, United States Code, to permit retired members of the Armed Forces who have service-connected disabilities to receive compensation from the Department of Veterans Affairs concurrently with retired pay, without deduction from either; jointly to the Committee on Veterans' Affairs and Armed Services.

By Mr. BILIRAKIS:

H.R. 304. A bill to amend section 3104 of title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive compensation from the Department of Veterans Affairs, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such retired member; jointly to the Committee on Veterans' Affairs, and Armed Services.

By Mr. CRANE:

H.R. 305. A bill to provide that any individual who is the spouse of a Member of Congress shall be ineligible for any civilian office or position as to which appointment is required to be made by the President with the advice and consent of the Senate; to the Committee on the Judiciary.

H.R. 306. A bill to repeal the provision of the Internal Revenue Code of 1986 which provides that the accumulated earnings tax shall be applied without regard to the number of shareholders in the corporation; to the Committee on Ways and Means.

H.R. 307. A bill to amend title II of the Social Security Act to provide that any State or local taxes imposed and collected on benefits paid thereunder must be returned to the appropriate Social Security trust fund; to the Committee on Ways and Means.

H.R. 308. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

H.R. 309. A bill to amend the Internal Revenue Code of 1986 to exclude tips from gross income; to the Committee on Ways and Means.

H.R. 310. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the deduction for charitable contributions by nonitemizers; to the Committee on Ways and Means.

H.R. 311. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Ways and Means.

H.R. 312. A bill to amend title II of the Social Security Act to make it clear that States and local governments may not tax Social Security benefits; to the Committee on Ways and Means.

H.R. 313. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10-percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

H.R. 314. A bill to amend the Social Security Act to provide that Social Security coverage for employees of religious organizations shall be optional; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. Annunzio):

H.R. 315. A bill to transfer a portion of Fort Sheridan, IL, to the Department of Veterans Affairs for use as a National Cemetery; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. DE LUGO (for himself, Mr. Lagomarsino, Mr. Fuster, Mr. Udall, Mr. Moakley, Mr. Solomon, Mr. Miller of California, Mr. Lehman of California, Mr. Richardson, Mr. Darden, Mr. Lewis of Georgia, Mr. Faleomavaega, and Mr. Blaz):

H.R. 316. A bill to enable the people of Puerto Rico to exercise self-determination; jointly, to the Committees on Interior and Insular Affairs and Rules.

By Mr. DINGELL (for himself, Mr. Ford of Michigan, Mr. Evans, Mr. Markey, Mr. Frank of Massachusetts, Mr. Staggers, Mr. Hayes of Illinois, Mr. Espy, Mr. Bryant, Mr. Bonior, Mr. Clement, Mr. Jontz, Mr. Sangmeister, and Mr. Kanjorski):

H.R. 317. A bill to impose additional duties on the products of foreign countries if, and during such time as, such countries do not make sufficient contributions to the multinational military mobilization and operation being carried out in response to the invasion of Kuwait by Iraq; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself, Mr. Udall, Mr. Rinaldo, Mr. Jacobs, Mr. Bilbray, Mr. Shays, Mr. Levine of California, Mr. Henry, and Mr. Wilson):

H.R. 318. A bill to amend the Animal Welfare Act to prohibit dog racing and dog training involving the use of live animals as visual lures and to make such act applicable to facilities that are used for dog racing or dog race training; to the Committee on Agriculture.

By Mr. DYMALLY (for himself and Mr. Towns):

H.R. 319. A bill to prohibit discrimination against physicians on the basis of their graduation from a medical school outside the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mrs. Collins of Illinois, Mr. Owens of New York, Mr. Towns, Mr. Neal of Massachusetts, and Mr. Serrano):

H.R. 320. A bill to amend the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 for the purpose of protecting residential tenants from unnecessary eviction by the Resolution Trust Corporation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EVANS (for himself, Mr. Ackerman, Mr. Annunzio, Mr. Applegate, Mr. Bereuter, Mr. Bonior, Mr. Bruce, Mr. Bryant, Mr. Bustamante, Mr. Cooper, Mr. Dellums, Mr. Eckart, Mr. Edwards of California, Mr. Erdreich, Mr. Frost, Mr. Fuster, Mr. Gilman, Mr. Glickman, Mr. Jones of Georgia, Mr. Jontz, Mr. Kennedy, Mr. Kleczka, Mr. Kolter, Mr. Lewis of Georgia, Mrs. Lowey of New York, Mr. McCloskey, Mr. McHugh, Mr. Machtley, Mr. Murphy, Mr. Neal of North Carolina, Mr. Poshard, Mr. Price, Mr. Rahall, Mr. Sanders, Mr. Sangmeister, Mrs. Schroeder, Mr. Skaggs, Mr. Stark, Mr. Towns, Mr. Valentine, Mr. Vento, Mr. Weiss, Mr. Wheat, and Mr. Goss):

H.R. 321. A bill to amend title 38, United States Code, to revise the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to make miscellaneous improvements in veterans' compensation and pension programs, to provide a presumption of service-connection between the occurrence of certain diseases incurred by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEIGHAN:

H.R. 322. A bill to enhance the ability of law enforcement officers to combat violent crime in America by providing criminal and civil enforcement of standards established by the National Institute of Justice for body armor; to the Committee on the Judiciary.

By Mr. FEIGHAN (for himself, Mr. Sangmeister, and Mr. Manton):

H.R. 323. A bill to authorize the Assistant Attorney General of the Office of Justice Programs to enhance law enforcement by providing financial assistance to law enforcement personnel who seek to further their professional education; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. FIELDS:

H.R. 324. A bill providing for the establishment of a Houston-Galveston Navigation Safety Advisory Committee; to the Committee on Merchant Marine and Fisheries.

By Mr. FRANK of Massachusetts:

H.R. 325. A bill to amend the Ethics in Government Act of 1978 with respect to the prohibition on acceptance of honoraria; jointly, to the Committees on House Administration the Judiciary, Post Office and Civil Service, and Armed Services.

By Mr. GINGRICH:

H.R. 326. A bill to provide for mandatory education for incarcerated adults; to the Committee on Education and Labor.

By Mr. GORDON:

H.R. 327. A bill to amend the Higher Education Act of 1965 to delay the disbursement of Pell Grants to first-year students, to make ineligible for participation in the Pell Grant program any institution with a high default rate on student loans, and for other purposes; to the Committee on Education and Labor.

By Mr. GORDON (for himself, Mr. Stark, Mr. Frank of Massachusetts, Mrs. Lloyd, Mrs. Patterson, Mr. Livingston, Mrs. Boxer, Mr. Costello, Mr. Regula, Mr. Pickett, Mr. Serrano, Mrs. Lowey of New York, Mr. Dwyer of New Jersey, Mr. Tallon, Mr. Frost, Mr. Skeen, Mr. Ravenel, Mr. Wyden, Mr. Lancaster, and Mr. Slattery):

H.R. 328. A bill to protect the public interest by providing for regulation and oversight of the development and application of the technology known as audiotext, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREEN of New York:

H.R. 329. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaigns for the House of Representatives; to the Committee on House Administration.

By Mr. GREEN of New York (for himself, Mr. Wilson, Mr. Shays, and Mr. Annunzio):

H.R. 330. A bill to limit the killing of wildlife in the National Wildlife Refuge System; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 331. A bill to amend chapters 83 and 84 of title 5, United States Code, to expedite the processing of applications of Federal employees seeking retirement benefits, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 332. A bill to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

H.R. 333. A bill to prohibit the collection of parking fees at Arlington National Cemetery; to the Committee on Veterans' Affairs.

H.R. 334. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 335. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

H.R. 336. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 337. A bill to amend the Higher Education Act of 1965 to require a high school diploma or recognized equivalent as a prerequisite for Federal student financial assistance; to the Committee on Education and Labor.

H.R. 338. A bill to amend the Internal Revenue Code of 1986, the Employment Retirement Income Security Act of 1974, and the Public Health Service Act with respect to continuation of health care coverage; jointly, to the Committee on Ways and Means, Education and Labor, and Energy and Commerce.

By Mr. HORTON:

H.R. 339. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to acquire laboratory equipment and computer software to improve the quality and accessibility of DNA analyses, and for other purposes; to the Committee on the Judiciary.

H.R. 340. A bill to amend title 38, United States Code, to provide that the disease of transverse myelitis occurring in a veteran within 7 years from the date of the veteran's discharge or release from active duty shall be considered to be service-connected; to the Committee on Veterans' Affairs.

H.R. 341. A bill to amend title 38, United States Code, to require the Department of Veterans Affairs to provide the same health benefits as are provided to former prisoners of war to veterans who while in active military, naval, or air service evaded enemy capture while behind enemy lines; to the Committee on Veterans' Affairs.

H.R. 342. A bill to amend the Internal Revenue Code of 1986 to permit a deduction for certain educational costs of licensed practical or vocational nurses; to the Committee on Ways and Means.

H.R. 343. A bill to amend title XVIII of the Social Security Act with respect to the terminology used in notices to nonparticipating physicians providing services for which payment is denied; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HOUGHTON:

H.R. 344. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained age 67 and to accelerate benefit increases under the delayed retirement credit over a period capped at attainment of age 67; to the Committee on Ways and Means.

By Mr. IRELAND:

H.R. 345. A bill to raise the status of the Administrator of the Small Business Administration, to authorize judicial review of actions under chapter 6 of title 5, United States Code, relating to regulatory analyses, to direct a study of the impact of the Federal Government on small business, to amend the Internal Revenue Code of 1986 to prohibit the retroactive application of Treasury Department regulations and rulings, to increase the amount of deduction for health insurance costs of self-employed individuals, to increase the allowable number of S corporation shareholders to 50, and to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes; jointly, to the Committees on Small Business the Judiciary, Ways and Means, and Education and Labor.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, Mr. GEJDENSON, Mr. CHANDLER, Mr. SUNDQUIST, Mr. HORTON, Mr. JOHNSON of South Dakota, Mr. MACHTLEY, Mr. THOMAS of Wyoming, Mr. FRANKS of Connecticut, and Mr. MCCOLLUM):

H.R. 346. A bill to amend the Tax Reform Act of 1986 to provide for the deductibility of State and local income and sales taxes exceeding 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 347. A bill to amend title 38, United States Code, to revise the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to make miscellaneous improvements in veterans' compensation and pension programs, to provide a presumption of service-connection between the occurrence of certain diseases incurred by veterans of active service in Vietnam during the Vietnam era and exposure to certain toxic herbicide agents used in Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KASICH:

H.R. 348. A bill to amend title 10, United States Code, to require that, in the case of defense acquisition programs that are designated as special access program, certain total program cost and program schedule information must be disclosed to Congress after those programs have passed a level of outlays of $50,000,000 or more; to the Commmittee on Armed Services.

By Mr. KYL:

H.R. 349. A bill to amend the Fair Labor Standards Act of 1938 to make certain provisions of section 7 of such act applicable to Indian tribal governments and their employees; to the Committee on Education and Labor.

By Mr. LAGOMARSINO:

H.R. 350. A bill to establish a demonstration block grant program to increase the quality and availability of child care; to the Committee on Education and Labor.

H.R. 351. A bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second-class and third-class mail matter to use recycled paper; to the Committee on Post Office and Civil Service.

H.R. 352. A bill to amend the Internal Revenue Code of 1986 to allow first-time home buyers to make withdrawals from their individual retirement accounts for the purpose of acquiring, constructing, or reconstructing a principal residence, without incurring any tax; to the Committee on Ways and Means.

H.R. 353. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; jointly, to the Committees on Appropriations, Rules, and House Administration.

H.R. 354. A bill to provide that no increase in pay for Members of Congress shall take effect without a recorded vote in each House; jointly, to the Committee on Post Office and Civil Service and Rules.

By Mr. LEHMAN of California:

H.R. 355. A bill to amend the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. LLOYD:

H.R. 356. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets capable of displaying closed-captioning, to prohibit Federal funding of conferences held at certain places of public accomodation which do not provide guests with guest rooms furnished with televisions capable of displaying closed-captioning, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Veterans' Affairs, Education and Labor, and Government Operations.

By Ms. LONG (for herself, Mr. PENNY, Mr. PERKINS, Mr. REGULA, Mr. JACOBS, Mr. MANTON, Mr. MCCLOSKEY, Mr. NEAL of Massachusetts, Mr. WOLPE, and Mr. POSHARD):

H.R. 357. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability for purposes of assisting local anti-drug programs; jointly, to the Committees on Ways and Means, the Judiciary, and Energy and Commerce.

By Mrs. LOWEY of New York (for herself, Mr. GILMAN, Mr. SHAYS, and Mr. ENGEL):

H.R. 358. A bill to amend the Airport Noise and Capacity Act of 1990; to the Committee on Public Works and Transportation.

By Mr. MCCOLLUM:

H.R. 359. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to establish procedures for the adjudication by courts-martial of sentences of capital punishment; to the Committee on Armed Services.

H.R. 360. A bill to award a congressional gold medal to the family of Arnold Raphel in honor of the late Arnold Raphel, the former United States Ambassador to Pakistan; to the Committee on Banking, Finance and Urban Affairs.

H.R. 361. A bill to award a congressional gold medal to the family of Brigadier General Herbert Wassom in honor of the late Brigadier General Herbert Wassom; to the Committee on Banking, Finance and Urban Affairs.

H.R. 362. A bill to award a congressional gold medal to Joe Kittinger; to the Committee on Banking, Finance and Urban Affairs.

H.R. 363. A bill to amend title 18, United States Code, to make the knowing disclosure of classified information by Federal officers and employees a criminal offense; to the Committee on the Judiciary.

H.R. 364. A bill to amend title 18, United States Code, to provide civil and criminal forfeitures for certain offenses; to the Committee on the Judiciary.

H.R. 365. A bill to enhance the personal security and safety of American citizens and their families by combating violent crime and strengthening antidrug efforts; to the Committee on the Judiciary.

H.R. 366. A bill to amend title II of the Social Security Act to provide that an applicant for old-age, wife's, husband's, or child's insurance benefits who under present law does not qualify for a benefit for the first month in which he or she meets the applicable entitlement conditions shall be entitled to a prorated benefit for that month; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. IRELAND, Mr. SHAW, Mr. LEWIS of Florida, Mr. JAMES, Mr. GOSS, Mr. BILIRAKIS, Mr. GIBBONS, Mr. BACCHUS, Mr. HUTTO, Mr. JOHNSTON of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. BENNETT, and Mr. FASCELL):

H.R. 367. A bill to deem the Florida panther to be an endangered species under the Endangered Species Act of 1973; to the Committee on Merchant Marine and Fisheries.

By Mr. MCEWEN:

H.R. 368. A bill to assist first-time homebuyers to purchase homes through first home ownership accounts, the elimination of the capital gains tax on the sale of a principal residence, and the extension of mortgage bonds; to the Committee on Ways and Means.

H.R. 369. A bill to amend the Internal Revenue Code of 1986 to provide for a maximum long-term capital gains rate of 15 percent and indexing of certain capital assets, and for other purposes; to the Committee on Ways and Means.

H.R. 370. A bill to require the Administrator of the Environmental Protection Agency to include with regulations issued by that agency a statement of the anticipated effects of the regulations on small businesses; jointly, to the Committees on Small Business and Merchant Marine and Fisheries.

By Mr. MARLENEE (for himself, Mr. SCHULZE, Mr. CLEMENT, Mr. DANNEMEYER, Mr. DELAY, Mr. DINGELL, Mr. ESPY, Mr. HANCOCK, Mr. HANSEN, Mr. HARRIS, Mr. HERGER, Mr. HOLLOWAY, Mr. HUNTER, Mr. JOHNSON of South Dakota, Mr. LAGOMARSINO, Mr. MCCRERY, Mr. MURPHY, Mr. PAXON, Mr. PAYNE of Virginia, Mr. QUILLEN, Mr. SMITH of Oregon, Mr. STUMP, Mr. THOMAS of Georgia, Mrs. VUCANOVICH, Mr. DICKINSON, Mr. EMERSON, Mr. COSTELLO, Mr. APPLEGATE, Mr. PERKINS, Mr. LAUGHLIN, Mr. MOLLOHAN, Mr. STALLINGS, Mr. SUNDQUIST, Mr. RIDGE, Mr. FROST, Mr. SCHAEFER, Mr. PARKER, Mr. BARTON of Texas, Mr. KOLTER, and Mr. HAYES of Louisiana):

H.R. 371. A bill to protect persons engaged in a lawful hunt within a national forest; establishing an administrative civil remedy against individuals or groups intentionally obstructing, impeding, or interfering with the conduct of a lawful hunt; and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. MAZZOLI:

H.R. 372. A bill to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes; jointly, to the Committees on House Administration, Energy and Commerce, Post Office and Civil Service, and Ways and Means.

By Mr. MFUME:

H.R. 373. A bill to establish a Minority Business Development Administration in the Department of Commerce, to clarify the relationship between such Administration and the Small Business Administration, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Small Business.

By Mrs. MINK:

H.R. 374. A bill to deem the Strategic Target System Program conducted at Kauai, Hawaii, to be a major Federal action for the purposes of the National Environmental Policy Act of 1969; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. MOLLOHAN:

H.R. 375. A bill to amend the National School Lunch Act to extend eligibility for the Child Care Food Program to children receiving day care services pursuant to a State's job opportunities and basic skills training program; to the Committee on Education and Labor.

By Mrs. MORELLA:

H.R. 376. A bill to provide an 8-percent increase for General Schedule employees within the Washington, DC–MD–VA Metropolitan Statistical Area and the Baltimore, MD, Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mr. NEAL of North Carolina:

H.R. 377. A bill to require that the President negotiate with Japan an agreement whereby Japan reimburses the United States for a portion of the costs the United States incurs in providing a military defense of Japan; to the Committee on Foreign Affairs.

By Ms. OAKAR:

H.R. 378. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 379. A bill to create an incentive to attract private sector capital to the thrift industry, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 380. A bill to extend the expiration of the Defense Production Act of 1950 to June 30, 1991; to the Committee on Banking, Finance and Urban Affairs.

H.R. 381. A bill to authorize an additional $25,000,000 for the National Cancer Institute to conduct certain research on breast cancer; to the Committee on Energy and Commerce.

H.R. 382. A bill to require States to enact laws which require physicians and surgeons to inform breast cancer patients of alternative effective methods of treatment for breast cancer in order to qualify for Federal funds under titles V and XIX of the Social Security Act and title XIX of the Public Health Service Act; to the Committee on Energy and Commerce.

H.R. 383. A bill to establish a Department of Arts and Humanities; to the Committee on Government Operations.

H.R. 384. A bill to amend chapter 89 of title 5, United States Code, to provide authority for the direct payment or reimbursement of certain additional types of health care professionals; to clarify certain provisions of such chapter with respect to coordination with State and local law; and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 385. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

H.R. 386. A bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. OWENS of Utah (for himself, Mr. HANSEN, and Mr. ORTON):

H.R. 387. A bill to increase the amounts authorized to be appropriated for the Colorado River storage project, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. PALLONE:

H.R. 388. A bill to amend title 46, United States Code, to repeal a requirement that the head of the department in which the Coast Guard is operating establish and collect a fee or charge for recreational vessels over 16 feet in length; to the Committee on Merchant Marine and Fisheries.

By Mr. PEASE:

H.R. 389. A bill to provide for comprehensive campaign reform with respect to elections for the House of Representatives, and for other purposes; jointly, to the Committees on House Administration, Energy and Commerce, Ways and Means, and Post Office and Civil Service.

By Mr. PENNY:

H.R. 390. A bill to establish a program of voluntary domestic and international service, to establish a Police Corps Program, to enhance benefits under the All-Volunteer Force educational assistance program, and for other purposes; jointly, to the Committees on Education and Labor, Foreign Affairs, Judiciary, Veterans' Affairs, and Armed Services.

H.R. 391. A bill to provide unpaid leave to certain employees, and for other purposes; jointly, to the Committees on Education and Labor and House Administration.

By Mr. PORTER (for himself, Mr. WYDEN, Mr. WAXMAN, Mr. ATKINS, Mr. BEILENSON, Mr. BOEHLERT, Mr. BOUCHER, Mrs. BOXER, Mr. BRYANT, Mr. CAMPBELL of California, Mr. DEFAZIO, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. GREEN, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MACHTLEY, Mr. MARKEY, Mr. MATSUI, Mr. MOODY, Mr. OWENS of New York, Mr. RICHARDSON, Mr. SCHUMER, Mr. SKAGGS, Mr. SHAYS, Mr. SMITH of Florida, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. UDALL, and Mr. WEISS):

H.R. 392. A bill to amend the Public Health Service Act to provide clarification with respect to the authority of grantees under title X of such act to provide information and counseling regarding family planning; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. SAXTON, Mr. SHAYS, and Mr. GALLO):

H.R. 393. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE (for himself and Mr. LANCASTER):

H.R. 394. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 395. A bill to amend title XIX of the Social Security Act to provide that clinical social worker services are a mandatory benefit under the Medicaid Program; to the Committee on Energy and Commerce.

H.R. 396. A bill to direct the Secretary of the Interior to acquire certain real property adjacent to the Andrew Johnson National Historic Site in Greenville, TN, for inclusion within the national cemetery located in that site; to the Committee on Interior and Insular Affairs.

H.R. 397. A bill to amend title 11 of the United States Code to provide that the actual and necessary expenses incurred by creditors' and equity security holders' committees in making a substantial contribution to a case under chapter 11 may be paid as administrative expenses; to the Committee on the Judiciary.

H.R. 398. A bill to provide reduced rates for nonprofit senior citizens organizations; to the Committee on Post Office and Civil Service.

H.R. 399. A bill to amend title 39 of the United States Code to provide for door delivery of mail to the physically handicapped, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 400. A bill to amend title 38, United State Code, to remove the time limitation for the use of chapter 34 educational assistance benefits; to the Committee on Veterans' Affairs.

H.R. 401. A bill to amend title 38, United States Code, to require that burials be permitted in national cemeteries on weekends and holidays; to the Committee on Veterans' Affairs.

H.R. 402. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month), in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

H.R. 403. A bill to amend title II of the Social Security Act to eliminate benefit disparities by increasing primary insurance amounts, in cases where the benefits involved are computed under the present formula (enacted in 1977), to the extent necessary to assure that such benefits are no less than they would have been if computed under the pre-1977 formula; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 404. A bill to amend the Federal Water Pollution Control Act to establish a no overall net loss policy for wetlands in the United States, to provide for differential levels of protection for wetlands based on their acreage, function, and value, to reform procedures for issuance of permits for discharge of dredged or fill material into navigable waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. QUILLEN:

H.R. 405. A bill to amend the Internal Revenue Code of 1986 to allow handicapped individuals a deduction for certain transportation expenses; to the Committee on Ways and Means.

H.R. 406. A bill to amend the Internal Revenue Code of 1986 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

H.R. 407. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for taxpayers who maintain households which include elderly persons who are determined by a physician to be disabled; to the Committee on Ways and Means.

H.R. 408. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 409. A bill to create a commission to grant exclusive franchises for the exploration for and the commercial development of geothermal energy and for the right to market any such energy in its natural state, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

H.R. 410. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of the services of licensed practical nurses under the Medicare and Medicaid Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 411. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of the services of registered professional nurses under the Medicare and Medicaid Programs; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 412. A bill to limit Medicare denials by peer review organizations of medically necessary inpatient hospital services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RANGEL:

H.R. 413. A bill to amend the Internal Revenue Code of 1986 to make the low-income housing credit permanent; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 414. A bill to amend section 501 of the Ethics in Government Act of 1978 with respect to the prohibition on honoraria; jointly, to the Committees on House Administration, Post Office and Civil Service, and the Judiciary.

H.R. 415. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive incentives for the provision of long-term care, and for other purposes; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. ROE:

H.R. 416. A bill to amend the Older Americans Act and the Public Health Service Act to provide expanded counseling assistance for the elderly, sick, and disabled; to the Committee on Education and Labor.

H.R. 417. A bill to direct the Secretary of Health and Human Services to provide Federal minimum standards for health insurance for the elderly, and to amend title XVIII of the Social Security Act for the purpose of directing the Secretary to study methods of further improving the regulation of health insurance for the elderly and to evaluate methods by which the Medicare Program could more fully meet the health insurance needs of the elderly; to the Committee on Energy and Commerce.

By Mr. ROTH:

H.R. 418. A bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes; to the Committee on Energy and Commerce.

H.R. 419. A bill to amend the Federal Election Campaign Act of 1971 to provide for campaign finance reform; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. SCHULZE (for himself and Mr. HENRY):

H.R. 420. A bill to establish a limitation on the bringing of product liability actions which is related to the useful life of the product involved; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 421. A bill to amend the Fair Credit Reporting Act to clarify and strengthen consumer protection provisions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 422. A bill to amend title 23, United States Code, to authorize the use of rights of way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system; to the Committee on Public Works and Transportation.

By Mr. SLATTERY:

H.R. 423. A bill to regulate interstate commerce with respect to parimutual wagering on greyhound racing, to maintain the stability of the greyhound racing industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SLAUGHTER of Virginia:

H.R. 424. A bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 425. A bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 426. A bill to amend title 38, United States Code, to revise the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans and to provide that increases in such rates in the future shall be made automatically whenever increases are made in rates of Social Security benefits; to the Committee on Veterans' Affairs.

By Mr. SWIFT:

H.R. 427. A bill to disclaim any interests of the United States in certain lands on San Juan Island, WA, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 428. A bill to amend title II of the Social Security Act to provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

By Mr. THOMAS of Wyoming:

H.R. 429. A bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, WY; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 430. A bill to establish the National Dividend plan by reforming the budget process, and by amending the Internal Revenue Code of 1986 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; jointly, to the Committees on Ways and Means and Rules.

By Mrs. VUCANOVICH (for herself, Mr. BILBRAY, Mr. DORNAN of California, Mr. LEWIS of California, Mr. SKEEN, Mr. KOLBE, Mr. STUMP, Mr. DEFAZIO, Mr. BLILEY, Mr. STEARNS, Mr. RHODES, Mr. BURTON of Indiana, Mr. LAGOMARSINO, Mr. MCCANDLESS, Mr. GALLO, Mr. HUTTO, Mr. GOSS, Mr. STALLINGS, Mr. THOMAS of Wyoming, Mr. MCDADE, Mr. STENHOLM, Mr. TOWNS, Mr. SAXTON, Mr. EMERSON, Mr. SUNDQUIST, Mr. HYDE, Mr. RAY, Mr. YOUNG of Alaska, Mr. KANJORSKI, Mr. COBLE, Mr. TALLON, Mr. BILIRAKIS, Mr. MCDERMOTT, Mr. SHAYS, Mr. COX of California, Mr. MILLER of Ohio, Mr. SCHIFF, Mr. ARCHER, and Mr. MCCOLLUM):

H.R. 431. A bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 432. A bill to allow an item veto in appropriation acts for fiscal years 1991, 1992, 1993, 1994, and 1995 by the President to reduce spending to levels necessary to achieve a balanced budget by fiscal year 1995, and to establish select committees on congressional budget and appropriation process reform in the House of Representatives and in the Senate; jointly, to the Committees on Government Operations the Judiciary, and Rules.

By Mr. WEISS:

H.R. 433. A bill to amend the Public Health Service Act to provide funds for the prevention and treatment of public health emergencies; to the Committee on Energy and Commerce.

H.R. 434. A bill to make an exception to the United States embargo on trade with Cuba for the export of medicines or medical supplies, instruments, or equipment; to the Committee on Foreign Affairs.

H.R. 435. A bill to require employees of the Office of Management and Budget and other Federal agencies to report oral communications relating to activities of that office, and for other purposes; to the Committee on Government Operations.

H.R. 436. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber ammunition; to the Committee on the Judiciary.

H.R. 437. A bill to amend title II of the Social Security Act to restore the pre-1981 provisions for determining the order of payment of lump-sum death benefits; to the Committee on Ways and Means.

H.R. 438. A bill to amend title II of the Social Security Act to restore from age 16 to age 18 the age of a child at which certain benefits under such title are terminated; to the Committee on Ways and Means.

H.R. 439. A bill to amend title II of the Social Security Act to restore child's insurance benefits for postsecondary school students; to the Committee on Ways and Means.

H.R. 440. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for advertising or other promotion expenses with respect to sales of tobacco products unless the taxpayer pays for a certain amount of advertising on the health effects of smoking; to the Committee on Ways and Means.

H.R. 441. A bill to facilitate the economic adjustment of communities, industries, and workers to reductions or realignments in defense or aerospace contracts, military facilities, and arms export, and for other purposes; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; Education and Labor, Government Operations; and Ways and Means.

H.R. 442. A bill to repeal the Balanced Budget and Emergency Deficit Control Act of 1985; jointly, to the Committees on Government Operations and Rules.

H.R. 443. A bill to amend title II of the Social Security Act to waive, for 5 years, the 24-month waiting period for medicare eligibility on the basis of a disability in the case of individuals with acquired immune deficiency syndrome (AIDS), and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BROOMFIELD:

H.R. 444. A bill to amend title 28, United States Code, with respect to the termination of the office of an independent counsel; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 445. A bill to establish a commission to consider the closing and relocation of the Lorton Correctional Complex; jointly, to the Committees on the District of Columbia and the Judiciary.

By Mrs. BOXER (for herself, Mr. Stark, Mr. Fascell, Mr. Ravenel, Mr. Hochbrueckner, Mr. Beilenson, Mrs. Schroeder, Mr. Murphy, Mr. Schumer, Mr. Moody, Ms. Pelosi, Mr. Atkins, and Mr. Sikorski):

H.R. 446. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEHMAN of California:

H.R. 447. A bill to require the clear and uniform disclosure by depository institutions of interest rates payable and fees assessable with respect to deposit accounts; to the Committee on Banking, Finance and Urban Affairs.

H.R. 448. A bill to authorize the construction of the Mid-Valley Unit of the Central Valley Project; to the Committee on Interior and Insular Affairs.

H.R. 449. A bill to authorize the Secretary of the Interior to enter into a contract for the delivery of water from the New Melones Unit of the Central Valley Project, California; to the Committee on Interior and Insular Affairs.

H.R. 450. A bill to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLOSKEY;

H.R. 451. A bill to amend the Black Lung Benefits Act to provide that when benefits are paid for at least 2 years after an initial determination of eligibility for such benefits the benefits will not be required to be repaid upon a final determination of ineligibility for benefits, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDERSON:

H.J. Res. 36. Joint resolution to designate April 1991 as "National Cancer Awareness Month"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY:

H.J. Res. 37. Joint resolution to designate the week beginning September 22, 1991, as "Religious Freedom Week"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS of Illinois:

H.J. Res. 38. Joint resolution designating October 1991 as "National Breast Cancer Awareness Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 39. Joint resolution to provide for the designation of September 1, 1991, as "Working Mothers' Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 40. Joint resolution to designate February 1991 as "National Black History Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 41. Joint resolution to designate February 1992 as "National Black History Month"; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution providing that no person may be elected to the House of Representatives more than three times, and providing that no person may be elected to the Senate more than once; to the Committee on the Judiciary.

By Mr. DARDEN:

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. and for greater accountability in the enactment of the tax legislation; to the Committee on the Judiciary.

H.J. Res. 46. Joint resolution proposing an amendment to the Constitution of the United States with respect to burning the flag of the United States; to the Committee on the Judiciary.

By Mr. IRELAND:

H.J. Res. 47. Joint resolution expressing the sense of the Congress that following the achievement of a balanced budget; any existing budget surplus should be applied to reducing the national debt; to the Committee on Government Operations.

By Mr. KENNEDY (for himself Mr. Abercrombie, Mr. AuCoin, Mr. DeFazio, Mr. Dellums, Mr. Donnelly, Mr. Early, Mr. Flake, Mr. Ford of Michigan, Mr. Gonzalez, Mr. Gordon, Mr. Hayes of Illinois, Mr. Lewis of Georgia, Mr. McHugh, Mr. Mavroules, Mr. Mfume, Mrs. Mink, Mr. Murphy, Mr. Nagle, Ms. Oakar, Mr. Oberstar, Mr. Owens of New York, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Rangel, Mr. Roybal, Mr. Sanders, Mr. Savage, Mr. Serrano, Mr. Stark, Mr. Stokes, Mr. Torres, Mr. Towns, Mr. Vento, Mr. Washington, Mr. Wheat, Mr. Dixon, and Mr. Evans):

H.J. Res. 48. Joint resolution concerning the crisis in the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. LENT:

H.J. Res. 49. Joint resolution designating April 7, 1991, as "Just Pray No Day"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. Torricelli, and Mr. Berman):

H.J. Res. 50. Joint resolution concerning Saudi windfall oil profits and allied burden sharing with regard to the Persian Gulf crisis; to the Committee on Foreign Affairs.

By Mr. McCOLLUM:

H.J. Res. 51. Joint resolution designating May 1991 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. POSHARD:

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

H.J. Res. 53. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. STUMP:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Representatives may serve; to the Committee on the Judiciary.

H.J. Res. 55. Joint resolution proposing an amendment to the Constitution of the United States allowing the President to veto any item of appropriation or any provision in any act or joint resolution containing an item of appropriation; to the Committee on the Judiciary.

By Mr. WEISS:

H.J. Res. 56. Joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS of Illinois:

H. Con. Res. 9. Concurrent resolution expressing the sense of the Congress that the Office of Personnel Management should provide certain vocational rehabilitation services in its administration of the civil service disability retirement program; to the Committee on Post Office and Civil Service.

H. Con. Res. 10. Concurrent resolution concerning appropriate notification of hospital closings; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CRANE:

H. Con. Res. 11. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

H. Con. Res. 12. Concurrent resolution expressing the sense of the Congress that the President or the Congress should abrogate the Panama Canal Treaties of 1977 and the Neutrality Treaty and the Congress should repeal the Panama Canal Act of 1979; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. GALLEGLY (for himself, Mr. Moorhead, Mr. Cox of California, Mr. Thomas of California, Mr. Rohrabacher, Mr. McCandless, Mr. Hunter, Mr. Herger, Mrs. Vucanovich, Mr. Hyde, Mr. Campbell of California, Mr. Baker, Mr. McCrery, Mr. Ballenger, Mr. Bunning, Mr. Ravenel, Mr. Lagomarsino, Mr. Bateman, Mr. Goss, Mr. Inhofe, Mr. Packard, Mr. Hefley, Mr. Holloway, Mr. Burton of Indiana, Mr. Lewis of California, Mr. Rhodes, Mr. Kyl, Mr. Bartlett, Mr. Grandy, Mr. Skeen, Mr. Gilman, Mr. Armey, Mr. Hansen, Mr. McMillan of North

Carolina, Mr. WEBER, Mr. DELAY, Mr. LIGHTFOOT, Mr. COMBEST, Mr. COBLE, Mr. DREIER of California, Mr. CLINGER, Mr. DORNAN of California, Mr. HASTERT, Mr. WELDON, Mr. BARTON of Texas, Mr. SMITH of Texas, Mr. MARTIN of New York, Mr. MYERS of Indiana, Mr. OXLEY, Mr. BOEHNER, Mr. SCHAEFER, Mr. HANCOCK, Mr. IRELAND, Mr. LOWERY of California, Mrs. BENTLEY, Mr. STUMP, Mr. HOPKINS, and Mr. FIELDS):

H. Con. Res. 13. Concurrent resolution to commend the President for his actions to date in responding to Iraq's invasion of Kuwait and its treat to the Persian Gulf region, and to express the support of the Congress for United National Security Council Resolution 678 (1990); to the Committee on Foreign Affairs.

By Mr. GUNDERSON:

H. Con. Res. 14. Concurrent resolution expressing the sense of the Congress regarding the awarding of contracts in units of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. MCGRATH:

H. Con. Res. 15. Concurrent resolution relating to the contribution by the Kingdom of Saudi Arabia to offset the economic impact of Operation Desert Shield; to the Committee on Foreign Affairs.

By Mr. OWENS of Utah (for himself, Mr. MARKEY, Mrs. SCHROEDER, Mr. GREEN of New York, Mr. MRAZEK, Mr. MOODY, Mr. CONTE, Mr. PANETTA, Mr. FEIGHAN, Mrs. MORELLA, Mrs. BOXER, Mr. UDALL, Mr. CONYERS, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. WEISS, Mr. BRYANT, Mr. LEHMAN of Florida, Mrs. UNSOELD, Mr. SABO, Mr. WYDEN, Mr. BROWN of California, Mr. PENNY, Mr. STARK, Mr. DOWNEY, Mr. EDWARDS of California, Mr. WILLIAMS, Mr. ATKINS, Mr. SCHEUER, and Ms. PELOSI):

H. Con. Res. 16. Concurrent resolution expressing the sense of the Congress that the President of the United States should fundamentally reassess the necessity of underground nuclear explosions, and instruct his representatives to the Limited Test Ban Treaty Amendment Conference in January, 1990 to support a comprehensive test ban amendment; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. SCHEUER:

H. Con. Res. 17. Concurrent resolution expressing the sense of the Congress that the President should continue to levy stringent economic sanctions against Iraq, rather than resort to military action, and that any decision to use offensive military action must be executed only with the full consent of the Congress; to the Committee on Foreign Affairs.

By Mr. WEISS:

H. Con. Res. 18. Concurrent resolution expressing the sense of the Congress of the desirability of promoting energy efficiency and conservation, setting energy efficiency and conservation goals for the United States, and calling an energy summit; to the Committee on Energy and Commerce.

By Mr. BARTON of Texas (for himself and Mr. GILMAN):

H. Res. 17. Resolution providing for mandatory drug testing of Members of the House of Representatives; to the Committee on House Administration.

By Mrs. BENTLEY:

H. Res. 18. Resolution expressing the sense of the House of Representatives that the reconstruction contracts to rebuild the infrastructure in Kuwait should be awarded proportionately to the contractors of those nations that shouldered the burden of defending the Emirate of Kuwait; to the Committee on Foreign Affairs.

By Mrs. BOXER (for herself, Mr. BRYANT, Mr. STARK, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. MILLER of California, and Mr. KOSTMAYER):

H. Res. 19. Resolution calling for the submission to the House of Representatives of certain information regarding Operation Desert Shield; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. HAMMERSCHMIDT:

H. Res. 20. Resolution to amend the Rules of the House of Representatives to require a rollcall vote on passage of any measure making appropriations or providing revenue; to the Committee on Rules.

H. Res. 21. Resolution to amend the Rules of the House of Representatives to require each standing committee of the House to review and study pertinent recommendations of the President's private sector survey on cost control, and for other purposes; to the Committee on Rules.

By Mr. HOUGHTON (for himself, and Mr. SHAYS):

H. Res. 22. Resolution amending the rules of the House of Representatives to prohibit consideration of certain long-term resolutions making continuing appropriations; to the Committee on Rules.

By Mr. SHAYS:

H. Res. 23. Resolution that the House of Representatives urges the President to instruct the Attorney General to appoint an independent counsel to investigate the involvement of Government officials in the savings and loan scandal; to the Committee on the Judiciary.

By Mr. WEISS:

H. Res. 24. Resolution expressing the sense of the House of Representatives that the Federal Government should encourage both electronic and print media to air or print more antismoking ads as a public service; to the Committee on Energy and Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER: Petition of the Senate, Third Olbiil Era Kelulau, Republic of Palau, relative to the enlistment of Palauan citizens in the Armed Forces of the U.S. in order to assist with Operation Desert Shield; to the Committee on Armed Services.

2. Also, petition of the Redondo Beach City School District, Redondo Beach, CA, relative to the Cable Communications Policy Act of 1984; to the Committee on Energy and Commerce.

3. Also, petition of First Congregational United Church of Christ, Ypsilanti, MI, relative to the Middle East crisis; to the Committee on Foreign Affairs.

4. Also, petition of the Legislature of Rockland County, New City, NY, relative to the election process in Haiti; to the Committee on Foreign Affairs.

5. Also, petition of the city of Clifton, NJ, relative to the use of triple trailers and super trailers on the Nation's highways; to the Committee on Public Works and Transportation.

6. Also, petition of the township committee of the township of Lakewood, relative to permanent medical care for Thomas J. Murphy and all combat wounded veterans; to the Committee on Veterans' Affairs.

7. Also, petition of the township of Brick, NJ, relative to Cpl. Thomas J. Murphy, USMC (ret.); to the Committee on Veterans' Affairs.

ENROLLED JOINT RESOLUTION SIGNED

[Omitted from the Congressional Record of October 28, 1990]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 687. Joint resolution making further continuing appropriations for the fiscal year 1991, and for other purposes.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

[Omitted from the Congressional Record of October 28, 1990]

The text of the communication from the chairman of the Committee on Public Works and Transportation, which was referred to the Committee on Appropriations, dated October 17, 1990, is as follows:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, October 17, 1990.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on August 1, 1990 and October 5, 1990. These resolutions authorize studies of potential water resources projects by the Army Corps of Engineers in accordance with the provisions of section 4 of the Act of March 4, 1913.

Sincerely,

GLENN M. ANDERSON,
Chairman.

RESOLUTION—SANTEE, COOPER AND CONGAREE RIVERS, CHARLESTON TO COLUMBIA, SC, DOCKET 2335

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report on the Santee River of North Carolina and South Carolina, published as House Document 96, Seventy-third Congress, First Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of navigation, flood control, hydropower, recreation, fish and wildlife conservation, and other related purposes.

Adopted: August 1, 1990.

Attest:

GLENN M. ANDERSON,
Chairman.

(Requested by Representative Robin Tallon.)

Resolution—Apple Creek, Green County, IL, Docket 2349

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Illinois River, Illinois, and its Tributaries, published as House Document 472, Eighty-seventh Congress, Second Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, with particular reference to improvements for water and related land resource needs and problems, including the construction of multi-purpose lakes, in or near the Apple Creek drainage area in the vicinity of Greene County, Illinois.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Richard Durbin.)

Resolution—Central and West Central Arkansas, Docket 2350

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the reports of the Chief of Engineers on the Arkansas River and Tributaries, published as House Document 308, Seventy-fourth Congress, First Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at this time, with a particular reference to agricultural water supply in central and west central Arkansas. This study shall assess the use of the Arkansas River, including storage and conveyance systems, in meeting water supply needs, and examine practices to minimize salinity problems.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Paul Hammerschmidt.)

Resolution—Jefferson County, MO, Docket 2351

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam and the Mouth of the Ohio River, published as House Document 669, Seventy-sixth Congress, Third Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are desirable at this time, with particular reference to providing a regional plan to address water supply and related water and environmental resource problems, needs, opportunities, and solutions, with special emphasis on Jefferson County, Missouri.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Richard Gephardt.)

Resolution—Burt and Washington Counties, NE, Docket 2352

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Missouri River and Tributaries, published as House Document 238, Seventy-third Congress, Second Session, House Document 475, Seventy-eighth Congress, Second Session, and other pertinent reports, to determine the advisability of modifying the recommendations contained therein for flood control, drainage, and other purposes within the Missouri River tributary basins of the Burt-Washington County Drainage District, Nebraska.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Peter Hoagland.)

Resolution—Freeport, IL, Docket 2353

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Rivers and Harbors is hereby requested to review the reports of the Chief of Engineers on Rock River, Illinois and Wisconsin, published as House Document 112, Eightieth Congress, First Session, and other pertinent reports, with a view to determine the advisability of modifications of the recommendations contained therein in the interest of flood control and related water resources purposes with particular emphasis on Freeport, Illinois.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Lynn Martin.)

Resolution—Pearl River Basin, MS, Docket 2354

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army and the Secretary of Agriculture shall make a joint investigation and survey of the Pearl River Basin watershed, Mississippi and furnish their recommendations for the installation of works of improvement needed for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Mike Parker.)

Resolution—Belmont and Jefferson Counties, OH, Docket 2355

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers of the Comprehensive Flood Control Plan for the Ohio and Lower Mississippi Rivers, published as Flood Control Committee Document 306, Seventy-fourth Congress, First Session, and other pertinent reports to determine whether modifications of the recommendations contained therein are advisable at this time in the interest of providing additional improvements for flood control and allied purposes along the Ohio River and its Tributaries with particular reference to existing problems in Belmont and Jefferson Counties, Ohio.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Douglas Applegate.)

Resolution—Marine Park, Brooklyn, NY, Docket 2356

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Atlantic Coast of New York from East Rockaway Inlet and Jamaica Bay, New York, published as House Document 215, Eighty-ninth Congress, First Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at this time, to determine the feasibility of improvements for beach erosion control, hurricane protection and environmental improvements in Jamaica Bay including environmentally sensitive areas along Plumb Beach, Brooklyn, New York.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Charles Schumer.)

Resolution—Raritan Bay and Sandy Hook Bay, NJ, Docket 2357

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on Raritan Bay and Sandy Hook Bay, New Jersey, published as House Document 464, Eighty-seventh Congress, Second Session, and other pertinent reports, to determine the advisability of modifications to the recommendations contained therein to provide erosion control and storm damage prevention for the Raritan Bay and Sandy Hook Bay.

Adopted: August 1, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative Frank Pallone.)

Resolution—South Branch Blacklick Creek, PA, Docket 2357

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, published as House Document 306, Seventy-fourth Congress, First Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, with particular reference to improvements within the Conemaugh River Basin for water and related land resource needs, including abatement of acid mine drainage in the South Blacklick Creek in the vicinity of Nanty Glo, Pennsylvania.

Adopted: October 5, 1990.

Attest:

Glenn M. Anderson,
Chairman.

(Requested by Representative John P. Murtha.)

RESOLUTION—SOUTH BRANCH BLACKLICK CREEK, PA, DOCKET 2358

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Ohio River and Tributaries, published as House Document 306, Seventy-fourth Congress, First Session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, with particular reference to improvements within the Conemaugh River Basin for water and related land resource needs, including abatement of acid mine drainage in the South Blacklick Creek in the vicinity of Nanty Glo, Pennsylvania.

Adopted: October 5, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative John P. Murtha.)

RESOLUTION—DARE COUNTY BEACHES, NC, HURRICANE AND STORM DAMAGE PREVENTION, DOCKET 2339

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army, in accordance with section 110 of the River and Harbor Act of 1962, is requested to make, under the direction of the Chief of Engineers, studies of the Dare County beaches, Dare County, North Carolina, in the interest of beach erosion control, hurricane protection, storm damage reduction needs, and related purposes.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative Walter Jones.)

RESOLUTION—JACKSON AND TRENTON, TN, DOCKET 2340

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report on the Mississippi River, published as House Document 308, Eighty-eighth Congress, Second Session and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable, with particular reference to the need for reservoirs and other improvements in the vicinity of Jackson and Trenton, Tennessee, in the interest of flood control, drainage, fish and wildlife mitigation and restoration, recreation, regional development, environmental conservation and allied purposes.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative John Tanner.)

RESOLUTION—CORPUS CHRISTI, TX, DOCKET 2341

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report on the Port Aransas-Corpus Christi Ship Channel, Texas (45-Foot Project) published as House Document 99, 90th Congress, Second Session, and other pertinent reports to determine the feasibility of modifying the Corpus Christi Ship Channel, with particular emphasis on the La Quinta Channel and on Harbor Island, in the interest of commercial navigation and related purposes.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative Solomon Ortiz.)

RESOLUTION—CHARLESTON HARBOR, SC, DOCKET 2342

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors is requested to review the report on Charleston Harbor, South Carolina, published as House Document 100-27, One Hundredth Congress, First Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at this time in the interest of navigation, with particular emphasis on deepening and widening.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative Arthur Ravenel.)

RESOLUTION—JEFFERSON AND ORLEANS PARISHES, LA, DOCKET 2343

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report on Lake Pontchartrain, Louisiana, published as House Document 231, Eighty-ninth Congress, First Session, and the report on the Mississippi River Delta at and below New Orleans, Louisiana, published as House Document 550, Eighty-seventh Congress, First Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time, with particular reference to improvements for flood control and related purposes in Orleans and Jefferson Parishes, Louisiana. Such study shall include consideration of improvements that evacuate flood waters from developed areas through federal and non-federal levees as well as methods to improve the water quality of flood waters entering Lake Pontchartrain, Lake Borgne, the Barataria Bay Estuaries and other water bodies from portions of the Parishes on both the east and west banks of the Mississippi River.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representatives Lindy (Mrs. Hale) Boggs, Billy Tauzin, Bob Livingston.)

RESOLUTION—PEA RIVER, ARITON, AL, DOCKET 2344

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Secretary of the Army and the Secretary of Agriculture shall make a joint investigation and survey of the Pea River watershed, Alabama and furnish their recommendations for the installation of works of improvement needed for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative William Dickinson.)

RESOLUTION—GUAYANILLA, GUAYANES AND LAS MAREAS HARBORS, PR, DOCKET 2345

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on Guayanes Harbor, Puerto Rico, published as House Document 243, Seventy-fifth Congress, First Session, and Ponce Harbor, Puerto Rico, published as House Document 532, Ninety-fourth Congress, Second Session, and other pertinent reports, with a view to determining whether the recommendations contained therein should be modified with respect to deep draft navigation needs at Guayanes, Las Mareas, and Guayanilla Harbors, Puerto Rico. Such recommendations shall be consistent with related studies conducted under section 204 of the Flood Control Act of 1970.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Resident Commissioner Jaime Fuster.)

RESOLUTION—ST. LOUIS, MO, DOCKET 2346

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam and the Mouth of the Ohio River, published as House Document 669, Seventy-sixth Congress, Third Session, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are desirable at this time, with particular reference to providing a plan to address the construction of port facilities and related water and environmental resource problems, needs, opportunities and solutions, near the mouth of the River des Peres in the vicinity of St. Louis County, Missouri.

Adopted: August 1, 1990.
Attest:
GLENN M. ANDERSON,
Chairman.

(Requested by Representative Richard Gephardt).

RESOLUTION—LOWER SAVANNAH RIVER, GA, DOCKET 2348

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors, is requested to review the report of the Chief of Engineers on the Savannah River, Georgia, published as House Document 657, Seventhy-eighth Congress, Second Session, and other pertinent reports, to determine the advisability of modifying the recommendations contained therein, with particular reference to determining if any modifications should be made to cutoffs or other structures constructed as part of the Savannah River Below Augusta Navigational Project. Alternatives for modifying existing structures or cutoffs shall be determined in consideration of recreation, navigation, loss of fish and wildlife resources, water quality and supply, wetlands, other current and foreseeable environmental problems, and loss of environmental amenities along the project.

Adopted: August 1, 1990.

Attest:

GLENN M. ANDERSON,
Chairman.

(Requested by Representative Lindsay Thomas.)

RESOLUTION—SABINE-NECHES WATERWAY, TX, DOCKET 2338

Resolved by the Committee on Public Works and Transportation of the United States House of Representatives, That the Board of Engineers for Rivers and Harbors is requested to review the report of the Chief of Engineers on the Sabine-Neches Waterway, published as House Document 553, 87th Congress, Second Session, and other pertinent reports to determine the feasibility of modifying the Channel to Orange in the interest of commercial navigation.

Adopted: August 1, 1990.

Attest:

GLENN M. ANDERSON,
Chairman.

(Requested by Representative Charles Wilson.)

RESOLUTION—NEW HANOVER COUNTY BEACH, NC, DOCKET 2337

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That the Secretary of the Army, in accordance with section 110 of the River and Harbor Act of 1962, is requested to make, under the direction of the Chief of Engineers, studies of the area south of Carolina Beach, between the southern limits of Kure Beach and the northern limits of Fort Fisher, New Hanover County, North Carolina, in the interest of beach erosion control, hurricane protection, storm damage reduction needs, and related purposes.

Adopted: August 1, 1990.

Attest:

GLENN M. ANDERSON,
Chairman.

(Requested by Representative Charlie Rose.)

RESOLUTION—WRIGHTSVILLE BEACH-NORTH PORTION, NC, DOCKET 2336

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That the Secretary of the Army, in accordance with section 110 of the River and Harbor Act of 1962, is requested to make, under the direction of the Chief of Engineers, studies of the northern portion of Wrightsville Beach, New Hanover County, North Carolina, in the interest of beach erosion control, hurricane protection, storm-damage reduction needs, and related purposes.

Adopted: August 1, 1990.

Attest:

GLENN M. ANDERSON,
Chairman.

(Requested by Representative Charlie Rose.)

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

[Omitted from the Congressional Record of October 28, 1990]

The text of the communication from the chairman of the Committee on Public Works and Transportation, which was referred to the Committee on Appropriations, dated October 24, 1990, is as follows:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 24, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the House Committee on Public Works and Transportation approved the following resolutions on October 3, 1990:

LEASE RESOLUTIONS

Environmental Protection Agency, Chapel Hill, North Carolina.

Department of Justice, Cleveland, Ohio.

Department of the Navy, Norfolk, Virginia.

Bureau of Mines, Department of the Interior, Washington, DC.

Office of Personnel Management, Washington, DC.

CONSTRUCTION/ACQUISITION RESOLUTION

Federal Building, Oakland, California (amendment).

The original and one copy of the authorizing resolution is enclosed.

Sincerely,

GLENN M. ANDERSON,
Chairman.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), appropriations are authorized for a lease for approximately 66,000 occupiable square feet of space for the Environmental Protection Agency, in Chapel Hill, North Carolina, at an estimated maximum cost of $5,280,000 for a period of 20 years, a prospectus for which is attached to, and included in, this resolution.

GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), appropriations are authorized for a lease for 70,000 occupiable square feet of space for the Department of Justice (U.S. Attorney) in Cleveland, Ohio, at an estimated maximum annual cost of $2,800,000 for a period of 10 years, a prospectus for which is attached to, and included in, this resolution.

GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), appropriations are authorized for a lease for approximately 278,978 occupiable square feet of space in the Norfolk, Virginia, area for Department of the Navy, at an estimated maximum annual cost of $4,742,626, for a period of 20 years, a prospectus for which is attached to, and included in, this resolution.

GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), appropriations are authorized for a lease for approximately 102,932 occupiable square feet of space for the Department of the Interior, Bureau of Mines in Washington, D.C., at an estimated maximum cost of $4,309,763 for a period of 20 years, a prospectus for which is attached to, and included in, this resolution.

GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), appropriations are authorized for a lease for approximately 69,790 occupiable square feet of space for the Office of Personnel Management in the Washington, D.C. metropolitan area, at an estimated maximum annual cost of $2,791,000 for a period of 10 years (including termination rights after the 5th year), a prospectus for which is attached to, and included in, this resolution.

GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

COMMITTEE RESOLUTION

Resolved by the Committee on Public Works and Transportation of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606), an additional $27,229,000 is authorized for the acquisition by lease-purchase of a Federal Building in Oakland, California.

GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

COMMITTEE RESOLUTION

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GLENN M. ANDERSON,
Chairman.

Dated: October 5, 1990.

APPOINTMENTS BY THE SPEAKER

Pursuant to the order of the House of October 27, 1990, the Speaker announced that on October 28, 1990, he requested the following Members to serve as congressional liaison on the Christopher Columbus Quincentenary Jubilee Commission to fill the existing vacancies thereon:

Mr. CAMPBELL, Colorado;
Ms. ROS-LEHTINEN, Florida; and
Ms. MOLINARI, New York.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

[Omitted from the Congressional Record of November 2, 1990]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 26, 1990:

H.J. Res. 669. Joint resolution to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the adoption of the Polish Constitution on May 3, 1991;

H.R. 5275. An act to amend the Congressional Award Act to temporarily extend the Congressional Award Board, and to otherwise revise such act;

H.R. 5482. An act to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of District of Columbia revenue bonds; and

H.J. Res. 682. Joint resolution waiving certain enrollment requirements with respect to any reconciliation bill, appropriation bill, or continuing resolution for the remainder of the 101st Congress.

On October 28, 1990:

H.J. Res. 687. Joint resolution making further continuing appropriations for the fiscal year 1991, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker.

On October 29, 1990:

H.R. 3791. An act for the relief of Beulah C. Shifflett;

H.R. 4090. An act to authorize the establishment of the Glorieta National Battlefield in the State of New Mexico, and for other purposes;

H.R. 4299. An act to authorize a study of the fishery resources of the Great Lakes, and for other purposes;

H.R. 5835. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for fiscal year 1991; and

H.R. 5872. An act to amend title I of the Employee Retirement Income Security Act of 1974 to require qualifying employer securities to include interest in publicly traded partnerships.

On October 30, 1990:

H.R. 3911. An act to amend title 5 of the United States Code to increase the allowance for services of attendants;

H.R. 5004. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Mills River in the State of North Carolina for potential addition to the wild and scenic rivers system;

H.R. 5433. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Conservation Commission of West Virginia, and for other purposes; and

H.R. 5933. An act to provide for the temporary extension of the certain laws relating to housing and community development.

On November 19, 1990:

H.R. 4567. An act to authorize an exchange of lands in South Dakota and Colorado.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker.

On November 1, 1990:

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to protect certain lands in the Tongass National Forest in perpetuity, to modify certain long-term timber contracts, to provide for protection of riparian habitat, and for other purposes;

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement;

H.R. 3310. An act to authorize appropriations for activities of the National Telecommunications and Information Administration for fiscal years 1990 and 1991;

H.R. 4808. An act to encourage solar, wind, waste, and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978;

H.R. 5113. An act to amend the Public Health Service Act to revise and extend the program for the prevention and control of injuries;

H.R. 5140. An act to amend the Elementary and Secondary Education Act of 1965 to improve secondary school programs for basic skills improvement and dropout prevention and reentry, and for other purposes;

H.R. 5158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Developmnent, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5313. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5667. An act to amend the Water Resources Development Act of 1974 to transfer jurisdiction of the Big South Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior, and for other purposes;

H.R. 5732. An act to promote and strengthen aviation security, and for other purposes; and

H.R. 5871. An act to amend the farm quota provisions of section 319 (g), (h) and (i) of the Agricultural Adjustment Act of 1938, and for other purposes.

On November 5, 1990:

H.R. 996. An act to promote excellence in American mathematics, science and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes;

H.R. 1463. An act to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System;

H.R. 2497. An act to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes;

H.R. 3045. An act to amend chapters 5 and 9 of title 17, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are equivalent to suit in Federal court by any person for infringement of copyright and infringement of exclusive rights in mask works, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private person or against other public entities;

H.R. 3134. An act for the relief of Mrs. Joan R. Daronco;

H.R. 4630. An act to authorize the Secretary of Agriculture to acquire and study certain lands in the State of New Mexico, and for other purposes;

H.R. 4653. An act to reauthorize the Export Administration Act of 1979, and for other purposes;

H.R. 4721. An act to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, Virginia, as the "J. Kenneth Robinson Postal Building";

H.R. 4739. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 4793. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

H.R. 5021. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5112. An act to amend the Public Health Service Act regarding certain programs for health care services in the home and certain programs relating to Alzheimer's disease, and for other purposes;

H.R. 5114. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5229. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5241. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5257. An act making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5311. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5399. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5409. An act to designate the Post Office building at 222 West Center Street, in Orem, Utah, as the "Arthur V. Watkins Post Office Building";

H.R. 5687. An act to amend title 31, United States Code, to improve the general and financial management of the Federal Government;

H.R. 5769. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5796. An act to conduct certain studies of New Mexico;

H.R. 5803. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes; and

H.J. Res. 673. Joint resolution to designate November 2, 1990, as a national day for prayer for members of American military forces and American citizens stationed or held hostage in the Middle East, and for other purposes.

On November 7, 1990:

H.R. 29. An act entitled the "Antitrust Amendments Act of 1990";

H.R. 1230. An act for the relief of Jocelyne Carayannis and Marie Carayannis;

H.R. 1602. An act to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes;

H.R. 2419. An act to authorize the Secretary of Agriculture to exchange certain property in the Chattahoachee National Forest for the construction of facilities in the National Forest;

H.R. 2840. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes;

H.R. 3000. An act to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fasterner quality and reduce the danger of fastener failure, and for other purposes;

H.R. 3069. An act to establish an employment training program for displaced homemakers, and for other purposes;

H.R. 3298. An act for the relief of Benjamin H. Fonorow;

H.R. 3338. An act to direct the Secretary of the Interior to convey all interest of the United States in a fish hatchery to the State of South Carolina, and for other purposes;

H.R. 3642. An act for the relief of Izzydor Shever;

H.R. 3656. An act to clarify the application of the functional relationship test to gas utility holding companies registered under the Public Utility Holding Company Act of 1935;

H.R. 3977. An act to protect and conserve the continent of Antarctica, and for other purposes;

H.R. 4009. An act to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes;

H.R. 4107. An act to authorize the Secretary of the Interior to permit certain uses of lands within the Colonial National Historical Park in the Commonwealth of Virginia;

H.R. 4323. An act to amend the Federal Water Pollution Control Act relating to water quality in the Great Lakes;

H.R. 4487. An act to amend the Public Health Service Act to revise and extend the program for the National Health Service Corps, and to establish certain programs of grants to the States for improving health services in the States;

H.R. 4559. An act to establish the Red Rock Canyon National Conservation Area;

H.R. 4888. An act to improve navigational safety and reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment, and for other purposes;

H.R. 5007. An act to designate the facility of the United States Postal Service located at 100 South John F. Kennedy Drive, Carpentersville, Illinois, as the "Robert McClory Post Office Building";

H.R. 5237. An act to provide for the protection of Native American graves, and for other purposes;

H.R. 5264. An act to authorize modification of the Alaska Maritime National Wildlife Refuge;

H.R. 5308. An act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes;

H.R. 5419. An act to designate the Federal Building at 88 West 100 North in Provo, Utah, as the "J. Will Robinson Federal Building";

H.R. 5497. An act to authorize the Secretary of the Interior to acquire certain lands to be added to the Fort Raleigh National Historic Site in North Carolina;

H.R. 5567. An act to authorize international narcotics control activities for fiscal year 1991, and for other purposes;

H.R. 5708. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes;

H.R. 5909. An act to establish the Florida Keys National Marine Sanctuary, and for other purposes;

H.J. Res. 562. Joint resolution designating October 21 through 27, 1990 as "National Humanities Week";

H.J. Res. 606. Joint resolution designating February 16, 1991, as "Lithuanian Independence Day";

H.J. Res. 652. Joint resolution to designate March 25, 1991, as "National Medal of Honor Day"; and

H.J. Res. 657. Joint resolution granting the consent of the Congress to amendments to the Delaware-New Jersey Compact, and for other purposes.

On November 9, 1990:

H.R. 2006. An act to expand the powers of Indian Arts and Crafts Board, and for other purposes;

H.R. 2061. An act to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993, and for other purposes;

H.R. 2570. An act to provide for the designation of certain public lands as wilderness in the State of Arizona;

H.R. 3095. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devises, and for other purposes;

H.R. 3703. An act to authorize the Rumsey Indian Rancheria to convey a certain parcel of land;

H.R. 3789. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes;

H.R. 4834. An act to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts;

H.R. 5316. An act to provide for the appointment of additional Federal circuit and district judges, and for other purposes;

H.R. 5390. An act to prevent and control infestations of the coastal inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes; and

H.R. 5428. An act to designate certain public lands in the State of Illinois as wilderness, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

On October 29, 1990:

S.J. Res. 375. Joint resolution to designate October 30, 1990, as "Refugee Day"; and

S.J. Res. 388. Joint resolution waiving certain enrollment requirements with respect to S. 2830, the Food, Agriculture, Conservation and Trade Act of 1990.

On October 30, 1990:

S. 2830. An act to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

On November 14, 1990:

S. 1939. An act to extend the authorization of appropriations for the Taft Institute;

S.J. Res. 329. Joint resolution to designate the week of November 3, 1990, to November 10, 1990, as "National Week to commemorate the Victims of the Famine in the Ukraine, 1932–1933", and to commemorate the Ukrainian famine of 1932–1933 and the policies of Russification to suppress Ukrainian identity; and

S.J. Res. 364. Joint resolution to designate the third week of February 1991 as "National Parents and Teachers Association Week."

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER pro tempore announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

On November 1, 1990:

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 677. An act to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provision;

S. 1805. An act to authorize the Secretary of the Interior to reinstate oil and lease LA 033164;

S. 2287. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other pruposes;

S. 3187. An act to address immediate problems affecting environmental cleanup activities;

S. 3237. An act to authorize the Secretary of the Treasury to sell certain silver proof coins sets;

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty consultative Parties, for the full protection of Antarctica as a global ecological commons;

S.J. Res. 318. Joint resolution providing for appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution;

S.J. Res. 302. Joint resolution providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution; and

S.J. Res. 369. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

On November 7, 1990:

S. 169. An act to require the establishment of a United States Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote discussions toward international protocols in global change research, and for other purposes;

S. 321. An act to revise provisions of law that provide a preference to Indians;

S. 459. An act to amend title 35, United States Code, with respect to the use of invention in outer space;

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes;

S. 620. An act for the relief of Leroy W. Shebal of North Pole, Alaska;

S. 639. An act to establish the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Program Act of 1990;

S. 1931. An act to amend title 11 of the United States Code with respect to the nondischargeability of debts arising from unlawful driving while intoxicated or impaired and arising from restitution imposed for committing crimes;

S. 2056. An act to establish a program of grants for the development of State plans for meeting the objectives established by the Secretary of Health and Human Services for the health status of the population of the United States for the year 2000;

S. 2566. An act to establish the Smith River National Recreation Area, to redesignate the Sunset Crater National Monument, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act with respect to certain programs for the National Institutes of Health;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes;

S. 2936. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes;

S. 2946. An act to amend the Public Health Service Act to revise and extend the program establishing the National Bone Marrow Donor Registry, and for other purposes;

S. 3069. An act to provide a method of locating private and Government research on environmental issues by geographic location;

S. 3084. An act to provide for the settlement of water rights claims of the Fallon Paiute Shoshone Indian Tribes and for other purposes;

S. 3156. An act to correct a clerical error in Public Law 101–383;

S. 3176. An act to promote environmental education, and for other purposes;

S. 3215. An act to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil; and

S.J. Res. 357. Joint resolution to designate October 1–31, 1991, as "Community Center Month".

On November 9, 1990:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies;

S. 319. An act to effect an exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes;

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes;

S. 566. An act to authorize a new HOME Investment Partnership program, a National Homeownership Trust program, and HOPE program, to amend and extend certain laws relating to housing, community and neighborhood preservation, and related programs, and for other purposes;

S. 845. An act to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes;

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes;

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes;

S. 1893. An act to reauthorize the Asbestos School Hazard Abatement Act of 1984;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes;

S. 2834. An act to authorize appropriations for fiscal year 1991 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S. 3012. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes; and

S. 3266. An act to control crime.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 30, 1990:

H.R. 5268. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 3840. An act to establish the Newberry National Volcanic Monument of the State of Oregon, and for other purposes;

H.R. 4638. An act to revise the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and the Orphan Drug Act, and for other purposes;

H.J. Res. 525. Joint resolution designating November 18 through 24, 1990, "National Family Caregivers Week";

H.J. Res. 649. Joint resolution approving the extension of nondiscriminatory treatment (most favored nation treatment) to the products of Czechoslovakia; and

H.J. Res. 667. Joint resolution to designate November 16, 1990, as "National Federation of the Blind Day."

On October 31, 1990:

H.R. 5872. An act to amend title I of the Employee Retirement Income Security Act of 1974 to require qualifying employer securities to include interest in publicly traded partnerships;

H.R. 4090. An act to authorize the establishment of the Glorieta National Battlefield in the State of New Mexico, and for other purposes;

H.R. 4299. An act to authorize a study of the fishery resources of the Great Lakes, and for other purposes;

H.R. 3791. An act for the relief of Beulah C. Shifflett;

H.R. 5004. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Mills River in the State of North Carolina for potential addition to the wild and scenic rivers system;

H.R. 5933. An act to provide for the temporary extension of the certain laws relation to housing and community development;

H.R. 3562. An act to amend the Federal Food, Drug, and Cosmetic Act to prescribe nutrition labeling for foods, and for other purposes;

H.R. 3911. An act to amend title 5 of the United States Code to increase the allowance for services of attendants;

H.R. 5433. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Conservation Commission of West Virginia, and for other purposes; and

H.R. 5835. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for fiscal year 1991.

On November 5, 1990:

H.R. 5311. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 4739. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 5114. Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5021. Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5241. Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5803. Making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5769. Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5399. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5158. Making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5229. Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5313. Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes, and

H.R. 5257. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1991, and for other purposes.

On November 6, 1990:

H.J. Res. 673. Joint resolution to designate November 2, 1990, as a national day of prayer for members of American military forces and American citizens stationed or held hostage in the Middle East, and for other purposes;

H.R. 5871. An act to amend the farm poundage quota provisions of section 319 (g), (h), and (i) of the Agricultural Adjustment Act of 1938, and for other purposes.

H.R. 5796. An act to conduct certain studies in the State of New Mexico;

H.R. 5732. An act to promote and strengthen aviation security, and for other purposes;

H.R. 5687. An act to amend title 31, United States Code, to improve the general and financial management of the Federal Government;

H.R. 5667. An act to amend the Water Resources Development Act of 1974 to transfer jurisdiction of the Big South Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior, and for other purposes;

H.R. 5507. An act regarding the Early Winter Resorts;

H.R. 5409. An act to designate the post office building at 222 West Center Street, in Orem, UT, as the "Arthur V. Watkins Post Office Building";

H.R. 5140. An act to amend the Elementary and Secondary Education Act of 1965 to improve secondary school programs for basic skills improvement and dropout prevention and reentry, and for other purposes;

H.R. 5113. An act to amend the Public Health Service Act to revise and extend the program for the prevention and control of injuries;

H.R. 5112. An act to amend the Public Health Service Act regarding certain programs for health care services in the home and certain programs relating to Alzheimer's disease, and for other purposes;

H.R. 4808. An act to encourage solar, wind, waste, and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978;

H.R. 4793. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

H.R. 4721. An act to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, VA, as the "J. Kenneth Robinson Postal Building";

H.R. 4630. An act to authorize the Secretary of Agriculture to acquire and study certain lands in the State of New Mexico, and for other purposes;

H.R. 4653. An act to reauthorize the Export Administration Act of 1979, and for other purposes;

H.R. 3310. An act to authorize appropriations for activities of the National Telecommunications and Information Administration for fiscal years 1990 and 1991;

H.R. 3134. An act for the relief of Mrs. Joan R. Daronco;

H.R. 3045. An act to amend chapters 5 and 9 of title 17, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of copyright and infringement of exclusive rights to mask works, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private person or against other public entities;

H.R. 2497. An act to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes;

H.R. 1463. An act to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System;

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement; and

H.R. 996. An act to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes.

On November 9, 1990:

H.R. 4009. An act to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes;

H.R. 4107. An act to authorize the Secretary of the Interior to permit certain uses of lands within the Colonial National Historical Park in the Commonwealth of Virginia;

H.R. 4323. An act to amend the Federal Water Pollution Control Act relating to water quality in the Great Lakes;

H.R. 4487. An act to amend the Public Health Service Act to revise and extend the program for the National Health Service Corps, and to establish certain programs of grants to the State for improving health services in the States;

H.R. 4559. An act to establish the Red Rock Canyon National Conservation Area;

H.R. 4888. An act to improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment, and for other purposes;

H.R. 5007. An act to designate the facility of the U.S. Postal Service located at 100 South John F. Kennedy Drive, Carpentersville, IL, as the "Robert McClory Post Office Building";

H.R. 5237. An act to provide for the protection of Native American graves, and for other purposes;

H.R. 5264. An act to authorize modification of the boundaries of the Alaska Maritime National Wildlife Refuge;

H.R. 5308. An act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes;

H.R. 5419. An act to designate the Federal building at 88 West 100 North in Provo, UT, as the "J. Will Robinson Federal Building";

H.R. 5497. An act to authorize the Secretary of the Interior to acquire certain lands to be added to the Fort Raleigh National Historic Site in North Carolina;

H.R. 5567. An act to authorize international narcotics control activities for fiscal year 1991, and for other purposes;

H.R. 5708. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes;

H.R. 5909. An act to establish the Florida Keys National Marine Sanctuary, and for other purposes;

H.J. Res. 562. Joint resolution designating October 21 through 27, 1990 as "National Humanities Week";

H.J. Res. 606. Joint resolution designating February 16, 1991, as "Lithuanian Independence Day";

H.J. Res. 652. Joint resolution to designate March 25, 1991, as "National Medal of Honor Day";

H.J. Res. 657. Joint resolution granting the consent of the Congress to amendments to the Delaware-New Jersey Compact, and for other purposes;

H.R. 29. An act entitled the "Antitrust Amendments Act of 1980";

H.R. 1230. An act for the relief of Jocelyne Carayannis and Marie Carayannis;

H.R. 1602. An act to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes;

H.R. 2419. An act to authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the National Forest;

H.R. 2840. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes;

H.R. 3000. An act to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes;

H.R. 3069. An act to establish an employment training program for displaced homemakers, and for other purposes;

H.R. 3298. An act for the relief of Benjamin H. Fonorow;

H.R. 3338. An act to direct the Secretary of the Interior to convey all interest of the United States in a fish hatchery to the State of South Carolina, and for other purposes;

H.R. 3642. An act for the relief of Izzydor Shever;

H.R. 3656. An act to clarify the application of the functional relationship test to gas utility holding companies registered under the Public Utility Holding Company Act of 1935; and

H.R. 3977. An act to protect and conserve the Continent of Antarctica, and for other purposes.

On November 20, 1990:

H.R. 2006. An act to expand the powers of the Indian Arts and Crafts Board, and for other purposes;

H.R. 2061. An act to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993, and for other purposes;

H.R. 2570. An act to provide for the designation of certain public lands as wilderness in the State of Arizona;

H.R. 3095. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes;

H.R. 3703. An act to authorize the Rumsey Indian Rancheria to convey a certain parcel of land;

H.R. 3789. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistants for the homeless, and for other purposes;

H.R. 4567. An act to authorize an exchange of lands in South Dakota and Colorado;

H.R. 4834. An act to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts;

H.R. 5316. An act to provide for the appointment of additional Federal circuit and district judges, and for other purposes;

H.R. 5390. An act to prevent and control infestations of the coastal inland waters of the United States by the Zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes;

H.R. 5428. An act to designate certain public lands in the State of Illinois as wilderness, and for other purposes; and

H.R. 987. An act to amend the Alaska National Interest Land Conservation Act, to protect certain lands in the Tongass National Forest in perpetuity, to modify certain long-term timber contracts, to provide for protection of riparian habitat, and for other purposes.

BILLS AND JOINT RESOLUTIONS APPROVED AFTER SINE DIE ADJOURNMENT

The President, subsequent to the sine die adjournment of the Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On October 27, 1990:

H.J. Res. 682. Joint resolution waiving certain enrollment requirements with respect to any reconciliation bill, appropriation bill, or continuing resolution for the remainder of the One Hundred First Congress.

On October 28, 1990:

H.J. Res. 687. Joint resolution making further continuing appropriations for the fiscal year 1991, and for other purposes.

On October 30, 1990:

H.R. 4174. An act to establish a comprehensive personnel system for employees of the Administration Office of the United States Courts, and for other purposes; and

H.R. 5579. An act to amend section 28(w) of the Mineral Leasing Act, and for other purposes.

On October 31, 1990:

H.J. Res. 519. Joint resolution designating August 29, 1990, as "National Sarcoidosis Awareness Day";

H.J. Res. 566. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 19, 1990, as "National Military Families Recognition Day";

H.J. Res. 587. Joint resolution committing to the priviate sector the responsibility for support of the Civic Achievement Award Program in Honor of the Office of the Speaker of the House of Representatives, and for other purposes;

H.R. 3888. An act to allow a certain parcel of land in Rockingham County, VA, to be used for a child care center;

H.R. 5209. An act to amend title 39, United States Code, to make nonmailable any unsolicited sample of a drug or other hazardous household substance which does not meet child-resistant packaging requirements, and for other purposes;

H.R. 5749. An act to amend the Act entitled "An Act to incorporate the American University", approved February 24, 1893, to clarify the relationship between the Board of Trustees of the American University and the General Board of Higher Education and Ministry of the United Methodist Church; and

H.R. 5933. An act to provide for the temporary extension of the certain laws relating to housing and community development.

On November 2, 1990:

H.R. 4111. An act to amend the Mining and Mineral Resources Research Institute Act of 1984, and for other purposes.

On November 3, 1990:

H.J. Res. 520. Joint resolution granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact;

H.R. 3386. An act to prohibit certain food transportation practices and to provide for regulation by the Secretary of Transportation that will safeguard food and certain other products from contamination during motor or rail transportation, and for other purposes;

H.R. 4151. An act to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, and the Community Services Block Grant Act; and for other purposes;

H.R. 4238. An act to amend the Public Health Service Act to extend various programs with respect to vaccine-preventable diseases;

H.R. 5367. An act to provide for the renegotiation of certain leases of the Seneca Nation, and for other purposes; and

H.R. 5794. An act to amend the Age Discrimination Claims Assistance Act of 1988 to extend the statute of limitations applicable to certain additional claims under the Age Discrimination in Employment Act of 1967.

On November 5, 1990:

H.R. 3840. An act to establish the Newberry National Volcanic Monument in the State of Oregon, and for other purposes.

H.R. 4739. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 5019. An act making appropriations for energy and water development for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5021. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5114. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5144. An act to provide for the study of certain historical and cultural resources located in the city of Vancouver, WA, and for other purposes;

H.R. 5158. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions corporations, and offices for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5229. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5241. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5257. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5268. An act making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5311. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5313. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5399. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5759. An act to amend the Age Discrimination in Employment Act of 1967 to clarify the application of such act to employee group health plans;

H.R. 5769. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes;

H.R. 5803. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes; and

H.R. 5835. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for fiscal year 1991.

On November 6, 1990:

H.J. Res. 525. Joint resolution designating November 18 through 24, 1990, "National Family Caregivers Week";

H.J. Res. 667. Joint resolution to designate November 16, 1990, as "National Federation of the Blind Day";

H.R. 2331. An act to amend title 39, United States Code, to designate as nonmailable matter solicitations for the purchase of goods or services, or solicitation for donations which could reasonably be construed as implying any Federal Government connection or endorsement, unless such matter contains an appropriate, conspicuous disclaimer, and for other purposes;

H.R. 5275. An act to amend the Congressional Award Act to temporarily extend the Congressional Award Board, and to otherwise revise such act;

H.R. 5482. An act to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of District of Columbia revenue bonds; and

H.R. 5702. An act to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and are from disadvantaged backgrounds, and for other purposes.

On November 7, 1990:

H.J. Res. 669. Joint resolution to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the adoption of the Polish Constitution on May 3, 1991; and

H.R. 3911. An act to amend title 5 of the United States Code to increase the allowance for services of attendants.

On November 8, 1990:

H.J. Res. 649. Joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Czechoslovakia;

H.R. 3562. An act to amend the Federal Food, Drug, and Cosmetic Act to prescribe nutrition labeling for foods, and for other purposes;

H.R. 3791. An act for the relief of Beulah C. Shifflett;

H.R. 4090. An act to authorize the establishment of the Glorieta National Battlefield in the State of New Mexico, and for other purposes;

H.R. 4299. An act to authorize a study of the fishery resources of the Great Lakes, and for other purposes;

H.R. 5004. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Mills River in the State of North Carolina for potential addition to the wild and scenic rivers system;

H.R. 5433. An act to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the Conservation Commission of West Virginia, and for other purposes; and

H.R. 5872. An act to amend title I of the Employee Retirement Income Security Act of 1974 to require qualifying employer securities to include interest in publicly traded partnerships.

On November 14, 1990:

H.J. Res. 673. Joint resolution to designate November 2, 1990, as a national day of prayer for members of American military forces and American citizens stationed or held hostage in the Middle East, and for their families;

H.R. 5007. An act to designate the facility of the U.S. Postal Service located at 100 South John F. Kennedy Drive, Carpentersville, IL, as the "Robert McClory Post Office Building"; and

H.R. 5409. An act to designate the post office building at 222 West Center Street, in Orem, UT, as the "Arthur V. Watkins Post Office Building."

On November 15, 1990:

H.J. Res. 562. Joint resolution designating October 21 through 27, 1990, as "National Humanities Week";

H.J. Res. 606. Joint resolution designating February 16, 1991, as "Lithuanian Independence Day";

H.J. Res. 652. An act to designate March 25, 1991, as "National Medal of Honor Day";

H.J. Res. 657. Joint resolution granting the consent of the Congress to amendments to the Delaware-New Jersey Compact, and for other purposes;

H.R. 1230. An act for the relief of Jocelyne Carayannis and Marie Carayannis;

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement;

H.R. 1463. An act to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System;

H.R. 2419. An act to authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the National Forest;

H.R. 2497. An act to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes, and for other purposes;

H.R. 3045. An act to amend chapters 5 and 9 of title 17, United States Code, to clarify that States, instrumentalities of States, and officers and employees of States acting in their official capacity, are subject to suit in Federal court by any person for infringement of copyright and infringement of exclusive rights in mask works, and that all the remedies can be obtained in such suit that can be obtained in a suit against a private person or against other public entities;

H.R. 3069. An act to establish an employment training program for displaced homemakers, and for other purposes;

H.R. 3310. An act to authorize appropriations for activities of the National Telecommunications and Information Administration for fiscal years 1990 and 1991;

H.R. 3642. An act for the relief of Izzydor Shever;

H.R. 3656. An act to clarify the application of the functional relationship test to gas utility holding companies registered under the Public Utility Holding Company Act of 1935;

H.R. 4107. An act to authorize the Secretary of the Interior to permit certain uses of lands within the Colonial National Historical Park in the Commonwealth of Virginia;

H.R. 4630. An act to authorize the Secretary of Agriculture to acquire and study certain lands in the State of New Mexico, and for other purposes;

H.R. 4793. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

H.R. 4808. An act to encourage solar, wind, waste, and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Policies Act of 1978;

H.R. 5112. An act to amend the Public Health Service Act regarding certain programs for health care services in the home and certain programs relating to Alzheimer's disease, and for other purposes;

H.R. 5113. An act to amend the Public Health Service Act to revise and extend the program for the prevention and control of injuries;

H.R. 5419. An act to designate the Federal building at 88 West 100 North in Provo, UT, as the "J. Will Robinson Federal Building";

H.R. 5507. An act regarding the Early Winters Resorts;

H.R. 5667. An act to amend the Water Resources Development Act of 1974 to transfer jurisdiction of the Big South Fork National River and Recreation Area from the Secretary of the Army to the Secretary of the Interior, and for other purposes;

H.R. 5687. An act to amend title 31, United States Code, to improve the general and financial management of the Federal Government;

H.R. 5708. An act to authorize acquisition of certain real property for the Library of Congress, and for other purposes;

H.R. 5796. An act to conduct certain studies in the State of New Mexico; and

H.R. 5871. An act to amend the farm poundage quota provisions of section 319 (g), (h), and (i) of the Agricultural Adjustment Act of 1938, and for other purposes.

On Novembver 16, 1990:

H.R. 29. An act entitled the "Antitrust Amendments Act of 1990";

H.R. 996. An act to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes;

H.R. 1602. An act to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes;

H.R. 2840. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes;

H.R. 3000. An act to require that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing, and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and for other purposes;

H.R. 3298. An act for the relief of Benjamin H. Fonorow;

H.R. 3338. An act to direct the Secretary of the Interior to convey all interest of the United States in a fish hatchery to the State of South Carolina, and for other purposes;

H.R. 3977. An act to protect and conserve the continent of Antarctica, and for other purposes;

H.R. 4009. An act to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes;

H.R. 4323. An act to amend the Federal Water Pollution Control Act relating to water quality in the Great Lakes;

H.R. 4487. An act to amend the Public Health Service Act to revise and extend the program for the National Health Service Corps, and to establish certain programs of grants to the States for improving health services in the States;

H.R. 4559. An act to establish the Red Rock Canyon National Conservation Area;

H.R. 4721. An act to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, VA, as the "J. Kenneth Robinson Postal Building";

H.R. 4888. An act to improve navigational safety and to reduce the hazards to navigation resulting from vessel collisions with pipelines in the marine environment, and for other purposes;

H.R. 5140. An act to amend the Elementary and Secondary Education Act of 1965 to improve secondary school programs for basic skills improvement and dropout prevention and reentry, and for other purposes;

H.R. 5237. An act to provide for the protection of native American graves, and for other purposes;

H.R. 5308. An act to approve the Fort Hall Indian Water Rights Settlement, and for other purposes;

H.R. 5497. An act to authorize the Secretary of the Interior to acquire certain lands to be added to the Fort Raleigh National Historic Site in North Carolina;

H.R. 5732. An act to promote and strengthen aviation security, and for other purposes; and

H.R. 5909. An act to establish the Florida Keys National Marine Sanctuary, and for other purposes.

On November 21, 1990:

H.R. 5264. An act to authorize modifications of the boundaries of the Alaska Maritime National Wildlife Refuge; and

H.R. 5567. An act to authorize international narcotics control activities for fiscal year 1991, and for other purposes.

On November 28, 1990:

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to protect certain lands in the Tongass National Forest in perpetuity, to modify certain long-term timber contracts, to provide for protection of riparian habitat, and for other purposes.

H.R. 2061. An act to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act through fiscal year 1993, and for other purposes;

H.R. 2570. An act to provide for the designation of certain public lands as wilderness in the State of Arizona;

H.R. 3095. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes;

H.R. 3703. An act to authorize the Rumsey Indian Rancheria to convey a certain parcel of land;

H.R. 4567. An act to authorize an exchange of lands in South Dakota and Colorado;

H.R. 4834. An act to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts; and

H.R. 5428. An act to designate certain public lands in the State of Illinois as wilderness, and for other purposes.

On November 29, 1990:

H.R. 2006. An act to expand the powers of the Indian Arts and Crafts Board, and for other purposes;

H.R. 3789. An act to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes; and

H.R. 5390. An act to prevent and control infestation of the costal inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes.

On December 1, 1990:

H.R. 5316. An act to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

COMMUNICATIONS FROM CLERK—MESSAGE FROM THE SENATE

The Clerk received a message from the Senate after the sine die adjournment announcing the approval of the President, on the following dates, of the bills and joint resolutions of the Senate of the following titles:

On October 24, 1990:

S. 2017. An act to provide a permanent endowment for the Eisenhower Exchange Fellowship Program;

S. 2540. An act to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes;

S. 3046. An act to redesignate the Federal building located at 1 Bowling Green in New York, New York, as the "Alexander Hamilton United States Custom House";

S. 3127. An act to designate the Department of Veterans Affairs Medical Center in Albany, NY, as the "Samuel S. Stratton Department of Veterans Affairs Medical Center";

S.J. Res. 342. Joint resolution designating October 1990, as "Ending Hunger Month";

S.J. Res. 346. Joint resolution to designate October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America"; and

S.J. Res. 349. Joint resolution designating October 1990 as "Italian-American Heritage and Culture Month."

On October 25, 1990:

S.J. Res. 158. Joint resolution designating October 21 through October 27, 1990, as "World Population Awareness Week."

On October 30, 1990:

S. 1824. An act to amend the Education of the Handicapped Act to revise and extend the programs established in parts C through G of such act, and for other purposes;

S. 2167. An act to reauthorize the Tribally Controlled Community College Assistance Act of 1978 and the Navajo Community College Act;

S. 3091. An act to amend the Act incorporating the American Legion so as to redefine eligibility for membership therein;

S.J. Res. 270. Joint resolution to designate the period commencing February 17, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week";

S.J. Res. 323. Joint resolution designating November 11 through 17, 1990, as "Geography Awareness Week";

S.J. Res. 347. Joint resolution designating April 17 through 23, 1991, as "National County Government Week";

S.J. Res. 351. Joint resolution to designate the month of May, 1991, as "National Trauma Awareness Month";

S.J. Res. 362. Joint resolution to designate the period commencing on November 18, 1990, and ending on November 24, 1990, as "National Adoption Week"; and

S.J. Res. 366. Joint resolution to designate March 30, 1991, as "National Doctors Day."

On October 31, 1990:

S. 1747. An act to provide for the restoration of Federal recognition to the Ponca Tribe of Nebraska, and for other purposes;

S. 2059. An act to establish the Weir Farm National Historic Site in the State of Connecticut;

S. 2203. An act to authorize appropriation of funds to the Zuni Indian Tribe for reservation land conservation, and for other purposes;

S. 2737. An act to require the Secretary of the Treasury to mint a silver dollar coin in commemoration of the thirty-eighth anniversary of the ending of the Korean War and in honor of those who served;

S. 2753. An act to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act;

S. 3032. An act to designate the planned Department of Veterans Affairs Medical Center in Honolulu, HA, as the "Spark M. Matsunaga Department of Veterans Affairs Medical Center";

S. 3216. An act to designate the Department of Veterans Affairs Medical Center in Charleston, South Carolina, as the "Ralph H. Johnson Department of Veterans Affairs Medical Center";

S.J. Res. 293. Joint resolution to designate November 16, 1990, as "National Philanthropy Day";

S.J. Res. 307. Joint resolution designating November 11 through November 17, 1990, as "National Women Veterans Recognition Week";

S.J. Res. 324. Joint resolution designating June 2 through 8, 1991, as a "Week for the National Observance of the 50th Anniversary of World War II";

S.J. Res. 353. Joint resolution to designate September of 1991 as "National Rice Month"; and

S.J. Res. 388. Joint resolution waiving certain enrollment requirements with respect to S. 2830, the Food, Agriculture, Conservation and Trade Act of 1990.

On November 2, 1990:

S. 2846. An act to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of establishing a unit of the National Park System to interpret and commemorate the origins, development, and progression of jazz in the United States, and for other purposes; and

S. 3016. An act for the relief of Janice and Leslie Sedore and Ruth Hillman.

On November 6, 1990:

S. 1890. An act to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes;

S. 3043. An act for the relief of Nebraska Aluminum Castings, Inc.; and

S. 3062. An act to transfer the responsibility for operation and maintenance of Highway 82 Bridge at Greenville, MS, to the States of Mississippi and Arkansas.

On November 7, 1990:

S. 2516. An act to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census, and for other purposes.

On November 8, 1990:

S. 580. An act to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions;

S. 1756. An act to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine; and

S.J. Res. 375. Joint resolution to designate October 30, 1990, as "Refugee Day."

On November 14, 1990:

S. 3156. An act to correct a clerical error in Public Law 101-383.

On November 15, 1990:

S. 459. An act to amend title 35, United States Code, with respect to the use of inventions in outer space;

S. 620. An act for the relief of Leroy W. Shebal of North Pole, AK;

S. 639. An act to establish the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Program Act of 1990;

S. 1630. An act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes;

S. 1805. An act to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164;

S. 1931. An act to amend title 11 of the United States Code with respect to the nondischargeability of debts arising from unlawful driving while intoxicated or impaired and arising from restitution imposed for committing crimes;

S. 2056. An act to establish a program of grants for the development of State plans for meeting the objectives established by the Secretary of Health and Human Services for the health status of the population of the United States for the year 2000;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa, and for other purposes;

S. 3187. An act to address immediate problems affecting environmental cleanup activities;

S. 3215. An act to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil;

S. 3237. An act to authorize the Secretary of the Treasury to sell certain silver proof coin sets;

S.J. Res. 302. Joint resolution providing for reappointment of Anne Legendre Armstrong as a citizen regent of the Smithsonian Institution;

S.J. Res. 318. Joint resolution providing for appointment of Ira Michael Heyman as a citizen regent of the Smithsonian Institution;

S.J. Res. 357. Joint resolution to designate October 1–31, 1991, as "Community Center Month"; and

S.J. Res. 369. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

On November 16, 1990:

S. 169. An act to require the establishment of a United States Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activities and natural processes on the environment, to promote discussions toward international protocols in global change research, and for other purposes;

S. 555. An act to establish in the Department of the Interior the De Soto Expedition Trail Commission, and for other purposes;

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 677. An act to amend the Arctic Research and Policy Act of 1984 to improve and clarify its provisions;

S. 1430. An act to enhance national and community service, and for other purposes;

S. 2287. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes;

S. 2566. An act to establish the Smith River National Recreation Area, to redesignate the Sunset Crater National Monument, and for other purposes;

S. 2789. An act to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes;

S. 2857. An act to amend the Public Health Service Act with respect to certain programs for the National Institutes of Health;

S. 2936. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes;

S. 2946. An act to amend the Public Health Service Act to revise and extend the program establishing the National Bone Marrow Donor Registry, and for other purposes;

S. 3069. An act to provide a method of locating private and Government research on environmental issues by geographic location;

S. 3084. An act to provide for the settlement of water rights claims of the Fallon Paiute Shoshone Indian Tribes and for other purposes;

S. 3176. An act to promote environmental education, and for other purposes; and

S.J. Res. 206. Joint resolution calling for the United States to encourage immediate negotiations toward a new agreement among Antarctic Treaty Consultative Parties, for the full protection of Antarctica as a global ecological commons.

On November 28, 1990:

S. 319. An act to effect an exchange of lands between the United States Forest Service and the Salt Lake City Corporation within the State of Utah, and for other purposes;

S. 566. An act to authorize a new HOME Investment Partnerships program, a National Homeownership Trust program, and HOPE programs, to amend and extend certain laws relating to housing, community and neighborhood preservation, and related programs, and for other purposes;

S. 845. An act to amend the Federal Food, Drug, and Cosmetic Act to revitalize the Food and Drug Administration, and for other purposes;

S. 1859. An act to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes;

S. 1893. An act to reauthorize the Asbestos School Hazard Abatement Act of 1984;

S. 1939. An act to extend the authorization of appropriations for the Taft Institute;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes;

S. 2830. An act to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes;

S. 3012. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes;

S.J. Res. 329. Joint resolution to designate the week of November 3, 1990, to November 10, 1990, as "National Week to Commemorate the Victims of the Famine in the Ukraine, 1932–1933", and to commemorate the Ukrainian famine of 1932–1933 and the policies of Russification to suppress Ukrainian identify; and

S.J. Res. 364. Joint resolution to designate the third week of February 1991 as "National Parents and Teachers Association Week."

On November 29, 1990:

S. 303. An act to establish a framework for the conduct of negotiated rulemaking by Federal agencies;

S. 358. An act to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes; and

S. 3266. An act to control crime.

BILLS DISAPPROVED AFTER SINE DIE ADJOURNMENT

The President announced his disapproval of the following bills with memorandums of disapproval as follows:

H.R. 4638—MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 4638, the "Orphan Drug Amendments of 1990." This legislation would make substantive changes to the orphan drug provisions of the Federal Food, Drug, and Cosmetic Act and the Orphan Drug Act.

Enacted in 1983, the Orphan Drug Act created economic incentives for drug companies to develop drugs for rare diseases and conditions—so-called "orphan drugs." Typically, these drugs would not be profitable to develop because of their small patient populations.

By any measure, the Orphan Drug Act has been a tremendous success. A total of 49 new drugs for rare diseases have been approved under this program, and 370 others are in the development stage. These drugs have provided lifesaving treatments for such terrible disease as enzyme deficiency, which affects adversely the immune system of about 40 children nationwide. Until the orphan drug was developed to treat these children, they had to spend their entire lives in the protection of an isolation bubble. One of the first orphan drugs is another example of a triumph. The most difficult form of leprosy affects only 4,000 people. A drug known for over 14 years to be effective in treating this condition was not being marketed by any drug company, because it was considered unprofitable—until the Orphan Drug Act provided the marketing incentive. In a similar manner, orphan drugs provide treatment for terrible diseases for which there is usually no alternative therapy.

I have serious concerns about the effect the H.R. 4638 would have upon the incentive of drug companies to develop orphan drugs. I believe we must not endanger the success of this program, which is due to large measure to the existence of the "market exclusivity" provision in the Orphan Drug Act that allows companies to have exclusive marketing rights to an orphan drug for 7 years. Weakening the current 7-year exclusivity provision would certainly discourage development of desperately needed new orphan drugs.

Under current law, firms may apply to develop the same orphan drug, but only the first firm to have its drug approved receives market exclusivity. The certainty of this 7-year period is the basis of the economic incentive to attract drug firms to invest in orphan drugs.

The bill would make two major changes to the market exclusivity provisions of the Orphan Drug Act. First, the bill provides for "shared exclusivity." Firms that can demonstrate that they have developed the orphan drug simultaneously would be allowed to share the market with the firm initially awarded the market exclusivity. Second, the bill requires the Food and Drug Administration to withdraw the marketing exclusivity as soon as the patient population exceeds a 200,000 patient limit. Both of these changes have the effect of weakening the marketing incentives provided by the Act. Under the bill, the length of the market exclusivity period will depend on how quickly the patient population grows and whether other firms file claims for simultaneous development.

In addition, as currently constructed, the 200,000 patient population limit would be applied to orphan drugs approved prior to the enactment of the bill as well as to those approved in the future. This retroactive rule change would send a troublesome signal to all those who might wish to develop orphan drugs that the Federal Government may change unilaterally the rules for firms that made investment decisions based on the expectation of 7 years of market exclusivity.

I am aware that this bill was passed after a number of compromises among Members of Congress. I am extremely concerned, however, that individuals with rare diseases may suffer because of changes that this bill would make in the incentives to develop new drug treatment. Accordingly, I am withholding my approval of H.R. 4638.

GEORGE BUSH.

THE WHITE HOUSE, *November 8, 1990.*

H.R. 4653—MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 4653, the "Omnibus Export Amendments Act of 1990." Although this legislation contains constructive provisions, it would severely constrain Presidential authority in carrying out foreign policy.

I agree with the principal goals of this bill, which include improved export controls for, and sanctions against the use of, chemical and biological weapons; sanctions on Iraq; missile technology sanctions; and reauthorization of the Export Administration Act. Indeed, I have recently signed into law provisions on missile technology sanctions and sanctions against Iraq comparable to those contained in this bill. H.R. 4653, however, contains elements that I believe would undermine these objectives and our ability to act quickly, decisively, and multilaterally at a time when we must be able to do so. These provisions unduly interfere with the President's constitutional responsibilities for carrying out foreign policy. Rather than signing the bill, I am directing action under existing authorities to accomplish the bill's principal goals.

I am pleased that the Congress endorses my goal of stemming the dangerous proliferation of chemical and biological weapons. The Administration has worked closely with the Congress to design appropriate and effective legislation to improve our ability to impose sanctions on the nations that use such weapons and any companies that contribute to their spread. Indeed, the Administration supported the House version of the sanctions provision. Throughout discussions with the Congress, my Administration insisted that any such legislation should not harm cooperation with our partners and should respect the President's constitutional responsibilities. Unfortunately, as reported from conference, H.R. 4653 does not safeguard those responsibilities, nor does it meet our broader foreign policy goals.

The major flaw in H.R. 4653 is not the requirement of sanctions, but the rigid way in which they are imposed. The mandatory imposition of unilateral sanctions as provided in this bill would harm U.S. economic interests and provoke friendly countries who are essential to our efforts to resist Iraqi aggression. If there is one lesson we have all learned in Operation Desert Shield, it is that multilateral support enhances the effectiveness of sanctions.

Because of my deep concern about the serious threat posed by chemical and biological weapons, I have signed an Executive order directing the imposition of the sanctions contained in this bill and implementing new chemical and biological weapon export controls. This Executive order goes beyond H.R. 4653 in some respects. It sets forth a clear set of stringent sanctions, while encouraging negotiations with our friends and allies. It imposes an economic penalty on companies that contribute to the spread of these weapons and on countries that actually use such weapons or are making preparations to do so. At the same time, it allows the President necessary flexibility in implementing these sanctions and penalties. Furthermore, the Executive order reaffirms my determination to achieve early conclusion of a verifiable global convention to prevent the production and use of chemical weapons.

The Executive order also directs the establishment of enhanced proliferation controls, carefully targeted on exports, projects, and countries of concern. On this issue, as with other important export control matters, my goal is to pursue effective, multilateral export controls that send the clear message that the United States will not tolerate violations of international law.

I am also concerned that other features of H.R. 4653 would hamper our efforts to improve the effectiveness of export controls. In the rapidly changing situation in Eastern Europe, and in bilateral relationships with the Soviet Union, we have demonstrated the ability to adjust, in cooperation with our allies, export controls on high technology to reflect the new strategic relationships. Last May I asked our allies to liberalize dramatically our multilateral export controls. Negotiations designed to liberalize trade to encourage democratic institutions and open market economies will continue. Our multilateral export controls have contributed significantly to the positive changes brought about in West-East relations. The micromanagement of export controls mandated by H.R. 4653 can only damage these ongoing efforts.

In other areas, H.R. 4653 would be harmful to closely linked U.S. economic and foreign policy interests. For example, under section 128 of the bill there would be extraterritorial application of U.S. law that could force foreign subsidiaries of U.S. firms to choose between violating U.S. or host country laws.

Other sections of H.R. 4653 contain useful provisions that will be implemented as soon as possible. However, additional legal authority is not required to make our export control system reflect the economic and national security realities of today's world. In response to recent world events, I am directing Executive departments and agencies to implement the following changes:

—By June 1, 1991, the United States will eliminate all dual-use export licenses under section 5 of the Export Administration Act to members of the export control group known as CoCom, consistent with multilateral arrangements. In addition, all re-export licenses under section 5 to and from CoCom will be eliminated, consisent with multilateral arrangements.

—By June 1, 1991, the United States will remove from the U.S. munitions list all items contained on the CoCom dual-use list unless significant U.S. national security interests would be jeopardized.

—By January 1, 1991, U.S. review of export licenses subject to CoCom Favorable Consideration and National Discretion procedures will be reduced to 30 and 15 days, respectively.

—By January 1, 1991, new interagency procedures will be instituted to make dual-use export license decisions more predictable and timely.

—By January 1, 1991, the Secretary of State will initiate negotiations to ensure that supercomputer export controls are multilateral in nature and not undermined by the policies of other supplier countries.

—By June 1, 1991, in consultation with industry, we will devise and publish a method to index supercomputer license conditions to reflect rapid advances in the industry and changes in strategic concerns.

—By January 1, 1991, we will significantly increase the threshold for Distribution Licenses to free world destinations and ensure that at least annually these thresholds are adjusted to reflect changes in technology and are consistent with international relationships, including changing requirements to stem the proliferation of missile technology and nuclear, chemical and biological weapons.

In summary, H.R. 4653 contains serious and unacceptable flaws that would hamper our efforts to prevent the proliferation of weapons of mass destruction and to ease restrictions on the legitimate sale of dual-use goods to acceptable users. Rather than sign this bill, I have chosen to take a series of steps under existing authorities to ensure that mutually shared objectives are met in a timely and effective manner. I will work with the Congress, upon its return, to enact an appropriate extension of the Export Administration Act.

GEORGE BUSH.

THE WHITE HOUSE, *November 16, 1990.*

H.R. 3134—MEMORANDUM OF DISAPPROVAL

In the closing days of the 101st Congress, two bills were passed providing for somewhat different benefits for the surviving spouses of assassinated Federal judges. These survivors have suffered profound and tragic losses, and they have our deepest sympathies. I am pleased that the Congress has passed legislation allowing these individuals to receive additional benefits.

One bill—H.R. 5316, the "Judicial Improvements Act of 1990"—has not yet been presented to me for approval. Upon its presentation to me, I plan to approve H.R. 5316, which contains provisions that would increase the benefits, subject to certain limits, for surviving spouses of all assassinated Federal judges on an equitable basis.

My approval of H.R. 5316 makes the approval of another bill—H.R. 3134—unnecessary. Therefore, I am withholding my approval of H.R. 3134, a bill which would have provided somewhat different benefits for Mrs. Joan R. Daronco. This action, in conjunction with my planned approval of H.R. 5316, will ensure that Mrs. Daronco and all such surviving spouses receive their benefits in an equitable manner.

GEORGE BUSH.

THE WHITE HOUSE, *November 16, 1990.*

S. 321—MEMORANDUM OF DISAPPROVAL

I am withholding my approval of S. 321, the "Indian Preference Act of 1990." S. 321 would establish, among other things, a program to provide preferences to qualifying Indian enterprises in the award of Federal grants or contracts using funds appropriated for the benefit of Indians. The bill would impose new, expensive, and often duplicative program responsibilities on the Secretary of the Interior that would be difficult to implement. It would also likely result in Federal agencies assuming new, unfunded liabilities related to Indian preference enterprises.

My Administration strongly supports the goals of S. 321 and is committed to helping alleviate the widespread unemployment and underemployment on Indian reservations. Moreover, the Administration supports efforts to prevent companies from misusing Federal Indian preference programs. Accordingly, amendments are needed to the "Buy Indian Act" to increase Indian economic self-sufficiency and employment opportunities and to prevent utilization of preference provisions by non-qualifying companies. However, S. 321 is seriously flawed and would create more problems than it would solve.

I am withholding my approval of S. 321 to allow further review of the issues in the 102nd Congress. Many of the issues raised by S. 321 are complex and deserve a full airing in both Houses of Congress. The House passed S. 321 in the final days of the 101st Congress without sufficient consideration of these complex issues.

In the interim, I am directing the Secretary of the Interior to take the necessary steps to address the contracting problems identified in the November 1989 report of the Special Committee on Investigations of the Senate Select Committee on Indian Affairs.

In particular, I am directing the Secretary to issue guidelines that set forth specific procedures to govern Bureau of Indian Affairs field contracting officers in conducting pre-award reviews of grants and contracts. I am also directing the Secretary to develop and submit proposed regulations to implement the "Buy Indian Act" for Executive review within 90 days.

GEORGE BUSH.

THE WHITE HOUSE, *November 16, 1990.*

S. 2834—MEMORANDUM OF DISAPPROVAL

I have withheld my signature from S. 2834, the proposed "Intelligence Authorization Act, Fiscal Year 1991," thereby preventing it from becoming law. I am compelled to take this action due to the bill's treatment of one highly sensitive and important issue that directly affects the Nation's security, although there also are several objectionable elements of the bill that trouble me.

I cannot accept the broad language that was added in Conference to the definition of covert action. Section 602 of the bill defines "covert action" to include any "request" by the United States to a foreign government or a private citizen to conduct a covert action on behalf of the United States. This provision purports to regulate diplomacy by the President and other members of the executive branch by forbidding the expression of certain views to foreign governments and private citizens absent compliance with specified procedures; this could require, in most instances, prior reporting to the Congress of the intent to express those views.

I am particularly concerned that the vagueness of this provision could seriously impair the effective conduct of our Nation's foreign relations. It is unclear exactly what sort of discussions with foreign governments would constitute reportable "requests" under this provision, and the very possibility of a broad construction of this term could have a chilling effect on the ability of our diplomats to conduct highly sensitive discussions concerning projects that are vital to our national security. Furthermore, the mere existence of this provision could deter foreign governments from discussing certain topics with the United States at all. Such a provision could result in frequent and divisive disputes on whether an activity is covered by the definition and whether individuals in the executive branch have complied with a statutory requirement.

My objections to this provision should not be misinterpreted to mean that executive branch officials can somehow conduct activities otherwise prohibited by law or Executive order. Quite the contrary. It remains Administration policy that our intelligence services will not ask third parties to carry out activities that they are themselves forbidden to undertake under Executive Order No. 12333 on U.S. intelligence activities. I have also directed that the notice to the Congress of covert actions indicate whether a foreign government will participate significantly.

Beyond this issue, I am also concerned by the treatment in the Joint Explanatory Statement accompanying the Conference Report of notification to the Congress of covert actions. I reached an accommodation with the Intelligence Committees on the issues of notifying the Congress of covert actions "in a timely fashion," as required by current law, and have provided letters to the Intelligence Committees outlining how I intend to provide such notice. I was consequently dismayed by the fact that language was inserted in the Joint Explanatory Statement accompanying the Conference Report that could be construed to undercut the agreement reached with the Committees. This language asserts that prior notice may be withheld only in "exigent circumstances" and that notice "in a timely fashion" should now be interpreted to mean "within a few days" without exception. Such as interpretation would unconstitutionally infringe on the authority of the President and impair any Administration's effective implementation of covert action programs. I deeply regret this action.

Additionally, I am concerned that there are several legislatively directed policy determinations restricting programs of vital importance to the United States that I do not believe are helpful to U.S. foreign policy. This bill, like its predecessor last year, also contains language that purports to condition specified actions on the President's obtaining the prior approval of committees of the Congress. This language is clearly unconstitutional under the Presentment clause of the Constitution and the Supreme Court's decision in *INS* v. *Chadha*, 462 U.S. 919 (1983). I again urge the Congress to cease including such unconstitutional provisions in bills presented to me for signature.

This Administration has had a good relationship with the Intelligence Committees. I am willing to work with the Congress to address the primary issue that has prompted my veto as well as other difficulties with the bill. I will also continue to work with the Congress to ensure there is no change in our shared understanding of what constitutes a covert action, particularly with respect to the historic missions of the armed forces. I am confident that these issues can be resolved quickly in the next Congress through mutual trust and a good-faith effort on the part of the Administration and the Congress.

GEORGE BUSH.

THE WHITE HOUSE, *November 30, 1990.*

MESSAGES AND COMMUNICATIONS RECEIVED FOLLOWING THE SINE DIE ADJOURNMENT OF THE 101ST CONGRESS AND FOLLOWING THE PUBLICATION OF THE FINAL ADDITION OF THE CONGRESSIONAL RECORD OF THE 101ST CONGRESS

COMMUNICATION FROM THE CLERK OF THE HOUSE

The text of the communication from the Clerk of the House of Representatives dated November 2, 1990, is as follows:

WASHINGTON, DC,
November 2, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate:

1. Received at 1:17 a.m. on Sunday, October 28, 1990: That the Senate passed without amendment, H.J. Res. 687;

2. Received at 12:59 p.m. on Monday, October 29, 1990: That the Senate agreed to the Conference Report on H.R. 5114, agreed on the Conference Report and the amendments in disagreement on H.R. 5313, agreed to the Conference Report on H.R. 5769, and agreed to the Conference Report on H.R. 5399;

3. Received at 3:50 p.m. on Tuesday, October 30, 1990: That the Senate agreed to the House amendment to the Senate amendment to H.R. 2570, agreed to the House amendment to the Senate amendment to H.R. 4559 and agreed to the House amendments to the Senate amendment to H.R. 2006; and the Senate passed without amendment H.R. 5905, H.R. 5264, H.R. 5007, H.R. 2419, H.R. 5419, H.R. 3298, H.R. 1230, H.R. 4107, H.R. 5497, H.R. 5708, H.R. 4834, H.R. 3642, H.R. 4888, H.R. 5308, H.J. Res. 562, H.J. Res. 673, H.J. Res. 606, H.J. Res. 652, H. Con. Res. 393, and H. Con. Res. 392;

4. Received at 1:00 p.m. on Friday, November 2, 1990: That the Senate passed S. 3222, S. Con. Res. 159, and passed without amendment H.R. 5428 and that the Senate passed with amendment H.R. 4983, H.R. 4687, H.R. 3618, H.R. 2566, H.R. 5063, and H.R. 1017; and agreed to the House amendment to S. 2362 with an amendment.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The text of the communication from the Clerk of the House of Representatives dated November 8, 1990, is as follows:

WASHINGTON, DC,
November 8, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, November 7, 1990 at 10:00 a.m.: That the Senate agreed to House amendments to S.J. Res. 357, S. 169, S. 555, S. 1931, S. 2056, S. 2566, S. 2857, S. 2930; agreed to House amendment to S. 555, S. 2936, S. 1859, S. 319, and agreed to the Conference Report to S. 2834 and S. 1939, and made appointments to North Atlantic Assembly and Federal Council on Aging.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE HONORABLE ROBERT C. SMITH, MEMBER OF CONGRESS

The text of the communication from the Honorable Robert C. Smith, Member of Congress, dated December 5, 1990, is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, H-204, The Capitol, Washington, DC.

DEAR SPEAKER FOLEY: I am writing to announce my resignation from the House effective 12:00 noon, December 7, 1990. A copy of my letter of resignation to Governor Gregg is enclosed.

As you may know, Governor Gregg had decided to appoint me to fill the United States Senate seat recently vacated by Senator Gordon Humphrey. On Wednesday, December 5th, Senator Humphrey was sworn into the New Hampshire State Senate. His resignation from the United States Senate was necessitated by the provisions in the New Hampshire State Constitution that prohibits one individual from simultaneously holding both the offices of State Senator and United States Senator.

It has been both an honor and privilege to serve with you and our fellow House colleagues for the past six years. While I look forward to serving in the Senate, I will always cherish my years in the House.

With warmest regards, I am,
Sincerely yours,
ROBERT C. SMITH.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 1990.

Hon. JUDD GREGG,
Governor, State of New Hampshire, State House, Concord, NH.

DEAR GOVERNOR GREGG: For the past six years, I have had both the honor and privilege to represent the people of the First District of New Hampshire in the U.S. House of Representatives.

Your decision to appoint me to fill the United States Senate seat recently vacated by Senator Gordon Humphrey provides me with the opportunity to represent all the people of New Hampshire. As you know, Senator Humphrey's resignation was necessitated by the provisions in the New Hampshire State Constitution that prohibits one individual from simultaneously holding both the offices of State Senator and United States Senator. Senator Humphrey has ably and honorably represented New Hampshire for the last twelve years. I will work hard to live up to the high standards he has set.

With this in mind, I announced my resignation from the U.S. House of Representatives effective 12:00 noon, December 7, 1990 so that I may be sworn in as a United States Senator.

With warmest regards, I am,
Sincerely yours,
ROBERT C. SMITH.

COMMUNICATION FROM THE HONORABLE TOMMY ROBINSON, MEMBER OF CONGRESS

The text of the communication from the Honorable Tommy Robinson, Member of Congress, dated December 28, 1990, is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 28, 1990.

Hon. THOMAS FOLEY,
Speaker of the House of Representatives, The Capitol, H204, Washington, DC.

DEAR MR. SPEAKER: Effective noon, December 31, 1990, I respectfully resign my position as a member of the United States House of Representatives from the Second District of Arkansas.

Throughout my Congressional career, I have consistently argued that members of Congress should not vote themselves any pay raise until we have taken steps to cut spending and eliminate the deficit. Because of my strong, personal conviction on this matter, I cannot accept any of the pay increase which becomes effective on January 1, 1991. Accordingly, I am submitting this resignation to be effective at 12:00 noon on Monday, December 31, 1990.

In leaving, I would like to emphasize my personal belief that Congress must pass a balanced budget amendment and a Presidential line-item veto to ensure that the Federal Government lives within its means. I have enjoyed my tenure in the House and wish the members of Congress the best in the next session.

Sincerely,
TOMMY ROBINSON,
Member of Congress.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th

(Mark one square only)

IDENTIFICATION NUMBER____

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an X in the box at the left, so that this office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Agricultural Policy Working Group, 517 C Street, NE Washington, DC 20002	
Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036	
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Arvida Company)
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006	
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006	
Americans for a Balanced Budget (ABB), 6231 Leesburg Pike, #104 Falls Church, VA 22044	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Citizens Assn of Georgetown
Do	Westway Merkuria
Bill Angelo, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	International Society for Clinical Laboratory Technology
L. Wayne Arny & Company, 600 New Hampshire Ave., NW Washington, DC 20037	Liberty Maritime
Do	Technology for Communications, International
Deborah Arringdell, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	American Red Cross
Cynthia E. Bailey, 1000 Potomac Street, NW, #401 Washington, DC 20007	California State Department of Education
William W. Bailey, 11 Dupont Circle, #900 Washington, DC 20036	Bailey Morris & Newhall (For:Hospice Care, Inc)
Do	Bailey Morris & Newhall (For:Lederle Laboratories (Division of American Cyanmid))
Bailey Morris & Newhall, 11 Dupont Circle, #900 Washington, DC 20036	Hospice Care, Inc
Do	Lederle Laboratories (Division of American Cyanmid Company)
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Cabot Oil & Gas Corp
Do	Torchmark Corporation
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Allen Memorial Hospital
Do	Amherst Hospital
Do	Hospital San Pablo
Do	Medasonics
Do	University of Texas Health Science Center at Houston
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)
Do	Gunderson, Inc
Do	Western Forest Industries Assn
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company
Barnes & Thornburg, 1313 Merchants Bank Building 11 South Meridian Street Indianaplois, IN 46204	Carl H. Dahlin
Do	Salt Creek & Little Calumet River Preservation Assn
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Society for the Advancement of Womens Health Research
Patricia M. Bauer, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)
Do	Bannerman & Associates, Inc (For:Beirut University College)
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)
Do	Bannerman & Associates, Inc (For:Government of Tunisia)
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for:Government of the Philippines))
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Glenmore Distilleries Company
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Alameda County Transportation Authority)
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)
Steven P. Berchem, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Johnson & Johnson
Michael J. Bertelsen, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Arvida Company
Do	RSR Corp
Rah Bickley, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electonic Industries Assn
John C. Biechman, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	National Assn of Industrial & Office Parks (NAIOP)
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Central Bering Sea Fishermens Assn
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	Cambridge Information Group
Do	Kashmiri American Foundation
Douglas M. Bloomfield, 13712 Wagon Way Silver Spring,, MD 20906	Gadot Petrochemical Industries
John Bohm, 1800 Diagonal Road, #637 Alexandria, VA 22314	National Assisted Housing Management Assn
Bond Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	Foundation Health Corp
Do	MassMutual
Do	National Assn of Breadcasters
Do	National Basketball Assn
Robert Bonnie, 216 7th Street, SE Washington, DC 20003	Scenic America
Francis D. Bouchard, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America
Mary M. Bourdette, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees, AFL-CIO
Albert D. Bourland, 1155 Connecticut Ave., NW, #420 Washington, DC 20036	Daimler-Benz Washington, Inc
Raymond F. Bragg Jr., 1275 Pennslvania Avenue, NW,#301 Washington, DC 20004	Bridge Products
Do	Texas-New Mexico Power Company
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp
Dianne C. Brown, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute)
Lori D. Brown, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees
Virginia Brown, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Coalition for Affordable Housing)
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Blood Center of Southeastern Wisconin
Do	Plumbers Local #75
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Thompson Medical, Inc
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	East Texas Electric Cooperative
Do	International Geographical Congress
Do	Paine Webber
Do	Sabine River Authority
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Tonio Burgos & Asso (For:Department of Puerto Rican Community Affairs in the U.S.)
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Eli Lilly & Company
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
C & C Consulting Group, Inc, 210 Cameron Street Alexandria, VA 22314	Kansas Gas & Electric Co, Inc
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn
Arthur E. Cameron, 1111 14th Street, NW, #1001 Washington, DC 20005	Radar Assn Defending Airwave Rights, Inc (RADAR)
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Cigar Assn of America, Inc
Do	Hancourt Brace Jovanovich, Inc
Anne D. Campbell, 1101 30th Street, NW, #500 Washington, DC 20007	Campbell Falk & Selby (For:Vandeerveer Group)
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Boston Edison
Do	Coalition for Affordable Home Financing
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso
Campbell Falk & Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Vanderveer Group
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Philadelphia Stock Exchange, Inc)
Robert E. Carlstrom Jr., 1341 G St., NW #1100, NW Washington, DC 20005	Jefferson Group (For:Lead Industries Assn)
David Carroll, 11130 Sunrise Valley Drive, #300 P.O. Box 4600 Reston, VA 22091	Lafarge Corp (For:Cement Kiln Recycling Coalition) .
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	American Assn of Colleges of Podiatric Medicine
Do	AT&T
Do	Gatx-Airlog
Do	Multinational Business Development
Do	New England Deaconess Hospital Corporation
Do	Pine Bluff Sand & Gravel
Do	Salzburg Seminar
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Housing Authority Insurance, Inc
Colin L. Chapman, 6231 Leesburg Pike, #104 Falls Church, VA 22044	Americans for a Balanced Budget (ABB)
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	Museum of American Textile History
Do	Museum of Fine Arts Boston
Christopher Chiames, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America
Betsy Clark, 1830 Platte Street Denver, CO 80202	Philip Morris, Inc
Thomas R. Clark, 1667 K Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp

Organization or Individual Filing	Employer/Client
Vernon A. Clark, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Vern Clark & Associates (For:Fox Television Stations, Inc)
Vern Clark & Associates, 2100 Pennsylvania Ave, NW, #600 Washington, DC 20037	Fox Television Stations, Inc
Do	RJR, Nabisco Washington, Inc
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)
Do	Footwear Procurement Coalition
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Davidson Colling Group (For:Caraustar Industries, Inc)
Do	Davidson Colling Group (For:Field Container Corp)
Do	Davidson Colling Group (For:Garden State Paper Company)
Do	Davidson Colling Group (For:Halltown Paperboard Co)
Do	Davidson Colling Group (For:Newark Group)
Do	Davidson Colling Group (For:Newman & Company, Inc)
Do	Davidson Colling Group (For:Rock-Tenn Company)
Do	Davidson Colling Group (For:Sonoco Products Co)
Do	Davidson Colling Group (For:Southeast Paper Manufacturing Co)
Do	Davidson Colling Group (For:Waldorf Corp)
Do	Davidson Colling Group (For:White Pigeon Paper Co)
Stephen R. Conafay, 5141 Yuma Street, NW Washington, DC 20005	Upjohn Company
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Georgia Power Company
David Conover, 655 15th Street, NW, 444 Washington, DC 20005	CH2M Hill
Lucy Cook, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Cooter & Gell, 1201 New York Ave., NW, #900 Washington, DC 20005	General Electric Co, et al.
John J. Corbett, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Michigan Municipal/Cooperative Group)
Corwin Communications, 418 East Broadway, C-13 Bismarck, ND 58501	Philip Morris, Inc
Council of American Homeowners, 7927 Jones Branch Drive, #600-S McLean, VA 22102	
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007	
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For:Community Antenna Television Assn)
Do	Coursen Group (For:Glenfed, Inc)
Do	Coursen Group (For:IDB Communications Group, Inc)
Do	Coursen Group (For:Pacific Bell)
Do	Coursen Group (For:Pacific Telesis Group)
Do	Coursen Group (For:Telecommunications Industries, Inc)
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Harry Winston, Inc
Do	NCNB Corp
Richard C. Crawford, 1825 Samuel Morse Drive Reston, VA 22090	Coors Brewing Company
Creative Coalition, 488 Madison Ave., 9th Floor New York, NY 10022	
James W. Cross, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn
David T. Crow, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Lead Industries Assn)
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp
Harry C. Cunningham, 85 West Spencer Ave. Philadelphia, PA 19120	National Fraternal Order of Police
Laura Dallman, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage and Family Therapy
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	Davidson Colling Group (For:Caraustar Industries Inc)
Do	Davidson Colling Group (For:Field Container Corp)
Do	Davidson Colling Group (For:Garden State Paper Company)
Do	Davidson Colling Group (For:Halltown Paperboard Co)
Do	Davidson Colling Group (For:Newark Group)
Do	Davidson Colling Group (For:Newman & Company)
Do	Davidson Colling Group (For:Rock-Tenn Company)
Do	Davidson Colling Group (For:Sonoco Products Co)
Do	Davidson Colling Group (For:Southeast Paper Manufacturing Co)
Do	Davidson Colling Group (For:Waldorf Corp)
Do	Davidson Colling Group (For:White Pigeon Paper Co)
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	Brix Maritime, Inc
Do	WGK Development Corp
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	EBSCO Industries, Inc
Do	Mobile College
Do	Overseas Hardwoods Company
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Columbia Gas, et al.
Do	Maui Land & Pineapple Co, Inc
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	Amex International, Inc
Robert L. Dewey, 1525 New Hampshire Avenue, NW Washington, DC 20036	Defenders of Wildlife
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Cellular Telecommunications Industry Assn
Do	General Electric Co
Do	IT&T
Do	Piedmont Environmental Services
Michael DeCarlo, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Vanessa Dixon, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English
Donovan Leisure Newton & Irvine, 1250 24th Street, NW, #700 Washington, DC 20037	Republic of Estonia
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Cookson America, Inc
Do	Minnesota Mining & Manufacturing Co, (3M)
Do	Research-Cottrell Companies
Maureen F. Dowling, 1511 K Street, NW, #335 Washington, DC 20005	National Committee for a Human Life Amendment, Inc
Karen L. Doyne, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Fleishman-Hillard, Inc
Pamela J. Driver, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Anheuser-Busch Companies, Inc
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)
Francis J. Duggan, 1333 New Hampshire Ave., NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek Realtors/Environmental Standard Group)
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn
Daniel T. Durham, 1909 K Street, NW Washington, DC 20049	American Association of Retired Persons
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Construction Industry Air Quality Coalition (CIAQC)
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Titan
Robert Edgell, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	Pepsi Co, Inc
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Davis Wright Tremaine (For:City of Klamath Falls)
Do	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)
Do	Davis Wright Tremaine (For:Philip Morris, Inc)
Do	Davis Wright & Tremaine (For:Soap & Detergent Assn)
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc
Environmental Tax Policy Alliance, 1667 K Street, NW, #900 Washington, DC 20006	
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	Anheuser Busch
Do	AEtna Life & Casualty
Do	Edison Electric Institute
Do	Northwestern National Life Insurance Co
Do	PKR Foundation
Do	Southern California Edison Co
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus
Lynwood J. Evans, 1020 19th Street, NW, #780 Washington, DC 20036	U.S. West, Inc
ESCO Electronics Corp, 8000 W. Florissant St. Louis, MO 63136	
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	American Bus Assn
Faegre & Benson, 1140 Connecticut Ave, NW, #500 Washington, DC 20036	Church Alliance
Christopher Falkenberg, 709 D Street, SE Washington, DC 20003	Kessler & Associates (For:Upjohn Corp)
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare
Stephen Fenoglio, P.O. Box 1148 Austin, TX 78767	Clark Thomas Winters & Newton (For:State Mutual Insurance Company)
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America
Richard H. Fink, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Anheuser-Busch Companies
Do	Jason Pharmaceuticals
Do	Public Broadcasting Service
Veronica M. Floyd, 3306 Fallen Tree Courth Alexandria, VA 22310	Brunswick Corp
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	DeSoto, Inc
Edward H. Forgotson, 1350 I Street, NW, #700 Washington, DC 20005	RSR Corp

Organization or Individual Filing	Employer/Client
Phillip L. Fraas, 2501 M Street, NW, #400 Washington, DC 20037	Milk Industry Foundation
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Environmental Standards Group
Alan Front, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land
Harold W. Furman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Desert Research Institute)
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)
Gage & Tucker, 2120 L Street, NW, #810 Washington, DC 20037	Black & Decker Corp
Do	Pizza Hut, Inc
James J. Garth, 650 Cleveland Street P.O.Box 1697 Clearwater, FL 34617	
Kathy Gavett, P.O.Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores
General Aviation Pilots Assn (GAUPA), 2400 S. Glebe Road, #612 Arlington, VA 22206	
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Government of American Samoa
Jonathan Gill, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004	Business Executives for National Security, Inc
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Ocean Shipholdings, Inc)
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	Home Shopping Network, Inc
Do	National Foundation for Affordable Housing Solution
Sandra Gjelde, 144 North Carolina Ave., SE Washington, DC 20003	
Richard D. Gluck, 1220 19th Street, NW, #700 Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn)
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Philipp Brothers, Inc
Do	Radio Assn Defending Airwave Rights, Inc
Marva Goldsmith, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company
Judith E. Golub, 2027 Massachusetts Ave., NW Washington, DC 20036	American Jewish Committee
Jade Gong, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	International Ice Cream Assn
Ronald P. Graf, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Baker & McKenzie
Thomas V. Grasso, 1707 Kilbourne Place, NW, #2 Washington, DC 20010	Sierra Club Legal Defense Fund
Edwin C. Graves, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)
Do	Hill & Knowlton, Inc (For:CVPWA)
Do	Hill & Knowlton, Inc (For:FBA)
Do	Hill & Knowlton, Inc (For:Johnson Controls)
Do	Hill & Knowlton, Inc (For:McGuiness & Williams)
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)
Deborah Green, 610 W. 110th Street New York, NY 10025	Rainbow Lobby, Inc
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Avondale Industries, Inc
Do	Centerior Service Company
Do	Coalition Against Double Taxation
Do	Lead Industries Assn
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Retired Lives Reserve Group
William A. Hanbury, One Lincoln Center, #1180 Syracuse, NY 13202	Cookfair Spector & Hanbury (For:Oneida Indian Nation)
Robert L. Harris, 1341 G St., NW, #1100 Washington, DC 20005	Jefferson Group (For:Lead Industries Assn)
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc
David Hartman, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company
Charles Haywood, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners
John Heissenbuttel, 1250 Connecticut Ave., NW, #320 Washington, DC 20036	American Forest Council
William M. Hendon, Box 6863 McLean, VA 22106	Milliken & Company
Hessian McKasy & Soderberg, 4700 IDS Center Minneapolis, MN 55402	Continental Airlines Holdings, Inc
Louis Hinman, 1627 Lamont Street, NW Washington, DC 20010	Rainbow Lobby, Inc
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co.
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Mississippi Band Choctaw Indians
Do	Mooretown Rancheria
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Smith Barney Harris Upham & Co, Inc
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Columbia Gas System Corporation
Do	Consolidated Natural Gas Co
Do	Natural Fuel Gas Company
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Federal Agricultural Mortgage Corp (Farmer Mac)
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Asso (For:Timber Assn of California)
Do	Hecht Spencer & Asso (For:Western Forest Industries Assn)
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Electric Reliability Coalition
John B. Huffaker, 1300 19th Street, NW, #500 Washington, DC 20036	Pepper Hamilton & Scheetz (For:Cominco American Incorporated)
Peter W. Hughes, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners
Harriet Hunt-Burgess, 44 New Montgomery Street, #4165 San Francisco, CA 94104	American Land Conservancy (ALC)
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)
Do	Hill & Knowlton, Inc (For:City of Chattanooga)
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW 12th Floor Washington, DC 20006	Bose Corp
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Committee for the Restoration of Democracy in Pakistan
Do	U.S.-Pakistan Political Action Committee
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Arvida Company)
Dennis James, 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)
J. Jancin Jr., 750 North Lake Shore Drive Chicago, IL 60611	American Bar Assn
Judy Jaussi, 1201 L Street, NW Washington, DC 20005	Ameican Health Care Assn
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	Cement Kiln Recycling Coalition
Mark S. Joffe, 2000 Pennsylvania Ave, NW, #3310 Washington, DC 20006	CHP-the Medical Group Affiliated Long Island Jewish Med Cntr
Ervin B. Johnson, 4400 Three Mile Dr. Detroit, MI 48224	
Michael S. Johnson, 555 13th Street, NW, #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)
Riva Johnson, 1717 Main Street, #2800 Dallas, TX 75201	Hughes & Luce (For:MCorp)
Johnson & Gibbs, P.C., 1001 Pennsylvania Ave., NW #745 Washington, DC 20004	Medical Infusion Management, Inc
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Newspaper Agency Corp
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	International Shipholding Corp
Do	Montana Sulphur & Chemical Company
Amy L. Kardell, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn
Katten Muchin Zavis & Dombroff, 1275 Pennsylvania Ave., NW #301 Washington, DC 20001	Cogeneration & Independent Power Coalition of America, Inc
Do	Consolidated Natural Gas Service Co, Inc
Do	National Fuel Gas Supply Corp
Do	Natural Gas Vehicle Coalition
Do	Penntech Papers, Inc
Marc N. Katz, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores
Melvin Keener, 1776 I Street, NW, #1000 Washington, DC 20006	BP America
Susan Keith, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Tuttle & Taylor (For:General Atomics)
Do	Tuttle & Taylor (For:Pemco Aeroplex)
Brendan J. Kennedy & Associates, 1263 Wilbur Cross Highway Berlin, CT 06037	Philip Morris, Inc
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp
Alison A. Kerester, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:Pacific Dunlop-GNB)
Richard S. Kessler, 709 D Street, SE Washington, DC 20003	National Assn of Beverage Importers
Do	Kessler & Asso (For:Upjohn Corp)
Judith E. King, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Electromagnetic Sciences Inc (EMS)
Do	Fleet North Star Financial Group
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Nuclear Metals, Inc
Do	South Carolina Research Authority
Douglas M. Kleine, 11479 Waterview Cluster Reston, VA 22090	Professional Assn Services
Andre M. Kliczak, P.O.Box 1000-165 Duluth, MN 55814	

Organization or Individual Filing	Employer/Client
Patricia C. Kobor, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn
Blair Koehler, 1800 Diagonal Road, #637 Alexandria, VA 22314	National Assisted Housing Management Assn
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Regional Transportation District (Denver, Colorado)
Robert W. Kohlmeyer, 1101 15th Street, NW Washington, DC 20005	Cargill, Inc
Horace R. Kornegay, P.O.Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)
Kostmayer Communications, Inc, 2300 M Street, NW #920 Washington, DC 20037	International Council of Shopping Centers
Malcolm A. Kram, 1023 15th Street, NW, #300 Washington, DC 20005-z	American Veterinary Medical Assn
Ian Kremer, 918 16th Street, NW, #704 Washington, DC 20006	Pension Rights Center
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of Jersey Citys Department of Human Resources
Do	National Assn of Education & Training Contractors, Inc
Peter Dev Kurze, 1753 Lanier Place, NW Washington, DC 20009	Daimler-Benz Washington, Inc
Denise M. Larr, 1275 Pennsylvania Ave.,NW, #301 Washington, DC 20004	Legislative Strategies (For:Bridge Products)
Do	Legislative Strategies (For:Texas-New Mexico Power Company)
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Calderon Clean Coal Technology, Inc
Paul Laxalt Group, 1455 Pennsylvania Ave, NW, #975 Washington, DC 20004	Transcontinental Properties, Inc
Lead Industries Assn, Inc, 295 Madison Ave. New York, NY 10017	
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn
Legislative Strategies, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Bridge Products
Do	Texas-New Mexico Power Company
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation
Clark L. LeBlanc, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Feibel-Garek Realtors/Environmental Standard Group
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Employee Stock Ownership Assn
Gene A. Lucero, 1722 Eye Street, NW Washington, DC 20006	National Commercial Finance Assn (NCFA)
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	Edison Electric Institute
Do	Harbert International
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	L.A. Gear, Inc
Anna Mangum, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)
Marc Associates, Inc, 1030 15th Street, NW, #468 Washington, DC 20005	American Soc for Gastrointestinal Endoscopy
Do	American Soc of Hematology
Do	Staodynamics, Inc
Marks Murase & White, 2001 L Street, NW, #750 Washington, DC 20036	Consarc
Will Martin, P.O. Box 2960 Nashville, TN 37219-0960	Harwell Martin & Stegall
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)
Do	Hill & Knowlton, Inc (For:Ferruzzi Group)
Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Asso (For:Coalition Against Double Taxation , Inc)
Do	Dawson Mathis & Asso (For:Joseph E. Seagram & Sons, Inc)
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Coalition Against Double Taxation, Inc
Do	Joseph E. Seagram & Sons, Inc
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	Aetna Life & Casualty Company
Do	Santa Fe Pacific Corp
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Lead Industry Assn
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	HNSX Supercomputers, Inc
Do	New York State Electric & Gas Corp
James A. McCarthy, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Interest Disallowance)
Patricia A. McCrann, 111 Smithtown Bypass, #109 Hauppauge, NY 11788	Blankman/McCrann, Inc (For:Philip Morris, USA)
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006-2296	Dorothy Holt Estate
Do	International Apple Institute
Do	Peter Plocki
Do	Washington State Apple Commission
Robert A. McFadden, 1187 National Press Bldg. Washington, DC 20045	Ad Hoc Committee in Defense of Life, Inc
Patricia McGillian, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
R. D. McIntire & Associates, 654 Tanglewood Road Hermitage, PA 16148	Greenbrier Companies
Do	Trailer Train Company
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)
Katherine McLeod, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Michael R. McLeod, 2501 M Street, NW, #400 Washington, DC 20037	American Mushroom Institute
Kevin Patrick McMahon, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	South Carolina Forestry Assn
John K. Meagher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group)
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Amway)
Do	Cadwalader Wickersham & Taft (For:Philadelphia Stock Exchange, Inc)
Segundo A. Mercado-Llorens, 1775 K Street, NW Washington, DC 20006	United Food & Commercial Workers International Union
Melinda Mercer, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Titan)
Harold E. Mesirow, 1220 19th Street, NW Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn)
Messerli & Kramer, 1500 Northland Plaza Building 3800 West 80th Street Minneaplois, MN 55431-4409	City of New Brighton
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn
G. Daniel Miller, 1140 Connecticut Ave., NW, #500 Washington, DC 20036	Faegre & Benson (For:Church Alliance)
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	Lincoln Broadcasting Company
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Ace Novelty Company
Do	Comprehensive Health Education Foundation
Do	Gamma-Metrics
Donald H. Milliken, 1303 Marsh Lane Carrollton, TX 75006	Law Enforcement Television Network
David M. Miner, 6231 Leesburg Pike, #104 Falls Church, VA 22044	Americans for a Balanced Budget (ABB)
Rosemary Mitchell, 1300 19th Street, NW, #500 Washington, DC 20036	Pepper Hamilton & Scheetz (For:Cominco American, Inc)
James M. Montgomery, 1455 Pennsylvania Ave., NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc
Mark P. Moore, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	American League for Exports & Security Assistance (ALESA)
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	American Bankers Assn
Do	Government of Romania
Do	Trans World Insurance Brokers
MWW/ Strategic Communications, Inc, 70 Grand Ave River Edge, NJ 07661	Farmland Dairies
Do	MarineSAfety International
National Environmental Strategies, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	EcoMarine
Do	Foundation for Economic and Environmental Progress, Inc
Mary Elizabeth Neese, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso
Lisanne Nelson, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:TCF Bank Savings, FSB)
Jack O. Nutter II, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Lead Industries Assn)
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Government of Aruba Embassy of the Netherlands)
John R. O'Donnell, 1620 Eye Street, NW, #300 Washington, DC 20006	City of San Diego
Do	Oxnard Redevelopment Agency
Anne Marie O'Keefe, 214 Kentucky Ave., SE Washington, DC 20003	O'Keefe & Associates
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Brigham and Women's Hospital, Inc
Laura L. Olson, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	G.R. Foods, Inc
Do	National Frozen Pizza Instutute
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Government of Barbados
Pagonis & Donnelly Group, Inc, c/o Dow Lohnes & Albertson 1620 I Street, NW, #202 Washington, DC 20006	Government of the People's Republic of Ethiopia
Do	Rowland Company

Organization or Individual Filing	Employer/Client
Pierre Paret, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:City of San Jaun, PR)
Parker Poe Adams & Bernstein, 1 Exchange Plaza P.O. Box 389 Raleigh, NC 27602	Handgun Control, Inc
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Alabama Power Co
Do	Board of Mississippi Levee Commissioners
Do	Farragut Group
Do	General Electric Co
Do	Western Forest Industry Assn
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Ford Foundation
Margo Pave, 425 D Street, SE, #304 Washington, DC 20003	International Ladies Garment Workers Union
Kevin Pedraja, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004	Business Executives for National Security, Inc
Lee Pendergast, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	American Coke & Coal Chemicals Institute
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp
Laura Phelps, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Mushroom Institute)
David Poisson, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn
M. A. Polzin, 100 NE Adams Street Peoria, IL 61629-1430	Caterpillar, Inc
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Caron Foundation
Preston Gates Ellis & Rouvelas Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Fred B. Johnson
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Coalition for Interest Disallowance
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Bell Atlantic Network Services, Inc
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Community Resources Group
Do	Great Lakes Rural Network/WSOS
Do	Midwest Assistance Program
Do	Rural Housing Improvement
Do	Trust for Community Development
Do	Virginia Water Project/SE RCAP
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Government of American Samoa
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701	
Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004	Corning, Inc
Hal Rives, P.O. Box 1000-192 Duluth, MN 55814	
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Action Vail
Do	City of New York Washington Office
Do	Coalition of Writers Organizations
Do	Goldman Sachs & Co
Do	Guinness America, Inc
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:AEG Westinghouse Transportation Systems, Inc)
Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Baker & McKenzie
Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America
Ted R. Rudder, P.O. Box 1000-436 Duluth, MN 55814	
Christine Faith Russell, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers
Ryan-McGinn, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	Health Industry Manufacturers Assn
Do	McDermott Will & Emery
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Alliance for Fair Competition
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc
Do	MSE Corp
Do	New American Ventures Group
Do	Society of Nuclear Medicine
Stephen E. Sandherr, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Conference of National Park Concessioners
Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson
Stan Schlueter, P.O. Box 162224 Austin, TX 78716	Philip Morris, USA
Joel S. Schoenfeld, 129 West 30th Street New York, NY 10001	Amru International Trading Corp
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn
Leslie C. Schuchart, 1030 15th Street, NW, #964 Washington, DC 20005	American Seed Trade Assn
David Seckman, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Steven K. Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Campbell Falk & Selby (For:Vanderveer Group)
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Interest Disallowance)
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	American Assn of Exporters & Importers
Do	Schoeller Technical Papers, Inc
Do	Toy Manufacturers of America
Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Apple Computer, Inc
Do	Blount, Inc
Do	ESCO Electronics Corp
Do	Gross Pointes-harper Woods Study Committee for Detroit ...
Do	Puerto Rico Federal Affairs Administration
Do	Research Planning, Inc
Do	Williamsburg Realty, Inc.
R. Bradley Shinn, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Northwest Forest Resource Council
Alexander W. Sierck, 1350 I Street, NW, #700 Washington, DC 20005	RSR Corp
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:Central Nebraska Public Power & Irrigation)
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Capital Care Shareholders
Do	EDS
Do	R.S. Data Systems, Inc
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp
James Skinner, 1825 I Street, NW, #400 Washington, DC 20006	Southland Corporation
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Company (For:BEMS)
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention)
Do	E. Del Smith & Company (For:National Independent Schools Assn)
Marguerite A. Snyder, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn
Walter Larke Sorg, 19110 Montgomery Village Ave., #225 Gaithersburg, MD 20879	Walter Larke Sorg Associates
Peter Sorum, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners
Richard L. Spees, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Electronic Data Systems Corp)
Do	Washoe County, Nevada
Gilbert P. Sperling, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For:Cogeneration & Independent Power Coalition of America, Inc)
Do	Katten Muchin Zavis & Dombroff (For:Consolidated Natural Gas Service Co, Inc)
Do	Katten Muchin Zavis & Dombroff (For:National Fuel Gas Supply Corp)
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)
Do	Katten Muchin Zavis & Dombroff (For:Penntech Papers, Inc)
Thomas Stanton J., 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For:Krueger, Inc)
Julie A. Stauss, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn
Daniel M. Steadley, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan South Central Power Agency)
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn
David R. Straus, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan South Central Power Agency)
Lawrence J. Suffredin Jr., 55 West Wacker Drive, #702 Chicago, IL 60601	Pharmaceutical Manufacturers Assn
Christopher J. Sullivan, 1313 L Street, NW Washington, DC 20005	National Assn of Government Employees/ Inter. Bro. of P.O.
Patricia Sullivan, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Alameda Transportation Authority
Do	National Utility Products Company
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Bay Transportation Authority (MBTA)
Do	Massachusetts Port Authority (MASSPORT)
Do	Sierra Laser Systems, Inc
Do	Turbomeca Engine Corp, Inc
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Hercules, Inc
Do	Monarch Wine Company of Georgia, et al.

Organization or Individual Filing	Employer/Client
Do	Wine Institute
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Alameda County Transportation Authority
Do	National Utility Products Company
Julie Susman, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Nova)
Do	Jefferson Group (For:PRC/ATI)
Do	Jefferson Group (For:Tandem Computers, Inc)
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:TCF Bank Savings, FSB)
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	National Agricultural Chemicals Assn
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Coalition for Affordable Housing
Do	TCF Bank Savings, FSB
Tanya S. Thomas, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Mid America Institute for Public Policy Research
Do	Robert Wang
Thompson Mann & Hutson, 3000 K Street, NW, #600 Washington, DC 20007	International Paper Company
Do	TAP Electrical Contracting Service, Inc
Do	Vero Beach Oceanfront Investors Limited Partnership
Anna Thronson, 1275 Pennsylvania Ave, NW, #301 Washington, DC 20004	Legislative Strategies (For:Bridge Products)
Do	Legislative Strategies (For:Texas-New Mexico Power Company)
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	American Factory Trawler Assn
Michael L. Tiner and Associates, 1317 Rhode Island Avenue, NW #502 Washington, DC 20005	Genentech, Inc
Damon P. Tobias, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Citizens for a Free Kuwait
Shirley Traylor, 105 East 22nd Street New York, NY 10010	Community Service Society
Leah Trefry, 302 Federal Hall, NW Washington, DC 20016	Foley & Co., Inc
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Johnson & Johnson
James Tully, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners
David Turch & Asso, 517 2nd Street, NE Washington, DC 20002	City of Moreno Valley
Do	City of Rialto
Do	IRECO, Inc
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	Colonial Life & Accident Insurance Co
Do	Metropolitan Life Insurance Co
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Princeton University Office of Governmental Affairs
Joseph Van Eaton, 1350 New York Ave, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Gillette, Wyoming)
Do	Spiegel & McDiarmid (For:Peru, Indiana)
Do	Spiegel & McDiarmid (For:Salina, Kansas)
Van Kloberg & Associates, 1900 L Street, NW, #500 Washington, DC 20036	Embassy of the Republic of Niger
Do	Embassy of the Republic of Zaire
Do	Government of the Republic of Liberia
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	City Public Service of San Antonio
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc
Tim N. Vettel, 2144 California Street, NW Washington, DC 20008	
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	TRW, Inc
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	BMW of North America, Inc
Do	Koch Industries, Inc
Do	World City Corp
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Graham Resources
Do	Telecommunications Industry Assn
James Waltman, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society
Betsy R. Warren, 2555 Pennsylvania Avenue, NW Washington, DC 20037	Warren & Company (For:MCI Communications Corp)
Do	Warren & Company (For:Southern Company Services, Inc)
B. Gale Watlington, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates (For:Australian Barley Board)
Do	Keene Shirley & Associates (For:The Limited, Inc)
Laura Weber, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)
John C. White, White Consulting Group, Suite 380 2000 M Street, NW Washington, DC 20036	Goldman, Sachs & Company
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)
Do	Marcus G. Faust, PC (For:University of NV School of Medicine)
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)
Do	Hecht Spencer & Associates (For:Natioanl Assn for the Support of Longterm Care)
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Firemens Fund Insurance
Do	J.C. Penney
Do	National Health Care Anti-Fraud Assn
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Oklahoma Gas & Electric Co
Do	U.S. English
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Corporate Property Investors
Fred C. Wilson, 130 El Camino Drive Beverly Hills, CA 90212	Government of Romania
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemens Assn
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
Winburn VanScoyoc & Hooper, 453 New Jersey Ave., SE Washington, DC 20003	American Paper Institute, Inc
Do	Ifint S.A.
Do	Westvaco
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Barr Laboratories, Inc
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	MTN Coalition
Peter M. Wisniewski, P.O.BOX 322 Kearny, NJ 07032	
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Arkansas Children's Hospital
Do	Children's Hospital (Boston)
Do	Vanderbilt University Medical Center
Wolf Block Schorr & Solis-Cohen, 12th Floor Packard Building 15th & Chestnut Streets Philadelphia, PA 19102	First Federal Savings & Loan Assn of Perkasie
Do	Nesquehoning Savings & Loan Assn
Do	Sharon Savings & Loan Assn
Do	United Savings Assn
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Insurance Assn
Do	Trailer Train Co
Lesley Yates, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso
965 Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Intermarine USA
Do	Kaman Diversified Technologies
Do	Woods Hole Oceanographic Institution

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	**2d**	**3d**	**4th**
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)
1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).
9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)
13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.........................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)
1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).
12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter
15. *Recipients of Expenditures of $10 or More*____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	200.00	21.00
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	308.00	
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,562.50	
Jessica R. Aberly, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	1,410.44	
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Jeffery A. Abrahamson, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	104.78	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	2,500.00	
Do	CANAMCO (For:Canadian Shipowners Assn)	8,125.00	
Abukari (Christopher Barclay), 322 D Street, NE Washington, DC 20002	Rainbow Lobby, Inc	4,092.00	84.56
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	500.00	87.48
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		1,605.00	1,419.28
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John M. Adams, 225 N. Washington St. Alexandria, VA 22314	Retired Enlisted Assn	1,205.00	475.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	132.00
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire Federal Savings Bank of America	4,856.25	1,363.44
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	826.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)		
Do	Cohn and Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	4,950.00	4,500.00
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			12,242.49
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		14,531.90	14,531.90
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons	6,000.00	
Do	Association for Gerontology in Higher Education	500.00	
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Agricultural Policy Working Group, 517 C Street, NE Washington, DC 20002			
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	10,000.00	1,024.09
Donald R. Aikens, 1000 Thomas Jefferson Str., NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For:Krueger, Inc)	9,980.46	
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		24.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005			1,800.00
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		115.96	115.96
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		6,729,276.00	81,997.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	3,600.00	10.00
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	19,500.00	
G. Colburn Aker, 1212 New York Ave., NW, #500 Washington, DC 20005	Aker Associates, Inc. (For:Product Liability Coordinating Committee)		
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	American General Investment Corp	9,342.00	171.00
Do	American Telephone & Telegraph Co	2,000.00	38.00
Do	Bank of Nova Scotia		
Do	Boone Co	1,445.00	19.00
Do	Buckeye Pipeline Co, L.P.		
Do	Burger King Corp	1,206.00	19.00
Do	California Institute of Technology	135.00	
Do	Cambridge Information Group	1,956.00	19.00
Do	Clark/Bardes Organization, Inc	200.00	
Do	Continental Airlines Holdings, Inc	100.00	
Do	Cotton Bowl Athletic Assn	12,435.00	228.00
Do	Cummins Engine Co, Inc	1,240.00	19.00
Do	CRS Stirrine, Inc	200.00	
Do	First City Bankcorporation of Texas, Inc		
Do	Fujitsu America, Inc		
Do	W. R. Grace & Co	445.00	
Do	Guardian Industries	100.00	
Do	Houston Oilers	1,030.00	19.00
Do	Peter Kiewit Son's, Inc	7,225.00	133.00
Do	Levi Strauss & Co	250.00	
Do	Long Island Lighting Co	100.00	
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	4,205.00	76.00
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Mesa Petroleum Co	400.00	
Do	Metropolitan Transit Authority of Harris County	6,420.00	114.00
Do	Miller Brewing Company	10,910.00	190.00
Do	Minnesota Power		
Do	Morgan Stanley & Co, Inc	1,840.00	19.00
Do	Motion Picture Assn of America, Inc	1,035.00	19.00
Do	National Football League	10,230.00	190.00
Do	National Health Laboratories		
Do	News America		
Do	Pepsico, Inc		
Do	Pillsbury Company	350.00	
Do	R. Lacey, Inc	2,760.00	38.00
Do	RJR Nabisco, Inc	1,490.00	19.00
Do	Shell Oil Co		
Do	Southern California Edison Co	2,265.00	38.00
Do	Texas Air Corp		
Do	Texas Education Agency		
Do	Texas National Research Laboratory Commission		
Do	Trump Organization		
Do	United Gas Pipe Line Co		
Do	Upjohn Company	3,140.00	57.00
Do	Warner-Lambert Co	105.00	
William E. Albers, 1731 Connecticut Ave., NW, 2nd Fl. Washington, DC 20009-1146	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)	6,000.00	1,215.19
Do	American Diabetes Assn	539.00	115.40
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management Corp)	30,000.00	6,633.47
Do	Albertine Enterprises (For:Employers Council for Flexible Compensation)	3,250.00	1,137.97
Do	Albertine Enterprises (For:Fruit of the Loom)	30,000.00	7,063.36
Do	Albertine Enterprises, Inc (For:SMS Corp)	15,000.00	3,151.88
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	30,000.00	8,558.53
Do	Albertine Enterprises (For:Western Digital Corp)	30,000.00	8,558.23
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference, Inc)	6,000.00	8,915.77
Do	American Diabetes Assn	539.00	6,233.06
Do	Albertine Enterprises (For:American Precision Industries)	6,000.00	6,814.89
Do	Albertine Enterprises, Inc (For:Castle Harlan & Delaware Management Corp)	30,000.00	23,909.66
Do	Albertine Enterprises, Inc (For:Employers Council on Flexible Compensation)	3,250.00	7,859.66
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	30,000.00	26,909.66
Do	Albertine Enterprises, Inc (For:SMS Corp)	15,000.00	14,315.77
Do	West Point Pepperell, Inc	30,000.00	26,315.77
Do	Albertine Enterprises, Inc (For:Western Digital Corp)	30,000.00	14,315.77
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference, Inc	6,000.00	6,075.94
Do	American Diabetes Assn	539.00	570.10
Do	American Precision Industries	1,500.00	1,507.62
Do	Castle Harlan, Inc	30,000.00	34,281.02
Do	Employers Council on Flexible Compensation	3,250.00	3,287.97

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fruit of the Loom, Inc	30,000.00	32,661.99
Do	SMS Corp	15,000.00	15,759.40
Do	West Point Pepperell, Inc	30,000.00	3,189.37
Do	Western Digital Corp	30,000.00	31,555.07
Alcalde & Rousselot, 1901 North Ft. Myer Drive, 12th Floor Rosslyn, VA 22209	Alliance for Clean Energy	7,000.00	
Do	Carnival Cruise Lines	3,000.00	
Do	City of Las Vegas	4,000.00	
Do	Colton Communities	3,000.00	
Do	Consolidated Freightways	5,000.00	
Do	Jack Eckerd Corp	1,000.00	
Do	Home Shopping Network	2,000.00	
Do	Jim Walter Corp	15,000.00	
Do	Norwegian Caribbean Lines	3,000.00	
Do	Port of Jacksonville	3,000.00	
Do	Regular Common Carrier Conference	2,000.00	
Do	Royal Caribbean Cruise Line	3,000.00	
Do	Tampa Electric Co	1,500.00	
Do	Tampa Port Authority	3,000.00	
Do	Walter Industries	2,000.00	
Do	Washington Workshops	2,000.00	
C. Eddie Aldrete, 7007 Bright Avenue McLean, VA 22101	National Turkey Federation		25.86
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)	82.88	
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)		
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	138.13	
Do	Cadwalader Wickersham & Taft (For:Aon Corporation)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)	27.63	
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)	27.63	
Do	Cadwalader Wickersham & Taft (For:Charter National Life Insurance Co)	82.88	
Do	Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc)	27,063.00	
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Energen Corp)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)	165.75	
Do	Cadwalader Wickersham & Taft (For:Harsco Corporation)		
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)	55.25	
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)		
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	386.75	
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	46.00
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,193.60	
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Investment Company Institute	15,000.00	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	10,694.00	347.86
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		7,535.00	5,509.00
Alliance for Capital Access, 888 17th Street, NW, 12th Floor Washington, DC 20006			27,947.81
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60173			86,178.40
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		984.20	2,939.34
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			2,005.00
Loren J. Alter, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Companies		
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Federation	3,000.00	13.35
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	12,200.00	486.34
Alvarado Group, 655 Fifteenth street, NW, #300 Washington, DC 20005	Edison Electric Institute		
Do	New Progressive Party	11,250.00	464.11
Do	Times Mirror Corp	2,500.00	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	263.88	
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	5,000.00	50.49
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		21,064.63	21,064.63
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		6,000.00	6,000.00
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		16,864.00	16,864.00
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182			28,341.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		27,064.07	26,303.30
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		3,750.00	3,750.00
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			1,829.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		116.80	391.72
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			154.35
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		154,564.75	154,564.75
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		3,215.00	7,116.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		53,008.63	53,008.63
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			5,000.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		157,590.00	157,590.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			176,756.20
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036		2,500.00	400,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		10,000.00	10,000.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006			2,311.55
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		334,604.34	86,722.22
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		22,494.59	8,629.04
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,345.75
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		6,174.00	6,174.00
American International Group, Inc, 70 Pine Street New York, NY 10270			52,468.07
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		163,296.00	160,599.70
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,455.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001			18,722.48
American Life Lobby, Inc, P.O. Box 490 Stafford, VA 22554		15,000.00	15,000.00
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		11,429.81	2,610.67
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			2,415.00
American Meat Institute, P.O. Box 3556 Washington, DC 20007		45,008.00	9,620.58
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			314,214.25
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			963.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		55,268.13	55,268.13
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		88,490.63	68,584.43
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		28,626.46	28,626.46
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		6,654.01	6,654.01
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885		150,000.00	51,340.00
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			9,604.32
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		353,725.99	295,677.10
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		10,348.07	10,348.07
American Pilots' Assn, 1055 Thomas Jefferson Street, NW, #404 Washington, DC 20007		40,699.20	27,632.38
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			27,574.95
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		41,148.00	41,148.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			7,880.00
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		300.00	300.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			12,385.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			21,773.80
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			12,000.00
American Society of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery		6,099.63

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Soybean Assn, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107		27,923.38	8,467.20
American State of the Art Prosthetic Assn, 403 1st Street, SE Washington, DC 20007		19,000.00	7,566.19
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			7,200.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		45,367.27	57,324.25
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005		2,000.00	1,797.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		431,864.00	315.17
American Wood Preservers Institute, 1945 Gallows Road, #550 Vienna, VA 22180			16,375.00
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		57,963.68	54,850.16
Americans for Common Cents, 1026 16th Street, NW, #101 Washington, DC 20036			
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		15,510.01	15,510.01
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		4,153.00	4,154.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe	124.98	
John Amick, 1010 Pennsylvania Ave., SE Washington, DC 20003	Campbell-Raupe, Inc (For:American Assn of Advertising Agencies)		
Do	Securities Industry Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Free Trade Assn	10,000.00	
Do	Coalition for American Energy Security	600.00	
Do	Free Angola Information Service	15,000.00	
Do	Northrop Corp	9,000.00	
Do	Thompson Medical Co	4,000.00	
Eiji Amito, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	American Honda Motor Co, Inc	200.00	
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:Embassy of South Africa)		
Anthony A. Anderson, 2100 Pennsylvania Avenue, NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	400.00	
Cynthia C. Anderson, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp	3,000.00	
David J. Anderson, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	500.00	
Fred E. Anderson, 2397 W. 29th Street Loveland, CO 80537	Philip Morris, Inc	2,000.00	444.02
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute	50.00	
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
J. Mark Anderson, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn		
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp		3,995.00
Paul S. Anderson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,000.00	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	380.00	49.00
Elaine Andrews, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies	300.00	17.00
Lewis D. Andrews Jr., 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	1,160.00	
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	50.04
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,205.12
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	3,428.90	3,428.90
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	California Dairy Institute		
Do	City of Denver, Colorado		
Do	Coalition for Intermarket Coordination		
Do	Interstate Natural Gas Assn (INGA)	15,000.00	
Do	Mars, Inc		
Do	Matson Navigation Company		
Do	Safeguard America's Family Enterprises		
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp		
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			400.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,168.00	
Virginia Antos, 1717 Connecticut Avenue, NW, 7th Floor Washington, DC 20009	Association of American Publishers		
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			1,462.86
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		5,990.00	37,215.80
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	6,902.00	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	20.00	8.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	25,981.46	1,093.39
Do	American Assn of Occupational Health Nurses	10,377.53	153.53
Do	American Medical Imaging Corp	21,698.43	
Do			
Do	Aris Anagnos Properties	13,456.00	9.50
Do	Association of Professional Flight Attendants	46,000.00	2,311.40
Do	City of San Diego		
Do	Colorado River Indian Tribes		
Do	Independent Federation of Flight Attendants	3,000.00	128.00
Do	International Society for Clinical Laboratory Technology		
Do	Mercy Hospital of Des Moines, Iowa		
Do	Motor and Equipment Manufacturers Association	2,700.00	703.99
Do	National Assn of College Stores	5,616.00	96.01
Do	National Field Selling Assn		
Do	National Parking Association	39,785.18	1,097.17
Do	Popular Democratic Party		420.34
Do	Puerto Rico Federal Affairs Administration	47,190.02	1,345.14
Do	Second Street Limited Partnership		
Do	Stant, Inc		
Do	SO-PAK-CO, Inc		
Do	Toshiba America, Inc		6,332.46
Do	Toyota Motor Corporation	54,949.89	5,167.41
Do	Transport Insurance Company		
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	98.00	
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	450.00	
Do	Ashland Oil Co	937.00	
Do	Corporate Property Investors	1,000.00	
Do	Goodyear Tire & Rubber Company	487.50	
Kay Kelley Arnold, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company	816.45	294.65
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants	5,193.75	77.25
Do	American Red Cross		142.20
Do	Asea AB		
Do	Avatar Utilities, Inc		
Do	Avis, Inc	376.25	19.01
Do	ACPC		
Do	AFL-CIO		
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Business Roundtable	812.50	20.45
Do	Commissioner, Dept of Telecommuinications City of New York		
Do	Continental Corporation		
Do	Donohue & Associates, Inc		
Do	Earthquake Project		
Do	Werner Fleischmann	150.00	11.20
Do	Fluor Corporation		
Do	Fujisawa USA, Inc	5,323.75	42.00
Do	General Conference of Seventh-day Adventists	11,485.00	
Do	Grain & Feed Trade Assn		
Do	Hopi Indian Tribe		
Do	International Commodities Clearing House		
Do	London Commodity Exchange		
Do	London International Financial Futures Exchange, Ltd		
Do	Metal Market & Exchange Co, Ltd		
Do	Mutual of America		
Do	MCorp	187.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	921.00
Do	Penn Central Industries Group		6.65
Do	Philip Morris, Inc	147.50	0.71
Do	Recording Industry Assn of America, Inc	2,287.10	14.75
Do	Republic of Panama		
Do	Sacramento Municipal Utility District		
Do	State Farm Mutual Automobile Insurance Co	12,722.50	414.01
Do	Survival Technology, Inc		
Do	Unilever United States, Inc		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW Washington, DC 20037	Liberty Maritime	500.00	
Do	Technology for Communications, International	500.00	50.00
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	560.00	395.92
Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	19,955.50	18,306.24
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,050.00	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Mark D. Aspinwall, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America		
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		27,500.00	
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		15,338.00	15,338.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		125,255.35	125,255.35
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005			343.63
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005		39,751.49	9,085.28
Association of Certified Trucking Schools, 3050 K Street, NW, West Building Washington, DC 20007		1,975.00	1,975.00
Association of Independent Television Stations, Inc, 1200 18th Street, NW Washington, DC 20036			8,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		10,732.50	10,732.50
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,750.92
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	600.00	950.00
Robb Austin, 600 New Hampshire Avenue, NW, #1020 Washington, DC 20037	Robb Austin & Associates (For:Philip Morris, Inc)	5,400.00	150.00
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	814.80	
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive McLean, VA 22101			
Automotive Refrigeration Products Institute, 4600 East-West Highway Bethesda, MD 20814		743.75	743.75
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	1,000.00	1,077.27
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	8,132.52	88.95
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, Metropolitan Square #205 655 15th Street, NW, Washington, DC 20005	National Independent Energy Producers		6,370.81
Richard E. Ayres, 1350 New York Ave., NW, #300' Washington, DC 20005	Natural Resources Defense Council, Inc	3,373.37	85.50
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			
ATOCHEM North America, Three Parkway Philadelphia, PA 19102			6,476.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co	3,750.00	120.00
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Bronwyn Bachrach, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Kenneth L. Bader, P.O. Box 27300 540 Maryville Centre Drive St. Louis, MO 63141-1700	American Soybean Assn	5,000.00	2,500.00
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,000.00	77.00
William W. Bailey, 11 Dupont Circle, #900 Washington, DC 20036	Mutual of Omaha Insurance Co	2,000.00	
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	5,588.00	180.00
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	400.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	908.22
James A. Baker IV, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Cabot Corporation)		
Do	Baker & Botts (For:Sonat, Inc)	6,770.00	272.34
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,815.95	289.60
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremens Assn, AFL-CIO	7,068.00	1,350.48
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	225.00	
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	German Federation of Industry		
Do	Greater Houston Partnership		
Do	National Machine Tool Builders' Assn		
Do	Rhone-Poulec		
Do	Torchmark Corporation	11,070.00	305.63
Do	U.S. West		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Abbey/Foster	18,791.84	290.25
Do	Allen Memorial Hospital		
Do	American Protestant Health Assn	30,000.00	177.22
Do	Amherst Hospital		
Do	Bell Canada	10,863.76	
Do	City of Clearwater		
Do	Cominco Ltd		
Do	Committee on Problems of Drug Dependence, Inc	4,412.10	37.86
Do	Elyria Memorial Hospital & Medical Center		
Do	Employee Health Programs, Inc	10,000.00	271.86
Do	Greater New York Hospital Assn	3,348.08	78.44
Do	Hermann Hospital	15,995.15	229.31
Do	Homedco	11,171.08	1,447.58
Do	Hospital San Pablo		
Do	Hyatt Corp		
Do	INVACARE Corporation	18,585.65	352.93
Do	Life Gift Organ Donor Center	5,001.39	509.99
Do	Lorain Community Hospital		87.75
Do	Massachusetts Eye & Ear Infirmary	400.00	
Do	Medasonics	409.00	
Do	MMI Companies, Inc	3,953.76	
Do	Renal Physicians of Texas	3,407.12	
Do	Society of Cardiovascular & Interventional Radiology	10,806.88	1,236.11
Do	St Joseph Hospital & Health Center		
Do	Substance Abuse Management, Inc	19,081.14	1,062.04
Do	Telecommunications Industry Assn	5,387.56	
Do	Uniden Corp of America	1,893.33	
Do	University of Texas Health Science Center at Houston		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	American Airlines, Inc	1,012.50	
Do	Contel Corp	1,597.50	
Do	Day & Zimmerman, Inc	675.00	
Do	Dinamo	7,677.00	
Do	Dunigan Enterprises	4,962.50	
Do	DKT Memorial Fund		
Do	Federal Express Corp	499.50	45.00
Do	International Barrier Corp		
Do	Lawler/Wood, Inc	562.50	
Do	Lockheed Air Terminal	855.00	
Do	Los Angeles County Transportation Commission	3,871.00	
Do	National Label Co., Inc		
Do	Occidental Petroleum Corp	967.50	
Do	Pennzoil Co	1,755.00	
Do	Philip Morris Management Corp	3,352.50	
Do	Pillsbury Company		
Do	Public Service Company of New Mexico		
Do	Schering-Plough Corp	4,899.50	
Do	Southern California Edison Co		
Do	Warner-Lambert Co		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		520.00
Donald Baldwin, 888 16th Street, NW #600 Washington, DC 20006	Federal Criminal Investigators Assn		
Do	Mack Trucks, Inc		
Do	National Law Enforcement Council		
Do	Security on Campus, Inc		
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	12,500.00	22.00
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	781.25	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,752.13
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Portland, OR	6,654.98	1,533.51
Do	Clackamas County	10,182.50	1,238.12
Do	CH2M Hill	45.00	51.08
Do	Fresno County		
Do	Fujitsu Microelectronics		
Do	Greenbrier Leasing, Inc	79,210.00	15,768.23
Do	Gunderson, Inc	528.00	46.85
Do	Harsh Investment Corporation	4,604.50	1,113.58
Do	Mt. Hood Meadows Oregon, Ltd	6,254.50	902.02
Do	Northwest Industrial Gas Users	1,213.00	282.20
Do	Northwest Marine Iron Works	20,529.50	1,933.48
Do	Northwest Woodland Owners Council	22,000.00	2,035.82
Do	Oregon Department of Transportation	21,000.00	1,911.31
Do	Oregon Economic Development Department	15,000.00	2,182.01
Do	Oregon Graduate Institute of Science & Technology	4,921.00	538.94
Do	Port of Tillamook Bay		
Do	Riedel Environmental Services		
Do	Section 8 Housing Group	376.50	24.10
Do	Western Forest Industries Assn	5,010.00	464.70
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045		189,375.00	56,057.20
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	420.07
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	3,000.00	63.00
Do	Bannerman and Associates, Inc (For:Government of Tunisia)	3,000.00	63.00
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	5,000.00	901.98
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Linda W. Banton, 7900 Westpark Drive, #A524 McLean, VA 22102	Honeywell, Inc	1,300.00	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,500.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	2,633.35	57.25
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	22,500.00	731.85
Do	American Rice Incorporated	15,000.00	122.36
Do	A. L. Williams & Company	17,000.00	598.48
Rebecca T. Barbour, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Betsy F. Barclay, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	456.32
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		651.86
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	4,000.00	57.38
Michael D. Barnes, 1050 Connecticut Avenue, NW Washington, DC 20036	Arent Fox Kintner Plotkin & Kahn (For:American Consulting Engineers Council)	3,560.00	4.10
Do	Arent Fox Kintner Plotkin and Kahn (For:Temistocles Ramirez De Arellano)	43,052.50	6.20
Barnes & Thornburg, 1313 Merchants Bank Building 11 South Meridian Street Indianaplois, IN 46204	Carl H. Dahlin	7,610.00	5,986.75
Do	Salt Creek & Little Calumet River Preservation Assn	780.10	
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	9,000.00	9,403.43
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	325.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Barr Laboratories, Inc, 2 Quaker Road Pomona, NY 10970			
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn		2,400.00
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Dave Barrows & Associates, 1201 SW, I2th Avenue, #200 Portland, OR 97205	Philip Morris, Inc	1,200.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	17,073.00
Jo-Anne R. Basile, 1990 M Street, NW, #610 Washington, DC 20036	Cellular Telecommunications Industry Assn	3,125.00	3,731.00
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Clean Air Working Group		
Stephen R. Bassett, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,250.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,135.88
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	1,780.52
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,000.00	
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern Railroad Co	1,750.00	658.12
Erica M. Battaglia, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	8,236.60	490.00
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Anthony R. Battista, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	350.00	40.00
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	875.50	
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	820.00	50.00
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:American Academy of Cosmetic Surgery, Inc)		
Do	Graham & James (For:R.R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)	200.00	
Do	Graham & James (For:Federal Judges Association)	600.00	
Do	Graham & James (For:National Council of U.S. Magistrates)	600.00	
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc		
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	411.97	478.12
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Alameda County Transportation Authority).	1,733.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)	867.00	
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	3,437.50	191.04
Lee Becker, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	347.50	75.00
Stacey Beckhardt, 1625 I Street, NW, #911 Washington, DC 20006	Consortium of Social Science Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,604.49	50.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	45.57
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	620.57	
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005			145.56
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	5,952.00	
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Government & Industrial Electronics Co	3,675.00	4,423.10
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	112.16	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	567.57
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	2,500.00	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	727.01
R. Steve Bell, 444 North Capitol Street, NW #845 Washington, DC 20001	National Air Traffic Controllers Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	3,026.38	592.03
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Porfessional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		20.00
Hu A. Benton, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Co)	244.76	
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	425.00	
Todd P. Bentsen, 322 D Street, NE Washington, DC 20036	Rainbow Lobby, Inc	4,220.00	
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	6,975.00	162.15
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	Sea-Land Corporation	450.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Assn	3,000.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	425.00	
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Avianca, Inc	2,000.00	150.00
Do	Bell Atlantic Corp	5,000.00	850.00
Do	China External Trade Development Council	2,000.00	1,600.00
Do	Dead Pigeon River Council		
Do	Electronic Industries Assn		
Do	Eli Lilly & Company	700.00	350.00
Do	First Boston Corp	10,000.00	2,850.00
Do	Flo-Sun Land Corp	10,000.00	1,960.00
Do	Forum Group, Inc		
Do	Fox Broadcasting Company	6,500.00	400.00
Do	Friendship in Freedom Assn	3,000.00	750.00
Do	Health Industry Manufacturers Assn	4,000.00	
Do	Jenny Craig International	3,000.00	375.00
Do	Landmark Hotel Corp		
Do	Mallinckrodt, Inc	6,000.00	400.00
Do	McDonnell Douglas Corp	3,600.00	375.00
Do	Murry's, Inc	400.00	90.00
Do	National American Wholesale Grocers Assn (NAWGA)	3,600.00	180.00
Do	National Assn of Business & Educational Radio, Inc	5,000.00	975.00
Do	National Soft Drink Assn	4,000.00	700.00
Do	Natural Gas Supply Assn	7,500.00	700.00
Do	Okeelanta Corp	10,000.00	2,150.00
Do	Orange & Rockland Utilities	9,000.00	1,400.00
Edwin M. Bergsmark, 136 North Summit Street, #213 Toledo, OH 43604	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)	5,000.00	1,000.00
Do	Bergson & Company (For:RJR Nabisco)	1,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	8,505.80	586.45
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	100.00	
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,514.00	248.00
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	15,000.00	3,993.18
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Richard B. Berman, 1025 Connecticut Ave. NW, #1010 Washington, DC 20036	Burger King Corp		
Do	Pillsbury Company		
Do	S&A Restaurants Corp		
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Susan M. Bernard, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	648.00	
Elizabeth Bernstein, 2030 M Street, NW Washington, DC 20036	Common Cause	4,500.00	160.75
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Jauch & Hubener, O.H.G.		
Do	Nationwide Insurance Companies	7,875.00	
Rachelle B. Bernstein, 1666 K Street, NW Washington, DC 20007	Arthur Andersen & Co (For:Protestant Episcopal Church Foundation of Diocese of Okla.).		
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	20,750.00	15,217.34
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
Michael J. Bertelsen, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Alliance for America's Homeowners)		
Do	Perkinson & Associates, Inc (For:Beneficial Management Corp)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	6,545.00	
Ed Bethune, 210 East Vine Street Searcy, AR 72143	FBI Agents Assn (FBIAA)	3,000.00	25.00
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	10,000.00	190.49
Do	American Assn of Eye & Ear Hospitals	10,000.00	218.85
Albert . Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Christie Manson & Woods International, Inc	1,153.66	758.46
Do	FMC Corporation		
Do	Northern Indiana Public Service Company		
Do	Pacific Dunlop-GNB	22,240.31	13,924.11
Sheldon D. Beychok, 10481 Old Hammond Hwy., #A Baton Rouge, LA 70816	Community Health Network of Louisiana, Inc		
Do	Lamar Corporation		
Do	Ramsay Hospital Corporation of Louisiana, Inc		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	533.00	96.47
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	IMCERA Group, Inc		
Richard H. Bierly, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,242.63	
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Oxford Energy Co	10,056.00	
Do	Santa Barbara County Air Pollution Control District	7,772.00	
Do	South Coast Air Quality Management District	22,656.35	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,226.27
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	8,390.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 810 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	1,750.00	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Amerada Hess Corp		
Do	Calista Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chugach Alaska Corp		
Do	City of Cordova		
Do	City of St. George		
Do	City of Valdez		
Do	Duquesne Light		
Do	Entergy Services Corp		
Do	Grand Targhee Ski Resort		
Do	Martech U.S.A., Inc		
Do	North Slope Borough		
Do	Northwest Forest Resource Council		
Do	Old Harbor Corp		
Do	Orange & Rockland		
Do	Regional Citizens Advisory Committee		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Western Forest Industries Assn		
Do	Westinghouse Electric Corp		
Do	Wildlife Legislative Fund of America		
Do	Yukon Pacific Corp		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,615.39	
McNair Bishop, 1725 k Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Barr Laboratories, Inc		
Do	CompuServe Incorporated		1,285.00
Do	National Cable Television Assn, Inc	23,607.50	880.66
Do	Natural Gas Pipeline Coalition		
J. Barry Bitzer, 1315 Duke Street Alexandria, VA 22314	Conservative Alliance		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	100.00	
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	5,000.00	
Do	Electronic Data Systems Corp		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	232.33
Do	Allied-Signal Corp	22,500.00	334.44
Do	Bethlehem Steel Corp	22,500.00	
Do	Cambridge Information Group	12,500.00	
Do	Casino Association of New Jersey	7,000.00	
Do	Clark Construction Group	9,000.00	126.19
Do	Gas Safety Action Council	1,000.00	
Do	GTech Corp	10,000.00	139.39
Do	Johnson & Johnson, Inc	30,000.00	340.93
Do	Kaman Aerospace Corp	25,000.00	
Do	Kashmiri American Foundation	35,000.00	
Do	Katun Corp	11,250.00	46.74
Do	League of Leaders for Philippine Development	7,500.00	54.33
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	6,000.00	
Do	Mortgage Insurance Companies of America	31,250.00	36.00
Do	NOVA University	30,000.00	87.03
Do	Puerto Rico Federal Affairs Administration	9,000.00	73.65
Do	Republic of Kenya	31,250.00	245.15
Do	South Carolina Economic Development Board	2,000.00	
Do	Tobacco Institute	22,500.00	106.97
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	22,500.00	
Do	United Way of America	0.25	
Do	UNITA	75,000.00	
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt (For:Health Care Coalition)		215.76
Do	Sirote & Permutt, PC (For:McAbee Construction)		606.67
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	493.18
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	1,682.70
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris, Inc	9,000.00	594.05
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	6,750.70	
Julia M. Blankenship, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	1,437.12	375.38
Norma Blankenship, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	5,000.00	485.23
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,500.00	
Patricia Blood, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	900.00	1,169.77
Anne Bloom, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	5,250.00	
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	2,292.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,152.04
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,376.29
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Robert A. Blum, 400 Sansome Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn	1,000.00	812.26
Wayne F. Boan, 16019 Mickleham Drive Spring, TX 77379	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		90,000.00	90,000.00
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	4,288.10	419.22
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	650.00	
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	Cruiseship Alliance	7,500.00	
Do	National Apparel & Textile Assn	5,000.00	
Do	United Sport Fishermen	1,500.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		4.00
John Bohm, 1800 Diagonal Road, #637 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	220.00	
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Assn		
Michael J. Bolen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Terry K. Bolger, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:American Foundation for AIDS Research)		
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Orment Corp)		
Do	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)		
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	600.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	5,700.00	81.00
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	1,250.00	450.00
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Robert Bonnie, 216 7th Street, SE Washington, DC 20003	Scenic America	700.00	225.00
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	3,900.00	
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	4,500.00	70.71
Steven A. Bookshester, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	297.00	
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,375.00	279.61
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al.	1,500.00	145.00
John C. Bottenberg, 702 Jayhawk Tower 700 S.W. Jackson Topeka, KS 66603	Philip Morris, Inc	3,750.00	339.04
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	192.74

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	2,937.50	
Albert D. Bowers, 1025 Conn. Ave., #200 Washington, DC 20036	Shell Oil Co	500.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	15,525.00	4,127.65
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	896.96
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	366.00	52.50
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,475.00	172.88
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	American Council on Education		
Do	Caribbean Marine, Inc		
Do	Centex Corp		
Do	Chemical Menufacturers Assn, Inc	705.00	423.00
Do	Enron Corp	1,175.00	705.00
Do	Enterprise Products, Co		
Do	Genetech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Louisiana Land & Exploration Co	487.50	302.50
Do	Lyondell Petrochemical, Co		
Do	Massachusetts Mutual Life Insurance Co	487.50	292.50
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc		
Do	Pennsylvania Natural Gas Assn		
Do	Joseph E. Seagram & Sons, Inc	235.00	141.00
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	1,645.00	987.00
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Arkla, Inc	7,000.00	230.00
Do	Association of Battery Recyclers	5,000.00	75.00
Do	City of Klamath Falls	8,000.00	120.00
Do	City of Tucson	7,000.00	120.00
Do	Coin Coalition	10,000.00	250.00
Do	Daishowa America Company, Ltd	6,000.00	125.00
Do	Energy Absorption Systems, Inc	8,000.00	75.00
Do	Fieldstone Co	1,000.00	55.00
Do	Millicom, Inc	4,000.00	100.00
Do	Pratt & Whitney Aircraft Group	4,000.00	75.00
Do	St. Louis Airport Authority	4,000.00	110.00
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	33,282.28	
Martha Braddock, 6808 Hathaway Street Springfield, VA 22152	Electronic Data Systems Corp	2,200.00	89.35
Daniel Todd Bradfield, P.O. Box 15242 Chevy Chase, MD 20825	Suburban Maryland Building Industry Assn	8,374.98	
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Mary I. Bradshaw, 2000 M Steet, NW, #550 Washington, DC 20036	North American Telecommunications Assn		
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	317.56	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Bluebonnet Savings Bank		
Do	National Assn for Home Care		
Do	S.A.F.E.		
Do	Seafarers International Union		
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action Fund	1,660.00	135.00
Sarah J. Brandt-Erichsen, 1050 17th Street, NW, #700 Washington, DC 20036	National Ocean Industries Assn	925.00	
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1200 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	260.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.		
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn	3,000.00	1,672.00
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America		
Do	American Fed of Labor & Congress of Industrial Organizations	5,000.00	
Do	American Federal Savings Bank		
Do	Car Rental Coalition	5,000.00	
Do	Committee to Eliminate Equipment Giveaways		
Do	Federal Home Loan Bank of San Francisco		
Do	Temistocles Ramirez	3,500.00	
Do	Trans World Airlines, Inc		
Do	Truck Renting & Leasing Assn	1,000.00	
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,631.48
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	270.00
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,500.00	50.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
F.H. Brewer III, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	1,748.00	35.19
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		573.86
Pamela J. Bridgen, 5103 Danbury Road Bethesda, MD 20814	Association of Biotechnology Companies		
Karen B. Brigham, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	4,625.00	1,419.40
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
David M. Brockman, 1201 New York Avenue, NW, #850 Washington, DC 20005	National Grain & Feed Assn		3,243.75
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	4.00
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For:National Bank of Detroit)	5,250.00	1,387.11
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	570.00
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)		
Do	Plunkett & Cooney (for Little Ceasar Enterprises, Inc)		
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	9,000.00	2,287.28
David A. Brody, 1050 Seventeenth Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc	1,500.00	
Do	Anti-Defamation League of B'nai B'rith		
Do	Corn Coalition	2,500.00	
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	1,200.00	
Michael J. Brokovich, 2001 L Street, NW, Suite 1000 Washington, DC 20036	Unisys Corp	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	2,825.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,921.90	71.00
Maria Brousse, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	2,215.04	
Cynthia A. Brown, 1640 Wisconsin Ave., NW, Washington, DC 20007	American College of Surgeons		
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	2,712.93
David S. J. Brown, 700 14th Street, NW Washington, DC 20036	Monsanto Co	700.00	338.70
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For:C.A.W.G)	2,000.00	1,800.00
Do	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	900.00
Michael J. Brown, 1026 16th Street, #101 Washington, DC 20036	Klein & Saks (For:Americans for Common Cents)		
Omer F. Brown II, 1752 N Street, NW, #800 Washington, DC 20036	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)	6,730.70	173.20
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	6,159.60	526.71
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute		
Virginia Brown, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc)	240.00	
Do	Thacher Proffitt & Wood (For:Coalition for Affordable Housing)	1,525.00	81.76
Do	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Cos)	3,375.00	63.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)	190.00	
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation		
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	361.00	
T. G. Brown & Associates, Inc, #995 National Press Building 529 14th Street, NW Washington, DC 20045	Velsicol Chemical Corp		
Clarence J. Brown and Co, Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc	3,525.00	
Do	Chris-Craft Industries, Inc		
Do	Honda North America,Inc		
Do	Ohio Edison	3,200.00	
Do	United Television, Inc		
Brown Coates & McCarthy Inc, 1825 K Street, NW, #807 Washington, DC 20036	Avco Research Lab, Inc	950.00	
Do	Royal Teton Ranch		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	10,000.00	1,468.38
Carol Brownell, 105 East 22nd Street New York, NY 10010	Community Service Society		
Brownstein Hyatt Farber & Madden, 410 17th Street, 22nd Floor Denver, CO 80202	Alliance for Capital Access		
Do	Western Union Corp	11,500.89	13,300.20
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Anchor Glass Container Corporation		
Do	Association Local Housing Finance Agencies	6,000.00	6,642.65
Do	Camara de la Industria de Transformacion de Nuevo Leon		
Do	Commuter Transportation Services, Inc	5,250.00	5,674.34
Do	New York City Housing Development Corp	4,741.00	488.73
Do	New York State Mortgage Loan Enforcement & Admin Corp	2,401.50	67.00
Do	Related Companies, Inc	9,000.00	9,891.00
Do	Schochet Associates		
Do	USGI, Inc	10,000.00	10,522.79
Do	Vitro		2,882.03
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	5,318.75	1,166.11
Do	Blood Center of Southeastern Wisconin	256.25	2.45
Do	Children's Hospital of Wisconsin	1,075.00	485.42
Do	Meehan Seaway		
Do	Oneida Nation	4,517.50	1,684.82
Do	Plumbers Local #75	1,230.00	856.89
Do	Waste Management, Inc	13,875.00	3,991.13
Do	Watertown Memorial Hospital		
Jeanne Broyhill, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp	8,782.00	940.87
Thomas P. Bruderle, 4630 Montgomery Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists		9,000.00
Kathryne M. Bruner, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,335.00	1,450.07
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	625.96	267.72
J. M. Brunkenhoefer, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	United Transportation Union	6,250.00	217.95
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,920.00	842.34
Barbara L. Bryant, 1101 17th Street, NW, #1000 Washington, DC 20036	American Physical Therapy Assn, Private Practice Section		
Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	605.00	647.42
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601			1,204.00
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	17,631.00	
Judith A. Buckalew, 1300 Eye Street, NW, #520-W Washington, DC 20005	Hoffmann-La Roche	5,500.00	471.25
Virginia M. Buckhold, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Commerce Clearing House)		
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	1,349.51
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)		
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			11,550.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	9,600.00	288.00
Kim H. Bullerdick, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	1,200.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
T. Scott Bunton, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	1,724.21
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists		
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Ambase		
Do	Carteret Savings & Loan Assn	4,000.00	1,896.08
Do	City of Newark		2,036.04
Do	Colorado-Ute Electric Assn, Inc		946.47
Do	East Texas Electric Cooperative	3,495.00	386.52
Do	International Geographical Congress		486.54
Do	Mutual Benefit Life	7,500.00	3,211.25
Do	New York University	16,666.67	3,212.49
Do	NTEC	4,402.50	1,217.95
Do	Ogden, Utah		
Do	Paine Webber		755.19
Do	Sabine River Authority	2,065.00	211.25
Do	Tex-La	5,501.25	1,408.73
Do	United Power	771.25	368.65
Do	University of Medicine & Dentistry of New Jersey		1,788.03
Do	University of Miami	20,000.00	3,058.03
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,000.00	
Burger King Corp, P.O. Box 520783 Gen. Mail Facility Miami, FL 33152			
William J. Burhop, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc	2,125.00	390.40
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton (For:Association of Independent Research Institutes (AIRI))	410.00	
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)		
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	1,480.00	300.00
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		50,378.00	1,150.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	3,750.00	60.14
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Burns, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security, Inc		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	246.22
Joseph E. Burnside, 1819 L Street, NW, #200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	46.00
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Arthur Andersen & Co		
Do	Chicago & Northwestern Transportation Co		
Do	CEMEX		
Do	Eli Lilly & Company		
Do	Ethyl Corporation		
Do	EWC, Inc		
Do	Lever Brothers Company		
Do	National Food Processors		
Do	Thomson-CSF, Inc	2,500.00	
Do	U.S. Olympic Committee		
B. Kent Burton, 1730 Rhode Island Avenue, NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		11.00
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		5,787.81
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Business Committee for Fair Civil RICO Legislation, 1400 16th Street, NW #400 Washington, DC 20036-2220			11.73
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	400.00	
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau	115.00	115.00
Kenneth W. Butler, 2010 Corporate Ridge, #700 McLean, VA 22102	Association of American Railroads	21,250.00	10,183.81
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			110,862.95
Cable TV Consumers, P.O. Box 2218 La Mesa, CA 92044		302.00	1,800.00
Patrick J. Cacchione, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers		
Elizabeth B. Cady, 1400 L Street, NW, #600 Washington, DC 20005-3509	Steel Service Center Institute		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Donald L. Cahill, 347 Widewater Road Stafford, VA 22554	Fraternal Order of Police	5,150.00	5,759.47
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	6,250.00	
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	19,000.00	2,545.05
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,155.25	
Bonnie Caldwell, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	1,450.28
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			240.00
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Allison Transmission	500.00	
Do	Eastern Technologies, Inc	500.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Optic-Electronic Corp	500.00	
Do	Textron Lycoming	500.00	
Arthur E. Cameron, 1111 14th Street, NW, #1001 Washington, DC 20005	Amerace Corporation	1,500.00	
Do	Lukens General Industries, Inc	1,500.00	
Do	National Greyhound Assn	4,500.00	
Do	Potters Industries, Inc	2,250.00	
Do	Radar Assn Defending Airwave Rights, Inc (RADAR)	1,500.00	
Do	Safetran Systems Corporation	3,225.00	
Do	Syro Steel Co, et al.	1,875.00	
Do	3M Company	7,204.00	
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	346.20	270.11
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Advance Petroleum Inc	495.00	
Do	Associated Financial Corp		
Do	ARA Services, Inc		
Do	BellSouth Corp	315.60	
Do	Blue Cross & Blue Shield Assn	187.20	
Do	California Pipe Trades Council		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	250.00	
Do	Cleveland Clinic Foundation		
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation		
Do	Fashion Accessories Shippers Assn (FASA)		
Do	Goldbelt, Inc	300.00	
Do	Home Intensive Care, Inc	582.50	
Do	K-Mart Corp		
Do	Mobil Oil Corp		
Do	MRO	520.00	
Do	Natural Gas Supply Assn		
Do	NATCO (National Assn of Tax Credit Coalition)		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	PGA Tour		
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	870.00	
Do	Shell Oil Co	603.80	
Do	Southland Corporation	619.80	
Do	Super 8 Motels, Inc		
Do	Texaco, Inc		
Do	Toy Importers Working Group		
Do	Union Pacific Resources, Inc		
Do	Western Mobilehome Assn		
Do	World Airways		
Do	World Fuel Services	750.85	
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		5,727.57	9,759.88
Campaign Consultants, Inc, 211 North Union Street, #200 Alexandria, VA 22314	NRA Institute for Legislative Action	7,500.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco		5,771.00
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	800.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Nuclear Energy Council		
Do	Boston Edison		
Do	Invest to Compete Alliance		
Do	The New England		
Do	Product Liability Alliance		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	General Motors Corp		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	Loral Corp		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Syracuse University)		
Do	West Virginia University		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	1,600.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,100.00
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		300.00	295.19
Canady Law Legislative Group, 310 N. Grand Ave., #110 Lansing, MI 48933-1279			
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	14,250.00	90.48
Candlelighters, 123 C St., SE Washington, DC 20003			
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	550.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Dean H. Cannon, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)		
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Timken Co)		
Do	Stewart & Stewart (For:Torrington Company)		
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Francis J. Cantrel Jr, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	39.33
Charles Hollister Cantus, 555 13th Street, NW, #450 west Washington, DC 20004	Union Pacific Corp	8,000.00	872.96
Richard R. Cape, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp	1,500.00	
Do	Madison Group (for: Northern State Power)		
Do	Philip Morris, Inc	13,285.71	
Capital Marketing Analytics, Inc, 2001 Jeferson Davis Highway, #1012 Arlington, VA 22202	Argo-Tech Corp		
Do	Honeywell, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Loral Corp		
Do	Rockwell International Corp		
Do	Sofec, Inc		
Capital Representation Group, Inc, 1127 11th Street, #1003 Sacramento, CA 95814	Philip Morris, Inc	420.00	108.00
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Assn for Cancer Research	300.00	
Do	American Assn of Nurse Anesthetists	6,700.00	
Do	American Biotechnology Companies	750.00	
Do	American Soc of Nephrology	4,750.00	
Do	American Soc of Tropical Medicine and Hygiene	300.00	
Do	Arthritis Foundation	937.50	
Do	Cambridge BioScience	600.00	
Do	Carnation Co	5,000.00	
Do	Citizens Comm for Medical Research & Health Education	800.00	
Do	Coordinating Council for Cancer Research	2,250.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Emergency Nurses Assn	500.00	
Do	Endocrine Society	437.50	
Do	FDA Council	10,237.50	
Do	Hutchinson Cancer Center	1,800.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	433.13	
Do	Massachusetts General Hospital	3,600.00	
Do	Museum of Science & Industry	750.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,188.00	
Do	National Coalition for Cancer Research	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Crime Protection Council	825.00	
Do	National Multiple Sclerosis Society	633.23	
Do	Partnership for Organ Donation	1,000.00	
Do	Linda Pollin Foundation	1,000.00	
Do	Ringling Brothers	3,750.00	
Do	Technicon Data Systems Corp	600.00	
Do	Wellman Laboratory	1,150.00	
Capitol Marketing Services, 923 Riva Ridge Drive Great Falls, VA 22066			
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Children's Television Workshop		
Do	Council on Foundations, Inc		
Do	National Council of YMCA of the USA		
Do	National Wildlife Federation		
Do	Wisconsin Alumni Research Foundation (WARF)		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		
Michael J. Carey, 111 West Washington Street, #1017 Chicago, IL 60602	City of Chicago		
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	18,657.00	1,164.39
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Caribbean Trade and Apparel Coalition (C-TAC), 1215 17th Street, NW Washington, DC 20036			
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	75.00	
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)		
Do	Cadwalader Wickersham & Taft (For:GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors).		
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)		
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	255.00	
Do	Cadwalader Wickersham & Taft (For:Princeton University Investment Company)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	32,893.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,375.00	
Eileen Shannon Carlson, 2000 M St., NW Washington, DC 20036	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)		
Do	Graham & James (For:Federal Judges Association)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Sierra Pacific Resources)		
Do	Graham & James (For:Stock Information Group)		
Do	Graham & James (For:Walt Disney Co)		
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	925.00	44.00
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Group (for CareerCom)	12,000.00	116.25
Carmen Group, 1667 K Street, NW, #700 Washington, DC 20006	CareerCom Corp	12,000.00	12,208.43
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	Arctic Sounder Enterprises, Inc		
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Douglas G. Caroom, 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Bickerstaff Heath & Smiley (For:Upton County)		
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	6,750.00	
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Co		
Peter F. Carpenter, 950 Page Mill Road Palo Alto, CA 94303	ALZA Corp		100.00
Fred A. Carr Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	571.41
John K. Carson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	11,100.00	287.00
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
David C. Carter, 1156 15th St., NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	197.00	1,018.68
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	950.07	110.75
Tristan Carter, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	800.00	498.82
Melanie Carter-Maguire, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,500.00	1,177.52
Cascade Natural Gas Corp, 222 Fairview Avenue N Seattle, WA 98109			
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	10,000.00	594.99
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Califonia Livestock Production Credit Assn	4,612.50	49.50
Do	Council on Education Development and Research	300.00	
Do	Dairymen, Inc	12,500.00	
Do	Equipment Manufacturers Institute	2,025.00	
Do	First South Production Credit Assn	20,000.00	1,155.17
Do	National Assn of Crop Insurance Agents	20,000.00	17.15
Do	United Foods, Inc	21,000.00	219.43
Paul S. Caskey, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	400.00	20.00
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	
William E. Casselman II, 1300 I Street, NW, #500-East Washington, DC 20005	Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership)		
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,681.25	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf		
Do	American Assn of Colleges of Podiatric Medicine	475.00	
Do	American Dredging Co	3,000.00	11.32
Do	American Hospital in Shanghai Foundation	1,350.00	
Do	American Science and Engineering, Inc	225.00	17.10
Do	AmeriFlora '92	900.00	
Do	Anatolia College Board of Trustees		
Do	Arizona State University	600.00	
Do	AT&T	1,425.00	
Do	Barry University		
Do	Bean Dredging Company	3,000.00	11.32
Do	Biopure Corp		
Do	Boston Carmen's Union		
Do	Boston College		
Do	Boston University		
Do	Cardinal Hill Hospital	900.00	25.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Catholic University of America	825.00	
Do	Centex Communications, Inc		
Do	Challenger Center		
Do	Children's Hospital and Health Center of San Diego	150.00	
Do	Children's Hospital in Michigan	975.00	
Do	Children's Hospital National Medical Center	1,200.00	61.50
Do	Clark-Atlanta University		
Do	Columbia University	900.00	41.20
Do	Commonwealth of Puerto Rico		
Do	Community College Assn for Technology Transfer	2,925.00	21.00
Do	Critical Languages & Area Studies Consortium, Inc	2,550.00	47.69
Do	Delaware State Dept of Transportation	7,350.00	18.90
Do	Epcint		
Do	Experiment in International Living	1,950.00	7.10
Do	Friends of the American Tel Aviv Museum of Art		
Do	Fudan Foundation	1,600.00	
Do	Gatx-Airlog	225.00	40.75
Do	Gonzaga University	75.00	
Do	Great Lakes Dredge and Dock Company	3,000.00	11.32
Do	Hahnemann University Hospital	1,800.00	27.10
Do	Hawaii Dept of Business & Economic Development	75.00	14.30
Do	Infirmary Health Systems, Inc	1,200.00	
Do	Intechnica International, Inc		
Do	Intercontinental Energy Group		
Do	International Data Group		
Do	ITT Gilfillan	1,225.00	22.31
Do	T.L. James & Company		11.32
Do	Jones Intercable, Inc	6,200.00	172.00
Do	JBS & Associates, Inc		
Do	K.G. Land New York Corp		
Do	Kerr-McGee	225.00	30.70
Do	Kimberly Quality Care	2,100.00	121.50
Do	Lehigh University	225.00	
Do	LiTel Telecommunications Corp	675.00	17.00
Do	Lodge Corp	575.00	
Do	Loma Linda University Medical Center, Inc		
Do	Louisiana Public Facility Authority		
Do	Loyola College (Baltimore)	75.00	7.50
Do	Loyola Marymount University	300.00	
Do	Loyola University of Chicago	450.00	
Do	Massachusetts Corp for Education Telecommunication		
Do	Massachusetts League of Banks		
Do	Medical College of Wisconsin	3,600.00	96.90
Do	Michigan Biotechnology Institute	3,000.00	
Do	Michigan Technological University	75.00	
Do	Monterey Institute of International Studies	375.00	
Do	Mt. Sinai Medical Center of Greater Miami	910.00	44.80
Do	Multinational Business Development	50.00	
Do	Mutual Interest Transactions		
Do	MIC Industries	900.00	
Do	National Jewish Center for Immunology & Respiratory Medicine	1,800.00	57.95
Do	NeoRx		
Do	New England Deaconess Hospital Corporation		
Do	Northwestern University	1,187.00	7.50
Do	Ocean Spray Cranberries, Inc	900.00	
Do	Oceanit Laboratories, Inc	750.00	13.40
Do	Pennsylvania Turnpike Commission	1,425.00	12.00
Do	Pine Bluff Sand & Gravel		11.32
Do	Pirelli Cable Co	225.00	
Do	Polytechnic University	75.00	
Do	PHH Corp	900.00	
Do	Rochester Institute of Technology	600.00	37.75
Do	Saint Joseph's University	225.00	9.85
Do	Salzburg Seminar	2,850.00	
Do	Scott County Highway Department	2,700.00	
Do	Societa Cavi Pirelli S.p.A.		
Do	St. Norberts College	1,200.00	7.50
Do	State of Indiana Dept of Commerce		
Do	State of Indiana, Office of the Governor	4,950.00	26.85
Do	Tougaloo College		
Do	Tufts University	550.00	
Do	Universal Med Center/U of TX Health Science Center at Dallas	300.00	
Do	University of the Arts		
Do	University of Hawaii	75.00	
Do	University of Kentucky Research Foundation	350.00	
Do	University of Nebraska		
Do	University of Pennsylvania	725.00	
Do	University of Southern Mississippi	300.00	
Do	University of Utah	600.00	
Do	University of Vermont		
Do	Western Townships Utilities Authority	1,800.00	15.00
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh	600.00	
Do	Zamias Group		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
Quentin Caudle, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	2,400.00	
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	22,250.00	459.91
Do	Housing Authority Insurance, Inc	2,494.00	
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	500.00	
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	2,875.00	2,250.84
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	2,185.00	
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			830.62
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	647.50	106.00
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Amalgamated Metal Corp PLC		
Do	American Paper Institute, Inc		
Do	AES Corporation	1,050.00	50.00
Do	Commercial Union Energy Corp	2,590.00	130.00
Do	Cyprus Silver Bay Power Company		
Do	Inter-Power of New York, Inc	35.00	
Do	Napp Chemicals, Inc	1,120.00	55.00
Do	Ormat Energy Systems, Inc		
Do	Oxbow Geothermal Corp		
Do	Ruan Transportation Management Systems		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc		
Walton M. Chalmers II, 122 C Street, NW, #500-A Washington, DC 20001	Fujisawa Pharmaceutical Co	9,750.00	1,120.00
Mark G. Chalpin, 1730 M Street, NW, #900 Washington, DC 20036	National Hydropower Assn		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assembly of Collegiate Schools of Business	150.00	
Do	American Express Co		
Do	American Postal Workers Union, AFL-CIO	1,650.00	
Do	Coalition of Publicly Traded Limited Partnerships	63.00	
Do	Columbia Falls Aluminum Company	750.00	
Do	Committee for Equitable Compensation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Council of Infrastructure Financing Authorities	150.00	
Do	Fund to Assure Public Infrastructure Financing		
Do	Lead Industries Assn	3,050.00	
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group		
Do	Newhall Land and Farming Company		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	3,000.00	100.00
Robert T. Chancler, 1101 Connecticut Ave., NW Washington, DC 20036	American Wire Producers Assn		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	13,200.00	500.00
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1629 K Street, NW, #1100 Washington, DC 20006	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	110.00
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	3,913.71
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	General Motors Corp	8,925.00	673.00
O. Donaldson Chapoton, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Rhone-Poulenc)		
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	15,109.37	458.64
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	1,350.00	
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	12,000.00	13,980.47
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			911.00
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	33,000.00	471.85
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			90,469.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,783.19
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,209.00
Do	Arena Stage	1,162.00	1,268.75
Do	Art Museum Princeton University		109.00
Do	Bishop Museum	2,000.00	1,209.00
Do	Buffalo Museum of Science		
Do	Capital Childrens Museum	1,076.00	1,182.75
Do	Cincinnati Museum of Natural History		
Do	Cleveland Museum of Natural History		409.00
Do	Corcoran Gallery of Art	1,205.25	1,312.00
Do	Denver Museum of Natural History		
Do	Directors Guild of America	15,433.00	15,913.68
Do	Field Museum of Natural History		1,209.00
Do	Fine Arts Museums of San Francisco	500.00	109.00
Do	Ford's Theater	1,076.00	1,182.75
Do	Hebrew Union College, Skirball Museum		109.00
Do	Illinois State Museum Society		109.00
Do	Los Angeles County Museum of Art		
Do	Meridian House International	1,032.75	1,139.50
Do	Metropolitan Museum of Art		409.00
Do	Milwaukee Public Museum		409.00
Do	Museum of American Textile History	500.00	
Do	Museum of Fine Arts Boston	1,000.00	409.00
Do	Museum of Natural History University of Kansas		109.00
Do	Museum of Northern Arizona		
Do	National Museum of Women in the Arts	1,076.00	1,182.75
Do	National Symphony	1,248.50	1,355.25
Do	Natural History Museum of Los Angeles County		1,209.00
Do	Oakland Museum		109.00
Do	Peabody Museum of Salem		409.00
Do	Phillips Collection	1,119.00	1,225.75
Do	Rochester Museum & Science Center		
Do	Santa Barbara Museum of Art		109.00
Do	Shakespeare Theater at the Folger	1,076.00	1,182.75
Do	Shelburn Museum		109.00
Do	Textile Museum	1,032.50	1,139.25
Do	University of Nebraska State Museum		
Do	University of Pennslvania Museum		
Do	Washington Ballet	1,032.75	1,139.50
Do	Washington Opera	1,119.00	1,225.75
Do	Washington Performing Arts Society	1,119.00	1,225.75
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa	7,500.00	100.00
Do	Freedman Levy Kroll & Simonds (For:Universal Frutrade Co-operative, Ltd)	5,000.00	100.00
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		2,477.00
Nam-Hong Cho, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	900.00	720.00
Darrel Choat, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Associates, Inc (For:Australian Barley Board)		
Do	Keene Shirley & Associates, Inc (For:Limited, Inc, (The))		
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	965.00	771.85
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade		
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	1,800.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			27,934.00
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			3,110.37
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,550.00	988.90
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	750.00	750.00
Do	American Radio Relay League, Inc	3,750.00	3,750.00
Do	Associated Locksmiths of America	1,332.00	1,332.00
Do	National Licensed Beverage Assn	4,050.00	4,050.00
Do	National Weather Service Employees Organization	360.00	360.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Linda Church Ciocci, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,300.00	
Citizen Action Fund, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		17,875.00	17,875.00
Citizens for Protection of the Constitution, P.O. Box 8711 San Jose, CA 95155-8711			
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		1,150.00	1,140.89
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1301 Connecticut Avenue, NW Washington, DC 20036			181,662.04
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		653,765.06	249,909.34
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Tele-Press Associates, Inc (For:Japan Fisheries Association)		1,067.90
Betsy Clark, 1830 Platte Street Denver, CO 80202	Philip Morris, Inc	12,000.00	25.00
Fred D. Clark Jr., 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Lynn C. Clark, 1411 K Street, NW, #500 Washington, DC 20005	District of Columbia Chamber of Commerce	975.00	
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	785.09
Robert G. Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Thomas R. Clark, 1667 K Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		15,816.36
Vernon A. Clark, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Vern Clark & Associates (For:Fox Television Stations, Inc)	11,850.00	
Do	Vern Clark & Associates (For:Metromedia Company)	15,800.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	27,650.00	
Vern Clark & Associates, 2100 Pennsylvania Ave, NW, #600 Washington, DC 20037	Fox Television Stations, Inc	4,500.00	
Do	Metromedia Company	6,000.00	
Do	RJR, Nabisco Washington, Inc	10,500.00	
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	500.00	
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	5,375.50	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	493.14	
Clean Sound, 110 West Dayton, #202 Edward, WA 98020		700,000.00	16,096.93
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp		
Do	Day-Glo Color Corp	188.50	
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Security Pacific National Bank	3,573.00	60.00
Do	Union Oil Co of California, et al.	655.05	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	5,037.36	457.56
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			170.00
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			492.00
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	Australian Meat & Live-Stock Corp	3,000.00	2,500.00
Do	Nonprescription Drug Manufacturers Assn		
George Stephen Clifton, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Co	1,500.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition for Higher Education Assistance Organizations	125.00	
Do	Consumer Bankers Assn	20,000.00	
Do	Student Loan Funding Corp of Ohio	1,200.00	
Sam E. Clonts, 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Bickerstaff Heath & Smiley (For:Upton County)		
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Pilar M. Cloud, 1201 Pennsylvania Ave., NW, #807 P.O. Box 7566 Washington, DC 20044	BSA Business Software Assn, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	800.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coalition for Acid Rain Equity (CARE), 1667 K Street, NW, #900 Washington, DC 20006			22,140.46
Coalition for Affordable Home Financing, 1350 New York Ave, NW, #800 Washington, DC 20005		45,000.00	43,750.00
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			286.42
Coalition of Supporters of the Shipping Act, 1800 M Street, NW Washington, DC 20036			
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		1,347.50	33.92
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		66,489.00	69,867.00
Coalition Against Double Taxation, Inc, c/o Perkins Coie 1110 Vermont Ave., NW, #1200 Washington, DC 20005		60,000.00	
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	8,500.00	1,341.00
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Coffield Ungaretti Harris & Slavin, 3500 Three First National Plaza Chicago, IL 60602	Blunt Ellis & Loewi, Inc		
Do	Comdisco, Inc		
Do	Massachusetts Mutual Life Insurance Company	7,500.00	
Do	Metropolitan Mutual Life Insurance Company	7,500.00	
Do	Smokeless Tobacco Council, Inc	18,000.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,200.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,975.00	1,534.98
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,153.86	116.00
Harriet Cohen, 105 East 22nd Street New York, NY 10010	Community Service Society		
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Association of Manufacturers	155.00	
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	Sacks Tierney Kasen & Kerrick (For:City of Tucson)	4,385.00	931.93
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Maclean Hunter Cable TV	5,160.00	388.51
Do	USA Network	33,592.50	1,167.94
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		531.12
George T. Coldeway, 7975 Miami Lakes Drive West, #200 Miami, FL 33016	South Florida Hospital Assn		
Douglas Cole, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	1,500.00	
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BR Services, Inc -	1,000.00	962.07
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Louisiana Land & Exploration Co		
Do	Matsushita Elec Corp (for Int'l Electron Mfgrs & Consum...)		
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William T. Coleman Jr., 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)	2,031.25	
Do	O'Melveny & Myers (For:Ford Motor Co)		
Colex & Associates, P.O. Box 700 Annandale, VA 22203	Homedco	1,400.00	
Do	National Assn of TJTC Consultants	3,000.00	
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company	70.00	8.00
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)	2,430.00	2,430.00
Do	Alliance for Capital Access	2,800.00	2,800.00
Do	American Car Rental Assn	2,690.00	2,690.00
Do	American Couplings Coalition		
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	600.00	600.00
Do	Association of Certified Trucking Schools	1,975.00	1,975.00
Do	Australian Wheat Board		
Do	Bicycle Mfgrs Assn of Amer, Inc	2,125.00	2,125.00
Do	Coalition for Safe Ceramicware		
Do	Committee of American Ammunition Manufacturers	740.00	740.00
Do	Crop Insurance Research Bureau	2,400.00	2,400.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	400.00	400.00
Do	Footwear Procurement Coalition	3,250.00	3,250.00
Do	Gerry Baby Products Co		
Do	Independent Lubricant Manufacturers Assn	2,310.00	2,310.00
Do	Inland Steel Corp	3,000.00	3,000.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	7,100.00	7,100.00
Do	National Assn of Mutual Insurance Cos		
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	390.00	390.00
Do	National Pasta Assn		
Do	Nutriclean	1,335.00	1,335.00
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A.	11,250.00	11,250.00
Do	PetroJam, Ltd	7,400.00	7,400.00
Do	Pittsburgh Corning Corporation		
Do	Shipbuilders Council of America	160.00	160.00
Do	Society of Independent Gasoline Marketers of America	10,567.50	10,567.50
Do	Specialty Steel Industry of the United States	1,295.00	1,295.00
Do	Zurich-American Insurance Companies	2,145.00	2,145.00
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Davidson Colling Group (For:Caraustar Industries, Inc)	8,633.91	
Do	Davidson Colling Group (For:Field Container Corp)	1,726.41	
Do	Davidson Colling Group (For:Garden State Paper Company)	4,241.02	
Do	Davidson Colling Group (For:Halltown Paperboard Co)	820.76	
Do	Davidson Colling Group, Inc (For:Media General, Inc)	500.00	
Do	Davidson Colling Group (For:Newark Group)	12,463.46	
Do	Davidson Colling Group (For:Newman & Company, Inc)	875.64	
Do	Davidson Colling Group (For:Rock-Tenn Company)	10,008.25	
Do	Davidson Colling Group (For:Sonoco Products Co)	12,548.78	
Do	Davidson Colling Group (For:Southeast Paper Manufacturing Co)	7,853.48	
Do	Davidson Colling Group (For:Waldorf Corp)	6,218.29	
Do	Davidson Colling Group (For:White Pigeon Paper Co)	941.95	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	384.81
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Southern Company Services, Inc	1,000.00	
Collins & Associates, 6269 Franconia Road Alexandria, VA 22310	City of Pompano Beach, Florida		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Dominique Colon, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute		
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	279.81
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	5,050.97	21.80

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Co-Mesquite		
Committee for America's Copyright Community, 2000 K Street, NW, #600 Washington, DC 20006-1809		2,225.00	2,225.00
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			
Committee for Humane Legislation, Inc, 1506 19th Street, NW, #3 Washington, DC 20036		9,653.39	2,783.22
Committee of Public Fiscal Policy, 214 Massachusetts Ave., NE, #210 Washington, DC 20002			
Committee on U.S. Business Canadian Life & Health Insur Assn, C/O Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.	Committee on U.S. Business Canadian Life & Health Ins. Assn		79,677.00
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007			
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		4,132.25	3,664.97
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		29,000.00	12,000.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,170,973.00	605,368.93
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE,#200 Washington, DC 20003		90,750.00	
Competitive Telecommunications Assn, 120 Maryland Ave., NE Washington, DC 20002			
Compressed Gas Assn/Helium Advisory Council, Crystal Gateway #1, Suie 501 1235 Jefferson Davis Highway Arlington, VA 22202.		9,689.00	9,689.00
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		153.70
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Georgia Power Company	3,000.00	
Do	Mutual Life Insurance Tax Company	10,500.00	
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Do	Automotive Refrigeration Products Institute	1,793.75	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	331.05
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association fo University Programs in Hazardous Waste Resch.	3,500.00	2,125.00
Do	Association of Univ Environmental Health Science Centers	6,000.00	2,125.00
Do	Association of University Programs in Occupational Safety...	7,500.00	2,125.00
Do	International Chemical Workers Union	2,500.00	2,125.00
Do	Laborers Employers Cooperative & Education Trust	595.00	2,125.00
Do	Laborers National Health & Safety Fund	11,235.00	2,125.00
Do	Laborers/AGC Education & Training Fund	14,525.00	2,125.00
Do	Metal Trades Department, AFL-CIO	4,000.00	2,125.00
Do	National Coordination Committee for Multiemployer Plans		2,125.00
Do	University of Cincinnati	2,500.00	2,125.00
Brian L. Connor, 1235 Jefferson Davis Hgwy., #606 Arlington, VA 22202	National Utility Contractors Assn	10,000.00	
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff, Inc	270.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	765.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 655 15th Street, NW, 444 Washington, DC 20005	National Rifle Assn of America	1,092.75	51.26
Kathryn Conroy, 105 East 22nd Street New York, NY 10010	Community Service Society		
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Conservative Alliance, 1315 Duke Street Alexandria, VA 22314			
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			15,646.22
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		73,437.50	4,780.00
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			13,370.00
Daniel J. Conway, 1133 Connecticut Ave., NW, #400 Washington, DC 20036	Chubb Corporation	10,000.00	431.42
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1776 Eye Steet, NW, #1050 Washington, DC 20006	Eastman Kodak Co	250.00	51.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	64.00	140.67
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	6,935.21	28.77
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	300.00	
Lucy Cook, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
Robert M. Cook, 2910 E. Camelback Road, #150 Phoenix, AZ 85016-4406			
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			68,796.19
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	5,625.00	4,500.00
Edmund D. Cooke, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For:United Funding & Investors)	4,914.00	
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,054.00	
Robert M. Coon Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security		
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,586.00	
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants		811.86
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	1,835.69	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	27,000.00	
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	894.00
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	843.52
Copyright Remedies Coalition, 2000 K Street, NW, #600 Washington, DC 20006-1809		3,550.00	3,550.00
John J. Corbett, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Michigan Municipal/Cooperative Group)	4,485.00	217.31
Tom Corcoran, 360 E. Randolph, #2402 Chicago, IL 60601	Wallace Associates Corp		
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		8,460.00	3,155.00
David L. Cornwell, 2217 Casemont Drive Falls Church, VA 22046	Wackenhut Corporation		
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,265.65	80.10
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	821.15	301.15
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	750.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
William R. Corson, 1725 K Street, NW, #903 Washington, DC 20006	Penthouse International, Ltd		
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Corwin Communications, 418 East Broadway, C-13 Bismarck, ND 58501	Philip Morris, Inc	10,800.00	1,416.00
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
Gregory Costa, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	7,500.00	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		792.88
Donna J. Costlow, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004	National Assn of Manufactuers	250.00	
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government	607.50	
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd.		
Shawn Coughlin, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	10,000.00	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			15,947.39
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		4,875.00	5,353.00
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036	Council for Rural Housing & Development	2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1420 16th Street, NW, #405 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		2,070.00	723.06
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007.			
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For:Community Antenna Television Assn)	500.00	
Do	Coursen Group (For:Glenfed, Inc)	500.00	
Do	Coursen Group (For:IDB Communications Group, Inc)	500.00	
Do	Coursen Group (For:Pacific Bell)	500.00	
Do	Coursen Group (For:Pacific Telesis Group)	500.00	
Do	Coursen Group (For:Telecommunications Industries, Inc)	500.00	
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	13,500.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Grumman Corporation		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,700.00	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn		225.18
Do	Association of Maximum Service Telecasters, Inc		
Do	Brown Brothers Harriman & Co	8,000.00	2,281.65
Do	BSA Business Software Assn, Inc		
Do	Coalition to Preserve the Integrity of American Trademarks	16,000.00	1,122.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Commonwealth of Puerto Rico	3,112.50	
Do	Corrections Corporation of America	11,250.00	5,870.31
Do	CBS Television Network Affiliates Assn	1,000.00	
Do	ERISA Industry Committee	2,687.50	18.50
Do	International Swap Dealers Assn		
Do	Investment Company Institute		6.00
Do	Maui Land & Pineapple Co, Inc		
Do	Midwest Television, Inc		
Do	National Football League	3,650.00	
Do	NCNB Corp	1,470.00	9.00
Do	Post-Newsweek Stations, Inc		
Do	State of Arkansas, Dept of Human Services		
Do	State of Connecticut, Dept of Income Maintenance		
Do	State of Hawaii, Dept of Human Services		
Do	State of Illinois, Dept of Public Aid		
Do	State of Louisiana, Dept of Health & Hospitals		
Do	State of Michigan, Dept of Mental Health		
Do	State of Missouri, Dept of Social Services		
Do	State of New York, Office of Mental Health		
Do	State of North Carolina, Dept of Human Resources		
Do	State of Oklahoma, Dept of Human Services		
Do	State of South Carolina, Health & Human Services Finance Com		
Do	State of West Virginia, Division of Human Services		
Do	State of Wisconsin, Dept of Health & Social Services		
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	United Technologies Corporation		
Do	Washington Post Company (for: Media Group)	1,650.00	
Sharon Cowan, 1825 K Street, NW Washington, DC 20006	American Soc of Mechanical Engineers		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capital Cities/ABC, Inc		
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	5,850.00	1,308.53
Do	Cordova District Fishermen United, Inc	1,250.00	93.77
Do	Fairbanks/North Star Borough	1,350.00	129.60
Do	Pacific Marine Fisheries Commission	1,950.00	80.18
Do	United Fishermen of Alaska	1,000.00	510.12
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,287.52	
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,687.51	35.00
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	2,576.00	115.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,075.00	
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc		10.00
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
William C. Cramer, 5396 Gulf Boulevard, #1102 St Peterburg, FL 33706	Cramer & Haber, P.C. (For:Canaveral Port Authority)		
Cramer & Haber, P.C., 5396 Gulf Boulevard, #1102 St. Petersburg, FL 33706	Canaveral Port Authority	4,500.00	238.00
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	2,250.00	
Richard C. Crawford, 1825 Samuel Morse Drive Reston, VA 22090	Coors Brewing Company	10,800.00	69.25
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Creative Dynamics, Inc, 1143 N. General Pershing Hammond, LA 70401	Reese Communications Cos (for: Philip Morris USA)	1,875.00	793.28
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar Tractor Co	3,000.00	
Mary Dent Crisp, 601 Pennsylvania Ave., NW, #700 Washington, DC 20004-2602	Business Executives for National Security, Inc		
Judy Crockett, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,856.00	
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp	3,000.00	
Do	McDonnell Douglas Helicopters	2,000.00	
Do	MTS Systems Corp	1,000.00	
Do	Northrop Corp	2,000.00	
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Mark E Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	4,500.00	
Do	Asarco, Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Central Nebraska Public Power & Irrigation District		
Do	Chesapeake Utilities Corp		
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc	140.00	10.00
Do	Eli Lilly & Company	811.25	10.00
Do	Emery Worldwide		
Do	Lehn & Fink Products Group		
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co	145.00	10.00
Do	National Assn of Wholesaler-Distributors	1,475.00	10.00
Do	National Risk Retention Assn		
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al.		
Do	Regional Airline Association		
Do	Tiffany & Co		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		381.00
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Law Ofs of Jonathan W. Cuneo, 1300 I Street, NW, #408-E Washington, DC 20005	Committee to Support the Antitrust Laws	12,000.00	9.00
Do	National Assn of Securities and Commercial Attorneys	6,000.00	361.57
Do	National Coalition of Petroleum Retailers, Inc	5,000.00	
Do	Songwriters Guild of America	5,000.00	
Harry C. Cunningham, 85 West Spencer Ave. Philadelphia, PA 19120	National Fraternal Order of Police	650.00	1,103.76
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,571.10	1,299.75
Randall L. Currier, 412 Morris Avenue, #37 Summit, NJ 07901	New Jersey State Bar Assn		
Anne M. Curry, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, 3000 K Street, NW, #3-A Washington, DC 20007	Motorcycle Riders Foundation, Inc	9,000.00	6,077.12
Curtis Thaxter Lipez Stevens Broder & Micoleau, 1 Canal Plaza P.O. Box 7326 Portland, ME 04112	Philip Morris, Inc	6,800.00	1,960.92
M. Rupert Cutler, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		9.30
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	General Atomics	2,500.00	
Do	Mountains Recreation and Conservation Authority		
Do	Potomac Investment Associates	7,571.25	129.00
Do	University of Colorado		339.38
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,275.00	6,529.13
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,500.00
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of Academic Health Sciences Library Directors	100.00	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Medical Library Assn	100.00	
Do	National Assn of State Long Term Care Ombusman Programs	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Seton Hall University		
D'Amore & Doyle, Inc, P.O. Box 20013 Washington, DC 20005	Gafney Bennett & Associates, Inc	6,480.00	630.55
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	American Council of State Savings Supervisors	250.00	
Do	Credit Union National Assn, Inc	750.00	
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	260.00	10.75
Do	Houston Clearing House Assn		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	14,331.00	2,892.25
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	216.00	3.90
William Kay Daines, 1616 H St., NW Washington, DC 20006	National Retail Federation	3,600.00	294.00
Dairy Farmers for Responsible Dairy Policy, 514 C Street, NE Washington, DC 20002		15,550.00	17,634.90
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	2,025.00	728.19
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
John M. Damgard, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
Patrick E. Dandino, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
John E. Daniel, 1233 20th St., NW, #701 Washington, DC 20036	International Technology Corporation		
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		158.00
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	3,062.63	46.06
Dale Danks Jr., 1000 Thomas Jefferson Street, NW, 6th FL Washington, DC 20007	Leonard Ralston Keyes and Danks (For:Krueger International, Inc)	16,461.50	
David E. Danovitch, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	6,000.00	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	395.11	58.19
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
Diane Davenny Darneille, 1850 K Street, NW, Suite 1195 Washington, DC 20006	Schering-Plough Corp	14,000.00	1,169.35
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	12,913.00	
Theodore S. J. Davi, 624 South Quincy Street Green Bay, WI 54301			
Earl F. David, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
John C. David, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	500.00	130.98
Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University	9,000.00	214.54
Do	Nassau-Suffolk Hospital Council, Inc	9,000.00	275.00
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For:American Advertising Federation)	5,947.54	
Do	Davidson Colling Group, Inc (For:American Assn of Advertising Agencies)	17,169.22	
Do	James H. Davidson & Associates, Inc (For:American Newspaper Publishers Assn).	6,135.04	
Do	Davidson Colling Group, Inc (For:Association of National Advertisers, Inc)	5,947.54	
Do	Davidson Colling Group (For:Caraustar Industries Inc)	8,633.91	
Do	Davidson Colling Group, Inc (For:Direct Marketing Assn)	5,947.54	
Do	Davidson Colling Group (For:Field Container Corp)	1,726.41	
Do	Davidson Colling Group (For:Garden State Paper Company)	4,241.02	
Do	Davidson Colling Group (For:Halltown Paperboard Co)	820.76	
Do	Davidson Colling Group, Inc (For:Magazine Publishers of America, Inc)	17,169.22	
Do	Davidson Colling Group, Inc (For:Miller & Chevalier)	15,105.17	
Do	Davidson Colling Group, Inc (For:National Assn of Broadcasters)	21,757.42	
Do	James H. Davidson & Associates, Inc (For:National Assn of Industrial & Office Parks).	6,428.10	
Do	Davidson Colling Group (For:Newark Group)	12,463.46	
Do	Davidson Colling Group (For:Newman & Company)	875.64	
Do	Davidson Colling Group (For:Rock-Tenn Company)	10,008.25	
Do	James H. Davidson & Associates, Inc (For:Rouse Company)		
Do	Davidson Colling Group (For:Sonoco Products Co)	12,548.78	
Do	Davidson Colling Group (For:Southeast Paper Manufacturing Co)	7,853.18	
Do	Davidson Colling Group (For:Waldorf Corp)	6,218.29	
Do	Davidson Colling Group (For:White Pigeon Paper Co)	941.95	
Do	James H. Davidson & Associates, Inc (For:Yellow Pages Publishers Assn)	5,947.54	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	388.17	100.10
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	6,375.00	396.09
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	10,622.02	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,298.35	772.18
Lizanne H. Davis, 1627 K Street, NW, #500 Washington, DC 20006	FMC Corporation	13,000.00	572.04
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,425.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,900.00	803.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	600.00	9.00
Do	Alcoma Packing Company, Inc		
Do	American General Life Insurance Co	200.00	35.00
Do	American Horse Council	360.00	35.00
Do	Armco Steel Co	1,500.00	52.11
Do	Bethlehem Steel Corp	1,500.00	52.11
Do	Chicago Board of Trade	3,500.00	128.86
Do	Committee of Annuity Insurers	6,738.40	67.00
Do	Committee of Life Insurers		
Do	Dresser Industries, Inc		
Do	First Penn-Pacific Life Insurance Co	500.00	9.00
Do	Florida Power & Light	1,416.80	25.16
Do	Florida Sugar Cane League, Inc	600.00	30.00
Do	Hughes & Luce	210.00	49.00
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	400.00	76.50
Do	National Assn of Life Companies		
Do	National Cattlemen's Assn	430.00	35.00
Do	Stock Information Group	16,972.00	646.70
Do	U.S. Sugar Corp	841.00	30.00
Do	Underwriters of Lloyd's London		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	4,012.40	101.50
Do	CoreStates Financial Corp	2,125.00	60.00
Do	John Hancock Mutual Life Insurance Company	250.00	50.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	1,750.00	32.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	4,250.00	87.00
Do	Occidental International Corp	412.50	26.00
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	American Honda Motor Co, Inc	22,355.00	460.20
Do	Brix Maritime, Inc	2,535.00	192.76
Do	McCaw Communications Cos	14,870.00	353.94
Do	Turner Broadcasting System	2,433.00	
Do	Western Pioneer, Inc		
Do	WGK Development Corp	1,000.00	75.00
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation		
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
O. Mark De Michele, P.O. Box 53999 - Sta. 9060 Phoenix, AZ 85072-3999	Arizona Public Service Company		
James D. Deal, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc		1,918.00
Maryann M. Dean, I875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 888 17th Street, NW, #500 Washington, DC 20006	Auto Internacional Assn	295.00	139.22
Do	Coalition of Automotive Assns	1,351.00	620.32
Do	Specialty Equipment Market Assn	5,406.00	2,485.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Debevoise & Plimpton, 875 Third Ave., 23rd Floor New York, NY 10022	Sony Corp of America		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,989.00	1,647.46
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	1,407.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc	38,463.75	1,620.71
Do	Harcourt Brace Jovanovich, Inc		
Do	National Assn of Independent Insurers	18,000.00	970.52
Do	National Council of Business Advisors		
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	City of Huntsville		
Do	City of Mobile		
Do	Deep Sea International, Inc		
Do	Louisiana Nature & Science Center, Inc		
Do	Spring Hill College	750.00	
Do	William Carey College	750.00	
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Coalition Against the Loss Disallowance Rule	15,000.00	100.00
Do	Money Store Investment Co	1,250.00	
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
Donna Dempsey, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		3,290.00
Perry Como Denby, 1301 Franklin Street Tank 6-B-1 Houston, TX 77002			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	Amex International, Inc	1,800.00	
Do	Edison Electric Institute	300.00	
Do	Westinghouse Electric Corp	2,100.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,934.68	66.71
Daniel B. Denning, 1331 Pennsylvania Ave., NW #930 Washington, DC 20004	General Electric Co	436.00	75.00
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,013.00	4,500.00
Janet Ann Denton, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	10,062.50	
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	751.20	9.32
Wells Denyes, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	350.00	80.30
Brian R. Detter, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	300.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	15,000.00	
Caroline M. Devine, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,000.00	123.90
Devine Millimet Stahl & Branch, 111 Amherst Street Manchester, NH 03105	State of New Hampshire, Attorney General		
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1525 New Hampshire Avenue, NW Washington, DC 20036	Defenders of Wildlife	767.76	
Do	Energy Conservation Coalition/Environmental Action Found.		
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Alex J. DeBoissiere, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Marydale DeBor, 1001 Pennsylvania Avenue #715 South Concourse Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	700.00	
Michael DeCarlo, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,477.10
Lisa M. DeFusco, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	612.00	
Law Offices of Paul H. DeLaney, Jr., 1826 Jefferson Place, NW, #201 Washington, DC 20036	Embassy of Japan	10,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,208.39
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,500.00	380.60
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	74.72
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For:Christie Manson & Woods International, Inc)	200.00	
Chester T. Dickerson Jr., 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		791.32
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Boundary Gas, Inc		
Do	BATMAN Corp		
Do	C-3, Inc		
Do	Car Audio Specialists Assn (CASA)		
Do	Cordova District Fishermen United, Inc		
Do	Embassy of Malaysia		
Do	Federated Cash Management Systems	11,500.00	
Do	First Annapolis Savings Bank F.S.B.		
Do	Guess, Inc		
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc	15,150.00	
Do	IPP Working Group	5,221.25	
Do	Marine Engineers' Beneficial Assn		
Do	Medtronic, Inc	5,050.00	
Do	J. P. Morgan Securities, Inc		
Do	National Fed of Societies for Clinical Social Work	3,573.25	
Do	North Carolina Dept of Natural Resources and Community Devlp	3,250.00	
Do	Ocean State Power		
Do	Paulucci Enterprises	7,512.50	
Do	Sea Hawk Seafoods, Inc		
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 7373 Hunt Avenue Garden Grove, CA 92642	Hyundai Motor America		
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	24,549.98	4,046.03
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	551.97	194.49
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)	63.90	7.80
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	197.04	30.05
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	431.29	117.73
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)		
Do	Lumbermens Mutual Casualty Company	2,100.00	208.52
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 511 Capitol Court, NE, Suite 300 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		122,026.67	122,026.67
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,567.60	63.00
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Foundation Health Corp	6,500.00	6,357.56
Do	Institute for Clinical PET	6,250.00	6,006.34
Do	Moss McGee Bradley Kelley & Foley (For:Policy & Management Asso (for: Community Development Corp's)).	4,750.00	6,014.80
Do	Southern California Rapid Transit District (SCRTD)	3,250.00	6,052.73
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	Mackey & DiMarco (For:Tom Gosnell)	2,500.00	
Do	Mackey & DiMarco (For:Greater Rochester Council)		
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	4,274.50	
Anthony F. DiPasquale, 902 Renfroe Road Talladega, AL 35160			
J. Chris Dobbs, 2711 North Haskell Avenue Dallas, TX 75204	Southland Corporation		1,585.82
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	265.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	407.97	376.16
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,489.20	17.45
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian M. Dolan, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co	192.00	25.00
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Dolphin Group, Inc, 1047 Gayley Avenue, 2nd Fl Los Angeles, CA 90024	Philip Morris, Inc	1,500.00	
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	323.07	
Paul Donnellan, 1128 16th Street, NW Washington, DC 20036	American International Automobile Dealers Assn	7,875.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203	National Water Resources Assn	9,000.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Donohue & Associates, Inc, 11240 Waples Hill Road, #100 Fairfax, VA 22030			
Charles Donovan, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	13,750.00	
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	5,000.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform		
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	3,564.00	30.05
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,980.00	125.00
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	1,000.00	3,207.17
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	City of St. Paul	6,468.00	32.00
Do	Cookson America, Inc	1,575.00	
Do	FilmTec Corporation	590.00	
Do	Minnesota Mining & Manufacturing Co, (3M)	3,549.00	900.00
Do	Morgan Stanley, Inc		
Do	Regional Transit Board	4,620.00	55.00
Do	Research-Cottrell Companies	2,100.00	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	867.00	
Terrie M. Dort, 1023 15th Street, NW, 7th Fl Washington, DC 20007	Rowland & Sellery (For:Job Opportunities Business Symposium)	180.00	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	85.50	18.00
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	101.35
James Dougherty, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	531.25	
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc	1,600.00	95.00
Michael G. Dowd, 1233 20th Street, NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Charles P. Downer, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,375.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	100.00	
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Co	2,000.00	457.32
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	22,887.20	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	148.00
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	142.25	120.84
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,250.00	
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	National Air Traffic Controllers Assn		
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Metropolitan Life Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	5,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	334.41
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	290.00	270.16
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	Colonial Penn Life Insurance Co	286.25	59.46
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	9,000.00	194.76
Do	PHLCORP	18,000.00	92.24
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Lorraine Driscoll, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action Fund	875.00	80.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	8,990.00
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	4,500.00	
Do	Anheuser-Busch Companies, Inc	4,500.00	
Do	Consolidated Rail Corporation	2,750.00	
Do	Fiber Optic Competition US, Inc	3,500.00	
Do	General Motors Corp	9,750.00	
Do	Goldman Sachs & Co	1,333.00	
Do	McCaw Cellular Communications, Inc	3,000.00	
Do	Monsanto Company	1,500.00	
Do	National Cable TV Assn	9,750.00	
Do	Nevada Resort Assn	2,500.00	
Do	Warner Communications, Inc	9,000.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	145.00	
Dudek Communications, 4915 St Elmo Avenue, #206 Bethesda, MD 20814	Lyonnaise Marianas America, Inc.	8,000.00	250.30
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	33.10
Kevin Dufficy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	101.00
Francis J. Duggan, 1333 New Hampshire Ave., NW Washington, DC 20036	LeBoeuf LambLeiby & MacRae (For:Federal Employees Tax Group)		
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	18,125.01	92.75
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	657.49
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	General Atomics	185.00	
Do	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn	92.50	
Do	National Assn of State Energy Officials		
Do	Pemco Aeroplex		
Do	Western Fuels Association, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	12,653.69	819.06
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
James A. Dupree, 1350 Eye Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,500.00	2,372.00
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Washington, DC 20014	Clean Fuels Development Coalition	6,000.00	
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	682.50	
Katherine M. Dutilh, 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	1,700.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	13,846.00	249.18
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations		
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,669.00	
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc	9,375.00	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
James W. Dyer, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,775.00	1,500.00
Dykema Gossett, 1752 N Street, NW, 6th Floor Washington, DC 20036	Committee on U.S. Business Canadian Life & Health Ins. Assn	77,316.00	
Do	Military Boot Manufacturing Assn		
Do	Total Petroleum, Inc		
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	2,340.00	428.65
Do	Sofreavia	1,176.00	149.49
Do	Teledyne Brown Engineering		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Titan	230.00	174.23
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Wisconsin Electric Power Co)	15,400.00	2,031.06
Hope B. Eastman, 4800 Hampden Lane, 7th Floor Bethesda, MD 20814	Paley Rothman Goldstein Rosenberg & Cooper (For:National Assn of Women Business Owners).		
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	784.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	18.00
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto Co)		
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	6,000.00	1,002.03
Helen H. Edge, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.69	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		3,195.08	72,760.21
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling	1,700.00	341.00
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	760.46
Do	Pinnacle Data Corporation	7,500.00	245.57
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	410.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA, Inc		
Do	Matra Aerospace, Inc	529.16	
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	1,217.93	
Do	Teledyne Industries, Inc	1,066.66	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,962.49	91.50
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	12,555.00	177.00
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	Pepsi Co, Inc		346.00
Eugene Eidenberg, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Davis Wright Tremaine (For:City of Klamath Falls)		
Do	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		
Do	Davis Wright Tremaine (For:Philip Morris, Inc)		
Do	Davis Wright & Tremaine (For:Soap & Detergent Assn)		
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	15,222.00	23.00
Robert Eisenbud, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	11,000.00	864.00
H. J. Elam III, 110 S. Park Dr. Greensboro, NC 27401	Cone Mills Corp	19,627.51	2,575.35
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	241.58	
Law Offices of Peter L Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Do	Fox Chase Cancer Center		
Do	Fred Hutchinson Cancer Research Center		
Do	Kenneth Norris Jr. Comprehensive Cancer Center		
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	18.50	
Emily K. Elliott, 107 Whitehurst Stillwater, OK 74078	Oklahoma State University	7,770.00	2,423.36
Elliott Zweben & Steelman, Chtd, 1227 25th Street, NW Washington, DC 20037	Missouri Blue Cross/Blue Shield		
John M. Ellis, P.O. Box 2022 North Highlands, CA 95660	Alliance of Government Managers		207.00
Do	Nor-Cal Federal Coalition		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Mark M. Ellison, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Batus, Inc		
Do	French & Company (For:Int'l Electronics Manufacturers & Consumers of America, Inc).	675.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
Do	French & Company (For:Wheels, Inc)		
Gary Elmestad, P.O. Box 3153 St Charles, MO 63302	City of St. Peters, Missouri	2,000.00	13.10
Do	St. Charles Co Economic Development Council	9,042.00	13.49
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	480.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		98,094.50	93,192.90
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			954.86
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,325.00	68.00
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,500.00	21.49
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		9,400.00	
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		78.90
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
English First, 8001 Forbes Place, #102 Springfield, VA 22151		216,631.11	226,988.42
Jon Englund, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Assn		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
Environmental Tax Policy Alliance, 1667 K Street, NW, #900 Washington, DC 20006			26,221.93
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		2,006.48
David Eppler, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	American Managed Care & Review Assn	2,400.00	
Do	Anheuser Busch	1,987.50	1,457.50
Do	AEtna Life & Casualty	8,537.00	5,300.00
Do	Doctors National Homecare Corp		
Do	Edison Electric Institute	1,788.75	1,325.00
Do	Grocery Manufactuers of America (GMA)	795.00	265.00
Do	MFJ Task Force	1,590.00	1,325.00
Do	National Shorthand Reporters Association	1,523.75	1,325.00
Do	Northwestern National Life Insurance Co	3,378.75	2,782.50
Do	Pfizer, Inc	567.50	662.50
Do	Pharmaceutical Manufactuters Assn	832.50	265.00
Do	PKR Foundation	662.50	1,855.00
Do	Revlon, Inc & Subsidiaries		
Do	Southern California Edison Co	2,318.75	1,987.50
Do	Telesphere International, Inc	3,643.75	1,325.75
Do	Voluntary Hospitals of America, Inc	11,250.00	
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	600.00	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Baldt, Inc	10,000.00	78.61
Do	Kaman Diversified Technologies Corp	9,103.28	103.28
Do	Mip Instadsetzungstriebe Gmbh	17,253.92	2,253.92
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	11,844.00	482.54
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	International Council of Cruise Lines	1,200.00	640.00
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,500.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Brown & Williamson Tobacco Corp)		
Do	B.L. Evans & Associates (For:BATUS, Inc)		
Do	B.L. Evans & Associates (For:Great Western Financial Corp)		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Company	25,000.00	
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
David C. Evans, 1200 18th Street, NW, Washington, DC 20036	Building Owners & Managers Assn Int'l		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Walter H. Evans III, Davis Wright Tremaine 1752 N Street, NW, #800 Washington, DC 20036	Oregon Economic Development Dept, Ports Div	3,520.00	241.43
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Batus	2,000.00	
Do	Brown & Williamson Tobacco Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Great Western Financial Corp	15,000.00	
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	Association for Regulatory Reform	2,000.00	
Do	MICA	1,000.00	
Do	SIA	1,000.00	
Do	U.S. Olympic Committee	1,000.00	
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Emergency Medical Services Associates	3,500.00	
Do	Federal Republic of Nigeria	35,600.00	
Do	Government of Cyprus	11,100.00	
Do	Matlack, Inc	6,400.00	
Do	Matteson Investment Corp		
Do	Mortgage Bankers Assn of America		
Do	National Multi Housing Council	4,500.00	
Do	National Subacute Care Assn, Inc	4,500.00	
Do	New York State Mortgage Loan Enforcement & Admin. Corp		
Do	Remodelers National Funding Corp	3,500.00	
Do	Republic of China		
Do	Towers Financial Corp	5,700.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	99.48
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,500.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,064.83
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	American Bus Assn	100.00	
Do	Caribbean Marine, Inc	500.00	
Do	National Cable Television Assn, Inc	500.00	
Do	Northrop Corp		
Do	Pharmaceutical Manufacturers Assn		
Dan L. Fager, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,400.00	
Fahlgren Martin Benito, 600 N. Westshore Blvd., #1100 Tampa, FL 33609	Philip Morris, Inc	12,000.00	1,210.99
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		5,821.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	4,200.00	134.75
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,150,000.00	9,165.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Greg Farmer, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	4,297.47
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		198,543.00	104,628.27
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
Farragut Group, 1825 K Street, NW, #807 Washington, DC 20006	Southern Company Services, Inc	12,500.00	
Christopher G. Farrand, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		92.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Joseph A. Farrell, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	902.41
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	29,887.50	1,825.59
Do	Clark County Nevada-McCarran International Airport	15,000.00	1,311.64
Do	Kirton McConkie & Bushnell	325.00	24.10
Do	Las Vegas Valley Water District	30,000.00	1,276.89
Do	Public Service Co of New Mexico	12,312.50	741.17
Do	Sierra Pacific Power Co	26,951.25	1,031.30
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	89.58	
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 818 Connecticut Ave., N.W., #900 Washington, DC 20006	Clean Air Working Group	5,250.00	2,006.40
Federal Judges Association, 670 U.S. Courthouse 110 S. 4th Street Minneapolis, MN 55401		23,200.00	18,918.25
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,848.33	1,848.33
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,980.16
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)	319.11	319.11
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	5,000.00	
Chai Rachel Feldblum, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,650.00	
Amy Feldman, 105 East 22nd Street New York, NY 10010	Community Service Society		
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,959.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	5,000.00	45.79
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	325.42	325.42
Fensterwald Alcorn & Vangellow, 2112C Gallows Road Vienna, VA 22180	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	971.28
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc	15,421.87	1,760.87
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	810.68	
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		1,2,798.00	988,067.00
Fiber Optic Competition US, Inc, 804 W. Diamond Ave., 3rd Floor Gaithersburg, MD 20878		150,000.00	3,500.00
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	12,900.00	761.06
Do	Bender Shipbuilding & Repair	7,500.00	
Do	Bollinger Machine Shop & Shipyard, Inc	22,525.00	397.53
Do	Coca-Cola Foods		279.89
Do	Spar Aerospace, Ltd	12,000.00	589.77
Do	A. L. Williams & Company	16,000.00	181.17
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	4,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Jay Fikes, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	4,154.88	
Marshall S. Filler, 1330 Connecticut Ave. NW Suite 250 Washington, DC 20036	Eastern Air Lines, Inc		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,000.00	4,798.00
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	5,615.00	454.48
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	220.45	4.00
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601-3500	Air Force Sergeants Assn, Inc		
Patricia M. Fink, 1385 Piccard Dr. Rockville, MD 20850	Mechanical Contractors Assn of America, Inc		
Ben Finkelstein, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)	270.00	4.26
Stephen Finley, 200 West Thomas, #310 Seattle, WA 98119	Emerald Seafoods, Inc		7,101.41
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Fire Equipment Manufacturers & Services Assn, Inc, 808 17th Street, NW, #200 Washington, DC 20006-3953			
First National Bank of Boston, 100 Federal St. Boston, MA 02110			22,844.51
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Madeline Fishel, 312 Massachusetts Ave. Washington, DC 20002	Trust for Public Land	1,895.00	3,832.86
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	552.50	
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,100.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,500.00	
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co		
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	106.60	900.00
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	19,500.00	2,091.99
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute		
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corporation)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	1,303.00
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc		
Do	Flack, Inc (For:Spiegel, Inc)	300.00	
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manufacturers Assn	750.00	404.61
Daniel V. Flanagan Jr., 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	Virginia Power	8,100.00	6,171.41
Flanagan Group, Inc, 11 Canal Center Plaza, #250 Alexandria, VA 22314	American Nuclear Energy Council		
Do	Port of San Francisco		
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	24,000.00	190.30
Do	Anheuser-Busch Companies	17,000.00	
Do	Automotive Refrigeration Products Institute	36,000.00	490.85
Do	Centel Federal Systems	21,531.25	98.24
Do	Certified Auctioneers Institute	17,000.00	459.84
Do	Citizens for a Drug Free America	30,000.00	83.10
Do	Coastal Barrier Relief Fund	7,000.00	28.30
Do	Esselte Pendaflex Corp	18,295.50	334.93
Do	Eveready		
Do	Ferrellgas	10,000.00	
Do	Jason Pharmaceuticals	24,000.00	
Do	Members Only		
Do	National Spiritual Assembly of the Baha'is of the U.S.	665.00	92.00
Do	Pathology Practice Assn	11,000.00	124.00
Do	Public Broadcasting Service	39,795.00	108.50
Do	Sony Co of America	60,000.00	363.41
Do	Spectacor Management Group	18,000.00	38.65
Do	St. Louis NFL Partnership		
Do	Syva Company	40,500.00	317.54
Mac A. Fleming, 12050 Woodward Ave. Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	Convex Computer Corporation	8,931.00	
Do	HNSX Supercomputers, Inc	32,996.00	
Do	MEDCO Containment	6,000.00	
Do	State University System	20,832.00	
Do	University of Alaska	12,498.00	
Do	University of Nevada-Las Vegas	4,265.00	
Do	Westinghouse Electric Corp	12,809.22	
Karen Florini, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	3,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,193.60	
Focus on the Family, 801 Corporate Center Drive Pomona, CA 91768		30,982.00	30,913.00
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Coalition Against Noneffective Lighting Protection Tech		
Do	Foley & Company, Inc (For:National Consulting Strategies, Inc)		
Do	PolyPhaser Corp		
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	Aurora Health Care, Inc & Sinai Samaritan Medical Center,Inc		1,111.79
Do	Coldwell Banker Real Estate Group		
Do	Kohlberg Kravis Roberts & Co		
Do	United Savings of America		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	Glaxo Inc	1,500.00	
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,144.00	16,144.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,050.00
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,875.00
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
David Ford, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,500.00	
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	825.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			4,729.55
Edward H. Forgotson, 1350 I Street, NW, #700 Washington DC 20005	Enserch Corporation		
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	Superior National Insurance Group		
Do	Texas Oil & Gas Corp		
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Sallie H. Forman, 1331 Pennsylvania, NW, #700-South Washington, DC 20004	National Broadcasting Co, Inc	4,000.00	97.17
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	1,845.58	830.62
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	339.99
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	16,992.50	
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty	500.00	
Bruce Foster, 2100 Pennsylvania Ave, NW, #675 Washington, DC 20037	New England Electric System	4,750.00	715.94
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Assn	6,855.96	383.75
William L. Foster, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,700.00	80.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems, Inc		1,251.45
Do	Delaware Container Corporation		
Do	Giant Cement Company		
R. Mark Fowler, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	12,500.00	627.69
Barbara Fox, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	5,785.80	1,286.81
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Instutute on Deafness & Other Communication Disord.		464.92
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.		
Phillip L. Fraas, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Soybean Assn)	338.85	
Do	McLeod & Pires (For:First South Production Credit Assn)	2,372.00	
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Frances E. Francis, 1350 New York Ave., NW Washington, DC 20037	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)		
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education		
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		76.50
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Philip Morris, USA	15,000.00	1,351.37
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries	817.00	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	650.00	
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Calcitek Dental Products	1,500.00	
Do	Church of Scientology	1,500.00	1,054.35
Do	Eagle Group (For:Tailored Baby, Inc)	1,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,300.00	290.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Pat Franklin, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group		
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		18.15
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	200.44
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	300.00	100.00
Fraternal Order of Police, Legislative Committee, 347 Widewater Road Stafford, VA 22554			
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	5,000.00	3,638.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Free the Eagle, 25 E Street, NW, 8th Floor Washington, DC 20001		176,139.26	146,379.14
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	10,000.00	
Marc Freedman, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
James O. Freeman, 715 Penguin Drive Ocean City, MD 21842	U.S. League of Savings Institutions		
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	4,665.00	335.00
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	735.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:BATUS, Inc)		
Do	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	675.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)		1,725.00
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Batus, Inc		
Do	International Electronics Mfgrs & Consumers of America, Inc	1,350.00	
Do	Montgomery Ward & Co, Inc	475.00	
Do	Wheels, Inc	950.00	
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	63.07
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	31,000.00	387.69
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Ronald A. Fried, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:St. Johns Home Health)	2,000.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	General Electric Co		
Do	Goldrich & Kest	1,875.10	7.00
Do	Hunt Building Corporation		
Do	Lonza, Inc	3,590.00	72.00
Do	Virgin Islands Rum Industries, Ltd	510.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp	44,975.00	124.40
Do	Coalition for Environmental-Energy Balance	205.00	
Do	Environmental Standards Group		226.36
Do	Philip Morris, USA	750.00	
Gay H. Friedmann, 655 15th Street, NW, #300 Washington, DC 20005	Northern States Power Company	6,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #420 Portland, OR 97204			
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		5,000.00	7,102.59
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			39,791.29
R. Roger Fries, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	1,365.00	
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	3,812.00	139.36
Do	National Apartment Assn	9,000.00	2,287.28
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	460.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,067.02
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	6,362.52	
Gordon H. Fry, 900 19th Street, NW, Washington, DC 20006	Aluminum Assn, Inc		
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Crysen Corp	18,098.00	176.57
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,312.50	
Harold W. Furman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)		
Do	Hill & Knowlton, Inc (For:Bechtel Civil, Inc)		
Do	Hill & Knowlton, Inc (For:Central Utah Water Conservancy District)	1,500.00	
Do	Hill & Knowlton, Inc (For:Central Valley Project Water Assn)	700.00	
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)	500.00	
Do	Hill & Knowlton, Inc (For:Desert Research Institute)	100.00	
Do	Hill & Knowlton, Inc (For:Florida Lime & Avocado Trustees)	247.50	
Do	Hill & Knowlton, Inc (For:Friant Water Users Authority)		
Do	Hill & Knowlton, Inc (For:Granite Rock Company)		
Do	Hill & Knowlton, Inc (For:Mid-Valley Water Authority)	225.00	
Do	Hill & Knowlton, Inc (For:Riverside Resort & Casino)		
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)	200.00	
Do	Hill & Knowlton, Inc (For:Spelman & Company)	225.00	
Do	Hill & Knowlton, Inc (For:Steele & Gilliland Realty)		
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)	525.00	
Do	Hill & Knowlton, Inc (For:West Basin Municipal Water District)	600.00	
Do	Hill & Knowlton, Inc (For:Westlands Water District)		
Futures Industry Assn, Inc, 2001 Pennsylvania Ave., NW Washington, DC 20006-1807			
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,808.75	
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn		
Janne G. Gallagher, 3373 Rittenhouse Street, NW Washington, DC 20015	Human Services Forum on Government Relations		4.20
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,000.00	339.49
Galvin Haroian & Mlawski, 425 Park Avenue New York, NY 10022	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Bruce Gamble, 122 C St., NW, #580 Washington, DC 20001	National Bankers Assn		474.31
Gwen Gampel, 511 Capitol Court, NE, #300 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)	1,500.00	32.00
Do	Congressional Consultants (For:Child Welfare League of America)	4,200.00	15.65
Do	Congressional Consultants (For:National Renal Administrators Assn)	4,500.00	231.20
Cheryl Gannon, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare		125.78
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	71,597.50	
Nicole Gara, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).		
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,912.25	13.00
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750-N Washington, DC 20004	Minnesota Mining & Manufacturing Co		
Do	Pharmaceutical Aerosol CFC Coalition		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 150 Andover San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	250.00	120.00
Lee D. Garrigan, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Theodore J. Garrish, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:California Desert Coalition)	386.75	
Do	National Outdoor Coalition		
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	American Iron & Steel Institute		
Do	Canadian Embassy	5,661.31	
Do	City of Aberdeen	7,087.50	
Do	Early Winters Resorts, Inc	87,078.60	
Do	J & B Management Company		
Do	Ministry of the Environment	10,651.52	
Do	Philip Morris, Inc	12,000.00	67.82
Do	Province of Manitoba Department of Natural Resources	617.29	
Do	Space Industries, Inc		
Do	Totem Ocean Trailer Express, Inc	20,491.88	
Do	Washington Citizens for World Trade	19,921.50	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Louis C. Gasper, 6253 Park Road McLean, VA 22101	York Associates, Inc		
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,100.00	55.00
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	260.00	162.40
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	240.00	
Do	Robert H. Kellen Co (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			16,528.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		6,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		5,806.94	5,806.94
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Government of American Samoa	6,667.00	
Do	Securities Industry Assn	3,700.00	
Jawad F. George, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans		
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Transco, Inc		
George Associates, 555 13th Street, NW #1010 East Washington, DC 20004	Black & Decker Corp		
Do	Pepsico, Inc		
Do	Pizza Hut, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,260.20
Forrest Gerard & Associates, 1155 Conn., Ave., NW, #400 Washington, DC 20036	Ak-Chin Indian Community	675.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Leech Lake Reservation Business Committee		
Do	Santa Clara Indian Pueblo	180.00	
Do	Siletz Tribal Council	735.75	
Do	Tulalip Tribes	540.00	
Do	White Earth Tribal Council	506.25	
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,833.75	101.00
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,189.50	
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	200.00	
David A. Gerken, 4543 Sawgrass Court Alexandria, VA 22312	Alvarado Group (for New Progressive Party)	11,250.00	464.11
Do	Alvarado Group (For:Edison Electric Institute)		
Do	Times Mirror Corp	2,500.00	
Gerry Baby Products, Co, 12520 Grant Drive Box 33755 Denver, CO 80233			
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club	200.00	
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Benchmarks, Inc		
Do	Grupo Industrial Alfa, SA		
Do	Renewable Fuels Assn	1,020.00	
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	58.80	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	8,000.00	748.14
Clair Ghylin, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	7,500.00	50.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,097.50	
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Itel Rail Corp, et al.	1,550.00	16.00
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	21,840.00	527.64
David Wesley Gibbons, 1735 Jeff Davis Hwy., #403 Arlington, VA 22202	Thiokol Corp		
Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Robert C. Gilardi, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Heliun Advisory Council	9,689.00	9,689.00
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	7,750.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Gildea, 815 16th St., NW #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,123.21	
Jonathan Gill, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004	Business Executives for National Security, Inc		
Mary E. Gill, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Lepon McCarthy Jutkowitz & Holzworth (For:Astra Holdings Corp)	525.00	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp)		
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)	1,500.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	987.23
Michael B. Gillett, 1425 N. 46th Street Seattle, WA 98103	American Petroleum Institute	20,000.00	
Do	Pacific Lumber & Shipping Co	15,000.00	150.70
Daniel F. Gilligan, 1701 K Street, NW, #400 Washington, DC 20006	National Manufactured Housing Federation	1,000.00	
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	2,400.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	4,500.00	
Do	Robertson Monagle & Eastaugh (For:Coastal Coalition)	500.00	
Do	Robertson Monagle & Eastaugh (For:Cook Inlet Aquaculture Assn)		
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)	5,500.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	4,750.00	
Do	Robertson Monagle & Eastaugh (For:Ocean Shipholdings, Inc)	2,750.00	
Do	Robertson Monagle & Eastaugh (For:Puget Sound Cruiseship Alliance)		
Do	Robertson Monagle & Eastaugh (For:Reeve Aleutian Airways)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	5,500.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	16,500.00	422.20
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	230.00	152.00
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Agusta Aviation Corp		
Do	Allied Signal Aerospace Co	4,500.00	59.29
Do	AB BOFORS	3,000.00	38.11
Do	Equifax		
Do	Gilman Paper Company		
Do	Lockheed Corporation	10,000.00	131.28
Do	Oglethorpe Power Corp	5,000.00	67.76
Do	Outdoor Advertising Assn of America	3,000.00	35.18
Do	Rockwell International Corp		
Do	Turner Broadcasting System, Inc	5,000.00	65.06
Do	U.S. Cane Sugar Refiners' Assn	1,500.00	21.17
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	American Consulting Engineers Council	175.00	6.00
Do	Chugai-Upjohn, Inc	315.00	10.00
Do	Home Shopping Network, Inc	230.00	10.00
Do	International Mobil Machines Corp		
Do	Mineral Insulation Manufacturers Association		
Do	National Foundation for Affordable Housing Solution		
Do	U.S. Telephone Assn		
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	Capital-International Communications (For:Paradise Valley Homeowners Assn)	750.00	
Caralyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	Paradise Valley Homeowners Assn	750.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,854.11
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	380.00	
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	1,190.00	62.00
Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006			4,515.00
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	16,624.00	55.00
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the United States	9,875.04	13,649.10
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp	43.26	
Do	Fanuc, Ltd		
Do	Hitachi, Ltd	42.06	
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc	72.11	
Do	Komatsu Ltd	48.07	
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Murata Machinery, Ltd	36.05	
Do	South Louisiana Port Commission		
Do	Teco Transport & Trade Corp		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,050.00	60.55
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	15,000.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	953.00	
Donald G. Goff, 1400 K. Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	7,785.00	
Judith M. Goff, P.O. Box 130092 St. Paul, MN 55113	Farm Credit Services	160.00	421.75
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alaska Loggers Assn	1,276.00	2,456.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Academy of Dermatology	7,500.00	2,456.00
Do	American Academy of Ophthalmology	4,016.00	2,115.00
Do	American Medical Assn	13,780.00	2,456.00
Do	Bausch & Lomb	6,363.00	2,456.00
Do	Beretta U.S.A. Corp	4,800.00	2,456.00
Do	BAA plc	1,600.00	2,456.00
Do	Camp Barsh Bates & Tate		2,056.00
Do	Chemical Manufacturers Assn, Inc		2,056.00
Do	College of American Pathologists	3,333.00	2,456.00
Do	Electronic Data Systems Corp	3,500.00	2,224.00
Do	Energy Research Corp	4,200.00	2,354.00
Do	Equicor, Inc	1,500.00	2,456.00
Do	Equitable Life Assurance Society of the U.S.	25,000.00	2,456.00
Do	Eye Bank Assn of America	6,000.00	2,456.00
Do	Federated Investors, Inc	15,000.00	2,456.00
Do	Fiat USA	24,000.00	2,435.00
Do	Ford Motor Co	600.00	2,175.00
Do	Fox Broadcasting Company	12,000.00	2,456.00
Do	Genentech, Inc	12,000.00	2,456.00
Do	Hopi Tribe	14,400.00	2,056.00
Do	Investment Company Institute	2,013.00	2,335.00
Do	Martin Marietta Corp	128.00	2,074.00
Do	MCI Communications Corp	8,400.00	2,456.00
Do	National Business Aircraft Assn, Inc	3,000.00	2,056.00
Do	National Cattlemen's Assn	769.00	2,222.00
Do	National Football League	26,984.00	2,456.00
Do	National Restaurant Assn	18,000.00	2,456.00
Do	National School Transportation Assn	4,000.00	2,164.00
Do	Pacific Enterprises	6,000.00	2,456.00
Do	Pennzoil Co	4,000.00	2,456.00
Do	Philip Morris Co	25,000.00	2,456.00
Do	Phillips Petroleum Co	7,500.00	2,456.00
Do	Public Securities Assn	3,000.00	2,456.00
Do	Salomon Brothers, Inc	2,000.00	2,341.00
Do	Thomson-CSF, Inc	15,390.00	2,456.00
Do	Times Mirror Co	2,331.00	2,456.00
Do	Washington Metropolitan Area Transit Authority	33,515.00	2,056.00
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite	75.00	
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			3,100.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	6,600.00	
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For:Coalition to Preserve the Low Income Housing Tax Credit).		
Judith E. Golub, 2027 Massachusetts Ave., NW Washington, DC 20036	American Jewish Committee	56,500.00	1,500.00
Jade Gong, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
William Gonnelly, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Association	15,000.00	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	2,147.79
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Norfolk Southern Corp		
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc	1,850.00	300.15
Lee M. Goodwin, Wickwire Gavin & Gibbs, P.C. 1133 21st Street, NW Washington, DC 20036	National Hydropower Assn		
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Meredith Corp	26.00	12.00
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	285.04
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	International Ice Cream Assn	6,000.00	1,500.00
Do	Iowa Pork Producers Assn	3,000.00	1,616.15
Do	National Sunflower Assn	12,000.00	4,774.25
Do	U.S. Canola Association	9,375.00	4,313.08
Deborah Gordon, 1616 P Street, NW #310 Washington, DC 20008	Union of Concerned Scientists	825.00	
Mary S. Gordon, 600 Maryland Ave, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn		150.00
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	109.00	
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	BP America, Inc		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,577.60	298.87
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	1,869.00	
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co.	81.58	
Dr. Kevin C. Gottlieb, Box 434 Rockville, MD 20848	Gottlieb & Associates, Inc	10,000.00	1,581.65
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
Government Affairs-Maryland, 220 Prince George Street Annapolis, MD 21401	Philip Morris, USA	7,500.00	1,000.00
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817			198.20
Governmental Affairs, Inc, 100 West 5th, #911 Tulsa, OK 74103	Philip Morris, Inc		
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
James E. Graf II, 555 13th Street NW, #480 W. Washington, DC 20004-1109	Contel Corp	9,000.00	25.00
John R. Graff, 4230 King Street Alexandria, VA 22302	International Assn of Amusement Parks & Attractions	150.00	1,000.94
David W. Graham, 1776 Eye Street, NW, Ste. 575 Washington, DC 20006	Dow Chemical USA		5,540.00
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank, N.A.	2,695.00	63.00
Do	Clarion Manufacturing Corp of America		
Do	Investors in Industry		
Frances Turk Granahan, 1620 I Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		582.51
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,000.00	
Edwin C. Graves, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)	787.50	
Do	Hill & Knowlton, Inc (For:Bolivar Aviation)	375.00	
Do	Cellular Telecommunications Industry Assn		
Do	Hill & Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)	2,025.00	
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	1,650.00	
Do	Hill & Knowlton, Inc (For:Comdisco)	225.00	
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)	4,522.50	
Do	Hill & Knowlton, Inc (For:CVPWA)	437.50	
Do	Hill & Knowlton, Inc (For:Desert Research Institute)	100.00	
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)	900.00	
Do	Hill & Knowlton, Inc (For:Ferruzzi)		
Do	Friant Water Users Authority		
Do	Hill & Knowlton, Inc (For:FBA)	1,687.50	
Do	Hill & Knowlton, Inc (For:General Atomics)	562.50	
Do	Hill & Knowlton, Inc (For:Gerber Products Corp)	112.50	
Do	Hill & Knowlton, Inc (For:Johnson Controls)	562.50	
Do	Hill & Knowlton, Inc (For:McGuiness & Williams)	562.50	
Do	Hill & Knowlton, Inc (For:Organization of Professional Employees of USDA (OPEDA)).	650.00	
Do	Hill & Knowlton, Inc (For:Pacific Trade & Investment Corp)	1,800.00	
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)		
Do	Hill & Knowlton, Inc (For:Trustees)	3,825.00	
Do	Hill & Knowlton, Inc (For:University of Nevada, Reno)		
Do	Hill & Knowlton, Inc (For:Village of Palatine)		
Do	Hill & Knowlton, Inc (For:Washoe County, Nevada)	262.50	
Carol J. Gray, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	Securities Industry Assn	1,385.00	
Peter Gray, 1275 Pennsylvania Ave., NW Washington, DC 20004	Citicorp Washington, Inc	3,138.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill and Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:First American Bank, N.A.)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Board of Trade, c/o Ellie Weilenmann 1129 20th Street, NW, #200 Washington, DC 20036			
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	377.57
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	1,200.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NE 68102-2130	Papillion-Lavista School District		
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	757.65
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Wayne Green, Forest Road Hancock, NH 03449	73, Inc		
William Green, 1001 Pennsylvania Ave, #715 S Concourse Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	
Eldon V. C. Greenberg, Galloway & Greenberg 1835 K St., NW, #801 Washington, DC 20006	Southeastern Fisheries Assn, Inc		
Judith M. Greenberg, 1825 I Street, NW, #400 Washington, DC 20006	Miller & Steuart (For:Coastal Corporation)		
Do	Miller & Steuart (For:E.R. Squibb and Sons, Inc)		
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Charles Greener, 900 Second Street, NE #201 Washington, DC 20002	Eddie Mahe Company (For:Tridec (Tri-City Industrial Development Council))		
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	5,980.02	822.97
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Greyhound Lines, Inc, 1101 14th Street, NW, #1201 Washington, DC 20005			
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Lori Gribbin, 1128 16th Street, NW Washington, DC 20036	American International Automobile Dealers Assn	72,000.00	
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	10,426.00	290.65
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	2,500.00	235.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	4,750.00	114.00
Do	American Coal Ash Assn		
Do	American Nuclear Energy Council	6,000.00	144.00
Do	American Petroleum Institute	250.00	6.00
Do	American Psychological Assn	6,000.00	144.00
Do	Arthur Andersen & Co	2,500.00	60.00
Do	Avondale Industries, Inc	3,125.00	75.00
Do	Blue Cross & Blue Shield Assn	1,625.00	78.00
Do	Centerior Service Company	2,500.00	60.00
Do	City of Broomfield	5,125.00	126.00
Do	Coalition Against Double Taxation		
Do	CBS, Inc	5,625.00	138.00
Do	COMSAT Corp		
Do	Ethyl Corporation	13,250.00	318.00
Do	Genentech, Inc	19,250.00	462.00
Do	General Atomics	3,625.00	90.00
Do	W.R. Grace	4,500.00	108.00
Do	Grumman Corporation	2,500.00	60.00
Do	Lead Industries Assn	375.00	12.00
Do	Martin-Marietta		
Do	McCaw Communications Cos	7,875.00	192.00
Do	Merck & Co, Inc		
Do	Motorcycle Industry Council, Inc	1,000.00	24.00
Do	National Music Publishers Assn	5,500.00	132.00
Do	Nus Corp	14,500.00	348.00
Do	Outdoor Advertising Assn of America	3,500.00	84.00
Do	Pharmaceutical Manufacturers Assn	3,750.00	90.00
Do	Tobacco Institute	9,875.00	240.00
Do	Transport Life Insurance Co (for Resource Deployment, Inc)	12,250.00	294.00
Do	United Illuminating Co	3,750.00	90.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,075.00	135.00
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc	10,000.00	7,826.00
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	500.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Do	Arnold Grobmyer & Haley (For:Mid-South International Trade Assn)		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			546.82
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	302.50	
Beverly Bennett Groom, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,000.00	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group	200.00	220.00
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Chevron Corp	2,000.00	1,500.00
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc	200.00	220.00
Do	Nebraska Public Power District		
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	400.00	450.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	2,400.00	2,200.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation		
Do	Reading & Bates Corporation		
Do	Retired Lives Reserve Group	300.00	250.00
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	True Oil Company		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	4,266.14	
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Fed for AIDS Research (AMFAR))		
Do	Hill & Knowlton, Inc (For:Cetus Corp)	240.00	
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)	2,400.00	
Do	Hill & Knowlton (For:Gerber Products Corp)		
Do	Hill Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)	360.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Carlos A. Guerra, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Company (For:FIMPES)	18,000.00	
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	O'Connor & Hannan (For:Blanchfield & Moore)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dillon Read & Co, Inc		
Do	LF Rothschild Unterberg Towbin, Inc		
Do	Michigan State Housing Development Authority		
Do	Morris Communications		
Do	Naegle Outdoor Advertising		
Do	O'Connor & Hannan		
Do	Paine Webber Group, Inc		
Do	Bettis Rainsford		
Do	Riverton Investment Corp		
Do	Simpson Thacher & Bartlett (for Sol Goldman Estate)		
Do	Western Electrochemical Company		
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	1,665.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	2,000.00	100.00
Do	KMS Fusion, Inc	925.00	95.00
Do	Walk-Haydel & Associates, Inc	1,500.00	130.00
Lewis Gulick, 1911 Ft. Myer Drive, #702 Arlington, VA 22209	TCR Services, Inc	5,000.00	
Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		182,482.83	186,970.39
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	6,000.00	
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Lazare Kaplan International, Inc	600.00	13.00
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	100.00	20.00
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al.	15,150.00	7,367.03
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute		
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	822.06	6,716.78
Barry Hager, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Fund for Private Assistance in International Development)	4,000.00	
Paul Hahn, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc		
John F. Haifley, 500 E STreet, SW, #950 Washington, DC 20024	American Automobile Assn		
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	1,875.00	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	7,000.00	706.87
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	America Mining Congress	40.00	
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Anne Hall, 100 East Broad Street Columbus, OH 43271-0251	Banc One Corporation		
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	326.50
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,000.00	1,186.10
John F. Hall, 1945 Old Gallows Road, #550 Vienna, VA 22180	American Wood Preservers Institute	5,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,000.00	225.00
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corp	1,475.00	1,148.00
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,825.00	2,535.05
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	794.69
Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	4,000.00	4,115.72
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	60.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,326.95	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Philip W. Hamilton, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	7,500.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	700.00	305.97
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	20,625.00	116,875.42
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	6,444.50	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	DAF		
Do	General Electric Co	1,260.43	
Do	Ingalls Shipbuilding	390.84	
Do	Lockheed Corp	820.84	
Do	Northrop Corp		
Do	Panavia		
Do	Trump Companies, Inc		
Do	Veda, Inc	871.67	
Do	Waste Management, Inc	975.42	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,209.78	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	175.00	4.25
Elisabeth Hanlin, 2000 L St., NW, #1000 Washington, DC 20036	Unisys Corp		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	2,750.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
M. Arnita Hannon, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,826.40	1,332.00
Dolly A. Hanrahan, 1030 15th Street, NW, #1100 Washington, DC 20005	Hima	2,050.00	178.69
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian T. Hanson, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	35.00	
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Harff Butterfield, 1615 M Street, NW, #220 Washington, DC 20036	Turkish Republic of Northern Cyprus		
Charles A. Harkey, 1101 14th Street, NW, #400 Washington, DC 20005	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp		
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,020.00	2,517.88
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	352.84
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #750 Washington, DC 20006	CIGNA Corp	4,673.00	352.17
Jonathan L. Harris, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Foundation for AIDS Research)		
Do	Hill & Knowlton, Inc (For:Hertz Corp)	380.00	
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	6,500.00	
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	150.00	
Marra Harris, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Mark Harrison, 1819 H Street, NW, #1000 Washington, DC 20006	SANE/FREEZE, Inc	7,131.44	
Robert W. Harrison, 1213 Jefferson Davis Highway, #1400 Arlington, VA 22202	CAE-LINK Corporation		
Anne Harrison-Clark, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		26.80
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,097.50	
Gabriel A. Hartl, Arlington Courthouse Plaza II, #711 2300 Clarendon Boulevard Arlington, VA 22201	Air Traffic Control Assn, Inc		
Rebecca J. Hartman, 1100 Citizens Building Cleveland, OH 44114	Centerior Energy Corp	26,276.00	1,542.51
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,115.39	
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Fred Hatfield, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:American Capital & Research Corp)	2,500.00	
Do	McAuliffe Kelly Raffaelli & Siemens (For:County of Merced)	1,500.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	10,639.38	413.01
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Oilseed Processors Assn	5,000.00	6,262.96

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	4,500.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		2,520.39
Arnold I. Havens, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries, Inc)	9,405.00	
Do	White Fine & Verville (For:Ashland Oil, Inc)	21,000.00	249.04
Do	White Fine & Verville (For:Association of American Railroads)	13,749.99	53.40
Do	White Fine & Verville (For:Burlington Northern Services, Inc)	18,192.50	170.57
Do	White Fine & Verville (For:CSX Corporation)	10,545.00	
Do	White Fine & Verville (For:MetPath, Inc)	27,000.00	21.27
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	600.00	48.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
James W. Hawkins III, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Association (HIMA)	5,740.00	1,334.35
Edmund S. Hawley, 555 13th St., NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	
F. William Hawley, 1101 Pennsylvania Ave., NW Washington, DC 20004	Citicorp/Citibank	783.75	
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Wathins (For:American Electronics Assn)	3,053.12	42.26
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	1,396.88	15.23
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	23,808.00	4,378.28
R. Dennis Hayward, P. O. Box 5554 Eugene, OR 97405	North West Timber Assn		
Holly Elisabeth Hazard, 900 2nd Street, NE, #3030 Washington, DC 20002	New England Anti-Vivisection Society	161.00	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn		
Robert Healy Jr., 1201 New York Ave., NW Wasshington, DC 20005	American Public Transit Assn	3,400.00	134.00
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	230.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	979.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	393.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Mfrs.)		
Do	Hecht Spencer & Associates (For:Timber Assn of California)		
Do	Hecht Spencer & Associates (For:Traditional Industries, Inc)		
Do	Hecht Spencer & Associates (For:Western Forest Industries Assn)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Airtrax		
Do	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	BATUS, Inc	3,000.00	
Do	Farmers Insurance Group		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Marwais Steel Co	500.00	
Do	Northwest Independent Forest Manufacturers	500.00	
Do	Texas Clinical Laboratories, Inc		
Do	Timber Assn of California		
Do	Traditional Industries, Inc	1,000.00	
Do	Western Forest Industries Assn	500.00	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	13,552.50	490.74
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	24,908.80	700.55
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	675.00	
Richard Helfer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			21,281.00
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	4,616.00	174.00
Nancy Ginn Helme, Box 723 Washington Grove, MD 20880	Weil and Howe, Inc (for: Vermont Gas)	75.00	
Thomas M. Helscher, 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		264.54
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,278.00	
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc	6,000.00	4,223.76
Wade J. Henderson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	11,850.00	100.00
William M. Hendon, Box 6863 McLean, VA 22106	Milliken & Company	15,000.00	
Do	National Rifle Assn	25,000.00	
Cedric R. Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	Pierson & Hendricks (For:Washington Transportation Supervisors Assn)		
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues Int'l, Inc	5,875.00	725.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George H. Henry, 1130 Connecticut Ave., NW #1100 Washington, DC 20036	American Insurance Assn	425.00	14.00
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	8,900.00	2,662.04
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,190.00	56.62
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	377.38	7.50
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	California Almond Growers Exchange	6,300.00	104.25
Do	Carl J. Maggio		
Do	Sunkist Growers, Inc	17,862.50	202.00
Do	Universal Leaf Tobacco	1,362.50	9.68
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	15,000.00	98.37
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		5,934.56
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	87.03
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	20,752.72
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,940.00	362.70
Dale E. Heydlauff, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	196.40	407.88
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	465.00	266.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,062.50	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	2,500.00	491.80
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	131.55	121.20
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		19,796.49
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	994.00
Vivian A. Hightower, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	200.00	
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Damian P. Hill, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Gerald 'Jerry' Hill, P.O. Box 5077 Atlanta, GA 30302	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	123.30
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	3,035.25	45.85
Karen K. Hillenbrand, 1155 15th Street, #600 Washington, DC 20005	Pennzoil Co	519.23	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
Arthur William Hillman, 3709 Colonial Ave. Alexandria, VA 22309	Humane Society of the United States	5,110.09	7.05
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	2,679.00	1,685.89
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	18,590.50	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,538.46	
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	3,630.02	6.80
Tamara Hirschfeld, 888 17th Street, NW, #308 Washington, DC 20036	American Stock Exchange, Inc		
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co.		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alaska Legal Services Corp	25.00	
Do	Aroostook Band of Micmacs	1,100.00	
Do	Evergreen Legal Services	31.50	
Do	Menominee Indian Tribe		
Do	National Indian Education Assn	50.00	
Do	Pueblo de Cochiti	3,900.00	
Do	Seminole Tribe of Florida	100.00	
Do	Spokane Legal Services Center		
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		16.00
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	12,512.70	
Deanna Hodge, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	1,938.18
Sheridan T. Hodges, 23/333 Piedmont Ave. Atlanta, GA 30308	Georgia Power Company	8,296.50	3,726.81
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Fettig & Donalty	15,000.00	6,836.00
Do	National Barley Growers Assn	9,000.00	4,065.00
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	8,085.90
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	640.65	
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Comdial, Inc		
Do	Crysen Corp		
Do	Interstate Natural Gas Assn of America		
Do	Marine Engineers' Beneficial Assn		
Do	National Education Assn		
Do	Sound Refining, Inc		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	7,000.00	237.05
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Communications Corp		
Do	American Frozen Food Institute		
Do	American Physical Therapy Assn		
Do	Amgen, Inc	892.50	109.80
Do	Banco Nacional, N.A.	172.50	
Do	California State Teachers Retirement System		28.09
Do	Caremark Homecare, Inc		
Do	Cryo-Chem International, Inc		
Do	Fiber Optic Competition US, Inc		
Do	Fox Broadcasting Company		
Do	Freightliner Corp	1,125.00	
Do	Government of the Commonwealth of the Bahamas		23.50
Do	Manufacturers Hanover Trust Co		
Do	May Department Stores Co	4,737.50	6.00
Do	Mercedes-Benz of North America, Inc	4,000.00	
Do	Michigan Consolidated Gas Co		
Do	Millicom, Inc		
Do	Mutual Life Insurance Co of New York		
Do	National Assn of Tobacco Distributors	1,277.00	75.00
Do	National Broiler Council		
Do	National Hospice Organization	1,518.31	9.70
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	Payload Systems, Inc		
Do	Software Co Task Force on Foreign Market Penetration		
Do	Tektronix, Inc	117.50	26.10
Do	Telecom USA, Inc		
Do	The Gap, Inc, et al.		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	2,495.00	6.00
Do	Underwriters at Lloyd's London		
Do	University of Pennsylvania		
Philip A. Hogue, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Adams-Cohen Securities, Inc	2,500.00	
Do	Community Capital Group	1,000.00	23.71
Do	Pasific Telesis Group	1,000.00	40.97
Do	U.S. League of Savings Institutions	5,500.00	300.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	23,000.00	
Philip C. Holladay Jr., 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Benny Holland Jr., 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,068.00	
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,000.00	700.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alyeska Pipeline Service Co	1,200.00	
Do	Citgo Petroleum Corp	1,575.00	15,000.00
Do	Council for Solid Waste Solutions	750.00	
Do	Grocery Manufacturers of America, Inc	1,000.00	
Do	Precious Metals Producers Group	250.00	
Do	Scott's Liquid Gold	250.00	
Do	Southland Corporation		
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Carnival Cruise Lines		
Do	Florida Celery Exchange		
Do	General Development Corp		
Do	Hospice Care, Inc	2,000.00	
Do	Indian River Citrus League	500.00	
Do	Pan American Satellite Corp	1,800.00	
Do	Joseph E. Seagram & Sons, Inc		
Do	United Fresh Fruit & Vegetable Assn	3,000.00	
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn	614.50	64.65
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,290.00	2,546.42
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201			
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	210.00	347.97
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,567.60	125.00
Engin Inel Holmstrom, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,166.66	
E. Y. Holt Jr., 3138 North l0th St., Arlington, VA 22201	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	100.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		130,000.00	87,389.64
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	1,436.15	
Lindsay Hooper, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:Hallmark Cards)	24,000.00	
Do	Winburn VanScoyoc & Hooper (For:Jackson National Life Insurance Co)	37,500.00	
Do	Winburn VanScoyoc & Hooper (For:Kansas City Southern Industries)	20,000.00	
Do	Winburn VanScoyoc & Hooper (For:Phlcorp)	18,750.00	
Do	Winburn VanScoyoc & Hooper (For:Utilicorp United, Inc)	20,000.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,610.64

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,500.00	
Virginia E. Hopkins, 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)	100.00	
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)	445.25	
Hopkins & Sutter (Chicago), Three First National Plaza, #4200 Chicago, IL 60602	Cash Station, Inc	4,935.00	9.50
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Comdisco	11,270.00	24.00
Do	Cook Inlet Land Exchange, Inc		
Do	Estate of Helen Wodell Halbach		19.55
Do	Geonex Corp	1,003.00	
Do	Grand Trunk Corp	1,340.00	31.85
Do	Greenwich Capital Markets, Inc		
Do	Infinite Research, Inc		4.40
Do	Rogers American Cable Systems, Inc	6,358.50	44.60
Do	Safe Travel America		
Do	United Video		
Darnell K. Horio, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	8,424.00	142.54
Gary N. Horlick, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:Amax, Inc)		
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	1,320.00	70.00
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	American Film Marketing Assn	2,000.00	348.78
Do	Eagle-Picher Industries, Inc	115,100.00	24,305.68
Do	Western-Southern Life Insurance Co	9,600.00	633.09
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,026.00	1,999.86
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Allynn Howe, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	10,725.00	2,164.20
Christopher W. Howe, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	887.00	
Jonathan Howe, 1200 18th Street NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,250.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	900.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,517.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	12,000.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	7,500.00	
J. Martin Huber, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Manufacturers)		
Do	Hecht Spencer & Asso (For:Timber Assn of California)		
Do	Hecht Spencer & Asso (For:Western Forest Industries Assn)		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Electric Reliability Coalition		
Do	Camp Barsh Bates & Tate (For:Goldbelt, Inc)	2,000.00	7.50
Do	Louisiana State University Foundation	2,000.00	1.32
Do	Philip Morris, USA	2,500.00	
Do	United Gas Pipe Line Co		
John B. Huffaker, 1300 19th Street, NW, #500 Washington, DC 20036	Pepper Hamilton & Scheetz (For:Cominco American Incorporated)		1,227.00
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
James R. Hughes, 1020 19th St., NW, #700 Washington, DC 20036	U S West, Inc	1,000.00	
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	2,500.00	65.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, P.O. Box 844 Easton, MD 21601	National Assn of Federal Veterinarians	23.97	
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Warner-Lambert Co	13,560.00	914.44
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	16,491.85	240.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)	2,090.00	
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	6,146.00
Harriet Hunt-Burgess, 44 New Montgomery Street, #4165 San Francisco, CA 94104	Trust for Public Lands		
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	10,202.19	
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	13,375.00	693.35
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W N Hunter & Associates	2,000.00	
W. N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Milton F. Huntington, Maine Petroleum Assn P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute		
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Copyright Justice Coalition		
Do	Edison Electric Institute	11,290.00	25.00
Do	Long Island Lighting Co	1,000.00	
Adele M. Hurley, 112 St. Clair Ave., West, #401 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain		
Cathy Hurwit, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action Fund	10,400.00	370.00
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,700.55
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	150.00	25.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	1,719.51
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,651.28	
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corp)		
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Fed for AIDS Research (AMFAR))		
Do	Hill & Knowlton, Inc (For:AMR Corp)		
Do	Hill & Knowlton, Inc (For:Cetus Corp)	350.00	
Do	Hill & Knowlton, Inc (For:Church of Scientology International)	5,850.00	
Do	Hill & Knowlton, Inc (For:Citizens for a Free Kuwait)		
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	300.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)	1,500.00	
Do	Hill & Knowlton, Inc (For:Hertz Corp)		
Do	Hill & Knowlton (For:Johnson Controls)	300.00	
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)	2,125.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Ryder Systems, Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	218.04
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	48.00
Ice Miller Donadio & Ryan, Box 82001 One American Square Indianapolis, IN 46282	Service Supply Co, Inc	4,299.00	1,772.99
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Unocal Corp		501.54
Richard H. Ichord, 800 K Street, NW, #830 Washington, DC 20001	AAI Corporation	570.00	82.92
Kris H. Ikejiri, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	400.00	
Catherine L. Imus, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Braun & Company		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania, Ave., NW Washington, DC 20004.		8,368.00	8,368.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		1,069.80	1,069.80
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		34,841.00	34,841.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,180.00	108.20
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Hawaiian Sugar Planters Assn		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	Kauai Electric Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Windpower, Inc		
Charles W. Ingram, 305 C Street, NE, #309 Washington, DC 20002	S.K.C. & Associates	6,000.00	
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037		2,000.00	2,000.00
Institute of International Bankers, 299 Park Avenue New York, NY 10171			4,316.88
Institute of International Container Lessors, Bedford Consultants Building Box 605 Bedford, NY 10506		150.00	150.00
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	218,750.00	31,507.76
International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		13,253.91	24,053.91
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			61,211.50
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW 12th Floor Washington, DC 20006	Aqualon Company	6,468.78	32.80
Do	Ethyl Corporation	5,203.13	319.63
Do	Totes, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Xerox Corp	12,968.75	1,466.97
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		11,460.00	2,698.27
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		5,282.07	5,282.07
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			155,140.60
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Committee for the Restoration of Democracy in Pakistan	1,500.00	
Do	Government of Pakistan	90,000.00	18,761.35
Do	Pakistan Peoples Party		
Do	U.S.-Pakistan Political Action Committee		
International Speedway Corp, 1801 Volusia Ave. Daytona Beach, FL 32114			13,502.01
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,082.05
Investment Company Institute, 1600 M St., NW Washington, DC 20036			59,676.30
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,275.00	1,313.49
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	250.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		11,089.81	13,359.05
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	4,304.70	
Robert R. Isaacs, 711 South Fifth Ave. Nashville, TN 37203	Greyhound Lines, Inc		
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co		
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Bayer USA, Inc		
Do	Employee Relocation Council		
Do	Oberlin College		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
III Dimension of Indiana, Inc, 730 Century Bldg. 36 S. Pennsylvania St. Indianapolis, IN 46204	Philip Morris, Inc	500.00	30.63
Robert A. Jablon, 1350 New York Ave., NW Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)	840.00	39.75
Dennis J. Jackman, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	12,675.00	1,595.50
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	315.00	31.00
Julia Jackson, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	620.13
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	2,000.00	330.71
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc		
Khalil E. Jahshan, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	6,250.00	750.00
Candace James, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	40.00
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,500.00	351.64
Dennis James, 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)	16,000.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	23,402.50	6,762.89
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,007.00	1,007.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		7,187.00	19,944.07
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc		
T. Destry Jarvis, 1800 N. Kent Street, #1120 Arlington, VA 22209	Student Conservation Association (SCA)	374.00	20.00
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		30.00
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	330.00	
Do	Ferranti Defense & Space Group	250.00	
Do	John Deere Technology Int'l, Inc	325.00	
Do	Litton Data Systems	350.00	
Do	McDonnell Douglas Corp	350.00	
Do	Raytheon Corp	240.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	Adolph Coors Co	22,758.00	664.00
Do	ASARCO, Inc	279,519.00	14,321.00
Do	Cement Kiln Recycling Coalition	198.00	
Do	Los Angeles County Sanitation District	9,828.00	701.00
Do	National Assn of Wheat Growers, et al.	198.00	18.00
Do	National Independent Energy Producers	70,416.00	1,380.00
Do	Rhone-Poulenc Ag Co		
Do	Union Pacific Corp	3,001.00	252.00
Do	Waste Management Lawncare	2,997.00	121.00
David M. Jenkins II, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham Inc)	4,000.00	400.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Assn		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
David M. Jennings, 115 West College Drive marshall, MN 56258	Schwan's Sales Enterprises, Inc	5,500.00	
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Dallin W. Jensen, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latemer (For:Intermountain Consumer Power Assn)	422.50	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Jet, Inc, 1100 Huntington Building Cleveland, OH 44115			
Jewish Peace Lobby, 4431 Lehigh Road College Park, MD 20740		16,302.30	13,721.69
Charles B. Jiggetts, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Mark S. Joffe, 2000 Pennsylvania Ave, NW, #3310 Washington, DC 20006	CHP-the Medical Group Affiliated Long Island Jewish Med Cntr		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	364.99
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,571.10	1,853.64
Carl T. Johnson, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council	9,689.00	9,689.00
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beat Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		583.86
Joel L. Johnson, 1250 Eye street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,154.40	
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael A. Johnson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)	578.00	14.00
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Michael S. Johnson, 555 13th Street, NW, #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)	161.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McCamish Martin Brown & Loeffler (For:Coastal Corporation)		
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Trade Council).	99.00	
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)	68.25	
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	135.00
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Tom L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 1001 Pennsylvania Ave., NW #745 Washington, DC 20004	Centex Corp		
Do	Church Alliance	20,000.00	
Do	Compaq Computer Corp		
Do	El Paso Health Care Systems, Ltd		
Do	EPIC Healthcare Group, Inc		
Do	HealthTrust, Inc		
Do	McLane Company, Inc	22,250.00	
Do	Methodist Hospitals of Dallas, et al.	5,520.00	
Do	Oryx Energy Corporation		
Do	Permanente Medical Group, Inc	1,250.00	
Do	Philip Morris, Inc	7,500.00	
Do	Redman Industries		
Do	Reese Communications Cos (for Philip Morris, USA)		
Do	Republic Health Corp		
Johnson Research Associates, 4429 Yuma Street, NW Washington, DC 20016	City of Virginia Beach	9,039.70	259.70
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	1,000.00	
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,641.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	3,843.95
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,203.38	80.13
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,162.50	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	7,500.00	1,421.76
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,084.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Nevada Power Company	6,400.00	584.00
Do	Utah State University	1,500.00	
Alexander H. Jordan, 816 Connecticut Avenue, NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	500.00	250.00
G. Harris Jordan, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	9,000.00	10,079.38
Do	Diagnostic & Instrumentation Laboratory at Mississippi Univ.		12,000.00
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	6,240.00	495.34
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	30,000.00	1,745.97
Do	Hotel Employees & Restaurant Employees Int'l Union	34,000.00	2,047.00
Do	International Speedway Corp	9,000.00	
Do	Martech USA, Inc	7,500.00	
Do	Matson & Navigation Company, Inc	18,000.00	
Do	National Academies of Practice		
Do	Stock Information Group	15,000.00	
Do	Towers Financial Corp	5,000.00	
Do	U.S. Telephone Assn	15,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			2,143.24
JAR-MON Consultants, 214 Massachusetts Ave., NE #300 Washington, DC 20002	American Business Council, Inc		
Do	Christian Voice, Inc	30,000.00	
Marilyn Kalusin, 7300 NW 35th Terrace, # 105 Miami, FL 33122	Cuban American Foundation, Inc	4,764.66	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402	Cook Group, Inc	4,950.00	414.40
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	4,500.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery	716.01	190.38
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,019.22	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	8,790.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,200.00	72.53
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
William R. Kaul, 14615 Lone Oak Road Eden Prairie, MN 55344-2287	Cooperative Power Association	4,740.00	962.13
Anthony P. Kavanagh, 2100 Penn. Ave., #675 Washington, DC 20037	Consolidated Edison Co of New York, Inc	2,115.00	1,224.60
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	608.62
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	7,500.00	
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	9,795.00	24.00
Do	General Instrument Corporation	560.00	10.00
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Alarm Industry Communications Committee)	1,800.00	
Do	TKC International (For:International Public Relations Co, Ltd)	2,500.00	
Do	Keefe Co (For:Sanders Associates, Inc)	3,000.00	
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,285.00	352.15
Vicki R. Keenan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council		
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	30.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	225.00	24.00
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	4,000.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Cushman & Wakefield	265.00	
Do	Fuji Electric Co, Ltd		
Do	Great Western Financial Corporation		
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	J.P. Morgan & Co, Inc		
Do	National Leased Housing Assn	2,000.00	
Do	Tokyo Electric Co, Ltd		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	1,800.00	1,152.45
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc		
Carol A. Kelly, 1615 L Street, NW, #1210 Washington, DC 20036	Meropolitan Life Insurance Companies	1,000.00	
Cynthia K. Kelly, 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	2,500.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	80.71
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	Perdue Farms Inc	18,000.00	
John F. Kelly, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	425.00	592.25
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
William N. Kelly, Norwest Center- Sixth and Marquette Minneapolis, MN 55479-1032	Norwest Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,329.60
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Kemper Reinsurance Company, Long Grove, IL 60049			
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	4,555.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	2,500.00	
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	1,500.00	
Do	Worldwide Information Resources, Inc		
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	1,161.50
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	75.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	1,521.85
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy		10,861.72
Judith Kennedy, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp		
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Brendan J. Kennedy & Associates, 1263 Wilbur Cross Highway Berlin, CT 06037	Philip Morris, Inc	7,500.00	
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	Hadson Development Corp		
Do	National Wood Energy Assn, Inc		
Erica G. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America	1,250.00	57.80
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp		86.25
Do	Hughes Aircraft Company		
Do	Lockheed Aeronautical Systems Co		185.35
Do	Textron, Inc		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	908.22
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	520.00	
Henry J. Kenny, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	6,250.00	160.37
J. H. Kent, Kent & O'Cononor 1825 K Street, NW, #305 Washington, DC 20006	American Soc of Plastic & Reconstructive Surgery	5,272.00	2,695.00
Do	American Supply Association	2,576.50	1,346.00
Do	International Assn of Airport Duty Free Stores	2,225.00	1,145.00
Do	National Customs Brokers & Forwarders Assn of America	3,817.00	2,021.00
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	4,972.00	2,559.00
Elizabeth Kepley, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	10,624.98	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS	3.00	3.00
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,000.00	
Alison A. Kerester, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:FMC Corporation)		
Do	Beveridge & Diamond (For:Pacific Dunlop-GNB)	2,975.00	
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	104.48
Suzanne S. Kerr, 305 7th Street, SE, #204 Washington, DC 20003	Women's Action for Nuclear Disarmament, Inc, et al.	461.54	
Michael J. Kerrigan, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	480.00	50.00
Richard S. Kessler, 709 D Street, SE Washington, DC 20003	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)	7,420.00	
Do	Kessler & Asso (For:Upjohn Corp)	12,000.00	171.82
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Carolyn Kiely, 1015 Fifteenth Street, NW Washington, DC 20005	American Consulting Engineers Council	687.50	124.37
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,946.60
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,194.00	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	1,132.00	161.43
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	2,275.00	310.80
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			3,407.80
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,000.00	
Judith E. King, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	375.00
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	97.35
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	5,000.00	172.38
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Capital Access		
Do	Charter Medical Corp		107.50
Do	Electromagnetic Sciences Inc (EMS)		12.00
Do	Fleet North Star Financial Group		
Do	General Motors Corp		
Do	Generic Pharmaceutical Industry Assn		
Do	Georgia International Investment Coalition		
Do	GPIA-Animal Drug Alliance		
Do			
Do	Lincoln Property Co, et al.		
Do	Martin-Marietta		
Do	Milliken & Company		36.00
Do	National Assn of Bond Lawyers		
Do	National Pharmaceutical Alliance		
Do	Trammell Crow Co		
Do	Woodruff Foundation		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloys Association	7,500.00	4,101.30
Do	Nuclear Metals, Inc	4,000.00	1,400.00
Do	South Carolina Research Authority	2,700.00	1,825.00
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	6,325.00	87.25
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association		
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Jan Kinney, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	9,669.00	3,210.47
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	525.63
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
David M. Kiser, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,400.00	116.00
Jon Kiser, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Carla Kish, D & R International 962 Wayne Avenue, #800 Silver Spring, MD 20910	Florida Solar Energy Center	3,000.00	
Do	University of Oregon	2,000.00	
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Klukwan, Inc)	24,000.00	5,901.78
Do	Kito, Inc (For:North Slope Borough)	3,000.00	2,503.31
Do	Kito, Inc (For:Sealaska Corporation)	26,400.00	4,507.17
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	15,000.00	5,353.66
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,303.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,800.00	
Andre M. Kliczak, P.O.Box 1000-165 Duluth, MN 55814			
Jeffery L. Klinger, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		96.21
Mary Jane Klocke, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		48.33
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Theodore Knappen, 1101 14th Street, NW, #1201 Washington, DC 20005	Greyhound Lines, Inc	9,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	533.32
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			1,025.00
Karen Theibert Knobloch, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	984.68
Mark S. Knouse, 555 Thirteenth Street, NW, #450 West Washington, DC 20004	Union Pacific Corp	13,750.00	933.56
James L. Knowles Jr., P.O.Box 888 Sandstone, MN 55072			184.40
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	136.00	
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
Blair Koehler, 1800 Diagonal Road, #637 Alexandria, VA 22314	National Assisted Housing Management Assn	220.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	2,605.82	2,605.82
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Animas-La Plata Water Conservancy District, Durango County	16,000.00	
Do	Greater Denver Corporation	10,500.00	541.40
Do	Regional Transportation District (Denver, Colorado)	10,749.99	
Do	Ute Mountain Ute Tribe		
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		53.95
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	371.07
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn		142.06
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,862.40	
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	43.26	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O.Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Stephen M. Koslow, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Marilyn S. Koss, 1001 Pennsylvania Ave., NW, #460-N Washington, DC 20004-2505	New York Life Insurance Company	120.00	
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	69,192.57
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,854.66	
Joan M. Kovalic, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp	206.70	15.00
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	4,250.00	465.33
Andrea S. Kramer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange	5,750.00	
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 37R7 Pillsbury Center Minneapolis, MN 55402	Pillsbury, Inc	1,500.00	802.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		53.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Krivit & Krivit, P.C., 50 E Street, SE Washington, DC 20003	City of Jersey Citys Department of Human Resources	1,800.00	43.98
Do	National Assn of Education & Training Contractors, Inc	1,350.00	723.13
Donald J. Kroes, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	6,500.00	42.00
Kroger Company, P.O. Box 1199 Cincinnati, OH 45201-1199			4,574.74
Robin L. Kropf, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses).	288.00	74.77
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	American Plywood Assn	4,550.00	1,783.00
Do	Northwest Independent Forest Manufacturers	4,550.00	1,783.00
Gerald F. Kuester, 2000 P Street, NW Washington, DC 20036	Public Citizen Health Research Group		
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	American Pilots' Assn	16,875.00	394.69
Do	St. Lawrence Seaway Pilots Assn	905.00	25.54
Ruth M. Kurtz, 1455 Pennsylvania Avenue, NW #1260 Washington, DC 20004	French & Company (For:BATUS, Inc)		
Do	French & Company (For:Montgomery Ward & Co, Inc)		
Do	French & Company (For:Wheels, Inc)		
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	23,599.98	1,141.36
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Allsup & Associates, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Cooperative of American Physicians, Inc		
Do	Uniformed Services Disabled Retirees		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		10,648.00	3,900.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	5,769.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	56.00	
Richard L. Ladd, 2300 N Street, NW, #600 Washington, DC 20037	Allied-Signal Aerospace Co, Inc	1,500.00	
Do	Robison International, Inc (For:FMC Corporation)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,450.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,450.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace, Inc)	2,350.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	2,500.00	955.84
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	5,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	4,331.73	1,009.04
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	146.96
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	5,635.00	2,101.93
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	20.00
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	2,000.00	
George D. Lapointe, 444 North Capitol Washington, DC 20001	International Assn of Fish and Wildlife Agencies	11,313.00	224.53
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	2,250.00	
Peter J. Larkin, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	850.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Amber Milling	10,000.00	809.72
Do	Boren Clay Products (dba Boren Brick)	10,000.00	484.08
Do	Calderon Clean Coal Technology, Inc	10,000.00	809.72
Do	Freedom Fund of New Jersey, Inc		
Do	Glasstech, Inc	9,000.00	809.72
Do	Harold & Ronald McMaster DBA McMaster Motors	9,000.00	809.72
Do	MidAm, Inc	5,000.00	344.51
Do	Spangler Candy Company	7,500.00	809.72
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,765.19	1,087.59
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Imrex Company, Inc		
Do	Mason Chamberlain, Inc		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	191.31
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Association of Chain Drug Stores, Inc	500.00	
Jonathan Lawniczak, 925 15th St., NW Washington, DC 20005	National Council of Senior Citizens	5,000.00	
Kathleen W. Lawrence, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Burchette & Associates (For:Federal Agricultural Mortgage Corp)	3,000.00	2,184.23
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,510.51	11.50
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Barness Organization	2,000.00	
Do	Boone Co	3,300.00	
Do	Financial Services Coalition of America	3,500.00	
Do	Mesa Limited Partnership	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Paul Laxalt Group, 1455 Pennsylvania Ave, NW, #975 Washington, DC 20004	Coalition for Affordable Housing	5,000.00	
Do	Martin Marientta Corp	2,000.00	
Do	Transcontinental Properties, Inc	2,000.00	
Jennifer Layman-Heitman, 2030 M Street, NW Washington, DC 20036-0	Common Cause	5,408.01	
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc	1,370.00	225.88
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	13,000.00	436.80
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,323.75	2,000.00
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Lead Industries Assn, Inc, 295 Madison Ave. New York, NY 10017		181,945.69	181,945.69
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		46,119.55	46,119.55
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			136.62
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		
Alisa J. Learner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	592.00
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn	4,000.00	170.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	774.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,160.00	1,093.61
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	84.00
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Leslie A. Lehmann, 500 NE Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	7,103.00	
Dale Leibach, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Cordage and Netting Manufacturers		
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Cordage Institute		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	1,500.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:Northern Jaeger)	2,000.00	
Do	Bogle & Gates (For:Wright Schuchart, Inc)	2,000.00	
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co	236.00	48.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE, #301 Washington, DC 20003	National Audubon Society	2,000.00	925.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,720.00	615.96
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	572.00	1,107.81
Jerris Leonard, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	16,461.50	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	6,315.85	76.50
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	76.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher & Russell, Inc		
Lesher & Russell, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group		
Do	Dairy Farmers for Responsible Dairy Policy	10,000.00	
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	56.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,780.00	
Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036	Wilner & Scheiner (For:Graco, Inc)		
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,567.60	429.00
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc		
Do	Committee for America's Copyright Community	2,225.00	41.75
Do	Copyright Remedies Coalition	3,550.00	6.00
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Paramount Communications, Inc	3,000.00	500.00
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	2,500.00	
David A. Lewis, 1000 16th St., NW., #810 Washington, DC 20036	Physicians for Social Responsibility	5,322.70	
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation	670.00	92.00
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Association of Manufacturers	1,800.00	100.00
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	4,000.00	361.06
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	11,900.00	2,827.45
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,600.00	
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,250.00	1.70
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,241.89	
Clark L. LeBlanc, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Federal Employees Tax Group	160.00	
Do	Feibel-Garek Realtors/Environmental Standard Group	112.50	
Do	Golden Nugget Corp	26.75	
Do	Groom & Nordberg (for: Chevron)	560.00	
Do	Maritrans Operating Partners, L.P.	1,202.50	50.00
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,288.46	186.90
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	4,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Fern Z. Liang, 4630 Montgomery Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists		3,000.00
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	499.00
David W. Liddle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	560.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	57.21
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	1,905.00	32.00
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,113.07
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,224.80	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Victor E. Lindenheim, 1945 Old Gallows Rd., #550 Vienna, VA 22180	American Wood Preservers Institute	1,500.00	
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,200.00	135.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	7,788.11	40.45
Do	Iowa Department of Transportation	6,241.70	
Do	Madison Gas & Electric Co	1,846.44	
Do	Michigan Dept of Transportation	4,944.00	
Do	Northern States Power Company	4,130.93	
Do	State of Colorado, Dept of Highways	5,839.44	
Do	State of IL, Dept of Transportation	16,740.97	
Do	State of IL, Dept of Transportation, Div of Water Resources	16,740.97	
Do	Water Reclamation District of Greater Chicago	13,117.93	
Do	Wisconsin Power & Light Co	1,481.44	
Do	Wisconsin Public Service Corp	4,156.91	
Gregory Owen Lipscomb, P.O. Box 18958 Washington, DC 20036	OPT in America		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	ANR Pipeline Company	2,506.88	
Do	Enserch Corporation		
Do	Federal Record Service Corp	800.00	
Do	John Gray Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Health Trust, Inc	9,307.38	
Do	McKesson Corp		
Do	National Rural Letter Carriers Assn	1,040.00	
Do	Olivetti USA, Inc	1,800.00	
Do	OMI Corp	19,390.00	
Do	Perot Group		
Do	Perot Systems	2,100.00	
Do	Pioneer Seed Co, Inc		
Do	Rolls Royce, Inc	7,200.00	
Do	RJR Nabisco Washington, Inc	15,000.00	
Do	Westinghouse Electric Corp	6,422.50	
Debra J. Lipson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund		
Sara E. Lister, Patterson, Belknap, Webb & Tyler 1730 Pennsylvania Avenue, NW, #1060 Washington, DC 20006	FMS Corporation		
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	593.05
Roy Littlefield, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	300.00	
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1500 K Street, NW, 650 Washington, DC 20005	Glaxo, Inc	3,000.00	
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	17,083.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	17,226.00	206.00
Do	San Francisco Bay Guardian		416.38
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Asso, Inc (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Mfrs.)		
Do	Hecht Spencer & Associates (For:Texas Clinical Laboratories, Inc)		
Do	Timber Assn of California		
Do	Western Forest Industries Assn		
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Amdahl Corp	1,000.00	
Thomas G. Loeffler, Post Office Box 2999 San Antonio, TX 78299-2999	McCamish Martin Brown & Loeffler (For:Central & South West Corp)	1,580.80	
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Coastal Corporation)	208.00	
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council).		
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)	624.00	
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Frank P. Lombardo II, 317 Baronne Street New Orleans, LA 70112	LP & L/NOPSI	300.00	690.00
Harper Long, 61 W. Tropical Way Plantation, FL 33314	American Flyer		
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgonery McCracken Walker & Rhoads (For:Association of Schools and Agencies for the Handicapped).		
Do	National Assn of Private Schools for Exceptional Children		
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	50.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	750.00	3.50
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	384.00	
Sherlyn E. Long, 61 W. Tropical Way Plantation, FL 33317	American Flyers		
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Baker Manufacturing Company, Inc		
Do	Century Power Corp		
Do	Champion International Corp		
Do	CIGNA Corp	175.00	
Do	Greater New York Hospital Assn	900.00	
Do	International Paper		
Do	Metropolitan Life Insurance Co	175.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		1,992.00
Laura Loomis, 3030 N. Tuckahoe Street Arlington, VA 22213	National Parks & Conservation Association		
Peter A. Loomis, One Commercial Place Norfolk, VA 23510-2103	C&S/Sovran Corporation	1,200.00	200.00
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	National Assn of Theatre Owners		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Ann Looper, 1735 New York Ave. Washington, DC 20006	American Institute of Architects	250.00	
Henry J. Loos, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	22.50	
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,500.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	31,251.00	5,029.07
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	1,040.00	1,040.00
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Paul L. Loveday, 550 California Street, 10th Floor San Francisco, CA 94104	Itel Rail Corp	350.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	4,000.00	850.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	11,576.37	49.50
Mrs. Freddie H. Lucas, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,168.28
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	65.00
Gene A. Lucero, 1722 Eye Street, NW Washington, DC 20006	National Commercial Finance Assn (NCFA)		2,500.00
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	9,000.00	140.00
Do	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)		
Do	Bannerman & Associates, Inc (For:Sawyer/Miller Group (for: Government of the Philippines)).		
Mary Riddle Ludke, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	85.00	20.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)	1,800.00	17,135.00
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 24 Quincy Street Chevy Chase, MD 20815	City of Miami	3,750.00	
Do	City of Miami Beach	8,333.00	
Do	Dade County, Florida	7,708.00	
Do	Florida Medical Center	40,000.00	
Do	School Board of Dade County, Florida	10,000.00	
Do	Stephens, Inc	40,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants	3,000.00	2,077.00
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,017.52
Lund & O'Brien, 1625 Eye St., NW, #406 Washington, DC 20006	Pennsylvania Power & Light Co	1,488.00	189.87
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		20,000.00
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,860.00	
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	6,818.13	193.58
Marshall L. Lynam, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Dallas/Ft. Worth International Airport	12,000.00	
Do	Kelly Hart & Hallman (for: Perry R. Bass)	3,000.00	23.82

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Kelly Hart & Hallman (For:Tandy Corporation)	7,500.00	62.32
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,625.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	7,563.00	7,506.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Blunt Ellis & Loewi, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Massachusetts Mutual Life Insurance Company).	7,500.00	
Do	Coffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)	7,500.00	
Do	Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc)	18,000.00	
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn	18,750.00	20,219.24
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,955.00	500.00
Robb S. Mackie II, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn	3,000.00	
Olivia C. Mackin, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	7,500.00	226.50
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	868.75	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	942.00	
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	10,400.00	
Anthony B. MacDonald, 1350 New york Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Reponsible Electric Systems for Energy Access).		
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative) .		
Do	Spiegel & McDiarmid (For:Government Refuse Collection and Disposal Assn, Inc (GRCDA)).		
Do	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)	3,920.00	66.67
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc		
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	154.15
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,902.08	73.70
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	6,000.00	350.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	City of Buenaventura	10,500.00	
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	22,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Regency Outdoor Advertising		
Do	Sarasota-Bradenton Airport	6,000.00	
Do	Ventura Port District	9,000.00	
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	Edison Electric Institute		
Do	Harbert International	350.00	233.34
Do	Northern States Power Company	3,650.00	6,783.72
Do	Philip Morris, USA		
Do	Stratco, Inc		
Shayne M. Madsen, 3050 Broadway, #202 Boulder, CO 80304	Philip Morris, Inc	2,000.00	444.02
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,384.61	
Susan Magaw-Stout, 1010 Wisconsin Avenue, NW Washington, DC 20007	Grocery Manufacturers of America, Inc	205.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	1,255.67
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	10,812.50	2,420.99
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	10,812.50	500.85
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation).	10,812.50	57.90
James W. Magner, Reg # 38670-019 Box 4000 Springfield, MO 65808	Prisoners With AIDS-Rights Advocacy Group (PWA-RAG)	700.00	1,800.00
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	32,107.50	13,650.54
Do	Kaibab Forest Products Company	18,461.60	13,650.54
Do	Northern Arizona University Foundation	15,000.00	13,650.54
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	30,000.00	3,849.52
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn		
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		149.49
Do	DGA International, Inc (For:Teledyne Brown Engineering)		
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	465.00
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	9,375.00	423.00
John Francis Mahoney, 1030 15th Street, NW, #468 Washington, DC 20005	Mahoney & Associates (For:Connecticut Med Ins Co)		
Do	Mahoney & Associates (For:Crouse Irving Memorial Hospital)		
Do	Mahoney and Associates (For:Marc Associates (for American Soc of Anaesthesiologists)).		
Do	Mahoney & Associates (For:Physicians Ins Co of Indiana)		
Do	Mahoney & Associates (For:Physicians Ins Co of Wisconsin)		
Do	Mahoney & Associates (For:Physicians Mutual Ins Trust)		
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	53.33
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	489.00	15.00
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	18,750.03	1,328.91
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak, Inc	750.00	
Do	American Institute of Real Estate Appraisers	270.00	
Do	J.G. Boswell Co	1,800.00	
Do	Bowling Proprietors Assn of America	150.00	
Do	California Bankers Assn		
Do	Centre Pointe Associates		
Do	Edison Electric Institute		
Do	EDU-DYNE Systems, Inc		
Do	Fairfield Communities, Inc		
Do	Federal Express Corp		
Do	Home Group, Inc		
Do	L.A. Gear, Inc	600.00	
Do	Melrose Company	100.00	
Do	Missouri Assn of Private Career Schools		
Do	Money Store		
Do	National Cable Television Assn, Inc	6,600.00	
Do	New York Stock Exchange		
Do	North Beach Property Owners' Assn	100.00	
Do	Northrop Corp	2,700.00	
Do	NEC Corporation		
Do	Philip Morris Management Corp	3,200.00	
Do	Security First Group, Inc		
Do	United Airlines, Inc		
Do	Vero Beach Oceanfront Investors Limited Partnership		
Do	Watt-Albrecht		
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	National Retail Federation	400.00	34.00
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	2,803.00	630.61
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA	2,587.50	2,488.12
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	205.75
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America		
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Do	Hill & Knowlton, Inc (For:Johnson Controls)	350.00	
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Comcast)		
Do	Hill & Knowlton, Inc (For:Thomson Consumer Electronics, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hill & Knowlton, Inc (For:Village of Palatine)		
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	19,596.00	788.44
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			18,364.89
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	163.04	
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	724.00	182.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1030 15th Street, NW, #468 Washington, DC 20005	Affiliated Leadership League of & for the Blind		
Do	Am. College of Nuclear Physicians-Soc. of Nuclear Medicine	2,000.00	
Do	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American Soc for Bone and Mineral Research	4,000.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	13,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Society of Clinical Pathology	4,000.00	
Do	American Urological Assn/Am Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn	20,000.00	
Do	Helen Keller National Center	250.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Association of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	6,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Rorer Pharmaceutical Company	18,000.00	
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		10,278.99	11,172.60
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Kaiya Marie, 1213 Division Chicago Heights, IL 60411			174.50
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			19,916.00
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Chugach Electric Assn, Inc	3,000.00	110.37
Edward Marks, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Marc L. Marks, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
Marks Murase & White, 2001 L Street, NW, #750 Washington, DC 20036	Consarc	722.50	17.89
Luther A. Markwart, 1156 15th St., NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union	2,500.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	John L. Adams & Co.Inc		31.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	City of Sarasota	300.00	14.00
Do	City of Venice, Florida	750.00	28.00
Do	Coalition to Keep Alaska Oil	1,347.50	33.92
Do	End Notch Discrimination	225.00	9.00
Do	Lazare Kaplan International, Inc	5,810.00	115.00
Do	Memphis-Shelby County Airport Authority	12,205.00	231.29
William G. Marqaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Kathleen Marquardt, 6302 30th Street, NW Washington, DC 20015-2238	Putting People First		99.00
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
C. Travis Marshall, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	1,500.00	
Cornel Martin, 228 St. Charles Avenue, #1027 New Orleans, LA 70130	American Waterways Operators, Inc		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	6,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc.	500.00	1,000.00
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	576.90	151.84
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	369.00	251.54
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co		
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc	3,000.00	644.85
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	American Japanese Trade Comm		
Do	Japan Telescope Manufacturers Assn	200.00	
Do	Nisei Lobby		
Do	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,050.00	28.70
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:Assn of the United States Army)		
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	11,000.00	92.10
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Church of Scientology International)	600.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Ferruzzi Group)	300.00	
Do	Gerber Products Corporation		
Do	Hill and Knowlton (For:Johnson Controls, Inc)		
Do	Hill and Knowlton, Inc (For:Ninentdo of America, Inc)	14,250.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	450.00	
Do	Hill and Knowlton, Inc (For:Ryder, Inc)		
Do	Hill & Knowlton (For:Village of Palatine)		
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	675.76	
Scott M. Matheson, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)	800.00	
Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Asso (For:Coalition Against Double Taxation , Inc)	1,000.00	
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)	1,000.00	
Do	Dawson Mathis & Associates (For:Georgia Peanut Producers Assn)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	Dawson Mathis & Asso (For:Joseph E. Seagram & Sons, Inc)	2,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Coalition Against Double Taxation, Inc	1,000.00	
Do	Crowley Maritime Corp	1,000.00	
Do	Georgia Peanut Producers Assn	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	3,000.00	
Do	Joseph E. Seagram & Sons, Inc	2,000.00	
Ann H. Mattheis, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,250.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,285.63	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	115.96	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,600.93
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies		
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:Abbott/Ross Laboratories)		
Do	American School Food Service Assn	9,000.00	266.84
Do	Holland & Knight (For:City of Orlando)	2,250.00	
Do	Holland & Knight (For:Electronic Data Systems Corp)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	300.00	50.00
Maupin Taylor Ellis & Adams, 1130 Connecticut Ave., NW, #750 Washington, DC 20036	International Hardwood Products Assn, Inc	1,992.59	106.36
Nelson Maurice, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc		
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	12,956.68	921.88
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	4,000.00	
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	
Peter G. Mayberry, 1150 17th Street, NW, #1000 Washington, DC 20036	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp		
Marion R. Mayer, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	670.38	1,023.77
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Acxiom Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Arkansas Electric Cooperative Corp		
Do	Attorneys' Liability Assurance Society Ltd		
Do	Brambles USA, Inc		
Do	Brunswick Corp	591.25	
Do	Cabot Cabot & Forbes		
Do	City Colleges of Chicago	185.00	
Do	Comdisco, Inc		
Do	Continental Bank, N.A.		
Do	Corn Products Co		
Do	Entergy Corporation		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	Lasalle Partners, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	National Faculty		
Do	Nestle, SA		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		18.69
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Shell Oil Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	900.00	216.98
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Ellen Mazer, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	2,653.15	128.59
Harry E. McAdams, 555 13th Street, NW #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council).		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,000.00	793.40
Timothy McAnarney, 413 West Edwards Springfield, IL 62704	Philip Morris, Inc	1,875.00	
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,350.39
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,500.00	
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	American Nuclear Energy Council	20,000.00	
Do	Clark County	15,000.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Judicial College		
Do	National Medical Care	15,000.00	
Do	Nevada Resort Assn	7,000.00	
Do	University of Nevada/Las Vegas/Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,202.54	138.00
Robert H. McBride, 1007 Marquette, NW Albuquerque, NM 87102	McBride-Mahr, Inc (For:Philip Morris)		
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	2,250.00	
Do	American Nuclear Energy Council	7,500.00	7,500.00
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	6,000.00	
Do	General Atomics	7,000.00	543.48
Do	HNSX Supercomputers, Inc	4,500.00	35.50
Do	Louisiana Energy Services	6,000.00	29.00
Do	New York State Electric & Gas Corp	15,000.00	317.22
Do	Oxford Energy Co	3,000.00	235.46
Do	Sealaska Corp		
Do	Southern California Edison Co	2,250.00	
Do	Tri-City Industrial Development Council	3,000.00	11.55
Do	FBA, Inc (For:University of Alaska-Fairbanks)	3,000.00	
Do	Westinghouse Electric Corp	6,700.00	1,738.64
Do	Yukon Pacific Corp	6,000.00	2,124.43
Susan P. McCaffrey, 1828 N. Meridian Indianapolis, IN 46202	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	1,146.50	
McCamish Martin Brown & Loeffler, P.C., P.O. Box 2999 San Antonio, TX 78299-2999	Central & South West Corp	1,900.00	1,580.00
Do	Citicorp	350.00	161.75
Do	Coastal Corporation	250.00	208.00
Do	Electronic Data Systems Corp		
Do	Hong Kong Trade Development Council	200.00	99.00
Do	National Assn of Broadcasters	800.00	692.25
Do	Sematech		
Do	United States Automobile Assn		
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	2,000.00	
John B. McCarthy, 1023 15th Street, NW #300 Washington, DC 20005	American Veterinary Medical Assn	40.00	
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	6,000.00	250.00
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Association of American Publishers, Inc		
Do	Coca-Cola Company	6,543.50	226.44
Do	Coca-Cola Enterprises, Inc	906.00	61.33
Do	MetFuel, Inc	2,837.61	342.63
Do	Motion Picture Assn America, Inc		
Do	Paramount Communications, Inc		
Do	Rank Video Services America		31.05
Do	TeknaMed Corp		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Cynthia Williams McConnell, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform (Fair)		
Stephen McConnell, 1334 G Street, NW Fifth Floor Washington, DC 20005	Alzheimer's Assn	3,625.00	25.00
G. McConnell & Associates, Inc, 4716 Neptune Drive Alexandria, VA 22309	Grumman Corp		100.00
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Kimberly A. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)	825.00	
Meredith McCoy, 1800 Mass. Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	126.00	
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		
Patricia A. McCrann, 111 Smithtown Bypass, #109 Hauppauge, NY 11788	Blankman/McCrann, Inc (For:Philip Morris, USA)		
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,062.00	
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 25 Independence Bvld., P.O. Box 112 Liberty Corner, NJ 07938.	Philip Morris, Inc	9,000.00	972.83
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006-2296	Alaska Seafoood Marketing Institute	14,081.25	2,070.05
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute	24,813.75	
Do	American Soc of Outpatient Surgeons		
Do	California Assn of Children's Hospitals	2,077.50	
Do	California Avocado Commission	18,000.00	3,290.58
Do	California Canning Peach Assn	37,308.75	3,430.81
Do	California Energy Commission	19,602.50	2,124.72
Do	California Kiwi Fruit Commission	57,048.86	11,581.61
Do	California Raisin Advisory Board	21,048.75	1,793.31

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Caterpillar Tractor Co		
Do	Concord Grape Assn	10,778.75	1,535.23
Do	Federal Kemper Life Assurance Co		
Do	Globe Corporation		
Do	Good Sam Club	3,520.00	80.00
Do	Hitachi America, Ltd		
Do	Dorothy Holt Estate	2,848.75	
Do	International Apple Institute	22,483.75	412.47
Do	Juvenile Diabetes Foundation, International	6,000.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumbermens Mutual Casualty Company		
Do	National Grocers Assn	860.00	
Do	National Potato Council	24,525.00	852.05
Do	Outpatient Opthalmic Surgery Society	6,000.00	
Do	Peterson & Sullivan		
Do	Peter Plocki	1,530.00	89.35
Do	Public Employees Retirement Assn of Colorado	780.00	12.00
Do	U.S. Mink Export Development Council	23,877.50	2,022.70
Do	Washington State Apple Commission	33,940.00	577.60
Do	Welch Foods, Inc	7,916.25	878.77
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Outboard Marine Corp)		
Do	Jack McDonald Co (For:Planeta North America, Inc)		
Do	Jack McDonald Co. (For:Tuteur Associates, Inc)		
Do	Jack McDonald Co. (For:WMW Machinery, Inc)		
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	105.00	
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Jet, Inc		
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Dow Corning Corp		
Do	Outboard Marine Corp	2,250.00	
Do	Planeta North America, Inc	3,000.00	
Do	Tuteur Associates, Inc		
Do	WMW Machinery, Inc	6,000.00	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Outdoor Advertising Assn of America, Inc	41,665.00	7,290.05
Andrew S. McElwaine, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	12,000.00	764.00
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	3,400.00	
Robert J. McFarlin Jr., 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	700.00	25.15
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	500.00	
Dana McGee, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corp	1,250.00	583.44
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	5,000.00	3,100.00
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Karen McGee, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	37.81
Kate McGee, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		17,697.18
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	10,505.04	81.00
Patricia McGill, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,000.00	6.00
Patricia McGillian, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	40,000.00	29,943.89
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,831.02	2,737.99
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	700.00	
Sheryl Peterson McGrath, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,500.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	7,902.50	118.00
Do	Association of Human Resource Consultants		
Do	Farm Labor Alliance		
Do	Workers Compensation Intrgrity, Stability & Equity (WISE)		704.00
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Mary Lee McGuire, 2232 N. Illinois Street Arlington, VA 22205	Cook Inlet Region, Inc	8,000.00	
Monica M. McGuire, 1331 Pennsylvania Ave., NW, #1500 North Lobby Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
McGuire Woods Battle & Boothe, 8280 Greensboro Drive, #900 McLean, VA 22102	RF&P Railroad		
Do	Vulcan Materials Co		
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Indiana Bell Telephone Co	1,000.00	600.00
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute		
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	7,083.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	7,764.21	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Kathleen McKaig, 105 East 22nd Street New York, NY 10010	Community Service Society		
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc		
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	87.03
Ira E. McKeever, 1224 17th Street, NW Washington, DC 20036	Western Coal Traffic League	11,666.67	3,206.27
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	2,250.00	334.47
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Co)		
Do	Balch & Bingham (For:Southern Company Services, Inc)	135.00	48.61
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,354.00	
Robert A. McKnight, 25 Monument Circle Indianapolis, IN 46206-1595	Indianapolis Power & Light Company		4,497.00
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	843.75	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	2,643.75	
Do	Rowan & Blewitt Inc (For:Cosmetic Toiletry & Fragrance Assn, Inc)		
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	8,100.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	7,087.50	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	650.00	
John R. McLaurin, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	5,370.00	
Katherine McLeod, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
Michael R. McLeod, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	6,184.40	127.00
Do	McLeod & Pires (For:American Peanut Product Manufacturers, Inc)	11,261.25	99.00
Do	McLeod & Pires (For:American Soybean Assn)	34.80	
Do	McLeod & Pires (For:Chicago Board of Trade)	5,625.00	32.00
Do	McLeod & Pires (For:Mid-Valley Water Authority)		
Do	McLeod & Pires (For:Mushroom Council)	1,388.80	
Do	McLeod & Pires (For:State of Florida Department of Citrus)	211.50	
Do	United Egg Producers	2,598.00	
Thomas J. McLeod, 50 West Kelleogg Boulevard St Paul, MN 55164	West Publishing Company		
Rosemary McManus, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	9,995.17	450.84
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	345.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	800.00	46.30
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,589.00	
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Harmon Industries, Inc	9,237.50	254.23
Do	Hercules, Inc	3,460.00	381.92
Do	McNair Law Firm, P.A. (for: Gateway Freight Services, Inc)		
Do	McNair Law Firm, P.A. (for: Intermountain Western Railroad)	906.25	
Do	(For:McNair Law Firm, P.A. (for: Paine Webber))		
Do	McNair Law Firm, P.A. (for: Puerto Rico Ports Authority)		780.03
Do	Railstar Control Technology, Inc	2,240.00	
Do	South Carolina State College	2,150.00	718.06
Do	State of Hawaii/Dept of Transportation	20,156.00	18,704.30
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc	570.00	
Do	American Insurance Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BOC Group, Inc.		
Do	Edison Electric Institute	850.00	
Do	Georgia-Pacific Corp	777.50	6.00
Do	GSX Corporation		
Do	GTE Government Systems Corporation		
Do	Insurance/Financial Affiliates of America		
Do	International Assn for Financial Planning	2,464.00	
Do	New York State Bankers Assn	1,200.00	
Do	Norfolk Southern Corp	1,200.00	
Do	Phillips Petroleum Co		
Do	South Carolina Forestry Assn	798.00	
Do	South Carolina Research Authority		
Do	State of Hawaii		
Do	Westinghouse Electric Corp		
Ray McNally & Associates, Inc, 1817 Capitol Ave., #A Sacramento, CA 95814	Philip Morris, Inc	1,943.30	3,931.69
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	515.00	150.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	1,000.00	
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	6,000.00	272.80
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNicholas, 2001 L Street, NW #1000 Washington, DC 20036	Unisys Corp	1,000.00	
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	3,500.00	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	16,195.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	864.00	1,324.04
Brose McVey, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Oilseed Processors Assn)	5,000.00	1,262.96
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,750.00	
James Meadows, 600 Congress Ave., #1250 Austin, TX 78701	Capital Network System, Inc	4,500.00	2,677.00
John K. Meagher, 1333 New Hampshire Avenue, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae (For:Chevron)	560.00	
Do	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)	160.00	
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).	560.00	
Do	LeBoeuf Lamb Leiby & MacRae (For:Golden Nugget Corp)	26.75	
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	300.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company	250.00	662.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	4,000.00	
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Interlake Corp	3,000.00	
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			21.13
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	3,575.43	3,575.43
Ira Mehlman, 4201 Massachusetts Ave., NW, #3073 Washington, DC 20016	Federation for American Immigration Reform		
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,000.00	
Vernon H. Meier, 1448 Duke Street Alexandria, VA 22314	National Rural Letter Carriers Assn	1,729.00	
Marilyn F. Meigs, 555 13th Street, NW, #410W Washington, DC 20004	Morrison Knudsen Corp		
J. Reese Meisinger, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	20.98
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	2,650.00	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)	136.00	
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)	28.00	
Do	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors).		
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)	380.00	
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	840.00	
Do	Cadwalader Wickersham & Taft (For:Philadelphia Stock Exchange, Inc)	109.00	
Do	Cadwalader Wickersham & Taft (For:Princeton Univ Investment Co & American Council on Education).		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	4,571.26	
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		
Do	DGA International, Inc (For:Titan)		174.23
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	3,487.50	113.75
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			95,068.00
Gordon Merritt, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	100.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	268.07
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Messerli & Kramer, 1500 Northland Plaza Building 3800 West 80th Street Minneaplois, MN 55431-4409	City of New Brighton		
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,000.00	213.00
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc		
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	1,938.00	11.00
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	15,249.00	
Alden M. Meyer, I6I6 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,472.00	777.19
Ferd. C. Meyer Jr., 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	50.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation	3,000.00	324.21
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn	36,000.00	528.03
Do	National Peanut Growers Group	12,000.00	1,064.15
Do	Rice Belt Warehouse, Inc	4,500.00	449.95
Do	Texas A&M Research Foundation	21,420.00	623.78
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Alnor Oil Company, Inc	2,500.00	
Do	American Sheep Industry	16,500.00	1,760.22
Do	Anodyne, Inc	6,000.00	206.02
Do	Centergas, Inc		
Do	Texas International Education Consortium	15,000.00	816.94
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	179.63
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	36.61	
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	5,000.00	1,395.00
Laurie J. Micciche, 1747 Pennsylvania Ave., NW Third Floor Washington, DC 20006	Occidental Chemical Corp	137.50	66.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Chicago Board Options Exchange		
Do	Corn Coalition	10,000.00	
Do	DePaul University	5,000.00	
Do	Estate of Edwin A. Gallun	5,000.00	
Do	Harza Engineering Company		
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc		
Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626	Landsdell Co		
James Francis Michie, 1300 N. 17th Street, #1360 Rosslyn, VA 22209	(For:National Data Corporation)	18,750.00	445.54
Mid-Continent Oil & Gas Assn, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006		2,118.23	29,044.12
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202		47.00	
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	296.50
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,192.34	
Evan M. Migdail, 888 17th Street, NW Washington, DC 20006	Zuckert Scoutt & Rasenberger (For:Advance Petroleum, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	63.70
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Nelson L. Milder, 1825 K Street, NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Milgrim Thomajan & Lee, P.C., 1025 Connecticut Ave, NW, #1000 Washington, DC 20036	New York Mercantile Exchange (NYMEX)	17,416.89	18,852.39
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	2,000.00	1,530.00
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	501.64	
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Chaz Miller, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute		
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Denny Miller, 409 South Barton St. Arlington, VA 22204	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
Francine Miller, 1627 Lamont Street, NW, Apt #41 Washington, DC 20010	Rainbow Lobby, Inc	6,720.00	707.94
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Martha L. Miller, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Citizens for Sensible Control of Acid Rain (CSCAR)	405.00	
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Health Care Assn	16,000.00	1,273.81
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Boeing Company		
Do	Electronic Industries Assn		
Do	Great Northern Insured Annuity Corp	2,585.00	
Do	Pacific Medical Center		
Do	Professional Services Council		
Do	Schultz & Chez (for: Chicago Research and Trading Group)		
Do	U.S. Fidelity & Guaranty Co		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque		
Do	City of Laredo	78.00	
Do	City of St. Louis		
Do	Kenton-Boone Cable Television Board		
Do	Montgomery County Government	71.50	
Miller & Steuart, 1825 I Street, NW, #400 Washington, DC 20006	Coastal Corporation		
Do	E.R. Squibb and Sons, Inc		
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	2,460.00
Do	Coeur d'Alene Mines Corp	1,000.33	833.33
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do	Momentum 90	1,875.00	1,530.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation	1,200.00	1,000.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Sunshine Mining Company	1,000.33	833.33
Do	Tri-City Industrial Development Council (TRIDEC)	4,000.00	3,265.00
Do	Troutlodge, Inc	1,000.33	833.33
Miller Hamilton Snider Odom & Bridgeman, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	American Brush Manufacruters Assn	34,000.00	617.18
Do	Chase Manhattan Corp	3,600.00	
Do	Federation for American Immigration Reform	525.00	9.80
Do	J.P. King Auction Co.		
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		1,739.72
Amy J. Millman, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	600.00	650.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	19,000.00	
Mineral Insulation Manufacturers Association, 1420 King Street Alexandria, VA 22314			4,388.73
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America	7,128.07	460.07
Timothy H. Minor, Salem Lake Drive Long Grove, IL 60047	CF Industries, Inc	500.00	
J. Robert Minter, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	56.70	4,211.52
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	Biogen, Inc	11,300.00	
Do	Coalition for High Definition TV	1,725.00	
Do	Communications Industries Assn of Japan	15,000.00	
Do	Home Recording Rights Coalition	5,600.00	
Do	Houghton Mifflin Company	6,891.00	
Do	Mortgage Insurance Companies of America		
Do	National Cable Television Assn, Inc	7,500.00	163.46
Do	Smith Barney Harris Upham & Co, Inc		
Do	Turner Broadcasting System, Inc		
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	6,000.00	500.00
Charles P. Mitchell, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	425.00	41.95
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	142.94	
Lawrence W. Mitchell, 100 Maryland Ave., NE, #500 Box 69 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Rosemary Mitchell, 1300 19th Street, NW, #500 Washington, DC 20036	Pepper Hamilton & Scheetz (For:Cominco American, Inc)	22,000.00	1,580.49
Mitchell Friedlander & Gittleman, 1201 Conn. Ave., NW Washington, DC 20036	National Bank of Liberia		
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Do	Georgia-Pacific Corp	3,500.00	
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	500.00	
Robert E. Moffit, 660 Creek Rd. Severna Park, MD 21146	National Alliance of Physicians and Surgeons	1,725.00	2,189.26
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,091.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		500.00
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For:Nissan Motor Company, Ltd)		
Do	Manchester Associates, Ltd (For:Nissan Motor Manufacturing Corp, USA)	2,787.50	30.00
Robert H. Mollohan, 912 Sylvan Avenue Fairmont, WV 26554	Airspace Technology, Inc	600.00	
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	132.00
C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007	Grocery Mfg. of America, Inc	164.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Michael Monroney, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy		
John C. Monsul, 923 Riva Ridge Drive Great Falls, VA 22066			
Montana Market Development Co, 305 West Mercury St., #303 Butte, MT 59701	Philip Morris, Inc	1,800.00	948.57
James M. Montgomery, 1455 Pennsylvania Ave., NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,125.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	Murray Scheer & Montgomery (For:National Assn of State Outdoor Recreation Liaison Officers).	300.00	
Do	National Rural Water Assn	4,800.00	130.13
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	500.00	115.31
Graham B. Moody, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	16,675.00	
Alan J. Moore, 1001 Pennsylvania Ave., NW, #675 Washington, DC 20004	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	25.00
Allen Moore, 1730 Rhode Island Ave., #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,846.00	69.40
Obie Moore, 1156 15th St., NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	Agusta Group	4,000.00	
Do	DGA International, Inc (For:Societe Nationale d'Dtude et de Const de Moteurs d'Aviation).		
Paul Moorehead, 606 Massachusetts Ave., NE Washington, DC 20002	Penco International		
Ann Moorhead, 2571 Vernon Drive, NE Palm Bay, FL 32905	Press Television		
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	485.00
Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036	American Oat Assn	11,149.27	10,190.99
Do	Coalition for Advment of Research on Agri, Food & Environmt	6,829.54	5,095.46

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fettig Donalty & Agarwal	928.75	928.75
Do	Harvest States Cooperative	6,829.54	5,095.46
Do	Korean Soybean Processors Assn	13,679.13	10,190.99
Do	Kraft General Foods	6,829.54	5,095.46
Do	Pacific Cargoes, Inc	928.75	928.75
Do	Star Trading & Marine, Inc	928.75	928.75
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Lori M. Moran, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	3,375.00	
Tim E. More, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	1,568.00	1,873.56
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	14,061.00	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	4,687.24
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,186.10
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	78.31
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Ad Hoc Committee on NHTSA FMVSS 205 Standard	1,880.00	12.00
Do	Consolidated Natural Gas Co		
Do	Hazardous Waste Action Coalition		
Do	Presbyterian Hospital City of New York, et al.		
Do	Safety-Kleen Corp		
Do	Scotch Whisky Assn		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	142.50	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	306.22
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	15,222.55	144.00
Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	92.00
James Morrison, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004-2602	Business Executives for National Security, Inc		
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	787.50	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Micron Technology, Inc	670.00	19.00
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Evelyn M. Morton, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	592.30	828.90
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Jack Moskowitz, 701 N. Fairfax Street Alexandria, VA 22314-7807	United Way of America	17,156.25	175.56
Shelley R. Moskowitz, 236 Mass. Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	2,786.00	100.00
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Abecitrus - Brazilian Citrus Assn		
Do	Adical	4,073.70	203.41
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)	5,500.00	225.65
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			5,896.24
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		433,480.39	433,480.39
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	15,000.00	
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	6,159.18	103.80
Paul W. Mousseau Jr., 3000 K Street, NW Penthouse 3-A Washington, DC 20007	Wealth Management Corp (For:Finryan International, Ltd)	3,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	U.S. Assn of Importers of Textile and Apparel (USITA)	709.70	30.00
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	United Savings of Texas, FSB	1,650.00	
Richard J. Muller, P.O. Box 66763 Washington Square Station Washington, DC 20036	Chrysler Corporation	2,250.00	
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	135.64
Ann Mulligan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	334.62	
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	20,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	2,800.00	40.00
Morton L. Mullins, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Company		55.16
Betty J. Munis, 1301 Pennsylvania Ave., #300 Washington, DC 20004	Public Lands Council	1,000.00	
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al.		
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	61.13
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.		
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		200.00
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		6,774.13
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,125.00	250.07
Margaret R. Murray, 2501 M Street,NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	1,821.00	57.30
Do	McLeod & Pires (For:National Rural Telecom Assn)	1,596.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	U.S. Air, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	800.00	18.00
Do	Atochem, N.A.		
Do	Bear Stearns & Co	500.00	
Do	Benton Mortgage Company	500.00	
Do	City of Philadelphia		
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Independence Blue Cross	100.00	12.50
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	LTV Corporation	450.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Mutual Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Philadelphia Port Corp	2,000.00	90.00
Do	Players Club International	1,800.00	28.00
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Do	Sweetener Users Assn	500.00	
Do	Temple University	450.00	27.00
Robert Musil, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,635.80	22,061.62
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco, Inc	250.00	
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202		68,000.00	28,708.45
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	American Bankers Assn		
Do	Government of Romania	22,000.00	
Paul J. Myer, 600 Maryland Ave., SW, #605-607 Washington, DC 20024-2520	Northern Telecom, Inc		1,445.00
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	128.78
Karen Magee Myers, 1331 Pennsylvania Ave., #1300-N Washington, DC 20004	Electronic Data Systems Corp	248.00	248.06
Peter C. Myers, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Christopher Alton Myrick, P.O. Box 65493 Washington, DC 20035-5493	National AgriChemical Retailers Assn	74,773.50	15,832.86
MHD Industrial Forum, 1825 K Street, NW, #807 Washington, DC 20036			
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
David Scott Nance, 808 17th Street, NW, #300 Wasshington, DC 20006-3910	Stewart and Stewart		
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	3,200.00
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Academies of Practice, 1023 15th Street, NW, #300 Washington, DC 20005		9,075.00	421.03
National Ag Underwriters, Inc, 3501 Thurston Ave. Anoka, MN 55303			1,918.00
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		12,309.00	1,162.50
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		242,500.00	14,708.39

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,102.78	1,107.26
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015			
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,626.02	6,575.39
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		47,134.51	47,134.51
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Crop Insurance Agents, 3501 Thurston Ave. Anoka, MN 55303			
National Assn of Federal Employees, 3500 Maple Avenue, Suite 1650 Dallas, TX 75219			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			23.97
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		200.00	62,792.00
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004		1,800.00	3,843.00
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		327,543.37	327,543.37
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268			
National Assn of Securities and Commercial Attorneys, 1300 I Street, NW., #480E Washington, DC 20005		16,000.00	6,000.00
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		9,250.00	
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	111,281.00	14,903.10
National Broiler Council, 1155 15th St., NW Washington, DC 20005		2,750.00	2,750.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			31,650.33
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		108,627.45	113,452.01
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			
National Child Care Assn, P.O. Box 161206 Austin, TX 78716-1206		4,000.00	4,000.00
National Coalition for Fair Trade, 7200 Wisconsin Avenue Bethesda, MD 20814			
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		3,513.49	5,103.45
National Comm to Preserve Social Security, 800 K Street, NW, #800 Washington, DC 20006		1,904,784.00	1,904,784.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		1,173.00	4,919.21
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10122			11,684.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,550.00	831.25
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		105,601.87	105,601.87
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		16,187.50	26,301.33
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006			
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		13,981.42	9,534.45
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		33,678.72	
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		4,468.94	4,468.94
National Environmental Strategies, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	EcoMarine	5,000.00	632.47
Do	Foundation for Economic and Environmental Progress, Inc	12,500.00	5,758.31
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		43,429.00	2,700.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	600.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #850 Washington, DC 20005			6,293.75
National Grain Trade Council, 1030 15th Street, NW, #1020 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		21,625.00	21,625.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,039.50
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		52,373.00	12,447.20
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			12,966.11
National Insurance Consumer Organization, 344 Commerce Street Alexandria, VA 22314			
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Licensed Beverage Assn, 4214 King Street, West Alexandria, VA 22302			
National Motorsports Comm of Accus, 1501 Skokie Boulevard, #101 Northbrook, IL 60062		1,600.00	1,968.01
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			10,902.64
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		6,327.00	6,327.00
National Retail Federation, 1616 H Street, NW, #600 Washington, DC 20006	National Retail Merchants Assn		25,841.55
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,712.27	8,712.27
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			4,189.62
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		32,608.00	33,304.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		10,250.00	10,250.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			225.30
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Alliance for Capital Access	15,000.00	
Do	Banner Industries, Inc		6.44
Do	Manor Care	7,560.94	69.97
Do	Trian Group	2,422.50	34.31
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,884.62
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,214.00	6,214.00
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152		644,686.99	5,695.03
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			87,753.41
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		1,000.00	
Irene Natividad, 400 S Kensington Street Arlington, VA 22204	Natividad Associates (For:Philippine Embassy)	15,000.00	1,862.25
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	50.87
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,250.00	336.41
Mary Elizabeth Neese, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	2,700.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	115.10	33.54
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	100,000.00	2,536.39
Do	General Electric Industrial and Power Systems	120,000.00	704.97
Do	Government of Jamaica	150,000.00	8,137.52
Do	Hashemite Kingdom of Jordan		7,999.99
Do	Islamic Republic of Pakistan		
Do	Joint Diseases North General Hospital	3,000.00	137.57
Do	Kingdom of Morocco		1,772.32
Do	Korea Foreign Trade Assn	15,000.00	113.15
Do	Puerto Rico Economic Development Administration		1,467.74
Do	Republic of Cote d'Ivoire		20,660.63
Do	Republic of Guinea		1,420.40
Do	Republic of Kenya		24,508.12
Do	Rossing Uranium Ltd	72,000.00	1,442.36
Neill Mullenholz & Shaw, 815 Connecticut Ave. NW Washington, DC 20006	City of Fergus Falls		
Do	Florida East Coast Railway Co	1,000.00	
Do	National Assn of Chapter 13 Trustees		20.00
Do	National Council Social Security Management Assns, Inc	4,000.00	205.00
Do	North American Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc	3,500.00	105.00
Do	Senior Executives Assn	5,000.00	360.00
Do	Soo Line Corporation	5,000.00	
Do	TACA International Airlines		
Joseph L. Nellis, 1350 I Street, NW, 9th Floor Washington, DC 20005	Pharmacy Freedom Fund		330.34
Christine V. Nelson, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:United Egg Assn)	4,500.00	197.14
Do	McLeod & Pires (For:United Egg Producers)	3,897.00	217.47
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	4,200.00	
Eric G. Nelson, 2000 M Street, NW, #550 Washington, DC 20036	North American Telecommunications Assn		
Lisanne Nelson, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	950.00	
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc		7,088.00
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller	774.00	
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	162.50
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	13,572.00	
Mark Nestlen, 1300 L Street, NW, #950 Washington, DC 20005-4107	American Soybean Assn	7,500.00	326.92
Network, 806 Rhode Island Ave., NE Washington, DC 20018		40,625.26	54,374.22
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	6,074.57	6,391.10
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: American Savings Bank, FSB)		
Do	Thacher Proffitt & Wood (For: Castine Partners)		19.00
Do	Thacher Proffitt & Wood (For: Great Western Savings, Federal Savings & Loan)		
Do	Thacher Proffitt & Wood (For: Peoples Westchester Savings Bank)		
Do	Thacher Proffitt & Wood (For: River Bank America)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Thacher Proffitt & Wood (For: Standard Federal Savings & Loan)		
Do	Thacher Proffitt & Wood (For: TCF Bank Savings, FSB)		
New England Rehabilitation Hospital, 2 Rehab Way Woburn, MA 01801			2,333.34
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		25,000.00	2,548.59
Lilian Ann Newby, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	47.00
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	8,400.00	472.10
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For: Nebraska Catholic Conference)	195.00	
Do	McGrath North Mullin & Kratz, PC (For: Septemberfest Salute to Labor, Inc)	225.00	
Do	McGrath North Mullin & Kratz, PC (For: UNO Maverick Boosters, Inc)		
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Nissan North America, Inc, 750 17th Street, NW, #901 Washington, DC 20006	Nissan Motor Corporation, U.S.A.		
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	2,695.00	
Do	Exell Container, L.P.	3,297.00	81.50
Jeffrey P. Noah, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	63.91
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	10,851.64	843.69
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association		4,400.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,112.00	218.50
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For: Association of Schools and Agencies for the Handicapped).		
Do	Montgomery McCracken Walker & Rhoads (For: Coalition for Affordable Home Financing).	500.00	103.53
Do	Montgomery McCracken Walker & Rhoads (For: National Assn of Private Schools for Exceptional Children).		
Do	Montgomery McCracken Walker & Rhoads (For: Pilots Assn of the Bay and River Delaware).	300.00	4.00
Do	Montgomery McCracken Walker & Rhoads (For: Ports of Philadelphia Maritime Exchange).	1,800.00	
Myron H. Nordquist, 1776 K Street, NW, #210 Washington, DC 20006			
North American Export Grain Assn, Inc, 1030 15th Street, NW, #1020 Washington, DC 20005			93.00
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		16,450.00	16,450.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,280.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	500.00	46.00
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			2,544.56
Russell C. Notar, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	100.00
Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
Steven R. Nousen, P.O. Box 3529 Portland, OR 97208	Port of Portland	13,717.00	250.03
Mary Ann Novak, 555 12th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff, Inc		
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	3,925.02
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America		
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers	2,000.00	
Do	National Football League Players Assn	3,500.00	
C. D. Nyberg, 103 S.W. 24th Street Austin, MN 55912	Geo. A. Hormel & Co		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,609.73	632.67
O'Bannon & Gibbons, 2550 M Street, NW, #250 Washington, DC 20037	Mutual Life Insurance Co of New York	7,762.50	
Do	Underwriters at Lloyd's London		
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	12,231.00	134.74
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	10,800.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	12,000.00	2,849.47
Nancy O'Brien, 2251 Wisconsin Avenue, NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	1,000.00	100.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	157.28
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	16,000.00	424.20
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For: Sanders Associates, Inc)	34,500.00	
James E. O'Connor, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	20,000.00	
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Association	2,000.00	
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For: American College of Occupational Medicine)	584.00	654.00
Do	Kent & O'Connor, Inc (For: American Supply Association)	2,576.50	1,306.00
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	10,226.00	5,120.00
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Bus Assn	5,625.00	
Do	American Clinical Laboratory Assn	6,000.00	
Do	American Family Life Assurance Co	3,294.98	
Do	American Inst of Certified Public Accountants		
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Orthotic & Prosthetic Association	12,006.39	
Do	American Soc of Assn Executives	12,600.04	
Do	American Soc of Cataract & Refractive Surgery		
Do	Arthur Andersen & Co	1,000.00	
Do	Bionox, Inc	5,000.00	
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	15,829.40	
Do	Citizens Savings and Loan	2,850.00	
Do	City of Minneapolis		
Do	Coalition for Affordable Home Financing	3,580.00	
Do	Coca-Cola Company	10,600.00	
Do	Connaught Laboratories, Inc	11,724.66	
Do	CNA Insurance Co	3,106.37	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	4,000.00	
Do	Eastern Michigan University	308.61	
Do	Ecomarine, Inc		
Do	Electronic Data Processing Auditors Association	1,154.61	
Do	Electronic Data Systems Corp	28,100.00	
Do	Federal Home Loan Bank of Seattle		
Do	Forstmann Little & Co		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	5,000.00	50.00
Do	Government of El Salvador	37,500.00	1,596.42
Do	Government of Israel Supply Mission		
Do	Government of Netherlands Antilles	26,300.00	
Do	Health Care Financing Study Group	3,000.00	
Do	Hennepin County		
Do	Housing Study Group		
Do	Hutchinson Island Limited, Inc		
Do	Investment Company Institute	12,900.00	
Do	J.C. Penney Company, Inc		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	Martin Marietta Corp	3,000.00	
Do	MasterCard International, Inc	3,285.00	
Do	Mercedes-Benz of North America, Inc	3,890.00	
Do	Minnesota Mutual Life Insurance Co	3,437.66	
Do	Mitchell Sweet & Associates	250.00	
Do	Morgan Grenfell Group, PLC	1,400.00	
Do	Mortgage Bankers Assn		
Do	Mullendore & Tawney		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Apartment Assn	1,625.00	
Do	National Assn of Optometrists and Opticians, Inc	3,000.00	
Do	National Assn of Portable X-Ray Providers	1,000.00	
Do	National Funeral Directors Assn	4,320.73	
Do	National Retail Hardware Assn	3,006.31	
Do	New York State Assembly	1,200.00	
Do	Pacific Telesis Group	4,315.00	
Do	Philadelphia Stock Exchange		
Do	Prudential Insurance Co of America		
Do	Joseph E. Seagram & Sons, Inc	194.70	
Do	Securities Industry Assn	7,250.00	
Do	SmithKline Beecham Corp	21,915.43	
Do	State of Alaska	300.70	
Do	Summer Island, Inc		
Do	U.S. Tuna Foundation		
Do	U.S. Wild Horse & Burro Foundation		
Do	Visa, USA, Inc	3,285.00	
Do	Wards Cove Packing Company	27,367.00	
Do	Westinghouse Electric Corp	2,993.70	
Emily O'Connor-Karolyi, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	600.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	21,250.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
Karen O'Donnell, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Bridget O'Grady, 955 L'Enfant Plaza, SW, #1202 N Washington, DC 20024	National Water Resources Assn	5,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,852.68	312.45
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,203.40	231.21
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
Janet O'Keeffe, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	3,000.00	270.80
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc	12,000.00	13,034.11
Do	CIGNA Corp	19,875.00	5,865.21
Do	Ford Motor Co		
Daniel J. O'Neal III, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,000.00	247.73
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Joseph P. O'Neill, 1616 H Street, NW Washington, DC 20006	National Retail Federation	4,000.00	40.85
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	American Bankers Assn	600.00	
Do	Bank of New England		
Do	Beth Israel Hospital		
Do	Boston College		
Do	Brandeis University		
Do	Brigham and Women's Hospital, Inc		
Do	Coalition of Boston Teaching Hospitals		
Do	CompuChem Corp		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	P.W. Gillibrand and Co		
Do	Glass Packaging Institute		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northwestern Mutual Life		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Source Data Network		
Do	Texas Utilities Co		
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc	3,900.00	
Kathleen F. O'Reilly, 510 E Street, SE Washington, DC 20003	National Insurance Consumer Organization		
Do	Wisconsin Citizens Utility Board		
John T. O'Rourke, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,342.00	
John O'Shaughnessy, 1825 K Street, NW, #807 Washington, DC 20006	Greater New York Hospital Assn	14,500.00	1,200.00
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	U.S. League of Savings Institutions	18,480.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	269.64
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	5,348.52
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	18,000.00	
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	815.80
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	300.00	2,095.04
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,750.00	
Ohrenstein & Brown, 655 Third Avenue New York, NY 10017	Mutual Signal Corp		
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.00	
Nancy L. Oliver, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	100.00
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	2,000.00	500.00
Lawrence Olsen, 400 W. 15th, #417 Austin, TX 78701	Texas Good Roads/Transportation Assn		907.23
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Eric Olson, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,067.68	
Lisa M. Olson, 919 Prince Street Alexandria, VA 22314	Keene Shirley & Asociates, Inc (For: The Limited, Inc)		
Richard C. Olson, 2000 Edmund Valley Drive, #400 Reston, VA 22091	Citibank, N.A.	2,050.00	
Do	DynCorp	6,810.00	
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	American Meat Institute		
Do	Beef Products, Inc	300.00	
Do	Cambridge Products, Ltd	300.00	
Do	Duramed Pharmaceuticals, Inc	600.00	
Do	G.R. Foods, Inc	1,050.00	
Do	National American Wholesale Grocers Assn	600.00	
Do	National Assn of Margarine Manufacturers	1,600.00	
Do	National Food Processors Assn	2,600.00	
Do	Pillsbury Company	500.00	
Do	San Tomo Group	1,200.00	
Do	Schwan's Sales Enterprises, Inc	3,500.00	
Do	U.S. Surgical Corporation	700.00	
Do	Vicam	900.00	
Do	Western States Meat Assn	600.00	
Olwine Connelly & Chase, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Ad Hoc Comm for Small Hydro Power		
Do	Alexander & Alexander Services, Inc		
Do	Intercontinental Energy Corp	1,000.00	
Do	Long Lake Energy Corp		
Do	Manville Corporation		
Do	National Independent Energy Producers	2,000.00	
Do	Sithe Energies USA, Inc		
Clark Onstad, 901 15th St., NW, #500 Washington, DC 20005	Texas Air Corp, et al.	5,000.00	2,813.00
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	700.00
Oppenheimer Rosenberg Kelleher & Wheatley, Inc, 711 Navarro, #600 San Antonio, TX 78205	First City-Texas		
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Government of Barbados	26,029.78	564.70
Do	Korean Footwear Exporters Assn		
Do	Nishika Corp		645.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	West Publishing Company	2,125.00	16.40
Michel Orban, American Express Company World Financial Center 200 Vesey Street New York, NY 10285-4890	American Express Co		
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	800.00	
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	7,000.00	470.13
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
William N. Outlaw III, 655 15th Street, NW, #320 Washington, DC 20005	Fur Information Council of America	1,000.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	974.03
Thomas E. Owens, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Continental Savings Bank		
Do	Dollar Savings Bank, et al.	37,400.00	11,515.33
Do	Pacific First Financial Corp		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	1,560.00	
Frank Owings Jr., 603 East Washington Street Indianapolis, IN 46204	Service Supply Co, Inc		
R. Ray Paabo, P.O. Box 25019 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,567.60	135.20
Eileen E. Padberg, 2081 Business Center Drive, #125 Irvine, CA 92715	Philip Morris, Inc	4,000.00	
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	98.19
Nancy R. Page, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For: South Hadley Electric Light Dept)	262.50	3.07
Pagonis & Donnelly Group, Inc, c/o Dow Lohnes & Albertson 1620 I Street, NW, #202 Washington, DC 20006	Air Products & Chemicals, Inc	6,000.00	115.14
Do	Americans for National Dividend Act, Inc	17,550.00	
Do	Association of High Medicare Hospitals	23,265.00	24.06
Do	ABB, Inc		
Do	Burroughs Wellcome Co	18,580.00	
Do	Dow Chemical USA	20,850.00	374.51
Do	Harrah's, Inc		
Do	Holiday Corp	28,361.25	322.03
Do	Nord Resources Corp		
Do	United States Flag Foundation Advisory Board		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	European Community		
Marcia M. Pape-Daniels, 655 15th Street NW, Suite #444 Washington, DC 20005	CH2M Hill	500.00	
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,885.00	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	10,000.00	344.00
Ann M. Parman, 1701 K Street NW, Suite 400 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	17,269.00	1,740.00
Norman T. Parnes, 8823 Vernon View Dr. Alexandria, VA 22308	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	26,871.73	785.92
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,628.00	500.00
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For: Intermountain Consumer Power Assn)		1,222.50
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038	Partnership on Health Care & Employment	42,570.00	32,323.24
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	608.74
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	2,000.00	9.00
Melissa B. Patack, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,700.00	1,218.70
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	45.15	
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra	2,234.50	
Do	City of Bell & Bell Community Redevelopment Agency	2,475.00	
Do	Burke Williams & Sorensen (For: City of Santa Clarita)		
Richard M. Patterson, 1776 EYE St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	5,946.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,240.00	
Thomas B. Patton, 2000 K Street, NW, #201 Washington, DC 20006	North American Philips Corp	5,000.00	13,760.00
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination	2,002.50	103.75
Do	Advanced Technology, Inc.		
Do	Air Products & Chemicals, Inc	330.00	5.00
Do	Aiwa America, Inc		
Do	Akai America, Ltd		
Do	Alabama Power Co	365.00	19.00
Do	Alain Wertheimer		
Do	Alaska Crab Coalition		
Do	Alexander & Baldwin, Inc		
Do	American Assn of Equipment Lessors	330.00	5.00
Do	American Congress on Surveying & Mapping	237.50	
Do	American Express Co		
Do	American International Automobile Dealers Assn		
Do	American Logistics Assn		
Do	American Maritime Assn		
Do	American Stock Exchange, Inc		
Do	Armco, Inc	330.00	5.00
Do	Association of Biotechnology Companies		
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	1,082.50	170.00
Do	Avon Products, Inc		
Do	Bath Iron Works Corp		
Do	Bethlehem Steel Corp	330.00	5.00
Do	Bic Corporation		
Do	Biogen		
Do	Blair Corporation		
Do	Board of Mississippi Levee Commissioners	547.50	11.50
Do	Business and Institutional Furniture Manufacturers Assn	6,935.00	1,250.00
Do	BATUS, Inc		
Do	Casio		
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology	437.50	8.50
Do	Center City-Inner Harbor Management, Inc	1,500.00	
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	665.00	620.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	720.00	55.00
Do	Chrysler Corporation	330.00	5.00
Do	City & County of Denver	786.25	57.50
Do	Coalition on State Use Taxes		
Do	College Savings Bank	125.00	
Do	Columbia Farm Credit District		
Do	Columbia, Inc		
Do	Corridor Broadcasting Corp	5,230.00	300.00
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools		
Do	Cryolife, Inc		
Do	CIGNA Corp		
Do	Dairy Institute of California	2,672.50	83.00
Do	Dealer Action Association		
Do	Denver Department of Transportation	555.00	65.50
Do	Discovery Channel		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Dole Fresh Fruit Co		
Do	Dredging Industry Size Standards Committee (DISSC)		
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd		
Do	Electric Reliability Coalition		
Do	Farragut Group		
Do	Federation of Postal Police Officers		
Do	Fiart Cantieri Italiani, S.P.A.		
Do	Fidelity Investors		
Do	Fishing Vessel Owner's Assn	640.00	15.00
Do	Flexi-Van Leasing, Inc	260.00	25.00
Do	Freedom to Advertise Coalition	3,021.25	119.00
Do	Fuji Photo Film USA, Inc		
Do	Fundacion de Defensa del Comerio Exterior		
Do	Fundacion Pro Imagen de Columbia		
Do	Gana-A'Yoo, Limited		
Do	General Electric Co		
Do	Genstar Container Corporation	260.00	25.00
Do	Goldbelt, Inc		
Do	Government of the Marshall Islands		
Do	Government of Iceland		
Do	Halogenated Solvents Industry Alliance	190.00	9.00
Do	Charles Heilbronn, et al.		
Do	Hitachi Sales Corp of America		
Do	Hobby Industries Assn		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology		
Do	Institute of Scrap Recycling Industries	875.00	8.00
Do	International Fabricare Institute		
Do	International Thomson, Inc		
Do	Itel Containers International Corp	260.00	25.00
Do	Kaiser Aluminum & Chemical Corp	680.00	
Do	Kenwood USA Corporation		
Do	Loop, Inc	3,760.00	
Do	Magnuson Act Coalition		
Do	Marathon Oil Co		
Do	Mars, Inc	2,075.00	240.50
Do	Mass Mutual	406.25	16.50
Do	Matson Navigation Co	575.00	8.00
Do	Matsushita Electric Corp of America		
Do	Maxell Corp of America		
Do	May Department Stores Co		
Do	Metropolitan Life		
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales of America, Inc		
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life		
Do	Mutual Legislative Committee	1,400.00	12,922.50
Do	MCI Telecommunications, Inc	502.50	10.00
Do	Nakajima USA		
Do	Nakamichi USA		
Do	National Assn of Life Underwriters	400.00	18.00
Do	National Assn of Retail Druggists		
Do	National Cable Television Assn, Inc		
Do	National Con-Serv, Inc		
Do	National Intergroup, Inc		
Do	National Marine Manufacturers Assn	3,850.00	284.61
Do	National Soft Drink Assn		
Do	Navajo Nation		
Do	New York Life Insurance Company	400.00	400.00
Do	Newmont Mining Corp		
Do	Northwest Forest Resource Council		
Do	Northwestern Mutual Life		
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc		
Do	NMTBA-National Machine Tool Builder's Assn	330.00	5.00
Do	Olympic Fibers		
Do	Onkyo USA Corp		
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	1,850.00	96.00
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc		
Do	Prince George Center, Inc		
Do	Reader's Digest Assn, Inc		
Do	Reinsurance Assn of America	500.00	29.00
Do	Reliance Group Holdings, Inc	260.00	25.00
Do	Retail Industry Trade Action Coalition	3,980.00	29.00
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Royal Trustco Ltd		
Do	Sansui Electronics Corp		
Do	Sanyo Electronics, Inc		
Do	Save Chanute Committee		
Do	Seafood Wholesalers, Inc		
Do	Sharp Electronics Corp		
Do	Charles E. Smith Companies		
Do	Smokeless Tobacco Council, Inc	2,730.00	150.50
Do	Sony Corp of America		
Do	Specialty Seafoods		
Do	Sprat Bay Corp		
Do	Squibb Corporation		
Do	Standard Federal Savings Bank		
Do	Sultantate of Oman		
Do	Teac Corp of America		
Do	Teknika Electronics Corp		
Do	Thornycraft Giles & Co., Inc		
Do	Toshiba America, Inc		
Do	Trans Ocean Ltd	260.00	25.00
Do	Transamerica Leasing, Inc	260.00	25.00
Do	Triton Container	260.00	25.00
Do	TDK USA Corp		
Do	U.S. Air, Inc		
Do	U.S. Tobacco Company	2,720.00	
Do	U.S. Tuna Foundation		
Do	Union Pacific Corp	330.00	5.00
Do	Universal Lottery Co		
Do	University of Arizona Foundation	6,000.00	
Do	US JVC Corporation		
Do	USX Corporation	330.00	5.00
Do	Waste Management, Inc		
Do	Wayne County Michigan		
Do	Western Forest Industry Assn	112.50	10.00
Do	Westinghouse Electric Corp	10,257.50	225.79

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WWL-TV		
Do	XTRA Corp	260.00	25.00
Do	Yamaha Electronics Corp, USA		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Paramount Communications, Inc	1,050.00	15.00
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	1,581.25	
Do	Amdahl Corp	1,395.00	
Do	American Trucking Assns, Inc	2,131.25	
Do	Business Council on Indoor Air		
Do	CalMat Company		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	7,188.75	
Do	Kawasaki Motors Corp, USA	7,880.00	
Do	Koito Manufacturing Co	3,841.25	358.00
Do	Paul D. Lieb	330.00	
Do	Motor Vehicle Manufacturers Assn, Inc	4,450.00	
Do	Norfolk Southern Corp	1,031.25	
Do	Security Life of Denver	345.00	
Do	Tobacco Institute	1,800.00	
Do	Union Pacific Corp		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Carl Marks & Co, Inc (for Royal Seafoods, Inc)		65,454.11
Do	Municipal Assistance Corp for the City of New York		
Do	National Music Publishers Assn, Inc	3,154.00	77.44
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,100.00	374.68
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	638.70
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			7,407.67
Norman E. Pearson, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	7,500.00	101.00
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Lee Peckarsky, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	37,500.00	
Kevin Pedraja, 601 Pennsylvania Ave, NW, #700 Washington, DC 20004	Business Executives for National Security, Inc		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Randall G. Pence, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn	5,416.67	517.91
Penco International, 606 Massachusetts Ave., NE Washington, DC 20002	Penco international		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,677.87
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	2,000.00	
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	846.00
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Arctic Alaska Fishing Corp		
Do	Boeing Company		2,241.00
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	General Electric Co	95.00	2,527.50
Do	Kootznoowoo, Inc		
Do	Krupp Atlas Elektronik GmbH	1,827.50	1,350.00
Do	Wood Heating Alliance	1,607.00	378.00
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For: Alliance for America's Homeowners)		
Do	Perkinson & Associates, Inc (For: Beneficial Management Corp of America)		
Do	Perkinson & Associates, Inc (For: National Second Mortgage Assn)		
Perkinson & Associates, Inc, 453 New Jersey Ave., SE Washington, DC 20003	Alliance for America's Homeowners		
Do	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Ernest Michael Perley, 112 St. Clair Avenue, West, #401 Toronto, Ontario M4V 2Y3	Perley & Hurley Ltd (For: Canadian Coalition on Acid Rain)		
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,000.00	269.51
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehabilitation Counseling Assn		
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,769.00	
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For: Arab Republic of Egypt)	6,000.00	162.07
Do	Bannerman and Associates, Inc (For: Beirut University College)	1,000.00	7.00
Do	Bannerman and Associates, Inc (For: Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For: Government of Tunisia)	1,000.00	64.47
Do	Bannerman and Associates, Inc (For: Sawyer-Miller Group (for Government of the Philippines)).	250.00	
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	200.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	9,980.00	2,505.53
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	National Automobile Dealers Assn	3,300.00	
Dayna Petete, 1325 G Street, NW, #1003 Washington, DC 20005	Population Environment Balance	165.00	18.70
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		20,000.00	18,778.77
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	121.08	
Wendi L. Petsinger, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	4,000.00	532.09
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	5,496.00
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Philip Morris, Inc	18,000.00	1,346.62
Do	Southwestern Bell Corp-Washington, Inc	24,000.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Federation	3,000.00	279.35
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		35,816.35	35,816.35
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,914.00	9.84
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	19,000.00	515.00
Laura Phelps, 2501 M Street, NW, #400 Washington, DC 20037	American Assn of Crop Insurers	3,101.25	318.85
Do	McLeod & Pires (For: Mushroom Council)	1,939.00	73.23
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	4,800.00	10,301.53
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	27,500.00	6,539.91
Deborah M. Phillips, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	1,500.00	
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	7,500.00	
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th Street, 32nd Floor New York, NY 10019	Riverbay Corp		
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		14,104.00	15,042.63
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	2,000.00	1,556.34
Donald S. Picard, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	120.00	266.34
Joan Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	228.07	
Theodore M. Pierce, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	15,925.00	
Pierson & Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	(For: Washington Transportation Supervisors Assn)	521.00	
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate	3,216.00	
Do	Oklahoma Natural Gas Company		
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Piliero Tobin and Mazza, Farragut Square 888 17th Street, NW Washington, DC 20006	Ad Hoc Committee of Mutual Fund Managers	4,854.93	
Do	National Fire Protection Assn	1,200.00	
Do	Villa Banfi, U.S.A	5,300.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	Chevron Corp	25,000.00	
Do	Federal Home Loan Bank of San Francisco		
Do	Geneva Steel	3,000.00	
Do	National Assn of Manufacturers	600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Southern Companies Services	6,100.00	
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,100.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute	57.50	
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For: Nebraska Catholic Conference)	384.00	121.78
Do	McGrath North Mullin & Kratz, PC (For: Septemberfest Salute to Labor, Inc)	352.00	
Do	McGrath North Mullin & Kratz, PC (For: UNO Maverick Boosters, Inc)		
Lillian M.S. Pitcaithly, 1250 24th Street, NW, #1000 Washington, DC 20037	Albertine Enterprises (For: American Diabetes Assn)		
Do	Albertine Enterprises (For: Castle Harlan & Delaware Management Corp)		
Do	Albertine Enterprises (For: Employers Council on Flexible Compensation)		
Do	Albertine Enterprises (For: Fruit of the Loom, Inc)		
Do	Albertine Enterprises, Inc (For: SMS Corp)		
Do	Albertine Enterprises (For: West Point Pepperell, Inc)		
Do	Western Digital Corp		
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	5,513.00	6,308.37
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union	2,500.00	
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Airport Operators Council International	1,100.00	141.16
Do	Allied-Signal, Inc	600.00	108.40
Do	American Assn of Airport Executives	1,100.00	141.16
Do	American Newspaper Publishers Assn	3,175.00	38.91
Do	Computer & Business Equipment Manufacturers Assn	2,434.32	14.04
Do	Digital Equipment Corp	1,400.00	307.07
Do	Genentech, Inc	7,275.00	504.77
Do	Human Growth Foundation		
Do	National Artists Equity Assn		188.67
Do	National Conference of Bankruptcy Judges	1,360.00	155.77
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	
Poffenberger Associates, 43 The Green Dover, DE 19901	Philip Morris, Inc	9,000.00	
Marc R. Poirier, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For: South Hadley Electric Light Dept)		
Laura Polacheck, 2001 S Street, NW Washington, DC 20009	Center for Auto Safety		
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	655.57	354.00
Alfred M. Pollard, 1701 K Street, NW, #503 Washington, DC 20006	Security Pacific Corp		
John Pomeranz, 1319 F Street, NW, #300 Washington, DC 20004	HALT		
Amy L. Pomplin, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	40.00	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	New Beginnings At Meadows		
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Porter Wright Morris & Arthur, 41 South High Streetg Columbus, OH 43215	Coalition for Environmental-Energy Balance		2,309.86
J. Craig Potter, 1233 20th Street, NW, #400 Washington, DC 20036	Oppenheimer Wolff & Donelly		
John C. Pouland, 5757 Martel, B-9 Dallas, TX 75206	Philip Morris, USA	1,800.00	226.28
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Adams & Rinehart, 1901 L Street, NW Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Alliance for Medical Nutrition	4,346.00	
Do	American Osteoporosis Alliance	2,886.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,852.68	347.89
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Cadmium Council, Inc		
Do	Lead Industries Assn, Inc	53,030.00	700.00
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	750.00	290.00
William Clare Pratt, 1307 Mearns Meadow Blvd. Austin, TX 78758	Green Earth Coalition		
Preston Gates Ellis & Rouvelas Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Forest Resource Alliance		
Do	American President Lines	3,186.00	
Do	Arctic Sounder Enterprises, Inc		
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Brown Forman Corp	5,760.00	
Do	Burlington Northern Railroad Co		
Do	Calista Corp		
Do	Coastal Transportation, Inc	587.50	
Do	Computer Systems Policy Project	1,600.00	
Do	Council on Research & Technology	1,700.00	
Do	COMPACT		
Do	Data General Corp	700.00	
Do	Earthquake Project	4,087.50	
Do	Fusion Power Associates		
Do	Hewlett-Packard Co	450.00	
Do	Intelsat	150.00	
Do	Jackson Laboratory	1,580.00	
Do	Fred B. Johnson		
Do	Lilyblad Petroleum, Inc	1,150.00	
Do	Lutheran Medical Center		
Do	Martin's Point Health Care Center		
Do	National Council on Compensation Insurance		
Do	National Private Truck Council		
Do	OMI Corp	550.00	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Seattle Organizing Committee		
Do	South Dakota Dept of Transportation		
Do	Sunmar Shipping, Inc	2,962.50	
Do	Tele-Communications, Inc	23,193.50	
Do	Transportation Institute	8,305.50	
Do	Tri-City Industrial Development Council	135.00	
Do	U.S. Cruises, Inc		
Do	University of Washington		
Do	Wheelabrator		
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club		628.82
Robert V. Price, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc	4,500.00	250.00
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	210.60
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute	370.00	50.00
Patricia Pride, 1350 Connecticut Avenue, NW, #620 Washington, DC 20036	Financial Accounting Foundation		554.87
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	173.33
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Stuart E. Proctor Jr., 11812 Hitchings Post Lane Rockville, MD 20852	National Turkey Federation		32.50
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	4,375.00	
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	11,874.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	90.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	87.03
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036		883.68	883.68
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		50,958.50	55,258.50
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		72,006.72	25,254.57
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			4,540.00
Public Strategies, 620 Congress, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	416.92
Do	Southwest Airlines Co	4,000.00	4,159.79
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	200.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Julie F. Pulliam, 803 Prince Street Alexandria, VA 22314	Equifax, Inc	8,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas W. Purcell, 1730 North Lynn Street Arington, VA 22209	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,500.00	1,056.42
Do	Florida Progress Corp	650.00	117.39
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Putting People First, 4401 Connecticut Ave., NW, #310A Washington, DC 20008		5,735.00	42,654.00
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	6,500.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	AMP Ohio	1,000.00	
Do	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	
Do	International Investors, Inc	2,000.00	250.00
Do	Stratcor	3,000.00	260.00
Do	Welch Foods, Inc	3,750.00	
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn		
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	Retail Bakers of America		
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	2,000.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
George Gregory Raab, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		21.13
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,500.00	500.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,300.00	772.71
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Tennessee Valley Public Power Assn	550.00	
Do	Radin & Associates Inc (For: Washington Public Power Supply System)	577.50	
Do	Washington Public Utility Districts Assn	2,325.00	
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Kelly Rahach, 3213 Roberts Drive Richfield, OH 44286			372.81
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon	12,000.00	6.00
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	400.00	242.98
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For: American Academy of Cosmetic Surgery, Inc)		
Do	Graham & James (For: American Hawaii Cruises)		
Do	Graham & James (For: Contact Lens Manufacturers Assn)		
Do	Graham & James (For: R. R. Donnelley & Sons Company)	275.00	
Do	Graham & James (For: English Bay Corp)		
Do	Graham & James (For: Federal Administrative Law Judges Conference)	1,375.00	
Do	Graham & James (For: Federal Judges Association)		
Do	Graham & James (For: Holland America Line Westours, Inc)		
Do	Graham & James (For: Illinois Health Facilities Authority)		
Do	Graham & James (For: Mutual of Omaha)		
Do	Graham & James (For: National Council of U.S. Magistrates)		
Do	Graham & James (For: Sierra Pacific Resources)	550.00	
Do	Graham & James (For: Stock Information Group)	550.00	
Do	Graham & James (For: Walt Disney Co)		
Railway Labor Executives' Assn, 400 N. Capitol Street, NW, #850 Washington, DC 20001		196,303.00	383,365.15
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		378,369.00	375,532.89
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	19,760.00	
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For: C & D Lumber Co.)	3,750.00	823.00
Do	Lindsay Hart Neil & Weigler (For: Herbert Lumber Co.)	3,750.00	823.00
Do	Lindsay Hart Neil & Weigler (For: D.R. Johnson Lumber Co.)	3,750.00	823.00
Do	Lindsay Hart Neil & Weigler (For: Moex Corp)	2,062.50	583.02
Do	Lindsay Hart Neil & Weigler (For: Nordic Veneer, Inc)	3,750.00	823.00
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	16,442.40	
Do	National Independent Dairy-Foods Assn	1,770.72	
Rebecca G. Range, 901 15th Street, NW, #500 Washington, DC 20005	Continental Airlines Holdings, Inc	13,500.00	8,440.00
Elizabeth Ransom, 888 16th Street, Nw Washington, DC 20006	Bannerman & Associates, Inc (For: Arab Republic of Egypt)		
Do	Bannerman & Associates, Inc (For: Beirut University College)		
Do	Bannerman & Associates, Inc (For: Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For: Government of Tunisia)		
Do	Bannerman & Associates, Inc (For: Sawyer-Miller Group (for Government of the Philippines)).		
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	3,954.38
Larry Rasky, 253 Summer Street Boston, MA 02210	Rasky & Company (For: National Cable Television Assn, Inc)	12,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc	3,000.00	354.32
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	3,000.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William R. Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc	950.00	111.50
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	7,196.25	
Do	Bayley Seton Hospital	11,241.78	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For: GAF Corp)	7,271.88	1,000.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	1,481.10
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers and Allied Craftsmen	3,000.00	82.05
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		16,087.70	16,087.70
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Fred J. Redeker, 811 Rusk, #200 Houston, TX 77002	Houston Bankers Association		
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	584.23	
Donald W. Reed, 1776 I Street, NW, #575 Washington, DC 20006	Dow Chemical Co		5,672.00
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	713.46	79.00
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	278.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Government of American Samoa	13,333.00	
Do	National Cellular Resellers Assn	5,323.00	
Do	Radio-Television News Directors Assn	4,634.25	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	400.00	
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	25.00
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,450.00	836.75
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	76,983.85	68,568.47
Do	Philip Morris, USA		
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,150.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	181.25
Martin A. Regalia, 1101 15th Street, NWn #400 Washington, DC 20005	National Council of Savings Institutions	11,000.00	
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		49.93
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	5,000.00	443.91
John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	1,150.00
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Jeffery A. Reich, 1401 new York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	
Reichler, Appelbaum & Wippman, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	99,484.93	1,277.88
Do	United Coconut Assn of the Philippines	30,000.00	176.12
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	City of Philadelphia	15,752.50	2,599.77
Do	Committee of Corporate Telecommunications Users		
Do	CIAC Group	148.00	
Do	Edison Electric Institute		
Do	Philadelphia Industrial Development Corp		
Do	Rhode Island, Inc	7,000.00	309.50
Do	Smith Barney Harris Upham & Co, Inc		
Do	SPD Technologies	4,000.00	
Do	Transol USA, Inc		
Do	Utility Decommissioning Tax Group	1.43	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	643.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Diane Rennert, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	6,500.00	845.38
Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001	Reno Cavanaugh & Hornig (For: Amerind Risk Management Corp)		
Do	Reno Cavanaugh & Hornig (For: Housing Authority Insurance, Inc)	3,262.50	253.05
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,978.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Riley Repko, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		13,562.50
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Company	676.00	877.80
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		95,185.40	41,004.89
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,744.82	388.35
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Nonprescription Drug Manufacturers Assn	4,250.00	150.00
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Do	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave, NW, #1500 N Washington, DC 20004	National Assn of Manufacturers		
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	8,475.00	373.67
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	3,850.00	314.95
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Hughes Aircraft Company		
Do	Pratt & Whitney	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,500.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	28.50
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For: Underwriters at Lloyd's London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,625.00	4,787.54
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	245.62
Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004	Corning, Inc	3,000.00	348.00
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For: Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For: Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,625.00	
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Motorsports Comm of Accus-FIA, Inc		
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	21,808.00	361.67
Larry D. Rickards, 1112 16th Street, NW, #100 Washington, DC 20036	National Assn of Area Agencies on Aging	2,500.00	25.00
Thomas P. Rideout, National Press Building, #200 Washington, DC 20045	Bank Capital Markets Assn	9,383.20	
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	1,000.00	
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Dr. Mark J. Riedy, 1101 15th Street, NW, #400 Washington, DC 20005	National Council for Savings Institutions	10,000.00	
Mark Joesph Riedy Esq, 1775 Pennsylvania Ave., NW, 7th Floor Washington, DC 20006	Ripac, Inc		
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	15,279.00	326.78
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	5,625.00	95.08
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	413.02
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	8,695.00	
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Edward W. Rissing, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	546.81	80.40
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,208.00	
Valentin J. Riva, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Rivers Trainor Doyle & Walsh, Inc, One Catamore Blvd East Providence, RI 02914	Philip Morris, Inc	12,000.00	6,325.00
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	ALC Communications Corp	808.12	90.00
Do	Chemical Bank	24,750.00	5,250.00
Do	Cook Group, Inc	15,135.41	500.00
Do	Indiana Coalition for Acid Rain Equity	7,126.25	300.00
Do	Merrill Lynch & Co, Inc	4,808.37	300.00
Do	Milk Industry Foundation	2,731.87	275.00
Do	National Soft Drink Assn	2,250.00	225.00
Do	Real Estate Capital Recovery Assn		
Do	Joseph A. Seagram & Sons	3,307.81	225.00
Do	Sweetener Users Assn	5,942.10	225.00
Andrew W. Robart, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	1,052.31	220.47
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Action Vail	3,750.00	10,203.29
Do	Authors Guild	12,750.00	10,203.29
Do	Babcock & Brown	3,000.00	10,203.29
Do	Coalition of Writers Organizations	22,500.00	10,203.29
Do	Goldman Sachs & Co	9,000.00	10,203.29
Do	Guinness America, Inc	1,800.00	10,203.29
Do	New York Public Library	3,750.00	10,203.29
Do	New York State Housing Finance Agency	4,050.00	10,203.29
Do	Phoenix House	900.00	10,203.29
Do	Scholastic, Inc	1,800.00	10,203.29
Do	Southern Baptist Press Assn	125.00	10,203.29
Do	Spectrascan	4,500.00	10,203.29
Do	Warburg Pincus Capital Corp	9,600.00	10,203.29
Bill Roberts, P.O. Box 20406 Broomington, MN 55420	National Computer Systems, Inc		
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,175.00	
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		
Richard R. Roberts, P.O. Box 809 North Beach, MD 20714	American Council of Highway Advertisers	9,135.00	2,052.46
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For: AEG Westinghouse Transportation Systems, Inc)	1,500.00	
Do	Keefe Company (For: Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For: City of Tampa)	1,500.00	
Do	Keefe Company (For: Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For: Hillsborough Area Regional Transit)	1,000.00	
Do	Keefe Co (For: Sanders Associates, Inc)	500.00	
Do	Keefe Company (For: Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For: University of Miami)	1,000.00	
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	8,088.00	85.55
Robins Kaplan Miller & Ciresi, 1220 19th Street, NW, #700 Washington, DC 20036	Polaris Industries	2,034.50	
Do			
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Peace Political Action Committee	4,781.24	
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	1,466.00
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Atari Games Corp	500.00	
Do	Bluebonnet Savings Bank	500.00	
Do	Commission on Self-Determination	1,000.00	
Do	Illinois Power Co	15,000.00	
Do	Napa Flood Control and Water Conservation District	1,000.00	
Do	National Venture Capital Association	2,500.00	
Do	Parsons Brinckerhoff Quade & Douglas	7,500.00	
Do	Sun-Diamond Growers of California	2,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	FMC Corporation	4,580.00	5,078.00
Do	General Atomics Technologies	4,500.00	4,250.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	2,500.00	504.97
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	6,874.00	
Quincy Rodgers, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	5,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Kevin Rogers, Two Union Square, 53rd Floor 601 Union Street Seattle, WA 98101	Washington Citizens for World Trade	3,750.00	1,239.00
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		5,821.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mims Rogers Jr., P.O.Box 1064 Florence, AL 35631	Philip Morris, USA	15,000.00	515.02
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Futures Industry Association		
Do	Internor Trade, Inc		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	Republic National Bank		
Do	Teachers Insurance & Annuity Assn/CREF		
Carole M. Rogin, 1255 23rd Street, NW, Washington, DC 20037	Hauck & Associates, Inc (For: Hearing Industries Assn)		
Bruce Rohde, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For: UNO Maverick Boosters, Inc)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	2,800.00	
Michael J. Romig, 1001 Pennsylvania Avenue, nw Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,500.00	
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	Specialty Vehicle Institute of America	200.00	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Butler Capital Corp		
Do	Industrial Development Authority of Ireland		
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Johnson Matthey, Inc	8,230.00	6,000.00
Rose Schmidt Hasley & DiSalle, 1701 Pennsylvania Ave., NW, #1040 Washington, DC 20006	Equimark Corporation		
Do	Joy Technologies, Inc		
Do	Social Security Protection Bureau		
Burt E. Rosen, 1155 15th St. NW., #502 Washington, DC 20005	Bristol-Myers Co	25,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	6,500.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,769.20	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	12,519.01	
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon (For: National Assn of Crop Insurance Agents)		
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, P.O. Box 1582 Little Rock, AR 72201			
Nancy Ross, 1830 17th Street NW Washington, DC 20009	Rainbow Lobby	5,400.00	5,317.61
William F. Ross, South Carolina Petroleum Council 1340 Bull Street, #250 Columbia, SC 29201	American Petroleum Institute	657.00	1,083.35
Ross Marsh Foster Myers and Quiggle, 888 16th St., NW Washington, DC 20006	Church Alliance	6,187.50	3,035.23
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,706.00	
Rhond Rudolph Roth, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,800.00	
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,615.38	
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	6,000.00	1,311.57
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action Fund	2,125.00	230.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority	200.00	
Do	Florida Institute of Technology	4,000.00	732.58
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	255.88
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc		
Do	Rugby-Darby Group Companies, Inc	112.00	
George R. Rowan, 1750 New York Ave., NW, #340 Washington, DC 20006	Armed Forces Marketing Council	750.00	
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland Government Relations Associates (For: Baker Industries)	1,500.00	
Do	Rowland & Sellery (For: Borg-Warner Automotive, Inc)	2,000.00	
Do	Rowland & Sellery (For: Coalition for Uniform Product Liability Law)	2,000.00	
Do	Rowland Government Relations (For: GE Plastics)	2,000.00	
Do	Rowland & Sellery (For: National Check Cashers Assn, Inc.)	3,000.00	
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,800.00	105.06
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Chrysler Military Sales Corp		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW, #900 Washington. DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For: Outdoor Advertising Assn of America, Inc)	7,500.00	
Do	Rubin Winston & Diercks (For: Wayne Phillips)		
James S. Rubin, 747 Third Ave., 14th floor New York, NY 10017	Bass & Ullman (For: National Assn of Pharmaceutical Manufacturers)	5,040.00	
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	3,750.00	165.80
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,250.00	753.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
R.K. Rushin, 1776 Eye Street, MW, #1050 Washington, DC 20006	Eastman Kodak Co	1,300.00	334.00
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Christine Faith Russell, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	100.00	
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher & Russell, Inc		
Jonathan Russin, 1215 17th Street, NW Washington, DC 20036	Caribbean Trade and Apparel Coalition (C-TAC)		
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	3,137.50	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Olive M. Ryan, 39 Harriett Ave. Burlington, MA 01803	New England Rehabilitation Hospital	2,333.34	1,112.19
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	162.00	40.00
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad		6,487.72
Do	Bangor & Aroostook Railroad	9,750.00	6,487.72
Do	Chicago & Northwestern Railroad	36,000.00	6,487.72
Do	Delaware Otsego System	24,000.00	6,487.72
Do	Illinois Central Railroad	24,000.00	6,487.71
Do	Investment Counsel Assn of America	1,180.76	6,487.70
Do	Regional Railroads of America	39,000.00	6,487.70
Do	Turbomeca Engine Corp	20,000.00	6,487.70
RCF Group, 1200 19th Street, NW, #606 Washington, DC 20036	Mapco, Inc	30,000.00	16,800.00
Do	Teleserv Corporation International	3,750.00	1,175.00
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			24,960.92
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For: GE Plastics)	1,000.00	
Do	Rowland & Sellery (For: National Check Cashers Assn, Inc)	1,500.00	
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	567.30
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacjer Sale Quinn & Deese (For: CSC Credit Services, Inc)	286.65	286.65
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc	9,000.00	
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		83.21
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	127.00
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives		
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Myron G. Sandifer III, 1001 Pennsylvania Ave., NW, #625-South Washington, DC 20004	Jack McDonald Co (For: Dow Corning Corp)		
Do	Jack McDonald Co. (For: Outboard Marine Corp)		
Do	Jack McDonald Co (For: Planeta North America)		
Do	Jack McDonald Co. (For: Tuteur Associates, Inc)		
Do	Jack McDonald Co (For: WMW Machinery, Inc)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
Robin K. Santangelo, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	2,300.00	
Kathleen L. Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,625.00	57.00
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	California Assn of Sanitation Agencies	3,000.00	1,719.59
Do	Cure Corp		
Do	ENS Resources, Inc (For: East Bay Mud)	4,375.25	1,177.28
Do	In-Situ, Inc	843.00	539.66
Do	Las Virgenes Municipal Water District		
Do	ENS Resources, Inc (For: Orange County Sanitation Districts)		
Do	Western Research Institute	1,118.04	1,123.84
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,000.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	500.00	
Susan Sarason, 2111 Wilson Boulevard, #1000 Arlington, VA 22201	Ebasco Services, Inc	2,865.00	
Robert L. Sarber, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Philip Morris, Inc	1,500.00	
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	24.85
Charles P. Saunders, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		
Donald M. Saunders, 1625 K Street, NW, #800 Washington, DC 20006	National Legal Aid & Defender Assn		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		4,800.00	40,137.00
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc		4,630.96
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	3,312.50	3,548.99
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	18,000.00	
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corp		
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,000.00	
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	350.00	
Stan Schlueter, P.O. Box 162224 Austin, TX 78716	Philip Morris, USA	2,500.00	1,755.54
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Robert Richard Schmitt, #12453-047 PO Box 1000 Leavenworth, KS 66048-1000			
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
John Noehl Schmitz, P.O. Box 501, Rt. 2 Box 184-C Licking, MO 65542-0501			
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Mack Trucks, Inc	6,525.00	130.10
Do	Toyota Motor Corporate Services U.S.A., Inc	15,600.00	295.90
Robert V. Schneider, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: Johnson Controls, Inc)		
Thomas J. Schneider, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Zoe Schneider, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,502.33	
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,500.00	200.00
Martha J. Schoonover, Fulbright & Jaworski 801 Pennsylvania Avenue, NW Washington, DC 20004-2604	Merichem Company		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,072.00	58.71
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Leah Webb Schroeder, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	900.00	29.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	360.00	
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	755.19	893.18
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	400.00	
Leslie C. Schuchart, 1030 15th Street, NW, #964 Washington, DC 20005	American Seed Trade Assn	4,000.00	
Mark Schultz, 918 16th Street, NW, #406 Washington, DC 20006	Professional Services Council	1,500.00	12.00
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,739.20	406.30
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company		
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	1,000.00
Aaron R. Schwartz, 10 South Shore Drive Galveston, TX 77551	American Insurance Assn	40,000.00	1,441.88
Do	Houston Lighting & Power Company		
Do	National Assn of Theatre Owners		
Do	Vulcan Materials Co		
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	173.25
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	1,310.60
Do	Washington State Department of Natural Resources	6,883.25	193.35
Michael Schwartz, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	2,400.00	341.39
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Stephen I. Schwartz, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	182.28	32.50
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	4,315.00	250.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			1,040.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Melanie Scofield, 901 Main Street, #2555 Dallas, TX 75202	Greyhound Lines, Inc		
Harold B. Scoggins Jr., 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corporation	2,000.00	
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,770.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	637.50	216.00
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	American Healthcare Institute	11,125.00	207.66
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	563.50	
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc	2,500.00	37.50
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co	6,262.00	
Do	Transamerica Corporation	3,000.00	
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	4,688.00	2,758.83
Don G. Scroggin, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For: FMC Corporation)		
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	15,609.44	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
Pamela C. Seamans, 1000 Potomac Street, NW #401 Washington, DC 20007	California State Dept of Education	5,500.00	82.50
David Seckman, 1201 L Street, NW Washington, DC 20005	American Health Care Assn		
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			366,173.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,700.00
Pamela Sederholm, 1919 Pennsylvania Avenue, NW #504 Washington, DC 20006	Foodservice and Lodging Institute		
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,500.00	
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	25,375.00	200.00
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	10,767.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Melvin Seitz, 603 East Washington Street Indianaplo , IN 46204	Service Supply Co, Inc	53.00	
Tom Sellers, 1701 Pennsylvania Ave., NW Washington DC 20006	E. I. du Pont de Nemours & Co		
Marlissa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	18,000.00	1,263.14
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	10,500.00	395.96
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Robert A. Seraphin, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	McDonnell Douglas Corp		
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	20,752.72
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	1,000.00	
Service Supply Co, Inc, 603 East Washington Street Indianapolis, IN 46204			4,464.20
Seven Months Session for Congress, 4210 Spicewood Springs Road, #202 Austin, TX 78759			145.00
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	3,951.17
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	42.79
Do	Employers Council on Flexible Compensation	7,500.00	
Stephen Shaffer, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English Foundation, Inc	700.00	300.00
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Alex Shami, 6863 Calhoun Dearborn, MI 48126	United Lebanese Lobby of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For: Investment Co Institute)	370.00	
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	46.00
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	854.16	532.00
Do	Pipe Tobacco Council	500.00	375.00
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	American Assn of Exporters & Importers	525.00	425.00
Do	Toy Manufacturers of America	1,670.00	1,470.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors	1,143.00	177.14
Do	American Coke and Chemicals Institute	15,153.13	702.88
Do	American Council on Education		
Do	American Hellenic Institute		
Do	American Insurance Assn	4,460.00	176.83
Do	American Savings and Loan of Florida		
Do	Apple Computer, Inc		
Do	Aronov Realty	3,329.53	51.03
Do	Auburn University	2,000.00	153.12
Do	ADDSCO Industries, Inc		
Do	Blount, Inc		
Do	Ceres Enterprises, Inc	750.00	
Do	City of Houston		
Do	Drummond Company, Inc	9,238.75	796.48
Do	Emerson Electric Co		
Do	Equitable of Iowa	723.13	
Do	Florida Citrus Mutual		
Do	General Electric Corp	19,656.25	799.61
Do	Gross Pointes-harper Woods Study Committee for Detroit ...		
Do	Harbert Corp	790.31	160.48
Do	Institute of International Bankers	4,316.88	232.06
Do	Intergraph Corporation	3,581.56	127.61
Do	InterGate Company, Inc	2,913.75	118.65
Do	Investment Counsel Assn of America, Inc		
Do	Jim Walter Corp	3,375.00	182.55
Do	Kangol Headwear, Inc	3,143.75	46.44
Do	Michelin Tire Company	20,273.73	973.16
Do	Mortgage Insurance Companies of America	2,619.46	107.63
Do	National Assn of Marine Manufacturers		
Do	National Automobile Dealers Assn	502.19	26.08
Do	National Industries	768.75	58.15
Do	Pfizer, Inc		
Do	Poly Insulation Manufacturers Assn (PIMA)	6,437.18	309.36
Do	Private Child Care Providers	6,250.33	459.25
Do	Product Liability Coordinating Committee	1,500.00	724.26
Do	Public Service of New Hampshire	1,538.75	92.41
Do	Puerto Rico Federal Affairs Administration		
Do	Research Planning, Inc	1,370.38	60.68
Do	Rust Engineering	13,626.12	521.12
Do	RJR Nabisco	4,401.53	82.36
Do	South Central Bell	8,557.50	151.08
Do	Southern Company Services, Inc	7,500.00	473.94
Do	Taiwan Power Company		
Do	Utility Nuclear Waste and Transportation Program	500.00	
Do	Vulcan Materials Co	26,169.88	1,220.17
Do	Williamsburg Realty, Inc.		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 1666 Manhasset Drive Atlanta, GA 30338	Siemens Energy & Automation, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
Shearman & Sterling, 1001 30th Street, NW, #400 Washington, DC 20007	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a	129,834.24	432.81
Dennis W. Shedd, 914 Richland Street, #C-100 Columbia, SC 29201	American Chiropractic Assn	30,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	14,835.89	
John Thomas Sheehan, 733 15th Street, NW, #700 Washington, DC 20005	UST, Inc		
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,770.00	54.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	979.37
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	1,077.66
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	44.29	
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,934.00	
Victor M. Sher, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund		
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
R. Bradley Shinn, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For: American Chamber of Commerce in Hong Kong)		
Do	Hill & Knowlton (For: Central Utah Water Conservancy District)	1,050.00	
Do	Hill & Knowlton (For: Central Valley Project Water Assn)	6,195.00	
Do	Hill & Knowlton (For: Church of Scientology International)		
Do	Hill & Knowlton (For: Desert Research Institute)	577.50	
Do	Hill & Knowlton (For: Granite Rock Company)	105.00	
Do	Hill & Knowlton (For: Mid-Valley Water Authority)		
Do	Hill & Knowlton (For: Republic of Turkey)		
Do	Hill & Knowlton (For: Spelman & Company)		
Do	Hill & Knowlton (For: Steele & Gilliland Realty)		
Do	Hill & Knowlton (For: University of Nevada, Reno)		
Do	Hill & Knowlton (For: West Basin Municipal Water District)	2,047.50	
Do	Hill & Knowlton (For: Westlands Water District)		
Carl Shipley, 910 17th Street, NW 318 Barr Building Washington, DC 20006	Eagle-Picher Industries, Inc	9,000.00	7,000.00
William Jefiry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	1,200.00	1,990.00
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	General Atomics	3,168.00	1,306.35
John B. Shlaes, 5629 Lambeth Road Bethesda, MD 20814	Edison Electric Institute		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	10,154.36	168.00
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
William E. Shoehigh, 1750 New York Ave., NW Washington, DC 20006-8484	International Assn of Fire Fighters		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	400.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,134.00	291.00
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Pamela R. Shubitowski, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	Stuart A. Lewis & Company, Inc	1,500.00	8.51
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	12,750.00	
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		1,354.00
Jane E. Sidebottom, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,700.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	300.00	
Do	North West Timber Assn	1,560.00	141.50
Do	Tootsie Roll Industries, Inc	260.00	
Andrew Siegel, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	1,965.96	
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Business Committee for Fair Civil RICO Legislation		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	33,000.00	
Do	County of Hudson (NJ)	8,250.00	
Do	Power Authority of the State of New York	12,600.00	1,853.83
Do	Stevens Institute of Technology	12,000.00	390.70
Susan Siemietkowski, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America	2,000.00	
Alexander W. Sierck, 1350 I Street, NW, #700 Washington, DC 20005	Northern Indiana Public Service Company		
Do	Beveridge & Diamond (For: Pacific Dunlop-GNB)	9,156.25	
Sierra Club, 408 C Street, NE Washington, DC 20002		1,569.75	1,766.87
Christine Sigler, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	3,398.00	
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,384.61	
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	3,264.80	
Stephan Silberfarb, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,000.00	551.49
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For: Central Nebraska Public Power & Irrigation)	8,712.00	200.00
Do	Hill & Knowlton (For: Florida Municipal Electric Assn (FMEA))	28,558.00	4,000.00
Do	Hill & Knowlton, Inc (For: Geddes Resources)	7,000.00	300.00
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For: Alaska Loggers Assn)	5,000.00	
Do	Robertson Monagle & Eastaugh (For: American Airlines, Inc)	500.00	
Do	Robertson Monagle & Eastaugh (For: Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For: Bristol Bay Native Corp)	1,500.00	
Do	Robertson Monagle & Eastaugh (For: BP America, Inc)	3,500.00	
Do	Robertson Monagle & Eastaugh (For: City of Kotzebue)	2,500.00	
Do	Robertson Monagle & Eastaugh (For: Crowley Maritime Corp)	500.00	
Do	Robertson Monagle & Eastaugh (For: Kennecott Corp)	5,000.00	
Do	Robertson Monagle & Eastaugh (For: Sea-Land Services, Inc)	500.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		180.80	1,996.88
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For: Arab Republic of Egypt)		
Do	Bannerman and Associates, Inc (For: Beirut University College)		
Do	Bannerman & Associates, Inc (For: Government of Bangladesh)	900.00	104.07
Do	Bannerman & Associates, Inc (For: Government of Tunisia)	750.00	
Do	Bannerman & Associates, Inc (For: Sawyer-Miller Group (for Government of the Philippines)).	1,000.00	82.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	American Newspaper Publishers Assn	6,550.00	
Do	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Capital Care Shareholders	1,650.00	
Do	Cushman & Wakefield		
Do	Goodwill Industries		
Do	Walter Harris, et al.	800.00	
Do	Kelso & Company		
Do	Majestic Realty Co		
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	National Structured Settlements Trade Assn	30,000.00	
Do	Republic National Bank of New York		
Do	Rolls-Royce Motor Cars, Inc		
Do	Tropicana Energy Co	3,500.00	
Do	U.S. League of Savings Institutions		
Do	5600, Inc	300.00	
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co		477.00
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	Cheetah Aviation Transport Service, Inc	2,538.39	4,916.95
Do	City of Fresno, CA	8,196.23	5,324.90
Do	City of Portland, OR	11,196.45	7,002.86
Do	East Bay Dischargers Authority	4,084.38	5,213.04
Do	Elkhart, IN	4,952.04	5,261.20
Do	Gary, Indiana	7,905.35	5,275.51
Do	Newark, Ca	4,811.57	5,190.58
Do	San Bernardino, CA	5,337.51	5,183.69
Do	San Leandro, CA	4,632.89	5,379.55
Do	Tacoma Public Utilities	514.20	1,492.19
Do	Tacoma, WA	2,485.99	5,426.65
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp		4,019.09
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	1,632.00	228.00
Patricia Simpson, 105 East 22nd Street New York, NY 10010	Community Service Society		
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.07	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Robert H. Sindt, 1029 Vermont Ave., NW, #200 Washington, DC 20005	Rhone-Poulene	7,275.00	611.05
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	300.00
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc	3,000.00	
Do	Allied-Signal, Inc	15,000.00	
Do	Amoco Corporation		
Do	Anadarko Petroleum Corp		
Do	Anheuser-Busch Companies, Inc	2,000.00	
Do	ATMOS Energy Corp		
Do	Bethlehem Steel Corp	3,000.00	
Do	Coalition Against Double Taxation, Inc		
Do	Comdisco		
Do	General Mills		
Do	HartMarx Corp, Inc	1,000.00	
Do	Hoylake Investments, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Mesa Limited Partnership		
Do	National Assn of Energy Service Companies		
Do	Oryx Energy Company		
Do	Partida Popular Democratico	15,000.00	
Do	Sonat Exploration Co		
Do	Time/Warner, Inc		
James Skinner, 1825 I Street, NW, #400 Washington, DC 20006	Southland Corporation		
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.	7,900.00	50.00
William J. Skinner, 751 Rockville Pike, # 278 Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	355.84	9.00
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,250.00	
Glen J. Skovholt, Honeywell Plaza Minneapolis, MN 55408	Honeywell, Inc		
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Jonathan Slade, 444 North Capitol St., NW, #711 Washington, DC 20001	Cuban American Foundation, Inc	6,000.00	195.74
Do	Keefe Company (For: Hadassah Medical Relief Organization)	6,000.00	304.98
Do	Keefe Company (For: Seminole Tribe of Florida)	4,500.00	
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	560.22
R. Barry Sleight, P.O. Box 30199 Bethesda, MD 20824-0199	CFIDS Assn		338.63
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	578.84	90.50
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	138.00	
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	53,872.50	17,617.75
Stephan K. Small, 1850 M Street, NW, Washington, DC 20036	Securities Industry Assn	2,100.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		13,313.65	30,141.68
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Carlos C. Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Strang Fletcher Carriger Walker Hodge & Smith (For: Chattanooga Production Credit Assn, et al.).		
Caroline A. Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,883.00	
Douglas Allen Smith, #40223-080 P.O.Box 1000 Leavenworth, KS 66048-1000		244.80	79.76
Jeffrey A. Smith, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators, Inc		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	21,464.88	8,353.79
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	150.00	
Kirkland Smith, Docs# 83-A-4548 Great Meadow Correctional Facility Box 51 Comstock, NY 12821-0015			
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	54.50	170.00
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	800.00	266.00
Owen T. Smith, 215 Townsend Square Oyster Bay, NY 11771	Reese Communications Cos (For: Philip Morris, USA)	1,000.00	
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	724.40	263.20
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	1,800.00	2,702.01
Do	National Motorsports Comm of Accus-FIA, Inc	1,600.00	1,968.01
Philip S. Smith, 10900 Wilshire Boulevard, #1600 Los Angeles, CA 90024	Castle & Cooke, Inc		
Do	Castle & Cooke (For: Dole Food Company)		
Do	Flexi Van Leasing, Inc	625.00	15.90
Richard A. Smith, 7920 Robinson Road Bethesda, MD 20817	Hill and Knowlton (For: CBI Sugar Group)	3,000.00	
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,000.00	826.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	9,937.50	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	462.17
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	4,281.24	490.30
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	12,090.00	
Do	Energy Transportation Group	8,175.00	
Do	Haarmann & Reimer Corp	6,000.00	175.00
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	24,999.99	220.00
Do	National Assn of Foreign Trade Zones	2,000.00	130.00
Do	S & F Warehouses, Inc		
Do	San Francisco Public Utilities Commission	8,250.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		21,644.00	21,644.00
Darlene Snow, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Massachusetts Education Loan Authority		
Do	New England Education Loan Authority		
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	165.00	
Gene Snyder, 205 North Third Street LaGrange, KY 40031	Arthur Cameron	9,000.00	
Do	Cincinnati Microwave, Inc	15,000.00	2,231.98
Do	Norfolk Southern Corp	12,000.00	1,710.72
Do	United Parcel Service	16,500.00	1,964.87
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Marguerite A. Snyder, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		15.00
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc		
Do	General Motors Corp	52.50	303.70
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)		
Do	Service Engineering Company		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		5,914.09	65,441.28
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		30,000.00
Society for Nutrition Education, 1700 Broadway, #300 Oakland, CA 94612-2128			3,706.00
Society of Real Estate Appraisers, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Sandra M. Solowiej, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Frederick P. Somers, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	128.67
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	3,000.00	
Ronald J. Somerville, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	17,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,000.00	
Steven P. Sonnenberg, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For: Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: Trek Bicycle Corp)	135.00	
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: West Bend Company)		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co		
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For: National Assn of Metal Finishers)		
Sorensen & Edwards, PS, 1201 Third Ave., #2900 Seattle, WA 98101-3028	Western Pioneer, Inc	10,000.00	10,000.00
Walter Larke Sorg, 19110 Montgomery Village Ave., #225 Gaithersburg, MD 20879	Walter Larke Sorg Associates	16,800.00	37.26
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		22,495.33	22,495.33
Southwest Airlines Co., P.O. Box 36611 Dallas, TX 75235-1611	Southwest Airlines Co		4,000.00
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
Do	Tobacco Institute	7,300.00	
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	377.25	28.20
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,367.86	
Jonathan B. Spear, 1100-15th Street, NW, #900 Washington, DC 20005	Phamaceutical Maufacturers Assn	20.00	13.00
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Richard L. Spees, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: American Chamber of Commerce in Hong Kong)	675.00	
Do	Hill & Knowlton, Inc (For: Cellular Telecommunications Industry Assn)	150.00	
Do	Hill & Knowlton, Inc (For: City of Chattanooga)	1,500.00	
Do	Hill & Knowlton, Inc (For: Comdisco Medical Leasing Group, Inc)	562.50	
Do	Hill & Knowlton, Inc (For: Council of American Overseas Research Centers)		
Do	Hill & Knowlton, Inc (For: Desert Research Institute)	750.00	
Do	Hill & Knowlton, Inc (For: Electronic Data Systems Corp)		
Do	Hill & Knowlton, Inc (For: Emerald Seafoods, Inc)		
Do	Hill & Knowlton, Inc (For: General Atomics)	675.00	
Do	Hill & Knowlton, Inc (For: Johnson Controls)	2,225.00	
Do	Hill & Knowlton, Inc (For: University of Nevada, Reno)	675.00	
Do	Hill & Knowlton, Inc (For: Village of Palatine)		
Do	Washoe County, Nevada	175.00	
Do	Hill & Knowlton, Inc (For: West Basin Municipal Water District)	450.00	
Sandra Spence, 808 17th Street, NW, #200 Washington, DC 20006-3953	Spence Group (For: Association for Commuter Transportation, Inc)	72.00	
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Ray L. Spickler, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn		
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	American Assn of Airport Executives		
Do	City & County of Denver, Director of Aviation	97.50	
Do	Columbia Metropolitan Airport		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Ft. Wayne-Allen County Airport Authority		
Do	LeHigh-Northhampton Airport Authority		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	St. Lucie County, Florida		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufactuters Assn		
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	20.82
Spriggs & Hollingsworth, 1350 I Street, NW, 9th Floor Washington, DC 20005	Eagle-Picher Industries, Inc	17,631.25	112.52
Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
Philip Squair, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn		
Do	Independent Data Communications Manufacturers Assn	11,120.00	68.50
Do	National Collegiate Athletic Assn	28,186.25	18.25
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	1,875.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For: Libbey Glass)		
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,004.86
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Do	Specialty Vehicle Institute of America		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	6,364.87	
Theresa Stanion, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	1,986.00	
Joseph M. Stanton, 1000 Vermont Ave., NW, #800 Washington, DC 20005	National Assn of Home Builders of the U.S.		
Do	Public Securities Assn		
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	International Longshoremen's Assn AFL-CIO		
Do	National Spa & Pool Institute		
Do	Philip Morris		
Thomas Stanton J., 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For: Krueger, Inc)	16,461.50	
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For: Blockbuster Entertainment Corp)	913.00	5.00
Do	Eckert Seamans Cherin & Mellott (For: Metropolitan Transportation Authority) .		
Do	Eckert Seamans Cherin & Mellott (For: Ormet Corp)	735.00	41.28
Do	Eckert Seamans Cherin & Mellott (For: Ravenswood Aluminum Corp)	735.00	41.27
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	179.89
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Julie A. Stauss, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn	1,000.00	784.35
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Bames & Thornburg (For: Empire Resources, Inc)		
Do	Bames & Thornburg (For: Indiana Glass Company)		
Do	Bames & Thornburg (For: Special Comm for Workplace Product Liability Reform).	1,110.00	8.00
Do	Bames & Thornburg (For: Westland Oil Development Corp)		
Kathryn A. Steckelberg, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	3,042.98	606.17
Jeffrey V. Steele, 2033 M Street, NW, #300 Washington, DC 20036	National Association of Arab Americans	6,250.00	50.00
Carol Higgins Steenland, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	82.40	128.10
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Barry P. Steinberg, 1030 Fifteenth Street, NW, #500 Washington, DC 20005	Jordan Coyne Savits & Lopata (For: Calhoun County, Alabama Chamber of Commerce).		475.00
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For: Alliance of Resposible Electric Systems for Energy Access).		
Do	Spiegel & McDiarmid (For: Connecticut Municipal Electric Energy Cooperative)	712.50	19.20
Do	Government Refuse Collection and Disposal Assn, Inc (GRCDA)		
Do	Spiegel & McDiarmid (For: Michigan South Central Power Agency)	1,687.50	66.41
Kristin Stelck, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	350.85
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Jackson T. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group, Inc		
Stepher. O. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group, Inc		
Stephens Group, Inc, 114 East Capitol Little Rock, AR 72201			
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stanley Stephenson, 3501 Thurston Ave. Anoka, MN 55303	National Assn of Crop Insurance Agents		
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	25,215.00	1,425.33
Do	Bear Stearns & Co		
Do	Canadian Sugar Institute		
Do	Christie's		
Do	Citizens Savings Financial Corp	7,602.80	
Do	Clean Sound	15,384.45	13,631.88
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Mutual Life Insurance Company Tax Committee		
Do	National Antique & Art Dealers Assn of America		
Do	National Council on Teacher Retirement	6,500.00	250.00
Do	Sotheby's, Inc		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	90.00	
George C. Steuart, 1825 I Street, NW, #400 Washington, DC 20006	Miller & Steuart (For: Coastal Corporation)		
Do	Miller & Steuart (For: E.R. Squibb and Sons, Inc)		
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	6,779.00	129.76
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	2,210.00	268.89
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Roses, Inc		
Do	Timken Co		
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,875.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For: Hudson Industries Corp)		
Do	Stewart & Stewart (For: Kimble Glass, Inc)		
Do	Stewart & Stewart (For: Libbey Glass)		
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		7.50
Do	Timken Co	1,158.75	40.77
Do	Torrington Company	1,158.75	40.77
Warren E. Stickle, 1220 19th Street, NW, #202 Washington, DC 20036	Chemical Producers & Distributors Assn	1,640.00	99.00
Do	Cheminova		
Do	International Sanitary Supply Assn	431.25	40.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,183.29	25.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309			12.50
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Kaye L Stinson, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co		
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	695.53
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006			
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	7,000.00	
Do	National Assn of Business PACs	1,300.00	
Do	Springs Industries, Inc	550.00	
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,050.00	100.43
Robin E. Stombler, 1640 Wisconsin Avenue, NW, Washington, DC 20007	American College of Surgeons		151.79
Ann E.W. Stone, 1315 Duke Street Alexandria, VA 22314	Conserative Alliance		
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,029.58	20.00
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Harry L. Storey, 8400 E Prentice Ave. 15th Floor Englewood, CO 80111	Alliance for Clean Energy	20,000.00	14,400.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard B. Storey, 46230 Allsbrook Place Sterling, VA 22170	Multi Management Associates, Inc (For: American Assn of Fast Food Soft Serve Pizza Operators).		
Do	Multi-Management Associates, Inc (For: International Military Executives Assn)		
Do	Multi Management Associates, Inc (For: Pennsylvania Restaurant Assn)		
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	4,166.00	173.11
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	15,250.00	9,358.79
Strang Fletcher Carriger Walker Hodge & Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Chattanooga Production Credit Assn, et al.		
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc	5,000.00	176.80
Raymond L. Strassburger, 600 Maryland Avneue, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	50.32
David R. Straus, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For: Alliance of Responsible Electric Systems for Energy Access).		
Do	Spiegel & McDiarmid (For: Connecticut Municipal Electric Energy Cooperative)	195.00	4.80
Do	Spiegel & McDiarmid (For: Michigan South Central Power Agency)	438.75	16.60
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	228.56	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,550.78	181.06
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	8,401.25	
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc	500.00	15.00
Do	Dreyfus Corporation		
Do	Vulcan Gulf Coast Materials (For: Vulcan Materials Company, et al.)		
William M. Stroud, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	12,050.00
Cory N. Strupp, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co	1,845.74	725.09
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Philip Morris, Inc	1,000.00	75.00
Dorothy E. Stucke, 1111 14th Street, NW, #900 Washington, DC 20005	National Apartment Assn	7,615.38	
Donald B. Studley, 127 Brookmoor Road Avon, CT 06001	Yankee Gas Services Company	156.70	28.60
Charlene A. Sturbitts, 901 15th Street, #570 Washington, DC 20005	Interstate Natural Gas Assn of America	9,690.00	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	1,184.20	366.51
Lawrence J. Suffredin Jr., 55 West Wacker Drive, #702 Chicago, IL 60601	City of Evanston, Illinois	500.00	
Do	Harza Engineering Co	2,500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	817.00	3,119.36
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates	2,845.00	
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Margaret Cox Sullivan, 3133 Connecticut Avenue, NW, #705 Washington, DC 20008	Stockholders of America, Inc		
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	300.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Alameda Transportation Authority	1,733.00	
Do	National Utility Products Company	867.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	BHP Holdings (USA), Inc		
Do	Grand Met USA, Inc		
Do	Massachusetts Bay Transportation Authority (MBTA)		187.00
Do	Massachusetts Port Authority (MASSPORT)		
Do	Securities Industry Assn		
Do	Sierra Laser Systems, Inc		
Do	Turbomeca Engine Corp, Inc		51.50
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Hercules, Inc		
Do	Marion Laboratories, Inc	7,500.00	
Do	Monarch Wine Company of Georgia, et al.		
Do	Upjohn Company		
Do	Wine Institute		
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Alameda County Transportation Authority	5,000.00	3,830.02
Do	National Utility Products Company	3,000.00	2,098.02
Bruce W. Sumner, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		225.00
David A. Super, 1319 F Street, NW, #500 Washington, DC 20004	Food Research & Action Center	1,952.37	
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For: Eastern Enterprises)		
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: American Savings Bank, FSB)		
Do	Thacher Proffitt & Wood (For: Great Western Savings, Federal Savings & Loan)		
Do	Thacher Proffitt & Wood (For: Peoples Westchester Savings Bank)		
Do	Thacher Proffitt & Wood (For: River Bank America)		
Do	Thacher Proffitt & Wood (For: TCF Bank Savings, FSB)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004-2404	Ad Hoc Comm for a Competitive Electric Supply System	19,281.50	
Do	American Council on Education		
Do	American Industrial Clay & Georgia Kaolin	833.33	328.30
Do	Anglo-American Clays Corp	833.33	328.30
Do	Bank of Baltimore		
Do	Committee Against Revising Staggers	5,742.25	
Do	Council of Industrial Boiler Owners	9,327.00	
Do	Duke University		
Do	Engelhard Minerals & Chemicals Corp	833.33	328.30
Do	Equifax, Inc		
Do	J. M. Huber Corp	833.33	328.30
Do	Industrial Oil Consumers Group		
Do	Nord Resources Corp	833.33	328.30
Do	Process Gas Consumers Group		
Do	Thiele Kaolin Co	833.33	328.30
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,150.00	
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	125.60
Douglass W. Svendson Jr., 1730 Rhode Island Avenue, NW, #417-19 Washington, DC 20036	Hollywood Marine, Inc	3,000.00	
Do	Shell Oil Co		
Sylvia E. Swanson, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	560.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	22,877.17	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	China External Trade Development Council		
Do	Embassy of Japan		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	1,300.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	11,250.00	425.64
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	National Council of Community Hospitals	460.00	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For: IUCN-US)		10.25
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	4,599.70
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute		
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,750.00	139.69
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
SKC & Associates, 1825 K Street, NW Washington, DC 20006	Southern Company Services, Inc	10,000.00	
Janis Tabor, 1825 K Street, NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For: Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For: Eagle Picher Industries, Inc)	1,650.00	
Do	Taft Stettinius & Hollister (For: Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For: Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For: Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For: Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For: Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For: Westland Oil Development Corp)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	Johanna Farms, Inc		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,907.50	111.80
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	12,000.00	1,539.91
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	7,065.00	57.05
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Elizabeth L. Taylor, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc	7,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For: Associated Electric Cooperative, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For: Eagle-Picher Industries, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For: Empire District Electric Company)	5,000.00	
Do	Empire Gas Corp	1,000.00	
Do	Gene Taylor Associates, Inc (For: FAG Bearings Corporation)	5,000.00	
Do	Gene Taylor Associates, Inc. (For: National Assn of Postmasters of the U.S.)	6,000.00	
Do	Gene Taylor Associates, Inc (For: Norfolk Southern Corp)	12,000.00	
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	724.70
John A. Taylor, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Virginia Power	500.00	
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest	205.00	65.00
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,388.28	323.32
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co	200.00	
Sid Taylor, 325 Pennsylvania Ave., SE Washington, DC 20003	National Taxpayers Union (NTU)	3,600.00	
Sunny Taylor, 6269 Franconia Road Alexandria, VA 22310	Collins & Associates (For: City of Pompano Beach, Florida)		
Randy Teach, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	3,770.00	141.70
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.		
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler & Biggins, Chtd (For: American Licensed Practical Nurses Assn)		
Do	Tendler & Biggins, Chtd (For: Bascom, Inc)		
Do	Tendler & Biggins, Chtd (For: Geodesco)		
Do	Tendler Goldberg & Biggins (For: Hugo Boss Fashions, Inc)		
Do	Tendler Goldberg & Biggins (For: Joseph and Feiss, Inc)		
Do	Tendler & Biggins, Chtd (For: Mears International Sales Co)		
Do	Tendler & Biggins, Chtd (For: Solargistics Corp)		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	120.28
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For: Niagara Mohawk Power Corp)	1,102.00	726.96
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	25,000.00	75,400.00
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	744.00	20.70
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230	Texas Committee on Nutural Resources	1,205.01	1,205.01
Textbook Authors Association, P.O. Box 535 Orange Springs, FL 32182			
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Savings Bank, FSB		765.00
Do	Castine Partners		765.00
Do	Chicago Board Options Exchange		765.00
Do	Citicorp Mortgage Finance, Inc.	1,207.00	1,005.00
Do	Coalition for Affordable Housing		1,525.00
Do	General Electric Mortgage Insurance Co	18,004.00	4,140.00
Do	Great Western Savings, Federal Savings & Loan	5,537.00	765.00
Do	Massachusetts Bankers Assn	307.00	765.00
Do	Peoples Westchester Savings Bank		765.00
Do	River Bank America		765.00
Do	Standard Federal Savings & Loan	6,058.03	955.00
Do	TCF Bank Savings, FSB		765.00
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Alan C. Thiebaud, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		524.06
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		5,991.00	5,991.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	480.00	17.75
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	300.00	
Peter William Thomas, 403 1st Street, SE Washington, DC 20007	American State of the Art Prosthetic Assn		420.49
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	3,500.00	125.84
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	BellSouth Corp	1,500.00	
Do	Duke Power Co	3,000.00	30.00
Do	Great Lakes Products, Inc	800.00	30.00
Do	National Funeral Directors Assn	300.00	
Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	863.68
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		628.18
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Bluebonnet Savings Bank	68,575.00	1,924.66
Do	CareerCom Corp	3,125.00	266.01
Do	Chicago Research & Trading Group, Ltd	12,499.99	1,097.78
Do	Corken International		
Do	Lifeshares Group, Inc	1,958.00	641.52
Do	Mid America Institute for Public Policy Research		
Do	Mitsubishi Electronics America, Inc	15,000.00	1,692.11
Do	Morse/Diesel	4,200.00	619.30
Do	Republic of Turkey	35,000.00	1,172.64
Do	Joesph J. Ritchie	4,900.50	424.20
Do	Trans World Airways		
Do	Robert Wang	15,000.00	1,119.74
Gary J. Thompson and Associates, 8513 Red Oak Dr. Warren, OH 44484			
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn		
Do	National Pork Producers Council		
Thomson Consumer Electronics, Inc, 1200 19th Street, NW #601 Washington, DC 20036			
Joseph Thorndike, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
James L. Thorne, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	847.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,154.00	
Gary Thorup, 2564 Wilmington Avenue Salt Lake City, UT 84109	Philip Morris, Inc	7,500.00	
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Julianne S. Thrift, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,813.00	190.00
Timothy B. Tierney, 4600 East West Highway Bethesda, MD 20814	Automotive Refrigeration Products Institute		
Susan K. Till, 3800 North Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	2,500.00	
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	American Factory Trawler Assn	825.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Petroleum Institute	1,143.77	
Do	Amoco Corporation	1,581.25	
Do	Anheuser-Busch Companies, Inc	2,131.25	
Do	Association of Trial Lawyers of America	1,980.00	
Do	Capital Cities/ABC, Inc	1,306.25	
Do	Chrysler Corporation	2,681.25	
Do	Entergy Services, Inc.	1,581.27	
Do	H. J. Heinz Co	1,993.75	
Do	Major League Baseball Players Assn	2,268.75	
Do	Morgan Stanley & Co, Inc	412.50	
Do	Mutual Fairness Taxation Assn	1,993.75	
Do	National Rifle Assn of America	962.50	
Do	Northern Telecom, Inc	550.00	
Do	Northrop Corp	2,131.25	
Do	NutraSweet Co	825.00	
Do	G. D. Searle & Co	1,443.75	
Do	Union Pacific Corp	1,168.75	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	20,043.80
Michael L. Tiner and Associates, 1317 Rhode Island Avenue, NW #502 Washington, DC 20005	Genentech, Inc	200.00	
Do	Parry & Romani, Associates	500.00	
Do	Joseph E. Seagram & Sons, Inc	1,800.00	
Do	United Food & Commercial Workers International Union	900.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		1,256.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		145.00
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	3,000.00	100.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			5,971.60
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	National Child Care Assn	4,000.00	18.00
Do	National Hearing Aid Society		
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	1,500.00	
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation	9,000.00	200.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,099.86	18.25
Jean R. Toohey, 655 15th Street, NW, #225 Washington, CC 20005	Rhone-Poulenc, Inc	975.00	195.06
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, 999 18th Street, #2201 Denver, CO 80202			
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet	125.00	31.20
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,381.00	
Joseph P. Trainor, 400 1st Street, NW, #804 Washington, DC 20001	National Assn of Retired Veteran Railroad Employees	300.00	300.00
Do	Railway Labor Executives' Assn	1,500.00	500.00
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: American Fed for AIDS Research (AMFAR))		
Do	Hill & Knowlton, Inc (For: Blue Cross Blue Shield of Florida)	735.00	
Do	Citizens for a Free Kuwait	245.00	
Do	Hill & Knowlton (For: Florida Municipal Utilities)	735.00	
Do	Hill & Knowlton (For: Hertz Corp)		
Do	Hill & Knowlton (For: Nintendo of America, Inc)	490.00	
Do	Hill & Knowlton (For: Republic of Turkey)		
Do	Hill & Knowlton Inc (For: Ryder Systems, Inc)		
Do	Hill & Knowlton, Inc (For: Serono, Inc)		
Do	Hill & Knowlton (For: Textron, Inc)		
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003	TransAfrica	67,228.26	67,099.63
Transportation - Communications Union, 815 16th St., NW, #511 Washington, DC 20006		13,000.00	20,343.81
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		4,300.00	4,300.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			8,200.00
Tretter-Gorman, Inc, 711 N. Eleventh Street St. Louis, MO 63101	Philip Morris, Inc	392.55	98.41
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		11,140.06
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	16,200.00	
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	Public Service Co of Indiana	5,000.00	5,074.61
Todd D. True, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund		
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	1,747.46
E.F. Trumble Public Relations Inc, 700 New Hampshire Ave., NW, #1017 Washington, DC 20037	National Investor Relations Institute	4,000.00	40.36
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	New York Life Insurance Company		
Do	Regional Transportation District	3,000.00	
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Audrey Schumacher Turner, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	17,309.00	
J. Terry Turner, 1641 Besley Road Vienna, VA 22182	Interstate Truckload Carriers Conference	500.00	210.00
Do	Seafarers Inemational Union	3,125.00	300.00
John H. Turner, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Turner, 1875 Eye St., NW, #774 Washington, DC 20006	Georgia-Pacific Corp	4,000.00	
Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	6,375.00	
Turner Broadcasting System, Inc, 810 First Street, NE, #620 Washington, DC 20002		19,300.00	19,300.00
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	15,000.00	
Jeannine Dowling Twomey, 5 Virginia Place Larchmont, NY 10538	Madison Public Affairs Group, Inc (for Philip Morris USA)	900.00	858.00
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Joseph D. Tydings, 2000 Pennsylvania Avenue, NW #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For: Population Crisis Committee)		
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	90.98	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
U.S. Border Control, 8001 Forbes Place Springfield, VA 22151		21,983.35	24,693.61
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036			210.71
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			116,980.00
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		102,558.38	121,528.40
U.S. Strategies Corp, 104 North Carolina Ave., SE Washington, DC 20003	Healthsouth Rehabilitation Corp		
Stewart L. Udall, 511 E. Palace Avenue Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	National Retail Federation	100.00	40.00
Elizabeth Ulmer, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	12,725.00	4,986.69
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	274.16
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			31,249.70
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	40,000.00	6,000.00
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006		4,525.00	10,435.00
Anne I. Urban, 311 First Street, NW Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	6,500.00	
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	3,507.92	104.80
Utility Nuclear Waste and Transportation Program, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036	Utility Nuclear Waste Management Group		
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	6,000.00	232.26
Do	Colonial Life & Accident Insurance Co	10,000.00	103.80
Do	Metropolitan Life Insurance Co		402.82
Debra A. Valentine, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For: AMAX, Inc)		
Do	O'Melveny & Myers (For: Ford Motor Co)		
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Becky Davenport Van Dyck, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Boston Company		
Do	USF&G Corp		
Joseph Van Eaton, 1350 New York Ave, #1100 Washington, DC 20005	Spiegel & McDiarmid (For: Gillette, Wyoming)	200.00	26.89
Do	Speigel & McDiarmid (For: Peru, Indiana)	800.00	116.93
Do	Speigel & McDiarmid (For: Salina, Kansas)	1,360.00	179.17
Do	Spiegel & McDiarmid (For: Wakefield Municipal Light Department)		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	14,250.00	
Do	Harsco Corp	24,000.00	10,148.67
Do	Magnavox Government & Industrial Electronics Co	18,750.00	1,048.98
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	Electrospace Corporation	6,000.00	
Do	General Instrument Corporation	18,000.00	1,164.92
Do	Miltope Corp	7,500.00	
Do	Thermo Electro Technologies	7,500.00	96.70
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,540.00	66.25
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Kloberg & Associates, 1900 L Street, NW, #500 Washington, DC 20036	Embassy of the Republic of Zaire		6,163.92
Do	Government of the Republic of Liberia		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission	9,586.00	
Do	American Inst of Certified Public Accountants	6,300.00	
Do	American President Lines		
Do	Andrew Corp		
Do	Arctic Slope Regional Corp	157.50	
Do	Barron Collier Co		
Do	Bumble Bee Seafoods, Inc	1,215.00	
Do	City Public Service of San Antonio	702.25	
Do	Clean Coal Technology Coalition		
Do	Committee of Hydroelectric Dam Owners		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Department of Water & Power		
Do	Energy Fuels Nuclear, Inc		
Do	Fort Belknap Tribes		
Do	Ganado Unified School District No. 20		
Do	Geothermal Resources Assn	1,084.50	
Do	Intertribal Agricultural Council	399.00	
Do	Jicarilla Apache Tribe		
Do	Koncor Forest Products Company	855.00	
Do	Lower Colorado River Authority	1,326.25	
Do	LUZ International Ltd	5,017.50	
Do	McKesson Corp		
Do	National Nutrition Coalition		
Do	National Wetlands Coalition		
Do	Oneida Nation of New York		
Do	Pacific West Cable Television		
Do	Qualified Personnel, Inc		
Do	Seneca Resources, Inc	270.00	
Do	Southern California Edison Co		
Do	TransAlta Resources Corp	3,822.50	
Do	Uranium Producers of America	1,800.00	
Do	Wagner & Brown		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,329.50	
Marjorie Vanderbilt, 1101 l4th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	3,500.00	326.63
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute	71.00	
H. Stewart VanScoyoc, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For: Champion International Corp)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For: Coalition of EPSCoR States)	58,000.00	
Do	Winburn VanScoyoc & Hooper (For: E. I. du Pont de Nemours & Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For: International Paper)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For: Quanex)	16,050.00	
Do	Winburn VanScoyoc & Hooper (For: Scott Paper Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For: University of Alabama System)	21,000.00	
Do	Winburn VanScoyoc & Hooper (For: USF&G Corp)	3,000.00	
Do	Winburn VanScoyoc & Hooper (For: Weyerhaeuser)	5,000.00	
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
R. Glenn Vawter, 2500 Clarendon Blvd, #T-2 Arlington, VA 22201		4,383.68	1,158.68
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	118.83
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
William P. Verdon, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	13,500.00	
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Anheuser-Busch Companies, Inc	468.72	388.49
Do	Plumbing Manufacturers Institute		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents	18,750.00	
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Franchise Tax Board	5,878.75	
Do	California Public Employees' Retirement System	19,661.25	
Do	California State Senate	4,161.25	
Do	International Assn of Amusement Parks & Attractions		
Do	International Assn of Fairs & Expositions		
Do	Pacific Stock Exchange, Inc	3,343.75	
Do	State Board of Equalization (Calif)	1,655.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	2,375.00	622.83
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	120.47
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Allied-Signal, Inc	440.00	
Do	Bank Tax Group		
Do	Citicorp Washington, Inc		
Do	Citizens Utilities Company	5,741.50	2,128.50
Do	E. M. Warburg Pincus & Co, Inc		720.00
Do	Federal Express Corp		
Do	Goldman Sachs & Co	3,765.00	5,850.00
Do	Guadalupe Valley Electric Cooperative	10,395.00	
Do	Merrill Lynch & Co, Inc		
Do	Modar, Inc		
Do	Section 29 Assn	6,292.50	
Do	United Savings Assn of Texas FSB		
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		70.00	0.50
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	6,249.99	
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			1,121.02
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	17,270.70	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For: Maclean Hunter Cable TV)		
Do	National Assn of Trade & Technical Schools	1,250.00	
Do	Cohn & Marks (For: USA Network)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			11,250.00
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	9,000.00	32.50
Ingrid A. Voorhees, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	125.00	148.74
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bell Communications Research	197.25	33.12
Do	Committee of Publicly Owned Companies	2,154.50	103.46
Do	Dale Michael A/K/A Riviera Bowling Lanes		55.89
Do	Fraternal Order of Police - National Headquarters	4,100.00	953.26
Do	Grocery Manufacturers of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Assn of Broadcasters	38.84	1.90
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink	176.30	27.50
Do	Recyclers of Copper Alloy Products		5,051.67
Do	Snow Aviation International, Inc	428.75	30.00
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	13,253.91	617.72
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	454.15
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	10.91
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	1,250.00	
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	3,750.00	604.00
Do	Independent Federation of Flight Attendants	3,000.00	687.00
Do	Independent Union of Flight Attendants	3,750.00	558.00
Do	Union of Flight Attendants	1,500.00	135.00
Marvin Wagner, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		562.50
Wagner Communications, Inc, 2300 M Street, NW, #800 Washington, DC 20037	Cummins Engine Co, Inc		4,900.00
Wagner Hines & Avary, Inc, 1899 L Street, NW, #500 Washington, DC 20036	American Heavy Lift Shipping Co	17,062.50	3,164.89
Do	Charter Federal Savings & Loan Assn		
Do	Kabumoto & Malany		
Do	National Beer Wholesalers of America	3,000.00	839.23
Do	National Debt Repayment Foundation	1,919.97	320.00
Andrew F. Wahlquist, 1701 Pennsylvania Ave., NW Washington, DC 20006	McDonnell Douglas Corp	15,000.00	4,600.00
Robert A. Wait, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods		
Frederick P. Waite, 1200 19th Street, NW, #500 Washington, DC 20036	American Wire Producers Assn		
Herbert R. Waite, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	12,000.00	10,844.51
Donna Waks, 1627 Lamont St., NW Washington, DC 20010	Rainbow Lobby	2,925.00	
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	8,250.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute		
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	9,500.00	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Telephone & Telegraph Co	5,250.00	
Do	Anheuser-Busch Companies, Inc	7,500.00	
Do	Atchison Topeka & Santa Fe Railway Co	12,750.00	
Do	Baker & Botts (For: Texas Chemical Council)		
Do	Broadcast Music, Inc	3,750.00	
Do	Burlington Northern, Inc		
Do	Coalition for Competitive Capital	11,250.00	
Do	Columbia Pictures Entertainment, Inc	9,375.00	
Do	CBS Records, Inc	3,750.00	
Do	CSX Corporation	4,500.00	
Do	Enron Corp	1,150.00	
Do	Federal Home Loan Mortgage Corp		
Do	Goodyear Tire & Rubber Co	750.00	
Do	HealthTrust, Inc	562.50	
Do	Honeywell, Inc	4,500.00	
Do	Ioptex Research, Inc	1,500.00	
Do	John Zink Company		
Do	Lone Star Steel Co		
Do	Mezzanine lending Associates I, II, & III, L.P.		
Do	Mid Continent Oil and Gas Assn		
Do	National Stone Assn	750.00	
Do	Northville Industries Corp		
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Southern Company Services, Inc	6,250.00	
Do	Texas Ozone Task Force	3,375.00	
Do	U.S. Fidelity & Guaranty Co	4,500.00	
Do	Union Pacific Corp		
Do	Weyerhaeuser Company	4,500.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,406.00	
Do	Bell Atlantic Corp	1,750.00	
Do	BHP Holdings (USA), Inc	1,750.00	
Do	Cominco, Ltd.	2,250.00	
Do	Footwear Retailers of America		
Do	Hong Kong Trade Development Council	3,200.00	
Do	Mallinckrodt Medical, Inc	1,500.00	
Do	Peabody Holding Co, Inc	1,875.00	
Do	Pennsylvania Engineering	2,500.00	
Do	Pharmaceutical Manufacturers Assn	1,875.00	
Do	Pittston Group	1,250.00	
Do	Securities Industry Assn	2,250.00	
Do	Sumitono Chemical Co	3,000.00	
Do	Torchmark Corporation	1,250.00	
Do	United Company	1,250.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	15,000.00	50.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	329.62
Do	Alaska Pulp Corp	12,000.00	
Do	American Soc of Farm Managers and Rural Appraisers	6,500.00	115.00
Do	American Sugar Cane League	17,500.00	316.47
Do	Amstar Corp	7,500.00	
Do	Cotton Warehouse Assn of America	5,375.00	
Do	Fiber Fabric & Apparel Coalition for Trade	18,000.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	88.77
Do	Grocery Manufacturers of America, Inc	1,500.00	
Do	Merchants Grain & Transportation, Inc	5,000.00	
Do	Service Corporation International	3,750.00	
Do	U.S. Canola Association	5,000.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	500.00	550.80
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
James P. Walsh, 1752 N Street, NW, #800 Washington, DC 20036	American Tunaboat Assn	35,276.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	875.00	318.71
Samuel J. Walsh, 1608 K Street, NW Washington, DC 20006	American Legion	11,316.00	21.50
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	16,000.00	
Do	General Dynamics Corp	16,666.40	
Do	ISC Defense & Space	10,500.00	
Do	Stone & Webster Engineering, Inc	12,600.00	
Do	Textron, Inc	13,749.99	1,187.18
Do	Thiokol Corp	10,500.00	332.16
Bonnie B. Wan, 1201 Pennsylvania Ave., NW, #730 Washington, DC 20004	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For: Soap & Detergent Assn)		
Gregg Ward, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Michael D. Ward, 1001 E. Broad Street, #330 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	2,524.00	75.00
Barbara F. Warden, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department, AFL-CIO	16,232.00	
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	24,098.66	102.00
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	800.00	363.35
Jenifer Warkenthien Loon, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	3,745.00	37.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,710.00	2,710.00
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For: Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For: Sofreavia)		
Do	DGA International, Inc (For: SNECMA)		428.65
Do	DGA International, Inc (For: Teledyne Brown Engineering)		
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Betsy R. Warren, 2555 Pennsylvania Avenue, NW Washington, DC 20037	Allied-Signal Inc		
Do	Edison Electric Institute	2,500.00	292.00
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,061.55
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology	1,147.50	
Do	AVW Electronics		
Do	Behtune-Cookman College		
Do	BTS Development Corp		
Do	City of Philadelphia		
Do	Cohen Flax Management		
Do	District of Columbia Armory Board		
Do	Electronic Data Systems, Inc		
Do	Government of the People's Republic of Angola	34,065.00	
Do	Government of Antigua		
Do	Greater Cleveland Regional Transit Authority	1,600.00	
Do	Greenebaum & Rose Associates		
Do	Healthdyne, Inc		
Do	Home Group		
Do	Novo-Nordisk Pharmaceutical, Inc	6,662.00	
Do	Opeda		
Do	Philip Morris, USA	500.00	
Do	Renselear Development Corp		
Do	State Bar of California		
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	4,800.00	
Clarke R. Watson, P.O. Box 18837 Denver, CO 80218	Westland Companies, Inc		
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn. Inc	5,700.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	90.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,500.00	
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute		
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Group, Inc		
Rebecca Weaver, 1616 P St., NW #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,171.95	
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Frederick L. Webber, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	5,293.06	313.92
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Asarco Corporation		
Do	Liggett Group, Inc		
Do	Magma Copper Corp		
Do	Mazda Motor Manufacturing (USA) Corp		
Do	PG&E Bechtel Generating Company	550.00	
Do	Tobacco Institute	1,100.00	32.00
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab Assn		
Do	INTERARMS		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	200.00
Joan Strickler Weeks, 2300 M Street, NW Washington, DC 20037	International Advisors, Inc (For: Republic of Turkey, Embassy of)	2,500.00	97.37
Edward L. Weidenfeld, 1899 L Street, NW, #500 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weidenfeld & Rooney, 1899 L Street, NW, #500 Washington, DC 20036	Southern Company Services, Inc		
Weil & Howe, Inc, Two Central Plaza Augusta, ME 04330	Vermont Gas	150.00	75.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Mark Weinberg, 11300 Rockville Pike, #1200 Rockville, MD 20852	Mark B. Weinberg, P.C. (For: Coalition for a Free Marketplace of Ideas)		
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #600 East Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Deborah Feldman Weiner, 11004 Petersborough Drive North Bethesda, MD 20852	American Soc for the Prevention of Cruelty to Amimals	1,500.00	
Roslyne D. Weiner, 1205 South Washington Street, Apt. #12A Alexandria, VA 22314	American Group Practice Assn		
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Anna Weinroth, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform		
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		200.00
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Suzanne Welch, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,500.00	118.00
Jerry Welcome, P.O. Box 3556 Washington, DC 20007	American Meat Institute	10,312.50	425.26
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute	2,176.55	
Do	Apple Processors Assn	8,644.53	1,139.73
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		1,606.25
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	8,937.50	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,862.50	216.00
Judith Wessler, 105 East 22nd St. New York, NY 10010	Community Service Society		
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	665.92
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Do	Oklahoma Natural Gas	9,000.00	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	675.33
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1511 K Street, NW, #1100 Washington, DC 20005	City of Detroit	37,664.58	13,391.88
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		184,948.00	74,696.52
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	2,240.42	
Joseph J. Westwater, 2501 M Street, NW # 400 Washington, DC 20037	McLeod & Pires (For: American Peanut Product Manufacturers, Inc)	10,950.00	101.05
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	503.25	137.00
William Wewer, 6302 30th Street, NW Washington, DC 20015-2238	Putting People First		653.00
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	3,978.81
Curtis E. Whalen, 555 13th Street, NW, Suite 430W Washington, DC 20004	Transco Energy Company	10,000.00	3,808.75
Whalen Company, Inc, 1717 K Street, NW, #706 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	25,268.00	14,521.21
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	250.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,260.00	
Jeffrey T. Whipple, 20 S. Clark Street, #800 Chicago, IL 60603	Philip Morris, Inc	6,000.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	1,848.00	10.90
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	75.92	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,996.00	6,783.25
John C. White, White Consulting Group, Suite 380 2000 M Street, NW Washington, DC 20036	AMGEN	4,000.00	
Do	Camp Barsh Bates & Tate	6,500.00	
Do	Chicago Mercantile Exchange	4,160.00	
Do	Coastal Corporation	12,500.00	
Do	Goldman, Sachs & Company	5,000.00	
Do	Tobacco Institute	4,600.00	
John Thomas White III, 490 L'Enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco Gas		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	620.57	289.75
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn	7,700.00	
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	2,345.28
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	85.54

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sam White, 412 First St., SE, #100 Washington, DC 20003	National Agricultural Chemicals Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	750.75	231.73
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Caribbean Trade and Apparel Coalition (C-TAC)		
Do	Edison Electric Institute		
Do	Gadot Petrochemical Industries		
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	National Constructors Association		4,085.11
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For: Central Utah Water Conservancy District)	400.00	
Do	Marcus G. Faust, PC (For: Clark County Nevada-McCarran International Airport).	400.00	
Do	Marcus G. Faust, PC (For: Las Vegas Valley Water District)	400.00	
Do	Marcus G. Faust, PC (For: Public Service Co of New Mexico)	400.00	
Do	Marcus G. Faust, PC (For: Sierra Pacific Power Co)	400.00	
Elizabeth Whiteley, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	328.80
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	1,531.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	328.00
Cameron Whitman, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	FAIR		
Do	U.S. English Foundation, Inc		
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	804.00
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	1,500.00	329.54
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Whitworth & Associates, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Churchill County Nevada	5,000.00	
Do	Mesa Limited Partnership	3,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	150.00	
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,180.00	2,799.07
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For: Ormet Corp)	462.50	139.00
Do	Eckert Seamans Cherin & Mellott (For: Ravenswood Aluminum Corp)	462.50	139.00
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	17,294.49	16,296.14
Barbara Wierzynski, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	7,500.00	52.00
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	60.45
Richard P. Wild, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For: Oxford Foundation)		
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1002 Washington, DC 20036			17,000.00
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	City of Jacksonville, FL	200.00	
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	State of Michigan Department of Commerce		117.63
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	American Newspaper Publishers Assn	3,964.00	
Do	Association for Public TV (APTV)	3,052.00	
Do	Association of Telemessaging Services, International	312.00	
Do	Chaparral Steel Co		
Do	Firemens Fund Insurance	2,724.00	53.00
Do	Georgetown Industries		
Do	J.C. Penney	7,718.00	28.50
Do	Marine Mammal Coalition		
Do	National Health Care Anti-Fraud Assn	775.00	
Do	Operator Service Providers of America	648.00	
Do	Pharmaquest		
Do	Prodigy Services Company		
Do	Raritan River Steel Co		
Do	United Parcel Service	8,142.00	171.75
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Horace Wilkins Jr., 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	General Electric Co	1,050.00	
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Reese Communications Cos (For: Philip Morris, USA)		28.00
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	15,000.00	
Christopher D. Williams, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For: Mid-Valley Water Authority)	350.64	
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	195.00	31.23
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	American Insurance Assn		
Do	Ark-Best Co	1,475.00	200.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,580.00	260.00
Do	Cooper Communities, Inc	1,580.00	255.00
Do	Electro Com Automation, Inc	1,675.00	300.00
Do	Riceland Foods, Inc	1,575.00	275.00
Do	Tyson Foods, Inc	1,620.00	260.00
Lee Williams, 1616 H St., NW Washington, DC 20006	National Retail Federation	900.00	
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	250.00	142.45
Loretta Morris Williams, 810 First Street, NE, #500 Washington, DC 20002-4205	March of Dimes Birth Defects Foundation		
Lucinda L. Williams, 1155 15th Street, NW, #1100 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Marcia E. Williams, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
Merrill Williams, 3701 Connecticut Ave., NW, #802 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactica Biochemical		
Do	National Credit Improvement Group		
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	186.00	194.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	450.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Gtech	906.25	906.25
Do	National Comm to Preserve Social Security		
Do	North American Assn of State & Provincial Lotteries		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	10,696.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		1,311.75
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	868.40	117.28
Kirk Willison, 707 Broadway, #1200 San Diego, CA 92101	Home Federal Savings & Loan of San Diego		
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st St., NW Washington, DC 20036	Association of International Auto Manufacturers	5,805.00	33.63
Do	Institute of Resource Recovery (IRR)	26,082.50	470.49
Do	National Assn of Independent Fee Appraisers	1,765.00	
Do	Standard Commercial Tobacco Co.	4,430.00	
Do	Telecommunications Industry Assn	550.00	
Do	Westinghouse Electric Corp	8,677.50	108.19
Do	Yamaha Motor Co, Ltd, et al.	18,260.00	82.97
Do	Yamaha Motor Manufacturing Corp of America		
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co	14,400.00	455.15
Do	Alexander & Alexander, Inc		
Do	Amerada Hess Corporation		
Do	American Honda Motor Co, Inc	3,000.00	40.00
Do	Association of American Universities	756.25	20.25
Do	Bank Capital Markets Assn		
Do	Bankers Trust Co		
Do	Capital Cities/ABC, Inc		
Do	Citibank, N.A.		
Do	Cook Inlet Communications, L.P.		
Do	Corporate Property Investors		
Do	Educational Testing Service	107.50	
Do	Federal Home Loan Bank of San Francisco		
Do	Ford Motor Co		
Do	Handgun Control, Inc		
Do	International Metals Reclamation Company, Inc	1,100.00	
Do	Long Island Savings Bank		
Do	Pepsico, Inc		
Do	Southeast Banking Corporation		
Do	Trans-Alaska Pipeline Liability Fund	9,900.00	93.17

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Cane Sugar Refiners' Assn		
Do	World Savings & Loan Assn		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	615.36	883.73
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	6,000.00	259.75
Don A. Wilson, 106 Dartmouth Waxahachie, TX 75165			
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	704.00	6.00
Fred C. Wilson, 130 El Camino Drive Beverly Hills, CA 90212	Government of Romania	200.00	28,452.81
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Patricia M. Wilson, 818 Connecticut Ave, NW Washington, DC 20006	USX Corporation		
Robert Dale Wilson, 1900 L Street, NW, #500 Washington, DC 20036	Wilson & Wilson (For: Hecla Mining Company)		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Stephany Wilson, P.O. Box 2187 Santa Fe, NM 87504-2187	Sutin Thayer & Browne (For: Lovelace, Inc)		
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	60.00
Warren A. Wilson III, 31608 U.S. Highway 19 North Palm Harbor, FL 34684	Philip Morris, Inc	2,250.00	
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
Mark V. Wimberly, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Mississippi Power Co	23,593.56	7,860.25
John P. Winburn, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For: American Assn of Equipment Lessors)	7,500.00	
Do	American Automotive Leasing Assn	2,000.00	
Do	Winburn VanScoyoc & Hooper (For: American Insurance Assn)	30,000.00	
Do	Winburn VanScoyoc & Hooper (For: Burlington Northern Railroad Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For: Burlington Northern Services, Inc)	5,000.00	
Do	FAG Bearings Corporation	5,000.00	
Do	Winburn VanScoyoc & Hooper (For: Hartford)	45,000.00	
Do	Winburn Associates, Inc (For: Leggett & Platt)	12,000.00	
Do	Winburn VanScoyoc & Hooper (For: Matteson Investment Corp)		
Do	Winburn VanScoyoc & Hooper (For: National Assn of County Office Employees (NASCOE)).	3,000.00	
Do	Winburn VanScoyoc & Hooper (For: Pennzoil)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For: Philip Morris)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For: University of Michigan)	15,000.00	
Winburn VanScoyoc & Hooper, 453 New Jersey Ave., SE Washington, DC 20003	Ifint S.A.		
Do	Westvaco		
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,818.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	89.00
Alexander Bradford Winslow, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance	240.00	13.60
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	837.50	63.00
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Association of Seat Lift Manufacturers		
Do	Bowater, Inc		
Do	Brown & Bain		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Grocery Manufacturers of America		
Do	Hercules Aerospace Co		
Do	IBJ Schroder Bank & Trust Co		
Do	Macrovision, Inc	3,433.50	29.00
Do	MTN Coalition		90.00
Do	National Vehicle Leasing Assn	345.00	
Do	Navajo Nation	210.00	
Do	Queen City Home Health Care		
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc	52,967.50	5.00
Do	Westinghouse Electric Corp	700.00	
Wisconsin Citizens Utility Board, 16 North Carroll, #300 Madison, WI 53703			
Jim Wise Associates, 1707 Duke St., #300 Alexandria, VA 22314	Kern County, CA	1,750.00	145.00
Do	National Assn of Credit Management	10,500.00	890.00
Do	San Francisco Bar Pilots Assn	7,000.00	300.00
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	508.75	1,448.39
Robert V. Witeck, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For: Republic of Turkey)		
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	2,705.00	67.00
Cynthia D. Witkin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Hope R. Wittenberg, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	7,500.00	320.25
Judith A. Wittig, 1213 Jefferson Davis Hwy., #1414 Arlington, VA 22202	Defense Products Marketing, Inc		16.00
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc	1,000.00	80.00
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,000.00	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	20,000.00	
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	3,200.00	
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group		
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For: American Insurance Assn)	350.00	12.00
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	677.67
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,375.00	66.37
Linda Womack, 2100 E. Exchange Place Tucker, GA 30085-1349	Oglethorpe Power Corp	4,582.00	342.10
Richard Marvin Womack, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	443.04	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,400.00	155.94
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,168.00	
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	1,500.00	26.00
W. Robert Woodall, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	48,000.00	5,278.39
Mark E. Woodbridge, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce		200.00
G. Kent Woodman, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For: Metropolitan Transportation Authority)		
James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618	Teco Energy, Inc	10,400.00	4,843.63
Cynthia Woodside, 701 N. Fairfax Street Alexandria, VA 22314-2045	(For: United Way of America)	4,947.69	15.00
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Edward A. Woolley, Bedford Consultants Building P.O. Box 605 Bedford, NY 10506	Institute of International Container Lessors	150.00	
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,300.00	1,108.58
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	6,000.00	138.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Workers Compensation Integrity, Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		26,675.00	15.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Owen Wormser, 406 N Pitt Street Alexandria, VA 22314-2315	Command & Control Consulting, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 1700 Huntington Building Cleveland, OH 44115	Centerior Energy Corp, et al.	24,000.00	2,671.05
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	395.00	150.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	72.07
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	70.00
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	550.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Yankee Gas Services Company, 999 West Street Rocky Hill, CT 06067-4002			185.30
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,373.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	22,500.00	739.71
Lesley Yates, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	1,500.00	
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036-3691	Edison Electric Institute	2,551.15	424.08

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,000.00	
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For: Aircraft Owners & Pilots Assn)	72.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	170.90
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Thomas F. Youngblood, 1201 New York Ave, NW, #600 Washington, DC 20005	American Hotel & Motel Assn	2,069.33	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	243.20
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Paulette Zakrzeski, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	14,712.51	1,180.55
Albert C. Zapanta, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Zapruder & Odell, 1001 22nd Street, NW, #700 Washington, DC 20037	Wheels, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	252.68
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents & Teachers		1,698.27
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	165.16
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,715.72
John H. Zimmerman, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes	46,190.00	1,782.12
Do	Makah Indian Tribe		
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,000.00	784.80
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	National Comm of Cities & States for Airline Service	5,103.45	670.00
Admiral Zumwalt & Consultants, Inc, 1500 Wilson Boulevard Arlington, VA 22209	Robert E. Derecktor of Rhode Island, Inc		
Zurich-American Insurance Co, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company	2,145.00	2,145.00
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	
965 Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Intermarine USA	250.00	
Do	Kaman Diversified Technologies	180.00	
Do	Woods Hole Oceanographic Institution	300.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1990 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER ______________________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated,

☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

—"The term 'contribution' includes a . . . *loan* . . ."—§302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter
12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period" from Jan. 1 through.............................., 19.......)*
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter
15. *Recipients of Expenditures of $10 or More*

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	4,007.08
Ad Hoc Comm for Universal Comprehensive Health & Dental Care, Building 10, #310 12151 Bayport Street Garden Grove, CA 92640.			
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc		
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	834.00	
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		164,977.85	164,977.85
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002		3,987.49	156.30
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	West Point Pepperell, Inc	20,000.00	17,300.00
Alcalde & Rousselot, 1901 North Ft. Myer Drive, 12th Floor Rosslyn, VA 22209	Alliance for Clean Energy	7,000.00	
Do	Carnival Cruise Lines	3,000.00	
Do	City of Las Vegas	4,000.00	
Do	Consolidated Freightways	5,000.00	
Do	Jack Eckerd Corp	1,000.00	
Do	Home Shopping Network	2,000.00	
Do	Jim Walter Corp	15,000.00	
Do	Norwegian Caribbean Lines	3,000.00	
Do	Port of Jacksonville	3,000.00	
Do	Royal Caribbean Cruise Line	3,000.00	
Do	Tampa Port Authority	3,000.00	
Do	Washington Workshops	2,000.00	
C. Eddie Aldrete, 7007 Bright Avenue McLean, VA 22101	National Turkey Federation		
Nicholas W. Allard, 750 17th Street, NW, #1100 Washington, DC 20006	Fox Weinberg & Bennett (For: Wireless Cable Assn, Inc)	330.00	40.00
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,512.76	801.32
Alliance for Medical Nutrition, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004		6,657.00	6,657.00
Loren J. Alter, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Companies		
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	9,500.00	12,452.76
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	5,000.00	1,064.75
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,479.34
American Assn for Counseling & Development, 901 East Capitol Street, SE Second Floor Wahington, DC 20003.		60,479.00	35,283.00
American Assn for Marriage & Family Therapy, 1717 K Street, NW, #407 Washington, DC 20006			16,664.00
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			51,463.00
American Assn of Classified School Employees, 1050 17th Street, #210 Washington, DC 20036		18,066.71	18,066.71
American Assn of Exporters & Importers, 11 West 42nd Street, 30th Fl. New York, NY 10036			1,790.00
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		15,420.00	31,240.00
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			112,070.69
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		33,099.00	33,099.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006			2,750.79
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		142,146.53	142,146.53
American Osteoporosis Alliance, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004		6,043.66	6,043.66
American State of the Art Prosthetic Assn, 403 1st Street, SE Washington, DC 20007			
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	63,263.25
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		34,940.45	47,084.67
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Ameriserv, Inc, The Paragon Center 2400 East Commercial Blvd., #500 Fort Lauderdale, FL 33308			
Bette B. Anderson, 1030 15th St., NW, #700 Washington, DC 20036	KCI (For: SICPA Industries of America, Inc)		
Paul S. Anderson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For: Silvestri Corp).		
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern Railroad Co	1,900.00	730.75
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	2,536.48	381.63
David R. Andrews, Three Embarcadero Center San Francisco, CA 94111	McCutchen Doyle Brown & Enersen (For: Castle & Cooke, Inc).		
Do	McCutchen Doyle Brown & Enersen (For: Rohr Industries, Inc).		
Do	McCutchen Doyle Brown & Enersen (For: Sterling Drug, Inc).		
Lewis D. Andrews Jr., 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	1,160.00	
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		21,815.00	20,535.81
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Aris Anagnos Properties	4,600.00	16.25
Do	Colorado River Indian Tribes		
Do	Motor and Equipment Manufacturers Association	1,330.00	196.01
Do	Toyota Motor Corporation	2,410.00	3,065.45
John W. Arlidge, P.O. Box 230 Las Vegas, NV 89151	Nevada Power Company		
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	AFL-CIO	820.00	
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	90.70	
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		25,000.00	
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051		2,824.00	
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of Maximum Service Telecasters, Inc, 1400 16th Street, NW, #610 Washington, DC 20036.			520.00
Association of Thrift Holding Cos, 888 17th Street, NW, #312 Washington, DC 20006			3,675.00
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	100.00	360.00
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001		7,450.00	5,659.96
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	American Indian Trade Development Council		
Do	Asocolflores	67.50	
Do	City Utilities of Springfield	525.00	32.61
Do	Coalition to Oppose Log Exports (COLE)		106.00
Do	Colorado River Energy Distributors Assn		
Do	E-Z America Limited	2,110.00	85.83
Do	Emerald Public Utility district		
Do	Heart of America Northwest	5,427.50	100.27
Do	High Technology Coalition		88.32
Do	Intermountain Consumer Power Assn	375.00	
Do	Kansas Municipal Energy Agency		
Do	London Futures and Options Exchange		
Do	Lyphomed, Inc	930.00	47.80
Do	Philip Morris Management Corp	250.00	
Do	Profilo Holding A.S.	202.50	
Do	Recording Industry Assn of America		
Do	Sacramento Municipal Utility District	225.00	
Do	State Farm Mutual Automobile Insurance Co	1,601.25	2.65
Do	Tennessee Valley Public Powre Assn		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	655.69	37.80
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,000.00	238.00
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	City of Clearwater		
Do	Hyatt Corp		
Baker & McKenzie, 815 Connecticut Ave., NW Washington, DC 20006	Coalition on the PFIC Provisions	11,829.00	13,596.08
Donald Baldwin, 888 16th Street, NW #600 Washington, DC 20006	Diagnostic/Retrieval Systems, Inc		
Do	Federal Criminal Investigators Assn		
Do	Mack Trucks, Inc		
Do	National Commission Against Drunk Driving		
Do	National Law Enforcement Council		
Do	Security on Campus, Inc		
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	30,211.54	12.04
Linda W. Banton, 7900 Westpark Drive, #A524 McLean, VA 22102	Honeywell, Inc	1,300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	College Football Association		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	2,775.00	
Do	National Hockey League	3,310.00	
Betsy F. Barclay, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	804.12
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	United Telecom/US Sprint	7,000.00	1,244.99
Michael D. Barnes, 1050 Connecticut Avenue, NW Washington, DC 20036	Arent Fox Kintner Plotkin & Kahn (For: American Consulting Engineers Council).	1,525.17	16.49
Do	Arent Fox Kintner Plotkin and Kahn (For: Temistocles Ramirez De Arellano).		132.40
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Assn of Fastener Importers	12,556.62	468.27
Do	American International Knitters Corp	12,500.00	652.96
Do	Commonwealth Garment Manufacturing Co	12,500.00	27.00
Do	Famous Raincoat Co, Inc	308.90	16.46
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee	310.76	10.15
Do	Marion Merrell Dow, Inc	4,976.50	93.46
Do	Miles, Inc	4,477.75	33.46
Do	Sundstrand Corp	3,592.25	72.58
Do	Texas Citrus and Vegetable Import Association	712.50	0.25
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	17,726.74	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,300.00	
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Women's Legal Defense Fund	18,600.00	15,915.00
Robert E. Bates Jr., 1100 Connecticut Ave, NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Catharine R. Batky, 50 F Street, NW, #1080 Washington, DC 20001	Burlington Northern Railroad Co	1,750.00	1,323.81
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Anthony R. Battista, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	350.00	40.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	1,260.00	
Bayless Boland Bates & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Glenmore Distilleries Company	30,000.00	
Do	Southwestern Bell Corp	1,000.00	67.33
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	372.00	
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	416.71
Donald K. Beich, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	176.21	628.19
Joe Belew, 1000 Wilson Boulevard, 30th floor Arlington, VA 22209-3908	Consumer Bankers Assn		
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Alan R. Bennett, 750 17th Street, NW, #1000 Washington, DC 20006	Fox Weinberg & Bennett (For: Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For: Hoffmann La Roche, Inc)		
Benoit Smith & Laughlin, 2001 Jefferson Davis Highway, #501 Arlington, VA 22202	Econopure		
Do	Hughes Aircraft Company		
William Berger, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Berliner & Maloney, 1101 17th Street, NW, #1004 Washington, DC 20036-4798	Government of Barbados, Ministry of Finance & Planning		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	5,000.00	
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Rachelle B. Bernstein, 1666 K Street, NW Washington, DC 20007	Arthur Andersen & Co (For: Protestant Episcopal Church Foundation of Diocese of Okla.).	27.00	5.00
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	26.57
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
Gerald M. Bestler, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	BMC Industries, Inc		
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For: Christie Manson & Woods International, Inc).		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Christie Manson & Woods International, Inc	2,803.75	2,111.31
Do	City of Bluefield, WV, et al.		
Do	Northern Indiana Public Service Company		
Do	Pacific Dunlop-GNB	12,377.00	17,134.30
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	IMCERA Group, Inc		155.25
Andrea Bilson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Hugh L. Binford, 327 30th Street West Bradenton, FL 34205			
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	American Honey Producers Assn	6,660.00	383.09
Do	CSR, Ltd	7,840.62	513.75
Do	Federal Intermediate Credit Bank of Jackson	18,987.50	1,252.08
Do	Houston Agricultural Credit Corp	28,968.75	814.66
Do	Mississippi Department of Economic Development	16,918.60	1,081.40
Do	U.S. Rice Producers' Legislative Group	32,000.00	878.57
Do	Wal-Mart		
J. Barry Bitzer, 1315 Duke Street Alexandria, VA 22314	Conservative Alliance		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	NRA Institute for Legislative Action	7,500.00	
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,719.58	99.78
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	3,556.49	178.00
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Assn		
Michael J. Bolen, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Joseph C. Bonanno Jr., 4068 Keith Drive Campbell, CA 95008			
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,200.00	199.00
Bond Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	Akin Gump Strauss... (MacAndrews & Forbes Holdings, Inc)	1,200.00	
Do	American Financial Corp		
Do	American Petroleum Institute		
Do	East Coast Tuna Assn	180.00	
Do	FMC Corporation	2,255.00	
Do	Grumman Corporation	400.00	
Do	Legal Services Reform Coalition		
Do	Long Island Lighting Company		
Do	U.S. Sprint	1,530.00	
Richard H. Bornemann, 10 Fourth Street, SE Washington, DC 20003	United Illuminating Co	4,290.00	1,246.20
Mary M. Bourdette, 815 16th Street, NW, #707 Washington, DC 20006	Children's Defense Fund	8,043.30	498.25
Josh Bowers, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Michael Bowers, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	2,370.00	
Stephen E. Bradley, 600 18th Street North Birmingham, AL 35291	Alabama Power Co	32,319.00	
Raymond F. Bragg Jr., 1275 Pennsalvania Avenue, NW,#301 Washington, DC 20004	Legislative Strategies (For: American Independent Refiners Assn).	937.50	237.18
Do	Legislative Strategies (For: Associated Aviation Underwriters).	225.00	
Do	Legislative Strategies (For: Cogeneration & Independent Power Coalition of America, Inc).	75.00	
Do	Federal Strategies, Inc (For: Consolidated Natural Gas Co)	1,087.50	199.21
Do	Legislative Strategies (For: Delavan Lake Sanitary District)	3,018.75	9.00
Do	Legislative Strategies (For: Globos International, Inc)	450.00	
Do	Legislative Strategies (For: Huntway Refining Company)	112.50	
Do	Legislative Strategies (For: Miami-Dade Water & Sewer Authority Department).		
Do	Legislative Strategies (For: National Hydropower Assn)	750.00	
Do	Legislative Strategies (For: Penntech Papers, Inc)	37.50	
Do	Legislative Strategies (For: Western Pennsylvania Environmental Complex Development).	937.50	
Robert M. Brandon, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action Fund	1,660.00	135.00
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn		
Pamela J. Bridgen, 5103 Danbury Road Bethesda, MD 20814	Association of Biotechnology Companies	2,000.00	
Robert D. Brocklin, 1350 New York Avenue, NW, #600 Washington, DC 20005	Stoel Rives Boley Jones & Grey (For: PacifiCorp)	94.00	
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For: C.A.W.G)	2,000.00	1,800.00
Do	John J. Brown & Associates (For: Labor Management Committee of the Tobacco Institute).	1,000.00	900.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601		1,111.00	1,840.70
Thomas J. Bulger, Government Relations, Inc 1620 Eye Street, NW, #300 Washington, DC 20006	County of Fairfax	42,800.00	19,800.00
Do	County of San Mateo	15,000.00	10,700.00
Do	Metropolitan Transportation Commission	26,749.98	34,100.00
Do	Oakland County	8,345.75	8,000.00
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	2,509.00	235.00
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,000.00	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,806.76	454.60
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
B. Kent Burton, 1730 Rhode Island Avenue, NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,700.00	79.85
James J. Butera, 4901 Quebec Street, NW Washington, DC 20016	Bank of Baltimore	1,500.00	
Do	Bank of Chester County	1,500.00	
Do	Bethel Savings Bank, FSB		
Do	Dime Savings Bank of New York	1,500.00	
Do	Federal Home Loan Bank of Boston	1,500.00	
Do	Federal Home Loan Bank of New York	1,500.00	
Do	Home Federal Savings Bank of GA		
Do	Municipal Savings Bank	1,500.00	
Do	New Jersey Council of Savings Institutions	500.00	
Do	People's Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Assn of New York	1,500.00	
Do	Wilmington Savings Fund Society		
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			99,224.99
Cable TV Consumers, P.O. Box 2218 La Mesa, CA 92044			
Donald L. Cahill, 347 Widewater Road Stafford, VA 22554	Fraternal Order of Police	5,300.00	4,969.70
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			240.00
Anne D. Campbell, 1101 30th Street, NW, #500 Washington, DC 20007	Campbell Falk & Selby (For: Commonwealth of Puerto Rico).	5,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	American Assn of Advertising Agencies		
Do	National Auctioneers Assn		
Do	Securities Industry Assn		
Do	Union Pacific Corp		
Campbell Falk & Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Commonwealth of Puerto Rico	15,000.00	14,424.30
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	575.00	
Dean H. Cannon, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For: Christie Manson & Woods International, Inc).		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Wistar Institute		
Melissa Coggeshall Carey, 3415 North 21st Ave. Arlington, VA 22207	Harris Corporation	791.00	955.57
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	225.00	
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For: Clayton & Dubilier, Inc).		
Do	Cadwalader Wickersham & Taft (For: Government of Puerto Rico).	255.00	
Do	Cadwalader Wickersham & Taft (For: GAF Corporation)		
Do	Cadwalader Wickersham & Taft (For: Institute of International Container Lessors).		
Do	Cadwalader Wickersham & Taft (For: Kern River Gas Transmission Company).		
Do	Cadwalader Wickersham & Taft (For: Mercedes-Benz of North America, Inc).		
Do	Cadwalader Wickersham & Taft (For: Princeton University Investment Company).		
Robert E. Carlstrom Jr., 1341 G St., NW #1100, NW Washington, DC 20005	Jefferson Group (For: Alumax, Inc)	255.00	
Do	Jefferson Group (For: Conundrum Joint Venture)		
Do	Jefferson Group, Inc (For: Doe Run Company)	892.50	56.48
Do	Jefferson Group (For: Zinc Corp of America)	701.25	12.00
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	Arctic Sounder Enterprises, Inc		
Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006	National Association of Stevedores	650.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,500.00	747.91
J. Warren Cassidy, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	2,681.25	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Bolt Beranek & Newman, Inc		
Do	Lockheed IMF		
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	3,500.00	4,665.00
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For: Association of Small Business Development Centers).	2,000.00	2,000.00
Do	Neece Cator & Associates (For: National Assn of Development Companies).	2,000.00	1,400.00
Do	Neece Cator & Associates, Inc (For: Southeastern Lumber Manufacturers Assn).	2,000.00	2,000.00
Center for Law and Education, Inc, 955 Massachusetts Ave., #3A Cambridge, MA 02139		42,622.25	3,410.70
Dean S. Challos, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,825.01
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations.	15,109.39	194.02
William Chasey Organization, 855 La Jolla Corona Court La Jolla, CA 92037	TAK Communications		
Citizen Action Fund, 1300 Connecticut Ave., NW, #401 Washington, DC 20036		13,300.00	12,145.00
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	12,386.00	99.62
Guy Clough, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	16,339.06	
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	Sacks Tierney Kasen & Kerrick (For: City of Tucson)		
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	750.00	319.80
Timothy R. Cole, 1925 North Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For: Air Transport Assn of America)	1,500.00	
Do	Sparkman & Cole (For: Delta Air Lines, Inc)	1,500.00	
Do	Sparkman & Cole, Inc (For: Embry-Riddle)	1,500.00	
Do	Sparkman & Cole, Inc (For: National Business Aircraft Assn).	1,500.00	
Do	Sparkman & Cole, Inc (For: Regional Airport Authority of Louisville, KY).	1,500.00	
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Louisiana Land & Exploration Co		
Do	Matsushita Elec Corp (for Int'l Electron Mfgrs & Consum...)		
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Davidson Colling Group, Inc (For: Media General, Inc)	3,150.00	1,031.53
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	8,551.20	209.48
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		1,375.00
Dominique Colon, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		4.35
Community Service Society, 105 East 22nd Street New York, NY 10010			1,169.37
Competitive Telecommunications Assn, 120 Maryland Ave., NE Washington, DC 20002			
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		24,814.80	24,814.80
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,003.28	
Conservative Alliance, 1315 Duke Street Alexandria, VA 22314			
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		89,376.00	112,370.00
Robert M. Cook, 2910 E. Camelback Road, #150 Phoenix, AZ 85016-4406			
Edmund D. Cooke, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For: United Funding & Investors)	10,479.00	
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	1,969.74	
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Patrick H. Corcoran, 1725 K St., NW, #1205 Washington, DC 20006	Association of Oil Pipelines		
Maria C. Cordone, 1300 Connecticut Ave, NW Washington, DC 20036	International Assn of Machinists and Aerospace Workers	13,336.62	720.96
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,749.82	
Council for a Livable World, 20 Park Plaza, #603 Boston, MA 02116			15,836.05
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Coursen Group (For: Glenfed, Inc)	500.00	
Do	Coursen Group (For: IDB Communications Group, Inc)	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Coursen Group (For: Pacific Bell)	500.00	
Do	Coursen Group (For: Pacific Telesis Group)	500.00	
Do	Coursen Group (For: Telecommunications Industries, Inc)	500.00	
James Cousins, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	13,125.00	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Arkansas Department of Human Services		
William C. Cramer, 5396 Gulf Boulevard, #1102 St Peterburg, FL 33706	Cramer & Haber, P.C. (For: Canaveral Port Authority)		
Do	Cramer & Haber, P.C. (For: Dade County International Airport).		
Cramer & Haber, P.C., 5396 Gulf Boulevard, #1102 St. Petersburg, FL 33706	Canaveral Port Authority	6,750.00	
Do	Dade County International Airport		
Gail Crane, 2012 Walnut Street Philadelphia, PA 19103	Lukens, Inc	11,910.00	3,016.00
John P. Cregan, 220 National Press Building Washington, DC 20045	U.S. Business & Industrial Council	6,000.00	
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
David T. Crow, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For: Alumax, Inc)		
Do	Jefferson Group (For: Conundrum Joint Venture)		
Do	Jefferson Group (For: Doe Run Company)	1,017.50	20.00
Do	Jefferson Group (For: Lockheed Corp)		
Do	Jefferson Group (For: O. M. Scott & Sons)	3,052.50	90.00
Do	Jefferson Group (For: United Fresh Fruits & Vegetables Assn).	3,098.75	35.00
Do	Jefferson Group (For: Zinc Corporation of America)		
John T. Curran, 815 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	19,100.04	791.18
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,107.00	1,115.07
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	University of Colorado	10,452.50	157.96
CPT Corporation, 8100 Mitchell Road P.O. Box 295 Minneapolis, MN 55440			
Leslie Dach, 1420 K Street, NW Washington, DC 20005	Daniel J. Edelman, Inc (For: Collagen Corporation)		
William Kay Daines, 1616 H St., NW Washington, DC 20006	National Retail Federation	1,024.00	238.00
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cyanamid Company (For: Lederle Laboratories)	1,575.00	425.02
Patricia A. Danila, 1331 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Law Offices of Dennis Dean Kirk		
Linda Daschle, 4224 King Street Alexandria, VA 22302	American Assn of Airport Executives	7,500.00	
James H. Davidson, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	James H. Davidson & Associates, Inc (For: American Advertising Federation).	5,484.12	
Do	Davidson Colling Group, Inc (For: American Assn of Advertising Agencies).	5,484.12	
Do	James H. Davidson & Associates, Inc (For: American Newspaper Publishers Assn).	5,484.12	
Do	Davidson Colling Group, Inc (For: Association of National Advertisers, Inc).	5,484.12	
Do	Davidson Colling Group, Inc (For: Direct Marketing Assn)	5,484.12	
Do	Davidson Colling Group, Inc (For: Magazine Publishers of America, Inc).	17,563.70	
Do	Davidson Colling Group, Inc (For: Miller & Chevalier)	15,125.63	
Do	Davidson Colling Group, Inc (For: National Assn of Broadcasters).	18,875.22	
Do	James H. Davidson & Associates, Inc (For: National Assn of Industrial & Office Parks).	6,249.99	
Do	James H. Davidson & Associates, Inc (For: Rouse Company)		
Do	James H. Davidson & Associates, Inc (For: Yellow Pages Publishers Assn).	5,484.12	
Richard S. Davis, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For: City of Bluefield, WV, et al.).		
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	Brix Maritime, Inc	4,680.00	344.15
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Maui Land & Pineapple Co, Inc	24,000.00	
Do	Money Store Investment Co	3,625.00	
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW, #350 Washington, DC 20004-2505	Union Pacific Corp		
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Amax, Inc		
Do	American Iron & Steel Institute		
Do	Bankers Trust Co		
Do	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S.	2,100.00	
Do	Chase Manhattan Corp		
Do	Chidren of Alcoholics Foundation, Inc	2,520.00	
Do	Chrysler Corporation		
Do	Digital Equipment Corp		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems	2,100.00	
Do	First Brands		
Do	Ft. Howard Corp	2,450.00	
Do	General Electric Pension Trust	1,400.00	
Do	General Reinsurance Corp		
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc	180.00	10.00
Do	Hershey Foods Corp		
Do	Household International		
Do	Integrated Resources, Inc		
Do	Intel Corporation		
Do	McCormack Baron & Associates		
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	National Assn of Wholesaler-Distributors		
Do	National Forest Products Assn	1,770.50	
Do	National Trust for Historic Preservation		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	Paramount Communications, Inc		
Do	Pfizer, Inc		
Do	Premark International	350.00	
Do	Primerica, Inc		
Do	Prudential Insurance Co of America	2,275.00	
Do	RMI Company	192.50	
Do	Joseph E. Seagram & Sons, Inc	3,500.00	
Do	Semiconductor Industry Association	2,780.88	
Do	Seton Hall University		
Do	Squibb Corporation		
Do	SEMATECH	4,125.00	
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	7,000.00	
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn	700.00	
Do	Xerox Corp	7,000.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc	1,200.00	1,485.00
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Matthew D. DeConcini, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	3,000.00	170.00
Beth DeGrasse, 100 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, PC (For: Christie Manson & Woods International, Inc).	463.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation	8,000.00	
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League	400.00	
Diversified Energies, Inc, C/O Mr. Carl W. Cummins 201 South 7th Street Minneapolis, MN 55402			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	363.75
Dolphin Group, Inc, 1047 Gayley Avenue, 2nd Fl Los Angeles, CA 90024	Madison Public Affairs Group, Inc (for Philip Morris USA)		
Mark A. Dombroff, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For: Associated Aviation Underwriters).		
Donelan Cleary Wood & Maser, P.C., 1275 K Street, NW, #850 Washington, DC 20005-4006	Cascade Natural Gas Corp		
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc		
Brad L. Doores, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	1,000.00	1,576.06
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Automobile Importers of America, Inc	13,000.00	48.00
Do	Guam Commission on Self Determination	1,250.50	159.00
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Agricultural Satellite Corp	150.00	
Do	Algoma Steel Corp, Ltd		
Do	American Integrity Insurance Co	7,512.00	
Do	Board of Cooperative Educational Services	78.00	
Do	BMC Industries Inc		
Do	California Wine Commission	3,093.25	51.99
Do	Canadian Institute of Steel Construction		
Do	Carlyle Group		
Do	Cellular Communications, Inc, et al.	1,649.50	
Do	Chamber of Commerce of the U.S.	240.00	8.50
Do	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Dofasco, Inc, et al.	496.00	75.22
Do	General Aviation Manufacturers Association	510.00	32.52
Do	Harris Steel Group, Inc		
Do	Johnson-Simmons Co		
Do	Laurel Steel Products, Ltd		
Do	Life Care Services Corp		
Do	Marriott Corporation		
Do	Monarch Wine Co of Georgia, et al.		
Do	National Business Aircraft Assn	2,410.00	32.52
Do	Northwest Airlines, Inc	1,995.00	
Do	Profit Sharing Council of America		
Do	Sporicidin Company	2,319.50	21.00
Do	Stelco, Inc (For: Stelco Fastener & Forging Company)	2,860.00	675.31
Do	Washington Area Bankers Assn		
Lorraine Driscoll, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Citizen Action Fund	1,750.00	320.00
Evelyn Dubrow, 1710 Broadway New York, NY 10019	International Ladies' Garment Workers Union	12,618.69	331.50
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Greater Orlando Aviation Authority	1,000.00	240.00
Do	Hvide Shipping, Inc	1,000.00	240.00
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Washington, DC 20014	Clean Fuels Development Coalition	6,000.00	
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	794.38	64.64
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Miguel H. Agosto	14,000.00	128.92
Do	American Free Trade Assn		
Do	American Nuclear Energy Council		
Do	Anchor Industries, Inc	1,406.25	
Do	Anesthesia Care Team Society		
Do	Associates of North America		
Do	Association of Progressive Rental Organizations	30,000.00	9,169.35
Do	Bedford Properties	10,675.00	
Do	Building Industry Assn of Southern California	15,000.00	3,251.89
Do	Citgo Petroleum Corp	50,225.00	11,384.77
Do	Communications Satellite Corp	10,000.00	612.03
Do	Construction Industry Air Quality Coalition (CIAQC)		53.64
Do	Council for Solid Waste Solutions	90,000.00	821.98
Do	Council of Great Lakes Governors		
Do	D & B Wholesale Cosmetics, Inc		
Do	DSC Communications Corp	23,698.50	886.31
Do	William Gold		
Do	Granger Associates		
Do	Hart-Culp International		
Do	International Craniofacial Foundations		
Do	International Telecharge, Inc	31,500.00	1,852.75
Do	Jewish National Fund	30,000.00	5,436.67
Do	Large Scale Program Institute		
Do	McDonalds Corp		
Do	MedMax		
Do	Midlands Consortium	2,780.10	
Do	Model Imperial Supply Co, Inc		
Do	National Cellular Resellers Assn.	26,666.64	236.00
Do	Oklahoma State University		
Do	PacifiCare Health Systems	17,906.25	8,704.70
Do	Paramount Communication, Inc	11,250.00	427.84
Do	Phoenix Mutual Life Insurance	30,000.00	1,744.22
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)		258.15
Do	Rmax, Inc	21,700.00	359.78
Do	Satellite Broadcasting & Communications Assn	15,000.00	1,008.77
Do	Sims Walker... (for Creditors Alliance for Freight ...)		
Do	Southland Corporation		
Do	Stedman Foundation, Inc		
Do	M. Stevens Cosmetics Co		
Do	Waste Conversion Systems, Inc	9,441.09	1,329.50
Do	Wespar Financial Services		
Do	Yavapai Telephone Exchange		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Liberty Maritime Corporation	21,100.00	520.19
Do	Medical Care International, Inc		
Do	REN Corporation, USA	1,500.00	36.74
Do	Surgical Care Affiliates, Inc		
Do	T/2 Medical, Inc	11,500.00	479.75
Mary A. Dyess, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	650.00	
Hope B. Eastman, 4800 Hampden Lane, 7th Floor Bethesda, MD 20814	Paley Rothman Goldstein Rosenberg & Cooper (For: National Assn of Women Business Owners).	7,992.45	
Pam Eaton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	84.37	
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	6,308.97	2,735.29
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Roy L. Elguren, 350 North 9th Street, #400 Boise, ID 83702	Lindsay Hart Neil & Weigler (For: Idaho Cooperative Utilities Assn).		
Do	Lindsay Hart Neil & Weigler (For: Philip Morris, Inc)		
Jill W. Elland, 121 SW Salmon Portland, OR 97204	Portland General Electric Co		
Robert Elsenbud, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electronic Industries Assn, 2001 Eye St., NW Washington, DC 20006		3,376.91	91,171.98
Mark C. Ellison, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn		
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	16,001.55	667.51
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 17th Street Denver, CO 80202			12,395.06
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		101.20
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		3,593.64
Cheryl Anthony Epps, 1110 North Glebe Road, #200 Arlington, VA 22201	International Assn of Chiefs of Police	13,007.96	1,876.28

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	AEtna Life & Casualty		
Do	MFJ Task Force		1,590.00
Do	Northwestern National Life Insurance Co		3,378.75
Do	PKR Foundation	495.50	662.50
Do	Southern California Edison Co		2,318.75
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
David C. Evans, 1200 18th Street, NW, Washington, DC 20036	Building Owners & Managers Assn Int'l		
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Walter H. Evans III, Davis Wright Tremaine 1752 N Street, NW, #800 Washington, DC 20036	Oregon Economic Development Dept, Ports Div	14,368.00	509.37
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Cain Hoy Plantation		
Do	Cotraco, Inc		
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Roger C. Fairchild, 14500 Avion Parkway, #300 Chantilly, VA 22021	TechLaw, Inc (For: Shutler & Low (For: Nissan R&D, Inc))	8,123.50	114.17
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,150,000.00	4,350.00
Elizabeth Fayad, 1033 Union Church Rd. McLean, VA 22102	National Parks & Conservation Association	1,167.00	191.00
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	1,733.00	384.00
Federal Judges Association, 670 U.S. Courthouse 110 S. 4th Street Minneapolis, MN 55401		19,500.00	17,136.12
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			1,443.97
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co., Inc	1,600.00	15.00
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Fensterwald Alcorn & Vangellow, 2112C Gallows Road Vienna, VA 22180	Concerned Federal Railroad Administration Employees		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Alaska Loggers Assn	3,750.00	658.92
Do	Conoco, Inc	1,250.00	634.17
Do	Dillingham Construction Group	2,343.75	749.21
Do	Global Marine, Inc	5,062.50	737.36
Do	Haida Corporation	8,175.00	763.05
Do	Klukwan, Inc	10,125.00	774.08
Do	Northern Air Cargo	3,750.00	749.21
Do	Tacoma Boatbuilding Co	1,500.00	627.50
Do	U.S. Borax & Chemical Corp	6,375.00	737.36
Do	Western Forest Industries Assn	4,333.33	741.97
Do	Williams Companies	2,526.25	707.68
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	552.47	
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		47,519.00	79,002.00
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	6,318.00	30.00
Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad Co	25,000.00	
Flanagan Group, Inc, 11 Canal Center Plaza, #250 Alexandria, VA 22314	American Nuclear Energy Council		
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	484.00
Foodservice & Packaging Institute, Inc, 1025 Connecticut Ave., NW Washington, DC 20036			
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
David Ford, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,500.00	
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036	Coalition to Protect the Integrity of American Trademarks	400.00	3.25
Do	United Food & Commercial Workers Int'l Union	3,075.00	15.00
Bruce Foster, 2100 Pennsylvania Ave, NW, #675 Washington, DC 20037	New England Electric System	4,750.00	728.00
Allan M. Fox, 750 17th Street NW, # 1100 Washington, DC 20006	Fox Weinberg & Bennett (For: Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For: National Coalition for Cancer Research).		
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Battery Council International		
Do	Bristol-Myers Co		
Do	Courtaulds North America, Inc		
Do	Fisons Corp	425.00	276.25
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		
Do	Lederle Laboratories		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc	560.00	466.88
Do	Wireless Cable Assn, Inc	1,955.00	454.38
Michael Francis, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	14,046.86	52.35
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Kevin Frankovich, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		29.40
Marc Freedman, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
James O. Freeman, 715 Penguin Drive Ocean City, MD 21842	U.S. League of Savings Institutions		
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For: Montgomery Ward & Co, Inc)	950.00	
R. Roger Fries, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	1,365.00	
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	National Apartment Assn		
Pattison Fulton, 601 Pennsylvania Ave., #900-W Washington, DC 20004	CH2M Hill	3,593.75	857.38
Do	McDermott Will & Emery (For: California Energy Commission).	1,121.25	715.56
Do	Northern California Power Agency	18,141.25	1,290.03
Do	Sacramento Area Flood Control Agency	17,595.00	1,175.23
Do	Solano Water Authority	10,851.00	1,025.59
Harold W. Furman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For: American Chamber of Commerce in Hong Kong).	3,712.50	
Do	Hill & Knowlton, Inc (For: Bechtel Civil, Inc)		
Do	Hill & Knowlton, Inc (For: Central Utah Water Conservancy District).	6,675.00	
Do	Hill & Knowlton, Inc (For: Central Valley Project Water Assn).	3,987.50	
Do	Hill & Knowlton, Inc (For: Comdisco Medical Leasing Group, Inc).		
Do	Hill & Knowlton, Inc (For: Desert Research Institute)	200.00	
Do	Hill & Knowlton, Inc (For: Florida Lime & Avocado Trustees).		
Do	Hill & Knowlton, Inc (For: Friant Water Users Authority)	75.00	
Do	Hill & Knowlton, Inc (For: Granite Rock Company)		
Do	Hill & Knowlton, Inc (For: Mid-Valley Water Authority)	577.50	
Do	Hill & Knowlton, Inc (For: Riverside Resort & Casino)	200.00	
Do	Hill & Knowlton, Inc (For: South Dade Land Corp)	1,600.00	
Do	Hill & Knowlton, Inc (For: Spelman & Company)	1,462.00	
Do	Hill & Knowlton, Inc (For: Steele & Gilliland Realty)		
Do	Hill & Knowlton, Inc (For: West Basin Municipal Water District).	1,800.00	
Do	Hill & Knowlton, Inc (For: Westlands Water District)		
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Hazelwood Farms Bakeries, Inc		4,565.28
Do	National Coalition of Burn Center Hospitals	6,000.00	2,157.32
Do	Songwriters Guild of America	15,750.00	7,974.00
Joe H. Galis 059739, DCI P.O. Box 18782 Tampa, FL 33679	Joe H. Galis		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	54,598.00	
Nicole Gara, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
Gardner Carton & Douglas, 1001 Pennsylvania Ave, NW, #750-N Washington, DC 20004	Minnesota Mining & Manufacturing Co		
Do	Pharmaceutical Aerosol CFC Coalition	1,387.00	8.99
Karl Gawell, 1400 16th St., NW, #320 Washington, DC 20036	Zero Population Growth	804.00	
Garry Geffert, 2001 S Street, NW, #210 Washington, DC 20009	Farmworker Justice Fund, Inc		
Craig Gehrke, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For: Calorie Control Council)	240.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
David Wesley Gibbons, 1735 Jeff Davis Hwy., #403 Arlington, VA 22202	Thiokol Corp	23,648.00	36,263.00
Mary E. Gill, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For: Aplix, Inc).		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: Trek Bicycle Corp).	204.00	
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: West Bend Company).		
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	15,000.00	1,613.67
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	B & B Dredging Corp		538.00
Edwin J. Gilroy, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers		
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	345.00	214.58
Mark R. Ginsberg, 1717 K Street, NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	2,287.00	
George E. Glasier, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006			4,515.00
Law Offices of Alan M. Gnessin, 1220 19th Street, NW, #400 Washington, DC 20036	CHP		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	8,834.29	1,261.48
Helen C. Gonzales, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	National Consumer Law Center	895.91	
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	84.80
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	315.00	
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,626.62	631.85
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817		10.00	91.95
Emerson F. Gower Jr., 411 Fayetteville St. Mall, #1925 Raleigh, NC 27601	Carolina Power & Light Co	790.00	1,734.00
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Winston S. Graham, 91 Macon Street Brooklyn, NY 11216			
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	3,000.00	838.95
Ruth P. Graves, 600 Maryland Ave., SW, #500 Washington, DC 20560	Reading Is Fundamental, Inc	810.00	62.00
David C. Gray, 4905 Reno Road, NW Washington, DC 20008	American Camping Association	3,000.00	
Do	Portsmouth-Kittery Armed Services Committee, Inc	300.00	
Neil A. Gray, 1776 Massachusetts Ave., NW Washington, DC 20036-1993	Highway Users Federation for Safety & Mobility	2,450.00	93.60
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019			81,936.00
Ed Greelegs, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)		
Kaylene H. Green, 2341 Jefferson Davis Highway, #1100 Arlington, VA 22202	Bath Iron Works Corp	750.00	
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,300.00	1,526.04
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	500.00	
Janice M. Gregory, 1726 M St., #1101 Washington, DC 20036	ERISA Industry Committee	11,500.00	88.00
William G. Greif, 1155 15th St., NW Washington, DC 20005	Bristol-Myers Co		
Jerome Grossman, 20 Park Plaza, #603 Boston, MA 02116	Council for a Livable World	4,420.86	
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Marketing Service International, Inc		
Do	Center for Cancer Treatment and Research		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	4,254.25	2,744.81
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	350.00
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	National Corp for Housing Partnerships	17,539.00	178.24
Do	Pine Street Inn	5,617.00	26.95
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	15,262.46	
Julius L. Hall, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	6,537.60	
D. Bryce Hallowell, 717 2nd Street, NE Washington, DC 20002	Albanian American Civil League	2,150.00	
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	205.50	
D. Michael Hancock, 2001 S Street, NW, #210, P.O. Box 53396 Washington, DC 20002	Farmworker Justice Fund, Inc		244.16
Nolan W. Hancock, 1126 16th St., NW Washington, DC 20036	Oil Chemical & Atomic Workers International Union	6,444.50	
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,515,379.00	839,683.00
James W. Harff, 1615 M Street, NW, #220 Washington, DC 20036	Harff Butterfield (For: Turkish Republic of Northern Cyprus).		
Marra Harris, 729 15th St., NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Milton E. Harris, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Harris Steel Group, Inc		
Richard M. Harris, 501 School St., SW 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	15,000.00	859.90
Robert L. Harris, 1341 G St., NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For: Alumax, Inc)	878.75	30.00
Do	Jefferson Group (For: Conundrum Joint Venture)		
Do	Jefferson Group, Inc (For: Doe Run Co)	1,202.50	30.00
Do	Jefferson Group (For: Lockheed Corp)		
Do	Jefferson Group, Inc (For: Zinc Corporation of America)		
Mark Harrison, 1819 H Street, NW, #1000 Washington, DC 20006	SANE/FREEZE, Inc	7,511.55	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Arnold I. Havens, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For: Armstrong World Industries, Inc).	16,042.50	144.85
Do	White Fine & Verville (For: Ashland Oil, Inc)	21,000.00	260.03
Do	White Fine & Verville (For: Association of American Railroads).	13,393.74	65.58
Do	White Fine & Verville (For: Burlington Northern Services, Inc).	12,112.50	222.04
Do	White Fine & Verville (For: CSX Corporation)	6,317.50	85.99
Do	White Fine & Verville (For: MetPath, Inc)	25,598.75	50.35
James M. Hawes, 5527 Briar Drive Houston, TX 77506	Fidelity Pacific Group Inc		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Laurie L. Hawkins, 980 Jolly Road P.O.Box 1109 Blue Bell, PA 19422	U.S. Healthcare, Inc		
Paul M. Hawkins, 1 Whispering Pines Court Hilton Head Island, SC 29926	Health Insurance Assn of America, Inc		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Peter M. Hayes, 214 Massachusetts Ave., NE #530 Washington, DC 20002	Salt River Project	3,521.00	1,372.24
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		164.50	164.50
Dan C. Heinemeier, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Richard Helfer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	7,204.16	381.46
Cedric R. Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	Pierson & Hendricks (For: Washington Transportation Supervisors Assn).	162.00	
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Richard A. Herrett, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	15,000.00	
Jo-Ann T. Herrick, 1800 K Street, NW, #530 Washington, DC 20006	Tesoro Petroleum Corp	1,500.00	
Hal D. Hiemstra, 216 7th Street SE, Washington, DC 20003	Scenic America	1,750.00	500.00
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	189.68
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Robert A. Hirsch, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Trucking Assn		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Maniilaq Assn		
Do	Metlakatla Indian Community	390.00	
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians	160.00	
Do	Oglala Sioux Tribe		
Do	Oglala Sioux Tribe Public Safety Commission		
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		6.00
Sheridan T. Hodges, 23/333 Piedmont Ave. Atlanta, GA 30308	Georgia Power Company	8,296.50	5,097.56
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	8,800.80	
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	7,050.09	4,966.96
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Rollerball Pen Coalition		
William Holmberg, 499 S. Capitol Street, SW, #406 Washington, DC 20003	Nebraska Ethanol Authority & Development Board	7,500.00	4,650.00
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Ada Software Alliance (ASA)	4,352.91	3,313.03
Do	American Council of International Personnel	1,130.75	156.41
Do	Business Immigration Coalition	23,312.28	4,674.79
Do	Home Insurance Company	1,874.25	250.25
Do	Interstate Natural Gas Association of America (INGAA)	1,230.00	13.45
Do	Irish Immigration Reform Movement	3,099.75	203.65
Do	McDonald's Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Natural Gas Vehicle Coalition		
Do	Snake River Farmers Assn		
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	3,062.50	119.28
Homeport Information Task Force, 130 Bay Street Staten Island, NY 10301		1,500.00	1,586.00
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,193.13	1,193.13
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Canadian National Railway Corp	183.75	
Do	Comdisco	11,607.50	805.60
Do	Cook Inlet Land Exchange, Inc		
Do	Geonex Corp	1,207.25	15.00
Do	Greenwich Capital Markets, Inc		
Do	Infinite Research, Inc		3.25
Do	Louisiana Pacific Corp	34,912.50	1,507.50
Do	Rogers American Cable Systems, Inc		15.96
Do	Safe Travel America		
Do	United Video		
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	Saul Ewing Remick & Saul (For: Barnes & Tucker Co)		
Karen Howard, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,125.00	851.60
J. Martin Huber, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Lisa Shuger Hublitz, Suite 380, 122 C Street, NW Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn	1,635.00	
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For: Airtrax)		
Do	Hecht Spencer & Associates, Inc (For: BATUS, Inc)		
Do	Hecht Spencer & Associates (For: Farmers Insurance Group of Companies).		
Do	Hecht Spencer & Associates (For: National Assn for the Support of Long Term Care).		
Do	Hecht Spencer & Associates, Inc (For: Organization of Fair Treatment for Int'l Investments (OFTII)).		
Betty Hudson, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	74.00
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Electric Reliability Coalition	4,000.00	
Hughes Hubbard & Reed, 901 Fifteenth Street, NW, #540 Washington, DC 20005-2301	General Electric Co	1,800.00	8.50
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	23,088.59	252.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Cathy Hurwit, 1300 Connecticut Avenue, NW, #401 Washington, DC 20036	Americans for Health, Inc/National Health Care Campaign		
Do	Citizen Action Fund	3,475.00	465.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	2,555.85
I. A. B., 14 Dayton Street Westover, NY 13790			
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		23,205.26	23,205.26
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037		2,000.00	2,000.00
International Assn of Fire Fighters, 1750 New York Ave., NW Washington, DC 20006-5395			
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036.		45,958.42	
International Brotherhood of Painters & Allied Trades, 1750 New York Ave., NW Washington, DC 20006.			
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW 12th Floor Washington, DC 20006.	Aqualon Company	5,706.25	
Do	Ethyl Corporation	8,359.37	
Do	Totes, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Xerox Corp	15,031.25	
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	654.00
Investment Counsel Assn of America, Inc, 20 Exchange Place New York, NY 10005			
Richard Munroe Irby III, 1222 Warrington Place Alexandria, VA 22307	American Gas Assn	4,000.00	
John Isaacs, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	4,103.90	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Bayer USA, Inc		
Do	Oberlin College		
Benjamin R. Jackson, 14500 Avion Parkway,#300 Chantilly, VA 22021	TechLaw (For: Shutler & Low (for Nissan Research & Development)).	15,732.00	271.84
Dane B. Jaques, 1275 Pennsylvania Ave., NW #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For: Associated Aviation Underwriters).		
T. Destry Jarvis, 1800 N. Kent Street, #1120 Arlington, VA 22209	Student Conservation Association (SCA)	301.40	20.00
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		175.72
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	93.00	12.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	American Soc for Cataract & Refractive Surgery		
Do	MCI Communications Corp		
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Donaldson Lufkin & Jenrette (for Equitable Financial Cos)		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	364.64
M. Joseph Johnson, 1951 Seville Street Santa Rosa, CA 95403	M. J. Johnson Company (For: Syar Industries, Inc)		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael A. Johnson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For: Aplix, Inc).		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: Silvestri Corp).		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: Trek Bicycle Corp).	264.00	
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: West Bend Company).	49.00	
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	580.00	
Johnson & Gibbs, P.C., 1001 Pennsylvania Ave., NW #745 Washington, DC 20004	Centex Corp		
Do	Church Alliance		
Do	Compaq Computer Corp		
Do	El Paso Health Care Systems, Ltd		
Do	EPIC Healthcare Group, Inc		
Do	HealthTrust, Inc		
Do	Methodist Hospitals of Dallas, et al.		
Do	Oryx Energy Corporation		
Do	Permanente Medical Group, Inc		
Do	Redman Industries		
Do	Reese Communications Cos (for Philip Morris, USA)		
Do	Republic Health Corp		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	1,500.00	352.16
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Consumers for Competitive Fuels	5,465.25	19.50
Do	Embassy of the People's Republic of China		
Do	Ethyl Corporation	1,821.00	6.00
Do	Heron International, Ltd		
Do	International Telecharge, Inc		
Do	Los Angeles County	13,357.25	1,671.50
Do	National Assn of State Auditors Comptrollers & Treasurers		
Do	Royal Trustco Ltd		
Do	Southern California Edison Company	4,288.75	
Do	State Assn of County Retirement Systems		
Do	Telecommunications, Inc		
Do	USAA Federal Savings Bank		
Do	Westinghouse Electric Corp	18,900.00	58.00
Alexander H. Jordan, 816 Connecticut Avenue, NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	500.00	250.00
David Josephs, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	1,433.35	94.00
JAR-MON Consultants, 214 Massachusetts Ave., NE #300 Washington, DC 20002	American Business Council, Inc		
Do	American Freedom Coalition		
Do	Christian Voice, Inc		
Steve Kallick, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	15,750.00	525.80
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice	445.31	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Katten Muchin Zavis & Dombroff, 1275 Pennsylvania Ave., NW #301 Washington, DC 20001	Associated Aviation Underwriters		
Do	Cogeneration & Independent Power Coalition of America, Inc.	7,125.00	3,629.25
Do	Consolidated Natural Gas Service Co, Inc	1,330.00	467.46
Do	National Fuel Gas Supply Corp	665.00	233.73
Do	Natural Gas Vehicle Coalition	12,445.00	4,870.58
Do	Penntech Papers, Inc	1,235.00	629.07
Barbara J. Katz, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	10,678.00	150.00
William R. Kaul, 14615 Lone Oak Road Eden Prairie, MN 55344-2287	Cooperative Power Association	6,300.00	166.75
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	298.07	421.02
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		50.00
Do	Dow Chemical Co		
Do	Hartford Insurance Group		
Do	Kraft, Inc	140.00	
Do	Londontown Corporation		
Do	Morgan Guaranty Trust Co of New York		
Do	Texaco, Inc		
Do	U.S. Industrial Fabric Institute		
Do	United Television, Inc	21,446.10	4,369.99
Do	Westwood One, Inc		
Do	Winfield Manufacturing Co		
Jim Keane, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Chicago City-Wide Colleges		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	2,497.50	384.55
Do	Arkansas Oklahoma Gas Company	805.00	107.20
Do	Arkansas Western Gas Company	805.00	107.20
Do	Arkla Exploration Company		
Do	Arkla, Inc		
Do	General Instrument Corporation	330.00	10.00
Do	Williams Companies		
Keith Keeney, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For: Calorie Control Council)		
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-D Atlanta, GA 30342	Robert H. Kellen Co (For: Calorie Control Council)		
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	Republic Engineered Steels, Inc		
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	Perdue Farms Inc	18,000.00	
William N. Kelly, Norwest Center- Sixth and Marquette Minneapolis, MN 55479-1032	Norwest Corporation	4,000.00	2,891.00
Judith Kennedy, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	3,917.00	474.75
Alison A. Kerester, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For: Pacific Dunlop-GNB)	425.00	
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	12,240.00	284.00
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,652.39	142.00
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	69.89	
Richard S. Kessler, 709 D Street, SE Washington, DC 20003	Sandoz Corp	4,800.00	
Do	Kessler & Associates (For: Joseph E. Seagram & Sons, Inc)	4,250.00	
Maryann Kilduff, 2000 M St., NW, #230 Washington, DC 20036	Telocator Network of America	1,132.00	243.15
Kilpatrick & Cody, 2501 M St., NW, #500 Washington, DC 20037	Chicago Research & Trading Group, Ltd		
Do	Federal Express		
Do	Forest Farmers Assn	2,285.00	32.00
Do	Georgia Tech Research Corp		
Do	Granite Industrial Development		
Do	Kootznoowoo, Inc		
Do	U.S. Sprint Telecommunications Co	1,360.00	14.00
Do	United Airlines, Inc	1,360.00	14.00
Do	University of Georgia	2,865.00	8.00
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	12,555.00	275.00
Kevin S. King, 3100 Breckinridge Boulevard Building 1200 Duluth, GA 30136	A.L. Williams Corp		
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association		
Marcia Y. Kinter, 10015 Main Street Fairfax, VA 22031-3489	Screen Printing Assn International		
Ronald Kipke, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Empolyees	1,200.48	
Dennis Dean Kirk, 1331 Pennsylvania Ave., NW, #1213 Washington, DC 20004	Law Offices of Dennis Dean Kirk		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Corning Glass		
Do	General Motors Corp	6,462.50	
Do	Management Insights, Inc	5,000.00	
Do	Service Master	3,000.00	
Do	Valhi, Inc		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	American Chipper Knife Coalition		
Do	Grocery Manufacturers of America, Inc		
Do	Search Group, Inc	7,129.00	807.33
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn.	16,380.00	216.97
Carla Kish, D & R International 962 Wayne Avenue, #800 Silver Spring, MD 20910	Florida Solar Energy Center	3,000.00	
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	25,200.00	557.93
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404		379.00	
Kevin T. Knobloch, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	6,750.00	625.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
George W. Koch, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Bart Koehler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	675.00	
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Animas-La Plata Water Conservancy District, Durango County.		
Do	Greater Denver Corporation	10,500.00	2,222.00
Do	Regional Transportation District (Denver, Colorado)	10,749.99	
Do	Ute Mountain Ute Tribe	18,500.00	
Julie Koheler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	367.00	
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			74,429.84
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	5,500.00	
Kostmayer Communications, Inc, 2300 M Street, NW #920 Washington, DC 20037	Alliance for Fair Diagnostic Access	14,450.00	18,700.00
Do	Coalition for Auto Repair Choice		
Do	International Council of Shopping Centers	1,355.00	2,679.43
Steven Krause, 105 East 22nd Street New York, NY 10010	Community Service Society	147.45	
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,747.47	
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	5,863.77	492.68
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		1,507.00	1,507.00
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		15,891.00	4,368.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			16,162.02
Janice R. Lachance, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	2,366.46	
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc	16,500.00	104.00
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
Inc, 295 Madison Ave. New York, NY 10017		59,343.40	59,343.40
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		213,316.52	47,831.93
League of American Investors, 32123 Lindero Canyon Rd., #300 Westlake Village, CA 91361			
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	2,500.00	
Franklin M. Lee, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund.		
Jane Leeson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Legislative Strategies, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	American Independent Refiners Assn	6,332.50	2,627.02
Do	Associated Aviation Underwriters	675.00	259.08
Do	Cogeneration & Independent Power Coalition of America, Inc.	1,262.50	589.99
Do	Consolidated Natural Gas Service Co, Inc	3,802.50	2,652.88
Do	D Brocklin, 1350 New York Avenue, NW, #600 Washington, DC 20005.	Stoel Rives Boley Jones & Grey (For: PacifiCorp)	94.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For: C.A.W.G)	2,000.00	1,800.00
Do	John J. Brown & Associates (For: Labor Management Committee of the Tobacco Institute).	1,000.00	900.00
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601		1,111.00	1,840.70
Thomas J. Bulger, Government Relations, Inc 1620 Eye Street, NW, #300 Washington, DC 20006	County of Fairfax	42,800.00	19,800.00
Do	County of San Mateo	15,000.00	10,700.00
Do	Metropolitan Transportation Commission	26,749.98	34,100.00
Do	Oakland County	8,345.75	8,000.00
Linda Knell Bumbalo, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	2,509.00	235.00
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,000.00	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,806.76	454.60
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
B. Kent Burton, 1730 Rhode Island Avenue, NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP Amerielavan Lake Sanitary District	13,231.25	6,110.72
Do	Globos International, Inc	1,680.00	663.24
Do	Huntway Refining Company	4,022.50	1,749.60
Do	Miami-Dade Water & Sewer Authority Dept.		
Do	National Hydropower Assn	2,250.00	863.60
Do	Natural Gas Vehicle Coalition	1,160.00	563.76
Do	Penntech Papers, Inc	147.50	60.36
Do	Tosco Corporation	3,170.00	1,608.93
Do	Western Pennsylvania Environmental Complex Development.		
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	816.78	
Cynthia R. Lenhart, 801 Pennsylvania Avenue, SE, #301 Washington, DC 20003	National Audubon Society	2,000.00	977.00
Lesher & Russell, Inc, 517 C Street, NE Washington, DC 20002	Dairy Farmers for Responsible Dairy Policy	10,000.00	
Do			
Craig S. Lesser, 23/333 Piedmont Ave Atlanta, GA 30308	Georgia Power Co	9,559.50	10,650.84
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
James F. Levy, 215 Assembly Street Columbia, SC 29201	Vista, Inc		
Pamela Lichtman, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	261.00	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Amarillo Pantex Expansion		
Do	American Dehydrated Onion & Garlic Assn		
Do	ANR Pipeline Company	1,170.00	
Do	Dallas County Utility & Reclamation District		
Do	Dinamo/OVIA		
Do	Enserch Corporation	255.00	
Do	Federal Record Service Corp	1,102.00	
Do	John Gray Institute		
Do	Health Trust, Inc	6,466.00	
Do	McKesson Corp		
Do	Meridian Bancorp, Inc		
Do	National Rural Letter Carriers Assn	567.00	
Do	Olivetti USA, Inc	900.00	
Do	OMI Corp	69,665.00	
Do	Perot Group	366.00	
Do	Perot Systems	677.00	
Do	Pharmaceutical Card System, Inc		
Do	Philadelphia Armenian Committee		
Do	Pioneer Seed Co, Inc	10,500.00	
Do	Rolls Royce, Inc	10,000.00	
Do	RJR Nabisco Washington, Inc	37,500.00	
Do	Tobacco Institute		
Do	Westinghouse Electric Corp	11,353.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation		1,414.10
Frank P. Lombardo II, 317 Baronne Street New Orleans, LA 70112	LP & L/NOPSI	325.00	725.00
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	6,250.00	1,964.50
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,978.74	1,060.19
Kathy K. Luhn, 1200 Crystal Drive, #814 Arlington, VA 22202	American Assn of Fastener Importers	5,250.00	
Do	House of Seagram	500.00	
Do	Imperial War Museum	500.00	
Do	Sandoz Corp		
Do	Upjohn Company	1,500.00	
Do	Visa	1,000.00	
Carla J. Lunetta, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,279.17	1,702.36
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	7,500.00	
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	Edison Electric Institute		
Do	GE-Government Services		
Do	Northern States Power Company	22,880.00	15,254.00
Do	Philip Morris, USA		
Do	Stratco, Inc		
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	8,913.48	295.50
James W. Magner, Reg # 38670-019 Box 4000 Springfield, MO 65808	Prisoners With AIDS-Rights Advocacy Group (PWA-RAG)		
David A. Makarechian, 470 L'Enfant Plaza East Bldg, #7112 Washington, DC 20024	Citizens for a Sound Economy		
Karen J. Malachi, 8601 Georgia Ave., #805 Lee Plaza Silver Spring, MD 20910	Washington Metropolitan Area Transit Authority		
Katherine T. Mance, 1616 H Street, NW Washington, DC 20006	National Retail Federation	250.00	103.50
Manchester Associates, Ltd, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, USA	7,612.00	7,231.00
Joel C. Mandelman, 1227 25th Street, NW Washington, DC 20037	Epstein Becker & Green (For: American Health Care Assn)		
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America		
Marc, Inc, 2919 Olive Street, NW Washington, DC 20007	Forbes Forbes & Teamor	6,000.00	62.88
Kalya Marie, 1213 Division Chicago Heights, IL 60411			
Richard F. Mark, 1000 16th St., NW #810 Washington, DC 20036	20/20 Vision	8,731.22	2,224.99
Edward Marks, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Danea Kehoe Martin, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	157.00
Dennis G. Martin, Dow Lohnes & Albertson 1255 23rd St., NW Washington, DC 20037	Dofasco, Inc		
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Margaret Mathna, 2919 Olive Street, NW Washington, DC 20007	Marc., Inc (For: Gilbert Chagoury)	37,500.00	500.00
Do	Marc, Inc (For: Forbes Forbes & Teamor)	6,000.00	500.00
Maupin Taylor Ellis & Adams, 1130 Connecticut Ave., NW, #750 Washington, DC 20036	International Hardwood Products Assn, Inc	4,500.00	1,078.16
John H. McAllister, Dow Lohnes & Albertson 1255 Twenty Third St., NW Washington, DC 20037	Dofasco, Inc		
Timothy McAnarney, 413 West Edwards Springfield, IL 62704	Philip Morris, Inc	1,875.00	194.84
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Wine Institute	2,000.00	
Robert H. McBride, 1007 Marquette, NW Albuquerque, NM 87102	McBride-Mahr, Inc (For: Philip Morris)		
Charlie McBride Associates, Inc, 1101 Connecticut Ave., NW, #906 Washington, DC 20036	American Electric Power Co, Inc	2,250.00	
Do	American Nuclear Energy Council	7,500.00	700.00
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	3,000.00	
Do	General Atomics	7,000.00	767.84
Do	HNSX Supercomputers, Inc	3,000.00	2,124.12
Do	Louisiana Energy Services	6,000.00	736.37
Do	New York State Electric & Gas Corp	10,000.00	
Do	Oxford Energy Co	4,500.00	220.66
Do	Sealaska Corp	4,500.00	294.45
Do	Southern California Edison Co	2,250.00	
Do	Tri-City Industrial Development Council	3,000.00	213.90
Do	United Illuminating Co	3,750.00	192.85
Do	FBA, Inc (For: University of Alaska-Fairbanks)	4,500.00	
Do	FBA, Inc (For: University of Nevada, Las Vegas)	3,000.00	712.86
Do	Westinghouse Electric Corp	6,850.00	2,464.84
Do	Yukon Pacific Corp	6,000.00	1,109.97
Stephen McConnell, 1334 G Street, NW Fifth Floor Washington, DC 20005	Alzheimer's Assn	3,625.00	35.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	6,750.00	
Francis O. McDermott, 888 16th Street, N.W. Suite 624A Washington, DC 20006	Hopkins Sutter Hamel & Park (For: Association Management Corp).		
Sandra McDonough, 1350 New York Ave., NW, #600 Washington, DC 20005	Pacific Power & Light Co	499.07	1,913.50
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Bertra B. McGann, One Elmcroft Road Stamford, CT 06926-0700	Pitney Bowes, Inc	7,000.00	2,686.00
Phillip McGuire, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,000.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	9,058.24	
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	154.82
Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004	Rodale Press	540.00	4.00
Tara McMahon, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Association of America, Inc		
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For: Goldman Sachs & Co).		
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			15.25
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
John Melcher, 230 Maryland Ave., NE Washington, DC 20002	Chicago Mercantile Exchange	7,500.00	5,950.00
Do	Food for Peace Coalition	19,850.00	12,000.00
Do	Humane Society of the United States	3,000.00	600.00
Do	Marine Engineers' Beneficial Assn	3,400.00	1,950.00
Do	Nectar Projects, Inc	1,600.00	1,950.00
Do	Potomac Marine International, Inc	18,000.00	12,000.00
Do	Society for Aminal Protective Legislation	4,500.00	2,500.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,663.42	
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	5,287.50	120.14
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	15,249.00	
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Greater Orlando Aviation Authority	3,000.00	350.00
Do	Harris-RF Communications	3,000.00	550.00
Do	Hvide Shipping, Inc	2,000.00	250.00
Michael G. Michaels, P.O. Box 150160 Lakewood Station Box PMB Atlanta, GA 30315			
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	1,000.00	1,012.00
Do	National Health Federation	1,000.00	1,058.00
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Health Federation		
Paul J. Miller, 8000 Sears Tower Chicago, IL 60606	Investment Counsel Assn of America, Inc		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Export Source Rule Coalition		
Do	Hewlett-Packard Co	1,900.00	
Do	Organization for Fair Treatment of Int'l Investments	3,800.00	
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	47th Street Photo		
Minority Business Enterprise Legal Defense & Education Fund, 300 I Street, NE, #200 Washington, DC 20002.			17.50
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Manchester Associates, Ltd (For: Nissan Motor Company, Ltd).		
Do	Manchester Associates, Ltd (For: Nissan Motor Manufacturing Corp, USA).	5,709.00	62.00
W.W. Collin Moller, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,725.00	1,763.39
Robert H. Mollohan, 912 Sylvan Avenue Fairmont, WV 26554	Airspace Technology, Inc	600.00	
Allen Moore, 1730 Rhode Island Ave., #1000 Washington, DC 20036	National Solid Wastes Management Assn	1,000.00	
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	460.00
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	5,838.14
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	21,311.57	144.00
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	6,249.99	
Do	Morrison Associates (For: Blue Cross & Blue Shield Assn)	29,555.97	401.70
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Consolidated Freightways		
Shelley R. Moskowitz, 236 Mass. Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	3,801.00	305.00
Beth Moten, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	1,256.64	32,622.39
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		14,313.23	15,356.23
James S. Mulhern, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	4,300.00	
Richard J. Muller, P.O. Box 66763 Washington Square Station Washington, DC 20036	Chrysler Corporation	2,250.00	
Robert J. Mulligan, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,260.00	981.23
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,512.76	214.10
Edward L. Murphy, 1313 L Street, NW, 2nd Floor Washington, DC 20005	National Assn of Government Employees	10,000.00	156.00
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	American Bankers Assn	8,500.00	
MLR Associates, 3805 Alton Place, NW Washington, DC 20016	Neighborhood Housing Services of America		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For: Alascom, Inc)		
Do	Koteen & Naftalin (For: Telephone & Data Systems, Inc)		
National Assn for Stock Car Auto Racing, Inc (NASCAR), 1801 Speedway Boulevard Daytona Beach, FL 32015.			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		37,481.52	136,942.10
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		6,673,602.47	147,213.04
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		1,763.63	1,764.93
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			68,607.33
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	4,800.00
National Child Care Assn, P.O. Box 161206 Austin, TX 78716-1206		4,000.00	4,000.00
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,34,803.00	17,270.87
National Coalition for Marine Conservation, Inc, P.O. Box 23298 Savannah, GA 31403		20,761.02	20,282.70
National Coalition of Fresh Potato Processors, c/o Collier Shannon Rill & Scott 1055 Thomas Jefferson St., NW Washington, DC 20007.			
National Corn Growers Assn, 201 Massachusetts Ave., NE Suite C-4 Washington, DC 20002		21,213.00	21,213.00
National Education Assn, 1201 16th St., NW Washington, DC 20036		78,210.51	78,210.51
National Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202.			122.25
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001.		146,698.00	4,462.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		26,143.44	26,168.18
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		99,501.00	99,501.00
National Hydropower Assn, 555 13th Street, NW, #900-E Washington, DC 20004		25,500.00	14,178.48
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			52,600.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		9,680.00	9,680.00
National Parking Association, 1112 16th St., NW, #2000 Washington, DC 20036			184,140.39
National Retail Federation, 1616 H Street, NW, #600 Washington, DC 20006	National Retail Merchants Assn		21,994.69
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		266,245.05	370,959.55
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		60,616.00	60,616.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			116,306.32
Natural Gas Supply Assn, 1129 20th St. nw #300 Washington, DC 20036		502,087.00	30,630.13
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	19,615.44	134.44
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates, Inc (For: Association of Small Business Development Centers).	2,000.00	2,000.00
Do	Neece Cator & Associates, Inc (For: National Small Business United).	3,000.00	3,000.00
Do	Neece Cator & Associates, Inc (For: National Venture Capital Association).		
Neece Cator & Associates, Inc, 1050 17th Street, NW, #810 Washington, DC 20036	Association of Small Business Development Centers	2,000.00	2,000.00
Do	National Small Business United	3,000.00	3,000.00
Do	National Venture Capital Association		
Do	Southeastern Lumber Manufacturers Assn	2,000.00	2,000.00
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		190,646.99	240,408.84
Joshua E. Neiman, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	9,463.92	
Gaylord Nelson, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Janis A. Nero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	599.65	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,062.04	512.21
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: TCF Bank Savings, FSB)		
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	CP Rehab Corp		
Do	Eastman Savings & Loan Assn		
Do	Thompson Medical Co		
Jeffrey P. Noah, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Susan M. Noon, 1255 23rd Street, NW, #500 Washington, DC 20037	Dow Lohnes & Albertson (For: Profit Sharing Council of America).		
James Norton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	494.59	71.07
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	6,799.52
Jack O. Nutter II, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For: Childrens Health Systems)	3,937.50	125.43
Do	Jefferson Group (For: Lockheed Corp)	112.50	
Do	Jefferson Group (For: O. M. Scott & Sons)	1,743.75	267.45
Do	Jefferson Group (For: United Fresh Fruits & Vegetables Assn).	562.50	50.25
Do	Jefferson Group (For: 3M Safety & Security Systems)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Independent Computer Consultants Assn		
Do	Martin Marietta Corp	2,600.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	4,100.00	
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Thomas J. Oden, 1503 N. Flimore St. Arlington, VA 22201	National Milk Producers Federation	6,000.00	
Nancy L. Oliver, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	100.00
Olwine Connelly & Chase, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Ad Hoc Comm for Small Hydro Power		
Do	Alexander & Alexander Services, Inc		
Do	Intercontinental Energy Corp		
Do	Long Lake Energy Corp		
Do	Manville Corporation		
Do	National Independent Energy Producers	2,000.00	
Do	Sithe Energies USA, Inc		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	400.00
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Government of Barbados	9,432.00	108.78
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	14,754.00	
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For: City of Carolina, PR)		
Do	Jefferson Group (For: City of San Juan, PR)		
David S. Osterhout, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corporation	5,950.00	4,106.71
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Frank Owings Jr., 603 East Washington Street Indianapolis, IN 46204	Service Supply Co, Inc	1,600.00	
P/M Consulting, Inc, 12ll Connecticut Avenue, NW, #506 Washington, DC 20036	Syscon Corporation	9,000.00	9,000.00
Do	Talley Corporation	9,000.00	9,000.00
Allen Scott Pack, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd, et al.		
Pagonis & Donnelly Group, Inc, c/o Dow Lohnes & Albertson 1620 I Street, NW, #202 Washington, DC 20006.	Air Products & Chemicals, Inc	6,250.00	89.86
Do	Americans for National Dividend Act, Inc	10,432.50	
Do	Association of High Medicare Hospitals	21,350.00	26.25
Do	ABB, Inc		
Do	Burroughs Wellcome Co	7,000.00	
Do	Dow Chemical USA	26,020.00	314.37
Do	Government of the Republic of Transkei	9,000.00	
Do	Harrah's, Inc		
Do	Holiday Corp	35,597.00	167.77
Do	Nord Resources Corp		
Do	United States Flag Foundation Advisory Board		
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	4,075.59	
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co	1,750.00	
Do	Bell Helicopter Textron, Inc		
Do	Blue Sea Corporation	1,200.00	
Do	Brown & Root U.S.A., Inc	1,000.00	
Do	Cardiac Pacemakers, Inc	1,400.00	
Do	Cessna Aircraft Compnay	1,000.00	
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	500.00	
Do	Herbalife International of America, Inc	500.00	
Do	Lockheed Aeronautical Systems Co	1,500.00	
Do	Miles Group		
Do	Motion Picture Assn of America, Inc	2,400.00	
Do	National Assn of Independent Insurers	1,000.00	
Do	New Mexico State University	700.00	
Do	Pfizer, Inc	900.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Systech Environmental Corp	3,600.00	
Do	TCOM, L.P.	1,500.00	
Do	Upjohn Company	1,400.00	
Do	Won Door Corporation	1,125.00	
Do	World Chiropractic Alliance	600.00	
Richard M. Parsons, 455 B Carlisle Drive Herndon, VA 22070	Safari Club International	1,275.00	
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Farragut Group	475.00	12.00
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Municipal Assistance Corp for the City of New York		
Do	National Music Publishers Assn, Inc	65,971.00	3,740.94
Peace Political Action Committee, 100 Maryland Avenue, NE Washington, DC 20002			8,112.81
Shelley Peck, 122 C St., NW Washington, DC 20001	Children's Defense Fund	1,173.00	
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	1,929.96	
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio-Electronics Officers Union	15,243.00	
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		249.90
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation		
Phillips Nizer Benjamin Krim & Ballon, 40 West 57th Street, 32nd Floor New York, NY 10019	Riverbay Corp		
Paul J. Phoenix, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Theodore M. Pierce, 6931 Arlington Road, #308 Bethesda, MD 20814	National Assn of Surety Bond Producers		
Pierson & Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	(For: Washington Transportation Supervisors Assn)	216.00	1,204.00
John H. Pilcher, 1331 Pennsylvania Ave.,NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Consolidated Rail Corporation	3,803.50	319.73
Charles P. Pizzi, 1346 Chestnut Street, #800 Philadephia, PA 19107	Greater Philadelphia Chamber of Commerce		
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036.		13,390.46	13,390.46
John A. Poindexter, 3805 West Alabama Houston, TX 77027	Columbia Gulf Transmission Co		
Gerald Poje, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	488.44	
Laura Polacheck, 2001 S Street, NW Washington, DC 20009	Center for Auto Safety		
Jane Polansky, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,984.04	576.22
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	3,484.44	537.09
J. Craig Potter, 1233 20th Street, NW, #400 Washington, DC 20036	Oppenheimer Wolff & Donelly		
Powell Adams & Rinehart, 1901 L Street, NW Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Alliance for Medical Nutrition	6,657.00	
Do	American Osteoporosis Alliance	6,043.66	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	3,022.50	120.00
Do	Cadmium Council, Inc	1,800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	John Hancock Mutual Life Insurance Co		
Do	Lead Industries Assn, Inc	11,200.00	1,315.00
Do	Salzgitter, A.G.		959.71
Robert L. Pratt, 303 Wyman Street Waltham, MA 02154	Thermo Electron Corp/Thermedics, Inc	8,575.00	2,128.00
Stuart E. Proctor Jr., 11812 Hitchings Post Lane Rockville, MD 20852	National Turkey Federation		
Project Cure, Inc, 2020 K St., NW, #350 Washington, DC 20006		641,168.00	652,817.00
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	3,750.00	
Public Citizen Health Research Group, 2000 P St., NW, #700 Washington, DC 20036			
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	325.00	
Patricia A. Quealy, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For: Blockbuster Entertainment Corp).	1,800.00	
Do	Eckert Seamans Cherin & Mellott (For: Blue Cross & Blue Shield Assn).	1,330.00	99.47
Do	Continental Medical Systems, Inc		
Do	Eckert Seamans Cherin & Mellott (For: Ornent Corp)	3,800.00	12.30
Do	Eckert Seamans Cherin & Mellott (For: Ravenswood Aluminum Corp).		3.60
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	Retail Bakers of America		
George Gregory Raab, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		10.90
Elizabeth L. Ralsbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	19,760.00	
Craig J. Rancourt, 1050 17th Street, NW, #210 Washington, DC 20036	American Assn of Classified School Employees	16,899.99	1,166.72
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Campaign for Community-Based Economic Development	1,250.00	
Do	Community Resources Group		
Do	Midwest Assistance Program		
Do	Trust for Community Development	17,812.50	9,000.00
Do	Virginia Water Project/SE RCAP	1,250.00	
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For: GAF Corp)		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			952.00
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		38,232.57	38,232.57
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	850.00	
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	National Rifle Assn		
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	Songwriters Guild of America	9,000.00	
Clarinda Renner, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	7,011.48	
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		5,564.79	16,583.10
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,383.64	106.75
Alan K. Richards, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	597.28
Les Richter, 1801 Speedway Boulevard Daytona Beach, FL 32015	National Motorsports Comm of Accus-FIA, Inc		
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc	1,600.00	895.00
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037.	Laurel Steel Products Ltd, et al.		
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Mark Joesph Riedy Esq, 1775 Pennsylvania Ave., NW, 7th Floor Washington, DC 20006	Ripac, Inc		
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	2,672.96
Karen Rindge, 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Federation of America	63.52	19.40
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	National Basketball Assn	2,075.00	1,110.00
Do	National Foreign Trade Council	5,162.50	2,510.00
Do	Joseph A. Seagram & Sons		
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Action Vail	3,750.00	10,203.29
Do	Authors Guild	12,750.00	10,203.29
Do	Babcock & Brown	3,000.00	10,203.29
Do	Coalition of Writers Organizations	22,500.00	10,203.29
Do	Goldman Sachs & Co		
Do	New York Public Library	3,750.00	10,203.29
Do	New York State Housing Finance Agency	4,050.00	10,203.29
Do	Phoenix House	900.00	10,203.29
Do	Scholastic, Inc	1,800.00	10,203.29
Do	Southern Baptist Press Assn	125.00	10,203.29
Do	Spectrascan	4,500.00	10,203.29
Do	Warburg Pincus Capital Corp	9,600.00	10,203.29
Robert Branand International, Four E Street, SE Washington, DC 20003	E.W. Bliss Company	59,940.00	61,927.00
Robins Kaplan Miller & Ciresi, 1220 19th Street, NW, #700 Washington, DC 20036	Polaris Industries	8,492.23	
Do			
Anthony W. Robinson, 300 Eye Street, NE, #200 Washington, DC 20002	Minority Business Enterprise Legal Defense & Education Fund.		
Michelle Robinson, 100 Maryland Avenue, NE Washington, DC 20002	Peace Political Action Committee	4,780.44	
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	8,412.60	2,356.10
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Frances F. Rogala, 1750 Pennsylvania Ave., NW, #1201 Washington, DC 20006	Interturbine Corp		
Terrence L. Rogers, 80 F St., NW Washington, DC 20001	American Fed of Government Employees	1,358.78	40.00
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Futures Industry Association		
Lori S. Rogovin, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	8,698.00	
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Joseph D. Romer, 304 N. Virginia Avenue Falls Church, VA 22046	Brown Bridgman & Co, Inc		
Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	6,980.00	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	1,819.76	
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Intertek Services International, Ltd		
Edwin Rothschild, 1300 Connecticut Ave., NW, #401 Washington, DC 20036	Citizen Action Fund	2,125.00	215.00
Melanie J. Rowland, 1400 Eye St., NW Washington, DC 20006	Wilderness Society	294.25	58.08
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	500.00	415.83
Robert E. Rude, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp	13,575.00	8,354.15
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	935.00
Kurt Rumsfeld, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		
William Russell & Associates, Inc, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Golbal Broadcasting System	12,000.00	801.16
Do	Pacific Telecom, Inc		
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Ryan-McGinn, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	Cabot Energy Corporation	9,467.50	176.73
Do	(For: Oregon Assn of Hospitals)	9,000.00	276.24
Do	West Virginia Hospital Assn	6,000.00	202.85
Do	West Virginia Independent Oil & Gas Assn	7,500.00	701.00
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Indiana Electric Assn	18,125.25	12,162.56
Darrell J. Salomon, 700 S Flower St., 30th Fl. Los Angeles, CA 90017	Lawler Felix & Hall (For: Pacific Theaters, Inc)		
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	1,068.73
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	4,500.00	2,088.31
Do	Conference of National Park Concessioners	6,000.00	273.15
Do	National Tour Assn, Inc	24,663.00	8,028.87
Do	Truckee-Carson Irrigation District	5,287.50	581.59
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	18,000.00	
Patricia Schifferle, 1400 Eye Street, NW, 10th Floor Washington, DC 20005	Wilderness Society	1,833.33	105.00
Ella M. Schiralli, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	19.02
Sandra A. Schlicker, McMahon and Associates 1331 Pennsylvania Avenue, NW Washington, DC 20004.	Rodale Press	12,000.00	180.24
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Schwabe Williamson & Wyatt, 2000 Pennsylvania Ave., NW, #8335 Washington, DC 20006	Nichols Institute	4,893.00	489.42
Do	Oregon State University	616.88	21.58
Do	Oregon Steel Mills, Inc	910.00	1.13
Do	Public Generating Pool	2,872.60	69.31
Do	Tri-Met	12,533.13	884.11
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,524.50	3,980.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,700.00	484.59
Law Offices of John Sears, 2021 K Street, NW, #750 Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	
Seattle 1990 Goodwill Games, 1701 K Street, NW, #400 Washington, DC 20006	Seattle Organizing Committee	35,692.00	1,369.69
Harold L. Segall, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For: City of Bluefield, WV, et al.).		
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	1,140.00	
M. Mark Sekiecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Steven K. Selby, 1101 30th Street, NW, #500 Washington, DC 20007	Campbell Falk & Selby (For: Commonwealth of Puerto Rico).	4,000.00	
Gary J. Shapiro, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	1,500.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	18,300.00	5,844.84
Susan Shaw, 2729 S. Veitch Street Arlingtonn, VA 22206	National Treasury Employees Union	12,782.50	689.65
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Investment Counsel Assn of America, Inc		
Do	Utility Nuclear Waste and Transportation Program		
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	1,676.00	
Nancy Sherman, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc		
Ellen Shillinglaw, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology	37.50	13.00
Julie Shisler, P.O. Box 85608 San Diego, CA 92138	General Atomics	2,436.21	1,290.83
Pamela Hill Shouldis, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
John Shuey, P.O. Box 3151 Houston, TX 77253	Browning-Ferris Industries, Inc		
Andrew Siegel, 100 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	1,805.96	
Alexander W. Sierck, 1350 I Street, NW, #700 Washington, DC 20005	Northern Indiana Public Service Company		
Do	Beveridge & Diamond (For: Pacific Dunlop-GNB)	14,012.50	
Sierra Club, 408 C Street, NE Washington, DC 20002		533,604.47	533,604.47
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For: Cook Inlet Aquaculture Assn).		
Bruce A. Silverglade, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	9,000.00	315.00
Deborah S. Simmons, 1717 K St., NW, #407 Washington, DC 20006	American Assn for Marriage & Family Therapy	6,768.00	
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
David J. Simon, 1504 Colonial Terrace Arlington, VA 22209	National Parks & Conservation Association	239.00	17.00
Talmage E. Simpkins, 444 North Capitol Street, NW, #820 Washington, DC 20001	AFL-CIO Maritime Committee	300.00	141.32
Do	Labor-Management Maritime Committee, Inc	1,632.00	228.00
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn	1,000.00	25.00
Do	Computer & Business Equipment Manufacturers Assn		
Do	Council on Research & Technology	1,500.00	25.00
Scott Sklar, 1730 N. Lynn St., #610 Arlington, VA 22209	Solar Energy Industries Assn	5,421.75	9,634.87
Catherine Reiss Sloan, 120 Maryland Ave., NE Washington, DC 20002	Competitive Telecommunications Assn		
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc	210.00	
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Center for Electrochemical Systems & Hydrogen Research	6,210.00	1,748.12
Douglas Allen Smith, #40223-080 P.O.Box 1000 Leavenworth, KS 66048-1000			
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For: American Assn of Petroleum Geologists).	2,560.00	412.61
Do	E. Del Smith and Company (For: Bright & Associates)	7,600.00	
Do	E. Del Smith and Company (For: California Independent Oil Producers Assn).	4,500.00	1,060.54
Do	E. Del Smith and Company (For: Cement Free Trade Assn)	5,000.00	1,028.34
Do	E. Del Smith and Company (For: City of Anaheim Civic Center).	12,075.00	4,183.97
Do	E. Del Smith & Co (For: City of Anaheim Public Utilities)	5,025.00	2,655.59
Do	E. Del Smith and Company (For: City of Laguna Beach, CA)	2,400.00	
Do	E. Del Smith and Company (For: City of Long Beach, CA, Dept. of Oil Properties).	66,660.00	2,480.50
Do	E. Del Smith and Company (For: City of Long Beach, CA, Intergovernmental Relations).	8,730.00	5,990.43
Do	E. Del Smith & Co (For: City of Santa Barbara)	1,500.00	
Do	E. Del Smith and Company (For: City of Santa Monica)	2,400.00	
Do	E. Del Smith & Co (For: City of Victorville, CA)	3,000.00	79.11
Do	E. Del Smith and Company (For: County of L.A. Community Development Commission).		
Do	E. Del Smith and Company (For: County of Los Angeles)	11,001.00	4,635.14
Do	E. Del Smith and Company (For: Hidden Valley Resources Inc).	1,500.00	
Do	E. Del Smith and Company (For: Long Beach Naval Shipyard Employees Assn).	2,100.00	
Do	E. Del Smith and Company (For: Northern California Power Agency).	13,900.00	1,046.79
Do	E. Del Smith and Company (For: Port of Hueneme, CA, Oxnard Harbor District).	8,750.01	2,288.49
Do	E. Del Smith and Company (For: Port of Long Beach, CA)	28,749.99	371.23
Do	E. Del Smith and Company (For: Rancho Palos Verdes)	1,350.00	188.49
Do	E. Del Smith and Company (For: Signal Landmark, Inc)	7,500.00	4,757.22
Do	E. Del Smith & Co (For: South Orange County Consortium)	6,000.00	
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	737.04
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,700.00	1,396.70
Joseph M. Smith, 1730 K St., NW, #703 Washington, DC 20006	American Business Conference, Inc		
Darlene Snow, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,438.34	
Society for Nutrition Education, 1700 Broadway, #300 Oakland, CA 94612-2128			3,156.00
Lynn Soffer, 2000 P Street, NW, #700 Washington, DC 20036	Health Research Group		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,837.00	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Steven P. Sonnenberg, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For: Aplix, Inc).		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: Trek Bicycle Corp).	408.00	
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For: West Bend Company).		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co		
Sorensen & Edwards, PS, 1201 Third Ave., #2900 Seattle, WA 98101-3028	Western Pioneer, Inc	10,000.00	10,000.00
Southeast Alaska Conservation Council, Box 021692 Juneau, AK 99802		6,386.00	3,156.00
D. Dean Sparkman, 1925 N. Lynn Street, #308 Arlington, VA 22209	Sparkman & Cole, Inc (For: Air Transport Assn of American).	1,500.00	
Do	Sparkman & Cole, Inc (For: Delta Air Lines, Inc)	1,500.00	
Do	Sparkman & Cole, Inc (For: Embry-Riddle)	1,500.00	
Do	Sparkman & Cole, Inc (For: National Business Aircraft Assn).	1,500.00	
Do	Sparkman & Cole, Inc (For: Regional Airport Authority of Louisville).	1,500.00	
Sparkman & Cole, 1925 N. Lynn Street, #308 Arlington, VA 22209	Air Transport Assn of America	1,500.00	
Do	Delta Air Lines, Inc	12,000.00	
Do	Embry-Riddle	2,771.00	
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Gilbert P. Sperling, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Katten Muchin Zavis & Dombroff (For: Cogeneration & Independent Power Coalition of America, Inc).	3,487.50	340.67
Do	Katten Muchin Zavis & Dombroff (For: Consolidated Natural Gas Service Co, Inc).	441.00	140.07
Do	Katten Muchin Zavis & Dombroff (For: National Fuel Gas Supply Corp).	220.50	
Do	Katten Muchin Zavis & Dombroff (For: Natural Gas Vehicle Coalition).	4,126.50	157.10
Do	Katten Muchin Zavis & Dombroff (For: Penntech Papers, Inc).	604.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frances Spivy-Weber, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		425.00
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	625.00	
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	372.92	460.87
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	137.81	6.00
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For: Blockbuster Entertainment Corp).		
Do	Eckert Seamans Cherin & Mellott (For: Metropolitan Transportation Authority).		
Do	Eckert Seamans Cherin & Mellott (For: Ormet Corp)	1,650.00	75.73
Do	Eckert Seamans Cherin & Mellott (For: Ravenswood Aluminum Corp).	1,650.00	68.33
David Stawick, 201 Massachusettes Ave., NE Washington, DC 20002	National Corn Growers Assn	3,187.50	
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,847.00	
Steptoe & Johnson, Attn: Cindy Moore 1330 Connecticut Avenue, NW Washington, DC 20036	National Council on Teacher Retirement	17,763.75	88.17
Lawrence E. Stevens, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For: Energy Fuels)		
Sandra Stewart, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel	92.37	644.89
Stoel Rives Boley Jones & Grey, 1350 New York Avenue, NW, #600-A Washington, DC 20005-4709	A-dec, Inc	1,188.00	32.20
Do	Coosand Corp	229.00	4.65
Do	PacifiCorp		2,675.00
Do	Southeast Alaska ANCSA Land Acquisition Coalition, Inc	11,070.00	1,671.55
Ann E.W. Stone, 1315 Duke Street Alexandria, VA 22314	Conservative Alliance		
Richard B. Storey, 46230 Allsbrook Place Sterling, VA 22170	Multi Management Associates, Inc (For: American Assn of Fast Food Soft Serve Pizza Operators).		
Do	Multi-Management Associates, Inc (For: International Military Executives Assn).		
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Philip Morris, Inc	1,000.00	75.00
Dorothy E. Stucke, 1111 14th Street, NW, #900 Washington, DC 20005	National Apartment Assn	7,615.38	
Fred Sudak, 230 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Ann Sullivan, 2111 Wilson Boulevard, #531 Arlington, VA 22201-3008	Holt Miller & Associates (For: Potomac Partners (For: National Nutritional Food Assn)).	2,529.88	59.71
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates	2,535.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Bay Transportation Authority (MBTA)		122.85
Jeffrey Sumberg, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
David A. Super, 1319 F Street, NW, #500 Washington, DC 20004	Food Research & Action Center	1,448.31	
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For: River Bank America)		
Do	Thacher Proffitt & Wood (For: TCF Bank Savings, FSB)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004-2404	North American Co for Life & Health Insurance		129.20
Sylvia E. Swanson, 1801 K Street, NW, #1105-L Washington, DC 20006	Glass Packaging Institute	560.00	
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians	4,250.00	1,883.11
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Akin Gump Strauss Hauer & Feld (for Drexel Burnham Lambert).		
Do	American Bakers Assn	3,335.00	13.00
Do	Business Coalition For RICO Reform	34,049.68	141.00
Do	MacAndrews & Forbes Group, Inc	9,775.00	224.00
Do	National Council of Community Hospitals	920.00	
Do	Renewable Fuels Assn	11,131.87	87.00
Do	Rivkin Radler Bayh Hart & Kremer (for Merrill Lynch & Co).		135.20
Carol A. Swift, 311 First St., NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	1,300.00	160.00
Ivan Swift, P.O. Box 607 Arlington, VA 22216	New England Anti-Vivisection Society	3,000.00	1,600.00
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	1,441.00	
Systematics, Inc, 4001 Rodney Parham Road Little Rock, AR 72212			
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Transylvanian World Federation		
Ronald L. Tammen, 1325 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Tammen Group (For: Coleman Natural Beef)		
Do	Tammen Group (For: Cray Research, Inc)		
Do	Tammen Group (For: Decision Insights, Inc)		
Do	Potomac Partners (For: Interturbine Corp)		
Do	Tammen Group (For: LTV Corp)		
Do	Potomac Partners (For: National Nutritional Foods Assn)		
Do	Potomac Partners (For: Organic Food Alliance (OFA))	3,301.55	
Do	Tammen Group (For: Population-Environment Balance)	1,000.00	
George W. Tate, 2009 N. 14th Street, #101 Arlington, VA 22201	American Retirees Assn	1,200.00	2,173.00
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas	15,000.00	211.18
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	881.36	392.56
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel	765.80	652.00
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	3,770.00	859.36
Tempo Enterprises, Inc, P.O. Box 702160 Tulsa, OK 74170			
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler & Biggins, Chtd (For: American Licensed Practical Nurses Assn).		
Do	Tendler & Biggins, Chtd (For: Bascom, Inc)		
Do	Tendler & Biggins, Chtd (For: Geodesco)		
Do	Tendler Goldberg & Biggins (For: Hugo Boss Fashions, Inc)		
Do	Tendler Goldberg & Biggins (For: Joseph and Feiss, Inc)		
Do	Tendler & Biggins, Chtd (For: Mears International Sales Co)		
Do	Tendler & Biggins, Chtd (For: Solargistics Corp)		
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	25,000.00	58,300.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	River Bank America		727.00
Do	TCF Bank Savings, FSB	5,000.00	727.00
Peter William Thomas, 403 1st Street, SE Washington, DC 20007	American State of the Art Prosthetic Assn		
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	3,500.00	78.00
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	Great Lakes Products, Inc	800.00	30.00
Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds.	2,000.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	650.00
Gary J. Thompson and Associates, 8513 Red Oak Dr. Warren, OH 44484			
Thompson Sizemore & Gonzalez, 109 N. Brush Street, #200 P.O.Box 639 Tampa, FL 33601	City of Clearwater	1,110.00	
Anna Thronson, 1275 Pennsylvania Ave, NW, #301 Washington, DC 20004	Legislative Strategies (For: American Independent Refiners Assn).		
Do	Legislative Strategies (For: Cogeneration & Independent Power Coalition of America, Inc).	304.75	66.00
Do	Legislative Strategies (For: Consolidated Natural Gas Service Co, Inc).	69.00	
Do	Legislative Strategies (For: Delavan Lake Sanitary District)	34.50	
Do	Legislative Strategies (For: Natural Gas Vehicle Coalition)	345.00	39.75
Do	Legislative Strategies (For: Penntech Papers, Inc)	11.50	
Do	Legislative Strategies (For: Tosco Corp)	339.25	90.29
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	National Child Care Assn	4,000.00	18.00
Do	National Hearing Aid Society		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet	12,500.00	368.32
Shirley Traylor, 105 East 22nd Street New York, NY 10010	Community Service Society	258.54	
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Genevieve W. Tuchow, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Distribution Companies	4,100.00	
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	11,787.62	
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,572.00	57.55
Larry Tuttle, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Jerry G. Udell, 1616 H St., NW Washington, DC 20006	National Retail Federation	60.00	40.00
Mark J. Ugoretz, 1726 M Street, NW, #1101 Washington, DC 20036	Erisa Industry Committee	3,750.00	
Craig Ulrich, 1300 N. 17th Street, #1200 Arlington, VA 22209	Consumer Bankers Assn		
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		5,345.00	776.56
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United Services Automobile Assn, P.O. Box 4525 Reston, VA 22090-1489			
United States Telephone Association, 900 19th Street, NW, #800 Washington, DC 20036	U.S. Telephone Assn	50,400.00	
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the United States	56,262.45	51,941.00
Nancy Van Duyne, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	11,306.27	
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	General Instrument Corporation	9,000.00	1,331.62
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW #700 Washington, DC 20005-2301.	American Museum of Natural History	1,090.00	
Do	Atlantic Richfield Co		
Do	Bell Atlantic Corp	2,979.75	
Do	Central Gulf	1,362.50	
Do	General Aviation Manufacturers Association	1,230.00	
Do	General Dynamics Corp	2,600.00	
Do	GenCorp	9,065.00	
Do	Investment Company Institute	900.00	
Do	John F. Kennedy Center for the Performing Arts		
Do	Mars, Inc	1,687.50	
Do	McDonnell Douglas Corp	2,600.00	
Do	MDC Holdings, Inc	450.00	
Do	New Progressive Party	3,900.00	
Do	NBC	9,375.00	
Do	NYNEX Corp	3,037.50	
Do	Travelers Corporation	660.00	
Do	TRW, Inc		
Do	UNC, Inc	1,150.00	
Do	Wings Holdings Inc	2,186.25	
Virginia C. Vertiz, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators	7,177.05	
Volunteer Trustees of Not-For-Profit Hospitals, 1625 Eye St., NW, #810 Washington, DC 20006		52,000.00	11,437.00
Marcos Von Golhman, P.O. Box 65475 Washington, DC 20035	Guyana Airways Corp		
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Ohio Assn of Broadcasters	107.09	12.50
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	100.00	20.00
Wagner Hines & Avary, Inc, 1899 L Street, NW, #500 Washington, DC 20036	American Heavy Lift Shipping Co	22,021.89	4,006.01
Do	Charter Federal Savings & Loan Assn		
Do	Kabumoto & Malany		
Do	National Beer Wholesalers of America		
Do	National Debt Repayment Foundation		
Anne Marie Walsh, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
J. Allen Wampler, 2301 S. Jefferson Davis Hwy., #332 Arlington, VA 22202	Basin Electric Power	15,000.00	
Do	Louisiana Land and Exploration Co	36,000.00	10,705.45
Jenifer Warkenthien Loon, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Susan Warner, P.O. Box 21692 Juneau, AK 99800-2	Southeast Alaska Conservation Council	868.00	
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			4,075.59
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	13,650.00	3,530.00
Do	Wisconsin Counties Assn	7,875.00	3,530.00
Do	Wisconsin Department of Industry, Labor & Human Relations.	8,655.00	3,530.00
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	1,025.00	
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	1,695.00	431.67
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	1,225.00	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Noranda, Inc	810.00	
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Robert A. Weissman, 14500 Avion Parkway, #300 Chantilly, VA 22021	TechLaw, Inc (For: Shutler & Low (For: Nissan R&D, Inc))	9,676.00	204.76
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute	1,424.79	
Do	Apple Processors Assn	12,000.00	2,054.98
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc	1,400.00	18.00
Do	American Airlines, Inc	6,300.00	294.53
Do	ARCO	800.00	6.50
Do	Communications Satellite Corp	3,225.00	77.40
Do	Coopers & Lybrand	3,300.00	10.00
Do	Foothills Pipe Lines (Yukon) Ltd	1,275.00	178.45
Do	FHP	4,050.00	
Do	General Motors Corp		
Do	Monarch Capitol Corp		
Do	Motion Picture Assn of America, Inc	3,489.00	131.45
Do	MCI Communications Corp	6,900.00	67.30
Do	National Assn of Social Workers		
Do	National Gypsum Co	5,500.00	30.45
Do	New England Electric System		
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd		
Do	Oceanic Institute		
Do	Ohio Edison		5.45
Do	Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation.	2,850.00	12.70
Do	Regional Planning Commission		
Do	Stock Information Group		
Do	Training Media Distributors Assn	600.00	35.65
Gordon B. Wheeler, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc	490.00	
Sam White, 412 First St., SE, #100 Washington, DC 20003	National Agricultural Chemicals Assn		
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	10,000.00	
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	National Parks & Conservation Association	618.75	
Do	Wilderness Society	618.75	
Kathleen M. Whyte, 1776 Eye Street, NW Washington, DC 20006	Sterling Drug, Inc	22,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	375.00	
Wickwire Greene & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp		
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For: Ormet Corp)	1,440.00	791.32
Do	Eckert Seamans Cherin & Mellott (For: Ravenswood Aluminum Corp).	1,440.00	791.32
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For: Bear Stearns, Inc)	522.54	522.54
Do	Kogovsek & Associates, Inc (For: Bonneville Pacific Corp)		
Do	Kogovsek & Associates, Inc (For: Pitken & Eagle Counties, Colorado).	8,583.52	1,008.52
Do	Kogovsek & Associates, Inc (For: Western Land Exchange Co).	3,137.00	887.00
Paul H. Wikerd, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Buckbee-Mears Cortland		
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	2,250.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	BMW of North America, Inc		
Do	Certified Color Manufacturers' Assn		
Do	UtiliCorp United	4,586.00	
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	General Electric Co	1,050.00	
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	BellSouth Corp	4,102.00	1.00
Do	Bonneville International Corp	1,577.50	
Do	Empire Blue Cross & Blue Shield	15,000.00	547.82
Do	Fleet/Norstar Financial Group	15,431.50	1,850.65
Do	Hobbs Straus Dean & Wilder		
Do	J.C. Penney Co, Inc	20,000.00	465.72
Do	Security Pacific National Bank	10,108.50	2,294.98
Do	Solano Water Authority	560.00	
Lee Williams, 1616 H St., NW Washington, DC 20006	National Retail Federation	900.00	95.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Bethlehem Steel Corp		
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	400.00	
Patrick H. Williams, 1722 Eye St., NW, #4040 Washington, DC 20006	Telecommunications Industry Assn	7,000.00	1,501.00
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Kirk Willison, 707 Broadway, #1200 San Diego, CA 92101	Home Federal Savings & Loan of San Diego		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Deutsche Lufthansa AG		
Do	U.S. Cane Sugar Refiners' Assn		
Chapin E. Wilson Jr., 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	5,175.00	85.00
H. Graham Wilson, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	7.01
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For: Peter N. G. Schwartz Companies).	30,000.00	30,000.00
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	3,200.00	199.96
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102.	Albert Einstein Medical Center	9,000.00	1,799.43
Do	All Children's Hospital	3,000.00	550.55
Do	Arkansas Children's Hospital	3,000.00	354.15
Do	Children's Hospital (Boston)	6,000.00	1,356.76
Do	Children's Hospital of Buffalo	3,000.00	550.55
Do	Children's Hospital of Los Angeles	3,000.00	550.55
Do	Children's Hospital of Michigan	3,000.00	550.55
Do	Children's Hospital of Pittsburgh	21,000.00	2,312.54
Do	Children's Hospital Medical Center of Akron	5,100.00	1,189.81
Do	Children's Hospital Research Foundation	3,000.00	550.55
Do	Children's Memorial Medical Center	3,000.00	550.55
Do	Hahnemann University	22,500.00	1,987.00
Do	Henrietta Egleston Hospital for Children	3,000.00	405.50
Do	Magee-Womens Hospital	7,500.00	2,811.75
Do	Mercy Catholic Medical Center	6,000.00	1,937.74
Do	National Assn of Children's Hospitals & Related Institutions	12,000.00	922.13
Do	National League of Nursing	9,600.00	1,307.05
Do	Spring Garden College		
Do	St. Francis Medical Center		
Do	University of Pennsylvania	30,000.00	2,072.90
Do	Vanderbilt University Medical Center	3,000.00	162.58
Do	Western Pennsylvania Hospital	1,050.00	60.50
Sidney M. Wolfe, 2000 P St., NW, #708 Washington, DC 20036	Public Citizen Health Research Group		
G. Kent Woodman, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For: Metropolitan Transportation Authority).		
Theresa E. Woody, 730 Polk Street San Francisco, CA 94109	Sierra Club	516.25	659.73
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	5,000.00	80.00
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	7,500.00	769.09
W. Robert Worley, 190 St.Clair Drive St. Simmons Island, GA 31522	Southern Company Services, Inc	2,060.00	2,344.35
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Airship Industries, Ltd	8,025.00	985.46
Do	American Insurance Assn	1,035.00	
Do	American International Group, Inc	362.50	27.00
Do	American Iron & Steel Institute	6,625.95	157.65
Do	Association of American Railroads	1,249.95	32.08
Do	BellSouth Corp	5,120.00	85.50
Do	Bermuda, Government of	2,044.00	163.68
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Dresser Industries, Inc		
Do	Electronic Industries Assn		
Do	Environmmental Air Control, Inc		
Do	Falcon Safety Products		
Do	Finanziaria Mirabella SpA	9,582.70	908.90
Do	General Aviation Manufacturers Association		
Do	Grocery Manufacturers of America, Inc	3,095.75	48.49
Do	GTE Corporation		
Do	Hook-SupeRx, Inc		
Do	HDTV 1125/60 Group	2,000.00	139.88
Do	Interlocking Directorate Reform Coalition	8,456.13	243.25
Do	Intermarine SpA	8,250.00	843.99
Do	Investment Company Institute	1,500.00	48.04
Do	ITT Corporation		
Do	Johanna Dairies, Inc		
Do	Kelly Assisted Living/Kelly Services	987.00	12.37
Do	Kohlberg Kravis Roberts & Co.	3,789.00	269.49
Do	Kraft		
Do	Manville Corporation	5,632.15	7.15
Do	McDonnell Douglas	2,500.00	
Do	Metropolitan Life Insurance Co	5,000.00	77.55
Do	Mutual Life Insurance Co Tax Committee		
Do	Mylan Laboratories, Inc	27,924.30	2,287.84
Do	National Assn of Temporary Services	2,937.50	45.28
Do	National Cable Television Assn, Inc	937.50	24.46
Do	North American Phillips Corp	16,055.81	1,209.14
Do	Northwestern Mutual Life Insurance Co	4,166.00	73.07
Do	NEC Home Electronics (USA) Inc		
Do	NYNEX Corp	15,000.00	300.30
Do	Pfizer, Inc	5,382.25	195.05
Do	Philip Morris Management Corp	4,823.64	126.36
Do	Polaris Industries	1,997.50	60.65
Do	Product Liability Coordinating Committee		
Do	Rohm & Haas		
Do	RJR Nabisco	2,458.50	118.47
Do	Shared Medical Systems (SMS)	2,000.00	7.86
Do	Sony Corp of America	6,625.00	322.34
Do	Squibb Corporation		
Do	Thomson Consumer Electronics, Inc		
Do	Tobacco Industry Labor Management Committee	23,528.15	4,016.60
Do	Trailer Train Co	3,075.00	
Do	U.S. Telephone Assn	26,400.00	1,844.87
Do	Wheelabrator Technologies	1,875.00	53.69
Richard K. Yep, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	11,908.00	
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,512.76	574.92
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W., #320 Washington, DC 20036		2,562.00	3,278.00
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	974.77
Judith Ziewacz, National Cooperative Business Center 1401 New York, NW, #1100 Washington, DC 20002.	National Milk Producers Federation		
Kathleen Zimmerman, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	579.73

EXTENSIONS OF REMARKS

H.R. 33, DRUG TESTING QUALITY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DINGELL. Mr. Speaker, I am pleased to join with my distinguished colleague from Virginia [TOM BLILEY] in reintroducing H.R. 33, the Drug Testing Quality Act. This bill would amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing. It will also require drug testing programs to use only certified laboratories, and it will provide comprehensive and uniform regulation of the procedures and methods employed by those laboratories. Finally, it will ensure that the legitimate rights of all interested parties—the test subject, the laboratory, and the program itself—are appropriately protected.

The version of the bill we are introducing today represents a refinement and improvement of similar legislation we introduced in the 101st Congress, also bearing the number H.R. 33. Over the course of the last 3 years, since this issue came to the fore, we have held hearings in the Energy and Commerce Committee and conducted investigations of various drug testing problems brought to our attention. We have worked with the Department of Health and Human Services and with private sector laboratory organizations to help bridge the technical and scientific differences that have divided experts in this field. We have talked to dozens of labs, employers, labor organizations, equipment manufacturers, employee assistance professionals, and other interested parties to obtain comments on the original version of our bill.

H.R. 33 for the 102d Congress represents our best effort to take those comments into consideration, to take account of events in the professional sphere over the last 2 years that have impacted on this field, and still to maintain a fair balance among the interests of all concerned parties. We believe the legislation accomplishes those goals.

Mr. Speaker, the House of Representatives has already spoken on this matter. During consideration of the comprehensive crime control bill on the floor last fall, Mr. BLILEY and I offered as an amendment to that bill the text of the original H.R. 33. It passed the House by a vote of 333 to 86, and it was supported by a majority of Members in each party. We would have liked the opportunity to incorporate in conference the changes reflected in the bill being introduced today. Unfortunately, the press of time at the end of the session and the process by which the crime bill was handled made that impossible.

Nonetheless, we were gratified by the broad show of bipartisan support for our amendment, and we are committed to bringing our efforts to fruition in the 102d Congress. Moreover, given the changes we have made in the bill, it should now be acceptable to an even broader range of interests.

It is important that we not allow discussion of the need for technical and scientific quality standards in drug testing to become muddied by arguments over when, whether, or under what circumstances drug testing can or should occur. These issues have absolutely nothing to do with one another, and H.R. 33 therefore steers clear of that thicket. Anyone who uses lab standards legislation as an excuse to get into the issue of testing itself serves only the interests of those irresponsible parties who would prefer for their own reasons that there be no standards legislation at all.

In fact, the argument over testing has become largely irrelevant as a genuine public policy question. Drug testing has become one of America's growth industries, and to the extent that any serious questions about the imposition of testing exist, they are either constitutional in nature—when can the Government order that tests be done—or a matter for management to work out with labor or resolve on its own. In a small handful of States, testing is restricted in various ways. But most of these State laws were passed in large measure to counter the perception that drug testing is administered unfairly and unreliably.

That perception, widespread in many quarters, remains largely unaddressed today, as does the unfortunate reality that too many players in this game do not know what they are doing. These perceptions will not abate until everyone in the United States—executives, professionals, managers, workers, Government agencies, athletes, social service organizations, and anyone else whose life drug testing has touched—gains confidence in the ability of the system appropriately to protect their livelihoods, careers, and reputations.

For more than 20 years, Mr. Speaker, ordinary medical laboratories have been regulated by the Federal Government and, although errors occur all too frequently, most Americans trust the results of the tests their doctors order. Not so with drug testing labs. While 14 States regulate these operations to one extent or another, the United States has no comprehensive, uniform regulation of the labs or the people who run them.

In fact, to the extent we have any regulation at all, the requirements imposed on the laboratories from States to State, agency to agency, and client to client often conflict, inviting confusion and error. The stigma of a positive result can attach to a test subject in many industries on the basis of a single unconfirmed test, scientifically insufficient to warrant any action. Employers often refuse to spend money for the professional review of lab results needed to make sure that bagel-eaters are not labeled heroin addicts or that dieters are not branded speed freaks.

Even when drug testing programs are administered in good faith, the sheer ignorance of those running the program can be astounding. In one instance investigated by our committee, a nuclear utility plant used its corporate medical officer to review drug test results. For the better part of 30 years, this gentleman practiced oral surgery; while on active naval reserve duty, he also developed a specialty in diving and hyperbaric medicine. But apart from a 1962 military correspondence course in clinical laboratory procedures, his 23-page résumé did not list any significant experience or training in the field of identifying drugs or drug abusers.

Several questions recur anywhere and anytime the specimen bottle is filled: Will a proper chain of custody be established at the point of specimen collection and be preserved throughout the process? Will a qualified lab analyze the specimens? Will the lab's analytical procedures ensure accuracy, integrity, and reliability of results? Will positive results be reviewed by a competent professional to avoid errors? Will appropriate confidentiality be maintained? Will persons harmed by errors have a fair opportunity for redress?

Those questions are not being addressed today in any comprehensive fashion. For that reason, we badly need uniform Federal regulation of drug testing laboratories and programs—not to dictate whether and under what circumstances testing can be done, but to ensure that when it is done, everyone can have confidence in the results.

H.R. 33 is designed to address these serious issues. It continues to use as a model the guidelines promulgated by HHS in 1988 to govern drug testing in the Federal workplace. However, it also provides for some significant departures from those guidelines to reflect the development of an expert consensus on many technical issues over the last 2 years. And it has been significantly refined in many other respects described more fully below.

Mr. Speaker, I want to thank my friend from Virginia [Mr. BLILEY] for his support, cooperation, and involvement in this effort. As I noted when we introduced this legislation together in the last Congress, we have put aside any differences we may have as to the utility and propriety of drug testing in various settings because we share a common goal—assuring that when drug testing is done, the results are reliable, accurate, and fair.

We will be seeking cosponsors again for H.R. 33 and plan to move the bill through our committee and to the floor at the earliest possible date. I hope that our colleagues will continue to support us on this important issue. I ask that a summary of the changes we have made in this version of the bill, together with a complete section-by-section analysis, be printed in the RECORD immediately following this statement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 33, DRUG TESTING QUALITY ACT—SUMMARY OF SIGNIFICANT CHANGES IN 102D CONGRESS

Separates the lab certification program from the regulations governing scientific, technical, and procedural requirements applicable to labs.

Provides that with respect to the issues of lab inspection, the monitoring of lab performance, and the conduct of quality control and performance testing programs, the certification program shall be consistent with the recommendations embodied in the Spring 1990 NIDA Consensus Conference Report on Technical, Scientific, and Procedural Issues of Employee Drug Testing.

Requires that HHS establish criteria under which State agencies and private nonprofit accrediting bodies shall be recognized by the Secretary to certify laboratories in accordance with the requirements of the Act, independently or on HHS's behalf, with HHS oversight in either case.

Makes explicit the regulatory authority of HHS to expand the list of drugs specified in the 1988 HHS guidelines, directs inclusion on the list of barbiturates in CSA Schedules I and II, benzodiazepines, and anabolic steroids, and provides a petition process for other drugs.

Clarifies that regulations are not intended to address specimen collection procedures, but requires HHS to publish model procedures and provide technical advice and assistance with respect to proper specimen collection.

Provides that with respect to cutoff levels and certain blind performance testing requirements, the regulations shall be consistent with the recommendations embodied in the Spring 1990 NIDA Consensus Conference Report.

Ensures that no adverse action can be taken against a test subject where a confirmed positive result is not verified by a medical review officer because there exists a legitimate medical explanation for the result consistent with legal drug use or because the result is scientifically insufficient for further action.

Limits criminal penalties to persons performing drug testing urinalyses without the laboratory certification required under the Act.

Limits HHS enforcement responsibilities to laboratories, and provides authority to Attorney General to obtain injunctive relief against others who violate the requirements of the Act.

Clarifies that private right of action is available to address specified significant violations of the Act and not minor or technical deficiencies.

Adds contribution as an available remedy in third-party actions based on consequences of false positive results reported by laboratories, to ensure that labs are not held liable for all monetary sums where other parties may share responsibility for violations of a test subject's rights.

Clarifies that a State agency or private accrediting body recognized by HHS to grant certifications must certify any lab meeting HHS requirements under this Act, regardless of whether the lab would also meet additional requirements for that agency's or private body's own certification or accreditation.

Preempts State and local laws that permit or require any conduct prohibited by this Act.

SECTION-BY-SECTION ANALYSIS OF H.R. 33

(As Introduced January 3, 1991—102d Congress)

A bill to amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing, and for other purposes

Section 1. Short Title

This Act may be cited as the "Drug Testing Quality Act".

Section 2. Standards for Certification of Laboratories Engaged in Drug Testing

This section adds to Title V of the Public Health Service Act a new Part E, titled "Drug Testing." The new Part E consists of new sections 551 through 559.

SECTION 551—CERTIFICATION PROGRAM

Subsection (a) of new section 551 requires that the Secretary of Health and Human Services (HHS), not later than one year after enactment, establish a program for the certification of laboratories performing toxicological urinalysis for drug testing programs. Except as provided in subsection (b), this certification program is required to conform, to the maximum extent practicable, to Subpart C of the existing HHS guidelines. Subpart C covers certification of laboratories seeking to perform federal workplace drug testing.

Subsection (b) provides that with respect to the issues of laboratory inspection, the monitoring of laboratory performance, and the conduct of quality control of performance testing programs, the certification program shall be consistent with the consensus of expert scientific and medical opinion on such matters. The determination of what constitutions that consensus is ultimately the Secretary's to make; however, the legislation contemplates that with respect to the issues covered by subsection (b), the Secretary, at least initially, will adopt the recommendations contained in the Consensus Report on Technical, Scientific, and Procedural Issues of Employee Drug Testing, published by the Alcohol, Drug Abuse and Mental Health Administration in the spring of 1990 (HHS Publication No. (ADM) 90-1684).

Subsection (c) requires that the certification program shall also: (1) provide that the Secretary, in considering applications for certification, shall consider whether the applicant has previously owned or operated a laboratory which has had its certification suspended or revoked; (2) include criteria under which the Secretary shall recognize State agencies and private, nonprofit accrediting bodies meeting such criteria to certify laboratories, or to act on the Secretary's behalf in certifying laboratories, in accordance with the requirements of this section; (3) require the Secretary to oversee and review the performance of any such agency or accrediting body recognized by the Secretary; and (4) ensure the Secretary's access to records necessary to the performance of such oversight and review.

Subsection (c) further provides that unless a laboratory engages solely in urine drug testing, the laboratory is required to be certified under the Clinical Laboratory Improvement Act (section 353 of the Public Health Service Act) in order to become certified under this section.

Subsection (d) directs the Secretary to revise the requirements of the certification program to reflect improvements in drug testing methods.

SECTION 552—PROVISIONS TO ENSURE INTEGRITY OF DRUG TESTING PROGRAMS

Subsection (a) of new section 552 requires that the Secretary, not later than one year after enactment, issue regulations to ensure the integrity of drug testing programs. Except as provided in subsection (b), these regulations are required to conform, to the maximum extent practicable, to Subpart B of the existing HHS guidelines. Subpart B covers scientific and technical requirements applicable to federal workplace drug testing.

Subsection (b) requires the regulations to: (1) treat any person conducting a drug testing program in the same manner as Subpart B of the HHS guidelines treats the federal agencies to which it is applicable, except as otherwise provided in this subsection; (2) expand the list of drugs and drug classes for which test methods and cutoff levels are provided under Subpart B to include barbiturates listed in CSA Schedules I and II, benzodiazepines, anabolic steroids, and such other drugs or drug classes as the Secretary determines under subsection (c) may be appropriate; (3) neither require nor prohibit the establishment of a drug testing program, and neither require any person to test nor prohibit any person from testing for any particular drug or class of drugs described in paragraph (2) or subpart B; (4) provide no specimen collection procedures other than those necessary to establish and maintain a proper chain of custody and to provide for transportation of specimens to the laboratory; (5) consistent with the consensus of expert medical and scientific opinion as determined on the Secretary (but based initially on the Consensus Report reference above), establish appropriate cutoff levels for each drug or class of drugs for both initial and confirmatory tests; (6) establish blind performance test procedures for drug testing programs, consistent with the consensus of expert medical and scientific opinion with respect to the number or percentage of specimens to be used for this purpose (based initially on the Consensus Report) and with the need to ensure accuracy, integrity, and protection of the interests of test subjects; (7) provide no interim certification procedures; and (8) allows access by any test subject to certain relevant records.

Although the regulations described above will neither require nor prohibit establishment of a drug testing program, neither require any person to test nor prohibit any person from testing for any particular drug or drug class, and provide no specimen collection procedures except with respect to chain of custody and transportation, subsection (b) contains a savings clause intended to ensure that the requirements of subpart B of the HHS guidelines dealing with these issues will continue to apply to drug testing programs conducted by Federal agencies under E.O. 12564.

Subsection (c) establishes a procedure by which the Secretary, following periodic notice and comment or on petition by an person, may expand the list of drugs and drug classes for which test methods and cutoff levels are prescribed under subsection (b)(2).

Subsection (d) permits the Secretary to take into consideration any special factors or circumstances applicable to the testing of participants in amateur athletic competition that warrant separate or different treatment under the regulations.

Subsection (e) directs the Secretary to revise the regulations issued under this section to reflect improvements in drug testing methods.

SECTION 553—SPECIMEN COLLECTION PROCEDURES

Subsection (a) of new section 553 directs the Secretary to issue model specimen collection procedures within one year after enactment for the guidance of drug testing programs other than those conducted by Federal agencies under E.O. 12564. The Secretary is authorized to provide technical assistance and to recommend alternative procedures to address the particular needs or circumstances of interested parties.

Subsection (b) is a savings provision ensuring that the specimen collection procedures contained in Subpart B of the HHS guidelines will continue to apply to drug testing programs conducted by Federal agencies under E.O. 12564.

SECTION 554—PROHIBITIONS

Subsection (a) of new section 554 prohibits any person from performing any toxicological urinalysis in connection with any drug testing program unless that person is laboratory certified under section 551.

Subsection (b) establishes several protections for test subjects by making it unlawful to engage in certain conduct, including breaching the confidentiality of test results (except in certain specified circumstances), knowingly altering or falsely reporting test results, knowingly adulterating urine specimens, knowingly performing or causing to be performed on a urine specimen a test for any medical condition or any substance other than drugs or alcohol without the consent of the person providing the specimen following full disclosure, taking adverse action against any test subject for refusing to give such consent, taking adverse action against any test subject based upon a positive result that has not been confirmed by gas chromatography/mass spectrometry, taking adverse action against any test subject based upon a test result that has not been verified as positive by a medical review officer for specified reasons, or otherwise knowingly failing to administer or conduct any urine drug test or testing program in accordance with the requirements of the certification program established under new section 551 or the regulations issued under section 552.

The prohibition on testing for any substance or medical condition other than drugs or alcohol without prior disclosure and consent is not intended to refer to tests for characteristics of a urine specimen that are integral to assuring the integrity of the drug test itself, such as tests for pH, specific gravity, or creatinine.

SECTION 555—SANCTIONS AND REMEDIES

Subsection (a) of new section 555 provides criminal penalties for any person performing a toxicological urinalysis in connection with any drug testing program who is not a laboratory certified under section 551.

Subsection (b) provides for civil penalties, to be assessed by the Secretary, on any laboratory performing a toxicological urinalysis in connection with any drug testing program that violates any regulation issued under section 552. The Secretary is required to refer violations committed by persons other than laboratories to the Attorney General for further investigation and appropriate action.

Subsection (c) authorizes the Secretary or Attorney General, as appropriate, or any aggrieved person, to bring actions in federal district court to restrain violations of section 554(a) or any regulation issued under section 552.

Subsection (d) authorizes any test subject who is tested, or whose test results are handled, in violation of, or is deprived of rights because of a violation under, section 554(a) or 554(b)(1)–(7), or who is adversely affected by a material breach in an applicable chain of custody under section 552, to bring a civil action in federal district court for appropriate legal and equitable relief, including employment, reinstatement, promotion, the payment of lost wages and benefits, and damages.

Subsection (e) authorizes an action to be brought against a laboratory to provide indemnification or contribution, as appropriate, by any person conducting a drug testing program who is found liable to a test subject because of adverse action taken against the test subject on the basis of a false positive result. It is *important to note that the bill's definition of the term "false positive" has been written to avoid any implication that a medical review officer's verification of a true positive could result in a judgment for indemnification or contribution against a laboratory, even where that verification was improper. Thus, for example, a test subject who suffers adverse action after testing positive for opiates despite his explanation that the test result was based on consumption of poppy seed bagels might have a claim under the bill against the person conducting the drug testing program. However, if that person recovered damages, the defendant would not then have a claim against the laboratory under the bill for indemnification or contribution because the test result was not a "false positive" as defined in the bill.*

SECTION 556—CONSTRUCTIONS

Subsection (a) of new section 556 permits test subjects and their representatives to contract for standards, procedures, or requirements more protective of test subjects then those provided under the certification program or under section 552. Similarly, this subsection provides that nothing in the new Part E limits the authority of the Secretry to permit an agency or accrediting body recognized by the Secretary to permit an agency or accrediting body recognized by the Secretary under section 551 to maintain standards, procedures, or requirements more protective of test subjects than those provided under the certification program or under section 552.

Subsection (b), however, prohibits an agency or accrediting body described above from denying certification under section 551 to any laboratory complying with the standards, procedures, and requirements established by the Secretary under section 551. Therefore, while a laboratory may not seek approval from such an agency or accrediting body recognized by the Secretary under that authority's own standards, the agency or accrediting body would be required to grant a section 551 certification to any laboratory meeting section 551's requirements.

Subsection (c) provides that new Part E shall supersede the HHS guidelines and any other relevant law to the extent that it imposes standards, procedures, or requirements more protective of test subjects.

SECTION 557—PREEMPTION

Subsection (a) of new section 557 prohibits States and local governments from adopting or enforcing any law relating to the certification of drug testing laboratories, or relating to requirements for the conduct of drug testing under the certification program, which is different from such certification program.

Subsection (b) prohibits any State or local government from adopting or enforcing any law that permits or requires any act prohibited by section 554.

SECTION 558—FEES

New section 558 establishes a system of certification fees to ensure that this Act will be budget-neutral. The fees are authorized to be used, subject to appropriations, to administer the program, regulations, and activities provided for in the Act.

SECTION 559—DEFINITIONS

New section 559 defines the following terms: blank specimen, controlled substance, drug, drug testing program, false positive result, person, performance testing, spiked specimen, test subject, and toxicological urinalysis.

Section 3. Effective Date

Except as specified below, the provisions of the bill would take effect on the date of enactment. The prohibitions on (1) the use of a non-certified laboratory, (2) the disclosure of test results by a person involved in drug testing or a drug testing program, and (3) the administration or conduct of any drug test or drug testing program except in accordance with the requirements of the certification program under section 551 or the regulations issued under section 552, would not take effect for one year following the establishment of the certification program under section 551.

INTRODUCTION OF H.R. 33

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BLILEY. Mr. Speaker, today I am pleased to join the gentleman from Michigan, the chairman of the Committee on Energy and Commerce, Mr. DINGELL, in introducing H.R. 33, the Drug Testing Quality Act. This legislation is similar to legislation we introduced in the last Congress which bore the same number.

While similar to last Congress' H.R. 33 in many respects, this new legislation contains many significant changes which are a direct result of testimony received at the Subcommittee on Health and the Environment's hearing on H.R. 33. It also attempts to address some of the concerns of business and labor groups which were raised during numerous meetings on this subject. Since the gentleman from Michigan has addressed many of these changes in his statement, I will not discuss them in detail.

As in the last Congress, this legislation is premised on the belief that individuals who undergo drug testing are entitled to have such tests analyzed by laboratories that meet reasonable quality standards.

The legislation this year as in the last Congress is based on a couple of key principles. First, this amendment neither encourages nor discourages drug testing. It does not address under what circumstances drug testing is or is not appropriate. The existing right of an employer to remove from the job an employee who may be impaired would not be affected. The bill does prohibit an employer from taking adverse action against an employee based on a positive screen that has not been proven by a confirmatory test.

The employer is not prohibited from taking action against an impaired employee provided such action is not based on an unconfirmed drug test. Thus, the bill preserves the right of employers to get impaired employees out of safety sensitive jobs immediately, following which the employer may pursue its usual procedures with respect to future employment.

Second, this legislation is based on the belief that drug testing must be conducted according to realistic standards that ensure that laboratories will analyze the tests accurately. We all know the potential for ruining lives and reputations based on faulty drug tests.

Mr. Speaker, this legislation is not perfect. We have met with representatives of many industry and labor groups that have suggested possible improvements to last Congress' legislation. We have attempted to incorporate many of those concerns into this legislation. We are anxious to work with all interested parties to pass reasonable and responsible drug testing legislation.

I urge my colleagues to join in cosponsoring this important legislation.

FEDERAL CUSTODIAL RESPONSIBILITY ACT OF 1991

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Federal Custodial Responsibility Act. This bill would release Federal agencies from Superfund liability whenever they buy collateral at a foreclosure sale in order to hold the property in a custodial manner for resale. This would remedy a situation where Federal agencies, exercising their legitimate fiduciary responsibilities, are being held responsible for cleanup costs for environmental hazards they had no part in creating.

The Federal Custodial Responsibility Act amends section 101(20)(A)(iii) of CERCLA to exempt Federal agencies, departments, or instrumentalities from the definition of owner or operator for purposes of liability whenever title or control is conveyed due to bankruptcy, foreclosure, tax delinquency, or abandonment. I am pleased to say that two of my distinguished small business colleagues, ANDY IRELAND and IKE SKELTON, are joining me in reintroducing this critical legislation.

Mr. Speaker, this problem first came to my attention in 1989 when the Small Business Committee held a hearing on Superfund liability and its impact on small business financing. A key panelist at that hearing was Sally B. Narey, General Counsel, U.S. Small Business Administration who discussed the problems CERCLA created for the SBA, indeed for all Federal agencies. My bill, The Federal Custodial Responsibility Act is a direct result of her testimony. Her testimony addressed the problem directly and succintly, and I enclose a copy of her remarks for the RECORD. I urge all my colleagues to join me and ANDY IRELAND and IKE SKELTON in cosponsoring the Federal Custodial Responsibility Act of 1991.

STATEMENT OF SALLY B. NAREY, GENERAL COUNSEL, U.S. SMALL BUSINESS ADMINISTRATION BEFORE THE COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, AUGUST 3, 1989

I want to thank the Committee for the opportunity to address the issues raised by Chairman LaFalce in his recent letter to Administrator Engeleiter. At the request of the Administrator, it is my privilege, as General Counsel of SBA, to appear before this Committee today on behalf of the Agency. The focus of this hearing is of great interest. The Small Business Administration has heard from small businesses about the problems which have arisen for them and their lending institutions under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or, as it is more commonly known, CERCLA or Superfund. They have also expressed complaints about similar problems created by other related Federal laws, and by numerous environmental statutes which have been adopted by the states. These problems are of significance to SBA because they directly impact upon our programs of financial assistance to small businesses. It is clear that solutions to these problems are urgently needed.

IMPLICATIONS FOR LENDERS AND SMALL BUSINESSES

Under Section 107(a) of CERCLA, among those persons who may be held to be liable for the cleanup costs of a hazardous waste site, are the owner or operator of that site. The application of that provision in the lending context has caused such concern among lenders to small businesses that it has diminished their interest in making financing available. It has resulted in a growing reluctance by lenders to extend loans to small businesses out of the fear that if a small business should fail, and its lender take possession of the debtor's assets through foreclosure, settlement, or a bankruptcy proceeding, the lender, as an "owner" under CERCLA, is likely to be required to bear the costs of any necessary environmental cleanup.

Because of this potential liability, a prudent lender will often request an environmental audit of the potential borrower's property upon submission of a loan application. This can cost several thousand dollars. Small businesses, certainly those seeking SBA financial assistance, generally do not have sufficient funds to incur the cost of such audits and may be deprived of the opportunity for financing. On the other hand, if lenders finance these audits, it is likely that interest rates on loans to small businesses will rise to offset the cost. If this should occur, some otherwise creditworthy small businesses may simply not be able to bear the costs of higher periodic loan payments and, as a result, may not be able to afford financing.

Additionally, small businesses, especially fledgling enterprises, are likely to benefit from their lender's financial and entrepreneurial advice after a loan has been made. The lenders also want to keep an eye on such businesses. Yet, out of concern that they may be viewed as participating in the day-to-day operation of the borrower to such a degree as to be considered an owner or operator liable under CERCLA, lenders may determine that it is best not to offer advice to inexperienced small businesses. If unable to protect their investments, these lenders may simply decide not to extend financing.

Finally, many small businesses have little collateral beyond land, buildings, machinery and equipment. But those are the very items of collateral most likely to be tainted if hazardous waste is, or becomes, present on the property. Once again, a lender may seek to avoid involvement in a loan to a small business for fear that the collateral obtained to secure such a loan is likely to become tainted and, ultimately, become valueless or give rise to cleanup costs should the lender take ownership of the collateral. As you are aware, cleanup liability can be imposed without any degree of fault on the part of the lender. This potential outcome may be sufficient to dissuade many lenders from ever getting involved in loans to small businesses.

IMPLICATIONS FOR SBA

If a small business cannot obtain a loan from a bank, it may seek an SBA-guaranteed or direct loan. SBA itself does not have the expertise or funds to conduct environmental audits to determine the propriety of Agency involvement in a particular loan transaction. Similarly, if a participating lender asks SBA to honor its guaranty and buy its share of a guaranteed loan, SBA has no ability to determine if the bank has acted prudently in its treatment of environmental issues. Nor is SBA able to discern if the collateral for the loan has become tainted during the life of the loan. Finally, we note that at least one court case has raised the issue of potential cleanup liability as a result of advice provided a borrower by SBA employees.

SBA is currently faced with potential cleanup liability once it buys in collateral at a foreclosure sale upon default of an SBA borrower. When SBA honors a guaranty the collateral for the loan is assigned by the lender to SBA and either the Agency or the lender, acting at the request of the Agency, proceeds to liquidate the collateral. When SBA liquidates a direct loan it proceeds on its own with respect to its collateral. Often it is deemed appropriate by SBA that it buy in collateral at foreclosure in order to hold the property in a custodial manner for future resale in order to minimize the government's loss on the default.

Under CERCLA and other similar laws, it is possible that such buy ins by SBA may make it the owner of the subject property and, as a result, potentially liable for cleanup costs. Even though the SBA is a government lending agency, mandated to become involved in risky loans, mandated to attempt to minimize the government's loss upon a borrower's default, and certainly not motivated by profit, SBA may be found to be a party responsible for Superfund cleanup costs.

SBA does not buy in property for the purpose of building up a portfolio. SBA does not hold property for proprietary reasons. SBA takes possession of collateral and holds it in a custodial manner in an effort to secure a later recovery for the government. SBA attempts to sell such bought in property as quickly as possible.

Mr. Chairman, the problems I have outlined are very real. SBA is presently finding itself involved in hazardous waste sites around the country as a result of its loan programs. In one situation, where SBA obtained collateral through foreclosure, we are now being sued by a state environmental agency. SBA now faces the possibility of spending unknown amounts of money for site cleanups simply because of foreclosure actions taken to minimize the government's loss following the default of a small business borrower. We have apprised EPA of our concerns, and we are pleased to have the opportunity to express them to you today.

This concludes my prepared remarks. I will be pleased to answer any questions you may have.

INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1991

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. FIELDS. Mr. Speaker, it is an honor for me to introduce on this the first day of the new 102d Congress the Merchant Mariners Fairness Act of 1991. I am also pleased that several of our colleagues have joined with me in this important effort.

Mr. Speaker, the purpose of this legislation is twofold. First, it will correct a major injustice that has been perpetrated on thousands of Americans who proudly served in our U.S. merchant marine during World War II.

And, second, it will clarify the intent of the Merchant Marine Act of 1936 to ensure that our cargo preference laws are fairly and accurately enforced.

Let me describe why it is essential that Congress enact this legislation.

While it is now more than 40 years since the end of World War II, there are still many Americans who served in the U.S. merchant marine who have not received any recognition or benefits for the vital role they played in that conflict.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades. They came home to no celebration. In fact, little, if anything, was said about the contributions they made to defeating the Axis powers, keeping Europe and Asia free, and preserving our freedom here in the United States. Worst, these merchant seamen came home to none of the benefits enjoyed by the men and women who served America in uniform.

Mr. Speaker, we know that 270,000 merchant seamen helped deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported our troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world's starving people. The price they paid to keep us free was high: 733 U.S. merchant ships were destroyed; 6,632 seamen were killed, and 609 merchant mariners were taken as prisoners of war. Indeed, their casualty rate was only one-tenth of 1 percent lower than our Marine Corps, which experienced the highest casualty rate of any branch of the military services.

President Franklin Roosevelt noted that our merchant mariners were men who "returned to their jobs at sea again and again, because they realized that the lifelines to our battlefront would be broken if they did not carry out their vital part in this global war."

Gen. Dwight D. Eisenhower, commenting after the Normandy invasion in 1944, said that: "When final victory is ours, there is no organization that will share its credit more deservedly than the merchant marine."

Gen. Douglas MacArthur emphatically stated that: "They have contributed tremendously to our success. I hold no branch in higher esteem than the merchant marine service."

Finally, Adm. Chester Nimitz said that: "Without these merchant ships wholly devoted to winning the war, our substantial progress would not have been possible."

Mr. Speaker, despite these well-deserved accolades, unfortunately, our merchant seamen became the forgotten patriots of World War II.

While there have been attempts over the past 40 years to legislatively provide veterans status to these merchant seamen, each of those efforts failed.

A prominent advocate of such legislation was Congressman Thomas Joseph Lane of Massachusetts. In fact, on October 8, 1945, Congressman Lane made one of the most eloquent statements on behalf of our World War II merchant mariners. Congressman Lane noted that: "Men of the merchant marine were the first to fight and the first to die. They, above all others, saved England when she stood alone against Nazi aggression and was but a few weeks away from the starvation which meant certain defeat. In those dark days the merchant marine was our last and only hope."

"Theirs was a constant, nerve-wracking vigil against enemy ambush that was frequent, swift and deadly. Many ships went down with many men. But the lines never faltered. Their war service, constantly exposed to enemy action, was indispensable to victory."

Mr. Speaker, Congressman Lane was absolutely correct in his assessment. These men paid a tremendous price in fighting for us, but have been forgotten by us.

It is also significant to remember that in October 1941, President Roosevelt asked the Congress to enact legislation to lift the ban on arming merchant ships. Less than 1 month later, Congress approved such legislation.

In addition, President Roosevelt issued an Executive order establishing the War Shipping Administration [WSA] on February 7, 1942, as a civilian Federal agency within the Executive Office of the President. By that order, all of the functions, duties and powers conferred upon the U.S. Maritime Commission with respect to the operation and requisition of vessels were transferred to the WSA. In short, our merchant seamen became employees of the United States.

With that background, we move forward to October 2, 1987, a day which will long be remembered by all World War II merchant seamen. On that day, U.S. District Court Judge Louis S. Oberdorfer declared that the Pentagon's previous decisions to reject veterans status for World War II merchant seamen were "arbitrary and capricious and—not supported by substantial evidence."

As a result of this landmark court decision, then Secretary of the Air Force Edward C. Aldridge, Jr., issued a statement on January 19, 1988, which stipulated that service of the "American merchant marine and oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945" should be considered active duty for purposes of all laws administered by the Veterans' Administration.

While I am pleased that our Government has granted veterans status to some of our forgotten merchant mariners, the Secretary's decision to exclude those seamen who did not have an oceangoing voyage prior to August 15, 1945, is unjustified and cruel.

By establishing a so-called "period of armed conflict," the Secretary has made a flawed decision which has no basis in law. The term "period of armed conflict" does not appear in Judge Oberdorfer's 34-page decision and there is no documentation, no evidence and no justification for the August 15, 1945, date.

By selecting these dates, Secretary Aldridge has unfairly penalized thousands of Americans who served in our Nation's merchant marine during 1945 and 1946.

Based on discussion with the U.S. Coast Guard, there are three categories of merchant mariners who are adversely affected by Secretary Aldridge's decision. These include: those who served in the U.S. merchant marine before August 15, 1945, but did not have any oceangoing voyages prior to that date; those merchant seamen who were in military training on August 15, 1945; and those who were inducted into the merchant marine after August 15, 1945.

Mr. Speaker, it is my understanding that there are over 3,000 merchant seamen whose applications for veterans status have been rejected by the Coast Guard because of Secretary Aldridge's decision.

While I have been contacted by a number of them, each shared the common characteristic of love of country and a commitment to serve during one of the most difficult periods in our Nation's history.

Most of these men could have, because of their young age, simply chosen to avoid service during World War II. However, they chose not to and we must not, even in this late hour, forget them.

Mr. Speaker, let me tell you why all merchant mariners who served between December 7, 1941, and December 31, 1946, should be granted veterans status. They have earned that right for the following reasons:

First, the War Shipping Administration [WSA] was in control of all ship movements far beyond the arbitrary date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, these merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

Mr. Speaker, those ships were not taking pleasure cruises. They were transporting desperately needed supplies, including medicine, to countries that had been devastated by war. The ships and their crews traveled through heavily mined waters, like the Mediterranean Sea, and on more than one occasion merchant ships were sunk by mines.

In fact, there were at least 11 U.S. merchant vessels damaged or lost after August 15, 1945. One of those was the SS *Jesse Billingsley,* which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. merchant marine, the war did not end on August 15, 1945. Defense shipping actually increased after that date to 1,200 sailings in December, 1945, as compared to the World War II monthly peak of 800.

Second, while the Japanese indicated their desire to surrender on August 15, 1945, the situation facing the U.S. merchant marine did not radically change on that date. In fact, I have a copy of a telegram sent on August 15, 1945, by the U.S. Naval Pacific Command which states that "for all merchant vessels in the Pacific Ocean areas, Japan has surrendered. Pending further orders, all existing instructions regarding defense, security, and control of merchant shipping are to remain in force. Merchant ships at sea, whether in convoy or sailing independently, are to continue their voyages."

Third, it was not until December 31, 1946, that President Harry Truman declared in a press conference that he was issuing Proclamation 2714, which states that "although a state of war still exists, it is at this time possible to declare, and I find it in the public interest to declare, that hostilities have terminated."

Fourth, it was not until January 1, 1947, that the U.S. Coast Guard was returned to the Treasury Department from the Department of the Navy.

Mr. Speaker, this is further evidence that World War II was not over on August 15, 1945, since the Coast Guard Act of 1915 unambiguously declares that "the Coast Guard shall constitute a part of the military forces of the United States and shall operate as a part of the Navy in time of war."

And, finally and most importantly, all of our Federal laws that affect those who served during the World War II period use the date December 31, 1946.

Mr. Speaker the August 15, 1945, date simply has no basis in law. In fact, the overwhelming preponderance of evidence suggests that the correct and only relevant date is December 31, 1946.

Although I do not question the motives of the Secretary of the Air Force, justice demands that Congress finish the job which Secretary Aldridge began. That is the key purpose of this legislation: to extend veterans status to all merchant mariners who served our country's war effort between December 7, 1941, and December 31, 1946.

While our merchant seamen received letters, ribbons, and other citations for their outstanding service, they are entitled to more than just these tokens of service. They deserve not only our respect, but they deserve to be treated in exactly the same manner as all other World War II veterans.

The second purpose of this important legislation is to amend the Merchant Marine Act of 1936 to ensure that our cargo preference laws are interpreted to include components or ingredients of equipment, materials, commodities, or supplies that are required to be shipped on U.S.-flag vessels.

Unfortunately, there have been certain instances in recent years where Government agencies have attempted to circumvent the intent of our cargo preference laws by creatively finding ways, like excluding components, to avoid implementing them.

Mr. Speaker, the single purpose of our cargo preference laws is to guarantee that a certain percentage of our Government cargo is transported on U.S.-flag vessels. These are not ambiguous or confusing statutes and the purpose of my legislation is to remove any lingering confusion about what is covered by our cargo preference laws.

Frankly, I do not view this amendment to the Merchant Marine Act as a significant modification but simply a clarification of what Congress had always intended would be covered by this act.

Mr. Speaker, this is not the first time I have introduced the Merchant Mariners Fariness Act. In fact, this proposal is virtually identical to H.R. 44, which I proposed in the previous Congress, and which was unanimously adopted by the House Merchant Marine and Fisheries Committee on two separate occasions.

In addition, this legislation has been cosponsored by a number of our colleagues in the House and it has received the enthusiastic support of thousands of Americans.

The only difference in the bill I am introducing today and the one reported by the Merchant Marine Committee is the incorporaton of a new section which would require those seeking veterans status to pay a one-time processing fee of $30. This is in response to information provided by the Coast Guard which has indicated it cost them $30 to review an application for veteran status. In short, my bill would eliminate any administrative costs involved in implementing this legislation.

Mr. Speaker, after more than 40 years, it is time we gave these merchant marine patriots the recognition they have long deserved.

While I am pleased to reintroduce this legislation and would like to thank our colleagues, HELEN BENTLEY, NORM LENT, GREG LAUGHLIN, JIM SAXTON, HARLEY STAGGERS, JOHN RHODES, DEAN GALLO, ED FEIGHAN, BILL HUGHES, JOHN MILLER, BILL RICHARDSON, and OWEN PICKETT for joining with me in this effort, I hope we can soon enact this bill into law so that these individuals can live out the rest of their lives in dignity.

Mr. Speaker, now is the time for Congress to approve the Merchant Mariners Fairness Act of 1991.

A TRIBUTE TO ELAINE WYNN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to a woman who is not only a credit to the Las Vegas community, but has greatly enhanced the lives of the hundreds of children she has come into contact with. I speak of Elaine Wynn.

These words come on the eve of a very special occasion. On January 10, 1991, the elementary school on Edna Avenue, in the city of Las Vegas, will be officially dedicated as the Elaine Wynn Elementary School. This is a well deserved honor for a woman of the caliber of Elaine Wynn.

A native of New York City and a graduate of George Washington University, Mrs. Wynn has not only excelled as a wife and mother but also in business, cultural and service roles within the Las Vegas community. She holds positions ranging from director of Golden Nugget, Inc., and the Nathan Adelson Hospice to former cochairperson of the United Way Campaign and board member of the Nevada Institute for Contemporary Art. She has been honored as the 1984 Woman of the Year by the Nevada Dance Theater and received the Easter Seals Silver Lilly Award for her charitable work in the community.

Yet, every Friday, she takes time out of her busy schedule to spend the afternoon with the children of her namesake school. Whether it is eating with the children, helping in the physical education classes, or teaching them how to dance, she has become an integral part of the school community. She has donated thousands of dollars in books and educational materials to the school. In addition, she has become concerned with improving efforts to motivate students with low self-esteem.

Whether it be in the classroom or in the community at large, Elaine Wynn has been a benefactor to the children and the community of Las Vegas. The dedication of the Elaine Wynn Elementary School is a richly deserved honor for this outstanding woman. It is my hope that others will follow in her example and continue to show us how much of a difference we can truly make in our communities.

PLASTIC CONTAINER IDENTIFICATION ACT OF 1991

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation that I sponsored during the 101st Congress and which is aimed at improving the ability to recycle plastic containers by establishing a national marking and coding identification system for plastic resins.

I believe the need to expand the recycling of plastic products is clear: plastics constitute the most rapidly growing segment of the national solid waste stream. As we address the current solid waste crisis, and at a time when one-third of all landfills will close within several years, recycling of plastics and other products is a key ingredient toward a comprehensive Federal program designed to assist States and local governments.

Such a coding system, first proposed by the plastics industry, has already been adopted by several States, and many additional States, including Maine, are now also studying the merits of such a system. By requiring such a coding system for plastic containers on a national level, this legislation will facilitate an expansion in the volume of plastic products, and in the reuse of plastic resins by manufacturers.

The Plastic Container Identification Act imposes a simple identification system, which the plastics industry would be required to adopt by January 1, 1993. Other basic provisions of this bill are as follows:

All plastic containers sold must be marked with a molded symbol, identifying its resin content, to ease separation for recycling.

Six easy-to-read marking symbols would be used, covering most of the plastic containers now in wide use.

Violators would be penalized under the rules for food established by the Federal Food, Drug, and Cosmetic Act.

The Environmental Protection Agency must submit a report to Congress within 6 months on: First, a promotion and education plan to support this coding system, and the recyclability of plastics of all kinds and; second, recommendations on policies to reduce the amount of nonrecyclable and nonbiodegradable plastic used in the manufacture of plastic used in the manufacture of plastic products.

The annual volume of plastics entering the municipal solid waste stream is growing at an alarming rate, from a level of 800 million pounds in 1960 to over 21 billion pounds today. The use of plastic resin products has grown during this same time period from a level of 6.3 billion pounds to an estimated 57 billion pounds.

Growing public concern about the prevalent use of plastic packaging and their effect on the environment necessitates a more sensible use of plastics, starting with efforts to greatly expand their recyclability. Today, over 20 percent of plastic soda bottles are already recycled. Expanding this level to make recycling economically viable for most other plastic containers can be accomplished, but requires large quantities of plastics that are homogeneous by resin type.

Mr. Speaker, I urge my colleagues to cosponsor and support the Plastic Container Identification Act, as one important remedy to our national problem with solid wastes.

INTRODUCTION OF THE COMPREHENSIVE LONG-TERM CARE INCENTIVES ACT OF 1991

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RHODES. Mr. Speaker, today I am reintroducing my Comprehensive Long-Term Care Incentives Act of 1991, to promote a private-public partnership to stimulate the long-term care market.

In the larger debate over health care, long-term care has quickly become a costly and compelling concern for everyone. Older Americans and their children fear becoming destitute and demoralized by a disabling illness. Long-term care policy requires incentives and options to succeed, not another ill-conceived bureaucratic entitlement program. Planning ahead for the possible expenses of chronic care must become a customary rite of aging.

I wrote an article for the December, 1990 issue of Chief Financial Officer [CFO] magazine describing the public-private partnership long-term care concept embodied in my legislation (H.R. 5090). In response to that article, a life insurance planning manager in Portland, OR, wrote in a letter to Senator MARK HATFIELD and others as follows:

ROBERT HEESTAND & ASSOCIATES,
Portland, OR, December 6, 1990.

Re: H.R. 5090—Long Term Care Insurance.
Senator MARK HATFIELD,
Hart Building, Washington, DC.

DEAR SENATOR HATFIELD: I am writing today in response to the enclosed article about Long Term Care Insurance written by Rep. John T. Rhodes III. This proposal is on the cutting edge of progressive federal policy and should be viewed in a serious and thoughtful manner.

There is ample evidence that this will not go away. An incentive approach makes more sense than a costly and inefficient addition to the Medicare program. There is ample evidence as well that employer sponsored benefits, even when provided on a voluntary basis, are widely accepted by the general public.

You have an opportunity to craft a piece of legislation today that could perhaps head off a collision with the growing numbers of the elder population who will demand that the Federal Government take care of this problem through the entitlement system.

The insurance industry is ready to play an active role in this. Our informal research has shown that people are concerned and interested in addressing the issue. Let's solve this problem now with a partnership of the private and public sectors

Sincerely,

WILLIAM J. HEESTAND.

Mr. Speaker, my legislation responds to the near-universal desire of frail and chronically ill persons to remain in familiar surroundings, with control over their lives, whenever possible. This bill shifts the institutional bias of Medicare and Medicaid, as well as private long-term care policies, by providing incentives for utilizing home and community-based care.

I congratulate the Congress in working toward reform in this area by restoring Medicare mammography screening, extending in-home respite care, expanding hospice care, instituting stronger Medigap insurance fraud and abuse penalties and a Medigap consumer hotline, and for providing home intravenous drug therapy benefits as part of the Omnibus Budget Reconciliation Act [OBRA] of 1990.

Those were important steps forwarded toward meaningful LTC. But, frankly, more needs to be done. Private insurance companies and businesses have shown their willingness to become actively involved in long-term care. My legislation provides needed incentives that would promote the development of responsive and thoughtful long-term policies.

I urge my colleagues to join me in support of this important legislation. The following is a description of the legislation I am introducing today:

RHODES "COMPREHENSIVE LONG-TERM CARE INCENTIVES ACT OF 1991"

(Background and Explanation, January 3, 1991)

This bill is a modified version of H.R. 5090, the "Comprehensive Long-Term Incentives Act of 1990", which Congressman Rhodes introduced in the 101st Congress.

Several LTC provisions contained H.R. 5090 were subsequently incorporated in identical or similar form in the Omnibus Budget Reconciliation Act (OBRA) of 1990 (H.R. 5835/P.L. 101-508), and the National Affordable Housing Act (S. 566/P.L. 101-625).

The portions of H.R. 5090 included in OBRA '90 are:

Restore Medicare Mammography Screening.

Extend In-home Respite Care.

Expand Hospice Care.

Reimbursement for Certain Intravenous Drug Therapy Services.

Medigap Insurance Fraud and Abuse Protections/"Hotline".

The portion of Rhodes' H.R. 5090 which was incorporated in the National Affordable Housing Act of 1990 was:

Concept of Reverse Mortgage which could be used to help acquire LTC insurance coverage (Demonstration Project).

Congressman Rhodes was pleased that many of these important LTC related provisions which were included in his original H.R. 5090, were subsequently incorporated in the Reconciliation and Housing bills. Those are important steps forward. However, more remains to be accomplished to provide further incentives for the development of and purchase of much needed LTC for seniors and others who find themselves burdened with unforeseen and financially devastating health care challenges.

The modified Rhodes LTC incentives bill which is being introduced today, is essentially identical to H.R. 5090, except for the provisions that have already become law.

The following provisions are included in the "Comprehensive Long-Term Care Incentives Act of 1991".

TITLE I—TAX TREATMENT OF LONG-TERM CARE (LTC) INSURANCE PLANS

Treatment of LTC Insurance

A. Amends the Internal Revenue Code (IRC) to treat qualified LTC insurance the same as accident and health insurance for purposes of tax deductions on individual income tax returns.

B. Allows employers under the IRC to offer employees qualified LTC insurance as a tax-free fringe benefit. The employer contribution would be deductible.

C. Excludes from gross income amounts withdrawn from Individual Retirement Accounts (IRAs) or 401(k) Plans for purposes of purchasing qualified LTC insurance.

D. Allows the non-taxable exchange of life insurance policies for qualified LTC insurance.

Employer Funding of Medical Benefits

A. Encourages companies to establish health benefit accounts for retirees and their spouses and dependents. Provides a tax deduction for the employers' contributions to the accounts.

B. Defines funded reserve accounts and vesting requirements to qualify for tax deduction of premiums paid, including special rules (excise tax) on allocated assets not used to provide retiree health benefits.

Reverse Mortgage Insurance for Older Americans

A. Technical amendment to the National Housing Act's home equity conversion mortgage insurance demonstration project providing that the long-term care insurance purchased cannot exceed 95% of the cost of a median priced single family home (as determined by the Secretary of health and Human Services).

Income Tax Credits

A. Provides a $2000 refundable credit for custodial care of certain dependents in the taxpayer's home.

B. Allows a taxpayer to receive a refundable credit for expenses for LTC services provided to certain independent persons requiring such care. This is a credit against tax imposed in the amount equal to 25% of the qualified LTC expenses, not exceeding $2000, but only permitted for those below 150% of the proverty level.

TITLE II—FEDERAL NATIONAL LONG-TERM REINSURANCE CORPORATION

A. The Secretary of Health and Human Services shall authorize the incorporation of the Federal LTC Reinsurance Corporation, which will have a Board of Directors consisting of nine persons; three appointed by the

President of the United States, and six elected annually by the stockholders.

B. The Corporation shall provide for the reinsurance of insurance companies for extraordinary loss in the payment of benefits for qualified LTC insurance. Exempts the Corporation from State regulation and tax liability for the purposes of stimulating the private LTC insurance market. The Corporation shall terminate after 10 years.

IN HONOR OF FRANK B. CAPONE OF HOLMES, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Frank B. Capone, who on the 15th of this month will be installed as the 68th State president of the Pennsylvania Association of Realtors.

Mr. Capone has been active in the real estate business for over 30 years. As a member of the Delaware County Board of Realtors, he chaired or served on every committee of the board, one of which received a commendation from Governor Thornburg in May 1981 for its program to fight alcohol and drug abuse. His dedication led him to the position of board president in 1981 and realtor of the year in 1982.

Mr. Capone has served his fellow Pennsylvania realtors well and is most deserving of this recognition and honor. His chairmanship of the Standard Forms Committee and his service as vice president in 1984 and 1985 were invaluable to the continued growth and strength of the Pennsylvania Association of Realtors.

Mr. Speaker, Mr. Capone has brought guidance and leadership to the realtors of Pennsylvania and will continue to do so as he assumes the presidency of this outstanding organization. I am proud to join with nearly 30,000 Pennsylvania realtors in paying tribute to this exceptional man and extending my best wishes to him.

CONGRESS' REAFFIRMATION OF THE SECOND AMENDMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I have once again introduced legislation to reaffirm congressional support for the second amendment to the Constitution of the United States. Because this year is the bicentennial of the Bill of Rights, I feel it is imperative that we reaffirm our belief in the rights that all Americans are entitled to under the Constitution. The purpose of this legislation is to ensure that our Founding Fathers' intentions in creating the second amendment remain intact.

The second amendment states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." It would be a grave injustice to compromise or surrender the rights to which our Founding Fathers dedicated their lives. There are few issues in this country that are more emotional or less understood than an individual's right to keep and bear arms, and it is disheartening to see any erosion of these rights when the framers of our Constitution clearly intended to guarantee an individual's freedom to protect himself. Our criminal justice system has far higher priorities, especially given the excessive Federal budget deficit, than to spend its time and money depriving people of the right to use a gun for hunting, target shooting, and lawfully protecting themselves against trespass.

We must reject any attempts to restrict American citizens from defending themselves and their property. Any erosion of this right is a severe threat to one of our basic freedoms as citizens of the United States. Currently police protection is reactive and is only guaranteed in broad terms. Since the U.S. criminal justice system has obviously not demonstrated the ability to provide adequate public safety, we simply cannot in all good conscience prevent individuals from protecting themselves.

Let us face the facts—guns do not kill people, people kill people. An inanimate object should not be blamed for the crime of a human. After all, do we blame the automobile or the driver in a hit-and-run accident?

Criminals will have access to guns no matter what we legislate. It is the innocent, law-abiding citizen that is victimized by gun control legislation for he then becomes easy prey for criminals. Instead, criminals should be given harsher mandatory sentences when commiting a crime with a gun. I suggest that States implement "Use a gun, go to prison" and other similiar legislation to punish those who abuse their second amendment right by commiting crimes with a gun.

In the year of bicentennial of the Bill of Rights, I commend to my colleagues a column included in the November 13 issue of the Washington Post, in hopes that it serve as a reminder of the purpose of the second amendment to the Constitution. Moreover, I urge my colleagues to consider cosponsoring my resolution in order to put Congress on record that it will unphold our second amendment rights.

The Right To Keep Firearms

(By Michael K. McCabe)

Former Nixon administration solicitor general Erwin Griswold indulged a slashing attack on the Second Amendment's right to keep and bear arms [op-ed, Nov. 4]. Sparing few invectives, he dismisses it as a "phantom right" posing "no barrier to strong gun laws."

Griswold's truculence is not well taken; indeed, he would be well-advised to consider remedial instruction on the Bill of Rights. His implausible "analysis," which relies upon one Supreme Court case that is on point—and two cases that decidedly are not—reflects weak legal scholarship and a thinly veiled rationalization of an emotional, unreasoning aversion to the private ownership of firearms.

History, clearly anathema to Griswold's analysis, dictates a contrary conclusion. William Blackstone, in his classic treatise on the common law, recognized that the right to keep arms for the purpose of self-defense was a "primary law of nature" that could not be "taken away by the law of society." The right to keep arms for this purpose was considered basic by the drafters of the Bill of Rights. Under the Ninth Amendment, such rights at common law were preserved. Thus, the keeping of private arms for self-defense exists independent of the Second Amendment.

The Second Amendment served two additional purposes. First, the militia, in addition to its utility for purposes of defense, would also serve as a counter-balance to the distrusted standing army. What was the "militia"? George Mason, one of the fathers of the Bill of Rights, reflected the common contemporary understanding of the term when he said that it consisted simply of "the whole people."

The Second Amendment also served the higher purpose of ensuring that the people would remain armed and resistant to tyranny. Thomas Jefferson's famous observation that the "tree of liberty must be refreshed from time to time with the blood of patriots and tyrants" merely suggests a commonly held belief. The language that would support Griswold's interpretation was suggested by Roger Sherman and specifically rejected by the drafters.

Griswold's sweeping dismissal of those scholars the conclude that the Second Amendment confers an individual right would surely surprise anyone who has read "The Right to Keep and Bear Arms," a report of the subcommittee on the Constitution of the U.S. Senate Judiciary Committee (1982), which stated: "The conclusion is thus inescapable that the history, concept and wording of the Second Amendment of the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicated that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner."

The one case in this century squarely decided on the Second Amendment, the 1939 Supreme Court case of United States v. Miller, certainly does not support Griswold's theory. The court in Miller, in refusing to take judicial notice that a short-barreled shotgun had "some reasonable relationship to the preservation or efficiency of a well-regulated militia," merely concluded that that particular firearm did not warrant Second Amendment protection. Does Miller then stand for Griswold's proposition that the only militia that may have guns is the "organized" militia?

Decidely not. To the undoubted discomfort of those who perpetuate the "collective right" canard, there is increasing recognition that the Second Amendment may actually mean what it says—and bear arms shall not be infringed," Prof. Sanford Levinson, in a 1989 Yale Law Journal article titled "The Embarrassing Second Amendment," suggests that the drafters did indeed recognize the Second Amendment as conveying individual, not collective, rights. Also apparently escaping Griswold's scrutiny is a textual analysis of the Bill of Rights in the recent Supreme Court case of United States v. Verdugo-Urquidez (1990), in which Chief Justice Rehnquist, writing for the majority, notes that the term "the people" has the same meaning in the First, Second, Fourth, Ninth and 10th Amendments.

Griswold's argument to restrict the Bill of Rights suggests in exercise in consistent, albeit defective, reasoning. His argument that government (despite the Second Amendment) should "protect" the people against the private ownership of firearms rings strongly of his argument in the famous "Pentagon Papers" case—that the government (despite the First Amendment could also "protect" the people against the "publication of information." History records that the Supreme Court disagreed with Griswold.

Griswold's philosophy of individual rights should disturb anyone who has witnessed the fruits of tyranny. The Bill of Rights was created as an inalienable and perpetual shield against government abuse, including judicial abuse. If it is possible to convert the Second Amendment into a "phantom," then there is no reason to expect that any other fundamental guarantee of liberty stands on stronger ground.

TRIBUTE TO RICHARD MUGRIDGE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual and my good friend, Mr. Richard Mugridge.

Rick has been a hard-working individual in Michigan's 12th District for some time now. I have come to know him through his extensive work on my campaigns and know he has always been there to help me. His commitment to my campaigns, however, is exceeded by his commitment to his union.

In 1968 Rick began working for Michigan Bell. Shortly thereafter he became active in his CWA Local 4014. He became an election committee member in 1972.

In 1976, Rick received a great honor from his fellow members when he was appointed chief steward. He was then elected vice president in 1981 for a 3-year term. In 1984, CWA Local 4014 and 4008 merged. Rick has served as vice president of the north area for the past 6 years.

Rick serves on the election, bylaws, legislative, and mobilization committees. His hard work and dedication have earned him respect and success. He has been, through the years, a tireless champion for his fellow union members.

Rick has been a loyal volunteer of mine since my first campaign for Congress. I am honored to call him a friend and proud to have his support. I hope, and expect, that Rick and I will stand shoulder to shoulder in the many challenges to come.

INTRODUCTION OF THE "BEEPER BILL"

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. COLLINS. Mr. Speaker, today I am introducing legislation that is intended to help put a dent in the ease with which the Nation's illegal narcotics trade is carried on. The Telecommunications Drug Enforcement Act of 1991 would allow law enforcement officials to obtain a court order to cut off the mobile communications service of persons the police have probable cause to believe are using those devices to participate in the illegal drug market.

Over the past several years, as communications technology has advanced, so has the sophisticated use of new communications devices by persons involved in the illegal drug market. The use of digital voice and message beepers, mobile cellular telephones and facsimile machines in the drug trade is very high and growing. A law enforcement official in the District of Columbia estimates that 90 percent of the people arrested in the city for drug dealing have beepers, and that an estimated 25 pagers are confiscated each week which have been used in the drug trade. The use of these devices, together with the use of public telephones, has made the job of investigating and identifying drug traffickers a difficult task. The legislation that I am proposing will allow law enforcement officials to obtain a court order, based on probable cause, to disconnect the mobile communications service to persons the police have reason to believe are using the equipment for illegal purposes.

Obviously, we must utilize all means necessary and proper to fight the war on drugs. Since there is vast evidence that otherwise useful, convenient and innocuous devices are being used to perpetuate the drug trade, we must attempt to stop this practice. While I do not have any notions that this measure will stop drug dealers in their tracks. I do believe it will be yet another hurdle or hindrance in their dirty business. I urge my colleagues to support this measure.

INTERNATIONAL FUND FOR IRELAND AND THE MACBRIDE PRINCIPLES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ENGEL. Mr. Speaker, today I am introducing legislation which would take an important step toward the elimination of job discrimination in the north of Ireland. My bill stipulates that organizations receiving financial support from the American contribution to the International Fund for Ireland would be required to abide by the MacBride principles of fair employment.

When I visited Ireland in the summer of 1989, representatives of the minority Catholic community raised concerns about the administration of the IFI and indicated that the $20 million annual funding level from the United States was simply contributing to continued discrimination against the Catholic minority.

The MacBride principles, developed and very successfully promoted by the Irish National Caucus, are similar to the Sullivan principles utilized to combat discrimination in South Africa. The MacBride principles:

First, prohibit discrimination based on religious affiliation;

Second, provide for the protection of minority employees at the workplace;

Third, ban provocative sectarian and political emblems from the workplace;

Fourth, establish layoff, recall, and termination procedures which do not favor particular religious groups;

Fifth, prohibit job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin;

Sixth, develop training programs that will prepare substantial numbers of minority employees for managerial, supervisor, administrative, clerical, and technical jobs.

My bill would help ensure that American taxpayers' money is not used to further discrimination in Ireland. At no time should the United States support anti-Catholic discrimination, but in particular during this era of extreme budget constraints we must ensure that every dollar is utilized effectively.

INTRODUCTION OF THE FEDERAL BUDGET STRUCTURE ACT OF 1991

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLINGER. Mr. Speaker, today I introduced the Federal Budget Structure Act of 1991.

Before describing the provisions of this legislation, however, I wish to express my appreciation for the valuable assistance of Charles Bowsher, the Comptroller General, and his staff in helping to develop this legislation. The Comptroller continues to play a valuable leadership role in improving our antiquated financial management practices.

The Federal Budget Structure Act simply seeks to identify, define, and present separate operating and capital components of the Federal budget, and to distinguish between Federal funds and trust funds, while maintaining a unified budget. It is not yet a perfect piece of legislation, but hopefully it will help fuel a needed debate.

Mr. Speaker, let me reiterate that this legislation seeks to retain a unified budget. This proposal does not attempt to reduce the Federal budget deficit through more smoke and mirrors by taking capital expenditures off-budget. A unified budget is maintained.

This legislation seeks to provide what the existing budget does not—adequate information on the revenues, expenditures, surplus/deficit amounts, and financing requirements for capital activities of the Federal Government. It also attempts to provide a distinction between Federal funds and trust funds, and between capital and operating activities in a manner which does not hinder identifying the resources needed to meet the Government's capital infrastructure needs.

The benefits of a capital budget are many. The private sector and a large majority of State and local governments have set a financial example of the direction the Federal Government should follow. A capital budget:

Focuses attention to a greater degree on the deteriorating physical infrastructure of the Nation and allows us to make more rational investment decisions;

Promotes intergenerational equity by burdening future generations with debt service only for activities that provide future tangible benefits—capital;

Provides more equitable budget treatment of capital activities by avoiding the current front-end loading of the full costs in the first year; and

Shows that borrowing to finance capital investments is accompanied by an increase in the Nation's assets.

A capital budget that remains part of the unified budget may also help us better define "What is a balanced budget?" As we move in the direction of a balanced budget, we need to more fully explore whether it makes sense for the Federal Government to balance its annual budget under current bookkeeping practices.

Efforts to improve Federal financial management and better identify capital activities will bear directly on the quality and clarity of the financial information that we use to make budget decisions.

In closing, Mr. Speaker, Congress continues to debate reducing the Federal budget deficit, budget process reform, and more. However, all this may be to no avail unless we recognize the most fundamental problem—the lack of accurate, timely, and comprehensive Federal financial information.

THE QUALITY CHILD CARE DEMONSTRATION ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today with Representative NANCY JOHNSON, of Connecticut, to reintroduce the Quality Child Care Demonstration Act. This legislation is designed to establish a model child care grant program.

In the sweeping child care legislation passed last Congress, one of the major principles at the foundation of the bill was that parents, States, and localities are better decisionmakers than the Federal Government on how to care for children.

The idea behind the Quality Child Care Demonstration Act is to identify successful child care centers at the local level and use their expertise to set up a network of community and family day care centers. There is a wealth of good, practical ideas and experience already out there in the private sector which we should try to tap into. This legislation is an outgrowth of the child care challenge campaign conducted in Ventura County with Congresswoman NANCY JOHNSON.

The legislation we are reintroducing provides a mechanism for local initiatives and expertise to be recognized and then applied to other areas. Under the bill, outstanding child care centers would receive block grants to provide support and training for other centers in their area.

During the 101st Congress, the Quality Child Care Demonstration Act was included in the House of Representatives' child care legislation, but was unfortunately dropped in the conference in the final weeks of the second session.

With the passage of major child care legislation last Congress, it will be the responsibility of the 102d Congress to oversee the implementation of the law, identify its shortcomings, correct its flaws, and ensure that the founding principles of the law are realized to their fullest extent. The Quality Child Care Demonstration Act is designed for such a purpose, and I encourage my colleagues to join in our efforts to bring the finest child care available to all families by cosponsoring this important legislation.

DECLARATION OF EL SALVADOR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HYDE. Mr. Speaker, the need for freedom loving people to strongly support the efforts of El Salvador's President Alfredo Christiani in his country's brave struggle against the Marxist FMLN has been recently memorialized by a declaration signed by the Presidents of Guatemala, Honduras, Nicaragua and Costa Rica. I am pleased to share with my colleagues the text of this important document:

"DECLARATION ON EL SALVADOR" ISSUED BY THE CENTRAL AMERICAN PRESIDENTS IN PUNTA ARENAS, COSTA RICA ON 17 DECEMBER 1990

The Presidents of Costa Rica, Guatemala, Honduras, and Nicaragua, aware of the difficult situation that prevails in the fraternal nation of El Salvador, a situation that was worsened over the past few days due to the actions of the FMLN (Farabundg Marti National Liberation Front), which have affected the civilian population and have led to a qualitative escalation of the armed conflict through the FMLN's use of sophisticated and highly destructive weapons;

Recalling the commitments of the Central American governments within the esquipulas process with regard to their commitment to promote a cease-fire and national reconciliation and according to which dialogue should prevail over violence and reason over rancor, taking into account that the corresponding governments would begin a dialogue with all disarmed opposition groups and with those that have embraced the amnesty law, ". . . . and to conduct all the necessary efforts to attain an effective cease-fire within the framework of the constitution;"

Once again, recognizing the efforts of Salvadoran President Alfredo Cristiani since 1 June 1989 to end the Salvadoran armed conflict through dialogue with the FMLN and to attain full incorporation of this armed, rebel group into the peaceful and democratic life of the country;

Reiterating that peace, freedom, democracy, and development are based on respect for a country's legal, constitutional order, which should be modified only through the corresponding legal means and by the legitimate authorities elected by and representing the people's sovereign will as freely expressed in the election processes;

Reasserting the need for peace that has resulted from reconciliation and permanent stability throughout Central America to attain the social and economic development our nations demand and that we cannot attain due to the existence of conflicts in some of the region's countries, and especially due to the situation that prevails in El Salvador;

Taking into account that the dialogue process between the Salvadoran Government and the FMLN has been hindered by the FMLN's persistent, violent actions;

Recalling the San Isidro de Coronado declaration in which it was decided to involve the international community in the Salvadoran peace process through the presence of the United Nations Secretary General, who was called upon to take the necessary actions for the dialogue between the Salvadoran Government and the FMLN to be resumed, and to contribute toward the successful development of that dialogue;

Praising and recognizing the valuable participation of UN Secretary General Javier Perez de Cuellar, under whose auspices the Geneva agreement was signed on April 1989, which allows the resumption of the Salvadoran peace process and in which the two sides have asserted their good faith and willingness to seek a definitive solution to the armed conflict through negotiations;

Emphasizing the constructive position the Salvadoran Government, which has agreed to hold open and serious talks on all topics included in the peace process agenda, including that of the Salvadoran armed forces, the existence of which is established by the constitution;

Stating that the FMLN's attitude within the dialogue has prevented attaining a prompt solution to the armed conflict and that the FMLN's new offensive violates the agreement on human rights signed in San Jose, Costa Rica on 16 July 1990 which established a commitment to prevent all actions or practices that endanger people's lives, honor, safety, and freedom;

The Presidents of Costa Rica, Guatemala, Honduras, and Nicaragua agree;

1. To support the Salvadoran people's will for peace, democracy, and reconciliation, which has repeatedly been expressed over the past few years through honest and pluralist elections.

2. To recognize the Salvadoran Government's political resolve and compliance with the commitments to attain peace and democracy within the framework of the procedure to establish firm and lasting peace in Central America of Esquipulas II and subsequent declarations, especially those of Tela and San Isidro de Coronado.

3. To reassert their resolute support for Salvadoran President Alfredo Cristiani and his reiterated and continuing efforts to attain peace through peaceful means, such as dialogue and negotiations.

4. To reiterate the need to immediately and effectively fulfill the agreement on human rights and to praise President Cristiani's firm resolve in this regard.

5. To recognize and emphasize the valuable efforts of the U.N. Secretary General Director toward a peaceful solution to the Salvadoran conflict, which threatens peace and stability in Central America.

6. To condemn the violent actions of the FMLN, which have inflicted death and grief upon the Salvadoran civilian population and serious damage upon the country's economic infrastructure.

7. To demand that the FMLN immediately halt the use of sophisticated weapons, such as those used in its recent offensive, and to ask the U.N. observer group in Central America to promptly conduct the necessary investigations to ascertain the origin of the aforementioned weapons.

8. To vigorously demand that the FMLN observe an immediate and effective cease-fire, thus proving its political resolve to reach agreements that would lead to firm and lasting peace in the region, as soon as possible and to demand that the FMLN re-

frain from hindering elections, give up the armed struggle, and rejoin the democratic life of the country.

To ask all the people and governments of the world:

1. To firmly and resolutely support this Central American Government's initiative, the legitimate expression of the will of its people.

2. To contribute with the efforts toward convincing the FMLN of the absolute need to negotiate and take advantage of the willingness to talk shown by the Salvadoran Government to attain peace.

3. To contribute, as a means of promoting the process for a peaceful solution of the conflict, by ceasing all military, economic, logistical, and public assistance that the FMLN still enjoys in various parts of the world.

For their part, the presidents commit themselves to:

1. Supporting with their actions the negotiations carried out under the auspices of the U.N. Secretary General.

2. Becoming a follow-up mechanism in the negotiating process between the government and the FMLN to contribute toward promoting the objectives proposed to achieve a peaceful and democratic solution in El Salvador, in accordance with agreements reached by the parties.

3. Conducting efforts directly, and through Central American diplomatic representatives before the U.N. Secretary General and Security Council and the OAS Permanent Council and Secretary General, to obtain their support for this initiative. Also to request political and material support for this initiative from governments, churches, and other organizations.

4. Supporting these efforts and promoting intensive diplomatic activity, in a joint and coordinated manner, before the entire international community, particularly before those governments that have links and interests in the Salvadoran conflict.

5. Instructing foreign ministers to agree, as soon as possible, on measures and actions to attain the objectives specified in this document.

Finally, the presidents agree on stressing the urgency of immediately putting an end to the conflict, the continuation of which can only bring more mourning to the people of Central America.

Puntarenas, Costa Rica.

17 December 1990

(Signed) Marco Vinicio Cerezo Arevalo, President of Guatemala, Rafael Leonardo Callejas, President of Honduras, Violeta Barrios de Chamorro, President of Nicaragua, Rafael Angel Calderon Fournier, President of Costa Rica.

The declaration was also signed by Salvadoran President Alfredo Cristiani, and Panamanian President Guillermo Endara, as honor witness and observer.

THE EXTON BYPASS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHULZE. Mr. Speaker, I rise today before this distinguished body that I may bring to the attention of the newly assembled 102d Congress the paramount infrastructure concern of my constituents in Pennsylvania—the Exton bypass.

Unprecedented commercial and industrial growth in the rural and suburban areas between the port of Philadelphia and Lancaster, PA, have swollen surface transportation demands far beyond the capacity of U.S. Route 30 where it passes through Exton, PA. West of Exton, Route 30 is a four-lane expressway; east of Exton, traffic flows on a modern highway with fully controlled access. The 5.5-mile segment of U.S. Route 30 which passes through the heart of Exton is the weak link in this highway of national importance. It is a transportation coronary of congestion and gridlock.

The solution is the Exton bypass. It will complete the U.S. Route 30 corridor by connecting the Coatesville-Downingtown bypass to U.S. Route 202. Sixty percent of the Route 30 traffic which staggers through Exton from stop light to stop light, neither originates nor ends in Exton. Local and other passthrough traffic is forced into diversionary routes which swells feeder roads and arteries into gridlock. The Exton bypass will whisk at least 60 percent of the current traffic along highways of limited access and fully controlled access design.

The Exton bypass will do much more than provide the much-needed relief of traffic congestion. The Exton bypass also brings greater safety, ease of access to public transportation, and commercial infrastructure to southeastern Pennsylvania. Currently, all trucks hauling between the Philadelphia port and Lancaster must rubberneck through Exton. Traffic studies have documented an extremely disproportionate volume of trucks on Route 30. This condition has led to a high rate of truck accidents which would be tremendously reduced by construction of the Exton bypass.

The Exton bypass will also improve connections between private vehicle commuters and public transportation. Two commuter rail stations, the Southeastern Pennsylvania Transportation Authority's [SEPTA] R5 line and Amtrak's Harrisburg/Philadelphia line interface with the Route 30 corridor. By relieving intense congestion in the vicinity of these stations, rail commuters will have more efficient access to rail and bus options which will further reduce road traffic in the region.

Finally, by offering efficient movement of personnel and materials, the Exton bypass will bring surface transportation infrastructure needs closer to current commercial demands and facilitate additional commercial growth.

The severe need for construction of the Exton bypass has garnered broad and significant support. Private contributors have donated $5 million for improvements along the existing Route 30, which will be the business loop of Route 30 after the bypass is completed. The Chester County Planning Commission has identified the Exton bypass as its top infrastructure objective. SEPTA's Louis J. Gambaccini, chief operations officer and general manager expressed strong support for the Exton bypass and said he believed it will serve as a model for future transportation projects in the Nation because of its effective integration of rail, bus, and automobile transportation. Congressmen Curt Weldon and Robert Walker also support the Exton bypass because of the regional impact of the current roadway deficiency and the great benefits the bypass will yield. The Pennsylvania Department of Transportation has already spent $33 million for engineering designs, relocating major utility lines and pipes and has currently acquired about 80 percent of the needed rights of way. Last, U.S. Department of Transportation Secretary Samuel K. Skinner voiced direct support for construction of the Exton bypass.

With such broad support for constructing the Exton bypass, I was hopeful and optimistic about its imminent materialization. In the meanwhile however, the feeble link of U.S. Route 30 where it passes through Exton, PA, handles more daily and peak hour traffic than the nearest parallel interstate, the Pennsylvania Turnpike near the Downingtown interchange.

With current Federal budget constraints, only the most critical infrastructure needs should get priority funding. The Exton bypass meets and exceeds that description. I urge continued commitment at all levels for support of this most worthy use of taxpayers' money. Now is the time for constructing the Exton bypass.

DEPARTMENT OF THE ARTS AND HUMANITIES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, today I am introducing legislation which will create a Cabinet office for the arts and humanities within the executive branch. Not only would such an agency be an asset to the administration, but it would verify the idea that our country should have a federally funded national program dedicated solely to the enhancement of its own cultural heritage.

Mr. Speaker, why do we need a Secretary of the Arts and Humanities? Being a former student and professor of the fine arts, I have experienced the tremendous impact that artistic ventures have on society. Now, as a Member of Congress, I am able to advocate the funding of cultural programs on a national level. I realize that the Federal Government promotes the work of artists through the national endowments. However, this small amount of support is just not enough.

Mr. Speaker, in 1965, the National Foundation on the Arts and Humanities was created by Congress. Since its establishment, it has received strong, bipartisan support over the years, both in Congress and in the White House. Presidents Johnson, Nixon, Ford, and Carter, who were men of strongly different philosophies on the purpose and function of Government, all approved a congressional declaration that financial assistance for the arts and humanities is a proper responsibility of the Federal Government in encouraging and enriching the human mind and spirit, and in fostering the creativity of the American people. Those Presidents requested increased amounts of support for our cultural heritage and development; and each year Congress overwhelmingly approved such increases.

Mr. Speaker, did you know that only one-half of 1 percent of the Bush administration's fiscal year 1991 budget is directed toward support of the arts? We must realize that these funds support all our country's major cultural programs. These include: The National Endowment for the Arts, the National Endowment for the Humanities, the Institute for Museum Services, the Smithsonian Institution, the National Gallery of Art and the Commission of Fine Arts.

As legislators, we have to ask ourselves: Can we justify the impact that these lean funding levels will have in our districts? Can we afford to lose the programs that foster the arts and humanities, museums, aquariums, zoos, and botanical gardens? Can we afford to lose our historical properties and programs that preserve our great works of art?

Ideally, all segments of our society should have the opportunity to take part in the experience of artistic expression and creativity. The Smithsonian Institution's fine collections and research services, as well as the programs under the jurisdiction of the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services provide direct return to Americans of all ethnic, social, economic, and educational levels. The benefits of these programs are realized in rural as well as urban America, by the old as well as the young. Thse agencies have helped to make participation in the cultural community more equitable and feasible for all segments of our society. This, however, is not enough. The Department of Arts and Humanities would ensure that all citizens were able to enjoy, learn, and benefit from the arts.

American artists have served as some of our most important ambassadors to the entire world. Through their work, artists have historically brought diverse cultures together. The shared experience of artistic expression and aesthetics creates the elements that enrich the soul and appeal to our higher instincts as human beings. American literature, music, performing and visual arts, and architecture are emulated all over the world.

People need the arts. Public attendance at museums is tremendous and overflow crowds are not uncommon. Furthermore, in these times when trade issues and competitivess are so heatedly dicussed, museums can and do make a unique and extraordinary contribution.

Mr. Speaker, there is an artistic deficit in this country. The Federal Government has an important responsibility to ensure the protection of our cultural heritage. We cannot allow financial danger and fiscal preoccupation to outweigh artistic decisions and creative energy. Our cultural institutions have continued to present innovative works, overwhelmingly high-quality performances and important outreach and educational programs. The continual financial struggle threatens the artistic freedom to invent, to take chances, and to present cultural activities to a broad range of our public. The Federal Government must continue to expand its small but vital role in the cultural integrity of our Nation. It is time to create a Cabinet-level office dedicated to the arts.

TRIBUTE TO JANE BOECKMANN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, it is almost impossible to think about California's San Fernando Valley without thinking of one of its leading citizens, Mrs. Jane Boeckmann.

Mrs. Boeckmann is one of the most dynamic people I have ever met. In her many roles as businesswoman, civic leader, philanthropist, humanitarian, wife, and mother, she has touched the lives of thousands.

Besides her full-time occupation of founder and publisher of Valley magazine, she is involved with many organizations. She serves on the board of trustees for the Los Angeles County Museum of Natural History; the board of directors for Excellence in Media; the board of directors of World of Opportunities, International; the Wave of Excellence Committee for Pepperdine University; the board of directors for the 51st District Agricultural Association; the board of directors of Valley Presbyterian Hospital; and the board of directors and Executive Committee at the Cultural Foundation, which she cofounded.

Recently, while Congress was out of session, Mrs. Boeckmann was once again recognized for her many achievements when she was honored by the Valley Industry and Commerce Association for the success of Valley magazine and its positive approach to journalism. It is only the most recent in a long series of accolades she has earned.

Among her many honors, Mrs. Boeckmann has received the Daisy Award from the San Fernando Valley Girl Scouts Council; the Newsmaker of the Year Award from the Valley Press Club; the Circle Award from the Juvenile Justice Connection; California Mother of the Year from American Mothers, Inc.; the Portraits in Excellence Award from B'nai B'rith; and the Patriotic Citizen of the Year Award from the Military Order of World Wars. In addition, she is the only woman ever to receive the prestigious Fernando Award, given yearly for outstanding service to the San Fernando Valley.

Mr. Speaker, I'm sure you will agree with me that Jane Boeckmann has earned her many recognitions, and ask my colleagues to join me in saluting her for her outstanding work on behalf of her community.

GOODWILL AND BROKEN PROMISES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, the savings and loan fiasco continues to be front page news in many States across the country. My home State of Illinois has seen the Federal Government take over dozens of thrifts with the cost being picked up by the American taxpayer. Unfortunately, the taxpayer may often be picking up a tab that he need not be paying had the Federal Government kept their promise with many S&L's in the first place.

Such is the case of those thrifts that have supervisory goodwill on their books. In the early 1980's a number of savings institutions were asked by our Government to acquire ailing S&L's in order to help the Government and the taxpayers avert paying billions of dollars in bailout funds. These institutions did not get cash or FSLIC notes for taking on these ailing thrifts, but instead received what has become known as supervisory goodwill. In agreements with the Government, these acquiring thrifts were allowed to write off this goodwill over a period of 20 to 40 years. Their ability to help the Government and become involved in these transactions in the first place was premised upon this agreed treatment of supervisory goodwill. The savings institutions in question relied heavily on these agreements and would not have gotten involved in the transactions had there not been such agreements.

Unfortunately, the 1989 thrift legislation broke the agreements and, as a result, is causing the unnecessary takeover of many institutions all at the expense of the American taxpayer. The article that follows appeared in the December 22, 1990, Chicago Tribune and is an example of what the 1989 thrift legislation has done to an S&L that helped the Federal Government in time of need and later received less than appropriate thanks for its trouble. After such a sorry performance, no one can be blamed for not trusting the promises of the Federal Government in the future.

[From the Chicago Tribune, Dec. 22, 1990]

OLYMPIC S&L CHIEF LOSES BATTLE, BUT NOT HIS CONVICTIONS

(By Mike Dorning)

John Lanigan likes to say he's responsible for getting Office of Thrift Supervision Director Timothy Ryan his job.

Nevertheless, just over a week ago, Ryan put Lanigan, the chairman of Olympic Federal Savings & Loan Association, out of his.

For Lanigan, the man whose efforts to avert a government takeover of his $1 billion Berwyn thrift temporarily threw the entire savings and loan bailout into question, the Christmas season has been one of "disappointment," to use the words that now come slowly from his mouth.

Even so, a smile breaks out over his large, Irish face as he ruminates on the twin holiday greetings he received from the federal government: the seizure of Olympic by the OTS, followed quickly by a Christmas card from George and Barbara Bush.

Though he spent months in court unsuccessfully trying to block a takeover, the arrival of government agents to seize his thrift at the close of business on Dec. 14 "was a total surprise," says Lanigan.

Still a critic of the bailout, Lanigan, 55, says he has accepted the loss of Olympic as inevitable. There will be no more lawsuits.

"Olympic is in the past now," he says. "I'm hoping that what happened is in the best interests of the employees out there and depositors out there, but I've got to move on."

At the time of the takeover, Lanigan was courting a corporate savior. Olympic itself had played that role before, and it was the institution's acquisitions of failing thrifts that led to its fall.

During the 1980s, Olympic took over seven troubled thrifts. But a change in government accounting rules that previously had encouraged those mergers rendered Olympic and about 200 other thrifts insolvent. And while Lanigan can no longer hope to spare Olympic, he says he will continue to promote his own plan for avoiding government takeovers of other thrifts in the same situation.

"Each case should be looked at differently, not just say an institution has no net worth," Lanigan says. "When you shut down an institution, you shut off credit. We concentrated on student loans, consumer loans and car loans."

Lanigan asserts that Olympic had only $3 million in bad loans at the time it closed. Still, Olympic statements indicate its tangible capital was a negative $102.5 million as of Oct. 31.

For the thrifts that have become insolvent by acquiring weak institutions, Lanigan proposes the government replace the "supervisory good will"—an asset that existed only on paper—it granted, and then took away from, those thrifts with real assets now held by the Resolution Trust Corp., the government's manager of property and loans from failed S&Ls. In return, under Lanigan's proposal, the government would have stock in the S&Ls, which it could sell in better times.

"That brings those assets into the normal flow of business. It's like taking used cars and, instead of putting them in the junkyard, putting them in the car lot, where they'll be fixed and put back on the road," Lanigan says.

Lanigan believes that kind of aid would have allowed Olympic to weather the recession without a long-term loss to the government. He says he stands by an estimate he made in April that it will cost taxpayers at least $200 million to seize and resell Olympic.

A spokesman for OTS said Friday the agency has no response to Lanigan's proposal.

Before the bailout legislation, when the Federal Savings and Loan Insurance Corp. did not have the money to close thrifts, supervisory good will was an inducement offered to get strong institutions to take over weak ones to avoid insolvencies. The new, merged S&Ls could count that good will as an asset toward meeting capital requirements, and they were given 25 to 40 years to write off the asset.

But with Congress concerned about the reliability of S&L assets, the bailout legislation included a provision requiring thrifts to write off the supervisory good will within five years and barred them from using it to meet capital requirements. On Oct. 31, Olympic had $113.9 million of supervisory good will on its books.

The rule change rendered Olympic insolvent overnight.

To Lanigan, the supervisory good will "looked like a carrot, but it turned out to be arsenic. If I'd known it was arsenic, I wouldn't have taken it."

Lanigan filed suit against the rule, arguing it amounted to an unconstitutional "taking of property" without due process of law. The lawsuit eventually was dismissed, but not until after a federal judge ruled in favor of Lanigan on another issue—that M. Danny Wall, who then headed the thrift bailout, had no power to close thrifts.

The authors of the bailout legislation had sought to avoid a possibly embarrassing confirmation hearing for Wall by allowing him to take the position without Senate approval.

The judge ruled the Constitution required confirmation from Congress, meaning the OTS had no authority to act.

Ryan quickly was appointed and confirmed by the Senate for the post, and the issue became moot.

Now, after three years as Illinois top S&L regulator during the 1970s and 14 years as Olympic's chief executive officer, Lanigan says he has no specific career plans, only a specific goal for the new year: Testifying before Congress on the S&L bailout.

VETERANS' EDUCATION AND EMPLOYMENT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, during the second session of the 101st Congress, we reached agreement with the other body on a compromise measure concerning veterans' education and employment issues. Unfortunately, the session ended before final action could be taken on the agreement. Accordingly, the bill I am introducing today reflects that compromise and includes provisions derived from measures acted on during the 101st Congress—H.R. 4087, H.R. 4088, H.R. 4089, and S. 2100. The following is a brief summary of the major provisions included in the compromise agreement.

DEFINITION OF VIETNAM ERA VETERAN

Section 1 of the compromise measure would amend section 2011(2)(B) of title 38 to extend the definition of a veteran of the Vietnam era for eligibility purposes under Chapter 41 (Job Counseling, Training, and Placement Service for Veterans) and Chapter 42 (Employment and Training of Veterans) to December 31, 1994. Under current law, this definition would expire on December 31, 1991, thus eliminating certain requirements for affirmative action for Vietnam era veterans and significantly reducing the number of Disabled Veterans Outreach Specialists [DVOP's].

Although section 1(c) of H.R. 4087, approved by the House on July 10, 1990, would have extended the definition through December 31, 1996, I believe the agreement reached with the other body is a good one. Section 301 of S. 2100, as reported, would have amended section 2001(2) of title 38, to extend the December 31, 1991, deadline only through December 31, 1993, and only for the purpose of the DVOP staffing level. It would not have protected the affirmative action requirements affecting Vietnam era veterans contained in Chapter 42 of title 38. The agreement I am introducing today will enable the Subcommittee on Education, Training and Employment to review DVOP staffing and other employment-related issues during the 102nd Congress without interruption of current employment-related benefits and services for veterans.

EDUCATIONAL AND VOCATIONAL COUNSELING

Section 2 of H.R. 4089, approved by the House on July 10, 1990, would have extended the benefits of DVA [Department of Veterans Affairs] educational and vocational counseling to servicepersons who are within 180 days of discharge or release from active duty. It would also have provided counseling for veterans not eligible for education benefits and who were discharged or released from active duty under other than dishonorable conditions if not more than 1 year has elapsed since the date of their discharge or release. Under existing law, such counseling is available only to individuals who have eligibility for assistance under one of the education of rehabilitation programs administered by DVA.

Legislation acted on by the Senate during the 101st Congress did not include any corresponding provisions. However, Mr. Speaker, I am pleased to report that our colleagues in the other body recognized the importance of providing these educational and vocational counseling services, and section 2 of the compromise agreement includes these provisions. I wish to express my appreciation for their support. With significant reductions in military force levels a distinct possibility, it is important that DVA have the authority to furnish educational and vocational counseling services to soon-to-be-discharged individuals and to veterans who are not eligible for other education and rehabilitation programs. This bill will provide to our Nation's servicepersons and veterans deserved assistance in selecting appropriate educational and career opportunities and in making a successful transition from military to civilian life.

VOCATIONAL REHABILITATION UNDER CHAPTER 31

Section 2 of H.R. 4089 and section 303 of S. 2100, as reported, would have amended title 38 to allow DVA to extend vocational rehabilitation services and benefits to servicepersons pending discharge from active duty, who have a service-connected disability, and who are being treated in private facilities or government facilities other than ones operated by the Department of Defense [DOD]. Under existing law, only those servicepersons being treated in DOD facilities are eligible for Chapter 31 vocational rehabilitation services and benefits.

Mr. Speaker, both bodies agree it is appropriate that Chapter 31 services be extended to service-disabled active duty military personnel even though they are being treated in non-DOD medical facilities. Section 3 of the compromise measure will accomplish this and will permit comprehensive rehabilitation planning to be initiated during the period of medical care and treatment. I believe this will enable our Nation's disabled servicepersons and veterans to successfully achieve rehabilitation.

Section 2 of H.R. 4089 would also have amended title 38 to provide the appropriate chapter 31 institutional monthly subsistance allowance to disabled veterans who are in uncompensated OJT [on-the-job training] programs offered by State and local governments. Under existing law, only disabled veterans in Federal Government OJT programs receive this subsistance allowance. Legislation approved by the Senate during the 101st Congress did not contain a similar provision. However, Mr. Speaker, the other body has again graciously accepted the House provision which is included in section 3 of the compromise measure. Both bodies are in accord that disabled veterans in State and local government uncompensated OJT programs deserve the same consideration and subsistance allowance as their counterparts in similar Federal programs. The bill I am introducing today corrects this inequity and provides the same level of benefits to all disabled veterans pursuing uncompensated government OJT programs.

ELIMINATION OF OVERPAYMENT THROUGH WORK-STUDY

Section 305 of S. 2100, as reported, would have amended title 38 to permit individuals to enter into an agreement to perform work-study services and to have the work-study allowance credited to an account receivable resulting from an overpayment of DVA education or rehabiliation benefits. H.R. 4089 did not have a similar provision.

Section 6 of the compromise agreement includes the Senate provision. Mr. Speaker, I want to commend my colleagues in the Senate for their work on this provision. This new authority will allow DVA to waive certain restrictions on the number and periods of work-study service and the requirement to be in pursuit of a program of education, and will permit DVA to reduce an individual's overpayment by applying the amount payable for the work-study service to the debt owed the Government. As the other body has noted, both the Government and the individual will benefit, since this provision will allow persons, who may have available time but only limited financial resources, to satisfy their obligations to DVA.

ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING

Section 8 of the introduced bill would replace the existing Secretary of Labor's Committee on Veterans' Employment with an Advisory Committee on Veterans Employment and Training. This provision is substantially the same as that included in section 2 of H.R. 4087. This restructuring will enable the Secretary of Labor and the Congress to make more informed decisions regarding the employment and training needs of our Nation's veterans, and I appreciate the other body's support of the House provision.

VETERANS READJUSTMENT APPOINTMENT PROGRAM

Mr. Speaker, I am very pleased we were able to reach agreement with the other body on provisions related to the Veterans Readjustment Appointment [VRA] Program. Since the establishment of VRA under Executive Order 11397, issued by President Lyndon Johnson in 1968, this highly successful noncompetitive appointment authority has enabled hundreds of thousands of veterans to enter the Federal work force. Although we were unable to agree on all points, many of the provisions of H.R. 4088, approved by the House on June 12, 1990, are contained in section 9 of the compromise measure. I want to remind my colleagues that the House has passed legislation several times to make the VRA a permanent program and to remove the education-level restriction now in law. The compromise includes these changes, and I am particularly gratified we were able to reach agreement with the other on these matters. I appreciate their cooperation and support.

HONORING THE RETIREMENT OF JOSEPH T. KELLEY OF PITTSFIELD, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CONTE. I rise today in recognition of Joseph T. Kelley, chairman of the board of the Berkshire Gas Co. of Pittsfield, MA, upon the occasion of his retirement as senior executive officer of that company after a long and distinguished career.

Joe Kelley is known nationally for his contributions to the natural gas industry. A decorated veteran with wide ranging experience in the utility field, his expertise has been vital to his industry and his business acumen has been instrumental in shaping the natural gas industry, especially in New England.

He came to Pittsfield in 1953 as vice president and general manager of the Pittsfield Coal Gas Co. With the acquisition of Berkshire Gas of North Adams in 1954, Pittsfield Coal Gas came to be known as the Berkshire Gas Co. Under his leadership, the company expanded once again in 1958 with the acquisition of the Greenfield Gas Light Co. Today, Berkshire Gas serves more than 30,000 customers in three counties, with assets that have grown more than 100 times since 1954.

In addition to playing key roles in senior positions with other New England gas utilities he has served as chairman of the New England Gas Association and president of the Guild of Gas Managers. In addition, he currently serves as chairman of Starbase Technologies of Pittsfield and as a director of the Berkshire Mutual Insurance Co. and EnergyNorth of Manchester, NH.

I am proud to count Joe Kelley as a valued friend and constituent. He has labored long and hard both in business and in aiding others to achieve their full potential. He is a man among men, and I take this opportunity to salute and congratulate him upon the occasion of his retirement.

IN SUPPORT OF LEGISLATION TO ALLOW MEDICINES AND MEDICAL SUPPLIES TO BE EXPORTED TO CUBA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am introducing legislation which would allow medicines, medical supplies and equipment to be exported to Cuba, notwithstanding the United States trade embargo against that country.

Since 1962, the United States has, with few exceptions, prohibited trade and other relations with Cuba. This legislation would provide a special humanitarian exemption to that embargo for the purpose of exporting much-needed medicines and medical supplies.

Some of our colleagues may disagree about the best way to promote political reform and human rights in Cuba. I have, for many years, argued that the United States could most effectively pursue these goals by restoring diplomatic and economic relations, thus giving us greater contact and leverage with the Cuban Government.

Many in Congress and in the Bush administration, however, are moving in just the opposite direction, toward further restrictions on contacts between the United States and Cuba. I believe this approach is counterproductive and only serves to isolate the Cuban people even further from the dramatic changes occurring around the world.

Regardless of this difference of opinion, however, there should be no disagreement about one issue. People in need of medical supplies should not be denied our help simply because we disagree with their leaders. The United States, when acting in consonance with its highest principles, has traditionally been willing to extend such humanitarian assistance to other nations regardless of the ideologies of their leaders. This principle has not been honored in our policy toward Cuba.

The legislation I am proposing today—which was originally introduced by our late colleague, Congressman Mickey Leland—would make a special exception to the United States trade embargo against Cuba and would allow the export of medicines or medical supplies, instruments, or equipment.

I urge my colleagues to support this humanitarian legislation.

The text of the legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.

Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting before the period at the end of the second sentence the following ", except that any such embargo shall not apply with respect to the export of any medicines or medical supplies, instruments, or equipment".

SEC. 2. LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.

Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 3, 1962, the Export Administration Regulations (15 CFR 368–399), and Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of medicines or medical supplies, instruments, or equipment.

SEC. 3. LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.

(a) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba of medicines or medical supplies, instruments, or equipment, except to the extent authorized by section 5(m) of that Act.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba of medicines or medical supplies, instruments, or equipment to the extent such authorities are exercised to deal with a threat to the economy of the United States.

INTRODUCTION OF THE CIVIL RIGHTS ACT OF 1991

HON. JACK BROOKS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 3, 1991

Mr. BROOKS. Mr. Speaker, I am introducing today the Civil Rights Act of 1991.

Since passage of the Civil Rights Act of 1964, this Nation has made great strides in providing greater opportunity in the workplace for all Americans. Yet, testimony taken during joint hearings of the House Judiciary Committee and the Education and Labor Committee during the last Congress revealed clearly that difficulties in the workplace still exist for women and minorities. In addition, the accomplishments that have been made through decades of struggle were placed in jeopardy by the Supreme Court by a series of restrictive and damaging civil rights decisions in 1989.

Passage of the Civil Rights Act of 1991, is essential to give all women the same rights as those available to minorities, to overcome the roadblocks in civil rights that were raised by the Supreme Court's decisions, and to continue moving forward toward the greater goal of equal opportunity for all Americans. There is no reason, in the last decade of the 20th century, that women and minorities should not be able to compete for jobs on an equal basis with other workers. There is no reason that the women of this country should not have the same rights as others to be compensated for the devastating effects of intentional, flagrant discrimination.

The Civil Rights Act of 1991 essentially embodies the language of the Civil Rights Act of 1990 as reported by the House Judiciary Committee last year. When this act is passed—at the beginning of another great decade of American history—it will provide the needed impetus to business to overcome the last vestiges of second class citizenship for women and minorities in the workplace, to ensure a level playing field for all Americans, and to assure that our brothers and sisters are treated faily and equitably in their struggle for jobs equal to their skills and abilities.

I want to point out one particular provision which was not in the bill as reported out by the committee last year, but which is included in this version. Over the past several months, we have heard opponents of this legislation charge that it would lead to the imposition of quotas in the workplace. There is no basis to this charge. It is a red herring. Mandatory quotas were not required under the law as it existed and was interpreted before the Supreme Court's 1989 decisions. There is no way that this bill could be interpreted as requiring quotas. In fact, section 13 of last year's bill specifically stated, "nothing in the amendments made by this act shall be construed to require an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex, or national origin.* * *" The bill that is being introduced today expands on this clear language by specifying that it shall not be construed to "require or encourge" the adoption of quotas. Let us put this spurious and inflammatory issue to rest and consider what the bill actually says and does.

Mr. Speaker, President Bush's veto last year of the Civil Rights Act of 1990 was a shocking affront to our Nation's longstanding bipartisan commitment to equal opportunity. Swift passage of this bill will give the administration a new chance to do the right thing, to place itself on the side of equality and progress, to set aside demagogic and divisive rhetoric. It is time for all of us to get about the business of helping make ours a nation that is "indivisible, with liberty and justice for all." I urge support for the Civil Rights Act of 1991.

LIMITING CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 3, 1991

Mr. STUMP. Mr. Speaker, today I am introducing an amendment to the Constitution of the United States that would provide for 4-year terms for Representatives and to limit the number of terms Representatives may serve to three.

Limiting congressional terms would be the most effective way of returning Congress to the legislative body envisioned by our Founding Fathers—one of citizen legislators who truly represent the constituents they serve and who are committed to solving our Nation's problems.

Currently, Members may spend one-half or more of every term running for reelection; creating dilemmas for Members and leading many to question whether our actions are designed to promote real solutions to our country's problems or are merely cynical election year maneuvers.

Representatives serving only a limited time will have a greater incentive to focus their attention on policymaking to reform failed Government programs and limit the size and complexity of the Federal bureaucracy in such a way as to benefit the people we serve. Less attention will be given to the creation of Federal programs to address issues perceived by pollsters to be of benefit to one party or the other in the campaign arena.

Mr. Speaker, I believe the House of Representatives can be a more effective and efficient instrument of the people if we spent more time on governance and less time running for reelection.

TELECOMMUNICATIONS EQUIPMENT MANUFACTURING; MADE IN THE U.S.A.

HON. JOHN BRYANT

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, several years ago, former President Reagan described the telecommunications industry as one in which "we are still a leader in innovation."

Despite his optimistic assessment, recent information released by the current Bush administration indicates that a more ominous outlook is warranted. Last year, the United States again suffered record trade deficits. Trade deficits for telecommunications equipment soared upwards toward $2 billion. Today, not one residential telephone instrucment—the device pioneered by Alexander Graham Bell—is manufactured by an American company in the United States. I have drafted legislation to reverse this trend.

Today I am introducing a bill to establish our Nation's policy with respect to telecommunications equipment manufacture. Our current policies—or the lack thereof—have resulted in increasing telecommunications trade deficits, as well as unemployment and worker dislocation in that industry, to say nothing of the erosion of American dominance of the telecommunications industry internationally and the related brain-drain.

We have observed American firms like AT&T going offshore to manufacture residential telephones and we have seen an increase in proposed joint venture activities between Bell operating companies and foreign telecommunications equipment manufacturers.

Our trade imbalance results from at least two misguided policies. First, the Republican administrations have permitted foreign nations, such as Japan, to bar high-quality, American-produced telecommunications equipment. Second, these same policy makers opened our trade doors to allow foreign manufacturers to make major inroads into our domestic markets.

The door of free trade must swing both ways. While foreign products pile up higher on our docks and in our stores, American jobs are exported overseas. This is not an idle notion; the Commerce Department has estimated that over two and one half million jobs were lost as a result of the trade deficit.

In addition, American companies, lured by special tax breaks and low wages offered by third world nations, have migrated offshore enmasse. There these expatriate corporations turn back the clock to recreate sweatshops reminiscent of the 19th century. For example, in 1985 AT&T shut down the last plant in the United States—in Shreveport, LA—where residential telephones were made. This operation is now located in Singapore.

This is not an isolated plant closing. Since divestiture, AT&T has closed many of its operations in the United States, costing us not only productive capacity, but also at least 18,000 jobs. Companies such as AT&T apparently pledge allegiance to no flag. Their loyalty is to short-term profit and shareholder satisfaction.

In order to stop this exportation of domestic telecommunications manufacturing employment and profit to foreign countries, I propose legislation to require the regional Bell operating companies to manufacture in the United States any equipment they want to sell here. The Bell operating companies are currently prohibited by the modified final judgment, in the AT&T divestiture case, from producing telecommunications equipment.

My proposal provides for a comprehensive definition of the elusive word manufacture. It specifies that manufacturing includes engineering design, product development, testing, and production. Under the terms of my bill, all these activities would take place in the United States.

In my view, Congress should take steps now to redirect our national telecommunications trade policy so that it benefits America—its consumers and its workers. We must not forget that the telephone is a uniquely American instrument; it was invented here and our predecessors built the world's best communications network around it.

I want to help give the competitive edge in international telecommunications back to America. Before we open telecommunications equipment manufacturing to more competition, I want to make sure that those interested in reaping profit from such action take full advantage of the abundant technological and human resources available to them right here in the good old U.S.A.

America can regain its preeminence in telecommunications trade if we look to our home-based resources. I invite my colleagues to join me in this effort to make America strong again, at least in this area of telecommunications trade.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Equipment Manufacturing Stimulation Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) America's telecommunications system is of critical importance to our national defense;

(2) a key element in maintaining our telecommunications system is ensuring that America possesses state-of-the-art telecommunications equipment and customer premises equipment manufacturing capability;

(3) in recent years, America has increasingly relied on foreign production to meet its telecommunications equipment and customer premises equipment needs;

(4) foreign firms are capturing a growing share of the American firms have increasingly turned to overseas production;

(5) investment in domestic manufacturing capacity has diminished, raising serious questions about America's continued ability to satisfy its telecommunications equipment and customer premises equipment needs in times of crisis; and

(6) experience in recent years with other key industries such as computer and semiconductor technology demonstrates the high price when America falls behind other nations in research and development and in investment in manufacturing capability.

(b) Purposes.—The purposes of this Act are—

(1) to assure that America's telecommunciations manufacturing capability is not further diminished by requiring domestic manufacture and production of telecommunications equipment and customer premises equipment by all former Bell operating companies, to the extent they are allowed to engage in the manufacture of telecommunications equipment and customer premises equipment;

(2) to ensure that the necessary domestic telecommunications manufacturing capability so essential to the Nation's defense remains intact;

(3) to encourage domestic investment by both American and foreign firms desiring to engage in the manufacture of telecommunications equipment and customer premises equipment;

(4) to improve America's trade deficit and balance of payments records; and

(5) to produce and maintain additional skilled manufacturing jobs for American workers, while avoiding massive subsidization by the Federal Government, so that short-term costs borne by customers represent an investment in long term increased competition and national security.

SEC. 3. REQUIREMENTS OF DOMESTIC PRODUCTION.

It shall be unlawful for a Bell operating company to use any means or instrumentality of interstate commerce to sell or lease or to provide for sale or lease, directly or through any subsidiary or affiliate—

(1) any telecommunications equipment manufactured, directly or indirectly, by any Bell operating company, unless such equipment was manufactured in the United States, or

(2) any customer premises equipment manufactured, directly or indirectly, by any Bell operating company, unless such equipment was manufactured in the United States.

SEC. 4. ENFORCEMENT BY SECRETARY OF COMMERCE.

(a) General Authority of Secretary of Commerce.—The Secretary of Commerce—

(1) shall be responsible for the enforcement of the requirements of this Act,

(2) shall, within six months after the date of enactment of this Act, prescribe such regulations, and provide such exemptions therefrom, as may be necessary for the effective enforcement of such requirements and the prevention of shortages in the supply of telecommunications equipment;

(3) may assess civil penalties pursuant to subsection (b);

(4) shall make the reports required by subsection (c);

(5) may conduct such investigations and hearings, take such testimony, and receive such evidence as may be necessary to carry out this Act; and

(6) for such purposes, may—

(A) administer oaths or affirmations to witnesses;

(B) secure directly from any department or agency of the United States information necessary to carry out this Act; and

(C) issue subpoenas requiring the attendance of witnesses and the production of evidence, which subpoenas shall be enforceable by order of an appropriate district court of the United States.

(b) Civil Penalties.—(1) Whenever it shall appear to the Secretary of Commerce that any Bell operating company has violated the requirements of this Act, the Secretary of Commerce may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such Bell operating company, or any person aiding and abetting the violation of such Bell operating company. Such a penalty shall be payable into the Treasury of the United States.

(2) The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the amount of profits obtained by the Bell operating company in the transaction or transactions that are the basis of the complaint.

(3) If a Bell operating company upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Secretary of Commerce shall refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.

(c) Annual Reports.—(1) The Secretary of Commerce shall, not later than six months after the date of enactment of this Act and annually thereafter, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the state of the Nation's domestic telecommunications equipment manufacturing industry. Such report shall include—

(A) an evaluation of the continuing need for imposing the requirements of this Act;

(B) recommendations as to amendments to this Act or any other law necessary to enhance and increase the manufacture of telecommunications and customer premises equipment within the United States; and

(C) recommendations as to necessary regulatory treatment of such equipment purchases, sales, and other transactions, in addition to those set forth in section 5 of this Act.

(2) In carrying out any investigation for purposes of preparing the report under paragraph (1), the Secretary of Commerce may secure the assistance of United States Government agencies having responsibilities in telecommunications and related matters, including (but not limited to) the Federal Communications Commission, the National Telecommunications and Information Administration, and the Bureau of the Census.

SEC. 5. DISALLOWANCE OF FOREIGN EQUIPMENT COSTS BY FEDERAL COMMUNICATIONS COMMISSION.

In determining whether any charge, practice, classification, or regulation of any common carrier under title II of the Communications Act of 1934 is or will be just and reasonable, the Federal Communications Commission shall exclude from any computation of the cost of providing the service in question the costs of procurement of any telecommunications equipment or customer premises equipment that is not manufactured in the United States.

SEC. 6. DEFINITIONS.

(a) In General.—As used in this Act—

(1) Telecommunications equipment.—The term "telecommunications equipment" has the same meaning as such term has in the Modification of Final Judgment.

(2) Customer premises equipment.—The term "customer premises equipment" has the same meaning given such term in the Modification of Final Judgment.

(3) Bell operating companies.—The term "Bell operating company" has the same meaning as such term has in the Modification of Final Judgement, except that such term does not include any centralized organization for the provision of engineering, research, and administrative services, the costs of which are shared by such operating companies or their affiliates.

(4) Manufactured.—The term "manufactured" means each of the processes, other than specifying generic or functional characteristics of equipment, that are involved in bringing equipment into production and includes engineering design, product development, testing, manufacturing, engineering, and production.

(5) Manufactured in the United States.—Equipment is "manufactured in the United States" only if (A) such equipment is assembled in the United States, and (B) substantially all of the total cost of such equipment,

including components, indirect costs, research, development, and labor, has been incurred in the United States.

(6) UNITED STATES.—The term "United States" when used in a geographical sense, includes the United States and any place subject to the jurisdiction of the United States.

(7) MODIFICATION OF FINAL JUDGMENT.—The term "Modification of Final Judgment" means the judgment entered August 24, 1982, in United States v. Western Electric, Civil Action Numbered 82-0192 (United States District Court, District of Columbia).

(b) 1934 ACT DEFINITIONS APPLY.—Except as provided in subsection (a), terms used in this Act shall have the same meaning as is given such terms under the Communications Act of 1934.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act.

INTRODUCTION OF LEGISLATION RELATING TO THE DEFENSE PRODUCTION ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, as an urgent matter, I am introducing at this time, two bills relating to the Defense Production Act.

REVIVING DEFENSE PRODUCTION AUTHORITIES

The first bill would revive the authorities of the act, which expired on October 20, 1990, and extend these authorities until June 30, 1991. It is in the nature of a simple extension of the law that evolved since 1950, and was in effect throughout the 101st Congress, except for the fact that the bill is retroactive to the date of expiration.

HOUSE-PASSED AMENDMENTS OF 1990

The second bill is identical to the DPA bill that the House passed on September 24, 1990, by a bipartisan vote of 295 to 119 (H.R. 486). The only change to that bill is in the short title, which designates the bill as "The Defense Production Act Amendments of 1991," rather than 1990, as in last year's bill.

WHY EARLY ACTION IS NEEDED

During consideration of the Defense Production Act in the 101st Congress, this body was informed repeatedly that the act should be continued without interruption. We were also urged by the administration to amend the act to modernize the statute and permit additional actions to be taken to enhance the defense industrial base and the Nation's energy security. The House bill, on the basis of cooperation by several committees, accomodated nearly all of the administration's requests.

During the final stages of consideration of the conference report on H.R. 486, Secretary of Defense Cheney addressed to the Speaker a letter stating:

> Since the commencement of Operation Desert Shield, we have been using DPA authority at least once a day to ensure that DoD orders for important items are filled in advance of competing commercial orders. We have ordered a wide variety of items under DPA ranging from night vision goggles to electronic countermeasures and radomes, from missile containers to skin decontamination kits for chemical warfare. (Letter from the Secretary of Defense, October 24, 1990).

As this body is aware, the House approved seven DPA bills in 1990, including three extensions, the substantive amendments (H.R. 486), the conference report and two corrective concurrent resolutions, Unfortunately, however, the conference report on the measure (House Report 101–933), after passing the House by voice vote on October 24, 1990, was not taken up in the Senate prior to adjournment. As a result, the DPA expired as of October 20.

The press has since reported on a wide variety of materiel required by our troops in the Persian Gulf (see, for example, "Pentagon Speeds Development, Production of Arms for Gulf Use," Washington Post, December 24, 1990, page A1).

Under circumstances well known to all, I believe this House should take the earliest possible action on the extension. As to the substantive amendments, I hope that the 1990 House-passed bill provides a firm basis for consideration and ultimate passage of the enhanced Defense Production Act for the 1990's.

SALUTE TO MARIAN LA FOLLETTE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I would like to bring to my colleagues' attention to recent retirement of an outstanding legislator, California Assemblywoman Marian La Follette.

Marian served for a decade in the State legislature, and earned a reputation for hard work, her skills as a negotiator, and as an influential lawmaker. As I'm sure we'll all agree, those are skills a legislator needs to be successful, no matter in which arena those skills are used.

During her tenure in Sacramento, Marian worked hard on many issues, but concentrated her attention on three concerns of special interest: education, transportation, and criminal justice. Although she has not been successful—yet—she has been a leader in the long-overdue goal of breaking up the massive Los Angeles Unified School District into smaller districts more responsive to the community.

She is also a political survivor, having had her district carved out from under her not once but twice. Despite the odds, she carried on her fight for her principals and continued to win re-election.

Marian also can boast of many other accomplishments, including her service as president of the Los Angeles Community College District's Board of Trustees, public interest director for the Federal Home Loan Bank Board of San Francisco, vice chair of the National Advisory Council for Career Education, president of the Volunteer League of the San Fernando Valley and founding and charter president of the Northridge Guild of Children's Hospital.

Mr. Speaker, I'm sure I speak for all my colleagues in wishing Marian and her husband, John, well, and in hoping they are finally able to find the time for the fishing, camping, and sailing they enjoy. She has truly earned her retirement.

REINTRODUCING THE PRIVATIZATION OF ART ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, if C-Span ever decided to produce a show called "Congressional Bloopers and Practical Jokes", last session's National Endowment for the Arts [NEA] reauthorization surely would claim a starring role. The lengthy debate filled the airways with countless bloopers while the final package proved to be one big practical joke. Less than 2 months after its passage, NEA Chairman John Frohnmayer refused to uphold the legislation's decency provision, declaring that he will not be the Nation's decency czar.

I agree with Chairman Frohnmayer—he should not be a decency czar. I also believe that the American people should not be forced to sponsor specific works created by a select few. But as long as there is public funding for the arts, this will be the case. The NEA will continue to impose Government standards on art with or without decency provisions, and the American taxpayer will forever be required to finance these standards. Because it can offer only limited funding, the NEA must be selective, and, in turn, must institute standards. These standards are determined by Government officials like Mr. Frohnmayer who issue grant decisions according to their definitions of artistic merit. So while Chairman Frohnmayer may not want to be a decency czar, he is inevitably our Nation's art critic, and we are his patrons. I suggest we return American art to the eyes of its beholders and take it away from the meddlesome hands of bureaucrats. Therefore, I am reintroducing the Privatization of Art Act, a bill which would eliminate the National Endowment for the Arts.

Abolishing the NEA would not mean the demise of American art. On the contrary, it would signal the beginning of creative independence. The $175 million lost in public funds could easily be recovered by the private sector where $7 billion is spent on arts advancement each year. More artists could gain access to this money as it no longer would be tied up in NEA matching funds arrangements. And finally, not one penny of that money would be contingent on Government approval. So without the NEA, American artists would in effect be freed of Government intervention, Mr. Frohnmayer would not be crowned decency czar, and Congress would have one less practical joke to play on its constituency.

THE INTRODUCTION OF A BILL TO PROVIDE A PROGRAM OF NATIONAL HEALTH INSURANCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DINGELL. Mr. Speaker, nearly 50 years ago, my father stood in this Chamber and called for a program of national health insurance. The Murray-Wagner-Dingell national health insurance bill would have cured one of today's most pressing problems: The lack of health insurance for tens of millions of Americans.

I have introduced a national health insurance bill during each of the 17 Congresses that I have served this body. Today I introduced a similar bill because the need is greater than ever.

In the nearly half century following the end of World War II, this Nation has often been the preeminent force in the world economically, politically, and socially. We have rightfully claimed the title as the leader of the free world. But in the area of access to health care we have no such rightful claim. In the United States, debate rages over health insurance issues which our European friends resolved satisfactorily 50 or even 100 years ago.

Though we treat it as a luxury—even a commodity—health care is a necessity, like food and shelter. Without it people live substandard lives or perish. But as many as 60 million Americans had no proper health insurance for all or part of last year. As a result, many died or were afflicted with preventable disease. Our infant mortality rate exposes us as a prosperous country less committed to its young than some Third World countries.

The case for a national health insurance program is abundantly clear:

The current system is bloated and wasteful. We spend more and get less than any other nation. We peel off thousand dollar bills for fancy tests without a moment's hesitation, but we can't seem to scrape together a few cents for disease screening, immunizations or prenatal care. We boast over expensive state-of-the-art technology while our public hospitals burst from the weight of caring for the uninsured. With the money wasted administering our disorganized and fragmented system, significant improvements in the health of the country would be possible.

No plan will be perfect. In fact, by finding imperfection in every plan debated in this country over the past five decades critics have succeeded in bringing about a state of paralysis which has made the job harder and caused undue hardship to tens of millions of Americans. With the will to improve our health care system, the difficult details can be resolved through reasonable compromise. Delay is no longer in order; the 102d Congress is the time to begin work on a program of national health insurance.

Universal eligibility for important medical services is the cornerstone of this bill. Administration is decentralized wherever possible. Providers retain much autonomy and patients freedom of choice, but experimentation is encouraged and the entire system rationalized.

In addition to the essential provisions ensuring access to medical care, the National Health Insurance Act addresses two other critical issues. It provides a funding mechanism through a value added tax [VAT] and mandates that the Secretary of the Department of Health and Human Services develop methods of reducing health care costs. These two critical elements distinguish this bill from previous introduced versions and address the issue of health care reform in a serious and comprehensive manner.

Title X of the legislation would require a 5-percent value added tax to be imposed on goods and services at all levels of production and distribution. Food, clothing, and medical care would not be taxed. Additionally, an exemption is provided for exported goods to strengthen our Nation's competitive advantage, reduce the burden of unfair trade barriers, and decrease our trade deficit. Revenues generated by the VAT would be deposited in a national health insurance trust fund.

The Congressional Budget Office estimates that a 5-percent VAT tax would generate approximately $50 billion annually. While this level of funding would not be sufficient to cover the costs of the Nation's health care delivery system, it would get us off to a sound and responsible start.

In an effort to reduce costs in an effective and equitable manner, title XI directs the Secretary of Health and Human Services to provide recommendations and promulgate regulations to control the costs of providing health benefits under the act, and to emphasize medical malpractice reform as a means of cost containment.

Rarely, in our history has the need for reform been so great and so clear. Only by working together, however, can we forge the political consensus and focus the level of debate necessary to solve our shameful health care crisis. Working responsibility, intelligently, and compassionately we can solve this crisis and we can live up to the ideals worthy of the leader of the free world.

TRIBUTE TO MRS. JULETTA CHRISTOPHER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HUBBARD. Mr. Speaker, I want to honor and pay tribute to the late Mrs. Juletta Christopher, an outstanding Murray, KY, constitutent of mine who died at age 75 on December 7 at Murray-Calloway County Hospital.

Mrs. Christopher was a longtime civic and church leader in Murray. She devoted much of her time to the First United Methodist Church in Murray.

Mrs. Christopher's son Ron Christopher is a former commonwealth attorney for Marshall and Calloway Counties in Kentucky and is a former chairman of the board of regents at Murray State University.

Mrs. Christopher's granddaughter Shannon Christopher is a receptionist and legislative assistant in our Washington office of the First Congressional District of Kentucky and a 1990 graduate of the University of Kentucky.

Other survivors are her husband Maurice P. Christopher, a longtime chemistry teacher at Murray State University; two daughters, Mrs. Camille B. Little of Heyworth, IL and Dr. Cathryn Christopher of Murray; one sister, Mrs. Harriet Schaumann, St. Louis, MO; and six other grandchildren, Susan Little, Sharon Little, Sally Little, Kelsey Christopher, Carroll Lane Christopher and Courtney Christopher.

My wife Carol and I extend to Maurice Christopher and his family our sympathy and we hope that 1991 will be a good year for each of them.

HOUSE RESOLUTION 5

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, despite the long hours of debate and the numerous votes it took for the 101st Congress to reach a final budget agreement last year, it now appears that the agreement is being abandoned.

The budget agreement raised taxes by over $165 billion—but unfortunately, this part of the agreement remains.

The budget agreement increased spending well over $700 billion—but unfortunately, this part of the agreement remains.

The budget agreement also contained enforcement mechanisms designed to force the Government to "pay-as-you-go." These provisions would prevent Congress from using money it does not even have to pay for even more programs and pork-barrel projects that it cannot afford. These provisions are the ones that some Members of Congress are trying to abandon today.

I believe that this effort to change the House rules and eliminate the Office of Management and Budget's role as a watchdog on congressional spending is a direct violation of the intent of last year's budget agreement. Additionally, I believe that this effort to weaken the enforcement provisions of the recently enacted budget agreement highlights our country's urgent need for an amendment to the U.S. Constitution requiring a balanced Federal budget. This action clearly demonstrates that statutory restrictions will not be enough to stop the tax and spend policies of recent Congresses.

I strongly oppose the effort to weaken the spending enforcement provisions of the budget agreement, and I urge my colleagues to vote against the resolution.

I also urge my colleagues of the 102d Congress to continue to push for the adoption of a balanced budget amendment to the U.S. Constitution.

GARY REGIONAL AIRPORT FOREIGN TRADE ZONE PARCELS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. VISCLOSKY. Mr. Speaker, today, as we begin the 102d Congress, we begin to prepare our Nation to enter the new century. Similarly, the city of Gary, IN, is also planning for the future. Therefore, I have introduced legislation that will aid in the development of the Gary Regional Airport by permitting the establishment of a foreign trade zone at the site.

The last decade was very hard on northwest Indiana and the city of Gary particularly. The recession in the early 1980's and the dramatic restructuring of the steel industry, the region's primary employer, resulted in unemployment rates that were the highest in the State. Thousands of families were forced to move to seek other opportunities.

However, as we enter the new decade, there are indications that we have turned the corner and I am optimistic about the future. In Gary, the airport is one of the cornerstones that can be utilized to revitalize the city and help enhance the economic growth of the entire region. Since being elected to Congress, I have worked with local, State and Federal officials to assist in the development of the Gary Regional Airport.

My legislation is necessary to allow the airport to utilize several of its land parcels as part of its efforts to establish a U.S. foreign trade zone at the facility. It has been brought to my attention that restrictions were placed upon the parcels in the 1940's when they were transferred to the city by the War Assets Administration.

Today, all agree that these restrictions are dated and removing them will improve the ability of the airport to progress. The Gary Regional Airport has made significant strides in recent years and I commend all those associated with the airport on their efforts:

H.R. 5868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) RELEASE.—Notwithstanding section 126 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, county of Lake, Indiana, dated May 29, 1947.

(b) DESCRIPTION OF PROPERTY.—Those lands incorporated in Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the East One Half (E½) of Section Thirty-five (35), Township Thirty-seven (37), Range Nine (9) West, of the Second Principal Meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the West One Half (W½) of Section Thirty-six (36), Township Thirty-seven (37), Range Nine (9) West, lying between the U.S. Highway No. 12 and the Grand Calumet River, and that part of the Southeast Quarter (SE¼) of Section Thirty-six (36), Township Thirty-seven (37), Range Nine (9) West, lying between U.S. Highway No. 12 and the Grand Calumet River, and that part of the Southeast Quarter (SE¼) of Section Twenty-six (26), Township Thirty-seven (37), Range Nine (9) West, lying between the C.L.S. & E. Railroad and U.S. Highway No. 12, all in the City of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain Warranty Deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as Document No. 742127, in Book No. 666, Page 278, and that certain Warranty Deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as Document No. 82584, in Book 670, Page 68.

COLA FOR DISABLED VETERANS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STUMP. Mr. Speaker, today 225 House Members are joining with SONNY MONTGOMERY and me to introduce a clean COLA bill for service-connected disabled veterans. In the closing days and hours of the 101st Congress, the veterans' COLA unexpectedly became a hostage to unrelated agent orange legislation. The Senate did not act on the COLA approved by the House in H.R. 5326, and our attempt the day before adjournment to keep the COLA alive in a second House bill, H.R. 5962, fell victim to an objection to our unanimous-consent request.

Our clean bill has nothing in it but the noncontroversial COLA which disabled verterans need immediately. They should have had a 5.4-percent COLA effective January 1, 1991, and our bill would make that COLA retroactive to January 1. This bill is the top priority of the House Veterans' Affairs Committee and obviously has widespread support. We intend to move it at the earliest opportunity. What happened to the veterans' COLA was shameful and inexcusable.

Other matters should be considered on their own merits, so they do not make service-connected veterans wait for adjustments in monthly disability payments. It is wrong to hold the COLA hostage. I strongly urge my colleagues to help us provide veterans their COLA.

SALUTE TO LARRY HORNER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a good friend and an outstanding public servant, Lawrence Horner, who recently concluded 16 years of service on the Thousand Oaks City Council.

During his long and distinguished career, Larry served three times as mayor, was instrumental in continuing the careful planning that Thousand Oaks is so noted for, and served on a variety of regional and local boards and commissions, including the Conejo Open Space Conservation Agency, the Cultural Facility Committee, and the Southern California Association of Governments.

And despite his time-consuming occupation as vice president of Northrop Corp., Larry always found time for community involvement as well. He has served the Conejo Valley Historical Society, the California Lutheran University Community Leaders Club, the Conejo Valley and Westlake Chambers of Commerce, the Conejo Future Foundation, the Westlake Joint Board of Homeowners Association, the Westlake Athletic Association, the Arts Council, the Thousand Oaks Jaycees, and the Cal Lutheran Council of Advisers.

As he leaves the city council, Larry can be proud of his many achievements, and the knowledge that his city is a better place because of him. It's the Larry Horners of the world, quietly and efficiently getting things done, who make a difference in government.

Mr. Speaker, I ask my colleagues to join me in saluting Larry for his hard work and conscientious public service to his community.

PRESIDENTIAL APPOINTMENTS FOR SPOUSES OF MEMBERS OF CONGRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I have introduced a bill to bring back fairness and impartiality to the Federal Government. In recent years we have seen an abuse of the Constitution that unfortunately is becoming a standard for the future. I am referring to Presidential appointment of spouses of Members of Congress.

The Constitution of the United States and more specifically, article 1, section 6, subparagraph 96 states:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time.

While this statement is directed toward Members of Congress in its prohibition of a dual interest, this same abuse occurs when the spouse of a Member accepts an appointed office. In the time honored tradition of marriage, the union of a man and a woman is sacred for one reason. That reason is the transformation of two individuals into a single entity. It is this entity that the Founding Fathers settled upon when the Constitution was written, and as a single entity, the conflict of interest concern certainly remains.

President James Madison in his earlier days at the Federal Convention, was a strong proponent of the separation of the administrative and legislative branches. He stated:

> If you have no exclusive clause, there may be no danger of creating offices or augmenting the stipends of those already created, in order to gratify some members if they were not excluded. Such an instance has fallen within my own observation. I am therefore of opinion, that no office ought to be open to a member, which may be created or augmented while he is in the legislature.

It is without a doubt, that the attendees of the Federal Convention were trying to avoid a segment of the British governmental system that proved to be corrupt. Mr. Pierce Butler representing South Carolina at the convention further elaborated on the corruption that our newly born country was trying to avoid. In his remarks, he stated:

> We have no way of judging mankind but by experience. Look at the history of the government of Great Britain, where there is a very flimsy exclusion—Does it not ruin their government? A man takes a seat in parliament to get an office for himself or friends, or both; and this is the great source from which flows its great venality and corruption.

It is clear that our forefathers were trying to avoid corruption and undue influence. If a Member has a spouse working in the administration, then isn't he or she likely subject to such influence. A series of checks and balances were incorporated into the Constitution to protect the citizens of this country from a corrupt government. We must remember that we are the representatives of our constituents who voted us into office, and we owe it to them to remain free from undue pressure.

A MESSAGE TO RESERVISTS AND THEIR FAMILIES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an important message that was given to reservists by one of the Federal savings banks in my district. Carrollton Federal Bank will suspend all debts, without penalty, for reservists who are called to active duty in Operation Desert Shield.

Mr. Speaker, this message of cooperation and generosity is sorely needed during the Persian Gulf crisis. I would encourage banks and savings associations around the country to adopt a similar policy of cooperation for our men and women in arms.

> A MESSAGE TO RESERVISTS AND THEIR FAMILIES FROM CARROLLTON FEDERAL
>
> These are difficult days, filled with uncertainty, frustration, and a sense of sad remembrances.
>
> They are particularly difficult for members of the Armed Forces Reserves called up in this Persian Gulf crisis.
>
> To ease worries and lessen hardships resulting from an abrupt loss of income, Carrollton Federal Bank is immediately suspending loan payments for activated reservists.
>
> While on active duty, you will not have to make principal or interest payments on Carrollton Federal home mortgages, auto loans, credit balances, or personal loans and lines of credit incurred before activation. Simply call our Mortgage Loan Service Department or Consumer Loan Department to make arrangements.
>
> When you're deactivated, you can pick up your obligations where you left off—with no penalties whatsoever. We sincerely hope you will able to resume your normal life just as easily.
>
> And that a peaceful world—which seemed so close a few short weeks ago—will indeed be possible.
>
> Cary D. Dorminey, President.

FREEDOM OF CHOICE ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, today I and a bipartisan group of over 80 Members of the House introduced the Freedom of Choice Act of 1991. The purpose of the bill is to codify Roe versus Wade and to prohibit States from restricting the right of women to choose whether or not to terminate a pregnancy.

The bill is identical to the bill we introduced in the 101st Congress, which was the subject of several hearings in the Subcommittee on Civil and Constitutional Rights and which was reported favorably by the subcommittee to the full Judiciary Committee at the end of the last session.

The bill is a response to the Supreme Court's 1989 ruling in the Webster case, which prompted a number of State legislatures to introduce, and in several cases enact, restrictive antichoice legislation.

I believe a Federal statutory standard is essential to prevent further erosion of the right to choose. This fundamental right should not vary from State to State. The subcommittee plans to move quickly in the 102d Congress to assure enactment of this important legislation.

NATURAL GAS LEGISLATION TO STOP UNFAIR REFUND CLAIMS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, I am today introducing legislation to prevent the Federal Energy Regulatory Commission from requiring natural gas producers, royalty owners and the Texas State Treasury—which collects gas severance taxes—to pay refunds as a result of a recent Federal court of appeals decision in the Fifth Circuit. Such a refund requirement could easily cost Texans many millions of dollars.

Under the terms of the court decision, a 1986 FERC order—Order 451—was vacated because the Court ruled that the Commission overstepped its authority by allowing the price of natural gas drilled before January 1, 1973 to rise to market level. It would be blatantly unfair to require Texas gas producers and taxpayers, as well as those in other producing States, to be penalized for doing exactly what the FERC told them they could do—raise the price of old gas.

Whether the court of appeals was correct in finding fault with the FERC action remains subject to debate and further appeal. My point in introducing this measure, however, is to make sure that the State of Texas, its taxpayers, royalty owners and natural gas producers are treated fairly, and not held liable for a regulatory agency's error.

My bill will protect the original sellers of old gas affected by the FERC order from claims which are anticipated to follow the court ruling. Without this prohibition, the State of Texas, which earns substantial royalty income from gas produced on State lands, could expect royalty refund claims from producers required to make refunds to the first purchasers of their old gas. It also protects the millions of dollars in natural gas severance tax revenues collected by millions of dollars in natural gas severance tax revenues collected by the State of Texas based on the increased gas prices.

I recognize that the FERC order was an attempt to rectify the old gas pricing system, which contributed to market distortion and thwarted attempts to replace depleted gas reserves. This market disorder actually led Congress to enact legislation, which I was proud to support, which decontrolled all natural gas prices.

But, by acting to vacate the FERC order after Congress decontrolled all natural gas, the court has set the stage for massive market disruption. It is ironic that in its decision, the court said that "which we remain poignantly aware that the problems facing the natural gas industry are numerous and complex, we nevertheless emphasize that Congress alone has the power to do—or authorize to do—what the Commission has done" in its orders.

Congress has now decontrolled old gas. What I now ask is that Congress direct the FERC to prohibit refunds. Neither the taxpayers in Texas and other producing States, nor our struggling domestic energy industry should be made to suffer for a bureaucratic error.

I invite my colleagues to join me in this effort.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414) is amended by adding at the end the following new subsection:

"(d) LIMITATION.—No person shall be required to refund any portion of any amount received in any first sale of natural gas, or be subject to any civil or criminal penalties, if the amount received by such person in any such first sale exceeded the maximum lawful price for such gas solely by reason of the decision of the United States Court of Appeals for the Fifth Circuit in Mobil Oil Exploration and Producing Southeast, Inc. v. Federal Energy Regulatory Commission (C.A.-5 No. 86-4940), vacating Federal Energy Regulatory Commission Order Nos. 451 and 451-A. This subsection shall apply only to first sales made before the date judgment is entered in such case.”.

THE DEFENSE ECONOMIC ADJUSTMENT ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today, I am reintroducing legislation to create a national plan for the economic conversion of our defense plants and military bases to civilian production. By providing viable civilian alternatives to military spending, this bill would limit the economic dislocation resulting from the cancellation of military contracts or the closing of bases that are judged nonessential for the defense of our Nation. Such cancellations and closings already have resulted in over 35,000 military industry layoffs since 1988. Hundreds of thousands more lie ahead.

While the Persian Gulf Crisis has temporarily blocked efforts to reduce military spending, Operation Desert Shield, from a planning and budgetary standpoint, "is just a perturbation in the flow of events," as the Navy's top program planner Vice Adm. William D. Smith said. The administration's long-range plan to significantly cut defense spending and shift the Pentagon's focus to combating regional threats has not changed. In a speech in London on December 5, Chairman of the Joint Chiefs of Staff Colin Powell said, "Our view of where we were heading was clear and I believe is still clear."

Nearly a dozen senior military officers interviewed by the Washington Post agreed that deep cuts should begin after the gulf crisis is resolved because of the diminished threat of a global war with the Soviet Union. Further, the Persian Gulf situation forces us to consider the dislocations implied by the current logistics buildup and the subsequent wind down once the crisis is resolved.

While the policy of economic conversion outlined in my legislation, the Defense Economic Adjustment Act, would limit the effects on individuals and on communities of economic dislocation resulting from the inevitable base closings or defense contract reductions or cancellations, passage of this legislation also would broaden our industrial base, enhance our economic security, and encourage a more balanced and rational process of developing weapons systems,

Obviously, there is a direct causal relationship between the Nation's military industrial base inadequacies and the recent disinvestment and underinvestment in the domestic civilian industrial sector. America should learn from the ruination of the Soviet economy by the displacement of civilian industry in the service of its war economy. We only need to look around us to see the deterioration caused by our overemphasis on military development. The operation of a large military economy for more than 40 years has lead to major underinvestment in the facilities and services which make up our Nation's infrastructure. These include roads, education facilities, libraries, public health operations, and parks.

In addition, as Prof. Seymour Melman, professor emeritus of industrial engineering at Columbia University and renowned author, explains:

> A process of technical, industrial, and human deterioration has been set in motion within American society. The competence of the industrial system is being eroded at its base. Entire industries are falling into technical disrepair, and there is massive loss of productive employment because of inability to hold even domestic markets against foreign competition.

The military-dependent firm concentrates on producing increasingly complex hardware which will satisfy the needs of a particular defense project, regardless of cost. Often, these firms manufacture products which are essentially useless to the civilian population and uncompetitive in international markets.

There is compelling evidence that military spending creates significantly fewer jobs than comparable spending in the civilian sphere. While civilian production creates items of value for consumers and producers, military production does not. Money spent on the military leaves our economy for good and deprives us of the secondary benefits that commonly result from civilian production. For instance, total employment per $1 billion spent is estimated at 20,175 for guided missile and space vehicle production. This compares with 30,394 jobs created in the motor vehicles industry and 71,550 jobs created in education services, according to the calculations of the Bureau of Labor Statistics.

Further, our economic reliance on the military results in a severe brain drain of our most advanced technical workers away from civilian fields. Currently, 75 percent of all Federal research and development funds are spent in the military budget. A large percentage of all scientists and engineers are devoted to military-related work. In practical terms, this means that many of our trained scientists and engineers are working to devise more complex and destructive military equipment while U.S. productivity is lagging in important areas such as scientific research, computer technology, machine tools, and other domestic areas.

Economic conversion, rather than being the economic risk that some have suggested, is an economic opportunity. But applying more of our technical and scientific resources to the civilian economy, we would be better able to address the problems facing many of our Nation's troubled industries. A greater reliance on civilian production could also help train many underemployed and unemployable individuals whose needs are currently unmet.

Economic conversion also is essential if we hope to make meaningful progress toward arms control. Many of our current defense decisions reflect political considerations rather than a weapons systems' contribution to national security. This often occurs because political and community leaders, quite legitimately, frequently band together to resist the cancellation of weapons systems that are built in their districts. By creating viable alternatives to military spending, economic conversion would assure the millions of workers in military dependent industries that their jobs will not be sacrificed in the effort to achieve meaningful arms control. If communities do not protest proposed cuts, decisions more likely will be made based on their merits rather than job considerations.

My bill provides a detailed plan for preserving the jobs of those affected by decisions to eliminate unnecessary military spending. Importantly, it is a decentralized plan that places the decisionmaking power in the hands of those directly affected by such cutbacks. The plan contains the following key points:

First, the bill calls for the creation of alternative use committees at large defense facilities. These committees, comprised of both representatives of labor and management, would develop detailed plans for the conversion of the facility to civilian-oriented production.

If such a blueprint is completed in a timely manner, that is, before the announced contract reduction, the community would be able to implement the transition of the facility, retrain its workers, and start production without the massive employee layoffs and community disruption which often occurs with contract cancellations.

A program of community assistance without preplanning at the facility level cannot succeed. History has shown that the preparation of conversion plans is a very detailed, time-consuming process. It requires the cooperation of managers, consultants, engineers, workers, and community leaders. The managers of defense-serving firms possess vital information about plant capacity, workers skills, marketing strategies, and community resources which must be uitilized in order to develop a workable conversion plan. Obviously, their participation is crucial.

The experience of military bases that have closed over the past 20 years is a common one. Bases close. Thousands of workers are laid off and transferred. The local economy is severely affected as property values decline. Overall demand in the local economy drops off as workers' incomes are reduced or they move out of the area altogether. Finally, some years later, the community regroups and begins serious planning. In many cases, the military base has been successfully converted into civilian production and the new enterprise employs more people than before. This, however, only happens after several years of hardship and economic deprivation. This economic layover can be avoided if contingency plans are made at all military installations upon their receiving a military contract.

My legislation does not ask to make business decisions for the defense-contracting firm. It only asks that they participate, in good faith, in a planning process with the community and its employees in its facility's conversion in the event their contract expires or is significantly reduced. That is it. Lend workers and the community in which they are situated your knowledge and expertise so that eventually major economic upheavals can be eased or eliminated.

In addition to the critical preplanning aspect of The Defense Economic Adjustment Act contains the following key additional components:

The bill calls for a Cabinet-level Defense Economic Adjustment Council charged with developing plans for public projects that address human needs. The Council also would serve as a clearinghouse on existing Federal programs relevant to communities affected by military cutbacks and would publish a guidebook for local conversion planners.

The Defense Economic Adjustment Act would also require one year's advance notification of plans to cut back or terminate a defense contract or a military base. The Defense Economic Adjustment Council is responsible for informing the appropriate local officials and the alternative use committees of pending cutbacks.

Finally, the bill provides for adjustment assistance for communities and workers while conversion is underway. Communities seriously affected by defense cutbacks would be eligible for Federal planning assistance, and individual workers would be eligible for adjustment benefits, including funds for retraining.

If Congress terminates a military contract, the local Alternative Use Committee would be notified in advance. This committee would then put in motion an existing plan to convert the affected plant to civilian production. The Federal Government would provide guidance and support for the workers and their community, but the new enterprise would receive no subsidy and would have to compete on its own in the marketplace.

The comprehensive plan for economic conversion contained in the Defense Economic Adjustment Act would free our Nation from the tyranny of jobs blackmail in the approval of military contracts and allow us to pursue a lasting peace without sacrificing our commitment to increasing employment. Moreover, it would contribute to a national economic renewal by providing resources necessary for the revitalizaton of basic industries and the repair of our infrastructure.

A measure included in the 1991 Department of Defense Authorization Act falls far short of the provisions advanced in this legislation. The current law does not mandate any advance planning through alternative use committees for direct conversion of defense-related plants, facilities and workers. Instead, the measure focuses on providing targeted assistance to minimize the economic dislocation resulting from lower defense spending. It does not encourage the planning for and or direct conversion of defense-related facilities to civilian uses.

The Persian Gulf crisis offers the United States the chance to set in motion the demilitarization of the American economy and the use of a growing peace dividend. We must seize the unparalleled opportunity to advance a new international framework for peace and security, reducing our reliance on military spending as our main instrument of security. The health of our Nation would be served better by investing these savings in the revitalization of the economy and in the rebuilding our Nation's failing infrastructure and education systems.

Economic conversion provides the hope that humanity will survive into a peaceful and prosperous future. it is in this spirit that I urge my colleagues to join me in support of the Defense Economic Adjustment Act.

DON LAHR: CITIZEN OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, next week the Santa Maria Chamber of Commerce will name Donald E. Lahr as its "Citizen of the Year."

If there is anyone who deserves the title, it's Don Lahr. Not just because he's a close personal friend. Nor because of his civic involvement. Nor because he has a beautiful wife and four strong sons—and seven grandchildren.

No, Mr. Speaker, Don Lahr deserves this honor because he truly is an outstanding person and citizen.

Don is an Army veteran who came to Santa Maria in 1947. He attended Santa Maria Junior College, graduating from Whittier College in 1951. After a 7-year career with Sears Roebuck and Co., be became the western division manager for P.J. Gould Co. He then became division manager for Insurance Securities Trust Fund, and in 1967, founded his own company, Lahr Electric Motors, Inc.

During his long career in business, Don did not neglect his civic duties. He was president of Orcutt Unified School District, president of Santa Maria Developers, president of the Rotary Club, chairman of the Santa Barbara County Planning Commission, president of the Supervisors Advisory Committee for Orcutt, president of Santa Maria Association for the Mentally Retarded, director fo the Environmental Research Foundation, and a director of the Santa Maria Valley YMCA. As if that were not enough, a few years back he was appointed to the 37th District Fair Board by Governor Deukmejian.

Don is the husband of Doris Throckmorton Lahr, and they are the parents of Donald, Lawrence, Jeffery and Thomas Lahr. Mr. Speaker, on behalf of the U.S. House of Representatives, I want to extend our sincere congratulations to my friends Don and Doris, and to say that in my view, they will always be "Citizens of the Year."

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STUMP. Mr. Speaker, today I am introducing legislation to repeal what I, and many others, consider to be one of the most unfair features of the Social Security Act, the so-called earnings test.

Under current law, Social Security and Railroad retirees can receive only $9,720 per year in earned income. Recipients who annually earn more than that amount generally have their retirement benefits reduced $1 for every $3 earned above the limit.

Mr. Speaker, it is particularly important to understand that the earnings test affects only earned income, such as from wages. Unearned income from investments, is not counted. Thus, the earnings test disproportionately affects low- and middle-income retirees who lack the resources to accumulate large sums of unearned income.

It is a fact that some retirees want to stay active through employment. And, some are forced to reenter the work force for economic reasons. While we should not force any retiree to return to work, neither should the Government stand in the way of anyone who wishes to return to the work force. Regardless of age, one should be able to work as much as they may need, without penalty. This country can only lose by denying our work force the wealth of knowledge and experience the retirement-age population possesses.

HONORING JOSEPH G. BALSAMO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, it is with great regret that I rise to inform our colleagues that, during the recent holiday recess, we lost an outstanding, public minded citizen.

I had known Joseph G. Balsamo for over 40 years. Throughout his life, Joe was the personification of an individual seeking a better community for himself and for future generations. He was never reluctant to pitch in to make things just a little bit better for all of us.

Joe, a native of Brooklyn, NY, served in the Pacific Theater during World War II, as I did, and like so many of our generation, he attended law school after our victory in that conflict, using the practical lessons learned on the battlefield to assist him in mastering the intellectual lessons of a legal education.

Joseph Balsamo and I were classmates at the New York Law School. Not only did we forge a life-long friendship at that time, but we developed our love for the law and for judicial process that served both of us well. Even back then, I was struck by Joe's comprehensive and his compassion. He seemed to instinctively grasp that the law exists not only to provide an orderly society, but also to help others, and to achieve justice.

Upon graduation from New York Law School, Joe relocated in Suffern, NY, where he founded the successful law firm of Balsamo, Byrne and Cipriani.

Joe was not the kind of lawyer that you run into every day. He was more like the untypical country lawyer that we see portrayed in fictional television and motion picture accounts. His law partner, John Byrne, recently stated: "There was never a client who had a problem that was too small for Joe to listen to. He listened to everybody, no matter what their problem was, and he never turned anybody away because they were unable to afford a fee."

Not content merely to become one of the most respected trial attorneys in our part of New York State, Joe also dove headlong into community service. He became chairman of the Village Zoning Board of Appeals at a time when the village of Suffern was facing unprecedented post-war growth. Joe Balsamo helped steer the village along the proper path of controlling the growth so that its benefits could be felt by all.

Joe Balsamo was elected to the Town Council of the town of Ramapo in 1960. In that position, he worked diligently to develop a modern, efficient police department for the town of Ramapo. During the 1960's, he spearheaded the commission which created the new county charter for Rockland County, NY. When that county charter was adopted, Joe was elected to the first-ever Rockland County Legislature, serving from 1969 to 1974, and serving for 2 of those years as legislative majority leader.

Listing the organizations that Joe Balsamo helped, either in leadership positions or with fund-raising activities, reads like a cross-section of our society. In addition to serving on the Board of Directors of the Mahwah Savings and Loan, he was active in the Rockland County Bar Association, the Suffern Rotary Club, the Boy Scouts of America, Good Samaritan Hospital, the Salvation Army, the YMCA, Sacred Heart Church, the American Legion, and the Rockland County Cancer Fund and Polio Fund drives.

Mr. Speaker, I was deeply honored that Joseph G. Balsamo agreed to serve as the chairman of our citizens for Gilman Organization during the 1980's. In that capacity, he served as an inspiration to those who had organized to bring about my reelection to Congress. For his service above and beyond the call of duty, I will always be grateful.

Regrettably, Joe Balsamo passed away on Thanksgiving Day. His is a voice that will be sorely missed throughout our region.

Mr. Speaker, I invite our colleagues to join me in expressing condolences to Joe's widow, Ina; to their sons, David, Stephen, James, and Dr. Joseph, Jr.; to their daughters, Karen, Elizabeth, and Kimberly; to Joe's sister, Rafaela; to Joe's brothers, Gaetano and Anthony; and to Joe's 10 grandchildren.

With the passing of Joseph G. Balsamo, the community has lost an outstanding leader, and I have lost a warm and sincere friend.

GIRLS AND WOMEN IN SPORTS DAY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, I rise today to introduce legislation designating February 7, 1991 as "National Girls and Women in Sports Day."

Setting aside a day to commemorate the participation, achievement, and excellence of girls and women in sports has been a tradition for 4 years.

Participation in athletics at any level has proven to be significant for emotional and physical development of our youth. Through sports, girls learn to take initiatives, to work well with others, and develop a positive self-image.

National Girls and Women in Sports Day, while recognizing the outstanding accomplishments of girls and women in sports, will also point to the fact that women students and coaches still have fewer opportunities for athletic achievements than men at the same institutions.

Today, women represent about 33.66 percent of intercollegiate athletes and this figure continues to rise. Women holding administrative positions in women's programs are up 3.3 percent from 1988.

Unfortunately, other aspects of women's athletics and the opportunities for women athletes still do not equal that of men. For example, only 47.3 percent of women's teams are coached by women—down from 90 percent in 1972. In addition, only 15.9 percent of women's programs are headed by a female administrator—also down from 90 percent in 1972.

While I recognize that progress has been made in some areas of girl's and women's athletics programs, I believe we must acknowledge the large inequities that still exist for women in the area of athletics, particularly in the administration and coaching of female athletes.

In a nation that continues to support professional football, baseball, basketball, and hockey for men in a manner that far outweighs support for such athletic competition for women, I urge you to join me in sponsoring the "National Girls and Women in Sports Day" to help stress the importance of women's continued participation, achievement, and excellence in sports.

National Girls and Women in Sports Day will be a step toward giving women in sports the recognition they deserve. Hopefully, the introduction of this resolution will encourage more girls and women to experience the pleasure of sports activity that develops lifelong habits of physical fitness and social and emotional well-being.

INVESTIGATE SAVINGS AND LOAN CORRUPTION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, over the last few months, reports of the cost of the savings and loan bailout have continued to mount. It is a substantial contributor to the deficit problem and will cost the average American more than $2,000 in taxes.

There are, no doubt, a number of causes for the collapse of the savings and loan industry. Lax State laws, corruption by corporate officials, and the economic downturn in certain areas of the Nation all played a role. But there can be no doubt that some Government officials contributed to the crisis.

The public hearings in the Senate have shown that there are a number of unresolved questions about the conduct of various Government officials. The hearings have pointed out problems in the conduct of both elected and unelected officials. Unfortunately, this is just the tip of the iceberg.

I am therefore introducing a resolution calling for the appointment of an independent counsel to investigate the involvement of Government officials in the savings and loan scandal. The American people deserve to have a full and complete accounting of the role of public officials in this economic disaster.

Mr. Speaker, similar legislation last year had more than 227 cosponsors. In the time since the adjournment of the 101st Congress, the need for an independent counsel has not diminished. I hope that my colleagues will join my effort to have a full and complete accounting of misconduct by Government officials which contributed to the savings and loan scandal.

STOP COLLUSION IN THE NORTH OF IRELAND

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ENGEL. Mr. Speaker, I am reintroducing legislation today that would take an important step toward permanently ending United States support for collusion between the Royal Ulster Constabulary, the Ulster Defense Regiment, and Unionist hit squads in the six counties.

The Royal Ulster Constabulary and the Ulster Defense Regiment have a well-documented history of collusion with Protestant extremist groups in the north of Ireland. Most recently the Stevens Inquiry, sponsored by the British Government, found that collusion has been taking place between the RUC and the UDR, and extremist groups since the mid-1970's. As a result of the Stevens inquiry, 94 arrests were made and 83 recommendations were suggested to improve the procedures for handling sensitive information by the RUC and the UDR so as to insure that critical intelligence is not leaked to extremist groups.

As a result of the clear links between the RUC, the UDR, and terrorist groups in the six counties, a number of assassinations of suspected Republican sympathizers have occurred and scores of others have been threatened. Clearly, the United States, under any circumstances, should not be in a position of support for groups like the RUC and the UDR.

My bill would statutorily end sales of defense and law enforcement equipment from the United States and U.S. companies to the RUC and the UDR. It is very important that Congress act to reduce violence in the six counties by sending a clear message that it will do all it can to prevent the sectarian terror that has caused so much grief and suffering in the north of Ireland. I urge my colleagues to support this legislation.

CONSTITUTIONAL AMENDMENT TO LIMIT TERMS OF OFFICE FOR MEMBERS OF CONGRESS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHULZE. Mr. Speaker, I rise today to introduce an amendment to the Constitution to limit the terms of Members of Congress to 18 years—three 6-year terms for Senators and six 3-year terms for Members of the House.

When our Founding Fathers first envisioned citizen legislators leaving their farms for a few short weeks to work for the common good, little could they imagine the scope and expense of today's campaigns. Neither did they envision a representative body which would alter its rules to virtually ensure reelection.

It is time to limit continuous House campaigns and fundraising by increasing terms for Members from 2 to 3 years. The time has come to encourage vigorous and active leadership by all committee chairmen by requiring they step down after 18 years to allow new ideas to take hold. By limiting all Members of Congress to 18 years of continuous service, we are strengthening the position of our Founding Fathers in the idea of a citizen body to formulate long-term policies for our Nation.

Mr. Speaker, I urge my colleagues to cosponsor my resolution and reduce the role of partisan politics in the Congress and increase our ability to more effectively represent our constituents. It is time to enact a constitutional amendment to limit terms of office for Members of Congress.

NATIONAL OIL SECURITY POLICY ACT OF 1991

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, the National Oil Security Policy Act of 1991, addresses the critical need to establish a national security-oriented energy policy, especially in response to the current oil price collapse and the continuing devastation of our domestic energy production industry.

This measure calls for a national energy policy that would limit our dependence on foreign oil to 50 percent of domestic oil consumption, requiring the President to annually assess U.S. oil production, demand and imports for the subsequent 3 years. If the evaluation shows that foreign oil dependence will exceed the 50 percent level, the President would then be required, within 90 days, to present Congress with a plan to prevent further dependence on foreign oil through production incentives, renewable energy proposals, an oil import fee, or any other appropriate measures.

Congress would then have 90 days to accept, modify, or reject the plan by passing a joint resolution.

The extent to which this Nation has grown to depend upon insecure foreign sources of petroleum is alarming. Last year, petroleum imports averaged over 6 million barrels per day—close to 40 percent of domestic demand. Not since 1980 have petroleum imports reached such a significant percentage of demand.

We are aware of the volatility of oil in the international arena. We are again becoming increasingly dependent for critical energy sources on nations which will not hesitate to artificially control price, supply, and even availability—nations which have selfishly demonstrated in the past that they do not have the best interests of the United States, or the stability of the world economy, at heart.

In order to ensure the viability of our domestic oil production industry, I have introduced legislation today to keep us from growing more dependent on foreign energy sources, and I invite my colleagues to join me in cosponsoring this important measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oil Security Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) a national energy policy should be developed which ensures that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts; and

(5) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports.

(b) PURPOSE.—The purpose of this Act is to establish a national energy security policy designed to limit United States dependence on foreign oil supplies.

SEC. 3. DUTIES OF THE PRESIDENT.

(a) ESTABLISHING OF CEILING.—The President shall establish a National Oil Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling level beyond which foreign crude and oil product imports as a share of United States oil consumption shall not rise.

(b) LEVEL OF CEILING.—The ceiling level established under subsection (a) shall not exceed 50 per centum of United States crude and oil product consumption for any annual period.

(c) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection (in this Act referred to as the "projection"), which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent three years. The projection shall contain appropriate adjustments for expected price and production changes.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with the Budget. The President shall certify whether foreign crude and oil product imports will exceed the ceiling level during the next three years.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress shall have ten continuous session days after submission of each projection to preview the projection and make a determination whether the ceiling level will be violated within three years. Unless disapproved or modified by joint resolution, the Presidential certification shall be binding ten session days after being submitted to Congress.

SEC. 5. ENERGY PRODUCTION AND OIL SECURITY ACTIONS.

ENERGY PRODUCTION AND OIL SECURITY POLICY.—(1) Upon certification that the ceiling level will be exceeded, the President is required within ninety days to submit an Energy Production and Oil Security Policy (in this Act referred to as the "policy") to Congress. The Policy shall prevent crude and product imports exceeding the National Oil Import Ceiling. Unless disapproved or modified by joint resolution, the policy shall be effective ninety session days after being submitted to Congress.

(2) The Energy Production and Oil Security Policy may include—

(A) oil import fee;

(B) energy conservation actions including improved fuel efficiency for automobiles;

(C) expansion of the Strategic Petroleum Reserves to maintain a ninety-day cushion against projected oil import blockages; and

(D) production incentives for domestic oil and gas including tax and other incentives for stripper oil production, offshore, frontier, and other oil produced with tertiary recovery techniques.

HOLD OMB ACCOUNTABLE FOR REVIEW ACTIVITIES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am reintroducing legislation to require the Office of Management and Budget [OMB] to publicly disclose its regulatory activities. As my colleagues are aware, OMB now exerts a major influence on the regulatory activities of all Federal agencies, especially in the areas of health, safety, and the environment. The time has come to hold OMB more accountable for its actions.

Congress has passed health and safety laws, and delegated implementation of those laws only to the specific agencies with expertise in the relevant subject matter. OMB has no statutory right to alter the decisions of the agencies empowered by Congress to protect the public's health. Therefore, as far as I am concerned, OMB's so-called regulatory review activities over the last 10 years are illegal.

One of the most troubling aspect of OMB's review of regulations is the secrecy in which it takes place. Behind closed doors, nameless and faceless OMB employees—using the powers granted them not by statute, but by Executive order—have forced expert agencies like the Food and Drug Administration to alter regulations. Often these orders are issued over the phone, with no documentation of the communication.

While reasonable persons may disagree over the proper scope of "regulatory review," I hope we can all agree that our system of open, participatory demands that Congress and the public be provided access to the record of OMB's influence in regulatory decisionmaking. The Administrative Procedure Act and fundamental principles of constitutional law demand as much.

The Government Operations Subcommittee on Human Resources and Intergovernmental Relations, which I have the privilege to chair, has documented numerous instances where OMB has influenced and interfered with the decisionmaking process in critical areas such as food safety. I enclose for the RECORD a brief summary of some of the cases of OMB interference that my subcommittee has encountered in the past several years.

My subcommittee is not alone in revealing OMB's tampering with the regulatory process. Cases of OMB meddling with the actions of the Environmental Protection Agency, the Occupational Safety and Health Administration, and other health and safety agencies can be obtained from a variety of committees and subcommittees in the House and the Senate.

My bill is designed to assure that an administrative record, similar to that required at the agency level, is created that describes OMB's substantive activities. The proposal is titled the "Regulatory Influence and Reporting Amendments," and contains five primary components. They are:

First, require OMB to summarize in writing all oral communications with non-OMB persons regarding any regulatory activity OMB is reviewing or has an interest in, within 1 day of the communication; require these written summaries, and any written communications between OMB and non-OMB persons, to be made publicly available within 3 days after the communication is logged or received.

Second, require OMB to make any changes or suggestions it has for draft regulations in writing, together with a justification for those changes, to be signed by the Administrator of the Office of Information and Regulatory Affairs; require this writing to be publicly available within 3 days after the changes are signed off by the Administrator.

Third, require OMB to invite an agency to any meeting OMB has with any non-OMB person regading any regulatory activity of that agency under review.

Fourth, require each agency to place in the rulemaking record the draft of each rule or regulation submitted to OMB for review, along with a copy of any changes or suggestions made by OMB; also require each agency to make a written summary of any oral communications with OMB and place those summaries on the rulemaking record.

Fifth, limit the time for OMB review of regulations to 30 days and order the publication in the Federal Register of any regulation if the 30-day period for review expires without OMB action.

The Committee on Government Operations may again consider the reauthorization of the Paperwork Reduction Act. In the 101st Congress, legislation was introduced in the House and Senate to reauthorize the Paperwork Reduction Act. The House passed their bill, but the Senate did not.

One of the issues that arose last session was the decision to make OMB's regulatory review activities the subject of a separate, nonbinding wirtten agreement between OMB and the chairman and ranking minority member of the Committee on Government Operations. I opposed this "sidebar" agreement because it was unenforceable and set a dangerous precedent that bypassed the normal legislative process.

I hope that in the 102d Congress we will enact effective legislation to make OMB answerable to the American people. I look forward to working with other committee members in crafting comprehensive legislation to bring OMB's considerable regulatory influence under public scrutiny.

EXAMPLES OF OMB INTERFERENCE REVEALED BY THE HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE

HEALTH CLAIMS

In 1987, FDA was forced to reverse an 81-year prohibition against explicit disease-prevention claims on food labels. FDA had wanted to keep the long-standing policy in place while it cautiously examined an appropriate system to allow health claims. Instead, OMB forced FDA to expressly abandon the 81-year old ban and plunge ahead with a vague proposed rule to allow health claims. In 1988, FDA drafted a final rule to correct the most serious weaknesses in the 1987 proposal. However, OMB prohibited FDA from publishing that rule and deceptive health claims proliferated. ("FDA's Continuing Failure To Prevent Deceptive Health Claims for Food", H. Rept. 101-980, 101st Cong., 2d Sess., November 14, 1990.)

COLOR ADDITIVES

In 1982, FDA was prepared to ban six different color additives because agency scientists determined that the additives caused cancer in animals. Under a provision of the Food, Drug and Cosmetic Act known as the Delaney clause, carcinogenic additives must be banned.

At the urging of color additive manufacturers, OMB held numerous meetings with officials of FDA and the Department of Health and Human Services in an attempt to prevent some or all of the dyes from being banned. In a report that was unanimously approved by our full committee, we found that:

OMB's efforts to influence the Department's regulations of color additives found to be animal carcinogens interfered with scientific, public health decisions that Congress expected the Department and its experts to make. ("HHS' Failure to Enforce the Food, Drug, and Cosmetic Act: The Case of Cancer-Causing Color Additives," H. Rept. 99-151, 99th Cong., 1st Sess., June 3, 1985, p. 63.)

REGULATION OF THE USE AND SALE OF EXPERIMENTAL DRUGS

In a 1987 hearing, our subcommittee revealed that, at OMB's insistence, the proposed standard of approval for experimental drugs to treat "life-threatening" illnesses was drastically altered. ("FDA Proposals to Ease Restrictions on the Use and Sale of Experimental Drugs," 100th Cong., 1st Sess., April 29, 1987.) Prior to OMB's involvement, FDA proposed that drug sponsors bore the burden of demonstrating that a drug's benefits outweighed its risks, and that sufficient evidence of safety and efficacy existed.

However, OMB ordered that FDA's proposed standard be changed. A new proposal removed the language requiring sufficient evidence of safety and efficacy. Instead, OMB placed the burden on FDA to prove that the risks posed by a drug were "unreasonable" before the agency could reject an application.

This case was all the more troubling because there was no documentation to identify which OMB employees were responsible for rejecting an FDA proposal that sufficient evidence of a drug's safety and efficacy be required as a condition for approving an experimental drug. OMB was simply acting in the dark.

VIDEO DISPLAY TERMINALS

In 1982, the National Institute of Occupational Safety and Health (NIOSH) started planning a study of the possible hazards of video display terminals (VDTs) on pregnant women, in response to reports of birth defects, miscarriages, stillbirths, and other reproductive problems. In 1985, the study design was completed, but OMB refused to approve it.

OMB had no scientific staff to review the proposed study, so its criticisms were based in large part on reviews conducted by two industry consultants. NIOSH revised the study and tried to answer the concerns raised by OMB. In June 1986, OMB approved the study, under the condition that NIOSH delete 69 questions about stress at work and fertility, which represented approximately one-third of the interview.

Scientists at NIOSH and the Office of Technology Assessment stated that the revisions would seriously weaken the study. Nevertheless, OMB insisted that its revisions be incorporated. In so doing, OMB ignored the recommendations in our report ("Occupational Health Hazard Surveillance: 72 Years Behind and Counting," H. Rept. 99-979, 99th Cong., 2d Sess., October 8, 1986), and numerous other objections to the OMB revisions.

A study published last year, indicated that VDTs may be causing 100,000 miscarriages a year nationwide, and may also cause birth defects. The NIOSH study is still not completed. However, whatever the results of the NIOSH study, it will be extremely difficult to draw any conclusions, because of the shortcomings of that study—shortcomings that were created by OMB's interference.

H.R. —

Be it enacted by theSenate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Influence Reporting Amendments of 1991".

SEC. 2. REPORTING REQUIREMENTS.

(a) LOGGING AND DISCLOSURE OF ORAL AND WRITTEN COMMUNICATIONS.—

(1) LOGGING OF ORAL COMMUNICATIONS.—An employee of the Office of Management and Budget shall log in writing each oral communication between that employee and any person who is not such an employee, which relates to any regulatory activity not later than one day after the date of that communication.

(2) INFORMATION TO BE LOGGED.—Information logged pursuant to this subsection shall include—

(A) the date of the communication;

(B) the names, titles, and affiliations of the participants in the communication;

(C) the subject matter of the communication; and

(D) a brief summary of the substance of the communication.

(3) AVAILABILITY OF INFORMATION.—Information logged under this subsection, and any written communication between an employee of the Office of Management and Budget and any other person regarding any activity of the Office of Management and Budget, shall be made available to the public in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code, not later than 3 days after the date the oral communication to which the information relates is logged or the written communication is made or received by the employee, respectively.

(b) Separate Record of Review.—

(1) In general.—The Director of the Office of Management and Budget shall establish and maintain a separate record for each regulatory activity reviewed by the Office of Management and Budget.

(2) Content of record.—Each record established pursuant to this section shall include with respect to the regulatory activity that is the subject of the record—

(A) copies of all written materials which are—

(i) received by the Office of Management and Budget from a person who is not an employee of the Office of Management and Budget; or

(ii) provided by the Office of Management and Budget to such a person;

(B) copies of all information logged pursuant to subsection (a); and

(C) copies of any changes made or suggested by the Office of Management and Budget in the regulatory activity under review, including the reasons for such changes are required by subsection (e).

(3) Availability of materials, information, and changes.—All materials, information, and changes and the reasons therefor referred to in paragraph (2) shall be made available to the public not later than 3 days after they are received, provided, logged, or made, as applicable, in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code.

(c) Notification of Agency Regarding Meetings and Contracts.—The Director of the Office of Management and Budget—

(1) shall notify the head of an agency of all meetings and other contracts between employees of the Office of Management and Budget and any person who is not such an employee concerning any regulatory activity of that agency; and

(2) shall provide that agency head or his or her designee a reasonable opportunity to attend any such meeting.

(d) Maintenance of Records by Agency Issuing Rules.—The head of each agency shall include in the record of each rule or regulation submitted by the agency for review by the Office of Management and Budget—

(1) copies of all drafts of advanced notices of proposed rulemaking, notices of proposed rulemaking, and notices of final rules; and

(2) copies of any changes in the rule or regulation (including changes in any advanced notice of proposed rulemaking, notice of proposed rulemaking, or notice of final rule relating to that rule or regulation) made or suggested by the Office of Management and Budget, including the reasons for such changes which are provided to the agency by the Director of the Office of Management and Budget pursuant to subsection (e)(2).

(e) Period for Review.—

(1) In general.—(A) The Director of the Office of Management and Budget shall complete review of any regulatory activity of an agency not later than the earlier of—

(i) 30 days after the date of the submission of the regulatory activity to the Office of Management and Budget by the agency; and

(ii) any date established by statute or court order for completion of the regulatory activity.

(B) The period provided for by subparagraph (A) for completion of review of a regulatory activity by the Director shall not be extended.

(c) Changes.—Each change in a regulatory activity, which is made or proposed by an employee of the Office of Management and Budget shall be—

(A) submitted by the Office of Management and Budget in writing to the head of the agency conducting the regulatory activity, with a statement of the reasons for such change or proposed change; and

(B) signed by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

(3) Publication.—The head of an agency which submits an advanced notice of proposed rulemaking, notice of proposed rulemaking, proposed rule, or final rule to the Office of Management and Budget for review shall publish the contents of that submission in the Federal Register at the end of the 30-day period described in paragraph (1) if the Director fails to act within that period.

(f) Effect on Rulemaking Authority.—Nothing in this Act shall alter in any manner—

(1) the authority of any agency to initiate, conduct, or complete a rulemaking proceeding; or

(2) the criteria for rulemaking established by any other law.

(g) Effect on Disclosure Requirements.—This Act shall not be considered—

(1) to alter the authority of the Congress to obtain information from any agency in the executive branch of the Federal Government; or

(2) to require the public disclosure of—

(A) any communications between the Office of Management and Budget and any other office within the Executive Office of the President; or

(B) any information which is exempted from disclosure under section 552(b) (1), (3), (4), and (6) through (9) of title 5, United States Code.

SEC. 3. AGENCY LOGGING AND DISCLOSURE OF ORAL COMMUNICATIONS WITH OMB.

Section 553 of title 5, United States Code, is amended by inserting after subsection (e) the following:

"(f)(1) An employee of an agency shall log in writing each oral communication between that employee and any employee of the Office of Management and Budget, which relates to any regulatory activity not later than one day after the date of that communication.

"(2) Information logged pursuant to this subsection shall include—

"(A) the date of the communication;

"(B) the names, titles, and affiliations of the participants in the communication;

"(C) the subject matter of the communication; and

"(D) a brief summary of the substance of the communication.

"(3) Information logged under this subsection, and any written communication between an employee of an agency and any employee of the Office of Management and Budget regarding any regulatory activity of the agency, shall be make available to the public in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code, not later than 3 days after the date the oral communication to which the information relates is logged or the written communication is made or received by the agency employee, respectively.

"(4) In this subsection—

"(A) the term 'regulatory activity' means any advance notice of proposed rulemaking, notice of proposed rulemaking, notice of a final rule, and any other activity that could affect an agency decision or action;

"(B) the term 'oral communication' includes any meeting, phone conversation, briefing, or discussion;

"(C) the term 'rule'—

"(i) means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency; and

"(ii) does not include any administrative action which is subject to sections 556 and 557 of title 5, United States Code.".

SEC. 4. DEFINITIONS.

In this Act—

(1) Oral communication.—The term "oral communication" includes any meeting, phone conversation, briefing, or discussion.

(2) Regulatory activity.—The term "regulatory activity" means any advance notice of proposed rulemaking, notice of proposed rulemaking, notice of a final rule, and any other activity that could affect an agency decision or action.

(3) Rule.—The term "rule"—

(A) means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency; and

(B) does not include any administrative action which is subject to sections 556 and 557 of title 5, United States Code.

ENCOURAGE THE RECYCLING OF PAPER PRODUCTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, the Environmental Protection Agency estimates that paper products will constitute approximately 40 percent of the municipal solid waste stream by the year 2000. In order to curb this trend, now is the time to establish and provide incentives which encourage the recycling of paper products.

Today I am introducing legislation to provide that incentive to companies which mass mail paper products through the U.S. Postal Services' second- and third-class mail.

In 1989—the last year of complete records—the U.S. Postal Service delivered approximately 62.8 billion pieces of third-class mail and approximately 10.5 billion pieces of second-class mail to households in the United States. The combined weight of second- and third-class mail in 1989, totaled approximately 11.6 billion pounds, the equivalent of approximately 46.5 pounds per American citizen.

Considering each ton of recycled paper produced saves approximately 17 trees, 11.6 billion pounds of recycled paper would save approximately 99 million trees.

In order to encourage recycling, to save millions of trees, and to reduce our solid waste stream, I am introducing legislation which requires the U.S. Postal Service to study and report to Congress on the feasibility of establishing lower rates for any second- and third-class mail matter which uses recycled paper and materials.

By creating a lower mail rate for mailings using recycled materials, we can make it beneficial for mailers to use recycled goods. I urge my colleagues to support and cosponsor this much-needed legislation.

A TRIBUTE TO PHIL CUMMINGS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BILBRAY. Mr. Speaker, I rise with great sadness today to honor the memory of a long time friend of my family's and the Las Vegas community, Phil Cummings. Mr. Cummings sadly passed away on December 10, 1990 at the age of 82.

A long time Las Vegas businessman, Mr. Cummings owned a variety of businesses including the now famous Hitching Post Wedding Chapel. In addition, he served as Clark County Deputy Labor Commissioner and later as the Clark County Public Administrator for 12 years, where he was a good friend of my father's, former County Assessor James A. Bilbray.

Although not a native of Las Vegas, Phil Cummings strived for the betterment of southern Nevada. He was recognized for his work in behalf of his work for Boys Town and infantile paralysis. He also served on President Kennedy's Committee on Employment of the Handicapped. His leadership could also be found in his post as president of the Las Vegas chapter of the City of Hope, the Jaycees, and the International Footprinters Association.

Phil Cummings led a long and distinguished life in the service of the Las Vegas community. It is sad to see a man of his character and motivation pass away. He will be missed. Let us hope that others will follow his example and strive to better their community in the way that Phil Cummings did.

PRAY FOR PEACE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HYDE. Mr. Speaker, Mrs. Peggy Stanton, a good friend and a former television journalist, has begun working with some similarly minded people who believe we ought to use the ultimate resource of national prayer in our effort to achieve peace in the Middle East. I am pleased to join her effort and share her communication with my colleagues.

TO MEN AND WOMEN OF GOOD WILL THROUGHOUT THE WORLD: RE: THE PERSIAN GULF CRISIS

Please join us in an International Day of Prayer and Fasting, January 6, 1991.

1. To thank God for the safe return of all the hostages.

2. To thank God for the bravery of the men and women in the Persian Gulf.

3. To thank God for this period of grace before decisions of war are made.

4. To ask God to guide the minds and hearts of the leaders involved in the conflict to a just and permanent solution without bloodshed.

5. To ask God to grant all of us the gifts of forgiveness and reconciliation.

At the hour of 3 o'clock e.s.t. we ask all participating people in every nation to pray together on bended knee.

Please pass the word.

PEACE THROUGH PRAYER

Peace through prayer may seem an impossible goal in this complex world, but consider this. Could any of us have predicted 5, 4, 3, even 2 years ago that the Berlin Wall would fall in the September of 1989; that Germany would be united in 1990; that the Eastern bloc countries would throw off the yoke of communism; that the Churches in Russia would be filled?

Miracles are becoming almost commonplace in this momentous era of history. Why not try for one in the Middle East?

Is it not a miracle, even now, that hundreds of hostages have been freed; that in one of the world's most volatile arenas, nearly a million soldiers—separated by only a few miles of sand—have stood ready to fight one another for five months with some of the most frightening weaponry ever devised by man and still the battle has not been joined—even by accident?

Is it not possible that God is granting us an extraordinary period of grace—just waiting for us to seek His intervention? Since the greatest gift He has given us is free will, He would surely wait to be asked. What are *we* waiting for?

The argument may well be: people *are* praying. And they are. But perhaps it is time to take prayer out of the privacy of our own community and put it in the public spotlight to dramatize the brotherhood and sisterhood of humankind. We are, after all, children of the same Father.

Someone once said—praying alone is like hearing God in mono. Praying together is hearing Him in stereo.

Have we ever needed to hear Him more?

ANTITRUST EXEMPTION FOR INDEPENDENT NATURAL GAS PRODUCERS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, today I am introducing a simple measure to benefit small, independent natural gas producers.

My overriding concern with the state of the energy industry in general is for its survival and the importance of our energy independence to our national security.

In order to enable small gas producers to more readily get their gas to market, I have introduced a bill which would provide antitrust exemptions to allow them to form cooperatives to pool and market large quantities of gas. With so many of these small producers unable to find buyers for their production, passage of my measure would go a long way toward ensuring the viability of this important segment of our domestic energy industry.

With increased interest on the part of producers as well as consumers, I am confident that this issue will warrant the attention of my colleagues in the 102d Congress. I therefore invite my colleagues to join me in support of this modest proposal to enable our small domestic gas producers to get their production to market.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF ANTITRUST DEFENSE.

There shall be available as a defense to any civil or criminal action brought under the Federal antitrust laws, as that term is defined in section 2(37) of the Natural Gas Policy Act of 1978, or any similar State law, with respect to actions taken to develop cooperative associations of independent producers of natural gas or actions taken by such cooperative associations to carry out any voluntary agreement or plan of action to market natural gas in interstate commerce if—

(1) such action is necessary to market natural gas, and

(2) such action is not taken for the purpose of reducing competition.

SEC. 2. DEFINITION OF INDEPENDENT PRODUCER.

For the purpose of this Act, the term "independent producer" has the same meaning as that term has in section 4992(b) of the Internal Revenue Code of 1954.

THE SMOKING AND HEALTH ADVERTISING ACT OF 1991

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am reintroducing legislation which will invigorate the campaign to educate the public about the hazardous effects of cigarette smoking. The Smoking and Health Advertising Act of 1991 would require tobacco companies to spend an amount equal or greater to 5 percent of their advertising and promotional budget on public health messages detailing the dangers of smoking.

Specifically, this bill amends the Internal Revenue Code of 1986 to disallow the deduction for advertising or other promotion expenses with respect to the sales of tobacco products unless the taxpayer—the tobacco companies—pays for the specified amount of advertising on the health effects of smoking. All advertisements would be prepared by, or approved by the Secretary of Health and Human Services [HHS] so as to assure their quality.

It is critical that we take these measures now to strengthen the public health campaign on smoking. According to the Surgeon General, 390,000 people die annually of smoking related illnesses. The tragedy is that these premature deaths could be prevented. Despite overwhelming evidence that cigarette smoking is a grave health hazard, people continue to smoke and young people continue to initiate the deadly habit.

Recent studies show that at least 80 to 85 percent of the American smoking population starts smoking before the age of 20. Though a variety of psychological and sociological factors may influence an individual's decision to smoke, there can be no doubt that the highly visible advertising and promotional crusade launched by the tobacco industry lures prospective smokers, particularly our young people.

Cigarettes are one of the Nation's most heavily advertised consumer products. In addition to purchasing ads in magazines, newspapers, and on billboards, cigarette companies vie for the public's attention by sponsoring entertainment, cultural, and sporting events.

While the public is bombarded by this prosmoking campaign, antismoking and public health messages nearly are invisible. Numerous studies have indicated that counteradvertising is a highly effective way to discourage smoking. However, the resources to produce, distribute, and most importantly purchase magazine space or television time are woefully inadequate. The legislation I am introducing today will revitalize the counteradvertising movement.

In addition to the Smoking and Health Advertising Act of 1991, I also am introducing today a resolution, expressing the sense of the House of Representatives, that the Federal Government should encourage both electronic and print media to air or print more antismoking advertisements as a public service.

It is clear that the time has come for a renewed Federal commitment to eliminating smoking in the United States. I believe the bills I have introduced go a long way toward this goal by providing a two-tiered approach to bringing much-needed information about the perils of smoking to the American people. We can save some money, but more importantly we can save lives.

Below are printed copies of both bills:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smoking and Health Advertising Act of 1991".

SEC. 2. DISALLOW OF DEDUCTION FOR ADVERTISING OR OTHER PROMOTION EXPENSES WITH RESPECT TO SALES OF TOBACCO PRODUCTS UNLESS TAXPAYER PAYS FOR A CERTAIN AMOUNT OF ADVERTISING ON THE HEALTH EFFECTS OF SMOKING.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items not deductible is amended by adding at the end thereof the following new section:

"SEC. 280I TOBACCO AND TOBACCO PRODUCT SALES PROMOTION EXPENSES.

"(a) GENERAL RULE.—Except as provided in subsection (b), no deduction shall be allowed under this chapter for any tobacco and tobacco product sale promotion expense.

"(b) EXCEPTION WHERE TAXPAYER PAYS FOR CERTAIN ADVERTISING.—

"(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any taxable year if—

"(A) the amount paid or incurred by the taxpayer during the taxable year with respect to qualified health-awareness advertising, exceeds

"(B) 5 percent of the tobacco and tobacco product sale promotion expenses of the taxpayer for the taxable year.

"(2) QUALIFIED HEALTH-AWARENESS ADVERTISING.—For purposes of paragraph (1), the term 'qualified health-awareness advertising' means any advertisement which—

"(A) is for purposes of informing the public on the health effects of smoking or using smokeless tobacco products, and

"(B) is prepared by, or approved by, the Secretary of Health and Human Services, in consultation with nationally recognized cancer, heart, and lung associations.

"(c) TOBACCO AND TOBACCO PRODUCT SALE PROMOTION EXPENSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'tobacco and tobacco product sale promotion expense' means any amount otherwise allowable as a deduction under this chapter with respect to—

"(A) any advertisement primarily for purposes of—

"(i) promoting the sale of tobacco and tobacco products, or

"(ii) informing or influencing the general public (or any segment thereof) with respect to tobacco and tobacco products, or

"(B) any of the following incurred or provided primarily for purposes described in subparagraph (A)—

"(i) travel expenses (including meals and lodging),

"(ii) any amount attributable to goods or services of a type generally considered to constitute entertainment, amusement, or recreation or to the use of a facility in connection with the providing of such goods or services,

"(iii) gifts, or

"(iv) other promotion expenses. Such term shall not include any amount paid or incurred with respect to any qualified health-awareness advertising (as defined in subsection (b)(2)).

"(2) TOBACCO AND TOBACCO PRODUCTS.—The term 'tobacco and tobacco products' means any small cigarette, large cigarette, cigar, pipe tobacco, tobacco which may be rolled into a cigarette, or smokeless tobacco product, including snuff and chewing tobacco.

"(d) REGULATIONS.—Within 90 days after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary to carry out the purpose of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280I. Tobacco and tobacco product sales promotion expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

H.R. —

Whereas over 390,000 premature deaths each year are caused by tobacco-related illness;

Whereas 142,000 or more deaths in the United States each year are due to lung cancer which is far more than the number of deaths caused by any other disease;

Whereas nonsmokers are at risk as well as smokers as shown in a report by the Surgeon General that an estimated 46,000 deaths annually can be attributed to passive smoking;

Whereas smoking related diseases cost the United States health care system an estimated $22,000,000,000 yearly and the Federal Government pays approximately $4,200,000,000 yearly for smoking-related health care;

Whereas a smoke-free society would improve the health and environment of all Americans;

Whereas massive and readily accessible education as to the deadly effects of cigarette smoking may discourage young adults from beginning to smoke and may encourage smokers to stop; and

Whereas television, radio, and magazines are the major forms of communication nationwide: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Federal Government should strongly encourage both print and electronic media to voluntarily print or air public service messages describing the deadly effects of cigarette smoking and that such an action would be a critical step in protecting the health of all American citizens.

WE NEED A BALANCED BUDGET AMENDMENT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, today, on the first day of the 102d Congress, I am sponsoring legislation that provides for a balanced budget amendment to the Constitution. Given the critical need to continue reducing the Federal deficit so that our economy can pull out of its current slump, it is essential that this bill be adopted.

Last year, on July 17, the House failed to adopt this measure by only 7 votes. Although a strong bipartisan majority of the House voted 279 to 150 in support of House Joint Resolution 268, we fell just a handful of votes short of the two-thirds majority vote required by the Constitution.

I was a cosponsor and strong supporter of House Joint Resolution 268. Like many others, I was disappointed that we were unable to collect the necessary amount of support for this measure in the House. But after the way that last year's budget debacle concluded, I am more convinced than ever that we need to adopt a balanced budget amendment to the Constitution.

The fiscal year 1991 budget cycle clearly demonstrated that what the Congress needs is a mechanism that forces the Federal Government to make choices, since that's what we're really talking about whenever we discuss the Federal budget. The necessary mechanism is the measure I am introducing today: a constitutional amendment to balance the budget.

Mr. Speaker, to those who are uneasy about the prospect of amending the Constitution to provide for a balanced budget, I say that it is not an untried or untested proposition. Thirty-nine States, including Maine, already have constitutional requirements to balance their budgets.

These requirements work—State Governors and legislatures can't leave town if their budgets aren't balanced. They adjourn only when their budget books are in proper order.

Simply put: There isn't one good reason why the Federal Government shouldn't be required to do what those 39 States—and millions of households across this land—are required to do themselves.

Furthermore, while the measure I am sponsoring generally prevents the Government from spending more money than it collects each year, it allows for two exceptions that can address any unforeseen circumstances.

First, total expenditures can exceed total revenues if a declaration of war is in effect. Second, spending can surpass revenues if three-fifths of both the Senate and House vote to approve of a deficit-financed budget, in a rollcall vote.

These well-defined exceptions provide for a necessary degree of flexibility, should the Nation be confronted with a crisis.

Mr. Speaker, if someone were to offer a plausible, more effective alternative to amending the Constitution to require a balanced budget, I'd gladly take a close look at it. But, the inability of enough Members and Senators to make tough choices has brought us to the point where this country needs a balanced budget amendment to the Constitution.

I strongly urge all of my colleagues in the House to join me in support of this measure.

FIRST-TIME HOME BUYERS' IRA BILL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to reintroduce legislation designed to assist young families make that all-important first home purchase and the American dream of home ownership a reality for as many families as possible.

As we are all well aware, home ownership in America is on the decline. One of the largest obstacles to home purchases is the downpayment. For many families, the monthly mortgage payments are within their means, but the initial downpayment is simply too high and prevents them from making this important investment.

The legislation I am reintroducing today will allow first-time home buyers to make withdrawals from savings accumulated in individual retirement accounts [IRA's] for the purpose of acquiring, constructing, or reconstructing a principal residence without incurring any tax liability due to early withdrawal of savings from the IRA. This bill allows people to take money from one investment, an individual retirement account, and put it in another, a home, without tax penalties.

Mr. Speaker, this legislation will enable many families to realize the dream of home ownership and I encourage my colleagues to cosponsor this important legislation.

MARTIN LUTHER KING DAY—1991

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, in a few short weeks we will again be celebrating our newest national holiday: Martin Luther King Day.

As one of the original cosponsors of the legislation designating a national holiday to commemorate the birthday of the late Rev. Dr. Martin Luther King, Jr., I observe that in many ways the manner in which this newest of our national holidays has come to be celebrated is distressing.

Every day, our media obervers and news reporters comment on Martin Luther King Day as if this holiday should be observed only by Afro-Americans.

We do not doubt that the Reverend Dr. King accomplished much in expanding black pride. It is highly commendable that he did so.

It is of primary importance, however, that we not forget that although Dr. King led the struggle for black equality, his message was meant not only for black people. His message was universal, and his birth, his life, and his message should be celebrated universally.

Dr. King's message, simply stated, was that love would conquer hate. He told us all that hatred destroys the hater just as much as the hated.

During the era when Dr. King led the struggle for equality, his message was directed at a white society which continued its segregationist policies against the blacks. He also had a message for those who were tempted to return hatred for hatred. But his message is just as applicable today as it was when Dr. King was taken from us nearly 23 years ago.

Rev. Martin Luther King's message can today be applied to those who maliciously destroyed an elaborate Christmas display on a private front yard in the town of Ramapo in my own congressional district this past Christmas Eve—for the second year in a row.

His message can be directed to those who maliciously desecrate synagogues and churches throughout our Nation, in many cases utilizing symbols of Nazism and the Third Reich—a shocking ignorance of the Holocaust and the effect it had on millions of innocent lives.

Dr. King's message is applicable to those in Eastern Europe today who are resurrecting the specter of antisemitism and of nationalistic hatreds for their own political purposes and to keep people's minds off of their economic woes.

His message is applicable to the recent horrors inflicted on the women and children of Kuwait. It can be directed to Tiananmen Square and Tibet, to continued injustices in Latin America, and continued strife in South Africa, all of which shock even our hardened world.

Dr. King's message can be directed at those even today who continue to condone racism and hatred, who continue to practice discrimination against others, and to whom bigotry has not gone out of fashion.

Events of recent years, at Howard Beach, NY, in Central Park, in the ghettoes of Miami, in the labor camps along our Mexican border, and in the neo-Nazi training camps in the Rocky Mountains, remind us all that our own Nation still has a long way to go before Dr. King's ideals can be realized.

During the past year, the memory of the Reverend Dr. Martin Luther King, Jr., suffered some of the same indignities which have besmirched some other great Americans in the past. Today, some would-be historians have gained headlines with the startling revelation that not all of Dr. King's works and utterances were original. The word "plagarist" has been bandied about quite a bit.

Those who contend that Dr. King plagarized some of his work forget that John F. Kennedy borrowed the phrase "Ask not what your country can do for you; ask what you can do for your country" from Justice Oliver Wendell Holmes.

They forget that Abraham Lincoln was quoting the Bible when he stated "A house divided against itself can not stand."

They forget that Gen. Douglas MacArthur was reciting an old Army ballad when he said: "Old soldiers never die, they just fade, fade away."

It is not important where ideas originate. What is important is that these ideas, garnered from many different sources, are articulated in a manner that captures the hearts, the minds, and the imagination of the people.

Dr. King's greatest admirers readily admit that none of his ideas were original, or even unique. But even his most hard-hearted opponents concede that he articulated them for his contemporaries in a manner which gave hope to millions and inspired millions more.

Few Americans remember that an historian made a great deal of money about 20 years ago by contending that George Washington fought for his country not because of any ideals, but because of financial renumeration. From time to time, someone writes a best seller proving that Abe Lincoln was an incompetent fool who blundered his way into the history books.

Just as these sensationalist revisionists are quickly forgotten, so too will future generations forget those who today attempt to sully the memory of the Reverend Dr. Martin Luther King, Jr. His place in our pantheon of heroes is secure.

And so, Mr. Speaker, I ask our colleagues to join in reminding our citizenry that we celebrate Martin Luther King, Jr.'s birthday, not because he was a black man, but because he was a great man. We revere his memory and his message because of their relevance for all people, then and now.

SAFE AND SOUND BANKING SYSTEM

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HUBBARD. Mr. Speaker, the 102d Congress convenes today and there are numerous issues of great concern to our Nation's citizens. One of the most important matters that needs addressing is the safety of America's financial institutions. Indeed, our citizens need to be assured that their deposits in their financial institutions are safe and sound.

At this time I would like to share with my colleagues an excellent letter dated November 21, 1990, which I received from my friend and fellow Kentuckian, Charles Beach, Jr., president of Peoples Exchange Bank in Beattyville, KY. Charlie Beach has some excellent suggestions for Congress, the executive branch, and the Federal banking regulators to consider as we strive to achieve the goal of the "survival, safety and soundness, and maintenance of a banking system worthy of public confidence."

As Congress begins the new year and a new agenda, I am hopeful my colleagues will consider the ideas of this outstanding individual. The letter to me from Charlie Beach follows:

PEOPLES EXCHANGE BANK,
Beattyville, KY, November 21, 1990.
Hon. CARROLL HUBBARD,
House of Representatives, Washington, DC.

DEAR CARROLL: The survival, safety and soundness, and maintenance of a banking system worthy of public confidence should be the goal of the banking industry. Unfortunately, as a result of the Savings and Loan crisis, which did not involve any banking institutions, there has been inordinate and blasphemy attacks upon our industry. We have been inundated with increased regulatory burdens and continuing public castigation by the regulators.

In this recessionary period, the need to calm our constituency has never been greater. In my humble opinion, the American Bankers Association convention was an inappropriate forum for Comptroller of the Currency, Robert Clark, to publicly embarrass that industry regulated by him with such statements as, "Your reservoir of public confidence is completely eroded . . . Your image is tarnished . . . Your future is uncertain . . . Congress created the banking system and Congress can take it away." These opinions offered by top regulators should be more discretely communicated. I feel sure that you would not publicly reprimand an employee, a child, a staffer or an associate publicly. Could one logically assume his agency to be pristine perfect and without fault?

I would like to enumerate those grave concerns of mine and our constituency which are counterproductive:

(1) The administration plans to focus on deposit insurance cutbacks on multiple accounts, in addition to the reduction in the level of coverage . . . A damaging blow to community banks.

(2) The irresponsible accusation that tight credit policies by banks are stifling the economy can be attributed to regulatory overreaction. Inconsistence in the regulatory exams by inexperienced examiners are creating this crisis; and unfortunately, we have no rights. The regulatory position is the only position.

(3) The proposed policies to allow Savings and Loans institutions to convert to commercial banks, which in essence would weaken the deteriorating F.D.I.C. insurance fund.

(4) Unlevel playing fields granted to the credit unions. They operate tax free, with a minimum capital requirement and completely ignore the common bonds which justify their existence. Obviously this creates grossly unfavorable competition.

(5) Senator Thad Cochran has taken the lead in recognizing that community bankers are being broken on the rack of excessive regulation. Senator Cochran plans to introduce legislation to the 102nd Congress to reduce this burden. The cumulative impact of paper work and compliance burdens seriously limits our ability to continue a profitable operation. The proposed postal increase and the increase in our FDIC insurance premium from 12.5 to 19.5% (a 66% increase) further threatens our ability to generate a profit and maintain the desired level of capital.

(6) The escalating policy of the O.C.C. to ignore the dual banking system and abandon the states involvement in the proposed restructuring of the new financial system proposed by the Treasury is a concern.

(7) Recent action by the FDIC to protect the $37 million in foreign deposits at the Nassau branch of the failed National Bank of Washington proves that foreign deposits should be assessed as a matter of fairness to the community banks in this country.

(8) Regulations to have certified appraisals on all real estate loans in excess of $50,000 and proposed regulations to have appraisals by qualified appraisers on personal property which is onerous, unneeded and will greatly increase the lending cost to the innocent borrower.

(9) CRA is time consuming, expensive and counter-productive. Throughout the United States community banks are the most responsible and generous corporate citizens. However, they get very little, if any, credit.

(10) The proposed additions to the cash reporting transactions concerning wire transfers over $10,000 increases operating costs. Banks are already consuming half their time tracking the currency regulations that are now in place. This regulation forces us to become IRS agents and is not equally applicable to all financial institutions.

(11) The billions of dollars of capital held by commercial banks was completely overlooked in media comparison of community banks, savings and loans and credit unions. This provides an additional protection against taxpayers liability which was not publicized or identified.

(12) The failure of the Farm Credit System cost the taxpayers hundreds of millions of dollars. This failure was not reported by the media nor were the taxpayers made aware of the loss. The pressure of the Farm Credit System to overlend again is enormous, which is being subsidized by the U.S. Treasury even worsens the attempt at broadening their lending powers while the banking industry attempts to cut back.

(13) It is unfortunate that Chairman Don Riegle and the second ranking member of the banking committee, Senator Alan Cranston, are under investigation by the Ethics Committee. The outcome of the hearing, should it be adverse would have a less than favorable impact upon our industry.

(14) Do you not feel that in a sense of urgency and seriousness of the problem that the Executive Branch, Congress and the banking industry should unite to restore public confidence, credibility and regain respect which would enable us to continue to serve our constituency respectively, fairly and at a minimal risk?

(15) Bank directors have more demanding responsibilities and much greater liability than our non-banking counterparts. Under one view, "Federal Deposit Insurance amounts to an unlimited negative risk in the depository institutions. Under the Comprehensive Bank Fraud Prosecution and Taxpayer Recovery Act the new ground rules enforcing the restitution, civil forfeiture and asset dispositions are limitless. This definitely leaves directors in a clout of worry and uncertainty and makes it practically impossible to secure competent and respected directors. They simply don't need this aggravation. Fully realizing it was designed for the "Bad Guys", any decision or action resulting from this act deserve temperate and prudent judgement that will not penalize those innocent parties. The banking system needs competent directors and the continuance of FIRREA enforcement makes it most difficult to attract those individuals.

(16) All agencies of government continue to require additional free services from the banking industry . . . tax identification numbers, sale of U.S. E Bonds, records to be used in prosecutional efforts and seldom have we ever been compensated. In fact, we were fined by the IRS for not doing a better job in securing all tax identification numbers. Community banks have for centuries been the economic cornerstones of those communities which they serve. Does not that respected, responsible and broad base support of its constituency deserve your support in this recessionary period? Quite frankly, I feel we deserve better fate.

Sincerely,

C. BEACH, Jr.,
President.

DEREGULATION OF THE TELEPHONE INDUSTRY

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, as a result of the continuing deregulation of the telephone industry, I am concerned that, as the local exchange carriers [LEC] are permitted to enter into new competitive activities, business development opportunities will focus on new ventures rather than providing regulated telecommunications services. I believe the pressure on LEC management to dedicate its most experienced and talented personnel to these new endeavors further threatens the continued quality of regulated services.

In addition, I note that actual and anticipated changes from traditional rate of return regulation to price cap and other forms of incentive-based regulation are anticipated at the Federal level and in some of the 50 States. The major concern with price caps and other forms of incentive regulation—whereby excessive earnings above an authorized rate of return are shared between stockholders and rate payers—is that the monopoly carrier can increase profits accruing to the company by reducing costs through decreasing service quality. That is, while on the one hand these alternatives are expected to increase the incentives for more efficiency, they may also have the perverse effect of encouraging quality degradation.

For example, the number of transmission channels between two locations can be decreased—or needed expansion canceled—with a reduction in costs and an increase in the chances of having a call blocked during peak calling times. The expansion of the capacity in a switching office can be postponed, thus causing an increase in dial tone delay. The number of operators providing directory assistance can be reduced, thus increasing delays in access to information. Routine maintenance periods can be extended, causing gradual and hard to detect deterioration in quality.

Under traditional regulation, the carrier does not have an incentive to reduce costs at the expense of quality because then-regulated rates would be reduced and there would be no additional profit as a result. Indeed, the critics of traditional regulation would argue that, underrate of return regulation, the carrier has an incentive to over-invest in plant—put in too much capacity—and not control maintenance expenses as closely since the former will increase total profits and the latter is merely a pass-through to the ratepayer.

With a profit-sharing system, the carrier has the incentive to skimp on quality because it can retain all or part of the moneys resulting from cost savings. The issue of quality is particularly troublesome because long periods of time can elapse before the effects of delayed maintenance, for example, must be recognized. This means the phone company could realize short-term profits by delaying maintenance or investments today at the expense of tomorrow's ratepayers. Moreover, economic theory and marketplace realities suggest that the carrier would tend to let quality slip in those areas of the business least threatened by competition—where customers have few or no alternatives.

Accordingly, the legislation I propose directs the FCC to establish, impose and enforce upon the LEC's network quality standards for the purpose of ensuring the continued maintenance and enhancement of LEC facilities and service. To this end, the proposal directs the FCC to establish a separate joint board for the purpose of developing standards, to be enforced by the FCC and the State commissions, for measuring LEC network quality. Such quality standards should encompass the broad array of public switched and special access services; facilities; the statutory itemization of service installation; operator-handled calls; network call completion; transmission and noise requirements; and customer trouble reports—but this list is by no means meant to be all-inclusive.

My bill further directs that the joint board, at a minimum, set out quarterly reporting requirements directing the LEC's to submit uniform data reports to the FCC and State commissions regarding compliance with the prescribed standards. Further, the joint board is directed to recommend that the FCC and the State commissions contract periodic independent audits of LEC compliance.

Finally, the joint board is directed to recommend enforcement penalties and procedures, including expedited customer complaint mechanisms, to ensure LEC compliance with these network quality standards.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Local Network Quality Standards Act of 1990".

FINDINGS

SEC. 2. The Congress finds and declares the following:

"(1) regulatory chances are occuring to allow entry of the Bell operating companies into new lines of business.

"(2) changes from traditional rate of return regulation to price cap and other incentive based alternative regulation has occured at the federal level and is occuring or is anticipated among some of the 50 states.

"(3) A major concern with price caps and forms of incentive regulation whereby excessive earnings above an authorized rate of return are shared between stockholders and rate payers is that the monopoly carrier can increase profits accruing to the company by reducing cost through decreasing service quality.

"(4) This issue of quality is particularly troublesome because significant time can elapse before the effects are recognizable.

"(5) Moreover, economic theory and marketplace realities suggest that the carrier would tend to let quality slip in those areas of the business least threatened by competition—that is, where customers have few or no alternatives.

"(6) The regulatory and other changes outlined in the findings above make necessary new regulatory efforts to prescribe, monitor and enforce standards designed to maintain and enhance the quality of the nation's local exchange telephone network."

ADMINISTRATION AND ENFORCEMENT

SEC. 3. JOINT BOARD—LOCAL NETWORK QUALITY STANDARDS.—The FCC shall impose and enforce upon the local exchange carriers, the LEC's network quality standards for the purpose of ensuring the continued maintenance and enhancement of LEC facilities and service. Not later than 90 days after the enactment of this part, the Commission shall establish a separate joint board for the purpose of recommending standards, to be enforced by the FCC and the state commissions, for measuring LEC network quality. Such standards shall, at a minimum, include measurement of LEC service installation, operator-handled calls, network call completion, transmission and noise requirement (including, but not limited to, standards for measuring envelope delay, phase jitter, peak-to-average ratio, mean time between failure, bit error rates, and impulse noise) and customer trouble reports. The joint board shall direct the LECs to submit to the FCC and state commissions quarterly uniform data reports regarding compliance with the prescribed standards. Additionally, the joint board shall recommend the FCC and the state commissions to commission periodic independent audits of LEC compliance with the network quality standards developed by the joint board. The joint board shall recommend enforcement penalties and procedures, including expedited complaint mechanisms, to ensure LEC compliance with these network quality standards.

The joint board shall be composed of an equal number of members of the Commission and state commissioners appointed in accordance with Section 410(c) and approved in accordance with Section 410(a). With respect to any regulation that directly affects rate regulation by a state commission, the commission shall adopt the recommendations of the board unless such recommendations are inconsistent with the public interest or any provision of law.

MEDICARE ELIGIBILITY FOR PERSONS WITH AIDS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, it has been more than a decade since HIV and AIDS first emerged as an epidemic that would strike hundreds of thousands of Americans. In the intervening years, we have seen this tragic disease cause devastating illness requiring expensive medical care. Today, I am reintroducing legislation which would extend urgently needed Medicare benefits to many persons suffering from AIDS.

As HIV disease progresses, it almost invariably brings severe complications and catastrophic medical bills which many persons are unable to pay. From diagnosis to death, the average cost of inpatient hospital care alone is estimated at $75,000 per person. This does not include the cost of outpatient, nursing, and home health care. The cost of care for AIDS patients tends to be high because these individuals often require successive admissions to hospitals, longer stays due to severe medical complications, more intensive nursing care, and more expensive pharmaceuticals, supplies and special equipment.

Medicaid pays for the health care of 40 percent of AIDS patients. The majority of the remaining 60 percent either cannot pay for their care or have difficulty paying for it. The Health Care Financing Administration estimates that of the more than 150,000 persons with AIDS, fewer than 3,000 or 2 percent, have Medicare coverage.

Many AIDS patients have lost private health insurance because they are unable to work, and others have exhausted their insurance coverage because of the catastrophic nature of their illness. A provision in the Consolidated Omnibus Budget Reconciliation Act [COBRA] allows an employee to continue employer-provided health insurance for 29 months after leaving their job if the employee is disabled at the time he or she leaves. The employee is required to pay 102 percent of the premium, including the portion previously paid by the employer for the first 18 months. For the duration of the 29 months, the individual must pay 150 percent of the cost of the premium. Because of the expense, this is not an option for a significant number of persons with AIDS.

The legislation I am reintroducing would expedite the availability of Medicare benefits to those AIDS patients who, under current law, already qualify for its coverage by virtue of their disabled status. AIDS patients who are unable to work and have contributed the requisite number of quarters into Social Security, are eligible for the Social Security Disability Insurance [SSDI] Program. In fact, in 1983, the Department of Health and Human Services [HHS] added AIDS to its list of qualifying impairments for disability to help in the processing of these cases.

However, once eligibility has been established, AIDS patients, like all other SSDI recipients, must wait 2 years before they can receive Medicare coverage of their medical bills. Because in many persons with AIDS the disease progresses rapidly, the 2-year wait may last longer than the patient's life. The legislation that I am reintroducing would provide Medicare financing to these eligible AIDS patients and assure them access to health care without the threat of bankruptcy.

This bill would also give desperately needed assistance to localities which have been bearing the financial burden of providing services and health care to those affected by this epidemic. To cope with AIDS, many of our cities are drawing on already scarce economic, medical, technical and human resources.

My legislation does not establish a new program or confer a new entitlement on any group. It merely assures that persons with AIDS have access to Federal health benefits to which they are entitled. One reason the Congress established the 2-year waiting period was to ensure that Medicare would only be available to those whose disabilities proved to be severe. There is no question that AIDS patients meet this requirement. Even though, due to early intervention and better treatments for opportunistic infections, persons with HIV infection are living longer, many are not alive 2 years after a diagnosis of AIDS, and, tragically, no one has yet recovered from full-blown AIDS.

Under this legislation, the Secretary of HHS would, at his or her discretion, be authorized to provide Medicare reimbursement for experimental treatments that are administered as part of an approved clinical protocol. Because there are few treatments for AIDS, medical care may involve therapeutic drugs that have not yet received formal approval for marketing. In view of the uniqueness of this disease, its life-threatening nature and the lack of truly successful treatments, the bill would provide important flexibility to the Secretary to determine the need and appropriateness of reimbursing for experimental care.

Mr. Speaker, the number of persons from all sectors of American society who are suffering from this frightening disease continues to multiply. In the coming decade we will witness an explosion of AIDS cases among the many thousands of persons who have been infected but asymptomatic for as long as 10 to 15 years. I believe the Federal Government must ensure that the casualties of the AIDS epidemic do not want for medical care because they lack sufficient resources. The Congress must continue to demonstrate its leadership in this epidemic by speeding essential health care coverage to those persons living with AIDS who already qualify for the Medicare Program.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE ELIGIBILITY FOR INDIVIDUALS WITH AIDS.

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h)(1) Subject to paragraph (2), in the case of an individual who is medically determined to have acquired immune deficiency syndrome (AIDS) and who files an application for hospital insurance benefits under part A of title XVIII pursuant to this subsection, subsection (b) shall be applied as if—

"(A) in paragraph (2)(A), ', and has for 24 calendar months been entitled to,' were deleted;

"(B) in paragraph (2)(B), ', and has been for not less than 24 months,' were deleted;

"(C) in paragraph (2)(C)(ii), ', including the requirement that he has been entitled to the specified benefits for 24 months,' were deleted;

"(D) in the matter in the first sentence following subparagraph (C), 'first month' were substituted for 'twenty-fifth month'; and

"(E) in the second sentence, 'twenty-fourth' were deleted.

"(2) Paragraph (1) shall not result in an individual becoming entitled to hospital insurance benefits under part A of title XVIII for any month before the first month in which the individual both—

"(A) is medically determined to have acquired immune deficiency syndrome, and

"(B) has filed an application under paragraph (1).

"(3) For purposes of this subsection, an individual will be presumed to have acquired immune deficiency syndrome (AIDS) if the individual has been diagnosed, in accordance with standards established by the Secretary after consultation with the Director of the Centers for Disease Control, as having such disease.".

(b) EFFECTIVE DATE AND 5-YEAR SUNSET.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins more than 45 days after the date of the enactment of this Act and shall apply to services furnished during the five-year period beginning on that first day.

SEC. 2. RECOGNIZING USE OF EXPERIMENTAL TREATMENT FOR AIDS PATIENTS.

(a) IN GENERAL.—Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following new subsection:

"(j) In making determinations under subsection (a)(1)(A) in the case of expenses incurred for items and services furnished in the treatment of acquired immune deficiency syndrome (AIDS), the Secretary shall take into account, and find as reasonable and necessary, a treatment that is experimental in nature if the treatment is in accordance with a clinical protocol recognized as appropriate by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after the first day of the first month that begins more than 45 days after the date of the enactment of this Act.

A MESSAGE FROM AN ARMY WIFE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an important message from the wife of one of our soldiers serving in the Middle East. Mrs. Barry's message of love and hopefulness is an inspiration to all of us who await the outcome of the current crisis, but who support our involvement on behalf of peace and freedom. I urge all of my colleagues to share this message with their constituents who are also making tremendous sacrifices in the service of our country.

[From the Atlanta Journal and Constitution, December 9, 1990]

PRAYER AND PRIDE CONSOLE ARMY WIFE

(By Jeanne Barry)

I grew up in a relatively sheltered environment, untouched by the realities of war.

With the exception of a POW bracelet that I wore because it was "cool" at the time, I never became involved in, or really understood, the Vietnam conflict. Patriotism was a word I heard on the Fourth of July or Veterans Day, without deeply considering its meaning. The military were good-looking guys in uniform, with hair that was too short.

Well, I ended up marrying one of those short-haired guys. And along with him, I married his convictions.

My husband's feelings about his country evoke the strongest of emotions. The mere sight of our flag has brought tears to his eyes on more than a few occasions. He sings "The Star-Spangled Banner" with a vigor that could come only from the heart.

But I never took him very seriously until the day I found myself standing alone in an empty parking lot, waving goodbye. He left me and our home to support his country's efforts in the Persian Gulf.

My emotions have vacillated from one extreme to the other. I've been angry, depressed, scared, desperate and proud. I don't pretend to fully understand the situation over there, or our country's true "motives." But I think I have a grip on the principles involved.

Oddly enough, it has something to do with a red, white and blue ribbon on the antenna of my car.

The day before Tom left, we spent the day running last-minute errands. At the local post office, we parked beside a car with a red, white and blue ribbon on its antenna. I asked the man sitting inside where I could get one, explaining that my husband was leaving in the morning. After he answered, I made a mental note to pick one up, and we went inside. When we came out, the man was gone, and the ribbon was on our antenna.

A small gesture of kindness, with nothing expected in return.

I like to believe that's why Americans have always been the ones to rush to the aid of those in trouble. Not because we expect them to gain anything, or be returned the favor, but because we are a nation of people who care about other people. Always have, always will. We put the highest value on people being able to live their lives in an atmosphere free of fear.

And if that means making sacrifices in order to demonstrate those convictions to the world, then we do it. Without hesitation, there are those who would give their lives to make that statement. I'm proud to know one of those people personally. I'm also proud more than ever before, to live in this country. Even with its faults, I believe it's the best country in the world.

All of this may be of little consolation to those of us left behind waiting, worrying and praying. But it's all we've got to sustain us. That and a faith in God, who, I believe, is watching.

The ribbon on my antenna is becoming weather-worn and ragged, but it's staying where it is. And it won't come off until he comes home.

TRIBUTE TO MICHAEL EINHEUSER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Michael Einheuser. Mr. Einheuser is being honored for his active role in our community.

I can personally attest to Mike's integrity and perseverance. He has long been a friend of mine and was right there with me on my first campaign. His political involvement in the Detroit metropolitan area is extensive. He has demonstrated a lifelong commitment to progressive Democratic values. His ideology represents a whole gamut of expressions, but focuses primarily on involving people in the decision making process.

His active involvement led him to become a member of Wayne State University's Board of Governors while he was still a student there. Now, 16 years, two terms and a diploma later Mike is moving on.

Mike's efforts on behalf of his alma mater are typical of his approach to life. He does not walk away from problems—he assumes the burdens himself. Wayne State has been fortunate to have the benefits of his talents and will surely miss his participation on the board.

I have met few people who do so much, so well. His judgment, drive and concern allow him to commit himself effectively to numerous organizations throughout the Detroit metropolitan area. In every instance where Mike and I have worked together, he has displayed tremendous professionalism. He is thorough, bright and sincere.

I am honored to recognize Mike on the floor of the House for his hard work and dedication. His active community participation continues to earn him the respect of his fellow citizens as a man of unselfish integrity. He is dedicated to instilling Democratic ideals in the hearts and minds of those he touches. I know that Mike and I will find ourselves working together on many diverse projects in the future. It will always be a pleasure to be associated with him.

REINTRODUCTION OF THE NON-DISCRIMINATION IN ADVERTISING ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. COLLINS. Mr. Speaker, today, I am reintroducing the Non-Discrimination in Advertising Act, legislation designed to correct a serious injustice being perpetrated against black and other minority-owned and formatted broadcast stations. Black broadcasters have long charged that advertising agencies discriminate against minority-owned radio stations in their placement of advertising. Minority broadcast owners also have said that the resulting loss of advertising is undermining their financial viability.

Last year, I requested that GAO conduct a study of the Federal Government's use of minority-owned ad agencies and broadcast stations. Their review showed that the Department of Defense, which accounts for about 95 percent of Federal advertising, has consistently failed to comply with Federal procedures regarding contracting with minority-owned media and advertising companies. This GAO report was requested after I heard from numerous minority broadcasters and advertising agencies that charged that the Federal Government was snubbing them when looking for advertising agencies and vehicles on which to run its ads.

According to the National Association of Black-Owned Broadcasters, black-owned radio and television stations, print media, and black-owned advertising agencies are subjected to systematic discrimination. Ad agencies and their clients are refusing to advertise in media owned by blacks and other minorities. This means that in many cases Black media are being bypassed for advertising placement, even though they possess higher numbers in groups being targeted by the ad agency. Black-owned advertising agencies are also singled out because they are presumed to have expertise in appealing to black audiences.

The express purpose of the legislation which I am introducing today is to provide black and other minority station owners with a mechanism for redress. Specifically, the legislation would: Deny income tax deductions for persons who discriminate against minority-owned or formatted communications entities—radio, TV and print—in the purchase or placement of advertising; require the IRS to determine whether a person has engaged in discriminatory conduct; allow the aggrieved party to bring a civil suit; and permit a court to assess treble damages in cases of "willful and wanton" discrimination.

I believe denying tax deductions for advertising expenses will reach the largest advertising agencies and their clients. The write-off of ad expenses is a significant portion of all advertising expenditures. By disallowing this deduction, my bill will place the largest penalties on the largest offenders. Advertising agencies and their clients will find it very expensive not to comply with this act.

Black-owned communications media face many obstacles in operating their businesses—obtaining needed financing, constructing facilities, servicing debt and employing personnel—not the least of which is their inability to secure advertising dollars. This bill is an effective tool to be used to provide minority station owners with a way to protect their investment.

I urge my colleagues to support me in this legislation.

JUDICIAL BRANCH ENCROACHES ON FUNDAMENTAL POWERS OF THE LEGISLATIVE BRANCH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, as many of my colleagues are aware, last year the Supreme Court issued a decision which provides Federal judges with the power to issue a court-ordered tax increase as a remedy for a constitutional violation. I believe this decision, Missouri versus Jenkins, should be viewed with great concern by all Members of this Congress.

The Supreme Court's April 18, 1990, decision expands judicial power beyond that allowed by the Constitution while at the time usurping a power which is the sole responsibility of the legislative branch—that power being the ability to levy taxes. Speaking for the four justices in the minority on this issue, Justice Anthony Kennedy stated that the Court's "casual embrace of taxation imposed by the unelected, life-tenured Federal judiciary disregards fundamental precepts for the democratic control of public institutions." In my view, the Court's decision clearly violates the intent of the Founding Fathers and the basic understanding that most Americans have regarding the role of the judicial and legislative branches of our Government. Article I, section 8, of the Constitution unequivocally states that "[t]he Congress shall have power to lay and collect taxes * * *." In this decision, the judiciary is clearly invading the prerogative of the legislative branch. Even the Washington Post agrees that the Supreme Court has gone too far in this case as is evidenced in the April 20, 1990, editorial which is reproduced at the end of my statement.

Mr. Speaker, Congress must respond to the Missouri versus Jenkins decision, and to this end I have today introduced legislation to prevent Federal courts from being able to levy taxes. My legislation would exercise the power given to Congress under article III of the Constitution to limit the jurisdiction of Federal courts. In brief, my legislation would state that "no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government body to impose any new tax or to increase any existing tax or tax rate." Such legislation would ensure that in the future Federal courts could not resort to the remedy of ordering a governmental body to raise taxes.

I urge my colleagues to familiarize themselves with this Supreme Court decision if they have not done so already. I am convinced that once the details of this decision are known and its implications appreciated, my colleagues will realize that a congressional response is absolutely necessary. Mr. Speaker, Congress must take immediate action on this matter in order to prevent such constitutional abuses in the future, and I urge my colleagues to cosponsor my legislation.

[From the Washington Post, Apr. 20, 1990]

COURT-ORDERED TAXATION

The taxpayers of Kansas City, Mo., must be wondering if they have for years completely misunderstood all the civics courses they took in high school: the ones where they learned about the separation of powers and the inequity of taxation without representation. Here they have been going along innocently believing that elected officials—people whose positions must be in some measure responsive to the views of their constituents and whose tenure in office is dependent on those constituents' approval—are the ones who set and impose taxes. But in a case involving school desegregation in their city, a series of federal courts has insisted that these principles are flexible and can be disregarded by a judge who assumes ultimate authority for raising and allocating this burden. This week five justices of the U.S. Supreme Court agreed that the Kansas City judge could order local authorities to double property taxes.

This case is unprecedented in two respects. The first is the scope of the remedies ordered by the judge. He ruled that in order to overcome the effects of previous segregation the Kansas City schools had to be made so exemplary that suburban youngsters would choose to return to the inner-city to school. All schools were required to be completely renovated and air-conditioned. Every classroom was to be equipped with 15 microcomputers. Swimming pools, a planetarium and a temperature-controlled art gallery were mandated. And extras such as a broadcasting system, a 25-acre farm, movie studios and model U.N. with simultaneous translation facilities were found to be necessary to vindicate constitutional rights. The judge, of course, didn't have to consider the cost—hundreds of millions of dollars—or the competing demands for city money for health, social services or law enforcement.

The second astonishing aspect of the case is the expansion of judicial power into an area understood to be the prerogative of a representative body of elected officials. As Justice Anthony Kennedy and three colleagues protested, "[The court's] casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions." The precedent for court-ordered tax increases to provide all sorts of services when constitutional rights are asserted is ominous. Imagine, for example, three separate federal judges in this city resolving cases involving St. Elizabeths, Lorton and Cedar Knolls ordering massive tax increases without regard to overall budget priorities, necessary expenditures not before the courts or even the cumulative impact of these three separate orders.

It is very hard to understand how the Supreme Court could have refused to review the fantastic remedies ordered by the Kansas City judge and why a majority of justices has approved the concept of judicially mandated taxes. There are other ways for a court to compel compliance with even an order like this without imposing a tax to pay for it.

SALUTE TO MADGE SCHAEFER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to commend Ventura County Supervisor Madge Schaefer, who leaves office next Tuesday after 12 years of distinguished public service.

During her career on the Thousand Oaks City Council and then the board of supervisors, Madge established a reputation as someone truly concerned about making her community a better place, and as someone who spoke her mind.

As Ventura County's Chief Administrative Officer Richard Wittenberg said recently, Madge is "incredibly bright, very hard-working, tough—she goes for things she believes in and fights for them—and is a truly terrific board member."

Among the things she has fought for over the years is Thousand Oaks' landmark oak-protection ordinance and Casa Pacifica, a home for neglected children planned near Camarillo State Hospital.

As a civic activist and public official, Madge Schaefer has served with distinction, Mr. Speaker, and I ask my colleagues to join me in saluting her for her many accomplishments.

TRIBUTE TO MARION WALKER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, it is with tremendous pleasure that I rise today to commend Mr. Marion R. Walker for 18 years of dedicated service to the people of Ventura County as a member of the Casitas Municipal Water District Board of Directors.

Mr. Walker was born on January 7, 1915, on the family ranch in Ventura and attended the public schools. He graduated from Stanford University in 1936. He married his lovely wife Dorothy on November 27, 1937, and together they have raised four sons—Russell, Donald, Philip, and Steve.

Marion is a lifelong rancher in Ventura and most recently in Patterson, CA.

In addition to ranching and his 18 years with Casitas, Marion has generously donated his time and effort to many worthy causes and has served in numerous capacities including: Elementary School Board member; Ventura County Juvenile Justice Commission member; Ventura County Public Facilities Commission president; Downtown Lions president; Chamber of Commerce president; California Water Commission member; Claremont College School of Theology trustee, chairman of the board, and trustee emeritus; American Iris Society National president; and Fourth General Conference of United Methodist Churches member and Program Commission chairman. Marion was a nominee for Congress in 1950.

In short, Mr. Speaker, Marion Walker is a man of rare quality, and I know he will be sorely missed at Casitas. On behalf of the U.S. House of Representatives, I want to thank both Marion and Dorothy for their commitment to their fellow man and to wish them the very best in everything they do.

H.R. 1, THE CIVIL RIGHTS ACT OF 1991

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, I join with my distinguished colleagues, including the chairman and ranking minority member of the Committee on the Judiciary, JACK BROOKS and HAMILTON FISH, Jr., in introducing H.R. 1, the Civil Rights Act of 1991.

The Civil Rights Act of 1991 is designed to restore and strengthen our Nation's civil rights laws. H.R. 1 overturns a series of Supreme Court cases that weakened our fundamental civil rights laws. It is very similar to the bill as approved by the Judiciary Committee in the 101st Congress and to the bill as overwhelmingly approved by the House 272 to 154 last August.

The Congress has an obligation to make sure that victims of discrimination have a fair and equitable opportunity to obtain legal redress. Victims of discrimination should not have to leap over insurmountable and unnecessary barriers in order to make their case in court. H.R. 1 reaffirms the intent of Congress to provide meaningful and effective relief to victims of discrimination.

Speedy enactment of the Civil Rights Act of 1991 will guarantee that victims of discrimination have meaningful and effective relief. The Subcommittee on Civil and Constitutional Rights, which I chair, plans to move quickly on this bill, and we hope to have this bill on the floor as quickly as possible.

CONGRESSMAN WEISS PROPOSES AN ENERGY SUMMIT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, the Persian Gulf has showed how excessively dependent the United States is on foreign oil.

Time and again, this country has not been able to take a sustained approach to energy conservation and efficiency. We must reduce our dependence on foreign oil for environmental, economic, and national security reasons.

That is why I am sponsoring a bill that calls on President Bush to convene an energy summit to discuss the Nation's energy problems and solutions to them. Much like the education summit in September 1989, the energy summit would set forth specific goals for energy conservation and efficiency for renewable and nonrenewable energy resources.

Only through public discourse and a coherent set of energy goals can we begin to wean ourselves from our appetite for foreign oil. An energy summit is an excellent opportunity to bring about this fundamental change in energy use. I ask for your help in making this change.

H.R. —

Whereas the United States imported nearly half of the oil it consumed in early 1990;

Whereas the crisis in the Persian Gulf has cut off an important supply of oil to the United States and disrupted the United States domestic economy;

Whereas the rise in oil prices in the United States resulting from the Iraqi invasion of Kuwait on August 2, 1990, and the subsequent United Nations embargo against Iraq, represents the 3d significant rise in oil and fuel prices in the United States since 1989;

Whereas other significant oil price increases came after the Exxon Valdez ran aground in Alaskan waters in March 1989 and during the severe cold weather of December 1989;

Whereas the United States' dependency on foreign oil could be significantly reduced through energy efficiency and conservation measures;

Whereas energy efficiency is important in ensuring the Nation's economic stability, promoting the national security, ensuring the health and well-being of the people of the United States, and protecting the environment of the Nation and the world;

Whereas the Federal Government's energy efficiency and conservation programs received severe budget cuts throughout the 1980's;

Whereas the Federal Government is a major consumer of the Nation's energy resources;

Whereas programs to promote energy efficiency within the Federal Government and programs undertaken by the Federal Government to encourage and promote energy efficiency throughout the Nation are an integral part of reducing the United States dependency on foreign oil; and

Whereas other industrialized nations have adopted policies aimed at encouraging the efficient use of energy resources: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the legislative and executive branches share the responsibility of developing and overseeing energy efficiency and conservation policies. In furtherance of meeting that responsibility, the Congress—

(1) calls on the President to convene, before the end of 1991, a national energy summit to discuss and formulate new priorities and firm goals for the use of renewable and nonrenewable energy resources in the United States by the year 2000;

(2) urges the President, when convening the national energy summit, to include experts on energy and the environment from the Administration, the private sector, State and local governments, and the Congress;

(3) urges the President to utilize the energy summit to—

(A) explain to the people of the United States the current state of energy supplies in this Nation and the world, and the rate of energy consumption in the United States;

(B) set goals to be attained for future energy efficiency and consumption;

(C) renew the United States' commitment to a national policy of energy efficiency;

(D) provide information to the people of the United States regarding issues of energy efficiency and conservation;

(E) adopt measures to make the Federal Government among the most efficient consumers of the Nation's energy sources; and

(F) set forth energy efficiency policies and measures that, in the event of an energy crisis, would protect the United States economy from volatile swings in the world energy prices; and

(4) believes the National Energy Strategy proposed by the Department of Energy, should be an important part of the discussion of the future of energy efficiency and consumption in the United States at the energy summit.

IN HONOR OF THOSE WHO PROTECT DALLAS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, late last year the Dallas Police Department honored some of its finest officers and employees for their service to the people of the city of Dallas.

Because our local police departments are the front line in the defense of our citizens against crime, I would like to join in paying tribute to these dedicated men and women and calling their contributions to the attention of my colleagues and the American people.

The following is a report of the awards from the Dallas Times Herald:

[From the Dallas Times Herald, Nov. 16, 1990]

THE MEN AND WOMEN WHO SERVE

The following awards were presented at the 1990 Dallas Police Department awards banquet.

POLICE SHIELD

The Police Shield award is presented for serious injuries suffered in the line of duty.

Dana Bowers. Officer Dana R. Bowers received a gunshot wound to the knee while directing traffic at a fire.

Robert J. Crider. Senior Corporal Robert J. Crider suffered a partial loss of the use of his arm as a result of a head-on accident with a vehicle driven by an intoxicated driver.

Timothy M. Gushwa. Timothy M. Gushwa, a former police officer, received a gunshot wound to the hand while executing a narcotics search warrant.

William R. Langston. Corporal William R. Langston fractured his hip while apprehending a burglary suspect. He held onto the handcuffed suspect despite the injury.

Jimmy G. Willhoite. Officer Jimmy G. Willhoite suffered a leg injury while attempting a take-down maneuver with a suspect who was resisting arrest.

LIFE SAVING

The Life Saving award is presented for saving a life.

Michael J. Beattie. Officer Michael J. Beattie applied pressure to the wound of a shooting victim, preventing the victim from bleeding to death.

Michael F. Bostick and Debra E. Solomon. Sergeant Michael F. Bostick and Debra E. Solomon, a former security officer, administered CPR and mouth to mouth resuscitation to a heart attack victim. They were able to revive the victim, however, he died three days later.

Alexander P. Csaszar. Officer Alexander P. Csaszar rescued a woman who was attempting to jump 50 feet from a bridge. Csaszar grabbed the victim, who had slipped, and pulled her back to safety.

Andrew H. Davis. Senior Corporal Andrew H. Davis grabbed and pulled to safety a man who was attempting to jump from the DFW turnpike into the Trinity River bottoms.

Cedric W. Davis. Security Officer Cedric W. Davis applied pressure to the wounds of a victim who had been run over by a vehicle, preventing the victim from bleeding to death.

David A. Durica and Patrick G. Oelke. Senior Corporal David A. Durica applied pressure to the wound of a stabbing victim. Officer Patrick Oelke restrained two people to allow Durica to administer the first aid.

Richard L. Emberlin II, Michael E. Finley and Michael A. Hackbarth. Officers Richard L. Emberlin II, Michael E. Finley and Michael A. Hackbarth rescued several residents of an apartment complex that was engulfed in smoke and flames.

Thomas F. Higgins, Melissa A. Slotter and Desiree A. Webb. Sergeant Thomas F. Higgins and officers Melissa A. Slotter and Desiree A. Webb forced open the door of a house to rescue three victims who were overcome by carbon monoxide fumes.

David C. Hunnicutt. Officer David C. Hunnicutt administered CPR to a semiconscious victim who had fallen from the fourth floor of a building.

Steven C. Jackson and Todd C. Welhouse. Corporal Steven C. Jackson and officer Todd C. Welhouse pulled a fire victim to safety. The victim's clothing was in flames and the officers extinguished the flames with their hands. The victim suffered third degree burns and the officers suffered minor burns.

David A. Jenkins and Donald L. Robb III. Officers David A. Jenkins and Donald L. Robb III assisted to safety an occupant of a house that was engulfed in fire and heavy smoke. They entered the house again and escorted a second victim to safety.

Timothy R. Jones and Dudley J. Nosworthy II. Timothy R. Jones and Dudley J. Nosworthy II forced open the door of a trailer to rescue a victim who had attempted suicide by turning on gas burners.

Linda D. Kimberlin and Marion G. Phagan. Corporals Linda D. Kimberlin and Marion G. Phagan applied pressure to a stabbing victim, preventing the victim from bleeding to death.

Stanley L. McNear. Senior Corporal Stanley L. McNear administered CPR to an unconscious man who had suffered cardiac arrest. The man later died.

Joseph R. Maines. Officer Joseph R. Maines administered CPR to a 3-month-old infant who was not breathing and had no pulse. He was able to revive the baby.

Charles R. Young II. Senior Corporal Charles R. Young II, while off duty, administered CPR to an unconscious child who had been thrown from a vehicle in an accident. The child later died.

POLICE COMMENDATION

The Police Commendation is presented for outstanding contributions to law enforcement.

Benjamin F. Armstrong, Donald L. Cates and John P. Denk. Senior Corporals Benjamin F. Armstrong, Donald L. Cates, and Lieutenant John P. Denk acquired an Automated Fingerprint Identification System that has been an asset to the department.

Lawrence Bromley. Senior Corporal Lawrence Bromley's undercover work resulted in the arrest of several drug dealers, and the seizure of property and currency.

Truly M. Holmes. Senior Corporal Truly M. Holmes conducted a highly successful investigation of a local skinhead group.

James M. Jenkins. Senior Corporal James M. Jenkins persuaded a suspect who was barricaded in a house and holding a family hostage to surrender. The suspect had wounded two of the hostages.

Stephen W. Patterson. Senior Corporal Stephen W. Patterson was awarded the Police Commendation award posthumously for developing and instigating the current Police Vehicle Operations Course for in-service officers.

Jo Linda Thomas. Sergeant Jo Linda Thomas was honored for several special projects that have brought favorable recognition to the department.

Gary H. White. Sergeant Gary H. White was recognized for his outstanding job performance in the updating and improving of the Fleet Management Unit.

POLICE COMMENDATION AND LIFE SAVING

Dale R. Mercer. Disregarding his own safety, officer Dale R. Mercer entered a house engulfed in fire, and forcefully removed a highly combative man. He again entered the house to search for occupants. The rescued victim was the only occupant of the house.

Tytus Q. Morrissette. While off duty, Tytus Q. Morrissette came upon an accident in which a vehicle had collided with a light pole and burst into flames. The victim was pinned inside and unconscious. Morrissette was only able to remove the victim's upper torso because his legs were entangled in the wreckage. This, and a fire extinguisher, prevented the victim from being asphyxiated from the smoke and burned by the flames until fire assistance arrived.

MERITORIOUS CONDUCT

The Meritorious Conduct award is presented for action involving exceptional courage.

Keith A. Allen. While off duty, Officer Keith A. Allen came upon an accident in which a vehicle had caught on fire with two unconscious victims inside, one pinned in the wreckage. Disregarding his own personal safety, Allen pulled one victim, who later died, from the burning wreckage before it exploded. The trapped victim perished in the fire.

Steven B. Claggett. While he was performing in an undercover capacity in a buy bust operation at a hotel, two suspects attempted to rob Senior Corporal Steven B. Claggett. Two other undercover officers were able to gain entry to the room, startling the suspects, while Claggett apprehended the suspects.

MERITORIOUS CONDUCT AND LIFE SAVING

James C. Bristo. While off duty, officer James C. Bristo observed an overturned vehicle in a ditch. The vehicle was filled with smoke and engulfed in flames, and the driver trapped inside. After several attempts, the officer was able to pop the window outward and pull the injured man to safety. A few seconds later a ball of fire blew out the windows.

Willie D. Cantu, Steve Fuentes and Leonard Garza. Senior Corporal Willie D. Cantu and officers Steve Fuentes and Leonard Garza entered a concession booth engulfed in flames and rescued a man and child. Disregarding their own personal safety, two of the officers again entered the booth to extinguish the fire, while the third officer cut off the valves to the propane tanks.

Thomas Haney. Senior Corporal Thomas Haney broke the window out of a vehicle that was on fire and pulled the trapped victim out. Just as Haney pulled the victim to safety, the cab burst into flames knocking the officer and the rescued man to the ground.

MEDAL FOR VALOR AND LIFE SAVING

The Medal for Valor is one of the highest awards and is presented for voluntary action involving exceptional bravery.

Brian D. Rippenkroeger. While on routine patrol, officer Brian D. Rippenkroeger came upon an accident in which a car had hit a utility pole. An injured child was inside. While Rippenkroeger was in the vehicle, the electrical transformer on the pole, which had shut off when the collision occurred, started emitting electricity again. Rippenkroeger intended to remain in the vehicle until the power company arrived, however, the metal parts of the vehicle began to heat up and became so hot that he had to leap from the vehicle with the child. While jumping, he apparently collided with the door frame, and the electrical shock threw him approximately 10 feet from the vehicle and threw the girl back into the vehicle.

Fearing for the child's safety, he rushed back through the bolts of electricity to the vehicle, grabbed the girl by her clothing, and jerked her from the vehicle. After retrieving the girl from the vehicle, Rippenkroeger handed her to a bystander and then lost consciousness.

POLICE CROSS

The Police Cross is awarded to an officer who lost his life in the performance of duty.

Thomas G. Burchfield. Officer Thomas G. Burchfield lost his life on May 6, 1990, as the result of an on-duty vehicular accident.

Michael R. Okelberry. Officer Michael R. Okelberry lost his life on May 6, 1990, as the result of an on-duty vehicular accident.

RESERVE OFFICER OF THE YEAR

Steven C. Smith. Reserve officer Steven C. Smith ranks consistenly among the most active reserves. Not only does he work at his assigned station, but he also volunteers for numerous special assignments and task forces, and is always willing to stay later than his assigned schedule when required.

As a columnist and feature writer with the Dallas Times Herald, and before becoming a reserve officer, Smith was allowed to attend the Dallas Police Academy to learn firsthand about the department from the inside. The combined requirements of the academy and his newspaper career meant five consecutive months a day off. Smith's tireless dedication and commitment to excellence were evident early, as he consistently met and exceeded all requirements and expectations.

NON-SWORN EMPLOYEE OF THE YEAR, RUNNERS-UP

Mary B. Hanlon. Mary B. Hanlon's work record has been exemplary from the beginning of her career with the police department. She frequently volunteers for extra work and special projects. She has prepared a file that provides an easily accessible reference on out-of-state computer auto registration formats and how to obtain lienholder information from each of the various states.

Leigh Ann Lozano. Leigh Ann Lozano's contributions include not only outstanding daily performance as a Crime Analyst, but also excellent work on many special projects and tasks she has completed beyond the requirements of her job.

She not only analyzes offenses that come in for trends and patterns, but also monitors arrested persons and checks to see if they can be matched with unsolved crimes. She stays abreast of offenders who are released from prison by communicating with parole authorities and monitoring intelligence bulletins.

NON-SWORN EMPLOYEE OF THE YEAR

Carl Makres. Carl Makres has been an employee of the Dallas Police Department for 22 years and has consistently given the best of his talents.

A few of his outstanding accomplisments during the last year include: development of a complex matrix that was instrumental in determining the need for additional officers; development of an almost 100-page high-tech bid proposal for the procurement of a computerized Police Patrol Scheduling System, which required hundreds of hours to prepare providing statistics for the Dallas Drug Control Strategy and development of a lengthy and complex personnel analysis spreadsheet to provide time-saving calculations for 70 recommendations.

JOHNNY SIDES ROOKIE OF THE YEAR RUNNERS-UP

Steve Fuentes. While in the Police academy, it was voted that officer Fuentes was an extremely hard worker. He was first in his academy class in physical fitness, Fuentes has made 188 investigative arrests, 66 of these felons apprehended in the act. He has made 180 city arrests and issued 195 citations.

Michael E. Witzgall. In Officer Witzgall's recruit class, he ranked first in physical fitness, first in pistol qualifications, and second academically. He has demonstrated his positive attitude and work ethic with exceptionally high activity. In October 1989 he received a commendation for the arrest of a theft suspect and the recovery of a vehicle and $250,000 worth of documents belonging to the City Employee's Credit Union.

JOHNNY SIDES ROOKIE OF THE YEAR

Jonathan C. Owen. Officer Owen is reliable and works hard to stay cognizant of the crime problems in his sector. He consistently leads his sector in activity.

Although his sector was not selected as an Operation Clean area, he voluntarily bounded an area of the sector that was infested with drugs and attacked it diligently every day, in addition to his regular duties. He was instrumental in the shutting down of two apartment complexes that were havens for drugs. He informally acts as a big brother to recovering drug addicts. They frequently seek him as a source of moral support.

In addition to being the recipient of the Medal of Valor and Life Saving award, Owen has received several commendations from supervisors and citizens during his short career.

OFFICER OF THE YEAR, RUNNERS-UP

Christopher K. Daniels. Senior Corporal Daniels and his partner were assigned to a special project to watch a restaurant that had been burglarized seven times within an 11-day period. Daniels was successful in apprehending the suspect when the suspect returned to the restaurant, and was able to clear eight burglary offenses at that location.

Beat 471, to which Daniels is assigned, is a high crime and drug area. He has been successful in apprehending and arresting suspects due to his activity seeking drug trafficking information as well as becoming involved with the citizens of the community to gain their confidence and trust in the department.

During the past year, Daniels has received six citizen commendations and five supervisory commendations. He was awarded the Life Saving and Certificate of Merit awards.

Anita L. Dickason. Officer Dickason has been personally requested to conduct basic police training schools at the Collin County Community College. She is a departmental instructor for the PR24 police baton and pressure point control tactics.

Dickason's dedication to duty is characterized by her consistently commendable levels of activity and diligence to crime problem solutions in her sector.

An example of her alert patrol attitude occurred with her arrest of a suspect in an aggravated robbery in Garland. Through her attention to detail, she was able to locate the suspect and, after a brief vehicle chase, arrest him. This arrest resulted in the clearance of 36 aggravated robbery offenses and two attempted capital murder offenses.

OFFICER OF THE YEAR

William Walsh. Lieutenant Walsh has continually exceeded normal work expectations in terms of proficiency, enthusiasm and expertise. He has an outstanding list of accomplishments during the past year related to his primary areas of responsibility, family violence and child abuse. He has made major improvements in these areas and has brought favorable recognition to the department and himself.

Among those accomplishments: the Family Violence Unit received two awards for outstanding performance from two community groups; organizing and conducting a "Crimes Against Children" seminar for area law enforcement personnel, prosecutors and social workers; providing instruction on family violence and child abuse to many area law enforcement agencies; representing the department on many committees and task forces including the Mayor's Task Force on Child Abuse and Neglect, the Domestic Violence Task Force, the Battered Women's Intervention Project at Parkland Hospital and the Steering Committee of Lawyers Against Domestic Violence.

During the last year, Walsh has received 59 commendations from citizens and no complaints.

THE FAMILY LEAVE ACT OF 1991

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, I have today introduced the Family Leave Act of 1991, legislation to guarantee employees time off from work for the birth or adoption of a child. I first introduced this measure late last year following President Bush's veto of the Family and Medical Leave Act of 1990.

The President veto represents a legislative watershed. It is now clear that a two-thirds majority for passage over a veto does not exist nor is it likely to develop during the current session. A compromise is needed to establish a family leave benefit that many American families are in need of and a benefit that does not place a undue burden on American employers.

I am including at this point a summary of my Family Leave Act of 1991 and would urge Members to give careful thought to this workable family leave proposal. In the near future, I will place additional statements on the CONGRESSIONAL RECORD to further debate on this important matter:

FAMILY LEAVE ACT OF 1991

A. LEAVE REQUIREMENT

10 weeks (over twenty-four months) of maternity leave for all employees.

10 weeks (over twenty-four months) of leave for all employees for the adoption of a child.

An eligible employee must exhaust all accrued sick leave, vacation leave, or other paid leave before using the leave provided by the Act.

The 10-week period of leave is reduced by the period of paid leave.

Requires 30-day notice of intent to begin leave and 21-day notice of intent to return to the job.

B. DEFINITIONS

Employers covered: any employer who employs 50 or more eligible employees.

Employees covered: any employee who has worked for a covered employer for 12 months and works at least 25 hours per week.

Congressional employees are covered.

Special rule governs leaves for classroom teachers.

Certain highly compensated employees are not covered.

C. EMPLOYMENT AND BENEFIT PROTECTION

Requires that an eligible employee be restored to his/her prior position or an equivalent position, with no loss of seniority or other employment benefits.

During the leave period, the employer is required to continue the employee's health benefits.

If the employee fails to return to work as agreed, the employees' COBRA health benefits will be reduced by the total period of the family leave.

Has no effect on pre-existing collective bargaining agreements or any state laws currently in effect.

D. ENFORCEMENT PROVISIONS

Assesses civil penalties of up to $10,000 on any employer who violates the Act.

In assessing a penalty, the Secretary of Labor shall take into account the previous record of the employer and the gravity of the charge.

Gives the Secretary power to take injunctive action to restrain violations of the Act.

The Act becomes effective 6 months after enactment.

90 days following enactment, the Secretary is directed to issue such regulations as necessary to carry out the Act.

THE PAY EQUITY TECHNICAL ASSISTANCE ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, it is with great pride that I reintroduce the Pay Equity Technical Assistance Act.

First introduced in the 101st Congress, the Pay Equity Technical Assistance Act, is the next step in Congress' continued support of pay equity. As you know, in the 98th, 99th, and 100th Congresses, this distinguished body passed legislation mandating a study of the Federal pay and classification systems to determine if they are affected by discrimination based on race or gender. As a result of this support, such a study is now being undertaken by the General Accounting Office. In the 101st Congress, the Pay Equity Technical Assistance Act received overwhelming support from my colleagues on both sides of the aisle.

The goal of the Pay Equity Technical Assistance Act is to make resources and assistance available to those employers who have decided to take steps to address wage inequities in their workplaces, whether it be through a study to see if such disparities actually exist, or through the actual development and implementation of pay equity plans.

In order to accomplish this, my bill would require the Secretary of Labor to develop and implement a program for the dissemination of information on efforts being made in the private and public sectors to reduce or eliminate wage disparities, to undertake and promote research into the development of techniques to reduce or eliminate such disparities, and to provide appropriate technical assistance to employers who are interested in correcting discriminatory wagesetting practices.

Many employers in the private and public sectors have expressed interest in achieving pay equity in the workplace, and I think that the Federal Government should encourage those initiatives.

In 1963, the Equal Pay Act, requiring equal pay for equal work was signed into law. The following year saw the passage of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, sex, or physical disabilities. Yet, the reality of the situation is that more than 25 years after passage of these landmark pieces of legislation, wage inequities still exist. Women constitute over 45 percent of the work force, yet they only make 65 cents for every $1 that men make. And a woman with a college degree working fulltime can expect to earn the same amount as a man with no more than a high school diploma. I feel that it is imperative that the Federal Government once again take the leadership role to secure economic justice.

The Pay Equity Technical Assistance Act forms a partnership between the Federal Government and our Nation's employers so we can find the best way to end pay inequities.

Today's economic reality is that many women need to be in the work force to support themselves and their families. And we, as a nation, need women in the work force for our Nation's productivity and for the health and welfare of its families. By paying women fairly, we can only improve the economic future of our Nation.

I look forward to early consideration of the Pay Equity Technical Assistance Act and urge my colleagues strong support for this bill.

NATIONAL CEMETERY NEEDED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I am reintroducing legislation to transfer approximately 200 acres of Fort Sheridan in Illinois to the Department of Veterans Affairs for use as a national cemetery.

In 1862, President Abraham Lincoln signed a law authorizing the establishment of national cemeteries "* * * for the soldiers who shall die in the service of the country." To date, there are 113 cemeteries within the National Cemetery System, yet these are not adequate to meet the needs of our Nation's veterans. Northeastern Illinois, is one region in our country which is especially in need of additional space.

In 1990, the VA estimated that there were 1,128,500 veterans living in northeastern Illinois, and that nearly 95,000 gravesites are necessary in a new cemetery to meet the area's needs through 2030. Based upon this determination, the VA is in the process of finalizing an indepth study evaluating which of three alternative sites would best serve the veterans in Chicago and the surrounding areas.

In December 1990, the VA issued a preliminary environmental impact statement in which the agency determined that Fort Sheridan is the preferred site. Although the other sites being considered, Grant Park and Cissna Park, were found to be suitable, the study noted several reasons why Fort Sheridan is preferable:

> Foremost among these is its location. It is near a high density veteran population area. During the 35 years projected life of the cemetery its estimated interments are 200,000 with a peak projected interment of 27 per day. This is over 3 times the similar projected interments for the Grant park site and over 11 times those for Cissna Park. The Ft. Sheridan site has convenient public rail transportation from mid-Chicago; the other sites do not. Local access to the site is excellent. There are no major environmental concerns. The setting is scenic with trees surrounding much of the area, and Lake Michigan's beach and water is viewed from the site's bluff. A small cemetery already exists on the site and could be merged with the new.

An additional advantage is the fact that the military base is already owned by the Federal

Government. Under this bill, the property would simply be shifted from one Government agency to another. This would eliminate the lengthy process which the purchase of a large tract of property would likely entail.

Clearly, there is no question as to the need for a national cemetery in the Chicago area, and based upon the VA's draft environmental impact statement, Fort Sheridan is best suited to meet this need. Therefore, I urge my colleagues to help me to simplify this selection by supporting this legislation.

HOUSE JOINT RESOLUTION 1, EQUAL RIGHTS AMENDMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, today I and several of my distinguished colleagues from the House leadership and the House Judiciary Committee have introduced House Joint Resolution 1, the equal rights amendment.

The road to equal rights for women has been a long one. Gathered in Seneca Falls, in 1848, women used the Declaration of Independence as a model to argue for the first time for full rights as American citizens.

Seventy-two years later, in 1920, women finally gained the first right of citizenship—the right to vote—after overcoming enormous opposition. Opponents claimed that women's suffrage would not help women, but would destroy them, the family, and the Nation. Today we know how silly those arguments were.

Yet we hear the same tired arguments against the equal rights amendment. Instead of recognizing that American women are entitled as part of their birthright to full rights of citizenship, we hear contradictory arguments that ERA is either not needed—because the States will do it—or that it would destroy women, the family, and our country.

Only one woman at the Seneca Falls meeting lived to see women get the vote. The equal rights amendment was first introduced in Congress in 1923, on the 75th anniversary of Seneca Falls. Another 75 years have passed since then. Women have waited long enough: the ERA needs to be incorporated into our Constitution now.

ERA is more than a symbol of full citizenship. Yes, there are laws protecting women from discrimination in employment, education, credit, and so forth. But enforcement of those laws is subject to the whim of every administration. We have seen in recent years that the commitment to eradicate discrimination is not always there. Then the signal goes out that if it's OK for the Federal Government to back off of its commitment, it's OK for others, too.

The ERA would stand as a permanent, unassailable commitment by creating a constitutional standard of equality against which the actions of Congress, Federal, State, and local governments and ultimately the private sector would have to be measured.

SALUTE TO AARON AND CHERIE RAZNICK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I am proud to join hundreds of my fellow southern Californians in honoring Aaron and Cherie Raznick. Their countless hours of service to the community and to Israel are legendary.

Aaron and Cherie Raznick have been residents of the San Fernando Valley for 34 years. Since moving to California, they have helped in the family building firm. Aaron became president in 1959, and continues active today.

But besides their business activities, both Aaron and Cherie have lent their considerable abilities to community activities. Among their many efforts have been work on behalf of the American Diabetes Foundation, the UC Santa Barbara Foundation, the Ventura County Parks and Harbor Foundation, and the Gold Coast Commission on Tourism.

In addition, the Raznicks have long been strong and active supporters of the State of Israel, and their work on behalf of the Jewish National Fund has been truly inspirational. The Cherie and Aaron Raznick Family Forest—10,000 trees which will be planted in American Independence Park outside of Jerusalem—will be a lasting legacy to the Raznicks.

For their many accomplishments, Aaron and Cherie recently received the Maccabian Leadership Award from the Jewish National Fund. Mr. Speaker, there is no doubt that they have truly earned this coveted honor, and I ask my colleagues to join me in saluting their achievements.

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am reintroducing a resolution designating May 1991 as "National Huntington's Disease Awareness Month."

Huntington's disease is a terminal and degenerative brain disorder whose victims lose gradual control over both mind and body. Beginning in barely perceptible ways, often with minor muscle twitches and a general lack of coordination, the disease progresses relentlessly for 10 to 25 years.

At advanced stages, afflicted individuals experience personality changes, spastic contortions, decreased mental capability, memory loss, and slurred speech. Eventually, the loss of nerve cells in the brain causes individuals to become entirely incapacitated and the disease ultimately results in death.

Huntington's disease has already afflicted 25,000 Americans and an additional 125,000 individuals are considered at risk due to the disease's hereditary nature. Although there are no available means of retarding, reversing, or curing this killer's effects, experts are confident that they are on the verge of a breakthrough.

Recent advances in the field of molecular genetics have enabled scientists to approximate the gene site responsible for Huntington's disease. Increased Federal funding for medical research could result in discovery of the cure for Huntington's disease. I firmly believe the designation of a National Huntington's Disease Awareness Month will generate the interest and momentum necessary to combat this devastating killer.

Below is a printed copy of the resolution:

H.J. Res. —

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depression, kidney cancer and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Huntington's Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

TO HONOR THE REVEREND MARTIN LUTHER KING, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. VISCLOSKY. Mr. Speaker, on January 21, the Nation will officially commemorate the 62d birthday of the late Rev. Martin Luther King, Jr. While his untimely death in 1968 physically took him from this world, his spirit, vision and dedication live on and remain for every American to emulate.

Dr. King spent his entire life teaching—teaching the lesson of gentleness and tolerance. He changed our country forever. He changed it through the power of being right. He would not allow injustice, bigotry or fear to deter him from his mission. And it was a mission. A mission to assure that the rights expounded so eloquently in our Constitution were accorded to every citizen, regardless of color of skin or economic status.

I am privileged to represent the First District of Indiana in the Congress and would note that there are many in northwest Indiana who have endeavored to maintain the legacy of Dr. King. Indeed, in their everyday actions, the clergy, publically elected officials and community and block leaders in the district strive to implement Dr. King's philosophy.

In particular, the Urban League of northwest Indiana and the several chapters of the NAACP located in my district deserve commendation for their unyielding efforts to continue the legacy of Dr. King. Eloise Gentry, director of the local Urban League and Rev. Norman L. Hairston, the league's chairman, have been resolute in their desire to help their brothers and sisters, as have Rev. O.C. Comer, Henry Bennett and Paulette Jenkins, leaders of the local NAACP chapters.

I am proud that the first African-American appointed to a statewide position, Appellate Court Judge Robert Rucker, is a native of Gary, IN, who received his undergraduate degree from Indiana University Northwest and his law degree from Valparaiso University.

Regretfully, today the ugly presence of racism still remains in our society. Now, more than ever, the words and deeds of Dr. King should not be forgotten. For as Dr. King wrote in his letter from Birmingham City Jail:

> Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly.

I ask that my fellow colleagues in the House of Representatives recommit themselves not only to honoring Dr. King's memory, but working to make his dream a reality.

INSURANCE COMPETITIVE PRICING ACT OF 1991

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BROOKS. Mr. Speaker, I am pleased to introduce H.R. 9, the Insurance Competitive Pricing Act of 1991, on this first day of the 102d Congress. We must move quickly on this legislation in order to ensure that fair and affordable insurance will be available to all Americans.

In a sense, the legislation I am introducing represents both a new start and a wrap-up of unfinished business from the previous Congress. After extensive hearings, the identical text of this bill was passed by the full House Judiciary Committee in the closing months of the 101st Congress—the first time a committee of Congress has voted to cut back on the antitrust exemption granted the insurance business in 1945.

Unfortunately, the press of other urgent matters at the close of the session prevented us from bringing up the predecessor bill. I want this body now to be able to express its will on this important measure with all due speed.

At a time of spiraling consumer costs heightened by fears of recession, there is absolutely no justification for one industry to be able to engage in price fixing behavior that is proscribed throughout the rest of the American economy. Our free enterprise system is predicated on open competition—where different companies compete for your business by offering lower prices and better services and products. It should come as no surprise to anyone that skyrocketing premiums and cutoffs in coverage are now an all too familiar experience in many Americans' everyday lives. Without the healthy rigors of competitive forces, there are few built-in checks on runaway pricing—particularly in an industry where joint action is the norm among direct market rivals. The McCarran-Ferguson Act, in its present form, is an anachronism that no place in the current economic climate.

The legislation I am introducing would modify, but not repeal, the antitrust exemption currently enjoyed by the insurance industry under the McCarran-Ferguson Act. This measure is the product of many compromises aimed at permitting the industry to jointly collect certain necessary historical and loss development data, while prohibiting the collective sharing of other types of market-sensitive information if used to fix prices or otherwise restrain competition in the absence of effective State regulation.

Whatever sense the McCarran exemption made in 1945, today the continuation of this special treatment for the insurance industry has become a proposition virtually impossible to defend. I am aware that many insurance groups continue to argue that any revision to McCarran-Ferguson is unnecessary because anticompetitive practices are relatively rare in the industry. If so, there should be nothing to fear from this legislation; but, in any event, such professions of good behavior are no substitute for accepted competitive safeguards to ensure an open and free-moving economy.

I urge all my colleagues to work with me and other members of the Judiciary Committee for swift passage of this legislation.

NATIONAL SERVICE CORPS NEEDED

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, 5 months ago today I introduced H.R. 5514, a bill that sought to establish a program of voluntary domestic and international service, to establish a Police Corps Program, and to enhance benefits under the all-volunteer force educational assistance program—Montgomery GI bill. Since that time, two types of national service have been very much in evidence. The first, the activation of thousands of military reservists as a result of the crisis in the Persian Gulf, demonstrates that even in times of relative international calm, the United States must remain prepared to act quickly in such situations. Without the incentive provided by the Montgomery GI bill, I am convinced that our troop strength—both Active and Reserve—would not have been at the necessary levels.

The second type of national service was civilian voluntary service outlined in S. 1430, passed by Congress and signed by President Bush. This legislation, which includes a 3-year National Service Demonstration Program sponsored by Senator PELL, indicates our commitment to stimulating community service among all sectors of society, but particularly among our young people. I was disappointed that the student-loan forgiveness sections of the bill were deleted, but I am hopeful that this modest proposal will become a springboard for a broader program.

It is important to continue to discuss national service because the unmet needs of our society continue to grow and we need to further cultivate a civic consciousness among today's citizens.

What exactly do I propose? My legislation would create, restore and expand opportunities for voluntary national service. The legislation is designed to promote community service and civic responsibility by providing opportunities for individuals to serve their communities. It would encourage volunteer participation by providing assistance in student financial aid in exchange for voluntary service. It would enhance recruitment and retention in our Nation's Armed Forces by improving benefits under the provisions of the Montgomery GI bill education programs. It would expand international volunteer service opportunities by affording educational assistance for those serving overseas with private voluntary organizations as well as those serving in the Peace Corps. And, it would encourage qualified individuals to enter and be trained for law enforcement service.

Title I of my bill establishes a program of domestic voluntary service under the auspices of the ACTION Agency and in cooperation with the States. Under this title, States would submit a plan to ACTION, requesting the number of volunteers they could utilize in Federal, State and local agencies or community organizations. These slots could be either full-time or part-time. Volunteers from that State would then apply and be placed in these positions, taking into account the abilities of the volunteer as well as the needs of the agencies. While most of the volunteers are expected to be of high-school and college-age, the program has no upper age limit, and is open to any volunteer age 16 and above. Volunteers may choose to contribute 1 year of full-time service, during which they would receive a small stipend and health insurance benefits. Upon completion of their service, they would be entitled to a nontransferable voucher of $8,904. This voucher could be used only to pay for a federally sponsored student loan or for tuition, fees, and so forth, at an educational institution.

For volunteers who choose to make a part-time commitment, they must serve for a period of 2 years, consisting of either 2 weekends a month and 2 weeks a year of full-time service or an average of 9 hours each week of community service. Upon completion of the 2-year commitment, the volunteer would receive a voucher of $4,452. The part-time option is important for those who want to do community service but for whom a full-time commitment is not practical.

In order to encourage volunteers to complete and continue their education, the bill also requires that volunteers have a high school diploma or its equivalent by the time they complete their service.

As much as possible, volunteers are to be utilized in existing programs, with an emphasis on areas of greatest need such as Head Start programs, child care centers, facilities for the elderly, et cetra. Even in program administration, I have attempted to use existing structure. ACTION is the ideal overseer for the program since ACTION already has 45 State offices, a number of regional offices, and their designated mission is coordination of voluntary service throughout the Nation. It also makes good use of the vast voluntary resources already in place in the 50 States. Most already have youth service programs and would readily be able to mesh their activities with a national service program. The idea of my domestic service initiative is to build on rather than supplant existing programs.

Title II came from an idea that occurred to me at a hearing held by the Select Committee on Hunger. It seemed reasonable to give educational assistance to those who choose to serve overseas with private voluntary organizations such as Save the Children and CARE just as we provide educational assistance to Peace Corps volunteers. Title II allows repayment of $6,700 per year on principal and interest for educational loans, with a cap of $13,400 on the total repayment. By expanding this benefit to service with private voluntary organizations we would encourage many more individuals who are willing to make at least a 1-year overseas commitment.

For title III of the legislation, I am indebted to my colleagues, Mr. DORNAN and Mr. FRANK who introduced H.R. 2798, the Police Corps Act, last Congress. As I have said previously, I think establishment of a police corps is a role that the Federal Government can appropriately play and one that will make a tremendous difference in the ability of our State and local governments to fight crime, curb drug abuse, and make all our communities safer. By increasing the pool of trained law enforcement officers, we will be addressing the problem right where it will do the most good, on the front lines. In addition, the police corps provides a means for these young people to attend college in order to enhance their law enforcement skills. The police corps would also assist financially strapped cities, counties, and communities by assuming a significant share of the costs of training law enforcement personnel. This title incorporates much of the Dornan-Frank bill while establishing lower participant numbers and benefit levels consistent with the military service benefits elsewhere in the legislation. This title also allows the child of a law enforcement office killed in the line of duty to receive the benefit.

Title IV of my bill addresses the issue of college student loans. While the legislation does not change existing student loan programs, it does provide deferment of loan repayments while the student is participating as a volunteer in any of the programs proposed.

Earlier bills have proposed eliminating existing college student aid programs and replacing them with vouchers earning exclusively through national service. I do believe that an earned benefit based on previous service is a good idea, however, it is perhaps too early to phase these programs out entirely. Recognizing the high costs of higher education, we instead need to look at other options for complementary student aid and national service programs.

Title V builds on one of the most successful incentive programs ever passed by the Congress, the Montgomery GI bill. Basic benefits under the Montgomery GI bill, both active duty programs under chapter 30 of title 38 and Guard and Reserve programs under chapter 106 of title 10 would be increased. The increase of benefits reflects the approximate 30-percent increase in education costs that have occurred since the inception of the program 5 years ago. The basic benefits for those who served a 3-year enlistment would be $468 per month for 36 months and $325 per month for a 2-year enlistment. For Guard and Reserve members, the benefits would be $182 a month for full-time students, $136 per month for three-fourths time, and $91 per month for half-time students.

Since the Montgomery GI bill has been responsible for the recruitment and retention of the brightest and best of our young people into military service, I would not want to tamper with its success. It works, it provides outstanding educational opportunities for our young people and it is widely accepted throughout our Nation.

Overall, I think this legislation is a good start. It is an attempt to incorporate the best ideas and programs currently available and is a springboard for further discussion of the issue of national service. There is also no question that this legislation would be costly. But, if we are able to get our Federal deficit under control today, by the time we are of a consensus on national service, we should be able to afford the costs of the program. Unless we prepare the groundwork now, we will not be able to take advantage of the opportunity before us to recruit a new generation of Americans in areas of service which enhance their own sense of citizenship, and advance—at home and abroad—the helping hand that is part of America's character.

HONOR THY FATHER AND MOTHER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, last May, the House Aging Subcommittee on Health and Long Term Care released its latest report, "Elder Abuse: A Decade of Shame and Inaction', on the status of State and Federal Efforts to confront the scandalous problem of elder abuse in the United States. As the title suggests, the findings of Chairman ROYBAL'S 50-State survey were extremely disturbing.

Since the late Chairman Pepper first coined the term for this national disgrace in 1978, very little Federal assistance has gone to the States in their efforts to identify and prevent such abuse or assist victims of elder abuse. The report found that 1.5 million (1 in 20) older Americans fell prey to severe abuse or neglect in 1988—a 50 percent increase over the findings of the committee's landmark 1980 study. Most elder abuse occurs in the home and is committed by family members. Forty percent of all reported abuse in the United States is adult abuse—70 percent of adult abuse is elder abuse. Most of the abused are dependent upon their abusers, and many fear reprisal or merely cannot overcome their instinctive love for their children to turn them in.

In 1980, I joined forces with Senator Pepper by introducing legislation intended to set up a National Center on Elder abuse. Despite a strong bipartisan will, and overwhelming support from the States, Congress has repeatedly failed to pass this modest proposal. CBO estimates the cost of my legislation to be $10 million when fully phased in, and requires State matching funds, which most States already put up. This center would collect data, conduct research, and disseminate, information on elder abuse. Also this bill would authorize HHS to award grants for demonstration programs and projects. This is very similar to successful programs to combat child abuse in our Nation.

The Aging Committee report, along with adult protective services all across the country, calls for quick passage of my bill the Elder Abuse Prevention, Indentification, and Treatment Act. In 1980, this problem was largely unheard of in our country—only 16 States required mandatory reporting of elder abuse at that time. Since then, 43 States have adopted adult protective services. Still, the incidence of elder abuse has increased.

Mr. Speaker, the States have done all that they can. I urge my collegues to help them fight this horrendous national problem through cosponsorship and passage of my legislation in the 102 Congress. As Chairman ROYBAL stated at the May 1 hearing, this problem "confounds the Commandment, 'Honor thy Father and Mother.'" May the findings of this Aging Committee report weigh heavily on the conscience of this Congress and the administration until we take decisive action to deal with this disgrace head on.

A TRIBUTE TO RICHARD DUNNE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, Richard Dunne, the former director of the Gay Men's Health Crisis in New York City, died on December 29, 1990. He is mourned by all who knew him.

Richard's significant contributions to persons living with AIDS were made primarily during his relationship with the Gay Men's Health Crisis, the premier AIDS service organization in the country. He began as a client services volunteer in 1983 and served as a Board member until he was appointed Executive Director in 1985. He brought a vision and competence to that position hard to match. When he took the helm at GMHC, the staff numbered 17, with 500 volunteers, and its budget was $800,000. When Richard resigned in 1989, the staff had grown to 125, with 1,800 volunteers and an annual budget of $12 million.

It was under his guidance that GMHC instituted the Public Policy Program, which coordinates lobbying activity at the city, State and Federal levels, and the Medical Information program, which publishes a newsletter on the lastest therapies and treatments, both experimental and approved, for HIV infection and AIDS.

Under Richard's leadership, GMHC's prevention, health care, support and information services grew to serve more than 8,000 persons from all backgrounds and locations in the New York area. GMHC took its place on the cutting edge of AIDS advocacy, fighting for increased AIDS funding and more informed policymaking at all levels of government.

Before joining GMHC, Richard served as a First Lieutenant in the U.S. Army. He then spent 12 years as an employee of the City of New York, the last 5 of which he was Deputy Assistant Commissioner for the Human Resources Administration.

The AIDS crisis is a terrible phenomenon for which no prior experience prepares us. Three years ago, Richard Dunne said, "AIDS is the worst possible news. There is a natural tendency to deny a terrible reality. The human suffering we see around us is often too much to bear." But he chose not to close his eyes. When AIDS presented itself to Richard, he chose to meet it head on with hope and direction. In his life and work we find a vision of hope and a course of action that can serve as a model for all of us.

TRIBUTE TO JOHN STANLEY BOYCE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in acknowledging the retirement of John Stanley Boyce.

John Boyce was first initiated into the brotherhood of local 1373 in 1944. During the Second World War, he enlisted in the U.S. Army where he served with the 32d Division "Red Arrows" in the Pacific, Philippines, and Japan. In 1947, he returned to Flint, MI and resumed working in the area as an apprentice. He was elected treasurer of local 1373 in 1948. After his tenure as treasurer, he served as business agent for 1373. In 1962, he became president of the Flint Building Trades and was appointed to the Michigan Carpenters Fund Office as a trustee, a position he still holds.

The next few years saw John Boyce in various prestigious positions. He was elected secretary/treasurer of the Saginaw Valley District Council, and remained in that position until restructuring closed it out. John also returned to local 1373 as financial secretary. In 1987, he returned as a business agent for the Detroit District Council became trustee of 1373, and sat on the executive board of the district council.

During this busy period, John married Ruby Kelsoe. John and Ruby plan to spend their retirement traveling, relaxing, and fishing as well as spending time with their three children and four grandchildren.

My dear colleagues, I ask that you join me in honoring Mr. John Boyce for his years of dedicated service to local 1373 of Flint and his community service.

LEGISLATION TO AMEND THE ETHICS REFORM ACT OF 1989 FOR CERTAIN FEDERAL CIVIL SERVANTS

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RHODES. Mr. Speaker, today I am introducing legislation to amend the Ethics Reform Act of 1989 to allow Federal civil servants below the pay grade of GS–16 to accept honoraria for speeches or articles unrelated to their Government employment. The amendment does not apply to any legislative branch employee. Executive branch employees at or above the GS–16 pay grade have been and will continue to be barred from receiving any honoraria under previous Executive orders and the 1989 act.

This unintended consequence of the tough new ethics law for the executive branch and Members of the House of Representatives was brought to my attention by a constituent, Mrs. Marion Durham of Tempe, AZ. Mrs. Durham wrote to me in August 1990 after learning that she and many others in her situation would be barred as of January 1, 1991, from receiving honoraria for the publication of articles she writes on subjects totally unrelated to her Federal employment.

I contacted the Office of Government Ethics [OGE] to confirm the apparently unintended consequence of the 1989 act and to inquire about the OGE position on the matter. OGE Director Steven Potts responded saying:

> We believe that the honoraria ban, if it is not amended by January 1, 1991, will place an unnecessary burden on government employees such as Mrs. Durham. I fully support the goal of reducing conflicts of interest and actual or apparent misuses of government employment. I have no reason to believe, however, that this aim has not been achieved by already existing restrictions governing the outside activities of executive branch employees.
>
> However, even if Mrs. Durham's writings have nothing to do with her government employment, and even if they do not even create an appearance of a conflict of interest with her position, the (new) ban will prohibit Mrs. Durham from receiving honoraria for freelance articles that she submits to magazines and other periodicals for publication.
>
> This Office is therefore of the opinion that the goals of this section (of the Ethics Reform Act of 1989) could have been achieved in a manner that would impose less of a burden upon Government employees. This result could still be accomplished if the statutory language is amended so that the prohibition attaches only when there is some nexus between the source of or the reason for the honoraria and an individual's official duties.

The American Federation of Government Employees and the National Treasury Employees filed a first amendment lawsuit against the United States, the OGE, and the Department of Justice because of the new, extended honoraria prohibitions in the 1989 act. On December 20, 1990, U.S. District Judge Thomas Penfield Jackson denied a motion for a temporary restraining order on procedural grounds and noted the broad nature of the legislative language. That decision is on appeal.

Mr. Speaker, after thoroughly reviewing this issue, I concluded that the concerns of Mrs. Durham and what I believe is the unintended impact of the new law on her freedom to supplement her income—and that of many other Federal civil servants to do the same—by pursuing outside writing or speaking activities unrelated to her official Federal duties, warranted a legislation remedy.

The effect of the amendment I am introducing today is to exempt executive branch civil servants below the GS–16 pay grade from the broad honoraria ban contained in the 1989 Ethics Reform Act. The amendment would keep intact all other aspects of new ethics law and the honoraria ban pertaining to Members of Congress and senior administration officials.

The amendment would essentially codify previously existing executive branch honoraria restriction regulations. However, it would allow civil servants, such as Mrs. Durham, to continue to supplement their income by receiving honoraria—up to $2,000 per occurrence—for outside writing and speaking endeavors which are unrelated to their Federal employment and paid by a party that has no substantial interest in the person's official duties.

I urge my colleagues to support this bill and urge the appropriate committees of jurisdiction in the House of Representatives to expedite hearings and action on this important legislation.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, today my distinguished colleague from New York [Mr. FISH] and I are introducing legislation to prohibit State-sanctioned sports gambling. Last year, Congress came within an inch of passing similar legislation. We hope for early action in this session on the bill we sponsor.

As the House Judiciary Committee stated in its report on the crime bill last year, State-sponsored sports lotteries "undermine public confidence in the integrity of the sports involved, place undue pressure on players and coaches, and communicate negative values about sports to the youth of America." To meet concerns that last year's legislation did not go far enough, the new legislation would prohibit not only State sports lotteries but any sports gambling conducted pursuant to State law.

Whether sponsored or authorized by the State, sports gambling conducted pursuant to State law threatens the integrity and character of, and public confidence in, professional and amateur sports, and instills inappropriate values in the Nation's youth.

Reggie Williams, the former Cincinnati Bengals lineman, made the point poignantly last summer in testimony before a Senate subcommittee considering the issue:

> I know that I have left pints of blood on football fields all over America, and I would like to think that someone knew that I had a commitment to the integrity of the sport, rather than some type of commitment to dealing with the point spread. I would hope that we can continue looking forward to having kids who will be collecting football cards and baseball cards rather than kids growing up collecting lottery tickets. I would encourage you with all my heart to prevent sports [from] being sanctioned as an institutional form for gambling.

State-sanctioned sports gambling also misappropriates the goodwill and popularity of professional and amateur sports organizations, and dilutes and tarnishes the service marks of such organizations, and for these additional reasons should be prohibited.

Under the legislation, civil actions for declaratory and injunctive relief, to enjoin violations of the law by any State, could be brought by the Department of Justice or any affected sports organization. The new prohibition, however, would not apply to the Oregon sports lottery or to private sports gambling in Nevada, or to parimutuel racing. Neither would it prohibit any State from using a sports theme in a scratch-card game that does not involve actual games between real teams. Existing Federal prohibitions, of course, would remain fully applicable to all of these activities.

The history of the legislation demonstrates its broad support and justifies early action by the new Congress.

In September 1989, the State of Oregon initiated a lottery based on the results of National Football League games. The State soon initiated additional lotteries based on the results of National Basketball Association games. Proposals for similar sports lotteries were debated in other States and the District of Columbia last year, and such proposals are certain to be renewed this year—despite the opposition of professional and amateur sports, law enforcement authorities, church groups and such leading newspapers as the Washington Post, the Baltimore Sun, USA Today, the Cincinnati Enquirer, the Boston Herald, the Atlanta Journal, the Minneapolis Star Tribune, the Seattle Post Intelligencer and the Arizona Republic.

In October 1989, Senator DECONCINI and Senator HATCH introduced legislation (S. 1772) to declare State-sponsored sports lotteries to be unlawful per se under the Lanham Trademark Act of 1946. On May 17, 1990, I introduced a companion bill (H.R. 4844) and two other bills to prohibit State sports lotteries—H.R. 4842, to deny Federal funds to States that sponsored sports lotteries, and H.R. 4843, to amend section 1307 of title 18 of the United States Code to make clear that the prohibitions of the Federal lottery laws apply fully to State sports lotteries. On June 26, a hearing on the Senate bill was held before the Subcommittee on Patents, Copyrights and Trademarks.

On July 23, the House Judiciary Committee, without dissent—and with the support of its ranking Republican member, my distinguished colleague from New York [Mr. FISH] adopted H.R. 4843, in substance, as an amendment to the Comprehensive Crime Control Act, H.R. 5269. On October 5, the House overwhelmingly passed the crime bill containing the lottery ban. Earlier in the day, opponents of the ban withdrew an amendment to strike the committee's lottery-ban amendment in the face of certain defeat.

The committee's sports lottery ban was vigorously supported on the floor by a diverse group of Members. The breadth and strength of support for the ban was evidenced by a half-dozen Dear Colleague letters—from Messrs, BROOKS, FISH and myself; from Messrs. TOWNS and SOLOMON; Messrs. ECKART, UPTON, GRADISON, GALLO, and KOSTMAYER; from Messrs. THOMAS of Georgia, BOUCHER, PERKINS, ROSE, SMITH of Florida, TANNER; from Messrs. TOWNS, LEWIS of Georgia, HAYES of Illinois, STOKES, WASHINGTON, and CONYERS; and Mr. MCMILLEN.

On October 19 the Senate adopted a sports lottery ban as a Senate amendment to a House amendment to the Copyright Amendments Act of 1990, S. 198. Thus, the Senate and the House each passed a lottery ban. Nevertheless, S. 198, as amended by the Senate, was not approved by the House, for reasons unrelated to the sports lottery issue. In the last hours of Congress, moreover, the crime bill conferees could pass only a very limited version of the crime bill. Consequently, many well-supported provisions of that legislation, including the lottery ban, were excluded from the package.

Mr. Speaker, in drafting the new legislation, Mr. FISH and I have attempted to meet two of the principal criticisms of the sports lottery ban that Congress came so close to passing last fall.

The earlier legislation was limited to State sponsored sports lotteries; the new legislation covers all sports gambling conducted pursuant to State law.

The earlier legislation would have subjected State officials to criminal liability; the new legislation provides a civil remedy only.

In addition, the new legislation would "grandfather sports gambling conducted pursuant to State law between September 1, 1989, and August 1, 1990. Although we firmly believe that all such sports gambling is harmful, we have no wish to apply this new prohibition retroactively to Oregon, which instituted its sports lottery prior to the introduction of our legislation. Neither have we any desire to threaten the economy of Nevada, which over many decades has come to depend on legalized private gambling, including sports gambling, as an essential industry.

In the best of all worlds, Congress would not permit any sports gambling to be conducted pursuant to State law. But we cannot let the best be the enemy of the good. As Sports Illustrated has stated, "Nothing has done more to despoil the games Americans play and watch than widespread gambling on them." What is critical is for us to ensure that sports gambling conducted pursuant to State law will not be permitted to expand further. Our legislation will strengthen existing Federal civil and criminal remedies by prohibiting outright State sponsorship or authorization of sports gambling.

One final point deserves mention. We strongly disagree with those who suggest that State sponsorship of sports gambling is preferable to sponsorship of such gambling by organized crime. This is precisely the argument that is used to support legislation of such hard drugs as crack and heroin. It is essentially a counsel of despair, which ignores the deeply corrosive effect of sports gambling nationwide. Even more to the point, we are convinced that legalizing sports gambling actually would promote, not combat, criminal gambling enterprises. Illegal gambling typically offers a far better payout than legalized gambling, and legalized sports gambling can only serve as a gateway into illegal gambling for our Nation's youth and others who would not start gambling without the encouragement that legalized sports gambling would offer.

Mr. Speaker, I believe we are at an important crossroads. Congress has a choice to work to stop sports gambling now or see it corrupt one of our most cherished American traditions. I ask my fellow Members to join with me and act swiftly to support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Professional and Amateur Sports Protection Act".

SEC. 2. FINDING.

The Congress finds that sports gambling conducted pursuant to State law threatens the integrity and character of, and public confidence in, professional and amateur sports, instills inappropriate values in the Nation's youth, misappropriates the goodwill and popularity of professional and amateur sports organizations, and dilutes and tarnishes the service marks of such organizations.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "amateur sports organization" means a person which sponsors, organizes, or conducts any competitive games in which amateur athletes participate and any league or association of such persons,

(2) the term "professional sports organization" means a person which owns and operates a professional sports team engaged in

providing entertainment by providing competitive games and any league or association of such persons, and

(3) the term "State" means any State or territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and any agency or other political subdivision thereof.

SEC. 4. SPORTS GAMBLING PURSUANT TO STATE LAW PROHIBITED.

No State may sponsor, operate, advertise, authorize, license, or promote any lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on any game or games engaged in or conducted or scheduled by any professional sports organization or amateur sports organization, or on any performance or performances therein.

SEC. 5. INJUNCTIONS.

Actions to restrain violations of section 4 may be brought in the district courts of the United States by the Attorney General of the United States, acting through the several United States Attorneys, or by any professional sports organization or amateur sports organization whose games or performances are the subject of a prohibited lottery, sweepstakes, or other betting, gambling, or wagering scheme. Such a civil action may be brought in the United States district court for any judicial district in which the defendant resides.

SEC. 6. APPLICABILITY.

The prohibition of section 4 shall not apply to—

(1) any lottery, sweepstakes, or other betting, gambling, or wagering activity in a State to the extent that the activity actually was conducted in that State pursuant to the laws of that State, between September 1, 1989, and August 31, 1990, or

(2) parimutuel racing.

ENSURE MORE EFFECTIVE DISASTER RESPONSE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, today I am pleased to introduce legislation to help protect the health and safety of all Americans. I was amazed to learn that the Federal Emergency Management Agency [FEMA], does not possess any listing of the expert personnel and equipment which can be used in responding to natural disasters.

In October 1989, the world waited breathlessly for news about the fate of motorists trapped under the collapsed I–880 freeway in Oakland, CA. At the same time, local emergency responders waited for the equipment necessary to locate any survivors. Valuable time was lost. FEMA explained that because the mayor of Oakland had not requested any such apparatus, FEMA had fulfilled its mission.

Mr. Speaker, FEMA must provide more assistance than this. In the case of major disasters, the burden should be on FEMA to inform local government officials of the types of specialized assistance available from the Federal Government.

For this reason, I have reintroduced the "National Disaster Preparedness Inventory Bill." The legislation requires FEMA to develop a listing of the specialized equipment and personnel around the Nation. This registry will be made available to appropriate local government officials in the event of a major disaster.

Mr. Speaker, this bill is a simple one. It is a common sense change for FEMA to make. I urge my colleagues to support this important legislation.

CONGRESSMAN WEISS' STATEMENT ON THE VIOLENT CRIME PREVENTION ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, I am introducing legislation that would reduce the amount of violent crime in the United States.

Report after report chronicles the wave of violence on the streets and in the households across America. Although the causes of the violence are complex, one contributing factor is the relative ease of obtaining weapons and ammunition. My bill would prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber ammunition.

By eliminating the bullets for these firearms, we can reduce their use in crimes. After all, guns without bullets are useless. A copy of the bill is provided below.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Prevention Act".

SEC. 2. PROHIBITION AGAINST MANUFACTURE, TRANSFER, OR IMPORTATION OF .25 CALIBER AND .32 CALIBER AMMUNITION.

Section 922(a) of title 18, United States Code, is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following:

"(9) for any person to manufacture, transfer, or import .25 or .32 caliber ammunition, except that this paragraph shall not apply to—

"(A) the manufacture of such ammunition for the use of the United States or any department or agency thereof or of any State or any department, agency, or political subdivision thereof; and

"(B) any manufacture or importation for testing or for experimentation authorized by the secretary; and

"(10) for any manufacturer or importer to sell or deliver .25 or .32 caliber ammunition, except that this paragraph shall not apply to the sale or delivery by a manufacturer or importer of such ammunition for testing or for experimentation authorized by the Secretary.".

SEC. 3. LICENSING FEE FOR MANUFACTURERS.

(A) IN GENERAL.—Section 923(a)(1)(A) of title 18, United States Code, is amended by striking out "or armor piercing ammunition" and inserting in lieu thereof ", or armor piercing or .25 or .32 caliber ammunition.".

(b) CONFORMING AMENDMENT.—Section 923(a)(1)(C) of title 18, United States Code, is amended by inserting "or .25 or .32 caliber" before "ammunition" the third place it appears.

SEC. 4. LICENSING FEE FOR IMPORTERS.

Section 923(a)(2) of title 18, United States Code, is amended to read as follows:

"(2) If the applicant is an importer—

"(A) of destructive devices, ammunition for destructive devices, or armor piercing or .25 or .32 caliber ammunition, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices, ammunition for firearms other than destructive devices, or ammunition other than armor piercing or .25 or .32 caliber ammunition, a fee of $50 per year.".

SEC. 5. LICENSED IMPORTERS AND LICENSED MANUFACTURERS REQUIRED TO MARK ALL .25 AND .32 CALIBER AMMUNITION.

Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(l) Licensed importers and licensed manufacturers shall mark all .25 and .32 caliber ammunition and packages containing such ammunition for distribution, in the manner prescribed by the Secretary by regulation.".

SEC. 6. PENALTY FOR POSSESSION OF .25 OR .32 CALIBER AMMUNITION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Subsections (a)(1) and (b) of section 929 of title 18, United States Code, are each amended by inserting "or .25 or .32 caliber" before "ammunition".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.

NATIONAL SOLID WASTE MINIMIZATION ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation that I sponsored during the 101st Congress and which is directed at one of our Nation's greatest emerging problems: how to handle the growing volumes of generated municipal solid waste, including types of packaging and other products.

By establishing clear waste reduction and recycling goals and mandates, and by expanding the regulatory authority of the Environmental Protection Agency at the Federal level, the National Solid Waste Minimization Act takes a strong approach to the solid waste problem. Absent the Federal-level support which the public recognizes to be clearly needed, States and local communities are struggling to find ways to handle growing volumes of wastes, even as hundreds of landfills are closing across the country.

The need for a greater Federal role in solid waste management is abundantly clear: the EPA estimates that one-half of this Nation's 6,000 landfills will be closed within 5 years, due to reaching capacity or insufficient environmental protection standards. Americans produce an average of 1,300 tons of garbage per year, almost 4 pounds per person per day.

Absent significant reduction and recycling efforts, the total annual generation of wastes in the United States will reach 190 million tons by the year 2000, rising from the current level of 160 tons per day.

The National Solid Waste Minimization Act offers a comprehensive approach to this problem. Its main provisions are:

NATIONAL GOALS FOR SOLID WASTE

Establishes a national goal to keep the total national generated amount of wastes at no higher than the current level. By 1994, the United States should strive to handle 25 percent of all municipal solid wastes through source reduction or recycling, reaching a level of 40 percent by 2000.

EPA REPORT TO CONGRESS

Requires the EPA to submit annual reports to Congress on progress toward reaching the national waste reduction goals, a breakdown on the amount and components of the solid waste stream, current methods used to manage wastes and their effectiveness, as well as recommendations on the regulatory or legislative initiatives needed to meet the goals of this act.

ANALYZE RECYCLED AND RECYCLABLE WASTES

Directs the EPA in coordination with the Department of Commerce to complete a list within 2 years of commonly used categories of packaging and products and, for each category, to assess the percentage of recovered recycled materials used in their manufacture, as well as the percentage of materials recycled upon their discard.

ENFORCEMENT AND REGULATORY ACTION

Directs the EPA to target for regulatory action categories of certain products or packaging due to their low levels of recycling, low use of recovered material, or high volumes in the waste stream. The EPA may require the use of recovered materials used in packaging or products, or ban the use of certain materials or combinations.

VOLUNTARY PACKAGING STANDARDS

Directs the EPA and the Department of Commerce, in consultation with industries, environmental organizations and other parties, to develop a voluntary system of packaging standards with regard to materials used, and recyclability of packaging upon their discard. A labeling system would also be established to indicate product compliance.

EPA REPORT ON LANDFILL CLOSURES

Requires the EPA to submit an analysis to Congress within 1 year on the costs and problems being encountered by States and local governments with the obligated closing of landfills, and recommendations, including possible funding and technical guidance, to be provided.

Mr. Speaker, I believe the need for fundamental changes by society in the generation and handling of solid wastes is very evident. Our ability to produce and dispose of packaging and other products is expanding markedly, increasing total waste volumes, just as our disposal capacity is running out.

I urge my colleagues to join me in support of this legislation.

TRIBUTE TO SUPERVISOR TORU MIYOSHI

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute today to Santa Barbara County Supervisor Toru Miyoshi, who will retire on January 4 after 12 years in elective office and a lifetime of dedicated service to the public.

Toru was born in Guadalupe, CA, and attended local schools. He enlisted in the United States Army in 1946 and was recalled to the Korean conflict in 1952. In 1955, he graduated cum laude from the University of Southern California. He attended USC Graduate School of Business, and in 1957 returned to Santa Maria to open an insurance and real estate office.

In 1978, he was elected to the Santa Maria City Council, where he served until 1982, at which time he was elected to the Santa Barbara County Board of Supervisors. He was reelected to the board in 1986. During his tenure in public office, he served on the Regional Coastal Commission, the Area Planning Council, the Southern California Hazardous Waste Management Authority, and the Tri-Counties Oil Commission. He also served as chairman of the Santa Barbara County Flood Control and Water Conservation Agency, vice chairman of the Water Agency, and board liaison to the Area Agency on Aging.

His community activities include serving on the city of Santa Maria Water Management Advisory Committee; member of the Santa Maria American Legion Post No. 56; 1 STRAD Commander's Liaison Group, Vandenberg AFB; member of Santa Maria Valley Historical Society; Santa Maria Chamber of Commerce; Friends of the Library; Friends of Waller Park; supporter of PCPA Theaterfest, North County Special Olympics, and the YMCA.

Toru and his wife Jeanne, have two daughters, Lisa and Joni. Lisa, husband David, daughter Laura, and son Logan, live in Fairbanks, AK. Joni resides in Santa Maria and is employed with Martin Marietta at Vandenberg Air Force Base.

Mr. Speaker, I want to publicly acknowledge and thank Toru for his dedicated service on behalf of the community and for his commitment to effective local government. We owe him a debt of gratitude which will not be forgotten, and on behalf of the U.S. House of Representatives, I want to extend to Toru and Jeanne our sincere thanks and best wishes for the future.

INTRODUCTION OF THE OUTER CONTINENTAL SHELF REVENUE SHARING ACT OF 1991

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. FIELDS. Mr. Speaker, I am pleased to introduce today, along with our distinguished colleague from Alaska, Congressman DON YOUNG, the Outer Continental Shelf Revenue Sharing Act of 1991.

As the ranking minority member of the Outer Continental Shelf Subcommittee for the past 6 years, I have thoroughly reviewed every aspect of our Federal OCS Program. There is no question that our Federal offshore lands can be explored and developed in an environmentally sound manner.

In fact, the Federal OCS has an outstanding environmental safety record. It is our Nation's safest energy extraction program.

In the past 15 years, nearly 5 billion barrels of oil have been produced from the Outer Continental Shelf. Yet, less than 900 barrels have been spilled. In contrast, natural seepage along the California coast amounts to 18,000 to 277,000 barrels of oil each year, according to the California State Lands Commission.

To date, more than 37,500 wells have been drilled in Federal and State waters. There has never been a blowout or major oilspill from any exploratory oil well drilled in U.S. waters.

Out of the 60 largest oilspills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity. The remaining 59 spills were mainly caused by tankers, the majority of which were carrying imported crude oil.

While I am an enthusiastic supporter of Federal offshore energy development, there is one aspect of the program which needs improvement; and that is the focus of this legislation. I believe the Federal Government should compensate those communities which are directly affected by OCS development off their shores. While those impacted by onshore energy development receive substantial funding under the Mineral Leasing Act, unfortunately, for those Federal leases more than 6 miles offshore, our coastal States receive nothing from the Federal Government.

Mr. Speaker, this is a policy that must be changed. Instead of making our local communities bear the impact of offshore development alone, the OCS Program can be improved and future leasing can be encouraged by forming a partership with our States.

I am pleased that President Bush shares my views on the need for an OCS revenue sharing program, and I am grateful that this idea was included within his OCS policy statement of June 26, 1990. In fact, in that announcement the President said his administration would "prepare a legislative initiative that will provide coastal communities directly affected by OCS development with a greater share of the financial benefits of new development and with a larger voice in decisionmaking."

Mr. Speaker, I look forward to working with the administration in this effort and am hopeful that an OCS revenue sharing program can be established early this year.

Under the terms of my legislation, each coastal State would receive funding based on a formula which incorporates five major criteria. These criteria are:

First, the amount of actual leasing carried out under the OCS Lands Act which occurs within 250 miles of a State coastline;

Second, the volume of oil and gas produced from the OCS which is first landed in each coastal State;

Third, any proposed oil and gas lease sales which are scheduled to occur within the OCS planning area adjacent to a coastal State;

Fourth, the coastal-related energy facilities located within each coastal State; and

Fifth, the coastal population of each State.

Mr. Speaker, these funds would be allocated from an account established in the U.S. Treasury which would contain at least $500 million in OCS receipts each year. While the amount of funding a State would receive would vary each year, my legislation defines a coastal State to include those in, or bordering on, the Atlantic Ocean, Pacific Ocean, Arctic Ocean, Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.

I urge my colleagues to join with me in encouraging the development of an OCS revenue sharing program. It is my firm belief that such a program is long overdue and I offer this legislation as one way to establish a sound, realistic, and fair allocation system.

INTRODUCTORY STATEMENT OF THE NATIONAL PUBLIC WORKS CORPORATION ACT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLINGER. Mr. Speaker, the legislation that I introduced today is one important answer to the growing need for a mechanism to finance public facilities with a minimum drain on Federal spending and a high degree of capital leveraging. The Nation's ability to encourage the expansion of business and the development of new industries is constrained by the difficulty of delivering public services. Economic productivity cannot increase if our public facilities are unable to support growth.

Just to maintain our current level of public services over the next 20 years—without any major new expansion in the economy—it is estimated that we would need to spend between $1 and $3 trillion. In a report issued in 1988, the National Council on Public Works Improvement recommended that total public investment must double if we are to match expected growth. At the same time, however, State and local governments are still in the best position for determining project priorities that address the most serious and immediate challenges confronting their economic development.

The Federal Government dominates public works investment policy by financing about half the outlays on our country's civilian infrastructure. Unfortunately, the assistance is usually in the form of rigid categorical grants that are funded and designed according to national priorities, with very little money available from flexible sources. Once a project is completed with categorical grant funding, no recoupment of Federal funds is possible unless the funds were misspent. Trust funds that generate user fees are the exception to this rule.

Mr. Speaker, I propose a new legislative approach that combines the flexibility of blockgrant funding with the advantages of a guaranteed stream of revenue.

ESTABLISHMENT OF A CORPORATION

The bill establishes a National Public Works Corporation that could leverage up to $50 billion in capital for public facilities when fully funded by Federal and State governments. The Corporation is to be composed of a bipartisan board of directors. The revenues from a fraction of the interest on loans to State and local governments would be used to pay for administrative costs and salaries. The quasi-independent corporation's review of projects would be limited to: First, financial matters of integrity on the institution's reserves and loan portfolio; and second, the technical and competitive aspects of projects. The determination of investment levels and priorities rests with the states.

CAPITALIZATION AND RESERVE FUND

The initial capitalization of the corporation authorizes $2.5 billion from the Federal Government, to be matched by $2.5 billion from participating States. The combined amounts of actual appropriations and State contributions constitutes a 10-percent reserve requirement for the corporation. The total amount of outstanding loans may be exceed 10 times the amount of reserves. These loans will be financed through the issuance of bonds with the full faith and credit of the Federal Government as a guarantee.

Although States must initially match the Federal contribution on a dollar-for-dollar basis, they ultimately would be permitted to leverage 20 times that amount in project loan funds. Moreover, the States could determine their own contribution schedules, because their fiscal capabilities may vary.

Participation in the corporation is voluntary. The State chooses the amount and time of contributions. The maximum contribution is limited to the amount that bears the same ratio to $2.5 billion as the State's population bears to the national population. For example, a State with 10 percent of the country's population may contribute up to $250 million. The Federal Government matches the contribution with an equal amount. If fully capitalized, the State is then entitled to loans of up to $5 billion, depending upon the State's contribution. As the loans are repaid, the States are entitled to second generation funds for further loans—an advantage over categorical grant programs.

LOANS TO STATES AND LOCAL GOVERNMENT

The corporation is authorized to make loans to participating States and to units of Government within those States. The loan may be less than the total cost of the project, if other sources of funds are committed from Federal and State grants, local contributions and private donations. The funds are generally available for the construction, reconstruction, rehabilitation, or repair of any public facility. However, the repayment of the loan and the operation, maintenance, and replacement costs of the project must be tied to a guaranteed stream of revenues for the use of the facility.

The interest rate on the loan is based upon the cost of borrowing funds and the corporation's administrative costs. Interest rates may be reduced across the board through a direct appropriation by Congress. This authority is to be used when high interest rates would make the cost of loans from the corporation an inordinate burden on borrowers.

The corporation may only approve loans that have the approval of the Governor of a participating State. The board shall ensure that the project is technically feasible and that awards are made on the basis of competitive bidding. The corporation is granted further powers to audit the borrower's compliance with the loan requirements and to take remedial actions.

DEFAULTS

In the event of a default on the loan by a State and local Government, half of the amount of the default would be charged against the State's reserves. A State may replenish its reserves within 2 years, but after that time, the amount of potential loans in the future would be substantially reduced. The reserves are vitally important for maintaining the creditworthiness of the corporation.

Mr. Speaker, this bill is not intended to be a complete answer to the financing of our infrastructure needs, but it can be an important step in addressing a large part of the problem. The setting of priorities rests with the States. Although the Federal Government will be engaging in a new credit lending activity, several provisions in the bill contain strong assurances that loan guarantees to bond investors carry as little risk as possible against loan defaults. I believe that this legislation will provide Congress with an opportunity to address the growing infrastructure crisis in the years ahead in a cost effective manner.

CONGRESSMAN TED WEISS' STATEMENT ON REPEALING GRAMM-RUDMAN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am introducing legislation that repeals the Gramm-Rudman Balanced Budget Act. It is time Congress admit to the American people that Gramm-Rudman is a total failure. It has not reduced the Federal debt. In fact, Federal budget deficits have persisted and the overall Federal debt has burgeoned since the law was passed.

Gramm-Rudman has only succeeded in giving license to budget gimmickry. The law should be repealed so that the public is not subject to the massive cuts mandated by the law. A copy of this legislation is printed below.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Subject to section 2, the Balanced Budget and Emergency Deficit Control Act of 1985 (title II of Public Law 99-177) is repealed, effective as of the date of its enactment.

SEC. 2. EXCEPTION.

Sections 261 and 272 of the Balanced Budget and Emergency Deficit Control Act of 1985 (and section 275 of such Act to the extent that it relates to those sections) shall not be included in or affected by the repeal of such Act under section 1, and shall be effective as though this Act had not been enacted.

HONORING RABBI AND MRS. EDGAR GLUCK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, this weekend the Hebrew Academy for Special Children is honoring a very fine couple who have been an inspiration to all of us.

Rabbi Edgar Gluck and his wife, Freide, have dedicated their lives to the principle of doing good for others.

Rabbi Edgar Gluck has served in so many significant roles that space prohibits listing them here. As a liaison between our New York Hassidic communities and our government officials, he is well known as an articulate spokesperson for the desires and needs of that community.

It is taken for granted in New York that nothing ever transpires in our Hassidic communities without Rabbi Gluck's knowledge, and usually, concurrence.

Rabbi Gluck previously served as assistant commissioner for community affairs in the New York State Division of Youth. As a youth officer, Rabbi Gluck has devoted a major part of his life to our young people. Recognizing that our youth are our greatest asset for the future, Rabbi Gluck and Mrs. Freide Gluck have dedicated their lives to teaching our young people to lead productive careers. They have accomplished this laudable goal through programs to teach our young people to expend their time productively, and also through their own personal example.

Rabbi Gluck's skill led him to be appointed to New York City positions under three different mayors—John V. Lindsay, Abraham Beame, and Edward Koch. In each of his many New York City governmental roles, Rabbi Gluck demonstrated care and concern for the neighborhoods which make up "the Big Apple."

Rabbi Gluck was later appointed by Governor Cuomo as assistant to the superintendent of the New York State Police for Community Affairs. In that capacity, Rabbi Gluck has been an outstanding liaison with our law enforcement community.

Mr. Speaker, our colleague in the other Chamber, the gentleman from New York, Senator D'AMATO, will be presenting Rabbi and Mrs. Gluck with an award of appreciation on behalf of the Hebrew Academy for Special Children. I invite my colleagues to join with HASC in saluting this truly remarkable couple.

TRIBUTE TO MILLIE JEFFREY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Ms. Millie Jeffrey. Ms. Jeffrey is being honored for her years of service to Wayne State University.

J.B. Dixson, a Detroit area communications executive, has said of Millie, "she's kind of like a saint, so nobody wants to say anything too colorful about her." She has become a part of the city of Detroit's soul. She has helped define Detroit in a hopeful and optimistic way and has done it in a manner few others could. Her idealistic attitude counterbalanced with her generous spirit, have earned her the respect of an entire metropolitan area.

As Millie moves on from the Board of Governors at Wayne State University, her progressive politics have made a lasting impact on the school she has cared so much about. She has genuinely cared about the students. She also cares about justice and she has fought for both with passion and vigor.

Millie has devoted her life to the critical issues of our time: worker's rights, women's rights, civil rights and peace, just to name a few. While others may have drifted into apathy, she has never given up the fight for what she knows is right. The students of Wayne State have been fortunate to have the example of her lifetime of vigorous commitment.

I am proud to consider Millie a friend of mine and wish her the best of luck. She has set a high standard for others to follow and will long be remembered as a true friend of our community.

THE ECONOMIC STATUTE OF REPOSE ACT

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHULZE. Mr. Speaker, our Nation continues to be confronted by a crisis of astounding proportions; a crisis which is hidden to our citizens in the cost of consumer goods, services and transportation. This crisis is also leading to lost jobs and making America less competitive in world markets. The crisis I am referring to is product liability.

Today, I am introducing legislation to address one particular segment of the product liability crisis, the need for a basic statue of limitations or, in this case, a statute of repose. The bill is targeted to help manufacturers of equipment and machinery avoid lawsuits when the products they sell wear out over time through normal use. Today, a manufacturer remains liable even when the product causing injury has outlived its normal economic life and been resold, repaired, worn-out, or even altered by its user.

The Economic Statute of Repose Act is a simple and straightforward measure. It limits manufacturer liability on a product to the economic life or depreciable period for that product under section 168(g) of the Internal Revenue Code. This measure will eliminate many frivolous lawsuits and relieve manufacturers of burdensome, costly and undeserved liability insurance costs. However, it will continue to allow injured citizens to sue responsible parties which, in many cases, are those who maintain or resell manufactured products.

I urge the passage of the Economic Statute of Repose Act, a strong and necessary step forward in addressing our hidden domestic crisis, product liability.

THE UNEMPLOYMENT TAX AND RELIGIOUS SCHOOLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I am introducing legislation designed to end an inequity that currently exists in our Tax Code. The Federal Unemployment Tax Act [FUTA] exempts certain churches and religious organizations operated by churches from having to pay State unemployment taxes. This exemption extends to schools which are directly operated by churches. Although schools operated by churches are exempt, there is a class of religious schools which is presently not exempt—schools which, I believe, in equity and fairness, and for constitutional reasons, deserve this exemption.

The schools in this nonexempt class are religious schools which are not operated by churches, but are instead operated by lay boards of believers. These schools are as pervasively religious as the church-operated schools. Indeed, nonchurch religious schools would not exist except for their religious mission and are, in every way except church affiliation, religiously indistinguishable from exempt schools. It is my understanding that these schools constitute about 20 percent of the membership of the Protestant evangelical schools in the country, and that, in addition, Catholic, Jewish, and other Protestant schools fall into this category.

Simply put, these schools should not have to bear the burden of the FUTA tax. These schools are for all intent and purpose the same as church operated schools. Not exempting such schools raises serious constitutional questions with respect to the free exercise and establishment clauses of the first amendment as well as the equal protection clause of the 14th amendment. Although an effort was made to bring this issue before the Supreme Court, the Court did not reach the merits and dismissed the case on other grounds. Recognizing the constitutional issues involved, the U.S. Department of Labor deferred the initiation of conformity proceedings for roughly 2 years against States which exempt these schools from State unemployment tax "until the constitutional issue is definitively resolved." The constitutional issue has yet to be resolved and the Department of Labor has since started enforcing its interpretation of the law.

My legislation will clarify this issue once and for all by simply amending the Internal Revenue Code to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax. I believe that many Members of Congress will find religious schools in their districts that fall into this nonexempt category, and, moreover, will find that these schools merit equitable and constitutional treatment.

AID FOR THE AMERICAN BREAST CANCER EPIDEMIC

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, today I rise to urge all of my colleagues to join me in the fight to rid our Nation of a killer. I am reintroducing legislation to boost the National Cancer Institute's effort to find a cure for breast cancer. The scourge of breast cancer has reached epidemic proportions in our Nation. In 1990, 144,000 women in the United States were diagnosed with breast cancer and 43,000 died of this disease. One in ten American women will be diagnosed, at some point in their life, as having breast cancer. Early detection can be crucial, but what is needed is a cure. According to the Federal Centers for Disease Control, the death rate for victims has increased 24 percent between 1979 and 1986.

Some minor progress has been achieved in search for a cure, but many new leads cannot be currently explored. Most of the $74 million budgeted in fiscal year 1989 for breast cancer at the National Cancer Institute, was directed to treatment and clinical trials. While this work is also essential, relatively little is left for basic research and etiology. To adequately follow up on leads to a possible cure, at least $25 million in additional funds, earmarked to basic research is needed. As Dr. Marc Lippman of Georgetown's Vincent Lombardi Cancer Center recently testified before the House Select Aging Committee, an annual boost of this size over the next 5 years would radically alter the way we treat breast cancer in our Nation. For instance, recent studies suggest that a gene has been isolated which can indicate a genetic predisposition to breast cancer. My legislation will provide the National Cancer Institute with a needed boost to pursue such leads.

Mr. Speaker, with the expected deaths of 43,000 American women this year, the incidence of breast cancer has reached a crisis proportion. An additional $25 million in funding for breast cancer research is a small price to pay for a chance to advance a cure. Currently, only one out of every six approved grants at NCI gets funded.

Breast cancer is not solely an issue for women. Breast cancer uproots and bankrupts families, orphans children, and widows spouses. All of us know of someone whose life has been disrupted by this killer. The scientific community is on the right track, but more resources are needed to finish the job. I urge all of my colleagues to join in the fight and cosponsor this legislation.

SALUTE TO JIM DOUGHERTY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a good friend and an outstanding local official, Ventura County Supervisor Jim Dougherty, who officially retires on Monday after 12 years of service.

Jim's contributions during more than two decades of public service are too numerous to mention. From serving as one of my hometown of Simi Valley's first city council members to his time as a legislative assistant in Sacramento to his tenure on the board of supervisors, he has been an innovator and a leader.

Perhaps most importantly, Jim has always remembered that he was in office to serve the taxpayers. He was always seeking ways to make government more cost effective and to provide essential services at the lowest possible cost. That stance didn't always win him popularity contests with some special interests, but he was very popular with the voters, who overwhelmingly re-elected him twice.

And, Jim can leave the board knowing that while many California counties are in serious financial difficulty, Ventura County remains fiscally sound, with a reputation of being one of the best managed counties in California.

Mr. Speaker, I'm sure my colleagues join me in saluting Jim Dougherty for his many accomplishments, and for wishing him well as he leaves government service. He is a public servant who has truly made a difference.

INTRODUCTION OF A BILL TO PERMANENTLY EXTEND SECTIONS 51 AND 52 OF THE INTERNAL REVENUE CODE, THE TARGETED JOBS TAX CREDIT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I am introducing a bill to permanently extend sections 51 and 52 of the Internal Revenue Code, the targeted jobs tax credit.

The targeted jobs tax credit [TJTC] has been in effect since 1979 and has been renewed seven times. Each time Congress has been convinced that this program has successfully encouraged employers to reach out for employees from the targeted groups that have found it difficult to secure training and employment. In fact, over 4½ million Americans from groups who have problems entering the work force have been employed through TJTC.

TJTC employees include recipients of welfare, SSI and general assistance; unemployed youth; Vietnam-era veterans; the physically and mentally disabled; ex-felons and cooperative education students. By becoming part of work force, they have reduced Government expenditures for welfare, SSI, unemployment insurance, food stamps, disability payments, Medicaid and incarceration.

In the face of the emerging recession it is now more important than ever to provide incentives to employers to hire from these targeted groups. In fact, before the onset of the recession the unemployment rate for those in the targeted groups were well in excess of the population at large. I imagine that it will grow with the growth in the unemployment rate.

The TJTC has been a success. The evidence shows that over the years a positive pattern has emerged among many major employers. Many employers use the TJTC incentive as a basis to reach out to groups that they would otherwise never seek to find employees. This affirmative effort means that many secure employment that without the existence of TJTC would have been passed over or ignored. Employers knowing they will receive a credit for part of the wages paid a person are more willing to take time and effort to train those from these groups that they might otherwise ignore. Employers are often more patient with TJTC employees so many of whom are inner city youth with little or no job skills or good work place habits. A large number of TJTC employees are physically handicapped individuals who just need some time and consideration as they adapt to the opportunities they are given. Once the handicapped are given a chance they become among the most dependable, loyal and stable employees. But, without the TJTC many of these people would be economically impossible to hire.

Surely it is more efficient to spend our scarce resources by employing disadvantaged youth and the handicapped than running the risk that many of them will end up going through the revolving door of the criminal justice or health care system costing the Nation millions of dollars.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1990

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation amending the Soldiers' and Sailors' Civil Relief Act of 1940 to enhance the protection for members of the Armed Forces on active duty, including members of the Reserve components of the Armed Forces.

When a reservist is called into active duty, his earnings may be reduced by a considerable amount. As a result, the reservist may not be able to meet his car, mortgage, or personal loan payments.

Many years ago, Congress enacted the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the reservists' interests when they were called into active duty.

The one area Congress overlooked was rent. While Congress did include a provision under the housing section of the Soldiers' and Sailors' Civil Relief Act of 1940, to protect individuals from being evicted.

The current legislation will only protect the reservists dependents from being evicted as long as the rent does not exceed $150 per month, and the landlord can evict the dependents within 3 months.

My legislation would adjust the $150 rent ceiling upward to $600, and the rent limitation will be increased by a percentage equal to the cost of living adjustment for retired members of the armed services on December 1 of each year.

Additionally, the landlord will not be able to evict the reservist or his family during the service person's active duty.

Under the present laws, reservists are experiencing difficulty in meeting high rent payments.

Take for example a reservist who is making $50,000 a year, has a wife and three children. When that reservist is called into active duty his salary can be reduced up to 50 percent. How is he going to continue paying his rent and supporting his family while he is on active duty?

The Soldiers' and Sailors' Civil Relief Act Amendments of 1990 protects reservists who cannot make the high rent payments by placing a stay on their lease, as long as the reservist is on active duty for more than 30 days.

During the period that a stay is placed upon the lease, the reservist would have to pay an amount agreed upon by the reservist and the landlord, which will correspond to the sum of any basic allowance for quarters and variable housing to which the reservist is entitled to while he is on active duty.

The amount of agreed rent that is unpaid during the period of active duty will bear interest at a rate of 6 percent and will be repaid in equal monthly installments, beginning 1 month after the termination of the period of active duty, and to be paid over a period equal to four times the number of months the reservist was on active duty.

To all my colleagues that share my concern that the reservists may suffer financial hardship when called to active duty, I urge you to cosponsor this measure and send a clear message to our Nation's reservists that their hard work has not gone unnoticed.

I insert at this point in the RECORD the full text of my bill for review by my colleagues.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. STRENGTHENING THE LIMITATION ON THE AUTHORITY TO EVICT DEPENDENTS OF MEMBERS OF THE ARMED FORCES FROM RENTAL HOUSING.

Section 300(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530(1)) is amended—

(1) by striking out "$150" and inserting in lieu thereof "$600"; and

(2) by adding at the end the following new sentence: "Effective on December 1 of each year, the rent limitation on the application of this section shall be increased by the same percent by which the retired pay of a member or former member of the Armed Forces is increased for that year under section 1401a(b)(2) of title 10, United States Code.".

SEC. 3. SPECIAL EVICTION RULES FOR MEMBERS OF A RESERVE COMPONENT ORDERED TO ACTIVE DUTY.

Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended—

(1) in paragraph (2), by inserting after the first sentence the following new sentence: "Notwithstanding the preceding sentence, in the case of a member of a reserve component of the Armed Forces who is ordered to active duty for a period of more than 30 days, the stay authorized by the preceding sentence may be ordered for the period specified in section 204."; and

(2) by adding at the end the following new paragraph:

"(5) A member of a reserve component of the Armed Forces who is ordered to active duty for a period of more than 30 days and who receives a stay as provided in this section shall pay as rent during the period of that stay an amount equal to the agreed rent that corresponds to that period or the sum of any basic allowance for quarters and variable housing allowance to which the member is entitled during that period under sections 403 and 403a of title 37, United States Code, whichever is lesser. The amount of the agreed rent that is unpaid, if any, during the period of active duty of the member shall bear interest at a rate of six percent per annum and shall be repaid in equal monthly installments, beginning one month after the termination of the period of active duty, over a period equal to four times the number of months of active duty of the member.".

REINTRODUCTION OF THE DIVERSITY IN MEDIA ACT OF 1991

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, in 1973, the Federal Communications Commission [FCC] adopted internal policies designed to increase diversity in the ownership of broadcast entities. During the late seventies and early eighties, these policies helped add significantly to the number of women- and minority-owned broadcast stations. However, in 1985 the FCC's minority preference policies were called into question in the courts; the Commission suspended all license applications and pending cases where minority preferences were involved and sought to dismantle their own policies. The question of the constitutionality of these policies was in doubt for several years, but last year, the United States Supreme Court upheld the FCC's policies giving preference to minorities in the sale of broadcast stations. The legislation that I am introducing today will codify these policies and make them a part of our Federal laws.

The FCC's distress sale policy and the comparative hearing enhancement credit are two of the three most important components of efforts to increase broadcast entity ownership opportunities for minorities. Minority ownership is perhaps the most important element in providing diversity in broadcast programming and viewpoints. Diversity is a long established goal in U.S. telecommunications policy. It stems from our strong belief in the right to free speech and the principle that minority groups—both numerical and ethnic—have a right to have their viewpoints heard. Further, diversity of ownership of the broadcast media is vital to gaining a broad spectrum of views on our Nation's airwaves. Television and radio play a dominant role in informing the American public of news events and shaping their perceptions of people. If minorities and women do not have access to these mass media facilities—and without ownership, they often don't—they have no realistic chance of contributing to this exchange of information and views.

Now that the Supreme Court has ruled, it removes the uncertainty of the validity of the two policies; it's now up to Congress to take the next logical step and codify them. I urge my colleagues to support this effort.

REPEAL THE ACCUMULATED EARNINGS TAX

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I am introducing legislation which would repeal the accumulated earnings tax [AET] as it applies to widely held corporations.

The accumulated earnings tax, section 532 of the Internal Revenue Code, has been imposed on closely held corporations that accumulate earnings and profits (rather than pay them out as dividends) in order to assist their shareholders in avoiding income taxes. The 1984 Deficit Reduction Act made the accumulated earnings tax applicable, for the first time, to widely held corporations. The AET was an understandable congressional response to the formation of investment corporations which were created for no true business purpose but were simply devised to take advantage of what was at the time a huge disparity between the capital gains tax rate and the dividend tax rate, a difference which no longer exists. However, although this concern seemed legitimate for closely held corporations, it is hard to understand why there would be this same concern with respect to manipulating dividend policy in a widely held corporation.

Were section 532(c) simply unnecessary, I suppose we could just let it stay on the books. However, the continued existence of section 532(c) is actually quite harmful to the decision making process of legitimate companies. Continued application of section 532(c) to widely held corporations means that the IRS will be essentially interfering in the corporation's decision of whether or not to pay a dividend. If the board of directors of a corporation believes the corporation should accumulate funds to expand, invest, or conduct research and development, it must do so with some trepidation knowing the IRS may invoke the accumulated earnings tax. Because of the continued threat of the applicability of the accumulated earnings tax to widely held corporations, there may be a tendency for corporations to pay dividends, even when corporate resources should be accumulated for other purposes.

Whether the IRS is applying the AET with the intention of collecting it or whether the imposition of the AET is used as a bargaining chip to resolve other issues, the effect is the same—unnecessary and harmful interference in decisions that are best left to the corporation. We need to free corporate directors from the prospect of the AET and encourage companies to make capital investments in order to grow and compete in the future. This Congress, at the very least, should not be discouraging corporations from retaining capital for investment purposes.

This legislation has received hearings by the Ways and Means Subcommittee on Select Revenue Measures, and it is my hope to offer this legislation as an amendment to appropriate legislation in the Ways and Means Committee in the 102d Congress. I believe this legislation makes sense and hope my colleagues can lend their support.

STUDENT LOAN DEFERMENT LEGISLATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, I have today introduced legislation to permit the deferral of payments on federally-insured student loans during professional internships and residencies, regardless of duration. I first introduced this bill during the 101st Congress and it was cosponsored by over 100 of our colleagues.

This legislation is necessitated by changes made last year as part of the Omnibus Budget Reconciliation Act of 1989 (P.L. 101-239) in the deferment provisions of title IV of the Higher Education Act. That legislation prohibits medical residents from being classified as students for the purpose of deferment of their loan repayment. As of January 1, 1990, medical residents and other students engaged in professional internships or residencies will be eligible for deferment of Stafford, SLS, and Perkins loans for a period of only 2 years. While a mandated forbearance provision was agreed to in the Reconciliation Act that will allow a borrower the privilege of delaying repayment and capitalizing the added interest costs, medical internships and residencies can typically last for 3 to 7 years. Under current law, once a borrower has exhausted his or her deferment and forbearance, repayment must begin. On a modest stipend, the average doctor in training cannot afford a loan payment of $600 or more per month.

The growing debt burden of professional students, particularly medical doctors, has reached unprecedented levels. Eighty-one percent of 1989 graduates of medical school were indebted; the average debt of these graduates amounted to $42,374; 29 percent of this graduating class had debts in excess of $50,000. Ninety-five percent of 1989 graduates of osteopathic medical schools were indebted; the average debt of these graduates was approximately $67,000; 64 percent of the 1989 graduating class had debts in excess of $50,000 and 20 percent had debts exceeding $100,000. Finally, 89 percent of 1989 graduates of dental schools were indebted; the average debt of these graduates was $43,300; 32 percent of this graduating class had debts in excess of $50,000.

Furthermore, the educational indebtedness levels of underrepresented minority graduates are even greater than they are among indebted graduates as a whole. The average debt of 1988 underrepresented minority medical school graduates was $44,897—$6,408 above the mean for all indebted graduates that year.

This legislation I offer today will insure that a borrower can defer repayment for the duration of the internship/residency training period. Without this grant of deferment, I fear many medical students will opt for specialties with short residency periods or forgo additional training. This view is shared by the American Medical Association, the Association of American Medical Colleges, and numerous other medical and professional organizations all of whom endorse this bill. I have also received letters of endorsement from hundreds of medical and professional students from around the nation.

Representing a rural area I am concerned that many medical students who might otherwise relocate to rural America will instead opt for higher paying residencies in urban areas unless the current limited deferment period is extended. Many small cities across the country cannot even attract a single doctor. Many rural hospitals cannot find physicians in certain specialties. Unless we change current law, an already significant rural health crisis care will be exacerbated.

Mr. Speaker, this legislation is modest and needed. I urge you and my other colleagues to study the bill, which is reprinted below, and to join me as a sponsor.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the interest subsidy provided borrowers of title IV loans during periods of internship or residency is critical to the borrower's ability to complete his or her educational program;

(2) a number of professional degree programs have an essential postgraduate training component that can last from one to seven or more years;

(3) health professions programs, in particular, require periods of postgraduate training for reasons relating to qualification to practice, licensure, specialty certification, or access to hospital privileges;

(4) the educational indebtedness of graduates of professional degree programs has reached unprecedented levels;

(5) the educational indebtedness levels of underrepresented minority graduates are even greater than they are among indebted graduates as a whole;

(6) given the level of financial support provided to borrowers in postgraduate training programs (primarily through stipends), debt levels such as these can make loan repayment obligations extremely difficult to meet;

(7) growing debt burdens may discourage pursuit of advanced training, adversely affect career choice, create financial barriers to practicing in remote locations, and exacerbate minority underrepresentation in certain professions; and

(8) many health professional graduates who are committed to caring for underserved community find this career path infeasible in light of their enormous debt burdens and the inability to defer their loan payments throughout the period of residency training.

(b) PURPOSE.—It is the purpose of this Act—

(1) to permit the deferral of payments on student loans throughout the duration of post-graduate internships and residency programs; and

(2) to ensure that loan repayment obligations are not acting as a disincentive to advanced training and adversely affecting career choice and service to the poor and underserved by temporarily alleviating loan repayment requirements for borrowers serving in internship and residency programs.

SEC. 2. AMENDMENTS.

(a) GSL PROGRAM.—Section 428(b)(1)(M)(vii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(vii)) is amended by striking "not in excess of two years".

(b) FISL PROGRAM.—Section 427(a)(2)(C)(vii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(vii)) is amended by striking "not in excess of two years".

(c) NDSL PROGRAM.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended by striking out the following: "The period during which repayment may be deferred by reason of clause (vi) shall not exceed 2 years.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 1 of this Act shall apply on or after the date of enactment of this Act with respect to loans made under the Higher Education Act of 1965 before, on, or after that date.

LEGISLATION TO RESTORE SOCIAL SECURITY BENEFITS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, in 1981, the President and the Congress broke a long standing contract with the American people. In the wake of a tax bonanza for the wealthy and an unprecedented, destabilizing military buildup, Social Security benefits were reduced and in many instances eliminated. Through this action, the Reagan administration and its supporters in Congress exhibited a complete disregard for the well-being of our Nation's elderly, the disabled and their families, and the widowed and orphaned.

It is time to redress the damage wrought upon this Nation's Social Security Program. Today, I am reintroducing legislation to restore three of the most important benefits that were cut in 1981. Specifically, these bills would restore student benefits, restore parents' benefits for those caring for children under 18 years of age, and restore the lump-sum death benefit for all beneficiaries.

Before 1981, the Social Security student benefit compensated dependent students attending college or vocational school for loss of income due to the death, retirement, or disability of their parents. This important benefit helped to equalize educational opportunities for those students who could not rely on their parents during those critical few years. Workers who earned this insurance recognized and appreciated its value in safeguarding the educational and employment future of their children.

Following the 1981 cuts, these benefits were progressively phased out until 1985, when they were completely eliminated. The elimination of the student benefit has inflicted incalculable hardships on those students who are least able to overcome them. Prior to the enacted cuts, approximately 800,000 student beneficiaries received an average of $3,000 per year in benefits. The cuts have imperiled the opportunity for these children to advance and to succeed in adulthood by impeding, and in some cases destroying, their ability to pursue higher education.

The second bill I am reintroducing would restore benefits paid either to a mother or a father caring for an entitled child up to age 18.

As a result of the 1981 Reconciliation Act, this important benefit only applies through a child's 16th birthday. It is no secret that most children between the ages of 16 and 18 are completing their high school education and depend on their parents to support them. In light of this fact, it is difficult to fathom the Reagan administration's rationale for slashing away at this program.

This cut is but another example of the whittling away of Social Security's protection for families of disabled, retired, or deceased workers raising dependent children. I call upon my colleagues to reassert the priorities which existed before the 1981 cuts and support my effort to reinstate this critical benefit.

The third, and final bill I am reintroducing would restore the lump-sum death benefit in all cases. Following the 1981 cuts, this $225 benefit was restricted to death cases where there is a surviving spouse or dependent child. This benefit is no longer payable to other family members such as a sister, aunt, grandparent, or independent child, who may very well be the ones who assume responsibility for burial expenses. Estimates made when this cut was first enacted suggest that as many as 4.8 million people have been denied benefits as a result of this change.

The lump-sum death benefit is a small, but integral, part of the Social Security Program. Implemented in 1935, it has helped to ease the burden of the high costs of funerals, and has given peace of mind to the older Americans who view this sum as critical to financing a dignified burial. This cut was a shameful way to penalize workers and their families. Full funding for the lump-sum death benefit should be promptly restored.

The Social Security system does not survive on the tax receipts of American workers alone. It also relies on the continuing support and confidence of workers and their families. By drastically cutting benefits against the public will, the previous administration and its supporters eroded public trust in the Social Security system and in the Government as well. We can not continue to gamble with the hopes and aspirations of millions of Americans. It is essential for the sake of these people and for the sake of the Social Security system as a whole that we act immediately.

Mr. Speaker, it is never too late to correct grave mistakes. I urge my colleagues to join with me to restore these Social Security benefits to the people who earned them and are entitled to them.

The bills follow:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(d) of the Social Security Act is amended, in paragraphs (1)(B), (1)(E)(ii), (1)(F)(i), (1)(G)(ii), (6)(D)(i), (6)(E)(i), (7)(A) (in four places), (7)(B), and (7)(D), by striking out "full-time elementary or secondary school student" each place it appears and inserting in lieu thereof "full-time student".

(b)(1) Section 202(d) of such Act is further amended, in paragraphs (7)(A) (in two places), (7)(B) (in three places), and (7)(D), by striking out "elementary or secondary school" each place it appears and inserting in lieu thereof "educational institution".

(2) Section 202(d)(7)(A) of such Act is further amended by striking out "schools involved" and inserting in lieu thereof "institutions involved".

(c) Subparagraph (C) of section 202(d)(7) of such Act is amended to read as follows:

"(C) An 'educational institution' is (i) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or (ii) a school or college or university which has been approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body, or (iii) a non-accredited school or college or university whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.".

(d) Section 202(d)(7)(D) of such Act is further amended by striking out "diploma or equivalent certificate from a secondary school (as defined in subparagraph (C)(i))" and inserting in lieu thereof "degree from a four-year college or university".

(e)(1) Section 202(d) of such Act is further amended, in paragraphs (1)(B)(i), (1)(F)(ii), (1)(G)(iii), (6)(D)(ii), (6)(E)(ii), and (7)(D), by striking out "19" each place it appears in each of those paragraphs and inserting in lieu thereof "22".

(2) Section 202(d)(6)(A) of such Act is amended to read as follows:

"(A)(i) is a full-time student or is under a disability (as defined in section 223(d)), and (ii) has not attained the age of 22, or".

SEC. 2. The amendments made by the first section of this Act shall apply to child's insurance benefits under section 202(d) of the Social Security Act for months ending on or after the date of the enactment of this Act.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

ThisAct may be cited as the "Social Security Children's Benefits Act of 1991".

SEC. 2. RESTORATION FROM AGE 16 TO AGE 18 THE AGE OF A CHILD AT WHICH CERTAIN BENEFITS ARE TERMINATED.

(a) IN GENERAL.—Section 202(s)(1) of the Social Security Act is amended by striking out "the age of 16" and inserting in lieu thereof "the age of 18".

(b) CONFORMING AMENDMENT.—The heading of section 202(s) of such Act is amended by striking out "Over Specified Age" and inserting in lieu thereof "Aged 18 or Over".

SEC. 3. EFFECTIVE DATE.

The amendments made by the first section of this Act shall apply with respect to benefits for months after the month in which this Act is enacted.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Lump-Sum Death Benefits Act of 1991".

SEC. 2. RESTORATION OF 1981 PROVISIONS FOR DETERMINING ORDER OF PAYMENT OF LUMP-SUM DEATH BENEFITS.

(a) IN GENERAL.—Section 202(i) of the Social Security Act is amended—

(1) in the second sentence, by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) if all or part of the burial expenses of such insured individual which are incurred by or through a funeral home or funeral homes remains unpaid, to such funeral home or funeral homes to the extent of such unpaid expenses; but only if (A) any person who assumed the responsibility for the payment of all or any part of such burial expenses files an application, prior to the expiration of 2 years after the date of death of such insured individual, requesting that such payment be made to such funeral home or funeral homes, or (B) at least 90 days have elapsed after the date of death of such insured individual and prior to the expiration of such 90 days no person has assumed responsibility for the payment of any such burial expenses;

"(2) if all of the burial expenses of such insured individual which were incurred by or through a funeral home or funeral homes have been paid (including payments made under paragraph (1)), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such burial expenses;

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such expenses; or

"(4) if any part of the amount payable under this subsection remains after payments have been made pursuant to paragraphs (1), (2), and (3), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid other expenses in connection with the burial of such insured individual, in the following order of priority: (A) expenses of opening and closing the grave of such insured individual, (B) expenses of providing the burial plot of such insured individual, and (C) any remaining expenses in connection with the burial of such insured individual."; and

"(2) in the third sentence, by inserting after "No payment" the following: "(except a payment authorized pursuant to paragraph (1)(A) of the preceding sentence)".

(b) CONFORMING AMENDMENTS.—Section 216 of such Act is amended—

(1) in subsection (c), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))"; and

(2) in subsection (g), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

INTRODUCTION OF A BILL TO PROVIDE TAX AND OTHER INCENTIVES FOR ENTERPRISE ZONES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I introduce legislation to provide tax and other incentives for Enterprise Zones. In the past

Congress I introduced similar Enterprise Zones legislation. Two hundred and nineteen of my colleagues joined me in cosponsoring the legislation. Hearings on the matter were held before the Committee on Ways and Means. The President included the concept in his budget for fiscal year 1991. Enterprise Zones were seriously considered during the budget summit. Legislation was drafted and introduced to match the resources available for the program. Unfortunately, the press of the budget crisis prevented us from enacting this important advance in economic development incentives.

Two important bills were introduced to advance the discussion Enterprise Zones. One bill was introduced by the Mr. ROSTENKOWSKI, chairman of the Committee on Ways and Means. I introduced a second bill on behalf of the Secretary of Housing and Urban Development, the spiritual father of Enterprise Zones, Jack Kemp. These bills follow slightly different paths to achieve the same goal, economic development. I am convinced that from these two views we can develop effective Enterprise Zones legislation. I will again introduce the proposals of Secretary Kemp. It is my understanding that the distinguished chairman of the Ways and Means Committee will again introduce his bill. When he does I intend to be a cosponsor.

I fully expect that the President will again support the concept of Enterprise Zones and will include a proposal in his budget message. Likewise, I believe that the chairman of the Committee on Ways and Means will maintain his support for this innovation in economic development. I see merit in both approaches. I believe that my colleagues ought to review both bills and support either one or the other or even both. If there is the support for the concept, and I believe there is as evidenced by the large number of cosponsors last Congress, then I am sure as we will be able to craft legislation that will reflect the program Congress believes best able to meet its goals and within the fiscal constraints we now operate.

As the Nation slips into a recession the need for stimuli for economic development is greater than ever. This is especially true in communities bypassed during the 1980's. Enterprise Zones represent a different approach to economic development. Like programs of the past, it depends upon an initial financial input by the Government. But, it departs from traditional approaches by putting as much of the decisionmaking on which projects and businesses are assisted upon those in the community willing to take the risks. In short, it shifts power to the community away from the bureaucrats.

The Enterprise Zones legislation recognizes that the most difficult hurdles to clear in beginning a new business are capital and cash flow. Both bills provide incentives for investment in small businesses from outside sources. They both provide tax credits for wages paid to employees in the zones.

Enterprise Zones must represent a partnership between the Federal Government and State and local government. Enterprise Zones will not succeed unless there is this partnership. We have already seen this partnership work with the low income housing tax credit. By itself the credit would not have succeeded. But, with the support of the State and local governments thousands of apartments have been provided to low and moderate income families across the Nation. With Enterprise Zones this same partnership can mean new jobs for thousands across the Nation revitalized communities.

The time has come for Enterprise Zones. I urge my colleagues to support these two bills offering programs for economic development for the future.

PHILIPPINE COMMONWEALTH ARMY VETERANS BENEFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation amending title 38, United States Code, to provide that persons considered to be Commonwealth Army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans Affairs.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos fought alongside the Allies, in reclaiming the Philippine Islands from Japan.

In return, Congress enacted the Rescission Act of 1946, which limited the benefits received for service-connected disabilities and death compensation, denying members of the Philippine Commonwealth Army from being recognized as United States veterans.

Mr. Speaker, I would like to take this opportunity to commend the gentlemen from California [Mr. CAMPBELL and Mr. DYMALLY], as well as the gentleman from Hawaii [Mr. INOUYE], for their hard work toward the passage of the Immigration Act for 1990, which included a provision that will provide for the naturalization of Filipinos who served on active-duty service in the Armed Forces of the United States during World War II.

Additionally, on May 12, 1989, the U.S. District Court for the District of Columbia announced in the Quiban versus Veterans Administration case that limiting the veterans benefits received by veterans of the Philippine Army and their spouses is unconstitutional. The court stated that once the Philippine Army was called into service by President Roosevelt, they became members of the Armed Forces of the United States, serving on the same terms as other members of the United States Armed Forces.

Mr. Speaker, although Congress has begun to take the necessary steps to give the Philippine World War II veterans the recognition they so justly deserve, there is much more to be done to correct this injustice. For years veterans have been struggling for recognition and benefits they deserve. To all my colleagues that share my concern that Philippine World War II veterans deserve to be recognized as United States veterans, I urge you to cosponsor this measure.

I insert at this point in the RECORD the full text of my bill for review by my colleagues.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 38, United States Code, is amended by adding at the end the following new sentence: "Such term includes a person who is a Commonwealth Army veteran within the meaning of section 635(1) of this title.".

THE WOMEN'S BUSINESS EQUITY ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Women's Business Equity Act, a bill which provides commonsense solutions to the multitude of problems facing women business enterprises trying to do business with the Federal Government. This bill provides for permanent women's business enterprise advocacy and will greatly facilitate women's business contracting actions.

Essentially, this bill amends the Small Business Act to do the following:

First, make permanent the Office of Women Business Enterprise at the SBA;

Second, create a preemptive and uniform certification process to be used by all Federal agencies in identifying women-owned businesses for Federal contracting opportunities; and

Third, include women business enterprises in Federal procurement through prime and subcontract goal setting. This bill would further require all agencies to include at least one bid from a women business enterprise for all small purchase orders under $25,000.

A major concern of women business enterprises is that the certification process used to identify women business enterprises is exceedingly costly and cumbersome. It has frequently been more of a barrier than a pathway to participation. Certification generally includes a lengthy application and 3 years of back records and the cost can range upwards of $5,000 per application. This is a monumental waste of time and money and it is my hope through this bill to devise a more equitable certification process.

The Women's Business Equity Act would also establish a definition of a women business enterprise as one that is 51 percent owned and operated by one or more women. This is essentially the same definition used to determine economically and socially disadvantaged businesses. However, in the case of women business enterprises, the community property laws of any jurisdiction shall not apply. This provision is needed in the 13 States whose laws affect property acquired by a husband and wife through joint effort. Use of communal funds in those States is often grounds for denial of certification—even if the woman owns all the stock and controls the business operations.

Women now own about 30 percent of all businesses in the United States. By the year 2000 it could be 50 percent. Unfortunately, many barriers lie in the way of women owned businesses and their quest for equality and equity in our economy. Women owned businesses are an important segment of our economy and need uninhibited access to Federal contracting opportunities. The Women's Business Equity Act will help provide access to those opportunities. I ask all my colleagues to join with me, JOE McDADE, IKE SKELTON and ANDY IRELAND and cosponsor the Women's Business Equity Act and support fairness for women in Federal contracting.

THE TENANT PROTECTION ACT OF 1991

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ENGEL. Mr. Speaker, today I am reintroducing the Tenant Protection Act, a bill to protect law abiding tenants from eviction by the Resolution Trust Corporation.

As you may be aware, the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] created the Resolution Trust Corporation [RTC] to close insolvent savings and loans and to manage properties previously held by insolvent institutions. The RTC has interpreted FIRREA to allow the agency to cancel all contracts, including residential leases, even if the tenants are paying rent and abiding by State law.

In performing these evictions, the RTC would be overriding existing State and local laws designed to maintain affordable housing and protect tenants from wrongful evictions.

The RTC is currently planning to cancel existing leases in New York City in order to sell the apartments as co-ops or condominiums. While this situation is currently known to be occurring in New York, it could happen in any State or locality with laws to protect the rights of tenants.

I think that the RTC practices to evict longstanding, law-abiding, rent-paying citizens are wrong and should be stopped.

At the end of the 101st Congress, I introduced H.R. 5940, a bill designed to help protect tenants from eviction by the RTC. Specifically, my bill would prevent the RTC from canceling people's leases by removing the agency's right to override State or local tenant protection laws.

Mr. Speaker, I suspect that this problem is not isolated to New York. I believe this legislation will correct this horrible problem. I look forward to working with my colleagues to see that this situation is rectified.

TRIBUTE TO DANIEL J. KELLEY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HERTEL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Daniel J. Kelley, an exemplary individual whose dedication to community service and whose willingness to help those less fortunate than he is unparalleled.

After graduating from Saint Francis De Sales High School in 1945, Dan joined the carpenters apprenticeship program; but, he took time off from this program to serve his country in the Navy. Then, after 1½ years in the Navy, he returned to the apprenticeship program. He graduated in 1949 and since that time he has worked in various capacities. He was elected as business agent for old local No. 19 in 1965 and he has also held the positions of president and council delegate to the District Council, the Building Trades, and also the State Carpenter's Council, In addition, he was piledriver at large for the jurisdictional area. After leaving local No. 19, Dan went to work for the Carpenters District Council as a business agent. In 1985, Dan was elected to the position of secretary-treasurer/business manager of the Carpenters District Council of Detroit and Southeastern Michigan. When his term was up, Dan ran for re-election in 1988 and won! His current tenure will run until September 1992.

But, what sets Dan apart from others is the charitable work that he contributes to his community. Two specific instances come to mind. For the last 4 years, he has taken Thanksgiving and Christmas care baskets and gifts to the needy. He also does carpentry work for the local church. He even helped to put a new roof on the church. In addition, he has been a member of the Usher Club of Saint Eugene's Parish and the Dad's Club of Saint Francis De Sales for a number of years. Dan always helps out when needed. During a big football game between the Boys Bowl and Brother Rice, Dan was approached by the Dad's Club to run the concession stand. Well, Dan, never being able to say no agreed to help out for part of the game. All he was to sell were hot dogs, you know the ones that are already in the bun and in the foil bag. What could go wrong . . . This particular day was freezing outside, and people were lined up for anything to keep them warm. Dan is serving the hot dogs—no problem until a man who had just purchased one returns with a problem. He said the hot dog was ice cold. Dan looked at him and realized that the hot dogs were frozen and had not been in the roaster long enough to thaw out. But, Dan was not going to tell this man their error. Dan's comment to the gentleman was, "Sir, it's freezing cold out here, no wonder your hot dogs are cold—I guess you are going to have to eat the next one faster!"

Dan and Barbara Conrady were married 39½ years ago on June 9, 1951. They have 9 children and 12 grandchildren. Dan has three brothers: Councilman Jack Kelley, Frank Kelley, and Doctor Paul Kelley and one sister, Sister Mary Camille of the order of Our Sisters of Mercy.

Dan Kelley has been a great friend to many. He is always available to help wherever and whenever he can, so my dear colleagues, I ask that you join me in honoring Mr. Daniel Kelley for his dedicated community spirit.

TRIBUTE TO HARRY LEECH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a celebrated individual, Mr. Harry Leech of Mount Clemens, MI. Mr. Leech is being recognized as a Distinguished Citizen by the Clinton Valley Council Boy Scouts of America.

Mr. Leech is a lifetime resident of Macomb County and has made an impact in many areas of our community. He has been very active in the Boy Scouts throughout his life. It could be said of Mr. Leech that he literally grew up with scouting. This award is the culmination of many years of dedication to scouting.

Just as important as Mr. Leech's distinguished career in scouting is his commitment to our community. He has invested a tremendous amount of time and energy toward the youth of Macomb County. He has served on the L'Anse Creuse Board of Education and he has participated in summer enrichment programs at the YMCA.

His additional community involvement has earned him numerous accolades. It then comes as no surprise that such an eminent individual has been chosen as a Distinguished Citizen by the Clinton Valley Council Boy Scouts of America.

I commend Mr. Leech on his exceptional community involvement. He will long be remembered as a true friend of Mount Clemens.

SALUTE TO ANN ROCK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I would like to bring to my colleagues attention the many accomplishments of Ann Rock, who left office recently after 8 successful years on the Simi Valley City Council.

Ann has devoted two decades to community issues, as both a citizen activist and as a council member. And as someone who served on the city council with her for 4 years, I have always been impressed by her ability to use the skills she learned as a chemical engineer to examine an issue from all sides before making a decision based on facts, not emotion.

That's why when it came time last year to appoint a local representative to the panel overseeing the cleanup of a Department of Energy testing facility in my district, I immediately turned to Ann. In that capacity, as the others she has served in, she has done an outstanding job.

Ann has been involved in so many issues that it's hard to select highlights, but her passion for the environment has always been a top priority. She has volunteered her time and talents to help resolve many environmental and waste issues, and I'm sure will continue to be involved in many more such issues in the future.

Mr. Speaker, I ask my colleagues to join me in recognizing Ann Rock's many accomplishments. She has truly been successful in making Simi Valley a better place to live.

COMPREHENSIVE, UNIVERSAL HEALTH CARE: THE LASTING SOLUTION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, over the last decade, health care delivery problems have arisen as perhaps the most important domestic issue. A disturbing set of trends indicates that our health care system is on the verge of collapse: Almost 37 million Americans have no health insurance and millions more have inadequate coverage; an increasing number of citizens are being denied private health insurance due to preexisting health care problems; small businesses are being squeezed out of health insurance plans by premiums which rise beyond their control; the percentage of gross domestic product consumed by health care expenditures has escalated over the last 15 years from 8.4 percent to approximately 12 percent—a 43-percent increase, and; the number of older and disabled Americans needing long-term care has continued to increase. All of these trends point to an impending health care disaster.

In response to our worsening health care problems, and as a product of my experience as a member of the Pepper Commission, I am reintroducing legislation to permanently and comprehensively solve our health care problems. The bill offers:

First, comprehensive, State government-administered acute and primary care benefits for all citizens;

Second, comprehensive long-term care—home care, 6 months of front-end nursing home care, et cetera—for people of all ages who experience difficulty performing activities of daily living, and;

Third, a heavy emphasis on prevention—prenatal care, well-child care, mammograms, pap smears, colon-rectal and prostrate cancer screening exams, increased scientific research to prevent long-term care diseases, et cetera—as a means of avoiding painful health problems and containing costs.

The system I have proposed is an Americanized version of the popular Canadian Health Care Program. Acute care, long-term care and preventive care will be administered by State governments. The States must also provide a significant portion of the funds for the new system. In addition, States will be responsible for soliciting one or more health delivery proposals from private insurers, hospitals, HMO's, PPO's or any other group wishing to participate, thereby assuring continued delivery competition and consumer choice. Great care has been taken to ensure maximum flexibility for States to implement systems which meet their particular health care needs.

The Federal Government will provide a portion of the financing and oversight of State health delivery budgets and systems. Strict Federal standards regarding the basic benefits package, quality of care, adequate funding, and cost containment provisions are built into the system. This kind of health delivery system is extremely popular in Canada and I am convinced it will become as popular in the United States. In fact, a recent poll has shown that 67 percent of Americans support national health insurance.

Mr. Speaker, no proposal for solving the Nation's health care crisis can succeed unless it directly attacks the root of the problem—costs which rise two to three times faster than the rate of inflation. Cost containment in my proposal takes several forms: State governments must submit State health care budgets to a Federal oversight agency which will inspect them to ensure quality of care, adequacy of financing, and cost containment provisions; State approval of global hospital budgets; State negotiations for fair and adequate provider reimbursement; streamlining of claims processing, and; prevention in the form of acute care prevention benefits, State-based education programs designed to avoid unhealthy lifestyles, and greatly increased scientific research into prevention of aging diseases which cause the most chronic and expensive forms of illnesses.

These are tough cost containment measures designed to actually reduce our current health care expenditures. In 1990, the United States will spend approximately $661 billion and 12 percent of our GDP on health care, yet we do not have a long-term care insurance system in place and 37 million Americans have no acute care health insurance. In contrast, Canadians will spend only 8.5 percent of their GDP on health care and they offer acute care and long-term care insurance to all citizens. If we can reduce our level of spending to the same level as Canada, we will save almost $200 billion per year.

These savings should be spent on other problems which limit our international economic competitiveness such as deficient education, inadequate scientific research and development for new products and processes, environmental clean-up, and housing for the needy. To continue to allow health-related expenses to consume such a large and increasing portion of our economic output will dramatically worsen our international competitiveness.

Finally, Mr. Speaker, when its cost containment provisions take full effect, my plan will offer expanded health care services, including long-term care and prevention benefits, for the same amount of money—or less—than we are currently spending. The history of our current system has been one of increasing exclusion from services, wildly escalating costs and greater pain for people. It's time to summon our collective courage and repair America's health care system once and for all.

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation which eliminates the earnings test for Social Security beneficiaries over the age of 65, as well as raises the cap on outside earnings for those Social Security beneficiaries between the ages of 62 and 65.

Under current law, Social Security beneficiaries under the age of 70 who are employed or self-employed receive their full benefits unless their earnings exceed the annual earnings limitation. My bill eliminates the earnings test for senior citizens over the age of 65, and raises the present limitation on exempt income from $7,080 to $9,315 for senior citizens between the ages of 62 and 65.

Currently senior citizens over the age of 65 lose $1 for every $3 which they earn over the income cap. While this is an improvement over the previous 1:2 reduction—a reduction that those seniors under the age of 65 are still subject—the reduction translates into a draconian tax rate of 33 percent for our Nation's seniors. A tax rate that is not affordable by most seniors.

Take for example a senior over the age 65 earning a modest amount just over the earnings cap is subject to the earnings test 33 percent marginal tax. When the income and Social Security taxes that seniors pay are added, the total tax bill can reach 60 percent of a senior's earnings.

The Social Security earnings test originated with the creation of the Social Security system in 1935. One purpose was to remove older workers from the labor force in order to create jobs for the young. However, in today's labor situation, seniors are able to meet the increasing demand for service-oriented workers, and most importantly, they enjoy working. By allowing seniors to return to the work force they will provide many benefits to our Nation, such as increased tax revenues, as well as alleviating the depression and loneliness that often accompanies the later years in an individual's life.

Senior citizens make up approximately 34.9 million of the population, and this number is growing steadily. Our Nation's seniors are skilled, knowledgeable, reliable, and eager to work.

Mr. Speaker, I urge all my colleagues to take this opportunity to help our Nation's seniors by reforming the earnings test.

I insert at this point in the RECORD the full text of my bill for review, and I invite my colleagues to cosponsor this vital measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Earnings Test Amendments of 1991."

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "(retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "(retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

(b) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C 403) is amended—

(A) in the last sentence of subsection (c), by striking "Nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

SEC. 3. INCREASE IN EXEMPT AMOUNT UNDER EARNINGS TEST FOR BENEFICIARIES UNDER RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual shall be $776.25 for each month of the individual's taxable year ending after 1991 and before 1993.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1991.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203(f) of such Act (42 U.S.C. 403(f)) is further amended—

(A) in paragraphs (1), (3), and (4)(B), by striking "the applicable exempt amount" and inserting "the exempt amount";

(B) in paragraph (8)(A), by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be effective"; and

(C) in paragraph (8)(B)—

(i) by striking "the exempt amount" and all that follows through "whichever" in the matter preceding clause (i) and inserting "the exempt amount for each month of a particular taxable year shall be whichever";

(ii) by striking "corresponding" in clause (i); and

(iii) by striking "an exempt amount" in the last sentence and inserting "the exempt amount".

(2) Section 203(h)(1)(A) of such Act (42 U.S.C. 403(h)(1)(A)) is amended by striking "the applicable exempt amount" and inserting "the exempt amount".

(3) Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "which is applicable to individuals described in subparagraph (D) thereof" and inserting "which would be applicable to individuals described in subparagraph (D) thereof as in effect on December 31, 1990, but for the amendments made by the Social Security Earnings Test Amendments of 1991".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1991.

TRIBUTE TO JACK KEMP

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. COUGHLIN. Mr. Speaker, as the ranking Republican on the House Select Narcotics Committee, I believe a critical objective of our war against drugs must be eliminating drug abuse and drug-related crime and violence from public housing. This country is fortunate to have Jack Kemp, the Secretary of Housing and Urban Development, leading this fight. In spite of his many other responsibilities, including cleaning up the HUD scandal, Jack Kemp has made the drug war a top priority.

On May 10, 1989, in cooperation with President Bush and the Office of the National Drug Control Policy, Kemp announced a 10-point plan for HUD antidrug initiatives based on the responses and recommendations from public housing authorities around the Nation. The plan included the following: First, asking U.S. attorneys to seize apartments of drug dealers and users and return them to legitimate law abiding tenants; second, reclaiming vacant units for legitimate purposes and denying drug dealers access to such units; third, creating an antidrug hotline at HUD for residents to report drug-related criminal activity in confidence; fourth, using Comprehensive Improvement Assistance Program [CIAP] funds to assure decent drug-free public housing for America's low-income families; and fifth, using HUD money to support boys and girls clubs to set up athletic programs in public housing. This program was met with extensive public approval and HUD is working to establish additional appropriations for this initiative.

Furthermore, a new clearinghouse was proposed to help housing officials, residents and community leaders to achieve drug-free housing. People may call to receive information and assistance on prevention and enforcement from local agencies. Thus, tested strategies are made available to all people concerned with public housing and the war on drugs.

Additional resources are being provided to effectively attack the scourge of drugs in public housing. Recently, $97.4 million was made available by HUD for the Public Housing Drug Elimination Program. This is a dramatic increase from $8.2 million in the first round of the program.

As HUD Secretary, Kemp must address many of today's most pressing problems including homelessness, poverty, and drugs. He has proposed programs in all of these areas, which indirectly impact on the drug problem. One of the most promising programs, now working its way through Congress, is HOPE [Home Ownership and Opportunity for People Everywhere].

In March 1989, Kemp announced a decision to waive the lengthy Federal eviction process in public housing agencies in Virginia. This waiver significantly reduces the time it takes to oust drug traffickers from housing by at least 6 months. Three months later HUD agreed to exempt public housing projects in Washington, DC from the Federal eviction processes, thereby hastening disciplinary action. Since then, Kemp expanded the waivers to interested jurisdictions across the Nation. These decisions have been met by favorable response especially among the law-abiding citizens of public housing

Jack Kemp deserves to be recognized for his distinguished service as HUD Secretary. Secretary Kemp has innovatively approached the many-fold problems of housing. His relentless efforts are testimony to his understanding and respect for the American people. Secretary Kemp has repeatedly demonstrated his heartfelt belief that Americans, even poor Americans, have a right to live in decent housing, safe from the blight of drug-related crime and violence.

PUBLIC HEALTH EMERGENCY FUND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, many American communities from coast to coast have at one time or another been struck by public health emergencies. The most obvious such emergency is the AIDS epidemic which is decimating the economic, medical, and human resources of many U.S. cities. But public health care systems have also been faced with Legionnaire's disease, toxic shock syndrome, and other illnesses—and the plague of drug addiction certainly could qualify as a major public health emergency.

When an American community suffers the ravages of an earthquake, hurricane, or flood, a variety of Federal assistance programs are available to States and localities to help them protect public health and rebuild property. We do not expect State or local governments to shoulder this financial burden alone.

I believe that the same logic should apply when public health emergencies, such as those mentioned above, arise. State and local governments cannot anticipate these sudden crises when formulating their budgets. Hospitals and health departments may be unable to mobilize adequate resources expeditiously during an emergency. Sufficient funding for facilities, personnel, and equipment may simply not be available.

A mechanism that permits the Federal Government to assist these jurisdictions, as needed, is essential. In a public health crisis, compassion and understanding are just not enough.

Mr. Speaker, the bill I am reintroducing today would establish a $200 million revolving fund for treatment, and prevention services in response to a public health emergency. The funds would be provided, on an emergency basis only, through grants and contracts to State and local governments in areas particularly hard hit by a health crisis. Those governing bodies would have the option of providing services directly, or contracting out to institutions such as hospitals, clinics, hospices, and community-based organizations.

This legislation amends the Public Health Emergency Act, enacted during the 98th Congress, which provides emergency funds solely for research into the cause, treatment and prevention of health crises. The fund that I am proposing would complement this act by providing resources for actual treatment and prevention activities.

Mr. Speaker, the best example of the need for this fund is the most recent example. AIDS has hit certain cities across the country particularly hard. These cities include New York; San Francisco; Miami; Los Angeles; Newark; Houston; Washington, DC; and Chicago. In most cases, the local governments are doing the best they can to respond with treatment and prevention efforts, but they are drawing on already scarce resources. The public hospitals, for example, already suffering from inadequate resources, are overwhelmed.

Title I of the recently enacted Ryan White Comprehensive AIDS Resources Emergency Act [CARE] establishes a grant program to provide emergency assistance to cities with the highest numbers of AIDS cases. This excellent legislation was sorely needed, however, it is limited specifically to the AIDS epidemic, and cannot be used to fund other health emergencies should they arise. Furthermore, funds appropriated for the CARE programs are limited. The program authorized by my bill could be used to supplement CARE funds.

This legislation will not cover the enormous expenses associated with an epidemic as costly as AIDS. However, had there been a public health emergency fund when AIDS was first identified as an infectious disease spreading rapidly among vulnerable Americans, it would have provided the early assistance for prevention that may have helped to keep the disease from spreading as rapidly as it has. Without outside help, local efforts can be expected to focus on only the most immediate needs, and in the case of AIDS this was all too often at the expense of prevention strategies.

Mr. Speaker, an alarming and ever-increasing number of Americans are suffering from a frightening disease that no one anticipated. Who knows when an outbreak of a new epidemic will occur. Let us be prepared to help cities and States fight it wherever and whenever it arises. It is imperative that the Congress communicate to State and local public health officials—and to the American people—that next time they need not face the struggle alone.

I strongly urge my colleagues to join me in cosponsoring this important legislation. The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR THE PREVENTION AND TREATMENT OF PUBLIC HEALTH EMERGENCIES.

(a) IN GENERAL.—Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

"(c)(1) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts with States and political subdivisions of States for programs conducted or supported by the States and political subdivisions for the prevention and treatment of public health emergencies determined under subsection (a) to exist. Funds provided under grants and contracts under this paragraph may be used by States and political subdivisions to conduct such programs and to provide grants and contracts for public and nonprofit private entities to conduct such programs. Applications for grants and contracts from the Secretary shall be subject to such conditions as the Secretary may by regulation prescribe.

"(2) There is established in the Treasury a fund designated the 'Public Health Emergency Prevention and Treatment Fund' to be available to the Secretary without fiscal year limitation to carry out paragraph (1). There is authorized to be appropriated to the fund $200,000,000 for fiscal year 1991. For fiscal year 1992 and each fiscal year thereafter there is authorized to be appropriated to the fund such sums as may be necessary to have $200,000,000 in the fund at the beginning of such fiscal year.

"(3) The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than ninety days after the end of a fiscal year—

"(A) on the expenditures made from the Public Health Emergency Prevention and Treatment Fund in such fiscal year; and

"(B) describing each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which were conducted or supported by expenditures from the Fund.".

(b) CONFORMING AMENDMENT.—Paragraphs (1) and (2)(A) of section 319(b) of such Act are amended by striking "Fund" and inserting "Research Fund".

INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE TO STRENGTHEN THE RULES PROHIBITING DISCRIMINATION IN SOCIAL CLUBS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code to strengthen the code's provisions designed to deny tax advantages to private clubs that discriminate.

The unfortunate circumstances surrounding this past summer's Professional Golfers' Association Championship at a country club with an admitted practice and policy of racial discrimination raised important questions about the tax treatment of private clubs. When I read of the situation in Birmingham I was very disappointed that we still must face these indignities in today's society. Knowing that private clubs still enjoy certain tax benefits I was certain that Congress would agree that tax preferences should not be available in connection with activities at private clubs that discriminate on the basis of race, color, religion or sex.

To put an end to these abused preferences I introduced legislation in the 101st Congress and am today introducing legislation to address the issue. This bill would deny deductions for dues to clubs that have been found to have a pattern or practice to discriminate on the basis of race, color, religion, or sex even where the primary purpose of the membership is business. It would also withdraw the favorable tax deduction treatment for tickets to sporting events benefiting charities at clubs that similarly discriminate. Finally, it would expand the provision in the code section governing nonprofits that denies the benefits of being a nonprofit where the organization has a written policy to discriminate on the basis of race, color, or religion to discrimination on the basis of sex.

I should note that the Professional Golfers' Association Tour responded quickly and appropriately to the incidents last summer. The PGA Tour announced that they would no longer hold events at clubs that maintained a pattern or practice of racial, religious, or sexual discrimination. The PGA Tour recognized that these practices have no place in American society.

Generally, as long as we allow business deductions for entertainment expenses in connection with business we should have no objection to the deduction of dues for private clubs used by the taxpayer for legitimate business purposes. Likewise, we should support preferential treatment for tickets to charity sports events. However, the average American taxpayer should not be subsidizing clubs that have a pattern or practice of racial, religious, or sexual discrimination.

PREPAYMENT OF DEATH BENEFITS BILL

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. KENNELLY. Mr. Speaker, I believe we can enact improvements in our health care system this year despite the deficit and a pay-as-you-go budget. I am referring to legislation I am reintroducing today which has the potential to make the lives of terminally ill patients significantly easier.

This legislation would allow individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, to receive the proceeds of their life insurance contracts on a tax free basis.

I believe that access to these assets will make the lives of the terminally ill significantly easier with little cost to the Federal Government.

Under current law, life insurance proceeds payable on death are generally tax free. This legislation, therefore, should have only a minor revenue impact in that the only change would be one of timing—tax free receipt of life insurance proceeds 1 year earlier than otherwise would be the case.

In addition, access to these assets is critical to those many terminally ill individuals, who have no health insurance. To the extent that these individuals tap their life insurance policies to pay their final health care costs, Federal dollars will be saved.

FACT SHEET—KENNELLY PREPAYMENT OF DEATH BENEFIT LEGISLATION;102D CONGRESS

Individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, can elect to receive the proceeds of their life insurance contracts on a tax free basis.

The physician doing the certifying must be licensed under state law.

Favorable tax treatment applies to both riders and new policies.

The cost of a prepayment option under a life insurance contract is not treated as a "qualified additional benefit". (QAB)

Under no circumstances may the living benefit exceed the death benefit.

Existing federal tax law allows death benefits to be used for any purpose. The bill does not propose to alter current law.

In general, state law provides that except in the case of an irrevocable beneficiary designation, consent of the beneficiary is not required to alter or surrender the policy as insurance contracts are written pursuant to the state contract law and generally the policyholder legally owns the policy and has the legal right to alter the beneficiary until death. The beneficiary has no legal right to the benefit until death. The bill does not propose to alter or pre-empt current state law.

In the event of a fraudulent physician's certification, current law provides for prosecution under normal criminal fraud statutes. The bill does not propose to alter current law.

In general, current state law allows insurance companies to pay death benefits in a lump sum or on a periodic basis. The bill does not propose to pre-empt or alter current state law.

Should the question arise, current Federal tax law provides that cash value comes out of the policy first. The bill does not propose to alter current law.

Current Federal tax law provides that to the extent there is a sale of a life insurance policy to a third party, there is a taxable event to the extent the policy proceeds received by the third party upon the death of the insured exceed the price the third party paid the insured for the policy. The bill does not propose to alter current law.

INTRODUCTION OF WETLANDS PROTECTION AND REGULATORY REFORM ACT OF 1991

HON. JOHN PAUL HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HAMMERSCHMIDT. Mr. Speaker, today I'm introducing the Wetlands Protection and Regulatory Reform Act of 1991. This comprehensive legislation revises the Clean Water Act's controversial section 404 wetlands permitting program. It offers a more balanced approach to identifying and regulating true wetlands, achieving a no overall net loss of wetlands goal, providing greater deference to State and local decisionmakers, and affording greater protections to private property owners. In addition, it would prohibit the Corps of Engineers from implementing major increases in the fees for their regulatory program.

This bill is in direct response to over 2 years of extensive hearings by the Public Works and Transportation Committee and countless government reports. I think it embodies the growing public sentiment that the Nation's wetland laws need serious revision. This is particularly true for farmers and other private property owners, as well as local elected officials who are often prevented from pursuing important public works because of conflicting or intrusive regulations.

My bill, however, does not limit itself to providing regulatory relief for farmers and other members of rural communities. It reflects the views of those who value wetlands but recognize not all wetlands are created equally. The legislation should also appeal to those who believe Federal regulators need to provide a more predictable, streamlined permitting process that respects private property rights and avoids unnecessary intrusions into land use and other matters involving State and local decisionmaking.

In addition, my bill sends the clear signal that increased education and incentives for private stewardship are preferable to heavy-handed regulations or counterproductive finger pointing at particular groups.

Mr. Speaker, I urge my colleagues to support this legislation and to get involved in the ongoing wetlands policy debate. As recognized recently by William Reilly, the administrator of EPA, wetlands protection and regulatory reform should be one of the Nation's environmental priorities this year and next.

With enough support from my colleagues, I hope to move this bill, or at least the concepts embodied in it, as part of the upcoming debate on clean water act reauthorization or possibly as separate legislation. Either way, the need for wetlands protection and regulatory reform is too great to settle for continuing the status quo.

The time and action is now. We simply cannot tolerate another 2 years of the same stagnant regulatory program. In some cases, "the bureaucratic tail may be wagging the congressional dog." My bill will help to provide the needed congressional guidance to get the section 404 Program back on track and on the path toward a reasonable goal of no overall net loss.

Admittedly, this bill represents one of several attempts to address a complicated and certainly controversial issue. It is not perfect legislation; nor will it solve every single problem with the section 404 Program. But it represents a good start. Perhaps most importantly, my bill will help to continue the dialogue and promote some of the consensus recommendations by those who want a stronger, fairer, and more effective wetlands protection program.

The bill is similar in many respects to H.R. 5968, the Wetlands Conservation and Management Act of 1990, introduced last session by Representatives HAYES, RIDGE, THOMAS, TAUZIN, and others. I applaud the efforts of the Sunbelt Caucus and others instrumental in developing H.R. 5968. Their legislation, like my bill, signals a growing consensus among public and private entities that Congress needs to revise the Section 404 Program if it is serious about protecting wetlands and property rights and promoting better government.

For all these reasons, Mr. Speaker, I urge my colleagues to support the Wetlands Protection and Regulatory Reform Act of 1991.

Attached is a summary of the bill's major themes.

HIGHLIGHTS OF THE WETLANDS PROTECTION AND REGULATORY REFORM ACT OF 1991

1. Establishes in the Clean Water Act a "no overall net loss" goal and a differential protection policy (i.e. "no net loss" of quality wetlands with a mitigation policy tied to the value of the wetlands destroyed).

2. Defines "wetlands" in the Clean Water Act. Provides a clear definition of the term along the lines of the wetlands delineation manual with modifications to exclude prior converted cropland and land which is saturated for less than 21 days during the growing season.

3. Consolidates program authorities within the Corps of Engineers while providing for significant involvement by the Environmental Protection Agency.

4. Prohibits implementation of the proposed increase in fees charged by the Corps in connection with the administration of their regulatory program.

5. Encourages mitigation practices and policies, including increased use of mitigation banks.

6. Establishes permitting procedures and protections such as time lines for permit decisions, requirements to consider economic, social and other matters in the public interest, and an administrative appeals procedure.

7. Clarifies and broadens existing agricultural exemptions ("normal farming" and drainage ditch maintenance) under section 404(f)(1) and limits the application of the section 404(f)(2) "recapture" provisions; also provides an exemption for state-approved abandoned mine reclamation projects.

8. Requires a formal rulemaking for developing changes to the wetlands delineation manual, mitigation policies, and EPA guidelines.

9. Expands Corps enforcement authority to bring suit for unpermitted discharges.

10. Establishes a new program in the Clean Water Act to help states develop wetlands conservation plans that can then expedite delegation of permitting authority to states.

11. Provides more streamlined and comprehensive state delegation authority for states that have developed wetlands protection plans and provides for state implementation grants.

12. Encourages greater protections for private property owners by emphasizing broader use of regulatory takings impact analyses under Executive Order 12630.

13. Authorizes expanded wetlands research and demonstration programs, including programs for artificial wetlands creation or wetlands restoration.

14. Requires improved wetlands identification and public notification procedures.

15. Requires a Federal study (with input from affected agencies and interest groups) of economic incentives to discourage unwanted development and promote improved stewardship of privately-owned wetlands.

NATIONAL GUARD ALIEN ENLISTMENT ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I have introduced today.

This measure is the result of a careful evaluation and revision of prior legislative initiatives introduced during the 101st Congress. This legislation would grant lawful residence status of certain aliens enlisting in the U.S. Armed Forces.

This bill is intended to alleviate the critical manpower shortage currently facing several national guard and reserve units throughout our Nation. On September 21, 1989, an earlier version of this measure was the subject of hearings before the House Judiciary Subcommittee on Immigration, Refugees, and International Law.

In response to comments from the Department of Defense, the Department of State, and the Immigration and Naturalization Service, I revised the original legislation to narrow its focus and making it more responsive to the bill's original intent.

H.R. 5458, introduced during the second session of the 101st Congress, was the result of those revisions. H.R. 5458, identical to the measure I have introduced today, is virtually indistinguishable from the previous measure with three important exceptions:

First, the Alien Enlistment Program would be authorized for a limited period of 3 years, and the Secretary of Defense will report to the Congress on the success of the program at the close of the 3-year program.

Second, a limit of six States with a personnel strength of less than 95 percent, instead of 90 percent, of the authorized strength of that State's National Guard as of September 30, 1990, would be eligible.

Third, finally, the new legislation would allow 1,000 aliens, rather than 3,000, to enlist in the National Guard each year in those eligible States.

With the crisis in the Persian Gulf and with an uncertain future, our Nation cannot afford to continue with an understrength National Guard.

Mr. Speaker, I insert the full text of the bill at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ACCEPT ENLISTMENTS IN THE NATIONAL GUARD FROM CERTAIN ALIENS.

Section 302 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(d)(1)(A) Under regulations to be prescribed by the Secretary concerned, an original enlistment in the Army National Guard or Air National Guard of a designated State may be accepted during the three-year test period (as defined in paragraph (8)) from a person who is not a citizen of the United States and who is otherwise described in paragraph (2) if the actual total personnel strength of the Army National Guard and Air National Guard of that designated State, at the time of such enlistment, is less than the baseline strength for that designated State.

"(B) For purposes of this subsection, the term 'designated State' means a State or Territory, Puerto Rico, or the District of Columbia that is designated by the Secretary of Defense, acting through the Chief of the National Guard Bureau, for the purposes of this subsection. The Secretary of Defense shall make six such designations.

"(C) For purposes of this subsection, the term 'baseline strength', with respect to a designated State, means 95 percent of the total authorized strength of the Army National Guard and Air National Guard of that designated State as prescribed by Federal law or regulation for September 30, 1990.

"(2) A person referred to in paragraph (1) is a person who is otherwise qualified for an original enlistment in the National Guard and who as of the date of the enactment of this subsection—

"(A) is not admitted to the United States for permanent residence; and

"(B) is present (whether or not lawfully) in the United States (including any commonwealth, territory, or possession of the United States).

"(3)(A) A person may not be enlisted under this subsection unless the person, in addition to taking the oath prescribed under section 304 of this title, declares an intention to become a citizen of the United States.

"(B) The enlistment of a person under this subsection shall be void if—

"(i) the person does not apply for adjustment of status under section 245B of the Immigration and Nationality Act within 90 days after the date of such enlistment, or

"(ii) the Attorney General determines that the person, having applied for such adjustment of status, is not eligible for such adjustment of status.

"(4) The number of persons enlisted under this subsection in the National Guard of a designated State may not exceed 1,000 during any fiscal year. The Governor (or, in the case of the District of Columbia, the commanding general) shall determine the apportionment of enlistments under this subsection between the Army National Guard and the Air National Guard, except that at least two-thirds of such enlistments shall be in the Army National Guard.

"(5) The term of an enlistment under this subsection may not be less than six years.

"(6) If, within 60 days after the beginning of war or of a national emergency declared by Congress, the number specified in paragraph (4) is not increased by law, the President may increase such number as the President considers appropriate. Any such increase may remain in effect for the duration of the war or national emergency.

"(7) In the case of an alien enlisted under this subsection who is released or discharged from service under any condition other than honorable, the adjutant general for the National Guard from which the alien was released or discharged shall notify the Attorney General of such release or discharge within 90 days after the date of the release or discharge.

"(8) For purposes of this subsection, the three-year test period is the three fiscal-year period beginning on the first October 1 after the date of the enactment of this subsection.

"(9) At the end of each fiscal year during the three-year test period, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report describing the operation of this subsection during that fiscal year. At the end of such three-year test period, the Secretary of Defense shall submit a report to Congress on the operation of this subsection. That report shall include the Secretary's evaluation of success of the enlistment program under this subsection and the desirability of continuing the program.".

SEC. 2. ADJUSTMENT OF STATUS OF ALIEN ENLISTED MEMBERS AND THEIR FAMILIES.

(a) PROVIDING FOR LEGALIZATION.—Chapter 5 of title II of the Immigration and Nationality Act is amended by inserting after section 245A (8 U.S.C. 1255a) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ALIENS ENLISTED IN THE NATIONAL GUARD

"SEC. 245B. (a) TEMPORARY RESIDENT STATUS.—

"(1) PRINCIPAL ALIEN.—The Attorney General, in consultation with the Secretary concerned (as defined in section 101(8) of title 10, United States Code) or the appropriate chief executive officer of the pertinent State, territory, or possession, shall adjust the status of an alien to an alien lawfully admitted for temporary residence if the alien applies to the Attorney General for such adjustment of status and, in the application, establishes the following:

"(A) The alien is accepted for enlistment and is enlisted in the Army National Guard or Air National Guard pursuant to section 302(d) of title 32, United States Code.

"(B) The alien is admissible to the United States as an immigrant, except as provided under subsection (c)(2).

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(E) The alien was in the United States as of the date of the enactment of this section and has resided continuously in the United States since such date.

"(2) SPOUSE AND MINOR CHILDREN.—The Attorney General shall adjust the status of an alien to an alien lawfully admitted for temporary residence, if the alien applies to the Attorney General for such status and establishes, in the application, the following:

"(A) The alien is the spouse or child of an alien lawfully admitted for temporary residence under paragraph (1).

"(B) The alien is admissible to the United States as an immigrant, except as provided under subsection (c)(2).

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(E) The alien was in the United States as of the date of the application of the principal alien under paragraph (1) and has resided in the United States continuously since such date.

"(3) TERMINATION OF STATUS.—The Attorney General shall provide for termination of temporary resident status granted to an alien under this subsection if—

"(A) it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(2), or (ii) is convicted of any felony or 3 or more misdemeanors committed in the United States, or

"(C) the alien described in paragraph (1)(A) was released or discharged from service described in such paragraph under any condition other than honorable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—The provisions of section 245A(b)(3) shall apply to an alien granted lawful temporary resident status under this subsection in the same manner as such provisions apply to an alien granted lawful temporary resident status under section 245A(a).

"(5) CONFIDENTIALITY.—The provisions of paragraphs (5), (6), and (7) of section 245A(b) shall apply to applications under this subsection in the same manner as they apply to applications under section 245A.

"(b) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) CERTIFICATION OF SERVICE.—An alien described in subsection (a)(1) may apply to the Secretary concerned or to the chief executive officer referred to subsection (a)(1)(A) for a certification that the alien (A) has at least 6 years of honorable service in the Army National Guard or Air National Guard and (B) was not released or discharged from such service under any condition other than honorable. If such an application is granted, the Secretary or officer shall issue such certification.

"(2) ADJUSTMENT OF STATUS OF PRINCIPAL ALIEN.—The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a)(1) to that of an alien lawfully admitted for permanent residence if the alien applies to the Attorney General for such adjustment and establishes, in the application, the following:

"(A) Subject to paragraph (4), there has been a certification made with respect to the alien under paragraph (1).

"(B) The alien is admissible as an immigrant, except as provided under subsection (c)(2).

"(3) ADJUSTMENT OF STATUS OF SPOUSE AND CHILDREN.—The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a)(2) to that of an alien lawfully admitted for permanent residence if the alien applies to the Attorney General for such adjustment and establishes, in the application, the following:

"(A) Subject to paragraph (4), there has been a certification made with respect to the alien's spouse or parent under paragraph (1).

"(B) The alien is admissible as an immigrant, except as provided under subsection (c)(2).

"(4) WAIVER OF SERVICE REQUIREMENT.—Upon the petition of the Secretary concerned or the chief executive officer, the Attorney General shall waive the certification requirement of—

"(A) paragraphs (2)(A) and (3)(A) for any alien if the alien was wounded in action or held in captive status (as defined under section 559 of title 37, United States Code), or

"(B) paragraph (3)(A), if the alien's spouse or parent was killed in action or otherwise died while in the line of duty.

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations of sections 201 and 202 shall not apply with respect to aliens covered under this section.

"(2) ADMISSIBILITY DETERMINATIONS.—The provisions of section 245A(d)(2) shall apply to determinations of admissibility under this section in the same manner as they apply to determinations of admissibility under section 245A.

"(d) TEMPORARY DISQUALIFICATION FROM CERTAIN PUBLIC WELFARE ASSISTANCE.—The provisions of section 245A(h) shall apply to aliens granted lawful temporary resident status under this section in the same manner as such provisions apply to aliens granted lawful temporary resident status under section 245A(a), except that any reference to a 'five-year period' shall be considered to be a reference to a 'two-year period'.

"(e) EXPEDITED NATURALIZATION.—In the case of an alien who is granted lawful permanent residence under subsection (b) and who re-enlists in the Army National Guard or the Air National Guard for an additional term of 6 years, there shall be counted toward the period of physical presence and residence required for naturalization under section 316(a), the period of physical presence and residence while the alien was in lawful temporary resident status under subsection (a).".

"(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 245A the following new item:

"Sec. 245B. Adjustment of status of certain aliens enlisted in the National Guard.".

JUDGE JOE BILLY McDADE RECEIVES BRADLEY UNIVERSITY DISTINGUISHED ALUMNUS AWARD FOR 1990

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MICHEL. Mr. Speaker, on October 17, 1990, Judge Joe Billy McDade received the Bradley University Distinguished Alumni Award for 1990. I would very much enjoy telling our colleagues why he deserves the award. But after seeing the text of his acceptance speech, I think it would be better expressed through his own eloquent words.

With the help of family, friends, and my alma mater Bradley University, Judge McDade has achieved great things. His achievements bring great honor to all of us associated with Bradley University. At this point, I wish to insert in the RECORD the remarks of Judge McDade from the Founder's Day ceremonies at Bradley University on October 17, 1990, as reprinted in Hilltopics, Bradley University, December 1990.

I am profoundly honored and grateful to the National Alumni Association and Bradley University for my selection as the Distinguished Alumnus for 1990. It would not be false modesty to acknowledge the highly competive nature of this award and the high caliber of all the nominees.

I am aware that to be considered as a candidate, "a person must exemplify the qualities of irreproachable character and outstanding citizenship" and should be one whose achievements have "resulted in a 'change for the better' in significant situations, institutions, movements or fields of endeavor, and whose achievements bring the greatest honor to Bradley University."

I must confess a small qualm that there are many others equally deserving of this award; but frankly, it is a small qualm which doesn't bother me too much. I suspect there are few others who have come so far from so little and have had Bradley University play such an important role in shaping their character and citizenship.

When I left the cotton fields of Raccoon Bend, Texas, in 1955, I had a good base but one which could have easily eroded without the right teachings. Bradley and its people, its administration and faculty, and many friends of Bradley provided the support and guidance I needed to stay on track.

I look back on my life, and I have achieved far beyond my wildest dreams. Providence has been good to me. Many of you know my story. My mother died when I was one and my father when I was ten. My grandmother raised my sister and me as a day worker. During the summer months, I would join her in the cotton field picking cotton.

I like to brag about the fact that when I was 12 years old, I was picking over 200 pounds of cotton a day. That is a man's measure of picking cotton. I didn't like the work, but something inside of me simply required me to do my best and to be the best cotton picker.

I used to sit atop the smoke house in the evenings daydreaming about what the future held for me beyond the cotton fields. Please believe me, it never crossed my mind that I would reach such high estate that a great university would honor me with its highest alumni award.

This is one of the proudest days of my life. Those persons who knew me during my Bradley days and who have followed my career over the past 35 years must share in the honor and joy of this occasion. To name a few, people like Margaret and Jim Sutherland, Kathryn and John Timmes, Jeanne and Grant St. Julian, Chet and Pat Zebell, Kal and Pat Goldberg, Lois and LeRoy Swanson, Chuck "Ozzie" Orsborn, and many more have all helped me along the way with their love, support, and friendship. There are many stories to tell of their involvement in my life.

Bradley has meant so much in my life. In large measure, I can trace back to Bradley and those tumultuous years many of the values and qualities of character I present to the world today. When I came here in 1955 as a youth of 17, I was searching for identity and a purpose. I found both.

I learned that you have to do your best the first time since you may not have a second chance. Bob Lowder taught me that when I had not studied for a test and asked him to let me retake it. He asked what made me think I would do better the second time. I said I would study harder. He said, "You should have done that the first time."

I learned that you can't expect favors in life but must earn what you get and should get what you earn. Kal Goldberg taught me that by not letting his fondness for me influence the integrity of his grades. A couple of times he managed to keep me from getting straight A's.

I learned compassion from Ozzie, who did not say one bad word to me about the foul called on me away from the ball in the loss to St. Louis in 1957, which gave Bob Ferry two free throws with no time left on the clock and Bradley leading by one point. Ferry sank both free throws. We lost the game and fell out of a first-place tie with Cincinnati for the conference championship. That's the year we went on to win the NIT.

I learned that you must live by your principles. Chet and Pat Zebell taught me that. My junior year, I was having trouble finding a place to stay off campus. Chet and Pat opened their home to me, and I lived there for two years.

I learned that one should always pursue excellence in everything one does. And most of all, I learned that a life worth living is not dependent upon your standard of living but upon the values you live by.

I believe that all of us have a yearning, a desire to be good and to do good, to care for something beyond ourselves and our appetites. Brian Griffin speaks of "the ineluctable incandescence of the human spirit." He calls it "the mystery * * * the desire to be good." It is, he says, "the secret knowledge that only by being good can we become joyful."

I further believe that an important mission of a great university is to unlock this potential. Rightly or wrongly, I recall fondly my Bradley days when within the academic community, the ancient standards of lawfulness, civility, morality, truthfulness, rational debate, and respect for an opposing viewpoint still carried authority and provided unity and amity within the educational enterprise. These teachings were not lost on me.

Things have changed much since my college days, Bradley included. But more than most institutions, Bradley has retained these ideals and is still producing the kind of man and woman who would do Lydia Bradley proud. And I am proud to be included in that number.

DEPARTMENT OF DEFENSE GUIDANCE FOR IMPLEMENTATION OF PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. COUGHLIN. Mr. Speaker, I would like to put on official record an important part of the Department of Defense's Guidance for Implementation the President's National Drug Control Strategy as it was issued by Secretary Cheney on September 18, 1990.

According to the DOD implementation guidelines,

> The supply of illicit drugs to the United States from abroad, the associated violence and international instability, and the use of illegal drugs within the country pose a direct threat to the sovereignty and security of the country.

I wholeheartedly agree with the Secretary's remarks about drugs being a national security threat. That is why I introduced H.R. 5301, the "Airborne Drug Trafficking Deterrence Act," which would provide the Coast Guard with DOD's assistance, limited authority to use force against drug trafficking planes.

Secretary Cheney highlighted the three objectives to DOD's counternarcotics program: First, to stop drugs at their source by providing logistical and reconnaissance support; second, to attack drugs in the United States by having the military assist law enforcement agencies with training, planning, and command and control of counternarcotics missions; and third, to combat drugs in transit giving a high priority to eliminating drugs entering the United States via the Caribbean Sea and the United States southern border. According to Secretary Cheney,

> The Department of Defense will proceed with planning to deploy a substantial Caribbean Counternarcotics Task Force, with appropriate air and maritime drug interdiction assets and aerial and maritime detection and monitoring assets to combat the flow of illegal drugs from Latin America through the Caribbean Sea.

I believe that my legislation is fully consistent with the Defense Department's drug strategy. It is time we recognize that drugs are a national security problem and provide our armed services the limited authority they need to deter drug trafficking. The Coast Guard, as both a law enforcement and a military agency charged with protecting the national security of this Nation, is the right agency for the job. We must take a more effective approach to help end this terrible scourge that plagues our country.

My proposal is fundamentally different from earlier proposals to provide authority for the use of force. First, my bill starts with the belief that air interdiction operations, run outside the boundaries of the United States, can be a military action. Second, my bill contains airtight safeguards to prevent the destruction of an innocent, private aircraft.

Current trafficking patterns suggest that the number of suspicious aircraft tracked in the Caribbean will be greater in 1990 than in any previous year. Recently, the Subcommittee on Coast Guard and Navigation held a hearing on H.R. 5301 reflecting the urgency of this issue.

Presently, many drug traffickers fly to a preset drop site, dip to 500 feet, and then drop drugs to friends waiting below, never landing in the United States. The smugglers rarely land with U.S. jurisdiction making it virtually impossible for the Coast Guard to take action. Our agencies have an enormous capability to monitor this activity, but little ability to do anything about it.

Pilots flying planes carrying drugs are part of huge organizations that pose a threat to the United States comparable to that we have encountered in the past from hostile nation States. These smuggling pilots should be treated in a manner similar to international terrorists. As with terrorism, the existence of statutes outlawing drug smuggling should not preclude our military agencies from using force as a deterrent in appropriate situations.

I encourage the Department of Defense to take a more careful look at the possible use of force against airborne drug traffickers, by any method of their choosing, because I believe this issue should be a national security concern. But if it is the official position of every agency of the Federal Government, including the Department of Defense, that drug trafficking, even outside our borders, is exclusively a law enforcement problem, then large expenditures by the national security community on such a problem would seem unjustified. As a member of Committee on Appropriations, I anxiously await DOD's budget request for 1992 as it applies to their counternarcotics programs. If the administration believes airborne drug traffickers are strickly a law enforcement problem, it would seem logical that law enforcement agencies should get the lion's share of the counternarcotics resources for countering such air traffic.

THE SECRETARY OF DEFENSE,
Washington, DC, September 18, 1989.

DEPARTMENT OF DEFENSE GUIDANCE FOR IMPLEMENTATION OF THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

On September 5, 1989, the President issued the National Drug Control Strategy pursuant to the Anti-Drug Abuse Act of 1988. The President's strategy provides for an integrated program of counternarcotics actions designed to move the country substantially close to the goal of a drug-free America. This guidance is designed to assist in the swift and effective implementation of the President's strategy within the Department of Defense.

The supply of illicit drugs to the United States from abroad, the associated violence and international instability, and the use of illegal drugs within the country pose a direct threat to the sovereignty and security of the country. The threat of illicit drugs strikes at the heart of the Nation's values. It inflicts increased crime and violence on our society and attacks the well-being and productivity of our citizenry. One of the principal foreign policy objectives of this Administration is to reduce, and if possible to eliminate, the flow of illegal narcotic substances to the United States. Also, the Congress has by statute assigned to the Department the duty to serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs to the United States. For these reasons, the detection and countering of the production, trafficking and use of illegal drugs is a high priority national security mission of the Department of Defense.

The Nation ultimately will be rid of the scourge of illegal drugs only through the sustained application of the energy, courage and determination of the American people. As the President's Strategy reflects, the Nation must seek to eliminate both the demand and the supply for illegal drugs, for the Nation will conquer neither if the other is left unchecked.

The Department of Defense, with the Department of State and U.S. law enforcement agencies, will help lead the attack on the supply of illegal drugs from abroad under the

President's Strategy. The efforts of the Department of Defense will complement those of other U.S. agencies and cooperating foreign countries. The Department of Defense will work to advance substantially the national objective of reducing the flow of illegal drugs into the United States through the effective application of available resources consistent with our national values and legal framework.

An effective attack on the flow of illegal drugs depends upon action at every phase of the flow: (1) in the countries that are the sources of the drugs, (2) in transit from the source countries to the United States, and (3) in distribution in the United States. The United States Armed Forces can assist in the attack on the supply of drugs in each of these phases.

INTRODUCTION OF A BILL TO PERMANENTLY EXTEND SECTION 42 OF THE INTERNAL REVENUE CODE, THE LOW INCOME HOUSING TAX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I am introducing a bill to permanently extend section 42 of the Internal Revenue Code, the Low Income Housing Tax Credit.

There is no question that there continues to be a shortage of affordable housing for low and moderate income Americans. At the same time that there is an ever increasing shortage of low cost housing units. There has been an increase in the number of young and poor renters. The result is that large segments of the poor and working class continue to live in inadequate housing and pay large shares of their income in rent.

This gap in housing for the poor and working classes developed at the same time Federal assistance for housing was dropping. In the latter part of the 1970's, Federal housing assistance was provided on average to an additional 300,000 households per year. During the 1980's, that annual increase dropped by about 75 percent. Many of the programs originating in earlier decades designed to develop new and rehabilitated apartments were reduced in size or abandoned in the 1980's. In 1986, the Tax Reform Act eliminated many of the traditional tax incentives for rental housing including housing for low and moderate income tenants.

Congress recognized the gap in production of housing for low and moderate income tenants. In the Tax Reform Act, Congress created one of the few real estate tax shelters left; the Low Income Housing Tax Credit. The credit was given a 3-year life. In 1988, and again in 1989, recognizing the success of the credit, Congress extended the program 1 more year each time.

Unfortunately, the limitations of the budget debate last year meant that the credit could only be extended until December 31, 1991.

The program has been a tremendous success. Over 250,000 units of housing have been built with assistance of the credit. By 1989, nearly all the credits allocated to the States to allocate to developers were being used. In many States the demand for credit exceeds the supply.

There is no question the Federal Government must play a role in creating equity for housing development. The credit does just that. Developers secure capital for projects by selling interests in the project to investors. The investors receive the credit. The response in the investment community has been encouraging. Thousands of individuals and hundreds of major corporations have invested in the low income housing projects to secure the credit.

You know the credit is a success when you visit a project financed with it. The pride on the tenants' faces could convince anyone that this program has achieved its goals. I am certain that we cannot expect to maintain a productive society with healthy children who stay away from the temptations that come with despair such as drugs and crime unless we start with the home and the family. We cannot start with the home and the family unless we have a decent dwelling. That is why I am convinced the credit has been a success. I have seen it in the numbers and I have seen it in the faces of the tenants.

The credit has also fulfilled one of the original goals of its framers; to encourage additional government and private sector support for housing. It has successfully created a partnership with State and local governments and nonprofit groups who have supplemented the credit with additional assistance. States and local governments are providing subsidies, low interest loans, land, tax abatements among other forms of assistance. Nonprofits are organizing tenant and community groups to empower people on their way to providing housing for themselves and their neighbors.

In 1989 and 1990, Congress made several changes to the credit to make sure that there would be no repeat of the scandals that plagued housing assistance in the 1980's. Working with State and local government officials, Congress provided structure, planning and guidance for credit programs across the Nation. This was done with a minimum of Federal rules and with great latitude being given to the States to allow them to meet their housing needs as they see fit.

With authorization for the credit expiring at the end of this year, I am introducing this legislation to make the credit a permanent part of the Internal Revenue Code. When Congress passes provisions of the Tax Code on an experimental basis like the credit within some period of time the experience should make it clear if the legislation should be made permanent. The experience of the credit has made it clear that it should be made permanent.

HASSLING SENIORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STARK. Mr. Speaker, last fall, during the budget wars, one of my constituents received a letter from our former colleague Mark Siljander, lobbying for money to save Social Security.

Mark must be doing well with this mail order scam. He sent the letter certified mail—put about a $1.10 in postage on the letter. Well, my constituent wasn't home when it arrived so he got a note from the Postal Service that there was this important certified letter for him. I figure he spent about $3.52 worth of travel expense and gasoline to drive 8 miles down to the Post Office to see what this vital letter was.

Understandably, he was upset. I think Mark owes him at least $3.52 in expenses—plus some extra for aggravation.

I can't remember anything that Mark Siljander did while he was in Congress to help seniors or the Medicare Program. I do know that as Health Subcommittee chairman in the midst of last fall's battle over huge Medicare cuts, I never once heard from him or his organization.

Dear Former Colleague Siljander: Please quit trying to scare seniors into sending you money. Even more, please quit hassling them with certified letters.

Following is a justifiably angry letter from my constitutent which should serve as a warning to others.

DEAR MR. STARK: In one of your newsletters you requested letters be sent to you that requested donations to save Social Security.

Here is one that was sent certified mail.

We had just come in from New York and found these yellow slips from the post office telling us we had one day left to pick up a certified letter. My husband is a witness in a trial, so he thought the letter was related to that. So he drives 8 miles to the main post office only to find the letter enclosed. He was so angry, (and I don't blame him.) I hope you can put a stop to this. How are we to know if these letters are legitimate?

THE PERSIAN GULF CRISIS: A HUTTERIAN VIEWPOINT

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. McHUGH. Mr. Speaker, recently I visited with several members of the Hutterian Brethren, a respected Christian community dedicated to a peaceful way of life.

Dating back to 1533, the Hutterians have a long history of experiencing persecution for their beliefs, including hardships in and ultimately expulsion from Nazi Germany. In over 450 years, no active member of the Hutterian Brethren has ever taken part in war or military service of any kind. Thousands have been tortured and killed rather than violate their consciences. As a result of their beliefs, Hutterians are officially registered as conscientious objectors.

The Hutterians with whom I met had come to Washington to share their views on the crisis in the Persian Gulf. Mr. Speaker, I would like to place in the RECORD an open letter from one of the representatives of the Hutterian faith, an individual who saw extensive combat as a marine in Vietnam and who later joined the Brethren. In addition, I would like to insert an open letter to the leaders of the world from many different Hutterian congregations throughout the United States and the world. Hopefully, these sincere and strongly-held views will strengthen our commitment to seek a peaceful outcome to the dangerous situation in the gulf.

An Open Letter to the Leaders of the World, November 18, 1990

An urgent appeal to the nations for peace, in the face of the massive military buildup in the Persian Gulf:

We are a simple people, not learned in the ways of international diplomacy or the methods of war. But we have known suffering. For over four hundred and sixty years we have called no nation or people our enemy. We have been persecuted, killed, exiled, and forced to flee from one country to another.

With God's help, giving our total allegiance to Jesus Christ, we witness that people can dwell together in peace. Coming from many nations, with some having formerly served as enemies in opposing armies, we share all things in common, living together as brothers and sisters.

We plead with you, our beloved leaders, to consider the incalculable suffering and loss of life which would result from an armed conflict in the Gulf. How can we justify such colossal anguish and such a massive allocation of the world's resources to war, at a time when the nations need to work together to confront the many desperate problems facing our world today?

We urge that all troops be withdrawn from this explosive confrontation and ask that all the resources at your disposal be committed to the search for a peaceful end to the tension there.

We pray for you in all the heavy responsibilities you carry and wish to express our deep gratitude to God for the reduction of tension brought about by the end of the Cold War hostilities. As we think of the birth of the Prince of Peace, we pray for peace in the Persian Gulf and around the globe.

We greet you in heartfelt love,
The Hutterian Brethren Church at:
Woodcrest, Rifton NY 12471 USA.
Pleasant View, Ulster Park NY 12487 USA.
Catskill, Platte Clove Rd., Elka Park NY 12427 USA.
New Meadow Run, Farmington PA 15437 USA.
Spring Valley, Farmington PA 15437 USA.
Deer Spring, Norfolk CT 06058 USA.
Oakwood, Rte 1, Box 138, Dexter MN 55926 USA
Starland, Rte 2, Box 133, Gibbon MN 55335 USA.
Crystal Spring, Ste. Agathe, Manitoba ROG 1YO Canada.
Darvell, Robertsbridge, East Sussex TN32 5DR England.
Michaelshof, Auf der Hoehe, W-5231 Birnbach Germany.

[This appeal, unanimously supported by the congregations listed above, has been sent to the leaders of the member nations of the United Nations Security Council, Iraq, Kuwait, Saudi Arabia, Iran, Jordan, Israel, Egypt, Syria, and the United States Congress, Secretary of State, and Secretary of Defense.]

Hutterian Brethren
Pleasant View Bruderhof,
New York, NY, November 27, 1990.

An open letter to Vietnam veterans and their representatives. I appeal to you to speak out on behalf of a non-violent solution to the potential horror of war that looms over the Persian Gulf.

After years of post-war seeking for a true, meaningful life, my wife and I joined the mid-Hudson valley area Hutterian Brethren. Since 1981, our three children have grown up in an environment of finding loving, lasting solutions to their daily struggles. Learning these truths as adults, we are certain that a shared life of caring for our neighbor as we would for ourselves begins to answer the need of this world.

As a sergeant in the First Marine Reconnaissance Battalion, Da Nang, in 1968–69 I began to learn this the hard way. Like all of you, I bear "CO DAU DI BINH," the marks of the wounds.

While our children grow up with memories of love mixed with struggles for change toward what is right and lasting for their lives, we veterans cannot forget the many thousands of children with very different memories.

I survived and can forget the terror of the many mortar and rocket attacks, the ambushes, and near death bout with malaria.

The marks that remain forever are the rainy day farm field burials of poor North Carolina blacks. The rain soaked flags handed to inconsolable mothers as they stand fixed in the last planting time of that same field.

The marks that remain forever are the faces of the Vietnamese, especially of the children, the faces of the boys sent home to the VA stress units.

The marks that remain forever are of the tens of thousands of suicides, the imprisoned, and the homeless—harvests of the Vietnam war.

The marks that remain forever are endless. The refugees, the prostitution of children. It does not stop and will not stop unless we fight one more battle out of reverence and compassion for life.

I am going to Washington, D.C. November 27th to urge my Congressmen and Senators to resist another war: this is our chance to fight for an end to war.

There are over 125 names of mid-Hudson valley men etched in black granite. I hope to visit them, touch their names and cry.

I greet each of you in heartfelt hope and love,

Ronald C. Landsel.

EXCESS PROFITS TAX ACT OF 1991

HON. BENJAMIN A. GILMAN

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce the Excess Profits Tax Act of 1991 and I invite my colleagues to back this measure.

During the past fall, we have seen the price of oil more than double ostensibly as a result of the Iraqi invasion and occupation of Kuwait. Fears of a shooting war breaking out in the Middle East have further destabilized the price of oil. Throughout this difficult time, the main beneficiary of the price increase and Persian Gulf crisis has been the oil industry. Oil producers have realized profits far in excess of those they had anticipated for this period, and realizing this, middlemen and retailers have raised the price of oil even further.

While those in the oil industry have seen their incomes jump in the last 2 months, our Nation's consumers and businesses have borne the brunt of these price increases at the pump. Lower- and middle-income families are especially hard hit by these high oil prices.

This excess profits measure would help to deter and redistribute the huge profits which oil companies are now realizing. Specifically, excess profits in the oil industry would be taxed at a rate of no more than 40 percent for a period of 3 years. At the same time, exploration and development of oil resources would be encouraged under the provisions of this bill.

Mr. Speaker, in these times of fear and uncertainty over the situation in the Persian Gulf, while our courageous Americans are stationed in the Saudi Arabian deserts and elsewhere to protect our interests, it is only right that those who reap undue profits from this crisis also contribute to the burdens borne by our Nation.

Mr. Speaker, I request that the full text of this legislation be inserted at this point in the RECORD:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle A of the Internal Revenue Code of 1986 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—EXCESS PROFITS TAX

"Sec. 1571. Imposition of tax.
"Sec. 1572. Definitions.
"Sec. 1573. Adjustments to income for years in the emergency period.
"Sec. 1574. Excess profits deduction.
"Sec. 1575. Energy plowback deduction.

"SEC. 1571. IMPOSITION OF TAX.

"(a) General Rule.—In addition to the other taxes imposed by this subtitle, there is hereby imposed on the income of every corporation engaged in the production of petroleum and petroleum products for each taxable year which ends or begins during the emergency period, a tax equal to 40 percent of the excess profits taxable income for such taxable year.

"(b) Taxable Years Partly in the Emergency Period.—In the case of a taxable year which begins before the emergency period or ends after the emergency period, the tax imposed by subsection (a) shall be an amount equal to 40 percent of the excess profits taxable income for the taxable year multiplied by a fraction the numerator of which is the number of days within the emergency period and the denominator of which is the total number of days in the taxable year.

"SEC. 1572. DEFINITIONS.

"(a) Emergency Period.—For the purposes of this chapter, the term 'emergency period' means the 3-year period beginning on the date of the enactment of this chapter.

"(b) Base Period.—For the purposes of this chapter, the term 'base period' means the period beginning January 1, 1986, and ending on December 31, 1988.

"(c) Petroleum and Petroleum Products.—For the purposes of this chapter, the term 'petroleum and petroleum products' means any crude oil, gasoline, kerosene, fuel oil, or home heating oil extracted or produced by any corporation doing business in the United States.

"(d) Excess Profits Taxable Income.—For purposes of this chapter, the term 'excess profits taxable income' means taxable income for the taxable year (computed with the adjustments specified in section 1573) reduced by the sum of—

"(1) the excess profits deduction for the taxable year; plus

"(2) the energy plowback deduction for the taxable year.

"SEC. 1573. ADJUSTMENTS TO INCOME FOR YEARS IN THE EMERGENCY PERIOD.

"For the purposes of this chapter, in determining the taxable income of a corporation for a taxable year ending or beginning in the emergency period, the following adjustments shall be made:

"(1) DIVIDENDS RECEIVED.—The deduction for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except that no deduction for dividends received shall be allowed with respect to dividends on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

"(2) GAINS AND LOSSES FROM SALES OR EXCHANGES OF CAPITAL ASSETS.—There shall be excluded gains and losses from sales or exchanges of capital assets.

"(3) INCOME FROM RETIREMENT OR DISCHARGE OF BONDS, ETC.—There shall be excluded income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including in the case the issuance was at a premium, the amount includible in gross income for such year solely because of such retirement or discharge.

"(4) DEDUCTIONS ON ACCOUNT OF RETIREMENT OR DISCHARGE OF BONDS, ETC.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

"(A) the deduction allowable under section 162 for expenses paid or incurred in connection with such retirement or discharge;

"(B) the deduction for losses allowable by reason of such discharge or retirement; or

"(C) in case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge.

"(5) RECOVERY OF BAD DEBTS.—There shall be excluded income attributable to the recovery of a bad debt if the deduction of such debt was allowable from gross income for any taxable year ending before the effective date of this chapter or if such debt was properly charged to a reserve for bad debts during any such taxable year.

"SEC. 1574. EXCESS PROFITS DEDUCTION.

"(a) COMPUTATION.—The excess profits deduction for a taxable year shall be the greater of the following:

"(1) 100 percent of the average base period taxable income, or

"(2) an amount equal to the total of the following amounts:

"(A) 10 percent of the first $10,000,000 of invested capital,

"(B) 9 percent of the next $9,000,000 of invested capital, and

"(C) 8 percent of invested capital exceeding $20,000,000.

"(b) AVERAGE BASE PERIOD TAXABLE INCOME.—The average base period taxable income shall be determined by computing the base period taxable income for each month in the base period, the highest and lowest aggregate of 6 months taxable income shall be dropped and the remaining sum of 24 months shall be divided by 2 to obtain a base year figure for the purposes of this chapter.

"(c) APPLICATION OF CHAPTER.—The provisions of this chapter shall apply to all corporations which were in existence during the entire or any part of the base period or the emergency period as defined in this chapter.

"SEC. 1575. ENERGY PLOWBACK DEDUCTION.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'energy plowback deduction' means the amount paid or incurred by the taxpayer during the taxable year (with respect to areas within the United States or a possession of the United States) for—

"(1) intangible drilling and development costs to which section 263(a) applies or ascertaining the existence, location, extent, or quality of any deposit of crude oil or natural gas,

"(2) the construction, reconstruction, erection, or acquisition of the following items but only if the original use of such items begins with such taxpayer—

"(A) depreciable assets used for—

"(i) the exploration for or the development or production of oil or gas (including development or production from oil shale),

"(ii) converting oil shale, coal, or liquid hydrocarbons into oil or gas, or

"(iii) refining oil or gas (but not beyond the primary product stage),

"(B) pipelines for gathering or transmitting oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines, or

"(3) secondary or tertiary recovery of oil or gas.

"(b) LIMITATION.—The amount of the energy plowback deduction for any taxable year may not exceed 25 percent of the excess profits taxable income for such year (determined without regard to the energy plowback deduction)."

"(b) The table of chapters for such subtitle A is amended by adding at the end thereof the following new item:

"Chapter 7. Excess profits tax."

(c) The amendments made by this Act shall take effect on the date of the enactment of this Act.

A FEW LINES FROM DESERT SHIELD

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, I am honored to share the following two poems that have been written by members of the Delco Poets Cooperative of Delaware County, PA.

The first poem by Mr. William Hildebrandt has been written from the perspective of an American soldier serving with Operation Desert Shield. The second poem by Mr. Fred Fessenbecker is an expression of American pride and glory.

I share these two poems with you today as a tribute to the citizens of Kuwait and our service personnel with Operation Desert Shield. May God bless our soldiers and their families with continued strength, good health, and optimism.

A FEW LINES FROM DESERT SHIELD

(By Bill Hildebrandt)

To friends and relatives so dear,
Beloved wives and sweethearts too,
We know that love's a two way deal—
That you love us as we love you.

We guys look for your written words
And photos of the home town folks.
We cherish things we used to share—
Small trinkets, even corny jokes.

Today my Mom's choice cookies came.
I saw that they'd been packed with care.
And with them came Mom's thoughtful note—
"There's plenty here for you to share".

And share I did with all the guys
Those tasty morsels from the states.
Mom's gesture made us feel so good;
She shows how high our outfit rates.

We have Old Glory flying here
Above this endless stretch of sand.
It makes us feel goose-pimply pride
And home ties with our native land.

While we stand ready for a call
To do the best that we can do,
Please pray that peace and right prevail—
That God will guide us safely through.

"OLD GLORY" "AMERICAN SHIELD"

(By Fred Fessenbecker)

Our country's flag will forever wave,
Her colors thru the sky,
To show our United American strength,
Where all may visualize,
Justice, peace and liberty,
As in the past, are still in view,
Proof, that freedom still survives,
Because of me and you,
Every star is a symbol of,
Our fifty United States,
Longed for, fought for, and nationally bought,
For future generations, to appreciate,
Every stripe, red, white and blue,
Stands for purity, love and truth,
A heritage, from our forefathers,
Who were our generation's roots,
So wave on forever, "Old Glory",
Pride of our country's might,
While we honor the patriots, of our desert shield,
And thank God, for their sacrifice.

THE WESTERN NORTH CAROLINA WILDERNESS PROTECTION ACT OF 1991

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BALLENGER. Mr. Speaker, today I am proud to reintroduce legislation I introduced last year to designate approximately 13,000 acres within the Pisgah National Forest as wilderness. The bill, the Western North Carolina Wilderness Protection Act, was approved by the House in the closing days of the 101st Congress, but was not considered by the Senate.

In 1984, Congress passed the North Carolina Wilderness Act, establishing Lost Cove and Harper Creek as wilderness study areas. Since that time, the two areas have been managed as wilderness, and in 1987, The National Forest Service recommended the two areas for permanent wilderness designation. In my view it is time to make the designation official. Last year, the House succeeded in this, and I hope I can count on the same support this year.

As you know, wilderness designation would protect these areas from timber harvesting, and prohibit the use of motorized vehicles and equipment. This would ensure the preservation of the natural resources while allowing both tourist and residents to continue hunting, fishing, and camping.

I grew up in the mountains of North Carolina, and have a real appreciation for the natural resources and the beauty that the western part of our State has to offer. I want to ensure that future generations, including my own grandchildren, will have the opportunity to enjoy these resources and beauty just as I have. I urge your support of the Western North Carolina Wilderness Protection Act of 1991. Following, is the text of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western North Carolina Wilderness Protection Act of 1991".

SEC. 2. DESIGNATION AND ADMINISTRATION.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), the following lands in the State of North Carolina are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Certain lands in the Pisgah National Forest, which comprise approximately 5,710 acres as generally depicted on a map entitled "Lost Cove Wilderness—Proposed" dated July 1990, which shall be known as the Lost Cove Wilderness.

(2) Certain lands in the Pisgah National Forest, which comprise approximately 7,140 acres as generally depicted on a map entitled "Harper Creek Wilderness—Proposed" dated July 1990, which shall be known as the Harper Creek Wilderness.

(b) ADMINISTRATION.—Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be reference to the date of enactment of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

FLSA OVERTIME PAY FOR INDIAN TRIBAL GOVERNMENTS

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. KYL. Mr. Speaker, I rise today to introduce legislation to amend the Fair Labor Standards Act [FLSA] of 1938 and put Indian tribal governments on par with all other local governments for purposes of managing and funding their police and fire departments.

Mr. Speaker, the FLSA generally provides that employees shall be entitled to time-and-one-half compensation for all hours worked in excess of 40 in a workweek. Initially, it applied only to employees who were directly engaged in commerce. Then, in 1974, Congress extended the FLSA's coverage to include most State and local employees. Police and firefighters were, however, exempted from the overtime provisions.

A number of Supreme Court cases, resulting in *Garcia* v. *San Antonio Metropolitan Transit Authority,* 469 U.S. 528 (1985), required the Congress to legislative once again in regard to police and firefighters. It did so in the 1985 amendments to the FLSA, reestablishing special overtime provisions for those police and firefighters who work for public agencies.

Unfortunately, the 1985 amendments were not made applicable to Indian tribal governments, even though many of them have police and fire departments that operate in the same manner as do those of municipalities. A review of the history surrounding the 1985 amendments leads me to believe that Indian tribal governments were not intentionally excluded from the coverage of the special provisions, but rather that the issue of Indian tribal governments was just never raised at that time.

The legislation I am introducing today would simply apply the special overtime provisions of the FLSA to Indian tribal governments and their employees.

I insert the text of the legislation in the RECORD at this point, and I urge my colleagues' support.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) Subsections (k), (o), and (p) apply to any employer that is an Indian tribal government and to employees of Indian tribal governments.".

REINTRODUCTION OF BILLS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HORTON. Mr. Speaker, today I am reintroducing six of my bills which the House of Representatives failed to pass during the 101st Congress. The following is a brief description of each of these measures and my goals in introducing them.

A bill to expand medical benefits afforded American Prisoners of War to those servicemen who evaded capture behind enemy lines. Oftentimes, the ordeals faced by so-called evadees were as traumatic as those faced by POW's. Of course, spending months in a harsh environment can have ill physical and psycological affects on any individual. I believe that it is our responsibility to ensure these brave servicemen are provided with all required medical care for ailments resulting from their efforts.

A bill to provide that the disease of transverse myelitis occurring in a veteran within 7 years from the date of the veteran's discharge or release from active duty shall be considered to be service connected. One of my constituents, Sam Tripicano, has waged a long and difficult battle against transverse myelitis, a debilitating neurological disease very similar to multiple sclerosis. While the presumptive period for M.S. is 7 years, the period for transverse myelitis is only 1 year. This leaves many American veterans such as Sam being denied their rightful medical benefits.

A bill to permit all licensed practical nurses [LPN's] and vocational nurses [VN's] to deduct from their Federal taxes the tuition expenses they incur for educational courses leading to qualification as a registered nurse. As any health care professional will attest, there is now a serious shortage of registered nurses in the United States. This legislation offers a simple and relatively inexpensive incentive for individuals to afford further nurses training.

A bill to provide financial assistance to States with the cost incurred in upgrading their crime labs to include DNA genetic testing equipment. The use of DNA material in forensic research has revolutionized America's crimefighting capabilities. Unfortunately, this new technology has expensive startup costs and States need Federal assistance in purchasing equipment. Further, my bill would allow the Director of the FBI to work with a private organization to develop a proficiency testing system so that labs doing DNA forensic testing are subject to outside oversight.

A bill for the relief of Mr. Chi Chia Long. Mr. Long assisted our troops as an interpretor during the Korean conflict and was later captured and held as a prisoner of war by the Chinese. After his tremendous sacrifices in the service of the United States, I would like to see that Mr. Long be granted permanent resident status in our country.

A bill to change the language which insurance carriers use in letters denying reimbursement to physicians under Medicare. Many physicians and patients alike have been upset by the use of the term "medically unnecessary" as a description for why a given treatment was denied coverage. This calls into question the doctors' medical judgment, which is not the intention of the letters at all. My bill would simply require the insurance carriers to decribe what about the treatment prohibited reimbursement under Medicare.

CLOSED-CAPTIONED TELEVISION IN PUBLIC FACILITIES ACT OF 1991

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. LLOYD. Mr. Speaker, today I am introducing the Closed-Captioned Television in Public Facilities Act of 1991. This legislation could also be titled the Fairness for Hearing-Impaired Individuals Act of 1991, because it is designed to increase the opportunities for access to crucial information available via television for the large deaf and hearing-impaired segment of our Nation's population.

First, I would like to mention that it has now been nearly 3 years since the Commission on the Education of the Deaf reported to the President and to Congress on the great promise of closed-captioned television. At that time we were advised that the most rapid progress for persons who are deaf and hearing-impaired could be made by exploiting a technology that has been with us for some time—closed captioning—the appearance on screen of what is being said. This important technology is available and I believe that Congress must mandate its use.

Before I describe how my bill will improve access to closed-captioned television, I would like to explain why this legislation is so critical. For 37 million citizens in the United States that suffer hearing impairment, and the 14 million persons with sufficient enough hearing impairment to deny them access to television, the Commission's report held out hope. A hope that finally they would be able to benefit from a wide range of information that those of us who hear take for granted. I am talking about more than entertainment. Television is a critical source of communication, providing world news, information on local events, and serving an important educational role.

Unless television broadcasts are encoded for closed-captions and decoding devices are available, deaf and hearing-impaired individuals are unable to receive urgent advisory messages about emergencies and catastrophies, educational programming, or entertainment.

Mr. Speaker, until the development of closed-captioned TV, less than 20 years ago, deaf and severely hearing-impaired persons had no access to the information that is routinely available via television to those of us who hear. Even today, hearing-impaired Americans generally have access to the benefits of television only when they are at home using an electronic decoder they have purchased for their personal television sets.

I would like to describe this technology very briefly. The device necessary to decode television broadcasts weighs less than 4 pounds, is smaller than a cable TV box and costs between $160 and $200. Hospitals, hotels, and other places with an in-house television cable system can provide closed captioning services for the hearing-impaired people by providing a decoder for each TV set or through head-end decoding. Head-end decoding is usually more economical. A commercial system that feeds up to 1,000 sets can be purchased for $1,800–$2,500.

Mr. Speaker, the loss of communication due to impaired hearing is a particularly important issue to older adults in our society. Nearly 38 percent of older Americans suffer from some loss of hearing and could potentially benefit from closed-captioned technology. Approximately one in four persons between the age of 65 and 74 has a hearing impairment. This is twice the rate of individuals age 45 to 64. Moreover, in the age bracket of 75 and older, 4 out of 10 persons have hearing loss.

As a Member of the Select Committee on Aging for the past 17 years, and as Chairman of the Subcommittee on Housing and Consumer Interests, I have learned about the significant relationship between hearing loss and quality of life for aging persons. Professionals in the aging network tell us that for many older persons, hearing loss begins a cycle of frustration, exhaustion and depression. In fact, researchers have linked hearing impairment to dementia in older adults. Technology to improve communication for these individuals—like closed-captioning television—becomes even more important in light of this information.

Mr. Speaker, the Closed-Captioned Television in Public Facilities Act of 1991 targets badly needed assistance to the most vulnerable of all deaf and hearing-impaired persons as well as those who can gain the most from this technology. First, my bill would require that closed-captioned television be available to deaf and hearing-impaired residents of federally-funded nursing homes and hospitals. In addition, elementary, secondary, and college students in schools that receive Federal financial assistance would have access to closed-captioned television.

Second, a provision of my bill addresses the accessibility to closed-captioned television in places of public accommodation. Under this bill, the Federal Government will not finance any conferences that are held in a facility that does not make closed-captioning services available to their guests upon request. It is my hope that this measure will encourage hotels to make this a standard service to their hearing-impaired quests.

Third, my bill will require that libraries receiving certain Federal assistance make available televisions with decoder technology.

In addition to improving access to the hearing-impaired, my bill will provide benefits to large segments of the non-deaf population. For example, closed-captioned television is helpful in learning the English language. This benefits children, adults with poor literacy skills, and those individuals learning English as a second language.

The legislation will do one other thing. By increasing the number of persons watching closed-captioned television broadcasts, it will indirectly encourage producers and networks to produce more hours of closed-captioned programming. I am happy to say that all of the prime time schedule is finally being broadcast with closed-captioning signals, as are most major sporting events. However, to encourage future expansions of closed-captioned broadcasts we must broaden the use of closed-captioned television.

Mr. Speaker, during the 101st Congress, I introduced this legislation as H.R. 3993, and I am very pleased to have worked with our distinguished colleague Mr. MARKEY, Chairman of the Subcommittee on Telecommunications and Finance, to include one of the provisions of that bill in the Americans with Disabilities Act [ADA]. It requires that federally-funded or produced public service announcements be closed-captioned. Public service announcements provide vital information on issues of National scope; from AIDS to the IRS. The Federal Government has supported the National Captioning Institute in order to promote greater availability of closed-captioned programming, and this provision is a good first step.

I was proud to have H.R. 3993 endorsed by key organizations representing the deaf and the hearing-impaired, and the disabled, including: the National Association for the Deaf, the Alexander Graham Bell Association for the Deaf, the American Society for Deaf Children, the Convention of American Instructors of the Deaf, the American Deafness and Rehabilitation Association, the American Academy of Otolaryngology, Head and Neck Surgery, the Deafness Research Foundation, the Conference of Educational Administrators serving the Deaf, Telecommunication for the Deaf, Inc., the National Captioning Institute, the National Head Injury Foundation, the National Center for Law and the Deaf, and the American Speech-Language-Hearing Association. I am committed to working with these organizations and the committees of jurisdiction in Congress again during the 102nd Congress to improve access to closed-captioned television for the hearing-impaired.

Mr. Speaker, I urge my colleagues to join me in supporting the Closed-Captioned Television in Public Facilities Act of 1991, which will help to bring deaf and hearing-impaired persons more completely into the mainstream of American life and improve literacy for both children and adults.

BUCKS COUNTY PEACE POLL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. KOSTMAYER. Mr. Speaker, I want to call your attention to the results of a Persian Gulf exit poll, that was taken to determine the current mood of voters regarding the Persian Gulf crisis. The poll was conducted on election day, November 6, 1990, by the Doylestown Peace Force, along with the Bucks County Alliance for Nuclear Disarmament [BAND], and the newly formed Bucks Advocates for Middle East Peace. By a 2-to-1 margin, the Bucks County voters surveyed rejected a military invasion of Kuwait or Iraq; 3,185 voters were surveyed at 21 polling places in predominantly Republican election precincts.

Mr. Speaker, as war clouds begin to gather, I believe that the results of this poll should play a part in the ongoing debate over the direction of our policy. I strongly commend the results to the attention of all of the Members of the House of Representatives.

FINAL PERSIAN GULF EXIT POLL RESULTS

3,185 voters at 21 polling places, heavily Republican, mostly male.

(1) What is the best way to resolve the Persian Gulf Crisis:

29% (a) By a military invasion of Kuwait or Iraq? (915)

50% (b) By letting the trade embargo and blockade run their course? (1157)

21% (c) By withdrawing U.S. forces from the area and letting international diplomacy work? (668)

(2) Do you support or oppose the use of U.S. military force in solving the Persian Gulf Crisis?

67% Support (1848).

33% Oppose (903).

(3) Does President Bush have the right to commit the U.S. to war in the Middle East without prior Congressional approval?

38% Yes (1108).

62% No (1830).

(4) Would you reduce your personal energy consumption as part of a national energy policy to decrease our dependence on Middle Eastern oil?

93% Yes (2836).

7% No (202).

(5) Should the U.S. continue to spend $50 million a day (or $15 billion per year) on military action in the Persian Gulf?

45% Yes (1170).

55% No (1407).

(Figures do not necessarily add up to 3185 on any given question because respondents did not always answer all questions.)

VETERANS FUNERAL BENEFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation to boost funeral benefits to a level previously afforded to all our veterans.

As many of my colleagues are aware, prior to 1981, a burial allowance of up to $300 was provided in all cases where a veteran died: First, of service-connected disability; second, if he was a veteran of any war; third, if he was discharged for a disability incurred or aggravated in the line of duty; or fourth, if he was in receipt of, or entitled to, disability compensation.

Under the Omnibus Reconciliation Act of 1981, the veterans' burial benefits were decreased significantly by limiting funeral benefits to veterans receiving pension or compensation benefits, or residing in a VA supported health facility at the time of death. That reduction mistakenly placed an economic value on a benefit given by Congress to ensure that all veterans would be buried with dignity and respect, regardless of their income or social standing at time of death. It is also in direct violation of a longstanding principle held by the American Legion which calls for equal benefits for equal service.

In the 1990 Veterans Benefits and Services Reconciliation Conference agreement, burial plot allowances have been further limited. The conference agreement eliminates the plot allowance of $150 with the exception of veterans who are in receipt of DVA disability benefits, such as compensation or pension.

My legislation restores the pre-1981 eligibility for veterans for the purposes of receiving funeral benefits, increases the amount of those benefits from $300 to $400, and increases the plot allowance from $150 to $300.

The death of a loved one is an emotional strain on a family, it should not be a financial one too. In these times, the cost of a burial has increased dramatically, often becoming a tremendous financial burden on the families of these veterans during their time of grief. It is my sincere hope that my legislation will help defray a portion of these burdensome costs.

We have a moral obligation to restore these benefits that we promised to our nation's veterans at the time of their induction into the service of their country, to provide them with reasonable compensation for their funeral costs. Reinstating these deserved benefits to our veterans is essential to fulfill our obligation to all those who have fought and risked their lives to protect the ideals and people of our great Nation.

I insert at this point in the RECORD the full text of my bill for review, and I invite my colleagues to cosponsor this important legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Burial Benefits Act of 1991".

SEC. 2. ELIGIBILITY FOR BURIAL ALLOWANCE.

Subsection (a) of section 902 of title 38, United States Code, is amended to read as follows:

"(a) Where a veteran dies—

"(1) of a service-connected disability; or

"(2) who was—

"(A) a veteran of any war;

"(B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or

"(C) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation;

the Secretary, in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $400 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term 'veteran' includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.".

SEC. 3. INCREASE IN THE BURIAL PLOT ALLOWANCE.

Paragraphs (1) and (2) of section 903(b) of title 38, United States Code, are amended by striking out "$150" each place it appears and inserting in lieu thereof "$300".

A COMPREHENSIVE TEST BAN

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. OWENS of Utah. Mr. Speaker, with over 400,000 American men and women preparing for battle in the Persian Gulf, the words "nuclear proliferation" have suddenly entered the lexicon of this administration. President Bush called it "one of the greatest risks to the survival of mankind." Moreover, he cites Iraq's aggressive campaign to develop nuclear weapons as the principal rationale for attacking sooner, rather than later.

This is all very puzzling in light of the administration's adamant opposition to a comprehensive test ban, a measure that would unquestionably slow the engine of nuclear competition and reduce obscenely wasteful military spending. This position not only undermines consensus on the Nuclear Nonproliferation Treaty, it weakens the credibility of our commitment to end the nuclear arms race.

Mr. Speaker, I rise today to introduce, along with 30 of my colleagues, a bill urging the President to reassess the necessity for underground nuclear explosions, and to support a comprehensive test ban. No single measure will be more effective in controlling the rampant spread of nuclear weapons than a comprehensive test ban [or CTB], an objective acknowledged in the Limited Test Ban Treaty of 1963, the Nuclear Nonproliferation Treaty of 1968, and the Threshold Test Ban Treaty of 1974. This goal was further underscored in the fiscal year 1991 Defense authorization bill, which expressed the sense of the Congress that

> * * * the United States shares a special responsibility with the Soviet Union to continue the bilateral nuclear testing talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban.

Contrary to the view that a comprehensive test ban is of minor concern to the parties of the Limited Test Ban Treaty [LTBT], a majority of signatories are convening a special amendment conference in New York from January 7–18, to consider amending the treaty to prohibit underground nuclear explosions. Not only does the Bush administration continue to oppose a CTB amendment, it conveyed to the 41 countries that requested the conference that calling the meeting itself represented an "unfriendly act."

Of the three nations with veto power over the proposed CTB amendment, only the Soviet Union pledged to support a comprehensive test ban. Regrettably, Great Britain and the United States maintain that nuclear testing must continue as long as national security depends on nuclear deterrence.

This view stubbornly ignores an improved ability to simulate nuclear effects, advances in verification technology, and greatly expanded Soviet openness. Moreover, recent improvements in stockpile reliability, security, and safety warrant a new assessment of the costs and benefits of a comprehensive test ban to nuclear deterrence and national security. They also warrant the planned phaseout over this decade of many older nuclear warheads, which were designed before recent advances in safety and security occurred.

Continued opposition to a CTB jeopardizes the future of the nuclear Nonproliferation Treaty [NPT], which must be extended in 1995. As was evidenced at the recent NPT Review conference, a majority of the parties are becoming increasingly disgruntled with the U.S. position. Without clear progress toward a CTB by 1995, the treaty may be extended for only a short period, and may ultimately lapse. Such an outcome would destroy the very foundation of the regime to prevent the proliferation of nuclear weapons.

The Limited Test Ban Treaty Amendment Conference in January offers an opportunity to expand and fortify the international nonproliferation regime. Because a comprehensive test ban amendment would apply to all parties to the Limited Test Ban Treaty, passage would include "threshold states" not currently bound by the Nonproliferation Treaty in a uniform, nondiscriminatory agreement.

More importantly, it offers a chance for the United States to assume a proper leadership role in efforts to contain the spread of nuclear weapons. To ignore this in favor of developing a third generation of exotic nuclear weapons is to ignore the national interest and the real opportunities for a new world order.

I strongly urge my colleagues to support this resolution, and send a strong signal to the President during the amendment conference this month.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLAY. Mr. Speaker, today I am reintroducing the Family and Medical Leave Act. It is the same bipartisan compromise that passed the House of Representatives on May 10, 1990, by a comfortable margin. This year, after more than 6 years of trying, I believe we will finally see this bill become law.

The Family and Medical Leave Act provides jobs security at times of great family or medical need. The bill allows an employee to take up to 12 weeks per year of unpaid leave for the birth or adoption of a child, the care of a seriously ill member of the immediate family, or the serious illness of the employee. Any preexisting health insurance arrangements must be continued during the leave period, and the employee must be reinstated into the same or an equivalent position upon return from leave. Small employers—those with less than 50 employees—are exempt from coverage of the bill. Extensive medical certification is required to confirm a serious illness. To be covered, an employee is required to have been employed by the employer for at least 1 year. Part-time employees, those working on an average less than 20 hours a week, are not covered by the bill.

The bill that I am introducing today was passed by both the House and Senate last year. The majority of the Congress has already spoken on the need for this legislation. More importantly, the American public wants this bill to become law.

The legislation that we see today is a result of many years of negotiation and compromise. This is the fourth Congress to witness the introduction of family and medical leave legislation. When we began in 1985, we were asking a lot more from American employers. But through the years of talking with workers and employers alike, we have arrived at a modest, bipartisan, compromise that balances a worker's need for job security during a family emergency with an employer's day-to-day requirements in operating a successful business.

The gap between the leave policy in this country and the rest of the world has continued to widen. Recently we learned that Europe is likely to substantially strengthen its family leave policies. Why is it that families the world over seem to get better treatment than do families in this country? We certainly profess to care about our families. There is no shortage of rhetoric about how important it is to "preserve and protect" the family. But when it comes to the basics, we don't match the rhetoric with action. We simply cannot say that we care as much about families here as they do there until we show it with our actions.

Europe is strengthening its law not only because it helps families but also because it is good business. They realize the importance of investing in the work force to remain competitive. Productivity and efficiency requires tending to the needs of the work force. Family needs are one of the most pressing concerns of today's workers. Our competitors are tending to these needs, we are not. Far from hurting our competitiveness as some have maintained, establishing a leave standard will help us compete.

President Bush vetoed this legislation in June of last year. It is my belief the President will reevaluate his opposition. Hopefully my colleagues, who have strongly supported the bill throughout the many years of compromise, will prevail on the President to reconsider. Hopefully the newly designated Secretary of Labor, who as a House member voted for the bill and voted to override the President's veto, will help the President reevaluate his position. Perhaps the fact that a growing majority of the American people strongly support this bill will encourage the President to take a second look. Because of the great value the President places on the family, he should be for the bill.

Mr. Speaker, the Family and Medical Leave Act is a bill that everyone in Congress should be able to support. I hope that we will see it move through the legislative process quickly in the 102d Congress.

INTRODUCTION OF OMNIBUS SMALL BUSINESS LEGISLATION

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. IRELAND. Mr. Speaker, as we begin the 102d Congress I would like to take this opportunity to salute those men and women who were such an integral part of our recent decade long economic recovery and who will be the foundation of the next economic upswing. I am talking about our Nation's job producers, innovators, and a major portion of our very social fabric—our small business community. In recognition of this vital economic segment today I will introduce an omnibus small business bill. I do this each Congress and it has been very rewarding. For example, over the last 2 years working with other Members in both Houses of Congress, we were able to see many issues I had raised addressed by various committees including a new White House Conference on Small Business, coverage of the Internal Revenue Service under the Regulatory Flexibility Act, and a study to address the remarkable small business information system developed by the European Community.

Last year, the House Republican Research Committee's Small Business Opportunities Task Force, which I was fortunate to chair, worked with the small business community to develop a set of small business legislative priorities. I shared the resulting "Small Business Policy Statement" with more than 8,000 small businesses around the country, and asked for their review and comment. The response was overwhelming.

The largest number of comments came on the issue of health care. Letter after lettter cited the lack of affordable health care as the number one small-business problem. "We not only cannot find affordable health insurance, but it is getting more difficult to find health insurance companies at all," said one company. "Our business health insurance policies have had rate increases every 6 months for the last year-and-a-half, and we have never had a claim," related another firm. "Health care costs are going to put us out of business if something is not done," laments yet another small business owner. Clearly, we in Congress must do something to address this problem.

The general business environment is also of vital concern to the small businesses we heard from. "We always want to comply with Government regulations, but the most difficult part is understanding what the Government wants and trying to translate that into something the company can operate within," one company wrote. "It is very difficult for a small business to meet all the demands that are required by law."

Another firm contends that "We are top-heavy with out-of-touch bureaucracies in this country * * *" "We spend 50 percent of our office time on records and filing paperwork for the State and Federal Government," says another. "Government has grown so large that it does not see itself as a servant of its citizens anymore. It's like them against us. Government needs to work with private enterprise to make America competitive in the world. Those who are willing to take a risk to start a business and therefore provide jobs for other citizens should be helped, not hindered at every turn," concludes another frustrated small business owner.

These small businesses are sending a message to Congress loud and clear; they care about their employees, they want to do something about the social problems we face in this country, and they want to be responsible, active members of their communities and our country. But we in Congress must work with the small business community to build legislative solutions that stimulate and encourage small business participation and cooperation. We need to reject failed bureaucratic approaches to governing, and to offer pro-active strategies for dealing with the issues we face as a nation in a way that complements free-market initiatives rather than competing with them.

Mr. Speaker, the ideas contained in my omnibus bill are for the most part not new. Many of them have been introduced by either myself or other Members before in various forms. All the issues are important however and deserve our attention. I will briefly describe the seven titles of the bill and my intentions.

First, I propose to raise the status of the Administrator of the Small Business Administration to Cabinet level. As the President's principal adviser on all matters relating to small business the Administrator would be extremely valuable at all Cabinet sessions devoted to various economic questions confronting the Nation. This elevation would merely mean a small adjustment in the Administrator's pay status. The Cabinet exists solely by tradition and serves as a sounding board and an advisory body to the President. In no way would Cabinet status require enlarging the bureaucracy or Federal expenditures. Should not small business have a voice where it counts the most?

Second, the Regulatory Flexibility Act which requires all Federal agencies to review the impact of their regulations upon small business has been a very constructive law. I propose that failure to comply with the requirements of the Regulatory Flexibility Act be subjected to judicial review. At the present time this is not the case and there appears to be a body of evidence that some agencies on occasion have flaunted this law due to the lack of judicial review. I propose to change this.

Third, I propose that the chief counsel for advocacy for the Small Business Administration conduct a study on the impact of the Federal Government upon small business. This study should include, but not be limited to, the taxes small business must pay, various tax requirements that must be met, and forms that must be submitted, as well as the regulatory burden of all other Federal agencies by agency. We often in the Congress talk about the burden the Federal Government imposes on the small business community. However to date we have never really sat down to actually quantify this burden. I suspect the burden is far more serious than we know and each succeeding Congress only adds to it. This is information that we must and should have.

Fourth, I propose as did some Senators in the waning days and nights of the 101st Congress that the Internal Revenue Service be prohibited from the retroactive application of regulations and rulings unless specifically directed to do so by the Congress. Recently in this country agents have fanned out across the land and have been badgering innocent business people over all types of regulations—independent contractors being but one example. People have products to produce and businesses to run. We need one clear set of rules to play the game. We do not need changing rules or rules which are explained and enforced years after the fact.

Fifth, I propose as many of us in Congress have in the past to allow self-employed individuals to deduct 100-percent of their health insurance costs. Why should they be treated differently from other business enterprises? Fair is fair. Is only a 25-percent deduction any way to encourage health coverage?

Sixth, I believe it would be a positive move for business development to increase the number of S corporation shareholders. At present we allow the entity to have a maximum of 35 shareholders. I would propose we increase the number to 50.

Finally, we must act on a great error which Congress committed during the rewrite of the Fair Labor Standards Act of 1938. The small business exemption was left out. This must be corrected. I am reintroducing a Senate proposal from last Congress authored by the distinguished chairman of the Senate Small Business Committee the Honorable DALE BUMPERS. We cannot delay on this issue as action is required by April 1 due to the next proposed wage increase.

Mr. Speaker, I have no pride of authorship over any legislation I introduce. I am however in touch with the Nation's small business community and I believe I have a fair knowledge of what issues demand our attention. I would hope this omnibus bill could be called a well-intentioned effort to call every Member's attention to several matters of interest to us all.

WHY OFFICIAL ENGLISH?

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EMERSON. Mr. Speaker, in the RECORD of November 2, 1990, my colleague Representative JOSÉ SERRANO rose in opposition to the Language of Government Act. He listed several reasons on which he based his objections. I must point out, however, that my colleague from New York is sorely mistaken about both the intent and the legal effect of the Language of Government Act.

Mr. SERRANO terms the Language of Government Act an "English-only" proposal. To the contrary, supporters of the Language of Government Act strongly support and encourage the teaching and maintenance of other languages.

Mr. SERRANO points to the uniqueness of American citizens in that "we do not share a common race, religion, or ethnicity." This is absolutely correct—and absolutely why we must all be able to communicate with each other if we are to live as neighbors in peace.

Mr. SERRANO suggests that when this bill becomes law, English will be "the only acceptable mode of expression." This is untrue. Every linguistic mode of expression is acceptable; diverse language skills are encouraged. What English will be is the one language that everyone can count on. No matter what part of the country a citizen travels to, he or she should be able to speak to the fellow Americans who live there.

Mr. SERRANO disparages the American melting pot. We are not homogeneous, but we are a single Nation. We are Americans. We are German-Americans, we are Haitian-Americans, we are Korean-Americans, we are Chinese-Americans, and we are Native-Americans, but we are Americans first and foremost, and our language has been our common bond.

Mr. SERRANO attributes the motivation behind the Language of Government Act to the alleged fear that English is somehow endangered. This allegation makes no sense. As he says, 96 percent of the population speak English. Why should we think it is endangered? We are rather concerned with the 4 percent that do not speak English. Look at those numbers: For every 24 Americans who speak English, 1 does not. How can the one ever expect to succeed in the English-speaking society, to compete with the other 24, to partake of the vast opportunities in our country, unless she or he speaks the language of the others? How can one fully participate in the political and social debates in our Nation if one's information must be sifted through a language filter? Quite simply, he or she cannot fully participate.

Mr. SERRANO accuses the Language of Government Act of interfering with the medical treatment of an ill patient and denying a fair hearing to a suspected criminal. This argument is totally groundless; it is but another attempt to distort the true meaning of and motivation behind the bill. The language of the bill itself specifically exempts from "official government actions," that is, those to be conducted in English "actions that protect public health or safety; and actions that protect the rights of victims of crimes or criminal defendants."

The intent of the bill is clear, and if these precise words are cloudy, we'll find words that aren't. The purpose of the Language of Government Act is to ensure that we have a common medium—a common language—through which we can all communicate. We need to be able to talk to each other; no one should be left out. This is a goal which will hinder no one and help us all.

THE COMMISSION ON CLOSURE AND RELOCATION OF THE LORTON CORRECTIONAL COMPLEX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WOLF. Mr. Speaker, today I am introducing legislation to establish a 21-member commission to develop a plan for closure of the Lorton Correctional Complex by the year 2010 and for the establishment of new "model" prison facilities to be located at sites within the District of Columbia.

The commission will have 21 members, 9 appointed by the mayor of the District of Columbia, Sharon Pratt Dixon, 9 appointed by Fairfax County, and 3 appointed by the President.

The commission will have three responsibilities:

First, developing a plan for closing Lorton by the year 2010, including identifying options for the use of the land now occupied by the prison such as perhaps a community park.

Second, developing a plan for new model prison facilities located in the District of Columbia to replace Lorton.

The new prison should be a model prison. It should incorporate the most advanced, progressive, and imaginative ideas in the field of corrections in both design and operation. It should be an example from which other prison systems across the country can draw new ideas and solutions and should be an institution which others, throughout the country, seek to emulate.

Model programs in alcohol and drug abuse treatment, education, vocational training, and rehabilitation must be included in the new facilities. The newest thinking in the area of prison industries should also be incorporated so that inmates develop skills that will enable them to secure jobs upon leaving prison.

Third, identifying steps for improving operations at Lorton before it is closed. If new facilities are needed before Lorton is closed, then they should be constructed with a secondary use in mind such as a community college, library, or community facility. When Lorton is closed in 2010, these facilities could be put to use in their secondary capacity.

Mr. Speaker, closing and building prisons are not easy tasks. But a new prison in the District of Columbia will make a difference.

A new model prison will allow for the development of academic and vocational training programs to help inmates develop basic life skills and a trade that can be used upon release to avoid a future life of crime. Crowded conditions could be relieved. Living conditions could be improved. Security conditions could be strengthened within the prison.

A new prison will help residents of the District of Columbia. A new prison would remove one of the major aggravants in the relationship between the District of Columbia and northern Virginia. A new prison would pave the way for improved relations and cooperation on all levels.

And I believe this can be accomplished by a close working partnership between both the District of Columbia and the Federal Government. As equal partners, both contributing to the establishment of a new prison, these goals can be accomplished.

Establishment of this commission will be the first step in the process, and I am committed to working with District officials toward that end.

Mr. Speaker, over 80 years ago President Theodore Roosevelt pointed out serious problems at the jail in the District of Columbia, including overcrowding and widespread inmate idleness.

Today these same conditions are present at the Lorton complex and I believe we have an obligation to see what can be done.

I encourage Members to join me in supporting this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Closure and Relocation of the Lorton Correctional Complex Act."

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the Commission on Closure and Relocation of the Lorton Correctional Complex (in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall carry out the following:

(1) COMPREHENSIVE PLAN FOR CLOSING THE LORTON CORRECTIONAL COMPLEX BY 2010.—Because of the serious operational and safety problems at the Lorton Correctional Complex which adversely affect the inmates of the complex, employees of the District of Columbia Department of Corrections, and residents of the District of Columbia and Fairfax County, Virginia, the Commission shall develop a comprehensive plan for closing the Lorton Correctional Complex by the year 2010 and in the plan shall identify and recommend options for the use of the land on which the complex is located.

(2) PLAN FOR NEW PRISON FACILITIES LOCATED WITHIN THE DISTRICT OF COLUMBIA.—The Commission shall develop a comprehensive plan for the establishment of new model prison facilities within the District of Columbia to replace the Lorton Correctional Complex when it is closed in accordance with the plan developed under paragraph (1). The plan shall identify and recommend—

(A) appropriate sites for the new prison facilities,

(B) strategies for financing, including Federal funding for, the new facilities,

(C) plans for expeditiously phasing in the operations of the new facilities, and

(D) plans for ensuring that the new facilities will be models in education, vocational training, and rehabilitation of the inmates of the facilities.

(3) STEPS FOR IMPROVING OPERATIONS AT THE LORTON CORRECTIONAL COMPLEX.—The Commission, using existing knowledge, resources and experience, shall identify and recommend appropriate strategies for improving the effectiveness and safety of operations at the Lorton Correctional Complex before it is closed under the plan developed under paragraph (1) and the new facilities are established under the plan developed under paragraph (2).

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 21 members appointed as follows:

(1) The Fairfax County Board of Supervisors shall appoint 9 members.

(2) The Mayor of the District of Columbia shall appoint 9 members.

(3) The President shall appoint 3 members.

(b) REQUIREMENTS FOR CERTAIN MEMBERS.—

(1) MEMBERS APPOINTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS,—of the members of the Commission appointed under subsection (a)(1)—

(A) at least one member shall be an individual who is a member of a local civic association in northern Virginia,

(B) at least one member shall be an employee of the Virginia Department of Corrections who is knowledgeable about the establishment of new prison facilities,

(C) at least one member shall be a member of the Fairfax County Board of Supervisors,

(D) at least one member shall be a member of a chamber of commerce in northern Virginia,

(E) at least one member shall be an employee of the Fairfax County Sheriff's Department, and

(F) at least one member shall be an employee of the Fairfax County Police Department.

(2) MEMBERS APPOINTED BY THE MAYOR OF THE DISTRICT OF COLUMBIA.—Of the members of the Commission appointed under subsection (a)(2)—

(A) at least one member shall be a member of a local civic association in the District of Columbia,

(B) at least one member shall be an employee of the District of Columbia Department of Corrections who is knowledgeable about the establishment of new prison facilities,

(C) at least one member shall be either the Mayor of the District of Columbia or a member of the District of Columbia City Council,

(D) at least one member shall be a member of a chamber of commerce in the District of Columbia or the Washington Board of Trade, and

(E) at least 2 members shall be employees of the District of Columbia Metropolitan Police Department.

(3) MEMBERS APPOINTED BY THE PRESIDENT.—Of the members of the Commission appointed under subsection (a)(3)—

(A) one member shall be the Director of the Bureau of Prisons, and

(B) one member shall be the Director of the National Institute of Corrections.

(c) CONTINUATION OF MEMBERSHIP.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if a member was appointed to the Commission because the member was an officer or employee of any government or if member is appointed to the Commission and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be such an officer or employee or becomes such an officer or employee, as the case may be.

(2) EXCEPTION.—Service as a member of the Commission shall not be discontinued because of paragraph (1) if an individual has served as a member of the Commission for not less than 3 months.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION.—Members of the Commission may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(g) QUORUM.—11 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(h) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by a majority of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission and paid at the rate of basic pay payable for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The Commission may appoint personnel as it considers appropriate without regard to the provisions of title 5, United States Code, governing appointment to the competitive service. Such personnel shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under section 3.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out section 3. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission to the extent otherwise permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—The Commission shall submit to the Fairfax County Board of Supervisors, the Mayor of the District of Columbia, and appropriate committees of Congress interim reports. Such reports shall be submitted at the end of the 6th and 12th month after the date of the enactment of this Act.

(b) FINAL REPORT.—The Commission shall transmit a final report to the Fairfax County Board of Supervisors, the Mayor of the District of Columbia, the President, and appropriate committees of the Congress not later than 18 months after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislation or administrative actions it considers appropriate.

SEC. 8. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 7.

SEC. 9. AUTHORIZATION.

To carry out this Act there is authorized to be appropriated an amount not to exceed $1,000,000.

AGING AIRCRAFT SAFETY ACT OF 1991

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. OBERSTAR. Mr. Speaker, today, Public Works and Transportation Committee Chairman ROBERT A. ROE, JOHN PAUL HAMMERSCHMIDT, the ranking minority member on the committee, WILLIAM F. CLINGER, Jr., the ranking minority member on the Aviation Subcommittee, and myself introduced the Aging Aircraft Safety Act of 1991.

This legislation is identical to H.R. 3774 which passed the House in the 101st Congress by a voice vote on the Suspension Calendar on July 16, 1990. Unfortunately, the Senate did not take up the measure, and it did not become law.

The bill directs the Federal Aviation Administration to implement rules to further ensure that older airliners are safe and airworthy by directing a special inspection of older aircraft focused on the problems associated with age.

Ever since the Aloha Airlines accident in May 1988 when the top of an older Boeing 737 ripped off because of metal fatigue and cracking not spotted in routine inspection and maintenance, the Government agencies responsible for aviation safety and the airline and aircraft manufacturing industries have redoubled their efforts to ensure the safety of aging aircraft.

The FAA and the industry are to be commended for the aggressive action taken to ensure that necessary repairs and inspections of older aircraft are accomplished. This bill builds a further safety redundancy into the system already established. By requiring a special safety inspection focused on aging aircraft issues and problems when the aircraft is down for heavy maintenance checks after its 15th year of life, the traveling public can be assured definitively that all that needs to be done to keep older aircraft flying safely has been done.

For further, more detailed information on the aging aircraft issues and the legislation, I refer you to committee hearing publication 101-25 and the House committee report on last year's bill, 101-606.

The following is a section-by-section description of the bill:

Section 1 provides a short title, the "Aging Aircraft Safety Act of 1990."

Section 2(a) directs the FAA Administrator to initiate a rulemaking not later than 180 days after enactment to assure the continuing airworthiness of aging aircraft.

Section 2(b)(1) requires the Administrator, pursuant to the rule, to make inspections and reviews of each aircraft's records to permit a determination that the aircraft is in safe condition and properly maintained.

Section 2(b)(2) provides that these inspections shall be carried out as part of an aircraft's heavy maintenance checks after 15 years of service.

Section 2(b)(3) provides that these inspections shall be conducted as are other inspections under existing law, specifically pursuant Section 601(a)(3)(c) of the Federal Aviation Act which provides that the Administrator shall establish the manner in which inspections shall be conducted, including at the Administrator's discretion, inspections and reports by properly qualified private persons.

Section 2(d) provides that the rule should establish the procedures to be followed in conducting the required inspections.

Section 2(e) requires air carriers to make aircraft and records available for the required inspections.

Section 3 directs the Administrator to establish three aircraft maintenance safety programs:

(1) A program to verify that air carriers are maintaining their aircraft in accordance with programs approved by FAA.

(2) A program to provide training and enhanced participation of FAA inspectors and engineers in conducting corrosion and metal fatigue inspections.

(3) A program to ensure that air carriers demonstrate either commitment and technical competence to assure the airworthiness of their aircraft.

If you wish to become a cosponsor of this bill, have your staff contact the Aviation Subcommittee staff at extension 59161.

ENTERPRISE ZONE LEGISLATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, I am introducing today important legislation to provide Federal incentives for investment in our most distressed and impoverished areas. The Enterprise Zone Tax Incentive Act of 1991, very similar to legislation which I sponsored last year (H.R. 5190), is designed to aid those areas of the country which were bypassed by the economic recovery that occurred generally in our country over the last decade. These locales have suffered the most, even before the recent downturn in our economy. As I stated during the Committee on Ways and Means hearings on enterprise zone proposals in 1989, the lack of job opportunities, poor educational facilities, and job skills keyed to a changing economy form a vicious cycle of poverty in many of these areas.

The legislation introduced today represents a comprehensive effort to improve the economic and personal quality of life in these areas of the country. It would provide direct Federal incentives for employment, child care, housing, health insurance, and capital investment. The bill also recognizes that direct Federal tax incentives alone will not overcome the poverty and stagnation in many of these areas. Businesses want to operate in safe communities, with access to markets and quality schools and housing to attract good and long-term workers. In addition, startup businesses and others may not have the profits necessary to use Federal tax incentives. This legislation would award extra Federal tax incentives to those communities demonstrating a financial commitment to their own development in the form of crime prevention, infrastructure, property and sales tax abatements, and loans or grants to small business.

It remains essential that we find a way to inject new capital investment into these impoverished areas. We must create a climate in which new businesses can develop and existing businesses can remain and thrive in an enterprise zone. This legislation would allow the deferral of an individual's capital gain on the sale of any asset wherever located if it is reinvested in an enterprise zone. It would lessen part of the risk of investing in an unproven enterprise zone business by making losses realized on stock or debt or those businesses fully deductible against ordinary income.

Because I believe strongly that communities benefit when people live where they work, this legislation also would give small businesses tax credits for employing workers who live in the zone. It also would give businesses credits for providing these same residents with health insurance. It would encourage child care facilities, either in the parents' apartment building or place of work. It would assist the rehabilitation of existing buildings which may now sit idle or underused. The more resources a State or local government is willing to dedicate to an area, the more likely the area could be designated an enterprise zone and the more tax incentives the zone could receive. The bill also helps the local community get the most bang for the buck by allowing them to determine which benefits are the most helpful for their particular area. Those communities can negotiate for the most efficient investments when they can control the mix of incentives.

Let me emphasize my desire to provide a meaningful incentive to improve the plight of our poorest neighborhoods. I live in the innercity. I know first hand of the decay, the poverty, the hopelessness that many who live in these communities feel. While I am a realist about our ability to solve many of the problems of those least able to help themselves, I believe that we can provide some hope for a brighter future through these benefits and incentives.

Because I understand the fiscal restraints on our ability to finance solutions to these problems in times of tight budget considerations, this legislation places an annual cap on the total amount of tax incentives which can be used for each enterprise zone. The cap is designed to limit the cost of this legislation roughly to the revenue cost the administration attached to its own enterprise zone proposal in 1990. The cap has been set based upon preliminary revenue estimates of the revenue impact of this legislation, and some further adjustment of the cap amount may be required at the time such revenue estimates are refined. These limits are the only way that the Government can be certain that the costs of this legislation will not skyrocket beyond both our willingness and our ability to fund the program. Like all other legislation, if enterprise zone incentives are enacted, they must be fully financed under the pay-as-you-go budgetary discipline.

I know that it will not be easy to enact this legislation. It will be controversial. Some wish to provide no special incentives to help the most needy pull themselves out of the spiral of poverty. Others, who may wish to help, would go about it in a very different way. I sincerely hope that we can work out our differences, and enact this legislation as expeditiously as possible in the 102d Congress. By introducing this legislation today, I hope to move the debate forward toward that successful conclusion.

CLAY AND HORTON SPONSOR LEGISLATION TO PROMOTE FULL CITIZENSHIP OF FEDERAL AND POSTAL WORKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLAY. Mr. Speaker, today my good friend and colleague on the Committee on Post Office and Civil Service, FRANK HORTON, and I are introducing the Federal Employees' Political Activities Act of 1991. In doing so, we are continuing a bipartisan effort to restore to 3 million Federal and postal employees the right to freely and fully exercise the most basic right of American citizenship, the right to choose their government.

The Hatch Act is among the most ignoble laws ever enacted in this country. It precludes Federal and postal employees from speaking at political gatherings, from serving as delegates to political conventions, from circulating nominating petitions, or from running for partisan office. In short, the law provides that while they may vote, Federal and postal employees, even when acting as private citizens, are precluded from engaging in virtually any other organized activity to make their political views and desires known. Today, there are over 3,000 separate regulatory rulings interpreting and enforcing the Hatch Act.

In the face of this regulatory morass, Federal and postal workers have little idea as to just what constitutes unlawful political activity under the Hatch Act. To the extent that the law serves any end at all today, it serves to intimidate and discourage Federal and postal employees from engaging in any political activity; and, regrettably, both Democratic and Republican administrations have sought to use the law to muzzle perceived opponents. The incoherent and irrational restrictions of the law, coupled with its inconsistent, biased enforcement, are justification enough for its reform. There is, however, a greater imperative for revisiting this statute.

The severity of the restrictions on the freedom of speech and freedom of assembly of Federal and postal employees imposed by the Hatch Act should be more readily apparent to us, assembled in this House, than perhaps any other group of Americans. We, even more than others, understand that voting is merely the bottom line of a complex political process. The events that proceed it, the months of expressing views; persuading friends, neighbors and relatives; the telephone and house to house canvassing; the organizing at the county, ward, and precinct levels; the neighborhoods teas, precinct caucuses, and county conventions; these are the nuts and bolts of a successful campaign. These are the means by which one truly makes one's voice heard in this country, and it is these very means of expression that are denied to Federal and postal employees.

Our bill ensures that Federal and postal employees, as well as the public, shall be able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country, be it local, State, or national. It better protects Federal and postal employees from the coercion and intimidation intended to force political involvement, the kind of abuse the Hatch Act sought to redress. It also frees Federal and postal employees to engage in otherwise lawful political activity on their own time, and thus ends the coercive gag imposed upon them by the Hatch Act today.

The legislation we are introducing today is identical to the Hatch Act reform bill passed overwhelmingly by the House in the 101st Congress. Except for technical corrections necessitated by passage of the Whistleblower Protection Act of 1989, it is the same legislation as the bipartisan compromise originally developed by the former ranking Republican Member of the Post Office and Civil Service Committee, GENE TAYLOR, and myself in the 100th Congress.

In the last Congress, the House initially passed this bill by a margin of 297 to 90. This body reconsidered the bill after it was amended by the Senate and passed it again by a margin of 334 to 87. After President Bush vetoed that legislation, we voted to override that veto by a margin of 327 to 93. In the Senate, they came within two votes of overriding the veto. Prior to the 101st Congress, the House had overwhelmingly passed legislation to reform the Hatch Act in the 94th, 95th, and 100th Congresses.

Free speech and the right to exercise a meaningful voice in the selection of one's government are the foundation of our Republic. These rights are no less important to Federal and postal employees than they are to women, Blacks, or any other group of American citizens. Clearly, this fact is apparent to the American people and to the Congress. I am confident that this Congress will provide Federal and postal workers with the full political rights to which they are entitled.

A summary of the major provisions of the bill follows:

The bill states that it is the policy of the Congress that employees should be encouraged to fully exercise their rights to participate or not participate in the political process of the Nation. The exercise of this right should be free and without fear of reprisal or penalty.

The bill prohibits on-the-job political activity on the part of Federal and postal workers. Federal employees may not engage in any political activity while on duty, in a Federal facility, in uniform, or while using any vehicle owned or leased by the Government.

The bill contains strict prohibitions against official coercion. Federal employees may not use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a contribution, or to engage or not engage in any political activity. Federal employees may not give a political contribution to a superior, or give, receive, or solicit a political contribution in a Government building. Federal employees may not solicit, accept, or receive a contribution from, or give a political contribution to, any person who has or is seeking a contract with the employee's agency, is regulated by the agency, or has interests which may be affected by the performance of the employee's duties. This bill retains and conforms the various criminal prohibitions relating to elections and political activities contained in chapter 29 of title 18, United States Code.

While retaining strict prohibitions on activities that may coerce or intimidate other Federal or postal employees or private citizens, the bill provides that Federal and postal employees may otherwise engage in any legal political activity off the job. They may run for partisan political office without taking leave as long as the campaigning does not interfere with the performance of their duties. An employee who requests leave without pay or annual leave for the purpose of running for office may only be denied such leave by agency management based upon the exigencies of the public business.

The special counsel is authorized to issue regulations and to enforce the administrative prohibitions concerning political activity. Actions brought by the special counsel would be brought under the general disciplinary action procedures of 5 U.S.C. 1215. The Merit Systems Protection Board may impose any penalty provided by that section. Possible penalties include fines, debarment from employment, removal, and reprimand.

FBI FIRST AMENDMENT PROTECTION ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, today the gentleman from Michigan [Mr. CONYERS] and I are introducing legislation to establish a principle that should be self-evident: The Federal Bureau of Investigation should not be investigating first amendment activities—taking pictures at demonstrations, surveilling religious services, monitoring conferences—without some direct relevance to the investigation of criminal activity.

In most of its investigations, the FBI does focus on investigating criminal conduct. In most areas, it opens a case only when it has reason to believe that a crime has been or will be committed. But in the areas of counterintelligence and international terrorism, the FBI recognizes no such limits. It continues to investigate lawful activities of U.S. citizens who have contact with foreign nationals or who peacefully express support for foreign organizations.

In hearings last Congress, we learned that the FBI had been interviewing Amnesty International members who wrote to the Soviet Embassy in Washington complaining about the treatment of political prisoners in the Soviet Union. In the wake of the CISPES investigation, we learned that the FBI opened cases on individuals because they had attended a lawful meeting or the showing of a film. The GAO reported last year that the FBI had opened thousands of cases on similarly tenuous grounds.

Without a focus on criminal conduct, it is impossible for the FBI to define the scope and purpose of its own investigations. Not only is there a chilling effect on first amendment freedoms, but there is also a waste of investigative resources that could be used more productively. The CISPES case is a perfect example. The FBI monitored marches, meetings, rallies, conferences, and demonstrations without collecting any evidence of Federal crimes.

In drafting the bill we are introducing today, we have been careful to ensure that it will not tie the hands of the FBI. Therefore, we have adopted the very standard that the FBI has followed with great success since 1976 in all its investigations of domestic terrorism. Under this criminal standard, the FBI has not been hampered at all. To the contrary, it has been very successful, making important arrests and putting numerous members of terrorist groups in jail. Thus there is proof that the standards in the bill are not onerous.

The FBI's counterintelligence and international terrorism missions are important and will remain so, but elements of its operations in those areas are holdovers from the cold war era. The world has changed greatly and the FBI needs to keep pace. It needs to refocus its efforts to be more effective. The FBI's counterintelligence authority stems from a series of vague executive branch directives dating back before World War II. The standards in those orders need to be clarified, updated, and embodied in legislation. The best way to do so is through the criminal standard, which our bill would establish.

This legislation will not hinder the FBI from acting to prevent terrorist acts before they occur. Under our bill, if the FBI receives credible information that an individual or group is planning illegal activities, the Bureau could investigate. The bill merely says that the FBI could not investigate citizens merely because they have contact with a foreign national or express political support for the goals of a foreign entity.

The CISPES case, which the FBI itself admits got out of hand, occurred because the Bureau lacked clear guidelines on how to investigate groups that support international terrorism. Our bill has a simple rule: The FBI can investigate support activities that are criminal in nature.

Our bill also addresses the question of what to do with the files after a case is closed where the FBI improperly collected information on first amendment activities. The provision ensures that the records may not be circulated inside the Bureau and may not be disseminated outside the Bureau except to requesters under the FOIA and the Privacy Act. Thus, the records will be preserved for historical purposes and will be available to the record subjects, who have a right to know if they were subject to FBI surveillance.

Americans have a right to express peacefully support for anyone and anything, and they should not have the FBI looking over their shoulder. The FBI is our Nation's premier law enforcement agency. It should focus on what it does best, catching criminals, and spies.

THE FAIR CAMPAIGN ACT OF 1991

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ROTH. Mr. Speaker, I have introduced legislation to address one of the most serious problems facing our government today—the declining faith of the public in Congress.

We need to reestablish public trust and confidence in this institution—and we need to act swiftly. We can accomplish this goal to a large degree by finally undertaking comprehensive Federal election reform, because our campaign system is largely at fault for reduced public faith.

The Fair Campaign Act of 1991, which I introduced today, would allow House candidates to run without being rich or tied to special interests. It also would end the corrosive impact of negative campaigning by establishing an enforceable set of rules. This legislation also would close substantial loopholes in current campaign financing laws to give us a fairer, more competitive system.

The costs of campaigns are out of control, discouraging too many qualified men and women from running for office. I believe that candidates should be able to run and win because of their ideas and ideals, not the size of their campaign purse. That is why the Fair Campaign Act would establish a voluntary spending limit of $300,000 for a House candidate's primary and general election campaigns combined. As an incentive to reduce spending, candidates who comply with the voluntary limits would be eligible for reduced postage rates.

Furthermore, to reduce the influence of special interest groups in elections, the Fair Campaign Act would limit PAC contributions to $1,000 per election per cycle.

My legislation would also establish a Fair Campaign Practices Commission within the Federal Election Commission. The Commission, which would be comprised of eight members appointed by the President in consultation with the majority and minority leaders of both chambers, would develop a "code of fair campaign practices" to promote honesty and fairness in Federal elections and monitor the use of false or unsubstantiated charges in elections.

The Commission would monitor campaigns, investigate charges of unfair practices, and enforce the code in a timely manner through subpoena power and cease and desist orders, with access to Federal courts for injunctions. The Commission would have one year to issue rules on the code.

The Fair Campaign Act contains several other important reforms. The legislation would increase restrictions on election-related activities by corporations and labor relations. "Soft money" is banned and the use of labor dues in the political process would be restricted. The bill would also improve disclosure of independent expenditures and sponsors of unauthorized political advertising.

Mr. Speaker, to survive, a democracy must maintain an electoral systems that reflects the ideals of equality and fairness. Citizens must have faith both in their government and in the process of electing public officials. Unfortunately, the reality of today's campaigning, with its negativism and special interests, has led to an erosion of the American people's belief in our system.

I invite my colleagues in the House to join with me to adopt without delay a comprehensive campaign reform package that will restore that faith.

MAX PIEVSKY: A MAN OF ACCOMPLISHMENTS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BORSKI. Mr. Speaker, I rise to pay tribute to my dear friend, the Honorable Max Pievsky, on the occasion of his retirement from the House of Representatives of the Commonwealth of Pennsylvania.

Max was first elected to represent the citizens of the 174th legislative district in 1966, and for the last 14 years, he served with distinction as the chairman of the house appropriations committee.

Among his many accomplishments as appropriations chairman were: voluntarily opening the house appropriations committee accounts to the public, sponsoring legislation creating a Medicaid fraud unit in the Commonwealth's department of justice, he authored the Pennsylvania budget reform code, providing urgently needed State funds for the Philadelphia public and nonpublic schools, obtaining additional aid for the education of handicapped and retarded children, fighting for appropriations to Philadelphia colleges and universities, and funding medical research for diseases like Tay Sachs, Lupus, and Spina Bifida. Max also sponsored legislation setting up the new State-operated Philadelphia Regional Port Authority.

Presently, Max is continuing his career in public service as a commissioner on the Delaware River Port Authority, where he commits his attention and energy to realizing the full potential of our port systems. Max also devotes his considerable talents as a member of the board of directors of the Philadelphia Association of Retarded Citizens, has served as a board member of the Philadelphia Port Corporation and of We The People 200, Inc. And he continues as the untiring and hardworking leader of the 54th Ward Democratic Executive Committee where he brings government closer to the citizens of his neighborhood.

Max is a member of the Equity Lodge, F&AM; the Ludwig Lodge of B'rith Sholom; the Steuben Lodge, Knight of Pythias; the Circle Square Club; the Pannonia Beneficial Association; and the Shomrim of Philadelphia.

Max and his lovely wife Shirley are members of the Temple Shalom Congregation. It is my deepest hope that Max and Shirley will enjoy the additional time they have to spend with their children and grandchildren.

Mr. Speaker, mere words are not sufficient to praise Max Pievsky for his work and dedication to the betterment of his neighborhood, the city of Philadelphia, and the Commonwealth of Pennsylvania. Thank you, Max.

And thank you, Mr. Speaker, for this opportunity to bring to the attention of this people's House some of the many accomplishments of Max Pievsky, a true man of the people.

CLAY SPONSORS LEGISLATION TO END THE PERMANENT REPLACEMENT OF STRIKING WORKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLAY. Mr. Speaker, today I am introducing legislation to ban the permanent replacement of striking workers. The bill I am introducing is very similar to legislation I sponsored in the previous Congress, H.R. 3936, which had 189 cosponsors. The only difference in this year's bill is to include railway and airline workers in the bill's coverage.

When workers strike today for improved working conditions, there is a good chance they will lose their jobs. Permanently replacing workers who strike was deemed lawful by the Supreme Court in the Mackay Radio case. This deficiency in labor law has remained for many years, but has become especially serious in recent years as, increasingly, employers have not hesitated to effectively fire striking workers.

The problems spawned by the Mackay Radio decision were exacerbated by the Supreme Court's 1989 decision in Trans World Airways versus International Federation of Flight Attendants. In this decision, the Court departed from precedent and decided that employers could offer preferential benefits to strikers who cross picket lines and return to work. The Court condoned a practice it had earlier labeled inherently destructive of the right to strike.

The bill I am introducing reverses the Mackay Radio case and the TWA case by prohibiting the hiring of permanent replacements during a labor dispute and prohibiting discrimination against striking workers returning to their jobs once the labor dispute is over. This year's bill includes coverage of railway and airline workers so that the bill will apply to all private sector workers covered by the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA].

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and engage in collective bargaining. A key protection of the NLRA is the prohibition against firing workers for exercising their right to join or help organize a union. During a strike however, this protection loses its force. A strike is the one instance when it is legal to replace an employee for supporting union activity.

When the air traffic controllers struck in 1981, President Reagan fired the striking workers and proceeded to hire permanent replacements. His action gave the green light to similar actions by private employers. Since 1981, thousands of workers at Continental Airlines, TWA, the Chicago Tribune, Magic Chef, the International Paper Co., and many others have suffered the harsh experience of losing their jobs to permanent replacements when they exercised their right to strike. Repeatedly, we have seen communities torn apart as replacements take the jobs of an existing work force. The striking workers are legally helpless to do anything but look on as they lose their jobs.

Increasingly employers provoke strikes to exploit the weakness in the law. The Daily News strike in New York City is the latest example of how employers have tried to use strikes to get rid of their obligation to bargain. Provoking strikes undermines not only basic worker rights but also the stability of labor-management relations.

The effective right of workers to withhold their labor as leverage during negotiations is an essential element of our collective-bargaining system. As workers have felt increasingly unable to strike, faith in collective bargaining has been seriously undermined. Legislation is needed to restore confidence in the process which underlies all of labor law.

I commend this legislation to the attention of my colleagues and urge your support for it.

FOR REASONABLE IRS REPORTING REQUIREMENTS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. JENKINS. Mr. Speaker, today I am reintroducing legislation designed to relieve hundreds of small businesses from the burdensome information reporting requirements imposed by section 6045 of the Internal Revenue Code. This legislation will clarify congressional intent concerning the type of transactions that are to be reported pursuant to section 6045, and it will relieve many small coin and precious metal dealers from the unfair treatment that has resulted from inconsistent Internal Revenue Service [IRS] Regulatory and enforcement efforts.

In 1982, as part of the Tax Equity and Fiscal Responsibility Act [TEFRA], the Internal Revenue Code third-party information reporting rules were broadened to require the filing of reports by securities brokers and others. The IRS, in March 1983, promulgated regulations for the reporting of transactions occurring on or after July 1 of that year. Less than a year later the Service recommended modifying the regulations. The proposed modifications conflict with the regulations promulgated in 1983, and to this day the Service has neither resolved the conflict nor progressed toward final action on this matter.

The IRS has indicated that the reporting requirements do apply to coin and bullion dealers and with respect to transactions of any size. Testimony received last year by the Oversight Subcommittee of the Senate Finance Committee, however, suggests inconsistent application and enforcement of the reporting rules. Some IRS enforcement agents require taxpayers to file 1099(b) information reports on all transactions, others may ignore the rules altogether, while still others apparently require the reporting of only those transactions valued above certain arbitrarily established limits, such as the value of 1 ounce of gold or of one silver coin. Taxpayers, therefore, have been placed in the impossible position of having to comply with reporting requirements, but of not knowing how to do so.

Testimony before the Finance Committee also indicated that the average cost to a dealer of reporting the subject transactions is $8. Reporting costs of very small dealers can be considerably higher. One small coin dealer in my district told me that his cost of reporting a single transaction is as high as $20. Small businessmen will either not engage in transactions were the costs of reporting exceed the profit to be earned, or they simply will not report the transactions and take their chances with the IRS. In a case that has been cited during the debate on this issue the IRS assessed a fine against a coin dealer who failed to file a 1099(b) report for the purchase of five pre-1963 silver dimes—a transaction valued at less than $5.

This is no way to do business. Third-party information reporting can be an important tool in tax administration, and the Congress has determined that compliance with the tax laws demands that the IRS require the reporting of appropriate information. Taxpayers do not object to fair rules and regulations in this regard, but they have a right to know, with certainty, what the law is and how to comply with it.

The legislation I am introducing today will provide the necessary degree of certainty. It will define "broker" to exclude those who simply deal for their own inventory and it will exempt small transactions from the reporting requirements by establishing a per transaction reporting threshold of $5,000.

I believe that this proposal offers a fair and reasonable solution to this problem, and I urge my colleagues to join me in this effort. Mr. Speaker, I ask unanimous consent that the full test of the bill be printed in the RECORD immediately following my remarks.

CHILDREN OF SUBSTANCE ABUSE WEEK

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HERTEL. Mr. Speaker, today I introduced a resolution to designate the week of February 10–16, 1991, as "Children of Substance Abuse Week."

The resolution follows:

H.J. RES.—

Whereas, according to the National Association for Children of Alcoholics, there are over 28 million children of alcoholics in the United States, with approximately seven million under the age of 18. These children represent the innocent victims of alcohol addiction;

Whereas alcohol costs our society an estimated $85 billion each year;

Whereas scientific evidence supports that alcoholism tends to manifest itself in families. Children of alcoholics run a two to four times greater risk of developing an addiction to alcohol or other drugs;

Whereas in more than 65 percent of all reported child abuse cases, alcohol abuse by the parental figure was the single most significant factor;

Whereas children of alcoholics exhibit symptoms of depression and anxiety more than children of non-alcoholics;

Whereas young children of alcoholics are more likely to have difficulties in school, such as higher rates of truancy, school drop out and are referred to school authorities and counselors more often;

Whereas by bringing attention to the plight of the children of alcoholics, of all ages, we will be offering hope and encouragement for these innocent victims of this disease and we will be taking a significant step forward towards ending the generational cycle of addiction;

Whereas this resolution seeks to raise the level of public and professional awareness on behalf of the families and children effected by addiction;

Whereas a national week of recognition would give local, state and national organizations the opportunity to sponsor events to break the silence often surrounding familial alcoholism; Now, therefore, be it

Resolved by the House of Representatives and the Senate of the United States of America in Congress assembled, That the week of February 10-16, 1991, is designated as "Children of Substance Abuse Week", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

PROTECTING THE MORTGAGE INTEREST DEDUCTION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. ROUKEMA. Mr. Speaker, today, along with my colleague from Oregon, Mr. AUCOIN, introduced a resolution putting Congress clearly on record as favoring protection of the Federal mortgage interest deduction. During the previous Congress, 250 of our colleagues in the House joined us as cosponsors.

As the ranking minority member of the House Subcommittee, I believe the mortgage interest deduction is a vital component of our Nation's housing policy. It is crucial to the economy as well as to the hopes and dreams of millions of American families. In fact, as a report of a major housing association stated last year, "The mortgage interest deduction may well be the most important tax policy in America today and it has been the cornerstone of housing policy for most of the century."

Despite the overwhelming support of our colleagues who cosponsored this legislation, the solid support of American homeowners and housing industry, the mortgage interest deduction was violated on the altar of budget summitry. Make no mistake, the limitation on the personal interest deduction in the quest for additional revenue was a direct assault on the mortgage interest deduction.

Very soon, the President will propose a new Federal budget for fiscal year 1992. And, while the budget process should more effectively control spending and revenues, and does demand a pay-as-you-go process, the deficit will be larger than anticipated last October and the pressure for additional revenue to offset the deficit increase, the cost of the Persian Gulf deployment, and perhaps additional costs for the savings and loan bailout, will force the tax writing committees to seek more revenue. I am concerned that the nose of the camel is now under the tent and that soon the floodgates will be open on a renewed and devastating assault on this deduction.

For this Member, there is not higher priority than dealing with the deficit. I am eager to work with others, if necessary, to craft alternatives for any increase in revenue we must need. However, to those who are considering again attacking the mortgage interest deduction as a way of gaining revenue, I say, "Do not; look elsewhere."

It is unfortunate that further consideration of limiting the deduction would come at a time when the housing industry is already suffering and when the real estate market is in such a slump. We all know that while home prices have recently leveled off, the increase in the cost of housing over the last 10 years had been greater than the increase in family income. For the first time in half a century, the percentage of people in this Nation owning their own homes has shown a steady decline. Young families trying to capture their share of the American dream are finding that harder to attain.

There is no question that homeownership is an essential underpinning of the American family. For most American families the purchase of a home is the largest investment they will ever make. In fact, owning a home is, for many of us, the American dream. The economic security and stability for the family will be threatened if the mortgage interest deduction is attacked.

Indeed, we should not even contemplate a further assault. Rather we should be doing everything we can to encourage further incentives to invest in homeownership.

The legislation introduced today is intended to protect the American family and head off any potential new assault on the American dream. I have great confidence that a large majority of the House agrees with me on this issue.

GUAM COMMONWEALTH

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BLAZ. Mr. Speaker, when the 101st Congress convened 2 years ago, the world was a very different place. No Member sworn into the Congress that day contemplated that all 15 republics in the Soviet Union would in so short a period of time be clamoring for political self-determination. Eastern Europe was a distinct political entity, and nowhere was the division between the two Europes more clearly etched than in the division of the two Germanys. That, of course, has all changed. And changed, too, is the balance in the Middle East where 500,000 U.S. troops are now poised to guarantee freedom and political self-determination for the people there.

In all of this, the United States has clearly played a major role. We are seen as the champions of freedom throughout the world, and once again we have provided the courageous leadership expected of us and which we expect of ourselves.

On the opening day of the 101st Congress, I introduced the Guam Commonwealth bill to extend political self-determination for the people of my territory. While we made great progress as is attested to by the 211 House Members who signed as cosponsors in the last Congress, sadly, that bill must be reintroduced today. Again, we must grapple with the rights and needs of a people—American citizens—who became a part of the American democratic system not as a result of the Vietnam war, the Korean conflict, World War II, or World War I, but rather, as the result of the Spanish-American War over 92 years ago. Last year, we passed a comprehensive immigration bill that essentially opens our doors widely to those throughout the world wishing to enter our shores as full-fledged citizens. As American citizens, Guamanians, of course, are not eligible to enter as immigrants. At the same time, as American citizens from the territories, we do not enjoy the full rights and privileges extended to and enjoyed by other Americans. Ironically, our governmental system makes it easier for former strangers and former enemies of our country to immigrate and in a relatively short period of time to enjoy full citizenship than it is for us who have stood in line for 100 years. This is a sad commentary on our inability to take care of our own.

After almost a century, we do not want fellow citizens of our country to be our wardens; nor do we want to be their wards. We do not want to walk in front of our fellow citizens; nor do we want to walk behind them. We merely wish to walk alongside all.

Toward fulfilling our quest, we have worked hard and have made great strides. One leg of our triad is economic self-determination which is essentially a reality in our territory based on our flourishing tourism industry. Another leg is cultural self-determination, the establishment of a multiracial, multicultural community, which is also being fulfilled. And insofar as we could, insofar as the Congress has permitted us, we have even made strides in political self-determination—rising from a naval protectorate with an appointed Governor and a merely advisory legislature to a political entity where the Governor, the legislature, and the Delegate to Congress are freely elected and self-rule, though limited, is a fact.

But our government is still an imposed one dictated by the fiat of Congress. And our relationship with the United States is not one freely chosen, but one decreed by the treaty provisions with a foreign country.

Therefore, logically, the centerpiece and the strongest leg of our triad and the one which coalesces the other aspects and gives them strength is true political self-determination. In our case, we are seeking that through a commonwealth relationship with the United States.

What commonwealth will achieve for Guam is an end to these inequities. We seek only simple justice and simple equality. We want the same rights as the immigrants from Eastern Europe, Southeast Asia, and throughout the world whose diversity is continuing to make America the great Nation it is. We want to join with them in saying, "Yes, America, we want to be with you. We want to be a part of you. We want to contribute our share." But this can only be said when Congress extends to us, members of the family for so long, the same rights and privileges we grant so generously and so proudly to millions of others throughout the world.

THE FINANCIAL INDUSTRY REFORM AND CAPITAL ENFORCEMENT ACT

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BARNARD. Mr. Speaker, every Member of Congress is aware that we have serious problems in our financial services industry. While the commercial banking industry and its insurance fund has received the most recent headlines, problems in the insurance industry are also starting to get attention. In today's Wall Street Journal, it was reported that the securities industry is expected to post its worst results since 1974.

We cannot protect the deposit insurance funds and make our financial services industry competitive unless Congress acts aggressively to restructure the industry so that it can attract the capital it needs to compete in the global marketplace. Of course, our immediate concerns are the losses to the bank insurance fund. We can take two approaches to dealing with the losses. First, we can panic and use taxpayer capital. We can substitute intense regulation which suppresses market forces and takes the place of private capital. None of these will help the overall competitiveness of the financial services industry, let alone the taxpayer. The second approach would be to change the competitive structure of the industry such that it attracts private capital and places it at risk, combined with a system of aggressive regulation that guides market forces.

Today I am introducing, along with my colleagues Mr. BARTLETT, Mr. FRANK, Mr. LAFALCE, Mr. CARPER, Mr. DREIER and Mr. BAKER, the Financial Industry Reform and Capital Enforcement Act, which embodies the second approach. This bill is substantially the same as legislation that we introduced in the last Congress as H.R. 1992. Our proposal establishes a reciprocal structure for competition in the financial services industry while providing a tough capital enforcement mechanism that provides for early intervention while solving the problem of too big to fail. It is not an expanded powers bill for banks. It does not favor one financial services industry over another. It will attract desperately needed commercial capital to the financial services industry. It provides for functional regulation of the financial services industry. It is a fair bill that protects the taxpayer and assists the economy. I urge my colleagues to give the proposal careful consideration to join us in cosponsoring a solution to this urgent problem.

IN RECOGNITION OF HON. MIKE CARR UPON RETIREMENT FROM 28 YEARS SERVICE AS CHANCERY COURT JUDGE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's chamber," to speak in honor of a great citizen of my district, the Honorable Mike Carr.

Judge Carr was elected chancellor of the 15th chancery court district of Mississippi in 1962 and completed seven terms as chancery judge. He retired from the bench on December 31, 1990, and assumed senior judge status.

Judge Carr was born on December 5, 1920, in Clinton, NC. He received a bachelor of arts degree in 1946 and a bachelor of laws degree in 1949 from the University of North Carolina. He is married to the former Mary Helen Field of Centreville, MS. They are the parents of Helen (Cakie) Waltman and Julie Chadwick, and have five grandchildren.

Judge Carr enlisted in the Army Reserve in 1942 and served on active duty from 1943 to 1946. He was appointed in 1949, and served 2½ years, as law clerk to the Honorable Edwin R. Holmes of the U.S. Fifth Circuit Court of Appeals.

Entering the private practice of law in my hometown of Brookhaven, MS, in 1951, Judge Carr has been a productive and honored member of the community for many years. He was elected district attorney of the 14th judicial district of Mississippi in 1955 and served in that position until his election as chancery court judge.

Judge Carr has been very active in community and church affairs. He is a fellow member of Faith Presbyterian Church, past-chairman of the board of trustees of Belhaven College, past-president of the Brookhaven Kiwanis Club, of the Brookhaven-Lincoln County Chamber of Commerce, of the United Fund of Lincoln County, and of the Mississippi Judicial College. He is a member of the North Carolina, Mississippi, and American Bar Associations.

It is an honor to pay tribute to this high calibre individual who has contributed so freely and generously to the State, district, and city that he chose to call home.

HONORING JUDGE THOMAS R. RUMANA OF THE PASSAIC SUPERIOR COURT OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ROE. Mr. Speaker, it is with a very special sense of pride and friendship that I rise today to honor a distinguished American who has served the State of New Jersey for 18 years as a judge of the highest caliber and finest distinction. Judge Thomas R. Rumana tirelessly strived to ensure that the quality of justice dispensed by his court was not eclipsed by the overwhelming quantity of cases before him.

For his unflagging devotion to his office and the sacred trust bestowed upon him, his friends and colleagues will honor him on the occasion of his retirement from the bench. A special dinner commemorating his excellence in public service will be held on January 18 at the prestigious restaurant The Tides in Haledon, NJ, to celebrate Judge Rumana's distinguished record and exemplary conduct while serving the people of the State of New Jersey.

Mr. Speaker, I have known Tom for 55 years, since our days at Camp Altaha in the Boy Scouts, where he displayed his first notes of judicial discretion by sounding reveille wake-up calls every morning as our camp bugler. It was that same year that the future Judge Rumana had his picture taken on the steps of the Paterson Courthouse and was advised by a family friend to study law. This was the same courthouse where he ultimately would spend so many late hours toiling over his judicial responsibilities.

Born and raised in Paterson, NJ, his parents, Louis and Elsie Rumana, ran a tailoring shop on Clark Street. In addition to his bugling talents, Tom was renowned as a basketball and football star at Paterson Central High School and Paterson State College, now known as William Paterson College. Judge Rumana left college in 1942 and entered the Army, serving through the end of World War II in the European campaigns.

Upon his return, he finished his undergraduate education in 1947 at Rutgers University. Judge Rumana went on to obtain his juris doctor degree from Dickinson School of Law in 1949 and was admitted to the New Jersey Bar in 1950, and was admitted to the Bar of the U.S. Supreme Court in 1958. In addition to his outstanding career accomplishments, Tom is known for his easy smile and sartorial splendor.

During his 22 years in private practice, Tom also made time to hold public office serving as deputy city treasurer in Paterson from 1955 to 1970 and after moving to Wayne was elected president of the Wayne Township Governing Council.

In 1972, Judge Rumana was appointed to the Passaic County District Court and later the New Jersey County Court of Passaic County. He served there until being appointed to the New Jersey Superior Court in 1976 and was reappointed by Governor Kean in 1983. During his term on the bench, he was assigned to the civil courts for 11 years and spent 7 years overseeing the criminal courts.

Throughout his career on the bench, Judge Rumana was known for his impeccable integrity and his strenuous efforts to be fair in all his judicial judgments. Attorneys from both sides of the aisle, staff, and law enforcement officials all agree, Judge Rumana possessed the one quality most essential for a judge: he is a good listener. Tom is well-known for his insistence on excellence and giving every case the attention it demanded. This led to late nights in chambers and working on countless weekends.

Even in cases charged by high emotion, Judge Rumana's demeanor was remarkably calm. He was not swayed by popular moods or pressures. He always based his decisions on the Constitution and the laws of the State. A public defender who argued the Crescente case before him, a particularly high-profile case involving the murder of a municipal court judge, said of Judge Rumana,"The man's integrity is complete. There are no breaks in the armor of his principles."

Tom has been supported throughout his career by his lovely wife Marilyn, to whom he has been married for over 30 years. And I know, they are both very proud of their son Scott, who is nearing the completion of his own law degree studies at New York Law School.

Mr. Speaker, it is rare that a Member of the U.S. Congress has a chance to come before the House and honor such a man as Judge Thomas R. Rumana. What makes this occasion even more uncommon and of special significance is the fact that Thomas Rumana is my lifelong friend. He has been a valued companion and confidant for these many years, and he is worthy of all the accolades that may be bestowed upon him.

Mr. Speaker, I am proud to take this opportunity to share with you and all my colleagues here in the House this moment of deep gratitude to a man who can truly be recognized in our Nation as an example to us all of what public service should mean. Judge Thomas Rumana personifies the dedication and sacrifice which such service demands. I am proud, honored, and privileged to call him my friend.

TRIBUTE TO MADAME GIULETTA SIMIONATO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GUARINI. Mr. Speaker, on February 1, 1991, I will have the great privilege of honoring Madame Giuletta Simionato, world-famous mezzo soprano during A Gala Salute to Italy and the Americas at Carnegie Hall. Madame Simionato's contribution to the musical tradition and cultural heritage of her people brought great happiness to millions of opera lovers around the globe during her 30 years as a singer. Twenty-five years after her farewell to the stage, Madame Simionato continues to inspire a new generation of performing artists. Four of these young people will be lauded at Carnegie Hall as winners of the Second Enrico Caruso International Voice Competition, USA—Ms. Mayda Prado, Ms. Yan Yan Wang, Mr. Kim Alan Josephson, and Mr. Rick Moon. They have been influenced strongly by the past work of many great singers, and they have a true living legend in Madame Simionato, who serves as honorary Chair for the competition.

This beloved mezzo has sung well over 50 roles during her career, but is perhaps best remembered for her portrayal of Santuzza in "Cavalleria Rusticana" by Pietro Mascagni, which celebrates its 100th anniversary this year.

On May 1, 1990, a bronze sculpture depicting Madame Simionato as Santuzza was dedicated in her honor to the Metropolitan Opera by Inter-Cities Performing Arts, Inc. Inter-Cities, a cultural and philanthropic organization founded by Mrs. Carmela Altamura, based in Union City, NJ seeks to bring people of all ethnic backgrounds together through the arts. Since its inception in 1985, Inter-Cities has encouraged the work of numerous promising talents throughout Hudson County and the greater New York/New Jersey area. Its mission is to cultivate a new generation of performers and to educate the public on the need to maintain the artistic and cultural life of our nation. Inter-Cities' efforts have increased significantly at a time when many other companies have folded. This is almost entirely due to the indomitable spirit of the organization's founder.

Mrs. Altamura, a woman of many talents, as singer, philanthropist, community activist, and mother, fills a gap in the cultural and artistic fabric of Hudson County by providing an abundance of performance opportunities to local artists, dance troupes, singers, and musicians. Her own recitals and musical endeavors have expanded the awareness of local businesses and institutions to the ever growing need for private support and funding of the arts. We are all very grateful to her for her unfailing dedication to this essential task.

In keeping with this vision, Inter-Cities Performing Arts Inc., invites regional and international performers in addition to local artists to participate in its Enrico Caruso International Voice Competition, USA. This event was held for the second time this past April in the chambers of Jersey City mayor, Gerald McCann. It drew over 100 contestants from all over the United States, Europe, South America, and as far away as China. The three top winners were awarded over $10,000 and will have the opportunity to sing on February 1 as featured artists at Carnegie Hall during A Gala Salute to Italy and the Americas.

Carnegie Hall will become a place of great festivity for the Italian American community and all music lovers on February 1, 1991, as Inter-Cities presents an evening of spectacular orchestral, choral, and operatic experience. They will celebrate a longstanding, rich tradition of musical expression shared by people on both sides of the Atlantic with Madame Simionato, the winners of the Second Enrico Caruso International Voice Competition, USA, the New Chamber Orchestra of New York—conducted by Gisele Ben-Dor, the Inter-American Violin Quartet, and piano soloist Cristina Altamura and the Villa Victoria-Walsh Academy Choir. The contributions of great musicians like Mascagni and his "Cavalleria" will be recalled by Madame Simionato and they will applaud and extend a hand of welcome to the young artists of tomorrow.

I wish to congratulate Madame Simionato for her many achievements and I would like to express my deep appreciation for her involvement with Inter-Cities. I would also like to extend my heartfelt thanks and warmest wishes to Mrs. Carmela Altamura and to all of the members of Inter-Cities whose untiring efforts in the arts give so many upcoming professionals the chance to be heard.

CAMPAIGN FINANCE REFORM

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GREEN of New York. Mr. Speaker, it is most unfortunate that the 101st Congress adjourned without adopting credible campaign finance reform legislation. The American people deserve real reform. Congress must refrain from idle rhetoric that promotes special interests and protects incumbents. To make our representative government work, it is important that the Congress owe its allegiance to the American people, not to PAC's and special interest groups.

The soaring costs of congressional campaigns continue to trouble both the public and Congress. In light of the escalating costs and continued moves to restrict fundraising capabilities, I believe that it is time Congress consider voluntary and limited public financing. Today, I am reintroducing legislation which seeks to amend the Federal Elections Campaign Act of 1971, by providing for voluntary and limited public financing of congressional general election campaigns. I do this at a time when public distrust and skepticism with regard to the electoral process is at an all time high. I believe that public financing can be instrumental in increasing competition and reducing public cynicism by creating a competitive electoral system that will give little-known challengers some of the advantages of incumbents.

Under my proposal, a candidate, upon raising a specified amount of money in small contributions of $180 or less from individuals within his or her own State, would be eligible for a matching Federal contribution. Under this approach, the primacy of the individual contributor is stressed and PAC money is rendered less attractive. All Federal matching funds would be raised through the voluntary income-tax check-off.

The legislation would restrict candidates who accept public financing to the use of no more than $51,000 of personal funds as well as limit overall campaign spending for the general election to $305,000—half of which could come from public financing. While the Federal Election Commission data for the 1990 general election cycle is unavailable at present, the average general election for a House seat cost close to $260,000 in 1988. The $305,000 spending cap is higher than the 1988 average. In addition, the bill waives spending limits for eligible candidates whose opponents have spent sums exceeding the spending limit. This will protect a candidate from having the election bought by a free-spending opponent. All figures were originally adopted from legislation introduced by the Honorable Abner Mikva in 1979, and have been revised to reflect inflation. This proposal also provides for continual indexation of spending limits and other relevant dollar figures.

The legislation would establish eligibility criteria entitling candidates to receive campaign funds on a matching basis. Similar to current law, the criteria require submission of campaign records, including all contributions and expenditures, to the Federal Elections Commission. My proposal would also require the FEC to certify the eligibility of candidates to the Secretary of the Treasury, who would disburse the funds.

I encourage my colleagues to give serious consideration to voluntary and limited public financing. Public financing is an important concept. It opens up the opportunity to seek office to people of all economic backgrounds and political ideologies. It protects Americans from having their ballots filled with the names of only the wealthy and those who would owe tremendous legislative debts to the special-interest groups that helped finance their campaigns. Public financing is insurance for the political well-being of our system of representative government. Let us join together to remedy public skepticism and reinvigorate electoral competition. Let's show the American public that we are for reform and not for sale.

STUDENT LOAN AFFORDABILITY ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PRICE. Mr. Speaker, our Nation has led the world in the quality of our colleges and universities and in extending opportunities for postsecondary education to all of our citizens. We have opened our educational doors continually wider to allow students from all economic backgrounds the opportunity to pursue a higher education. And today we are acutely aware of the importance of available and affordable education not just to the quality of life of individuals but to our Nation's ability to compete in a global economy.

Unfortunately, far too many young people today are opting not to pursue a college education or postsecondary training because of the financial burdens involved. This situation results from a combination of rapid increases in college costs and a trend toward using loans as an ever larger portion of student financial aid. The Wall Street Journal reported today the crushing burden that college students are now facing. Currently, 4.5 million students are borrowing money for their education, nearly double the number of a decade ago. The average debt is $6,810 for a public-college graduate and $10,000 for a private-college graduate.

Prior to the Tax Reform Act of 1986 we recognized the importance of making the interest paid on student loans tax deductible. This situation must be restored if we are to maintain our Nation's commitment to educational opportunity for all. This is why I, along with my colleague Martin Lancaster, am introducing today a bill to restore the tax deductibility of student loan interest.

Our bill also restores the full tax exempt status for scholarships and fellowships that used to exist. Colleges and universities offer scholarships covering both tuition and room and board, and making part of this money taxable merely reduces the effectiveness of scholarship programs and the number of scholarships that would otherwise be available. As a former graduate school faculty advisor, I know these changes reduce the number of scholarships available for all students and decrease the worth of the scholarships for those who are lucky enough to get them.

No one questions that tax incentives for higher education are an investment in America's future. The time has come to amend the Tax Code to restore these important educational incentives. On behalf of myself and my distinguished colleague, MARTIN LANCASTER, I urge our colleagues to join us in cosponsoring this legislation to ensure that all students will have the opportunity to pursue a higher education.

[From the Wall Street Journal, Jan. 3, 1991]

STUDENT LOANS WEIGH DOWN GRADUATES

(By Joan E. Rigdon)

When Liam C. Floyd enrolled in Boston College Law School in 1988, he wanted to work for a district attorney's office.

Now he's interviewing with bankruptcy firms. The reason, he says, is purely financial. About to graduate with $51,000 in student loan debt, the 28-year-old Mr. Floyd figures he needs a more lucrative job to meet his $550 monthly payments.

"A lot of people like me have to really think about making a lot of money right away," he says.

Mr. Floyd's plight illustrates a problem faced by a growing number of graduates. Setting foot in a tight job market with highly leveraged diplomas, many people feel they simply can't afford lengthy job searches or slow starts in their careers. Their debt burdens are crimping not only their career plans but also their life styles, encouraging some to move back in with their parents after graduation.

INCREASED BORROWING

As grants diminish and tuition increases continue to outpace inflation, student loans are playing a bigger part in financing higher education. The number of student borrowers nearly doubled to 4.5 million in the fiscal year ended last September from a decade earlier, and the amount borrowed, adjusted for inflation, rose 61% to $12.35 billion, according to the Department of Education. Total average indebtedness for students who graduated in 1986, the most recent year for which the department has figures, was $6,810 for public-college graduates and $10,000 for those coming out of private schools.

Paying back student loans is most painful for young graduates in law and medicine, because schooling in those fields is so costly, and social work and education, because pay in those fields is low.

College students are widely perceived as deadbeats who don't repay their loans. But in fact, many defaults, which totaled $2.4 billion in the fiscal year ended last September, result from trade-school loans. The Department of Education says students from trade schools had a 26.9% default rate in fiscal 1989, compared with 6.1% for students from public four-year colleges and 5.7% for private four-year colleges.

Many recent graduates say they couldn't have gone to college without the loans, but not all of them realized their debt would be so burdensome. Student borrowers today must go through interviews when they enter school and before they graduate to make sure they are fully informed, but many people who went to college before the mid-'80s didn't have as much counseling. A 1988 study by the Massachusetts Higher Education Assistance Corp. found that 10% of 1,300 recent college graduates in the state said the debt caused them so much hardship that they wished they had never taken out the loans. About 20% said their debt levels forced them to postpone big-ticket purchases.

The debt burden "is a problem," says Joseph M. Cronin, president of the Massachusetts education agency. "But it's a problem that Congress can address" by lightening the load for the needy.

HELPING BORROWERS COPE

To be sure, student borrowers already can find help. They have a six-month grace period after graduation before their first payment is due. Deferments are available for people in a variety of circumstances, including those who are unemployed and those who continue their schooling. Some banks allow students to lower their monthly payments by consolidating their debts and extending the repayment period. Law students who want to serve in public-interest jobs can compete for loan-forgiveness grants through their schools. And teachers who choose to teach in low-income neighborhoods can have their loans forgiven.

But some educators say more needs to be done to lighten students' debt loads. Mr. Cronin suggests subsidies or loan-foregiveness plans for needy borrowers. Some say the U.S. should emulate loan programs of countries such as Germany, where students don't have to start paying back loans (which cover living expenses, because tuition there is low) until five years after they graduate.

Mr. Floyd would have welcomed such a program. In 1987, with a bachelor's degree in English literature and $15,000 in student loans (his monthy payments then were $150), he decided he couldn't afford to apply for $6-an-hour entry-level positions with publishing houses. Instead, he postponed his career by taking a job as a sheet-metal fabricator.

"A lot of students have this dream that they get a job at a really big firm, work their butts off for a couple of years, make $70,000 a year and then quit and do something they want to do," Mr. Floyd says.

So far, studies based on limited surveys of student borrowers suggest that the debt burden generally doesn't influence career decisions. "There's not a lot of evidence that very many people's career choices are being affected," says the College Board's director of policy analysis, Janet Hansen, who prepared a student debt study for Congress in 1967. She adds, however, that there isn't enough data on the subject to dismiss concerns about student loans influencing job plans.

Even some students who endured hardship to reduce their dependence on loans feel heavily burdened. Consider 25-year-old Eileen McManus, who in May graduated with a master's in social work. The debt she took on for her undergraduate degree, from Stanford University, and her master's, from the University of California at Berkeley, topped $25,000.

To reduce her borrowing while in graduate school, Ms. McManus worked 36 hours a week, gave up her apartment and rented the enclosed back porch of a friend's house for $200 a month. "I slept on the floor inside in the winter," she recalls. "It was too cold outside."

Using discounted airline tickets she received through a credit-card promotion, Ms. McManus interviewed for jobs on the East Coast and found one employer that seemed right: a residential care facility in Massachusetts.

But the job paid only $18,000 a year. "At first I was shocked," Ms. McManus says. "Then I became very angry. I thought, 'Oh my God, how am I ever going to make do with that?'"

She turned down the offer, moved in with her parents in Nashua, N.H., and worked as a lifeguard while looking for a job. Now she earns $25,000 a year as a social worker at a Nashua hospital, where she counsels outpatients. Her goal is to work for a residential facility.

With student loan payments of $350 a month, she is still living at home, limiting her entertainment to renting vidoes. "Somehow when I left school I expected my standard of living to go up a little bit," she says. "It hasn't."

Tough economic times will exacerbate the problem. "Things are going to get worse before they get better," says Saul Schwartz, an economics professor at Tufts University and a specialist on student debt. "In a recession, many more people will be unable to meet student loan payments."

One such graduate is Kelley Stark, an illustrator with a bachelor's degree in fine arts from Carnegie Mellon University. Ms. Stark, 23, graduated in May with $20,000 in debt, which will mean monthly payments of about $200. She had no luck finding a job, even though her resume included an internship with Della Femina, McNamee, a big New York advertising agency. Because she was unemployed, she had the grace period on her loans extended three months to February.

Unable to pay rent, Ms. Stark decided to move in with her brother, who was recently laid off from his job in Cynthiana, Ky. When he drives to Ohio to look for work, Ms. Stark rides along to scout out her own job possibilities.

"I'm going to keep looking in the illustration field," Ms. Stark says. "But if I don't find a job in a month or two [when her grace period expires], I'm just going to have to take anything I can get my hands on. My credit cards are screaming for mercy."

THE 75TH ANNIVERSARY OF FLUSHING HIGH SCHOOL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHEUER. Mr. Speaker, the Flushing High School was the very first high school in what are now the New York City limits, and was founded in 1875 with only seven students. Originally on the corner of Union Street and Sanford Avenue, this year it celebrates the 75th anniversary at its present location on Broadway at Whitestone Avenue where it moved in 1915.

The era after World War I saw a dramatic increase in the recognition of the importance of education, and the high school populations soared from the hundred's to the thousands.

Flushing High School's population grew so fast, that annexes and double-sessions were used over the years to make room for all students and continue to provide quality education. After Bayside High School opened, the annexes were closed, and a new wing was added to Flushing in 1954, while the old section was modernized. A new gymnasium was added in 1972.

After years of painstaking effort by the community, led by city school board member Rupert B. Thomas, to get the "old high school" moved to its current location, the people of Flushing prevailed.

Mr. Speaker, from the first graduating class of six in 1876, through the thousands and thousands who have proudly exited the doors of Flushing High School since, generations have included this school as an integral part of their lives.

Flushing High School has been a landmark in many ways: in trying, and succeeding, in bringing education and future success to our children, in being a cornerstone of the Flushing community, an ever-diverse, ever-growing, ever-changing neighborhood, and the building itself is a near landmark for Queens and for New York. The original principal of the new school, John Holley Clark, stated about the structure designed by C.B.J. Snyder in 1915: "The building of symmetry, stateliness and impressiveness is unsurpassed and is justly the admiration and pride of Flushing."

Mr. Speaker, I join Principal Jay Cohen, and my other friends and neighbors in Flushing in saluting the re-dedication of Flushing High School on the 75th Anniversary at its present sight. We all look forward to many, many more years of Flushing High School providing leadership education and community service.

COST-OF-LIVING ADJUSTMENTS FOR SERVICE DISABLED VETERANS

GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. KLECZKA. Mr. Speaker, I rise today in support of a cost-of-living adjustment [COLA] for service disabled veterans.

Last year, the 101st Congress adjourned without approving the Agent Orange Exposure and Vietnam Service Benefits Act (H.R. 5326). This essential measure included a cost-of-living increase for America's 2.5 million service disabled veterans. While Federal employees and Social Security beneficiaries received a COLA, veterans were denied this well-deserved benefit due to disagreements over the agent orange compensation provisions included in this bill.

Disability compensation is an effective way for our Nation to reimburse veterans for the earning capacity they lost due to disabilities suffered while serving in the military. Compensation also expresses our gratitude to the men and women who risked their lives in defense of our country.

Moreover, as tensions in the Middle East escalate the number of men and women serving in the Armed Forces will increase. Now is the time to show these brave individuals that we support our military, not just with words of praise but with positive actions.

Compensation COLA's are not automatic; instead, it is the duty of Congress to enact new COLA's each year. Immediate enactment of COLA legislation for service disabled veterans will provide them with the compensation they deserve and prove to all military personnel, both past and present, that we stand behind our military.

Today, two bills to give service disabled veterans the COLA they deserve will be introduced. I have cosponsored these bills and urge my colleagues to join me in supporting these important measures.

THE ADVANCED TACTICAL FIGHTER FOR THE 21ST CENTURY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DORNAN of California. Mr. Speaker, in the last Congress, we witnessed remarkable changes in the Soviet Union and Eastern Europe. These changes could well portend a new security relationship between NATO and the Warsaw Pact nations. However, until such a new relationship can flower, it is prudent to maintain an effective, modern deterrent force. As the events of August 1990 clearly demonstrate, the world is still a very dangerous place.

In fact, it is entirely possible that the 1990's will be a chaotic decade as more and more nations strive to shake off the chains of dictatorial rule. While the Soviet Union is turning its attention inward, it still will retain a significant strength. We also cannot lose sight of the fact that the Soviet Union continues to modernize its weapons systems and those weapons, in turn, are exported to many of the troubled regions of the world.

Mr. Speaker, it is imperative that even as we draw down our military forces in response to the changes occurring in the Soviet Union, we maintain our technical edge in key military systems. In particular, the United States must keep its tremendous lead in air superiority weapons and never allow itself to relinquish its tremendous lead in critical aerospace design and capabilities. This is the bottom line of an excellent paper prepared by the Air Force Association's Science and Technology Committee, entitled "Why the ATF: Critical Capabilities for the 21st Century." I encourage all my colleagues to read this timely and important analysis.

WHY THE ATF?

[Critical Capabilities for the 21st Century (Abridged)]

EXECUTIVE SUMMARY

The Advanced Tactical Fighter[1] is needed to assure the ability of the US Air Force and Navy to establish air superiority over tomorrow's battlefields.

Air superiority remains a critical military mission. It is central to a full range of military capabilities, including projection of sea and land forces, close air support, air interdiction, and freedom of maneuver for US ground forces. In future conflicts, US air forces will face sophisticated Soviet and non-Soviet aircraft and air defense systems that are capable of challenging current-generation US fighters for air superiority. These systems have been exported in substantial numbers to nations that oppose US interests. At least in the initial phases of a conflict, US fighters may well have to fight outnumbered. The challenge is compounded by the development of a new generation of Soviet aircraft that will exceed the capabilities of today's US fighters.

The ATF will restore unambiguous US technological superiority in fighter aircraft. Its advanced engines and aerodynamic design will result in unmatched speed, acceleration, maneuverability, and range. Its stealth technology and advanced avionics will allow US pilots the "first look/first shot" of the battle, even against next-generation enemy aircraft. Its reliability and maintainability will require less logistics support. The ATF thus will allow US air forces to achieve surprise, take the initiative, prevent opposing air forces from regenerating their operations—and maintain air superiority in the 21st century.

Over the past year, defense decision-makers have been on an intellectual roller coaster. The federal deficit has Congress and the Administration scrambling to find programs, both domestic and defense, that can be cut without serious political ramifications. The amazing, almost daily changes in the Soviet Union and Eastern Europe have fed the perception that US defense needs have abated dramatically. Now the Iraqi invasion of Kuwait, placing that nation's dictator a tank ride away from controlling half of the world's oil reserves, has led to the biggest commitment of US forces in a generation.

These developments complicate efforts to resolve questions about the future requirements for US military forces. What threats must they counter? How big should they be? What kind of weapons do they need?

No weapons program is more profoundly affected by these deliberations than the Advanced Tactical Fighter (ATF). The ATF is being developed as the next-generation air superiority aircraft to replace the F-15 fighter. The Navy version of Advanced Tactical Fighter (the NATF) will start to replace the F-14 several years later. These planes are intended to fight and survive in a very high threat environment, typically deep into enemy airspace, seeking to destroy enemy air assets and disrupt enemy air operations. "High threat environment," in the case of the ATF, has often been read as "Europe" and "enemy" often defined as "the Soviet Union." The argument is now made that if the Soviets have withdawn from Eastern Europe, arms control agreements reduce or eliminate Soviet numerical advantages in aircraft, and the chance of a war in Europe seems so remote, then the ATF is unnecessary.

While this contention is plausible on the surface, it is incorrect. To see why involves a clear understanding of the role of the ATF, the threats the nation and its military forces must still meet, and what new capabilities the ATF will bring to the field that are needed to fulfill its mission. The following points stand out most clearly:

The ATF will perform as essential military mission—air superiority.

Threats have evolved, and continue to evolve, that will require the application of military force.

Continued technological growth of adversarial aircraft jeopardizes the ability of current US aircraft to perform the air superiority mission.

The ATF will restore unambiguous technical superiority to US aircraft and with it the ability to perform this essential mission.

MISSION DEFINED

The mission of the ATF is, simply stated, to achieve air superiority. Air force doctrine defines air superiority as "the capability to use the enemy's airspace to perform our combat missions and to deny the enemy the use of our airspace. . . Sustained aerospace and surface operations are predicated on control of the aerospace environment. As a primary consideration, aerospace forces must neutralize opposing aerospace forces, including both aerospace and surface threats." It continues unambiguously: "[air] superiority . . . is prerequisite to the success of land and naval forces in battle."[1]

Secretary of Defense Dick Cheney recently argued that "if you look at history . . . [and future] scenarios . . . our ability to maintain superiority in the air is absolutely crucial, not only from the standpoint of the air battle but also what we do with our naval and our land-based forces."[2]

Air Force doctrine and Secretary Cheney's remarks point up the common misunderstanding that air superiority as a mission has little or no connection with other military operations. In fact, air superiority is the key to virtually all military operations. This has been brought into sharp focus by the Iraqi invasion of Kuwait and the US deployment to the Persian Gulf. Early in the Gulf crisis, conflict scenarios envisioned the almost exclusive use of air-power to stop—or counter—an Iraqi attack on Saudi Arabia. All were based on one key assumption—absolute control of the air when and where US forces needed to establish it.

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It is important to note that forces, both air and ground, are most vulnerable in the initial phases of deployment. The Saudi Arabian army and the initial contingent of US ground forces deployed to the Gulf region were massively outnumbered by the Iraqi army in and around Kuwait. US and friendly military forces were vulnerable to Iraqui air, missile, and chemical weapons strikes. Ground forces, by themselves, were incapable of stopping an Iraqi armored attack. In this situation high quality air superiority forces, able to fight and win in the air while outnumbered, as well as ground attack aircraft were critical.

Without the ability to control the air, deployment of soldiers to the region would have been very dangerous, difficult, and potentially very expensive. The hundreds of airlifters going in and out of Saudi Arabia would have been held at serious risk by Iraqi fighters, except for the cover provided by US and Saudi air superiority forces. Not surprisingly, among the first US forces deployed to the region were squadrons of F-15C/D air superiority fighters and a brigade of the 82nd Airborne Division to protect them.

On warning of a ballistic missile or air attack, air interdiction forces could have been called on to attack the delivery systems as well as chemical and other munitions sites. Air superiority fighters would have destroyed enemy aircraft attacking friendly forces and helped allied interdiction aircraft penetrate to their targets. In the event of an Iraqi armored attack, air superiority would have allowed ground attack aircraft to disrupt Iraqui supply lines—principally the flow of fuel, water, and munitions—that would have fed Iraqi tanks. Denied air cover and short of critical supplies, the attack would have slowed, and tanks in the middle of the desert would have been choice targets for futher attacks. If Iraqi ranks or infantry closed with friendly ground forces, air support could have been called in for the troops under attack.

THREATS: MISSION STILL CRITICAL

In the wake of the Gulf crisis, noting that there are continuing threats to US interests might seem superfluous. These threats can emanate from any number of sources. Israel remains at risk to its radical Arab neighbors. Despite recent conciliatory gestures, North Korea remains a belligerent, Stalinist state, and a serious threat to South Korea. Conflict could arise unpredictably in unexpected areas. Almost no one would have guessed that the British would fight a war in the South Atlantic against Argentina in the 1980s, yet they did, and the British inability to rapidly establish dominance in the air cost them dearly.

Few of the potential military threats are simple to meet, and the US military must be prepared to defeat well-equipped forces virtually anywhere in the world. This size, sophistication, and potential lethality of the Iraqi military is simply illustrative of trends in other third world military forces that US forces may have to face in the future. Small nations with large ground forces can pose huge regional threats.

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[1] US Air Force Manual 1-1, p. 2-12.

[2] Testimony before the Senate Armed Services Committee, April 26, 1990.

Small and/or poor nations also have access to sophisticated planes and air defenses. Iraq's air force, for example, is composed of 701 tactical fighter, ground attack, and reconnaissance aircraft, including top-of-the-line MiG-29 fighters, and Su-24 and Su-25 ground attack aircraft, along with the Mirage F-1, MiG-25, MiG-23, and a variety of other older aircraft that retain at least some combat effectiveness. Other nations boast comparable aircraft and air forces. It is these modern forces that the US Air Force may have to meet and defeat, outnumbered at least in the initial phases of conflict.

A number of nations have, or are striving earnestly to acquire, chemical or nuclear weapons—or, like Iraq, both. Iraq's chemical warfare capability is documented, and it can deliver chemical munitions with aircraft and ballistic missiles as well as other delivery means. These weapons of mass destruction accentuate the threat to the initial phases of US military deployments. They also point up the critical nature of air superiority aircraft that must prevent delivery of these munitions, by killing enemy aircraft that carry them and by protecting ground attack aircraft that would strike at munitions stores, ballistic missiles, and other critical military targets early in a conflict.

While unfashionable these days to say so, there is also still real cause for caution concerning Soviet military power. Political conditions in Europe have taken a dramatic turn for the better, and the Soviet Union seems more benign than at any time since the end of World War II. The Soviet Union, however, is now buffeted by terrible instability, and its eventual political status is not clear. The Soviet Union will remain, even after conventional force reductions, by far the most significant military power on the Eurasian land mass. The Soviets, for all their economic problems, continue to produce high quality military hardware in extremely large numbers. This includes not only an impressive nuclear arsenal and mammoth conventional land forces but also very sophisticated tactical aircraft. The prospect of a politically unstable Soviet Union with large military forces equipped with first-rate weapons is not a comforting one.

Military threats to US forces, and US air superiority forces in particular, are compounded by the proliferation of high technology military systems. The Soviet Union exports its top-of-the-line fighters to third world and other countries in potentially unstable regions. More than 200 MiG-29s have been sold or given to nations that are not aligned with the US and its allies. This number is virtually certain to increase. The demand will remain as long as regional conflict persists. Furthermore, the weak Soviet economy needs hard cash. The Soviets have very little they can sell overseas. They are likely to be willing, perhaps anxious, to sell their world-class military hardware to eager customers. As more of these fighters make their way into second- and third-world arsenals, and these militaries become more practiced in flying and maintaining them, their effectiveness will grow.

Nevertheless, diminished East-West tensions virtually assure smaller US forces in the future. Indeed, since the US deployment to the Gulf, President Bush has repeated his contention that US forces twenty-five percent smaller than today's can meet our security needs of the future. US force structure and access to foreign bases will decline. Thus, if the US is to respond militarily when potent armed forces are used to threaten US interests, it must rely on rapid power projection. This in turn will place a premium on the forces and weapon systems that permit the US to project military power—tactical and strategic air forces, airlifters, rapidly deployable ground forces, and naval forces.

Smaller forces will also highlight the need for high quality weapon system. If US forces do have to fight they must win. To do so, power projection forces must be protected in the vulnerable early phases of deployment. Top notch fighters will be required to do that, fighting outnumbered against technologically sophisticated aircraft.

At the same time, as US force structure declines and the technology of adversarial aircraft continues to improve, the quality of US forces will have a direct impact on the likelihood of conflict. US strategy presumes that adversaries are prone to being deterred when faced with the likelihood of defeat. The adequacy of preparation—the state of weaponry, training, and logistics—is measured against the array of forces that the US military may have to face. Inferior weapons reduce the probability of military success and concomitantly increase the likelihood that the US will face an undeterred aggressor.

Air superiority is a vital element of balanced military operations. Without it, victory is far more difficult, and it can be a decisive edge. Air superiority thus will remain an integral element of US doctrine, an essential ingredient of success on the future battlefield, and a key component of the deterrent formula. US fighter aircraft and other military systems must be responsive to extant threats as well as those projected well into the future.

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TECHNOLOGY: MISSION JEOPARDIZED

Technology built into new foreign fighters and other military hardware now challenges the technical supremacy enjoyed by the US Air Force for many years. This challenge emanates principally from the development and procurement of advanced Soviet aircraft and surface-to-air missiles. Although the Soviet threat is perceived to have abated, Soviet systems are widely distributed to its allies and other third world countries and continues to be produced in large quantity.

Since 1980, the Soviets have introduced three front-line fighters[3] to complete for air superiority and protect their ground assets. The 1981 MiG-31 was based on the MiG-25 interceptor. But both the MiG-29, an F-16 equivalent introduced in 1984, and the Su-27, roughly comparable to the F-15 and introduced in 1986, are new. The Soviets produce these aircraft in large numbers—about 150 MiG-29s per year and 100 Su-27s per year. The Soviets have produced 620 Su-27s—about four-fifths of the total of all the F-15s that the US has produced since the beginning of its production run in 1974 and over 1000 MiG-29s.

Both the MiG-29 and Su-27 are sophisticated fighters that pose a serious threat to the US ability to maintain air superiority with current generation US fighters. They are roughly aerodynamically equal to their US counterparts. They have outstanding maneuverability, a key attribute in close engagements. and they carry advanced air-to-air missiles. Both, in fact, can perform maneuvers that US fighters cannot.

They are also equipped with look-down/shoot-down radars. The low altitude sanctuary US fighters and other aircraft have often used to evade Soviet radars is now seriously degraded. In 1985, four percent of Soviet fighters had look-down/shoot-down radars. That figure is 41 percent today and will reach 73 percent in another five years.

Soviet radars are now capable of detecting US fighters at the horizon—when they come into the line-of-sight of the opposing radar and the same time that US fighters can see enemy planes. This essential equality undermines the ability of US planes to surprise their adversaries. This combination of factors—large numbers of Soviet fighters, very maneuverable, armed with modern missiles, and equipped with very capable avionics and radar—in itself poses a serious threat to the ability of US air forces to establish air superiority.

The threat to US air superiority is compounded by very capable Soviet surface-to-air missiles (SAMs). The Soviet SA-10 and SA-12 are both mobile and incorporate improved target engagement capabilities compared to their predecesors. They are both able to engage targets at very low as well as high altitude, and the Air Force considers the Soviet SAM threat lethal down to 100 feet. Just as advanced Soviet aircraft are being widely sold, the SA-10 is expected to proliferate throughout the third world.

US air superiority forces will be further jeopardized by next-generation Soviet weapon systems. The Soviets are expected to introduce two new tactical aircraft and a new SAM, possibly by the end of the decade. The new aircraft—the Counter Air Fighter (CAF) follow-on to the MiG 29 and the Air Superiority Fighter (ASF) follow-on the Su-27—will incorporate improved engines that will cruise supersonically without fuel-eating afterburners, some low-observable (stealth) technology, and improved aerodynamics that will enhance maneuverability. Both will embody superior capabilities compared to the F-15 and F-16 fighters now in the US inventory. The future SAM threat will be from the SA-15 and SA-X-17. Both will be mobile and highly resistent to electronic countermeasures. While Soviet economic problems may delay deployment of these systems somewhat, the deployment question is "when," not "whether."

The Soviets are also building two large aircraft carriers. While they have built smaller carriers in the past, the new ones will carry a large complement of aircraft (approximately 70). What aircraft these large carriers will deploy is not certain, but it is certain that the Soviets will be able to project air superiority assets in regions they never could before.

These systems will provide the technological basis for providing the Soviets and those equipped with Soviet hardware with the means to achieve air superiority in a conflict with US forces. The situation now—"essential technological parity," according to Secretary Cheney—offers the advantage to the force with better training (the US) or with greater numbers (the Soviet Union or those distant countries equipped with advanced Soviet systems). In any event, the air superiority situation today is tenuous.

The new Soviet ASF and CAF are, according to estimates, only about three or four years behind the ATF in development. Traditionally, Soviet aircraft have lagged eight to ten years behind the US. The F-15, for example, was first deployed in 1974; the Su-27 went into production in the mid-1980s. The Soviets are now narrowing this lag time. The enhanced capabilities in the new Soviet systems will significantly degrade the advantages of the F-15 and F-16. If the ATF is delayed significantly or terminated, air superiority could devolve to the Soviets and Soviet-equipped forces.

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[3] Descriptions of current and projected Soviet fighters and surface-to-air missiles are based on unclassified US Air Force briefings and testimony by Defense Secretary Cheney before the House and Senate Armed Services Committees.

Finally, it must also be noted that the US may face non-Soviet aircraft in future conflict. US forces in the Middle East and British forces in the Falklands campaign have faced French military hardware sold to Iraq and Argentina respectively. The European Fighter Aircraft (EFA), the French Rafale, and the Japanese fighter aircraft (FSX) will probably have capabilities in some measures superior to the US F-16 and F-15.

To recap: capabilities embodied in new Soviet Fighters undermine US dominance in information management (from improved, look-down/shoot-down radars, now essentially equal to US fighters), maneuverability (from better engines and advanced airframe design, now about equal), speed and acceleration (from improved engines, now about equal), and sustainability (from large numbers, and improved third-world performance with Soviet exports). These developments will, in turn, reduce the ability of US air superiority aircraft to seize the initiative and achieve surprise (because of the essential equality in information management and speed and acceleration) and undermine the persistence of US forces (because of higher attrition of US forces and greater survivability for adversarial aircraft). The declining ability to seize the initiative, achieve surprise and mass, and persist in operations will limit the Air Force and Navy in performing their offensive and defensive counter-air and SEAD operations. The development and deployment of next-generation Soviet, European, and Japanese aircraft will further degrade the competence of current generation US fighters. The ability of the US to establish air superiority in future combat is in jeopardy.

ATF: MISSION CAPABILITY RESTORED

The Advanced Tactical Fighter will restore unambiguous US technical superiority. ATF technologies are well within reach, and the ATF prototype program offers very high confidence that no major unexpected technical hurdles remain.

Each of the enhanced capabilities embodied in the ATF will play a key role in overcoming the threats posed by adversarial fighters and SAMs:

Low observability will permit the ATF to achieve a "first-look/first-shot" capability. The ATF will be able to see enemy planes before they see it, by virtue of capable radars and its own very low visual and radar cross section. Seeing the enemy planes first will permit the US planes to take the initiative, achieve tactical surprise, and get in the first shot—often the decisive one—of the battle.

While both the F-15 and Soviet fighters are detectable at the horizon, the ASF and CAF, by incorporating low-observable technology will be able to see the F-15 before it sees either of them. The advantages of first-look/first-shot will confer to those aircraft.

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Supersonic cruise without the use of fuel-hungry afterburners—the capability known as "supercruise"—will provide faster transit to the battle area, permit longer loiter time while there, and improve range. Survivability will be enhanced by the ability to accelerate out of danger, fly to relatively safe haven, and return to battle at an opportune time.

Supercruise also reduces the vulnerability of the ATF to enemy SAMs, by reducing the amount of time the aircraft remains within the missile's lethal zone. In combination with stealth, the lethal zone of enemy SAMs can be reduced by 95 percent.

Maneuverability enhancements allow the ATF to defeat enemy fighters in a close-in battle and to defeat enemy air-to-air and surface-to-air missiles by out-turning or out-jinking them. According to published reports, the ATF will have "superturn" capability, that is the ability to turn tightly at supersonic speeds.[4] This ability, in combination with supercruise, will allow the ATF to achieve tactical advantage over enemy aircraft and engage and disengage an enemy as the tactical situation demands.

Improved reliability and maintainability will allow the ATF to fly the same number of sorties with much less support and maintenance. * * * One of the new engines being developed for the ATF has fifty percent fewer hot parts and forty percent fewer total parts than previous engines. This improves reliability and reduces the logistics support required.

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Existing aircraft can be improved, but because of inherent limits in older designs they could not match the ATF in low observability, aerodynamic performance, avionics, or reliability and maintainability. They would thus remain more vulnerable to detection, less able to achieve surprise and initiative, and more vulnerable to enemy aircraft and SAMs. Development of these alternatives would take years and billions of dollars while providing less capability.

CONCLUSION

Military threats to US security emanate from a combination of both political developments, which lead nations or groups to oppose US interests; and technical developments, which result in military hardware that allows those nations and groups to undertake military actions against US forces. Recent events clearly show that these threats cannot be ignored.

The ATF, on its present schedule, is twelve years away from its first operational deployment. Preparing for the future always requires vision, and with the long development times for new systems, extraordinary foresight is demanded of our leaders. Keeping vital objectives in mind is not easy. But the logic is clear:

Threats to US interests remain.

The US must retain the ability to deter those hostile to US interests, and to defeat aggressors if necessary.

Air superiority is a key mission, vital to the success of US military operations.

Other nations are developing aircraft and military systems for their own use and for export that threaten the ability of the US to maintain air superiority during conflict.

The ATF is the only alternative that provides the US with an unambiguously technologically superior aircraft capable of maintaining air superiority over current and projected military threats.

Without the ATF and the NATF, the US will be in jeopardy of losing the "high ground" above the battlefield and oceans. Losing this vital capability will in turn place in peril the ability of all other US forces to perform their missions. This must not be allowed to happen. The ATF must remain a top priority for the US military and the nation as a whole.

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[4] See "Aerospace Daily," 7/3/90, p. 9.

INTRODUCTION OF LEGISLATION TO EXPAND THE BOUNDARIES OF THE FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, there are many historically significant sites throughout the United States that deserve recognition and preservation for future generations. I am particularly concerned with the Civil War site of General Longstreet's flank attack during the Battle of Wilderness, and have reintroduced today legislation which will permit the protection of this land by the National Park Service.

As I have stated previously on the floor of the House, my legislation is not just another national park expansion to be implemented like most other expansions. Rather, it coincides with Interior Secretary Manuel Lujan's American battlefield protection plan which brings Federal attention to the role that States, localities and private preservation groups must play if we are to effectively preserve our history for future generations.

The legislation I have set forth to foster the preservation and interpretation of Longstreet's flank attack at Wilderness Battlefield is the first step toward making the goal of public-private partnership a reality. Following the unveiling of his American battlefield protection plan, Secretary Lujan toured the site of Longstreet's flank attack which is currently owned by a private developer and slated for residential construction. At that time, the Interior Secretary revealed that the landowner was interested in working with the National Park Service, Spotsylvania County officials, and private preservation groups to reach an agreement on the protection of this site. Although many details have yet to be resolved between these groups, the current plan entails the purchase of land from the developer by a private preservation group so that the property can be held in abeyance until such time as the Interior Department has the ability to purchase the land. Donation of the property to the Park Service may also be possible in the long term. The key to making this idea work is the adoption of legislation to permit the inclusion of Longstreet's flank attack in the boundary of Wilderness Battlefield.

Rarely do you find an instance where local officials, citizens, the Federal Government and private landowners agree that a solution to preservation is possible. By moving this legislation quickly, the Congress will encourage a more prudent approach to Civil War preservation that benefits all interests in the long run. I urge my colleagues to support and cosponsor this measure.

THE HUNTER PROTECTION ACT

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MARLENEE. Mr. Speaker, today 39 of my colleagues are joining with me in reintroducing the Hunter Protection Act to prevent antihunting activists from disrupting lawful hunts on Federal lands. I have said it in the past and I will say it again; hunter's rights in America are being seriously threatened by the increasingly militant tactics of a small but well organized group of antihunting fanatics.

Antihunting activists have continually wreaked havoc for sportsmen in this country, from undermining the Yellowstone Park bison hunt in Montana, to disrupting deer hunting on public lands in both Maryland and Virginia. These activists must be stopped from their malicious assaults on the American tradition of hunting.

Dramatic increases in the numbers and nature of these well-orchestrated attacks against law-abiding hunters have forced 37 States to enact legislation outlawing deliberate acts that disrupt legal hunts.

Unfortunately, Congress must now take action to reverse these alarming trends. The Federal Government, which manages over 30 percent of America's land, including up to 50 percent in some Western States, must work to protect hunters on Federal lands from the harassment of antihunting fanatics.

Toward this end, I am today reintroducing the Hunter Protection Act of 1990. This bill is modeled after last year's version and contains the best features of similar laws currently in 37 States. This legislation will make it illegal to interfere with lawful hunts and to badger hunters pursuing their sport on Federal lands.

The 16 million licensed hunters in the United States have been the major financial supporters of wildlife conservation in this country. Last year alone, more than $517 million was paid out for licenses, duck stamps, and excise taxes on equipment and ammunition. Of that amount, a large portion will be used to finance game research and management programs and help purchase habitat that benefits all creatures.

This legislation will continue the conservation tradition by contributing all moneys collected as fines to the North American Waterfowl Management Plan and the Pittman-Robertson Act. Both of these programs acquire lands to protect wildlife habitat.

Join with us in preventing harassment tactics against hunters on Federal lands by becoming a cosponsor of the Hunter Protection Act.

RELATIVE TO INTEREST IN STANFORD UNIVERSITY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CAMPBELL of California. Mr. Speaker, at the time of my election to Congress, I was a tenured member of the faculty of Stanford University. I wished to maintain that status during my time in Congress, and also to teach an occasional class or seminar at Stanford. In return for this, I have been permitted to remain a tenured member of the Stanford faculty, to continue to occupy the home my wife and I own on Stanford land, to pay land rent, co-investment fees and mortgage to Stanford in connection with that home, to rent out a cottage located on that property to a Stanford student, and to receive a stipend as well in the semesters that I teach. I have made all these facts known to the Committee on Standards of Official Conduct of the House of Representatives, and have received their approval.

I have prepared this statement as a standard letter to submit to any agency or person when appropriate in connection with my work as a Congressman whose district includes Stanford University. I offer it to allow you to discount in any way you wish, the vigor of my argument in Stanford's behalf by reason of my own personal and financial interest in Stanford. However, I offer my personal assurance that whatever I request on Stanford's behalf I would for any comparable institution located in my district.

PROPOSAL FOR AUTOMATIC CONTINUING BUDGET RESOLUTION AND HIGHWAY TRUST FUND

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GEKAS. Mr. Speaker, today I want to bring to your attention two of the issues I intend to pursue during the hours of debate that will consume this body. The first is a change to the budget process that I offered during last year's debate on the budget reconciliation package. This proposal was not allowed to be considered during last year's climactic finish of the 101st Congress—even though no substantive objections to it were raised. My proposal would provide automatic continuing resolutions whenever Congress fails to pass, by the beginning of a new fiscal year, the required appropriations measures. This automatic CR will provide funding for Federal services and Federal salaries at a level which is the lowest of: The previous fiscal year's appropriation, the House-passed appropriation, or the Senate-passed appropriation. The automatic CR would remain in force until the necessary appropriations legislation is signed into law.

As Speaker FOLEY noted during debate on the budget last year, "We should not have this question of a continuing resolution before us at all, because the Government should not be closed." I agree. There is no justification for a shutdown of the Federal Government. The resulting curtailment of public services and furlough of Federal employees is not only costly, it is dangerous.

Contrary to what you may believe, the shutdown of the Federal Government costs the taxpayer. In 1981, it cost the Government $5.5 million to send Federal workers home and an additional $9 million in retroactive pay. In 1986, the furlough of Federal employees cost the taxpayers $33 million, not including retroactive pay. We all can agree that the costs of furloughs that arises from budget gridlock are unnecessary and unconscionable during an era of fiscal austerity.

My proposal is nothing more than good commonsense government. I am enclosing letters of support for this budget change from the National Federation of Independent Business and the U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
LEGISLATIVE AND PUBLIC AFFAIRS,
Washington, DC, October 15, 1990.

Hon. GEORGE W. GEKAS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GEKAS: The U.S. Chamber of Commerce supports your intention to offer legislation as an amendment to the budget reconciliation package that would provide for automatic continuing resolutions whenever Congress has not passed necessary appropriations by the beginning of the new fiscal year. The amendment would provide funding at a level which is the lower of either the previous year's appropriation, the House-passed appropriation, or the Senate-passed appropriation, until the necessary legislation is signed into law.

By providing temporary funding until Congress and the President are able to come to agreement on a fiscally sound budget, this amendment will allow all parties involved in the budget process to avoid the specter of government shutdown. The threat of closing the doors of government could no longer be used by either side to attempt to force the other into a bad deal. In short, the Gekas amendment will provide for a more sound and rational budget process.

Sincerely,

DONALD J. KROES,
Vice President.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, October 15, 1990.

Hon. George Gekas,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GEKAS: I am writing on behalf of the over 500,000 members of the NFIB to express our support for your amendment to the reconciliation package to be considered by the Congress this week.

As we understand it, your amendment would provide for automatic continuing resolutions to take effect if Congress has failed to pass its appropriations bills by the start of the new fiscal year. The continuing resolution would only be in effect until the proper appropriations legislation is enacted.

This represents a reasonable and fair approach to an eminently unfair political situation. Since the continuing resolution would provide funding at last year's level, money will be saved and programs and services will not be needlessly sacrificed. Additionally, the country will be spared a government shutdown that occurs because of inaction on the part of Congress and the Administration.

Again, the NFIB is pleased to express its support for your amendment.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

Under the conditions of my budget proposal, budget responsibilities of the legislature and executive would not be altered. Both entities will still face the tough decisions required by the Constitution. My proposal is geared simply to preventing the shutdown of Government.

The second initiative I want to talk about involves that highway trust fund. This year Congress must reauthorize the programs that maintain the roadways and bridges that make up this Nation's Interstate System. I am calling on the membership of this body to take the lead in releasing the unobligated balance in the highway trust fund for the purpose of upgrading our infrastructure and turning back the recession that threatens our economic prosperity. Because of the present condition of our roads, bridges, and the economy I stress that this action happen now—without delay.

By putting the dollars in the highway trust fund to work, thousands of new jobs can be created. Specifically, it has been estimated that a 2-year drawdown on the highway trust fund of $3 billion annually would result in the direct creation of nearly 120,000 jobs and a total of nearly 300,000 jobs in associated construction, supplier, and service industries. By contrast, the Congressional Budget Office estimates that each 1 percent increase in the unemployment rate will increase the Federal budget deficit by $52 billion in 1991.

In addition to the positive impact on employment releasing the unobligated funds will have, it is necessary to continued economic growth that the condition of our infrastructure be immediately upgraded. The U.S. Department of Transportation states that 40 percent of the Interstate Highway System is in need of repair. DOT also tells us that 41 percent of U.S. bridges are classified as "structurally deficient" and "functionally obsolete."

Our deteriorating infrastructure already costs our economy. Nearly 1.3 billion hours and 1.4 billion gallons of gasoline are wasted each year due to poor road surfaces and congestion on limited access highways. Research by the Road Information Program [TRIP] documented that poor roads add almost $20 billion per year to the cost of driving in the United States, about $120 per licensed driver. If our economy is to grow it must be supported by a strong infrastructure. Currently, as a percentage of GNP, the United States ranks 55 in the world in capital investments in infrastructure, according to the Organization of Economic Cooperation and Development.

All of these statistics point to the need and rationale for releasing the unobligated funds in the highway trust fund. What occurs to me to be just as important as these stated reasons is the need to restore faith in this institution as representatives of the people. For the first time, last year this Congress authorized funds collected from fuels taxes to be used for purposes other than infrastructure maintenance and construction. Half of the fuels tax increase passed last year, goes to deficit reduction. In addition, the unobligated moneys in the highway trust fund are being used to mask deficit spending further.

Mr. Speaker, my plea today to the Members of this body is to join me in taking the bold steps necessary to pass an automatic CR and to immediately release the highway trust funds, without matching requirements, so that our national economy can once again be started on the path of growth.

IN MEMORIAM OF JAWAD F. GEORGE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DYMALLY. Mr. Speaker, I was deeply saddened to learn of the death by cardiac arrest of Jawad F. George on Wednesday, November 21, 1990. As many Members of the House are aware, Mr. George was a longtime activist in Arab-American affairs. He was associated with the National Association of Arab Americans and had directed it since 1989.

Jawad George was a frequent visitor to Capitol Hill, where he lobbied tirelessly for a balanced U.S. foreign policy in the Middle East. He sought to further understanding between Americans and the people of the Arab world, believing such understanding was essential to solving the myriad problems of the region. His drive, determination, and dedication to the causes of peace and justice were unique and will be sorely missed.

By profession, Jawad George was a lawyer and had been president of his own law firm, Jawad F. George & Associates. He also served with the law firm of Arnold and Porter from 1976 to 1979. However, his true interest was in Arab-American affairs. He founded and was the first president of the Palestine Congress of North America. He also served as president of the American Federation of Ramallah, Palestine, a Christian town in what is now the West Bank from which his grandparents emigrated to the United States. From 1984 to 1989, Jawad served in the Palestine National Council—the Palestinian's parliament in exile.

Jawad was a native of Plainfield, NJ and moved to Washington to attend Georgetown University, from which he received bachelor's and master's degrees in foreign service. He received a law degree from the Antioch School of Law.

While a student, he worked for then-Chief Justice Warren E. Burger and Senator EDWARD M. KENNEDY.

In addition, Jawad served as special counsel to the chairman of the Navajo Tribal Council in Window Rock, AZ, in 1981, helping the Navajo nation develop a justice department.

Jawad will be deeply missed by all who knew him.

AN EXTRAORDINARY AMERICAN JOURNALIST RETIRES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BROOMFIELD. Mr. Speaker, on November 30, 1990, my friend, Phil Slomovitz, retired.

I know many people who have retired, but few if any have had such a long and unusual career. When he retired at 94, he certainly must have been the most senior working journalist in America.

His life has spanned the 20th century, through two world wars, a cold war, revolutions, a depression and many recessions, and most importantly, the birth of the State of Israel.

Virtually all of Phil Slomovitz's journalistic career has been spent with America's Jewish press, beginning in the early 1920's with Detroit's Jewish Chronicle, and concluding in 1990 with the Detroit Jewish News.

Phil immigrated to America from Russia in 1910. I am sure that he would not have lived half the productive life he has if he had stayed in Russia.

America gave Phil the freedom to develop his talents and express his convictions. In return, Phil gave America and America's Jewish community 70 years of journalism that was characterized by scholarship, uncommon good sense, and conviction.

Phil is an extraordinary American, and his columns will truly be missed.

Mr. Speaker, I'd like to introduce into the RECORD Phil Slomovitz's last "Purely Commentary" column and an excellent retrospective of his long and productive career.

[From the Detroit Jewish News, Nov. 30, 1990]

MY EIGHTY YEARS AS AN AMERICAN

(By Philip Slomovitz)

(On this very important day of my life I keep proclaiming my pride in being an American and in my loyalties as Jew and Zionist. My "Purely Commentary" column of November 1960 referred to having been "Fifty Years An American" at that time. The November 1980 "Purely Commentary" was devoted to 70 years as an American. That column appeared as a special essay in my second book, *Purely Commentary*, published in 1981. I am now reproducing it here verbatim with the 50th and 70th anniversary facts, with a single change, substituting for the 70th the present 80th)

Eighty years filled with the privilege of being an American must justify the selfishness of pronouncing it to family, friends, the nation.

Only once before, under the slogan of "Fifty Years an American," did this commentator, who often was listed as a perpetuator of personal journalism, resort to the conceit of boasting about his Americanism that has always been rooted in the Jewish codes.

Twenty years later, to mark the significance of the arrival date in this sacred land, November 29, 1910, the credo of the commentator's Americanism beckons repetition. With hopes for its gracious acceptance here it is from "Purely Commentary," November 25, 1960, in its present current application.

On Thanksgiving, when we have so much to be grateful for, when Americans rejoice in the blessings and the bounties that have been allotted to them, this commentator will surely be granted the privilege of a personal word on a glorious occasion.

This column has often taken note of historic events, of anniversaries of friends and community leaders. Your commentator has shown appreciation for occurrences in communities and in the lives of fellow-citizens.

Now, the time has come for a personal reference—because the event is so vital and so deeply soul-stirring.

November 29 will mark your commentator's 50th anniversary as an American. Many anniversaries are personal in nature: to him, such an event, that of reaching the age of 50 years as an American, calls for thanksgiving, for a bit of reminiscing, for additional soul and heart-searching.

Fifty years as an American meant 50 years of freedom—freedom to speak the mind and to express views without hindrance; 50 years of service to causes that fit into the American way of life and therefore help in the uplifting of the less fortunate; 50 years that were not without their battles and debates—but they were disputes and arguments of such a nature as to echo what the striver for justice acquired as part of his immersion into Americanism.

The last 50 years revolutionized the world. They were politically stirring. The half century began with challenges unparalleled in history. They changed the fabric of America's acts and thoughts. They transformed our land into a new mold.

Two world wars claimed the lives of millions of our fellow Americans. Smaller conflicts and some calamities also were costly in human lives.

While the world was being remolded, the Jewish people underwent even graver changes. Our kinsmen were threatened with extinction. We lost a third of Jewry in the course of the victimization of mankind by the most devilish minds that ever inflicted themselves upon us.

As Americans, we were part of a generation that revolted against bestialities. As Jews, we had the obligation of coming to the aid of the afflicted. As American Jews, we were destined by history to be the rescuers of the oppressed.

But while we were rescuing, we, too, were the targets of bigots. We were charged with the task of saving lives, and, at the same time, of repudiating bigots. In this country we were free to speak our minds against intolerance, to battle the anti-Semites, to demand justice wherever and whenever it was due.

In that battle, we soon learned the greatness of America. We were not alone in the fight. We soon learned that there is such a genuine principle as fair play in the great land of our adoption. We are grateful for that idea. It has helped to sustain us in our Americanism, and it has given us pride in our loyalties to this great land and its deep-rooted principles.

There was much more to our pride. When you fight the anti-Semite, you seek to eliminate the negative aspects of American life. It is when one searches for the positive, when one aims to do the creative things in life, that one is faced with the true test of American greatness. Your commentator has found the genius of America in the freedom to act in behalf of his fellow Jews through the Zionist ideal.

America spells freedom, but it does not qualify it by saying that it is to be freedom only for Americans. It is an established and sacred American principle that one who has his freedoms must not deprive others of their freedoms. More than that: he who has his freedoms must aid others to acquire similar just rights.

During the five decades of his Americanism, before acquiring citizenship and during the many years of his enfranchisement, your commentator labored for the Zionist idea. No one hindered him: the best Americans assisted in the great aspirations. Presidents, Cabinet members, Supreme Court justices, governors of states, and members of both Houses of Congress often gave him their blessings. It was the greatness of America that its leaders always gave us comfort in our work. The handful of Jews who were frightened, who, in their panic, could not assist in the greatest humanitarian effort in history, did not matter. They were unworthy of concern. They do not count now, although they still seek to obstruct justice. But there are so few of them that they are insignificant.

But even the few could have been helpful in rescuing many more people than we have succeeded in saving since our great Zionist idea became a reality. Nevertheless, we are grateful—for the millions of our kinsmen who recognized the immensity of the task and assisted in it; for the many millions of Christian Americans who, by their actions and by their encouragement, upheld the American principles of justice and the right of life, liberty and pursuit of happiness of all mankind, and give us cause for gratitude and thanksgiving on this sacred day.

There is another cause for rejoicing. During his 50 years as an American, this writer had the right to adhere to the faith of our fathers—at preparatory high school, at college, while working on newspapers, in the course of travels—wherever the Stars and Stripes fluttered for us as a symbol of our citizenship.

The price of your commentator's Americanism has accompanied him abroad, where he was able to hold his head high as an American Jew, and in Israel, where he enjoyed the fruits of his labors and witnessed the fulfillment of the dream of an American Jew for whom Zionism was akin to Americanism—because the aspirations of both are kindred in spirit—and where he saw the realization of the ideal that all men have a right to pursue happiness and enjoy freedom.

Major in the sense of elation, next to the exultation that stems from good family relationships, from a fine wife and good children (all, incidentally, native-born who share mutual joys as Americans, as Jews, and as Zionists), is the privilege this writer has acquired as a working newspaperman. The most glorious post in journalism is that of the reporter. It is he, as the gatherer of news, who secures the facts to keep the people informed on what is happening. The working newsgatherer is often vastly more important even than the editor and the copy reader. Without his facts there would be no provisions for editing.

And in the role of a working newspaperman, this humble writer also has aligned himself with all information causes, with education and fact-gathering, and with a dedication to the cause of learning. One must always learn. Mikol me-lam-dai hiskalti—we learn from all who have something to impart to us. And to learn is to continue an unending ambition in life. To imspire others to learn is to assist in creating a well-informed community.

Such are the experiences of half a century. These are the aspirations of a life that has been blessed by the great privilege inherent in an Americanism that does not exclude equal loyalty to Judaism.

These are just a few of the thoughts that crop up in the rejoicing over my Americanism. Your commentator was blessed during half a century as an American. His gratitude is unbounded. This is a great day in his life—to be 50 years an American. That's the reason for devoting a column to a personal expression of thankfulness for such a blessing—to be an American!

[From the Detroit Jewish News, Dec. 7, 1990]

IN RETROSPECT: PHILIP SLOMOVITZ ENDS A 70-YEAR CAREER AS COMMENTATOR, BUT HE WILL CONTINUE AS A PARTICIPANT

(By Alan Hitsky)

Philip Slomovitz has chosen to close a chapter in his seven-decade career as an observer, defender and initiator of projects for the Jewish people. But it is a chapter, not a conclusion.

At the young age of 94, he has deemed it time to step back from the weekly stress of compiling a column—his beloved Purely Commentary—which has been a fixture on the Detroit Jewish scene since the early 1920s. His life and career have mirrored some of the most tragic and some of the most awe-inspiring moments in Jewish history. Yet his legacy to the Jewish people moves far beyond that of a mere observer.

Mr. Slomovitz would be the first to object to the idea that he is "retiring." While he has decided to step back from writing, he will continue to come into *The Jewish News* office, to catalog his voluminous files of articles about, and correspondence with, most of the Jewish and many non-Jewish luminaries of the 20th century. The files, and his Purely Commentary columns, deal with presidents and farmers, saints and anti-Semites, Jewish holidays and history, and most of all, scholarships.

Think of the span of time. At his birth in 1896 in czarist Russia, the first World Zionist Congress had just been held in Vienna with Theodor Herzl sowing the seeds for a return to the Zionist homeland. The ugly Kishinev pogroms would not occur for five more years and in 1910, when Mr. Slomovitz came to Bayonne, N.J., at age 14, World War I was still four years away.

As a student at the University of Michigan, he became involved in campus activities that have guided him the rest of his life: Zionism and journalism. He was a staff member of the *Michigan Daily* and president of the Intercollegiate Menorah Association, the forerunner of the Campus B'nai B'rith Hillel organizations throughout the country.

After graduation from U–M, Mr. Slomovitz worked as a reporter at the *Detroit News* for several years. He made community contacts that would shortly be invaluable after he was named editor of Detroit's *Jewish Chronicle*. During this same time period, he also organized Young Judaea, the forerunner of today's Detroit District of the Zionist Organization of America.

But as his illustrious career was just taking hold, the first storm cloud appeared on the horizon, the first in a series of major events that would mark each decade of his Jewish journalism career.

Henry Ford had transformed Detroit with his automobile, the assembly line and published promises of a $5 a day salary. The promise of work and wealth drew thousands to the city from throughout the United States and the world. But in the 1920s Mr. Ford also began publishing anti-Semitic articles in his *Dearborn Independent;* in the 1930s a photograph of Adolph Hitler hung prominently in his office.

Mr. Slomovitz reported the Jewish community's attempts to change Mr. Ford's views and the public battles launched by Rabbi Leo Franklin of Temple Beth El. The by-then veteran editor even met with Ford's henchman, Harry Bennett, who tried to convince Mr. Slomovitz that Ford was not an anti-Semite. Mr. Bennett claimed Mr. Ford's gift of $5,000 to notorious anti-Semite Elizabeth Drilling was not an important issue.

The Bennett affair resulted in one of the few times that Mr. Slomovitz pulled his punches. He wrote a scathing editorial exposing Mr. Bennett, but was advised by attorney and friend Morris Garvett not to publish it. "They'll call you a liar just like they called Rabbi Franklin a liar," Mr. Slomovitz recalls Mr. Garvett advising.

Mr. Slomovitz had no more success with Detroit's other notorious anti-Semite, Father Charles Coughlin of the Shrine of the Little Flower in Royal Oak. Father Coughlin gained a national following as the Radio Priest during the Depression years and through his *Social Justice* newspaper. His calls for social justice took on an increasingly strident tone as he followed Hitler's line in blaming Jews for ruining the world's economy.

Mr. Slomovitz had several meetings with Father Coughlin, bringing along prominent Jews, Christians and written material in a vain effort to prove that Jews were as anti-communist as the crusading Royal Oak prelate. It was not until the early 1940s, after several years of world war, that the Vatican and others stepped in to silence the Radio Priest.

During this time, Mr. Slomovitz pioneered numerous other efforts. He was an early supporter of the Jewish Telegraphic Agency in New York, the worldwide news-gathering organization that continues to serve Jewish newspapers throughout the world. He was a vice president of JTA from 1942–1985 and remains a board member.

He also was a behind-the-scenes organizer of the American Christian Palestine Committee, a group of leading Christian clergy who worked during the '20s, '30s and '40s for the establishment of Israel.

But in 1941, right after the tragic events at Pearl Harbor, a crisis developed for Mr. Slomovitz which became a turning point in his career. The owners of the Chronicle wanted to move family members into the business, and after 20 years as editor, his days at the paper were numbered.

Within a few months, the groundwork was laid for a competing paper, The Jewish News, which began publication in March 1942. With the commitment of a dozen backers, including the late Fred Butzel and two associates who remain friends of Mr. Slomovitz to this day—Leonard Simons and Walter Field—The Jewish News began. It included an advisory committee of 250 community leaders.

Despite community support, The Jewish News was a family business. Mr. Slomovitz' wife, Anna, was an unpaid worker, boosting circulation and classified advertising. Carmi Slomovitz, at the age of 10, became the office expert on the Addressograph machine which printed the mailing labels for the weekly paper. After graduation from college, and army service during the Korean War, Carmi became The Jewish News business manager.

The sad facts of the Holocaust were hidden from, and discounted by, the American people and the Roosevelt administration during these years. As the truth became known, articles in The Jewish News illuminated the tragic proportions of the Holocaust. On April 7, 1942, just weeks after the paper began, it published the following JTA report:

HUNDREDS OF DUTCH JEWS DIE IN NAZI FORCED LABOR MINES

SLOVAK JEWS LOSE CITIZENSHIP; JEWS TOLD TO MARK DOORS WITH YELLOW STARS; BARRED FROM RECEIVING RATIONS.

LONDON (JTA)—The Netherlands Government in Exile announced this week that 1,200 Dutch Jews, sent by the Germans to enforced labor in the salt and sulphur mines at Mauthausen, have died and that the Germans had deliberately sent them without protection into the "poisonous vapors."

"The protests of the civilized world, when informed by the Netherlands Government were unavailing," the announcement, made on Radio Orange, said.

The statement recalled the arrest of 800 Jews in Amsterdam in February, 1941, in a round-up on the streets, and the seizure of 400 in other Netherlands towns a few weeks later, and added: "Terrible rumors about their fate have been going around ever since. It has now been established that none is alive."

ALL SLOVAK JEWS WILL LOSE CITIZENSHIP

STOCKHOLM (JTA)—Three thousand Jews, including many women, have been rounded up in the town of Sarrissko, in the Zemplin district of Slovakia, and sent to forced labor camps, it was reported here this week. Hlinka Guards, the Slovakian storm-troopers, co-operated with the Slovak police in apprehending the Jews, the reports disclose.

In Bratislava, the Slovak capital, deportation of Jews to concentration camps and "ghetto towns" in the interior continues, the reports state. Speaking at a press conference in Bratislava, Sano Mach, Minister of the Interior, declared that the Jews will be deported from the country "in the same way as they came, with bags and packages in their hands and their return to Slovakia will be prevented." Another Slovak spokesman said "Michaelovce have now regained their Slovak character." Slovak authorities also revealed that all Jews will shortly be deprived of their citizenship.

TOLD TO MARK DOORS WITH YELLOW STARS

ZURICH (JTA)—A number of Rabbis and Jewish leaders were arrested this week in Slovakia for alleged "anti-State activities" and on the charge of "spreading alarming reports," according to a report by the Slovak News Agency reaching here.

A decree issued in Slovakia this week under the signature of Sano Mach, the Minister of Interior, orders all Jews to mark their doors with a yellow Mogen David. This was orderd in order to make it easier for the Nazi-controlled Slovak police and secret service men to distinguish between Jewish and non-Jewish homes when carrying out night raids on Jews.

It was after this period that Sol King and others with University of Michigan connections began circulating the facts about Raoul Wallenberg. The young Swedish graduate of U-M had disappeared behind the Iron Curtain in early 1945 after he was credited with saving 20,000-100,000 Hungarian Jews from the Nazi extermination. As a Swedish attache, Mr. Wallenberg printed and distributed false documents, rented apartment buildings and bullied Nazis SS troops and the fascist Hungarian Arrow Cross into releasing Jewish civilians into his control.

For 40 years Mr. Slomovitz repeated the story of Raoul Wallenberg in the pages of The Jewish News. The Soviet government admitted that Red Army troops had arrested Mr. Wallenberg, and claimed after a 1947 investigation that he had died of a heart attack in a prison camp.

But after years of silence on the issue, the Soviets are taking another look at the case, mindful of reports of sightings of Mr. Wallenberg in the Soviet *gulag* and spurred by efforts like Mr. Slomovitz's and the Wallenberg family in Sweden to keep the issue before the public.

With the disaster that befell world Jewry at the hands of the Nazis came renewed opportunity. In 1945, efforts were made to form a world organization to prevent war. Mr. Slomovitz became an accredited correspondent with the fledgling United Nations Organization, making monthly trips to New York to cover the effort for peace—and to lobby for a homeland for the Jews who had suffered so heinously at the hands of Nazi Germany.

He became a close associate of Michigan Sen. Arthur Vandenberg in the effort to raise support on Capital Hill for a Jewish state. In that capacity, he became a liaison between Sen. Vandenberg, Chaim Wiezmann and Abba Hillel Silver of the World Zionist Organization.

There was the euphoria after the U.N. vote in 1947 creating Israel and Jordan out of Palestine. And there was the concern as the Arabs massed their armies and attacked the new Jewish homeland. Defense of the new State of Israel included Purely Commentary in The Jewish News and support of active efforts to gather materials in the Detroit area for the new state.

On May 14, 1948, Purely Commentary stated in part:

This is Liberation Week in Palestine. On Sunday the Jewish community will take over control of the country. A de facto Jewish government already exists. A Jewish republic is functioning. Barring obstacles from the British and the massing of Arab troops on isolated colonies, it is safe to say that this is the end of Jewish statelessness.

With liberation will come many trials and tribulations. There will be difficulties in Palestine, since internal conflicts are not always avoidable. There will be the problems of financing government projects. The postal, telegraph and telephone systems will have to be reconstructed. We are confident that the Yishuv will know how to face the issues. Would that Jews outside Palestine could face problems as bravely.

Thus—the Jews in the Diaspora will be faced with issues which we must be prepared to meet. There already have been incidents of a rather unpleasant nature in this country. Anti-Semites are resorting to the taunting cries of "go to Palestine" in attacking our people. A Jewish woman was accosted by a non-Jewess at a fruit counter in a local store with the shout, "Why don't you go to Tel Aviv?" She received the proper reply: "You belong with the Nazis at the bar of justice in Berlin."

As we prepare to greet the Yishuv on its statehood we also must be prepared to face all issues in this country. The present adminstration has played a shabby trick on justice and fair play with its attempt to make an about-face in the Palestine matter. The defeat of the abortive trusteeship plan may be held against us, but we should be ready to indicate that we have saved the good name of America by effecting a defeat for injustice.

When we demonstrate on Sunday, in celebration of Liberation Day, let us resolve that we shall continue to fight for justice and decency—thus upholding the highest principles of Americanism. And let us all turn out en masse for the demonstration. No one should be missing from Detroit's gathering in honor of the Jewish State * * *

And few were. Some 22,000 persons attended the celebration at Detroit's Central High School.

The creation and sustenance of the State of Israel has been the common thread of Purely Commentary, and the world Jewish community, for all these years. But other events also punctuated the decades that followed Israel's creation in 1947 and declaration of independence in 1948.

In an effort to upgrade the profession of Jewish journalism, Mr. Slomovitz had been involved with JTA since the 1920s. To further that effort, in 1957 he helped organize the World Federation of World Jewish Journalists in Stockholm. Contacts made at these meetings and in earlier trips to Israel led to numerous reports by international Jewish correspondents appearing in The Jewish News.

Four years later, Mr. Slomovitz spent weeks in Israel covering the trial of Nazi war criminal Adolph Eichmann, the director of Hitler's "Final Solution" against the Jews of Europe.

But it is not as a reporter or commentator alone that Mr. Slomovitz has made his mark. He has been a community activist for both Zionist and non-Zionist causes. He and Anna helped found JARC to help their son Gabriel and other retarded persons in the Detroit Jewish community. He has lent his name to local efforts on behalf of Technion and Bar-Ilan University, resulting in endowed chairs at both Israeli universities. And he has been honored with the Butzel Award by the Jewish Welfare Federation and the Brandeis Award by the Zionist Organization of America.

The list of awards, of associations, of working efforts on behalf of the Jewish people are endless. Perhaps these remarks by current associates can summarize the efforts of The Jewish News editor emeritus to this point in his career:

"I was fortunate to meet and be befriended by Phil almost 20 years ago on a trip to Israel," said Jewish News publisher Charles Buerger. "I have been reading and enjoying his insightful columns ever since.

"In working with him for the past six years, I am continually amazed by his knowledge and his involvement and the great pride he has for his Jewish community. Phil is the quintessential gentleman and scholar."

Jewish News Editor Gary Rosenblatt said, "Mr. Slomovitz is a role model for every Jewish journalist: a man who has devoted his life to informing and helping his beloved community through the written word.

"I am proud to know him and work with him, for he is a man of warmth and integrity."

IRAQI AGGRESSION TAX OF 1990

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LEVINE of California. Mr. Speaker, today I rise to offer a tax that I believe all Americans, Republicans and Democrats alike, will strongly support.

Today, I am introducing an Iraqi aggression tax which would levy a 100-percent withholding tax on interest income earned on frozen Iraqi Government assets in the United States.

At a time when 320,000 American troops are preparing to lay their lives on the line to oppose Iraqi aggression, and when millions of Americans face the prospect of increased taxes, Saddam Hussein doesn't deserve any United States tax breaks.

This tax will help correct a serious anomaly in the Tax Code that allows Iraq to continue earning interest on its frozen assets while they continue to violate international law in their attempt to annex Kuwait.

It is ludicrous that while the United States is financing an international effort to deter Iraqi aggression, Saddam Hussein is earning free interest on Iraqi accounts in the United States. Americans don't get such a good deal; why should Saddam?

The withholding tax would affect all income of the Government of Iraq derived from investments or from deposits in banks in the United States. In particular, the measure would be levied on all interest accrued from August 2, the day of the invasion, until Iraqi withdrawal from Kuwait or the President negotiates an appropriate settlement.

The bill will be written to make sure after the crisis is over that Iraq cannot file a tax return and get a refund for these specific taxes. And, of course, the law would be repealed immediately upon Iraqi withdrawal from Kuwait.

Although the United States Treasury Department is not currently releasing figures on the amount of Iraqi Government assets in the United States, unofficial estimates put the figure at a minimum of $300 to $400 million. Experts estimate that we would raise $2.5 to $3 million a month minimum from the tax.

I am certain my colleagues would agree that this generous tax break to Saddam is deeply embarrassing in light of the fact that American taxpayers are spending millions a day to keep Saddam in check, while Iraq is receiving free interest paid by United States banks.

I urge my colleagues to support and pass this measure quickly.

A REPORT ON TODAY'S WHITE HOUSE MEETING WITH PRESIDENT BUSH

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GEPHARDT. Mr. Speaker, I wanted to share with my colleagues a few observations about the meeting we had today with the President regarding the situation in the Persian Gulf.

The President announced that Secretary of State James Baker will be pursuing a diplomatic solution to this crisis including, we hope, a meeting with Iraq's foreign minister. There was bipartisan support among the congressional leadership for the President attempting to exhaust every diplomatic opportunity for solving this crisis peacefully.

In my discussions with the President concerning the gulf crisis, I stressed once again the unswerving congressional support for the goals of our policy. We must deter aggression, maintain an effective international coalition that fairly shares the human and financial cost of our policy, and remove Iraq from Kuwait, while supporting the young men and women who are defending the national interest so far from home. I emphasized to the President, as did my colleagues, that congressional support for enforcing the U.N. sanctions is nonpartisan and universal.

We have been hearing from the American people, and they share my belief that this crisis can be solved diplomatically, and by pursuing a policy of patient strength: Permitting the economic sanctions to strangle Iraq's economy and warmaking ability until Saddam Hussein removes his soldiers from Kuwait, as he must under international law. If we are going to risk the lives of American military personnel, we must be able to assure their families that all peaceful means of resolving this crisis have been exhausted.

Our leadership told the President that if he decides that military force must be used to achieve our objectives, he must obtain a congressional authorization before committing our troops to war. Nothing could be more unwise than to bypass the representatives of the American people in making such a momentous decision.

To launch an offensive military action against Iraq without the consent of Congress would provoke a constitutional crisis and lead our Nation into an armed conflict divided. As the administration urged in court, and as General Scowcroft has testified, our only procedural recourse would be to invoke our powers of the purse. No one should want this issue to come down to that. The administration can avoid such a divisive course by complying with the Constitution and uniting the Nation behind the results we all want to achieve.

The Congress of the United States will always support American troops in harm's way. The Congress and the people of the United States are deeply committed to resolving this crisis, reversing the immorality of Iraq's occupation, restoring stability to the gulf, and reviving the principle of collective security and true burdensharing to international affairs. We are hopeful that Secretary Baker's trip is successful. When he returns and reports to us on the results of his mission, Congress is determined to play its rightful role under the Constitution and its responsible role as representatives of the American people.

THE EMPLOYEE EDUCATIONAL ASSISTANCE ACT OF 1991

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing the Employee Educational Assistance Act of 1991. This legislation seeks to make permanent section 127 of the Internal Revenue Code, which excludes employer-provided educational assistance from gross income. In the last Congress this legislation had 267 cosponsors.

Section 127 was first enacted in 1978. Since then Congress has extended the program five times, in 1984, 1986, 1988, 1989, and, most recently, 1990. This on-again, off-again approach is extremely disruptive to the employees receiving educational assistance, their employers, and the educational institutions serving these individuals. Employees cannot plan their educational program; employers face serious administrative difficulties; educational institutions face similar uncertainties. It is time to end this annual ritual and make this important program permanent.

Section 127 permits employees to exclude up to $5,250 annually in tuition reimbursements from their employer. If it were not for this exclusion, employees would have to pay taxes on any educational assistance received.

This would be a substantial disincentive, especially to lower-income workers wishing to improve themselves by pursuing educational opportunities. Indeed, the tax liability incurred would be prohibitive for those with relatively modest wages. (The general explanation of the Revenue Act of 1978, which created the section 127 program, states that "The tax law has required out-of-pocket tax payments for employer-provided educational assistance from those least able to pay.") All such barriers to upward mobility need to be reduced or eliminated.

Since 1978, over seven million workers have benefited from this program. Last year there were over 1.5 million recipients of educational assistance. This program particularly helps non-itemizers and lower-income workers who cannot meet the "job-relatedness" requirement of section 162 to deduct educational expenses. By removing the job-related requirement, section 127 eliminates the bias in the Code against lesser skilled workers who simply cannot meet this test. Section 127 also achieves substantial simplification by avoiding confusing case-by-case inquiries into whether or not a particular course is or is not "job-related."

Lower-income workers are taking advantage of this program in disproportionate numbers. According to a survey conducted by the American Society for Training and Development ("ASTD"), 71 percent of those receiving employee educational assistance earn less than $30,000 annually. Nearly 99 percent of all section 127 recipients earn less than $50,000. Participation in the program declines as salary increases. Employees making less than $15,000 participate at twice the rate as those making over $50,000.

Over half the beneficiaries of employee educational assistance take business-related courses, followed in descending order by engineering, health science/nursing, education and computer science. The claim that section 127 is a boon to law students and the like is nothing more than a canard. Those attending professional school account for less than one-half of one percent of all section 127 beneficiaries. The ASTD study found that section 127 was "especially significant for upgrading employees, creating incentives for upward mobility, and providing remediation and basic skills training."

Employee educational assistance is especially critical in maintaining the competitiveness of our workforce. Indeed, President Reagan's Commission on Industrial Competitiveness recommended that section 127 be made permanent. More specifically, the American Electronics Association reports that the United States was short some 20,000 engineers between 1981–1985. To counter this trend, over half of all U.S. electronics firms have section 127 programs. Similarly, the National Education Association reports that 45 percent of all public school systems provide educational assistance to teachers.

As recently as December 17, 1990, President Bush's designee for Secretary of Education, former Tennessee Governor Lamar Alexander, stated that one of his top priorities will be improving adult education. Recalling what a union organizer told him about workers coming to a new General Motors plant in Tennessee, Governor Alexander said their first question was, "Where can I go back to school?" While he didn't say so, what the Governor was referring to was programs like section 127.

Since 1981, student assistance has been cut back dramatically, with more than $2.8 billion lost from student Social Security benefits, restrictions on grants and loans, and the like. Employer-provided educational assistance remains as vital opportunity for those Americans wishing to retrain and further educate themselves. Unless we act, this program will expire on December 31, 1991. Don't let this happen. Support the permanent authorization of section 127.

A TRIBUTE TO INEZ KAISER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine and dedicated work of Inez Kaiser. She is retiring from her position as executive officer of the Redlands Board of Realtors and will be celebrating her retirement with friends and family later this month.

Inez began her real estate career in 1955 with the Burbank Board of Realtors. Ten years later, she and her family moved to Yucaipa and became a member of the Yucaipa Board of Realtors while working as an agent for Miller Realty. She was promoted to the position of office manager with Miller Realty and became president of the Board of Realtors in 1975. Inez left Miller Realty in 1980 and one year later became the executive officer for the Redlands Board of Realtors.

Mr. Speaker, I ask that you join me and my colleagues in recognizing Inez Kaiser for her successful real estate career. I would like to join her daughter Sharon and many dear friends in offering Inez the very best as she begins a new and wonderful chapter in life.

FREE ENTERPRISE WEEK

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to recognize the Hauppauge High School chapter of the Distributive Education Clubs of America for its participation in Free Enterprise Week from January 13–19, 1991, as part of the Phillips Free Enterprise project.

For many decades, DECA programs throughout the Nation have given our country's young people excellent opportunities to learn entrepreneurial business skills. DECA's hands-on approach to learning, in which students participate in actual business ventures in their communities, has given many of America's business leaders their start in the business world.

During Free Enterprise Week, the Hauppauge High School chapter of DECA will conduct many informational forums, including a free enterprise information assembly, speeches by local entrepreneurs, presentations by teenage business people, and a presentation of certificates of appreciation to local business people who participate in DECA programs throughout the year.

Mr. Speaker, I take great pride in the efforts of the Hauppauge High School chapter of DECA. Under the able leadership of project chairmen Douglas Munk, Thomas Scott, and Robert Weinberg, the Hauppauge High School DECA program has provided many of Long Island's young people with meaningful business experience that will benefit the community for years to come. I wish everyone associated with the Hauppauge High program continued success.

THE INTERSTATE GREYHOUND RACING ACT OF 1991

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SLATTERY. Mr. Speaker, I rise to announce that I am today introducing a bill, the Interstate Greyhound Racing Act of 1991, which will regulate interstate commerce with respect to the interstate simulcasting of greyhound racing. Identical legislation, which I introduced in the 101st Congress, was reported by the House Energy and Commerce Committee last year following a hearing by the Commerce, Consumer Protection, and Competitiveness Subcommittee.

Thirteen years ago a similar bill, the Interstate Horseracing Act of 1978, was considered by the U.S. House of Representatives and passed by a voice vote. The U.S. Senate also passed the Interstate Horseracing Act of 1978 by voice vote. The only major difference between my bill and that passed in 1978 is that today we are extending to greyhound owners the same protections given the horsemen in 1978.

Mr. Speaker, my bill does not require any Federal money. It does not create any new agency of Government and it does not legalize off-track betting. The States legalize off-track betting.

My bill does provide that an interstate wager on a greyhound race taking place in one State may not be placed with an off-track betting office in another State without the consent of the following: the racetrack where the race is to be run, the racing commission of the State where the race is to be run, and the racing commission of the State where the off-track betting office is located.

Consent cannot be given by the racetrack where the race is run in disregard of the interests of the greyhound owners. My bill requires the racetrack where the race is to be run to have a written agreement with the greyhound owners' group, setting forth the terms and conditions allowing the track to give its consent to an interstate wager with an off-track betting system in another State.

This issue was succinctly covered during Senate floor consideration of the Interstate Horseracing Act of 1978 by the then senior

Senator from Kentucky, the Honorable Walter D. Huddleston, wherein he stated:

> In essence, this bill regulates the acceptance of an interstate off-track wager that is placed or accepted in one State on the outcome of a horserace taking place in another State.
>
> The bill prohibits such wagering unless all the parties involved in racing—the track, the horsemen, the off-track betting interests, and the racing commissions of the States involved—agree, either directly or indirectly, regarding the terms and conditions of such wagering. This bill will prevent an off-track betting system in one State from using a race in another State without the permission of the parties that have a "proprietary" interest in that race.

Mr. Speaker, I am concerned about reports that greyhound races have been simulcast to interstate off-track betting locations without the consent or agreement of the greyhound owners. These owners have the same proprietary interest as the horsemen, and my bill seeks to protect those interests to the same extent that horsemen are now protected.

I urge my colleagues to join me in support of this legislation.

Few of us are aware that over 26 million people visited the 48 greyhound racetracks in the United States in 1988. Even more important to the 14 States involved was the fact that greyhound racing contributed over $225 million to State and county governments. This figure does not include the millions of dollars produced through payroll taxes and sales taxes generated at the track as well as at local motels, restaurants, gasoline stations, and other greyhound-related businesses.

Greyhound racing is the sixth largest spectator sport in America and it is growing every day. My own State of Kansas has been the home of the National Greyhound Association for many years, but it was not until this year that Kansas, along with Texas and Wisconsin, actually began the planning and construction of 10 new greyhound tracks. Interestingly enough, a greyhound racetrack that generates a handle of more than $500,000 will employ a minimum of 600 people. Greyhound racing is a parimutual spectator sport that creates employment, produces taxes, and provides entertainment.

The sole registry for the racing greyhound on the North American Continent is the National Greyhound Association [NGA]. The NGA is a voluntary, nonprofit association operated in accordance with the laws of Kansas. It was organized in 1906, and its membership today is in excess of 6,000 owners and breeders whose greyhounds compete at tracks throughout the continent. The NGA maintains records of all breedings, litters whelped, individual registrations, transfers, and leases. Their rigid identification system has played an integral role in maintaining the sport's impressive reputation as a creditable, major spectator sport. The NGA is an associate member of the World Greyhound Racing Federation and a charter and founding member of the World Alliance of Greyhound Registries and the American Greyhound Council.

The greyhound has its origins deep rooted in the lands that cradled earliest civilization. Murals and paintings suggest that the greyhound of today was around some 4,000 years ago. He was the subject of art, lore, sport, and entertainment in the ancient civilizations of Egypt, Persia, Greece, Rome, and later in England and Ireland. Cleopatra championed greyhound hunting and coursing—racing, however, it was not until the 1700's that the first formal rules of greyhound coursing were initiated by Queen Elizabeth I. The support of Cleopatra and Elizabeth I has been the basis for referring to greyhound racing as the Sport of Queens.

A TRIBUTE TO NEIL P. ANDERSON

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DONNELLY. Mr. Speaker, I rise to pay honor to Mr. Neil P. Anderson, who retires today from his position as program manager for base installation security systems, and director of development of the U.S. Air Force Electronic Systems Division, located at Hanscom AFB, MA.

Mr. Anderson is a life-long resident of Massachusetts, and received a degree in electrical engineering from Tufts University in 1956. After graduating from college, he received a commission as a second lieutenant in the U.S. Marine Corps. He served as a field artillery and communications officer until receiving an honorable discharge in 1959.

After leaving the Marine Corps, Mr. Anderson joined Sylvania Electric as a design engineer, where he helped develop radar and electronic intelligence equipment.

Mr. Anderson joined ESD in 1963 in the planning and technology division. As an assistant to the deputy director, he worked on design programs for a wide variety of electronic systems, including command and control, information integration, and high frequency, UHF and satellite communications. In 1973, Mr. Anderson took over as program manager for the Fixed Based Air Traffic Control Radar Program. His work there led to the global deployment of a new generation of airport surveillance radars, precision approach radars, and ground control systems for the Air Force Communications Command.

Mr. Anderson later joined the Physical Security Center of Excellence, and has served as its director of development since 1979. As director, he has been responsible for the planning, development, testing, and production of electronic physical security and monitoring systems which protect nuclear weapons and other Defense Department facilities. The center is also involved in the acquisition and deployment of monitoring equipment used in support of the INF Treaty with the Soviet Union.

During his 30 years in Government service, Neil Anderson has received numerous awards, including 11 for superior performance, and the Air Force Systems Command Certificate of Merit. In recognition of his long service, Neil's friends and coworkers will be hosting a party in his honor. I hope all my colleagues will join me in congratulating Neil Anderson on his retirement, and extend to him our best wishes in his future endeavors.

UNIVERSITY OF WISCONSIN PLAYS KEY ROLE IN SPACE MISSION

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SENSENBRENNER. Mr. Speaker, I would like to recognize the invaluable contribution of the University of Wisconsin to the success of NASA's recent Astro–1 mission aboard space shuttle *Columbia.* The Wisconsin ultraviolet photo-polarimeter experiment [WUPPE], developed by the University of Wisconsin at Madision, was 1 of 4 astronomy instruments comprising the Astro Observatory.

The objective of the Astro–1 mission was to study the invisible x rays and ultraviolet rays emitted from objects in space. Visible light is but a very small part of the electromagnetic spectrum. Thus, a more complete investigation and understanding of the universe depends upon the study of these other wavelengths which do not penetrate the Earth's atmosphere.

During the course of the 9-day Astro–1 mission, NASA experienced several problems which threatened to reduce significantly the amount of science originally planned for the mission. One such problem involved the failure of the keyboards and video displays on the two shuttle-based computers used to control and operate the Astro Observatory. Consequently, the shuttle astronauts could neither enter commands in the computer to precisely point the telescopes, nor visualize what the telescopes were doing.

However, thanks to the skill and tireless work of scientists on the ground, expecially the University of Wisconsin instrument team, much of the planned science on the Astro–1 mission was salvaged. With the onboard computers dysfunctional, NASA improvised by having Dr. Ken Nordsieck, a University of Wisconsin professor of astronomy, relay commands to the shuttle orbiter. Dr. Nordsieck was selected by NASA to be the alternate payload specialist for the Astro–1 mission. Thus, he was trained to operate all of the telescopes aboard the shuttle. Using those skills and ground based computer displays, Dr. Nordsieck essentially guided the shuttle crew as they pointed the Astro instruments with a joystick.

I commend the University of Wisconsin team for its outstanding contribution to the Astro–1 mission. The Wisconsin team was headed by Dr. Arthur D. Code, WUPPE's principal investigator. Dr. Kenneth Nordsieck was the coprincipal investigator.

CAMPAIGN FINANCE REFORM

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MILLER of Ohio. Mr. Speaker, I believe one of the most critical issues for the 102d Congress to consider is campaign finance reform. We all realize the importance of this issue, as we just returned from our districts after participating in very costly campaigns. For the good of this country and institution, we must address this issue in a nonpartisan fashion. We must stay clear of proposals that are bent on helping one political party over the other. We must strive to bring down the costs of elections and bring back competitive elections that allowed both candidates to compete on a more level playing field. Congress must consider this legislation in the full House, under an open rule and open debate.

MEDICAL RESEARCH CAN BENEFIT FROM ENHANCED VA/DOD/MEDICAL SCHOOL BOND

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of Texas. Mr. Speaker, today I am introducing legislation which would enhance the medical research alliance between the Department of Veterans Affairs [VA], the Department of Defense [DOD], and the Nation's medical schools.

This bill would authorize the Secretary of Veterans Affairs, in conjunction with the Secretary of Defense, to make grants—from new funds—for the establishment of medical research centers at eligible medical schools. The Federal Government would pick up half the tab, the private sector would pay the other half.

The House approved this legislation during the second session of the 101st Congress, but the Senate failed to act. I believe it is imperative that this measure be reintroduced and enacted for the enrichment of our national medical research effort and the resulting improved quality of life for mankind.

VA and DOD have entered into many sharing agreements involving medical personnel, equipment, facilities and, to a limited extent, research. Further, VA enjoys teaching/education/patient care affiliations with more than 100 medical schools. The measure I am introducing today would take this collaborative relationship a crucial step further—into a united quest for solutions to illness and disability.

Grant priority would be given to schools without established research centers and to research involving some of the most pressing medical challenges of our time, including Alzheimer's, cancer and diabetes. The results of this research would benefit veterans and nonveterans alike.

The distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, has indicated that this bill will be considered early on by the committee since the same measure, essentially, has already received ample scrutiny. The bill is also cosponsored by Representative JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the Veterans' Affairs Subcommittee on Hospitals and Health Care.

Mr. Speaker, in these times of fiscal restraint, it makes all the sense in the world for forces with a common pursuit—particularly one as urgent as medicine—to link not just for cost effectiveness but for the common good. I hope my colleagues will again support this measure.

STATEMENT REGARDING THE DEATH OF BILLY VUKOVICH III

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LEHMAN of California. Mr. Speaker, on November 25, 1990, Billy Vukovich III of Fresno died while taking practice laps at Mesa Marin Raceway, in Bakersfield. Billy was the third generation of Vukovichs to be successful race car drivers. His grandfather won the Indianapolis 500 twice and his father raced in it 12 times. In 1988, after finishing 14th at Indy, Billy was honored as Rookie of the Year.

Billy was a great race car driver, but his life was about more than just racing. He followed his passion, just as his father and grandfather had done. He lived his life to the fullest. He was kind to those around him, respected his family, and was true to his friends.

His life may have been short, but it was a success. Not by the measure of prize money or how he placed in his last race, but in the hearts of all that knew him.

A recent New York Times article on Billy recounts a conversation he had with his friend, Ken Coventry. "I don't have a problem with getting in the car because I'm right with the Lord and I know where I'm going." We grieve at such a loss and console his family, but are certain that Billy has reached his destination.

SENATE—*Friday, January 4, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *Blessed be the name of God for ever and ever: for wisdom and might are his: And he changeth the times and the seasons: he removeth kings, and setteth up kings: he giveth wisdom unto the wise, and knowledge to them that know understanding.*—Daniel 2:20-21.

Eternal God, it is impossible to exaggerate the danger of our times and the immensity of the problems confronting us, nor can we predict the human emotion aroused by the issue of war. But neither is it possible to exaggerate the incalculable resources available in Thee. Help us, Lord, not to struggle as if there is no God to whom we can turn. Help us to realize, "Man's extremity is God's opportunity."

Yesterday, Senators solemnly swore "* * * to support and defend the Constitution * * *," a contract borne in the hearts and minds of our forefathers in their tiny colonial community, struggling with impossible circumstances under the threat of the most powerful military force in the world. They took God seriously, found their direction and resolution in Thee, O Lord. Grant that the Senators in their struggles remember they, too, may turn to Thee to find their way.

In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, Members of the Senate, yesterday Members of the leadership proposed to the Senate a series of unanimous-consent requests to establish the process by which the Senate will conduct its business in the coming year. All of them were what may fairly be characterized as routine requests to set up a process for not just the coming weeks but for the full 2 years of this Congress.

For many years now, it has been the practice for the Senate to recess following the formal convening of the new Senate in early January until later in the month, generally until such time as the President presents his State of the Union Address and his program to the Congress for its consideration.

On November 30, all Senate offices were notified in writing of our intention to proceed in that routine manner and to provide that, during the period between January 3 and January 23, no bills or resolutions would be introduced. That was to permit Senators to use the period between January 3 and January 23 for the drafting of bills, for the numbering to be obtained, and to prepare for their introduction later in the month.

That has been, as I indicated, the normal, standard operating procedure in the Senate for many years. And as I also indicated, all offices were notified in writing on November 30 of our intention to proceed in that manner.

Prior to yesterday, I was unaware that any Senator objected to that procedure. Prior to yesterday, I was unaware that any Senator wished or intended to offer a resolution or any other measure on yesterday or at any time prior to January 23. Had I been aware of any such intention, I certainly would have been prepared to accommodate any Senator's interest in the introduction of resolutions.

I wish to make clear to all Members of the Senate I have no objection to the introduction of any resolutions. We were simply following a standard practice which has been followed in the Senate for many years and with respect to which prior written notice was given to all Senators.

When it became evident yesterday, by way of objection, that some Senators wished to offer resolutions, particularly relating to the Persian Gulf crisis, we proceeded to meet in actually a series of meetings with the Republican leader, with many of our colleagues, to try to work out a process by which we could accommodate that interest and concern. I believe we are now at or very close to having been able to do that, and I hope to be able to propound to the Senate shortly a unanimous-consent request which will accommodate that.

What I would like to do, if it is agreeable to all Senators, is to permit the introduction of resolutions relating to the Persian Gulf crisis today, to permit full and extended debate for as long as any Senator wishes to talk on that or, indeed, any other subject—any Senator is, of course, free to speak on any subject at any time under our rules—and thereby accommodate the concerns of the Senators who expressed that interest on yesterday.

That is my intention. I believe we have worked it out in a manner which is satisfactory to all of those who expressed a concern yesterday. We are now awaiting final approval by all Senators in that regard, and I hope and expect to be able to propound that request shortly.

If we are able to gain consent to do that, then Senators will be in a position today to introduce such resolutions on that matter as they wish and also to engage in such debate as they wish.

It is my intention not to attempt to limit any discussion today, that we will stay here as long as any Senator wishes to talk. That is a very dangerous statement, I know. But I think it is appropriate under the circumstances.

Mr. ADAMS. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. ADAMS. Was there a limitation on resolutions as to between concurrent resolutions which need not go to the President and resolutions that would require Presidential signature?

Mr. MITCHELL. If I might suggest to the Senator that perhaps what we could do is to—I was under the impression that the Senator had seen this. I read it at a meeting last night at which the Senator was present. Why do we not put in a quorum call, and I will be pleased to go into this with the Senator.

Mr. ADAMS. I thank the leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted only to speak therein.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, the full unanimous-consent request setting forth the procedure which I described earlier that we hope to follow has been cleared on the Democratic side. Senator DOLE has just received, a short time ago, copies of the full and revised version, and he is consulting on the matter. We hope to hear back from him soon.

In the meantime, so as to conserve time and to permit all Senators who wish to speak to do so, I have obtained this consent which permits Senators only to speak, not to introduce any bills or resolutions of any kind. That will follow as soon as we are able to gain final approval of the consent request which I described earlier. So, for now, any Senator may speak on any subject which he or she wishes to.

I would hope that as soon as we hear from Senator DOLE, and assuming we gain approval for these requests, that whoever is speaking would permit me to interrupt for the purpose of gaining the consent, and then we proceed in the manner that I earlier described.

The acting Republican leader here has indicated this has been cleared with Senator DOLE.

Mr. COCHRAN. Mr. President, if the distinguished leader will yield, we are advised it is acceptable as stated by the leader, and we appreciate his cooperation.

Mr. MITCHELL. Mr. President, I thank my colleagues.

SENATE LEGISLATIVE SCHEDULE

Mr. MITCHELL. Mr. President, on November 6, 1990, I circulated the proposed legislative schedule for the 1st session of the 102d Congress.

This first scheduled recess has now been canceled.

I am inserting the balance of the proposed legislative schedule in the CONGRESSIONAL RECORD. However, as was the case with the January recess, all Senators should be aware that this schedule is subject to change.

The proposed legislative schedule is as follows:

SENATE CALENDAR 1991—NONLEGISLATIVE PERIODS, 102D CONGRESS, 1ST SESSION

February 11–18: Senate not in session.
February 12: Lincoln's Birthday.
February 18: Presidents' Day.
February 19 (Tues.): Senate reconvenes.
March 25–April 7: Senate not in session.
March 29: Good Friday.
March 30: Passover.
March 31: Easter.
April 8 (Mon.): Senate reconvenes.
April 29–May 5: Senate not in session.
May 6 (Mon.): Senate reconvenes.
May 27–June 2: Senate not in session.
May 27: Memorial Day.
June 3 (Mon.): Senate reconvenes.
July 1–7: Senate not in session.
July 4: Independence Day.
July 8 (Mon.): Senate reconvenes.
August 5–Sept. 9 (August recess): Senate not in session.
September 2: Labor Day.
September 9: Rosh Hashanah.
September 10 (Tues.): Senate reconvenes.

WAR POWERS

Mr. HARKIN. Mr. President, I thank the majority leader for providing us this opportunity to speak. I understand the necessity of getting the unanimous-consent request cleared on the other side to permit us to introduce this resolution today.

I am hopeful that the White House will not object. I am hopeful that we will be able to introduce the resolution today and put it on the table.

Nonetheless, it is important, as I stated yesterday, that the Senate debate this issue as thoroughly as possible, not after the bullets start flying, not after the dogs of war have been unleashed, but now, before.

At the appropriate time I will introduce the resolution that I sought to introduce yesterday, which simply states that prior to taking any offensive action against Iraq—and it specifically says Iraq—that the President must get explicit authorization by Congress before such action may be initiated.

So hopefully there will be no objection from the White House and the Republican leader will not object to this unanimous-consent request to introduce this resolution today.

I want to take this time to explain the resolution, why I feel it is necessary that we debate this issue now, and perhaps speak a few moments on the issue itself, the Mideast situation.

As I said, Mr. President, this resolution does not address the merits of going to war or not going to war in the Mideast. It does not reach the merits of whether or not sanctions will work or sanctions will not work. This resolution is simply a reaffirmation of what our Founding Fathers deliberated over many days in Philadelphia, what they wrote explicitly into the Constitution probably more clearly than any clause in the Constitution, and that was that Congress alone has the power to make or to declare war. And once war is declared it is the President who is then the Commander in Chief of the Armed Forces to carry out the mandate of Congress.

So it is simply a straightforward resolution that reaches to the constitutional question, not the War Powers Resolution—which is legislation passed by a previous Congress—but the Constitution itself, and again to reaffirm that neither this President nor any President can commit our troops to offensive military action without explicit authorization of Congress.

The Framers of the Constitution were very, very wary of giving one person the power to declare war. Alexander Hamilton explained that certain interests are "so delicate and momentous" that to entrust them "to the sole disposal" of the President is unwise.

The Framers were further concerned that the judgment to initiate war should not be lightly made. Madison spoke of war as "among the greatest of national calamities," to use his quote. Thomas Jefferson desired an "effectual check to the Dog of War." George Mason said that he was "for clogging, rather than facilitating war."

James Wilson, one of the most important participants at the Philadelphia Convention, explained the rationale for giving to Congress the power to initiate war. He said, "This system will not hurry us into war." How about that.

We keep hearing from the President that he has lost patience, that we cannot have any more time, that we have a deadline. But James Wilson, one of the participants in the framing of the Constitution said:

> This system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large: and this declaration must be made with the concurrence of the House of Representatives: from this circumstance we may draw a certain conclusion that nothing but our national interest can draw us into a war.

As a Congressman, Abraham Lincoln wrote that the intent of the Constitution was "that no one man should hold the power of bringing this oppression"—of war—"upon us."

Originally the Framers had a clause that provided that Congress "make" war—that only Congress have the power to "make" war—but they changed it to "declare" war, in order to give the President "the power to repel certain attacks," and to clarify that it was the Executive's function to "conduct" the war once Congress authorized it.

James Madison wrote that "in no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department."

So again this unambiguous constitutional mandate was to ensure congressional debate and authorization prior to the entry into war except in the case of sudden attack.

Alexander Hamilton explained in the Federalist Papers:

> [T]he President is to be Commander in Chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great-Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature.

That is the Congress of the United States.

He made it clear they wanted to not use the word "make" but "declare" in order that the President could repel an actual and sudden invasion of the United States.

So any objective reading of the Constitution itself and the clear language of the Constitution, or any reading of the Federalist Papers, or writings of those who drafted this clear clause in the Constitution, can lead to only one clear and unambiguous conclusion: that only Congress can declare war, and the President has the power to repel attacks and invasions, which is not the situation at hand.

So again this resolution is necessary because we have been adrift in this country for some time, letting the executive branch take us from one military action to another. Whether it is Grenada, whether it is Panama, whether it is Nicaragua, wherever it might be, and now in the Mideast, Congress is not actually taking a position under the Constitution to exert its constitutional mandate.

I will be frank in admitting that there were many in this body in previous times—I will not speak of today—but in previous times who were glad to shift that responsibility to the President. You know, why take a position on it if you do not have to. Let the President get out there on the point. If he wins, they can support it; if he does not, then they can be against it. There has been a lot of talk that Members of Congress want to put themselves in that kind of position. This Senator believes very strongly that each person in this body and in the House must stand up and be counted on this issue. Are you for it or are you against it?

This Senator believes quite clearly that the President cannot conduct offensive military operations in the Mideast unless he gets prior approval from Congress. As I said yesterday, now is the time and here is the place to debate this issue, not after the bullets start flying. After that, a different dynamic takes place. Are you going to support our young men and women who are in combat? Are you going to rally around the flag and support this country in its hour of need? Then the dynamics change. Now is the time to debate this crucial issue of the powers of the Presidency.

Much has been alluded to by speakers on the floor of the Senate yesterday that no one was contacted about this resolution; that there are standard procedures that we followed in the past; that we would come in, we would swear Senators in, and then we would go away and come back after the President sent down his budget and his message to Congress.

Those are normal times. But these are not normal times. We have upwards of 400,000, or soon will have 400,000, American troops in the Mideast. There is a date of January 15 set by a U.N. resolution prompted by the United States, confirmed by the Security Council, after which member nations are allowed to use force in order to get Iraqi troops out of Kuwait. All that has happened since this body last met in October.

When we left in October, many of us were under the very clear and distinct impression that the President of the United States had made a decision to continue to enforce sanctions, economic sanctions, against Iraq, to take all diplomatic and economic means necessary to get Iraq out of Kuwait.

As I travel around my home State of Iowa, I find that people are somewhat confused about just why are we there; what is our goal? The goal has changed. One time it is to get the Government of Kuwait back in power. At another time it is because of oil. Another time we are told it is because of jobs. Another time because Saddam Hussein is worse than Hitler, and we cannot allow this to happen. The reasons for us being there seem to change as the winds change.

When we left in October, on at least eight occasions, the President of the United States was quoted as saying that sanctions were working; that we should have patience. On October 19, to the National Italian American Foundation at the White House, I quote the President:

> I think the bottom line is he (Saddam) can't prevail. So, we're going to stay with this, stay the course and send a strong moral message out there, and a simple one: One big country can't bully its neighbor and take it over.

On October 1, the President was quoted as saying:

> I have heard * * * more optimism in various quarters that the sanctions are really beginning to bite hard.

On September 11, before a joint session of Congress, the President said:

> Let no one doubt our staying power. * * * Together with our friends and allies, ships of the United States Navy are today patrolling Mideast waters. They've already intercepted more than 700 ships to enforce the sanctions. Three regional leaders I spoke with just yesterday told me that these sanctions are working. Iraq is feeling the heat. * * * They are cut off from world trade, unable to sell their oil. And only a tiny fraction of goods get through. * * * I cannot predict just how long it will take to convince Iraq to withdraw from Kuwait. Sanctions will take time to have their full intended effect.

Thus speaks the President of the United States.

On October 29, in San Francisco, he said:

> And I would hope that the economic sanctions * * * will convince him that he should, without conditions, get out of Kuwait.

Well, as reported in the Washington Post on December 7, 1990, in Latin America the President said:

> I've not been one who has been convinced that sanctions alone would bring him to his senses.

Well, no wonder the people of America are confused. Here is the President saying time and time again that we should have patience, moral leadership, economic sanctions to show a new world order for collective security with a mission that would bind together to assure that a bully like Saddam Hussein cannot succeed. Not by unleashing the dogs of war, but by isolating, sanctioning, ensuring that his economy cannot function.

There are some even today who say that Saddam has already won. Quite to the contrary, he is losing every day. Recent estimates are that Saddam Hussein and Iraq are losing somewhere in the neighborhood of $70 million a day in lost oil revenues that they cannot sell. They cannot use any of their occupied Kuwaiti ports. So he has gained nothing and he is losing every day. I think that we should have patience, as the President first said.

Or, as another one of the my distinguished colleagues said the other day, which is better: Do we want to wait a year and a half, perhaps, for sanctions to really have their effect, or to perhaps lose 20,000 American lives in a war that would take place early this year?

So all of this has happened since we adjourned in October. Immediately after the election, the President announced that we were going to double the troop strength to almost 400,000. After the election. Then the January 15 deadline was brought by the President. Secretary Baker went around the world, getting all the nations to support the vote in the U.N. Security Council.

This Senator wonders, and I wonder aloud, what Secretary Baker promised all these nations to get them to vote for this resolution? I would note for the record that the day after the United Nations vote when China abstained—they could have vetoed the resolution, but China abstained—the day after, the Chinese Foreign Minister had a meeting with the President at the White House. After what happened in the Tiananmen Square last year, what did Secretary Baker promise China to get them to abstain the Security Council? I think that is a question that needs to be answered.

So these are not normal times. These are not the times when we can close our doors and go home. It is time for us to stand up and be counted.

January 23 is an arbitrary date—it is not written in the Constitution that we have to come back January 23—just like January 15 is an arbitrary date. It is not written in stone anywhere. So now is the time for us to take this up.

Again, as I said earlier, my resolution does not get to the merits of military action. I have been talking about the merits early of using military force here because I think they are intertwined with the constitutional issue. I do not think you can talk about one without also talking about the other.

But the first step is to reaffirm the constitutional obligations of Congress. I use my arguments on sanctions to buttress my belief that we have to have a vote on this prior to any kind of military action in the Mideast.

We have been told time and time again by Secretary Baker that the coalition may fall apart if we do not act. We do not know if we can hold them together. Is that what we have come to as a nation? That we can no longer lead by moral force, by persuasion, economically or by example, but the only way we can lead in the world is by brute military force? Is that what we have come to as a country? I think that is an unfortunate statement for our Secretary of State; that we cannot lead the free world for 1 year or a year and a half or 2 years to keep the sanctions on, and that the only way we can lead is through brute military force. I think that is unbecoming of the Secretary of State. And I do not believe that our country has come to that. I still believe America can lead by example and persuasion and moral force and economically in the world community today. And yes, like the President, I want a new world order, one of collective security, under the auspices of the United Nations.

In August, I was somewhat taken to task by members of the administration for objecting to some of the actions that were taking place in August. At that time, I stated quite clearly that the President should have followed the lead of Dwight Eisenhower when, in 1958, President Eisenhower on one day sent 15,000 troops into Lebanon. Three days later, he went before the United Nations and asked the United Nations to take over that peacekeeping force so we could withdraw our troops. The United Nations did it. That is the kind of example of leadership we need in the White House. It is the kind of example we need of collective security in a new world order.

I stated that at the time President Bush said that, he had something President Eisenhower did not have going for him in 1958; we have Gorbachev on our side. What would that have said to the world community if both Gorbachev and Bush had gone to the United Nations and together had said, "We stopped Saddam Hussein from going any further; now it is up to the United Nations to take over that operation"? We would supply troops. So would other member nations. And then the United Nations could assess member nations for the cost of that operation. That should have been the proper course of action for us to take, not to go it alone.

Mr. SIMON. Will my colleague yield?

Mr. HARKIN. I will yield to my good friend, the distinguished Senator from Illinois.

Mr. SIMON. I thank my friend and I commend him for urging restraint on the part of the administration. I would like to just interject 1 minute to underscore what my colleague from Iowa has said.

Seven of us, who went to the Middle East under the leadership of Senator MITCHELL, met with President Bush the day that we got back, about 2 weeks ago, and at the end of a meeting of more than an hour with President Bush, he said: Let me summarize by saying if we use military force, we can make the United Nations really meaningful for the first time and really establish world order.

And I said: Mr. President, I know you meant to close with that, but can I have 30 additional seconds? And he said yes.

I said: Mr. President, you know, if Libya invades Chad, or Mozambique invades Malawi, neither of which I think is going to happen, but if those things were to happen, we are not going to send 400,000 troops. We might and probably would vote sanctions.

If we can make sanctions stick, then we have found a mechanism to really establish stability in the world, not the use of military might, which may or may not be used. I think that underscores what my colleagues from Iowa has said, that restraint ought to be used in this kind of situation, and I commend him.

Mr. HARKIN. I thank my friend from Illinois for his comments. He has been a long-time leader in bringing sane and rational thinking to this body, and especially as it concerns the situation in the Mideast.

Let me close my comments by again saying that we must, as a body, address this constitutional issue. We can no longer shun our responsibilities under the Constitution. Each Senator, each Congressman must stand up and be counted on this issue.

Last, as to the merits of the case itself, as someone who spent a good deal of time in the military, somewhat a student of past military actions of this country and others, it seems to me there is always one principle that a nation should follow if, in fact, it is going to war: Strike the enemy when he is the weakest, not when he is the strongest. We can keep sanctions on for a year and a half or two, until he uses his spare parts and he cannot fly his jet aircraft and his tank commanders cannot get replacement parts for his tanks. If, and I use the word if, if at that time the sanctions are not working, and we then must resort to force, it would seem to me that is when he will be the weakest. Now he is the strongest.

So let the sanctions work and let this body vote up or down, before the first bullet flies, as to whether or not we are going to permit the President to initiate the war or whether we are going to have that responsibility ourselves.

I suppose if the Congress wants to give it up, perhaps they can give it up, but I think that would be shunning the oath of office that we stood in the well yesterday and took, to uphold the Constitution of the United States.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Washington.

Mr. ADAMS. Thank you, Mr. President.

Mr. President, I joined with my colleague, Senator HARKIN, yesterday in objecting to a procedure that would have potentially prevented debate and hopefully congressional vote on the war that may occur in the Middle East on January 15.

This was not something that should have been a surprise to anyone that this would occur, because on November 29, when the Congress was out of session, I, as a single Senator from the State of Washington, was so upset with the actions of the President, taken, as pointed out by my colleague from Iowa, when the Congress was at recess and after the election, to change the character of the whole operation in the Middle East from a defensive, United Nations sanctioned action to an escalation of "let us use force," that I appeared, made a public statement opposing the use of force, and put in the RECORD for the public to see at that time my exchange of letters with the chairman of the Armed Services Committee and with the majority leader, stating that I did not believe force should be used. I put forth the letters that I had written prior to our adjournment saying that if we adjourn sine die, I am concerned that this President may change his mind and may move to an operation that involves force so we should be in a position to call ourselves back; and second, there should be a consulting.

I ask unanimous consent, Mr. President, that I have printed in the RECORD both my statement I made on November 29 and the attached letters to and from the majority leader and the chairman of the Senate Armed Services Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR BROCK ADAMS' STATEMENT ON UPCOMING U.N. SECURITY COUNCIL VOTE CONCERNING USE OF FORCE IN THE PERSIAN GULF

The United Nations Security Council will vote this afternoon on the Administration's proposal to authorize the use of force in the Persian Gulf.

This is an abrupt change in U.S. policy since Congress adjourned. It represents a dramatic shift from a policy of defense, deterrence, and reliance on U.N.-imposed economic sanctions to a call for U.N.-support for a U.S.-led war against Saddam Hussein—a war that would cost countless American casualties and billions of dollars.

I am here today to announce that this United States Senator is opposed to President Bush's new offensive policy provoked by the rapid escalation in the number of U.S. troops in the Persian Gulf.

I will do all in my power to oppose the U.S. going to war in the Persian Gulf.

I have supported our original policy goals in the Gulf. I support the defense of Saudi Arabia, and I condemn the invasion and subsequent destruction of Kuwait, but I do not believe the solution is an invasion by U.S. forces, which would cost thousands of lives and lay the seeds for long-term enmity between the United States and the Arab world.

The new world order should not resort to old-world tactics. There will be many more regional conflicts in the next 40 years, and the U.S. should not inaugurate this new era by serving as the world's police or by being a muscleman for other nations.

If the U.N. wants to use force in the Gulf, it should be with multilateral forces. The U.S. should secure a resolution under Article 43 of the U.N. Charter that would create a true multilateral force, with all countries involved bearing their fair share, under the U.N. military staff committee.

Today's action, however, only ensures multilateral support for American military action, which neither the American people nor the Congress have been asked to support.

I am only one, a single member of the United States Senate, but perhaps what I have said today will cause others harboring doubts to speak their minds. We are on a reckless course in the Persian Gulf, and the time to change course is now.

U.S. SENATE,
Washington, DC, November 30, 1990.
Hon. THOMAS FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I commend your strong statements in defense of the division of the constitutional powers between Congress and the President.

I know you will be meeting today with the President and I hope you will be able to indicate to him that many of our colleagues oppose his dramatic shift from a defensive policy that relies on UN-endorsed sanctions to one of sending thousands of additional U.S. troops prepared for a military offensive in the Gulf. I firmly believe that the earlier defensive policy enjoys widespread popular and Congressional support. The offensive policy that has brought us to the brink of war does not.

Yesterday, I announced my opposition to President Bush's new offensive policy and to the U.S. going to war in the Persian Gulf. For your information, I am enclosing a copy of that statement.

I am deeply concerned that yesterday's UN resolution, however historic, only ensures multilateral support for a U.S. military effort, which will cause the loss of thousands of lives and cost billions of dollars. Instead, the President should seek approval of a true multilateral peacekeeping force as outlined in Articles 43 and 46 of the UN Charter. These Articles provide for the creation of a UN multilateral force by the Security Council and under the control of the UN Military Staff Committee.

I appreciate your decisions to create a Congressional Consultative Group and to incorporate into the sine die resolution a provision giving the Congressional leadership authority to call a special session while Congress is adjourned. As you know from my previous letters, I support both actions. However, I agree with your decision not to call Congress back into session before the 102nd Congress convenes in January.

I know that others in the House and Senate harbor similar doubts about the recent deployment. I hope that they will join me in voicing their concerns so that a war in the Gulf can be avoided.

With best regards,

BROCK ADAMS.

U.S. SENATE,
Washington, DC, November 30, 1990.
Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I commend your strong statements in defense of the division of the constitutional powers between Congress and the President.

I know you will be meeting today with the President and I hope you will be able to indicate to him that many of our colleagues oppose his dramatic shift from a defensive policy that relies on UN-endorsed sanctions to one of sending thousands of additional U.S. troops prepared for a military offensive in the Gulf. I firmly believe that the earlier defensive policy enjoys widespread popular and Congressional support. The offensive policy that has brought us to the brink of war does not.

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With best regards,

BROCK ADAMS.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 1, 1990.
Hon. BROCK ADAMS,
U.S. Senate,
Washington, DC.

DEAR BROCK: This is in response to your letters of October 5 and October 10. I appreciate you sharing your thoughts with me on the Persian Gulf.

I spoke to the Majority Leader on a few occasions concerning the adjournment of Congress at a time when U.S. forces are deployed in the Persian Gulf.

I believe that Senator Mitchell's action, taken in conjunction with Speaker Foley, to designate a joint bipartisan leadership group for consultations with the President on developments in the Persian Gulf while Congress is not in session and to provide in the concurrent resolution of adjournment for the Majority Leader and Speaker of the House to recall the Congress, are appropriate ways to deal with the issue.

Thanks again for sharing your thoughts on this important matter.

Sincerely,

SAM NUNN.
Chairman.

U.S. SENATE,
Washington, DC, October 10, 1990.
Hon. SAM NUNN,
U.S. Senate,
Washington, DC.

DEAR SAM: As you know, I have been very concerned that Congress faces a *sine die* adjournment in October with the grave possibility that hostilities will occur in the Persian Gulf during adjournment.

At a meeting last week with the Majority Leader, you and I suggested a Congressional Consulting Group be established by concurrent resolution to meet with the President on a continuing basis. This is presently pending in the Rules Committee. I have asked Senator Ford for his help in moving this from Committee to the Floor.

A second problem that was discussed with the Leader in a meeting last week was a form of Resolution if actions in the Persian Gulf move from the present defensive posture to offensive action involving hostilities. I have taken portions of the original Resolution that you and Senators Byrd, Warner, and Mitchell proposed last year and Senator Biden's extensive work and that of staff, to craft a form of Resolution that would not be connected to the War Powers Act. That Act would remain as it is. I am enclosing a copy of this Resolution and I have asked the Majority Leader to call us together at the earliest possible date to be certain a form of Resolution is available during recess, *sine die*, or that Congress reserve the power to reconvene in case of war.

I hope I will hear from you.

Sincerely,

BROCK ADAMS.

U.S. SENATE,
Washington, DC, October 25, 1990.
Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Thank you for your letter of October 23, 1990, regarding your plans, with Speaker Foley, to form a bipartisan leadership consultative group.

The formation of this group, along with a concurrent adjournment resolution which will allow Congress to be called back into session in the event of hostilities, is indeed a first step to ensuring that Congress exercise its constitutional authority with respect to the situation in the Persian Gulf.

It is my hope that we can work together to further strengthen Congress' war making powers as provided by the constitution. On this point, I believe that if hostilities were to occur, the consultative group which you are creating should be empowered to introduce a resolution authorizing the continued commitment of U.S. armed forces in such hostilities. This resolution should be considered under expedited procedures such as a 4(a)(1) resolution of the War Powers Act.

I intend, before we adjourn, to put in the RECORD, a form of a resolution which could be used to carry out these recommendations. I deeply appreciate what you have done and I look forward to continuing our joint efforts on this very important matter.

Sincerely,

BROCK ADAMS.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, October 23, 1990.

Hon. BROCK ADAMS,
U.S. Senate,
Washington, DC.

DEAR BROCK: I greatly value your views about the importance of Executive consultation with Congress regarding any decisions that might lead to war, particularly in the context of the approaching recess and the situation in the Persian Gulf.

Your advice has helped prompt Speaker Foley and me to invite the bipartisan leadership and the chairmen and ranking members of the relevant committees to participate in a consultative group for this purpose. I will urge the President to consult with this group, while recognizing that such a group cannot substitute for the whole of Congress.

In this regard, Speaker Foley and I will also ensure that the concurrent adjournment resolution provides that, in consultation with Mr. Michel and Senator Dole, we will be able to recall the Congress to Washington as necessary.

I hope that you will consider these actions a step forward in helping to ensure that Congress is able to exercise its constitutional authority with respect to war powers.

You and your resolution regarding consultation have played a key role in this regard. I thank you for your counsel and support on this extremely important issue.

Sincerely,

GEORGE J. MITCHELL.

U.S. SENATE,
Washington, DC, October 10, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you know, many of us have expressed our views about the situation in Iraq and the necessity of Congressional involvement. Of special concern is the fact that, once we adjourn sine die, the only way we could be called back, should military action occur, is for the President to call an emergency session. This concern is especially acute in light of recent press reports of contemplated military action.

Therefore, we are writing to express our belief that, when the Congress passes a concurrent resolution of adjournment sine die, language should be included reserving the right of our Senate and House leadership to call us back into session prior to the commencement of the 102nd Congress. In reviewing precedents established in previous sessions of Congress, we have found that Congress has frequently adjourned sine die with a call-back provision. For example, this was done in 1983 due to the situation then existing in Lebanon.

Our recent concurrent resolution expressing support for the President's efforts thus far made it clear that in the event of imminent hostilities or a contemplated military effort against Iraq by the United States, the President remains obliged to operate within constitutional and legislative processes. To assure that we are in a position to discharge those constitutional responsibilities allocated to the legislative branch, we believe that our leadership in both the Senate and House need to reserve the option of reassembling without having to await Presidential action in reconvening Congress.

We, therefore, respectfully request that you put forth an adjournment resolution which contains language similar to the following:

"SEC. . The Speaker of the House of Representatives and the President pro tempore of the Senate, or the Majority Leader of the House of Representatives and the Majority Leader of the Senate, shall notify the Members of the House and Senate, respectivey, to reassemble whenever, in their opinion, the public interest shall warrant it."

We would be most willing to discuss this matter with you personally should you so desire.

Sincerely,

BROCK ADAMS.
TERRY SANFORD.

Mr. ADAMS. Mr. President, I take the floor today because we have now given our consent to a unanimous-consent agreement that attempts, I hope, to provide for debate and for congressional action before the bullets fly and the bombs fall. If we do not take congressional action prior to an independent action by the President, the whole character of the vote changes. Members that might vote on the merits against using force and, instead, continuing the use of sanctions and continuing the use of the U.N. operation, will be faced with the argument in their districts and their States, House and Senate, that you are not supporting our boys overseas; that you are not supporting a policy that has already been put in to effect.

The time for decision is now. That is why Senator HARKIN and myself introduced the resolution yesterday, or attempted to, I should say, put in the resolution, that just simply states that the President must come to the Congress and obtain authorization before the use of force in the Middle East.

A second purpose I have for taking the floor today is that, if the unanimous-consent agreement is agreed to, it provides that we can introudce the joint resolution which states what the Congress feels, its belief with regard to the fact that the President must come to the Congress to obtain authorization before going to war or using force.

But on January 14, if we debate this issue, on that date, I will reintroduce Senate Joint Resolution 386. One of the reasons I put into the RECORD the statement I made on November 29 was that prior to adjourning, I put in Senate Joint Resolution 385 and Senate Joint Resolution 386 which state that the President, as a matter of law, must come to the Congress and provide for expedited proceedings for resolution.

Let me tell you what my concern is, where it comes from, and the concern of Senator HARKIN, that we have time for debate and resolution of the issue. Seven times during the reflagging of Kuwaiti vessels, when we were then on the other side of the Saddam Hussein-Kuwait operation as opposed to Iran, after we had taken hostilities, we tried to bring up the war powers resolution to say that the President was authorized to take certain actions.

We were not even trying to prevent the actions. We were trying to say there should be an authorization but there is a limitation on it of this amount of time, and this is the authorization that is required for money to spent. This was filibustered. This was filibustered to an extent that we could not even bring it to a final conclusion.

My concern, as I stand here today, is that the same thing will occur to any resolution that we attempt to bring up and we attempt to pass prior to the January 15 date.

We have received, to say the least, confused signals as to what January 15 means. I have been criticized by others for saying that January 15 has been made into a potential war date, or that the bombs may fall on that day. I did not set January 15. No Member of Congress set January 15. This was proposed by the administration and has been accepted by the administration as its own date when it could go to the United Nations, obtain authorization for the use of force, and that it would operate on that date.

But I would state to the Members very clearly again, as I did yesterday, that the U.N. resolution does not authorize the President to go to war. It does not authorize the President to use force that is the equivalent of going to war. That must be authorized under the charter, sections 41, 43, and 46, by the individual countries. This is not at this point an authorization by the United Nations for the use of a U.N. force as a U.N. force. It authorizes nations individually to go.

So I will introduce Senate Joint Resolution 386 on the 14th, which provides for expedited proceedings. We need those expedited proceedings. The only reason we ever tried to use the War Powers Act is because it could cut off a filibuster and it would allow the Congress to work its will.

I do not want to see the Congress prevented from working its will on this critical, crucial issue that faces this Nation of whether or not we will be at war in the Middle East.

So that resolution will be introduced on the 14th.

But today, if this goes through, we will introduce, Senator HARKIN and myself, a Senate resolution that fits the unanimous-consent request that requires and states that it is the sense certainly of this Congress that the Constitution of the United States vests all powers to declare war in the Congress of the United States and any offensive action taken against Iraq by the United States must be pursuant to an explicit authorization by Congress before such action may be initiated.

In a moment, I will speak to the policy, but first, so there be no question in anybody's mind, I am appalled when I hear administration officials state that the President can issue an order and that we can use force, in effect, go to war with Iraq, without constitutional approval.

Roger Sherman of Connecticut, who in 1776 had been one of the five members to write the Declaration of Independence, and who, Thomas Jefferson observed, as we said in the New Yorker in its issue of December 31, 1990, on pages 25 and 26:

> * * * "never said a foolish thing in his life"), now agreed that "the Executive should be able to repel and not to commence war." Madison reported at this point that Mr. Gerry said he "never expected to hear in a republic a motion to empower the Executive alone to declare war," and that George Mason of Virginia, "was against giving the power of war to the Executive, because not safely to be trusted with it." The Madison-Gerry proposal passed, eight states to one. The issue could hardly have been more clearly settled.
>
> The eighty-five Federalist Papers, published, mostly in the New York press, during the ensuing fall, winter, and spring, further manifested the Founding Fathers' determination that the American President would not have the power of the British king to wage war at his pleasure. Absolute monarchs often make war "for purposes and objects merely personal," John Jay wrote in Paper No. 4. In Paper No. 69 Hamilton wrote that the military authority of the President would be "much inferior" to that of the British king, because the king declared war and raised and regulated the military, "all which, by the Constitution under consideration, would appertain to the legislature"—that is, would belong to Congress. None of the thirteen states wanted an elective king for a President, either.

This states very well the historical perspective. There is no question about it. The Congress can abdicate. I am fearful that Congress will abdicate. I am fearful it will be prevented from working its will.

We should vote on whether or not this Nation goes to war, whether or not there shall be casualties, whether or not the Treasury shall be emptied again for purposes of war. All of us who supported, and we did support and we give great credit to the President for establishing a policy of stopping Saddam Hussein. We stopped him. Sanctions were put in place. Diplomacy was used by this administration up to the time of the election, and we agreed with it, and supported it, and appropriated money for it, and we still support that position. These sanctions should be given a chance to work. The change to an offensive posture, the calling of Reserves, the bringing over of additional troops, has boxed the Nation into a position where now we have to vote on this to prevent an unwise decision.

Let me comment just briefly on the policy itself of using force at this time. My colleague, Senator HARKIN, mentioned one reason, which is weaken your enemy if you are going to use force and strike him at his weakest. But there are far greater issues involved which have not been debated on the floor of the Senate yet and they need not only to be debated but resolved, voted upon.

Let me mention, first, that we had no commitment that I have been able to ascertain and, on the contrary, public comments that went the other way as to whether or not our Arab allies would fight an offensive war. It is essential that our Arab allies stay with us and that this not be a war that becomes one between West versus East or West versus the Arab nations.

These coalition partners are content and are supportive of the policy we have now. We have not had assurance that they will be supportive if we go into an offensive war, which means the invasion of Kuwait and the potential invasion of Iraq.

A second thing, and the question that should always be asked in a war is what if you win the war? Are we going to occupy Baghdad? Are we going to occupy Kuwait? What is going to be our posture if we have conducted military operations, and after these military operations are over, we have had some degree of success?

I have never heard a discussion of that by the administration.

I know pretty well what will happen if the sanctions work and we squeeze this Nation and either have the overthrow of Saddam Hussein or we weaken him and his nation to a point where they are no longer a threat. That result will be an internalized result and one that we can maintain enforcement and also maintain peace in that region.

A third point: One of the reasons many of us were involved in the debates in the Iran-Iraq war and now involved in this debate is that the United States has had a presence in the Persian Gulf for 40 years. We will probably have to have a presence in the Persian Gulf for another period of time. We have protected the oil supplies that were necessary from Saudi Arabia, the Emirates, elsewhere.

We have the hostages now out of those countries. We have stopped further aggression. We have put in place sanctions to prevent Saddam Hussein from conducting his country's operations as he would like. And those sanctions should be given a chance to work. If we were to pull down our troops to a point where we could rotate them now, we can sustain a presence there for a long time.

We had a presence in Europe for 40 years. We still have a presence in Japan. We still have a presence in Korea. This Nation is capable of sustaining long-term efforts if those long-term efforts have the support of the people, the votes of the Congress, and the executive branch with a clearly stated policy of why we are doing it. That is possible. But it is not possible to sustain—and this has been stated by our military people, it has been stated by many others—it is not possible to sustain 500,000 troops or an offensive force—and I will try to quote as accurately as I can but I will paraphrase what the administration is saying—a massive offensive force so they can win this war in 2 or 3 days.

I have heard about wars being won in 2 or 3 days before. You have entrenched troops on the border. Are you going to take territory? How much are you going to take? Are you going to stop at the Iraqi border? Are you going to fight a land war? Are you going to fight an air war?

All of these things are left clouded. That is why the Congress has to step up to its responsibility. That is why I had filed before Senate Joint Resolution 386 which sets up a system for the Congress to vote on what can be done with force, how much, and a way of getting to a final vote and resolution.

I hope that we start a debate prior to the 14th. It may or may not occur. I hope that if that does not occur, we have an agreement on a date and time of voting before hostilities occur. These are matters that were underlying the debate yesterday.

The time of voting on whether or not to take offensive action is prior to the action taking place. Those of us who have been on this floor fighting against the use of force for a number of policy reasons, and giving sanctions a chance to work, fought the process request yesterday because if we start this debate too late and the President takes action as he seems to feel he has the power to do so and those troops move, the debate will be entirely different than the debate, if we have it, prior to that time. This is a time for each Senator to vote his or her conscience but to vote it in an informed fashion after a very long debate.

When I say "long," I do not mean days of time. I mean a statement of position and consideration of options so that we know as a nation whether or not blood is to be spilled and whether or not the Treasury is to be emptied for a war when we had a policy in place—and have at the present time—that can and will work. It has not been given a chance to work.

I hope that we will have the debate, we will have the resolution of this issue, I have placed in the RECORD the items that I did to show that we have given not only ample information as this has been growing to our leaders and to the others who have been involved in negotiations, we have tried to raise this issue and have every briefing that has come up.

I do not question anyone's good faith in America as they debate this issue, but I do question deeply the judgment that is being exercised and the points of time when we will be making this decision because we are at a very critical point in our Nation's history. We have all talked that this is a new era, that the Soviet Union has a different position in the world than it did before and that this is our chance to make the United Nations work. Let us give it a chance to work, not be hasty in war.

I would close by saying our attention is devoted to this but a great danger exists also with all the events in the Soviet Union, the danger of the nuclear weapons that are there which are real, the danger of instability, the danger of a government taking over that is hostile, or the danger of the country fragmenting and these nuclear sites being in the hands of those who are not responsible. But we are not even able to approach that at this moment because the President is talking war in an area where we do not need war and where we are capable of sustaining our presence and sustaining the presence of our allies, because if our allies are not willing to stay with sanctions, which they have indicated they are, how far will they go in war?

Remember, it is always easy to vote to send somebody else's children, somebody else's money, and so nations voting in the United Nations have recognized this and they have not asked us to do it. We asked them to approve our doing it. I do not think we should do that. I do not think threats in the Arab world are credible; then you have to move to action. Our threat is not the way to proceed. It does not lead to the result we want. The squeezing with the sanctions, the naval blockade, the stopping of the oil, the isolation of the society is a way that can get us the result we want.

So those who would unleash the dogs of war I think should consider very carefully what is the interests of the United States? Why do we benefit from this as a nation? Can we afford this as a nation? Should we have this as a nation? This decision should be made in these Halls.

This Senator is prepared to vote on any resolution anytime from now on. I pray I will have an opportunity to vote on it prior to the bombs falling.

I thank the Chair. I yield the floor.

Mr. HARKIN. Mr. President, I compliment my colleague from the State of Washington for an excellent statement. I thank him for working together on this resolution. We both share common goals and interests in this.

Senator ADAMS has been one of the most outspoken and forceful leaders in this body and previously when I served with him in the House of Representatives, in making sure that Congress exercises its constitutional—I will not say prerogative but I will say constitutional mandate.

Mr. ADAMS. Will the Senator yield?

Mr. HARKIN. Yes, I am delighted to yield.

Mr. ADAMS. It is a pleasure to work with the Senator from Iowa. Many Members of this body may not know, but this is a naval fighter pilot. This is a person who has been in war. I have always found, when we were fighting to stop the Vietnam war, and he joined with me in that, those who have been in combat are the leading people to urge caution in unleashing the dogs of war. I know the Senator will remember when we took the Bronz and Silver Star members from World War II and from the Vietnam war and from the Korean War into the well of the House. That was the first time we began to roll back the tide in Vietnam.

So I compliment the Senator. It is a pleasure to work with him. I hope and pray that we can avoid a disaster for this country. I appreciate his leadership.

Mr. HARKIN. I thank the Senator. I hope we can avoid the calamity like we had in Vietnam. It was not until maybe 40,000 of our finest young men came home in body bags that we finally started talking about what we were doing. Let us not let that happen again. Let us debate and discuss this right now.

I find it unusual at best that here we are on January 4, 11 days from this deadline dated January 15, and the Senator from Washington and this Senator are the only two on the Senate floor discussing this issue.

Beyond discussing, I think we ought to reach some kind of resolution on this and have a vote. As I said, it is time for Senators to stand up and be counted.

The central question comes down to this: Do you support the President over the Constitution, or do you support the Constitution over the President?

Presidents come and go. Some are good, and some are bad. Some lead and some do not. But the Constitution of the United States endures, and it lasts, the finest document ever drafted to steer a ship of state, not for a year or two or a decade, but for centuries. What has gone before for the last 200 years should last for another 200 and 200 beyond that, because the Constitution of the United States embodies within it an understanding of human nature, how human beings interact with one another, the result of a millenia of wars, persecutions, of despots and kings leading their people into various and sundry wars and conflicts. The Framers of the Constitution understood human nature, and what it means to balance the power, balance those conflicts.

We have been drifting for far too long in this country with too much power in the executive branch. It is now time for us to stand up and say the Constitution now, the Constitution forever, first and foremost the Constitution; not this President, not any President over the Constitution.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank our distinguished colleague from Iowa. I think it was very, very important on yesterday that he stood up and raised the question of the responsibility of this particular body, and that we just not callously come in, get everybody sworn for new terms of office, handle the politics, and disregard the problem.

Conscientiously, the distinguished Senator from Iowa could not stand for that, and the Senator from South Carolina could not stand for it. In fact, we have been saying that for a couple of months, ever since the President changed signals on us, waited until after the election, and then changed from defensive to offensive, set out a policy of committing GI's to combat in order to punish naked aggression. I think that is the target. It has been a changing target.

I thought we ought to get the Congress together and talk about this. The President got more bellicose, more strident, and we in turn became more silent.

I have to acknowledge there are Senators who perhaps have not worried as much as this Senator, have not had, let us say, as much time to spend on it. I was stuck to CNN during August. I was home politicking, going around the State, and I observed the change of policy here.

We just had the administration briefing yesterday. I just did not get a chance to ask the Secretary of State, "Where is April Glaspie?" They have hidden her. If you can find her, brother, you will get a top job offer at the Secret Service or the FBI or someplace.

But we just had a long background of history outlined last evening—the history of Kuwait, the history of Iraq, and the historical differences, not just geographical differences which existed ever since it was just a political decision by England and France at the end of World War I to cut her off from the former Ottoman Empire, and say, "this is Kuwait; you just handle your own affairs, and give us the oil."

We should also remember the more recent difference between Kuwait and Iraq when Kuwait went into that oil field, 95 percent located in the counry of Iraq, and taking oil from it, as well as agreeing to pump oil on Iraq's behalf during the Iran-Iraq war and then requiring repayment.

Saudi Arabia also pumped oil on Iraq's behalf, but later forgave the debt. Saddam went to King Fahd, and the King said forget it; you have protected Arab integrity, and there is no charge. Saudi Arabia wrote off the oil they pumped on Iraq's behalf during the 8-year period of the war. But when Saddam went down to Kuwait and asked the same treatment, Kuwait sent a $20 billion bill.

You had to end the territorial dispute, the economic dispute, and then of course the actual pressure of Iraq's buildup for invasion and the dispute that Iraq could have with the United States of America.

Incidentally, everybody knew Iraq was amassing troops. There has been a dispute as to whether we had intelligence or not. It can be stated unequivocally—and I have seen it now in the news—that the military intelligence was on target, even if other intelligence entities were not. Military intelligence foresaw an attack at that time by Iraq into Kuwait.

A key event during this buildup was that Saddam called in April Glaspie, the U.S. Ambassador to Iraq.

And when asked by Saddam on July 27 what is the United States' policy with regard to disputes between Iraq and Kuwait, Ambassador Glaspie's answer was that the United States takes no position on territorial disputes between Arab countries.

So given the green light by the United States on July 27, 5 days later Iraq invaded, on August 2. And so we promptly and fully debated on this floor; we met as soon as we came back after Labor Day. And we passed a resolution formally approving President Bush's action in coming to Saudi Arabia's defense and imposing sanctions. Of course, at the time, the President cautioned that sanctions could take 1 year to 2 years to work.

And so we virtually unanimously supported that. I voted to support the policy, and we went about our business. The American people hardly paid attention to it, other than that they knew some National Guard units were being called up. Then, after the general election, with the Congress gone, the President began to play the game. When I say play the game, I speak advisedly. It is quite obvious to this particular Senator that the President of the United States definitely had the authority to convene the Senate at that time. He could have done so if he wanted our advice and consent. But rather, he said, No, I do not need to fool with that crowd. I need to win over the U.N. crowd. If I can run around the world and bribe that particular group, then I will be in the driver's seat.

We gave Turkey higher textile quotas, we gave Syria and Lebanon. We gave Egypt a $7 billion loan forgiveness. We gave Saudi Arabia our defense shield plus a windfall of anywhere from $20 to $30 billion in higher oil prices.

The President of the United States could forego this particular debate, if he said to the leadership: I will consult. War is a serious thing. Article I, section 8, clause 11, empowers the Congress to declare war, not the President, not the Pentagon; but it empowers the people's Government, to declare war. It is categorically clear in this instance, because there is no war now. We have been out there for 5 months, and no one has been killed in hostilities, even though hostilities are imminent.

So without a war and with the Constitution categorically clear, the President, if he really wanted us, could easily get us. And do not finesse this thing with: "We consulted with the leadership on the change of policy." It has been noted it was an 11th-hour telephone call to the chairman of the Armed Services Committee, Senator NUNN of Georgia, who was reached in a restaurant one Friday. That was the extent of the administration's consultations. The policy had been decided upon.

Yes, there had been briefings. They called us in. But that is not real consultations, because the name of the game is to play chicken with Saddam. And if they have to threaten him and play the game of chicken with Saddam, they have to play the game of chicken with the Congress. They cannot come home and say: "We are just bluffing him. We do not really intend to go to war." It has to be credible. In order to do that, they have been veritably intransigent and more and more bellicose in their particular stand: We shall attack, and right closely to, if not on the exact date, of January 15, which has been laid down.

And so it is, Mr. President, that the President does not want our advice. He, no doubt, understands that he could not get a nearly unanimous vote as occurred with the Gulf of Tonkin resolution, with uninhibited, unrestricted authority. He must have gotten that message when we debated the resolution that is now in force, approving the defense against Saddam by the imposition of sanctions.

I, for one, was very careful to make clear that our resolution supporting Bush's intervention in the gulf was not a replay of the Gulf of Tonkin resolution. I talked at the time about "Arabizing" the conflict, because the entire body of history there is being disregarded.

We are in the most ironic position in regard to this particular issue that we have ever been in. I would be glad to flesh it our later. But the point is that Saddam could win by losing, and the United States could lose by winning.

Let me say, though, that the President does not want our advice, and he knows he cannot get in categorically, so he does not ask for it. And he knows as long as we go along with this particular charade, "Let us wait. They are going to talk now, and they might meet in Geneva, and they might do that and get down to the 15th."

And if the President orders an attack—incidentally, if he does order it, we will all be supporting it. I dissent strongly from the position of our distinguished colleague over on the House side, DICK GEPHARDT of Missouri, when he said we would cut off the funds. You will not find this Senator cutting off funds. In fact, I voted against cutting off funds in Vietnam. I am still angry about that outcome. I am still ready to fight it. I know I have lost that. But Vietnam teaches a lesson which can be applied to this case. You cannot impose a culture through the barrel of a gun. We were looked upon as foreigners in Vietnam and we never succeeded in imposing our political culture. It was a tough lesson to learn.

In any event, put me down that if the President gives the order, while I think it is bad judgment to go and start a war on January 15, and I would advise against starting a war on January 15, if the President started a war here on January 4 or 5 or any other date, I would certainly support it from the standpoint of funding it.

We have only got one President. You have the troops committed, they are in the field. We have known now since November 8 that we had assumed an offensive posture, and the Congress now has an obligation to take a stand. I think the distinguished Senator from Iowa [Mr. HARKIN] and the Senator from Washington [Mr. ADAMS] were proper in their insistence yesterday that we raise the question and start the debate. I have never heard it suggested, and I hope it would not be, that here the most deliberative body would be overstepping by deliberating on this issue.

I recall an instance in Finland some 19 years ago in the company of Senate leader Mike Mansfield. We were talking about bargaining chips in SALT I negotiations. We were counseled at that particular time by our experts in Helsinki: They said do not in Congress approve weapons systems strictly on the grounds that they might make good bargaining chips. Find out what the national defense needs and vote for it, and we will handle the consequences out here.

In a similar fashion, what we ought to be debating is what the policy should be or should not be, irrespective of crass political polls. While I agree with the Senator from Iowa that the Constitution is clear on this point, the debate should focus on whether it is the right policy, the right decision, the correct judgment or not. We are here to set policy and not play games. Meetings between the Secretary of State and Iraqi Foreign Minister Aziz may or may not happen. You are not going to outmaneuver and outfox or outchicken these Arab folks. They were raised in the bazaar. They are good poker players, let us put it in that sense. And the truth of the matter is that in a democracy you are not allowed the luxury of playing chicken. You have got the open media. Issues are openly aired, openly debated. The administration ought to be operating with the full support of the National Congress. I cannot imagine a President wanting to go to war without the support of the National Congress. As President he ought to be getting everyone to understand, appreciate, and support his policy. The President ought to seek that concurrence not just because the Constitution requires it. It is not my purpose to try the President and win the constitutional debating point. I want to speak to the wisdom of this particular policy, whether it is smart, and the truth of the matter is that this rush to war is badly, badly mistaken.

I am firmly convinced that we have a pollster President. I say that advisedly. I have known one way or another both President Reagan and President Bush, both before they came to office. I always had the feeling, with due respect to President Reagan, that he was not as attuned and understanding of the issues as he should have been. He did not know government; he did not like government.

In contrast, I know George Bush respects government. He has held more distinguished positions of trust in this Government than any of us here on the Senate floor. He has been Ambassador at the United Nations and in China, CIA Director, Vice President, and Congressman. You will not find as varied a résumé. So he has been a part of government for many, many years. And he is smart.

The key moment was when Dukakis scared the death out of him in the summer of the 1988 campaign. Bush was 17 points ahead. He had to call in Jim Baker, who is more a fixer than a Secretary of State, and Jim Baker came in, straightened out that campaign, and taught Bush to do just what the polls said to do, and Bush won. I thought, having come out on top, we would get a President rather than a candidate. I am afraid, that he is still half a candidate, fixated on polls.

Our actions last year in Panama show the President's sensitivity to the polls.

In October 1989 when rebels had Noriega in their grasp, they checked with the White House, and the White House said, "No, let him go." And, of course, Noriega killed 100 of them. Incidentally, we ought to send him back down to Panama to be tried for murder and not worry about the complexities of a drug trial up here in the United States. We ought to say, "Oops, we made a mistake, we cannot give him his constitutional rights." Then give him his Panamanian rights, send him back to Panama and solve that case and quit playing around with it. I don't care whether we find him guilty or not guilty; the people in Panama are not going to accept it. We have wasted time and wasted money. Anyway, we had Noriega in our grasp in October. Then the polls went down, and we invaded Panama before Christmas. Bush will change to keep those polls up.

Incidentally, the President, respecting polls, should remember that poll taken in the General Assembly of the United Nations where, having gone into Panama, the United States was condemned for naked aggression by Kuwait, condemned by Kuwait for naked aggression.

I am afraid the President is reading those polls that show 2 to 1 approval of the way he is handling the gulf policy. One poll even asked, "Would you send your son to fight in the gulf on this particular cause?" And 54 percent according to that particular poll said "Yes."

Herein you see the limitations and the danger of polling. Anybody who believes that a majority of Americans are ready to send their sons to the gulf is whistling Dixie. It is outrageous nonsense. Ludicrous. You only have to look at the enlistments, which have dropped off significantly. That is the reality, not some political pollster asking abstract questions. As John Mitchell, as Attorney General, said, "Watch what we do, not what we say." That ought to be appended to every poll as a disclaimer as to limitations on how a poll is interpreted, because we constantly, as politicians, are experiencing election day upsets. The day after election day there is always an analysis of the upsets, and they all go back to the limits of polls, the misreading of polls. Now the polls say a majority of Americans favor a war with Iraq. On TV, we see the various administration officials running around Saudi Arabia asking the troops, "Are you all ready to fight?" Good Lord, I was a soldier for 3 years overseas. We would have given the same cheer.

I can tell you the best way to support our men and women in the gulf is to begin to talk sense to the American people and, when the administration counsels that we have to move now because we cannot keep up the heat, we cannot keep up the public interest, that is totally wrong. It is only now that people are becoming interested and seeking an understanding of this crisis.

As in a political campaign, you do not get the people's attention until October, and with January 15 nearing, you are just now getting the people's attention. And we all begin to wonder what the policy is. And heavens above, as was said in First Corinthians, chapter 14, verse 8, "For if the trumpet give an uncertain sound, who shall prepare himself to the battle?" We have had a very uncertain sound.

We all said after Vietnam, we are not going to make the same mistake again. Next time we go to war we are to go together—the President, the Congress, and the people—and we are going to make sure about it. And heavens above, we have had ample time to rally a united front here at home.

But the uncertain trumpet, Mr. President, goes back to earlier in the 1980's, when we did not give even diplomatic recognition of Iraq. My distinguished colleague and friend from Pennsylvania, when we debated cutting agricultural credits to Iraq in July, said that he found Saddam a man of reason, someone who could be reasoned with.

We recognized Saddam and Iraq, and we began subsidizing Saddam and Iraq. We had subsidized food sales to Iraq over a 5-year period in excess of 5 billion bucks.

Some in the Congress, particularly our colleague, the Senator from New York [Mr. D'AMATO], said, wait a minute. Iraq is using this money to build up its tremendous military. And, by the way, Iraq gassed the Kurds. That is the kind of tyrant they have got there, gassing his own people. But we apparently did not have a policy then against gassing people, to punish gassing, only to punish aggression. So we did not say anything to the Iraqis then.

The Senator from New York led the fight to cut off agricultural credits. And the present administration fought that cutoff. They held it up on the House side until we came back from our August recess, and then of course with the invasion of Kuwait we finally got sanctions passed.

Consider the conversation that Saddam had with our Ambassador April Glaspie, when she gave the American green light to Saddam to, saying we would not take a position on the border dispute. And perhaps historically that was very correct. Because heavens above, the Arabs have got more differences there than we can imagine, going back centuries.

This particular Senator, almost 48 years ago, invaded Morocco. The United States Army took Morocco, we took Algeria, and we took Tunisia, and they have not had a truly free election there yet.

We Americans believe in human rights, freedom, free elections. The Arabs' belief is religion, and that you and I are the infidels. They do not have free elections, they have assassinations. Go down the list of countries, from Morocco, come right on round: Qadhafi, in Libya, he overthrew his predecessors, Muburak in Egypt, fundamentalists killed his predecessor, Sadat. Same in Lebanon, in Syria. The King of Iraq was assassinated in 1958 and the man who overthrew him was himself assassinated 5 years later. King Hussein was a little boy when they killed his grandfather. They have assassinations, we have elections. Human rights, if a man steals an apple, they cut off his hand. They treat their camels better than their women. So let us not talk about human rights over there.

Therein, Mr. President, is the uncertain trumpet from our Commander in Chief. The administration took no position with respect to Iraq and Kuwait on July 27, but by August 4 we had retroactively defined Kuwait as a vital interest of the United States. Even then, Bush said we are only there to protect

Saudi Arabia and enforce sanctions along with the rest of the international community.

Then, of course, the signals changed intermittently through August and September. The first thing I heard was that our way of life is being threatened. I almost broke out laughing. The Emir and his many wives have nothing to do with the American way of life, I can tell you that.

The Kuwaitis' idea of resistance is to hire a big-bucks American public relations firm, Hill and Knowlton. Previously they had disregarded any kind of national defense, and now we hear how conscientiously they are studying how, after we liberate Kuwait, they are going to tough it out with two servants rather than three servants in Kuwait. Wonderful mission that we have out there.

But they were not sacrificing anybody. They cut and ran when Iraq invaded. In 48 hours they were gone. They did not have any national defense. They tweaked Iraq's nose, demanding debt repayment and pumping oil from a disputed field, but they didn't have the common sense to prepare to defend themselves. There is no military draft, incidentally, in Kuwait or Saudi Arabia.

So the first rationale was that our way of life was being threatened. And we know, of course, differently. Kuwait has a totally different way of life, a different culture. And I hasten to emphasize that you cannot impose an alien culture through the barrel of a gun. That is the lesson that we ought to be learning in the gulf crisis, because by winning a war we could lose the peace.

The next rationale for our involvement was that we were opposing naked aggression. Well, come now, come, really. Naked aggression is rampant around the world. We could figure 200 acts of naked aggressions, I would guess, in the last 20 years, naked aggressions—Cambodia, Afghanistan, Lebanon, you name it. Our response to naked aggression, I say to the Senator, in Afghanistan was to boycott the Olympics. Now we are going to sacrifice GI's.

Incidentally, I have two close nephews in the gulf area who differ with my views probably. One is a captain in the Marines. They are close family members. At Thanksgiving and Christmas dinner, we all eat together, though not this year. This year my wife turned the kitchen into a taste shop, and my job was to determine whether the cookies were good enough to send to the sailor, one of them, who is on board a ship, Jamey Baldwin or the other one, Capt. Claude Baldwin IV—we call him Bubba—a captain in the Marines.

I probably do not express their views because they are part of the gung-ho group of highly trained men and women. They are ready to go and do their job. That is what they signed up for. They have a strong sense of duty and professionalism.

But, in any event, punish naked aggression? Just 5 weeks ago we had naked aggression in Chad. And we had naked aggression 6 weeks ago in Lebanon by Syria. They massacred some 750 Christians.

The Kuwaitis' PR crowd has been putting stories on the news about rape and about infants being yanked out of incubators by Iraqi soldiers; which I do not doubt is true. But I have not heard a report of total Kuwaitis killed. They have been very careful not to give us a body count. I doubt if Iraq killed as many as 750 defenseless civilians in Kuwait. But Syria did in Lebanon just 6 weeks ago. And we do not hear a peep about that naked aggression there.

Concerning the naked aggression rationale, the distinguished Republican leader on the floor said: Aggression, you spell it o-i-l. The Secretary of State says: No, it is j-o-b-s; it is jobs. None of those sold. The next thing they said: We are going to established a new world order.

I do not know what the rationale is today. None of these rationales persuade this particular Senator for the simple reason that, as I said, we are more likely to create a new world disorder.

When and if it comes to war, each side has selected targets. Our Commander in Chief has chosen his target. As the President himself said, "We going to kick ass." That is what he said. Iraq's commander in chief, Saddam Hussein, said he is going to kick Israel.

In our assault, to forego damage to Israel, I hope we would use our missiles to knock out every Iraqi missile that could possibly reach Israel. In fact, I just reminded the Vice President in a casual conversation, of the fact that when the INF Treaty was, under review, he and I argued the point that we should not do away with our GLCM's, ground-launched cruise missiles, armed with conventional weaponry.

We know that for 835 million bucks you can get one B-2 bomber. For the same $835 million, you can get 835 conventional GLCM's, put them down in Turkey, let a Soviet auditor or monitor stand there and tell him, "This one is aimed at your Kremlin, this is aimed at your airfield, this is aimed at your communications," and so forth. You do not have to feed the missiles or anything else like that.

Then if an enemy had invaded through the Fulda Gap in Germany rather than ending the world with nuclear retaliation we could have hit a particular airfield or particular communications center, to stop them.

As JCS Chairman, Admiral Crowe said, we had to save cruise missiles for the Navy—the SLCM's. So when Navy Secretary Larry Garrett came to South Carolina last month, I said:

> Why don't we put a conventional warhead on a Trident-based missile, a D-5 missile. We have them located in the Mediterranean. Just fire the D-5 overhead and let it land on Saddam. The Iraqis have radar to protect against planes, but they do not have anything to detect a D-5 coming out of the atmosphere.

The Secretary of Navy said he had not thought of that. I said get a conventional warhead off of one of your other missiles and put it on the D-5 that has the accuracy. We can avoid a bloody slugfest, avoid bragging as we did in Vietnam that the kill ratio, the casualty ratio, was 10 of them to 1 of us.

I told General Westmoreland in Saigon back in 1966:

> General, you do not understand. The people back home are not going along with even that one dead American. You are not getting the good government award because the ratio is 10 to 1, the kind of ratio that you think is wonderful and evidently President Johnson thinks was wonderful.

In any event, if we hit Iraq's missiles and their airfields, even if they get their planes in the air, they will have no place to land. So I think we can pretty well handle that. But any flanking action into Iraq so that we can attack Iraq's occupation forces from their rear will break up our hollow alliance. We have been put on notice.

I have watched it carefully and I am speaking as carefully as I can. Turkey is not willing to attack Iraq. They have stated so, publicly, their Commander in Chief. There are no Turks down in Saudi Arabia. And they have no intention of attacking Iraq.

Likewise, Assad of Syria refuses to attack Iraq. He has gotten his billion bucks from Saudi Arabia, he has taken over Lebanon as a country.

Incidentally, in a contest to see who is the Arab Hitler, the countryside is full of candidates. More accurately Qadhafi would be No. 1 as Hitler; Assad is cast as Stalin; and Saddam Hussein is a poor little Mussolini. We have 500,000 to face down an Arab Mussolini out there.

So if we go into Iraq we would not have Assad, and we would not have Egypt. Cross-examine them carefully. The general said Egypt would not attack Iraq. They fired him. Then the speaker of the Parliament got shot and then Mubarak got tougher. More recently, Mubarak reaffirmed that Egypt is not there to attack Iraq, they are only there to defend Saudi Arabia.

Then what of Saudi Arabia? The Saudi Defense Minister, Prince Sultan, says: "There shall not be an attack on a brother Arab nation from the Holy Land of Islam."

Prince Bandar, the Saudi Ambassador to Washington controverts that. He runs up to the Hill to reassure us that the Defense Minister did not mean what he said. But that is what some Saudis are continuing to say. They do not necessarily adopt policy or follow through rigorously as we do in a democratic country.

What this all points to is how by winning we could end up losing. So, constitutional issue aside, we are talking about the rightness, the correctness, the wisdom, the judgment of the decision. The United States could proceed under the posture now of the quick kill, with thousands and thousands of brother Arabs killed. We could go in with air power, take out their air force, then blanket bomb Iraqi troops with our B-52's.

Leave to one side the danger of Iraq blowing up Kuwait's oil wells and other huge potential complications. Instead, assure that all of it works well, we have won. I can tell my colleagues that every demagog, every leader, every terrorist in the Mideast will take heart because all they have to do after the smoke clears is say, "We have seen the infidel come over and kill thousands of our brothers for oil." And he will be telling the truth. And the world will believe it.

That brings us to the policy. When we urged, in September, coming back after the invasion: Let us put in an energy policy, what did they say? No.

The President, when asked about it, said "I am going to take my 1-mile-per-gallon cigarette boat, and I am going for a ride, and he went racing off." Message: Forget about conservation and energy policy.

(Mr. BAUCUS assumed the chair.)

Mr. HOLLINGS. The President's message: Forget about conservation in energy policy. I was an author of fuel economy in the 1970's standard, and more recently we got our distinguished leader, Senator BRYAN, to lead this fight and we put it out on the floor last year. The administration opposed it. With that one little initiative, we could save most of the output of Iraq and Kuwait, 2.5 million barrels a day, with that one little initiative.

We need an energy policy. But this crowd came to town in 1981 and they said, "forget it." We had a bipartisan energy independence policy. President Nixon, President Ford, President Carter. We had undergone all of those oil cutoffs. Kuwait cut us off in 1967; Kuwait cut us off in 1973; Kuwait and OPEC doubled the price in 1979. So we were getting a bipartisan energy independence policy.

President Reagan and Vice President Bush came to town and said, "forget it." We are going to appoint my friend from Charleston, Dr. Edwards, who now is doing an outstanding job at our medical university, but Dr. Edwards was told, "Secretary of Energy, get rid of your Department."

They were going to get rid of the Department of Education, get rid of the Department of Energy; let the market forces operate. The OPEC cartel, that crowd was running up the price, cutting off the oil and everything else, and we were going to turn it over to monopolistic cartel forces. It was not any free market. But they said we did not need an energy policy.

Now, what we need do is, No. 1, to Arabize this Arab dispute before war breaks out. We killed 58,000 in Vietnam before we Vietnamized Vietnam. You cannot impose a culture through a barrel of a gun. They looked upon us as foreigners there. General Ridgeway and others said do not start a land war in Asia. We were told that in Korea. We were told that again in Vietnam. We have now Iraq. My geography book shows Iraq is in Asia. I always said education is in the second kick of a mule. We should have learned that by Vietnam. But there goes the third kick of a mule in Iraq, a land war in Asia.

And so we got to the point here of starting a land war because we did not have an energy policy when what we really need to do is Arabize those forces, and let the Arabs do the ground fighting if there is to be war. Specifically, rather than double from 200,000 to 400,000 the United States ground troops in Saudi Arabia, American GI's, we should have been drawing down from the 200,000 to 25,000 or 30,000 in that desert. We keep our Air Force; we keep our Navy; we keep our air power; we keep our missile power, and we say exactly what was said in July; if there is to be an attack by an Arab upon an Arab, it is their affair.

I cannot see them having free elections in Kuwait. I cannot see us occupying Iraq. I cannot see us leaving a vacuum there. There is a deep concern, of course. If you get rid of Saddam, it is possible that the Shiite majority in Iraq will join with Shiites in both Iran and those over in Syria and will begin taking over in the Mideast. Then we would really have a can of worms.

Rather than new world order, there would be new world disorder.

I think the President is mistaken. They say there are 200,000 Arab support forces. That is enough for a front line.

Remember, we only had 325,000 troops in Europe against Russia with all its missiles and everything else. Now we are getting 400,000 to 500,000 against little old Iraq, with only 17 million people, with what we ridicule as a very weak Air Force and no Navy to speak of. As to the Iraq Army, yes, the Republican Guards are good, but everything else is not. We have more forces deployed there than we had in Europe to stop the Soviets. We should draw down our ground forces and let the Arabs settle their differences. Because I do not care what we put in there, they are going to have differences once we are gone.

We are not going to impose a culture from the barrel of a gun. We are going to be infidels. You cannot change a culture except through an educational process, and the barrel of a gun is not an educational process. Do not make Saddam a hero. The President started making him a hero when he personalized it. When he put this dispute on a personal basis and started calling him Hitler, the President of the United States gave him credibility. Anybody ought to know that.

Teddy Roosevelt said, "speak softly and carry a big stick." We have been speaking loudly and all the generals are coming out saying there is not enough stick; we are not ready yet. We cannot speak except in emotional terms of rape, torture, and Hitler.

Diplomatic and foreign policy experts would never talk in those terms. They should be counseling our President and not playing the game of bellicose rhetoric to charge up the people.

This fellow Saddam has used his military to attack two of his neighbors. That is exactly what we were condemned for by the General Assembly of, what?—the United Nations. In 1983, on the subject of Grenada, there were 100 votes against us. Kuwait voted to condemn us for naked aggression against our neighbor, Grenada. Then on December 29, just a little over a year ago, 1989, so-called naked aggression in Panama. And who voted against us? Kuwait. Is Kuwait worth the life of a GI? Not at all.

We cannot, frankly, adopt the policy of committing U.S. troops to combat aggression everywhere. That is a bad policy and a bad mistake. We can correct it with our advice and counsel, as a democratic republic form of government, by saying let us let those sanctions work.

In an article on the front page of the New York Times, day before yesterday, Patrick Tyler wrote from Baghdad that the sanctions are working. How? The ration cards given the Iraqis just a few months ago are already cut in half in value.

Iraq has not been paid for one drop of oil exports since August 2. That is a $1.5 billion foreign reserve cutoff for 5 months, and the economic pressure continues. Let them continue to live with that.

We had no special relationship with Kuwait. There is no treaty or agreement, or inference thereof. They would not let us even land during times of crisis in the Iran-Iraq war. They would not let us dock a ship. They would not let us land a plane. And we said 3 years ago—the distinguished Senator from Arkansas, Senator BUMPERS, and others—the heck with Kuwait. They have not been our friend. They are certainly not a friend of democracy and freedom and human rights.

Our national security is not in any way threatened. For those who depend upon getting most of their oil from that part of the world, Germany and Japan, their national security could well be threatened, but they do not find any reason to get involved. And do not get worried about that little German deployment that is to help us out with the Turks in NATO. But the Germans positioned the planes where they cannot get to Iraq. Look at the map. The Germans, the Japanese, they are not all boiled up. In fact, the Japanese are so clever. The Japanese are requiring their help to be in what would normally rejuvenate our economy here in the United States with an outburst of production of materiel to support the war. The Japanese are doing just that. They say, "We are going to help, but you are going to have to get Toyota jeeps." They are landing Toyota jeeps in Dhahran, and the Japanese economy is taking a boost. We are not producing any more vehicles or anything. We are just paying through the nose, running around with a tin cup. The Vice President was just at the mountaintop in Taif to see the Emir of Kuwait and beg for more money.

Three hundred thousand Kuwaits, said NBC, went down into Saudi Arabia. They said the most they could count was 7,000 that would volunteer to defend their homeland. I have been checking that, and they say the figure is nearer half that amount. The Kuwaits are in the hotels in Bahrain, United Arab Emirates, Oman, Geneva, Saudi Arabia. They all have money. That is their defense, money and oil, and we are the ninnies running around wanting to commit our own troops here in this particular country for a misguided policy. It is not our way of life. It is not a new world order. We are not going to war for a new world order. You cannot force it with the military. You have to work through diplomacy. If it is naked aggression, it is a bad, bad mistake.

I do not want to see Saddam honored, rewarded, or whatever else it is. In a way, being a hawk, once I have this dispute Arabized, I would feel, by gosh, we will show them if they come across now, really rock them and sock them, and legitimately say to the eyes of the world: It was an Arab upon Arab fight, and we were fulfilling our commitments to the Arabs. At the moment—and on January 15—we are fulfilling our commitment to a very bad, defective, distorted policy of punishing naked aggression wherever and whenever it might occur on the globe.

If that is going to be our new, open-ended policy, the 82d Airborne is going to be kept busy the year round from now on out. We cannot afford such a policy politically. We cannot afford it financially. Everybody else is rebuilding and moving on. It is time we pull our horns back in, get this so-called peace dividend, which we should have, and start rebuilding America.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. GORTON. Mr. President, the mini-debate or discussion on the crisis in the Middle East, which began yesterday and continues today, has been primarily concerned with the wrong issue and very clearly is dealing with that wrong issue at the wrong time.

This Senator felt strongly, more than a month ago, that the Congress should have been called into a special session in December and should have debated not only the question of the President's authority, but the appropriateness of following up on United Nations resolutions designed for the liberation of Kuwait and the restoration of peace and security in the Persian Gulf.

At that time, the debate could have been conducted at length, and at some distance in time from the key date of January 15, 1991. No such session was called, either by the leadership of the Senate or the President, however, and we are faced now with a situation in the beginning of a new Congress, barely 10 days from that January 15 deadline.

Given the situation as it exists on the 4th day of January, I am convinced that the majority leader's position, so eloquently stated yesterday and again this morning, was absolutely correct. The congressional debate and discussion of this issue should take place after the visit of the Secretary of State to our allies in Europe and in the Near East and after he has had this final opportunity to offer discussions to the Foreign Minister of Iraq and perhaps to the President of Iraq, whether that offer of discussions is accepted or not.

Obviously, the kind of debate in which we have been engaged today, desultory as it has been, undercuts the position of the Secretary of State and the hopes for peace. When that discussion and debate take place—and it will certainly begin and perhaps may come to some vote before the 15th of this month—it is the belief of this Senator that it should be centered on the appropriate course of action in the Middle East, on the question of whether or not the President should be formally authorized by Congress to act in accordance with the resolutions of the United Nations, and not on the internal question of the respective authority of the Congress of the United States and the President of the United States to commit our armed services to some kind of action.

Arguments on both sides of that question have a great deal of merit. During the course of the last several weeks, I have read as widely as I possibly can on that constitutional issue. I believe that it is substantially unresolved, but that this Congress, quite obviously, will vote heavily in favor of involving itself in the process, at least as an abstract question.

The real question, however, should be whether or not this Congress ratifies the President's authority to follow up on the United Nations resolution and to liberate Kuwait and restore the prior status quo in the Persian Gulf by the use of military force, if necessary. That is a much more difficult question than the constitutional question, because it involves the future of this Nation, the future of this Nation's alliances, the future of this Nation's credibility, and the lives of young American men and women who are now stationed in the Middle East.

That is a much more difficult vote for each Member of this Congress today. But it is a vote which will be cast with the ultimate responsibility for its outcome, while an abstract debate over the constitutionality of the President's actions to this point or in the future will not have any such consequences.

I am convinced that the President of the United States should formally request the Congress of the United States to pass a resolution granting him, to the extent that it can do so, the same authority which this Nation has been granted by the United Nations itself. I am convinced that the President should ask that we discipline ourselves in such a fashion that we debate that resolution unamended, and that we and the House of Representatives vote on such a resolution in a timely fashion.

I believe that ultimately the Congress will grant that request and that almost to a certainty the President will be granted that authority. It is a chance, certainly, which the President takes, but it will be far better for him and for the Nation to know that the Congress will refuse him that support ahead of time than it would be to learn it later on.

I am convinced, Mr. President, that the President's course of action, beginning on August 2 of last year, has been almost impeccable. His ability to create the broadest coalition of powers with widely disparate interests since the end of World War II is an impressive achievement. The ability of our armed services to move halfway around the world and to position themselves in such a fashion as to offer us as great a chance of success as is ever possible to predict ahead of time, are immense achievements. The quality of peace and security, not only in the Middle East but in the world, will be greatly enhanced by our success and greatly harmed by any failure in the Middle East.

It is clear that the entire debate has moved to a different ground than was the case as recently as a month ago. In December, it was argued by some Members of Congress, myself not being among them, that a policy of sanctions alone might ultimately result in the success of our efforts to cause Saddam Hussein to move out of Kuwait.

I do not believe at this point that it is possible seriously to make such an argument, given Saddam Hussein's history and given his willingness to sacrifice close to a million of his fellow citizens in an unproductive 8-year war with Iran, given his treatment of his own citizens, both Iraqi and Kurdish, and given every statement which he has made since August. It is simply not possible to make any kind of serious prediction that by a pure policy of sanctions, a policy which would require us to withdraw fully 50 percent of our troops from the Middle East and to keep the others there for an extended period of time, our policy will meet with any degree of success.

Certainly, if Saddam Hussein is unwilling to withdraw from Kuwait, faced with a credible prospect of the use of military force, which will cause him to lose armaments, territory, the lives of many of his citizens and perhaps his own position and his own life, clearly sanctions alone will never come to that ultimate end.

Bluntly, Mr. President, the alternatives to following the policies set out by the United Nations and by the President of the United States are highly unappetizing and far more likely to cause substantial loss of life not only in the Middle East but ultimately among Americans than are the prospects of following the President's desires.

The alternative of the President's proposals substantially are the prospects of losing. At worst, if we should back down at this point our allies in the Middle East will see the handwriting on the wall, will be forced to accept the primacy of Iraq in the Persian Gulf region, will ask us to leave and we will find an important part of the world and a vital natural resource almost totally under the control of a ruthless and unprincipled dictator.

At the best, under those circumstances, we may come to some kind of accommodation under which there is a partial withdrawal from Kuwait but which will simply disguise what will nevertheless be a long-term defeat and the necessity for those same countries to make the same kind of ultimate accommodation.

But the consequences will go far beyond the Middle East. If we are not willing to stay the course, in connection with the single most blatant example of aggression since the end of World War II, the sole circumstances in that period of time in which one sovereign nation, a member of the United Nations, has been invaded, the existence of which has been rubbed out by another member of the United Nations, if we cannot follow up on the most decisive action which the United Nations has taken since the onset of the war in Korea, the United Nations will become a useless organization, and the lack of belief in America's seriousness or purposefulness will cause us to be abandoned by existing and potential friends around the world.

Are the chances significant under those circumstances, Mr. President, that we will have a peaceful decade, that there will not be other and more serious challenges in the Middle East or in other parts of the world, that there will not be a point at which we are forced to engage in conflict with fewer allies under far more difficult circumstances than those with which we are facing Iraq?

Mr. President, I submit that the answer to that question is that our lives and fortunes will be far greater at risk if we back down in this confrontation than if we follow the leadership of the President of the United States.

On the other hand, I think a great but true paradox is this: The greatest chances of a successful and peaceful result of a withdrawal on the part of Iraq from Kuwait will be derived from a credible threat for the use of our military force. That threat can be credible, of course, only if we, in fact, are willing to use force.

It is the firm belief of this Senator that, if during the course of the next week or 10 days Saddam Hussein is brought to the belief that he has no alternatives except for withdrawal or destruction, he will withdraw. He is not insane. He is not irrational. He is a great bluffer. He now has the rewards of aggression and he intends to keep them unless he is personally and in his own nation threatened with their violent removal.

Mr. President, I do believe that it is highly possible that the most likely result of a credible threat in the course of the last 24 or 48 hours before the expiration of our ultimatum that the President will not succeed in getting a total complete and unconditional withdrawal from Kuwait, but that Saddam Hussein may attempt to break the unity of the alliance by a partial such withdrawal keeping some of the oil fields or islands which are in question.

Under those circumstances, Mr. President, it seems to me that we are faced with an entirely different challenge. If we can substantially restore Kuwait with that partial withdrawal, then this Senator at least would advocate the long-term retention of sanctions against Kuwait. We will have had some success at that point.

We should not call it a final victory and leave. We will almost certainly be required to protect Kuwait against further aggression. We will be able to do that with a much smaller investment in men, women, and materials than we have in the Middle East at the present time. But we can, and even within an alliance framework, see to it that Saddam Hussein is unable to export his one valuable export, petroleum, until such time as he is willing to abide totally and completely with those U.N. resolutions.

The chances of a peaceful conclusion to this conflict, Mr. President, are far greater if we follow up and support the President than if we undercut his position looking for mythical diplomatic solutions or the success of a set of sanctions which are almost certainly doomed to failure.

Mr. President, the President of the United States deserves the support of the Congress of the United States. It is the firm opinion of this Senator that he should ask for it and in formal fashion prior to January 15.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Senate is on the threshold of taking up the most important issue that any of us may ever debate or vote on—whether to go to war in the Persian Gulf. Rarely in American history has any Congress faced such a momentous decision—and rarely has our responsibility to act been so clear.

Two hundred years ago, the Founding Fathers of our Nation debated which branch of Government should have the power to take the Nation to war. What they wanted was not a monarchy with an all-powerful king, but a democracy in which the people would have a clear voice in the most important decisions of the Nation affecting their lives.

They explicitly bestowed the power to declare war on the Congress, not the President. There is no question, no doubt, no gray area on this issue. Under the Constitution, Congress declares war, not President Bush. No past abuses or usurpation of that power by previous Presidents can justify a similar abuse by President Bush.

Each of us in the Senate, as well as the President of the United States, has taken a solemn oath to support and defend the Constitution of the United States. To fulfill that oath of office, President Bush has a responsibility to obtain our authorization in advance, before going to war against Iraq.

So far, he refuses to do so. He claims not to need the authority of Congress to go to war. He cites examples of past Presidents who have used force without the authorization of Congress.

But President Bush has no authority to rewrite the Constitution to defend an indefensible position. Nor can he use the many incidents in which past Presidents have dispatched expeditions to protect Americans abroad, or to root out pirates and small hostile foreign forces.

Might does not make right. What sense does it make for President Bush to oppose a ruthless dictator like Saddam Hussein by ignoring the very constitutional provisions that most differentiate our democracy from Saddam's dictatorship? By defying the Constitution, the President is forfeiting his most powerful argument against the aggression of Iraq. We have not seen such arrogance in a President since Watergate.

No President has or should ever have the unilateral right to put at risk the lives of 400,000 troops. The overwhelming majority of constitutional scholars reject his position. Is President Bush so isolated from the overwhelming opinion of the country on this point that he does not realize how little support his position has? How long can he continue to assert with any credibility that everyone is out of step except him?

Going to war in the Persian Gulf is unlike any of the 216 previous instances of use of force used to justify President Bush's position. A war in the gulf will not be over quickly and easily. It will not be Panama, Libya, or Grenada. Tens of thousands of American men and women may well die, and tens of thousands of innocent Iraqi civilians may die as well, with totally unpredictable consequences to our friends, our allies, and our vital interests in the region.

No one disputes that we have lasting and important interests in the Persian Gulf region. No one argues that we must reverse Saddam Hussein's aggression. And no one disagrees with President Bush that we cannot reward Saddam's brutality.

The American people stand united on those principles. Congress stands united on those principles. And the world community stands united on those principles.

But the American people, Congress and the world do not stand united on the need to go to war on the January 15 timetable the President has set.

For the first time in history, the world community has joined together in unified opposition to aggression. We responded quickly and effectively to deter further Iraqi advances. We imposed unprecedented, comprehensive economic sanctions to force Saddam Hussein to pay a heavy price for his invasion of Kuwait.

With time, there is a good chance that this policy will also force Saddam to withdraw from Kuwait, without further loss of life. No one can be sure that goal will be achieved. But we will never know unless we try.

Saddam Hussein is paying a heavy price for his aggression, each day the aggression lasts. Iraq's oil export earnings have dropped from $1.5 billion a month to zero. Saddam has occupied Kuwait's rich oilfields, but they are worthless to him now. Iraq's assets abroad have been seized. Saddam can no longer import equipment and technology for his war machine, or any other purpose. Iraq's economy is declining at an estimated rate of 5 percent a month. Sanctions are not only working, but working well, and they should be given additional time to work even more effectively.

These are goals that we have already achieved, and they are of immense value not only to the United States, but to the entire world community. They continue to be achieved with unprecedented international support, and without bloodshed.

The current strategy of sanctions is the best means, at the least cost, to persuade Saddam to withdraw from Kuwait. Sanctions are also the most realistic policy for achieving the long-run goal of dismantling Saddam's present and future arsenal of chemical, biological, and nuclear weapons, and ensuring that none of these weapons is ever used again.

To abandon the sanctions now, while they are achieving these tangible successes, and before they are clearly proved to have failed, is to risk tens of thousands of American lives unnecessarily.

Clearly the alternatives to war have not been exhausted, as the newest round of diplomatic activity indicates. The nations of the European Community are meeting today on the crisis. And it has just been announced that Secretary Baker will meet next week with Foreign Minister Aziz. It seems inconceivable these initiatives will have time to bear fruit by the January 15 deadline.

And yet President Bush continues headlong on his path toward an unconstitutional war. Administration spokesmen bluster about a quick and decisive victory with minimal U.S. casualties. The President has repeatedly said a war with Iraq will not be another Vietnam.

The administration obviously has estimates of casualties, but they refuse to reveal them to the American public. We do know, however, that over 45,000 body bags have been sent to the region—1 for every 10 Americans there.

No one knows exactly what type of war we will fight in the gulf. But most military experts agree that thousands of Americans may well die—perhaps tens of thousands.

A realistic estimate of the likely casualties can be made from the two recent desert wars that Israel has fought. In its 6-day victory in the 1967 war, Israel suffered over 3,000 casualties out of a force of 300,000. In the heavier fighting that lasted 20 days in the 1973 war, Israel's casualties were over 11,000—more than 3 times higher, for a force of the same size.

These figures make our casualties in Vietnam pale by comparison. We suffered roughly 200 casualties a week in Vietnam. Yet we may well be looking at 3,000 casualties a week in the gulf. President Bush may be correct that this will not be another Vietnam, but he may not realize just how different it may be.

All of us hope that the current peace initiatives will succeed. The arrangement by the majority leader to deter our debate briefly is eminently justified. We have a duty not to undercut the President. But the President also has a duty not to undercut the Constitution. And all Members of Congress have a duty to fulfill our own oaths to defend the Constitution, and I hope that we do so as soon as possible, preferably with the President's support but without it if necessary.

The American people are divided on the question of war. If we have learned anything from Vietnam, it is that we should not lead a divided nation to war. The Founding Fathers understood that principle and President Bush should also.

If we are to live in the new world order of which President Bush speaks so eloquently, we must give sanctions and diplomacy a chance. Some 400,000 American lives and the future of the Middle East hang in the balance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LUKE APPLING

Mr. FOWLER. Mr. President, as we begin this debate on matters concerning the Persian Gulf and our Nation's decision on how to achieve our goals, the course of human events, including matters of life and death, continue.

I rise today to pay tribute to the memory of Lucius Benjamin Appling, Jr., who passed away yesterday in Cumming, GA, at the age of 83 years.

Luke Appling was one of the greatest baseball players who ever lived. His lifetime batting average was .310, with a career total of 2,749 hits. Two times he won American League batting championships, in 1936 and 1943. Twenty years of solid, all-around play deservedly led to his landslide election to the Baseball Hall of Fame by 84 percent, in 1964.

But Luke Appling was also one of the finest human beings that I have had the privilege to know. He was born in North Carolina, but he grew up and went to school in Atlanta. After his retirement as an active player in 1950, Luke continued his association with baseball throughout the rest of his life, being a regular at oldtimers' games and at the Atlanta Braves spring training camp in West Palm Beach, where he coached new and old players in the finer techniques of batting.

A few years ago when I was visiting the Braves' spring training camp, I asked "Old Aches and Pains" if I could see for myself whether or not a curve ball really curved. As you know, we have a lot of fancy academicians around this country who have written articles over the years claiming that curve balls are only illusions.

So I asked Hall of Famer Luke Appling—19 years with the Chicago White Sox, his .388 batting average, the highest for any shortstop in baseball history—if there was such a thing as a curve. He sent Phil Neikro to the mound and told Phil Niekro he did not want him to pitch me any of those knuckle balls for which Phil Niekro was famous, but just to throw me an old country, down home, back yard, in and out of the tire hanging on the swing curve. Well, he threw it, and I do not know whether it was an illusion or not but it started out at my head and ended up on the opposite side of the plate. I, of course, dived out of the batter's box, went into the dirt, and gave my most professional dusting off when I got back up. Niekro threw another one. This one seemed to start somewhere behind my back and ended up across the plate. Finally, old Luke said, "WYCHE, let me try to show you the art of hitting the curve ball." He said, "First of all, you have to realize the thing is not an illusion; it will curve. So if it looks like it is coming at your head and is spinning in a certain direction, you stand firm and wait for the break. Second, keep your eye on the ball. Third, keep your shoulders level and swing at the stitches."

I wish this story had an ending I could brag on. It doesn't. I never hit the curve ball. I did foul a couple off. That was my crowning achievement. But listening to Luke Appling, I never was hit by the curve. I was brave enough to stand in the batter's box, and at least I got a piece of the ball.

Shirley Povich, in his column this morning in the Washington Post, said what many of us know to be true. No one who ever met Luke Appling did not like him, except, as Mr. Povich said, the American League pitchers, because "in his own way," Mr. Povich writes:

> He wore them out. In addition to his career .310 batting average, Appling was the game's most famed specialist at fouling off pitches, especially when the count reached three and two. Appling said: "Put it this way. When I saw a pitch I didn't like, I just fouled it off. It was easy." Ted Lyons, the Chicago manager, vowed he once saw Appling foul off 14 straight pitches against Red Ruffing.
>
> And he always fouled to right field. Appling explained this in his direct way. "In my first two seasons, when I didn't hit .300, I was a straightaway hitter, so I decided to change directions."

Mr. President, I was privileged, late in his life, to know the great Luke Appling. His baseball record, and his election to the Hall of Fame speak authoritatively of his extraordinary life.

But in his death yesterday, reflecting on those lessons that he gave me on how to hit a curve, there seems to be parallels for today and for our country. Our goal in the Middle East is, yes, to assure victory, to make certain that Saddam Hussein leaves Kuwait, and the ultimate victory for our country would be to achieve that goal and bring all of our men and women home alive. To succeed in that goal, as illusory as it now seems, we may have to foul off a few pitches. We may have to foul off a few diplomatic initiatives. We may have to experiment with fouling off a few sanctions here and there until we find the ones that work and we find the pitch, not only that we can hit, but that will hit him between the eyes.

I know we have to keep our eye on the ball and not be led by impatience into risking our peoples' lives until we are sure that bad policy suggestions are fouled off; until we know that we can succeed with minimum loss of life; until all those options are considered before we swing at the best one.

If we stand firm, unafraid, and wait for the "break," then as Americans we can choose our time, if necessary, to use the force required to ensure our victory in the Persian Gulf.

We will all miss Luke Appling, but the lessons that he gave to one U.S. Senator at a spring training game, will help sustain me when the tough decisions on the best policy for our Nation must be made.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"OLD ACHES AND PAINS" WOULD HAVE LOVED IT

(By Shirley Povich)

Along about noon, the news came over the radio that Luke Appling had died at 83. Then it was added that "and Luke Appling will probably be best remembered for the home run he hit off Warren Spahn in that old-timers game at RFK Stadium." The local sportscaster who delivered that belief must now himself be best remembered as a total idiot with bollixed priorities. A nin-compoop.

Anyway, let's reconstruct that RFK scene: The stadium was rigged for the old-timers' frolic, with all fields shortened so that the likes of 75-year-old Appling could hit one into the seats; especially with the fun-loving Spahn tossing up the melons he likes to throw in old-timers games. Appling laughed his way around the bases.

Appling, the near-immortal, best remembered for something like that? Luke Appling, who may have been the most famous shortstop in the 90 years of the American League—twice its batting champion, seven times a leader in assists—who was swept into Cooperstown with 84 percent of the vote; whose .388 batling average in 1936 was unmatched by any other shortstop, living or otherwise?

To honor Luke Appling most for hitting an old-timers home run is equivalent to saying six-time AL batting champion Ted Williams was distinguished mostly for his dislike of bunting, or that Joe DiMaggio was famous for failing to hit safely in that 57th game, or that the Johnstown flood could, indeed, be attributed to a leaky toilet in Altoona. What blather.

Sixty years ago when he came up to the White Sox as a kid shortstop, it wasn't immediately apparent Luke Appling belonged in the big leagues. He immediately fumbled his way into such notoriety that Chicago fans dubbed him "Kid Boots" and screamed for his removal from the lineup.

What a turnaround it became. The rookie who batted only .232 would, a couple of years later, launch a .300-plus batting career for the next 16 seasons and play in more games, 2,599, than any other shortstop in history.

For the jittery rookie shortstop with an undependable arm and fumbling habit, the renaissance occurred when the veteran Jimmy Dykes joined the Sox as their third baseman. Appling said Dykes steadied him. He remembered a day in St. Louis when, with the bases full in the ninth, he booted a groundball that lost the game, and then later moaned to Dykes: "Why did they have to hit one to me in that spot?" Appling said that's when Dykes told him: "You gotta change your attitude. In a spot like that, get yourself to wanting them to hit it to you."

When Appling retired in 1950, his baseball age was a number at which Luke and his friends had been winking for years. Luke said his draft card exposed him as two years older. "Couldn't lie to the government," he said. "Maybe they wouldn't like it." (The Baseball Encyclopedia says he was 81, so we'll never be sure exactly how old he was.)

Among Appling's nonadmirers were the AL pitchers. In his own way, he wore then out. In addition to his career .310 batting average, Appling was the game's most famed specialist at fouling off pitches, especially when the count reached three and two. Appling said: "Put it this way. When I saw a pitch I didn't like, I just fouled it off. It was easy." Ted Lyons, the Chicago manager, vowed he once saw Appling foul off 14 straight pitches against Red Ruffing.

And he always fouled to right field. Appling explained this in his direct way. "In my first two seasons, when I didn't hit .300, I was a straightaway hitter, so I decided to change directions."

Around the league, they also knew him as the AL's greatest moaner, constantly complaining of some illness or injury. "Old Aches and Pains" they called him when Appling spoke of his lameness or fractures or conjunctivitis, or other ills. A Chicago writer once wrote: "An unhealthy Appling is the best thing the Sox have going for them."

How did Appling get to the big leagues? Well, it might be said he was a timely hitter. His Oglethorpe College team was playing Mercer on a day when an Atlanta scout was in the stands, and Luke simply picked that day to hit four home runs. Atlanta signed him and sold him to the White Sox for $25,000.

In later years, it was during a debate about the comparative speeds of newcomer Bob Feller and Lefty Grove that Appling delivered an opinion agreeing with that of Walter Johnson. "I think Grove was a mite faster," he said. Having faced both of them numerous times, he could be considered an informed source.

After two years at Oglethorpe, Appling took early retirement to try his luck at baseball. At a class reunion many years later they presented him with a plaque that may not have been overstated when it pronounced him "the South's greatest ballplayer since Ty Cobb." Seems he was famous for something else besides hitting an old-timers game home run.

SALUTE TO GEORGIA TECH—NATIONAL CHAMPIONS

Mr. FOWLER. Mr. President, I rise with considerable pride and pleasure to offer my congratulations to the Georgia Institute of Technology on its well-earned national cochampionship in NCAA Division I football.

The Yellow Jackets came from nowhere, being unranked in the polls until after their third game of the season, to finish as the only undefeated team in Division I. Along the way came the fantastic victory at Virginia at a time when that school was undefeated and ranked No. 1, and, of course, the impressive Citrus Bowl win on New Year's Day over perennial power Nebraska.

Georgia Tech President Pat Crecine, Athletic Director Homer Rice, Coach Bobby Ross, and, of course, the players, lead by All-American Ken Swilling and Citrus Bowl MVP Shawn Jones, richly deserve the honor which the football coaches of America, in the UPI pool, have bestowed upon them.

This capped a tremendous year for Georgia Tech athletics which saw their basketball team advance to the final four, and their baseball and golf squads post impressive seasons as well.

I would be remiss if I did not conclude by observing that in spite of all this athletic success, what I am proudest of at Georgia Tech is the school's continuing commitment to athletic excellence and academic excellence. Athletic success is wonderful; it makes all of us sports fans feel real good. But the true measure of a college, in my estimation, is its academic success.

Georgia Tech's victories in teaching, math, science, engineering, and other critical subjects serve all Americans well in making our country competitive on the international playing field.

We all are thankful for Tech's great success and know that that continuing record of excellence on and off the field will continue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. I thank the Chair.

WAR POWERS

Mr. WIRTH. I, too, commend my colleagues from Iowa and Washington for getting us to the point where we have a chance to at least open the debate about our policy in the Persian Gulf and about the responsibilities of the U.S. Congress.

Mr. President, the position in which the Congress finds itself is one of very difficult timing. Clearly, in starting this debate and beginning to share views and to come to understand where our colleagues are, where they believe their constituents are, where we believe the people of the country are, it is absolutely imperative as we do so we not in any way undercut the initiatives of the administration and particularly the new approaches of Secretary Baker in discussions in Geneva with the Iraqi Foreign Minister, which we hope will occur shortly.

I think the Congress, and the majority leader in particular, has done a very careful and good job of bending over backward to allow the President to conduct this foreign policy and military policy in the most flexible way possible. That is our responsibility, but at the same time, while we are assuring that the Secretary of State is not in any way compromised or undercut, we have a responsibility to our constituents, a responsibility to what I believe is a very significant majority of Americans who are deeply troubled by this policy, who are legitimately asking where is the Congress. We have a responsibility, one, to debate this issue. Second, to air it in a public education fashion as thoroughly as we possibly can; and third, ultimately to come up with a resolution that we believe is appropriate for the country.

So in a way we are on the horns of a dilemma, on the one hand to be allowing the administration the flexibility which they must have to conduct our policy; on the other hand, to exercise our constitutional and constituent responsibilities to stand up ourselves as to where we believe we ought to be. That provides us with a very narrow window of time between the very famous date of January 15—I think we have to come to a resolution before the 15th—and, on the other hand, the date of Secretary Baker's discussion which will occur presumably within the next few days.

That provides a very narrow window of time, and within that window of time I think we are faced with some very significant debate, a very important debate and one that I think our constituents expect us to carry out thoroughly, carefully, and with all the divergence of views that make up this country.

In voicing my own views, I believe President Bush in August 1990 did the right thing. He embarked upon a three-part policy, a policy to say to Saddam Hussein and the Iraqi Government, go no further, a policy of containment, and for that we moved American troops very rapidly into Saudi Arabia.

The second part of the policy was to say we are going to do this as much as possible within an international coalition, with the U.N. flag wherever possible. The administration did a very good job of building broad international support for the program.

The third part of the policy was to use as our primary weapon economic sanctions. We set in motion a program of establishing land, air, and sea sanctions against the country of Iraq, sanctions which probably in this situation have the best potential of any economic boycott program of working with a country like Iraq, given the geography and the relationship of Iraq to the rest of the world, outlets to the sea, outlets to the outside world. It is almost a case study area for getting an economic boycott to work.

So it was a three-pronged policy, Mr. President: First containment; second, international coalition; third, sanctions, a three-pronged program that I believe, Mr. President, had very, very broad public support in the country and certainly very broad support in the Congress. We had a debate and a vote on support for that program in September, and we overwhelmingly in this body voted in support of the President's program. I think that was the right thing to do.

So through September and October, I think people felt as if the program being pursued by the United States was the right program. It has very broad support within the Congress and I think we were reflecting our constituents. The support for the program was very broad nationally as well.

Something changed, however, Mr. President, soon after the election. Soon after the election, the President did two things which really changed the original successful three-part program. The rhetoric moved right after the election from rhetoric that had been a discussion of a defensive measure into discussion for the first time of offensive activity, a very significant shift—and those words are very carefully chosen and have a great deal of meaning. They had a defensive posture versus an offensive posture. They move from defense to offense.

So that changed the nature of the way in which the Persian Gulf situation was apparently being viewed by the administration. At the same time the administration decided to use troops from Europe to augment the troops in the gulf instead of using the troops from Europe to rotate with the troops in the gulf.

We were going to move from a little over 200,000 troops in the gulf to more than 400,000 American military personnel in the gulf area, a very significant increase in our capability.

So having initially followed a policy—that three-part policy that made sense, of containment, international coalition, and United Nations sanctions—having followed that successful policy for 2 months, we suddenly made a significant shift and moved from a defensive posture to an offensive posture; and, moved from an accepted military strategy which was to use troops from Europe as rotation with troops that were in the Persian Gulf rather than using those as an augmentation strategy.

Since that shift very soon after the election there has now emerged a very significant debate, and the right debate in this country, about why we are in the Persian Gulf; what our goals are: why did we shift from the original strategy to this new strategy; how does this new strategy relate to our national goal; at what cost? There was a lot of discussion that heard—how many troops; how many casualties will we be willing to tolerate; a brand new part of the discussion; for what duration; how long would we expect the warfare to occur? Is it going to be a 2-day war, a 4-day war? Will we have the patience to sit out a boycott? There are questions of duration, and absolutely important ones. These are all the more narrow questions about our role there.

And then the broader question: What is our role in the Arab world? What would be the implications if we won in Iraq? What would we be left with? What would be the expectation of the United States? What kind of reaction might there be across the Arab world? What are the implications of this particular set of circumstances in the Persian Gulf for the so-called new world order? What is the U.S. role in a new world order? How much should we be expecting of our allies? How much are we our brother's keeper?

We are the remaining superpower in the world. Does that mean we have superpower responsibilities to become even more our brother's keeper than we were in the past or are we going to weave a broader fabric including more of our allies and other countries in this whole defintion or redefinition of "the new world order?"

Finally, that long-term policy that comes so much to home. What is the U.S. role related to energy? And will we have the wisdom to use the crisis in the Persian Gulf to once again reestablish every national policy?

This debate began in earnest again very soon after President Bush changed our strategy moving from a defensive to an offensive posture and after we changed the troop rotation strategy to an augmentation strategy approach in the Persian Gulf area.

At that time there was some rhetoric—in November or December—that Congress ought to come in, stop ducking the issue, fulfill its responsibility, and vote. We heard some of that discussion here on the Senate floor—the kind of suggestions that sound good if you say them fast enough.

But the real question is what would we be coming in and voting on? There was no resolution before the U.S. Congress. There was no resolution sent up to the U.S. Congress from the White House. We had a policy that appeared to be changing day to day. We had a rationale for being there which was constantly shifting.

The President clearly did not want us to be coming in; did not want us to be voting. And I think very quickly in November, we set aside that kind of loose rhetoric about coming back, stop ducking our responsibilities, and, rather instead of coming into what would have been a ruckus, not having consensus, having unguided discussion on the floor of the U.S. Senate, we came instead and did what we could do best trying to diagnose issues, hone down those issues through a series of hearings and through a major public education effort.

I was privileged, Mr. President, to be a part of those hearings as a member of the Armed Services Committee, quite remarkable hearings chaired by Senator NUNN, which Senator NUNN and Senator WARNER jointly cochaired, and which I believe had an enormous impact on the discussions of our policy.

We had experts of all kinds, and a clear record of that set of hearings has been established. It was broadly televised as well. I think the American people were fascinated to see this very divergent set of views, and particularly to see Americans with such distinguished records, such as the former chairmen of the Joint Chiefs of Staff, former Secretaries of Defense, experts of all kinds, come in and clearly question the policy which was then the new policy being pursued by the administration.

Most remarkable to me in those hearings were the statements of maybe the two most distinguished men, military people of the last 25 years, chairman of the Joint Chiefs of Staff under President Carter, Air Force Gen. David Jones, and the chairman of the Joint Chiefs of Staff under Ronald Reagan, Adm. William Crowe.

These two gentlemen have very, very broad support, great friendships here on the Hill, great respect around the country, distinguished military résumés—again probably as distinguished military records as any Americans of the last quarter century. I was most struck by the commentary of two of them.

On that Wednesday morning in the Dirksen Building, the two of them came forward and in summary said to the Armed Services Committee and said to the country, "What is the rush?"

In summary, that was the statement made by these two former chairmen of the Joint Chiefs of Staff. What is the rush? they asked. Sanctions are working. Clearly, those sanctions are going to over a long-term period of time hurt the Iraqi military. They are going to dramatically limit their ability to do a lot of training missions as they do not have the spare parts necessary to do the replacements. They will have to do a lot of cannibalization of their equipment. They are missing and are incapable of producing a lot of tires and lubrications and so on necessary for a modern military machine.

The capacity to produce spare parts is dramatically limited, and clearly the sanctions, said these two distinguished American military thinkers, said the Iraqi military capability is going to be significantly limited.

Second, we were advised that we ought to reflect patience, that the American soldier—the best trained soldiers we have had, the most capable military, in terms of personnel since the end of the Second War by all accounts—this remarkable group of young Americans in our military are trained as American military has never been trained certainly in the last 45 years, trained to fight, but at the same time trained to wait.

These are men who are trained to be patient just as they are trained to fight, putting I think a bit of a shadow over the issue. Well, we do not have the patience to wait it out.

While certainly our military is trained to have the patience to wait it out, we are also reminded the United States has demonstrated enormous patience as well. There are those who say that we would not have the patience to wait out an embargo, we would not have the patience to sit and wait, keep the pressure on Saddam Hussein. That particular statement, that hypothesis, is denied by our own recent history.

For the last 40 years, right up to the end of the cold war, the United States waited and waited with great care. We waited out the Soviet Union and the cold war was won at relatively little expense in terms of human lives—great military expense, great commitment of scarce national treasure, but we waited, Mr. President, and we waited with a very, very successful outcome.

As one of our witnesses said, during that period of time there were some who were suggesting that we should have bombed Moscow: Would that not have been a great idea? That is the question that came from the witness. Would not that have been a great idea?

Finally, our witnesses told us that while we should praise the effort of broadening the coalition of our allies which we should be doing and which we have done very well, the effort to bring in dozens of countries from around the world in this effort, certainly we ought to broaden both the numbers of countries supporting this, and the military and financial commitment coming from those other countries.

Admiral Crowe and General Jones had some very tough language for some of those countries and the fact that they had not contributed very much. I will come back to that later.

We really got a very different and very rational picture in those hearings that Senator NUNN chaired. As the country saw that set of hearings and as the country sat back and reflected in early December on our purposes and our goals, I think that the momentum toward war began to significantly slow down. The Congress did its job and did it very well through that set of Armed Services Committee hearings, followed by hearings chaired by the distinguished senior Senator from Rhode Island, and that was followed by hearings of the House Armed Services Committee. The country began to see that there were significantly different alternatives.

Following those sets of hearings, we saw two significant changes. One, the President offered to send Secretary Baker to Baghdad, and he invited the Iraqi Foreign Minister to come to the White House, which was a dramatic change of policy from an administration that said we would not talk to the Iraqis at all until they were completely out of Kuwait.

In December the President changed that policy, to everybody's great surprise, and I think many people were very pleased by that nod by the President, that concession, to have these discussions, and soon after that there appeared to be a response from the Iraqis as well, and the hostages came home.

It appeared that there was some diplomatic momentum, and that, I think, was very welcome to many of us who believed that we ought to exhaust every other possibility before we moved into any kind of military action.

Unfortunately, that momentum has apparently stopped. And while the Members of Congress have been away over the last couple of weeks, back in our districts and States, the field has essentially reverted back to one where only one voice on this issue has been heard, and that is the voice of the administration.

It is now time again for another set of voices to be reentering the dialog, which is why the opportunities that we have today and the opportunities we will have next week are so terribly important. The American public should have the opportunity to focus on other options, to focus on a different set of thinking on what we are doing in the Persian Gulf and why.

Mr. President, I want to raise a number of questions that I think are very important, and I ask unanimous consent to have printed in the RECORD at this point the opening statement that I prepared for the Senate Armed Services Committee hearings on November 27, which includes a series of questions which we worked out, identifying a number of the long-term options and long-term possibilities and long-term liabilities that exist or emerge from various actions in the Persian Gulf.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT, SENATOR TIMOTHY E. WIRTH

Mr. Chairman, I would like to commend you and the Ranking Minority Member, Mr. Warner, for calling the Committee back to Washington to discuss and debate U.S. policy in the Persian Gulf. This is an extraordinarily important set of hearings, especially in light of the Bush Administration's recent decision to nearly double U.S. deployments of Saudi Arabia.

In my view, the United States last August embarked upon a proper course of action in the Gulf: to stop Iraqi aggression and defend Saudi Arabia; to impose economic sanctions against Iraq; and to weave together a broad international coalition to isolate Iraq. In support of this policy, between August and October we deployed over 200,000 troops to Saudi Arabia and the Gulf region. This policy and deployment were broadly supported by the American people.

However, the President has now decided to add an additional 230,000 troops to Operation Desert Shield. That decision will inevitably lead to a sharp rise in logistics, support, morale, training, and cultural problems that are already causing difficulties. I would point that these problems are inherent in the deployment of such a tremendous number of troops in a faraway land and not a reflection on our fighting men and women in the Gulf. Our troops are professionals. They are well trained, well motivated, and well equipped and our nation should be proud of the sacrifices they are making for their country.

But I fear that with this decision the President has veered away from his successful August policy and toward one fraught with significant danger. It is not clear to me why the Administration has seemingly chosen to cast aside the course it originally set, especially when the best evidence we have indicates that it has been working. Yet, in October the Administration began drawing attention to the plight of the hostages, suggesting that their maltreatment might constitute a sufficient provocation for military action. In November, the Administration decided to double our forces to ready for the "offensive option," which in turn changed the public perception of and support for our policy in the Gulf. And last week, the Administration focussed on the Iraqi nuclear threat, a concern not coincidentally borne out in recent opinion polls.

Today as this Committee meets, the Administration is working to achieve United Nations support for offensive action against Saddam. This has been called—properly, I think—a "hold our coat" resolution: we ask others for permission to hold our coats while we send young Americans to fight and die in the Arabian desert. The President and others have spent countless hours describing our goals to other countries, and persuading various allies of the virtue of the Administration's purpose. We have not had the benefit of this effort, despite the fact that the Administration's authority derives from the people of the United States and from, the people's Constitution.

We must know, for example, why the United States has apparently changed from a defensive strategy to an offensive strategy. The Chairman of the Joint Chiefs of Staff, General Powell, in testimony to this Committee on September 11, focussed exclusively on defending Saudi Arabia and enforcing UN sanctions as the reasons for sending U.S. troops to the Persian Gulf. This was the military mission of Phase One; it was defensive in nature and the Senate overwhelmingly voted to support that defensive mission.

President Bush's decision on November 8 to augment our forces in the Gulf with another 230,000 troops represents a departure from that defensive policy. The forces now being deployed in Saudi Arabia are the very forces we were going to use to replace currently stationed forces as part of a troop rotation policy. Rather than sending a message about our enduring commitment to turn back Iraqi aggression, the President chose to set in motion momentum toward war in early 1991. We are further "Americanizing" the equation in the Gulf.

Why the apparent change of strategy? Iraq is now the object of the most comprehensive set of sanctions in history. The impact of these sanctions on the Iraqi military is already palpable, and continues daily to erode their military preparedness. Iraq is the object of unprecedented international opprobrium. Post Cold War diplomacy is at work, and it is focussed on Saddam. Where is the evidence that our collective will to enforce sanctions is weakening?

Alternatively, the costs of offensive action are incalculable: How many lives will be lost? What will be the impact on oil prices? On the U.S. and world economy? Will Israel get drawn into a widening Gulf war? What happens to the forces of Arab nationalism when Americans begin killing Arabs? By initiating a conflict in the Gulf, we will set in motion unforeseeable—and potentially disastrous—consequences. Can the Administration confidently say that a military solution will end this crisis in a predictable way and at a reasonable cost? The unknowns and the liabilities of the war option are far more troublesome to me than the problems of maintaining the international sanctions.

The most effective means of dealing with Saddam, the most effective long-range strategy for containing Iraqi aggressive potential, is through sustained international isolation of Iraq. Any other steps must certainly include close cooperation and involvement by United Nations forces; we cannot and should not be policeman to the world.

The UN Security Council may pass a resolution this week which will authorize the use of force against Iraq. That does not mean that the use of force early in the new year is wise, in our national interest or even useful in building the much-touted "new world order." A UN resolution is a necessary, but not sufficient, condition for the U.S. to go to war. In order to go to war we must have the support of the American people and a decision by the Congress. A UN resolution on the use of force is good politics, Congressional approval is a Constitutional requirement.

I do not believe that support exists today for offensive activity. The American people have yet to be convinced that our vital national interests are sufficiently at risk in the Persian Gulf to engage American troops in combat. We have had a wide range of explanation from the Administration about why we are in the Persian Gulf. According to the

Administration we may go to war: to restore the legitimate government of Kuwait, to force Iraq to withdraw from Kuwait, to protect Americans abroad, to provide regional stability, to enforce the sanctions, to assure a reliable supply of oil, to protect American jobs, to build a new world order, to destroy Saddam's weapons of mass destruction, and all of the above.

I do not doubt for a moment the seriousness of the Gulf crisis, nor the imperative of a vigorous American response. I believe we have mounted such a response, and remain capable of taking military action if and when necessary, especially with devastating air and naval power. Rather than suggesting that time is on Saddam's side, we should make clear our intention to stay in for as long as necessary. At our presently planned troop levels—without a rotation policy—we cannot do that.

Finally, it is imperative that the Administration formulate a clear set of goals in the Persian Gulf and that the President articulates those goals clearly and unambiguously to the American people. To date, the President and Secretary Baker have done an admirable job of fashioning a broad international alliance in the Persian Gulf. But they have spent much less time and far fewer resources explaining their position to the American people and to their representatives in the Congress.

We, of course, should not give the Administration a blank check. Nor should we rush to give them authority they have not even requested. Rather, our responsibilities include raising questions, reflecting skepticism, and digging beneath the immediate gloss of patriotic action to force answers to difficult questions.

These hearings are important, Mr. Chairman, in giving us the opportunity to go back to basics: Why are we in the Persian Gulf? What are our national interests in that important region? What are the long-term implications of alternative courses of action for the U.S. and the region?

While suggestions have been made that questions by Senators may only encourage Iraq, it is, in fact, the lack of consistent purposes that seems most puzzling to the American public. Ironically, support may "unravel" not because of public debate, but from the lack of a clear and consistent message from the Administration.

In closing, Mr. Chairman, I would just note that, in my view, our genuine national concerns are threefold—secure energy supplies; Iraq's weapons; and Israel—and I am unconvinced that initiating military action would resolve those concerns predictably and satisfactorily. We have already protected the oil fields. World supply has steadied, and in this sense our goal has been achieved. The continuing security of energy supplies may require an ongoing international presence and commitment, but war poses great uncertainty.

Concerning Iraq's weapons of mass destruction, this problem existed before August 2, and cannot be dealt with by military operations alone. The Osirak reactor was destroyed in 1981, but here we are once again debating how to deal with Iraq's nuclear weapons program. Finally, the Gulf crisis poses real risks to the state of Israel. War in the region holds untold dangers for Israel, militarily and politically, as does our unnecessary and unwise policy of support for President Assad of Syria.

It seems to me that the fundamental question in the Gulf is not whether or not Saddam Hussein is a brutal dictator that deserves to be overthrown—clearly he is—but instead whether going to war with Iraq will put the United States in a better position to work in the Middle East over the long run. I believe that our primary national goal should be to promote long term stability in the Middle East and Gulf region. Given the Administration's recent actions, I do not believe that we are currently approaching the Gulf crisis in this manner. In my view, an American initiation of war with Iraq is not only fraught with dangers in the short run, but would also lead to a destructive polarization in the Arab world that will make long term U.S. goals in the region more difficult to achieve.

Lastly, I would point out that war in the Persian Gulf will put all the Western hostages in a very precarious position to say the least. Not only are many hostages located at strategic sites that will be likely targets of Air Force bombs, but it is difficult to imagine a man like Saddam Hussein sparing the lives of American and Western hostages while his own troops are fighting and dying. Patience is a virtue, it is not a vice. The wait may be difficult for the families of the hostages and it is certainly difficult for the hostages themselve to point out that it was a policy of patience, consistently applied over a long period of time, that brought every one of our hostages out of Tehran—alive.

I would like to commend you, Mr. Chairman, and the Ranking Republican, Mr. Warner, for holding these important hearings at a very critical juncture. As we enter these hearings, I have prepared an illustrative set of broad policy issues which I believe we must address, and I ask unanimous consent that these questions concerning U.S. policy in the Gulf appear following my remarks. Thank you.

QUESTIONS CONCERNING U.S. POLICY IN THE PERSIAN GULF

1. What are our policy objectives for the Persian Gulf region following possible international military action?

There has been much speculation about the kinds of military action which might be taken, but not a lot of thought about their outcomes. What kinds of military victory might there be? What would the U.S. do with a military victory? Would we seek to create a new regime for Baghdad? How would we do that? Would the U.S. become an army of occupation in Iraq?

2. What would be the nature of a long term U.S. military presence in the Gulf, if the Iraqis were to withdraw from Kuwait?

It would appear that a long term military presence will be necessary in the Gulf in order to continue to offer protection to both Kuwait and to the Kingdom of Saudi Arabia. What will be the nature of that force and what will the U.S role be in it? Secretary Baker has proposed a "NATO-like" organization, implying a long-term U.S. presence. Is that what he meant? Would that be desirable?

3. What would be the nature of a long term U.S. military presence in the Gulf, if the Iraqis were to suffer a military defeat?

Would the regional military requirements be altered by a Iraqi military defeat?

4. What dangers would follow from a shift in the regional military balance from Iraq to Iran?

If there were military action between the international coalition and the Iraqis, the result would likely be an overwhelming military victory for the coalition and the decimation of the Iraqi armed forces. One consequence would likely be a dramatic shifting of the regional military balance of power toward Iran. What would be the implications of that for U.S. interests?

5. What is the sense of selling advanced weapons to Kuwait and Saudi Arabia?

Kuwait was unable to defend itself and U.S. military force was needed in order to defend Saudi Arabia, despite the fact that the Saudis, for the last decade, have been engaged in the most massive military build-up in the world with the exception of the Japanese. The advanced weapons owned by the Kuwaitis were captured by the Iraqis and then, apparently, integrated into their armed forces. The same thing could happen to Saudi Arabia and their weapons would then become available to an anti-Israeli coalition. What then is the purpose of selling technologically advanced weapons to countries which cannot defend themselves?

6. How can the U.S. conduct military action to minimize Iraqi (and not merely American) casaulties?

Saddam's regime is related to the Iraqi people in a different fashion than Khomeini's regime was related to the Iranian people when the latter seized U.S. diplomats. Given that, it is clear that the Iraqi people are not the enemies of the United States, but only their regime. What kinds of military policies can be pursued to recognize that?

7. What is the U.S doing to prevent the dismemberment of Iraq?

In the event of military action against Iraq, what would be the likelihood of members of the international coalition—Turkey and Syria, in particular—attempting to exercise irredentist claims against Iraq. Those two states might seek to enter Iraq to seize portions of its territory. The implications of unstable borders in the Middle East would be disastrous.

8. What would be the American response to an act of international terrorism?

The Abu Nidal organization, the Popular Front for the Liberation of Palestine-General Command under Ahmad Jibril (the same group many believe was behind the bombing of Pan Am 103 over Lockerbie), as well as the Palestine Liberation Front under Abul Abbas all appear now to be beholden to Saddam Hussein. The U.S. has already warned Saddam of the consequences of his sponsorship of international terrorism, but how would we be able to ascertain who was responsible for a terrorist action and then be able to punish Saddam when we have yet to conclusively establish responsibility for the bombing of Pan Am 103? (Of course, Jibril appears to have executed his terrorism at the request of the Iranians when he was based in Syria.)

9. What are we doing to encourage an Iraqi withdrawal from Kuwait aside from threatening them?

Talking about the Cuban Missile Crisis, Secretary of State Dean Rusk recalled the words of the Chinese strategist Sun Tzu in his *The Art of War* to the effect that you should always "build golden bridges behind the enemy" to facilitate his withdrawal. If the enemy believed there was no good out, he would fight. Are we doing anyting to convince Saddam that withdrawal is preferable to staying in Kuwait and facing a sure military defeat imposed by the international coalition?

10. Do you think there should be direct communications between the Iraqis and the U.S. while the Iraqis are in Kuwait?

During the Cuban Missile Crisis, there were a number of direct communications between the U.S. and USSR, including a visit by Robert Kennedy to the Soviet Ambassador Anatoly Dobrynin in Washington. Are we meeting with the Iraqis now? Should we?

11. Do you favor offering concessions to Saddam to facilitate his withdrawal from Kuwait?

The President has articulated the idea that there should be no rewards for aggression. Yet the U.S. negotiated the withdrawal of Soviet missiles from Cuba, offering them a written pledge that the U.S. would not invade Cuba and that the U.S. would withdraw missiles from Turkey. That appears to be offering them concessions. Yet the Cuban Missile Crisis is generally considered to be a great victory for the U.S. Isn't it possible that we could make the Iraqis some similar offers? General Maxwell Taylor, Chairman of the Joint Chiefs of Staff, said there were three ways to get the Soviet missiles out of Cuba—"we could talk them out, we could squeeze them out, or we could shoot them out." Why not do the same thing to the Iraqis?

12. If Saddam were to withdraw, can his weapons of mass destruction be made ineffective?

Will it be possible to maintain an embargo on the supply of "dual use" technology and military equipment to prevent Iraq from continuing its chemical, biological, and nuclear weapons programs?

13. What is the danger that military conflict will disrupt oil exports from the Persian Gulf?

Does Iraq have the capacity to reduce Saudi Arabia's ability to export petroleum? What are the conditions under which they would be successful in using that capacity?

14. What policies should the U.S. pursue in order to contribute to the long term stability of the Middle East?

The sources of the instability in the Middle East are far more pervasive than the problem of the Iraqi invasion of Kuwait. How can we pursue policies in regards to this crisis which will simultaneously contribute to longer term stability in the region?

15. Will killing Arabs in a military confrontation with Iraq so offend Arab sensibilities that the long term position of the United States and the West in the Middle East will be irreparably damaged?

Islamic fundamentalism is everywhere on the rise in the Middle East. There are, of course, varieties of fundamentalism so that all fundamentalism need not have the consequences for the people of the region or for the West that were produced by the Khomeini regime in Iran. Nonetheless, the basic fundamentalist position is hostility to the West which they perceive as seeking to destroy Islam. Any Western military action is likely to strengthen the claim of fundamentalists and thus enhance their political positions. Only days ago, the Jordanian Parliament elected an Islamic fundamentalist as Speaker. Now that Yassir Arafat has lost credibility, an alternative to his leadership of the Palestinian cause may come from the fundamentalist wing of the Palestinian movement. Surely military action will speed this trend.

Mr. WIRTH. Mr. President, we are back in the debate over this set of issues which begins as it should. We have an obligation, as I pointed out, to make sure that Secretary Baker has the timing and the support for his initiative, and we all hope that those initiatives are successful.

We also have an obligation to our constituents for us to act in the Senate, and we are going to have a relatively narrow period of time. That debate includes, again, an examination of our initial strategy. Was that containment strategy satisfactory? Did that containment strategy suggest that we are going to have a long-term involvement in the Persian Gulf? Assume that that strategy works and Saddam Hussein leaves Kuwait and returns to Baghdad; does that mean the United States is going to have a force in the Persian Gulf, Saudi Arabia, over a long period of time? What is the Arab reaction to that going to be? How do we internationalize that force as much as possible? There are a whole series of questions.

Should we be returning to the original rotation strategy at this time to have the troops coming in from Europe, to act that way, so after the 6-month stage they can move back to the United States, as our doctrine suggested they should do?

We have a series of questions on that containment issue and also on sanctions. What do we know about the sanctions and how well they have worked?

I was struck by two major national newspapers discussing sanctions last week. One of the stories was that the sanctions were working very well, and the front page story from the other was that sanctions were not working very well. One of the items that we have to get much more information from this administration is those sanctions and how well they have worked. I believe this is the perfect place for sanctions to be allowed to work and that we should be patient and certainly let them work over a much, much, longer period of time; that it makes no sense for us to be moving toward imminent military action, particularly on the ground in Kuwait, while we have remaining to us this great opportunity to make sanctions work.

Third, Mr. President, we should be debating on the floor the role of the United Nations and the role of the other countries around the world and their responsibilities to this effort.

I have been disappointed that the President of the United States has, as I see it, paid greater attention and spent a lot more time providing a photo opportunity to President Assad of Syria in that discussion he had in Geneva some weeks ago—the head of a country that is at the top of our list of terrorist countries, ones that we have not embraced and approved, as the President did in Geneva. There was this major legitimization of the Government of Syria. We spent a great deal of time doing that and also in bringing the Chinese Government in out of the cold. The President received the Chinese Foreign Minister at a much publicized meeting at the White House, essentially saying what you did at Tiananmen Square does not matter anymore; we would like to have your help here. The Chinese abstained on the Security Council action, and we are embracing the Syrians and the Chinese. We have a lot more work to do to make sure that others of our allies are committing themselves more significantly.

I will close with some comments about that. We have to go back, I think, to our initial strategy and discuss that containment strategy and the implications, both short and long term, and discuss sanctions, how well they are working and how long we are prepared—which I hope is a long period of time—to let the sanctions work out before we resort to force; third, how do we broaden and strengthen that international coalition where the United States is paying all too great a part of the price?

Mr. President, I sent to Senator NUNN a letter outlining a series of questions on the costs and commitments of our allies. That was dated November 30. I ask unanimous consent to have that letter printed in the RECORD at this point, Mr. President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 30, 1990.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In the course of this week's hearings before the Committee on Armed Services, Committee members rightly expressed broad support for the President's efforts in bringing together an international consensus and coalition opposed to Iraq's invasion of Kuwait. At the same time, members also registered deep concern over the price the United States may have paid in securing continuing support of U.S. policy in the Persian Gulf.

Secretary Webb addressed this issue directly in his testimony of November 29:

"The President has assembled a broadly-based coalition of nations who agree on the narrow issue of Iraq's occupation of Kuwait, and who diverge on just about everything else. While these efforts are commendable, many Americans have become rather amazed at the lengths the Administration has gone over the past few months to keep the coalition together . . . The political and economic promises our Administration appears to have made in exchange for much of this support have yet to be revealed. And the price we may be asked to pay in terms of unspoken commitments could come back to haunt us."

We already know some of the costs of keeping this coalition together. We have, at the President's request, forgiven $7.1 billion in military loans to the government of Egypt. President Bush reversed long-standing U.S. policy to meet publicly with President Assad of Syria, a nation still considered a terrorist state by the U.S. Government. The Bush Administration has reversed political sanctions imposed on the People's Republic of China following the Tiananmen Square massacre by inviting the Chinese Foreign Minister to Washington.

What other promises have been made? I believe the American people and the Congress deserve a full accounting of the costs—direct and indirect, financial and political—incurred by the Administration on behalf of the American people in pursuit of policy objectives in the Persian Gulf.

I hope that the Committee on Armed Services and the Committee on Foreign Relations will explore these issues with Secretary Cheney and Secretary Baker at next week's hearings. Further oversight may be necessary to arrive at a thorough understanding of the costs incurred on behalf of Operation Desert Shield, and I look forward to cooperating with you in this endeavor.

With best wishes.

Yours sincerely,

TIMOTHY E. WIRTH.

Mr. WIRTH. Part of this debate also, it seems to me, clearly should reaffirm our national goal, and I think it is agreed upon that Saddam Hussein get out of Kuwait. I think that should be part of this debate and part of any resolution that we in the United States Senate would agree upon, that the Iraqis certainly should get out of Kuwait, and that we in no way, shape, or form will condone that kind of activity.

At the same time, I think we should point out, Mr. President, that should force be used at some point, it should be used as a last resort. We should not shrink from the willingness to use force if our national interests are clearly at stake. We believe that our national interests are at stake, and it is agreed upon that that is something we should not have to do, and we should not shrink from that.

(Mr. SIMON assumed that chair.)

Mr. WIRTH. Let us be very careful about defining what our national interests are and understanding what the implications of that use of force in our national interest may be. And certainly at this point I think it is difficult to say that we are in fact seeing our national interests so threatened that we want to move in with massive force in the Persian Gulf area.

For example, is energy so threatened that it is absolutely imperative that the United States commit this enormous military machine because of energy? I do not believe so. We have seen now almost a glut once again of oil on the world market. The Iraqi production is off the world market; Kuwaiti production is off the world market. We have seen the Saudis increase production. We have seen production increase elsewhere as well. The price of oil is once again going down, and I think we are not seeing us endangered in energy.

So are we there for the purposes of endangerment of energy? I think not, but clearly this overall energy policy must be looked at, not only in this debate, but for long-term purposes as well.

As I said in my opening comment, I would hope that if there is a silver lining in this whole situation in the Persian Gulf, it is that we commit ourselves to energy policy and have a real energy policy in the United States. And that is not rocket science, Mr. President; it is not a great mystery what we have to do in the United States.

It is not great mystery that we have to move toward efforts of fuel efficiency, economic efficiency, and energy efficiency much greater than what we have now. Automobile efficiency alone, in increasing the miles per gallon, as Senator BRYAN's legislation suggested, will save us more than 2 million barrels a day. We are importing about 8 million barrels a day. About 25 percent of our imported oil can be saved by fuel efficiency with automobiles alone.

Another 25 percent could be saved, Mr. President, if we moved to alternative fuels, moved away from dependence on gasoline alone for fueling our transportation sector; 66 percent of the oil that we consume in the United States goes for transportation.

Are we stuck entirely doing that with oil? Not at all. We ought to have the opportunity to move that as well, and make the opportunity to move away from our dependence on oil as the almost exclusive fuel driving our transportation sector, and move from there, for example, to natural gas. We have vast reserves of natural gas in the United States, and even greater reserves in North America, Canada, Mexico; very secure reserves.

And what we ought to be doing is everything we can to move from an economy so dependent upon oil for transportation to begin to use some of the other fuels we have. We know from the debate on the Clean Air Act and analyses of the Clean Air Act that if we were to make that move and do just a relatively aggressive job in moving to alternative fuels, particularly in natural gas, we could save another 2 million barrels of oil a day. Just in the transportation sector alone, Mr. President, we can save about 25 percent of the oil that we use in the United States—just in the transportation sector alone.

And these are not items that have been suggested by the Chief of Staff from the White House that are going to force dramatic changes, such as people will not be able to drive any more, that your lifestyles are going to be threatened, and so on. Not at all.

Fuel efficiency in automobiles, alternative fuels, is just a first step. There is a whole variety of other things that we can do in terms of building and development, making sure that our stock of housing is much more fuel efficient, looking at various sectors of heavy industry where there is still room for significant efficiencies, across the board; an efficient national energy policy can be established again. It is not rocket science; we know what has to be done. It is a matter of simple political will and agreement to arrive at that.

Then, Mr. President, to look at alternative fuels strategies beyond the currently available fuels, to be encouraging solar energy, to be moving, as some have suggested, toward the policies of solar-hydrogen economy, to begin examining the nuclear possibility, start all over on nuclear to see if we can develop a safer and cost effective nuclear program that will be able to solve the proliferation problems, the waste disposal problems. Lots of problems come along with nuclear. We must have responsibility to the future, to see if we can develop a nuclear program that works. If we can, we will not have our grandchildren asking us: Why did you not try that option when you had that possibility? I think as reasonable individuals we should embark upon such a research program.

There is a variety of other things that have to be done as part of the energy strategy, and I hope the debate we have here over the coming weeks will encourage and solidify in this body and the people at the other end of Pennsylvania Avenue in the White House to undertake a national energy program. Secretary Watkins has been very forthcoming about this, the need to do it. From all press reports, he has been significantly stymied by Mr. Sununu and Mr. Darman.

I would hope that the President, who has committed us to a very, very potentially dangerous strategy in the Middle East, will find that we ought to intervene at least through a national energy program, and have that as one of the results of the next 6 to 9 months.

Finally, Mr. President, we have to sure that the economic burdensharing in the Persian Gulf is a fair one. So far it appears to me, from every bit of data that we have that has been made available to us, that certainly it has not been very fair so far.

I have written a letter to Senator SASSER of the Senate Budget Committee outlining that data, and I am a member of that committee. We look forward to hearings next Wednesday, Thursday, and Friday which will examine much of the burdensharing issue. Unfortunately, the administration has so far said it is not going to come up and testify on that.

We heard yesterday that the reason the administration will not testify is that it does not really know what kind of commitments have been made by our allies for 1991. So there is nothing for the administration to come up and testify on. But certainly they could come in and testify on what happened in 1990, and come up and tell us quite honestly that the record on this is not very good.

I ask unanimous consent, Mr. President, that my letter to Senator SASSER outlining the best data that we could find on burdensharing, what our allies have committed, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 14, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to bring to your attention several concerns which I hope the Budget Committee will pursue during the forthcoming set of hearings on the costs of the Iraqi conflict. The American people and the Congress deserve a full accounting of the costs—direct and indirect, financial and political—incurred by the Administration on behalf of the American people in pursuit of policy objectives in the Persian Gulf.

COSTS OF OPERATION DESERT SHIELD

As a first order of business, we must receive complete and authoritative information from the Administration on the costs of Operation Desert Shield. In September, the Department of Defense estimated that costs associated with Operation Desert Shield would total roughly $15 billion in fiscal year 1991. As you can see from the table below, however, there is a large discrepancy between Pentagon estimates of the cost of the Gulf deployment and that of the Congressional Budget Office.

SEPTEMBER ESTIMATES OF COST OF OPERATION DESERT SHIELD

[In millions of Dollars]

	Fiscal year 1990			Fiscal year 1991		
	DOD	CBO	Difference	DOD	CBO	Difference
Airlift	484	484	0	2,240	148	−2,092
Sealift	336	336	0	1,560	34	−1,526
Other deployment	250	250	0	430	0	−430
Medical	30	30	0	50	8	−42
Operating costs	565	418	−147	2,520	2,664	+144
Reserve callup	215	168	−47	2,800	2,365	−435
In-theater support	295	250	−45	1,800	1,360	−440
Special pay	25	7	−18	60	85	+25
Total	2,200	1,943	−257	11,460	6,664	−4,796
Fuel (all DOD)	300	300	0	1,740	900	−840
MilCon	30	0	−30	1,800	0	−1,800
Grand total	2,530	2,243	−287	15,000	7,564	−7,436

What is the basis for the discrepancy between the Pentagon figures and those of CBO? Is DOD including in Desert Shield the cost increase for fuel DOD-wide? The Pentagon estimates nearly $2 billion for military construction in Operation Desert Shield—for what? How are "in-kind contributions" accounted? Assessed?

President Bush's decision on November 8 to nearly double our forces in the Gulf region will obviously entail a significant cost increase. Estimates of the costs of the expanded scope of Operation Desert Shield now range to $31 billion for FY91. Five weeks after this decision was made, however, we have not received any official statement of revised cost estimates. I certainly expect that such estimates would be available in time for the Budget Committee deliberations in early January.

ALLIED BURDEN SHARING

During September, the Administration secured commitments from various nations for cash and in-kind assistance towards the costs of Operation Desert Shield. A special account, the Defense Cooperation Account, was established within Treasury to receive and disburse such funds. Of nearly $9 billion committed, the U.S. received less than $4 billion in cash contributions by the end of November, even as the U.S. was increasing its share of the burden of collective security in the Gulf.

Before the decision to nearly double our troops in the region, the U.S. constituted 57% of the troops in the coalition arrayed against Iraq. Allied pledges of nearly $9 billion offset about 50% of the FY90-91 then-estimated U.S. cost of $17 billion. With the addition of 200,000 troops, the U.S. share of forces will rise to nearly 75%, while our share of the costs of the allied effort will also rise to nearly 75%.

ALLIED CONTRIBUTIONS

[In billions of dollars]

Country	Commitment	Cash received	Total received
Saudi Arabia	3.0	0.76	0.99
Kuwait	2.5	2.25	2.25
Japan	2.0	.38	.43
U.A.E.	0.5	.25	.28
Germany	0.8	.27	.33
Korea	0.1	0	.01
Total	8.9	3.91	4.29

Military forces in the Persian Gulf through Nov. 16, 1990

U.S. Army	120,000
U.S. Marine Corps	45,000
U.S. subtotal (57 percent)	165,000
Saudi Arabia	38,000
Egypt	30,000
Syria	15,000
Kuwait	7,000
Other Gulf States	1,500
Arab subtotal (34 percent)	98,500
Britain	9,000
France	5,000
European subtotal (5 percent)	14,000
Other Moslem (4 percent)	11,500
Total (100 percent)	289,000

I find it incredible that those countries most directly affected by the threat posed by Saddam are not contributing a greater share of the ground forces. Nor can I understand the logic of having those who are most dependent upon Gulf oil, such as Japan, pay a disproportionately low share of the total cost of maintaining the free flow of that oil. Finally, many oil producing countries have reaped enormous windfall profits in the aftermath of the Iraqi invasion. How much of this is being channeled to support Operation Desert Shield?

IRAQ AND THE BUDGET

The Congress agreed last November not to count the costs of Desert Shield in the 1990 budget agreement. The Administration must, therefore, come forward in the new year with a supplemental appropriations request to cover the costs of Operation Desert Shield over and above the budget agreement cap on military spending of $289 billion. If the estimates of $31 billion for Desert Shield are correct, and if allied contributions total $9 billion, the Congress will be asked to appropriate nearly $22 billion for Operation Desert Shield—in addition to the agreed level for defense spending.

How does the Administration propose to pay for this? A special tax for Desert Shield? Further borrowing in international capital markets? In spite of our efforts this year to curb the federal budget deficit, the Congressional Budget Office now predicts that next year's deficit will total $320 billion. Will we be asked to tack on another $22 billion for Operation Desert Shield? The Administration should include with its request for funds for Operation Desert Shield in FY91 a description of how it intends to pay for this "off-budget" function.

POLITICAL COSTS

In the course of the recent hearings before the Committee on Armed Services, Committee members rightly expressed broad support for the President's efforts in bringing together an international consensus and coalition opposed to Iraq's invasion of Kuwait. At the same time, members also registered deep concern over the price the United States may have paid in securing continuing support of U.S. policy in the Persian Gulf.

Secretary Webb addressed this issue directly in his testimony of November 29:

"The President has assembled a broadly-based coalition of nations who agree on the narrow issue of Iraq's occupation of Kuwait, and who diverge on just about everything else. While these efforts are commendable, many Americans have become rather amazed at the lengths the Administration has gone over the past few months to keep the coalition together . . . The political and economic promises our Administration appears to have made in exchange for much of this support have yet to be revealed. And the price we may be asked to pay in terms of unspoken commitments could come back to haunt us."

We already know some of the costs of keeping this coalition together. We have, at the President's request, forgiven $7.1 billion in military loans to the government of Egypt. President Bush reversed long-standing U.S. policy to meet publicly with President Assad of Syria, a nation still considered a terrorist state by the U.S. government. The Bush Administration has reversed political sanctions imposed on the People's Republic of China following the Tiananmen Square massacre by inviting the Chinese Foreign Minister to Washington. What other promises have been made?

I commend you for holding hearings by the Budget Committee on this important set of issues, and hope that you will find these thoughts useful in guiding the Committee's deliberations.

With best wishes,

Yours sincerely,

TIMOTHY E. WIRTH.

Mr. WIRTH. Mr. President, let me just briefly summarize some of what we found, and this is data we received from the Library of Congress and from the Congressional Budget Office through the Senate Budget Committee—not easy to find, I might add, because the administration has been very reluctant in providing this information. It is the best we have at this point. Let me give a sense of this.

This is at a time when the United States has about 90 percent of the combat troops in the Persian Gulf as part of the overall allied coalition; about 90 percent of those troops are American; at a time when we are spending this year $288 billion already on our military, and the costs of Desert Shield are above that. The United States has made enormous commitments of young people in the Persian Gulf, and made enormous commitments again of scarce national treasures to the defense capability which has been projected in the Persian Gulf.

The American taxpayer has already committed its young people, already committed its resources. In addition to the hundreds of thousands of troops and the $288 billion in the Persian Gulf, in addition to that, Operation Desert Shield is costing us at least $2 billion a month more. Some have suggested it is going to be as much as $31 billion a year, probably more than that. That is assuming there is no shooting. If we begin hostilities, again the cost goes up very dramatically. In terms of the cost of ordnance, the cost of equipment, and so on, the cost goes up dramatically.

Even without hostilities, the extra cost to the United States for this force in the Persian Gulf is about $30 billion. Of that, what kind of a commitment has come from elsewhere? From everything that we can gather, Saudi Arabia had committed some $3 billion in cash. Of that amount, as of Christmastime, Mr. President, as of the middle of December, we had actually received $750 million from the Saudis. And the total receipts, including in kind at this point, was a little less than $1 billion.

The Kuwaitis, who are alleged to have vast amounts of reserves in Western financial institutions, hundreds of billions of dollars as has been reported, committed $2.5 billion, and they had paid out almost all of that $2.25 billion. The total amount that the Kuwaitis committed is $2.25 billion. The United States is in it for $30 billion.

The Japanese have committed $2 billion. They said they would give us $2 billion for this effort. The cash received as of the middle of December was $380 million.

The United Arab Emirates committed one-half billion dollars. Remember, there is a vast amount of money flowing to them. And these are countries—Saudi Arabia, United Arab Emirates—who have had enormous windfalls as well, because the price of oil has gone up. They have made a great deal more money because the price of oil has gone up. The United Arab Emirates committed one-half billion dollars and have given us so far $250 million.

The Germans committed $800 million. They are much more dependent upon imported oil than we are; the Germans committed $800 million, and in fact, we had received $270 million of that commitment.

Ask yourself, what is going on here, Mr. President? Should we not be reaching out to other countries who are as committed and have as great a need as we do, and probably a lot greater: Kuwait, Saudi Arabia, the Japanese? We built this military machine at vast cost. Ninety percent of the troops there are American. Should they not at least be paying for it?

And what does the data show us?

The data show us that the contribution that has been made from our allies is, in the words of some of our witnesses in early December, disgraceful. I think one of the places where this debate is going to get joined most aggressively is when the American taxpayer comes to realize, when the emergency supplemental comes up from the White House—and it is going to be here—there will be an emergency supplemental, reported in the press, between $22 and $30 billion; that is for a peacetime Desert Shield operation, we are going to be asked to spend American taxpayers money of somewhere between $22 and $30 billion more. The American taxpayer will then say, "How much are the people we are saving, whose countries we are saving from the Iraqis, how much are they contributing?" They start to look at that, and they are going to see that the Saudis are paying precious little. The Japanese, dependent on Persian Gulf oil for about 70 percent of their energy economy, has committed a little bit of money; delivered much, much less. The German Government, granted with all kinds of commitments that they have and problems, unification of Germany and so on—we have problems, too, Mr. President—the German Government has contributed just a little less than $200 million. The U.S. taxpayer is being asked again to pick up a huge load of the tab for countries whom we are protecting as well.

How much is Uncle Sam going to be our brother's keeper around the world militarily, financially, and now in terms of paying for all of this as well? That set of questions has not been focused on very much, but I believe it is the one that is going to come on so strongly and the American public is going to say, "Hold on. We are happy to be a superpower. We are happy to commit ourselves to a policy that is in our national interest, but we are expecting our allies to pay their fair share." And certainly our allies are not.

A final note, Mr. President. If we end up with an emergency supplemental of $30 billion, which is entirely possible, I would remind you that we went through a budget debate on the floor of the U.S. Senate and on the floor of the House of Representatives, which was a very, very bloody budget debate, very unpleasant, very ugly. We came out of that saving about $30 billion. We saved about $30 billion going through all of that agony. The White House changed its economic policy, changed its read-my-lips strategy. We made some very significant cuts and we saved about $50 billion going through all of that.

Most of that savings is washed out by the cost of Desert Shield, Mr. President, unless we can convince our allies that they have an obligation, particularly the Saudis, who have gotten this enormous windfall, and the Kuwaitis with these alleged vast resources in Western financial resources. Just interest on that money alone could pay a lot of our cost. Where are the Japanese? Where are the Germans? Those are questions that I think our allies must be asked. We have to have this administration conducting the American foreign policy to be as aggressive in going after those countries as we have been generous in giving those photo opportunities to President Assad and bringing the Communist Chinese Government in out of the cold. Those questions are going to be a very tough part of this debate, but are questions that have to be asked, and our constituents are going to ask us those questions.

In closing, Mr. President, I again want to thank our colleagues who have brought the timing of this debate to the floor. It is terribly important that we do so. It is terribly important that we begin to open up the public discussion on the floor of the U.S. Senate. We have had excellent hearings in the committees. There are going to be more hearings next week in Judiciary, more hearings in the Budget Committee. We will have a vast amount of information. I think the American public will be ready for this kind of very important debate, and I hope we can agree upon a resolution on the Senate floor.

I hope what we come out with, Mr. President, is something that we can all agree upon. To have some kind of partisan gain is not to have any kind of a goal here. The goal is rather to assure that we come out with a unified national policy such as we had before the President changed it from the original three-point plan. We go back to that policy. It was successful, it was working, and it is one that I think would have the support and does have the support not only of the Congress but the American public.

Thank you very much, Mr. President. I appreciate including that material in the RECORD and I yield the floor.

Mr. D'AMATO. Mr. President, every international crisis produces some predictable results, and one of the saddest is the spate of handwringing we always see here on the floor of the U.S. Senate.

Senators stand up, one by one, and compete to see who can come up with the longest list of reasons why the United States is wrong, why the United States should not take any decisive action, why the United States is powerless.

I can remember, not too many months ago, when I offered some amendments suggesting that Iraq's leader, Saddam Hussein, was a pretty dangerous character; and maybe we should not be subsidizing his tyranny and torture with American taxpayer dollars.

If I wanted to embarrass some of my colleagues here, I could dig up the CONGRESSIONAL RECORD of that debate, and read back some of the statements my colleagues made on that occasion.

I will not do it.

But let me tell you one thing: That does not mitigate in Saddam Hussein's favor because, Mr. President, he is not a nice guy. I could list a whole lot of things that he is—but let me get to the bottom line. He is a tyrant and murderer. And he justly deserves the name of the "Butcher of Baghdad."

I wish Secretary Baker all the luck in the world. But Saddam's flunky, Mr. Aziz, is not going to listen to Jim Baker's arguments. And even if he passes them back to Saddam verbatim—or Secretary Baker himself ends up in Baghdad speaking directly to Saddam—I do not think it is going to make any difference.

Maybe I am wrong; I hope I am wrong. If it can bring peace, without our goals achieved, it is worth it. But I do not think it is going to happen.

The man is a tyrant and a murderer. He went into Kuwait with his eyes wide open and his goals clear.

He wants to run the Middle East. He wants to control our oil. He wants to wipe Israel off the face of the map.

He saw the road to achieving those goals running right through downtown Kuwait City and he sent his troops; in fact, let us call them what they are, not military troops but uniformed terrorists. He sent them in to achieve those clear goals. And he is not going to pack up and go home voluntarily, certainly not easily.

I doubt that he is going to pack up and go home at all unless we send him a clear message.

Mr. President, it is not George Bush who is the bad guy. Some would begin to think that is the case when we hear the kind of debate that we have been subjected to. Let us not lose track of the fact it is not George Bush who sent troops in murdering, marauding; it is Saddam Hussein.

It is not the Constitution of the United States which is at stake.

We have used military force a couple of hundred times in our history without a declaration of war and we still have a democracy, and we still have a constitution. And, thank God, we still have our freedom.

The issue here is not the Constitution. The issue is vital, bottom-line, long-term, live-or-die American national interest.

Saddam Hussein must be stopped, and turned back, and punished. Let us quit this handwringing. Let us do what we ought to do. Let us not bash Bush; let us back him.

I do agree with some of the handwringers on one count. I agree that Congress should act. Let us get off the sidelines, off our duffs, and act. We are an American Congress. Let us act for America.

Let us vote today, up or down, on a resolution endorsing what the U.N. Security Council said. Does anyone here remember who voted for that resolution in the Security Council? Can we do less than they did?

Ethiopia voted for it. Malaysia voted for it. Venezuela voted for it.

Ethiopia is still willing to say to Saddam Hussein that you are the bad guy and you have to get out of Kuwait, and we are prepared to punish him with "all necessary means" unless and until he does.

If Ethiopia has the guts and the common sense to say that, it seems to me that the U.S. Senate should equally have some, but we do not. What gives?

Yesterday, ABC News released a poll that said 70 percent of the American people think that the Congress has not given the President enough support. To me that poll means one thing. Some politicians around this town have been able to fool 30 percent of the people into thinking Congress is doing its job the right way. The figure criticizing us should not be 70 percent, it should be 100 percent.

We are a disgrace. We have hundreds of thousands of young men and women in Saudi Arabia who may soon be asked to risk their lives. I think the 100 of us here ought to be willing to risk our standing in the next Gallup Poll by having the guts to vote. So I say let us vote but not on these sideshow handwringing issues. Let us vote on the real issue. Do we back up American policy, the American President and, most of all, the American men and women doing their jobs in Saudi Arabia or do we not?

Let me make two final points. One, this is not just an American show, and it better not turn into just an American sacrifice. If anyone, if any country makes a nickel of windfall profits from a war in which thousands of Americans may lose their lives, well I cannot even think of a word to describe how tragic and disgraceful that would be. Here we have the Japanese dangling $3 billion in aid in front of Saddam Hussein, saying if you get out of Kuwait it is yours, it is $3 billion.

In New York we call that bribery, and it is not legal. Internationally I call it an obscenity. If Japan has $3 billion to pony up—and let us face it, that represents pocket change in Tokyo these days—there is one place, and only one place, where that money ought to go. It ought to go to support Operation Desert Shield, period, end of argument.

West Germany is going to give the Soviets multiple billions in aid. Maybe they will help the Russians build some new highways so their tanks will have a smoother ride when they drive into the Baltics. Billions into the Kremlin's coffers, billions that ought to go into protecting Germany's critical economic interest in a stable and secure oil supply, billions that ought to go to Operation Desert Shield.

That is just one thing. But the last, and most important thing is this. I do not want it, and I do not like it, and no one does, but the likelihood is that there is going to be war. When we get to that stage then burden sharing gets to be pretty simple to tally up.

Real burden sharing is going to be measured in terms of body bags. When the shooting starts you find out who your friends are. When the shooting is over you remember. I hope we have the sense, and I believe we will, to maximize our chances to achieve our goals while minimizing the loss of American life.

To me that translates into very heavy reliance on those areas where we have the clear advantage and where Saddam has the clear disadvantage. We spent billions and billions over the years to develop a devastating air war capability. If the flag falls, I hope we will use it for all it is worth. I am not interested in bombing Saddam back to the stone age. I am just interested in bombing him back into Iraq with the smallest possible risk to American lives.

Mr. President, this is the highest stakes game we have been in for many, many years. Let us treat it that way—here in the Senate and over there in the Persian Gulf. Let us do it right—here in the Senate and over in the Persian Gulf. Let us make America proud—here in the Senate and over in the Persian Gulf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I compliment my friend from New York. He has been one of the stalwarts in the U.S. Senate since the beginning of this, who has tried to remind the Senate that in order for a President to carry out foreign policy, and for that foreign policy to be successful and save the lives of Americans, it is necessary that we stand together and are unified behind a strong position.

Some may say that the Senator is rattling sabers on the Senate floor. But I think if we want to send a message to Saddam Hussein, my message to Saddam Hussein is: Go home, resign, go into exile. This man is a threat to the security of the region, and that, in turn, is a threat to the security of the world.

I shudder to think of what kind of a situation we will be in 3 or 4 or 5 years from now if all the hand-wringers have their way and Saddam Hussein survives, develops nuclear weapons, and then starts blackmailing people with the threatened use of those nuclear or chemical weapons in major cities or ports throughout the world.

I do not want to see conflict or combat any more than the Senator from New York does. But our leading, first President who spoke on this said: If we want peace, prepare for war.

Mr. D'AMATO. I wonder if the Senator will yield for a question?

Mr. SYMMS. I will be happy to yield for a question.

Mr. D'AMATO. Does the Senator from Idaho have any doubt that if Saddam Hussein were about to go nuclear, that Israel would launch a preemptive strike to keep that from taking place?

Mr. SYMMS. You mean go nuclear against Israel? I would hope that any country that thought that Saddam Hussein was going to threaten Israel with the use of nuclear weapons would take preventive measures to stop them from being able to do so.

Mr. D'AMATO. I share that view.

Mr. SYMMS. The scenario suggested by the Senator from New York would probably be the case. I think the question is, Do we want to leave a situation where we might trigger a war between Arabs and Israel at a later time, that could lead into a much more vicious war than any we currently face? There is a good chance that if the United States does use its military air power and air superiority in the currently pending conflict, it could be a very, very quick and decisive action.

Mr. D'AMATO. I wonder if the Senator shares this concern? It bothers the Senator from New York that, indeed, if Saddam Hussein is permitted to keep that incredible military capability, his chemical weapons, the delivery systems, and the emerging nuclear threat, that sooner rather than later we will face the inevitable conflagration that we have worked so assiduously to avoid between the superpowers. And that indeed Israel will be forced to take that preemptive action, the action she took in 1981 when she destroyed the nuclear reactor.

I remember following that action the silence on the Senate floor and in the Halls of the Congress. There were very few who came and stood up and said Israel did the right thing knocking out that reactor. I remember on June 10, 1981, that morning, I commended Israel. There were not many other voices commending them. As a matter of fact, people were saying: My gosh, why did they do this? Saddam Hussein was not trying to attain any nuclear capability for war purposes.

I just say I have that concern. It is apparent that the Senator from Idaho shares the same concern.

Mr. SYMMS. Mr. President, I think the Senator from New York, when he made that commendation of Israel at that point in time, was proven correct some years later than Saddam Hussein started using chemical weapons on some of his own people that were not loyal to the war he was waging against Iran. So I think the Senator has proven quite correct in his long-ranging vision that saw Saddam Hussein as a threat to that region.

We hear a lot of people talking here, and I do not impugn the motives of any of my colleagues, but I believe there are two points I would like to make today. First, President Bush in my opinion has used enormous restraint. He has had every provocation, as Commander in Chief of the strongest, most powerful, and the best trained military on Earth, to exert some use of that military force. He has used extreme prudence and he should be commended for that, in my view. The Senators in this body should commend him for his prudence.

He had every reason—our people were held hostage, young children in Kuwait were brutalized, extreme violence was committed, and American lives and property were put at risk—President Bush has had every reason to use military force. He has the power at his disposal to be effective with a minimum loss of life of our people and a maximum deterrent effect on the Iraqis. So I think we should give him commendation for his prudence in withholding use of that power as long as he has.

Second, I think we should remember that however this plays out and however it ends—and I hope like all other Senators it could be done with a minimal use of military force or no military force at all—but if it ends up that Saddam Hussein and the Iraqi military-industrial complex are still in place in the region, even if they leave Kuwait, the region will not be stable and it will not be safe.

At a minimum, we need to neutralize Saddam Hussein and his military-industrial complex. The ideal way to have that happen would be to have him withdraw from Kuwait when they realize that they are up against a military superior force, that they cannot survive it, and then we let the people in Iraq take care of the problem, dismantle their war machine, stop their efforts at manufacturing chemical weapons, start producing goods for the people. But in the real world it may not happen that way.

The message that this Senate should leave was well expressed in the speech that our colleague from Wyoming, Senator WALLOP, gave right before we adjourned last fall about the reason. He argued it would have been healthy for the United States and the Congress to have been on record early on in support of what the President has done.

I have not seen the President committing troops to combat. He as had great restraint. I had the opportunity to visit Saudi Arabia with the Senator from New York and with the distinguished Republican leader and other Senators, along with the chairman of the Armed Services Committee. We were briefed then that the air war and gaining superiority of the skies totally, including the absolvement of their ability to use ground-to-air missiles, would only be a matter of days, only hours for the air part and days for the rest of it. We have used great restraint. I think the people of this country and of this Congress should give the President some credit for the restraint he has used.

But I cannot say anything critical of the military for getting themselves prepared to do whatever it is the President thinks he might want them to do. They have the flexibility now. The forces are in place. I believe we can be successful if it does have to go to combat or go to a heavy position, to a position of using military force.

I just want to, again, compliment my friend from New York for his insight, his vision, his sense of understanding of that region of the world and what is happening in the gulf. I think that it is important for the American people to know that the reason we are there is to neutralize Saddam Hussein, his military-industrial complex so that we can see peace in that region of the world hopefully for many years to come.

Mr. President, I thank the leaders for their indulgence.

I thank my colleague, and yield the floor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—LEGISLATION RELATING TO THE PERSIAN GULF

Mr. MITCHELL. Mr. President, I ask unanimous consent that during today's morning business, Senators may only introduce legislation relating to the Persian Gulf and that of the four forms of legislation available, the legislation must be in the form of a Senate resolution; that upon introduction, the Senate resolution will be appropriately referred to the committee of jurisdiction.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECORD TO REMAIN OPEN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the RECORD remain open today until 8 p.m., or until the close of today's session, whichever occurs later, for the introduction of resolutions relating to the Persian Gulf, entered under the previous agreement, and statements.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—INTRODUCTION OF BILLS AND RESOLUTIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that no bills or further resolutions, other than those permitted under the previous unanimous-consent agreement just agreed to, or committee-reported legislation, other than those whose introduction and consideration have been agreed to by the majority leader, following consultation with the Republican leader, be in order prior to January 14; and I further ask unanimous consent that beginning January 14 and for the remainder of the 102d Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions for referral to appropriate committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. MITCHELL. Mr. President, I ask unanimous consent that at the conclusion of today's session, the Senate stand in recess until 10 a.m. on Tuesday, January 8; that upon the completion of business on that day, the Senate stand in recess until 10 a.m. on Thursday, January 10; that upon the completion of business on that day, the Senate stand in recess until 10 a.m. on Monday, January 14.

I further ask unanimous consent that with the exception of January 14, all of the Senate's sessions referred to in this consent be pro forma only, unless the consent is vitiated by the majority leader, after consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if I might at this moment explain the process and procedure to be followed pursuant to these several agreements.

First, as I indicated yesterday and earlier today, I have had and have no objection to Senators introducing resolutions relating to the Persian Gulf. The proposed consent agreement of yesterday, which would have prohibited that, was in accordance with a practice followed from time to time in past Congresses and with respect to which Senators had received written notice over a month ago.

Had I been aware prior to yesterday's session that any Senator wished to introduce a resolution, I would have, of course, been prepared to and would have accommodated those Senators.

Upon learning during yesterday's session that some Senators wished to introduce resolutions relating to the Persian Gulf, we began a process of developing these consent agreements through consultation with the distinguished Republican leader and several of our colleagues. And as a consequence now, as we notified Senators during the discussion yesterday, Senators will be able to introduce Senate resolutions relating to the Persian Gulf today until 8 p.m. or until the conclusion of today's session, whichever occurs later.

So Senators who were advised yesterday of the likelihood of this occurring now should be aware that this has been agreed to.

With respect to the other two consent agreements, they provide that at the conclusion of today's session, the Senate will recess until next Tuesday at 10 a.m. That will be a pro forma session.

When the Senate completes its business on that day, it will go into recess until 10 a.m. on Thursday, January 10.

This agreement gives me the authority as majority leader to vitiate the pro forma aspect of the proceeding and to permit other business to occur following consultation with the Republican leader.

I now announce that I have consulted with the Republican leader and it is my intention to exercise that authority to permit the swearing in of the newly appointed Senator from California, Senator SEYMOUR, assuming that all of the necessary paperwork has been completed in time for such swearing in. That would occur next Thursday at or about 10 a.m.

I also have advised the distinguished Republican leader that in accordance with my previous statements, both privately and publicly on numerous occasions, we will review the situation with respect to the introduction of further resolutions on the Persian Gulf, debating and voting thereon, following the meeting between Secretary of State Baker and the Foreign Minister of Iraq, Mr. Aziz, that we now understand will occur on Wednesday.

Therefore, there is at least a possibility—and no decision has been made, but I merely want to advise Senators of what I have privately told the distinguished Republican leader—that we would then come into session, that I would further use this authority granted me to begin formal debate on the subject matter of the Persian Gulf, the various resolutions, or at least begin the process of proceeding to such debate, on next Thursday at 10 a.m.

I have not made such a decision, will not do so until I have further consultation certainly with the distinguished Republican leader and with others of my colleagues, but I merely want to alert Senators that that possibility does exist for next Thursday.

In addition, under this agreement, we will be in regular session on Monday, January 14, at 10 a.m., and pursuant to this agreement Senators will then be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions; in other words, the process which we had originally intended as of last fall in planning this year's schedule, the process which we had intended to commence on January 23 will now commence on January 14, and we will be in session at that time.

I would like to ask the distinguished Republican leader if I have left anything out or if he has any comment as to whether I have correctly stated the position as we understand it.

Mr. DOLE. If the majority leader will yield, it has been accurately stated. I appreciate if the papers are in order we will be able to swear in the newly appointed Senator, Senator JOHN SEYMOUR, on Thursday, January 10.

Is it the understanding of the majority leader that on January 14, which is a Monday, we would be in session Monday and the balance of that week; is that correct?

Mr. MITCHELL. It is impossible now, of course, to foresee what will transpire between now and then, but that certainly appears to be likely, if not probable, at this time given the events with respect to the Persian Gulf.

Mr. DOLE. I thank the majority leader. I think it is accurate and correct. I appreciate his cooperation.

Mr. MITCHELL. Mr. President, I appreciate the cooperation of the distinguished Republican leader and of our other Senate colleagues to permit us to proceed. I should add to the distinguished Republican leader that possibility of being in full session also exists with respect to the previous Thursday.

Mr. DOLE. Good.

Mr. MITCHELL. Although that would not be bill introduction time, that is, we could be in session with respect to the Persian Gulf situation as of 10 a.m. on Thursday. So really we are talking about any time between Thursday and the following Monday. On that, of course, I have not made a decision, will not make a decision certainly, as I said, until I talk to the distinguished Republican leader again and we see what happens on Wednesday.

Mr. President, I thank my colleagues. I yield the floor.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Rhode Island has a 5-minute statement. I have about two or three statements that will take maybe 20 minutes. I ask that following his statement I may be recognized.

The PRESIDING OFFICER. The Senator from Kansas will be recognized after the Senator from Rhode Island, without objection. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair. I thank my friend and colleague from Kansas.

NO PREMATURE WAR IN THE GULF

Mr. PELL. Mr. President, 11 days from today the United States could be at war.

January 15 is the U.N. Security Council deadline for Iraq to withdraw from Kuwait and the President has made it clear that he may use the armed forces of the United States anytime after January 15 to accomplish the United Nations objectives.

I cannot estimate the cost of such a war but I do know that American casualties would be in the thousands and the material cost would be in the billions. In my view, this price is too high to be paid at this time. Moreover, there is every reason to believe that the current U.N. economic sanctions imposed on Iraq will work. Last month our Foreign Relations Committee heard testimony that the sanctions have produced a 50 percent drop in Iraq's GNP. This is three times the impact of any other economic sanctions this century and 18 times the impact that experts say is necessary to accomplish the political objectives of the sanctions.

As a result of sanctions, Iraq cannot sell oil and has no source of revenue. It can perform no international financial transactions. It cannot produce tires for its transport. It cannot operate its expensive entirely imported industrial infrastructure. It cannot replace its aircraft, its tanks, its artillery. It cannot obtain the parts to keep all this equipment functional. It may soon be unable to refine aviation fuel and essential lubricants. Even its currency is imported and in the coming months, its paper currency will wear out. Sanctions are running Iraq's economy into the ground.

And even if the sanctions do not force Saddam Hussein out of Kuwait, they will certainly weaken his military capabilities. Before asking our young men and women to die for the liberation of Kuwait, we must at least be sure that every possible alternative has been tried. So far this has not been the case. And, if we must go to war, I want to be sure that our men and women face the weakest possible Iraqi enemy. If we go to war now this will not be the case.

At most, 5,000 Kuwaitis have died since the August 2 invasion of that country. A war to liberate Kuwait would certainly kill many more Americans than this number. And it certainly would involve many more Kuwaiti deaths than have occurred so far. Let us not destroy Kuwait or thousands of young American lives in a premature effort to save Kuwait.

Saddam Hussein is an evil man. More than 2 years ago I compared him to Adolf Hitler, an aggressive dictator willing to use poison gas on his own people. And for more than 2 years I helped lead an effort to sanction Iraq for its use of poison gas against the Kurds and for its blatant disregard for international law. I cannot help but point out that my legislative efforts to stand up to Iraqi aggression and lawbreaking were strenuously resisted by many of those who are today so eager to commit our young men and women to battle.

Iraq is an international menace and it must be compelled to withdraw from Kuwait. My disagreement with President Bush is one of tactics not goals. I firmly believe that time is on the side of economic sanctions, that time is on the side of the United Nations, that time is on the side of the United States. And I desperately want to give our young men and women in the Persian Gulf all the time they need.

In conclusion, I wish Secretary Baker success in his mission abroad this coming week. I know how hard he has tried to bring this whole affair to a successful conclusion and pray that peace will be preserved.

The PRESIDING OFFICER. Does the Senator from Rhode Island question the presence of a quorum?

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE RULES CHANGE

Mr. DOLE. Mr. President, very briefly, just to call attention to what happened on the House side yesterday—normally we do not call attention to what happens on the House side, but I think it is important, for some of us, in effect, who had sweat and blood on the budget agreement last year thought we had an agreement passed by a bipartisan majority in both bodies. It was rather frustrating to see that the House Democrats made their first move to dismantle the spending restraints that are in the package. The budget agreement clearly and decisively makes the Office of Management and Budget the official scorekeeper. The majority party in the House has decided that the Congressional Budget Office alone should keep tabs on congressional spending. It seems to me that is like putting the inmates in charge of the institution.

One of the biggest breakthroughs of the budget agreement—and many of us said that is why we could vote for it—was we would finally have spending restraint, and pay as you go. If you could not pay for the program, you were not going to have a program. A lot of us took a lot of heat, a lot of criticism for tax increases and other things in the budget. We said, well, it is worth it because we will have some discipline when it comes to entitlement programs or new spending programs. If we give such a program an increase, we have to find some offsets so far as the cost is concerned. If the expenses cannot be covered, cuts in other entitlement programs became mandatory, and there would be a process called a "minisequester."

According to the budget agreement, we all voted on it. Many of the Democrats in the House who voted on it yesterday voted to change the rules, which seems to be rather inconsistent at best. But now we are trying to turn this pay-as-you-go process upside down because now we give the scorekeeping job to the Congressional Budget Office, which is under the control of the Democrats. What they will do is give some rosy scenarios and underestimate the costs, and it seems to me that we are right back where we started.

I must say it just seems almost unreal that this would happen 3 months after the budget agreement, and, as one who spent months working on the budget agreement, it seems to me at best it is an act of bad faith. I think it is fair to say that we will do all we can to prevent any changes being made in the U.S. Senate.

The President has vowed to veto any legislation containing Congressional Budget Office or Joint Tax Committee cost estimates.

I hope that my colleagues on the other side of the aisle who voted for the budget agreement, who voted for spending restraints, who voted for pay as you go, will help block this shameful and underhanded move to rewrite the budget agreement.

Mr. President, I know my colleague, the distinguished Senator from New Mexico [Mr. DOMENICI], who was largely responsible for some of the key provisions in the budget agreement and, because of his credibility and his work, led many of us to support the final package, is on the floor. I would be happy to either yield to the distinguished Senator from New Mexico or yield the floor.

Mr. DOMENICI. Mr. President, I thank the distinguished Republican leader and my good friend. I do not need him to yield the floor for long.

I just want to indicate that I concur wholeheartedly with what he has just said, and I would like to put in the RECORD a letter which I mailed on December 27 to all of the leaders, both Democratic and Republican, in this body and in the body next door regarding this issue.

I ask unanimous consent that letter be made a part of the RECORD as if read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, December 27, 1990.
Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The House Democratic Caucus recently approved a rule that will be considered by the full House next week. This rule signficantly undermines this fall's Budget Agreement. While this would be a rule of the House, it holds important implications forthe work of the Senate and the recently concluded Budget Agreement.

I object strenuously to the adoption of this House rule.

The House Democratic Caucus rule would require that all direct spending and revenue legislation considered in the House of Representatives include as a statement of law the Congressional Budget Office cost estimate of that legislation. Since all revenue legislation must originate in the House—and since revenue legislation would normally be used for pay-as-you-go legislation—this rule would directly influence any pay-as-you-go legislation considered in the Senate.

This issue was discussed and debated at great length during the conference on the Budget Agreement. I was directly involved in those discussions. It was fully recognized by the conferees that in order to make the categorical sequester process work constitutionally, the final authority of costing legislation must lie with the Executive Branch. You will recall that this issue was addressed in the 1986 Supreme Court's ruling in Bowsher v. Synar.

The conferees were well aware of the arguments that the Executive Branch might abuse this power, although this power has existed since the 1986 Supreme Court's decision. The conference report directly spoke to the issue:

"The conferees urge the Congress to scrutinize the scorekeeping of the Office of Management and Budget as that Office implements the procedures under this conference agreement. The conferees considered procedures under which Congress would enact into law Congressional Budget Office cost estimates as part of any spending legislation. Should the Office of Management and Budget abuse its scorekeeping power, the conferees believe that the Congress should adopt such procedures at that time" (H.R. Report 101-964, p. 1172).

In addition to recognizing the issue, the Budget Agreement put in place various procedures that require both CBO and OMB cost estimates to be produced in conformance with scorekeeping guidelines determined in consultation among the two Budget Committees, the CBO, and OMB. Further, within five calendar days after the enactment of any direct spending or revenue legislation, the OMB must transmit to the House and Senate a report containing the CBO cost estimate, the OMB cost estimate, and an explanation of any differences.

But overriding this is the fact that the House Rule undermines the credibility of the entire Budget Agreement. I need not tell you the hours spent in reaching that agreement. In the end, compromises were made on both sides. This House Rule is a serious breach of the Budget Agreement—and a negative reflection on our ability to govern.

Since I feel so strongly about this issue, I am informing you and the Republican Leader that should the House Rule be adopted—and legislation is then presented to the Senate with this directed scorekeeping—I will be compelled to raise a point of order, pursuant to section 306 of the Congressional Budget Act, against any legislation that includes directed scorekeeping. Section 306 specifically precludes the consideration of legislation dealing with any matter that is within the jurisdiction of the Committee on the Budget. Scorekeeping procedures are directly within the jurisdiction of the Budget Committee.

I am looking forward to working with you and the Republican Leader during the new Congress.

Sincerely,

PETE V. DOMENICI,
U.S. Senator.

Mr. DOMENICI. Mr. President, I predicted in that letter that the Democrats in the House, by caucus and by rule change, would undermine a significant portion of the bipartisan budget agreement, an agreement in law that said the Congress would not conduct the business of budgeting for new direct spending and revenue legislation this way. I said they would do it because it serves their purpose to have the Congressional Budget Office do the work rather than the agreed-upon Office of Management and Budget. Sure enough, the House adopted such a rule. They did not even change the law. They did not even change the agreement. They just changed their internal rules.

Everyone should know that this action violates the spirit of one of the most significant understandings of the budget agreement—the pay-as-you-go principle. Hopefully, this provision will go nowhere because it still has to be considered by the Senate. I can guarantee you, if someone else does not, this Senator will raise a point of order against such legislation. Then the proponents will have to get 60 votes rather than a simple majority of Senators to approve this kind of maneuvering.

Second, such legislation would have to be signed by the President. I hope that just on principle alone he will veto any new program that is allegedly paid for by new taxes scored by the Congressional Budget Office instead of the Office of Management and Budget as required in the budget agreement. We just cannot go through months of negotiating and then have one body, one group, the Democrats in the House, decide, "We will do it our way, and not the way we agreed upon."

The December 27 letter that was made a part of the RECORD outlines the serious ramifications of the House action for the bipartisan budget agreement.

Mr. President, pay as you go is a brilliant concept. It simply means that if the Congress is going to have a new program of an entitlement nature for the people of this country, it must pay for it. It is a pretty good concept. I think the American people support it. Congress said let us pay for such new spending requirements. If we do not pay for it, we said, let us cut programs automatically through what we call a minisequester to offset these new costs. That is what this issue is about. A minisequester would cut everything a little bit to pay for new programs if Congress does not do what it committed to do. The House, however, would like a new method of scoring, a new method of deciding whether they have complied with the pay-as-you-go requirement or not.

I thank the distinguished Republican leader for raising the issue and for yielding to the Senator from New Mexico so that I, too, might warn the Senate that this may be the first step in unraveling an unprecedented 5-year deficit reduction package. There are many other good provisions left in the budget agreement. Maybe the House will try to do away with them one at a time. This is the first step, the first provision done away with unilaterally by one party through a change in the House rules, to alter the budget agreement.

I thank the Republican leader, and I yield the floor.

Mr. DOLE. Mr. President, I thank the Presiding Officer. I thank also the distinguished Senator from New Mexico for his usual clarity and, I think, firm statement on what is or what will be the approach in the U.S. Senate.

TRAGEDY IN EL SALVADOR

Mr. DOLE. Mr. President, we are hearing a little bit about the tragedy in El Salvador. I guess most eyes are focused on the gulf crisis. We forget sometimes, at our own peril, that the rest of the world continues to turn, sometimes with tragic results.

Yesterday, three American military personnel died in El Salvador when their helicopter was shot down by FMLN rebels. There is no dispute about that. The FMLN proudly claims credit for the death of these three Americans. There is, moreover, some very disturbing evidence that as terrible as these deaths are, in any case we might be dealing here not with a tragic act of war but a deliberate case of murder.

For there is some evidence, still being investigated by both American and Salvadoran authorities, that at least two of the three Americans were alive after their helicopter crashed—but were subsequently executed by FMLN gunmen.

Mr. President, let us wait for the results of that investigation before we make up our minds about what really happened. But let us now face, and deal with, some clear facts.

Last year, the Congress of the United States, because it wanted peace, gambled on the good intentions of the FMLN. I happened to believe then that it was a lousy gamble.

In light of what happened since, I now know it was. Anyone who looks at the facts must know that, too.

Last November, sadly, we all heard speech after speech on the Senate floor, criticizing the government of President Cristiani and the Salvadoran military—and totally ignoring the real source of the violence and turmoil in El Salvador, the FMLN.

Last November, we heard one request after another to give the FMLN a chance to demonstrate its intentions; to use the term then heard so often, to "Give peace a chance."

It might be instructive for all of us to take some time to review the record of that particular debate. But the bottom line is: Last November, we held out every incentive we could for peace in El Salvador—even at the cost of punishing our ally, the democratically elected Government of that country. We gave both sides a chance to show their true stripes.

Last November, a few weeks later, the FMLN did. It launched a massive and bloody offensive. Hundreds were killed, and thousands wounded.

Mr. President, this week, the President must decide, under the terms of the legislation we passed, whether he should release the balance of the military aid for El Salvador we withheld, as an incentive for peace. That act—punishing the Cristiani regime, and implicitly rewarding the Communist rebels—turned out to be not an incentive for peace, but a green light for FMLN treachery and aggression.

Mr. President, I hope the President does decide to release the balance of the Salvadoran aid, not because we want to encourage more violence, but because failure to do so under the tragic circumstances that prevail may again, inadvertently, send just the wrong kind of signal, with just the wrong kind of result. Not peace and justice; but violence and treachery.

Mr. DOLE. Mr. President, I have a certain sympathy for both sides in the spirited discussion which took place on the Senate floor yesterday. I strongly supported the effort of the majority leader to establish some realistic guidelines on how we proceed to debate and vote on the critical issues of the Persian Gulf.

These are critical days—days in which events and decisions could produce a peaceful resolution of the gulf crisis, or could propel us into war.

Let us just stop and think for a moment. The President, just yesterday, made one more proposal for a peaceful resolution—proposing that Secretary Baker and Iraqi Foreign Minister Aziz meet.

Happily, the Iraqis have today responded positively, and a Baker-Aziz meeting will take place next Wednesday. No one knows what, if anything, those talks can accomplish. But do we not have a responsibility to wait and see? Do we not have a responsibility to give Secretary Baker a chance to deliver his message to Aziz, or to Saddam, or whoever—without having that message distorted, or drowned out by the conflicting voices of a hundred Senators, here on the floor?

"Give peace a chance" has achieved cliche status. But it has real, concrete meaning in this situation.

Let us give the President's peace initiative a chance. Let us not inadvertently compromise, or kill it, by engaging in a bitter and divisive debate that—for all its good intentions—will almost certainly be misunderstood by Saddam.

We can debate all we want to about our constitutional rights and powers and responsibility—but is it not also our responsibility—as Senators and as Americans—to act responsibly by giving this last, best hope for peace a chance?

Having said all that, though, let me say again: I am also sympathetic to the frustration that is being expressed that the Congress is not doing its job. For months, we have been standing on the sidelines, making all kinds of speeches—but taking no responsibility and not casting a single vote. Congress has not voted yet on anything with reference to the Persian Gulf.

Yesterday, an ABC-Newsweek poll indicated that 70 percent of the American people believe the Congress has failed to provide adequate support for the President. I will bet that number goes even higher in the next few days and weeks.

The American people are dead right.

While the President has been providing the leadership a Commander in Chief must provide; while our young men and women have been sweating it out in the sands of Saudi Arabia; while even the United Nations has mustered the will to take strong and decisive action—Congress has been AWOL.

The American people do not like that. And they are dead right.

I have been hammering away at this point for weeks. Throughout November and December, I called for a special session—just so Congress could debate, and if necessary vote, in those days when our policy was being formulated. I felt then, and I feel now—we have a responsibility to do more than cheerlead, or second-guess, or wring our hands.

We get a salary from the taxpayers to do a real job. This is a democracy, and we do have differences of opinion on exactly what the proper constitutional role of the Senate is. But I do not think that any Senator believes we have been elected, and are being paid, just to make speeches.

We are here to do a job; when necessary, to stand up and be counted; to take responsibility. So, again, while I suspect I disagree in substance almost totally with the Senator from Iowa and the Senator from Washington, I share, to some degree, the frustration they displayed yesterday.

And I also believe that we are proceeding from the same basic motive—not only I, and the Senators from Iowa and Washington; but all of us in the Senate.

We do not want war. We want peace.

You cannot look into the faces of those young Americans—men and women—in Saudi Arabia, without thinking about the personal dangers and challenges each of them will face; without thinking about their families—their fathers and mothers, their spouses, their young children; without imaging their fears and anguish.

We all want peace.

Our disagreement—and it is a real and sincere one—is how do we minimize the chances for war? How do we maximize the chances for peace?

In my view, there is only one chance to achieve a peaceful resolution. Somehow—somehow soon—we must convince Saddam Hussein that he will not succeed, he will not achieve any reward, for his aggression. We must somehow deliver to him, loud and clear, the message that the United States and the world will not tolerate—it is not rhetoric, or a bluff—his continued savage subjugation of a sovereign nation, which directly threatens vital American interests.

That bottom line is not a matter for compromise, or negotiation. He will be thrown out of Kuwait; American vital interests will be protected—one way or another.

He must get that message, and he must believe it is credible.

Secretary Baker will try to deliver that message next Wednesday in Geneva, and we all hope and pray that he will succeed.

But the record to date strongly suggests that, if Saddam Hussein has any doubt, if he has any straws to grasp, if he perceives any wiggle room, he is just not going to give in.

I do not make predictions, but I would hazard a guess if he does not give in on this basic point there is going to be a war. People are going to be killed. They are going to be Americans, and there are going to be others.

We are getting very close to an endgame. We cannot turn the screws any tighter on sanctions. Frankly, over time, the leaks in the economic embargo now in place are going to turn into gushers.

We cannot realistically expect any more international and U.N. support than the extraordinary display of unity which we have already amassed. Oh, we will have differences on burden sharing but, as I said yesterday at a meeting, if we are concerned about burden sharing when it comes to dollars, what will we say if there is a war and how many Americans are killed and how many Egyptians and how many were wounded and how many Saudis and how many others?

There really is not any basis to believe that the sanctions, or anything else, will erode Saddam's military capabilities, or make him an easier target, any time in the near future. Again, I do not have much reliance on polls conducted but this same ABC-Washington Post poll shows that now 25 percent of the American people said we ought to go right now; 57 additional percent said we ought to maybe wait a month. That is 82 percent of Americans polled said give him 30 days, no more. So those who are advocating sanctions of 1 year, 18 months, they just missed out altogether. They have to know we are not going to have a coalition in 18 months. We are not going to have any support in 18 months.

Every day that we wait Saddam Hussein digs in deeper. Every day he has the capacity to build up his forces even more. And we must face up to the bottom line truth. Once we get to the point where we have our forces in place a chilling fact settles in. Every day thereafter that we wait, Saddam Hussein's capacity to kill and maim more and more American troops grows. There is no doubt about it. Every day we wait after that point our casualty list probably grows.

We have waited more than 5 months. Does any Senator want to stand up and make the case that Saddam Hussein's capacity to kill American soldiers or terrorize Americans around the world has decreased one iota in all those 5 months or 150 days? Does anybody want to make that claim that somehow we are better off? That he is not better prepared That he is not dug in more deeply? Can anyone give a compelling reason backed up by real facts that his capacity for death and destruction is going to deteriorate in the weeks and months ahead?

What is it going to be? Everything and everybody is in place. To send the right message to Saddam Hussein the strong stand of our President, our Armed Forces, the sanctions and unprecedented action, and now the Baker-Aziz talks, everything and everybody is in place, I should say, except the Congress of the United States.

Maybe it is too late to avoid war. I hope not. But candidly I am not certain. But I am certain of this: If we do have a war, it is not because George Bush, or the United States, or the United Nations did not try hard enough to avoid one. It is not because our side, and our side happens to include practically everyone in the world except Saddam Hussein, it is not because our side did not show enough patience.

It is for one of two reasons: that Saddam Hussein was going to have "his" war regardless of what anybody did, Congress, President, anybody else, United Nations, or because he somehow, despite everything, has failed to get the message of American unity, resolve, and strength.

I cannot guarantee, and no one can guarantee, that a strong expression of congressional support for the U.N. action to date, for President Bush, and most of all our troops in the gulf will succeed in penetrating Saddam's obviously rather dense cranium.

But do not we have the responsibility to at least try?

The Iraqis now try to make the case that, in a meeting with the American Ambassador just before their invasion, they got the idea America would not "take sides" in an Iraqi-Kuwaiti dispute.

I happen to believe it is a pretty bogus argument, but it is a case they are trying to make. And without suggesting for a moment that there is credibility in the proposition that they somehow perceived a "green light," how do we know for certain exactly what messages they do take from what we do? And does it not make sense, in this critical period, to be especially prudent and judicious in all our actions and words?

Someone in our S-407 briefing yesterday asked Secretary Baker a very good question. The question was: "How do we really know how Saddam reacts to what is going on, either in the gulf, back here, or anywhere else? How good is our intelligence?"

I am certainly not going to detail the Secretary's answer, but I can assure you of this: No one can be certain exactly what information Saddam receives or how his thought processes work.

But there is strong evidence that he pays an extraordinary amount of attention to what is going on in this city, and in this building, and in this Chamber, and in the other Chamber, known as the House of Representatives.

Does anyone here want to wake up tomorrow and find in some postmortem on a war that some well-intentioned action or complaint here in the Senate has been totally misunderstood in Baghdad and has given Saddam the idea he could drag things on a bit longer?

That does not mean we do or say nothing. It does mean that just as President Bush has gone the extra mile in our dealings with Iraq, we should go the extra mile to assure we do not send the wrong message to Saddam Hussein.

And if at all possible, it does mean we should join the President and the rest of the civilized world in sending the right message to Saddam.

That is the best way to maximize the chances for peace. That is the best way to minimize the chances of war. And that is the best way to meet our responsibility, both to the Constitution and to the young men and women who now stand watching and waiting in the sands of Saudi Arabia.

So I would say to my colleagues on both sides, this is a very difficult question for all of us. Many of us had combat experience. Many of us have been in World War II, or Korea, or Vietnam. We know what happens, and we know there are losses. We know that there are casualties. We do not want that to happen again, not to one American.

I would hope we could find some way, some way, and I am pleased to say that the majority leader and I are working with others trying to figure out maybe there is some consensus resolution we could pass so that nobody misunderstands that we are united. There is not a single Senator who, as I understand it, has any quarrel with the objectives stated by the President. We may have a different way to achieve those objectives. Some may prefer sanctions. Some may prefer to wait a month, or 6 months, or a year. Others may want to use force immediately.

But I think we understand that what we really want, and what President Bush wants, and he reiterated it as recently as a couple hours ago to me personally, is to find a peaceful resolution.

As he said yesterday in a meeting with a number of us who were present on the floor, he would like to have our help. He would like to have Congress go on record supporting the concept, or at least the concept of the U.N. resolution, which would authorize the use of force if necessary unless there is complete withdrawal from Kuwait.

I have been outspoken, and I have made statements I assume that maybe did not please the White House, but this is too important, as far as I am concerned, to try and please anyone except our conscience, the people we represent, and the young men and women in our States and other States who are loading up and headed off and are already on the sands of Saudi Arabia.

The more I think, and it seems to this Senator that there may be a feeling on President Saddam Hussein's part that we are not united. We are united. Our purposes are the same. We agree with the objectives. We are a democratic country. So we are going to have our differences. Some may be partisan. There is nothing wrong with that. But he should understand that statements may be made on the Senate floor, off the Senate floor, somewhere in the public way, that may reflect that person's view at the moment but has no bearing on what I believe is the overall unity in the United States of America.

I just urge my colleagues, and there may be others who have better ideas, I would urge my colleagues, or challenge my colleagues, let us find some way this next week.

You know the 15th is coming very soon. I think we are a little mixed up. We should have been debating in November and December. We ought to be maybe quiet this next week when Secretary Baker is meeting with Aziz, but that is history. But maybe we can find a consensus that a substantial majority on both sides of the aisle who support that would send precisely the right message that would support the

President's intentions and what he hopes will be a peaceful resolution of this Gulf crisis.

I know that efforts are underway by some to do that. Efforts are underway in the other body to find some consensus. Maybe it cannot be done. Maybe some, frankly, want to take issue with the President. It is not unparalleled.

I have been reading a little history on U.N. resolutions and the War Powers Act. In 1950, the tables were turned. We had a Democratic President and a Republican Senate. And Republicans were giving Truman a hard time. So nothing thas really changed. We were the ones making the arguments then about the U.N. charter and constitutional rights and prerogatives and the power to declare war. But President Truman did not listen. He committed troops, and then he consulted.

While we may have a very difficult choice, so does the President of the United States. There are many here who say "Well, we do not care if he uses force. We want him to come up here first and get our approval." The more I think about that, the more I do not understand it. Unless it is going to be open ended, and I do not think many in this body want to give any President any open-ended authority.

I voted from the Gulf of Tonkin resolution. I have been here that long. I know how it was distorted. And, I might add, I offered the repeal of the Gulf of Tonkin resolution as a Member of the Senate; I think a freshman Member of the Senate.

But how do we couch language which in effect supports the President and still satisfies many of those in Congress and many of those in the Senate who would say before any force is used the President will come to us for authority? And is a declaration of war what we want in this purpose? Is it something less?

There are a lot of reasons, maybe other than legal reasons, you might want to think about that for awhile.

But in effect we say that if the President says well, we are going to have to use force, and he comes to Congress and says "I am going to have to use force. I need your approval." Do we not tip off Saddam Hussein to get ready we are going to attack? What happens to the element of surprise? And how many more Americans do we lose, how many more wounded; and how many more Egyptians and Saudis and other allies, British and French and others?

So, yes, we have a very difficult choice. But so does the President of the United States. And there are enough good minds in the U.S. Senate on both sides of the aisle that I would hope that by the time January 14 rolled around, which, according to the majority leader's unanimous-consent request just received, we will be back in session, and maybe by that date we could agree on a resolution and vote on it that date, the day before the 15th. What a message that would be to Saddam Hussein. If we cannot agree, then we will have our debate, as we should have.

So again I will say, in conclusion, if any of my colleagues have any brilliant ideas—and I am certain there are some around—maybe we can all sort of work together in an effort to protect our rights and our responsibilities and at the same time make certain Saddam Hussein understands that we are unified in purpose and that we support the efforts of the President of the United States.

Mr. PELL. Mr. President, I congratulate the Senator from Kansas on a wonderful speech, which I appreciated. There is a need for new ideas.

One thought that has gone through my mind is if we ought to ask the Secretary General for his good offices, because at this point we are pursuing U.N. resolutions and we have not really had a hearing or had much communication with him. I believe he tried in August but was frustrated. I hope maybe out of this exchange the thought would occur that we should not only accept his good offices but ask him for them. I believe this conversation would be helpful.

Mr. DOLE. If the Senator will yield, I recall yesterday the Senator from Rhode Island raising that with the President. I do not know whether it is a direct result or not, but I think the President is going to be meeting tomorrow with the Secretary General of the United Nations, so I think it has already taken root.

Mr. PELL. I believe that has occurred. But I do not think the thought has occurred that we ought to not be bashful but should ask him for his good offices because he may not want to do it at this time.

Mr. DOLE. But it was a U.N. resolution, so he might have a responsibility.

Mr. PELL. Exactly. I hope he is conscious of that responsibility.

I thank the Senator.

Mr. WARNER. Mr. President, I wish to congratulate the distinguished Republican leader. I have had the privilege of working with him for some time on this issue and of having joined with him and others for three consecutive consultative meetings with the President of the United States. I have witnessed first hand the leadership and advice that he has given the President; indeed all those critical meetings have been constructive exchanges of views.

We are fortunate, not only in the U.S. Senate, but fortunate in the United States of America to have men with the qualifications of ROBERT DOLE whose experience with military affairs stretches all the way back to World War II when he shared, first hand, conditions on the battlefield, and the risks and sacrifices of those who participate in conflict. And indeed we are fortunate the President of the United States likewise has experienced firsthand conflict. He knows the meaning of the loss of life. It is that experience that must be brought to bear on the crisis in the gulf where we are asking today men and women of the Armed Forces to face those same risks that previous generations of Americans have willingly and courageously shown, as we have defended freedom not only for this country but for our allies.

This indeed is a complex issue and one which I am confident this body will at some time address and address with great care. I think yesterday the decision by the majority leader and others that the debate on the gulf should be deferred until such time as the Secretary of State returns is a correct one. The majority leader yesterday displayed the tough, determined leadership we will need to search out a constructive, hopefully supportive, role for this body. This body had an opportunity, following the U.N. resolution, to consider a special session. This Senator aligned himself with Senator DOLE and the Senator from Indiana [Mr. LUGAR] at that time publicly stating that we believed it was the proper time for consideration by Congress of the gulf issues. But, as Senator DOLE said, that is history. But history is a teacher. And now we have to call on all those lessons of previous conflicts as we face a complex situation, unlike any other, facing our President and all Americans.

I am hopeful that our President, working with the other leaders of this world, can solve this situation without conflict. But I commend our President for putting in place a very credible deterrent against further aggression and a credible military force and diplomatic effort to back up the U.N. resolutions.

I thank the Chair.

Mr. SPECTER. Mr. President, I intend to speak only briefly today because I believe, as the distinguished Republican leader has commented earlier, that it is very important to examine carefully the results of the meeting between Secretary of State Baker and Iraqi Foreign Minister Aziz, which will occur on Wednesday. Today's debate has been important as the start of Senate consideration of the issues related to the crisis in the Persian Gulf.

I will comment only on the constitutional issue of war powers. I would suggest that it is imperative that the Congress of the United States express itself, either yes or no, on support for the President's use of force in the Persian Gulf.

The constitutional balance is a very delicate one. On the one hand, the Congress has the sole authority to declare war. Contrast this with the President's authority as Commander in Chief. The President has occasion to act on his own in cases of emergency, but on the matter at hand there has been adequate notice to the Congress as to the factual context. So if the Congress is to remain silent in this particular instance, it seems to this Senator that we would significantly erode, if not virtually eliminate, our constitutional authority and responsibility under the war powers clause of the Constitution.

Beyond the constitutional issue, in a representative democracy, it seems to this Senator that we have the responsibility to speak out. Each has been in contact with our constitutents in a variety of settings—open-house town meetings, speaking at high schools, and talking to people at all levels of our society.

It seems that we are on a course now where there will be adequate opportunity to take up the issues of the Persian gulf on the merits. The hour is late. It is past 5 o'clock on a Friday afternoon and there are other Senators who wish to express themselves, so I shall limit my comments to the constitutional implications.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming, the majority whip, is recognized.

Mr. SIMPSON. I do appreciate the way that was handled by my friend from Pennsylvania. He has kept his word with me for 10 years. And I think that is a remarkable record. He said 3 minutes, and I believed him, and it was so. The Senator from Pennsylvania is a man I greatly admire and enjoy. He is a man who has followed this issue, sometimes to his own personal detriment. I found out what that was like, too, when I visited in April with Saddam Hussein, and also with Foreign Minister Aziz.

It was a very interesting discussion in Mosul, Iraq, in April of last year. We had a delegation of five, including our fine Republican leader, BOB DOLE; Senator MCCLURE, our absent brother from Idaho; my friend FRANK MURKOWSKI; and my friend from Ohio, Senator METZENBAUM.

It was, as you might imagine, a very interesting 3½ hours with Saddam Hussein, and also a long visit with the Foreign Minister. We also traveled to Syria where we visited with President Assad. Very fascinating things were said there which later came swiftly to fruition, specifically the invasion of Kuwait, and then the United States response and the U.N. response in August.

I have listened to the spirited comments and the activity yesterday as our majority leader attempted to go forward with the business of the Senate. I can understand fully the intensity of my friend from Iowa, TOM HARKIN, and my friend from Washington, BROCK ADAMS. These two people have spoken on this issue for many, many months. And they feel very strongly about these issues of constitutional law and the War Powers Act.

But it is my thought that that is not what is at issue here. The issue I think we should deal with is the issue of the United Nations and the resolutions passed there. It seems to me that is being lost somewhat in this process.

Let me say first that I think the joint leadership of the House and Senate, Democrat and Republican alike, has done a superb job in trying to handle the congressional aspects of the issue that was precipitated when we were out of session, and involved in an election year. I happened to be in the election as a candidate, as was the occupant of the chair, and we know, I think, the feeling of the people of our States as they talked about this issue in October and early November while we were seeking their favor.

It is a difficult enough thing. It is filled with a mixture of patriotism, fear, anguish of Vietnam, pain, pride, humanity, reticence—it is a great conflict and one of the toughest things that I have every been involved in in 25 years of public life. But I think that the President, President George Bush, has done a superb job of handling this crisis precipitated when Iraq invaded Kuwait on August 2. If there is one strength of this President it is his ability to work with and consult with others, and not just a facade of attempted cooperation. He actually says: What do you have in mind? What is your view of this? What do you think we should do?

It is not just some offer or overture to get a response which would then not be heeded or listened to. He has worked in consultation with other world leaders on a tireless basis. He and Secretary Baker, who know each other so well, do such an excellent job with their form of diplomacy. And then my old friend, Dick Cheney from Wyoming, my colleague for 10 years in the Congress. There is no one with a more extraordinary and broad grasp of the power and authority and government than this man. And then, Colin Powell, with his extraordinary abilities and his marvelous ability to convey the seriousness of the situation and still keep that grand good humor of his in a tough, tough situation; Brent Scowcroft, the steady, extraordinary technician and military man. This country is well served by those people. And the Vice President has done a splendid job with his activities in carrying out the mission of his President. These are very important, competent people who we are fortunate to have involved.

I do not think in my 12 years here I have seen more extraordinary people holding the reins of power in what is certainly one of the most vexing things to confront us in many, many a day. But I think it is good, and in my remarks, which will be brief—I do not know how many more wish to speak under the unanimous-consent agreement, but certainly this is the time to do that—I say this debate is going to take place. No one should believe that it will not.

It is rather absurd to believe that we would go forth into this extremely serious situation and not have this debate in this body and on the floor of the House of Representatives and the floor of the Senate. We will have that debate. We will have a very spirited debate, as was evidenced here yesterday and has been evidenced in the spirit of the debate in other forums like the electronic and print media.

We will do that. Yet I cannot be any more sincere in feeling that nothing good will be accomplished by anything we do before the meeting of Secretary Baker and Foreign Minister Aziz. Nothing. Our Republican leader has already signified that Saddam Hussein is quite transfixed by this activity. He watches it. He is watching it now. It would be a good opportunity to send him a greeting of some kind, and the best greeting to send him would be that even though he does not understand a lick about democracy, and I can assure you that that is the truth, and he never will, I think under any circumstances, he at least ought to know when we have our scraps in here, finish our work, do our debates, and sometimes it is heavy and sometimes it gets pretty rambunctious, that this country has always, always come together.

Sometimes we have come together in a very extraordinary and yet limited way, as was the case in Vietnam, but it is what could have happened with the Japanese in the Second World War. We traded with them—people forget what had occurred. They knew that Congress was debating whether ever to do anything militarily appropriate. The diddling and the waffling went not just through Congress but went through all agencies of the Government: They felt we would not do anything; we would not want to fight. Who does?

I was in the army infantry at the tail end of the army of the occupation of Germany. I was not in combat. I did not meet a lot of people who were lusting for combat. I met a lot of veterans of the Second World War who were still in uniform. Nobody wants that, and we are not seeking that. But it is extraordinary to me to see now, as we do, people continually talking of war. The media talks continually of war. I have seen commentators almost look saddened at the prospect of extrication, extracting ourselves from this without conflict. And then you dong them on that and they seem to blanch a bit and go limp, but they do talk about war all the time.

You would think that on January 15 all of the red buttons would be pressed and we would be going to war. That is not the case. What an unfortunate scenario to set out and foist off on the American public. And that is unfortunate. I have often said, and I say it again sometimes to my own detriment, that the role of the media and journalists in a free society is to educate the public, not to just excite them. I have often said, too, that if the purpose of the evening news is really news, then why pay them as if they were entertainers? Somebody has to start making that distinction. I made it long ago.

These are the very same people who are able to earn extraordinary honoria without accounting to the public. What is their conflict as they speak to groups for 20,000 bucks a pop or 10,000? And you will not get them to report what groups they spoke to and then write about them. Is that a conflict? You betcha it is. And they then continue to knock on those of us in the Congress as to how ineffectual we are, how we do not do our duty and they enjoy, thank you, a continual denigration and pulling down of a remarkable group of men and women who do get together to do the Nation's business and, thank you, do it quite well.

You would not know that in the last moments when we left this Chamber in October. It seemed that the whole debate was simply one of "the rich versus the poor." What an interesting thing! While we were passing legislation that had to do with the Clean Air Act and housing, honestly dealing with the farm bill for the first time in history, seeing how to get a handle on the tremendous aspects of subsidized agriculture and do it in a thoughtful way, you would have thought we just kind of diddled around and stumbled out of town without doing anything for 2 years. That is very unfair and untruthful representation.

So I would like to keep that creative tension restrained. I think that is good to do because certainly there is a responsibility of a responsible press to responsibly educate the American public and not to just see how much of a spoonful of hype and hoorah and hyperbole they can feed them on an instantaneous basis to get them all jazzed up and anguished and full of fear for the entire space of the day—at one per hour.

There must be more to it than that, unless they are here only for entertainment. And then we should just call them that—entertainers and forget the four letter word "news."

The United Nations is really functioning for the first time in its history. It is meeting the mission that everyone had for it, or at least the vision and the mission that most people had for it. They have adopted 12 resolutions on this issue of the Persian Gulf since the Iraqi invasion in what surely must be an unprecedented show of united world response to brutality, aggression, and lack of respect for the rule of law. That has never happened before. We never envisioned such a unique accord, and now we have it. I think that gets totally lost in the shuffle.

In response to this growing threat against Saudi Arabia and to a request that was communicated to our Secretary of Defense by King Fahd, of Saudi Arabia, our President has ordered this particular presentation of force and ordered these forces and these air defense units to this part of the world. They are stationed there as a deterrent against further Iraqi aggression and to provide defense, if necessary.

There are 200,000 troops from other countries in this area, and yet you would think, if you continued to watch and listen, that we were the sole people there; that it was solely the issue of blood versus oil, which is a simplistic and grotesque transformation of reality. There is much more to it than that. Much more, indeed. It is called other countries; it is called brutality; it is called torture; it is called abuse; it is called aggression. The President called it in the clearest term used, "naked aggression."

So here in this place in the world that all of us are riveted to, we find troops from Egypt and Syria and Morocco and France and Britain. We find military support or assistance from Australia and Bangladesh, Belgium, and Canada, and Denmark, and Greece, and the Gulf Cooperation Council and Italy and Japan and The Netherlands and Nigeria and Norway and Pakistan and Senegal and Saudi Arabia, the Soviet Union, Spain, Turkey, and West Germany, and many of those countries are sending a perhaps token military contingent or limiting their assistance in recognition of their own constitutional strictures against overseas military deployments.

There is a reason why Japan cannot respond in this instance. We put it in their Constitution when we conquered them in the Second World War. That is a reality. That is why the Japanese cannot function in any further way to assist us. But they have done very well, and I continue to be appalled at how we do say, "They have done little or nothing." They have done 4 billion dollars' worth of something, $2 billion in cold, hard cash and $2 billion in kind. They are ready and consistently willing to do more and they will. They have indicated that.

NATO now has announced that three member States will help to provide their defense to Turkey. We must be very careful there. How long will Turkey remain one of our staunchest of allies when they have some turmoil in their own government with certain ministers and other officials who have resigned apparently because of decisions of this fine President of Turkey who has been such a reliable and remarkable supporter of ours. The important factor here is the broad support internationally for containing Iraqi aggression. So we find that world opinion is united for the first time in my memory at least in condemning the actions of a foreign leader, where the factions that would usually be there and the people on his side would blunt the totality of the repugnancy toward him. He does not have that. It is unprecedented to have as united a response as what we have seen to this action. I think the President deserves our support and appreciation for his leadership and his hard work. I think it is encouraging to observe the way it is being handled by the rest of the world. World leaders are talking, consulting together, meeting, working to defuse the situation.

Again, it is my personal view the United Nations should be taking the lead to see that we can reach this goal and I still very much believe we can reach it—peaceful accord.

We just cannot respond to Iraq with unilateral actions, however dearly we might wish to. I do not think the American people would want that and world opinion would certainly turn on us in extraordinary ways.

And so we go forward. We will debate this in this place. We will do that. That is our duty. None of us have ever shirked it or wanted to avoid it.

We set a recess when we left here in October. We did not want a lameduck session. Those are always abusive and unproductive. Now we are on call. We are in session. I admire the majority leader and the minority leader for the method in which they have brought us to this point. It is a very sensible and serious way to address it.

One final note. We talk of sanctions. Sure, I want to see sanctions work. Who does not? No one. Economic sanctions yet are but one aspect of the international community's response which also includes a diplomatic isolation of this aggressor, combined with a credible threat of the use of force.

What will happen on January 15 is not red button day. What will happen on January 15 is that we will go back to the U.N. resolution, and the language of it says "such as is necessary." It does not talk about war. It is but another string in the bow, along with many other options as to what to do in this extraordinary situation.

So healthy debate about our goals and just how to achieve them is going to take place. But it must not undermine, or be perceived to undermine, the international coalition that is arrayed against Iraq. That at some time will not remain as solid as it is. That is the nature of the beast in the Middle East.

So we must be clear in that debate about how to achieve our ends without appeasing Saddam Hussein's aggression. It must not be done in a way that will lead him to believe that the international coalition will hesitate to use force if he fails to comply with the

U.N. resolution. This is not the U.S. resolution.

I think conflict is not inevitable at this point, but the credible threat of the use of force must be part of our strategy. It is the one thing that this man understands. The President has continued and will continue to pursue these diplomatic options and to seek all possible means of assuring peace. He has currently forwarded one more diplomatic initiative in saying that he would send this fine Secretary of State to meet with the Iraqi Foreign Minister Tariq Aziz in Geneva. That will be done. Until that final diplomatic initiative has been given a chance to awaken Saddam Hussein to the realities of the situation—and I do not believe and I share with others that he has not received the full load as to what is up and what is arrayed against him, we should not be talking as if war were inevitable and hostilities imminent but he will understand what we are saying.

After that initiative has been done and given a chance, if it appears to have yielded no positive results, then will be the time for us to debate and to ratify and to endorse the actions authorized by the United Nations, and I think for the United Nations to act once again through its fine Secretary General. The United Nations was set up and conceived to function just as it has in this crisis, to be a forum of international debate and enforcement of international law. That body has functioned with unprecedented skill and speed and near unanimity and force in condemning Iraq's actions and in authorizing concerted international response.

Should the Baker-Bush initiative meet with further intransigence, and perhaps even ignoring of the mission and the message, then we will need to evermore focus our attention as a legislative body and a nation on endorsing and supporting and encouraging the actions of the United Nations.

It is the United Nations that has authorized the use of force, as necessary, if Iraq does not comply with its resolutions by January 15. It has not mandated such force, nor has it made the use of force inevitable.

So perhaps we could stop talking as if support for the President and for the United Nations were some blanket authorization for the use of force. That is truly misinformation of the highest order.

Let us not tie the President's hands, which would certainly give encouragement to Saddam Hussein and undermine the functioning of the United Nations. Time for debate of this magnitude is not now. The time will arrive soon enough.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate for approximately 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. McCAIN. Mr. President, today earlier I introduced a resolution regarding the Persian Gulf and Operation Desert Shield in response to the concerns shared by many Americans that Congress exercise the utmost care to send a signal to Saddam Hussein that the United States resolve to enforce the resolutions of the U.N. Security Council remains firm.

I share what I know to be the concern of all Americans over the risk of war and the loss of American lives incurred in our determination to confront Saddam Hussein's naked aggression in the gulf. I have experienced war. I have experienced war and have witnessed the loss of life, and understand the potential futility of committing precious resources to destruction. Mr. President, we must give peace every chance. We must give international negotiating efforts every chance. And we must all hope that world political and economic pressure will be sufficient to force Iraq's withdrawal from Kuwait.

But, Mr. President, we must be unmistakably clear that the United States is steadfast in our determination to reverse Saddam Hussein's brutal imperialism. We must not give the impression that we are questioning our fundamental purpose for opposing Saddam or for deploying military forces as part of Operation Desert Shield.

I believe President Bush and his administration have performed brilliantly in constructing an unprecedented diplomatic, economic, and military response to Iraqi aggression. The President deserves the widespread support and appreciation that he has received for the clarity, prudence, and efficacy of his policies. He has acted forcefully, but wisely.

The United States deserves the admiration of the world for having the courage of our convictions that international law regarding the sovereignty of nations must be respected. And we have earned the world's appreciation for our devotion to the creation of another, better world based on respect for international law and the lawful resolution of disputes between nations.

The United States is in the gulf because world order cannot be based on hope and good intentions alone. We have seen conflicts in the developing world cost the lives of millions, and produce over 10 million casualties and refugees since the end of World War II.

This is the moment, and the gulf is the place where we may well determine for a generation or more the nature of the post-cold war world. If we do not stop Saddam now, the new world order will be defined by the proliferation of regional conflicts, the establishment of regional superpowers, and the transformation of the international arms race into a worldwide race for weapons of mass destruction.

Mr. President, we are in the gulf to defend the U.S. vital strategic interests, not to lower the price of gasoline. If Iraq's aggression stands, Saddam will control some 20 percent of all the world's proven oil reserves—roughly six times all the proven oil reserves in the United States.

More than 60 percent of all the world's proven oil reserves could come under the de facto control of a ruthless dictator. We cannot predict precise consequences of such domination, but they could mean trillions of dollars in added world oil costs over the coming decades. That development could pose a lasting and devastating threat to our ever more interdependent global economy by making the development of Third World nations a near impossibility.

President Bush, to his credit, has organized more international support for peaceful alternatives to war than any other leader in contemporary history. In a period of months he has led us out of the cold war and to the revitalization of the United Nations as an effective force for defending international law. He deserves the support of the Senate for his efforts.

I have introduced this resolution to provide the Senate the opportunity to show our support for the President, for international law, and for the creation of a better world order. It does not call for the use of force nor preclude the pursuit of other means for obtaining our objectives in the gulf.

This resolution recognizes the manifest culpability of Saddam Hussein for the crisis in the gulf, the threat that his aggression poses for the United States and the world, and the necessity of clear, concerted international opposition to his aggression. It supports a just and meaningful peace in the gulf, the diplomatic initiatives the President has undertaken, and the goals of Operation Desert Shield. It further urges the U.S. Armed Forces to continue to develop plans to achieve a quick and decisive victory in the gulf should force be judged necessary to achieve our purposes.

The purpose of this resolution is to let Saddam Hussein know that the United States is united in its determination not to allow his aggression to stand, and in its dedication to creating another better world of free nations, at peace with one another and devoted to the rule of law. I strongly urge the Senate to adopt it.

Mr. President, I yield the remainder of my time.

DEPLOYMENT AND USE OF U.S. FORCES IN THE PERSIAN GULF

Mr. AKAKA. Mr. President, I am pleased to receive administration assurances that 11th hour efforts are continuing as it attempts to reach a settlement in the Persian Gulf without resorting to the use of force. Any breakthrough on the subject of face-to-face meetings between Secretary of State Baker and Iraq's Foreign Minister Aziz would be a very encouraging development.

There are also some promising signals emerging from the diplomatic community that Iraqi leaders are pulling back on their claim that Kuwait is now part of Iraq. Past Iraqi rhetoric on this issue seems to be softening. Apparently, the message that we mean business is finally getting through to Saddam Hussein.

I am not convinced, however, that the administration has abandoned its belief that war is inevitable. This troubles me greatly. In a matter of months, the American people have been told that what started out as a defensive deployment of troops to protect Saudi Arabia suddenly—and without a great deal of explanation—has changed to an offensive deployment of troops with an objective of forcibly removing Hussein's army from Kuwait.

I supported the President's decisive action to send U.S. military forces into the Persian Gulf under the auspices of the United Nations. This served as an immediate deterrent against Saddam Hussein's army marching from Kuwait through Saudi Arabia and beyond.

However, when I took the Senate floor on October 3, 1990 to express my support of the President's initial response to the Iraqi aggression, I also stated that in approving these actions, I wanted to make clear that the Congress was not authorizing President Bush to initiate offensive actions in the Persian Gulf region. "At this point in time," I said, "our presence in the region is solely for the purpose of defense and deterrence." That is still my belief as I stand addressing my colleagues here today.

My position has been and continues to be that the use of force should never be a first-choice option. With time on our side, I believe the U.N.-sponsored sanctions are the best weapon we can use to accomplish our objectives peacefully and without resorting to war.

Furthermore, the situation in the Persian Gulf must not be seen as an American problem alone. It must be seen as a U.N. problem to be solved jointly by nations in league with one another.

Stated more simply, it's time for other nations to step forward and equalize the risk and commitment to the objectives at hand. The financial and military burden of troop deployments in the Persian Gulf must be broadened even further to include the involvement of all nations united against a ruthless and unprincipled dictator.

Also, it is important to note that in a crisis of this magnitude, this is the first time in the history of the United Nations that we've had a unified view of what must happen in the Persian Gulf. Achieving our objectives peacefully, even if it takes longer, is always preferable to a military action and the accompanying bloodshed and anguish of war.

Concerning the constitutional issue of who has the power and responsibility to commit our Nation's troops to war, I wish to reiterate what I said on October 27, just prior to the adjournment of the 101st Congress. At that time, Mr. President, you will recall that I took the floor of the Senate to urge the administration to follow the letter of both the law and the U.S. Constitution in matters pertaining to the use of force in the Persian Gulf. I noted that Congress and the President share the common objective of restoring the territorial integrity of Kuwait and removing Saddam Hussein from a position of power in Iraq.

However, I also reminded the President that under our Constitution, it is Congress and Congress alone that has the power to declare war. On matters such as these, we must act on the basis of consensus—shared commitment and shared responsibility. To do otherwise, I believe, would be a very, very grave error on the part of the administration.

Mr. President, we should not shrink from the use of force. But war is not our only option, and the use of force should never be a first-choice option. Furthermore, I want it understood that I cannot support any action that unnecessarily or prematurely commits American soldiers to offensive military operations wherever world conflicts may occur.

What's the rush? Sanctions and diplomacy are working. I believe they are the best weapon we can use to accomplish our objectives without resorting to war.

In conclusion, Mr. President, I believe we should stand behind these sanctions while we vigorously pursue every possible diplomatic avenue to achieve a peaceful resolution to the crisis in the Persian Gulf.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PEREZ DE CUELLAR MISSION

Mr. PELL. Mr. President, time is running out for peace in the Persian Gulf. As of January 15, hostilities could begin either through an offensive action to liberate Kuwait initiated by the multinational force or through an Iraqi preemptive attack.

It is therefore critical that we use the 11 days remaining before the January 15 deadline to try every conceivable path to peace. Yesterday at the White House meeting I urged President Bush to ask U.N. Secretary General Perez de Cuellar to undertake a final peace mission. I have spoken to Secretary of State James Baker about this idea and a few minutes ago spoke to the U.N. Secretary General.

The Secretary General is the representative of a world community united in its determination that Iraq withdraw from Kuwait. While the Secretary General cannot negotiate the terms of the U.N. Security Council resolutions, he can fruitfully discuss the modalities of Iraqi compliance. If Iraq is looking for a way out of the current impasse, and for its own sake as well as the world's sake I hope it is, then such a Perez de Cuellar mission can be productive.

I am pleased that our President will be meeting with Secretary General Perez de Cuellar tomorrow. I hope this discussion may produce a further peace mission.

In August, Perez de Cuellar went to Jordan and there met with the Iraqi Foreign Minister. At that time he saw no purpose in further diplomatic efforts because of Iraqi intransigence. The situation now is fundamentally different. In August Iraq apparently doubted the world's determination. Now there can be no doubt, and I hope a Perez de Cuellar mission will provide a further chance for peace, a chance which all concerned may hopefully seize.

THE PRESIDENT MUST USE HIS VETO TO ENFORCE THE BUDGET AGREEMENT

Mr. SYMMS. Mr. President, the adoption by the House of Representatives of a rule to impose Congressional Budget Office scorekeeping on all money bills originating in Congress reneges on the budget summit agreement of last November.

The November agreement called for the Office of Management and Budget to perform the scorekeeping on all money bills, as would be consistent with the Supreme Court's interpretation of the Gramm-Rudman-Hollings process of sequester. This scorekeeping agreement represented an important and hardfought compromise.

As my colleagues know, this Senator was not a supporter of the budget summit agreement. I could not support anything like it that imposed the largest tax increase in American history at the very moment when our economy was in the first quarter of a recession.

Nevertheless, Mr. President, there were some good features in the budget package that we adopted. In particular, there were new caps on the outlays that seemed to give us some hope the budget process would be less of a playground for gimmicks and evasions. I am very sorry now to realize that the Congress is attempting to regain some latitude for the gimmicks of the past.

Today I must stand before the Senate and say how sad I am that we adopted a tax package and failed, essentially, to adopt any spending reductions that will materialize in the next 5 years. The budget summit agreement of last November has a very, very close resemblance to the agreement that President Reagan was encouraged to adopt in 1982. A very large tax increase has been enacted, in exchange for empty promises of spending reductions.

President Bush has indicated he will veto any bills that violate the budget summit agreement by means of the use of CBO scorekeeping. I applaud the President's statement.

Indeed, I want to encourage the President to take this occasion—the use of his veto powers to stop the excess zeal of Congress to spend money and enlarge the deficit—to use his constitutional line-item veto to claim the right.

In article I, section 7, the Constitution says:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary * * * shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

It is clear to this Senator, Mr. President, that the requirement that "Every Order, Resolution, or Vote" applies as a specific reference to every section and subsection of a money bill considered by this Congress.

The practice of packaging dozens or even hundreds of separate appropriations together in massive continuing resolutions and omnibus appropriation bills in order to give the President only an "all or nothing" choice, in order to nullify his veto powers, is not what the Founding Fathers intended. It is not what the American people should tolerate.

I strongly urge the President of the United States to take charge of this situation and use his constitutional power as Chief Executive and hold the House of Representatives to the letter of the budget agreement of last November.

TRIBUTE TO JIM MERRILL

Mr. BURDICK. Mr. President, North Dakota has lost one of its shining lights. James Merrill, former president of Lutheran Social Services in my hometown of Fargo, passed away last month. In February 1990, his human service program called FRIENDS was selected by President Bush as the 61st Point of Light. His efforts contributed to the creation of the Hospice of the Red River Valley in 1979. Merrill also developed the TOUCH Program, Techniques for our Understanding of the Community Handicapped.

As Fargo's daily newspaper said in a December 21 obituary:

> Mr. Merrill was a leader in the area of services for people in need, and developed programs and services that reflected his concern for others.

A former social worker and teacher, he spoke across the Nation at conferences, schools, churches, and service organizations.

James Merrill was a true humanitarian and wonderful communicator. He will be greatly missed by his family, friends and everyone who ever had the opportunity to hear him speak.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,120th day that Terry Anderson has been held captive in Lebanon.

In every newspaper we read about the crisis in the Middle East. We think about it. We talk about it. As we should.

But where are the articles about the hostages in Lebanon? Is it not intolerable that these men remain captive? I ask, Mr. President, that whether or not the media emphasize the plight of the Americans held in Lebanon, we keep them and their families in mind throughout the coming weeks as we contemplate this crisis and debate the appropriate United States role.

TRIBUTE TO DELSIE HOLMQUIST

Mr. BURDICK. Mr. President, a fine woman quietly passed away last month, just a few weeks before her 93d birthday. A residence hall on the Moorhead State University campus in Moorhead, MN, is named for this scholar and educator. Holmquist Hall reminds students and faculty of the great contributions Delsie Holmquist made to education in the Fargo-Moorhead area.

After receiving degrees from Colorado College and the University of Chicago, Holmquist moved to Moorhead in 1929. She continued her studies at the University of Chicago and the University of California at Berkeley. She served as a professor of English for many years before switching to humanities. Holmquist was named dean of general studies in 1957. She chaired the Minnesota State Advisory Committee on Teacher Education for several years and served on the Minnesota State Arts Council.

After retiring from MSU in 1966, Holmquist taught literature at North Dakota State University in Fargo, ND. She proved that she still had a great deal to contribute by establishing NDSU's first humanities program and serving on the planning committee for NDSU's first honors program. She retired from NDSU in 1982.

For more than 35 years, Holmquist shared a house in north Fargo with another fine woman, Catherine Cater. These women were wonderful friends, and I remember them making many phone calls for the Democratic-NPL Party in North Dakota.

I also recall Holmquist's great knowledge of author F. Scott Fitzgerald and his work. She met his test for a first-rate intelligence, holding two opposing ideas in her mind at the same time and still retaining the ability to function. Her contributions will live on forever.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND CANADA—MESSAGE FROM THE PRESIDENT—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 USC 1823, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 94–265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of Canada on Fisheries Enforcement, signed at Ottawa on September 26, 1990. Under the Agreement, the United States and

Canada agree to take measures to ensure that their nationals and vessels do not violate the fisheries laws of the other party. This Agreement will improve enforcement of U.S. fisheries laws in the U.S. exclusive economic zone and will reduce risks to human life and safety caused by fisheries enforcement incidents on both the Atlantic and Pacific coasts.

GEORGE BUSH.

THE WHITE HOUSE, *January 4, 1991*.

ENROLLED BILL SIGNED

Pursuant to Public Law 101-466 (H.J. Res. 682), the enrolled (parchment) copy of the following bill was signed on today by the President pro tempore [Mr. BYRD]:

H.R. 5835. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for fiscal year 1991.

(A hand engrossed copy of H.R. 5835 was authorized by H.J. Res. 682, presented to the President and signed by the President on November 5, 1990, and designated as P.L. 101-508).

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. ADAMS, Mr. BURDICK, Mr. CRANSTON, and Mr. SANFORD):

S. Res. 8. A resolution expressing the sense of the Senate that Congress must approve any offensive military action against Iraq; to the Committee on Foreign Relations.

By Mr. MCCAIN:

S. Res. 9. A resolution expressing the sense of the Senate concerning U.S. Military Forces in the Persian Gulf region; to the Committee on Foreign Relations.

By Mr. D'AMATO (for himself and Mr. PRESSLER):

S. Res. 10. A resolution relating to the contribution by the Kingdom of Saudi Arabia to offset the economic impact of operation Desert Shield; to the Committee on Foreign Relations.

SENATE RESOLUTION 8—RELATIVE TO CONGRESSIONAL APPROVAL OF ANY OFFENSIVE MILITARY ACTION AGAINST IRAQ

Mr. HARKIN (for himself, Mr. ADAMS, Mr. BURDICK, Mr. CRANSTON, and Mr. SANFORD) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 8

Resolved by the Senate,

SECTION 1. APPROVAL OF INITIAL RESPONSE TO THE INVASION OF KUWAIT.

The Senate supports the actions taken by the President to defend Saudi Arabia, demands that Iraq immediately withdraw from its illegal occupation of Kuwait, and supports the President's diplomatic and economic initiatives to resolve the Persian Gulf crisis.

SEC. 2 REQUIREMENT OF CONGRESSIONAL AUTHORIZATION FOR OFFENSIVE MILITARY ACTION IN THE PERSIAN GULF.

The Senate finds that—

(1) the Constitution of the United States vests all power to declare war in the Congress of the United States; and

(2) any offensive military action taken by the United States against Iraq must be pursuant to an explicit authorization by the Congress before such action may be initiated.

SEC. 3 NOTIFICATION OF THE PRESIDENT.

The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 9—RELATIVE TO U.S. MILITARY FORCES IN THE PERSIAN GULF

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 9

Whereas, on August 2, 1990, military forces of the Republic of Iraq, under the direction of Iraqi president Saddam Hussein, invaded the small nation of Kuwait.

Whereas, in an effort to promote peace and regional stability in the Persian Gulf region, President Bush has deployed troops of the United States Armed Forces to the Persian Gulf region, in Operation Desert Shield, and has undertaken diplomatic initiatives;

Whereas, the United Nations Security Council adopted Resolution 678, authorizing the use of military force if Iraqi forces do not withdraw from Kuwait by January 15, 1991;

Whereas, if the objective of Resolution 678 is to be achieved without war, Saddam Hussein must realize that the United States is steadfast in its determination to use the military force authorized by the resolution, if such action becomes necessary;

Whereas, Saddam Hussein has been led to believe that there exists opposition in the United States to the use of military force against Iraq and may believe that the steadfast determination of the United States will erode with the passage of time; and

Whereas, Saddam Hussein's unprovoked aggression against Kuwait must be answered in a swift and appropriate manner: Now, therefore, be it resolved that

Resolved, That the Senate—

(1) expresses its support for bipartisan efforts to bring a just and meaningful peace to the Persian Gulf region;

(2) expresses its support for the diplomatic initiatives undertaken by President Bush, the deployment of troops of the United States Armed Forces to the Persian Gulf region, and the adoption of the United Nations Security Council Resolution 678;

(3) expresses its support for the goals and objectives of Operation Desert Shield; and

(4) urges the United States Armed Forces to continue to develop a strategy, plans, and contingency capability to achieve a quick, decisive victory in the event the use of military force against Iraq becomes necessary.

• Mr. MCCAIN. Mr. President, I am submitting a resolution regarding the Persian Gulf and Operation Desert Shield in response to the concerns shared by many Americans that Congress exercise the utmost care to send a signal to Saddam Hussein that the United States resolve to enforce the resolutions of the United Nations Security Council remains firm.

I share what I know to be the concern of all Americans over the risk of war and the loss of American lives incurred in our determination to confront Saddam Hussein's naked aggression in the gulf. I have experienced war. I have witnessed the loss of life, and understand the potential futility of committing precious resources to destruction. Mr. President, we must give peace every chance. We must give international negotiating efforts every chance. And we must all hope that world political and economic pressure will be enough to force Iraq's withdrawal from Kuwait.

But, Mr. President, we must be unmistakably clear that the United States is steadfast in our determination to reverse Saddam Hussein's brutal imperialism. We must not give the impression that we are questioning our fundamental purpose for opposing Saddam or for deploying military forces as part of Operation Desert Shield.

I believe President Bush and his administration have performed brilliantly in constructing an unprecedented diplomatic, economic and military response to Iraqi aggression. The President deserves the widespread support and appreciation that he has received for the clarity, prudence, and efficacy of his policies. He has acted forcefully, but wisely.

The United States deserves the admiration of the world for having the courage of our convictions that international law regarding the sovereignty of nations must be respected. And we have earned the world's appreciation for our devotion to the creation of another, better world based on respect for international law and the lawful resolution of disputes between nations.

The United States is in the gulf because world order cannot be based on hope and good intentions alone. We have seen conflicts in the developing world cost the lives of millions, and produce over 10 million casualties and refugees since the end of World War II.

This is the moment, and the gulf is the place where we may well determine for a generation or more the nature of the post-cold-war world. If we do not stop Saddam now, the new world order will be defined by the proliferation of regional conflicts, the establishment of regional superpowers, and the transformation of the international arms race into a worldwide race for weapons of mass destruction.

Mr. President, we are in the gulf to defend the United States vital strategic interests, not to lower the price of gasoline. If Iraq's aggression stands, Saddam will control some 20 percent of all the world's proven oil reserves—roughly six times all the proven oil reserves in the United States.

More than 60 percent of all the world's proven oil reserves could come under the de facto control of a ruthless dictator. We cannot predict precise consequences of such domination, but they could mean trillions of dollars in added world oil costs over the coming decades. That development could pose a lasting and devastating threat to our evermore interdependent global economy by making the development of Third World nations a near impossibility.

President Bush, to his credit, has organized more international support for peaceful alternatives to war than any other leader in contemporary history. In a period of months, he has led us out of the cold war and to the revitalization of the United Nations as an effective force for defending international law. He deserves the support of Congress for his efforts.

I have submitted this resolution to provide the Senate the opportunity to show our support for the President, for international law and for the creation of a better world order. It does not call for the use of force nor preclude the pursuit of other means for obtaining our objectives in the gulf.

This resolution recognizes the manifest culpability of Saddam Hussein for the crisis in the gulf, the threat that his aggression poses for the United States and the world, and the necessity of clear, concerted international opposition to his aggression. It supports a just and meaningful peace in the gulf, the diplomatic initiatives the President has undertaken, and the goals of Operation Desert Shield. It further urges the U.S. Armed Forces to continue to develop plans to achieve a quick and decisive victory in the gulf should force be judged necessary to achieve our purposes.

The purpose of this resolution is to let Saddam Hussein know that the United States is united in its determination not to allow his aggression to stand, and in its dedication to creating, another better world of free nations, at peace with one another and devoted to the rule of law. I strongly urge the Senate to adopt it.•

SENATE RESOLUTION 10—RELATIVE TO BURDENSHARING BY SAUDI ARABIA

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 10

Whereas, the brutal Iraqi aggression against Kuwait has led to a massive, costly deployment of United States forces in the Persian Gulf to defend Saudi Arabia in Operation Desert Shield;

Whereas, the more than 400,000 brave American soldiers who are engaged in Operation Desert Shield are making daily sacrifices and may be called upon to make the ultimate sacrifice for their country;

Whereas, the over 120,000 Reservists who have been called to active duty by the President as part of Operation Desert Shield are also making enormous financial sacrifices, and their families are suffering the emotional and financial effects of their separation;

Whereas, the cost of Operation Desert Shield is continuing to escalate as the U.S. military commitment and needs mount;

Whereas, the sharp increase in the price of crude oil since Iraq's August 2 invasion of Kuwait has severely impacted the United States economy, affecting every American;

Whereas, the increase in oil production and the price of crude oil has led to enormous additional oil revenues flowing to the Kingdom of Saudi Arabia: Now, therefore, be it—

Resolved by the Senate, That the President should request the kingdom of Saudi Arabia to pay—

(1) the full cost of Operation Desert Shield;

(2) an amount sufficient to establish a fund administered by the United States Government from which each member of our Reserve components will receive the difference between their civilian pay before they were called to active duty and their military pay while they are on active duty for Operation Desert Shield;

(3) An amount sufficient to reimburse the United States for the $7 billion cost of loans to Egypt the United States has forgiven due to Egypt's participation in Operation Desert Shield; and

(4) An amount to be agreed upon to offset the adverse impact on the U.S. economy resulting from the higher oil prices caused by the Persian Gulf crisis.

• Mr. D'AMATO. Mr. President, I rise today along with Senator PRESSLER to submit a resolution calling upon Saudi Arabia to: First, pay the full cost of Operation Desert Shield; second, reimburse U.S. Reservists for the difference between their civilian and military salaries; third, assume Egypt's $7 billion debt to the United States; and fourth, reimburse the United States for costs incurred by higher oil prices.

Saudi Arabia should bear the lion's share of the costs of Operation Desert Shield, because it stands to gain the greatest direct benefit from our defense of the Persian Gulf and because it has the financial ability to do so. While American men and women are standing guard in the deserts of Saudi Arabia, the Saudis are fattening their own pocketbooks by reaping tens of billions in windfall oil profits. If not for America's stand, Saudi Arabia would have become the 20th Iraqi province.

Saudi Arabia has received a windfall increase in oil revenues and has substantially increased its oil production since the Iraqi invasion of Kuwait. Saudi oil revenue has increased from an estimated $116 million per day in August 1990, based upon production of 5.8 million barrels a day, to as much as $174 million per day, solely because the average world price of oil increased from $20 per barrel to $30 per barrel. This produces $58 million in additional revenue every day.

In addition, Saudi production will increase by an estimated 2.83 million barrels per day, effective in January 1991. This increased production, sold at $30 per barrel, is worth an additional $84.9 million per day.

Thus, Saudi oil revenues in 1991 will total $143 million more a day, or $52 billion more for the entire year, than they were before the Persian Gulf crisis.

Nearly a half million young Americans in uniform now guard Saudi Arabia from Iraqi attack. The Defense Department has estimated that the total annual cost of Operation Desert Shield has gone up from $15 billion to $30 billion, based only upon already announced additional troop deployments. The Defense Department has placed no ceiling on this deployment, so it is reasonable to expect the number of troops to grow and the cost of the operation to increase again.

In the face of this fact, the Kingdom of Saudi Arabia, according to the U.S. Defense Department, has paid only $760 million in cash and contributed only $227 million in material support to Operation Desert Shield through November 29, 1990. This total contribution of $987 million represents less than 7 days of the Saudi Oil revenue windfall.

It is time to renegotiate Saudi support for Operation Desert Shield. The original plan did not contemplate the size of the current effort, the number of Reserve personnel separated from their families, or the impact of the increases oil prices on the U.S. economy as a whole.

This resolution seeks to restore fairness and balance to our efforts against Iraqi aggression. We are in the Persian Gulf for the right reasons. It is now time for Saudi Arabia to do what's right.•

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Mr. HARKIN. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies will tentatively hold its fiscal year 1992 public witness hearings on the following dates: April 16, 17, 18, 23, 24, and 25. The first day of hearings will include any testimony from Members of Congress.

The deadline for interested groups or individuals to submit their request to testify is Wednesday, March 6. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Subcommittee, Senate Dirksen 186, Washington, DC 20510-6025.

Unfortunately, the subcommittee can be no longer accept reservations for multiple slots made by Washington representatives but instead must have signed requests from the individual organizations.

It should be noted that again this year, because of time constraints, the number of public witnesses will be limited to 150. Therefore, I urge interested parties to respond in a timely manner.

Those first 150 persons whose requests are received by March 6 will receive a letter providing instructions for their appearance before the subcommittee. Interested groups or individuals who are not among the first requests will be given the opportunity to have their written testimony published in the committee's hearing record.

The deadline for those who wish to submit statements for the hearing record will be Monday, May 6. Such statements must be no longer than 5 double-spaced pages, and three copies should be sent to me in care of the subcommittee.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the full committee of the Committee on Energy and Natural Resources will hold a hearing on legislation to provide for a referendum on the political status of Puerto Rico. The hearing will be held on Wednesday, January 30, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

For further information, please contact Allen Stayman at 202/224-7865.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold two field hearings in Hartford, CT, on January 17 and 18, 1991. The hearings will examine the economy in New England and its effect on the region's small businesses. Both hearings will be held in room 2C of the Legislative Office Building in Hartford. The hearing on January 17, 1991, will commence at 10:30 a.m. and the hearing on January 18, 1991, will begin at 9:30 a.m. For further information, please call Ken Glueck of Senator LIEBERMAN's office at 224-4041, or Laura Lecky of the committee staff at 224-3099.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM J. DOYLE, OUTSTANDING NEW JERSEYAN

• Mr. BRADLEY. Mr. President, I rise today to recognize an outstanding constituent of mine, Mr. William J. Doyle, of Millington, NJ. Bill Doyle has served as the executive vice president of the Independent Insurance Agents of New Jersey since 1964. After a distinguished career, Bill will retire on February 1, 1991. Bill has been a business leader in the State of New Jersey and a community leader in Millington.

Though Bill Doyle's dedication to his work is extraordinary, his constant concern for the well-being of his community deserves wide recognition. Bill has been commander of the American Legion Post No. 228 in Springfield, NJ, and a member of Saint Vincent's Catholic Church Knights of Columbus. Bill also has been heavily involved with raising funds for the Multiple Sclerosis Foundation.

Bill started his career with the Independent Insurance Agents of New Jersey in 1957. In 1964 he was named executive vice president. In 1985, Bill was awarded a Presidential citation from the Independent Insurance Agents of America in recognition of his efforts as chairman of the membership committee which was responsible for adding nearly 1,000 new members from across the country.

Mr. President, I ask my colleagues to join me in recognizing my constituent, William J. Doyle. His activism and leadership have been of great value to both his community and his profession.•

A SALUTE TO THE UNIVERSITY OF COLORADO GOLDEN BUFFALOES

• Mr. WIRTH. Mr. President, I rise today in honor of the 1991 college football national champion: the University of Colorado Golden Buffaloes.

The Buffs' victory over the Fighting Irish of Notre Dame in Tuesday's Orange Bowl is the capstone to a season in which CU claimed its first national championship in football. Who will ever forget the heroic efforts of Charles Johnson and his teammates, who valiantly met the challenge of coming from behind to win without their injured field general and starting quarterback, Darien Hagen? Without question, Colorado and Notre Dame provided the most exciting college football game in recent memory and certainly the most exciting game of the day.

The thrilling Orange Bowl triumph, coupled with a season in which the Buffs recorded an 11-1-1 mark against the most difficult schedule in the Nation, indicates that they are clearly the best college football team in the land. I speak for all Coloradans in saluting Coach McCartney and his team for their tremendous efforts and success.

I would like to take this opportunity to point out that we have also celebrated many outstanding academic accomplishments at the University of Colorado. For instance, Dr. Thomas Cech won the 1989 Nobel Prize in Chemistry for his groundbreaking work on the catalytic functions of ribonucleic acid. Further, in 1990 David Wilson—who studied mathematics at CU—joined Supreme Court Justice Byron "Whizzer" White, All-American football player Joe Romig, and Robert Morstein-Marx, as a Rhodes Scholar from the University of Colorado. CU also has one of the finest astrophysics and aeronautics programs in the Nation. In fact, 14 of the more than 100 NASA astronauts are Colorado alumni—a truly extraordinary percentage.

I am proud of the University of Colorado and its commitment to excellence. Darien Hagen, Eric Bieniemy, Joe Garten, Alfred Williams, Charles Johnson and the rest of the Buffs' squad furthered a tradition of outstanding achievement that begins in the classroom and extends to the gridiron.

Congratulations Colorado Buffaloes.•

DR. MARTIN LUTHER KING, JR. DAY

• Mr. RIEGLE. Mr. President, we will soon celebrate the sixth national holiday in honor of the late Dr. Martin Luther King. This national holiday stirs a great deal of passion in our Nation's soul. We feel so strongly because, despite great progress in the quest for equality, we have not yet reached the goals for which Dr. King strived. And we feel strongly because on January 15, 1991, Dr. King would have celebrated his 62d birthday had his life not so brutally been taken from him.

In celebrating Dr. King's birthday, we also celebrate an America that seeks to live up to the high ideals it set for itself—an America in which there would be justice for all. We honor a man who made our own Nation a better place, but also a man committed to fighting for justice all over the world. Dr. King's life work was a constant quest to eliminate the bonds of injustice in the land of the free. He fought the injustice of racial discrimination. He fought the injustice of economic exploitation. And he fought the injustice of intolerance.

Today, as we continue to seek to eliminate injustice, we should recall the eloquent words of Dr. King: "Human progress is neither automatic nor inevitable. Even a superficial look at history reveals that no social advance rolls in on the wheels of inevitability. Every step toward the goal of justice requires sacrifice, suffering, and struggle."

Dr. King led and inspired Americans of all color, religion, and economic backgrounds to make the sacrifices that made the United States more free and more just. Ending legal segregation, obtaining voting rights for all citizens, and fighting for fairness in the workplace came at great expense to Dr. King and thousands of other courageous citizens who faced beatings, bombings, jail, and, for many, death. Yet as Dr. King preached the difficult words of struggle, he also remained optimistic about the ultimate success of what he called the freedom movement: "We shall overcome."

We do well to follow Dr. King's inspiration by enacting laws that enable individuals to enjoy their constitutional rights. We must also move forward to root out forces that prevent individuals from enjoying the full measure of their freedom. As we begin 1991, one-half of all black American children live below the poverty line. These young people face tremendous barriers to success. Our Government has an obligation to assure Americans of all races and backgrounds a quality education, decent health care, safe housing, and equal opportunity so that each person can live their lives fully and freely.

But we must recognize that Government cannot solve every problem. We must all work together. We must recognize that if any of our fellow Americans is denied the opportunity to make use of his or her talents we are all worse off. Americans must summon the spirit of brotherhood that Dr. King so firmly believed in. That is why the national celebration in honor of Dr. King and his work is so vitally important. If we are to move forward, we must heed the lessons he taught us and continue the fight for equal justice and opportunity.●

SILVER KNIGHTS MILITARY TWIRLING CORPS

● Mr. DIXON. Mr. President, I would like to take this opportunity to recognize the outstanding achievements of the Silver Knights Military Twirling Corps for being selected as the 1990 Illinois, Midwest, and USA National Military Twirling Corps champions.

The members of the team Chris Cusack, Jennifer Davidson, Michelle Israel, Erika Jackson, Meredith Kaiser, Kate Karwowski, Ginger Latelle, Dianna Lunekas, Naomi Mays, Kathy Milewski, Bonnie Rasmussen, Tricia Thomson, Natalie Aliota, Kim Grabowski, Melissa Kaiser, Jill Kron, Michelle Lunekas, Kathleen Peaslee, Michelle Alberts, Laura Jackson, and Melissa Nemec are from all parts of Illinois and deserve the highest praise for their hard work and accomplishments.

These young ladies display overwhelming qualities of leadership and spirit. Illinoisans can be proud of these young persons and the outstanding performances they have rendered while representing the State of Illinois in their many competitions.

I would like to join my voice with my fellow Illinoisans in praising the Silver Knights for a job well done. Their talent and spirit of accomplishment are an inspiration to young persons everywhere. I applaud the Silver Knights and look forward to many future accomplishments by these talented young individuals.●

FUNDING FOR THE SOCIAL SECURITY ADMINISTRATION

● Mr. SASSER. Mr. President, I rise to draw the attention of my colleagues to a matter of the gravest concern for this Nation's 40 million Social Security recipients.

Because of the possibility of a very narrow reading of the new Budget Enforcement Act, the vital services provided by the Social Security Administration—services that have been stretched and strained in recent years—could be curtailed dramatically.

While the issue here is technical, the principles and concepts are quite basic. The new Budget Act clearly takes the Social Security fund and all Social Security outlays out of the budget in order to protect the integrity of that self-financing system.

Yet, under another section of the act, the costs of servicing the Social Security Program—the costs of processing claims, answering questions, and hearing appeals—could be construed as being one of the accounts under the new domestic discretionary spending cap. Since this program would be competing with all other domestic spending, this could mean inadequate resources for the Social Security Administration in the coming fiscal year and beyond—a result that was clearly not contemplated by the Members of this body when we wisely chose to remove the Social Security surplus from the budget.

Now, whenever you have a document as comprehensive and far reaching as this new budget agreement, there are bound to be some gray areas of interpretation. This, however, should not be one of them. The Social Security fund is in surplus, and we have an absolute obligation not only to protect the fund itself, but to provide the services necessary for the proper administration of the fund. We have an absolute obligation to ensure that our elderly and disabled citizens receive efficient, timely, and reliable assistance with their benefits claims.

All of which is in jeopardy if funding for the Social Security Administration is subject to these spending caps.

Technical arguments aside, if these caps are permitted to govern, the result can be summed up in one word—hardship. Hardship for recipients, and hardship on an administrative system that's already overloaded.

I want to make clear, Mr. President, that this is not a partisan matter. The President's Secretary of Health and Human Services, Dr. Louis Sullivan, has himself sounded a very loud alarm. He has indicated plainly that the cuts in his budget request—cuts demands by OMB—would lead to an erosion of services for aged and disabled beneficiaries.

Now, as all of us in this Congress are aware, that erosion began some time ago.

Over the past 6 years, under Presidents Reagan and Bush, the Social Security Administration has had the number of its employees reduced by 17,000. As a result, local field offices are grossly understaffed, and our constituents are unable to get through on the phone. I understand that beneficaries now call one nationwide 800 telephone number—a number that is plagued by busy signals, especially during peak periods of the month, because there is insufficient staff to answer these calls.

All of this is unacceptable. But with the additional resource constraints that will follow if services funding is insufficient, the situation may become intolerable. Dr. Sullivan has advised that disability claim backlogs—an area of service already under great stress—will increase from 3 to 6 months.

In my home State of Tennessee, nearly 96,000 citizens apply for Social Security benefits each year. Overall, we have 715,000 retirees and 112,000 disability recipients—each of whom receives on average $550 a month. And for most of these people, that modest monthly check is their lifeblood—it goes for housing and food and medicine. They deserve a level of service with regard to these benefits that is unquestionably sound and free of worry and doubt.

I have written a letter to OMB Director Darman detailing my concern to him. OMB will make a ruling on this in the near future, and I would strongly urge that office to take Social Security Administration funding out from under the domestic discretionary cap, and to allow this Government to provide the services necessary for the proper administration of Social Security benefits.●

UKRAINIAN INDEPENDENCE

● Mr. LEVIN. Mr. President, this month marks the 73d anniversary of the proclamation of Ukrainian independence. While the Ukrainian people have had a unique and rich culture and heritage for a millennium, they have ruled themselves as a politically independent and sovereign nation only intermittently.

In this century, Ukrainians fought for independence at the time of the First and Second World Wars but the Soviet empire prevailed. Once again the Ukrainian people had to struggle to preserve and maintain their unique identity while being dominated by an outside power.

As the world knows, they have succeeded in that effort. Free people everywhere recognize and honor the men and women who have prevailed in their tenacious battle to maintain Ukrainian culture, religion, traditions, and language.

Mr. President, the current situation is fraught with danger, opportunity, and hope. As the Soviet Union's empire is battered by events and the yearnings of its various peoples, the opportunity for Ukrainian freedom and independence is before us. When that day arrives it is important that we remember and pay tribute to those countless Ukrainians that struggled and suffered and sacrificed through the years to keep the dream alive, and made the eventual victory possible.•

TRIBUTE TO WILLIAM D. SWEASY

• Mr. DURENBERGER. Mr. President I rise today to recognize William D. Sweasy, an outstanding citizen who lives along the shores of the Mississippi River in beautiful Red Wing, MN. Among the most valuable honors a person can achieve are the appreciation and gratitude of neighbors and friends. This gentleman is a person who has endlessly contributed his life and talents to his community and is a fine example of a compassionate and industrious American.

William Sweasy's lifelong commitment to his community has made him a gem in the eyes of his neighbors. He is the recipient of the annual Red Wing Neighbor Award, a prestigious honor he very much deserves. Many of you may know of Mr. Sweasy through his association with the Red Wing Shoe Co. Even President George Bush enjoys the quality of the boots that the company manufactures.

Mr. Sweasy began working in the finishing and shipping department of the Red Wing Shoe Co. at age 16, and he eventually became the chairman of the board. The company's success stems from the personal touch it provides to customers, employees, and retailers. This initiative has been the strength of the company, and it is William's guide.

It is obvious that William loves the vibrant beauty and rich history of the area in which he lives. Over the years he has enhanced the community by providing years of service to preserve the fine quality of life in Red Wing. William is a member of the First Presbyterian Church, he helped to create the Environmental Learning Center through the YMCA, he undertook the renovation and restoration of the historic, architecturally detailed St. James Hotel, he was on the Red Wing Public School Board for 12 years, and he has organized the Red Wing Fund of the St. Paul Foundation for community projects. These are only a few of his community activities, and his leadership is felt at the State and national levels as well. He has served on the Minnestoa Citizens Council on Crime and Justice, and the Minnesota Council on Foundations. He also has been on the board of directors, serving, too, as the chairman of the American Footwear Industries of America.

Of his willingness to participate in community affairs, William said:

> When you live in a town and grow up in it, you realize the environment of the city is part of the benefits of working here. The community has enjoyed a lot of public-spirited people. (Red Wing Republican Eagle, 1983)

Well, thank you, Mr. Sweasy, for being part of the spirit of your community and country. We all benefit from the example of your life and wish you the best in the years to come.•

PROBLEMS OF PRIVATE DEPOSIT INSURANCE

Mr. RIEGLE. Mr. President, the collapse of the Rhode Island Share and Deposit Indemnity Corp. should remind us of the frailty of existing private deposit insurance systems—a frailty repeatedly demonstrated during the 1980's.

Some observers may conclude that Federal deposit insurance should be required for all State-chartered institutions that accept deposits from the general public—as it is already required for all national banks, federally chartered thrift institutions, and Federal credit unions. Unless and until such a step is taken, we should act to be certain that depositors of privately insured institutions clearly understand that their money is not federally insured. Depositors can then make an informed individual decision about whether to forego the benefits of Federal insurance.

At my insistence, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 required every thrift that is not federally insured to disclose clearly and conspicuously in periodic statements of account and in all advertising that the savings association's deposits are not federally insured. This requirement helps ensure that current and prospective customers of such institutions understand that their money is at risk—and not protected by Federal deposit insurance.

The Comprehensive Deposit Insurance Reform and Taxpayer Protection Act of 1990—which I introduced on September 25, 1990, as S. 3103—reinforces these protections and extends them to uninsured banks. Section 14(e) of the bill requires clear and conspicuous disclosure not only in all advertising and periodic statements of account but on all signature cards, passbooks, and certificates of deposit.

When I reintroduce S. 3103 this year, I intend to propose that these protections apply to all depository institutions—licensed or unlicensed—including credit unions. By unlicensed depository institutions, I mean entities such as the recently failed Latin Investment Corp. of Washington, DC, which was not chartered or otherwise authorized to accept deposits. I will also look closely into whether current law contains adequate protections against private insurers adopting names that could mislead depositors into believing that their money is federally insured.

SCHEDULE

Mr. MITCHELL. Mr. President, pursuant to the earlier agreement, time was set aside today for the introduction of Senate resolutions relating to the Persian Gulf and for debate on that or any other matter during today. We have had several hours of debate, over 5 hours, I believe, with several speakers on the Persian Gulf and other subjects.

I am advised by staff of both the majority and the minority that there are no other Senators who wish to speak. I earlier today said and emphasized that any Senator could speak for as long as he or she wants, today, obviously. And we would remain in session until all Senators had that opportunity. That now having been the case, and no other Senators wishing to address the Senate, I will momentarily seek consent to stand in recess until 10 a.m. on Tuesday, January 8.

To recapitulate, just briefly, for the information of Senators who may not have heard my earlier remarks, the session on Tuesday will be pro forma. We will then go to a session on Thursday, January 10, at 10 a.m., and from that session, we will go to a regular session of the Senate on Monday, January 14.

However, under the agreement, I have received the authority to proceed from pro forma session to regular session on next week and have indicated that it is my intention to do so on Thursday for the purpose of the swearing in of the newly appointed Senator from California, Senator JOHN SEYMOUR.

I have also indicated and reiterate now that I am also considering the possibility of having a regular session to deal with debate on the Persian Gulf crisis beginning on Thursday. I have not made any decision. I intend to consult closely with the distinguished Republican leader, with the Speaker of the House, and with many other Senators over the next several days. But Senators should be aware that we will be getting to debate on the Persian Gulf situation it now appears sometime between next Thursday at 10 a.m. and the following Monday at 10 a.m. I expect to announce a decision on that probably next Wednesday after the meeting between Secretary Baker and the Iraqi Foreign Minister has been completed.

So, for planning schedules as of now, it appears the session on Tuesday will be strictly pro forma with no likelihood of that being changed. However, with respect to Thursday, there is, indeed, the possibility that we will begin the debate on the Persian Gulf situation and dealing with resolutions as of that date. That decision will be made and announced prior to 10 a.m. on Thursday.

RECESS UNTIL TUESDAY, JANUARY 8, 1991, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and if no other

Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m. on Tuesday, January 8.

There being no objection, at 6:21 p.m., the Senate recessed until Tuesday, January 8, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 4, 1991:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

WENDELL P. GARDNER, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE ANNICE MCBRYDE WAGNER.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE C. AUSTIN FITTS, RESIGNED.

SMALL BUSINESS ADMINISTRATION

JAMES F. HOOBLER, OF NEW YORK, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE CHARLES R. GILLIAM, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD A. HENDERSON, OF MARYLAND, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE JAMES B. WYNGAARDEN, RESIGNED.

AFRICAN DEVELOPMENT FOUNDATION

EDWARD JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 1995, VICE WILLIAM F. PICKARD, TERM EXPIRED.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

EDSON G. CASE, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1995.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SUSANNAH SIMPSON KENT, OF PENNSYLVANIA, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES, VICE DAPHNE WOOD MURRAY, RESIGNED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

EUNICE N. SATO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1991, VICE NOREEN C. THOMAS, TERM EXPIRED.

DEPARTMENT OF JUSTICE

CHARLES M. HOUSE, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE FOR VICTIMS OF CRIME. (NEW POSITION)

DEPARTMENT OF THE TREASURY

JOHN MICHAEL MERCANTI, OF PENNSYLVANIA, TO BE ENGRAVER IN THE MINT OF THE UNITED STATES AT PHILADELPHIA, PENNSYLVANIA, VICE ELIZABETH JONES, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

CHARLES L. CRAGIN, OF MAINE, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF 6 YEARS. (NEW POSITION—P.L. 100-687)

EXPORT-IMPORT BANK OF THE UNITED STATES

CECIL B. THOMPSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 1991, VICE SIMON C. FIREMAN, RESIGNED.

CECIL B. THOMPSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 1995. (REAPPOINTMENT)

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

FORD BARNEY FORD, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 1996. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

WALTER E. MASSEY, OF ILLINOIS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF 6 YEARS, VICE ERICH BLOCH, TERM EXPIRED.

SELECTIVE SERVICE SYSTEM

ROBERT WILLIAM GAMBINO, OF VIRGINIA, TO BE DIRECTOR OF SELECTIVE SERVICE, VICE SAMUEL K. LESSEY, JR., RESIGNED.

TENNESSEE VALLEY AUTHORITY

WILLIAM H. KENNOY, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 1999, VICE CHARLES H. DEAN, JR., TERM EXPIRED.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JOHN ASHCROFT, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1993, VICE TERRY EDWARDS BRANSTAD, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

WILLIAM A. GEOGHEGAN, OF MARYLAND, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 1992, VICE MIDGE DECTER, TERM EXPIRED.

MARINE MAMMAL COMMISSION

JOHN ELLIOTT REYNOLDS, III, OF FLORIDA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR THE TERM EXPIRING MAY 13, 1993, VICE ROBERT ELSNER, TERM EXPIRED.

BOARD FOR INTERNATIONAL BROADCASTING

KARL C. ROVE, OF TEXAS, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1991, VICE EDWARD NOONAN NEY, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

JAMES R. WHELAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 1994, VICE HAROLD K. PHILLIPS, TERM EXPIRED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR THE TERMS INDICATED:

EUGENE L. MADEIRA, OF PENNSYLVANIA, FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 1991, VICE DONALD M. CLARK.

DALE P. GOLD, OF VIRGINIA, FOR A TERM EXPIRING SEPTEMBER 30, 1992, VICE RUTH REEVE JENSON, TERM EXPIRED.

A. PIERRE GUILLERMIN, OF VIRGINIA, FOR A TERM EXPIRING SEPTEMBER 30, 1993, VICE ROBERT LEE MCELRATH, TERM EXPIRED.

JACK RAYMOND REED, OF MISSISSIPPI, FOR A TERM EXPIRING SEPTEMBER 30, 1993, VICE FRANCES MATHEWS, TERM EXPIRED.

JUNE SCOBEE RODGERS, OF ARIZONA, FOR A TERM EXPIRING SEPTEMBER 30, 1993, VICE CAROL PENDAS WHITTEN, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON DISABILITY FOR THE TERMS INDICATED:

JOHN LEOPOLD, OF MARYLAND, FOR A TERM EXPIRING SEPTEMBER 17, 1991, VICE BRENDA PREMO, TERM EXPIRED.

MARY ANN MOBLEY-COLLINS, OF CALIFORNIA, FOR A TERM EXPIRING SEPTEMBER 17, 1991, VICE JONI TADA, TERM EXPIRED.

GEORGE H. OBERLE, JR., OF OKLAHOMA, FOR A TERM EXPIRING SEPTEMBER 17, 1992. (REAPPOINTMENT)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPTAIN CHRISTIAN ANDREASEN FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DEPUTY DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND CAPTAIN FREDDIE L. JEFFRIES FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, ATLANTIC MARINE CENTER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

HENRY H. BASSFORD, OF CONNECTICUT.
LAURANCE W. BOND, OF CALIFORNIA.
JULIUS E. COLES, OF VIRGINIA.
MARY C. KILGOUR, OF VIRGINIA.
JAMES A. NORRIS, OF VIRGINIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

LARRY K. CRANDALL, OF VIRGINIA.
JAMES PATRICK DONNELLY, OF FLORIDA.
FRED C. FISCHER, OF VIRGINIA.
JOHN P. HUMMON, OF MARYLAND.
CARL H. LEONARD, OF VIRGINIA.
MARK S. MATTHEWS, OF FLORIDA.
CAROL A. PEASLEY, OF THE DISTRICT OF COLUMBIA.
KENNETH H. SHERPER, OF VIRGINIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DIANNE METZGER BLANE, OF THE DISTRICT OF COLUMBIA.
GARY LEWIS BYLLESBY, OF CALIFORNIA.
SIDNEY ANDREW CHERNENKOFF, OF VIRGINIA.
DONALD BOLYSTON CLARK, OF NEW HAMPSHIRE.
LOUIS J. COOKE, OF FLORIDA.
ROBERT T. DAKAN, OF CALIFORNIA.
BRYANT GEORGE, OF NEW JERSEY.
MICHAEL J. HACKER, OF FLORIDA.
KATHLEEN DOLLAR HANSEN, OF THE DISTRICT OF COLUMBIA.
BRUCE R. HOWARD, OF CALIFORNIA.
GEORGE JONES, OF COLORADO.
FREDERICK A. KALHAMMER, OF CALIFORNIA.
DAVID LEIBSON, OF PENNSYLVANIA.
EMILY CLAIRE LEONARD, OF THE DISTRICT OF COLUMBIA.
JAMES B. LOWENTHAL, OF TENNESSEE.
PETER R. ORR, OF FLORIDA.
CYNTHIA F. ROZELL, OF CALIFORNIA.
MARK SILVERMAN, OF CALIFORNIA.
JOHN A. TENNANT, OF CALIFORNIA.
ERIC R. ZALLMAN, OF FLORIDA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

BRUNO A. KOSHELEFF, OF CONNECTICUT.
LINDA N. LION, OF VIRGINIA.
PAUL B. THORN, OF NEW YORK.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM A. RUGH, OF MARYLAND.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR

CRESENCIO S. ARCOS, JR., OF TEXAS.
JOHN PHILIP HARROD, OF NEW HAMPSHIRE.
ROBERT R. LAGAMMA, OF VIRGINIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WILLIAM J. A. BARNES, OF MASSACHUSETTS.
LOUISE KELLEHER CRANE, OF VIRGINIA.
JAMES MICHAEL HALEY, OF WASHINGTON.
THOMAS NEIL HULL, III, OF NEW HAMPSHIRE.
VICTOR L. JACKOVICH, OF VIRGINIA.
ROBERT E. MCCARTHY, OF VIRGINIA.
LLOYD W. NEIGHBORS, JR., OF TEXAS.
JOHN TREACY, OF ILLINOIS.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CHAS. W. FREEMAN, JR., OF RHODE ISLAND.
RAYMOND G. H. SEITZ, OF TEXAS.
ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS.
MELISSA FOELSCH WELLS, OF CONNECTICUT.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARC ALLEN BAAS, OF FLORIDA.
G. PAUL BALABANIS, OF CALIFORNIA.
BRUCE ANTHONY BEARDSLEY, OF NEVADA.
ERIC J. BOSWELL, OF CALIFORINA.
CHARLES H. BRAYSHAW, OF WYOMING.
LAURENCE G. BROWN, M.D., OF VIRGINIA.
RAYMOND F. BURGHARDT, JR., OF FLORIDA.
ROBERT L. CAFFREY, OF CALIFORNIA.
PETER R. CHAVEAS, OF PENNSYLVANIA.
MARTIN L. CHESHES, OF NEW YORK.
PRISCILLA ANN CLAPP, OF MASSACHUSETTS.
JAMES F. COLLINS, OF ILLINOIS.
RYAN CLARK CROCKER, OF WASHINGTON.
DIANE DILLARD, OF TEXAS.
BRUCE F. DUNCOMBE, OF MARYLAND.
JOHN D. FINNEY, JR., OF VIRGINIA.
THOMAS HOWARD CEWECKE, OF MASSACHUSETTS.
PAUL H. GRUNDY, OF WASHINGTON.
HUGH G. HAMILTON, JR., OF MISSOURI.
JOHN L. HIRSCH, OF NEW YORK.

ROBERT ONAN HOMME, OF MINNESOTA.
RICHARD B. HOWARD, OF FLORIDA.
GREGORY L. JOHNSON, OF WASHINGTON.
JOHN J. LAMAZZA, OF NEW YORK.
ALPHONSE F. LAPORTA, OF NEW YORK.
JOSEPH EDWARD LAKE, OF TEXAS.
WARREN E. LITTREL, JR., OF ILLINOIS.
KEVIN J. MCGUIRE, OF MARYLAND.
J. PHILLIP MCLEAN, OF WASHINGTON.
RICHARD W. MUELLER, OF CONNECTICUT.
MARK E. MULVEY, OF CONNECTICUT.
JOSEPH P. O'NEILL, OF NEW YORK.
CRISTOBAL ROBERTO OROZCO, OF CALIFORNIA.
B. LYNN PASCOE, OF MISSOURI.
ROBERT MAXWELL PRINGLE, OF VIRGINIA.
ROBERT RACKMALES, OF MARYLAND.
HAROLD E. RINIER, OF OREGON.
DONALD R. SCHOEB, OF PENNSYLVANIA.
KATHERINE SHIRLEY, OF ILLINOIS.
ELIZABETH A. SWIFT, OF THE DISTRICT OF COLUMBIA.
LAWERENCE PALMER TAYLOR, OF OHIO.
PHILIP BATES TAYLOR III, OF TEXAS.
WILLIAM H. TWADDELL, OF RHODE ISLAND.
GEORGE F. WARD, JR., OF NEW YORK.
JAMES A. WEINER, OF CALIFORNIA.
ANDREW JAN WINTER, OF NEW YORK.
JOHN MELVIN YATES, OF WASHINGTON.
JOHNNY YOUNG, OF PENNSYLVANIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARSHALL P. ADAIR, OF FLORIDA.
LESLIE M. ALEXANDER, OF NEW YORK.
JEFFREY A. BADER, OF FLORIDA.
RICHARD M. BASH, OF OKLAHOMA.
ROBERT M. BEECROFT, OF MARYLAND.
LAWERENCE NEAL BENEDICT, OF CALIFORNIA.
JAMES D. BINDENAGEL, OF CALIFORNIA.
JOHN WILLIAM BLANEY, OF CALIFORNIA.
ANITA SHASHY BOOTH, OF FLORIDA.
RICHARD THOMAS BOOTH, OF FLORIDA.
RICHARD A. BOUCHER, OF NEW YORK.
RALPH L. BOYCE, JR., OF VIRGINIA.
KENNETH C. BRILL, OF CALIFORNIA.
LARRY G. BUTCHER, OF VIRGINIA.
JOHN CAMPBELL, OF VIRGINIA.
JAMES B. CUNNINGHAM, OF PENNSYLVANIA.
GEORGIA J. DEBELL, OF CALIFORNIA.
ROYCE J. FICHTE, OF VIRGINIA.
THOMAS P. HAMILTON, OF CALIFORNIA.
BARBARA S. HARVEY, OF THE DISTRICT OF COLUMBIA.
PATRICK R. HAYES, OF MARYLAND.
DONALD S. HAYS, OF VIRGINIA.
DONALD K. HOLM, OF FLORIDA.
JOHN C. HOLZMAN, OF HAWAII.
JOHN F. HOOG, OF MISSOURI.
J. AUBREY HOOKS, OF VIRGINIA.
DANIEL A. JOHNSON, OF FLORIDA.
JUDITH RODES JOHNSON, OF TEXAS.
ROBERT D. JOHNSON, OF MISSOURI.
ARMA JANE KARAER, OF VIRGINIA.
JOHN F. KEANE, OF NEW YORK.
MARY VIRGINIA KENNEDY, OF IDAHO.
DONALD WILLIS KEYSER, OF VIRGINIA.
RUSSELL F. KING, OF CALIFORNIA.
ERIC A. KUNSMAN, OF PENNSYLVANIA.
DANIEL CHARLES KURTZER, OF FLORIDA.
HOWARD H. LANGE, OF WASHINGTON.
RICHARD P. LIVINGSTON, OF TENNESSEE.
GREGORY LYNN MATTSON, OF NEW JERSEY.
MARY MARGARET MCATEER, OF FLORIDA.
ROGER A. MCGUIRE, OF OHIO.
WILLIAM DALE MONTGOMERY, OF PENNSYLVANIA.
COLEMAN J. NEE, OF MASSACHUSETTS.
RONALD E. NEUMANN, OF CALIFORNIA.
PATRICK J. NICHOLS, OF VIRGINIA.
DAVID A. PABST, OF WASHINGTON.
RUDOLF VILEM PERINA, OF CALIFORNIA.
ROBIN LYNN RAPHEL, OF WASHINGTON.
ROBERET C. REIS, JR., OF MISSOURI.
JONATHAN B. RICKERT, OF CONNECTICUT.
KATHRYN DEE ROBINSON, OF TENNESSEE.
THOMAS LEE ROBINSON, OF MICHIGAN.
LOUIS D. SELL, OF KENTUCKY.
JOSEPH C. SNYDER III, OF CONNECTICUT.
ROBERT E. TYNES, OF VIRGINIA.
JOHN W. VESSEY, III OF VIRGINIA.
DEAN L. WELTY, OF INDIANA.
JAMES C. WHITLOCK, JR., OF CONNECTICUT.
JOHN F. TEFFT, OF VIRGINIA.
BARBARA J. TOBIAS, OF CALIFORNIA.
JOSEPH CHARLES WILSON IV, OF CALIFORNIA.
VIRGINIA CARSON YOUNG, OF THE DISTRICT OF COLUMBIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES W. BAYUK, OF ILLINOIS.
ELDON E. BELL, OF SOUTH DAKOTA.
JEROME J. BOSKEN, OF OHIO.
RICHARD A. BRUNO, OF VIRGINIA.
WILLIAM W. GALLAGHER, OF MARYLAND.
STEVEN D. JOHNSON, M.D., OF GEORGIA.
WALTER H. SARGENT, OF NEW HAMPSHIRE.
JOHN JAMES SMITH III, OF CALIFORNIA.
PETER F. SPALDING, OF CALIFORNIA.
ANTHONY J. WALTERS, OF CALIFORNIA.

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

WILLIAM CHARLES MONTONEY, OF OHIO.
MARCUS L. STEVENSON, OF VIRGINIA.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

RAYMOND R. BACA, OF MARYLAND.
RAPHAEL A. MIRABAL, OF VIRGINIA.

DEPARTMENT OF COMMERCE

MICHAEL SPECK, OF PENNSYLVANIA.

AGENCY FOR INTERNATIONAL DEVELOPMENT

LILIANA AYALDE, OF MARYLAND.
REGINALD BRYAN CHASTAIN, OF FLORIDA.
RALPH THOMAS DALY, OF VIRGINIA.
MICHAEL J. ENDERS, OF VIRGINIA.
ULRICH F. W. ERNST, OF MASSACHUSETTS.
PETER BURKE KRESGE, OF WASHINGTON.
THOMAS F. MILLER, OF CALIFORNIA.
FREDERICK G. RYLEY, OF CONNECTICUT.
DAVID A. WASHBURN, OF WYOMING.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

INGRID MALL KILLIST, OF NEW JERSEY.
ROBERTO POWERS, OF OHIO.

DEPARTMENT OF AGRICULTURE

ROBERT P. BEYER, OF OHIO.

DEPARTMENT OF COMMERCE

MICKEY R. FRISBY, OF OKLAHOMA.

AGENCY FOR INTERNATIONAL DEVELOPMENT

DAVID ERNEST ECKERSON, OF WASHINGTON.
DANA D. FISCHER, OF OREGON.
LYNN A. KEEYS, OF THE DISTRICT OF COLUMBIA.
ELISABETH ANNE KVITASHVILI, OF VIRGINIA.
DIANNE C. TSITSOS, OF MASSACHUSETTS.
ANTHONY J. VODRASKA, OF WASHINGTON.

UNITED STATES INFORMATION AGENCY

CAROL WILDER, OF CALIFORNIA.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

PAMELA S. BELLAMY, OF CALIFORNIA.
MICHAEL R. BOSSHART, OF NEW JERSEY.
DAVID EDWARD BROWN, OF FLORIDA.
LAURENT D. CHARBONNET, OF LOUISIANA.
DANIEL PATRICK CLAFFEY, OF CALIFORNIA.
JONATHAN RAPHAEL COHEN, OF CALIFORNIA.
MARYRUTH COLEMAN, OF CONNECTICUT.
JEANNETTE E. DAVIS, OF CALIFORNIA.
DOROTHY ANNE DELAHANTY, OF MARYLAND
MARK DAVID DEMBRO, OF MASSACHUSETTS.
DAVID ANTHONY DENNY, OF TEXAS.
DHARAMCHAND DEPOO, OF NEW JERSEY.
MICHAEL JAMES DODMAN, OF NEW YORK.
ELIZABETH ANN EWING, OF CALIFORNIA.
FRANCISCO JAVIER FERNANDEZ, OF NORTH CAROLINA.
MARK ANDRE GOODFRIEND, OF CALIFORNIA.
DONALD LEE HEFLIN, OF ALABAMA.
MARK JAY HERZBERG, OF MARYLAND.
MARY ELLEN HICKEY, OF CALIFORNIA.
JAMES LAYTON HUSKEY, OF THE DISTRICT OF COLUMBIA.
BARBARA L. JONES, OF PENNSYLVANIA.
KIM WHITE KAMBOURIAN, OF KANSAS.
DOUGLAS G. KELLY, OF PENNSYLVANIA.
NAN TERESE KENNELLY, OF NEW JERSEY.
THOMAS HAROLD LLOYD, OF WISCONSIN.
NAOMI EMERSON LYEW, OF PENNSYLVANIA.
LAUREN I. MAY, OF PENNSYLVANIA.
WILLIAM ROBERT MEARA, OF NEW YORK.
RODERICK W. MOORE, OF RHODE ISLAND.
LINDA HOWARD MUNCY, OF NORTH CAROLINA.
MICHAEL FREDERIC O'CONNOR, OF NEW YORK.
ANDREW J. QUINN, OF NEW YORK.
DAVID THOMAS ROCKEY, OF WASHINGTON.
ALVIN DAVID RUTLEDGE, OF VIRGINIA.
DEBORAH JANE SELIGSOHN, OF NEW YORK.
DIANE W. SHELBY, OF OHIO.
CAROL JEAN SMETANA, OF NEW MEXICO.
CAROL L. STRICKER, OF VIRGINIA.
DONALD GENE TEITELBAUM, OF VIRGINIA.
JAMES LAFAYETTE TRAWEEK, OF TEXAS.
WILLIAM A. WEECH, OF VIRGINIA.
JANICE GAIL WEINER, OF WASHINGTON.

DEPARTMEWNT OF AGRICULTURE

WILLIE O. GRAY, OF NORTH CAROLINA.

UNITED STATES INFORMATION AGENCY

JEFFREY MARTIN HILL, OF MARYLAND.

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN K. ALLEN, JR., OF THE DISTRICT OF COLUMBIA.
KATRINA J. BARLOW, OF VIRGINIA.
SHEILA A. BELEW, OF VIRGINIA.
BEVERLY J. BERG, OF CALIFORNIA.
GERALD G. BLYTHE, OF VIRGINIA.
ANDREW NORBU BOWEN, OF TEXAS.
ELIZABETH D. BRAZILL, OF MICHIGAN.
DAVID S. BRIDGES, OF THE DISTRICT OF COLUMBIA.
MARGARET SHARPS CATON, OF CONNECTICUT.
SANDRA CHANEY, OF VIRGINIA.
TODD CRAWFORD CHAPMAN, OF TEXAS.
ANDREW D. CRAFT, OF IOWA.
OLA CRISS, OF VIRGINIA.
GREGGORY D. CROUCH, OF THE DISTRICT OF COLUMBIA.
JOHN WILLIAM CROWLEY, OF CALIFORNIA.
THOMAS P. DARCY, OF VIRGINIA.
ELIZABETH W. DAVIS, OF VIRGINIA.
KATHRYN DOAN, OF VIRGINIA.
STEPHEN ANDREW DODSON, OF TEXAS.
BRIAN PETER DOHERTY, OF FLORIDA.
THOMAS J. DOUGHERTY, OF VIRGINIA.
JEFFREY M. EGAN, OF VIRGINIA.
MICHELLE D. ENGLISH, OF THE DISTRICT OF COLUMBIA.
ROBERT A. ENRIQUEZ, OF VIRGINIA.
LISA CATHERINE ERRION, OF THE DISTRICT OF COLUMBIA.
HASKELL A. ERWIN, OF VIRGINIA.
MARTHA ELIZABETH ESTELL, OF VIRGINIA.
CHARLES S. FADDIS, OF VIRGINIA.
KATHLEEN FARRELL, OF VIRGINIA.
ANNETTE P. FEELEY, OF NEW JERSEY.
TARA FERET, OF CALIFORNIA.
YNGVE CHARLES FLINTA, OF VIRIGINIA.
MEGAN MARIE GAAL, OF CALIFORNIA.
MICHAEL G. GABLE, OF VIRGINIA.
JAMES HUGH GEOGHEGAN, OF MASSACHUSETTS.
GEOFFREY N. GILES, OF VIRGINIA.
MARGARET F. GOURLAY, OF MARYLAND.
ANNE E. GRIMES, OF VIRGINIA.
JANE GRINWIS, OF THE DISTRICT OF COLUMBIA.
MATTHEW SEAN GUNNING, OF VIRGINIA.
GREGORY SCOTT HAIN, OF VIRGINIA.
CAROL STEVENSON HARLOW, OF COLORADO.
JULIA HASSENMILLER, OF VIRGINIA.
TYRONE L. HAYDEN, JR., OF THE DISTRICT OF COLUMBIA.
PETER A. HAYES, OF WASHINGTON.
LISA L. HELLING, OF VIRGINIA.
JULIANNE JOHNSON, OF MISSISSIPPI.
CHRIS H. JONES, OF VIRGINIA.
APRIL SAMARA KANNE, OF VIRGINIA.
JOHN J. KEARNS, OF VIRGINIA.
GURUBHAI SINGH KHALSA, OF ARIZONA.
JOHN J. KIEFER, OF VIRGINIA.
ROBERT A. KING, OF VIRGINIA.
MARC DANIEL KOEHLER, OF CALIFORNIA.
SAMUEL C. LAEUCHLI, OF WEST VIRGINIA.
PETER B. LAMONTAGNE, OF VIRGINIA.
GREGORY B. LANE, OF CALIFORNIA.
DALE LARGENT, OF WASHINGTON.
DAVID LAWRENCE, OF NEW YORK.
SAEHOON LEE, OF VIRGINIA.
SHARON D. LOCRAFT, OF VIRGINIA.
MICHAEL T. MANESS, OF VIRGINIA.
GERALD L. MASON, OF VIRGINIA.
MATTHEW C. MASON, OF PENNSYLVANIA.
ELLIOTT D. MCCARTY, OF CALIFORNIA.
MARISA MCGETTIGAN, OF VIRGINIA.
MARGARET B. MCKEAN, OF PENNSYLVANIA.
TIMOTHY MICHAEL MCNAMARA, OF VIRGINIA.
WILLIAM R. MOORE, OF VIRGINIA.
MARY T. MUMLEY, OF VIRGINIA.
LYNN ELIZABETH MUNN, OF CALIFORNIA.
EDGAR MYERS, OF VIRGINIA.
JONATHAN ERIC OWEN NUSSBAUM, OF THE DISTRICT OF COLUMBIA.
BARBARA A. PERREAULT, OF VIRGINIA.
CAMERON DEAN PFORR, OF CONNECTICUT.
J. ANDREW PLOWMAN, OF TEXAS.
RICHARD D. POLKA, OF VIRGINIA.
JEFFERY W. PORTER, OF VIRGINIA.
TERENCE E. PRAY, OF VIRGINIA.
JAMES ROBERT PUTT, OF VIRGINIA.
JANA M. RAKUSAN, OF VIRGINIA.
TOMAS RAKUSAN, OF VIRGINIA.
JOSEPH THOMAS RATCHFORD, JR., OF VIRGINIA.
MICHAEL ALAN RATNERY, OF THE DISTRICT OF COLUMBIA.
JOSEPH M. RIPLEY, OF VIRGINIA.
MORRIS WILLIAM ROBERTS, OF OHIO.
JOHN ROBERT RODGERS, OF VIRGINIA.
SCOTT LAIRD ROLSTON, OF FLORIDA.
DANNY B. ROOT, OF CALIFORNIA.
BARRY C. ROSENTHAL, OF VIRGINIA.
LLOYD D. SALVETTI, OF VIRGINIA.

JON A. G. SATHER, OF VIRGINIA.
KATHRYN M. SCHALOW, OF WISCONSIN.
JULIE LYN SCHECHTER, OF MASSACHUSETTS.
MICHAEL H. SCHOELWER, OF VIRGINIA.
JOHN T. SCHWEICH, OF VIRGINIA.
JAMES PATRICK SEEVERS, OF THE DISTRICT OF COLUMBIA.
JAMES WESLEY SEWARD, OF WASHINGTON.
ALONZO SIBERT, OF THE DISTRICT OF COLUMBIA.
LYNN M. SICADE, OF CALIFORNIA.
RODNEY SMITH, OF CALIFORNIA.
JULIA LYNN SPRATT, OF OHIO.
GINA E. SULLIVAN, OF VIRGINIA.
JOHN C. SULLIVAN, OF CALIFORNIA.
MICHAEL SULLIVAN, OF VIRGINIA.
REBECCA L. TAGGART, OF CALIFORNIA.
LILIANE TASKIN, OF VIRGINIA.
HERBERT A. THOMAS, JR., OF VIRGINIA.
VILMA Y. TURY, OF PENNSYLVANIA.
RUDOLPH VALOIS, OF TEXAS.
KEVIN M. WALSH, OF THE DISTRICT OF COLUMBIA.
JOHN ANDREW WECKER, OF CALIFORNIA.
DAVID J. WHIDDON, OF GEORGIA.
ERIC PAUL WHITAKER, OF CALIFORNIA.
KATHERINE LESLIE WOOD, OF VIRGINIA.
JEAN VANDER WOUDE, OF OREGON.
GEORGIA TYISKA WRIGHT, OF MICHIGAN.
STEVEN A. YOUNG, OF FLORIDA.
DIANE R. ZELENY, OF MISSOURI.
STUART A. ZIMMER, JR., OF WASHINGTON.

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

GARY B. PERGL, OF CALIFORNIA.
LOUIS SANTAMARIA, OF FLORIDA.
PATRICK O. SANTILLO, OF MARYLAND.
DANIEL J. YOUNG, OF CALIFORNIA.

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT EDWARD JACOBSON, JR., OF CALIFORNIA.
JOHN EDGAR PETERS, OF FLORIDA.
DALE TASHARSKI, OF TENNESSEE.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 6, 1988.

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

TIMOTHY C. BROWN, OF NEVADA.

IN THE COAST GUARD

REAR ADMIRAL PAUL A. WELLING, USCG AS COMMANDER, ATLANTIC AREA, UNITED STATES COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

IN THE ARMY

THE FOLLOWING-NAMED ARMY JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. THOMAS R. CUTHBERT, [redacted] U.S. ARMY
COL. KENNETH D. GRAY, [redacted] U.S. ARMY
COL. MALCOLM S. MAGERS, [redacted] U.S. ARMY
COL. ROBERT E. MURRAY [redacted] U.S. ARMY

IN THE ARMY

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. JOHN W. CUDMORE [redacted]
BRIG. GEN. JERRY M. KEETON [redacted]
BRIG. GEN. JAMES E. MOORE [redacted]
BRIG. GEN. VITO MORGANO [redacted]
BRIG. GEN. REYNOLDO SANCHEZ [redacted]
BRIG. GEN. RICHARD S. SCHNEIDER [redacted]
BRIG. GEN. HAROLD J. SYKORA [redacted]
BRIG. GEN. NORMAND A. TRUDEAU [redacted]
BRIG. GEN. JAMES R. WILLIAMS [redacted]
BRIG. GEN. WAYNE F. WAGNER [redacted]

To be brigadier general

COL. PHILLIP M. BECKER [redacted]
COL. DAVID D. BOLAND [redacted]
COL. WILLIAM MIRANDA-MARIN [redacted]
COL. HERBERT G. STOCKING [redacted]
COL. TERRY J. TYLER [redacted]
COL. BOBBY H. ARMISTEAD [redacted]
COL. HERBERT B. EAGON [redacted]
COL. JOSEPH GALIOTO [redacted]
COL. RODNEY R. HANNULA [redacted]
COL. RONALD A. HOPPES [redacted]
COL. JOSEPH H. LANGLEY [redacted]
COL. JOHN B. RAMEY [redacted]
COL. RICHARD M. RUSCH [redacted]
COL. STANHOPE S. SPEARS [redacted]
COL. TONY L. STANSBERRY [redacted]
COL. HOYT E. THOMPSON, [redacted]
COL. WYLIE A. ABERCROMBIE [redacted]
COL. MICHAEL W. DAVIDSON [redacted]
COL. THOMAS M. FRAZER [redacted]
COL. DONALD E. HAGGLUND [redacted]

COL. CHARLES W. FULKERSON [redacted]

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. DAVID S. BILL III [redacted] U.S. NAVY
CAPT. MICHAEL W. BORDY, [redacted] U.S. NAVY
CAPT. FRANK L. BOWMAN, [redacted] U.S. NAVY
CAPT. HERBERT A. BROWNE, JR. II [redacted] U.S. NAVY
CAPT. ARTHUR K. CEBROWSKI, [redacted] U.S. NAVY
CAPT. VERNON E. CLARK, [redacted] U.S. NAVY
CAPT. WINFORD G. ELLIS [redacted] U.S. NAVY
CAPT. ANDREW A. GRANUZZO, [redacted] U.S. NAVY
CAPT. FRED P. GUSTAVSON [redacted] U.S. NAVY
CAPT. WILLIAM B. HAYDEN, [redacted] U.S. NAVY
CAPT. FRANCIS K. HOLIAN [redacted] U.S. NAVY
CAPT. ALEXANDER J. KREKICH [redacted] U.S. NAVY
CAPT. JOHN M. LUECKE [redacted] U.S. NAVY
CAPT. JOHN J. MAZACH [redacted] U.S. NAVY
CAPT. LEONARD N. ODEN, [redacted] U.S. NAVY
CAPT. JOHN R. RYAN [redacted] U.S. NAVY
CAPT. SCOTT L. SEARS [redacted] U.S. NAVY
CAPT. JOHN F. SIGLER [redacted] U.S. NAVY
CAPT. BERNARD J. SMITH [redacted] U.S. NAVY
CAPT. JOHN W. SNYDER, JR. [redacted] U.S. NAVY
CAPT. ERNEST F. TEDESCHI, JR. [redacted] U.S. NAVY
CAPT. RONALD D. TUCKER, [redacted] U.S. NAVY
CAPT. EDISON L. WATKINS III [redacted] U.S. NAVY
CAPT. WILLIAM H. WRIGHT IV, [redacted] U.S. NAVY
CAPT. JOHN J. ZERR [redacted] U.S. NAVY

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. MICHAEL T. COYLE [redacted] U.S. NAVY
CAPT. JOHN T. MITCHELL, JR. [redacted] U.S. NAVY

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM J. TINSTON, JR. [redacted] U.S. NAVY

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. THOMAS F. STEVENS [redacted] U.S. NAVY

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. MICHAEL W. CRAMER, [redacted] U.S. NAVY

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

CAPT. JOHN E. CHUBB, JR. [redacted] U.S. NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. RICHARD A. NELSON, [redacted] U.S. NAVY
CAPT. FREDERIC G. SANFORD [redacted] U.S. NAVY

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. JOHN G. HEKMAN [redacted] U.S. NAVY
CAPT. DAVID R. RUBLE [redacted] U.S. NAVY
CAPT. LEONARD VINCENT, [redacted] U.S. NAVY

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. GEORGE B. ESTES [redacted] U.S. NAVY

DENTAL CORPS

To be rear admiral (lower half)

CAPT. WILLIAM H. SNELL, JR. [redacted] U.S. NAVY

NURSE CORPS

To be rear admiral (lower half)

CAPT. MARIANN STRATON, [redacted] U.S. NAVY

IN THE MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

RICHARD L. PHILLIPS
ROBERT A. TIEBOUT
JAMES E. LIVINGSTON
GEORGE R. CHRISTMAS
HAROLD W. BLOT
JAMES M. MYATT

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE PERMANENT GRADE INDICATED IN THE MARINE CORPS RESERVE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be major general

BRIG. GEN. JOHN F. CRONIN [redacted] U.S. MARINE CORPS RESERVE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE PERMANENT GRADE INDICATED IN THE MARINE CORPS RESERVE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be brigadier general

COL. LARRY S. TAYLOR, [redacted] U.S. MARINE CORPS RESERVE

IN THE AIR FORCE

THE FOLLOWING-NAMED INDIVIDUAL FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED.

MEDICAL CORPS

To be colonel

GRANDE, DONALD J. [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED.

MEDICAL CORPS

To be lieutenant colonel

BRUCE, CHARLES O., III, [redacted] 9 MAY 90
PADILLA, CARLOS R. [redacted] 26 APR 90
WILSON, DON E., [redacted] 7 JUL 90

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DAVID W. BAUMANN, [redacted] 24 JUL 90
MAJ. WILLIAM M. BEUTEL [redacted] 21 AUG 90
MAJ. BLAINE D. COFFEY, JR. [redacted] 20 SEP 90
MAJ. ANTHONY A. D'AGUILLO [redacted] 5 SEP 90
MAJ. REGINALD E. GIRDHARRY, [redacted] 25 AUG 90
MAJ. STEPHEN A. JAMESON [redacted] 7 SEP 90
MAJ. JACOB J. LEISLE [redacted] 10 SEP 90
MAJ. NORMAN D. LILYROTH [redacted] 12 SEP 90
MAJ. RICHARD L. LOHNES [redacted] 29 AUG 90
MAJ. JOSEPH E. LUCAS [redacted] 6 SEP 90
MAJ. MARION J. MARTIN [redacted] 1 OCT 90
MAJ. RONALD J. MARUSIAK [redacted] 8 SEP 90
MAJ. DALE A. MOCHKO, [redacted] 30 AUG 90
MAJ. DEANNA D. OLIVER [redacted] 23 JUL 90
MAJ. PATRICK N. ROUNDS [redacted] 7 SEP 90
MAJ. STEVEN L. TAYLOR [redacted] 14 JUL 90
MAJ. CRAIG E. THORSON [redacted] 6 SEP 90
MAJ. STEVEN C. WIDEN [redacted] 30 AUG 90
MAJ. DENNIS G. WOODS [redacted] 22 AUG 90

CHAPLAIN CORPS

MAJ. RICHARD G. LAWRENZ, [redacted] 9 SEP 90

MEDICAL SERVICES CORPS

MAJ. TIMOTHY M. ADAMS [redacted] 9 SEP 90

MEDICAL CORPS

MAJ. WILLIAM L. CARVETH [redacted] 16 SEP 90
MAJ. KENT B. MURRAY [redacted] 15 SEP 90
MAJ. MARK W. PARKER [redacted] 9 SEP 90

DENTAL CORPS

MAJ. JOHN R. CARNAHAN [redacted] 12 SEP 90

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. DOUGLAS S. ANDERSON [redacted] 5 AUG 90
MAJ. EUGENE W. BRANDEWIE [redacted] 29 AUG 90
MAJ. ROBERT R. CARLSON [redacted] 4 AUG 90
MAJ. KENNETH B. CAUDILL [redacted] 10 MAY 90
MAJ. SIG A. DEHN [redacted] 18 AUG 90
MAJ. TERRY A. GRAYBEAL [redacted] 12 AUG 90
MAJ. BRIAN C. HAGGERTY, [redacted] 1 JUL 90
MAJ. RONALD A. HALE, JR. [redacted] 3 AUG 90
MAJ. MARK W. HAYDEN [redacted] 28 JUL 90
MAJ. SAMUEL E. IIAMES [redacted] 4 AUG 90
MAJ. JOSEPH W. JOHNSON, JR. [redacted] 5 AUG 90
MAJ. ELMER D. MAXFIELD [redacted] 4 AUG 90

MAJ. GERALD C. OLESEN, [redacted] 26 JUL 90
MAJ. MICHAEL W. PAUL [redacted] 11 AUG 90
MAJ. PATRICK J. PAUL [redacted] 18 AUG 90
MAJ. JOSEPH PELUSO [redacted] 18 AUG 90
MAJ. ALBERT L. PHILLIPS, JR. [redacted] 4 SEP 90
MAJ. DAVID G. PHILLIPS, JR [redacted] 4 AUG 90
MAJ. DAVID L. PIFER [redacted] 31 JUL 90
MAJ. LEONARD J. PRINGLE [redacted] 21 AUG 90
MAJ. DAVID L. SANGER [redacted] 17 JUL 90
MAJ. JAMES P. STEFFLRE [redacted] 17 JUL 90
MAJ. ROY T. STEWART [redacted] 4 AUG 90
MAJ. ERNEST G. TALBERT [redacted] 22 AUG 90

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. JAMES R. MARSHALL [redacted] 31 JUL 90

CHAPLAIN CORPS

MAJ. GERALD T. STONE [redacted] 5 AUG 90

MEDICAL CORPS

MAJ. JOHN A. BRODSTON [redacted] 4 AUG 90
MAJ. WILLIAM E. ZOESCH [redacted] 5 AUG 90
MAJ. JOSEPH M. ZOMPA [redacted] 1 AUG 90

NURSE CORPS

MAJ. ELWOOD J. HUMMEL, JR. [redacted] 4 AUG 90

DENTAL CORPS

MAJ. VALERIE SCHILLER [redacted] 27 JUL 90

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

BIOMEDICAL SCIENCES CORPS

To be major

NICOLAS, GEORGE, JR. [redacted]

JUDGE ADVOCATE

DRENAN, MICHAEL D. [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

YOUNG, JAMES L. [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CORPS

To be lieutenant colonel

YOUNG JAMES L. [redacted]

BIOMEDICAL SCIENCES CORPS

To be major

NICOLAS GEORGE, JR. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be colonel

*HUGH D. THORFINNSON, [redacted]

To be lieutenant colonel

CLIFFORD H. THRELKELD, [redacted]

To be major

ELMO R. ACIO, [redacted]
ROBERT B. FINEGOLD, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be major

*PATRICIA A. K. HEETER, [redacted]

ARMY

To be lieutenant colonel

JOSEPH R. EDWARDS, [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICER INDICATED BY ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

BLATTER, BARBARA, [redacted]
DAIGLE, WADE W. [redacted]
HANCOCK, DEXTER [redacted]
REID, JAMES A. [redacted]

ARMY NURSE CORPS

To be colonel

BARTZ, CLAUDIA C. [redacted]
BEEMAN, THOMAS A. [redacted]
BISKEY, VALERIE E. [redacted]
BLAZIER, COLLEEN D. [redacted]
BLECK, DOROTHY A. [redacted]
BONNELL, JEFFREY R. [redacted]
BRICK, JACQUELINE R. [redacted]
*CARPENTER, CATHARIN [redacted]
COVINGTON, BARBARA [redacted]
DUNNING, SHARON L. [redacted]
FRANK, MARY E. [redacted]
FREEMAN, MARGARET L. [redacted]
GREENFIELD, ELISABE [redacted]
HUDAK, JANE L. [redacted]
JENNINGS, BONNIE L. [redacted]
KADING, STEVEN E. [redacted]
KIEFER, LINDA H. [redacted]
LINKER, LYNDA A. [redacted]
MCFADINMEIS, NANCY [redacted]
MOENNOGUERAS, CYNTH [redacted]
MUNDY, CLAUDIA M. [redacted]
NIPPS, MARCELLA A. [redacted]
OREAR, GAYLE A. [redacted]
REHM, ADELE L. [redacted]
RETTIG, FRANNIE M. [redacted]
RIEKER, DENNIS D. [redacted]
ROBINSON, ROSEMARY [redacted]
STRZELECKI, LORNA R. [redacted]
TURNER, BARBARA S. [redacted]
WATSON, EILEEN K. [redacted]
YIP, GAR [redacted]
ZIMMERMAN, CAROL H. [redacted]

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BACH KEVIN K
BATTAGLIA MICHAEL J
CAMPBELL GREGORY S
CULVINER WILLIAM T
DELACRUZ RICHARD A
DOMMERMUTH RONALD F
DUNCAN TIMOTHY D
FRENCH TONIANNE
GLUCK CARLA I
HARMON DAVID A
HARRISON MICHAEL J
KLINKO CHRISTOPHER J
LAND DAVID A
LARCOMBE JOEL W
MARTIN ROBERT P
MELBOURNE MARIA H
NELSON CHRISTOPHER M
ODONNELL EILEEN M
PORTOUW STEVEN J
SALT GRAIG J
SHARPE RICHARD P
STONER MICHAEL C
THIBAULT PRISCILLA A
VIA DARIN K
BALOG DANIEL J
BRUHA PAUL J
CLEMENTS LLOYD S
DANG MASON X
DELEON LILLIAN I
DOWNS WALTER M
ELLIOTT MICHAEL J
GILL-REESER GEORGIA L
GRIFFO TRUDI E
HARMON SUSAN M
HILDERBRANDT HANSJOACHIM A
KUHSE MARK B
LANKIN KENNETH M
LOCKE JOHN S
MCGUIRE JEFFREY D
MERRILL BARTH E
NIEVES NELSON A
PEARSE LISA A
POWELL CURTIS R
SCHEINER JAY
SHERMAN STERLING S
TANNER WILLIAM J
THOMAS KEVIN D
WILLIAMS ALLEN M

MANUEL V. ORDONEZ, NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE, TO BE APPOINTED ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

AYER, AARON J.
COX, C. A.
HAYCRAFT, DAVID D.
KOST, E. J.
MORTON, DARREN C.
ROLAND, W. B.
SCHROEDER, THEODORE H.
BAUDOIN, DAVID L.
HARSHANY, E. T.
KEOUGH, DAVID A.
MARTY, JEFFREY L.
PAPPAS, MICHAEL P.
RUSSO, WILLIAM A.
WUCKOWITSCH, ROBERT T.

JAMES E. LEE, CHIEF WARRANT OFFICER, W–4, U.S. NAVY, RETIRED, TO BE REAPPOINTED A TEMPORARY CHIEF WARRANT OFFICER, W–4, IN THE U.S. NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211.

THE FOLLOWING NAMED EX-U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

CALEBAUGH, DONALD L.
HUDSON, CHARLES C.

THE FOLLOWING NAMED EX-U.S. NAVY RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

HUNT, PHILLIP D.
SLEMMONS, DANIEL H.

GRIFFITH E. QUINBY, JR., MEDICAL COLLEGE GRADUATE, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

FREDERICK E. MILLARD, U.S. NAVY OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

THOMAS V. MOORE, U.S. NAVY OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

IN THE PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

ALAN R. BAKER

To be senior surgeon

EDWARD L. BAKER, JR
JOHN H. CHRISTOPHERSON
WALTER A. ORENSTEIN
MARK L. ROSENBERG

To be surgeon

LARRY J. ANDERSON
JAMES W. BUEHLER
TIMOTHY R. CAVANAGH
GORDON B. CUTLER, JR
VAN S. HUBBARD
WILLIAM R. JARVIS
MARK A. KNEPPER
PHUC NGUYEN–DINH
MARTHA F. ROGERS
JAMES H. SHELHAMER

To be senior assistant surgeon

ARTHUR V. BERMISA
CYNTHIA M. BRENNAN
AURELIO GALATI
THOMAS P. GROSS
JOHN R. LIVENGOOD
BONITA D. MALIT
NEIL J. MURPHY
BERNARD L. NAHLEN
STEPHEN J. RITH–NAJARIAN
JOHN W. WARD

To be senior assistant dental surgeon

TERRENCE S. BATLINER
THOMAS L. BERMEL
MICHAEL L. CAMPSMITH
WILLIAM L. CANADA
MICHAEL H. CANGEMI
ANDREW C. CASTERLINE
CHARLES J. EDELEN
KEVIN S. HARDWICK
RODNEY F. KIRK
MARGARET L. LAMY
JAMES C. SINGLETON
WAYNE G. STERBA
PAUL YOUNG

To be senior assistant nurse officer

LUELLA M. BROWN
JAMES E. CLEVENGER
LAVERNE M. GREEN
RUSSELL L. GREEN
MARTHA L. HAYNES
MARK W. HUNT
MERRIT C. JENSEN
DORSEY C. LECOMPTE
KENNETH H. MARMON
REBECCA K. OLIN
YECHIAM OSTCHEGA
GLADYS V. PERKINS
ELNORA A. QUALLS
PATRICE A. ROBINS
DEBORAH A. ROKOSZ
CHRISTINE L. RUBADUE
KATHLEEN C. STUMP
EDITH L. SUAREZ
CHARLES R. VANANDEN, III
ELLEN E. WOLF

To be assistant nurse officer

CHERYL P. CHAPMAN
MICHAEL W. JONES
ROBERT W. MAYES
JOHN J. ROSENBERGER

To be senior assistant engineer officer

TIMOTHY G. AMSTUTZ
THOMAS H. COOLIDGE
VALERIE J. HANEY
DANIEL L. HEINTZMAN
JEFFREY B. MASHBURN
2DANIEL G. MCLAUGHLIN
PETER C. PIRILLO, JR
RICHARD A. RUBENDALL

To be senior assistant scientist

JOHN E. ABRAHAM
RICKIE R. DAVIS
BARRY S. FIELDS
SARA DEE MCARTHUR

To be sanitarian

THOMAS N. HUNT

To be senior assistant sanitarian

RUSSELL E. ENSCORE
SHAWN W. GOOGINS

To be assistant sanitarian

BRIAN E. CAGLE

To be veterinary officer

MARLENE N. COLE
JOHN C. DONOVAN

To be pharmacist

SUSAN CARL

To be senior assistant pharmacist

RODNEY M. BAUER
THOMAS W. BOROUGHS
RANDY W. BURDEN
DIANA L. DAVIS
MARTIN JAGERS
ANTHONY R. KUYPER
SHEILA M. OKEEFE
CECILIA–MARINA PRELA
ROBERT W. RIST
CYNTHIA D. ROACH

To be assistant pharmacist

DAVID B. BAKKEN
MARY A. FONG

To be senior assistant dietitian

KENNETH W. SOUZA
MIRANDA S. YANG– OSHIDA

To be senior assistant therapist

LOUIS N. IANNUZZI
DAVID E. NESTOR
FRANCES M. OAKLEY

To be health services officer

VIVIAN T. CHEN
RONALD G. FREEMAN

To be senior assistant health services officer

EUGENE G. DANNELS
PAUL W. HOLLAND
MICHELE M. MORIN

To be assistant health services officer

JAMES R. DAILY
MARIA E. STETTER

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

STEVEN L. ABERNATHY [redacted]
BRYAN B. ACHEE [redacted]
TIMOTHY J. ADAM [redacted]
JEFFREY V. ADAMS [redacted]
REGINALD C. ADAMS [redacted]
THOMAS J. ADDISON [redacted]
SAM RALPH AH [redacted]
CATHERINE A.M. AHYE [redacted]
JOHN F. AKERS, JR [redacted]
FRANK S. ALEXA [redacted]
MICHAEL G. ALEXANDER [redacted]
CHRISTOPHER A. ALFIERI [redacted]
MARK G. ALLCOTT [redacted]
GREGORY R. ALLEN [redacted]
ETHAN R. ALLISON [redacted]
JOHN C. ALLISON [redacted]
ROBIN M. ALMAN [redacted]
PATRICK J. ALSUP, [redacted]
ANTOINETTE R. AMAYA [redacted]
FREDERICK R. ANDERSEN [redacted]
CHRISTOPHER L. ANDERSON [redacted]
DOUGLAS R. ANDERSON [redacted]
E. WEST ANDERSON [redacted]
JACK D. ANDERSON [redacted]
ROBERT ANDERSON [redacted]
ROBERT C. ANDERSON [redacted]
ROBERT G. ANDERSON [redacted]
GREGG D. ANDREACHI [redacted]
EMMANUEL E. ANTIMISIARIS [redacted]
PAUL R. ARMSTRONG [redacted]
SCOTT A. ARVIN [redacted]
MATTHEW B. ASH [redacted]
ROBERT L. ASHCROFT [redacted]
THOMAS G. ATKINS [redacted]
TERRY D. ATWOOD [redacted]
KENNETH A. AUSTIN [redacted]
ROBERT W. AUSTIN [redacted]
KATHERINE AUZENNE [redacted]
TODD M. AVERY [redacted]
JAMES M. BACHELOR [redacted]
ROBERT L. BADY [redacted]
THOMAS A. BAERWALD [redacted]
BRIAN D. BAILEY [redacted]
JEFFERY A. BAILEY [redacted]
JIMMY C. BAILEY [redacted]
SEAN P. BAILEY [redacted]
WILLIAM F. BAIR [redacted]
ANTHONY R. BAITY [redacted]
DAVID E. BAKER, JR [redacted]
JAY E. BAKER, I [redacted]
PAUL E. BALIKER [redacted]
KIMBERLY J. BALKEMA [redacted]
KENNETH E. BANDY [redacted]
DALE R. BANGHART [redacted]
RENEE P. BARBER [redacted]
JOHN M. BARELKA [redacted]
JEFFREY S. BARGER [redacted]
THEODORE H. BARLOCK [redacted]
GORDON J. BARLOW [redacted]
LAWRENCE E. BARNARD [redacted]
CORTNEY H. BARNES [redacted]
RICHARD A. BARNES, JR [redacted]
ROBERT C. BARNES [redacted]
DOUGLAS C. BARNETT [redacted]
PATRICK A. BARNETT [redacted]
ROBERT S. BARONE [redacted]
TIMOTHY T. BARRENTINE [redacted]
SHELDON W. BARTHOLF [redacted]
LARRY D. BARTLETT [redacted]
KIMBERLY A. BARTON [redacted]
WILLIAM H. BATEMAN [redacted]
LAWRENCE J. BATES [redacted]
TITO L. BATTAGLIOLA [redacted]
JOHN BAUER, JR [redacted]
BUD E. BAUGHMAN [redacted]
GARY J. BAUHAN [redacted]
CYNTHIA L. BAUM [redacted]
RONALD A. BAUMGARDNER [redacted]
HEIDI L. BEASON [redacted]
CHARLES J. BECK [redacted]
JEFFREY A. BECK [redacted]
WILLIAM J. BECKER [redacted]
CHARLES E. BECKWITH [redacted]
WILLIAM D. BEEBE [redacted]
BENJAMIN C. BEEDE [redacted]
TIMOTHY R. BELL [redacted]
BILLY E. BELT, JR [redacted]
WILSON M. BEN [redacted]
SUZANNE S. BENSON [redacted]
VERNON B. BENTON [redacted]
THOMAS W. BERGLUND [redacted]
DANIEL L. BERKOWITZ [redacted]
PAUL K. BERRY [redacted]
RICHARD T. BILEY [redacted]
RICHARD S. BINGER [redacted]
GEORGE P. BIONDI [redacted]
CHRISTOPHER L. BIRGE [redacted]
MANFRED A. BISCHOFF [redacted]
BRUCE C. BISER [redacted]
DONALD L. BISHOP [redacted]
VOLKER M. BITTER [redacted]
BRUCE H. BLACK [redacted]
TODD A. BLACK [redacted]
CHARLES C. BLACKWELL [redacted]
CRYSTAL D. BLALOCK [redacted]
GREGORY O. BLANCHARD [redacted]
MARK A. BLISS [redacted]
DAVID S. BLOCKER [redacted]
THOMAS P. BOITANO [redacted]
ANNETTE V. BOLEN [redacted]
WINFIELD S. BOLLINGER, III [redacted]
ROBERT D. BOLT [redacted]
JACQUELINE BOLTON [redacted]
CHARLES R. BOONE [redacted]
KEVIN A. BOOTH [redacted]
JOHN W. BORGMAN [redacted]
WILLIAM J. BORRAS [redacted]
RALPH F. BORSETH [redacted]
DALE S. BOSSELMANN [redacted]
LOUIS BOYKIN, JR [redacted]
ANTHONY G. BRADLEY [redacted]
BRENT A. BRADLEY [redacted]
ROB D. BRANDT [redacted]
TODD W. BRANN [redacted]
DAVID M. BRANNAN [redacted]
SCOTT W. BREIT [redacted]
MICHAEL L. BRICKNER [redacted]
DONALD S. BRIGGS [redacted]
DAVID D. BROOK [redacted]
MICHAEL J. BROOKS [redacted]
ROBERT A. BROOKS, [redacted]
ROGER G. BROOKS [redacted]
DAVID A. BROWN [redacted]
FRANCIS M. BROWN [redacted]
JONATHAN D. BROWN [redacted]
THOMAS W. BROWN [redacted]
TRACY D. BROWN [redacted]
JIMMY D. BROYLES [redacted]
KENNETH G. BROYLES [redacted]
ROBIN R. BRUNNER [redacted]
JAMES M. BRUNO [redacted]
MICHAEL J. BRUNSON [redacted]
CHARLES R. BRUNT [redacted]
WALTER A. BRYAN, JR [redacted]
KENNETH J. BRYANT [redacted]
PAUL R. BRYANT [redacted]
JOSEPH S. BUCH [redacted]
KARL A. BUCHBERGER [redacted]
STANLEY J. BUELT [redacted]
JOHN J. BULAT [redacted]
GREGORY A. BULKLEY [redacted]
LANCE B. BULLER [redacted]
DANIEL E. BULLOCK [redacted]
JAMES B. BUNKE [redacted]
DAVID J. BUNKER [redacted]
MICHAEL J. BURCHAM [redacted]
ERIK D. BURGESON [redacted]
STEVEN D. BURGESS [redacted]
ROBYN M. BURK [redacted]
RODNEY A. BURNETT [redacted]
DAVID J. BURUD [redacted]
PETER L. BUSSA [redacted]
MARK J. BUTORAC [redacted]
DUANE D. BYNUM [redacted]
ERNEST L. CAFFEY, JR [redacted]
LYNN F. CAFISO [redacted]
JAMES E. CALLEN [redacted]
ROBERT G. CAMPBELL [redacted]
MICHAEL I. CARAWAY [redacted]
JEFFREY D. CARLTON [redacted]
ALAN E. CARTER [redacted]
MARK L. CARTER [redacted]
THORLOUGH E. CARTER, JR [redacted]
CINDY L. CASEY [redacted]
DOUGLAS R. CASSELLA [redacted]
GLEN A. CATANIA [redacted]
SALVATORE CATANZARO [redacted]
JAMES M. CAVANAGH, [redacted]
ALAN S. CAZARES [redacted]
SCOTT E. CERILLI [redacted]
GEORGE F. CHAMPLAIN [redacted]
WALTER H. CHASE, III [redacted]
LINDA K. CHICK [redacted]
MARK D. CHIFFER [redacted]
CHRISTOPHER C. CHOATE [redacted]
BARBARA L. CIESLIK [redacted]
RONALD G. CILEK [redacted]
JAMES C. CIZEK [redacted]
EDDY G. CLARK [redacted]
GARY N. CLARK [redacted]
JOHN B. CLARK [redacted]
JOHN R. CLARK [redacted]
MICHAEL J. CLARK [redacted]
DAVID L. CLARKE [redacted]
DANIEL E. CLEARWATER, [redacted]
RANDALL L. CLEMENSON [redacted]
WILLIAM D. COBB [redacted]
JOSEPH C. CODIROLI [redacted]
REBECCA S. COLAW [redacted]
DONALD J. COLEMAN [redacted]
THOMAS W. COLEMAN, II, [redacted]
EDWARD A. COLLEY [redacted]
DOUGLAS S. COLLINS [redacted]
GENE T. COLLINSWORTH [redacted]
CHARLES C. COMPTON [redacted]
ADA A. CONLAN [redacted]
DAVID CONLEY [redacted]
CHRISTOPHER M. CONNELLY [redacted]
WILLIAM G. CONRAD, JR [redacted]
WILLIAM J. CONROY [redacted]
RANDY E. COOK, [redacted]
WILLIAM T. COOK, JR [redacted]
ALAN G. COONCE, [redacted]
PHILIP S. COOPER [redacted]
JAMES R. CORBETT [redacted]
GLEN A. CORELL [redacted]
DONNALISA CORNEJO [redacted]
AIMEE S. CORNING [redacted]
MARK E. CORRELL, SR [redacted]
EUGENE T. COTTLE [redacted]
MARILYN T. COTTRELL [redacted]
JAMES P. COVELL, [redacted]
DAVID E. COWAN [redacted]
KATHRYN M. CRACE [redacted]
LEE R. CRANMER [redacted]
RANDAL A. CRAVEN [redacted]
CHRISTOPHER T. CRAWLEY [redacted]
TERRY A. CREACH [redacted]
PAMELA A. CREASY, [redacted]
CHRISTOPHER M. CRENSHAW [redacted]
DWAYNE L. CROSBY [redacted]
JEFFREY G. CULBERTSON [redacted]
STEPHEN G. CUNICO [redacted]
STEVEN W. CURLEY [redacted]
GERALD D. CURRY [redacted]
BRENT G. CURTIS [redacted]
WILLIAM R. CUSTER, JR [redacted]
TIMOTHY S. CUTLER [redacted]
EDWARD T. CYRUS [redacted]
ESSA C. DABBIKEH [redacted]
DAYLE F. DABNEY, [redacted]
ADAM J. DABROWSKI [redacted]
ROBERT E. DAHL [redacted]
ADOLFO L. DANGUILLECOURT [redacted]
MARK A. DANIS, [redacted]
ROBERT E. DARE [redacted]
WILLIAM E. DARRELL [redacted]
MICHAEL J. DASBACH, [redacted]
DOUGLAS W. DAUER [redacted]
TIMOTHY D. DAVIDSON [redacted]
GREGORY S. DAVIS [redacted]
LAWRENCE E. DAVIS, JR [redacted]
LYDIA L. DAVIS [redacted]
THERON G. DAVIS [redacted]
JEFFREY T. DAVISON [redacted]
CLIFFORD E. DAY [redacted]
LEE H. DAYTON [redacted]
THOMAS P. DEELEY [redacted]
DARLENE K. DEJESUS [redacted]
MARK E. DEMERS [redacted]
NICKOLAS M. DEMIDOVICH, III [redacted]
RONALD R. DENLEY [redacted]
EARNEST C. DENMON [redacted]
GERALD E. DENNON [redacted]
CHARLES M. DENNY [redacted]
MICHAEL S. DERSHEM [redacted]
JON R. DETERMAN [redacted]
DARRELL J. DEWITT [redacted]
MILTON E. DIAZ [redacted]
BRADLEY A. DICKS [redacted]
MARK C. DILLON [redacted]
FRANK DINARDO, JR [redacted]
DAREN W. DIRKSE [redacted]
MARK A. DIVICH [redacted]
ELVIS C. DIXON [redacted]
GLENADA M. DIXON [redacted]
CHRISTOPHER A. DONAHUE [redacted]
BRADLEY J. DONNELLAN [redacted]
CHRISTOPHER M. DORR [redacted]
MICHAEL J. DOUBLIN [redacted]
JOSHUA H. DOUGLAS [redacted]
BARRY N. DOWELL [redacted]
MARY S. DOWLING [redacted]
DARYL C. DOWNING [redacted]
MARK D. DRALLE [redacted]
KEVIN B. DRISCOLL [redacted]
DEBORAH L. DUBAY [redacted]
SCOTT C. DUDLEY [redacted]
THOMAS B. DUER [redacted]
SEAN P. DUFFY [redacted]
STEFFEN P. DUNCAN [redacted]
NEAL P. DUNCANSON [redacted]
KENNETH G. DUNHAM [redacted]
GARY P. DUNKERLEY [redacted]
DENIS F. DURAND [redacted]
JAMES E. DWYER [redacted]
DARRELL R. DYER [redacted]
RICHARD B. DYER [redacted]
JORGE H. ECHEVERRIA [redacted]
RONNIE E. EDGE [redacted]
RICHARD M. EDMONDS [redacted]
JOHN M. EGENTOWICH [redacted]
ARTHUR G. EGGERS [redacted]
JOHN M. EHRENBERGER [redacted]
JOHN J. EHRENREICH [redacted]
PAUL R. EICHENLAUB [redacted]
DAVID S. EK [redacted]
MICHAEL W. ELLICOTT [redacted]
MICHAEL W. ELLIOTT [redacted]
JAMES P. ELLIS [redacted]
STEVEN M. ELLIS [redacted]
GREGORY T. ENGEL [redacted]
MARK D. ENGEMAN [redacted]
JOHN D. ENXING [redacted]
ROGER P. EPPS [redacted]
WILLIAM W. ERBACH, JR [redacted]
NEIL B. ERNO [redacted]

GARY O. ESSARY, [redacted]
NEIL B. ESTENSON, [redacted]
ANTONY J. ETIENNE, [redacted]
DAVID R. EVANS, [redacted]
JOHN A. EVANS, [redacted]
MICHAEL A. EWELL, [redacted]
DALE T. FADLEY, [redacted]
MYRNA L. FAGAN, [redacted]
RONALD R. FAIRBANKS, [redacted]
CHARLES W. FALKENMAYER, JR [redacted]
JEFFREY K. FARLESS, [redacted]
MICHAEL D. FARMER, [redacted]
JOHN P. FARNER, [redacted]
DONALD G. FARRIS, [redacted]
JERREL D. FARRIS, JR [redacted]
TIMOTHY S. FARVER, [redacted]
THOMAS E. FELDHAUS, [redacted]
DANIEL G. FELLER, [redacted]
JOHN N. FELSHER, [redacted]
DAVID A. FENNELL, [redacted]
JAMES C. FERGUSON, [redacted]
WILLIAM K. FETZNER, [redacted]
PHILIP R. FICHTHORN, [redacted]
ROBERT J. FIELDING, [redacted]
ROGELIO B. FIGUEROA, [redacted]
JAY C. FISH, [redacted]
JAMES A. FITTS, JR [redacted]
DANIEL B. FITZGERALD, [redacted]
DWAYNE H. FLORENZIE, [redacted]
BRIAN C. FORD, [redacted]
KENNETH R. FORD, [redacted]
PETER D. FORD, III [redacted]
MARK S. FORESTER, [redacted]
TROY A. FORTMANN, [redacted]
KAREN A. FOSS, [redacted]
MICHAEL C. FOSTER, [redacted]
JOSEPH F. FOURNIER, JR [redacted]
DAWN S. FRANCIS, [redacted]
RICHARD L. FRANKEL, [redacted]
KENNETH G. FRANKOVICH, [redacted]
DANIEL B. FRASHIER, [redacted]
CLAY R. FRASIER, [redacted]
THOMAS W. FRAZIER, [redacted]
ABDULMALIK FREEMAN, [redacted]
DANIEL FREEMAN, [redacted]
KEVIN D. FREESE, [redacted]
LEONARD W. FRITZ, JR. [redacted]
CURTIS V. FROST, [redacted]
DARLENE M. FRYBERGER, [redacted]
RICHARD T. FUENTES, [redacted]
DAVID W. FUNK, [redacted]
EDWARD G. FURROW, [redacted]
SHENG P. FYOCK, [redacted]
GARY C. GAGNON, [redacted]
JEFFREY D. GALBRAITH, [redacted]
ROBERT M. GALBRAITH, [redacted]
JAMES M. GALLAGHER, [redacted]
DANIEL GALVEZ, [redacted]
RONALD J. GARAN, JR. [redacted]
FRED GARCIA, [redacted]
LEE J. GARCIA, [redacted]
KENNETH L. GARDNER, [redacted]
JOHN A. GARNER, [redacted]
JAMES E. GARNETT, [redacted]
DAVID A. GAROFALO, [redacted]
JOHN R. GARRETT, [redacted]
RANDELL D. GARRETT, [redacted]
ALLAN J. GARRIDO, [redacted]
ANDRE L. GATHERS, [redacted]
GREGORY T. GAVIN, [redacted]
THOMAS L. GAYLORD, [redacted]
STEFANIE A. GAYTON, [redacted]
CHRISTINE R. GEDNEY, [redacted]
DANIEL E. GELINAS, [redacted]
JEFFREY F. GELLER, [redacted]
JOSEPH R. GELLER, [redacted]
BRADLEY E. GERKEN, [redacted]
DENNIS J. GERVAIS, [redacted]
RANDAL A. GESCHEIDLE, [redacted]
MICHAEL J. GIBBONS, [redacted]
SIDNEY L. GIBSON, [redacted]
RALPH M. GIESLER, [redacted]
DON W. GILLEAN, [redacted]
SCOTT C. GILLESPIE, [redacted]
MICHAEL V. GILSDORF, [redacted]
THOMAS W. GIMMY, [redacted]
FRANK A. GLIDEWELL, JR [redacted]
MANUEL J. GOMES, [redacted]
EDUARDO GONZALEZ, [redacted]
JOHN D. GOODWIN, [redacted]
WARREN E. GOOL, [redacted]
EDWARD O. GORDON, [redacted]
WALLACE C. GOWIN, [redacted]
LEWIS C. GRAEFF, [redacted]
DANIEL A. GRAHAM, [redacted]
NICALOS V. GRAHAM, [redacted]
CHARLES B. GRANADE, [redacted]
JON K. GRAY, [redacted]
COLIN E. GREEN, [redacted]
JAMES D. GREEN, [redacted]
NATHAN E. GREEN, [redacted]
MARK T. GREENE, [redacted]
ROBERT L. GREENWOOD, [redacted]
SCOTT W. GREENWOOD, [redacted]
MARTIN J. GRENCHIK, [redacted]
GREGORY R. GRIFFIN, [redacted]
MICHAEL A. GRIFFIN, [redacted]
KELLY A. GRIFFITH, [redacted]
GARY R. GRIMES, [redacted]
DAVID T. GROENDYK, [redacted]
KENNETH H. GRUDZINSKI, [redacted]
JEFFREY C. GRUVER, [redacted]
ANDRE G. GUIANG, [redacted]
MICHAEL J. HAAK, [redacted]
JAMES E. HAGEN, [redacted]
DANIEL A. HAGER, [redacted]
SAMUEL E. HAGINS, [redacted]
DAVID L. HALE, [redacted]
GARRY L. HALL, [redacted]
LARRY D. HALL, [redacted]
RONALD J. HALL, [redacted]
THOMAS A. HALL, [redacted]
TONY R. HALL, [redacted]
HERBERT J. HALSTEAD, [redacted]
RODNEY D. HAMILTON, [redacted]
WILLIAM R. HAMILTON, [redacted]
LARRY G. HAMMER, [redacted]
JOSEPH L. HAMRICK, II [redacted]
GARTH M. HANEY, [redacted]
ARLENE B. HANKINS, [redacted]
LAURA A. HANKINS, [redacted]
JERROLD J. HANNA, [redacted]
DAVID A. HANNINGTON, [redacted]
BRIAN M. HANSEN, [redacted]
DUANE T. HANSEN, [redacted]
VINCENT F. HAPGOOD, [redacted]
MICHAEL T. HARDER, [redacted]
GARY L. HARDING, [redacted]
DAVID L. HARDY, [redacted]
WILLIAM H. HARLEY, III. [redacted]
GEOFFREY T. HARRIS, [redacted]
JACKSON S. HARRIS, JR [redacted]
JAMES G. HARRIS, [redacted]
MICHAEL A. HARTLEY, [redacted]
MARK H. HARTLINE, [redacted]
ROBERT J. HARTNETT, JR [redacted]
MARK R. HASARA, [redacted]
ROBERT CHARLES HASL, [redacted]
BRIAN D. HASTINGS, [redacted]
JOSEPH P. HATHAWAY, [redacted]
EDWARD L. HAUGLAND, [redacted]
CONNIE K. HAWLEY, [redacted]
LESLIE R. HAYDEN, [redacted]
BROOKE E. HAYNES, [redacted]
PETER G. HAYS, [redacted]
THOMAS Y. HEADEN, [redacted]
BRIAN C. HEALY, [redacted]
PAUL R. HEESCHEN, [redacted]
MICHAEL G. HEFFNER, [redacted]
SUSAN M. HEGEDUSICH, [redacted]
JULIE A. HEITZMAN, [redacted]
ROBERT L. HEMPHILL, [redacted]
STEVEN J. HENNESSY, [redacted]
YUN HEO, [redacted]
ROBERT J. HEPPNER, [redacted]
JERRY E. HERBEL, JR [redacted]
JOSE L. HERNANDEZ, JR [redacted]
DAVID J. HERRING, [redacted]
GLENN E. HERRON, [redacted]
TRAVIS J. HESTILOW, [redacted]
GARY D. HETLAND, [redacted]
ISAIAH HEYWARD, [redacted]
JOHN R. HICKEY, [redacted]
DENNIS C. HIGGINS, [redacted]
PETER HIGGINS, [redacted]
WILFRED N. HIGGINS, [redacted]
ANTHONY C. HIGUERA, [redacted]
MARK A. HILDEBRANDT, [redacted]
DAVID E. HILL, [redacted]
SCOTT T. HILL, [redacted]
SAMUEL D. HILLMON, [redacted]
RAY T. HIRATA, [redacted]
TUAN A. HOANG, [redacted]
JAMES H. HOBDAY, [redacted]
DOUGLAS J. HOCK, [redacted]
STEVEN S. HOFFSTADT, [redacted]
GEORGE J. HOGAN, [redacted]
JOHN P. HOGAN, [redacted]
THOMAS M. HOLDER, JR. [redacted]
BOBBY J. HOLLOWELL, [redacted]
JIMMIE D. HOLMES, [redacted]
ALAN T. HOLT, [redacted]
ROBERT A. HOOD, JR, [redacted]
DAVID A. HOPKINSON, [redacted]
RONALD W. HOPPER, [redacted]
DAUN A. HORTTOR, [redacted]
RICHARD M. HOTCHKISS, JR. [redacted]
MICHAEL J. HOUGHTON, [redacted]
DARRELL W. HOUMES, [redacted]
MARK W. HOUTZER, [redacted]
ERIC K. HUBER, [redacted]
MARTIN J. HUGGARD, [redacted]
KENNETH J. HULL, [redacted]
DAVID B. HUME, [redacted]
RICHARD T. HUMPHREY, [redacted]
DAVID P. HUNNINGHAKE, [redacted]
DANIEL J. HUNTER, [redacted]
LORINDA G. HUNTER, [redacted]
TERRY HUNTER, [redacted]
ARTHUR E. HUTCHINSON, JR. [redacted]
OTTIS L. HUTCHINSON, JR [redacted]
KENNETH J. HYVONEN, JR. [redacted]
VINCENT G. ICENOGLE, [redacted]
JAMES E. ILG, [redacted]
JAMES E. IMLAY, [redacted]
THOMAS M. INGRAM, [redacted]
GREGORY S. INMAN, [redacted]
DANIEL G. ISAACS, [redacted]
DAVID T. ISRAEL, [redacted]
VIRGINIA M. JABOUR, [redacted]
JUDY L. JACKSON, [redacted]
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RICHARD J. JACOBS, [redacted]
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ANN E. LEBAHN, [redacted]

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FRANKLIN J. MALAFARINA, JR [redacted]
RICHARD MALAGRIFA, [redacted]
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RAY A. MANDERY, [redacted]
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SCOTT R. MATTHES, [redacted]
ROY A. MATTHEWS, JR. [redacted]
DONALD F. MATTNER, JR [redacted]
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JOHN J. MAUBACH, [redacted]
JOHN R. MAUER, [redacted]
CRAIG M. MAY, [redacted]
JOHN R. MAYER, [redacted]
ROBERT M. MAZZEI, [redacted]
RUSSELL E. MCCALLISTER [redacted]
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RONALD G. MCMANUS, JR. [redacted]
DAVID M. MCMINN, [redacted]
JOHN E. MCNEIL, [redacted]
TIMOTHY M. MCNEIL, [redacted]
CHARLES E. MCQUEEN, JR. [redacted]
WILSON G. MCWHIRTER, III [redacted]
NEIL R. MCWHORTER, [redacted]
SHARYN N. MCWHORTER, [redacted]
GREGORY W. MELAND, [redacted]
JOEL C. MELBY [redacted]
ROBERT J. MELCHIONDA, [redacted]
ROBERT E. MELTON, JR [redacted]
ALBERT R. MERCER, [redacted]
JOHN T. MERKLEIN, [redacted]
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DEAN MICHALS, [redacted]
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GERARD A. MONTANI, [redacted]
BENJAMIN F. MOORE, JR. [redacted]
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LATANJA M. MORAGNE, [redacted]
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WILLIAM A. MOSS, [redacted]
CHARLES F. MOWERY, III, [redacted]
LAWRENCE D. MOZINGO, [redacted]
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DAVID W. MUMBULO, [redacted]
SESHAGIRI MUNIPALLI, [redacted]
LUIS A. MUNIZ, [redacted]
TERRELL M. MUNSON, [redacted]
LAURENCE B. MUNZ, [redacted]
AUDIE R. MURPHY, [redacted]
BRIAN E. MURPHY, [redacted]
MARTIN E. MUSCHEID, [redacted]
MARTIN C. MUSGRAVE, [redacted]
JOHN R. NACHTMAN, [redacted]
HARVEY A. NAVAS, [redacted]
THOMAS D. NEFF, [redacted]
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JAMES E. NIKODEM, [redacted]
EDWARD A. NIXDORF, [redacted]
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WALTER D. ORD, [redacted]
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LEROY H. PEDONE, [redacted]
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IRA W. PENCE, III, [redacted]
RODNEY B. PENDERGRASS, JR. [redacted]
ERIC L. PENNELL, [redacted]
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GORDON G. PEREDO, [redacted]
LUIS E. PEREZ, [redacted]
MARK C. PERNU, [redacted]
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SCOTT T. PETERSON, [redacted]
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PETER POON, [redacted]
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STEVEN W. PRATT, [redacted]
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HUGH O. PRICE, JR. [redacted]
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DAVID E. PRITTS, [redacted]
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JOSEPH P. RACZ, [redacted]
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MICHAEL A. RADFORD, [redacted]
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HECTOR F. RAMIREZ, [redacted]
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ALBERT M. REIF, [redacted]
ORESTES E. REINA, [redacted]
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JAMES M. ROBISON, [redacted]
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DALE E. ROSENBERG, [redacted]
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KEITH ROUNTREE, [redacted]
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BRUCE R. RUNK [redacted]
JOEL C. RUSH [redacted]
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LYNN R. SCOTT [redacted]
RONNIE L. SEELY [redacted]
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DANNY J. SHAFER [redacted]
CHARLES L. SHAVER [redacted]
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WILLIAM A. SHAW, JR [redacted]
FORREST K. SHEALY [redacted]
WILLIAM L. SHERMAN [redacted]
BRIAN D. SHIMEL [redacted]
JANGRUMETTA D. SHINE [redacted]
BRIAN R. SHIPMAN [redacted]
ANDRE L. SHIPP [redacted]
MICHAEL K. SHORTT [redacted]
STANLEY J. SHUBA [redacted]
ELLIE GIVAN SHULER, III [redacted]
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JOHN C. SHUTTEE [redacted]
STEPHEN D. SICKING [redacted]
MARK A. SIGLEY [redacted]
ROBERT A. SILVESTRI [redacted]
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DAVID E. SIMMONS [redacted]
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WILLIAM F. SIMS [redacted]
JOHN B. SINCERBEAUX [redacted]
LARHONDA S. SINGLETON [redacted]
MANUEL E. SISO, IV [redacted]
ROBERT K. SITTLOH, [redacted]
MICHAEL A. W. SIZOO [redacted]
ROBERT T. SLATER, JR [redacted]
KEVIN SLUSS [redacted]
LISA J. SMART [redacted]
ARTHUR C. SMITH [redacted]
DAVID T. SMITH [redacted]
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TODD R. SMITH [redacted]
RAE C. SMOLEN [redacted]
WILLIAM D. SMOLINSKI [redacted]
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JOHN J. WOOD [redacted]
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DAVID G. WOODS, [redacted]
DAVID P. WOODS, [redacted]
JOHN L. WOODS, [redacted]
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JUAN D. YOUNG, [redacted]
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SCOTT A. YOUNG, [redacted]
SHANE A. YOUNG, [redacted]
LORI A. YOUNGS, [redacted]
STEPHEN M. ZAISER [redacted]
BRIAN G. ZALENAS [redacted]
DALE L. ZIMMERMAN [redacted]
DAVID A. ZIMMERMAN, [redacted]
WAYNE A. ZIMMET, [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

CHAPLAIN CORPS

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RICHARD J. VACURA [redacted]

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TERESA L. ETHEN [redacted]
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KAREN G. EVERS [redacted]
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WINIFRED L. FLANAGAN [redacted]
DIANA R. FLORES [redacted]
LYNNE A. FOSS [redacted]
SUSAN M. FRIESE [redacted]
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ROBERT J. RENNELLS [redacted]
ROBERT V. ROBEY, JR [redacted]
TERRY A. ROBICHAUD [redacted]
JAMES ROCH [redacted]
CARL R. ROHBOCK [redacted]
LINDA A. RUCKRIEGEL [redacted]
BRUCE A. RUSCIO [redacted]
PHIL L. SAMPLES [redacted]
YVO SANTIAGOCRAVEN [redacted]
JENNIFER J. SCHIRMER [redacted]
LISA K. SCHUETTE [redacted]
THERESA YARBER SCHULZ [redacted]
TERRELL E. SCOGGINS [redacted]
ROBERT M. SHARROW [redacted]
WILLIAM K. SHELTON [redacted]
JAMES D. SINGLETERRY [redacted]
RICHARD P. SKIDMORE, [redacted]
FRANCIS E. SLAVICH [redacted]
RICHARD M. SPEER [redacted]
TERRY L. STOTLER [redacted]
ALLAN D. STOWERS [redacted]
JOSEPH R. STREMIKIS [redacted]
MARK S. SWIRCENSKI [redacted]
ROBERT A. TETLA [redacted]
DEAN W. THORSON [redacted]
DONALD R. TOCCO [redacted]
LILLIAN V. TORRES [redacted]
ROBERT W. TOWNSLEY [redacted]
MICHAEL R. TURNER [redacted]
ROBERT S. VALDEZ [redacted]
RONALD W. VAUGHN [redacted]
CATHERINE M. VOGEL [redacted]
JAMES T. WALKER [redacted]
ROBERT B. WALTON [redacted]
THOMAS D. WESTON [redacted]
EDWARD M. ZASTAWNY [redacted]
MANFRIED K. ZEITHAMMEL [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

JAMES F. BUTLER, JR [redacted]
JOHNNY F. BUTLER [redacted]
BERT M. COTTRELL [redacted]
ROBERT W. DUFFNER [redacted]
WILLIAM K. GOTTENSTRATER [redacted]
JEROME R. GUTZWILER [redacted]
JEFFREY J. HOFFMAN [redacted]
STEVEN B. HOFFMAN [redacted]
EDWARD W. MCCARTY III [redacted]
JOHN R. OSGOOD [redacted]
DAVID W. TAYLOR [redacted]

CHAPLAIN CORPS

To be colonel

GARY G. CLOSE [redacted]
ROBERT L. HAYES [redacted]

MEDICAL CORPS

To be colonel

ROBERT H. POSTERARO [redacted]

MEDICAL SERVICE CORPS

To be colonel

MAX L. OLESON [redacted]
MICHEAL JR RISKO [redacted]
ANTON P. TRAMP [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

GRATEN D. BEAVERS [redacted]
ROBERT A. CARDAMONE [redacted]
JAMES C. CUPEC [redacted]
PAUL L. DOPPEL [redacted]
DARRYL J. EGLER [redacted]
RICHARD C. GOODWIN [redacted]
MICHAEL S. HIGLEY [redacted]
AXEL M. HOLLAND [redacted]
DONALD L. JACKA, JR [redacted]
ELON W. MADDOX, JR [redacted]
BRENT M. MOTCHAN [redacted]
RONALD J. PARK [redacted]
LEONARD B. QUINN [redacted]
RODERICK REYNOLDS [redacted]
JERRY M. RIVERA [redacted]
MICHAEL J. ROSS [redacted]
CHARLES W. RYDER, III [redacted]
MICHAEL W. SYMANSKI [redacted]
BRENDA A. VOSBEIN [redacted]
KERRY Y. YEN [redacted]
DAVID T. ZABECKI [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

GARY W. COWALL [redacted]

MEDICAL CORPS

To be lieutenant colonel

RONALD C. MARTIN [redacted]
ERIC I. MITCHELL [redacted]
ANTHONY E. TRIGENIS [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

THOMAS R. KIM, JR [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

REPPARD S. JORDAN [redacted]
EUGENE J. KREGER [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

BARRY A. BUNCH [redacted]
THOMAS A. DOLIGHAN [redacted]
WILLIAM C. HOLFORD [redacted]
LAURENCE LAPINSKI [redacted]
ANTHONY F. LEKETA [redacted]
BOBBY C. NEW, [redacted]
JOHN R. SLATER, [redacted]

MEDICAL CORPS

To be lieutenant colonel

JEROME A. OLACK [redacted]
ARACELI S. SAMSON, [redacted]

VETERINARY CORPS

To be lieutenant colonel

EUGENE L. KUHNS [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

DENTAL CORPS

To be lieutenant colonel

ALLAN W. ESTEY [redacted]
ARVID K. OLSON [redacted]

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

MICHAEL J. BAYER [redacted]
RAYMOND E. BECK, SR [redacted]
CLEMENT A. HALL, JR [redacted]
THOMAS C. JOHNSON, [redacted]
RICHARD B. KAUFMANN [redacted]
ROBERT G. LITTLE [redacted]
RALPH D. MARSHALL [redacted]
JOHN K. MORRIS [redacted]
SIGURD E. MURPHY, JR [redacted]
KENNETH R. NELSON [redacted]
WESTON W. PETERSON [redacted]
CHARLES R. RAYL [redacted]
JEAN A. ROMNEY [redacted]
KENNETH C. SALLENGER [redacted]
STEWART E. SMITH [redacted]
LAWRENCE M. STEWART [redacted]
DAVID J. TOYE [redacted]
JOHN W. WYATT [redacted]

To be lieutenant colonel

LOUIS J. ANTONETTI [redacted]
ALLEN D. BENNETT [redacted]
THOMAS R. BICKER [redacted]
JAMES J. BISSON [redacted]
MICHAEL F. BROWN, [redacted]
TOD J. CARMONY [redacted]
RAYMOND W. CARPENTER [redacted]
CHARLES K. CLARKE [redacted]
JAMES C. COLEMAN [redacted]
ROBERT G. CRUZ [redacted]
JONATHAN E. CZARNECKI [redacted]
GARY W. DAWSON [redacted]
AGUSTIN P. DUENAS [redacted]
MARK N. EDELBROCK [redacted]
LARRY R. FREAUFF, [redacted]
MICHAEL J. FRIEDL [redacted]
CHARLES E. GIBSON [redacted]
JOSEPH A. GIDDIS, III [redacted]
RAYMOND P. GOURRE [redacted]
PAUL E. HARMAN [redacted]
PAUL M. HOUSE [redacted]
DONNA L. HUBBERT [redacted]
WILLIAM A. HUTTON [redacted]
PAUL E. JENSEN [redacted]
FORREST R. JOHANSEN, JR [redacted]
PAUL A. JOHNSON [redacted]
JOHN R. KING [redacted]
LARRY D. KIRCHNER [redacted]
DANIEL S. LEE [redacted]
RONALD R. LEMOINE, [redacted]
CHARLES B. MCCLOSKEY, [redacted]
JOHN A. MESKILL, [redacted]
JOSEPH E. MICHAELS, JR [redacted]
FLOYD E. MILLER [redacted]
JERRY W. NORTON [redacted]
DENNIS J. OBRIEN [redacted]
LANCE Y. OKIHARA, [redacted]
LARRY L. OLSON [redacted]
JAMES R. OROURKE [redacted]
CHARLES N. POSEHN [redacted]
SAMUEL H. RANKIN [redacted]
ARNOLD G. RETHEMEIER [redacted]
ROBERT I. RODGERS [redacted]
JEAN M. SHINBUR [redacted]
JOHN G. STEINHAUSER [redacted]
FREDERICK STONEHOUSE [redacted]
JOHN W. VAUGHAN, [redacted]
GENE J. WALKER [redacted]
SAMUEL A. WILKS [redacted]

MEDICAL CORPS

To be lieutenant colonel

THOMAS J. HANCOCK, [redacted]
FRANK H. MA, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

ARMY

To be lieutenant colonel

JOSE C. ABILES [redacted]
KERRY S. ABINGTON [redacted]
JAMES P. ABRAMSON [redacted]
FREDERIC E. ABT [redacted]
STEVEN R. ACCINELLI [redacted]
DENNIS A. ACTON, [redacted]
BENJAMIN M. ADAMS [redacted]
JONATHAN P. ADAMS [redacted]
ROY H. ADAMS, [redacted]
RICHARD J. ADAN [redacted]
GARY R. ADDISON, [redacted]
WILLIAM R. ALDRIDGE [redacted]
ROBERT S. ALEXANDER [redacted]
JAMES C. ALLARD [redacted]
FRED J. ALLEN [redacted]
JAMES C. ALLEN [redacted]
JOHNNIE L. ALLEN [redacted]
ROY J. ALTOBELLO [redacted]
ESTEBAN ALVARADO [redacted]
MICHAEL W. ALVIS, [redacted]
WILLIAM H. ANDERSEN [redacted]
DORIAN T. ANDERSON, [redacted]
DOUGLAS C. ANDERSON [redacted]
DOUGLAS H. ANDERSON, [redacted]
GARY J. ANDERSON [redacted]
JEFFREY W. ANDERSON [redacted]
ROBERT B. ANDERSON [redacted]
AARON R. ANDREWS, [redacted]
DONALD R. ANDREWS [redacted]
DAVID M. ANNEN, [redacted]
BERTRAM ARMSTRONG [redacted]
CLARE H. ARMSTRONG [redacted]
ODELL ARRINGTON [redacted]
JOHNNY L. ASBURY [redacted]
CHARLES ATKINS [redacted]
ROBERT W. AYLWARD, [redacted]
WESLEY J. AZAMA [redacted]
DENISE M. BACHMAN [redacted]
RUTH B. BAGBY [redacted]
MARGARET A. * BAHNSEN [redacted]
MICHAEL J. BAIER [redacted]
BRUCE B. BAILEY [redacted]
DONOVAN B. BAILEY [redacted]
STEPHEN L. BAILEY [redacted]
THOMAS R. BAILEY [redacted]
ALLEN S. BAKER [redacted]
DANIEL F. BAKER [redacted]
TIMOTHY J. BAKER [redacted]
JAMES W. BALL, [redacted]
RALPH E. BALL [redacted]
DAVID A. BALLARD [redacted]
RICHARD F. BALLARD [redacted]
ALLAN A. BANKS, [redacted]
CHARLES W. BARKER [redacted]
BERNARD A. BARNES [redacted]
ERIC R. BARNES [redacted]
KATHLEEN M. BARNES [redacted]
TED H. BARNES [redacted]
HAROLD D. BARNETT [redacted]
DAVID W. BARNO, [redacted]
FREDERICK BARRELL [redacted]
STEPHEN R. BARTH, [redacted]
ROBERT E. BASSLER [redacted]
PAUL D. BATES [redacted]
JESSIE D. BEATY [redacted]
JOHN M. BECKSTROM [redacted]
ROBERT J. BEECHER [redacted]
THOMAS O. BEGASSE [redacted]
GERALD L. BEHNKE [redacted]
WILLIAM F. BELL [redacted]
WILLIAM R. BELL [redacted]

MARK C. BENDER [redacted]
KENNETH V. BENTELE [redacted]
STEPHEN R. BENTON [redacted]
DAVID J. BERCZEL [redacted]
DAVID R. BERGER [redacted]
HOWARD E. BERNER [redacted]
VICTOR J. BERO [redacted]
JAMES W. BERRY [redacted]
MICHAEL J. BERRY [redacted]
BRUCE A. BERWICK [redacted]
ROBERT D. BESANCON [redacted]
MARSHALL L. BEST [redacted]
LAWRENCE C. BETHEL [redacted]
MICHAEL A. BINGHAM [redacted]
GEORGE M. BIRDSONG [redacted]
ROY V. BISHOP [redacted]
MERRILL S. BLACKMAN [redacted]
JOHN O. BLAKENEY [redacted]
DENNIS J. BLASKO [redacted]
GARTH T. BLOXHAM [redacted]
IVAN G. BOLDEN [redacted]
JAMES A. BONFIELD [redacted]
CHARLE BONGIOVANNI [redacted]
LOUIS A. BONHAM [redacted]
JOSEPH C. BONNET, [redacted]
DANIEL J. BONNEY [redacted]
TIMOTHY G. BOSSE [redacted]
ERNEST G. BOTTS [redacted]
PRINCESS BOULWARE [redacted]
THOMAS A. BOWERSOX [redacted]
MARK W. BOYER [redacted]
JAMES W. BOYLE [redacted]
PHILIP E. BRADFORD [redacted]
MICHAEL J. BRADLEY [redacted]
NEAL H. BRALLEY [redacted]
JOSEPH R. BRANCH [redacted]
ALAN R. BRANDOLINI [redacted]
WILLIAM BRANSFORD [redacted]
MARC R. BRESLOW [redacted]
STEPHEN E. BREVIG [redacted]
DALLAS F. BRITTON [redacted]
LARRY M. BROM, [redacted]
EILEEN M. BROPHY [redacted]
DAVID BROWN, JR [redacted]
JAMES D. BROWN [redacted]
LAWRENCE C. BROWN [redacted]
ROBERT R. BROWN [redacted]
ROBERT W. BROWN [redacted]
WILLIAM T. BROWN [redacted]
SUSAN A. BROWNING [redacted]
RANDALL E. BRUCH [redacted]
KONE BRUGH, II [redacted]
ALBERT BRYANT, JR [redacted]
GARY L. BRYANT [redacted]
MAURICE BUCHANAN [redacted]
KEVIN D. BUCKMASTER [redacted]
DANIEL G. BULINSKI [redacted]
DOUGLAS E. BULLARD [redacted]
RICHARD C. BURMOOD [redacted]
JAMES A. BURNETT [redacted]
RANDEL B. BURNETT, [redacted]
ALLEN H. BURNS [redacted]
ROBERT O. BURNS [redacted]
CHRISTOPHER BURTON [redacted]
MANZEL S. BUSH [redacted]
HOWARD C. BUTLER [redacted]
REMO BUTLER [redacted]
WILLIAM G. BUTLER [redacted]
WINFRIED W. BUTLER, [redacted]
DAVID W. BUTO, [redacted]
CHARLES L. BUTTRAM [redacted]
JAMES F. BYRNE [redacted]
WILLIAM B. CALDWELL [redacted]
PAUL R. CALLANAN [redacted]
JAMES D. CAMBRON [redacted]
DAVID W. CAMMONS [redacted]
RICHARD D. CANTWELL [redacted]
MARY P. CAPIN [redacted]
BILL J. CAPPS [redacted]
FRANK J. CARAVELLA [redacted]
SCOTT A. CAREY [redacted]
THOMAS M. CARLIN [redacted]
DAVID E. CARLSON [redacted]
WALDO F. CARMONA [redacted]
STANLEY CARPENTER [redacted]
LLOYD W. CARR [redacted]
HECTOR CARRANZA, JR [redacted]
ALLAN B. CARROLL [redacted]
CHARLES R. CARROLL [redacted]
JAMES C. CARTER [redacted]
ROGER L. CARTER [redacted]
CARL E. CASE [redacted]
AVERY T. CASHION [redacted]
STEVEN L. CASS [redacted]
RANDAL R. CASTRO [redacted]
JAMES R. CASWELL [redacted]
JOHN V. CECALUPO [redacted]
STEPHEN D. CELLUCCI [redacted]
MARIO A. CERVANTES [redacted]
WILLIAM CHADWICK, I [redacted]
DAVID W. CHANDLER [redacted]
MARVIN A. CHANDLER [redacted]
RANDALL D. CHASE [redacted]
JACK M. CHIAPUZIO [redacted]
CHARLES D. CHILDERS [redacted]
MICHAEL CHRISTIAN [redacted]
WILLIAM CHRISTIAN [redacted]
DONALD B. CHUNG, [redacted]
JAMES W. CHURCH [redacted]
ROBERT C. CLAFLIN [redacted]
RAYMOND G. CLARK [redacted]
ROBERT L. CLARK [redacted]
JOHN L. CLARKE [redacted]
MICHAEL R. CLIFFORD [redacted]
LAWRENCE E. CLINE [redacted]
RANDALL F. COCHRAN [redacted]
JAMES A. COGGIN [redacted]
LARRY W. COKER [redacted]
PHILIP D. COKER [redacted]
CHARLES M. COLBERT [redacted]
ANTHONY H. COLBY, [redacted]
CHARLES G. COLE, [redacted]
EDDIE D. COLEMAN [redacted]
GARY S. COLEMAN [redacted]
ERNEST V. COLLIER [redacted]
MICHAEL L. COMBEST [redacted]
JOHN R. COMBS, [redacted]
YVONNE J. COMBS [redacted]
BRUCE W. CONDREY, [redacted]
BRUCE H. CONNER [redacted]
ROGER L. COOK, [redacted]
JAMES C. COOKE [redacted]
HAROLD E. COONEY, [redacted]
KING E. COOPER [redacted]
MARK A. COOPER, [redacted]
JAMES A. COPE [redacted]
BLAKE R. COPPLE [redacted]
VERNON E. CORBIN [redacted]
DOMINICK CORDASCO, [redacted]
GEORGE G. CORLEY [redacted]
ANTHONY COROALLES [redacted]
RICHARD A. CORSON [redacted]
WILLIAM C. COUNCIL [redacted]
EDMUND S. COWAN, [redacted]
JERRY D. CRAIG [redacted]
JOHN L. CRAIG [redacted]
DENNIS R. CRAIN [redacted]
CONRAD C. CRANE, [redacted]
EUGENE H. CRANOR [redacted]
CONRAD E. CRAWFORD, [redacted]
ROBERT W. CRAWFORD [redacted]
ROY P. CRAWFORD [redacted]
KEITH M. CROMARTIE [redacted]
ROBERT A. CRONIN [redacted]
EVERETTE * CRUMPLER [redacted]
RONALD R. CUNITZ [redacted]
GARY G. DACEY, [redacted]
TIMOTHY M. DANIEL [redacted]
KENNETH R. * DANIELS [redacted]
WILLIAM E. DARDEN [redacted]
CHARLES E. DARWIN [redacted]
DONALD P. DAUGHERTY [redacted]
THOMAS V. DAULA [redacted]
PETER G. DAUSEN [redacted]
CARL J. DAVID [redacted]
WILLIAM C. DAVID [redacted]
JOHN E. DAVIES [redacted]
DANNY M. DAVIS, [redacted]
GREGORY W. DAVIS [redacted]
ROBERT L. DAVIS [redacted]
ROBERT M. DAVIS [redacted]
RONALD V. DAVIS [redacted]
STANLEY C. DAVIS [redacted]
TED E. DAVIS, I [redacted]
PAUL L. DAY [redacted]
THOMAS J. DAZE [redacted]
JULIA A. DEAN [redacted]
MARK K. DEAN, [redacted]
MARVIN K. DECKER [redacted]
MICHEL L. DEETER [redacted]
ROY S. DEFORD [redacted]
ROBERT H. DELACRUZ [redacted]
JOHN L. DELLAJACONO [redacted]
JAMES W. DELONY [redacted]
ROBERT A. DEMENT [redacted]
KEIKO I. DENBEAU [redacted]
ALLEN DEUTSCH [redacted]
CORTEZ K. DIAL [redacted]
JOHN C. DIBERT [redacted]
DALE E. DICKMAN [redacted]
JEFFREY P. DIERKES [redacted]
EMILIO DIGIORGIO [redacted]
MARK W. DILLE, [redacted]
EDWARD F. DILLON [redacted]
ROBERT E. DILLON [redacted]
STEVEN M. DISILVIO [redacted]
DAVID DLUGOLENSKI [redacted]
JOSEPH G. DODD [redacted]
WILLIAM W. DOE, [redacted]
HERBERT DOLLAHITE [redacted]
GARY DONALDSON [redacted]
ROBERT R. DONOHO [redacted]
LAWRENCE C. DOTON, [redacted]
DAVID A. DOUTHIT [redacted]
JAN S. DRABCZUK [redacted]
ANN K. DRACH, [redacted]
WILLIAM L. DRIVER [redacted]
CHARLES E. DUBE [redacted]
KERRY B. DUNABLE [redacted]
LARRY R. DUNAVANT [redacted]
COLIN K. DUNN, [redacted]
MARK A. DUNN, [redacted]
ANN E. DUNWOODY, [redacted]
DWIGHT S. DURHAM [redacted]
RONALD W. DYCHES [redacted]
FREDERICK L. EADES [redacted]
JOHN C. EDGECOMB [redacted]
GEORGE N. EDWARDS [redacted]
JACKEY L. EDWARDS [redacted]
WILLIAM T. EDWARDS [redacted]
ANDREW G. ELLIS [redacted]
GREGORY W. ELLISON [redacted]
DENNIS D. ERICKSON [redacted]
JOAN E. ERNST [redacted]
MICHAEL E. ERNZEN [redacted]
MARCENE ETCHIESON [redacted]
ROBERT E. ETHERIDGE [redacted]
FREDERICK M. EVANS [redacted]
GREGORY H. EVENSTAD [redacted]
ARTHUR E. EXTEN [redacted]
WILL FAISTENHAMMER [redacted]
KENJI C. FARINELLI [redacted]
DONNA FARMER, [redacted]
JAY E. FARWELL [redacted]
BARBARA G. FAST, [redacted]
DAVID A. FASTABEND [redacted]
LANCE M. FEERO [redacted]
MARION M. FERGUSON [redacted]
STEPHEN J. FERRELL, [redacted]
JOSEPH F. FIL [redacted]
EDWARD J. FILIBERTI [redacted]
JAMES W. FISHBACK [redacted]
EDWARD A. FISHER [redacted]
KEVIN L. FITZGERALD [redacted]
GREGORY J. FLICK [redacted]
DAVID M. FLOOD, [redacted]
JAMES M. FOLAND [redacted]
DENNIS P. FOOTE [redacted]
BILLY W. FORRESTER [redacted]
THOMAS M. FOSTER [redacted]
CHARLES S. FOWLER [redacted]
SAMUEL W. FRANCE, [redacted]
RONALD C. FRANCIS [redacted]
HERBERT L. FRANDSEN [redacted]
LAWRENCE J. FRANK [redacted]
JOSEPH FRANKIE, III [redacted]
STEVEN J. FRAZIER [redacted]
BENJAMIN FREAKLEY [redacted]
TERRY W. FREEZE, [redacted]
DANIEL L. FRENCH [redacted]
DAVID J. FRENCH [redacted]
DAVID I. FRIEDLI [redacted]
DENNIS J. FRISCO [redacted]
JOHN D. FRKETIC [redacted]
STEWART C. FROST [redacted]
MANUEL FUENTES [redacted]
HIROME FUJIO [redacted]
CHARLES FULLILOVE [redacted]
CHARLES S. FULMORE [redacted]
JOYCE C. FULTON [redacted]
GARY E. GAAL, [redacted]
WILLIAM D. GABBARD [redacted]
BERNARD W. GALING, [redacted]
THOMAS E. GALLEGOS, [redacted]
DONALD A. GALVANIN, [redacted]
THOMAS A. GANDY, [redacted]
MANOLITO GARABATO, [redacted]
GREGORY C. GARDNER, [redacted]
PHILIP N. GARITO [redacted]
CHARLES P. GATES [redacted]
LAWRENC GEHLHAUSEN [redacted]
LOUIS GELLING, JR [redacted]
PAUL S. GENDROLIS [redacted]
HOWARD J. GENET [redacted]
RAY C. GERTMAN, [redacted]
PETER W. GIBBONS [redacted]
MAURICE D. GIBSON, [redacted]
DANIEL J. GILBERT [redacted]
JOSEPH L. GILBREATH [redacted]
GEORGE H. GILKES [redacted]
FRANCIS X. GILLIS [redacted]
CHARL GLEICHENHAUS [redacted]
ELAINE G. GODZAK, [redacted]
JOHN C. GOETZ, [redacted]
ALFONSO M. GOMEZ [redacted]
JESS L. GOODMAN [redacted]
MARY G. GOODWIN, [redacted]
WILLIAM P. GOODWIN [redacted]
ROBERT L. GORE, [redacted]
ROBERT G. GORRIE [redacted]
STEPHEN GOTOWICKI [redacted]
DALE E. GRAHAM, [redacted]
JAMES L. GRAHAM [redacted]
JOHN K. GRAHAM, [redacted]
DALE R. GRANGER [redacted]
DOUGLAS GRANSBERG [redacted]
BRUCE D. GRANT, [redacted]
LEONARD A. GRASSO, [redacted]
RALPH H. GRAVES [redacted]
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ART SIEMONAPARICIO [redacted]
ROBERT R. SIGL, [redacted]
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STEPHEN M. SPENCER [redacted]
MARK W. SQUIRE, [redacted]
JOHN E. SRAY [redacted]
KEITH R. STAFFORD [redacted]
ALAN B. STAHL, [redacted]
ANTHONY J. STAMILIO [redacted]
RANDELL STANSFIELD [redacted]
RICHARD M. STARK [redacted]
KENNETH STEGGEMAN [redacted]
TERRANC STEINHEBEL [redacted]
FREDERICK STELLAR [redacted]
RONALD STELMASCZYK [redacted]
DOUGLAS STEPHENSEN, [redacted]
DAVID S. STEVENS [redacted]
JOHN G. STLOUIS [redacted]
BOBBY R. STOKES [redacted]
ALAN G. STOLBERG [redacted]
JESS M. STOVALL [redacted]
JAMES R. STRATTON [redacted]
MARTIN R. STRICKLEN [redacted]
ANTHONY STRICKLER [redacted]
MICHAEL C. STRIPLIN [redacted]
ALLEN STROUPHAUER [redacted]
PETER J. STUART [redacted]
GEORGE SUMMERSGILL [redacted]
HARRY E. SUTTON [redacted]
GUY C. SWAN, [redacted]
CHARLES F. SWANSON [redacted]
GREGORY H. SWANSON, [redacted]
GARY G. SWENSON [redacted]
DOUGLAS M. SWINGEN [redacted]
MARK L. SWINSON [redacted]
TIMOTHY T. TANNER [redacted]
JOHN C. TARR [redacted]
LENNON A. TATUM [redacted]
ERROL S. TAVER [redacted]
THOMAS C. TAYLOR [redacted]
THOMAS E. TAYLOR [redacted]
RICHARD G. TERAO [redacted]
GARY S. TERHUNE [redacted]
RUSSELL H. THADEN [redacted]
CARTER S. THOMAS [redacted]
KENT D. THOMAS [redacted]
PATRICK A. THOMAS [redacted]
ROBERT F. THOMAS [redacted]
ROOSEVELT P. THOMAS [redacted]
STEPHEN G. THOMAS [redacted]
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BRUCE W. THOMPSON [redacted]
FRANK J. THOMPSON [redacted]
LEE A. THOMPSON [redacted]
ROBERT P. THOMPSON [redacted]
MARIL THORBJORNSEN, [redacted]
MICHAEL THORNBURG [redacted]
SMITH P. THORNTON [redacted]
WILLIAM H. THROOP, [redacted]
GEORGE E. THURMOND [redacted]
WILLIAM V. TIERNEY [redacted]
TIMOTHY T. TILSON [redacted]
DAVIS D. TINDOLL [redacted]
PAUL E. TIPTON [redacted]
ROGER W. TODD, [redacted]
STEVEN R. TODD [redacted]
TERRY H. TONSING [redacted]
OMER C. TOOLEY [redacted]
CHARLES L. TOOMEY [redacted]
MARY L. TORGERSEN [redacted]
DAVID F. TOSCH [redacted]
BARRY N. TOTTEN [redacted]
PAUL J. TRAMPERT [redacted]
STEPHEN R. TRAUTH [redacted]
STEPHEN G. TRENT [redacted]
DAVID F. TREUTING [redacted]
JAMES E. TRIMBLE [redacted]
GREGORY R. TRIMBUR, [redacted]
GARY L. TRINKLE [redacted]
ROBERT W. TROST [redacted]
JOHN F. TROXELL [redacted]
HAROLD A. TUCKER, [redacted]
ABRAHAM J. TURNER [redacted]
PHILIP I. TUTTLE [redacted]
JOHN J. TWOHIG [redacted]
DAVID W. TYNER [redacted]
BRUCE T. TYSON [redacted]
MARK L. UHART, [redacted]
CAROL L. UMSTAEDTER [redacted]
FERNANDO A. URRUTIA [redacted]
JAMES L. UTTLEY [redacted]
RONALD W. VANDIVER [redacted]
GEORGE VANLAETHEM [redacted]
JAMES G. VANPATTEN [redacted]
CHARLES VANSISTINE [redacted]
JOHN A. VANVLEET [redacted]
DALE W. VARGA, [redacted]
RICHARD F. VAUGHN [redacted]
LAWRENCE E. VAUPEL [redacted]
JOSE A. VAZQUEZ [redacted]
REGINALD VEILLEUX [redacted]
BARRY L. VELARDE [redacted]
HERMINIO VELAZQUEZ [redacted]
CHARLES J. VENABLE [redacted]
JOSE G. VENTURA [redacted]
RICHARD L. VINCENT [redacted]
LAWRENCE VISOCAN [redacted]
ERIC VONDERSCHEER [redacted]
JOANN M. VONHOLTUM [redacted]
SEAN M. WACHUTKA [redacted]
STEWART L. WADE [redacted]
KEITH C. WALKER [redacted]
RICHARD T. WALLACE [redacted]
LAMONTE W. WALLER [redacted]

DAVID L. WALLINGER [redacted]
JOHN E. WALUS [redacted]
MARK E. WARNER [redacted]
DAVID G. WARREN [redacted]
ROBERT M. WATERS [redacted]
WILLIAM G. WATERS [redacted]
DANIEL C. WATKINS [redacted]
WILLIAM J. WATTS [redacted]
BRETT H. WEAVER [redacted]
DAVID F. WEAVER [redacted]
KENNETH E. WEBBER [redacted]
ROBERT J. WEBER [redacted]
ROXANNA M. WEIER [redacted]
GEORGE W. WEIR [redacted]
WILLIAM A. WEIR [redacted]
GORDON D. WEITH [redacted]
HERBERT W. WELLS [redacted]
JAMES A. WELLS [redacted]
LAMONT J. WELLS [redacted]
LEON G. WELLS [redacted]
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JOHN D. WELT [redacted]
GREGORY K. WESTRUM [redacted]
DEWEY D. WHEAT [redacted]
STEPHEN G. WHEELER [redacted]
DAVID C. WHITE [redacted]
ELMER G. WHITE, II [redacted]
JERRY R. WHITE [redacted]
MOSES J. WHITEHURST [redacted]
DOUGLAS WHITESIDE [redacted]
MICHAEL L. WHITMAN [redacted]
DONALD E. WILBOURN [redacted]
ERIC R. WILDEMANN [redacted]
GLENN F. WILKINSON [redacted]
GARY A. WILLIAMS [redacted]
GEORGE K. WILLIAMS [redacted]
PATRICIA WILLIAMS [redacted]
ROBERT M. WILLIAMS [redacted]
COLEN K. WILLIS [redacted]
THOMAS G. WILLS [redacted]
HOWARD S. WILSON [redacted]
MICHAEL T. WILSON [redacted]
W. M. WINFIELD [redacted]
DUARD S. WOFFINDEN [redacted]
PAUL G. WOLFE [redacted]
JEROME B. WOLFF [redacted]
ALFRED H. WOLTZ [redacted]
SAMUEL S. WOOD [redacted]
HARMAN O. WOODS [redacted]
THOMAS E. WOOSLEY [redacted]
DOUGLAS L. WOTRING [redacted]
JOHN D. WRAY [redacted]
JEFFREY M. WRIGHT [redacted]
WILLIAM B. WRIGHT [redacted]
DONALD R. YATES [redacted]
STEPHEN R. YERBY [redacted]
HERMAN R. YEZAK [redacted]
TERRY R. YOUNGBLUTH, [redacted]
DONALD H. ZACHERL [redacted]
RICHARD P. ZAHNER [redacted]
CHERYL H. *ZALES [redacted]
STEVEN G. ZEHETMIR [redacted]
ANDREW H. ZIEGLER [redacted]
CRAIG L. ZIMMERMAN [redacted]
WILLIAM B. ZINK [redacted]
SUSAN ZIVNUSKA, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, January 7, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, for the leaders of our Nation and all representatives of the peoples of our world, that wisdom and discernment will mark their actions and that justice will be their goal. May every person, O God, be mindful that all people are created by Your love and grace and that each of us should live our lives in respect of our brothers and sisters and so honor Your love to the whole created world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Colorado [Mr. SKAGGS] to lead us in the Pledge of Allegiance.

Mr. SKAGGS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SWEARING IN OF THE HONORABLE BOB CARR, OF MICHIGAN, AND THE HONORABLE PAUL E. GILLMOR, OF OHIO, AS MEMBERS OF THE HOUSE

The SPEAKER. Will the following Members-elect come forward and take the oath of office: the gentleman from Michigan [Mr. CARR] and the gentleman from Ohio [Mr. GILLMOR].

Mr. CARR and Mr. GILLMOR appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the Congress of the United States.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 7, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 11:48 a.m. on Friday, January 4, 1991 and said to contain a message from the President whereby he transmits an Agreement between the Government of the United States of America and the Government of Canada on Fisheries Enforcement.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND CANADA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–22)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed.

(For message, see proceedings of the Senate of Friday, January 4, 1991, at page S71.)

□ 1210

CONGRESS HAS RESPONSIBILITY TO EXERCISE RIGHT TO AUTHORIZE WAR

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, history shows that civilizations, and Western democracies in particular, have evolved as the powers of kings and executives have been constrained by law, that is, by a distinction between what one has the power to do, and what one has the right to do.

In the United States, our Constitution reflects particularly the lessons of England, where, over time, the powers of the King were curtailed and replaced by the rights of the people as exercised by their representatives in Parliament.

In this sense, it is apparent that President Bush now has the power, if he chooses, to go to war against Iraq, without waiting for Congress to authorize war. But having the power to do it does not give him the right to do it, a right which under the Constitution he does not have.

As he seeks to restore the rule of law in the Persian Gulf, the President must not trample our own Constitution and rule of law.

Just as the Congress has the right to determine whether to authorize war or not, it also has, under the present circumstances, the responsibility to exercise that right. Let us then proceed with debate and with a vote.

INTRODUCTION OF LEGISLATION TO PROHIBIT FOREIGN OWNERSHIP OF PARK SERVICE CONCESSIONS

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, in the effort by foreign interests to buy up America, one piece of America itself has gone on the auction block. The Japanese have acquired a company that owns the lucrative concession at Yosemite National Park. That means all services and facilities will be controlled by foreign interests, and the profits from this uniquely American monument will flow overseas to Japan. The "Buy-Up of America," Mr. Speaker has gone too far.

The national parks of this country are known throughout the world for their natural beauty, their historical significance, and their cultural diversity.

Yellowstone, Yosemite, and the Grand Canyon are examples of natural wonders unique to the United States.

The historical importance to the Nation of Gettysburg, Independence Hall, and Faneuil Hall in Boston is without question.

And the cultural traditions preserved at Mesa Verde in Colorado, Lowell National Park in Massachusetts, and the Aztec Ruins in New Mexico are important to our national heritage.

These places, the diverse areas that comprise the National Park System, are uniquely American treasures—representing the foundations upon which this Nation was built. We must entrust their care and development to Americans who have American and not foreign interests and pure profits in mind.

That is why I introduced H.R. 294, a bill to prohibit foreign ownership of Park Service concessions. The bill is not antiforeign. It is pro-American.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And it is not protectionism but patriotism. Join me in putting the brakes on the "Buy-up of America." Cosponsor H.R. 294.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished Speaker how he sees the program unfolding for the balance of this week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I am happy to yield to the distinguished gentleman from Washington.

Mr. FOLEY. Mr. Speaker, in consultation with Members of the Democratic leadership as well as with the distinguished Republican leader, it is my view that we should resume session of the Congress on Thursday as well as on Wednesday and Friday of this week, and that we should prepare for action on Thursday by the Committee on Rules to make available for consideration of the House on Friday and perhaps on Saturday as well resolutions relating to the Persian Gulf.

This is a difficult and critical time in our country's history and in the international affairs of the Nation. We obviously have an enormous force of young Americans, men and women, standing guard in the gulf, and perhaps being called upon to engage in military actions, depending on whether there is a compliance with the U.N. resolutions.

I think there is a feeling in this House that the House and the Congress should speak on these questions, that they have a constitutional as well as moral responsibility to do so, and because of the fast-approaching deadline of the U.N. resolution which is midnight on Monday night, I feel that it is incumbent on the leadership to notify Members that we should be undertaking debate and decision on these matters this week.

Accordingly, in a moment, I am going to ask unanimous consent that when the House adjourns on Wednesday it adjourn to meet at noon on Thursday, but for the benefit of Members, assuming this unanimous consent is granted, I would suggest that the session on Friday will not be pro forma but will undoubtedly, in my view, schedule action of the most important kind for votes and resolution by the House, and that perhaps Saturday as well. I am not sure that that will be required, but I think Members should accommodate their schedules to a session of the House on Saturday as well as Friday.

We will not ask unanimous consent at this time for a Saturday session, but it would be automatic if we did not go over until Monday, in any event, but the announcement of a Saturday session I will postpone, but to give some advance warning to Members that it might take place.

The exact character of these resolutions, I think, has to be determined by the Committee on Rules, and I would hope that it would do so in a way which would give the broadest consensus of the Members to the issues, to the issues that are going to be presented to the House. I know there will be disagreement on the individual positions taken by Members, but I hope that the Committee on Rules can accommodate a broad opinion of the House as to those matters which it will be asked to decide, and I would anticipate, again, that the Committee on Rules action will probably occur on Thursday.

It will be, I think, the intention of the chairman of the Democratic caucus to call a meeting of the Democratic caucus for 10 o'clock, I believe, on Thursday, and I am sure that the Republican leadership will make whatever announcements are appropriate on their side. But this is an announcement I thought should be made today at the earliest time and in the most public way possible.

Mr. MICHEL. Mr. Speaker, I gather from the scenario that the gentleman has laid out for us here, even stretching conceivably into Saturday session, that he would structure or at least the Committee on Rules would permit sufficient time for debate, but to come to some conclusion before the weekend is out.

I had occasion, since our earlier conversation this morning, to talk to several Members on the other side of the Capitol to try to get some kind of sense of feel about their debate and how long it might run and would they come to a resolution.

☐ 1220

It was a feeling of at least one of the Members with whom I talked that the talks might very well go on beyond the weekend into next week, and that there would not be a firm resolution on the part of whatever is before the other body before that magic date of midnight on the 14th or 15th, depending upon what day we are talking about.

I would like to say for my own part, I certainly do not want to shirk any responsibility and role that I have to play here. My point, I guess, and no surprise, would be in full support of what the President has done up to this point, and frankly, probably what he has in mind for the future. Each Member is elected by our own constituencies here, 435 on this side of the Capitol and 100 on the other side, and I suspect we can get 535 different views on exactly what we ought to be doing; specifically, strategywise, timewise, and all the rest. It bothers me somewhat when, in the field of foreign affairs, and particularly, trying to influence one individual, we may be giving a kind of message that speaks with all kinds of voices all over the lot which frankly does not exactly help the President in his very difficult position of focusing in, specifically, on one individual, to convince him of what is at stake on that debate prescribed by the United Nations resolution.

However, I think if the distinguished Speaker would respond to that earlier question I would appreciate it.

Mr. FOLEY. I think it is a matter of such importance that we would not want to unduly constrain debate, but I agree with the suggestion that I think it is a debate that should be concluded, if possible, this week.

Mr. MICHEL. Then, of course, I would assume that because, sensing the mood temper of some Members with whom we have talked, and the Speaker obviously, on both sides of the aisle, we in our side of the aisle would get at least a good sound hearing before the Committee on Rules, in those deliberations, that will determine how and in what form we will debate that issue here later on this week?

Mr. FOLEY. I will repeat what I said just a moment ago, that I believe this is a matter of such grave importance that to the extent possible, the Committee on Rules should try to accommodate the broadest segment of the House, regardless, obviously, of party, on the issues to be addressed. There will not be unanimity, of course, on these issues. They are grave and serious enough to obviously include serious division and disagreement, but to the extent possible, we would like to have satisfaction that those issues that are presented are issues that reasonably address the options that the Congress should consider.

Mr. MITCHEL. I thank the distinguished Speaker.

ADJOURNMENT FROM WEDNESDAY, JANUARY 9, 1991, TO THURSDAY, JANUARY 10, 1991

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, January 9, 1991, it adjourn to meet at noon on Thursday, January 10, 1991.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Washington?

There was no objection.

CONDOLENCES TO CONGRESSMAN NATCHER

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I had planned today to make a 1-minute address on the subject of campaign finance reform. It happens that today's

Washington Post has an interesting lead editorial, underscoring the need that this Congress has to get to the reform of our election laws.

However, two events intervened, which I would like to address this morning.

One is the tragic death of the wife of the dean of our Kentucky delegation Congressman WILLIAM NATCHER's beloved wife, Virginia, passed away yesterday morning. I am sure that all Members join in extending to Chairman NATCHER, our dear friend, our condolences and our sympathies to him and to his family.

The other item I would address momentarily, Mr. Speaker, is what Speaker FOLEY said a moment ago. I salute him for his decision that the House will take up the whole question of its responsibilities, under the Constitution, with respect to the crisis in the gulf. It is a very imporant issue. I am glad that this House will tackle the subject, as vexing and as difficult as it is, because, for my part, I believe that no offensive action should be taken without prior authority of this House, short of some activity on the part of Iraq, against our people or against our forces.

I am very happy to say that we are going to be here in session, and that we will take up this very important issue.

A TRIBUTE TO MRS. WILLIAM H. NATCHER

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I appreciate the comments by my friend and colleague from Kentucky, Congressman RON MAZZOLI, regarding the death of Mrs. Virginia Natcher yesterday here in Washington.

Virginia Natcher, wife of our distinguished friend and colleague from Kentucky, Congressman WILLIAM H. NATCHER, died yesterday at age 78.

BILL and Virginia NATCHER had been married for 53 years. "We grew up together," Congressman NATCHER said of his wife and helpmate yesterday.

Congressman NATCHER is the dean of our Kentucky delegation and was first elected to the U.S. House of Representatives in 1953. He and his wife were married June 17, 1937. The Natchers have maintained homes in Bowling Green, KY, and Washington, DC.

Mrs. Natcher was the former Virginia Reardon. Her father, Dr. F.D. Reardon, was a physician in Bowling Green. Like her husband, Virginia Natcher was born and raised in Bowling Green, KY. She had a masters degree from Vanderbilt University in Nashville, TN, and once taught history at what is now Western Kentucky University.

Survivors include two daughters, Celeste Jirles of Cambridge, OH, and Louise Murphy of Los Angeles, six grandsons and a granddaughter.

My wife Carol and I extend to Congressman NATCHER and his family our sympathy.

A SALUTE TO DEBATE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, we have known for a long time of the potential of taking Desert Shield, a passive defensive operation, and molding it into Desert Sword, as of January 15. The great horror was that could happen without this great body of elected officials representing the American people having a debate. I am very pleased today that the leadership has said we will have a debate. I think that is absolutely going to the core of our Constitution and what this great Nation stands for.

Yes, this is a democracy. They cannot do that in Iraq, but we can do that here. I think, for the American people, this a great victory. Therefore, I hope, within the next few days, they will be contacting their elected officials, because there really will be a chance to have input and some kind of say as to whether or not this Nation commits itself to war in the next few days. That will be the most important decision this Congress will make.

It may be our first, but it may be our most important. Therefore, I hope people really stay focused on it.

THE NATCHER TEAM

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, I want to express on behalf of every Member in Congress, and I think the country as a whole, our sorrow in the passing of Mrs. Natcher, and our congratulations to the great team of BILL NATCHER and his wife, and the fine things they have achieved for this country as a team which, in fact, they have done.

I do not think in the history of Congress there has ever been a more beloved Member of Congress than BILL NATCHER, because of the excellence of his service, because of his great spirit, and because of his vision of things good for our country. I think that has to be shared by his late wife, who is now departed.

The second thing I would like to say is that I want to congratulate the Speaker for his leadership in seeing to it that we in the House of Representatives are going to have an opportunity to vote on what well ought to be done with regard to Desert Shield. I am very grateful for this opportunity, and I congratulate him for bringing this to a head.

□ 1230

A MOST IMPORTANT DEBATE

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, I rise to congratulate the Speaker of the House for scheduling the debate on the question of American military involvement offensively in the Middle East, the Persian Gulf, Kuwait, and Iraq. There is no more important power which is granted to the Congress than the decision as to whether or not American young men should fight and die on foreign soil, and this debate is one which I believe will be the most important one that has been conducted in my 15 years in the U.S. Congress.

The question before us is one which is quite simple, in fact. It is the issue of whether or not there is an alternative to having American young men die in the sands of Kuwait and Iraq. That is whether or not we can put an international military force around Kuwait and Iraq on permanent basis, as we did with the Soviet Union and the Warsaw bloc countries and whether or not we can put an economic embargo around that country permanently, putting a stranglehold upon 40 percent of its economy, the oil exports and a technological stranglehold around it in terms of resupply or parts for its Mig's and its tanks and then watching slowly, but surely, Saddam and his regime collapse.

I believe it is an important debate because it asks the question whether or not we can work smarter, not harder, whether boys, young men, will have to die or whether we will have the patience for internationally, our strategy of economic embargo and military technologically, stranglehold to work, to eventually but inexorably bring Saddam to his knees.

FOREIGN MANAGEMENT OF CONCESSIONS IN OUR NATIONAL PARKS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise today to comment briefly on the resolution introduced by our colleague, the gentleman from Massachusetts [Mr. CONTE], which seeks to make sure that no foreign company can own or manage a concession in any of our national parks.

I noted with interest and with gratitude the fact that our colleagues did not bash the Japanese in his presentation.

I think for the record we ought to be aware of the fact that Matsushita did not set out to buy the company that has the concession in Yosemite Park. What it bought was a huge conglomerate which happened to own that company.

Further, Matsushita has indicated an interest in selling that company because it recognizes the political sensitivity of a foreign firm operating a concession in Yosemite.

So while we can express concern, as the gentleman has, let us be very careful that we not unduly take this opportunity, as some people unfortunately have, to bash the Japanese and thereby to worsen a trading relationship which is one of the most important in the world.

THE PERSIAN GULF CRISIS

The SPEAKER pro tempore (Mr. McCLOSKEY). Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, the drama in the desert sands of Saudi Arabia and the Persian Gulf region is dramatic evidence that America has lost control of its energy supply, the very lifeblood of our economy. This loss of control became because of our ever-increasing addiction to foreign oil, an addiction which threatens our very freedom in the United States.

An avid description of the dilemma we face is contained in a book that was recently published, entitled "Saddam Hussein and the Crisis in the Persian Gulf."

I quote from that book:

> Oil is the modern world's heroin. The pleasure it provides fuels a way of life no other energy source can satisfy so plentifully and so cheaply. Efforts to kick the habit have proven half-hearted, painful, and unsuccessful. Today the trade in petroleum, like the traffic in drugs, is so mixed in the veins of nations that most countries, whether rich or poor, find their economies held hostage to this remarkable substance.

It is sad to say, but America is a nation of foreign oil junkies, addicted to imported crude and subject to the tyranny of economic and political manipulation. Economies, politics, and oil have been forged into a seemingly unbreakable chain since the 1970's when the Organization of Petroleum Exporting Companies, OPEC, began to truly flex its muscles and designed the fate of the world as we view it today. That chain now shackles America. The addict is not only a dependent, but a slave.

The path to addiction was predictable. We were hooked one fix at a time. Our dealers manipulated us by promising a steady supply at a cheap price. Once we were hooked, however, it did not much matter what the price was or what we had to do to protect that supply.

Thousands of young Americans, 300,000 Americans, are now encamped on the sands of Saudi Arabia because of the addiction of our Nation to foreign oil, because of our lack of political resolve in breaking that addiction.

I am aware that many reasons have been given for Operation Desert Shield. Stay tuned and you will hear them all recited dramatically, eloquently, and effectively here on the floor of this House this week as we begin the debate on whether or not to declare war in the Middle East.

□ 1240

But we must never forget that one dominant purpose overshadows all others, and that is the need for foreign oil.

No less an authority than Texas oilman T. Boone Pickens, a big wheeler-dealer of our time, agrees. He said it and laid it on the line in a recent article published in Newsweek, where Mr. Pickens says, and I quote, "We are there because of oil. We import more than 50 percent of our oil. We are there to secure our supply. Otherwise it would be just another Arab fight in the desert. Let's call a spade a spade. The reason we are there is oil." Mr. Pickens is right. And so is the Secretary of State James Baker when he said last month that the lifeline of the Western industrialized nations runs to the Persian Gulf.

Sure, others have tried to glorify the purpose of deployment in the desert sands, but the real reason that American troops are stationed in the Persian Gulf is to protect the oil supply to the industrial world.

I certainly do not believe we should have rushed thousands of troops to Saudi Arabia if faced with a threatened cutoff of such exports as textiles or handmade rugs or handwoven blankets or even VCR's. The fact is we have reached that stage where our economic, political, and military policy is being driven to an ever-increasing extent by the addiction to oil.

It is a situation which certainly runs counter to our long-term national security and best interest.

Daniel Yergin, author of a recently published book entitled "The Prize," said recently about the oil and its impact on the world—he writes:

> Oil prices are at the heart of world commerce and those who control the oil prices are regarded as the new masters of the global economy. And the masters of that global economy are centered in a politically unstable region, a region displaying growing hostility toward the West, indeed to the modern world in general. It is a region that has a history replete with religious fanaticism, fervent nationalism, and, of course, oil. All have combined to produce a very real threat to America and to our Western industrialized nations.

Indeed, the instability in the Persian Gulf grows more ominous by the day. Where just a few years ago most oil-producing nations in the region could be considered pro-Western, we are all well aware that Iran, Iraq, and, yes, Kuwait, can no longer be counted upon as friends. The events in the Persian Gulf amply demonstrate our increasing vulnerability to the oil weapon wielded by producing nations. At the time of the 1973 oil embargo, Henry Kissinger, the former eminent Secretary of State, was quoted as saying that, "The embargo alters irrevocably the world as it had grown up in the postwar period and that alteration was not in favor of the oil-consuming nations like the United States."

Many patriotic Americans have tried without success to break the foreign-oil habit. I have served a decade ago as a member of the National Alcohol Fuels Commission, which spent countless hours to produce a report that outlined a general plan for lessening American dependence on foreign oil.

But the fact remains that foreign oil-producing nations have successfully manipulated the oil markets to satisfy their self-interest at the risk of the American consumer. It is no secret that Saudia Arabia, for example, has followed a pricing policy that serves to keep us hooked on their oil by discouraging domestic production, even conservation measures, and, of course, expanded use of alternative fuels like ethnol, methanol, and compressed natural gas.

They have, rightly, perceived that when our gas tanks are full, we will not pursue efforts to break the foreign-oil habit. Of course, that is a very shortsighted policy and one which has made us less free today than we were just two decades ago.

One OPEC document referred to a new pricing policy as "an effective instrument for slowing and arresting the pace of fuel substitution." And as a way of definitely discouraging the future development of high-cost oil and alternative fuels, including those produced in the United States.

In simple terms, they were saying they would price their oil to keep us addicts, to keep the United States hooked on foreign oil so we would not produce our own oil, we would not produce substitutes, we would not produce alternative fuels, but we would stay in the clasp and clutches of the foreign oil producers. And they have done a good job.

According to a recent report by the Energy Information Adminstration, "Oil has become an international product whose price and supply are driven by factors over which the United States has little control. Oil prices within the United States are determined more by the international oil supply situation than by the pricing practices of domestic oil companies."

What they are saying, my friends, is that America has lost control over its energy supply.

The negative impact on national security of this loss of control over our energy supply is great—and potentially disastrous.

The Secretary of State said last month, putting it in plain terms so that the average American citizen can understand it, it means loss of jobs. And that is why, we are to conclude from what he said, our troops are in the Persian Gulf.

And of course this is potentially disastrous.

Through the years, there have been calls for a national policy to make America more self-reliant in energy, but the manipulative hand of oil producers has reached down to stop those efforts, and it has been successful.

Two such efforts are outlined in Mr. Yergin's book. In 1947, with the intensification of the cold war, the Interior Department called for a crash program that would be capable—with 4 to 5 years—of producing 2 million barrels per day of synthetic fuels.

We now use about 7.5 million barrels a day of oil, 52 percent of which is imported from foreign countries. Nothing much happened from that initiative.

So in 1973, former President Nixon called for a grand new national undertaking—Project Independence—to make America more self-reliant in energy. He said at the time: "Let us set as our national goal, in the spirit of Apollo, with the determination of the Manhattan project, that by the end of this decade we will have developed the potential to meet our own energy needs without depending on any foreign energy source."

□ 1250

Nothing much happened. Why?

The ever-growing availability of cheap foreign oil made these efforts futile and uneconomic. Imported petroleum in effect killed these proposals. The manipulative hands of the foreign oil producers, maybe even in consortium with some of our domestic producers—I say maybe—kept oil prices cheap so that initiatives of a grand scale would not be perceived as needed by the American electorate.

But we should be asking, "Is oil really so much cheaper than alternative fuels?" We do not really know. We never fully explored the question of the real cost of gasoline.

If we factor in the military cost of protecting the oil supply, would the price be greater? If we factored in the health cost of the poisonous emissions of the automobiles that pollute our environment, cause cancer in humans, pulmonary diseases, respiratory infection, kill plants, take the bricks and mortar off of buildings, would the costs be greater? If we factor in the cost of heating up the environment with the emissions of the heat-containing gases into the atmosphere, as scientists predict, thereby warming the planet and causing disruptions in our weather patterns, possibly melting of some of the ice caps and flooding of our coastal zones, would that cost add to the price at the pump?

I have heard noted scholars and statesmen observe that about one-third of the cost of our defense policy costs us about $300 billion a year. Therefore, about a hundred billion dollars a year can be looked to as protecting our supply of energy in the Persian Gulf region, a hundred billion dollars a year, a hundred billion dollars a year.

It has been analyzed, if divided by the number of gallons that we consume each year in gasoline, it would mean that instead of about a dollar and a quarter that we pay at the pump, that we pay an additional $4 to $5 for the military escort. So, what is the real price of gasoline that we are paying in the United States?

And suppose the President does invade Kuwait, and suppose that, as estimates vary from 25,000 to 100,000 casualties result as a fact of that invasion, what would be the cost in human terms of protecting that oil supply? Until we know the true cost in economic terms, not in human terms, of gasoline, we will be writing our Nation's energy policy totally in the dark, the same as we have in the past, but instead it will be in the future, and that energy policy, or actually the lack of an energy policy, will guide this Nation and the future of our Nation for generations to come.

Will that mean that we will have to reinstitute the draft in order to protect that oil supply? Will we be required to station troops permanently in the Persian Gulf to protect that oil supply? What is the cost?

Mr. Speaker, I have asked for studies from the General Accounting Office, and I am promised those studies that spring on this question which I believe will be the most helpful in charting our future energy course.

So, we begin a new year, still dependent, still subject to foreign manipulation by foreign oil producers, still vulnerable to supply disruptions, which could bring our economy and our military machine to a grinding halt, still constrained in making foreign policy, still limited in our freedom as Americans because of the uncertainty of the future and our dependence on foreign oil, still so critically attached to the lifeline that leads to the Persian Gulf oil that we must send our troops to protect it.

The economic consequences of our dependency are staggering. Imported oil cost this Nation $1 trillion 100 billion during the last decade of the 1980's. The free world, I am told, as a whole spent an incredible $1 trillion 600 billion on oil imports during the same period, constituting the largest transfer of wealth since the Spanish looted the New World over 200 years ago. Such a gigantic outflow of dollars has seriously aggravated our budget, complicated our fiscal affairs and balance of trade problems as a massive withdrawal of purchasing power and retarded growth in industrial countries around the world.

Mr. Speaker, it is a mindless policy to continue to borrow money from foreigners, as we do in the United States, in order to buy oil from foreigners. That is like going to the bank to borrow money to pay interest to another bank. That is what we are doing in the United States, and that leads to bankruptcy. With the economic health, indeed the very security of our Nation at stake, we cannot allow OPEC price manipulation to retard our efforts to break this cycle of addiction.

Since being appointed to the U.S. Alternative Fuel Council over a year ago, I have seen and heard clear and convincing evidence from top experts in our country that we can stop this monetary hemorrhaging by reducing our dependence on foreign oil. At a recent meeting of the Council in Philadelphia, for example, one expert from the Solar Energy Research Institute in Boulder, CO, testified that America's farmers can replace foreign suppliers in our energy needs. Farmers can replace foreigners by growing crops for ethanol production and do it cheaper.

Mr. Speaker, there are other ways to displace dependence on Persian Gulf oil. Compressed natural gas, if it was used in fleet vehicles like buses and mass transportation, would dramatically reduce our dependence on foreign oil, and that gas can be produced in the United States. Scrubbed coal, clean coal, can be used to produce electricity and, of course, electric machines can be used to replace gasoline-powered machines, even in automobiles. This could reverse the massive transfer of wealth we have seen in the last decade directing the flow of dollars toward the grain fields of America's heartland and away from the oil fields of the Middle East. The Council has called for replacing at least 25 percent of the gasoline and other traditional fuels in the Nation's vehicle fleet with alternatives by the year 2025.

□ 1300

I will introduce this copy of the Council's resolution, which I will append to my remarks today for the RECORD.

The technology is available to meet the goal of energy self-sufficiency, but we must also put with that the political will to accept that challenge, the political will that reflects a national resolve that our Nation will no longer be dependent upon oil from the Persian Gulf region, We have it. We can do it if we have the will to do it.

It is true that past efforts have failed. This effort, however, must not fail. The time is late and too much is at stake.

Economist E.F. Schumacher said years ago that in view of all the problems involved, it was very tempting to abandon the quest for a long-term view in energy and simply to hope for the best.

That is what we did, we hoped for the best. Well, we have been doing little else than hoping for the best and getting the worst. The path our troops followed to Saudi Arabia is littered with the good intentions of past generations and political leaders. Yes, we would become self-reliant some day. We would break the cycle of dependence some day. We would keep more energy dollars at home rather than allow them to flow into the treasuries of oil-producing nations some day.

But some day never came. Now some say that doomsday looms ahead. Not doomsday in the biblical sense, but doomsday in the apocalyptic sense. War looms on the horizon only a week away.

A U.S. diplomat who served in the Middle East once warned that the greatest sin this country could commit in the energy field was inattention. But we have sinned mightily as a nation, and now we must repent and sin no more. We must change our direction. We must change our habits. We must somehow generate a national resolve. Somehow we must capture a political will that will produce a national direction, a leadership that will address a national problem.

I think the greatest problem in America today is the unwillingness to address our problems, like dependence on foreign oil. We must change this direction. We have a chance to do it. The process begins with a new policy of energy independence.

I have proposed such a policy. Others have. Many have. It is built on more self-reliance and increased use of alternative fuels, and, of course, conservation. We can save millions of barrels of oil each year with a conservation policy.

Mr. Speaker, I will insert a copy of my plan in the Record today and will also be circulating it among my colleagues in the Congress. I see it as serving as an agenda for debate. It is not all-inclusive, but the basic idea is to displace our dependence on Arab oil.

I saw a farmer the other day show that we use about 5 percent of our oil from the Persian Gulf region. There are some 16½ million acres of land that are set aside and not being used in order to comply with the USDA farm program, and about 4 billion bushels of grain could be grown on that land producing about 10 billion gallons of ethanol, which could be blended with gasoline to run our automobiles and displace that dependence on foreign oil.

Why aren't we doing that? It is because we do not have a national policy to do that.

The U.S. Alternative Fuels Council has passed a resolution which is a modest step that calls for displacing 25 percent of our gasoline and other traditional fuels in the Nation's vehicle fleet by the year 2005. Surely we can achieve that. Both the plan and the resolution are only beginnings. But there can be no end to a journey without a beginning.

There is a growing support for change of direction. America now seems to be ready to accept a new kind of leadership which will break our addiction to imported oil, particularly that oil that derives from the Persian Gulf.

Our people do not want their Nation to be in the position of permanently stationing troops in the Middle East in order to secure our oil supply that is constantly threatened by the instability there. But without taking action to reverse the direction, there is little choice but to send our troops.

Not too long ago a Denver taxicab driver told me that American soldiers should not have to die so that we could keep our gas tanks full. He said, "It is time for Americans to stand up and do something about it."

That is what we are here today for, to do something about it, to take a step in the right direction. It will be up to the 102d Congress to set a new direction for America, one that removes us from the position of possibly having to trade blood for gasoline. A new energy security policy for the Nation is well worth the fight.

If ever there was a time for Congress to show leadership, if ever there was a time for Congress to show the worth of this institution, to counter the public perception of this body as gridlocked, wimpish, and incapable of action, it is now, by saving America from a dangerous dependence on foreign oil, particularly that coming from the unstable Middle East.

Mr. Speaker, I will shortly ask Members to join me in supporting an energy security policy for the Nation. In underlining the necessity for such a policy, I cite the warning of former Egyptian President Abdul Nasser. He said, almost four decades ago, "Without petroleum, all of the machines and tools of the industrial world are mere pieces of iron, rusty, motionless, lifeless."

He might have added, our military hardware are nothing but piles of sophisticated but worthless junk.

Mr. Speaker, we must lead America away from the edge of this precipice, away from the slavery of dependence, to the freedom of independence. In 1776 we declared our independence from foreign domination. In 1991 we should proclaim a new declaration of independence, this time from the dominance made possible from foreign oil.

A French official observed following World War I that oil was the blood of the Earth. I can only pray now that American blood does not have to be spilled in the sands of the Middle East to ensure that oil will continue to flow to our shores.

[U.S. Alternative Fuels Council]

U.S. REPRESENTATIVE BILL ALEXANDER, SUMMARY OF ENERGY SECURITY POLICY GOALS, DECEMBER 12, 1990

During the period beginning with the first oil boycott in 1973, a number of historic events related to our national energy sources occurred:

The United States, which now imports about 52% of its oil, has effectively lost control of its energy supply—leaving our economy vulnerable to supply disruptions.

The U.S. oil supply from the Persian Gulf has been interrupted three times in the past 20 years with serious economic effects. The most recent disruption threat left us little choice but to deploy U.S. troops to protect Middle East sources. The lives of hundreds of thousands of American men and women are at risk.

Imported oil cost this country $1.1 trillion during the decade of the 1980s with an additional annual expenditure of approximately $100 billion to secure delivery, particularly from the politically unstable Persian Gulf region.

In effect, the U.S. borrows from foreigners to purchase oil from foreigners causing a serious drain on the vitality of the economy thereby weakening our strategic position.

The world energy supply is now being manipulated by foreign producers. It is well known, for example, that Kuwait exercised a price-and-supply policy within the Organization of Petroleum Exporting Countries (OPEC) intended to discourage oil substitution and conservation by consuming nations.

The Energy Information Administration said in a recently released report that "oil has become an international product whose price and supply are driven by factors over which the United States has little control. Oil prices within the United States are determined more by the international oil supply situation than by the pricing practices of domestic oil companies."

These, and other well known facts, have made it conspicuously obvious that the economy and security of the nation are in jeopardy and will be as long as the current dangerous dependence on a costly and unstable energy supply continues.

Congress should declare a national emergency and immediately proceed to formulate a National Energy Security Policy to include, but not be limited to, the following titles:

1. Conservation,
2. Conversion,
3. Research and Development,
4. Demonstration,
5. Production,
6. Participation,
7. Strategic Energy Reserve, and
8. Urgency.

1. Conservation: It shall be the national purpose to ensure the security of the nation and the health of the economy by entering upon a program aimed at conserving all forms of energy.

Inducements should be developed and implemented to promote conservation in both the public and private sectors.

2. Conversion: It shall be the policy of the nation to encourage conversion from oil to

alternate sources of energy, with a particular emphasis on displacing oil from the politically unstable Persian Gulf region.

Such conversions might be accomplished by:

A. Providing incentives to convert motor vehicle fleets from gasoline and diesel to compressed natural gas, LPG, electricity, methanol and ethanol.

B. Enacting laws at federal, state and local levels mandating conversion of government-owned vehicles to blended fuels and "neat" fuels.

C. Using "scrubbed coal" instead of oil to generate electricity.

D. Developing incentives to encourage expanded use of alternate fuels at all levels, including consumers and auto manufacturers.

E. A review of federal, state and local laws and regulations causing disincentives for alternative energy must be undertaken. Bureaucracy is especially counter-productive at the state level.

F. Federal, state and local environmental authorities must develop laws that are compatible with the energy security policy with special emphasis on accommodating storage and transportation of alternative motor vehicle fuels.

In establishing priorities, it should be noted that the transportation sector, which currently accounts for two thirds of the oil consumed in this country, affords us the best opportunity to make near-term gains in meeting this vital national goal.

3. Research and Development: That it shall be the policy of the United States to provide research and development funding in the alternative fuels field and that such funding be given a top priority designation. That all government agencies, including NASA, be required to provide research talent and other resources to attain a greater degree of self-sufficiency in the energy field.

4. Demonstration: In order to obtain the best and most credible information on the state of the art of alternative fuels and how they might best reduce our current dependence on foreign oil, funding for demonstration projects should also receive a high priority designation. We should also closely study the example offered by countries such as Brazil and New Zealand which have already made great progress in the development and use of alternative fuels.

We should encourage the involvement of such institutions as the United Nations Center for Science and Technology for Development in accomplishing this goal for other energy deficient nations.

5. Production: With a goal of making this country more reliant on its own natural resources, incentives should be devised to encourage the production both of U.S. oil and gas as well as alterative fuels. Production policies should balance national security, economic and environmental concerns with national energy needs.

One example of production initiatives would be to induce utitlization of the almost 17 million acres of farm land now lying fallow to meet requirements of federal farm programs for ethanol production.

Oil companies should be encouraged to follow the example of Phillips Petroleum Company to become energy companies—producing not only conventional products, but expanding into the alternative fuels field. Sun Oil and Occidental have also shown leadership.

6. Participation: It is essential that a strong partnership be formed linking consumers, federal, state and local governments and the corporate sector if we are to achieve the goal of increased self reliance in the energy field. We should follow the example of Federal Express Corporation which has made its fleet available for the most comprehensive test of alternative fuels in the history of the nation. The test, which is being conducted in the Los Angeles Basin, is the type government/private sector partnership which will advance the use of alternative fuels and make this nation more secure.

The Union Oil company "old-car buy back program" is a policy that should be applauded for its conservation, environmental and economic effects!

Atlantic-Richfield and Chevron deserve national appreciation for acceptance of public policy responsibility.

7. Strategic Energy Reserve: The Strategic Petroleum Reserve should be changed to become the Strategic Energy Reserve to include the storage of other forms of alternative energy such as ethanol, methanol and others.

8. Urgency: Time is of the essence. A sense of national urgency must be stated. Immediate steps should be made to formulate plans and put a national energy security policy into effect!

These proposals, in combination with others, will help this nation proclaim a new Declaration of Independence, from foreign domination.

RESOLUTION OF THE U.S. ALTERNATIVE FUELS COUNCIL, DECEMBER 12, 1990

Resolved, That the President, the Congress, and the private sector proceed forthwith to establish a national energy security policy for the commericalization of alternative fuels; Be it further

Resolved, That the federal government should promptly take steps to assist the marketplace and remove impediments to the widespread commercialization of alternative motor vehicle fuels. Legislation and administrative action should carefully evaluate costs and benefits of alternative fuels, measures such as fuel economy incentives, tax incentives, research and demonstration, accelerated fleet purchases, cooperation with states and localities, and other steps. The program should make progress from year to year with a goal that, by the year 2005, alternative fuels will be used for at least 25 percent of all motor vehicle miles traveled. These alternative fuels should be derived from resources other than petroleum, and the steps taken to promote alternative fuels should be consistent with our environmental laws. The term "alternative fuels" in this resolution includes electricity, natural gas, methanol, ethanol, LPG, hydrogen, and non-petroleum components of reformulated gasoline and diesel.

□ 1310

GIVE ECONOMIC SANCTIONS LONGER TO WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 60 minutes.

Mr. PEASE. Mr. Speaker, I am including in today's proceedings an article from the Washington Post of yesterday from which I will quote extensively during my remarks.

Mr. Speaker, I rise to talk about the Persian Gulf as did my colleague, the gentleman from Arkansas [Mr. ALEXANDER], who preceded me.

I would like to begin by commending the gentleman from Arkansas [Mr. ALEXANDER] for his thoughtful remarks for raising some of the questions that need to be raised in our country in the next 8 days. I am deeply disturbed, Mr. Speaker, by what I see happening in our country vis-a-vis the Persian Gulf policy. I see us moving almost inexorably toward war in the Persian Gulf. I think that would be a tragic error for our country.

Mr. Speaker, I would like to stress at the outset that I was an initial supporter of President Bush's efforts in the Persian Gulf. When, very shortly after the invasion of Kuwait by Iraq, the President began to deploy American military personnel in the Persian Gulf, I applauded him. I thought that was a good move, because at that time, as we know, we were concerned about Saudi Arabia and whether Iraq would move on from Kuwait and invade Saudi Arabia. I also was very supportive of President Bush when he and his officials sought and achieved official condemnation by the United Nations of the Iraqi attack on Kuwait.

Similarly, I was supportive of President Bush when he organized through the United Nations an economic boycott against Iraq and, in general, when he was able to achieve an international consensus across ideological grounds, across the geography of our world, across Third World, first world divides, a consensus that what Iraq did was unacceptable and that Iraq had to withdraw from Kuwait. I really felt that for the first 2 months President Bush and his advisers were nothing short of brilliant in the way that they responded to the Iraqi invasion of Kuwait and were able to marshal an international consensus against Iraq.

My misgivings about President Bush's policy began to develop at the very end of October after Congress had adjourned for the year when the President changed the character of our efforts in the Persian Gulf from defensive, protecting Saudi Arabia from invasion, to offensive, to the idea that if Saddam Hussein did not withdraw from Kuwait that we would use military force to eject Iraq from Kuwait.

I have been disturbed that offensive posture had been developed and amplified and increased over the last couple of months, and I have been extremely disturbed by the increasingly truculent language of President Bush when he refers to Saddam Hussein personally and to Iraq.

Mr. Speaker, that is why I have chosen to take the floor today. There are, of course, very few people here in the Chamber. I think there ought to be a lot more, and I hope, and I know, that there will be as this week progresses, because the Speaker has just announced that beginning on Thursday Congress, caucuses of the House, Democratic and Republican, will debate the issue, and that by Friday we will have a full-blown debate here on the floor of the House. I think that is entirely in order.

But I choose to come here today to begin in my own small way the public debate which I think is critically important if we are to avoid war in the Persian Gulf.

There are two questions which we have before us as a Congress and as the American people. First is: What is the role of Congress if the President contemplates using force against Iraq? And, second, if the United States should attack Iraq, if it has not withdrawn from Kuwait by January 15, in other words, first question, what is the legitimate role of Congress under the Constitution of the United States; second question, should the United States attack Iraq if it has not withdrawn from Kuwait by January 15?

Mr. Speaker, there is no doubt about my position regarding the role of Congress. I was one of several dozen Members of Congress who served as plaintiffs in a suit filed back at the end of October in Federal district court seeking to make it crystal clear that the Constitution gives Congress, and only Congress, the right to declare war. We congressional plaintiffs were joined in an amicus curiae brief by eight or so very distinguished constitutional scholars in the United States who agreed with our position.

When the case was heard in Judge Green's court in Federal district court, Judge Green agreed with the substance of our position, that it is the right of Congress, and only Congress, to initiate war against another country.

For procedural reasons, Judge Green chose not to try to enjoin President Bush from going to war, but as I say, he had no disagreement with us at all on the substance.

He said, furthermore, that if a majority of the Members of Congress, a majority, were to support the position in a vote that there should be no action without congressional authority, that he might well reconsider and issue an injunction against the executive branch.

Notwithstanding Judge Green's decision, President Bush, Secretary Cheney, and Secretary Baker have repeatedly over the last several weeks said that they do not really think that Congress does have a role, that if the President decides by himself, one single individual, to commit American troops to battle in the Persian Gulf and Kuwait or Iraq, that he has the authority to do that.

□ 1320

I think that is a mistaken view of the Constitution of the United States, and I think it is setting up our country for a tragedy of unparalleled proportions. So when Congress meets this Thursday and this Friday, and perhaps into Saturday, I hope that the first order of business will be whether or not Congress will assert its authority to either declare war or choose not to declare war. I hope that there will be widespread agreement within the membership of the House and of the Senate that we should protect our own prerogatives.

The second question regarding that, whether offensive actions should be undertaken or not, if Iraq does not withdraw from Kuwait by January 15, I have been equally clear in my position. I have stated that position several times over the last 2 months in my own congressional district. That view is that the United States should not initiate offensive action against Iraq until and unless the economic sanctions already approved by the United Nations have every opportunity to work. When I say "every opportunity," I do not mean 2 weeks or 2 months. I mean a year or 18 months or longer, if that is necessary.

A lot of people, myself included, but certainly more knowledgeable experts than myself, believe that economic sanctions, if given the opportunity over a period of time, will work. Just yesterday, Mr. Speaker, my views on the question of using force against Iraq received explication, elaboration, and support in a long and thoughtful and authoritative article in the Washington Post. Support for my position came, I must say, from a rather unlikely source, that source being Paul Nitze, who is a major adviser to Republican Presidents, particularly President Reagan, on the subject of arms control. Paul Nitze is known around this town as a hawk of major proportions. No one ever accused Paul Nitze of being soft on the enemies of the United States. Paul Nitze used to head an organization called the Committee on Present Danger, if memory is correct. The present danger that he saw was that the United States would sign arms control agreements with the Soviet Union, which would inadequately protect the United States.

Paul Nitze, I think, as much as anyone else during the administration of President Carter and on into that of President Reagan was responsible for causing the United States to be cautious about its approach to agreements with the Soviet Union.

Now, Paul Nitze sees quite another present danger to the United States, and the new present danger is not from the Soviet Union but from our embroilment in the Persian Gulf in a way that we will find very difficult to get out of. Therefore, because Paul Nitze and his coauthor, Michael Stafford of the John F. Kennedy School of Government at Harvard University, captured so well much of what I have been saying over the last 2 months, I would like to quote extensively from that article.

Mr. Nitze and Mr. Stafford talk about the new military doctrine of overwhelming force, which the President is apparently planning to use in Iraq. He says, or they say:

> That will very probably result in thousands of American casualties as well as widespread death and destruction in Kuwait and Iraq.

Furthermore, and I think this is very essential, they believe that United States use of force in Iraq will also have severe long-term impact upon United States public opinion, on United States standing in the Middle East, and on other key American interests.

They go on to say, and they are historians, one of the most dangerous forms of human error is forgetting what one is trying to achieve. In the gulf crisis, they say, it is crucial that we look beyond our anger at Saddam Hussein, and I think all of us are angry at Saddam Hussein, and remind ourselves of precisely what our interests are, and what it is that they are seeking to accomplish.

Mr. Speaker, it seems to me that President Bush has not done that, or if he had, he has not heeded the lessons that could be learned from such review. Certainly, he has not shared with the American people his thinking on this issue.

The authors of this article say that our main goal should be to establish a precedent for a new post-cold war era in which the community of nations, working through the United Nations and other organizations, can ensure that would-be aggressors do not profit from invasion, coercion, or force. That ought to be our No. 1 goal, to use the experience of Iraq and Kuwait and our response to it as a precedent, that we can use elsewhere around the world. Subordinate goals, say Mr. Nitze and Mr. Stafford, should be to avoid major disruptions in the regional balance of power in the Middle East, to maintain stability in the world oil market, and to deny Saddam the ability to build weapons of mass destruction, including atomic bombs, and to prevent, and this is important to remember, to prevent the widespread use of such weapons elsewhere in the region.

Mr. Nitze and Mr. Stafford go on to say, "In our view, all-out war" of the kind which President Bush is apparently contemplating, "promises the least success in achieving the objectives that I have just outlined in this article." First, they say, that "It would not necessarily discourage other potential aggressors. Defeating Saddam Hussein promptly in an all-out war would send an unequivocal signal that this aggression had not been tolerated. But if casualties were high, U.S. sentiment probably would be driven toward a more isolationist posture," which would make it difficult to use this experience as a precedent elsewhere in the world.

As I said earlier, it is my view, as well as that of Mr. Nitze and Mr. Stafford, that our chief goal ought to be to use this exercise for the precedent that could be established.

Second, say Mr. Nitze and Mr. Stafford:

> Middle East instability has already been exacerbated by the rallying of Moslem extremists toward Iraq, and no option is likely to be very successful at the delicate task of restoring a balance while shoring up friendly but shaky regimes.

They say:

> Even a successful all-out war could throw the Middle East into chaos. With the destruction of much of Iraq's military capability, Syria and Iran could be expected to vie for regional dominance. Other nations—including Saudi Arabia, Jordan and Egypt—could be destabilized, with strong internal forces rising in opposition, enraged by their governments' collaboration with Americans who had killed thousands of their Arab brothers.

□ 1330

Mr. Speaker, most American citizens do not know a lot about the Middle East. Frankly, that is not at the top of their agenda, nor should it be. They elect Representatives like ourselves and like the President to think in detail about the ramifications of various policies around the world and then to take those ramifications into account; but if Americans were to read at all the history of the Middle East, they would know that at our peril do we turn the war, the conflict against Iraq, into an armed conflict which will be perceived by Moslems, 900 million Moslems, as a battle between the imperialist United States and the Moslem world. And believe me, if we take the course of starting a war in Iraq where we wind up killing tens of thousands of Iraqis, and I have little doubt that that would be the result, then we are going to unleash an antiimperialist, anti-Western nation, anti-American move among Moslems which we will long regret.

The leadership of Egypt, Syria, Saudi Arabia, Jordan, and many other countries in the Moslem world will find it nearly impossible to sustain a position of friendship and support for the United States against the internal radicals of their own countries who will be saying that the United States is killing Moslems, that the United States is an imperialist power, and that if the current leaders of Saudi Arabia and Jordan and Egypt will not step in to oppose the United States, then the leadership of those countries ought to be overturned, so we will be creating a very, very great potential for an enormous upheaval in the Middle East, and surely that is not in our best interests.

Third, according to Mr. Nitze and Mr. Stafford, with instability of the Middle East, oil supplies would remain quite uncertain. If Syria or Iran replaced Iraq as the potentially dominant regional power, or if friendly governments in Saudi Arabia and other oil-producing countries were overthrown by hostile, fundamentalist groups, oil supplies would be threatened even more than they are now, and surely that is not in the interests of our country or of the Western industrial world.

In sum, again quoting Mr. Nitze and Mr. Stafford, the all-out war option seems highly counterproductive in the long run and certainly not worth the thousands of lives that it would cost.

Much more promising, they say, is continued reliance on economic sanctions, because the sanctions would be more likely to produce a more stable world order, that this option would likely be less disruptive to regional stability, and that while oil supplies would remain uncertain, the situation would be better than if we had armed conflict.

Let me conclude my quotations from these two distinguished gentlemen with their own conclusion:

> For the past generation, Americans have regretted that in Vietnam, we let the passions of the moment and a lack of healthy skepticism toward presidential claims obscure a clear-headed assessment of our national interests. The result was that we were driven into a costly, divisive, and ultimately counterproductive expansion of a war that lacked adequate public support. Let's not spend the next generation wondering how we came to repeat that mistake.

Mr. Speaker, as I say, this Thursday or Friday Congress will be debating this issue. We will be debating the wisdom of whether to embroil American troops in the Persian Gulf. We will be debating, make no mistake about it, whether to send thousands, 10,000, 20,000, 30,000, 40,000 or more American young people to their deaths in the Persian Gulf. It seems to me we ought to be very clear about what our national interests are, what our goals are, and what our motives are before we as a nation take that fateful step.

Both issues will be before the Congress; one, the role of the Congress itself in making war or not making war, and I hope that a majority of my colleagues will agree on the interpretation of the U.S. Congress which says that only the Congress can declare war.

I hope that between now and Thursday, American citizens around this great country of ours will take the time to talk and communicate with their own Members of Congress to let them know how they feel about the issue.

The other issue before us will be the use of force against Iraq. In relation to that issue, I think it is especially important that American citizens between now and Thursday let their Congressmen know how they feel about the issue of sending American troops on the offense against Saddam Hussein.

If Congress asserts its prerogatives under the Constitution and says that the President ought to ask Congress for permission before initiating war, almost certainly President Bush will immediately ask for that approval. Congress may well be inclined to give it to him so as not, so the argument goes, to undercut the position of the President prior to January 15.

As I said before, I think it would be a terrible mistake for us to do that.

A couple weeks ago I was in my district talking to a group of people and one man said, "I guess we are going to have to go to war against Iraq."

I said, "Why?"

And he said, "Because if we did not after all the President has said over the last couple months, that it would make the President look bad. So therefore we have to follow through and invade Iraq."

What I said to him was, "If I have to weigh in the balance on the one hand making the President of the United States lose some face, and on the other hand running a very great risk of losing 20,000 or 30,000 American lives, I will choose making the President look bad every time, or making the Congress look bad or making any other institution look bad."

The President may look bad, Secretary Baker may and Secretary Cheney may, because they have spent the last 2 months getting themselves farther and farther out on the limb with their truculent language so that they do not have the options that they might have had 2 months ago, with appearing to back down; but I think anybody who is wise, anybody who is willing to weigh the real odds and the real consequences of offensive action, would be willing to say, "All right, they talked about offensive action, I still think they may have to do it, but all right, I am willing to say we will give the economic sanctions longer, much longer to work."

□ 1340

Mr. Speaker, I hope that the President of the United States has the wisdom to do that and if he does not, that the Congress has the wisdom to require him to do that.

WAR WHETHER WE NEED IT OR NOT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL of North Carolina. Mr. Speaker, although I am convinced that Saddam Hussein is a menace to the world and must be contained, I am equally convinced that economic sanctions, backed up by multinational force against him, should be given a full opportunity to succeed before going to war.

An article in the Washington Post of Sunday, January 6, 1991, by Paul H. Nitze and Michael F. Stafford, points out that there is a strong and logical alternative to going to war in the Persian Gulf. Mr. Nitze was, of course, a special advisor to President Reagan, and is an expert on arms control and foreign affairs.

I commend this important statement to my colleagues, to the Bush administration, and to anyone who is concerned about the gulf crisis. I ask that it be reprinted in its entirety in the RECORD. The article follows:

[From the Washington Post, Jan. 6, 1991]

WAR WHETHER WE NEED IT OR NOT?

(By Paul H. Nitze and Michael F. Stafford)

We are rushing headlong into all-out war in the Persian Gulf. There is an alternative to this painful course. Continued reliance on the United Nations embargo—possibly augmented by air strikes—promises a much more favorable result.

If this week's last-minute round of diplomacy fails and the United States applies its new military doctrine of overwhelming force, the carnage will be severe—probably thousands of American casualties, as well as widespread death and destruction in Kuwait and Iraq. A massive clash with Saddam Hussein's well-entrenched forces on the ground as well as in the air also will have severe long-term impact on U.S. public opinion, U.S. standing in the Middle East and other key American interests.

One of the most dangerous forms of human error is forgetting what one is trying to achieve. In the gulf crisis, it is crucial that we look beyond our anger at Saddam and remind ourselves of precisely what U.S. interests are in the crisis and what we seek to accomplish. Underlying our support for the United Nations' resolutions calling for Saddam to withdraw from Kuwait and allow the restoration of the Kuwaiti government are several important objectives.

Our main goal should be to establish a precedent for a new post-Cold War era, in which the community of nations, working through the United Nations and other organizations, can insure that would-be aggressors do not profit from invasion, coercion and force.

Subordinate goals should be:

To avoid major disruptions in the regional balance of power in the Middle East, and at the same time to avoid encouraging internal foes of friendly regimes;

To maintain stability in the world oil market, which has adjusted to the loss of Iraqi and Kuwaiti oil, (8 percent of pre-crisis world supply), by insuring that Saddam cannot follow up his aggression against Kuwait so as to eventually gain leverage over Saudi oil (9 percent of world supplies) or of the entire Middle East's (30 percent);

To deny Saddam the ability to field weapons of mass destruction, including an atomic bomb; and to prevent the spread of such weapons elsewhere in the region.

To achieve these goals, the United States and its international partners have available a choice among two general courses of action:

The first is all-out war, including heavy reliance on the prompt offensive use of ground forces. U.S. gulf commander Gen. H. Norman Schwarzkopf has said it could take up to six months to win such a conflict. If we get bogged down, it could take longer. In addition to troop losses, such a campaign would cost about $50-60 billion, plus that much or more in indirect expenditures such as future medical and other care for the casualties. Efforts to eliminate Saddam or occupy Iraq could take longer and cost more.

The second is continued sanctions, possibly augmented by air strikes. This course would balance power restraint; it would measure out sufficient force to make unmistakable to Iraq and the rest of the world the adverse consequences of aggression.

We would continue the international embargo, including its enforcement by the naval blockade. To defend Saudi Arabia, we would retain and rotate a sustainable deployment of ground forces, a level lower than the force there now.

Under the current international embargo, only a trickle of goods is getting in or out of Iraq; oil exports and earnings are nil and civilian production is estimated to be down by about 40 percent. In time, lack of spare parts will erode Iraq's military capabilities, and civilian and military production will fall further.

But over the next six to 12 months, it may become evident that a blockade by itself will not do the job. In that case, we would favor supplementing the naval blockade with selected but powerful air strikes.

Before this step was taken, however, it would be important that our allies and the American people be convinced that sanctions alone had been given a full chance to work and had failed. It would also be important that the public be better convinced that the interests at stake justified use of military force.

While the shortcomings of strategic air campaigns are well known, modern air delivery systems can inflict great damage on the Iraqi war machine and the economy. Combined with the naval blockade, a well-directed air assault could force Iraqi capitulation. And if, over months, it did not achieve its goal, there remains the possibility of a later ground attack against greatly weakened Iraqi forces.

In our view, all-out war promises the least success in achieving the objectives we have outlined.

First, it would not necessarily discourage other potential aggressors. Defeating Saddam Husssein promptly in an all-out war would send an unequivocal signal that this aggression had not been tolerated. But if casualties were high, U.S. sentiment probably would be driven toward a more isolationist posture. Many Americans would be dismayed by the carnage and resentful that our allies were not paying a similar price. (The seeds of such resentment already exist.) They could be expected to oppose any comparable U.S. role in the future. The message would be that the United States had neither the inclination to work in concert with other nations nor the stomach to repeat the anti-Iraq action. Many of our current collaborators, who are ambivalent at best about the war option, might also lose interest in future cooperation with us. A world of growing brutality and chaos would become a likely prospect.

Second, Middle East instability has already been exacerbated by the rallying of Moslem extremists toward Iraq, and no option is likely to be very successful at the delicate task of restoring a balance while shoring up friendly but shaky regimes.

But even a successful all-out war could throw the Middle East into chaos. With the destruction of much of Iraq's military capability, Syria and Iran could be expected to vie for regional domination. Other nations—including Saudi Arabia, Jordan and Egypt—could be destabilized, with strong internal forces rising in opposition, enraged by their governments' collaboration with Americans who had killed thousands of their Arab brothers. In all this ferment, U.S. influence could be reduced to shoring up friendly regimes, if we had the stomach for it. All these troubles would be exacerbated if Saddam were to succeed in drawing Israel into the war.

Third, with instability in the Middle East, oil supplies would remain quite uncertain. If Syria or Iran replaced Iraq as the potentially dominant regional power, or if friendly governments in Saudi Arabia and other oil-producing countries were overthrown by hostile, fundamentalist groups, supplies would be threatened once more.

Finally, a well-executed attack on Iraq could sharply set back its efforts to acquire weapons of mass destruction but also could create problems elsewhere in the region. The crisis has already had this effect; the Saudis, for example, are reported to be newly seeking to buy a nuclear weapon. The increased regional instability we can expect after a war can only heighten these incentives.

In sum, the all-out war option seems highly counterproductive in the long term and certainly not worth the thousands of lives it would cost.

Much more promising is continued reliance on sanctions.

First, successful sanctions would be most likely to produce a stable world order. Critical to this outcome is that a substantially lower level of violence would be more likely to result in continued public support for an active U.S. international role.

Second, this option would likely be less disruptive to regional stability. But any approach that left much of Iraq's military capability intact would produce a need to retain a peacekeeping force on the front lines, either in Kuwait or Saudi Arabia, and perhaps elsewhere. While internal destabilization in other countries of the region would remain a concern, this threat would be lower than that produced by all-out war, especially if the peacekeeping force were primarily Arab.

Third, although oil supplies would remain uncertain, we would be better able to reduce our vulnerability to disruption of those supplies. The key is the strategic petroleum reserve, which provides us an assured source of oil which we can use to make up supply shortfalls or dampen price hikes an unfriendly nation might seek to impose. The reserve already holds almost 600 million barrels, enough for us to increase market supply by over 3 million barrels a day (more than we import from all Arab OPEC nations) for as long as six months. For about $15 billion, or a fraction of the estimated cost of a prompt, all-out war, we could increase the reserve to the 1 billion barrels recommended by most experts. In the longer term, we could impose an oil tariff to induce conservation (while also generating revenues) and reverse cutbacks in development of alternative energy sources.

Finally, the key to halting proliferation in the region lies not merely with what we do in this immediate crisis but rather in a sustained campaign among potential suppliers to cut off sources of critical materials and technical cooperation. Successful sanctions would be most likely to encourage such a compaign, but they must be supplemented by provisions for continued International Atomic Energy Agency inspections and additional U.N. inspections to ensure supplies remain stemmed.

On all counts, therefore, the sanctions-air strikes approach promises to serve U.S. interests better than a prompt, all-out war.

Some argue that the threat of all-out war is the key element in the U.S. approach—a weapon in itself—and that Saddam must be convinced that the use of overwhelming force is imminent before he will back down. Arguments that question the all-out war option, they contend, undermine that strategy.

But the momentum toward such a war whose results threaten to be so costly, may have become dangerously irreversible. War may occur whether it serves our purposes or not.

For the past generation, Americans have regretted that in Vietnam, we let the passions of the moment and a lack of healthy skepticism toward presidential claims obscure a clear-headed assessment of our national interests. The result was that we were driven into a costly, divisive, and ultimately counterproductive expansion of war that lacked adequate public support. Let's not spend the next generation wondering how we came to repeat that mistake.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. CONTE) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on January 11, 16, and 18.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEASE, for 60 minutes, today.

Mr. WISE, for 60 minutes, today.

Mr. ALEXANDER, for 60 minutes, on January 10.

Mr. PEASE, for 60 minutes each day, on January 9, 10, and 11.

Mr. MCCLOSKEY, for 60 minutes, on January 9.

Mrs. BOXER, for 60 minutes each day, on January 10 and 11.

Mr. MILLER of California, for 60 minutes each day, on January 10 and 11.

Mr. DOWNEY, for 60 minutes each day, on January 10 and 11.

Mr. LEWIS of Georgia, for 60 minutes each day, on January 10 and 11.

Mr. RUSSO, for 60 minutes each day, on January 10 and 11.

Mr. WISE, for 60 minutes, on January 11.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:)

Mr. NEAL of North Carolina, for 5 minutes, today.

Mr. COSTELLO, for 60 minutes, on January 9.

Mr. WASHINGTON, for 60 minutes, on January 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CONTE) and to include extraneous matter:)

Mr. YOUNG of Florida.

Mr. LEWIS of California in two instances.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. BONIOR in four instances.

Mr. MONTGOMERY in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. JACOBS.

Mr. APPLEGATE.

Mr. OWENS of New York.

Mr. BENNETT in three instances.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Wednesday, January 9, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

157. A letter from the Assistant Secretary for Financial Management, Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin magistrate for the quarter July 1, 1990, through September 30, 1990, pursuant to Public Law 101-165, sec. 9008 (103 Stat. 1130); to the Committee on Appropriations.

158. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 1990 through September 30, 1990, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

159. A letter from the Deputy Under Secretary for Acquisition, Department of Defense, transmitting certification that the Department of the Air Force's C-17A program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

160. A letter from the Deputy Under Secretary for Acquistion, Department of Defense, transmitting certification that the Family of Heavy Tactical Vehicles Palletized Load System Program is essential to the national security, has no alternative that would cost less, its new estimates are reasonable and its management structure is adequate, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

161. A letter from the Deputy Assistant Secretary for Procurement, Department of Defense, transmitting notification that the report required by section 801 the fiscal year 1989 National Defense Authorization Act will be delayed and is expected to be completed by December, 1990, pursuant to Public Law 100-456, section 801(a) (102 Stat. 2007); to the Committee on Armed Services.

162. A letter from the Secretary of the Navy, transmitting notification that the UHF Follow-on Satellite Program has breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

163. A letter from the Chief of Legislative Liaison, Department of the Army, transmitting a cost-comparison study of the commissary shelf stocking function at the U.S. Army Commissary, Fort Drum, NY; to the Committee on Armed Services.

164. A letter from the Director, Office of Administration and Management, Department of Defense, transmitting the Secretary of the Army's determination and findings indicating the necessity to exclude the clause from a proposed contract with the Government of Sweden, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

165. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting the Defense Logistics Agency determination and findings indicating the necessity to exclude the clause from a proposed contract with the Government of Somalia, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

166. A letter from the Secretary of Housing and Urban Development, transmitting a report on discount points and interest rates as related to loan size for FHA-insured mortgages, pursuant to Public Law 100-242, section 419(c) (101 Stat. 1913); to the Committee on Banking, Finance and Urban Affairs.

167. A letter from the Secretary of the Treasury, transmitting an annual report on the operations of the exchange stabilization fund [ESF] for fiscal year 1989, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

168. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting a report on HUD's denial of FNMA's request for approval of a program to purchase debt obligations that are secured by conventional mortgages or by securities backed by conventional mortgages; to the Committee on Banking, Finance and Urban Affairs.

169. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the tied-aid and partially united-aid credits offers by the Bank, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking, Finance and Urban Affairs.

170. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a study of the desirability and feasibility of a risk-based deposit insurance premium system, pursuant to 12 U.S.C. 1827 nt.; to the Committee on Banking, Finance and Urban Affairs.

171. A letter from the President of the Oversight Board and Executive Director of the Resolution Trust Corporation, transmitting a report on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Oversight Board, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking, Finance and Urban Affairs.

172. A letter from the Acting Secretary of Labor, transmitting a copy of their annual report for fiscal year 1989; to the Committee on Education and Labor.

173. A letter from the Administrator, Energy Information Administration, transmitting the third quarter 1990 report on status of U.S. coal imports, pursuant to 42 U.S.C. 7277(a); to the Committee on Energy and Commerce.

174. A letter from the Secretary of Energy, transmitting the quarterly report on the strategic petroleum reserve during the period July 1, 1990, through September 30, 1990, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

175. A letter from the Secretary of Energy, transmitting the quarterly report on the strategic petroleum reserve during the period April 1, 1990, through June 30, 1990, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

176. A letter from the Secretary of Energy, transmitting the report for fiscal year 1989 on Federal Government Energy Management and Conservation Programs, pursuant to Public Law 100-615, section 2(a) (102 Stat. 3188); to the Committee on Energy and Commerce.

177. A letter from the Advisory Panel on Alzheimer's Disease, transmitting the second report on administrative and legislative actions to improve services for individuals with Alzheimer's disease and related dementias, pursuant to 42 U.S.C. 679; to the Committee on Energy and Commerce.

178. A letter from the Assistant General Counsel, Department of Energy, transmitting a notice of a meeting related to the International Energy Program to be held on December 5, 1990, at the OECD, in Paris, France; to the Committee on Energy and Commerce.

179. A letter from the Director, Office of Alcohol Fuels, Department of Energy, transmitting a notice that the report and termination plan of the activities of the Office of Alcohol Fuels is forthcoming, pursuant to 42 U.S.C. 8818(c)(2); to the Committee on Energy and Commerce.

180. A letter from the Inspector General, Department of Energy, transmitting a report on the audit of the DOE's use of the EPA's Superfund moneys for fiscal year 1989, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

181. A letter from the Administrator, Environmental Protection Agency, transmitting a second interim report entitled "Medical Waste Management In The United States", pursuant to 42 U.S.C. 6992g; to the Committee on Energy and Commerce.

182. A letter from the Inspector General, Federal Emergency Management Agency, transmitting an audit report on the FEMA's administration of the permanent and temporary relocation components of the Superfund Program, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

183. A letter from the Inspector General, National Aeronautics and Space Administration, transmitting the audit of the NASA/EPA Superfund Financing Agreement, pursuant to 31 U.S.C. 7501 nt.; to the Committee on Energy and Commerce.

184. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 3-91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

185. A letter from the Director, Defense Security Assistance Agency, transmitting an addendum to the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more as of September 30, 1990; an addendum to the listing of all Letters of Offer that were accepted, as of September 30, 1990, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

186. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 91-12), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

187. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary of State's certification of Chilean progress in human rights, that the provision of aid to Chile is in the United States national interests, and that Chile is not promoting international terrorism and is cooperating in the prosecution of the accused murderers of Orlando Letelier and Ronnie Moffitt, pursuant to 22 U.S.C. 2370 nt.; to the Committee on Foreign Affairs.

188. A communication from the President of the United States, transmitting notification that the Libyan emergency is to continue in effect beyond January 7, 1991, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 102-20); to the Committee on Foreign Affairs and ordered to be printed.

189. A letter from the Deputy Assistant Secretary (Personnel Support, Families, Education & Safety), Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1990, pursuant to 36 U.S.C. 6; to the Committee on Foreign Affairs.

190. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

191. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a copy of the Kuwaiti assets control regulations, pursuant to Pub. L. 101-513, sec. 586(c)(1) (104 Stat. 2048); to the Committee on Foreign Affairs.

192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a request from the Government of Egypt that the United States permit the use of foreign military financing for the sale and limited coproduction of 120 mm tank ammunition, pursuant to section 42(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's decision that the U.S. Government will approve the licensing of oil imports from Iran on a case-by-case basis; to the Committee on Foreign Affairs.

194. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are less that the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the fourth quarter of fiscal year 1990, pursuant to 22 U.S.C. 2877(a)(2); to the Committee on Foreign Affairs.

195. A communication from the President of the United States, transmitting his determination and memorandum of justification concerning Egypt's remaining foreign military sales debt, pursuant to Public Law 101-153, section 592 (H. Doc. 102-21), to the Committee on Foreign Affairs and ordered to be printed.

196. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the U.S. Government Annual Report for the fiscal year ended September 30, 1990, pursuant to 31 U.S.C. 331(b)(1)(a); to the Committee on Government Operations.

197. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the consolidated financial statements of the U.S. Government Printing Office for the fiscal year ended September 30, 1989, pursuant to 44 U.S.C. 309(d); jointly to the Committees on House Administration, and Government Operations.

198. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in November 1990, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

199. A letter from the Administrator, General Services Administration, transmitting a report covering the disposal of surplus Federal real property for historic monument, correctional facility, and airport purposes for fiscal year 1990; description of negotiated disposals of surplus real property having an estimated value of more than $15,000, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

200. A letter from the Director, Office of Management and Budget, transmitting a report identifying a list of accounts containing unvouchered expenditures that are potentially subject to audit by the General Accounting Office, pursuant to 31 U.S.C. 3524(b); to the Committee on Government Operations.

201. A letter from the Director, Civic Achievement Award Program, transmitting the final report on the Civic Achievement Award Program covering the period from July 1, 1990 to September 30, 1990, pursuant to Public Law 100-158, section 3(b) (100 Stat. 897); to the Committee on House Administration.

202. A letter from the Clerk of the House, transmitting a list of reports pursuant to clause 2, rule III of the Rules of the House of Representatives, pursuant to rule III, clause 2, of the rules of the House (H. Doc. No. 102-23); to the Committee on House Administration and ordered to be printed.

203. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the 1989 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

204. A letter from the Attorney General, Department of Justice, transmitting a report on the awarding of the Young American Medals for Bravery and Service for the calendar year 1989, pursuant to 42 U.S.C. 1925; to the Committee on the Judiciary.

205. A letter from the Administrator, Federal Aviation Administration, transmitting a status report on plans for enforcement actions related to drug activity and the provision of assistance to law enforcement agencies for the period from May 19, 1989, through May 18, 1990, pursuant to Public Law 100-690, section 7210 (102 Stat. 4432); to the Committee on Public Works and Transportation.

206. A letter from the Administrator, Federal Aviation Administration, transmitting a report on progress in correcting certain deficiencies in the Airmen and Aircraft Registry System, pursuant to Public Law 100-690, section 7207; to the Committee on Public Works and Transportation.

207. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a summary and principal recommendations of the Advisory Committee on the Future of the U.S. space program; to the Committee on Science, Space, and Technology.

208. Communication from the President of the United States, transmitting notification of his intention to designate Nicaragua as a "beneficiary country" for purposes of granting duty-free treatment, pursuant to 19 U.S.C. 2702(a)(1)(A); to the Committee on Ways and Means.

209. A communication from the President of the United States, transmitting notification of his determination that a waiver with respect to the emigration practices of the Soviet Union will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c), (d) (H. Doc. No. 102–19); to the Committee on Ways and Means and ordered to be printed.

210. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 63d quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

211. A letter from the Acting Secretary of Labor, transmitting the sixth report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

212. A letter from the Deputy Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the first quarterly country and commodity allocation table showing current programming plans for food assistance for fiscal year 1991, pursuant to 7 U.S.C. 1736b(a); jointly to the Committees on Agriculture and Foreign Affairs.

213. A letter from the Secretary of Agriculture and Administrator of Agency for International Development, transmitting their sixth quarterly report on progress made in implementing the recommendations of the Agricultural Trade and Development Missions, pursuant to 7 U.S.C. 1736bb–4; jointly to the Committees on Agriculture and Foreign Affairs.

214. A letter from the Acting Secretary of the Treasury, transmitting a report on the real value of Egyptian debt owed to the United States Government, pursuant to Public Law 101–513, section 592(c)(1); jointly to the Committees on Appropriations and Foreign Affairs.

215. A letter from the Director, Office Management and Budget, transmitting a report on financing defense exports, pursuant to Public Law 101–189, section 825(b) (103 Stat. 1507); jointly to the Committees on Armed Services and Foreign Affairs.

216. A letter from the Secretary of Energy, transmitting a report on the review of DOE's technology transfer contract clause; jointly to the Committees on Armed Services and Science, Space, and Technology.

217. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting his notice that a report on progress toward developing a national program of renewable energy and energy efficiency technologies should be transmitted in January 1991, pursuant to 42 U.S.C. 12006; jointly to the Committees on Energy and Commerce and Science, Space, and Technology.

218. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with the Low-Level Radioactive Waste Policy Amendments Act of 1985, the Governor's certification for the State of Vermont; certifications from 30 State Governors and the District of Columbia; and two additional certifications and information on Vermont's status regarding the 1990 milestone, pursuant to 42 U.S.C 2021e(e)(1)(E); jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

219. A letter from the Secretary of Health and Human Services transmitting a report of the Indian Health Service study of potential health hazards associated with nuclear resource development on Indian lands, pursuant to Public Law 100–713, section 717(b) (102 Stat. 4837); jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

220. A communication from the President of the United States, transmitting his report on the apportionment population for each State as of April 1, 1990, and the number of Representatives to which each State would be entitled, pursuant to 2 U.S.C. 2a(a); 13 U.S.C. 141(b) (H. Doc. No. 102–18); jointly to the Committees on the Judiciary and Post Office and Civil Service, and ordered to be printed.

221. A letter from the Secretary of Health and Human Services, transmitting a report on out-of-pocket costs of Medicare beneficiaries for physician services; jointly to the Committees on Ways and Means and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Introduced January 3, 1991]

By Mr. BRYANT:

H.R. 452. A bill to require that any telecommunications equipment or customer premises equipment manufactured by any of the former Bell operating companies may not be provided or sold in commerce in the United States unless such equipment is manufactured in the United States, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

[Introduced January 7, 1991]

By Mr. COOPER:

H.R. 459. A bill to amend title XIX of the Social Security Act to change the Federal medical assistance percentage used under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 460. A bill to amend the Internal Revenue Code of 1986 to reinstate the windfall profit tax on domestic crude oil and to appropriate the proceeds of the tax to the Resolution Trust Corporation; to the Committee on Ways and Means.

H.R. 461. A bill to provide for greater accountability for Federal Government foreign travel; jointly, to the Committees on Government Operations, the Judiciary, and House Administration.

By Mr. RANGEL:

H.R. 462. A bill to establish a national commission to develop recommendations for the establishment of model programs of treatment for drug abuse, and for other purposes; to the Committee on Energy and Commerce.

H.R. 463. A bill to amend title XIX of the Social Security Act to permit States to elect the option of covering substance abuse treatment services under the medicaid program; to the Committee on Energy and Commerce.

H.R. 464. A bill to establish a National Commission to Study the Causes of the Demand for Drugs in the United States; to the Committee on Government Operations.

H.R. 465. A bill to amend title 18, United States Code, to prohibit certain exports of fully automatic or semiautomatic assault weapons; to the Committee on the Judiciary.

H.R. 466. A bill to authorize appropriations for law enforcement task forces consisting of appropriate Federal, State, and local personnel; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 467. A bill to amend title 10, United States Code, to provide for payment under CHAMPUS of certain health care expenses incurred by members and former members of the Uniformed Services (and their dependents) who are entitled to retired or retainer pay and who are otherwise ineligible for such payment by reason of their entitlement to benefits udner title XVIII of the Social Security Act because of a disability; to the Committee on Armed Services.

By Mr. APPLEGATE:

H.J. Res. 57. Joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on Post Office and Civil Service.

By Mr. BILIRAKIS (for himself, Mr. NEAL of North Carolina, Mrs. KENNELLY, Mr. CONYERS, and Mr. MCCOLLUM):

H.J. Res. 58. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

By Mr. DORGAN of North Dakota (for himself, Mr. MILLER of California, Mr. DURBIN, Mr. DELLUMS, and Mr. FOGLIETTA):

H. Con. Res. 19. Concurrent resolution to urge the President to seek the formation of a United Nations military command and force for the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. GALLEGLY:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress regarding the awarding of concessions at units of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL:

H. Con. Res. 21. Concurrent resolution to express the sense of the Congress urging the President to recognize and include the Director of National Drug Control Policy as a fully participating member of the President's Cabinet; to the Committee on Government Operations.

By Mr. KANJORSKI:

H. Res. 25. Resolution to create a Select Committee to Investigate Financial Institution Fraud, Mismanagement, Oversight, and Supervision; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[Introduced January 3, 1991]

By Mr. COLEMAN of Texas:

H.R. 453. A bill for the relief of Marcelino Serna; to the Committee on Armed Services.

H.R. 454. A bill for the relief of Bruce C. Veit; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 455. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

By Mr. GOSS:

H.R. 456. A bill for the relief of William L. Stuck, Glenn Jenkins, Charles L. Cavell, and Nathan J. Schnurman; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 457. A bill for the relief of Chi Chia Long; to the Committee on the Judiciary.

By Mr. LEHMAN of Florida:

H.R. 458. A bill for the relief of Pilar Mejia Weiss; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. LOWEY of New York, Mr. SENSENBRENNER, Mr. LEHMAN of California, Mr. HOUGHTON, Mr. MCMILLAN of North Carolina, Mr. BEVILL, Mr. DUNCAN, Mr. GUNDERSON, Mr. FAZIO, Mr. MCCANDLESS, and Ms. LONG.

H.R. 320: Mr. MANTON, Mr. APPLEGATE, and Mr. WEISS.

H. Con. Res. 1: Mr. ANNUNZIO, Mr. MILLER of California, Mr. ROYBAL, Mr. STARK, Mr. SCHUMER, Mr. TOWNS, Mrs. BOXER, Mr. MRAZEK, Mr. SANGMEISTER, Mr. EVANS, Mr. BOUCHER, Mr. HOCHBRUECKNER, Mr. MCHUGH, Ms. SLAUGHTER of New York, Mrs. UNSOELD, Mr. TRAXLER, Mr. DELLUMS, Mr. SANDERS, Mr. COSTELLO, Mr. MAZZOLI, Mr. RANGEL, Mr. YATES, Mr. KLECZKA, Mr. NAGLE, Mr. SABO, Mr. GEJDENSON, Ms. KAPTUR, Mr. UDALL, Mr. ATKINS, Mr. WAXMAN, Mr. PANETTA, Mr. MFUME, Mr. KOSTMAYER, Mr. POSHARD, Mr. LEWIS of Georgia, Mr. PEASE, Mr. WYDEN, Mr. MATSUI, Mr. MARKEY, Mrs. COLLINS of Illinois, Mr. TORRES, Mr. GLICKMAN, Mr. KILDEE, Mr. MCCLOSKEY, Mr. ROE, Mr. VENTO, Mr. DEFAZIO, Ms. PELOSI, Mr. FAZIO, Mr. JONTZ, Mr. OLIN, Mr. DORGAN of North Dakota, Mr. BROWN of California, Mr. MCDERMOTT, Mr. NEAL of North Carolina, Mr. MOODY, Mr. WOLPE, and Mr. COYNE.

EXTENSIONS OF REMARKS

VA MAKES PROFOUND MEDICAL, FINANCIAL IMPACT ON COMMUNITIES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. MONTGOMERY. Mr. Speaker, many Americans are unaware of the significant contributions Department of Veterans Affairs [VA] medicine makes toward the quality of all of our lives, veterans and nonveterans alike. Yes, VA, the Nation's largest health care system, takes care of America's veterans, but it also conducts thousands of research projects, the products of which benefit all mankind.

VA researchers have played leading roles in the development of the pacemaker, the CT scan, and prostheses. The cure for tuberculosis came largely from VA. The first kidney transplant was performed at a VA medical facility. Two VA doctors have been awarded the Nobel Prize and the work of VA health care professionals nationwide has been acknowledged with many other prestigious awards.

A world leader in the care and treatment of the elderly, VA is deeply involved in studies of the aging process, including Alzheimer's disease. Other high priority research subjects include AIDS, drug addiction, alcoholism, schizophrenia, spinal cord injury and tissue regeneration, and post-traumatic stress disorder [PTSD].

These research endeavors attract exceptionally talented and dedicated health care professionals to VA ranks, which translates into high quality care for our veterans. The communities where our 172 VA medical centers are located and where these research efforts are conducted benefit as well. VA gives back to the community not only through quality medical treatment and advances in medicine, not only through training and education of more than half of the Nation's practicing physicians and thousands more health care professionals, but through the activities and consumership of VA employees as well. Further, research achievements of VA scientists draw to the community the attention of the media and worldwide medical body.

The following article, originally published in Denver Business, describes the medical and financial impact VA medicine makes on just one community.

[From Denver (CO) Business, September–October 1990]

ECONOMIC BOOSTER SHOT

(By Glen Richardson)

At the Denver VA Medical Center, researchers probe for answers to some of medicine's toughest problems. Patients aren't the only ones who benefit from the VA's scientific findings, the Denver community receives an economic booster shot as well.

Medical research is big business. In 1989, the Denver VA Medical Center received $7.8 million in funding for various studies. Armed with 73 researchers and 150 support staff, the Denver VA Medical Center's research services division is ranked 13th out of 118 VA centers nationwide in terms of budget and projects being conducted.

"When we compare those statistics over the past five years, we realize that we had the largest growth and expansion of the research arm in its history last year," reveals Paul Saenger, administrative officer for research and development.

The knowledge gained through the 225 research studies currently conducted at the VA's research arms often translates to better patient care performed in the hospital's main body—the VA Medical Center. Nestled between the University of Colorado Health Sciences Center and Rose Medical Center in east Denver, the VA Medical Center treated 8,500 inpatients and 207,000 outpatients in 1989. The tertiary facility cares for veterans along the Front Range and portions of Wyoming, Kansas, Nebraska and South Dakota. There are 339,000 veterans in the VA Medical Center's treatment range.

The economic impact of the Denver VA Medical Center as a whole is also significant. The hospital employs 1,500 people and is a large local consumer of medical goods and services and pharmaceutical supplies. With a total operating budget of $80 million, approximately $53 million is pumped back to the community in salaries, according to the Center's Director Fred Salas.

The VA's research division has made its most significant gains since 1980, the year Karl Sussman, M.D., associate chief of staff for research and development took the helm. Sussman, a national diabetes expert and former American Diabetes Association president, served as the VA Medical Center's chief of medicine before heading research services. Sussman credits the increased funding to setting specific financial goals and constantly working on ways to receive more funding. "I'm a team player," Sussman tells Denver Business. "I push people to do the best work they know how. When grants are announced, we are very responsive."

That enterprise has paid off in major funding for new studies. Sussman and other researchers work in concert with members of Congress to determine what medical problems need studied. Most of the VA's research funding comes from two primary sources: the National Institute of Health and the Department of Veterans Affairs.

Although the medical center treats only veterans, the research arm encompasses a much wider audience. While many of the studies conducted at the Denver VA focus on the veteran population, others apply to the general population.

"The research conducted at the VA is incredibly applicable to a large patient population," explains Madeleine Kane, M.D., Ph.D., a researcher studying small cell lung cancer, the most common form of cancer seen at the VA Medical Center and the strain that comprises one-fourth of all lung cancers in the public. "The quality and type of research conducted is not second class," Kane notes. Through her research, Kane hopes to eventually provide scientific information to help doctors with the lung cancer prognosis, diagnosis and treatment.

Similar to Kane's lung cancer study, many of the VA Medical Center's investigations relate to mental health, diabetes, cancer, alcoholism, and drug dependency because they are problems prevalent in the veteran patient population. "It's clear that advances made through our research not only improve the health of veterans, but anyone with the disease," Sussman says. Since 50 percent of all diseases are preventable, researchers who develop ways to prevent illnesses provide huge cost savings to businesses, insurance companies and consumers.

VA Medical Center Director Salas attributes much of the center's success to the quality of professionals recruited by research and teaching opportunities available. The center stresses hiring clinicians and physicians who are scientists. "We recruit the best and the brightest," Salas continues. "The research and teaching opportunities conducted here enable us to attract the right personnel who are critical to our success in rendering quality patient care."

As a major teaching hospital, the VA Medical Center is affiliated with the medical, nursing and dental schools of the University of Colorado Health Sciences Center and 33 other academic institutions. Most of the staff has joint appointments with the University of Colorado. "The center's research program, often in collaboration with the CU School of Medicine, has made extraordinary contributions to the region, and the world," suggest Dick Krugman, M.D., acting dean for the CU School of Medicine.

One of those experts recently recruited jointly by VA and CU is Robert T. Schooley, M.D., a prominent national AIDS researcher from the Harvard School of Medicine. Dr. Schooley and has colleagues began conducting an AIDS Clinical Trial Group in July, designed to provide AIDS patients and people who are HIV-infected in the Rocky Mountain region with the latest treatments including experimental drugs currently unavailable to patients in the area.

Another major project, started less than a year ago, encompasses a $1.5 million schizophrenia study funded by the Department of Veteran Affairs. Under the direction of Robert Freeman, M.D., researchers are looking to isolate the gene that determines whether an individual will develop schizophrenia. Researchers know that mental illness is hereditary, but the VA-funded project may also answer questions about what causes the brain to malfunction.

"The goal of the schizophrenia center is to determine what goes wrong with the brain and design preventive treatments or drug treatments based on that information," Freeman tells Denver Business.

Another VA researcher, Adron Harris, M.D., and his associates are looking for another human gene that offers clues to alcoholism. "Something inherited causes a predisposition to alcoholism," Harris explains. "Often there is a parent, an uncle or someone in the family who has it. We see it over and over." A $3 million merit grant from the National Institute of Health is funding his 10-year study.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finding the responsible wayward gene, or group of genes, could help determine whether alcoholism is a disease with deep biological roots or a behavioral problem. The results will not be inconsequential. Not including the human toll, alcoholism has cost the United States $120 billion in lost wages and productivity over the years.

Several key medical findings have already been spearheaded at the Center. Thomas Starzl, M.D., pioneered the first liver and kidney transplant in connection with the University of Colorado Health Sciences Center in 1972. Martin Blaser, M.D., conducted the revolutionary "Cold Water Study" that proved there is little difference between cold or hot water when sterilizing fabric.

These advances, along with those being forged by Denver VA scientists, will help continue to provide answers to medical mysteries and offer economic support to the Rocky Mountain region.

LEADERSHIP AT THE AGENCY FOR INTERNATIONAL DEVELOPMENT SEEKS TO COMBAT CHILDHOOD DISEASES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. BEREUTER. Mr. Speaker, the United States is, and will continue to be, a compassionate nation. When human or natural catastrophes occur, the first inclination of the American people is to help alleviate suffering. Through the U.S. Agency for International Development, we provide humanitarian and development assistance in over 80 countries worldwide. It is a mammoth undertaking, but one that is in keeping with our tradition as a compassionate people.

This is a period, Mr. Speaker, of enormous change, when unprecedented opportunities have opened up in Central and Eastern Europe, in Latin America, and in Africa. It is a time that requires outstanding leadership skills and a strong vision of the future. We are especially fortunate, therefore, that the current Director of AIDS is Dr. Ronald Roskens. In his new position, Dr. Roskens is, by all reports, meeting the challenges in the international arena in an exemplary manner. For example, while the political map of Central Europe was changing, Dr. Roskens traveled throughout the region to see how the United States could assist in the democratization process. He has labored to ensure that United States assistance to Central Europe is appropriate and timely.

Dr. Roskens is presently traveling to the most impoverished regions of Africa. He is in Africa in his capacity as leader of the United States effort to combat child-killing diseases and develop successful family planning programs. In addition, Dr. Roskens will be looking at the effect of the AIDS epidemic upon African children. These are serious tasks, Mr. Speaker, but they must be addressed if the issues of mushrooming population and widescale misery are to be successfully addressed. We seem fortunate indeed to have an outstanding American like Ron Roskens to lead this effort.

Mr. Speaker, this Member would commend to his colleagues a recent editorial on the January 1, 1990 edition of the Omaha World Herald entitled "Roskens on the World Stage." This editorial rightly notes the important leadership of a great Nebraskan, Dr. Ronald Roskens.

ROSKENS ON THE WORLD STAGE

Ronald Roskens, in his role as head of the U.S. Agency for International Development, has an opportunity to look for ways of addressing some of mankind's most serious problems. Wednesday, he is leaving for Africa to learn more about what America can do to combat the AIDS epidemic.

The former University of Nebraska president is making the trip as part of a commendable effort by the U.S. government to increase its global role in combating child-killing diseases. Other world organizations are part of the effort.

The Roskens party will include Dr. Louis Sullivan, secretary of health and human services. The Americans will confer with government leaders and health care officials in eight African nations.

Roskens' agency operates economic and humanitarian assistance projects in 80 countries, its projects include providing food to famine-plagued areas. This year the agency allocated $80 million in U.S. funds for child-survival programs which included assistance for children with AIDS, and another $80 million for voluntary family planning programs.

AIDS is one of the factors in the high mortality rate among the children of Africa. Reducing the incidence of the disease may help ease the pressure many African families feel to have many children so that some will survive.

The conceiving of extra children as a form of insurance has contributed to the population explosion that is straining the ability of a number of African governments to meet their people's needs. The high birthrate is endangering the continent's fragile environment and jeopardizing its economic advancement.

Governments and health organizations from other parts of the world are right to be concerned, and not just for humanitarian reasons. The livability of this planet in the next century will depend on how well the people of the world can control the birthrate and provide a decent life for everyone. Ronald Roskens left Nebraska to take up a major challenge, one with global importance.

A TRIBUTE TO ALLEN GRESHAM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and inspired leadership demonstrated by Allen Gresham of San Bernardino to the Inland Empire Symphony. For 30 years, he has been a champion of the arts in our community and the Inland Empire symphony will recognize his service by performing in his honor on January 14.

Allen graduated from Occidental College in 1953 and pursued a law degree at Stanford University. Today, he is a senior partner in the law firm of Gresham, Varner, Savage, Nolan & Tilden in San Bernardino. He is a member of the American Bar Association, the California State Bar Association, the San Bernardino County Bar Association, the Bar of the U.S. Supreme Court and is a fellow with the American College of Trial Lawyers.

Allen has been an active supporter of the Inland Empire symphony for many years. He has served as director of the Symphony's Association since 1967 and as president in 1970–71 and 1989 to the present time.

In addition to his work with the arts, Allen has served on the Board of Directors of the San Bernardino YMCA, the World Affairs Council, Kiwanis Club, Arrowhead United Way, San Jacinto Winter Park Authority, Occidental College, Inland Action, the Arrowhead United Way "Blue Ribbon Centennial Committee," and is chairman of the San Bernardino Community College District Board.

Over the years, Allen has been recognized by a number of organizations for his achievements and service. He was named the Junior Chamber of Commerce's "Young Man of the Year," 1962; the San Bernardino Realtors "Citizen of the Year," 1975; the Military Airlift Command "distinguished Citizen of the Year," 1988; and named to Inland Business magazine's "Who's Who in the Inland Empire," 1990; and as the League of Women Voters "Citizen of Achievement," 1990.

Mr. Speaker, I hope you will join me and my colleagues in recognizing the tireless efforts of Allen Gresham on behalf of the Inland Empire Symphony and the arts in San Bernardino. His years of dedicated and selfless service to our community are certainly worthy of recognition by the House today.

HONORING STATE SENATOR STANLEY ARONOFF

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. McEWEN. Mr. Speaker, it is with great pleasure that I rise today to honor my friend and colleague, State Senator Stanley Aronoff, president of the Ohio Senate in Columbus, OH.

In doing so, I would like to commend to the attention of my colleagues the attached article which appeared in the November–December 1990 issue of Philip Morris magazine which describes briefly, but insightfully, a day in the life of Senator Aronoff.

Mr. Speaker, Senator Aronoff has served Cincinnati, his district, and the State of Ohio with dedication and integrity for as long as I have had the privilege of working with him. I am very pleased that his style and leadership have been recognized in this way, and am confident that he will continue to be an example to all who serve our great country:

LAW MAN: STATE SENATOR STANLEY ARONOFF WORKS DAY AND NIGHT TO SHAPE LEGISLATION IN OHIO

(By Richard Bak)

A state legislator's job is short on glamour and long on hours. There are endless breakfast meetings to attend, afternoons filled with new legislation to debate, evenings with mounds of briefs to go over and midnight calls from angry constituents. Any free time is spent campaigning at church festivals, bowling alleys, parades, county fairs and civic meetings.

"If a politician is doing the job right," says 30-year veteran legislator Stanley Aronoff, "The legislative week starts first thing Monday morning and ends Sunday evening."

Stan, a Cincinnati native and Harvard Law School graduate, had no political aspirations when, in 1960, he was approached by the local Republican party chairman to run for the Ohio House of Representatives. Stan wound up winning a seat and serving three consecutive terms. "I got a taste of it, and for better or worse I have stayed in state legislative politics," he says.

Stan was elected to the state Senate in 1967. He was president pro tem and chairman of the powerful finance committee from 1980 to 1988. Since 1989 he has been president of the Senate. He now represents about 400,000 people who live in the 8th District, on the west side of Cincinnati. "One thing I have learned since becoming president is that you do not have to seek work," he says. "Work seeks you."

With one of the most populous states in the country to govern, the Ohio Legislature is in session for up to eight months a year. Stan divides his work week between Cincinnati and the Capitol in Columbus. "Mondays, Friday afternoons and Saturdays are devoted to constituency work in Cincinnati. During the rest of the week I try to emphasize broader issues on the legislative agenda."

A typical day starts with a 7:30 breakfast with other legislative leaders, followed by a succession of office appointments beginning at 9 a.m. and scheduled every 15 minutes. Visitors range from lobbyists pressuring for and against the removal of a hazardous-waste site, to a concerned parent who wants a stop sign installed near an elementary school. Afternoon legislative sessions begin at 1:30, followed by an evening of politicking around dinner tables and the occasional late office conference.

Stan, who typically comes home with a briefcase full of paperwork, relies on his wife of 32 years as his sounding board. "Vicky loves to read my material and discuss issues. She is my toughest critic. If I cannot convince her, then I know I cannot convince my 32 colleagues."

The Aronoffs' three adult children are Tracy, an architect; Jay, a musician; and Leslie, a visual display designer. "We've managed to remain very close despite time constraints," Stan says. "We regard the time we have together as precious."

Stan readily admits that there are drawbacks to a public life. His involvement at the nine-person Cincinnati law firm that bears his father's name "has definitely suffered" as a result of politics, he says.

Stan and Vicky live in a condominium overlooking the Ohio River, where they enjoy the view and share the highs and lows of the life of a legislator.

"I play a little gentleman's golf." Stan says. "But politics really is my hobby. It's tiring but exciting. For every constituent's midnight call—when you wonder why you're doing this—there's always the excitement of knowing that you have done something worthwhile at the end of the day."

TRIBUTE TO JOSEPH M. CARKENORD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an exceptional individual, Mr. Joseph M. Carkenord of Macomb Township, MI. Mr. Carkenord is being honored for years of service as an educator. His commitment to the teaching profession represents the highest and finest tradition of public service.

Mr. Carkenord began teaching in 1949 as a student teacher for Anderson High School in Anderson, IN. He came to our community in 1952 to teach at South River Elementary School. His assignment there was to teach seventh and eighth grades, as well as coaching sports.

In 1955, Mr. Carkenord moved from teaching to administration when he became principal of Green Elementary and later Neil E. Reid Elementary. Since 1974, Mr. Carkenord has had a distinguished tenure as principal of Tenniswood Elementary. During this time, he has also served as director of special education, from 1958 to 1972, and acted as the director of the Summer School Program from 1957–67.

Mr. Carkenord has been active in local, State and national principals associations. He was a member of the Michigan Association of Elementary School Principals Board of Directors from 1969 to 1972. He was president of Michigan Association of Elementary School Principals Region 6 for the 1968–69 school year.

Mr. Carkenord has had a long and impressive career in our school system. Through the years his success can be measured by the legions of both teachers and students who remember him with deep affection and high esteem. He has recognized that our ultimate challenge is to meet the needs of each individual student.

At the core of Joe's life has been his loving family. His wife, Joann and his children, Barbara and David, have been his inspiration. His strong family has always been key in Joe's outstanding success.

I am honored to recognize Joe on the floor of the House for his hard work and dedication. I invite my colleagues in Congress to join me in paying tribute to Mr. Carkenord on the occasion of his retirement from Tenniswood Elementary School. It is my sincere hope that Joe will continue his dedicated and active involvement in our community. His commitment to educational excellence is truly honorable and well deserving of recognition. I wish him the very best.

SALUTE TO THE HEROES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. MONTGOMERY. Mr. Speaker, one of my constitutents, Mr. Bill Furr, Jr., of Columbus, MS, recently sent to me an eloquent and poignant expression of his feelings about America's heroes—our veterans—and their immeasurable sacrifices in the name of freedom.

In the following poem, Mr. Furr also captures the spirit and tenacity of America and its vigilance regarding justice and individual rights. By commemorating courage and loss, he reminds us why we remain strong and secure.

I am pleased to share Mr. Furr's stirring words with my colleagues:

Salute to the Heroes

The air is cool; the firey dawn of a new day starts to
Break the far horizon. The wild chirp of the fowls echoes
Through a green carpet laid out to border long rows of
White marble crosses.

All at once the blare of a lone bugler
Drowns out the cries of the wilds.
The flag is being raised; the blood spilt
Upon the grass of the free t'was sacrificed
Not in vain, not in boastful circles,
But in glory and honor!

Silence! ! !

There comes upon the land
  A new dawn day;
A freshness that cannot be marred
  By idol, careless say—

A day of honor and glory,
  A day of sharing and give,
A day to be remembered
  For what our young boys did!

The women of America began to lay the wreaths and flowers
Upon the marble tombstones. The results of hard work and
Sacrifices have made many a mother weep uncontrollably upon
Their young son's grave. It was just too much for them to bear
Upon seeing their precious boys lying so still in that cold
Silent state of not answering back.

Do not forget us, oh, God,
  Thou faithful servants passed.
We died not in shame
  But in thy holy tasks—

The eagle still flies high
  Over the land that you set free,
With all our strength and courage
  We died to honor thee!

From small, humble villages,
To large dwelling towns
You are but our Lord;
You'll never let us down

If we hold your truths
And Christlike righteous ways,
The countries of thine Earth
Shall respect us in our days,
    Listen,—

On yon distant hill
  A staunch bugler blares;
Sounding out a warning
  To every foreign dare—

For nations rise and nations fall
  T'was reflected in thy script;
What lies ahead of soaring storms
  America will come to grip!

Oh,—the brave and the free
  Must come to you and say,
Lord, thou faithful Father
  Please guard us in our "play"—

For we as small young children
  Laid our souls to rest
Upon they golden throne

With every sin confessed.
The country tis much stronger
Than ever she was before;
Oh, keep her with thou will
Throughout our struggling chores!
How much time we've spent on emphasizing the true qualities
In life; always stressing the positive values of living in a
Free nation where the worth of a single individual is paramount.
God, make us mindful of what a tremendous price our Founding Fathers paid in establishing a great nation like America!!

Amen!! And Amen!!
The service has now ended
The people go their way,
For America t'was made for working
And not for weeping say—
The columns now have marched
Upon eternity's sky
Guarding us by day
In God's watchful eyes—
The flag colors glow so brightly
Blowing in the breeze,
For many a heavenly angel
Got down on their knees—
In that white-marked landscape
Where many a young man lies
To wait for Christ to come
And go where He Resides!!!

A TRIBUTE TO INEZ KAISER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine and dedicated work of Inez Kaiser. She is retiring from her position as executive officer of the Redlands Board of Realtors and will be celebrating her retirement with friends and family later this month.

Inez grew up in Pennsylvania and joined the Woman's Auxiliary Corps in 1943. Working in personnel and recruiting, she was stationed throughout the United States. She married in 1945 and, later that same year, moved to California. Inez attended Business College in Burbank and completed courses in business administration. She was also active as youth advisor in the Church of Religious Science.

Inez Kaiser began her real estate career in 1955 with the Burbank Board of Realtors. Ten years later, she and her family moved to Yucaipa and became a member of the Yucaipa Board of Realtors while working as an agent for Miller Realty. She was promoted to the position of office manager with Miller Realty and became president of the Board of Realtors in 1975. Inez left Miller Realty in 1980 and one year later became the executive officer for the Redland Board of Realtors.

Mr. Speaker, I ask that you join me and my colleagues in recognizing Inez Kaiser for her successful real estate career. I would like to join her daughter Sharon and many dear friends in offering Inez the very best as she begins a new and wonderful chapter in life.

THE OHIO 4-H CARTEENS PROGRAM

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. MCEWEN. Mr. Speaker, I rise today to recognize and commend the Ohio 4–H CARTEENS program for their efforts to reduce teenage traffic violations and fatalities.

CARTEENS is a traffic safety and educational program designed for first time juvenile traffic offenders. The program's uniqueness lies in the fact that actual teenagers, ages 14 through 19, serve as the instructors and curriculum planners, developing lesson plans and course format.

With professional and material help from the highway patrol, these teenagers teach a 2-hour seminar which juvenile traffic violators must attend as part of their court sentence. Seminar topics including drinking and driving, seat belt usage, insurance rates, peer pressure, safe driving tips, and defense driving. At the same time, participants are helped to improve their public speaking skills. The success of CARTEENS has been more than gratifying. During the first year of the program, the number of second time offenders seen in the probate court was reduced by 89 percent.

CARTEENS merits the support of my colleagues and families around the Nation because it takes advantage of the power of our children in their communities to promote responsible lifestyle choices. As I am sure my colleagues will readily agree, education at home and through our communities is critical, if we are to end the tragedy of teenage traffic violations and senseless driving fatalities.

Mr. Speaker, CARTEENS makes this assertion a reality, and I am proud of its dedication to our young people. The "CAR" in CARTEENS stands for "Caution And Responsibility"—watchwords that should be an integral part of our vocabulary. I sincerely wish CARTEENS and other Ohio 4–H programs much success as they continue their efforts to educate and prepare our youth for responsible adulthood.

TRIBUTE TO MAURY VINCENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Maury Vincent. Mr. Vincent is being honored for his more than 40 years of service to Macomb County and for his contributions as a journalist.

Mr. Vincent would say the chance to bring the truths of the world to the community is the real reward for his years as a journalist. He has received numerous accolades for his journalistic prowess, but perhaps none better than the testament of the average person who has been touched by his stories.

Mr. Vincent may be best known for his "Just a Thought" Monday columns in the Macomb Daily. These columns were written about the everyday person on the street. The crippled child who needed leg braces, the woman barber suffering from incurable cancer, the death of a longtime friend and fellow euchre player at the AmVets. Real stories about real people that touched you way down deep where you cannot deny yourself.

Mr. Vincent is a man who leads by example and hard work. From his experiences in World War II, to graduating from Wayne State University, to his journalistic career, Mr. Vincent was always a leader. A man who quickly gained the respect of his peers—not only for his talents, but for his heart.

Mr. Vincent has given thousands of hours to working for the Salvation Army, Mount Clemens Lions Club, United Way, Michigan Cancer Foundation, Selfridge Base Council, Macomb County Drug Task Force, Fraternal Order of Police, Ralph E. Bennett Post AmVets, Big Brothers of Macomb County and other organizations. I commend Mr. Vincent for his unselfish contributions to our community. He will long be remembered as a true friend of Macomb County.

MAKE THE PERSIAN GULF OPERATION TRULY MULTINATIONAL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today with my colleagues Mr. MILLER of California, Mr. DURBIN, Mr. DELLUMS, and Mr. FOGLIETTA, a concurrent resolution which urges the President to request the establishment of a United Nations Military Command and Expeditionary Force in the Persian Gulf. Since the United Nations—not the United States—has authorized the framework for enforcing the resolutions designed to bring about an Iraqi withdrawal from Kuwait, it is the United Nations which should provide any needed military resources to achieve the goals of the international community.

The resolution also demands that the President obtain some real burden sharing agreements for the operation, that he seek the required authorization from Congress for any possible offensive operations, and that he first exhaust economic sanctions and diplomatic initiatives before committing the Nation to war.

If the international community has determined that Iraq is an outlaw, then the United Nations—not the United States—should bear the prime responsibility for restoring justice and stability to the Middle East.

That is not our current course.

A MULTINATIONAL FIG LEAF

Presently, the United States has deployed the vast majority of military forces in the Persian Gulf region and has shouldered the main financial burden of paying for the deployment of these troops. The United States expects to send 400,000 troops to the region by the end of the month, while our NATO allies have provided less than one-tenth that amount.

It is true that Arab and Islamic States have sent several thousand troops to Saudi Arabia and nearby Gulf States. And Egypt deserves credit for its willingness to play a key role. However, many of these nations would not commit their troops to battle in the event that the United States initiated offensive action against Iraq.

So while the President asserts that the "anti-Iraq coalition" is bolstered by hundreds of thousands of troops from other nations and widespread financial backing, reality paints another picture. The fact is that the United States has again shouldered both the financial and military burden of defending the collective interests of other nations.

CHEERLEADERS INSTEAD OF FOOT SOLDIERS

The other NATO nations—with the exception of Britain and France—have barely lifted a finger when it comes to military forces. You would think that the Belgians, the Dutch, the Spanish, the Canadians and others had not noticed that their vital interests were presumably at risk.

One can understand the constitutional reluctance of the Japanese and German Governments to deploy their own forces in other regions. However, there is no legal reason that the Germans could not deploy substantial forces to Turkey, a NATO ally which must defend its own border with Iraq against a possible attack. Yet the Germans have mustered the resolve to send only a few dozen planes to Turkey.

Nor have the Japanese found the creativity to send more than a handful of nonmilitary volunteers to support other coalition activities in the region. Japan's lone aid terms of seven doctors and nurses has quit and returned home. Japan's presence in this multinational operation now consists of two foreign ministry officials.

Neither have the Germans and Japanese willingly offered to pay what would be a fair share, a proportional amount, of the costs of the Desert Shield Operation. The Government of Japan only awakened to the chagrin of the American people on this score after Congress passed a tough measure mandating a greater Japanese contribution to mutual defense costs. The Germans are providing billions more in Deutsche marks in technical, housing and training aid to the Soviet Union than they are by way of contributions to reverse Iraqi aggression.

Even more remarkably, we have undertaken these responsibilities despite the fact that many other nations are relatively more dependent on Persian Gulf oil than we are. For example, the Japanese import 51 percent of their oil from the Middle East and the Europeans import 27 percent of their oil from the region, while the United States buys only 12 percent of the oil we consume from the Persian Gulf, according to the Congressional Research Service.

Most deplorable of all, Arab nations now making a windfall from increased oil production have not begun to pay their fair dues. And they do not even have the courage to publicly acknowledge their debt to the United States for saving their necks. They seem to believe that the Arab armada has turned the tide in the Persian Gulf and that a few billion dollars constitutes reimbursement for an operation now expected to cost United States taxpayers at least $30 billion in 1991.

THE RISKS OF UNILATERALISM

Not only does the lack of real multinational action place an excessive burden on the United States, it also brings with it grave dangers. The first is the immediate threat to the anticipated 400,000 American men and women in uniform. We should be rotating our troops back and making way for other nations' forces.

Another danger is inviting terrorist attacks and recriminations against America and American citizens because the world sees Operation Desert Shield as a U.S. action in every respect. Should American forces take on Saddam Hussein, who is a hero to many poor nations, we can well expect to see more terrorism targeted against American citizens, embassies, and enterprises abroad.

Finally, the United States reacted to the Iraqi threat in the Persian Gulf because of our national interest in preserving the free flow of oil from the region. We also wanted the rule of international law to prevail in the post-cold war world order. That is why I and many Members supported the President's initial response to the Iraqi invasion of Kuwait. However, we have remained the dominant challenger to Iraq rather than asssembling a genuine multinational force under United Nations auspices to do the job. I fear this may win short-lived points with some Arab governments who will seek to disavow the U.S. role in the future. This will hinder—not aid—our long-term position in the Middle East.

THE UNITED NATIONS ROLE

I believe that we must request that the United Nations assume formal responsibility for military forces in the Persian Gulf. It may be that the United Nations would ask the United States to assume operational command of a multinational force—as it did during the Korean war. But that would be vastly preferable to the present unilateral position of the United States.

I would also contend that the establishment of a U.N. Military Command and Expeditionary Force would compel other nations to assume a fair and proportional share of the costs and military requirements of forcing an Iraqi withdrawal from Kuwait.

So I invite other colleagues to join us as cosponsors of a current resolution which urges the President to request an emergency meeting of the Security Council to establish a United Nations Military Command and Expeditionary Force for the Persian Gulf.

I reiterate that the resolution also urges him to seek more equitable burden sharing, to request the necessary authorization from Congress for any offensive action by U.S. troops participating in the U.N. force, and to permit economic sanctions and high-level diplomacy sufficient time to win a peaceful resolution of the crisis.

Whatever action the United States ultimately takes, however, it must do so as part of bona fide multinational effort and with the clear support of the Congress and the American people.

A text of the resolution follows:

H. Con. Res. —

Whereas the United Nations Security Council has condemned the occupation of Kuwait by Iraq and has authorized the United Nations member states, as part of the multinational effort to secure an Iraqi withdrawal, to employ sanctions, embargoes, and such other means as may be necessary;

Whereas the formation of a genuine multinational military force is essential to effective enforcement of the United Nations Security Council resolutions against Iraq, necessary for the achievement of short-term and long-term United States foreign policy goals in the Middle East, and critical for proportionately sharing the financial and military manpower obligations of the international community for the Persian Gulf operation;

Whereas the present military force arrayed against Iraq is not truly multinational since it is dominated by the United States and supported primarily with United States tax dollars; and

Whereas the United Nations Security Council already has in place a military committee to consider and oversee the establishment of a United Nations military command and force, such as was used in the Korean Conflict: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress urges the President to—

(1) request an emergency meeting of the United Nations Security Council to establish a United Nations Military Command and Expeditionary Force for the Persian Gulf;

(2) insist that such a force be constituted and supported in a manner by which the international community fairly shares the financial and military responsibilities of the operation;

(3) seek the necessary authorization from the Congress for any participation of the United States Armed Forces as part of such a United Nations force in any offensive military actions against Iraq; and

(4) give United Nations sanctions and high-level diplomacy sufficient time to bring about a peaceful resolution to the crisis.

WE HAVE WON ALREADY—DECLARE VICTORY AND DIG IN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. OWENS of New York. Mr. Speaker, I rise to praise President Bush for successfully containing Sadam Hussein's aggression in the Middle East through United States military presence in Saudi Arabia and through the international economic sanctions against Iraq. The sanctions, whose vast scope and complexity are unprecedented in modern history, are very effective, and if we continue to hold the line, can succeed in wresting the necessary concessions from Iraq.

Beyond the sanctions and the critical task of containment, the remaining fuzzy objectives offered by President Bush are not worth the life of one single soldier. The moral imperatives against going to war at this moment are powerful. Experts now estimate that as many Americans are likely to lose their lives during the first 3 weeks of a conflict with Iraq as were lost during the entire Korean war. Moreover, there are promising alternatives to bloodshed for resolving the crisis, such as diplomatic negotiations, and giving the international sanctions more time to bring about the desired result: forcing Iraq to withdraw from Kuwait.

Mr. Speaker, during the holiday recess, I wrote a letter and a rap poem to President

Bush outlining my views regarding his policies and strategies in the Middle East. In the rap poem, which I submit for publication in the CONGRESSIONAL RECORD, as well as in the letter, I suggested that the wisest course in the Persian Gulf—morally, politically, and strategically—is simple: just declare victory and dig in:

WE HAVE WON ALREADY

Mr. President
In the Mid-East
Just declare victory
And dig in—
Outlasting the enemy
Is not a sin.
At the gates
Of King Fahd
We stopped Saddam cold
He couldn't come in
So just declare victory—
Being patient with tyrants
Is not a sin.
Tanks are in place
Yanks ready for the chase
Of the human race
The U.N. and the best
Stand behind us.
So just declare victory
And dig in.
Right through 1992
You can brag
You lured all nations
Together under one flag.
They gave Gorby
The Nobel Peace Prize
But you were the guy
Who cut the monster bandit
Down to bargaining size.
So just declare victory
Order your own parade
The glory of "containment"
Will never ever fade.
Let the worried nation
Wage the great debate.
Also order that our
Suffering soldiers must rotate.
Don't let the polls cause panic
Don't get uptight and frantic
Right through 1992
You can brag
You lured all nations
Together under one flag.
Mr. President!
Listen to your wonderful wife
Relax and enjoy life
In the Mid-East
Just declare victory
And dig in.

CONSERVATION FROM ENERGY PLAN CUT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. JACOBS. Mr. Speaker, let us not be ridiculous.

Why should anyone expect a conservative to conserve?

ADMINISTRATION CUTS CONSERVATION FROM ENERGY PLAN

(By James Risen)

WASHINGTON.—Conservatives in the Bush administration have succeeded in gutting the most ambitious energy conservation provisions contained in a proposed new national energy plan drafted by the Department of Energy, knowledgeable officials said Friday.

In a rancorous, internal debate over the direction of long-term energy policy, advocates of tough conservation measures such as higher car mileage standards lost out to administration officials opposed to virtually any new governmental intervention in energy markets.

After months of infighting, senior White House officials—including Chief of Staff John H. Sununu, budget director Richard G. Darman and chief economic adviser Michael J. Boskin—have forced the Department of Energy to rewrite its initial draft of the energy plan.

Sources familiar with the debate said the department has toned down or eliminated many provisions of the original plan that called for increased federal regulatory activity designed to encourage more energy conservation.

The revised plan is expected to call for few, if any, sacrifices by American consumers, the sources said, and will propose no energy-related tax increases. Sources said the document was unlikely to offend any major political constituencies—with the notable exception of environmentalists who favor tougher measures.

Officials said provisions that would have called for more governmental intervention in the private sector have been reworked to more closely fit the pro-business philosophy of President Bush, the first president to have run a Texas oil company.

A FREE-MARKET POLICY

The sources said top White House officials were generally satisfied with the rewritten plan, which was presented to senior economic policy-makers Dec. 21. Bush is expected to announce his acceptance of the strategy sometime in the next six weeks.

While White House officials apparently have succeeded in winnowing out measures that free-market conservatives might find offensive, they have preserved others that are likely to rankle environmentalists.

For example, the White House has agreed to preserve a highly controversial provision that calls for oil exploration within a 1.5 million-acre coastal region of the environmetally sensitive Arctic National Wildlife Refuge in northeastern Alaska.

Environmentalists have argued that any effort to increase drilling in the refuge should be offset by placing new demands on automakers to build much more fuel-efficient cars, but the White House appeared unlikely to make such a trade-off.

Officials said, however, that the administration plan will not push for a renewed effort to expand oil drilling off the California coast, which would touch off a far greater political firestorm than the campaign to expand Alaskan drilling.

BAD TIMING

Critics said the timing of the administration's decision to back away from more ambitious attempts to promote energy conservation could hardly be worse.

The United States appears poised to go to war in the Persian Gulf, largely to secure American access to Middle Eastern oil, critics charge. Meanwhile, the U.S. economy is plunging ever deeper into a recession, brought on largely by severe oil price shock—the third in two decades—that followed Iraq's Aug. 2 invasion of Kuwait.

Administration officials acknowledged it may be politically awkward for the White House to espouse a free-market energy policy if American soldiers are forced to fight and die to protect U.S. access to the Persian Gulf oil fields.

TRIBUTE TO MOUNT CLEMENS HISTORICAL COMMISSION AND THE MOLTMAKERS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Mount Clemens Historical Commission and the Moltmaker family.

The house on the land in the city of Mount Clemens described as lots 9 and 10 of block No. 1 of Lodewycks addition to the city of Mount Clemens, Macomb County, MI has recently been declared a historic house by the Mount Clemens Historical Commission.

I know this house as the home of Dean, Phyllis and Allan Moltmaker. The Moltmakers have long been supporters of mine. In fact, Allan is a former employee of mine, and I am pleased to pay recognition to their house.

In 1985, the Mount Clemens City Commission passed an ordinance creating the Mount Clemens Historical Commission. The commission was established in Mount Clemens to foster and develop interest in preserving the city's rich cultural heritage.

Since its inception the commission has remained dedicated to developing interest in the history of Mount Clemens throughout the entire community.

The commission has two specific programs it coordinates. One is the Mount Clemens Reconnaissance Survey of Historic and Architectural Resources. The other is the Historical Marker Project. The Historical Marker Project is the program which has recognized the Moltmaker House as a historical house.

Through funding from the city of Mount Clemens and a grant from the Federal Government, a survey, administered by the Michigan Department of State's Bureau of History, of pre-1940 buildings was conducted during the first few months of 1987. That survey found the Moltmaker's House to have been built in 1910.

In an effort to increase public interest in the city's heritage, the Historic Marker Project designates houses, such as the Moltmaker's, as historic by putting a plaque on the house. This is done to serve as an example for others, so that when one property owner strips aluminum siding from a house and finds interesting architectural details, a neighbor down the street may be encouraged to do the same.

I commend the commission's efforts in enhancing the quality of life in Mount Clemens by providing us a vital historical perspective. Furthermore, I commend families, like the Moltmakers, which have preserved their historic homes for future generations to see.

TRIBUTE TO SHERIFF BUD COOK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to a distinguished veteran and outstanding public servant of Monterey County, Mr. Bud Cook. At age 54, Sheriff Cook is retiring from a career of over 33 years with the Monterey County Sheriff's Department, where he began working directly after his discharge from the U.S. Army at Fort Ord, CA.

In his long years of service, he has developed an extensive background in law enforcement, having worked as a deputy sheriff, patrolman, detective sergeant, sheriff's lieutenant, patrolwatch commander, records commander, training commander, sheriff's captain in charge of the civil division and 5 years as the assistant sheriff. In the 139-year history of Monterey County, Mr. Cook is the 25th sheriff, elected to his position on January 9, 1979.

Sheriff Cook holds an associate of arts degree at Hartnell College and a bachelor of arts in administration of justice from Golden Gate University. He also has earned a master's degree in public administration and is a graduate of the FBI National Academy in Quantico, VA. Mr. Cook came to Monterey County 35 years ago having spent his childhood in Tampa.

Mr. Cook's commitment to public service does not end with his work in law enforcement. He has also been an active member of many community organizations. In addition, he has enjoyed a loving marriage to former Joyce Bradley of Salinas. Together, they have four daughters ranging in age from 19 to 32 years and five grandchildren.

Mr. Speaker and colleagues, please join me in honoring Mr. Bud Cook for his tremendous contribution to the cities of Monterey County, the State and the Nation.

TRIBUTE TO THOMAS AND AGNES PAOLONE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Thomas and Agnes Paolone of my 17th Congressional District of Ohio. Mr. and Mrs. Paolone celebrated their 50th wedding anniversary November 30, 1990.

The pair were married in St. Dominic Church of Youngstown, OH, in 1940. Mr. Paolone worked for many years as an accountant for the Tochtenhagen Bros. Motors Inc., Buick dealer in Girard, OH. At the time of his retirement, July 31, 1978, Mr. Paolone was employed by the Trumbull County Commissioners of Warren, OH. Mrs. Paolone, in addition to caring for her home and family, has been an active and valuable member of the Girard Federated Democratic Women's Club. For the past 50 years, both Mr. and Mrs. Paolone have been dedicated members of the St. Rose Church.

Mr. Speaker, I would like to congratulate Thomas and Agnes Paolone on their 50 years of marriage. Their commitment to each other and to their community is exceptional. May their marriage continue to serve as a much-needed example of love and dedication to us all. I wish them many more years of happiness together, and I am honored to have two such wonderful people as members of my district.

CORRECTING AN INJUSTICE TO DISABLED MILITARY RETIREES

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. YOUNG of Florida. Mr. Speaker, tragically, because of a loophole in current law, disabled military retirees with life-threatening conditions are losing critical medical coverage and home health care benefits under the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS].

The plight of my constituent, Mr. Andrew Cox, of St. Petersburg, FL, dramatically demonstrates the urgent need of this 102d Congress to amend existing laws to allow disabled military retirees to retain valuable health care benefits they were promised in return for dedicating their lives to service in our Nation's Armed Forces.

Andy Cox honorably served in the U.S. Army for 22 years. Following his retirement, he suffered a severe head injury in a fall from a ladder 3 years ago which left him 100-percent disabled and in a semicomatose state. After spending an extensive period of time in a hospital, Mr. Cox was able to continue his rehabilitative process at home with home health care benefits provided by CHAMPUS.

One year ago this month, Mr. Cox was notified that under a 1972 law, because he had been determined to be 100-percent disabled for more than 2 years, Medicare was replacing CHAMPUS as his health care provider. Soon thereafter, following an extensive review of his case, Medicare determined that Mr. Cox would no longer be eligible for home health care benefits, previously provided by CHAMPUS, because his condition did not show room for "substantial progress in a reasonable period of time."

It was suggested to the Cox family that Medicaid may provide the coverage denied by Medicare. However, because of a small monthly veterans pension to which Mr. Cox is entitled, he was determined to be ineligible for Medicaid home health care benefits. As a result, Mr. Cox and his wife Terry have had to sell their home, their furniture, and virtually all of their personal possessions in order to survive, pay monthly expenses, and provide for private home health care coverage. The U.S. Government should not stand idly by and allow families such as the Coxes to be ignored and left struggling financially in their greatest time of need.

Legislation I have introduced today, Mr. Speaker, would close the loophole in current law which denies health care benefits to those disabled military retirees who are most in need. It would make military retirees with nonservice connected disabilities eligible to retain CHAMPUS benefits. Under my legislation, CHAMPUS would serve as secondary carrier to provide for those health care needs not covered by Medicare. This legislation would retroactively reinstate CHAMPUS coverage to military retirees who became disabled and lost eligibility for CHAMPUS prior to enactment of the legislation.

Mr. Speaker, Americans such as Andy Cox who dedicated a large part of their life to service in the Armed Forces came to the defense of our Nation in its time of need. In return, we should ensure that a grateful nation comes to their assistance in personal times of need, especially in tragic times when they become disabled due to accidents or medical conditions.

Swift enactment of the legislation I introduce today will send a strong message of support and appreciation to all past and present Americans who have worn the uniform of the United States and made the Armed Forces their chosen careers.

A TRIBUTE TO JUDGE HARLAN R. SPIES

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. APPLEGATE. Mr. Speaker, I rise today to recognize one of the most outstanding public servants I have had the opportunity to know. On January 1, 1991, Judge Harlan R. Spies stepped down after 32 years of dedicated service to the citizens of Tuscarawas County, OH.

During those 32 years, Judge Spies has served as county court judge of the southern district court, assistant prosecuting attorney and prosecuting attorney. He also served a 6-year term as probate and juvenile judge, and for the last 18 years has been judge of the court of common pleas.

Judge Spies will be honored at a dinner and roast sponsored by the Tuscarawas County Bar Association on January 19, 1991. Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of Judge Harlan Spies, an exceptional public servant as well as a great man.

TRIBUTE TO PHILIP F. GRECO

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Philip F. Greco. Mr. Greco is being honored by the Daughters of Isabella Queen of the Skies Circle for his contributions to our community.

Often called "the title man's title man," Mr. Greco is one of the most prominent individuals in Macomb County, MI. He came to Macomb County in 1954 to become the regional office manager for the Burton Title & Abstract Co. In 1972, he bought the Burton Building at 118 Cass Avenue in Mount Clemens and founded the Philip F. Greco Title Co.

The Philip F. Greco Title Co. is an agent of the Chicago Insurance Title Co. As an agent for them, Mr. Greco provides title insurance for property owners in Macomb, Wayne, Oakland and Genese Counties.

Since 1972, Mr. Greco's company has visibly expanded. He has added two more office buildings to the original one he bought in 1972. His staff has increased from 3 employees—including himself—to 180. In the early eighties when most Michigan businesses were suffering and laying off employees, Mr. Greco did not lay off one employee.

Obviously, Mr. Greco has had a distinguished career. Not only has he been successful, but he has had the good fortune to make a career in something he really enjoys doing. When asked about retirement Mr. Greco once responded. "I could have started drawing Social Security a couple of years ago, but I love the business so much I don't think I will ever retire."

This philosophy seems to apply to his community involvement as well. He is actively involved in so many organizations that I cannot venture to list all of them. Mr. Greco is not the type of person who just joins organizations to say that he is involved. He is the type of person who joins organizations to become involved. He is fond of saying, "They say if you become a member of something and get on the ladder and live long enough you eventually become president. Well, that is what happened to me. I became president of most of them—organizations."

Mr. Greco has given thousands of hours to our community and he has given our community a successful business. I commend Mr. Greco on his integrity and sensitivity. He will long be remembered as a true friend of Macomb County.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 8, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 9

10:00 a.m.

Labor and Human Resources

To hold hearings to examine the condition of America's schools and colleges.

SD-430

JANUARY 10

10:00 a.m.

Labor and Human Resources

To hold hearings to examine the health care crisis as related to American families.

SD-430

JANUARY 15

10:00 a.m.

Labor and Human Resources

To hold hearings to examine services available to children and youth from poverished families, focusing on ways to ensure that they graduate from high school, preparing them for the workforce, and/or helping them get into college.

SD-430

JANUARY 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD-366

SENATE—*Tuesday, January 8, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10:01 a.m., on the expiration of the recess, and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 8, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in recess until the hour of 10 a.m., on Thursday, January 10, 1991.

RECESS UNTIL THURSDAY, JANUARY 10, 1991, AT 10 A.M.

Thereupon, at 10:01 and 32 seconds a.m., the Senate recessed until Thursday, January 10, 1991, at 10 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Wednesday, January 9, 1991*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 9, 1991.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore today.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The hearts of people everywhere, O God, cry for peace and justice in our world. From many voices, young and old, from many lands and cultures, people pray that the terror of war may be put aside and that the present fear may be overcome by hope. May our abhorrence of hostility encourage each of us to do justice, to love mercy, and to walk humbly with You. Hear our prayer, O God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CAMP] will please come forward and lead us in the Pledge of Allegiance.

Mr. CAMP led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

FMLN GUERRILLAS ATTEMPT TO KILL U.S. INVESTIGATORS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, we have just learned that FMLN guerrillas in El Salvador have attempted to kill the eight U.S. Army investigators who were sent down there to investigate the murder of our U.S. Army helicopter crew last week. When our eight U.S. investigators were exiting the site of the atrocity, six FMLN guerrillas opened fire on them, attempting to murder them.

I think this clearly demonstrates once again that the FMLN Communist guerrillas are brutal killers. They are not interested in peace in El Salvador but, rather, in replacing the duly elected democratic government with a Marxist dictatorship. Hopefully, those Americans who have given aid and comfort and indeed financial support to the FMLN Communist guerrillas in El Salvador will rethink their position based on this additional evidence of this attempt by these brutal killers to kill U.S. servicemen.

PUBLIC OPINION SUPPORTS CONTINUING SANCTIONS, REJECTS WAR

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, based on four public hearings that I have held in the State of Vermont, and based on the mail and the telephone calls that my office is receiving, it is my belief that the people of Vermont are overwhelmingly convinced that the crisis in the Persian Gulf can be resolved in a nonviolent manner through the continuation of strong economic sanctions against Iraq—sanctions which are rapidly destroying the Iraqi economy and Saddam Hussein's war making capabilities.

As it happens I share those beliefs, and am convinced that at a time when this Nation has a $3 trillion debt and is looking at the largest deficit in its history; has a banking system on the verge of collapse; a health care system no longer working for ordinary Americans; an educational system which is underfunded and failing; an industrial and manufacturing base which is rapidly becoming second or third rate compared to Japan and Europe—it is my belief that a war in the Persian Gulf now, an absolutely unnecessary war, would be a terrible mistake that this country would regret for decades to come.

Mr. Speaker, one of the concerns that I have had throughout this entire discussion on the Persian Gulf is that the President has refused to be straightforward with the American people and answer some of the tough questions that millions of Americans are asking. Later this afternoon, in 5-minute remarks, I hope to raise some of those questions—questions relating to potential casualties, the potential cost of such a war, and the nature of or relationship with such feudalistic dictatorships as Saudi Arabia and Kuwait.

SUPPORT URGED FOR WINDFALL PROFIT TAX ON OIL COMPANIES

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, while belts are tightening across the country and our constituents are scraping the coins at the bottom of their wallets to pay the heating bill, the oil merchants are filling their 10-gallon hats to the brim with cash.

Need convincing? Look at Chevron's release that their fourth quarter earnings would be around $700 million. A $2 per share dividend.

And look at the recent Department of Energy report which surveyed 17 major oil and gas producers and found their third quarter profits up 685 percent over 1989. During that very same quarter, almost half-a-million Americans lost their jobs.

It's a scandal, but we can stop it right now. Cosponsor my windfall profit tax, and do your part to keep the greedy oil companies honest.

THE OVERRIDING ISSUE FACING CONGRESS MUST BE THE GULF, BUT DOMESTIC PROBLEMS DEMAND AND DESERVE ATTENTION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, the situation in the Middle East grows more tense and more ominous as the January 15 deadline for the Iraqi withdrawal from Kuwait approaches.

I am pleased that my colleagues and I here in Congress will have the opportunity to debate and discuss the role of the United States in the Middle East later this week.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am further pleased that the House has a range of resolutions before it including resolutions urging the continued enforcement of economic sanctions against Iraq while diplomatic efforts to solve the impasse continue: Resolutions I support.

To resolutions giving the President some sort of vague, open-ended authority to take offensive action against Iraq: Resolutions about which I have reservations.

I also believe, however, that the crisis in the gulf should not serve to distract the Congress, the administration, and the Nation from addressing pressing domestic concerns as well.

The other day, the President used the "R" word, the dreaded "R" word: Recession.

The Nation is in recession. There is widespread unemployment around the country. These domestic issues—housing, homelessness, unemployment, health insurance, and our Nation's crumbling infrastructure, to name a few—need to be addressed by Congress despite our preoccupation with the gulf crisis.

DISTURBING DEVELOPMENTS IN THE BALTICS

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute.)

Mr. LEACH of Iowa. Mr. Speaker, I rise to express the deepest concern about new Soviet interventions in the Baltic States.

Whatever the gravity of events in the Persian Gulf or elsewhere, the current government in Moscow must understand that the American people will not allow themselves to be diverted from our historic identification with the Baltic peoples and the just cause of Baltic independence.

The United States stands unequivocally for the individual rights of minority groups within the Soviet Union. We can do no less for the collective national rights of the Baltic Republics.

Without brash bluster or meek equivocation, this Congress must leave no doubt that America's deepening rapprochement with Soviet Russia is inevitably jeopardized by new Muscovite coercion in the Baltics. Soviet troops have no business in Vilnius, no right to seize television studios or coerce parliaments. Democracy and self-determination are principles that must be respected as universal, not selective. They are the linchpins of justice in this regard.

Mr. Speaker, this Congress has no choice but to identify in the starkest way possible with the common fate of the Baltic peoples, who appear to be living under a new reign of Stalinist-style terror.

□ 1210

UNDATED DECLARATION OF WAR A DANGEROUS PRECEDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, The President of the United States yesterday requested that we provide him with an undated declaration of war. I feel that voting for such a blank check is a very, very dangerous precedent for this body, that really will only make it into a rubberstamp in the future, and I certainly hope we do not do that.

But for those who are very anxious to join the President in giving him this authority to commit American troops whenever he wants to combat, let me remind them there is even more they can do. Forty-seven years ago, Henry Cabot Lodge, Jr., resigned from the Senate, saying in his letter to his colleagues that the fact that the United States was entering a period of large-scale ground fighting gave him the definite conclusion that he felt that he should join and serve his country as a combat soldier. He was not only willing to vote, he was willing to go.

For those who are that anxious, I hope they consider ex-Senator Henry Cabot Lodge, Jr.'s plea.

CONGRESS SHOULD GRANT VOTE OF CONFIDENCE TO PRESIDENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, now is the time for the Congress of the United States to grant a vote of confidence to the President of the United States. After all, the entire world in one way or another through the United Nations, through individual consultations, has granted that confidence to the President of the United States. Our Armed Forces in the desert of Saudi Arabia has given a vote of confidence to the President of the United States time and time again. The American people, in poll after poll, in a substantial majority, has indicated their confidence in the President of the United States.

What a shame it would be, it would be an utter betrayal, if the Congress of the United States would fail to grant that vote of confidence in the President of the United States.

This is the time to rally around the President. It is the right thing to do. It expresses to the American people that we cannot abide by the aggression of Iraq, and that the will of the United States and the international community will be done. Vote for the resolution supporting the President of the United States.

LET US NOT JUMP THE GUN ON WAR IN THE MIDDLE EAST

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, so much faith, perhaps unjustly, is put in polls. But as we stand on the verge of war in the Middle East, hopefully common sense and conscience will prevail over any polls. In my ad hoc de facto coffee shop and court house polling, conservative Hoosiers overwhelmingly reject any need to go to war in the Middle East at this time. My congressional mail has been running 10 to 1 against any offensive launch.

Yet national polls show a slim majority of American people willing to back an offensive war. However, support falls to just 44 percent with 1,000 casualties and to 35 percent with 10,000 casualties.

Although some highly placed congressional leaders think we will be in and out of this like a Grenada holiday, the odds are that our casualties will be in the tens of thousands.

As Admiral Crowe has said, "What is the rush?" The sanctions are working. Are the problems of jobs, productivity, health care, deficit reduction, the environment, and a truly peaceful new world order not more important than jumping the gun in the sands of the Middle East?

ENCOURAGE SURVIVAL OF SMALL FINANCIAL INSTITUTIONS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, we are all concerned about the failure of the Bank of New England and the shaky condition of our Nation's banks and savings and loan associations. However, it seems to me that we are attempting to solve this problem in exactly the wrong way.

It appears that the prevailing sentiment of the regulators is to merge the weak institutions into the larger and larger organizations. What we really need is a large number of small, conservatively run institutions. We would be better off with several thousand small banks, or several hundred small banks at least, rather than a few big ones. If one big institution fails us in New England, that is a major catastrophe for the taxpayers, where it would not be as great a problem if the institution were small.

Highly regulated industries, those in which there is much governmental interference, always end up with a very small number of very large companies controlling the market. On the other hand, when the free market is allowed to operate, the little man has a chance. This can be seen in the trucking industry, where there was a major deregulation several years ago. Now there are thousands of small independent trucking companies, and there will be, until the regulators and the bureaucrats take over and run the small companies out.

Mr. Speaker, I hope we will not let the same thing happen with the banks and savings and loans, and not let the regulators run the small financial institutions out of existence in this country.

PATIENCE IN PURSUIT OF WORLD PEACE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I earnestly hope and pray that the negotiations that are now going on in Geneva will be successful. This world does not need another war. We need a peaceful solution.

Mr. Speaker, I want to support the President of the United States in that effort. But I will not vote for a blank check as a declaration of war, as was done here in 1964 in the Gulf of Tonkin resolution. It would be a mistake for the Congress to vote that kind of resolution through here again. All of us know the sad history of what happened there.

But it is important for us at this time to remain firm in our convictions, that we will resist aggression. It is important that we remain firm in our enforcement of the embargo that we have. I think with that firmness and that patience, we can successfully conclude this very strenuous session that we are now going through.

INTERNATIONAL COMMUNITY MUST SUPPORT GULF EFFORT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, one of the reasons support is eroding for our Persian Gulf policy in the country is allied contributions. Our constituents are not pleased with what our allies are doing in this effort.

Japan's trivial contribution of half of a billion dollars is just a fraction of the amount Sony paid for Columbia Records. Germany's contribution probably is comparable to the payroll of the Oakland Athletics.

What about our French colleagues? At the time that the Secretary of State is trying to negotiate an agreement, the last chance for peace, France launches its own peace initiative that will hardly help Secretary Baker's efforts. Who knows what this peace agreement is? Where was the consultation?

Mr. Speaker, Saudi Arabia, our friend, is placing restrictions on American troops on religious practices and other potentially eroding moral incentives.

Mr. Speaker, we have to make sure that this is not an American war, but that this involves the Western World. We have to protect Western interests. What we are having now with attitudes by the French, the Germans, the Japanese, and others, is that it is strictly an American war, and they want us to do the dirty work.

ALL PEACEFUL MEANS OF ACHIEVING U.S. OBJECTIVES MUST BE UNDERTAKEN

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, today Secretary of State Baker and Iraqi Foreign Minister Tariq Aziz are meeting in Geneva. The whole world is watching to see whether this meeting brings about a peaceful solution to the gulf crisis.

But if it does not, the Congress of the United States will have to consider whether or not to authorize the use of military force to drive Iraq from Kuwait.

In 1965, President Johnson asked Congress to adopt the Gulf of Tonkin resolution, giving him a blank check to send combat troops to fight in Vietnam. Today, President Bush is asking Congress to pass a "Gulf of Persia" resolution giving him a blank check to plunge America into a war with Iraq.

The President has said that anything less than approval of a blank check authorizing "all means necessary" to drive Saddam from Kuwait would encourage Iraqi intransigence and detract from the international coalition arrayed against Iraq.

I disagree. Before Congress authorizes the President to send young American men and women to fight and die, we must know that all peaceful means of achieving U.S. objectives have failed. Why should we go to war, when continued application of economic sanctions may be able to drive Iraq from Kuwait without firing a shot?

The Bush administration should give economic sanctions more time to work and assure there is true burden sharing, not phoney burden shirking on the part of our coalition partners. The administration must forge a national energy independence strategy that eliminates our overdependence on foreign oil and a principled nuclear nonproliferation policy that keeps countries such as Iraq from obtaining access to the bomb.

That is what America needs to do. Instead of passing blank checks for war, we must devote our full energies to putting together a strategy for peace so that young American men and women will not be asked unnecessarily to give "the last full measure of their devotion" on the battlefield.

□ 1220

UNITED STATES SHOULD NOT GO TO WAR WITH IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, we have been told that the President, Secretary of State Baker, have decided to go an extra mile in the attempt to resolve this disagreement peaceably. They are not going the extra mile, they are going the first mile in diplomacy.

This is the first attempt at diplomacy before the rush to war of this administration. We are going to be asked to support the President with an open-ended authorization to pursue a war. If we are going to do that, then let us just have an honest vote up or down on a declaration of war here on the floor of the House.

Why the rush to war? Mr. Webster, the head of the CIA, said sanctions are working. Is it because the President and his staff are so embarrassed that they opposed economic sanctions against Iraq 10 days before the invasion? Is it because Ambassador Gillespie 3 days before the invasion left open the door to invasion and mollified, attempted to placate Mr. Hussein?

There is no long term vision on the part of this administration. How are we going to achieve long term peace and stability in the Persian Gulf? It is not through a war against Iraq.

SUNDRY DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–24)

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals and four revised deferrals by budget authority now totaling $9,093,864,337.

The deferrals affect International Security Assistance programs, as well as programs of the Departments of Agriculture, State and Transportation.

The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *January 9, 1991*.

A LESSON FROM HISTORY ABOUT SADDAM HUSSEIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I repeat that the duty of the Congress of the United States in these perilous times is to, within reason, rally around the President of the United States and his objectives, especially in the field of foreign policy. When we look at the geopolitical situation that prevails historically, there is no other choice but for the United States to lead in the repulsion of the aggression that has been instituted by Iraq against its neighbor.

It is important that the CONGRESSIONAL RECORD contain allusions to history as we begin the debate on the Persian Gulf. Why are there so many of us who feel the pressure of history and say that we must resist this aggression now before it becomes worse? Is there any precedent for being able to say that it could become worse?

I refer to the 1930's. As a newsboy I remember the headlines in 1938. I was in downtown Harrisburg, and the headline read, "Sudetenland Taken Over by Hitler," or some words to that effect.

What had happened was in March 1938 Adolf Hitler, the dictator of Germany—recall we are talking about a dictator today in Saddam Hussein, autocratic, self-appointed dictator—back in 1938 Adolf Hitler, a self-appointed dictator of that regime, took over the Sudetenland on the pretext, and here is where history comes into play, on the pretext that the Sudetenland residents, largely German, pleaded with him to be reunited with the motherland, so to speak, with Germany. So on the basis of some ethnic connection with the Sudetenland, Hitler marched in and took over that portion of Czechoslovakia.

In 1990 what happened is Iraq marches into Kuwait on some pretext that this was an ethnic connection that always existed historically, and that he, Saddam Hussein, had the right to incorporate Kuwait as the 19th province of Iraq.

What that similarity does is warn us of what is happening.

What happened then? In the summer of 1938 intense negotiations were going on. The entire world was worried about this naked aggression on the part of Adolf Hitler. What did they do about it? They met with him in France, England did, and in September 1938 as the Prime Minister of England returned home, in front of 10 Downing Street in London he pronounced peace in our time because he and the French Foreign Minister had granted to Hitler his request that he keep the Sudetenland. That is all he wanted, just a little bit of Czechoslovakia, no other aggression was in the books, and they could go home and recognize that no more aggression would be perpetrated by Adolf Hitler.

It was not very long when he marched into Czechoslovakia. Anschluss took place with Austria, and then in September 1939 the world knows what happened, naked aggression, blitzkrieg into Poland, and then belatedly the Western allies, England and France, declared war on Germany when it was almost too late. It was too little and it was almost too late. And if it were not for the United States of America in standing by the side of Western civilization and of democracy, World War II could not have been won. The aggressor, Adolf Hitler, could not have been put down.

Those parallels are very important. Here we have Saddam Hussein with a stranglehold, potential stranglehold on the Middle East affecting our economy, the entire civilized world, and if this aggression prevails on Kuwait he can further his efforts to strangle the lifelines of Western civilization.

□ 1230

He must be stopped now before the Sudetenland of 1938 is repeated in the Kuwait of 1990, and the too little, too late efforts of the Allies during the 1939 cycle must not be repeated in 1991.

That is why we must support the President of the United States in every effort from embargo to diplomatic and political efforts, settlement, Arab League, League of Nations, United Nations, and I am sorry, the League of Nations failed to do its job before; the United Nations, whatever is required, but the President must be given the vote of confidence by the Congress of the United States.

GROWING THREAT AGAINST BALTIC STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in expressing my deep concern about the growing threat of Soviet totalitarianism in the Baltic States of Latvia, Lithuania, and Estonia.

In recent days we've seen a steady deterioration of the situation there with the takeover by Soviet troops of the largest printing plant in Latvia. Two groups of 10,000 Soviet troops also were recently dispatched to Lithuania and Latvia to round up young men for service in the Soviet military. A total of nearly 100,000 Soviet troops are now based in the region.

Such displays of imperial arrogance have shown me that the Soviet leadership is determined to turn back the recent moves these countries have made toward independence.

I fear these moves foreshadow a still tougher crackdown against the citizens of these Baltic nations who have sought nothing more than the right to determine their own future.

To address this threat to the sovereign peoples of the Baltic Republics, I and several of my colleagues have signed a letter urging President George Bush to make the cause of Baltic independence a cornerstone of United States-Soviet foreign policy.

We must send a clear message to Mikhail Gorbachev that he is jeopardizing United States-Soviet ties by refusing to respect the rights of the Baltic peoples to self-determination.

LESSONS TO BE LEARNED FROM CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, last week when the House convened for the first time, that is, the Congress convened for the first time and organized, we were under the impression that we would adjourn until January 23. Then it was announced late in the day that there would be pro forma meetings on Mondays, Wednesdays, and Fridays until January 23. Then this Monday, while at home, we found out that the intention was to have a unanimous-consent request day before yesterday in order to have a Thursday session and a Friday vote on some type of resolution with respect to the intervention in the Middle East.

The record will show that I have spoken out since we came back after Labor Day in the last Congress. I have introduced a resolution pursuant the 1973 War Powers Limitation Act in which I wanted to have a hearing by the proper committee in order that the Congress would respect the integrity of its own laws and would, in view of the fact that the clear and limpid intention of the 1973 War Powers Limitation Act was the exact case now unfolding before us since August 3 and, like no other Presidential excursion and adventure, this was precisely what those of us who cosponsored and helped coauthor the 1973 act had in mind effective in 1974. The President vetoed it, and we overrode his veto.

When it was announced that the purpose of this Friday's vote was intended to do something that, in effect, would amount to not calling the President to account for violating the very laws that the Congress has passed or at least be summoned to the Congress, rather than having the leaders of the Congress abjectly trail over to the White House to get their marching orders, totally abdicating the constitutional premise in which this body, the Congress, as set forth in article I of the Constitution was clearly intended to act and charged with the responsibility to act and in behalf of the national interest and in behalf of the basic American constitutional premise of the separation of powers, the coequality, the independence and that separation.

So I am totally dismayed, because I might say by way of explanation, and even though I have placed these documents in the RECORDS since September and October, I will not seek to replace them and reprint them and entail that cost at this time, but I will just refer to the fact that as soon as the President announced precipitously and with apparently no consultation whatsoever with the Congress, after his visit over the weekend upon the adjournment of the Congress in August, his announced intention to send Armed Forces of the United States to Saudi Arabia, I wrote a letter to the Speaker. That is all I could do as one individual Member of the House. I urged him to meet with the majority leader of the Senate and call back the Congress in order to obtain consultation, obtain an explanation from the President. I feared, and let me say that up to now, I have had confirmation, not rebuttal, of that fear, that this would simply be a reenactment or an attempted reenactment of our invasion of Panama in December 1989, and it has turned out to be.

Why do I say that? Because there is no thought whatsoever given to the nature and the after effect of the consequences of an invasion.

In Panama, for instance, we are in occupation of that country. Our military are governing it. We have over 10,000 of our military there in occupation running the government, and we dare not remove those soldiers, because I will assure the Members, my colleagues, not one American life will be safe.

We heard earlier some speakers refer to the occurrences in El Salvador, the smallest country in Central America. After $6 billion and 10 years, we are no closer to any kind of what anybody in his right mind would call a successful conclusion. As a matter of fact, we are worse off. We find now that our military now openly are involved in what we had been saying was happening since 1980, and, mind you, that was the first time I spoke out on Latin America, and it was not President Reagan, it was President Carter. I predicted then, I said, "You cannot militarily determine the outcome of a purely native indigenous civil war." This is not an imposed insurrection by external forces, either Cuban or Russian.

I said the same thing about the Nicaraguan revolution.

So comes Panama. Nobody said we were in there to put down communism, for Noriega was one of our stalwart allies for a while in attempting to promote the so-called Contras, in trying to knock out the Sandinista regime. It was when he doublecrossed us that we then decided that we could not keep him on a payroll that was in excess of what we pay our own President.

Let us now look at Panama. We are still there. We dare not remove our troops. We installed a so-called government by swearing in Endara at our military base. Is that democracy? Is that imposing democracy?

We dare not remove our troops that are now in excess of 10,000 in Panama, but if you read the newspaper stories in December and the month following, you saw pictures of our troops returning "mission accomplished."

☐ 1240

We have imposed democracy. Our troops are out. However, that has not been true. Our troops never have been removed, and they better not be. There will not be one American life safe, I will tell Members that now.

Now, is that success? What about Noriega, Gen. Manuel Antonio Noriega? Is he a prisoner of war? If so, what war? If he is, then we ought to be obeying the Geneva Convention. We are not. Is he then a prisoner for the purposes of trial in our domestic court? If so, we are in gross violation of the basic international laws of sovereignty. Like it or not, he was a head of what we said was a sovereign nation.

Honduras, we are in occupation of Honduras, still. However, let us go back to these basic things. What is the purpose of our intervention? Once that purpose becomes military, what is the mission of our military? What is the mission of the military? There was a time in 1987 when plans were elaborately drawn up for the invasion of Nicaragua. Fortunately, our professional military, to their everlasting glory, were able to prevail and say, "Hey, this is what it will take, and we have our limitations as a military. We can achieve our military goals if we spell out the mission, but this is what it is going to take."

Now, what do we do afterwards? Who is going to govern Nicaragua? Unless our troops are there to impose that government as we have in Panama? Fortune prevailed. In this case today, unfortunately, the administration has a political general, as a Chairman of the Joint Chiefs of Staff, and that is bad. Throughout our history, in which the basic understanding is that we have a people's army. We were not going to have standing armies like the kings of Europe were accustomed to. We also were not going to have king-made wars. This is a reason why this provision was a most debated provision. If Members look at the annals and the record of the proceedings of the Constitutional Convention, the most feared power was to give any man, call him chief magistrate, as they first did in the Convention, or President, as they finally ended up doing, or call him king. They did not want to be victimized any more by king-made wars. So, they said only "the Congress," as a direct agent and representative of the people shall have the power to declare war. It has the power to raise armies, and money for the purposes therefor. Not the President. However, we live in a day and time when the President says, "I'm the Commander in Chief of the country." He is not. He is the Commander in Chief of the Armed Forces of the United States, and that is all. This is where the Congress comes in, and the Congress is just about to, once again, cravenly try to have it both ways as we have it, and the Congress has had it since Korea.

When President Truman ordered the Armed Forces of the United States, based on a then conscription service draft, he acted contrary to the basic peacetime draft triggered by the declaration in December 1941, and forced unwilling Americans to serve outside of the continental United States without a declaration of war or "expressly provided by the Congress."

There were the phrases that had to be placed in the first peacetime draft law in 1940, and redefined in 1941, but we had Congresses then that did not have the key, so those Members said, "All right, we will have for the first time a peacetime draft." Some are called, some are not called. Those that are called, we will have a Sailor and Soldier's Relief Act so that after their service they will have their job to come back to. If they are paying on a home, they shall not pay more than 6 percent. That is still the law. Let me assure Members, all of the financial entities are trying ways to get out of it.

As chairman of the Subcommittee on Housing, that is exactly the appeal I have had from fellow Members just south of Washington, DC, in the State of Virginia, in areas where we have a concentration of military, or heavy concentration of those that have just been called in as reservists, because mortgage companies—both primary as well as secondary—are trying to get around it. However, those men who wrote that law were looking out for the people. Therefore, they sunset it. It would last only 1 year. Therefore, in the summer of 1941, when it was about to expire, they finally passed it by one vote, and only after a southern Member appended this phraseology.

Notwithstanding any of the hereinafter above, no person subject to the terms of this act shall be compelled to serve against his will outside of the continental United States, except in a declaration of war, or expressly provided so by the Congress. Then it passed by one vote. Then a few months later, we had Pearl Harbor. Then we had a declaration of war the day after. However, everyone forgot about that when we were supposed to have won World War II. My whole thesis since I have come to the Congress in 1961 is that World War II has not ended. There was no peace treaty. Even now, we have over 325,000 military in Germany alone. Even now. The sequela war in Korea, that has not ended. Why? We have over 45,000 military in South

Korea, and if we add the 40,000 civilians with them, we have over 80,000 Americans in South Korea, even after we have had not one, but four violent demonstrations against our military presence in South Korea. What is the military mission of our military in South Korea? What is the military mission of our over 300,000 in Germany? Can we not see where we are headed, colleagues, when we talk about war?

Without the Congress even having had a chance or willing to, but wait until the President has preempted and co-opted anything. What are we going to do Friday? Say, "Oh, yes, Mr. President, we are in favor of the U.N. resolution"? Here is a President that advocated the United States getting out of the United Nations, just a few years ago. All of a sudden he is saying, "Hey, all I want you to do is just say 'Approve the U.N.'; that is, if Saddam Hussein does not get out of Kuwait by the 15th, then it will be all right for us to use force"?

Again, what is the military mission of our now close to 450,000 military in Saudi Arabia? What is their mission? Is it to go in and roll back Iraq from Kuwait? And then what? Leave Saddam and his warmaking capability intact? Well, then you have other imponderables, you have other countries like Israel, that might have a word or two about that.

□ 1240

You know, after all, just about 3 weeks ago Israel blew up a missile. It did not bother to advise the United States. What was the meaning of that?

Well, anybody who knows the subject matter of the Middle East will tell you what the meaning was.

So what do we have at this moment? Let us put aside the question of what is the military mission. In effect, what we have done, Mr. President, is that you have exchanged about 200 or 250 civilian workers, most of them oil corporation employees, if not all, so-called hostages, for 450,000 of our soldiers as hostages. They are now hostage to the dictates, the caprice, the whims of other rulers and other nations.

Mr. President, by getting personal and even Colin Powell making speeches in September and October against Saddam Hussein, since when have we had a Joint Chief getting into the political arena like that?

But above all, Mr. President, why do you want to reduce yourself to name calling with a guy like Saddam Hussein to the same level? I do not understand.

But what have we done? We have got 450,000, close to that by now. That is like if you have the city of Seattle and moved it into the middle of the desert. That is what we have done.

The ecological impact will be absolutely catastrophic in that area, the most sensitive ecologically speaking.

In the meanwhile, one of my colleagues, a very distinguished Member, honored, mentioned, "Oh, please don't make this an American war." It is. You are not going to have a Russian soldier shooting an Arab Muslim. You are not going to have a German soldiers in there shooting at an Arab Muslim. It will be an American soldier, and when we do, this notion that it is going to be a limited war 6 days a week, and I was horrified when I heard my distinguished chairman of the Armed Services Committee say last night on TV that he feels sure the casualties would not exceed several thousands, which was acceptable. Acceptable to whom? Nothing is acceptable when you have an unnecessary war.

If ever the history books will record, as surely as I am speaking, that this was the most of unnecessary wars, this will be one, if it reaches that point.

Frankly, you have got to be realistic. Where else are we headed?

So the issue is not going to be, Mr. President, hey, you come over here and consult. The issue is going to be, are you loyal to the President or are you not loyal to the President? And of course, the options are gone. Why? Because you now have 450,000 of our soldiers in those sands. What are you going to do, deny them money, deny them arms?

The Congress wants to have it both ways. It wants to sit back, as they have done since August, and say, "Well, let's see how it works out and then if it doesn't work out, we jump on the President."

Well, let me tell you something, my colleagues, You could do that in the fifties. You could do that in the sixties and you could do that even with the little excursions of Mr. Reagan in which we lost two aviators going out to try to kill Qadhafi, and let me point out to you that Qadhafi is still alive and in power, and in fact, has made more treaties than he ever had before with the surrounding Arabic, Islamic world.

Let me tell you by way of conclusion, if hostilities break out, you will not confine them.

It is like a revolution. Once it starts, there is nobody can tell you how many are going to get killed or where it is going to end up.

So what is the military mission? You are going in, roll back Iraq, for what, Kuwait? That will arouse the Muslim world to a unity they have never had, and particularly the Arab Muslims and the Islamic world, the entire Islamic world. It will not be confined to the Middle East. It will be worldwide.

Pakistan has the bomb. Let me assure you, it will be more likely than not they will let them have it in the Middle East.

Second, is the military mission then not only to roll back from Kuwait, but go in and destroy Saddam Hussein and his war power machinery? What about after?

What will that do to the Arabic Islamic fundamentalist movement, including Iran?

We have already had a clear demonstration. We had the two countries that had been locked in the most murderous, the most bloody war in the 20th century, Iraq and Iran. Iraq ended up victorious. We helped them and others. They ended up with over 5,500 tanks. They ended up with what started out as 2 and now 35 crack brigades, called the Republican Brigades, crack. They fought in that desert. They died in that desert. They know it. And they have a million-man army, a million. When they started out in the war against Iran, it wasn't even a fifth. Iran had to plea for armistice; but after the invasion of Kuwait, Saddam Hussein had the agility on the basis of the Islamic brotherhood to bring in the Islamic leaders in Iran and proclaim a sort of fellowship. That ought to signify something to our geopoliticians; but instead of this, and I will conclude, let me tell you what you are facing.

Did we go in to protect oil, as it was first said on August 3? If so, once hostilities break out, let me tell you what we are going to face. We are going to face $80 a barrel oil; but more importantly, our geopoliticians somehow or other, talking about backed-up policies, and if they have trouble with the Saudi kings, are prepared to talk about deposing and installing a more democratic government. The Saudi kings are informed of that, so being true born as they are of that great tribe of Arabs known as Bedouins, have mined the oil piplelines. They are all dynamited. Their production is very simple. If we go, the oil lines go with us.

So many friends, what is it that we want our military to do? What is their military mission, Mr. President?

Have we not learned anything in our past ventures from Korea, to Vietnam, to Central America, once we summoned the military?

I spoke for 14 months after President Reagan detailed the marines to Beirut and I asked that simple question. What is their military mission?

Finally, at a press conference he said they are there as peacekeepers and to shore up the Gemayel regime. I then took the floor, and anybody who wants to and is interested in looking at the record instead of what I am saying now, and I said if that is the case, they cannot be peacekeepers because the Gemayel regime is one of four factions bitterly fighting. You cannot come in on the side of one and be a peacekeeper.

Second, they are militarily exposed. They are in a saucer bowl bottom with the rim full of hostile forces.

□ 1300

Well, the rest is history. But who is thinking of the 241 marines who died in that excursion? What was the military purpose?

The marines are not, the soldiers are not politicians; they are not diplomats, they are warriors, and always it has been true since—and these are the words I used on October 28, the last day of the session, at 3 a.m. in the morning, when I said: "If the trumpet giveth an uncertain sound, who then shall be prepared to do battle?"

HOUSE COMMISSION ON CONGRESSIONAL REFORM

The SPEAKER pro tempore (Mr. MORAN). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, today I am introducing a resolution to establish a House Commission on Congressional Reform. The Commission would be made up of 12 former Members of the House of Representatives appointed by the Speaker and the minority leader, and would be charged with developing, over a 6-month period, recommendations that would enhance the efficiency and effectiveness of the House, and improve its capacity for lawmaking, oversight, and representation.

The time has come to take a good look at the House of Representatives. The American public has a deep and growing dissatisfaction with this body. While there has historically been no shortage of critics of Congress, recent public opinion polls suggests that Congress' approval rating has dropped to a low point in recent memory. The calls for term limitations for incumbents reflect this dissatisfaction, but I believe they address the symptoms and not the underlying ills of this body. It is time to reexamine the operations of the House, and close the public confidence gap.

At the same time when the Congress is being looked to as a pattern by emerging democracies in Eastern Europe and around the world, the American people are finding serious fault with the body. Recent public opinion polls have found an approval rating of only 24 percent. There is concern that Congress is unable to address the pressing problems of the day in a responsible manner. There is concern that the view of the American people are not adequately represented in the legislative process. An increasing number of our constituents perceive Congress as irrelevant. And since we are a democratic body entrusted to represent our constituents and guide this Nation through the perils of the modern world, this is a serious indictment.

The resolution that I offer today is not meant to add to the criticism of Congress. Instead, it is directed at the opposite result. I have great respect for the qualifications and commitment, the dedication and sense of duty, of the Members of the House of Representatives. I have been privileged to serve with men and women who have made great contributions to this Nation, both individually and collectively. Many of the depictions of the House in the media disregard the positive aspects of Congress. But this body can work better. I believe that we can all agree on that.

The time has come for a comprehensive reexamination of the structural and institutional aspects of the House. It is not just our prerogative to make the House more responsive to the people, it is our obligation. By enhancing the operations and effectiveness of the House, I believe that we can strengthen public confidence in the institution.

Why should we look to an outside commission for recommendations on enhancing the performance of the House of Representatives? One reason is common to all institutions—it is difficult for sitting members of an institution to offer an objective and impartial review of its own operations. A second reason is the demands of Members' schedules, which are substantial. Representatives today simply cannot devote full time to one issue. A subject as complex as improving the legislative process requires the thorough and thoughtful study and reflection that only those with experience and time can bring to the task.

Congress does and should devote the bulk of its energy to addressing the pressing substantive matters—such as the events in the Persian Gulf today—while a commission could focus exclusively on improving the institution of the House of Representatives itself. To be sure, many legislative interests are involved when Congress addresses various reforms. A commission made up of a select group of former Members, who do not have a personal stake in the outcome of reform, can develop fair and objective recommendations for change.

The Commission could, for instance, take a fresh look at the area of campaign financing reform, a topic that has seemed intractable in recent years. Developing a reasonable solution to campaign financing would be enough in itself to justify the Commission. And the Commission would not postpone, but instead would supplement the efforts of House committees with jurisdiction over this and other areas. The resolution specifically provides that the Commission's recommendations are to be referred to the appropriate House committees for consideration.

The crux of the House Commission on Congressional Reform, its essential element, is that it is comprised of former Members of the House of Representatives. Commission members would have a perspective only obtained through service in this body—they would understand the imperatives of the election process, the operations of committees, procedures on the floor, legislative time pressures, and the many other facets of the job of U.S. Representative. Some Commission members would likely have experienced the successes and failure of past efforts to enhance the operations of the House, and could bring this to bear on today's Congress.

Several former Members, men and women who had distinguished careers in the House and who have a wealth of knowledge about this institution, come immediately to mind. House alumni such as Richard Bolling and Barber Conable, Tip O'Neill and Mel Laird, Robert Giaimo and John Rhodes, Willaim Brodhead and Ed Bethune are among the many potential Commission members. Some members could even be drawn from those who have just recently left the House, such as Lindy Boggs or Bill Frenzel. Of course, it would be up to the Speaker and the minority leader to appoint Commission members, but the Commission could represent a cross-section of the geographic and political spectrum—north to south, east to west, liberal to conservative.

The common denominator would be that these former Members would understand the day-to-day reality of House membership, would care deeply about the integrity of the institution, and would recognize that there are fundamental problems that need to be addressed.

The House Commission on Congressional Reform would conduct a careful and thorough review of the operations of the House, and function in a nonpartisan manner. Public dissatisfaction with Congress makes it clear that improving the way Congress works would advance the interests of both parties. Increased partisanship in the House will only cause a further decline in the American people's confidence in their elected leaders.

During the great debates preceding the Civil War, Abraham Lincoln said of the union, "a house divided against itself cannot stand." In the months ahead, if partisanship is allowed to divide this body and stifle the changes that are needed to make Congress more responsive to the American people, that division will imperil this House. The Commission, as an independent and nonpartisan group, could avoid the partisan wrangling that can delay needed changes.

Critics of some past efforts to examine the operations of Congress saw reform efforts as a misplaced search for structural solutions to what were at their core political problems. The House Commission on Congressional Reform would avoid this because it would be composed of former Members of the House who would bring with them a breadth and depth of historical understanding, practical experience, and institutional perspective. They would be aware of past efforts and would develop recommendations capable of mobilizing consensus and providing incentives for current Members to implement them.

The time has come for an independent review of the House of Representatives, and I hope that you will join me in support of the House Commission on Congressional Reform.

I ask unanimous consent to submit for the RECORD several articles that suggest the need for a House Commission on Congressional Reform.

H. RES. —

SECTION 1. SHORT TITLE.

"House Commission on Congressional Reform Act."

SEC. 2. PURPOSE

PURPOSE.—The purpose of this Act is to address the need for a historical and institutional perspective on ways to improve the operation of the House of Representatives, to increase its responsiveness and efficiency, and to build its capacity for lawmaking, oversight, and representation.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the House Commission on Congressional Reform (in this resolution referred to as the "Commission").

SEC. 4. DUTIES.

The Commission shall develop comprehensive and impartial recommendations for the House of Representaives that would improve—

(1) institutional integrity,

(2) accountability to the public,

(3) efficiency,

(4) effectiveness, and

(5) any other aspects that would serve to increase public confidence in the House of Representatives.

SEC. 5. MEMBERSHIP

(a) IN GENERAL.—The Commission shall be composed of 12 members.

(b) APPOINTMENT.—6 members of the Commission shall be appointed by the Speaker of the House of Representatives, and 6 members shall be appointed by the Minority Leader of the House of Representatives.

(2) REQUIREMENTS FOR MEMBERS.—An individual appointed under subsection (b) shall have served in the House of Representatives, and shall not be a Member of the 102d Congress.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) QUORUM.—8 members of the Commission shall constitute a quorum.

(4) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson shall be designated by the Speaker and the Minority Leader of the House of Representatives at the time of appointment.

(g) COMPENSATION.—

(1) MEMBERS.—Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of pay for level III of the Executive Schedule for each day (including travel time) during which they are engaged in the performance of duties vested in the Commission.

(2) EXCEPTION.—Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay or compensation, except for necessary travel expenses, by reason of their service on the Commission.

(h) EXPENSES.—Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House, the Commission may incur expenses in connection with its functions under this resolution.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director appointed by the Commission and paid at the rate of basic pay for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The Commission may appoint personnel as it considers appropriate without regard to the provisions of title 5, United States Code, governing appointments to the competitive service. The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, related to classification and General Schedule pay rates.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) STAFF OF GENERAL SUPPORT OFFICES OF CONGRESS.—Upon request of the Commission, the head of any general support office of the Congress of the United States is authorized to detail, on a reimbursable basis, any of the personnel of that office to the Commission to assist the Commission in carrying out its duties under this resolution.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of this resolution, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) INFORMATION.—The Commission may secure directly from any Committee, Subcommittee, or support office of the House of Representatives information necessary to enable it to carry out this Act.

(c) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(d) SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 8. REPORTS.

(a) REPORTING REQUIREMENT.—The Commission shall transmit to the Speaker and Minority Leader of the House of Representatives its recommendations not later than 6 months after the date of passage of this resolution, and the Speaker shall refer these recommendations to the Committees of the House of Representatives with jurisdiction over the matters covered for appropriate action. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with specific recommendations and implementing language for the legislative or administrative action it considers appropriate.

SEC. 9. TERMINATION.

The Commission shall cease to exist 90 days after submitting its report pursuant to section 8.

[From the Washington Post, Jan. 6, 1991]

HOW TO FIX CONGRESS—ADVICE FROM THE ALUMNI

(By David S. Broder)

The alumni are worried that dear old Alma Mater is getting a bad name. It's the Congress of the United States we're talking about, not Old Siwash or Winsockie or Euphoria State. Interviews with more than a score of former representatives and senators, Republicans and Democrats alike, show a bad case of anxiety about the "rep" that Congress has these days.

A Republican, former representative William H. Hudnut III, now mayor of Indianapolis, said the public has the impression that Congress "is a rudderless ship, that its members are squabbling all the time, and that they are afraid to bite any bullets or make any hard choices."

A Democrat, former Illinois representative Abner J. Mikva, now a federal circuit court judge in Washington, pointed to the decline in reelection margins and the passage of term-limitation measures last November and said of his former colleagues: "If they can't read that handwriting on the wall, they need eyeglasses for sure."

That refrain is voiced all across the political spectrum, from liberals like Adlai E. Stevenson III, John C. Culver and Gary Hart to conservatives like John J. Rhodes, Melvin R. Laird and James T. Broyhill.

Former Senate Republican leader Howard H. Baker Jr., of Tennessee, whose father, mother and father-in-law all served in Congress before him, summed up the general sentiment by saying, "I've seen Congress's reputation go up and down for many, many years. But I've never seen it lower than it is now. I think there will be a massive wave of anti-incumbent sentiment unless the problem is addressed."

The definition of "the problem" varies from person to person. And when the old grads are asked what practical steps Congress could take to improve its standing with the public, they offer a variety of suggestions. But in this unscientific sampling of notable alumni, the single action most often mentioned is to change the way the campaigns for Congress are financed.

"I cannot say how important I think it is," said former representative Dick Bolling, who believes that financing lies at the heart of most of Congress's other problems. Agreeing, former senator Thomas Eagleton said, "I don't care what ethics bills you pass, if you don't do anything about campaign-spending reform, you haven't done anything at all."

Bolling and Eagleton are both liberal Democrats from Missouri. But this is no longer just a liberal lament. Former Nevada senator Paul Laxalt, the chairman of Ronald Reagan's presidential campaigns, said, "There's far too much emphasis on money and far too much time spent collecting it. It's the most corrupting thing I see on the congressional scene."

Laxalt said, "The problem is so bad we ought to start thinking about federal financing" of House and Senate campaigns. "It was anathema to me," as it has been to most conservatives, he said, "but in my experience with the [Reagan] presidential campaigns, it worked, and it was like a breath of fresh air. . . . A lot of us who retired [from Congress] did so because we just didn't have the stomach to go out and hustle for money the way you have to do now."

Hudnut, also an opponent of public financing in his House days, agrees with Laxalt now—and also favors caps on campaign spending, a provision that congressional Republicans and President Bush have adamantly opposed. "It's obscene how money is driving politics," Hudnut exclaimed.

Former House speaker Thomas P. (Tip) O'Neill of Massachusetts also is angry about former colleagues who "pile up a million or more bucks" in campaign funds—and then dare anyone to challenge them. "It's good for people to have a challenger, to have to come home and explain their records," O'Neill said. "Otherwise, they get arrogant, they go international, they forget the people at home."

It's not just the amount of money enveloping Congress that concerns these alumni; many also object to the kind of campaigns being waged. "The negative campaigning and the smears," exclaimed former senator Abraham A. Ribicoff (D) of Connecticut. "It's no wonder they have so little respect for Congress when people see the candidates for Congress stooping to these tactics. The attitude is simple disgust."

Two prominent Republican alumni—former senator Bill Brock of Tennessee and former representative Melvin R. Laird of Wisconsin—argue that the best way to insulate Congress from special-interest PAC (political-action committee) money is to route all such campaign funds through the parties. Laird argues that most organized giving today is "really to buy access" to the lawmakers. Brock, a former national GOP chairman, agrees that following the PACS to contribute only to the parties would reduce the access game—and strengthen party discipline.

Tighter party control is necessary if Congress is to tackle the tough problems, several alums say. "When I was in Congress, we had a lot of party discipline," former New Hampshire representative Perkins Bass (R) said. "There's no discipline I can see today." Pointing to the rank-and-file House rebellion that autumn against the budget argeement endoresed by leaders of both parties, Bass said, "Congress can't take on the entitlements or the other tough budget choices, because there's no discipline."

On the opposite coast, Washington Lt. Gov. Joel Pritchard (R), who served for 12 years in the House, remarked that "in Congress today, everyone runs for office as a political entity of his own. Without a strong party connection, there's no conherent philosophy for them to connect to; it's everyone for himself."

Others who agree that Congress needs more discipline think it has to come from inside the institution. Former House majority whip Tony Coelho (D) of California said, "The reforms that came in after the 1974 election spread out the power so much in Congress that it's very difficult for the leadership to lead. It's frustrated efforts at leadership and actually encouraged them to avoid responsibility."

Brock and Stevenson, Ribicoff and former senator James R. Pearson (R) of Kansas were partners in Senate reform efforts, several years apart. today they still think internal changes clarifying lines of responsibility and reclaiming the leaders' and committee charimen's vanished clout would enable Congress to do its job better. Congress, said Stevenson, "is suffering from an excess of democracy," Brock said. "They have to restore the authority of committee chairmen and get some hierarchical structure."

Two respected alumni argue that Congress might be more respected if its members just buckled down and worked harder at their jobs. "More work by individual senators is needed, and less reliance on staff," said former Senate majority leader Mike Mansfield (D) of Montana. "Congress should not be taking all of August off each year. And it ought to work five days a week to keep the legislation from piling up."

Former senator Margaret Chase Smith (R) of Maine, who prided herself on not missing a roll-call vote, said, "Congress can't do its work with the amount of absenteeism there is. The public thinks they think about holidays and salaries than they do about passing legislation."

But Howard Baker takes exactly the opposite view. "They ought to reduce sessions to six months a year, so they have time to know what their constituents are thinking. Congress is not acting in the role the Constitution prescribes for it. It is meant to be essentially a big national board of directors, making broad policy, but increasingly it's becoming an elected bureaucracy with its fingers into everything."

However long the sessions or the workdays, several alumni say Congress has to organize its time better. Slashing staff, cutting the number of committees and subcommittees—and thereby reducing the schedule conflicts for individual members—were suggested by many of those interviewed. Former senator Charles McC. Mathias (R) of Maryland said, "Modern times have imposed a massive workload on Congress and it requires discipline. Not new rules, but enforcing the rules they've got would speed up things enormously."

Summarizing suggestions made by several others, former senator Daniel J. Evans (R) of Washington, who opted out after only one term, called for a two-year budget cycle, with the first year setting spending priorities and the second focusing on oversight of how the funds are being spent. Evans also favored "slashing severely" at the committee and staff undergrowth and scheduling significant floor debates for late afternoon and early evening hours to increase senatorial attendance. "If you had real debate," he said, "it would help educate the public on these issues, but we have virtually none of that now."

It has struck many of the alumni that one reason for Congress's bad reputation is that so many members bad-mouth Congress in their own reelection campaigns. "I think members of Congress are basically solid and sound," said former senator Robert Stafford (R) of Vermont. "But every two years, they spend all their time telling the public what boobs their colleagues are at best, and what crooks at worst. No wonder the public believes it."

Others, however, say the character problem is not just a campaign myth—and must be addressed before Congress' reputation can improve.

"When I started," said John Rhodes of Arizona, the former House minority leader, "we had a feeling we had to be concerned about the country. But now I think there are more and more members who are primarily concerned about their own reelection. We used to say, 'You only have one political death, but you can choose when to use it.' They don't want to risk [anything] at all."

Former senator Gary Hart (D) of Colorado also draws a sharp contrast between the older members who were around when he came in 1974 and the younger ones who entered in the 1980s. "It has gone down in terms of caliber, breadth of vision and quality," he said. "It's going to be hard to get back to the broadguage, big-picture, constitutionalist type of senator; they don't run in the kind of election campaigns we have today."

Former senator William Proxmire (D) of Wisconsin, a maverick who prided himself on his low-cost campaigns, is critical of the focus on reelection. "Being a senator is such a marvelous job," he said, "they do whatever they can to hold onto it. It becomes a priority for them, and their families, and their staffs, and even their colleagues pressure them, because their chairmanships depend on their party staying in control. And once the No. 1 objective becomes being reelected, you can rationalize all sorts of things . . . ."

If reelection pressures are the problem, is term-limiting the answer? Some alumni say yes. Conservatives Broyhill and Hudnut are for the idea, and so is liberal former representative Shirley Chisholm (D) of New York. "There's anger and a lack of trust I've not seen before," she said, describing her sense of the public attitude toward Congress. "We need new blood—a new transfusion. Too many of them have Potomac fever and forgot how they got there."

But even those who voluntarily cut short their own congressional careers tend to reject the idea of limiting tenure by law. "When you decrease the tenure," said Rhodes, "the influence of unelected staff members goes up." Laird calls term limits "a repudiation of our whole philosophy of representative government." Former representative James R. Jones (D), whose home state of Oklahoma has passed term-limits for the legislature, calls them "crazy," but adds, "The only way to avoid them is for members of Congress to start acting as if the Constitution already included a limit on terms. If they would show more courage and candor, it would do wonders."

Finally, some alumni suggest that the public itself may have to take responsibility for Congress and its flaws. "From my perspective," said John Culver, "term-limitation is the latest manifestation of public irresponsibility. Many people don't vote. Most of those who do vote don't want to vote against their own congressman. So they look on term-limitations as a way of changing people without the bother—or the responsibility—of voting them out."

Culver said he agreed that today's Congress—"made up of wonderfully attractive people"—seems "more preoccupied with reelection than the old Congresses made up of people who were, frankly, less than distinguished." But, he said, "an informed electorate is the cornerstone of a democracy, and that's the responsibility of the people, not of the members of Congress. In the end, the public is going to get what it demands. This Congress is about what the people deserve—maybe a little better."

[From the Congressional Monitor, Dec. 17, 1990]

VETERAN MEMBERS CITE ILLS OF CONGRESS

As the 101st Congress two months ago struggled to complete its work, the American electorate and many members had this question on their minds: What on earth is wrong with Congress?

Members strode to the chamber microphones day after day to report with frustration that their constituents were demanding to know why Congress couldn't get anything done.

Years of divided government, an overemphasis by members on re-election campaigns, and major changes in the budget-making process and congressional power structure were among the key culprits cited by veteran lawmakers during recent interviews.

"I think it's getting worse, much worse," said retiring Sen. Gordon J. Humphrey, R-N.H.

Term Limits: "Serving in Congress has become much too valued by incumbents because the pay is so high and the prerequisites are so great," and members are putting their re-elections ahead of the country, Humphrey said. "That's why I'm beating the drums" for term limits.

When members stay too long, "you lose your perspective; you lose your idealism," said Humphrey, who came to the Senate in 1979 and is leaving Washington for a seat in the New Hampshire Senate.

Retiring Sen. William L. Armstrong, R-Colo., who also started his Senate service in 1979, also suggested term limitations as a solution to some of Congress' problems. If members knew they had only a certain amount of time on Capitol Hill, he said, "it would change the whole focus of their work here."

Campaign Demands: Rep. Neal Smith, D-Iowa, who came to Congress in 1959, cited modern House campaigns as a significant factor in Congress' disabilities. "The cost of campaigns is so great," he said, requiring members to fly home to their districts frequently for appearances.

Demanding re-election campaigns, however, constitute only one of many hurdles to efficiency and progress in Congress, members said.

Budget Morass: Senators and House members in both parties blamed the 1974 budget act, which overhauled congressional budget procedures, for the type of struggles that impeded congressional and White House efforts to craft a deficit-reduction package this year.

That law requires Congress to adopt a budget resolution with spending and taxation targets before passing its annual authorization and appropriations bills, and sets deadlines for action on various aspects of the budget-writing process. But it contains many loopholes, members pointed out.

"I thought it was a good idea and voted for it, much to my regret," Rep. James H. Quillen, Tenn., ranking Republican on the House Rules Committee, said of the 1974 budget bill.

This year was even worse than usual, Quillen said, with "Republicans fighting Republicans, Democrats fighting Democrats, and very few supporting the president." The lawmaker said, "I think it's definitely the change in the system."

Like others, though, Quillen expressed little optimism for change in the near future. "It would take something spectacular," he said, such as automatic, across-the-board budget cuts kicking in and the government coming to a standstill for weeks.

Smith, chairman of the House Appropriations State, Justice, Commerce Subcommittee, also complained that the current budget process delays work on the spending plans, and cited the White House-congressional budget summit as a troublesome impediment.

The summit involved the White House in the appropriations process "at a lower level. It's not supposed to work that way," Smith said, adding that the White House should not step into the debate until the end.

Rep. Edward Madigan, R-Ill., said, "One of the best things that could be done would be to repeal the budget act."

Smith and others also cited a recent history of divided government, with Republicans holding the White House and Democrats controlling Congress, as a source of problems: "They're [the American public] not quite sure that they want either party to have full responsibility. . . . It's not an accident when they vote that way 20 years out of 24," said Smith.

Cumbersome Structure: The revamped budget process was not the only internal congressional change that muddied the legislative waters, some longtime members said. Quillen complained that too many subcommittees have been created, spreading the power among too many lawmakers: "You get a lot of fingers in the pie."

"Back 28 years ago you had committee chairmen who ruled the rules. They ruled with an iron fist," Quillen said. Now, he said, there are "too many wielding too much power. It's been diluted."

And Armstrong, noting a larger bureaucracy in Congress, said, "I guess I think things are a little bit more tangled up than they used to be."

Those tangles are not limited to the budget area. Armstrong said. For example, senators don't look at the qualifications of presidential nominees anymore, he complained, but end up "arguing with him or her about the details of how they're going to do the job." It gets to "the level of the absurd," he said.

President's Fault? While President Bush and many voters blamed Congress for a lack of leadership in this year's budget follies, lawmakers in both parties leveled the same charge at the president, saying he was at least partly responsible for the budget gridlock.

"I really don't blame members as much as I blame the presidency," said Rep. Patricia Schroeder, D-Colo., who has served in the House since 1973.

Many members of Bush's own party complained that he had abandoned the party's traditional themes—particularly its opposition to higher taxes—for his own political gain. Humphrey complained of "a lack of leadership" from the president, who he said tried to bury the differences between the two parties, causing other Republicans to suffer.—By Dinah Wisenberg.

[From the Congressional Quarterly Weekly Report, Oct. 27, 1990]

ADJOURNMENT; PUBLIC'S PATIENCE WEARS THIN AS CONGRESS WINDS DOWN

(By Janet Hook)

The adjournment of the 101st Congress may bring a cease-fire in the months-long war between Congress and the White House, but it will send lawmakers out to face another formidable adversary: an increasingly hostile electorate.

At the end of the session, Congress may be able to take pride in enactment of a sweeping rewrite of the Clean Air Act, a politically popular child-care bill and a five-year deficit-reduction plan.

But those accomplishments may be lost on voters disgusted by the spectacle of budget paralysis, ethics scandals and political flip-flops that have eroded the credibility of government throughout the 101st Congress.

The long-delayed adjournment is itself a dubious distinction: At least in the postwar era, Congress has never been in session this close to Election Day. Three times since World War II Congress has adjourned 17 days before voters went to the polls. The 101st Congress passed that milestone when it stayed in session beyond Oct. 21.

101ST CONGRESS IN MICROCOSM

Final approval of the painstakingly wrought budget deal was the most daunting hurdle to be cleared before Congress could adjourn. But as the budget negotiations dragged on, other obstacles were knocked down. Appropriations bills cleared one by one. Other major bills with de facto "must-pass" status moved: clean air, housing and farm bills.

In some ways, the final days before adjournment were emblematic of the entire two-year term of the 101st Congress.

The Congress that was replete with sex scandals, investigations and resignations ended with five senators facing ehtics hearings in November and a House member, Donald E. "Buz" Lukens, R-Ohio, suddenly quitting Oct. 24 after sexual misconduct charges.

The Congress that couldn't override President Bush's vetoes ended with the Senate sustaining his veto of contested civil rights legislation by one vote.

And the Congress that spent months consumed by the government's budget crisis was careering from one missed deadline to the next until the very last week.

But for all the preoccupation with austerity, the Congress that began with a noisy fight over a government pay increase ended with lawmakers getting a quiet raise. As of Jan. 1, members will get a cost-of-living increase tied to the 4.1 percent hike for federal workers. House members also will get the 25 percent hike they approved in late 1989 when they forswore honoraria, barring a last-minute reversal. Although senators will make less, salaries in both chambers will shoot over the $100,000 mark.

HANDICAPPER'S NIGHTMARE

As the week of Oct. 22 began, adjournment seemed like a mirage, an inviting image that evaporated each time Congress approached it. As one Senate aide put it, "This is the last week, but it may be two weeks long."

Rep. John P. Murtha, D-Pa., hedged his bet when he put money into a pool on when Congress would adjourn. His optimistic money was on Oct. 27, 11:59 p.m., he placed a second bet on a Dec. 23 adjournment.

The pessimist looked like the wise man Oct. 23, when a meeting of House Democrats disclosed a deep rupture in the party over how to proceed in the budget talks. That was a dark stroke in an already grim picture of disintegrating consensus: Republicans have been scrapping with each other for months. Bush was deriding Democrats on the campaign trail, and emergency funding of the government was about to expire at midnight Oct. 24.

But as the prospect of another government shutdown loomed, the political ground shifted, Democrats, having enjoyed a stunning political reversal that put Bush and the GOP on the defense in recent months, finally decided it was time to stop pressing their advantage and go home. They dropped their insistence on a surtax for millionaires, and Republican leaders begged Bush to accept a proffered compromise.

Although the end was in sight, that wasn't enough to put a floor under the public's plummeting confidence in Congress. A Wall Street Journal/NBC poll published Oct. 26 found that 71 percent of those questioned disapproved of Congress' role in the budget affair.

But getting the budget deal through and completing the pileup of other business pushed Congress into another weekend session. That was the latest—and with luck the last—in a string of protracted workweeks that have kept lawmakers from home-state constitutents, campaigning and contributors.

Rep. George "Buddy" Darden, D-Ga., missed his three major campaign events this fall, including one held without him the day the House held 19 back-to-back roll call votes. Legislative business forced Rep. W.G. "Bill" Hefner, D-N.C., to miss a big fundraiser; but at least his featured guest, House

Speaker Thomas S. Foley of Washington, could go ahead without him.

With public hostility lapping at the shores of Capitol Hill, gallows humor became the order of the day for lawmakers resigned to the protracted session.

Rep. William Lehman, D-Fla., likes to tell his colleagues that he ran for Congress in 1972 because he wanted to move up into a more respectable profession. Now, he says, he thinks he'd get more public esteem if he went back to his old job; selling used cars.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAMP) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, on January 10.

Mr. WOLF, for 60 minutes, today.

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. EDWARDS of Texas) to revise and extend their remarks and include extraneous material:)

Mr. SANDERS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 30 minutes, today.

Mr. SCHEUER, for 60 minutes, today.

Mr. KANJORSKI, for 60 minutes, on January 10, 11, and 12.

Mr. SKAGGS, for 30 minutes, on January 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAMP) and to include extraneous matter:)

Mr. DORNAN of California.

Mr. GINGRICH.

Mr. BEREUTER.

Mr. HORTON.

(The following Members (at the request of Mr. EDWARDS of Texas) and to include extraneous matter:)

Mr. TORRES.

Mr. TRAFICANT.

Mr. BONIOR.

Mr. CLEMENT.

Mr. JOCOBS.

Mr. STARK in three instances.

Mr. WEISS in two instances.

Mr. STUDDS.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Thursday, January 10, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

222. A letter from the Secretary of Agriculture, transmitting FmHA single family housing legal services contracting activitites, fiscal year 1990, pursuant to 49 U.S.C. 1480(d); to the Committee on Banking, Finance and Urban Affairs.

223. A letter from the Secretary of Housing and Urban Development, transmitting a report on a plan for a comprehensive and workable plan for the abatement of lead-based paint in privately owned housing, pursuant to 42 U.S.C. 4822; to the Committee on Banking, Finance and Urban Affairs.

224. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 91-13), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

225. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Iceland (transmittal No. DTC-13-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Saudi Arabia (Transmittal No. DTC-9-91), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

227. A letter from the Assistant Secretary for Legislative Affairs, Department of State, notification of a proposed license for the export of defense equipment sold commercially to Israel (Transmittal No. DTC-12-91), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

228. A letter from the Acting Secretary of Education, a report covering the disposal of surplus Federal real property for education by individual transactions from October 1, 1989, through September 30, 1990; to the Committee on Government Operations.

229. A letter from the Chairman, Administrative Conference of the United States, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

230. A letter from the executive secretary, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

231. A letter from the Director, Human Resources, Department of the Amry, transmitting the annual report for the U.S. Army nonappropriated fund employee retirement plan for the year ended September 30, 1989, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

232. A letter from the Deputy Secretary, Department of Defense, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

233. A letter from the Department of Justice, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

234. A letter from the Acting Secretary, Department of State, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

235. A letter from the President and CEO, Farm Credit System Assistance Board, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

236. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

237. A letter from the Chairman, Federal Maritime Commission, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3): to the Committee on Government Operations.

238. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

239. A letter from the Comptroller General, General Accounting Office, transmitting a copy of a report entitled, "Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985"; to the Committee on Government Operations.

240. A letter from the Administrator, General Services Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

241. A letter from the Executive Director, National Commission on Libraries and Information Science, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

242. A letter from the National Endowment for the Humanities, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

243. A letter from the Acting Director, National Science Foundation, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

244. A letter from the Administrator, Panama Canal Commission, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

245. A letter from the Director, Peace Corps, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

246. A letter from the Chairman, Railroad Retirement Board, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

247. A letter from the Secretary of Veterans Affairs, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

248. A letter from the Director, The Federal Domestic Volunteer Agency, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

249. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

250. A letter from the Director, U.S. Office of Personnel Management, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

251. A letter from the Director, U.S. Information Agency, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

252. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

253. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

254. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

255. A letter from the Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year ended September 30, 1990, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

256. A letter from the Veterans of World War I of the U.S.A., Inc., transmitting proceedings of the 38th National Convention of the Veterans of World War I of the United States, Inc., held in Cedar Rapids, IA, August 18–30, 1990, pursuant to 36 U.S.C. 776; 44 U.S.C. 1332 (H. Doc. No. 102–25); to the Committee on the Judiciary and ordered to be printed.

257. A letter from the American Legion transmitting the proceedings of the 72d National Convention of the American Legion, held in Indianapolis, IN, August 28–30, 1990, pursuant to 36 U.S.C. 49 (H. Doc. No. 102–26); to the Committee on Veterans' Affairs and ordered to be printed.

258. A letter from the Secretary of Health and Human Services, transmitting a report on the limitation imposed on amounts of premium pay for overtime to any individual employed by, or assigned to, the Indian Health Service, pursuant to 25 U.S.C. 1611; jointly to the Committee on Energy and Commerce and Interior and Insular Affairs.

259. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report on the nondisclosure of safeguards information for the quarter ending September 30, 1990, pursuant to 42 U.S.C. 2167(e); jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

260. A letter from the Comptroller General of the United States, transmitting information on the assignment or detailing of GAO employees to congressional committees, pursuant to 31 U.S.C. 734; jointly to the Committees on Government Operations and Appropriations.

261. A letter from the Secretary of Health and Human Services, transmitting a study of volume performance standard rates of increase by geography, specialty, and type of service, pursuant to Public Law 101–239, section 6102(d)(3) (103 Stat. 2185); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of Jan. 3, 1991]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Summary of Activities, a report of the Committee on Banking, Finance and Urban Affairs, House of Representatives, 101st Congress, 2d Sess. (Rept. 101–1025). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON:

H.R. 468. A bill to direct the Secretary of Transportation to carry out a highway demonstration project in the vicinity of Montgomery, AL; to the Committee on Public Works and Transportation.

By Mr. HORTON (for himself, Mr. HANSEN, Mr. THOMAS of Georgia, Mr. LENT, Mr. MARTIN of New York, Mr. HUTTO, Mr. PETRI, Mr. SAXTON, Mr. MCEWEN, Mr. CHANDLER, Mr. ROYBAL, Mr. HYDE, Mr. VALENTINE, Mr. MCGRATH, Mrs. BOXER, Mr. MCMILLEN of Maryland, Mr. COSTELLO, Mr. SCHEUER, Mr. ROSE, Mr. MURPHY, Mr. ROE, Mr. ESPY, Mr. PICKETT, Mr. NOWAK, Mr. ENGEL, Mr. COUGHLIN, Mr. ROGERS, Mr. WALSH, Mr. WOLF, Mr. DICKS, Mr. REED, Mr. FRANK of Massachusetts, Mr. MILLER of Ohio, Mr. MARLENEE, Mr. LEVINE of California, Mr. JEFFERSON, and Ms. SLAUGHTER of New York):

H.R. 469. A bill to provide automatic extensions of time for the filing of tax returns, and the performance of other tax-related acts, by members of the Armed Forces of the United States serving in Operation Desert Shield; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 470. A bill to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands in the city of Gary, IN; to the Committee on Public Works and Transportation.

By Mr. HERTEL:

H.J. Res. 59. Joint resolution to designate the week of February 10–16, 1991, as "Children of Substance Abuse Week"; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER:

H.J. Res. 60. Joint resolution designating August 12 through 18, 1991, as "National Parents of Murdered Children Week"; to the Committee on Post Office and Civil Service.

By Mr. VANDER JAGT:

H.J. Res. 61. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22 article of amendment thereto; to the Committee on the Judiciary.

By Mr. DYMALLY:

H. Con. Res. 22. Concurrent resolution condemning the deliberate and systematic activities of the military authority in Suriname to subvert constitutional democracy in that nation to the Committee on Foreign Affairs.

By Mr. RAHALL:

H. Con. Res. 23. Concurrent resolution expressing the sense of the Congress regarding the necessity of allies of the United States paying their fair share of the costs associated with Operation Desert Shield; to the Committee on Foreign Affairs.

By Mr. WOLF:

H. Res. 26. Resolution to establish a Commission of the House of Representatives on Congressional Reform; jointly to the Committee on House Administration and Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FISH introduced a bill (H.R. 471) for the relief of Fred M. Lombardi and Marguerite M. Lombardi; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. TAYLOR of Mississippi, Mrs. VUCANOVICH, Mr. SCHAEFER, Mr. MARKEY, Mr. STALLINGS, Mr. BREWSTER, Mrs. JOHNSON of Connecticut, Mr. CONDIT, Mr. NEAL of Massachusetts, Mr. ROE, Mr. PURSELL, Mr. MYERS of Indiana, Mr. BROOMFIELD, Mr. SKELTON, and Mr. CAMPBELL of Colorado.

H.R. 303: Mr. BOUCHER, Mr. RICHARDSON, Mr. EVANS, Mr. OWENS of New York, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. GALLEGLY, Mr. WALKER, Mr. BILBRAY, Mr. ROYBAL, Mr. GONZALEZ, Mr. SMITH of Florida, Mr. ROE, and Mrs. LOWEY of New York.

H.R. 321: Mr. BILBRAY, Mr. COLEMAN of Texas, Mr. DEFAZIO, Mr. GEJDENSON, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. LANCASTER, Mr. LENT, Mr. LIPINSKI, Mrs. MINK, Mr. MRAZEK, Mr. PERKINS, Mr. RICHARDSON, Mr. STOKES, Mr. TORRES, and Mr. WISE.

H.J. Res. 50: Mr. LEACH of Iowa.

H.J. Res. 58: Mr. BLILEY, Mr. OWENS of Utah, Mr. RINALDO, Mr. MCMILLEN of Maryland, Ms. SNOWE, Mr. ANNUNZIO, Mr. ROSE, Mr. FUSTER, Mr. COYNE, Mr. MCHUGH, Mr. TALLON, Mr. MFUME, Mr. RAVENEL, Mr. WOLF, Ms. LONG, Mr. MRAZEK, Mr. MCDADE, and Mr. FAZIO.

H. Con. Res. 1: Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. OWENS of Utah, Mrs. SCHROEDER, Mr. STAGGERS, Mr. NEAL of Massachusetts, Mr. SCHEUER, Mrs. LOWEY of New York, Mr. MAVROULES, Mr. PERKINS, Mr. MOAKLEY, Mrs. MINK, Mr. OBERSTAR, Mr. PAYNE of New Jersey, and Mr. ESPY.

H. Con. Res. 19: Mrs. BOXER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8. By the SPEAKER: Petition of the Ebenezer United Methodist Church, Washington, DC, relative to human rights in El Salvador; to the Committee on Foreign Affairs.

9. Also, petition of the city of Sweetwater, FL, relative to Puerto Rico's political future; to the Committee on Interior and Insular Affairs.

10. Also, petition of the office of the Governor, State Capitol, Salem, OR, relative to a six-county pilot program that would substitute private and public sector jobs for current food stamp, AFDC, and unemployment insurance benefits; jointly, to the Committees on Ways and Means and Agriculture.

EXTENSIONS OF REMARKS

OLD HICKORY: ON EXHIBIT

BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. CLEMENT. Mr. Speaker, as the 38th individual to serve the district first represented by Andrew Jackson, I would like to bring to the attention of you and my colleagues an outstanding exhibition that recently opened here at the National Portrait Gallery.

For the first time in a major exhibition, Andrew Jackson's remarkable life is displayed through a selection of portraits, cartoons, engravings, memorabilia and broadsides. The great issues of his Presidency—the fight over renewal of the Bank of the United States, South Carolina's attempts to nullify Federal law, and the alleged "spoils system"—are highlighted. In addition, there are many portraits and personal possessions documenting Jackson's military career.

This is a terrific exhibition and I encourage my colleagues and their families to see it. The exhibition will be at the National Portrait Gallery through January 13, 1991. The gallery is located at 8th and F Streets, NW and is open 10 a.m. to 5:30 p.m. daily.

For your information, I have included a review of the exhibition which appeared in the Washington Post on January 2:

OLD HICKORY: PORTRAITS IN POWER

(By Sarah Booth Conroy)

The durability of fame is not always easy to understand.

Two great advantages in keeping one's listing in the annals of history are a large corpus of written work, such as that by Thomas Jefferson, and a great number of portraits, such as is the case with Andrew Jackson.

Now the Smithsonian's National Portrait Gallery offers, through Jan. 13, "Old Hickory: A Life Sketch of Andrew Jackson." As is its habit, the Portrait Gallery does a grand job at showing the man behind the face on the $20 bill.

Jackson's distinctive physiognomy is shown in or on more than 70 paintings, engravings, political cartoons, vases, ribbons, gold medals, a treasury note, the frigate Constitution's figurehead, a tortoiseshell comb and an ivory cameo brooch. His image is fleshed out by maps, letters, dueling pistols (used), gold spectacles, white beaver hat and his general's uniform. His wife, his friends and his enemies are also portrayed.

"We 'know' the mature Jackson better than practically any of his contemporaries through the extraordinary pictorial record," writes Alan Fern, the Portrait Gallery's director, in the informative catalogue. Jackson was the first president from the "ordinary citizenry" to win the post, Fern adds, "in a hotly contested election."

The seventh president had many faces, most surely on exhibit here. He was a swashbuckling politician and soldier. The people hailed him as the victor of the Battle of New Orleans in the War of 1812. Admirers hailed him as territorial governor of Florida. The taxpayers praised him for paying off the national debt, for the first and the last time.

"Even after Old Hickory died, some men tried to vote for him as President during the crisis of 1860," Jackson biographer Robert V. Remini explains in the catalogue introduction, "as though by their collective vote they could raise him from the grave to help the nation escape the horrors of approaching disunion, and civil war."

Yet this exhibit is not an apotheosis. Nor should it be. Jackson forced the removal of American Indians from east of the Mississippi on the unspeakably cruel "Trail of Tears." The Senate censured him for abusing executive powers. The voters blamed him for the Panic of 1837. Proper society shunned him as sullied by sex scandals. Curator James G. Barber adroitly gives the details in the fascinating and full captions in both show and catalogue.

Jackson's "bayonet diplomacy" appeal is easy to see in the 1819 conquering hero and his horse painted in oil by Thomas Sully. Another painting by Sully is the prototype of the $20 bill. In 1845, a month after Jackson's death, Sully painted yet another romantic portrait of the idol, pompadour rampant.

Sully and others painted Jackson fresh from defending his conduct in the Seminole War of 1818. Jackson had put down Indian uprisings in Florida, expelled the Spanish and executed two British subjects. Charles Wilson Peale painted him as a handsome, thoughtful man. But his son Rembrandt Peale gave Jackson a somewhat dubious, pursed mouth that seems to be sewn shut, rather badly.

Later Hiram Powers and Ferdinand Pettrich made busts of Jackson. A statuette of Clark Mill's bronze statue of Jackson now in Lafayette Square repeats the salute of man and horse to his troops before the New Orleans battle.

No contemporary president should feel vilified by cartoonists after seeing what Jackson elicited. David Claypoole Johnston drew Jackson in 1828 with naked corpses for a face, more bodies for his epaulet, cannons for coat collars, a tent for a hat. He borrowed his caption from Shakespeare's "Richard III"; "Methought the souls of all that I had murder'd came to my tent."

Rachel Donelson Robards Jackson appears rather daunted in the watercolor-on-ivory portrait by Louisa Catherine Strobel. Jackson was said to have worn the miniature about his neck. Ralph E.W. Earl painted Rachel as dour and disapproving in an 1827 oil, appropriately accompanied here by her famous remark. "I assure you, I had rather be a doorkeeper in the house of God than to live in that palace at Washington."

Rachel Jackson had been married to Lewis Robards, who sued for divorce in 1790. The Jacksons claimed they thought the divorce final and married in 1791. But when it became generally known that she wasn't properly divorced, they had to marry again in 1794. Of course, her so-called bigamy was used to discredit Jackson in the 1828 election. She died, some say of mortification, just after he was elected. The exhibit does include the Jacksons' 1794 marriage bond, but there is no trace of a 1791 marriage document, Barber says.

Plump, pretty Peggy Eaton in her bonnet and bow smiles with a certain self-satisfaction from Henry Inman's oil on canvas. Like Andrew and Rachel Jackson, Peggy and John Henry Eaton met when he lodged in her father's boarding house. At that time she was married to John B. Timberlake. Ten years later, after her husband was rumored to have committed suicide, Peggy and Secretary of War John Eaton were married on Jan. 1, 1829.

Jackson, remembering the innuendoes about his own wife's virtue, defended Peggy's. Even so, the wives of some Cabinet members refused to attend White House functions with the Eatons.

Jackson's enemies are in force here, as in life. Jackson hated Speaker of the House Henry Clay after he denounced Jackson for his invasion of Spanish West Florida. George P.A. Healy painted Clay's head as barely escaping from his big bow tie, his hair dishelved, his eyes steadfast, his mouth holding tight to his thoughts.

John Quincy Adams, defeated for a second term by Jackson, was painted by Jackson, was painted by Chester Harding with a wise-owl bald head and a stiff-collared neck. It's not difficult to see why, despite Adam's learned experience and Jackson's impulsive follies, Jackson was the people's choice.

His friends are in the show too. Francis Preston Blair is of special interest. The editor of the Washington Globe was the cook of Jackson's Kitchen Cabinet, as his unofficial advisers were called. Blair repaid Jackson's friendship by lending him money in 1842. Jackson, in turn, left his "papers and reputation" in Blair's keeping. Blair's house on Pennsylvania Avenue is now the president's guest house. His descendants still flourish in the area.

The poignant portrait of Pushmataha may be the exhibit's most haunting image. Charles Bird King painted the Choctaw chief in a marvelous tall feathered hat and golden epaulets, his costume to meet the Marquis de Lafayette in 1824, shortly before his death. Pushmataha had counted himself as a friend of Jackson, but later charged that he and his tribe had been deceived, that the territory they were offered west of the Mississippi was wasteland.

The exhibition, supported in part by a grant from the Tennessee General Assembly, will go from the National Portrait Gallery, Eighth and F streets NW, to the Tennessee State Museum in Nashville.

AVOIDING WAR IN THE PERSIAN GULF

HON. BERNIE SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. SANDERS. Mr. Speaker, the following text is an article which I have written for sev-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

eral Vermont newspapers on the crisis in the Persian Gulf.

AVOIDING WAR IN THE PERSIAN GULF

(By Representative Bernard Sanders)

Clearly, there is no issue of more importance to the People of Vermont and the nation than the crisis in the Persian Gulf.

Since my election to the Congress, I have held 4 public hearings on the Persian Gulf, in Brattleboro, Rutland, Burlington and Montpelier. The turn-out for these hearings was extraordinary, with over 650 Vermonters coming out to voice their opinions. During the same period, some 400 Vermonters have written me about the crisis. While many different analyses were made, and many different views offered, the overwhelming sentiment of the Vermonters who attended these hearings and who wrote to me has been, "The crisis in the Persian Gulf can be resolved in a non-violent manner. We do not need to go to war."

Here, briefly, are my own views regarding the very serious crisis in the Persian Gulf:

First, Saddam Hussein's invasion of Kawait was illegal, immoral and extremely brutal. The goal of U.S. policy, and United Nations policy, must be to see that Iraq completely withdraws from Kuwait. Whatever concerns that Iraq has with regard to its relationship to Kuwait can and should be discussed and negotiated—but only after Iraq's withdrawal from Kuwait. Further, given the very unstable and volatile situation in the Middle East, it is my view that the possession of nuclear, chemical and biological weapons in that area, by Iraq or any other nation, creates an extremely dangerous situation for the future. I will push to see that the United States and United Nations do all that it can to rid that region of these dangerous weapons.

Secondly, I have very deep concerns regarding President Bush's movement toward a major war without the consent of the United States Congress. On this issue I have a very conservative point of view. To my mind, our Constitution is absolutely clear that it is the Congress of the United States, and not the President, which declares war. If the President sends 500,000 American troops into war without Congressional approval, he is making a mockery of the Constitution and the separation of powers in our government which protect our democratic rights. In this regard, I fault not only the President but the Congress itself. At this moment, (and hopefully this will change) it appears that the Congress lacks the political courage to stand up and be counted on this issue which could have such an enormous impact on this nation. I intend to do whatever I can to make Congress accept its responsibility in this situation, and prevent the President from taking this country into a major war by himself.

Thirdly, it is my view that all of the goals that we wish to accomplish in the Persian Gulf can be attained without a war. The United Nations, and every major power on earth, are in strong opposition to Iraq's invasion of Kuwait, and are demanding their withdrawal. The international economic sanctions against Iraq are working—impacting not only the Iraqi economy but that nation's ability to make war. In my view, we must continue the strongest economic pressure possible against Iraq. If we do, and are patient, we will secure our goals—without the loss of thousands of lives.

It is also my view that the military presence in the Persian Gulf should be that of a peace-keeping force, with strong multi-national support, under the United Nations. The function of that peace-keeping force should be to prevent further Iraqi aggression and uphold the economic sanctions supported by the United Nations. I am deeply concerned that over two-thirds of the troops on the front lines will soon be American soldiers. If a true peace-keeping force were stationed in the Persian Gulf, with widespread support from many nations, the total number of American troops in that area could be significantly reduced.

Fourthly, I am deeply concerned that the President has not been straight-forward with the people in terms of what this war will mean to the economy of the United States, to our tax-payers and to our general standard of living. A war with Iraq could easily cost $100 to $200 billion. Where will this money come from? It is likely war will mean new taxes for the middle class and poor. War would also mean cuts in Social Security, and further cuts in Medicare. We could expect reduced funding for education, environmental protection, children's programs, health care, housing, infrastructure repair, agriculture, economic development and all of the other areas that the President and Congress have neglected over the last ten years. In other words, in all likelihood, a war will accelerate the economic decline of the United States into a second rate industrial nation with a lower and lower standard of living. That's not a direction for this country that I intend to support.

Fifth, it doesn't take a genuis to perceive that there is something absurd about the prospect of tens of thousands of American soldiers dying to defend feudalistic governments such as Saudi Arabia and Kuwait which, themselves, have no respect for democracy, religious freedom, the rights of women and other values that most of us share. It is nothing less than a disgrace that American soldiers are unable to practice their religion or openly celebrate Christmas or Chanukah because the Saudi government is opposed to religious freedom.

Lastly, it goes without saying that the United States needs a new energy policy which will emphasize conservation and the creation of new, sustainable forms of energy such as solar power. This new energy policy could not only break our dependency upon Middle-East oil, but would also make a great deal of sense from an environmental point of view.

SIDNEY J. FRIGAND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. WEISS. Mr. Speaker, I take the floor to note news of the formal retirement of Sidney J. Frigand from a distinguished career in public relations and public service. This month Sid Frigand will leave his position as assistant executive director of the Port Authority of New York and New Jersey, concluding over a decade's thoughtful leadership in the bistate authority. This gentle and respected man, who with his wife Evelyn is a constituent in Greenwich Village, over the years set a standard for conscientious government service by which public officials and civil servants might be judged. When he was welcomed to the port authority by its former executive director, Peter Goldmark, to serve as director of public affairs during a troubling period in that agency's history, it was noted that Sid's arrival "underlined the importance attached to regular and open public communication. * * *" Sid undertook to build an effective public affairs program there, and in the years that followed became a respected source of counsel, a sort of institutional public conscience, who has served the agency, the region and community well.

Sid Frigand's government career includes his service as press secretary to Mayor Abraham Beame and director of public affairs for New York's Metropolitan Transit Authority. He also was deputy executive director of the New York City Planning Commission and director of public relations for the New York City Commission on Intergroup Relations. In all, some 35 years have been devoted to the conduct of a better and conscientious government.

Mr. Frigand began his professional life as a reporter for the Brooklyn Daily Eagle, armed with a degree from Brooklyn College. His move into the realm of public relations/affairs—via a private sector firm—came during the period of great development and growth in the profession that is essential to today's modern, information-based society. In 1956 Sid took his first assignment in what would become a long and respected career of public service. As in other parts of the country New York City was experiencing tremendous expansion. There became a clear need for the gathering and sharing of information by government in the rapidly-changing environment. People like Sid Frigand helped meet this need and, in the process, helped define effective public affairs in government. Sid was brought into many of his new posts to create a public affairs program, and notably the public was no token concern to him but a matter of good government. In a city and for agencies that directly affect millions of lives, he established programs with the emphasis on open discussion and a responsiveness to public—especially community—concern.

A native New Yorker, Sid Frigand's concern for the quality of life in the area extends beyond his work at city hall and in public agencies. His membership in civic and cultural organizations is extensive, including the New York Chamber of Commerce and Industry, the New York Board of Trade, the Steering Committee of the Association for a Better New York, and vice chairman of the Harbor Festival Foundation. He is on the Board of Directors of both the Lower Manhattan Cultural Council, and the New York Hall of Science of which he is especially proud.

A father and grandfather, Sid Frigand's regard for the potential of the young mind and his strong belief in the value of responsible government is reflected in his close association with higher education institutions. He has shared his interests and enthusiasm with students as a lecturer and visiting instructor at the Pratt Institute, New York University, Brooklyn College and the New School for Social Research, as well as others. His honors include the "Page One Citation from the New York Newspaper Guild, the Christopher Award of the Christopher Society, and the Headliners Award of Missouri's Lincoln University School of Journalism."

Sidney J. Frigand is retiring. His wonderful family of which he is justly proud—Evelyn, daughters Nancy and Lisa, and son Steven—should have more of his time than they managed to enjoy over his decades of public service. But we can take solace in the fact, and I am pleased to know, that given his interest in the city and his professional talents, he will remain active in community concerns. I wish him good health and happiness for years to come.

LIVERMORE HIGH SCHOOL CELEBRATES ITS CENTENNIAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. STARK. Mr. Speaker, as we start 1991, Livermore High School is beginning to celebrate a century of excellence in educating young people. This fine high school in my congressional district was the first chartered high school in California. From the beginning, the community was rightly proud and supportive of their school.

I would like to extend my congratulations to all the people who have contributed through the years to building Livermore High School into the first-class school it is today. Dedicated teachers and administrators have challenged and nurtured the young people who have attended the school.

The following excerpt from an article written by F.R. Fasset and published in the Livermore Herald in 1986 describes the formation of the school:

LIVERMORE UNION HIGH SCHOOL NO. 1

The state act providing for the establishment of union high schools was approved March 20, 1891. The board of trustees of the Livermore school at once sent invitations to every school district in Murray Township, calling a meeting for April 4, for the purpose of organizing a union high school at Livermore. At the meeting representatives were present from the Pleasanton, Inman, May, Green, Townsend, High land, Vista, Harris, Midway, Mocho, and Livermore districts.

The movement was heartily concurred in by all the districts represented, excepting Pleasanton and Midway, and steps were taken to proceed with the organization without delay. According to the provisions of the law the question had to be submitted to the voters of each district. This election was held on May 23, 1891, and in the nine districts voting upon the proposition, there were only four votes recorded against it. The matter was pushed along as rapidly as possible, and Livermore Union High School No. 1 was formally organized on July 6.

The school was opened on August 31, in one of the rooms of the Livermore Public School building with E. H. Walker teacher, and the following pupils: Minnie Bading, Emma Budworth, Nora Armstrong, Lottie Colestock, Maude Durand, Lottie Famariss, Augusta Harris, Belle McGeashen, Daisy Righter, Nina Wright, Effie Bagley, Nettie Anway, Will Bailey, Chester Young, and George Furbush.

Being the first school of the kind organized in the state, it naturally attracted a great deal of attention, and, following our example, many union high schools were organized during the summer of 1891. Centerville and Hayward, in our own county, were among the first.

Our people were not only proud of their school from the first, but they were determined it should have a building that would be not only suitable to the wants of the school, but an ornament to the town and an example of the enterprise of our citizens. An election for this purpose was held on August 27, 1892, and "tax yes" carried by a large majority. The contract for the erection of the new building was let to J. F. Meyers, Esq., on December 31, 1892, and was completed in season for the opening of the school in August, 1893.

HONORING LEONARD F. ROTHKRUG, ESQ., "THE PRIDE OF LONG ISLAND AWARD"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. SCHEUER. Mr. Speaker, for 75 years the Pride of Judea has been a human service agency that revolves totally around people—those receiving services, those providing them, and those who support them. The pride is a friend to those who have no friends.

This years community awards dinner is a time when the Pride of Judea honors outstanding individuals for their humanitarian efforts in serving the Queens and Nassau communities.

This year's recipient of "the Pride of Long Island Award" is Mr. Leonard F. Rothkrug, Esq., a man with a lifetime of community dedication from a family that has given generations of devotion to making the world a better place to be.

Mr. Speaker, Leonard Rothkrug began his community service as a young person in Bensonhurst, Brooklyn, where his family was among the principal founders and supporters of the Jewish Community House of Bensonhurst, where he is still an active supporter.

In the following years, Leonard and his wife Nancy lived in Forest Hills, Queens where they became acquainted with the Pride of Judea Children's Home on Dumont Avenue. They naturally became supporters.

Eventually, the Rothkrugs, known by many as the "first family" of zoning and land use, moved to Great Neck. They were, as ever, involved in the social and political lives of their home, and remained committed to an active philanthropic life. The Rothkrugs are the recipients of a number of awards and citations for their selfless works.

Mr. Speaker, Leonard Rothkrug was a supporter and original founder of the Zoning Advisory Council of the city of New York, indeed, he served as president for 10 years. This nonprofit group monitored zoning laws for the good of the community. Mr. Rothkrug taught zoning law at the School of Architectural Design. His law firm has worked on significant charitable projects, such as hospitals, young people's centers, schools, houses of worship, and other houses of worship.

Mr. Speaker, I am proud and honored to join Pride of Judea in saluting Leonard Rothkrug. This man is a builder in many senses: architecturally, socially, politically, and spiritually. And he has helped build a better future for our children. I salute him.

HONORING HISPANIC VETERANS OF FOREIGN WARS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. TORRES. Mr. Speaker, I rise today to recognize five Hispanic veterans of foreign wars who were honored this past year. On Thursday, November 8, 1990, the Business Leadership of Olvera Street hosted the second annual "Salute to Hispanic Veterans" at El Paseo Restaurant in Los Angeles.

Mr. Speaker, it is an honor for me to recognize the men and women who have served this great Nation in its hour of truth. Americans of Mexican decent have been, and continue to be, the most decorated group for their acts of bravery and sacrifice in the field of combat. As one veteran to another, I salute the following men for their commitment to democracy: Lt. Col. Charles M. Arce, Vietnam veteran; Mr. Danny Galindo, World War II veteran; Mr. Joe Manriquez, Vietnam veteran; Mr. Pete Margarito Valdez, Vietnam veteran; and Mr. Manuel R. Zabala, World War II. veteran:

HISPANIC VETERANS HONOREES FOR 1990

LT. COL. CHARLES M. ARCE

Lieutenant Colonel Charles M. Arce attended Officers Candidate School at the Infantry School at Fort Benning and received a Commission as Second Lieutenant in March of 1966.

Following his Commission, he attended Jump School and was later assigned as platoon leader for the 3rd Battalion, 506th infantry, 101st Airborne in the Republic of Vietnam. He was wounded during the 1968 TET offensive, was evacuated from the war zone and sent to the United States. He subsequently was assigned to the Combat Development Command Infantry Team. During his assignment at Ford Ord, he commanded "D" Company, 2nd Battalion, 1st Basic Combat Training Brigade. He returned to Vietnam in 1970 and held two primary assignments: Military Assistance Command Vietnam Advisor, followed by an assignment as Rifle Company Commander, Company "A".

Upon completion of his second tour, Lt. Col. Arce was selected for the Infantry Officers Advance Course and was selected as Assistant Administrative Officer for the 1st Basic Combat Training Brigade at Fort Ord. His present assignment is Provost Marshall for the 40th Infantry Division. Lt. Col. Arce has received numerous awards and decorations for over 30 years of service, including the Bronze Star with Valor, the Purple Heart, Combat Infantryman Badge, Army Commendation Medal with 3rd Oak Leaf Cluster and the Vietnam Cross of Gallantry.

DANNY GALINDO, WORLD WAR II VETERAN

Mr. Danny Galindo joined the Army Air Corps and was immediately sent to Pilot and Navigation schools in Florida. In 1943, he was elevated to 2nd Lieutenant and piloted twin engine B25 bombers and large craft on short flight and long distance flights over enemy territory, throughout Africa, Italy, and Germany.

Throughout his military career, Mr. Galindo made over 50 long distance reconnaissance and bombing runs and was shot down in Italy. He was rescued by allied land forces and immediately sent out again on long range enemy bombing runs. After being shot down a second time over enemy territory, he was responsible for saving his crew and evacuating them to friendly lines.

In 1944, Mr. Galindo received the Distinguished Flying Cross for his bravery. In that same year, his aircraft was hit by German fire, this time his crew was not saved. He bailed out over enemy lines and was captured by the Germans. While on a death train to an undisclosed German camp, Danny Galindo made his dramatic escape when he jumped off the train and hid in small villages and forests as he made his way back to the allies friendly lines. As he reached the Coast he was rescued by a United States submarine.

Sent out again with his bombing crew, his crew again experienced tragedy. They crash landed in German enemy territory and were captured, chained and were imprisoned at Stalag Luft, Germany. There he was imprisoned for one year until 1945 when he escaped and made his grueling trip to the Russian Military Zone where he was later turned over to the Canadian troops in La Harve, France. Mr. Galindo joins the ranks of men who have received numerous awards, commendations and medals.

JOE MANRIQUEZ, VIETNAM VETERAN

In 1969, at the young age of 18, Joe Manriquez joined the United States Army's 101st Airborne Division "Screaming Eagles." During that first year, he was assigned to the Northern I Corps near the DMZ in South Vietnam.

In one incident Mr. Manriquez singlehandedly engaged 47 North Vietnam soldiers after they had ambushed his entire unit in a rice paddy. In the aftermath of the attack, he emerged as the one survivor out of 30 American soldiers. For his bravery under fire, he received the South Vietnamese government's highest honor, the Vietnamese Cross of Gallantry, while the U.S. military awarded him a Bronze Star with Valor.

Joe Manriquez re-enlisted for a second term and served as a door-gunner. In one incident, in a chopper mission, Manriquez is credited with having saved the helicopter and hundreds of U.S. soldiers, and was awarded the Aircraft Crewman's Wings, an Air Medal with Valor, and his second Vietnamese Cross of Gallantry. In an earlier defense, Manriquez was involved in a daring rescue of three officers who were mortally wounded during a surprise mortar attack. For his courageous and quick thinking he was awarded a Combat Infantryman's Badge and yet another Bronze Star with valor.

Manriquez was involved in numerous other campaigns in which he distinguished himself for acts of bravery above and beyond the call of duty. He had entered as a Private First Class and when discharged in 1971, had attained the rank of Specialist 4th Class. Joe Manriquez finished his military career with 21 medals, and is believed to be the highest decorated veteran in the state of California.

PETE MARGARITO VALDEZ, VIETNAM VETERAN

Mr. Pete M. Valdez is a 20 year United States Army veteran who was born and raised in East Los Angeles. He is a retired United States Army Ranger.

Mr. Valdez was stationed and served in many parts of the Continental United States; Hawaii, two tours in Europe and three tours of duty as an Airborne Ranger Infantryman in the Republic of South Vietnam. While serving in the military, he earned over 25 awards, badges, combat decorations and numerous commendations for war and peace time service which included the Purple Heart, two Bronze Star Medals and the Vietnam Cross of Gallantry.

While in the Army, Mr. Valdez job ranged from Buck Private in an Airborne Infantry Company to Platoon Sergeant, and Platoon Leader of an Airborne Ranger Infantry Platoon. Valdez also worked at a number of Army schools as an instructor, starting with parachute school, Jump Master School, and Desert Warfare Instructor at the National Training Center. Valdez completed over 2,000 parachute jumps.

Mr. Valdez is currently assigned to the Personnel and Training Bureau, Reserve Coordination Section at the Los Angeles Police Academy where he presently serves with the Los Angeles Police Department.

MANUEL R. ZABALA, WORLD WAR II VETERAN

Manuel R. Zabala was a member of the United States Army, Company K, 405th Infantry Regiment, 102nd Infantry Division.

As a Private First Class, he was awarded the Distinguished Service Cross for extraordinary heroism in connection with military operations against an armed enemy in Germany. On February 24, 1945, when a supporting tank was hit and set afire during an attack upon the town of Hottorf, Germany, Private Zabala fearlessly ran forward through heavy enemy fire to the vehicle, removed its five occupants and after administering first aid, assisted in their evacuation to the rear.

When hostile fire disabled a second tank, he braved the intense heat of the burning vehicle and removed the wounded occupants to safety. Noticing that one of the men was suffering from a shattered leg, he performed the necessary amputation using his trench knife as a scalpel. Then, with the help of several comrades, he evacuated all of the wounded men 1000 yards across fire-swept terrain to an aid station.

Private Zabala's courageous unselfish actions and unflinching devotion to duty are actions of the highest traditions of the military service and above and beyond the call of duty.

Mr. Speaker, I ask my colleagues to rise with me to salute these outstanding veterans.

ADJUSTING TO SAVINGS AND LOAN REALITY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. JACOBS. Mr. Speaker, the following article, written by Robert H. McKinney, former Chairman of the Federal Home Loan Bank Board—when that institution was run properly—is must reading for all Members.

We who live in Indianapolis are proud to share with Mr. McKinney the same hometown:

[From the Indianapolis Star, Nov. 29, 1990]

ADJUSTING TO SAVINGS AND LOAN REALITY

(By Robert H. McKinney)

The savings and loan industry as we know it has outlived its usefulness, and it must adjust or die. Since the thrifts' traditional markets no longer are viable, there is no more need for a separate industry.

This has been recognized by forward-looking savings and loans that are now capitalizing on strengths and discarding weaknesses. They no longer are making residential mortgage loans for their portfolios unless they can do so at a very low cost compared to competitors.

Mortgage banking can be viable for thrifts of the 1990s, but it must be made more efficient and less costly. Thus, Congress requirement that thrifts continue emphasizing residential lending is an invitation to even more disaster. There is nothing new here, as Congress continues its role of ill-timed interference.

But all is not lost. The present thrift industry can bring new strengths to the financial market place. Here are a few of the strengths that visionary thrifts can capitalize on in the coming years.

A loyal depositor base accustomed to personalized service: a strong mortgage loan customer base: expertise in real estate finance, particularly residential lending: and low overhead operations, giving the industry the ability to operate at lower margins.

But long-term weaknesses remain. Among them are dependence on residential lending with decreased profit margins caused by commoditization; deposit costs inherently higher than those of money market funds and commercial banks; and lack of expertise in sophisticated forms of banking.

As we move toward a unified bank-thrift structure. Congress, banks and thrifts must move quickly to address the financial industry's strengths and weaknesses.

The first priority is deposit insurance reform. The Federal Deposit Insurance Corp. is demonstrating increasing weakness, which worsen as economic conditions wreak havoc on the fund, as they did with the savings and loan insurance fund.

Many ideas have been put forward, and we are awaiting results of congressional and administration studies. None of the ideas advanced so far has satisfied all the objectives for deposit insurance reform.

But certain elements are important: reduction or elimination of insurance of brokered deposits; an equitable method of premium assessment, possibly risk-based, applied equally to all financial institutions; and a return to the original concept of insurance for individuals, not businesses.

The strength of our deposit-gathering institutions is of fundamental importance. Our banking system must be able to compete on a global basis. At the same time we must provide financing for housing and for commercial and industrial development.

But these efforts are being thwarted by increasing regulatory costs and restrictions. Banks and thrifts must compete directly with money market funds for deposits but face multiple social and economic national mandates. This disparity needs to be rectified.

The timeworn but accurate phrase "level playing field" demands attention to the underlying reasons for deposit insurance in contrast to the purpose and minimal regulation of money market funds.

There are far too many thrifts and banks operating today. Size is not an absolute determinant for success, but in many lines of business it is mandatory. Management skills are the prime prerequisites. The current rate of rapid disappearance of banks and thrifts will continue as the strong get stronger and the weak disappear.

Since there is no longer a need for a separate thrift industry, Congress should provide a readily available means for conversion from a thrift charter to a commercial bank charter. This will speed the evolution toward a homogeneous banking industry, with the merger of the Office of Thrift Supervision into the Office of the Comptroller of the Currency.

The Federal Reserve Board should continue as the regulator for bank holding companies, since this provides an effective check and balance in the regulatory scheme.

No business survives without a public need. The savings and loan industry has rendered a valuable service to the nation. But its day is past. The industry must offer its historical strengths to the unified financial marketplace while learning the ropes of commercial banking. The synergies that result will benefit consumers, the industry and the global markets of the 1990s.

JAMES E. NIXON, NEW PRESIDENT OF INDEPENDENT ACCOUNTANTS ASSOCIATION OF ILLINOIS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. EVANS. Mr. Speaker, it is with great pleasure that I rise today to congratulate Mr. James E. Nixon of Galesburg, IL, on his election as president of the Independent Accountants Association of Illinois. Mr. Nixon has been a respected accountant and businessman in western Illinois for many years.

Following is the acceptance speech given by Mr. Nixon at the IAAI's 1990 State convention:

ACCEPTANCE SPEECH GIVEN BY JAMES E. NIXON, PRESIDENT, INDEPENDENT ACCOUNTANTS ASSOCIATION OF ILLINOIS

I accept the presidency of this association with both a sense of pride and a sense of purpose. A sense of pride because I know we have accomplished much—we continue to offer top quality educational programs, top quality treasury card review courses and we have many members that are vitally interested in the success and improvement of the organization.

A sense of pride because I realize that I am looking at and talking to the most conscientious and dedicated professionals in the state. This sense of pride is tempered, however, with an offsetting sense of purpose with the realization that we have not done near enough. There is much to be done and I believe it is time that we give serious attention to and begin to act on many of these matters.

It seems appropriate in this modern age to have a theme that fits the particular situation. Always having a desire to be appropriate, I came up with what I believe to be a fitting theme for this 1990-91 years. Many of you will remember the three R's of past school days—reading, 'riting, and 'rithmetic. I hope that you will also remember this year's theme—the three C's: Commitment, Continuity, and Cooperation.

I believe these three C's to be important and appropriate because much of what needs to be done cannot be accomplished in one year.

Our legislative effort has already been active. It goes without saying that the legislative committee and our affiliated PAC will continue to be active until we successfully meet the challenge of the 1993 sunset legislation. We are enthusiastic and anxious to start on membership and education programs that we are hopeful will add growth to our membership while at the same time increasing the number of members that are accredited in accounting.

Commitment, continuity, and cooperation. It cannot be done quickly; it cannot be done alone. Abraham Lincoln once said, "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot do so well themselves, in their separate and individual capacities." If you substitute the word association for government into this quotation, you will understand how IAAI fits into attaining our individual and collective goals and objectives, as well as understanding the importance of the three C's—Commitment, Continuity, and Cooperation—in that overall effort.

ON YOUNG VOTERS' APATHY

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. BEILENSON. Mr. Speaker, I would like to bring to my colleagues' attention an article which appeared on the opinion page of New York Newsday shortly before last November's congressional elections. The article calls attention to the rapidly declining portion of Americans under the age of 30 who vote, and discusses the urgent need for a reversal of this trend. In addition to the inherent importance of the article's message, it is written by my nephew, John Beilenson, and I commend it to your attention.

[From New York Newsday, Nov. 1, 1990]

WHY YOUTH IS NOT SERVED

(By John Beilenson)

While many Americans go to the polls on Tuesday, many young Americans will do what we do most weekdays. Too much of the twentysomething crowd will go to our jobs, come home, maybe work out, eat a microwave dinner and plop down to watch the geezers in "thirtysomething."

In the last mid-term election four years ago, a scant 21.9 percent of registered 18- to 24-year-olds voted. This year, we have no reason to believe that number will rise. Voting rates among young people have been dropping steadily—faster even than the decline seen among all voters—since 18-year-olds won the right to vote in 1972. By contrast, more than 60 percent of people over 65 went to the polls in 1986.

It doesn't matter that young people distrust elected officials because they are repeatedly revealed—from Iran-Contra to HUD to the savings-and-loan imbroglio—to be corrupt. Or that our two most recent presidents made a virtual religion of getting government off our backs, of promoting the idea that government can't solve social problems.

Young Americans glibly denounce politicians as liars and incompetents, but we fail to understand that our country is run by a representative government, and these incompetent "liars" are the only representatives we have.

Young America's electoral apathy has ceded political influence to our mothers and fathers, and especially to our grandmothers and grandfathers, who vote in far greater numbers and have powerful and well-organized lobbies in Washington.

Faced with the disapproval of the American Association of Retired Persons (AARP), politicians quake in their boots. "Touch Social Security and you die," senators and representatives say. Tamper with Medicare or propose a controversial health care bill, as Illinois Congressman Dan Rostenkowski did, and politicians risk receiving the treatment Rostenkowski got: confrontation by elderly citizens, who sprawled across his car's windshield as he tried to drive to work.

The result is that last year, according to the Congressional Budget Office, spending on people 65 and over made up about 47 percent of the national budget—if you don't count military appropriations and interest payments. As Sen. Daniel Patrick Moynihan said recently of the budget process, "For people with the franchise, this is a tremendously responsive system."

What happens when young Americans don't vote? Well, there's no budget debate about tax breaks for new homeowners or expanding college loan programs. Aid For Families with Dependent Children, Head Start and other social programs for the poor—generally young mothers and their children—have been cut back or sacrificed to preserve health care subsidies and other benefits for the elderly. Regressive taxes on gasoline, beer and cigarettes, which take a disproportionate chunk out of younger, poorer people's disposable income, are imposed rather than hikes in more progressive income taxes—all without fear of an electoral backlash.

Electoral participation is the lifeblood of our democracy. James Madison, in "The Federalist Papers," argued that one of our political system's strengths was its ability to prevent individual factions—special interests and particular sections of the citizenry—from predominating.

Our faction needs to be heard; we must vote.

If we don't, if young America continues to refuse our civic opportunity, the government of the older people for the older people will continue to ignore our interests.

QUESTIONS ABOUT WAR IN THE PERSIAN GULF

HON. BERNIE SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. SANDERS. Mr. Speaker, one of the major concerns that I have with the entire discussion regarding the crisis in the Persian Gulf is that the President has refused to be straightforward with the American people and answer some of the hard questions that the people have been asking regarding a potential war in the gulf. Let me raise some of those questions now in the hope that the President and his administration will begin responding to these concerns.

Up to this point, we have not heard any estimate from the President of the expected casualties in such a war. While we fully recognize that it is impossible to predict such figures exactly, we do know, for example, that thousands of body bags have been sent to Saudi Arabia. We know that in the first stages of the 1973 Arab-Israeli war, the casualties were enormous. Can the President tell us how many Americans would die if we launch a war against Iraq?

As we all know, the United States has a $3 trillion debt, with the cost of the S&L bailout expected to reach up to another trillion. The Washington Post recently reported that the fiscal 1991 deficit will be $50 billion more than previously estimated. As a result of last fall's deficit reduction plan, Medicare, veterans' benefits, student loans, farm support and other domestic programs will be cut by billions of dollars, and the gas tax will rise by 5 cents per gallon.

The estimated cost of maintaining our troops in Saudi Arabia this year, without war, is over $30 billion. If war breaks out, these costs could reach several hundred billion. Can the President tell us how much he would cut in Social Security, how much more will be cut from Medicare, how much from farm supports, student loans and veterans programs, and how much more in taxes the middle class and the poor will have to pay, if we go to war?

The President has suggested repeatedly that war in the Persian Gulf has to do with freedom and American values. Our constituents would like to know the relationship between freedom and the feudal, undemocratic governments of Saudi Arabia and Kuwait. Saudi Arabia is a kingdom without free elections, freedom of religion or freedom of speech and has a very poor human rights record. Specifically, we need to know why young Americans should die on the sands of Saudi Arabia when that government does not allow our Christian soldiers to celebrate Christmas or our Jewish soldiers to celebrate Hannukah. Women in our country need to know what freedom means when women in Saudi Arabia can't vote, speak out, participate in politics or even drive a car. Please, Mr. President, explain to our confused constituents what war in the Persian Gulf has to do with human freedom.

Lastly, Mr. President, we would appreciate your best estimate of how many years it would be necessary for American troops to stay in the region after an American victory and the taking of Baghdad. And what would be the cost to the taxpayers?

These are some of the questions that our constituents are asking us. We need to have them answered.

ALBERT E. BLUMBERG

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. WEISS. Mr. Speaker, on October 16, 1990, the New York State Council of Senior Citizens, at its fourth annual luncheon, presented one of its three Intergenerational Service Awards to Dr. Albert E. Blumberg. The award is given in recognition of continuing advocacy on behalf of senior citizens, those still in the work force, and our children, the future of our society.

Dr. Blumberg's leadership extends far beyond his local community. He serves as president of the Congress of Senior Citizens of Greater New York, vice president of the New York State Council of Senior Citizens, chair of the Presbyterian Hospital Community Health Council, and president of the J. Hood Wright Senior Center. In each of these roles, Dr. Blumberg has been an articulate advocate for the needs of people, translating his ideals into effective action aimed at achieving social justice.

Many of those who have worked with Dr. Albert Blumberg view him as a role model, a person who represents citizen participation at its best. He combines the ability to conceptualize the issues with a readiness to take on the less than glamorous tasks crucial to any organizing effort.

The recognition given to Dr. Blumberg by the New York State Council of Senior Citizens is well deserved. The occasion allows us to rediscover the meaning of community leadership and service. It would be difficult to find a better example than Dr. Albert Blumberg.

THE HAYWARD-CASTRO VALLEY BRANCH OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN CELEBRATES ITS 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. STARK. Mr. Speaker, I rise today to congratulate the Hayward-Castro Valley branch of the American Association of University Women, in California's Ninth Congressional District, which celebrates its 50th anniversary this month.

The American Association of University Women [AAUW] is a nationwide organization dedicated to the education of and the advancement of women. Nationwide, the organization has over 193,000 members. In June, the AAUW National Association will be celebrating its 110th anniversary which makes it the oldest women's organization in the United States.

The Hayward-Castro Valley branch of the AAUW began in 1941 with a membership of 35 and in its 50 years has grown to over 215 active members.

The Hayward-Castro Valley branch has worked tirelessly to promote educational reform by providing scholarships for both California State University Hayward and Chabot College; fellowships for women pursuing advanced degrees; grants for research and community service projects, and it has participated in the study of and the search for solutions to current social and educational problems.

Mr. Speaker, I would like to congratulate the Hayward-Castro Valley chapter of the AAUW on its 50th anniversary. I can only hope that the chapter will be able to continue in its efforts to promote equity and educational opportunities for women for the next 50 years.

HONORING JOEL A. MIELE, SR., "THE PRIDE OF QUEENS AWARD"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. SCHEUER. Mr. Speaker, for 75 years the Pride of Judea has been a human service agency that revolves totally around people—those receiving services, those providing them, and those who support them. The Pride is a friend to those who have no friends.

This year's community awards dinner is a time when the Pride of Judea honors outstanding individuals for their humanitarian efforts in serving the Queens and Nassau communities.

This year's recipient of "the Pride of Queens Award" is Joel A. Miele, Sr., a true example of a humanitarian citizen. Mr. Miele is the Queens representative to the new city planning commission, the latest in a long list of his distinguished accomplishments.

Early in his career, while in the Navy, Mr. Miele led his construction battalion in building playgrounds and roofs for orphanages. He is now a retired captain of the Civil Engineer Corps.

Mr. Miele, a resident of Howard Beach, is a professional engineer with his own practice in Queens with his brother and son. His business reputation has earned him several officer positions in professional organizations.

Mr. Speaker, Joel Miele's community dedication spreads throughout city life. He is involved in the membership or board of directors in neighborhood associations, libraries, civic groups, hospitals, economic development agencies, and the local community board. In fact, he was chair of Queens Community Board No. 109 for 12 years. He was a delegate to the New York State Bicentennial Constitutional Convention, and has been awarded "Man of the Year," "Engineer of the Year," "Outstanding Community Leader" and other such awards by his friends, neighbors, and business associates.

Joel Miele has been heard to say, "If there is a need that I am aware of—a vacuum—in the areas of civic, community, and not-for-profit life, I am motivated to fill that need." Indeed he does, every day of his life. All of us in Queens are very proud of him.

Mr. Speaker, it is my sincere pleasure to join Pride of Judea in acclaiming Joel Miele with the "Pride of Queens" award. I am honored to join his wife, Josephine, his family and friends in recognizing a lifetime of contribution. Because we have people like Joel Miele today, our children and grandchildren will have a better tomorrow.

SUCCESS OF HELP US GROW STRAIGHT [HUGS] PROGRAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. MACHTLEY. Mr. Speaker, today I want to call to the attention of my colleagues an innovative and effective drug prevention program in my home State of Rhode Island. I believe this program can serve as a model for us as we begin to consider legislation dealing with the national problem of drug abuse among our children.

Began as a dream, "Help Us Grow Straight" [HUGS] became a reality in 1987. HUGS is based on the idea of giving our young people natural, rather than chemical, highs through the physical challenges of hiking, camping, mountain climbing and biking. By understanding superior alternatives to drug use, our children are dissuaded from experimenting with the dangerous substances which are so tempting to high school and junior high school students. The program, offered to North Cumberland Rhode Island middle school's eighth graders, encourages hard work and dedication to a worthwhile goal in order to achieve greater satisfaction and enhanced self-concepts.

In recent times, participants in HUGS have traveled far and wide, experienced a variety of natural highs. They have climbed mountains in New Hampshire, biked throughout the Island of Martha's Vinyard, and spent a week in Arizona, much of it hiking in the Grand Canyon. Last April, I was fortunate enough to welcome these upbeat travelers home at Rhode Island's Greene Airport after their trip to Arizona.

The response from the students to this experience in Arizona has convinced me that HUGS is a program that produces real results. This HUGS experience and others like it has allowed its participants to realize that pride in one's accomplishments can offer a lifetime high. I received over a dozen letters from these students, who gave me a clear message that HUGS taught them the superiority of a natural high over a chemical high. One such student, Sarah Pelletier, wrote me about her experience with HUGS:

> The whole purpose of HUGS is to teach teens that natural highs are so much better than drug highs. I think that the HUGS program does a wonderful job doing just that. You may feel high while taking the drugs, but afterwards you are overcome by depression. When I hiked the Grand Canyon, I felt high, but I also felt high afterwards because I was proud of myself—I actually made it out of the Grand Canyon alive. I just think that it's too bad that there aren't more programs such as HUGS around.

As a U.S. legislator, I have always argued that we must teach our children of the perils of drug abuse before they are given a chance to find out the hard way. HUGS is an ideal program which seeks this important goal. As such, I hope my colleagues here in the House of Representatives will recognize the value of the HUGS Program, and support this kind of approach to the problem of drug abuse among our young people.

NATIONAL WEATHER ASSOCIATION MAKES FIRST ANNUAL PUBLIC SERVICE AWARD

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. BENNETT. Mr. Speaker, on October 17 the National Weather Association made its First Annual Public Service Award to Mark Lange of Vincennes, IN, at a banquet here in the suburbs of Washington. In the presentation Andrew Horwitz, chairman of the Awards Committee said:

> You were selected based on your decision to cancel all regular programming to provide non-stop broadcasts for over three hours of tornado warnings, including exact locations of the funnels, in the station's listening area. You gave proper warnings to people, advising them to accepted sheltered areas, and special advice to individuals in mobile homes, saying all the right words in a calm, non-flustered manner. Nearly every local and state agency contacted you to voice their thanks. You used local radio to do what it does best, because of your commitment to the community and an interest in weather. Your efforts are a prime example of what radio stations should be doing.

I had hoped to be there for this occasion but the House was in session at the time so I could not. I have a special reason for my keen interest in this award because the National Weather Association has named this annual award for my father, Walter J. Bennett, who was a weather bureau forecaster for nearly 50 years and was himself a very effective leader in a long life of public service. My family and I are deeply grateful that this was done.

UPON INTRODUCTION OF THE DESERT SHIELD TAX RELIEF ACT OF 1991

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. HORTON. Mr. Speaker, today I am introducing legislation designed to assist the American servicemen and servicewomen participating in Operation Desert Shield. A recent article in the Washington Post explained that the Internal Revenue Service planned to require our soldiers to file their tax returns on time or face financial penalties.

Fortunately, the IRS has extended the income tax filing deadline for our troops in the Persian Gulf until June 15. While I commend this decision, I am outraged that the IRS has not waived the interest penalties that our soldiers would incur should they not be able to meet the June 15 deadline. To say the least, these brave men and women have more pressing matters on their mind and we should not burden them with the cumbersome task of meeting income tax filing deadlines.

My bill will provide automatic extensions of time for filing Federal income tax returns and other tax-related acts for members of the Armed Forces of the United States serving in Operation Desert Shield. The extensions and waivers will allow our soldiers to defer the filing of their Federal income tax returns without penalty for up to 180 days after they return from the gulf.

We all hope and pray that the Persian Gulf crisis is resolved in a peaceful fashion. Regardless of the outcome, however, American military personnel are experiencing tremendous emotional and psychological stress due to the current situation. This legislation will provide our service persons relief from the worry of legal action due to failure to file Federal income taxes. For the sacrifices they are making, it is the very least we can do.

My bill already enjoys the strong bipartisan support of 30 House Members. I urge all of my colleagues in the House of Representatives to join us in cosponsoring this important measure.

FACTORS LIMITING THE EFFECTIVENESS OF ECONOMIC SANCTIONS AGAINST IRAQ

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. BEREUTER. Mr. Speaker, much of the debate in recent weeks and months concerning the Persian Gulf crisis has focused on the effectiveness of economic sanctions against Iraq. The desirability of relying solely on the embargo to resolve this crisis is understandable. It would obiviously be in the best interests of the United States and the world if the sanctions by themselves bring Iraq to its economic knees and force Saddam Hussein to remove all Iraqi troops from Kuwait. However, this Member believes it is important to recognize some of the factors limiting the effectiveness of these sanctions.

Although almost all governments are enforcing the United Nations trade sanctions against Iraq, there are many foreign companies and individuals interested in filling the economic vacuum created by the embargo. Since the sanctions were enacted, private firms have been seeking ways to supply Iraq with the goods it demands. In addition to industrial and agricultural products, these foreign firms are offering military, chemical, transport, electrical, and oil-related items for sale to Iraq.

Individual smugglers are also actively involved in transporting goods to Iraq and the country's borders have proven to be very porous. A recent Associated Press article states that thousands of smugglers in the area are "making a mockery of the sanctions." It is realistic to expect further holes to develop in the embargo if Iraq's neighbors and former trading partners continue to suffer economically as a result of the sanctions.

EARNING BY LEARNING

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. GINGRICH. Mr. Speaker, last summer, the early childhood department at West Georgia College in Carrollton carried out a pilot program designed to motivate youngsters to read by giving them a monetary incentive. The program, called "Earning by Learning," had very positive results in the Sixth District of Georgia.

Conducted in five Sixth District counties—Carroll, Spalding, Clayton, Coweta, and Douglas—Earning by Learning was designed to encourage poorly motivated third and fourth graders to read. Over the course of 5 weeks in the summer of 1990, 282 students earned $2 for every book they read and reported on to an adult volunteer. In total, the group earned $7,602 by reading 3,801 books.

Because of our success, I decided to introduce a bill to allow public elementary and secondary schools throughout the country to duplicate such innovative projects. By amending the Elementary and Secondary Education Act of 1965, H.R. 95 would make programs like Earning by Learning an allowable expense for any public elementary or secondary school in the United States. Thus, the benefits of the Sixth District's Earning by Learning Program could be extended to youngsters across America.

During our Earning by Learning project in Georgia, many students both improved their reading skills and gained a greater enjoyment of reading. I am proud to share with my colleagues today the following article written by Stephanie Wynn, who read the most books during those 5 weeks in 1990. Her story is a case in point of why we should allow Earning by Learning type programs in all public elementary and secondary schools.

ONCE UPON A TIME, A LITTLE GIRL WAS PAID TO READ

(By Stephanie Wynn)

(Stephanie, age 10, is a fourth-grader at Villa Rica Primary in Villa Rica, Ga. This summer she took part in a pilot project conceived by GOP Rep. Newt Gingrich and carried out by West Georgia College's early childhood education department. The more than 200 third- and fourth-graders who participated were "at risk" readers. They had potential but were not motivated to read for pleasure. By the end of the summer, Stephanie had read more books than any other participant. We invited her to send us her story, which we have not altered in any way.)

Last summer I read 83 books. I earned $166.00, $2 for every book.

Mrs. Hamilton, my school's assistant principal, told me about the Earning by Learning Reading Program which was going to be during the summer at my school. I went to the school library and found different books. The books were fun. I told about the books I had read to Mrs. Hamilton, and Mrs. Rothbart, and Mrs. Marchman. I picked the books out all by myself. My mom helped a little bit by saying, "Would you like these books?"

I read all of my books in my bedroom and the living room. I like to read on my bed or on the couch. I read some of the easier books to myself. Some of the harder ones, I read them out loud to my mom or my dad. My friends said that's OK if you read books. My grandmother was surprised that I was reading a bunch of books. She thought I was only reading one or two. My brother thought I was weird for reading so many books, but, I told him that he was crazy. My mom, dad, my sister, Sonya, my brother, Stephen, Mrs. Hamilton, Mrs. Brooks, Mrs. Rothbart, Mrs. Marchman, and everyone was proud of me for reading the most books.

"My favorite books were "The Care Bears" books and I like the Strawberry Shortcake book, too. These books were about helping people and about trying to keep a man from taking all the fruit from the Strawberry People. I like them because they were neat to read. They made me feel like they were really real. One of the Care Bear books was about a little girl who was scared of the dark. That's me!! I used to be afraid of the dark. One of the books made me want to go where the Care Bears are. When I grow up, I want to be a movie star. The Care Bears are on television and that reminds me of being a movie star.

I recommended a book to my friend Jeremiah. I let him take it home and read it. He said it was really good. He brought it back to me.

The hardest book I read was one about horses. This book was very boring to me. There were a lot of words on the pages and not very many pictures. I like books that have lots of pictures.

I read a few books that were short. One was Jack and the Beanstalk. It was fun to read and also short.

I spent a lot of time this summer reading. If I hadn't read the books, I would have been bored. I do like to swim and watch TV sometimes. But the reading time was fun.

The awards ceremony was in the gym at my school. All the kids families were there. The awards ceremony, my mother, my father, and my sister and brother were there. All the kids were very happy to get their money. I was the last person to get mine. The reason I was last was because I was the highest reader. I felt weird. Mrs. Hamilton was kidding me. She told everybody that one night I wanted my mom to help me tell about the books. Mrs. Hamilton told me that she would give the money to my mom. I didn't like that. Everybody laughed when she said that.

With the money I earned I bought some new clothes and a lot of Barbie stuff.

The summer reading program is over. I am still reading. I am still reading because it is fun.

I think it is a good idea to give kids money for reading books. It showed me that reading was fun. It also helped bring my mom and I closer together. We had fun reading together.

I am reading Cinderella now. It is a story about a girl named Cinderella. She had two step-sisters and a mean step mother. She had to work and work and work hard every day. One day a letter came in. Her step mother read it. It was an invitation to a ball and she didn't have anything to wear to the ball. But her fairy godmother gave her a dress. It was ice-blue. It was pretty. She went to the ball. She lost her shoe and she ran out to the coachmen. The crown duke came to Cinderella's house. She was locked in her room. Then the mice brought the key up to her room. She got free and she was going downstairs to meet the crown duke. First her sisters tried on the slipper. After her sisters tried it on, it was too small. Then Cinderella tried it on. It broke. But, she had the other slipper. That showed the crown duke who she was. He took her to the ball. She married the prince. They lived happily every after. The end.

BUENA PARK CITY COUNCIL HONORS KENNETH B. JONES

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. DORNAN of California. Mr. Speaker, today it is rare to encounter an American who unselfishly devotes his life to serving his community and fellow citizens, in many cases without any monetary recompense. Few of us are willing to sacrifice the advantages of private life for the many burdens of public service. However, I would like to take this opportunity to alert my colleagues to one of my constituents who has devoted his life to public service and has made countless personal sacrifices to serve his fellow citizens.

Mr. Kenneth B. Jones served as the mayor pro tem of Buena Park, CA, in 1989 and 1990 and as a member of the Buena Park City Council from 1980 to 1990. The city council of Buena Park recently adopted a resolution commending Jones for dedicating his life to the community and demonstrating in many ways his "deep and genuine love for this city and its citizens" and for always placing his concern for the public good ahead of his personal interests. I would like to join the Buena Park City Council in honoring this exceptional citizen.

Before joining the city council, Jones served his community for nearly 30 years in the Buena Park Police Department as a police officer, police sergeant, and chief of police. Jones received the Police Officer of the Year award in 1970, 1971, and 1979. Furthermore, Jones served as a fireman from 1949 to 1952 and has held a number of other official positions in his many years of service in Buena Park. In addition, Ken Jones has held leadership positions in scores of community service organizations including the Kiwanis Club, the Buena Park PTA, the Lions Club, the Orange County Sheriff's Association, and many other organizations.

Mr. Speaker, Ken Jones stands as a fine example to those throughout the Nation who seek to serve the public. I strongly commend his efforts and honor his accomplishments. I encourage all citizens to look to Ken Jones as a fine example of the positive influence one citizen can have on his community.

ARNOLD I. BURNS' ELLIS ISLAND MEDAL OF HONOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. MICHEL. Mr. Speaker, President George Bush has reminded us that we are a nation of communities. Nowhere is the fact of our ethnic, religious, and racial diversity more honored than at Ellis Island, where so many Americans, from so many backgrounds, have come to these shores.

On December 6, 1990, Arnold I. Burns, former Deputy Attorney General for the United States, was awarded the 1990 Ellis Island Medal of Honor at ceremonies conducted on the island itself. The medal honors distinguished representatives of various ethnic backgrounds. Mr. Burns was honored along with a number of Americans, including President Bush, former Presidents Reagan, Ford, Carter, and Nixion, and many others.

Mr. Burns, who is of Russian descent, is an alumnus of Union College in Schenectady, NY, and Cornell University Law School. He serves as vice chairman of the board of trustees of the Boys and Girls Clubs of America and is active in many civic and charitable organizations.

The nomination of recipients of the medal came through member organizations of the National Ethnic Coalition of Organizations [NECO] and through thousands of forms submitted by the public. NECO, an umbrella group for 66 of the Nation's largest heritage groups, participated in the first presentation of the medals in 1986 during the 100th anniversary celebration of the Statue of Liberty.

I want to bring this event and Mr. Burns' award to the attention of our colleagues, because they serve to remind us that this country is, indeed, "E Pluribus Unum," one out of many. This medal is a great tribute not only to Mr. Burns and the other recipients, but to the unsung millions who came to Ellis Island to begin a new life and a better America.

TRIBUTE TO CUB SCOUT PACK 332

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. BORSKI. Mr. Speaker, I rise today in recognition of Cub Scout Pack 332 of St. Bartholomew R.C. Church for their 35 years of service.

On October 1, 1990, Cub Scout Pack 332 was officially rechartered and dedicated to serving the youth of the Philadelphia community.

Throughout their 35 years, the pack has worked to enhance and serve the Philadelphia neighborhood. They deserve great recognition for their success in providing the city with an outstanding example of commitment to achievement.

St. Bartholomew R.C. Church has assisted Cub Scout Pack 332 by providing meeting places and holding activities. I am sure they will continue to provide many more years of dedicated sponsorship.

Mr. Speaker, I join the citizens of Philadelphia in expressing my gratitude to St. Bartholomew R.C. Church for sponsoring this Scouting organization. In addition, I also join them in commending and thanking Cub Scout Pack No. 332 for 35 years of service to its community.

TRIBUTE TO DWAYNE E. HOFUS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Dwayne E. Hofus of my 17th Congressional District of Ohio, who received the Carnegie Medal from the Carnegie Hero Fund Commission.

The Carnegie Medal is awarded to people who risk their lives to save or attempt to save the lives of others. Only 105 other persons were recognized by the commission in 1990.

Dwayne E. Hofus saved Jessica Maxwell, 2, and Heather McGee, 3, from their burning home in Youngstown, OH, June 10, 1989. The two girls were asleep on the second floor of their family's two-story house when, just before dawn, fire erupted in the first-floor kitchen. An alert neighbor, Mr. Hofus, spotted the flames through the window and immediately ran to the house to alert its occupants. He forced open the front door and headed for the second floor, where he discovered one of the girls. After carrying her outside to safety, Mr. Hofus, unaware that another girl remained in the house, left to call the fire department.

Only upon returning to the scene did he learn that another girl was still inside the home. Despite the dense smoke, heat, and rapidly spreading flames, Mr. Hofus reentered the house and was able to locate the second child in an upstairs bedroom. Mr. Hofus entered the bedroom, above the burning kitchen, and began to carry the child downstairs to safety. In the process, Mr. Hofus tripped and fell part way down the stairs. Luckily, he managed to regain his footing and safety deposit his precious cargo outside. Jessica and Heather were subsequently taken to the hospital for treatment, as was Mr. Hofus. All are now fully recovered.

Mr. Speaker, I would like to take this opportunity to recognize Dwayne E. Hofus as a truly exceptional neighbor and citizen. May his tremendous courage and selflessness serve as a shining example for us all. Mr. Hofus is a great credit to both himself and the community. I am honored to represent this outstanding individual.

THE IMPORTANCE OF ENERGY CONSERVATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 9, 1991

Mr. STUDDS. Mr. Speaker, on Monday the Washington Post reported that the White House is opposed to the inclusion of energy conservation measures by Energy Secretary James Watkins in his recommendations for a national energy policy. This is, indeed, troubling news that does not bode well for the development of a sound national energy strategy.

The energy crises of the 1970's should have taught us that energy conservation works. From a 1977 peak of about 8.8 million barrels per day, we reduced oil imports to a 1985 low of about 5.1 million barrels. As we see imports rising again to a level exceeding 8 million barrels in 1989—of which 2.2 million are from Arab OPEC nations—it is imperative that the role of conservation be enhanced, not reduced.

The administration also cannot afford to ignore the fact that declining U.S. competitiveness in world markets is due, in some measure, to our gluttonous energy appetite. The U.S. economy consumes about $440 billion annually for energy, an amount equal to about 11 percent of our GNP. Japan's percentages is only half this amount. Higher energy consumption by American manufacturers raises prices and makes it difficult for us to compete with foreign producers.

Although the administration may not recognize the value and importance of energy conservation, the American public does. In public opinion polls, the American people, by wide margins, prefer conservation to increased production as an energy strategy. They are also quite willing to make the lifestyle changes necessary to achieve energy savings.

If the White House insists on an energy policy that seeks to build more nuclear powerplants and promote oil and gas drilling in environmentally sensitive areas, while excluding energy conservation as a critical component, it will be making a serious mistake. The Congress will not accept this and neither will the American people.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 10, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 15

10:00 a.m.

Labor and Human Resources

To hold hearings to examine services available to children and youth from poverished families, focusing on ways to ensure that they graduate from high school, preparing them for the workforce, and/or helping them get into college.

SD–428

JANUARY 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD–366

Rules and Administration

Organizational meeting, to consider committee rules of procedure and committee budget for the 102nd Congress, membership for the Joint Committees on Printing and the Library, and pending legislative and administrative business.

SR–301

SENATE—*Thursday, January 10, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer.

Let us pray:

But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil.—Matthew 5:37.

Eternal God, infinite in truth and justice, fill this Chamber with Your presence, Your light, today. Aware of the rebuke to Job and his loquacious friends: "Then the Lord answered Job out of the whirlwind, and said, Who is this that darkeneth counsel by words without knowledge?" (Job 38:1,2), and aware of the power of words to conceal as well as illuminate, to deceive as well as inform, to confuse as well as clarify, to kill as well as edify, grant to the Senators in their debate cool heads, warm hearts and economy of language. Protect the cosmic issue of war from being reduced to political pragmatism. Keep us sensitive to Your overruling providence in history and the possibility of divine intervention when frustration freezes to inaction.

To the glory of Your name and the doing of Your will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

VITIATION OF THE PRO FORMA SESSION

Mr. MITCHELL. Mr. President, pursuant to the previous order, I vitiate the pro forma session.

THE JOURNAL

Mr. MITCHELL. I ask unanimous consent that the Journal of proceedings be approved to date.

The VICE PRESIDENT. Without objection, it is so ordered.

CREDENTIALS: RESIGNATION AND APPOINTMENT

Mr. MITCHELL. Mr. President, I inquire of the Chair, are the official papers relative to the appointment of the newly appointed Senator JOHN SEYMOUR from California, received and in proper order?

The VICE PRESIDENT. They are received, and they are in proper order.

The Chair lays before the Senate a facsimile of the letter of resignation from Senator Wilson and a certificate of appointment to fill the vacancy caused by the resignation.

Without objection, the reading thereof will be waived and the documents will be printed in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

STATE OF CALIFORNIA,
Sacramento, CA.

Hon. DAN QUAYLE,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of the Constitution of the State of California, I resigned my office as United States Senator upon assuming the office of Governor on January 7, 1991.

Sincerely,

PETE WILSON,
Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA—CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of California, I, Pete Wilson, do hereby appoint John Seymour a Senator to represent the State of California in the Senate of the United States until the vacancy therein, caused by my resignation, is filled by election as provided by law.

Witness: His excellency our Governor Pete Wilson, and our seal hereto affixed this 7th day of January, 1991.

PETE WILSON,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. SEYMOUR, escorted by Mr. DOLE, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

[Applause, Senators rising.]

The VICE PRESIDENT. The majority leader is recognized.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders, Senators be permitted to speak.

The VICE PRESIDENT. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, I have had a continuing series of consultations with the distinguished Republican leader and other Senators in an effort to discern the best way to proceed with respect to the Persian Gulf crisis. What Senate DOLE and I agreed upon is to permit debate to occur today.

I anticipate that there will be two resolutions to be presented today. We have been involved in drafting one, and I know that Senator DOLE and others have been involved in drafting others. We agreed last evening to exchange those resolutions today. I expect that ours will be ready momentarily. We have completed action on it. It is now being placed in final form. So I hope to be able to make that public and present it to my colleagues in a very short time, and at that point to commence the discussion.

In our meetings, the most recent one being last evening, I have suggested the possibility of the Senate's reaching agreement on a procedure which would permit us to debate this issue in a full and open manner that combines both the opportunity for all Senators to fully express themselves on the subject, which I think is essential given the gravity of the matter, but also permits us to complete debate within a reasonable period of time so that this does not continue indefinitely.

As we know, the House is apparently close to completion of a process which would combine debate today and result or conclude in three votes on Saturday. It is my hope that we can follow some comparable, if not identical, procedure, either resulting in three or possibly, in the Senate, four votes depending upon the number of resolutions offered.

Senator DOLE and I have agreed that after we exchange the resolutions today and during the time in which the debate is occurring we will meet further to explore the possibility of reaching agreement along these lines. I hope very much that we can do that. Obviously it is subjective, but I believe 3 full days of debate would be sufficient and appropriate time for exploration of the matter.

I emphasize to Senators that we will be in session throughout the day today and for as long as necessary to accom-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

modate any Senator who wishes to speak. So I encourage any Senator who wishes to express his or her views on the subject to do so today. Of course, the debate will continue tomorrow and at least Saturday under the suggested procedure which I have just described.

With that, I will momentarily yield to the distinguished Republican leader for any comments he may wish to make, and then it is my intention to put in a brief quorum call until we have a resolution ready for presentation, and the commencement of the debate which I expect will occur this morning.

SENATOR SEYMOUR'S WELCOME

Mr. DOLE. Mr. President, first, let me welcome our newest Senator, JOHN SEYMOUR, from the State of California. We welcome him to the U.S. Senate. We have a rather critical time in history—in my view a very serious time. This is a very serious debate. We look forward to his service in the U.S. Senate.

Mr. MITCHELL. Mr. President, will the Senator yield to me so that I may join in the welcome? I feel some empathy with Senator SEYMOUR since it was almost exactly 11 years ago that I was in a similar situation.

I telephoned him following the day of his appointment, and offered him a special welcome and told him I looked forward to working with him. Senator COATS and I remember having been through the same experience, and I think he recognizes the enormity of the task that we all face.

So I join Senator DOLE in welcoming Senator SEYMOUR, and I look forward to working with him.

I thank the Republican leader.

SCHEDULE

Mr. DOLE. I thank the majority leader.

Mr. President, with reference to how we are going to proceed, first of all, we need to examine each other's plans. I am not certain ours is prepared. I understand the majority leader is about to complete his. We are trying to coordinate, at least on this side, our efforts with bipartisan efforts in the House, and, of course, at the White House, to try to come up with some proposal that will have strong bipartisan support in the Senate. Until we have had an opportunity to examine, not only look at it myself, but to have a conference with Republican Senators sometime either this morning or afternoon, we will not be in a position to get consent to proceed to the consideration. I am not certain; is it a concurrent or joint resolution?

Mr. MITCHELL. Joint resolution.

Mr. DOLE. Joint resolution. So we need to examine the resolution to see what it says because I still believe—I am an optimist—I still think there is plenty of time for Saddam Hussein to come to his senses. I understand that the international community is serious, and what I do not want to happen is for him to get any misinformation or mistaken signal from the Congress of the United States.

It is my hope that there can be some bipartisan development. I do not think there has been any effort to make it partisan. I think there has been on the House side, but as far as I know on the Senate side it has not occurred. I have not taken a whip check. The majority leader has not taken a whip check. This should not be a partisan matter. We may have differences; it is a democracy. But I think our goal nearly in every case is the same; that is, to get Saddam Hussein to understand that he must leave Kuwait.

I am not certain what signal would be sent if we adopt whatever resolution we may be given here in the next few minutes. As I understand it, it says just wait. It does not say how long; 30 days, 30 months, 30 years? So I am not certain what kind of signal that sends, but it seems to me it takes Saddam Hussein off the hook. That may be the most painless decision, just wait and wait and wait.

So it is still my hope that we can find some way to authorize the President to use force in accordance with the U.N. resolution, hoping that it will not happen. And it occurs to me that one way we might achieve that is to authorize the use of force—but that is not the same resolution—in some fashion to give the Congress, under expedited procedure, on the motion of the majority leader and the Speaker of the House, and a right to rescind that authorization. It would authorize the use of force, but you would also have, under expedited procedure, a right to rescind the use of force if the majority leader and the Speaker feel there has been abuse of power or misuse or for whatever reason that the Congress should rescind the authority to use force, if necessary, in accordance with the U.N. resolution.

Maybe that is a possibility. It is one that we will be discussing on our side, one that I hope we might be able to obtain some support for on the other side because it just seems to me that is one way to get Saddam Hussein's attention. I do not know if he is tuned in. He tells us where he is tuned in.

But I think one way for him to understand we are not divided is to try to accommodate the President's request. The President asked us verbally a dozen times for help. Now he has asked us in writing. It seems to me there has to be some way, still preserving all of our rights under the Constitution, that we can support the President of the United States.

If we can figure out some way to do that, then we can dispose of the resolutions very quickly. If not, it could be more difficult. But if there is a determination by Members on this side—and it does not take too many—that we are proceeding in the wrong direction, we are sending the wrong signal, then that might frustrate the efforts of some on the other side. We do not want to do that.

I am not announcing that will happen, but I am indicating that we have to make a judgment on how best we can underscore the unity we have in achieving the objectives of this withdrawal from Kuwait and the restoration of the government. So we will be working with the majority leader and others throughout the day.

I guess there will be debate, but there is nothing to debate, unless we just want to debate the general gulf crisis. Until we actually have a resolution before us, it is rather difficult to hone in on anything specific.

Certainly we are prepared to debate. I believe we should have been debating for the last several weeks, not at this last minute when we are coming down to the crunch. So we are prepared to proceed in an orderly fashion, even at this late date. I yield the floor.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, as I indicated in my earlier remarks, I expect that our resolution will be ready promptly, and I intend to present it for consideration and debate very shortly to the distinguished Republican leader, to all Members of the Senate, and to the public at large. So we expect that to occur very shortly.

Mr. COATS. Mr. President, will the Senator yield?

Mr. MITCHELL. Yes, sir.

Mr. COATS. Mr. President, I wonder if I might inquire of the majority leader a little more definition as to his attempts to put some type of limitation on the debate. I think one thing our new colleague will find is that one of the great privileges of serving in the Senate is the ability for unlimited debate for any Senator at any time to say anything he wants on any subject.

When I came over from the House of Representatives, I found that to be one of the great benefits that the Senate had that the House did not have, where our time is limited. I also found it to be one of the great disadvantages because of the fact that any Senator at any time may speak on any thing, and they often do, late at night, and on and on it goes.

It seems to me that in this particular situation, with the deadline of January 15 approaching, that some type of resolution by the Congress needs to be forthcoming on a relatively quick basis, so that we do not send a signal that the Congress does not know where it wants to go. We can put the President and the Secretary of State in an untenable position if debate continued on and on, and particularly approaching that deadline.

I appreciate the majority leader's difficulty in securing a limitation on debate on something this important and this critical to our Nation's future and directly affecting the men and women who are serving in the Middle East, but I wonder if there is some indication that the majority leader can give relative to placing some reasonable limit, without precluding any Senator's rights on reaching a conclusion to this matter?

Mr. MITCHELL. Yes. That is my desire, and I have expressed that to the distinguished Republican leader and publicly. I think if we begin today and have 3 full days of debate, it is my estimate that that is approximately the fair balance between the opportunity for every Senator to express himself or herself as fully as they desire and still coming to some conclusion prior to January 15.

The House has 3 days for that debate. They have 435 Members. If we have 3 days with 100 Members, it seems we ought to be able to do it, if we can conduct the debate in a reasonable and orderly fashion. So I will propound a request of that type at an appropriate time.

The distinguished Republican leader has indicated that he wishes the opportunity to review the resolution which we will propose and to consult with some Republican Senators. That is an eminently fair and reasonable request on his part. So we agreed last night that we would exchange resolutions today. He would engage in the process of consultation, which he has described, and respond to the suggestion that I have made previously in my meetings with him, and here publicly this morning. I hope we can do that.

I am obviously open and perfectly willing to entertain suggestions to alter the proposal I have made, a different time, different length, different mechanism of proceeding; but I wanted to make clear my view that we ought not permit this to be a debate which is indefinite in length and continue beyond January 15, without the opportunity for the Senate to express itself in one way or the other.

Mr. COATS. Mr. President, if the majority leader will yield one more time.

I wish the majority leader, with the help of the Republican leader, Godspeed in that effort. As the majority leader knows, there is a great tendency in this body to delay debate until the very last possible moment. It is conceivable that we go on today and the majority leader will be pleading for Senators to come to the floor and begin debate and everything will stack up.

I would hate to see delay used as a tactic to frustrate what the President is asking us to do, frustrate his efforts to send a clear signal that it is at least his intention to draw a line relative to the time in which Iraq can respond to his request. So I hope and fully expect to cooperate in the effort in any way I can to assist the majority leader and the Republican leader in urging our colleagues to begin the debate, to have a full debate on the critical issue, but to bring it to some point of resolution so we do not send the wrong signal.

Mr. MITCHELL. Mr. President, I thank the Senator and I share his view entirely. Obviously, any Senator or group of Senators may, under the rules, delay consideration of this matter for a fairly lengthy period of time. I hope that does not occur. I will not be a party to it. I will oppose that, should it occur. I believe that whatever the outcome, Senators ought to have the opportunity to express themselves, both in statements and in votes on this important subject. And I hope that all Senators will share the view expressed by the Senator from Indiana.

Mr. STEVENS addressed the Chair.

The VICE PRESIDENT. The Senator from Alaska.

Mr. STEVENS. Mr. President, let me thank the leadership, both Senator MITCHELL and Senator DOLE, for their prompt notification. I was in Alaska, and it is not easy to come back.

I want to explore the relevance of our proceedings to that of the House in the majority leader's mind. Does the majority leader believe we should vote before the House or after the House or some time simultaneously with the House?

Mr. MITCHELL. Mr. President, I have no fixed opinion as to the specific timing of the vote. I do not know at what time on Saturday the House will vote. I do not know if a specific time has yet been set. I was merely suggesting 3 days as a reasonable time for debate here, without regard to the precise time that the House has to vote.

Mr. STEVENS. Mr. President, if the leader will yield further, would it then be the understanding of the leader and the leadership that we would not contemplate any votes before Saturday?

Mr. MITCHELL. That is what I hope to accomplish. What I hope to accomplish is that we will know what the issues are, we will know precisely what the resolutions are. We can debate them thoroughly and then vote on them either during that period or at the conclusion of that period. That depends upon the will of the Senate. We can either take the resolutions one at a time, vote on them at a time certain, Friday, Saturday, or defer votes until a later time.

I am completely open on that to whatever the will of the Senate is.

Mr. STEVENS. Mr. President, just one further thing and that is, is it the majority leader's desire that we end up by having an agreed set of resolutions that we would vote on or does he contemplate that we will have a majority resolution that would be subject to amendment and a minority substitute? Are we going to try and work out the procedures so that we can have a clearly defined series of issues for Saturday? In the majority leader's mind is that his goal?

Mr. MITCHELL. Yes, it is.

Mr. STEVENS. Mr. President, I am prepared to work with the leadership. I support that goal. I think the American people want to see clearly defined issues, not procedural issues that we would stumble on, but clearly defined issues here that we can vote upon and vote our conscience as is indicated. I do believe it is not a partisan matter.

I congratulate the majority leader for his willingness to respond to the President's request. Many of us have urged the President to submit such a letter. I am glad he did, and it is my hope that we can achieve the objective of voting before this weekend is over so that the message has time to get to Saddam Hussein and get to his people so they really can understand it.

I thank the majority leader.

Mr. WARNER addressed the Chair.

The VICE PRESIDENT. Does the Senator yield?

Mr. MITCHELL. I yield to the Senator from Virginia.

The VICE PRESIDENT. The majority leader yields to the Senator from Virginia.

Mr. WARNER. Mr. President, I join others in expressing our recognition and congratulations to both the majority leader and Republican leader, during the past several days, indeed, over a period of now 2½ months in which the leadership of this body and House have been consulting with the President on these issues.

My question is: At some point in time, the two bodies would proceed toward their own resolution which would then necessitate a conference between the two Houses. Am I not correct on that?

Mr. MITCHELL. That is correct, although I believe that the resolutions will be either identical or substantially similar. It is my understanding from the distinguished Republican leader that—and as he just stated—they are involved in consultation with the Members of the House who share the view of the distinguished Republican leader, and I have inferred from that that the resolution offered here may be identical to or substantially similar to that offered in the House.

Mr. WARNER. Mr. President, I certainly join in the hope that Congress speak with a single voice on this matter and with such clarity that not only the American people but indeed the whole world and most particularly Saddam Hussein understand it. I firmly believe, Mr. President, that the Congress is in a position now unique in its history to avoid the use of force if we speak with unity and join the President and the United Nations.

I thank the Chair.

Mr. LEAHY. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. LEAHY. Mr. President, is it the majority leader's intention in all of this to reach the very basic question, that is, is the Congress going to vote on the issue of whether we authorize the war or not? Is it the majority leader's intention that ultimately the Senate and the House will vote on the basic core issue that the Constitution requires us to vote on whether we, in effect, declare war or not?

Mr. MITCHELL. That is correct. I believe that is the fundamental issue. That will be set forth in the debate certainly. I intend to set that out in my remarks which I expect to make today regarding the resolution to which the Senator referred.

Mr. LEAHY. I thank the distinguished majority leader.

While there has been a lot of discussion on both sides of the aisle, I think it is absolutely essential that on something this momentous, the Constitution requires that the Congress vote aye or nay on the question of war. If the Congress votes no, that settles that question. If the Congress votes yes, then the President also has that support and can state to Saddam Hussein and the rest of the world he has that support.

But it is, I believe, essential—and I commend the majority leader for the steps he has taken—to fulfill the Constitution. Otherwise we set a precedent which says whoever is President of the United States, he alone has the most awesome power in the world at his disposal. That was not intended by the Constitution, it is not intended by the American people, and I believe in that regard we will be able to speak to it.

I join with the majority leader on whatever steps are necessary to focus debate and bring it to a timely conclusion and a vote.

I thank the Chair. I thank the majority leader.

Mr. MITCHELL. I thank my colleague.

Mr. President, I understand the Chair has an appointment.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, as President of the Senate, pursuant to Public Law 85-874, appoints the Senator from Oregon [Mr. HATFIELD] to the board of trustees of the John F. Kennedy Center for the Performing Arts.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I will momentarily suggest the absence of a quorum to prepare finally for the debate which will commence shortly. As I indicated, I expect to have our resolution ready. It may have been put in final form during the time that we have been out here on the floor. Therefore, I again encourage any Senator who wishes to address the subject to be prepared to do so today as that is the purpose of today's session for debate on the matter as I described earlier. While that debate is continuing, it is my hope we will be able to reach agreement for proceeding as I earlier suggested.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FOWLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

SENATE JOINT RESOLUTION REGARDING UNITED STATES POLICY TO REVERSE IRAQ'S OCCUPATION OF KUWAIT

Mr. MITCHELL. Mr. President, on behalf of Senators NUNN, BYRD, PELL, BOREN, MITCHELL, and LEVIN, I send a joint resolution to the desk and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) the Congress is firmly committed to reversing Iraq's brutal and illegal occupation of Kuwait.

(b) The Congress authorizes the use of American military force to enforce the United Nations economic embargo against Iraq; to defend Saudi Arabia from direct Iraqi attack; and to protect American forces in the region.

(c) The Congress believes that continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time and should be sustained, but does not rule out declaring war or authorizing the use of force at a later time should that be necessary to achieve the goal of forcing Iraqi troops from Kuwait.

(d) The Congress pledges its full and continued support for sustaining the policy of increasing economic and diplomatic pressure against Iraq; for maintaining our military options; and for efforts to increase the military and financial contributions made by allied nations.

(e) The Constitution of the United States vests all power to declare war in the Congress of the United States. Congress will expeditiously consider any future Presidential request for a declaration of war or for authority to use military force against Iraq, in accordance with the following procedures:

* * *

Mr. MITCHELL. I am not introducing it at this time. It is my intention to introduce it later today. Senators will have until the close of business today to add themselves as original cosponsors.

Mr. LEAHY. Will the Senator yield for a request to do just that?

Mr. MITCHELL. I so yield, Mr. President.

Mr. LEAHY. Mr. President, I ask unanimous consent to be named as a cosponsor, following the names of those who were involved in the drafting of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader.

Mr. DOLE. Mr. President, does the resolution that is being presented in the RECORD contain the expedited procedure? I do not have that as part of my joint resolution.

Mr. MITCHELL. It does not at this time. We hope to have that. That is now being typed in final form. That will be submitted later for the RECORD, and will be provided to the distinguished Republican leader as soon as it is finally typed.

Mr. DOLE. If the majority leader will yield further, I think we have sort of the guts of the resolution here.

Mr. MITCHELL. Yes.

Mr. DOLE. The other is procedure.

Mr. MITCHELL. That is right.

Mr. DOLE. We will now on our side try to start the process of meeting with a number of our colleagues, and also with the President to get his views on this particular resolution.

THE PERSIAN GULF

Mr. MITCHELL. Mr. President, for two centuries Americans have debated the relative powers of the President and Congress. Often it has been an abstract argument. But today that debate is real.

The men who wrote the Constitution had as a central purpose the prevention of tyranny in America. They had lived under a British king. They did not want there ever to be an American king. They were brilliantly successful. In our history there have been 41 Presidents and no kings.

The writers of our Constitution succeeded by creating a government with separate institutions and divided powers. They correctly reasoned that if power were sufficiently dispersed, no institution or individual could gain total power.

Nowhere has their concept been more severely tested than in what they regarded as one of the greatest powers of government—the power to make war.

The Constitution designates the President as Commander in Chief of the Armed Forces. With that designation comes the authority to direct the deployment of those forces.

But the Constitution also grants to the Congress the authority to raise and support armies and to declare war.

The division of authority was a decision consciously reached by the Framers of the Constitution. The earliest draft of the Constitution would have empowered the Congress to "make war," a greater grant of power than to "declare war." It reflected the deep concern of the Founding Fathers about too great a concentration of powers in a single pair of hands.

When it was argued that this wording might prevent the President from responding to an attack on the country, the Constitutional Convention agreed to share the power. After the Revolutionary War, the Founders knew that a legislative body could not direct the day-to-day operations of a war.

But they also knew that the decision to commit the Nation to war should not be left in the hands of one man. The clear intent was to limit the authority of the President to initiate war.

Our subsequent history has borne out their wisdom.

Acting in his capacity as Commander in Chief, President Bush has deployed a vast American military force to the Persian Gulf.

He was not required to seek the approval of Congress to order that deployment, and he did not do so.

But if he now decides to use those forces in what would plainly be war he is legally obligated to seek the prior approval of the Congress.

The President has the authority to act in an emergency, and to authorize our forces to defend themselves if attacked. But, that is not what is now at issue.

Two days ago, the President requested that Congress authorize him to implement the U.N. resolution authorizing "all necessary means" to expel Iraq from Kuwait.

But yesterday the President said that, in his opinion, he needs no such authorization from the Congress. I believe the correct approach was the one taken by the President 2 days ago when he requested authorization. His request clearly acknowledged the need for congressional approval.

The Constitution of the United States is not and cannot be subordinated to a U.N. resolution.

So today the Senate undertakes a solemn constitutional responsibility: To decide whether to commit the Nation to war. In this debate, we should focus on the fundamental question before us: What is the wisest course of action for our Nation in the Persian Gulf crisis?

In its simplest form, the question is whether Congress will give the President an unlimited blank check to initiate war against Iraq, at some unspecified time in the future, under circumstances which are not now known and cannot be foreseen, or whether, while not ruling out the use of force if all other means fail, we will now urge continuation of the policy of concerted international economic and diplomatic pressure.

This is not a debate about whether force should ever be used. No one proposes to rule out the use of force. We cannot and should not rule it out. The question is should war be truly a last resort when all other means fail? Or should we start with war, before other means have been fully and fairly exhausted?

This is not a debate about American objectives in the current crisis.

There is broad agreement in the Senate that Iraq must, fully and unconditionally, withdraw its forces from Kuwait.

The issue is how best to achieve that goal.

Most Americans and most Members of Congress, myself included, supported the President's initial decision to deploy American forces to Saudi Arabia to deter further Iraqi aggression.

We supported the President's effort in marshaling international diplomatic pressure and the most comprehensive economic embargo in history against Iraq.

I support that policy. I believe it remains the correct policy, even though the President abandoned his own policy before it had time to work.

The change began on November 8, when President Bush announced that he was doubling the number of American troops in the Persian Gulf to 430,000 in order to attain a "credible offensive option."

The President did not consult with Congress about that decision. He did not try to build support for it among the American people. He just did it.

In so doing, President Bush transformed the U.S. role and its risk in the Persian Gulf crisis.

In effect, the President—overnight, with no consultation and no public debate—changed American policy from being part of a collective effort to enforce economic and diplomatic sanctions into a predominantly American effort relying upon the use of American military force. By definition, sanctions require many nations to participate and share the burden. War does not.

Despite the fact that his own policy of international economic sanctions was having a significant effect upon the Iraqi economy, the President, without explanation, abandoned that approach and instead adopted a policy based first and foremost upon the use of American military force.

As a result, this country has been placed on a course toward war.

This has upset the balance of the President's initial policy, the balance between resources and responsibilities, between interests and risks, and between patience and strength.

Opposition to aggression is not solely an American value. It is universal. If there is to be war in the Persian Gulf, it should not be a war in which Americans do the fighting and dying while those who benefit from our effort provide token help and urge us on. Yet, as things now stand, that is what it would be.

The Armed Forces in the region should reflect the worldwide concern about the problem, but they do not. Americans now make up more than three-fourths of the fighting forces in the region. That is wrong and unfair. If this is to be an international effort, it should be an international effort in more than name only. Yet, as things now stand, that is what it could be: an international effort in name only.

Iraq must leave Kuwait. There is no disagreement about that. Iraq must leave Kuwait. If necessary, it must be expelled; if need be, by force of arms. There is no disagreement on that.

But in the event of war, why should it be an American war, made up largely of American troops, American casualties, and American deaths? We hope there is no war, but if there is, we hope and pray that it will not be prolonged with many casualties.

Certainly, the United States has a high responsibility to lead the international community in opposing aggression, but this should not require the United States to assume a greater burden and a greater responsibility than other nations with an equal or even greater stake in the resolution of the crisis. That is what is happening, and it is wrong.

It may become necessary to use force to expel Iraq from Kuwait, but because war is such a grave undertaking with such serious consequences, we must make certain that war is employed only as a last resort.

War carries with it great costs and high risk; an unknown number of casualties and deaths; billions of dollars spent; a greatly disrupted oil supply and oil price increases; a war possibly widened to Israel, Turkey, or other allies; the possible long-term American occupation of Iraq; increased instability in the Persian Gulf region; long-lasting Arab enmity against the United States; a possible return to isolationism at home.

The grave decision for war is being made prematurely. This is hard to understand. The administration has yet to explain why war is necessary now when, just a couple of months ago, the administration itself said that sanctions and diplomacy were the proper course. There has been no clear rationale, no convincing explanation for shifting American policy from one of sanctions to one of war.

The policy of economic and diplomatic sanctions was the President's policy. He and other administration officials repeatedly called it the best policy to pursue. They described positively the effect that the sanctions were having on Iraq.

President Bush told a joint session of Congress in September that:

> * * * these sanctions are working. Iraq is feeling the heat * * * Iraq's leaders * * * are cut off from world trade, unable to sell their oil, and only a tiny fraction of goods get through.

Those were the President's words.

In October, Secretary of State Baker said the sanctions must remain the focus of American efforts. He said:

> * * * we must exercise patience as the grip of sanctions tightens with increasing severity.

According to CIA Director William Webster, the policy of sanctions is dealing a serious blow to the Iraqi economy. In December, he testified that:

> * * * all sectors of the Iraqi economy are feeling the pinch of sanctions, and many industries have largely shut down.

The President's initial policy against Iraq, to impose international sanctions and enforce them using all necessary means, is working, as CIA Director Webster has detailed. He and others have noted that:

More than 90 percent of Iraq's imports and 97 percent of its exports have been stopped.

Industrial production in Iraq has declined by 40 percent since August.

Many industries, including Iraq's only tire manufacturer, have either closed or sharply reduced production due to the shortage of industrial imports.

The flow of spare parts and military supplies from the Soviet Union and France, Iraq's major suppliers, has stopped.

Iraq's foreign exchange reserves have diminished drastically, hindering its ability to purchase foreign goods from smugglers.

Food prices have skyrocketed. The Iraqi Government has cut rations twice and has confiscated food from the open market.

Agricultural production has been weakened by the departure of foreign laborers.

Lines have appeared at Government distribution points for natural gas.

Clearly, this policy is not failing. It is having a significant effect on Iraq.

Yet, soon after the November 8 decision to deploy additional troops to the Persian Gulf, administration officials suddenly began expressing skepticism about whether the sanctions would have the desired effect. They argued that time was not on our side, that the Iraqi military would be able to strengthen its position in Kuwait.

Not only are these arguments the opposite of what the same people were saying earlier, they are also not consistent with the assessment and projections of the Central Intelligence Agency. Director Webster told the Congress in December that continued sanctions will have an increasingly damaging effect not only on the Iraqi economy, but also on the Iraqi military, weakening it over time.

The CIA estimated that continued sanctions will result in:

The virtual depletion of Iraq's foreign exchange reserves by spring.

Multiplying economic problems as Iraq transfers more resources to the military.

The shutdown of nearly all but energy-related and military industries by summer.

Increasing inflation combined with reduced rations.

A severe reduction in basic commodities, such as cooking oils and sugar.

A reduction in the grain supply by half.

These effects will certainly weaken the Iraqi regime and degrade Iraq's military capabilities:

A decrease in the Iraqi Air Force's ability to fly regular missions after 3 to 6 months due to its dependence on foreign equipment and technicians.

A deterioration of the readiness of Iraq's ground and air forces after 9 months.

A reduction in the Iraqi military's transport and mobility capabilities, due to shortages of critical supplies.

Given these effects of continued sanctions against Iraq, it is clear that time is on the side of the international coalition.

But the anticipation of war has obscured a rational analysis of the initial policy set forth by the President.

It is significant that even the administration cannot and does not say that the policy of sanctions has failed. To this moment, neither the President nor any member of his administration has said that sanctions have failed.

In response to my direct question just a few days ago, both the Secretary of State and the Secretary of Defense acknowledged that sanctions have not failed. But, they say, they cannot guarantee that sanctions will get Iraq out of Kuwait by January 15. Of course, no one has ever asked for such a guarantee. Those who advocate continuing the policy of sanctions recognize that it does not guarantee success by January 15 or any other time certain. It involves a risk. The risk is that the international coalition will fall apart before Iraq leaves Kuwait.

But prematurely abandoning the sanctions and immediately going to war also involves risk. The risk there is foremost in human life. How many people will die? How many young Americans will die? That is a risk, a terrible risk.

Just this morning I heard it said that there may be "only" a few thousand American casualties. But for the families of those few thousand—the fathers and mothers, husbands and wives, daughters and sons—the word "only" will have no meaning.

And the truly haunting question, which no one will ever be able to answer, will be: Did they die unnecessarily? For if we go to war now, no one will ever know if sanctions would have worked if given a full and fair chance.

The reality is that no course of action is free of risk. The prudent course now is to continue the President's initial policy of economic sanctions.

Time to fortify Iraq's defenses will do little good if some of Iraq's planes cannot fly for lack of spare parts, if some of its tanks cannot move for lack of lubricants, if its infrastructure and ability to wage war has been weakened.

If it eventually becomes necessary for the United States to wage war, our troops would have benefited from the additional time given for sanctions to degrade Iraq's military capabilities.

The sanctions are being enforced. They are having an effect on Iraq. We should continue their enforcement and seek to enlarge their effect.

I believe the best course now for the President and for the Nation is to "stay the course," to continue the policy the President so clearly established at the outset of this crisis. It offers the best hope now for the achievement of our objectives at the lowest cost in lives and treasure. That is a goal we all share.

Mr. WARNER. Mr. President, will the leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. WARNER. Mr. President, the leader very dramatically said the key question, "Did they die unnecessarily?" As I read it, this resolution, should it be adopted, would clearly indicate that the Congress is not unified with the President, that the Congress is not unified with the United Nations, and therefore Saddam Hussein would have a basis to seek any avenue for as long as he wished to avoid the goal in which I understand the leader says he concurs, namely to evacuate Kuwait.

But back to this phrase, "Did they die unnecessarily?" How carefully did the leader and his colleagues weigh this historic opportunity for the Congress of the United States to join and send a unified message to Saddam Hussein by standing with the President and with the United Nations in the hopes that that unified message would tilt the balance and induce him to evacuate and avoid the use of force and any death unnecessarily?

Mr. MITCHELL. We weighed that very carefully. I thank the Senator.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Vermont.

Mr. NUNN. If the Senator from Vermont will yield briefly, I want to congratulate the majority leader on his excellent statement and thank him for his work on this joint resolution which he introduced on behalf of many of us who worked on it. It has been a very difficult process in getting agreement.

I hope that there will be others who will take a look at this joint resolution on both sides of the aisle. I certainly will be looking at any joint resolution introduced by the Republican side of the aisle. It is a matter of grave importance to our country, to our people, to the young men and women who serve in the military, and particularly those stationed in the gulf.

I want to thank the majority leader for his leadership and congratulate him on an excellent statement which begins this debate by asking the right questions and by putting it in the right framework.

I will have a statement later this afternoon. I have been nursing a case of laryngitis, so if I can find a little quiet time I will get my voice back and will be speaking on this subject.

But I do think it is a very important time in the life of the Senate and the life of the Nation. It is important not only because of what is going on in the Middle East but it is important, as the majority leader said at the beginning of his statement, as to our system of Government.

I think that the people in the Middle East who are listening to the debate, particularly those in Iraq, particularly Saddam Hussein, should not make any mistake about this debate. This is democracy. This is our system of Government.

The question is not whether Iraq gets out of Kuwait. They will and they must. The question is not whether we agree with the President Bush's goals. We do.

The real question is how we go about it, whether we actually use military force or whether we use the embargo. In either event, the Iraqis must get out of Kuwait. In either case, Saddam Hussein loses, and I think that message should go out. We will, of course, as in any debate, be emphasizing the differences, but no one should lose sight of the fact that we all, Democrats and Republicans, and I think the Nation, agree on the overall goals. That should not be lost in the clouds of debate.

Mr. MITCHELL. Mr. President, I thank the Senator for his comments, and I share his view, I wish merely to reaffirm there are many things about which I am in doubt. I am in doubt as to the outcome of this debate. I am in doubt as to the votes. Anyone who works in the Senate is in doubt about the will of the Senate on many occasions.

But there is one thing on which I have no doubt whatsoever, and that is that Iraq will leave Kuwait. There is no doubt in my mind, there can be no doubt in any Senator's mind, on that point. Iraq will leave Kuwait. One way or the other, Iraq will leave Kuwait. We are united on that point.

We disagree, as Senator NUNN suggested, on the means best suited to achieve that objective at the lowest cost. I hope in the debate everyone understands that is what the issue is and that is the context in which the debate will be conducted.

Mr. President, I thank my colleagues.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the distinguished majority leader for his comprehensive, clear statement. I commend the distinguished senior Senator from Georgia, the chairman of the Senate Armed Services Committee, for his statement.

Mr. President, if I could just reiterate what the distinguished Senator from Maine [Mr. MITCHELL] said, we are united on the goal that Iraq must leave Kuwait.

But I would hope that every single Senator, Republican and Democrat, and every Member of the other body, would be united on one other overriding point: that the Constitution is extremely clear that the Congress and only the Congress can declare war, that the votes we cast today must ultimately lead to the decision, are we declaring war or not. If we ignore the Constitution in this regard, at a time nearly half a million American troops are poised, heavily armed, in Saudi Arabia, then we set a precedent which says that in the most powerful Nation known in history, one person, whoever is President, has the sole power to unleash that enormous power in a war that can engulf any part of the world. One person and one person alone, could commit the lifeblood of our Nation to war solely on his decision. The Constitution does not say that.

For 200 years, it said the Congress would declare war. The President will then carry out such a war. That is really what we are deciding today. I cannot imagine any democracy long surviving that did not adhere to such a principle. The Founding Fathers said at the time of the constitutional convention that to do otherwise would put all the power in one person, and would in effect have an elected monarch and nobody—Republican, Democrat—in the Congress or in the administration or anywhere in our country should want that conclusion. The Constitution stands above all else.

Today, Mr. President, the Senate is engaged in a historic debate on one of the most fundamental decisions that can come before the U.S. Government. Shall this Nation commit its Armed Forces to war against another country? As I have already stated, as the majority leader stated, as the distinguished senior Senator from Georgia stated, there is no disagreement between the President and the Congress that Iraq's aggression against Kuwait must not be allowed to stand. Certainly, nobody in Iraq, from Saddam Hussein down, could ever discern disagreement on that. The Government stands united both in the legislative branch and in the executive branch that Iraq's aggression against Kuwait must not be allowed to stand.

But this agreement between the President and Congress is not about restoring the Emir of Kuwait to his throne or returning democracy to Kuwait. Kuwait was not a democratic nation before the invasion and restoration of the Sabah family to its palaces and pleasures is not worth one American life nor is the agreement about preserving low oil prices to maintain the prosperity of the industrialized Nations. If anything, continued American and Western dependence on Persian Gulf oil is an indictment of the lack of serious energy policy over the last decade. Neither Congress nor the American people should support a war just for cheap oil, especially when the cheap oil would go primarily to those countries that are doing precious little to help.

No, Mr. President. The agreement is about stopping the use of brutal force by the strong against the weak. Saddam Hussein is striving for regional hegemony with the use of force. If collected security under the United Nations is to replace the law of the jungle in international relations, if we are to emerge from the cold war with a better and more stable international community, what Saddam Hussein has done cannot be left unchallenged.

President Bush displayed brilliant diplomacy in uniting the world community against Saddam Hussein in marshaling a strong coalition force in Saudi Arabia, and in obtaining United States approval of the most comprehensive embargo against a nation in history.

President Bush's leadership in securing a United Nations authorization of the use of force if necessary to compel Iraq to leave Kuwait is a triumph for the role and authority of the United Nations in establishing collective security as a basis for international relations. Up until his decision announced on November 8 to alter the whole character of United States policy in the Desert Shield Operation, the President had enjoyed broad bipartisan support in Congress and among the American people for his actions to deter further Iraqi aggression and to bring together the multinational coalition against Saddam Hussein.

But since then a gap between the President and many in Congress has appeared. We have to ask what has happened to produce this unfortunate division between our President and a large part of the Congress?

Mr. President, we know this divergence has come about. But let nobody think that the divergence is the consequence of disagreement on goals. All agree that the United States and the world community must stand against the destruction of a sovereign nation, in this case a fellow member of the United Nations. Failure to act decisively against the seizure of Kuwait would destroy the chance for a fundamental change in the norms of international behavior. In my judgment, the disagreement that we see is the result of a far different perception of the right course of action to attain what really are shared goals in the Persian Gulf.

The President clearly has concluded that only force can compel Saddam Hussein to leave Kuwait. He is no longer prepared to employ an international quarantine of this outlawed regime, to enforce far-reaching sanctions, and to maintain an adequate deterrent force to prevent further aggression. As I said over and over on the floor and in my own State of Vermont, I commend the President's diplomacy and leadership in the crisis. But I must say it is not at all clear to me that he and his advisers have clearly thought through the risks of war and also what happens in its aftermath once we win.

Once war starts, for example, what are our aims? Do we intend only to liberate Kuwait and then stop? What happens in that case if the Iraqis refuse to stop fighting? Does the war go on until we totally destroy their military might? Or will we drive on to Baghdad and destroy the Saddam Hussein regime? Some of the statements we have heard from the administration seem to imply that.

But then what does victory mean for the regional balance of power, especially if we have to destroy the Iraqi military machine as well as the Saddam Hussein machine? After all, only 5 months ago, the administration was actually supporting Saddam Hussein in Iraq as a counterweight to Iran.

I remember very well during the time when the farm bill was on the floor for debate that several Senators wanted to put sanctions against Iraq because of their human rights violations. You may well recall when that happened. Even as tanks, Iraqi tanks, were amassing to go into Kuwait, the administration was up here lobbying against any sanctions against Iraq. Is this the same regime we are now ready to go to war against 5 months later?

Have we really thought through the consequences of Syria and Iran emerging as dominant regional powers? Both these countries are anti-democratic and anti-Western. They are fundamentally hostile to other moderate Arab regimes such as Egypt and Saudi Arabia. They are opposed to the United States ally, Israel. What are the prospects for long-term regional stability if these powers dominate the Middle East?

I am also concerned about the potential explosion of terrorism, including technoterrorism if war erupts. And have we carefully analyzed the risks of world war terrorism in ways to defend against it? We do not see much evidence that a great deal of thought has been given to this as we move toward war.

Frankly, I have the distinct impression that policymaking for the gulf crisis has been largely in the hands of the President, and a few of his closest advisers. The professional diplomats and experts on the Middle East seem to have been on the sidelines. I do not think there has been serious study and analysis of alternatives and possible outcomes.

Mr. President, I fear that sometimes we react to the day's events and then decisions get made after the latest round of cables and news broadcasts.

That should not substitute for planning for the long-term best interests of the United States.

As I understand the President's thinking, and I have been in many meetings with the congressional leadership and with the President on this issue over the last several months, the President believes sanctions would take far too long, if ever, to force Saddam Hussein to comply with the U.N. resolutions directing Iraq's withdrawal from Kuwait. Clearly, the President's concerns are not to be taken lightly.

I do wish to commend President Bush for the consulting he has done. In the 16 years I have been here, I have not seen a President take so much time to personally consult with Members of Congress, both parties in both Houses, as President Bush has.

Let me try to express something on sanctions. The multinational coalition arrayed against Iraq is disparate. It would be hard to hold together such a diverse group of nations pursuing many different objectives and interests. Nor can we discount the difficulties and costs of maintaining comprehensive sanctions for many months and perhaps even years.

There is going to be increasing temptations to violate the sanctions. Leakages will occur. Sanctions are very burdensome to many nations now participating in the coalition against Iraq and many privately, and sometimes publicly, have expressed a concern about those burdens.

Finally, we have to frankly recognize the many political, military, and financial costs of keeping a strong deterrent force in Saudi Arabia to buttress sanctions and also to make credible the threat of force if sanctions prove insufficient to achieve our aims.

Despite these serious arguments, many of us in Congress continue to believe the President was on the right course prior to November 8, and that he has moved in the wrong direction since that time. Repeatedly, I have warned and urged the President not to go to war out of impatience. I have said that it is easier to start a war than to stop one. I have asked him to think through the consequences of war and its aftermath for the long-term interests of the United States and the Arab world.

Here is what I understood American policy to be prior to November 8, a policy I strongly supported: firm determination to compel the evacuation of Kuwait, to free the hostages, and to deter further aggression; deployment of sufficient American and other forces to protect Saudi Arabia; to make credible the option to use force, if that proved necessary; application of comprehensive economic and political sanctions against Iraq for as long as it might take to make the costs of its occupation of Kuwait exceed any benefits it might gain; and unification of the world community in the United Nations behind this policy, including endorsement of sanctions and, if necessary, to gain our goals, the use of force.

This policy has already secured two or three essential aims. It has deterred an attack on Saudi Arabia. Nobody can doubt that. We have seen the hostages freed. So what has happened to change my support?

I believe we have seen the abandonment of the strategy of strict enforcement of comprehensive sanctions to weaken and undermine the Saddam Hussein regime such that it has to withdraw. The purpose and character of American deployments in Saudi Arabia have been altered from deterrence and defense to that of offensive action. And the President has the policy of early use of force to compel Iraqi evacuation of Kuwait. January 15 is the deadline for Iraqi compliance with the U.N. resolutions.

Mr. President, President Bush is right not to base U.S. policy on public opinion polls. There is far too much willingness in both the executive and legislative branches of Government these days to shift course according to which way the polls go that day.

Sometimes it is necessary, if you want to carry out the responsibilities that are conferred upon us, that we are all sworn to uphold, to make decisions ostensibly at odds with public opinion polls.

At the same time, we are a democracy; a government is supposed to express the will of the people. Nowhere is this principle more evident and more compelling than in a decision to commit this Nation to war. That is why the Constitution makes it very clear that the democratic process must be used in a declaration of war.

War is borne by the people. It is the sons and daughters of the American people, our constituents, who have to do the fighting and the dying. We have an obligation to attempt to reflect the will of the people in this most fundamental decision.

Politically, morally, and even militarily, we must not go to war if it is not fully supported by the American people. Vietnam proved that truth, after great moral, human, financial, and diplomatic costs to the United States.

I have little doubt about the views of Vermonters. Ever since this crisis began, I have traveled throughout my State. I have asked Vermonters their views on the Persian Gulf crisis. Their reactions mirror my own, that the President was on the right track up to November 8, but has moved toward war before sanctions have had a full opportunity to work in Iraq, and that is wrong.

Vermonters also agree, whether they are in favor of going to war or opposed, with the necessity for Congress to be part of the decision on whether or not their sons and daughters will go to war. They do have, in this regard, the Constitution on their side.

Hearings this week in the Judiciary Committee, with some of the eminent constitutional scholars and legal authorities in the country, merely added weight to my own firm conclusion that no President has the authority to initiate war without the approval of Congress.

Let me emphasize that most basic point, Mr. President, that under the Constitution, the President does not have the authority to initiate war without the approval of Congress. To say otherwise would say in this country, the most powerful nation on Earth, a nation of 250 million people, that one person, one person could commit that power to whatever he may wish.

No one person should have such awesome power as to send American men and women to war, perhaps to death or maiming. Our Founding Fathers understood the centrality of this truth in a democracy. They specifically reserved to the Congress the power to declare war.

The President's power is also great, but it is limited to the duty and authority as Commander in Chief, to direct the conduct of war after a declaration of war or other act by Congress.

So in this debate, we, in the Senate, are performing one of the most important responsibilities conferred upon us by the Constitution. We must act. There are perhaps some who wish not to vote one way or the other on this, because there is probably no vote that any Member of Congress will cast in his or her career that will be more remembered by his or her constituents than this one. But we not only duck our responsibility, we violate our oath of upholding the Constitution if we do not vote and if we do not act.

If we hide behind the U.N. resolution, however valuable in uniting the world community, that would be an abrogation of our constitutional obligation. To take refuge by only voting on a vaguely worded endorsement of the President's actions until now, and no more, is to evade our duty to the American people.

When we talk about the U.N. resolution, that cannot substitute for the Constitution. That resolution was voted on by many countries who will not bear the burden that the United States will. Our Constitution stands supreme to the U.N. resolution or to anything else.

It is often said that Congress likes to criticize, but not to take a clear stand.

I do not want there to be any misunderstanding or any ambiguity about where I stand today. Vermonters, and indeed the American people, have a right to know exactly where I stand as a U.S. Senator on this central issue, so I will state my position: The case for war now has not been made by the President. I see no justification to send young men and women of the United States to war.

Sanctions have not been given an adequate amount of time to undermine Iraqi armed forces or the Saddam Hussein regime. Five months is not long enough to degrade the Iraqi war machine or weaken the economy such that Saddam Hussein might think the cost too great to remain in Kuwait.

We should continue to deploy an adequate American deterrent force in Saudi Arabia during the time sanctions are being applied. These forces are necessary to make credible the option which we retain, an option for the ultimate resort to war.

I will vote against a declaration of war or other kind of congressional authorization of use of force now. Nor am I prepared to support the use of force before sanctions have been applied for a sufficient time to damage Iraq.

I have heard criticisms of views like mine. Critics say that we are undermining the President's diplomacy to make such a credible threat of war that Saddam Hussein will be frightened into withdrawing from Kuwait. They will say the multinational coalition will not hold together for the months or years it might take for sanctions to work. They will argue that the United States cannot afford to maintain the 100,000 or 200,000 troops in Saudi Arabia to preserve the option of force.

Mr. President, I do not accept these arguments. The President can threaten war as part of his diplomacy, but our Constitution gives only to Congress the power to declare war. I will never support or accede to the sacrifice of our democratic principles and the tenets of the Constitution to assist anyone's diplomacy. We are stronger as a nation for democratic debate and adherence to our Constitution. Diplomacy must accommodate itself to the Constitution, not the other way around.

As to the strength of the multinational coalition, either nations share a substantial interest in unified action against Iraq, and thus will remain committed, or they do not.

Once again, I cannot acquiesce in ignoring the Constitution of the United States in the interests of harmony in the multinational coalition. I see no reason whatever to prevent us from maintaining a credible military option in Saudi Arabia for the foreseeable future.

Mr. President, we kept over a quarter of a million troops in Europe for nearly 40 years to deter Soviet aggression. We have kept troops in South Korea nearly as long; and equally for Japan.

If we determine that it is in the national interest, we can make the financial sacrifices, and we can rotate troops to keep them fresh and their morale high.

It would cost a lot more to carry out a war than to maintain a smaller deterrent force while sanctions are carried out.

But even that, even that is only money. The real savings from waiting is in lives saved.

So let the Senate do its duty. Every Senator should stand up and say clearly where he or she stands, and then we must vote so that we be accountable to the American people, together with the President, for what happens in the Persian Gulf.

Now one final thought: This is perhaps the most important debate that I have been involved with in the 16 years that I have served here in this body. We are debating whether the U.S. troops will be ordered into battle. I have spent an awful lot of time thinking about this. I have read everything I could about it. I appreciated the briefings with the President, the Secretary of State, the Secretary of Defense, and others. I have listened to other Senators, Republicans, and Democrats alike. I grappled personally with the Persian Gulf crisis.

I think perhaps what has been most worthwhile to me are the hundreds and hundreds of Vermonters that I have talked with around our State: conservatives, liberals, and moderates. They come from all walks of life; rich, poor, old, young. And I have come to this conclusion from all of those meetings:

I have no doubt that President Bush wants a peaceful resolution to this conflict. He clearly believes that his policy is the best means to get Saddam Hussein out of Kuwait. But the President and I simply disagree on how best to achieve this.

I have a constitutional obligation to vote the way I feel I should in this. Having spent hours searching my soul, I must conclude that we must be firm and patient. I have concluded that war should not be the first resort; it should be the last resort. Now is not the time for war. I will vote against war.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I ask unanimous consent to be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, there is a grim mood here in Congress such as I do not recall. When you and I were elected to the House, Mr. President, in 1974, we were already involved in the Vietnam war, but it was being pulled down. And I have not experienced this kind of a mood before in Washington, DC.

We face unprovoked aggression. No question about it. And there is no question in the minds of anyone here that Saddam Hussein and the Iraqi troops have to get out of Kuwait one way or another. The attempt yesterday by the Iraqi Foreign Minister to shift this into some kind of a fight for the Palestinians against Israel is pure public relations hogwash. The Iraqis invaded Kuwait simply out of greed, no question about it, and we have to send a message to Saddam Hussein and to military dictators anywhere: You cannot move in and take over weaker countries.

I might add that is the only reason for being there. The reason of oil, the reason of defending American Values, Job Creation, these other things I hear, they are not adequate reasons for American troops being over there. If Saddam Hussein controlled not only the oil of Iraq and Kuwait, but also Saudi Arabia, he cannot drink that oil; he cannot sit on that oil; he has to sell the oil. So the oil reason just is not a valid reason for being there.

What do we do about seeing that we get Iraqi troops out of Kuwait? There are three options: the diplomatic option, the economic option of sanctions, and the military option.

Let me examine all three, and let me add I think the President of the United States handled the situation superbly up until November 8, 2 days after the election, and I think it is significant that the change in policy came 2 days after the election without, so far as we know, consultation with a single Member of Congress.

On the diplomatic front, what is happening is discouraging. The diplomatic effort to get Iraqi troops out of Kuwait appears to be failing. We hope the Secretary General of the United Nations can be persuasive, but I do not think anyone here is optimistic.

I think two mistakes, however, have been made. And I mention this simply so that we do not repeat mistakes in the future.

No. 1, the President has said: No negotiations.

Mr. President, there are only two options, you negotiate or you have war. John F. Kennedy was right when he said, "Never negotiate out of fear, but never fear to negotiate." We have to sit down and talk with people to work out solutions.

Now, you do not negotiate away something that is basic, and part of what is basic, for example, is that all Iraqi troops have to get out of Kuwait. But let us not start creating something so that the word "negotiate" looks like a bad word.

Then the second mistake that was made is not giving Saddam some kind of way out, some fig leaf. I think we might disagree on what the fig leaf ought to be. But when you grow up in rural America and live in rural America, you learn something very simple: Do not corner a rattlesnake. Give the rattlesnake a way to get out. And that is what we have to do in the situation over there. But I have to say the diplomatic option looks very, very difficult.

The second option is the economic option, sanctions. This was imposed by the President, and the President and the Secretary of State and the Secretary of Defense appear to have all but given up on this, and I suggest the evidence is pretty overwhelming that this has a chance to succeed if we stick with it. No one can guarantee it. But I think it has a chance.

What are the facts? Well, the facts are that in this century, whenever, through sanctions, the gross national product of any nation has been affected by as much as 3 percent, the policy of that nation has been changed. And prior to this time the most impact we have had on the GNP of any country through sanctions is 16 percent. In the case of Iraq today, so far as we know, it is approximately 50 percent. There is no precedent for this in this century, or as far as I know in any other century until you go back to the Middle Ages. It is powerful.

Two nights ago I talked to the chief executive officer of one of the major corporations of this country that does hundreds of millions of dollars of business overseas, perhaps billions. He said: Does not anyone in the administration realize that you are having a huge impact on the economy of Iraq and that they simply cannot continue if you just hold onto sanctions?

We, apparently, have not recognized that within the administration. And here I have to make an exception. That is the CIA. I do not know how long Judge Webster can stay on as the head of the CIA, but he has delivered a different message to Congress than has the Secretary of State and the Secretary of Defense. The reality is—and this is not classified information and my colleague, Senator MOYNIHAN is going to talk a little bit about why we classify certain information—but they are already rationing bread, sugar, tea, and it is clamping down. Some of the food items have gone up 700 percent. They cannot manufacture tires. Much of their manufacturing plant has disappeared. They cannot get spare parts for their whole military complex. They cannot get spare parts for city buses in Baghdad, and the sanctions have just barely begun.

The question asked the other day on the floor of the Senate by Senator DOLE, the minority leader, is a very basic question. Will Saddam be strengthened or weakened if we just hold onto sanctions? Senator DOLE drew the conclusion that he would be strengthened. I suggest the evidence is overwhelming that he will be weakened, that the military will be weakened. If a year from now we find that sanctions do not work, and we decide on the military option, I suggest we will go against a much weakened opponent.

The two immediate-past Chairmen of the Joint Chiefs of Staff, Admiral Crowe and General Jones, have both suggested we ought to stick with sanctions and not use the military option. Six of the seven living former Secretaries of Defense, serving in both Republican and Democratic administrations, have suggested we ought to stick with sanctions and not use the military option at this point.

I think we ought to be listening to them. Former Secretary of Defense Robert McNamara says that in the next year, if we stick with sanctions, Saddam's military is going to be greatly weakened. Judge Webster, Director of the CIA, has said the same. Do we just ignore this?

I think the administration is making a great mistake in giving up on the sanctions option.

Then the final option is the military option. Senator MITCHELL, in his excellent statement here about an hour ago, said the grave decision for war is being made prematurely. I believe he is correct. Militarily we can win, in terms of what is going to take place. I was over in that area with Senator MITCHELL and a few of my colleagues about 3 weeks ago, and we got the military briefings. There is no question that we can win. How rapidly we can win is certainly an unknown. But it is too easy here, or in the Oval Office, in an antiseptic kind of situation to say we are going to make a decision that will cost thousands of lives, tens of thousands of lives, not just Americans, but Iraqis, and a lot of innocent people.

There will not be the life of a single Senator lost, not the life of a single House Member. But it was interesting in a discussion the other day, our colleague Senator PRYOR said he was in a supermarket and a woman came up to him and said: "Senator PRYOR, you have three sons."

And he said, "That is correct."

And she asked him, "Would you be willing to give up the life of one of those sons to free Kuwait?"

That is where the question ought to rest on us. And it is not only that we would be willing to give up lives. A retired faculty member from Southern Illinois University, Dave Christiansen said: "Are we willing to kill to free Kuwait? That is part of what must rest on our conscience."

The reality also is—and this is one of the things that hit me when I went over to the Middle East—the situation is vastly more complicated than I realized. It is more complicated in, first of all, the appeal to grass roots Arabs and Moslems Saddam has made. We should not fool ourselves that that is not there, including in the countries where we have troops committed to helping us, and I am talking about Saudi Arabia and Egypt and Syria and the other countries.

But let me give just one other complication. Iraq has missiles aimed at Tel Aviv. Iraq says, and the Foreign Minister reiterated it yesterday, if we launch an attach on Iraq, they are going to send those missiles into Tel Aviv. Israel says she will respond. And who can blame Israel for responding? But to respond Israel has to send those missiles and those planes over Jordan and Syria. And Jordan and Syria have said if Israel sends her missiles and planes over Jordan and Syria, they will consider that an act of war and they will attack Israel.

We can, in addition to the massive loss of lives, have a first-class mess in the Middle East. And who will be suffering the casualties on our side? When Secretary McNamara testified before the Foreign Relations Subcommittee, he said 90 percent of the casualties would be American casualties. I told my staff I thought he was wrong because only two-thirds of the people over there in the Armed Forces are Americans. But when I got over there and got the military briefings, I came away with the feeling that it would be 90 percent at least and perhaps higher.

In the Foreign Relations Committee the other day, Senator SARBANES pointed out that in Korea, where we had more participation from others, from the Canadians, from the Turks, from the Australians, and others, 95 percent of the deaths outside of South Koreans were American deaths; 90 percent of those wounded were Americans. We are 6 percent of the world's population. Why, in resisting aggression—and we should resist aggression—should we assume more than 90 percent of the casualties? I do not think there is any justification for that.

What if we win? Nobody seems to ask that question. What if we win? We will win, but what does this do to the United States afterward?

No. 1, in the minds of a great many people in the Muslim world, not just the Arab world, the Muslim world, it is the United States versus the Muslim world. It is going to diminish our ability to be an effective diplomatic voice in much of the world, and particularly in the Middle East.

The lessons of history, I suggest, and I just finished reading a book by John Eisenhower, the son of the late President, on the Mexican War, the lesson of history is that we too easily in a manner of patriotic fervor get into wars and cause all kinds of needless casualties. Let us learn from history.

It is going to be costly. I think a rough estimate is a billion dollars a day if we get involved. That is money that adds to the deficit, or is taken away from education and health care and other great needs.

Finally, Mr. President, when Senator MITCHELL and our small group came back from the Middle East after visiting Saudi Arabia, Egypt, and Israel, we met later that day with the President for more than an hour and had a good discussion. I applaud the President for meeting with us. The President said, "Finally, let me just give you this final message," and he particularly looked at Senator MITCHELL and me as he said this. He said, "Let me give you this final message. If we use the military, we can make the United Nations a really meaningful effective voice for peace and stability in the future."

I said, "Mr. President, can I give you a 30-second response? If Libya invades Chad, you are not going to send 400,000 troops. What you would be willing to do, and what other nations would be willing to do, is to vote sanctions. If we stick with sanctions, and the sanctions work, then we have a mechanism that the community of nations can use again and again and again, and it is a shared burden."

Yes, for example, India where our colleague, Senator MOYNIHAN, served as Ambassador is hurting. They voted for sanctions. They are hurting because of what is happening to the price of oil, but they are hurting, and so are virtually all nations hurting because of this. Sanctions is a burden that is shared uniformly.

I do hope that this Senate, instead of rushing in a moment of fervor and passion into a decision, I hope we will look at the lessons of history. I hope we will have what President Eisenhower called "the courage of patience." That is what we need today, and I hope we have the good sense to have that courage.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all let me thank Senator SIMON for his very eloquent statement. Mr. President, I ask unanimous consent to have my name included in support of the Mitchell-Nunn resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR MEANS DEATH AND DESTRUCTION

Mr. WELLSTONE. Mr. President, this is not the speech that I wanted to give. I rise to speak in this Chamber for the first time with a very heavy heart. I wanted my first speech to be about children and education, and health care, and a credible energy policy and the environment.

I never thought that the first time I would have an opportunity to speak in this Chamber the topic would be such a grave topic: Life and death, whether or not to go to war, to ask America's men and women, so many of them so young, to risk life and limb, to unleash a tremendous destructive power on a foreign country and a faraway people.

This is the most momentous decision that any political leader would ever have to make, and decide we must. Let no one doubt that the Congress has the responsibility to make this decision. The Constitution is unambiguous on this point. Congress declares the war, not the President.

Mr. President, I give no ground to any of my colleagues in my condemnation of Saddam Hussein. It is a bedrock principle of world order that no country has the right to go in and swallow up another country, and that is why I supported the President's policy at the beginning, a policy that I think the President has abandoned.

It was such a successful policy. The economic sanctions were working, rallying the international community, isolating Saddam Hussein and, most important of all, I believe the initial policy was well on its way to prove the point that we can respond to aggression without the slaughter that modern-day warfare brings. Mass slaughter. I mean to say just that, Mr. President.

War means death and destruction, and there are some in this Chamber who may believe that this truth is so obvious that it need not be said. I think it needs to be said over and over again.

I have observed this debate and it seems to me that all too often in the theorizing about strategy and politics, it is forgotten what war means in human terms: The terrible loss of life, broken dreams, broken lives, broken families. I will tell my colleagues something, Mr. President, the fathers and mothers of young men and women from Minnesota who are now in the Persian Gulf have not forgotten what war means in personal terms, and we must not forget either.

Town meeting after town meeting after town meeting citizens would stand up, quite often a Vietnam vet, point a finger at me and say: "Senator, how many of the Senator's children are in the Persian Gulf?"

And I would respond this way. I would say: I'm the son of a Jewish immigrant from the Soviet Union, and if I believe Saddam Hussein was a Hitler and that we must go to war now to stop him, if I believe we must do that for the defense of our country or the defense of this world, I am a citizen in this world, then as much as I could hardly stand the thought, I could accept the loss of life of one of my children, ages 25, 21, and 18. I would rather it be me, but I could accept the loss of their life. But this is the truth. I could not accept the loss of life of any of our children in the Persian Gulf right now, and that tells me that in my gut I do not believe that it is time to go to war. I do not believe the administration has made this case to go to war, and if I apply this standard to my children, then I have to apply this standard to everyone's children. I have to apply this standard to all of God's children.

President Bush appears to be on the verge of making a terrible mistake that will have tragic consequences for the whole world. Life is so precious.

War is an option that one pursues when all other options have been tried. We have not given sanctions a chance. The policies that I am afraid the administration is pursuing, the rush to war that I am afraid is so much a part of what is now happening in our country and in the world will not create a new order, Mr. President. It will create a new world disorder. What kind of victory will it be, what kind of victory will it be if we unleash forces of fanaticism in the Middle East and a chronically unstable region becomes even more unstable, further jeopardizing Israel's security?

We are the ones, as my colleagues have said so well, who will pay the largest part of the price with loss of life. What does it mean? What kind of victory will it be if we shoulder this responsibility, if the alliance fractures and if there is an explosion of anti-American fury throughout the Arab world, accompanied by widespread violence and terrorism, what kind of victory will that be?

What kind of victory will it be if our already fragile economy is fractured? Whatever happened to the war on poverty, the war against drugs, the war against illiteracy, the war to make sure our citizens do not go without adequate health care? Whatever happened to the war against the poison of the air and land and the water? What kind of victory will it be if we are so paralyzed economically we cannot deal with any of these pressing domestic needs? What kind of victory will it be if our country, a country I love dearly, is torn apart again? What kind of victory will it be if tens of thousands of people die in the Persian Gulf, so many of them—and I need to state this point carefully because I mean no disrespect—so many of them disproportionately men and women of color, low and moderate income? What kind of victory will this be? Some causes are worth fighting for. This cause is not worth fighting for right now. We must stay the course of economic sanctions, continue the pressure, continue the squeeze, move forward on the diplomatic front, and, Mr. President, we must not rush to war. Very large and long-term interests of our country and the world are at stake in the decision we are about to make. Our options are not simply war or appeasement.

I very much resent any discussion which suggests that anybody who says, as I am saying today, that we must not rush to war is in any way, shape or form talking about appeasement. Negotiations are not appeasement. Every diplomat knows this. Our options are not simply war or peace. We have an opportunity to stay the course with sanctions, and we have an opportunity in the international community to show that there is a new way to respond to aggression, where conflicts can be resolved without resorting to war. It is too early to give up on that approach.

It is the mark of a great nation that it has the patience and the conviction to pursue its highest goals. We stand on the brink of catastrophe if we allow domestic politics, self-imposed deadlines, or military logistics to rush us into a war that no one wants and a war that even in victory will so severely damage our national interests. An agenda for war has been laid out. It is time to develop an agenda for peace.

I leave you, Mr. President, with a wonderful Hebrew word, tikkum. It means to understand and to heal and to transform the world.

Thank you very much.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from New York.

Mr. MOYNIHAN. Mr. President, it falls to me to have the very special honor and pleasure to welcome the Senator from Minnesota not simply to our Chamber but to our deliberations. We have heard a voice of passion, conviction, and understanding that will be with us a very long while, and we are all very pleased to have him here.

Mr. HARKIN. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. HARKIN. I thank the Senator for yielding. I want to join my distinguished friend from New York in complimenting our friend from Minnesota. I have just entered my second term, and in the three different elections I have been sent here I have heard a number of first speeches on the floor of the Senate, but in that brief time I have not heard any speech more eloquent, more thoughtful, and more laced with true passion and insight into what confronts us now than the speech just given by the distinguished Senator from Minnesota. He has truly made a maiden speech on the Senate floor that will serve him and this body well as he continues to represent the fine State of Minnesota. I compliment him for a great speech.

Mr. WELLSTONE. I thank the Senator.

Mr. HARKIN. I thank the distinguished Senator for yielding.

AN ABRUPT CHANGE IN OUR POLICY

Mr. MOYNIHAN. Mr. President, I would note that we are now well into the afternoon. We have heard a series of able presentations that began with the majority leader, most recently the memorable maiden speech of the Senator from Minnesota, and we have not heard a word in opposition to the joint resolution before us.

May I ask unanimous consent that my name be added to the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Indeed, Mr. President, it is simply the fact that there is not a single Senator present on the other side of the aisle. We have not heard differing views, and the Senator from New York does not have the power to summon Senators.

I see now the Senator from Pennsylvania, and would like to record that there is now a most distinguished Senator from the other side.

Mr. President, a continued theme in our discussion today has been, what happened to a Presidential policy which had the complete support of this body, of this country, as late as October? What was the sudden change which produced the grave concerns that bring us to the floor in what is, in effect, a special session of the 102d Congress? On the 28th or thereabouts of September the Senate adopted by a vote of 96 to 3 a concurrent resolution introduced by Mr. MITCHELL, for himself, Mr. DOLE, and others of us, in which, taking note of the Iraqi invasion of Kuwait, we resolved that the goals the President had set forth were our goals. We stated in the second paragraph of the Resolved clauses, that Congress approves the actions taken by the President in support of these goals, including the involvement of the United Nations and friendly governments; that Congress supports continued action by the President in accordance with the decisions of the Security Council and in accordance with the United States constitutional and statutory processes, including the authorization and appropriation of funds by the Congress, to deter Iraqi aggression and to protect American lives and vital interests in the region. The vote was 96 to 3.

How did it come about that we are here on the Senate floor talking of war, talking of war in a region where the massed forces on either side are larger than any such encounter since the Second World War? A million armed men and women divided by a line in the sand facing the prospect of hideous encounters, all of which arises in the aftermath of the invasion by one small Third World country of another smaller Third World country.

(Mr. ADAMS assumed the chair.)

Mr. MOYNIHAN. In one of those countries the indigenous population was compounded by about 4 times by immigrant laborers brought in as servants. Both of them wealthy countries since a Stanford professor in 1938 discovered the Arabian oil dome. Suddenly the wealth appeared—but otherwise these are not very important countries.

Senator SIMON was kind enough to mention that I was once Ambassador to India. That part of the world was not unconnected to the Middle East. It had once been governed by the British from New Delhi. Some 7,000 people managed the area.

Iraq as such is an artifact of the Treaty of Sevres which ended the First World War with Turkey and the allies in 1920. The precise borders of Iraq were drawn in a tent in 1925 by a British colonial official.

I was also, if I may just say, once our Ambassador to the United Nations. I remember Kuwait at the United Nations as a particularly poisonous enemy of the United States. One can be an antagonist of the United States in a way that leaves room for further discussions afterwards. But the Kuwaitis were singularly nasty. Their anti-Semitism was at the level of the personally loathsome when Resolution 3379 equating Zionism with racism passed the General Assembly. The Kuwaitis were conspicuously poisonous.

By contrast, the Iraqis were very recently said to be our friends by this, our administration. Last summer the Committee on Foreign Relations held hearings on Iraq. My colleague, Senator D'AMATO, pointed out the particularly outrageous behavior of the Iraqi Government with respect to the use of poison gas, the repression of the Kurds, and so forth. Senator PELL, the distinguished chairman of the Committee on Foreign Relations, reported from the committee the Iraq International Law Compliance Act of 1990. It contained a list of specific violations of international law by Iraq.

Our findings were that the Government of Iraq had systematically detained, tortured and executed thousands of its own citizens. The Government of Iraq had destroyed more than 3,000 villages and towns in the Kurdish regions of Iraq. Iraq had used chemical weapons on an extensive scale against its Kurdish citizens resulting in tens of thousands of deaths.

Amnesty International has documented extensive violations of human rights by the Government of Iraq, including the torture and murder of children as a means of punishing their parents. Iraq has blatantly violated international law in initiating use of chemical weapons in the Iran-Iraq war and against Kurdish citizens. Iraq has failed to ratify the Convention of Biological Weapons. The committee found, therefore, that Iraq had engaged in a consistent pattern of gross violations of internationally recognized human rights and disregard for international law.

We said, that being the case, we will not any longer subsidize sales of agricultural products to Iraq. This matter came to the floor, and we learned from the other side of the aisle, from the distinguished Senator from Indiana, that the State Department "opposes the virtual total economic embargo of Iraq which would result from this amendment."

It is odd. That was July 26—7 days before Iraq invaded Kuwait. This crisis involves Kuwait, a particularly nasty little regime given to poisonous anti-American, anti-Semitic pronouncements, and Iraq who we were subsidizing with food imports only 7 days before the invasion. And when Senator PELL said here is a country that has been outrageous—poison, murder, mayhem, violation of human rights, violation of international law—the State Department says "Do not touch them, do not bother with them. We are against the measure."

Well the measure passed. Eventually the State Department managed to see that it did not become law. But it passed the Senate.

Here are two countries, neither of them very attractive: Kuwait openly contemptuous of and hostile to the United States; Iraq the beneficiary of the United States.

Suddenly, on behalf of Kuwait and in opposition to Iraq we have seen the largest array of armed forces since the Second World War. We see the President declaring that he has the right to send those forces into battle, independently of any judgment of the Senate.

How could this happen in the first post-cold-war crisis?

A RETURN TO COLD WAR THINKING

I would like to suggest, Mr. President, and I hope this might help us think about the subject, that the way in which the President initially proceeded obtained the universal support of the country and the Senate. Suddenly, however, there was an institutional lurch back into the manner and mode of the cold war.

It has been with us so long, we do not know how to act differently. We have not acquired the instincts, the institutions, the institutional memories, to do other than what we have been doing during the cold war. We know nothing else. That is what happened on November 8—2 days after the election—that suddenly lurched us into a cold war mode.

It happens, Mr. President, that last November, the Committee on Foreign Relations held a series of hearings on the subject "After the Cold War." We examined changes in the American Government which have taken place over the long struggle with totalitarianism which emerged, really, from the First World War. As Judith Sklar has written, "1914 is, after all, when it all began."

From 1914 to 1989, there was a 75-year "war" which inevitably changed attitudes and institutions. In our hearings we were looking at the attitudes and institutions that had changed, and the ways in which they did. I chaired the hearings, so I took the opportunity to organize our inquiry around an extraordinary speech which Woodrow Wilson gave in St. Louis, MO, on September 5, 1919. It was on that trip around the country, pleading for public support to influence the Senate to consent to the ratification of the Treaty of Versailles which contained the League of Nations covenant. Wilson was asking for that support. He was 20 days from Pueblo, CO, where he would collapse. It would be, in effect, the end of his Presidency.

I see the Senator representing St. Louis is on the floor, and I think the senior Senator from Missouri would recognize that Wilson's remarks had about them the quality of prophecy: It was the end of his life. He was trying to tell America what he would leave behind him, what would happen if we did not establish a world order where there was law, where there were procedures, where peace was enforced. And if we did not, what would come instead.

He said, "Very well, then. If we must stand apart and be the hostile rivals of the rest of the world, we must do something else: We must be physically ready for anything to come. We must have a great standing army. We must see to it that every man in America is trained in arms, and we must see to it that there are munitions and guns enough for an army. And that means a mobilized nation; that they are not only laid up in store, but that they are kept up to date; that they are ready to use tomorrow; that we are a nation in arms."

Then he said, "What would a nation in arms be? Well, you know, you have to think of the President of the United States not as the chief counselor of the Nation, elected for a little while, but as the man meant constantly and every day to be Commander in Chief of the Army and Navy of the United States, ready to order it to any part of the world with a threat of war, as a menace to his own people."

Then he said, "And you can't do that under free debate; you can't do that under public counsel. Plans must be kept secret. Knowledge must be accumulated by a system which we have condemned, because we called it a spying system. The more polite call it a system of intelligence."

Then he went on a little further to say, in effect, how this world would shape itself up into one of continuing crises. And so, Mr. President, in that speech in St. Louis, which, as I say, had a prophetic quality which haunts one to this day, Woodrow Wilson said that we would see the emergence of a system of Government in which the President had become Commander in Chief, head of the Armed Forces. That did happen. And nothing is more extraordinary evidence of it having happened than the assertions we have heard in the past month after the lurching from a defensive, deterrent position, which we responded to very well, into an offensive position on November 8. This was a decision reached in secret. It suddenly turned what had been a collective security operation with the complete support of the country and the world into an offensive, military crisis situation.

Wilson's prediction in action: The President as Commander in Chief, secretly moving in an atmosphere of ongoing, permanent, Orwellian crisis, asserting that this is entirely in his own hands. The President told a press conference on November 30, when asked, "What do you think your responsibilities are to Congress and the people that elect them," he said, "Full consultation." Nothing more. When asked on December 28 by David Frost, "Don't you need an authorization from Congress, in effect, for war?" He said, "We have used military force 200 times in history. I think there have been five declarations of war." In effect, he claimed that he did not need congressional support to do what, clearly, the Constitution requires of him.

This is an idea—that Congress decides whether to go to war—that simply eroded in the cold war with the prospect of nuclear confrontation, permitting no time for reflection and consultation. The New York Times wrote this morning, very ably, I think, that Congress' constitutional warmaking authority fell into disuse during the cold war, so much that we can scarcely even remember the number of times that we have declared war. There is a notion that we declared war once during World War II. We declared war three times against six different countries in one form or another.

In the aftermath of the cold war, what we find is a kind of time warp in which we are acting in an old mode in response to a new situation.

I find it extraordinary, for example, that the President should so personalize the encounter with this particular thug in Baghdad: The most recent thug in Baghdad, not the last by any means. There will be others. It is in that mode of which we are in a bipolar, permanent crisis with the enemy. It used to be totalitarian, Leninist, communism. Without a moment's pause almost, we shifted the enemy to this person at the head of this insignificant, flawed country whose boundaries were drawn in 1925 in a tent by an English colonial official, an artifact of the Treaty of Sevres.

I said without pause. You might come back and say, "No, there was an interval."

Among other things that got lost in the cold war, along with the congressional responsibilities and authority with regard to armed conflict, the idea of international law got lost in the fog of the cold war as well. When we came to the Senate floor 7 days before the invasion of Kuwait with the Iraq International Compliance Act of 1990, the State Department was against it. The State Department had no concerns. We could list a series of solemn treaties' obligations which had been violated by a country we were supporting. All we asked was to stop subsidizing them.

Then came the invasion. Then came one of the most extraordinary reversions to an earlier mode I think any of us have seen in the Presidency. International law as an idea has almost disappeared from the vocabulary of American Presidents. Suddenly with the invasion of Kuwait and the summoning of the Security Council, it appears in every other sentence. The President gave a press conference at the end of August in which he used the term "international law" six times in 15 minutes, about equaling the total record of the previous 30 years or the like, as best memory serves.

We did seek to use the U.N. Charter system. We began in a manner as hopeful as any time since the establishment of the United Nations in 1945. Chapter VII of the charter has a very clearly graduated series of responses to aggression. We went to the Security Council. For the first time in the history of the United Nations all of the permanent members agreed that an egregious act of aggression had happened.

What are the qualities of that aggression, Mr. President? It is a post-cold-war quality that an army crossed a border and absorbed another country. The characteristic conflict of the cold war was that one side or the other would mount internal opposition to a given regime and you would have civil war, proxy wars, but no actual armies crossing borders. While there was an internal ideological struggle between the free world and the Communist world, the struggle took the form of subversion and the like. Certainly for a period there the Marxists had forces—sometimes military forces, sometimes political forces—in every major country in the world. To try to activate them was their technique rather than rolling into a country. When they finally did invade Afghanistan, that was the end of their expansion.

In any event, at the end of the cold war, you did in fact see almost immediately the reappearance of an old mode of aggression, which is an army crossing borders and absorbing a neighbor. The United Nations was designed to deal with that since the Second World War started with the Soviet and the Nazi forces crossing the Polish border and annihilating that country. An army crossed borders. Here was such a case, and the response was admirable. We paid a little bit here and there for it, but we got it.

As to the response of the embargo, in the first sentence, there has never been an opportunity for economic sanctions of this kind to work equal to the Iraq situation. They have one export, a product not in short supply in the world, and they import about two-thirds of their food.

They even import their currency. Mr. President, here is a dinar. It is a handsome piece of currency. It is printed in London. The Iraqis do not have the technology to print their own paper money. The dollar bill, which is high-quality paper currency, lasts about 18 months. In fact, this will not last about that long. Pretty soon there will not be any more paper currency left in Iraq. Just start there. We could print up a lot and drop it from airplanes and cause chaos that way. The options are infinite with respect to a country as isolated as this.

Why could we not just stay with that policy? I suggest it was because it was too new to us, even though it was a policy we had put in place in the sense that the U.N. Charter is largely an American document. The idea of collective security is certainly an American idea. The institution has its headquarters in New York City. We were following the collective security mode and suddenly lurched out of it. Suddenly, from a situation where the world was defending a small country that had been attacked by a larger neighbor, we switched to a situation where the United States had engaged a major Islamic country in a countdown to Armageddon.

Mr. President, that is a kind of madness where we are living in an earlier world and acting in ways that have no relevance to the situation of the moment. We are not in an international crisis in the sense that events that took place on August 2 necessitate the confrontation of the largest set of armed forces since World War II. Nothing large happened. A nasty little country invaded a littler but just as nasty country. They have their avowed virtues, I do not doubt. There has not been much virtue on display internationally in either case. And the United States shares with the other nations of the world an interest in the resolution of the crisis, principally to establish the fact that the U.N. Charter is an international standard that will be enforced.

The world will not be particularly different after Iraq leaves Kuwait, which it will do. It will not be any better, or it will be better to the extent only that we will have established that the international community will enforce the Charter. In the aftermath of the cold war that has become possible.

So, Mr. President, all we are saying on this side of the aisle, and I hope we will hear it from the other side of the aisle, is this: Why can we not continue the President's policy of August, September, and October? That was a policy appropriate to a small disturbance in a distant part of the world where there are interests involved because that part of the world exports oil to Japan and sends oil to Europe. There is an important international interest in maintaining the standards of the Charter. Fine. But not World War III. Is it not clear, Mr. President, that we did not have World War III? It did not happen.

Suddenly our institutions are acting as if to say, "Oh, my God, we missed World War III. Maybe we can have it now here. Not there but here." Mr. President, that borders on the edge of the disturbed. Dr. Strangelove, where are you now that we need you?

This is so unnecessary. With what unanimity in this body the President would be supported if he simply drew back to the defensive positions of the period up to November 8 before his announcement a secretly planned escalation to an offensive mode.

Mr. President, our armies have been on the Rhine for 45 years. That is the stuff of Roman legions. We are still in Panmunjom. We have a naval force with some land-based facilities in the gulf since the Second World War. Twelve months will pass, 18 months will pass, life will go on. And we will not have the wrenching constitutional crisis that will come about if the President launches a massive use of our Armed Forces in a distant region of the world without a specific declaration of war by Congress.

I conclude, Mr. President, simply pleading to the President. He will have that constitutional crisis regardless of the outcome of the conflict. The primacy of Congress on this issue under the Constitution will have been denied just at that moment when it would seem possible to return to what was once the normal conduct of foreign affairs by the President and the Congress of the United States.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania, I believe, was here first. All four Senators were on their feet at the same time, calling at the same time, and I did my best to hear which one did so first. I, therefore, recognize the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. I have been here since 10 o'clock this morning and awaited some of the speeches in support of the resolution, until the distinguished Senator from New York noted the absence of any arguments to the contrary and the absence of any Republican Senator. I had stepped into the Cloakroom for a moment for a bite of chicken salad and rushed right back out here, right back out.

Mr. WARNER. Mr. President, I wonder if the Senator will yield to the Senator from Virginia, just for about 2½ minutes to make what I think is an important statement, directing the attention of Senators to the availability of a document?

Mr. SPECTER. I will, Mr. President, for that limited period of time, with unanimous consent that I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. I thank my distinguished colleague. Mr. President, the Director—and I repeat—the Director of the Central Intelligence Agency, Mr. Webster, has forwarded a letter to the chairman of the House Armed Services Committee which gives his most current views with respect to the issue of sanctions.

The distinguished majority leader as well as two other Senators today have stressed the importance of the economic embargo; that is, sanctions, as they relate to the decision process that led to, presumably, this document that is the proposed joint resolution offered by the majority party. I think all Senators should avail themselves as soon as possible of a copy of this letter which I shall make available here in the Chamber. And that also the leadership of the Senate should consider making available to Senators, the same briefing that was given to Members of the Intelligence Committee of which I am a Member, and others—the distinguished Senators here on the floor with me from Missouri and Pennsylvania. We were there yesterday. I think that briefing together with an examination of this document will help greatly to explain the current status of our senior intelligence advisor to the President with respect to sanctions.

The bottom line as he states is:

> The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period.

Mr. President, I ask unanimous consent that the entire letter be printed at this point in the RECORD, and I thank my colleague from Pennsylvania for allowing me to speak.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.
Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they where being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq and on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 months; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq in unlikely to be substantially eroded over the next six to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to 12 months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

Mr. SARBANES. If the Senator would yield for a unanimous-consent request without losing his right to the floor?

Mr. SPECTER. I will.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland.

Mr. SARBANES. Mr. President, there is always the danger as you get close to the concert everyone starts singing from the same song sheet. I ask unanimous consent to have printed in the RECORD immediately after the insertion of the Senator from Virginia the testimony which the Director of the Central Intelligence Agency gave in public session, on the 5th of December.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEARING OF THE HOUSE ARMED SERVICES COMMITTEE

PERSIAN GULF CRISIS

Chaired by: Representative Les Aspin.

Witness: William Webster, Director, CIA.

December 5, 1990.

Mr. WEBSTER: Now, I appreciate the opportunity to address this Committee on what the intelligence community believes the sanctions have already accomplished and what we believe the sanctions are likely to accomplish over time. Of course, sanctions are only one type of pressure being applied on Iraq, and their impact cannot be completely distinguished from the combined impact of military, diplomatic and economic initiatives in Iraq. At the technical level, economic sanctions and the embargo against Iraq have put Saddam Hussein on notice that he is isolated from the world community and have dealt a serious blow to the Iraq economy.

More than 100 countries are supporting the UN resolutions that impose economic sanctions on Iraq. Coupled with the US government's increased ability to detect and follow-up attempts to circumvent the blockade, the sanctions have all but shut off Iraq's exports and reduced imports to less than 10 percent of their pre-invasion level. All sectors of the Iraq economy are feeling the pinch of sanctons and many industries have largely shut down. Most importantly, the blockade had eliminated any hope Baghdad had of cashing in on higher oil prices or its seizure of Kuwaiti oil fields.

Despite mounting disruptions and hardships resulting from sanctions, Saddam apparently believes that he can outlast international resolve to maintain those sanctions. We see no indication that Saddam is concerned at this point that domestic discontent is growing to levels that may threaten his regime or that problems resulting from the sanctions are causing him to rethink his policy on Kuwait. The Iraqi people have experienced considerable deprivation in the past. Given the brutal nature of the Iraqi security services, the population is not likely to oppose Saddam openly. Our judgment has been and continues to be that there is no assurance of guarantee that economic hardships will compel Saddam to change his policies or lead to internal unrest that would threaten his regime. Now, let me take a few minutes to review briefly with you some of the information that led us to these conclusions as well as to prevent our assessment of the likely impact of sanctions over the coming months.

The blockade and embargo have worked more effectively than Saddam probably expected. More than 90 percent of imports and 90 percent of exports have been shut off. Although there is smuggling across Iraq's borders, it is extremely small relative to Iraq's pre-crisis trade. Iraqi efforts to break sanctions have thus far been largely unsuccessful. What little leakage has occurred is due largely to a relatively small number of private firms acting independently. And we believe that most countries are actively enforcing the sanctions and plan to continue doing so.

Industry appears to be the hardest hit so far. Many firms are finding it difficult to cope with the departure of foreign workers and with the cutoff of imported industrial inputs, which comprised nearly 60 percent of Iraq's total imports prior to the invasion. These shortages have either shut down or severely curtailed production by a variety of industries, including many light industrial and assembly plants as well as the country's only tire manufacturing plant.

Despite these shut downs, the most vital industries, including electric power generation and refining, do not yet appear to be threatened. We believe they will be able to function for some time because domestic consumption has been reduced, because Iraqi and Kuwait facilities have been cannibalized, and because some stockpiles and surpluses already existed. The cutoff of Iraq's oil exports and success of sanctions have also choked off Baghdad's financial resources. This too has been more effective and more complete than Saddam probably expected.

In fact, we believe that a lack of foreign exchange will in time be Iraq's greatest economic difficulty. The embargo has deprived Baghdad of roughly $1.5 billion of foreign exchange earnings monthly. We have no evidence that Iraq has significantly augmented the limited foreign exchange reserves to which it still has access. And as a result, Baghdad is working to conserve foreign exchange, and to devise alternative methods to finance imports.

We believe Baghdad's actions to forestall shortages of food stocks, including rationing, encouraging smuggling and promoting agricultural production are adequate for the next several months. The fall harvest of fruits and vegetables is injecting new supplies into the market, and will provide a psychological as well as tangible respite for mounting pressures. The Iraqi population in general has access to sufficient staple foods. Other food stocks, still not rationed, also remain available. However, the variety is diminishing and prices are sharply inflated. For example, sugar purchased on the open market at the official exchange rate went from $32 per 50 kilogram bag in August, to $580 per bag last month. Baghdad remains concerned about its foodstocks, and continues to try to extend stocks and increasingly to divert supplies to the military.

In late November, Baghdad cut civilian rations for the second time since the rationing program began while announcing increases in rations for military personnel and their families. So on balance, the embargo has increased the economic hardships facing the average Iraqi. In order to supplement their rations, Iraqis must turn to the black market where most goods can be purchased but at highly inflated prices. They are forced to spend considerable amounts of time searching for reasonably priced food, or waiting in lines for bread and other rationed items.

In addition, services ranging from medical care to sanitation have been curtailed. But these hardships are easier for Iraqis to endure than the combination of economic distress, high casualty rates and repeated missile and air attacks that Iraqis lived with during the eight year Iran-Iraq War.

During this war, incidentally, there was not a single significant public disturbance, even though casualties hit 2.3 percent of the total Iraqi population. About the same as the percentage of U.S. casualties during the Civil War.

Looking ahead, the economic picture changes somewhat. We expect Baghdad's foreign exchange reserves to become extremely tight, leaving it little cash left with which to entice potential sanctions' busters. At current rates of depletion, we estimate Iraq will have nearly depleted its available foreign exchange reserves by next spring.

Able to obtain even a few key imports, Iraq's economic problems will begin to multiply as Baghdad is forced to gradually shut down growing numbers of facilities in order to keep critical activities functioning as long as possible. Economic conditions will be noticeably worse and Baghdad will find allocating scarce resources a significantly more difficult task. Probably only energy related and some military industries will still be functioning by next spring. This will almost certainly be the case by next summer. Baghdad will try to keep basic services such as electric power from deteriorating.

The regime will also try to insulate critical military industries to prevent an erosion of military preparedness. Nonetheless, reduced rations coupled with rapid inflation and little additional support from the government will compound the economic pressures facing most Iraqis.

By next spring Iraqis will have made major changes in their diets. Poultry, which is a staple of the Iraqi diet, will not be available. Unless Iraq receives humanitarian food aid or unless smuggling increases, some critical commodities such as sugar and edible oils will be in short supply. Distribution problems are likely to create localized shortages. But, we expect that Baghdad will be able to maintain grain consumption, mainly wheat, barley, and rice, at about two-thirds of last year's level until the next harvest in May.

The spring grain and vegetable harvest will again augment food stocks, although only temporarily. To boost next year's food production, Baghdad has raised prices, paid the farmers for their produce, and decreed that farmers must cultivate all available land. Nonetheless, Iraq does not have the capability to become self-sufficient in food production by next year.

Weather is the critical variable in grain production, and even if it is good, Iraqis will be able to produce less than half the grain they need. In addition, Iraq's vegetable production next year may be less than normal because of its inability to obtain seed stock from abroad. Iraq had obtained seed from the United States, the Netherlands, and France.

Although sanctions are hurting Iraq's civilian economy, they are affecting the Iraqi military only at the margins. Iraq's fairly static defensive posture will reduce wear and tear on the military equipment and, as a result, extend the life of its inventory of spare parts and maintenance items.

Under non-combat conditions, Iraq ground and air forces can probably maintain near-current levels of readiness for as long as nine months. We expect the Iraqi air force to feel the effects of sanctions more quickly and to a greater degree than the Iraqi ground forces because of its greater reliance on high technology and foreign equipment and technicians. Major repairs to sophisticated aircraft like the F-1 will be achieved with significant difficulty, if at all, because of the exodus of foreign technicians. Iraqi technicians, however, should be able to maintain current levels of aircraft sorties for three to six months.

The Iraqi ground forces are more immune to sanctions. Before the invasion, Baghdad maintained large inventories of basic military supplies, such as ammunition, and supplies probably remain adequate. The embargo will eventually hurt Iraqi armor by preventing the replacement of old fire control systems and creating shortages of additives for various critical lubricants. Shortages will also affect Iraqi cargo trucks over time.

Mr. Chairman, while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. At present, Saddam almost certainly assumes that he is coping effectively with the sanctions. He appears confident in the ability of his security services to contain potential discontent, and we do not believe he is troubled by the hardships Iraqis will be forced to endure. Saddam's willingness to sit tight and try to outlast the sanctions, or in the alternative, to avoid war by withdrawing from Kuwait, will be determined by his total assessment of the political, economic and military pressures arrayed against him.

Thank you, Mr. Chairman.

Mr. SARBANES. Mr. President, I note that predates the Senator's insertion. But I think it will be helpful for the benefit of contrast.

This is Director Webster's statement before a committee on the House side. He leads it off "* * * address this committee on what the intelligence community believes the sanctions have already accomplished and what we believe the sanctions are likely to accomplish over time."

That is why I asked unanimous consent that this statement of the Director, given in open session before the committee went into closed session for purposes of questioning—so this was open testimony reported in the press and generally—and carried on the media and generally available to the public—be printed in the RECORD immediately after the insertion of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it was so ordered. It will be included in the RECORD following the remarks of the Senator from Virginia. The Senator from Pennsylvania has the floor.

Mr. MOYNIHAN. Will the Senator from Pennsylvania allow me a comment for 30 seconds?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I will allow a comment for 30 seconds by my colleague from New York, again if there is unanimous consent I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from Virginia has just provided an example of exactly what I just spoke about, namely, the secrecy system. "If you knew what we know, you would understand why we are doing what we are doing. But we cannot tell you because it is secret. The briefing is secret."

I was at that briefing, and I will not disclose what I learned about the price of cooking oil in Baghdad. That is a "secret."

Mr. President, that is a cold war mode. We have lurched into it, we do not even recognize it, because it became so normal to us that we do not even see it is different. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, my colleague from Missouri has a request I yield again on the understanding I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri.

Mr. DANFORTH. Mr. President, it is my understanding that there has been no effort to try to sequence speakers. My assumption is that nearly 100 Senators will want to speak sometime during the next few days. It is simply a battle for the floor. If you happen to eat a chicken sandwich, as Senator SPECTER pointed out, you might lose the possibility to speak for 4 or 5 hours.

Mr. President, far be it for me to try to suggest how the floor should be managed, but I will suggest that. It would be my suggestion that the managers of this matter maintain a list and that the order of speaking be alternated between the majority and the minority.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that there is presently no matter pending on the floor that has managers. Therefore, the Chair is in the position of following the basic Senate rule of recognizing the first Senator who seeks recognition, not just by standing but by demanding recognition and, therefore, the Chair, nor any manager at this moment, since there is no unanimous-consent request, has the power to do anything other than recognize those who stand.

The Senator is correct. It may be that he would have to wait some period of time. I know I will have a problem, and I will try to overcome that, of a number standing at the same time. I just happen to feel the Senator from Pennsylvania had spoken up first. I know he had been here a long time. There is no effort to try to either control, keep a list or in any way alter the rules of the Senate. I hope the Senator might consult with the leadership on both sides, and I am hopeful we will have a unanimous-consent request; we will have a more orderly managed system, but I am not capable of producing it at this moment. I hope the Senator understands.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the speakers then be alternated by party.

Mr. SARBANES. Mr. President, I object. If that is to be done, it should be done in consultation with the leadership to make a decision. I appreciate the Senator thinking that is the best way to proceed and it may, in fact, be the best way to proceed, but I think that setting up that procedure ought to come after more consultation with the leadership.

The PRESIDING OFFICER. Objection is heard. The Senator from Pennsylvania has the floor.

Mr. BIDEN. Will the Senator yield for 10 seconds?

Mr. SPECTER. Again, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I make a point to my friend from Missouri. Thus far, the way it has been done, there has been no alternating because there has only been one Republican seeking to speak. Two, each of us have come in and saying to each other, "Are you next?" I do not think there is any Senator who has been called on before someone who has been here first. So I would say publicly I was here before my colleague and the others. I hope I go next and I hope they go to my colleague after that. I just make that point.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

COMMENTS CONCERNING A SENATE JOINT RESOLUTION

Mr. SPECTER. Mr. President, while there is no specific resolution pending, this debate started today after the distinguished majority leader filed at the desk for printing a Senate joint resolution which is as yet not complete. It is the joint resolution which was laid down by the distinguished majority leader which has provided the bulk of the framing of the issue today. I would like to address myself preliminarily to the position set forth by the distinguished majority leader and by others in support of the joint resolution.

There has been an effort to portray this joint resolution as having large areas of agreement with that President Bush has asked for and only narrow areas of disagreement. I submit that there is an enormous difference between the Mitchell resolution and what President Bush has asked for.

The distinguished majority leader said there is no disagreement on goals; there is no disagreement that Iraq must leave Kuwait. The senior Senator from Georgia, Senator NUNN, said there is only one limited question; that is, how we go about it. But the fact of the matter is that the crux of the discussion is whether the President will be authorized to use force pursuant to U.N. Resolution 678 or whether the Congress will deny him that authority. Already, the U.N. Security Council, with all of its divergent points of view has come to agreement as to how we go about it.

So I think the first point that has to be recognized emphatically is that there is an enormous difference between what Senator MITCHELL's resolution proposes and what President Bush has asked for.

The distinguished majority leader contended that there is no evidence that sanctions are not working. He said in the substance of his speech that there has been "no explanation in the shift from sanctions to war." Then, a little later in Senator MITCHELL's speech, he said "that administration officials have said that sanctions are not working."

At a later point, he quoted the briefing conducted by Secretary of State Baker and Secretary of Defense Cheney which occurred last Thursday afternoon, which this Senator attended in its entirety. Senator MITCHELL made the representation that there was contention by Secretary Baker or Secretary Cheney that sanctions have failed but only that the administration cannot guarantee that sanctions will work.

I respectfully disagree with what the distinguished majority leader describes as the conclusions or the representations of the Secretary of State and the Secretary of Defense. I submit that a fair reading of their statements in briefing the Senate was that the Sanctions are not working. We have just had the introduction of the letter——

Mr. SARBANES. Will the Senator yield on that point?

Mr. SPECTER. No, I do not, but I will be glad to take it up at the conclusion of my statement. I have yielded enough.

Mr. SARBANES. I will certainly wait until the conclusion of the Senator's statement but I must say——

Mr. SPECTER. I would like to continue with my presentation, and I will be glad to yield when I finish my statement.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. As I way saying, Mr. President, there is a conclusion by the administration that sanctions are not working. There may be a disagreement on that, but I think it ought to be recognized that this is the position of the President and this is the position of the administration.

I offer one comment on information which has been brought to me just recently by one of the ex-hostages who was held in Kuwait, a man named Christopher Folsom from Doylestown, PA, who was in Kuwait on August 2 and who was later taken to Iraq on September 23. Mr. Folsom, having been in Iraq and having seen some of the stores there and having some firsthand knowledge, makes a very forceful representation that the sanctions are not working.

I further call the attention of the Senate to a representation made by a group of former American hostages from Kuwait, some 30 in number. They make a number of points, but I shall limit my current presentation to simply one, and that is that sanctions are having little impact on Iraq.

I ask unanimous consent, Mr. President, that this single sheet, both sides, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the third issue that I would address with respect to the Mitchell resolution is that I believe it is late in the day, frankly, too late in the day, for the Congress meaningfully to disagree with the President's request and the content of U.N. Resolution 678.

Had I my preference, I would not have opted for a January 15 date, and I would have given sanctions more of an opportunity to work. However, I believe as a matter of U.S. policy that we are well beyond that alternative.

The U.N. resolution was enacted on November 29, 1990. The Members of the Senate and the House had ample notice of what was being accomplished with the establishment of January 15 as a deadline for Iraqi withdrawal. The Congress of the United States has taken no action. It is only today, 5 days before January 15, that the Congress is finally beginning.

Mr. President, even a week ago today, when the new Senate was sworn in, there was no assurance that the Senate or the House would address this issue in advance of January 15.

I wrote to the majority leader last month and made the point I thought the Senate and the House should be assembled to vote, up or down, on authorization for use of force.

I ask unanimous consent again at the conclusion of my remarks that a copy of that letter appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. We know that when the distinguished Senator from Iowa [Mr. HARKIN] and the distinguished Senator from Washington [Mr. ADAMS] pressed to have a date for Senate action a week ago today, that none was forthcoming. Now, at the very last moment in a very complex process, there is a resolution which is being offered which guts, eliminates the thrust of U.N. Resolution 678.

It is my judgment, Mr. President, that if the Congress of the United States does not back the President and the Congress of the United States does not back Resolution 678, then our leadership in the coalition will fail completely, the sanctions will disintegrate, and the coalition will disintegrate. We are much past the point of changing U.S. or U.N. policy in this important respect.

I say that, Mr. President, because even as we speak there is no assurance that the Senate will vote on any resolution before January 15. There has not even been the scheduling of this matter in a timely way so that, if the Senate is faced with a filibuster, cloture could be filed, if that was the will of the Senate, and a vote would occur in advance of January 15. It seems to this Senator that we are very, very late in the day to be stepping forward and articulating the fundamental disagreement with the U.N. resolution and with what the President has requested.

When the distinguished majority leader made his final point—and it is a very telling point and it is a very difficult point to deal with—he said that if we do not employ sanctions, we will be faced with the question: did soldiers, sailors, fighting men and women die unnecessarily because we did not follow through with the sanctions?

There has been a direct answer to that issue by the administration, by President Bush, who has said that he believes if we do not act now, more will die.

It is my view, again repeating, that my preferences would have been contrary to current policy in a number of important respects. However, if we do not follow through at this stage, if Iraq does not withdraw voluntarily from Kuwait, and if the U.N. resolution does not proceed, we will be building a more powerful Iraq, and we will be fighting this war at another day and in a more destructive way with greater loss of life, American lives.

That, Mr. President, brings me to what I consider to be a core of disagreement as to what is the best way to avoid war at this time. I personally remain hopeful that war will be avoided. But it seems to me that the best way to avoid a war is to put Iraq squarely on notice, with very strong support by the Congress for the U.N. resolution and the President, that we mean business and we are prepared to fight.

We wonder about the state of mind of Saddam Hussein. We wonder if he is a madman. Mr. President, I submit that he is not. Senator SHELBY and I had an opportunity to visit for an hour and 20 minutes with President Saddam Hussein just about a year ago today. I found him very poorly informed about U.S. policy, very poorly informed about Western attitudes. He did not have an understanding about our attitude toward the problems of the Mideast. However, he was certainly no madman.

There was later another Senate delegation of Senator DOLE, Senator METZENBAUM, Senator MCCLURE, Senator MURKOWSKI, and Senator SIMPSON. Those Senators also had a discussion with President Saddam Hussein and concluded that he was not a madman.

We wonder what is his calculation. It seems to me that if the current course is followed and force is used, President Saddam Hussein will lose his country. But he must have some other calculation. He may have a calculation of involving Israel in a war to destroy the coalition by forcing the Arabs to fight the Israelis. Or, what he may really have in mind, and it is obviously speculative to try to figure out what is in President Saddam Hussein's mind, is the activity of the U.S. Congress.

If we unequivocally put Iraq and its President on notice of our intentions by a very solid vote, it is my judgment that we will have an excellent chance to avoid that war.

As we have looked over the activities of the Senate and as we have seen the debate which has been undertaken, it is obviously a matter subject to great misunderstanding by Iraq and President Saddam Hussein about what our processes are.

I believe that the value of our democratic system and our open debate is worth every bit of the cost and more. If Iraq and its leaders do not understand this, then that is regrettable.

We have an opportunity to come to a conclusion by Saturday, as the majority leader has articulated a wish or proposed a schedule. If we can conclude our debate, we can put Iraq and President Saddam Hussein squarely on notice that there is unity.

This is the most important vote or series of votes that anybody in the House or Senate will ever be called upon to cast. And it is really hard to focus on the fact that in a so-called civilized 20th-century society the world is now on the brink of a calculated, premeditated, thought-out war. It seems inaccurate to say that there could be any such thing as a thought-out war because of the inconsistency on its face to equate thinking with killing in a war. But that is what the world faces at this moment.

We have a countdown to war which is unprecedented in human history. We have seen such countdowns in James Bond movies and other fictional accounts where we know that the hero will pull the fuse, perhaps with only a single second remaining to avoid the catastrophe. And we are looking at that situation at the present time.

We had our Secretary of State eyeball to eyeball yesterday in Geneva with Foreign Minister Aziz of Iraq. When the distinguished Senator from New York, Mr. MOYNIHAN, says that there is no international crisis, I have to disagree with him very strongly. We have an international organization banding together with collective force authorizing military action. We have a Foreign Minister of a major power refusing even to accept a letter from the President of the United States so that his President can read the letter. We have the most speedy answer to any question asked a Foreign Minister, Tariq Aziz, yesterday, when he was asked whether Iraq would attack Israel. He said, "Yes, absolutely; yes."

That is the height of an international crisis, Mr. President, as I see it. And we have a unique opportunity at this time in history, where for decades and really for centuries there has been discussion of collective security so that the peaceful nations of the world would ban together to stop would-be aggressors. And for the first time in history, we have an international organization, the United Nations, which has come forward with such a proposal for collective action.

There has been a discussion today about the inadequacy of the burdensharing by other countries. That point was made by the distinguished majority leader. I agree with him that the burdensharing has not been adequate.

It seems that the United States has been called on in the last 46 years, in the last 50 years, really—perhaps more than that—to do more than our share. We face the alternative, Mr. President, that either we do it or it does not get done. We have made a calculation to do it because it is so important that it is accomplished.

There have been some difficult votes in the Congress in the course of the last 10 years where we have appropriated tremendous sums of money for national defense. But at a time when the emergency arose, the United States was able to project power to the Mideast in an historical fashion. We are the primary mover.

It is not accurate that the coalition and the others have done nothing. I will not take the time now to put the details before the Senate, but I ask unanimous consent that these documents be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

The SPEAKER. These documents show that there are some 32 nations which have made contributions to the coalition forces; that while the United States has the largest body, in excess or approaching 400,000 as of December 12, there were more than 200,000 troops from other nations. There has been financial contributions as well. Again, Mr. President, not nearly enough, but this is a unique coalition where other nations have done something.

The distinguished Senator from Illinois [Mr. SIMON] said in his presentation that if a year from now we find that sanctions do not work, then we will have a much weaker opponent. Yet, what will we have a year from now in terms of a coalition? What will we have in terms of our own strength? My own assessment is that we can maintain our strength even if we were to wait a substantial period of time. But there is no assurance that the coalition will be relatively stronger than Iraq if a year is to pass.

The critical point, in conclusion, is that if the Congress of the United States does not back the American President as the U.N. Security Council has, then our leadership will disintegrate. I believe there is every expectation that the sanctions which require international cooperation will collapse because of the lack of confidence in the United States, which would be fully warranted if there is this fundamental disagreement between the President and the Congress. Simply, the coalition will collapse.

So we face a very difficult judgment. It is the heaviest of responsibilities for a Member of this body, for any Member of the Congress, to vote for the use of Armed Forces where we have more than 1 million people involved, more than 600,000 on our side and almost that many on the other side. We know there will be attendant deaths and attendant casualties. It is a very, very heavy responsibility.

Again, although my preference would have been to have done things a little differently, to give economic sanctions more time to work, not to have had a deadline, right now we face that deadline in 5 days. And by far the preferable course of action is to support the President and to back the U.N. resolutions.

The greatest power of government is to involve its people in war. The impending congressional decision on the President's request for authority to use force in the Persian Gulf will be the most important vote to date for Members of the House and Senate—perhaps the most important vote in our Nation's history.

It is the heaviest of all responsibilities to send 400,000 U.S. service men and women and 250,000 soldiers from other coalition countries into combat with the expected deaths and casualties. The United Nations, the United States, Members of Congress, and people all over the world have been pondering and praying over this issue for 5½ months.

The Persian Gulf has been the principal topic of my own open house/town meetings and high school speeches in Pennsylvania since last August. There is much uncertainty among the people about what our national policy should be. When I ask constituents for a show of hands as to whether Iraq should be ousted from Kuwait, virtually every hand in the room is raised. When I ask if the United States should go to war to reach that objective, far fewer hands are raised. Emotions run high, including discussions within my own family. My younger son sharply questions what my attitude would be if he or his brother were among our forces in Saudi Arabia.

After listening to my constituents, discussing the issues with many people from diverse backgrounds, and reflecting on the consequences, I have decided to support the President's request for authority to use force in support of U.N. Resolution 678.

My vote must be cast based on the current situation even though I would have preferred a different strategy in the past. I agreed with the President's decision to send our forces to Saudi Arabia and applauded the administration's diplomatic achievements in securing the series of U.N. resolutions.

I would have preferred to give economic sanctions more time to work and would not have set the January 15 deadline, but the President's discretionary decisions to the contrary were reasonable. His decision that the economic sanctions would not force Iraq's withdrawal and the coalition could not be held together for a significantly longer period may well be right. In any event, our Constitution gives the President the leadership role and, at this juncture, I am convinced that the best course is to grant his request for these reasons:

I. THE BEST PROSPECT FOR AVOIDING WAR IS TO BE PREPARED TO FIGHT, SAY SO, MEAN IT, AND DO IT IF IRAQ DOES NOT WITHDRAW FROM KUWAIT BY THE ESTABLISHED DEADLINE

Historically, the United States has not done a good job diplomatically in the Arab world, and we have not communicated effectively with President Saddam Hussein and Iraq. In connection with my duties on the Intelligence Committee and Appropriations Foreign Operations Subcommittee, I have traveled extensively in the Mideast, with two visits to Iraq, including a January 1990 meeting with President Saddam Hussein.

For approximately 1 hour and 20 minutes, Senator SHELBY and I had a useful discussion with him on a broad range of Mideast and world problems. We found him not well-informed on U.S. policies and expectations but certainly not a madman. It is conceivable, although uncertain, that the present situation could have been avoided had we established an extended dialogue and a different relationship with Iraq in the past.

It is easy for President Saddam Hussein to misunderstand the congressional and other public discussions on U.S. policy in the Persian Gulf. Without considerable understanding of our democratic processes, he could easily misunderstand our disagreements on prospective policies and the controversay on constitutional authority to authorize the use of force. But this debate is an indispensable part of our democracy and is well worth whatever President Saddam Hussein may think about our lack of will and unity. Since Iraq's invasion of Kuwait on August 2, there has been too much U.S. rhetoric with too much sword rattling and too many threats. We should say simply to Iraq and its President: Comply with the U.N. resolution on withdrawal from Kuwait or the necessary force will be used to compel that withdrawal.

In the forthcoming congressional vote, we will have an opportunity to inform Iraq and its President of our unity and our will. No one can say with certainty what his response will be; however, in my judgment, our best chance to avoid war is to communicate succinctly to President Saddam Hussein the congressional backing of the President's stated intention to use force unless there is compliance with U.N. Resolution 678.

II. IF THE CONGRESS REFUSES THE PRESIDENT'S REQUEST, IT IS HIGHLY PROBABLE THAT THE ECONOMIC SANCTIONS WILL FAIL AND THE COALITION WILL DISINTEGRATE

As noted earlier, my position would have been to give more time to economic sanctions without setting the January 15 dealine. Nonetheless, the President may well be right that the economic sanctions would not force Iraq from Kuwait and the coalition could not be kept together long enough for the economic sanctions, or any other alternative short of force, to be effective.

In the current context, if the Congress fails to support the President, it is to be expected that our allies will have little confidence in U.S. leadership and the coalition and the economic sanctions will crumble.

III. IF IRAQ FLOUTS U.N. RESOLUTION 678 AND IT IS NOT ENFORCED, WE LIKELY WILL FACE A MORE DESTRUCTIVE WAR AT A LATER DATE

If Iraq ignores U.N. Resolution 678 and the Congress prevents enforcement of that resolution, Iraq will be emboldened to take further aggressive action. Ultimately, we will have to fight a stronger Iraq, perhaps without allies. Even if Iraq withdraws from Kuwait, we will face the very serious issue of defanging Iraq's military forces, but the failure to enforce U.N. Resolution 678 will drastically compound Iraq's threat to the region and the world.

In addition to Iraq's threat to peace, the failure of U.N. Resolution 678 would be an obvious inducement to other would-be aggressors worldwide.

U.N. Resolution 678 is an unprecedented international achievement which holds the realistic prospect for a new world order if it is obeyed and/or enforced. For decades—even centuries—collective security has been viewed as the way to stop aggression and guarantee the peace. If U.N. Resolution 678 succeeds in reversing Iraq's aggression against Kuwait, a unique precedent will have been established. If U.N. Resolution 678 fails because Congress refuses to back the President, we will be encouraging Iraq and others to commit aggression in the future and would miss a unique opportunity to promote world peace.

EXHIBIT 1

FORMER UNITED STATES HOSTAGES IN KUWAIT, WASHINGTON DELEGATION

Name	City	State	Profession
Mr. Miles Hoffman	Columbus	Georgia	Financial analyst.
Mr. Walter Thomas Kreuzman.	Holiday	Florida	Field engineer.
Mr. Paul Pawlowski.	Arlington	Massachusetts	Architect.
Mrs. Ingrid Pawlowski.	do	do	Interior designer.
Mr. Keaton Woods	Phoenix	Arizona	Hotel general manager.
Mr. Randal Warren	Charleston	Missouri	Project manager.
Mr. Jerry Willis	Gulford	Maine	Logistics advisor.
Mrs. Debby Willis	do	do	Attorney.
Mr. Guy Seago	Johnson City	Tennessee	System engineer.
Mrs. Betty Seago	do	do	Housewife.
Mr. Bennie Mitchell.	Sandia	Texas	Engineer.
Mrs. Jocelyn Mitchell.	do	do	Housewife.
Mr. Larry O'Connell	Hampton	Virginia	Aircraft mechanic.
Mrs. Deborah Abdul Hadi.	Louisville	Kentucky	Librarian.
Ms. Shirley Coffman.	Hurst	Texas	Manager, bank.
Mr. Todd Davis	Banning	California	Manager, bank.
Mr. Joe Lammerding.	Rancho Cordova.	do	Metrology engineer.
Dr. Manfred Hoffmann.	McKinney	Texas	VP, human resources.
Mrs. Barbara Hoffmann.	do	do	Teacher.

FORMER UNITED STATES HOSTAGES IN KUWAIT, WASHINGTON DELEGATION—Continued

Name	City	State	Profession
Ms. Mary Rimdzius	Burbank	California	Projects manager.
Mr. Ernest W. Alexander.	Media	Pennsylvania	Attorney.
Mr. Christopher Folsom.	Doylestown	do	Site superintendent.
Mrs. Betty Folsom	do	do	Housewife.
Mr. Cecil P. Brown	Atlanta	Georgia	Systems consultant.
Dr. Robert Morris	Boston	Massachusetts	Dental consultant.
Mr. William Van Ry.	Fort Collins	Colorado	Manager, bank.
Mr. George Daher	Murrysville	Pennsylvania	Landscape architect.
Mr. Antonio Mireles.	Annandale	Virginia	Engineer.
Mrs. Eleanor Mireles.	do	do	Teacher.
Ms. Maria Mireles	do	do	Student.

FORMER AMERICAN HOSTAGES FROM KUWAIT, WASHINGTON DELEGATION

OVERVIEW

A delegation of former American hostages from Kuwait is visiting Washington from January 4–15 to express its concerns about the continuing crisis in the Gulf. The 30-member delegation will meet with Congressional and Administration leaders to share their first-hand insights into conditions on the ground in Iraq and Kuwait. With the United Nations' deadline of January 15 fast approaching, their visit is particularly timely.

While the delegation is not in a position to speak for all former hostages in Kuwait or Iraq, the group is a representative sampling of Americans who were held as "human shields," those who evaded capture by the Iraqis, and those who were evacuated to the United States. The bipartisan delegation is ethnically diverse and made up of U.S. citizens from all walks of life. Despite their markedly different backgrounds and experiences, delegation members are in full agreement on these points:

U.S. policy toward the Gulf must concentrate on America's long-term interests there, beginning with full implementation of the U.N. resolutions regarding Iraq's aggression against Kuwait.

All observations indicate that Saddam Hussein has no intention of quitting Kuwait voluntarily.

Sanctions are having little impact on Iraq.

Iraq is systematically strangling Kuwait and terrorizing the Kuwaiti people.

Since August, Kuwaitis have put their lives on the line time and again to protect Americans.

Morale is low within Iraq's occupation forces, who appear poorly prepared for war.

Together as a group for the first time since their release from Iraq and Kuwait, delegation members are uniquely qualified to provide "insider" accounts of Kuwaiti resourcefulness, Iraqi troops' brutality, and the steady deterioration in the quality of life in Kuwait.

The delegation can be contacted at (202) 393–4205 or (202) 628–2100. Their fax is (202) 393–4261.

EXHIBIT 2

U.S. SENATE,
Washington, DC, December 20, 1990.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR GEORGE: I urge you to use your authority as the Majority Leader to convene a special session so that Congress may vote up or down on authorizing the President to act to implement U.N. Resolution 678.

Beyond the great importance of the vote on this substantive issue, by taking no action in the current context of the Persian Gulf situation, this Congress and its leaders will significantly erode, if not extinguish, the Congress' constitutional authority to declare war and concede to the President virtual total authority to involve the U.S. in war, even in the absence of an emergency, under his constitutional authority as Commander in Chief.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

VI. INVOLVEMENT OF OTHER NATIONS

Military deployments by other nations

Saudi Arabia's armed forces include 65,700 troops, 550 tanks, 179 combat aircraft, and over 400 artillery weapons. These forces have been augmented by a combined force provided by the Gulf Cooperation Council—made up of Saudi Arabia, Kuwait, Bahrain, Oman, United Arab Emirates, and Qatar—of 10,000 active duty and reserve personnel and up to 7,000 Kuwait soldiers who escaped after the invasion.

Since the initial deployment of U.S. forces to the Persian Gulf on August 7, several nations have announced their intention to send military personnel and equipment to the region. As of December 12, more than 200,000 troops had been deployed by these nations. Below is the status of these deployments.

Arab Nations

Egypt: 24,000 troops; additional 15,000 troops, including 2 mechanized infantry divisions, currently being deployed.

Turkey: 2 squadrons of F–16 aircraft; 35,000 additional troops moved to southern border with Iraq bringing total deployed there to 95,000.

Morocco: 1,700 troops.

Syria: 4,000 troops, and an armored division of 12,000 troops and 250 tanks deployed.

European Nations

France: 6,250 ground troops; 13 naval vessels (6 frigates, 3 destroyers, 4 supply ships); 34 Mirage fighter jets; several additional combat aircraft; and additional 4,000 troops, 40 Tanks, and an unspecified number of Mirage jets pledged.

Britain: 9,000 ground troops with 120 tanks; 11 naval vessels (1 destroyer, 2 frigates, 3 mine hunters, 1 command ship, 4 supply ships); 3 squadrons of Tornado jets; 1 Squadron of Jaguar jets; 3 Nimrod maritime patrol aircraft; 4 tanker aircraft.

West Germany: 3 mine hunters, 2 minesweepers, and 1 tender to the eastern Mediterranean Sea to replace U.S. ships sent to the Persian Gulf; 10 Fuchs vehicles designed to test the air for chemical warfare agents; transportation offered for U.S. forces.

Netherlands: 2 naval vessels (frigates).

Belgium: 4 naval vessels (2 minesweepers, 1 frigate, 1 support ship); 4 transport aircraft.

Italy: 3 naval vessels (frigates); 1 squadron of Tornado jets.

Greece: 1 naval vessel (frigate).

Spain: 3 naval vessels (1 frigate, 2 corvettes).

Portugal: 1 naval vessel (supply ship).

Norway: Supply and sealift ships pledged.

Denmark: 1 naval vessel (corvette); sealift ships pledged.

Czechosolvakia: 3 anti-chemical weapons units with 370 personnel.

Poland: 1 hospital ship.

Bulgaria: 1 unit of army engineers pledged.

Others

Canada: 3 naval vessels (2 destroyers, 1 supply ship); 1 sqadron of CF–18 fighter jets, 12 transport aircraft; 500 support personnel.

Australia: 3 naval vessels (1 frigate, 1 destroyer, 1 supply ship).

Pakistan: 4,000 troops and 5,000 military advisors and technicians.

Bangladesh: 3,000 troops; 2,000 more troops pledged.

Argentina: 2 naval vessels (1 frigate, 1 destroyer); 2 transport aircraft.

Senegal: 500 troops.

Niger: Unspecified forces.

Afghan Mujahideen: 2,000 troops pledged, if transportation can be provided.

The Soviet Union has maintained two guided missile destroyers in the Persian Gulf region since before Iraq's invasion of Kuwait. These ships have not taken part in the international naval interdictions effort. Soviet officials have indicated that the USSR would consider contributing military forces to a U.N.-controlled multilateral force in the Persian Gulf, but would not participate in military action otherwise.

Egyptian and Syrian military commanders have announced that their forces will contribute to the defense of Saudi Arabia but will not participate in any offensive military action against Iraq.

Prime Minister Toshiki Kaifu of Japan proposed sending a force composed of approximately 1,000 Japanese military personnel and civilian volunteers to the Persian Gulf, in order to support the multinational effort against Iraq. However, due to parliamentary and public opposition, this proposal was not considered by the Japanese parliament before it adjourned for the year on November 10.

Financial contributions by other nations

Other nations have made commitments to support the multinational effort against Iraq by pledging financial support totaling $20 billion. Financial contributions have generally taken three forms: cash or in-kind contributions to the multinational force in Saudi Arabia, economic assistance to nations adversely affected by the U.N. sanctions (especially Egypt, Turkey, and Jordan), and aid to refugees attempting to leave Iraq. Many of the pledges to the multinational force came after Secretary of State James Baker and Secretary of the Treasury Nicholas Brady met with leaders of Asian, European, and Middle Eastern nations in early September. Further pledges of financial support are anticipated. Below is the latest status of these contributions (as of December 12).

Arab Nations

Saudi Arabia: $12 billion pledged for all in-country costs for U.S. troops and aircraft in Saudi Arabia. U.S. deployment costs, payments to front-line states, and assistance to defray the cost of Egypt's and Syria's military deployments.

Kuwait: $5 billion in 1990 including $2.5 for U.S. deployment costs; $2.5 billion for front-line states.

United Arab Emerates: Unspecified amount to support multinational force deployment and the front-line states (possibly $1 billion).

European Nations

EEC: $2 billion to countries adversely affected by the U.N. sanctions, including emergency aid for refugees.

Britain: Unspecified financial assistance to countries affected by the U.N. sanctions; over $10 million to international organizations for refugee aid.

West Germany: $2 billion, including $1 billion for transportation and financial aid to the U.S. military deployment and $1 billion for economic assistance to Egypt ($650 million), Jordan ($130 million cash contribution), and Turkey.

Italy: $145 million (type of asistance and recipients unspecified).

France: $106 million, including $48 million for Egypt. $29 million for Turkey, and $29 million for Morrocco.

Netherlands: $2.6 million for the repatriation of Asian refugees in Jordan.

Other Nations

Japan: $4.023 billion, including $2 billion in economic assistance to states in the region (Egypt, Turkey and Jordan will receive $600 million in emergency assistance). $2 billion in logistical support for the multinational force. $22 million for refugees $675,000 worth of humanitarian assistance to Jordan (tents, pharmaceuticals, blankets, etc.).

South Korea: $220 million, including $35 million for the multinational force and $125 million for economic assistance.

On December 12, press reports indicated that the U.S. Government plans to ask its allies in the Persian Gulf to provide $4 to $5 billion in 1991 for Jordan, Egypt, and Turkey to compensate for losses to these countries due to the crisis.

Defense cooperation account

In legislation providing FY 1990 supplemental appropriations for Operation Desert Shield (H.J. Res. 655), Congress established the Defense Cooperation Account, through which foreign governments and individuals could contribute funds to support U.S. military operations in the Persian Gulf region. Major donors of funds and in-kind contributions are listed below.

TABLE 2.—OPERATION DESERT SHIELD CONTRIBUTIONS

[In millions of dollars]

Contributor	Cash received (as of Nov. 30)	In-kind assistance received (as of Oct. 31)	Total
Saudia Arabia	760	227	987
Kuwait	2,250	3	2,253
United Arab Emirates	250	30	280
Japan	376	50	426
Germany	272	65	337
South Korea	0	4	4
Total	3,908	379	4,287

Mr. SARBANES. Will the Senator yield, as he indicated earlier he would? I was prompted to ask the Senator to yield by a recollection he had of a closed briefing involving Members of the Senate and the Secretary of State and the Secretary of Defense which led him to question the statement made by the majority leader in his address earlier to us in this body.

The majority leader said, and I quote him, in response to my direct question just a few days ago: "Both the Secretary of State and the Secretary of Defense acknowledge that sanctions have not failed."

I say to the Senator, I was at that meeting. I was literally only a few feet from the two Secretaries and the majority leader.

Mr. SPECTER. So was I.

Mr. SARBANES. We were both there. It was my distinct recollection that the majority leader put that question to the Secretary, whether they were saying that the sanctions had failed. They indicated that is not what they were saying; that they were not saying that.

They indicated that they could not guarantee that the sanctions would work. That is a different question. The majority leader, in fact, had gone on and made the point that is what they indicated.

So I only rise to take issue with the questioning of the Senator of the majority leader's statement as to the nature of that meeting, and the questions and answers which were quoted.

Mr. SPECTER. By way of reply, my statement is that a fair reading of what Secretary of State Baker and Secretary of Defense Cheney had to say was that the sanctions were failing. The use of sanctions was not a course which was calculated to produce results; that they were not going to produce that result.

Mr. SARBANES. The majority leader asked them.

Mr. SPECTER. If the sanctions were working, and of course this is tied into the coalition which has to support the sanctions, then I think there would have been a different conclusion by the President and his administration.

Mr. SARBANES. Does the Senator question the accuracy of the majority leader's report of that question-and-answer session?

Mr. SPECTER. I do. I believe that a fair reading of what Secretary of State Baker and Secretary of Defense Cheney said was that the sanctions were not working.

Mr. SARBANES. No, no. The question that was put, and which the majority leader reported, was whether sanctions had failed. He asked them whether they were saying that the sanctions had failed, and they said, no, they were not saying that, but they went on to say that they could not guarantee that the sanctions would work. That is exactly what the majority leader has said in his statement. I was at that meeting.

The Senator may want to differ with the substance of the conclusion, but I do not think he ought to take the floor and cast a doubt over a factual report of the question-and-answer session. As one Senator, if that is what the Senator intends to do, I have taken the floor to make the point that I have a very definite and distinct recollection contrary to the one the Senator from Pennsylvania has asserted here on the floor of the Senate.

Mr. SPECTER. I was present myself. When the Senator says the Senator should not take the floor and disagree with what the majority leader has said, how does that apply to the Senator from Maryland taking the floor and disagreeing with what the Senator from Pennsylvania has said? I believe that any of us is privileged to take the floor and express our views as to what we believe are facts, as well as what we believe are contentions.

My statement was that Secretary Baker and Secretary Cheney said that the sanctions were not working, that that was a fair reading of what they were saying. The Senator from Maryland then rises and says, "No, no," they said the sanctions were not failing. But when you change the wording, "the sanctions are not failing," from my statement, which is that a fair reading of their representations was that the sanctions were not working, that is what I think they said. I think it is bolstered by the fact that they have abandoned the sanctions.

Jim Baker, Dick Cheney, and George Bush do not want to go to war any more than you or I do. They have chosen a course to use force, or to have that option, because the sanctions are not working. That is their conclusion. The Secretary of State and the Secretary of Defense were there for 2¼ hours. I was there from the minute it started until the minute it ended. And, I repeat, a fair reading of what they said was that the sanctions were not working.

The PRESIDING OFFICER (Mr. DODD). Who seeks recognition?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I yield 30 seconds to the Senator from Maryland.

Mr. SARBANES. Mr. President, I will simply close on this point. The Senator from Pennsylvania, as I understood him, and I listened very carefully when he spoke, casts doubt on the majority leader's assertion that in that closed briefing when he put a question to the two Secretaries when they were saying that the sanctions had failed and they said—I am quoting the majority leader—"In response to my direct question just a few days ago, both the Secretary of State and the Secretary of Defense acknowledged the sanctions have not failed." That was a direct question that he put to them, and that was their response.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I had the floor. I yielded for 30 seconds. Would the Senator like 30 seconds? I ask unanimous consent that I may yield for 30 seconds to the Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, again, I was hoping we might get into these kinds of colloquies on the floor. I know Senators want to give their speeches and express their views on this issue, but I hope that we will have enough time to be able to engage in these kinds of colloquies on the Senate floor to ferret out information that is false or inaccurate, or whatever, and correct the record, that sort of thing.

I want to respond to a couple of things that the distinguished Senator from Pennsylvania said, for whom I have the greatest respect.

Mr. DANFORTH. Mr. President, a parliamentary inquiry. Who has the floor?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. DANFORTH. I object to the Senator from Iowa making speeches on the time of the Senator from Delaware.

The PRESIDING OFFICER. The unanimous consent was made and, without objection, it was agreed to.

Mr. DANFORTH. Mr. President, what was the request?

The PRESIDING OFFICER. For the Senator from Iowa to be recognized for 30 seconds.

Mr. DANFORTH. How much of that time remains?

The PRESIDING OFFICER. The 30 seconds have expired. The Senator from Delaware is recognized.

THE GULF CRISIS

Mr. BIDEN. Before I begin, I want to say that I understand the concern of the Senator from Iowa in engaging in a debate. I know the Senator from Pennsylvania extremely well, and I think what we have is, as they said in one of those old Paul Newman movies, is a failure to communicate. What the majority leader said, and I was at the meeting, was precisely accurate. But what the Senator from Pennsylvania says, as I read him to say, is that a reasonable person could sit there and say the flip side of that is that this thing is not working. What they said in the private meeting has been said publicly and said before our committee. When the Secretary of State was asked, in the Foreign Relations Committee, "Have they failed?" he said, "No, they have not failed, but they will not produce the results that we hoped to achieve." A reasonable person could sit there and say, well, that means they are not working.

That is the only reason I am not yielding to get into that kind of debate at this point, having waited here as long as I have to make what I hope is a mild contribution to this debate in the first of two speeches I will attempt to make on the floor, one today and one tomorrow.

Mr. President, this whole debate, in my view, at this point, could have been avoided. Not the debate about whether or not sanctions have failed or not failed, but the debate about whether or not to give the President authority to unleash the awesome military power and capability of the United States, much of which is sitting in the Persian Gulf. I believe it could have been avoided.

I thought the Senator from New York said it best when he said we seemed not to have learned any of the lessons from the cold war victory that we achieved without ever having to have that third world war that everyone suggested was inevitable to be able to have our principles succeed. I think that is part of our problem here.

The fact of the matter is that the mistake that we are about to make, if we grant the President the authority to commit those forces to battle, can also be avoided. It is not too late. A number of Senators have risen today on the floor and said that although they would have liked sanctions to continue to work—and the defensive posture protects the rest of the gulf, plus sanctions strangling Iraq—a literal siege against that country, notwithstanding the fact they thought that was working pretty well and they would have, had they had their druthers, continued the policy—we are beyond that, they said. And they are beyond that, they say, in effect, because we have already made a judgment—the President has made a judgment.

But I believe it is a mistake. We all make mistakes. Lord knows, I have made a number of them, but never have had the responsibility that when a mistake is made it could be of a consequences as this one—unless it is turned around. The mistake that was made was that the President decided that he could achieve the objectives sought by all of us of getting Saddam Hussein out of Kuwait by a show of overwhelming force, offensive force. The President changed his vocabulary on November 8. He started using the word "offensive" instead of "defensive," and it was an honest, accurate change in his vocabulary because he said now we are going to commit over 400,000 troops—this was in November—over the next several months to the Persian Gulf.

Now he put himself in a position I believe, because I do not believe he wants war, of assuming that if we had a show of overwhelming force Saddam Hussein would see the wisdom of withdrawing prior to being militarily crushed by this overwhelming force.

Big nations cannot bluff. That is high-stakes poker. He made that judgment. On the very day he made that judgment I went on record in interviews—on national TV shows and in my home State—and said look, this is a serious mistake.

Mark my words: What we are going to hear from this moment on is that anyone who disagrees with the policy of the President from this moment on is either abandoning our young men and women in the field, showing a lack of unity which will embolden Saddam Hussein, or giving comfort to the enemy, and the like.

The Senator in the chair and I are both of that so-called Vietnam generation. Every time we raised our voice in opposition then, we were told you are giving aid and comfort to Ho Chi Minh, and maybe in a sense we were in that there was not total unity. But there is a corollary to this argument. The flip side of that is this: If a President embarks on a foolish policy against the long-term interests of the United States, it is better to sign on to that foolish policy and show unity, thereby, increasing incrementally the prospects that the threat, as foolish as it may be, may produce the result desired, than it is to say whoa, let us slow up here.

There is an acquaintance of mine, a former CEO of a company in my State who one day used the phrase which I suspect has been used before, although I have never heard it before, where he said we have a policy in this outfit when you find yourself in a hole, stop digging. We are in a bit of a hole here.

There is an argument made by those who want to give the President the authority to use force, beyond the foreign policy soundness or lack thereof of the argument, they say and, you will hear this time and again, if, God forbid, we use force you are showing disunity, you are weakening our position. You will hear it 6 months from now if, God forbid, we go to war and are still at war at that time. "Those of you who continue to argue against this policy back in the United States Senate are giving that Iraqi in the foxhole that little bit more heart to stay and hold on just a minute more" and so on, and so on, and so on.

But you know what? It is a little like if you said to the jewel thief who just came out of the ground floor of a building, "Look, if you do not give back those jewels, I am going to jump on top of you and kill you from the seventh floor." That may be enough to make him give them back, but if he does not, you have just caused yourself more pain and injury than anything that could possibly flow from him keeping the jewels.

But that is not even a choice here. Saddam Hussein does not get to keep the jewels or we go to war. That should not be the debate. That is not really what is at issue. The fact of the matter is, Mr. President, that is how it will be characterized.

We hear about international organizations being in full support of this. Of course they are in support of it. We have new world order. The United Nations has voted and if they continue this new world order will continue to vote to allow the United States of America to right any wrong in the world.

But the truth is that not every member of the coalition will use force if it comes to that. The administration won't admit it. But it is fair to say that our experts in this administration are not counting on everybody to participate who signed on, to say the least. If there is a war 95 percent of the casualties in the coalition will be American.

If there is a war, we will prevail. we will win the battle. But 95 percent of the enmity of the Arab world—outside of Iraq—to the extent there is any, will be directed to the United States. The French are already trying to cut their own deal, notwithstanding the fact that they contend they will go to war.

I hear, well, the coalition can hold in peace. I ask Senators, if this outfit cannot hold together in time of peace, this coalition, what are your bets about it holding together in time of war? I am willing to make book on that one.

So every argument that can be made as to why we must move now to war because the peaceful coalition will break down is accurate in spades if we go to war.

We win. And we inherit the wind. Saddam Hussein is out of Kuwait.

You ask the administration officials, what is the next step? Well, the Secretary of Defense before the House was honest enough to say—"What are your contingency plans?" a House Member asked him, and he said, "We have none." Why do not we think what the next logical step may be? You put your right foot in front of your left, and unless you are going to stand still the left is going to have to follow. And the left foot is going to land in a vacuum, Mr. President.

I do not know what that vacuum is going to be, but it is not preposterous to suggest that we may have an occupying force in Baghdad for years. Maybe a month, but it could be years.

It is not preposterous to suggest that we will have a "U.N. force, a large percentage of it made up by the United States" having to decide, do we go to war against Iran to prevent them from taking Iraqi oil fields? And our good friend Mr. Assad, what can we expect from him in a postconflict situation?

Mr. President, there is a lot more to say about the wisdom or lack thereof of the present policy. But today I would like to fully address the constitutional issue before us in this crisis.

Rarely does the Senate find itself debating a matter because the Constitution of the United States of America demands that we do so. Today is one of those days.

The Constitution—even if we wished not to—demands that we debate the question. We are here today because our Constitution, a document written by men who shed blood to free this land from tyranny of any one individual, commands the Congress to decide the gravest question any country faces: Should it go to war? Let there be no mistake about it, Mr. President, this is a question which the Congress—and only the Congress—can answer.

On this point the Constitution is as clear as it is plain. While article II of the Constitution gives the President the power to command our troops, article I of the Constitution commits to Congress—and Congress alone—the power to decide if this Nation will go to war. The Framers of our Constitution took great pains to ensure that the Government they established for us would differ from the rule of the British monarchs. They knew firsthand of the consequences of leaving the choice between war and peace to one man.

In England, the king alone could decide to take a nation to war. But in America, the Federalist Papers tell us this power "by the Constitution appertains to the legislature."

As Framer James Wilson assured those who feared the President's military power when they gathered to vote on the Constitution:

> It will not be in the power of any single man to invoke us in such distress for the important power of declaring war is vested in the legislature at large.

In light of this, Mr. President, it seems almost impossible to believe we are having a serious argument in this country today about whether, under the Constitution, the President alone can take the Nation to war. The Constitution's language says that the war power rests with the Congress, and from James Madison to John Marshall, the Constitution's fathers all understood this to be a key principle of the Republic.

Lest anyone in this body or anyone listening wonder why I am raising this question—since we will soon vote on a resolution authorizing the use of force—I am raising it because the President continues to insist he does not need the will of the people, spoken through the Congress as envisioned by the Constitution, to decide whether or not to go to war. I assume that means he would believe he had the constitutional authority even if we vote down a resolution authorizing him to use force. Whether he would politically do that or not is another question. But at least it should be somewhere on the record that there is ample evidence, constitutional scholarship to suggest that he has no such authority.

On Tuesday, President Bush asked this Congress to debate and decide whether to take the Nation to war. Unfortunately, the President stopped short of abandoning his previous claim that he has the power, acting alone, to start a war. His Secretary of Defense has said, "We do not believe that the President requires any additional authorization from the Congress before committing U.S. forces to achieve our objectives in the gulf."

And his Secretary of State has said, "The President has the right as a matter of practice and principle to initiate military action."

Just yesterday, as I mentioned earlier, the President himself said that he alone has the constitutional authority to initiate war.

To put it simply, these views are at odds with the Constitution. They may accurately describe the power of leaders of other countries, but they do not describe the power of the President of the United States.

As one of the Framers said at the Constitutional Convention in 1787, and as he would say, I suspect, today, if he could hear the Secretaries of State and Defense, "I never expected to hear in a Republic a motion to empower the Executive alone to declare war."

Yes, the President is the Commander in Chief. But in the Framers' view, according to Alexander Hamilton, this amounts to, "nothing more than the supreme command and direction of the military and naval force." In short, the Congress decides whether to make war. And the President decides how to do so.

The meaning of the Constitution in this case is clear, direct, and indisputable.

Before President Bush can launch an offensive action of 400,000 troops—by anybody's standard a war—he must obtain a congressional authorization or declaration. It need not be a formal declaration of war, according to precedents and all the constitutional scholars, but it must be a clear, unambiguous authorization. To do less would be to flagrantly violate the very document that our troops are there sworn to uphold.

This has been my view since the President's first deployment of U.S. troops in early August. It is supported by the language of the Constitution, by the intentions of the Framers, and by the history of our Nation. And, I might add, most importantly, by the spirit of our democracy.

My view on the constitutional issue was strongly reinforced earlier this week when the Senate Judiciary Committee held the first congressional hearings to address the question of the President's authority under our Constitution to initiate military action against Iraq.

At our hearing we heard from distinguished constitutional scholars on the matter. Their testimony, I think, is enormously persuasive. In the words of former Attorney General Nicholas Katzenbach, "Unless the grant of section 8 is to be read out of the Constitution entirely, the President is obliged in the present circumstances to seek congressional approval for an attack to force Iraq out of Kuwait."

As Prof. Louis Henkin, perhaps the Nation's foremost expert in international law and the U.S. Constitution—and a supporter of the U.N. resolution against Iraq—told the committee, "The President has no authority under the Constitution to take military action that would constitute going to war against Iraq unless he receives authorization from Congress by a clear and unambiguous indication in advance."

Professor Henkin's statements reinforce another important point. Congressional silence in this field cannot be interpreted as an assent to war.

Under our Constitution, the President does not possess the power to launch a war unless the Congress stops him. That is not what it says. Rather, it says he has the power to command in a war only if the Congress chooses to launch one.

As Prof. William van Alstyne told the committee, the President "may not loose the dogs of war until the Congress affirmatively authorizes it. It is just that simple." As Prof. Harold Koh of Yale put it, "silence has a sound, and the sound is no."

Of course, I do not think the Congress should remain silent. That is why we are here today. Indeed, since last August I have been calling for full congressional debate and a vote on this matter, as my friend from Massachusetts and others have since that time as well.

This is not simply a constitutional requirement, but a political necessity. How can we remain silent on a great issue being debated around the country? How can the President contemplate initiating military action of this magnitude without the clearly expressed support of the American people through their elected representatives? Without that support, whatever policy the President chooses, through wisdom or folly, cannot possibly succeed.

The Framers knew this and that is why they delegated to us the power to choose between war and peace. The responsibility is awesome; the decision is difficult; and it is a choice some in Congress may prefer to avoid. But whatever our view on this ultimate decision, this is one point on which all should agree: the decision whether or not to go to war rests with the Congress. The overwhelming opinion of scholars and historians rest on this side; yet the administration and a handful of scholars reject this constitutional command. I want to briefly address their arguments now.

The arguments for Presidential power fall into two categories: general and specific. The general arguments say that the President has the constitutional power to launch a military attack without congressional authorization under almost every conceivable circumstance, including this one.

The specific arguments rely on particular aspects of this crisis to establish Presidential authority. Let me consider them both in turn.

The most general argument for Presidential authorities cites the President's power as Commander in Chief and notes that in our history, military force has been used over 200 times against foreign adversaries, and only five times with a declaration of war. That has been mentioned time and again here.

But upon examination of the record, as I have and I hope others will, of those over 200 instances—the record demonstrates that many of these 200 instances were not attacks against sovereign nations and, thus, war could not have been declared. Others were mostly minor police actions to protect American property or citizens living abroad, or others were sufficiently time urgent to fit under the rubric of the President's constitutional power to repel sudden attacks. Others were authorized by congressional enactments that served as de facto declarations of war, such as the Tonkin Gulf resolution.

To demonstrate the absurdity of this superficially appealing claim, let me give my colleagues one example of these 200 precedents being cited by the President.

In 1824, an American ship sent out a landing party to the Spanish possession of Cuba in pursuit of pirates. There could be no comparing pursuing pirates on the Spanish possession of Cuba by an American ship with what is going on today.

We have now deployed a major portion of our air, naval, and land forces to the region. The gulf standoff has persisted for months without significant military action. American hostages have been released. American diplomats can be evacuated.

Four hundred thousand Americans sit in the desert ready to launch an assault that would be vastly larger than D-day in its size and scope. If the Constitution does not require a declaration of war in this case, it is hard for me to imagine when it ever would apply.

In sum, our constitutional tradition does not support the President's view, but rather just the opposite, and throughout our history, American Presidents have acknowledged the proper division between their role and that of the Congress.

For example, when Thomas Jefferson considered launching a military assault on the Spanish, he wrote: "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force. The course belongs to Congress exclusively to yield or to deny."

President James Buchanan put it similarly: "Without the authority of Congress," he said, "the President cannot fire a hostile gun in any case except to repel attacks of any enemy."

Perhaps because they knew that history was against them, the President's advisers have also said that the circumstances of modern warfare are such that extensive debate cannot reasonably precede the use of military force, lest the enemy be made aware of our intentions.

Thus, early on in this crisis, when I proposed a resolution authorizing the use of force under certain circumstances but requiring the President to return and ask Congress for the authority to initiate offensive action, Secretary of State Baker argued that if the President had to follow this approach, we would lose the element of surprise in our military planning.

That was on October 17, 1990. Yet 1 month later, the administration went to the U.N. Security Council, where an authorization for the use of force was debated and ultimately passed. What happened to the element of surprise? The longstanding claim that we cannot debate war in the modern age has been shown to be a red herring by the U.N. resolution.

This argument that we do not have time to debate this issue clearly, in this case, was specious from the outset. Moreover, the mere fact that submitting this question to the Congress is inconvenient does not in any way lessen the clarity of the constitutional command. As the Supreme Court has written, "The fact that a given procedure is efficient, convenient, and useful in facilitating functions of the Government will not save it if it is contrary to the Constitution. Convenience and efficiency are not the primary objectives—or the hallmarks—of a democratic government."

In sum, the general argument for Presidential authority to initiate war is profoundly misguided and deeply undemocratic. In the words again of Professor Henken, this view is "without foundation in [constitutional] text, in original intent, or in our constitutional history."

So much for the general claim that the President has the power to take the Nation to war. Let me now briefly move to the specific arguments that are being made, relating to the current crisis, on which the advocates of Presidential power also rely.

Noting the U.N. resolutions on the gulf crisis, and particularly U.N. Resolution 678, advocates of Presidential power argue that U.S. ratification of the U.N. Charter binds us to adhere to these resolutions, and provides the President with an independent authority to act under U.N. auspices.

In fact, Prof. Eugene Rostow argued to the committee that the President's constitutional obligation to "take care that the Laws [of the United States] be faithfully executed"—including treaties—encompasses a constitutional duty of the President to implement the U.N. resolutions, and gives him the power to do so without congressional assent.

I understand the allure of this position. Many who have long sought a stronger United Nations want to see steps taken by the United Nations receive the maximum possible weight. And, indeed, the U.N. resolutions are an important factor to be weighed as we begin our debate on this issue.

But while the U.N. resolutions do count as a foreign policy matter, they do not change in any way the constitutional calculus. As several witnesses told our committee, the flaws of the contrary position are numerous.

First, there is the question of whether any treaty, including the U.N. Charter, could—in effect—modify the Constitution's allocation of power to Congress to decide if the United States will go to war. I seriously doubt that the President and the Senate could treaty away the House's role on making this choice.

Second, even if the President and the Senate could enter into a treaty that would give the President the power to take the Nation to war, the question is, is the U.N. charter such a treaty? Again, the answer is probably no.

The law that this Congress passed to establish our participation at the United Nations—the U.N. Participation Act—said that "nothing here * * * shall be construed as an authorization to the President by the Congress to make available to the Security Council * * * armed forces * * * in addition to the forces * * * provided for in [a] special agreement" under article 43 of the U.N. Charter—and no such article 43 "special agreement" has ever been negotiated.

Moreover, even if our ratification of the U.N. Charter did—in 1945—give the President additional powers to go to war under the U.N. Charter, Congress' enactment of the War Powers Resolution in 1973 reversed that decision. The act states:

> Authority to introduce U.S. Armed Forces into hostilities * * * shall not be inferred from any treaty heretofore ratified.

And finally, even ignoring all of this, and instead assuming that the President could take the Nation to war as directed by the United Nations, the fundamental fact is that in the gulf crisis, no U.N. resolution has directed him to do so. The U.N. resolutions merely authorize member states, acting under their own laws and procedures, to use any necessary means to get Iraq out of Kuwait. They do not order us to launch an attack, and therefore, they do not create any treaty obligation on the President to launch a war in the gulf.

Thus, the so-called U.N. argument for Presidential power can be dismissed in this way: even if the ratification of a treaty could give the President added war power—which I doubt—and the U.N. Charter, as ratified, did make this change—which it did not—and Congress accepted this view—which it expressly rejected in 1973.

The fact is that in the current crisis, the United Nations has done nothing to obligate our President to take any action with respect to our military power.

The choice to go to war remains with the Congress and the Congress alone, as it always does. So it has been since the earliest days of our Republic, so it is today, and so it always will be as long as this country is governed by a Constitution.

In closing, Mr. President, I would like to point out a terrible irony in the debate over the constitutional issue under discussion here today.

Stop and think about the President's rationale for war. As I understand it—it is at least in part—that Iraq has violated the law of nations through its heinous invasion of Kuwait, and that we must set a precedent for the new world order based on the rule of the law.

Fair enough. But then let us just ask this question: Is the President prepared to pursue this same objective here at home? Soon some 400,000 soldiers will be in the Saudi desert; most are there now. These American men and women are prepared to fight and die if necessary to "preserve our way of life," as the President phrases it, or to reverse aggression, as it is less grandiosely phrased, to uphold the law of nations, and to inaugurate a new world order.

Yet the President, at least in his statements, appears willing to violate our Constitution to achieve those objectives. If this crisis is really about upholding the law of nations, I suggest the President must start by upholding the law at home and clearly acknowledging that only the Congress can take this Nation to war.

Americans once lived under a system where one man had the unfettered choice to decide by himself whether we would go to war. We launched a revolution to free ourselves from the tyranny of such a system.

Failure by the Congress to discharge our constitutional role—to insist that the choice about war be made by us and not by the President—would be a mistake of historic proportions.

(Ms. MIKULSKI assumed the chair.)

Mr. BIDEN. As Prof. Van Alstyne passionately told the Judiciary Committee on Tuesday:

> If Congress in this instance cannot now reclaim its own constitutional integrity, then this is the constitutional moment—not Korea, not the Civil War—it is this one that will serve as the monument to the future the Congress [will have] collaborated in the collapse of the separation of powers under the Constitution of the United States.

Madam President, no warning could be put more starkly; no statement could state our constitutional duty more clearly.

In the days ahead, let the Senate stand up and discharge our proper and solemn role under the Constitution.

With the permission of the Senate, I will seek the floor tomorrow to speak to the merits or lack thereof of the President's policy.

I thank my colleagues.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, like all my colleagues, I have been engaged in intensive soul-searching on how I will vote on the question now before the Senate, whether to support the President if he determines force is necessary to expel Iraq from Kuwait. Throughout this soul-searching, two convictions have been foremost in my mind.

First, I am convinced beyond a doubt that the United States must not allow the status quo in Kuwait to stand. Some have argued that the President has not made a clear case for America's insistence that Iraq must withdraw from Kuwait, but for me the President's case is both crystal clear and overwhelmingly convincing.

This is the first major test of the post-cold-war world order. With the recent collapse of the Soviet Empire, the great threat we have feared since 1945 is no longer real. The likelihood is zero that the Soviet Union will precipitate war by invading Western Europe. But the events of August 2 have demonstrated to all that to be rid of one threat does not make the world safe. A growing list of countries now possess or soon will possess the instruments of mass destruction. One of those countries is Iraq. It is simply not sufficient to check the possibility of terrifying aggression at one of its sources. We must be prepared to check terrifying aggression at all of its sources.

In Kuwait, Iraq is the aggressor, and its actions cannot be tolerated. Nearly all of us agree on this point. Iraq attacked its neighbor, occupied its territory, and brutalized its people. It has fielded a massive army with chemical and biological warfare capability that it has no compunctions about using. It now controls 20 percent of the world's proven oil reserves, and, if undeterred, it could control an additional 25 percent of world reserves in Saudi Arabia by conquest or intimidation.

Some people have asked whether this conflict is not "just about" oil. To me, that is like asking whether it is not just about oxygen. Like it or not, our country, together with the rest of the world, is utterly dependent on oil. Our economy, our jobs, our ability to defend ourselves are dependent on our access to oil. To control the world's supply of oil is in a real sense to control the world. So what is involved in the Persian Gulf today is not only the preservation of the world order and the prevention of brutal aggression; it is the vital economic and security interests of the United States and the rest of the world as well.

For many years, commentators of various philosophical stripes, especially liberal commentators, have argued that the United States should not go it alone in the world. We should not take it upon ourselves to be the world's policeman. So the commentators have argued, with respect to Central America and elsewhere, that our country should not act unilaterally; we should work with other countries; we should address crises on a multilateral basis.

This is exactly what President Bush has done with respect to the present crisis. He has gone repeatedly to the United Nations Security Council for approval of concerted action. He and Secretary of State Baker have consulted incessantly with countries throughout the world. He has asked for and received the military and economic support of more than 20 nations. He has been widely acclaimed, especially by the liberals, for this multilateral approach.

It is argued that while many nations have done something, few nations have done enough. I suppose this point would always be made no matter what the degree of commitment by our partners. But what are we to make of such an argument? That multilateralism was a mistake after all? That no matter how assiduously pursued, it never really works?

The advocates of multilateralism cannot have it both ways. They cannot applaud it one day, and jeer at it the next. Would that there were more leaders from the free world, but the fact is that the United States is the leader. We are the one remaining world power. And if the United States now retreats from its commitment for a joint effort on the ground that others are not as strong or as firm as we are, all the efforts to seek Security Council resolutions and to consult with other governments will have been an exercise of futility, recognized as such throughout the world.

The captain cannot abandon the ship. Having gained the approval of so many other governments, some of which are on the very border of Iraq and in great peril for their survival, it is unthinkable that our Government would now lose its will. Having urged the world to approve combined action, it is not an option for the Congress of the United States to disapprove what we for months have asked others to support.

This then is my first conviction: We cannot accept Iraq's occupation of Kuwait.

My second conviction is that war with Iraq would be a disaster we should do everything to avoid. I have believed and I do believe that the negative consequences of war far outweigh the positive. These negatives have totally consumed my thinking, and I have expressed them to the President and to key members of his administration.

I foresee many casualties, the use of chemical weapons by Iraq, terrorist strikes, Israel's involvement, and long-lasting turmoil in the Middle East. Repeatedly, I asked myself the same question: When we win the war, then what happens? What happens to the balance of power in the Middle East? To the governance of Iraq? To the stability of friendly governments in Egypt and Saudi Arabia? Repeatedly I have come to the same answers. While the status quo is unacceptable, the alternative of war is even worse.

Because of this conclusion I have for some time believed that if I had to vote on the matter, I would vote against authorizing the President to use military force. I have taken comfort in the proposition that we will soon be voting on it here in the Senate. Let us give sanctions a chance to work.

But, Madam President, after consulting with the best advice I can find, I have concluded that there is no comfort to be found in that proposition. It is clear to me that sanctions alone cannot reverse the status quo. Sanctions alone will cause suffering to the civilian population of Iraq but they will not force the Iraqi Army from Kuwait. And causing suffering to a civilian population without military results should never be the objective of a civilized nation.

I refer the Senate, as others have today, to the public testimony of Director of Central Intelligence Webster before the House Armed Services Committee on December 5, 1990. I ask unanimous consent, as others have, Madam President, that a transcript of that testimony be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SANCTIONS IN THE PERSIAN GULF

IRAQ: THE DOMESTIC IMPACT OF SANCTIONS, DECEMBER 4, 1990

Thank you, Mr. Chairman. I appreciate the opportunity to address this committee on what the intelligence community believes the sanctions have already accomplished and what we believe the sanctions are likely to accomplish over time. Of course, sanctions are only one type of pressure being applied on Iraq, and their impact cannot be completely distinguished from the combined impact of military, diplomatic, and economic initiatives on Iraq.

At the technical level, economic sanctions and the embargo against Iraq have put Saddam Hussein on notice that he is isolated from the world community and have dealt a serious blow to the Iraqi economy. More than 100 countries are supporting the U.N. resolutions that impose economic sanctions on Iraq. Coupled with the U.S. Government's increased ability to detect and follow up on attempts to circumvent the blockade, the sanctions have all but shut off Iraq's exports and reduced imports to less than 10 percent of their preinvasion level. All sectors of the Iraqi economy are feeling the pinch of sanctions, and many industries have largely shut down. Most importantly, the blockade has eliminated any hope Baghdad had of cashing in on higher oil prices or its seizure of Kuwait oilfields.

Despite mounting disruptions and hardships resulting from sanctions, Saddam apparently believes that he can outlast international resolve to maintain sanctions. We see no indication that Saddam is concerned, at this point, that domestic discontent is growing to levels that may threaten his regime or that problems resulting from the sanctions are causing him to rethink his policy on Kuwait. The Iraqi people have experienced considerable deprivation in the past. Given the brutal nature of the Iraqi security services, the population is not likely to oppose Saddam openly. Our judgment has been, and continues to be, that there is no assurance or guarantee that economic hardships will compel Saddam to change his policies or lead to internal unrest that would threaten his regime.

Let me take a few minutes to review briefly with you some of the information that led us to these conclusions, as well as to present our assessment of the likely impact of sanctions over the coming months.

The blockade and embargo have worked more effectively than Saddam probably expected. More than 90 percent of imports and 97 percent of exports have been shut off. Although there is smuggling across Iraq's borders, it is extremely small relative to Iraq's pre-crisis trade. Iraqi efforts to break sanctions have thus far been largely unsuccessful. What little leakage that has occurred is due largely to a relatively small number of private firms acting independently. We believe most countries are actively enforcing the sanctions and plan to continue doing so.

Industry appears to be the hardest hit sector so far. Many firms are finding it difficult to cope, with the departure of foreign workers and with the cutoff of imported industrial inputs—which comprised nearly 60 percent of Iraq's total imports prior to the invasion. These shortages have either shut down or severely curtailed production by a variety of industries, including many light industrial and assembly plants as well as the country's only tire-manufacturing plant. Despite these shutdowns, the most vital industries—including electric power generation and refining—do not yet appear threatened. We believe they will be able to function for some time because domestic consumption has been reduced, because Iraqi and Kuwaiti facilities have been cannibalized and because some stockpiles and surpluses already existed.

The cutoff of Iraq's oil exports and the success of sanctions also have choked off Baghdad's financial resources. This too has been more effective and more complete than Saddam probably expected. In fact, we believe that a lack of foreign exchange will, in time, be Iraq's greatest economic difficulty. The embargo has deprived Baghdad of roughly $1.5 billion of foreign exchange earnings monthly. We have no evidence that Iraq has significantly augmented the limited foreign exchange reserves to which it still has access. As a result, Baghdad is working to conserve foreign exchange and to devise alternative methods to finance imports.

We believe Baghdad's actions to forestall shortages of food stocks—including rationing, encouraging smuggling, and promoting agricultural production—are adequate for the next several months. The fall harvest of fruits and vegetables is injecting new supplies into the market and will provide a psychological as well as tangible respite from mounting pressures. The Iraqi population, in general, has access to sufficient staple foods. Other foodstuffs—still not rationed—also remain available. However, the variety is diminishing and prices are sharply inflated. For example, sugar purchased on the open market at the official exchange rate went from $32 per 50 kilogram bag in August to $580 per bag last month. Baghdad remains concerned about its food stocks and continues to try to extend stocks and, increasingly, to divert supplies to the military. In late November, Baghdad cut civilian rations for the second time since the rationing program began, while announcing increases in rations for military personnel and their families.

On balance, the embargo has increased the economic hardships facing the average Iraqi. In order to supplement their rations, Iraqis must turn to the black market, where most goods can be purchased but at highly inflated prices. They are forced to spend considerable amounts of time searching for reasonably priced food or waiting in lines for bread and other rationed items. In addition, services ranging from medical care to sanitation have been curtailed. But these hardships are easier for Iraqis to endure than the combination of economic distress, high casualty rates, and repeated missile and air attacks that Iraqis lived with during the eight-year Iran-Iraq war. During this war, incidentally, there was not a single significant public disturbance even though casualties hit 2.3 percent of the total Iraqi population—about the same as the percentage of U.S. casualties during the Civil War.

Looking ahead, the economic picture changes somewhat. We expect Baghdad's foreign exchange reserves to become extremely tight, leaving it little cash left with which to entice potential sanctions-busters. At current rates of depletion, we estimate Iraq will have nearly depleted its available foreign exchange reserves by next spring. Able to obtain even fewer key imports, Iraq's economic problems will begin to multiply as Baghdad is forced to gradually shut down growing numbers of facilities in order to keep critical activities functioning as long as possible. Economic conditions will be noticeably worse, and Baghdad will find allocating scarce resources a significantly more difficult task.

Probably only energy-related and some military industries will still be fully functioning by next spring. This will almost certainly be the case by next summer. Baghdad will try to keep basic services such as electric power from deteriorating. The regime also will try to insulate critical military industries to prevent an erosion of military preparedness. Nonetheless, reduced rations, coupled with rapid inflation and little additional support from the Government will compound the economic pressures facing most Iraqis.

By next spring, Iraqis will have made major changes in their diets. Poultry, a staple of the Iraqi diet, will not be available. Unless Iraq receives humanitarian food aid or unless smuggling increases, some critical commodities such as sugar and edible oils will be in short supply. Distribution problems are likely to create localized shortages. But we expect that Baghdad will be able to maintain grain consumption—mainly wheat, barley, and rice—at about two-thirds of last year's level until the next harvest in May.

The spring grain and vegetable harvest will again augment food stocks, although only temporarily. To boost next year's food production, Baghdad has raised prices paid to farmers for their produce and decreed that farmers must cultivate all available land. Nonetheless, Iraq does not have the capability to become self-sufficient in food production by next year. Weather is the critical variable in grain production and even if it is good, Iraqis will be able to produce less than half the grain they need. In addition, Iraq's vegetable production next year may be less than normal because of its inability to obtain seed stock from abroad. Iraq had obtained seed from the United States, The Netherlands, and France.

Although sanctions are hurting Iraq's civilian economy, they are affecting the Iraqi military only at the margins. Iraq's fairly static, defensive posture will reduce wear and tear on military equipment and, as a result, extend the life of its inventory of spare parts and maintenance items. Under now-combat conditions, Iraqi ground and air forces can probably maintain near-current levels of readiness for as long as nine months.

We expect the Iraqi Air Force to feel the effects of the sanctions more quickly and to a greater degree than the Iraqi ground forces because of its greater reliance on high technology and foreign equipment and technicians. Major repairs to sophisticated aircraft like the F–1 will be achieved with significant difficulty, if at all, because of the exodus of foreign technicians. Iraqi technicians, however, should be able to maintain current levels of aircraft sorties for three to six months.

The Iraqi ground forces are more immune to sanctions. Before the invasion, Baghdad maintained large inventories of basic military supplies, such as ammunition, and supplies probably remain adequate. The embargo will eventually hurt Iraqi armor by preventing the replacement of old fire-control systems and creating shortages of additives for various critical lubricants. Shortages will also affect Iraqi cargo trucks over time.

Mr. Chairman, while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. At present, Saddam almost certainly assumes that he is coping effectively with the sanctions. He appears confident in the ability of his security services to contain potential discontent, and we do not believe he is troubled by the hardships Iraqis will be forced to endure. Saddam's willingness to sit tight and try to outlast the sanctions or, in the alternative, to avoid war by withdrawing from Kuwait will be determined by his total assessment of the political, economic, and military pressures arrayed against him.

Mr. DANFORTH. The conclusion of Director Webster is that sanctions in themselves will not lead to the overthrow of Saddam Hussein, and that they will not lead him to change his policy toward Kuwait. The Director states that if Saddam Hussein decides to withdraw from Kuwait, that decision, and I quote, "will be determined by his total assessment of political, economic, and military pressures arrayed against him."

It is my privilege to serve on the Select Committee on Intelligence. I am precluded, of course, from divulging classified information I have received in briefings in that committee. However, I am free to state my own conclusions on the basis of my total understanding. My conclusion is this: Standing by themselves and without the credible threat of military force, sanctions have no chance of expelling Iraq from Kuwait.

Some have argued that sanctions would over time weaken Iraq's military position and make an eventual conflict less costly to American forces. But this assumption is not borne out by the best available advice, including Director Webster's public testimony. The Director states that "Under known combat conditions, Iraqi ground and air forces can probably maintain near current levels of readiness for as long as 9 months." He further states that the Iraqi Air Force would feel the effects of sanctions to a greater degree than ground forces, which are more immune to sanctions, but it is ground forces that dug into Kuwait in massive numbers and it has been said that ground forces have never been defeated by air superiority alone.

Madam President, I know that there have been various interpretations offered in the Senate about exactly what Director Webster said in his testimony on December 5. It could be said that he testified that sanctions work. Madam President, if the meaning of "work" is to inflict pain on civilians, that conclusion is absolutely correct. But there is no way to read the testimony of Director Webster on December 5 and come out with a conclusion that the sanctions offer any possibility of removing Iraq from Kuwait in the foreseeable future.

I would like to quote just a few excerpts from the letter that Director Webster has written today to Chairman ASPIN, of the House Armed Services Committee. These are the words of William Webster. First, characterizing his testimony of December 5, he said:

> I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

And then the Director goes on and says this:

> The ability of the Iraqi ground forces to defend Kuwait and Southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq could easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moveover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength.

The Director then says:

> On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications.
>
> Iraq's Air Force and air defenses are more likely to be hit far more severely than its army, if effective sanctions are maintained for another 6 to 12 months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

"Our judgment remains," says the Director, "that even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq.''

So is time on our side, Madam President, as I have long wanted to believe? I cannot persuade myself that this was any more than wishful thinking on my part.

What happens for the next 9 months or a year, or more than a year, as we vainly wait for the Iraqis to leave their fortifications? Do we keep more than 400,000 troops in place through Ramadan, through the Hadj, through the summer? And if so, what happens to their readiness, their support by the American people, their acceptance by the Muslim masses? To ask these questions is to answer them.

To wait for sanctions to work is to wait while we get weaker and Iraq bides its time. The one and only chance to accomplish our objectives without war is to maintain sanctions accompanied by a credible military threat. Without a credible military threat, our alternative is sanctions followed by nothing at all.

The key to peace is maintaining a credible military threat, and this is precisely the point our pending votes will address. Those who would give sanctions a chance before military action is even possible would decouple the two components which must be kept linked, if we have any chance of getting Iraq out of Kuwait without a fight. They would foreclose any possibility of a just peace.

This is why I cannot vote for sanctions alone. This is why I cannot vote to deprive the President of the credible threat of force. It is indeed a supreme irony that it is only through the threat of force that a stable world can be maintained. But that is an irony we have recognized ever since World War II.

Madam President, I do believe that Saddam Hussein pays attention to what we do and say in the Senate. I do believe that the President's credibility is our best hope, if we are to preserve a stable world without war. We will soon vote to enhance that credibility or to undercut it.

I will support the President with my votes and with my prayers.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island, the chairman of the Foreign Relations Committee.

WAR IN THE PERSIAN GULF

Mr. PELL. Madam President, the vote we will soon take is the most momentous that any Member of Congress must cast: It is an anguished vote, a vote on whether to commit young American men and women to battle. Under the Constitution it is the Congress that must make this decision, and in this debate we at last must face up to our responsibilities in connection with this Persian Gulf crisis.

In this regard, my present view is that, while force may eventually be necessary, and I could see myself voting in support, I know that is not my view at this time. Thus, at this time, I will vote against war.

Over our country's 200 year history, generations of Americans have been called upon to serve our country in the defense of our territory, our people, and our values. Many of us in this body have served the cause of freedom in World War II, in Korea, and in Vietnam.

Hundreds of thousands of young men and women in my lifetime have been killed, have made the supreme sacrifices for our country. I respect that sacrifice and I believe that we best honor our fallen countrymen by being absolutely certain that no future young Americans need die unless absolutely necessary.

I do not believe it is necessary to commit American forces to battle in the Persian Gulf at this time. We have in place today a strategy of international sanctions and military deployment that can and, in my judgment, will accomplish our objectives in the Persian Gulf. These objectives are: The defense of Saudi Arabia and other friendly regional nations, the security of world energy supplies, the liberation of Kuwait, and the punishment of aggression.

With nearly 400,000 servicemen in the Persian Gulf we have more than adequate force to defeat totally an Iraqi attack on Saudi Arabia. Let us remember it was to defend Saudi Arabia—and not to reverse the occupation of Kuwait—that President Bush made the original deployments of United States forces to Saudi Arabia, deployments that were supported by virtually every Member of the United States Congress.

We have in place a strategy of economic and financial sanctions aimed at forcing Iraq to withdraw from Kuwait. These sanctions are mandated by U.N. Security Council Resolution 661, and are being honored by almost every country. The U.N. Security Council has given members authority to enforce the embargo through naval blockade, and the United States is one of a number of countries participating in an international force to deny Iraq access to maritime commerce.

As a result of the U.N. sanctions, Iraq can sell no oil. It can perform no financial transactions. Iraq's gross national product has fallen between 40 and 50 percent in just 4 months. There is also in place a virtually total ban on imports. Without spare parts, imported inputs, and foreign technicians, Iraq cannot operate most of the expensive infrastructure that it purchased in the oil boom years of the 1960's and 1970's. Iraq cannot manufacture tires for its transport. It will soon be unable to produce certain kinds of lubricants or to refine high quality aviation fuel.

Even more important, the sanctions are beginning to erode Iraq's military potential. Without spare parts it cannot fly its airplanes, replace its artillery, or maintain its tanks. The United States replaces its helicopter engines every 50 hours of flying time in the desert. Iraq cannot replace its helicopter engines.

I believe sanctions will force Saddam Hussein to withdraw from Kuwait or, in the alternative, would eventually force the Iraqi people to replace Saddam Hussein. I concede, however, that sanctions might not produce an Iraqi withdrawal. If force does become necessary, I want our servicemen and women to enter battle facing the best possible odds. That is not the case now. But over time, I believe, sanctions will improve the odds in favor of our Armed Forces as compared with the degrading Iraqis military machine. And to repeat, I believe we owe it to them to give our men and women every possible advantage.

Some have suggested that this debate is a partisan one, that Republicans are more interested in getting Saddam Hussein out of Kuwait while Democrats wish to get George Bush out of the White House.

Two and a half years ago, I stood on the Senate floor as the author of the Prevention of Genocide Act, a bill to impose comprehensive sanctions on Iraq for its use of poison gas on its Kurdish minority. More than 20,000 innocent women, children, and men died as a result of a violation of international law and human decency no less serious than the seizure of Kuwait. Yet the Reagan administration vehemently opposed sanctions against Iraq then. And even a week before the invasion of Kuwait, the Bush administration strongly opposed a sanctions bill coauthored by Senator D'AMATO and myself. I cannot help but observe that among those who are most enthusiastic about committing United States forces to battle against Iraq now are those who were most vocally opposed to sanctions prior to August 2.

This debate is not about objectives. We are united in our goals: Iraq must withdraw from Kuwait and aggression must not be rewarded. Our difference is simply one of tactics. Do we continue our effective sanctions policy or do we seize on using force now, without ever knowing if the sanctions would have worked, without ever giving our service men and women the benefit of the weakest possible Iraqi foe.

Nor is this debate about politics. There is an honest difference of opinion about the best course of action for our country. As among those who have served our country in war and one who has pressed in the U.S. Senate for the toughest possible nonmilitary response to years of Iraqi law-breaking, I believe that at this time, peace and the continuation of comprehensive sanctions is the wisest course and the strongest course.

The PRESIDING OFFICER. The Senator from New York.

THE PERSIAN GULF CRISIS

Mr. D'AMATO. Madam President, if I might be permitted, while the chairman of the Foreign Relations Committee is still on floor, to make an observation, he is absolutely correct as it relates to the failure to the administration and this Congress repeatedly to take any kind of action—the cutoff of trade—with Saddam Hussein. We were more interested in the profits than what was taking place to the people, to the slaughter of the innocent and the use of poison gas. I commend my colleague for his steadfastness of purpose and his commitment and his attempt early on to wake people up as to what was taking place. He is absolutely correct.

Mr. PELL. I thank the Senator.

Mr. D'AMATO. Madam President, notwithstanding my keen admiration for my colleague from Rhode Island in his sense of justice and purpose, I have to think that as to resolutions that have been indicated are going to be considered, the joint resolution that was submitted today by the majority leader and others is one that I think will do terrible harm to our country. To put it succinctly it rewards Saddam Hussein and it gives a slap in the face to our President and our people. It undercuts the United States at a time when we should be sending Saddam Hussein a message that we are committed to seeing that he leaves Kuwait. It does away with the chance ad opportunity to end this conflict—and it is a conflict and it is a struggle—peacefully. It is because only when Saddam Hussein understands that there is a very real threat of the elimination of those things important to his being able to sustain himself that we have an opportunity for victory, and victory is bringing about freedom for the people of Kuwait, and, yes, establishing an order so that that region so important to the stability of world peace can be freed from that kind of military machine.

This is Congress at its worst, and I cannot believe that my colleagues after studying the record, after looking at the fact as it relates to sanctions, can say let us give sanctions more time. More time for what? So that 6 months from now we will come back here and we will face a situation with less support for standing up to Saddam Hussein and aggression throughout the world than we have today? If we think our allies have been shirking their responsibility in making contributions to this war effort—and I am talking Japanese, Germans, French and even the Saudis—what makes you think that 6 months from now or 9 months from now those contributions will be increased or will that shirking be even greater and will the burden on American families be even greater?

No, Madam President, I think that this is a terrible situation. I think that is the end of bipartisanship as it reflects on our foreign policy. This resolution is nothing short, again, than a blow to our President, to our young men and women out there in Saudi Arabia, a blow to everything that we stand for, and it says that we do not put the trust and confidence in our President when to use force if he deems it necessary; that somehow we, the Senate of the United States, know better when that force can and should be used.

This is not a constitutional debate about a declaration of war. There is the Congress, yes, that must stand up and make a decision whether force should or should not be used, saying, notwithstanding that the President feels he needs that authority so that he is credible when he says to Saddam Hussein "You must leave; otherwise, we can and will use force if necessary," that the Congress says, "No, we have not waited long enough."

I do not know when the United States needs its credibility more than now. It is not too late for us to give to our President that authority. I believe when he has that authority, we have a much better opportunity for ending this deadly undertaking without the use of force. If we want peace, let us give our President the ability to sustain and to make it known that he has the ability to carry out those promises and those undertakings, that he has made those assurances that he has given our allies and those warnings that he has given to our enemy.

OPPOSING WAR IN THE PERSIAN GULF

Mr. KENNEDY. Madam President, the debate we begin today is a watershed in the modern history of the Senate and the Nation. The choice beteeen war and peace is the most important decision that any nation ever makes, and the votes to come may be the most important votes that any of us will ever cast.

The lives of thousands of American and allied forces are hanging in the balance, as are the lives of thousands of innocent civilians in the Middle East. The course that America takes in the next few days may well affect the stability of that region of the world for years, or even generations to come.

Two days ago, President Bush asked Congress to support the use of "all necessary means" to implement the Security Council Resolution on the Persian Gulf. For all practical purposes, President Bush is asking Congress, as he must under the Constitution, for authority to take this country into war after the January 15 deadline in the U.N. resolution.

I urge the Senate to vote for peace, not war. Now is not the time for war. I reject the argument that says Congress must support the President, right or wrong. We have our own responsibility to do what is right, and I believe that war today is wrong.

War is not the only option left to us in the Persian Gulf. The President may have set January 15 as his deadline. But the American people have not. Sanctions and diplomacy may still achieve our objectives, and Congress has a responsibility to ensure that all peaceful options are exhausted before resorting to war.

Until we reach that stage, Congress ought not to authorize the President to use force. At this historic moment, it may well be that only Congress can stop this senseless march toward war.

There is broad support in Congress for the goals of the U.N. resolution. All of us share the disappointment that yesterday's meeting between Secretary Baker and Foreign Minister Aziz failed to make progress toward a peaceful settlement. But the world has not gone the last mile for peace, and we have not reached the last resort of war.

The Secretary General of the United Nations, Perez de Cuellar, will meet with Saddam Hussein on Saturday. President Bush, France, the European Community, Algeria and other Arab nations are still testing avenues for peace.

No one knows whether any of these efforts can succeed. No one can predict what moves the unpredictable Saddam Hussein will make. I reject the "good cop-bad cop" theory that the more belligerently the United States threatens war, the more likely these other diplomatic initiatives will succeed. In fact, I believe it represents the worst kind of brinkmanship that only makes war more likely.

The resolution offered today by Majority Leader MITCHELL is the wisest course for peace. The American people stand united in opposing Saddam Hussein. They are unwavering in their commitment to the goals of the immediate, complete, and unconditional withdrawal of all Iraqi forces from Kuwait, and the restoration of peace and security in the Persian Gulf.

But America is deeply divided on whether war at this time and on President Bush's timetable is the only way to accomplish these goals. We have given peace a chance, but we have not given peace enough chance.

President Bush has gone to great lengths to emphasize that if we go to war, it will not be another Vietnam-type war. But the President has missed the greatest lesson from that tragic war—that it is a grave mistake to take a divided America into war. Unless and until the American people support a war with Iraq, Congress has no business authorizing war.

The world's response to Iraq's unconscionable invasion of Kuwait is unprecedented. Never before have the nations of the world come together so quickly, so overwhelmingly and so decisively in opposition to aggression. If ever there was an example of the new world order of which President Bush speaks, this is it. It makes no sense to risk all that we have achieved in the name of peace by a premature resort to war.

Yet with no meaningful consultation with Congress, the President unilaterally decided on November 8 to move away from a sensible policy that had stopped Iraq in its tracks, and that was working effectively to achieve the goals of the United States and the world community, without the need for war.

Two days after the November elections, President Bush inexplicably declared his policy of deterrence and sanctions a failure, abandoned Operation Desert Shield, and took up Operation Desert War.

The confrontation in the gulf was initially the world against Iraq. But since November 8, because of the "High Noon" atmosphere created by President Bush, the conflict has become increasingly America against Iraq—and if the shooting starts, it will be almost entirely America against Iraq.

Our policy went off track on November 8 but that is no justification for Congress to ratify it now. Giving peace a realistic chance was the best course for America and the world before November 8, and it is still the best course on January 10. There is still time for Congress to insist that sanctions and diplomacy be given the full and fair opportunity to work that they deserve, before Congress takes the fateful step of authorizing the President to send American men and women to die in war in the Persian Gulf.

Sanctions have not failed, and no one can prove they have. They still have a good chance of achieving our objectives in the gulf. Saddam Hussein is paying a heavy price for his aggression; 95 to 97 percent of his oil exports have been shut down. Iraq's economy has been cut nearly in half. Saddam has no foreign exchange to prime his war machine. A trickle of consumer goods may be slipping through, but Saddam cannot run his country or his war machine on that.

Saddam still occupies Kuwait's oil fields, but they are worthless to him. He invaded Kuwait to boost his oil revenues—but instead he is losing $1.5 billion a month. His earnings from oil are now zero—and that is no minor achievement. The sanctions are having unparalleled success in squeezing Iraq. There is no reason to abandon them now, when we still have an excellent chance of using them to achieve all our objectives, without shedding the blood of thousands of American troops.

Let there be no mistake about the cost of war. We have arrayed an impressive international coalition against Iraq. But when the bullets start flying, 90 percent of the casualties will be American. It is hardly a surprise that so many other nations are willing to fight to the last American to achieve the goals of the United Nations. It is not their sons and daughters who will do the dying.

Most military experts tell us that a war with Iraq will not be "quick and decisive" as President Bush suggests. It will be brutal and costly. It will take weeks, even months and will quickly turn from an air war into a ground war with thousands perhaps even tens of thousands of American casualties.

The administration refuses to release casualty estimates. But the 45,000 body bags the Pentagon has sent to the region are all the evidence we need of the high price in lives and blood we will have to pay.

Military experts have used Israel's two recent desert wars as reliable indicators of the casualties we will suffer. In its Six-Day War in 1967, Israel suffered 3,300 casualties out of a force of 300,000, including 700 dead. In the heavier fighting that lasted 20 days in the 1973 war, Israel's casualties were over 11,000 for a force of similar size, with 2,600 dead.

In other words, we are talking about the likelihood of at least 3,000 American casualties a week, with 700 dead, for as long as the war goes on.

Perhaps President Bush is correct, that a war with Saddam will end in days, not weeks or months. But what if he is wrong? There is little doubt that even the quickest victory will come at a high cost in American lives.

We must also be concerned about the unpredictable impact of war on the rest of the region in terms of our vital interests. Minister Aziz bluntly stated that Iraq will attack Israel—absolutely attack—when war begins. No one knows what will happen if Israel responds with massive retaliation against Iraq. No one can predict the impact of a massive American attack—of American bombs killing thousands of Iraqi civilians—if the President decides to bomb Baghdad or other cities to achieve his objectives. As Vietnam proved, there is no such thing as a surgical strike.

Finally, there is the issue of the Constitution. Throughout this crisis, the administration has contended that President Bush already has all the authority he needs to order United States troops into war against Iraq, without the approval of Congress.

That position is wrong—dead wrong—and not a single American should die because of it. No President, if he is faithful to the Constitution and the fundamental principle of our democracy, has the right to send U.S. troops into war without the approval of Congress.

As James Madison wrote nearly 200 years ago, "the power to declare war, including the power of judging of the causes of war, is fully and exclusively vested in the legislature."

Article II of the Constitution makes the President the Commander in Chief of the Armed Forces; but article I gives Congress, and only Congress, the power to declare war.

Like much of the Constitution, these provisions were a response for the ages to the abuses of the British monarchy. The Framers were all too familiar with the grave consequences that result when the King declares war, orders troops into battle, and then presents Parliament with a fait accompli and asks it to support the war, whether or not Parliament and the people believe that the war is just.

The debates during the Constitutional Convention in Philadelphia in 1787 reflect this concern. When the proposal was made that the President be given the power to "make" war, it encountered great opposition.

Roger Sherman of Connecticut said that the President "should be able to repel, and not to commence, war."

Elbridge Gerry of Massachusetts stated that he "never expected to hear, in a republic, a motion to empower the executive alone to make war."

George Mason of Virginia said that he was "against giving the power of war to the executive, because [he] could not safely * * * be trusted with it."

And so, in keeping with the fundamental constitutional principle of checks and balances, the warmaking power was carefully divided between Congress and the President, in order to ensure that no President could unilaterally commit the United States to war.

Later, during the debates in the States on the ratification of the Constitution, James Wilson, one of the key figures in writing that provision, informed the Pennsylvania ratifying convention:

> It will not be in the power of a single man, or a single body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large * * *.

The practice of Presidents immediately after the ratification of the Constitution is consistent with this view. In the early 1800's, for example, when the leader of Tripoli declared war on the United States and attacked United States ships, President Thomas Jefferson sent naval vessels to the Mediterranean to protect them. But he limited the mission to defense, because he felt he was constitutionally required to do so.

In the current debate, much has been made of the so-called 211 past incidents in which the United States has sent troops abroad without a declaration of war. The overwhelming majority of these past cases were not wars at all; most were brief expeditions to protect U.S. citizens in danger or to attack pirates or bandits, not wars against foreign nations.

None of these cases resembles the unprecedented situation in the Persian Gulf, with 400,000 American troops now massed on the brink of war.

Only four times before in this century has the United States made a large-scale commitment to send U.S. troops overseas to combat another nation: World War I, World War II, Korea, and Vietnam. Both world wars were authorized by Congressional declarations of war. The massive United States buildup in Vietnam was authorized by the Gulf of Tonkin resolution.

In the case of Korea, President Truman ordered United States troops into South Korea less than a week after the invasion, while the assault by the North Koreans was still underway. Even before the troops arrived, Congress expressed its support for the President's action by voting to extend the draft. Similarly, no one challenged President Bush's decision to send United States troops to the Persian Gulf last August, to prevent Iraq from overrunning Saudi Arabia after its brutal invasion of Kuwait.

But the circumstances now are entirely different, and President Bush must have the authority of Congress before he can go to war.

It is also wrong to suggest that President Bush has the authority under any of the United Nations resolutions to commence war in the Persian Gulf without congressional approval. U.N. Resolution 678 only authorizes each member government to use force against Iraq in accordance with the procedures of each country; it does not require any nation to go to war. And under our Constitution, the President can go to war only if Congress has declared it.

Finally, it has also been suggested that existing laws, such as those appropriating funds for Operation Desert Shield and exempting it from last year's budget agreement, authorize President Bush to go to war. That contention is wrong as a matter of fact; and it would be a gross affront to the Constitution for the President to assert otherwise.

Presidents have the authority to protect American lives and defend American property from sudden attack. But they do not have the authority to commence war in the vastly different circumstances we face in the Gulf.

The overwhelming weight of informed legal opinion supports this view. Last week, I released a letter signed by 127 of the Nation's most distinguished law professors, stating their firm conviction that the Constitution requires the President to obtain prior express congressional authorization before he may order United States Armed Forces to make war in the Persian Gulf. That letter has now been signed by a total of 241 law professors representing a broad philosophical spectrum of legal views.

Fortunately, President Bush has now at least partially acquiesced in what the Constitution so obviously requires. He has asked Congress for authority to go to war—although he continues to insist that he does not need any such authority, and it is by no means clear that he will abide by a vote in Congress that denies him such authority.

I hope that in the course of this debate in Congress, someone on behalf of the Bush administration will submit the constitutional argument which the President says he is relying on, when he claims he needs no additional authority from Congress to go to war.

The administration chose not to send a witness to make that case in the hearings held by the Senate Judiciary Committee last Tuesday. And the strong impression left by that hearing was that the administration has no credible argument to make, because its position cannot stand the light of day.

All of us hope that war with Iraq can be avoided. But if it cannot, the hundreds of thousands of American men and women who will risk their lives in such a war deserve to know that the Constitution they are sworn to protect has been obeyed. If not, we are no better than the dictators we are opposing.

Strict adherence to the Constitution, and to the democratic values that it represents, have never been more important than at this crucial and defining moment in our history. If we allow President Bush to start a war without prior congressional approval, it will haunt us for years to come.

When President Truman seized the Nation's steel mills during the Korean War, the Supreme Court ruled that he had acted unconstitutionally. The court struck down his action, and Justice Jackson wrote, "We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."

In sum, all Americans want to see Saddam Hussein out of Kuwait. There is no division on that issue. The question before us is not whether to achieve that objective, but how. No one wants to undercut the President. But more is at stake than that. America should not go to war simply because President Bush set an unreal deadline that closed off real possibilities for peace. Under the Constitution, that decision is ours to make, not his.

No course is easy, or without costs. But we have a responsibility to decide which course best protects American interests and American lives. A persuasive case for war cannot be made. Let us continue the sanctions and continue our diplomacy, until all peaceful options have been clearly exhausted. Then and only then should Congress authorize President Bush to take this Nation into war.

As Robert Frost wrote long ago in "The Road Not Taken," a poem that speaks for the ages and that speaks to us now:

Two roads diverged in a wood, and I—
I took the one less travelled by,
And that has made all the difference.

In the course of human events, peace often seems the road less traveled by. But it is the road we ought to take today, and it may well make all the difference.

Madam President, I ask unanimous consent that the letter from the law professors on the constitutional issue, and a CRS report detailing the use of U.S. Armed Forces abroad over the last 200 years may be printed in the RECORD. It should be noted that the report was completed prior to the United States invasion of Panama on December 20, 1989, which brings the total to 216.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 2, 1991.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We, the undersigned law professors, write to express our firm conviction that the Constitution requires the President to obtain prior express congressional authorization before he may order United States armed forces to make war in the Persian Gulf. We write to affirm our belief in this fundamental constitutional principle, not to express our views on the wisdom of any contemplated action.

Article I, §8, cl. 11 of the Constitution states that "Congress shall have Power * * * [t]o declare War." Although Article II, §2, cl. 1 names the President as "Commander in Chief of the Army and Navy," we believe that the President may not invoke that authority to make war without consulting with and gaining the genuine approval of Congress.

The structure and history of our Constitution compel this sharing of responsibility. Like other presidential powers, executive power to conduct war remains subject to the checks and balances vested by the Constitution in Congress and the courts. "This system" in James Wilson's words, "will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large * * *." 2 *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* 528 (J. Elliot ed. 1888).

The fact that American troops have in the past participated in hostilities abroad without congressional authorization does not alter this fundamental constitutional principle. The essential meaning of a constitutional provision cannot be altered by inaction on the part of prior Congresses or Presidents.

The Constitution thus requires that the President meaningfully consult with Congress and receive its affirmative authorization before engaging in acts of war. We further believe that Congress must manifest its approval through formal action, not legislative silence, stray remarks of individual Members, or collateral legislative activity that the President or a court might construe to constitute "acquiescence" in executive acts.

We hope that our views will assist you and your colleagues as you prepare to discharge your constitutional responsibilities in this critical time for our Nation.

Sincerely,*

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Prof. Harold H. Koh, Yale University Law School.

Prof. Susan P. Koniak, University of Pittsburgh Law School.

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*We sign this letter on our own behalf and not as representatives of our respective schools.

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Prof. Minna Kotkin, Brooklyn Law School.

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Prof. Gail J. Wright, Pace University School of Law.

[CRS Report for Congress, Dec. 4, 1989]

INSTANCES OF USE OF UNITED STATES ARMED FORCES ABROAD, 1798–1989[1]

(Edited by Ellen C. Collier, Specialist in U.S. Foreign Policy, Foreign Affairs and National Defense Division)

The following list indicates approximately 215 times that the United States has utilized military forces abroad in situations of conflict or potential conflict to protect U.S. citizens or promote U.S. interests. The list does not include covert actions or numerous instances in which U.S. forces have been stationed abroad since World War II in occupation forces or for participation in mutual security organizations, base agreements, or routine military assistance or training operations. Because of differing judgments over the actions to be included, other lists may include more or fewer instances.[2]

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[1] This list through 1975 is reprinted with few changes from: U.S. Congress, House. Committee on International Relations [now Foreign Affairs]. Subcommittee on International Security and Scientific Affairs. Background Information on the Use of U.S. Armed Forces in Foreign Countries, 1975 Revision. Committee print, 94th Congress, 1st session. Prepared by the Foreign Affairs Division, Congressional

The instances vary greatly in size of operation, legal authorization, and significance. The number of troops involved range from a few sailors or Marines landed to protect American lives and property to hundreds of thousands in Vietnam and millions in world War II. Some actions were of short duration and some lasted a number of years. In some instances a military officer acted without authorization; some actions were conducted solely under the President's powers as Chief Executive or Commander in Chief; other instances were authorized by Congress in some fashion; five (listed in bold-face type) were declared wars. For most of the instances listed, however, the status of the action under domestic or international law has not been addressed. Thus inclusion in this list does not connote either legality or significance.

1798–1800—*Undeclared Naval War with France.* This contest included land actions, such as that in the Dominican Republic, city of Puerto Plata, where marines captured a French privateer under the guns of the forts.

1801–05—*Tripoli.* The First Barbary War, including the *George Washington* and *Philadelphia* affairs and the Eaton expedition, during which a few marines landed with United States Agent William Eaton to raise a force against Tripoli in an effort to free the crew of the *Philadelphia.* Tripoli declared war but not the United States.

1806—*Mexico (Spanish territory).* Capt. Z. M. Pike, with a platoon of troops, invaded Spanish territory at the headwaters of the Rio Grande deliberately and on orders from Gen. James Wilkinson. He was made prisoner without resistance at a fort he constructed in present day Colorado, taken to Mexico, later released after seizure of his papers.

1806–10—*Gulf of Mexico.* American gunboats operated from New Orleans against Spanish and French privateers, such as La Fitte, off the Mississippi Delta, chiefly under Capt. John Shaw and Master Commandant David Porter.

1810—*West Florida (Spanish territory).* Gov. Claiborne of Louisiana, on orders of the President, occupied with troops territory in dispute east of Mississippi as far as the Pearl River, later the eastern boundary of Louisiana. He was authorized to seize as far east as the Perdido River.

1812—*Amelia Island and other parts of east Florida, then under Spain.* Temporary possession was authorized by President Madison and by Congress, to prevent occupation by any other power; but possession was obtained by Gen. George Matthews in so irregular a manner that his measures were disavowed by the President.

1812–15—War of 1812. On June 18, 1812, the United States declared war between the United States and the United Kingdom of Great Britain and Ireland.

1818—*West Florida (Spanish territory).* On authority given by Congress, General Wilkinson seized Mobile Bay in April with 600 soldiers. A small Spanish garrison gave way. Thus U.S. advanced into disputed territory to the Perdido River, as projected in 1810. No fighting.

1814–18—*Marquesas Islands.* Built a fort on island of Nukahiva to protect three prize ships which had been captured from the British.

1814—*Spanish Florida.* Gen. Andrew Jackson took Pensacola and drove out the British with whom the United States was at war.

1814–25—*Caribbean.* Engagements between pirates and American ships or squadrons took place repeatedly especially ashore and offshore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. Three thousand pirate attacks on merchantmen were reported between 1815 and 1823. In 1822 Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies.

1815—*Algiers.* The second Barbary War, declared by the opponents but not by the United States. Congress authorized an expedition. A large fleet under Decatur attacked Algiers and obtained indemnities.

1815—*Tripoli.* After securing an agreement from Algiers, Decatur demonstrated with his squadron at Tunis and Tripoli, where he secured indemnities for offenses during the War of 1812.

1816—*Spanish Florida.* United States forces destroyed Nicholls Fort, called also Negro Fort, which harbored raiders making forays into United States territory.

1816–18—*Spanish Florida—First Seminole War.* The Seminole Indians, whose area was a resort for escaped slaves and border ruffians, were attacked by troops under Generals Jackson and Gaines and pursued into northern Florida. Spanish posts were attacked and occupied, British citizens executed.

1817—*Amelia Island (Spanish territory off Florida).* Under orders of President Monroe, United States forces landed and expelled a group of smugglers, adventurers, and freebooters.

1818—*Oregon.* The U.S.S. *Ontario,* dispatched from Washington, landed at the Columbia River and in August took possession. Britian had conceded sovereignty but Russia and Spain asserted claims to the area.

1820–23—*Africa.* Naval units raided the slave traffic pursuant to the 1819 act of Congress.

1822—*Cuba.* United States naval forces suppressing piracy landed on the northwest coast of Cuba and burned a private station.

1823—*Cuba.* Brief landings in pursuit of pirates occurred April 8 near Escondido; April 16 near Cayo Blanco; July 11 at Siquapa Bay; July 21 at Cape Cruz; and October 23 at Camrioca.

1824—*Cuba.* In October the U.S.S. *Porpoise* landed bluejackets near Matanzas in pursuit of pirates. This was during the cruise authorized in 1822.

1824—*Puerto Rico (Spanish territory).* Commodore David Porter with a landing party attacked the town of Fajardo which had sheltered pirates and insulted American naval officers. He landed with 200 men in November and forced an apology.

1825—*Cuba.* In March cooperating American and British forces landed at Sagua La Grande to capture pirates.

1827—*Greece.* In October and November landing parties hunted pirates on the islands of Argenteire, Miconi, and Androse.

1831–32—*Falkland Islands.* To investigate the capture of three American sailing vessels and to protect American interests.

1832—*Sumatra*—February 6 to 9. To punish natives of the town of Quallah Battoo for depredations on American shipping.

1833—*Argentina*—October 31 to November 15. A force was sent ashore at Buenos Aires to protect the interests of the United States and other countries during an insurrection.

1835–36—*Peru*—December 10, 1835 to January 24, 1836, and August 31 to December 7, 1836. Marines protected American interests in Callao and Lima during an attempted revolution.

1836—*Mexico.* General Gaines occupied Nacogdoches (Tex.), disputed territory, from July to December during the Texan war for independence, under orders to cross the "imaginary boundary line" if an Indian outbreak threatened.

1838–39—*Sumatra*—December 24, 1838 to January 4, 1839. To punish natives of the towns of Quallah Battoo and Muckie (Mukki) for depredations on American shipping.

1840—*Fiji Islands*—July. To punish natives for attacking American exploring and surveying parties.

1841—*Drummond Island, Kingsmill Group.* To avenge the murder of a seaman by the natives.

1841—*Samoa*—February 24. To avenge the murder of an American seaman on Upolu Island.

1842—*Mexico.* Commodore T.A.C. Jones, in command of a squadron long cruising off California, occupied Monterey, Calif., on October 19, believing war had come. He discovered peace, withdrew, and saluted. A similar incident occurred a week later at San Diego.

1843—*China.* Sailors and marines from the *St. Louis* were landed after a clash between Americans and Chinese at the trading post in Canton.

1843—*Africa*—November 29 to December 16. Four United States vessels demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory coast, etc., and to punish attacks by the natives on American seamen and shipping.

1844—*Mexico.* President Tyler deployed U.S. forces to protect Texas against Mexico, pending Senate approval of a treaty of annexation. (Later rejected.) He defended his action against a Senate resolution of inquiry.

1846–48—Mexican War. On May 13, 1846, the United States declared war with Mexico.

1849—*Smyrna.* In July a naval force gained release of an American seized by Austrian officials.

1851—*Turkey.* After a massacre of foreigners (including Americans) at Jaffa in January, a demonstration by the Mediterranean Squadron was ordered along the Turkish (Levant) coast.

1851—*Johanns Island (east of Africa)*—August. To exact redress for the unlawful imprisonment of the captain of an American whaling brig.

1852–53—*Argentina*—February 3 to 12, 1852; September 17, 1852 to April 1853. Marines were landed and maintained in Buenos Aires to protect American interests during a revolution.

Research Service, Library of Congress. Washington, U.S. Government Printing Office, 1975. 84 p.

[2] Other lists include: Goldwater, Senator Barry. War Without Declaration. A Chronological List of 199 U.S. Military Hostilities Abroad Without a Declaration of War. 1798–1972. Congressional Record, V. 119, July 20, 1973: S14174–14183; U.S. Department of State. Armed Actions Taken by the United States Without a Declaration of War, 1789–1967. Research Project 806A. Historical Studies Division. Bureau of Public Affairs. For a discussion of the evolution of the lists and legal authorization for various actions, see Wormuth, Francis D. and Edwin B. Firmage, To Chain the Dog of War; the War Power of Congress in History and Law. Dallas, Southern Methodist University Press, 1986. Chapter 9, Lists of Wars. p. 133–149.

1853—*Nicaragua*—March 11 to 13. To protect American lives and interests during political disturbances.

1853-54—*Japan*. The "opening of Japan" and the Perry Expedition.

1853-54—*Ryukyu and Bonin Islands*. Commodore Perry on three visits before going to Japan and while waiting for a reply from Japan made a naval demonstration, landing marines twice, and secured a coaling concession from the ruler of Naha on Okinawa; he also demonstrated in the Bonin Islands with the purpose of securing facilities for commerce.

1854—*China*—April 4 to June 15 to 17. To protect American interests in and near Shanghai during Chinese civil strife.

1854—*Nicaragua*—July 9 to 15. San Juan del Norte (Greytown) was destroyed to avenge an insult to the American Minister to Nicaragua.

1855—*China*—May 19 to 21. To protect American interests in Shanghai. August 3 to 4 to fight pirates near Hong Kong.

1855—*Fiji Islands*—September 12 to November 4. To seek reparations for depredations on Americans.

1855—*Uruguay*—November 25 to 29. United States and European naval forces landed to protect American interests during an attempted revolution in Montevideo.

1856—*Panama, Republic of New Grenada*—September 19 to 22. To protect American interests during an insurrection.

1856—*China*—October 22 to December 6. To protect American interests at Canton during hostilities between the British and the Chinese; and to avenge an unprovoked assault upon an unarmed boat displaying the United States flag.

1857—*Nicaragua*—April to May, November to December. To oppose William Walker's attempt to get control of the country. In May Commander C.H. Davis of the United States Navy, with some marines, received Walker's surrender and protected his men from the retaliation of native allies who had been fighting Walker. In November and December of the same year United States vessels *Saratoga, Wabash*, and *Fulton* opposed another attempt of William Walker on Nicaragua. Commodore Hiram Paulding's act of landing marines and compelling the removal of Walker to the United States, was tacitly disavowed by Secretary of State Lewis Cass, and Paulding was forced into retirement.

1858—*Uruguay*—January 2 to 27. Forces from two United States warships landed to protect American property during a revolution in Montevideo.

1858—*Fiji Islands*—October 6 to 16. To chastise the natives for the murder of two American citizens.

1858-59—*Turkey*. Display of naval force along the Levant at the request of the Secretary of State after massacre of Americans at Jaffa and mistreatment elsewhere "to remind the authorities (of Turkey) of the power of the United States."

1859—*Paraguay*. Congress authorized a naval squadron to seek redress for an attack on a naval vessel in the Parana River during 1855. Apologies were made after a large display of force.

1859—*Mexico*. Two hundred United States soldiers crossed the Rio Grande in pursuit of the Mexican bandit Cortina.

1859—*China*—July 31 to August 2. For the protection of American interests in Shanghai.

1860—*Angola, Portuguese West Africa*—March 1. To protect American lives and property at Kissembo when the natives became troublesome.

1860—*Colombia, Bay of Panama*—September 27 to October 8. To protect American interests during a revolution.

1863—*Japan*—July 16. To redress an insult to the American flag—firing on an American vessel—at Shimonoseki.

1864—*Japan*—July 14 to August 3. To protect the United States Minister to Japan when he visited Yedo to negotiate concerning some American claims against Japan, and to make his negotiations easier by impressing the Japanese with American power.

1864—*Japan*—September 4 to 14. To compel Japan and the Prince of Nagato in particular to permit the Straits of Shimonoseki to be used by foreign shipping in accordance with treaties already signed.

1865—*Panama*—March 9 and 10. To protect the lives and property of American residents during a revolution.

1866—*Mexico*. To protect American residents, General Sedgwick and 100 men in November obtained surrender of Matamoras. After 3 days he was ordered by U.S. Government to withdraw. His act was repudiated by the President.

1866—*China*—June 20 to July 7. To punish an assault on the American consul at Newchwang; July 14, for consultation with authorities on shore; August 9, at Shanghai, to help extinguish a serious fire in the city.

1867—*Nicaragua*. Marines occupied Managua and Leon.

1867—*Island of Formosa*—June 13. To punish a horde of savages who were supposed to have murdered the crew of a wrecked American vessel.

1868—*Japan (Osaka, Hiolo, Nagasaki, Yokohama, and Negata)*—February 4 to 8 April 4 to May 12, June 12 and 13. To protect American interests during the civil war in Japan over the abolition of the Shogunate and the restoration of the Mikado.

1868—*Uruguay*—February 7 and 8, 19 to 26. To protect foreign residents and the customhouse during an insurrection at Montevideo.

1868—*Colombia*—April. To protect passengers and treasure in transit at Aspinwall during the absence of local police or troops on the occasion of the death of the President of Colombia.

1870—*Mexico*—June 17 and 18. To destroy the pirate ship *Forward*, which had been run aground about 40 miles up the Rio Tecapan.

1870—*Hawaiian Islands*—September 21. To place the American flag at half mast upon the death of Queen Kalama, when the American consul at Honolulu would not assume responsibility for so doing.

1871—*Korea*—June 10 to 12. To punish natives for depredations on Americans, particularly for murdering the crew of the *General Sherman* and burning the schooner, and for later firing on other American small boats taking soundings up the Salee River.

1873—*Colombia (Bay of Panama)*—May 7 to 22, September 23 to October 9. To protect American interests during hostilities over possession of the government of the State of Panama.

1873—*Mexico*. United States troops crossed the Mexican border repeatedly in pursuit of cattle and other thieves. There were some reciprocal pursuits by Mexican troops into border territory. The cases were only technically invasions, if that, although Mexico protested constantly. Notable cases were at Remolina in May 1873 and at Las Cuevas in 1875. Washington orders often supported these excursions. Agreements between Mexico and the United States, the first in 1882, finally legitimized such raids. They continued intermittently, with minor disputes, until 1896.

1874—*Hawaiian Islands*—February 12 to 20. To preserve order and protect American lives and interests during the coronation of a new king.

1876—*Mexico*—May 18. To police the town of Matamoras temporarily while it was without other government.

1882—*Egypt*—July 14 to 18. To protect American interests during warfare between British and Egyptians and looting of the city of Alexandria by Arabs.

1885—*Panama (Colon)*—January 18 and 19. To guard the valuables in transit over the Panama Railroad, and the safes and vaults of the company during revolutionary activity. In March, April, and May in the cities of Colon and Panama, to reestablish freedom of transit during revolutionary activity.

1888—*Korea*—June. To protect American residents in Seoul during unsettled political conditions, when an outbreak of the populace was expected.

1888—*Haiti*—December 20. To persuade the Haitian Government to give up an American steamer which had been seized on the charge of breach of blockade.

1888-89—*Samoa*—November 14, 1888, to March 20, 1889. To protect American citizens and the consulate during a native civil war.

1889—*Hawaiian Islands*—July 30 and 31. To protect American interests at Honolulu during a revolution.

1890—*Argentina*—A naval party landed to protect U.S. consulate and legation in Buenos Aires.

1891—*Haiti*—To protect American lives and property on Navassa Island.

1891—*Bering Strait*—July 2 to October 5. To stop seal poaching.

1891—*Chile*—August 28 to 30. To protect the American consulate and the women and children who had taken refuge in it during a revolution in Valparaiso.

1893—*Hawaii*—January 16 to April 1. Ostensibly to protect American lives and property; actually to promote a provisional government under Sanford B. Dole. This action was disavowed by the United States.

1894—*Brazil*—January. To protect American commerce and shipping at Rio de Janeiro during a Brazilian civil war. No landing was attempted but there was a display of naval force.

1894—*Nicaragua*—July 6 to August 7. To protect American interests at Bluefields following a revolution.

1894-95—*China*. Marines were stationed at Tientsin and penetrated to Peking for protection purposes during the Sino-Japanese War.

1894-95—*China*. Naval vessel beached and used as a fort at Newchwang for protection of American nationals.

1894-96—*Korea*—July 24, 1894 to April 3, 1896. To protect American lives and interests at Seoul during and following the Sino-Japanese War. A guard of marines was kept at the American legation most of the time until April 1896.

1895—*Colombia*—March 8 to 9. To protect American interests during an attack on the town of Bocas del Toro by a bandit chieftain.

1896—*Nicaragua*—May 2 to 4. To protect American interests in Corinto during political unrest.

1898—*Nicaragua*—February 7 and 8. To protect American lives and property at San Juan del Sur.

1898—The Spanish-American War. On April 25, 1898, the United States declared war with Spain.

1898-99—*China*—November 5, 1898 to March 15, 1899. To provide a guard for the legation at Peking and the consulate at Tientsin during contest between the Dowager Empress and her son.

1899—*Nicaragua*. To protect American interests at San Juan del Norte, February 22 to March 5, and at Bluefields a few weeks later in connection with the insurrection of Gen. Juan P. Reyes.

1899—*Samoa*—March 13 to May 15. To protect American interests and to take part in a bloody contention over the succession to the throne.

1899-1901—*Philippine Islands*. To protect American interests following the war with Spain, and to conquer the islands by defeating the Filipinos in their war for independence.

1900—*China*—May 24 to September 28. To protect foreign lives during the Boxer rising, particularly at Peking. For many years after this experience a permanent legation guard was maintained in Peking, and was strengthened at times as trouble threatened.

1901—*Colombia (State of Panama)*—November 20 to December 4. To protect American property on the Isthmus and to keep transit lines open during serious revolutionary disturbances.

1902—*Colombia*—April 16 to 23. To protect American lives and property at Bocas del Toro during a civil war.

1902—*Colombia (State of Panama)*—September 17 to November 18. To place armed guards on all trains crossing the Isthmus and to keep the railroad line open.

1903—*Honduras*—March 23 to 30 or 31. To protect the American consulate and the steamship wharf at Puerto Cortez during a period of revolutionary activity.

1903—*Dominican Republic*—March 30 to April 21. To protect American interests in the city of Santo Domingo during a revolutionary outbreak.

1903—*Syria*—September 7 to 12. To protect the American consulate in Beirut when a local Moslem uprising was feared.

1903-04—*Abyssinia*. Twenty-five marines were sent to Abyssinia to protect the U.S. Counsul General while he negotiated a treaty.

1903-14—*Panama*. To protect American interests and lives during and following the revolution for independence from Colombia over construction of the Isthmus Canal. With brief intermissions, United States Marines were stationed on the Isthmus from November 4, 1903, to January 21, 1914, to guard American interests.

1904—*Dominican Republic*—January 2 to February 11. To protect American interests in Puerto Plata and Sosua and Santo Domingo City during revolutionary fighting.

1904—*Tangier, Morocco*. "We want either Perdicaris alive or Raisula dead." Demonstration by a squadron to force release of a kidnapped American. Marine guard landed to protect consul general.

1904—*Panama*—November 17 to 24. To protect American lives and property at Ancon at the time of a threatened insurrection.

1904-05—*Korea*—January 5, 1904, to November 11, 1905. To guard the American legation in Seoul.

1904-05—*Korea*. Marine guard sent to Seoul for protection during Russo-Japanese War.

1906-09—*Cuba*—September 1906 to January 23, 1909. Intervention to restore order, protect foreigners, and establish a stable government after serious revolutionary activity.

1907—*Honduras*—March 18 to June 8. To protect American interests during a war between Honduras and Nicaragua; troops were stationed for a few days or weeks in Trujillo, Ceiba, Puerto Cortez, San Pedro, Laguna and Choloma.

1910—*Nicaragua*—February 22. During a civil war, to get information of conditions at Corinto; May 19 to September 4, to protect American interests at Bluefields.

1911—*Honduras*—January 26 and some weeks thereafter. To protect American lives and interests during a civil war in Honduras.

1911—*China*. Approaching stages of the nationalist revolution. An ensign and 10 men in October tried to enter Wuchang to rescue missionaries but retired on being warned away. A small landing force guarded American private property and consulate at Hankow in October. A marine guard was established in November over the cable stations at Shanghai. Landing forces were sent for protection in Nanking, Chinkiang, Taku and elsewhere.

1912—*Honduras*. Small force landed to prevent seizure by the government of an American-owned railroad at Puerto Cortez. Forces withdrawn after the United States disapproved the action.

1912—*Panama*. Troops, on request of both political parties, supervised elections outside the Canal Zone.

1912—*Cuba*—June 5 to August 5. To protect American interests on the Province of Oriente, and in Havana.

1912—*China*—August 24 to 26, on Kentucky Island, and August 26 to 30 at *Camp Nicholson*. To protect Americans and American interests during revolutionary activity.

1912—*Turkey*—November 18 to December 3. To guard the American legation at Constantinople during a Balkan War.

1912-25—*Nicaragua*—August to November 1912. To protect American interests during an attempted revolution. A small force serving as a legation guard and as a promoter of peace and governmental stability, remained until August 5, 1925.

1912-41—*China*. The disorders which began with the Kuomintang rebellion in 1912, which were redirected by the invasion of China by Japan and finally ended by war between Japan and the United States in 1941, led to demonstrations and landing parties for the protection of U.S. interests in China continuously and at many points from 1912 on to 1941. The guard at Peking and along the route to the sea was maintained until 1941. In 1927, the United States had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 the United States had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901.

1913—*Mexico*—September 5 to 7. A few marines landed at Ciaris Estero to aid in evacuating American citizens and others from the Yaqui Valley, made dangerous for foreigners by civil strife.

1914—*Haiti*—January 29 to February 9, February 20 to 21, October 19. To protect American nationals in a time of dangerous unrest.

1914—*Dominican Republic*—June and July. During a revolutionary movement, United States naval forces by gunfire stopped the bombardment of Puerto Plata, and by threat of force maintained Santo Domingo City as a neutral zone.

1914-17—*Mexico*. The undeclared Mexican-American hostilities following the *Dolphin* affair and Villa's raids included capture of Vera Cruz and later Pershing's expedition into northern Mexico.

1915-34—*Haiti*—July 28, 1915, to August 15, 1934. To maintain order during a period of chronic and threatened insurrection.

1916—*China*. American forces landed to quell a riot taking place on American property in Nanking.

1916-24—*Dominican Republic*—May 1916 to September 1924. To maintain order during a period of chronic and threatened insurrection.

1917—*China*. American troops were landed at Chungking to protect American lives during a political crisis.

1917-18—World War I. On April 6, 1917, the United States declared war with Germany and on December 7, 1917, with Austria-Hungary.

1917-22—*Cuba*. To protect American interests during an insurrection and subsequent unsettled conditions. Most of the United States armed forces left Cuba by August 1919, but two companies remained at Camaguey until February 1922.

1918-19—*Mexico*. After withdrawal of the Pershing expedition, U.S. troops entered Mexico in pursuit of bandits at least three times in 1918 and six in 1919. In August 1918 American and Mexican troops fought at Nogales.

1918-20—*Panama*. For police duty according to treaty stipulations, at Chiriqui, during election disturbances and subsequent unrest.

1918-20—*Soviet Russia*. Marines were landed at and near Vladivostok in June and July to protect the American consulate and other points in the fighting between the Bolsheviki troops and the Czech Army which had traversed Siberia from the western front. A joint proclamation of emergency government and neutrality was issued by the American, Japanese, British, French, and Czech commanders in July and the party remained until late August. In August 7,000 men were landed in Vladivostok and remained until January 1920, as part of an allied occupation force. In September 1918, 5,000 American troops joined the allied intervention force at Archangel and remained until June 1919. These operations were to offset effects of the Bolshevik revolution in Russia and were partly supported by Czarist or Kerensky elements.

1919—*Dalmatia*. U.S. forces were landed at Trau at the request of Italian authorities to police order between the Italians and Serbs.

1919—*Turkey*. Marines from the U.S.S. *Arizona* were landed to guard the U.S. Consulate during the Greek occupation of Constantinople.

1919—*Honduras*—September 8 to 12. A land force was sent ashore to maintain order in a neutral zone during an attempted revolution.

1920—*China*—March 14. A landing force was sent ashore for a few hours to protect lives during a disturbance at Kiukiang.

1920—*Guatemala*—April 9 to 27. To protect the American Legation and other American interests, such as the cable station, during a period of fighting between Unionists and the Government of Guatemala.

1920-22—*Russia (Siberia)*—Febraury 16, 1920, to November 19, 1922. A marine guard to protect the United States radio station and property on Russian Island, Bay of Vladivostok.

1921—*Panama-Costa Rica*. American naval squadrons demonstrated in April on both sides of the Isthmus to prevent war between the two countries over a boundary dispute.

1922—*Turkey*—September and October. A landing force was sent ashore with consent of both Greek and Turkish authorities, to protect American lives and property when the Turkish Nationalists entered Smyrna.

1922-23—*China*. Between April 1922 and November 1923 marines were landed five times to protect Americans during periods of unrest.

1924—*Honduras*—February 28 to March 31, September 10 to 15. To protect American lives and interests during election hostilities.

1924—*China*—September. Marines were landed to protect Americans and other foreigners in Shanghai during Chinese factional hostilities.

1925—*China*—January 15 to August 29. Fighting of Chinese factions accompanied by riots and demonstrations in Shanghai necessitated landing American forces to protect lives and property in the International Settlement.

1925—*Honduras*—April 19 to 21. To protect foreigners at La Ceiba during a political upheaval.

1925—*Panama*—October 12 to 23. Strikes and rent riots led to the landing of about 600 American troops to keep order and protect American interests.

1926—*China*—August and September. The Nationalist attack on Hankow necessitated the landing of American naval forces to protect American citizens. A small guard was maintained at the consulate general even after September 16, when the rest of the forces were withdrawn. Likewise, when Nationalist forces captured Kiukiang, naval forces were landed for the protection of foreigners November 4 to 6.

1926–33—*Nicaragua*—May 7 to June 5, 1926; August 27, 1926, to January 3, 1933. The coup d'etat of General Chamorro aroused revolutionary activities leading to the landing of American marines to protect the interests of the United States. United States forces came and went, but seem not to have left the country entirely until January 3, 1933. Their work included activity against the outlaw leader Sandino in 1928.

1927—*China*—February. Fighting at Shanghai caused American naval forces and marines to be increased there. In March a naval guard was stationed at the American consultate at Nanking after Nationalist forces captured the city. American and British destroyers later used shell fire to protect Americans and other foreigners. Subsequently additional forces of marines and naval vessels were stationed in the vicinity of Shanghai and Tientsin.

1932—*China*. American forces were landed to protect American interests during the Japanese occupation of Shanghai.

1933—*Cuba*. During a revolution against President Gerardo Machada naval forces demonstrated but no landing was made.

1934—*China*. Marines landed at Foochow to protect the American Consulate.

1940—*Newfoundland, Bermuda, St. Lucia, Bahamas, Jamaica, Antigua, Trinidad, and British Guiana*. Troops were sent to guard air and naval bases obtained by negotiation with Great Britain. These were sometimes called lend-lease bases.

1941—*Greenland*. Taken under protection of the United States in April.

1941—*Netherlands (Dutch Guiana)*. In November the President ordered American troops to occupy Dutch Guiana but by agreement with the Netherlands government in exile, Brazil cooperated to protect aluminum ore supply from the bauxite mines in Surinam.

1941—*Iceland*. Taken under the protection of the United States, with consent of its Government, for strategic reasons.

1941—*Germany*. Sometime in the spring the President ordered the Navy to patrol ship lanes to Europe. By July U.S. warships were convoying and by September were attacking German submarines. In November, the Neutrality Act was partly repealed to protect military aid to Britain, Russia, etc.

1941–45—World War II. On December 8, 1941, the United States declared war with Japan, on December 11 with Germany and Italy, and on June 5, 1942, with Bulgaria, Hungary and Romania.

1945—*China*. In October 50,000 U.S. Marines were sent to North China to assist Chinese Nationalist authorities in disarming and repatriating the Japanese in China and controlling ports, railroads, and airfields. This was in addition to approximately 60,000 U.S. forces remaining in China at the end of World War II.

1946—*Trieste*. President Truman ordered the augmentation of U.S. troops along the zonal occupation line and the reinforcement of air forces in northern Italy after Yugoslav forces shot down an unarmed U.S. Army transport plane flying over Venezia Giulia. Earlier U.S. naval units had been dispatched to the scene.

1948—*Palestine*. A marine consular guard was sent to Jerusalem to protect the U.S. Consul General.

1948–49—*China*. Marines were dispatched to Nanking to protect the American Embassy when the city fell to Communist troops, and to Shanghai to aid in the protection and evacuation of Americans.

1950–53—*Korean War*. The United States responded to North Korean invasion of South Korea by going to its assistance, pursuant to United Nations Security Council resolutions.

1950–55—*Formosa (Taiwan)*. In June 1950 at the beginning of the Korean War President Truman ordered the U.S. Seventh Fleet to prevent Chinese Communist attacks upon Formosa and Chinese Nationalist operations against mainland China.

1954–55—*China*. Naval units evacuated U.S. civilians and military personnel from the Tachen Islands.

1956—*Egypt*. A marine battalion evacuated U.S. nationals and other persons from Alexandria during the Suez crisis.

1958—*Lebanon*. Marines were landed in Lebanon at the invitation of its government to help protect against threatened insurrection supported from the outside.

1959–60—*The Caribbean*. 2d Marine Ground Task Force was deployed to protect U.S. nationals during the Cuban crisis.

1962—*Cuba*. President Kennedy instituted a "quarantine" on the shipment of offensive missiles to Cuba from the Soviet Union. He also warned the Soviet Union that the launching of any missile from Cuba against any nation in the Western Hemisphere would bring about U.S. nuclear retaliation on the Soviet Union. A negotiated settlement was achieved in a few days.

1962—*Thailand*. The 3d Marine Expeditionary Unit landed on May 17, 1962 to support that country during the threat of Communist pressure from outside; by July 30 the 5,000 marines had been withdrawn.

1962–75—*Laos*. From October 1962 until 1975, the United States played a role of military support in Laos.

1964—*Congo*. The United States sent four transport planes to provide airlift for Congolese troops during a rebellion and to transport Belgian paratroopers to rescue foreigners.

1964–73—*Vietnam War*. U.S. military advisers had been in South Vietnam for a decade, and their numbers had been increased as the military position of the Saigon government became weaker. After the attacks on U.S. destroyers in the Tonkin Gulf, President Johnson asked for a resolution expressing U.S. determination to support freedom and protect peace in Southeast Asia. Congress responded with the Tonkin Gulf Resolution, expressing support for "all necessary measures" the President might take to repel armed attack against U.S. forces and prevent further aggression. Following this resolution, and following a Communist attack on a U.S. installation in central Vietnam, the United States escalated its participation in the war to a peak of 543,000 in April 1969.

1965—*Dominican Republic*. The United States intervened to protect lives and property during a Dominican revolt and sent more troops as fears grew that the revolutionary forces were coming increasingly under Communist control.

1967—*Congo*. The United States sent three military transport aircraft with crews to provide the Congo central government with logistical support during a revolt.

1970—*Cambodia*. U.S. troops were ordered into Cambodia to clean out Communist sanctuaries from which Viet Cong and North Vietnamese attacked U.S. and South Vietnamese forces in Vietnam. The object of this attack, which lasted from April 30 to June 30, was to ensure the continuing safe withdrawal of American forces from South Vietnam and to assist the program of Vietnamization.

1974—*Evacuation from Cyprus*. United States naval forces evacuated U.S. civilians during hostilities between Turkish and Greek Cypriot forces.

1975—*Evacuation from Vietnam*. On April 3, 1975, President Ford reported U.S. naval vessels, helicopters, and marines had been sent to assist in evacuation of refugees and U.S. nationals from Vietnam.[3]

1975—*Evacuation from Cambodia*. On April 12, 1975, President Ford reported that he had ordered U.S. military forces to proceed with the planned evacuation of U.S. citizens from Cambodia.

1975—*South Vietnam*. On April 30, 1975, President Ford reported that a force of 70 evacuation helicopters and 865 marines had evacuated about, 1,400 U.S. citizens and 5,500 third country nationals and South Vietnamese from landing zones near the U.S. Embassy in Saigon and Tan Son Nhut Airfield.

1975—*Mayaguez incident*. On May 15, 1975, President Ford reported he had ordered military forces to retake the SS *Mayaguez*, a merchant vessel en route from Hong Kong to Thailand with U.S. citizen crew which was seized from Cambodian naval patrol boats in international waters and forced to proceed to a nearby island.

1976—*Lebanon*. On July 22 and 23, 1974, helicopters from five U.S. naval vessels evacuated approximately 250 Americans and Europeans from Lebanon during fighting between Lebanese factions after an overland convoy evacuation had been blocked by hostilities.

1976—*Korea*. Additional forces were sent to Korea after two American military personnel were killed while in the demilitarized zone between North and South Korea for the purpose of cutting down a tree.

1978—*Zaire*. From May 19 through June 1978, the United States utilized military transport aircraft to provide logistical support to Belgian and French rescue operations in Zaire.

1980—*Iran*. On April 26, 1980, President Carter reported the use of six U.S. transport planes and eight helicopters in an unsuccessful attempt to rescue American hostages being held in Iran.

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[3] This and subsequent mentions of Presidential reports refer to reports the President has submitted to Congress that might be considered pursuant to the War Powers Resolution (Public Law 91-148, November 7, 1973). For a discussion of the War Powers Resolution and various types of reports required under it, see The War Powers Resolution: Fifteen Years of Experience, CRS Report 88-529 F; or The War Powers Resolution: Presidential Compliance, CRS Issue Brief IB81050, updated regularly.

1981—*El Salvador*. After a guerilla offensive against the government of El Salvador, additional U.S. military advisers were sent to El Salvador, bringing the total to approximately 55, assist in training government forces in counterinsurgency. The number of advisers remained at the level of approximately 55 at the end of October 1989.

1981—*Libya*. On August 19, 1981, U.S. planes based on the carrier *Nimitz* shot down two Libyan jets over the Gulf of Sidra after one of the Libyan jets had fired a heat-seeking missile. The United States periodically held freedom of navigation exercises in the Gulf of Sidra, claimed by Libya as territorial waters but considered international waters by the United States.

1982—*Sinai*. On March 19, 1982, President Reagan reported the deployment of military personnel and equipment to participate in the Multinational Force and Observers in the Sinai. Participation had been authorized by the Multinational Force and Observers Resolution, Public Law 97-132.

1982—*Lebanon*. On August 21, 1982, President Reagan reported the dispatch of 80 marines to serve in the multinational force to assist in the withdrawal of members of the Palestine Liberation force from Beirut. The Marines left Sept. 20, 1982.

1982—*Lebanon*. On September 29, 1982, President Reagan reported the deployment of 1200 marines to serve in a temporary multinational force to facilitate the restoration of Lebanese government sovereignty. On Sept. 29, 1983, Congress passed the Multinational Force in Lebanon Resolution (P.L. 98-119) authorizing the continued participation for eighteen months.

1983—*Egypt*. After a Libyan plane bombed a city in Sudan on March 18, 1983, and Sudan and Egypt appealed for assistance, the United States dispatched an AWACS electronic surveillance plane to Egypt.

1983-89—*Honduras*. In July 1983 the United States undertook a series of exercises in Honduras that some believed might lead to conflict with Nicaragua. On March 25, 1986, unarmed U.S. military helicopters and crewmen ferried Honduran troops to the Nicaraguan border to repel Nicaraguan troops.

1983—*Chad*. On August 8, 1983, President Reagan reported the deployment of two AWACS electronic surveillance planes and eight F-15 fighter planes and ground logistical support forces to assist Chad against Libyan and rebel forces.

1983—*Grenada*. On October 25, 1983, President Reagan reported a landing on Grenada by Marines and Army airborne troops to protect lives and assist in the restoration of law and order and at the request of five members of the Organization of Eastern Caribbean States.

1984—*Persian Gulf*. On June 5, 1984, Saudi Arabian jet fighter planes, aided by intelligence from a U.S. AWACS electronic surveillance aircraft and fueled by a U.S. KC-10 tanker, shot down two Iranian fighter planes over an area of the Persian Gulf proclaimed as a protected zone for shipping.

1985—*Italy*. On October 10, 1985, U.S. Navy pilots intercepted an Egyptian airliner and forced it to land in Sicily. The airliner was carrying the hijackers of the Italian cruise ship *Achille Lauro* who had killed an American citizen during the hijacking.

1986—*Libya*. On March 26, 1986, President Reagan reported to Congress that, on March 24 and 25, U.S. forces, while engaged in freedom of navigation exercises around the Gulf of Sidra, had been attacked by Libyan missiles and the United States had responded with missiles.

1986—*Libya*. On April 16, 1986, President Reagan reported that U.S. air and naval forces had conducted bombing strikes on terrorist facilities and military installations in Libya.

1986—*Bolivia*. U.S. Army personnel and aircraft assisted Bolivia in anti-drug operations.

1987-88—*Persian Gulf*. After the Iran-Iraq War resulted in several military incidents in the Persian Gulf, the United States increased U.S. Navy forces operating in the Persian Gulf and adopted a policy of reflagging and escorting Kuwaiti oil tankers through the Gulf. President Reagan reported that U.S. ships had been fired upon or struck mines or taken other military action on September 23, October 10, and October 20, 1987 and April 19, July 4, and July 14, 1988. The United States gradually reduced its forces after a cease-fire between Iran and Iraq on August 20, 1988.

1988—*Panama*. In mid-March and April 1988, during a period of instability in Panama and as pressure grew for Panamanian military leader General Noriega to resign, the United States sent 1,000 troops to Panama, to "further safeguard the canal, U.S. lives, property and interests in the area." The forces supplemented 10,000 U.S. military personnel already in Panama.

1989—*Libya*. On January 4, 1989, two U.S. Navy F-14 aircraft based on the U.S.S. *John F. Kennedy* shot down two Libyan jet fighters over the Mediterranean Sea about 70 miles north of Libya. The U.S. pilots said the Libyan planes had demonstrated hostile intentions.

1989—*Panama*. On May 11, 1989, in response to General Noriega's disregard of the results of the Panamanian election, President Bush ordered a brigade-sized force of approximately 1,900 troops to augment the estimated 11,000 U.S. forces already in the area.

1989—*Andean Initiative in War on Drugs*. On September 15, 1989, President Bush announced that military and law enforcement assistance would be sent to help the Andean nations of Colombia, Bolivia, and Peru combat illicit drug producers and traffickers. By mid-September there were 50-100 U.S. military advisers in Colombia in connection with transport and training in the use of military equipment, plus seven Special Forces teams of 2-12 persons to train troops in the three countries.

1989—*Philippines*. On December 1, 1989, President Bush ordered U.S. fighter planes from Clark Air Base in the Philippines to assist the Aquino government to repel a coup attempt. In addition, 100 marines were sent from the U.S. Navy base at Subic Bay to protect the U.S. Embassy in Manila.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

USE OF FORCE IN THE PERSIAN GULF

Mr. BRADLEY. Mr. President, the most serious issue a Senator must ever decide involves war and peace. In the Persian Gulf crisis, we have three choices: Never use force to break Iraq's seizure and occupation of Kuwait; make war now; or continue economic sanctions now while keeping open the possibility of war later. Among these three choices, I choose the third course.

Most people do not know how we got to where we are today. Put bluntly, for 20 years, the United States has ignored and excused Saddam Hussein's ruthless and tyrannical actions. We cannot escape the fact that beginning in 1975, the Ford administration stood silent while the regime Saddam helped to create made war on its own Kurdish citizens, just as it had done earlier against Iraqi Shias and Jews. We cannot escape the fact that the Carter administration, preoccupied with Iran as the source of evil in the Middle East, did nothing when Saddam Hussein invaded that nation for territory and oil. And we cannot escape the fact that the conduct of our policy toward Iraq by Presidents Reagan and Bush, from the end of the war with Iran to the moment of his invasion in August, encouraged Saddam to believe, incorrectly, that we could turn a similar blind eye to an Iraqi invasion of Kuwait.

"We never expected that he would take all of Kuwait," the former United States Ambassador has said, in explaining why she told Saddam that we had no opinion on Arab-Arab disputes. Ten years ago, the Carter administration officials never expected that Saddam would try to take all of Khuzistan, the oil-rich province of Iran populated by Arabs. In 1980, we were truly taken by surprise. In 1990, it was a serious diplomatic blunder.

When Saddam went ahead and seized all of Kuwait in August, I supported the American response. No longer would we turn a blind eye to Saddam's evil acts of brutish opportunism. His aggression would be countered. President Bush stated our goals clearly, and persuaded nearly every civilized nation to endorse those goals: We would act to deter any further advance by Iraqi troops toward Saudi Arabia, with sufficient military force to hold them back and attack them by air. We would isolate Iraq from the international economic system, with sanctions to deny him markets for his export, oil, to freeze his foreign financial assets, and to deny his access to spare parts and supplies on which his military machine depends. Above all, we sent the message to Saddam Hussein that we would be patient and steadfast in our insistence that he must leave Kuwait if he ever wished to rejoin the community of nations. Saddam Hussein might try to gamble that America and the coalition would lose its patience, but we were so united in early fall, at home and abroad, that he would surely have been making a deadly mistake.

A unified sense of national purpose, a strong international coalition, economic sanctions unprecedented in their breadth and impact, enough military force to hold Saddam back, and firm, patient pressure—these were the tools that the administration developed to get the Iraqis out of Kuwait. I believe they can work. I said so at the time. I still believe that. But on November 7, President Bush, for reasons that are yet unclear, added an option for all-out war that completely changed the complexion of our response to Saddam Hussein.

The threat of invading Iraq and Kuwait by deploying an extra 200,000 troops necessary to carry it out, overshadowed all of the other tools the President had arrayed against Iraq. The size of the deployment meant that we could not rotate troops to continue a consistent threat over the long term. The President's policy lost its flexibility. The powerful tools of sanctions, multilateral action, and firm, patient pressure were abandoned before they were allowed to work.

To be effective at all, the new brinksmanship policy required a willingness on the part of the American people to undertake a huge, major war if Saddam Hussein did not comply with our demands by an arbitrary date, January 15. As Presidents Woodrow Wilson and Franklin Roosevelt knew when they waited before committing the United States to the terrible world wars of this century, most Americans must understand and generally agree with the reasons for war, because every American will be a part of fighting it. For Wilson, declaring war was a painful, idealistic act to "make the world safe for democracy." For FDR, declaring war meant defending America against forces "endeavoring to enslave the whole world * * *" and "moving toward this hemisphere." In the one case it was great principle, and in the other it was self-defense that motivated us. President Bush asks for war to punish aggression and to secure access to oil and jobs.

The question is: How do we get Iraq out of Kuwait? I prefer, for now, to strangle Saddam Hussein with economic sanctions which cost less in terms of American lives and dollars than would a massive military invasion that costs thousands of American lives, billions of additional taxpayer dollars, and endangers our long-term vital interests in the region.

To use massive force now would be a serious error, for even victory has a high price. First, there could be a power vacuum and civil chaos in Iraq, because of the United States military action. We could be spilling American blood to make the region safe for Iranian and Syrian domination. Ambitious Baathist and Islamic powers in Syria and Iran would welcome the opportunity to fill a vacuum in Iraq.

In these circumstances, only the United States could keep Iraq out of Syrian and Iranian hands. We would have to fill the power vacuum ourselves, with a military presence in the region for the indefinite future, at a cost of untold billions to American taxpayers. But to do so would quickly make us the infidel occupier. We would invite continuous terrorist attacks such as those that drove us out of Beirut. Even our present coalition partners want us out of the region as soon as possible. Simply put, we could not last long controlling and occupying a Muslim country.

Second, a massive United States military victory in Iraq, killing tens of thousands of Arabs, would make the United States the main enemy of millions of Arabs for generations. It wouldn't be just Iraqis, Iranians, and Islamic zealots referring to our Nation as the Great Satan or seeing the United States as a mortal threat. It would be many well-meaning people throughout the Arab and Islamic world. A region with a traditional xenophobia against Crusaders, Ottoman Turks, British imperialists, and any other outsiders remembers those who came and killed indiscriminately.

Most disturbing, we have to think about what the administration's policy of disproportionate force would look like to Arabs in the aftermath of a war. The policy as I understand it is to go all out. Remember, "No more Vietnams." This means a force short of nuclear war but highly disproportionate to defeat and punish the aggressor so that deterrence will work in the future with a mere threat of war. Casualties would soar. Other Arabs would say that we put little value on Arab lives primarily because they are not Western. Even the cowardly Persian Gulf government official who cynically referred to our troops as "white slaves" fighting the Arabs' war for them could easily turn on us as "white killers" responsible for Arab deaths.

Tightening the economic noose around Saddam Hussein, by contrast, would not create a power vacuum or enrage Arab masses against the United States. Sanctions are being applied by many other countries. The undeniable suffering they will cause would be the shared responsibility of the entire international community that imposed them, including all of Iraq's Arab neighbors who are most directly responsible for enforcing them. If we continue to help enforce sanctions, and deter further aggression with firm and patient determination, we would minimize the risks of rejection, ostracism, and terrorist reprisals by important constituencies of the Arab world. And if sanctions eventually prove ineffective, it would be clear even to the Arab partners in our coalition that only force remained as the option. By that time, the application of force could be less American, more multinational, clear to everyone as the last resort for ending the Iraqi occupation of another Arab country.

Third, the negative reaction from even our Arab partners to such a premature, massively destructive U.S. military action would likely impel our Government to make it up to the Arabs. A course likely to be chosen would be to bludgeon Israel into accepting a solution to the Palestinian question which would be far closer to the Arab negotiating position than to a fair arrangement that ensures Israel's security. If you doubt that could happen, just remember: the United States turned a blind eye to Syria's final solution to the Lebanese problem. We have begun to see hints of a shift in America's attitude toward Israel—look at the American votes against Israel in the United Nations, justified as always because "We have to keep the coalition together." Pressure on Israel to make a bad agreement could easily intensify in the aftermath of a destruction of Iraq.

Fourth, a war costing thousands of American lives and billions of taxpayer dollars could lead to isolationist pressures here at home. The conflict would not be like the invasions of Grenada or Panama, or the bombing of Libya, that Americans watched on TV the day we watch Sylvester Stallone in the movies, just one successful gunfight after another. Besides thousands of American deaths, there will be continuing threats of terrorism that will alter the lives of all American travelers. Remember the bombing of Pan Am flight 103. Disruptions in oil supplies will increase prices for gasoline and home heating oil, and make this recession far, far worse than it already is. To conduct even a short, successful war will double the $30 billion Desert Shield has already cost. Who will pay for this? Our allies will not. The American taxpayer will be asked to shell out again, this time in amounts that might push a slowing economy into a massive collapse. Once again, Americans will see our involvements with other nations as leading to war and damaging our economic prosperity. The result could be that we retreat within ourselves, forsaking the growth and opportunity created by a peaceful global order, and replacing them with self-destructive isolationism. In my view, that would be a very tragic loss at a critical time, one that I do not believe the administration has even considered.

President Bush and Secretary Baker apparently have not addressed these four most probable outcomes from using massive military force. They have not thought apparently through how to deal with the potential power vacuum in Iraq, or how to cushion the negative Arab reaction to the use of massive force, or how to resist pressure from our Arab coalition partners to sell out Israel, or how to prevent an isolationist reaction to a bloody war whose purpose has been inadequately explained. Because they have not prepared for tomorrow's reaction, they should not commence offensive action today.

What they have told us, however, is that there is something far deeper than our national interest in the region that compels us to take this impatient, belligerent, risky stance. It is the new world order, with America offering a new paradigm for leadership. But if this first crisis in the post-cold-war world is to be resolved simply by a blind rush to the use of force, what is so new about the new world order?

The lessons of the 1930's are not simply that military aggression must be met with equal or superior force immediately. People conveniently forget that if Hitler's earliest aggression—against the Rhineland—or Japan's earliest aggression—against Manchuria—or Mussolini's earliest aggression—against Ethiopia—had been met with strong deterrent measures, including precautionary international military preparations and strong economic reprisals, the Allies might never have had to face the awful choice of war or appeasement. That's the lesson of the 1930's, and it is directly applicable to the gulf. We should stay the course of military deterrence and increasingly stringent economic and psychological pressure, not lurch to war under the illusion that it will be cheap, short, heroic, or conclusive.

To start with, I will say that I believe January 15 is far too early for any use of force. The U.N. Security Council accepted that day as the end of the moratorium after which force might be used at any time. The Bush administration, without any authorization from the United Nations or from this Congress, declared it to be a deadline after which war appeared to be all but automatic. Such decisions should not be placed on autopilot. We should not gamble American lives on whether Saddam Hussein, an isolated megalomaniac, will learn to rationally assess his interests within the next few days. I suggest that this Congress should set a new date, one that gives us control over our actions, and that gives sanctions enough time to cut into Iraq's supply of spare parts and military equipment so that we will attack his forces when and where they are at their weakest rather than at their strongest points. October 1, 1991, for example, is to me an appropriate date to reopen the possibility of an unprovoked offensive action against Iraq. Indeed, it may well prove at that time to be the only way to get Saddam Hussein out of Kuwait.

But even then, October 1 would not be an automatic deadline after which an American attack would follow immediately. Between now and October, Congress would have the obligation to consider all aspects of the Persian Gulf crisis. We would not be rushed into either accepting or rejecting any Presidential decision about the use of force.

If October 1 comes, and Saddam has not yet left Kuwait, the President would then be able to come to us with a request for the immediate use of force if he believed that Iraq would not leave Kuwait otherwise. Having had months to consider the matter seriously, Congress could promise the President an expedited 3-day procedure to consider the request after this period of debate. Remember, since President Bush changed to an offensive strategy on November 2, the Congress deliberated this grave issue for only 2 days.

Between now and October 1, I believe the United States should return to a defensive, deterrent posture, reducing our troops at least to the level where they could be rotated to remain fresh and effective. The international coalition fully supports a defensive posture, and this would give us a chance to restore the balance between the United States and coalition troops so that this would not be seen as overwhelmingly an American military action. We would continue to maintain a full complement of equipment in Saudi Arabia and a surge capacity so that we could restore an offensive force to the region within days if it became necessary, or if Congress authorized it.

The advantages of this approach are many. It would restore to our confrontation with Iraq the power of steadily mounting pressure. It would put the international coalition and comprehensive sanctions once again at the forefront of our arsenal. It would give the American people, in part through their representatives in Congress, a chance to weigh our Nation's interests and to enter war, if and when it is finally necessary, as a unified committed nation. But its greatest advantage is simply that it is far more likely to lead to a peaceful outcome than the strategy being pursued right now. That is what makes it superior.

Mr. President, if America truly hopes to lead the world in a new way, to enter a new world order with our strength intact, we will lead by the power of our example, not just by the firepower of our military. We can lead the world in a new way, but not if we are afraid of an honest debate about our vital interests. We can lead in a new way but not if we lack the patience and determination to achieve long-term solutions to international conflicts. We can lead in a new say but not if we become so absorbed in personalities that we forget about nations. We can lead in a new way but not if we veer from ally to ally, making pacts of convenience with Saddam Hussein against Iran one day, and with Iran against Saddam on the next. We can lead in a new way but not if we force our eyes away from human rights violations in China, or the Soviet Union, because we have to keep them roped into our coalition, our Persian Gulf coalition.

Mr. President, I learned today, for example, how aggressively President Gorbachev is exploiting the world's preoccupation with the crisis in the gulf to impose his demands on Lithuania and other republics seeking freedom. It would be a sad irony if the price of Soviet support for freeing Kuwait turns out to be American acquiescence in Soviet aggression against other small, illegally annexed nations. The administration must realize that the aspirations to freedom of the Soviet people are no less important than the unity of our Persian Gulf coalition.

Mr. President, the United States can lead a changing world if we hold fast to our vision of an open society, capable of honest debate about our interests, steadfast in our principles, patient in our will to meet any challenge, consistent and reliable in our alliances, imaginative about peaceful solutions, and conscious of our limits but limitless in our hopes. Today's debate, and tomorrow's, and the next day's and the votes will determine whether we endanger the chance to build this kind of new leadership through premature military action, or whether we go the extra mile and use the new tools of a truly new world order.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes Senator ROTH.

THE GULF CRISIS

Mr. ROTH. Mr. President, crises such as the one that confronts us in the Persian Gulf demand the very best leadership and judgment our Government can provide. How simple it would be if Providence would take our hand, open our mind, and lead us footstep by footstep into the future. Only under those circumstances would we have the confidence to know that our decisions were infallible, our actions correct, and our lives secure.

But mortality requires the exercise of judgment—judgment that finds its source in our history, philosophy, and cultural ties; in our religious and patriotic convictions; in our concepts of morality and our need for security. When these basic values are examined in the context of the offensive threat Saddam Hussein has taken in the Middle East, it becomes clear why our President reacted speedily and in the manner he did.

What Hussein has done not only offends our sense of morality, but threatens our sense of security. It is not enough that he violently and illegally annexed Kuwait, that he held innocent men, women, and children hostage, and that he has denied his own citizens basic rights and needs to build the third largest war machine in the world. It is not enough that this dictator is little more than a despotic madman who has demonstrated his ruthless behavior by using chemical weapons on his own people and killing members of his own family. These are moral issues that offend us greatly. But our concern to put down this deadly hydra goes even further.

His intentions are clear—intentions that pose a direct threat not only to the security of our country, but to the world at large. Rather than using the oil rich resources of his country to build its economy and care for its people, he invaded Kuwait to exercise greater control over OPEC and to intimidate those countries to whom Iraq owes debt as a result of its war with Iran. Likewise, he has used his resources to develop chemical, biological, and soon, nuclear weapons—all toward the end of extending his dominion over his own country and as many neighboring nations as possible.

His objective is to become the dominant power among the countries in the Middle East, and to use his power against the democracies of the West. In fact, he has already become the major force in the Persian Gulf.

He calls himself the sword of the Arabs; even that is an illusion. His sword will be used to extend only his own interests. His failure to speak for the Arab world is demonstrated by the fact that the majority of Arab nations are aligned against him. Never in recent history have so many nations, with so many diverse cultures and so many distinct interests, been united toward a common objective—that of eliminating the threat Hussein poses.

There are credible arguments being made that members of this coalition should be doing more—assuming more responsibility, committing more troops, and sharing more of the costs associated with Operation Desert Shield. But the fact remains, such a united coalition is truly historic—a coalition that reflects that world-wide concern about Saddam Hussein, his belligerent character and frightening objectives.

This alignment is the result of several important factors—factors that we must consider as we debate the resolutions before us.

Perhaps the first and foremost factor concerns Iraq's growth in both quantity and quality of military power. It continues at a threatening pace, despite the fact that Hussein's war with Iran is long ended. Let no one be caught sleeping. To close an eye now would allow him the deadly latitude to consolidate his power and amass a nuclear arsenal. He is willing to bend any law and make almost any sacrifice toward these ends. He is as unpredictable as a desert storm and as deceptive as a mirage.

One can only imagine what devastating consequence would follow should his dominance be allowed in the oil-rich Middle East—and this is the second reason he must be stopped. When I speak of the danger that would result from his control in this region, I am not talking about consequences to major oil companies. Quite simply, I am talking about jobs.

I am talking about the raw material of human endeavor. Oil runs the economies of the world. It fuels our factories, heats our homes, carries our products from manufacturer to market. It is as basic to the economy as water is to life, and the free trade in international energy supplies is critical for not only the industrial democracies but the fragile Third World nations that depend on this precious resource even more than we do. Any attempt to disrupt those supplies will send a devastating quake through these economies—lengthening unemployment lines and boosting inflation in the industrial democracies and crushing the economies of developing countries where day-to-day existence depends on imported energy sources.

A third reason this man must be stopped concerns the progress and position of the United Nations. We have entered an era where the United Nations is playing an increasingly important role. For the first time in its history, there is a unified effort to work through the Security Council in an effort to ensure world peace. For Congress to turn its back on the progress demonstrated by the recent Security Council resolutions would thwart the progress and reduce the United Nation's capacity to influence destabilizing crises.

If we are to establish a multilateral security system as the basis of the projected new world order, we must both maintain and encourage United Nations, European, and Japanese involvement. NATO, if it is to be relevant in the world of tomorrow, must play a more significant role where its vital interests are at stake, as they are now in the Persian Gulf.

Hussein has demonstrated that with the cold war fading, the real threat to freedom-loving nations is the proliferation of arms in the hands of despotic dictators. Intercontinental missiles, chemical, biological, and nuclear arms turn unstable Third World nations into first-rate military powers. And I cannot underscore the danger. The industrial nations of the world, the United Nations, and the North Atlantic Treaty Organization must speak with one unmistakable voice when it comes to this issue: We will not stand to be blackmailed by self-serving despots.

These same groups and organizations must work together to stop this proliferation, and as a world bound by dialog and diplomacy we must demonstrate that come what may we will not be held hostage.

Mr. President, Saddam Hussein must be stopped. War is always a horrible alternative, and it is my sincere hope and prayer that it can be avoided. However, should it become necessary, I stand firmly behind our President. We either deal with Hussein now, or we will most assuredly face him later.

At the moment, we have friends in the region, support from all corners of the globe, and he has yet to get his hands on nuclear arms. On a moral plane, if we resolve this threat successfully and decisively, it will demonstrate to would-be "Saddam Husseins" that in the court of world opinion force and aggression are no substitutes for cooperation and diplomacy.

Should war become necessary, it is critical that our service men and women have bipartisan support here at home. As Adm. William Crowe has pointed out:

> The public discussions have been useful, but it is time to let the governmental process work. The administration and Congress must resolve their differences before January 15. Congress' failure to be counted on this vital issue * * * weakens its claims on equal responsibility in determining matters of national importance. * * * If the decision is for war, Americans should unite behind the President.

A call to support our President was also expressed this morning in the Wilmington News Journal. Quite simply, the Journal wrote:

> We believe Congress should support a "necessary force" resolution, much like the one approved by the United Nations. * * * At this point, we believe the credible threat of force against Iraq is an essential ingredient in the complex mix of diplomacy, negotiations, international and direct White House initiatives to Baghdad. We hope it is not necessary to use force. But we do not believe Congress should, at this late date, be trying to pull the rug out from under the President or the military forces in Saudi Arabia.

Mr. President, I ask unanimous consent that the editorial from the Wilmington News Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL DEBATE SHOULD FOCUS REALITIES OF U.S. GULF POSITION

As Congress begins debate on a resolution authorizing the President to use force in the Middle East, its first consideration should be to strengthen the position of the United States and its allies as they stand on the brink of war in that region.

This is neither a call for jingoism nor an appeal for craven behavior. It is a call for courage to face the realities of this moment in history.

Congress's job, as we see it, is to carefully examine President Bush's actions up to this point, consider their geopolitical ramifications and decide if he is serving the nation well.

We believe Congress should support a "necessary force" resolution, much like the one approved by the United Nations, unless Congress is able to objectively pinpoint serious failures in the line of duty by the President.

We are opposed to war. Who with a shred of sanity is not? When there is a chance, conflict should be resolved non-violently. But we are also aware that not all conflicts are resolvable without the threat of force, and that the threat of force is not an effective companion to diplomacy unless it is made credible by the demonstrated willingness to carry through.

It is obvious, regrettably, that the United States is now in a no-back-out position. Having recognized that it would be intolerable to allow President Saddam Hussein to grab, by military force, the power to slowly strangle the industrial nations of the world by manipulating petroleum supplies, and having mobilized against his naked agression to achieve this, there is no sound basis for the United States to stand down at this time.

Persuasive arguments can be made to stand fast defensively, but only if there is an awareness of what a long term defensive posture will cost in manpower, money and national morale, given the probability that a prolonged siege is likely to leave the United States standing even more alone in the desert than it is now.

At this point, we believe the credible threat of force against Iraq is an essential ingredient in the complex mix of diplomacy, negotiations, international and direct White House peace initiatives to Baghdad. We hope it is not necessary to use force. But we do not believe Congress should, at this late date, be trying to pull the rug out from under the President or the military forces in Saudi Arabia.

Mr. ROTH. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

THE PERSIAN GULF CRISIS

Mr. ADAMS. Congress had a policy in position in August, September, and October. We voted for what the President wanted. We funded what the President had asked for and the policy was in place and working.

After Congress left the city, the President changed the policy to one that has gradually boxed us into a position of voting for economic sanctions or war. This was not done by the Congress. The Congress was not late.

On November 29, after this had happened, this Member stood in the gallery of this building and said that is what happened. On January 3, Senator HARKIN and I said this debate must start to protect the constitutional powers of the U.S. Constitution and of this body, the U.S. Senate.

We were asked by the administration to delay this debate until after he sent his Secretary of State to Europe to meet with the so-called Foreign Minister of Iraq. We did so.

I, therefore, trust that those who are now opposing our position, which is that we should vote whether we go to war or not, will not block the majority leader and the others from obtaining a unanimous-consent request and the necessary time to debate and vote on this matter before the bombs and the shells drop in the Persian Gulf.

That was what we said weeks ago, not days ago, and if there is a blockage by filibuster or by refusal to go along, then this Senator for one—and I am sure I will be joined by others—will stand on this floor and repeat again what I have just stated: that any delay in the vote on this matter was caused by the administration for its own purposes so it could declare a unilateral war. I do not think the President wants that; I do not think the people want that.

We have tried very hard to be trusting. We expect trust back. Therefore, I hope and I trust that we will vote on this matter on Saturday or, if it has to be, on Sunday or Monday. This Senator will be here to vote on any of those days or any hour before January 15.

I say before January 15 because that was the reason—many did not understand why—we raised the point on a traditional day for swearing in Members and doing housekeeping matters. We were concerned there might be an attempt to block a vote on whether this Nation goes to war, which is the constitutional responsibility of the U.S. Senate and the U.S. House of Representatives, not the President of the United States.

That point has been clearly made by a number of other speakers. I will not repeat all those citations now. But, we wanted to make certain that that point was made. This President carries grave risk if he is advising his party and his people to block votes in the Senate so that we cannot vote on it.

We do not know whether or not we have the votes to win. That is something that will be determined by the conscience of each Senator. But we do know that each Senator must exercise that conscience because, if we do not, we will divide this country. The processes set up by our Founding Fathers to prevent us from hurrying into war and to debate war and were placed in the legislative branch will have been violated. That will be a tragedy for this Nation which will compound the tragedy that is about to occur in the Persian Gulf should we engage in a war in that region.

I have spoken before on this subject in early January. I will not repeat all the remarks I made then, but I will repeat some because at that point people did not know whether the debate was serious. But the debate now is, will there be war or will there be use of economic sanctions against Saddam Hussein. It is going to be a very clear vote between two sides. Prayerfully, there are diplomatic operations taking place, but they are not coming from this country, so we cannot rely upon them.

Our diplomacy consisted of sending the Secretary of State to meet with the Foreign Minister; not to negotiate, not to conduct diplomacy, but to deliver a message. I do not consider that negotiation, but that is the way this executive wanted to conduct his business. He was elected President and that is the way he conducted it. But he put us in the position of giving up on diplomacy and having to vote for economic sanctions or for war.

This Senator will not vote for war. I do not believe that is the solution. When we talked about a new world order we were just simply stating a fact. One superpower is in a chaotic condition. That leaves the other superpower, the United States, in a position where it can support actions of the United Nations. We are supporting the actions of the United Nations in their economic blockade of Iraq. It will work. No, it will not work overnight. But it will work.

The economic sanctions keep the coalition together. The Arab States have never said they would invade another Arab nation, but they have said that they will protect a brother Arab nation. The coalition has agreed to stay with the United States in order to prevent further aggression. But I have not heard of an agreement to conduct a war of major proportions with the lives of Arab soldiers on the line.

I am not trying to say how or when a war should be conducted. Once this body has voted yes or no, the President, under our Constitution, is the Commander in Chief. We do not question that. But Congress has the power to declare war. I do not understand why the other side questions this fact. The Founding Fathers clearly gave the legislative branch the authority to say whether or not the President shall exercise his constitutional role.

And that is not just coming from legal scholars. It is the common sense of the American people. They understand that Congress has been given the authority to declare war. They know that we did not want a king. We do not have one now, and we do not intend to have one. That is why the power is divided. It was logical to divide the power, not just scholarly.

Our Founding Fathers would have been appalled at the suggestion of giving to those who would conduct a war the power to declare or make war. They wanted that power to go to the legislative body and they wanted the legislative body to stand up and vote on it. Yes, risk your seat for it. I will risk mine, and I know every other Senator is willing to do the same. That is what the American people expect from us.

If we are wrong and the American people want to go to war, then in the election of 1992 I assume those people who feel my vote was wrong, will vote against me. But that is what public service is all about.

I hope that all Senators are cooperating in getting us to a vote by Saturday. The worst thing that can happen to this constitutional body is to stand on the sidelines; to not have taken a position at all.

I have seen that happen before. Seven times we tried to get the War Powers Act to function. The War Powers Act, for those who are familiar with it, was passed to help stop the Vietnam war. It was passed over President Nixon's vote. The War Powers Act provides for a procedure whereby the President has 60 days to remove troops if he has put them in hostilities, unless he gets the approval of Congress. It was a lesser degree of the war power, which exists in the Congress of the United States.

Seven times we tried to bring the War Powers Act up because the President would not send a letter. We were blocked by the procedures of this body, and seven times it was filibustered and we could not proceed, even after we had suffered 38 deaths from an Iraqi Exocet missile striking one of our ships.

That is why we have avoided using that process. We do not want to argue about process. This is war or peace. And war or peace is something that was involved when the President made the decision to increase the number of troops.

We tried to invoke the War Powers Act when the United States was reflagging Kuwaiti tankers in support of Iraq.

The Senate is often called the world's greatest deliberative body. I want us to have time to debate this resolution—for Senators to say what they wish to say. But I want to be certain we take action on the crisis in the Persian Gulf.

We did not set a clock for January 15. The timetable was set by the President of the United States. Congress has had to try to schedule to meet that. If this debate and subsequent vote go beyond the time when troops are in acton, bombs subsequent fall, shells are fired and the blood is spilled, the whole debate changes. The President has heard it mentioned already by some of the speakers: Support our boys and girls over there.

That is not the argument. The argument is whether or not their lives should be put at risk, in the first place. The debate must not take place in the context of whether or not we support our troops. We do. We will support our troops to the end, and in every way possible. The debate today is whether or not our troops should be committed to battle.

That is what it comes to. People become allies and enemies when war starts.

President Bush may have lost patience with Saddam Hussein, but the Founding Fathers did not lose patience with the idea that going to war was something that should not be entered lightly. War commits the resources of the Nation, the best of the young people, and our whole position with regard to all other nations when we commit that act. The system was not set up to hurry into war. It was set up to ensure war is the right push.

Regrettably, over the past four decades, the Congress has not exercised this power. That is my other concern and why this vote is so essential. In a moment I will discuss the substance of what is the difference between a war and a nonwar in the Middle East from my perspective in the time I have spent there. And this is time covering 20 years, not a recent trip.

In 1950, President Truman took us into war in Korea. In 1965, President Johnson led us, step by step, into the Vietnam War. I, as a young Congressman, heard that called an incident, a police action, a protection of our troops. The Gulf of Tonkin resolution was passed so we would be able to protect our ships after it was thought that the *Turner Joy* had been fired upon.

I was in Congress when the first Marine division was sent in across the DMZ, and the generals said—who were old hands, infantry generals—do not fight a land war in Asia. But the administration people—and I mention this because I have had to fight Democratic as well as Republican Presidents on this issue—said: Give us a Marine division, and in 30 days we will have sealed off the country. Does that sound familiar?

I asked the question, as the first part of the substantive debate. I think we can win. Suppose we win in Kuwait. Do we cross the Iraqi border? Are we going to invade Iraq? Or is it going to become a DMZ? And if we do invade, are we going to occupy Baghdad? And if so, with how many troops, for how long? And will this stabilize the gulf? Will this protect Israel? Will this protect our interests in the oil fields? Will our Arab allies feel that we are doing the right thing? Will our troops be faced with decisions of: What do we do when terrorists or guerrillas kill our troops in the streets?

Are we going to stop at the border? Or are we going to just destroy an army? War is not something that is easily controlled.

As one Senator—I do not know about others; it is up to them and their consciences—I would never predict how long a war will last. I know I was mighty grateful in World War II that it was over before they shipped me out. I was ready to stand on the edge of the ship. I think it was a miracle that it stopped when it did. But nobody planned that. I think people who say it will simply happen and be over do not remember. They just do not remember.

The President of the United States is a skilled public official. He has served in many posts. I served with him in the Congress of the United States many years ago. I think tactically the administration was brilliant in setting up the original policy. That is why I supported it: To gather together a coalition, to get the United Nations to move to obtain the results that we had already obtained in the use of economic sanctions, which was release of the hostages, the stopping of the invasion of Saudi Arabia, and protecting our oil supplies.

On that matter, Saudi Arabia, the Emirates, Qatar, Bahrain can pump enough additional oil to cover any losses that are there. They can do that, and so can the North Sea and Indonesia and Venezuela. So let us not spend blood for oil. We have accomplished our goals in the gulf.

How best do we accomplish the destruction of Saddam Hussein's power? By squeezing him so he cannot use any of his industrial might and so his army rots and rusts. I do not know the Iraqi battle plan. I do not know whether the Iraqi army stays intact. I do not know what Syria will do. I think that a mistake is being made with Assad in Syria, as we made with Saddam Hussein in Iraq, of simply joining forces with any ally for any purpose to accomplish a particular short-sighted end.

Tactically, this President had created something of which he could be very proud. Why on November 8 he changed course and sent the additional troops in and put us on a course to war, I do not know. We could have sustained the troops we had there. Sure, we might have needed more equipment.

Our commanders were beginning to work on rotation policies for those troops. If we had sent in 200,000, let 200,000 go home. We were not telling reservists they had to stay 2 more years, and we were using our power in a method that we understood. We could have sustained ourselves there and maintained economic sanctions. We would not have to think about war or how fast we must act because our troops are out there. Can we sustain them? We sustained troops in Germany for 40 years plus. We have them in Japan, we have them in Korea. We are capable of doing that.

That is the alternative that we have on this side, our majority leader, has proposed using economic sanctions to achieve our goals. When people ask what I would do with the troops, I answer that I would rotate half of them home, and keep shipping those tanks out of Europe. We accomplished two purposes, and we tried to save ourselves a little bit of money along the line.

Speaking of money, as one of the members of the Appropriations Committee, I just want to know who is going to pay the bill. I have some figures here which I will give. Others may challenge them. But I want to state a basic proposition before I go into any numbers.

We are going to be asked to pay for this war. I assume those who vote for such a resolution of going to war and our being out there would certainly put an amendment or a proposition in their resolution that says that the countries not utilizing troops, such as Germany and Japan, shall pay half the bill, or the coalition partners shall pay half the bill. I would think they should pay it all. At least they should put in half. If they do not, I would be very willing to help them with that because I think the American people resent the fact that Germany and Japan properly say our constitutions do not allow us to put troops in the field. But who will benefit most? Germany and Japan receive more oil from this area than we do. They are our chief competitors in the world. We are fighting this war to let them, help them, come over and clean our clock and not even charging them 50 cents on the dollar to do it. That I do not understand.

But I do not want to be put in the position in the Appropriations Committee, after the shots and shells are going on, of saying we are only going to appropriate half the money because the other half should be paid by our allies when they have not paid it. The figures I have used and I have heard—if somebody says they are different; fine; give them to me—is that the Saudis will make $60 billion on the extra oil they will pump over the next year. I think $60 billion would cover our costs. I do not know, but I think it would. They have not given us that and they have not promised us that. I heard no one speak of that. The Japanese and the Germans will receive great benefits, so I hope we take that into account, everybody who is going to vote for war.

I am not going to vote for war. I am going to vote to stay with the policy that we have now, which is economic sanctions. I am going to try to reduce those costs by beginning to rotate troops and return some sanity into what is going on. We are living in a world that reminds me of the time prior to World War I and into World War II. That is not where we are now.

If we want to talk about dangers in the world and World War II-type options, the President should be spending more of his energy on what is happening in the Soviet Union. Is the Soviet Union going to go back to a dictatorship, to a very conservative group of leaders? Is it going to break up into a number of factions?

We do not have to speculate about nuclear weapons. I do not think Saddam Hussein has a nuclear weapon, but regardless of that I know the Soviets do, and a lot of them, scattered all over this country. Things are happening there while we are looking out the other window. I think it is time that we pay attention and that we look at that.

But there is something far deeper here. We are looking at the potential of starting a war against the Arab nations. I say Arab nations because I see no assurance, depending on where this war goes, that it can be controlled and that the Egyptians, the Syrians, the Iranians, although they are not truly Arabs, the other Arab people will all say, "We will stay with you on an offensive attack on Iraq." And if they do not, then we destabilize that whole area and we destabilize the Muslim republics all across the southern Soviet Union. We are taking terrible risks in the whole geopolitical area there for very limited reasons.

We are going to beat Saddam Hussein. There is no question about that. But we should do it in a way that enables us to leave the region at least as stable as when we entered it. It is not that stable now, but I know no one in the world who says that a war will stabilize that region more than peace will.

So I hope that as we go through this debate and as we get to the end of it, that we have discussed all the options. I will not vote for going to war. I will vote for continuing economic sanctions. The book is still out on whether we should create a truly international U.N. force. This is not a U.N. force we have created, but one could be created under articles 42, 43, 45, and 46 under the Military Staff Commission, a peacekeeping force or an occupation force. That is what was envisioned as so eloquently was stated by Senator MOYNIHAN in San Francisco when the U.N. Charter was drafted. Each country contributes according to its laws, money, and troops to a peacekeeping force under the Military Staff Commission and under a U.N. commander that maintains peace in the area.

I do not think that can apply here now. I think we have gone beyond that. I think now our vote is very stark: War or economic sanctions, or, as I said prayerfully, some diplomacy someplace. But there is a chance for a new world order, if we do not blow it apart with old world tactics.

We are on a disastrous course, and if the President is not prepared to change direction, the Congress has to intervene. I pray in these next few days we will vote down resolutions to go to war; that we will maintain a policy of economic sanctions; that we will begin to put our troops on a footing where they can survive and survive well; that we use diplomacy with all the nations in that area and create a stable Middle East for the blessings and the peace and the hope of every nation from Israel, Egypt, to Saudi Arabia and, yes, to the people of Iraq, who also suffer under Saddam Hussein. So let us hope that we make the right decision, but above all let us vote on it and do it soon.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I am not going to debate at this time the merits of the resolution under consideration or the constitutional issue of Presidental power. I rise today to ask the Senate to take the one step that will more quickly than anything else bring about a peaceful resolution to this crisis in the Middle East.

That step is for the Congress to make its voice heard in support of the President, the United Nations, and our men and women deployed in the gulf. The most potent action we can take to cause Saddam Hussein to withdraw from Kuwait is to demonstrate to him that he not only faces a powerful military coalition, but also a nation in solidarity with its President. In my judgment this solidarity is essential and will get us the results we seek without going to war.

Mr. President, there is no doubt that every Member of this body agrees we cannot allow Iraq to continue its occupation and plunder of Kuwait. There is, however, a difference of opinion on how to achieve that goal and how quickly it must be done.

Although sanctions are having some impact on Iraq, they have not had the effect we sought and may not for some time. Waiting for sanctions to bring about the withdrawal of Iraqi forces is also having an impact on our forces deployed in the desert of Saudi Arabia and on our ships at sea. Some of these forces have been living under arduous desert conditions and the possibility of combat for over 5 months.

How much longer can we expect them to maintain their combat readiness? How much longer can we expect our soldiers' families to carry on under the tremendous burdens they are carrying? They are not only dealing with the uncertainty of not knowing how much longer their loved ones will be gone from home, but also with anguish that war could break out at any moment.

Mr. President, the Congress must act and let its voice be heard. The time to end the debate is now. I implore this body to demonstrate to the world—and especially Saddam Hussein—that we are behind our President and the United Nations.

A vote in support of the President is a vote for peace. I urge my colleagues to stop the debate and show our solidarity with the President and resolve to get Saddam Hussein out of Kuwait. Solidarity, we need it now. Not division, but solidarity.

Thank you, Mr. President.

I yield the floor, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR CONGRESS TO HELP THE PRESIDENT

Mr. HATCH. Mr. President, I have been watching this debate with a great deal of interest today. Frankly, I am very concerned about some of the comments that have been made. I think President Bush has gone the extra mile in trying to avoid the use of force. I do not think there is any question about that. I think it is time for Congress to help rather than hinder the President.

I think it is time for the Congress to join with the President and get behind him and our young men and women over there sitting in the sand, and show that we are willing to back the use of force.

I never thought I would see the day when a timid organization like the United Nations would come out and agree and authorize the use of force by January 15, and our own Members of Congress are unwilling to back that resolution—some of them. Unless Saddam Hussein believes that the threat of war is real, he will not budge. I think we have learned that. The only way to avoid war, in my opinion, in this particular situation, is to be prepared to go to war and to show our resolve is for real.

If Hussein will not even accept a letter from President Bush, he certainly is not going to accept congressional pleas that Iraq pull out from Kuwait. Our actions should be decisive. If we back the President overwhelmingly, we will maximize the pressure on Iraq. We will enhance the chances that we can avoid war. If the vote is close, Saddam Hussein can conclude that he can divide our country if he will only hold out. If we fail to back the President, war will become inevitable.

What are our U.S. interests over there? If I had to criticize the way the administration has handled this, it is that I do not think they have made it quite as clear as they should as to what our vital interests are.

No. 1, we have a vital interest in stopping and reversing Iraqi aggression. Saddam Hussein is a man who has invaded two of his neighbors, and he will strike again unless his invasion of Kuwait is decisively reversed. If we fail to do so, then we will set the precedent that aggression can succeed, that aggression can pay, that aggressors need not fear even when the United States votes to take positive action against them. We will then look forward to future aggression by Hussein and others like him around the world.

No. 2, we have a moral interest in liberating the Kuwaiti nation and stopping the brutal violations of human rights committed by Iraq's occupying forces.

Saddam Hussein's conquest and pillaging of Kuwait has thrust at the heart of our ideals. His forces have taken everything not nailed down as well as most things that were. Even ailing infants have been left to die as their incubators were carted away by Saddam Hussein and his people.

As we wait, the Kuwaiti people are being wiped out as a nation. Let us remember that it was the Kuwaiti people who risked there own lives for months for sheltering those Americans trapped in Kuwait who were hunted by the Iraqi security forces.

No. 3, we have a security interest in thwarting Hussein's threat to launch a major international terror campaign. He has assembled the world's most vicious terrorists, including those behind the Pan Am 103 bombing, the Rome airport massacre, the *Achille Lauro* hijacking. Abu Nidal is there now. There is good evidence that Abu Abbas is there. You name it, they have their network moving out of Baghdad all over the place. If we let them get away with it, and we show that we are too weak to back the President and our own young men and women over there, we are going to see an onthrust of terrorism all over the world. The only way to stop that is to show that we are willing to use force.

If Hussein succeeds in facing down the United States, he will feel free to start hitting U.S. targets with his terrorism. A sign of weakness in the gulf will be seen as a green light for terrorists, and we stopped Qadhafi's terrorism by taking decisive action against him. Unless we deliver a similar message to Hussein, the only thing they understand, it will only be a matter of time before the terrorism and killings begin.

No. 4, we have the vital security interest in stopping Hussein's development of weapons of mass destruction. His chemical, biological, and nuclear programs have been well documented in the press. He has already used chemical weapons. He almost certainly has the means to deliver biological weapons. He could develop a crude nuclear device within a year.

I was on "Good Morning, America" this morning with my esteemed colleague from Iowa, Senator HARKIN. He said they have so little material that they really could only do a crude atom bomb. That is what they basically said about Nagasaki and Hiroshima. Those were crude atom bombs compared to what we have today. But they killed a lot of people. His crude nuclear weapon will kill a lot of people too if we let him get away with it.

I have to say a crude device no less than a sophisticated one could exact a staggering toll in human life. His acquistion of deliverable nuclear weapons according to our best intelligence will come within the decade, though potentially even sooner if our information turns out wrong. I can tell you, as a member of the Intelligence Committee, as a senior Republican on that committee, I can tell you that a short while ago we estimated that his ability to develop a nuclear weapon was a lot longer than it currently is today.

Most ominous, while he already has missile delivery systems that imperil the region, he is working on intercontinental missiles that will even threaten the United States. If he gets away with his aggression against Kuwait, there will be nothing to deter him from using the threat of these weapons of mass destruction to dominate the entire Middle East. I do not think anybody denies that. I do not think anybody doubts that for a minute.

Why are we standing here talking about sanctions that have not worked thus far, will not work over the short term, may work over a 2- or 3-year term but by then this battle is going to be over?

Guess who is going to have to face him at that time? It is going to be every moderate Arab nation which will be intimidated, and I might add a little democracy in the Middle East called Israel. If we keep talking about sanctions working, we are giving him all kinds of time to do these things. That ultimately means the loss of millions of lives in the Middle East, and a constant threat to Israel.

Mr. SPECTER. Will the Senator yield for a question which might help to underscore the point that the distinguished Senator is making?

Mr. HATCH. I am delighted to yield to my friend from Pennsylvania.

The question is this: If the Congress rejects the resolution sought by President Bush and the Congress does not back up President Bush on enforcing U.N. Resolution 678, what does the Senator from Utah think will happen to the effectiveness of the sanctions?

Will those in the coalition who have been engaging in the sanctions, at very substantial economic dollar losses, continue those sanctions?

Will the coalition stay together if the U.S. leadership is in a situation where the U.S. Congress did not back the U.S. President?

What will the consequences be? Is it realistic to expect that the sanctions can go on, that the deadline date can be ignored, and that Saddam Hussein will not be regarded as a hero and as a victor in this controversy?

Mr. HATCH. I think my colleague from Pennsylvania, who is on the Intelligence Committee, states his question very well. The fact of the matter is, if we do not back the President and our young men and women over there by backing that U.N. resolution, there will probably never again be a U.N. resolution like that. That was a miracle in my way of thinking. I think it justifies support of the President and the Secretary of State, if nothing else.

Let me tell you something. If that miracle never happens again, the world is going to be worse off, and the United Nations will be a paper tiger.

I will restate or paraphrase the comments of the distinguished leader of the Labor Party in Great Britian, Neil Kinnock, who was not well known for being a hawk. He stood up at the North Atlantic Assembly and said, "If we do not back the United Nations, the United Nations will be a paper tiger." If Neil Kinnock feels that way—and he has never been known to be a strong supporter of offensive action—then why can our people here not see what he was talking about?

Mr. SPECTER. If the Senator will yield.

Mr. HATCH. If I can add one other thing. I believe that the longer we go over there, the more expensive it becomes—I am going to make some points a little later—the more Saddam Hussein will have a greater opportunity to entrench, protect, preserve and kill; more casualties cannot help but occur, because that is what he is doing, digging trenches and putting mines out there and bunkering and doing all the kinds of things that will make it more difficult to dislodge him from Kuwait if we wait.

Last but not least, we are going into Ramadan in March of this year, and everybody knows that many of the Arab people are going to be offended by having these forces there. Frankly, they will not be offended if they know that these forces are being used to try and protect the moderate Arab States in the way that they deserve.

If we continue to wait, it is likely these 28 nations that are currently together on this matter are going to have fissures and difficulties within them that may cause the loss of support, the loss of the sanctions, and the elevation of Saddam Hussein to the leader of all Arabs in this world.

Mr. SPECTER. If the Senator will yield. One of the concerns that this Senator has is that in the course of the debate today, there have not been very many Senators on the floor and there has not been the kind of exchange which I think a matter of this gravity deserves. There have been speeches made, and we had a little exchange earlier, and I was on the floor most of the day and recently left and then came back.

I am hoping we can get into this question in terms of discussion with the Senators who are supporting the so-called Mitchell resolution, although as yet it has not been filed.

One of the concerns I expressed earlier today was that the Senate is waiting until the very last hour. Had there been an objection to what the President wanted to do on the January 15 date, we should have expressed ourselves in November.

I said candidly that I had my preferences. I would have liked to have seen the economic sanctions go longer, or I might have avoided the day.

When we are at the last minute and it is a matter of repudiating the U.N. resolution and repudiating the Executive position, the President's position, I am concerned, as the Senator from Utah articulates, about the very important point of using this as an historical precedent for collective action, the first time ever being done.

Mr. HATCH. It will be the last time it is ever done if we support this alleged resolution of the majority leader that I have heard about but have not seen yet.

Mr. SPECTER. I think that is correct.

Of more immediate importance is the question about what happens in Kuwait and what happens with Iraq. If the Congress backs down or if the United Nations has to back down because the Congress will not support the President, then Saddam Hussein grows stronger, and this is a war which is going to have to be fought for some time.

If we assert ourselves now, there is still the possibility, and I think a good possibility, that the war could be avoided if a strong vote comes out from the Congress. Right now, while we are trying to assess Saddam Hussein's state of mind, he is trying to assess the state of mind of the Congress. And while it is hard to figure out what the Iraqi leadership is doing, it may realistically be more difficult to figure out what the congressional action will be.

Mr. HATCH. If I can interrupt the Sanator, I think he cites a good argument. Look, there is no way we are going to be able to keep 400,000 American troops over there sitting in the sand with just sanctions. It is just a matter of time until we have to move. Then it is just a matter of time within 2 or 3 years when this man is going to aggessively go against his neighbors. And the country he wants to go against more than any other country happens to be Israel.

We all know the commitments of this country toward the moderate Arab nations and Israel. We will have to go back into it; only then we will not be able to win a quick, decisive victory. It will involve millions of people and lives. It could involve the eradication of whole nations.

We have to face this problem now, and the way to face it is to back this President, whether we agree totally with the policy or not.

The only thing Saddam Hussein and people like him recognize is our willingness to use force. The President is 100-percent right. I do not understand how anybody cannot recognize that. If you look to the future, you have to admit, we are taking tremendous unnecessary risks if we do not face this problem now and face these types of rulers now—especially in this particular case—while we have the capacity to do it.

Let me go to my fifth point. Talking about the vital interests of the United States, we have a major political interest in preventing Hussein from radicalizing the Arab world. For decades, moderates and radicals have struggled for the heart and mind of the Arab world. If we back down from this confrontation, Hussein would become the hero of the Arab man in the street. Revolutionary forces would topple moderate governments in the pivotal countries of Egypt, Jordan, and Saudi Arabia. Hussein's brand of anti-Americanism would soon dominate every Arab country from Morocco to Oman.

We also have a major interest—No. 6—in preventing Hussein from threatening the survival of Israel. The domination of the Arab world by Hussein would pose a moral threat to Israel. We must stand by our moral commitments to the Jewish people. We have a strategic partnership with Israel. Every postwar American President has committed the United States to guarantee the security and the survival of Israel, the only democracy in the Middle East. If we do not defuse this threat to Israel at this time, where our moral and strategic interests converge, our commitments around this whole world would lose their credibility.

We have a vital interest in supporting the moderate Arab States as well. I cannot begin to tell you, because a lot of it is classified, how important these moderate Arab States are to world peace against world aggression, in supporting the United States of America in foreign policy and other ways, in befriending us. They are important. And if it heightens Saddam Hussein's power and we make a hero out of him and we have to withdraw our forces, and we do not have the guts to do what is right, it is just a matter of time until the moderate Arab States will be under his control through force and intimidation, or should I say through force and/or intimidation.

No. 7, the United States, as well as the rest of the world, has a vital economic interest in preserving access to Persian Gulf oil at reasonable market prices. This is not a selfish interest. Not just the United States would suffer from giving Saddam Hussein the power to set extortionist prices through force and intimidation. The test of the West, the new democracies in Eastern Europe, the struggling nations of the developing world, the Third World countries—all these would suffer as well. And they would suffer more than we would. But we would suffer too because oil is the lifeblood of the oil economy, and we cannot afford to have Saddam Hussein at its jugular. We just cannot.

And that is what we are in danger of doing if we do not back this President and do what is right here. I say the President deserves this backing. More than the President, these young men and women deserve the backing, too. They are not over there just sitting there, having fun.

Have the sanctions failed?

No. 1, after 6 months, sanctions have had their day in court. But it is time to recognize the fact that economic sanctions alone will not force Saddam Hussein to withdraw from Kuwait. They can impoverish Iraq, but they cannot break Hussein's will.

No. 2, what have the U.N. sanctions achieved? They have dealt a serious blow to Iraq. They have cut off 90 to 95 percent of its imports and exports.

They have starved Iraq of the hard currency needed to pay for even those goods that can be smuggled into the country.

No. 3, the sanctions have put the squeeze on the Iraqi civilian economy. The prices of consumer staples, such as flour, rice, sugar, tea, and milk, have all gone up by at least tenfold and in some cases much more.

But what have the sanctions not achieved? They have not at all weakened Iraqi military forces. Hussein's military has stockpiled spare parts that will make the bulk of the force immune to the effects of sanctions. In some high-tech areas—such as the air force—sanctions might lead to spare parts shortages in the long term. But the strength of the Iraqi military—its armor and infantry forces—will not feel the pinch. They are ready for the long haul. But most important the sanctions have not changed Hussein's mind. A man who accepted the loss of over 1 million troops in a decade of war with Iran will not cave in as a result of higher consumer prices.

What about this argument: Why not wait for the sanctions to work?

The argument that the United States should simply give the sanctions more time to work is fatally flawed. None of its advocates explain how much time would be needed. Six months? One year? Two years? No one offers a straight answer. If we wait, we will find that more time means even more casualties.

Even if we wait a few more months, the cost in terms of U.S. lives will escalate dramatically. That will give Iraq's forces more time to build up the greatest fortified work since the Maginot Line. He has already put in place vast mine fields, fire ditches, dug in armor, infantry positions with overlapping fields of fire, all designed to channel attacking forces into preplanned killing zones. If we wait, he gains time to thicken and strengthen those defenses. If Congress stalls, we will be responsible for the loss of thousands of lives, not only American casualties, but the others as well. There are approximately 250,000 troops from other countries, and we seem to forget that, too.

Those who urge us to wait a year or more portray this conflict as kind of a waiting game. They foolishly believe that things can only get worse for Saddam Hussein and better for us, but that is not the case. There are any number of scenarios that would undercut the position of the United States without a shot being fired. We could see sanction-evading foreign firms, which already number several hundred, devise better ways to smuggle the goods that Baghdad wants. We could see them. We know that we are seeing it now, through Iran, through Syria, through Jordan. I suspect some others as well.

We could see Iran agree to hook up the oil pipeline network with Iraq and sell Iraqi oil on behalf of Baghdad, giving Saddam Hussein much-needed hard currency, and much more than that if Hussein becomes the darling of the Arab world.

And we could see political turbulence in the Soviet Union, which has already led to the resignation of Shevardnadze, lead to a change in Soviet support in the international effort against Iraq. Right now, one of the most amazing things of this whole century is that very support. I do not believe that is going to last if we keep playing these games in the Congress. We could see Saddam Hussein succeed in subverting some of the moderate members of the coalition, such as Egypt and perhaps even Saudi Arabia.

Giving more time for the sanctions to work also carries risks. What looks like the safe course of action could quickly become the more perilous.

Why have so many failed to support President Bush and our troops over there?

No. 1, I have to confess I am shocked that so many have opposed President Bush's policy. We face a case of clear violation of international law and of massive violations of human rights. What is more, the President has taken every step short of the use of force demanded in some previous crises. He has gone to the United Nations and obtained a dozen resolutions requesting the Iraqi withdrawal. He has organized a 28-nation coalition force in Saudi Arabia to demonstrate the breadth of world commitment and share the costs and burdens of the war.

He has given sanctions sufficient time to test whether they alone can break Saddam's will. He has promoted diplomatic initiatives by the United Nations, our European allies, the Soviets, and the Arabs, as well as going the extra mile with Secretary Baker's meetings.

No. 2, now we must consider the only remaining alternative, the use of force. If we support the President, the possibility exists that Saddam Hussein will finally understand that we mean business, that he must either withdraw or face war. Under those conditions he, I believe, will finally back down in order to avoid suicide. If we want peace, we must support the resolution to endorse the President's authority to use force.

If we do not do that, it seems to me we are giving this man time, and time to criminals and to the criminal mind is time to do even more harm, time to do even more devastation, time to do even more hurt to those who really should be standing up against him.

I think we have to look beyond the present and into the future. We have a history with this man. This man has used weapons of mass destruction against his own people and against others. He actually believes he has the right to do it. He cites it as a religious right. He has threatened our country, he has threatened the moderate Arab States, and he has threatened Israel.

How much more do we need before we stand up and say, "Hey, look. The only way you are going to stop this guy is to show you are willing to, and you cannot do it with sanctions alone over the short period of time, and maybe even over the long period of time." And already we see in other countries—France, Germany, the Soviet Union, Japan—countries who are willing to give him something for his aggression, countries that right now are standing with us and will stand with us if we act decisively, but who are willing to compromise with this man who is going to direct from that day terrorism all over the world, and who, from that day on, will become the darling of the Arab world; who, from that day on, will have the force and power to intimidate all of the moderate Arab States; who, from that day on, will have a constant diatribe against Israel; who could care less about the Palestinians but nevertheless will use that particular issue to consolidate forces against Israel. And, if we wait, we are just waiting for a disaster to happen.

Sometimes you just plain have to do what is right. And what is right is not waiting for sanctions to work any more. What is right is to let him know in no uncertain terms that we Members of Congress are going to stand with the President; we are going to try to help our foreign policy; we are going to support our young men and women over there; and we are not going to allow him to continue to do some of the things that he has been doing with impunity and is still doing with impunity; and we are going to try to prevent that holocaust that could occur in the Middle East if we fail to act on that decisively now.

I fully recognize there are sincere people on both sides of this issue. I know there are lots of ways, if things go sour, if things are not right, that this body alone can correct them. But I cannot see any reason, if we are interested in the long term, if we are interested in solving these problems, why we do not join hands with the President, with our young men and women over there, with the other 28 countries and do what really has to be done and send this message.

I have no doubt this President will try everything within his power to diplomatically resolve this problem. He supports the U.N. leader, Perez de Cuellar, going down there. The fact is he has done just about everything. And they certainly, in the White House, have tried to keep us informed as well. President Bush is not a man of war. He is a man of peace.

I will just close with this thought. When I was in Israel just a month ago I had dinner with one of Israel's leading sociologists. He had just come back from the Soviet Union, and he had been meeting with a group of their top scientists. He asked them: "How do you explain these tremendous occurrences that have occurred over here in the Soviet Union, this thirst for democracy?"

The top scientist said, "I can explain it in two words."

He said, "What are they?"

He said, "star wars."

Implicit in that particular statement was that Ronald Reagan seemed to understand something and that is you cannot deal with these people except through a position of strength. If we do not back the President, we are putting him in a position of weakness.

I think the majority of the Members of the Senate will back the President. I hope it is a significant majority. When I went to the East bloc countries last April, I asked each of those leaders in the countries: "To what do you ascribe this explosion in democratic principles?" And paraphrasing, but I think accurately paraphrasing, virtually every one of them said: "Gorbachev and his perestroika." And then they would stop and they would catch themselves and they would say: "But, without Ronald Reagan and the strength that he exhibited, Gorbachev and his perestroika would never have had a chance."

I believe that. I got it right out of the horse's mouth, right out of the people over there. They would go even further. They would say: "We want to privatize. We want to have a free-market system like yours. We would like to have a stock exchange. We want to be just like you."

Then they would stop and they would say words to this effect: "But we notice that your Congress is passing the very type of legislation we are trying to throw out so we can be free."

I think we should learn from the past. I think we should learn that the only way to deal with these people is through a position of strength. To that end I hope my comments have been helpful. I have not meant to demean any Member of this body, but for the life of me I cannot understand why, with the history of what is happening, we are not unifying and joining hands and getting together and doing what has to be done, which over the long term, through a demonstration of strength, will help to resolve these problems, perhaps forever more.

I yield the floor.

The **PRESIDING OFFICER.** The Senator from Washington.

THE CRISIS IN THE PERSIAN GULF

Mr. **GORTON.** Mr. President, soon we will be debating a joint resolution, a partial copy of which has been provided to Members on this side of the aisle, which I presume will be introduced by the majority leader and others; the heart of which states the belief "that continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time."

The anticipatory debate in which we have been engaged to this point has been characterized by many Members as involving a simple choice, a choice between war and the continued reliance on economic sanctions. It has been, perhaps, most thoughtfully and best stated by the distinguished Senator from Georgia, Senator NUNN, who in a piece in the Washington Post this morning writes: "I continue to support President Bush's original strategy, economic sanctions, a continued military threat, and patience."

It approaches the status of a truism to say that if one asks one's self the wrong question, the answer reached is almost certainly to be far wide of the mark.

Sanctions or war is the wrong question, and, as a consequence, the answer propounded by those who state the question in that fashion is dangerously erroneous to the interests of the United States and to those of the free world.

Let us examine for just a few moments the question of the efficacy of sanctions. The Senator from Georgia believes in their continued use. He also has supported the President's goals in the Middle East. Those goals, as they are relevant to us today, are the complete and unconditional withdrawal from Kuwait by Iraqi armed forces, the restoration of the legitimate Government of Kuwait, and security and stability in the Persian Gulf.

The proper first question to ask, Mr. President, is: What evidence is there that sanctions will work to secure those three goals? Or, for that matter, to secure any one of those three goals?

The one absolutely clear answer to that question, an answer about which there is no dispute whatsoever, is that a period of almost 5½ months of reliance on sanctions has not secured a single one of those three goals nor has it created the slightest degree of progress toward achieving any one of those.

There is no crack at this point in the position which Saddam Hussein and the Government of Iraq have taken from the beginning.

As recently as yesterday, we were referred to a statement which he made on the 15th of August last year which was then and remains today the position of the Government of Iraq.

On the other hand, Mr. President, certain results of the sanctions are clear. No one disputes the proposition that, for all practical purposes, exports from Iraq have been cut off, including all of its petroleum exports and almost certainly most of anything else which it sells. We may well be approaching the time at which 90 percent of its imports have been blocked. Clearly, the standard of living of the people of Iraq is lower than it was before the sanctions were imposed and lower than they would be if those sanctions were withdrawn.

But that is all that sanctions have done to this point. If we look at the history of Iraq from the year since Saddam Hussein took power, we note the fact that he managed an 8-year war against his eastern neighbor, Iran, a war which dramatically lowered the standard of living of the people of Iraq and which killed more than 100,000 of its young male citizens and wounded hundreds of thousands of others. That did not change the course of action which Saddam Hussein was willing to follow for a period of 8 years, nor did it undermine his power or authority over the country he rules with an iron hand.

During his entire time in office, he has used the great bulk of his very substantial oil revenues to build up his armed services rather than to build up the infrastructure and the standard of living of the people of his country. That has been accepted by those people for some two decades.

Mr. President, the bottom line is that there are no rational grounds upon which to believe that sanctions, standing alone, will change the mind of Saddam Hussein and will gain for us some sudden agreement on his part to withdraw from Kuwait unconditionally, to allow the restoration of its government and to enter into a situation in which the peace, stability, and security of the Middle East is productive.

The case of sanctions, Mr. President, is based upon vague and foolish hopes and no evidence, no hard evidence whatsoever.

Mr. President, to put it another way, if a credible threat of war—the destruction of many or much of his armed might and almost certainly of his own Government—will not move Saddam Hussein to accept and to abide by the resolutions of the United Nations, how can anyone seriously defend the proposition that economic sanctions standing alone will do so?

Mr. President, let us go back again to that characterization of this debate involving war or sanctions, and nothing else. Is war the only alternative to the continued reliance on sanctions? Of course not, but it is almost certain that the only alternative to ratifying the course of action proposed by the President of the United States is a continued reliance on sanctions and on nothing else.

Mr. President, as much as my friend, the distinguished senior Senator from Georgia, may wish it, we simply will not, if we back away from support for the President, be able to follow a strategy of economic sanctions and continued military threat and patience. The military threat will have become nonexistent.

In fact, I have believed for more than 1 month and have stated on a number of occasions that I felt it almost impossible to expect any movement as a result of the resolution of the United Nations in late November earlier than the last 48 hours, perhaps the last 24 hours before the expiration of the January 15 deadline. Saddam Hussein is a skilled practitioner of brinksmanship. He has clearly not yet been persuaded that the United States or the United Nations are serious. He believes that we will, in fact, pass a resolution like that proposed by the majority leader and will back away from this confrontation. He believes firmly and completely in his own ability to come out of this confrontation in a triumphant fashion and as the acknowledged leader of the Arab world.

We will succeed in reaching our goals, Mr. President, without the use of our armed services in conflict only if we back the proposition which the President is acting upon. There is no possibility at any time within the foreseeable future, that if we were to pass a resolution like this, that it will be crowned with any kind of success whatsoever.

Are the only alternatives sanctions or war or leaving? I believe, Mr. President, that we have demonstrated that they are not.

Mr. President, what have we gained during the course of the last 5 months? First, of course, the broadest coalition designed to repel or to counteract naked aggression which has been put together in the world at any time since the end of World War II; a restoration, or perhaps I should say the creation for the first time in 45 years of a central role for the U.N. organization in dealing with the major crisis facing the world. The possibility that we could have a United Nations fulfilling a function for which it was designed by the drafters of the agreement in 1945 is closer to reality today than it has been at any time since that creation. We have, in addition, Soviet support and at least qualified support from China, and strong support from a wide range of members of the United Nations.

Mr. President, are we to say here today or later this week, or early next week that this extraordinarily broad support is not good enough for Congress and the United States; that we will back away from what all of our allies and the United Nations itself have authorized? Can one seriously hold the proposition that our coalition will be strengthened by such an action? Can it be seriously entertained that the United Nations will be taken more seriously the next time it is faced with such a crisis? Or is it more likely that it will become, once again, the irrelevancy it was during much of the cold war?

Mr. President, do we seriously hold to the proposition that support will be there from the United Nations and from this coalition and from our allies for the use of armed force at some vague and unspecified future time when the proponents of this resolution may finally be satisfied with the obvious truth of the failure of sanctions? When will that future date arrive? During the Muslim month of Ramadan? During the pilgrimages in midsummer in 130-degree heat, on August 2, the anniversary of the occupation of Kuwait? Next winter? When? Will we in the meantime bring home half or two-thirds of our Armed Forces and then return them to the Middle East when that magic date has arrived?

No, Mr. President, an honest examination of this question tells us that waiting, that depending on fruitless sanctions is a prescription for the defeat of the United States and of the United Nations.

It is almost certainly a prescription for more terrorism, for the death and expulsion of more of the citizens of Kuwait, for more of the residents of Iraq itself, for more people in other parts of the Middle East, and it is likely also to mean a war in which the United States is involved at some time within the foreseeable future under worse circumstances and at far greater expenditure of treasure and of lives than that with which we are faced today.

At this vague and unspecified future date, Mr. President, will the coalition still be there? Who will guarantee us that? Who will even give it a 50-50 chance? Or will some of our allies have made the decision that Iraq is really not so bad after all, that the occupation of Kuwait, after all, took place quite a long time ago and very far away and that we are hurting our business communities by continuing to abide by these sanctions? Or will we find that our Arab allies, those immediately threatened by Saddam Hussein, having rightly questioned our willingness to stick to our principles, will simply by this point have made the best deal they can with their powerful neighbor, will have given him control over some 60 percent of the oil of the world and will have acknowledged him the dominant factor, the dominant individual in the Arab world?

Will we avoid war then, Mr. President? Will we lessen the chances of terrorism if we are seen to be cowards and to cut and run than we will if we create a situation in which we have at least to be feared and almost certainly to be respected?

Do you believe, Mr. President, that if we allow Saddam Hussein to succeed we will not see him again, that we will not have to deal with a more powerful Iraq when it dominates the entire Arabian peninsula, when it has perfected chemical and biological weapons and when it is closer than it is today to a nuclear capacity? Will we see less of him then? No, Mr. President, defeat in this confrontation does not simply mean higher oil prices. It means that we will face Saddam Hussein again, that we will face others who believe that what Saddam Hussein can get away with they can get away with as well. It means, Mr. President, that the likelihood of a much worse war is greatly increased.

No, Mr. President, the cause of peace is not served by this resolution. This resolution serves the cause of defeat, the cause of the abandonment of a noble idea, of a lawful and peaceful world order and the cause of a worse war at a future date. For all that we could desire to agree with the Senator from Georgia that we should rely upon economic sanctions, a continued military threat, and patience, those are inconsistent courses of action. If we back down this evening, this week, or next Monday from this confrontation, there will no longer be a continued military threat to influence Saddam Hussein and there will be no longer be a chance of solving this problem, either successfully or peacefully. The cause of peace, Mr. President, is served best and only by backing the cause of the President of the United States.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, when the Chaplain delivered his prayer this morning on this day, the opening day of debate on the most important matter of our time, he asked for divine guidance and "cool heads and warm hearts." It is in this spirit that I address the Senate at this juncture.

I rise in strong support of the reasoned proposition introduced by the majority leader earlier today. This Senator had a hand in the development of this joint resolution over a period of the last many days.

Never before in my 20 years of high public service have I wrestled with as difficult a decision. The magnitude of our determination is overpowering. The seriousness of the decision about to be made cannot be overstated. Even at this moment this Senator is not sure beyond any equivocation of mental reservation that my judgment is the certain correct one. But it is decisionmaking time, and I hope and pray fervently that my vote and the words from my mouth and my heart stated here are accepted by my God, my colleagues, my constituents, and our dedicated forces deployed in the Mideast, as my very best tortured determination.

Suffice it to say I have no quarrel with my colleagues who have come to different determinations. I do not and will not question their motives. Indeed, I feel that the die is already cast irreversibly to positions opposite mine, primarily due to the intransigent stand by the Saddam Hussein-led Government of Iraq which he leads. We are nearly certain, save some last minute significant change in posture by Iraq, for an all-out military confrontation that will be emotionally driven by the Jihad or "holy war" mentality. This is evident certainly since the all-out promise from Iraq that if hostilities are to begin, they will attack Israel. Saddam Hussein will employ, probably effectively, his evil "infidels against the true believers" strategy.

Any reason or logic would dictate that Hussein would have his hands more than full in defending against the forces now deployed against him in the Saudi Desert, let alone initiating the significant Israeli military might against him. It is suicidal for Iraq and therein lies proof of his instability. The dangers of massive bloodshed on both sides seem all but lost as the deadly games of chicken and brinkmanship prevail.

Make no mistake about it, despite our differences of how best to proceed, Hussein should not underestimate our bottom line resolve to correct this festering menace. In considering this matter, we are entering into a most delicate and uncomfortable debate, but one that has an inherent and very dedicated responsibility connected to this institution.

The American people are looking to the Congress to fulfill this responsibility and to come to terms with whether Americans are to die in combat. An issue of such gravity transcends the constant siren call of partisan politics, overcomes the magnetic pull of opinion polls. Each Senator, after considerable introspection and soul searching, must speak and vote from his or her heart.

On Tuesday of this week, President Bush called upon Congress to support a resolution which would mirror that which passed the United Nations on November 29, 1990, and authorized the use of all necessary means, including offensive military action, to remove Iraq from Kuwait. To not provide such an authorization, warned the President, would increase Iraqi intransigence and weaken American efforts to oust the brutal occupiers of Kuwait. Implicit in this call for action is that Congress must march in lockstep with the President and the United Nations or open itself to accusations that it has failed to act decisively, weakened the United States in the eyes of the world, and assisted Iraq in its resistance. Additionally, the President and his Cabinet members have repeatedly stated that the President does not need congressional approval before the United States initiates war against Iraq, suggesting in the process that Congress plays a subservient and advisory role to the Executive in declaring war.

Of all the President's positions and pronouncements, this is the one I find most preposterous. Certainly I agree the President has full authority to take any and all action he deems necessary to defend against an attack on our forces. But offensive action initiated by the United States cannot and must not be decided by one person, regardless of that person's standing or office. Our Founding Fathers did not provide for a king or dictator in our form of government. If the Constitution means anything, it rejects this Presidential position without question. Would the people knowingly elect any person as President who ran for such office claiming the right to initiate an offensive war on his or her own singular decision? At best, I suggest the President is threatening to violate his oath of office.

Many fundamental and extremely complex questions must be addressed before a determination can be made as to the wisdom of authorizing the use of offensive military force at this point in time:

What does Congress risk by waiting beyond January 15 before granting such an authorization?

What is gained by waiting and how is this reconciled with the risks of relying on continued sanctions?

I believe that any objective reading of article I, section 8 of the Constitution yields the conclusion that the architects of that document—the supreme law of our land—gave Congress the power to declare war.

For those who find inconsistency between such an interpretation and the powers afforded the President as Commander in Chief of the military in article II, section 2, the historical record of the Constitutional Convention of 1787 and the Federalist Papers unambiguously document the intentions of our Founding Fathers and affirm the Congress' crucial role.

The Presidents, as Commander in Chief, have sent U.S. forces into combat or potential combat over 200 times in our Nation's history. Only five times has the Executive action been accompanied by a congressional declaration of war. The prevalence of warmaking without a decree has led many in the present day to conclude that the President, therefore, has defacto power to declare war. To the contrary, repeated violation of the constitutional separation of powers is not synonymous with an invalidation or rewriting of the Constitution. If historically the executive branch has exceeded its powers in this respect, so must the Congress share responsibility. As John Hart Ely, a law professor at Stanford University, writes:

> A Congress that lets the President call the shots on war and peace, and devotes itself instead to the construction of private political bomb shelters, is not what the Framers of the Constitution had in mind in vesting the war power in the legislative process.

The voice of Congress must be heard before January 15.

Before I address the matter of what is risked and what is gained by Congress withholding at this time its authorization of the use of offensive force, I would like to state my views on the President's policy and actions to date. The administration has carefully crafted international support to economically and politically isolate Iraq as a result of its brutal takeover and subjugation of Kuwait. Working through the United Nations, the United States quickly responded to the invasion and led the world in standing firm against Saddam Hussein.

I strongly supported the President's actions. I realized then, as I do now, that at some future time, if all other means and efforts are tried and fail, offensive action would be justified and should be requested from the Congress and approved. But the rush to combat now, early in 1991, before the embargo and sanctions have been afforded a chance to work, is in my view tragically shortsighted. There never has been an explanation as to why the administration abruptly changed course on November 8, 1990; abandoning its defense strategy for an offensive one which 60 days later has us all but launching all-out combat.

Also, I am concerned by the recent Americanization of the conflict and the perception that war is no longer the last resort in removing Hussein's army from Kuwait. More specifically, I am concerned with the shift in administration rhetoric and policy to use offensive force for reasons, such as Iraq's potential nuclear capability or its large conventional military strength, which are beyond those listed in U.N. Resolution 660 or any other measure approved by the international community. I am disappointed that the military force in Saudi Arabia is predominantly American, with American troops representing approximately 75 percent of the ground forces facing Iraqi tanks. While many Arab States express a desire for an Arab solution and have a combined military power superior to Iraq, their military commitment in this crisis is inadequate. Other nations which heavily depend on Iraqi and Kuwait oil are nowhere to be found when to comes to defending their interests. Fairness has given way to expediency. Machoism has replaced thoughtfulness. War and resultant primarily American casualties are about to occur.

During the 5 months following Iraq's invasion of Kuwait, the fight against Saddam Hussein has changed from an American-led international fight to an American fight blessed by the international community.

What is risked if economic sanctions are given more time and the use of force is postponed? What is risked if we allow diplomacy to try further efforts and reject the premise that "the sky will fall" unless we comply with the administration's contrived deadline of January 15?

Foremost is the concern that the administration has let slip and discounted the supposedly dedicated international embargo. This weakness can be shored up and the embargo maintained, but unfortunately, the administration has sold out its own plan announced after the August 1990 invasion of Kuwait.

An additional concern is that by postponing approval of military force, Iraq will be strengthened and the United States will have suffered a political setback in the world's eyes. This unfortunate happening is of the administration's own making. There apparently is a misunderstanding of the U.S.-initiated January 15 deadline set forth in U.N. Resolution 678. The resolution does not mandate force be used by January 15; rather, it proposes it may be used. As long as Iraq is quarantined economically and politically by the international community as an outlaw nation, deference in the use of military power does not represent the political defeat that the administration has unfortunately concocted for itself in its rush to combat.

The testimony before the Armed Services Committee on this matter is particularly instructive on why we should give the embargo more time to operate to bring down Hussein rather than rush to combat. Experienced and proven experts in military and international channels, including the immediate past two Chairmen of the Joint Chiefs of Staff and a former Secretary of the Navy under the Reagan administration, cautioned strongly against the immediate combat option as opposed to some deal by means of the sanctions and embargo. Their testimony should be reviewed by all who embrace a course of action contrary to staying the course set out clearly by the adminstration before November 8, 1990. My question is: Are wise heads prevailing in our rush to early battle?

The correct time for the United States to go to war must not be tied to an arbitrary date established outside the realm of the America's constitutional system of government.

Others have voiced a belief that the longer we wait, the stronger and more entrenched Iraqi forces become in and around Kuwait and the greater the subjugation of the Kuwaiti people to Hussein's occupation. The tragic reality is that Iraq has completely and mercilessly pillaged Kuwait. The defenses of the Iraqi military against a potential offensive are already in place. Time does not afford Iraq any advantage in its millitary preparedness. This concern has been broadened to include the belief that if Iraq is not disarmed now its military might will only increase over time and may include nuclear weapons capability. Again, it is important to understand that the growth of the Iraqi military and its nuclear industry is tied to foreign nations and, therefore, vulnerable to the present and future effects of an embargo.

Mr. President, if these concerns represent the risks of continuing with economic sanctions against Iraq, what are the costs of war? To embrace the military course of action now precludes the possibility of peacefully resolving the conflict. American casualties will be substantial if our military is called upon to force Iraq from Kuwait by ground combat.

Additional time gives American forces a greater chance to fully deploy and train in the region, thus increasing readiness and preparedness if war is authorized. While economic sanctions work their course, the effectiveness of America's military option need not diminish unless rotation of troops is made difficult because of overdeployment. This can be corrected.

The administration has steadfastly refused to share with the Senate the potential casualties under different scenarios they have developed or the likely length of a war. Surely such figures cannot be precisely determined, but just as certain is the fact that the Pentagon has such estimates. It may be that we could accomplish our goals, whatever they are, and they have not been explicitly stated and defined, with massive air strikes. Certainly we would have nearly total and unchallenged air superiority in the first few days of war. But would that suffice?

Iraq's defeat primarily at the hands of Americans would likely yield generational enmity against the United States in the gulf area, irrevocably changing our Nation's influence in the region. Such a military victory would undoubtedly require long-term commitment of our troops in the area. Both the short-term and long-term consequences of launching a strike against Iraq must be considered.

Having weighed the risks of continued sanctions against the costs of war, I cannot support a resolution which open-endedly authorizes the use of military force at this time. The ultimate effect of sanctions on the Iraqi economy, military and political, will not be determined for months to come. Time, patience, and diplomacy are still effective weapons in the gulf crisis and will continue to be after January 15. A premature move to war could be costly. General Schwarzkopf, the commander of our forces in the gulf, said on November 29: "If the alternative to dying is sitting out in the Sun for another summer, then that is not a bad alternative."

Mr. President, I join my colleagues in their disappointment with the results of Wednesday's meeting between Secretary Baker and Minister Aziz. Iraq's actions since August 2 have been criminal and immoral. Its reluctance to capitulate and withdraw from Kuwait is contemptible. But history is filled with wars that could have been avoided, lives that might not have been lost.

I am not endorsing appeasement, nor am I suggesting that the President's demand for unconditional withdrawal of Iraq from Kuwait be softened one bit. The President, the United States, and the world must continue to stand firm against Iraq. Yet, one needs only to look at our military commitment to NATO and our stationing of hundreds of thousands of Americans in Western Europe and in Korea for decades to appreciate America's potential fortitude and patience. I cannot at this time in good conscience accept war in early 1991. It is premature and potentially disastrous. Patience remains a virtue.

Nevertheless, Mr. President, at this juncture, and given the realities of the situation that now confront us, the Senate must move quickly and vote its majority position, whether or not the conclusions of this one Senator or others similarly situated prevail.

I stongly believe that the proposition introduced by the majority leader is the wise and the prudent course of action. However, from the beginning of our deliberations over the gulf crisis since returning to begin the 102d Congress, I have maintained that expedited procedures must prevail in the Senate and that we should, in fairness to the President and in view of the tenuous international situation, surrender some of our individual prerogatives and let the Senate majority work its will. Whatever the Senate majority decision is to be it must be resolved expeditiously.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

PERSIAN GULF CRISIS

Mr. COCHRAN. Mr. President, we have had a lot of discussion today about the resolution that has been introduced by the majority leader and others in connection with this Persian Gulf crisis.

In the initial moments of our session early today I was disappointed to learn that the majority leader would be putting before the Senate a partisan resolution, a resolution crafted by Democrats, approved by the Democratic Caucus in large part, and submitted to the Senate as the proposal for Senate action in response to a request by the President of the United States to support U.N. Security Council Resolution 678 and affirm the support of the Congress for the actions of our President in this crisis.

I am disappointed because it seems to me that at this time it is very important for the Senate to act in a bipartisan way rather than in a partisan fashion. It is my hope that time has not run out on our opportunity to take that kind of action. It is the hope of this Senator that Democrats and Republicans in this body can work together to develop a resolution that will respond to the President's request and that will, in effect, be a statement in support of the President's actions in support of the U.N. Security Council Resolution 678 and others, and which will result in increasing the likelihood for peace and security in the region and not war.

It is my sincere belief and fear that the passage of this resolution proposed and pending before the Senate now, would make war more likely rather than less because it would encourage Saddam Hussein to miscalculate the unity in the U.S. Government over action under the U.N. Security Council resolution. It could encourage Saddam Hussein to think no action would be taken, that no force would be used to insure his withdrawal from Kuwait and that therefore he could continue to occupy Kuwait with a large military force, and could continue to supply and enlarge that force without running the risk of encountering hostile military action.

It is my firm belief that if Saddam Hussein thinks he is going to have military force used against him and that it may be used after January 15, he will begin finding ways to withdraw from Kuwait. He will begin finding ways to enter into some understanding that would suit the interests of those at the United Nations who have been working to convince him he cannot win by this kind of aggression and thus we would avoid armed conflict in that region.

So I take a different view from those who have spoken today who suggest that the passage of this resolution is a vote for peace, not war; it is a vote to let sanctions work; it is a vote to take advantage of more opportunities that may later develop, whatever they may be, to reach other understandings over the disagreements which exist in that region.

I think it may be too late, Mr. President, to make changes now in the commitment the world community has made to support the sanctions and the provisions of the Security Council resolution. The world community is standing with the President of the United States. It is time for the Congress to stand with our President, too. It is time for us to send a very clear message that the U.S. Government is together in this crisis, not divided, not sitting here wringing our hands wondering what we do next, not disturbed over whether or not the Constitution is being fulfilled in every particular or whether it is not.

The fact is that these debates have been raised in our country for almost 200 years, debates on the balance of power between the Executive and the Congress and in situations that involve the military and military action.

We are at the point now where the relevant facts are that Saddam Hussein has continued to ignore the urgings, the demands of the world community to withdraw his military forces from Kuwait or suffer possible military actions to force his withdrawal. So here at the 11th hour the Congress meets to debate whether or not the United States, the most powerful country in the world today, should support the U.N. Security Council's authorization of the use of any means necessary to enforce that Security Council resolution.

To me, it would be devastating to the integrity and to the credibility of the Security Council and to our own President, if we adopted anything in this body other than an endorsement of that resolution supporting our President in this time of crisis.

So, the facts can lead Senators to debate on one side or the other, and to make conclusions that are at variance with others. We can have disagreements. There can be partisan and bipartisan disagreements on these issues. But when we really look at what the relevant facts are it seems to me that the Senate should agree as a body with an overwhelming majority in support of our President, and in support of the United Nations, standing shoulder-to-shoulder making it very clear to all of the world and Saddam Hussein that we are together on this and that he runs the risk of encountering military action unless he voluntarily withdraws from Kuwait.

If he does not understand that because of the differences that exist on this floor and in this Congress then we may be to blame for the miscalculation and the consequences that may result. Nobody knows what is going to happen tonight or tomorrow in that region. We do not know what he is thinking, what motivates him. We know he is unpredictable. We do not know where the war if it starts would spread; where the military action would lead. There is no way to know all of the answers.

But that should not prevent us, just because there are many unknowns, from resolutely affirming our support for our President in this crisis and for the United Nations which has at our request time and time again condemned this invasion and its aggression and brutalities and to insist upon the withdrawal of Iraqi forces from Kuwait. It is purely and simply that which is at issue.

I hope the Senate will act now. The time for action is now. Delays, and prolonged confused debate over the issue, are not going to serve the interests of those who fear going to war because they may trigger a war, unwittingly, unintentionally, but nevertheless surely. The best path to peace, Mr. President, is standing firmly together, united with the world community, with our President.

The PRESIDING OFFICER. The Senator from Arkansas, Senator BUMPERS is recognized.

THE NEED FOR THOUGHTFUL, SENSIBLE DEBATE

Mr. BUMPERS. Mr. President, I will be relatively brief in my comments on the matter before the Senate.

This is a very somber time, probably the most difficult time since I have been in the Senate, and that is now 16 years. And the need for thoughtful, sensible debate has never, never been greater.

This is not a partisan issue, and it is not an issue over whether we are going to support the U.N. resolution. President Bush deserves a lot of credit for having gone to the United Nations and put together this coalition and having gotten roughly 12 resolutions passed. It was no easy chore, and he and Secretary Baker both deserve a lot of credit for that.

The President deserves a lot of credit for coming to the U.S. Congress and saying, in effect: I recognize that the Constitution of the United States vests in you the power to declare war. It is as clear as the mother tongue can make it.

I was a little chagrined and dismayed when from time to time I heard some Cabinet Members say: Well, the President would like to have the Congress on Board but if that cannot be then he will go it alone.

That is a very dicey thing to say. But I just heard my good friend, the Senator from Mississippi, talking about the partisan resolution offered by the majority leader. I support that resolution. I do not consider it partisan at all. It was very carefully crafted.

Senator NUNN—who is considered one of the real lights, the light in this body on military matters—had a heavy hand in crafting it. He accepted a lot of suggestions. That resolution was crafted to say we are not going to rule out force forever. But what we are saying is that that is the last option we should use.

Mr. President, I intend to speak more on this subject tomorrow if I can get the time, but I want to point out to my colleagues right now, this debate is not about whether Saddam is going to leave Kuwait. So far as I know, 100 men and women in this body agree on that. He must leave. This debate is not even about who is going to win the war. Even Saddam Hussein knows who is going to win the war—depending on how we define "win." But this is one of the nice things about being a powerful nation. The Senator from Nebraska just said this is the time for patience. One of the great benefits of being a powerful nation is you can be patient.

I have told this story a couple of times during my tenure in the Senate but this is a good time to repeat it. It comes from Bracelyn Flood's book called, "Lee: The Last Years." It deals with the last years of Robert E. Lee's life. There is a poignant scene in it.

After Lee had offered his sword to Grant and surrendered at Appomattox Courthouse he got on his magnificent white horse, Traveler, and started riding toward Richmond where an apartment had been prepared for him, a home. Lee had not wanted the war. He did not want Virginia to secede. He thought a bunch of hotheads had brought on an unnecessary war. Of course today we know that it was by far the bloodiest war ever waged in the history of this country.

There were a lot of people who thought it was going to be a short war. People in the south were saying "we will whip those Yankees in 30 days." To put just a little levity into what is a serious matter, there is a story about a Mr. Toombs, who was a general in the Confederate Army. After the war, he was running for Governor of Georgia, and he was making this barn-burning speech about why they ought to vote for him.

A young rebel veteran stood up and said:

> Mr. Toombs, why should I vote for you? You were the recruiting officer for the Confederate Army, and you talked my two brothers and me into joining the rebel army, and you told us we could whip those Yankees with cornstalks.

Mr. Toombs said, "We could have too, but we couldn't get em' to fight with cornstalks."

To get back to the serious part of this story. General William T. Sherman resigned as head of a military institute in Louisiana to come and fight with the North. And he said, "I fear this war is going to be much longer than anybody believes. It is going to be long and it is going to be bloody." He of course, was right.

And, so, 4 years later, Robert E. Lee is riding his horse from Appomattox Courthouse to Richmond, and he stopped one day on the trip. There was a place where a battle had been fought, dead horses and dead soldiers lay on the battlefield. General Lee swept his hand, and said: "The politicians caused this. This could have all been avoided. All we needed to avoid this war were a few men of courage, of vision and forebearance"—another word for patience.

But my beloved Southland lay in ruins, and the whole country almost never overcame the trauma of that war.

The majority leader's resolution is carefully crafted not to insult the President, not to say, Mr. President, you are dead wrong. What it says in effect is there are three ways to get Saddam Hussein out of Kuwait. One is by diplomacy. Bear in mind, yesterday was the first day of diplomacy. It turned out to be an abysmal failure, but it was the first effort. Should we 2 days later say all is lost, we have to go to war?

The resolution further says the sanctions are a second way to get him out and the third way is force. But the third way should also be the last way.

I must say to my colleagues on the other side of the aisle who, so far as I know, will support the President and give him the authority to go to war: I will not, but I am not saying that I will not because I am a Democrat and the President is a Republican. I just think every option, every avenue ought to be pursued before I say to the hundreds of parents in my State that your sons and daughters may be called upon to die in a war that this country is deeply divided over.

You can make all the speeches you want to about partisanship. You can make all those speeches you want to about Saddam being a tyrant. Nobody questions that. But I can tell you the country is deeply divided. When a country is not totally united, it is not a good time to go to war anyway.

Mr. President, what do we lose by waiting a while? Nothing. What do we gain? We may gain the ultimate goal of getting Saddam out of Kuwait without war. And if we do not, the CIA will tell you that Iraq's military apparatus is beginning to rust; they will tell you that the sanctions are having an effect, maybe not to the effect that they will get him out, but they are having an effect, and every day that goes by is in our favor. Our men and women in Saudi Arabia may not have to fight an enemy quite as strong because every day that goes by, he cannot get spare parts for his planes and his tanks.

But the resolution which has been called partisan does not rule out anything. It simply says not yet Mr. President, but if you choose to come back to us a little later, we will consider it. I personally think that he ought to tell us that the sanctions are not going to work and he ought to tell us that every diplomatic initiative, whether by Cuellar, Mitterand, whoever, has failed miserably.

Mr. President, I heard one Senator today talk at length about what a tyrant Saddam is. That is not the issue. The world has always had tyrants. There is a revolution going on in Somalia right now to overthrow a tyrant. Another tyrant, Samuel K. Doe in Liberia has just been overthrown. South Africa has had essentially one tyrant after another up until recently that subjugated 20 million black people to unspeakable conditions, and we happily did business with them, just as we happily did business with Saddam before this.

That is not the test. I think Saddam probably is the most dangerous leader in the world today. Bear in mind, I cannot repeat it often enough, he must leave Kuwait.

I heard another Senator talk about our vital interests.

Excuse me for another personal reference, Mr. President. Whether we admit it or not, we all use our own personal experiences. Santayana said those people who do not remember history are doomed to repeat it. I am something of a history student, not a real scholar, but I love history. But the history I understand best is the history I have lived through, and that includes World War II, the Korean War, and the Vietnam war, and maybe this one. I know all about those wars because I was alive and witnessed them.

But I remember when I ran for Governor in my State in 1970. I had been, not a staunch proponent of the Vietnam war, but a proponent, and every time I saw the domonstrations and the young college kids burning their draft cards and carrying on with these demonstrations, it made my blood boil. It really offended my patriotic spirit.

You have to bear in mind, at that time, I felt no threat to my family. Then all of a sudden, my number one son turned 17, and in another year he will be required to sign up for the draft, and shortly after that, he is going to have to make a decision on whether he is going to stay in college or be drafted. Was that not a strange thing? You could go to college and avoid the draft, which meant the well-to-do kids went to college and they did not fight in Vietnam. Some of them did, but they did not have to.

All of a sudden, I am confronted with this question. What are our vital interests in Vietnam? I had been offended by the draft card burners. I was dismayed that we could not seem to bring that war to a conclusion, and then I began to try to explain to my son why he might have to go to Vietnam and give his life. And I failed utterly, miserably, because I could not think of a single reason why we were there when my son's life was at stake.

So, Mr. President, war, as Admiral Crowe said, is a messy business. And I might say to my good friends on the other side of the aisle who talk about partisanship and who say we should give the President a blank check. I cannot find anything in the Constitution that says you must support the President if he is a member of your party or you must oppose the President if he is not a member of your party. What it says and what it does not say is easy to understand. It is that in trying, delicate, difficult times, such as we are in right now, every person in this body will be expected to use his common sense, his best judgment, his understanding of history, and his best shot at what is best for the future of America.

This is not a partisan debate. Everybody owes it to himself, to his family, to the men and women in Saudi Arabia, and, above all, to his country, to give this whole thing his best shot and not to abdicate his constitutional duty.

Mr. Presient, when I read that the Soviet Union lost 20 million men in World War II, that is a staggering figure. Who can relate to 20 million people being dead? In my little hometown of 2,000 people, my mother and father were killed in a car wreck. My father was a civic leader in that community. It just tore that small community up, and you can imagine what it did to my family. It was an unbelievable tragedy. It was the worst thing that anybody could think of that had happened in that community in a long time. Two people, my mother and father. As a matter of fact, three; another man was killed in the same wreck, hit, incidentally by a drunken driver, and my father I do not think ever tasted alcohol in his life. What a terrible tragedy it was in that community.

But people came home from Vietnam to little Charleston, AR. Some of them had been wounded, some of them had gone through unbelievable trauma. People said, "Where have you been, Joe? I haven't seen you in a while?" Fifty-five thousand men and women killed but who could relate to 55,000.

And in this war, 1,000 to 20,000 casualties. I've heard that, 1,000 deaths would be acceptable? Acceptable to whom? Who can relate to 1,000 dead like you can to one precious child being killed in a car wreck? Difficult, is it not?

Well, it is not to me. I have three children. I do not think I love my children any more than anybody else does, but I do not see how anybody can love theirs any more than I love mine.

If I had to give one up because the interest of the United States was vital, I guess I would have to do it, painful as it might be. But when I heard a Senator this afternoon talk about our vital interests, he immediately shifted to oil and he started talking about how much oil Kuwait and Iraq and Saudi Arabia have together. Bear in mind, Mr. President, the world is awash in oil. Nobody misses Kuwait-Iraqi oil. The price of oil on the market today is a reflection of fear of war, not of supply and demand. There is plenty of oil. There are no lines at service stations. So we do not have a vital interest in oil in Kuwait and Iraq.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BUMPERS. I will be happy to yield.

Mr. SARBANES. Is it not a fact that the current policy without going to war has in fact protected Saudi Arabia, our forces have deterred any aggression into Saudi Arabia, and therefore the oil of Saudi Arabia, if you want to use an oil equation? I agree with the Senator there are other broader and fundamental equations to use. But if you want to use an oil equation, the current policy of deterrence and economic sanctions has in fact protected the Saudi Arabian oil and therefore made it possible worldwide to meet the demand and, as the Senator points out, the price goes up because of the war scare, not because of the supply and demand situation.

Mr. BUMPERS. I thank the Senator for his comment, which is absolutely on target.

When the President said we are going to defend Saudi Arabia, I agreed totally with it. The idea of allowing Saddam Hussein to control all the Kuwaiti oil, all the Iraqi oil, and all the Saudi oil, would allow him to control roughly 45 percent of the world's oil supply. That would be unthinkable. That would not only just affect us. That would affect the whole world. The whole world's economy would collapse if Saddam Hussein had a stranglehold on all that oil.

So when the President says our first goal is to defend Saudi Arabia, I support you, Mr. President. And I applaud what you did.

But then sometime in November when we were out of session the thing turned offensive and the President said we are going to send another 200,000 men. That put an entirely different twist on it.

Mr. President, I might say, based on the best information I can get, we have somewhere between 70,000 and 100,000 men and women still on their way to Saudi Arabia, so I would assume if we are going to have 430,000 men and women there before the war starts, that is going to be awhile anyway. So the resolution of the majority leader is not going to jeopardize this country as to time; it is not going to put us at a disadvantage for some time.

All we are saying Mr. President, is that we are not ruling it out. As a matter of fact, in the first paragraph of the resolution we say you have the right to defend all American interests in the area. You can interpret that different ways. Even the President could interpret it different ways. What we are saying is just a little more time, Mr. President, because a little more time is preferable to 1,000 to 20,000 lives.

Mr. President, I yield the floor.

Mr. EXON. Will the Senator yield for a question before yielding the floor?

Mr. BUMPERS. I will be happy to.

Mr. EXON. I thank the Senator for his excellent remarks. I thank my colleague from Arkansas. We were elected Governors of our respective States on the same day, interestingly enough. We come from the same vintage. We have had the same experiences. We each have three children, and we have been close friends for a long time.

I was really struck by the Senator's attitude toward the Vietnam war protestors. I felt exactly the same way, I say to my friend from Arkansas.

My question comes down to what I have been quite shocked at hearing at least on one occasion on the floor today, that the resolution offered by the majority leader wes somehow partisan. I was a part of the group that drafted this resolution, and in all instances I can assure my friend from Arkansas and the Senate as a whole that the furthest possible consideration from our minds was partisanship.

Just to make sure that people understand how truly nonpartisan this is, I intend to wait until some of my colleagues who are waiting to talk have their say, and then I want to read this once again for the people in the audience and the people in the television audience to see whether or not anyone thinks it is partisan.

My question is, I am wondering if my friend from Arkansas remembers Admiral Crowe, the immediate past Chairman of the Joint Chiefs of Staff. Is the Senator familiar with him?

Mr. BUMPERS. I know him. He is a good friend.

Mr. EXON. I am wondering if my friend from Arkansas is familiar with David Jones, Four Star David Jones.

Mr. BUMPERS. He was Chairman of Joint Chiefs of Staff when I came to the Senate.

Mr. EXON. I am wondering if my friend also knows James McGovern, the former Secretary of the Navy under the administration of President Reagan? I wonder if the Senator knows General Odom, who was played a key role for a long time? I am wondering whether or not the Senators knows the political affiliation of any of those individuals?

Mr. BUMPERS. I do not.

Mr. EXON. I simply brought these names up because all should understand that all four of those individuals and others testified in open session in the Armed Services Committee along the lines expressed in this resolution, basically that they all felt as military people it was a grave mistake, a very grave mistake, to rush to combat. They suggested that sanctions be given a chance to work and that we have just a little bit of patience as a military power and world leader.

I asked those questions of the Senator from Arkansas only to say that this is not a Democratic or Republican issue; that people like those who I have just mentioned and many others, including the distinguished former Secretary of Defense and secretary of almost everything else in both Democratic and Republican administrations, James Schlesinger, has the same position.

Therefore, the basis for this document comes from testimony from the Armed Services Committee, and as I am sure my friend from Maryland would agree, from the Foreign Relations Committee, very distinguished people of all political faiths have come forth openly and in some cases somewhat surprisingly to endorse the basic concepts of this resolution.

Mr. BUMPERS. I say to the Senator, if I may just comment pursuant to the Senator's comments, I do not want this to sound banal or self-serving, but I will say I was shocked to hear people today talking about partisanship on this issue.

If there was ever a time—when partisanship should play no role in our deliberations—I mean there are going to be several people on this side of the aisle vote for precisely what the President wants.

But I hear some people talking about how wonderful the United Nations is who have never voted for a contribution to the United Nations since I have been in the Senate. But that is neither here nor there.

I am a supporter of the United Nations, and I am a supporter of the resolution. As I say, I applaud the President for that. But I was shocked by the partisan tone of some of the comments I have heard because this is too serious a matter to even think about partisanship. This deals with the very future of this country at a very difficult time economically in this country, a difficult time politically for that matter.

But I have a tendency to ask some members, "What do you know that Admiral Crowe and General Jones and six of the last Secretaries of Defense do not know?" We are talking about the top military leaders and the top Secretaries of Defense for the last many years who have advised us not to get into this thing yet; do not start a war; let the sanctions work. And you have to say what do you know that these men, who have been the top people in this country, what do you know that they do not know?

So, Mr. President, I close by saying the constitutional duty is for everybody in this body to make his own individual judgment. Do you know what James Madison said in Philadelphia in 1787? The reason they wanted to give Congress the exclusive right to declare war was because, as Madison said, it will be to the liking of Presidents to start wars.

Kings and tyrants in Europe had always had carte blanche authority to start wars, and they knew that history. They wanted no part of it. That is the reason they wanted to separate the warmaking power or the war-declaring power from the executive branch here. It is an awesome responsibility and we ought to accept it as being awesome.

Let me just simply say, James Madison said: "It will be to the liking of Presidents to wage war." It was DALE BUMPERS who said "it is easy to get into wars; it is not so easy to get out of them."

Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I want to follow along with something that the very able and distinguished Senator from Arkansas said in responding to the questions of my good friend, the Senator from Nebraska.

When former National Security Adviser Brzezinski was before our committee, I put a question to him. I said:

> Well, the difficulty as I see it is that the administration is not really coming to grips with some very cogent questions or concerns that are being raised about this policy. And those questions and concerns are coming from very responsible people, experienced, mature in judgment, in a very real sense, wise people.

I was thinking of the very people that the Senator made reference to, former Secretaries of Defense, the former distinguished Chairmen of the Joint Chiefs of Staff, former National Security Advisers, former Secretaries of State.

Dr. Brzezinski responded, and he said:

> In recent years we have been engaged in several wars which took time; World War II, Korea, Vietnam.

And after discussing those wars he went on and said:

> This is the first case I can think of in modern times, and in which we may be embarking on a major military adventure, in which extremely senior people, probably the majority of former high policy office holders, are telling the President "Don't do it." Secretaries of Defense, former Chiefs of the Joint Chiefs of Staff, I suspect former Secretaries of States, others, former National Security Advisers. It is something to think about, and it does bear on the nature of the decision-making process.

Mr. President, what I want to do here for just a few minutes is to quote from some of these former officials, and to place their testimony in the RECORD, in some instances at some length, I want to establish clearly that there are a significant number of very experienced and wise people to whom we have continually turned for counsel, men who transcend the politics of administration, who oppose resorting to war and want to give sanctions time to work.

In fact, some of the people I am going to quote were named to their important positions by Republican Presidents; some by Democratic Presidents. All are recognized as experts in the national security field, and testified either before the Senate Armed Services Committee, of which the very able Senator from Nebraska is a member, or before the Senate Foreign Relations Committee.

Let me first quote from Admiral Crowe, Chairman of the Joint Chiefs of Staff from October 1985 until September of 1989. At one point in his career, he was commander of the Middle East Force, which is a command based in Bahrain in the Persian Gulf. That was in 1976 and 1977. He spent over a year actually out in the area, and has followed the area closely ever since.

Let me say at the outset that I have not been able to understand why the administration has taken a policy that could be portrayed as a success, the combination of sanctions and the deterrence of any further aggression by Saddam Hussein against Saudi Arabia, and portrayed it as a failure.

The Secretary of State, for instance, says the sanctions are not working because Saddam has not yet left Kuwait. No one expected that the sanctions would get Saddam out of Kuwait in the shortrun. The sanctions are working in the sense that they are imposing heavy costs on Saddam Hussein and Iraq with each passing day—the costs he is paying are mounting all the time. The assumption of the policy when it was put into place by the President, I take it, certainly the assumption of those of us who supported it, was that over time as the bite of these economic sanctions were felt and the punitive containment—the embargo, the blockade, the use of force to make the sanctions effective through the blockade—as that bite, stronger and stronger with the passage of time, it would over time lead to his departure from Kuwait. Of course no one can guarantee that.

But no one can in good conscience at this point assert that the sanctions will not work, because the sanctions have not been given enough time to work in terms of getting him out of Kuwait. The sanctions are working in the sense that he is paying a heavy cost and reaping no rewards from his aggression.

In fact, Admiral Crowe, speaking about the effectiveness of our policy, said in his testimony at the end of November before the Armed Services Committee:

> It is important to recognize what has been achieved thus far:
>
> Some pundits contend that Saddam Hussein's primary goal is to control the bulk of the Middle East oil and to dictate the price of crude to the West. If that is correct, any such design has been frustrated. He has been served clear notice that he will not be allowed to capture the Saudi oil fields either now or in the future. A definite line has been drawn constraining him and his inflated ambitions.
>
> The increased oil income Saddam had in mind has not materialized. In fact, Baghdad has forfeited 20 billion dollars of foreign exchange earnings a year and as Secretary Schlesinger pointed out, this figure would be $30 billion at the current oil price. In a country the size of Iraq that is not chopped liver.
>
> Moreover, it has been graphically demonstrated that the West can live rather well without Iraqi and Kuwaiti oil. Granted some special areas of refined products are strapped, but those deficiencies are not having a heavy impact on the industrial nations. Frankly, the price swings we see have been generated as much by psychological factors as by supply and demand. We have been impacted by these oscillations, but fortuitously the bill has already been paid as the market has adjusted. Iraq cannot make that claim.
>
> The embargo is biting heavily. Given the standard of living Iraq is used to and the increasing sophistication of Iraqi society, it is dead wrong to say that Baghdad is not being hurt; it is being damaged severely. That goes

> for the Iraqi military as well, which depends on outside support. Yesterday Secretary Schlesinger elaborated on these impacts. Iraq's civilian production has declined by 40%, exports earnings have sharply dropped, and economic flexibility is rapidly disappearing. Military industry will likewise be hit. It is the most effective peacetime blockade ever levied.
>
> Granted that the embargo is not working as rapidly as many would prefer; but if we wanted results in two or three months, clearly a quarantine was the wrong way to go about it. Most experts believe that it will work with time. Estimates range in the neighborhood of twelve to eighteen months. In other words, the issue is not whether an embargo will work, but whether we have the patience to let it take effect.

Admiral Crowe then goes on a little later to conclude:

> The argument that Saddam is winning and being rewarded is both weird and wrong. Obviously, this fact is often overlooked by those calling for more direct action.

Along the same line, Secretary Schlesinger, former Secretary of Energy, former Secretary of Defense, Chairman of the Atomic Energy Commission, Director of the Central Intelligence Agency, came before the Armed Services Committee and testified as follows:

> Let me turn now to the alternative strategies available to the United States and its allies. The first, of course, is to allow the weight of the economic sanctions, imposed in August, gradually to wear down the capacity and the will of Iraq to sustain its present position. The embargo, backed up by a naval blockade, is the most successful ever achieved, aside from time of war. Early on it was officially estimated that it would require a year for the embargo to work. It now appears to be working more rapidly than anticipated. In three months' time, civilian production is estimated to have declined by some 40 percent. Oil exports are nil, and export earnings have dropped correspondingly. The horde of hard currency, necessary to sustain smuggling, is dwindling away. The economic pressure can only grow worse. While Iraq's military posture does not appear to have been seriously affected as yet, as the months go by that, too, will be seriously weakened. Lack of spare parts will force Iraq to begin to cannibalize its military equipment. Military industry, as yet significantly unaffected, will follow the downward path of civilian industry. In short, the burden on both Iraq's economy and her military strength will steadily increase.

In both instances, we have very strong testimony from a former Chairman of the Joint Chiefs of Staff and a Secretary of Defense and Director of the Central Intelligence Agency about the impact of the sanctions and how well they are working. And, of course, given this testimony about the effectiveness of sanctions one has to question severely this march to war now, this rush to war. Why are we being placed on a schedule for war which precludes sufficient time for a sanctions policy to be fully effective? As Secretary Schlesinger observed with respect to the sanctions:

> One should note that, since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them, because they will not have produced the hoped-for result in 6 months' time.

I must say that I think this observation is apparent on its face, but let me read it again:

> One should note that, since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them, because they will not have produced the hoped for results in 6 months time.

Secretary Schlesinger then continued:

> In this connection one should also note the frequently expressed view that Saddam Hussein must be "rewarded" for his aggression, but instead must be "punished." As an expression of emotion it is understandable, but it must not be allowed to obscure our sense of reality. Saddam Hussein is being punished and punished severely. He has forfeited $20 billion of foreign exchange earnings a year—indeed $30 billion at the current oil price. Iraq's credit is totally destroyed, and the remnants of its hard currency reserves dwindling. When Saddam looks across the border at Saudi Arabia or the UAE, they are prospering because of his actions—from which he himself has derived no benefit. He is likely to be consumed by envy. His own economy is rapidly becoming a basket case.
>
> Moreover, the position of preponderance that he had earlier achieved in OPEC is now gone. He is diplomatically isolated. His military position will slowly be degraded. His pawns in Lebanon have been wiped out—by his chief Baathist rival, Assad, who has immensely strengthened his own position. He has been forced to accept an embarrassing peace with Iran, and that Nation's position relative to Iraq is slowly being improved. Sympathetic nations like Jordan and Yemen have been harshly treated—and neither they nor he have any recourse. On the benefit side stands only the looting of Kuwait.
>
> In brief, Saddam Hussein staked Iraq's position on a roll of the dice—and lost. Only if he has a deeply masochistic streak can he regard himself as "rewarded." To allow our political rhetoric to obscure the severe punishment that has already been meted out or to suggest that our current policy is in some way unsuccessful and that Saddam's position is now or is potentially enviable strikes me as misconceived.

Mr. President, what we are addressing here is the war option. That is what this debate is about. Make no mistake about it. It is asserted by some that we should authorize the President to use force because then the threat of force will bring about a positive result. The difficulty with that approach is that if you give the President the authority to use force so he may threaten war he can in fact then take the Nation into war without the Congress ever facing directly the question of whether America should go to war.

The resolution the President is seeking is not a resolution to threaten the use of force, it is a resolution to use force. Of course he asserts if he has that authorization his threat will have greater credibility. But, of course, it also means that he then has the authority to launch hostilities if he chooses to do do. Those who want to authorize the use of force to enhance the threat of war are at the same time authorizing war itself. That is why we are having this debate—to consider the fundamental question of whether the Nation should go to war. To consider the fundamental question of whether the goal of deterring aggression which is a proper and desirable goal can be achieved in some other way than going to war.

Let me again quote witnesses before the committees to establish further the proposition that very experienced, mature individuals who have held significant policy positions in our Government, individuals perceived as transcending politics both in the military and the foreign policy field, have expressed these reservations and concerns about the President's policy.

These reservations and concerns are coming from very wise heads and they need to be listened to and their arguments need to be addressed.

Now Secretary Schlesinger in his testimony before the Committee on Armed Services said about the military option:

> There is little question that the United States and its allies can inflict a crippling military defeat on Iraq. It can eject Iraq from Kuwait; it can destroy Iraq's military forces and military industries; it can destroy, if it wishes, Iraq's cities. The question is at what cost—and whether it is wise to incur that cost. Whenever a nation accepts the hazards of war, the precise outcome is not predetermined. Depending upon the military strategy chosen and the tenacity of Iraq's forces, there could be a considerable variation in the outcome. In the event of an all-out assault on entrenched Iraqi positions, the casualties may be expected to run into several tens of thousands. However, if we avoid that all-out assault, make use of our decisive advantages in the air, and exploit the opponent's vulnerabilities by our own mobility, the casualties could be held to a fraction of the prior estimate. In between four and eight weeks, it should all be over—save for starving out or mopping up the remaining Iraqi forces in Kuwait. The question then becomes whether one goes on to occupy Iraq, to destroy the balance of Iraqi forces, and the like. That would be far more difficult and time consuming, but circumstances may make it unavoidable.
>
> I think it prudent to say no more about strategy and tactics in this session. Suffice it to say that the immediate price will not be small. American forces would be obliged to carry a disproportionate burden in any struggle. This will affect the attitudes of our public and the attitudes in the Middle East regarding the United States.
>
> I believe that the direct cost of combat—including that of a probable scorched earth policy in Kuwait—will be the lesser part of the total cost. The Middle East would never be the same. It is a fragile, inflammable, and unpredictable region. The sight of the United States inflicting a devastating defeat on an Arab country from the soil of an Arab neighbor may result in an enmity directed at the United States for an extended period, not only by Iraq and its present supporters, but ultimately among the publics of some of the nations now allied to us. To be sure, there are no certainties, yet that risk must be born in mind. Moreover, the United States

> will be obliged to involve itself deeply in the reconstruction of the region in the aftermath of a shattering war. In brief, the noncombat costs of a recourse to war, while not calculable in advance, are likely to be substantial.

Mr. President, I ask unanimous consent that the full statement of Secretary Schlesinger, former Secretary of Defense and former Director of the Central Intelligence Agency, be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, I want now to refer to the comments of former national security adviser Brzezinski again addressing this question of the sanctions route or the war route.

He was discussing the forthcoming talks between the United States and Iraq that were then under consideration. In his testimony in early December, he says with considerable foresight:

> However, it is quite possible, perhaps even probable, that the talks will initially prove unproductive. In my view, that should not be viewed as a casus belli. Instead, we should stay on course applying the policy of punitive containment. This policy is working. Iraq has been deterred, ostracized and punished. Sanctions, unprecedented in their international solidarity and more massive in scope than any ever adopted in peacetime against any nation—I repeat—ever adopted against any nation, are inflicting painful costs on the Iraqi economy.
>
> Economic sanctions, by their definition, require time to make their impact felt. But they have already established the internationally significant lesson that Iraq's aggression did not pay. By some calculations, about 97 percent of Iraq's income and 90 percent of its imports have been cut off, and the shutdown of the equivalent of 43 percent of Iraq's and Kuwait's GNP has already taken place. This is prompting the progressive attrition of the country's economy and war-making capabilities. Extensive rationing is a grim social reality. Over time, all this is bound to have an unsettling effect on Saddam Hussein's power.
>
> The administration's argument that the sanctions are not working suggest to me that—in the first instance—that the administration had entertained extremely naive notions regarding how sanctions actually do work. They not only take time, they are by their nature an instrument for softening up the opponent, inducing in the adversary a more compliant attitude towards an eventual nonviolent resolution. Sanctions are not a blunt instrument for promptly achieving total surrender.
>
> Worse still, the administration's actions and its rhetoric have conveyed a sense of impatience that in fact has tended to undermine the credibility of long-term sanctions. Perhaps the administration felt that this was necessary to convince Saddam Hussein that it meant business, but the consequence has been to make the administration the prisoner of its own rhetoric, with American options and timetable thereby severely constricted.
>
> The cumulative result has been to move the United States significantly beyond the initial policy of punitive containment with the result that the conflict of the international commmunity with Iraq has become over-Americanized, over-personalized, and over-emotionalized. The enormous deployment of American forces, coupled with talk of "no compromise" means that the United States is now pointed towards a war with Iraq that will be largely an American war fought predominantly by Americans, in which—on our side—mostly Americans will die, and for interests that are neither equally vital nor urgent to America, and which in any case can be and should be effectively pursued by other less dramatic and less bloody means.

Finally, on the issue of sanctions or war former Secretary of State Vance only last week, testifying before the Senate Foreign Relations Committee, stated:

> We will make a grave mistake if we fail to resist the temptation to initiate offensive action at this time. Sanctions are working and the blockade and embargo are biting. This policy must be given a chance to prove itself and not be cut short by offensive action initiated by the United States. If we act precipitously, we will find ourselves virtually alone in a bitter and bloody war that will not be won quickly or without heavy casualties, most of whom will be American soldiers, sailors, and airmen. Moreover, even if we should launch a "winning war" under the banner of the UN resolutions, the aftermath of the conflict would likely confront the United States with rampant Arab nationalism, corrosive anti-Americanism and widespread instability and turmoil throughout the Middle East. Having "won" the war, we might well find ourselves and our partners worse off then we were before we began.

He goes on to say:

> It is much too early, I submit, to conclude that the current sanctions strategy will not work. I agree with Admiral Crowe and others who have testified before this Committee that we must give sanctions a real chance, even if it takes a year or more, and I urge patience and perseverance in pursuing this prudent and wise course of action.

Mr. President, I ask unanimous consent that the statements of former Secretary of State Cyrus Vance, National Security Adviser Brzezinski, and Admiral Crowe be printed in full at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. Mr. President, I have quoted from the statements of a former Secretary of Defense, former National Security Adviser, former Secretary of State, and former chairman of the Joint Chiefs of Staff. All individuals of recognized substance—indeed distinguished public servants. Appointed by and serving in the administrations of both Democratic and Republican Presidents.

As I stated earlier in my remarks, former National Security Adviser Brzezinski pointed out that this was the first case that he could think of in modern times in which we may be embarking on a major military adventure in which extremely senior people, former high policymakers and officeholders are telling the President "don't do it."

Admiral Crowe said:

> I am aware, of course, that many are concerned about the task of holding the domestic and international consensus together. While there will be grumbling, I believe the bulk of the American people are willing to put up with a lot to avoid casualties a long way from home. Similarly, I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution. Actually, I sense more nervousness among our allies about our impetuousness than about our patience.
>
> In closing, I would make a few observations that perhaps we should keep in mind as we approach this process:
>
> Using economic pressure may prove protracted; but if it could avoid hostilities or casualties those are also highly desirable ends. As a matter of fact, they are also national interests.
>
> It is curious that, just as our patience in Western Europe has paid off and furnished us the most graphic example in our history of how staunchness is sometimes the better course in dealing with thorny international problems, armchair strategists are counseling a near-term attack on Iraq. It is worth remembering that in the '50s and '60s, similar individuals were advising an attack on the USSR—wouldn't that have been great?
>
> Time often has a way of achieving unexpected results. Already there are reports that the Palestinians in Kuwait, having witnessed Saddam's cruelty, are turning away from him and that others in Jordan are also having second thoughts. I am reminded how time changed the Panamanian population's view of Noriega. Autocrats often have a talent for alienating even friends and supporters.
>
> Mr. Chairman, it may be that Saddam Hussein's ego is so engaged that he will not bend to an embargo or other peaceful deterrents such as containment. But I believe we should thoroughly satisfy ourselves that that is in fact the case and that hostilities would best serve our interests before resorting to unilateral offensive action against Iraq. It would be a sad commentary if Saddam Hussein, a two-bit tyrant who sits on 17 million people and possesses a GNP of $40 billion, proved to be more patient than the United States, the world's most affluent and powerful nation.

That is from the former chairman of the Joint Chiefs of Staff.

Mr. President, I submit that what is needed at this juncture in our Nation's history are the qualities of a long-distance runner. We have to show perseverance, determination, stamina. As Secretary Schlesinger noted, at the outset, no one predicted a short time-frame for sanctions to work. What has now happened is we are on a course for war which will preclude ever being able to find out whether in fact sanctions will ultimately achieve the departure of Saddam Hussein from Kuwait.

There is no doubt that sanctions are achieving a tremendous economic penalty on Saddam Hussein, as I have detailed. He is being punished and punished very, very severely. What is now before us is a judgment as to whether the Nation ought to continue to follow a sanctions policy or authorize going to war after January 15.

The Secretary of State has characterized his visit for talks in Europe as the last best chance for peaceful solution, as going the last mile. I beg to differ. Going the last mile, the last best chance for a peaceful solution, is to sustain the sanctions policy for a period of time sufficiently long to give it a chance to work. No expert who testified thought it could work within 4 months. I have read this very powerful testimony from the former chairman of the Joint Chiefs, Secretary of Defense, Secretary of State and National Security Adviser, about the timeframe necessary in order to give sanctions an opportunity to work.

We have talked about the risks of war, the direct costs associated with a military effort, and the costs of what happens afterward. What is the aftermath of a war? What is that scenario? Are we to occupy Iraq? How long will we have to maintain a presence in order to attempt to bring order out of chaos?

Mr. President, each Member of this body, if the United States goes to war, is going to have to ask themselves what they will be able to say to the family of a man or woman killed in that conflict. I do not believe that any of us will be able to say that the United States exhausted every possibility for a peaceful resolution because it is very clear that we have not given the sanctions option sufficient time to work. Each member will have to ask himself the question of how he or she explains the death of a soldier to the family. That question has had a major impact on my own thinking in terms of what rationale does one give for a loss of life? Unless every peaceful avenue has been fully explored, unless war has clearly been a last resort I do not believe that question can be answered.

Mr. President, we are told that this is the first major test of the post-cold war world order. If that is the case, it is a very strong reason for sanctions to succeed. We want to set a precedent that can be used again and again in the future, if there is an aggression.

The precedent ought not to be that you have to marshal 400,000 troops in a region and go to war because I do not think that is going to be an acceptable precedent to address other instances of aggression.

We are told that we have to support the U.N. resolution. But I point out to my colleagues that only two other countries of the Security Council that voted the resolution to authorize the use of force after January 15, have troops in the area, and their numbers are but a small percentage of our own. In many respects, the members are simply holding our coats while we go and fight.

Mr. President, I submit this is the time for patience.

Mr. President, in an article a few days ago in the Wall Street Journal, Arthur Schlesinger talked about the rush toward war and said, "There is a phrase of President Eisenhower's that comes to mind: 'The courage of patience, the courage of patience.'"

Mr. President, I ask unanimous consent to print in the RECORD at the end of my remarks an article by Arthur Schlesinger in the Wall Street Journal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 7, 1991]

WHITE SLAVES IN THE PERSIAN GULF

(By Arthur Schlesinger, Jr.)

President Bush's gamble in the Gulf may yet pay off. Let us pray that it does—that the combination of international economic sanctions, political pressure and military build-up will force Saddam Hussein to repent and retreat. Let us pray that the tough talk from Washington is designed primarily as psychological warfare—and that it will work.

But tough talk creates its own momentum and may seize control of policy. If the gamble fails, the President will be hard put to avoid war. Is this a war Americans really want to fight? Sen. Robert Dole (R., Kan.) said the other day that Americans are not yet committed to this war, and he is surely right. And is it a war Americans are wrong in not wanting to fight?

Among our stated objectives are the defense of Saudi Arabia, the liberation of Kuwait and restoration of the royal family, and the establishment, in the President's phrase, of a "stable and secure Gulf." Presumably these generous-hearted goals should win the cooperation, respect and gratitude of the locals. Indications are, to the contrary, that our involvement is increasing Arab contempt for the U.S.

WHITE SLAVES

In this newspaper a few days ago Geraldine Brooks and Tony Horwitz described the reluctance of the Arabs to fight in their own defense. The Gulf states have a population almost as large as Iraq's but no serious armies and limited inclination to raise them. Why should they? The Journal quotes a senior Gulf official: "You think I want to send my teen-aged son to die for Kuwait?" He chuckles and adds, "We have our white slaves from America to do that."

At the recent meeting of the Gulf Cooperation Council, the Arab states congratulated themselves on their verbal condemnation of Iraqi aggression but spoke not one word of thanks to the American troops who had crossed half the world to fight for them. A Yemeni diplomat explained this curious omission to Judith Miller of the New York Times: "A lot of the Gulf rulers simply do not feel that they have to thank the people they've hired to do their fighting for them."

James LeMoyne reported in the New York times last October in a dispatch from Saudi Arabia, "There is no mass mobilization for war in the markets and streets. The scenes of cheerful American families saying goodby to their sons and daughters are being repeated in few Saudi homes." Mr. LeMoyne continued, "Some Saudis' attitude toward the American troops verges on treating them as a sort of contracted superpower enforcer. . . ." He quoted a Saudi teacher, "The American soldiers are a new kind of foreign worker here. We have Pakistanis driving taxis and now we have Americans defending us."

I know that the object of foreign policy is not to win gratitude. It is to produce real effects in the real world. It is conceivable that we should simply swallow the Arab insults and soldier on as their "white slaves" because vital interests of our own are involved. But, as Mr. Dole implied, the case that U.S. vital interests are at stake has simply not been made to the satisfaction of Congress and the American people.

Of course we have interests in the Gulf. But it is essential to distinguish between peripheral interests and vital interest. Vital interests exist when our national security is truly at risk. Vital interests are those you kill and die for. I write as one who has no problem about the use of force to defend our vital interests and who had no doubt that vital interests were involved in preventing the domination of Europe by Hitler and later by Stalin.

In defining our vital interests in the Gulf, the administration's trumpet gives an awfully uncertain sound. It has offered a rolling series of peripheral justifications—oil, jobs, regional stability, the menace of a nuclear Iraq, the creation of a new world order. These pretexts for war grow increasingly thin.

If oil is the issue, nothing will more certainly increase oil prices than war, with long-term interruption of supply and widespread destruction of oil fields. Every whisper of peace has brought oil prices down. And the idea of spending American lives in order to save American jobs is despicable—quite unworthy of our intelligent secretary of state.

As of the stabilization of the Middle East, this is a goal that has never been attained for long in history. Stability is not a likely prospect for a region characterized from time immemorial by artificial frontiers, tribal antagonism, religious fanaticisms and desperate inequalities. I doubt that the U.S. has the capacity or the desire to replace the Ottoman Empire, and our efforts thus far have won us not the respect of the Arab rulers but their contempt.

What about nuclear weapons? The preventive-war argument is no more valid against Iraq than it was when nuts proposed it against the Soviet Union during the Cold War. In any case, Secretary of State Baker has in effect offered a no-invasion pledge if Iraq withdraws from Kuwait—a pledge that would leave Saddam Hussein in power and his nuclear facilities intact.

As for the new world order, the United Nations will be far stronger if it succeeds through resolute application of economic sanctions than if it only provides a multilateral facade for a unilateral U.S. war. Nor would we strengthen the U.N. by wreaking mass destruction that will appall the world and discredit collective security for years to come.

No one likes the loathsome Saddam Hussein. Other countries would rejoice in his overthrow—and are fully prepared to fight to the last American to bring it about. But, since the threat he poses to the U.S. is far less than the threat to the Gulf states, why are we Americans the fall guys, expected to do 90% of the fighting and to take 90% of the casualties? Only Britain, loyal as usual, has made any serious military contribution to the impending war—10,000 more troops than Egypt. If we go to war, let not the posse fade away, as befell the unfortunate marshal in High Noon.

And please, Mr. President, spare us the sight of Dan Quayle telling the troops that this war won't be another Vietnam. How in hell would he know?

No one ever supposed that an economic embargo would bring Iraq to its knees in a short five months. Why not give sanctions time to work? The Central Intelligence Agency already reports shortages in Iraq's military spare parts. If we must fight, why not fight a weaker rather than a stronger Iraq? What is the big rush? There is a phrase of President Eisenhower's that comes to mind: "the courage of patience."

I also recall words of President Kennedy that seem relevant during these dark days: "Don't push your opponent against a locked door." What is so terribly wrong with a negotiated settlement? Iraq must absolutely withdraw from Kuwait, but the grievances that explain, though not excuse, the invasion might well be adjudicated. As for the nuclear threat, that can be taken care of by a combination of arms embargo, international inspection throughout the Middle East and great-power deterrence. Such measures would do far more than war to strengthen collective security and build a new world order.

One has the abiding fear that the administration has not thought out the consequences of war. Fighting Iraq will not be like fighting Grenada or Panama. The war will most likely be bloody and protracted. Victory might well entangle us in Middle Eastern chaos for years—all for interests that, so far as the U.S. is concerned, are at best peripheral.

Dr. Brzezinski wrote an article—and I ask unanimous consent for it to be printed in the RECORD—entitled "Patience in the Persian Gulf, Not War."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 7, 1990]

PATIENCE IN THE PERSIAN GULF, NOT WAR

(By Zbigniew Brzezinski)

WASHINGTON.—The crisis in the Persian Gulf is the first crisis of the post-cold war era. Thus, fortunately, it does not pose the danger of a U.S.-Soviet confrontation. Nonetheless, if mishandled, the crisis could prompt devastating consequences for the world economy, perhaps result in massive Arab and American bloodshed, and almost inevitably generate major regional instability throughout the Middle East.

It is thus a crisis that is too serious to be resolved by decision in one capital alone and too dangerous to be addressed on the basis of hysteria. It calls for thorough strategic consultations among the countries concerned—including, beyond the democratic West, the leaders of moderate Arab countries outraged by Saddam Hussein's aggression—regarding the issues involved, the policies to be pursued and the costs to be assumed.

As its point of departure, a collective strategic response to the Iraqi challenge must be based on shared perspectives regarding three central concerns:

It must provide for stable access by the West to reasonably priced oil, which in practical terms means assuring the security of Saudi Arabia and the Emirates from any further Iraqi pressures or aggression;

It must protect the sanctity of the international order against unilateral use of force, which in practical terms means a satisfactory resolution of the status of Kuwait;

It must take into account Iraq's significant military arsenal as a longer-term regional security concern. (Additionally, and depending on whether the crisis is resolved peacefully or militarily, the future of Saddam Hassein's personal leadership may have to be addressed by the international community.)

All three of these issues involve objectives that are desirable, even though not all of these goals are equally urgent or vital. But there is consensus not only in the West but also among the moderate Arabs regarding the imperative need to deter any Iraqi move against Saudi Arabia.

This objective is so vital to the well-being of the world economy that the United States, rightly and courageously, was prepared to fight even alone. That is why it immediately deployed such large forces to the region. There is little doubt that other states, both Arab and non-Arab, would also joint in a common effort if the Iraqi Army were to strike further south.

The consensus is less strong, and strategic options become more divergent, regarding the other two issues. Subtle differences emerge once the surface is scratched as to what precisely should be the international coalition's objectives and how should they be pursued.

WHAT IS TO BE DONE?

Broadly speaking, two strategies are emerging. The first favors sustained international pressure on Iraq through the embargo to compel its withdrawal from Kuwait. The alternative—which some favor if peaceful means fail, and some prefer as the more effective solution—involves the use of military power, thereby dealing not only with the issue of Kuwait but also with the challenge posed by the Iraqi military machine. Given the enormous stakes, it is important to assess these alternatives carefully, for their costs and prospects of success differ significantly.

The peaceful coalition strategy will require time to prove itself. It may take months to convince Saddam Hussein that the coalition's unity will survive and that any leakage in the embargo will be insufficient to prevent a massive deterioration in Iraq's economy and social well-being. This will impose major demands on the democratic publics in the West to support the necessary sacrifices and on their leaders, especially in America, to rebut hysterical calls for military action. The approaching congressional elections in the United States may tempt some to advocate military action in the expectation that the initial surge of patriotic feeling will work to the advantage of the party in power.

A prolonged embargo will also require major economic cooperation among the members of the coalition. Especially important will be the contributions of Japan and Germany, both exceedingly rich countries yet countries that have made a small contribution compared with America's.

There is thus the risk that, in the pursuit of the peaceful and patient strategy, allied unity may come to be strained by increasingly sharp disagreements regarding the distribution of the burdens invovled. These disagreements could become especially acrimonious as the recession—in part stimulated by the higher energy costs and other expenses generated by crisis—deepens in the United States.

THE RISK OF WAITING

The peaceful strategy, in any case, may also be derailed by developments beyond America's and the international coalition's control. One cannot, for example, preclude attempts at deliberate provocations, designed to inflame America public opinion and to precipitate a military collision between America and Iraq.

Given the bitter personal enmity between the Syrian and Iraqi leaders, or in view of reports of Israeli fears that America may opt for a peaceful outcome to the crisis not to mention Iranian fundamentalist passions, it is also quite possible that outside parties may set in motion events that derail the peaceful strategy. Last but not least, there is the possibility that Saddam Hussein, fearful of being strangled by the international embargo will himself initiate hostilities.

Finally, it must be admitted that the peaceful strategy cannot in any case resolve the third issue, that of Iraq's military power; at best it can probably yield only a partial success on the status of Kuwait, a success certainly short of "unconditional surrender" by Iraq. More likely, the eventual success of the peaceful strategy will require, at some point, quiet behind-the-scenes negotiations regarding the issues that precipitated the Iraqi aggression.

In other words, once a sustained embargo had succeeded in convincing Saddam Hussein that he must concede, some confidential discussions, either through Arab intermediaries or perhaps through Soviet ones (and Mikhail Gorbachev deliberately positioned himself in the Helsinki talks with President Bush to be an eventual mediator) would ensue. They would address the adjudication—following an Iraqi withdrawal from Kuwait—of the Iraqi financial and territorial claims (not all of which were unfounded), which will have to take place.

If much of the international community were willing to accept such an outcome, it would be difficult for the United States alone to oppose it. Moreover, it is likely that by then the peaceful strategy would have imposed substantial financial costs on all parties even though it would have spared everyone from potentially massive bloodshed. Thus there is bound to be some international predisposition to settle, even if the outcome were to be not quite as unconditional as currently some desire. However, any such outcome would still leave major issues pertaining to regional security and Iraqi military power unresolved.

This is why some argue that the peaceful strategy cannot work and that the crisis must be resolved by force of arms. The peaceful strategy—the critics point out—would resolve satisfactorily the first issue only, the second perhaps partially (and, at best, only after a very prolonged effort), and the third not at all. In contrast, the military strategy would deal with both the second and the third at the same time, while perhaps also enhancing Saudi security for the longer term.

Accordingly, proponents of the military strategy argue that force should be used once the necessary preparations have been completed. Given the pace of the American troops and weapons deployments, that could be as soon as late October (thus before the American Congressional elections) but in any case no later than late winter. The reason for the latter deadline is that the onset of the fierce sandstorms that follow the winter season would adversely affect the technological performance of weapons and impose additional difficulties on the American and other forces not accustomed to desert warfare.

The military option would have to deal simultaneously with the goal of liberating Kuwait and of destroying Iraqi military power for the simple reason that it is not possible to do the first without the second. A conventional ground attack on Kuwait would be prohibitively costly in casualties and perhaps even impossible to execute without a deployment of forces vastly larger than even the currently projected deployment of some 200,000 American troops.

Military action will therefore require an all-out air assault on Iraq's political and military command centers, key military concentrations and principal industrial-military targets, in addition to some unavoidable ground fighting. Particularly intensive efforts will have to be made to destroy, preemptively, and Iraqi capacity to retaliate through missile strikes with chemical warheads.

A particular complication pertaining to the air assault is that its effectiveness would be greatest if it came as a sudden bolt out of the blue. But that could only be the case if it was undertaken solely on the American initiative, since only American airpower would be capable of undertaking this task effectively and alone.

The decision to initiate hostilities through a decapitating air attack would thus have to be made solely by Washington, without any genuine consultations with the other powers that are participating in the anti-Iraq coalition, especially Arab ones. That could breed political resentments and even pose the danger that America would eventually find itself increasingly isolated in the world arena.

There is also a domestic American complication to be noted here. An American bolt-out-of-the-blue attack would not only strain allied relations. If the resulting hostilities were to become costly and prolonged, the U.S. Congress might be outraged that its constitutional prerogative of declaring of war was not respected. Yet a declaration of war would be incompatible with any surprise attack.

In any case, the military operations, to be effective, will have to combine major air and ground initiatives, the former to paralyze Iraq's capacity to respond and the latter to drive the Iraqis out of Kuwait. The effort will thus have to be massive in scale. It will probably involve the infliction of thousands, and maybe even tens of thousands, of deaths on the Iraqi civilian population.

And it will involve inevitably heavy fighting against an Iraqi Army that is battle-tested and experienced in defensive fighting. Since it is almost certain that the brunt of the military effort would have to be undertaken by American forces, one must expect therefore also thousands of deaths among American servicemen.

One should not entertain in this connection any illusions that air attacks by themselves will force the Iraqis to capitulate. Total and prolonged U.S. control over the air did not terminate promptly the Korean and Vietnam Wars, nor did it force either Germany or Italy to capitulate. Moreover, it is not possible to predict precisely what course the combat will take and how long it will last. Iraq is not a Panama. The fighting could prove to be heavy and prolonged.

Moreover, even massive air attacks may be unlikely to deprive Saddam Hussein of some capacity to react. One cannot exclude the possibility of sporadic Iraqi gas attacks on Isreali cities and perhaps even a deliberate invasion of Jordan, in an effort to widen the war by drawing in the Israelis. That then could have the effect of transforming the war, in Arab perceptions, into a struggle against an American-Israeli coalition.

Not only the military but also the geopolitical dynamics are unpredictable. At some point the war could also expand in other directions. Syria, Iran and even Turkey (following perhaps a Kurdish uprising within northern Iraq) might all be tempted to pursue their own territorial interests. Iraq might be partitioned; Jordan might be the victim of an Iraqi or Israeli military initiative; and the entire region subsequently Lebanized.

The conflict would thus become regionally destabilizing, on a scale that is difficult precisely to define but that could become also impossible to contain. Moreover, if Arab emotions were to become aroused by military action against Iraq that is seen as largely American in origin, the ensuing radicalization of the Arab masses could eventually even produce upheavals in those more moderate Arab states that the United States is currently seeking to protect.

THE COST OF WAR

All of that could produce potentially devastating economic consequences. One would have to anticipate the serious possibility of at least a temporary cutoff in much of the flow of oil from the Persian Gulf. Military action would probably result in the destruction of most of Kuwait's and Iraq's oil facilities, while sabotage could also affect the installations in other gulf states. The price of oil could easily climb to $65 per barrel or even more.

The financial costs of the war by themselves would also be extraordinarily high. It has been estimated that for the United States the costs of large-scale combat could amount to about $1 billion per day. An economic and financial world crisis might thus prove difficult to avoid.

It is hard to predict whether the American public, after the likely initial surge in patriotic emotions, would long support such an operation. Parents and others would almost certainly begin to ask whether American lives should be sacrificed for the sake of the wealthy rulers of Kuwait. Arguments about the sanctity of the international order might cease to have much appeal once American fatalities begin to rise into the thousands. There is also the risk that at some point the public might blame Israel for allegedly having pressed America to go to war against Iraq for the sake of Israeli interests.

The military strategy thus suffers from fundamental liabilities. Its costs could prove to be prohibitive, its success is not easy to define in terms of the time involved and the scope of the required effort, and its dynamic consequences, could have a regionally destructive ripple effect.

On balance, therefore, the better part of wisdom is for the existing international coalition to pursue the strategy of sustained pressure, and to apply that pressure under the protection of credible military power that deters any Iraqi military countermoves. To put it simply, a policy not of preventive war but of punitive deterrence is the most sensible.

That strategy must be given time to prove effective, and it must be openly conceded that its success may not be compatible with the notion of an Iraqi unconditional surrender regarding Kuwait. More specifically, one should not rule out a prior the acceptability of some arrangement that combines an Iraqi withdrawal with the eventual adjudication of the financial and territorial issues that precipitated the unacceptable act of Iraqi aggression. Nor should quiet mediation by some third parties, either by the Arabs themselves or by the Europeans (such as President Mitterrand), or even perhaps by the Soviets, be discouraged.

As noted, a nonviolent resolution of the Kuwait issue will not resolve the region's security problem. In any case, for some time to come, to insure longer-range regional security, some separate American-Saudi military arrangements will be required.

These might include some provision for the continuing presence of an American security tripwire in Saudi Arabia, designed to insure against any future Iraqi aggression. American naval and air offshore power will probably also have to be enhanced on a continuing basis. At a later stage, it might then prove possible to convene an international conference that deals with the wider issue of regional security. In that setting, the destabilizing and unacceptably ambitious Iraqi military programs could be subjected to some agreed limitations.

In the context of any eventual regional accommodation regarding security, it will probably also be necessary for Israel to finally accept the nonproliferation treaty and to place its own nuclear weapons program under some similar restraints.

Obviously, the resolution of these tangled and complex issues will require prolonged negotiations. For these negotiations to succeed, some progress toward peace on the Israeli-Palestinian conflict may also be needed, given the obvious connection between Israeli and Iraqi military buildups and the persisting possibility of renewed Israeli-Arab hostilities. But all of that represents an agenda for the more distant future. The wider issue of regional security and the Israeli-Arab conflict cannot be and should not be linked directly to the current, more immediate crisis.

To be sure, there are those who argue that Saddam Hussein's military potential must now be pre-emptively destroyed before he acquires nuclear weapons. But the advocates of preventive war, for some of whom the Iraqi occupation of Kuwait is a convenient excuse, have yet to make a compelling case in terms of the American national interest for such a reckless undertaking.

America has lived for 40 years under the shadow of Soviet nuclear weapons, and Stalin or Khrushchev had no compunctions about killing those weaker than themselves. But deterrence worked, and America surely has the power to deter Iraq as well. And so does Israel, which has already acquired nuclear weapons.

The bottom line is this: there is no easy solution to the crisis. The peaceful strategy of sustained pressure suffers from obvious limitations and has its costs. Moreover, it will not resolve fully all of the central problems generated by the Iraqi aggression. But it imposes enormous punitive pains on Iraq, at a cost and a risk to America that is incomparably lower than the costs and risks of preventive war.

Hence patience and prudence are to be preferred over the leap into the abyss of warfare. The basic fact is that the overall situation in the region is so unstable that no military solution can be confidently postulated as assuring the productive termination of the ongoing crisis at a cost that is predictable and reasonable. Destroying Iraq but possibly blowing up the Middle East can hardly be advocated as a rational calculus.

Given the stakes, it is particularly urgent that the leaders of the advanced democracies—with America having already successfully assured the deterrence of further Iraqi aggression—sit down together, carefully analyze their options and recommit themselves to a sustained strategy of punitive deterrence—without dangerous illusions about military solutions.

Mr. SARBANES. Mr. President, I ask unanimous consent that an article from the Washington Post, "The Big Squeeze: Why the Sanctions on Iraq Will Work. A Look at This Century's Embargoes Suggests How Effective They Can Be" also be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 9, 1990]

THE BIG SQUEEZE: WHY THE SANCTIONS ON IRAQ WILL WORK

(By Kimberly Elliott, Gary Hufbauer and Jeffrey Schott)

Fifty-five years ago, when Mussolini's troops overran Ethiopia, half-hearted sanctions by the League of Nations failed to force Italy to withdraw. Haile Selassie's futile pleas for help have haunted the world ever since.

This week, President Bush and key members of his administration including the secretaries of state and defense declared that the United Nations' far stronger sanctions against Iraq cannot be relied on to force a withdrawal from Kuwait. Only military power, they warned, is certain to get Saddam Hussein's armies out.

But sanctions can work—and under circumstances far less favorable than those present in the confrontation with Iraq. In fact, a review of 115 cases since 1914 shows that success was achieved 40 times when economic sanctions were threatened or imposed against individual countries. Moreover, the current U.N. sanctions are by far the strongest and most complete ever imposed against any country by other nations. These comparisons strongly suggest that, given time, the U.N. economic boycott can achieve by peaceful means what Bush and his advisers say can only be won by force.

A comparison with the famous case of Ethiopia, one of the 115 we have reviewed in detail, reveals important differences which apply in the current case. The embargo of Iraq is completely different from the League's half-hearted attempt to save Ethiopia (which was made even weaker when the United States, a non-League member, refused to join). The current boycott covers virtually 100 percent of Iraq's trade. This is three to four times greater coverage than the average in all previous successful sanctions cases. Beyond that, Iraq, geographically isolated and dependent on oil for 90 percent of its export revenue, is far more vulnerable to economic coercion than target nations in other sanctions actions.

Because of all these factors, it is likely that if the embargo persists, Iraqi output will shrink by about half from its 1988 total of $45 billion. This is a decline of gross national product (GNP) 20 times greater than the average impact in other successful sanction episodes. Meanwhile, the economic costs to the sanctioning countries of suspended trade with Iraq are being addressed in unusual ways and substantially mitigated. These efforts give the current sanctions a cohesion and possible longevity never seen outside the setting of global conflicts.

In addition, the administration's toughening military posture can have a welcome side effect: Such bellicosity could actually work to strengthen the resolve of the sanctioning nations to stick to their embargo as the only alternative to armed conflict.

Economic sanctions have been used in this century in pursuit of a wide variety of goals. They range from the relatively modest, such as Britain's 1933 sanctions against the Soviet Union to gain the release of some British citizens accused of spying, to the difficult, such as the U.S. sanctions against Poland from 1981 to 1987 to force the communist regime to lift martial law and loosen political restraints.

In judging whether the imposition of sanctions was a "success," we looked for evidence of two things: that the boycotters had substantially met their goals; and that sanctions had contributed at least modestly to the outcome. Successful actions include, for example, the trade embargoes and financial sanctions to weaken the enemy's fighting capability used by the Allies in World Wars I and II and by Great Britain and its allies during the Falklands conflict in 1982. On two occasions in the 1920s, the mere threat of sanctions by the League of Nations was sufficient to settle border conflicts: Yugoslavia withdrew troops from disputed territory in Albania; Greece renounced territorial claims in Bulgaria. In the postwar era, the protracted U.N. embargo of Rhodesia, much less stringently enforced than the sanctions against Iraq, helped bring about the demise of the breakaway regime of Ian Smith.

Such examples argue strongly for the likely success of the sanctions against Iraq. Secretary of Defense Richard B. Cheney himself said the embargo "clearly" has been effective "in closing off the flow of spare parts and military supplies," and the chairman of the Joint Chiefs of Staff, Gen. Colin Powell, conceded that sanctions would have "a debilitating effect" on Iraq's military capability. On Thursday, CIA Director William H. Webster told the House Armed Services Committee that by next spring, "probably only energy-related and some military industries will be fully functioning."

The sanctions against Iraq are unique in the history of such economic weapons in the 20th century. Though there is inevitably some leakage, the embargo affects virtually all of Iraq's trade and financial relations. Historically, when the sanctioning country or group accounted for 50 percent or more of the target's trade, the sanctioners had a 50 percent chance of achieving their goals. In the average successful sanctions case, the boycotters accounted for 28 percent of the target's trade, far below the Iraq situation.

In addition, this embargo is backed by a multinational naval blockade and a ban on air cargo to Iraq. Except for what we consider minor smuggling through Turkey, Iran and Jordan, Iraq has been effectively isolated from the global economy. Smuggling will ebb as Saddam runs out of money, which Webster predicted would be next spring or summer.

The average cost to the target nation's economy in successful sanctions cases was 2.4 percent of GNP, about the level of lost U.S. output in the 1982 recession, (the most severe since the Depression), and one-twentieth of the impact of Iraq. The cost to the target reached double digits only three other times: Nigeria vs. Biafra, 1967–70; U.S. and Britain vs. Iran, 1951–53; and the U.N. and Britain vs. Rhodesia, 1965–79. In all these cases, sanctions contributed to a positive outcome. Of eight sanctions episodes where the cost to the target was 5 percent of GNP or more, six resulted in at least partial success for the sanctioners.

Prior to this summer, only Ian Smith's unilateral declaration of independence in Rhodesia in 1965 had provoked mandatory, comprehensive U.N. sanctions. However, those sanctions were imposed incrementally over two years and were not universally enforced despite being mandatory. Unlike the Iraq case, the U.N. refused to impose secondary sanctions against countries violating the Rhodesian embargo.

The sanctions against Iraq were imposed so swiftly, decisively, and comprehensively that together with a credible military threat, there is a high probability they can contribute to an Iraqi withdrawal and the restoration of an independent government in Kuwait. However, our study of sanctions cases indicated that the more difficult the goals, the less effective the sanctions.

Besides the goals outlined in the U.N. resolutions, Bush and other leaders have talked of reducing Iraq's military capability, including the destruction of its recent nuclear weapons capability. While sanctions can weaken Saddam's fighting capability because of food, fuel and spare parts shortages and resupply problems, they cannot destroy his arms industry.

There also have been suggestions that the sanctions should be aimed at destabilizing Saddam. The United States has taken this route before—no less than 10 times since World War II. In fact, the United States far exceeds all other countries in threatening or using sanctions—81 attempts since 1917, of which more than 70 came after World War II. U.S. goals have varied widely—from curbing or destabilizing governments perceived to be drifting from the "Western" capitalist sphere, to forcing Britain and France in 1956 to withdraw their troops from the Suez Canal after Egypt's Gamal Nasser nationalized it. In the 1970s, the United States increased its use of sanctions, not as successfully, to improve the observance of human rights and to inhibit the spread of nuclear weapons. In the 1980s, terrorism and drug-smuggling have been major targets of U.S. sanctions.

In the 10 cases of U.S. sanctions aimed at dictators, they contributed at least modestly to the downfalls of Rafael Trujillo in the Dominican Republic in the 1960s and Idi Amin in Uganda and Anastasio Somoza in Nicaragua in the 1970s. Sanctions also exacerbated the economic chaos in Nicaragua, which contributed to the electoral defeat of Daniel Ortega earlier this year.

In cases in which the goals were ambitious, sanctions took an average of nearly two years to achieve a successful outcome. This raises the question of their sustainability. Here again, the Iraq case is unique. To counter possible erosion of the boycott because the participants find the costs to their own economies too high, the United States and its allies have taken extraordinary steps, including asking Saudi Arabia and other oil exporters to boost oil production to offset lost Iraqi and Kuwaiti production. The United States also led in organizing an "economic action plan" to redirect short-term windfall profits gained by the oil producers to help developing countries. Washington also has encouraged Japan, Germany and others to provide grants and low-cost loans to developing countries hurt by higher oil prices, lost trade and related problems.

Maintaining a cohesive alliance long enough to make the sanctions work will require continued cost-reducing measures, such as getting the gulf oil producers to raise oil production so that prices come down and stabilize around the July OPEC target price of $21 per barrel. The United States, Germany and Japan also should be prepared to release oil from their strategic petroleum reserves to prevent price rises when winter brings increased energy consumption. The $21 billion committed to the economic action plan also should be swiftly distributed to offset costs to the front-line coalition states and further supplemented by additional grants for as long as needed to permit the sanctions to work. The IMF and World Bank should also increase concessional loans to developing countries thrown off balance by the sudden increase in oil prices.

However, even the tightest sanctions take time to work. Evidence from previous cases suggests that it would be unfair to claim the embargo of Iraq has failed until at least a year has passed. Though there are costs to waiting, some of them can be ameliorated, as with the president's economic action plan. If after a year or two the sanctions are judged to be inadequate, the military option will still be there and Saddam's forces will be weakened by lack of supplies. The key question is whether the price of patience would be higher than the economic and human costs of going to war soon.

Mr. SARBANES. Mr. President, this is the time to show the courage to stay the course. It, in fact, takes more courage in many instances to persevere, to be determined, to show, as President Eisenhower said, the courage of patience to achieve your objectives than it does to indulge your frustrations; to launch a military action with all the costs involved both directly in lives and treasure and all the costs involved afterwards in terms of the post-war scenario.

The resolution brought forward by the distinguished Senator from Maine [Mr. MITCHELL], the majority leader, is a sober, sane, and responsible resolution. It offers a course of action to deal with aggression, to deny aggression any rewards.

The question is not between countenancing or tolerating Saddam Hussein's aggression on the one hand and going to war on the other. There is another alternative, and the other alternative is to sustain and maintain these sanctions, to squeeze him and squeeze him and squeeze him, to make him and Iraq pay a very high price for what they have done.

We have not stayed on that course a sufficiently long time, in my judgment, to enable any Member of the Senate to look a family in the eye that loses a loved one in this conflict that is coming upon us and say to them, "We exhausted every peaceful option in order to achieve our objectives; we tried every peaceful approach, and in the end none of them proved out and in order to ultimately reverse this aggression, it was necessary to resort to the use of force."

We are not at that point, and at the very least we ought not go to war until we are at that point, we cannot, in good conscience and in good faith, say now to any family who loses a member in a military conflict that every avenue to achieve a peaceful resolution was explored. That is why I support the resolution presented to this body by the majority leader, and I urge the support by my colleagues.

EXHIBIT 1

STATEMENT BY JAMES R. SCHLESINGER BEFORE THE COMMITTEE ON ARMED SERVICES U.S. SENATE, NOVEMBER 27, 1990

Mr. Chairman, Members of the Committee: I deeply appreciate the invitation to discuss with this Committee the challenge posed to American policy and, potentially, to America's armed forces by the developments in the Gulf. When last I addressed this Committee at the beginning of the year, I examined the implications for American policy, attitudes, deployments, and budgetary allocations implied by the collapse of the Warsaw Pact and the decline of the Soviet threat. In a sense today represents the continuation of that earlier testimony, for what we are to examine beyond the details of the Gulf crisis itself, is how this nation should grapple with the altered conditions in this post-Cold War environment.

Mr. Chairman, if you will permit, I shall deal initially with the shape of the post-Cold War world in which the sharp ideological divisions and the coalitions and alliances polarized to reflect those differences have now been muted. Some, stimulated by the response to the crisis in the Gulf, have expressed the hope that we are now engaged in fashioning a new international order—in which violators of international norms will be regularly constrained or disciplined through the instrument of collective security. Put very briefly, Mr. Chairman, I believe that such aspirations for a Wilsonian utopia are doomed to disappointment. What is emerging is likely to resemble the somewhat disordered conditions before 1938—an era of old-fashioned power politics—marked by national and ethnic rivalries and hatreds, religious tensions, as well as smash and grab, and the pursuit of loot. Such elements clearly mark that catalyzing event, Iraq's seizure of Kuwait, and has marked the behavior of a number of players since August 2nd. To suggest that the international order will miraculously be transformed and that the players on the world scene will be motivated by a dedication to justice and international law strikes me as rather naive.

Mr. Chairman, you and Senator Warner have posed the question: what are America's interests in the Gulf. I shall mention three—and leave it to the Committee to decide whether they are in ascending or descending order of importance.

First, is oil. There is no way of evading this simple reality. Oil provides the energy source that drives the economies of the industrial and underdeveloped worlds. Were the principal exports of the region palm dates, or pearls, or even industrial products, our response to Iraq's transgression would have been far slower and far less massive than has been the case. Nonetheless, this should not be misunderstood. Our concern is not primarily economic—the price of gasoline at the pump. Were we primarily concerned about the price of oil, we would not have sought to impose an embargo that drove it above $40 a barrel. Instead, our concern is strategic: we cannot allow so large a portion of the world's energy resources to fall under the domination of a single hostile party. Any such party, even Saddam Hussein, would ordinarily be concerned with the stability of the oil market, the better to achieve the long run exploitation of his economic assets. However, concern focuses on the extraordinary periods—during which he might use his domination of these oil resources to exploit the outside world's vulnerabilities for strategic mischief.

Second, the United States has had an intimate relationship with the Kingdom of Saudi Arabia. It reflects a number of shared strategic objectives—as well as Saudi efforts to stabilize the oil market, most dramatically in the period after the fall of the Shah. It is embodied in the Carter Doctrine which pledges military resistance to external assults on the Kingdom, as well as the Reagan corollary which subsequently pledged resistance to internal subversion. Failure of the United States to honor such commitments would raise question about the seriousness of the United States, not only in the Middle East but elsewhere. It is notable that down through August 2nd Kuwait itself rebuffed attempts of the United States to provide similar protection—though President Bush's remarks since that date have tended to establish a U.S. commitment to the security of Kuwait.

Third, since the close of World War II and, particularly, since the establishment of the State of Israel, the United States has had a generalized commitment to the stability of the Middle East and to the security of Israel. On numerous occasions this generalized commitment has led to U.S. diplomatic or military involvement in the region—not always marked by complete success.

Let me turn now to the alternative strategies available to the United States and its allies. The first, of course, is to allow the weight of the economic sanctions, imposed in August, gradually to wear down the capacity and the will of Iraq to sustain its present position. The embargo, backed up by a naval blockade, is the most successful ever achieved aside from time of war. Early-on it was officially estimated that it would require a year for the embargo to work. It now appears to be working more rapidly than anticipated. In three months time civilian production is estimated to have declined by some 40 percent. Oil exports are nil—and export earnings have dropped correspondingly. The hoard of hard currency, necessary to sustain smuggling, is dwindling away. The economic pressure can only grow worse.

While Iraq's military posture does not appear to have been seriously affected as yet, as the months go by that too will be seriously weakened. Lack of spare parts will force Iraq to begin to cannibalize its military equipment. Military industry, as yet significantly unaffected, will follow the downward path of civilian industry. In short, the burden on both Iraq's economy and her military strength will steadily increase.

We know that such burdens must ultimately affect political judgment and political will. In time, the original objectives of the United Nations will be attained. Already Saddam Hussein shows a willingness, if not an eagerness, to compromise. One no longer hears that Kuwait is for all eternity the nineteenth province of Iraq. But for some ultimately may not be soon enough, and for others the original objectives may not be sufficient.

To the extent that those original objectives are augmented by demands that Saddam Hussein stand trial as a war criminal, that Iraq provide compensation for the damage it has done, that Iraq's military capacity must be dismantled or destroyed, or that Saddam Hussein must be removed from power, Saddam's determination to hang on will be strengthened. Some may prefer such a response in that it precludes a settlement and makes recourse to military force more likely. Nonetheless, if one avoids this list of additional demands and is satisfied with the original objectives, the probability that the economic sanctions will result in a satisfactory outcome is very high. One should note that, since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them, because they will not have produced the hoped-for results in six months time.

In this connection one should also note the frequently expressed view that Saddam Hussein must not be "rewarded" for his aggression, but instead must be "punished." As an expression of emotion it is understandable, but it must not be allowed to obscure our sense of reality. Saddam Hussein is being punished and punished severely. He has forfeited $20 billion of foreign exchange earnings a year—indeed $30 billion at the current oil price. Iraq's credit is totally destroyed, and the remnants of its hard currency reserves dwindling. When Saddam looks across the border at Saudi Arabia or the UAE, they are prospering because of his actions—from which he himself has derived no benefit. He is likely to be consumed by envy. His own economy is rapidly becoming a basket case.

Moreover, the position of preponderance that he had earlier achieved in OPEC is now gone. He is diplomatically isolated. His military position will slowly be degraded. His pawns in Lebanon have been wiped out—by his chief Baathist rival, Assad, who has immensely strengthened his own position. He has been forced to accept an embarrassing peace with Iran, and that nation's position relative to Iraq is slowly being improved. Sympathetic nations like Jordan and Yemen have been harshly treated—and neither they nor he have any recourse. On the benefit side stands only the looting of Kuwait.

In brief, Saddam Hussein staked Iraq's position on a roll of the dice—and lost. Only if he has a deeply masochistic streak can he regard himself as "rewarded." To allow our political rhetoric to obscure the severe punishment that has already been meted out or to suggest that our current policy is in some way unsuccessful and that Saddam's position is now or is potentially enviable strikes me as misconceived.

To be sure, imposition of the sanctions has not been painless. Given the limited spare production capacity for oil and the psychological reaction to the prospect of war, oil prices have shot up. At their peak they had more than doubled. The higher oil price along with the political and economic uncertainties have imposed a heavy burden on most national economies. Many, including our own, had already started or were tipping into recession. For most economies the Gulf crisis has either reinforced or initiated a further contraction.

I do not want to understate the cost. (In the case of the American economy it will amount to $100-$200 billion in lost economic growth.) But that price has already been paid. The oil market, reflecting a sizable shrinkage of expected demand, has now been brought into balance. The world is now able to do without Iraqi and Kuwaiti crude. Thus, to sustain the embargo, no further price must be paid. In effect, we can leave Iraq in isolation until it comes to its senses.

That brings us to the second alternatives—the military option.

There is little question that the United States and its allies can inflict a crippling military defeat on Iraq. It can eject Iraq from Kuwait; it can destroy Iraq's military forces and military industries; it can destroy, if it wishes, Iraq's cities. The question is at what cost—and whether it is wise to incur that cost. Whenever a nation accepts the hazards of war, the precise outcome is not predetermined. Depending upon the military strategy chosen and the tenacity of Iraq's forces, there could be a considerable variation in the outcome. In the event of an all-out assault on entrenched Iraqi positions, the casualties may be expected to run into several tens of thousands. However, if we avoid that all-out assault, make use of our decisive advantages in the air, and exploit the opponent's vulnerabilities by our own mobility, the casualties could be held to a fraction of the prior estimate. In between four and eight weeks, it should all be over—save for starving out or mopping up the remaining Iraqi forces in Kuwait. The question then becomes whether one goes on to occupy Iraq, to destroy the balance of Iraqi forces, and the like. That would be far more difficult and time consuming, but circumstances may make it unavoidable.

I think it prudent to say no more about strategy and tactics in this session. Suffice it to say that the immediate price will not be small. American forces would be obliged to carry a disproportionate burden in any struggle. This will affect the attitudes of our public and the attitudes in the Middle East regarding the United States.

I believe that the direct cost of combat—including that of a probable scorched earth policy in Kuwait—will be the lesser part of the total cost. The Middle East would never be the same. It is a fragile, inflammable, and unpredictable region. The sight of the United States inflicting a devastating defeat on an Arab country from the soil of an Arab neighbor may result in an enmity directed at the United States for an extended period, not only by Iraq and its present supporters, but ultimately among the publics of some of the nations now allied to us. To be sure, there are no certainties, yet that risk must be born in mind. Moreover, the United States will be obliged to involve itself deeply in the reconstruction of the region in the aftermath of a shattering war. In brief, the noncombat costs of a recourse to war, while not calculable in advance, are likely to be substantial.

On November 8 President Bush announced his decision to acquire "an offensive military option" and nearly to double U.S. forces deployed in the Persian Gulf. That announcement altered the strategic, diplomatic, and psychological landscape. The deployment of four additional armored divisions implied that the United States might itself choose to cross that "line in the sand" and forcibly eject Iraq's troops from Kuwait. As the President indicated the earlier deployment in August had been intended "to deter further Iraqi aggression".

One must recognize that to this point Saddam Hussein has remained unmoved by either appeals or international declarations. It is only the prospect that force might be used against him that has brought forth any sign of a willingness to compromise. The principal goal of the Administration in deciding on these deployments may simply be to increase the pressure on Saddam Hussein to withdraw from Kuwait.

Yet, the situation is more complicated. As Mr. Yevgeny Primakov, Mr. Gorbachev's special envoy, has indicated even if Saddam is prepared to withdraw from Kuwait he would require clear evidence that the sanctions would be terminated and that military force would not subsequently be employed against Iraq. In the absence of such commitments his incentive to withdraw is weak.

The new deployment might also point to an intention to resort to the military option. The deployment will peak in late January or early February—and for technical reasons that deployment would be difficult to sustain. That, no doubt, adds to the pressure on Saddam Hussein, but it also increases the pressure to choose the war option and diminishes the immediate cost of going to war. It should also be pointed out that the time required to complete the additional deployments makes the first option, of relying on the sanctions, less costly. By the time the deployment is completed, military action is initiated, and the fighting ceases at least eight months of what was originally estimated to be the twelve months required for the sanctions to work will have elapsed. Even more of the time and cost involved in making the sanctions work will have thus already been incurred. At that juncture, however, only a modest part of the cost of exercising the military option will have been incurred.

It should also be noted that Mr. Primakov's observations were confined to the original objective of forcing an Iraqi withdrawal from Kuwait and the restoration of the legitimate regime. Of late, to those original objectives, some additional goals have been hinted or stated: the elimination of Iraq's capacity to intimidate her neighbors, the removal of Iraq's military capability, the removal of Saddam Hussein from power, and the ending of Iraq's quest for a nuclear capability. The general effect is to paint Iraq as a rogue or outlaw state—and that its menace to its neighbors and to the international order must be eliminated. To the extent that these additional objectives are embraced, either in appearance or reality, the prospect for a voluntary Iraqi withdrawal from Kuwait is sharply diminished. To achieve these objectives, there is really no alternative but to resort to war. Saddam Hussein's inclination to dig in will be stiffened—and in all likelihood the willingness of Iraqi forces to resist will be strengthened.

Consideration of the military option will be influenced by attitudes within the international coalition that the United States has organized. By and large that coalition has revealed strong ambivalence regarding the military option and a preference for a diplomatic solution—with those least directly involved most dubious about the military option. While the members of that coalition may be prepared to accept military force to drive Iraq out of Kuwait, to this point they have shown little inclination to embrace the sterner objectives of policy that have been stated but never officially presented or embraced.

There is, of course, a third strategic alternative: the possibility of a diplomatic solution. Though it remains an eventual possibility, I shall spend little time on it in this hearing for two reasons. First, the United States is probably precluded from any negotiations with Iraq by the position that it initially announced; we will not have any direct communication with Iraq until it has left Kuwait. For the United States itself to enter into negotiations would represent too much of a diplomatic retreat. To be sure, others have been willing to serve the role of diplomatic intermediaries. Since August the possiblitiy of an "Arab solution" has been raised on several occasions. The Soviets, the French, and others have conducted explorations. But, as the probability of recourse to war rises, the probability of a diplomatic settlement, of necessity shrinks. That brings me to my second reason for limiting discussion of this alternative: if there is to be a diplomatic solution, it will be several months before the outlines jell. The United States, given its position, will be obliged to appear merely to acquiesce in such an outcome—out of deference to pressures from other elements of the international community.

There is something more, however, to be said about the diplomatic situation. In your letter of inquiry, Mr. Chairman, you and Senator Warner inquired about the durability of allied support for the multinational coalition. In regard to the original demands on Iraq and the use of sanctions, that support has been firmer than we might have anticipated. Saddam's appeal to the "hearts and minds" in the Arab countries seems to have peaked in September. There has been little restlessness elsewhere in the coalition—no doubt, in large degree, due to the fact that the world can do without Iraqi and Kuwaiti crude. Moreover, the status quo includes authorization for the naval blockade, which can therefore be continued indefinitely. It would take a positive act of the United Nations to remove that authorization.

However, that coalition is likely to prove less durable, if combat takes place. Particularly would this be the case if the objectives turn out to be the new and sterner demands of war policy, reflecting the decision that Iraq has become an outlaw state that must be dealt with now. Needless to say, the international coalition has yet to embrace that line of reasoning.

Therefore, Mr. Chairman, I close with observations regarding two inherent difficulties in the emerging situation. First, if the United States conveys the impression that it has moved beyond the original international objectives to the sterner objectives that Saddam Hussein must go, that Iraq's military establishment and the threat to the region must be dismantled or eliminated, etc., then whatever incentive Saddam Hussein may presently have to acquiesce in the international community's present demands and to leave Kuwait will shrink toward zero. This may please those who have decided that the war option is the preferable one, but it makes it increasingly hard to hold together the international coalition, which we initially put together to bless our actions in the Gulf. That brings us to the second observation: the more we rely on the image of Iraq as an outlaw state to justify taking military action, the more we make holding together the international coalition inherently difficult, if not impossible. International approval of our actions is something on which the Administration has set great store. It has provided the desired legitimacy. To abandon it would mean the undermining of any claim to establishing a new international order.

Mr. Chairman, if you will allow me one final word that goes beyond the crisis in the Gulf. That crisis has preoccupied our attention for more than three months and is likely to do so for many months more. It has diverted our attention from subjects that may be of equal or even greater importance. Six months ago all of us were deeply moved by the developments in Eastern Europe and in the Soviet Union—and with the prospect that those nations might move toward democracy and economic reform. Members of this Committee will recall our high hopes at that time. Yet, in the intervening period, with the diverting of our attention to the Gulf, those prospects have been dealt a grievous blow. First was the Soviet decision to force the former satellites to pay hard currency for their oil. Second, it was followed by the Gulf crisis that has sharply raised the international price of oil. The prospects and hopes for Eastern Europe, while our attention has been diverted, have been seriously damaged. Yet, to return to my original theme, in the shaping of the post-Cold War world it is not clear that the evolution of Eastern Europe and the Soviet Union may not be more important than developments in the Gulf.

EXHIBIT 2

STATEMENT BY ADM. WILLIAM J. CROWE, JR., USN (RET), BEFORE THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, NOVEMBER 28, 1990

Mr. Chairman, given U.S. interests in the Persian Gulf and Saddam Hussein's brutal takeover of Kuwait, the subject of U.S. policy in the region is of the utmost importance to all Americans.

Mr. Chairman, I do have some preliminary remarks I would like to make. Due to the press of time these will not deal with all aspects of the subject, but concentrate largely on the impact of the crisis on the Gulf region. I assume, of course, the question period will range over the entire spectrum of considerations.

You would think we would have had a decent interval to celebrate the end of the Cold War and the vindication of our policies and values. But the recent events in the Middle East have demonstrated that the globe is still a dangerous place and that new threats may well replace the U.S.-Soviet contest.

Our difficulties with Iraq certainly suggest the type of challenge the new world may confront.

The most distinguishing feature of our disagreement with Iraq is that the Soviets are not backing Saddam Hussein. For the first time in 40 years we are confronting a major international crisis and not working at cross purposes with the Kremlin. This development has given the President an unprecedented latitude for maneuver and, in turn, severely constrained Baghdad's options. This is the first time a post-war President has had such a luxury.

President Bush has taken full advantage of the new-found maneuvering room. He reacted quickly and, in my opinion, correctly, to constrain Hussein militarily to defend Saudi Arabia and to clamp a tight economic quarantine on Iraq.

Some of the most important early achievements were ones that the President had a large hand in himself, e.g., gaining access to Saudi Arabia for our forces (a previously unheard of concession), forging a rough political consensus among the leaders of NATO, the USSR and Japan, and encouraging a pan-Arab military effort in support of Saudi Arabia. We are, for the time being, witnessing a remarkable display of collective political and financial support which is unprecedented in the post-war era. President Bush deserves full credit for this achievement.

Militarily, the United States has mounted an impressive deployment—with air, sea and ground forces. No other nation in the world could have in 60 days moved this size force 8,000 miles and put it in the field—not to mention the rather trying climate and topography in which it must operate. On balance the original deployment went extremely well.

As to the economic embargo, it is the first time we have been able to mount truly unified sanctions. No embargoed material is moving into Iraq by sea, and the air blockade is proving relatively effective. Undoubtedly there is some leakage—probably on the ground from Jordan and Iran—but I know of no significant breaks in the encirclement.

It is important to recognize what has been achieved thus far:

Some pundits contend that Saddam Hussein's primary goal is to control the bulk of the Middle East oil and to dictate the price of crude to the West. If that is correct, any such design has been frustrated. He has been served clear notice that he will not be allowed to capture the Saudi oil fields either now or in the future. A definite line has been drawn constraining him and his inflated ambitions.

The increased oil income Saddam had in mind has not, materialized. In fact, Baghdad has forfeited $20 billion of foreign exchange earnings a year and as Secretary Schlesinger pointed out, this figure would be $30 billion at the current oil price. In a country the size of Iraq that is not chopped liver.

Moreover, it has been graphically demonstrated that the West can live rather well without Iraqi and Kuwaiti oil. Granted some special areas of refined products are strapped, but those deficiencies are not having a heavy impact on the industrial nations. Frankly, the price swings we see have been generated as much by psychological factors as by supply and demand. We have been impacted by these oscillations, but fortuitously the bill has already been paid as the market has adjusted. Iraq cannot make that claim.

The embargo is biting heavily. Given the standard of living Iraq is used to and the increasing sophistication of Iraqi society, it is dead wrong to say that Baghdad is not being hurt; it is being damaged severely. That goes for the Iraqi military as well, which depends on outside support. Yesterday Secretary Schlesinger elaborated on these impacts. Iraq's civilian production has declined by 40%, exports earnings have sharply dropped, and economic flexibility is rapidly disappearing. Military industry will likewise be hit. It is the most effective peacetime blockade ever levied.

Granted that the embargo is not working as rapidly as many would prefer; but if we wanted results in two or three months, clearly a quarantine was the wrong way to go about it. Most experts believe that it will work with time. Estimates range in the neighborhood of twelve to eighteen months. In other words, the issue is not whether an embargo will work, but whether we have the patience to let it take effect.

Ultimately these trends will translate into political pressure. I genuinely believe we are already seeing the first signs that Saddam Hussein is seeking a way out—a face-saving way to withdraw.

Moreover, the logistic support that Iraq used to enjoy will never return to the past levels of generosity, if at all. Hussein has excited the resentment, contempt and suspicion of the nations he historically depended upon. In essence, under no circumstances can Iraq return to the world it left on August 2 and when the dust clears we must reinforce that outcome.

In sum, the President's initial moves have already achieved a great deal. The argument that Saddam is winning and being rewarded is both weird and wrong. Obviously this fact is often overlooked by those calling for more direct action.

It is true that the trauma is by no means over. The burning question now confronting the President (as well as the public) is what next? This is no mean question nor is it an easy one. In its most extreme form, we are talking about deliberately initiating offensive military operations—in other words, war. This is always a grave decision and one which deserves both deep thought and wide public discussion.

If Saddam Hussein initiates an attack on Saudi Arabia or U.S. forces, we have no choice but to react vigorously and to use force to bring Iraq to heel. I believe such a response would be defensible and acceptable to all constituencies, domestic and international. For that reason alone it is unlikely that Saddam Hussein will initiate further military action. Certainly everything we see to date suggests he is hunkering down for the long haul. If that prediction proves correct, President Bush will be confronted with some painful choices.

If deposing of Saddam Hussein would sort out the Middle East and permit the U.S. to turn its attention elsewhere, and to concentrate on our domestic problems, the case for initiating offensive action would be considerably strengthened.

But the Middle East is not that simple. Put bluntly, Saddam's departure or any other single act will not make everything wonderful. In fact, a close look at the Middle East is rather depressing. While we may wish it otherwise, the fact is that the region has been, is, and will be for the foreseeable future plagued with a host of problems, tensions, enmities, and disagreements. For example:

The Arab-Israeli dispute is alive and well. To say the least the Palestinians have been irrevocably alienated by the Israeli government's policies. There will never be true stability in the area until this dispute is sorted out.

As Henry Schuler phrased it, "Neither the feudal monarchies nor the oppressive dictatorships enjoy the stability of an institutionalized popular mandate of political participation." This suggests that political maturity, hence stability, is still a long way off.

Income differences on both national and individual levels are a constant source of tensions and envy throughout the region. I lived in the Gulf in 1976 and 1977 and witnessed this friction at close hand.

Moslem fundamentalism is spreading and the process highlights the cultural, religious and ethnic differences that abound in the area as well as the widespread distrust of the West.

Boundary disputes are legion: Qatar vs. Bahrain, Abu Dhabi vs. Oman and Saudi Arabia, Yemen vs. Saudi Arabia, Kuwait vs. Iraq.

U.S. links to Israel and the dominant position of American oil companies have turned large segments of the Arab world against the U.S. in particular.

The current crisis has divided the moderate Arab states for the first time, e.g., Saudi Arabia has now split with Jordan and Yemen (now the most populous state on the peninsula at 10+ million) over their support for Iraq. This does not bode well for the cause of stability or pluralism—both of which U.S. interests.

These frictions—singly or collectively—have resulted in a succession of explosions, assassinations, global terrorism, coups, revolutions, producer embargoes, and full scale war on occasion. Secretary Schlesinger summed it up when he said the noncombat costs of recourse to war will be substantial.

Like it or not, the process of bringing stability to the Middle East will be painful and protracted with or without Saddam Hussein.

Moreover, the U.S., both as a leader of the free world and as the world's number one consumer of crude oil, will be integrally involved in the region, politically and economically, for the foreseeable future—just as we have been for the past forty years. It may not make us comfortable, but there is no way we can avoid this burden; it comes with our affluence and global reach.

This reality suggests that anything we do in that part of the world should be consistent with our past policies and our future role as an international leader. Put another way, today's problem is a great deal more complex than merely defeating Saddam Hussein.

In my view, the critical foreign policy questions we must ask are not whether Saddam Hussein is a brutal, deceitful or dreadful man—he is all of those things—but whether initiating conflict against Iraq will moderate the larger difficulties in the Gulf region and will put Washington in a better position to work with the Arab world in the future. I would submit that posturing ourselves to promote stability for the long term is our primary national interest in the Middle East.

It is not obvious to me that we are currently looking at the crisis in this light. Our dislike for Hussein seems to have crowded out many other considerations.

In working through the problems myself, I am presuaded that the U.S. initiating hostilities could well exacerbate many of the tensions I have cited and further polarize the Arab world. Certainly many Arabs would deeply resent a campaign which would necessarily kill large numbers of their Muslim brothers and force them to choose sides. From the Arab perspective this fight is not simply a matter between bad and good; it's a great deal more complex than that and includes political and social perspectives deeply rooted in Arab History. The aftermath of such a contest will very likely multiply many fold the anti-American resentment in the Middle East. In essence we may be on the horns of a no-win dilemma, even if we win we lose ground in the Arab world and further injure our ability to deal with the labyrinth of the Middle East.

I firmly believe that Saddam Hussein must leave Kuwait. At the same time given the larger context I judge it highly desirable to achieve this goal in a peaceful fashion, if possible. In other words, we should give sanctions a fair chance before we discard them. I personally believe they will bring him to his knees, but I would be the first to admit that is a speculative judgment. If in fact the sanctions will work in twelve to eighteen months instead of six months, the trade-off of avoiding war with its attendant sacrifices and uncertainties would, in my view, be more than worth it.

A part of this effort, however, must be a strong military posture both to underwrite our determination and to give effect to the embargo. Of course, it may be necessary to return to rotation policy to sustain such a presence. If the sanctions do not live up to their promise or if they collapse, then a military solution would be the only recourse, and we would be well placed to mount such a campaign. In any event, I am convinced that such an action will be much better received if we have visibly exhausted our peaceful alternatives.

If we elect a military option, I have utter confidence that our forces can prevail. It will not be cost free, of course. Casualties and the time schedule will depend on innovation, our military objectives and Iraqi determination. We cannot assume that Iraq will roll over.

Let me say a word about our objectives. It was my experience as Chairman that to get decision-makers to settle on specific military objectives was difficult at best. There is a strong tendency to talk in generalities when contemplating combat, but that is not satisfactory. In this case, what would we expect our commanders to do—drive to Baghdad, free Kuwait, destory Iraqi forces, eliminate his nuclear capability, or all of the above, etc. The character of your objectives influences the whole operation and your tactical plans. The more ambitious the goals are the less likely a peaceful solution can be found, the greater the casualties, the lengthier the campaign, and the more difficult postwar reconstruction. I would strongly advise that our combat objectives run along these lines:

An intense air campaign aimed at disrupting his war-making industry—including nuclear installations, conventional warfare, and biological weapons facilities.

A subsequent ground campaign designed:

To cut off Kuwait and subsequently free it and

To destroy the effectiveness of the Iraqi forces both in Kuwait and on the southern border of Iraq.

I recognize that some would consider those objectives too limited. I disagree. These goals, if achieved, would deal Saddam Hussein a crushing political and military blow and dispel any further ambitions he might have to dominate either the Middle East or the global oil market. The point is to succeed with minimum effort, casualties, and political cost.

I understand that many believe our troops, our people and our allies don't have the necessary patience to wait out the quarantine. Militarily we have already lost the element of surprise; Saddam Hussein knows we are there. I believe our relative military position improves every day. It's curious that some expect our military to train soldiers to stand up to hostile fire, but doubt its ability to train them to wait patiently.

I am aware, of course, that many are concerned about the task of holding the domestic and international consensus together. While there will be grumbling, I believe the bulk of the American people are willing to put up with a lot to avoid casualties a long way from home. Similarly, I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution. Actually, I sense more nervousness among our allies about our impetuousness than about our patience.

In closing, I would make a few observations that perhaps we should keep in mind as we approach this process:

Using economic pressure may prove protracted; but if it could avoid hostilities or casualties those are also highly desirable ends. As a matter of fact, they are also national interests.

It is curious that, just as our patience in Western Europe has paid off and furnished us the most graphic example in our history of how staunchness is sometimes the better course in dealing with thorny international problems, armchair strategists are counseling a near-term attack on Iraq. It is worth remembering that in the '50s and '60s, similar individuals were advising an attack on the U.S.S.R.—wouldn't that have been great?

Time often has a way of achieving unexpected results. Already there are reports that the Palestinians in Kuwait, having witnessed Saddam's cruelty, are turning away from him and that others in Jordan are also having second thoughts. I am reminded how time changed the Panamanian population's view of Noriega. Autocrats often have a talent for alienating even friends and supporters.

Mr. Chairman, it may be that Saddam Hussein's ego is so engaged that he will not bend to an embargo or other peaceful deterrents such as containment. But I believe we should thoroughly satisfy ourselves that that is in fact the case and that hostilities would best serve our interests before resorting to unilateral offensive action against Iraq. It would be a sad commentary if Saddam Hussein, a two-bit tyrant who sits on 17 million people and possesses a GNP of $40 billion, proved to be more patient than the United States, the world's most affluent and powerful nation.

Mr. BRZEZINSKI. Thank you, Mr. Chairman. If I may, I would like to begin with a brief personal comment. As many of you know, I supported President Bush in the 1988 elections, and I have supported his foreign policy all along. Moreover, I do not subscribe to the notion that the use of force is altogether precluded in international affairs. I mention this at the outset because I would not want my views to be interpreted as motivated either by political or ideological biases.

Let me also say right off that I have supported and still support the initial decisions of the President regarding both troop deployments to deter any further Iraqi aggression and the imposition of sanctions on Iraq for the flagrant aggression that it did commit. The President and his team are to be commended for the skill with which the international coalition has been put together and for the impressively prompt deployment of American power. The policy of punitive containment of Iraq rightly gained almost universal international and domestic support.

Most Americans, I'm sure, share the hope that the President's recent and laudable decision to initiate a direct dialogue with the Iraqi government will lead to a serious and comprehensive exploration of a non-violent solution to the ongoing crisis. Wisely, the President indicated that the purpose of such a dialogue is not to merely convey an ultimatum but to convince Iraq that its compliance with the UN resolution is the necessary precondition for a peaceful settlement. It is thus not an accident that those who so fervently have been advocating war have promptly denounced the President's initiative.

To be meaningful, such a dialogue has to go beyond demands for unconditional surrender, but involve also some discussion of the consequences of Iraqi compliance with the UN resolutions. That means that Iraq, in the course of the ensuing discussions, will have to be given some preliminary indications of the likely political, territorial, and financial aftermath of its withdrawal from Kuwait.

I stress these points because those who favor only a military solution will now exercise pressure on the President to reduce the incipient dialogue essentially to a mere transmittal of an ultimatum. That, I trust, everyone recognizes would be pointless and counterproductive. It would simply accelerate the drift to war.

While it is premature to detail here the substance of a non-violent solution to the crisis that could emerge from the proposed dialogue, it is possible to envisage a series of sequential but linked phases, all premised on Iraq having satisfied the necessary preconditions regarding Kuwait.

First, of course, its sanctions would be maintained until Iraq implements its willingness to comply with the UN resolutions regarding their withdrawal from Kuwait.

Two, binding arbitration by a UN-sanctioned body within a specified timeframe would be accepted by the governments of Iraq and Kuwait, regarding territorial delimitations, conflicting financial claims, and other pertinent matters.

Three, an international conference would be convened to establish regional limitations on weapons of mass destruction, pending which a UN-sponsored security force would remain deployed in Kuwait, and perhaps in Saudi Arabia, to ensure needed security.

It is important to note, Mr. Chairman, that any dialogue to the above effect will be conducted while Iraq is being subjected to severe sanctions. The US would be, therefore, conceding nothing while conducting the talks. It is Iraq that is under duress, not us. It is Iraq power that is being attrited, while ours is growing. It is Iraq that is isolated and threatened with destruction, not us.

Nor would any such outcome as the one outlined above be tantamount to rewarding aggression. Those who argue that do so because they desire only one outcome, no matter what the price to America—the destruction of Iraq. Withdrawal from Kuwait would represent a massive setback for Saddam Hussein and a victory for the international order. It will be a dramatic reversal of aggression, humiliating and painful to the aggressor.

However, it is quite possible, perhaps even probable, that the talks will initially prove unproductive. In my view, that should not be viewed as a casus belli. Instead, we should stay on course applying the policy of punative containment. This policy is working. Iraq has been deterred, astrocized and punished. Sanctions, unprecedented in their international solidarity and more massive in scope than any ever adopted in peacetime against any nation—I repeat—ever adopted against any nation, are inflicting painful costs on the Iraqi economy.

Economic sanctions, by their definition, require time to make their impact felt. But they have already established the internationally significant lesson that Iraq's aggression did not pay. By some calculations, about 97 percent of Iraq's income and 90 percent of its imports have been cut off, and the shutdown of the equivalent of 43 percent of Iraq's and Kuwait's GNP has already taken place. This is prompting the progressive attrition of the country's economy and warmaking capabilities. Extensive rationing is a grim social reality. Over time, all this is bound to have an unsettling effect on Saddam Hussein's power.

The administration's argument that the sanctions are not working suggests to me that—in the first instance—that the administration had entertained extremely naive notions regarding how sanctions actually do work. They not only take time, they are by their nature an instrument for softening up the opponent, including in the adversary a more compliant attitude towards an eventual nonviolent resolution. Sanctions are not a blunt instrument for promptly achieving total surrender.

Worse still, the administration's actions and its rhetoric have conveyed a sense of impatience that in fact has tended to undermine the credibility of long-term sanctions. Perhaps the administration felt that this was necessary to convince Saddam Hussein that it meant business, but the consequence has been to make the administration the prisoner of its own rhetoric, with American options and timetable thereby severely constricted.

The cumulative result has been to move the United States significantly beyond the initial policy of punitive containment with the result that the conflict of the international community with Iraq has become over-Americanized, over-personalized, and over-emotionalized. The enormous deployment of American forces, coupled with talk of "no compromise" means that the United States is now pointed towards a war with Iraq that will be largely an American war fought predominantly by Americans, in which—on our side—mostly Americans will die, and for interests that are neither equally vital nor urgent to America, and which in any case can be and should be effectively pursued by other less dramatic and less bloody means.

Yet, to justify military action, the administration, echoing the advocates of war, has lately been relying on the emotionally charged argument that we confront a present danger because of the possibility that Iraq may at some point acquire a nuclear capability. In other words, not oil, not Kuwait, but Iraq's nuclear program has become the latest excuse for moving toward war.

This argument deserves careful scrutiny. But once subjected to it, this latest case for war also does not meet the tests, of vitality or urgency to the American national interests. First of all, it is relevant to note that when the United States was threatened directly by the far more powerful and dangerous Stalinist Russia or Maoist China, it refrained from engaging in preventive war. Moreover, Israel already has nuclear weapons and can thus deter Iraq, while the United States has certainly both the power to deter or to destroy Iraq. Deterrence has worked in the past, and I fail to see why thousands of Americans should now die in order to make sure that at some point in the future, according to experts some years from now, Iraq does not acquire a militarily significant nuclear capability.

Second, it is within our power to sustain a comprehensive embargo on Iraq to impede such an acquisition. Unlike India or Israel, Iraq does permit international inspection of its nuclear facilities. This gives us some insight into its program. Moreover, much can happen during the next several years, including Saddam's fall from power. Hence, the precipitation of war now on these grounds meets neither the criterion of urgency nor vitality.

More than that, war would be highly counter productive to the American national interest. A war is likely to split the international consensus that currently exists, the United States is likely to become estranged from many of its European allies, and it is almost certain to become the object of widespread Arab hostility. Indeed, once started, the war may prove not all that easy to terminate, given the inflammable character of Middle Eastern politics. It could be costly in blood and financially devastating.

This prospect is all the more tragic because the United States would thereby be deprived of the fruits of its hard-earned victory in the Cold War. We stand today on the threshold of an historic opportunity to shape a truly cooperative world order based on genuine cooperation and respect for human rights. Yet, our over-reaction to the crisis in the Persian Gulf is now adversely affecting both our priorities and our principles.

In any case, Mr. Chairman, it is war that soon we may have to face because of the combined pressures resulting from Iraqi intransigence, the imposition of a deadline, the lack of patience in the application of sanctions, and the consequences of massive troop deployments. Given the possibility, therefore, that the United States might be plunged by presidential decision into a war with Iraq, I would urge this committee to examine carefully in its deliberations and to press the administration for answers regarding the following three clusters of critically important issues.

One, what are the political limits and the likely geopolitical dynamics of war once the President decides to initiate it? For example, we have to be concerned over the use of air power, that in order to mitigate casualties for U.S. ground forces, the killing not only the hostages, but also thousands, perhaps tens of thousands or even more, of Iraqi civilians who are not to be held responsible for Saddam Hussein's flagrant misconduct might be required. Is this politically viable? Is this morally admissable?

Also, how does the administration envisage the termination of the war? Do we expect a total surrender, or are we counting on a negotiated outcome after a spasm of violence? Are we prepared to occupy all of Iraq, including the huge city of Baghdad? Are we logistically prepared for a war that is not promptly resolved by air power? And are we psychologically, for heavy American casualties?

And once war begins, Iran and Syria may not remain passive, and the war could thus spread. One has to anticipate the possibility that Iraq will seek to draw Israel into the war. Does the administration have a contingency plan in the event that Jordon becomes a battlefield? What might be the U.S. reaction if some Israeli leaders seek to take advantage of an expanded war to effect the expulsion of all Palestinians from their homes in the West Bank? The Gulf crisis and the Arab-Israeli conflict could thus become linked. Our efforts to the contrary notwithstanding.

I believe, Mr. Chairman, the administration is paying insufficient attention to these inherent uncertainties of war. The war could prove more destructive, more bloody, and more difficult to terminate than administration spokesmen, not to speak of sundry private advocates of war, seem to think. I also believe the administration has not given sufficient thought to the geopolitical disruptive consequences of a war in a region that is extraordinarily incendiary. An American military invasion of Iraq would be likely to set off a chain reaction that could bog America down in a variety of prolonged security operations in a setting of intensified political instability.

Secondly, what are the likely broader aftereffects of the war? The administration has yet to move beyond vague generalities regarding its concept of the postwar Middle East. Yet considerable anxiety is justified that subsequent to the war, the United States might not be able to extricate itself from the Middle Eastern cauldron, especially if, in the meantime, the Arab masses have become radicalized and hostile to the Arab regimes that endorsed the U.S. military action.

How will that affect America's global position? I would think it likely that with the United States embroiled in the Middle Eastern mess for years to come, both Europe and Japan, free to promote their own agendas, will pursue the enhancement of their economic power. And in the region itself, it is probable that fundamentalist Iran will become the dominant power in the Persian Gulf and that terrorist Syria wil inherit the mantle of leadership among the Arabs. It is also possible that the destruction of Iraq by America and the resulting radicalization of the Arabs might leave Israel, armed as it already is with nuclear weapons, more tempted to use its military force to impose its will in this volatile region.

How will all this affect the area's sensitive balance of power? I believe that none of the above possible developments would be in the American interest. Yet I do not sense that sifficient strategic planning has been devoted by the administration to an analysis of the wider shock effects of a war that is bound to be exploited by other parties for their own selfish ends.

Third and finally, what is being done to ensure that the worst burdens and sacrifices are more fairly distributed among its potential beneficiaries or participants if war must come? One cannot help but be struck by the relatively limited contributions of our allies. Moreover, as I understand it, some states with forces in Saudi Arabia have indicated that they will not participate in offensive operations.

The American public certainly is not satisfied with the financial support extended by Germany and Japan. Is the administration satisfied? What additional financial contribution can be expected from the Saudis and the Kuwaitis? It is noteworthy that Saudi Arabia has already benefited very substantially from the oil crisis and that the Emir of Kuwait and his family are in the forefront of those arguing for Americans to initiate military action.

Are we thus, despite all of our rhetoric about the new international order, not running the risk of becoming the mercenaries in this war, applauded and financed by others to do the fighting and the dying for them?

I believe that it is already evident that the principal sacrifices of war, both financial and in blood, will in fact have to be borne by America and to a massively disproportionate degree. Such evident unfairness would inevitably have a very adverse impact on American attitude toward its allies with deleterious consequences for American public support for the so-called "international order."

These are tough issues, and unless the administration responds to them satisfactorily, the war will lack domestic support while generating polarizing political passions. Even worse, unless the administration thinks hard about such questions, it could embark on a course deeply damaging to our national interest.

Mr. Chairman, let me conclude with a brief word about the lessons of history. It is important to apply them with a sense of proportion. To speak of Saddam Hussein as a Hitler is to trivialize Hitler and to elevate Saddam. Iraq is not Germany, but a middle size country on the scale of, say, Romania, dependent on the export of one commodity for most of its income, unable on its own either to fully feed itself or to construct its own weapons. It is a threat to regional peace, a threat with wider global economic implications. But it is a threat we can contain, deter, or repel as the situation dictates. Therefore, in my view, neither an American war to liberate Kuwait nor a preventive war to destroy Iraq's power is urgently required, be it in terms of the American national interest or of the imperatives of world order.

President Bush's initial commitment to punish Iraq and to deter it remains the wisest course, and one which this nation can resolutely and in unity sustain over the long haul. By any rational calculus, the trade-offs between the discomforts of patience and the costs of war favor patience. Both time and power are in our favor, and we do not need to be driven by artificial deadlines, deceptive arguments, or irrational emotion, into an unnecessary war.

Thank you, Mr. Chairman.

Mr. EXON. Mr. President, will the Senator yield so that I may read into the RECORD very briefly the statement he just referred to that I think should go in following the remarks he just made?

Mr. SARBANES. I yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I was concerned earlier about charges of partisanship on this, and none is intended or implied. The Senator from Maryland has just referred to the Senate joint resolution as offered by the majority leader. I want to read it into the RECORD at this time. It simply says:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress is firmly committed to reversing Iraq's brutal illegal occupation of Kuwait.

(b) The Congress authorizes the use of American military force to enforce the United Nations economic embargo against Iraq; to defend Saudi Arabia from direct Iraqi attack; and to protect American forces in the region.

(c) The Congress believes that continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time and should be sustained, but does not rule out declaring war or authorizing the use of force at a later time should that be necessary to achieve the goal of forcing Iraqi troops from Kuwait.

(d) The Congress pledges its full and continued support for sustaining the policy of increasing economic and diplomatic pressure against Iraq; for maintaining our military options; and for efforts to increase the military and financial contributions made by allied nations.

(e) The Constitution of the United States vests all power to declare war in the Congress of the United States. Congress will expeditiously consider any future Presidential request for a declaration of war or for authority to use military force against Iraq, in accordance with the following procedures that are subsequently about to be offered.

I submit that this is not partisan. I thank my friend from Maryland for allowing me to proceed.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 1

Mr. MITCHELL. Mr. President, I send to the desk a joint resolution and I ask unanimous consent that it be placed on the calendar and that it be in order to move to proceed to the joint resolution at any point after the close of business today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I send to the desk a document entitled "Summary of Expedited Procedures" which explains the expedited procedures contained in the joint resolution I just sent to the desk and ask this be printed in the RECORD along with the joint resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) the Congress is firmly committed to reversing Iraq's brutal and illegal occupation of Kuwait.

(b) The Congress authorizes the use of American military forces to enforce the United Nations economic embargo against Iraq; to defend Saudi Arabia from direct Iraqi attack; and to protect American forces in the region.

(c) The Congress believes that continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time and should be sustained, but does not rule out declaring war or authorizing the use of force at a later time should that be necessary to achieve the goal of forcing Iraqi troops from Kuwait.

(d) The Congress pledges its full and continued support for sustaining the policy of increasing economic and diplomatic pressure against Iraq; for maintaining our military options; and for efforts to increase the military and financial contributions made by allied nations.

(e) The Constitution of the United States vests all power to declare war in the Congress of the United States. Congress will expeditiously consider any future Presidential request for a declaration of war or for authority to use military force against Iraq, in accordance with the following procedures:

SEC. . CONGRESSIONAL PRIORITY PROCEDURES FOR CERTAIN JOINT RESOLUTIONS.

(a) DEFINITION.—For purposes of this Act, the term "joint resolution" means any joint resolution which is introduced in a House of Congress after the President has made a request under section 1(e) and which consists solely of a declaration that a state of war exists between the United States and Iraq or an authorization for the use of the Armed Forces of the United States against Iraq.

(b) CONSIDERATION OF RESOLUTIONS.—Section 258A(b) of the Balanced Budget and Emergency Control Act of 1985 (2 U.S.C. 901 et seq.) shall apply to the consideration of any joint resolution under this Act, except that—

(1) notwithstanding paragraph (2) of that section, the Majority Leader of the Senate may move to proceed to the consideration of a joint resolution at any time;

(2) the time for consideration of a joint resolution in the Senate shall be limited to not more than 20 hours during which time the time for debate on any amendment thereto shall be limited to not more than 2 hours, and the time for debate on any amendment to such an amendment shall be limited to not more than one hour;

(3) if, during the consideration of the joint resolution under paragraph (2) of this subsection, the Minority Leader has not had the opportunity to offer an amendment, he may, at the expiration of the 20-hour period and the disposition of all pending amendments, offer an amendment which may amend language previously amended, on which there may be two hours of additional debate, which amendment shall be subject to one amendment thereto, on which there may be an additional one hour of debate;

(4) the total time for consideration at any stage of the proceedings in the Senate of all amendments between the Houses of Congress and motions with respect to all such amendments shall be limited to not more than 3 hours (and the time for consideration of any such amendment or motion shall be limited to 30 minutes), and the total time for consideration of a conference report on a joint resolution shall be limited to not more than 3 hours;

(5) any amendment between the Houses of Congress with respect to a joint resolution, and any amendment to such an amendment, shall be germane;

(6) upon the expiration of the three-hour period described in paragraph (4) of this subsection with respect to consideration of amendments between the Houses and upon disposition of any pending questions, no further amendments shall be in order and only the following motions shall be in order and shall be decided without debate: motions to concur, to disagree, to insist, to recede, to table, to request or agree to conference, and motions to appoint conferees;

(7) in the event that conferees are unable to agree within 24 hours after the House that requested conference was notified that the other House has agreed to conference, the conference shall be deemed to be discharged, and it shall be in order to consider any amendment or amendments in disagreement;

(8) in paragraph (3)(C)(i) of that section, the phrase "or to the order under section 254" shall be deemed instead to read "or to a declaration that a state of war exists between the United States and Iraq or to an authorization for the use of the Armed Forces of the United States against Iraq"; and

(9) the following provisions shall not apply:

(A) in paragraph (2) of that section—

(i) the phrase "On or"; and

(ii) the phrase "(excluding Saturdays, Sundays, and legal holidays)" the first place it appears; and

(B) paragraphs (3)(C)(ii), (5) and (6) of that section.

SUMMARY OF EXPEDITED PROCEDURES

The expedited procedures may be used to authorize a declaration of war or other authorization for the use of military force against Iraq. A resolution qualifying for expedited procedures may be introduced any time after the President has requested a declaration of war or other authorization for use of force against Iraq.

After the resolution is introduced, the Majority Leader may immediately make a nondebatable motion to take up the resolution.

Once the Senate takes up the resolution, there is a 20-hour period for its consideration. This includes the time for disposing of all amendments, motions, votes, quorum calls, and appeals of rulings of the Chair. No motions may be made to delay or postpone consideration.

Within the 20-hour period, the time for debate on any amendment is limited to 2 hours, and debate on any amendments to amendments is limited to one hour. All other debatable motions are limited to 30 minutes. Only amendments that are germane are allowed. At the conclusion of the 20-hour period, if the Minority Leader has not had an opportunity to offer an amendment, he may do so, with 2 hours of debate. That amendment is subject to one amendment, with one hour of debate.

When the Senate finishes its debate, there is a vote on final passage. A motion to reconsider the Senate's vote is not in order.

If the House passes a different resolution, the Senate will decide whether to return it to the House with an amendment or ask for a conference. The debate on these issues is limited to 3 hours. Debate on any motion within that 3-hour period is limited to 30 minutes. At the end of the 3-hour period, no further amendments are in order in the Senate. The only permissible motions at that point will be motions that have the effect of: (1) concurring with the House; (2) returning the measure to the House; or (3) sending the measure to conference.

Conferees will have 24 hours in which to reach agreement. Senate debate on the conference report is limited to 3 hours. If the conferees fail to reach agreement within 24 hours, they will be discharged. The Senate then takes up the measure (including amendments) under the 3-hour procedure for resolving differences between the Houses.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of the Senate, I have had a number of discussions with the distinguished Republican leader today regarding the process by which we should handle this issue. Earlier this morning, I obtained consent to have printed in the RECORD the joint resolution, the provisions of which were just read into the RECORD by the distinguished Senator from Nebraska.

The copy which I have just sent to the desk to be printed includes the proposed expedited procedures that were not included in the document submitted this morning. The first page is identical. It is the substance of the resolution. The expedited procedures were worked out during the day and along with the explanation are contained in the documents I have just presented for printing.

The unanimous-consent request I have just obtained, following discussion with the distinguished Republican leader, provides that this resolution is now placed on the calendar and that it will be in order for me to move to proceed to the joint resolution at any point after the close of business today. It is my intention to do so at some point during the day tomorrow following further discussions with the distinguished Republican leader.

As I have stated publicly previously, and have stated in my discussions with the distinguished Republican leader, it is my hope that the Senate can debate and vote on this issue on Saturday. The House has now agreed to a schedule which provides for three votes to occur on Saturday. I believe that the measures we are considering here are either identical to or substantially similar to those to be voted on in the House, although I understand that no final decision has been made by my distinguished colleague with respect to the resolution that they will offer.

But I repeat that I think the best way to handle it is we have presented our resolution. We invite our colleagues to present their resolution. We should then have a debate and vote on the two resolutions, so that every Senator has the opportunity to express himself not only in debate but also in voting on the respective resolutions. I hope we can do that. We do not yet have an agreement.

Understandably, our colleagues wish to consult on the matter as how best to proceed. But I merely want Senators to know that remains my hope and intention and, if it is possible, to achieve consent to do that.

I thank my colleague, the distinguished Republican leader, for his cooperation in the discussions we have had today and in this most recent unanimous-consent agreement which permits us to be in a position to move to proceed to this matter tomorrow. I hope we can do so. I hope we can get on the resolution.

In the meantime, of course, the debate is continuing in any event. Several Senators have spoken today. I know still others remain to be heard. I anticipate that debate will continue during tomorrow, and during that time it is our intention to continue these discussions to see if we can reach an agreement on the best way to proceed.

Mr. President, I now invite my distinguished colleague to comment in any respect that he wishes to do so.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senate Republican leader.

Mr. DOLE. Mr. President, let me indicate that tomorrow morning at 11 o'clock, the Republicans will have a conference where we will discuss what we think will be our resolution. Hopefully, sometime tomorrow, either before that meeting or after that meeting—much may depend on the weather, I guess; I understand there could be a storm—we might meet in S-407 to hear from appropriate CIA officials with reference to whether or not sanctions will work without the threat of military force in a number of ways, because it seems to be that is the key.

As I understand, many of my colleagues on the other side of the aisle are saying sanctions is the way to go. That does not say how long. It does not say we are going to keep the 400,000 troops there, but that is the policy: Sanctions will solve our problems.

On the other hand, there are others who feel just as strongly that we can send a stronger message to Saddam Hussein by approving the use of force, hoping it will not be needed. Nobody I have found yet in this Chamber wants a war, on either side of the aisle. So I guess it comes down to how do we send the strongest message.

I also hope that tomorrow morning we might have a vote on commending the Secretary General for his visit to Baghdad, wishing him success. It seems to me that might be of some help, because we want to use every available resource. Perhaps that might be one way to get things moving if there should be any delay.

So we will be prepared to cooperate with the majority leader, hopefully in every case. And if we can do that, then the votes could occur on Saturday. I guess the only exception I would note at this time is if it would appear that the vote could be adverse to the President's policy and the President's request for support from Congress. If that were the case, and I do not know that to be the case—I do not think the majority leader does either—then we might have to adopt a different course of action on this side of the aisle, not to frustrate some of my colleagues but to preserve the options the President may need.

I say that so that everyone will know that we want to cooperate. We will have no more serious issue before us the rest of this year. There is no doubt in my mind; this is about as serious as they come. We believe that there are some fundamental issues that need to be addressed and some fundamental policies that need to be explored. But in the final analysis, our best hope for peace is support of the President of the United States.

I will continue to discuss everything I learn with the majority leader so he will not be surprised. I do not intend to try to surprise the majority leader.

Mr. MITCHELL. Mr. President, I thank my distinguished colleague, and, of course, I am pleased to provide the same assurance.

As I have indicated previously to the distinguished Republican leader, it is my hope—indeed, I have indicated this to all Members of the Senate—that no Senator or group of Senators feels compelled for whatever reason to engage in delaying or other tactics which would prevent the Senate from voting on these matters and expressing its view.

I do not mean to suggest that such actions would be inappropriate or in any way contrary to the rules. Indeed, they would obviously be pursuant to the rules, contemplated by the rules. As we all know, under the rules of the Senate, a single Senator, and certainly a determined large group of Senators, although not a majority, could prevent the Senate from voting if they were under the impression that the vote may be contrary to the point of view that they advocate. That is not an uncommon event in the Senate. Indeed, it is just the opposite; it is a common event.

But I believe this is not; that this is an uncommon issue, and I hope that it does not prove to be necessary on anyone's part. I think it is likely that should our colleagues on the Republican side of the aisle decide they do not want to vote on this, given the numbers and Senate rules, it is pretty clear that the Senate could be prevented from voting, period; that we could simply find ourselves in a stalemate and be prevented from voting on this. That is something I think we all recognize and acknowledge, given the composition of the Senate and the rules of the Senate.

I hope that does not prove to be the case and look forward to our continuing discussions with a view toward permitting the Senate to express itself, permitting Senators to vote on these issues prior to January 15, even as we recognize the right of the Republican minority or any other substantial group to prevent the Senate from doing so.

Mr. EXON. Will the leader yield for a question?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. MITCHELL. I wanted to make certain, if I might, that the distinguished Republican leader did not wish to be recognized further.

Mr. DOLE. Yes.

Mr. MITCHELL. I will yield for a question. I yield the floor.

Mr. EXON. Regarding the following week, there was some discussion or talk earlier that we would be in Monday or sometime next week for possible introduction of general bills. Can the leader tell me at this time what his plans are? Are we going to be in Monday, assuming the matter is resolved on Saturday, as the leader has just outlined? What are the current plans for next week?

Mr. MITCHELL. Under the agreement entered into earlier in the week, we will be in session on Monday, January 14, for at least the purpose of introduction of bills and joint resolutions. So Senators who have bills that they intend to offer for consideration during this Congress will be free to do so at this time and can expect to have the session for at least that purpose on Monday.

Mr. EXON. And the rest of the week?

Mr. MITCHELL. It depends entirely upon whether or not we are able to dispose of this matter. I would prefer to defer judgment until such time as we see what happens here.

Mr. EXON. Is it fair to assume that, if this matter is resolved on Saturday or Sunday, we would not be in session after Monday?

Mr. MITCHELL. That is a possibility, but I would not want to characterize it as a certainty just yet.

Mr. EXON. I thank the Senator.

Mr. MITCHELL. I thank my colleague. Mr. President, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN].

WHETHER FORCE OUGHT TO BE AUTHORIZED

Mr. COHEN. Mr. President, I would like to offer for discussion the central issue of whether force ought to be authorized. The President of the United States apparently has indicated that he need not go to Congress for this authority. In fact, I have heard the President on several occasions indicate that we who support his policy should come down to the White House or just introduce resolutions in support.

I believe article I, section 8, requires just the opposite. The President must come up to Capitol Hill to request such authority.

The second thing that I think has to be made very clear is that the President has stated either privately or perhaps even semipublicly that, if Congress were to deny the authority, if the majority leader's resolution were to pass, by way of example, that the President would feel free to ignore the will of Congress and move without congressional authority.

Mr. President, I have stood on this floor on many occasions arguing constitutional issues in opposition to the White House, the most recent perhaps dealing with the requirement that I believe the White House has to give prior notice on covert actions. I think there is some ambiguity, obviously, in the interpretation of the respective powers of the executive and the congressional branches, but there is no doubt in my mind that Congress has the sole power to declare, and the President has the sole power to execute, wars. I think we ought to be very, very clear on that issue so that we do not find attacks later being made at the President or upon the President for exceeding his constitutional authorities. I think that we ought to debate that issue as part of any decision on the majority or minority leader's resolutions.

The President has a duty to inform, to educate, and to inspire, not to dictate or to decree. He does not have an army that serves at his pleasure. This, for me, is not simply quibbling over constitutional interpretation. This is fundamental to the allocation of constitutional power.

But second, equally important I think, the President should not suggest that if Congress were to reject his request for the use of authority he would still proceed in its absence. I think that is not only constitutionally wrong, but I think it is tactically wrong, because it makes it much easier for people who are faced with the tough decision to simply say, "If it does not matter what my vote is, I might as well vote on the popular side of the issue." And the way the mail is running or the phone calls are running, it lets many people avoid that tough decision by saying, "If it does not matter, why should I support the policy?"

So I think the President, if he in fact is advocating this—I do not know, only what I have heard or read—that he is making a mistake, and I hope that he will not support those particular provisions.

I have not had a chance to really review the majority leader's resolution. Based upon what I heard being read just moments ago, I think there may be one provision missing. That has to do with the authorization for the use of funds to conduct an offensive war.

If it is going to be the position of the majority that the President should not proceed to conduct an offensive war against Saddam Hussein, then I think we have to give serious consideration as to whether or not Congress should also debate whether funds should be made available to conduct such an offensive war in the absence of a declaration or authority given by Congress. Otherwise, I am afraid we may find a situation developing where Members of the Senate or the House may say, "Mr. President, we disagree that you have authority to go without our permission. If you do, we will support you, and then we will deal with the fallout later."

The fallout later might very well be a series of impeachment resolutions filed in the House of Representatives saying that the President had exceeded his constitutional authority. I would not want to see that occur if in fact it can be avoided in the initial instance.

So that is something I think we have to look at in debating the majority leader's resolution or, indeed, that of the minority leader.

Mr. President, there has been some question about whether or not this debate or our debating over the past several weeks is seen by Saddam Hussein as a political defeat for President Bush. That may be the case. That is because Saddam Hussein looks through the flat eye of the fanatic. He rewards those who dissent with a bullet in the brain. But debate is the very essence of a democracy even when it is an inconvenience to a President or, indeed, embarrassing to a President.

No one—I want to repeat that—no one should question the motivations or the patriotism or the political aspirations of those who choose to disagree with the President, because the best way of achieving peace is the business of each and every one of us.

I would like to take a few moments to review how I believe we got where we are today. I believe we are paying the wages of past sins and of lessons lost. Back in 1973 we found ourselves stretched over an oil barrel. We vowed at that time, I remember it very well, to become energy independent.

We preached and we practiced conservation, knowing that the cheapest barrel of oil was the one we did not have to produce. Within 10 years our memory and our willpower have faded. Tax incentives for conservation were terminated, big cars returned to the highways, speed limits were lifted, consumption soared, discipline died, and now once again our economy is tied to the wildly oscillating prices of foreign oil.

We may have no choice but to confront Saddam Hussein now, but it would have been far better to have made war on energy waste in the past than on Baghdad tomorrow or after January 15.

There are other free nations also addicted to oil whose conduct has helped to produce the crisis in the gulf. I would cite specifically the French, who were eager to help Saddam Hussein build a nuclear capability at Osirak which the Israelis destroyed back in 1981, to everyone's condemnation and relief; the Germans, who transferred chemical weapons technology to Iraq as well as to Libya; the civilized world, including the United States, that refused to condemn Iraq and punish it for using chemical weapons against the Kurds and the Iranians.

We, in fact, only slapped Saddam Hussein on the wrists, and we said, "Do not do it again." And in the wake of his utter disregard and contempt for international accords and standards, we increased trade to the point where Iraq became our second largest trading partner in the Arab world.

Apparently, we thought we should engage in a behavior modification program, believing that continued trade and assistance would moderate his behavior. In fact, most of us recall that just 1 week prior to his invasion of Kuwait, we were on the floor offering an amendment to cut off all trade with Iraq, and at that time many of the Members who are now supporting actions against Iraq, including the administration, and, with the aid and assistance of the administration, actively opposed any attempt to terminate trade with Iraq. One week prior to his invasion.

We now find ourselves acting in concert—I cannot bring myself to use the word alliance—with Syria, a nation that is at the very top of the list of Terrorists, Inc.; with China, who at this moment is engaged in the trial of students who demonstrated for democracy back in Tiananmen Square, and all the while we are urging a traditional friend, Israel, to lower its profile, to be silent as we whisper to the Arab nations that we will exert pressure on Israel and help bring about an international conference on peace in the Middle East.

With respect to our allies, a great deal has been said about the disproportionate burden that we have had to bear. Much more needs to be said and done about those allies.

Again, I return to Germany, which has been so meager in its contribution to the crisis and now so eager to rush to Baghdad with its diplomatic hat in hand.

Japan, which is almost wholly dependent upon a stable supply of Persian Gulf oil, has been penurious, to say the least, in its financial support of our efforts while its private companies are busily buying up Hollywood. I believe the conduct of Germany and Japan will have long-term consequences in this country, and it should have.

But their disappointing, deplorable performance should not deflect us from the central issue confronting us: Is war justified? Is it justified to liberate Kuwait? I suggest that the American people would say no. To defend the Saudi royal family? I suggest the people of this country would say no. To protect oil? It is far too cruel an equation to trade an ounce of blood for a barrel of oil. While most of us flinch from the notion that we should ever fight over oil, the overwhelming majority of the Members of this body and the country support keeping 250,000 troops in the Saudi desert to do precisely that.

The central question for me and the one that justifies sending our young men and women into battle is the threat that Saddam Hussein poses for the United States in the future. Not much has been said about the need to reduce the size and capability of the killing machine that all of us have helped to build.

There has been a suggestion that if Saddam Hussein returns to Baghdad, we will be able to cause his military to wither away through the enforcement of sanctions. I must tell you, Mr. President, I do not believe that is possible.

A little over a year ago—and I see my colleague from Oklahoma, the chairman of the Intelligence Committee, and he will recall this well—we discovered that Libya, with more than a little help from our friends, had constructed a chemical weapons plant. We alerted the world, we sounded all the whistles and blew all the horns.

Look what happened. We talked to the Chancellor and apprised him of what his private companies were doing. We hoped we could stop the completion of that so-called pharmaceutical plant. But according to recent news accounts, the plant has been completed, and it is ready to go into production of toxic gas and nerve agents. We can take little solace in the ability or willingness of those companies who smell a profit even in a canister of poison to refrain from selling more weaponry to Iraq.

Most Americans applauded the strike against Mu'ammar Qadhafi after they learned of his connection to the bombing of the LaBelle Discotheque in Berlin. It stopped his terrorist activities, at least for a while.

But I have to ask the question: What if Qadhafi possessed nuclear weapons, or had a so-called crude device that his agents could explode in New York City or Washington, DC? Would we have attacked Libya at that time? Perhaps; but perhaps not.

Which brings me to the issue of nuclear weapons in the hands of Saddam Hussein. The evidence on this is conflicting, and the Senator from Maryland has obviously read extensively the testimony in the Armed Services Committee. The evidence is conflicting. We have had estimates that it could be in 6 months, a year, possibly 3 years, or maybe even 10 years. I do not know whether he could develop a nuclear weapons capability in 6 months or 6 years. What I do know is that we have been surprised before.

Again, I refer to my colleague from Oklahoma. We were surprised when Saudi Arabia acquired an IRBM [intermediate range ballistic missile] capability from China.

We were surprised with Iraq's ability to extend the range of Soviet-made Scud B missiles.

We were surprised when Libya acquired its chemical weapons plant.

We were astonished when Iraq was able to nearly put a rocket into space, to launch a payload into space with its Tamuz, a three-stage rocket. We have to remind ourselves that what can be put in space can also be launched across the Atlantic.

So the evidence with respect to his ability to acquire nuclear weapons is unclear. But the argument is made that even if Saddam Hussein acquires nuclear weapons, we should not become insomniacs over it. After all, we have faced them in the hands of Khrushchev, Brezhnev, Andropov, Chernenko, Gorbachev, and Deng Xiaoping.

It strikes me that this particular rationale is similar to what lawyers call pleading in the alternative. My client was not there. If he was, he did not commit the assault. If he did commit the assault, he was provoked and acted only in self-defense. And even if he was not acting in self-defense, he was suffering from temporary insanity. That is what we call pleading in the alternative.

Much can be said about the same thing as far as it applies to Saddam Hussein. He does not have nuclear weapons. He cannot get them for 6 months or 6 years. Even if he could acquire them in 6 months, it would only be a crude device. It would have to be delivered by truck or 747. Even if they could put it on missiles, Iraq would not dare to use them for fear of retaliation. Again, perhaps not.

It strikes me as curious, to say the least, that we now have the capacity to obliterate Iraq, and that did not deter him. The notion that he would have more consideration for his people than he did before, after he acquires nuclear weapons strikes me as a dangerous self-delusion. Whether he acquires them in 6 months or 6 years, he eventually will have them; and he will have them and an intercontinental range for his ballistic missiles; and that means that the wheat fields of Kansas will fall under the same threat as the oil fields of Kuwait and Saudi Arabia.

Even if he feared a retaliatory strike by the United States and was deterred from attacking us directly, I have no doubt that his very possession of nuclear weapons would intimidate other nations in the gulf and force them to capitulate—all except Israel.

I have hoped, and I must say I have prayed, time after time, that sanctions would be sufficient to bring Saddam Hussein to his senses. But I have had to consider what he has forced his people to endure. He has forced them to suffer 300,000 dead, 700,000 wounded—all for half a waterway, which he turned around and gave back to Iran. He has gassed thousands of innocent people. He has held 10,000 innocent civilians as hostages and human shields.

Once, just a few months ago, we labeled Saddam Hussein a thief, a robber, a plunderer, a murderer. We accused him of war crimes, and the Amnesty International report is not good bedtime reading. Then we demanded reparations.

That was a few months ago. The time has passed. We have softened our position. Today, all we ask is that he leave Kuwait, and we hint that he will have a forum to discuss grievances and territorial claims.

Yes, at the end of the rainbow there is a gleaming pot of gold called the International Peace Conference at which all of our allies will gang up on Israel and demand that they give land for peace. That is what we are offering even today.

How does Saddam Hussein respond? Take your letter back to the White House. We must speak to him more deferentially and with greater respect.

In the face of this utter contempt for our efforts to avoid war, there are even now some who suggest we walk another mile—what, after all, is a little bit of linkage between enemies? If we are going to give up and pressure Israel in the end, why not say so now and avoid war?

The short answer—if we have not learned from the experience of dealing with Iran over the hostages, or with Saddam Hussein for the past 6 months—is that an extortionist's price is never paid. It will always be another 500 TOW missiles for one more hostage, another Kuwaiti island for the removal of an Iraqi division.

Originally, I believed that sanctions might bite hard enough to force him out of Kuwait. I might have been overly optimistic in this view. But, in retrospect, I now realize that whatever merits I had in holding that view, once President Bush went to the United Nations and secured authority to use force after January 15, it would be virtually impossible to resort to sanctions as the only leverage to be applied during the next year.

If the United Nations authorizes the use of force and Congress rejects such authorization or defers it until some time next fall, it is my judgment—something I cannot prove, but I can only say it is my judgment, something I believe—that the coalition that now exists will crack almost immediately with each nation trying to strike its own deal with a new Middle East Saladin. One by one they are going to surrender to his demands or face annihilation.

It is possible for us to step back and away from this conflict and allow what has been called by one expert who testified before us, this "wheel of conflict," to spin on its own violent axis. But I suggest to you, Mr. President, that at some point, be it 6 months, 3 years, 5 or 10 years, the wheel will grow larger and pull us into its orbit.

We have not discussed the issue of terrorism at any length, and perhaps that is something that should be reserved for another time later in the debate. But I believe that Saddam Hussein will in fact resort to terrorism in response to our actions in the Gulf. I think we have to prepare ourselves for it.

I believe he will use chemical weapons, and I believe that he will even resort to the use of biological weapons. One thing that has persuaded me perhaps more than any other is that months ago we were told and we read and understood that he was developing biological weapons. He was not quite there yet. But by January he would have them.

I believe that he in fact is contemplating the use of biological agents, and I believe the 6 months that we have waited to build up our forces has enabled him to actually help perfect that particular technology. I think that that is something that presages the future. That is the present that will become prologue as well.

Mr. President, this is a very difficult time for every American family, especially those with husbands, wives, sons, and daughters who are in the Persian Gulf. I take the words of Senator SARBANES, the Senator from Maryland, very seriously as to how we look those parents and husbands and wives and children in the eyes and tell them that we supported the use of force.

We are walking in the shadows of Munich and Vietnam, and the path is dark and dangerous.

There are questions to which there are no mathematically certain answers. I know that some have spun out all the calculations—so many sorties, so many bombs, so many deaths. I cannot do that. I do not have that capability. There are questions to which there are no answers.

Whether sanctions can hold long enough to be effective, we do not know. None of us can be sure, notwithstanding what some of the experts predict. One expert said he was satisfied they would work. Several said they believe sanctions would work. One said he hoped they would work. None of us can be certain on that issue.

Whether war can be short enough or fought with minimal enough casualties to sustain public support, we do not know.

What will we do after the war? Senator BIDEN raised some legitimate questions.

What will we do after the war?

How will we keep the Syrian and Iranian wolves from Iraq's door?

How can we help establish stabilizing institutions in an inherently unstable region?

A thousand doubts rush at us from the darkness. Yet we are required to decide.

I went back and read some of Manchester's biography of Churchill and came across an interesting observation which I would like to read. He said:

> The present is never tidy, or certain or reasonable, and those who try to make it so, once it has become the past, succeed only in making it seem implausible. Among the perceptive observations and shrewd conclusions of the Churchills and Sergeants were the clutters of other reports and forecasts completely at odds with them. All of it, the prescient and the cockeyed, always arrives in a promiscuous rush, and most men in power, sorting through it, believe what they want to believe, accepting whatever justifies their policies and convictions, while taking out insurance, whenever possible, against the truth that may lie in their wastebaskets.

Mr. President, I do not know where the truth lies, only where I believe it lies. I have come reluctantly to the conclusion that Saddam Hussein has no intention of leaving Kuwait; that a nation that has endured hardship of 8 years of war with Iran will not surrender its slaughtered victim to the arms of the international community; that making concessions to those who engage in brutal thuggery—be it by delivering a softly worded letter or Israel on a platter—would not purchase peace.

There might be some brief respite in tensions which would offer the illusion of safety, but it would only reserve conflict for our sons and daughters in the future, conflict that would reach well beyond the spinning wheel of the Middle East.

I do not want our children to inherit the role of the world's policeman. Mr. President, I want even less to leave them a legacy that will make them prisoners of world events.

Mr. President, I intend to support the use of force against Saddam Hussein, and I yield back the time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii [Mr. AKAKA].

AUTHORIZATION OF WAR

Mr. AKAKA. Mr. President, I say to my Senate colleagues, we are at a very grave moment in world affairs. In response to Iraq's brutal and unprovoked occupation of Kuwait, armies around the world have assembled to restore justice and sovereignty to Kuwait.

Along Saudi Arabia's border with Iraq and Kuwait, more than 1 million soldiers are ready for battle. The overwhelming number of our allied troops are American. Within a matter of days these forces could unleash some of the most devastating and destructive weapons devised by man.

We must decide whether to authorize war against Iraq. The power to declare war is, without question, the most solemn responsibility granted to Congress by our Founding Fathers. This vote is a single most important vote that any of us will cast in this session, and in many, many legislative sessions to come.

If this vote were a referendum on how we feel about Iraq's aggression or its violation of international law, the tally would be 100 to zero. If it were a vote on the appropriateness of the response by President Bush and the world community to Iraqi aggression, or demand for Iraqi's unconditional withdrawal from Kuwait, the tally again would be 100 to zero. But these are not the votes we are about to cast. Our vote is whether we commit America to war, a war which could cost the lives of thousands of our service men and women.

I commend the President for his efforts to achieve a withdrawal of Iraqi forces from Kuwait. If Saddam Hussein had devoted half as much time and effort to peacefully defusing this crisis as we have seen from President Bush, the gulf conflict, I would think, would be settled by now. But because of Saddam Hussein's intransigence, the first meaningful discussion between our governments occurred just yesterday. Unfortunately, the meeting between Secretary Baker and Foreign Minister Aziz was not productive. But there is hope for other diplomatic efforts.

I am pleased that both President Bush and Saddam Hussein's Foreign Minister have expressed a willingness to accept the diplomatic initiative of the Secretary General of the United Nations. The Arab League and Common Market countries can also contribute to the peace process.

Frankly, I do not believe that Saddam Hussein will permit the United States to receive credit for a peaceful solution to the crisis in the gulf. But if a successful resolution of this crisis can be achieved with assistance of the United Nations or other countries, that is all that counts.

A diplomatic and political solution to this crisis is far better than a military one. I believe that the diplomatic initiative by U.N. Secretary General de Cuellar must have ample time to succeed.

I cannot support an authorization of offensive action at this time. As long as there is any hope for a diplomatic settlement, I cannot vote to authorize the President to go to war. Diplomacy and sanctions—not war—are the proper course for the United States to follow.

As individuals, we must search our conscience and our souls for a decision on the proper course to follow. The conclusion I have reached is that an authorization for war is not the right course while diplomatic efforts are still underway.

More than a century ago, an American President stood on the battlefield where 7,000 American lives were lost over a period of 3 days. The place was Gettysburg and the President was Abraham Lincoln.

I am borrowing from his now famous address when I tell my colleagues, "The world will little note, nor long remember what we say here," but they will never forget what we do here today. On this vote, history will record our actions far more than the words we speak today. It will note whether we authorized war or resolved to continue the course of dialog and diplomacy—backed by economic sanctions. As long as there remains a hope for peace, however, slim, I cannot vote to authorize war.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN].

THE SITUATION IN THE PERSIAN GULF

Mr. BOREN. Mr. President, no issue which has come before this body since I have been a Member of the U.S. Senate has more deeply troubled me than the one we face today. I sincerely believe that the decisions which we make in regard to the situation in the Persian Gulf could affect the lives of Americans and the role of our Nation in the world for years to come, and certainly well into the next century.

This crisis confronts us with many crucial questions including the most fundamental question of all, that of life and death. We must seriously consider when it is right to place the lives of young Americans at risk. We must confront the question of what powers the President is given under the Constitution as Commander in Chief and what responsibilities the Congress must meet under the provision requiring that Congress shall declare war. We must balance the strong need to show unity and to speak with one voice to the rest of the world at a time of crisis, against the necessity in a democracy of allowing the people themselves to have their rightful voice heard in such critical decisions which affect the future of us all.

We must ponder how all of the changes in the world including the end of the cold war and the rise of economic competition as the main determinant of national strength affect what we should do. One thing is clear, the greatest threat to our security in the long-run is our potential failure to change our thinking to coincide with all of the changes in the world around us. We must weigh the benefit of spending our limited tax dollars to reinstate the Government of Kuwait against the benefit of spending those same dollars to restore our economic strength at home through increased private investment in productivity and public investment in education and infrastructure. Which choice in the long run will do more to ensure America's strength and leadership in the world?

None of these choices are easy to make. This is one of those times in which each of us alone, and in conscience, must make a decision based solely on what we think is best for America. This is one of those situations in which it would not be morally right for any of us to try to pressure our colleagues for political or partisan reasons to vote one way or the other.

I do not think that anyone here would dispute that I have consistently supported in a bipartisan way our Presidents in times of crisis and supported the use of force to protect our national interest when necessary. It is also know by our leaders and by the White House that I have done my best through private communication to affect policy in this area. Only the strongest feeling of obligation to my country would cause me to publicly urge a change in the President's policy. I feel such an obligation at this time.

I also feel that Congress has no choice but to have this debate at this time. We have no option, if we are to perform our constitutional duty. As Senator SAM NUNN has said, there are many gray areas in conflicts where Congress has permitted and supported military action by the President as Commander in Chief without explicit authorization or a declaration of war. I have supported such action in the past in places like Grenada, Libya and Panama. Had the President acted to destroy by targeted strikes the chemical, nuclear and biological warfare facilities of Iraq, I would have fully supported that action without a declaration of war. But as my colleague from Georgia has indicated, ordering more than 400,000 American troops into battle to restore the previous government in Kuwait is no gray area. Clearly if the constitutional provision requiring Congress to declare war is to have any meaning at all, it is applicable to this situation. There is no way therefore that we can duck or dodge our own responsibility. We must do our duty under the Constitution.

If war does come I will support our troops 100 percent and vote to provide anything they need to achieve victory as quickly as possible. While we may have our differences of opinion in this Congress about how to proceed, Saddam Hussein and indeed the entire world should, by now, have the clear message that if war does come, Americans will unite for total and complete victory. We want no more Vietnams and we will not fight with one hand tied behind our backs.

However, I cannot at this time in conscience vote to initiate a full scale war to restore the Government of Kuwait if 90 percent of the risks and 90 percent of the burdens will be borne by America while other nations like Japan and Germany sit on the sidelines not doing their share. The lives of young Americans are the real treasure of our Nation and our most precious possession. They should be put at risk only for some urgent national interest or great cause. I do not believe that restoring the Emir's government in Kuwait is vital enough to America's national interest to potentially risk thousands of lives and billions of dollars while others have made only a token contribution to the effort. Restoration of the Government of Kuwait ranks far down the list of priority interests for our country, certainly below the protection of Saudi Arabia from invasion and the release of American hostages, both of which have been accomplished and the destruction of Iraq's chemical, nuclear, and biological capacity which can be destroyed by methods short of a major ground war.

Before we act, we must think long and hard about the end result of our actions if we are to intelligently decide whether the costs outweigh the potential benefits.

While all of us hope that any war would be short, decisive, and with few casualties, there is also a considerable risk according to most experts I have heard in both open and close classified sessions that it could last for months rather than for days and could be extremely costly. While we hope and pray that it would not be the case, we are obligated to ask ourselves if such a war is in our national interest, if it does end up costing us thousands of casualties and tens and perhaps hundreds of billions of dollars. Estimates of the financial costs of all out war range as high as $1 to $2 billion per day. If such a scenario developed, we could end up with our Nation badly divided because of the loss of life, suffering from a new wave of isolationism, and $100 billion or $200 billion more in debt. That would mean that if nations like Germany and Japan did very little, we would be even further behind in our ability to compete with them in the future. We could end up fighting a war and sacrificing precious lives and spending scarce dollars in a way that promotes Japanese interests, for example, more than our own.

Not only is it not prudent for the United States to bear so much of the cost by itself, it is not right. Japan obtains 70 percent of its oil from the Persian Gulf and we get only 13 percent of our oil from the region. Why should we bear a greater burden than they do for establishing a new world order which polices aggression around the world and protects the stability of the Middle East? It is sometimes said that the cold war is over and we are the only remaining superpower in the world.

While it is true that we were the only nation able to respond quickly enough to prevent an invasion of Saudi Arabia, we are ourselves not a superpower in the sense we were in 1950 at the beginning of the cold war. At that time, we had 70 percent of the world's wealth and 70 percent of the world's markets, 9 of the 10 largest banks in the world, and the highest per capita income in the world. Today, we have none of the top 20 banks, a lower per capita income than Japan and a potentially smaller market than the new European common market which comes into place in 1992.

We must realize that our resources are limited. If we spend up to $200 billion while others do not help us, that is money that will not be available to spend on investment by the private sector to restore our economic strength and productivity. It will not be available to spend on our educational system and infrastructure. That money will not be available to spend to solve the social problems which erode our strength and our ability to compete with the rest of the world. We must ask ourselves whether spending this money to return the Emir to Kuwait will do more to create a strong America in the 21st century than investing it to rebuild our strength at home.

Before we act, we must also consider the ultimate effect of our actions in the Middle East, as well as in America. If Iraq is totally destroyed, a power vacuum will develop which will be filled at least in part by Syria and Iran. These nations could hardly be described as guardians of American interests. In addition, large numbers of civilian casualties caused by American military actions could engender strong anti-American feelings which could undermine support for pro-American Arab governments in their own countries.

There is another disturbing element of the current situation, Mr. President, that should be addressed at an appropriate time, not in the heat of this crisis. If war comes, some Americans will end up bearing far more of their fair share of the sacrifice than others. Very few of those in leadership positions in our country including Members of Congress and members of the Cabinet, have children or grandchildren serving in the Middle East. Most of the troops come from middle and lower income families. Many join Reserve or National Guard units because they must supplement their living or educational expenses. We must make sure that we always remember that even if our own children are not there, those troops have mothers and fathers and husbands and wives and children who love them just as much as we love our own children. At some point in the future, we should ask ourselves if it is healthy for our Nation that when a crisis comes, Americans from all walks of life do not bear the same amount of risk. In World War II, by contrast, we were all in it together.

As I said at the outset, at a time like this we must forget whether we are Democrats or Republicans and speak as Americans. I do not rise for the purpose of criticizing our President. He is a good and decent man who is doing his best to bear a terrible burden for all of us. No one can possibly understand the full nature of the responsibility which he must feel. The President deserves great credit for what he has already achieved. Because of his decisive action, Iraqi aggression has been stopped, Saudi Arabia has not been invaded, and our hostages have been freed. I would fully support additional actions by the President to target and destroy Iraqi chemical, nuclear, and biological facilities, and I believe that the President could act lawfully as Commander in Chief to hit such limited targets without explicit advance congressional authorization.

We must remember as we confront the current situation that patience and containment have proven their value in the past. It was containment that eventually brought down the Communist bloc without a nuclear war. Because of our show of strength, Iraq's military advance has been totally stopped and it is growing weaker every day because of the most effective economic blockage in this century.

I support the pending resolution because it makes it clear that we support many of the actions taken by the President. It explicitly authorizes the use of force to enforce economic sanctions, to defend Saudi Arabia and to protect our troops. It provides the President with a procedure under which he can be assured of a quick response from Congress if he requests authority to wage war.

It also urges the President before launching a full-scale war to restore the Government to Kuwait, to give more time for economic sanctions to further weaken Iraq. As Chairman of the Senate Intelligence Committee, I have carefully monitored the effect which sanctions are having on Iraq and Saddam's government. Experts in the intelligence community have drawn varying conclusions of their own, but they all agree that from a factual point of view, Iraqi exports have been stopped virtually 100 percent. Imports have been cut by 90 percent. The GNP has been cut in half. Hard currency will soon be totally depleted because there are no earnings from exports. This means that they will soon not be able to pay for the small trickle of items now being smuggled into the country. The press has reported that food rationing coupons are now redeemable at lesser amounts of food than was the case a few weeks ago. Motor oil, transmission fluid, and lubricants are clearly in very short supply. While experts may differ as to whether sanctions alone will force Saddam out of Kuwait, none of the experts, not a single one, has disagreed that as each day passes with sanctions in place, Iraq will become weaker. All of the experts have also indicated some deterioration of military capacity as well. Even if we do decide to ultimately fight, it would be better to fight a foe which has been weakened further than to launch an immediate full-scale attack. Since we have already waited this long to act instead of fighting soon after the arrival of our forces, it makes sense to give sanctions more time to weaken our adversary.

In addition, this resolution correctly urges that the contributions from other nations be substantially increased before we act. Burden sharing is not a minor issue. What others are willing to contribute has a great bearing upon the price we ourselves should be willing to pay.

While I commend the President for seeking U.N. support for his actions and while international support for sanctions is unprecedented, international burden sharing of military risks and costs has fallen far short of what is required. I am not impressed, for example, that Japan would be in favor of the United States acting to pay most of the price to protect its oil. It is not surprising that other nations would gladly hold our coat while we make the world safe for them. We need far more than a willingness just to hold our coat before we proceed.

Mr. President, this resolution, imperfect as it is, deserves to be passed. It meets our constitutional responsibility to participate in the ultimate decisions of war and peace. It supports the President's earlier decisions. It does not limit future options, including the use of all out military action against Iraq if conditions merit it. It leaves the President completely free to take action as Commander in Chief necessary to protect our troops.

Finally, and most important, as we weigh this decision which must be made, as we assume our own individual responsibility for being a part of that decision—and let us be clear about that, each one of us has to realize every Member of this Senate is participating, either by speaking out or by remaining silent on the ultimate decision which will be made—we must never forget that we are dealing in precious lives and not in statistics. We cannot cite that statistic, 400,000 in the Persian Gulf, without realizing that we are talking about 400,000 precious young Americans loved by their families and by their neighbors and cared for by all of us.

Last fall, I saw off to Saudi Arabia the members of the National Guard unit from my home county which I commanded several years go. It is now composed of the sons and daughters of many with whom I served.

I could call by name 80 percent of the families that were represented in that Guard unit. They are not strangers. They are my neighbors. I know them. They are real people to me. They are not statistics. They are people who in my county we love and we care about. I am proud of their courage and their love for this country.

They are carrying on the historic tradition. Oklahoma Thunderbirds have served valiantly in many wars in this country. I shook hands with each and every one of them as they departed, as they loaded the vehicles to be taken to the aircraft to be transported to Saudi Arabia.

As I shook hands with each one and looked into their faces, I vowed to myself that I would do all that I could to see to it that their lives would be put at risk only if it became absolutely necessary, and to support them completely if war does come. By my actions, I intend to keep that pledge. I will think of them, and of all of those who serve with them in Saudi Arabia every day until this conflict is ended and so shall we all. Our prayer is that God will bless our country and our President and that he will be with our brave men and women in Saudi Arabia and bring them safely home to us when their task is done.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. DASCHLE].

OUR POLICY IN THE PERSIAN GULF

Mr. DASCHLE. Mr. President, let me begin by commending our distinguished colleague from Oklahoma for a very moving, very personal, and very compelling statement. He speaks for many of us as he relates his personal experiences in Oklahoma.

I rise, as so many of my colleagues have already throughout today and tonight, to express my personal concerns as we debate our policy in the Persian Gulf. I would like to address each of them as we consider the Senate's position on the resolution before us now.

My first concern is the purpose given our presence in the gulf. The President and members of his administration have listed six specific reasons for U.S. presence there. Before they were released, it was the protection of our hostages, it was to stop a tyrannical dictator, to stop the spread of nuclear weapons, to protect our allies. Secretary Baker in Canada once said that it all boils down to jobs, the fifth reason, and, of course, the last is oil.

Each of these purposes have merit, but it is the consideration of each purpose and our ultimate goal as it relates to that purpose out of which by necessity we must now dictate our strategy. Do our purposes for being in the gulf merit consideration of and support for the President's currently employed strategy? My answer is definitely yes. Do our goals sufficiently argue for the use of strong economic sanctions? My belief and the belief of the vast majority of the American people again is "Yes." Do those goals demand the utilization of every diplomatic option available to us? Again, the answer is "Yes," emphatically "Yes."

But do these goals qualify as sufficient reason to suffer the tragic loss of American life, especially before we have exhausted every available alternative? My deep conviction is no. No, they do not. I cannot look my 17-year-old son or 19-year-old daughter in the eye and say, "Moving Saddam Hussein out of Kuwait, obtaining the necessary oil from the Persian Gulf, protecting our allies, or saving jobs is worth your life." I cannot say that. If at this time I cannot say it to them, how in the good conscience can I say it to a mother or father, how can I say it to a sister or a brother?

My second concern is how this all may be interpreted both at home and abroad. In spite of conflicting signals which a debate of this kind may send, it is most important—in fact, I will say it is probably the most important debate any country can undertake, that of initiating or preventing war. And while in dictatorships around the world one man can commit thousands of his countrymen to their fate, in a democracy the weight of that decision falls upon all of us elected to do it in this manner, with the proper consideration of facts and the views of all of our people. And in this case there is virtual unanimity in regard to our purpose and to our goals. That needs to be emphasized and restated without qualification.

The debate now relates to the appropriateness of a proposed strategy, not our stated goals. Nor should this be interpreted as an effort to undermine the President, as the Senator from Oklahoma has so eloquently stated. That is not our intent. We would not have remained silent on this floor for 6 months, even during an election, had someone attempted to undermine the President. This is a constructive debate about two strategies, both proposed by the President, one which is implemented and one which may be. And for many the debate is not even over the propriety of the second strategy, only the timing.

My third concern as we debate this is we, for the most part, are doing it alone. I am pleased at the actions taken by the United Nations. I sincerely hope that we rely upon the United Nations for even more opportunities in the future. Certainly, their actions in the past 6 months have demonstrated, even to the most ardent cynic, the importance of the United Nations now and in the future. Its involvement in the decisions on sanctions is laudable. As we speak, the Secretary General of the United Nations seeks yet another opportunity through diplomatic means to find solutions and ultimate success in the Persian Gulf. And he is heartily to be commended.

My concern lies with some of its members and their lack of similar involvement and commitment to our efforts in the Persian Gulf. Where are they in this crisis? Why are they not more willing to commit resources and personnel?

I just returned from South Dakota. I had an opportunity to visit with many of my constituents about our policy in the gulf. They are equally as concerned about "the balance of sacrifice" we have talked about a lot today. They continue to ask questions for which I can find no satisfactory answers: Why cannot the sacrifice be commensurate with position? Why cannot the sacrifice relate to the financial conditions of the respective countries involved? Why can it not relate to the dependence upon oil in the gulf or to the threat of the respective economies?

One constituent relayed a conversation that he had had recently with a European businessman. When asked why Europeans were not willing to commit troops, their answer was immediate: "We clearly put a higher value on life than you do. Your murder rate, your death rate, your birth rate proves that."

I do not believe that for a minute. I do not believe that. But I cannot help believe that that may have been a factor in their unwillingness to send troops to the gulf. And even in the consideration of their votes in the United Nations, why not vote to use all necessary means when it is not your troops, it is not your sons and daughters who are going to be sent?

My fourth concern is the rationale for changing our course right now. To date, the President has not indicated that the embargo is not working. If it was not working, it would have been terminated. But every indication is that, when it comes to creating economic pain and military vulnerability, it is working today. It has been working the last several months.

Numerous references have been made to considerable expert testimony before the committees of Congress, including that of CIA Director Webster, that the embargo has been a success. Has it been a 100-percent success? No. Has it stopped military parts from coming into the country? Absolutely, yes. Has it cut off their economic viability? Absolutely, yes. Will it continue to hurt them in ways beyond that which we can calculate today? Absolutely, yes.

So if it is working and there is a reason to believe that over a period of time it can succeed, is it not in our best interests to determine its success or failure before we subscribe to an alternative strategy? It seems a win-win proposition to me. Either the embargo succeeds and Iraq withdraws from Kuwait or it fails, and as a result of a significantly weakened position Iraq becomes even more vulnerable to a military confrontation in the future.

The administration argues that a prolonged effort to sustain the embargo will fracture the coalition, that the coalition will split apart, should it take too long. Should that be the case, I have two questions. What does that say about our purpose? Are the coalition partners then saying that the costs of sanctions is greater than the costs of an Iraqi presence in Kuwait? If so, what about the cost of war? Second, if we cannot therefore sustain a coalition in peace, does anyone truly believe that we can sustain a coalition in war?

That leads me to my final concern. My final and greatest concern is that in separating my opposition to a strategy in the gulf from my support not only for our goal but most importantly to our men and women have been sent there, our commitment must be to them regardless of strategies and goals. They are the most important thing in the world, more important than oil and dictators, than politics. They are our family. They are our brothers and sisters. They ought not merely be my concern but the concern of our policy whatever we decide.

Clearly they are the concern of our country. And for heaven's sake tonight, tomorrow, or the next day as we debate this issue they ought to be uppermost in our minds. There are commitments we owe these young Americans, before, during and after we order them to war.

We owe them everything. Should this Nation go to war I will have a lot more to say about our commitment then. Suffice to say we cannot under everything that is right ask them to fight without using every conventional means available to them.

When they come home, we owe it to them to provide every attention to health care available to us. That includes the benefit of the doubt if chemical or biological harm may occur to them 20, 30, or 40 years hence. Remember that they are going to come home with wounds we cannot see because the last veterans came home with wounds we cannot see.

It is ironic that as we debate providing victims of the last chemical warfare just compensation we now find ourselves with the prospect of sending more men and more women to this same fate. That, too, is something about which I will have more to say at a later date and at another time.

But let me reiterate. This Nation owes these men and women our strongest commitment during and after they go to war, just as we expect that they must give their very best should they go to war. So must we now commit to doing our very best before that war.

It is this concern which has led me to come to the conclusions I have. The question is before we commit to war, has their Government done its very best? If we are going to ask them to do their best, have we done our best before we say now is the time?

To that simple question there is a complicated answer. Yes, the President has done his best in involving the world community in joining us in the effort. I use the word "joining" because I view joining and participating as two different things. While our coalition partners have joined the United States in its effort, many have yet to effectively participate. Yes, the country has done its best in coordinating the embargo, perhaps the most effective embargo in modern history, but have we done our best in other respects?

I believe that we have yet to do our best in determining the success of that embargo. Who among us can say with any confidence that the embargo will fail? If we cannot say that, how is it even possible to consider the loss of even one American life before we assure the young men and women who may lose their lives that we have done our best to ensure the success of this option before we resort to war?

We have also not done our best when it comes to diplomacy. Six hours of talk with the Iraqis after 6 months of confrontation is not doing our best. To say we will not talk on this or that day, we may not travel to this or that city, that is not doing our best.

Nor is it doing our best to set artificial deadlines. No one has yet explained the significance of January 15. What is it about that date that is worth one American life? What do we tell the families of those who may lose their lives on January 16 but whose lives could have been saved had we waited until April or July or October? If we can save an American life by waiting until another day, yet still succeed in removing the Iraqis from Kuwait, is not that worth a life to do?

At some point we have to ask ourselves have we done our best in financing this conflict? Financing it? Have we succeeded, have we done our best in obtaining the financial assistance from others? To the degree we fail we must ask ourselves how is it that we intend to pay for our presence there? Certainly we should not be relegated to borrowing the resources for a cause so worthy that we are not prepared to send our best into combat. If we demand from them the courage to fight, then we ought to demonstrate the courage to find the means to pay.

Therefore, Mr. President, one must ask can we really look these young men and women in the eye and say, yes, yes, we have done our best? We have done our best diplomatically. We have done our best economically. Therefore, now we ask you to do your best in war. The President must think so.

Many of my colleagues do so, too. But I have concluded that we have not. Nor do I have the confidence that we in the Congress in particular have done our best to address these concerns prior to committing our families to war.

So today, tomorrow, and for the foreseeable future, we can only insist that we do so, that we consider every diplomatic option available to us and to others; that we enforce the embargo and monitor its success; that we determine that success before we commit to war; and that before we commit to war we ensure that all of our coalition partners commit their people, too.

Above all, Mr. President, let us be convinced beyond the shadow of a doubt that our purposes and our goals adequately demand the loss of American life.

Only then, Mr. President, have we done our best. Only then are we prepared for war.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I am submitting a statement on the situation in the Persian Gulf by Senator CRANSTON who, as Members know, is undergoing treatment for cancer at Stanford University Hospital. I ask that Senator CRANSTON's remarks appear at this point in the RECORD.

The remarks of Senator CRANSTON follow:

THE PERSIAN GULF

• Mr. CRANSTON. Mr. President, it breaks my heart that I cannot be present to participate in this stage of the gulf debate in the Senate.

I believe there is no acceptable level of casualties as long as there is a choice between war and peace, and while the alternative of international sanctions is available.

I urge President Bush to abide by the Constitution and to refrain from any offensive act of war until and unless Congress votes to declare war.•

FORMER SECRETARY OF STATE CYRUS VANCE COUNSELS PATIENCE AND RESOLVE AS WAY TO SUCCESS FOR U.S. POLICY IN THE PERSIAN GULF

Mr. PELL. Mr. President, on January 8, with just 1 week remaining before the deadline set for possible military action against Iraq, our distinguished former Secretary of State, Cyrus Vance, presented especially compelling testimony to the Foreign Relations

Committee calling for patience and resolve, economic sanctions, diplomacy, and a substantial military presence as the means to cause Iraq to withdraw from Kuwait without a war.

Cyrus Vance was Secretary of State through most of the Carter administration, resigning at the time of the unsuccessful military effort in the desert to free the American hostages in Iran. He earlier served in senior positions in the Justice Department and the Pentagon, and as one of our principal negotiators with Averell Harriman in the Paris peace talks on Vietnam. No American has more experience and credibility to counsel us on the most serious issues of war and peace.

As Secretary Vance said in his statement, the military and diplomatic challenge facing us in the gulf "is truly a defining event. What happens in the Persian Gulf can set a course for our engagement in the outside world for years to come."

One of the many important points discussed by Secretary Vance with the committee was the need to focus on what would happen in the Persian Gulf region in the aftermath of military conflict. I share his concern that the consequences of military action would be most serious whether war results in victory or defeat.

Secretary Vance expresses the hope that our policy should not be driven by a "calendar deadline." He also states that "both common sense and the Constitution require prior congressional approval of any decision to take our country to war."

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY CYRUS VANCE

Mr. Chairman, I welcome this opportunity to appear before you, today, to testify about the most important political, military and diplomatic challenge to face us since the end of the Cold War. This is truly a defining event. What happens in the Persian Gulf can set a course for our engagement in the outside world for years to come.

It is critical that we discuss these issues before the American people. In the era beyond the Cold War, we are groping toward a new definition of our role in the world, one that can command widespread support at home and abroad. At this time, it is vital that we move forward as a nation united, not divided. Both common sense and the Constitution require prior Congressional approval of any decision to take our country into war.

Mr. Chairman, in my judgment, if we and our United Nations partners maintain our patience and resolve, economic sanctions, diplomacy, and a substantial military presence can over time cause Iraq to withdraw from Kuwait without a war.

Under the President's leadership, progress has been made in containing the Middle East crisis. The threatened invasion of Saudi Arabia has been blocked; an unprecedentedly successful embargo and blockade has been put into place by a broad international coalition in the United Nations; and the hostages seized by Saddam Hussein have been freed. Each day, however, we hear continuing talk of going to war if Saddam Hussein does not comply with the UN resolutions by January 15th.

We will make a grave mistake if we fail to resist the temptation to initiate offensive action at this time. Sanctions are working and the blockade and embargo are biting. This policy must be given a chance to prove itself and not be cut short by offensive action initiated by the United States. If we act precipitously, we will find ourselves virtually alone in a bitter and bloody war that will not be won quickly or without heavy casualties, most of whom will be American soldiers, sailors, and airmen. Moreover, even if we should launch a "winning war" under the banner of the UN resolutions, the aftermath of the conflict would likely confront the United States with rampant Arab nationalism, corrosive anti-Americanism and widespread instability and turmoil throughout the Middle East. Having "won" the war, we might well find ourselves and our partners worse off than we were before we began.

It is much too early, I submit, to conclude that the current sanctions strategy will not work. I agree with Admiral Crowe and others who have testified before this Committee that we must give sanctions a real chance, even if it takes a year or more, and I urge patience and perseverance in pursuing this prudent and wise course of action.

I believe that we should refrain from attacking Iraq and should explore political initiatives consistent with the standard that Iraq must not benefit from its aggression. To this end, we and our partners should be prepared to discuss with Iraq at the most senior government levels what may follow after Iraq's total withdrawal from Kuwait.

Mr. Chairman, in this connection, it is important to focus in general terms on what might follow total withdrawal in accordance with the existing UN resolutions.

Let me mention, by way of example, some of the issues that would be appropriate subjects for discussion during the meeting between Secretary Baker and Minister Tariq Aziz. For example, Secretary Baker has already said that when full withdrawal takes place the United States will refrain from any military action against Iraq. In addition, President Bush announced in his October 1st speech at the UN General Assembly post-crisis support for regional efforts "to build new arrangements for stability and for all the states and the peoples of the region to settle the conflicts that divide the Arabs from Israel." By contrast, it seems evident that it will be necessary to keep in place existing sanctions restricting the sale of military equipment and materiel to Iraq, with particular emphasis on chemical, biological and nuclear weapons. Similarly, it is logical to follow the practice established during the Iranian hostage crisis of maintaining sanctions relating to frozen Iraqi assets in order to provide a pool of funds to meet Kuwaiti claims for reparations for war damage. I emphasize that these are appropriate topics for discussion now but not for resolution until Iraq withdraws from Kuwait.

As to current initiatives on the part of our partners, we should welcome third-party diplomatic efforts—by the European Community, by moderate Arab states, by the UN, and by others—as positive contributions to the peace process. We should neither fear nor resent them. What will be important is that, during such efforts, we and our UN partners maintain our solidarity and continue to apply pressure through our current progressively successful and winning containment/sanctions strategy. If we do that, third-party diplomacy can be helpful and should be encouraged.

More broadly, the Persian Gulf crisis has dramatized a simple truth: after Iraq leaves Kuwait, the world must take decisive diplomatic action on many festering issues in the Middle East. No one can want or afford constant threats to Gulf stability, an unending Arab-Israeli conflict, and Lebanon's continuing tragedy. But breaking the region's cycle of turmoil will require committed, skillful diplomacy, and political insight and courage on the part of the United States and the region's major parties.

The dismaying regional problems are, however, matched by challenging opportunities. For the first time, the United States and the Soviet Union are on the same side in a Middle East crisis. The Soviets are restoring diplomatic relations with Israel and are moved by their need for Western economic help to play a constructive Middle East role. The European allies are giving support to US Middle East policy, while Washington has put together a broad coalition of Arab and Moslem states. And the United Nations is beginning to meet its founders' aspirations.

For the post-withdrawal period, new arrangements for stability cannot be designed just in Washington: they also require active participation by regional nations. To avoid a political backlash from Arab nationalism, the West's role must be secondary. It can buttress regional security arrangements, but it cannot substitute for them. Whether acting alone or through the Arab League, Arab states need to play a central role. Once Kuwait is liberated, a combined Arab-UN peacekeeping force should be deployed in Kuwait and the Gulf Cooperation Council should be given strong Western support.

As I have said, outside powers must agree to limit the arms flow to the Middle East with top priority being given to containing and ultimately eliminating chemical, biological and nuclear weapons. I believe preparatory work could begin *now* toward a convention to accomplish this. Countries are ready now to face up to this task as they may not be again. Indeed, both Arab and Israeli leaders have already called for a regional conference to reduce weapons of mass destruction.

The aftermath of the Persian Gulf crisis must also produce decisive progress in Arab-Israeli peacemaking. Today, old patterns of regional relations are breaking up. Egypt has been fully readmitted to the Arab fold. Syria, which is responding to US leadership in the Persian Gulf, might be brought to forswear its role as a "confrontation state." After this crisis, Saudi Arabia and the Persian Gulf Arab states will owe the United States forbearance—and hopefully active support—for peacemaking diplomacy. The Palestinians and their leaders must now understand that they can secure their interests only through direct diplomacy with Israel. And Israel must recognize that crisis anywhere in the Middle East threatens its security, which can only be gained through wholehearted commitment to the peace process.

At an appropriate time following Iraq's withdrawal from Kuwait, both tasks—building security in the Persian Gulf and Arab-Israeli peacemaking—should begin with an international conference, including all regional parties and the permanent members of the UN Security Council, convened either by the Secretary-General of the United Nations or, alternatively, under the bilateral sponsorship of the United States and the Soviet Union.

In the past, there has not been enough common interest to permit such an ambitious undertaking. For years, the United States was skeptical about an international conference on Arab-Israeli peacemaking because of fear of opening the way to Soviet troublemaking and the isolation of Israel. But the shock of the current crisis, change in Soviet policy, and America's new influence with key Arab states offer a chance to recast old conflicts. This can become an auspicious time to drive for a solution—not just to the Arab-Israeli struggle but also the problems of regional security, border disputes, and the Lebanese civil war.

It is now that the United States, its Western allies, its regional partners, and the Soviet Union must begin crafting tomorrow's answers to today's complex and difficult problems. The world might not get a chance like this again.

Before closing, let me add a personal note about the process of decision-making. Unless something changes, I fear that the President and the Congress are presently on a collision course which could jeopardize American interests and the long-term chances for peace and stability in the Middle East.

For the Executive Branch's part, I would hope that policy would not be driven by a calendar deadline. Rather, policy should be driven by a careful and balanced assessment of American interests in the Gulf and our long-term goals there. We must not open a door—particularly a door which might lead to war—without knowing what would happen then, and how we would close that door. Whatever final course the Administration proposes, it should remember that Congressional support must be secured in advance. Unilateral Executive action would not only be unwise but also unconstitutional.

The task now is for both branches to cooperate constructively to be sure that the road finally taken is one shared by the President and a Congress which has acted as full partner.

Mr. Chairman, before concluding, let me step back from my role as former government official and speak as an American citizen, veteran, and parent.

We tend sometimes to depersonalize international events and to carry on our discourse in abstract, arms-length terms. In one sense, of course, that always will be necessary.

Yet, in a figurative sense, there are millions of Americans here in this room with us today. I mean not only the young men and women whose lives are at risk in the Persian Gulf but also their families, their neighbors, and ordinary citizens who want their country to do the right thing. They badly need to hear plain talk from their elected leaders and from those of us who have been privileged to serve in senior appointive positions.

In my judgment, we would fail those millions of Americans were we to take a premature decision to commit to offensive action in the Gulf without first having exhausted every avenue short of war.

I hope I have made clear that I believe our objectives in the Gulf can be met by a continuation of the current strategy of containment and sanctions until Iraq is squeezed sufficiently to withdraw from Kuwait. But I also want to make clear my belief as a citizen that we risk in our country a divisiveness as heated as we experienced during the later stages of the Vietnam War if the American people were to conclude that we had acted hastily or without due regard for the Constitution in committing our troops and our treasure to war in the Gulf.

THE GULF CRISIS

Mr. HARKIN. Mr. President, I commend to the attention of our colleagues a statement recently made by Senator BROCK ADAMS before a conference of the Washington-based CATO Institute on the Persian Gulf.

Senator ADAMS has joined me in introducing Senate Resolution 8, which reaffirms that the Constitution gives the Congress—and the Congress alone—the right to authorize offensive military action in the gulf. And along with my colleague from Washington State, we pressed the Senate, on the first day of session, to start debating the issue of whether our Nation should go to war.

In late November the U.N. Security Council, at the urging of the Bush administration, approved a resolution authorizing the use of force to remove Iraqi troops from Kuwait. So far, the President has resisted seeking the approval of the Congress.

More Senators like BROCK ADAMS should speak out so that we can stop our country from going to war in the gulf before sufficient time is given the U.N.-endorsed economic sanctions to work.

I ask unanimous consent that the statement of Senator ADAMS be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE GULF CRISIS: A MANDATE FOR CONGRESSIONAL INTERVENTION—JANUARY 8, 1991

I want to thank the Cato Institute for inviting me to speak before today's luncheon on the situation in the Persian Gulf. I have long been interested in the work of the Cato Institute. On foreign policy matters, I've found that Cato takes conservative assumptions and comes to liberal conclusions. The Persian Gulf is one case where liberals like myself and conservatives like Cato can agree.

Events of the past week have shown that the situation in the Gulf has brought our nation to the brink of a constitutional as well as a military crisis.

Traditionally, the new Senate begins its routine business after the President's State of the Union Address later this month. But these are not normal times. Soon there will be some 430,000 American troops in the Persian Gulf. There is the date of January 15, set by the UN Security Council at the request of the United States, after which member nations are allowed to use force in order to remove Iraqi troops from Kuwait.

This situation calls for urgent action. The Senate, sometimes called the world's greatest deliberative body, must debate the question of war before the first bullets fly.

Like it or not, the entire world has set its clocks to the Administration's January 15 deadline. For this reason, following introductory ceremonies, Senator Harkin and I pressed the Senate to begin debate immediately on whether our nation should go to war in the Persian Gulf.

We should consider this matter now so that we have the time to debate and so that we can overcome a filibuster in the Senate.

Article I, Section 8 of the Constitution places the duty on Congress to declare war and raise monies for our armed forces. The deliberations of our Founding Fathers leave no doubt that the Constitution delegated war-making powers to Congress.

President Bush may have lost patience with Saddam Hussein. But the Founding Fathers were not seeking efficiency when they established the principle of separation of powers. James Wilson, one of the participants at the Constitutional Convention, said" "This system will not hurry us into war; it is calculated to guard against it."

War is such a momentous decision that the drafters of the Constitution required that this matter should be decided by all the elected representatives of the people, and not left to the executive alone. James Madison confirmed this intent when he wrote that "in no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department."

Mr. Bush should heed the wisdom of one of the founder's of his own party, Abraham Lincoln. As a Congressman, Lincoln wrote that the Framer's intended that "no one man should hold the power of bringing this oppression"—of war—"upon us."

But with this right comes responsibility. Regrettably, over the past four decades, Congress has rarely had the courage to exercise that right.

In 1950, President Truman took us into the Korean War, and in 1965 President Johnson led us step by step into the Vietnam War, and President Nixon kept us there. Each President acted without appropriate authorizations from Congress.

In 1973 Congress tried to supplement its war-making powers by passing, over a presidential veto, the War Powers Act. But it hasn't helped. In 1983, President Reagan committed U.S. troops in Lebanon and ordered the invasion of Grenada. In 1986, he sent U.S. bombers to attack Libya. A year later, U.S. ships faced Iranian mines in the Persian Gulf, this time in defense of Iraq's ally, Kuwait. Thirty-eight American soldiers lost their lives in the Gulf to an Iraqi missile.

And in 1989 President Bush invaded Panama—all without Congressional authorization.

These Presidents have violated the Constitution, and in each case, Congress has been complicit in the erosion of its rights. Now in this new era, Congress has the opportunity to reassert those rights.

The Bush administration has already staked its claim on the post Cold War world. President Bush and Secretary Baker believe that American military might can shape a new world order. In the words of James Baker, "only American engagement can shape the peaceful world that our people so deeply desire."

The Persian Gulf is the first test of this new order. But I don't think that American military muscle policing this order should be the waive of the future.

Tactically, the administration has been brilliant at times, particularly in securing UN support for Desert Shield. But the President is making serious mistakes in laying the foundations for this new world order by creating through executive fiat, and without Congressional approval, an offensive force ready to wage war in the Gulf.

This order has forgotten the Constitutional limitations on presidential power and the separate authority conferred on the legislative branch. President Bush appears to consider thwarting aggression in the Gulf more important than upholding the Constitution at home. By defying the Constitution, the President is forfeiting his most powerful argument against Saddam Hussein.

Furthermore, Mr. Bush seems more comfortable deferring to the UN Security Council, rather than the US Congress, for the authority to launch a war against Hussein.

I strongly disagree.

I believe that the Constitutional principle so carefully crafted by Hamilton, Madison, and others are just as valid today as they were two hundred years ago.

I believe that the new order must be built on the foundation of domestic as well as international law.

I believe that in the new world, as well as in the old one, neither the United Nations nor the President of the United States can take our country into war. The Congress alone has that authority.

George Bush has staked this new order, our nation's prestige, the lives of 430,000 Americans, as well as his presidency, on the use of force to challenge Iraqi agression in Kuwait.

He's also challenged the Congress. If we fail to exercise our war making powers now, we risk losing that right permanently.

Our challenge is whether we have the courage to force President Bush to come before us and the American people and justify war in the Gulf. So far, I don't believe the President has made the case.

The American people have read the President's lips, but they're not persuaded that we should resort to war now. The U.S. has already achieved two of its original three objectives in the Gulf—stopping Hussein's further aggression and releasing the hostages. The last goal—forcing Hussein from Kuwait—can be achieved through sanctions * * * if they're given sufficient time.

The administration's policy toward Iraq—both before and after August 2—has been neither clear nor consistent and has lacked both vision and long-range planning.

Two years ago, the U.S. risked American lives to reflag Kuwait tankers, which at the time were supplying Iraq in its war with Iran. When Hussein used poison gas against his own people, in violation of international law, the United States did nothing.

Last July, I joined the Senate in overwhelmingly approving sanctions against Iraq. The State Department just as vehemently opposed them.

And on July 27, when asked about U.S. policy toward disputes between Iraq and Kuwait, our Ambassador to Baghdad, April Gillispie, told Saddam Hussein that the United States took no position on territorial disputes between Arab countries.

Five days later Iraqi forces entered Kuwait.

Just as we did with Panama's Noreiga, a U.S. administration has allied itself with, aided, and shared military intelligence with Hussein because of his stance against our enemy at the time, Iran. President Bush is now repeating the same mistake with Syria's Assad.

The administration has been just as shortsighted in calculating the economic costs of its Gulf policy.

With the additional depolyments, Operation Desert Shield is expected to cost nearly $37 billion over the next year.

Our allies' pledges cover less than a third of the costs. Yet they will reap most of the benefits of our policy. Saudi Arabia, whose territory some 430,000 Americans are risking their lives to defend has pledged $4 billion. That's only a fraction of the $60 billion in oil profits the Saudis expect to make over the next year.

The Kuwaitis have sent $2.5 billion, less than a year's interest on the $100 billion in reserves they have deposited around the world.

Germany, which is more dependent on Gulf oil than we are, has pledged $870 million. And the Japanese, who receive 70 percent of their oil from the Gulf, have offered $2 billion but so far they've given us less than $400 million.

The Congressional Budget Office now predicts that this year's budget deficit will total $320 billion. Will we be asked to tack on another $25 billion for Operation Desert Shield?

These are the costs before a single shot is fired. A war is estimated to cost $1 billion a day. If it lasts a year or more, as some predict, our annual deficit would double, and most of the savings worked out in last year's budget agreement would be lost.

Even the administration now admits that our nation is limping into recession. War would surely hasten the current economic tailspin.

If last year's budget battles proved anything, it's that we can't fight the deficit and Saddam Hussein at the same time. President Bush may relish his role as the world's policeman, but the U.S. can't afford to pay the bill and still compete with the economic might of Germany and Japan.

With a $3 trillion debt, a massive trade inbalance, and growing dependence on foreign capital, America should no longer as policy be preeminent on the battlefield while continuing to ignore the ravages to us in the marketplace.

Accordingly, the fate of our economy as well as the fate of thousands of American soldiers will be affected by the choices made in the next week. Such a momentous decision should not rest in the hands of one man.

I firmly believe we can both force Iraq out of Kuwait and avoid a war that could quickly spread to engulf the entire region.

We should exhaust all diplomatic options. I pray that tomorrow Secretary Baker can persuade Iraq to remove his forces from Kuwait. But if that mission fails, war should not be the alternative.

We should return to the policy we had before Congress adjourned last October. That policy of defense and deterrence enjoyed the overwhelming support of Congress and the American people. And it succeeded in stopping Iraq from invading Saudi Arabia.

We should rely on UN-endorsed sanctions, not war, to force Hussein out of Kuwait.

Saddam Hussein is already paying a heavy price for his aggression. Iraq's oil exports have dropped from $1.5 billion a month to zero. Iraq's GNP has declined 50 percent. And Hussein can no longer obtain replacement parts for his war machine.

President Bush has stated he is prepared to go the extra mile for peace. He should be just as willing to go the extra months needed to allow international sanctions to work for peace.

We should reduce our personnel in the Gulf to pre-November levels, maintain allied troops (who will fight to defend but may not fight to attack), and begin a rotation policy for our troops.

If the UN wants to police the Gulf, it should be with a multilateral force. The U.S. should secure a resolution under Article 43 of the UN Charter that would create a true multilateral force, with all countries involved bearing their fair share, under the UN military staff committee.

And we should devote as much attention on putting our economic house in order as we are now spending on enforcing the new world order in the Persian Gulf.

In the next decade and beyond, the United States must be prepared to win in the marketplace as well as on the battlefield. Our strength will be measured in economic not just military terms.

Unfortunately, the President uses the rhetoric of the new world but resorts to the methods of the old one.

The course this administration is now taking could be disastrous both militarily and economically. If the President isn't prepared to change direction, then it's up to Congress to intervene now, before it's too late.

Our founding fathers would expect no less from each of us.

THE 1ST INFANTRY DIVISION, FORT RILEY, KS

Mr. DOLE. Mr. President, recently, over 11,500 brave men and women of the 1st Infantry Division at Fort Riley, KS, began deploying to the Persian Gulf as part of Operation Desert Shield. Junction City, KS, has been the home of the "Big Red 1" for the past 24 years and has been the home of the fort for the past 137 years. Truly, this operation has affected Kansas and Kansans in a very personal way.

Mr. President, I have been particularly impressed with the outpouring of community support for the troops and their families who are staying behind. Gestures of kindness from all over the community have been both frequent and generous. Community volunteers have supplemented the efforts underway at Fort Riley's Family Assistance Center. I recently visited the family assistance center and was very impressed by the level of support the center is providing to Fort Riley's families. And, the local community is building on that support—individuals and businesses are lending a hand to those who are left behind. For instance, a variety of Kansas groups and organizations have offered their support and assistance including: Kansans for a Strong Fort Riley, who participated along with many others in "Yellow Ribbon Day" at Heritage Park to give a visible sign of community support to the Big Red 1; Jim Clark Auto Center has offered a variety of automotive services free of charge to dependents of deployed personnel including tire repair, towing, and jump starts; the Geary County Board of Realtors has established a "hot line" for military dependents to assist in settling housing maintenance and landlord disputes; First Presbyterian Church has volunteered meeting rooms and personal assistance; the Geary County Bar Association has offered support on legal matters; Montgomery Ward has offered free video taping of messages for dependents remaining in the area; the Retired Enlisted Association is coordinating volunteers for the family assistance center; First National Bank and Trust Company presented a check in the amount of $2,500 to be used by Fort Riley's installation, morale, welfare and recreation fund. Also, Ford Motor Credit is offering assistance to soldiers in making car payments; Central National Bank is reducing their charges for their bill paying services; Parkview Hospital has extended their counseling service to USD 475 educators, free of charge, to help in the counseling of dependent children of departing military personnel; Kentucky Fried Chicken and Hardee's restaurants have donated juices by the case for use at the family assistance center and other sites.

Over the Christmas holidays, donations for the "Christmas in the Sun" operation reached for three-quarters of a ton of much needed items like toilet articles, bug repellant, reading materials, games, and food that was shipped overseas; the Kansas Board of Realtors and Town and Country Stores also made substantial donations for the troops and their families. And, a number of organizations, such as, Geary Community Hospital and First State Bank have sponsored specific units.

In addition, at Fort Riley, babysitting services are being provided so that military dependents can take care of tasks such as shopping at the commissary and other errands with greater ease.

Moreover, Mr. President, the people of Junction City and Geary County are proud of the Big Red One. To that end, the city commission of Junction City has adopted a resolution in support of the 1st Infantry Division. As Kansans we are all proud of the job Maj. Gen. Thomas Rhame and these soldiers are doing. Likewise, we are proud of the tremendous job the people of Junction City and Geary County are doing for the families of the soldiers.

Mike Fegan, mayor of Junction City, said to me in a recent letter accompanying the resolution, "We support them in their mission in Saudi Arabia and pray for their safe and swift return." Mr. President, I ask that this resolution be printed in full in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

OFFICIAL PROCLAMATION

Be it resolved by the governing body, city of Junction City, Kansas, as follows:

Whereas, Fort Riley and the soldiers at that installation have had a close relationship with the people of Junction City for the past one hundred thirty-seven years; and

Whereas, the First Infantry Division has actively been an integral part of our community for the past twenty-four years; and

Whereas, these soldiers have always been a part of our community family; and

Whereas, the people of Junction City have traditionally supported the soldiers of the First Infantry Division and the other Tenant Activities on Fort Riley in the work they have to do; and

Whereas, the President of the United States has called the members of the First Infantry Division to serve in Saudi Arabia along with other units from Fort Riley that have preceded them; and

Whereas, these soldiers represent the very best of our country and are the best trained soldiers with the best technology in our Army; and

Whereas, these soldiers in their deployment efforts have proven that an inland installation can deploy in a timely and suitable fashion to serve our Nation; and

Whereas, the soldiers and the officers who lead them are ready and eager to do the job they have been trained for: Now, therefore, be it

Resolved by the City Commission of the City of Junction City, Kansas, That we commend these soldiers of Fort Riley and the First Infantry Division for their dedication to duty and willingness to serve as called by the President; and

That the people of Junction City will stand by the slogan; Junction City is an Army town and proud of it and will continue to serve our deployed soldiers by giving the best possible care to their family members who remain with us; and

That the City Commission calls on all the people of our community to ask for guidance and assistance for all our soldiers from Him Who goes with them and yet remains with us that they may return home safe and soon.

Passed and approved this 11 day of December.

T. MICHAEL FEGAN,
Mayor.

TIME TO CANCEL ASAT

Mr. KERRY. Mr. President, from my first days as a Senator, I have argued that the U.S. antisatellite weapons program was wasteful, unnecessary, and should be canceled.

For 6 years, I have sought to halt that program, and to instead convince the administration to negotiate limitations on antisatellite weaponry with the Soviet Union, as the best means of protecting United States satellites and the peaceful use of space for the long term.

During that time, we have on half a dozen occasions narrowly lost votes on cutting the Asat program, with the result that the United States has spent about $1 billion during that time to press ahead with developing the ability for the United States to shoot down Soviet satellites at the start of a war between the great nuclear powers.

Indeed, just last July, my attempt to freeze antisatellite spending at $72 million a year—instead of doubling it, as the administration requested—again lost narrowly on the floor of the Senate.

I argued then that it made no sense for us to authorize the funds to go full speed ahead with antisatellite weapons for use against Soviet satellites—at a time when we were cutting other military programs, including our own satellite programs—and at a time when we had a declining defense budget.

I argued then that the Army should abandon its program to place a fixed vertical Asat launcher housed in a concrete reinforced aboveground facility to be used for conflicts "up to the level of theater nuclear war."

Today, Defense News reports that after spending a total of $1.8 billion, the Pentagon has finally decided on its own to kill the Asat program.

According to Defense News, the White House has formally approved the decision to cancel the Army's kinetic energy Asat for the new DOD 6-year defense plan, quoting an official at Rockwell, the Asat contractor, as saying that "senior Army officials preferred to spend their tight budget on projects more central to the Army than attacking enemy satellites."

It is about time.

The President's own national security advisor, Brent Scowcroft, coauthored an Aspen study group report a few years back which concluded that "we find it hard to identify a set of circumstances in which the benefits of using the limited existing Asat systems markedly outweigh the potential risks." Scowcroft wrote that "all scenarios involving the use of Asats, expecially those surrounding crises, increase the risks of accident, misperception, and inadvertent escalation."

As Scowcroft wrote in a coauthored essay for the Aspen Institute, "at high levels of tension, attacks on satellites could easily be interpreted as a signal of an impending nuclear strike. For this reason alone, a move of this sort would be foolhardy * * * the instabilities of this situation in a crisis would be enormous. Fearing preemption, each side might be driven to nuclear alert levels that were inherently unstable. An accidental collision of spacecraft in [geosychronous orbit] or an unexplained maneuver could prompt a decision to attack the other side's Asats. * * * Like the prospect of a nuclear first strike that has so worried strategists, it would be a seemingly crazy act made logical by desperate circumstances."

Mr. President, it is about time the Pentagon finally woke up to reality and stopped throwing money away on a program whose strategic rationale fractured years ago.

The U.S. Asat was initiated in late 1976 for a dual purpose: On the one hand, it was envisioned as a bargaining chip to obtain an Asat Treaty with the Soviets, a treaty that the Reagan administration has consistently opposed. Second, it was thought at the time that if the Soviets were not interested in negotiating such a treaty, an Asat launched from beneath an F–15 jet would be inexpensive, easily developed and extremely capable of attacking Soviet satellites. Each of these assumptions ultimately proved false. The projected costs of the program skyrocketed while technical difficulties caused the system to be far less capable than expected.

By 1980, development work on the F–15 Asat had progressed considerably, with Pentagon officials testifying that a deployed system would cost $1.3 billion. This was to pay for an Asat force of 112 missiles, deployed on 56 F–15 aircraft at 2 Air Force bases.

By 1983, the program was experiencing serious trouble. A report by the General Accounting Office released in January of that year made the following conclusion:

> When the Air Force selected the miniature homing vehicle technology as the primary solution to the antisatellite mission, it was envisioned to be a relatively cheap, quick way to get an antisatellite system. This is no longer the case. It will be a more complex and expensive task than originally envisioned, potentially costing in the tens of billions of dollars.

By the time the GAO report was released, the expected cost of the F-15 Asat had jumped to $3.6 billion. Complications continued with the program through 1984, and in the summer of 1985, the Air Force itself reassessed the program discovering the cost had risen again to $5.3 billion.

Faced with these cost overruns, the Air Force decided to scale back the number of planned missiles by two-thirds, and cut the number of deployment sites from two to one. Even with these reductions, the program's cost was still $4.3 billion. Each MVH was running at a cost of more than $30 million, for a 12-inch by 13-inch device merely designed to collide with enemy satellites.

Following the Air Force's decision to redefine the goals of the Asat program to something much less ambitious than the original program, the GAO looked at the Asat again. The result was a devastating analysis, released in a classified form in June 1986, which was highly critical of the ASAT's capabilities and costs.

After unsuccessfully trying to solve the technical programs associated with the MHV system, the Air Force canceled the Asat in 1988. But shortly before leaving office, members of the Reagan administration, working closely with Air Force Gen. John Piotrowski, commander of the United States Space Command, decided that regardless of Soviet capabilities or intentions, an Asat system was critical for the United States.

In the final days of the Reagan administration, they developed a whole new approach to antisatellite weapons, consisting of a new form of kinetic kill Asat, for which the Army became the lead agency. Under the new approach, Asats would not be primarily designed to deter the Soviets from using their primitive, antisatellite system, but instead to permit the United States to dominate space during any conflict by unilaterally shooting down Soviet satellites. In order to avoid controversy, this program was designed to begin with the development of low-orbit antisatellites, which could later be built upon for the development of a higher altitude Asat.

Rockwell was selected last summer to build the new Army system a battery of 72 missiles within the continental United States designed to reach satellites in low earth orbits at a cost of about $2.3 billion.

Last autumn, some sought to portray this system as the kind that might be useful against Saddam Hussein or another third world dictator. The problem is, that neither Iraq nor any other third world country controls any satellites. An Asat would have no function of any kind in a war against Iraq. Instead, it could be used to shoot down commercial satellites, such as those used by the television networks covering the war. Or our Asat might be used to shoot down Soviet satellites, despite the fact that the Soviets have become our allies for the purpose of imposing sanctions against Iraq.

The truth is the Soviet Asat threat has never been strategically significant. The Soviet kinetic Asat at Tyaratum was never terribly capable—failing to hit an object in perhaps half of its tests overall—and those capabilities inherently degraded further as a result of the Soviets not testing it since the summer of 1982.

The Soviets have repeatedly offered to negotiate limits on antisatellite weapons systems for years. The Reagan and Bush administrations have refused, despite the advice from such persons as Ambassador Paul Nitze that such agreements were in the U.S. interest, and year after year, we continued to spend money on developing an Asat, in the absence of any compelling rationale for doing so.

Mr. President, as I have argued for years, this Nation has more important needs for the billions of dollars than any Asat system would cost than the capability of shooting down Soviet satellites during the early stages of some final global conflict between the superpowers.

I commend the Pentagon on canceling this system and regret only that it fought the congressional attempts to do so last year, costing the taxpayers a couple of hundred million dollars that better could have been spent on meeting any of the real challenges facing our Nation to educate our people and build an economy for the coming century.

I ask unanimous consent that the article "After $1.8 billion, Pentagon kills ASAT effort," in Defense News, January 7, 1991, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Defense News, Jan. 7, 1991]

AFTER $1.8 BILLION, PENTAGON KILLS ASAT EFFORT

(By Philip Finnegan and Vincent Kiernan)

WASHINGTON.—The Pentagon will cancel the U.S. Army's kinetic energy antisatellite system in the new DoD six-year defense plan. This decision, already formally approved by the White House, was made after spending more than $1.8 billion over the past decade to develop an antisatellite missile capability.

The classified defense plan also eliminates all funding in 1993 for the U.S. Air Force's Advanced Warning System to detect the launch of enemy ballistic missiles. A last-minute protest by the Air Force preserved $160 million in funding for the program in the 1992 budget. Congress appropriated $210 million in the 1991 budget.

These cancellations follow directions from the administration that about $200 billion must be cut from defense budget plans for the next six years. Although the proposed 1992 budget will be formally presented to Congress in early February, the full six-year defense plan for 1992 to 1997 will remain classified.

The program cancellations will be controversial. "The Army's withdrawal from the [antisatellite] program is a terrible loss," retired Air Force Gen. John Piotrowski, former commander of U.S. Space Command, said in an interview last Thursday.

Gregory Canavan, senior scientific adviser at the Los Alamos National Laboratory, Los Alamos, N.M., warned that the Soviet Union retains its own rudimentary antisatellite system, despite the lessening of superpower tensions.

"I think it's quite dangerous to make decisions on the basis of [Soviet] intentions, because they can change with the speed of thought," Canavan said.

Piotrowski sees an antisatellite weapon as crucial even with a diminished Soviet threat. It is not clear who will be building or selling reconnaissance satellites within the next decade, he said, so even a Third World adversary might have access to sensitive data. Nor is clear whether the Soviet Union might share information with a potential U.S. foe, such as Iraq.

The kinetic energy antisatellite weapon, which would destroy satellites by the sheer force of impact, is crucial for such a role, Piotrowski said. Although there are efforts to develop a directed energy antisatellite weapon, such as a large ground-based laser that could disable a satellite by destroying its sensors, such a system would not be able to operate through clouds or dust storms.

According to one Defense Department source, the Army's directed energy Mid-InfraRed Chemical Laser program was also canceled. This laser might have been developed to damage a satellite's infrared sensors or solar panels.

Piotrowski is also concerned by the elimination of funding in 1993 for the Advanced Warning System although that decision will be reconsidered during the preparation of the 1993 budget next year.

The existing system of Defense Satellite Support Program satellites is "barely marginal for the current time and is not adequate for the future," he said.

In particular, the proliferation of ballistic missiles makes it crucial to be able to view rocket launches from a large area of the globe. That may also require a capability to detect shorter range missiles, with less booster burn time, Pitrowski said.

Both systems faced past funding difficulties. A study by the Boston-based Union of Concerned Scientists, "Antisatellite Weapons: Why Escalate Now," found that "antisatellite weapons programs have been plagued by chronic indecision, shifting rationales, technical problems, and cost overruns" since the Pentagon began studying such programs in 1956.

At least five different antisatellite systems have been researched, including the miniature homing vehicle launched from an F-15 fighter. That system was canceled after Congress prohibited the testing of the system against targets in space.

Five remaining weapons of that model remain in a storage bunker in Dallas, at a cost of $5,000 per month, Rep. George Brown (D-Calif.), a leading critic of the system, said last year.

The contract for the kinetic energy antisatellite weapon now being canceled was awarded only last July to Rockwell International, El Segundo, Calif., by the Army Strategic Defense Command in Washington.

After being selected last year as the service responsible for managing the program, the Army had planned to field a single battery of 72 missiles within the continental United States. The missiles would have been able to reach satellites only in low-Earth orbits.

A spokeswoman for the Army command declined comment on the program's fate, but one Rockwell official said that senior Army officials preferred to spend their tight budget on projects more central to the Army than attacking enemy satellites.

Critics of the antisatellite system see the cancelation as the logical result of a warming relationship with the Soviet Union. "The program is an anachronism," said another critic, Steve Aftergood of the Federation of American Scientists, Washington. "We are not threatened by enemy satellites at the moment."

"An armed conflict in Europe is not a scenario that makes much sense to invest much more in," a House staff member said. That will make any effort to resuscitate the program difficult.

The advanced Warning System has faced its own difficulties as the Strategic Defense Initiative Organization shifted responsibility for funding the program to the Air Force. The organization claimed that orbiting Brilliant Pebbles ballistic-missile interceptors would be able to provide the tracking required for the detection of enemy ballistic missile launches.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,126th day that Terry Anderson has been held captive in Lebanon.

RETIREMENT OF A GREAT PUBLISHER—EDWARD ST. JOHN OF THE FALL RIVER HERALD NEWS

Mr. KENNEDY. Mr. President, on the occasion of Edward St. John's retirement as publisher of the Fall River Herald News on December 31, 1990, it is a great pleasure to extend my congratulations to him for his long and illustrious career.

In a career spanning nearly half a century, Mr. St. John worked his way up from copy boy and messenger to publisher and chief executive officer of the Fall River•Herald News, becoming a model for many others in journalism and in the community at large.

In addition to his exemplary service to the country during World War II and the Korean conflict, his career took him across the United States as he worked to build one of the Nation's largest newspaper groups. But he never forgot Fall River. Returning home, he brought his energy, talent, and vision to the Herald News and the entire southeastern Massachusetts region.

His unwavering commitment to free speech and a free press helped ensure that the principles embodied in the first amendment of the Constitution will endure for future generations. His candid, forthright style set a standard for members of his editorial staff and for many others in the press.

Mr. St. John strengthened the electoral process, sponsoring public debates to help voters make informed choices about mayoral and congressional candidates. He worked to improve educational opportunities for the young, leading the effort in Fall River to establish the Henry Lord School in the south end, and serving on the governing board of the Southeastern Massachusetts University Foundation.

I also commend his tireless efforts to revitalize the economy and quality of life in Fall River and the surrounding region. Working with other members of the business community, he established a model public/private partnership—the Southeastern Massachusetts Partnership—which has played a vital role in attracting business and industry to the area.

Mr. St. John has also provided leadership in many other organizations, including the Greater Fall River Chamber of Commerce, the Fall River Foundation, St. Anne's Hospital, and the United Way of Greater Fall River. He has contributed to the revitalization of the waterfront through his efforts to restore the antique Lincoln Park Carousel and make it a part of Fall River's plans for the future.

As a skilled and dedicated journalist and as a caring and committed citizen, he has served his community, region, and Nation well, and he has earned our lasting gratitude and admiration. He will be greatly missed at the Fall River Herald News, and I join his many friends and colleagues in wishing him well in the years ahead.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 8, 1991, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on January 8, 1991, are printed in today's RECORD at the end of the Senate proceedings.)

REPORT ON CERTAIN BUDGET RESCISSIONS AND DEFERRALS MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 2

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 9, 1991, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals and four revised deferrals of budget authority now totaling $9,093,864,337.

The deferrals affect International Security Assistance programs, as well as programs of the Departments of Agriculture, State, and Transportation.

The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *January 9, 1991.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for Mr. NUNN) for himself, Mr. BYRD, Mr. PELL, Mr. BOREN, Mr. MITCHELL, Mr. LEVIN, Mr. LEAHY, Mr. WIRTH, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BINGAMAN, Mr. BUMPERS, Mr. BURDICK, Mr. CONRAD, Mr. CRANSTON, Mr. DASCHLE, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GLENN, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PRYOR, Mr. RIEGLE, Mr. SANFORD, Mr. SARBANES, Mr. SIMON, and Mr. WELLSTONE):

S.J. Res. 1. Joint resolution regarding United States policy to reverse Iraq's occupation of Kuwait; placed on the calendar.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, January 10, 1991, at 9 a.m., for a hearing on "Condition Critical: The Health Care Crisis and American Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERTO TORRES

• Mr. GRAHAM. Mr. President, I rise today to offer a tribute to a living legend in the world of Latin music, salsa singer and bandleader Roberto Torres.

Mr. President, these are troubling times, when we face conflict and division in the world once again. But in times of peace and in times of war, in times of prosperity and in times of recession, there is an international language that binds the people of the world together as one: music.

And, as this century comes to a close, the music world recognizes Roberto Torres as one of its most endearing ambassadors.

High Fidelity magazine published the following review of his recent salsa album, Elegantemente Criollo:

> A nouveau salsa sound with Colombian elements, Torres' music has a gentle, folksy feeling to it, although the arrangements make use of all the modern devices. Produced by studio wizard Jon Fausty, this disc lopes gracefully along like a horse on a country road: lots of guajira, son montuno, and cha cha cha to soothe you * * *.

The music of Roberto Torres has served to unite our world—from Calle Ocho to Caracas, from Madrid to Miami—with songs of love.

Born in Guines, Cuba, Roberto Torres is known as "The Traveler," a well-deserved nickname. In New York City some 30 years ago, he formed the cooperative charanga Orquesta Broadway. In the Seventies, he made solo albums and launched the SAR label in 1979.

Roberto Torres produced albums on SAR and allied labels for veteran Afro-Cuban singer-percussionist-composer Papaito, singer-composer Linda Leida, Alfredo Armenteros, Henry Fiol, Charanga Casino, Cuban singer La India de Oriente, Peruvian singer Lita Branda, Cuban pianist-arranger Alfredo Valdes Jr., and his father, singer Alfredo Valdes, and many others.

In the early eighties, Roberto Torres led a revival of traditional Cuban music, selling millions of albums. He formed the SAR All Stars, whose albums featured an exceptional extended version of the Cuban classic "El Manisero" and Torres' moving vocal of "Lamento Borincano," about an emigre's nostalgia for home. His version of "El Caballo Viejo" have brought people to dance floors throughout the world.

Mr. President, as we enter the fourth decade that Roberto Torres has been making music in this country, we honor his creativity, his contribution to Latin America and his leadership in the music industry.•

HOMELESSNESS

• Mr. SIMON. Mr. President, one of the most graphic illustrations of what homelessness is all about appeared in an article by Leslie Baldacci in the Chicago Sun-Times.

One of the stories tells about a woman with four children who did not get her child support check one month and was removed from her home.

One story tells of a woman who received $482 a month in welfare assistance but had to pay $475 a month in rent. She says, "If I paid my rent, I couldn't pay my light bill. If I bought my baby some shoes, I couldn't pay my rent."

I urge my colleagues to look at this story because we too often look at the problems of homelessness purely in statistical terms.

I ask to insert the article in the RECORD at this point.

The article follows:

[From the Chicago Sun-Times, Nov. 21, 1990]

ONE MISSING CHECK—AND HER FAMILY IS HOMELESS

(By Leslie Baldacci)

("I went from house to house, friend to friend. . . . For two nights we slept in a car. . . . I've stood on the corner and asked people to feed my children. One man took my son to a restaurant and just stood there and watched him eat. He told me, 'I didn't think a child could be that hungry.'")

Sheila, 30, is an example of the fastest-growing segment of Chicago's homeless population: families.

What makes her typical is that one glitch put her hopelessly behind in her rent, leading to her eviction, and she is now separated from her four children. Without them, her monthly public aid check dropped from $475 to $165. Her chances of getting them back together under one roof—any roof—are not good.

A study released Tuesday by the Chicago Institute on Urban Poverty shows that homeless families—mostly women with children under age 5—account for 40 percent of the 40,000 people who are homeless in Chicago over a given year.

"They are living in the streets, in shelters, in abandoned buildings, in train and bus stations and cars," said Marta White, the institute's director. White called for a "priority focus on making sure that system works for them instead of against them."

The city's Human Services Department confirmed that families are the fastest-growing segment, based on the number of beds used by women and children at city shelters. It estimates, however, that 12,000 to 49,000 people are homeless at any point over a year.

Statewide, the Chicago Coalition for the Homeless, which provided figures for the study, estimates the number of homeless at 80,000.

DEVASTATING FOR KIDS

Very few homeless families are intact with two parents. And the few that are intact are split up because all shelters are segregated by sex.

The impact on children—who frequently change schools and are ridiculed as "shelter kids"—is "devastating," said Kathleen McCourt, sociology professor and dean of Loyola University's College of Arts and Sciences.

"They miss school, they have symptoms of a lot of behavior problems—nightmares, crying, clinging—behaviors that show they are living under great stress," she said.

McCourt and Gwendolyn Nyden, sociology professor at Oakton Community College in Des Plaines, interviewed 258 women at six Chicago area shelters between June, 1989, and last February for the study.

Thirty-one percent said domestic violence was the immediate cause of their homelessness. Half were separated from some or all of their children. Two-thirds started on the downward spiral to homelessness because welfare checks were lost or late or the amount was cut.

"More than half had lost their welfare benefits because they hadn't met public aid requirements—attended meetings, for example—most because they didn't receive notification. There was no secure mail box. For 60 percent, that led to an immediate housing problem," McCourt said.

CAUGHT UP IN SYSTEM

Sheila said such a chain of events cast her family into the streets.

"I got caught up in the system," she said. "It all started when I [didn't get] a child support payment. The next thing I knew I was evicted."

Sheila said she used nearly all of her $482 monthly check from public aid for her $475 rent. "If I paid my rent I couldn't pay my light bill. If I bought my baby some shoes, I couldn't pay my rent."

She has lived in a shelter on the Southwest Side for two months while her three younger children are with a sister in Indiana. Her 11-year-old son is with her mother in a south suburb. The children were placed under Illinois Department of Children and Family Services supervision after Sheila left them with an uncle and he took them to a police station.

In order to regain custody, she said, DCFS says she must acquire a three-bedroom apartment. That would cost $625, Sheila said.

In the study, 10 percent of the women interviewed lost custody of their children to the DCFS and 40 percent feared losing their children, McCourt said.

Jacqueline, whose 6-, 7-, and 8-year-old children are with her in a shelter, sent her 14-year-old son to live with a sister because most shelters will not allow male children over 11 or 12.

"He's feeling I don't want to be bothered with him. His grades have gone down dramatically," she said. Like most homeless families, hers bounced between friends and relatives for months before moving to a shelter.

McCourt said it's more difficult to re-enter the housing market because of required security deposits. Many people, like Sheila, stay in shelters for months saving their public aid checks to make the deposit.

"I've been here two months and I've only saved $230," Sheila said. "To get into subsidized housing I need my children; DCFS says I can't have my children back until I have a place to live. Public aid won't give me the papers I need to find housing."

"This is a perfect example of how the state leaves people in complete harm's way," charged Douglas Dobmeyer, executive director of the Public Welfare Coalition. "It is not uncommon for families to pay 80 percent of their income for rent." Dobmeyer renewed his call for an increase in public aid grants—a mother with two childen now receives $367 per month in Chicago.

Gov.-elect Jim Edgar said he is proceeding with plans for a governor's conference on housing shortly after he is sworn in Jan. 14.

"We need to try to assess what should be our role, what can we do. Perhaps with the private sector we can do a better job of providing adequate housing for the homeless,' he said.

The Urban Poverty group recommends a central information system on such services as day care, employment and housing for low-income individuals before they become homeless; increased funding to support development of affordable housing, and restoration of vacant and damaged public housing units.

STUDY PROFILES THE HOMELESS HERE

Key findings of the Chicago Institute on Urban Poverty study:

Homeless families account for 15,000 of Chicago's estimated 40,000 homeless.

A typical homeless family is a woman with children under age 5.

Half of homeless parents are separated from some or all of their children.

64 percent are dependent on public aid for income.

60 percent of public aid recipients lost housing because of a reduction in welfare benefits or a lost check.

31 percent lost housing as a result of domestic violence; 46 percent said they had left home in the past because of domestic violence.

30 percent left home because they were on the verge of eviction.

32 percent lost a home because of rent increase.

23 percent lost a home because their buildings were condemned.

16 percent had spent some nights during the past three years in a car, abandoned building or a garage.●

TRIBUTE TO BALLET CONCERTO ON 25TH ANNIVERSARY

● Mr. GRAHAM. Mr. President, I rise today to salute the remarkable Ballet Concerto Company based in Miami as it celebrates its 25th anniversary. This talented group symbolizes the best of this free Nation: Community involvement, cultural diversity, and creative excellence.

Mr. President, as we begin a new year in this final decade of the 20th Century, the rate of change in the world continues to impress us.

On February 1, the world will see yet another symbol of change. A premier Cuban dancer, Dagmar Moradillo, who recently left Cuba because of the stifling Castro regime, will debut on stage in Miami.

Dagmar Moradilio, in what will be an unforgettable evening, will perform with the Ballet Concerto Company at the Dade County Auditorium. This performance, also featuring Franklin Gamero, will be a tribute to art, to preservation of cultural heritage, and to freedom.

Some three decades ago, Sonia Diaz and Martha Pino were the first Cuban exiles from the Cuban National Ballet to become dancers in Miami. In an effort to preserve Cuban traditions, they created a ballet school that would become the Ballet Concerto Company. Eduardo Recalt, also a top Cuban dancer, joined the team.

The world's leading dance talent has performed with this company: Alexander Godunov, Valentia Kozlova, Natalia Makarova, Yoko Morishita, Carla Fracci, Rudolf Nureyev, and more. Among those trained at the Ballet Concerto School include Maria Elena Mencia, Fernando Bujones, and Hilda Reverte.

In addition to a focus on classical ballet, Ballet Concerto also has established a Cuban folk dance group.

Mr. President, ours is a rich country based on the diversity of its people. The richness of our Nation is founded on the varied contributions of those who traversed the seas to come to our shores. Ballet Concerto is part of our tradition of embracing the future by respecting the past. We honor their achievements during the past quarter-century and offer our best wishes for continued success during the next 25 years.●

CHICAGO SCHOOL REFORM

● Mr. SIMON. Mr. President, one of the most exciting experiments in education that is taking place in the Nation is in Chicago where each local school has a school council that has been elected by the partents and citizens in that area.

The Christian Science Monitor recently had a fascinating story about the local school councils.

It is too early to make a judgment as to the success of the program, but it is not too early to say it has generated a great deal more interest in the schools, and, I believe, has the potential for really doing a constructive job in an area that desperately needs something positive and constructive.

I ask to insert the article from the Christian Science Monitor by Scott Pendleton in the RECORD at this point.

The article follows:

[From the Christian Science Monitor, Oct. 17, 1990]

CHICAGO SCHOOL REFORM TAKES ROOT IN COMMUNITY ACTION—PARENT-TEACHER COUNCILS CONTROL BUDGET, CURRICULUM

(By Scott Pendleton)

Chicago's school reform is succeeding. It has to.

That's the feeling here about the process initiated a year ago to reform the city's schools, once tarred by a US secretary of education as the nation's worst.

"There's a spirit in this town: We can't let this fail," says Sharon Jenkins-Brown of Leadership for Quality Education, an organization of leading businesses that backed education reform.

"There are stresses and strains here and there. Fundamentally, it's working," says Ted Hearn, a spokesman for the John D. and Catherine T. MacArthur Foundation. Last week the foundation committed $40 million to support the reform process.

Noting the city's progress, a survey conducted last week by Northwestern University in Evanston, Ill., concluded that the majority of Chicago parents are satisfied with their children's education, regardless of race, grade level, or enrollment in public or private schools.

Chicago has 547 public elementary schools and high schools to serve 410,000 students. The student population is 59 percent black, 26 percent Hispanic, 12 percent white, and 3 percent Asian.

In 1987, half of the city's high schools ranked in the bottom 1 percent on American College Test scores, prompting then Education Secretary William Bennett to say, "If there's a worse [school system], I don't know where it is."

The dropout rate has been near 50 percent, Ms. Jenkins-Brown says. Among graduates, only one-third truly read and write at a 12th-grade level.

PARENTS TAKE ACTION

For parent Marj Halperin, the teachers' strike of 1987—the ninth in 18 years—was the last straw.

"The instability of the system was too frustrating," Ms. Halperin says. "You couldn't rely on schools to start on time." She attended a meeting of "upset parents" who eventually founded Parents United for Responsible Education (PURE).

PURE pressed for decentralizing control, putting schools in the hands of those the system serves. The bureaucracy "was a big impediment to progress," says Jenkins-Brown. "You had educators who didn't care about the kids."

Out of the furor came the School Reform Act of 1988. The new law created Local School Councils (LSC) charged with creating a budget and an improvement plan for each facility school. Six of the 11 members of LSCs are parents; two more are members of the community. The principal and two teachers fill the other slots. Together they craft a program that suits the needs of their student population.

"A parent has the right to say what they want their children taught," says Bernette Barnes, a social worker and parent who was elected to the LSC for Orr High School.

Orr, on Chicago's West Side, has an enrollment that is 90 percent black, Ms. Barnes says. Some students aim for college; others go straight into the work force. The LSC aims to have the school give the students the appropriate skills either way.

PROGRAM INNOVATIONS

One of its innovations has been to institute an entrepreneurial program. Another is to make day care available on campus so girls who have children aren't forced to drop out to care for them.

The reform act gave LSCs the power to select their school's principal. Last year, half of the LSCs systemwide were required to decide on a principal; the other half will go through that process this year.

The principal, meanwhile, gained much greater power to form his or her teaching staff. Before the reform bill, Jenkins-Brown says, "Teachers could miseducate kids for a couple years before you could get them out. Now it's 45 days."

The new LSCs have had their share of growing pains," though. Council members are elected for two years; 25 percent resigned after the first, says Halperin.

Part of the problem was the hours involved—"20, 30, 40 a week," she says.

And many who were elected to LSCs lacked the skills to do the job. "We didn't know what a school improvement plan was," Barnes admits. "We had to go out and get training." Meanwhile, Orr's LSC missed its deadline for submitting a school improvement plan and a budget.

YEAR OF EDUCATIONAL REFORM

Halperin, now a spokeswoman for Superintendent of Schools Ted Kimbrough, says her boss refers to last year as the "year of governance reform." This and succeeding years will focus on educational reform.

Mr. Kimbrough was appointed at the outset of the reform process by Chicago Mayor Richard M. Daley. So far, the supperintendent has cut 500 jobs from the school system's administration headquarters, Halperin says. Also gone is the widely reviled practice of requiring state-certified teachers to fulfill a city certification requirement. "It was an unnecessary layer, and unique to Chicago," says Jenkins-Brown. The Chicago test was viewed as "designed to keep certain kinds of teachers from getting into the system."

Now, Halperin says, "If the state says you're good enough to teach, you're good enough to teach here."

Mr. Kimbrough drew some fire from LSC members over his decision to freeze funds toward the end of the previous budget year. His aim, says Halperin, was to prevent the councils from spending left-over money that they knew they wouldn't be able to carry over.

But the LSC argued that each council had the right to form its school's budget. The dispute shows that the division of power between the LSCs and the central administration remains unclear.

The Chicago Panel on Public School Policy and Finance will be monitoring the progress of Chicago's education reforms over the next five years.●

HONORING WALTER JOHN CHILSEN

●Mr. KASTEN. Mr. President, one of the chief glories of our federal system is that it provides us with examples of excellence in public service very close to the grassroots.

One of the most impressive public servants I have ever known is retiring this week after 24 years as a Wisconsin State senator. Walter John Chilsen has been serving the people of Wisconsin's 29th Senate District since 1966, and he has served them with excellence.

Walter John has compiled a long list of legislative accomplishments, and has held a number of important leadership posts. But what was most important to him all along was the opportunity to serve the needs of his constituents on a day-to-day basis.

This is how Walter John will be remembered now that he is leaving the State senate. And I think that is his attitude toward public service lie all the answers to what afflicts our government at the Federal level.

In short, Walter John Chilsen is loved and respected today because he is in touch with the people he represents. He is an example we can be proud of—and from whose example we can learn a valuable lesson.●

ILLINOIS SALUTES ITS NATIONAL TWIRLING CHAMPIONS, THE SILVER KNIGHTS

● Mr. SIMON. Mr. President, today I rise to recognize the skill and dedication of a group of young people from my State.

The Silver Knights Military Twirling Corps were the 1990 Illinois, Midwest, and U.S.A. National Military Twirling Corps champions. They also placed second to a corps from Canada for the second year in a row in 1990.

The members of this group are from all parts of Illinois, and range in age from 10 to 21 years old. In addition to their skill and dedication to the sport of twirling, many of these young people are honor students, members of their school sports teams, and members of various other extra-curricular clubs.

In these times, when so many of our young people are troubled, it is refreshing and encouraging to hear of this group. I am glad to see that their efforts are being rewarded.

There are many fine groups for young people to join. Clubs and organizations provide discipline, entertainment, and educational opportunities to their members. Today, I specifically commend the Silver Knights Military Twirling Corps of Villa Park, IL.●

ORDERS FOR TOMORROW

Mr. DASCHLE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate recesses today, it stand in recess until 9:30 a.m., Friday, January 11; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for later use in the day; and that following the reservation of the time of the two leaders, there be time for Senators to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. DASCHLE. Mr. President, if there is no further business today—and I see no Senator seeking recognition—I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m., Friday, January 11.

There being no objection, the Senate, at 9:21 p.m., recessed until Friday, January 11, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate during the recess of the Senate on January 8, 1991, under authority of the order of the Senate of January 3, 1991:

THE JUDICIARY

OLIVER W. WANGER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE MILTON LEWIS SCHWARTZ, RETIRED.

KENNTH L. RYSKAMP, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PAUL H. RONEY, RETIRED.

JAMES R. MCGREGOR, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE GERALD J. WEBER, RETIRED.

RICHARD W. GOLDBERG, OF NORTH DAKOTA, TO BE A JUDGE OF THE U.S. COURT OF INTERNATIONAL TRADE VICE PAUL P. RAO, DECEASED.

SECURITIES INVESTOR PROTECTION CORPORATION

GEORGE H. PFAU, JR., OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1993, VICE FREDERICK N. KHEDOURI.

IN THE NAVY

THE FOLLOWING-NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM, USN

To be ensign: permanent

LYNN E. ACHESON
MICHAEL R. AMIS
DAVID B. ANDREWS
RICARDO ARIAS
DAVID L. ARNETT
STEVEN R. BALMER
KEDRIC M. BELLAMY
THAD A. BIGGERS
BRIAN S. BOMMARITO
RICARDO BORRERO
MICHAELA S. BRADLEY
GREGORY D. BURTON
DONALD B. CAMP
ALBERT M. CARDEN
ANTHONY C. CARULLO
JEFFREY P. CILA
RICHARD J. COBB
WILLIAM F. CODY
CRAIG S. COLEMAN
ALEFJO H. COLLADO
RICHARD W. CRANLEY
DAVID C. CRISSMAN
MARK W. DAVIS
SANDRA J. DELUNA
RICHARD DIMARIA
STANLEY DOBBS
CURTIS R. DUNN
SONYA I. EBRIGHT
DAVID R. EDWARDS
JAMES K. EDWARDS
TANYA M. EDWARDS
DAVID W. EGGE
ROBERT L. EZELLE
RANDALL S. FAIRMAN
JEFFREY A. FATORA
ALFREDO FERNANDEZ
DARRYL D. FIELDER
MARK A. FRIERMOOD
RAYMOND A. GABRIEL
DOUGLAS R. GERRARD
CYNTHIA L. GEYER
MARK J. GIACOMINI
BRETT J. GLASCO
DOUGLAS V. GORDON
LOUIS C. GUALDONI
DOUGLAS A. HAAG
DALE S. HAMILTON
JAMES R. HARRISON
GREGORY A. HARVILLE
RICHARD T. HEATH
FERRANDO R. HEYWARD
THOMAS J. HOLDERREAD, JR.
BRIAN K. HOLDSWORTH
PETER W. HUDSON
DAVID R. HUNTER
EDWARD S. HUNTER
JOHN J. JACKLICH III
GEOFFREY C. JAMES
LARRYJON G. JANOLINO
ALFRED D. JOHNSON
ERNEST E. JOHNSON
RICHARD J. KEITER
ANGELIA M. KILLINGSWORTH
BERNARD D. KNOX
GREGORY A. KOENIG
MICHAEL F. KOZMA
JEFFREY P. KRAUSS
DAVID J. LARAMIE
MARK A. LEARY
ALLAN F. LEEDY
DONNA M. LEFEBVRE
JOHN C. LEGE
MARK A. LINDHOLM
DEANNA M. LOMBARDO
MARK J. MACALA
STEPHEN G. MACK
SETH A. MANTI
KEVIN A. MAUNE
ERIK W. MCCARTHY
STEVEN A. MCDOUGALL
JOHN A. MCGUCKIN
LACY K. MITCHELL
CHRIS A. MOORE
CHRISTOPHER L. MOORE
JOEY D. MOULTON
SEAN D. MURPHY
MICHAEL A. MUSEGADES
TROY D. OLSON
SONDRA D. ONEAL
JAMES M. PARISH
GEORGE PEREZ
BETH A. PERRY
STEVEN J. PETROFF
CLINTON D. PHILLIPS
MICHAEL A. PITCHFORD
RICHARD A. POWELL
RICHARD A. POWELL
JOSE QUIROZ
LOWELL F. RECTOR
ROBERT T. REZENDES
KEITH A. RILEY
GARY A. ROGENESS
RAYMOND A. ROGERS
MICHAEL L. RUSSO
SEAN J. RUTH
JAMES P. RYAN
GEORGE C. SALTZ
EUGENE A. SANTIAGO
THEODORE L. SCHICK
JEFFREY W. SCHOVANEC
CHARLES C. SCHRONICK
WILLIAM W. SCOTT
STEVEN SELINSKI
DANIEL T. SKARDA
JAMES L. SMITH
STEPHEN P. SMITH
KEVIN J. SNOAP
GERHARD A. SOMLAI
STEVEN P. STACY
JACK A. STARR
FRANK R. STEINBACH
MARK W. STEPHENS
JOHNATHAN M. STRANG
DOUGLAS R. SUHRE
ARTHUR R. TAYLOR
CLARK L. TAYLOR
RUBY M. TAYLOR
GARY D. TEALL
DOUGLAS E. THARP
CEDRIC J. THOMAS
SHANE A. THRAILKILL
DONALD R. TILLERY
SIDNEY TOOMBS
STEPHEN J. TRIPP
MARK E. TUELL
CHRISTOPHER D. TURNER
ROBERT F. ULRICH
MARK A. URAM
JOHN L. VANKAMPEN
ANGELA L. VANMETER
ROY J. VIRDEN
WILLIAM G. WABBERSEN, JR.
RUSSELL H. WAGNER
VICTOR T. WASHINGTON
DANIEL W. WAY
MATTHEW J. WELTER
KEVIN WESTAD
SHAWN E. WHITE
GEORGE D. WIGINGTON
MICHEY J. WILBUR
LAWRENCE R. WILSON
MERLE R. WILSON
SCOT M. WILSON
NOEL WISCOVITCH

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD ARE NOMINATED FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

RICHARD E. WELLS
LLOYD M. MCKINNEY
BRIAN J. FORD
ROBERT C. THOMSON
RICHARD L. BOOTH
JOSEPH V. PANCOTTI
CHARLES E. MCMAHON
CHRISTOPHER T. BOEGEL
JACK V. RUTZ
DOUGLAS B. LANE
JEFFREY D. STIEB
WILLIAM J. BELMONDO
BRUCE E. VIEKMAN
PATRICK T. KELLY
KENNNETH L. KING, JR.
CUTRIS L. DUBAY

BRUCE M. ROSS
MICHAEL L. BLAIR
CHARLES S. JOHNSON, JR.
RICHARD L. BOY, JR.
DONALD R. WRIGHT
RONALD A. GAN
NEIL E. VANDEVOORDE
DAVID C. AURAND
GLEN A. ROBBINS
MARK J. FIEBRANDT
WILLIAM R. GRAWE
ROBERT F. CORBIN
STEPHEN L. SIELBECK
JON M. WATSON
DANA E. WARE
RICHARD J. PRESTON, JR.
FRANCIS A. DUTCH
DANIEL K. OLIVER
KEVIN A. REDIG
JOHN D. MCCANN, JR.
KENNETH L. SAVOIE
EMIL SIKORSKY III
STEPHEN J. DARMODY
PETER J. BOYNTON
ROBERT A. BLACK III
DONALD L. STURDIVANT, JR.
NEIL O. BUSCHMAN
DAVID H. SUMP
DAVID R. KING
ALEXANDER O. SIMONKA, JR.
MICHAEL J. STANLON, JR.
DAVID G. HOLMAN
THOMAS L. KOONTZ
PHILIP T. DANIELS
DANIEL R. MAY
WILLIAM J. SEMRAU
ERIC M. JEWESS
JAMES K. LOUTTIT
JOHN T. COSTELLO, JR.
CRAIG H. ALLEN
SUSAN D. BIBEAU
KEITH B. LETOURNEAU
DAVID A. CONKLIN
DAVID B. HILL
CHARLES W. HOLMAN
STEVEN L. HEIN
JEFFREY R. PETTITT
PAUL K. LARSON
RICHARD W. HATTON
ROY A. NASH
JOHN E. LONG
BRUCE D. BRANHAM
PATRICK J. NEMETH
JOHN E. FROST
JEFFREY D. HOLMGREN
RODRICK M. ANSLEY
SCOTT H. EVANS
MARK P. BLACE
STEVEN W. ELLIS
VINCENT M. CAMPOS
CHARLES D. PRATT
DAVID A. MASIERO
GERALD R. GIRARD
JOHN H. KORN
EDWIN H. DANIELS, JR.
DENNIS M. HOLLAND
SHANE C. ISHIKI
KEVIN D. KRUMDIECK
BENNETT T. BONOMI
RANDELL B. SHARPE
EVERETT F. ROLLINS III
STEPHEN J. DANSCUK
PATRICK H. STADT
KENNETH B. PARRIS
MARK P. WATSON
GLENN G. MILLER
SCOTT D. GENOVESE
MARC C. CRUDER
ROBERT E. MOBLEY
TIMOTHY J. LEAHY
DANNY ELLIS
JEFFREY S. GORDEN
RODNEY D. RAINES III
MARK A. FELDMAN
MICHAEL M. MILLAR
MICHAEL A. JETT
WALLACE T. WILLIAMSON
CLAUDIA P. WELLS
DANIEL J. MCCANN
WILLIAM D. OSBORN
DAVID L. MAXSON
JAMES L. DURRETT
JOSEPH W. BODENSTEDT
ERIC A. ROSENBERG
BRUCE K. HUERTAS
EDWARD O. COATES
GARY E. DAHMEN
CARSTEN L. HENNINGSEN III
MICHAEL S. BLACK
CHRISTOPHER J. SMITH
SAMUEL B. BROMLEY, JR.
ROY W. JAMISON
JACK G. ALBERT, JR.
MICHAEL S. RHODES
RONALD J. KOCHAN
AL J. BERNARD
WILLIAM C. GLIDDEN
MICHAEL E. MAES
JEFFERY FAY
MARK D. BOBAL
JAMES F. MCMANUS
RICHARD J. BLOUNT, JR.
LEWIS S. BLANKENSHIP
STEPHEN A. STOTT
DAVID L. SCOTT
PHILLIP M. LITHERLAND
FRANCES L. PROPST
RICHARD A. MCCULLOUGH
DANIEL A. MUSSATTI
JOHN D. BOGLE
DANIEL A. CUTRER
DAVID N. GRIFFITH
SCOTT A. NEWSHAM
GLENN A. GORTON
GERALD M. SWANSON
GLEN R. ZEAMER
PAUL T. BUTLER
ROBERT G. LAMBOURNE
WALTER J. REGER
HAROLD W. FINCH, JR.
LARRY R. HAMMOND
DAVID J. TALLON
EDWARD G. LEBLANC
ROBERT B. GAYMAN
TIMOTHY J. CUNNINGHAM
ERIC J. SHAW
MARY E. LANDRY
WILLIAM D. BAUMGARTNER
RICHARD B. BURT
MARK J. YOST
WILLIAM L. ZACK
DALE G. STREYLE
CURTIS A. STOCK
LARRY R. WHITE
MICHELE FITZPATRICK
TRACY S. ALLEN
JOHN G. CLINE
STEPHEN E. MEHLING
MICHAEL C. GHIZZONI
DANIEL N. RIEHM
WILLIAM R. MARHOFFER
BRANDT R. WEAVER
DAVID S. HILL
KAREN T. HAYS
JAMES D. MAES
CRAIG M. JUCKNIESS
MICHAEL A. NEUSSL
WILLIAM H. REYNOLDS
BRIAN F. BINNEY
GEORGE H. HEINTZ
JOSEPH W. BRUBAKER
GEORGE J. REZENDES, JR.
JOHN M. FIDALEO
JEFFREY H. BARKER
MICHAEL D. HUDSON
RAYMOND H. CARLSON, JR.
GREGORY A. MITCHELL III
PAUL J. REID
GREGORY L. SHELTON
RALPH A. PETEREIT
MARK R. STEINHILBER
ROBERT J. WILSON IV
KEVIN J. CAVANAUGH
GEORGE A. ASSENG, JR.
DANIEL L. WRIGHT
MICHAEL J. BROWN
KATHY A. HAMBLETT
MICHAEL R. LINZEY
CHRISTINE J. QUEDENS
JEFF R. BROWN
LEROY A. JACOBS, JR.
JOSEPH C. LICHAMER
BRET K. MCGOUGH
ROBERT W. DANAHY
CHRISTOPHER D. MILLS
MATTHEW D. EDWARDS

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY ARE NOMINATED FOR PROMOTION TO THE GRADES INDICATED:

EARL H. POTTER, III

To be lieutenant commander

MARK B. CASE
ROBERT C. AYER

PURSUANT TO THE PROVISIONS OF 14 U.S.C. 729, THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF COMMANDER.

ALAN B. FOSTER
WILLIAM J. EMERSON
RICHARD F. MCGRATH
FRED R. MULLINS
PAUL H. WALLE
TINO R. SERRANO
THOMAS J. FALVEY
JOHN P. MICELI
WILLIAM H. CLONTZ
JOHN S. ADAMS
JAMES A. KANCLIER
GERALD P. FLEMING
CATHERINE A. BENNETT
CLAUDIO AZZARO
DAVID J. MARTYN
RODERICK L. POWELL
RICHARD T. WALDE
FRANK A. FREISHEIM II
WILLIAM W. REID
JAMES R. BYBEE
BRIAN J. MCDONNELL
RONALD G. DODD
IVAN R. KRISSEL
CHARLES N. GREEN
SPENCER S. RICHDALE
DAVID B. NORRIS
ROY B. WEDLUND
JOHN T. HEITLINGER
CHARLENE L. REIM
RICHARD E. TINSMAN
RONALD W. SLUPSKI
RICHARD D. CHRISTENSEN
DAVID W. HOOVER
KEVIN J. MACNAUGHTON
ROBERT A. STROMSTED
RICHARD M. SEBEK

THE FOLLOWING RESERVE OFFICER OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF CAPTAIN:

RONALD L. HINDMAN

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD RESERVE FOR PROMOTION TO THE GRADE OF COMMANDER:

GREGORY E. SHAPLEY
RICHARD S. MARTINSON

THE FOLLOWING REGULAR OFFICER OF THE U.S. COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY AS AN INSTRUCTOR IN THE GRADE OF LIEUTENANT:

KURT J. COLELLA

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR APPOINTMENT TO THE GRADE OF ENSIGN:

DENNIS M. ADLER
JILL M. ALBERI
BENJAMIN M. ALGEO
DANIEL J. ALLMAN
JAMES E. ANDREWS
KEVIN G. ANSLEY
JAMES P. ARNESTAD
ANTHONY T. BAGINSKI
MICHAEL E. BAKER
CHARLES B. BARBEE
DAVID E. BECK
JAFFREY A. BIXLER
SUSAN J. BLOOD
STEVEN S. BONES
DAVID P. BOURDON
DEV A. BRAGANZA
WILLIAM B. BRENNEMAN
SCOTT C. BREWEN
ERIC B. BRITCHER
GREGORY A. BURG
AMY BURKE
DAVID W. BURNS
MICHAEL D. BUSH
JOSEPH S. CALNAN
JOHN V. CANTEY
TIMOTHY S. CASTLE
CHRISTOPHER W. CATALDI
ANDREW D. CHRISTOVICH
TODD M. COGGESHALL
MICHAEL J. COLLINS
WILLIAM T. COLSTON
PATRICK G. COOK
BENJAMIN A. COOPER
JONATHAN E. COPLEY
SCOTT W. CRAWLEY
ROBERT S. CROKE
MARK W. CROSSLEY
BRADFORD J. CROWLEY
TIMOTHY M. CUMMINS
CARRIE A. DARLING
ANTHONY M. DARMIENTO
THOMAS M. DEELY
DOUGLAS C. DILLON
CHARLES A. DIORIO
JASON D. DOLBECK
BLAKE R. DOLPH
JEFFREY D. DOW
PATRICK H. DOWNEY
DOUGLAS L. EBBERS
STEPHEN C. ELLIS
KENT W. EVERINGHAM
JEFFREY B. FARLEY
MARK J. FEDOR
LEE S. FIELDS
BRENDA S. FISHER
PAUL A. FLYNN
ERIC J. FORD
KATHRYN C. FOUT
DANIEL J. FRANK
ROY FRANKHOUSER
JOHN R. FREDA
EUGENE J. GAGLIANO
KEVIN P. GAVIN
BRIAN G. GAVINI
DARRIN W. GIBBONS
SHANNON N. GILREATH
MELISSA L. GRIFFIN
GARRET F. GUINN
JOHN E. HAIR
DUSTIN E. HAMACHER
RICHARD C. HAMBLET
ROBERT T. HANNAH
LONNIE P. HARRISON
JOHN G. HENIGHAN
GLENN C. HERNANDEZ
CHRISTOPHER M. HOLLINGSHEAD
RONALD S. HORN
RICHARD E. HORNER
MARA M. HULING
ELIZABETH S. HUMPHRIES
MATTHEW J. HUNTER
PEDRO L. JIMENEZ
WILLIAM J. JONES
TERI L. JORDAN
JOHN D. KARPINSKI
MARK W. KAVANAGH
KEVIN M. KEAST
KEVIN P. KENDRA
NATHAN E. KNAPP
DEAN M. KNICKERBOCKER
PATRICK A. KNOWLES
MICHAEL J. KURAS
SUZANNE E. LANDRY
WILLIAM J. LANE
JOHN H. LANG
SAHIBZADA A. LATIF
MICHAEL P. LEBSACK
SCOTT B. LEMASTERS
RICHARD G. LERUDIS
SEAN F. LESTER
JASON D. LOIA
KERSTIN B. LOWMAN
CHRISTIAN R. LUND
HANS M. LUNDSIN
JAMES D. LYON
KEVIN C. LYON
CHRISTOPHER L. MALLETT
MICHELE R. MANAGO
EDWARD J. MAROHN
BRETT J. MARQUIS
MARY L. MATTSON
DEAN E. MATTY
JOHN W. MAUGER
LOUIS M. MAZE
MICHAEL C. MCALLISTER
DAVID G. MCCLELLAN
ROBERT S. MCCLURE
JOSEPH A. MCCURLEY
TIMOTHY F. MCDONNELL
DARRAN J. MCLENON
ROCKLYN L. MCNAIR
MICHAEL F. MCPHERSON
KEITH P. MCTIGUE
MICHAEL K. MESSENGER
MICHAEL T. MICHELSON
RICHARD E. MORE
DAVID MOTHERWAY
BRIAN D. MUELLER
SEAN MURPHY
ANDREW D. MYERS
BRIGID L. MYERS
MICHAEL C. NEININGER
RANDALL K. NELSON
RICHARD K. NELSON
JEFFREY F. NEUMANN
BRIAN P. NEWMAN
JOHN P. NOLAN
WAYNE M. NOMI
MICHAEL A. NUZUM
SCOTT R. OLSON
STEVEN D. OLSON
TIMOTHY W. PAVILONIS
ROBERT J. PEFFERLY
MICHAEL C. PETERSON
CHAD E. PHILLIPS
JOHN N. PHILLIPS
WILLIAM A. POND
PATRICK J. POTTER
ANDREW MJ. RAIHA
STEPHEN E. RANEY
MICHAEL W. RAYMOND
SUZANNE L. RENDER
PAUL E. RENDON
JENNIFER G. REVELLE
BRADLEY D. REX
RUSSELL V. RHINEHART
RONALD C. RICHARD
JONATHON N. RIFFE
BRAD D. ROBERTS
BARRY A. ROMBERG
PATRICK A. ROPP
MICHAEL T. RORSTAD
JAMES T. ROTH
JOSEPH F. RYAN
ROBERT B. SANFORD
DAVID SAVATGY
TIMOTHY J. SCHANG
THAD N. SCHATZ
TODD J. SCHAUER
HARRY M. SCHMIDT
PATRICK H. SCHMIDT
DOUGLAS M. SCHOFIELD
JAMES M. SCOTT
DAVID M. SERIS
FRANCIS P. SHANNON
MICHAEL A. SHIRK
KIRK W. SHUBERT
WILLIAM G. SMITH
MIKEAL S. STAIER
DREW K. STEADMAN
JULIE A. STEPHENS
THOMAS E. STICKLEY
MICHAEL J. STONE
CHRISTOPHER R. STOUT
DAVID W. STRONG
RONALD L. STRONG
TODD R. STYRWOLD
ERIC ST. MICHELL
EDWARD M. ST. PIERRE
THOMAS N. TERWIEL
STEVEN C. TESCHENDORF
PHILLIP R. THORNE
EDWARD J. TIDBALL
RICHARD V. TIMME
GARY L. TOMASULO
THERESA M. TOOMEY
JONATHAN W. TOTTE
RALPH J. TUMBARELLO
SONIA VALADEZ
SETH D. VANESSENDELFT
ROBERT C. VAUGHN
STEPHEN J. WEAGRAFF
TIMOTHY J. WENDT
JEFFREY C. WESTLING
RICHELLE L. WHITMORE
ROBB C. WILCOX
GREGORY D. WISENER
SANDRA E. ZABALA

HOUSE OF REPRESENTATIVES—*Thursday, January 10, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as You have given us the great gift of life by which every other gift is judged, we pray that we will be worthy of that gift and be the people You would have us be. As we focus with such intensity on the crisis of the day, may we see clearly the purposes of Your creation and Your good will to all people.

We pray for the leaders of our Nation and the leaders of every nation and all people who work for peace that justice will be our goal and peace the blessed gift of all. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky [Mr. HUBBARD] please come forward and lead the House in the Pledge of Allegiance.

Mr. HUBBARD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SWEARING IN OF MEMBERS-ELECT

The SPEAKER. The Chair would ask the Members to clear the well except for those Members-elect of the 102d Congress who wish to take the oath of office.

Mr. CHAPMAN of Texas and Mr. GUARINI of New Jersey appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

APPOINTMENT AS MEMBERS OF HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of title 40, United States Code, sections 175 and 176, the chair appoints the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Illinois [Mr. MICHEL] as members of the House Office Building Commission to serve with himself.

DEMOCRATIC CAUCUS DEBATES PERSIAN GULF

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the Democratic Caucus just finished an absolutely inspiring debate on the Persian Gulf situation. The point was made by my colleague from New York, Mr. SOLARZ, and by one or two others, that sanctions will not work because they will not induce Mr. Saddam Hussein to make a political judgment to roll his forces back from Kuwait.

Mr. Speaker, we are not sure whether that is true or not. We do not know. The one thing that we do know about sanctions is that they will erode drastically Saddam Hussein's capacity to dominate, to threaten, to intimidate his neighbors and be a threat to the peace and stability of the Middle East.

The intelligence community tells Members that sanctions will erode his economy by 50 percent in the first year, and Senator NUNN tells Members today that it will be 70 percent reduction of his GNP. We have been involved in 115 cases of sanctions in the last half a century, our country has, and in about a third of them, they have worked. In the third where they have worked, the average by which we have reduced the GNP of those targeted countries was 2½ percent. That is enough to concentrate some kinds and help them make this decision. This is 20 times more devastating impact on the GNP of Iraq. It is going to destroy his economy. There will be no spare parts, no replacement parts for his military. It will bring his economy and bring his military machine to their knees. Sanctions will work. We ought to hang in there with them.

SOVIET AGGRESSION IN THE BALTIC STATES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, as the eyes of the world, and certainly people in this country, focus on the Persian Gulf, I think it is important that we be aware of what is apparently about to happen in the Baltic States. That is, they are about to feel the heel of Soviet aggression and oppression. I say "aggression" because the Baltic States were illegally annexed to the Soviet Union as a result of the infamous Molotov-Ribbentrop Pact of World War II. The United States Government has never recognized the legitimacy of the annexation of the three States of Estonia, Latvia, and Lithuania.

In recent days Soviet General Secretary Mikhail Gorbachev has moved to tighten his control of the seven breakaway republics that are seeking true self-determination. His reprisals against the tiny Baltic States of Latvia, Lithuania, and Estonia are particularly severe, and seem to be designed to punish the states that have been in the forefront of the self-determination movement. Throughout the Baltic States, Soviet paratroopers have been conducting sweeps for the tens of thousands of young men who have refused to enter the Soviet Army. These young men had been given permission by their legitimate governments to perform public service in lieu of 2 years in the Soviet Army. It has become increasingly clear, however, that Gorbachev intends to put an end to this practice.

There are numerous other ominous signs. In Lithuania, army troops have surrounded the legislative buildings, the printing plants, and the television stations. In Latvia, Interior Ministry forces took control of the country's printing facilities, denying both the local press and the Latvian Government the ability to publish material. Perhaps most ominous, Gorbachev has suggested that he would extend "Presidential rule" to the Baltic States. Under Presidential rule Gorbachev could disband the national parliaments and ban demonstrations and political groups, effectively putting an end to the self-determination process.

I would note, Mr. Speaker, that Deputy Secretary of State Eagleburger summoned the Soviet Ambassador to express our Government's grave concerns about this crackdown. As Mr. Eagleburger rightly told the Soviet Ambassador, continued repression would almost certainly disrupt United States-Soviet relations.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These three Baltic States, along with Moldavia, have a legitimate case to be exempt from Gorbachev's actions to keep the Soviet Union together. We understand that Soviet President Gorbachev needs to draw a line against the disintegration of his nation yet that line could and should be drawn to let the people of the Baltic States go free.

Mr. Gorbachev should know that America will not watch quietly, if, in fact, he comes down hard upon them, and destroy their independence movement. This will, Mr. Gorbachev, severely damage Soviet-American relations. This Member and America, in the strongest possible terms, urges the Soviets not to take action against the people of the Baltic States. Let them go free and explain quite clearly to the people of the Soviet Union that such action is not a precedent for the dissolution of the Soviet Union, as these three Baltic States and Moldavia were illegally added to the U.S.S.R. during the World War II era.

ANNUNZIO CONDEMNS SOVIET REPRESSION IN BALTICS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I strongly condemn the ongoing Soviet repression of the Baltic Republics of Latvia, Lithuania, and Estonia.

The tens of thousands of Soviet troops who have recently marched into these countries are a threat to peace and democracy in the region.

We cannot stand by and watch the Baltic peoples' quest for autonomy turn to ashes without making it clear to Mikhail Gorbachev that future United States-Soviet relations could hinge on this question.

TRIBUTE TO FORT CAMPBELL SOLDIERS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I am proud to represent Fort Campbell, KY.

Today, from Fort Campbell there are 16,500 soldiers from the 101st Airborne Division in Saudi Arabia. There are also 2,500 Fort Campbell soldiers from the 101st Support Group [Corps] and another 1,500 Fort Campbell soldiers from the 5th Special Forces Group in Saudi Arabia.

Yes, that's 20,500 Fort Campbell soldiers in Saudi Arabia. There are another 4,000 Army Reserves and National Guard troops in Saudi Arabia or en route who have been mobilized at Fort Campbell. Among the 4,000 are 250 from the Army Reserves' 807th Hospital Unit in Paducah, KY, the largest city in my district.

These men and women in Saudi Arabia deserve our undivided support from Congress. This Congressman, a Democrat, while continuing to hope and pray for peace, supports the President of the United States and the U.N. Security Council in the joint demand that Iraq withdraw its forces from Kuwait before next Tuesday.

Saddam Hussein, you must withdraw your troops from Kuwait now.

□ 1210

REMEMBER ISRAEL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, one of the most disturbing moments at the press conference with the Iraqi Foreign Minister yesterday was when Mr. Aziz unmistakably indicated that Iraq would attack Israel.

Mr. Speaker, as we prepare for a potential war, let us remember who our friends are and where our interests lie. Israel has been an unfailing and loyal ally, the only democracy in the area. They have been remarkably restrained and responsible during the Persian Gulf crisis, despite the overwhelming threat that they face from Iraqi missiles.

Whatever we do in the Persian Gulf, let us do it in coordination and consultation with Israel. Let us put any differences aside that we have had recently. We have always come through for each other, and let that continue.

WHERE IS THE REST OF THE WORLD?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, if Suddam Hussein is a world problem, then where is the rest of the world? Where is Germany? Where is Japan?

While we are protecting their oil, the Japanese are selling hotdogs in Yosemite.

To me this is no new world order. This is the same old world ripoff, and here is how it works. The United Nations, they authorize war. The American people, they pay for it, and then the American sons and daughters die. Then after it is over, the United Nations says, "Well, it was a police action."

I say let the United Nations contract with Interpol this time.

Let me remind Congress, we have a constitutional responsibility here. The American people voted for George Bush, but they did not elect King George.

It is Congress that must declare war, and I am sick and tired of our kids coming back in body bags while we are protecting the rich people all over the world and every other country.

I say let these other countries get in harm's way on the front lines for a change. You think about it.

U.N. RESOLUTION WAS A MISTAKE

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, in the next few days we are going to be debating a mandate to attack. It is not a resolution to decide whether or not to support the President, but a mandate to attack. That will be the interpretation of the administration on our actions if we vote to support the U.N. resolution.

The U.N. resolution was wrong. The U.N. resolution was a mistake. The U.N. resolution set January 15 as a date. That is too early a date, or there should be no date at all.

We have the job to correct the U.N. resolution. They made a mistake and we should correct them.

The President's determination that this means we have to rush into an unjustified war is wrong.

We have won a great deal already. Containment has been achieved. Mass killing, mass murder, is not necessary to do this job. The sanction will work.

Oil is not being sold by Iraq. They cannot survive very long with the kind of sanctions that have been imposed, backed up by an embargo. It is too much. They will not be able to survive. They will yield.

The 535 Members of Congress have a duty to make this decision. We are part of the decisionmaking. We will have the responsibility for every death. The responsibility for every death will be ours.

The more personalized war becomes, the less likely we are to have wars.

We should all take this as a personal decision. We are deciding life and death over persons.

The Speaker has said we should vote our consciences. I wish the Democratic Party would take a position, but we have to vote our consciences. When I vote my conscience, my conscience tells me that if I vote to give the President a mandate to attack, I will become an accessory to murder.

I will vote no. I will not be an accessory to murder.

THE BRUTALIZATION OF THE BALTIC REPUBLICS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, while this House of Representatives and the Senate considers the important questions about the Persian Gulf, while our attention is focused on that section of the world, it is critical that we not forget what is happening at this very moment in Lithuania and the Baltic Republics. These small countries have been brutalized by thousands of Soviet troops who are today occupying Vilnius in Lithuania and harassing Lithuanian, Latvian, and Estonian citizens. These tiny and courageous nations are guilty of only one crime in the eyes of Moscow. They have asserted their right to independence and self-determination.

While we debate the issues of peace and freedom in the Persian Gulf, we cannot forget the struggle of the Baltic people.

Several days ago, Foreign Minister Eduard Shevardnadze warned the world that reactionary forces were taking control in the U.S.S.R. The decision by Moscow to occupy the Baltics is clear evidence that Shevardnadze's fears were not unfounded.

Mr. Speaker, we must protest this Soviet brutality in the strongest terms and do everything in our power to let Mr. Gorbachev know that our peaceful relations cannot continue in the face of this aggression.

SUPPORT THE PRESIDENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the President of the United States, to his everlasting credit, has come to the Congress of the United States, to the Representatives of the people whom he leads, and has asked for a vote of confidence in the crisis that has developed in the Persian Gulf.

This man, who has gained the confidence of the international community, who has gained the confidence of the United Nations through the sanctions and through the resolutions passed by that body, who has gained the confidence of the Persian Gulf Arab States who have become victims or potential victims of Saddam Hussein, who has gained the confidence of the American people in poll after poll on his policies in the Persian Gulf, who has gained the confidence most importantly and has the confidence of the Armed Forces of the United States who are poised in the deserts of the Persian Gulf, now asks for a vote of confidence from the Congress of the United States. We can do no less than all the others who have already reposed and pose confidence in the President of the United States. We must resolve this issue. We must give the President the power that has been implicit already in the United Nations resolutions, and pray that peace will come without resort to force, but we must give that vote of confidence to the President of the United States.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES UNTIL 3 P.M. ON THIS LEGISLATIVE DAY

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses until 3 p.m. on this legislative day.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON FRIDAY, JANUARY 11, 1991, AND SATURDAY, JANUARY 12, 1991

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9 a.m. tomorrow, and that when the House adjourns tomorrow, it adjourn to meet at 9 a.m. on Saturday, January 12, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IT IS THE DUTY OF CONGRESS TO DECIDE ON WAR

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WASHINGTON. Mr. Speaker, it is the duty of Congress to make a decision one way or the other on whether we go to war. It is not right for the Congress to hide behind the law and let the President make the decision by himself.

Under our study of history, it is clear that Japan and Germany had constitutions that were written after we ascribed to the United Nations Charter, yet those nations argue and the President argues that the United Nations Charter allows the President to commit our forces to war without a declaration by the Congress, while at the same time the constitutions that we wrote for Germany and Japan abort the necessity of them sending their men and women over there. That logic stands on its head.

How can their constitutions, which are modeled after ours, prevent Germany and Japan from sending their troops? They can send money, but they cannot send their men and women. We have to send ours. It does not make any sense.

It is the duty of Congress to decide.

I have introduced House Joint Resolution 63 which is a straight up and down vote on war or not. Either you are for war or you are against war, and you ought not to be able to hide behind any of these other resolutions which do not really speak to the question. The only way the American people will know where we stand is to vote yes or no on a declaration of war.

□ 1220

Let it be said by history that the Congress of the United States saw its duty and we did it.

THE LARGER PATRIOTISM

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, today there is a very excellent editorial in the New York Times on the question before the Congress, the question of whether or not Congress will assert itself in a firm manner with regard to whether or not we go to war.

Mr. Speaker, Mr. DURBIN and I have introduced a resolution which brings this issue before Congress, and I sincerely hope that all Members of Congress will vote to reestablish in practice something that has been falling into disuse; that is, the action by Congress to say whether or not we should go into a war.

The article referred to is as follows:

[From the New York Times, Jan. 10, 1991]

THE LARGER PATRIOTISM

The world's hopes for a diplomatic breakthrough at Geneva have been crudely disappointed. Today Congress begins to debate peace or war; Iraq's intransigence invites an angry vote. What Members of Congress owe America, however, is neither anger nor truculence but their best judgment on what best serves the vital interests of the United States.

At this time, those interests would not be served by the offensive use of military force to expel Iraq from Kuwait.

It would be a mistake for Congress to confuse patriotism with blind loyalty to the President. A strong America is a democratic America, functioning in accordance with the constitutional design. The larger patriotism is to be wise, not merely tough.

From the start, this newspaper has supported Operation Desert Shield, President Bush's deployment of a multinational force to defend Saudi Arabia. We have supported the international embargo that is daily making Saddam Hussein pay for his aggression in Kuwait, and steadily weakens his military potential. And we have supported the President's able assemblage of a broad coalition against naked aggression.

Nor do we shrink from the ultimate prospect of war. There are circumstances that justify, even compel, the sacrifices of war. But those circumstances are not now present.

America's vital interests in the Middle East—the security of oil supplies and the security of strategic allies—are in no imminent danger. As for pushing Iraq out of Kuwait, the embargo remains a plausible lever. The evidence so far, not conclusive but strong, is that it is steadily grinding Iraq down.

Saddam Hussein's crimes offend most Americans, most Arabs and most of the world. But the right response now is not a U.S.-led attack. For Congress to authorize an immediate use of force under these circumstances would be unwise. And to sign off instead on a blank check, leaving it to the President to fill in a future date, would be a dereliction of constitutional duty.

Even if it should come, war promises no neat solution. A limited war that left much of Baghdad's military capacity intact would only inflame future crises with a heightened sense of Iraqi grievance. Yet an all-out war that destroyed Iraq's military potential would create a destablizing power vacuum adjacent to both Iraq and Syria.

Nor do America's allies in the broad anti-Iraq coalition insist on immediate war. Quite the contrary. France, one of the U.N. Security Council's five permanent members, even now presses for a diplomatic solution. Many allies endorse fighting in Kuwait but not in Iraq. If, as the Administration fears, the coalition is weakening, that's true precisely because of the imminent threat of force, not any strains arising from the long-term embargo.

Congress's constitutional war-making authority fell into disuse during the cold war. Under the thermonuclear shadow, Presidents brushed aside the deliberative mechanisms designed to protect against premature or reckless war. The decisions before Congress now call for a return to constitutional norms.

First, the members must reassert their right to decide when and whether to go to war. Then, turning to the President's request for authority to use force now, they should trust evidence instead of sentiment. So far, America's vital interests are protected; there's reason to believe the embargo is working; the deadline of Jan. 15 if arbitrary.

If circumstances should change, there will be time for a fresh look. For now, the wise, brave vote on war is no.

IT IS TIME FOR CONGRESS TO FORCE A PAUSE IN AMERICA'S SLIDE TOWARD WAR

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, in 1946 an Iron Curtain descended over Eastern Europe. The United States was confronted with a choice: Should we send in hundreds of thousands of American young men to engage in an armed conflict to free those countries?

We decided not to. We decided to engaged in a strategy of containment. We waited, patiently, with a strategy of military force and trade sanctions, and we slowly but surely brought Eastern Europe and the Soviet Union to its knees.

Now it has collapsed like a house of cards.

We have to be convinced, before we vote for war, that that same strategy cannot work to bring a tin-horn Third World dictator to his knees.

The most recenty example of where a mistake has been made is in Afghanistan. That is a testament to the failure of a superpower's ability to bring a country to its knees, with thousands of graves of Soviet soldiers in Afghanistan, where they could not bring that country to its knees.

Let us be patient, let us wait. This Saddam Hussein regime will collapse in the sands of Kuwait and Iraq just as the Soviet empire has collapsed under the weight of trade and military sanctions that we imposed upon that once-great military power.

Mr. Speaker, the Baker-Aziz meeting has ended in failure, and Congress must now decide whether or not to authorize the use of military force to drive Iraq from Kuwait.

In 1946, when the Iron Curtain descended over Eastern Europe, America was faced with a similar choice. We could launch a rash and bloody offensive war to rollback communism, or we could adopt a patient strategy of containment.

We chose containment. We encircled the Soviets militarily and appled a stranglehold on their economy, and we patiently began to wait. Finally, 40-years later, the Soviet empire collapsed like a house of cards. Today, the Soviets are so preoccupied with the Lithuanians and the Latvians and their other internal problems that we're no longer worried about Soviet expansionism.

If a United States strategy of containment could succeed in humbling the once mighty Soviet colossus, why can't a United Nations strategy of containment beat down a tin horn Third World dictator like Saddam Hussein? Has America become so impatient that we prefer war over waiting a year for an international economic blockade to choke an oil-profit thirsty Iraqi economy?

Our Nation's leaders have a moral obligation to pursue all peaceful alternatives before setting loose the dogs of war. But the wisdom and patience of America's cold war containment strategy has been superseded by an MTV foreign policy with a 30-second attention span.

It's time for Congress to force a pause in America's slide towards war. Our choice is clear: We can either give the administration the blank check for war it wants or the reality check for peace that it needs. Let's vote for a policy of patience and prudence. Let's stay the course on economic sanctions and deterring further Iraqi aggression. Let's put an economic and technological stranglehold around Iraq. But let us not necessarily sacrifice the lives of young American men and women for objectives that can be achieved without war if America is only willing to exercise the same patience and resolve we demonstrated in our struggle to contain communism.

GIVE THE SANCTIONS TIME TO WORK

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I have deep concerns about our policy in the gulf and I am outlining them in a separate statement for the RECORD today.

I have had the chance to talk with hundreds of my constituents. There is no support for war in my district. There is not broad public support anywhere for this war. The polls show that when the casualties start, support will drop dramatically, and what we are really seeing is support for a war where nobody dies. But this will not be a simple, quick, or easy war. Thousands of Americans will die.

We have spent 5½ months preparing for war. It is folly to suggest that 6 hours of discussion is our best effort at peace. We should talk for 6 days or 6 weeks or 6 months if we have to—before we ask any American to die in the gulf. Why are we so eager to go to war?

I urge my colleagues to calm the rhetoric, slow the headlong rush to battle, give the sanctions time to work, pursue all diplomatic efforts, and talk this thing through fully and rationally before we undertake such grave action. Let it be said that America brought to this crisis not simply the will to do battle, but the way to achieve peace.

ENERGY SECURITY POLICY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I take this time to advise the membership that in December the U.S. Alternative Fuels Council, of which I am a member, passed a resolution calling upon the President and the Congress and the private sector to proceed forthwith to establish an energy security policy which displaces U.S. dependence on foreign oil.

At present we use in the United States about 1.1 million barrels per day of transportation fuels derived from the Persian Gulf region.

For the record, we have an option to war inasmuch as we have the resources. We have the technology and the capability to produce enough methanol, ethanol and compressed natural gas to displace United States dependence on Persian Gulf oil.

We have that choice, America, and we should take it.

The resolution referred to is as follows:

Resolved, That the President, the Congress, and the private sector proceed forthwith to establish a national energy security policy for the commercialization of alternative fuels;

Be it further resolved, That the federal government should promptly take steps to assist the marketplace and remove impediments to the widespread commercialization of alternative motor vehicle fuels. Legislation and administrative action should carefully evaluate costs and benefits of alternative fuels, measures such as fuel economy incentives, tax incentives, research and demonstration, accelerated fleet purchases, cooperation with states and localities, and other steps. The program should make progress from year to year with a goal that, by the year 2005, alternative fuels will be used for at least 25 percent of all motor vehicle miles traveled. These alternative fuels should be derived from resources other than petroleum, and the steps taken to promote alternative fuels should be consistent with our environmental laws. The term "alternative fuels" in this resolution includes electricity, natural gas, methanol, ethanol, LPG, hydrogen, and non-petroleum components of reformulated gasoline and diesel.

THERE OUGHT TO BE NO LINKAGE WHATSOEVER IN THE PERSIAN GULF

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Mr. Speaker, I fervently hope, and I know my colleagues do, that the door to diplomacy and for a peaceful solution to this crisis has not been shut. We still have a week to go before January 15, and I would hope that the diplomatic channels will still be open. I think, however, that the French are really barking up the wrong trail when they say, "Let's give Saddam Hussein a face-saver, let's link the Palestinian question," they say, "to this whole question of Kuwait."

Let us make one thing very clear: Saddam Hussein did not invade Kuwait to help the Palestinians. He invaded Kuwait because he is a ruthless, evil dictator and aggressor.

There ought to be no linkage whatsoever. I am glad that the U.S. Congress is finally getting involved because constitutionally it is our responsibility to the American people.

Let us also remember, though, that Kuwait and getting Saddam out of Kuwait, while very, very important, is not the end-all and the be-all. Saddam Hussein has chemical weapons, he has biological weapons and nuclear capability. It is very, very important that we not allow him to sit intact with that so that he can wage aggression a year from now, 2 years from now, and threaten our friends in that area of the world, Egypt, Israel and Saudi Arabia.

I think we ought not to minimize the threat of Saddam Hussein.

LET US PRODUCE OUR DOMESTIC FOSSIL FUELS

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, as we begin this historic debate, it has been mentioned that we have other alternatives, with ethanol and methanol.

Let me remind my colleagues America has another alternative, and that is production of our domestic fossil fuels. Alaska's area, 74 miles away from the existing pipeline, that gives us 25 percent of our domestic production, there is 34 billion barrels of oil.

There are Members in this body who oppose opening into that area, small as it is, saying that we do not need the oil.

I am saying to my colleagues and to America it is time that we put a realistic approach to the developing of our domestic fossil fuels. Alaska wishes to have it developed, it should be developed, and I am going to suggest to my colleagues to support my legislation to have this occur.

Let us not keep our domestic oil in the ground, in the meantime talking about going over to the Mideast to solve problems in the Mideast for oil.

Let us do what is right in this body, let us support legislation to open up a small area of Alaska for development of our domestic oil.

WE SHOULD USE FORCE ONLY IF SANCTIONS AND EMBARGO DO NOT WORK

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, in the next few days we will be discussing a topic that has interest throughout my district—just recently having come from it—and I am sure throughout the United States. That topic basically is should we use force in the Middle East to remove the butcher, the madman butcher of Baghdad and his troops from Kuwait?

I have come to the conclusion that we should use force only if sanctions and the embargo do not work.

As I returned today to my office, I find that there is a resolution which has been introduced by the gentleman from New York [Mr. SOLARZ], that provides upon a finding by the President that force is necessary, that sanctions are not working, that the President should be authorized to use that force. I wish the people of my district, the Members of this body to know that I support the Solarz resolution. I think it is the only way to answer that madman butcher of Baghdad, that he needs to get his troops out of Kuwait.

□ 1230

WE CANNOT HAVE 535 COMMANDERS IN CHIEF

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the President of the United States has asked this Congress to endorse the United Nations resolution authorizing the use of force, if necessary, in the Persian Gulf. We should do so by an overwhelming, bipartisan endorsement.

Mr. Speaker, the United Nations is a disparate group of nations, all with their own interests, but they have, almost to a nation, endorsed a resolution calling for that use of force should Saddam Hussein not remove himself from Kuwait.

We cannot, Mr. Speaker, have 535 Commanders in Chief; we cannot have 535 Secretaries of Defense; we cannot have 535 Secretaries of State. We only have one President at a time. It is important that we give the President that kind of support that enables us to work with the other nations that have themselves gotten together to endorse their resolution to support a resolution to prevent the kind of aggression that has occurred in Kuwait.

DO WE STAND UP NOW, OR DO WE STAND UP LATER?

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, it was October 22, 1937, that Neville Chamberlain took the floor of the House of Commons after Hitler had marched into the Rheinland, and he said, "Ladies and gentlemen of the House of Commons, let's give sanctions a chance," and indeed we chose to give sanctions a chance, and Hitler went on in 1938 into Austria, and then into Czechoslovakia. He came back, and Hitler said, "That's enough. That's all the further I'm going, and we have declared peace in our time," and he held up the paper as he landed there in London and said, "I have the Fuehrer's signature."

They asked Mr. Churchill of what he thought of this decision not to take action against a dictator when he had invaded a neighbor, and he said, "Mr. Neville Chamberlain has chosen between war and shame and selected both." Indeed we saw eventually they paid a price.

The question is: Do we stand up now, or do we stand up later? Very simply the question is: Do we stand on our principles, or do we hope that somehow or another sanctions; listen to this, my colleagues; if sanctions worked as well as they are working right now, which we know they will not, and they continued for 2 solid years, the standard of living in Iraq would still be per capita twice as high as it is in Egypt at this moment. Now do my colleagues think for one solid second they are not going to surrender because their standard of living is only twice as high as Egypt? My colleagues and I know that is not the case.

The question is: Do we stand up now, or do we stand up later?

THREE AMERICANS MURDERED IN EL SALVADOR

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, we are going to be debating over the next couple of days the most egregious and most serious matter perhaps this Congress, or any Congress, has faced in a number of years. But I want to talk for a moment not about the Middle East, but about something else that is critical to our national security interest that has occurred to the south of here within the last few days.

Mr. Speaker, we lost three of our military personnel in El Salvador by brutal murder by the FMLN, the guerrilla leftist organization. There has been on the floor of this House over the last couple of years considerable debate about whether we ought to fully fund the support we have given in the past to the Salvadoran Government and to their military operations against the guerrillas and the leftists. It seems to me that once this has occurred like it has down there in the last few days, where the leftists have shown their true colors once more, when they have murdered three Americans innocently after a helicopter was shot down, and somebody went up and actually pulled the trigger on the heads of at least two of them, that there should be no doubt in the mind of the President of the United States and the Members of this body that we ought to go ahead and fully fund the support for the Salvadoran Government and its military in its efforts to subdue these leftist guerrillas and bring about full support for democracy in that war-torn country.

Mr. Speaker, it is an obligation we have, and I hope we let that go forward.

CONGRESS HAS THE AWESOME RESPONSIBILITY TO DECLARE WAR

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I was not intending to give a 1-minute speech because I do intend to speak on the varieties of resolutions, but I do think it is important to note that during World War II it was the Congress of the United States that officially declared war and voted on that, and that on January 3 we all took an oath of office to uphold the Constitution of the United States of America.

Mr. Speaker, if we want to shirk our responsibilities as Members of Congress, then what we can elect to do is to say that the President can do whatever he wants in that area of the world with respect to force. Or we can take a different position that says, if we intend to do that, he has to come to Congress, and we have that awesome responsibility, which is a matter of fact.

If we do not approve of the Constitution giving Congress the precise responsibility to do that, then I would suggest to my colleagues that they offer constitutional amendments and so on to change the Constitution.

Personally I think the Constitution, which has been part of our country for more than 200 years, has worked pretty well.

The President is the Commander in Chief. The Congress has the awesome responsibility to declare war.

REPORT FROM SAUDI ARABIA

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I just returned from the Middle East and visited in Saudi Arabia along with congressional delegation GRAY and SOLOMON, and I just want to report back to my colleagues and to the American people as to what I saw in Saudi Arabia.

Our men and women in the armed services have performed nothing less than a logistical miracle and perhaps the most incredible military buildup in all of history. In 157 days we have put more men, women, equipment, and materiel into that area than went out in all of World War II and the Vietnam War. These men and women are courageous; they are well trained; they are educated; they do understand why they are there; they do understand the issues, and I would hope that in the debate today, as we bring out different sides of these different resolutions, we do nothing that would embolden at all our enemy—that is, Saddam Hussein—and endanger our service men and women serving in that part of the world.

ANNUNZIO CONDEMNS HUMAN RIGHTS ABUSES IN KUWAIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in condemning the abuse of human rights in Kuwait.

While Congress and the American people are preoccupied with Iraq's conquest of Kuwait, we must not overlook the hundreds of innocent victims who have suffered since the Iraqi invasion began last August.

I have seen documented reports from agencies such as Amnesty International that have cited the widespread use of arbitrary arrests, torture, and execution of Kuwaiti citizens by Iraqi forces.

I have asked the Department of State to address my concerns, and have also asked them to look into reports that slavery and similar abuses existed in Kuwait before the invasion.

THE PERSIAN GULF CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 60 minutes.

Mr. PEASE. Mr. Speaker, I rise today to continue my own discussion about the Persian Gulf situation. We will be making apparently on Saturday in this House a very momentous decision. We will be voting on three resolutions relating to the Persian Gulf. I do not know of any vote in the last 14 years that I have been in Congress which has been as important as this one will be.

Each of us will have to cast a vote knowing full well that the future peace of much of the world, the lives of many American young men and women may well weigh in the balance. Each of us will make a decision, I hope based on the best judgment that we can muster, using our minds and using our hearts. This will be, if any issue has been a moral question in the last 14 years that I have been here, this will be a moral issue, and I would hope that as we debate, maybe beginning today, certainly tomorrow and Saturday, that no one will question the motives of any Member who stands on the floor today, or tomorrow, or Saturday and speaks on the question of the Persian Gulf, no matter what that person's position might be, whether it might be favoring giving the President the authority to use force or not favoring that, and certainly I hope especially that no one will assert, as some people have reading today's newspaper, partisan motives to any Member who stands on the floor and votes and argues on one side of the issue or another.

Truly we are representatives. We took, a week ago today, an oath of office to uphold the Constitution and to try to represent our constituents the very best way that we can. I think that we must take that responsibility very seriously.

I was very interested to see a Washington Post poll reported in Tuesday's edition of the Washington Post. It asked a question: Would the respondents to the poll be in favor of going to war with Iraq next Tuesday or sometime thereafter if Iraq has not withdrawn from the Persian Gulf by that time. Mr. Speaker, 63 percent of the respondents said yes, they would favor going to war; 32 percent, no.

I think it is polls like that which reassure President Bush that a majority of American citizens support his position. I find that hard to believe based on my own district, because certainly the mail that I have received, the phone calls that I have gotten, the comments I have gotten as I go around my district would not indicate that at all.

But perhaps the clue comes from additional questions asked on the same poll. As I said, 63 percent said they favored going to war with Iraq by next Tuesday if Iraq does not withdraw from Kuwait. But the second question was: assume for a moment that 1,000 American troops would be killed if we go to war with Iraq. Under those circumstances, would you favor going to war with Iraq if it does not get out of Kuwait by Tuesday. On that question, Mr. Speaker, the response was 44 percent in favor; 53 percent opposed.

Then a third question was asked, and that was: assume for a moment that 10,000 American troops would lose their lives in the Persian Gulf if we were to go to war with Iraq. Under those circumstances, would you favor our initiating a war against Iraq. The answer to that was 35 percent in favor; 61 percent opposed. The numbers are almost turned entirely around. This would probably be the first war in the history of mankind that was conducted without any casualties. But clearly when people are asked do they support military action against Iraq, and they are not faced with the consequences of doing so, they are inclined to, for patriotic reasons, because Saddam Hussein is truly an evil person, because of support for the President and all of the rest, they are inclined to support the notion. But if you begin to ask them to consider the possible, indeed likely consequences, then their attitude changes entirely.

Mr. Speaker, I am not terribly surprised that the American people would have neglected to consider the fact that at least 1,000, more like 5,000, 10,000, 20,000, 30,000, 40,000 Americans will lose their lives in the Persian Gulf, because the average American citizen, while he is concerned about matters of war and peace, is also concerned about a lot of other things as urgent requirements of themselves on a daily basis to worry about. I think a lot of Americans are inclined to say, "I don't need to study this issue in great detail. I will turn it over and put my faith in my President and in my elected representatives."

But Mr. Speaker, if the average citizens of this country do not study in detail the likely consequences of war in Middle East, we in the Congress as elected officials have that responsibility. And if the average citizen has not thought in terms of a war leading to thousands of American troops killed, we have the responsibility to consider that.

So, Mr. Speaker, I think as we debate today, tomorrow and Saturday and vote on Saturday, I hope that we will bear in mind that there are real consequences which flow or would flow from the initiation of war in the Persian Gulf by the United States, and that those tens of thousands of body bags which the Pentagon has bought and is still buying would very likely have to be used in the Middle East.

Next, Mr. Speaker, it seems to me that whereas ordinary citizens have not thought through all of the consequences of war, it is also understandable that ordinary citizens would not be experts on the history of the Middle East. They would not know the centuries of resentment on the part of the Moslems and the Arabs in the Middle East toward Western, what they call imperial nations like Britain and France and the United States. The resentment of most of those people in the Middle East, 700 million to 900 million Moslems, the United States, and other Western nations earlier this century were concerned a lot more about their oil than they were about the people of that area.

□ 1250

So the average American citizen might well have neglected to consider what is likely to happen if war breaks out, if we initiate war against Iraq, about what the reaction will be of the Moslem and Arab peoples who live in that part of the world.

Mr. Speaker, I say again, while we cannot expect our constituents to be expert in the history of the Middle East and, indeed, I suppose we cannot expect ourselves to be genuine experts, we in Congress representing the interests of our constituents do have an obligation to think through the consequences of what we do, and we do have an obligation to have at least some cursory knowledge of the history of the Middle East and what that history is likely to produce in terms of consquences in the Middle East.

I say to my colleagues that we have successfully, or the President and the Secretary of State have successfully and brilliantly brought together a coalition of all of the nations of the world in condemnation of Iraq, but if we think that we can make war on Iraq and use all-out unrestricted force as the President and the Secretary of Defense tell us that they will do and thereby kill tens of thousands of Iraqis including civilians, if we think we can do that and not prompt a counterreaction from Moslems and Arabs in the Middle East, then we are crazy.

If we think that the leaders of Egypt and Saudi Arabia and Jordan can stand by us and other Western powers in the face of Islamic and Islamic Jihad, a holy war, against Western powers, in their view killing innocent Arabs and Moslems, then we are sadly mistaken and, again, I think that we have an obligation, a very strong obligation.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. PEASE. I am happy to yield to the gentleman from Florida.

Mr. GIBBONS. First of all, I wanted to commend the gentleman for the statement he is making. It is a very learned and an excellent discussion of the problems that we face.

I have here in my hand, and I was going to read it in just a moment, the proposed resolution that is being supported by the President.

It is a declaration of war. It is thinly disguised, but it is a declaration of war. I say that, because I sat here in this Chamber many, many years ago right back here, in August 1964 when the Gulf of Tonkin resolution was adopted. It was a declaration of war despite the fact that those who stood in the well and who supported it said it was not. They said specifically in the debate it was not a declaration of war, but all of us know, and history proved, that the Gulf of Tonkin resolution was used as a declaration of war and plunged this country in 8 or 9 years of really disastrous war in Vietnam.

Let me read, if I may, and it is very brief, what the President is asking for here: "The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to the United Nations Security Council Resolution No. 678–1990 in order to achieve and implement Security Council resolution," and then it goes on and does all of that.

If we give him that authority, that is a declaration of war, and that responsibility lies heavily upon each of us to do that. That is what we will be debating here in the next few days, and I commend the gentleman again for his very intelligent statement saying that that is an unwise policy. I shall vote against that resolution. I hope and trust all other Members, when they look at it and read the words of it and understand the significance of it, will vote against it.

Mr. PEASE. I thank the gentleman from Florida.

Mr. NEAL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. PEASE. I am happy to yield to the gentleman from North Carolina.

Mr. NEAL of North Carolina. Mr. Speaker, as I came onto the floor, and I also want to commend the gentleman, but as I came onto the floor today, the gentleman was discussing the question of whether or not the economic sanctions, or whether or not it was reasonable to think that the economic sanctions would work to achieve our goals. I did not get a chance to hear his full statement, but I believe he was trying to say he thought that they would.

On that subject, I want to say that I have given this a lot of thought. I think that, frankly, right at the heart of the argument that those people who are saying we have got to go to war now are making in essence, they are saying that the economic sanctions backed up by force if pursued for some period of time will not work, and in addition, I think they are saying that they essentially cannot work because the coalition that would enforce them will come apart, simply will not stay together.

I would like to say that I do not know. I do not know whether it will work. I know that our own country has enormous staying power. It is often questioned. It is often said that we do not have the patience to do anything, but the fact of the matter is that we stood firm against the Soviet Union for 45 years at great cost, at great economic cost and at great cost in terms of personal sacrifice. We stood firm against the Soviet Union for 45 years. We stood firm as a country against North Korea for 40 years. We still have troops in Korea.

We are still a major partner in the NATO alliance, and it has worked.

The fact of the matter is we do have the staying power, and I think the evidence is that it can work, and I also say that there is a lot of evidence that the sanctions are already working. As a matter of fact, Saddam, unlike Hitler in the 1930's, was appeased. Hitler stayed on the march into country after country, but Saddam has been stopped. He has been contained. He has not been able to go into Saudi Arabia. Yes; he is still in Kuwait, but he is not benefiting from that occupation of Kuwait and, in fact, he is there at great cost to himself.

So the fact of the matter is that the sanctions are working, working beautifully.

I would ask the question: What kind of evidence is there that the coalition would stay together if we go to war? If we go to war, we are going to have a situation where there will be Arab Moslems fighting Arab Moslems. I just ask the question: How long will that be sustained? I do not know the answer to that for sure. I do not think we have any evidence on that question for sure, but my guess is that that will not be sustained at all.

I, frankly, think that the evidence that we have, and we do not have all the evidence, and we cannot say for sure about either of these courses of action, but I would say that the evidence that we do have suggests that it is much more likely that economic sanctions backed by the threat of force as they must be to work, frankly, just like the NATO alliance was backed by the threat of force, like our involvement in Korea is backed by the threat of force, I think the evidence, the historical evidence is that the economic sanctions are more likely to achieve our goal.

I need to point out again that we all share the same goals. Saddam Hussein must not be appeased. Saddam Hussein must not be allowed to benefit from his occupation of Kuwait. We share the same goals. There is no question in any of our minds, I do not think, that Saddam Hussein must leave Kuwait.

The question has to do with timing, and I suggest that it is more in our national interest to pursue the economic sanctions, and I will have more to say about this later, than it is the military option at this time.

I thank the distinguished gentleman for yielding.

□ 1300

Mr. PEASE. I appreciate the comments of the gentleman.

Let me say to the gentleman from North Carolina [Mr. NEAL], in his usual thoughtful way he has brought a very important question to the House floor today. There are those, amazingly, who say that the coalition that they have put together against Saddam Hussein might not last for a year, might gradually erode, if we just allow the sanctions to work, and do not take military action. Those same people apparently think that we can maintain that coalition, particularly the Arab members of that coalition, in the face of Moslems killing Moslems. If the coalition would deteriorate over the course of a year to economic sanctions, and it might, we just do not know, it is my view that the coalition would disappear within 30 days if we get into a shooting war where Moslems are being asked to kill other Moslems.

Let Members be clear about this. Those Members who do not want to go to war do not at all agree that Saddam Hussein ought to be able to benefit from the fruits of his aggression. What we are saying is economic sanctions are working. They can work, and at the very least, we need to give ample opportunity to see if they will work before we turn to aggressive action.

Mr. NEAL of North Carolina. Mr. Speaker, war should be the last course of action, not the first.

Mr. PEASE. Yes. The only other point I would make is it is very clear that President Bush has decided that sanctions have not worked, and that he will not pursue that course past next Monday night if Hussein does not get out of Kuwait.

So our only chance is for Members to pass a resolution here in the House, expressing the will of the people's House that we ought to allow the sanctions plenty of time to work.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding, and I commend the gentleman for his leadership, and thank him for yielding to me for this important question of whether or not to declare war on Iraq.

Let me state my position very clearly: If I felt that Saddam Hussein in Iraq or anyone else was a threat to the vital interests of my country, I would vote to take him out. That would go for any threat to the vital interests of the United States. I think one point needs to be made about those vital interests that seem to have been secured by our some 380,000 troops in the Middle East. That is in the interest of oil.

Make no mistake about it, the United States is implaced in sands on Saudi Arabia and posed to sacrifice the blood of our young men and women to protect the oil supply. That is the reason we are in Saudi Arabia. No other reason.

Now, as a student of our dependence on foreign oil for more than 15 years, I would suggest that whether or not the sanctions work, whether or not we go to war to take Hussein out, that the problem of dependence on foreign oil still remains. Back in 1973 when we had the first Arab oil boycott, we were about 38 percent dependent on foreign oil. Today—that is, last year—we are 52 percent dependent. The projections are, by the Department of Energy, that if we continue our current policy, that by the end of this year we will be 55 percent dependent. Somewhere, somehow, we in this Congress, the President, must address the real problem, which is U.S. dependence on foreign oil, especially that oil that is derived from regions which are politically unstable.

Now, if we take Hussein out, who is to say that there will not be a coup in Saudi Arabia to replace the monarchy there? It is not popularly elected. It is not popular. Who is to say that there will not be another dictator to come along, next year, in Saudi Arabia, and we have to do the same thing all over again? We must replace U.S. dependence on foreign oil.

Now, I would like to make one point, and I will not take any more of the gentleman's time. That is, we now consume as a nation, according to the Department of Energy, 1,100,000 barrels per day of transportation fuels derived from the Persian Gulf region. 1,100,000. That is to be distinguished from the some 17 million barrels of oil a day, a week, we can consume. We derived 1,100,000 barrels from the Persian Gulf region. We have the resources, we have the technology. We have the capability to displace dependence on 1,100,000 barrels of oil today from the Persian Gulf region if we choose to do so. That is to say, we do not have to be dependent on the Persian Gulf. We can displace it with methanol, with ethanol, with compressed natural gas. U.S. products, and that will enrich our own Nation and our economy, and not only will we not have to sacrifice the blood of our Nation, we do not have to sacrifice the economy of our Nation.

Between 1980 and 1990 this Nation paid over $1 trillion to import foreign oil. No wonder we have a trade deficit. It is absolute madness for this country to continue to go haplessly along its way without an energy security policy.

I want to thank the gentleman for yielding to me. I will have much more to say about this subject as time goes on during the debate on the question of war. The fact remains, we do not need to be dependent on Persian Gulf oil. If we had the political leadership and the resolve in our country to displace that dependence, it would be cheaper to our economy and we could bring our troops home from Saudi Arabia.

Mr. PEASE. Mr. Speaker, I thank the gentleman for his excellent contribution, and I would like to yield to the gentleman from Kentucky [Mr. MAZZOLI], and then to the gentleman from Virginia [Mr. WOLF].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Ohio [Mr. PEASE] for yielding, and let me first reflect just for a brief second on my opportunity to talk with the gentleman last autumn in the Speaker's lobby about another remarkable effort on the part of the gentleman from Ohio in seeking to untangle the tangled threads, at that point, of the budget and tax package.

I once again today tell the gentleman that I think that his work was exemplary last autumn, and I doubt very much we would have succeeded in getting an agreement then, were it not for the gentleman's original and seminal thinking on that issue. I find in the gentleman's statement today that same sort of originality and introspection, and careful insight to a very tangled situation.

We hear so much about this whole situation. I would, first of all, agree with the gentleman, and I think that there are many options that we should pursue before we go into the war option.

I would ask the gentleman if he might reflect for just a couple of seconds with me, if it seems that to buy into the plans that we give the President what some have called, I think with some aptness, a kind of blank check to pursue a war if we adopt that it almost seems to me it requires the deification of Kuwait and its Government and the demonization of Saddam Hussein and his government. It seems like the only way we can achieve this idea of going into Kuwait is by making Kuwait some sort of a remarkably democratic, absolutely pristine example of human rights activity, and in order to carry this thing further, we have to make Saddam Hussein into some kind of a modern-day Hitler who is just lusting after the opportunity of knocking over all the world's powers and controlling not just the Middle East.

Is it not the case that Kuwait is a feudal empire? If you are privileged to have been born into the royal family, then you are a prince?

□ 1310

If you have the misfortune of being born outside the royal family, you are a peasant. Is that not the case? Is not Kuwait something other than the sort of deified image of a purely democratic wonderfully operated government that we keep hearing about?

Mr. PEASE. Well, the gentleman I think knows the answer to the question. Certainly Kuwait is not a democracy. We are used in our country to fighting for democracy and for human rights. In that part of the country, Kuwait and Saudi Arabia both often show up on lists by human rights organizations of the worst offenders in the area of human rights. Certainly there is no democracy of any kind in either of those countries.

So it is a bit ironic that the President is preparing to spill the blood of thousands of American young people allegedly in defense of those two countries.

As the gentleman from Arkansas [Mr. ALEXANDER] said, we are really defending our oil interests over there. Certainly if we were pursuing energy conservation and had been pursuing it with alternative energy supplies, we would not need to do that.

Mr. MAZZOLI. I would say this finally and then I will let the gentleman proceed, because he has been very kind with his time here. That is with the demonization of Saddam Hussein and the Iraqi nation, is it not the case that while we might dispute how effective these sanctions have been, the reality is that the emplacement of the U.S. forces, which all of us in the House support, has in fact thwarted any effort that that man might have had or his country might have had to adventure or maraud around that area? Is it not the case that he has been absolutely stifled, if invasion had been his original plan, and there is some dispute about those intentions.

If I understand correctly, every analysis I have seen is that he is digging in for the long haul, not getting ready to leap across the border into Lebanon or Turkey or into Saudi Arabia.

Is the gentleman generally satisfied that basically that issue, along with the return of the American hostages and the continuation of the supply line of oil, that goal of stabilizing the Middle East and thwarting his ambitions, those goals have been attained?

Mr. PEASE. I think the gentleman is correct. Our original aim of protecting the Middle East from further aggression by Iraq has been successful.

I suspect the gentleman supported President Bush in August and September, and so did I, in rushing American troops to make sure there was no invasion of Saudi Arabia.

My misgivings began, and I suspect the gentleman's did also, in November when the President changed the character of our intervention from a defensive posture to an offensive posture.

Yes, we have accomplished our original goals there, and I think we ought to take that into account.

Mr. MAZZOLI. Well, let me just finally say that it is a pleasure to serve with the gentleman from Ohio in this Congress.

It does seem to me that where there is no clear evidence that sanctions will not work, we ought to give them a chance to work.

Mr. PEASE. I thank the gentleman.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Virginia.

Mr. WOLF. I had not planned on speaking. If the gentleman from Kentucky could stay for just a second and just share something.

Coming to work today, I listened to National Public Radio. They had a reporter from the Washington Post who was in downtown Baghdad. He said there was a run on the gasoline stations so that people could get gasoline to leave the city, but was asked the question by the interviewer, was there any hoarding in Baghdad, and he said absolutely not, the food is plentiful because the sanctions have not worked.

Second, there are a number of Soviet advisers who have elected not to leave Baghdad and to go back to Moscow because of the lack of food in Moscow and the plentiful food in Baghdad.

Last, this letter, which I guess was released today from William Webster, head of the CIA to Chairman ASPIN, he makes a number of points, if I may read it. He says:

> I observed that the sanctions were effective—

When he testified before—

> technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Husssein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

He goes on to say that disruptions in most sectors are not yet serious.

He says:

> The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period.

He then goes on to say:

> Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically.

He goes on to say:

> On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications.

And then he goes on to say, and I will just end with this last comment:

> Our judgment remains that, even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq.

Unless this country in a bipartisan way supports what President Bush is doing with regard to the sanctions, and when I listen everyone agrees that the ultimate goal is to have Saddam Hussein to leave Kuwait, so he is not rewarded for aggression, we all have read the Amnesty International Report and have seen the actual atrocities that he has committed there and then we have the letter from the CIA, who has been very balanced in this, saying again:

> Our judgment remains that, even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq.

Mr. Speaker, I will include the entire letter at this point.

The letter of January 10, 1991, above referred to, is as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.

Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq and on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 months; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to 12 months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Interlligence.

Mr. WOLF. Mr. Speaker, I would just say that sanctions are not working.

Mr. PEASE. Well, if I can reclaim my time, I would just mention to the gentleman that it depends a lot on which newspaper you read which day. I have an article from the New York Times just a couple days ago indicating that sanctions are working and are hurting a lot.

I think you have to read very carefully the letter from the CIA Director. What he is saying is the sanctions are unlikely to seriously affect the ground forces and perhaps artillery, but they will affect the armored capability and will definitely affect any air capability that Iraq might have.

Let us look at the other side of the coin as well, and that is the sanctions against exports from Iraq. Iraq is losing $70 million every day in revenues from the sale of oil. Its conquest of Kuwait does it no good at all if it cannot get the oil from Kuwait sent to other markets.

So I think the crux of the question is essentially, do you assume at this point that sanctions will not work and go to war, or do you try to take the time to find out whether they will, admitting that they might not, but to take the time to find out before you send American troops in to kill.

Mr. MAZZOLI. Mr. Speaker, if my friend will yield for just one second, in sort of adding a side bar to what the gentleman said, the irony of the whole thing here is that some of this leakage, and I think the gentleman from Virginia, my friend, is probably correct, there is a certain leakage in these sanctions. There is a certain ability for goods to travel back and forth.

The irony here is that some of the very same nations which are goading the United States to send its men and women to war and to death are the very nations that allow this leakage to occur. They are the ones benefitting from this leakage. They are the ones permitting these trucks to go back and forth, winking and looking the other way.

I mean, if we are going to send our people to what for some is a sure death, it seems to me we ought to have the absolute assurance of all those nations who would benefit far more greatly by having Saddam Hussein a piece of history or melted into a ball of glass in the middle of the desert, it certainly is incumbent upon them to do everything they can do to make sure that this sanction is fully in place.

Therefore, I have really sometimes some very negative feelings for some of these countries.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. PEASE. I will yield just briefly to the gentleman from Virginia.

Mr. WOLF. One, I agree that those countries should.

Second, I think Members on both sides of the aisle of every political persuasion believe that the best way to make the sanctions effective is to support the U.S. resolutions.

□ 1320

And the last comment I would say, in Mr. Webster's letter he says:

> During its 8-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties and repeated missile and air attacks on major cities without any serious public disturbances.

I thank the gentleman for recognizing me and taking this special order.

Mr. PEASE. I am happy to have the contribution of the gentleman from Virginia.

I think it would be a mistake if we made any reference at all to the 8-year war between Iran and Iraq and did not mention the willingness and ability of Iraq to sustain tens and hundreds of thousands of casualties.

If we were facing an opponent who would recognize that he was beat when he was beat, I would feel a lot better. But what I am afraid of is that we will attack Iraq with massive airpower, win control of the air and then be faced with going into a land war, assuming that Iraq would quit. My guess is that Iraq will not quit. If it loses 15,000 people a day, it will do so. The question is if they lose 15,000 a day and we lose 3,000 a day, how long is America willing to sacrifice 3,000 American lives? Life is a lot more precious to us than it is, apparently, to Saddam Hussein.

Mr. Speaker, I yield to the gentleman from New York.

Mr. DOWNEY. I thank the gentleman for yielding.

Mr. Speaker, I would like to comment on the gentleman's point. I just caught the tail end of it.

It seems to me it is an interesting point about how Iraq was sustained during this 8-year period of fighting with Iran. The fact is that they got enormous help from the Soviet Union, enormous help from the West, indeed some intelligence was offered to the Iraqis as to where potential Iranian attacks would come. So the suggestion on the one hand that the Iraqis withstood an 8-year war without buckling ignores the reality that they were being infused with help during this period of time in terms of materiel and all sorts of additional support, which of course, they lack completely today.

Mr. PEASE. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from West Virginia.

Mr. WISE. I thank the gentleman very much for yielding and for taking this special order.

As a preface to my remarks and as a preface to the debate today and tomorrow and Saturday, I think it is essential to point out that Saddam Hussein should take no comfort from this debate, because the debate is not whether or not to take the pressure off Saddam Hussein and Iraq, the debate is what kind of pressure to continue exerting and when to exert it, whether to use economic force, continue economic force and continue sanctions as the President initially proposed and put into motion or whether to resort immediately to military force.

There are those of us who argue that sanctions and diplomatic initiatives should be given more of an opportunity, recognizing that behind it all is a military option and an increasingly overwhelming military force.

Saddam Hussein should not take heart from this debate. It is simply a question of how the screws continue to get tightened and when the ultimate weapon, that is, military force, is used.

I think it is important to point out that Saddam Hussein does not benefit from his aggression into Kuwait. For instance, Saudi Arabia, which presumably he initially sought to at least intimidate and to take over at the most, Saudi Arabia is now totally safe. Everyone acknowledges that.

The concern is whether or not our oil supplies would be cut off to the West, to Japan, to the United States and thus his stranglehold on our economy. It should be pointed out today there is more oil being pumped in the free world than there was before the Kuwaiti invasion. It is because Saudi Arabia had doubled its capacity, Venezuela and other nations have increased their capacity. So indeed the Nation has more oil being pumped than it did just a few months ago; that is, the world has more oil being pumped.

Finally, Saddam Hussein has to face something now that he did not have to face on August 2, and that is an international coalition with hundreds of thousands of troops of various nations, in the desert, an array of forces, United Nations forces and nations arrayed against him, world opprobrium, which ultimately you have to contend with.

So I do not see where Saddam Hussein has benefitted from his aggression. Indeed, he is only going to suffer further. He is selling no oil, virtually no oil anywhere in the world. Yet so much of their economy, 80 percent of their foreign exchange depends on oil sales. So where does Saddam Hussein benefit?

I have heard the argument that by delay, by continuing to let sanctions take their course, the Iraqi military benefits. Yes, I understand the argument that more and more could be moved to Kuwait and you could dig in and hunker down in Kuwait longer and dig deeper trenches and bunkers and so on.

But that belies the argument that that is not where you are going to strike. At least I hope that is not where we are going to strike, because I have never known one army to thinkingly and knowingly run into the strong points, the strong suite of the other side. You seek to go around, you seek to divert yourself, you seek to go to where they are weakest. It would be my hope, in the first air strikes that are done, that it is not Kuwait that is attacked, but Baghdad and Basra and Iraq and the Republican guard in Iraq and the strategic strongholds of Iraq. You do not go and stomp on somebody's foot if you have to take off their head. That is exactly what is at issue here.

So Saddam Hussein, I encourage him to move another 100,000 troops, if that is what he wants to do, to Kuwait, because that leaves the heart of what we are all about even less defended than it is today.

Finally, I would like to bring up the point of what it is costing this country. This country is going to spend $30 billion without the first shot being fired, fire shots and engage in hostile action, because then it is more.

My concern is about the new world order. It is about seeing that the new world order is going to be like the old world order. It sounds a lot to me like it is going to be something like the old world order, which is that Uncle Sam pays the price, takes the sacrifice, suffers the casualties, and gets very little for it. We have our allied nations, for instance, Japan draws 70 percent of their oil from the Mideast, Germany and the European nations, 50 percent, in that category, and with the United States far less. Yet in the Budget Committee hearings just last week, we learned that of the over $6 billion that has been pledged in direct cash contributions by our allied nations to Operations Desert Shield, that $4.3 billion, only, has been collected. $6 billion was not enough, but $4.3 billion is even worse.

But I think more significantly, or the $13 billion that was pledged by the allied nations to assist the front-line states—that is, Turkey and the other nations that have to bear the border disputes most vividly—up to $13 billion has been pledged by allied nations to the front-line states and we cannot get any indication actually how much has been paid. We do not know, because the State Department and Defense Department would not release those figures, if indeed they do know.

So out of the total 20 billion dollars' worth of pledges, we know that $4.3 billion has been paid in and we do not know how much else in refugee relief or whatever has been forthcoming.

So my concern is that what you are going to get out of this is that after the United States pays the ultimate price and after we take the casualties and after we pay the $30 billion—which, incidentally, is added to our deficit; it is not in the budget at all, it is additional deficit dollars—we are going to borrow money from our trading partners to fight the war that gets them their oil and then we are going to get the privilege of paying them, with interest, for fighting their war.

So before we engage in that enterprise, I think the economic sanctions ought to be given every opportunity. This is not a debate, I have to reiterate, this is not a debate over eliminating the military option. President Bush has succeeded, I think, beyond anyone's expectations when he announced the international coalition and assembled it. We supported that.

When he announced economic sanctions in August and September and October, we supported that. When he announced even the buildup on November 8 there were some questions, but basically that gave him an increased military option to use as a bargaining chip, and that was supported.

Did anyone think seriously in September and October, when sanctions were imposed, economic sanctions, that this was a process that would be over by December? Just as you cannot conceive of a 5-day war in serious terms, you cannot have 2 months of sanctions and expect them to work.

This is a long-term process. If there is a new world order, the new world has to have some resiliency and has to be able to endure.

So I think it is important to note this is not a debate over eliminating the military option, it is a debate as to when that option would be used.

So in that case exercising diplomacy and negotiations with the military backup is the wisest course.

I thank the gentleman for his time.

Mr. PEASE. I am very grateful to the gentleman from West Virginia for his very excellent comments.

Let me just conclude, Mr. Speaker, by saying that we will have an opportunity on Saturday to vote on three resolutions: One will be the Bennett-Durbin resolution, trying to make it clear that the Constitution means what it says, and that is that Congress and only Congress can declare war. I urge my colleagues to support that resolution. One will be the Gephardt-Hamilton resolution to make it clear that Congress wants to have economic sanctions given the opportunity to work before we contemplate using force.

I hope my colleagues will support that also.

Third will be the Solarz-Michel amendment or resolution.

Solarz-Michel-Bush resolution, I should say, to give the President the power as of 12:01 a.m. next Tuesday morning to commit U.S. forces as he sees fit by himself to action in the Persian Gulf.

□ 1330

Mr. Speaker, I hope my colleagues will oppose that resolution.

THIS DEBATE WILL STRENGTHEN US

The SPEAKER pro tempore (Mr. DELLUMS). Under a previous order of the House, the gentlewoman from California [Mrs. BOXER] is recognized for 60 minutes.

Mrs. BOXER. Mr. Speaker, I was in this well, the same spot, about a week ago calling for the debate on the Persian Gulf crisis to come to this Congress so that we can take this issue to the American people, as is our duty and our obligation. I am very, very pleased that the leadership of this House has decided to bring the debate on the Persian Gulf right here, where it needs to be heard.

Mr. Speaker, there are those who say it is almost unpatriotic to debate this issue openly in the American tradition. They say it will undermine the administration. They say it is wrong. I say it is wrong not to debate this crisis, this potential war. I say it is wrong, indeed callous, to allow one person to take this Nation into war.

As my colleague, the gentleman from California [Mr. DELLUMS] has said, the Constitution made it inconvenient, made it inconvenient, for one person to take this Nation to war. There are 435 Members of this House. There are 100 in the Senate. We get elected by the people. Our constituents are serving in the Persian Gulf. We need to debate this issue.

Mr. Speaker, we need to show the world that we are indeed the strongest democracy, that debate only strengthens us. They do not debate this issue in Iraq. Saddam Hussein rules by fear, by bullets. We rule by law. This is a democracy.

In addition, when we swear to uphold this Constitution, it includes article I, section 8. Article I, section 8, says it is Congress and only Congress that can declare war, not the United Nations. I say,

> That's fine. They can have their views. They can applaud and say, "America, take your treasure in the form of your money, take your treasure in the form of your young people and defend the world." That's fine, but it is up to this Congress to play a role, an equal role, with the executive branch.

So, the time to run and hide is over, and I am very pleased. The time to be counted is here. The time to stand up for what we believe in is here. The time to put our vote on the line is here. And we will do it despite the fact that there are those who say it is unpatriotic, and I challenge them to a debate on that issue.

Mr. Speaker, my constituents sent me here to vote those tough votes, and what could be tougher than voting to send kids to die? There can be nothing tougher, and we are going to do that. The debate has begun, and I am pleased.

I came back from the Persian Gulf where I was honored to be part of a 26-member bipartisan delegation, Democrats, Republicans. It was a leadership trip, and some of my colleagues who were on that trip are going to participate in this special order this afternoon. And I want to talk about what I learned, what is in my heart, and what is on my mind.

Mr. Speaker, in 3 days we went to three countries. We went to Egypt, we went to Saudi Arabia, we went to Israel. We met with heads of state, we met with the young people whose lives are on the line, and we talked to them. We saw the most awesome display of military hardware that anyone can imagine. We saw that on a dock on the Persian Gulf in eastern Saudi Arabia.

Mr. Speaker, we thought that if Saddam Hussein could see this, he would never subject his people to this kind of firepower.

I tried to get a lot of answers to questions that have so far gone unanswered, questions I asked the President in a letter in November. I still have not gotten an answer. I guess either he does not have them or he does not feel it is a priority.

One of the questions: What will the casualties be? Civilian? Military? I got some answers from the Israeli intelligence people who, putting together what they thought could happen in the very-best-case scenario, a 2-week war where everything goes, quote, unquote, right, that we would have about 15,000 American casualties, about 3 or 4,000 dead, the rest wounded. That is in the best-case scenario. And who knows how many Iraqi citizens killed?

But if my colleagues ever saw the amount of firepower that is arrayed there, they would have to be thinking 25,000, 50,000, even if we have the smartest, most targeted bombs.

So, the first thing I realized is the awesome power that is at the ready. Generals there told us that it would take a year and a half after a war to bring that equipment home, just to bring that equipment home.

Mr. Speaker, let me tell my colleagues what else I learned. Our young people are ready for whatever is going to come. They want to come home. They do not want to die.

In addition, the young women there are serving under very difficult circumstances. They are not treated the same way the men in the military are treated.

Let me say that I will not forget a woman from Oakland, CA, who came up to me and said, "I'm so glad to see a female Member of Congress here," and there were three of us female Congresswomen in the party, in the bipartisan delegation, and the women gravitated toward us. They are working very hard, and they are explaining to us how it feels to have to go into the back door to use the gymnasium because the Saudis do not want them to come in the front door. They have to fight to get to have the use of the gymnasium, and then, once they are in there, being subjected to literature trying to convert them. It is tough for them to take.

□ 1340

In the rules our service people are told that women are not allowed to drive in Saudi Arabia. If they are in their military vehicle and in their military uniform, it is OK. However, I was informed that if they do that and they attempt to drive into town in their military car and in their uniforms, they are run off the road by the Saudis.

So this woman from California, who was about 26, came up to me. She said she is married and she wants to go home. She said,

> I am here to do my duty, but I don't want to die for the King of Saudi Arabia, I don't want to die for oil, and I don't want to put the Emir back on the throne. Do what you can to settle this another way. Exhaust all other options.

Those are her words.

So many of our people are confused about their mission, but they are ready to do what they were sent to do, there is no question about that.

There are two more points I want to make, and then I am going to yield to my colleague, the gentleman from New York [Mr. DOWNEY]. This Operation Desert Shield is called a multinational operation. Our President has stated over and over that it is not America versus Saddam Hussein. Well, I have to say to my friends, that from my experience, from my first-hand knowledge, it is America versus Iraq.

Other people have put their names on a U.N. resolution. They have given a few token dollars and sent a few token troops. Even the Egyptians and the Syrians, who are so much in favor of this operation, have clearly stated they would not take their troops on the ground into Iraq to fight. They will not do that. We will be fortunate, in my opinion, if they even go in to liberate Kuwait. They will be there to defend Saudi Arabia, and very likely they will go into Kuwait, but certainly not into Iraq if it should come to that. And I am going to allow my colleague, the gentleman from California [Mr. MILLER], to tell in a very graphic way how we know this.

But we do know this. This is America's war, this is America's kids, and if this is the new world order, then I am sorry, I do not like it one bit for our people.

PAT SCHROEDER has said that "We cannot be the 911 for the world," and I am saying from my experience on the Budget Committee and from being in this body for 9 years, that if this is the new world order, too many of our young kids are going to die all over the world and we are going to pay a disproportionate share of the burden, and here at home we will not be able to do anything for our people after 40 years of the cold war and after having spent so much to get the world on its feet. And the world is on its feet. The Japanese and the Europeans are on their feet. It is their time to share the burden. And this operation is Operation America Desert Shield, no matter what the words are. That is what it is in reality, and I do not like that one bit. It is not fair, and it does not bode well for the future. Where does it stop?

This is the last point I want to make. I asked the President in my letter, which he has not answered, what the impact would be for Americans in terms of terrorism moving into our society and into our lives. I could not get an answer, but I got an answer from every head of state we met with, from Egypt to Israel, and they do not often agree on a lot of things. But they agree on this. America will be the target of terrorism. Whether it is in Europe or in this country, we will be the target of terrorism.

Now we know that the heads of state in the Middle East do not take that so seriously. It is their way of life. They have a very incredible way of life over there.

I will never forget this occurrence: When we flew from Saudi Arabia to get to Israel, we could not go directly from Saudi Arabia to Israel because Saudi Arabia does not recognize Israel. That is the way they view life. They do not care that Israel has been there all these years. They do not recognize Israel, the hatred is so great. We had to go all the way around the circle to Egypt, back into Egypt, check into Egypt and then fly. How ridiculous. Is that the way of thinking we are getting into now? Is this what we are buying into, wars for years and years and terrorism for years and years?

No, thank you. There has got to be a better way to resolve problems, and there are better ways.

We have stopped Saddam Hussein with a defensive force at the Saudi line. He has been stopped. Now there ought to be a multinational peacekeeping force to bring stability to the region and let the sanctions work. That is a policy that says to me, "This is a new world order," that says to me, "This is getting beyond war." It does not say, "Yes, we will allow people to be aggressive and become aggressors on other nations." But it talks about peacekeeping, and it talks about defense. It does not talk about the vast arsenal of weapons we have arrayed there and what could come about.

So in conclusion, I am glad I made this trip. I looked into the eyes of the kids who are going to have to pay the price for the failure of diplomacy, for the failure of adults to reason, for the failure of our not being able to see the opportunity for a new world order and a new way to approach problems.

If we keep reaching back to the old ways, it is gloom and doom for our society. It is not clear to our kids. They will be here now, they will be somewhere else later, and they will be dying for the world, and everyone will say, "Go, America; go and do it for us."

I say that we cannot afford it. It is not fair, and it will not work. It is time for a new kind of leadership.

Mr. Speaker, at this time I am going to yield to my friend and colleague who was on this trip, the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I thank the gentlewoman for yielding. I just want to associate myself with her very fine remarks.

I think one of the very interesting aspects of this that people do not like to talk about is that when we went to visit in the desert one of the first air tactical wings from Langley Air Force Base, we met the F-15 pilots and we had a chance to visit with the pilots, with the tech officers, and with support personnel, and we had a very interesting meeting. We had a chance to meet most of the members of the wing.

When we left to come back, we found out that one of the pilots had crashed and died. The first thing I thought about was, "Gee, I hope it wasn't Biff Mott or one of the other pilots I met. I hope it was somebody else." And then I reflected on that first emotion, and I thought, "It doesn't have to be, nor should it be anybody."

Bringing that emotion to the fore is always met with a certain level of derision. People say,

> This is a hopelessly emotional argument you are making here about people dying. Of course people are going to die. That is the nature of warfare.

One of the points that the gentlewoman made that I think is most profound is this idea of the new world order. If we have learned anything in the last several years, certainly in the last several months, it is that things change quickly. We are told that Saddam Hussein has an iron grip on Iraq. I might add that I remember listening to people who told me that the Shah of Iran had an iron grip on Iran and nothing would ever change. Things changed, and changed quickly.

Iraq, as the gentlewoman knows, has not been able to export any oil. It has earned no currency. Ninety percent of its imports, on which it is enormously dependent for material and spare parts and food, have been cut off.

□ 1350

No one has suggested for a moment that the sanctions are not working. The only thing people say about the sanctions is they will take a long time. Yes, they will take a long time. We will have to be patient.

It was the President who counseled patience when the sanctions were initially imposed. It was the Secretary of State and the Secretary of Defense who said we are going to have to be patient, it is going to take a while. We were patient and there was unanimous belief in this country that the policy of sanctions would not make sense, and that it would take time.

Mr. MILLER of California. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from California.

Mr. MILLER of California. On that point I think it is important to point out, because back in August when the President took the action which I think most of us supported to stop Saddam Hussein from rolling through other countries in the Middle East, and he did, as was pointed out, counsel patience, talked about the sanctions, talked about the need to have this international cooperation and sanctions and embargo, and now we find as they move to the offensive, to the war footing, that they are constantly telling Members of the Senate and House committees that no one can guarantee that the sanctions will work. I do not think that the President offered us a guarantee, nor did we seek one. We thought that this was the best way to approach it, to see whether or not we could go to a peaceful resolution. It was the President who suggested we would have to be there perhaps a year and asked for the American people to gear up for that effort.

But now we are told we have to guarantee that. I think every Member here recognizes that there is some possibility that we may end up in a shooting war. We may not endorse that. We may not vote for that. But nobody asked President Bush or Secretary Baker or the international coalition or the United Nations for a guarantee. And by the same token, if we do not let them run the proper time, they will not work. We know that is true also. If we cut the sanctions off on January 15, of course they will not have worked.

So I think that we ought to make sure that the public understands that the administration keeps raising the threshold as they try to work their way to war. They keep trying to close down the debate by raising the threshold of what the performance level would be. And the gentleman is quite correct, the President offered and counseled us to be patient, recognizing how tough it is, even though those are the most comprehensive sanctions and the most comprehensive embargo we have had on any country in modern times.

People like to tell us that the sanctions will not work because they did not work against Cuba. We were the only country embargoing Cuba. The Canadians, the Mexicans, the Peruvians, the Brazilians, the Europeans, the Dutch were all trading with them. Nobody is supposed to be trading with Iraq at this point.

I thank the gentlewoman for yielding.

Mr. GEJDENSON. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I am happy to yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I think it is important that the gentleman from California pointed out that all of these Western countries are trading. Certainly the Germans and the French may have played the most important roles in letting Saddam Hussein get chemical, biological, and maybe other nuclear capabilities here. But the United States of America was subsidizing Saddam Hussein. Within 10 days before the invasion, in late July, prior to the August 2 invasion, the gentlewoman and, I think, my two colleagues were with me on the floor when we tried to cut off American subsidies to Iraq. At that time, we were trying to tell the administration that this man had murdered thousands of Kurds, had used the most brutal tactics, chemical weapons, biological weapons, and here we were subsidizing him. And indeed now the whole world primarily is supporting the sanctions.

Let me just say one more thing, and then I will yield back to the gentlewoman from California. I am the chairman of the International Economic Policy and Trade Subcommittee of the Foreign Affairs Committee. We have sanctions within our jurisdiction. I have been a member of that committee for about 10 years now. I have never ever heard a witness from the administration or the private sector argue that a 6-month embargo, which excludes foodstuffs and medicine, will bring a government down. I do not recall anyone in the administration when they came to us and we supported the sanctions they took both individually, as a nation, and then through the United Nations, I do not remember them saying that in 6 quick months we would have a resolution to the problem. And worst of all, if we choose the military recourse today, we will guarantee that sanctions do not succeed, and that means that in other areas where we cannot marshal 400,000 Americans and tens of thousands of others, they will not be able to do anything. We are not going to get this kind of force together to try to get Lebanon back as a country. We are not going to be able to duplicate this set of circumstances that brought American military presence and support from the rest of the world for military action at some point in other hot spots of the world.

But if we are successful with this new relationship with the Soviet Union, and this new attempt at international cooperation to deal with outlaws, is not a little patience worth the lives of our sons and daughters who are now in this battlefield?

America has achieved many of its goals, as the gentleman from Indiana [Mr. HAMILTON] pointed out in the caucus. The hostages are home. There is stability in the gulf, and if we put even the 500 sons and daughters that the gentleman from Wisconsin [Mr. ASPIN] estimates as the casualties, and I hope that it would not be even that, but would we save those 500 young men and women if we waited another month, or 2 months, and is it not worth trying that?

Give the President the authority to go to war, but not today. If we need to do that, we can make that assessment another day, and maybe that day comes. As Mr. MILLER points out, there is certainly no reason to take that action here today or this weekend.

Mrs. BOXER. Mr. Speaker, I yield again to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I would like to deal with the gentlewoman for a minute on this point, if the other gentleman will remain, and I see some of my other colleagues here, on the arguments that the administration makes. Maybe we are wrong. Maybe Mr. ASPIN, maybe the President is right. Maybe this January 15 Saddam Hussein understands nothing but force, and we go in, the aerial bombing works, everybody leaves. There is chaos, there is overthrow of Saddam Hussein. It seems to me that the more I analyze the people who are saying force is the only thing Saddam Hussein understands, there is a catch there, and the catch is, and they all believe almost to a person that the cost of warfare will be light, that war will be relatively short, but the casualties would be relatively small. I do not hear anyone suggest for a moment that this is well worth the expenditure of 10,000 or 15,000 American lives. No one has said that. Yet no one can be sure that the war will be short. It could last 5 days, 6 days, 6 weeks, 6 months.

My guess is, based on what has happened in the Israeli experience, that the war probably will be shorter. But that does not mean that the intensity of modern weaponry cannot inflict enormous casualties on both American and Iraqi boys.

Mrs. BOXER. And I must add women as well.

Mr. DOWNEY. Yes, and women, women who are there in great number, and the aftermath of a conflict that we will inevitably win has not been examined in any detail.

Let us take the Iraqis at their word. Interestingly, on our trip we found that the Israelis do. They feel that in the opening stages of a conflict that they will be the beneficiaries of the Scud B missiles in Tel Aviv, armed with chemical weapons. They are not going to stand idly by and be attacked and have their civilian population terrorized and threatened. They will respond. What will that mean for American involvement later on?

It is clear that under the best of circumstances we will have hundreds of thousands of Iraqi soldiers imprisoned by American soldiers for weeks and probably months. We will want to play a role as Kuwait comes back to establish its Government to make sure that they do not wage their own type of jihad. That will require an American presence for a considerable period of time.

So the question becomes if the application of force works as dreamed, we will then have probably a very destabilized Iraq for a long period of time. Saddam Hussein will take on the role of either sainted martyr or fool, I really do not care very much about him. But I think we will have the spectacle of America having killed tens of thousands of Iraqis, and that would be a problem for us. We do not talk about it because they are the enemy right now. But after they are not the enemy, they will have suffered grievously, and we will have been the ones in the minds of the Arab world to have delivered the blow and provided the suffering. That is something that we have to reconcile ourselves to if we choose that path.

Mrs. BOXER. If the gentleman will yield back on that point, he is so correct that we will be the ones, because this so-called multinational force is really a fiction. It is an American force, and we found that out. We saw it with our own eyes.

Mr. DOWNEY. Our allies are prepared to fight until the last American boy dies. I mean, it is the moral equivalent of holding our coats and wishing us well as we go off to battle. The Syrians have already publicly stated that they are not going to do anything other than to defend Saudi Arabia from attack. Do not expect them to be of any help. The Egyptians with their vaunted military tradition might be of some help to us, but they are two divisions and are not likely to be given extraordinary responsibility.

Mr. GEJDENSON. If the gentlewoman will yield further, that brings us back to the question of here we are, we are going to make a decision. We ask for sacrifice from the American people based on America's interests, and I think the gentleman from New York was right. We do not know, and we spend a lot of time researching this and getting new facts on the situation and trying, as some of the Members just returned from a trip to the Middle East, we do not know if the sanctions would ever work. We do not know if a military attack would work like clockwork and everything as the gentleman from New York says; if we are lucky, everything works out great, we do not have a lot of casualties, and nobody can be sure of these things.

But what we can be sure of is that tomorrow Saddam Hussein and the Iraqi military is weaker than it is today. The head of the CIA testified in the Senate that maybe 40 percent of his Air Force does not work. Six months from now 20 percent of his mechanized divisions. He is not getting spare parts. So now the question is, we are about to risk American life, and there are several propositions before us. One says you have got to act militarily now or you miss the moment. It may be correct. We could be at a point where a day or a month from now we could not use military force. Highly unlikely.

It may be that the sanctions would never work, but the risk is that if we are wrong, American military forces 6 months from now will meet a weaker Iraq, not a stronger Iraq, an Iraq that has been embargoed for a year, that has not gotten spare parts for the military, that has not been getting an infusion of Western American technology and other technology which is a weaker Iraq than our young men and women face today.

So if one takes that calculation, they have the same military opportunities and better ones 6 months or a year from now, and if it can work without the loss, massive loss, of American lives, and we can solve this diplomatically, it is a formula we can use elsewhere in the world.

Mr. DOWNEY. I want to deal with this question of the Fram oil filter analogy with respect to Saddam Hussein: "Fight me now or fight me later."

Prior to August 2, the so-called Hitler was told by our charge, April Glaspie, when directly confronted with the fact that the Iraqis were prepared to go into Kuwait, that the United States does not pay a great deal of attention to these internecine problems among Arab brothers, the green light was blinking for Saddam Hussein.

Prior to August 2, Saddam Hussein had promised and delivered every time; every time he had a weapon, he used it. Saddam Hussein was as brutal before August 2; I mean, he gets an additional high mark for brutality with Kuwait, and that we can all venture to say, but there was no illusion about what a major-league creep this guy was prior to August 2.

But, of course, people made a lot of money on Saddam Hussein. The French, the Germans, the Swiss were all willing to part with the highest levels of technology to provide this dictator with the modern weapons of war.

Had he not invaded Kuwait, I do not think there would be a person here suggesting that we have to fight Saddam Hussein today or fight him at some point in the future when he is stronger.

The gentleman has pointed out the fact that he is not stronger in the future. He is weaker. And I do not discount the fact that at some point in the future we may have to use military action against this guy. I would like to think that it would be with a few other people so that it does not become an American enterprise.

But Saddam Hussein was a very bad and evil man, will continue to be a very bad and evil man, but we do not have to on January 15 or 16 or 17, spend American lives not to deal with him.

One of the things that we learned in Israel that I think was the most interesting was this question of the nuclear weapons capability of Saddam Hussein given to him by Western allies of ours today. This one person who is in a position to know said categorically he cannot have a nuclear weapon unless the West provides him the ability to do that. Nobody is going to do that. So the sanctions, if they continue to work, we do not have to worry at some point in the future that Saddam Hussein is going to show up with a nuclear arsenal. He does not have that capability. The only way he gets that capability is if we give it to him.

Mr. MARKEY. If the gentlewoman will yield, let me, if I could, just review what the reasons are that are being propounded for the justification for an American military invasion of Kuwait and Iraq. First, oil. Well, right now, we have found that there is no oil shortage in the world. We have replaced all the supplies that were lost.

Moreover, if that is the justification, in 1981, when Ronald Reagan and George Bush and James Edwards, a dentist from South Carolina, as the Secretary of Energy, he came and testified before Congress in his confirmation hearings that his goal was to abolish the Department of Energy, and when told by a congressional committee that might be difficult, he said, "Well," he said, "it might take me a little longer, but the catfish are still jumping in South Carolina in June." That was 1981. That was their policy throughout the 1980's.

Second, nuclear nonproliferation. Ronald Reagan campaigned in 1980 on the platform that nonproliferation is not any of our business, meaning the United States, and since 1981, we have turned literally a blind eye to this international nuclear commerce. We allow the international atomic agency to become a paper tiger without any real sanctions and, as a result, even though the Israelis went in and made a strike at the Osirak reactor in 1981, we joined with Iraq and the United Nations in 1981 in condemning Israel; the United States, the Reagan-Bush administration, condemned Israel with Iraq in 1981. Throughout the 1980's then we, as a government, that is, the Reagan-Bush continuum, have been not in any manner, shape, or form with clean hands in terms of a nuclear nonproliferation policy.

Third, chemical weapons. George Bush three times went to the Senate to break a tie for the construction of new chemical weapons, even as the world was calling for a treaty that would ban their production and, at the same time that the Iraqis were using them against their own people, the Kurds, our Government once again turned a blind eye.

Fourth, and the gentleman from New York has made this point, just as recently as this summer, on human rights and on the question of whether or not we would intervene if the Iraqis moved into Kuwait, April Glaspie, our spokesman, stated quite clearly it was none of our business, and we were not going to interject ourselves.

On the basic justifications which are being used now, they were, as an administration, continuing from 1981 through 1990 on the opposite side of these issues, and now tell those of us who took those positions that we are appeasers. But we were the ones taking those positions on Iraq all along, and now we say in response to them why can we not look at the example of how we isolated militarily and economically the Soviet Union from 1946 on, why can we not look at the experience of the Soviet Union disastrously in moving in their superpower projection of force into Afghanistan in the 1980's and learn the lessons of the last 40 years which is that we did the right thing in bringing the East bloc countries to their knees?

That technological stranglehold, that military encirclement, those trade sanctions worked. This is a paper tiger of a superpower. It was a card castle, and it crumbled.

We can take that approach, and we can be successful, but let us not hear from them in any manner, shape, or form that those of us who supported the President back last August in projecting this military force and supporting an economic embargo are in any manner, shape, or form interested in anything other than the expulsion of Saddam from that region. Let us not hear the justifications which are being propounded right now as being this administration's greatest concerns, because we got there on oil, on chemicals, on nuclear nonproliferation as a result of the policies we were trying to change here on the floor of the House but were rejected by the Reagan-Bush administration consistently over a 10-year period.

That is what the people of this country have a right to hear, and that is before body bags start coming back to this country in a way that families in our country did not hear back in 1965 and 1966. They have a right to answer.

Let me just say this if I could to the gentleman form New York, and that is why I am so concerned right now.

☐ 1410

In November 1966, John Waden came home in a body bag to Walden, MA. He was our first casualty. He lived five doors down from me. I was a junior at Boston College. I went to that funeral, that wake, and I asked each adult at that wake, "Why was John Waden dead?" There was not a single adult at that wake who could explain to me what the war in Vietnam was all about. I swore that if I ever got into a position of power that I would ensure that somebody could explain to that family, to his friends, why that young boy or that young women had died, and that is what this debate is all about. It is explaining how we got to this point, how on oil, on chemicals, on nuclear materials, on human rights, how we got to this point, and why we have to send in American boys right now, or instead put in military encirclement, trade embargo, and have the patience to wait for that empire to crumble, as it will. If the Soviet Union crumbles, a tin horn dictator from a Third World country will certainly crumble. That is what this debate is all about. That is why it is the most important debate in my 15 years in this body, and I am glad that the gentlewoman from California has addressed this special order at this time.

Mrs. BOXER. I just want to say to the gentleman from Massachusetts how much I appreciate his joining in these discussions. The gentleman is so right. This administration really did not want us to debate. If you remember, when they went to the United Nations, they asked for a January 1 date, not a January 15 date. They were agitated that they had to wait.

I am convinced that one of the reasons was to keep the debate away from the American people.

What we are doing here tonight, this afternoon, is starting a debate that will go on for the next three days.

I want to ask the gentleman from California if the gentleman from New York is complete for now, because I know he is going to take some time.

Mr. DOWNEY. I have taken long enough. I thank the gentlewoman.

Mrs. BOXER. I want to yield some time, as much as he would like of the remaining time, to my colleague, the gentleman from California. Before he begins, I just want to give him my personal thanks for the role he has played in getting this issue before this House. This is the gentleman who did not just feel frustrated and concerned about the fact that this administration was keeping the Congress and therefore the American people shut out of this debate. This gentleman organized this Congress and 82 of us went in on a lawsuit, a lawsuit that was his idea, to bring the whole constitutional question of who has the right to declare war to the courts and to the people.

I believe the decision of the judge really underscored that the gentleman was right and that those of us on the lawsuit were right, because article I, section 8 is so clear.

This gentleman deserves a tremendous amount of credit, not only because he is articulate, intelligent, honest and all those things, but because he has the guts to stand up for what he believes. He has the skills to organize Members of Congress, and I am just honored that he is here participating, and I would like to yield to my friend, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I thank my colleague for yielding to me and I am appreciative and also humbled by her remarks, and I appreciate them very much.

Let me say at the outset that at least in the abstract, the duty of this institution is that people have the opportunity to speak their minds, irrespective of their point of view; but the beauty is only realized if Members of Congress actually exercise their freedom, and that is to express themselves.

I compliment the gentlewoman and all my colleagues here today who are joining in this special order, because they are operating, in my humble opinion, in the finest tradition of a public servant, and that is to attempt to become part of the educative process, to have the audacity, the courage if you will, and the desire to become part of that process to educate as you attempt to lead.

Second, to offer a perspective, to set a framework, to establish the parameters of the debate.

If the gentlewoman will yield further, I would like to contribute to that.

I think that this debate, as I said earlier today in the caucus, is not about whether there are problems in the world that need to be solved all over the world, in the Persian Gulf, in the Middle East, on the continent of Africa and Asia, even in this country.

There are problems that have to be resolved. Only a fool or a knave would come to that decision; but the issue is how do you choose to solve those international disputes?

I came to Congress 20 years ago from the Oakland-Berkeley area against the backdrop of the Vietnam war, a war that split this entire country asunder, that divided young people from their parents, that even divided this institution. I was sent here to raise my voice in the name of peace. I marched into the well where the gentlewoman is now standing on more than one occasion 20 years ago when we were fighting and dying in Vietnam, and I said to my colleagues and I said to the Nation that if you are an advocate of peace, that peace is not simply withdrawing troops from Vietnam. It is withdrawing from the mentality of war and seeing war as an instrument of solving international disputes.

So I stand here this afternoon to participate in this forum, without any shame, because I believe that we as a people have to be bold enough and mature enough to move beyond the caveman mentality that says we must fight and maim as a way of solving human problems. We must have the audacity to think beyond war. That is what this debate is all about. Do we have the courage to think beyond war?

Strength and power it appears now, testified by the statement that the President of the United States made just a few days ago, and I paraphrase: "And if he is not out of Kuwait by the 15th, we are going to kick his butt."

Those are not RON DELLUMS' words, but the President of the United States.

Now, what does that say? It says in some way that violence and force is legitimate. So the first group of people we communicate with are the young people who are dying all over this country, shooting and killing in random violence, shooting on street corners and shooting into cars and school incidents of violence and anger suddenly turned into death and destruction, because at the top of the mountain the President of the United States says: "Kick butt," because kicking butt is the way to solve problems; so we communicate to an entire generation of young people that it is not about sitting down to attempt to solve problems in some rational and mature fashion. No, it is about kicking butt.

So now our children are armed with AK-47's, 9 millimeter semiautomatic weapons, .357 Magnums, carrying them to school because the name of the game is "kick butt," justified all the way to the Oval Office of the White House.

So in some way that becomes then the macho image.

Again we also communicate throughout the world that Saddam Hussein's reckless adventure into Kuwait was not wrong. You just do not have enough power. So our response was not to deplore violence and force. If he had a problem that needed to be solved with Kuwait, then solve that problem nonviolently; but we posed no alternative. We said, "We don't like it that you use force and if you don't get out, we're going to use force, and by January 15, by God, we're going to kick your butt if you are not ready."

What are we communicating to an entire generation of people? I watch television now every day. Most of the time we do not have time, but during the holiday break between the 101st and 102d Congress, I tried to watch a lot of television because I do not normally have the opportunity, because I want to see what the American people see all day every day. Do you know what I saw? I saw young families being ripped apart, children clinging to their fathers' and mothers' legs saying, "I don't want you to go," seeing bright beautiful young faces marching off to some unknown destiny in the Persian Gulf for what reason? Because we want to kick some butt.

I came here because I believe that we must have the audacity to get beyond that, that our power and our strength lie not in our ability to wage war.

I am 20 years in this Congress, 18 of them on the Armed Services Committee, third ranking Democrat, subcommittee chair of R&D. Let me tell you something. To you and to the American people, to you, Mr. Speaker, this country has the military capacity, the technological capability to render a hole so large in the Persian Gulf that you do not have enough sand to refill it.

□ 1420

Remember we built all that incredible capability to take out the Soviet Union. And now the Berlin Wall has crumbled, Eastern Europe is now marrying Western Europe, Gorbachev has thrown up his hands saying, "I have got to learn how to feed my miners and feed my people. Let's not talk about war, let's sit down and try to figure it out."

But we have this massive arsenal. So what are we going to do with it? We have never really tested it out, whether the tanks work, whether the guns work, whether the missiles actually hit targets.

We have all this incredible power massed, and I am saying to you there is no way we could lose in a shooting war. But in the longer term we lose because we have lost the opportunity as a great nation to assume leadership in the world, to say, "We disagree with your use of force and we want to show you there is another way to solve the problem." And there is another way to solve the problem.

Can sanctions work? Give them the opportunity. I find it incredibily poetic that many of the people who said, "Well, the sanctions haven't worked by the 15th of January? Let's go to war," taking thousands of young people into harm's way. But when we talk about sanctions in South Africa, the people that did not want sanctions in South Africa, many of them who now support going to war, said, "Slow down, take your time, be patient, let's see if sanctions can work in South Africa."

So the very same people that counsel patience in the use of sanctions now are suddenly enamored of this January 15 date as if there is something sacrosanct about this date, so that we can go to war.

The Director of the Central Intelligency Agency said that these are the most effective sanctions that we have ever levied. Give them a chance.

But even if they do not work, I say to the gentlewoman from California, then let us use other diplomatic means. We all know to a moral certainty that eventually old men will sit down around a table to solve a political problem after young men and women have died. What I want to do is to move the dying aside, let us get to the table first. We all know there is always a deal.

We live in an institution that deals all day every day 365 days a year. This is the joint that makes the deal. We understand dealmaking.

So if anybody thinks that we cannot sit down and negotiate a deal is living in an absurd world. Of course we can negotiate. Does that render us inept? Does that mean that we are some weak, wimpy nation? Who has attacked us lately?

That means other people understand this massive power. But we do not need to use it. Our power lies in our capacity to get beyond it.

What is the new world order? The President uses this comment. I find it fascinating. Several years ago people thought there was a commie-pinko-left-wing-radical idea, the new world order. But now it is being embraced by a conservative Republican President. That is great. Let us seize the moment to define that new world order, what it means.

Does it mean going from threatening strategic war to threatening sophisticated conventional war? Does it go from focusing on the major superpowers to focusing on Third World countries? I think a new world order is a world order where we have the audacity to think beyond war, to stop taking our young people across the seas to fight and die for some cause that could eventually get solved around the negotiating table by gray-haired old men who work the deal.

But you cannot bring back the lives. I am tired of turning on the television sets, crying, seeing these beautiful young people leaving their families behind. Some of them, both men and women, husbands and wives, serving there. Some of these children are virtually abandoned because the husband and the wife are in the Persian Gulf, preparing to die.

And we all know, if you look at their frustrations, they feel fear. Only a fool would not.

I do not think they would want to go to war. Only a madman would want to go to war, because war is killing, death and destruction, nothing more, nothing less.

So I think we ought to have the audacity and I say boldly that anyone who is not willing to feel passionate about this issue in this body has not thought about it. I respect you if you feel passionate on one side or the other, but be upset about it because war is a passionate issue. Peace is a passionate issue.

Sending people into harm's way is something that you ought to care about. If you can march into the well after this debate calmly and serenely to cast a vote to take people to death and destruction, you should not be here. You should be passionate—and I am. My passion is peace. My passion is that we ought to be able to get beyond these absurd ideas.

So that is the nature of the debate that I will take to the floor, that the issue is how do you solve international disputes? I think diplomacy can work.

I think we ought to pose that alternative so that the world sees that we are asserting leadership to move toward a bold, new era, that new world order where peace is the agenda and using international instruments like the United Nations, the International Court of Justice, and the World Court as the instruments that we begin to use to solve problems rather than fighting, shooting, and dying.

Finally, the gentlewoman serves a great purpose: I hope we will continue these efforts over the next several days and, hopefully, in the course of these remarks our American citizens who are focusing now in on what Congress is doing will begin to activate themselves in very powerful numbers because it is important. You and I know that what we do, hopefully, will serve some useful purpose. But the bottom line, it is going to be public opinion because we operate in a political environment. The American people need to let their opinions be known and they need to do it as quickly and as powerfully and as directly as possible. I thank the gentlewoman for her generosity.

Mrs. BOXER. I thank my dear friend from California for adding so much to this debate. We have just a couple of minutes, and I am going to close.

When the gentleman talked about the message that President Bush and this administration are sending to the young people, it has never been spoken of before until the gentleman spoke it. But it is so clear that the gentleman is right, because we know all the powers that the President has are written down in the Constitution. But the strongest power he has is his role model. If his message is, as the gentleman says and as he has said, "I want to kick some butt," it is really a very clear message to our young people.

But I want to add something else that maybe the gentleman has not thought much about. It is also a very clear message to the people of the Middle East. Let us think about this.

Here we are, we are going into the Middle East to supposedly help the people there, bring stability there, stop a tyrant there, and what model do we use? Violence.

That is what they have been using for 4,000 years. Family fights family, tribe fights tribe, on and on and on through the decades. You cannot go from Saudi Arabia to Israel, because one country does not think the other country exists.

It is crazy. So the model that the President is bringing is this force. We have another model, and it worked, and it is called Camp David.

When history is written, I say to you, my friends, if war breaks out here, the comparison between this President's use of "our strengths" and President Carter's use of our power and our strength will be compared, and Camp David sent a very strong message. That message was: If you put people in the room and they look each other in the eye and you close the door and you exert that kind of leadership as America did then, there can be peace even between the most hated of enemies.

So what a moment for us to use this Camp David model.

We stopped Saddam Hussein at the Saudi line. Fine. Let us do the rest of the job in the right way and send the right signal, the correct signal, to our young people and to the people of the Middle East who have so much agony in their lives.

Finally, let me close and tell you this: As our 26 colleagues got on the plane, we had a 15-hour flight and we stopped at Shannon Air Force Base to refuel on our way back to Washington. We pulled along the runway, and there is a sign that has been lit up with lights, and it says, "Welcome to Ireland. Peace on Earth."

☐ 1430

Mr. Speaker, as I looked at all my colleagues on the plane, we had seen such weapons of death, we had seen the beautiful faces of our kids, and I thought, "Please let those words come true now."

I yield briefly to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, there is something else I wanted to say. I want to thank the gentlewoman for participating in the lawsuit that we brought, and we recognized that, when we brought the lawsuit in the court, that this was a long shot, but that things were moving so quickly that we said, "Wait a minute. All the newscasts seem to be conditioning American people to think that war is inevitable here, that the President is just going to take us to war, that by the 15th or 16th we're just going to war," and probably well up into the 80th or 90th percentile said, "There's no way we can stop this," and we said, "Wait a minute."

With all due respect, the President is our President, but the President is President Bush, not King George, and the President must operate within the framework of a constitutional form of Government.

Article I, section 8, paragraph 11, of the Constitution is very straightforward, that Congress shall have the right to wage war, to declare war, and article II, section 2, gives the President certain powers and prerogatives as the Chief Executive Officer of the country. But he can carry out war once the policy is established. It does not give the President that power.

The Framers of the Constitution, in that sense, were brilliant people because they said that war is too incredible an event to allow one person to walk us there. They said that should be something that the American people participate in, and we set up a form of government that gives them representation.

So, while the judge was not prepared to enjoin, the judge in that case, he did say unequivocally that the Congress and the Congress alone has the right to declare war. He said in his ruling that he was not prepared, that the court was not prepared, to read out of the Constitution article I, section 8. He said he disagreed with the administration when the administration's argument before the court was the President has the right to define war. The court said, "No, because then you reduce the congressional constitutional authority to a semantical definition by the President."

"Well, this is not a war. We call it offensive action, police action."

And so the judge underscored that we have the right, and I would go further and say we have the moral obligation, to involve ourselves in this decision.

So, Mr. Speaker, I want to thank the gentlewoman from California [Mrs. BOXER] for enjoining in that lawsuit.

Sometime over the next few days the Congress of the United States, this institution, is going to be confronted with the Bennett-Durbin resolution which is very straightforward. Are warmaking powers invested in the Congress? And that, if the President seeks to use force to wage war against Iraq, he must come to the Congress, and I think that the overwhelming majority; I would think that 435 Members of Congress, would vote to uphold the Constitution of the Nation, but I am not a fool, or knave, and I understand that that will not happen, and I would like to hope and believe that it will indeed pass. Then the responsibility is on the President and the Congress to deal with this issue as clearly and as cleanly as possible, and I hope that the alternative to the President's desire to use force in the Persian Gulf would prevail, and I thank the gentlewoman.

Mrs. BOXER. Mr. Speaker, I thank the gentleman from California [Mr. DELLUMS].

I see that the time has gone. I hope the American people join us in this debate. We need their help.

IS IT REALLY WORTH THEIR LIVES?

The SPEAKER pro tempore (Mr. ALEXANDER). Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 60 minutes.

Mr. MILLER of California. Mr. Speaker, I want to thank my colleagues who have already joined in this debate for taking their time, for making an attempt to educate the country about what this institution is getting ready to do in terms of giving warmaking powers to the President or not giving warmaking powers to the President to engage in offensive actions in the Middle East, and I want to thank the gentlewoman from California [Mrs. BOXER], the gentleman from California [Mr. DELLUMS], and the gentleman from New York [Mr. DOWNEY] who have already participated, and I would hope that others would participate that wish to debate this issue.

I, like my colleague who was just in the well, the gentlewoman from California [Mrs. BOXER], have returned from a trip to the Middle East, to Saudi Arabia, to Israel, and to Egypt, where we had an opportunity to meet with heads of government, with various ministers within those countries, to try to assess the situation, and most of all to talk with our soldiers.

Mr. Speaker, I must tell my colleagues how deeply impressed I was with our soldiers as we talked to them during meals and at their stations in Saudi Arabia, how proud I was of their understanding that this is their mission should the decision be made in the Congress. This is something they will have to do. Not that they liked it, not that they agree with it. But it was a certain maturity about that, but also a certain sadness because I remember, as we visited an A-15 Tactical Wing, I talked to a young man who was in charge of ordnance and a number of pilots, and they told me all about the aircraft, and what they thought they were capable of doing, and how proud they were and how ready they felt they were.

Mr. Speaker, after a little while I got back on the bus as we were getting ready to leave, and I was looking out the window, and there must have been 40 or 50 young soldiers, and they had all of the exuberance, all of the cheer, all of the laughter that young people have, the excitement, and I thought how terrible it would be if in a short time their lives were lost and how critical it is for this Nation and this Congress to examine the premise under which we might put their lives in harm's way, that we might in fact take their lives, how we must try to understand is it really worth their lives and so many others? And can we make that decision without full debate?

Fortunately, Mr. Speaker, this body is given the privilege of debating these issues. We, as many heard already, were involved in a lawsuit to try to insure that right and that privilege, the privilege for us to debate them, the right of our constituents to have us debate those, to debate the issues of war and peace, no matter which side we were on. But it is something that this Congress must do.

It is also the meeting of our constitutional obligations because the Constitution clearly gives us that authority in spite of what the President says, whether he likes it or does not like it, and the authority is clear.

Mr. Speaker, the Framers of the Constitution said they wanted this to be a difficult decision. Saddam Hussein did not have to check with anybody when he took hundreds of thousands of his young soldiers and had them die in the Iranian desert. The Ayatollah Khomeini did not have to check with anybody or debate. But this is not a dictatorship. This is not a theocracy. This is a democracy, and it is hard to make decisions, and people are to be involved in those decisions.

We say we are the people's House. Each of us represents some 600,000 Americans. We now represent families who have members of their family overseas, young men who are on the front line, young women who are on the front line. Today, when we send a soldier to the Middle East, when we talk to them on station, when they tell us they are moving to the front, that they are going north, we are not just talking to a young man or a young woman. We are talking to a mother of several children. We are talking to a sister, to a wife, to a daughter. We are talking to a son and to a father. We are talking to a husband and a brother.

So, when my colleagues and the President and others suggest that this will be a neat little war, maybe 7 days, maybe 5 days, maybe 72 hours of heavy bombing, that the casualties will be acceptable; acceptable to who? Acceptable to who? To the brothers? To the sisters? To the husbands? To the wives? Will it be acceptable to them? The casualties will be far beyond the 5,000 because those soldiers do not live alone. They live in our communities, and they are among our families.

□ 1440

They represent our colleagues here. We traveled with KIKA DE LA GARZA, and we saw one of our senior Members who went to visit with his son, a surgeon in Saudi Arabia, who, like so many others, was now starting to move forward. We had to watch as he bid his son goodbye, and as we came home on the airplane we all thought about KIKA and wondered how must he feel, knowing what we know and knowing what we have been told. How difficult that must be.

But that is difficult for every family, and that is what we have got to remember. We like to get into euphemisms, we like to get into abstractions in this body. We cannot do that. We are talking about America's young men and women. We are talking about human lives. That is what this debate is about. That is why it is so terribly important that we have it and that we do not do the political thing. The smart political thing is to just let the President do whatever he feels like doing, and then if he is successful, we will clap our hands, but then if he fails, we will say that he made the wrong decision.

But our obligation is to take part in that decision, not only because we think we should but because the Constitution demands that we do.

I think we also have got to understand this: What is it that America has already done? Let us remember that the Kuwaitis chose not to have much of an Army because apparently the Kuwaitis do not really enjoy manual labor. They spent a lot of money. They bought some very sophisticated equipment. But on the night of August 2 Saddam Hussein did not take some of his tanks off the trucks because they just drove unfettered into Kuwait City. They chose not to fight. The only thing Saddam Hussein's forces saw in Kuwait City was the taillights of cars heading for Saudi Arabia.

The Saudis have chosen not to have an army because they say the princes like to fly airplanes and they really do not like the drudgery. The people do not like the drudgery of military service. So they have spent billions and billions of dollars buying sophisticated equipment, but apparently they cannot defend their country. They have chosen not to do that, and now it is the burden of American men and women to die to defend their countries. Under some circumstances that may be the right decision. I do not happen to believe it is the right decision now.

We have risked our economy because we went there and the President properly made a decision that that aggression had to be stopped, and if the information led us to the conclusion that Saddam Hussein was going to go to Saudi Arabia, then that had to be stopped.

We risked our people's lives, the lives of our young men and women. We engaged and the President put together—and he is to be commended for it—an international coalition to create an embargo and to create sanctions, embargoes and sanctions like we have not seen in recent decades. We risked our budget because we were told last week that it is $30 billion without fighting. Some people say it is a billion dollars a day or a billion dollars a week with fighting.

America has risked a great deal to try to restore stability, to stop the naked aggression. What many of us would ask is that others who have an even greater stake risk along with us.

In our meetings with Egyptian officials, one of them said to us, "Well, you have to take military action right away. You have to get rid of Saddam Hussein because if you don't, the people will think that we are not determined to get rid of him."

I said to him, "If you are so determined, why don't you come and fight him with us in Iraq and in Kuwait?"

"Oh," he said, "we would be forbidden. With the Arab Council or the command we are under, we can't go there."

Some people have suggested they will fight in Kuwait but they will not fight in Iraq. Will that make a difference to the young American soldier who is dead in Kuwait? Will he feel better or will she feel better or will their families feel better knowing that the Egyptians may or may not fight in Iraq?

We are told that the Syrians will not fight, period. I do not know whether they will or not. I certainly would like to be able to tell our soldiers whether they will or whether they will not. We are told that perhaps the French will not engage in it or help us—the French, without whom Saddam Hussein would not have many of the weapons that he aims at American soldiers today, without whom Saddam Hussein would not be well on his way to nuclear weapons.

So let us look at our coalition, our coalition that will not risk their treasures, their citizens, or their soldiers, and yet their fingerprints are all over the crisis, a coalition many of whom had to be paid before they participated, the Egyptians, we were told, maybe as much as $16 billion to $20 billion. As far as Syria is concerned, I thought they were an outlaw state that engaged in terrorism, but now they are our allies. They wanted $2 billion so they could buy more weapons, so they could become even more dangerous in the region. But that was OK.

We are told that we do not have to debate this because the United Nations has acted. I can remember a few months ago we would not take family planning advice from the United Nations, but now we are going to let the United Nations tell us whether or not American young men and women must die. For most of them in the United Nations who voted, most of them have nothing in this region, nothing at stake, but they were willing to hold our coats and tell us to go ahead.

I think we have got to raise these issues over the next 3 days. I think the American public is entitled to know the circumstances by which we got there.

It was said here earlier than many of us were trying to get a grain embargo against Iraq just before the invasion, and the administration was up here lobbying against it and telling us it would send the wrong signal to Saddam Hussein, because after all, he was our ally.

I think we have got to understand that, that perhaps now we are asking American soliders to make up for some terrible mistakes, some terrible political mistakes that this Government has made prior to their assignment.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, since the gentleman has just been there, perhaps he can update us on whether or not emergency measures have been taken in Saudi Arabia and in other countries. My understanding is that if you are to visit the major cities, you will still find the young princes driving around in their BMW's and Porsches, and they do not seem to have imposed a draft or any other emergency measure to defend the country. I would assume that is all changing at this point in time?

Mr. MILLER of California. Yes and no. There is some indication that over a prolonged period of time, perhaps the Saudis are starting to raise an effective Army, but that still does not address itself to the current situation. But other than that, yes, life pretty much goes on as it did prior to this invasion. But again they have 400,000 young American men and women between them and harm's way.

Mr. DEFAZIO. The gentleman addressed very well, I think, the involvement of Syria, but I think we need to discuss the involvement of Syria further, because we have to realize that in good part, certainly the French contributed to the Iraq military capabilities and have encouraged them. But it is also the policy of the Bush-Reagan administrations in the United States to see Iraq as a bulwark against the Iranians, and that has enhanced their status and their power in the region. In fact, my recollection is that it was Iraq that launched the war against Iran, and the United States said nothing. It was Iraq that first used poison gas, in violation of all international conventions, and the United States said nothing.

It was Iraq that blew up the U.S.S. *Stark* and killed the sailors, and then they said, "We are sorry, but you can't interview our pilot because it was a mistake and we can't let you interview that pilot." We accepted their apology. We did not insist, even though credible military experts said that it could not have been a mistake, that that plane was not equipped to inflict the damage that plane inflicted.

□ 1450

There was more than one plane, or the plane was specially equipped. Yet we did not insist, and finally they used poison gas against their own people, the Kurds, and that was the last straw here in the Congress. We began a debate in July to cut off economic and food assistance to Iraq, but that was opposed by the Bush administration, by the Secretary of State, and by the President.

Then there was a puzzling conversation.

Mr. MILLER of California. I think also the record will show that one of the reasons we were engaged in that attempt to cut off that assistance was that they were taking food aid and using the money to buy weapons, contrary to the law. But again, the administration told the committees of this Congress, "You can't look at this. We don't want you to raise this subject, because, after all, they are our allies."

Mr. DEFAZIO. Then there was the puzzling conversation of Ambassador Gaspie with Saddam Hussein as reported in a transcript revealed by the New York Times. I have asked Secretary Baker if he could either confirm or deny this because it is so troubling, and if we are going to engage in this debate we need to know what went before. But I will give just one quote, and we can take any one of a number of quotes.

Ambassador Glaspie to Saddam Hussein:

> We have no opinion on the Arab-Arab conflict, like your border disagreement with Kuwait. I was in the American Embassy in Kuwait during the late sixties. The instruction we had during this period was that we should express no opinion on this issue and that the issue is not associated with America. James Baker has directed our official spokesmen to emphasize this instruction. We hope you can solve this problem using any suitable methods.

If we were prepared 8 days later to go to war because of the movement of troops into Kuwait, I think that Ambassador Glaspie might have expressed herself or the concerns of the U.S. Government just a tad differently than in this transcript. I hope it is an inaccurate transcript.

Mr. MILLER of California. I find it interesting. I think the gentleman raises an important point, that we have been told, the world has been told and the American people have been told that there can be no negotiations, and yet we have spent a decade negotiating with Saddam Hussein. Those negotiations only led him to be more powerful, better equipped and more dangerous to the region, and this administration that negotiated with him now suggests that somehow it would be unseemly if they negotiated with him again.

So rather than do that, they will create the atmosphere for what is surely going to be negotiations down the road by killing thousands of young Americans, quite possibly. That is what we have to remember, that there is a long history of this administration and the previous administration negotiating with Saddam Hussein. And we have to remember that again before we ask young Americans to give up their life for the position of this administration.

Mr. DEFAZIO. If the gentleman will yield further, now it appears that we are lurching toward embracing perhaps the one worst terrorist nation in the world or in the region, and that is Syria, and Hafiz Asad, who is at least complicit in the murder of 240 marines in Lebanon, and in the downing of Pan Am Flight 103 and various other terrorist actions, and at least he harbors those responsible, and yet his enemy is our enemy and therefore we can make a common cause and put these things behind us.

I thought that the laws of the United States precluded us from extending any aid or in any way cooperating with nations that are still on the terrorist list, and it is my understanding that Syria is still on that list of nations that are engaged in terrorist activities. And if we think about what is the long-term effect here, we have embraced Iraq to counter Iran. Now we are embracing Syria to counter Iraq. After we decapitate Iraq in this war, if that is what happens, what then is next in the region? How do we instill a new government in Iraq? How do we balance the forces in the region? Will we have to occupy Iraq? Will we have to defend Iraq against Syria or Turkey or Iran in the near future in order to gain so-called or restore so-called balance in the region? I wonder what the long-term policy objective is of the United States, and I hope perhaps that was made clearer to the gentleman than it has been made to me in recent months, or perhaps during his trip, or perhaps there was some gem of a plan that was revealed by your meeting with some of the other heads of state in the region.

Mr. DOWNEY. I would like to respond to the gentleman. I was on the trip as well, and in Egypt we did get some hint of what the American role was. They want us to do the fighting and then get lost. They are paranoid. They think if we do not go to war right away that our grand design is to stay there as though this was some sort of a vacation spot for our troops, and dictate where the oil might flow over the next couple of months and years.

So it was clear to me that we are serving the ageless capacity of a mercenary force, as the gentleman from California suggested, for other people who are incapable, unwilling, or unable to defend themselves.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, one other thing that I was interested in hearing about the gentleman's trip, when I listened to the other side that is arguing for this declaration of war that the President wants, they are saying if we do not do this now, the coalition will fall apart. I also hear the gentleman saying maybe the coalition is going to fall apart if we do it, and this coalition is really, really shaky, and we are reacting in our own best interest rather than some long-term thing.

But I thought the gentleman was going right to the point of one of the major arguments made by those who are backing the President, and that is we do not have time to negotiate, we cannot talk any more, we cannot, and if we do not do this right now these wonderful allies are all going to disappear.

Mr. MILLER of California. I think the gentlewoman raises a very crucial point because she is right. The administration is selling the notion that if we do not act now the coalition will fall apart. We were given very substantial evidence on our trip to the Middle East that when we do act much of the coalition will not act with this.

Now let us reverse it. Let us ask the flip side. If we do not act right away, if we go for another 6 months or another year, what is it that this coalition will do?

Now we have decided that Saddam Hussein is a world class criminal. But this coalition apparently will now start engaging in commerce. Apparently the French will want to get right back in there and start selling nuclear triggers to Saddam Hussein. The Germans will want to send their scientists, let their companies trade with him. Is the gentlewoman telling me that is what American lives are worth, that the coalition will not fight with us, but should we decide to tough it out, because we do not want to expend American life, the coalition will start undermining us, that the Saudis who we are protecting will engage in arrangements? We are the ones keeping the wolf away from the door. Is the gentlewoman telling me that somehow the Egyptians, whose tail we are saving, will now start making arrangements, that the Germans will engage in commerce, that the Japanese will start engaging in financial transactions? This is our coalition? They are telling us if we do not make a snap decision to kill American boys, to kill American women, that they want to go back to the old world order where they engage in this kind of commerce? These are our allies?

That cannot be. That cannot be. George Bush would not make that kind of a coalition. That cannot be. Is that why we are rushing to war, because somebody will decide? We were told when we were in the Middle East that there are American contractors who are waiting and trying to bid on the rebuilding of Saddam Hussein's helicopters after the war. Talk about patriotism, talk about the waste of lives.

I yield to the gentleman from New York.

Mr. DOWNEY. Admiral Crowe testified in the Senate on this point. He said:

> I cannot understand why some consider our international alliance strong enough to conduct intense hostilities, but too fragile to hold together while we attempt to seek a peaceful solution.

I think that speaks for itself.

But more importantly is the support of the Egyptians and the Saudis. I think there are only two potential weak links in this coalition. I do not think anybody expects our European friends to suddenly decide to undermine the coalition. In the case of the Egyptians, they have been the recipients of $20 billion in aid since they sent their two divisions into the desert. The Syrians have received $2 billion in aid from the Saudis. So this coalition building has been profitable for the two weakest links in the coalition chain, and I dare say that there is not a shred of evidence to suggest that the coalition is going to be dismembered, on top of which the other point that is made incessantly here is that the presence of American troops undermines Saudi Arabia.

□1500

Yes, we undermine a feudal state with the off-chance that we might have to drag it kicking and screaming into the 20th century. That was directly contradicted by one of the generals who briefed us who suggested to us that the Saudis at the working-class level have been excited, involved and happy to work with the American forces there, and that there has not been the sort of tension, distrust and problems that other people have suggested.

So I would put to rest this argument of a coalition fragility based on the facts, based on what we saw and based on the rationale that this coalition has no place else to go. If we do not pull their chestnuts out of the fire, they are in serious trouble.

Mrs. BOXER. If the gentlemen will yield, why would this coalition break up? They are not doing anything of substance. They are not risking their treasure in the form of their kids or their dollars. The gentleman talks about the Europeans.

Let us take a look at this chart. The Europeans, the Netherlands gets 100 percent of its oil from the Persian Gulf, no ground troops; Japan, 63 percent, no ground troops; Spain, 59 percent of its oil, no ground troops; Italy, 36 percent of its oil, no ground troops; Australia, 22 percent of its oil, no ground troops. We get 11 percent of our oil. We have 300,000 ground troops.

I ask the Members: why would they leave the coalition? What a deal they have, and I must ask my colleague if he will, at this point, tell his colleagues the phrase he used during this trip to describe whether we were known as Uncle Sam or a new kind of uncle, because otherwise I will have to put it in my words.

Mr. MILLER of California. I think the gentlewoman raises a point. When we look at what America has sacrificed and what America has done today and what America would be prepared to do tomorrow for stability in this region, and when we see what those who have so much more at risk in terms of their economies or the existence of their countries, what they have done compared to what we have done to date not counting the notion that we will now start losing American lives, I think it raises the question of whether we are Uncle Sam or we are Uncle Sucker, and I think that the gentlewoman makes a point.

In reality, this coalition has no other place to go, but should they decide to go somewhere else and to undermine the efforts of this President and this country, then they are not worthy of our support and clearly not worthy of the deaths of our young men and women in the Middle East.

Either there will be a new world order where countries will hang together to stop aggression by use of economics, by use of embargoes, by the use of negotiations, by taking all of our talents and our creativity and all of our might to solve this peacefully, or there will be an Old World order where Americans end up dead, our economy ends up broke, and our Government deep in debt.

George Bush is going to get to make the choice, and this Congress is going to get to make the choice, and I think that is the question: Uncle Sam or Uncle Sucker. The choice is the Congress'.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would say to the gentleman that I commend him for the special order.

I would like to recount a story told by one of our colleagues from the gentleman's own State of California who went to a meeting of NATO parliamentarians, European Congressmen, so to speak, after our last election and before Thanksgiving.

She confronted these parliamentarians asking them why their countries were not making a greater contribution in terms of personnel or resources, and the response of the European parliamentarians almost was incredulous. They said:

> Wait a minute, it is the United States that wants to be a military superpower. You are the ones who are expected to be doing this. We just want to be economic superpowers.

I would suggest to the gentleman that in the long term that being a military superpower and all that that entails is a recipe for disaster for our economy and our future.

While the gentleman was on his trip, our Committee on the Budget asked the Secretary of Defense and the Secretary of State to appear before the House Committee on the Budget to outline the exact cost of Operation Desert Shield and what our allies were going to contribute. I am sorry to report that the State Department and the Department of Defense refused to attend that hearing, but other experts came and said that we will spend in the first year at least $31 billion for Operation Desert Shield if fighting does not break out.

As the gentleman from California can remember, that $31 billion plus interest is exactly what we were planning on saving this year because of that tortured budget agreement which we agreed to just a few weeks ago.

The sad part of the situation is that with very few exceptions our allies are sending checks, America is sending its children to fight in Operation Desert Shield, and we can discuss at length the cost in terms of dollars to the American taxpayer, but that is almost irrelevant in comparison to what we are really standing to sacrifice if we do wage war.

What we are standing to sacrifice are the lives of a lot of young men and women. I might say that I have been troubled by one particular disclosure over the last several weeks more than any.

Several Senators returned from the Persian Gulf area and reported that the war would be over in 5 days. One of my colleagues from the State of Illinois said, "No, it will be over in 4 days. I think there will only be 20 casualties." Just the day before yesterday the chairman of our Committee on Armed Services issued a report saying that he thought this was going to be a new war, that in fact would have light casualties. I do not know if this is waging war in the age of microwaves or what, but the idea is it is going to be a quick war, and not too many people get killed, and it will be over very quickly.

I would say that that is really a sad commentary, that many of these people are not leveling with the American people about the scope of the disaster that may lie ahead for victory.

Mr. MILLER of California. We had an opportunity to discuss this with Israeli intelligence, and as the gentleman knows, they have been involved unfortunately in a number of wars in the Middle East in this area of the world, and they have obviously monitored wars that have taken place between Arab nations in this part of the world.

When we told him about the analysis suggesting that this war would be over in perhaps 5 days, or after extended massive bombing, that that would pretty much be the end of it, he said he did not think so. He said, in fact, there is no precedent in military history, and he said that also recognizing that we have not seen this kind of buildup in armaments and technology and so forth.

But he wanted to be very clear with us that we should not be working off the premise that this will be a neat, clean, little war in a matter of days.

Mr. DURBIN. Concluding very briefly, I will just say that those who have been spreading this information around about how few casualties are at risk even if the United States prevails do a great disservice to the American people. They have to be told the facts as we understand them, that if this turns out to be a land war of any proportion that we could stand to lose literally thousands of American lives, and that should be the very basis and the fundamental questions which we ask first before this Congress makes a decision as to whether or not we will declare war.

I thank the gentleman for yielding.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman yielding, and I want to associate myself with the remarks of my colleagues who have been, I think, asking and raising some very important questions and points in this debate on our actions and proposals in the Middle East, especially the gentleman from California and others who have just returned.

In fact, of course, the armed forces arrayed in Saudi Arabia and Kuwait and Iraq today are the largest concentration of ground forces since World War II that have been arrayed against one another, and so lest anyone have any questions or doubts about what the consequences will be if there were an absolute confrontation between those forces, I think added to that, the weapons of 1990, not the weapons of 1940, which unfortunately are much more effective in terms of what their impact is on those troops and on those people in that region.

I think we have a very important point in history. One can only speculate, in fact, and my colleagues and I have asked questions of the Secretary of Defense concerning the number of casualties, U.S. casualties, that might occur, and in each instance when I have been present and those questions have been raised and when I have read of those questions in the news media by virtue of the responses from the Secretary of Defense and the Secretary of State they have deferred to answer those questions. They would not speculate. They would not answer those questions. So I think they would be quite significant.

I know colleagues have raised questions about surgical aerial strikes. We have had some examples of that in Grenada in terms of the accuracy of those types of strikes when they bombed hospitals for the mentally ill, and they did not do it viciously, they did not do it intentionally, but those are the types of limitations that exist even with these types of modern weapons.

I would like to raise one more point, and that is, I think, one of the critical points, and that is the point of timing in the January 15 deadline.

True, this is a construct that has been created by the administration, by our allies, and by others. It is not a construct that we need to endorse in terms of effectively dealing with attaining the objectives or goals in the Middle East with regard to the removal of Iraq from Kuwait.

□ 1510

Indeed, some of the goals that have been outlined with the threat of force have been achieved. I firmly believe, of course, that the continued imposition and stand of sanctions, of the blockade, of diplomacy, and of course, the defensive deployment of some troops, whether or not we need the number of troops, of course, is another matter will work; but this sort of concept or construct of a window of opportunity, which is generally dictated to us by others, by our so-called coalition of support, is an interesting one because there are religious holidays, because traditionally there has been animosity between the various individuals in the coalition. It seems to me not just that the sanctions would work, but that if we are really trying to demonstrate a new means in terms of solving problems like this that I think are going to continue to occur in the future, that it would be well for us to try to begin to work and demonstrate that, yes, the Syrians and many other countries that are involved in this have to demonstrate some discipline in terms of staying the course.

I do not think we do ourselves a service simply by recognizing and giving in to that, rather than building the type of stick-to-it-iveness that is necessary in order to solve this problem.

Finally, I would just add briefly, and I know other Members want to talk and I appreciate the opportunity to address this, and this is the whole question of this new world order and what it is going to be like.

You know, one of the sad realities of the 1990's is that indeed small countries, Iraq with some less than 20 million population now has arrayed the fourth largest army with an impressive arsenal of weapons, but many other countries now have the capability to gain conventional arms, surface-to-surface missiles, surface-to-air missiles, a whole host of armaments that can indeed cause them to threaten the so-called superpowers, threaten a country like ours, or like the Soviet Union or other countries that have been considered to be part of the first or second world. So these Third World countries coming of age, we just as a nation and as a participant in the global government structures that we have, have to find a means to deal with these problems other than just the military option.

I suggest some of them are inherent in the approach we are taking here. Maybe the threat of military force certainly is one of them but the use of it has to be in proportion to the nature of the problem. I think that proportionality is very important.

The first question, we raised many questions about the cost of this, who is doing their part and who is not, but the first question in this should be the moral question. Yes, it is American lives, but we are literally talking about hundreds of thousands of other lives in the Middle East that will be lost and who will pick up the pieces, who will occupy Iraq, who will build these countries back up? What will we have attained in terms of accomplishing that and how we address ourselves to the next Saddam Hussein that will be present someplace on this globe, another problem we have to solve, because indeed we know today if it is our mission as a nation to be the world's policeman, to play this particular role, that many of us are eager to play, that indeed we will be faced with this dilemma again and again.

I thank the gentleman for yielding.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I really want to thank the gentleman for his insight, and in a way I would kind of like to play Devil's Advocate, because I agree so much with the gentleman that I think maybe his just having come back from that region, maybe he can give me something else.

I listened to all the arguments for why people should go for the President's declaration of war this morning, and I think the gentleman has very effectively undone them, the bit about well, the alliance will collapse if we do not go immediately. I think the gentleman pointed out they all could collapse and his is a very weak alliance and we do not know what it is.

Obviously, the burden-sharing issues, obviously the constitutional issues; I do not think anybody in the world thinks it is a good idea to draw a date and say, "OK, if it isn't done by then, we go to war."

And certainly under the Constitution we are supposed to be there as a balance to any one person doing something crazy like setting a date.

I also hear the gentleman talking about the vision thing. We know domestically the administration has been accused of not having a vision. The vision thing has become kind of a joke for "Saturday Night Live"; but I really hear the gentleman saying, too, we have a vision thing problem internationally. Is that correct, or is there something I am missing?

Can the gentleman play Devil's Advocate and come up with any reason why someone should vote the other way? At this point I just do not get it. The gentleman very effectively knocked down everything that I heard this morning.

Mr. MILLER of California. Well, I think the gentlewoman makes a good point, because I am not sure that this is a representative vision. I appreciate that it has been cloaked in the notion of a new world order, but I almost feel like David Letterman. What are the 10 reasons why the United States is in the Middle East?

We thought we were there to stop naked aggression. We have in fact done that.

Some said earlier we were there to restore the Emir, but the American people said, "I don't want my children dying to restore the Emir of Kuwait and the royal family."

We were later told that we had to go there and maybe start hostilities because the President had had it.

Then we were told by Secretary Baker that our children were going to die in the Middle East because it was American jobs.

Then we were told, "Let's get sophisticated, America. This is about oil."

Then the American people said they would pay a little bit more rather than kill their own kids.

Then we said, "Well, it is about lower gas prices, because we know people are sensitive to that." And they said they would pay a little bit more rather than kill their kids.

We are told that we now have to move because the President is out of patience. None of those have held up.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield further, the only thing he left out was jobs. We were told it was jobs.

Mr. MILLER of California. Jobs, you know. That is not going to work.

Finally, they took a poll and they saw that Americans were upset about nuclear weapons, that Saddam Hussein might have nuclear weapons.

One of the things we learned on our trip when we were told by Government officials, two very interesting points, as again we go to risk our most valuable assets—our mothers and fathers, daughters, sons, and brothers and sisters.

We were told that without the help of the European community, Saddam Hussein could not be as far along the road to nuclear weapons as he is today, but that he cannot complete the nuclear weapons circle without additional help by the European community.

Has the President asked the Europeans to take the pledge that they will not help Saddam Hussein get the nuclear weapons? I have not seen that.

So we are apparently willing to risk nothing. The President has not asked Americans for a single sacrifice. He has not asked us to drive less. He has not asked us to stay home on a Friday night to save oil or to save energy or to help our economy, but he is fully prepared to put 5,000 or 10,000 American casualties on the line.

I think the test for us will be in a constitutional sense and in a legal sense when we vote over the next couple of days, what is the compelling reason that this administration gave you as a Member of Congress that you voted to send young men and women to war, a declaration of war?

Forget the euphemisms about supporting the U.N. resolution. The United

Nations will not go to war. American men and women will go to war. The United Nations will not live in the desert. American men and women will live in the desert. The United Nations will not go broke financing this war. American taxpayers will. The U.N. economy will not suffer. The American economy will suffer.

So there had better be a very, very compelling reason why the Congress of the United States would vote to go to war.

I think as the gentlewoman from Colorado has pointed out, we have listened to reasons for 5 months. They have changed reasons more than I have changed my clothes. None of them have held up in front of the American public, other than trying to scare them, because when you take apart their arguments, they do not hold up.

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will yield further, one of the issues we hear so much about is the comparison between this situation where the gentleman has just come back from and 1939 when Hitler was rolling through. Was there anyone in that region that really felt Saddam Hussein was ready to roll some more? Did they really think that this was like Hitler? Did they really think he had not been stopped adequately? My impression is he got totally stopped. This is it, and no one thinks he is going to go an inch further, and the question is now how we push him back.

□ 1520

Mr. MILLER of California. I think the point was that people believed that, left to his own, yes, we would, but he has not been left to his own. We are watching one of the most effective embargoes and program of sanctions in modern times. We clearly have been willing to send American troops, military equipment, aircraft carriers, to stop him. He has been stopped. So, no, nobody was suggesting that he is now just going to leap forward again. Nobody believes for a moment that that is what it is.

I think it is important that everybody understands that if the coalition truly works together, Saddam Hussein cannot roll like Hitler rolled in 1939. This is not 1939. That was a very clever analogy to whip up the press. They spent a great deal of time trying to find some comparisons and get the American public rolling.

It is not the reality of the situation, period. It is not to minimize the danger of Saddam Hussein or his wickedness or his evilness, but it is not to suggest that this is an analogous situation.

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. MOODY. I think, in fact, the case is even stronger. Had we—had the world done to Adolf Hitler what the world is now doing to Saddam Hussein, he would have collapsed very, very quickly.

Mr. MILLER of California. The gentleman is right. Our country was trading with Mussolini when he went to North Africa. There was no embargo.

Mr. MOODY. Right. This embargo, this embargo, these sets of sanctions which are now being decried by the administration as inadequate, have cut the national income of Saddam Hussein's country in half.

This country is in a state of agitation because we may suffer a 2-percent loss in our GNP. Can you imagine the status around here if our income was cut at the rate of 50 percent instead of 2 percent?

Not only that, 70 percent of the food imports, of the foodstuffs are imported into that country. And almost all of the spare parts, and military capacity, which is degrading. The Hitler analogies are totally absured. Had this world done half of—if the world had done one-tenth to Hitler what it is doing to Saddam Hussein, Hitler would have been stopped. Instead, the world went on with business as usual.

I have a couple of more points that I would like to make later on.

Mr. MILLER of California. The gentleman has made a very important point.

If you remember, one of the concerns of this administration was that the American people would not take kindly to or withstand or endure Iraqi children starving on CNN as the embargo began to work. Now we are being told that the embargo will not be held up because people are not starving. The point of the embargo was not to starve the Iraqi people. We believe many of them are victims of Saddam Hussein. The purpose of the embargo was to close down the Iraqi economy, to deny Saddam Hussein the replacement parts for his warmaking machine and to engage in the suffering of his economy.

All of the evidence suggests that that in fact is happening. But because we see oranges in the marketplace on CNN, we say we must abandon it.

Our generals told us the simple fact of the T-72, Russian tanks, sitting in the desert under Saddam Hussein's control, the tanks are disintegrating by simply sitting there. His warmaking capacity is getting less day after day.

Secretary Cheney told us that it already has taken a toll on his air force. It will take its last toll on its soliders. But it was also suggested over the weekend that it was starting to take a toll on his mechanization. And that they will not be able to be as maneuverable a month from now as they are today, they will not be able to service this warmaking machine.

The sanctions are in fact working in a military and an economic sense. True, children are not starving. But should that really be the goal of this country? That children starve at the behest of Saddam Hussein?

Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. MOODY. If the gentleman would yield, but children will die violently if the war begins. I think there is something incompatible about an administration that says that we cannot have the sanctions because children will starve, in one minute and in the next one it is saying we are going to have a short, fast war because we are going to have saturation bombing. How can you say that we cannot let children starve, but it is all right to drop bombs in massive numbers in order to ensure a non-Vietnam result—a quick, sudden, overwhelming show of force that will engulf hundreds of thousands of civilians, including children?

Mr. MILLER of California. Mr. Speaker, I yield to the gentleman from the State of Washington.

Mr. McDERMOTT. If the gentleman would yield for a question: All the listening and all the reading I have done over the last few months I have not heard anybody talk about casualties beyond those who will die. When you were over there on the trip, did they talk at all about the effects on the American society and the psychological injuries of this war?

Mr. MILLER of California. No. Unfortunately, that has not been much of a discussion either there—I tried to make that point in my opening remarks, that apparently now we are arriving at a conclusion rapidly that 5,000 dead American soliders is aceptable. The point is that those 5,000 are members of families and that the ripple effect for our society is going to be much greater than that in terms of the national tragedy.

Clearly, that was not—when we discussed it with the Israelis, they suggested that, you know, that was within the realm of possibility but they expected the war to be longer and not to be as neat as that scenario. Then you had to discuss the wounded, those that would return without arms or without legs, blinded, imparied in other ways, as we saw from Vietnam.

So this will not be neat. The Congress ought not to get tricked into the belief that we will not be responsible for the sanctions.

Mr. McDERMOTT. That really is the point of my question. Most people, when they talk about this war, want to analogize either to Hitler or to Vietnam. The administration always dismisses the analogy of a Vietnam. They say it is not a jungle, it is a desert.

But the real analogy, from my personal experience, is that this is a war where a President is trying to take the country into a war when the people are not united behind him. That is what happened in Vietnam.

In my experience—I spent 2 years of my life when, I was never going to be in politics, I was going to spend my time in academic medicine. Well, I wound up being down in Long Beach, at the Long Beach Naval Station, taking care of casualties coming out of Vietnam. They were marines and sailors who were in those reverine boats. And they came home to a country that did not respect what they had done, that questioned what they had done, that said—they raised questions about everything about that war.

Each morning, I would get up and read the Los Angeles Times, and this would say, "We are winning the war."

Then I would go over and talk to the marines just back from Vietnam who would say, "It is all a lie, all the numbers a lie. The leaders are lying. We are not winning; we are losing." And the effects of that we are living with in this country right now.

No one, in talking about this war, is willing to talk about drugs, the homelessness, the prisons that are filled.

We lost in this country more Vietnam veterans by suicide than were killed there. There have been more than 60,000 Vietnam veterans who have committed suicide.

Now, those are the kind of effects that this administration refuses to bring out into the open and discuss before you start a war where the American people are divided.

I think that in many ways it is easier, in some ways, for people to have died in Vietnam than to have come back and lived.

This administration refuses to talk about what it is going to do to the American society if we go in divided.

I think it is crucial that the gentleman's trip was made, that he is raising his voice in this special order, to make the American people think about the broader issues, because it is not simply body bags.

Mr. MILLER of California. I yield to the gentlewoman from California.

Mrs. BOXER. I would just say to my friend from Washington that he has made a great contribution because as a physician he knows what war really means in a perspective very different than most of us. I want to add another point, having come back from the Persian Gulf: This conflict, if you will, war, will have a different kind of casualty, as the gentleman has stated, my good friend from California. There are families there, there are whole families over there. Husbands and wives are over there, they have left children at home. In one case, the general who was briefing us on deployment has two of his kids coming over because we have a professional military now.

Families follow one another.

So the kind of effects that we are going to have here, that we are already having, from little kids who are left crying at home as both parents go off, as moms go off, as dads go off, is unreal. I would say to my friend from California—he is the founder of the Select Committee on Children, Youth and Families—and he has brought to this House information about the stresses that we have on families under ordinary circumstances.

I would ask him to comment from his experience on what this new Army is going to do to our people.

Mr. MILLER of California. I would comment, I think it is a testimony to the notion that probably war is in fact obsolete because of the kind of punishment that it now inflicts not only on the vanquished but on the victors, that the price becomes so high for those who perceive that they have won that the victory becomes terribly hollow.

☐ 1530

Mr. Speaker, I only have 2 minutes left, and then there is going to be an additional hour of time here. Let me just say this, that I want America to think, and I want Members of this Congress to think between now and the time we vote, of the gift that we have already given the world since August 2.

Mr. Speaker, no other country could have done what we did. Military people around the world are amazed at the ability we had to project those military forces on the Saudi border and to stop Saddam Hussein. We have spent billions of our treasury. We have given our sons and our daughters, and mothers and fathers, and our brothers and our sisters to stop this madman. We should be proud as Americans. We should be proud that we were able to react, that we were able to deal with that problem.

But we should also be clear thinking and clear eyed about whether the next burden is our burden alone. Is it just America's to die on the battlefield, or is it a risk that all of us should share in the world community? Is it just America's burden to die while others stand back and reap the benefit?

We talk about the U.N. resolution. The United Nations was created to keep peace, not to make war. We can create, because Saddam Hussein has nowhere to go, we can create a U.N. peacekeeping force in this region over the next 180 days, or the next year, and we can start sharing that burden with other countries of the world because it cannot just be our place in the world to die on the battlefields of the world.

We gave them a gift. We gave them a gift, and it was very valuable and is very valuable today. But we should not be stampeded into believing that somehow we will not be complete as a nation unless we engage in the war-making power, that somehow this will all be for naught or a failure, because Saddam Hussein is stopped cold in the desert.

And if there are those who choose to smuggle, if there are those who choose to break the sanctions and the embargo, we should, as a world community, deal with them, not simply because of their failure, because of their immorality, kill our young people in a warmaking capacity. We should deal with those nations and those manufacturers.

Mr. Speaker, if the French cannot stop selling weapons to Saddam Hussein, then we should not buy French products. If the Germans cannot stop selling warmaking capacity to Saddam Hussein, we should not buy German products. We should understand there is another way to address this problem, and it is not just through the barrel of a gun.

Mr. Speaker, that cannot be the message to the world, and that cannot be the role of this Congress. We must think through what we have already done and the gift we have given at no small price to our constituents, to our neighbors, to our taxpayers, to our families, at no small price. Be proud during this debate of what has taken place and understand the perils of what is yet to come, and the responsibility, and keep in mind the following at the end of the debate:

Has a compelling reason been given to us which makes us believe that we should take 430,000 Americans, put them in harm's way, and risk their lives, and risk their future, and risk our economy, and risk our debt? That is the question.

But it must be compelling, not the reasons we have been given over the last 5 months that have dribbled out of the White House, and each one has fallen flat with the American people. They must be compelling because the lives of those young people are compelling. Each one of them is an American flower in bloom. Each one of them had a job. They have a family, they have relationships, they have a love. They have an occupation, they have a future and a career, and the one thing they said to all of us is they want to come home to that future, to that career, to that family, to their children, to the love, to their dreams.

They will do it if we ask them. We had damned well better be careful about how we ask them and know the reasons that we ask them because, when we look into their faces, they are not just a soldier. They are not just a nurse. They are not just a tank commander. They are not just a jet pilot. They are not just a maintenance person. They are children, they are mothers and fathers. They are our brothers and our sisters. They are our sons and our daughters.

Mr. Speaker, very often this country has struck up the bands, and the louder the bands play and the more flags we display, usually the less principle-based war we have.

There will be great ceremony at Dover Air Force Base to try to honor each and every one of them as a hero. They will only be heroes if we are clear and compelling in the reason we send them forth.

If it is not for the highest purpose, no amount of Army bands, no amount of American flags, no amount of politicians' speeches can make them heroes.

They are willing to serve. They ask the same from us, to serve, to serve them and the rest of our constituents in this debate and in our votes.

NEGOTIATIONS OR LOSS OF LIFE?

The SPEAKER pro tempore (Mr. ALEXANDER). Under a previous order of the House, the gentleman from New York [Mr. DOWNEY] is recognized for 60 minutes.

Mr. DOWNEY. Mr. Speaker, I guess I am going to speak 5 or 10 minutes, and I am going to yield to my colleagues who are here, and I am told we will be doing the rule at 4 o'clock, and then we will come back to this.

Mr. Speaker, it is hard for me to believe that I am in my 17th year in the House of Representatives, but it is nonetheless true, and, as I reflect back on that period of time, I cannot remember a more important issue that I have had to deal with than the one that is currently before us. It is the most important issue that I have dealt with, and my guess is it is probably true with most of my colleagues, that this responsibility of war and peace dwarfs all of the others.

Mr. Speaker, I got into politics; my colleague, the gentleman from California [Mr. DELLUMS] is a great hero of mine; waging a lonely fight against the war in Vietnam. I got involved in local politics and then ran for Congress because I felt that our involvement in the war in Vietnam was wrong, that it was a mistake, but that the only way to change policy was to do so peacefully and democratically, and I chose a political career, and I was fortunate enough to be in a position, along with many others in 1975, to bring down the final curtain on that sorry chapter of American history which we call our involvement in Vietnam.

I believe, as many of my colleagues do, that the history of the world is strewn with the lost opportunities for people to try and settle their disputes without the resort to violence, and it seems to me that that is one of the central issues that we address today, this idea that the new world order, and we have heard that discussed and probably will hear more as time goes on, is about the prospect of sitting down and negotiating our differences without the catastrophic loss of life.

The first thing that we will discuss is something that may seem arcane to the American people, and that is this issue of congressional prerogatives. When those overweight and older, middle-aged men 202 summers ago got together in Philadelphia, cramped in a crowded room in Philadelphia during the summer, they decided that one of the most important things that they wanted to invest in the people's branch of government was the decision to send people to war. Their memory was of George III who had involved the force of the then-British empire in a war on American soil and in wars that were to come in Europe.

□ 1540

They remembered the activities of the czars, they wanted to have a check on that power, and they put the sole responsibility to declare war in the hands of the Congress of the United States. Interestingly, under the Articles of Confederation the responsibility of the Commander in Chief flowed back into the Congress, and they found that to be cumbersome, so they wanted to have a Commander in Chief solely for the purpose of command decisions and not for the purpose, as some have argued, to make policy willy-nilly. And we have sometimes—certainly we have in the last 50 years—lost sight of the historic view of the Commander in Chief, which is more of a functionary role than a policymaking one.

So the first order of business which is important for the Congress to assert is this natural authority. I hope we do that and do it vigorously.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield before he goes on to the next point?

Mr. DOWNEY. Certainly, I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I think the gentleman makes a very important point, and I think again in the spirit of being educative, article I, section 8, paragraph 11 of the Constitution asserts that the clear authority with all power to declare war is vested in the Congress, that the Congress shall have the right to declare war. On many occasions the President of the United States has asserted his authority as Commander in Chief, saying, "I don't need to come to Congress. This is something I can do as Commander in Chief."

But any student of the Constitution reads that in article II, section 2 of the Constitution we define the duties of the President in his or her role as Commander in Chief. I find it interesting and fascinating that when one looks at the Federalist Papers, which framed the discussion and which are the historical documents of the discussion and which are the underpinnings of our Constitution, Federalist Paper No. 69, in defining the President's role as Commander in Chief, says that in that capacity the President has less power than the King of England and less power than the Governor of New York. And at the time that the Constitution was being debated, the King of England could take troops to war on his word; the Governor of New York could take the militia to war.

The Constitution is very clear, and the Federalist Paper that underpins it is very clear, that the President in his role as chief executive officer, as the gentleman aptly pointed out, can only conduct the war, but only the Congress can establish the policy and make the decision as to whether we shall or shall not go to war.

As I said earlier, in the previous special order, that was in this gentleman's humble opinion the brilliance of the Framers of the Constitution which said that no one person should have the right to take us to war, that that has to be a difficult decision, a cumbersome decision, and that is appropriate and we need to demand that prerogative and the American people need to support us in that reality. Otherwise, what is all the battle for, if it is not to maintain the integrity of our society based on the rule of law and the constitutional form of government?

Mr. DOWNEY. Mr. Speaker, the gentleman makes an excellent point. Also we will recall that the Republic that the Founders were concerned about was a fragile one 200 years ago. They were threatened by Indians and by outside forces. The idea that five or six militiamen could get together with a weapon posed a real and present danger to communities. So they wanted to keep the responsibility in the hands of the people. It seems to me that that would be axiomatic except for the fact that our former colleague, who is now the Secretary of Defense, Mr. Cheney, does not seem to have learned that lesson. He has a more imperial view of the Presidency and has been quoted on several occasions as having said that he feels that the President already has the power, if he chooses, to go to war in order to deal with this real danger that Saddam Hussein poses.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, another former Member of the House, the President of the United States, George Bush, said I think as recently as yesterday that should we decide in this body on Saturday not to grant him authority to go to war, he feels no compunction, that he can go to war anyway. So it is not only Secretary Cheney who has not read the Constitution lately.

Mr. DOWNEY. Mr. Speaker, the gentleman makes an excellent point, and hopefully the Congress will speak to that issue directly on Saturday.

The issue we have at hand has gone through many permutations. Let me just say that I know there will be many on the other side who feel deeply that the use of force is the appropriate way to reduce potential American casualties, that in the long-term interests of the United States the use of force is the appropriate way to deal with a despot like Saddam Hussein. I respect that view. It would be my hope that during the course of the debate we do not try to characterize this in partisan terms but just in the terms of people who look at history differently and come to the conclusion about the way to achieve ends differently.

There will be substantial numbers of Democrats who will be supporting the President, and I hope there will be a substantial number of Republicans who will be supporting the Democratic proposal to let the sanctions work.

We have discussed the question of sanctions ad nauseum here, but I think it bears a little rehashing. Time is on our side. The United States of America is winning. This rush to judgment suggests one of desperation, a desperate desire to deal suddenly with events that are getting out of our control. We are in control of events.

It is the world versus Saddam Hussein. The only people who are on Saddam Hussein's side are some people in Jordan and other Arabs in the Middle East who are not particularly well organized nor, for that matter, effective. So we have the luxury of time, and that is one of the central disputes that we see played out today.

The President of the United States says, "Well, look, you've got all these people in Kuwait who are suffering under the Iraqi boot."

There is no question that they are suffering, and our hearts go out to them. There were 700,000 Kuwaitis on August 2 in Iraq. Thankfully, the vast majority of them, 550,000, have left Iraq, but that still leaves 150,000 under the jackboot of this world class criminal, and the sooner they are liberated, the better.

The other question that is raised all the time in support of this quick action is this idea of the coalition not being held together. I think in the course of discussion we have heard that the coalition shows no signs of fraying. The European allies are embarrassed by their paltry role in this operation, the Germans, the French, and the Swiss for providing the Iraqis over the years with the weapons of war that now face Americans, and the Germans and French for supplying the technology for them to build nuclear weapons. My guess is that they are not a problem. They are not going to suddenly decide to do business with Saddam Hussein as long as he occupies Kuwait.

As for the Syrians and the Egyptians, they have done very well in this coalition. The Egyptians have been the beneficiaries of $20 billion in economic aid from ourselves, from the Saudis, from the Germans, and from the French. This has been good business for them. They are unlikely to decide to turn their backs on the alliance. President Mubarak was emphatic the other day when our group met with him, by saying that this is a matter of principle, that it is outrageous that someone like Saddam Hussein has occupied Kuwait, and that they cannot allow it to stand. So I do not think he is going anywhere.

As for the Syrians, if that weak link in our chain is a problem, let us just put it in perspective. Hafez al-Assad is a half-step below on the big list of who is good in the world. This is the butcher of Hama, who is responsible directly for the death of 35,000 of his own citizens. To call him an ally-terrorist is probably the only way to characterize this man appropriately. The Syrians have indicated they are not going to invade Kuwait, that they are not going to invade Iraq, and that their purpose in this coalition is to sit idly by and hold our coats while we go in and defend the Saudis. So I do not worry about whether the Syrians are going anyplace, and I do not think any of us should.

As for the Saudis, where do we expect them to go. As my colleague, the gentleman from California [Mr. MILLER] has characterized them, this is a group of people who have chosen to fly airplanes as opposed to fighting on the ground. They need us desperately, and they are not going anywhere.

□ 1550

So I think it is fair to say that the coalition is strong and likely to be supported for some time to come. We lose nothing by our patience here in waiting for the sanctions to work.

I see the gentlewoman from California [Ms. PELOSI]. I know she has a prior meeting. I would be happy to yield to her at this time.

Ms. PELOSI. I thank the gentleman for yielding. I also thank the gentleman for putting this debate in historical perspective in terms of the power to declare war, as well as bringing us up to date on what is going on there, coming off his trip just a few hours ago.

In the beginning of the remarks of the gentleman from New York [Mr. DOWNEY] he mentioned the new world order. That seems to be part of this debate, what is the new world order.

The Secretary of State yesterday and the President talked about a defining moment in history, that this crisis could present us with a defining moment in history.

Indeed, it has. Unfortunately, I do not like the definition that it is taking from the standpoint of the administration, and indeed also from the standpoint of the Solarz resolution which will come before this body tomorrow. It is plain and simple a declaration of war, and I do not think we want to go down that path.

When we talked about this defining moment of history, I recall a recent North Atlantic Assembly's meeting in London a couple of months ago, the political arm of NATO meeting there, where we were all celebrating the fact that the cold war was over, the Berlin wall was down, and that we could now look forward to a true peace, a peace built on détente, diplomacy, and dialog, and not a peace built on deterrence alone.

We celebrated recently. Here we are at the first opportunity, with the first major conflict to come before us, and already we are reverting to our former types, our former selves, where we are resorting to militarization in order to solve a conflict.

If the sanctions are not working, and I believe that they are working to a certain extent, why aren't they? Are we not clever enough to make them work? Considering the alternative, obviously, they are preferable to dying, as has been pointed out by many of our colleagues.

So the choice we have is to choose between the sanctions and going to war. Clearly my constituents, who gathered 6,000 strong at St. Mary's Roman Catholic Cathedral on Sunday evening of this week in an ecumenical service, 6,000 men, women, and children, speaking out against the use of force and the use of violence, prefer that we go down the path of peace and that we in this defining moment say in a civilized way, as we go forward, that Saddam Hussein was barbaric in his behavior; that what he did placed him outside the circle of civilized human behavior, that we will isolate him politically, diplomatically, and economically, but we will not be as barbaric as he is, but we will be smart and clever and we will isolate him.

We think that is the preferable course. But to those who choose a declaration of war, I have two practical questions. One is, we have been told one of the reasons for having this war was that it was to ensure the stability of the region.

What if we go to war? What if we win the war? Do our colleagues who support this resolution guarantee that the region will be stabilized if we win in that region?

I propose that instead we will launch an era of violence which will beget more violence, and we will be doing a grave disservice to future generations by not keeping the peace now and acting in a civilized way, instead of resorting to acting in the manner of Saddam Hussein.

Another question I have for them is another practical question, and that is, do you think the American people sent us here to send us to war, a war that would be paid for by money we borrow from our allies who are economic competitors, to protect the oil they use? Is that a reason for us to go to war? Is that a way for us to indebt a future generation?

So I maintain it is a bad proposition all around for the American people, and I would hope that in the defining moment we have before us, instead of choosing war, instead of as the gentleman from California [Mr. MILLER] pointed out our economy being affected very negatively, instead that we choose peace, we choose sanctions, for all the idealistic reasons that we all share in terms of peace being better than war, and nonviolence being better than violence, but also for all the practical reasons about what do we get for it, and who pays for it.

Mr. DOWNEY. The gentlewoman from California [Ms. PELOSI] has made an excellent point. I think one of the other aspects of this that we should never lose sight of are the varying goals of this policy. Initially it was to defend Saudi Arabia. Then it became to return the status quo in Kuwait and Saudi Arabia.

American forces keeping the world safe for Saudi feudalism and Kuwaiti feudalism is not my idea of how we want to spend American lives. American soldiers, who are currently in the desert, ready to die, to protect Saudi Arabia and Kuwait, were all given a handbook that describes the do's and don't's in Saudi society. It was inappropriate for women to drive. Indeed, the world that we will return to, if everything goes as planned, is a world that should be changed to begin with.

Every place else on planet Earth, democracy is breaking out, or has already broken out, except in the Middle East. Yet we are prepared to say it is okay, women, nobody votes in Saudi Arabia, and women do not drive. The Sabah family, the Amir who we will restore to the throne when this is all said and done, has absolutely no interest whatsoever in democracy.

I suspect the President needs to understand that if American forces have to fight, if that is what it comes to, do not expect our good friends, the Saudis, or our good friends, the Kuwaitis, to live as you used to live, ignoring the will of thousands of people in your own society who would prefer a more peaceful, a more opportunistic government than the one you have given them.

So even under the best of circumstances we return to some very, very strange places, if everything works according to plan, and war never works according to plan. War is not neat. It is messy. It never goes as you expect.

I would be happy to yield to my friend, the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I would like to associate myself with the comments of the gentlewoman from California [Ms. PELOSI] on several counts. One, what it would mean to win that war.

I think we need to consider what will this region be like if in fact the war takes place. If the war takes place in a way which we are told it will, mainly a massive, overwhelming strike of American forces by land, air, and sea, involving possibly hundreds of thousands of casualties and total destruction of the Iraqi infrastructure, including its military infrastructure, then what happens? Do we then become the long-term landlord of the Middle East? Do we then become the guarantor of the standard of living of the new society in Iraq? Are we going to occupy Iraq for 20 years, for 45 years, the way we did with Germany, or even 1 year or 5 years?

What happens to our position in not only Iraq, but in other Arab countries, when we are the country which bombed women and children and noncombatants to their deaths by the scores of thousands? What will other Arabs think around that part of the world?

Will it really be safer for Western interests, will it really be safer for Israeli interests, one of our allies in the region? Will it be safer for the somewhat shaky regimes that are our friends, Egypt and Morocco, which we do work with closely? Those regimes are not immune from street demonstrations that could easily take place if in fact we won the war.

Stop and think for a minute, what does winning mean and what comes next? We tend to focus very much on the short-term military solutions, thinking once the war is over, everything will be fine, and it will not if the war in fact takes place at all.

Another point I would like to make, if I could have the gentleman's time, and I appreciate the time, would be the question of sanctions.

The heart of the Hamilton-Gephardt proposal is keep the sanctions working, apply the sanctions, even ratchet them up if necessary, and keep diplomatic efforts going.

Those of us that support that I think have the burden of proof to argue, to rebut the proposition that the sanctions are not working, and that diplomacy will not work.

How do we know that diplomacy will not work and sanctions are not working?

Had we taken that approach with the Soviet Union 40 years ago that we are being asked to take with Saddam Hussein, we would have had nuclear war. Can anybody in this Chamber tell me Saddam Hussein is worse than Stalin? Stalin was a tyrant of the first order.

Mr. DOWNEY. With a big army.

□ 1600

Mr. MOODY. With a huge army, different, but in its own way terribly powerful, he murdered 20 million of his own people in different societies within the enormous space called the Soviet Union, very much the way Saddam Hussein has treated his neighbors. And we felt it would have been totally irresponsible to force a military confrontation with Stalin. We decided instead to go on the same path, containment, put a circle around them, if you will, draw a line in the sand, in this case allowing East Germany at the edge of Czechoslovakia and the outer edge of the other satellites to keep him from moving an inch. We had the Berlin airlift to impose that kind of policy.

We have now seen that containment and other policies short of war in fact have paid huge dividends and avoided the entire conflagration that would have enveloped Europe, and would have reduced Europe to rubble, and to radioactive rubble, and probably caused literally millions of deaths had we not adopted the wiser policy of containment.

It is not as though we liked Stalin. He was terrible, as terrible as Saddam Hussein is in Kuwait, but it does not necessarily prove the argument. We did not like Stalin or agree with him. He was as bad as anything we have seen recently, and yet it was in our interest to pursue a non-war policy, and we see how that is paying off in terms of free nations. Czechoslovakia, Hungary, Poland, et cetera, are now free, and this was the wise policy, and it was not a weak or a wimpy or a nonfirm policy.

Finally, let me say in terms of diplomacy, no one can say that a 6-hour meeting in Geneva is the full extent to which we should give diplomacy its chance. It should be the beginning of the talks, not the ending of the talks.

I thank the gentleman.

Mr. DOWNEY. I agree with the gentleman.

I yield to my friend, the gentleman from Indiana [Mr. MCCLOSKEY] and then I will yield to the gentleman from Pennsylvania.

Mr. MCCLOSKEY. Mr. Speaker, I thank the gentleman and commend him for taking this special order. He has spoken out most eloquently. I wonder if from his experience I might ask for a couple of observations about two very important concerns in a Democratic society. I have thought, given all of our experience in Vietnam with that war, that even the Weinberger-Reagan-Bush administration had promulgated as basic doctrine that no offensive war could be taken without broad consensus and in essence authority of the American people. Does the gentleman feel, and I know I do not, that there is consensus now to launch an offensive war coming from his end of the country?

Mr. DOWNEY. I thank the gentleman for asking me the question. The communications that I have received in my office suggest that there is strong opposition to the use of force. My guess is that I am probably hearing more from those people who are connected these days with the peace movement than from the average citizen, but I think at best we are looking at a 50 percent or 60 percent support for the use of force, which I think will dwindle to a fraction of that number once the consequences of war are seen.

So no, we are not going ahead with any sort of strong consensus for the use of force.

Mr. McCLOSKEY. My mail has been running about 10 to 1 against offensive war, and even the polls that say the American people would authorize it say that 53 percent say that with 100 casualties their support goes to 44 percent, and at 10,000 casualties it would go to 25 percent. But I think it is also very interesting when we consider that the administration really is not comfortable with the Congress being active on this issue. It appears to me that they are not comfortable at all with the idea of the American people being informed as to future consequences.

In essence, in the last 3 or 4 days, as many Members know, the administration appears to have put a total lid on press activities in the gulf. In essence, there is only 38 people to be allowed and two teams, and they purport a plan to censor all dispatches. Anything that Dan Rather or the New York Times is going to be able to use is going to have to go through a board. Could I get the gentleman's reaction to that?

Mr. DOWNEY. I agree. I think as the great war correspondent of the Crimean War found out, the first casualty of war is truth, and I do not think that is any different now than it has been for the last 130 years.

Mr. McCLOSKEY. I thank the gentleman.

Mr. DOWNEY. I am happy to yield to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I would just take 2 minutes to compliment the gentleman in the well. As I do that, I would like to say that those of us who are opposed to the requested Presidential authorization to declare war do not lack patriotism.

I would like to advise the gentleman in the well and my colleagues that at age 17 when this country was engaged in the greatest conflict of this country, I joined the U.S. Marine Corps, and within 5 years after my discharge, my unit, my reserve unit was called up to serve in a police action. So I want my constituents and I want all of the Members to know that those of us who stand in opposition to the resolution giving the President carte blanche power to declare war in the Middle East do not lack in patriotism.

We are not afraid of war, but my friends, we are afraid of casualties. I would like to say that the Presidential resolution requested is a declaration of war. I know that many Members will get on the floor and argue in favor of it and state that it is really not, we are going on with the negotiations, we are saying this, and it is a copout. It is passing the buck to the White House.

The White House has already made it clear what the White House wants to do, and I would hope that the White House does not stand in the place of those rulers that Plato once referred to in saying that a ruler is often setting some stage for a war to go in motion so that he can prove to his own people that they need a leader. I hope our President does not adopt that policy, and would continue with the sanctions firmly.

We have backed our President on the sanctions. We have backed the military presence in Saudi Arabia, but not to the size of the offensive capacity that we now have.

We say, Mr. President, let the sanctions work. Save American lives until it is clear that those nations who will benefit most from this are willing to pay for it with their lives and their dollars.

I thank the gentleman.

Mr. DOWNEY. I thank the gentleman for his comments, and I yield back the balance of my time.

THE SITUATION IN THE MIDDLE EAST

Mr. MOAKLEY, from the Committee on Rules, submitted the following privileged resolution (H. Res. 27, Rept. No. 102–1), which was referred to the House Calendar and ordered to be printed:

H. RES. 27

Resolved, That at any time after the adoption of this resolution the Speaker may recognize the majority leader and the minority leader, or their designees, for a period of general debate of twelve hours, equally divided and controlled, on the subject of the situation in the Middle East. It shall be in order for the majority leader, or his designee, after consultation with the minority leader, to move to extend the period of debate and said motion shall not be debatable.

SEC. 2. After the conclusion of general debate, it shall be in order to consider in the House a concurrent resolution, consisting of the text printed in section 1 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Bennett of Florida, Representative Durbin of Illinois, or their designee. The concurrent resolution shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

SEC. 3. After disposition of the concurrent resolution provided for in section 2 of this resolution, it shall be in order to consider in the House a concurrent resolution, consisting of the text printed in section 2 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Hamilton of Indiana, Representative Gephardt of Missouri, or their designee. The concurrent resolution shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

SEC. 4. After disposition of the concurrent resolution provided for in section 3 of this resolution, it shall be in order to consider in the House a joint resolution, consisting of the text printed in section 3 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Michel of Illinois, or his designee. The joint resolution shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to commit, if offered by Representative Michel, or his designee.

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 27 and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. ALEXANDER). The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 27?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 27.

□ 1610

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore (Mr. ALEXANDER). Does the gentleman from Pennsylvania [Mr. MURPHY] wish to state a parliamentary inquiry?

Mr. MURPHY. It is not strictly in the nature of a parliamentary inquiry, but it is.

As I understand the reading, there will be no amendments offered to any of the three resolutions? Is that correct?

Mr. MOAKLEY. If the gentleman will yield, the gentleman is correct.

Mr. MURPHY. Then I had proposed an amendment that would attach the cost and a proposed tax to the Solarz resolution that would not be in order.

Mr. MOAKLEY. The gentleman was not yielded to for that purpose.

Mr. MURPHY. I will wait until the gentleman explains the resolution. I thank the gentleman.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for consideration in the House of three measures on the Persian Gulf.

The first is a concurrent resolution expressing the sense of Congress that Congress must approve any offensive military action against Iraq, to be offered by the gentleman from Florida [Mr. BENNETT], the gentleman from Illinois [Mr. DURBIN], or their designee.

The second is a concurrent resolution regarding the United States policy to reverse Iraq's occupation of Kuwait, to be offered by the gentleman from Indiana [Mr. HAMILTON], the gentleman from Missouri [Mr. GEPHARDT], or their designee.

The third, Mr. Speaker, is a joint resolution authorizing the use of U.S. Armed Forces pursuant to United Nations Security Council Resolution 678, to be offered by the gentleman from Illinois [Mr. MICHEL] or his designee.

Mr. Speaker, the text of the three resolutions is printed in the report of the Committee on Rules to accompany the rule. Each resolution will be debatable in the House for 1 hour, equally divided and controlled by the proponent and a Member opposed thereto.

The rule provides 12 hours of general debate on the situation in the Middle East equally divided and controlled by the majority and minority leader, and after consulting with the minority leader, it will be in order for the majority leader or his designee to move to extend the period of debate, and the motion will not be debatable.

Mr. Speaker, after general debate is concluded, it will be in order to consider the Bennett-Durbin concurrent resolution, and after the Bennett-Durbin concurrent resolution is disposed of, it will then be in order to consider the Hamilton-Gephardt concurrent resolution. After the Hamilton-Gephardt concurrent resolution is disposed of, Mr. Speaker, it will then be in order to consider the Michel joint resolution.

The rule provides for one motion to recommit if offered by the gentleman from Illinois [Mr. MICHEL] or his designess on the joint resolution.

Mr. Speaker, I am glad we are having a debate on this issue, and I am glad that each of us in the Congress will have the opportunity to stand up and be counted on this very important issue.

I commend Secretary of State Baker on his diplomatic efforts to attempt to persuade Saddam Hussein to end his brutal occupation of Kuwait. I regret, however, Mr. Speaker, that this moment in time the Iraqi leadership lacks the common sense and the basic humanity to do the right thing.

However, at the appropriate time, I will vote yes on the Bennett-Durbin resolution to reclaim the constitutional authority of the Congress to authorize war. It is reasonable, and I will vote yes on the Hamilton-Gephardt resolution to urge that sanctions be extended. That is also reasonable.

Mr. Speaker, as a matter of conscience, I cannot vote to endorse offensive military actions by the United States against Iraq at this time, and will vote no on the Michel resolution, for I do not feel that is reasonable.

As my colleagues know, I am no pacifist. I am no peacenik, and I come from an area south Boston—where every street corner is named after a youngster who was killed in service for this great country. During World War II at the age of 15 I joined the U.S. Navy, and I served in the South Pacific.

Mr. Speaker, I believe in my heart it was the right thing to do, and I believe it was the patriotic thing to do. I have never once regretted my involvement or my participation in that noble struggle. I felt that it was to defend my country and protect the truly vital interests of my country.

In the past few weeks, like many of my colleagues, I have received countless calls from concerned citizens on this issue, and I have talked with many parents whose children are over there in Saudi Arabia as well as many relatives of men and women stationed in the Arabian desert. They are trying desperately to understand whether the issue at stake is so compelling and so vital to the United States that it is worth sacrificing their son's life or their daughter's life or their husband's life. They have asked me whether everything short of sacrificing the lives of their loved ones has been done to get Saddam Hussein out of Kuwait. They have asked me whether or not there is a way to achieve a united goal without any human casualties, and they have asked me repeatedly to do everything I can to bring their son or daughter or niece or nephew or their husband or their wife home safely.

Mr. Speaker, I honestly do not believe we have given sanctions enough time to work. We have not exhausted that pressure.

When the President of the United States invoked the sanctions last August, he said it would take up to a year before we would know whether they would be effective. It has only been 6 months. What is the rush?

I think it is time to be reasonable. It is not time for political posturing. It is not time to second-guess how our votes will be interpreted in some political poll 6 months from now. It is simply a time to be reasonable.

Mr. Speaker, make no mistake, if all other methods of diplomacy and pressure fail, if sanctions, given the time to work, prove fruitless in removing Saddam from Kuwait, at that moment we as a united Congress and as a united nation will most assuredly and swiftly remove him from Kuwait, but until I can look into the eyes of the mothers and fathers of the children and brothers and sisters of the loved ones of our men and women in uniform and say without hesitation, yes, we are at war because it is our last and our only resort, only then, Mr. Speaker, should this Congress be willing to authorize war.

Mr. Speaker, it is time for the House to act, and I urge adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WASHINGTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WASHINGTON. Is the Chair advised as to how, since the illustrious chairman of the committee has gone to great lengths to point out the fairness in which the time has been divided, I did not hear any discussion about the allocation of time, Mr. Speaker, to those in opposition to the rule itself. He has explained how the time for the proponents and opponents, majority and minority, have divided up the time when we get to the main questions which are the three resolutions, but my inquiry is: what is the allocation of the division of time between those who are in favor of this rule, Mr. Speaker, and those in opposition?

The SPEAKER pro tempore. Under the rules of the House, the gentleman from Massachusetts, the chairman of the Committee on Rules, is recognized for 1 hour. He traditionally yields, and in this case has yielded, one-half of that time to a minority member of that committee, in this case the gentleman from New York [Mr. SOLOMON]. The gentleman from Massachusetts controls the time on the gentleman's side of the aisle.

Mr. WASHINGTON. Mr. Speaker, I am sorry, the Chair did not answer my parliamentary inquiry. It was not whether the majority or the minority, because in this instance I believe the Chair will find that as soon as the issue is joined, the minority and the majority agree on the rule. What about those of us who are opposed to the rule and would like to be heard on it?

The SPEAKER pro tempore. The Chair has stated, under the rules and traditions of the House, the manner in which the allocation of time has been provided and the Chair has followed those traditional rules of the House.

Mr. SOLOMON. Mr. Speaker, may I be heard on the parliamentary inquiry?

The SPEAKER pro tempore. The Chair has responded, the Chair has recognized the gentleman from Massachusetts who has yielded time to the gentleman from New York, and the Chair recognizes the gentleman from New York.

□ 1620

Mr. SOLOMON. I would just say to the gentleman, Mr. Speaker, that it is the intent of the minority to yield time in opposition to the Republican Members on this side of the aisle, so that they will be heard.

Mr. Speaker, I yield myself such time as I may consume.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I am personally going to yield 5 minutes to the gentleman from Texas [Mr. WASHINGTON] to speak on the rule. If the gentleman from New York wants to yield the gentleman from Texas 5 minutes, then I think we might clarify the situation that he finds himself in.

Mr. SOLOMON. Well, reclaiming my time, Mr. Speaker, I already have time in opposition scheduled on this side, so I could not do that.

Mr. Speaker, I rise in support of this rule and I would urge all Members of this House on both sides of the aisle to support it. This rule does justice to the magnitude of the decision which all Members of Congress are now facing.

The question of war and peace is the most important issue any Congress can be called on to decide. And I would note right here at the outset, Mr. Speaker, that this rule provides for 12 hours of general debate over the next several days.

When we add in the amount of time that will be spent debating each individual resolution, we find that the House will be devoting a total of at least 15 hours' worth of debate time concerning what to do in the Persian Gulf.

I can advise the Members of Congress that not since Congress declared war on Germany in 1917, has so much time been devoted to a debate concerning the issue of war and peace; so this rule does provide an adequate amount of time to debate this momentous question.

This rule also provides for an adequate range of specific policy options to be debated, and I would at this point commend Speaker FOLEY and the Democratic side of the aisle, the leadership of both parties, for treating this issue fairly on the floor of the House.

I am confident that the specific resolution I support, House Joint Resolution 62, will pass decisively. And so there is nothing in this rule that can somehow thwart or prevent the House from working its will. I urge the Members to support the rule.

Mr. Speaker, turning now to the three resolutions that will be considered under the terms of the rule, I would like to reiterate my strong support for House Joint Resolution 62, the Solarz-Michel bipartisan mandate in support of the President of the United States of America.

I returned from the gulf this morning, Mr. Speaker, at 6:30 a.m., and I am now more convinced than ever that this bipartisan resolution best addresses the urgency of this hour. I have met with our military men and women in the gulf. I can tell the Members that you can be so proud of each and every one of them.

They really do represent a cross-section of this great country of ours. Their morale is the highest. Their preparation has been thorough, and their readiness is at the highest possible peak.

Secretary of Defense Cheney told the Republican Conference early today that America has never before had fighting forces of the high caliber that we have today in the gulf, and I agree wholeheartedly.

I am convinced after having met with President Mubarak of Egypt over the weekend, his Defense Minister and his Foreign Minister, and after having met with key American diplomats and military commanders throughout the entire gulf region that the Solarz-Michel resolution is the only option before us that can come to grips with the realities of this terribly, terribly important situation.

I have great respect for the gentlemen who have offered the other two resolutions. I believe those gentlemen are sincere and that they are making a principled stand for what they believe in. But, Mr. Speaker, with all due respect, I also believe that the practical effects of their resolutions, if enacted, will be to convey an impression that America is unsure of itself, that American resolve is weakening, and that is all Saddam Hussein needs to hear. To convey such an impression, particularly at this hour, is to invite disaster for those young men and women serving in the gulf right now. It is to invite the very eventuality that those gentlemen wish so devoutly to avoid.

Mr. Speaker and my colleagues, after the disgraceful display of arrogance and impudence that was put on by the Iraqi Foreign Minister yesterday in Geneva, we must do nothing less than pass the Solarz-Michel resolution, and we have to do it decisively to send the message.

The Iraqi regime evidently does not take seriously the question of war and peace. It is time for us, you and I on this floor, to make one more try in the name of the American people to impress upon the Iraqi regime that America emphatically does take seriously the question of war and peace.

Mr. Speaker, passing the Solarz-Michel bipartisan resolution is the only means available to us to send out that message one more time. The Solarz-Michel resolution was crafted in very close consultation between the administration and a distinguished array of Members with extensive foreign policy experience. The list of cosponsors includes distinguished Members from both parties and all points of the political spectrum. This is a truly bipartisan resolution which is reflective of the best traditions in this House.

Our good friend, the gentleman from New York, Mr. STEVE SOLARZ, the principal sponsor of this resolution, has said many times that America is always most effective abroad when we are united at home.

The Solarz-Michel bipartisan resolution is the best vehicle behind which Congress and the American people we represent can unite. This is the resolution which is most consistent with the national interest and the unequivocal stand of the world community, as expressed in 12 resolutions of the United Nations Security Council.

Mr. Speaker, 26 Members traveled to the gulf, to Saudi Arabia, this past week and talked to hundreds and hundreds of American young men and women. Those young men and women in uniform asked the 26-member delegation of liberals and conservatives and moderates of both political parties to please stand behind them. That is what we are here for today, because if we really want peace in that region, the only way to get it is through the threat of force; that is what we will be doing if we pass the Solarz-Michel bipartisan resolution here today. I urge support for that resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 mintues to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, I must reluctantly oppose the rule which is on the floor for adoption at this time, and I would like briefly to tell the Members of the House why.

When we were in the Rules Committee, there was another resolution which was not reported out. That was a resolution that did not equivocate, did not put conditions subsequent. It was a straight up declaration of war.

The strongest message I would say to my good friend on the Republican side, the strongest message we can possibly send to Saddam Hussein is not to say the Solarz language, we may declare war if these conditions are met. The strongest message we can send is a declaration of war now.

Why do then we say that we want to declare war, and deny an opportunity for the Members to even vote on a declaration of war?

House Joint Resolution 63 was laid out by the gentleman from Illinois [Mr. HYDE] before the committee. The committee in its wisdom did not report that resolution. I am not here to complain because my name is on it. It does not matter whose name is on it. As we both know, when this matter goes in history, it is not a question of names. It is a question of where we stood.

I believe that the President of the United States and our military people, if they are going to be put to war, they ought to know clearly whether Congress stands, with no place to hide. There is still a tiny twig to hide behind in the Solarz resolution, because as you know from having read it, I am sure being the learned scholars that you are, it says that we will declare war if the President determines that two subsequent conditions are met. So that leaves room for a Member who wants it both ways.

I agree with the President and I agree with Secretary Baker when they say that in this matter, we ought not to be able to have it both ways. The people of this country ought to be entitled to know clearly today, tomorrow, and Saturday, not obfuscated by language and legalese, but straight up when the votes are counted.

Are we ready to declare war on Saddam Hussein that day or for our troops to be put to battle Monday or not?

We will not have a straight-up vote on that because of this rule, and that is the reason I am complaining. I know that I am going to get run over on this. I may get one vote which is mine, and that may be all of it, but I want the RECORD to reflect and history to reflect that when we vote on these three resolutions, whether it is the Durbin resolution, which really just reincorporates the Constitution. The Constitution does not need our help. It does not need underlining or exclamation points by us. It means what it says. It says that the Congress shall have the power to declare war.

Then we move on to the Gephardt-Hamilton resolution, and respectfully, I would suggest that those say to stay the course. They do not pretend to be a declaration of war; but the Solarz-Michel resolution pretends to be that which it is not.

You cannot take a pig and put an evening gown on it and stop it from being a pig. This is not a declaration of war, so those Members who want to vote for it and then hide behind it and say, "Well, I vote for it, but the President didn't meet the conditions subsequent" may be able to say that.

□ 1630

So those Members who want to vote against it and then hide behind it and say, "By God, I would have been for it had the conditions changed," would be able to do that. In this hall that is known as cover. There is one day here where there ought not be any political cover. If you are for war, then, by God, let us get a straight-up declaration that says, "Resolved in the U.S. Congress, we are at war with the nation of Iraq."

Now, what stronger hand could we give the President for those who want to give him a strong hand? What stronger hand could we give him than not putting all these little niceties on there about what may happen later? By God, if we are for war, let us get up and say we are for it. The President asks for it, the President wants it, the Constitution demands that we do that which we are elected to do. It is not a popular decision, it is not a political decision, it is not a partisan decision. But if we are going to send men and women to kill and die in Iraq, on foreign soil, they ought to know where their elected Members of Congress stand.

Unless we adopt a resolution that is straight up, straightforward, we have not done anything but whistle in the wind. I ask the Members to vote against adoption of this rule. I know it is going to be adopted anyway. But you have the opportunity to know the difference because I am telling you right here it is going to be in the CONGRESSIONAL RECORD.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, this truly is an example of Congress handling the most fundamental question in the worst possible way. This is clearly a constitutional question that we are about to debate. Congress does have a responsibility to speak to something as fundamental as whether our soldiers will be asked to risk their lives in pursuit of a policy.

And how do we handle so basic an issue? We set up a process by which the House of Representatives and ultimately the Congress will speak with mixed voices. We will speak with mixed messages, mixed messages to our troops, to our allies, and most fundamentally to our adversaries. This is an issue that should be voted up or down without seeking political cover.

Politics should be the last consideration in what we are doing here. And yet this resolution is more of a political document than a way of addressing our fundamental constitutional responsibilities.

It allows everyone to seek some political cover in the course of debate and in the course of the votes. Choosing war or peace should be a yes or no answer, not a series of "maybe's." This rule allows Congress to say, "Maybe yes," "Maybe no," but does not ask us to take any responsibility for our actions.

That is unacceptable. The vote on this rule should be "no."

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the chief deputy whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my chairman for yielding to me.

Mr. Speaker, Congress and the Nation must make a stark and a very grave choice, whether to rush to war or whether to stand firm in the gulf and give sanctions and international pressure a chance to work. We support the goals of the President's policy. And Saddam Hussein must know that this country is united against his aggression and determined that he must leave Kuwait.

We support the use of troops to enforce the economic sanctions and international pressure.

But January 15 is an arbitrary and unrealistic deadline.

The sanctions are working. They have achieved, as many of my colleagues have suggested, many of the goals we set out: protect Saudi Arabia, keep the oil flowing, get out hostages released. The present policy is working.

Today in the paper the senior Senator from Georgia, SAM NUNN, had a piece in which he talked about the sanctions and the embargo. Iraq, he says, "is unique in its vulnerability to economic embargo. The international blockade has succeeded in cutting off almost 100 percent of Iraq's exports, mostly oil, stopped over 90 percent of all imports, and reduced its gross national product by 50 percent. Over time, experts estimate that Iraq's GNP would be down 70 percent."

Diplomatic initiatives are still alive. We had a terrible setback yesterday, there is no question about that. But the Secretary General is active, the French and Algerians are active.

January 15 is too soon to declare this policy a failure and to rush to war. There are those who believe a war in the gulf will be a short war, that casualties will be few, the consequences contained.

There is not such thing as a short war, an easy war. In fact, no war is ever really over. Ask the families and friends of the veterans of our last war. Since I have been in public life, since 1972, a good part of every one of my days in public life is devoted to dealing with the problems and the aftermath of that last war, and the lives of the people who fought that war have forever been changed.

We have over 400,000 men and women on the front line. We are proud of them, and we stand behind them 100 percent.

But we believe that the best way to support them is to make sure, to make sure that we do not ask them to make the ultimate sacrifice unless it is absolutely necessary.

The war in the gulf will not be a short war for us at home either. Our economy is already in recession, our budget deficit is looming larger and larger, the burden of war will cost us billions. Already it is costing us $2 billion a month.

Mr. Speaker, the President has built an impressive international coalition behind this policy. But for America to send our own sons and our own daughters out to die alone in the desert with little frontline support from our allies is wrong. And for our American people to still be paying the overwhelming cost of this military venture, while Japan and Germany have not met their commitments, in unacceptable.

War is the least predictable and the most painful of our options in the gulf.

It must be our very last resort. Support Hamilton-Gephardt.

The SPEAKER pro tempore [Mr. YATES]. The Chair would remind Members of the precedents and the rules of the House under which Members are requested not to refer to the content of speeches of Members of another body.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I am well aware that the leadership on both sides of the aisle support the resolution that is before us. But this is a week for voting our conscience. I have to rise in opposition to this particular resolution.

After all, why are we here? We are here because the Congress of the United States wants to contribute to the world's response and decisions of how we respond to Saddam Hussein.

Yet I must ask each and every one of you when this debate is completed, what signal will we have sent? We in the House of Representatives, as 400,000 Americans are going to lay down their lives in the Persian Gulf, find ourselves running for political cover under three different resolutions.

It is like we have gone to the restaurant, we have picked up the menu, and we want a smorgasbord of options.

Ladies and gentleman, this is a question of war or peace, this is not a question of which entree would you like to order, which do you find most pleasing. Think of it: We will pass one, perhaps two, perhaps three different resolutions under this rule which are contradictory. Then we will await the Senate, which probably will not pass any resolution at all. I ask you what message 3 days before January 15 does that send to Saddam Hussein?

□ 1640

Does that commit this Congress to support the U.N. resolution? Of course not. It sends a confusing signal. If we want to be a part of the world community, if we want to support what the United Nations, the Arab League, and the allies and enemies from the past the world over have united behind in condemnation of the invasion of Kuwait, then we ought to have one resolution. It ought to be whether we support the use of force in all means to implement the U.N. resolution, and we ought to vote it up or down, put our names, put our votes, on the line, and have the courage to say yes or no, not run for political cover.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I rise today to add my voice to a growing chorus of grave concern about the specter of a bloody, early war against Iraq.

No one disputes the fact that the brutal August 2 invasion of Kuwait was immoral, unjust, and reprehensible.

No one disputes the President's initial decision to send United States Armed Forces to Saudi Arabia, to deter further Iraqi aggression.

No one questions the President's diplomatic maneuvering in weaving together a broad coalition to counter Saddam Hussein's ruthless aggression.

No one doubts the fundamental goals of forcing the complete and unconditional withdrawal of all Iraqi forces from Kuwait; the restoration of Kuwait's sovereignty, independence, and territorial integrity; the maintenance of international peace and security in the Persian Gulf; and the protection of American citizens abroad.

What we do dispute and what we do question is the means of achieving these fundamental goals.

From CIA Director William Webster to former JCS Chairman Admiral Crowe, every piece of information Congress received supports the notion that economic sanctions are working and will continue to work. Iraqi oil exports—virtually their sole source of foreign revenue—have been shut down. Over 90 percent of imports have been cut off. The result—in a few short months—has been an estimated 50 percent reduction in the Iraqi GNP. Over time, experts predict that figure will reach 70 percent. As SAM NUNN commented, Iraq is becoming "an economic basket case."

In my judgment, we are well on our way to bringing Saddam Hussein to his knees. Sanctions over time will be utterly devastating.

I urge my colleagues to support the Gephardt-Hamilton alternative to the President's resolution authorizing force. 400,000 American lives are too precious to jeopardize, when staying the course on economic sanctions appears so promising.

If we opt to give sanctions a chance to work and Saddam Hussein attempts to attack Saudi Arabia or assault American troops, then the resolution provides the President with the appropriate authorization to immediately utilize American military force.

Prudence and patience will save lives and achieve U.S. goals. I urge adoption of the rule and the Gephardt-Hamilton alternative to a blanket authorization of force at this point in time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the newest member of the Committee on Rules, the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, what an incredible way to get started on the Committee on Rules.

I would, first of all, like to extend my thanks to the distinguished chairman of the committee and our great new ranking member for welcoming me to the committee, but what a way to welcome a new member to the Committee on Rules. I also want to thank Republican Chairman Emeritus, JIMMY QUILLEN.

It has been amazing and very tragic in one way, that we have to deal with an issue like this, but in another light, Mr. Speaker, it is extraordinarily gratifying to see that, as Senator Vandenberg said, as my friend, the gentleman from Michigan [Mr. BROOMFIELD] reminded me, in 1948, partisanship does end at the water's edge, and I think that this rule itself does demonstrate just that. Republicans and Democrats alike are supporting the process whereby we are allowing three proposals to come to the House floor which can be considered.

Mr. Speaker, I know which one I am going to support. I am going to support the package that has been put together in a bipartisan compromise with the gentleman from New York [Mr. SOLARZ] and the gentleman from Michigan [Mr. BROOMFIELD] offering it here, and the gentleman from Florida [Mr. FASCELL] and our leader, the gentleman from Illinois [Mr. MICHEL]. I believe that is the most balanced approach, and I think that is the one that should send that message to Saddam Hussein that the 28 nations in this coalition will not stand by and allow him to roll over this tiny nation of Kuwait and continue the kind of tragic human rights violations which we have seen perpetrated over the past several months.

I am convinced that this rule is the way for us to go, Mr. Speaker, and I have to say that, while there is going to be some very healthy debate which will take place during the next 12 hours and when the resolutions come following the general debate, I am proud to be a new member of this committee.

Mr. MOAKLEY. Mr. Speaker, I am proud to have the gentleman from California [Mr. DREIER] as a new member of the committee also.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I rise in support of this rule.

Once in a while, Mr. Speaker, the privilege of serving in this House can become an awesome responsibility. Once in a while, we are asked to cast a vote that is not only historical, but one that we know we will live with and remember for the rest of our lives. Soon, I'm afraid, we're going to have to cast one of those votes.

It's a pivotal vote. It's a vote that is going to affect the lives of hundreds of thousands of people; soldiers and citizens, innocent victims, mothers and fathers, wives and widows.

It's not a political vote. No matter how this vote comes out today, neither party will win or lose. Each Member has to search his or her conscience and decide what is in their heart. This isn't a vote for or against the President, or for or against the Democratic leadership.

For myself, I intend to vote for continuing economic sanctions. And I'll vote to retain the constitutional prerogative of this House, and of the Congress, to declare war when we—and the people we represent—see no alternative. And as a Member of this House, I can't vote to authorize war in this case.

I'm concerned that America should have to fight this fight alone. I know our allies are behind us, but why aren't they beside us?

I'm confused about our objective in the gulf. Is it to protect Saudi Arabia? Is it to expel Saddam Hussein from Kuwait? Is it to rid the world of an awful menace in the person of Saddam Hussein? If we go to war, what is it that we are asking American soldiers to fight and die for? If we don't know what we're fighting for, how will we know when the war is over?

Finally, I'm sad that we seem to have the will to wage war, and yet we don't have the heart for the poor and hungry. Nobody blinks while we spend $30 billion for Desert Shield before a single shot is fired. Why can't we show the same resolve for the poor in our own country? Or for children who are starving around the world?

In the end, Mr. Speaker, I cannot believe there is no alternative to war in this case. I cannot believe that sanctions and diplomatic pressure will have no more effect. The sanctions have worked and can continue to work. War should be the last thing that we decide to do, certainly not one of the first. In a little while on the floor of this House we will be asked to choose. For myself I believe that, while we still have a choice, we must choose peace.

Mr. MCEWEN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Staten Island, NY [Ms. MOLINARI].

☐ 1650

Ms. MOLINARI. Mr. Speaker, I rise in support of the rule, and I rise also in support of Resolution 672. I do so after coming back from a very informative congressional delegation trip through the Middle East.

One thing we are not going to hear a lot of my colleagues say is that no matter where we were in Israel, in Egypt, or in Saudi Arabia, there was magnificent support for this President, there was magnificent endorsement for the movements he has made thus far to forestall the aggressions of Saddam Hussein, and there was universal acceptance of the fact that if President George Bush did not move as decisively and as efficiently as he did within 48 hours of the initial invasion of Kuwait, Saudi Arabia would have been next.

We have heard a lot of talk today, and we are going to hear it for the next 3 days. We hear this: Why only America? Where are our allies?

This is not the first time in our history that America has not shirked from our responsibility to be the world leader and keeper of the international peace. It would be a wonderful world if we had our allies side-by-side in the same strength and the same commitment, but that has never been the case, and that should not deter us from protecting ourselves and our futures.

What are our options? I do not want to stand here and have anyone say that if I support this resolution and my colleagues support this resolution allowing this President to make the decision to authorize force, we do not care about the poor and the hungry. That is shameful. What we do care about is giving some options to the international community. What I do care about is giving Saddam Hussein the financial ability to accelerate his nuclear capabilities. I care about his ability to continue to use chemical weapons. That is unconscionable. He used chemical weapons on his own people. Is he not going to use them on his Arab neighbors and some day on us?

I care enough about the poor in this country to say that there should not be one man, woman, or child who has to live their lives in fear of the terrorist attacks that have been invoked in the past.

The SPEAKER pro tempore (Mr. ALEXANDER). The time of the gentlewoman from New York [Ms. MOLINARI] has expired.

Mr. SOLOMON. Mr. Speaker, I yield 1 additional minute to the gentlewoman from New York [Ms. MOLINARI].

Mr. MOLINARI. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, as for Saddam Hussein, let me ask, have economic sanctions worked? Has he suffered at all? No. If anything, he has dug in even more in the last 6 months, and we have not seen any change.

What is the change going to be? We know there is linkage. If we allow additional time for sanctions, his troops will get stronger. Ours are as strong as they are going to be. His troops can go home and work the fields and be with their families. Ours stay in the deserts of Saudi Arabia.

We may go in and lose some of our allies. My colleagues have already criticized that. But again I ask, what are our options? This is a difficult question for all of us, and none of us will shirk our responsibilities. It is the most difficult vote that any of us will be called on to ever cast, and we are all aware of the implications of it.

I wonder if some of my colleagues who oppose this resolution are aware of the critical implications of forestalling possible military action and not giving the benefit of the doubt to George Bush and the other world leaders who recommend tightening adherence to U.N. Resolution 678.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, the last time the United Nations authorized war, it was Korea. There were 20 nations involved, and here is what happened: 95 percent of the casualties were Americans, 90 percent of the soldiers were Americans, and the American taxpayers paid for about 95 percent of this war that was later called a police action in Korea.

Now, let us look at the record. Over 80 percent, 430,000 troops in the gulf, are Americans. There are 130,000 allied troops, they say, but over 70,000 of those troops have said they will not attack Iraq. What I am asking here today is this: Did we forgive Egypt's $7 billion debt so they can bury American dead in the desert?

Let there be no mistake, Congress has a powerful constitutional responsibility today. The American people voted for George Bush, but they did not elect King George. There is only one constitutional body, one instrumental vehicle, to send this Nation to war. It is this Congress, and let us not let anybody use any rhetoric to get around that. And I say that if George Bush attacks Iraq without an explicit declaration of war from this Congress, it should be an impeachable offense. I am not going to hold back on that.

I am going to vote for this resolution. It provides for an opportunity for debate, and let there be no mistake, Mr. Speaker, it has come down to that particular time. But my point is that I have an amendment I want brought up, and I have a resolution here on burden-sharing. Where is Japan, and where is Germany? While we are protecting their oil, they are buying our national parks and they are buying our landmarks. We are letting them rip us up in trade. We are financing all their problems, we are underwriting their economies, and we are wondering why we are going bankrupt.

This is more than an issue of Saddam Hussein. Saddam Hussein is the world's problem, and he should be challenged by the world. Everybody should be participating in stopping this man.

Mr. Speaker, I am going to vote for the rule, but I would hope before it is all over there would be some understanding of America's contribution after contribution, actually subsidizing the world while we are going bankrupt. This is another good example of it.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule. It is not the way I would have written the rule, but that is why we have a Rules Committee. That is why we have rules. I suspect there might be 400 different versions of this rule if it was wide open. We have to have some order.

I agree with the gentleman from Wisconsin that there ought not to be but one resolution. But we have three. There really is only one, and that is Solarz-Michel.

If we adopted one of the others and it passed over in the Senate and somehow became law, suppose Saddam Hussein would elect to unleash a preemptive strike; would that mean the President would have to come back to this body to get permission to respond? I do not think anybody would want that.

No, we should adopt the Solarz-Michel resolution.

We hear that we should give the sanctions more time, that we should give them a year.

Did we not read the letter this morning from Judge Webster of the CIA, who pointed out that if it went another year, in his considered opinion, with all of the intelligence that the CIA has, Saddam Hussein would not be forced out.

Finally, Mr. Speaker, I say that Saddam Hussein is no fool. If you or I, God forbid, were in his shoes, would we not wait to see if the Congress is going to cut the President's legs off at his knees before we did anything?

The best way to avoid war is to adopt Solarz-Michel. Then Saddam Hussein will know there is no way out, that he is up a blind alley and it is either he must get out or Armageddon. Then we might avoid this war.

So, Mr. Speaker, I hope that tomorrow or Saturday, or whenever we have a chance to vote, we will vote in overwhelming numbers for Solarz-Michel.

□ 1700

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, already this shapes as a divisive debate, and it should not be. I think the important factor is that this debate is taking place at all. In fact I want to commend Speaker FOLEY and Majority Leader GEPHARDT for encouraging a bipartisan debate. At one point there was concern that the Congress would be shirking its responsibility. It is not. But as we move ahead in this debate, let me state that I believe that this is an eminently fair rule. It deals with all the options and points of view that our colleagues can express, the role of Congress, support for military force, or support for economic sanctions.

As we begin this debate let us see if we can find four areas where we can be united. First, whatever we do, we all support our men and women in Saudi Arabia. That should not be an issue. We all support everything that they are doing in that part of the world.

Second, I think it should be clear that we all support the Congress acting the way we constitutionally have to. This is an American war. There are 400,000 American troops. If we had not taken this action in the next few days, we would have been shirking our responsibilities and our duties as Members of Congress.

Constitutionally I believe the President had no grounds to exclude us or the American people from this decision.

Another thing we should not be divided on is the issue of burden sharing, regardless of how the outcome of this debate turns out. Germany and Japan, especially, our friends, are not doing their share. Japan's contribution to the Persian Gulf is less than what Sony paid for Columbia Records. Germany's contribution probably is less than the Oakland Athletics' payroll.

Yes, that is being facetious, but we should be united on that factor.

Finally, a message to Saddam Hussein. This debate is not a result of policy division in the United States, this debate is democracy in action. On these four points I believe my colleagues on both sides of the aisle can be united.

Mr. Speaker, I would also like to include for the RECORD the results of a series of questions concerning the Gulf Crisis I raised with my constituents at recent town meetings in New Mexico.

Town meeting results in Santa Fe:

1. Does the UN Resolution give the President enough authority to initiate military action in the Middle East after January 15? Pro 14. Con 237.

2. Should economic sanctions be given up to a year to work? Pro 24. Con 0. Abstain 186.

3. Should economic sanctions be given a unspecified period of time to work? Pro 192. Con 3.

4. Are sanctions a waste of time? Pro 5. Con 0.

5. Can the Gulf Crisis be solved without reference to Palestine-Israeli issues, Lebanon, etc.? Pro 61.

6. Can the Gulf Crisis be solved only in conjunction with other Middle East issues (Palestine-Israel, Lebanon, etc.)? Pro 101.

7. Should Saddam Hussein be allowed to save face through some sort of compromise arrangement? Pro 159. Con 17.

8. Is the role of Congress to declare war (or does that belong to the President)? Pro 204. Con 1.

9. Absent the President calling Congress to debate a war declaration, should Congress take the initiative? Pro 200. Con 0.

10. Do you believe the US and Iraq will be at war in early January? Pro 44. Con 65. Abstain 115.

11. Should the US unconditionally withdraw its troops from the Persian Gulf? Pro 163. Con 44.

12. Should the US troops be placed under UN command as part of a peacekeeping force in the Persian Gulf? Pro 147. Con 3.

13. Would you engage in civil disobedience if the US initiates a war against Iraq? Pro 134. Con 18.

14. How should I (BR) vote on a declaration of war against Iraq? (Pro: Give the President authorization to declare war; Con: deny the President authorization to declare war.) Pro 5. Con 18.

Other town meeting polling results:

1. Does the UN resolution give the President the authorization to attack Saddam Hussein on January 16?

	Los Alamos	Taos	Las Vegas	Rio Rancho	Farmington
Pro	14	6	12	29	11
Con	55	58	91	140	79

2. Do you believe that economic sanctions should be given time to work?

	Los Alamos	Taos	Las Vegas	Rio Rancho	Farmington
Pro	61	51	55	95	68
Con	21	9	52	40	21

3. Should Congress assert its authority to declare war to prevent the President from initiating a strike?

	Los Alamos	Taos	Las Vegas	Rio Rancho	Farmington
Pro	84	59	118	133	89
Con	1	1	8	3	4

4. Do you believe the US needs a national energy policy? Unanimous in all towns.

5. Should I (BR) vote for a declaration of war?

	Los Alamos	Taos	Las Vegas	Rio Rancho	Farmington
Pro	(not voted)	1	9	48	19
Con	(not voted)	59	117	86	56

6. Should the US join a multinational UN peacekeeping force for dealing with Kuwait?

	Los Alamos	Taos	Las Vegas	Rio Rancho	Farmington
Pro	44	25	73	154	63
Con	9	7	22	2	0

7. Should the US give Saddam Hussein a face saving option?

	Los Alamos	Taos	Las Vegas	Rio Rancho	Farmington
Pro	36	57	112	73	52
Con	35	1	9	56	26

The following questions were asked in Los Alamos:

1. Should Congress call a special session to debate the crisis? Pro 72. Con 0.

2. Should the US put a reduced number of troops (200,000) under UN command in the Gulf? Pro 29. Con 4.

3. Can the Gulf crisis be resolved without reference to other Middle East problems (i.e., Palestine-Israel, Lebanon, etc.)? Pro 51. Con 25 (i.e., linkage).

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I support this rule, but with the greatest of reluctance. I support it only because we are out of time and because Congress must act now, this week. The rule should allow, as many Members have said, for a clear up or down vote on the request of the President for authority to use force to remove Saddam Hussein from Kuwait should he not leave voluntarily. Instead, the rule allows equivocation.

We could send the wrong signals. Sometimes that is not important, but it is here, because here the wrong signals to Saddam Hussein could be fatal. He understands force, not subtlety; he understands strength, not confusion. That is why we must support only the bipartisan Solarz-Michel resolution.

Under the rule, however, we could vote to both grant the authority under this bipartisan resolution and to require a grant by voting for the Durbin-

Bennett resolution, and this would be confusing.

As I say, if we had more time we could prevent that. But I support the rule, because if both of those resolutions pass, it would be clear to us, even if not clear to Saddam Hussein, that even if Congress grants such authority, it would have been accomplished by adoption of the bipartisan resolution.

It is too bad this might be confusing, but it is critical that the President have direction now, and it is critical that the Congress speak now, and this rule at least allows that.

Mr. Speaker, we should support the request of the President for a grant of authority consistent with the U.N. resolution by voting for the bipartisan resolution offered by the gentleman from New York [Mr. SOLARZ] and the gentleman from Illinois [Mr. MICHEL]. We should reject the Durbin-Bennett resolution and the Gephardt-Hamilton resolution. We must leave no doubt where the Congress stands, and we must leave no doubt where America stands.

Mr. MOAKLEY. Mr. Speaker, may I inquire as to the remaining time?

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Massachusetts [Mr. MOAKLEY] has 3½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 9½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY], who just returned from Saudi Arabia at 6:30 this morning.

Mr. GRANDY. Mr. Speaker, I thank our distinguished rules leader for yielding to me, and I joined this debate happily. This is an appropriate debate. This is a pure exercise of democracy, to have this Chamber debate the most serious question that we will probably decide in our congressional careers.

This question, of course, will not come up in Baghdad. The Iraqi Legislature will probably not have this option. That is why I stand today in favor of the resolution of the President, the U.N. resolution, because of our goal, who support this resolution, is simple: It is to stop Saddam Hussein now.

This is a debate about timing. Those of us that support the President say we stop him today. Those that do not say tomorrow or the next day is sufficient.

I must tell Members on the other side of this argument that this is not the message we got from our troops, our young men and women, when we were in Dhahran 2 days ago.

I cannot think of a better way to frame this argument than one that was made to me in the chow line at the base we were visiting. A young woman, who, by the way, was wearing her standard issue gas mask right at her hips, the way they all do, a constant reminder of what Saddam will use against our men and women, when I asked her what she wanted, she said, "I don't want to go to war." I said, "Neither do I. That is why I am here." I said, "What about the proposition that has just been introduced, that perhaps we should roll back the deadline until February 15?"

She said, "Give Saddam another month to kick my behind? Forget it."

That is what we should do with other proposals: forget them, because they will not save lives. They will not protect our young men and women, who, by the way, should not be called kids in this debate, because they are professionals. They are professionals prepared to do a job. If you go and inspect these bases, you will see a discipline rate at near zero, no problems with morale, no problems with medical. Our pilots are ready, but they are afraid another month may cost them that edge. Do we want to commit pilots to an air assault when they are not ready?

All I can say is we will not agree for the next 3 days on who should win this debate, but we must concur on who should lose, Saddam Hussein, who will watch every minute of this debate. The one thing that all of the Arab nations agree on is their passion for CNN. If we want Saddam to watch this debate, send him the message. We are there to liberate Kuwait. We are there to stop Saddam now.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding. The crux of the debate will be whether the President should be authorized to use force when he judges that it is necessary to carry out our goals and those of the United Nations. Some want to force the President to wait, even if it is against the President's better judgment as to how we can accomplish our goals.

Remember this: Sanctions definitely carry enormous risks. The coalition could fall apart, leaving us alone in the desert and dividing the world.

U.S. soldiers tell us not to jeopardize their lives, Mr. Speaker, by making them sit and wait indefinitely, damaging their morale and damaging their effectiveness, and forcing them to fight an even more dug-in enemy.

I remember the marine that told me when I was out in the desert, "I cannot get my men up every day if I do not have some time period that I can rely on. What you do to me and my men is to jeopardize their lives by making us sit in this desert indefinitely without any prospect for resolving this problem."

The world has stood together and continues to send the strong message to Saddam Hussein: The changes for a peaceful resolution of this problem lie in resolve and they lie in clarity. Do not, I repeat to the House, do not undercut the message that the world is sending, destroying any chance for a peaceful resolution of this problem.

If Saddam Hussein is unreasonable and will not listen to the world and the use of force is necessary, do not hurt our ability or the ability of the world to be able to be successful with the use of force, protecting American lives and the lives of our allies.

Mr. Speaker, I urge support for the Michel amendment that will come and rejection of those substitutes that undercut, send confusing messages from the United States, and destroy our ability to resolve this in any kind of a peaceful way.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MILLER].

□ 1710

Mr. MILLER of Washington. Mr. Speaker, I am delighted that this body is debating this momentous issue. For over a month I have urged the Secretary of State, the President, and the Speaker to bring this issue to the floor so the House could debate a resolution similar to the U.N. resolution. That has been done.

I rise because I have heard some of the speakers on the other side of the aisle who are opposed to a U.N.-type resolution telling us that we should wait, just wait. I agree that Saddam Hussein is a bad guy, but wait, do not act now, do not increase the military pressure now? Why should we wait? Is it because diplomatic initiatives are going to have a greater chance of success? The United Nations has passed 12 resolutions. Do we want six more? The European Community has had diplomatic initiatives. Secretary Baker has been stiffed in Geneva. The Secretary-General of the United Nations has been involved.

We have had economic sanctions for over 5 months, and is there the slightest evidence in the last 5 months that these diplomatic or economic initiatives have changed Saddam Hussein's mind? No.

But if we wait, with no evidence that waiting is going to produce results, what are the consequences of waiting? What are the consequences of rejecting a U.N. resolution authorizing the President to act with the coalition after January 15? What sort of message will that send Saddam Hussein?

The message will be you have another year, you have another year to pillage and rape in Kuwait. You have another year to threaten your neighbors, and yes, we will be sending him a message that the United States has broken with the United Nations and the coalition, that the Congress and the President are divided. We will be sending him a message that he can send his troops back to the farm while we have to spend to keep our troops there.

Mr. Speaker, let me conclude by saying that if we wait, if we do not pass this resolution, if we do not act now, we run the risk, we increase the risk of a war later, and we increase the risk of a much greater, bloodier conflict at the later date.

Mr. SOLOMON. Mr. Speaker, I yield our final 2½ minutes to the gentleman from Ohio [Mr. McEWEN], the newest member of the Rules Committee.

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding time to me and I rise in strong support of this rule which was worked out with the cooperation of not only the Speaker and the minority leader, but the distinguished chairman and ranking member of the Rules Committee.

Ladies and gentlemen, I will speak precisely to those on our side of the aisle, this rule is very, very important. Sure, it allows certain options and discourages some, but on an important question of this magnitude we should not be engaged in a gag rule.

There are three options. There is one on a procedural question. There is a second one that does what the United Nations says, and that is that we will support the effort in the gulf with our allies. The third option is that we do nothing.

I believe that this will allow us to clarify our position. This debate over the next 48 hours will allow us to telegraph to the world where we stand so that there will be no misunderstanding in this vital effort to achieve peace in our time. It allows us to expeditiously respond to the request of the President and allows us to stand shoulder to shoulder with our allies, 27 nations that have sent troops.

We have heard it already suggested that the United States should sit back and do nothing, that we should wait, that we should let the others carry the burden, such as Turkey with $800 million a month being lost, with the 30,000 British troops, with our allies around the globe, not only the Arab League but also the Communist bloc nations, with the Soviet Union, every civilized nation on the planet saying that this type of aggression cannot stand.

Ladies and gentlemen, the Amnesty Report that was presented to us points out that there has been bayoneting of pregnant women, there have been random murders, total destruction of every decent facility in Kuwait. Now the question is, Do we stand idly by?

We chose to do that in the 1930's. We stood idly by and did nothing in Czechoslovakia, in Austria, we did nothing in France, nothing in Bulgaria, nothing in the Netherlands, nothing in Poland. It was not until well into 1941, December, 5 years after the aggression had taken place in Europe that the United States chose to act.

Ladies and gentlemen, the world has learned from those mistakes. We now stand united with our allies around the globe that at the very first act of aggression and murder the world will put a stop to it. We can do no less. If Mikhail Gorbachev can do it, if the Arab League can do it, certainly the Congress of the United States can do it, and that option is being presented to us over the next 48 hours.

The question will be about the cost, and indeed it is costly. The burden of world leadership is great, and $3 out of every $4 is paid by our allies, but our $1 is significant.

We should support this rule. We should communicate to the President our support so that we can give peace a chance.

The SPEAKER pro tempore (Mr. ALEXANDER). All time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. MOAKLEY. Mr. Speaker, to conclude debate on our side, I yield our remaining time to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I thank the distinguished chairman for yielding time to me and for this opportunity.

Mr. Speaker, I do support the rule for it allows us to frame this debate and consider these grave constitutional issues as well as the question of war and peace. We have some clear choices and this rule is clean.

The crux of this debate has been called the question of whether we go now or go later. I was interested to hear the previous speaker saying if we do not go now we run the risk of war. But what is going now other than war? And war will bear a terrible burden not only on a number of innocent civilians in that part of the world, but on our own troops as well.

Conservative estimates are that if we turn to ground fighting, which we must in the end because aerial bombardment alone will not do it, the losses will be from 1,500 to 3,000 casualties a day, a day on Americans.

So the question of going now or later is an important question, and each option has its own cost and its own probabilities of success.

The crucial issue in that is are the sanctions working. Some people have lightly dismissed them. The previous speaker said that they are doing nothing at all, the sanctions are not doing anything at all. They are working. By all accounts they are having a terrible toll on the economy and society of Iraq. Yes, Saddam Hussein is still eating well, but that is not the issue. The point is that the economy of that country has been dealt a devastating blow by the sanctions.

We in America are worried about a perhaps 1-percent or 2-percent drop in our GNP over the next year. They have received at once a 50-percent cut in GNP in that country. Imagine the chaos which would ensue if anything approaching that would happen here.

This is not a weak response. This is a very strong response.

The next crucial question is will the alliance hold. We were told this morning that the alliance will not hold for sanctions, that it will begin to deteriorate. If it will not hold for sanctions, then how important is it to these allies that we are supposedly protecting if they will not even go with us on sanctions? Why would we be shedding American blood to save them?

Furthermore, if the alliance does not hold on sanctions, then certainly it will not hold for war. In fact, several of our allies have already announced that if we go to outright war that they will not hold the alliance with us.

I urge my colleagues to support the Gephardt-Hamilton amendment which is the second of the three options. It allows us to substitute diplomacy and diplomatic efforts and political pressure for outright war.

For those who say that diplomacy has run out, I say no, that one meeting of 6 hours, as grueling as that may have been, that that is not the end of the road and should not be allowed to be. It has broken the ice, and talks should now continue by any and all means necessary.

The real issue before us is not how bad Saddam Hussein is. We know that he is terrible, and Stalin was terrible, Idi Amin was terrible, and others. The question is not whether we will win. We will win. The question is not can aggression be rewarded. It is not being rewarded. It is not now, it will not be rewarded. But the question is how we best go about achieving our goal in a way that is the least costly to American lives and to innocent lives everywhere.

I urge support of the Gephardt-Hamilton substitute.

□ 1720

The SPEAKER pro tempore (Mr. ALEXANDER). All time has expired.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 27, the House will now begin general debate on the subject of the situation in the Middle East.

The gentleman from Missouri [Mr. GEPHARDT] will be recognized for 6 hours and the gentleman from Illinois [Mr. MICHEL] will be recognized for 6 hours.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, for this evening, I yield control of the time on our side to the gentleman from Indiana [Mr. HAMILTON].

The SPEAKER pro tempore. Without objection, the gentleman from Indiana [Mr. HAMILTON] will control the time on the majority side.

There was no objection.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to our distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, in the 14 years that I have served here, I do not believe we have had a more serious or a more solemn or a more important debate and discussion of an issue. It is not often that we discuss the questions of war and peace in committing our country and our people to military action.

Later in the debate, I hope to speak about the merits of the proposal that the gentleman from Indiana [Mr. HAMILTON] and I have offered through the Committee on Rules and will be considered by the entire House.

But at the outset of this debate, there were some things that I wanted to say to the Members about the debate, because I think it is a debate that is so very important and will be remembered.

Mr. Speaker, first, I wanted to say that in this debate and in this vote we are not Republicans. We are not Democrats. We are Americans. The vote, in my view, is a matter of conscience. There is no, and will be no, group of Democrats constituted as Democrats whipping the vote, trying to get people to vote on behalf of the Democratic Party. We expect and want all of the Members to vote their conscience; what in their heart and their mind is the right thing for the country to do.

This decision transcends politics and political posturing. Politics cannot be involved in a decision of life and death, in a decision that is so important to the future of our country.

Each of us, every one of us, wants the President to succeed. Each one of us wants the country to succeed, and each one of us wants to support the men and women who are serving on behalf of America in the Persian Gulf tonight.

The second thing I would like to say is that this debate will be passionate and heartfelt. It is about the strategy that our country should follow in the days ahead, and the feelings will run, and should run, deep. But I hope in the passion of the debate that all of us will assume what is obvious and right, and that is the motive of everyone in this House is right. I assume and believe that the President wants what is best and right for our country and our people, and I assume and believe that every Member on this floor, every Member in this House simply wants what is right and best for our country.

We agree on the goals that are to be achieved. We agree on what is being attempted in the Persian Gulf.

Where we have some disagreement is on the exact strategy and the timing of this strategy to achieve those goals, but I assume and I hope everyone assumes that every other Member's motive is right and pure and for the national interest.

Finally, I want to say tonight that if Saddam Hussein listens to this debate, and we are told that he does pick up some American television, I hope that he will take no comfort from this debate. We are united in our purpose in this country and in this Congress.

Some have expressed concern that when there is a division of opinion, even on strategy, that that lends help to the other side. I hope that we would never mistake disagreement on means as disunity within our country.

I cannot remember a time when our country has been as unified around a set of goals, as focused on what we are trying to do, in as much agreement and unity as I think we are tonight.

The genius of our democracy and our country is that after the debate and the disagreement and the discussion is finished, the representatives of the people vote, and after we vote, we become one.

There is no disagreement tonight in Iraq about the policy of the Government of Iraq. There is no debate in the Parliament of Iraq about what Iraq should do or what it should not do. There is no disagreement or discussion allowed in front of Saddam Hussein. It has never occurred, and when it has, there have been harsh consequences for those who disagreed.

Not so here. We disagree because we represent the people of our country, and obviously there will be disagreement on important questions, but then we vote, and after we vote we become one.

Alexander Hamilton said, "Here, sir, the people govern. Here they act by their immediate representatives." And even if the view that I support and hold passionately is not agreed to, I support the unity of our country when the vote is taken.

Would that it were that Iraq had such a democracy? I submit to the Members tonight, ladies and gentlemen, that if Iraq had such a democracy we would not be here tonight. We would not have 400,000 of our people in the Persian Gulf, and we would not be in the position that we are in.

I thank God for this country and for this democracy. I thank God for the right of our people to have their views heard and discussed and debated in this place, and when we finish, we will be unified behind a common goal.

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the conclusion of my remarks, we are going to have a system of rotating managing on this side. For the time being, the distinguished ranking member of the Committee on Foreign Affairs, the gentleman from Michigan [Mr. BROOMFIELD], will manage the time.

The SPEAKER pro tempore. Without objection, the time on the minority side will be controlled by the gentleman from Michigan [Mr. BROOMFIELD].

There was no objection.

□ 1730

Mr. MICHEL. Mr. Speaker, may I first pay my compliments to the distinguished majority leader for the tenor of his remarks. He is the majority leader in this body. I happen to be the minority leader. Later on, we will be supporting differing resolutions because we have a difference of views on this. However, I would applaud and certainly subscribe to the expression of the distinguished majority leader, that after all the debate is over and it has been concluded, we will abide by the will of the majority when all is said and done. That is our system. Even if it carries by one vote, that is the way we operate in this country, to give everybody an opportunity to have their say.

I am happy and proud that the resolution which I support, the bipartisan resolution, is one that is in the form of a joint resolution that would obviously go to the other body, require the signature of the President, and then we would all be speaking with one voice.

Mr. Speaker, as this debate opens, the United States of America has over 370,000 troops in the gulf area. They are face to face with troops of a ruthless dictator. Our troops will be aware of every word we say in this debate. So will the dictator.

The question we have to ask ourselves is this: When this debate is finished, will the House be seen as a tower of strength or as a tower of Babel? I speak from the prejudice of being a combat veteran of World War II and those of our generation know from bloody experience that unchecked aggression against a small nation is a prelude to international disaster. Saddam Hussein today has more planes and tanks, and frankly, men under arms, than Hitler had at the time when Prime Minister Chamberlain came back from Munich with that miserable piece of paper. I will never forget that replay of that movie in my life. I have an obligation, I guess, coming from that generation, to transmit those thoughts I had at the time, to the younger generation who did not experience what we did. Saddam Hussein not only invaded Kuwait, he occupied, terrorized and murdered civilians, systematically looted, and turned a peaceful nation into a wasteland of horror.

He seeks control over one of the world's most vital resources, and he ultimately seeks to make himself the unchallenged anti-Western dictator of the Mideast. Either we stop him now and stop him permanently, or we will not stop him at all.

Now, the President has clearly presented the reasons why we cannot stand by idly in his words: "We're in the gulf because the world must not and cannot reward aggression. And we're there because our vital interests are at stake."

Now, we are told by some that we must show patience. We must wait for sanctions to work. We must wait 6 months or a year before forces are used. We must stay the course. My question is this: Stay what course? A course that allows Saddam to know he is free from surprise attack, free from sudden offensive movements for 6 months, a year, or more? I guess to Members who advocate that course, I would say to those members, what would they do about the attitude of the American people in that interval period of time? How long will the American people put up with that? How long would that delicate coalition last that we have pulled together, currently? How long will they stay that kind of course? Not to mention our troops abroad an extended period of time, in that kind of an environment, when, frankly, over an extended period of time we would have to be thinking seriously of rotation and all that that implies.

Therefore, I think during the course of this debate, those who advocate that course are going to have to answer some of those questions. Patience and delay can be virtues when they help bring military or diplomatic goals, but when patience and delay become foreign policy goals in themselves, as I fear they have with some of our colleagues, they are no longer virtues.

I understand principled pacifism which holds that nothing justifies the taking of a human life. I grew up in that tradition, and I respect it, because World War II caused me to come to grips with the very same question in my mind and in my conscience. However, what I cannot understand is a policy that asks Members to believe that after 6 months or 1 year, that the alliance will still hold, our sophisticated equipment will be in better shape after frying in the desert, our troops will have higher morale and better readiness. Such a policy is not just an uncertain trumpet to the men and women in our armed services, it is a veritable brass choir of indecision, doubt, and confusion. Patience at any price is not a policy. It is a cop-out.

We will be told by those who want delay that they do not want to risk American lives in combat. Let no one in this Chamber or anyone else lecture me on the horrors of war. I see my friend, the gentleman from Florida and several others, including the gentleman from Ohio [Mr. WYLIE], similarly, who know of all the horrors of war. We have seen it at its worst. The memory will remain within our heart and minds for the rest of our lives. It is Saddam Hussein who will be responsible for those who make the supreme sacrifice, and Saddam Hussein himself. If Saddam Hussein convinces his neighbors he can survive this crisis, he will become something more than a former hit man with delusions of grandeur. He will be someone who has triumphed over a worldwide coalition. If Members seriously think that that wouldn't be a sinister event in the history of the 20th century, I think those Members are fooling themselves.

In our democracy, we elect our President to speak and act for Members, primarily in foreign affairs, that our message might be clear and unmistakable. We in the Congress have our role to play, and we cannot shirk our responsibility. This is the time, it seems to me, for Members to rally around the Chief and give him the support he deserves for our well-crafted bipartisan resolution.

May I, in conclusion, thank my colleagues, my cosponsors of this joint bipartisan resolution, for the excellent work that has been done on this side of the aisle, and on our side of the aisle by those who are listed as sponsors of our bipartisan resolution. I hope the debate will go forward on a very high plane, that the distinguished majority leader said this is the time to really come to grips with probably one of the most important issues we will have, certainly in this Congress, and for some Members, during the tenure of our Congress here. We hope it is conducted on a high plane, and that ultimately, then, come to a resolution of it sometime Saturday, and will abide by the will of the majority. Hopefully that will be in strong support of the action the President has taken thus far, and feels he may have to take in the future.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I want to express my enormous admiration for the gentleman from Illinois [Mr. MICHEL], who just finished speaking. He asks us, Will this House be a tower of strength, and move ahead with military hostilities, or will we be a Tower of Babel and chatter among ourselves in impotence and futility?

Mr. Speaker, I hope that we will be a tower of wisdom, a tower of good judgment, a tower of prudence. I hope we will be a group of men and women who can define our goal.

Now, what is our goal? My distinguished colleague from New York [Mr. SOLARZ] said today that there is no guarantee that sanctions, which I support and believe in, will induce Saddam Hussein to pull out of Kuwait. He may very well be right. It may be a short time. It may be a longer period of time. It may be never. However, Saddam Hussein and his whole society may be destroyed by sanctions before he will pull out of Kuwait. The question remains, What is our major goal? Forcing Saddam Hussein to withdraw from Kuwait to make possible restoring the Sabah family as the rulers of Kuwait should be far from our top priority.

To date, the President has responded to Saddam's naked aggression in admirable fashion. I have placed my full support behind the President's and the United Nation's economic sanctions policy and I see no reason to change course now.

□ 1740

Our top priority should be removing Saddam Hussein as a 900-pound canary towering over the Middle East as a ruthless, cruel, vindictive, utterly amoral presence, terrorizing and intimidating his neighbors and threatening the security and peace of the entire region. I think our goal should be to remove Saddam Hussein's poisonous presence from the map of the Middle East.

Our top priority should not be restoring the Sabah family to its throne in Kuwait city. During the decade of the eighties, the Sabah family was one of our most bitter, hostile opposition voices in the United Nations. They opposed us over the decade of the eighties just about to the extent that the Soviets opposed us at the height of the cold war. They opposed us between 88 and 91 percent of all the U.N. votes, just about the same as the Soviets at the height of the cold war; so restoring the Sabah family to their sovereign monarchical rule to me is not a top priority. Removing Saddam Hussein as a threat to the region is, and for that purpose sanctions will work.

Why will they work? Well, in the last half century the United States has been engaged in approximately 115 different cases of sanctions. In about a third of them, sanctions worked quite well. In those 35 or 40 cases where we applied sanctions successfully, the average impact on the target countries where they worked was about 2½ percent, a 2½-percent reduction in their gross national product. It does not sound like much, but it was enough to get their attention. It was enough to change their course of conduct and their behavior where it counted to us in the international arena.

Last month, the Joint Economic Committee had a day of hearings and heard from a number of leading experts. The witnesses agreed that sanctions would work, that this was a classic case where sanctions would work, and why? It is perfectly obvious why. They only have one cash crop, and that is oil. It does not grow in the fields. You cannot cut it down and put it on the backs of donkeys and send 100 donkeys over the mountain with their contraband. It does not work that way. A portion of it goes out by pipeline to Turkey and a portion of it goes out by pipeline to Saudi Arabia. Both of them are cooperating totally with the U.N. coalition. There is a total oil cutoff from that country. Some 98 percent of its foreign earnings have been obliterated. They are not making a nickel from all that oil under the ground and they do not have anything else to merchandise.

About 90 percent of their imports have been stopped, their imports of chemicals that they urgently need for their war machine, their imports of spare parts, replacement parts. There is some smuggling coming across the border from Syria, from Jordan, from Turkey, and from Iran; but nothing to speak of. The sanctions are going to work and they are predicted to have an impact, not of a 2½-percent reduction of the Iraqi economy, but of a 50-percent reduction.

In today's Washington Post, Senator SAM NUNN of Georgia, the chairman of the Armed Services Committee, writes that he thinks they will have a 70-percent impact, that sanctions will reduce the Iraqi gross national product by 70 percent over time. That is a sanction program that is working effectively, inexorably, tightening the noose that will bring Saddam Hussein to his knees, that will destroy the Iraqi economy and reduce the Iraqi military machine gradually to the point of strangulation, and remove him as a threat to peace and stability in the Middle East.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, we have said it before and we must say it again, we have arrived at this point in the history of our country because the President of the United States needs the Congress of the United States to give him a vote of confidence as he proceeds to solve one of the most monumental problems ever facing the civilized world. That vote of confidence has already been earned because the President has received the confidence of the international community, of the United Nations through the resolutions that they have passed, through the victims and potential victims in the Persian Gulf region of Saddam Hussein, through our Arab friends and neighbors, through other aspects of the world rhetoric in this crisis in the Persian Gulf, and most importantly, he has received expression after expression of confidence from the Armed Forces of the United States, our own young people, our fellow Americans who are poised in the deserts of Saudi Arabia; he has received their confidence. They are willing to do their duty and they are there because they are performing their duty, and the American people in different ways have expressed their confidence in the President of the United States.

We can do no less. And what does he ask us to do? He asks us, through the parliamentary devices that are available to us, to give him additional power, not power to declare war, not power to wreak vengeance on anyone, but the power of the American people, the spirit of the American people to bring about peace, to bring about a solution to this vexing and horrible problem that exists in the Persian Gulf.

We are then asked to give him the wherewithal, the ability, the power, as it were, to bring about a needed solution to a world problem, and only he, through the exercise of this power, is able to do it.

A vote of confidence is not one where we can shrink back and say it is going to be a limited one, that we must wait for this to occur or that to occur. The power to do good, to bring about peace must be a power that he can wield at the discretion and with the sanctions of the United Nations and the good will of the American people and the vote of the Congress, buttressing every manner and means of his actions from here to the final solution of this problem.

We must support the President of the United States because he is our leader. He is the Commander in Chief and the one to whom the world now looks for a solution to the Persian Gulf crisis.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

Mr. Speaker, today, many Americans are aghast as the United States stands on the brink of a war that could result in more American casualties and unforeseen disaster than ever occurred in the Vietnam war.

The administration's plans for a new world order could result in the deaths and wounding of thousands of young Americans on far desert sands and an accelerating plunge into a recessionary morass economically.

In southwestern Indiana the overwhelming sentiment I hear in coffee shops and at the supermarket, in town forums, and on courthouse squares is a feeling of incredulity not only that we are so close to war, but that the President appears more than willing to take us there. And mothers of young servicemen stationed in the gulf have plaintively asked, "Is anybody listening? Can't Congress do something?"

Although I haven't polled my district on the issue, my mail is running about 10 to 1—in conservative Middle America—against an offensive invasion. Phone calls today appear to be running about even. But all indications are that the consensus and support for war deemed necessary in the wake of Vietnam are truly nonexistent. I had thought that this was a prerequisite under the Reagan-Weinburger-Bush-Cheney doctrine.

My constituency, like Americans all over, strongly backs the President on his initial commitment to stop Saddam Hussein dead in his tracks and to defend Saudi Arabia. This has been done successfully, even masterfully.

The President is winning. Why mess it up with an unnecessary war with unpredictable consequences?

My constituents ask, as did Admiral Crowe, "What's the rush?"

As Admiral Crowe has said:

> The embargo is biting heavily * * *. It is dead wrong to say that Baghdad is not being hurt; it is being damaged severely. That goes for the Iraqi military as well, which depends on outside support. * * * Most experts believe that it will work with time. Estimates range in the neighborhood of 12 to 18 months. In other words, the issue is not whether an embargo will work, but whether we have the patience to let it take effect.

The Director of the CIA has similarly indicated that the embargo is working.

Although Saddam Hussein has not announced a pullout and conceivably may not ever do so, the simple fact is that with any allied will whatsoever, Iraq under Hussein has no hope of technological or industrial progress, as long as Iraq remains entrenched in Kuwait.

It would be a grievous mistake for the administration to abandon the sanctions and launch an offensive war. The two armies deployed in the Persian Gulf Desert are the most lethal and technologically advanced forces ever gathered. Combat will be brutal, massive, and unpredictable.

Some casualty estimates from expert military sources have been in excess of 50,000 over months of combat. Some estimates have been less—say in the area of 1,000 casualties. This latter figure is most unlikely. We won't be embarked on a Grenada holiday. But even so, why suffer 1,000 casualties if we do not have to?

In addition, it is unclear whether there is sufficient logistic and other support for U.S. forces should combat occur. It is disheartening to read that our medical personnel in the gulf are having problems getting the equipment they will need to best serve our men and women.

Serious questions need to be answered as to whether the allies will support, cooperate with, and participate in offensive actions. Much has been made of the willingness of other nations to provide forces for the gulf action, but there is virtually no discussion of what they would do should combat occur. I ask, if Saudi Arabia and other Arab forces aren't really there to fight, why should our youth suffer the brunt? To be this close to an offensive launch against Iraq without a commitment of total allied Arab support is ludicrous.

I specifically asked the administration about what support we will have from our allies. Secretary Cheney replied:

> Each nation that has deployed forces to the region has worked out an arrangement if you will, those who have troops in Saudi Arabia, with the Saudis. I am sure there probably are varying levels of commitment. Their commitment now is to have forces there. Some of them are fully committed to defending Saudi Arabia should there be conflict, and some of them, I would guess, would go further and join in an effort to liberate Kuwait. So it varies. Each one of those governments will have to make in a sense a political decision as to whether or not they would participate in the kind of action that would be required were we to use force to implement the U.N. resolutions.

As the new world order develops, we may be bogged down in the Mideast with 400,000 of our best young people in peril. Japan, which gets 65 percent of its oil from the Mideast, is sending only some noncombatant personnel. Germany, which imports 94 percent of its oil and is highly dependent on the international oil market, if not directly on gulf oil, can get off with some minesweepers and miscellaneous equipment. If fighting breaks out, U.S. troops will bear the brunt of the fighting and "allied casualties" will mean U.S. dead. Meanwhile, Gorbachev is bringing military repression to the Baltic regions.

And at home the people hope for the administrations' greater commitment to jobs, the economy, health care, homelessness, drugs, the deficit and the environment. Everyone knows these crucial matters will be on the back burner if the Middle East is burning.

And so, we approach several of the most profoundly important votes of the Congress in our history. As is the case with many Presidents of both political parties, our President is loathe to share power with the coequal Congress in matters of foreign policy.

But the Constitution puts us here with a job to do. And the American people—of all points of view on this conflict—overwhelmingly demand that the Congress vote on a declaration of war before launching any offensive hostilities.

Such power ultimately is not up to one man, but the collective wisdom of the people through their elected representatives.

Mr. Speaker, if the President launched an offensive war in the Middle East, it would be the most tragic mistake of his career. He should show his leadership by helping bring peace to this strife-torn region.

Vote "yes" for the Hamilton-Gephardt amendment. It is a vote for life and the vote of a lifetime.

□ 1750

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the Permanent Select Committee on Intelligence.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Speaker, it would be a tragedy of historical proportion if we do not support our President in his leadership in this crisis that we face.

A tragedy if we do not support the resolutions of the United Nations, and it would be a tragedy akin to the tragedy of Munich, a tragedy akin to our rejection of the League of Nations, which led to sowing the seeds for the Second World War.

Indeed, if we here reject our President's call for support, we will bear the burden, we will be responsible for destroying the opportunity for a new world order.

We must be very careful, Mr. Speaker, that we face harsh reality rather than wishful thinking. Goodness knows we all want to believe that sanctions would work by themselves. We yearn to believe that sanctions could get us out of this crisis. But we must face the hard facts.

In the Intelligence Committee we have sat for hours, indeed days, wrestling with this issue. And while much of the information is classified, at least this much can be said: First of all we have excellent intelligence on the warmaking capabilities of Saddam Hussein. Ladies and gentlemen, sad to say, there is absolutely no evidence, none whatsoever, that he is beginning even the most preliminary preparations to withdraw. Further, there is no evidence that sanctions will work.

Now, we have heard the assertions that sanctions will work. In fact, we have even heard references to Judge Webster, Director of the CIA, suggesting that sanctions would work.

I am sure nobody wants to misstate Judge Webster, nobody wants to not quote him accurately. So perhaps those statements were previously made inadvertently.

We have a letter dated today from Judge Webster in which he says emphatically that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and there was no evidence when or even if he could be forced out of Kuwait.

So much for Judge Webster saying that sanctions would work.

The sad, hard evidence is that there is no evidence that sanctions can work, and indeed we must face that reality. In fact, all of the evidence in the intelligence community worldwide suggests that it would take not months but years at best for sanctions to work, 2, 3, 4, 5 years.

Surely the coalition is not going to stand together for that period of time. Yes, there will be people hurt if sanctions continue, but it will be the people of Iraq. All the evidence shows that the military has the capacity and the capability to remain strong for several years.

The military in Iraq has a massive stockpile of spare parts and those spare parts are not being used, sitting there in the desert. Yes, sad to say, there is leakage in the embargo. And in fact, critical selective parts are the ones that can be most easily smuggled into Iraq, and it is also sad to say that there are hundreds of companies and individuals which are already trying to smuggle parts into Iraq.

So the sad conclusion that we must come to, the harsh reality, rather than the wishful thinking, is that unless Saddam withdraws voluntarily within the next few days, only force will remove him. We must face that as a responsible Congress and recognize that we must support the President.

Finally, the issue of burden sharing: 75 percent of all the incremental costs incurred in Desert Shield during 1990 have been borne by our allies and not by us, and 40 percent of the troops in the Persian Gulf are our allies' troops, not only our troops.

So there is a substantial burden sharing.

Now I quickly acknowledge there are some who are not doing their fair share.

Japan is a disgrace. There must be a reckoning. But that reckoning should come after we deal with this international crisis.

Let us support the President and do our duty.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Indiana for yielding to me.

I rise in support of the gentleman from Indiana and Congressman GEPHARDT'S resolution. I think it fits exactly what we know about leadership. What we have learned over and over and over again about leadership is, first, you commit the Nation and then you commit the troops.

□ 1800

Tonight we are talking about are we going to go even further and commit the troops way beyond where the Nation is committed. I think the Hamilton-Gephardt resolution fits exactly where we are in our commitments. No. 1, it protects U.S. forces. It allows use of force, if our U.S. forces overseas are attacked. That is very important. No. 2, it keeps our commitment to defend Saudi Arabia and use force if Saudi Arabia is attacked. The American people support that, and that makes sense. Then it also allows for use of force if the sanctions are violated in any manner, and that is our commitment, and that makes sense.

Mr. Speaker, what it does not do is say that we are going to put everything out there and go for it on the 15th. I do not know why we cut off our options and decided that on January 15 we had to give the President what is the equivalent of a declaration of war. That makes no sense to me. That cuts off our options and really allows Saddam Hussein to dictate to us, a very powerful nation, what we will or will not do after the 15th.

Therefore, I think we in this legislative body should not give up that very important constitutional, democratic prerogative we have to exercise our judgment.

I have heard Member after Member come down and say we must support the President. I grew up in a family that had hanging over its fireplace the following applique, and it said, "We owe allegience to no king." That is what this democratic principle is all about. This is not a country where we recognize that one person has all the wisdom. Every one of us has feet of clay, and the best judgment we can have is a lot of collective judgment in this wonderful Republic.

So, Mr. Speaker, I think it is very important that the U.S. Congress stay the commitments that have been made that the American people support, which we do with Hamilton-Gephardt, but do not give up our right to stay in the loop. We gave it up much too long, but we are now getting in the loop. We must stay in that loop, and we must make sure before we commit the lives of our young people and many lives of innocent civilians in Saudi Arabia and all sorts of other countries in the Persian Gulf region, we really have exhausted every other remedy.

Now I just heard the prior speaker in the well talking about Judge Webster. I was on the Committee on Armed Services when Judge Webster testified about the sanctions, and Judge Webster said the sanctions are working vis-a-vis shutting off things coming into Iraq. The important thing about this embargo is that what Iraq must do is get its oil out to get cash in to be able to buy anything.

Mr. SHUSTER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. If the gentleman will let me finish, I think what the gentleman was saying is he was quoting the letter from Judge Webster saying, "If they are successful, it does not necessarily say it's going to change Saddam Hussein's mind." No, no one is saying it is going to change his mind, but let me tell you what it is going to change. It is going to change his economic conditions, it is going to weaken the supplies to his military, it is going to weaken his reinforcements. Every day that we keep those sanctions on, Saddam Hussein gets weaker and weaker.

Mr. Speaker, what I am saying to the gentleman is we are a superpower. There is no one who questions whether or not we can take care of Iraq today or much later than today. That is not the issue. Everybody knows that. The real issue is every day these sanctions are in effect; No. 1, he gets weaker, so he is easier to take care of; but, No. 2. the potential of his own people finally catching on, or others in the region finally catching on and being able to do this without bloodshed, I think becomes a higher and higher probability, and therefore I think it is very important that we allow the sanctions to go on for a longer time.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I believe that the Nation is committed. The Nation is committed, I think, to supporting President Bush and the Solarz-Michel resolution. In fact, I kind of regret that we have three different resolutions to vote on because I am fearful that a lot of the people who are going to vote for the President's resolution are also going to vote for the other two resolutions, which in my mind would be a copout. I think we ought to stand up, vote for or against the President's resolution and be recognized that way.

Mr. Speaker, I was in the Persian Gulf, as many of the Members here were, and I am sure that all of the people back home would be very proud of the men and women who are serving us there. One of the things that we were asked when we were there by the men and women of the various branches of the service is how do the people back home feel and do they support us while we are over here, and this debate during the next 3 days I think is very, very important. It is a legitimate issue to talk about sanctions, and those people who believe we ought to wait for sanctions to work I think are going to find that, no matter how long we wait, there is no way that sanctions in and of themselves will chase Saddam Hussein out of Kuwait. I think he would see the men, the women, the children, the babies in his country starve to death before he would leave because of sanctions. Saddam Hussein has plundered Kuwait, and when we find out the atrocities that he has committed against the people of Kuwait, I am sure that we are going to be extremely upset.

As has been said before and will be said again, Saddam Hussein does have chemical weapons, he has got biological weapons, and probably in the not-too-distant future he will have a nuclear capability. The President of the United States does not want a war. I do not want a war. None of us wants a war. But the question is how long do we wait. If we wait for sanctions to work for a long period of time, it is just going to give Saddam Hussein another opportunity to heap misery on the people who live in Kuwait.

This is a well-thought-out resolution. Frankly what it says is that the President must certify to the Congress and the American people that this country has tried every single diplomatic way to peaceably get Saddam Hussein out of Kuwait, and if at that time he has determined that nothing has worked, then this resolution authorizes him to proceed with military action.

This is one of those issues, and I know we all look at polls. We all see how many people have written us supporting what the President wants to do, how many people want to wait for sanctions to work. But to me this is an issue, the most important issue obviously that I will ever vote on when I am in Congress, and probably the rest of us, too. This is an issue that we cannot look at the polls. We have to do what we think is right regardless of what our constituents think. Yes, we need to listen to them. They have good ideas. But this is an issue that we have to support the President.

Mr. Speaker, this resolution is the right way to go, and I would urge my colleagues that are going to support this resolution that the President wants us not to vote for the other two resolutions. I do not intend to. I am going to stand up and be counted. Support the President. He is doing the right thing, and I think it is a cop-out if we vote for the other two resolutions.

So, I urge my colleagues, and I do believe that this will pass, I think it will pass by a reasonable margin, and I think it is the right thing to do.

Mr. HAMILTON. Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, first of all I would like to compliment my colleagues. I thought I would come here today and see much more rancor, and we have not had it, and I compliment my colleagues because first and foremost I would like to say that reasonable men can differ, and certainly even the President, who may have a policy, and those of us who may oppose that policy, can differ, and can do it reasonably.

We have here in my estimation two issues. I hope we can resolve at least one, the constitutional issue of whether or not the Congress does have to participate by performing its constitutionally required function of exercising the power to declare war.

□ 1810

Of the three resolutions we are considering, the President's resolution, in my estimation, in effect if not in words, is clearly a declaration of war, and that is how it should be. I hope we do not stand in this well 6 months or 1 year or 2 years from now, or after what may happen, and have anyone say that is not the authority that this House was delegating to the President of the United States. Once the resolution supporting the President's position is passed, there is no question in my mind, and I hope there is not a question in the minds of my colleagues, that no future action really has to be taken by the Congress of the United

States for the President to go to war. The full decisive powers of war and peace will rest with the President.

I am satisfied in my mind that such a resolution will comply with the Constitution. I am not satisfied that the Congress should give that prerogative to the President without being an active participant in that decision, but if we wish to give him that power and give him a blank check, let us recognize that that is what we are doing when we vote on that resolution.

That takes me to the second question. Should we or should we not go into war now? Should we authorize the possibility of the President's putting us to war now? The question in my mind, and in the minds of many people I talk to, although they are patriotic and I consider myself patriotic also, although they are willing to serve and willing to die for this country and for freedom, is this: Why are we really there? Do we have a moral imperative for war?

I have to confess that at this moment I find no question that we were justified in the actions and the support this Congress gave to the President on August 2. He did the right thing. We should defend the oil of the world. We should defend our friends when they are about to be invaded, and we did that, and we did it successfully.

The action taken by the President on August 2, also supported and defended Americans who were in jeopardy in a foreign country. We protected them, and we did it successfully.

We are now at the last two parts of what the President says is a four-point program: Whether or not we regain the State of Kuwait and whether we reinstate the Emir of Kuwait and his government. I do not think this is such a morally pressing problem to the American people that they want to be the police force of the world to accomplish these goals. I can think of many places in the world that warrant intervention by American Armed Forces to protect democratic principles far more than the intervention in Kuwait.

But I, too, like so many of my friends and so many of my constituents, sometimes hear the outlandish statements that Saddam Hussein is making, to the point that I feel like putting on my uniform and going back in and voluntarily being a one-man hit squad.

Our emotions are there. We resent his arrogance. We resent his insult to the President of this country and to the world. We know we are right and he is wrong. But right and might must be exercised properly.

There is not any question in this Chamber, nor should there be any question with the American people, that we are capable of inflicting upon Iraq and Saddam Hussein a vicious attack of military might like the world has never seen. We do not even suggest that that is a possible issue. The question is when and how, particularly when that might should be used. It is important for the President to understand that he has the luxury of time to debate this question. We have time to develop a moral imperative of why America and American men and women should fight in Kuwait. We have time to structure an international code of criminal conduct which will be used in this and future regional conflicts. I am pragmatic enough to recognize that peace in our time has not come and we should take this time to structure it.

First and foremost, we should however, take the time to wear down the Iraqi Armed Forces before we use our might, so that if our forces are committed, they are faced against the least powerful force possible. If we wait for sanctions to take effect Iraq's military will be weakened and fewer of our soldiers will die. If the one luxury we have in this Republic is time, the second luxury is the one we are taking tonight. We have the opportunity to debate. The third luxury we have is the right of deliberation.

Finally I want to say that if majority decides, to declare war, even if my vote was in the negative, I will stand with the majority decision of the Congress and the President. If we go to war, I want to assure the American people that I will support the American Army in the field. They will have been directed to fight through a constitutional process, which we are undertaking tonight.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished vice chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I rise in strong support of the President's request that we pass a bipartisan resolution which authorizes the use of force by the United States to implement the U.N. Resolution 678.

I have arrived at this decision with a great deal of difficulty and with a tremendous amount of empathy for the young men and women in our Armed Forces who may be put in harm's way.

I say this because, as the gentleman from Illinois [Mr. MICHEL] mentioned a little earlier, I have personally experienced the horrors of combat in World War II. I was honored to have received—I say received because one does not go out in the morning and try to win a Silver Star, a Bronze Star, a Purple Heart, a French Croix de Guerre, and a Belgian Fouragier.

All of us have hoped that the current crisis could be resolved without using force. We still hold out that hope. The President and Secretary Baker have worked relentlessly and tirelessly to find a peaceful solution to this problem, and they continue to do so. I am very proud of both of them. Hopefully, Saddam Hussein will soon realize that he has made a serious error in judgment and withdraw his forces from Kuwait. But one way or another, it is important that the expansionist designs of Saddam Hussein be checked as of now.

The United Nations' resolution sets the date of January 15 for Iraq to withdraw its armed forces from Kuwait. If we, the Congress, waver from that date and ask for concessions from the other signatories, we would put at risk the other governments that have stood with us.

The United States cannot be the country to back off first. As the long-recognized leader of the free world, we have a responsibility to maintain the coalition because this is the first test of the new post-cold war era as to whether or not we are going to allow an unprovoked aggression to stand. If it does stand, I think it would set a dangerous precedent.

Is it right that we are defending the oil fields and the pipeline supply for oil? It may very well be. If left alone, this unscrupulous man could control 70 percent of the world's oil supply, which could have very serious consequences for the economies of all nations and for the economic well-being of America. But if Saddam Hussein were to corner the oil market in the Middle East, he would no doubt use his profits to fuel his military machine. This would put us all at risk. It would put at risk all of the governments in the region who have stood with us and asked for our help in seeing that the menace of an Iraq with nuclear or chemical weapons would not be allowed to become the dominant military force in this part of the world.

Quite clearly, Saddam Hussein must be stopped sooner rather than later. Twenty-seven nations have sent forces to the Middle East, and they have trusted the United States to be supportive. If Congress denies our Nation's Commander in Chief the backing he needs, then we are asking our American service men and women to stay indefinitely in the desert sand while Iraq strengthens its positions, both militarily and politically.

Mr. Speaker, I think the President has acted responsibly and in the best interest of our country, and I urge support of the bipartisan Solarz-Michel Resolution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. LANCASTER].

□ 1820

Mr. LANCASTER. Mr. Speaker, I rise in support of the resolution which would authorize the use of military force to push Saddam Hussein's Iraqi force out of Kuwait if Saddam has not ended his occupation of that country by January 15.

Saddam Hussein has thumbed his nose at international law. He has spat upon it as he makes his own rules in the volatile region of the Middle East. He has brutalized and destroyed the sovereign State of Kuwait. He has threatened to use his deadly weapons to burn his enemies. He is aggressively developing a nuclear capability to add to his formidable arsenal of chemical and biological weapons. Make no mistake about it. If we shrink from our responsibilities today, tomorrow we will face him at the end of the barrel of another gun, but next time it will be loaded with nuclear weapons.

We must recognize that Saddam Hussein does not build weapons as a means of deterrence: he builds weapons to use them. Indeed, he has already demonstrated this by using deadly chemical weapons against his own people. Thus we must recognize the seriousness of his threatening statements, because Saddam Hussein is a dangerous man.

Diplomatic overtures on our part have been met by arrogance, intransigence, and further threats to our allies in the region. Saddam will not change his dangerous ways unless he is convinced that he will suffer for his actions. In this regard the U.N. resolution authorizing the use of force has sent a clear message to Saddam that the international community is totally committed to check further Iraqi aggression and to deter future use of the deadly weapons which Saddam has in his arsenal, as well as the nuclear arms he is rushing to obtain. As a Congress we must add our voice to this international demand.

Saddam understands force. He should understand the seriousness of the U.N. resolution and the consequences he will suffer should he choose to ignore the meaning of that resolution. We can add significant weight to that message by passing this resolution.

We, on the other hand, must understand that the resolution is not a warning flag which portends an inevitable war. Indeed, it may be the vehicle which avoids the use of the very force it authorizes, as Saddam Hussein must surely realize that war with the United States can only bring him certain and devastating defeat.

In hearings conducted by the House Armed Services Committee, it became clear to me that while sanctions have had a negative impact on the morale and ability of Iraq to wage war, they alone will never be successful in bringing down Saddam. Furthermore, to have more significant impact than they have had thus far will require many months—months that our men and women in uniform will continue to live in the hostile environment of the desert—months during which the fragile alliance will begin to fray and perhaps completely unravel—months that we do not have.

As a Vietnam veteran, I have special understanding of the horrors of war. Though my service was at sea in the Gulf of Tonkin, pilots from the carrier on which I served never returned and friends incountry were casualties of that awful conflict. I do not want to see the United States go to war; and I do not want to see American lives lost as a result of such conflict if it were to occur. I submit that my fellow veterans, among them our President and military leaders, do not want to see the United States go to war either. They have been there and they, too, know the human cost of war.

But we must also know the cost of weakness in the face of aggression. History has shown again and again that failure to stand up to aggression leads to conflagration and a world consumed by war.

Thus the standoff in the desert is a true test of strength and resolve. At this critical point in time, a point at which every action we take and every statement we make may have critical consequences in terms of its impact on progress toward settlement of the gulf crisis, Congress must resolve to work toward unity of purpose, not toward divisiveness or narrow political concerns.

We must speak with one strong voice to be heard by Saddam Hussein. Failure to do so allows Saddam to profess that the United States is not united fully against him. He will surely exploit this division in his attempt to derail forces allied against him.

Congress must add its voice to that of the United Nations in reaffirming our firm commitment to the supremacy of international law.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding. Let me commend the gentleman from North Carolina [Mr. LANCASTER] who proceeded me for the eloquence of his comments.

Mr. Speaker, much has been said in the course of our discussion so far about supporting the President. I rise in support of the President and of the resolution that he asked us to adopt. But I would not rise to do so, nor would any Member of this body rise to do so, if we were supporting the President in a position that was not honorable, which was not just, which was not correct, and which was unworthy of our support.

None of these considerations need even to bother us as we discuss this or alternative resolutions, because this body, and the other body, in October have already commended the President for the policies he enunciated on behalf of the American people, and for his conduct of our diplomacy in the aftermath of Saddam Hussein's invasion of Kuwait on August 2.

We have in this body and the other body commended the United Nations for the then 11 resolutions that had been adopted by the Security Council. There is no issue, there is no dispute about American foreign policy or its objectives. We are down only to the question of what methods are to be used to implement and achieve those objectives.

There are those who say we must not authorize the use of military force and that we must allow economic sanctions to work and to give it all the time that is required for them to work.

I appreciate that latter view, but it flies in the face of the overwhelming burden of the testimony that we have heard in our hearings, that economic sanctions alone without a credible threat of force will not work and will not achieve our objectives.

Saddam Hussein has demonstrated through his foreign minister with Secretary Baker yesterday that he is not inclined to do that which we must require of him because he obviously does not believe yet there is a credible threat of force.

If this body adopts any of the resolutions before it except for the Solarz-Michel resolution, we will have sent an unequivocal message to Saddam Hussein that you do not have any threat of force against you which is credible at all. We will have said to him in one resolution, do not worry about it at all. You do not need to worry about a threat of force at all until some undetermined period when the Congress may get about another and further protracted debate, and then force a military action.

The other alternative is he has an indefinite period of time while we sit and wait to determine whether or not economic sanctions alone will work. The evidence is they will not.

It is assumed by those who say let economic sanctions have time to work that nothing is going to change while we wait and that time is irrevocably on our side.

The burden of the evidence, the intelligence that has been gathered and is available to us, suggests that time is not on our side, that time is on the side of Saddam Hussein.

We have the opportunity by overwhelming passage of the Solarz-Michel resolution to send the inalterable, unequivocal message to Saddam Hussein, that he will face military consequences unless he adheres to the U.N. resolutions. That is the message we need to send. It should be unequivocal, and it is the only message most likely to make it possible to achieve the objectives we all agree are legitimate, without the necessity of force, and if force must be used now, that it will be much lesser force than will be required if it must be used later, and I think will be irrevocably and inextricably required.

Mr. HAMILTON. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I rise to voice my opposition to authorizing offensive military action at this time.

There is no question in my mind that Saddam Hussein's brutal takeover and annexation of Kuwait represents an outrageous violation of international law and civilized behavior. The manner in which Hussein has ravaged Kuwait and its inhabitants, held thousands of foreign nationals as hostages or human shields, and threatened to destroy those that oppose him has brought Iraq's deplorable human rights record to an alltime low. It is very clear to me that by opposing Iraq's naked aggression, we are on the right side of this issue.

Mr. Speaker, despite my view that now is not the time to authorize offensive action, I think that President Bush deserves credit for his initial response to Iraq's invasion of Kuwait. His effort to organize a worldwide coalition against Iraq through the United Nations and his decisions to defend Saudi Arabia deserve praise. In addition, his orchestration of international sanctions against Iraq was an impressive display of diplomacy and statesmanship. I applaud these actions and the objectives stated for the United States in these efforts.

At the same time, I have had serious problems with some of the administration's performance. I find it deeply troubling that our allies have failed to carry their share of the Desert Shield load. Once again, it seems to be assumed that the United States will bear the greatest burden in both costs and lives. The sight of American officials traveling the globe to solicit funds from our allies for an operation that is more in their interests than ours, presents an uncomfortable picture of a post-cold-war world in which America bears the brunt of our collective security burden.

Furthermore, the United States permitted four United Nations resolutions condemning Israel, our staunchest ally. By appeasing the so-called sensitivities of some of our coalition partners, I fear that we may have sent a signal to some that may lead them to think that we have abandoned our most trusted friend in the Middle East.

In this instance, there are two critical decisions before us. The first concerns who has the power to declare war or authorize the use of offensive force. I adamantly disagree with President Bush's assertion that he does not need congressional authority to wage war against Iraq. The Constitution is very clear on this point: Congress shall have the power to declare war. In order to make this point absolutely clear to the President, I am proud to be a cosponsor of the Bennett-Durbin resolution.

The second, more problematic decision facing this Congress is whether we should authorize offensive military action on or after January 15. While I respect those who hold the view that war can never be a viable option, that is not my position. I firmly believe that there are causes worth going to war for and there are instances in which war cannot and should not be avoided. It may well be that war will be required of us in the Persian Gulf as the only vehicle for saving the region from a greater catastrophe at a later date. But the case has not been made for a war now.

In addition, there remain serious questions of timing and strategy about which I disagree with the Bush Administration. I am by no means alone in this assessment. Former Chairman of the Joint Chiefs of Staff, Adm. William J. Crowe, Jr., told the Senate Foreign Relations Committee that immediate military action would be contrary to sound military judgment. Another former Chairman, Gen. David C. Jones, agreed with this sentiment. Even more chilling is the fact that one of the highest ranking officers in the Persian Gulf theater, Lt. Gen. Calvin Waller, flatly declared that our forces are not ready for offensive action. Assuming these experts are credible—and I do—the administration's fixation on January 15 has no military or diplomatic rationale. If this is the case, what is the rush?

Also, given the flurry of diplomatic activity now taking place, why must we close the door to a diplomatic solution by January 15? The sanctions and embargo are having an impact. Nobody expected that an embargo against a country with the natural resources of Iraq would be an overnight success. For each day we wait the sanctions only become more effective and take their toll on Iraq's ability and desire to hold out. If we authorize war now, we could be precluding any solution other than bloodshed. I realize that some commentators claim that we can defeat Iraq in a short period of time with limited casualties. This might be true. Nevertheless, history, and more recently, Vietnam, have taught us that it is a folly to predict the course of war. Once we cross the Saudi border, there is no way of predicting precisely and completely what will result.

While I do not support authorizing military action at this time, I believe there is a definitive shape any diplomatic solution must take. First, Iraq's withdrawal from Kuwait cannot be an end in itself. As long as Saddam Hussein's military power remains intact, Iraq remains a threat to American interests and friends in the region. I do not doubt that if Hussein is allowed to walk away from this conflict, military intact, he will become an even more dangerous, long-term threat. Our goal—whether through force of diplomacy—must be regional security and the limitation, containment, or removal of Iraq's offensive capabilities. Only the elimination or vast diminution of Saddam Hussein's demonstrated destructive powers can justify the sacrifice of military and civilian lives.

Second, Iraq's withdrawal from Kuwait must be total and prompt. There can be no doubt that Hussein did not benefit from his naked aggression.

Finally, there can be absolutely no linkage between Hussein's occupation of Kuwait and Israel's control of the West Bank and the Gaza Strip. Hussein took Kuwait in an unprovoked act of aggression while the West Bank and Gaza came under Israel's control as a result of a defensive war against Arab attackers. Arguments linking these two issues are fallacious and ill-conceived. To lend any credence to Hussein's claims is only to play into his hands. Saddam Hussein did not invade Kuwait on behalf of the Palestinians. We must not allow him to claim the slightest bid of credit for any movement on this issue.

Mr. Speaker, when an exhaustive and rational search for peace has failed, I, with other Members of this body, will have no course but to support rational military action. When I am convinced that war is the only manner in which we can settle the crisis in the Persian Gulf, I will support an authorization of offensive action and do everything I can to see that our troops will win quickly and decisively.

Mr. Speaker, if the time comes for war, I will vote for war. Now is not the time.

☐ 1830

Mr. BROOMFIELD. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, history will be made this week as we in Congress vote on whether or not to authorize the use of military force in the Middle East.

Throughout the years, securing peace and freedom and deterring aggression has been costly. As history tells us, turning a blind eye to Hitler-like aggressions now can lead to a future of grave consequences for all nations of the world.

The lessons of World War II and other wars must lead us here today.

The President has asked the Congress for a resolution supporting the use of force in the Gulf as a last resort. Many of my friends on the liberal side of this question oppose any use of force in this situation—they argue that the conflict is not about naked aggression, not about the rape and destruction of Kuwait, not about human rights atrocities, and not about a united world standing against the totalitarian despot Saddam Hussein.

They argue that the conflict is over economics, self-interest, greed, and money. In short, they argue that the conflict is over oil and only oil, and that oil is not worth sending our young people to die for.

I tell those voices, if this conflict is only about oil I agree with you; not one drop of American blood should be shed over a commodity like oil.

I have been saying for years that this country can be much more energy independent than it is now. With a little cooperation from this body, my own State can and will continue to play a major role in reducing American dependence on foreign oil and gas.

With foresight we can utilize a mix of conservation, oil and gas, hydro, clean coal, and yes, nuclear power to ensure that this Nation can supply itself with all the energy it needs, forever.

I urge all my colleagues, especially those who say they cannot support the President because they feel this conflict is simply over oil, to join me in support of my bill calling for increased American energy production.

Many of us feel this conflict is not simply about oil. We feel that while oil is part of the conflict we also feel there are loftier principles involved.

I believe there is much more involved here than oil and money. I have asked myself is Saddam Hussein an outright aggressor? Has he willfully invaded and sacked a neighboring country murdering and torturing its citizens?

The answer is "Yes."

Does Iraq possess chemical weapons? Will he likely possess nuclear weapons and has he indicated the potential to use them?

Again, the answer is "Yes."

Is Hussein likely to have territorial desires beyond Kuwait? Yes.

Has Hussein had over 5 months to comply? Has the President of the United States proposed 15 separate dates for face-to-face meetings? Answer: Yes.

Should Hussein be stopped and Kuwait restored? Answer: Yes.

For those of us who feel the conflict is larger than our need for oil the undeniable conclusion is that Iraq must leave Kuwait and do so in compliance with the wishes of the entire world community.

The key remaining questions are when—and how? I want to provide time for the embargo and diplomacy to work.

I want to avoid the death of even one U.S. service man or woman. And I want peace. I also want to let the Saddam Husseins' of the world know that illegal invasions will not be tolerated and will be stopped.

This country has maintained a solemn commitment to protecting peace through strength. The new world order we are beginning to see is a direct result of that commitment and we must join the world in sending a signal to all those fanatics who would hold us hostage.

History teaches us that we should give peace every possible chance but it also teaches us that we cannot abide peace at any price. For accepting peace regardless of the costs only sets the stage for much more costly and devastating conflicts in the future.

Upon his return from his last visit with Adolf Hitler, the great appeaser Neville Chamberlain was told by Sir Winston Churchill, "you had a choice between war and dishonor, you chose dishonor and you will have war anyway".

The longer we rely on the embargo and diplomatic efforts, the tougher and bloodier the conflict will be if those efforts fail.

Nearly the entire world has set January 15 as the deadline for Iraq's withdrawal from Kuwait. How long after the deadline should we continue embargo and diplomatic efforts? I do not know.

I know that at some point, whether 1 day, one week, one month, or one year after the deadline we must decide if the costs and risks of continuing diplomatic efforts outweigh their benefits. That awesome determination and decision lies at the outset with the President and then that decision must be confirmed or rejected by us in this great body.

As our Chief Executive and our Commander in Chief, the President must have flexibility in that intial decision. Congress can and should encourage the President to use every means possible to find a peaceful solution and we can and should authorize the use of force as one last resort option.

To the cynics I say that there has been open discussion, there has been consultation with Congress, there have been diplomatic initiatives and this president has operated in good faith. He has united the world against Iraq, he has brought our hostages home, and he has stood unquestionably for the rule of law and justice.

I urge my colleagues to give the President and our troops our full support.

History has taught us that Congress has a legitimate role to play in judging and influencing the actions of presidents.

President Bush has acted in good faith; let us give him the authority to use force if necessary. Let's stand united as a nation and let us send a clear and unmistakable message of American resolve.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, first I would like to extend congratulations to my colleague, LEE HAMILTON. Not only has the gentleman from Indiana been my friend, but our districts adjoin across the Ohio River, and so I have had the opportunity to observe his performance for many years. I am now happy that the merit that we knew he had, but was somewhat hidden under the bushel basket, is now for the entire country and the world to view because he is certainly bringing great dignity to this debate.

□ 1840

I would like to extend congratulations to the majority leader, who has shown his leadership on this issue, as well as the budget issue last autumn; Speaker FOLEY, because it is Speaker FOLEY who showed the courage and the tenacity to bring this issue up as it ought to be brought up; and certainly last, but not least, the President of the United States, who has these tremendous and weighty burdens on his shoulders which all of us join in praying God that they be discharged in a way that will bring the situation in the Mideast to a speedy and, we hope, peaceful conclusion.

I think there are some postulates that ought to be talked about here as we get the debate started. One is that all Members, whichever resolution of the three before us that Members would support, all Members are serious and have approached this with a great deal of thoughtfulness.

As one who has served in this body for over 20 years and having observed the debate for the last day or two, I think this is really going to be one of the high points of congressional service for all of us.

I think another postulate is that Saddam Hussein is a vile, mean, and evil man who ought not to be condoned in any fashion by any civilized nation of the world. I think I ought to say as a veteran of the U.S. Army, back in the 1950's, that I believe wars need to be fought from time to time, that they are not totally avoidable. My belief is that this one ought not to be fought now, but I believe many of us approach on the premise not just that all wars are bad but that this war may not be necessary now.

Whatever is voted up at the end of the debate day after tomorrow, I think it is our responsibility as Members of the House to support the men and women in Operation Desert Shield, to be sure they have the materiel and all the support necessary to carry out their function.

Having said that, Mr. Speaker, I rise in very strong and proud support of the gentleman's resolution. I intend, also, to support the resolution of our friend, the gentleman from Florida [Mr. BENNETT], which I think establishes correctly that the real power to declare war is vested in article I, section 8 of the Constitution, in the Congress, and not in the President.

But the Hamilton-Gephardt resolution is a stay-the-course resolution. It allows that the sanctions currently in place be continued, and that those sanctions be tightened. It makes sure that all the diplomatic efforts which are under way are continued and strengthened. It keeps the forces we have in place so that they would be available to thwart any attack or to mount an offensive action if that is deemed necessary and voted up by this body at some time in the future.

However, unlike the Solarz-Michel resolution, this one before us does not give the President a blank check or a carte blanche authority to take an offensive action.

I have to ask these very simple questions, Mr. Speaker. Why would we need to go to war right now or at midnight on Monday night, the beginning of January 15? The President's objectives have largely been realized. Our hostages have been returned. The oil supplies are protected. Saudi Arabia nor any other nation in the area is threatened. The area is stabilized.

The two other things the President desires to be done, that Kuwait be rid of Saddam Hussein and his forces, and that the Sabah family be returned to the throne in Kuwait, I do not think are needed at this actual moment in time, needed eventually, but not right now needed enough to warrant going to war.

I hear so much about this fragile coalition which might fall apart unless a war is fought at midnight Monday night or soon thereafter. If the coalition is that fragile, then maybe it is not really a coalition except in name only.

Many of the members of the coalition are not paying the money they pledged. Many of the members of the coalition are not sending their men and certainly not their women into this fight. So what is the coalition? Maybe that coalition is not really one anyway, and so it should not be the determining factor of whether we send our men and women to a sure death in some cases, in order to preserve this coalition.

I liken this to: this argument: "We will hold your coat while you do the fighting." That is what this is. There are a number of nations in the so-called coalition that said, "Hey, we will hold your coat, but we want you guys to do the fighting, and we then want you to pay for the fighting." They have not ponied up the money. They are not going to. They do not send us their troops, and they are not going to. But they want the benefits of our war. I do not think that is fair. I do not think that is something this House and this Congress ought to do.

The whole idea here is to demonize Saddam Hussein and deify Kuwait. Kuwait: We hear so much about Kuwait. We have got to restore the Al Sabah family; this is a great nation that has been run over by an aggressor.

I will sum up by saying that Kuwait is a feudal dictatorship, a feudal kingdom. Its people do not vote. The majority of the people who lived within the bounds of Kuwait before the takeover were not even Kuwaiti citizens. They were guestworkers or U.S. people who were there doing work for the oil companies.

The fact of the matter is there is nothing free and democratic. There is nothing devoted to human civil rights in the nation of Kuwait. Why, pray tell, should we sacrifice ourselves and our future to restore that?

Mr. Speaker, I think what we ought to do is continue the sanctions, make sure they do not leak, make sure these members of the coalition who are knowingly allowing these leaks to take place not to take those actions, and then let us see what happens.

If later down the road we have to take offensive action, we will do so. We should do it. But it ought not be done now at this point in time.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana [Mr. BURTON], a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think anybody in America wants war. We are all concerned about our young men and women who are over in the Middle East. We want all of them to come home safe and sound.

I just got back from a trip with 25 of my colleagues. I met with many of the young people from my district and across the country. They understand what it is all about. They want to do their job, but they sure miss their families. They are concerned about their jobs and businesses back home. And they want to get it resolved as quickly as possible.

Some of the people who have spoken up here today said, why do we not give sanctions time to work? Why do we not let this thing go on for a while and freeze Saddam Hussein out?

Let me read to the Members what the head of the CIA said in a recent report, William Webster; he says, "Our judgment remains that even if sanctions continue to be enforced for an additional 6 to 12 months," and that is keeping our young people out there in that desert for 6 to 12 months, "economic hardship alone is unlikely to compel Saddam Hussein to retreat from Kuwait or cause regime-threatening popular discontent in Iraq." He went on to say, "Saddam probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold together, and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him."

This man is a real butcher. The people of this country and the world need to know what he is capable of and what he has done.

Amnesty International reports recently the following facts: "Eyewitness accounts tell how Iraqi forces have tortured and killed many hundreds of victims, taken several thousand prisoners and left more than 300 premature babies without their systems of survival," took their incubators away from them out of the Kuwaiti hospitals. "The report catalogs 38 methods of torture used by the Iraqi military. Iraqi forces have gouged out peoples eyes, cut off their tongues and ears, and shot people in the arms and legs, used electric shocks, and raped many victims. Moreover, the Amnesty International report notes that 'the massive scale of destruction and looting suggests that such incidents were neither arbitrary nor isolated, but rather reflected a policy adopted by the Government of Iraq.'"

Our country, our Government, our Congress needs to ask a number of questions. First of all, will sanctions work? The CIA says no. But are we going to keep our young people there indefinitely while we let them go on and on, these sanctions?

Saddam Hussein's popularity in the Arab world continues to grow. He is facing down the Great Satan of the West to quote the late Ayatollah Khomeini.

As his popularity grows, the destabilizing factors take place throughout the Middle East. Do we want to wait until he develops a nuclear capability? We know he has been working on that for a long time. Some say 6 months, some say 1 year, and he will have it. Do we want to wait for that, thus endangering our troops in the Middle East but perhaps Western Europe, the Middle East for sure and maybe even ourselves? Because he is also working on an intercontinental and intermediate system of delivery. He has been working on that for some time.

Do we want to wait until his popularity grows in those Arab States until he becomes such a hero that he will get people volunteering for military service for him from all over the Arab world? I can tell the Members that leaders of the Middle East are concerned about that. They are concerned about people volunteering to support him from Egypt, from Syria, from Jordan, and from Iran, all over that area, and if he gets millions of more followers and his military power grows as he digs in over there, we are going to have to face a much more formidable force in the future.

□ 1850

What Arab leader will stand with Members as we have today if his power grows? Make no mistake about it, it is because he is standing up and we have to negotiate with him.

One thing is sure. If we wait, the cost will be much greater than it is today. We all want, and we all pray for a peaceful resolution of this crisis. But if war is to come, and we all hope it does not, but if war is to come, I hope our President will press the attack until there is complete victory, complete victory. No half measure. Not one American life is to be sacrificed in this conflict, and then we settle for half a loaf. We must fight to win if this has to happen, a complete victory, so that no tryant in the future will feel he can do this again. We must support the Solarz-Michel amendment.

Mr. OBEY. Mr. Speaker, I yield 7 minutes to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I am shocked at this debate tonight because no one has told Members what it is really about. The Solarz-Michel resolution is a declaration of war. Let me repeat that: The Solarz-Michel resolution is a declaration of war. War has been declared by this body twice in my lifetime.

In 1941, a battle that really began in 1935, culminated in a final declaration of war in this Chamber after the Japanese attacked the United States at Pearl Harbor and declared war on the United States. The second time in my lifetime it was declared in this Chamber was on August 4, 1964, when the Congress passed a resolution, a resolution far less damaging than this resolution, a resolution which in its terms was said to be defensive, a resolution in which the sponsors said it was not a declaration of war, but history will show that the Gulf of Tonkin resolution was a declaration of war that this Congress struggled with for 8 years to get back under control. Through three Presidents: President Johnson, President Nixon, and President Ford.

Let there be no mistake about what is being done here. We are being asked to declare war. Oh, yes, it does not have all the ribbons on it, and all the high-sounding phrases, but it is just as strong as any declaration of war that has been issued in my lifetime. As I say, I have been through two of them.

Now, do we want to go to war? I may eventually vote to go to war, but it is not the time to go to war now. We have been successful in what we sought to do with the manning of Operation Desert Shield. We stopped Saddam Hussein's expansion in that area of the world. We secured the release of our hostages. In fact, of all hostages. And while, as the speaker said a while ago, the people are going to rush to Saddam Hussein to fight on his side, that is not what the people in the rest of the world are doing today. They are streaming across the desert to get out of Iraq. They are not streaming across the desert to get in to fight.

I heard and read what the Director of the CIA said. He said he expected that the sanctions would not be effective as far as dislodging Hussein, for 6 to 12 months. He did not say the sanctions were not working. Everybody who has been over there and who has talked to the military leaders over there, and who have talked to the CIA as I have, knows that the sanctions are working, and that given a reasonable length of time, the sanctions will work. However, what are we going to do if we declare war, as we may do here in 2 or 3 days? Are we going to vote for the taxes that are necessary to finance this war? We are already running a deficit without any of the Desert Shield costs of $320 billion. That is, $320 billion for next year. War is estimated to cost over $1 billion a day, over and above what we already owe on it, and we already owe $30 billion on it.

Who among these Members is going to stand up and vote for a draft? I ask Members, are you going to vote for a draft? Members should not declare war 2 days from now unless they are. The recruiting for the Army has already dropped off. Oh, yes, a few join the Air Force, a few may join the Navy, and some of the real gung-ho types may join the Marines, but the Army is the one that is going to do the fighting here, and the Army infantry is the one that is going to get killed.

During the Vietnam war my wonderful wife took it upon herself to go out to the hospitals here, and most of them were in the Army hospital out here at Walter Reed. There were very few in the Navy, practically nobody in the Air Force, and she visited the wounded. Those that were able to move, and to walk or to ride in their wheelchairs, she brought them down here and fed them lunch in the Member's dining room.

I went to the funerals. Let me tell Members, that is a very sobering experience. Those young men did not know why they were fighting. They felt betrayed. They were pitiful. However, that war that we declared right here on August 4, 1964, went on for 7 years under the Gulf of Tonkin Resolution. That was not nearly as strong, and the gentleman from Michigan [Mr. BROOMFIELD] knows that, because he was here and he spoke on it at that time. It was not nearly as strong, and the speakers at that time denied that it was a declaration of war. However, the gentleman from New York [Mr. SOLARZ] said today, before the Committee on Rules, that this was tantamount to declaring war, and he is the chief sponsor of this so-called bipartisan resolution.

Now, let there be no doubt, if that biparatisan resolution passes 2 days from now, we have effectively declared war. Get ready to vote for a draft. Get ready to vote for increased taxes. Get ready to go out to the hospitals and to go to the funerals that are going to result for all of this. We do have another choice, and that other choice is to let the sanctions work. They are working. They will work.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, there is no blinking at the fact that we are going through greater crises, or as great a crisis as we faced during the Cuban missile crisis. Like then, I think we should focus on a diplomatic solution.

There is a lot of talk of war here in this Chamber, a lot of hysteria. I think we should focus on peace, and how we can come to a peaceful resolution. The paramount question as I see it, is what can Congress do to promote peace. I think to promote peace, I think we should stand shoulder to shoulder with our troops in the Persian Gulf, and shoulder to shoulder with the American people and with the President of the United States.

☐ 1900

I would like to refer to a letter that the President sent to Members, I think it is important that we take these words very seriously. The President said to Members:

> I am determined to do whatever is necessary to protect America's security. I ask Congress to join with me in this task.
>
> I can think of no better way than for Congress to express its support for the President at this critical time.
>
> This truly is the last best chance for peace.

I think that is what we should be focusing on: Peace, and by standing with the President at this time in the next few days, we can achieve that. I believe that, and I think all of you believe that, too. To do otherwise would be to send the wrong signals.

Barbara Tuchman in her famous book, "The Guns of August" talking about how the world slipped into the First World War, she said:

> Every nation miscalculated and that is why the war came. The Germans, the French, the Russians, the British, all miscalculated. No one wanted the war, but they all miscalculated.

What is taking place today? One miscalculation after another, and I think that we have to stand firm so that there is no miscalculation.

Some people say, "Don't vote with the President." Who should we vote with, Saddam Hussein?

We are all elected, yes, but there is only one person in America who is elected by all the people, and that is the President, and he speaks for all the people.

Yes, under article I, section 8, the Congress does declare war. Yes, we have a moral duty to speak out, but we cannot have 535 Commanders in Chief. We can have only one Commander in Chief, and that is the person who is elected by all the people.

Now, before you have a shooting war, you have a psychological war, and that is the war we are in right now. We have to win the psychological war if we are going to prevent a shooting war, and that is why this is so important.

I understand the arguments that our allies are not doing their fair share, that we get only 24 percent of the oil out of the Persian Gulf, that the Japanese get 85 percent. That is all true. I realize that. I realize that many times the world looks to America as a dairy cow to be milked, when America is only a strong horse willing to do its fair share, and that is going to change.

But the world is not as you and I would like to see it. The world is as it is, and tonight we have almost 400,000 young Americans in the Persian Gulf and we have to stand with them. We have a duty to them. We have a duty to their families and we have a duty to this country. We must back the President.

I, like you, get hundreds and hundreds of letters. I must have had 300 telephone calls in my office today and hundreds of letters every day. Here is a letter from Mrs. Peter Schumacher in Green Bay. She says:

> I am writing to you to ask you to do everything in your power to bring the Middle East crisis to a peaceful solution and to completely avoid war. I believe a nonviolent solution can be attained. Your prayers, my prayers are with you and the Congress.

I think that is what the American people are saying this evening. I think this puts into a nutshell how the American people feel. We want peace and the resolution that the President sent to us is not a resolution to start a war. It is a resolution to stop a war.

Let us focus on peace. Let us stand united and we are going to achieve peace.

Diplomacy without bargaining chips, without leverage, will make hope of a diplomatic solution just an illusive dream.

We can resolve the problem in the gulf through diplomacy. I really believe that, but we must give the President the tools and the leverage with which to do the job. These days between now and January 15 are crucial. We must keep true faith with our soldiers in the Persian Gulf. We must keep true faith with the families of the soldiers in the gulf. We must keep true faith with the American people and we must keep faith with each other. If we do that, we are going to have peace in the gulf.

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, I am beginning my 23d year as a Member of this House. During that time I have been exceedingly privileged to represent the people of the Seventh Congressional District of the State of Wisconsin. I have to say that this vote which we will cast this weekend is for me the heaviest responsibility that I have had to bear in the 23 years that I have represented my constituents.

With all my heart, I wish I could support the President in every respect with respect to his policy in the Middle East. I have supported everything he has done up to this point. But my obligation to the Constitution which I took an oath to uphold just a little over a week ago, my obligation to the constituents who I represent and my obligations to my own conscience dictate to me that today I have to take another path, and therefore I will be supporting the Gephardt-Hamilton resolution, rather than the resolution requested by the President.

The Gephardt-Hamilton resolution, as you know, supports the use of force to enforce the embargo, to repel direct attack against either Saudi Arabia or United States troops, but it urges more time before we actually decide to wage war without actually precluding a decision to wage war in the future.

What I would like to do is simply to take some of the arguments which we have heard being made by those who are suggesting that we ought to pass the resolution requested by the President this weekend.

First of all, the argument is made that if the Congress ratifies the U.N. resolution, it is simply putting the stamp of approval on an action taken by the United Nations, which had been promoted by the United States. I would suggest that it is one thing for the United Nations to authorize a member state to engage in offensive military operations, but for the legislative body of a member state to ratify that resolution really is, as the gentleman from Florida indicated, tantamount to a declaration of war by that state without forthrightly saying so.

Furthermore, it takes the U.N. resolution to an even higher level. It ratchets it up one additional level. It is one thing for the United Nations to authorize a member state to engage in offensive operations, but very frankly, many of our allies, especially in Europe, are sending a lot of advice and an occasional check, but it is Americans who will spill most of the blood when the shooting starts. When the fighting starts it will be largely Americans, not French, not Germans, who will do the dying. After the war it will be Uncle Sam and Uncle Sam's taxpayers who will be asked to pick up the pieces, to put Humpty-Dumpty in the Middle East back together again and the long-term costs will be enormous.

I have a good friend whose husband was a Middle East scholar and who herself was born in the Middle East, born in Aleppo, now in Syria. She said to me a few weeks ago:

> Dave, never forget this. Remember that in the Arab world we have had family quarrels for hundreds of years and we will continue to have family quarrels for hundreds of years, and just because one of the family members is now asking you to step in and solve the family squabble does not necessarily mean that that same family member will not be blaming you for the entire squabble five years from now. That is just the way the Middle East is.

And I think she is correct.

She said something else. She said:

> Remember in the Middle East people think in terms of 500 years of history, not in terms of 5 years of history, and whatever you do will be with America in that region for generations to come.

And she is right.

Second, proponents of the President's new position charge that sanctions will not work, but the fact is when sanctions were first applied, the administration told us that they would take between 6 months and a year to work. Sanctions were adopted with that time frame in mind.

The question with respect to sanctions is not whether or not Iraq can import oranges. The question is whether or not, in the foreseeable future, those sanctions have a significant chance to hit Iraq hard enough to change their political conduct and it clearly has not been demonstrated that they will not.

The burden of proof is not on those who say that we should not go to war. The burden of proof on that subject is on the shoulders of those who say that we should.

We are told that the sanctions are not working, they are not going to hit Iraq hard enough.

□ 1910

And yet oil exports represent 50 percent of Iraq's GNP. Iraq has completely lost its ability to export that commodity.

That means over the next few months Iraq is likely to experience a GNP drop of somewhere between 50 and 60 percent.

The United States is now concerned because we are worried about experiencing about a 3-percent drop in our GNP in the coming recession. That difference between what is going to happen to us and what is going to happen to Iraq clearly demonstrates the gigantic stress that continued sanctions could put on the Iraqi economy.

Nobody has conclusively demonstrated that they will not work. We have more time.

We certainly have more time to allow sanctions to wear down the effective operating capacity of the Iraqi army, when they will experience an increased need for spare parts. If we do have to attack, we ought to attack when they are at their weakest, not when they are at their strongest.

Third, the argument is made that if we do not act now, Iraq may obtain a nuclear capability that would one day even threaten the United States.

Well, it is possible that Iraq might eventually obtain a limited nuclear capability, but as is the case with sanctions, the issue before us at this point is not whether we should attack but whether we should attack now.

To say that we are required to engage in a military bloodbath today to minimize the theoretical possibility that down the line Iraq might achieve nuclear weapons is to me a giant leap in logic.

We have ample time to take military action before that event occurs, and anybody who has been briefed on the subject knows it.

The fourth assertion is that Saddam cannot be allowed to control 50 percent of the world's oil reserves because he might ratchet up the price and squeeze down the world's oil production.

But again that is a hypothetical that might require action in the future. It does not require action now.

Saddam today does not control 50 percent of the oil reserves of the world. He controls somewhat less than 20, and the United States relies on Iraqi and Kuwaiti oil only for about 4 percent of our supplies. We can handle that loss now because of the increased production from Saudi Arabia.

U.S. casualty estimates from a gulf conflict are currently estimated to be somewhere between 1,000 dead, ranging up to approximately 10,000 dead, depending upon the scenario.

Our European allies rely on Middle East oil for a far larger share of oil than we do. Yet their people will not experience anywhere near the casualty rates that America's young people will face in the gulf. I simply do not believe it is worth losing even 1,000 American lives at this point to guarantee the rest of the world their continued oil supply, at least until we have exhausted, I mean exhausted rather than tested, all other possibilities.

Up to this point, Saddam has not been able to manipulate the supply of oil as alarmists feared he might be able to do in the future. If that occurs in the future, we may have to attack, but we do not have to do it now.

Fifth, the comparison to Hitler is preposterous. We have the military power to wipe out Saddam any time the West chooses. Saddam poses no offensive threat to the world, at present, as Hitler did in 1939.

The offensive threat he poses to the Middle East has been contained. George Bush has already taken the steps which Neville Chamberlain refused to take in the 1930's.

If we are going to try to draw historical analogies, we at least ought to try to draw the right ones.

Last, we are told that we need a new world order. Well, I believe in a new world order. I want to see it come about. But the new world order that the President is proposing and is asking Congress to endorse appears to me to be the same old order idea that the United States should serve as the world's policeman. If that is to be the new world order, the only difference between it and the old is that American troops will die enforcing U.N. resolutions instead of enforcing our own unilateral policies.

That is not enough of a change in the world order to suit me. The new world order I want to see is one under which the civilized nations of the world would be prepared on a systematic and unified basis to totally isolate politically and economically any nation which invades its neighbors and which reserves, as the last resort, collective military action to repel aggression.

That new order should mean that military action ought to play a lesser rather than a greater role in world events.

Secretary of State Baker said yesterday, "Now the choice lies with the Iraqi leadership."

I have a great deal of respect for the Secretary, but I simply am not willing to allow Iraq to make life-or-death decisions about American lives. That is why I will vote against the resolution requested by the White House and for the Gephardt-Hamilton resolution.

If you really believe that we ought to take the last step for peace, then you ought to not vote to go to war. You ought to vote to try to maintain the peace, and that is the key difference between the two approaches.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, for all but a handful of us in the Chamber and the membership at large, this is our first opportunity to vote on the issue of war and peace. For all of us, this is a very, very difficult situation, the toughest of votes that anyone will cast in their service here in the Congress.

It is a vote that the Congress must take. This Nation must speak with one voice on the crisis in the Persian Gulf.

So I want to commend first of all the leadership on both sides of the aisle for the way that they have framed this debate and for the way that this debate has been handled in this Chamber.

It is with the highest regard which I have for the Members and for our ability to deal with a very difficult issue that I come to the floor today.

Make no mistake about it, this resolution, specifically the bipartisan resolution that is offered by Mr. SOLARZ and Mr. MICHEL, is not just the President's resolution, it is not just the Michel-Solarz bipartisan resolution, it is, indeed, an affirmation of the U.N. resolution that they have passed, the most specific one being the 12th resolution which essentially allowed this Nation and the allied nations, all 27 strong, to take appropriate action to remove Saddam Hussein from Kuwait.

When Iraq invaded Kuwait on August 2, the world changed and it changed dramatically. An entire nation, a member of the United Nations, disappeared, was obliterated from the political map.

Iraq's action was a brutal act of self-aggrandizement, and the suggestion that it was done to help resolve the Israeli-Palestinian question is simply absurd.

As the President and the Secretary of State said earlier this week, Iraq sorely miscalculated the response of the world community.

Like the original act of naked aggression, the international response also changed the world. Under the scope of the leadership of President Bush, old enemies became allies, other less immediate matters were put on the back burner and the voice of the community of nations was clear: "Saddam, Iraq, your occupation of Kuwait will not and cannot stand."

Some have argued that the United States and the allied forces involved in Operation Desert Shield should wait a longer period of time before military action is warranted. The question is: What is there to wait for? Should we wait until Saddam Hussein completes his rape and pillage of Kuwait? Should we wait for the coalition of nations against Saddam to splinter? Should we wait until the morale of the allied forces has declined to the point of being ineffective? Or should we wait for the sanctions to bring Saddam to his knees?

While waiting with the hope that sanctions may work would be the easiest thing to do, however, it may not be the wisest. No one who argues for sanctions can assure that they will prove effective.

□ 1920

However, we have all seen the press reports that economic sanctions are not now working. Food and goods remain plentiful in Iraq, and the Iraqi people are experienced in sacrificing when ordered to do so by their dictator.

We also know that sanctions alone rarely, if ever, work. A full-scale embargo could not force tiny Nicaragua to change its policies. Two year's worth of sanctions could not bring Panama to its knees. Surely, we all recognize that Iraq is more self-sufficient than Nicaragua or Panama, and Saddam Hussein more ruthless than Ortega or Noriega.

Some think we can contain further expansion by the Iraqi nation. Of course some thought we could contain Hitler's war machine 50 years ago. The containment is not; repeat, not, the stated policy of this President, the United Nations or the world. Reversal of Saddam's action is our policy, and it is the right policy. If the gulf crisis does not represent a justifiable military action, I simply do not know what would. If the United States, the only true superpower on the globe, cannot work its allies to stop Saddam now, what dictator will we ever stop?

Simply put, if not now, when? If not us, who?

I say we cannot wait any longer. We have waited for over 5 months for Saddam Hussein to comply with the U.N. resolution.

Mr. Speaker, given the strong votes by the United Nations, an especially historic, unanimous vote authorizing force after January 15, is it not too much to ask the U.S. Congress to pass a similar resolution? Many of those who have urged past Presidents to work closely with the United Nations are today arguing that even U.N. authorization is not now sufficient. How embarrassing for this Nation would it be to see this resolution fail?

Mr. Speaker, let us have the courage of this Nation's convictions. Let us have the courage of the men and women who represent us so well in the Persian Gulf. Let us make a firm and correct decision in supporting the United Nations, and supporting our President and indeed supporting our Nation.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for this and his leadership on this issue.

Mr. Speaker, I am opposed to going to war over Kuwait right now, a war that would be largely an American war, and I want to talk about why. Let us first talk about what this is not. It is not anything from which Saddam Hussein ought to get any comfort. The consensus that he is a vicious thug who has behaved immorally and who must be opposed is virtually universal. Indeed for some of us that conviction predates others.

I commend to Members the current issue of the Readers Digest. There is an article in there which lists the favors the Bush administration did Saddam Hussein before August of this year. We had votes on the floor of this House earlier in 1990 as to whether or not to impose sanctions against Iraq, and those sanctions first won, and then they lost because, among other things, the Bush administration said, "No, don't do it."

We are told we have to go to war with Saddam Hussein now because he may have a nuclear capacity and because of his chemical and biological weapons. He used some of those weapons during his war against Iran, and subsequent to his acknowleged use of those weapons the Bush administration was his defender on the floor of the House. The Bush administration sent Ambassador Glaspie to speak well of our relations. People make mistakes. But an administration that so badly misread Saddam Hussein before August ought to be a little hesitant in reading lectures to some of us who were critical of him before August about how to do it.

Neither is this an example of why we must follow the United Nations. The rush of some of the most conservative Members of this Chamber to an embrace of the United Nations is a very impressive one. It is, however, I think, a touch suspect. What we have is a case of bootstrapping. This administration called in every American chit, $7 billion for the Egyptians and a lot of other things, to get a vote through the United Nations to authorize force. We pushed hard for that resolution. Having worked hard to get the United Nations to do it, we are hardly now obligated to follow what we forced, not forced, but pressed the United Nations to doing.

I commend the President for going to the United Nations. He has done a wonderful job in getting international support against Saddam Hussein to some extent. In fact, I wonder why the President trashes his own policies, because we are also told now that sanctions are not going to work. The Bush administration acts like sanctions are something that the Canadians made them do. Sanctions were George Bush's policy after August. He opposed sanctions against Saddam Hussein before August. He was then for sanctions afterward. Anyone who voted for sanctions at the United Nations, anyone who advocated them as a policy, who thought they were going to work between early October, when they first became effective, and now, was kidding himself. Of course, the sanctions have not worked yet. They have not been in effect since August 2, remember. They went into effect subsequently, after blockades and other things. No one serious about sanctions thinks they would work this quickly.

We are agreed that Saddam Hussein must leave Kuwait. The resolution for which I am going to vote contemplates the use of force to get him to do it, but let me now talk about one last point where I think it would be a very grave error to go to war now rather than possibly later.

A war which would be largely unilaterally American would be a mistake morally, politically and in every other way. I join the gentleman from Wisconsin and others. The day when the rest of the world can sit back and expect America to be supercop, and superbank, and supermom and superdad has ended. And yet the President seems eagerly to be embracing that. He seems to be willing to pay a price in extra American effort for what he sees is influence, so the rest of the world sits back. A war in which the Americans do all the dying, and all the shooting, and all the spending and all the bleeding is not only morally unfair to the American people, it is unwise.

If we have a situation in which Saddam Hussein is defeated by what is seen to be an American effort, the consequences after that in the Middle East will be bad for all the things about which I care, bad for the moderate Arab leaders in Egypt and Morocco, bad for the Israelis, bad for all of us who think that responsibility and moderation ought to come forward. Indeed I am sure there are radical elements, the most anti-Western and irresponsible elements in the Arab world, who would like to see an American attack on Saddam Hussein because they know they will survive it, and they will use the fact that America defeated Saddam Hussein as further grounds for destabilization.

The alternative is to give sanctions more time to work so we can honestly say they have been tried because no one; let us repeat, no one, who is for sanctions thinks they could have worked in this short period of time, and, as long as we press now, we do it unilaterally. Let us get a genuine U.N. participation. Let us ask Perez de Cuellar, and Mitterrand and others to try to intervene to avoid bloodshed. Let us ask them to do what they can to get Saddam Hussein to leave Kuwait.

Then, if he does not, let us talk about a genuinely multinational force in which no nation dominates, which has a very large number of people which marches to the border of Kuwait and says to Saddam Hussein, "We give you a certain amount of notice, and then we move in." That has much more chance to win successfully without boodshed. It has obviously the virtue of minimizing the bloodshed here, and it has the advantage of not further destabilizing the Middle East.

The Bush administration's policy in Iraq was quite wrong before August. The President then did the right thing in trying to mobilize support against Kuwait, and I support him for it, but to plunge unilaterally into an American war against Iraq at this point would be very much a mistaken policy, and I will vote to oppose it.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, there are many reasons and many convictions that people are going to have, and have expressed already and will be expressing over the next 2 days about why they will be supporting or why they will be opposing the resolutions that are going to be before this body, and, as many have said who have been in this body much longer than the four terms that I have been here, this is the most significant vote which we have ever cast.

□ 1930

I would hope that with that we will put into it the emotions each of us should feel. I assure the Members that I have very mixed emotions about this vote. I have the emotions of a Representative who has constituents in the region. I have the emotions of a Representative who has constituents who have relatives in the region, and I have the emotions of a father who has an active duty marine son. So I assure the Members that I have emotions, and that I view this very, very carefully as I look at these votes.

But I have no doubt about the conviction I believe strongly. That conviction is that I believe we are going to have to vote in full and, I hope, very, very strong support of the U.N. resolution that will provide the opportunity that if there is no other option, we can use military force.

I have heard people say there is no way they will support the use of the United States military to return the Emir of Kuwait to Kuwait. I share that same concern. I would not vote to use military force simply for that reason alone. But it happens to be Kuwait that an individual with naked aggression invaded, and they happen to have been the recipients of that aggression. I wonder where and at what point we would vote to in fact make an effort to stop that type of naked aggression.

Many people are saying, let sanctions continue to work. I do not disagree. I believe sanctions to a great extent have worked, but I believe that the reason they have worked and worked to the extent that they are creating tremendous amounts of pain in Iraq is because there is behind that the threat that we may also use military force. Those threats of military force have caused concern, and we have seen significant increases in the number of sorties and the number of military operations that have gone on in Iraq because of their concern that the United States might invade. But if we send them a message that for a year we are not going to invade but we are going to allow those sanctions to sit there, are they going to continue those operations? No, they are going to stop them. They are probably going to bring their boys home and let them go on R&R back to Baghdad for several months before sending them back to the front lines. We cannot expect those sanctions to have the continued kind of force they have if in fact we remove any resolve for the potential for military force.

There are those who have said that Saddam Hussein has not received the message that we are serious, but I assure the Members he will receive the message that we are not serious if, in fact, we do not provide the opportunity to use military force.

Some have said we are there only because of a failed energy policy. Let me assure the Members, as someone who represents a very strong energy state, that I am concerned about the energy policy of this country but I am also not so naive as not to recognize that if we had the best energy policy we could craft, there still happens to be the majority of fossil fuel reserves in that part of the world, and whoever controls that part of the world is going to have a significant say in the energy policy of this world. So it is not due to a failed energy policy. I hope we learn some lessons from this, and I hope we move forward with some conviction to do something about it.

But that is not why we are there. We are there because there is someone with naked aggression who wants to control that economy and who wants to control those reserves.

I am concerned, and I share the frustrations of those who have said we do not have the resolve of the other people who are in that part of the world and we are not getting an equal share of burden sharing. That concerns me a great deal, but it does not give us the opportunity to shirk what I think is our responsibility for being there. I have seen no one who has objected to the fact that it appeared that the Iraqis were going to invade Saudi Arabia. If in fact they had not stopped because of a rapid movement by American forces that they did not anticipate, they were going into Saudi Arabia, they were not just going to overtake Kuwait. Yet, if we pull out of that region and if we do not have the resolve to go forward, where and at what point in time do we begin to have the opportunity to stop this naked aggression?

Mr. Speaker, it is a very difficult vote. It is one in which I think we have to recognize that if we grant that authority, that authority may very well come true. But it is that kind of vote that I think puts this Congress and I think it is the kind of vote that puts the American people behind a resolve, and I think that resolve is that we are going to support this President in that effort and in the United Nations resolution, that if there are no other solutions available, military force can be used.

The date of January 15 does not indicate that we have to start a war. It just simply says that if nothing else happens, that is a possibility. I think it has got to be a real possibility or I think we are going to have Saddam Hussein in Kuwait and in other parts of the world for the rest of our lives.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, in the months since Saddam Hussein's takeover of Kuwait, several thousand people from Washington State have filled my mailbox, flooded my phone lines, caught me in the grocery store and on the street, and crowded into my town hall meetings—all to express their concerns about the tension-filled events in the Persian Gulf.

The American people have raised their voices, and now they are demanding that Congress live up to its responsibility to decide what turn history will next take.

Until recently, most of us believed the administration was not gung-ho for war as the way to solve differences between peoples. We supported the President's initial placement of troops to block Iraq and defend Saudi Arabia; and we supported the President's moves to rally the world community and crack down on Saddam Hussein with sanctions and blockades.

We succeeded. Iraq did not invade Saudi Arabia. But when Congress left town to face the 1990 elections, something happened to our well-thought-out plan to unite the world against a dictator. The President suddenly doubled our troop level in the gulf and turned what had been a defensive posture into an offensive posture.

What a shocking development. Only months before, millions of Americans heard their President assure them, "The mission of our troops is wholly defensive. They will not initiate hostilities."

There are those who say that by not supporting an early use of force, we will be showing Saddam Hussein a House divided, a people without the will to stay the course. Nothing could be further from the truth. This body stands united with the President in our determination to work with the world community to force Iraq out of Kuwait. But the debate before us is not about ends, it is about means.

The Solarz resolution is a declaration of war, just as surely as the Gulf of Tonkin resolution was a declaration of war. If we pass this resolution, we will be giving authority to one person—one person alone—to decide to send 400,000 troops into combat whenever he chooses to do so. The Hamilton-Gephardt resolution demonstrates the firm commitment of Congress to reverse Iraq's brutal and illegal occupation of Kuwait. But the leadership resolution preserves to Congress the constitutional authority to determine when it is time to use force.

What has happened to the idea of relying on war as a last resort, rather than a first resort? We must give sanctions an honest chance. Military and foreign policy experts from across the political spectrum—including two former Chairmen of the Joint Chiefs of Staff—have said sanctions are working and should be kept in place an additional 12 to 18 months.

We have not spent enough energy; we have not spent enough time; and we have not put enough work into sanctions. We cannot make the judgement today that sanctions are not working. And there has not yet been any attempt by the United Nations to assert its role by calling an international conference or by calling upon the World Court to exercise its judgement on a solution. There are other options to solve problems without resorting to violence.

Yet this administration emerged from Wednesday's negotiating session in Geneva, intent on pressing us toward a tragic war. We spoke of a "new world order" when the Berlin wall crumbled, but I'm afraid we are poised to return to Old World tactics if we resort to force to resolve differences rather than relying upon international bodies and multinational efforts to bring the Iraqi leadership to its senses.

Experts tell us we will not be ready to fight by January 15, but the President indicates he has every intention of sending the international force, comprised mostly of young American men and women, on the offensive. Where is the burden sharing in this effort? The American people do not want to risk thousands of lives and expend $1 billion a week playing world rent-a-cop for wealthy sheikdoms.

Saddam Hussein needs to be convinced through negotiation that he should get out of Kuwait, because no one really knows what will happen if we choose to use force now.

But we do know some of the costs of using force.

War is not a simple righting of wrongs. It is about tears and pain. It is about lost arms and legs. It is about paralyzed bodies lying inert in already overwhelmed veterans hospitals. It is about shattered dreams and shattered families and children losing their mothers and fathers. It is about sending America's children to kill and be killed.

Yesterday I received a message from Janis Bynum, who works in my Olympia office. She wrote not as a political supporter, nor as an employee, but as a mother. She says of her son Tony:

> I have no doubt that if called to fight he would go with resolve, as he does with all his challenges. He is a beautiful, loving young man and it is breaking my heart to think that he may die for something so unclear. I would be opposed to military action even if I didn't have a son—but I would do it with anger and determination, instead of with tears in my eyes. Do your best.

I want to let Janis know that I will do my best. Doing our best does not mean viewing this as an either/or situation. Doing our best means doing our utmost to pursue every option for a satisfactory international resolution of this situation. At a time as critical as this in the history of our world, we can do no less than our best.

□ 1940

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I have just spent 5 of the most intense days of my 25-year career in public service meeting with our servicemen and women and our allies in the Mideast.

I have come home from that trip with one very clear message—this Nation must stand behind its principles and its troops. It must show Saddam Hussein and the world that the United States is ready to defend what it knows to be right.

Mr. Speaker, this debate we are having is a healthy one—and it is one the American people expect, they have asked us to have, and we are having it, and it is right.

But Mr. Speaker, this debate must serve to tell Saddam Hussein in no uncertain terms that we mean business. It must tell Saddam Hussein that his type of brutal and inhumane treatment of innocent people, peaceful people, and his arrogance toward the rest of the world, must stop.

Let us not fool ourselves about just how serious this situation is. This man has made it very clear that he is not bound by any standards of human and moral decency that we know. He has at his disposal some of the most heinous and deadly weapons—and he has already shown himself very willing to make use of them.

Mr. Speaker, when I was with our young women and men now serving in Operation Desert Shield, I was extraordinarily impressed with their spirit, their enthusiasm and their professionalism.

But, perhaps the most impressive thing about these troops was their candor: of course, there are places they would rather be. Of course, they would like to be with their families and friends. Of course they pray as we do that Saddam Hussein will take a peaceful path toward resolution of this crisis.

But above and beyond all of that, these people were saying to me that they want to get on with the job, and that they are ready and prepared to go. They want to do their job and then come home.

We are all immensely proud of our Armed Forces. Of course, we must be. But I suggest if we do not pass the Solarz-Michel resolution, and pass it very strongly, we are deflating our troops. I do not mean we are just letting the air out of their tires.

As to the sanctions and other negotiations, I am mindful that Saddam Hussein is not embarrassed, he is not ashamed. He is power hungry, and he is ruthless, and he is not going to leave because he is a nice guy or because we ask him to.

Do we care? It is just Kuwait. Or maybe it is just Kuwait and Saudi Arabia. Or maybe it is just Kuwait and Saudi Arabia and Egypt. Or maybe it is just Kuwait, Saudi Arabia, Egypt, and the rest of the Mideast.

Those who care feel maybe we can scare him out with a threat of force, or ultimately we may have to chase him out with the use of force. I am hopeful, yes, for a peaceful negotiated settlement, but I am not optimistic we are going to get it.

If we do not nip this in the bud, I suggest we are certainly going to be worse off in 6 months or a year, worse off economically, worse off militarily, worse off geopolitically.

Certainly Saddam Hussein will be more dug in. Certainly he will gain a lot of credibility in his neighborhood. We and our allies in the international coalition will have lost credibility, if not some of our high tech capability to the elements out there.

I think it is true, and I think many others do too, that our forces can get more done now with less risk of casualty.

Sanctions are becoming the law of the West. Two intelligence organizations I respect most highly, ours and the Israelis, have suggested years before the sanctions may in fact do the thing we hope, which is force Saddam Hussein out of Kuwait. We are dealing more with a sieve than a sanction policy.

On the other hand, decisive action now does two very, important things for us. It gets the workable solutions in the Mideast, and that is an area we have been looking for workable solutions for a long time, and it helps set the rules of global behavior at a time when we are looking for the rules of global behavior.

I think that the evidence is very clear, time is in fact working against us.

Borrowing a word from Peter Marshall, I urge my colleagues now to stand for something, lest they fall for anything, by supporting Solarz-Michel, and opposing the other resolutions. Most Americans feel President Bush has done an outstanding job to date. When we are finished in Congress, I hope we have done as well, recognizing that our last best chance for peace is in the bipartisan resolution.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the Gephardt-Hamilton resolution before us, and in opposition to the Michel-Solarz resolution, which is a declaration of war and hands that all-important constitutional power over to the President to in fact go forward.

I have heard a great deal in this debate about support for our troops in the Middle East. All of us want to support them. But I think the most important thing we can do is when we have them in harm's way, is to base the decision that places them in an offensive posture on the best judgment that we have at our disposal. That is the most important thing we can do for them.

After that, if we do not do well in that, then I think we have done the greatest disservice, not just to these troops that are carrying out our policies, but to the constituencies that we represent.

Our constituencies are talking to us. I am hearing from them. I want to suggest on this House floor that the people in Minnesota that are calling me, and across this country, are overwhelmingly opposed to a declaration of war and the type of power and action that is being proposed by the President and apparently supported by some in the coalition.

We hear a lot of discussion about the new world order. What is this new world order? For 50 years during the cold war the actions of the United States militarily and economically and otherwise, politically, have been checked by the Soviet Union.

Similarly, the Soviet Union's actions as a superpower have been often checked by the United States.

But today, all of that has changed. Today we have an era where cooperation can occur between these great powers, both economically, militarily, and socially. So the first and the second world have to come together, and we have to consider what is happening in the Third World.

That is what we are facing here. We put ourselves in harm's way. We place ourselves in a position in terms of policy in which we are not limited. We are not whipsawed back and forth any more as we once were in terms of these policies. We have only ourselves to control our action in this Congress, and that is why it is important that we do not surrender this particular responsibility to the United Nations, or to any other coalition, or any other allies, but that we singularly make that decision ourselves.

In the Third World today we see what is happening. We talk about Iraq as if it is something that came up out of the ground like a mushroom. But it has been around a long time.

The reason that Iraq is what it is today is because of oil. Oil is what has built this war machine. Oil is what has sustained this. The fact of the matter is, with sanctions and other sources in place in terms of control, we limit the growth of that.

But the fact is, we do not have an energy policy today, and we do not have the opportunity to address and control that. The fact is, there are going to be many Third World countries today, and I think we have to live in a world where we have to realize the type of armament that can be obtained by these countries and threaten, yes, threaten even superpowers, as for instance is the case in the Middle East.

Today in the Middle East we have the largest ground deployment of troops that has existed on the face of the Earth other than during World War II.

□ 1950

I think it is important to understand when we start to talk about casualties and the harm that is going to occur under those circumstances that we recognize what can happen with not 1940's weapons but 1990's weapons, conventional weapons, but weapons that can cause a great deal of harm.

Then I think we have moral questions that we have to ask ourselves, not just with regard to United States lives that are very important to me and to all of us in this Chamber, but also the moral question about how will we be judged when tens of thousands of Iraqis and other civilian fall under the flak from that type of armament. Is that a proportionate and proximate way to solve the problem that we have before us by a declaration of war?

We will be responsible for that, and I think the policies that we set in place we will be judged by for a long time into the future, and the American people and the public in terms of what is it prepared and willing to do in the future will judge what actions we take in this particular instance as to whether we should be, of course, involved in these types of roles.

There are systemic problems in this, clearly. The absence, for instance, of allied or coalition support is one that is most disturbing, and the seeds of that go back to August. But I think it is most apparent now, the very weakness that has occurred in terms of burden sharing, that has occurred in terms of having actual men and women and material on the ground in these particular places instead of just giving us advice.

But the basic question I think is the moral one. The basic question is the control, the controlling rights and the responsibility in terms of declaring war, and that is the question we have before us tonight, my colleagues.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, If there is any member in this body who thinks Saddam has any business in Kuwait, I have not heard that sentiment expressed.

The issue is not whether he should be there, but what we are going to do to get him out.

Many Members of this body, and many other Americans, wonder why it is necessary to risk the lives of young American men and women in an area thousands of miles from our shores.

They wonder why it's necessary to push Saddam out of Kuwait, a country not much bigger than Connecticut with fewer people than Mississippi.

If this were another small country at another point in time. I might agree. But the fact is that Kuwait is a country that occupies a critical piece of the world's geography at a critical time in the world's history.

Iraq is flexing its muscle in a region that contains most of the world's oil. The Persian Gulf holds 60 percent of the world's oil reserves, and if Saddam is not stopped, he could one day control it all.

I've heard it said that young American men and women should not go to war to keep the lid on the price of oil. If that's all that was involved, I would agree.

But oil is not just another commodity. It's what runs the world economy. It heats our homes, drives our cars, and powers our factories. Oil is to the world's economic life what water is to the Earth's plant life.

An irresponsible dictator like Saddam could effectively close down much of the world economy. And those who would suffer most would be Third World countries and the emerging democracies of Eastern Europe—nations that simply don't have the money to pay for high-priced oil.

But oil is not the only issue we face. It is dwarfed by a much larger political issue, an issue that truly has historical dimensions.

The invasion of Kuwait has regional and world-wide implications.

The regional implication is clear. The control of so much oil would give Saddam the revenues to mount the most powerful military force in the world. He would be in a position to wage war and destruction in the Middle East for years to come.

But the political stability of the entire post cold-war world is at stake as well.

The big superpower face off is over. Many nations who kept their powder dry all these years will not be looking for opportunities to settle old scores and change old borders.

They will be watching how the world community reacts to Saddam. They know talk is cheap. All the speeches in the United Nations all the speeches in this Congress and in parliaments throughout the world won't restore Kuwait to the Kuwaitis.

Saddam must come to know that words will be backed up with actions. And those who would imitate Saddam must be given a graphic demonstration that crime does not pay.

The Kuwaiti people have watched their children killed, their women raped, and their property stolen. The leaders and people of the world must be shown that justice will be done not only to the lowest, but to the highest, as well.

Amnesty International has detailed the allegations of torture inflicted on the Kuwaiti people by the Iraqi army of occupation.

Kuwaitis have had their faces slashed, their eyes gouged out, their tongues and ears cut off, their hands pierced with nails, their fingernails extracted. They have been subjected to 38 different types of torture, most too gruesome to mention, but all documented by Amnesty International.

All over the world, would-be Saddam Husseins are watching how Saddam is treated.

Some experts urge us to go easy on Saddam, to be mindful of his sensitivities. We are encouraged to find a way for Saddam to save face—at a time when his soldiers are mutilating the faces of thousands of Kuwaitis.

I understand the concern of those who counsel patience. It is not an easy decision to ask young American men

and women to risk their lives in such a war.

But the sanctions are clearly not working and the dangers of inaction are even greater than the dangers of action.

Time is not on our side. Time is clearly on Saddam's side, and he knows it.

He knows that time will begin to wear on the American troops, that the desert heat will begin to melt their resolve.

He knows that the window of opportunity for the United Nations forces will close with the onset of the spring and summer months, and that no military coalition will last until the window reopens.

He knows that time will allow him to build up his defenses, and that well-defended Iraqi positions will mean higher and higher casualty rates for the U.N. forces.

Saddam knows that time will begin to open holes in the embargo that has attempted to cut off his country from economic essentials and needed military supplies.

Above all, he knows the old phrase, that possession is nine-tenths of the law, that the longer he can hold onto Kuwait, the harder it will be to force him out.

Time is Iraq's friend; time is America's enemy.

The President has stated clearly what he and the hundreds of thousands of American troops over there need from us. They need the congressional authorization to do what's needed to get Saddam out of Kuwait.

To vote "yes" on the resolution authorizing the use of force will send a message to Baghdad that our President's letter to Saddam was not an idle threat, but a credible warning.

I urge my colleagues to give the President the power he needs to convince Saddam Hussein that he has no other alternative but to leave Kuwait.

Mr. OBEY. Mr. Speaker, I yield 10 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise with great somberness because I too feel that this will be the most significant vote that I have ever cast in my time in the House or will ever cast. So I do so with a great deal of concern and sense of responsibility.

I do so also because I represent West Virginia, and West Virginia is a proud State, and a State that serves. Members will find in the Persian Gulf tonight 2,000 of our Air National Guard, Army National Guard and Reserves that were called up, in addition to thousands more in active duty. West Virginia bears the distinction of having one of the highest numbers of veterans per capita of any State in the Nation. West Virginia in Vietnam suffered the highest number of casualties per capita, and in Korea it was the same rate. So West Virginians serve and West Virginians do not hesitate when the call goes out.

So as I talked to my constituents and we mulled through this, I think that I speak for many of our concerns. I think I speak for those who support the President and supported the President from the first day, because I supported the President from the first day as he dispatched troops to Saudi Arabia to protect that country from being overrun. I speak for those who supported the original commitment that the President made, both in troops and in gathering together the international coalition that has so far proven effective and that was able to impose economic sanctions in a manner that was thought impossible just months before. I speak for those who supported international sanctions, understanding that it would take time to work, but understanding that this was a chance to stop Saddam Hussein. I speak for those who even supported the additional buildup on November 8, which I supported, feeling that the President should get the additional troops he needed to give him that bargaining chip that was so important, that military option that was not only a military option but an overwhelming military option.

I think I also speak for my constituents tonight though who while supporting the President also have a gnawing sense of uneasiness, who say we are willing to fight when the cause is right, we are willing to stand, we are willing to answer the call, but we are uneasy about what we are about to get into. If one is uneasy, then one should not be drawn into an immediate declaration of war, because that is what we also must recognize, is that this is a declaration of war, the Solarz resolution. It is characterized as such. It permits the President after January 15 to launch military action. It may not come with the bells and the whistles. It is a declaration of war.

There is an alternative, and that is the Hamilton resolution. That Hamilton resolution says that military force is still the President's option, that military force is still very viable and that indeed Saddam Hussein may still face the military might of this country. But what it says is that the sanctions have to be given a chance to work, that the allies must be approached about their fair share of the burden, burden sharing, that the President must explore and have exhausted several other steps before the military option is exercised.

□ 2000

I think there is another fact that must be recognized. We all were disappointed with the collapse, after 6 hours, of the talks between Secretary of State Baker and Foreign Minister Aziz, but let us be candid with one another. Did we really think they were going anywhere? Did we really think that talks conducted in 6 hours over network TV were going to resolve this? We all know that it is only the backdoor diplomacy that is going on we hope right now in many capitals of the world that is going to resolve this.

People speak about sending a mixed message to Saddam Hussein. Some outside of this Chamber have even criticized this debate that is occurring, but I happen to think that this shows Saddam Hussein what a democracy is, and it shows those overseas exactly how strong our system is.

Some would say there is a mixed message. Let me talk about a mixed message for a second. Saddam Hussein has received a mixed message. He received it from day one. He received it, for instance, when the United States was implicitly supporting Iraq in its war against Iran and by reflagging Kuwaiti vessels. He received it when the U.S.S. *Stark* was hit by an Iraqi missile and 27 of our sailors died. He received it when his country has been on the terrorist list of this Nation for many years, and yet still was able to receive favorable treatment in several areas. He certainly received it when at the conclusion of the war with Iran he introduced gas as a weapon and gassed 8,000 Kurds, many of them his own countrymen. The response of the United States was to continue constructive engagement. He received it when in this transcript that has not yet been denied by the State Department our Ambassador on July 25, I believe it was, right before the August 2 invasion, gave no hint that the United States would react adversely to any sort of threat to Iraq. He received it again on July 27 when many of us in this Chamber voted to cut off favorable treatment and agricultural exports that Iraq was getting, and yet the administration lobbied against it. So there have been confusing messages sent.

The good news is perhaps out of all of this we stand united now to show what Saddam Hussein is, the kind of tyrant he is, and what many of us have been pointing out for many years.

I am concerned about the New World order, because the New World order looks a lot like the Old World order, and that means that Uncle Sam pays the bill and does the fighting and then turns it over to someone else. I am concerned it is going to cost $30 billion this year simply to position ourselves, much less the cost of offensive action, and yet the brunt of the Operation Desert Shield is being paid for by the United States.

Incidentally, that $30 billion is the same as a 30-cent gas tax. And the Members will remember the anguish over a 5-cent gas tax that was passed here just a few months ago.

So what is going to be the outcome? The United States will borrow money from our allies to fight the war that benefits our allies so the United States can then repay with interest the money we borrowed to fight for them. I think that our men and women overseas deserve better.

Some would say that the coalition will break up. Is our coalition so fragile in this New World order that it cannot sustain the test of time? We banked on it back in August, September, and October.

I think it is important to note what this debate is not. This debate is not about whether military force is ruled out. It is certainly not and is uppermost in the Hamilton resolution as it is in the Solarz resolution. The main difference is that in the Hamilton resolution, which I support, the President must first explore sanctions more thoroughly. He must first explore diplomatic maneuvers more thoroughly. Then he must come back to Congress and ask this Congress for a resolution of support to use our troops, restoring congressional authority as well as permitting the representatives of each of our districts to have their say.

Finally, I would like to say what this debate is, is that opportunity, because make no mistake about it, that this debate must occur. That those of us elected to represent somewhere between 500,000 and 650,000 persons each are the most direct representatives that our people have, and we are the most direct tie that they have to this, and so it is only right that they have a voice in this.

This debate is not about whether military force will be used. Military force may still be used under either resolution. The debate is whether this Congress tonight or on Saturday enacts a declaration of war that permits the President to put troops in the field immediately, or whether indeed sanctions and those other means we all applauded just a few short months ago will be given the fullest measure of chance to succeed before military force can be used.

And finally, to Saddam Hussein, I would point out take no heart from this debate. In fact, I think you should worry a great deal about it, because what it shows is a Congress that is united, a Congress that is committed to recognizing the use of military force, a Congress that recognizes the option, a Congress that has supported the President consistently throughout, a Congress that has legitimate differences about when that force might be used, but a Congress that recognizes it may be necessary to use that force, and if that time comes is prepared to authorize that.

Mr. BROOMFIELD. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise in support of the Solarz-Michel resolution. I do so looking at the fact that some three decades ago this Nation faced a similar situation, a situation involving this country and the Soviet Union.

At that point in time in October 1962, then-President Kennedy made the following statement to the American people:

> My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can foresee precisely what course it will take, but the greatest danger of all would be to do nothing. The 1930's taught us a clear lesson. Aggressive conduct if allowed to go unchecked and unchallenged ultimately leads to war.

Mr. Speaker, when President Bush was confronted with the situation in Kuwait on August 2, he took action. He took action supported eventually by 12 consecutive U.N. resolutions. He took action that was supported by this body and the other body in public votes in this Chamber and the other Chamber. He took actions that not only were supported by 28 nations militarily on the ground in the theater in and around the nation of Kuwait and Saudi Arabia, he took action that has been supported by 54 nations with monetary support and/or military action in the theater of the Middle East, and he took action that has been supported consistently by the American people in every major national poll that has been taken concerning the efforts of the President's leadership. He took the action that said that we had to apply sanctions, and those sanctions, in effect, could begin to bring some action on the part of the Iraqis in terms of pulling out of Kuwait. He began actions diplomatically to try to convince the nations of the world that we had to bring pressure to bear on Saddam Hussein to convince him that it was in his best interests to pull out of Kuwait.

Third, he took action to provide the threat of force to enforce the sanctions and to let Saddam Hussein know that we, in fact, at some point in time would have to enforce the U.N. resolutions.

There are some things that we have agreed upon as a nation and as an institution. We have agreed certainly that Hussein's actions are unacceptable, and that we have to take action to deal with that. We have agreed that the plight of Kuwait is something we cannot allow to stand.

Later on this evening I will be doing a 1-hour special order dealing with the human-rights violations in Kuwait itself, something that the American media has largely ignored for the last 5 months.

Finally, we have all agreed that sanctions are necessary. The problem then comes down to where do we disagree. The disagreement comes into play in terms of timing and how long we should allow the sanctions to take effect before we see action and before we resort to force as required by the U.N. resolution.

Some would say that this decision is easy. It is sanctions versus war, and they would say that there are those in this body who want war.

I can tell the Members that I do not know of anyone in this body or the other body who wants any of our young people to be subject to hostilities. I myself, like many Members, have direct relatives in the theater. I have a nephew currently deployed in the Middle East and a second one about ready to go over to the Middle East. We have Members of this institution who have sons in the Middle East at this very moment on the front lines of our forces in that part of the world. None of us want hostilities to occur in the Middle East, but it is not that easy.

There are those who say to let sanctions take time. The distinguished majority whip this morning, upon returning from a trip to the Middle East, said that it could take 2 years before sanctions could, in effect, work, and have the results that we want them to have.

The key concern that I heard from 37 hours of testimony that I sat through along with the chairman of the Committee on Armed Services listening for 3 consecutive weeks of the effectiveness of our sanctions were things that we have to consider as an institution. First of all, if sanctions are allowed to work for 12 to 18 to 24 months, are we going to be able to sustain our current presence in the Middle East.

We currently have almost 400,000 troops deployed. Are we going to be able to have a rotation policy to replace those marines, two-thirds of which are deployed in the Middle East theater? Are we going to be able to replace those units that the reserve capacity has already been totally used up in terms of deployment in the Middle East? Are we going to have to resort to what Secretary Cheney did this week, and that is calling up almost 1 million Reserve Forces?

□ 2010

Or perhaps even the worst, what many experts told Members in our hearings on the Committee on Armed Services, would be to maintain a long-term presence at the current level to enforce sanctions. How many who want sanctions to work are willing to stand up and say, "Yes, and I also support the draft necessary to provide the troops to allow that rotation of policy to take place"? Even more than just our troops, how about the presence of the Arab nations? As we all know, for the first 50 kilometers inside of Saudi Arabia along the Kuwait border, there are no American troops deployed. Not one American troop. The 90,000 troops who border Kuwait and Saudi Arabia are made up from Arab nations. Has anyone asked the question of those Arab nations, if they can sustain their military presence along that border for 12 months? For 18 months? Or for 24 months? Or are we going to end up with a situation 12 months from now where the only troops left in the desert that are enforcing the sanctions are, in fact, American troops? And then our American troops are staring down the faces of Iraqi troops on the inside of Kuwait. That is a very grave concern that I have, that no one has yet asked.

No hearing has brought in representatives of the Arab nations to ask if they have the military capacity to sustain their presence in the Middle East, as they currently are, in front of our American Forces. So this, in fact, is not an easy decision. Are we going to be able to see the Soviets maintain their support of the effort in the Middle East? Are we going to see the other Arab nations, the other European allies?

We have all today just gotten a copy of a letter signed by 50 members of the European Parliaments, asking the United States to immediately provide linkage to the Palestinian question and other Middle East problems to the situation in Kuwait dealing with Iraq. Also asking the United States to immediately call a conference. These are things that this body has gone on record, as in absolute opposition to.

Therefore, my question is, how long can we in effect, sustain the sanctions? This vote that we will take this week on Saturday is not a declaration of war. It is saying that we want the President to consult with Congress. We want him to come back to the Speaker. We want him to meet and to deal with the President and the Senate. But the bottom line is that we want to show our unanimity of purpose as a Nation, as an American people, that we want a peaceful resolution of this crisis. I say this vote, this Saturday, is for peace. It is for a chance for our President to show to Saddam Hussein that we are together, that we want him out of Kuwait, and that we want to restore the stability in that part of the world that is so necessary for this Nation, and for all the nations of the Middle East. I urge my colleagues to vote "yes" on the Solarz-Michel resolution.

Mr. OBEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise today in firm support of the U.N. Security Council Resolution No. 678 enacted on November 29, 1990 which authorizes military force against Iraq providing Saddam Hussein has not withdrawn his forces from Kuwait by January 15, 1991.

I believe extraordinary effort has been made by the United States and the United Nations in an effort to resolve the heinous acts committed by Iraq against Kuwait, a U.N. member and a United Arab council member. The President's actions during the 5 months leading up to this debate have been very much in order. Further drawn out debate would not help, and, in my opinion, would even seem to be taking on a hint of begging and pleading to Tariq Aziz to accept the demands of:

No negotiations, no compromise, no attempts for an Iraqi face saving, and no rewards for aggression.

These demands have, on a number of occasions, been clearly spelled out.

To me, the insulting and unmovable stance of the Iraqi Government reached a level of intolerance which the American people should not accept. The ultimatum given to Iraq to be out of Kuwait by January 15 is a decisive one, and I concur with the perception of many who have contacted me that threats made by the United Nations and the administration must be followed through and not delayed.

The word "oil" has been used frequently—that is, "is American blood worth shedding for oil?" I assume this means oil profits. I want to take a few minutes to comment on oil.

Oil is a major energy source. If in the hands of a manipulative country, oil could be the source of great power. A prime concern for the last 40 years of the NATO Alliance has been that the Soviet Union was posturing to take control of the oil and minerals of the world. If this had occurred with a substantial portion of the oil in the Persian Gulf region, the Soviet Union would have, without question, controlled Europe and possibly Japan. The end result could have been the isolation of the United States with severe economic demands and extreme energy costs, coupled with political concessions by the free world.

Oil is a resource which should be made available to all countries at an affordable market price, not by extortion or methods of intimidation. Oil should not be held hostage by thug countries such as Iraq.

There is no doubt in my mind that Saddam Hussein would be in Saudi Arabia today in control of its oil if the United Nations had not acted wisely and decisively. I suggest also that the current prices of oil at $27 to $35 per barrel would be rather modest compared to the world price that Saddam Hussein would be able to set under such conditions as a world power broker. Our staunch ally, Israel, would also be in an untenable situation which might jeopardize their survival.

Mr. Speaker, our economic and diplomatic alternatives have expired. Therefore, we must prepare ourselves for what likely remains our last option to expel Saddam Hussein from Kuwait unconditionally and unequivocally. I do not take lightly the notion of authorizing possible military force to get Iraq out of Kuwait. I have contemplated the consequences of such an action, and they are devastating. A military offensive will undoubtedly cause pain, suffering, and death. But Mr. Speaker, Saddam Hussein has already caused much pain, suffering, and death.

It is clear to me that Saddam Hussein is not interested in further negotiation. This was evident by his unwillingness to select one date for a meeting in Baghdad when presented with 15 dates by the Bush administration. This was also evident in Minister Aziz's failure to deliver President Bush's letter to Saddam Hussein.

While no one would advocate war over diplomacy, we find ourselves in a precarious situation. Our adversary is unwilling to budge, and we are unwilling to budge. At some point, we must draw the line.

Mr. Speaker, in closing, I ask unanimous consent to have printed in the RECORD, a well written account of statements made by the chairman of the House Armed Services Committee, LES ASPIN, and also a statement with a thoughtful point of view by my fellow townsman and chairman of the Senate Armed Services Committee, SAM NUNN.

[From the Washington Post, Jan. 9, 1991]

ASPIN: WAR WOULD START WITH AIR STRIKES, ESCALATE TO GROUND BATTLES

(By Molly Moore)

If U.S. and allied forces are ordered to war with Iraq, they plan a phased attack to drive Iraqi troops from Kuwait and would begin with air strikes against airfields and communications sites inside Iraq, escalating into ground battles with Iraqi forces in Kuwait, according to House Armed Services Committee Chairman Les Aspin (D-Wis.).

Aspin, drawing on public hearings and private discussions with military leaders, said that under current war plans, American and allied bombers and attack planes would begin the war by blasting airfields, missile sites and chemical and nuclear installations inside Iraq in an effort to preempt Iraqi strikes against forces in Saudi Arabia and against Israel.

That attack would be followed by massive air assaults on major military supply depots, field command headquarters and communication lines inside Kuwait and first-tier troops assembled on the border of Kuwait and Saudi Arabia, Aspin said.

If several days of aerial battering do not force an Iraqi withdrawal from Kuwait, the war would intensify with a large-scale ground assault against Iraqi forces in Kuwait, according to Aspin's assessment.

Aspin said he based his war scenario on hours of public hearings with current and former senior military officials and on private discussions, which he said bolstered the credibility of the assessment. He said he released the report to help focus this week's congressional debate on President Bush's request for the use of "all necessary means" to drive Iraq from Kuwait.

"When Congress votes this week on authorizing the use of military force to push the Iraqis out of Kuwait, this is the military campaign they will be voting on," said Aspin. "It's the first time we've been able to know in advance how a war would likely be conducted. And it's the first time Congress and the nation can make a decision on war based on this kind of information."

Aspin's report parallels the integrated air and land attack scenarios now being portrayed by some senior U.S. military officials. It is the third in a series of "white papers" Aspin and his staff have compiled on the allied options—economic sanctions, diplomacy and war—for addressing the Iraqi invasion.

The report leans heavily on portions of public testimony by Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff.

Aspin said he continued to favor a vigorous diplomatic effort to avert war but said he will vote to authorize Bush "to use force to liberate Kuwait."

Aspin added that while he does not believe American and other anti-Iraqi forces can win a "bloodless" victory, "prospects are high for a rapid victory with light to moderate American casualties" of about 3,000 to 5,000, including up to 1,000 deaths.

That estimate is disputed, however, by military analysts and some officials who estimated that the casualty rate could exceed 18,000, including more than 3,000 deaths, in a brutal air-land confrontation with the heavily armored and entrenched Iraqi forces now assembled in Kuwait.

Iraq has moved more than 540,000 troops into Kuwait and southern Iraq, according to figures released yesterday by the Defense Department. About 360,000 of the 430,000 American troops ordered to the Middle East are now in position and ready for potential combat, U.S. officials said. An additional 245,000 Arab and allied troops are in place on the Arabian peninsula, according to Pentagon spokesman Pete Williams.

Aspin said U.S. forces in the gulf "may not reach their peak readiness for combat operations until early February" and said it would be "better to wait" until then if the United States resorts to war.

Aspin said military officials have told him that Iraqi President Saddam Hussein is not a direct target of the air strikes and added that if Saddam is at his "summer home" during the attack he will be safe but that Saddam could be subject to attack if he is at one of the major Iraqi military command centers.

Aspin said some military officials believe the first phase of air strikes against critical targets inside Iraq could last as long as a week with up to 2,000 air missions a day. Those officials estimate 70 to 80 American and allied aircraft would be shot down or crash during that phase of the conflict.

In the next phase, bombers and attack planes would attempt to destroy supply depots, command headquarters, rail and highway communications lines into Iraq and some of the front-line Iraqi forces in Kuwait. Some officials estimate that up to 300 pilots and crew members could be killed and another 1,500 wounded during both phases of the air war.

But Aspin said he agrees with many, Army and Marine Corps officials who have said the military will be forced to move into the third phase—a major ground assault—in order to push Iraqi forces out of reinforced revetments, bunkers and ditches where they have entrenched a powerful armor and infantry force.

STATEMENT BY SENATOR SAM NUNN

Our Nation has engaged in many "gray area" conflicts where the Congress has permitted and even supported military action by the Commander-in-Chief without providing specific authorization or formally declaring war. Ordering over four hundred thousand American troops into battle to liberate Kuwait is not a gray area. In this case, the Constitution is clear. It is essential, to comply with the Constitution and to commit the Nation, that Congress give its consent before the President initiates a large-scale military offensive against Iraq.

At the heart of the debate that begins today on the floor of the House and the Senate will be a deeply felt difference of opinion—not over the ends of U.S. policy in the crisis, but over the means of attaining them. I continue to favor President Bush's original strategy—economic sanctions, a continued military threat and patience. War should be a last resort, and I do not believe we have yet exhausted all the other possibilities for achieving our goals:

1. Iraq is unique in its vulnerability to economic embargo. The international blockade has succeeded in cutting off almost 100 percent of Iraq's oil exports, stopped over 90 percent of all imports and reduced its GNP by 50-60 percent. By summer, the Iraqi GNP would be down 70 percent or more, the country will be an economic basket case, and Saddam Hussein may be in jeopardy with his own people.

2. The economic sanctions are international and supported by virtually the entire world. A war—no matter how successful, will be 90 percent American and will be viewed as an American crusade by much of the Arab and Islamic world. When the war starts and the dying begins, the American people will have every right to ask, "Where are our allies?"

3. CIA Director Webster has testified that sanctions will increasingly weaken Iraq's military power through shortages of spare parts and munitions and equipment breakdowns. In addition, the embargo is a very effective mechanism to impede Iraq's quest for nuclear weapons and sophisticated delivery systems—which should be one of our continuing goals after any resolution of this crisis.

In early November, President Bush abandoned his strategy of liberating Kuwait by maintaining an economic stranglehold on Iraq. Rather than preparing for the long haul by planning a rotation policy for American forces deployed in the region, he directed a buildup of American forces to a level that could not be sustained and that reduced our ability to respond rapidly to unforeseen military contingencies in other regions.

A sanctions policy is not perfect but has to be weighed against the alternatives. To those who say that economic sanctions do not guarantee Iraq will withdraw from Kuwait and conclude we must go to war after January 15 absent a diplomatic settlement, I reply: what guarantees do we have that a war will be brief and that American casualties will be light? If we fight, we can and must win. But no one knows whether a war will last five days, five weeks or five months. Our policy and our military planning cannot be based on and expectation that the war will be over quickly and easily. In large measure, the scope and scale of the hostilities, once begun, will be determined by Iraq's willingness to absorb massive punishment and fight on. An Iraqi military collapse is possible but can not be counted on.

I would also ask, what guarantees do we have as to the aftermath of the war? Here, too, caution is in order. Has anyone in the Administration begun thinking about what happens after we win? The President's declared goals include establishing stability in the Persian Gulf and protecting U.S. citizens abroad. Maintaining U.S. influence and leaving a stable balance of power in the region would require a fine-tuned war which would be difficult to achieve. Considering the wave of Islamic reaction, anti-Americanism, and terrorism that is likely to be unleashed by a highly destructive war with many Arab casualties, it is difficult to conceive of the Middle East as a more stable region where Americans will be safe.

Doubts have been raised about the coalition's staying power. However, the United States possesses sufficient military power to enforce a total oil embargo unilaterally if necessary. Moreover, as Admiral Crowe testified: "I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution."

If Congress authorizes the President to wage war or he initiates it on his own, what kind of war should be waged? I am afraid too many recall our most recent conflicts in bumper sticker terms:

"Vietnam: long, drawn out—bad";

"Grenada/Panama: quick, decisive—good."

The problem is that a war with Iraq will be far different than any of these conflicts. In preparing for and planning for possible war with Iraq, we must get beyond bumper sticker analogies. Above all, we must play to U.S. strengths and exploit Iraq's weaknesses. Our strenghts are our air power, our maritime forces, our ground force mobility, and our ability to use technology for selective destruction of Iraqi targets.

If war comes, Iraq's fondest hope is that the U.S. will commit substantial ground forces to frontal assaults, thus giving Iraq a chance to inflict heavy casualties. Saddam's military leaders are not fools. They realize that they will lose any war with the U.S., but entertain the hope that high U.S. casualties would weaken our resolve.

Are there military lessons to be learned from Vietnam? Of course. We should hit military targets with awesome power at the beginning of any conflict, as well as knocking out power and communications, electrical, nuclear and chemical facilities. At the same time, we should not "over-learn" the Vietnam lesson. We in America like instant results. We want fast food and fast military victories. However, our Nation places a higher value on human life, especially on the lives of our men and women in uniform. Depending upon developments after the first wave of air attacks, a short war may be possible and may save lives. But we must avoid "instant victory" demands and expectations which could cause a premature and high casualty assault on heavily fortified Kuwait by American ground forces.

If war becomes necessary, we should not tell our military commanders, to get it over with quickly no matter what. The order should be—"Accomplish the mission with whatever force is required, but do so in a way that minimizes American casualties—even if it takes more time." Making continued Iraqi occupation of Kuwait untenable with air and naval bombardment plays to our strength. Rooting the Iraqis out with ground forces going against heavy fortification plays into Iraq's strength.

Finally—a message to Saddam Hussein. In the next few days, you will hear an impassioned debate emanating from the U.S. Capitol. These will be the voices of democracy. Don't misread this debate. If war occurs, the Constitutional and policy debates will be suspended, and Congress will provide the American troops whatever they need to prevail. There will be no cut off of funds for our troops while they engage your forces on the field of battle.

President Bush, Congress, and the American people are united that you must leave Kuwait. We differ on whether these goals can best be accomplished by administering pain slowly with the economic blockade or by dishing it out in large doses with miltiary power. Either way—you lose.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, there has been much talk this week and tonight of appeasement and Munich, and we all know that those who did not learn from history are doomed to repeat their mistakes. There are some lessons to be learned from Munich. A very good lesson: Do not attempt to appease dictators with territorial ambitions.

But let Members look at the record to see what led the United States to this juncture. If there is any date in this debacle that should go down in infamy, it is November 26, 1984. That is the date that the United States restored full recognition and diplomatic ties with Iraq, despite the fact that "No one had any doubt about his"—Saddam Hussein's—"continued involvement with terrorism," said Noel Koch who headed the Defense Department Counterterrorism Department in the 1980's.

The real reason for taking Iraq off the list was to help them win in the war against Iran. In 1985, Abu Abbas, the architect of the hijacking of the *Achille Lauro*, found a safe haven in Baghdad, but we will continue to recognize Iraq. George Habib, radical Palestinian leader, also eventually placed his headquarters in Baghdad, and yet we still gave full recognition to Iraq.

We began to staunch the flow of arms into the Persian Gulf, thank God, at last. Let us bring some peace to the region. Did we staunch the flow to Iraq? No. In fact, we encouraged the flow of arms to Iraq. We attempted only to staunch the flow of arms to Iran, in our tilt toward Iraq. We reflagged ships in the Persian Gulf, after Iraq began to attack shipping in the Persian Gulf, not Iran. Not that Iran was the good guys in this whole matter, but let Members remember Iraq's role. They attacked the U.S.S. *Stark*, and they killed our soldiers. They said, "Gee, we are sorry. It was an accident. But you can't interview our pilot. You can't examine the plane that did the attack," despite the fact that credible military analysts said that plane could not have inflicted that damage if it had its normal armament, or if there were only one plane. But we said, "That's OK. We accept your apology. Too bad about the dead sailors. You are too good a friend of ours, Iraq. We know you would do nothing like that on purpose." They used poison gas against Iran in violation of all international law and covenants. We said nothing. They used poison gas against their own people, the Kurds. The United States reacted very meekly. We did not want to upset our friends. We did not want to upset the Iraqis. No, no, we do not.

On July 25, perhaps the other day that should go down in infamy, our Ambassador, April Glaspie said, as is purported in the transcripts, the only transcripts available, which have not been refuted by the Secretary of State, to appease Saddam Hussein, in an unprecedented manner. 'We have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait, and the transcript goes on. If we were going to send a message, that would have been the time to send a message.

July 27, the House of Representatives finally acts to stop the appeasement. We voted to cut off economic aid that was being converted to military uses by Saddam Hussein. Later that day, the vote was reversed under heavy pressure from President Bush and Secretary of State Baker.

Finally, the appeasement stopped. It stopped on August 2, with the invasion of Kuwait. So if Kuwait is our Austria, if we look at history, then we did change history because we finally learned, because we did not cede the Sudetenland. We did not cede Saudi Arabia. We finally acted decisively. We stopped the invasion of Saudi Arabia. We imposed the most successful economic and political sanctions and blockade in world history. They are working. The hostages have been returned. Oil has flowed unfettered from the gulf, and until yesterday the price dropped. We have been told that somehow the coalition will not hold, or the American people do not have the staying power or the patience for sanctions. If the coalition cannot hold together through a little bit of time and sanctions, how can it hold together in a bloody and lengthy war? The United States people, I have no doubt, that the people of America will stand firm behind the sanctions. No one should doubt the staying power of the American people.

Who was it who stood in Europe for nearly 50 years after World War II and won the Korean war? Who is still on the border in Korea? It is the United States of America. We have stood strong when the cause was just, and we are standing strong now for the sanctions, a strategy that is working. There should be no misinterpretation of this debate. There is no solace for Saddam Hussein in either of these resolutions before Members, but one is quite clearly an unbridled declaration of war. The other continues the sanctions, continues the successful strategy, and will bring true and lasting peace in that region, if it is successful. I urge the Members to vote for Hamilton-Gephardt.

□ 2020

Mr. BROOMFIELD. Mr. Speaker, I reserve the balance of our time on this side.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I just could not yield to the temptation to go home this evening after having been one of those who just returned from Desert Shield. After hearing some of my colleagues who were over there as a part of the great Codel, I felt it necessary to at least put into the RECORD what I know to be the facts.

I never thought I would live to see the day when there was such little regard for human life as is the case in this situation. I never thought I would live to see the day where there would be such blatant contradiction when it comes to mistreatment of people around the world, including here.

We have got our own sanctions going here against people who are poor and hungry and yet we ask them to put their lives on the line, to support some wealthy people who inherited their wealth, who do not have to even lift a drink of water for themselves. They can hire their servants to do it.

I happen to represent a district where I am advised, according to a Chicago reporter by my office this morning which has been deluged with calls, 80 percent of the people who are in the armed services over in the desert are African Americans. Some are there because they could not find work. They joined the Reserves, and some are there to supplement their incomes. Others are there because it offered an opportunity for them to continue their education or achieve one. If they knew that they were going to be faced with a decision of possibly giving up their lives for people who will not risk their own, this is the situation that exists over there now.

Now, there is no question, I cannot in good conscience vote for—I do not care what you call it, it is the President Bush resolution. I do not care what you name it. It is his position.

God knows I am as patriotic as any of you, but patriotism to me means that we ought to make democracy work wherever it is possible. Government of the people, by the people and for the people is what I was taught years ago.

We are in the position now where this Congress if they vote in favor of that resolution that is now being sponsored by Congressman SOLARZ and Minority Leader MICHEL of Illinois, both of whom I have great respect for, if we vote in favor of that, it is a declaration of war. I do not care how you put it. I do not think that is right.

I have two nephews over there. When I was over there, I could not even find them. I was told that one of them is in the Medical Corps almost to the Kuwaiti border and we did not have time to go there and try to locate them.

Now, do you think that I feel right in being in a position where we are going to decide that oil is more important than human life?

Oh, we changed our position a little bit, since that would not stick. We started to talk about preservation of the lives of the hostages.

You know who the hostages were allegedly? They were people who were over there working, making money.

Is it right to do it?

I sat there with the delegation and heard Shamir, the Premier of Israel, who is not supposed to be threatened by Saddam. He made it clear that he did not want to engage in war, but they would be standing up to any threats against Israel, which they have every right to do.

I have had a position for years that Israel and the PLO had a right to a homeland. People have got a right to live in human decency. This is what is involved.

We met with Mubarak. It was raised with him. He thanked us for the almost $7 billion we gave him.

Do you know how many houses we could build with $7 billion?

We have got to tell our own people that we cannot afford a national health program. It costs too much.

I just want to close by saying, God knows, let us stand up and do what is right. Fight for the right, for people to live in human decency here at home first.

God knows we should fight crime on the streets.

We went all the way to Panama, you know, to put Noriega out of business and stop the influx of drugs. I have not seen where it is working yet.

Mr. OBEY. Mr. Speaker, I yield 7 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I have a copy of the Constitution of the United States that was given to me by the late Spark Matsunaga, a Member of this House and subsequently a Member of the U.S. Senate. We have an institute founded by the Members of this House and the U.S. Senate in the State of Hawaii, the Spark Matsunaga Institute of Peace. That is how much Spark Matsunaga was thought of by the Members of this body and the other body.

I could not come here today to represent the people of the State of Hawaii and to represent the legacy of Spark Matsunaga if I did not stand by this Constitution.

Mr. Speaker, I raised my hand with everyone else in this body and I swore to uphold this Constitution, and I hold it dear.

I am not the first.

In a letter to his law partner and subsequent biographer, William Herndon, Lincoln responded to Herndon's fear that his opposition to the Mexican-American War could mean political suicide.

> The provision of the Constitution giving the war making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always that the good of the people was the object. This, our Convention, understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood.

Article I, section 8 of the Constitution states:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
>
> The Congress shall have power to declare war.

The Congress shall have the power to declare war, not when it is convenient, not when someone feels maybe it is OK to do it. The Congress has to declare war.

The fundamental question of who and what institution in and of our democracy may make war is the crucial one to be answered not only in this crisis, but in the inevitable ones to come.

What then are the interests involved, the U.S. interests? I do not believe the President nor his administration has made a case for what the United States intends or desires with respect to Iraq in terms of what are deemed vital American interests, either in the context of national security, regional stability, or military objectives.

□ 2030

On the coalition of the United States and its United Nations partners and its Arab partners and its coalition partners, the coalition is barely that. It does not remotely approach the status of an alliance. The states involved in the immediate region of the Persian Gulf are as likely to oppose us as to side with us, depending on strictly self-defined gains or losses. One need only observe that we are looking to Iran and Syria for support, to realize the line drawn in the sand by the President could disappear with the slightest shift in the political wind.

The European Community and Japan are likely to do little more—and let me tell you as a representative from out on the Pacific Rim, you should listen to what I am saying here—the European Community and Japan are likely to do little more than cheer us on. They are likely to look to the Soviet Union for future oil production and supply, particularly if the situation deteriorates into war in the Persian Gulf.

They will be making the deal with the Soviet Union.

The United Nations is sharply divided on the question of anything other than Iraq leaving Kuwait. Even then a compromise involving Iraqi access to the gulf and some oil concessions have consistently been floated, even by the Secretary of State, as a possible solution to the crisis.

All of this leads us inescapably to the issue of who is in charge of policy on these and other related questions. My answer is, without equivocation, the Congress. The President carries out but does not control policy to the exclusion of the Congress on the issue of war. On the contrary, this Constitution makes it explicitly clear that the power to make war and to establish conditions for its cessation rests with the Congress.

War is supposed to be difficult, to begin with; it is supposed to be a matter of debate with all sides heard and confronted.

We do not want a President where kings have always stood. We do not want a President where kings have always stood. Historian Barbara Tuchman wrote in 1973—and I want to remind my friends back in Hawaii that the first time I came to Washington, DC, was with 500,000 people in front of the Pentagon in 1967, because the Congress of the United States had abdicated its obligation and turned over the warmaking powers to the President exclusively and the people had to come out to try to make the Congress do the right thing.

She wrote in 1973, when contemplating the great lesson of Vietnam,

> One control that I believe the American people now owe to the world is to limit the capacity of their own executive to wage presidential war; a war that is not sufficiently and clearly in the national interest to sustain a declaration by Congress cannot be warranted.

I began with Lincoln, let me close with Lincoln. I can look to no greater source.

Addressing the question of the Mexican-American War and whether President Polk had "unnecessarily and unconstitutionally commenced it," Lincoln said,

> Let him remember he sits where Washington sat, and so remembering, let him answer, as Washington would answer. As a Nation should not and the Almighty will not be evaded, so let him attempt no invasion—no equivocation.

We can and should do no less.

Mr. OBEY. Mr. Speaker, I yield 7 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, it is with a great deal of concern that I come with you tonight. The distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY], on an annual basis comes to me and asks me to support his foreign operations bill to give money to foreign countries abroad.

The distinguished gentleman from Wisconsin, I think I can accurately say, is a close friend of mine, one whom I have a great deal of admiration and respect for.

On an annual basis, I look him squarely in the eye and tell him, "Absolutely no."

My friends, what we are talking about tonight is the ultimate in foreign aid.

We are talking about surrendering the lives of our countrymen for a cause as ill-defined, as vague and as not representative of what is our national interest as any in this country's immediate past.

When President Bush responded in August to the situation of what was going on in the Middle East, he took an appropriate action.

We had a national security interest in drawing the line in the sand because of the situation of oil and the import that that had to this Nation. The oil in the Mideast was the national security interest that this country had and this country had to deal with.

It acted appropriately and it acted in a fashion which I applaud.

Where I departed company from this administration and where I have grave problems with the course this Nation is taking, is that we began to go in an escalation of what I viewed to be a road to war.

And today and on Saturday we are going to face a vote. Make no mistake about it, the diplomacy is almost at an end. They are asking for a declaration of war.

War is a horrible thing. Before I can look into the eyes, as I have in the last 2 weeks, of the mothers and fathers in my district who ask me, "Why is my son going to die?", I have to give them an answer that I am capable of rendering with what I believe in my soul to be correct. I have got to have a valid reason with which I can tell them we are standing upon "Why are we doing something?"

Here, my friends, I am not elected to be a representative from the country of Japan; I am not elected to be a representative from the European Community. I was elected by the people of eastern Kentucky to be a Representative of the United States of America. I took an oath to uphold the situation and the Constitution of the United States of America. And in the American interest we get only, what, about 18 percent of our oil from the Mideast? Or less than that. What do they get? Japan gets 63 percent, and many of the European countries get between 40 and 70 percent.

What sort of fairness, I ask you, is that? Are we once again being asked to go forward and say we are going to do the fighting for the rest of the world? That is not a security interest, that is not a national interest that we have in this country. That is playing world policeman once again as we did in Vietnam.

My friends and my colleagues, I hate war. There may be a time to fight and to engage, but if so, it should be done with the world order where all nations are contributing and not the United States putting forth the casualties and borrowing to pay for a war that is not in this country's national interest.

It is in the world interest. We are going to have situations arise again and again in the future of this country, and I would ask you: Is the United States going to be asked to borrow money from its people or to pay for it? Are its sons and daughters going to be asked to die again and again?

If there is a new world order, then I would submit that that new world order must be one where all nations must together combine in an attempt to try to correct and, together, oppose aggression wherever that aggression arises.

That has not been the case in the situation to date. Let us let sanctions have a period of time in which to continue. Saddam Hussein has not gained from this action. He is not selling the oil. He is not profiting from this presently.

These sanctions are having an effect, cutting his GNP, figures tell us, by one-third. Let us let them have a chance to operate.

But before we send our sons and daughters to fight the battles for the world and before I look once again in the eyes of the fathers and mothers in my district, let us make awful, awful sure why we know in our hearts that we have a good reason for sending them to die.

I ask for your vote on Saturday against war in this country and in the world.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

□ 2040

Mr. FOGLIETTA. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

Mr. Speaker, I say to my colleagues our Nation faces the prospect of a disastrous war.

Throughout our history, we Americans have risen to the challenge and fought wars when necessary. During World War II, young Americans fought and died to fight the spread of fascism. Hundreds of thousands of young soldiers died during the Civil War to preserve the Union and to end slavery.

We face a historic decision.

We all agree on the goal—that Iraq must withdraw from Kuwait.

I say to my colleagues that we have two options in front of us: Letting the sanctions take hold, continuing diplomatic efforts and pressure—or war.

The first option is to continue the President's original strategy. We have seen witness after witness testify that the sanctions are working. CIA Director William Webster predicted that the Iraqi economy will be largely shutdown by next spring or summer. Former Chairman of the Joint Chiefs of Staff William Crowe argued that sanctions should be given a chance to work.

This option also includes keeping the pressure on Iraq and continuing diplomatic efforts.

People have talked about the need to stand behind the United Nations.

I agree. The administration emphasizes that we should embrace U.N. Resolution 678.

I say we should endorse U.N. Resolution 660, the very first resolution the United Nations passed. This resolution was passed on August 2 and set the stage for this historic showdown.

U.N. Resolution 660 directs Iraq and Kuwait to begin intensive negotiations for the resolution of their differences.

Thus, the United Nations has seen the need for diplomacy from the very beginning. We should embrace the wisdom of that very first resolution.

I believe that a diplomatic solution is possible—but issuing an ultimatum is not negotiation. Serious and sincere negotiations—either direct or through third parties—should be pursued strenuously.

The other option is war.

Today, over 400,000 American men and woman are in the Persian Gulf. They face the Iraqis toe-to-toe, rifle barrel to rifle barrel, tank to tank.

Many experts predict that war will bring up to 40,000 American men and women home in body bags. Others say that the losses may be 500 or 1,000. But whether there are 500 American soldiers dead, 40,000 dead, or just one—that is too much sacrifice, when peaceful efforts could still succeed.

President Bush has painted himself into a corner. By holding to the position that there can be no talks until Iraq has completely withdrawn from Kuwait, Bush has virtually eliminated the possibility of a negotiated settlement. He has made war the only option.

But war is not our only option.

We have a historic opportunity to settle this conflict and punish Saddam Hussein without war.

According to Sun Tzu, an ancient Chinese philosopher,

> To win 100 victories in 100 battles is not skillful. To subdue the enemy without fighting is the acme of skill.

Let us use our skill as the greatest nation in the world. Let us subdue the enemy with the skill of diplomacy, not the blood of American young men and women.

Let us prevent this disastrous war.

Vote for the Hamilton-Gephardt resolution.

Mr. OBEY. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding, and, Mr. Speaker and Members of the House, we are coming to the close of the beginning of an extraordinary debate.

Mr. Speaker, in my youth and in my naive part of my life I tried to consider the picture of the Congress of the United States debating a declaration of war, and make no mistake about it. That is what this debate is about at the end of the day, whether we will vote to take this Nation into war, whether we vote for or against a declaration of war. I envisioned an extraordinary session of Congress with every Member of Congress on the floor in rapt attention, all of the media broadcasting throughout the Nation, the galleries packed, America poised because we were embarking upon an extraordinary venture: to deal with the question of whether we would go into war or move beyond it.

But those were my naive days, for the Chambers are not packed, the gallery is not packed, and America is not standing still focused rigidly on whether the most precious treasure that they have, their future, their young, their children, shall go to fight and die.

The leadership on both sides of the aisle have, and I think correctly, suggested that in order to move beyond partisanship, rancor, and personal challenges, that this debate be considered as a debate of high conscience, that since we are debating life and death, and war and peace, that each Member would come to that debate as a matter of conscience. So, it would seem to me that the issue before us is not whether we stand with the President, but whether we can stand with ourselves at the end of the day.

What then is a great moral test? I would suggest the following:

The press has written about the fact that there are two or three Members of Congress who have young children, who have sons and daughters, serving in the Persian Gulf, in harm's way. I would suggest, Mr. Speaker and Members of this body, that each of us, each of us operate as if we had children ourselves in the Persian Gulf, that each of us had a son and a daughter in the Persian Gulf.

What then is the moral test? What then is the test of conscience? When we consider war, we consider worst-case scenarios. Here it is, Mr. Speaker:

Each of us not only must consider that we have children there, but that they come back broken, harmed, and maimed, and then consider that we could look at them and apply this test when they ask us as their parents who happen to function in the Congress of the United States, "Pop, Mom, did you make the right decision? Was this necessary"? And each of us better be able to answer that question to our children.

The press has said, "Can a Member be objective if their children are in the Persian Gulf?"

I ask, "How more objective can you be than to determine whether your own children, flowing from the body of their mother, can die in the Persian Gulf?"

My answer is: No, this war is not necessary, and, yes, there were alternatives, that the strength of this Nation is not whether we can play the game of going to war.

I challenge the perspective that says that we have to play brinksmanship and threaten war in order to produce peace. I would suggest in this situation we are not creating a climate for peace. We are only walking ourselves inevitably to war.

Why am I saying that?

□ 2050

The administration lays out three options: The economic option, the diplomatic option, and the military option of offensive challenge.

With respect to the economic option, the administration said sanctions will not work. The very same people who said be patient when we applied sanctions in the context of South Africa now are saying we should be impatient about applying sanctions in the Persian Gulf. They never really were committed to sanctions, so let us take that off the table.

The diplomatic option, diplomacy. We live in an environment where deals are made every day. This is the deal-making capital of America, so diplomacy is about making deals.

So is it diplomatic to fly several thousand miles to say, "I have been sent by the President of the United States to say to you," paraphrasing, "if you are not out of Kuwait on or about January 15, we are going to kick your butt?" Is that diplomacy? Or is that an ultimatum? That paints you into the same corner that you paint your adversary.

So if you remove the economic option and the diplomatic option because they were not real, and understand, America, that that was not diplomacy yesterday, do not be fooled; so we walk inevitably to war, because now we have threatened. You can only threaten somebody that blinks.

These shining-faced young children in the Persian Gulf have a right to survive and to live. What this debate is about is a declaration of war, and I am saddened by the fact that we are not here listening to every word that is being said. What more grave responsibility can we assume than taking our children in war, plunging this Nation into death and destruction, with the mighty capacity of this country?

I stand here as an advocate of peace. During the remaining hours of this debate, I will challenge and fight hard so that we move beyond the absurd mentality of war. Our children have a right to inherit a peaceful future, and that is what this, gentlemen, is all about.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

REINSTATEMENT OF SPECIAL ORDERS

Mr. WELDON. Mr. Speaker, I ask unanimous consent that the special orders granted for the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from Texas [Mr. FIELDS] today be reinstated, with the exception of a 5-minute special order that will go ahead of those that will be offered by the other side.

The SPEAKER pro tempore (Mr. ESPY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REDUCTION OF TIME OF SPECIAL ORDER

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to vacate my special order of 30 minutes set for this evening, and in lieu thereof accept a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THERE'S NO NEED TO RUSH INTO A WAR

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. SIKORSKI] is recognized for 5 minutes.

Mr. SIKORSKI. Mr. Speaker, sometimes our own words pale in relationship to those of others. This column by Al Sicherman appeared in today's Minnesota Star-Tribune. It comes to us I think in the midst of this debate as fresh as cold water on the face in early morning.

Al Sicherman writes:

> I'm not a political scientist, a military analyst or an expert on the Middle East. But I am someone with a dead son—a son whom I last saw in a body bag, a son who will be forever 18—and from that perspective I know that we have not exhausted every avenue short of war, and that there is not yet an irrefutable need to foreclose those other options—not when the cost will be that more of our children wind up in bloody body bags.
>
> When I picture war, I no longer picture bombs falling from high-flying, anonymous planes onto smoke-shrouded anonymous targets. I picture families burying teenagers.
>
> And missing them, and missing them, and missing them. For all the rest of our days.
>
> A little more than a year ago, my son Joe died in a fall from his dormitory window after taking LSD.
>
> I wrote then about what a wonderful, funny kid Joe had been, my regret that I had never impressed upon him how treacherous even one experience with a drug like that might be, and mostly, for the benefit of other kids and other parents, about burying Joe—how awful and ugly and final it was: the incredible forward momentum of his life suddenly and forever stopped. No new stories, no career; just the endless images of the body bag under the coffin lid and shoveling dirt into his grave.
>
> And what have I learned? How did the world benefit from the stupid loss of a sweet kid?
>
> What can I tell you? Some folks read Joe's story together as a family, and they wrote to tell me that it had moved all of them—that it had allowed the parents to say to their kids, through tears, what they hadn't been able to say as clearly before: We love you and we are scared for you.
>
> And it allowed the kids to understand, through tears, how bound up their lives are with their parents.
>
> Still here we are talking about war as "kicking ass," as something we might as well get over with instead of waiting around. Talking about death as though it were too bad, but better than boredom.
>
> I suppose there are situations in which the wholesale ending of human life is appropriate or unavoidable. I certainly know that this is not one yet. One of the strongest les-

sons I learns from Joe's death is that things that happen to other people really happen to other people, and that few of us truly recognize that and act upon it. The other lesson is the finality and the evercontinuing emptiness of the death of a child.

If we go to war simply because we set a deadline and it passed, people will die. Those people will be our own sons and daughters and brothers and sisters, and the children of our neighbors and coworkers and friends. And the children of Iraqis who haven't had a whole lot to say about their choice, either. And years from now they will all still be dead.

I know that many will say that this kind of discussion undercuts the president's policy; that it makes the United States look weak and suggests to Saddam Hussein that all he has to do is wait us out.

But it is not weakness to do absolutely everything possible to avoid wholesale slaughter. Impatience in the pursuit of just objectives is not a virtue. So what if we have to keep our troops stationed in the Saudi desert with nothing much to do? Would we really rather that they died so that we can stay on deadline?

We'll send them letters and packages to keep up their morale. We'll learn to make chocolate-chip cookies that don't melt. And we'll maintain and tighten the economic and diplomatic pressure on Saddam Hussein to leave the country he invaded.

I'm sure that there are many who strongly disagree, including perhaps parents of youngsters killed in other wars. But debate is better than the fatalism that seems to have struck our country. I keep hearing that this war is inevitable. I can't see why. I can't imagine why Congress can discuss taxes on capital gains but needn't discuss whether our children should die.

On the first anniversary of Joe [my son's] death, I ended my regular column with a postscript asking parents to hug their kids. Not long ago I got a letter from a woman who said she had hugged her son before and since, but that on that morning she had given him a very special hug—"one in which you realize how delicate and fragile human life really is." A month later her son's car hit a tree, and he was killed. The purpose of her letter was to thank me for that hug—for the reminder of how very much a child's life means to a parent.

Can we all think about that right now?

Perhaps the time will come when war is absolutely and clearly and unarguably necessary. That is not yet the case. I wholeheartedly support the president and our troops in the sanctions against Iraq and the defense of Saudi Arabia and the other countries in the region. But I cannot support a decision to throw our children's bodies at each other because we are out of patience.

If you agree—or even if you disagree—please write, phone or wire your congressman and the president.

And hug your kids.

□ 2100

POSSIBLE BENEFITS OF CONTINUED SANCTIONS

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Under a previous order of the House, the gentleman from New York [Mr. SCHEUER] is recognized for 5 minutes.

Mr. SCHEUER. Mr. Speaker, today, we have had on the floor a debate for many hours that does this Congress proud, and I was proud to be a Member from New York participating in it. I would like to add a few comments to those that I made earlier.

We had discussions to the effect the sanctions are working very well, that they are shrinking the Iraqi economy at a pace that is unprecedented in the history of sanctions. The average sanctions that work pretty well in the 35 or 40 cases where we have been involved since World II reduced the GNP of the target country by about 2½ percent. The sanctions that area now being applied to Iraq are shrinking the Iraqi economy by a rate 20 times the average rate of sanctions when applied to countries in a way that worked quite well.

But now we hear that we are going to have to wait, that it is going to take a lot of time, it is going to be hard to keep the coalition together for sanctions, it is going to break apart under the strain of waiting.

Mr. Speaker, if there is not enough determination and commitment among our partners in the sanctions process to sit and hang tough for a matter of months, a year, a year and a half, two years if necessary, if the strain of waiting in a bloodless application of sanctions to reduce and shrink and destablize the entire Iraqi economy and degrade the ability of Saddam Hussein in effect to wage war by denying his military machine the spare parts, the replacement parts, the various chemicals, lubricants that are necessary for a war machine, if mere waiting is going to affect that coalition, if the coalition that President Bush put together so artfully is so fragile and so feeble that it is going to be put to great strains simply by waiting, imagine, Mr. Speaker, what would happen in the event of a hard-fought confrontational war with body bags flowing back to the United States, and body bags flowing back with the bodies of Arabs to our Arab partners. If that coalition is so frail that it cannot withstand a period of waiting, watchfully waiting while we shrink the Iraqi economy and deny Saddam Hussein the ability to wage war, can we honestly think that there will be more patience, that there will be more fortitude, there will be more resolve, there will be more commitment in the event of a shooting war? I think that is preposterous.

I wish to state that our strength is in the existing coalition of nations that will stay the course on sanctions, and I wish to give President Bush enormous credit for the adroitness and the skill and the thoughtfulness with which he put together this coalition of nations that are now implementing the U.N. resolution so successfully. Sanctions are working and we all owe a debt of gratitude to President Bush for the artful, highly professional and skillful way in which he put that coalition together.

But it boggles my mind to think that that coalition will crack and break under the strain of simply waiting rather than the incredible strain that would be placed on that coalition in the event of an all-out shooting war. Can anyone doubt that the cost of a year's wait while we apply sanctions is a fraction of the cost of a month's cost of a shooting war?

Let me also add there is one more great advantage to a wait of a year or a year and one half or two years. Mr. Speaker, one of the things and perhaps the most important thing that can flow out of this whole incredibly tragic situation that we find ourselves in, perhaps the one bright spot that could flow from that would be a determination by the civilized nations of the world that we will never again arm a Third World despot, an irresponsible, mindless tyrant with the sophisticated weapons of mass destruction as we have in the case of Saddam Hussein. Mr. Speaker, it is we in the West, the developed countries of the West who have created Saddam Hussein. We have given him his unconventional weapons, his nuclear, his gas, his chemical weapons capability.

Let me describe the poison gas connection. The following countries have contributed in a major way to Saddam Hussein's possessing now these weapons of mass destruction: Argentina, Austria, Belgium, Brazil, Switzerland, Egypt, France, Germany, Greece, Holland, Iraq, Italy, Japan, Monaco, Poland, Spain, Sweden, the United Kingdom, and the United States of America. A total of 207 firms in these countries have, taken together, built Saddam Hussein into a position where he threatens the peace and stability of the entire Near East region, 86 companies from Germany, 18 from the United Kingdom, 18 from the United States of America, 16 from France, 11 from Switzerland, 17 from Austria, 8 from Belgium and so on. Saddam Hussein is a creation of the civilized, developed countries of the West.

The one good thing that would come out of a tough sanctions program might take a year or a year and a half is the ability of these countries to work out an arms denial program so that no tyrant, no Saddam Hussein, no Qadhafi, no Khomeini, no Idi Amin in the future will ever threaten their neighbors, will ever threaten the peace and stability of vast regions. This is one of the great payoffs that could come from a year or a year and half of working with sanctions. The world could organize an arms denial program that would make it possible never for us to face this desperate catastrophe again.

GENERAL LEAVE

Mr. WELDON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CRISIS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON. Mr. Speaker, an unfortunate truth in today's world of video is the reality that if an event is not on CNN or network, it simply does not exist for millions of Americans. That means for most Americans the tremendous suffering of the Kuwaiti people does not exist because of Saddam Hussein's media blackout of Kuwait.

It is certainly unfortunate, Mr. Speaker, that over the last 5 months we have heard a lot of debate about our posture in terms of responding to the invasion of Saddam Hussein and the Iraqi military into Kuwait.

□ 2110

We have seen our national news media travel to Baghdad. We have seen all of our nightly news broadcasters from Ted Koppel to Peter Jennings go to Baghdad to interview Saddam Hussein, to talk to Tariq Aziz, to tell their side of the story.

Mr. Speaker, throughout these entire 5 months of this invasion of this sovereign country, a member of the United Nations, we have not seen any of that media cover anything inside of the nation of Kuwait. We have not seen any media able to interview people inside of Kuwait. We have not seen the atrocities that have occurred to the people in that nation. We have not even seen the International Red Cross allowed to go in to deal with the kinds of human rights violations and concerns that they typically deal with in even the most barbaric nations on this Earth.

Mr. Speaker, I am here tonight because I would like to take a small portion of the time of this body to provide some information that for the past 5 months has not been available to the American people, to provide some of the real human stories and tragedies of what has happened to the Kuwaiti people, all of them perpetrated by Saddam Hussein and his military. Mr. Speaker, I do this not as someone who has not been interested in human rights issues. I belong to the Human Rights Caucus and I have since I have been in Washington and under the leadership of my good friend and colleague, the gentleman from California [Mr. LANTOS], and my other good friend and colleague, the gentleman from Illinois [Mr. PORTER].

Over 200 Members of this institution have worked on human rights violations around the world. Just in the past year alone, 1990, I was personally involved in seven human rights cases in the Soviet Union, in Nepal and Czechoslovakia in two instances, Singapore, East Timor in two instances, in Nicaragua, in the Ukraine, El Salvador in two instances. I have written letters on human rights cases in Africa and Asia and around the world.

Mr. Speaker, I can tell you that in the 4 years that I have been here I have never seen the human rights violations that have occurred since August 2 in the nation of Kuwait. We have seen a lot of rhetoric thrown around Washington about what is happening and not happening, why we are in the gulf, why we have sent our troops there, but we have not seen the documentation and the visual evidence of what has occurred to innocent people, to mothers, to sons, to fathers, to children. We have not heard the stories up until December 19 of this year when Amnesty International, the most respected human rights organization in the world, documented their second and most extensive report of the human rights violations in Kuwait. That document, which I have made available to every Member of Congress and which sits in the office of every Member of this body and the other body, is something that every individual should read. It is certainly not the first time that we have experienced human-rights violations, but I can tell the Members that in the 4 years that I have been here I have never seen the kinds of violations, examined in detail, that are contained in this document, violations that are not just isolated incidents but are a clear-cut pattern of the Iraqi military under the leadership of Saddam Hussein.

We might ask why would this man allow these kinds of atrocities to occur. He probably is not aware of them.

I would like to start out with an article that was in the Washington Times on January 7 which says that one defector from Iraq who has now come over to our side, and in fact he was the Iraqi leader's personal bodyguard, has been providing our Western governments with gruesome details of torture by the Hussein regime including the grisly murders of prisoners who were immersed in acid baths. They literally dissolved, said the official to Western sources. This is not an exception. This type of treatment and torture and inhumane activity is documented and is referenced in the Amnesty International report.

Just recently under the leadership of the task force chairman, the gentleman from California [Mr. LANTOS], and the gentleman from Illinois [Mr. PORTER], this institution in late December held hearings and brought in witnesses and those who had seen and heard about some of the incidents detailed in the Amnesty International report, but it is time that we went beyond that and placed it on the record in terms of the atrocities that Saddam Hussein has perpetrated on the innocent people of Kuwait.

A former interrogator in his early thirties, arrested on September 22 after being found in possession of a leaflet giving information on chemical weapons to innocent citizens, was detained for 1 week principally at a police station near Kuwait City and was subjected to beatings, kicking, burning of the skin and sexual torture.

Another case cited by Amnesty International, a 17-year-old student arrested in early September after being found in possession of a gun and leaflets containing information on weaponry was detained for 36 days in detention centers in Kuwait City and later in Basra and subjected to beatings, mock execution, beatings on the soles of the feet and electric shocks and threatened with sexual torture.

A 32-year-old office clerk arrested on August 3 as he returned home after buying foodstuffs from the local cooperative society was detained for 5 days at a local police station and subjected to beatings, electric shocks, and was shot in the leg at point-blank range.

A 22-year-old student arrested on August 24 following house-to-house searches in the district of al-Rawda; he was detained for 8 days in al-Rawda, and in neighboring police stations, subjected to beatings, kicking, and once again torture to the feet. Cigarettes were extinguished on his body, and his leg was slashed with a knife.

A 38-year-old man arrested on September 5 after another detainee allegedly revealed he was active in the armed opposition in Kuwait was detained for 1 week at the Kuwait general staff headquarters in the district and later in Basra. He was subjected to beatings, mock execution, exposure to hot and cold temperatures, electric shocks, and suspension from a rotating fan.

A 31-year-old man was arrested on September 14 at his home during a traditional male gathering where social and political issues are discussed by the people of Kuwait. He was detained for 3 weeks at local police stations and private homes in Kuwait City, and then taken to Basra. He was subjected to beatings, electric shocks, mock execution, and was forced to watch his relatives being tortured. He himself was tortured in front of them.

These are all instances documented in the Amnesty International report.

There were reports that there were incidents involving babies, and those people who were ill in Kuwaiti hospitals. The report provided by Amnesty International goes into great detail about the documented reports of the incidents involving innocent citizens in hospitals.

I would like to refer to some of them. Over 300 premature babies are reported to have died after Iraqi soldiers removed them from incubators which were looted and taken up to Iraq. The deaths were reported at al-Rasi and al-'Addan hospitals as well as the maternity hospital.

According to a Red Crescent doctor,

> Premature babies at the maternity hospital died after Iraqi soldiers took them out of their incubators. This happened in August, in the early days of the invasion. A total of 312 babies died in this manner. I personally took part in the burial of 72 of them in al-Rigga cemetary.

This is a sworn statement of a Red Crescent doctor who was able to tell the story to Amnesty International.

Another doctor working at al-'Addan hospital whose brother was a volunteer gravedigger reported that 36 premature babies were buried in one day alone in August. An eyewitness account of such deaths at the hospital was provided by a 15-year-old Kuwaiti girl, this time before our own congressional Human Rights Caucus on October 10, and I quote her:

> The second week after the invasion, I volunteered at the al-'Addan hospital. I was the youngest volunteer. While I was there, I saw the Iraqi soldiers come into the hospital with guns and go into the room where 15 babies were in incubators. They took the babies out of the incubators, took the incubators and left the babies on the cold floor to die. It was horrifying.

Another Kuwaiti doctor working at al-Razi hospital quoted earlier in this same part of the report told of other cases that he knew of:

> There was a woman that I know who for a long time was not able to bear children. This year she gave birth to quadruplets, three boys and a girl. The babies were placed in incubators because they were born in the seventh month. Two hours after the birth, the woman was told to leave the hospital. The next day she received a telephone call from the hospital telling her to come and take her babies.

□ 2120

She said she could not take care of them as they needed special care and nutrition. So they said to her, "As you wish." The woman rushed to the hospital and found her babies out of the incubators. She took them home, and the following day they all died.

The Amnesty International report is filled with instances of this type. Documented cases, from eye witnesses, and personal experiences, cases where people were thrown into a skating rink in Kuwait City, mass amounts of innocent citizens, just placed there to rot, with no proper attention paid to their well-being. Cases where people were executed in front of their family members in terribly inhumane circumstances.

Additional cases provided by Amnesty International: a 25-year-old law student at Kuwait University, according to eye witness reports, she was killed on August 8 when Iraqi troops fired at a group of 35 women demonstrating peacefully against Iraq's annexation of Kuwait. Another woman in her mid twenties was reported to have been killed in the same incident, as well as two boys, aged 13 and 16, who died after being shot in the head and heart respectively.

Mr. Speaker, none of this has been able to be shown to the American people. Our media in this country has been manipulated. They have all traveled to Baghdad. The nightly news will be there tonight. They will be there interviewing, but not one held Saddam Hussein accountable to allow them to have access to Kuwait City, to talk to innocent people, to allow the American people to see all parameters of this debate, and to see the kinds of human rights violations that have occurred on a regular basis since August 2, by the hundreds—not by the few—that I am citing here this evening.

A middle-aged British man shot dead by Iraqi soldiers on August 11 near the Kuwaiti border with Saudi Arabia as he was trying to flee the country. Two other Brisish men traveling with him who did succeed in crossing the border stated they witnessed the killing. Another writer on Islamic affairs in his early thirties living in Kuwait City, according to information provided by Amnesty International by two medical personnel of the Red Crescent, his body was found in a rubbish bin and was brought to their headquarters at the end of August. Two doctors who examined his body stated that he had been tortured prior to execution, and I quote:

> His beard had been plucked out. His toenails extracted. And his body bore burn marks consistent with the use of a hot metal implement.

The reasons for his arrest and execution were never revealed.

Mr. Speaker, these kinds of examples are rife throughout the Amnesty International report, and any debate of the resolutions that we are considering today would not be complete unless the American people had access to that, which they have been denied the right to understand what has been happening to innocent citizens inside of this sovereign nation. These are mothers. These are fathers. These are children. These are human beings that we are talking about that have been tortured and butchered by the Butcher of Baghdad.

Another individual, age 44, head of a cooperative society and president of the numismatic society, he was publicly shot by a firing squad outside of that same society on September 7, apparently for refusing to take down a photograph of one of the leaders of Kuwait, and to replace it with a picture of President Saddam Hussein. Another individual was arrested on September 2 and killed. A medical doctor to Amnesty International said his body bore extensive burn marks consistent with the use of electricity and hot metal. Cigarettes had been extinguished on his body. Another individual, administer with a cooperative society, married, eight children—eight children—his body was found in a rubbish bag in an area adjacent to Kuwait City on September 8. His hands were tied, and his head wrapped in the flag of Kuwait. He had been shot twice in the head just above the ear. The reasons for his execution were unknown. When arrested, he had just left his house apparently to make arrangements for the setting up of a new bakery in his district.

Mr. Speaker, these stories have not been brought out. More importantly, the American people have not seen the visual implications of what Saddam Hussein has done. There have been very few visual portrayals of what has occurred inside of Kuwait since the August 2 taking over of that nation. It has been very difficult, because Saddam has closed the borders down. None of our media has been allowed access to that nation. Unfortunately, they chose to give access to the leader of Iraq, and his capital city of Baghdad while refusing to force him to allow them to have access to innocent Kuwaiti people.

This is my first photograph. It shows the facial view of a 28-year-old Kuwaiti man whose identity has been withheld, the victim of an attempted extrajudicial killing, interviewed by Amnesty International. According to his testimony, Iraqi soldiers shot him on August 24 as he had just finished distributing food from a local cooperative to people's homes. He stated that the soldiers started firing at him as soon as they saw him, and he ran away. One of the bullets penetrated his neck, existing at the mouth. He suffered serious damage to his jaw and was fortunate to survive. He was admitted to Mubarak Hospital for preliminary treatment, and underwent surgery at a hospital in Saudi Arabia. It was documented by Amnesty International.

Mr. Speaker, two additional photographs taken from these documented cases by Amnesty International inside of Kuwait. These are photographs of the bodies of three unidentified persons. The bodies were found in the streets of Kuwait City and brought to the headquarters of the Red Crescent in the period of late August and early September. Amnesty International interviewed the doctor who took these photographs. He stated that the victims had been tortured, beaten, and burned prior to their execution. There was no autopsy examination, but the following is the medical opinion of the British forensic pathologist. There is clearly blood soaking the body which has most likely arise from either a wound to the head, neck or chest. A striking feature of the photograph is the dark staining of the hands which may represent oil or a similar substance being used to burn the victim before his death.

Mr. Speaker, these are the examples that have been on the news every night since August 2. These are the stories of innocent citizens that have never been told, so when we debate in this body, and we try to make this a cold debate about emirs and rich people, let Members not forget there are innocent human beings tortured brutally, and documented by the most respected human rights group in the world, Amnesty International. Whether Members agree with the President's policy or not, this body deserves an oath to the American people to bring the stories forward and to discuss them openly, because this is one of the reasons why we are in Saudi Arabia, attempting to rid Kuwait of the aggressor, because of the atrocities he has put forth on the people of Kuwait.

□ 2130

Mr. Speaker, page 37 to 40 of the Amnesty International document, perhaps is the worst, because it provides 39 specific examples of what Saddam Hussein and his terrorists have done in Kuwait to innocent people. These are not things that someone made up in this institution. These are documented types of torture and ill treatment that have been reported to Amnesty International, investigated, and need to be looked at as we consider the debate here over the next several days.

1. Beatings on all parts of the body, involving punching slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.
2. Falaga: prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.
3. Suspending the detainee by the feet, or by the arms which are tied behind the back.
4. Beating the detainee while suspended from a rotating fan in the ceiling.
5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.
6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.
7. Applying pressure to the fingers with a clamp-like instrument.
8. Slashing the face, arms or legs with knives.
9. Extracting finger and toenails.
10. Boring a hole in the leg, apparently with a type of drilling tool.
11. Cutting off of the tongue and ear.
12. Gouging out of the eyes.
13. Castration.
14. Hammering nails into the hands.
15. Piercing the skin with pins or staplers.
16. Shooting the detainee in the arm or leg at point blank range, followed by deprivation of the necessary medical treatment.
17. Rape of women (including virgins) and young men.
18. Inserting bottle necks, sometimes when broken, into the rectum.
19. Tying a string around the penis and pulling it tightly.
20. Pumping air using a pipe through the anus, particularly of young boys.
21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instruments used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).
22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.
23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.
24. Pouring hot and cold water alternately over the detainee.
25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.
26. Pouring an acid-like substance onto the skin.
27. Pouring caustic substances onto the eyes, causing blindness.
28. Plucking facial hair, particularly the beard, with pincers or pliers.
29. Placing heavy weights on the detainee's body.
30. Spitting into the detainee's mouth.
31. Exposing the detainee to the sun for several hours at a stretch without water.
32. Subjecting the detainee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the month and pulling the trigger.
33. Forcing the detainee to watch others being tortured, or to hear their screams.
34. Raping or torturing the detainee's relatives in his or her presence; threatening the detainee with such acts.
35. Threatening the detainee with torture methods such as the electric chair [al-Kursi al-Rajjaj], or with death by immersion in an acid bath, which I referred to earlier.
36. Deprivation of medical treatment.
37. Deprivation of sleep, food, water, fresh air and toilet or washing facilities.
38. Degrading the detainee by using obscene language or insults.

Mr. Speaker, this is not some list that I drew up. This is a list of documented cases and referrals brought to the United Nations, to the Task Force on Human Rights of this institutions, just this past week to our own Foreign Affairs Committee, as documented by Amnesty International and as highlighted to us this past week by 30 of our own hostages who are now free, who heard or saw this type of activity occur throughout the period of August 2 until now.

Mr. Speaker, the tragedy is that the American people have seen nothing of this from the news media. They have heard nothing of the torture of innocent people.

Just this past week we saw Tariq Aziz speak for 45 minutes following a meeting that he had with Secretary Baker. In the 45 minutes he spoke, he did not once mention Kuwait. He talked about linkage. He talked about Palestinians. He talked about all the other issues, but he never mentioned the country of Kuwait.

Mr. Speaker, I will venture to say that as we proceed to this debate, this body has got to remember that we are talking about the persecution, the humilitation, the killing and the torturing of innocent human beings.

There are stories in the Amnesty International Report and stories in this booklet which recently was published, called the "Rape of Kuwait" by Jean Sasson documenting torture to children, not just those innocent premature babies in hospitals, but innocent children, publicly humilitated and killed in the country of Kuwait.

Unfortunately, as I said earlier, this information has not been given the attention in the media that I feel it should have been given, primarily because of Saddam Hussein's ability to manipulate our media in not giving access to Kuwait City.

As I stated at the outset, Mr. Speaker, an unfortunate truth in today's world is that video is reality, what our people see on the television set, what they see before them is what is there and what is news. If an event is not on CNN or if it is not on the network news, it simply does not exist for millions of Americans, and perhaps even for us in this institution. That means for most Americans all of these atrocities did not exist up until now, because the attention has not been paid to them.

We refer to Kuwait as some foreign nation where the people living there are not human beings, and that is unfair.

Whether we agree with the President or not, we owe it to innocent citizens to bring forth these cases, and the atrocities of Saddem Hussein as we talk about trusting this man, as we talk about allowing us to work with him. This is not a normal human being that allows this kind of activity to go unchecked for so long by his military establishment, who repeatedly refuses to allow the International Red Cross and every other major international group, including Amnesty International, to go in and check and see independently whether or not these things are still occurring; and yet today we have begun a debate on what our next course of action should in fact be.

I would hope that as this debate unfolds that we would not forget the innocent people of Kuwait, would not forget those mothers and fathers and husbands and wives and grandparents and children who simply want what all of us want in our country, and who have been invaded by a barbaric nation, a military that has tortured their people and that has caused the worst kind of treatment imaginable to any human being.

This is the scenario that today still exists in Kuwait up until August 2, a member nation of the United Nations.

We who work so diligently to correct human rights' violations, the 200 of us who belong to the Human Rights Caucus and who work day in and day out to bring to the forefront any human rights case, whether it is a single person in Nicaragua or whether it is a person, a Soviet Jew in the Soviet Union, or whether it is someone who is brought to our attention through the media, we work to correct that and bring it to the attention of the Government, the American people and to right that wrong.

And yet here we have hundreds and thousands of documented cases that up until this point in time have not reached the American people, and that is a tragedy. That is an absolute tragedy.

The 30 American detainees, the hostages who just now have been freed, have voluntarily come to Washington and right now are in this Nation's Capitol throughout the Halls of Congress, talking to Members about what they saw and about what they heard.

They put out a document that I would like to refer to in winding down my comments on the human rights violations. This is a document provided by the hostages who are right now here in Washington meeting with Members of Congress and their staffs.

It says:

> U.S. policy must concentrate on America's long-term interests there, beginning with full implementation of U.N. resolutions regarding Iraq's aggression against Kuwait.
>
> Number two. All observations indicate that Saddam Hussein has no intention of quitting Kuwait voluntarily.
>
> Number three. Sanctions are having little impact on Iraq.
>
> Number four. Iraq is systematically strangling Kuwait and terrorizing the Kuwaiti people.
>
> Number five. Since August, Kuwaitis have put their lives on the line time and again to protect Americans.

We heard that today in our press conference.

And last:

> Morale is low within Iraq's occupation forces who appear poorly prepared for war.

One of the lead American hostages, Ernest Alexander, is one of my constituents. He lives in my town of Media with his family. He is a very loving father and husband. I have met with Alex, as he is called, extensively in my office. I have heard him talk about these cases and I saw him look me in the eye and say, "Congressman, how come the story hasn't been told? How come there is no discussion about the innocent Kuwaiti people and what has happened to them? How come there is no nightly broadcast where we can relay what we have seen firsthand in terms of terrorists acts of Saddam Hussein and his military?"

All I could tell Alex was, "I will do my part as one Member of Congress and as a member of the Human Rights Caucus to take these documented cases and bring them to the only forum available to me, a special order."

□ 2140

So tonight I bring these stories, just a few samplings of what has been going on in Kuwait since August 2.

As we consider the debate over the next 3 days let us not forget the innocent victims of Saddam Hussein's aggression. As we talk about our solutions to dealing with Iraq and this man, let us not forget what he has done as documented by Amnesty International.

Mr. BROOMFIELD. Mr. Speaker, I would like to commend my distinguished colleague from Pennsylvania [Mr. WELDON] for organizing this special order on the human rights situation in occupied Kuwait.

In the midst of this debate on congressional authorization of the use of force in the Persian Gulf, it is particularly important and timely for the full picture of Iraqi aggression and human rights abuses against Kuwait to be laid out for all the world to see.

On January 8, the Foreign Affairs Committee heard from three panels of witnesses about the full extent of the summary executions, arbitrary arrests and detentions, and torture and rape perpetrated by the Iraqi Army on Kuwaiti civilians.

The testimony presented to our committee by former American hostages in Kuwait and Iraq, Kuwaiti citizens, and representatives of Amnesty International and Middle East Watch, left little doubt that these abuses are clear violations of human rights law.

Our committee members heard ample evidence that Iraq is violating the International Covenant on Civil and Political Rights and the Fourth Geneva Convention of 1949, both of which have been ratified by Iraq. During the course of this special order, I expect that there will be numerous references to the flagrant Iraqi violations of international humanitarian law noted in U.N. Security Council Resolution 670, which was adopted on September 25, 1990 by a vote of 14 to 1.

When you sort out the significance of these abuses and how they might compare to those in other countries of the region, you cannot help but come to one very compelling and inescapable conclusion: the Iraqi authorities have embarked on a clear and deliberate policy of wholesale destruction of the entire nation of Kuwait.

The systematic destruction and looting of the homes, businesses, and museums in Kuwait and the policy of mass terror directed at all Kuwaiti men, women, and children is designed to eliminate the soul and spirit of that nation. That is what we are confronting in the current debate on the gulf crisis.

Since the August 2 invasion of Kuwait, human rights groups, as well as escaped Kuwaiti nationals and former American hostages, have detailed widespread human rights abuses by Iraqi forces.

These abuses include the arbitrary arrest and detention of thousands of civilians and military personnel; the widespread torture of persons in custody; the imposition of the death penalty and execution of hundreds of unarmed civilians; and the systematic use of rape to drive Kuwaiti women and their families from the country.

In addition, hundreds of people in Kuwait remain unaccounted for. To date, Amnesty International estimates that 300,000 Kuwaitis have fled their country and that several hundred thousand foreign nationals working in Kuwait have also left.

Despite numerous efforts, no human rights group has been allowed to enter Kuwait. Not even the Red Cross can get in the country to perform its humanitarian role. In fact, the Iraqi Deputy Prime Minister has threatened with mutilation any person attempting to go to Kuwait to investigate human rights abuses without Iraq's permission.

According to Middle East Watch, scores of people in Kuwait, including physicians and hospital volunteers, were summarily executed in September and October. Many of these were murdered in front of their families. Iraq has yet to give an accounting of people who have been killed in Iraqi custody. Middle East Watch estimates that more than 5,000 people were arrested and more than 600 people were killed in the first 3 months after the invasion.

In closing, I would urge my colleagues to study the record of human rights abuses in occupied Kuwait. It will provide compelling evidence that Iraq has moved into Kuwait with no thought of withdrawal or accommodation to the citizens of that country that is in danger of disappearing altogether.

Mr. GILMAN. Mr. Speaker, I am pleased to join my colleagues, the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. LANTOS] and the Kuwait task force of the Human Rights Caucus today to bring to the attention of my colleauges the atrocities committed against the citizens of Kuwait.

Mr. Speaker, what can one expect from an individual who began his career in public service as the official state torturer? The details of beatings, rapes, and summary executions sicken all of us. With the evidence obtained by Amnesty International, Middle East Watch and other human rights organizations, there should be no doubt that Saddam Hussein is an evil totalitarian dictator capable and guilty of murder and torture.

It is difficult to comprehend a mentality that denied a pregnant woman access to medical care, that murdered two teenage boys in front of their family, and kept several hundred hostages, some used as human shields, for several months, in order to defend a brutal invasion which to this day has been justified only by empty, baseless arguments and claims.

With the fall of the Berlin Wall, the end of the cold war, and the wondrous expansion of democracy throughout our world, it is Saddam Hussein who is still holding the world hostage. If this unprovoked act of aggression is left to stand, a message will be sent to all the dictators of the world; that it is permissable to invade a smaller country, that it is alright to torture and murder, that it is alright to use chemical and biological weapons even against your own people.

Mr. Speaker, there has been and remains a considerable debate over the United States' involvement in this conflict. As the member of the United Nations with the most resources and the best ability to support the U.N. resolutions, the United States should not turn its back on Kuwait and the world. Rather, we should set the example for peace and security which will define our post cold war world.

It is clear that the recent inflexiblity of the Iraqi Government may make a forceful implementation of the U.N. resolutions a necessity. It is imperative therefore, even at this late date, that the U.S. Congress send a strong signal to Saddam Hussein that the American people and their Congress support the 12 U.N. resolutions, including the use of force.

Even at this late date, there remains a possibility that Hussein will withdraw from Kuwait. However, Hussein still looks to the U.S. Congress to confuse the issue and thereby weaken the United Nations effort. We must not afford him this luxury.

As we consider the broad, diverse issues associated with our position in the Middle East, let us not forget during the debate those individuals who in their terror and pain hoped for succor from the United Nations and the United States.

WHY I WILL VOTE WITH THE PRESIDENT'S RESOLUTION ON THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FIELDS] is recognized for 30 minutes.

Mr. FIELDS. Mr. Speaker, before I begin my remarks, I want to compliment the gentleman from Pennsylvania [Mr. WELDON]. I think he very graphically brought not only to this Congress but also to the people of our country the type of individual with which we are dealing in Saddam Hussein.

Mr. Speaker, I have to confess that tonight I come to this Chamber with a very heavy heart. I am very saddened that our olive branch that was offered yesterday by Secretary Baker to Mr. Aziz was rejected. I think President Bush put it very well when he said that our offer of peace was stiff-armed.

It saddens me that peace was offered, peace was in the grasp of Hussein, and it was not accepted.

I just pray that peace is still possible. I pray that the United Nations mission is successful.

I am reminded of my father, who passed away last year, who was in World War II, a bombardier on a B-24 Liberator.

Throughout my lifetime he expressed to me how terrible war was and how he hoped his two sons would never be involved.

I have heard some other speakers tonight talk about having to face mothers and fathers. Consequently, I think the votes that will be taken tomorrow and Saturday were perhaps the most important votes that I have ever taken in my 10 years as a U.S. Congressman.

I have to also say that I do not think that they are the most difficult votes. They are most important because we are talking about the possiblity of the loss of American lives, a tremendous sacrifice, the most precious sacrifice that can be made by any nation; but a sacrifice that might have to be made.

As a Republican, I plan to support my President; as an American, I plan to support my President as Commander in Chief.

There were times that I was not able to support the President. I could not support President Reagan when there was a vote to commit troops to Lebanon, because I could not discern a purpose.

I will never forget going to a meeting with Secretary Shultz and Secretary Weinberger, looking for the purpose, looking for a strategy, trying to find a reason. And I could not.

I did not support the President in that particular endeavor.

The same thing could be said when I was asked to support the President on the sale of AWACS to Saudi Arabia back in early 1981.

One of the first votes I had to cast as a freshman legislator, I was called by President Reagan and asked to support his position. I could not find a purpose, and consequently I could not support the President of our country, the President of my party.

But this is an altogether different situation because I have looked for a purpose, and I think the gentleman from Pennsylvania, who preceded me, did a very good job of explaining the atrocities that have been felt by the people of Kuwait. It is very easy to project and understand that those same atrocities could be felt by the people of that entire region.

I think it is fair to make analogies to Adolf Hitler, that there could be an Adolf Hitler in the Middle East in Saddam Hussein. Here is a person who used chemical weapons on his own people; here is a person who took incubators out of hospitals in Kuwait and let little babies die.

I just hope the American people understand the type of human being Saddam Hussein is and understand the problems he has already created in this country.

The price of gasoline since his invasion of Kuwait has gone up 24 cents per gallon on an average across this great country. Our economy has been pushed into a recession. The stock market just yesterday, under the prospect of peace, jumped by over 40 points and then when the news came from Secretary of State Baker that those hopes for peace were dashed, the stock market dropped 79 points, which was a 30-point net loss.

Closer to home, in Houston, TX, Continental Airlines declared bankruptcy, giving as the main reason that higher cost of aviation fuel precipitated by the invasion of Kuwait.

So those who wonder if we have been affected in this country, it does not take much investigation to see that, yes, we have been affected. But again, if you project forward and if you expand these thoughts and think what would happen if this tyrant dominated the entire Persian Gulf, the Middle Eastern region where the largest concentration of oil reserves are, you understand what could happen not only to the economy of the United States but to the economy of the world.

Consequently, I think President Bush acted not only promptly but he acted properly to protect American interests.

I think the President has been masterful in marshaling world opinion and the involvement of all the countries that are involved.

Secretary Cheney said today in a briefing that he held for us that our allies have paid 75 percent of the incremental costs thus far of this peace effort. Now, I think there should be a greater burden sharing both in terms of financial resources and the commitment of troops. But if you look at what our President has done, he has made this a universal situation of opposition to Saddam Hussein.

In my mind, there is no question that our President, as Commander in Chief, has the authority to act. If you look at what the intent of our Founding Fathers was, the Framers of the Constitution, their intent was that we in Congress in our collective wisdom decide what size the military should be for national security needs, but not to control that military once it was established.

Our real power is in the ability to authorize and appropriate moneys. But if you look at the precedents since 1789, there have been 218 instances of foreign involvement by U.S. troops. Congress, by joint resolution with Presidential signature affixed, has formally declared war only five times. In all other instances the President, utilizing his constitutional authority, deployed American forces without the specific approval of Congress.

Now, the first two instances of such use were by President John Adams in the undeclared war with France between 1798 and 1800, and Thomas Jefferson in the war with Tripoli between 1801 and 1805.

I certainly think John Adams and Thomas Jefferson knew the intent of the Framers of our Constitution.

History and practice have never held that the war declaration clause of the Constitution is a restraint on the Executive to utilize Armed Forces abroad. I am not afraid to let my constituents know how I plan to vote.

I plan to support the President as our Commander in Chief. I think he has identified a clear purpose that has a national security interest of this country affixed.

He has gone about, in a prepared way—in fact one of the points made by Secretary Cheney today was the degree to which we are prepared, the degree to which we have information, the degree to which our troops are ready to act if called upon.

So, to me, this body should be talking in a unitary voice so that we do not send a conflicting signal. I am very concerned, as many other Members of this body are, that Mr. Saddam Hussein does not understand what this debate is all about. He feels there is division in this country. But he needs to understand that our President has put together a multinational force. There are 12 United Nations resolutions; there are 28 countries participating in this effort. In fact, there are 250,000 foreign troops participating with our own troops.

□ 2150

But we do have Americans who are at risk. We need to make sure that the young men and women who are serving our country so bravely and so courageously in that Middle Eastern theater, that they know as a country that we are behind them 100 percent. To me, to not back the President will undercut his power, and there have been those who have said, "Why now? Why not wait? Let's give sanctions a chance to work."

Just last week a Soviet freighter was found to be carrying weapons to some other country, but most people feel that those weapons would have ultimately wound up in Iraq. That border with the countries surrounding Iraq is a sieve. There is no real evidence that sanctions will work in the short term. We are giving Saddam Hussein the time to fortify and make it difficult for our people, if in fact we have to use force, and we also need to keep in mind that there are some holy months coming up. The month of fasting begins in March. The Muslim pilgrimage begins in June. The summer will be on in that particular region shortly making it very difficult to operate.

I think at this particular moment, Mr. Speaker, we need to recognize that our President, as Commander in Chief, having worked with the Members and leaders of this great institution, and leaders of the world, has put together an effort of solidarity to do what is right, but in doing what is right to protect vital American interests. And I think we owe our President, as Commander in Chief, our support, and I think we owe our troops that 100 percent backing by the Congress that they so richly deserve.

MAKING THE RIGHT DECISION

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Under a previous order of the House, the gentleman from Pennsylvania [Mr. KANJORSKI] is recognized for 60 minutes.

Mr. KANJORSKI. Mr. Speaker, as I sat in the Chamber today, and listened to many of the special orders that were given, as well as much of the debate, I have had the particular occasion to listen to my colleagues, the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from Texas [Mr. FIELDS]. I want to compliment them both. I think they make very cogent points and ones that should be brought to the attention of the American people.

I, too, feel constrained in my speech today because I know that Saddam Hussein watches what we say here in this Chamber. He apparently feels that he can discern the opinion of the American people. He may take a misreading from that. Let me first address my attention to him.

Anything you have heard today, Mr. Hussein, you should take as the honored privilege of free men to debate under a Constitution that we all hold high. You will be most mistaken to assume that this is an indication of division in this Nation. On the contrary, It is merely the method and means, through deliberation, that a free people arrive at a concerted end. This body, and our Senate and our President, ultimately will act, regardless how I vote or my other colleagues that may not be in the majority. Once a majority is struck, the die is cast in this democracy, and you need not think of division anymore. If in fact the President's resolution succeeds, there will be unanimous support for any effort he undertakes, as difficult and as time consuming as it may be, and you should take little solace from the thought that America will not rise to the cause. It certainly will.

So, Mr. Hussein, you should not have a good sleep tonight from what you hear from this Member of Congress because what I am about to say is not directed to you. It is directed to the American people and my colleagues with the hope that we can deliberate these next few hours to determine what the best course for this Nation and the world is at this moment in time.

I will address my next remarks to the President. I indicated today early in a speech that I have a great deal more admiration for this body and the other body because there has been little rancor and much serious debate, serious thought. My colleagues and myself have attempted to look at every aspect that faces the American people and this Congress on this solemn occasion. Today I rise to discuss some of the issues, some of the important factors that I must resolve in my mind to satisfy myself that I have done my best, I have done my duty and that I have upheld my oath to the Constitution of the United States.

To the President I would like to say, and to those who think that there are only two choices, to support the President or not to support the President, that is not the issue. The issue is to support the Constitution and do our duty as elected Representatives to deliberate and represent the interests of all the American people, not only the living, but also the future, because what we do here in these next 2 days will affect the lives of American citizens and indeed the world, not only tomorrow, but next week and next year. Indeed the quality of life, the nature of our Constitution, the way we react to strain and stress in the world for many, many decades to come, long after many of us who serve here will no longer walk the face of this Earth will be affected by our actions here tonight.

To the President I say, "Mr. President, don't you suggest that any Member of either side of this body challenges or questions your courage. Quite frankly it's just the opposite. We know your war record. We know the hard decisions you have had to make these last 2 years, and I have watched you particularly these last 5 months, and I see the great strain on you physically. I know that, if I could see the strain on your mind, it would also be reflected. None of us are certain that we're right, and I'm sure you'll never know you're right or wrong, but you must use your best judgment.

"Regardless of what that judgment is, I want to congratulate you in one respect, and I want to congratulate the leadership of the Congress, because many of us in Congress felt that the larger scale debate, and the decision to make war, is something far more important that would long survive the name of Saddam Hussein and indeed Iraq. It will set a precedent to determine how our Constitution will apply in the future. Today's actions will help future generations determine who is to exercise the greatest power free men have to exercise, the decision to go to war, and whether we would follow the dictates of our Constitution, the dictates of our heart, our emotions, or some measure other than constitutional law. The fact that you have now requested the Congress of the United States to participate in this decision-making process serves you well, Mr. President. The fact that the leadership of this Congress has recognized your request and has submitted three resolutions to this body and other resolutions to the other body indicates that the constitutional process will finally resolve this dilemma."

We will have an opportunity over these next several days to debate the most fundamental issues of man, the most fundamental issues facing this Republic. We will all try and add the best we can to this debate. We will all try and discern what the best course of action is for this country, and then we will pray to God we made the right choice and the right decision.

Fortunately, or unfortunately, few of us will suffer the personal consequences of our decision. Nevertheless, we will ultimately chart a course for hundreds of thousands of American service men and women who will feel the direct result of our decision. We make a decision tonight for millions of Americans who only hope that they do not have to, in their lifetime, witness war. If they need to, however, they will, and they will be as organized and unified as America has always been in a time of need.

□ 2200

I am going to support two of the three resolutions that come to a vote on Saturday, the first of which is very clear, and actually probably the most important. This resolution clearly states that the Congress of the United States will reassert to the President and the country that the constitutional authority to declare war resides in this body and the other body, and is not something that is entertained individually or singularly by the President of the United States.

I was worried that that issue would become obscured, and that the Americans would not realize how fundamentally important it is. The Founding Fathers, when they designated the power to declare war in this body, recognized that this was the only body that directly represented a large mass of the people. This House consists of the people's Representatives, and we are charged with the responsibility to debate, deliberate, and exercise our best judgment, to expend the lives and the fortunes of their fellow citizens.

No higher responsibility resides in an elected official. Every one of us, with great trepidation, realizes that when the final vote is taken, it will, in a way, be a vote for execution.

In my life I have only had one other opportunity to clearly send men to their death, and that was in the Vietnam war. I was selected by the President of the United States to serve on a Selective Service Board. I remember the most difficult decision that I ever made was 2 days before the suspension of the Selective Service, my board was called upon to select four draftees out of six. One of the six had a physical exemption to service and did not qualify. One of the six was a conscientious objector who was entitled to a hearing that was later invalidated due to the suspension coming into place before the hearing was held.

That left only four, and two of those four were married, and two of those four returned to this country in a bag. I often wish that we could have delayed that hearing or meeting, and all four of those men today would be living and well, but we did not. I swore at that time to perform my duty, and I did.

Just 1 week and 1 day ago I stood in this well and I took another oath, and the major portion of that oath was to protect, support, and defend the Constitution of the United States. That is what we are doing here today, tomorrow, and Saturday. God forbid that we not do it to the best of our ability.

Mr. President, I would like to talk to you tonight, because I have misgivings about a policy we might embark upon. It is not a misgiving that I fear Saddam Hussein. It is not a misgiving that he is a vital, vicious, tyrannical leader of the lowest kind, and that this world is filled with many leaders of that stripe. I do not deny that he has killed his own people or that he has invaded another country, nor will I deny that there are many wars going on tonight, many deaths occurring around the world, and many more that will occur in the future.

It is because of the fall of the Wall and the semidissolutionment of the Soviet Union in terms of military power, that I recognized for the first time in my lifetime we had an opportunity for peace.

I was not so idealistic as to believe that there would never be war again, but I truly believed that we would have a decade or two of non-world war status, of regional wars, of police actions, of needs for a world police force. That is what I envisioned in the desert on August 2.

Mr. President, I was fishing when Iraq invaded Kuwait, but I immediately went to the nearest television and watched and listened intently to the actions taken. I can tell you, although we were out of session at the time, that I was pleased with the actions you took, and I subsequently supported it by voting for the resolutions of support that went through this Congress.

I think America had a national interest to secure the oil resources for itself and the world from further invasion. I think the United States has a national interest to come to the aid of a friend when it is viciously invaded, and I supported the deployment of hundreds of thousands of American troops in Saudi Arabia.

I think it is the obligation of this Government to be certain that its citizens abroad are not held hostage, abused, or mistreated. All the following actions then occurred. The hostages were freed, the American citizens were protected. Our friend Saudi Arabia was not invaded. And we have come to a standstill. We have not yet freed the land of Kuwait, and we have not put the Amir back in power.

These are important questions, and they are arguable. Quite frankly, Mr. President, I have a very difficult time thinking about fighting for a monarchy or for an amir, when so much of the world is striving for democracy and so seldom are we able to come to the aid of real democracies in this world. But they are friends of ours, and they have stood with us. If we can, we should help them. But at what price, when, and who should make that decision?

I think you confuse me, Mr. President, because beside the four points you laid down, you then started to talk about a potential nuclear threat. Having heard the debate and the testimony over these last several weeks, I and the American people can clearly conclude that sometime in the next decade an individual like Saddam Hussein may have the capacity to get nuclear weapons. If he does or if he threatens to, there is no question in my mind that we would have a much higher reason to go to war. But I think at the present time that is not a threat.

The next question that we have, Mr. President, is if it is our objective to remove the political leadership of Saddam Hussein? I have heard it intimated, but never stated. I do not believe that should be a role of the American Armed Forces nor of this Government now.

Do we rise to protect oil? Not cheap oil, but, yes, the resource of oil and the ability to every economy of the world, including or own, to have access to it? That is very important.

That has been and continues to be a substantive issue, important not only to this Nation, but all nations of the world. But certainly we do not fight, nor do we suspect that you sent our troops to Saudi Arabia, to preserve cheap oil. That would be an unfair allegation. It would be a cheap charge.

Mr. President, I know that when an individual such as yourself leaves private life and goes to public life many people question your motives. Let it never be said that I or my colleagues question your motives in this regard. We know that you will take your oath as solemnly as we take ours, that you have a position that may differ from some of ours, and that we know this republic is great and large enough to allow those opinions and that debate to take place.

That is what is happening tonight. We are raising the questions. I hope that the membership of this House and the American people as they deliberate this issue are raising these questions in their own minds. We are not doing it emotionally, without reason, but we are emotionally involved. We are not doing it mindlessly, through passion, but we are passionate in our thoughts. We are not doing it politically, because when a question of war or peace arises, it transcends politics in this country. There is only one single intent tonight, and that is to arrive at the proper course for this Nation to take at this time of great peril.

□ 2210

What we do question, Mr. President, is why now? Some have said we cannot sustain the forces that we now have in the Middle East for a continued period of time. Some have said that there are religious holidays coming up. I do not think the timing of war should be determined by those factors.

If the mighty Armed Forces of the United States need more material we should be willing to appropriate additional funds on your request, particularly if it means not going to war but instead maintaining the embargo and the sanctions that we now have in place. If that is the question, let us get on with the job.

On the other hand, if you feel that diplomacy cannot function at all, I think we are faced with a tough decision, because diplomacy ultimately will have to prevail either before the war, during the war, or at the end of the war. We will not be at war indefinitely. At some point in time reasonable men or rational men must meet and negotiate a conclusion to what we are about to undertake.

The question may arise that we cannot keep this coalition together indefinitely. Mr. President, I compliment you on the coalition you have put together, but let us not delude ourselves or the American people that this is an equal burden that the world is sharing. It is an extraordinary American burden, and to a greater extent tokenism on the part of our allies. To that end, I think a delay before final action would give you the opportunity to further impress upon our allies that they too have a greater burden in this adventure and they too must participate.

If they leave that coalition, it is much better that we know it today, before we go to war, than to have them leave our side on the battlefield or disclaim their association and responsibility with us when the time comes to pay the price.

No, I have a question and the American people have a question, Mr. President, of why we must act now, and what is our objective. I am not sure that you know or that we know. I am not certain we have the power nor the ability to remove a single political individual from power. We have not been terribly successful at that in the past if we study the Panamanian invasion and our surgical strike at Qadhafi. But we do have the might not only to kill Saddam Hussein, but many hundreds of thousands of his citizens. But because we have that might, do we now have the right, and is it the right time for America to act?

I have listened to the testimony of our CIA Director and seven of the last eight Secretaries of Defense, and they have related that the embargo has been working, and that 6 to 9 months from now a major part of the Iraqi Air Force will be inoperable, a major part of the armored vehicles in the Iraqi Army will be inoperable. Why not face a weakened army 6 or 9 months from now, rather than a much stronger army prepared to do battle today?

The logic of why to go to war today escapes me. If your enemy is getting weaker, and if you have the capacity to strangle him or make him hemorrhage, why do we not pursue that capacity?

Mr. President, you told the American people and this Congress when you adopted your policy on August 2, that we would use the embargo and economic sanctions, and the experts have told us that it has never worked this successfully, so we have the most successful embargo and sanctions in place that we have ever had in just 5 short months. Later we are told they are not sufficient. Did any of us dream or imagine that in 4 or 5 months we could stagger a nation today to its knees by an embargo or sanctions? I certainly did not, Mr. President. I thought the course of action you took in August was the right course of action. The testimony by the Secretaries of Defense and the CIA indicates it is working, and nothing has indicated to me that there is a change from that, other than the fact that there is some arbitrary time constraint that you and the United Nations have placed as to when we must go to war.

I think there are questions to answer. I think I agree with Senator SAM NUNN when he took the position that if war is absolutely necessary at some time, we will pursue war, but it should be our last resort. Not a drop of American blood or a dollar of the American Treasury should be expended except for useful purposes and except when no other option is possible, and when the evil is determined to be so bad that there is no other course of action.

I do not think we are in that position, although I think you are in a difficult position because you have made very strong statements. I want to say to you, Mr. President, we in this House, we, the American people, will not hold you accountable for overly strong statements that you may now find necessary to deviate from. That will be taken merely as the act of negotiation and diplomacy. I think I speak for most of us and most of the citizens I represent, that we would much rather have to explain reversing a hastily conceived course of action than explain an act of devastation to our own people and to many other innocents in the world.

I really applauded the concept of a new world order, but I guess the way I define a new world order would be a time in our history when East and West, when communism and democracy would no longer be in strife, and that world war would be something that was no longer a threat. I saw the Wall fall in 1989. I have seen the Eastern bloc destabilize and democratize, and we now see the Soviet Union in almost civil war.

We have talked of peace and we have talked of the potential of the peace dividend. Where is that dividend today?

My colleagues from Pennsylvania and from Texas made some interesting cases today. They certainly made me annoyed at Saddam Hussein. I can tell Members that sometimes when I hear the statements of Saddam Hussein or see his actions on his own people or his enemies, I recognize him as an uncivilized beast. Quite frankly, it makes my blood boil to the extent that I myself would like to see the man fall under the guns of war. But then I stop and I recognize that he is not the only vicious man in the world, and we have tended to make him appear over these last 5 months to be the only great threat to all of mankind.

I have not been convinced that in fact he is. But if I were, there would be no question, that I would support any act to remove him from the face of the world.

I do not think we have arrived at that point yet, Mr. President. I thought the new world order would be the responsibility of the United Nations, the world community coming together and recognizing, although we do not have absolute peace in our time, we do have a lessening threat for armament, but that we will have regional disputes and regional wars that will require police force action. Little did I know, Mr. President, that you decided to unilaterally name yourself chief policeman of the world, because that is the role we are now talking about. We do not have a genuine coalition of the United Nations here in the battlefields of Saudi Arabia.

□ 2220

Instead we have the overwhelming military might of the United States and a mere token presence of some of our friends. In addition, we do not have the economic burden-sharing of the industrial nations of the world. Instead we have profiteering by the industrial nations of the world at the expense of U.S. taxpayers.

Where are all of our friends? They urge us to fight. They support our decision to fight. But they fail to show up for the fight. They fail to put on their uniforms. That is what is annoying to the American people.

If that is the new world order, Mr. President, if you envision America will be the police force for the world, we must fundamentally disagree. On the other hand, if you feel, as I do, that this world needs a police force, then let me suggest that we take the time between now and the final determination to go to war to structure such a police force. Let me also suggest that the capital of all the industrial world, and that the men and women of all the industrial world, share their equal burden in this pursuit of peace. You will have my support and the support of the Congress.

But if in fact this is just another justification for the continuation of high defense expenditures by this Government, or to circumvent the appearance of unilateral order by talking about some coalition, then I do not think you have made your case, and if that is your case, I do not think I agree with your conclusion.

There is no justification why Japan, which was raised by this Nation from the ashes of war these last 45 and 50 years, cannot share its fair burden in manpower and in treasury. We have the time between now and when the final decision to go to war must be made to see that Japan shares the burden and shows its true colors.

Where is our friend Germany? Yes, they have an Eastern bloc and an Eastern Germany to rebuild. But, Mr. President, I listened to some numbers from my friends as they debated earlier. The gentleman from Pennsylvania [Mr. WELDON] mentioned the atrocities, and there are atrocities. I would not deny them. We are dealing with vicious people in the Middle East, in Iraq.

But what we did not tell the American people is this very night 2 million Americans are sleeping outdoors because we have not found a way to provide them with proper housing. What we did not tell the American people is this very day and every day of the year 30,000 children starve to death somewhere in the world, and that is a pretty big human tragedy. But we are not carrying on a war to solve that tragedy.

Mr. President, we did not even tell the American people that just 2 months ago we passed a budget to attend to a deficit, and we cut $800 million out of the Veterans' Administration budget and as a result 38,000 American former veterans will not get service in VA hospitals. And that number will grow much greater next year if we must pay for a war.

What we do not tell the American people is that when the casualties return from overseas, in order to give them space in our veterans' hospitals, we will have to evict existing veterans who are now in our VA hospitals. It is a matter of priority and, Mr. President, I do not embarrass myself to argue priority, because the American people ask me today and, God forbid if war begins, they will ask me after the bodies start returning home, "What priority did you use to go to war or support war, and what did you do to stop war?"

I am here tonight as a single Member of Congress merely attempting to say, Mr. President, that this is a tough decision, but not an easy decision, and it certainly is not pressed by time. The January 15 deadline is an arbitrary deadline, Mr. President, but there is no reason why it cannot be changed. We have an opportunity to take the period between January 15 and whenever war is determined to be absolutely necessary, that period of time, whether it is 6 months, 12 months, or 18 months, and develop the structure of an international police force that would be fair and share the burden. We could form an international criminal code of conduct to send notice to the world that certain actions like Saddam Hussein has taken are criminal acts against humanity and that when such actions are committed they justify, and may even necessitate an act of war, and would be the moral imperative to the American people.

Further, Mr. President, we could take these 18 months to examine our consciences and the consciences of our many friends who manufacture the munitions around the world and who sold them to these we are now called upon to fight.

I saw our Government provide $8 billion in the last several years to this very dictator. Many of us objected to that policy, but the President's will prevailed and we gave aid to those who are now our sworn enemies. Just a week before Kuwait was invaded, I saw a request for an additional $1 billion in credits that we knew were not being used for food substances but, in fact, were being diverted for the purchase of weapons.

We know that our friends in Germany and France have sold amazing amounts of weaponry to this very individual who tonight we discuss as an archenemy of mankind.

Worse than that, Mr. President, I question our appearance as being a sane nation when this very day our new comrade in arms in the Middle East is Assad of Syria, a known terrorist and supporter of terrorism, considered to be a vicious dictator, no different than Mr. Hussein, but now he is on our side. I wonder how long.

I wonder what will happen if when we take this precipitous act that we talk about, this act of war, and if there is an attack on Israel and if Israel responds to that attack, I wonder how many of our new friends in the Arab world will remain our friends. I sometimes wonder whether we will still be guests in the sands of Saudi Arabia. I also wonder whether the King of Saudi Arabia will still be in charge of Saudi Arabia.

I think these are questions we should ask. I think these are questions that we should address before we go to war.

Mr. President, I have not heard any discussion of a second thing that we should talk about. What happens if we win? If we win with the present burden that America will have to carry, the cost to this country will be several hundreds of billions of dollars. Our economy will be rather ravished. The price of oil will probably double. The economy will go into a tailspin.

We may win the war, but in the process of doing that, we may become a second-rate economic power. We may lose the peace.

Are we going to provide the same kind of economic aid for Iraq after it sues for peace, that we provided to Japan, Germany and Panama? Are we going to play cops and robbers, cowboys and Indians, supply the world with weapons, create our enemies, engage in war with our enemies, and then spend our treasury to rebuild our enemies? If that is the new world order, America can hardly afford it.

I think the big question should not be whether we go to war on January 15. The big question should be, first, is war absolutely necessary? Are there any other alternatives to war? And, Mr. President, I think the answer to that question is yes. The sanctions, the embargoes, are working.

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They may not be perfect, but they are better than any have been before. Will we have time? Our troops are not under attack. Our country is not under attack. If there is a war on January 15, as it is presently set up, it will be America taking the precipitous action, not Iraq.

Mr. President, if Iraq attacks any of our forces in the Middle East, you will have the unqualified support of the Congress to bring the full might and force of the American military against Saddam Hussein, and Iraq, and we support you and always would.

Mr. President, let it never be said that the debate and the argument here today is one of not supporting our troops in the field. I have spoken to no Member in this House, that has ever intimated to the slightest degree that once a decision is made, to go to war that the troops of the United States should not have the full support and confidence of this Congress. Once we make the decision to go to war all of us, both those who support that decision and those who oppose it, will agree to provide any material assistance or help they need to fight. That should not even be a question. It is not a question of whether we support our President. It is a question of whether or not the power to declare war is a power that our Founding Fathers declared to be the sole province of the Congress as the duly elected representatives of the people, or whether the President should exercise that power unilaterally, or whether or not we will delegate it to him by the resolutions to be passed Saturday. The constitutionality of that and the legal questions involved disturb me, Mr. President. However, I think the President's resolution, although it is not called declaration of war is, in fact, the moral equivalent to a declaration of war. The only difference is that this Congress will not say we declare war on Iraq, but this Congress will have delegated that authority to the President of the United States.

In my estimation, it may not be constitutionally pure, but the intent is sufficiently clear that I do not question that you shall be granted the power. I think however, that you will listen to our arguments and our concerns. I know you will take them under consideration. But you will have that power. Beginning at midnight, January 15, you will be the most important person in the world. You will have the heaviest burden in the world. I pray you have the strength and fortitude, as well as intellectual, moral, and mental power to make a decision, not only for 250 million Americans, but for the 5 billion people that live on this planet. You will draw the course of history and determine where this world will go in the decades and centuries ahead.

I know you understand and love this country, its Constitution, and its people, as much as any man that will talk on this floor over the next 2 days. We wish you well. If the decision is war, we will support you, and we will support the armed forces of the United States. If you have the opportunity, the ability, or the cleverness to find a way not to go to war, I know I speak for the overwhelming majority of the American people, when I say that we will support and thank you. But if you do go to war, if we go to war, let us not spend one more life or drop of American blood than is necessary.

Now I would like to close with a final message to Mr. Saddam Hussein: Enjoy your sleep tonight. You have caused a great consternation in this country and around the world. You have robbed many people of their rights as human beings. You have violated international law. You have become a criminal of man. You should get no solace from the debate here, Mr. Hussein, because what you see here is what your people do not have—democracy in action. This is what this country has lived and died for, for more than 200 years. Do not ever think that we do not have the spirit or resolve to do it over and over and over again, as long as there are madmen like you anywhere on the face of the Earth. We will proceed with deliberation, with thought, and hopefully with right on our side. I urge my colleagues to think of the foundations this country was built on, as we consider and vote on the most important decision we will make in our tenure in the Congress of the United States.

I have spoken of the issues that disturb me, both constitutionally and practically. History and the journal of this RECORD will reflect my thoughts as it will those of my colleagues. History will reflect on the final decisions that we take: Did we take the right path or the wrong path? No one will know today, tomorrow, or even for months or years to come. But let it be said that somewhere on Earth in 1991 there were reasonable, rational men, who differed in their thought, their perception, and their philosophy, but who had the ability to debate and to discuss their thoughts in a free atmosphere under the Constitution of the United States. It is with that opportunity and with the pride of that document that I know the American people will listen and will deliberate with us. We will then say an extra prayer that the President exercises the great powers he may soon receive only after the soberest of deliberations.

THE JUST WAR DOCTRINE AND ITS IMPLICATIONS FOR MAINTAINING INTERNATIONAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH. Mr. Speaker, I rise today in a solemn hour for the American democracy, for our young men and women so faultlessly serving in the Persian Gulf region, and for the ideals and purposes symbolized in the charter of the United Nations. As this Congress contemplates the fateful but necessary step of authorizing the use of U.S. Armed Forces to help effectuate the lawful resolve of the international community, the message must unequivocally be delivered: the criminally carnivorous aggressor regime in Iraq must unconditionally disgorge Kuwait.

What law and morals demand from the Congress at this time is not a declaration of war against Iraq. Rather, law and morals demand a declaration of liberation of Kuwait, a commitment to law enforcement at the international level.

Very precisely, what we confront in the gulf is the prospect of undertaking a just law enforcement action under the authority of the United Nations—employing the awesome and shattering instruments of war—to thwart the brazen aggression of a ruthless outlaw regime. In the judgment of this Member, contemplating a declaration of war at this time would be inappropriate: because traditional war, per se, is not only undesirable but actually outlawed under modern international law; and, perhaps more significantly, because it would dangerously shift the locus of this confrontation from Saddam versus the world to Saddam versus the United States.

Law and morals, along with the common interests of states, are very much at stake in the Persian Gulf. As my colleagues well know, perhaps the oldest paradigm in the Judeo-Christian tradition of governance is the moral imperative of a search for peace. Peace must be the goal of moral leadership. Yet peace, properly understood, cannot merely be defined as the absence of war. After all, if this were so, then a small nation suddenly subjugated and enslaved by a rapacious and unscrupulous neighbor might, after a spell, be considered at peace when in fact its citizens refuse to reconcile themselves to an unconsented fate.

But we know from history that humankind does not accept enslavement with abject acquiescence. It goes without saying that peace with a society implies the existence of peace within the individuals who make up such a society. In this context, rights and liberties must be accorded nation-states no less than individuals. In the words of Churchill, true peace "is nothing less than the safety and welfare, the freedom and progress, of all the homes and families of all the men and women in all the lands."

There is also in the Western tradition a hallowed tenet that the triumph of aggression, which the Greek hisorian Thucydides aptly described in his History of the Peloponnesian War as the stark process of "putting people to it," may constitute a greater evil than resort to violence to vindicate an unjust wrong. This honorable and ancient doctrine, developed by ecclesiastics and jurists, followed by statesmen, instinctively accepted by the peoples of many countries in tradition and right, is the doctrine of just war. What is this doctrine? Briefly, it holds that for war to be considered just, it must be animated by a just cause and informed by righteous intention, that it be undertaken by a lawful political authority and only as a last resort, and that rectifying actions be proportionate to the wrongs committed.

I raise the just war issue, what might at first blush seem to be an esoteric concern, for two interrelated reasons. First, the issue of war involves the gravest of moral questions. Second, not merely the theory but the history of international relations since the First World War embodies the distinction between just and unjust causes of war. The Covenant of the League of Nations, the U.N. Charter, and the charter of the Military Tribunal at Nuremberg all reject the "realpolitik" doctrine of "staatrason"—the tyrannical notion that might makes right.

Instead, modern world politics are founded upon a conception of international society analogous to the laws and customs on coercion in domestic societies, that resort to violence in international affairs must be regarded either as lawful police action or crime. In other words, resort to armed force in international society is legitimate only if it is used on behalf of or in service to the fundamental principles and purposes undergirding international law.

Thus the moral philosopher Michael Walzer observes that, "aggression is the name we give to the crime of war." Indeed, the founders of the United Nations were determined, in the words of the charter, "to save succeeding generations from the scourge of war * * * and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest." Similarly, the U.N. General Assembly has defined aggression as "a crime against the peace, for which there is responsibility under international law." Specifically, the signatories to the charter undertook in article 2(4) to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

In postwar American diplomacy, the classic exposition of this principle was stated by President Truman in October 1945, when he declared that the fundamentals of American foreign policy would rest in part on the proposition "that the preservation of peace between nations requires a United Nations organization comprised of all the peace-loving nations of the world who are willing to use force if necessary to ensure peace."

The concept of international law enforcement through collective security, therefore, is embodied in the U.N. Charter and is an integral part of international law, as well as—through the supremacy clause in article VI of our own Constitution as applied to treaties—the law of the United States.

In other words, a congressional declaration of war in this circumstance would be contrary to the purposes of the United Nations. It might also frustrate our diplomacy and perhaps needlessly prolong a potentially bloody and unpredictable conflict with Iraq, because of the legal and political complications associated with the problem of war termination. Indeed, as Americans understand, it is in part for this latter reason there have been only five declarations of war in our history and none since 1941. Rather than the declaration of war analogy, the apt legal comparison in the current circumstance would be closer to Korea than to Vietnam or World War II, though all historical analogies are to some extent imprecise and potentially misleading.

While a congressional declaration of war would be inappropriate, the constitutional duty of Congress is clear. Not only does the Constitution vest the power to declare war in the Congress, but it further contemplates that a status or condition fairly described by armed hostility between the United States and another state—whether declared or undeclared—must be legislatively authorized.

The Framers of the Constitution did not entrust the war power to Congress to protect Congressmen; they did so to protect the American public. They believed that the gravest of all governmental decisions—the making of war—should not be the responsibility of a single individual. It should be taken by a democratically elected, geographically and socially balanced legislature after careful debate and deliberation. It would either be tyrannical or irresponsible for a Congress of, by, and for the people to shirk its responsibility and transfer the power to make war to the Presidency. In America, after all, process is our most important product.

In this context, neither the Congress nor the Executive can duck the fundamental question of constitutional fidelity.

Perspective is always difficult to apply to events of the day, but it would appear that in late 1990 a watershed development in international politics occurred. Largely due to the steady and patient diplomacy of this administration, the full Security Council overwhelmingly passed Resolution 678, authorizing the possible use of force to achieve U.N. objectives in the gulf. For the first time in modern history, a credible system of collective security—predicated on the understanding that force may be required to keep the peace—appears on the threshold of being born.

Here I would observe that if one American political party has been historically identified with advocacy of collective security and the multilateral diplomacy it implies, it is the Democratic Party. Collective security was the watchword of Woodrow Wilson, who literally drove himself to death defending this principle against strident critics. Franklin Roosevelt, arguably the greatest president of this century, insisted that collective security principles be espoused in the Atlantic Charter, in authoritative statements on American aims in World War II, and ultimately in the charter of the United Nations itself.

Yet today it is a Republican President who, in opposition both to the isolationist and go-it-alone interventionist themes that have ambivalently marked much of this century's conservative tradition, is in the vanguard of credible collective security endeavors. In paradoxical contrast, liberal leadership in Congress appears to be careening toward a repudiation of the philosophical heritage of Wilson and Roosevelt, as well as Truman and John Kennedy in favor of more flocculent wait and see nostrums which lack leadership as well as historical perspective.

From an historical perspective, observers of crises that involve aggression over the last half century frequently look to the European cities of Sarajevo and Munich for juxtaposed historical analogy: Sarajevo implying excessive rigidity in the international system, Munich implying not enough spine. In this case, Munich appears to be a more apt historical analogy than Sarajevo. On the other hand, to the degree there is an historical parallel, perhaps the most revelvant is related to an East African capital, Addis Ababa.

As this Congress understands, some 55 years ago the League of Nations was faced with an analogous crisis. In 1935, Fascist Italy, then considered a world class power, invaded and eventually subjugated Ethiopia. With great fanfare, the United Kingdom led 50 other members of the league in a decision to enforce the covenant of the league by imposing economic sanctions against Rome. Mussolini declared that any sanctions which might affect his military capabilities, expecially regarding oil, meant war. Confronted with this brute threat, Britain and her allies recoiled.

In "The Gathering Storm" Churchill later observed:

> The measures passed with so great a parade were not real sanctions to paralyze the aggressor, but merely such half-hearted sanctions as the aggressor would tolerate * * * [British leadership had] led the League of Nations into an utter fiasco, most damaging if not fatally injurious to its effective life as an institution.

Likewise, at issue with the Kuwaiti crisis is less an outcome where individual nation-states may be winners or losers, but one in which the international system has an enormous stake. From challenge springs opportunity and in this context the President is precisely right to suggest that a new international order is at issue. Hopefully, once the storm clouds have passed, the international community will be able to conclude that the United Nations has finally functioned as its founders intended. But if this conflict is not resolved in a manner which at least restores the status quo ante, then our current international structure—and in particular the United Nations—will be seriously deranged and grievously jeopardized.

In this regard, as the prospect for conflict increases, the danger of unintended martyrdom also rises. The United States must be careful to ensure its policies not turn a tin-horn Hitler into an Islamic Allende.

Hence, I would urge the administration to make it clear to Saddam that a Nuremberg-like tribunal will inevitably be established in the wake of any military confrontation with Iraq and that in addition the United States will give serious consideration to advancing within the U.N. system a creation of an International Criminal Court to hold accountable individuals who violate international conventions to complement the World Court which exclusively adjudicates disputes between states.

I raise the notion of creating a criminal court at this time because terrorist crimes, usually directed against individuals, small states or relatively small groups of people, challenge nonetheless the rule of law. There could be no more appropriate potential defendant to proceedings in such a court than Saddam Hussein for his brazen violation of civilized norms of behavior in his invasion of Kuwait, in his use of human shields, as well as poison gas, which has been outlawed by both the Geneva Convention of 1925 and the Biological Weapons Convention of 1972.

Potentates, whether petty or mighty, who through naked aggression attempt to take the world hostage must be held accountable. The trouble with negotiations which do not lead to a complete abdication of ill-gotten gains is that terrorism may be perceived to be rewarded rather than punished. The challenge for the world community is to prevail without overreaching; to hold Saddam Hussein and his murderous gang of militarists accountable without excessively shedding Arab or Western blood. The key to avoiding the prospect of terrorism begetting more terrorism is that careful, internationally sanctioned legal repercussions commence, not unilateral, indiscriminant retaliation.

Accordingly, President Bush should inform Iraq in no uncertain terms that if Iraq refuses to disgorge Kuwait, Saddam and his henchmen can be expected to confront a Nuremberg-like tribunal for crimes against humanity.

The prospect of creating such a tribunal, which I believe should be authorized by the Security Council before any hostilities commence, holds several advantages. It emphasizes that America and the world's dispute is with Saddam Hussein, not the Iraqi people. It sets precedent for, and thus helps deter, future dictators. It warns Saddam and his fellow criminals that harming foreigners, including Americans, will not go unpunished; nor will violations of the rights of native Kuwaitis or for that matter Iraqi citizens. International norms of decency and law, as Nuremberg suggested, cannot be obviated by illegal orders of dictators or their subordinates.

The possibility of convening an international tribunal could also shorten or preclude a conflict by making Saddam susceptible to apprehension before or shortly after hostilities break. In addition, the specter of trial allows an implicit plea bargain: security for Saddam against what would surely be a foreordained verdict in exchange for the freeing of Kuwait.

The simple announcement of the creation of a tribunal would have the effect of incarcerating Saddam in his own country. He wouldn't be able to leave because of the prospect he could be arrested anytime, anywhere.

It would also underscore that what is at issue is not traditional warfare with patriotic rationalizations, but criminal behavior abhorred and defined to be illegal by the entire civilized community of nations.

Surely reasonable men and women can agree in a just war context on the moral and legal authority of the Security Council to authorize the initiation of a police action to reverse Iraqi aggression in Kuwait. After all, one of the most persistent and vociferously debated questions of political science has been resolved: the international community has set forth a framework of laws and established a mechanism for dispute resolution. It has decreed that when common interests are at stake, when law is violated, it is the responsibility of the entire international community to enforce fundamental norms of international behavior.

As demonstrated in overwhelming votes both in the U.N. General Assembly and Security Council, a consensus has been reached in the world community that Saddam Hussein launched an illegal war of aggression. The Security Council, pursuant to its explicit powers under the charter, has decided that a law enforcement action against Iraq would be both warranted and just. Indeed, those 54 nations that have contributed or offered to contribute militarily and/or economically to the enforcement effort in the gulf have received the specific sanction to do so by a spectrum of precise Security Council resolutions. In short, there is a clear consensus within the international community that police sanctions against Iraq are justified.

The central issue in classic just war theory is the cause question. Just war theorists from Augustine to Grotius typically referred to an offense that was a just cause for war as an "injuria," a term that meant both injury and injustice. There were three generally accepted just causes of war: defense, recovery of property, and punishment. Wars waged for the first cause were by the very nature defensive. Wars taken to avenge injustice and to punish the perpetrators of injustice were offensive in the sense that defense of one's own territory was not at issue. It is this latter category of just war theory, which is implicated by United States' policy in the Persian Gulf.

Here, the apposite analogy is Grotius' reference to domestic law enforcement, where force may be used to apprehend criminals and to bring them to justice.

In this context, the record is clear. Saddam is an international criminal with a long rap-sheet. More than this, he is a atavistic tyrant, a primordial throw-back to the depraved satraps of of an earlier and violent time. This is, after all, a man whose regime has waged two wars of aggression in 10 years and waged them utterly without compunction or regard to the laws of war.

Not only is Saddam a menace to the region, but—with his biochemical weapons capability, nascent nuclear weapons capability, and proven proclivity to use weapons of mass destruction against his own as well as foreign peoples—his regime represents a threat to international law and order. If Saddam's brand of brigandage is rewarded, it will become a replicated model in other corners of the Earth. Judgment about proportionality must include such considerations. Lives jeopardized today in the sands of Saudi Arabia may represent lives spared tomorrow, in other distant niches of the world's terrain.

Thus the United States and the international community have a powerful geostrategic interest in preventing Saddam and his fellow Iraqi militarists from swallowing a neighboring state, and oppressing its population. While developed as well as developing countries have a geoeconomic interest in preventing Iraq from directly or indirectly controlling nearly 50 percent of the world's crude oil reserves, the larger issues relate to the moral rather than economic equation.

The United States and the world community simply have a compelling interest in upholding civilized norms of international behavior. The Iraqi ravening of Kuwait and the systematic terrorization of its citizens must be brought to an end. The forced evacuation of foreign nationals creating upward of a million refugees and the savage holding of thousands of international citizens as human shields must not be rewarded.

Here I would observe, particularly in the just war context, that decision-making for the President as Commander in Chief of our Armed Forces includes far more than calculations related abstractly to aggression or economic blackmail. When innocent human beings are allowed to be raped as a terrorizing instrument of state policy, when Kuwaiti citizens are executed at a steady 10 per day rate, when a capital city is not just being systematically pillaged, but a culture eviscerated, moral people have an obligation to do more than simply wring their hands and suggest that resolve be diluted by the sands of time.

In this context, the United States—with strategic and economic interests comprehending the entire circumference of the globe and, most importantly, with the moral burden that our history of sacrifice so nobly places upon us—has an obligation to uphold the structure of a civilized international political order based upon the rule of law. It is with a profound understanding of philosophy and history that President Bush has creatively sought to advance his far-reaching "new world order" theme.

In this context, it cannot be overemphasized that if this conflict is not resolved in a manner which at least restores the status quo ante, not only the United States, but the international system that is largely our inspired creation will be undercut with incalculable consequences.

Saddam must realize that whereas at issue for the United States and the world community are calculations as to the magnitude of possible casualties, the issue for him and his country is life and death. Iraq will be a viable country at the turn of the century only if he opts to rejoin the community of civilized nations.

Likewise, the United States must realize that there are many parties in the Middle East who believe the West has given insufficient attention to their concerns. And citizens of many countries, including our own, believe governments have been slow to respond to siren calls for more forthcoming arms control.

In this regard, it is impressive how American public opinion when polled reflects more concern about the prospect of Iraq obtaining nuclear weapons—that is, efforts to circumvent the strictures of the Nuclear Non-proliferation Treaty—than any other factor. In addition, the public has reacted with serious concern to Saddam's threats to utilize the poor man's weapons of mass destruction: Biochemical weapons. Common sense would indicate that if the United States is to insist on restraining the spread of deadly chemical and biological warfare agents as well as nuclear arms, it must recognize that other countries have every right to insist that the nuclear powers assume new restraints and bring nuclear testing to a halt. As discourse commences on strategic arms reduction talks with the Soviet Union, so should discourse commence on an internationally binding nuclear test ban and a regional Middle Eastern approach to arms control, including the possibility of enacting a verifiable nuclear weapons-free zone in the region.

Turning to the notion of "last resort" in just-war theory, this concept has applied principally to offensive war. The core of "last resort" requires that peaceful means for rectifying injustice be explored before a punitive response is undertaken.

To probe prospects for a negotiated resolution of the issues at stake, the administration has the obligation to walk the extra mile for peace. Recognizing this obligation, the President properly authorized a ministerial level dialog with Iraq. But Saddam, revealed no flexibility on compliance with U.N. resolutions during Secretary Baker's Geneva talks. His emissary even refused to receive a personal letter from President Bush and escalated Iraqi threats with a bloodcurdling suggestion that the State of Israel will be attacked in the event the international community attempts to free Kuwait.

One can only conclude that after 5 months of unproductive private and public diplomacy, Iraq's dialog with its Arab neighbors as well as the world community has largely been a cynically contrived and manipulative "dialogue des sourdes," a tactic violative of every principle and convention upon which peaceful international intercourse is founded.

Nevertheless, as both President Bush and Secretary Baker have emphasized, one should always hold open the quest for peace. Even though Saddam and his regime represent the classic aggressor, there are circumstances in the region around which—if the Iraqi leadership were to respond out of self-interest—compromise might still develop. This Member, for instance, is particularly optimistic about the Secretary General's mission to Baghdad.

One possible approach for the world community to consider would be to augment its current menu of options in the gulf crisis with a new carrot-and-stick policy aimed at achieving U.S. objectives without resort to force.

Both sides, for example, appear to be locked in irreconcilable positions, with Saddam insisting that Kuwait remain part of Iraq and President Bush insisting that the status quo ante be reestablished. In this circumstance, one option for the world community to consider is to propose as a carrot to Saddam—in conjunction with Iraqi compliance with U.N. resolutions—the placement of the Rumalia oil fields under international control. If all or a part of the wealth generated from this enormous field could be directed under the United Nations Development Program or an Arab development bank, some of the economic inequities of the region could be forthcomingly addressed.

Perhaps the most difficult challenge of diplomacy is to put yourself in your adversary shoes and seek common ground when little seems to exist.

One of the principal if transparent rationalizations for Iraq's invasion of Kuwait was the claim that the Kuwaitis were stealing oil from the Rumalia field for the benefit of the al-Sabah family rather than the poor and dispossessed of the region. Kuwait is a small country with disproportionate if not unseemly wealth. Ironically, the best way to secure Kuwait's sovereign borders may be to internationalize part of its greatest resource—oil—and redistribute the petroleum profits of a few for the benefit of the many, especially the children of the region. Using the field as a carrot and ceding its proceeds to the have nots of the Arab world could help Saddam save face in an Arab context without allowing him to profit from aggression. At the same time it might help satisfy Islam's call for Zakat, or almsgiving to the poor.

In addition, to the extent that Iraqi access to the Persian Gulf for a deep water port has been claimed by Baghdad to be one of those grievances leading to its conflict with Kuwait, in the context of an unconditional Iraqi withdrawal from Kuwait, the international community ought to consider future guarantees for the protection of an Iraqi off-shore oil unloading facility. In modern times the definition of a port need not entail the characteristics of a city resting on land. A metal platform may be more durable than a deep-water landing and more useful than a sand-encrusted island.

Saddam may aspire to martyrdom, but if he leads his people from prosperity to ruination; if from the cradle of civilization, uncivilized judgment is prolonged, he will go down in history as an anti-prophet, one of civilization's most injurious criminals.

From an American perspective, there is little support for war based solely on a desire to lower the price of gasoline a few cents or return an undemocratic government to power. On the other hand, there is a profound recognition that Kuwait is a legitimate state, that aggression should not be rewarded, and that the Iraqi terrorism and torture must be brought to an end.

In just war doctrine, particularly as developed after Aquinas, significant attention has been accorded the establishment of judicial proceedings against perpetrators of injustice. In the context both of just war and as an additional stick which Saddam should be made graphically aware, the world community must underscore to Saddam that legal accountability is the real linkage with which an aggressor must deal. Linkages asserted by aggressors, however meritorious the causes espoused, amount to blackmail and must be treated as such.

Nonetheless, it is undeniable that one of the problems with any potential peaceful settlement with Iraq rests with the concept of linkage. The President is correct in suggesting that formal linkage to other issues is spurious when none was originally intended by Saddam and when the making of such linkage implies rewarding aggression. On the other hand, whether we prefer it or not a new world order implies not only greater attention to international law and international institutions but in the American philosophical tradition, a decent respect for the opinions of mankind.

Thus the U.S. Government has little option in the months and years ahead but to deal more forthrightly with the Palestinian issue. It also has little option except to be more forthcoming on the test ban issue. At the risk of hyperbole, the first order of a new world order should be negotiation of a comprehensive test ban. Erecting effective barriers to the spread of nuclear weapons demands restraint be accepted by the United States as well as developing countries like Iraq.

In a legislative sense, the issue today is whether to support the President's policies and judgments or see them undercut by a congressionally led policy of delay and implicit vacillation.

If through a patient strategy of military containment and economic sanctions alone the United States and its coalition partners could compel Saddam to surrender his ill-gotten gains without resort to force, then this Member would be profoundly supportive of that particular policy.

But I fear that though these unprecedented economic sanctions will severely pinch Iraq's economy, they are unlikely alone to be sufficient to evict Saddam's 500,000 troops from Kuwait. What does the evidence reveal?

In an economic sense, the sanctions appear to be having an effect. The Director of Central Intelligence estimates that the sanctions have barred more than 90 percent of Iraqi imports and more than 97 percent of exports. Saddam has been deprived of roughly $1.5 billion of foreign exchange earnings monthly, about equal to a third of Iraq's total national product. Iraq's financial holdings and line of credit abroad have been frozen, and Baghdad has no access to Kuwait's international holdings.

In addition, Iraq's economy would appear to be unusually exposed to sanctions as a form of coercive diplomacy. It is dependent on oil for 95 percent of its exports, and is dependent on imports for 30 percent of its GNP. Moreover, Iraq imports as much as two-thirds of its peoples' normal caloric intake, over 70 percent of grain consumption, and over 90 percent of sugar and vegetable oils.

According to one congressional study, Iraq may well deplete its available foreign exchange reserves by this spring, leaving it little hard currency with which to entice large-scale smuggling. With the welfare of Iraqis reduced to an amount equal to 48 percent of its GNP, and with little access to key imports, Baghdad will probably be compelled to shut down many of its productive facilities in order to keep militarily critical enterprises functioning.

Although sanctions will affect the Iraqi military, CIA Director Webster has testified that it will only affect Saddam's troops at the margins. Iraqi ground forces, in particular, may not be significantly affected by sanctions even over time.

But will Saddam, a dictator who evinces little concern for the welfare of his people, submit to the will of the world community based on coercive sanctions alone? Will sanctions likely cause a popular revolt or military coup to depose him? According to Director Webster's testimony on December 4, 1990:

> Despite mounting disruptions and hardships resulting from sanctions, Saddam apparently believes that he can outlast international resolve to maintain sanctions. We see no indication that Saddam is concerned, at this point, that domestic discontent is growing to levels that may threaten his regime or that problems from the sanctions are causing him to rethink his policy on Kuwait. The Iraqi people have experienced considerable deprivation in the past. Given the brutal nature of the Iraqi security services, the population is not likely to oppose Saddam openly. Our judgment has been, and continues to be, that there is no assurance or guarantee that economic hardships will compel Saddam to change his policies or lead to internal unrest that would threaten his regime.

Meanwhile, will the remarkably diverse and unprecedented U.N. coalition remain intact? Will the troubled world economy and the economies of many developing countries, including the newly democratic nations of Eastern and central Europe, stand the strain imposed by a lengthy continuation of this crisis? Sanctions-only advocates must be willing to contemplate growing economic chaos in Buenos Aires, Budapest, Manila, and Prague, as well as a lengthened recession in the United States, with no assurance of success and increasing evidence that the international community will be far more fractured a year from now than today.

And all the while, will Saddam continue to practice his cruel barbarism against the Kuwaiti people? Will his military continue to dig in, to fortify, and strengthen their sand redoubts. Will Saddam use the intervening months to augment and perfect his weapons of mass destruction, most dangerously his biological warfare capabilities? Biological warfare, after all, is far more dangerous than nuclear and any unscrupulous dictator can make far faster progress on germ development that may spread as fast as a common cold than nuclear weapons which, as destructive as they are, have more defined limits. These weighty concerns must be factored into any conceivable scenario for a sanctions-only strategy in the gulf and any considerations of just-war doctrine.

No one should be under any illusion that Saddam is engaged in a patriotic struggle, either for his people or a pan-Arab cause. Nor is the American response fundamentally a patriotic defense of our own borders. Rather, it is the fulfillment of a solemn obligation to uphold our own interest, sanctified by treaty, to act in concert with others to uphold the fundamental principles of civilized conduct that are the foundation for a peaceful world order. If force must be used to roll back the Iraqi conquest, it will be an act of law enforcement rather than an act of warfare. In this sense, our troops will be acting as constables or marshals enforcing the law abroad, rather than simply as soldiers of a single state.

Warfare is sometimes described as the scourge of nationalism, but in this instance the use of force is intended to be authorized to defend an international collective security system, to undercut rather than bolster narrow, destructive nationalism.

In the final measure, the decision whether instruments of war will be employed rests more with Saddam than decisionmakers in Washington. As a Member who is probably as apprehensive as anyone about the long-term ramifications of conflict, and the long and obscure vistas war opens up, I am nonetheless convinced that Congress should continue at this point to give the President every benefit of doubt. This is a time for American unity; a willful undercutting of executive branch policies makes further aggression and continued oppression more, not less, likely.

For those of us who believe Saddam has no rational choice except to blink before the 15th, unless America blinks first, I would only suggest that undercutting our President at this critical juncture would drive a stake into international order. If this Congress sends a message of no confidence to the executive branch, it will be sending a message of no mandate to Secretary General de Cuellar in his critical mission to Bagdad. The prospect of a peaceful resolution of the dispute will decrease with Saddam being invited to conclude American leadership is flaccid, lacking in backbone.

On questions of war and peace, there is a societal imperative for caution; but it must be understood that ambivalence is not synonymous with statesmanship and that anxietyship is no substitute for leadership. The possibility that this Congress would demonstrate less resolve and adherence to principle than the U.N. Security Council simply defies explication.

We have a number of precise objectives in Kuwait, but the primary one is surely to achieve all others with the least loss of life, Arab as well as Western. My sense is the President's two-track policy—preparedness for dialog as well as war—holds the best chance to effectuate the will of the United Nations, as well as to achieve long-term peace and stability in the world's most explosive geostrategic cauldron.

In 500 b.c. the Chinese sage Sun Tzu wrote in the classic "The Art of War" that "Supreme excellence consists in breaking the enemy's resistance without fighting." Almost 1,000 years later, the Roman General Belisarius counseled that, "The most complete and happy victory is this: to compel one's enemy to give up his purpose, while suffering no harm oneself."

It may be a paradox, but I am convinced that the prospect of peace in this medieval Middle Eastern setting is clearly enhanced by preparation for war and the avoidance of political equivocation in Washington. The prospect of war looms more dangerously if Saddam concludes that he has punctured American resolve.

In this context, it is my judgment that Congress best advances the imperative for peace by making Saddam aware that, as concluded by Congress—which is the reflection of the will and judgment of the American people—a police action was with Iraq would be just, although undesirable.

Likewise, the administration must understand the admonition of Sun Tzu that "when you surround an army leave an outlet free. Do not press a desperate foe too hard." As the British military historian and strategist B.H. Liddel Hart warned: "Never corner an opponent."

The prospect of a peaceful resolution of this international drama is real, if both sides can come to an understanding that based on Iraqi withdrawal from Kuwait good faith efforts can be undertaken to deal with disparities of wealth in the region and the problem of displaced people.

Aggression cannot be rewarded, but Saddam as much as any leader in the world has in his grasp the possibility of changing stripes. Instead of continuing to oppress his and the Kuwaiti people, he has the extraordinary opportunity of becoming a champion of the oppressed of the region. Such a tantalizing opportunity as much as the threat of ruination of his own country must bring him to his senses. For reasons of self-interest as well as historical judgment, Saddam is likely to blink. Accordingly, I would urge my colleagues to recognize that good can come from this confrontation, that order can be achieved, that use of force can be avoided, but only if American resolve is not fractured. Accordingly, in the strongest terms, I urge adoption of this bipartisan approach to American foreign policy.

□ 1220

CONFLICT IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. TAYLOR of Mississippi). Under the previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I wish to express appreciation to the acting Speaker this evening and all of the clerks, and the recording clerks and the teller clerks and the people in the TV crews. We are moving on toward midnight here in Washington, and all of these individuals who are working very late hours are also a part of this debate, and we want to especially recognize them this evening.

I am beginning my ninth year as a Member of the Congress of the United States, and never in that period of time have I asked for an hour in order to express views on an issue such as this. I consider this to be the most important set of votes that I will cast in my congressional career, certainly my congressional career to date. I will be one Member who will be supporting the Gephardt-Hamilton resolution, and I am a Member who is not prepared to give the President a blank check in the situation in the Middle East.

Let me speak this evening as one of the Members of Congress who grew up during the Vietnam era, whose friends fought and died in that battle where America lost over 50,000 of its finest young men and women in that conflict, and in an equal tragedy, since that time, another 50,000 have died here at home from war-related illnesses and suicide. Theirs is largely an untold story. They fought an undeclared war, one that split the Nation in two, and left our troops subject not only to the abuses of war, but the equal abuses of coming home to a Nation divided.

The State of Ohio and the district that I represent are patriotic beyond measure. We well understand the meaning of duty. Our Veterans of Foreign Wars, the VFW has the second largest membership in the United States, even though we are not the second most populous State. Ohio's American Legion sends more boys and girls to Boys' State and Girls' State than any other State in the Union, and we are not the most populous State in the Union.

We are home to Wright-Patterson Air Force Base and dozens of other Active and Reserve units. In fact, Ohio leads the Nation in the number of Active and Reserve members of the Armed Forces who have enrolled in the G.I. educational benefits program. Most of our medical and naval reserve units have already been called; others are on standby.

Our citizens have the experience and willingness to serve and fight, but they want to understand why. We as Members of Congress hold a sacred trust with our troops in the field as well as our citizenry here at home. There must be no doubt about why America moves to war. The reasons must be crystal clear and the objectives honorable. War must be the very last of resorts, not the first.

I appreciate our congressional leadership responding to the pleas inside this body to hold this debate and discussion prior to January 15. I wish it had come earlier, last year in fact, because in many ways decisions made by the Executive have already placed us in a position that if we support our President fully now we automatically approve the deaths of hundreds and thousands of our own U.S. forces. What a position to be in.

Yet, the Constitution demands our involvement, and like the President, we also take on oath of office to protect our Constitution against all enemies, foreign and domestic. We must discharge our duties, and if Saddam Hussein is listening to this debate, let him understand that in America we allow for debate, even in our highest legislative bodies, for we fundamentally believe in the capacity of our people, through their elected representatives, to make their opinions known, to be represented.

In this debate we respect those who disagree with us, but we will defend with our last breath their rights to express their views. That is why the United States is the most stable political republic on the face of the Earth. It is why we love this land and her remarkable people.

The American people have a right to Congress that meets its constitutional responsibilities. This branch of government is not an extension of the executive branch nor its handmaiden. Each of us is elected in our own right and is sworn to the very same oath as the head of the executive branch, our President. Each of us must uphold the oath to protect and defend the Constitution of the United States against all enemies, foreign and domestic.

When I was privileged to be sworn in as a Member of Congress, I promised myself that I would never be a party to any undeclared war. The Vietnam experience was too divisive and lacked the national will to carry forth national policy.

Today we are afforded our constitutional rights to debate war before it happens, and so we should.

I speak tonight on behalf of every mother, every wife, every father, every husband and relative who has a loved one serving our Nation in the U.S. military. All of them must be assured by our actions here in the Congress and the President's actions that all diplomatic and peaceful means toward resolution of this conflict have been exhausted before the war option is triggered.

How can anyone in this body honestly say that all diplomatic means have been exhausted? Our Secretary of State spent all of 6 hours in a meeting the other day. One cannot even conclude that any negotiations even occurred. It was another press event at which ultimatums were delivered by both sides.

Our troops deserve finer and more committed efforts. Even as we speak, diplomats from around the world are trying to find a keyhole through which negotiations can begin. In the meantime, the economic sanctions are locked in place. They will take time to be fully felt. It is no secret, over one-half of Iraq's GNP is tied to its ability to sell its oil, and it is unable to do that. Sanctions will exact a heavy toll as the months proceed and allied cooperation on these sanctions is the one area where we can say our allies are helping us fully. They certainly are not helping us with the money to pay for this massive deployment, nor with significant troop strength, combat troop stength that is battle-hardened.

Letting the economic noose tighten slowly around Iraq is a much more credible posture for the United States at this juncture than becoming an aggressor nation ourselves to respond to Hussein's aggression. War should only be a last resort. The lives of our people and civilians in that region are much too precious.

During this debate, it is important to place on the record reasons about why America should be involved in this conflict. Of late I have become more and more concerned that the debate has centered on the how of it all. We read about perhaps air strikes will happen first, and then perhaps ground forces. And then we read estimates of how many will die, 500, 1,000 10,000 perhaps more. The Department of Defense has ordered 50,000 caskets just in case, and now over 16,000 body bags. We see on TV our troops being immunized and donning gas masks. What we do not hear enough about is why we are there, and for how long and the causes for which we are fighting.

□ 2330

First, we heard that America was there to deter aggression and restore the legitimate Government of Kuwait. That did not ring to the American public, so a new rhetoric was forthcoming. America, it was said, was there to preserve key resources. Oil was never mentioned outright, but other words were: Jobs, economic security, and then the real clincher, the American way of life; then later the administration began talking about Iraq's nuclear capability and its potential threat in the future.

I would like to examine each of these issues. The President says that America must stop aggression. If this is so and America is the world's policeman, why did not America intervene and stop aggression when the U.S.S.R. invaded Afghanistan or Hungary or Czechoslovakia in years past? If the Soviet Union soon occupies the Baltic States which long for democracy, will America stand up for those subjugated peoples, or how about when Turkey invaded Cyprus? Where was America then? Or when Israel invaded Egypt, or when China moved into Tibet, or, in fact, where was America during the Iran-Iraq war? We seemed to be on both sides of that one depending on what month it was. Or how about when Syria went into Lebanon as recently as a few days ago? Where was America then in standing up to aggressors? Why does America now see only this particular Iraqi aggression as in its vital interests?

There is only one common denominator that explains President Bush's rush to war, and that is oil, on which the Western World for too long has become increasingly dependent.

Although some of the oil companies have been nationalized, the distribution and marketing of Middle East oil is a Fortune 500 company activity. What are the interests of Aramco and British Petroleum and Shell and Exxon and Gulf and Texaco and Mobil and Chevron?

It is surprising how very little has been written about the role of the international oil companies, and the silence is deadening. Yet we can read very clearly in economic reports that come out. In December of last year, the New York Times reported that as a result of the Middle East situation there was an average fourth quarter gain of 64 percent in forecasted new profits for the 12 major oil companies. The companies included Amoco with a 57-percent increase in profits, Arco, a 61-percent increase in profits, British Petroleum, whose major interest is in Kuwait, a 112-percent increase in profits, Chevron, a 113-percent increase in profits, Exxon, a 41-percent increase in profits, Mobil, a 42-percent increase in profits, Phillips, a 265-percent increase in profits, Texaco, a 110-percent increase in profits, and Unocal, a 500-percent increase in profits.

Fourth quarter earnings for oil companies have significantly increased. Big oil companies have sold crude at about $30 a barrel in this quarter, or $10 a barrel more than in the corresponding quarter a year ago. That is a 50-percent increase.

As well, the inter-Arab oil conflict inherent in this invasion of Kuwait by Iraq concerns control of oil and access to the Persian Gulf. In the book entitled "Oil Turmoil and Islam in the Middle East," the author discusses the dominant role of Saudi Arabia over her neighbors as a source of potential envy, conflict, and unrest in the Arab world. To quote,

> Saudi Arabia's apparently boundless wealth fuels Saudi influence in the Arab world, often to the consternation of her neighbors. Saudi wealth and predominant share of the Organization of Arab Petroleum Exporting Countries' proven reserves give King Fahd control over any decision concerning the collective use of Arab oil. If the share of oil exporting nation's reserves controlled by Saudi Arabia's political allies is added to the Saudi share, the conservative bloc in that region controls fully 75 percent of all of those Middle Eastern countries' total reserves. In comparison, the so-called radical oil producers, which include Iraq, Libya and Algeria, control only 19 percent of Arab reserves, seventy-five percent versus nineteen percent. Production capacity also strengthens the conservative bloc's hand. From 1973 to 1975, the conservative bloc produced an average of 70.3 percent of the Arab exporting nations' total output. The Saudi share alone averaged nearly half. Saudi Arabia is the only member able to increase production significantly. At any time the Saudi fields could increase production by 3.5 to 4.5 million barrels per day. Out of their additional production capacity, all of the other nations' of 7.5 million barrels per day, the radical states combined can produce only 2 million barrels per day, only about one-third of it, which obviously weakens their bargaining position in their own inter-Arab union.

In summary, it is ironic that while the radical states have consistently advocated the use of the oil weapon, it is the conservative states which control the issue. The inter-Arab tension is historic and growing.

The Arab Petroleum Exporting Countries could never use politically their oil wealth without the cooperation of the Saudi-led conservatives. Without Saudi consent, the oil weapon is quite like a large artillery piece without ammunition. Therefore, the conservative bloc can render impotent any maverick attempt by the radicals to impose an oil policy similar to that of 1973.

The conservative members actually control the use of oil for itself and the other Arab States. The conservative bloc's influence on the use of the oil weapon is manifest in its foreign currency reserves. The reserves allow the petroleum exporting countries to cut production drastically for several months without significant loss or suffering.

If the radical states, Iraq, Libya, Syria, attempted to reduce production significantly, the consequent impact on their domestic economies would likely lead to civil unrest and to political instability.

The combination of factors such as oil production, reserves, surplus capacity and surplus capital makes Saudi Arabia and its conservative allies the only states capable of determining when, whether, how, and for how long oil could benefit Arab foreign policy. It is not hard to understand what is at the base of the simmering unrest in the region of Saudi Arabia and her allies, and that unrest is all tied to oil money and the control of it.

If we look at maps of that part of the world and each of those nations, they are largely deserts with the population concentrated in the areas where oil is drawn, refined and ultimately shipped.

In fact, if we look at the eastern edge even of Saudi Arabia along the gulf, the largest concentration of United States citizens living outside the United States works for Aramco on Saudi Arabia's eastern border.

For the last several decades, America has become more and more dependent on Middle East oil. Germany and Japan are even more dependent, but it is interesting that these nations are nearly silent on the war option that this Congress is considering but quite vocal on using diplomatic and economic sanctions for a long period of time.

For our Nation which has failed to develop energy independence to now ask our troops to fight for continued access to a diminishing oil resource halfway around the world, in my judgment is morally wrong. I would rather take the billions of dollars the United States is investing in the deserts of the Middle East and judiciously bring money, our money, and our troops back home.

Our Nation that landed a man on the Moon in 10 years can be energy self-sufficient by the 21st century, just 10 years from now.

□ 1140

America saw this crisis coming. This is not news to us.

Over 15 years ago, Senator Frank Church of Idaho, magnificent American, held hearings in the Senate on the role of multinational oil companies and concluded that if the world failed to set up international institutions capable of resolving Middle East oil-related disputes and distributing those profits fairly, the world was headed for armed conflict. Then, in the late 1970's, at the height of the U.S. energy crisis, President Carter warned the energy challenge was the "moral equivalent of war." Some Members may be old enough to remember that phrase. However, during the decade of the 1980's the Reagan-Bush administration failed to followthrough on developing an energy policy for America. They did not lead this country for our people. They fought this Congress on filling the strategic petroleum reserve, and they fought Congress on developing alternative fuels. They resisted conservation efforts in everything from home construction to energy-efficient engines.

So now, our people, our neighbors, are being asked to send their relatives, America's troops to make up for political blindness at the highest levels of this government. Oil is not worth the loss of life of one person from my district or any other district in this country. Let's spend those billions of dollars being wasted in the desert, let's spend them here in America to develop our clean coal technologies, our agriculture and alcohol fuels, hydrogen and solar power, and create thousands of jobs here at home in communities from coast to coast, where people are looking for work.

Even if the United States invaded Kuwait tomorrow and took all of it, all of its oil, how many years of oil lie under the ground of Kuwait? Only 30 years. While here in America we have over 1,200 years just in recoverable coal reserves that can be mined and separated into clean fuels with the new technologies available to us. Of course, the oil companies do not want to do that, but this is certainly within the capacity of the Nation which landed a man on the moon.

Now, this is a time of deepening recession in America, and we know that 75 percent of America's world trade deficit is due to oil and auto imports. Over half of our energy is imported. At the same time as we do that, we have States like Texas and Louisiana and Oklahoma, and Members can go all the way from Lorain, OH, and Denver, CO, and all the mining States around this country in deep recession where people are in need of work. The answer to the energy problem lies within our own borders. Not sending America's best to fight a desert war for a dwindling resource.

Even if America took control of Saudi Arabia, of Kuwait and Iraq, and all of their oil, we still have more recoverable, twice as much, just recoverable coal reserves underground in this Nation, if we but have the will to develop it. Our goal should be to take care of our business here at home as soon as possible. Let us put America back on a sound economic and energy footing so we can remain the standard bearer of liberty throughout the world, and do so not by the force of our arms, but by the greater power of the ideal of our democratic republic, the oldest functioning democracy on the face of the Earth.

Now, America has no treaty obligations in the Middle East akin to the Versailles Treaty which bound us to Western Europe's defense after the First World War. Rather than coveting oil, America rather must ask what is our proper role in a region where we have systematically seen the collapse of the old order—the oil-rich monarchies that kept the oil flowing from the Middle East for most of the century. Of late, we have seen much change. Recall with me, we have seen the Shah of Iran deposed, much to the surprise of most of the West. We have seen the President of Egypt, Anwar Sadat, assassinated. One week he was on the cover of Time magazine as Man of the Year, and shortly thereafter, dead in his own land. We have witnessed kings in that region overthrown in Libya and Iraq. Saddam Hussein overthrew a king. We have seen unrest in Sudan, and certainly in Israel, and we saw for 8 years in the 1980's Iran-Iraq war in which over 500,000 of their citizens died.

This is the time of America to recognize that the old order in the Middle East, based on kingdoms, not democracies, is being torn from within by power pressures for change. Before going to war, America must ask how deeply, and for how long does the United States intend to police inter-Arab politics to preserve the old order. What is America's obligation to bolster the power of monarchies in the Kingdom of Saudi Arabia, and for the Emirate of Kuwait?

Fundamentally, the Middle East needs an inter-Arab version of NATO to resolve the continuing disputes in the region which will continue whether America is there or not. America cannot be the sentry at the gate for all the upheavals that will be forthcoming in that region in years hence, but we can be a constructive force, with our allies, to forge a Middle East version of NATO.

Let me continue for the record.

The President likens this conflict to World War II. But unlike World War II, the United States has no Treaty of Versailles binding us to mutual security pacts in the region. In World War II, America fought to preserve democracies. In this instance, we are doing just the opposite. We are fighting to preserve kingdoms and emirates because of our dependence on their oil. We are fighting to preserve governments that have invested the bulk of their revenues outside the nations in which their leaders reside. Saddam Hussein is likened to a Hitler. But just last July our own government told him the United States would not intervene in inter-Arab border disputes, and just a few years ago the Reagan-Bush administration officially recognized the Government of Iraq, and the Bush administration fought the Congress as recently as last summer on trying to place sanctions on Iraq for its human rights abuses. During the Iran-Iraq war United States Arms were channeled to Iraq by the Reagan-Bush administration. So which Iraq is it that the administration now claims we must fight against? Did the Iraqi nation changes its stripes, or did we?

After World War II the United States waited in Europe and supported NATO for over 40 years—to stem the tide of Soviet expansion. Why must we now choose the war option rather than patient, deliberate sanctions? In World War II, Hitler systematically rolled over the industrialized nations adjoining him. Though Hussein is an aggressor, he has been turned back in his adventures, by Israel, by Iran, and will be turned back in Kuwait as well.

If he is a Hitler, he is certainly much less successful, and he is not an industrial power as Germany before and during World War II.

We know for the 8 years of the Iran-Iraq war, the Reagan-Bush administration supported Iraq and Saddam Hussein. In fact, up until last August. Members of this Congress tried to enlighten the Bush administration of the human rights abuses going on in Iraq, but our repeated warnings fell on deaf ears. Then, all of a sudden last August, the administration began calling Hussein a new Hitler. Why was he not a Hitler in July or a year ago, or when President Reagan and Vice President Bush recognized the nation of Iraq, When did he change? Within 1 month, we saw the administration trying to transform the desert dictator into a Hitler. Somehow it does not ring true when the United States Ambassador to Iraq, April Glaspie and our own Deputy Secretary of State John Kelly told Congress and Hussein both back in July that the United States would not interfere in inter-Arab border disputes, and then within hours, the United States had deployed 200,000 troops. Two months later, 200,000 more troops. And on a dime, the administration reversed itself and said the situation was vital for U.S. interests.

By contrast, the United States waited in Europe and NATO for over 40 years.

□ 2350

We withstood the insults of Stalin, Khrushchev, Brezhnev, and so many other dictators. The world loves America, not because of the strength of her arms, though security is essential in today's world, but more because of the force of the idea of freedom and our liberties. It is these ideas to which emerging nations aspire. Let us not be distracted by those who would use force as a first means in this most recent test of national wills. Those with the will to wait out sanctions will be victorious in the end, and thousands of lives will have been saved. This is a lesson for America to teach the world.

Now, on the nuclear threat, some say it is Iraq's nuclear threat that America should fear, but America has withstood nuclear threats to date, all of them. We acknowledge this is a dangerous world. We also know mutual assured destruction is the only answer other than total disarmament by all powers to withstand a nuclear threat. Our ultimate posture must be that nuclear decimation by one power will be met in equal or greater force by another. It is this mad system which holds the violence in check.

America cannot really stop Iraq, nor China, nor Pakistan, nor the dozens of nations that will seek to operationalize this terrible technology as we move into the 21st century.

We must be diligent in moving to limit and disarm where possible, but in the end our ultimate weapon is our own ability to wreak havoc on would-be aggressors. Such is the world we have helped to create.

As far as the importance of the U.N. resolution, let me commend the President and the Secretary of State for seeking allied support. This is essential and the first test of the new world order; but those nations who signed that commitment have a largely verbal commitment. They do not have combat troops in place in any manner similar to the U.S. deployment, nor have they committed real money. Even Japan and Germany, whose economies are chugging along, have not met their early obligations expected as of this month.

This Congress cannot fulfill its responsibility by approving a blank check resolution such as the U.N. resolution or the administration's proposal. It simply puts too much faith in an uncertain future that no one at this point can predict. We must preserve our congressional prerogatives.

Now, the President says that the United States must restore the legitimate governments in the region. We all desire this; but an equally important question is how legitimate are any of these governments in the eyes of each other when their borders were largely drawn by the colonial powers who physically vacated the region over the last 20 years and who were more interested in oil than in democracy. It was they who initially let the big oil companies draw the borders between these nations and then drained the oil fields for generations, ignoring the fact that the politics of the region might catch up to the economy someday.

One of the fundamental problems of the Middle East is that certain families became extremely wealthy and did not invest enough of their oil profits in their own homelands. They put their money in Western banks, they sent their children to frolic in the jet set capitals of the world while the vast majority of the people there remained poor.

Let us look at Kuwait, a most interesting nation to check the balance sheets on. Kuwait's economy, and some have called Kuwait a large oil well, is dominated by the Kuwait Petroleum Co., which is effectively a holding company with a large number of subsidiaries involved in the production and distribution of petroleum and natural gas.

Another source of Kuwait's power is the large worldwide investment portfolio which is believed to yield revenues equal, if not larger, than income from petroleum exports. And where is that portfolio invested? The Kuwait investment authority is located mainly in the United States and Great Britain. Thus we see Britains rush to join the gulf effort. The Kuwait investment authority holds nearly 10 percent of British petroleum.

The New York Times reported back in December that the fourth quarter profits for B.P. are estimated to increase 112 percent this year.

Kuwait also holds investments in the United States which total nearly $50 billion in assets overall. These investments include a $3 billion portfolio of stocks and securities managed by Morgan Stanley. Undisclosed portfolios managed by Citibank and Chase Manhattan, gold reserves at the New York Federal Reserve Bank, a stake in the partnership led by the Gordon Investment Corp. that plans to buy Columbia Savings and Loan $3 billion junk bond portfolio.

Kuwait's investment in Britain includes 10.5 percent of the Midland Bank, 11 percent of Travel and Financial Services concern of Hogg Robinson. They are the owner of the St. Martins Property Corp., builders of London Docklands Development. They also hold gold reserves at the Bank of England.

Kuwait's investment authority holds $8 billion in stocks and securities in Japan, and the Kuwait Petroleum Corp. also has European holdings of more than 4,500 service stations in Hungary, Italy, Britain, Scandanavia, Belgium, Luxembourg, the Netherlands, and four oil refineries in Europe. Not bad for a nation of less than 2 million people of which only about one-third were ever allowed to vote within the nation of Kuwait in the first place.

Is it any wonder to use that revolutions, both religious and military, have plagued the region in most recent years. The region's indigenous politics is just emerging and subject to violent change. The world will not be able to contain those pressures.

The United Nations would best focus its efforts on how to create a Middle East multinational peacekeeping structure as part of the solution to this situation and to resolve other border disputes.

In talking with the citizens of my district, I have listened closely to what they have been saying to me. They want to support our President, but fundamentally they do not believe in an early rush to war. They want to give tough sanctions a chance to work.

Many have said to me, "MARCY, don't let America become the bad guy in the Middle East."

They say to me, "Why aren't our allies paying their fair share of the cost of this? Where are their troops?" They ask me.

Many have said that dying for oil is not worth the price.

In fact, I am getting these little canisters in my office now from citizens saying, "No blood for oil."

Many have asked me how they can conserve in their households, in their buying of automobiles, how they can cut down on their energy consumption per year. Frankly, more women have asked me that question than men, but I have been surprised at how many people in my district have asked me that question. They do not want their neighbors to die in the Middle East.

Others have said to me that they are willing to pay more for gas if it will save lives.

For the record, I will enter some of their other statements for history.

In sum, let me say that I support our President so long as our troops remain in a defensive posture. Saddam Hussein must leave Kuwait and we should give tough economic sanctions sufficient time to work, but 4 months just is not realistic.

We should develop our own energy-sufficiency, and I await the President's State of the Union Address in this regard, and we should set a national goal to make this Nation energy self-sufficient by the 21st century, and if we set our minds to it, we could do it.

We should work to transfer the Armed Forces currently in the Persian Gulf into an international peacekeeping force and downsize America's commitment slowly as the sanctions take effect and we are able to replace our troops with those from other nations as well.

□ 2400

And we should support the President in all diplomatic initiatives and other government-to-government efforts to reach settlement in the region.

I think that doing this we would exhibit to the best of our ability what President Dwight Eisenhower not so many years ago wisely counseled and described as "patient courage."

Mr. Speaker, I submit the additional comments I referred to previously.

WAR CANNOT HAPPEN WITHOUT BODY BAGS

The Washington Post-ABC Poll shows that 68% of the American public think the Congress should be more actively supporting the President's policies in the Persian Gulf. Of the same people interviewed for the poll their support for the use of force diminishes as soon as casualties are mentioned. When asked if they would support the use of force if it meant the loss of 1,000 American lives, 44% favor the use of force and 53% oppose. When asked if they would support war if it meant 10,000 casualties 35% favor the use of force and 61% oppose force. One is forced to conclude that support for the President is support for war. War does not take place without body bags.

Who is fooling who? The Defense Department just placed an order for 16,099 body bags with a company in Philadelphia. Why is the Defense Department not leveling with the American public and telling us how many casualties to expect.

JOBS

Secretary of State James Baker has stated that one of the reasons we are in the Persian Gulf is to protect jobs. It is estimated that 3,000 U.S. nationals were employed in Kuwait. Should President Bush risk the killing of 3,000 soldiers to save 3,000 workers? Does that make sense?

The cost of Operation Desert Shield is estimated to be $1 billion a month. A few months ago the Bush Administration claimed that we were involved in the Middle East to protect jobs. One billion dollars would be more appropriately invested in the United States to develop new jobs.

What is the point of fighting over oil fields when in a war they will be destroyed thus driving up the price of oil again.

KUWAIT INVESTMENT AUTHORITY

Kuwait's economy is dominated by the Kuwait Petroleum Company which is effectively a holding company with a large number of subsidiaries and partially owned companies involved, directly and indirectly, with petroleum and natural gas. Another source of economic power is the large and presumed worldwide, investment portfolio of Kuwait, which is believed to yield revenues equal if not larger than income from petroleum exports.

All main industrial activities in Kuwait are related to oil, natural gas, or the booming construction industry. Efforts to foster other industries have been hampered by the small size of the domestic market and lack of natural resources other than hydrocarbons.

The Kuwait Investment Authority is located mainly in the United States and Britain, thus we see Britain's rush to join the Gulf effort. Kuwait Investment Authority holds 9.8% of British Petroleum. The New York Times reported on December 26, 1990 that the fourth quarter profits for British Petroleum are estimated to increase 112%.

Kuwait also holds investments in the United States which total $45 billion to $50 billion in assets overall. These investments include a $3 billion portfolio of stocks and securities managed by Morgan Stanley; undisclosed portfolios managed by Citibank and Chase Manhattan; Gold Reserves at the New York Federal Reserve Bank; a stake in the partnership led by the Gordon Investment Corporation that plans to buy Columbia Savings and Loan's $3 billion junk bond portfolio. (Washington Post, August 6, 1990)

Kuwait's investment in Britain includes 10.5% of Midland Bank; 11.3% of travel and financial services concern Hogg Robinson; Owner of St. Martins Property Corp., builders of London docklands development; Gold reserves at the Bank of England.

Kuwait investment authority holds $8 billion in stocks and securities in Japan; 72% of Torras SA, a Spanish industrial holding company with interests in 170 different companies in chemicals, paper, food and financial services; 37% of Dao Heng Holdings, holding company for one of the six biggest of 30 or so local Hong Kong Banks.

The Kuwait Petroleum Corporation also owns Santa Fe International, a California-based engineering and oil exploration company purchased in 1981 for $2.5 billion and has European holdings of more than 4,500 service stations in Hungary, Italy, Britain, Scandinavia, Belgium, Luxembourg, the Netherlands and 4 oil refineries in Europe.

OIL COMPANIES FOURTH QUARTER PROFITS

On December 26, 1990, the New York Times reported that as a result of the Middle East situation an average fourth quarter gain of 64% is forecast for 12 companies. The companies included Amoco (57%), Arco (61%), British Petroleum (112%), Chevron (13%), Exxon (41%), Mobil (42%), Phillips (265%), Texaco (110%), and Unocal (500%).

Fourth quarter earnings for oil companies have significantly increased. Big oil companies have sold crude at about $30 a barrel in this quarter, or $10 a barrel more than in the corresponding quarter a year ago. This is a 50 percent increase.

"Talk and negotiation are the only ways we can really solve problems. The President should temper his words and soften them. Otherwise, he will only create unnecessary tensions and risk an armed conflict."

"As a democracy we must have discourse and debate and it cannot be stifled because the Administration feels it will expose a divided or unsupportive American people. I am unsupportive and I expect the truth is that the nation would be deeply divided by war."

"He (President Bush) has not communicated to the American people the reasons why we are in Saudi Arabia. Regardless of the cause, I feel it is not worth losing American lives. Can the President go to war without a national debate? Without Congress' consent? And just what are the goals in the Gulf? I believe he has gone too far, too fast. I know I speak for the majority of Americans when I say our hope is for our service people to return home unharmed."

"I hope you and the other Congressmen and women will consider all of the alternatives to war. I wouldn't want my brother to get drafted and killed in another Vietnam. Would you?"

"According to the Constitution the power of declaring war belongs to Congress. I hope as a Member of the Congress you will remind the Executive Branch that they don't have the power to declare war. Tell George Bush we don't want another Vietnam."

"The statements that we do not want war, and yet the continued exchange of threats makes me wonder if we might not be looking for an excuse to engage the Iraqis in battle."

"As a father of three sons, ages 21, 19, and 18, I also have a deeply personal stake in the decisions you make."

"The irony is that both our own rhetoric and Iraq's rhetoric have fed upon the other and have consequently dragged us both further into the mire of non-communication and closer to military confrontation. Recent positive action by both countries (the call for face-to-face negotiations, the release of hostages) have lost momentum in the face of dogged insistence upon rhetoric."

"We should remember to try to give peace a chance. The military option should be the very last resort. The United States must exhaust all possible negotiations before ever rushing into war."

"Congress must be able to have a say in this matter. As the Constitution so clearly states, Congress represents the American people. Therefore, only Congress can express the will of the people. President Bush must consult with Congress before taking any other action. It is the only way we citizens can either provide or deny our support."

"Since Iraq invaded Kuwait I have not heard one person say we should go to war over it. I honestly do not believe that war would be supported by the U.S. population. A serious energy policy would get a lot more support."

"We feel that there has been an insidious movement to divert attention away from domestic problems by calling up the troops and sounding the call to battle. We can hardly afford the costs of maintaining our armed forces in Saudi Arabia and ought to withdraw. This President may need to lose face in order to establish once and for all that, while the President may be Commander-in-Chief of the Armed Forces after war has been declared, he or she may not threaten or attack another country without the consent of Congress."

"It appears that George Bush is single-handedly leading us into a war that is not what most citizens feel is justified or necessary . . . U.N. Security Council approval of the use of force does not make it right for us to take the offensive and attack Kuwait. War does not solve anything, and in this case, bombings would destroy the oil anyway."

"I hope that you as a Member of Congress will consider all alternatives to military force, and make sure that George Bush realizes that he does not have the authority or support of the citizens to declare war. This country cannot afford another situation like Vietnam. Diplomacy and withdrawal should be the words rather than war."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JOHNSON of Connecticut (at the request of Mr. MICHEL) for today on account of official business.

By unanimous consent, leave of absence was granted to:

Mr. DYMALLY of California (at his own request) for the week of January 7, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILMAN) to revise and extend their remarks and include extraneous material:)

Mr. FIELDS, for 60 minutes each day, on January 10 and 11.

Mr. DORNAN of California, for 5 minutes, today.

(The following Members (at the request of Mr. WASHINGTON) to revise and extend their remarks and include extraneous material:)

Mrs. UNSOELD, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 60 minutes, today, and on January 11.

Mr. SCHEUER, for 30 minutes, today.

Mr. PEASE, for 60 minutes, on January 12.

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes each day, on January 10, 11, and 12.

Mr. BURTON of Indiana, for 60 minutes each day, on January 11 and 12.

Mr. LEACH, for 60 minutes, today.

Mr. WELDON, for 60 minutes, on January 11.

(The following Members (at the request of Mr. SIKORSKI) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 60 minutes, today.

Mr. OWENS of New York, for 60 minutes each day, on January 10, 11, 12, 14, 16, and 18.

Mr. SIKORSKI, for 5 minutes, today.

Mrs. UNSOELD, for 5 minutes, on January 11.

Mr. SCHEUER, for 60 minutes, on January 12.

Mr. POSHARD, for 60 minutes, on January 11.

Mr. FALEOMAVAEGA, for 60 minutes, on January 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WASHINGTON) and to include extraneous matter:)

Mr. STARK in three instances.

Mr. RICHARDSON in two instances.

Mr. MAZZOLI.

(The following Members (at the request of Mr. GILMAN) and to include extraneous matter:)

Mr. CHANDLER.

Mr. DUNCAN in two instances.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. MCEWEN.

Mr. GALLO.

Mr. BEREUTER.

Mr. SMITH of New Jersey.

Mr. GINGRICH.

(The following Members (at the request of Mr. SIKORSKI) and to include extraneous matter:)

Mr. BONIOR in two instances.

Mrs. LOWEY of New York.

Mr. TORRICELLI.

Mr. LEHMAN of California.

Mr. KILDEE.

Mr. LIPINSKI.

Mr. FAZIO.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock midnight) under its previous order, the House adjourned until Friday, January 11, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

262. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to the United Kingdom (Transmittal No. DTC-18-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

263. A communication from the President of the United States, transmitting his request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement U.N. Security Council Resolution 678 (H. Doc. No. 102-27); to the Committee on Foreign Affairs and order to be printed.

264. A letter from the Acting Secretary of Education, transmitting the annual report under the Federal Manager's Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

265. A letter from the Administrator, Agency for International Development, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

266. A letter from the Chairman, Federal Election Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

267. A letter from the U.S. Office of Special Counsel, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

268. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

269. A letter from the Chairman, U.S. Securities and Exchange Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

270. A letter from the Clerk, U.S. Claims court, transmitting the court's report for the year ended September 30, 1990, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

271. A letter from the U.S. Trade Representative, transmitting the report on the operation of the International Coffee Agreement for the period October 1, 1989 to September 30, 1990, pursuant to 19 U.S.C. 1356n; to the Committee on Ways and Means.

272. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination 91-9, and justification thereto; jointly, to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H. Res. 27. Resolution providing for debate and consideration of resolutions on the situation in the Middle East (Rept. 102-1); Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 472. A bill to amend the Wild and Scenic Rivers Act to establish certain boundaries for the Eleven Point River, MO; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN:

H.R. 473. A bill to amend the Federal Land Policy and Management Act of 1976 to make it unlawful to obstruct the operation of, or harass any activity permitted under, a grazing permit or lease, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

By Mr. HANSEN (for himself, Mrs. BENTLEY, Mr. WILSON, Mr. LAGOMARSINO, and Mr. BATEMAN):

H.R. 474. A bill to amend title V of the Ethics in Government Act of 1978 and the Rules of the House of Representatives to allow speeches, appearances, and articles by officers and employees of the United States if unrelated to that individual's official duties or status; jointly, to the Committees on House Administration, Post Office and Civil Service, the Judiciary, and Rules.

By Mr. KANJORSKI:

H.R. 475. A bill to ensure compliance with article I, section 8 of the Constitution of the United States, to provide reports to the Congress and the American people on the human and financial costs of war as well as plans for financing war, to authorize regular reviews by the Comptroller General and the General Accounting Office of the human and financial costs of war, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KILDEE (for himself, Mr. BONIOR, Mr. DINGELL, Mr. HENRY, Mr. LEVIN of Michigan, Mr. FORD of Michigan, Ms. COLLINS of Michigan, Mr. CARR, Mr. TRAXLER, Mr. HERTEL, Mr. WOLPE, and Mr. CONYERS):

H.R. 476. A bill to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SOLARZ (for himself, Mr. MICHEL, Mr. FASCELL, Mr. BROOMFIELD, Mr. MONTGOMERY, Mr. ASPIN, Mr. DICKINSON, Mr. MURTHA, Mr. ACKERMAN, Mr. EDWARDS of Oklahoma, Mr. Berman, Mr. Gallegly, Mr. Levine of California, Mr. Gilman, Mr. McCurdy, Mr. Hunter, Mr. Skelton, Mr. Hyde, Mr. Stenholm, Mr. Leach, Mr. Torricelli, Mr. Lewis of California, Mr. Solomon, Mr. Kyl, Mr. Laughlin, Mr. Dornan of California, Mr. McMillen of Maryland, Mr. Volkmer, Mr. Lantos, Mrs. Lloyd, Mr. McEwen, and Mr. Blaz):

H.J. Res. 62. Joint resolution to authorize the use of U.S. Armed Forces pursuant to United Nations Security Council Resolution 678; to the Committee on Foreign Affairs.

By Mr. WASHINGTON:

H.J. Res. 63. Joint resolution to declare that a state of war exists between the United States and the Government of Iraq; to the Committee on Foreign Affairs.

By Mr. McEWEN:

H.J. Res. 64. Joint resolution to designate January 13, 1991, as a national day of prayer for members of American military forces stationed in the Middle East, and for their families; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. OWENS of New York:

H.J. Res. 65. Joint resolution proposing an amendment to the Constitution of the United States to provide that the United States shall guarantee to each person the right to employment opportunity; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 66. Joint resolution to authorize the President to proclaim the last Friday of April 1991 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 67. Joint resolution to designate the week of October 13, 1991, through October 19, 1991, as "National Radon Action Week"; to the Committee on Post Office and Civil Service.

H.J. Res. 68. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the Columbiettes; to the Committee on Post Office and Civil Service.

H.J. Res. 69. Joint resolution designating the oak as the national arboreal emblem; to the Committee on Post and Civil Service.

By Mr. OWENS of New York:

H. Con. Res. 24. Concurrent resolution calling upon the President to grant asylum to those individuals who seek asylum in the United States rather than serve in the South African armed forces in support of apartheid; to the Committee on the Judiciary.

By Mr. ROE:

H. Con. Res. 26. Concurrent resolution concerning the rights of the people of Ireland; to the Committee on Foreign Affairs.

H. Con. Res. 27. Concurrent resolution designating May 3 as "Polish Constitution Day"; to the Committee on Post Office and Civil Service.

By Mr. SCHEUER (for himself, Mr. Abercrombie, Mr. Roybal, and Mr. LaFalce):

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that the President should continue to levy stringent economic sanctions against Iraq, rather than resort to military action, and that any decision to use offensive military action must be executed only with the full consent of the Congress; to the Committee on Foreign Affairs.

By Mr. TRAFICANT:

H. Con. Res. 29. Concurrent resolution expressing the sense of Congress that the contract dispute involving Bucheit International, Inc. and Prince Mishaal Bin Abdulaziz al Saud of Saudi Arabia be resolved through negotiation or the submission of the matter to arbitration as required by contract; to the Committee on Foreign Affairs.

By Mr. OWENS of New York:

H. Res. 28. Resolution to amend the rules of the House of Representatives to provide for debate on major policy issues; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCOLLUM:

H.R. 477. A bill for the relief of Global Exploration & Development Corp. Kerr-McGee Corp., and Kerr-McGee Chemical Corp.; to the Committee on the Judiciary.

By Mr. STALLINGS:

H.R. 478. A bill for the relief of Norman R. Ricks; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H. Res. 29. Resolution for the relief of Global Exploration & Development Corp., Kerr-McGee Corp., and Kerr-McGee Chemical Corp. to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Staggers, Mr. Murtha, Mr. Madigan, and Mr. Hughes.

H.R. 8: Mr. Torres, Ms. Pelosi, and Mr. Staggers.

H.R. 53: Mr. Rahall, Mr. Gibbons, Mr. Applegate, Mr. Neal of Massachusetts, Mr. Coleman of Texas, Mr. Lent, Mr. Bustamante, Mr. Richardson, Mr. Lancaster, Mr. Staggers, Mr. Yates, Mrs. Boxer, and Mr. English.

H.R. 68: Mr. Archer, Mr. Armey, Mr. AuCoin, Mr. Bliley, Mr. Feighan, Mr. Gibbons, Mr. Hancock, Mr. Hughes, Mr. James, Mr. Kostmayer, Mr. McMillan of North Carolina, Mr. Markey, Mr. Miller of Washington, Mr. Neal of Massachusetts, Mr. Nowak, Mr. Olin, Mr. Oxley, Mr. Pickett, and Mr. Stark.

H.R. 113: Mr. Roybal.

H.R. 160: Mr. Miller of Washington.

H.R. 179: Ms. Pelosi, Mr. Poshard, Mr. Miller of Washington, Mr. Roe, Mr. Pallone, Ms. Kaptur, Mr. Gunderson, and Mr. Paxon.

H.R. 207: Mr. Yatron.

H.R. 242: Mr. Kyl, Mr. AuCoin, Mr. Gordon, Mr. Shays, Mr. Natcher, Mr. Pease, Mr. Clinger, Mr. DeFazio, Mr. Durbin, Ms. Pelosi, Mr. Torres, Mr. Hochbrueckner, Mrs. Lowey of New York, Mr. Richardson, Ms. Kaptur, Ms. Slaughter of New York, Mr. Machtley, Mr. Slaughter of Virginia, Mr. Pallone, Mr. Bilbray, Mr. Saxton, Mr. Miller of Washington, Mr. Moody, Mr. Fawell, Mr. Lewis of California, Mr. Guarini, Mr. Poshard, Mr. Thomas of Georgia, Mr. Bustamante, and Mr. Payne of Virginia.

H.R. 249: Mr. Huckaby, Mr. Ritter, Mr. Miller of Washington, Mr. Hammerschmidt, Mr. Bartlett, Mr. McMillan of North Carolina, Mrs. Meyers of Kansas, Mr. Stump, Mr. Clinger, Mr. Roberts, Mr. Ray, Mr. Herger, Mr. Ireland, Mr. Gunderson, Mr. Walsh, Mr. Baker, Mr. Poshard, Mr. McCrery, Mr. Tauzin, Mr. Combest, and Mr. Gillmor.

H.R. 298: Mr. Fawell, and Mr. Gallegly.

H.R. 303: Mr. Bonior, Mr. Lewis of Florida, Mr. Hefner, Mr. Yatron, Mr. Coleman of Texas, Mr. Thomas of Georgia, Mr. Ravenel, Mr. Gillmor, Mr. Hefley, Mr. Young of Alaska, and Mr. Erdreich.

H.R. 317: Mr. McCloskey, Mr. Bruce, Mr. Perkins, Mr. Stokes, Mr. Condit, Mr. Rahall, Mr. Peterson of Minnesota, Mr. Stark, Mr. Geren of Texas, Mr. Miller of Ohio, Mr. Visclosky, Mr. Applegate, Mr. Wyden, and Mr. Bevill.

H.R. 321: Mr. Madigan, Mr. Murtha, and Mr. Williams.

H.R. 371: Mr. Duncan, Mr. Ray, Mr. Walsh, Mr. Bliley, and Mr. Skelton.

H.R. 381: Mr. Lagomarsino, Mr. Wolf, Mr. Machtley, Mr. Yates, Mr. Horton, Mr. Frank of Massachusetts, Mr. Roe, Mr. Murtha, Mr. Rogers, Mr. Dellums, Mr. Staggers, Mr. Martinez, Mr. Lehman of Florida, Mrs. Mink, Mr. Espy, and Mr. Neal of Massachusetts.

H.R. 385: Mr. Martinez, Mr. Wyden, Mr. Lipinski, Mr. Bacchus, Mr. Blaz, Mr. Roe, Mr. Lewis of California, Mr. Yates, Mr. Foglietta, Mr. Neal of Massachusetts, Mr. Roybal, and Mr. Staggers.

H.R. 393: Mr. Borski.

H. Con. Res. 2: Mr. Lewis of Georgia, Ms. Oakar, Mr. McCloskey, Mr. Richardson, Mr. Donnelly, Mr. Nowak, Mr. Bennett, Mrs. Mink, Mr. Mrazek, Mr. Scheuer, and Mr. Pease.

H. Con. Res. 13: Mr. Lent, Mr. Duncan, Mr. Shaw, Mr. Saxton, Mr. Emerson, Mr. Hammerschmidt, Mr. Gilchrest, and Mr. Gingrich.

H. Con. Res. 14: Mr. Traficant, Mr. Horton, Mr. Montgomery, Mr. Machtley, Mr. Combest, Mr. Olin, Mr. Wolf, Mr. Ravenel, Mr. Applegate, Mr. Bereuter, and Mr. Poshard.

H. Con., Res. 20: Mr. Ravenel, and Mr. Saxton.

H. Res. 11: Mr. Mineta, and Mr. Shays.

EXTENSIONS OF REMARKS

NAVAJO ACADEMY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to acknowledge the important work of the Navajo Academy, a preparatory school in my district that has encouraged better education for native American students for the past 15 years.

Mr. Speaker, this educational institution is one of a kind. It provides many students with the education and encouragement they need to continue on to college. Often those individuals who continue their education return to the reservation to pass their knowledge on to the next generation of native American students. I invite my colleagues to learn more about this organization and insert a Time magazine article into the RECORD for their review.

[From Time, Dec. 3, 1990]

AMERICAN SCENE: FARMINGTON, NEW MEXICO—CAUGHT BETWEEN EARTH AND SKY

(By Richard Stengel)

"It was the medicine men," the teacher tells the class, "who came up with the religious beliefs that are the backbone of our Navajo culture." Lloyd House speaks in a gravelly voice, has a boxer's much broken nose and wears a traditional turquoise necklace around his neck. "The medicine man we are talking about today was called Naahwitbiihi—which means the 'man who always wins.' Sounds like Frank Sinatra, doesn't it?" he says, and chuckles.

The high school students, all Navajos, all shy and soft-spoken, all wearing high-topped sneakers and distressed blue jeans, don't seem to know or care who Ol' Blue Eyes is. On this spring day they are more interested in completing their model hogans, the round, age-old Navajo structures whose doorways must always face east, the direction of dawn, the region of all beginnings.

Until last summer, House, a former Marine Corps and All-Service welter-weight boxing champion, was one of two instructors in Navajo language and culture at the Navajo Academy in Farmington, N. Mex. This fall there are three, but House is no longer among them. The academy draws its students from the vast, mostly desolate Navajo reservation next to this charm-free oil-and-gas town. The school has a Navajo headmaster and an all-Navajo board of trustees. It is the only Native American college-preparatory boarding school in the U.S.

The academy, which will celebrate its 15th anniversary at the end of this school year, has 176 students in grades 9 through 12. Almost all are Navajos—the Diné, as they call themselves, which means the "People." This year there are also three Anglos, as whites around here are invariably called. Nestled against a high shelf of rock, the school consists of a snug quadrangle of dilapidated buildings on the grounds of a turn-of-the-century Methodist mission. It has a pleasant atmosphere and, if you blur your eyes a bit, looks like a down-at-the-heels New England prep school transferred to a bleak section of the Southwest.

The school was started in 1976 at the time when the Indian Self-Determination Act was passed, when the Federal Government was encouraging Native Americans to take their education into their own hands. Until the 1970s, the dominant principle of the Bureau of Indian Affairs was assimilation, and the government was content to let Navajo culture wither away and die.

Although the U.S. government has had a trust responsibility since 1868 to provide for Navajo education, it has done a sorry job. Native Americans in general, and Navajos in particular, have one of the nation's highest rates of illiteracy and high school delinquency. The average Navajo adult has received only five years of schooling. Today half the Navajos on the reservation are under the age of 20, and perhaps a quarter of those teenagers are not in school. A third of all high school-age Native Americans are classified as educationally handicapped.

From the start, the academy sought to provide a supportive environment for Navajos, in contrast to public schools, where they were routinely treated as second-class students. But beyond that, according to headmaster Samuel Billison, the academy had a special mission: to educate young and gifted Navajos to be able to survive in the wider culture without losing their own. The school aimed to create a generation of Indian leaders who would understand the outside world but not envy it.

The school grew slowly and steadily. It offered small classes and recruited a corps of solid, no-nonsense teachers, some of whom are still there. To be admitted, Navajo students had to score at or above the 40th percentile nationally—that is, better than 39% of all U.S. students. That may not sound too stringent, but those young Native Americans who could meet that requirement were among the top fifth of all Navajo students.

Pale sunlight streams into the spare classroom of Richard Clark, an Anglo English teacher. Clark, an austere-looking man with a crew cut and a deeply lined face, has been teaching at the academy for nine years. At the blackboard, several sophomores are diagraming sentences. A timid girl with glasses identifies a predicate phrase modifying a compound verb. When she's finished, Clark scans the room and says with a wry smile, "Paulette, you're the next volunteer." Paulette, a tiny girl with large pompadour, dutifully marches to the blackboard and, in a spidery hand, diagrams a sentence with a nonrestrictive relative clause.

Clark is strict but sympatico. "We're making up for all that they didn't learn on the reservation," he says. "But they learn fast." The curriculum at the academy, which includes four years of a foreign language, is considerably more rigorous than that of public schools on the reservation. Clark says that when the students arrive at school, fresh off the reservation, they are often shamed by their lack of education and are painfully reticent. "Every year," says Clark, "we get students who are at fourth- or fifth-grade reading levels."

Clark recounts that some of the students find the work too tough at the academy and leave to attend public school. "But then they come back because they miss the structure," he says. This was the case with Steve, a slight boy with spiky hair who sits in the back of Clark's class. He dropped out of the academy last year and enrolled at one of the local public high schools. The reason, he says, was "because I thought it would be easier." But public school proved too easy. "I couldn't learn over there," he says. Steve wants to go to college, and he says he has a better chance if he graduates from the academy. More than 80% of the school's graduates go to college, an extraordinarily high percentage for Native Americans.

Paulette was at a public school before coming to the academy. "Here the students really care," she says. "The kids at public school are rezzed out." This phrase provokes snickers from the class. *Rezzed out* means being provincial, unsophisticated, too much *of* the reservation. Those kids, she implies, don't care about studying. Claude, a barrel-chested tackle on the football team, came to the academy from a public school in Arizona. "At the public school," he says, "the guys would just drink and party. Here is a better atmosphere." If a student at the academy is caught drinking—or smoking dope, which is rapidly replacing alcohol as the abuse substance of choice among teenagers—he or she is immediately sent home.

The students have grown more assimilated over the years, says Martha Amedeo, who has taught literature and drama at the academy from the beginning. Today the Navajo language is a foreign tongue to more than half the students, who must struggle through two years of the difficult, tonal language of their forefathers. Amedeo notes that a few years ago the girls wore their perfectly straight black hair long and natural. Now all the girls in her class sport frizzy permanents.

When it comes to mainstream America, the students feel ambivalent—or; as a medicine man might put it, caught on the horizon, part of neither Earth nor sky. Curious but wary, they regard American culture as though they were gazing at it through a ritzy department-store window. They appreciate the academy in part because it is insulated from the outside world. Although nearly all of them intend to go to college, most say they will return to the reservation afterward. For Denneilia, a clever, pretty girl who was last year's senior-class president, the sky is the limit for what she could achieve in the outside world. Yet she admits that she will probably return to the reservation after college. The real world is prejudiced against Navajos, she says, adding that it is important that she not forsake her cultural heritage.

The Navajo Academy was growing steadily until about four years ago, when tensions between the academy and the Methodists resulted in a rupture. The mission wanted more rent. When the academy would not or could not pay it, the mission tried to evict the school. The academy went to court, get-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ting a three-year stay until the end of the school year in 1991. The Methodist Church recently filed suit to force the school to comply with the court order and depart by June of next year.

Meanwhile, the board of trustees has come up with a plan to build a new school on land donated by the Navajo Nation. The land was freely given—640 acres, to be exact—but where would the money come from? Not the Bureau of Indian Affairs, which allocated a paltry sum—$8.1 million for fiscal 1991—to finance new construction of *all* Native American schools. Instead, the academy drafted a prospectus for a new institution costing $31 million. The academy proposed an innovative fund-raising technique to the BIA: the school would raise the money through a private bond issue, and the BIA would allocate yearly mortgage payments over 30 years for the cost of construction. At the same time, the academy began lobbying for a congressional appropriation to underwrite the new school. Two bills were introduced in Congress this year to help the school, but no money was appropriated. Instead, the two Senators from New Mexico have directed the Department of the Interior to submit a report by February 1991 to the appropriations committee on the special needs of the academy.

The BIA insists that without a congressional guarantee the bureau cannot make such a lengthy fiscal commitment. The bureau also has some concerns about the way the school has been run. It has a point. The trustees seem out of touch with the daily life of the school and amateurish when it comes to financial matters. Some of the teachers are journeymen with little commitment to Navajo education. The school's long-term financial problems are compounded by a short-term one: the academy is facing a deficit of about $150,000 this year. Despite some conflict among teachers, students and administrators, they are united on one issue: the academy is a source of pride to the Navajo Nation and ought to be preserved.

Headmaster Billison is concerned about the future—but not despairing. He has the face and manner of a world-weary sage and notes that his grandfather and several uncles were medicine men. The Navajo Beauty Way, he says, is to seek harmony with the world. Whatever happens, he will make peace with it. He mentions that the target date for breaking ground for the new school is next year and gestures toward the handsome architectural plans on his wall. "The Navajo philosophy," he says, "is that you always think positively."

FORMER PRESIDENT NIXON ON THE MIDDLE EAST CRISIS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. DUNCAN. Mr. Speaker, some people have questioned why we are involved in the current conflict in the Middle East.

Perhaps no one in this Nation knows more about U.S. foreign policy and the world situation than does former President Richard Nixon.

His views on this issue were the subject of a recent editorial which ran in the Knoxville News-Sentinel and Scripps-Howard newspapers all across the country.

I commend this to the attention of my colleagues and others.

Nixon on the Gulf Crisis

Folks bicker endlessly about Richard Nixon's place in American history, but nobody can gainsay the old fellow's shrewdness in foreign affairs. What he says on the subject is almost always worth listening to.

That holds especially for a speech Nixon delivered recently in New York City. In it he accomplished what critics continually insist President Bush has failed to do: He outlined a concise and coherent explanation of why we are in the gulf.

There's no point, Nixon said, in denying the more mundane motivations that brought U.S. forces to Saudi Arabia. Oil is one powerful reason; the protection of American jobs is another. But the survival of democracy and the barbarism of Saddam Hussein are no reasons at all—the White House's high-flown rhetoric notwithstanding. Refreshingly, Nixon concedes that the restoration of the Kuwait emirate would scarcely advance the cause of democracy, and that if the U.S. were solely concerned with punishing state cruelty it would not now be allied with Assad's Syria.

No, says Nixon, we are in the gulf for two reasons. First, Saddam Hussein has shown an insatiable appetite for power in one of the world's vital regions. Aggression unchecked inevitably expands, and since Saddam won't stop himself, someone else will have to—now. Otherwise, says Nixon, "we will have to stop him later, when the cost in the lives of young Americans will be infinitely greater."

Second, Saddam is in danger of setting a precedent for other potential aggressors in the post-Cold War world. If the United States fails to roll back Saddam, its future warnings against aggression will be toothless—and hence ignored. Any control we can exert over world events today will be lost; U.S. power, which has been a force for good over the past half century, will be greatly diminished. That's why, says Nixon, "our commitment in the gulf is a highly moral enterprise."

Nixon's vision of America's role is internationalist. He sees that, like it or not, the United States has to play a central part in Europe, Asia, and the Middle East. International stability will always be essential to U.S. interests, and there will be times when we will be its sole guarantor. Now is such a time. This is a hard-headed, unsentimental view of the world, and the United States is fortunate that President Bush shares it. If only he were better at expressing it.

JOHN SANDOVAL, HAYWARD'S HISTORIAN, CELEBRATES HIS 85TH BIRTHDAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mr. John Sandoval of Hayward, in California's Ninth Congressional District, on the occasion of his 85th birthday. Mr. Sandoval, a noted historian, has been involved in the life of the city of Hayward for over 50 years.

John Sandoval was born in Sonora, CA, in 1906 and moved to Hayward in 1923. In 1927, he graduated cum laude from U.C. Berkeley. From 1940 to 1946, he was a member of the City Library Commission. In 1946, he served as the secretary to the Postwar Planning Commission. He also served on the street naming committee for 30 years, from 1950 to 1980. In 1976, he was a member of the bicentennial committee and, in 1978, he became the Hayward city historian. In 1988, he was nominated to become an honorable member of the Friends of the Library.

Throughout his distinguished career, Mr. Sandoval published a number of historical works. He is the author of such works as the "Trilogy—History of Hayward, Castro Valley and San Lorenzo"; "History of Hayward, Chapel of Chimes"; History of Mt. Eden"; pageant—"150 Anniversary Mission of San Jose"; pageant—"Adobe of Don Guillemo Castro"; and, the "History of Hayward"—pageant for the dedication of Cal State, Hayward.

John Sandoval was also a member of numerous other organizations. He has been a member of the Rotary Club since 1938 and, in 1980, received the "Outstanding Rotarian of the Year" award. He is also a honorary member of both the Hayward and the Mount Eden Lions and in 1978 was named the "Most Distinguished Citizen" by the Hayward Lions Club. He is also an Honorary member of the Hayward Kiwanis Club.

Mr. Sandoval was also the founding member of the Hayward Historical Society in 1958. From 1978 to 1985, he was a member of the faculty at Chabot College where he taught local history. In 1986, he became Alameda County's designated historian, and in 1979, he was voted "Citizen of the Year" by KPIX Channel 9.

Mr. Speaker, I would like to take this opportunity to congratulate John Sandoval on his 85th birthday and to commend him for years of dedicated service to the communities of California's Ninth Congressional District.

TRIBUTE TO COMMEMORATE UKRAINIAN INDEPENDENCE DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. BONIOR. Mr. Speaker, Tuesday, January 22, 1991, will mark to Ukrainians around the world, and particularly the Ukrainian community in the 12th Congressional District of Michigan, comprising Macomb and St. Clair counties, the commemoration of the 73d anniversary of the creation of the democratic Ukrainian National Republic. On that same day, the Ukrainians also will observe the 72d anniversary of the act of union whereby all Ukrainian lands were united into one state of the Ukraine Nation.

That young fledgling nation, soon after its formation, fell victim to Soviet imperialism. Although the Ukrainian National Republic was recognized as independent by a number of nations, it was subjected to attacks by the Soviet Government in Moscow. By 1920, the independent government of Ukraine could no longer withstand the pressure of Communist aggression. It was incorporated into the Union of Soviet Socialist Republics [U.S.S.R.] and a puppet government was installed without the support or consent of the Ukrainian people.

Since that time the Ukrainian people have struggled to shed themselves of a government imposed on them by Russian Communists—a government, Mr. Speaker, which has worked hard to crush the Ukrainian identity and spirit. The evidence of the Soviet Union's attempt to wipe the existence of Ukrainian culture off the fact of the Earth is a black mark on the U.S.S.R.'s history. Examples of this include the mass exterminations in the twenties, induced famines in the thirties, Stalinist terror in the forties, and bureaucratic and regulatory carelessness which resulted in the Chernobyl disaster in the 1990's.

The determined struggle of the people of Ukraine against the tyranny imposed on them by Moscow, coupled with the sweeping social and democratic movements in Eastern Europe has forced the Soviet Government into a position of change. Over the past year we have seen the process of reestablishing the traditional religious values of the Ukrainian people. In defiance of the Soviet Union the newly formed democratized Ukraine Parliament voted in favor of a series of laws designed to eventually return Ukraine to the status of a sovereign nation. Though the Communist regime has tried to crush the religious, social, and cultural identity of Ukraine, it is clear they cannot crush the will of the Ukrainian people to once again be free and independent.

Mr. Speaker, January 22 signifies a very special day for on it we pause to think of the valiant struggle for independence which goes on each day halfway around the world in Ukraine. I urge my colleagues and all Americans to reflect on this ongoing struggle and lend their moral support to the Ukrainian people in their quest to be among the family of free nations.

THE PERSIAN GULF: IS THIS THE TIME FOR WAR?

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. McDERMOTT. Mr. Speaker, I have not seen the level of fear that exists in this country so high since the Cuban missile crisis. Our President has put us at the brink of full-scale war in the Persian Gulf, and the citizens I have talked with do not understand why we are rushing headlong toward this war.

How is it that we find ourselves having deployed the largest number of troops since Vietnam? How is it that we find ourselves suddenly entrenched in one of the most volatile and war-torn regions in the world, preparing for war—in a land we do not know, amid cultures we do not understand, among nations that are undemocratic?

Who are these countries, Iraq and Kuwait, suddenly at the center of world events? They are young nations; Iraq became a British-mandated territory after World War I and its boundaries were drawn in 1922 by the British. Almost from the beginning, it was plagued by internal revolt and border disputes in the south. Although Iraq became independent in 1932, British control of that country essentially continued until revolution in 1958. Kuwait became independent in 1961, but even then, Britain had to send troops to the area because of Iraqi claims to Kuwaiti territory. Another set of border disputes in the region escalated to war between Iran and Iraq in 1980. But until last August, the United States rarely focused much attention on these disputes.

And what about our own relationship with Iraq? Are we at the brink of war because of a long history of conflict with this country, a pattern of behavior we could no longer tolerate, despite numerous efforts to halt it? Hardly. Saddam Hussein became President in 1979. The next year he invaded Iran. Were we outraged, threatened, alarmed at this naked aggression? Was the world community mobilized to action? In fact, Saddam knew he had our tacit consent. Iraq was, in effect, our surrogate army to fight a proxy war with the Ayatollah. Further, the United States joined numerous other countries in assisting Iraq in its war, even sending naval forces to the gulf in 1987 to protect reflagged Kuwaiti vessels from Iranian attack.

When Iraq brutally attacked its own Kurdish population, did we condemn these human rights violations in the strongest terms? Yes and no. The administration condemned the use of chemical weapons, yet throughout the late 1980's the United States continued to expand economic assistance and cooperation with Iraq. Congressional efforts in 1988 to impose sanctions on Iraq were blocked by the administration, which continued to oppose them up until the August invasion.

In April 1990, when Saddam threatened to "burn half of Israel," the United States was silent. And in the days before the invasion, when Iraq was building up troops on its border with Kuwait, did the United States warn Iraq that any aggressive action would be swiftly countered? Hardly. On July 25, our ambassador told Saddam that "we don't have much to say about Arab-Arab differences, like your border difference with Kuwait." And on July 31, questioned about an invasion scenaro and whether the United States would defend Kuwait, the Assistant Secretary of State testified that "We have no defense treaty relationship with any gulf country * * *. We have historically avoided taking a position on border disputes."

There is no question Saddam Hussein is a tyrant, a ruthless, vicious dictator. But we have known that for years and still we helped him when he invaded Iran; we did nothing when he committed atrocities against his own people; we buried our heads in the sand when the alarm sounded on Kuwait and for a decade the past administration and this one did nothing, absolutely nothing, to develop a national energy policy, to break our addiction to oil, to reduce our dependence on foreign supplies, or diminish our economic vulnerability to dictators like Saddam. It is not enough to shrug and say, as the previous President did about another Mideast disaster, that "mistakes were made." We are asking 400,000 American men and women to pay for those mistakes.

And so we find ourselves on the precipice of war. But is war the way to correct the mistakes and failures of diplomacy? "I am convinced that peace will not be established by military means. Sooner or later the issue is bound to be settled at the conference table. Eventually, why not now? That is the question Senator Ernest Gruening posed on August 6, 1964, during debate of the Gulf of Tonkin resolution—and that is the question we should be asking ourselves now.

But this administration seems bent on war rather than the continued pressure of sanctions, diplomacy, and negotiation. Despite the views of numerous military experts, this administration is convinced war is the only viable alternative. And it seems to have convinced itself that war is not only inevitable but winnable—and quickly winnable. I am reminded of another, war born out of failures of diplomacy and the rush to battle. When Austria declared war on Serbia in 1914 no one envisioned the conflagration that would ensue. But one prescient observer had noted a few years earlier that the next war "will be a national war which will not be settled by a decisive battle but by a long wearisome struggle with a country that will not be overcome until its whole national force is broken, and a war which will utterly exhaust our own people, even if we are victorious." Britain, France, and Germany expect a quick victory, and we know how tragically wrong they were. More recently, no one expected the Vietnam conflict to drag our Nation into more than a decade of relentless battle and near-civil war at home, but it did.

And even when we do win, what have we won? A gulf war could cause thousands, perhaps tens of thousands of deaths and casualties; and lead to wider war in the region; invite terrorist retaliation against the United States; stimulate a regional arms buildup; require a prolonged U.S. military presence; and in general, destablilize the region rather than achieving the stability we seek. It also might teach us a lesson we have refused to learn in the past—that cozying up to dictators like the Shah of Iran, Manuel Noriega, Saddam Hussein, and most recently, Syria's Hafez el Assad can have a tragic price.

We must consider the precedent we will set for future policy. Would every act of aggression require our military intervention? In a new world order are we to be the new world army?

And if we are to engage in war, who makes that decision? How do we ensure the American people have a voice in that decision? In his ruling on the lawsuit that 54 of us filed to challenge the President's authority to go to war unilaterally, Judge Harold Greene wrote:

> If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. Such an interpretation would evade the plain language of the Constitution * * *. Here, the forces involved are of such magnitude and significance as to present no serious claim that a war would not ensue if they became engaged in combat, and it is therefore clear that congressional approval is required * * *.

Congress does not have to debate the right to debate. America's democratic tradition demands it, and the Constitution protects it. We are not undermining our President when we debate policy—we are fulfilling our obligation under the Constitution. And if we dissent, we are not trying to undercut him, but to protect him—and our country—from a costly mistake. Democracy requires eternal vigilance, and we must be vigilant in preserving the power of Congress to provide the crucial checks and balances on Executive power the framers intended. To wage war without such question or debate—and without congressional approval—is to sacrifice the principles for which we are sending our men and women to fight, the principles which we, no less than they, have sworn to uphold.

We already have allowed this President and the last one to expand Executive power and erode congressional authority. We are on the verge of sacrificing the Constitution to the god of war. If we cannot discuss the consequences of military action before invoking it, we have ceded all power of war to the Executive. Are we to learn, only after the fact, the reasons for and the costs of our actions? Are we to rely solely on the executive branch for the rationale and decisionmaking of the most important step a nation may take?

Based on our recent history, I do not think that is wise. Vietnam was a case history in governmental lies and deception. We were told then that war was essential to defend our national interests, but history has surely proved our vital interests were never at stake. We were told Vietnam was a war we could win—and that we were winning it—but we learned all too painfully those were sheer delusions. Throughout the 1960's we were told that Nicaragua was a threat to our hemisphere and therefore we were justified in violating international law by mining its harbors and arming the Contras. We were told our troops were needed to bring peace to Lebanon in 1983, but we learned another painful lesson there. We were told that Grenada was about to fall into the clutches of Cuba and the Soviet Union and that American students there were in grave danger, but later we learned that, as the New York Times put it, "there was more ignorance than evidence" behind those threats. I could go on and on about the times Presidents have cried wolf in the interests of national security and risked American lives for their senseless wars.

Is it possible that we are hearing similar exaggerated claims, scare tactics, inflated rhetoric, and distortions today?

The President initially said his mission in deploying troops was "wholly defensive." Yet, 2 days after the election he doubled our forces there, though there was no indication—none—that more troops were needed to maintain our defensive mission. In fact, he announced the troops were needed to "ensure that the coalition has an adequate offensive military option."

For 2 months in September and October, the President said the sanctions were working and the crisis would require patience, yet suddenly in December he decided he had "not been one who has been convinced that sanctions alone would bring Saddam to his senses."

The President said we are dealing with "Hitler revisited" and a brutal regime. But if brutality were a reason for going to war, then we would find ourselves deployed throughout half the world. The President is right to condemn the human rights atrocities that Saddam has committed, acts that outrage us all. But he is wrong to suggest that such abuses are a cause for war when he has failed to speak out against other, equally brutal, human rights violations throughout the world.

Last week the President said that Saddam is a "worldwide threat to democracy." But except for Israel, there are no democracies in the Middle East to be threatened. Kuwait does not even grant women the right to vote. And if there is a direct threat to the United States, we have yet to hear precisely what it is.

In October the President said "the fight isn't about oil," yet last week he said that "the added weight of higher oil prices is a crushing burden Eastern Europe and Latin America cannot afford. And our own economy is suffering, suffering the effects of higher oil prices and lower growth stemming from Saddam's aggression." The Secretary of State said in September that "what is at stake economically is the dependence of the world on access to the energy resources of the Persian Gulf." Yet some countries far more dependent on Persian Gulf oil than we are have not sent one soldier—not one—to the gulf. In fact, before the August invasion, Iraq and Kuwait supplied less than 4 percent of our demand for oil. Are we to believe that our national security and our way of life are threatened to the point of war because less than 4 percent of our oil supply was temporarily disrupted?

Oil and energy are vital. But the national interest would be better served by developing a coherent energy policy within the Department of Energy, not the Department of Defense. Before he left office, President Carter had laid the groundwork for an energy policy that would have reduced our dependence on oil. But the Reagan administration slashed the budget for renewable energy resources and the Bush administration has opposed important conservation efforts. Even after Iraq's invasion exposed our energy policy vacuum, the administration still seems to miss the point. White House officials have insisted on removing conservation requirements from the Department of Energy's draft national energy plan. This administration would rather meet our energy needs with coastal drilling and desert wars than with conservation, creative technologies, and common sense.

The President has suggested that we must go to war to prevent the development and spread of chemical, biological, and nuclear weapons in Iraq. Yet just last summer the administration said, "We do not believe that Iraq poses a near-term nuclear proliferation threat." And our Armed Forces are not authorized to be the nuclear proliferation police for the world. If the President were serious about stopping nuclear proliferation, he would embrace efforts to negotiate the Comprehensive Test Ban Treaty, which, as we speak, is being discussed at a conference in New York. Such a treaty would bolster the Nuclear Non-Proliferation Treaty that we have signed. And if he wants to stop the proliferation of chemical weapons, he should not have vetoed legislation Congress passed last year to impose sanctions on foreign companies that assist the spread of chemical and biological weapons.

And finally, there is Secretary Baker's explanation that "if you want to sum it up in one word, it's jobs." Quite simply, that is an insult to every man and woman in our military.

I share with our President a vision of a new world order. And I believe this is a historic opportunity to initiate it. But a new world order cannot be based on the old primitive urge to resolve conflicts through violence. And if a new world order means that the United States becomes the sheriff to the world, then I reject it. If a new world order means that we continue to rely on the force of our arms rather than the strength of our ideas, then I reject it. And if a new world order means that we will end the era of the cold war by starting a new era of the holy war, then I reject it.

A new world order must be founded on the principle of justice and peaceful resolution of conflicts. The President says that with the Baker-Aziz meeting he has gone the extra mile. But we have spent 5½ months preparing for war and only 6 hours in talks trying to prevent it. I am unwilling to send our men and women to war after only 6 hours of effort at direct talks. In a new world order, we must emphasize peaceful alternatives to solve our problems and turn to war as a last resort. In this case, we should continue to rely on the economic sanctions to exert pressure on Iraq, encourage diplomatic efforts, and begin to address the long-term problems of oil dependency, nuclear proliferation, and persistent Middle East conflict that surround this crisis.

There are times when the threat to our survival is so great that we must respond with force. There are times when peaceful efforts fail and force is our last and only resort. But this is not that time and the Middle East is not that place.

During the congressional recess, I met with hundreds of my constituents to discuss the gulf crisis. Almost 90 percent of them oppose offensive action by the United States. The people I represent do not want to go to war and the message they gave me is very clear: they will not support a war in the gulf.

History is an incisive judge. Our actions in the next few days will determine how we are judged in this crisis. We have been silent too long in the face of military adventurism by our Presidents, and acquiesced too often in wars and actions waged for vague purposes.

There is talk now of efforts by other parties at resolving this crisis. I pray they are successful. But I regret that our Government has neither initiated nor supported these peaceful efforts. Whatever the outcome, I fear that we will be remembered simply as the country that brought to this crisis only the will to do battle and not the way to achieve peace. That is not the legacy I want for America.

We will never know, if other choices had been made, if other paths taken, whether other wars might have been averted. But I will not vote to create another generation of grieving families, wondering if their sacrifice might have been spared. I urge my colleagues to weigh the dubious rewards against the certain consequences of a war now. A war at this time would be premature and costly. I urge you to test the faith of this Nation in peace, to test our commitment to patience, and our resolve for restraint. These will be the tests of a new world order. I believe our Nation possesses the strength, the courage, and the will to meet them.

THE 102D CONGRESS MUST ACT ON CAMPAIGN FINANCE REFORM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. MAZZOLI. Mr. Speaker, the 102d Congress has before it many tough and complex issues not the least of which is the appropriate Congressional role regarding the crisis in the Persian Gulf.

But while all eyes are riveted on the Middle East—and rightfully so—we cannot in the meantime overlook the myriad of issues on our domestic agenda. Perhaps the most important of these matters is the one which most closely affects us here in Congress and which affects everything we do here. This is the issue of campaign finance reform.

In December 1989 I made the decision to forego Political Action Committee [PAC's] contributions for my 1990 re-election campaign. I made this decision—one which put me at risk financially and politically—because I felt I had to make a strong and unequivocal statement to the people of the Third District of Kentucky about my desire for and commitment to change in the way congressional elections are financed and conducted.

The response back home to my "no-PAC pledge" was overwhelming and affirmative from the grassroots. This positive response has served to strengthen my resolve to continue working for a fundamental change in the Federal election laws in the 102d Congress.

The people really do want change. They want less expensive elections. They want an end to the "soft money" loophole. They want to be a part of the political process again, and they want elections returned to the grassroots and taken away from the big, powerful special interest groups.

Mr. Speaker, to your great credit, the House took a positive step last August when, at your insistence, it took up and passed a solid campaign reform measure. But, the press of business—compounded by the budget impasse—prevented conferences with the other body to seek an agreement on a reform measure. So, the 101st Congress ended without having dealt with campaign finance reform.

Mr. Speaker, the 101st Congress may be history, but the dissatisfaction, cynicism, and unhappiness among our citizens about the political process have not abated. In fact, the situation, if anything, has worsened. The 102d Congress must act swiftly and decisively on real campaign finance reform.

The price for inaction—both at the polls in 1992 and in damage to the institution of Congress and the democratic system—is too great to risk.

On the first day of the 102d Congress, I introduced H.R. 372, a bill to reform the campaign finance laws for congressional races. My bill, which is the same measure which was approved by the House last August (H.R. 5400), is meant only to be a starting point—not the last word—on the path to reforming the campaign laws. We have a long way to go, Mr. Speaker, but the prize awaiting our courage and our action is well worth the effort.

UNIONS URGE PRESIDENT TO LET THE SANCTIONS WORK

HON. BERNIE SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. SANDERS. Mr. Speaker, many Americans are expressing grave concern about the prospects of war in the Middle East, including our Nation's working people. I would like to introduce into the RECORD a letter to the President from a group of union presidents that appeared in today's Washington Post:

DEAR PRESIDENT BUSH: We write to you as the Presidents of organizations representing proud and patriotic working people. Because it is working Americans who constitute a high proportion of U.S. military forces, reserves and potential draftees, our members and their spouses, sons and daughters are many among the Operation Desert Shield Troops.

We are gravely concerned about the possibility of a permanent U.S. military presence in the Middle East. We are also concerned that any military action and resulting casualties will be borne largely by American troops.

We yield to no one in our condemnation of Saddam Hussein's reckless invasion of Kuwait and join the world community in insisting on Iraq's immediate withdrawal. At the same time, we believe the economic sanctions—the strongest ever levied against a country in peacetime—must be given a chance to work. Because we support our troops, we emphatically oppose the initiation of offensive military action by the United States at this time.

We urge you to let the sanctions work to achieve the maximum pressure on Iraq before any further blood is shed in this conflict.

Morton Bahr, President, Communication Workers of America. Owen Bieber, President, United Auto Workers. William H. Bywater, President, International Union of Electronic Workers. Keith Geiger, President, National Education Association. James R. Herman, President, International Longshoremen and Warehousemen's Union. George J. Kourpias, President, International Association of Machinists and Aerospace Workers. Joseph M. Misbrener, President, Oil, Chemical and Atomic Workers. Jack Sheinkman, President, Amalgamated Clothing and Textile Workers Union. John J. Sweeney, President, Service Employees International Union.

CONGRATULATING THE 1990 CARBONDALE TERRIERS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. POSHARD. Mr. Speaker, I am pleased to have this opportunity to congratulate the people of Carbondale, IL, and the Terriers of Carbondale Community High School.

Under the direction of Coach John Helmick, the 1990 Carbondale Terriers just completed one of the best football seasons in school history, making it all the way to the semifinals in the Illinois class 4A football championships, further than any previous Carbondale team.

The Terriers finished the regular season with an 8 to 1 record, shutting out their opponents 4 times and scoring 40 points or more in 5 other contests. The Terriers won three games in the playoffs before coming up just short in the semifinals, but in defeat, just as in victory, the Terriers displayed class and composure.

The Southern Illinoisan honored Curtis Daesch as Player of the Year, while the Evansville Courier selected Braden Gibbs. But this was really a team effort, and this group has reached if not exceeded the standards set by those who were previously honored to wear the Terrier black and white.

This season will eventually become numbers and statistics for the record books. But in the hearts and minds of those who played a part in making it happen, it will forever serve as a reminder of what can happen when young people dedicate themselves to setting goals and then work together to achieve them.

I am pleased to represent the fine students of Carbondale Community High School and their football team in the U.S. House of Representatives.

1990 CARBONDALE TERRIERS

Terrance Clayton, Seth Smith, Damian James, Kevin Readel, Brad Schwartz, Charles Zieba, Tim Wilson, Jay Curtis, Braden Gibbs, Marc Willis, Emanual Gold, Curtis Daesch, Maurice Bonds, Eean Chappell, Preston James, Naseer Khaaliq, Robby Miller, Ike Holder, Scott Simmons, Devin Clark, Matt Bowlby, Mike Fink, Matt Elston, Andrew Siebert, Dominic Meline, Chad McCague, David Lamb, Tony Hunter, Sam Carter, Johnson Bell, Bill Heern, Zach Steed, Pat Langan, Craig Wisinski, Dell Berry, Tariq Khaaliq, Kelly Walton, Nate McDonial, Zach LeBeau, Austin Laster.

Coaches: John Helmick, Skip Heninger, Bob Taylor, Dennis Drust, Clay Brewer, Kevin Helfrich, Dennis Ragan, Bill Patrick. Video: Lindy Loyd. Managers: Todd Helmick, Matt McVey. Statistics: Celeste Bullar, Autumn Miles, Erica Benton, Jennifer Hartlieb, Megan Bates. Cheerleaders: Latoya Rowe, LaKeisha Felder, Tamara Gibbs, Kenyatta Anderson, Alyssa Fayne, Krista Marlow, Sarah Person, Zanzi Neblett, Patra Thipkhosithkun, Beth Bivens, Jeannie Durr, Amy Moore, Hilary Shipley, Evony Caldwell, Ellen Mau, Michelle Scott.

R.C. GORMAN'S LOVE FOR NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. RICHARDSON. Mr. Speaker, a few days ago on board a United Airlines flight I picked up the airline's magazine and found the face of a dear friend on its cover.

The story of New Mexico's R.C. Gorman, a Navajo artist, is beautifully told as only R.C. can tell it. There is only one R.C. Gorman and if you have not seen his work, you have not seen Indian art. He is a world renowned artist most famous for his ability to capture the beauty of Indian women.

I am most proud of R.C., his work, the contributions he has made to his fellow New Mexicans, the tremendous publicity he has brought to New Mexico and his outright love of our beautiful State. I would encourage my colleagues to read this brief story about R.C. Gorman as it appeared in United Airline's December 1990 magazine.

R.C. GORMAN'S NEW MEXICO

R.C. Gorman is New Mexico's most visible, and arguably most prolific, artist. His paintings, sculpture, prints and ceramics are collected worldwide. Proclaimed by the New York Times as the "Picasso of American Indian art," Gorman has made Taos his home for more than 20 years. Although best known for his paintings of strong, magisterial women, Gorman also has a reputation as a generous man who gives much to his state and local community. He has established scholarships for minority high school students and hosts numerous benefits for local causes.

There is a Navajo child's poem that goes like this: "I seem to be working and thinking, but I am really running through a meadow." That poem sums up my life because I love what I do and where I live. I'm enamored of New Mexico, especially Taos. There's certain magic here.

I came here from San Francisco, where I was working and painting, but I grew up on a Navajo reservation in Arizona. We were so poor that my first art materials were rocks, mud and sand from the Chinle Wash. I herded sheep with my mother and Aunt Mary near Canyon de Chelly and often drew in the earth or etched on the canyon walls.

Taos has a long history as an artists' community, and I was curious to see it, so in the mid-1960s, after attending the Indian ceremonial in Gallup, New Mexico, I visited the town as a tourist. I stayed on for a while, and soon the Manchester Gallery in Taos gave me a show that was more successful than anything I had accomplished in San Francisco. This confirmed what I knew instinctively: Taos was where I belonged and needed to be to accomplish my work. I returned to San Francisco, packed my things and moved.

A few years later, I ended up buying the gallery. I changed its name to the Navajo Gallery because I was probably the first Indian to own his own gallery and I wanted to put the Navajos on the map. A young Navajo girl helped me in those early days, and I lived in the gallery and painted in the morning before we opened. I was showing 55 other artists, but none of them sold as well as I did, so I cut it down to myself. Now, I have an international following, and art collectors and tourists come to New Mexico from all over the world. The gallery eventually got too big for me—more and more people and less privacy—so I moved north of Taos.

The Sangre de Cristo mountain range is right outside my back door. The mountains change all the time and I watch them from my studio window. Sometimes Taos Mountain is hooded in clouds. It comforts and encourages you, making you glad you're under its spell. I own all of the land around me, so I will always have a view of the mountain. Lady Brett, who came here in the 1920s with D.H. Lawrence, supposedly said, "If the mountain doesn't like you, it will spew you out." I haven't been spewed yet, so I guess it's accepted me.

When I travel, I don't do any artwork; I don't even take photographs. I have everything I need here in Taos. I've worked through different series: masks, rugs and pottery, but I've been most excited about the women I've painted. My women work the land. They have big hands and strong feet, and they've kept my interest.

Food is another of my interests. The second volume of my book *Nudes & Foods* came out in 1989. It's a collection of my drawings and recipes I've found in my travels. Rose Roybal, my cook and housekeeper, prepares wonderful meals for my friends and guests. I love lamb, and count on my relatives to bring it from the Navajo reservation. There's also a garden on my property—it's actually Rose's—full of squash, beets, tomatoes, garlic and corn.

New Mexico is so vast and unrestricted, you can't help but feel free. The light and color continually stimulate me. As the aspens turn in the fall, they cover the mountains in mottled patches of dull greens and bright yellows. The summers are a rich green and so pleasant that we don't need air-conditioning. Winters are white. This is ski country, and although I don't ski, I love the snow. I have never for a single second thought about relocating. I simply couldn't be any place else.•

REASONABLE AND SENSIBLE ENVIRONMENTALISM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. DUNCAN. Mr. Speaker, because the political agenda of this Nation has been controlled in many ways by environmental extremists we are far too dependent on foreign oil.

If we would develop some of our own natural resources, we could thumb our noses at the Saddam Husseins of the world. This would make situations like the current conflict in Kuwait much less likely.

Some experts believe there could potentially be as much as 29 billion barrels of oil in a very small portion of the 19-million-acre Arctic National Wildlife Refuge in Alaska.

If we would develop some of our own oil resources in an environmentally safe manner, we could bring down the price of oil. This would be a great help to the lower and middle income people of this country.

Instead, some environmental extremists want to prohibit almost all oil exploration and drilling. This really ends up helping most of the big oil companies by keeping supplies reduced and thus the price high.

A very fine editorial on this subject appeared in yesterday's Wall Street Journal. I hope all my colleagues will read this article:

[From the Wall Street Journal, Jan. 9, 1991]

OIL AND CARIBOU CAN MIX

There is an easy way to separate reasonable environmentalists from ecological extremists. Ask them if they believe in opening up a small strip of land on Alaska's remote northeast coast to oil exploration and drilling. The issue may well set off the most contentious debate of the year in Congress.

The 20-by-100-mile coastal plain of the Arctic National Wildlife Refuge is basically a frozen desert, wind-swept and bleak even in summer. There are no trees, few flowers, and a lot of mosses and lichens. Yet this area may well conceal the last major oil reservoir in North America, one that could rival the nearby Prudhoe Bay discovery that now produces 25 percent of the nation's domestic oil. The Interior Department puts the chances of a major find at one in five as against the oil industry's typical success rate of one in 50.

Some 92 percent of the Maine-sized ANWR area is already off-limits to development. The rest was specifically set aside by Congress in 1980 for possible oil exploration. But this hasn't stopped environmental groups from trying to slap a wilderness label on even this small remainder. The area is used by migrating caribou and other wildlife.

Alaska officials and local Eskimo leaders almost unanimously back development of the coastal strip. They say the Prudhoe Bay field shows that a balance can be struck between the needs of environmental protection and economic growth. In the 12 years since drilling began there, the local caribou herd has tripled in size to 18,000 animals. The 800-mile-long Alaska pipeline has had a superb safety record.

Nor would oil exploration and production disturb much of ANWR. With Prudhoe Bay as a guide, the best estimates are that less than 23 square miles—0.1 percent of ANWR's total area—would be affected by drilling pads, roads and other facilities. All would be removed carefully and the ground reseeded once exploration or drilling was completed.

Bills that would have allowed exploration in ANWR's coastal plain were passed by both House and Senate committees in 1989. Then the Exxon Valdez disaster wiped ANWR off the legislative map. The Gulf crisis has brought the issue front and center again. Last August, the Senate passed an amendment that would open up ANWR and other non-wilderness federal lands to oil and gas development if oil imports rise above 50 percent of domestic demand. They are now 45 percent.

But development of ANWR makes sense regardless of how much oil America imports, and Congress will take up the issue in earnest early this year. The Beltway environmental groups are fighting to keep all of it in perpetual cold storage. A Wilderness Society official says there is a "need to protect the land not just for wildlife and human recreation, but just to have it there."

That is environmental overreaching. It ignores the needs of real Americans, many with low incomes, who have to drive to work every day to support their families and will probably never have the means or the desire to fly 800 miles north of Anchorage, Alaska, and appreciate the stark, wind-swept terrain of ANWR.

Sensible conservationists believe that opening up a small sliver of Alaska's tundra for oil exploration simply recognizes that the welfare of human beings should also be a factor in environmental policy.

ALAMEDA COUNTY CELEBRATES SOLIDARITY WEEKEND

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. STARK. Mr. Speaker, Alameda County is one of the most diversely populated counties in the Nation. This diversity provides its citizens with the benefits of different cultures, customs, and traditions.

However, recent attacks on residents of this county have taken place solely on the basis of victims' race, ethnicity, gender, sexual orientation, and religion. These recent incidents have threatened the safety and religious freedom of the residents of Alameda County.

To counteract these attacks and to affirm that attacks and incidents such as these have no place in the community, the Alameda County Board of Supervisors has declared the days of January 18, 19, 20, and 21, 1991, as "Solidarity Weekend."

Solidarity Weekend is sponsored by the Interreligious Council of Oakland, the Diocese of Oakland, the East Bay Council of Rabbis, the San Leandro Clergy Association, the Brookfield Athletic Advisory Council, the Black Firemen's Association, the East Bay Regional Parks District, and a number of other civic and community institutions. The weekend will be observed in conjunction with the national observance of the brith of Dr. Martin Luther King, Jr., who dedicated his life to bringing an end to prejudice.

Solidarity Weekend serves as a time in which Alameda County residents can celebrate and appreciate their diversity and their willingness to join and work together. All religious and educational institutions and social and community organizations have been encouraged to dedicate their activities to furthering the causes of equality and mutual respect among the many diverse and varied communities which make up Alameda County.

Mr. Speaker, I am proud to recognize January 18 to 21, 1991 as "Solidarity Weekend" in Alameda County.

CIVIL LIBERTIES OF ARAB-AMERICANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. BONIOR. Mr. Speaker, past experience has shown that the preparations for war abroad have often led to the straining of civil liberties at home.

It appears that our current crisis in the Middle East may be no exception.

The FBI's decision to begin interviewing Americans of Arab descent is a cause for grave concern. According to today's Washington Post, Arab-American business and community leaders have been called and questioned in a manner that they find both intimidating and humiliating.

In the tense days ahead, we must of course take every precaution to prevent domestic terrorism.

But we must be equally vigilant in our determination to protect the rights of all Americans, to avoid fanning the flames of anti-Arab backlash, and to ensure that no one group is singled out purely because of their ethnic or religious heritage.

PINELANDS ACQUIRES WWOR-TV

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Pinelands, Inc. on its acquiring WWOR-TV.

WWOR-TV programming is directed toward the local audience. The station has a strong record of public service to the New Jersey and Tri-State area. Pinelands is strongly committed to continuing this record of service to the communities in which it operates and will do so by combining on-air resources with off-air activities to make a positive impact.

As part of the A+ for Kids campaign focusing on education, the station has produced 10 original specials aired in prime-time, ongoing new series and an off-air network reaching out to 36,000 teachers in New Jersey. To increase environmental awareness, the station launched a campaign last year named "Help Save the Earth" which continues to focus attention on what individuals can do to improve the world around them.

WWOR-TV has received numerous awards and Emmys for news and public service activities. For its educational efforts, the station became the first broadcaster to be named a "Point of Light" by President Bush.

The management of WWOR-TV has remained through the acquisition. This dynamic team has dedicated the station to serving the community and will continue this proud tradition. Lawrence P. Fraiberg is Pinelands' chairman of the board and chief executive officer and has been active in the television industry from the earliest days. Prior to joining MCA as president of its broadcasting division in 1986, Mr. Fraiberg was president of Westinghouse's Television Station Group and before that president of Metromedia Television. Mr. Fraiberg was honored with a Peabody Award in 1986 for "Lifetime Achievement in the Broadcasting Industry." In 1990, he was the recipient of the Trustees Award from the National Academy of Television Arts and Sciences.

Michael B. Alexander, Pinelands' president and chief operating officer, formerly was executive vice president of MCA Broadcasting, Inc., responsible for operating WWOR-TV and participating in the management of MCA's other media interests. He also serves as WWOR-TV's general manager. From 1984 to 1986, Mr. Alexander was vice president and chief financial officer of USA Network.

Jane Hartley is a member of the board of directors of Pinelands, Inc. She was vice president of marketing with MCA Broadcasting, Inc., when MCA acquired WWOR-TV in April 1987 and was essential to making the station the success it is today.

These dedicated and talented individuals bring energy, enthusiasm and vision to WWOR-TV and will continue this station's strong commitment to the communities it serves.

Mr. Speaker, I am proud to join in paying tribute to Pinelands, Inc. as it continues to provide the invaluable service and truly makes a difference in society. I extend my best wishes to them on this exciting undertaking.

LORRI GORMAN: CITIZEN OF THE YEAR

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mrs. LOWEY of New York. Mr. Speaker, libraries are often overlooked as we discuss the great issues before this House—an oversight that should be corrected. Libraries are essential to a literate, competitive, thinking society. They open the doors of learning and literature to everyone who chooses to enter them. That is why I am so pleased to honor Mrs. Lorri Gorman, who has been named as Pelham, NY's Citizen of the Year for her stalwart and tireless work to establish a townwide library in that community.

Over the past 75 years, Pelham has seen no less than a half dozen efforts to establish a library. They did not lack for dedicated citizens or motivated leadership. Each, however, fell by the wayside. But Lorri Gorman would not be deterred, and at long last, Pelham will soon have a townwide library to call its own.

Mrs. Gorman started the current push 4 years ago, along with Chris Emerson, Mary Collins, and Marilyn Parfet. Since then, the Friends of the Town of Pelham Library has enlisted all of the talents and energies that Pelham has to offer. Lawyers, accountants, architects, engineers, and countless other professionals have given their expertise, and numerous individuals have provided financial support to make the library a reality.

A site has now been acquired for the library—a beautiful spot at the center of the community. The fundraising goal is well on its way to being met. The efforts of Mrs. Gorman and the countless others who shared this vital task will soon come to fruition.

John F. Kennedy once said that, "If this nation is to be wise as well as strong, if we are to achieve our destiny, then we need more new ideas for more wise men reading more good books in more public libraries." Lorri Gorman has helped to achieve that destiny in her own community. I salute her, and all the citizens of Pelham. Their work will enrich minds and spirits for generations to come.

IS IRAQ EVADING THE NUCLEAR POLICE?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. MARKEY. Mr. Speaker, yesterday the Energy and Commerce Committee had a hearing on the energy implications of the Persian Gulf crisis. During that hearing I pointed out that the President had cited Iraq's efforts to obtain a nuclear bomb as one of the primary reasons for going to war, and asked whether Iraq's ability to do so while remaining a signatory to the Nuclear Non-Proliferation Treaty and allowing inspections by the International Atomic Energy Agency [IAEA] on its soil suggested a fundamental flaw in the current international safeguards system. The witness acknowledged the weaknesses in the IAEA safeguards system, which admitting that the Department of Energy had made no specific recommendations to the President on how to rectify this situation by improving domestic and international controls on the proliferation of dangerous nuclear weapons technologies and materials. I would like to call to the attention of my colleagues a very disturbing article which recently appeared in the New York Times which discusses this problem.

[From the New York Times, Dec. 28, 1990]

Is Iraq Evading The Nuclear Police?

[By Paul Leventhal]

WASHINGTON.—In assessing Iraq's nuclear potential, it's a mistake to focus exclusively on the expertise of Iraqi scientists and nuclear industry. Saddam Hussein doesn't need to manufacture the plutonium and enriched uranium essential for the bomb. He could conceivably buy what he needs in a nuclear black market or simply steal it.

He has tried in the past. In 1982, as documented by an Italian magistrate, Iraqi officials tried to buy 75 pounds of French plutonium for $82.5 million from two arms dealers who promised but never produced the material.

Unfortunately, there can be no ironclad assurances that Iraq has not already succeeded in acquiring the nuclear explosives it needs to complete its weapons. Inspections, like the twice yearly visits of the International Atomic Energy Agency, can't tell us anything about Iraq's clandestine activities. At best, they can confirm only that the regime's known supplies of imported nuclear fuel are still where they are supposed to be.

These concerns about Iraq expose the central problem of the global nonproliferation system: permitting the use of bomb-grade plutonium and uranium fuels in civilian nuclear power and research programs. The undetected removal of just a tiny percentage of the tons of plutonium in an industrial state like France, Germany, Belgium or Japan would represent a substantial amount of bomb material.

Plant employees have ample opportunity for such diversions. Large nuclear fuel plants in Europe and Japan extract and process tons of plutonium from spent reactor fuel every year. Because of inherent uncertainties in measuring large flows of plutonium, which is processed in liquid or powder form, officials are forced to estimate. If the amount recovered from the fuel falls within a certain margin of error, it is assumed that all the bomb-grade material has been accounted for.

The I.A.E.A. does not come close to achieving its goal of detecting the loss of one bomb's worth of plutonium—17 pounds—per plant per year. In practice, as much as 600 pounds of weapons-grade material could be diverted from a large plant in a year without being recognized as missing.

Physically removing the bomb material from nuclear plants is feasible. A plant employee could be motivated, whether by extortion, ideology or bribery, to transport the material out of the plant and turn it over to an Iraqi agent. It could be concealed in the low-level wastes that, for economic reasons, are discarded without any monitoring for plutonium.

There are other potential sources of illicit bomb materials. U.S.-supplied bomb-grade uranium is used as fuel in more than 100 research reactors at home and overseas. Also problematic are several experimental facilities, known as critical assemblies, for the designing of nuclear fuels. These use huge amounts of extremely pure, high-grade bomb-grade plutonium and uranium.

Recently, security on 1,100 pounds of U.S.-supplied bomb-grade material at one Japanese facility was found to be so lax that American specialists were called in to develop improvements on a crash basis.

A number of remedial steps should be taken. Extraordinary measures are needed to protect civil nuclear facilities against theft. There should be more frequent I.A.E.A. visits to Iraq—once a week instead of twice a year—to correspond with the minimum time needed to convert the country's known stocks of nuclear fuel into pure uranium for a bomb.

The agency should also exercise its right to conduct special inspections in Iraq to seek out undeclared bomb material or finished weapons. And it should end its policy of keeping the details of its findings secret. Iraq, still a party in good standing to the Nuclear Non-Proliferation Treaty, should be condemned by the other 140 signatories.

Finally, "peaceful", bomb-grade materials must be replaced with alternative fuels that cannot be turned into weapons. This had been a high U.S. priority until the Reagan and Bush Administrations decided that nonproliferation benefits were not worth the political costs of resisting European and Japanese appetites for plutonium and highly enriched uranium. If there is to be any hope that future crises will be spared a nuclear dimension, the White House must reverse this "see-no-evil" policy.

REINTRODUCTION OF BILL TO AMEND FAIR CREDIT REPORTING ACT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. LEHMAN of California. Mr. Speaker, today I have reintroduced my comprehensive bill to amend the current Federal law regulating the consumer credit reporting industry.

I first introduced this bill, the consumer credit protection amendments, during my tenure in the last Congress as chairman of the Subcommittee on Consumer Affairs and Coinage. I was prompted to give credit reporting priority attention early in my chairmanship for several reasons. First, the Federal law regulating credit reporting agencies—the Fair Credit Reporting Act of 1970 (Public Law 91–508)—had existed essentially without review or amendment for over 20 years, a fact which seemed quite extraordinary considering the enormous advances in computer capabilities and information sharing during that period. Second, I was hearing more and more stories of people involved in credit reporting problems. Many of these people were unaware of the rights already guaranteed them by the Federal law, or if they did know and understand their rights, they were experiencing real difficulties in exercising them. Many had found significant inaccuracies in reports about them and were running into real problems getting credit or even employment as a result.

HEARINGS ON CONSUMER CREDIT REPORTING IN THE 101ST CONGRESS

While I served as chairman of the Subcommittee on Consumer Affairs and Coinage during the last Congress, the subcommittee held two hearings on consumer credit reporting. The first hearing was held September 13, 1989—Serial No. 101–50—and was in the nature of an oversight hearing on the Fair Credit Reporting Act.

Subsequent to the September hearing, three bills to amend the FCRA were introduced, including the comprehensive bill I introduced, H.R. 4213. The bill was drafted to reflect some of the many excellent suggestions for reform of the current law that had been presented to the subcommittee at the September hearing. On June 12, 1990, the subcommittee held a hearing to review those bills—Serial No. 101–132. Quite a few suggestions were made at the hearing and in the written statements with regard to both technical and substantive improvements to the bill.

I have reintroduced my bill without incorporating those suggestions in deference to what will be the new membership of the Subcommittee on Consumer Affairs and Coinage and the importance of their review of the relevant issues. Hopefully, the bill I have introduced today can serve as a foundation for future review of the law. Without question, many of the suggestions for additional measures or changes to the bill merit close consideration and I hope that the subcommittee will consider them all carefully. I continue to regard this as an extremely important issue on which our attention is long overdue. The tremendous outpouring of support for our efforts last year was clear proof to me of the impact of credit reporting practices on the lives of Americans today.

OVERVIEW OF BILL

I will briefly run through the provisions in my bill. The bill would:

Give consumers the right to inspect all the information in their reporting agency files;

Require reporting agencies and users of reports to furnish a summary of rights and remedies to the consumer along with any FCRA-required disclosure;

Require reporting agencies to investigate inaccuracies in consumer reports and correct them within 30 days of the consumer's request to do so in most circumstances;

Require reporting agencies to send the consumer a written notice when they have finished an investigation so that the consumer will know the outcome;

Require persons who furnish information to reporting agencies—creditors and others—to establish procedures to assure the maximum possible accuracy of the information they furnish, and to alert consumers to the fact that they furnish information about their customers to reporting agencies;

Give consumers the right to one free copy of their report once a year if they ask for it; and

Prohibit reporting agencies from using consumer reports to develop lists for prescreening purpose unless the consumer has been given a chance to tell the reporting agency not to use their file for such purpose.

The bill also includes a second title that incorporates the Credit Repair Organizations Act introduced by my colleague, Mr. ANNUNZIO of Illinois. That portion of my bill would establish certain guidelines for the operations of credit repair clinics, requiring them to provide disclosures to consumers about fees and services and prohibiting them from certain practices, such as making misleading statements about the services they can perform for the consumer.

BALANCED BUDGET AMENDMENT A USEFUL TOOL

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. CHANDLER. Mr. Speaker, the budget process last year was extremely frustrating. The job of developing a fair and rational plan proved to be a nearly impossible task. Ultimately, we were able to pass a budget package which included some real deficit reduction.

Few people will be totally satisfied with every aspect of the final package; I know I am not. I would have preferred a budget that relied on fewer tax increases and greater spending cuts. However, election-year politics made this virtually impossible.

In the 102d Congress, several of my colleagues and I will be trying to gain support for a balanced-budget amendment to the Constitution. We believe this would be a useful tool to force Congress and the President to make tough choices to help eliminate the budget deficit.

Listed below are the names of over 200 of my constituents who have asked me to make public their support for a balanced-budget amendment to the Constitution:

Valois Akers, Margaret Alcorn, W.E. and Dail Anderson, Manson Backus, Carroll and Pearl Bagley, Richard Becker, Kay Bell, Leland and Muriel Biermann, Clyde and Emily Bovee, Thomas and Marie Bowie, Mary Sandra Boyd, Douglas and Alyce Brandner, Clement and Alice Brewer.

John C. Brown, Josephine Burr, Audrey and Allen Carter, Michael Chandler, Kathy Cochran, W.A. and Sharon Cochran, Norman and Wanda Collins, William E. Condell, Jack L. Cooper, Gloria M. Coty, Craig A. Coty, Eunice B. Cummings, Eunice B. Cummings.

Milton Curtis, Patrick J. Dadosio, T. Dayton Davies, John Davis, Dale and Reinada Drain, Eleanor Dye, Marvin and Martha Eisenbach, J.V. and Ellen Eliot, Edwin P. and Alice Evans, Robert and Mildred Ewing, A. Fischer, G.W. Frampton, Michael and Dana Freeland.

Harold A. Frethiem, Howard Fultz, William and Elizabeth Galloway, Raymond Garrett, Ruth Godley, Steven M. Goldberg, Dolores Gorham, Glenna Griffith, Richard Grillo, Phyllis Guldseth, Paul and Galia Haggard, Mr. and Mrs. Richard Hammond, Clayton and Mabel Hanson.

George and Dorothy Hanson, Robert Harper, Norman and Verone Heinsen, Mr. R.H. Hendrickson, Norma E. Herrick, Laurence R. Hilden, Robert W. Hoffman, Robert W. Hoffman, G.N. Holter, Gene G. Hopp, Arthur and Helen Anne Hoppe, Lucy Housner, W.E. Hubbard.

Charles Hutchens, Michael and Linda Imhoff, George and Eunice Irvine, James C. Isom, Howard and Alta Jackson, F.L. and Lyndell Jacobs, Lynda Jenkins, B. Jenson, Maurice and Margaret Keating, Brian and Betty Jane Kirkpatrick, W. Kleiner, Phyllis L. Knick, Mr. and Mrs. Gary H. Knutson.

Annette Langille, Clarence Linscott, James and Anne Luckman, Elizabeth MacKillop, Joseph and Marie Marci, Karl and June Martinson, Robert May, Betty Mayes, James and Vivian McClellan, C. Lynn McGill, Leroy and Jean Anne McVay, George and Florence Metcalf, Keith D. Miller.

Egon Molbak, H.C. and Roseann Munson, Jesse Myers, Michael G. Nelson, Paul Nitardy, John and Ilene Nitardy, Charles and Virginia Nomellini, Rodney Norris, Michael Nykreim, Barbara J. and Roland Orle, Janet Osborn, Chas and Evelyn Partridge, Thea J. Pettit.

Blaine Powell, Phil Prigge, Ralph and Elizabeth Queal, David and Nancy Raymond, Edward and Carole Rich, Robert and Jean Rutherford, Stanley and Stephanie Sankey, Sarah Schaper, William and Patricia Schaumberg, Leonard Schroeter, Robert Setzer, Walter Shields, Ronald Sickles.

Ronald and Dolores Sickles, Julia Stickles, Charles E. Skinner, Marjorie and Kazimer Skubi, William C. Slater, Harriette G. Smith, C. Coburn Smith, Desmond Francis Smith, Richard and Jan Stout, Sidney and Virginia Svendsen, Vivienne J. Templeton, Larry and Mary Ellen Thien, Susan Tucker.

Clark T. Turner, Leonard Vandenacre, Rosalea Vanek, Alice M. Vlasick, Lillie Wagner, Agnes Wallington, Harry Wampler, Harbert Ward, Jeffrey Webbar, Hazel Weyerman, Bruce A. Whippo, John Whitaker, Belleville and Judith Whitehead.

Belleville Whitehead III, Peter and Priscilla Wiedemann, Betty and Cal Wilson, Lyly and Dorothy Wood, John and Sara Yerkes, Renee Zeiger, Raymond and Shirley Zipp.

I will be working hard to move a balanced-budget amendment through the legislative process and I am hopeful that the 102d Congress will approve such a measure.

THE PLIGHT OF THE BALTIC PEOPLES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. LIPINSKI. Mr. Speaker, at a time when the eyes of the Congress and indeed the world are focused intently upon the present volatile situation in the Middle East, I ask my fellow Members to take note of another crisis, another situation where human lives are at stake, a situation where the basic human rights of freedom and equal justice are being ignored.

I call your attention to those independent peoples who live in the region known as the Baltic Republics—Estonia, Latvia, and Lithuania. These independent states have been brutally invaded by the Army of the Soviet Union. This week, 10,000 crack paratroops invaded these three Baltic Republics at the direction of the leadership in Moscow. This act was perpetrated without any provocation on the part of the Baltic governments, or their people. The immediate goal of this invasion was to arrest and confine the significantly large number of Baltic youths who have refused to be conscripted into Soviet military service. These courageous young men have always known that being a Latvian, Estonian, or Lithuanian is not the same as being a Soviet. History has taught them that lesson.

In 1939, the Molotov-Ribbentrop Pact between Adolph Hitler and Joseph Stalin allowed the Soviet Union to unjustly occupy these previously free states. Stalin took this opportunity to extend his brutal regime by sending in tanks and infantry to instill "order." For 50 years, the Baltic States have been engaged in a struggle against a systematic russification process that has denied them the freedom and economic independence they enjoyed after World War I. The events of this week illustrate that this fight continues to be waged.

Mr. Speaker, the world is no longer divided along East-West lines. The peoples of these smaller countries with economies ravaged by over 45 years of communism need a clear example from the United States about how to chart their futures. It is clear that the Union of Soviet Socialist Republics is going through a difficult and tumultuous period of change. I commend the past efforts of Mr. Gorbachev, but in regards to the Baltic States he is acting more like a dictator than a recent recipient of the Nobel Peace Prize. He continues to rely upon the military and its policy of subjecting independent peoples to violence and persecution. It is more than obvious that Mr. Gorbachev is succumbing to the Soviet impulse to control the needs and desires of its citizenry by using military force and violence. Using our own system as the example, it is the responsibility of this Congress to clearly state, "This is deplorable and will not be accepted."

Now is the time to send a message to President Bush requesting that he convey to President Gorbachev our position on this issue. Although there are other areas of the world that give concern to the American people, the injustices committed in the Baltic states should remain uppermost in our minds. I strongly urge my colleagues to speak their minds on this issue, if only to assure Lithuanians, Latvians, and Estonians everywhere that the eyes of the most democratic nation on Earth are indeed focused on their plight.

MEET SADDAM HUSSEIN'S AGGRESSION NOW OR PAY FOR IT LATER

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. BEREUTER. Mr. Speaker, not many weekly newspapers in small-town America are editorially active on international affairs. The Dodge Criterion of Dodge, NE, is obviously exceptional. This Member invites his colleagues' attention to the following signed prescient editorial by Mr. Ken Kauffold in the January 10, 1991, edition of that newspaper. Following that editorial this Member has also included for his colleagues' attention an outstanding editorial of the same date from the newspaper at the other end of the scale, the Omaha World-Herald, which is the largest newspaper in the State of Nebraska from its largest city.

[From the Dodge Criterion, Jan. 10, 1991]

"OUT OF THE KAUFFE KEN"

(By Ken Kauffold)

Dodge along with the rest of the world is anxiously awaiting the outcome of the crisis in the Persian Gulf before the U.N. backed January 15th deadline. Those are our sons and daughters over there in Saudi Arabia awaiting the order (if it comes) to advance on the Iraq invaders in Kuwait. Hussein says he will never give up Kuwait. He says it is all part of Iraq anyway. The tiny Arab government had no large army with which to keep Iraq and Hussein from taking over. Thus the U.S. and United Nations majority oppose what has happened to Kuwait. It we do not, will Hussein seek to advance his empire in other surrounding countries? Saddam Hussein has said that if he is opposed in the Kuwait takeover he will attack Israel. This effort will be seen by experts as a try to get Arabs everywhere united against the Jewish Nation. If the U.S. and U.N. do not follow through with promises to oust Hussein from Kuwait, then Iraq will literally dictate the price of oil for the next decade and more importantly most Arab foreign policy.

Former Secretary of State Schulze said that Saddam Hussein should also be punished for his war crimes against Kuwait and the many people who not only lost their businesses, but their lives in the takeover. Present Secretary of State James A. Baker III is meeting with Tarik Aziz, the Iraq Foreign Minister in Geneva. There are those who fear whether peace can actually be put to rest when tanks rumble in the area. Even if Iraq pulls out of Kuwait by the deadline, will all of the U.N. requests be met? Will we really see peace? That will bring into focus a whole new set of questions. Will Hussein be content to stay home with his million man ready army? Perhaps not—We must take a stand now—or we surely will pay dearly for it later.

[From the Omaha World-Herald, Jan. 10, 1991]

PRESIDENT NEEDS SUPPORT AS THE WAR CLOUDS GATHER

The Persian Gulf crisis is a nightmare. Hopes that war may be avoided dwindled Wednesday when Iraqi Foreign Minister Tariq Aziz, in talks with Secretary of State James Baker, refused to commit Iraq to a withdrawal from conquered Kuwait. He even refused to acknowledge that the rape of Kuwait had occurred.

Thus Americans will go about their business today with the chilling thought that U.S. forces may be ordered into battle in the very near future. Hearts go out to the men and women in the desert and to the families of people serving in the armed forces. Prayers are offered for the safety of Americans overseas.

Few Americans welcome the prospect of armed conflict. War is tragic even when the cause is just and the national interest clearly defined, which some Americans don't feel is the case in the Persian Gulf. War means terror and suffering for individuals, separation and loss for families, political stress and expense for nations.

War changes societies, not always for the better. It has social, political and economic consequences that can seldom be foreseen or controlled.

War must consequently be a last resort. So long as America has any way to avoid a large-scale land war in the Iraqi desert, the nation's leaders should pursue it.

This isn't to suggest that the time has come for the United States to concede Kuwait to Saddam Hussein. Fair-minded people should hope that day will never come.

Nor do we mean to suggest that the West should reward the Iraqi president with one of the concessions he demands—a regional conference that would make him a hero in the eyes of Israel-haters throughout the Muslim world.

To capitulate to Hussein now would be to accommodate a man who some Middle East experts have called a skilled brinksman, a man who may believe he can have his way by winning a battle of nerves with George Bush.

The United Nations deadline for Iraqi forces to leave Kuwait is five days away. Other diplomatic efforts were under discussion almost as soon as the Baker-Aziz talks ended. Nothing prevents an extension of the diplomatic efforts even if Tuesday passes with Iraqi still in Kuwait.

In other words, despite the grim, almost sad, mood of Baker's press conference Wednesday, time has not run out. Bush still has room to use his preparations for war as a tool to bring about a peaceful, honorable solution. He is more likely to succeed if he has the support of Congress and the American people.

THE MICHIGAN SCENIC RIVERS ACT OF 1991

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. KILDEE. Mr. Speaker, today I am once again introducing the Michigan Scenic Rivers Act of 1991, legislation to permanently protect several free-flowing rivers in the State of Michigan from possible degradation. This legislation overwhelmingly passed the House of Representatives last year, but the U.S. Senate was unable to consider this bill before it adjourned sine die.

Mr. Speaker, in 1968 the Congress enacted the National Wild and Scenic Rivers Act to provide a mechanism by which the Federal Government can protect free-flowing rivers. In establishing this program, the Congress believed that so many rivers in our Nation have been lost by dams, channels and over-development, that some outstandingly remarkable rivers should be preserved.

The legislation I am introducing will designate 15 rivers, covering 554 miles, as part of the National Wild and Scenic Rivers Program. These rivers are all within the boundaries of the Hiawatha National Forest, the Huron-Manistee National Forest, and the Ottawa National Forest. In addition, nine other river segments, including some rivers on State land, will be studied for inclusion in the National Wild and Scenic Rivers Program.

The State of Michigan is fortunate to be located around the Great Lakes, home to nearly 95 percent of our Nation's fresh water supply. By protecting these rivers, which feed into the Great Lakes, this bill ensures that our water resources will be protected and will continue to be the backbone of our State's economic future. The Michigan Scenic Rivers Act of 1991 is supported by major environmental groups, including the Michigan United Conservation Clubs, American Rivers, Trout Unlimited, National Wildlife Federation, National Parks and Conservation Association, and the Sierra Club.

Mr. Speaker, there has been a tremendous amount of misinformation concerning the Michigan Scenic Rivers Act of 1991 and the National Wild and Scenic Rivers Act. I would like to take this opportunity to set the record straight on a number of issues that have been misrepresented by opponents of this bill.

First, it is a common myth that the Michigan Scenic Rivers Act of 1991 will give the U.S. Forest Service greater condemnation authority, and will place restrictions on private landowner's property. Actually, without the passage of the Michigan Scenic Rivers Act of 1991, the U.S. Forest Service would have virtual unlimited authority to acquire all private lands within the boundary of Michigan three national forests through purchase, exchange or condemnation. The Michigan Scenic Rivers Act of 1991 places restrictions on these acquisition authorities. Under the National Wild and Scenic Rivers Act, if 50 percent of the lands within a designated river corridor are publicly owned, then condemnation in fee title is prohibited. All of the rivers to be designated under this bill have more than 50 percent public ownership, thus restricting the condemnation authority of the U.S. Forest Service.

And while the U.S. Forest Service does have the right to condemn a scenic easement, it rarely uses that authority. Scenic easements are used to prevent an adverse development, and they allow the property owner to keep title to the land to continue to use it, they allow the owner to also sell the land, or pass it on to their heirs. However, it must be understood that the U.S. Forest Service currently has the authority to condemn scenic easements, but this procedure is rarely used. As a matter of fact, of the 853,000 acres of land designated under the National Wild and Scenic Rivers Act and managed by the U.S. Forest Service, only one-half of 1 percent of the scenic easements were condemned.

Second, this legislation will not grant additional acquisition or zoning authorities to the U.S. Forest Service. In fact, the Michigan Scenic Rivers Act restricts the ability of the U.S. Forest Service to acquire land. As I mentioned earlier, the U.S. Forest Service currently has unlimited acquisition authority for lands inside the boundaries of every national forest. However, the original National Wild and Scenic Rivers Act prohibits the U.S. Forest Service from acquiring more than an average of 100 acres per mile on both sides of the river. It should also be understood zoning decisions concerning the construction of a house, an addition to one's home, or the painting of one's house, are all made by State and local zoning authorities. The fact is the U.S. Forest Service has no zoning authority. This bill calls for the development of a management plan which will act as a guide for activities within the designated corridors. Once this plan has been implemented, with local government involvement, the Federal Government is barred from purchasing land or easements from unwilling sellers.

Most importantly, in our own State of Michigan, two rivers have already been designated as part of the National Rivers System, the Pere Marquette in 1978, and the Au Sable in 1984. The Pere Marquetee has 66 percent private ownership along its designated corridor, more private land than any other river in this legislation. This is significant because the large amount of private land allows the Forest Service unlimited condemnation authority. Yet, over this 12 year period, the Forest Service has not done one condemnation of any kind. Not one! The Au Sable River is significantly less developed than the Pere Marquette, and has similar features to those rivers in the Upper Peninsula, yet there has not been one condemnation on that river either. Not one!

Also, the National Wild and Scenic River Act does not prohibit the building of new homes within the corridor. On the designated Upper Delaware River, hundreds of new homes have been built within the river corridor. With nearly 500 landowners along the Au Sable and Pere Marquette Rivers, several new homes have been built, and people have painted their houses.

Third, I believe that timber harvesting on national forest lands is an important part of the multiple-use philosophy on our national forests. In fact, the Michigan Scenic Rivers Act of 1991 would actually assist the timber industry in Michigan. At this time, all of the river corridors in this bill are essentially being managed as wilderness areas until the U.S. Congress designates these rivers, or the rivers are fully studied by the U.S. Forest Service, a process which could take a number of years. By approving this legislation, the timber industry would be able to harvest timber on nearly 90 percent of the lands in this bill. Thus, as a result of this bill, they would actually be able to cut more timber than under current law.

Fourth, National Wild and Scenic River designation does not have a negative impact on local land values. On the contrary, several studies have shown that land values have actually increased in river corridors that have received Federal wild and scenic river designation.

For example, the New River in rural North Carolina was included in the National Rivers System in 1976 as a result of a proposed hydroelectric project that would have inundated 40,000 acres of mostly private lands. Before the river was designated, the average cost of land was $250 per acre. After designation, however, the local realty interests treated the designation as a windfall and began to promote the area for second home development. Now there are examples of tracts of land being sold along the river corridor for $10,000 per acre for second home development. On the Upper Delaware National Scenic River, land values along the river corridor doubled from the designation year 1978 to 1986, while in nearby areas outside the Delaware Valley land values barely increased at all.

Further, on the Rogue River in Oregon, land values inside the designated corridor increased at a modest rate, while land values outside the river corridor actually declined.

During a field hearing on this legislation on July 14, 1991, I asked opponents of this legislation to document cases where land values have actually declined after a river has been designated. At this time, not one case has been submitted to my office. Clearly, the facts show that Federal designation will have a positive effect on land values.

Mr. Speaker, the Michigan Scenic Rivers Act of 1991 is an important piece of environmental legislation. The enactment of this bill will double the number of rivers in the National Wild and Scenic River System east of the Mississippi River. I strongly urge my colleagues to support this legislation when it is considered by the full House of Representatives.

LEMON SPRINGS UNITED METHODIST CHURCH: PRIDE IN OUR PAST

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. LANCASTER. Mr. Speaker, I rise today to pay homage to a great landmark in my District in North Carolina. Lemon Springs United Methodist Church was founded in 1890 as Midway Church. On November 6, 1890, Midway Church was organized with 24 members. The name Midway was chosen because it was midway between Raleigh and Hamlet, North Carolina. Later the name was changed to Lemon Springs to honor the mineral springs located on the Lemon property approximately 3 miles west of the church on the Carthage (U.S. 15-501).

Talk of a new church building was started in 1920. In March of 1924 a crowd gathered and tore down the old church building. Some of the materials were used in the new building. Francis Willett, one of the church members, remembers a special service on August 2, 1924 when the cornerstone was set. He says Mr. Argus Upchurch, a local mason, brought a bucket of cement and trowel and sealed the stone as Francis stood on the church porch watching.

Rosa and Mattie Smith more recently left a portion of their estate to the church. Through their generosity many improvements have been made. These include an outdoor pavilion, complete with picnic tables, and the paving of the parking lot. Another addition that has been made is the gazebo the Methodist men have built near the front of the cemetery. These are but two examples of how the congregation as a whole and individual members have made this one of the outstanding churches in the area.

On the evening of May 2, 1990 a tornado roared through Lemon Springs, uprooting many of the old oaks around the church building and in the parsonage yard. The church building also needed repairs as a result of the storm. A portion of the parsonage roof was destroyed when an Oak tree fell through the roof. Many trees are gone, many homes were damaged or destroyed, but only one person was injured.

The church continues to recover from this horrible event. Nevertheless, as it has in the past, Lemon Springs United Methodist has shown strength in times of adversity and grown even stronger.

I am honored to be able to pay tribute to such an outstanding keeper of the faith on the occasion of its centennial. With outstanding clergy and lay leadership and with a devoted and hard working membership, I am confident that God will continue to richly bless Lemon Springs United Methodist Church in its second century.

TRIBUTE TO MAX ROSSI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. FAZIO. Mr. Speaker, I would like to take this opportunity to honor Mr. Max Rossi, as a longtime friend of mine, who is retiring from the county of Solano after 23 years of service.

Mr. Rossi has been a dedicated servant to the community as assistant assessor of Solano County serving assessors Ellard Williams, Gordon Gojkovich, and current assessor Robert Blechschmidt. He also previously served the county as supervising auditor-appraiser. Max has made a significant contribution through his efforts to establish the first automated assessment system. Further, in 1980, Max has been credited with playing an instrumental role in the development of the computerized integrated property system.

Max's career as a public servant is complimented by his exemplary service as a leader in the community. Max was president of the Fairfield-Suisun Chamber of Commerce, and he was deservedly recognized for his dedication and hard work when, in 1976, the chamber named him man of the year. Max has also exhibited leadership by serving as a fundraiser for the Napa-Solano United Crusade and, in 1988, as president of the Sons of Italy. Max was also a member and president of the board of trustees for Solano Community College for 15 years—one of his most notable roles—which is indicative of his dedication to improving community education. In addition, Max was instrumental in insuring that the YMCA locate in the Fairfield-Suisun area. And, his dedication to the community continues to this day as he is chairman of the North Bay Health Care Foundation.

Mr. Speaker, Max has excelled as a community leader and has taken great pride in his job as assistant assessor. I wish him luck in all his future endeavors and congratulate him on all his past achievements.

ONCE AGAIN, THE BUREAUCRACY RECEIVES A FAILING GRADE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an article which recently appeared in the Atlanta Journal entitled "Engineer's math not good enough for high school."

Mr. Ira Joseph, who has his degree in aerospace engineering and 78 credits of college math from two very distinguished universities, was recently forced out of his teaching job in a Henry County, Georgia school. State officials said he's not qualified to teach high school on a full-time basis.

For many years we have heard that there is a severe shortage of math teachers in America. Henry County, Georgia was fortunate to have a teacher, such as Mr. Joseph, who was eager to teach and, according to both the students and principal at the school, was very effective.

I hope that after reading this article, each of my colleagues is challenged to devote some serious thought on what we can do to improve the quality of education in America.

ENGINEER'S MATH NOT GOOD ENOUGH FOR HIGH SCHOOL

(By Betsy White)

Trained as an aeronautical engineer, Ira Joseph decided at age 50 to teach math instead.

For the principal who hired him and the students who studied with him. It was a dream come true. Despite a well-publicized shortage of qualified math teachers, they'd found one who knew math inside out and was eager to teach at their school.

But for Mr. Joseph, it soon turned into a nightmare.

The state declared he wasn't qualified to teach high school math and forced Henry County school officials to fire him.

For a man who earned 78 credits of college math at West Point and Virginia Tech and took such math-laden engineering courses as fluid mechanics and principles of aerodynamics, that was hard to swallow.

"An engineer should certainly be able to teach high school math," he said. "Believe me, I'm not going to have any troubles with algebra or geometry."

Caro Feagin, Georgia's associate director of certification, said she can understand his frustrations but can't solve them.

The problem, she said, is that Mr. Joseph took most of his math courses as a college freshman and sophomore, then took engineering classes in his junior and senior years. Georgia requires would-be math teachers to take six math classes beyond the sophomore level.

"My heart goes out to him," she said. "If I had all this math, I would know I could teach. * * * I have no problem wanting him in the classroom.

"But he hasn't had the upperdivision math courses," she said. "And right now in Georgia, that's what you need to teach math."

Mr. Joseph would have to take at least three more upperlevel math courses, Mrs. Feagin said. Then he could start teaching on a temporary license while taking education courses on the side.

The rules that require him to take more math probably should be changed, she conceded. An advisory committee already has recommended giving would be math teachers some credit for studying math via physics and engineering courses.

But it will be months before that proposal, and similar plans to ease rigid requirements in English and science, come before the state Board of Education, which has final say over certification rules.

That would be too late for Mr. Joseph, who's already lost his job. He still is fighting the state's ruling in his case, and his students say they hope he wins.

"I think he should be able to stay," said Tanaka Carter, 16, a student in a Stockbridge High School geometry course where Mr. Joseph substitute-taught last week. "He seems to have no problems teaching math, and he explains things a whole lot better than some of them that I've had."

A VETERAN TALKS FOR THE FLAG

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. SMITH of New Jersey. Mr. Speaker, today I would like to call to your attention a poem written by Mr. Aldo Capotosti, the New Jersey department commander of the Italian American War Veterans of the United States and a veteran of World War II. The poem personifies the symbol that we, as Americans, will look to in these times of turmoil—our American flag.

Mr. Capotosti expresses the feelings of many of our Nation's veterans concerning the symbol that has sustained through wars and conflicts around the world.

Mr. Speaker, I would like to present Mr. Capotosti's work. I hope that all who read it will remember to look to our flag as a symbol of strength during this time of uneasiness.

A VETERAN TALKS FOR THE FLAG

Am I not the symbol of your Country?
You veterans of all wars have protected me from aggression.
From the early wars, when my field had only thirteen stars, to the present time with my field of fifty stars.
So now that my field of stars is complete—why do you, my protectors, veterans of all wars, let them tread on me, disgrace me and above all allow them to burn me.
I have been in many battles with you, and you held me high above all other flags.
I still fly over your capital above all others. Again I ask you, why do you let them burn me?
They say that they express themselves by burning me. I say to them—you can talk, I can not, so express yourself with words.
On Iwo Jima, you died to raise me on the mountain top. I am still your symbol and will always fly over your Capital—protect me.
Now again I say to you my subjects—defend me like you did in battle.
When one kills our national bird, the bald Eagle, that person is reprimanded—why can't I have the same respect?
I will always be your flag, therefore I say again, protect me.
God Bless America.

TRIBUTE TO JUDGE THOMAS S. DELAY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. MCEWEN. Mr. Speaker, as public servants, we as Members of Congress, have the frequent opportunity to meet and work with scores of dedicated individuals who play a critical role in the functions of the communities in our home States. They faithfully execute the responsibilities for making, interpreting and enforcing the law at the local and statewide level.

Occasionally, among those many devoted State and local officials, we find an individual of such unusual distinction and accomplishment that his work requires special notice. That is my purpose in rising today.

It is with great pride and pleasure that I ask you to join me in recognizing Judge Thomas S. Delay on the occasion of his retirement from the Jackson County Common Pleas Court. Upon becoming acquainted with Judge Delay's distinguished career, I am confident that my colleagues will be anxious to join the citizens of Jackson County along with Judge Delay's family and friends in saluting his contributions to the legal profession and the bench, which he served with utmost integrity and honesty.

Mr. Speaker, Judge Delay began his distinguished career in the legal profession following the receipt of his Juris Doctor degree from the University of Cincinnati Law School in 1952. He served in both private practice and as a Jackson County prosecuting attorney before assuming the post of judge in the Probate-Juvenile Division of the Jackson County Common Pleas Court. In all of his endeavors he was known by all as a just and responsible public servant who consistently demonstrated a deep faith in, and dedication to, the principles of American jurisprudence.

While dutifully performing his roles in our judicial system, Judge Delay also served as an active member of the Jackson County and Ohio State Bar Associations, the Ohio Prosecuting Attorneys Association, and the National District Attorneys Association. He brought to the bench, and to each of these organizations, dignity, and determination tempered with wisdom and understanding.

Mr. Speaker, Jackson County, OH, has been fortunate, very fortunate, to enjoy the dedicated service of Judge Thomas S. Delay. He has earned the gratitude and respect of all whom he served. I urge my colleagues to join me today in commending Judge Delay for his years of honorable service as an exemplary member of the Ohio Bar and at the bench of the Jackson County Common Pleas Court.

NEBRASKA EDITORIAL REGARDING THE VETO OF THE CIVIL RIGHTS ACT OF 1990

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. BEREUTER. Mr. Speaker, at the end of the session of the 101st Congress, an interesting editorial was published in the Norfolk Daily News on October 29, 1990, applauding President Bush's veto of the Civil Rights Act of 1990. This Member wanted to provide it today for my colleagues' information. This issue is relevant since it seems nearly certain to be revisited by the 102d Congress.

[From the Norfolk (VA) Daily News, Oct. 29, 1990]

COURAGE IN THE VETO

President Bush and 34 members of the U.S. Senate exhibited courage in spite of a massive publicity campaign by those who claim to be the only authentic promoters of civil rights. Mr. Bush vetoed what was described as the "major civil rights legislation of 1990." The 34 senators were those who upheld that veto—all Republicans. By one vote, that was sufficient to sustain the veto and kill the bill for this term.

Mr. Bush has an alternative measure which does not contain the flaws of the defeated bill. His would eliminate forced quota systems as a legitimate device to deal with discrimination and also keep in place in the civil rights field the traditional American concept of justice. That is, those who claim to be victims of discrimination in the job market, or anywhere else it is illegal, should be compelled to prove the claim rather than have those charged with the crime prove their innocence.

Aside from its promotion of quota systems, that presumption of guilt on the part of employers charged with discrimination was the major flaw in the 1990 civil rights bill. The burden of proving no discrimination was wrongly placed on defendants in such suits, not the parties bringing the suit.

Those who identify themselves as the civil rights movement's true believers think the Supreme Court has erred in recent rulings which do not recognize an individual's inherent "right" to special advantage or treatment because of minority status (or majority status, in the case of women).

Their basic problem is that they want to overrule the "equal rights" provisions of the Constitution, to make it clear that discrimination to right old wrongs is justified even though unequal treatment results. Legislators and the courts have gone along with this to an extent that finds affirmative action programs in place to overcome old discriminatory patterns and to assist some people but not others—whether on the basis of race, disability or other disadvantaged status.

There is little protest about this where the needs are clear. But such needs cannot be proven to apply to entire groups of people, only to individuals. Some people need and deserve special help. Government has been helpful in providing it; private agencies might do even more were it not for all the laws and regulations about "equal opportunity" which force any employer to fear the long arm of the law and the regulators at each step.

Congress could serve the civil rights movement best by refusing to create more complications for employers and educational institutions, either large or small. There are enough. The American education and economic systems must be free to create more opportunities, and to do it without Uncle Sam's heavy hand guiding every move. Above all, politicians must remember they can provide no special privileges or benefits for anyone without, in some way, discriminating against others.

MASS TRANSIT AN INVESTMENT IN THE FUTURE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 10, 1991

Mr. GALLO. Mr. Speaker, today I rise to reintroduce a bill that will encourage employers to create a realistic employee incentive which will convince more commuters to take mass transit. The benefits of this legislation include energy conservation, easing traffic, and congestion, and most importantly will allow all of us to breathe a little easier.

Early in 1990, I first introduced this bill because clean air and traffic congestion gratified long support for this idea from the port authority, the New Jersey Department of Transportation, and numerous ride-sharing organizations. This year I introduce my bill with even more conviction that in the past. Given the current situation and uncertainty in the Persian Gulf it has become especially important for the United States to have a national energy strategy to address our energy concerns.

My bill provides a monthly tax incentive up to $75 a month for employers to encourage their employees to either use mass transit, including ferries, organized van pools as alternatives to single occupant vehicle commuting, and most other modes of mass transit.

Current Federal policies create disincentives for mass transit use and van pooling. The time has come to level the playing field so that commuters will have realistic alternatives. I am confident that any costs associated with my bill can be offset by energy savings and increased compliance with new clean air requirements.

In spite of some resistance by the Ways and Means Committee during the 101st Congress, I believe this is an idea whose time has come. This year I am pleased to learn that Representative FRANK GUARINI, who is a member of the committee, has chosen to join the fight for affordable mass transit in the 102d Congress.

In addition, as a member of the Republican Energy Task Force appointed to offer constructive proposals toward a comprehensive energy policy, I am working with my colleagues to include my initiative in the final proposal.

This is a free-enterprise solution to several problems that does not rely on overregulation and subsidies. It is also a way of promoting greater energy independence, and increasing ridership on mass transit which, in turn, helps to keep fares low and to provide money for service improvements.

Mass transit represents a necessary investment in the future of our Nation. Continued economic development and continued improvement in the quality of our lives will not be possible without it.

HOUSE OF REPRESENTATIVES—*Friday, January 11, 1991*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Create in us new hearts, O God, and put a new and right spirit within us. As these words of the Psalms remind, we pray for hearts open to the leading of Your spirit and eager to walk the paths of peace. We earnestly pray for ourselves and every person that we will experience the harmony and understanding that is our hope.

We remember in our prayers those citizens who stand watch in distant places and the work of every peacemaker. On this special day may each person of every perspective join in prayer and supplication for peace that Your will may be done on Earth as it is in Heaven. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from California [Mr. MOORHEAD] will please come forward and lead the House in the Pledge of Allegiance.

Mr. MOORHEAD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE SITUATION IN THE MIDDLE EAST

The SPEAKER. The unfinished business is the remaining general debate on the subject of the situation in the Middle East.

The gentleman from Missouri [Mr. GEPHARDT] has 3 hours and 56 minutes remaining in general debate and the gentleman from Illinois [Mr. MICHEL] has 4 hours and 51 minutes remaining in general debate.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, at this point in the debate it would be well, I think, that we look at the three resolutions that are before us and what they signify with regard to this particular discussion we are having today. Maybe I should go back a little bit in recent history and say that last year, in September and October, there was a mounting feeling throughout the country that the President did not wish to have Congress take action in this field of going to war.

There are those of us who have been to law school, and those of us who took the oath the other day to uphold the Constitution, who feel like we would be abridging or setting aside the Constitution of the United States if we did not comply with the essence of that document where it says that the Congress and not the President would be the people to put our country to war if we were to go to war.

That was very important to our forefathers, who drafted the Constitution. They debated it at some length. They came up with the language that Congress alone should be able to declare war. But behind that there was a discussion in the drafting of the Constitution which showed clearly that they did want to have some exceptions to that, exceptions, however, only in the field of defensive war. They felt the President should be able to bring the troops in to handle a defensive situation, but not an offensive situation.

That was very, very important to our ancestors, and it is important to us today, because it makes it more difficult to go to war. It should be more difficult to go to war.

In history abroad, just prior to the founding of our country, there were many instances of where a king, an emperor, a tyrant of one kind or another, would set about to put his country to war, usually for personal reasons of his own, to strengthen his own hand on the government or something like that. So our Constitution specifically provides that that type of power as far as aggressive offensive war shall be in the hands of Congress, and not in the hands of the President.

With that in mind, on October 6, I wrote the President of the United States and said to him some of the things being said now and implying that the country is about to go to war without action by Congress and that would be unconstitutional. We ought to have action by Congress.

The President in a way has conceded that, because he has now written to Congress and urged that they do take action in this field. That, in a way, complies with the Constitution of the United States.

If you pass the resolution which he sent up here for Congress to pass, although it does not make any observation about the constitutional provision, nevertheless it does ask Congress to act in this field, and that is what we should do.

So the resolution which I introduced on October 19 of last year is a resolution which calls for the recognition of that part of the Constitution and calls for no action on the part of the executive government as far as going to an offensive war is concerned.

In the caucus of the Democratic Party earlier this year, the gentleman from Illinois [Mr. DURBIN] led a very interesting discussion and very enthusiastically brought about the tremendous vote in favor of being sure that this sort of thing is carried out. So the gentleman and I have combined together to introduce the resolution which is before us today.

If Members pass this resolution, if it is followed by the thing that the President has sent to the floor, we will be in a situation where the President's action, which will be voted upon, if it is favorably acted upon, will be within the Constitution of the United States. Congress will have taken action in this field.

It is a declaration of war, contingent upon the President calling it into effect. That is what it amounts to as a legal proposition.

So those Members like the gentleman from Illinois [Mr. DURBIN] and myself who are espousing this resolution, as far as this resolution is concerned, are not opting that one way or another with regard to the President's idea. That is another idea. Those two other resolutions, the resolution of the gentleman from Indiana [Mr. HAMILTON] is one that has to do with waiting for a while until we have exhausted all diplomatic opportunities, economic ones as well. Then the other one is the one that really calls us to go to war just upon the decision of the President, without any further action by Congress.

That lays before us the situation we have. This morning most of the speeches will probably relate to the resolution the gentleman from Illinois [Mr. DURBIN] and I have introduced. I hope each of you will support it.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I rise in support of the resolution providing President Bush with congressional sup-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

port for American military action after January 15. Anything less would send the wrong message to those around the world wringing their hands in anticipation of thievery, terrorism and plunder.

The crisis in the Persian Gulf is a tragic example of aggression and greed by one nation, Iraq, violating international law and human rights. While our men and women are sweating in the desert to preserve freedom and stop this aggression, some here at home are undermining America's determination to support the will of the United Nations and of the world, to free Kuwait and preserve Saudi Arabia. Mr. Speaker, American men and women putting their lives on the line for freedom need our support. President Bush needs our support. And the Kuwaiti people need our support.

Mr. Speaker, I hope we do not have to fight. If we do, it will be called for by the United Nations; it will be justified under international law; and, it will be a new beginning toward bringing the world's collective power to bear on those who violate international law and order.

In a letter to Congress Tuesday, the President asked that Congress authorize him, and I quote, "to use all necessary means to compel Iraq to withdraw from Kuwait." He goes on to say that "anything less would only encourage Iraqi intransigence; anthing else would risk detracting from the international coalition arrayed against Iraq's aggression."

I urge my colleagues to join me in voting for a resolution to support the President in his effort to restore freedom to Kuwait and solidify the international community behind a new world order.

Twenty years from now, we may look back upon this crisis as the turning point toward world peace: where for the first time, the United Nations was truly united against aggression, murder and greed. We may remember this resolution as the day America proved its resolve to secure freedom for all the peoples of the world.

The choice today is clear. We either vote to allow aggression and terrorism to go unchecked, or we vote for a new world order. A world where the United Nations serves its original mission of mitigating world tension, hunger and disaster. A U.N. which has the means and might to represent the nations of the world against those nations that violate international law and invade or plunder other countries. This new world order so eloquently described by President Bush, where the United States and the Soviet Union work together for peace, against aggression, is now a reality. The question is, will America stand firm in support of this new order, or will the Congress give in to fear and partisan posturing and throw a new beginning aside?

The crisis in the Persian Gulf is not about oil; or the Palestinian problem, it is an opportunity to put an end to unilateral terrorism by nation states set out to pillage and plunder. Our presence in the gulf is not a single mission to protect Israel's interests; or our economic interests for oil. We are there in force to stop aggression, to implement the wishes of the United Nations, and to restore freedom to Kuwait.

There are those who will say this is another Vietnam. They will say we are in the gulf at the request of Big Oil. They will ponder why our allies are not sharing more of the burden.

I must remind these naysayers that Adolf Hitler also benefited from dissension and delay and millions of lives were lost, perhaps as a direct result. The comparison of Hitler and Saddam Hussein are very real. Only this time, instead of Poland, we have Kuwait. Instead of inaction and fear, we are responding with determination and resolve to stop aggression and preserve freedom.

□ 0910

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. McMILLAN].

Mr. McMILLAN of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the joint resolution in support of the U.N. resolution.

All of us are saddened, sobered, even reluctant, about the action we must now take—none of us wants war.

The United Nations was created to prevent war. That is why it cannot tolerate Iraq's aggression and ongoing rape of Kuwait—all of us support that.

Moreover, the future stability of the Middle East, with its enormous consequences and precedent for a peaceful region and a stable world order, is at stake—few of us disagree. But to succeed, we must be unequivocal now, or we risk disastrous consequences later.

The U.N. resolutions include sanctions, diplomacy, and the threat of military force after January 15 to achieve Iraqi withdrawal and regional stability. The 50 members of the coalition have supported sanctions for 5 months with exhaustive diplomacy and 28 nations are ready to make a military option credible. None of these options is effective alone. Sanctions and diplomacy won't work without the military option.

Our President must have unrestricted latitude to use each simultaneously to achieve successful compliance with the U.N. resolutions—hopefully without conflict.

The primary issue today is whether Congress should restrain U.S. military action in order to test sanctions for a longer period.

That is tempting, but self-defeating. Because sanctions have not and will not remove Saddam from Kuwait. Sanctions would fail in the end and we would then face far greater obstacles to successful military action in the long-run.

While we wait and temporize:

Iraq can hunker down and sustain its position in Kuwait.

The Kuwaiti people will continue to suffer brutal occupation.

Terrorism and anti-American sentiment will grow.

The coalition will disintegrate—possibly both Arab and Soviet support.

Public support at home will wither away.

We will have to sustain a deferred military option at considerable cost in money and human risk.

We might be forced to reinstitute the draft to sustain force levels.

Waiting only compounds the problem with the high probability that we will ultimately be forced to a military option against far worse odds than exist today.

Time is on Saddam's side—not the world's.

The only sensible policy is to support the President in fulfilling the U.N. resolution with the fervent hope that congresional commitment will finally convince Saddam Hussein that the coalition is firm in its resolve and he risks losing all.

My colleagues, if we cannot support this fundamental U.N. objective to resist aggression, the future of the U.N. and the prospects for a New World Order of stability are slim, indeed. Our young men and women know that.

I urge my colleagues to support the Michel-Solarz resolution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, when I opened the Washington Post this morning I read the lead editorial on the editorial page and it concluded by saying:

> Our judgment is that Congress, by deciding to authorize the President to conduct war, materially improves his chances of achieving peace.

The Washington Post has come to that conclusion and many other Members of this House have come to the conclusion that the compromise amendment, as it is being called, strengthens the President's hand, and in so doing makes it easier and more possible for us to achieve long and lasting peace without war.

We come to the conclusion based on a number of facts, and the same facts are the facts that are used by those who come to a different conclusion. In fact, we agree on almost everything that is relevant in this debate.

We agree, for example, that Saddam Hussein used an unprovoked kind of aggression when he entered and took over Kuwait. We agree that it was an indisputable kind of aggression that he was accustomed to using throughout his entire reign of power, and as one college professor said recently in a magazine article, Saddam Hussein's rise to power was soaked in blood. His tenure in office was equally bloody. He has introduced gas warfare. He has used it against his own people and is attempting to acquire nuclear weapons. We all agree with that indisputable fact, I believe.

□ 0920

We also agree that petroleum and its use, Saddam Hussein's potential use of it, is a major factor here. That may not be the factor that would force or convince one to use military power, but it certainly is a major factor, because Saddam's use of it could be either to blackmail the world if he controls the significant amount that he now controls or more, or he could use it to finance his bloody type of rule. We all, I think, agree on that fact.

We also agree that he has got to go. He has got to leave Kuwait.

So there are broad areas of agreement. We only disagree when we try to determine how to achieve the last goal, the goal that we agree on, whether we should let sanctions work, whether we should restrict the use of power by the President, or whether it takes us closer to peace by passing the amendment that I think we are going to pass today.

If you decide that you disagree with what I believe is the majority opinion in the House and if you decide that you disagree with the editorial this morning in the Washington Post, then you read those facts, upon which we all agree, differently than I do. If you believe that we ought to wait, then you have to decide one important fact, and that is whether or not our alliance with the world is going to hold together while we wait for sanctions to work.

In the Middle East, for example, we know that Kuwait and Iraq were recently allied against Iran for 8 years, and Kuwait loaned the country of Iraq somewhere between $10 billion and $15 billion, but today Kuwait, that very ally of Iraq, is the subject of unprovoked aggression by Saddam Hussein. That is an example of how quickly alliances change in the Middle East.

We know as we are here debating today that Saddam Hussein is trying desperately to put back together his alliance with Iran so he can export oil through that country. It is physically easy to do once that alliance is mended.

What about the relationship with Syria? Today they are on our side. Ask yourself, during the next 6 months or a year, will something happen between Syria and Israel to destroy that part of our alliance?

What about the Moslem influence in Turkey, another one of our allies? Will that change during the next months?

What about Egypt? The president of their parliament recently was assassinated. How fragile is that government? What does that mean to our alliance?

If you are one of those who appears or may be leaning in the direction of saying, "I disagree with the Post, I disagree with most of the folks who think we ought to stick with the President," then ask yourself a question: Sanctions depend on the alliance. Will the alliance hold together?

Mr. DURBIN. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time. I congratulate the gentleman from Illinois [Mr. DURBIN] and the gentleman from Florida [Mr. BENNETT] for the magnificent contribution that they have made to this important debate.

Mr. Speaker, we are getting down to the last few hours of this debate, and we will be voting tomorrow. The issues have been very clearly defined.

The President Bush resolution authored by the gentleman from Illinois [Mr. MICHEL] is really a Pontius Pilate resolution that says that Congress is going to wash its hands of this matter and go home, and if our constituents want to be a part of the national debate they are going to have to write a letter to the White House, perhaps to Mr. Sununu. It is going to be no longer useful in talking to their Congressman or their Congresswoman.

We say that we should be patient, that we should never go to war because of impatience. War is too important to go to war because we are impatient.

They say, the Bush-Michel people say, that the sanctions are not working that, "Look, 5 months have passed and Saddam has not said 'uncle.'" We say nonsense.

After 5 months, look at the progress we have made. When President Bush sent the troops into the Persian Gulf last August, he said he had four goals: First, to stop any possible invasion of Saudi Arabia; second, to release our hostages; third, to protect the world's oil; and fourth, to get the Iraqis out of Kuwait.

In a short 6 months, 5 months, Mr. Speaker, three of the four objectives of our involvement in the Persian Gulf have been effected. What is the hurry? Impatience is no reason to go to war.

Mr. Speaker, the gentleman from Illinois [Mr. MICHEL] and Mr. Bush and the proponents of their resolution do not talk about the consequences of this war. If we go to war and win the war and destroy the Armed Forces of Iraq, run them out of Kuwait, what will be the consequences? I can tell the Members what the consequences will be. We will have to have troops, occupation troops, in the Middle East. How long? We have had them in Japan, and we still have them in Korea 25 to 30 years after the Korean war. We have had them in Germany for 40 years, and we still have them after the last war.

So, all right, we are going to have American troops occupying the Middle East.

Oil wells, saving the oil wells. I have seen estimates that the bombing will light oil wells that will burn for years, deep underground reserves.

Already there are fears of terrorism. The FBI is on a new program, a very frightening program, of interviewing Americans of Arab descent. We hear the Immigration Service in the paper this morning, the Washington Post, which says that there is a camp somewhere out there that very well might be prepared for dissidents in this war. I did not say that. The Washington Post did this morning.

The consequences of this war are enormous.

While we are preparing for war, what is happening in Europe and in Asia with our allies? Are they meeting like we are, concerned, awakening in the night, worried about this war? Are their legislatures meeting and demanding that the reserves be called up? Are they appropriating extra billions of dollars like we are for the war? No. Their legislatures are not meeting. They are back home worrying about transportation and housing and their children's education and all the things that countries do worry about.

The proponents of the Michel resolution do not talk about the consequences of this war.

Last, Mr. Speaker, our job description here as Members of Congress is not to be a cheerleader for any President. Our job is to be skeptical, to say "Show me."

I was here the day the Gulf of Tonkin resolution was voted on. We were talking about a little country, a little Third World country somewhat like Iraq, 17 million people, North Vietnam, about the same number of people, about the same kind of Third World economy. We were told that we could bomb them into submission, that they would say "uncle," and we were told all of the same things, oh, and the domino theory, that unless we stopped Hanoi, Thailand would fall, the Philippines would fall, Singapore would fall. We hear the same story today, the domino theory of the Middle East.

□ 0930

Therefore, Mr. Speaker, patience is all we are asking for. A few more months. Give the sanctions a chance.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I would say to my friend who talks about the threat of terrorism, let Members hypothetically assume there are terrorists out there. This Congress, we, here are at risk. Carry that thought to its logical conclusion. What I hear being suggested is that we should not act, we should be paralyzed, we should be blackmailed, because theoretically, at least, there are terrorists out here who might threaten Members.

Goodness knows, this is no basis for our making any decisions. Blackmail is no answer.

Mr. EDWARDS Of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I rise in strong support of the joint resolution. This debate is clearly an historic debate. It is a vital debate. I think it is necessary that the Members of the people's House express their individual opinions as to the policies that we are pursuing in the Middle East.

However, I also believe it vital that the outcome be strong support for the President's policy. Ironically, approval of the use of force is the best hope for securing the peace. There is no question, that Saddam Hussein is watching very carefully what we are doing here today and tomorrow, and will be either encouraged to continue to resist or given pause by the actions we take. I respect all of those who believe that the sanctions will work, who believe that more time needs to be allowed for the sanctions to work. I think they are wrong. However, I certainly respect their sincerity.

This debate is between Americans, not between Republicans or Democrats, not people seeking political advantage. We are all sincere in what we are doing here. I don't believe the sanctions will accomplish our goal of forcing Hussein out of Kuwait. There is leakage now, and I submit that the leakage will get worse if we blink at this point.

We all agree, as has been said before, we all agree on the objectives of what we are trying to do, to get Saddam Hussein out of Kuwait without concessions. It is impossible to overstate what is at stake in the effort. Clearly, if we prevail, and we must prevail, we will validate the worth of what is an unprecedented international alliance put together by President Bush as an effective means of dealing with the bullies of this world. This is a very, very important point. It will establish a model, in my view, for future crises.

Let Members make no mistake about it, there will be future crises. In some ways, the superpowers confrontation has lulled the United States because a predictability was there. We knew what to expect from the Soviets and they knew what to expect from us. We have lost that predictability. We need a new model to deal with these crises that will develop. There will be unpredictable eruptions in the future. It is clear the United States is no longer able, nor does it want to be the policeman for the world. The hope of being able to join in an international way to address future crises as only one of many partners to deal with these eruptions, can only be furthered if we prevail in this event.

Conversely, the failure to prevail will be devastating. The credibility of the United Nations will be destroyed, and with it a chance to expand and to build on the present alliance. The credibility of the United States will be destroyed and the stature of Saddam Hussein in Iraq and the Arab world will be enormously enhanced.

There is no question about what is at stake here. The only question is how do we prevail.

The sanctions, as I have indicated, are not working now. We know there is leakage. We know, for example, the standard of living in Kuwait and in Iraq today is about 10 times the standard of living in Egypt. As the majority whip said yesterday, the sanctions might take years to work. Do we have that kind of time? If we blink now, it is clear to me that our allies in this effort are going to begin to cut their own deals. If we are perceived as not having the stomach to go forward, I think others are clearly going to say the United States is not reliable. We better look to save our own skin. They are already moving in that direction.

Syria, a very weak partner in this alliance now, is very likely to cooperate with Hussein to enable Iraq to beat the embargo and the sanctions. I have just come back from a meeting with the European Parliamentarians, and there is great dismay. There is great interest in what we are doing here today. But I can tell Members this, if we fail to strongly support the President now there will be a lot of our European allies who will run for cover. They will begin to cut their own deals and when that happens Saddam Hussein wins.

Therefore, I will vote for this resolution not because I relish the coming battle. I think anyone who watched the recent series on the Civil War that played on PBS knows that there is no glory in war. There is only death and destruction. But sometimes, sometimes force is necessary to ensure peace. This is one of those times.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, America is a nation based upon the Judeo-Christian ethic. Jewish and Christian theologians, over the centuries, have struggled with the issue of war and peace, because it obviously involves the use of force on one's fellow man, contrary to what our Lord said. St. Augustine has written eloquently about this. Other theologians have.

I am grateful in this instance to the Christian Life Commission of the Southern Baptist Convention, Richard D. Land, who sent an analysis of the seven elements that Christians should consider when faced with the reality of war.

One, is it a just cause? War is only permissible to resist aggression and defend those victimized by it. Only defensive war is defensible. I think it is clear here that what the issue is, whether we will roll back aggression, nor initiate a war of conquest on the part of our forces in that nation or that area of the world.

Second, just intent. The only acceptable motive must be to secure justice for all involved. Revenge, conquest, and economic benefit are insufficient, illegitimate, and unacceptable motives. Justice for all involved. I believe that President Bush has said clearly that withdrawal from Kuwait, restoration of the stability of the area, and release of the hostages certainly speaks to that element clearly.

Third, last resort. Resort to arms can only be morally legitimate when all other avenues of conflict resolution have been rebuffed or have demonstrably failed. I don't know what more the leaders of the world, the United Nations, and President Bush and Secretary Baker could have done in exhausting our diplomatic initiatives to resolve this crisis.

Fourth, legitimate authority. The use of military force is only the prerogative of governments. Consequently, only the duly constituted civil authority can legitimize military action. However helpful a U.N. Security Council vote may be, for Americans the duly constituted authority is the government of the United States and the authorizing vehicle is a declaration of war. We in Congress under our system are the entity that has the responsibility of addressing this, and we are today.

Fifth, limited goals. If the purposes is peace, then annihilation of the enemy or total destruction of a civilization is not acceptable. Total war is beyond the pale. Also, unless one's survival or liberty are imperiled, it is not acceptable to resort to war unless the goals are achievable. Here our President has said we have as a goal, the removal of Iraq from Kuwait, restoration of that govermment, reinstatement of the status quo, or rather stability of that region of the world.

Sixth, proportionality. Will the human cost of the armed conflict to both sides be proportionate to the stated objectives and goals? Does the good gained by resort to armed conflict justify the cost of lives lost and bodies maimed? I don't know that anybody can make a judgment call that would cause any Members to agree on that unanimously, but I believe that given the goals that President Bush has stated, we pass that test.

Seventh, noncombatant immunity. No war can be just which does not disqualify noncombatants as legitimate military targets and which does not seek to minimize collateral, inadvertent civilian casualties. No one has the right to make war on civilians. I do not know any person who has suggested here that America or any of the 28 nations allied in the Middle East today are stating as their purpose the annihilation, or to make war on noncombatants in that region of the world.

□ 0940

For these reasons, I believe that we pass the test of a just war, a defensive war, and I am prepared to vote for the bipartisan resolution and in support of it.

In my closing comments, let me just say a little bit about the cost. It is not ordinary when war is involved that the countries that are victims of the war have the wealth that these Persian Gulf countries have. I have an analysis here that so far they have pledged $15 billion and we have received $4.2 billion. That is a good step, but I think the President and the Secretary of State should work diligently to convince the Persian Gulf countries to be more responsive in burden sharing for this exercise.

The Saudi Arabian Government has received excess revenue beyond the base price of $21 per barrel which prevailed on August 2, 1990. During the balance of calendar year 1990, this come to $8.7 billion. To me that is windfall income.

It is true the Saudis have paid substantially for different costs, but I think their windfall income is still in excess of their fair cost of burden sharing for the operation.

Also the Arab Emirates received about 40 percent of that total, or about $3.2 billion.

My point is that burden sharing is an important responsibility of our political leadership in this exercise.

[From the Christian Life Commission of the Southern Baptist Convention, Dec. 21, 1990]

THE CRISIS IN THE PERSIAN GULF AND "JUST WARS"

[By Richard D. Land, Executive Director]

Americans and others around the world have been terribly concerned these past few months about events in the Persian Gulf and the Middle East. Will there be war? For Christians, the question of the morality of war in general, and in this situation in particular, should be paramount.

The first question Christians should ask is whether resort to armed conflict is ever justified, and if so, under what circumstances? While there have been persistent elements of pacifism within the Christian tradition which have rejected all use of violence, for most Christians, in most places, at most times the answer has been that, yes, resort to military conflict by legitimately constituted civil authority is justifiable under certain circumstances. A useful tool employed by Christians for many centuries in discussing such issues of war and peace has been "just war theory." This theory was adapted by early church leaders, particularly St. Augustine, to deal with the reality of war in a fallen, sinful world. It must always be remembered that just-war theory is not, and never was intended to justify war. Instead, it tries to bring war under the sway of justice as understood by Christians and to insure that war, when it does occur, is hedged about by limits which reduce its barbarity. In fact, if all parties accepted just-war criteria, then there would be no wars, since the theory's first rule clearly states no war is just unless it is a defense against aggression. If everyone adhered to just-war theory, aggression would be eliminated.

When then, are the criteria of just-war theory?

1. Just cause. War is only permissible to resist aggression and defend those victimized by it. Only defensive war is defensible.

2. Just intent. The only acceptable motive must be to secure justice for all involved. Revenge, conquest, and economic benefit are insufficient, illegitimate and unacceptable motives.

3. Last resort. Resort to arms can only be morally legitimate when all other avenues of conflict resolution have been rebuffed or have demonstrably failed.

4. Legitimate authority. The use of military force is only the prerogative of governments. Consequently, only the duly constituted civil authority can legitimatize military action. However helpful a United Nations Security Council vote may be, for Americans the duly constituted authority is the government of the United States and the authorizing vehicle is a declaration of war.

5. Limited goals. If the purpose of peace, then annihilation of the enemy or total destruction of his civilization is not acceptable. "Total war" is beyond the pale. Also, unless one's survival or liberty are imperiled, it is not acceptable to resort to war unless the goals are achievable.

6. Proportionality. Will the human cost of the armed conflict to both sides be proportionate to the stated objectives and goals? Does the good gained by resort to armed conflict justify the cost of lives lost and bodies maimed?

7. Noncombatant immunity. No war can be just which does not disqualify noncombatants as legitimate military targets and which does not seek to minimize collateral, inadvertent civilian casualties. No one has the right to make war on civilians.

These are the criteria which armed conflict must meet to be considered just. How do these apply to the present crisis? Is America's motive to help erect a stable, just peace in the post-cold-war world in which all people have a reasonable expectation that aggressors will be restrained by the world community of nations? If so, then perhaps this is a just cause.

In the attempts to bring to bear historical analogies, perhaps the best one to employ in the present crisis is Mussolini's invasion of Ethiopia in 1935. The League of Nations imposed an embargo which failed to deter Mussolini's aggression, and Ethiopia was conquered.

Quickly, the world became a much more dangerous and unstable place. The League of Nations' impotence was exposed, and the allies' appeasement had begun. In short order, Hitler reoccupied the Rhineland, Hitler and Mussolini blatantly intervened in the Spanish Civil War, and Austria was annexed by Germany. Then, at Munich, the Allies surrendered the Sudetenland and within a short period of time the world had disintegrated into a worldwide conflict which cost tens of millions of lives.

Mussolini, like Hussein, did not initially pose a threat to the survival of the great world powers. But his undeterred aggression encouraged and abetted the unleashing of powerful forces in other lands which ultimately threatened the survival of civilized humankind.

Let it be stated here emphatically that jobs and oil are not a sufficient or legitimate motive.

Is our goal in the Persian Gulf to roll back aggression and to bring relief and justice to the Kuwaiti population victimized by Iraqi aggression? The horrors of the Amnesty International reports of widespread Iraqi atrocities are particularly relevant at this point.

Is it further our goal to neutralize Hussein's military power and in so doing seek justice and peace for the entire region? If so, then perhaps our goal is just. A mere restoration of the status quo ante which leaves Hussein's military capability in place is not a sufficient goal and would not justify the loss of life, American, Kuwaiti, and Iraqi.

Can such goals be achieved without disportionate American, Kuwaiti and Iraqi bloodshed? Are there no effective alternatives to armed conflict to achieve these goals? Are there procedures in place to insure the minimizing of noncombatant casualties?

The American citizenry does not have the information to answer many of these questions. We have the responsibility to ask them, however, and to demand that our elected leaders assess the crisis light of them, and to provide affirmative answers before resorting to armed force—always a last resort.

President Kennedy said in his inaugural address that "a new generation of Americans had risen to leadership ready to pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty." Subsequent events revealed that we were willing to bear some burdens, meet some hardships, support some friends, and oppose some foes.

Now another generation has risen to leadership, one that has learned the bitter lessons of the limits of American power and resolve. President Bush said in his inaugural address that "surely the status of limitations has been reached on Vietnam." In terms of bitterness and recrimination that is hopefully true. But the lessons of Vietnam endure. For many of us, with the names of friends, relatives, and playmates inscribed on the onyx marble of the Vietnam memorial embedded in the hallowed ground near the Lincoln memorial—a promise has been made, a vow taken—"Never again!"

Never will we allow our soldiers to be placed at the uncertain end of a long tether without sufficient support and resolve at home to give them all necessary means to do the job. If it is worth American soldiers dying, it is worth winning. And unless our survival or liberty is at stake, it must be winnable. If it is not worth winning (including the just-war criteria), it is not worth shedding of our citizens' blood.

For this Christian, for this American, for this father, these are serious questions with the gravest repercussions. To our elected leaders, I say, "If you send our young people to war, you must have firm, acceptable answers to these questions. We are accountable for asking. You are accountable for your answers."

CONTRIBUTIONS TO OPERATION DESERT SHIELD

[In millions of dollars]

	Direct payments		In-kind services		Foreign assistance	
	Pledged	Received	Pledged	Received	Pledged	Received
Saudi Arabia	[1] 4,000–5,000	760	[1] 4,000–5,000	227	5,000	Unknown.
Kuwait	[2] 5,000	2,250	[2] 5,000	3	[2] 5,000	Do.
Japan	[2] 2,000	376	[3] 2,000	50	2,000	Do.
European Community					2,000	Do.
West Germany	[3] 2,000	272	[3] 2,000	65	95	Do.
United Arab Emirates	[4] 1,000	250	[4] 1,000	30	[4] 1,000	Do.
South Korea			120	4	100	Do.
Italy		(3,908)		(379)	[5] 150	Do.
Canada					75	Do.
France					40	Do.
Iceland					2.5	Do.
Australia						Do.
Percent	15.120	4.287	28.4		1	

[1] Total amount pledged was $4,000—$5,000 million, but the breakdown between direct payment and in-kind services was not available.
[2] Total amount pledged was $5,000 million, but the breakdown between the three categories was not available.
[3] Total amount pledged was $2,000 million, but the breakdown between direct payment and in-kind services was not available.
[4] Total amount pledged was $1,000 million, but the breakdown between the three categories was not available.
[5] It is unclear if this is in addition to the European Community contribution.

NOTE.—As of November 30, 1990, the Defense Cooperation Account which contains the direct payments received from foreign government contributions totaled approximately $3.9 billion.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 1991.

BURDEN SHARING IN THE MIDDLE EAST IS SOUND PUBLIC POLICY

DEAR COLLEAGUE: The U.S. Congress will soon be called upon to vote on several resolutions relating to the prospective use of force in the Middle East. Among other things, we may have to vote upon one or more resolutions clarifying our position with respect to the President's multilateral initiative to halt the march of Saddam Hussein through the oil fields in the Gulf.

As you know, Americans of all political and ideological persuasions have debated the merits of U.S. involvement abroad, with some favoring swift military intervention to protect vital U.S. interests there and others raising serious reservations about the nature of the U.S. interests involved. Although I share many of the reservations expressed, I will support the use of force provided: (1) all reasonable diplomatic alternatives have been pursued; (2) the U.S. commander of the multilateral force in the Gulf has clear authority over the forces there; (3) if the President directs that military action take place, and the Congress endorses such action, our military leaders have authority to prosecute the war with *no* interference from political authorities, as was the case in Viet Nam; and (4) our allies contribute to an equitable burden sharing arrangement.

No matter how one views the current conflict, I think we can all agree that the interests we are defending are international in nature and demand an international response.

What does this mean with respect to the U.S. role in this impending conflict?

At a minimum, it means that the United States must demand a full and fair level of participation and support from all of our allies. Saudi Arabia and other Middle Eastern oil exporting countries have reaped enormous profits from the upsurge in oil prices since August. According to my calculations, while the Saudis have realized a total windfall of almost $9 billion since the August invasion, they have contributed only $760 million to the multilateral effort in the Gulf. Others estimate the total Saudi windfall to be in excess of $15 billion, and the windfall for the United Arab Emirates at 40 percent of the Saudi total.

ESTIMATED SAUDI WINDFALL FROM GULF CRISIS

Month	Increase beyond base Aug. 2, 1990 price of $21 per barrel	Total Saudi production (millions of barrels/day)	Total windfall
August	$6.00	5.80	$1,078.8
September	8.00	7.75	1,860.0
October	10.00	7.75	2,402.5
November	8.00	8.00	1,920.0
December	6.00	8.00	1,488.0
Total			8,749.3

Clearly, our friends in the Gulf should contribute more to the success of Operation Desert Shield. Similarly, Japan, Germany, and other Western nations derive a much greater portion of their imported oil from the Middle East than does the United States, yet their contributions to the effort to date do not reflect that fact. As supporters of the United Nations resolution justifying the use of force in the Gulf, these nations must also assume a greater share of the responsibility in this venture.

In addition to Saudi Arabia's parsimonious contribution of $760 million, the United Arab Emirates has added a mere $250 million to the military effort in the Gulf. The contributions from Germany ($272 million) and Japan ($426 million) have been similarly inadequate. Only Great Britain appears to be holding its own in this regard.

When we vote on Operation Desert Shield, I hope you will support the inclusion of language directing the State Department to seek additional financial, material, and human contributions from both our Western allies and our friends in the Gulf. Saddam Hussein's actions threaten the peace and stability of the whole world, not just the United States. The overwhelming support in the United Nations for Operation Desert Shield indicates that our allies recognize the nature of the threat posed by Hussein. But we deserve more than mere rhetorical support from our friends. Our allies should assume responsibility for this massive undertaking in proportion to the benefits they derive from it.

I hope you will support efforts to increase the participation of our allies in this risky venture.

Sincerely,

WILLIAM E. DANNEMEYER,
Member of Congress.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. HUNTER], a Member of the Republican leadership.

Mr. HUNTER. Mr. Speaker, I have been listening over the last several minutes and yesterday to a number of statements to the effect that we should go the long run. We should have some endurance in this case and we should have some great patience and time should work in our favor. I think in fact that is not the case.

For those who feel that they are doing a favor to our American military people who are in the Middle East right now waiting to take action, I think if they could speak to this debate I believe that their statement might be, "Please, United States Congress, don't do us too many favors."

Let me speak to my greatest concern, and I have done some study on this as a member of the House Armed Services Committee. I have talked to a number of experts. I know a number of us in the House are concerned about this issue. A number of members of the executive branch have done some work on this. But the point is that the clock is ticking not only with respect to Saddam Hussein's continued construction of chemical and biological weapons, but also nuclear weapons. We have a somewhat fuzzy picture of exactly what he has right now. I think if there is any consensus it is that we do not know precisely what he has, but we do know some basic facts about the materials that he has in fact acquired that have been seen by inspection teams as recently as last year.

Saddam Hussein has 27 pounds of enriched uranium. That is enough uranium to build at least one nuclear weapon and possibly several.

He also has 250 tons of uranium oxide, which if enriched would produce many, many weapons.

A number of our very fine scientists have pointed out that there is a good chance that he also has plutonium and tritium, and if he has tritium that is going to increase the yield of his nuclear devices greatly and expand greatly our estimate of the force and destruction and casualty causing capability that Saddam Hussein has.

So as this clock ticks away and we take no action, Saddam Hussein is racing, just as Adolf Hitler was racing in World War II, to build a nuclear system.

Now, I think we are going to see because of the liberalization of technology transfer that has now been manifested by votes in this Congress and in parliaments and governments around the world, we are seeing a liberal flow of technology, much of which is used in the development of nuclear systems in many Third World countries. I think over the next several years it is going to be impossible even assuming Saddam Hussein does not have everything he needs right now to build a nuclear system, it is going to be impossible to keep him from acquiring the other elements that he needs.

But let me take some statements from experts who are considered to be middle-of-the-roaders on this particular issue who addressed the Armed Services Committee in the hearings we had.

Let me first give a statement from Leonard Spector who is a senior associate, Carnegie Endowment for International Peace. He says this:

> In the end I do not believe that Iraq's nuclear potential should necessarily push us into war, but I believe it poses a threat of considerable gravity that must be taken into account by Congress and the administration as they determine our next moves in the gulf.

Now, here is a gentleman who is obviously not considered to be a hardliner or a hardcore conservative or a hawk on this issue who understands and appreciates the fact that Saddam Hussein is moving toward the acquisition of a nuclear system.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I think the gentleman makes obviously a very good point about our concern over Saddam Hussein and whether or not Iraq under his leadership, if we can use that term, or under his control would acquire nuclear weapons.

As the gentleman knows, a number of us were in the Middle East just this last week. In discussing this with various Israeli officials, they made it very clear that they did not believe that he could complete the nuclear circle and acquire weapons without the help of the Europeans.

I guess what is distressing, and I assume it distresses the gentleman in the well also, is that here we are with 430,000 of our troops and our treasure on the front line and we continue to read of German firms and possibly French firms that are still engaging, or trying to engage in commerce with Iraq.

I think the gentleman and the Armed Services Committee and others are concerned that if we cannot get a pledge out of these nations that they are not going to police their firms, I find it very difficult to extend our young people's lives to stop this nuclear menace with this fanatic in control, and yet they are not even willing to interrupt their commerce. I just wondered if the gentleman knows what we are doing about it.

Mr. HUNTER. Let me address that issue, Mr. Speaker.

As the gentleman may have seen from recent debates on technology transfer, I think that we transfer far too much technology. I voted against the last bill that we passed in this House that I considered to be a liberalization of technology transfer. We have to stop our allies from doing that. We now have some consensus that they are not going to do it anymore; but the fact remains that if you analyze Saddam Hussein's present inventory, he has 27 pounds of enriched uranium, he has 250 tons of uranium oxide. He has already purchased most of the ingredients that he needs.

Talking with one scientist yesterday from a national laboratory, he stated it is his opinion that Saddam Hussein has everything he needs or can get anything else he needs on a commercial level. The only thing that stands between Saddam Hussein and building a nuclear device, not a very sophisticated device, but a nuclear device capable of killing a lot of Americans or other allies is time, the other two resolutions would give that time to Saddam Hussein. Time is something we cannot give this madman with respect to his nuclear development program.

□ 0950

Mr. DURBIN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, war is not just a word. In today's world it refers to massive death, destruction, and annihilation; hardship, food and medical shortages; economic disability, and countless other forms of disaster. Yet, through his uncompromising rhetoric and actions that it seems the President of the United States is eager to start one. The conclusion I am left with after the recent weeks and months of Presidential statements and directives is that perhaps the President does not really want to look at the consequences of his actions.

Do we really believe that we can go into war action against the Iraqis without sustaining an extreme number of casualties? Do we believe we can prevent any harm from being inflicted within the borders of the United States by the terrorists committed to the holy war which Saddam Hussein has promised? Do we really believe that the provocations are severe enough to ask many Americans to make the ultimate sacrifice while asking many more to endure great hardships?

Now although estimates vary widely, many experts maintain that the United States would suffer tens of thousands of casualties if we go to war. Numbers like that scare me. They mean that millions of Americans will be personally affected.

Consider also that many of these casualties will be women. I talked to some of the Members who were in the Persian Gulf over the past few days and they said they saw many women who were there because they believe in supporting their country. But these are also women who are mothers, who have young children who have been left behind, who are going to need them. They want them to come back. We in America are not used to seeing our women—our female military personnel—dismembered and maimed in war. And that is a reality that I do not believe we are eager to see.

Now the loss of all kinds of military equipment—ships, tanks, planes, guns, et cetera—we know is going to be a crippling and costly effect of the war. Such a substantial loss of America's defense potential will severely weaken us against any other threat in coming years. But we can deal with that sort of thing to some great extent.

But it seems to me that we must remember that these are very serious times. It is not about whether or not we are going to be tough guys or tough women; it is about whether we are going to be rational in deciding whether to put our people through the destruction of war.

I consider myself a fairly young woman although I am middle age in many respects. But for all of my life I have lived in periods of war. When I was a young child I heard on the Jack Armstrong radio show—which was interrupted for a special announcement—that our country was at war. I did not want to believe that. I was frightened, scared to death, thinking that war was going to be right outside my door in the apartment in which we were living at the time.

And then when I became a high school student the fellow I was dating and all of our friends went to war in Korea. Then as I became older there was another war, this time in Vietnam, and I was concerned that my son would be drafted to defend this country and possibly lay down his life.

Now we call ourselves a peace-loving people in this country. And yet every decade or so we find ourselves shouldering the gun, marching off to war, jeopardizing the lives of 17-, 18-, 19-, 20-year old men and women.

I believe it is time for us to stand back and look at what we are doing, look at the lives we will be destroying, look at the devastation that we will bring to our country and to our people here in the United States in a time of war crisis, economic crisis as well.

It seems to me we ought to let the sanctions work, we certainly ought to embrace the Durbin-Bennett resolution which says that Congress must first approve any offensive military action against Iraq before such action may be initiated. Inasmuch as it appears that the President does not have peace on his mind, we here in Congress—the people's representatives—must be the only triumphant voice and insist that all other diplomatic means be taken in order to avoid war. That is our constitutional duty. I, therefore, encourage all of my colleagues to use that constitutional power to vote for peace and to support the Gephardt-Hamilton resolution.

Mr. HENRY. Mr. Speaker, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Michigan.

Mr. HENRY. I thank the gentlewomen for yielding.

I just would make a little intellectual distinction between peace-loving and sometimes being required to be peace-keeping and peace-making.

Mrs. COLLINS of Illinois. Peace-loving and peace-making are both very good. However I think we are responsible for our actions. We can rationalize anything we want to, but that does not eliminate the fact that blood will be shed and that blood will be of 17-, 18-, 19-, 20-year-old young men and women of our country; and I for one will not vote for any kind of resolution that is going to do that unless I see for myself that such action is needed, and I do not see it now.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. I thank the gentleman for yielding.

Mr. Speaker, some Americans continue to portray themselves as insoluble enigmas. Earlier this week, for example, one of my constituents approached me in my district and announced, "I wish I trusted President Bush more."

I look at him incredulously and asked, "Are you by implication suggesting that you trust Saddam Hussein?"

He did not respond.

My point, Mr. Speaker, is that so many Americans are quick to point accusatory fingers at our own Government but reluctant to, in any way, criticize our adversaries.

To extend the time to keep sanctions in place in my opinion is foolhardy. It merely affords Hussein additional weaseling time. One significant issue before us, Mr. Speaker and ladies and gentlemen of the House, is who initiated the crisis in the desert that plagues the world today? Who started it?

Hardly we; obviously they.

The Iraqis continue to exclaim that the United States wants war. They continue to attempt to portray this matter as the United States versus Iraq. This, as a practical matter, Mr. Speaker, is the world versus Iraq. This cancerous problem must be resolved, it seems to me, in a timely manner. Saddam and the world are watching today and tomorrow what transpires in this, the people's House.

Mr. DURBIN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I think that our country has a checkered past when it comes to indignation about aggression.

For example, when China did the same thing to Tibet that Iraq has done to Kuwait, the reaction from this administration or the first part of this administration was not to say that we had to go and kill a lot of our young people. Although China was also developing nuclear capability the reaction was for President Reagan to come to Congress and ask for authority to sell nuclear technology to Red China.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Speaker, Hafiz al-Asad of Syria is doing the same thing in Lebanon today. He is taking over Lebanon without protest.

Mr. JACOBS. I did not get to that yet. I am glad the gentleman took care of that.

If you want to talk about large nations that invade weaker neighbors, our skirts are not exactly immaculate, are they? If anybody remembers Grenada, it was a weak neighbor. We are a strong nation. We invaded. Of course, we are right and everybody else is wrong when we invade other countries.

But that is the crazy-quilt pattern of American history certainly in the last decade or so. It seems to me the administration has a hard time making up its mind.

Let us take the brutality, the undeniable brutality of the Iraqis against the Kuwaitis.

When it comes to El Salvador, we finance the brutality against their own people.

What is this selective morality that justifies our pulling the lanyard of war and blowing away—I do not mean blowing away—does anybody understand if you get a piece of shrapnel in your backbone, does anybody understand a poncho oozing blood wrapped around a dead body? Does anybody understand that? Must we all believe that we are playing Rambo, that we are playing war games here?

It is forever, it is total war for the kid who gets blown away.

In a civilized country, when war is an option it is by definition not the option.

In World War II, you will find this in Manchester's book called "Goodbye Darkness." Some Marine general's in the Pacific recommended that we bypass an island and, in effect, have an economic boycott to starve them out. They recommended that to Washington. There was an American naval officer up in Canada visiting who countermanded that order, and in retrospect thousands and thousands of young Americans were unnecessarily slaughtered just because some fellow sipping tea was casual about being a hero on somebody else's time.

□ 1000

Mr. Speaker, I think, if we go to war, it should be because we have to, not just because we have a chance to. I believe that the American people ought to know by now that there is human folly, as Barbara Tuchman put it—The March of human Folly and borrowing money to borrow trouble in other people's wars.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, this is a somber and difficult debate. Each Member of Congress had hoped that Saddam Hussein and the Government of Iraq would not lead us down this path of terrible consequence. Each of us wishes that in the waning hours of the timeframe established by United Nations Security Council Resolution 768, Saddam Hussein will yet choose to withdraw from his illegal occupation of Kuwait, and fully comply with the demands of the world community as expressed in no less than 12 resolutions adopted by the Security Council.

Each Member of Congress stands in opposition to what Saddam Hussein has done. Each Member of Congress stands firm in the belief that Saddam must leave Kuwait, and restore the principle of law in the conduct between sovereign nations. And hopefully, each Member of Congress understands that international military actions of this sort cannot be allowed to succeed without gravely affecting global stability.

Before us now is the question of what means should be used to secure the ends of our convictions. First comes the question of whether or not the President, as Commander in Chief, has the constitutional authority to strike Iraq militarily without explicit congressional assent and authorization. Is the power to "declare" war granted to Congress under the Constitution merely a formal act of declaration distinct from the power to "conduct" war granted to the President as Commander in Chief? It is clear that under many circumstances, the President has the constitutional right to take a military action on behalf of the national interest. But I would argue strongly that in this instance, congressional assent to do so is not only constitutionally mandated but also a political necessity.

The nature and magnitude of the military operation being contemplated and the fact that U.N. Security Council Resolution 678 gives us foreknowledge of the time at which U.N. member states may exercise "all necessary means," including military force, certainly require Members of Congress to either explicitly authorize or deny the President the authority to act in this instance. Further, any military engagement that may be necessary will be helped, not hindered, by the demonstration of domestic political support.

For the record, then, I would like to make clear that I believe that the President is required to have congressional authority in this instance, and that such authority is part and parcel of the bipartisan Solarz-Michel resolution that is now before the House of Representatives. The intent of this resolution is to explicitly authorize the United States to use force to implement the United Nations Security Council resolution on Iraq's invasion of Kuwait.

Mr. Speaker, a second question remains: Should the Solarz-Michel resolution be passed in favor of the alternative Hamilton-Gephardt resolution, which calls for continuing economic and trade sanctions against Iraq and postponing the question of using military force?

Mr. Speaker, I very strongly support the bipartisan Solarz-Michel resolution authorizing the immediate implementation of Security Council Resolution 678. I do so not because I have any less desire to see a peaceful, diplomatic resolution to the conflict in the Persian Gulf than any other Member of Congress has, but I firmly believe that passing the Solarz-Michel resolution will provide us the last best hope for peace in the days leading up to January 15.

Mr. Speaker, I support the Solarz-Michel resolution for the following reasons:

First, to delay in this matter only gives Saddam Hussein the wrong message. Surely, he will interpret delay in the implementation of the United Nations resolution as a lack of will, and not just as a disagreement over means.

Second, all the questions about postponing military actions reappear when a proposed extension expires. The questions will be the same, and Saddam Hussein will only believe that, having postponed implementation once, we shall be willing to postpone implementation yet again.

Third, the safety of our troops demands expeditious resolution of the current crisis in the Persian Gulf. The climatic factors will change very dramatically in the next 8 weeks, and will place our military position at a disadvantage in relationship to that of the Iraqi troops.

Fourth, the morale of our troops demands an expeditious resolution of this crisis. Calling up of Reserves, in particular, has our military personnel stationed in the gulf and their families at home expecting 180-day tours of duty. If it is possible, we ought to seek to honor that expectation, given the hardships this callup has placed on families here at home. Right now, our troops' morale is extremely high. We should not pursue any policy that could undermine that strength.

Fifth, postponing the U.N. Security Council resolution will only give Saddam Hussein more reasons to try to split the U.N. alliance that currently stands against him. Just as our own nation contains a broad spectrum of political opinions on this matter, domestic disputes are present in other nations of the alliance as well. To allow Saddam Hussein to play these disputes against one another, and to play nations now allied together against each other, portends nothing but further political fragmentation of our efforts if we do not demonstrate firm resolve today.

Sixth, and finally, Mr. Speaker, I support the resolution for the simple reason that the U.S. Congress ought not put itself at odds against the United Nations, or question the considered opinion and actions of the Security Council. For the United States to turn against the United Nations in this instance would strike a blow against the struggle to refine and strengthen international peace-keeping institutions that will be so important in the post-cold-war era.

Mr. Speaker, allow me also to use this opportunity to express my strong support and agreement with the substance of the President's policy in this crisis. This is the first major test of how the world community will handle threats to global peace and stability in the post-cold-war era. The President and the world community through the United Nations have rightly understood that to allow Saddam Hussein to succeed with his aggression would encourage him to continue his regional aggressions and hostilities, and would encourage others to attempt the same. How the world community responds in this instance sets peace-keeping patterns in a world political environment that is dramatically different from the one we have known for many years.

In conjunction with that fact, the President has rightfully understood that the U.N. peace-keeping machinery is a very important part of any expression of national interest in this serious matter. We must not forget the outstanding progress that has been achieved through the peace-keeping machinery of the United Nations and the Security Council in particular. And I wish to commend President Bush for his foresight in this matter and for working through and with the Security Council in conducting our national policy.

Mr. Speaker, I hope and pray for a diplomatic resolution to the crisis. But we cannot show any hesitancy in our determination to fulfill commitments we have made to and through the world community—to the allied nations joined with us in the Persian Gulf, to the United Nations, which joins with us in this effort, to the Kuwaiti people, or to the principles of law upon which peace between the nations ultimately rests.

Mr. DURBIN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, yesterday I listened to one of the most poignant speeches that I have ever heard. I listened to my good friend, the gentleman from Florida [Mr. BENNETT] reveal what must have been a most soul-searched confession. He talked about the fact that he had been in the Congress for 43 years, that he had cast approximately 15,000 votes, and, after reviewing this entire congressional career and the votes that he had made, there was one vote that he was sorry he had cast and that he wished that he had it back again. That was the vote that he made in favor of the Gulf of Tonkin resolution.

Mr. Speaker, I can sympathize with my good friend from Florida. Every Member of the House voted for that resolution. Only two Senators, as a matter of fact, voted against it when it was before the Senate, but every Member of the House voted against it, which was understandable because the vote on that resolution came hard upon an attack the President said had been made by North Vietnamese torpedo boats against American destroyers *Maddox* and *Turner Joy* in the Gulf of Tonkin. The President sent up to the Congress a request asking them to support him in the use of our Armed Forces in repelling North Vietnam's aggression. The House, caught in the fervor of replying to the torpedo boat attack gave him that power by a unanimous vote.

Mr. Speaker, the gentleman from Florida [Mr. BENNETT], my good friend, and I came to the House together, in the election of 1948. I was not in the Congress in 1964 when the Gulf of Tonkin resolution was voted on. I had tried unsuccessfully to become a Senator in 1962 and was out of Congress for one term. I often wonder how I would have voted on that resolution. I think, may

I say to my good friend from Florida, in the heat of the circumstance with which that resolution was presented, I probably would have voted with him, but I would like to think that perhaps I would not have voted that way. But everybody was caught up in supporting the President in repelling that dastardly Communist attack.

Then, Mr. Speaker, a few months later the Department of the Navy admitted there had been no attack upon our destroyers by North Vietnam torpedo boats. The report there had been such an attack was in error.

It is not too much to say that the Solarz-Michel resolution may be compared to the Gulf of Tonkin resolution. Both embodied Presidential requests for congressional approval to use our Armed Forces. I do not think that President Bush has made a case for using our Armed Forces. His letter to all of us in which he asks us to support him says that Iraq threatens our vital interests. What vital interests of ours is threatened by Iraq? He did not specify any vital interests that had been placed in jeopardy by Iraq's invasion of Kuwait. It would appear that this was a presidential exaggeration in order to garner votes for the resolution which would give him congressional authority to use our Armed Forces in the Middle East.

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But what is it, Mr. Speaker—what is it that has changed the administration's favorable treatment of Saddam Hussein and Iraq of wooing him seeking to nourish his friendship by favorable trade and arms deals up to the time of his invasion of Kuwait. Suddenly the administration recognized the evil character of their erstwhile friend. Now they are trying to remedy their error by mobilizing the world against Iraq. Now the President wants the Congress to authorize use of an armed force against Iraq.

It could be argued that Saddam Hussein acted upon what can only be interpreted as an invitation offered by our administration to attack Kuwait. That is revealed in the transcript of the meeting between Ambassador Glaspie and Saddam Hussein before his invasion of Kuwait. Actually, under the Secretary of State's instruction, our Ambassador told Saddam we had no interest in his border dispute with Kuwait when he raised the question.

The truth is, Mr. Speaker, that Presidents have not always told the truth to the Congress when they seek to get their assistance. The President says our vital interests are threatened. I have yet to hear of any of our vital interest that has been threatened. That is why I propose to give a chance for the sanctions to work by voting for the Hamilton-Gephardt bill and against the Solarz-Michel resolution to give President Bush war-making powers in the Middle East.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, the focus of this debate for all parties should be how we best find a peaceful solution to the Middle East crisis. The chance for a peaceful solution is enhanced, in my view, by the use of all of the available options—sanctions, diplomacy, threatened military action—backed by a solid national resolve. In the final analysis, should other alternatives not be effective, military force to expel Saddam Hussein from Kuwait, unconditionally, is the final option. And the willingness to use that option is the only reason to believe the others might succeed.

To negotiate in these final tense days, we must have the firm resolve of this Congress to get Saddam Hussein, a world terrorist, out of Kuwait. There does not seem to be great division on that goal.

Consideration and backing by the Congress of the U.N. resolution should have come months ago. Instead, Congress dodged this important vote. If only those service men in the gulf can dodge bullets as easily as this Congress has dodged hard questions and challenges.

The reasons for our involvement have crystallized into a multifaceted and critical explanation: The menacing threat of a military-oriented dictator's potential command of the world's economy by controlling much of the world's energy supply; Hussein's record of aggression and his military capacity for mass destruction—including chemical and nuclear weapons; the violence done to thousands of Americans and our allies as human shields or living targets of war; the terrorist threats risked on our own soil; the spectacle of the end of the 40-year cold war being interrupted by naked aggression and brutality to a neighboring country; and the prospect of an explosion of tensions in the tremendously unsettled Middle East, eruptions that would be felt throughout the world. The reasons for our involvement seem to be clear.

The question before us is a simple one. Do we support the President and give him all the options that are necessary to carry out the U.N. resolution supported by at least 28 nations, as well as the commitment made in this country? Or do we, in fact, play the card Hussein wants us to play by showing division, demonstrating weakness, undermining all the long, hard-sought efforts that have been made by men and women apparently more courageous than we?

Some argue that the military option should be denied the President and that economic sanctions and diplomacy should be continued. I agree that every avenue of diplomatic and economic solutions should be explored. I very much want those efforts to continue. The January 15 deadline doesn't require that military action begin. Sanctions are helpful and no doubt have brought some economic discomfort to Iraq. It is increasingly clear that sanctions alone will not bring about withdrawal from Kuwait, nor will diplomacy be effective if military force is removed as an option.

This vote will be a test of the system—the ability of a democracy to give its leaders the strong support necessary in making the kinds of decisions that a superpower must make in world diplomacy?

No one wants war—the question is, what is our best route to find a peaceful settlement? In dealing with a personality like Saddam Hussein, I think the answer is clear. There will be no movement on his part unless he is persuaded that the United States and the United Nations are firm in their resolve and that whatever means necessary will be used for his unconditional withdrawal from Kuwait.

Peaceful, diplomatic solutions have been and are being pursued. But if Hussein believes he has a window of opportunity demonstrated by Congress, or in his eyes, America's lack of resolve, those efforts of peace will be lost. We must be strong in dealing with Hussein. This vote is the time to show it.

The President needs our support. Four hundred thousand United States service men and women in Saudi Arabia need our support. This country needs our support. It is time for us to come together and put it on the line.

Mr. DURBIN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, the Pentagon ordered 16,000 human remains pouches. Now, if all the so-called experts around here are correct that they are predicting 1,000 dead Americans, then why did the Pentagon recently order 16,000 human remains pouches.

The truth of the matter is, plain and simple, these are body bags. They have gone to a day when shovels have becoming entrenching tools, copper wire has become remote rotor antennas, and now body bags are human remains pouches. And let me tell you what: There are going to be a lot of dead Americans, because it is basically Americans in the front line.

Now, I understand the political rhetoric, and there is an old saying in America, "When the going gets tough, the tough get going." Well, let me tell Members what you are voting on today. There is a saying that our allies have, from Japan, to Germany, and any and all around the globe. They say, "When the going gets tough, send in

Uncle Sam. Congress won't object to it. They will even pay for the damn thing."

Now, let me tell you what: The American people overwhelmingly voted for George Bush, but the American people do not want Congress to grant him the power of King George. You believe me when I tell you that. If they were informed as to what was going on in the constitutional responsibility, and they really were able to participate in a debate of constitutional law, they would 95 percent stand up and say, "Congress, if you capitulate to this President, attempting to seize the constitutional power of a monarch, then you are a bunch of wimps."

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the statement was made by the Speaker before that we ought to support the President. It is wrong to support the President where his policy is against our national interest. During the Korean war in 1951 when I was in Congress, one of those who was most critical of President Truman was Senator Robert A. Taft of Ohio. You remember Senator Taft. He was the minority leader of the Senate. He was known as Mr. Republican.

He was criticized for objecting to what President Truman was doing. Senator Taft, said this, a statement with which I agree:

> As I see it, Members of Congress have a constitutional obligation to reexamine constantly and discuss the foreign policy of the United States. If we permit appeals to unity to bring an end to that criticism, we endanger not only the constitutional liberties of the country, but even its very existence.

Every Member of the House has his own responsibilities and his own conscience to observe, especially on grave matters like war or peace.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. To my friend I would say this: regardless of our respective feelings on the President's right to declare war, to wage an offensive action without permission of Congress, we are engaged today in making the decision as to whether or not we are in fact going to give him in this case authorization to move offensively in the gulf. We have analyzed the situation. We are debating that. So this is not a question on whether or not Congress has a say. We are having our say today.

It is my estimation, and most of the polls that I have seen reflecting on the American people, most of the polls that I have seen, and I think most of my constituents have really looked at this thing and read all of the available information, most of the American people support this action by the President.

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, I have heard all of that discussion. I have heard talk that today we are sending signals to Mr. Hussein. Let me tell you what, folks: We do not work for the railroad. We do not send signals. We pass legislation. And we are confined and constricted by the fine line of the Constitution. That is what we do here, if anybody wants to figure that out.

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Let me tell you what, let us talk about the polls. Here is what has happened in this country. Supposedly Congress sets policy. A Chief Executive carries it out. The court may decide the difference.

Not anymore. The court makes the law through precedent cases in the court. The President, he has his polls out there, and through news conferences he determines what the law is going to be and Congress, they go along, herded like a group of lemmings passing laws that stink, from the budget, to trade, to a lack of energy policy, economic policy. Now we are into the fiber of the Constitution itself, 18 paragraphs listing the powers of Congress, six of those paragraphs specifically dealing with the warmaking powers of Congress, three paragraphs for the President, two of them dealing with treaties and the appointment of judges, and they even have to be approved by the Senate.

He is a Chief Executive only. He carries out the policies of the board of directors. You are the board. You answer to the people. The people run the government, not one man.

I am not against George Bush. I hope to God he goes down in history as one of our greatest Presidents. But our Constitution makes sure that no man, no man or woman can set this Nation to war or can hurt our policies, and I am not going to be a part of it.

You take a look at this whole debacle. We canceled a $7 billion loan to Egypt. Where are our allies? Are they going to be placing America's dead into body bags and shipping them back to us? Half of them will not attack Iraq. I will be damned if the people from my district are going to go over there and die. And to tell you the truth, it is the poor from districts like mine that are in the front lines.

I do not like it. Stand for the Constitution.

Mr. McCOLLUM. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would like to respond to one thing the gentleman said and point out to my colleagues that of the total force structure over there in Saudi Arabia now, 250,000 are troops of our allies, not American troops, almost half of the force structure, and 75 percent of the cost to us of being there has been paid for by others.

Mr. Speaker, I am glad to yield 5 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of House Joint Resolution 62 the bipartisan resolution authorizing the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678. I feel strongly that if Saddam Hussein believes we will not use force, he will never withdraw from Kuwait and will continue to directly threaten vital American national security interests. Passage of this resolution is absolutely critical to convincing Saddam.

The crisis in the Persian Gulf is of paramount importance to the United States. I have long supported Congress taking legislative action, that is fulfilling its constitutional responsibility as a coequal branch of Government. While I believe we should have taken action earlier, and we had the authority to come into session and do so, I believe the appropriate, and much needed action, is passage of House Joint Resolution 62. Our bold, yet responsible, policy, as directed by President Bush, is the right one with the best change of achieving our goals peacefully. As so well stated in the liberty song of our own American Revolution, "Then join hand in hand, brave Americans all! By uniting we stand, by dividing we fall." This wisdom is still very benefiting today. As during other times of grave threat to our nation and with hundreds of thousands of American military personnel deployed in the gulf, now is the time to put our differences aside and strongly stand up for our interests by supporting the President through this truly bipartisan resolution.

Contrary to the erroneous claims of some, this is not a war resolution. It is not a declaration of war. Rather it is a declaration of support for U.N. resolutions to date. No one wants war. As a World War II veteran myself, I know the horrors of war. I very much hope conflict can be avoided. Secretary of State Baker, who has a son deployed in Saudi Arabia, certainly doesn't want fighting to occur. But, if Saddam is not stopped now, if his aggressive designs are not frustrated, peacefully if possible, or if necessary by force, we will all pay a higer price later, especially after Saddam develops nuclear weapons.

It should be pointed out that this resolution requires the President to make a determination that prior to committing United States forces to battle, that the United States has exhausted all appropriate diplomatic and other peaceful means to obtain Iraq's compliance with U.N. Security Council resoutions, and to report to Congress on the basis for that determination. Clearly, the use of force is only a final option after all others have been used and failed.

This is not an easy vote for me or anyone else. It is one of the toughest decisions I've made in my 17 years in Congress. In voting for this resolution, I am fully aware that one result could be armed conflict in which people including American servicemen and women, could die. Yet, so much is at stake here. As the President has said, there are multiple causes, multiple dangers and multiple threats. Standing alone, each is compelling. Put together, the case is overwhelming.

Over the past year, incredible events have occurred around the globe. Democratic revolutions in Latin America and Eastern Europe coupled with positive changes in the Soviet Union and the historic conventional arms reduction treaty recently signed in Paris, indeed mark the beginning of a new, promising era. For the first time in my life, the prospect for an era of genuine peace, stability and prosperity, free from war and oppression, exists. I volunteered for World War II at age 17 to bring about such an era. My generation and those that followed made great sacrifices so that our grandchildren wouldn't have to. Saddam Hussein jeopardizes all of this success.

I strongly believe that this era was achieved because we stood by our allies, principles and national security concerns. Just as Hitler, Togo and others presented a dangerous threat to our principles and national security concerns and left a world to struggle against evil and tyranny for 50 years, Saddam Hussein and others who will follow in his footsteps if he is not stopped pose the same threats. It is said that those who do not learn from history are condemned to repeat it. I've done my homework and learned we cannot jeopardize all that we have achieved and our positive hopes for a much better future by ignoring or appeasing this aggressive dictator.

During his testimony before the House Foreign Affairs Committee, Secretary Baker said it best in describing Saddam Hussein as, "a very dangerous dictator—armed to the teeth—who is threatening a critical region at a defining moment in hsitory * * * we must act so that international laws, not international outlaws, govern the post-cold-war world. We must act so that right, not might, dictates success in the post-cold-war world." We must act so that innocent men, women and children are protected, not brutalized, in the post-cold-war world.

What the world, including the United States, is requiring of Iraq is not unreasonable. It is only to reverse a grave injustice, caused 100 percent by Iraq, and behave as a civilized nation rather than a terrorist one. Without warning or provocation, Iraq invaded and seized Kuwait, a small peaceful neighbor on August 2. This aggression came just hours after Iraqi Dictator Saddam Hussein specifically assured numerous countries in the area that there would be no invasion. Following the occupation of Kuwait and Iraqi threats to Saudi Arabia and other gulf countries, and knowing that Iraqi Dictator Saddam Hussein's assurances are absolutely meaningless, we along with other nations, deployed forces to Saudi Arabia at the Saudi's request. As President Bush elaborated in his address to the Nation from the Oval Office on August 8, the following four principles guide our policy:

> First, we seek the immediate, unconditional, and complete withdrawal of all Iraqi forces from Kuwait.
>
> Second, Kuwait's legitimate government must be restored to replace the puppet regime.
>
> Third, my administration, as has been the case with every President from President Roosevelt to President Reagan, is committed to the security and stability of the Persian Gulf.
>
> Fourth, we are determined to protect the lives of American citizens abroad.

President Bush and others have compared Saddam Hussein's aggression and expansionist plans with those of Hitler's in the 1930's. I believe this analogy is fitting. Appeasing Saddam Hussein by letting him annex Kuwait and bully the rest of the region will not work. And, today Saddam Hussein has more tanks, artillery, airplanes and other weapons than Hitler had to start World War II! Hitler did not stop with Czechoslovakia and if not deterred, I strongly believe that Saddam Hussein—and other like him—will not stop with Kuwait either. Saddam has made it clear that he has other targets including Saudi Arabia, other gulf emirates, portions of Turkey—(A NATO ally). Don't forget that prior to invading Kuwait, Saddam threatened both Kuwait and the United Arab Emirates. Long before invading Kuwait Saddam threatened to annihilate Israel. That very real and dangerous threat has been repeated, already beginning the Middle East down the road to possible nuclear war—something that would inevitably draw in the United States.

Keeping the Persian Gulf secure and stable, that is keeping a free flow of oil from Saudi Arabia is very critical to America—for that matter Western—economic stability and national security. Since the Franklin Roosevelt administration, we have maintained a naval presence in the gulf and a close alliance with Saudi Arabia. Recognizing the strategic importance of the region, the Carter administration threatened to use nuclear weapons if necessary to defend it.

With its seizure of Kuwait, Iraq now controls 20 percent of OPEC's oil production. Saudi Arabia, the largest OPEC producer, controls 21 percent making it a prime target for Saddam Hussein. If Saddam were allowed to seize Saudi Arabia's main oil producing facilities which are located close to the Kuwait frontier, he would control 45 percent of the world's known oil reserves! The United States has only 2.6 percent of the world's proven oil reserves. Saudi Arabia is the most important and influential oil producer. Whoever controls its vast reserves is able to dictate world oil prices and, basically, control world economies. We cannot allow a tyrant like Saddam Hussein to dictate our interest rates, inflation rates, unemployment and so on. We cannot sacrifice our economic independence to dictator Saddam Hussein.

Today, we import 56 percent of our oil with over 15 percent of that coming from Saudi Arabia—that's more than 7 percent of our daily consumption. 8 percent of our imports formerly came from Iraq and Kuwait—the Saudis have made up the difference with increased production for the United States. I vividly recall the long, long gas lines and greater, as a percentage, price increase during the last oil crisis when only 5 percent of our oil from Iran was cut off and we were importing only 46 percent of our needs. While I believe this crisis further underscores the need to find alternative sources of energy—something I have long supported, for today and the near future petroleum is the lifeblood of our economy.

It is also very important to note that other major United States trading partners, like Japan and Europe, are far more dependent on gulf oil. If their economies slide into recession or depression ours could follow right behind. That means inflation, job losses, business slumps and negative growth. Today's world is very much an interdependent one.

We should have no doubts, Saddam Hussein is a very brutal, aggressive dictator. He invaded Kuwait after demanding ransom, $40 billion and strategic portions of Kuwaiti territory. He is in the process of stealing and destroying every facet of Kuwaiti statehood. Innocent Kuwaits, whole families at times, are shot at random, babies have been thrown out of incubators which are then stolen, and patients have been thrown out of hospitals which are then looted, among other inhumane actions. Excerpts from the Amnesty International report I am submitting for the RECORD provide many more examples of Saddam's barbarity. It is obvious, by these examples, that Saddam Hussein continues to intend to use his military muscle to force the other gulf nations to kowtow to his demands for cash and higher oil prices, all at our expense.

At home in Iraq, Saddam came to power through a bloody coup and has personally shot scores, some say hundreds, of opponents. His gestapo-type secret police ensure through murder and terror that his regime has no dissension. Even the pressures of today's sanctions, which could stir up local opposition, are mitigated because Iraqis would rather do without some food and consumer goods than be shot by Saddam's secret police.

Saddam Hussein has used chemical warfare on numerous occasions against both the Iranians and his own people in Iraq. Without reservation he gassed entire Iraqi villages indiscriminately killing innocent men, women and children, most of whom belong to Iraq's sizeable Kurdish minority. He has made no secret of his desire to literally annihilate Israel, which includes Jews, Christians, and Moslems, with chemical and nuclear weapons. Again, there are many frightening similarities to Hitler.

Saddam Hussein is trying, at a feverish pace, to develop nuclear weapons. According to unclassified intelligence testimony, Saddam could have atomic bombs within 5 years. Imagine the threat—the nuclear blackmail—Iraq could, and in my opinion would, pose to us and our allies in just a few years if not contained today. Iraq has already deployed short and medium range ballistic missiles, reportedly capable of carrying chemical warheads. These are also the preferred delivery systems for nuclear bombs. Furthermore, Iraq is working on even longer range missiles. These developments are a direct threat to the United States and the American people. Iraq has never developed a weapon that it has not used.

Putting all of these factors into perspective, like I said at the outset, if we do not stand up for what truly are our strategic interests in this region against such a clear and explicit threat, then we invite others with aggressive motives today, like Kim Il-Sung in Korea, and the new dictators of tomorrow, to subvert our allies and interests elsewhere around the globe returning us back to the cold-war type era of conflict and confrontation, not the new world order we have strived so hard to achieve.

Immediately following Iraq's imperialistic invasion of Kuwait, we initiated action on all fronts to support our four guiding principles. I support these actions by President Bush. On the economic front, the President ordered an embargo of all trade with Iraq. Congress enacted sanctions legislation. As a senior member of the House Foreign Affairs Committee, I cosponsored this sanctions measure, helped move it expeditiously through the House and, of course, voted for it. All Iraqi and Kuwaiti assets were frozen.

I am opposed to the Hamilton/Gephardt measure that would remove the threat of force to give sanctions more time because while I recognize that sanctions are an important tool, they are only one part of our strategy. Sanctions alone will not work. A recent CIA finding has confirmed this. Iraq has quite a self-sufficient agricultural sector, particularly in basic foodstuffs, meaning the Iraqi people are in no danger of starving therefore removing a pressure on Saddam to change his ways. Yes, the embargo is denying Iraq spare parts for its weapons. But, without the very real credible threat of force, Saddam doesn't need spares because he won't be using his weapons. Besides, Iraq has billions of dollars in hard currency and gold looted from Kuwait to sustain illegal sanctions-busting, black-market trade for key goods. Iraq has learned to live with hardship through 8 years of war with Iran.

The fact that many Soviet and Bulgarian technicians in Iraq have opted, despite the security threats, not to leave because they note there are more consumer goods and food in Baghdad than in Moscow or Sofia, indicates that sanctions are not totally effective. So too, is the fact that fresh kiwifruit, a perishable item not grown in Iraq, are available in Iraq and occupied Kuwait.

Today's sanctions are hurting the poorest countries and Eastern Europe's newest democracies the most—more than they are hurting Iraq. For example, sub-Saharan Africa which cannot even afford to feed itself, certainly cannot afford paying twice as much for oil. Yet, like everyone, these countries need oil for basic functioning. The result is less growth and development, larger debt, and greater poverty, starvation, and suffering.

All of the incredible achievements of Eastern Europe's new democracies are at risk due to sanctions. Times were hard enough when these countries were cut off from cheap Soviet energy and forced to buy oil and gas at market prices, despite their lack of hard currency or ability to generate it. As an offset, these countries entered into barter agreements with Iraq. In return for Eastern Europe's manufactured goods—products which are so inferior they cannot compete in any marketplace—Iraq provided oil. The embargo ended these deals. Now, many Eastern European countries are worse off economically then they were under communism, threatening a return of past evils. Unfortunately, Iraq most likely can hold out longer then they can. Yet, the fact Eastern Europeans are willing to risk so much to defeat Saddam Hussein is very telling. Those who have finally cast off 45 years of oppression recognize Saddam Hussein for what he really is and the dangers he presents. Having finally eradicated such cancer from their lives at great cost, Eastern Europe is dedicated to making sure it does not spread again.

Time, especially the long time needed for sanctions to work against Iraq, is on Saddam's side. Sanctions are hurting some of our friends like the new democracies in Eastern Europe more than Iraq. Over time, vulnerable countries like Syria and Jordan which cannot sustain the embargo may become lax in enforcing it or abandon it altogether, making sanctions even less effective. Today's international coalition exists because of American leadership. The passage of House Joint Resolution 62, signals critical resolve and leadership without which I fear our coalition will crumble.

As we wait for sanctions to work, Saddam can rest and better prepare his armies. Like all tyrants, he will deny his people resources to ensure his armies remain strong. And, when sanctions don't force him to leave by some later deadline, we'll face an even stronger Iraqi army with, perhaps, less international support. The expense of waiting through higher American casualties is ours. In the meantime, we must rotate troops. In order to keep sufficient forces in the area, we will have to either call up hundreds of thousands of reserves or reinstitute the draft. Both of these are very unpopular actions that will hurt our economy, increase our budget deficit and reduce domestic programs like education, housing, and drug control while, once again, increasing defense spending.

There is danger also that the Arab coalition against Saddam Hussein will falter if it appears the United States will not be willing to use force. Then where will the U.S.S.R. be? Foreign Minister Shevardnadze in his resignation speech alluded to opposition to his Persian Gulf policy.

On the diplomatic front, we have and continue to work with the international community to deny Iraq any benefits from its naked aggression. Iraq's actions are, indeed, a world problem and we have seen an unprecedented, unified global reaction against Iraq. This is not America against Iraq, it is the world against Saddam Hussein. The Arab League made up of Iraq's friends condemned Saddam Hussein's illegal actions. The U.N. Security Council, with which we work very closely, without dissent condemned Iraq and called for Iraq's immediate and unconditional withdrawal from Kuwait. All in all, the U.N. Security Council has passed 12 resolutions against Iraq.

The U.N. Security Council also approved, for the first time in 23 years, mandatory sanctions fully compatible with international law. The United Nations further passed a resolution to enforce those sanctions and the U.N.-mandated embargo through the use of force if necessary. On November 29, the U.N. Security Council passed a resolution authorizing the use of force after January 15, 1991, to implement all its previous resolutions demanding Iraqi withdrawal from Kuwait.

Showing we are serious about trying to achieve a diplomatic solution, President Bush offered to meet with top Iraqi officials in Washington and send Secretary of State Baker to meet with Saddam Hussein in Baghdad. We offered any date up to January 3—even

Christmas Day—to Saddam. Yet, he refused to schedule this very important meeting leading me, along with President Bush and others, to question Saddam's interest in seeking a diplomatic resolution. In yet another effort to obtain a diplomatic solution, President Bush sent Secretary Baker to Geneva, Switzerland, to meet with his Iraqi counterpart, Foreign Minister Aziz. The question remains if Iraq is willing to listen to reason. From the outcome of this lengthy meeting, I am very concerned that Iraq is not. Clearly, we've gone out of our way to be accommodating.

On the military front, we have deployed the finest military organization ever fielded. From my own personal inspection of American forces in Saudi Arabia, I know that we have enough forces with enough superior equipment to effectively do whatever job is necessary. The morale of our forces is excellent in part, I believe, because of the realistic training they previously received in places like Fort Irwin, CA. Interestingly, the closer to the frontlines and the more primitive the living conditions, the better the morale of our forces. It is very important for Saddam Hussein to realize what he is up against. If he forces a conflict, he will lose. I hope this will convince him that a peaceful settlement is the best option.

The deployment of our military forces to Saudi Arabia and the gulf region are not unilateral. Half of the ground forces in the region are non-American. Joining us in a true multinational effort are military forces of many Arab countries including Egypt, Morocco, Syria, Bahrain, Oman, Qatar, the United Arab Emirates and free Kuwait—those who escaped. These Arab forces, not American ones, are deployed on the front lines against Iraq.

Other ground, naval, and air forces from over 28 countries including Britain, France, Canada, Belgium, Australia, The Netherlands, Argentina, Bangladesh, Pakistan, and Italy are deployed in the region. Others, like Japan, Germany and Taiwan, which for sensitive legal and political reasons have not deployed military forces are, instead, contributing with supplies and financial support. For example, Japan has provided thousands of 4x4 jeeps. I must admit, I did find it strange to see United States soldiers driving around the Saudi desert in Toyotas! The Saudis are providing vast amounts of local support, much more than they receive credit for as I learned first hand during my trip to the gulf. In fact, in 1990 about 75 percent of our additional costs were covered by international contributions.

Of course, I believe that our allies, particularly our wealthy Arab, European and East Asian allies, must continue to share more of the burden. I support the continued efforts by the Bush admininstration to get even more direct support from these partners. Hence, our actions on all fronts are not unilateral, they are part of the broadest international campaign ever.

I believe we should continue to work and hope for the best—a speedy, peaceful resolution that guarantees future security and stability—but, knowing the grim track record of Saddam Hussein be prepared for the worst. The future of our world, and therefore, our country is at stake in this crisis. Simply put, it is a choice between right and wrong. It is time for Congress, the representative of the American people, to stand up for what is right and give the President the explicit authority to defend our national security interests which the implementation of the U.N. resolutions would do, with the use of force.

[From the Washington Post, Jan. 11, 1991]

CONGRESS AND WAR

Iraq, says Speaker Foley, is an "issue of conscience." But that's to say that only one answer is possible. In fact, Iraq is an issue of judgment. Conscientious legislators have different views about it. That is what makes the congressional debate on Iraq so excruciatingly difficult.

That the United States has large stakes in the outcome of the Gulf crisis is no longer a contentious issue. The threshold argument in Congress is how best to pursue those stakes—by the threat of war or by further reliance on sanctions, diplomacy and the military buildup. On this matter, as we say, conscientious people can differ. There are expert analyses to support several courses. It is a close call.

But Congress is not dealing merely with this essentially tactical question. Having chosen to wait until this late moment to address the crisis in a formal this-counts way, Congress finds itself pinned up against the Bush administration's determined, United Nations-sanctioned effort to enforce the U.N.'s Jan. 15 deadline for Iraqi withdrawal from Kuwait. So a second argument—what we would call the more urgent argument—necessarily comes into play: whether to try to make the Bush enforcement strategy work. This is not simply a matter of supporting the president, although it is partly that. It is a matter of supplying the president with the vote of confidence, the showing of support, to strengthen his hand at the moment when conceivably this powerful sort of strengthening of his hand can influence the calculations of Saddam Hussein and win him over to the withdrawal that is favored by almost everyone in America.

It is no longer seriously disputed that Saddam Hussein is a menace to regional peace and global order and had best be reined in sooner so that he does not become an even greater menace later. This is what the American government has attempted to do. Now comes the squeeze. Can there be any question as to how Saddam Hussein would read a congressional vote that denied President Bush the authority he seeks to use force in conformity with international mandate and national policy alike? Does anyone think he would not take heart from such a vote?

A war in the Gulf could have incalculable and horrible effects, and we are not calling for the country to launch an attack. But we do support putting in the hands of the president—a president who personally knows something about war—the authority to make a more plausible threat in these eleventh-hour circumstances of President Hussein's pre-deadline countdown. Our judgment is that Congress, by deciding to authorize the president to conduct war, materially improves his chances of achieving peace. It is a risk, and we would take it.

[From Amnesty International, Dec. 19, 1990]

IRAQ/OCCUPIED KUWAIT—HUMAN RIGHTS VIOLATIONS SINCE AUGUST 2, 1990

METHODS OF TORTURE AND ILL-TREATMENT

The following are details of allegations of torture and ill-treatment which have been made to Amnesty International since 2 August, some of which are supported by medical evidence and photographic material [see Appendices C and D]. These reports are entirely consistent with methods of torture and ill-treatment known to have been used in Iraq over many years, and some of which are also supported by medical evidence [see in particular Amnesty International's report entitled "Torture in Iraq 1982-1984", published in April 1985, and the organization's annual reports].

It should be noted that not all of the methods listed below are said to have been widely used since 2 August. Those methods which have been alleged only in a few cases brought to Amnesty International's attention are marked with an asterisk (*).

1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.

2. Falaqa: prolonged beating on the soles of the feet. Sometimes the detainee is than forced to walk or run.

3. Suspending the detainee by the feet, or by the arms which are tied behind the back.

4. Beating the detainee while suspended from a rotating fan in the ceiling.

5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.

6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.

7. Applying pressure to the fingers with a clamp-like instrument.

8. Slashing the face, arms or legs with knives.

9. Extracting finger and toenails.

*10. Boring a hole in the leg, apparently with a type of drilling tool.

11. Cutting off of the tongue and ear.

12. Gouging out of the eyes.

*13. Castration.

*14. Hammering nails into the hands.

15. Piercing the skin with pins or staplers.

16. Shooting the detainee in the arm or leg at point blank range, followed, by deprivation of the necessary medical treatment.

17. Rape of women (including virgins) and young men.

18. Inserting bottle necks, sometimes when broken, into the rectum.

*19. Tying a string around the penis and pulling it tightly.

*20. Pumping air using a pipe through the anus, particularly of young boys.

21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instruments used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).

22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.

23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.

24. Pouring hot and cold water alternately over the detainee.

25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.

*26. Pouring an acid-like substance onto the skin.

27. Pouring caustic substances onto the eyes, causing blindness.

28. Plucking facial hair, particularly the beard, with pincers or pliers.

29. Placing heavy weights on the detainee's body.

30. Spitting into the detainee's mouth.

31. Exposing the detainee to the sun for several hours at a stretch without water.

32. Subjecting the detainee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the mouth and pulling the trigger.

33. Forcing the detainee to watch others being tortured, or to hear their screams.

34. Raping or torturing the detainee's relatives in his or her presence; threatening the detainee with such acts.

35. Threatening the detainee with torture methods such as the electric chair [*al-Kursi al-Rajjaj*], or with death by immersion in an acid bath.

36. Deprivation of medical treatment.

37. Deprivation of sleep, food, water, fresh air and toilet or washing facilities.

38. Degrading the detainee by using obscene language or insults.

A REALLY BAD WEEK

(By David S. Broder)

Every day now tests the nerve, the fiber and the judgment of Washington. You can see the strain etched deep on the faces of the people who are struggling with the question of war and peace in the Persian Gulf.

When he came into the White House briefing room to comment on the failure of the Iraqi-U.S. meeting in Geneva, the president's skin looked pasty, the twist in his mouth exaggerated almost into a grimace. Standing unobserved to the side, Secretary of Defense Dick Cheney's head slumps a bit toward his chest, and you are reminded that this man has a history of coronary troubles.

On Capitol Hill, House Speaker Tom Foley's hard-won slimness—the product of a rigid diet—suddenly leaves him looking not trim, but gaunt. And Senate Minority Leader Bob Dole shows his age too. The arm and shoulder shattered in World War II fighting appear to be acting up, shooting pain through his nerve ends as he talks of the battles to come.

January in the capital is normally a time when the people in power look sleek and tan and rested, back from their holiday relaxation in Florida or Texas, California or Hawaii, swapping tales of the bowl games they saw, the hunting and fishing they enjoyed, the golf courses they tamed. But not this year. There was no real rest, not at the Camp David presidential retreat and not at the customary watering spots for the others in government.

There hasn't been a year that began with such a burden of bad news since the January of 1942, when the Japanese were marching through the Philippines and advancing on Singapore, the Germans were deep in the Ukraine and FDR was worrying about how to protect the West Coast from invasion while he rebuilt the Navy that had been sunk at Pearl Harbor the previous month.

This time, it is the threat of war rather than the reality of conflict that has cast a pall on the capital. But even before that threat grew imminent, it was a bad week, a really bad week. The Bank of New England was taken over by the government after a run on its deposits. Pan Am, the company that represented glamour in air travel since the days of the Clippers, was forced into bankruptcy. The accelerating recession pushed the Federal budget $50 billion deeper into deficit and played havoc with the budgets of one after another of the newly inaugurated governors.

To top it all, the Soviet Union was dissolving before our eyes, and Mikhail Gorbachev—the laureate of what must be the most premature and misjudged Nobel Peace Prize ever—was sending in the troops in a futile attempt to quash the nationalist forces that have emerged from the Baltic republics to central Asia.

All this was in people's minds as they gathered around television sets to watch Secretary of State James A. Baker III's news conference from Geneva on Wednesday afternoon. The longer his meeting with Iraqi foreign minister Tariq Aziz lasted, the more hopes grew. This was not a perfunctory exchange of positions, the phone calls from supposedly informed people said, but serious, substantive talks.

At lunchtime in the capital, the word spread that the talks had ended, and Baker would soon announce the results. He came onto the TV screen poker-faced, giving no hint of his mood. The first five sentences of his statement were studiedly neutral in tone and substance—a recital of previously known principles.

Then he said: "Regrettably," and even before the rest of the sentence followed, a collective sigh was heard as thousands of dashed hopes were swept away by one adverb. By the time Baker, the consumate pro, described what Bush later called the "total stiff-arm" he had received from Saddam Hussein's envoy, the gloom was thick enough to cut.

Aziz's subsequent news conference—part obfuscation, part bluster, part chilling fatalism—demonstrated exactly the quality of obduracy Baker had described. Bush's own nervous and occasionally erratic meeting with reporters added to the gloom—"I can't misrepresent this to the American people. I am discouraged"—while doing little to clarify his next steps. It simply showed the strain of crisis of him.

Now the issue moves to Capitol Hill, where the ruling Democrats present their usual spectacle of disarray. The chairmen of the House Foreign Affairs and Armed Services committees are supporting the president, but they cannot persuade their own leaders—that their judgment is correct. The situation among Senate Democrats is less confused, but essentially tells the president only to check in again for further instruction.

Through the strain, the fatigue and the gloom, one principle stands clear: The president, speaking for an international coalition and armed with the authority of the United Nations, has defined U.S. policy from the only place in government where it can be set. The best hope of salvaging peace is a strong statement of congressional support for his policy, so that Saddam Hussein can understand the terrible alternative he faces.

And then the United States must be prepared to pay the price world leadership requires.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.

Hon. LES ASPIN,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq and on the operational effectiveness of its military if left in place for another six to twelve months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to twelve months; and (3) address the likelihood that sanctions, again if left in place for another six to twelve months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to twelve months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to twelve months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

Mr. DURBIN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I certainly find it very difficult to be here at this time when we are assembled here considering the effect of having a declaration of war.

In the recent past it has been our practice to defer to the Arab League to mediate conflicts and situations of theirs. All of a sudden we find a great departure.

I was shocked to find 200,000 U.S. troops in Saudi Arabia on August 4, 2 days after the invasion. I think that the decision to stop the aggression that would have gone into Saudi Arabia was correct. I think that we should expect and insist that Saddam Hussein move back to his rightful border in Iraq. But I think that as we talk about military strikes on January 15 or thereafter, we have to weigh very, very carefully what we are getting into.

We did that in Korea some years ago and we still have troops there. The Soviet Union decided to go into a Third World country without much modern equipment, into Afghanistan, and the tremendous military machine of the Soviet Union was bogged down there for so many years that they retreated, just as we did in Vietnam. So we talk about this country of 15 million people and we talk about our tremendous military might, and yes, we could probably blow that country off the map.

□ 1030

But we will have a heavy cost. We will have to think very carefully.

I am very disturbed, as I went to Saudi Arabia and saw the number of young people, over 35 percent African American in the Army, and close to 25 percent of the Marines, those who will have to go in on the ground.

In Vietnam, of the 58,000 persons who died, a disproportionate number of those were African-Americans from my city, and once again, we are finding that those who are least treated with first-class citizenship, those who the President of our country talks about vetoing the civil rights bill, a country that Vice President QUAYLE finishes going to an all-white golf course, to go over to the Persian Gulf to tell the men to stay the course, the same country that says we have got to watch for quotas in the workplace because we cannot be sure that we are going to discriminate against the white male in the workplace as JESSE HELMS did in his ads, that we find out that no one is concerned about why we have no quotas then in the military. Why do we have a disproportionate number?

So all I am saying is if numbers are so important in one area to keep them out, why then we allow conditions to exist in this country so that young people have to join the military?

I think that we should let sanctions work. I think they have worked. I think that CIA Director Webster said it clearly when he came several months ago and said sanctions were working. Of course, lately we have heard that he said, well, now, he is not so sure, but I am not surprised at that change.

It will be Iran next time. It will be perhaps water 20 years from now.

Why should the United States be the ones to bear the burden of the loss of lives?

The SPEAKER pro tempore (Mr. OBEY). The Chair would announce that the gentleman from Illinois [Mr. DURBIN] has 3 hours and 24 minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 4 hours remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I say to the gentleman who just took the well for whom I have deep respect that I returned from Saudi Arabia less than 36 hours ago. I had a chance to meet with our troops over there, and many of them were of the ethnic and racial background of the gentleman in the well. They were from New York City and from my area.

Thirty-seven of them, including four women, all black, said to me, "Mr. SOLOMON, please back the President. Please let us do what we have to do so that we can come home."

You know, this gentleman right here is a man I worshiped. I used to be a Democrat back in those days. If Harry Truman were here today he would vote to back this President of this United States of America.

Mr. PAYNE of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from New Jersey.

Mr. PAYNE of New Jersey. Mr. Speaker, I agree. I was in Saudi Arabia also, and when I spoke to those same young people, they said the same thing.

African Americans, from the Revolutionary War on, have died, have sacrificed during World War II, during the Korean war, during the Vietnam war and in this war.

Mr. DURBIN. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, the thing that is very disturbing is that after they do this and they come back to Newark, they still cannot find a job. They still cannot find a house to live in. They still cannot get an adequate education. They still have to be victimized by violence and crime in the inner cities because of the lack of opportunity. That is my point.

Mr. GEPHARDT. Mr. Speaker, according to the rule, it is possible for the minority leader and the majority leader to request additional time, and since we are getting a number of additional requests, and since we do want to accommmodate every Member's ability to be able to talk in this debate, I would now ask unanimous consent that 1 hour of additional general debate time be added to each side, so that the time will go on into the early evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the distinguished cosponsor of the resolution of which I am a cosponsor, the gentleman from New York [Mr. SOLARZ], be given 2 hours of our time to be apportioned as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I like many of my colleagues, have agonized over the Middle East crisis.

There are many questions, and I don't profess to have all the answers.

But, I do know this. For over 5 months, President Bush has led this Nation, as well as most of the world, in organizing world-wide condemnation of the senseless invasion, rape, and pillage by Iraq of a peaceful and virtually defenseless Arab nation. Economic sanctions were put into effect, catalysed by the leadership of the President. A massive movement of American Armed Forces were also dispatched to the Middle East by the President, thereby preventing Saddam's invasion, and probable annexation and pillage, of Saudi Arabia also. Ultimately, the President sought and obtained a U.N. endorsement of a deadline authorizing member nations to use force against Saddam if Iraqi troops did not withdraw from Kuwait by January 15, 1991.

This Nation, this Congress, and most of the world have looked to and accepted the President's leadership. Perhaps acquiesced to such leadership is more accurate. I do not say that critically. No other nation but the United States could have filled such a leadership role. And Congress, with its 535 Members, was, and is ill-equipped to do so—this is, to have led such a unique and delicate foreign policy effort. No other person, aside from President Bush, had the willingness, or is it fortitude, or the office and the resources to accept such a precedent-setting challenge for our fledgling post-cold war world: That challenge was to galvanize the society of nations of this post-cold war world in order to condemn, and use counterforce if necessary against, any nation which would attempt to forcibly annex and exterminate another nation.

Mr. Bush asked the question no one else asked: What happens if we do nothing? He saw roughly 60 percent of the world's oil supplies coming under the sway and intimidation of a ruthless dictator backed by the world's seventh largest army; a dictatator who is amassing a force of long-range missiles that could hit every state in the Gulf with chemical, biological and, in a few years, nuclear weapons. Indeed, such weapons of mass destruction could, in the not-so-distant future, be a global threat. Moreover, Saddam had demonstrated his willingness to use these weapons in war and even on his own people. It makes no difference to him. If Saddam's rape of Kuwait went unchallenged, President Bush saw that every tyrant who wanted to redraw the map of the world by force in this new post-cold war era, could do so. For better or worse, Mr. Bush took that challenge.

I don't wholly endorse all that the President has done along the way. Some of his rhetoric was ill-advised and his diplomatic efforts could be less on the "demand" side and more on the inducement—conflict resolution—side. Even with a thug like Saddam, psychology sometimes works.

Today we are not so much debating the authorization of United States military force as we are attempting to determine intricate ongoing foreign policy efforts to secure the peaceful withdrawal of Iraq from Kuwait. That's something we all want. And we all hope that a peaceful solution shall, and may, be the result of the diplomatic efforts of our President, the United Nations, and our allies during the final days leading up to the January 15 deadline.

I am persuaded that now is not the time for hundreds of Members of Congress to call audibles at the line of scrimmage, and change the President's and the United Nations' game plans by extending this crisis to some undetermined time in the hope that the unique but fragile international coalition will hold together for another year or two. The Iraqi menace must be faced, if not now, then later, and at probably a greater cost to all, including our young men and women in our armed forces.

I had been one of those saying that enforcement of trade sanctions and an international embargo, combined with vigorous diplomatic measures, was the preferable way to pressure Saddam to withdraw from Kuwait. After watching Saddam and Foreign Minister Aziz for the last few weeks, I no longer believe that.

I also question the coalition's resolve for a continuous trade embargo if the U.N. deadline authorizing the use of force is eviscerated. I sense that Saddam's resolve to wait out the sanctions, no matter what the hardships which may befall the Iraqi people, will exceed the coalition's commitment not to trade with Iraq. This is especially true of nations such as Poland, Turkey, Jordan, and other Arab nations experiencing economic distress as a result of the trade embargo.

If sanctions fail to drive Iraq out of Kuwait, as I believe they will, then force will ultimately be needed to dislodge the aggressor from Kuwait. In the view of those who cannot support the use of "all necessary means" at this time, the threat of force is needed later rather than now. However, if the United Nations, America, and the coalition back down from enforcement of U.N. Resolution 678, Saddam would be given ample time to become so entrenched in Kuwait that use of force by the U.S. and its allies would be far more costly. In fact, according to CIA Director William Webster, it has become clear that over the past 5 months, there has been ". . . no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait."

And, finally, what impact will prolonged sanctions have on our own troops? In that regard, I would like to read portions of a letter from a constituent of mine from Naperville, IL, a major in the Marine reserves who has recently been called to active duty in Saudi Arabia.

> "Dear Congressman Fawell,
>
> I am a major in the Marine Corps Reserve. I have just received orders placing me in an active duty status destined for the Persian Gulf. I am happily married and am blessed with five healthy sons. I'm a general contractor by trade. I have watched virtually all the Senate Arms Congressional hearings on the subject of our presence in that area. There is almost unanimous agreement that it's in our nation's vital interest to drive Iraq from Kuwait. I am very alarmed at the prospect of giving sanctions additional time to work. I've heard nothing that indicates that the sanctions will force Iraq out of Kuwait. On the contrary, most Senators and experts seem to agree that the sanctions in and of themselves will not drive Saddam Hussein out in the near future. What seems to be emerging is a consensus that we should give the sanctions time to work. The time frame suggested is 1 year to 18 months. It is suggested this will demonstrate to the nation and world that we are willing to go that "extra mile." Further that by waiting it will deplete Iraq's spare parts and reduce their military capability. Again, Senators and experts seem to agree that armed conflict will ultimately have to be used anyway!
>
> I sincerely believe that our greatest and quickest chance for peace lays in authorizing the President to use force. Only then will our threat be credible! Please do not support any program that advocates waiting. It will only prolong the emotional and financial hardship of those making the sacrifices.
>
> Sincerely,
>
> [NAME WITHHELD UPON REQUEST.]

This is not easy for me—for anyone, I would assume. All I can do is share with my colleagues my best reasoning on the matter. I believe we should stay the course set by U.N. Resolution 678 and authorize the President to use military force if, after January 15, 1991, in his best judgment, he believes it necessary to force Iraq to withdraw from Kuwait.

Now is not the time to change strategies deemed best by a world consensus, difficult as that may be.

The SPEAKER pro tempore (Mr. OBEY). The Chair will take this occasion to announce pursuant to the agreement and pursuant to the unanimous consent request of the minority leader and the majority leader, the gentleman from Illinois [Mr. DURBIN] now has 4 hours and 23 minutes and 30 seconds remaining, the gentleman from Oklahoma [Mr. EDWARDS] has 2 hours and 53 minutes remaining, and the gentleman from New York [Mr. SOLARZ], who has been yielded 2 hours of the minority time, will have 2 hours available.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I will also be speaking later on the issue before Members. I simply want to take this moment to indicate that this is a very sober and somber act that we are engaging in. I simply want to express my frustration with the process, not designed to challenge any Member. However, if Members observe these proceedings, to use the term "debate," is a euphemism. It really stretches the definition, because there is literally no exchange taking place here.

Maybe that is a product of how we are here, but we are simply parading into the well, giving each other speeches.

The previous gentleman in the well made a statement. I would have loved to have asked the gentleman one simple question. In his reference to the Congress of the United States with 535 secretaries of state, he made the assertion that Congress is incapable of making a judgment. What I wanted to ask the gentleman in the context of this discussion was in making that assertion, was the gentleman attempting to read out of the Constitution article I, section 8, paragraph 11 of the Constitution, which vests all powers in making war to the Congress of the United States, so that people observing this discussion would at least see Members exchanging with each other.

All Members feel passionately, or at least should, one way or the other on this matter, and feel enough courage and enough integrity that we are all able to expose our respective points to each other's scrutiny and question. That is what this discussion ought to be about. It can go forward with dignity. It does not have to go forward with partisanship or rancor, but there ought to be some exchange.

We are talking life and death, war and peace. It is not enough, Mr. Speaker, for each Member to proceed into the well without exchanging. There has to be enough time here where we step back and are prepared to engage each other with honest debate before we send our children to march off and die several thousand miles away.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I think it is good to have an exchange. I want to make the same point with the gentleman from California, that I tried to make with the gentleman from Ohio [Mr. TRAFICANT]. We are, regardless of our respective positions on the balance of authorization in warmaking, and war leading between the Congress and the executive branch, we are making a decision today. Every Member is voting today. The President is not voting on this. We are voting on it.

Today, every Member has a chance to analyze the situation and make his determination and cast his vote. So, this is not a question on the division of power right now. This is a question on a specific situation, are we going to stop Saddam Hussein? Are we going to give it more time? Which of the resolutions are we going to go with?

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. DELLUMS. Can I draw from the gentleman's statement, that this debate is indeed a debate about a declaration of war, and a decision as to whether that power shall or shall not be used.

Mr. HUNTER. I would say it is definitely a debate about taking offensive action, a species of offensive action that is short of total war, like the war against Japan or against Germany, but it is certainly a debate about the taking of military action against Saddam Hussein, no doubt.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, there is no more serious decision, no more difficult decision, and no more thought provoking decision than that of committing our troops—our citizens' lives—to a hostile action. This may be the hardest vote most of us will cast in our careers, yet it is a responsibility we have as Members of Congress.

I have had many sleepless nights in the last few weeks as January 15 approaches. On several occasions, I have visited with Guard and Reserve units as they were shipping out to Saudi Arabia, and I found them well prepared for the task they face and proud of their service to this Nation. I also saw the agony of their families and listened to their expressions of utter fear. It has been a sobering experience.

Earlier this week, I held town meetings in my district where the majority of people came with only the Persian Gulf on their minds. Most were supportive of the President and some were not. But they all agreed that the loss of one American life will be a terrible thing, and I share that view completely.

I have listened to my constituents, to my President, and to my colleagues who disagree with the President. I am scared by the potential for American deaths, but I have concluded after much soul searching that we must support the President and the U.N. resolutions and our allies in this venture who voted for those resolutions.

There are many who question the United States involvement in the whole Persian Gulf affair. And I have no doubt their questions are not unlike those of other Americans who before World War II asked why should we defend Great Britain, why should we go to the aid of France. But can you imagine the world today if we had not?

Our aim in this crisis is not to declare war on Iraq but to remove an aggressor from the soil of an ally. Already, the United States has succeeded in checking that aggression. I have no doubt whatsoever that Saddam would have already entered Saudi Arabia had President Bush not deployed troops to defend against further militancy.

Many are concerned about the President's constitutional authority to involve American troops in military action. The President was elected by the majority to be our Commander in Chief. In that capacity, he should not be constrained by having to seek the permission of 535 people who are not diplomats. Would it have been wise to engage in a debate on the Panama invasion and let Noriega know of our plans? Would Mu'ammar Qadhafi now be virtually silenced if we had compelled President Reagan to publicly justify his attack on Libya? Do we want our President when attempting to comply with international agreements to have to tell the United Nations that he must first call Congress together to ask their permission?

I do not want this country to go to war. Period. It is not too late to avoid that eventuality. But if we convey to Saddam Hussein that we are cowardly, that we are divisive, then, my friends, it is indeed too late. Imagine yourself as a soldier hearing his Member of Congress say that his country is not behind him. And we all know that Saddam is a student of American public opinion. He has persistently tried to manipulate our attitudes. He will interpret Congress' reticence as weakness.

In supporting the Michel-Solarz resolution, I want to send a strong message to President Bush. That message is this: If we must use force, make it decisive, make it conclusive, and make it quick. I have voted for billions upon billions of dollars to make sure we are prepared militarily, so I know we have the capability to do the job swiftly. Mr. President, do not make our fine men and women remain in the desert sands—bring them home as rapidly as you can. We want this thing to be over with.

I urge my colleagues to join me in supporting the Michel-Solarz resolution.

☐ 1050

Mr. DURBIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I would just like to say, I find it very ironic that in World War II the United States saved Japan and Germany and Europe from a future of despair and agony. We restored them to a position of economic stability and respectability, and now they refuse to come forth only with a pittance to save themselves. They want the United States to do it all over again, and the United States is in a recession. They stand to gain the most from American sacrifice.

Where are our United Nations friends who voted war?

The United States, make no mistake about it, is going to pay dearly. They are going to pay at least 90 percent in either money or lives, and every other one of these countries are going to profit by American sacrifices.

I supported the deployment of troops in Saudi Arabia and I was proud to do it. We succeeded and we kept Saddam Hussein from the Saudi Arabian oil fields. He knows our commitment and he knows that we are going to stand behind that commitment.

The United Nations has placed stringent sanctions, but President Bush, who initiated them, is not willing to let them work to force Saddam Hussein out of Kuwait. President Bush insists on war, and I say why? Because Saddam Hussein is a despot who committed heinous crimes? We know that. There are a lot of people down through history who have done that.

When we talk about despots and heinous crimes, I think of Idi Amin. Idi Amin, what did we do about him? He killed 500,000 of his own people and now he is living the life of Riley in Saudi Arabia.

And what about El Salvador where they are committing crimes down there and we are funding that? Is this a principle to free Kuwait or what is it?

Well, Kuwait, if they restore the Emir, that is a virtual dictatorship.

Where are we and where have we been when we want to keep nations of the world free?

Did we threaten the Soviet Union with invasion if they did not get out of Afghanistan or China or Indonesia?

And what about if you talk about a matter of principle when Iraq invaded Iran? I know Iran was our mortal enemy, but Iraq invaded Iran and they could not beat them, either, and yet who did we come down on the side of? We came down on the side of Iraq and we supported them.

The United States has already lost 100 young people. That is more than the combined total of what we lost in Panama and El Salvador. Is it going to be worth another 1,000, 5,000, or 10,000 to get one despot?

And after him, who is the United States going to be called upon to dipose of then?

I would go to war at the drop of a hat to protect America, but the Persian Gulf is not World War III and Saddam Hussein is not Stalin and he is not Adolf Hilter.

America's national societal and economic stability is not threatened, my friends. It comes down to this and this is the bottom line. Is Saddam Hussein worth the sacrifice of American life and blood? And I say, hell no.

Mr. DURBIN. Mr. Speaker, I yield myself 7 minutes.

Mr. DURBIN. Mr. Speaker, whether you support the Solarz-Michel resolution or the Hamilton-Gephardt resolution, I hope that every Member of this House of Representatives will consider the fact that there is a third vote that will be taken. That third vote on the Bennett-Durbin resolution is a validation of what we are doing this very moment. That third vote is a ratification of a constitutional principle which is absolutely essential and one which this group now serving in the 102d Congress must respect.

Article I, section 8, requires this debate. It does not allow it. It requires it.

For those who fancy themselves as conservatives and those as liberals, those who call themselves strict constructionists and those who look for the broadest interpretation of the Constitution, please consider the Bennett-Durbin resolution as a validation of what we are about today, a debate which not only consumes our time and attention, as it should, but draws the American people into this debate.

Pick up a morning paper, turn on the television set or radio, and the reference is being made to the people's Chamber, this House of Representatives and our responsibility to speak to the critical issue of war and peace.

I would beg each Member of the House to seriously consider this resolution as an affirmation of why we are here and why we took the oath of office.

There are many close calls as to when the war powers clause may be brought into consideration. There are many ambiguities, but Operation Desert Shield is not ambiguious.

The President of the United States is gathering the largest United States military force since Vietnam, and he has stated expressly that he would use it for an offensive purpose. Even the President's critics concede that his intent and strategy are clear.

Under our Constitution, this body, this House and the Senate as well are required to declare war, to make that determination as to whether or not we are willing to sacrifice the lives of young men and women across this Nation. We cannot meet this responsibility after the fact by inference or silence, and I beg each Member to please vote in favor of the Bennett-Durbin resolution as a reaffirmation.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to my colleague, the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, as the gentleman knows, I have been very outspoken in support of the rights of the Congress to make these decisions, and I would agree with the gentleman and I think anybody who reads the Constitution carefully would agree that the President of the United States is not empowered to be the authority to decide whether or not we will go to war.

What we are talking about today and tomorrow is the Congress giving authority to the President to do that. That is properly constitutional.

I might say that when I first heard about the Bennett-Durbin resolution, I was going to vote for it, because I completely agree with asserting the fact we have the war-making power in this body.

☐ 1100

But if you read your resolution, you know, after you make that assertion which is clear and with which we all agree, after you read it, you then get into great vague ambiguities about what the President may or may not do. If there are missiles loaded and aimed at Israel or Turkey or any place else, we would be precluded, under the way the gentleman has written his resolution, from a preemptive strike to prevent the firing of those missiles.

I am saying to the gentleman I do not disagree at all with what he has said he wants to do, but his resolution does not do it.

Mr. DURBIN. I would beg my colleagues, Mr. Speaker—and I respect the gentleman from Oklahoma as a matter of principle—I would beg them not to consider every ambiguous possibility, but rather the very real facts which are presented to us. President Bush as Commander in Chief has authority to defend out troops, he has authority to deter and defend against Iraqi attack. That is not a question.

The question is whether he can initiate offensive military action. If we cannot see an analogy or parallel between a declaration of war and an initiation of offensive military action, the gentleman from Oklahoma will have read out article 1, section 8, clause 11 of the Constitution. That would be a sad commentary. It would not guarantee to this body or to any of our successors an opportunity for the very debate in which we are engaged.

Mr. Speaker, I would like to reclaim my time, if I might. I waited patiently this morning so that I may make two points on the subject.

Mr. Speaker, beyond the constitutional question which gives us the right to debate what we will do in the Persian Gulf, a critical and important right, we must debate as well the substance of what our policy will be.

I have heard arguments made that those who do not support the bipartisan resolution by the gentleman from New York [Mr. SOLARZ] and the gentleman from Illinois [Mr. MICHEL] are somehow not behind the President.

We have a responsibility as our own branch of government to conduct the policy of war, make the determination as to whether we go to war. We can work with the President and share his goal of removing Saddam Hussein from Kuwait and bringing as many of our troops home as safely as we can as quickly as we can. It is not a question of supporting the President for us to engage in the very debate this body was created to perpetuate.

The other question that has been raised is whether or not a vote in favor of the Hamilton-Gephardt resolution which calls for sanctions as opposed to the use of military action is somehow not supporting the fighting men and women who are overseas now in harm's way, prepared to risk their lives.

I would suggest that that is not the case at all.

Like one of the previous speakers, I attended a sendoff of a National Guard unit and Army Reserve unit in my hometown. I looked into their eyes, I embraced the mothers and fathers, who were in tears, begging us to do all in our power to bring them home safely, to try to avoid a war.

I sense that those of us who are supporting Hamilton and Gephardt have just as much compassion, respect, and gratitude for the fighting men and women as those who are supporting the other resolution.

That is not the issue.

The question is there, and the final question is simple: Will we have exhausted every reasonable possibility before war is started? Those of us who support the Hamilton/Gephardt resolution believe that sanctions and diplomacy should be allowed to work for at least some additional period of time, a reasonable period of time.

Then if the President decides that it is fruitless and hopeless, return to the Congress and seek authority to take offensive military action.

During that period, we can satisfy ourselves that we have done everything in our power to avoid a war, everything to avoid the casualties, the death and the suffering that necessarily would follow.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. I thank the gentleman for yielding.

Mr. Speaker, if the gentleman from Illinois [Mr. DURBIN] would step back into the well, I would like to ask a question as a point of clarification.

In the gentleman's resolution he refers specifically to actions against Iraq.

In the history of this country there have been 216 instances of this country taking offensive action, many of them by Presidents of both political parties.

Only five acts of Congress declaring war have been taken.

Why does the resolution of the gentleman only apply to Iraq? Is the gentleman saying that other acts of aggression against other nations are in fact allowed? I know we are debating this now, but why does it not include any offensive action which would cover those 216 instances which have taken place over the history of this country?

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Speaker, I am certain the gentleman would not like to give the President a blank check for any possible military action. What we are addressing is the instant crisis, the one which we are debating on this floor. What the aggression of Saddam Hussein has done to the world and brings us to this chamber is the subject matter of this resolution.

Mr. WELDON. Does the gentleman agree that there are instances where the President should be able to take actions such as Grenada, such as perhaps Panama, without the approval? Is that what the gentleman is saying? I think we need to clarify that point.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I rise to express my strong support for the Solarz-Michel House Joint Resolution 62, expressing support for United States policy to reverse Iraq's occupation of Kuwait, and I commend my colleague on the Foreign Affairs Committee, the gentleman from New York [Mr. SOLARZ], our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL], our distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], and the ranking Republican on the Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD], for their diligent, timely, and bipartisan response to our President's request for congressional support of his initiatives.

On August 2, 1990. Iraq perpetrated an act of brutal aggression against the sovereign Arab State of Kuwait. 140,000 men, of the Iraqi armed forces entered Kuwait and within days were arrayed on Kuwait's border with Saudi Arabia, poised for further aggression. This despicable, unprovoked act of naked aggression is a violation of all principles of international law. The shameless, brutal occupation of Kuwait which ensued is indicative of humankind's ability to perpetrate the most barbarous of acts.

Many of our constituents question, why are we in the Persian Gulf? The answer lies partly in the history of the last century and partly in the reality of the present. Since World War II, United States security interests in the Persian Gulf region have been apparent to every American President—indeed the Allied Powers of the Second World War recognized the importance of keeping the resources of the gulf out of Axis' hands.

In the post-World War II period, it became clear that energy resources in the Persian Gulf are essential to the political and economic freedom of the world. In 1950, President Truman recognized that premise when he advised Saudi Arabia's King Abdul Aziz that "no threat could arise to your kingdom that would not be of immediate consequence to the United States." That commitment was reiterated by President Jimmy Carter in 1980 when he pledged that "an attempt by any outside force to gain control of the Persian Gulf will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force." President Bush made his views on our rationale for being in the Persian Gulf unequivocally clear when he said: "We're in the gulf because the world must not and cannot accept aggression. We're there because our vital interests are at stake."

Mr. Speaker, this resolution does not call for the President to initiate aggressive military action against Kuwait. But more importantly, it allows the United States Congress to demonstrate its resolve to stand by the U.N. resolutions and authorizes the President to implement U.N. Security Council resolutions to use force to make Iraq get out of Kuwait, if all else fails.

None of us want war, particularly those of us who have experienced such conflicts. But if Saddam Hussein does not believe that the consequences of his remaining in Kuwait will result in a military action, which he could not sustain, and if he will not leave Kuwait, his miscalculations will bring us to war.

The opponents of this resolution, by creating an impression of discord within Congress, will actually bring this Nation closer to war by withholding from the President in these last few days of sensitive negotiation his most important tool: unified congressional support for military action, in the event that diplomatic initiatives do not succeed.

Saddam Hussein believes that time is on his side, believing that if he waits long enough, the unprecedented coalition that our President and Secretary of State have worked so hard to forge will erode.

Mr. Speaker, we all recognize the broad ramifications and seriousness of the issue before us to get the Iraqis out of Kuwait, and we want to bring to an end the despicable human rights abuses being perpetrated against the Kuwaiti people. Not just our constituents, but the entire world is looking at this body, Mr. Speaker, including Saddam Hussein. Some of our allies question whether this body has the courage to stand by U.N. Security Council resolutions which our own Nation has been instrumental in formulating.

Our Nation has been exhausting every diplomatic and economic means at our disposal to force Iraq to withdraw. Unfortunately, all of our efforts have resulted in only increased intransigence by Iraq.

My colleagues I urge you to strongly support this bipartisan resolution. If today we do not demonstrate our full support for our President, we will be doing a disservice—a disservice to our brave loyal men and women serving in operation "Desert Shield," a disservice to our 34 allied nations and a disservice to our firm commitment to a new world order of respect for international law and norms of behavior.

□ 1110

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, yes, this is a very, very difficult vote for each and every one of us. But make no mistake. We really have no choice. If we do not adopt the Solarz-Michel resolution, and we rely on sanctions, we are only kidding ourselves, for in the eyes of the world Saddam will have won. The United States will have blinked.

We had a letter dated January 9, from William Webster, Judge Webster, head of the CIA, saying that in his opinion a year from now Saddam would still be there because the sanctions would not work. But there will not be any sanctions if we vote down Solarz-Michel. The road to Baghdad will be jammed with diplomats cutting a deal, supplying him with whatever he needs. The people will see that the United States has blinked, we have backed off, our coalition will fall apart, and we will be left with egg all over our face.

Mr. Speaker, I do not think we want to do that. I think the best way and the only chance to preserve peace is to vote Solarz-Michel, send a strong message, and Saddam will know that he is in a blind alley, there is no escape. Only then will, I think, he pull out. Otherwise we are only kidding ourselves.

Mr. Speaker, we, the Members of Congress, are here today saddled with the single most difficult decision of our lives. The eyes of the global community are on this body as we debate the crisis in the Persian Gulf. The international community is watching this debate searching for the leadership the United States has provided in the past. We have the responsibility, as Members of Congress and as the representatives of the people of this Nation, to show an undivided commitment to the President's initiatives, to our allied partners, and to our troops who are stationed on the sands of Saudi Arabia.

The Persian Gulf is our first experience in the new unchartered waters of the post-cold-war era and the United States has demonstrated world leadership by forming a multinational front, consisting of both historic friends and foes. This support has been achieved through our decisive actions and leadership history. We have not ignored the United Nations and its traditional means of international pressures. Instead, we have worked through the United Nations to achieve the forces and the personnel which has prevented Hussein's continued aggression through the Middle East. The United States has not acted as a policeman, but as the pilot for international policies in new waters and a new crisis. This leadership role requires great and often difficult responsibilities and decisions.

Saddam Hussein has continually failed to step in line with internationally accepted standards. He has failed to comply with any of the 12 U.N. resolutions, pursued the development of nuclear weapons, and chosen to hold American's hostage. Iraq has continued to develop atomic bombs for which deployment is estimated to be as close as 1 year. If we do not act now to immediately deter and eliminate Iraq's nuclear capability, our new world will be faced with a ruthless madman in control of a nuclear arsenal.

Th ultimate goal in this crisis is a peaceful resolution. The passage of the U.N. resolution setting a deadline for Hussein to remove troops from Kuwait has forced him to come to the table for negotiations. Regrettably, Iraq remains inflexible on its illegal and aggressive invasion of Kuwait, and seems resolved to prevent any peaceful end to the crisis in the Persian Gulf.

As we struggle with the responsibilities required by our role in this crisis, we must be grateful for the sacrifices of our troops and their families who have accepted the international community's call to the gulf. We must be grateful for the courage they have demonstrated in their personal commitment to this Nation. Each man and woman in the gulf has relinquished the security of friends and family for the desert of Saudi Arabia. I have spent many a sleepless night hoping that this crisis would be resolved before coming to the decision we face today. It is a brudensome, sobering decision we must make and I do not relish the fact that we may be testing the resolve of those stationed in the gulf and that of their family and friends here. We owe a great debt to the sacrifices they have already made and as a nation we should aspire to their courage and be duly proud of their commitment.

I would eagerly embrace a peaceful resolution to the crisis, yet I will not accept concessions which permit linkage to the Israeli-Palestinian issue or which permit partial Iraqi withdrawal or which do not comply with the resolutions that have been laid out by the U.N. Security Council's 12 resolutions. If we give in to Hussein's demands, his invasion of Kuwait, his blatant disregard for the world order and his disrespect for international law, then we are ultimately rewarding him for his aggressions and his contemptible, unacceptable behavior. We must stand firm in our resolve against him. We have the responsibility, as does the global community, to restrict this relentless pursuit of power by a ruthless madman. He is too close to deployment of nuclear weapons for a responsible world community to sit back and reward his advances. As we have witnessed in the past, and his Kurdish population as well as the Iranians know all too well, Hussein does not hesitate to use any weapons he has at his disposal.

I cannot condone the brutality Iraq has demonstrated. As world policies make monumental changes, we must set standards against aggression to which the international community must adhere. The global community must not tolerate nor condone acts of aggression or human rights violations. President Bush has said, "Lasting and meaningful peace must be founded upon principle." The alliance must defend, through whatever means are necessary, the principles on which the international community stand and the way it will operate in the future.

Mr. Speaker, the U.S. Congress is the single loudest voice of the American people and must show its commitment to our troops deployed in the gulf. We must show them that we support them in their efforts. In order to send them that message, in order to send Saddam Hussein the message that we are a united front committed against his behavior we must stand together in support of the President. I urge my colleagues to prove our undivided commitment by voting in support of the President and his initiatives. In uniting together behind the President, we will prove to Saddam Hussein, to our allies, and to our troops our resolution to end this aggression in the gulf.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, almost all of the previous speakers have observed that the vote we will be casting tomorrow on the use of military force against Iraq will be the most important vote they will ever cast during their House career, and I humbly agree.

Mr. Speaker, I come from a military family. Two of my brothers were West Point graduates. My dad, a career Army officer, taught at West Point, and my grandfather, also a career Army officer and a doctor, was in the medical corps. One of my brothers gave his life at Anzio, and I can remember the day my mother was notified of my brother's sacrifice. It was a day that was permanently etched in my memory.

With this clearly in mind, do I look forward to casting a vote which could mean the loss of even one life of an American man or woman in the gulf? No, of course not. I am sure none of us do. The decision to cast this vote should be made only after each of us examines our innermost conscience. I think we need to reflect what the consequences will be, however, if we do not stop Saddam Hussein now. There can be no reward for brutal aggression. If we do nothing and Saddam Hussein pays no price for swallowing up the country of Kuwait, destroying people's property, torturing, raping, and killing innocent men, women, and children, we are as guilty as he is.

Mr. Speaker, with each passing day the consequences of Hussein's aggression grow. Saddam is developing the most sophisticated weapons of mass destruction known to man—nuclear and biological weapons.

Like many of my colleagues, I recently visited our troops in the gulf. I was impressed with their courage and their willingness to fight for the same principles upon which our own country was founded. We owe it to these brave young men and women to stand up today and say with a united voice that if peaceful efforts to solve the crisis fail, the United States will use force to back up the United Nation Security Council's resolutions and force Saddam out of Kuwait.

Mr. Speaker, we cannot allow Saddam Hussein to delay any longer. January 15 is the deadline, and we must stand firmly behind that deadline. I urge my colleagues to support House Joint Resolution 62 authorizing the use of force to implement the U.N. resolution. Nothing less will do.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for this time.

Mr. Speaker, every time I sit down to try to collect my thoughts about this issue, I keep coming back to this haunting verse in a song that Bette Midler sings, and I want to share those lyrics with my colleagues on both sides of the aisle. It goes like this:

> From a distance the world looks blue and green, and the snow-capped mountains white. From a distance the ocean meets the stream, and the eagle takes to flight. From a distance there is harmony, and it echoes through the land. It's the voice of hope, it's the voice of peace, it's the voice of everyone.
>
> From a distance we all have enough, and no one is in need, and there are no guns, no bomb, and no disease, no hungry mouths to feed. From a distance you look like my friend, even though we are at war. From a distance I just can't comprehend what all this fighting is for.
>
> From a distance there is harmony, and it echoes through the land, and it's the hope of hopes, it's the love of loves, it's the heart of everyone.
>
> And God is watching us, God is watching us. God is watching us from a distance.

□ 1120

Mr. Speaker, in this Chamber today we have to make this world look better up close. That is our job. It is not about egg on our faces, as my colleague from the Republican side of the aisle has said. It is not about egg on our faces; it is about blood on our kids. That is what it is about.

Have you ever seen a body that is shot apart? Have you ever seen it up close? From a distance, from very far away, it may look still and peaceful. But up close you see the violence, the pain, the suffering, the horor. I have seen the weapons that are arrayed against Iraq. I have seen them up close in the Persion Gulf. They are awesome. We can inflict the ultimate pain on the people of Iraq. Make no mistake, we will win this war quickly, maybe in 2 weeks, maybe in 2 months. That is quick. Maybe at most it will take 6 months. That is quick, I guess.

But I say to my colleagues that it will not come free. There is a huge price if we choose this route, even in the best of circumstances. The price is in body bags, in babies killed, in an uncertain, unstable Middle East even after the crisis. In a decade that will be lost as we once again have put our resources into war and weapons and robed our people of what they need in this country.

I had a community meeting in my district. I had two in 1 day. A thousand people came out. I have never seen anything like it. We voted. The vote was on how they would vote on a resolution to go to war, and 95 percent voted no. That is my district in California.

But a woman from Kuwait was in the audience, and she was very effective. She stood up and said, "America, you need to help us. We are already at war. We are a tiny country. You need to help us. Saddam Hussein and his people are hurting my people." She said, "They are raping our women."

Then she sat down, and a gentleman in my district stood up with pain in his face, and he said to her. "Ma'am, I feel in my heart for you, I hurt for you, but I want you to understand that people are being raped in this country every day, every hour, and we don't have the resources to prevent it or to treat it or to stop it."

Then the place was silent.

This debate today is crucial to the future of this great Nation. If we do not handle this crisis in the right way, what kind of a signal does it send? From up close, from a distance, any way that you look at it, from a distance it is the world versus Saddam Hussein. Let us look at it up close. Let us see if it is the world versus Saddam Hussein.

The Netherlands gets 100 percent of its oil from the Persian Gulf, no ground troops; Japan, 63 percent of its oil from the Persian Gulf, no ground troops; Spain, 59 percent percent of its oil from the Persian Gulf, no ground troops.

The SPEAKER pro tempore (Mr. OBEY). The time of the gentlewoman from California [Mrs. BOXER] has expired.

Mr. BONIOR. Mr. Speaker, I yield 2 additional minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, to continue, France gets 38 percent of its oil from the Persian Gulf, 8,400 ground troops; Italy, 36 percent of its oil from there, no ground troops; Australia, 22 percent of its oil, no ground troops; the United Kingdom, 16 percent of its oil, 24,000 ground troops; Germany, 11 percent, no ground troops; the United States of America, 11 percent of its oil, 300,000 ground troops and a lot of our treasury and our budget.

Are we, as my friend the gentleman from California [Mr. MILLER] would say, Uncle Sam or Uncle Sucker? I ask the Members that question.

This is wrong for America. This is not right for America.

What about our Arab allies? I was in the Persian Gulf. They told me not one of our Arab allies would fight side-by-side with our people in Iraq. Is that fair?

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. If the gentleman gets his own time, but I would be happy to yield when I have finished. I have only a minute and a half left.

Mr. EDWARDS of Oklahoma. Mr. Speaker, the gentlewoman has misspoken.

Mrs. BOXER. I will repeat what I said. I said I sat next to President Mubarak, and we asked him if his ground troops would go into Iraq, and he said, "No." And he said, "Syria may not even go into Kuwait."

Let us face it, we are a one-man band. It is our kids as the drumbeat of war starts.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding.

We mentioned about body bags, and everybody has talked about the Washington Post article but not the U.S.A. Today article, which points out that the Pentagon has ordered 16,000 body bags already. When asked why they were doing it, they said that is the first order and it is likely the beginning number of those who will be coming back in those body bags the gentlewoman is talking about.

The SPEAKER pro tempore. The time of the gentlewoman from California [Mrs. BOXER] has again expired.

Mr. BONIOR. I yield 1 additional minute to the gentlewoman from California [Mrs. BOXER].

Mr. SOLARZ. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentlewoman yield for that purpose?

Mrs. BOXER. No, Mr. Speaker, I cannot yield, because I have only 1 minute left.

Mr. SOLARZ. Then I will not interrupt.

Mrs. BOXER. Mr. Speaker, I say to my friends there is a better way. We should hold the line in Saudi Arabia with a truly multinational force. We should let the sanctions work. That is what the Hamilton proposal says.

If we go this other route, what kind of a signal would we send to the Middle East? Let me give the contrary view. In thousands of years in the Middle East we have seen terrorism, we have seen war, we have seen killings, we have seen atrocities, but we had one breakthrough and that was called Camp David. And who led the way to Camp David? This great Nation under President Carter did that. Israel and Egypt were at peace for years while there was war all around. That is the model for the New World order.

That is what we must be doing. We did not use our bombs; we used our brains, we used our leadership, and we brought two countries together. Surely we can resolve this.

This administration and the Reagan administration dealt with Saddam Hussein as one of their best friends in the region. Surely they can figure a way to once again sit down with him and figure this out and spare the lives of our children and the innocent victims of war, because let me say to my friends that this is a tough vote for everyone. It is absolutely a tough vote for all of us.

Mr. Speaker, let us make the world look better from a distance and from up close. Let us support the Hamilton resolution.

The SPEAKER pro tempore. The Chair would announce at this point that the gentleman from Michigan [Mr. BONIOR] has 4 hours and 2 minutes and 30 seconds remaining; the gentleman from Oklahoma [Mr. EDWARDS] has 2 hours and 35 minutes remaining; and the gentleman from New York [Mr. SOLARZ] has been yielded 2 hours of time from the minority, none of which he has yet used.

Mr. SOLARZ. Mr. Speaker, I gather there was a unanimous-consent request that was approved which yields 2 hours to me for the purpose of making time available to those Democrats who support the bipartisan joint resolution?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SOLARZ. Mr. Speaker, I will be asking the gentleman from Missouri [Mr. SKELTON] to manage that time over the next 2 hours.

The SPEAKER pro tempore. Without objection, the gentleman from Missouri [Mr. SKELTON] will be recognized for that purpose.

There was no objection.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. WELDON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WELDON. Mr. Speaker, on the yielding of time, am I correct that the majority yielded no time for the members of their party who support the bipartisan compromise?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The Chair has stated the facts. The distinguished minority leader is recognized.

Mr. WELDON. My question is, has the majority not yielded any time?

The SPEAKER pro tempore. The gentleman is not propounding a parliamentary inquiry. The minority leader is recognized for 2 minutes.

Mr. MICHEL. Mr. Speaker, first of all, the answer to that question is no, and out of deference and certainly respect for the significant number of Democratic Members who joined with us in a bipartisan effort, there has been a total of 14 hours now authorized, 7 on that side and 7 on this side, 2 of which have been allocated to the distinguished gentleman from New York [Mr. SOLARZ].

Now, in answer to the gentlewoman from California—and we also heard this from the gentleman from Ohio earlier—railing against the fact that Arab nations would not be invading Iraq, we have no territorial designs on Iraq. We want them out of Kuwait at the border. There will be no Arab incursion on Iraq. Our war is not with the people but with Saddam Hussein, and if we were to permit or even think in terms of Syria and anybody else taking a little slice of the action, our whole effort would fall apart.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. So when you give us this business about "I have talked to Mubarak and he is not going to send his troops into Iraq," of course not. They are ground troops, and they are going into Kuwait, as far as the Iraqian border, as I understand it. That is where we stop and draw the line, and I think we ought to be very clear about that.

□ 1130

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, Members should make no mistake about it: There will be terrible consequences if we do not pass the Solarz-Michel resolution and if we fail to get Saddam Hussein to withdraw from Kuwait and to abide by the United Nations resolution. There will not only be dire economic consequences for us and our allies, but Saddam will be free to develop nuclear capabilities, others will be emboldened to follow his lead as an aggressive dictator, willing to use chemical and biological and nuclear warfare, and terrorism will grow and spread throughout the world.

If he is stopped, the threats that I just described will be much less, and it will be much less likely that other dictators will follow his footsteps.

I do not believe that sanctions will work. I believe that even if we follow that course, that matters will only worsen. By waiting months or years on sanctions to work in such a faint hope, we will simply be allowing our troops' morale to deteriorate and giving Saddam Hussein the opportunity to prepare his nuclear capability, and I would say that even the poorest quality nuclear capability will be a threat to our troops, something that we simply cannot afford to allow to happen.

Winston Churchill said, "Dictators ride to and fro upon tigers they dare not dismount." Saddam Hussein is riding a tiger. I am convinced that he believes that Americans have no stomach for war, that this Congress will not support the President, and that he will prevail if he simply waits out the sanctions.

Consequently, our vote for the Solarz-Michel resolution is absolutely essential, to support the President, to support the U.N. resolution, and to take that one last vote that we can take and do that one last thing that we can do to avoid war if at all possible.

The very bottom line of this whole process is if we are going to avoid war, we have to send a message to Saddam Hussein. It is as simple as that. That message has to be that we stand behind the President, and if indeed it comes to D-day, whatever day that is, January 15 or the day after or 2 weeks later or whatever, then we will go to war. If he believes that, I think that he will withdraw. At least there is a good chance that he will.

If he does not believe it, he will not, and we are much more likely to be in a war than we would otherwise if we passed this resolution.

That is the importance of this resolution. The message we send if we vote it down is a message that says to Saddam Hussein that we do not have the stomach. It is a message that will give him encouragement. It is a message that is likely to leave our troops in the desert for not only months, but years, and is likely to lead to more terrorism and the possibility of more dictatorships around the world doing the same sort of thing.

That is the seriousness of this resolution. That is the seriousness of this vote. That is the importance of sending this message out.

I have long held the view that if there is any hope that we will avoid the conflict, that it will lie in the fact that at 5 o'clock on whatever day that Saddam Hussein believes is D-day, that on 5 o'clock that day, when he believes it, he just might withdraw from Kuwait and abide by the U.N. resolutions. But I can say with some great certainty in my mind that if he does not believe that, he is not going to withdraw, he has no reason to withdraw, and we surely will see problems far greater than we have today.

If we are talking about the loss of lives of Americans, I do not want to see that any more than you do. And I do not want to see any greater loss of life than necessary. But I believe that we must commit ourselves to authorize the President of the United States to conduct war if necessary if we have any hope of avoiding it, and we must be willing to carry it out quickly, fully, and completely, to destroy Saddam Hussein, if necessary, should he not have the common sense to withdraw from Kuwait and abide by the U.N. resolutions.

I urge Members for peace, for the great interests of our country, for the saving of the loss of life, and for what we believe in, to stop future aggressions in this world, vote for the Solarz-Michel resolution.

Mr. BONIOR. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman for yielding. I wanted to say to the minority leader [Mr. MICHEL], because he would not yield time to me, that if he is so sure that our Arab allies, Syria and Egypt, will fight side by side with American troops against other Arabs in the area, I hope the gentleman will amend his resolution to say that U.S. troops can only go where our Arab allies will go. Because, I will tell you, I have a very different view of the role of those troops after talking with Middle Eastern leaders in Egypt, Saudi Arabia, and in Israel.

Mr. KENNEDY. Mr. Speaker, reclaiming my time, the Pentagon now estimates that 30,000 U.S. deaths could occur in the first 2 weeks of combat. Forty-five thousand body bags have been ordered by the Pentagon for this conflict. That is a reminder of what is at stake.

This is not about politics. It is not even about what is good for the Congress. It is not about what is good for liberals or conservatives, Republicans or Democrats. It is about protecting our sons and daughters, protecting our Constitution, and protecting the country we love. It is about keeping this Nation out of a war that we do not need to enter.

Make no mistake about it, Solarz-Michel gives a green light for war. Not at some time way out in the future, but in 4 days. The President is ready to plunge this Nation into war. He has doubled our troop strength. He has forbidden troop rotations. He said that sanctions are a failure, after 4½ months. He has written off diplomacy after 6½ hours.

The question is whether or not we need a war to achieve his aims. He says that we are there for four reasons: We are there to stop the aggression; we are there to stop the nuclear threat; we are there to protect the free flow of oil; and we are there to help our Kuwaiti and Saudi friends.

If we are there to stop the aggression, I would suggest that 200,000 troops in a defensive posture in Saudi Arabia accomplished the policy goal.

If we are there to stop a nuclear threat, the Israeli Government taught this Nation and others around the world how you deal with a nuclear threat from Iraq. You do not need 450,000 troops to be committed to war to accomplish that.

He said we are there to protect the free flow of oil, but the fundamental facts are that OPEC has made up for the loss of oil from Kuwait and Iraq.

This country, and every Member in this Chamber, ought to be willing to look at themselves in the mirror and say whether or not we are here to protect some way of life that allows us to drive cars that get minimum gas mileage, that allows us to live in houses that are energy sieves, that allows us to work in buildings such as this one that are energy sieves, in order to protect some notion of a conservative aspect of our history that says that that is capitalism.

□1140

Capitalism does not mean inefficiency, and if this country just made our energy policy an efficiency policy we would not have to worry about the free flow of oil.

Lastly, we are there to help our so-called Kuwaiti and Saudi friends. Need I remind the Members in this chamber what the Kuwaits and the Saudis did to this country in 1973, did to us again in 1979? We are there to protect these so-called friends? Ladies and gentlemen, these fickle friends have never proven that they are worth the kind of price that President Bush has committed.

It seems to me that if what we are there to do is to protect people that refer to us now as white slaves and create a situation where our forces are caused to hide their crosses, hide their St. Christopher medals, hide their Stars of David, that they are there because we are to defend a nation that does not believe in democracy, I would suggest that we look at what our true foreign policy aims are.

Ladies and gentlemen, we should give sanctions a chance. Seven out of the eight former Secretaries of Defense say that sanctions will work. The two former Chairmen of the Joint Chiefs of Staff say that sanctions will work. We are told in recent days that now the CIA Director has changed his testimony, that he is now saying that sanctions will work, but they will not force Iraq out of Kuwait.

But we heard Secretary Baker, and we heard Secretary Cheney the other day tell us that when General Wallach told us that the troops would not be ready to fight on January 15, that he was making a mistake because it was his first time before the press, that in fact he was a rookie. In other words, he told the truth. And I would maintain that the CIA Director was telling the truth just 3 weeks ago when he testified that sanctions would work.

Better to achieve our goals by reducing the flow of goods, not increasing the flow of blood, and better to keep talking than start shooting.

There is a misguided machismo mentality in America that says somehow or another this is the John Wayne aspect, this is the way we ought to conduct foreign policy. We ought to be the bully boys. We ought to get out there and be the policemen of the world. The fact, folks, is if we want to take that battle to every single conflict around this world with this country, we will not be just morally bankrupt, but we will be bankrupt economically as well within 6 months, and it is time for us to question the fundamental policies that George Bush has articulated that mean that he is asking the Members of this Congress to commit themselves to war in just 4 days.

I implore Members to think of what it is going to be like to face up not to the phone calls of support that are received today, but to face up to the tears of the mothers and the fathers of the children that are in the Middle East today, to face up to the tears that will exist when their sons and daughters start coming home in body bags or when their fathers come home in flag-draped coffins. Ask yourselves whether or not we have truly exhausted all the possibilities to avoid war before we commit to it.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON] to respond to the last speaker.

Mr. SOLOMON. My colleagues, we have just heard from a member of the Kennedy family, a family we all respect. Now let me read a quote from another Kennedy.

On October 22, 1962:

> My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can foresee precisely what course it will take, but the greatest danger of all would be to do nothing. The 1930s taught us a clear lesson: aggressive conduct, if allowed to go unchecked and unchallenged, ultimately leads to war.

John F. Kennedy, a great American. If only he were here today!

Mr. SKELTON. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today in support of the bipartisan Solarz-Michel resolution. By debating and voting on whether to give the President the authority to use force, this body is fulfilling its constitutional responsibility. This is an affirmation, an assertion not an abdication, of Congress' role. And it is important to note that this is not a blank check for the President for war; rather, the circumstances are very clear to each of us. If we vote for this resolution, we are empowering the President to use force if and when he deems necessary and if diplomatic efforts fail. This is a definitive step, a step, I might add, that was missing in many other conflicts in which the United States was engaged, including the Korean war.

First, I support the resolution because I believe the alternative Hamilton resolution will not accomplish the objective of removing Iraq from Kuwait. There is no evidence indicating that sanctions will succeed in achieving this goal. Once we extend the deadline, the force of sanctions will be lessened, as Saddam will demobilize his military, conserving his resources and precious spare parts for the next deadline. While the citizens of Iraq may suffer because of the sanctions, I doubt very much whether the soldiers on the Iraqi frontline will go hungry.

Second, the United States does have vital interests in the Persian Gulf. With the engulfing of Kuwait, Saddam Hussein has captured for himself a choke hold on the world's oil market, dominating almost 70 percent of the world's oil reserves. Certainly Iraq will be hurt if sanctions are extended, but the economic dislocation to the free world of extending the deadline will be astronomical. The war premium on oil costs the world economy as much as $1 billion a day. Already, it is estimated that the crisis has resulted in $100 billion of damage to the free world economy. Can our fragile economies afford another $100 or $200 billion shock? Although decisions of war and peace should not be based on economics, as more Pan Am's of the world go bankrupt citizens lose their jobs, the citizens of America and the free world will understand the debilitating economic consequences of not stopping Saddam Hussein.

Since the Hamilton resolution retains war as a future option, the war premium and the economic uncertainty will continue. With our banking industry in turmoil and our energy-dependent industries teetering, can we pursue a protracted, draining strategy where war may still need to be waged to force Iraq out of Kuwait.

Third, we cannot ignore this brutal invasion of another nation, without respect to international law. Mr. Speaker, I'm sure many of my colleagues have read excerpts from the Amnesty International human rights report on the victims of Saddam's brutality. This is a dictator who is accumulating weapons of mass destruction—chemical, biological, nuclear weapons—and has used them against his own people. Saddam Hussein has devoured Kuwait and is ravishingly eyeing the rest of the Middle East. Will we stand up to him now or another day?

Fourth, I support the resolution because extending the deadline may risk eroding the world support arrayed against Saddam Hussein. Our tenuous alliance may fragment, and American public support may diminish.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield for 1 minute.

Mr. McMILLEN of Maryland. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, does the gentleman from Maryland realize that he is voting, when he votes for the Solarz resolution, that he is voting for a declaration of war?

□ 1150

Mr. McMILLEN of Maryland. As I said before I understood, if the gentleman heard my earlier remarks, that, in fact, we are empowering the President to go to war if and when he deems it is necessary. That is not a de facto or de jure declaration of war.

Mr. GIBBONS. It is a de facto.

Mr. McMILLEN of Maryland. Mr. Speaker, I reclaim my time.

The civilized world understands that diplomatic overtures have been extended and this institution failure to pass the Solarz-Michel resolution will only give Saddam Hussein a victory.

There are those who argue that there are serious geopolitical repercussions to war. I would argue that there are greater consequences to rewarding Saddam Hussein for his naked aggression, his brutal atrocities, and for holding the world hostage.

Last, let me concur with those who regret that our Nation has not had the foresight to develop a long-term energy policy, particularly in light of two very clear warnings in the 1970's. Unfortunately, that neglect will not remedy our need to maintain our oil lifeline for the immediate future.

In closing, let me paraphrase what Winston Churchill said on the eve of another conflict during this century. He was referring to Adolf Hitler, but the same could he said today about Saddam Hussein. Mr. Churchill said of his adversary:

> If (he) does not want war, then there will be no war. Therefore if war should come, there can be no doubt upon whose head the blood guiltiness will fall.
>
> We must strive to frame some system of human relations in the future which will bring to an end this prolonged hideous uncertainty, which will let the working and creative forces of the world get on with their job, and which will no longer leave the whole life of mankind dependent upon the virtues, the caprice, or the wickedness of a single man.

Mr. Speaker, I strongly urge the adoption of the Solarz-Michel resolution.

Mr. BONIOR. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, while the gentleman from Maryland is on the floor and while other Members are paying attention, I want to quote the gentleman from New York [Mr. SOLARZ]. The gentleman from New York [Mr. SOLARZ] says that his resolution is a declaration of war, and he does not want any Member of this body coming back a few weeks later and saying it is not a declaration of war. That is a conversation I just had less than 5 minutes ago with the gentleman from New York [Mr. SOLARZ] right here on the floor.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to speak for peace. The decision that we are about to make is too much to be made by one mortal. The representatives of the people must participate in this decision.

These are very difficult times for each of us. Yet we have a moral obligation to do what we can to prevent war. In our time, we have seen too much violence, too much conflict, and too many killings in the Middle East. We have an opportunity to slow down this rush to war.

I realize that the struggle for peace is as old as the dawn of civilization. Yet, it is fresh as a simple step to meaningful dialog. The path to peace may be a little longer. But I believe the path to war may create more problems than it will solve.

I happen to believe that war is obsolete as a tool and as a means to conduct foreign policy.

During the past year and a half, we have witnessed a nonviolent revolution in Eastern Europe. We have seen people in Africa, South America, and Asia moving toward democracy, using the discipline and philosophy of nonviolence. These people weren't inspired by our bullets and bombs. They were inspired by our Constitution, and by our Declaration of Independence.

We should give peace a chance in the Middle East, not the instruments of destruction and death.

As a nation, as a people and as Members of this body, we must accept the idea that means and ends are inseparable. If we are going to make real the idea of a new world order, which is at peace with itself, then the means by which we struggle must be consistent with the ends we seek. If peace is the end we seek, then the means must be peaceful.

I think what I am trying to say is that there is a better way. There is a more creative way. I am convinced that the American people did not send us here to commit our limited resources, and our men and women to a bloody battlefield in a distant and faraway land.

The conflicts and problems in the Middle East were not created overnight and they will not be resolved with a fast food quick-fix mentality.

My colleagues, the bombs that we drop and the guns we fire will not only be heard in the Persian Gulf, but they will be heard in every State, every county, every city, every town and hamlet in this Nation for many years to come. Remember that for every bomb dropped and every gun fired, they steal from our children, the elderly and those in need of health care.

We must vote for a resolution that will not divide, but will bring us together; it must not oppress, it should uplift; it must not bind us to use force, it should allow peace to blossom.

War is bloody. It is vicious, it is evil, and it is messy. War destroys the dreams, the hopes, and the aspirations of people. It breaks up families; it produces widows and causes hardship.

Whatever we do as a Congress, it will happen on our watch. Both the spirit and judgment of history will be on us.

I urge you to heed the words of the spiritual:

> I am going to lay my burden down. Down by the riverside. I ain't gonna study war no more.

We should follow the wisdom of that song.

Mr. Speaker, I must say that in good conscience that I cannot and will not vote for a declaration of war.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Speaker, January 1990 t'was the best of times. It seemed as though peace was breaking out everywhere. America's twin pillars—capitalism and democracy—were being emulated everywhere.

January 1991, t'is the worst of times. War hangs heavy in the air. A bit player on the world scene, Saddam Hussein, backed by a million-man army is attempting to destroy the new emerging world order by seizing Kuwait. The United Nations in an unprecedented show of unity, established a date certain, January 15, for Hussein to withdraw, or he would be subject to military force. The date approaches rapidly. Tomorrow, this body, the American peoples' body votes to determine if it supports the position taken by the United Nations or if it prefers to continue the sanctions.

War. The horror of war. Nerve gas, germs, bombs will rain on American troops, as well as on such place as Tel Aviv and Jerusalem. Thousands, perhaps tens of thousands, of people will be killed. Young American men and women will not live to see their children enter first grade, to play baseball, to be cheerleaders, to graduate from high school, to see all the wonderful things we take for granted in this country. We are about to ask untold numbers of our young people and their families to make the ultimate sacrifice. It is a hard vote. The choices are terrible. It is a decision we will live with and will be remembered for, for the rest of our lives.

Even with the nightmare facing us, I deeply believe the right choice is to proceed now and support our President, and to support the U.N. sanctions are destined to fail if we think they might somehow force Hussein to leave Kuwait. If he doesn't withdraw as a result of the enormous pressure that is now being applied, it is, in my opinion, naive to think that he will withdraw as a result of his economy winding down. Keep in mind that this spring he will plant a new food crop and will harvest this fall. If his food is short, there can be little doubt that a man who would release nerve gas on certain segments of his population will also deprive part of his people of food in order to maintain his army indefinitely. This is a path with little likelihood of success. To me, the choice is clear. It is time to act.

America is the surviving superpower. It is proper that we take all actions necessary to restore world order. Then, perhaps, the world can have generation after generation of peace. To those we ask to sacrifice, we honor you.

□ 1200

Mr. SKELTON. Mr. Speaker, I yield 20 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, I understand that the remarks of the gentleman from New York [Mr. SOLOMON] who quoted my uncle, President Kennedy, as suggesting that somehow or other there would be a tone of appeasement if he had not responded in the way he did to the Cuban missile crisis in 1962. I would just point out that President Kennedy established an embargo against Cuba in 1962. That is exactly what we are advocating on this side in 1990, to create an embargo that will work.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, the Persian Gulf debate is framed in this Chamber by something as relatively simple: good versus evil, strength or weakness, war or peace. However, it is not that simple because this is not another lifeless debate about numbers, revenues, taxes, budgets, on the floor of the House.

This debate is to authorize the President to commit American troops to a war in the desert 10,000 miles away. The decision is about life and death, the blood of our children, and also about patience.

A rancher came up to me in western North Dakota a while ago and gave me a verse, and it went like this:

> 10,000 men march off to fight when 40 statesmen call it right. But had the statesmen fought instead, their impatience would have cost but 40 dead.

The question is not, should we respond to the Iraqi invasion of Kuwait; we should respond. We have done that. We stopped the march of Iraqi aggression. They are stopped. We have imposed a tough economic blockade. Iraq can sell no oil. Their GNP has fallen 50 percent and their economy will collapse. Time and sanctions will not strengthen Iraq. Time and sanctions will weaken Iraq. Everyone in this room knows that.

Now, the President and some of our colleagues say, "We must do more. We must authorize offensive action. We must authorize American troops to fight in the Persian Gulf to send a message to Iraq." Well, Mr. Speaker, that is not only sending a message to Iraq, that sends a message of war to American soldiers.

I have, and I do support the President's goals. The question here today is not of goals, but of methods. Do we need to go to war on January 15 to achieve our goals? I do not believe so. Have we exhausted every opportunity through diplomatic pressure and through economic sanctions, to resolve this without going to war? No, we have not.

So, then, what is the hurry? What is the rush? I feel in my heart, deep in my heart, that for this country to involve itself now in a war in the Persian Gulf would be a disastrous mistake. We need to resolve today to do two things: First, we need to continue patiently to apply high-level diplomatic pressure and air-tight, economic sanctions to strangle the economy of Iraq to achieve the goals we have set in that region; second, we need to decide that whatever happens, we must ask our allies to begin picking up their fair share of the burden. It is a fig leaf to call this a multinational force. It is an American force, and would be an American war, and we will decide to spend money we do not have, borrow it from our allies, to send American kids to risk their lives to protect allied oil. Instead, we should move to put the coalition forces under the U.N. flag and then fairly share those costs.

When will we understand it is time for America to ask our allies to bear their fair share of the defense burden whether in the Persian Gulf, Europe, or Asia.

Let me finally say today I am concerned here not only about war with Iraq and our role in the world, but I am also concerned about America choking on debt and being threatened with an economic crisis from within. I see a President and a Congress standing tall, exhibiting steely resolve, to stand up and talk tough to a tinhorn dictator in the Persian Gulf, willing to borrow money from abroad, and risk our troops' lives to protect our allies' oil. With all of that courage, I ask, Democrats and Republicans, the President and Congress, where is the courage to deal with the threat from within—the growing budget deficit and a looming recession? Where is the courage to decide we have to start taking care of things here at home? When, O, when will we do that? I pray it is soon.

Mr. SKELTON. Mr. Speaker, I yield 6 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, this is a difficult time for all of us. None of us want war and, indeed, I pray that Saddam Hussein will still come to his senses and realize that he and his country have nothing to gain and everything to lose if he doesn't get out of Kuwait.

The preliminaries are just about over in this standoff of Iraq against the world. The clock is ticking and winding down to kickoff time. Another phase of this world struggle on January 15 begins. On that date the U.N. resolution allows but doesn't require the use of force to accomplish what diplomacy has not been able to do—and that is to free Kuwait from the brutal aggression of the Iraqi forces of Saddam Hussein and the continued devastation of that nation.

Ours is a peace-loving Nation, and we do not relish participation in the violence and destruction of this awful game called war. But we cannot stand by and let Saddam Hussein, a menace to the world, get by with blatant aggression that threatens the peace, security, and freedom of people around the globe.

In my view, the American people do not want us to engage in this conflict by waging a long-drawn-out land war. However, we applaud our forces in Operation Desert Shield who, by their presence and vigilance, have already checked the aggression of this madman of the Middle East in his quest to overrun Saudi Arabia and perhaps other nations. But, if we must engage in hostile action, as we may be forced to do, we must use our best resources to win it quickly and decisively with a minimum loss of life. The use of air power, special forces, and the latest technology will bring us the victory.

In the last year or two we have seen marvelous changes in the Soviet Union and the Eastern bloc nations as they have moved toward democracy and sought to emulate this, the greatest of all nations with liberty and justice for all. We rejoice with these people as they continue toward the goal of freedom from oppression. It is a rocky road as witness the current problems in the Soviet republics.

There is one thing that has become abundantly clear in the last 6 months. There are threats other than the Soviet Union. Who would have thought, only a short time ago that a small country like Iraq could challenge the world with behavior such as that of Saddam Hussein. This is all the more reason that the time has not yet come for the free world to disarm. Although we support an orderly drawdown, America must retain a strong defense to be able to defend against the despots of the world.

America, through its history, has been willing to sacrifice to be and remain a free nation. Thousands have made the supreme sacrifice, and it's encouraging to know that we still have those who are willing to fight and die for our freedom and security.

Whether through diplomacy or by force, the game plan of Saddam Hussein must be stopped now or he will be an even greater threat to world peace in the future. If he chooses war, and it's his choice, he cannot win.

For us to win quickly and decisively we need to be together in unity. The President has done a good job of mobilizing world support. Now, we need to put aside partisanship and show Saddam Hussein that the Congress and the American people are with the President of the United States of America and the United Nations in an all-out effort that will prevail for the future good of all the world.

Vote for Solarz-Michel to enforce the U.N. Security Council resolutions.

☐ 1210

PARLIAMENTARY INQUIRY

Mr. DORNAN of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. OBEY). The gentleman will state his parliamentary inquiry.

Mr. DORNAN of California. Mr. Speaker, we have a situation developing over here where some of us who feel as keenly about this as any Member in the House are finding there is no oppportunity for time to speak. With one Member after another getting up to say this is the most important vote they will make in 5, 10, 15 or 20 years, and I agree with that, how do we suddenly get into a position where Members who have been to the gulf three times, or Members like myself who spent 5 hours yesterday in Intelligence hearings——

The SPEAKER pro tempore. The gentleman is not propounding a parliamentary inquiry.

Mr. DORNAN of California. Mr. Speaker, the parliamentary inquiry is, What is the procedure to get the debate extended for Members on both sides of the aisle?

The SPEAKER pro tempore. The gentleman knows that the proper procedure is to discuss that question with the minority leader and the majority leader.

Mr. BONIOR. Mr. Speaker, may I be heard on the parliamentary inquiry?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I would like to respond because I think the gentleman does raise a very important and a very good point.

It was not the intention at all of the Rules Committee or the leadership to restrict this debate. In fact, we will bend over backward to make sure that every Member of this body is heard to the fullest extent possible. To that end, we did include in the rule, I would suggest to my colleague, the gentleman from California, a provision that will allow the majority leader in conjunction with the minority leader to extend the debate for additional time when and if that is necessary.

Mr. DORNAN of California. Excellent, and I commend them for their foresight.

Mr. BONIOR. And those conversations, by the way, are going on right now.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman.

Mr. BONIOR. Mr. Speaker, I yield 12 minutes to the gentleman from California [Mr. PANETTA], the distinguished chairman of the Budget Committee.

Mr. PANETTA. Mr. Speaker, before I get into the substance of these remarks, I first want to pay tribute to the leadership on both sides and to all of you who are participating in this debate. I truly believe it is in the best tradition of our House and of our democracy that we fully debate and reflect the concerns of the American people as to the direction of this Nation in the future.

As this debate goes on, I think it is important to stress two messages: One, to the American people that they ought not to be afraid of the differences that are shown here and that they ought not to fear the kind of strong feelings that are expressed on the floor of the House. This debate is the best of what our democracy is all about and ultimately we will make a choice.

The other message, it seems to me, has to go to Saddam Hussein: That he not misjudge our differences, that ultimately we will make the choice and we will unify behind that choice. Whether it is sanctions or whether it is war, he will lose.

The choice today is not one of whether or not we support the overall goals established by the President in the Persian Gulf. The choice today is how best to accomplish those goals, whether we should continue the policy and the strategy of sanctions, or whether we should go to war. That is the choice.

In making that choice, we are also making decisions about the future of this Nation, whether the United States will continue to be the sole policeman in the world for the future, or whether we will exhaust every effort to truly build the kind of new world order that assures that other major powers face up to their responsibilities in the world of tomorrow. Make no mistake about it, if we go to war within these next few days or weeks, 95 percent of the military burden falls on our shoulders, as it did in Korea, as it did in Vietnam, and 95 percent of the cost will be borne by the American people.

If we continue the strategy on sanctions, not only do I believe that militarily it can continue to weaken Saddam Hussein, but I also believe that it provides us the opportunity to truly strengthen the coalition of nations that are essential if we are to confront these kinds of bullies and tyrants in the future.

My friends, the bitter reality is that whatever choice we make, whether it is to continue sanctions or whether it is to go to war, we cannot afford to do this alone. That is the bitter reality. We simply cannot afford to be the world's sole policeman in the future and expect to remain a great power in the 21st century.

Look at the state of our economy at the present time. Look at the state of our economy. We are in a recession. The Congressional Budget Office and the Office of Management and Budget will confirm that. In the last quarter we dropped over 3 percent in negative growth. In the first quarter of this year we are looking at probably a 2-percent drop. We are in a serious recession.

In addition to that, unemployment now is well over 6 percent and expected to go higher.

The deficits that we confront are record deficits, record deficits. We are looking at deficits that are somewhere in the vicinity of $330 billion, if you include the Social Security surplus. If you take Social Security out of it, we are $400 billion in deficit.

When we went into the Korean war, we had a $3 billion deficit. At the height of the Vietnam war, it was $6 to $8 billion deficit that we had in this country. We now have deficits of $330 billion for this year and next year.

□ 1220

In addition to that, we are looking at the costs of the thrift situation, probably somewhere in the vicinity of $90 billion this year, not to mention what may happen with the banks, and our need to respond to the problems of the FDIC.

Our national security is not just a matter of flexing our military muscle; our national security is also a matter that relates to the strength of our economy, to the depth of our resources, to our capacity to meet needs within our own society.

That is the lesson of what is going on in the Soviet Union today. The whole thrust of what is going on in the Soviet Union today is that they recognize that they cannot be a first-rate military power and a third-rate economic power when it comes to dealing with their own society.

The essence of our national security is both military and economic strength.

Now, I recognize that there are broader foreign policy issues and broader defense issues that are, obviously, going to be involved as we determine the course of action. But we have a responsibility here, as we make these choices, to look to the future and to look to the price that is involved in what we do today.

Regardless of what your feelings may be about the power of the President to start a war or not, regardless of that dispute, there is no question, there is no constitutional question as to who ultimately pays the bill. We do.

We have to ultimately pay this price, whatever it is.

Unfortunately, and I say unfortunately, we have not been able to get from the administration testimony as to the cost estimates involved here and what our allies have contributed.

For months the Budget Committee and I have asked the administration, the State Department, the Defense Department for testimony as to what are the costs involved here.

We set a hearing in early December. They said they could not provide the information because they needed more time.

We set a hearing on January 4. They were prepared to testify and then ordered not to testify.

That is not only true for the Budget Committee, it is true for other committees on both the House and Senate sides.

The fact is the administration is now asking us to pay a price but they do not want to tell us what the price is. We need to know the full costs that are involved here—in human lives and in dollars.

That is the essence of our democracy—is the partnership between Government and people that make decisions knowing all of the risks involved.

We need to know that information. When we talk about the lesson of Vietnam, there is no question that one of the lessons of Vietnam is that when you commit forces, you had better commit them to win, to victory. But the other point is that you cannot achieve victory unless you are willing to sustain the cost in dollars, in lives, in equipment in resources, and in the support of the American people. That is the essence of the lesson of Vietnam.

We cannot be afraid to confront these costs, particularly in times of recession and particularly in times of the kind of deficits that we face.

Further, this is not supposed to be our fight alone. The President, to his credit, has established an effort to try to unify other nations behind this strategy. But the new world order today is more a slogan than a reality, we all know that. Countries who will benefit the most from what we do in the Middle East and who can best provide troops and money are standing on the sidelines. We are talking about nations that are not recovering from the devastation of World War II; we are talking about major economic powers. They are full partners, full partners when it comes to competing with us on the economic front, full partners. They are out there beating us every day.

But they are not full partners when it comes to the kind of military and dollar commitment that you need to make when you confront this kind of crisis. They are standing on the sidelines.

Now, what are the costs of Desert Shield, as best as we can determine without the help, unfortunately, of the administration? Let me refer you to this chart that I have before you. This is the best information that we have from the GAO and the CBO.

The costs to date of Desert Shield for fiscal year 1990 amount to $2.7 billion. For fiscal year 1991 it amounts to about $30 billion.

There are estimates that range somewhere between $23 billion to $30 billion. We think $30 billion is probably most accurate.

What are the costs of armed conflict? That is what we face, obviously, within these next few days. The costs per day of conflict obviously depend on what kind of war we in fact are engaged in. The Arab-Israeli war—the 6-day war—which is probably one of the best to focus on, was $750 million a day. The costs that other experts tell us could range as high as $2 billion a day.

So we use an estimate of about $1 billion per day and assume, hopefully, that if we do go into war it will not last beyond 30 days.

And if you do that, the costs we are looking at, of a military conflict, are approximately $60 billion. If you talk about the costs of continued presence and the necessary assistance following any war and everything else that has to go beyond it, it goes even higher.

We have basically lost the savings in the budget agreement established last year, which was $42 billion, not to mention the impact all of this will have on an economy in recession.

Now, if you look at the commitment of our allies to date, they have committed approximately $15 billion to $20 billion in pledges, but all we have received in the Defense Cooperation Account is $4.3 billion; that is all. Our wealthiest allies are on the sidelines of this conflict.

So, for those reasons, and again I recognize that while we discuss costs, there are other defense and foreign policy issues that we have to consider.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Speaker, I inquire of the gentleman, how much has Japan contributed to date?

Mr. PANETTA. Japan, which receives and is dependent upon for 70 percent of its oil from the Persian Gulf, has only paid about $400 million in this effort at the present time.

Mr. Speaker, I recognize there are defense and diplomatic issues that are important here. But I also think it is important for us to look at the future costs of this Nation. We have to decide what kind of Nation we want in the next century.

If we go it alone, we will pay the price alone. If we try to work together with these other nations, we can build the kind of world order, the coalition that is needed to truly establish the kind of partnership that can take on Hussein or take on any other bully in the world.

What I see now is that we are following the path that we followed since Korea, taking on every war on our own.

The British Empire had countless wars, fighting every enemy in the world that was threatening its colonies and eventually eroding its own security, eventually destroying its own power as a consequence.

We must be an effective force for the future. So the choice today is the choice between whether or not we will indeed erode those resources for the future or whether we will build a partnership that will not only protect international security for the future but will protect the security within our own society.

That is the choice. I urge you to vote to continue the policy of sanctions because it will give us the opportunity to establish the kind of partnership that we need to provide true peace in the future.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, before this week is out each of us will cast what may well prove to be the most important votes of our lives.

I earnestly believe that what we will decide in the coming days goes far beyond the price of gas or the reestablishment of a desert sheikhdom, as I have heard alleged. No, what hangs in the balance here is nothing less than global order, the legitimacy of recognized boundaries around the world and the primacy of international law.

My friends, a new world is forming in the post-cold-war collapse of communism: New free nations are struggling for life, and this new world is still a fragile thing. Indeed, it can be dealt a mortal blow by a predatory despot who is willing to act recklessly and without conscience in a dangerous place and time.

He must be stopped now, peacefully if possible, but he must be stopped. For that reason, I will support legislation that I believe offers the greatest chance of a peaceful resolution to the crisis in the Persian Gulf; that is, the bipartisan resolution offered by my colleagues, Mr. BROOMFIELD and Mr. SOLARZ.

We in this Chamber would like nothing better than to believe that Saddam Hussein will be convinced by economic sanctions to leave Kuwait in peace. However, I have seen absolutely no evidence of this in the past 6 months, and without the threat of armed force being used against him at any time, I do not foresee Saddam altering his course of pillage, murder, rape, and destruction.

As one who believes deeply in the sanctity of human life, I do not make this decision lightly, but neither do I believe that Kuwait and the people of Kuwait can last another 6 months without a resolution to its occupation by Iraqi forces.

Mr. Speaker, I have here a report on Iraqi human rights violations in Kuwait. This report was issued by Amnesty International on December 19, and it documents every manner of vile and wretched abuse imaginable. I am thoroughly revolted by account after account of beatings, torture and molestations, not to mention the systematic looting and hauling off to Iraq of everything of value to be found.

These accounts and the recent events in Geneva convince me that Saddam will stop only when he is stopped. By passing the Broomfield-Solarz resolution today and strengthening President Bush's hand at this critical time, we may finally convince Saddam that we are in deadly earnest when we demand that he give up his imperialistic obsession and withdraw his troops.

The far-flung countries of the world, through their representatives at the United Nations, have clearly seen the danger of an unchecked Saddam Hussein and have overwhelmingly voted to support U.N. Resolution 678. A clear and unmistakable message must be sent to him and others like him around the world.

This weekend we can reaffirm our support for this U.N. resolution by passing the Broomfield-Solarz legislation, but firmly and in the strongest possible terms opposing this first, critical threat to the post-cold-war peace. If Saddam is not stopped here and now, he will be back—and he will be stronger.

We must give the President the tools and the leverage today to turn back Saddam at this juncture if we are to have any hope of peacefully resolving this crisis. In so doing, we may avoid a far, far greater calamity tomorrow.

I urge my colleagues to pass the Broomfield-Solarz resolution and to do so by a wide margin.

□ 1230

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I rise in support of the Gephardt-Hamilton resolution and in opposition to the Solarz-Michel resolution. I do so reluctantly. I vigorously supported the President in this initial action. In recent weeks I have felt that Congress should conduct itself in a way that will not undercut the chances for successful discussions.

Now, with the deadlock at Geneva and the issues squarely before Congress, I have spent the last days looking for the balance of argument to continue to support the President. I simply have not found that balance. I do not rely on procedural issues by congressional authority or arguments about giving a blank check to the President.

Indeed, in my judgment the ink reads very clearly here. Under Michel-Solarz that would be Presidential authority to commit American personnel in a massive offensive action against a very specific enemy.

For me the basic question boils down this way: In early November the President made a fateful shift in direction from reliance on sanctions backed by the threat of force to a massive offensive capability within a timetable so tight that there was no chance that economic sanctions could work. That fateful shift was undertaken without congressional consultation or approval.

Congress is now faced with the consequences. The massive show of offensive strength has not forced Saddam Hussein out of Kuwait, and Congress is now asked to support the next step in a policy of escalation.

Supporters of war authorization at this time urge that represents the best weapon to force Saddam Hussein to withdraw peacefully. I acknowledge that possibility, but so must its proponents acknowledge that war authorization is indeed a two-edged sword which could become an instrument of war instead of one of peace.

So, Mr. Speaker, these last days I reviewed carefully to the fullest available information on potential loss of life, and I have done so as one who believes that there are indeed occasions for the legitimate use of force. I would like to believe the most optimistic scenarios about potential American troop casualties, but because of the sobering advice of some of the experts with whom I have talked, and because of the value of human life, I believe that we must assume, if not the worst case, somewhere in the middle, and that would be the loss of at least several thousand American men and women. I have asked myself then how I would vote if the several thousand might include one of my own four children. Because in this vital instance I did not answer in the affirmative for my own family, I must answer in the negative for others.

It is said that whatever the past, we are where we are. I have weighed that argument carefully. I have concluded that the admitted difficulties of regrouping around economic sanctions with the continued possibility of the use of force at a later date, that those difficulties simply do not outweigh the risks of the potential loss of life at this time. Reaching that conclusion, I now have no choice but to vote for Gephardt-Hamilton and in opposition to the Michel-Solarz resolution.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I approach the opportunity to address this House today, and to participate in this historic debate, with great concern that my contribution be serious and thoughtful, and that it contribute, however inadequately, to a rational and wise result. I believe, as many have said and as probably all of us feel, that tomorrow's votes will be the most important and far reaching of our congressional years.

I remember reading that Winston Churchill once defined war as that event when young men are sent to die for old men's honor. That statement, more than any other that comes to mind, reflects my own cynicism about our generation making this fateful decision for those 20 and 30 years our junior. It is their future, and whether they will have one, balanced against the national and human values to be won by sending them out to do our bidding, which is at issue here.

Mr. Speaker, I came to this House for the first time just 18 years ago this week, having been elected on the absolute promise that I would vote to end the Vietnam war. The war was then in its 12th year, with 50,000 Americans among the more than 1 million dead. The fateful vote came on May 13, 1973 when the House finally found adequate resolve to cut off funding for that fruitless, divisive, and painful struggle. I remember the vote clearly, the celebration here in the well, and the tears of relief and gratitude which, in the privacy of my office, I shed that afternoon.

And I promised myself then that I would never vote for a war where America's vital interests were not at risk, or where there was an honorable alternative, and that is the test which I have applied to determine how I shall vote.

So this has been a difficult decision, though the correct answer is clear to me, because here there is an honorable alternative. Sanctions are working, they promise to cost few lives, require only patience and determination.

My vision of the new world order is different from that of the President. I see a world where American policy need no longer be determined by what is anticommunistic, nor, at least initially, that which is militaristic. The world's countries, so diverse in character and in resources, can now unite when world order is threatened, as we have done in the Persian Gulf, unite to apply economic and political pressures, and thereby avoid resorting, in many instances, to the ultimate brutality of war.

One man recently said that I should support the President, that he was the only national leader, and that I am just a Congressman. If, as he promised me, my vote to keep consistency with my judgment and my conscience by disagreeing with the Commander in Chief costs me the opportunity to sit in this body, so be it. I am at peace with that issue.

A unified world has, in Iraq, applied economic sanctions which, in the judgment of America's chief of intelligence, CIA Director William Webster, are working. Secretary Baker told us at a small Foreign Affairs briefing just 5 weeks ago that sanctions, in his words, "are beginning to bite." Director Webster, just 3 weeks ago, provided the details to our Armed Services Committee. The America led embargo around Iraq has closed off more than 90 percent of its imports and 97 percent of its exports. Its foreign exchange reserves will be nearly depleted by spring. Iraq will not have the capability to be self-sufficient in food production this year, and will produce, in fact, less than one-half the grain they need. Major repairs to Iraq's sophisticated aircraft will be crippled because of the exodus of foreign technicians.

So why are we rushing headlong into war, with the specter of many young men and, yes, young women, dying in the sands of Kuwait and Iraq—British and French and Egyptians as well as Americans? And what of the bystander victims? What will be true costs of this war, in human terms? No one knows the suffering which unleashing the dogs of war will bring. The administration refuses to discuss it.

Who are we to believe about the war's costs in blood and pain? Will it be a few hundred Americans, as some reliable sources have argued just this week, or will it be, as Defense Department sources earlier leaked several months ago, from 10,000 to 30,000?

We have heard much in this debate about body bags. Last weekend, a friend gave me a copy of a document published by the Department of Commerce on December 26, 1990, entitled "The Commerce Business Daily." This publication is, as its subtitle indicates "a daily list of government procurement invitations and contract awards."

Page 32 of that document for December 26, 1990 lists awards of four contracts to purchase 40,000 body bags, or in the official terminology, "pouches, human remains."

Mr. Speaker, the United States and the entire international community have been struggling against two evils since the second of August. The first is Saddam Hussein's unprovoked, brutal, and intolerable aggression against Kuwait. The second is the clock—for as every day passes without a resolution to this crisis, more innocent people suffer under Iraqi occupation, and more members of the international coalition suffer from economic sanctions they must enforce.

There is a point at which the waiting must end. It may be that economic sanctions will not produce the results which, until 2 months ago, the President and Secretary of State assured us would follow, but the time to abandon sanctions has not yet come. When that point is reached, it will require, in my view, a new decision, because it is one thing to invoke economic sanctions, and it is another to invoke military action with its resultant and incalculable death and suffering. That is what the Hamilton-Gephardt resolution provides, and that is why I will vote for it.

When we ended the Vietnam war, I promised myself that I would never support a war effort for this country unless our vital security interests were threatened. President Jimmy Carter first recognized that free flowing oil through the Persian Gulf was a vital security interest of this country. Never mind the stupidity that allowed the death a decade ago of efforts which he and many others supported to free us from the economic bondage of dependency on Middle Eastern oil. The plain truth is that we face war in the Persian Gulf today because we—and most of the world—have allowed ourselves to rely for economic vitality upon crude oil produced on the Arabian Peninsula.

The world faces war today for the noble cause of a new world order. But that high sounding phrase is, in fact, bottomed on the world's need for oil and America has stepped forward once again to play the role of world's policeman to make everything right. No one else, we are told, will do it. All the world is behind us, in this selfless undertaking, but, as someone mentioned last night, they should be at our side.

I have praised, as many others, the President's brilliant leadership in bringing world powers into alliance to impose the sanctions on Iraq, and in seeking U.N. support. But it can legitimately be asked why America is not one of many forces of more equal proportion, under a U.N. flag, and why the huge new resources pouring into the treasuries of those Persian Gulf countries, whose very existence we defend, are not, in fact, paying the costs of that defense. A war effort in the Persian Gulf could cost, we were told yesterday by the House's budget chairman, a billion dollars per day.

This global alliance, we are told by the administration's spokesmen and by Members debating today, will begin to disintegrate if we do not go to war now. Others assure us that the alliance will begin to break up if, in fact, war is undertaken and it takes more than a few days. In fact, as all Members know, the alliance is a couple of old friends, principally the British and the French whose numbers are very small in comparison with ours, and Arab countries whose existence is directly dependent upon the success of America's efforts. This war will be basically an American action and our allies, most of them, are simply holding our coat. The two greatest world economic powers, both of whom depend, as we do not, upon Middle Eastern oil, are not present militarily nor, in any significant way, economically. They are figuratively averting their eyes, pleading preoccupation with their own problems.

So we appear on the verge of an American war in the Persian Gulf. I still have hopes, though I cannot base them on anything except my normal optimism about the ultimate triumph of man's better instincts—in this case avoiding an absolutely unjustifiable, intellectually and morally indefensible war effort.

Our hopes and prayers go with U.N. Secretary General Javier Perez de Cueller, with whom I visited briefly last Monday in New York. The French and the European Community are making a last effort. It is said that King Fahd and King Hussein, whom I am proud to call a friend, and President Benjadid of Algeria are making efforts. Others will try.

But when I contemplate what will result if they fail, my optimism fades. I see the probability of a bloody war which will claim thousands of lives and destabilize the region for years to come, putting back America's—and Israel's—abilities to live at peace with the Arab world for generations.

We are told that if we make any compromise with Saddam Hussein at all, that we resort to appeasement, and that nothing can be traded for Iraq's withdrawal from Kuwait. Like all in this Chamber, I pray he will realize how poor his chances are, and foreseeing the destruction of his war capability, much of his country and many of his countrymen, will choose to begin to leave Kuwait.

Mr. Speaker, the President's decision to direct the Secretary of Defense to ensure an offensive option, his decision to increase the deployment to nearly 450,000 men and women, and his implied intention to move quickly after the U.N. January 15 deadline, all set the United States on a collision course with Iraq. This date, selected arbitrarily, has come to represent the seminal moment when peaceful efforts have either succeeded or failed to resolve this crisis. This is not the case.

I may eventually support the U.N. resolution authorizing all necessary means, and I do not preclude the eventual use of force to remove Saddam Hussein from Kuwait. But I do not now believe that is necessary. The President—in hopes of making our military threat credible—has attempted to preclude the strategy of sanctions upon which he initially introduced troops into the Persian Gulf, and in the process, undermined the prospects for a peaceful resolution of this conflict.

Mr. Speaker, I reject the linkage of this act of aggression with the Palestinian problem. I reject rewarding Saddam Hussein in any manner whatsoever. However, we are apparently headed for war after January 15, and I will not be a party to imperiling the lives of our troops in the gulf without the conviction that all peaceful alternatives have been exhausted.

As a member of the Foreign Affairs Committee, and its Subcommittee on Europe and the Middle East, I have traveled widely throughout the Middle East over the last 3 years. I pretend no expertise, but I have become acquainted with leaders of the countries of the region and have tried to understand, in particular, the struggle between Israel and her Arab neighbors. In fact, I returned just 3 weeks ago from a visit to Israel and six Arab countries.

While there I visited, like many of the members of this House have, with the troops in Saudi Arabia. While visiting the First Marine Division just 20 miles from the Kuwaiti border, I met three young men from my State of Utah. One of them asked me: "Will you send us to war?" The question haunted me, and still does. It was asked without fear and without apparent apprehension. Both emotions are present today as I contemplate the impact of the votes we will cast tomorrow.

Opinions on how this crisis should be resolved are widely varied in the Middle East, but all agree that war will transform and destabilize the region for years to come. It will imperil moderate Arab governments. It will feed the fury of hatred and intransigence, and drive the rampant growth of Islamic fundamentalism. Undoubtedly terrorism will increase. These destabilizing forces are clearly not in the interest of the United States, or of our closest ally in the region, Israel.

I found that many of those leaders with whom I visited in the Middle East do not believe sanctions will work. This is partly true because the administration has downplayed sanctions, have changed earlier representations, and in recent months have been saying sanctions simply will not do the job alone, and, anyway, you don't want Saddam to come out of this with his military machine in workable condition.

There were three components in the allied response to Saddam Hussein: Sanctions, negotiations, or threat of war. The administration's decision to engage in brinksmanship has placed us in an untenable position because they have eliminated sanctions, leaving those who are trying actively to avoid the war with nothing but linkage to negotiate, and linkage is unacceptable. We should not be in that position. Sanctions are, in fact, a viable alternative. It is the administration's own ineptitude which has placed us in this intolerable situation, and that is very regrettable indeed.

In a totalitarian country such as Iraq, the decision to go to war is a relatively easy one. Such are the benefits of dictatorship.

That is not, I am happy to say, the case in this country, nor in any true democracy. This vote, as difficult as it may be for all of us, is a tribute to our democracy. The President may not be able to show Saddam Hussein that the Congress is unanimous in its support for war. But an open society's strength is based on its process of consideration for the views of all, and this country is genuinely divided on this issue. Americans believe, correctly so in my view, that we have not exhausted every peaceful alternative.

I commend my colleagues on the seriousness of this debate, and the solemn manner with which the Congress approaches this awesome task. When this immediate task is over, and the current situation concluded, one way or another, whenever that time will be, there will still remain the seemingly interminable conflict between our valued ally Israel and her Arab neighbors.

It is my sincere hope that, at that time, the Congress will show the same interest and seriousness in search of a comprehensive peace in the Middle East. That is the only way that a lasting peace with hope can come to this, the most troubled of regions, an area where peace is required for the well-being of the rest of the world.

□ 1240

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I rise today in support of the Michel-Solarz resolution.

I think as we discuss this issue, it is important to say that I believe we are all trying to avoid a war, and the question is how best to accomplish that.

First, I think we need to understand our adversary. Let me quote Saddam Hussein. I think it says it all in one sentence. These are his words;

> I struggle for the realization of Arab unity and if necessary, through the use of force, because I am determined to consolidate a single Arab state.

Hussein's objective is very clear—one Arab state with Saddam Hussein at its head. What that would mean is two-thirds of the world's known oil reserves would be under the control of one man. The Suez Canal, the transportation crossroads of the entire world, would be under the control of one man. Key allies of the United States and the free world would be threatened by one man, and the fate of the world's economy would be in the hands of one man.

I do not believe any amount of delay or attempts at negotiation, no matter how well intentioned, will stop this man or change his mind. All his gains have been by the use of force, including murder and torture. Regrettably, that seems to be what he understands.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield at that point?

Mr. CHANDLER. No, I do not have enough time. I am sorry.

I wish to emphasize a second important point.

Supporters of the continued use of sanctions characterize their policy as peaceful, benign, nonviolent, and without the cost of lives. I think they are compelled to answer this question: With sanctions, will there be suffering, hardship, and death in Iraq? Well, if sanctions are to be effective, I think the clear answer to that question is clearly yes.

If the answer is no, then sanctions could not possibly succeed.

Now, who will suffer? Will it be Hussein, his leaders, his troops? No, the suffering will fall on the old, the young, the sick, and women. Will the rape, the murder, and the torture of Kuwaitis stop? No.

I think we face terrible choices. But when you propose a policy, I think you are compelled to be forthright about its results.

Suppose we use sanctions for a year and Saddam Hussein is backed into a corner. Is he going to be any less desperate, any less ruthless? He likely faces the destruction of his country no matter what policy option we choose. War will very likely be the result. Time, though, serves Hussein and his purposes. To give Hussein time would be to send him the wrong message.

There is a terrible sickness in the Middle East. We have tried every conceivable treatment, and nothing has worked. We must now lance the infected area and remove this tumor. Hussein has the option to render this tumor benign. It is his choice. But I think we all know that it is malignant and we must remove it before it is given a chance to spread.

Mr. Speaker, to carry that analogy further, we must give the surgeons the tools to carry out their task. Short of the use of nuclear weapons, or chemical or biological weapons, we must give our fighting men and women every means they need to accomplish their task.

No more Vietnams!

If conflict becomes unavoidable, give our men and women what they need to prevail quickly, then bring them home.

The article follows:

[From the Washington Post, Jan. 11, 1991]

CONGRESS AND WAR

Iraq, says Speaker Foley, is an "issue of conscience." But that's to say that only one answer is possible. In fact, Iraq is an issue of judgment. Conscientious legislators have different views about it. That is what makes the congressional debate on Iraq so excruciatingly difficult.

That the United States has large stakes in the outcome of the Gulf crisis is no longer a contentious issue. The threshold argument in Congress is how best to pursue those stakes—by the threat of war or by further reliance on sanctions, diplomacy and the military buildup. On this matter, as we say, conscientious people can differ. There are expert analyses to support several courses. It is a close call.

But Congress is not dealing merely with this essentially tactical question. Having chosen to wait until this late moment to address the crisis in a formal this-counts way, Congress finds itself pinned up against the Bush administration's determined, United Nations-sanctioned effort to enforce the U.N.'s Jan. 15 deadline for Iraqi withdrawal from Kuwait. So a second argument—what we would call the more urgent argument—necessarily comes into play: whether to try to make the Bush enforcement strategy work. This is not simply a matter of supporting the president, although it is partly that. It is a matter of suppling the president with the vote of confidence, the showing of support, to strengthen his hand at the moment when conceivably this powerful sort of strengthening of his hand can influence the calculations of Saddam Hussein and win him over to the withdrawal that is favored by almost everyone in America.

It is no longer seriously disputed that Saddam Hussein is a menace to regional peace and global order and had best be reined in sooner so that he does not become an even greater menace later. This is what the American government has attempted to do. Now comes the squeeze. Can there be any question as to how Saddam Hussein would read a congressional vote that denied President Bush the authority he seeks to use force in conformity with international mandate and national policy alike? Does anyone think he would not take heart from such a vote?

A war in the Gulf could have incalculable and horrible effects, and we are not calling for the country to launch an attack. But we do support putting in the hands of the president—a president who personally knows something about war—the authority to make a more plausible threat in these eleventh-hour circumstances of President Hussein's pre-deadline countdown. Our judgment is that Congress, by deciding to authorize the President to conduct war, materially improves his chances of achieving peace. It is a risk, and we would take it.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I would appreciate it if my distinguished colleague, the gentleman from Washington [Mr. CHANDLER], would remain in the well. I would like to propound a question to the gentleman.

As I understand it, the administration's policy options have been threefold—an economic option, a diplomatic option, and an offensive military option. The gentleman began his remarks—and I respect the gentleman—by saying that this is not really a march to war but an effort to try to avert war. Yet I listened very carefully to the gentleman's argument.

With respect to option 1, economic sanctions, the gentleman, giving us his own assumptions, gave a brilliant explanation as to why sanctions will not work. So let us take that off the table.

Then the gentleman said in the course of his remarks that diplomatic efforts, no matter how well intentioned, will not work, so let us take that off the table.

So what the gentleman is really saying is in direct contradiction to what he started out suggesting, because if he is saying the economic option will not work and diplomacy will not work, then is the gentleman not saying that what this debate is about here is going to war with Iraq, straight and simple, so let us strip all the other discussion away from it, because what this really is all about is going to war with Iraq?

Mr. CHANDLER. Will the gentleman yield so I may respond?

Mr. DELLUMS. Unless I misheard, that is what the gentleman said.

Yes, I yield to the gentleman for a response.

Mr. CHANDLER. Mr. Speaker, I think there is great risk of war no matter which policy is adopted. I think, though, that Saddam Hussein is more likely to respond to an immediate threat of destruction of his country than he is likely to respond to an extension of time, which I believe he will interpret as a sign of weakness on the part of the allies, most notably the United States.

Mr. DELLUMS. So the gentleman is saying that the vote today is a vote to go to war with Iraq? The gentleman says that is the option, and he thinks that is the only one left on the table?

Mr. CHANDLER. Mr. Speaker, I think there is grave risk of war, no matter what option we adopt. What I think, though, is that paradoxically, the threat of war is more likely to yield the result of peace than the threat of sanctions, which I think I just heard the gentleman say will not work either.

Mr. DELLUMS. I did not say they would not work. I said, if we were accepting your assumptions. The gentleman discarded sanctions, but I am not in that position. I do not agree with that. I am just saying that was the gentleman's viewpoint.

Mr. BONIOR. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, the decision we and the President are in the process of making will affect real lives, real people, real families. We must not let that fundamental truth be sanitized away in the technical jargon of military strategy and war gaming. The decision we are about to make is literally a matter of life and death. That is of course why this is such a difficult decision for all of us.

Let it be clear that there is no disagreement in this Congress on one essential point: Saddam Hussein's ruthless invasion of Kuwait cannot and will not be allowed to stand. The world simply cannot permit a dictator as ambitious and ruthless as Hussein to seize control of the region's critical energy resources. Moreover, international acquiescence to Hussein's act of naked aggression would only encourage similar acts by other tyrannical regimes.

It needs also to be said plainly that there are indeed times when lives must be risked in the struggle against tyranny and for freedom. We Americans understand that very clearly. That is why, following Iraq's invasion of Kuwait, most Americans applauded the President's quick and effective deployment of American troops to Saudi Arabia to deter further aggression by Saddam Hussein's forces. That is also why Americans supported the President's decision to use military force, if necessary, to secure an international economic blockade of Iraq. These decisions were not without risk or cost, but they were recognized by most Americans as prudent and necessary responses to Iraq's aggression. And they received the broadest possible bipartisan support in the Congress.

But now we are being asked to abandon these policies and to launch offensive military action. We are being told it is time for war. Why? Why the rush to war? Why abandon a strategy that has been largely successful for an infinitely more costly and risky initiative that will inevitably mean a huge loss of life, and is very likely to produce a wholly unpredictable spiral of violence and bloodshed and increased international instability?

Clearly, if there should be a war, there is no doubt about the ultimate military outcome. If we fight, we will prevail and Saddam Hussein will suffer a crushing defeat. But at what cost? And at what consequences for the Middle East, for America, and for the world.

Yes, war is an option. But war must be a last resort, to be initiated only when it is clear that sanctions and diplomacy have failed, and when we can be reasonably confident that military success will yield more than a pyrrhic victory. War must be a last resort. Surely our impatience is not a sufficient reason to put the lives of young American men and women at risk. Nor is the failure to meet an arbitrary, self-imposed deadline a sufficient reason to conclude that diplomacy has failed.

Two central arguments are being advanced by those supporting the Solarz-Broomfield proposed declaration of war. First, it is claimed that the economic sanctions that have been imposed are not working and will never succeed in expelling Iraqi forces from Kuwait.

Mr. Speaker, it is simply wrong to say that the initial strategy to stop Saddam Hussein is not working. Just look at what has been accomplished in less than 6 months;

Saudi Arabia is now defended against attack, and Hussein's fantasy of gaining control of the region's energy resources has been shattered.

The safety and freedom of American and other hostages have been secured.

The energy market has been stabilized and the world has discovered it is able to do without Kuwaiti and Iraqi crude.

Inside Iraq, the sanctions are biting, and they are biting deeply. The Director of the Central Intelligence Agency and other analysts report that more than 90 percent of Iraqi imports and 97 percent of its exports have been curtailed, that the international embargo is depriving Baghdad of approximately $1.5 billion of foreign exchange earnings monthly, that Iraq's inability to export its oil is costing over $70 million daily, and that Iraq's GNP has already been reduced by 50 percent.

Does that sound like a failed sanctions policy? According to CIA Director Webster, even Iraq's military, particularly its air force, is being weakened by the sanctions. Major repairs to sophisticated aircraft like the F–1 are increasingly difficult because of the exodus of foreign technicians. In addition, a lack of spare parts and lubricants will, over time, take an increasingly severe toll on Iraqi ground forces.

The bottom line is that Saddam Hussein is now virtually alone in the Middle East—politically, militarily, and economically isolated. Listen to the words of former Secretary of Defense James Schlesinger:

> Saddam Hussein staked Iraq's position on a roll of the dice—and lost. Only if he has a deeply masochistic streak can he regard himself as rewarded. To allow our political rhetoric to obscure the severe punishment that has already been meted out or to suggest that our current policy is in some way unsuccessful * * * strikes me as misconceived.

It is true that one critical objective—Iraq's expulsion from Kuwait—has not yet been achieved. But most experts have insisted from the beginning that it would take a minimum of 12 to 18 months for sanctions to begin to have a politically significant effect within Iraq. What is remarkable is how much the sanctions have achieved in less than 6 months. It is not the failure of sanctions that we should be heralding, but their extraordinary success.

The second argument of those supporting a declaration of war is that time is on the side of Saddam Hussein because the coalition allied against him is too fragile to be counted on to sustain effective international sanctions. Mr. Speaker, if this is in fact true, why should we believe the coalition will hang together in the far riskier exercise of war. No one has addressed this issue more incisively than the former Chairman of the Joint Chiefs of Staff, Adm. William Crowe. Testifying before the Senate Armed Services Committee, Admiral Crowe observed:

> I cannot understand, Admiral Crowe writes, why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution. . . . I sense more nervousness among our allies about our impetuousness than about our patience.

Mr. Speaker, there is no one in this body that can say with absolute certainty that sanctions and diplomacy will eventually succeed in expelling Iraqi forces from Kuwait, or that further reliance on sanctions and diplomacy will be without risk or cost. But what of the risks and costs inherent in the decision to go to war?

The cost in human casualties: If a ground war becomes part of the battle plan, we are told that American casualties could be as high as 10,000 to 20,000.

The cost to an already weakened American economy.

The risk of an uncontrollable spiral of violence and terrorism.

The risk that military expenditures, and the possible reinstitution of the draft, will force the continued deferral of urgently needed domestic investments.

Given all of the uncertainties and risks of war, does it not make sense to stay the course with a policy that is manifestly working and that has already accomplished a great deal. Again let me quote Admiral Crowe:

> I firmly believe that Saddam Hussein must leave Kuwait. At the same time given the larger context I judge it highly desirable to achieve this goal in a peaceful fashion, if possible. In other words, we should give sanctions a fair chance before we discard them. I personally believe they will bring him to his knees, but I would be the first to admit that is a speculative judgment. If in fact the sanctions will work in 12 to 18 months instead of six months, the trade-off of avoiding war with its attendant sacrifices and uncertainties would, in my view, be more than worth it.

Admiral Crowe concluded his testimony with these words:

> It may be that Saddam Hussein's ego is so engaged that he will not bend to an embargo or other peaceful deterrents such as containment. But I believe we should thoroughly satisfy ourselves that that is in fact the case and that hostilities would best serve our interests before resorting to unilateral offensive action against Iraq. It would be a sad commentary if Saddam Hussein, a two-bit tyrant who sits on 17 million people and possesses a GNP of $40 billion, proved to be more patient than the United States, the world's most affluent and powerful nation.

Mr. Speaker, I hope we will heed this wise counsel of one of America's most distinguished military leaders. It is not yet time to write off the effectiveness of sanctions and diplomacy in rolling back Saddam Hussein's aggression. The rush to war is premature. I urge passage of the Gephardt-Hamilton resolution.

□ 1250

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, much of the debate on these three very different resolutions now being considered revolves around the effectiveness or ineffectiveness of economic sanctions, particularly trade sanctions.

Let me mention a few words about my vantage point and my perspective. I serve on the House Committee on Foreign Affairs. I serve on the House Select Committee on Intelligence. Accordingly I focus intensely on this issue. I want to remind Members and reassure my own constituents that this Member has been willing to stand up alone in his party and against intense pressure from the White House, if necessary, when I have been convinced of the merits of my position.

With these words about perspective, it is perfectly clear to this Member that economic sanctions or an embargo cannot alone reverse the status quo and will not cause Iraq to withdraw from Kuwait. Therefore, I have concluded that our only chance to force that withdrawal without war is to maintain a very credible and immediate military threat of force.

This Member will not deprive President Bush of that very credible and immediate threat of force. The Michel-Solarz resolution maintains that credible and immediate military threat, and, as such, is the key to success with, if at all possible, peace. It reaffirms U.N. Resolution 678, which is the express resolve undergirding the multinational force arrayed against Saddam Hussein's aggression and brutality, and against his very real, ultimate, threat to our national interests, and that of the whole civilized world.

Accordingly, I want to make just a few points about the ineffectiveness of economic sanctions. The governments of all of the countries bordering Iraq have agreed to honor the embargo. In theory, all trade with Iraq should have ceased and Saddam Hussein's supply of critical materials should have been exhausted. Clearly, however, the sanctions have not been effective as envisioned, and the Iraqi military regime has not been crippled.

I will give you three quotes directly from the January 10 letter to House Armed Services Committee Chairman ASPIN from the Director of the Central Intelligence Agency, Judge William Webster.

First:

> The ability of the Iraqi ground force to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 10 months.

Second, he says:

> Even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening discontent in Iraq.

Third:

> We have seen little hard evidence to suggest that Saddam is currently threatened by the current hardships endured by his populace.

Mr. Speaker, we have many examples from the news media of leaks in our export embargo to Iraq. I asked for a detailed list of the firms, foreign and domestic, that are leaking this material, services, and important other items.

I saw a partial list. It is highly classified because of the collection techniques so I asked for a declassified version. The CIA response to me last week is very general, but here is what came back to me:

> The efforts to circumvent sanctions have been largely unsuccessful. At this point most governments are actively enforcing sanctions and plan to continue enforcement efforts. Since the imposition of the embargo, private firms have been involved in trying to sell goods to Iraq. Industrial and agricultural products constitute the bulk of the items offered to Iraq. Military, chemicals, transports, electrical, and oil-related items are also being offered.

The sanctions are leaking, already at this early date, at a disturbing rate. The borders of Iran, Syria, Turkey, and Jordan are hotbeds of smuggling. Large shipments of foodstuffs have made the journey to Baghdad.

Overhead satellites reveal heavy traffic over makeshift desert highways.

> Iran, for example, has doubled its imports of beef, an indication that they may be supplying meat to Iraq. (Wall Street Journal, December 5, 1990.)

In Baghdad, there are large supplies of beer that had been bottled in Jordan months after the sanctions took effect.

Now, I am frankly not much concerned about food smuggling, but if Iraq can effectively import bulky food to sell on the open markets, clearly Iraq can import critical spare parts and equipment. And, it is!

> There are numerous other examples that have been revealed in the press. It is known, for example, that truckloads of chemical additives for water purification have entered the country. (Washington Post, January 1, 1991.)
>
> The International Maritime Bureau is investigating a Honduran-flag vessel carrying chemicals from Europe that never reached Aqaba. This ship faked engine troubles, sneaked into Beirut harbor, and off-loaded its shipment of critical chemicals. These critical chemicals then were able to make their way to Iraq. (Wall Street Journal, December 5, 1990.)
>
> We know that there are Iraqi brokers who have settled into plush Jordanian hotels, ordering a whole range of equipment by telex and paying top price to those who are willing to breach the embargo. (Wall Street Journal, December 5, 1990.)

Regrettably, we now know that a significant number of Western companies are aiding and abetting the smuggling of critical materials. Recently unclassified data from the intelligence services indicate that numerous foreign firms have been involved in trying to sell goods to Iraq. Industrial equipment, military, transport, electrical and oil related items are also being bartered.

Yesterday, a distinguished, senior member of the Select Committee on Intelligence, Mr. SHUSTER explained that literally hundreds of companies and individuals have provided critical assistance to Iraq. As a member of that committee I can regrettably affirm that situation. We have, of course, no air embargo.

As we exercise our awesome responsibilities here today, it is entirely appropriate for us to consider well the lessons of history. Perhaps the definitive source on the subject of economic sanctions is a book written by Gary Clyde Hufbauer and Jeffrey J. Schott in 1985 for the Institute for International Economics. It is entitled "Economic Sanctions Reconsidered: History and Current Policy." The authors, after having considered the application of economic sanctions in approximately 150 different wars which stretched in time from the Peloponnesian Wars of 400 BC to Grenada, gave the following three relevant reasons why sanctions sometimes are of limited success:

> First, sanctions imposed may simply be inadequate to achieve the objectives sought—the goal may be too elusive, the means too gentle, or cooperation from other countries when needed, too tepid.
>
> A second reason for failure is that sanctions may create their own antidotes. In particular, economic sanctions may unify the target country both in support of the government and in search of commercial alternatives.
>
> A third reason for failure is that economic sanctions create their own backlash, abroad and at home. Allies abroad may simply not share the goals of the sender country. As a result, they may, in the first instance, ask exasperating questions about the probability of a successful outcome; in the second instance, they may refuse to take stern measures against the target country* * *.

These reasons for failed sanctions are all too likely to be relevant to the current situation with Iraq.

It has been said in arguments for extending the economic sanctions for a long period that "patience is a virtue." But patience is not always a virtue. Can anyone really believe that an effective embargo and the coalition supporting it will survive for 24 months or even a year? It cannot!

Unfortunately, Saddam Hussein will leave Kuwait only if he believes the United States and the multilateral coalition really has the resolve to use force. He clearly is not yet convinced of our resolve. Therefore, I urge my colleagues to strongly support the passage of the Michel-Solarz, bipartisan resolution. It will assist President Bush in demonstrating that America and its allied nations do indeed have the necessary resolve to exercise force in removing Iraqi forces from Kuwait. At this point that credible resolve and this Michel-Solarz resolution are our best hope for a successful and peaceful conclusion to the current crisis in the gulf.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. DONNELLY].

Mr. DONNELLY. Mr. Speaker, I rise in strong opposition to the Solarz amendment and in favor of the Gephardt amendment. Mr. Speaker, I have been a Member of this institution for 13 years. I have taken the well of this House on many occasions to speak out on issues, both domestic and foreign policy, but never in my service as a Member of the House have I taken the well with such sadness and rage.

□ 1300

Sadness and rage because it seems this institution in less than 24 hours will authorize our President to take offensive action and to start a war in the Middle East.

Let met say to my friends that if they thought the Vietnam war was unpopular, wait until the American people find out why and for whom and for what our kids were sent off to die. To restore the legitimate Government of Kuwait, a monarchy, a feudal monarchy, a group of people that will not fight for themselves. Can you imagine in your wildest estimation if the United States of America was vanquished in battle, and we survivors were chased into Mexico, that not every red-blooded American would take arms to retake our land?

To defend Saudi Arabia, a nation that has no draft, a nation that has continually used foreign nationals to do their dirty work. Their able-bodied men and women will not stand every one of them in defense of their country and the restoration of the Government of Kuwait. They expect Americans to do it.

Let me disabuse everybody here that this is an international coalition. Yes, my friends, it is an international coalition when they vote in the United Nations. But when they have to put their sons and daughters on the line to restore the legitimate Government of Kuwait, where are they?

The Soviet Union, the other great world superpower, not one Soviet soldier in Saudi Arabia. One battleship, but not one soldier in harm's way. The European Community. Granted, France and England deserve some credit. Where are the rest of them? A warship here, a minesweeper there.

The European Community. Twice in this century we have sent our children, sons and daughters, to defend the countries of the European Community. The success of the Marshall plan, in my estimation, has made a lot of European nations wealthy and has created a lot of ingrates.

Japan, a few yen, Japan which gets almost all of its oil from Kuwait.

And worst of all, worst of all, who have we taken as an ally? Hafiz Assad, the dictator of Syria, Hafiz Assad. If any of my colleagues had a constituent that died on Pan Am 103, look yourself in the mirror to have an ally like Hafiz Assad.

When they strike Israel and Israel strikes back, will the Arab so-called allies fight with us or fight against us?

My friends, we are not just jumping into the quicksand of the Middle East, we are diving in head first.

Let me say finally to my friends on the Democratic side, I have always prided myself as a member of a party that represented and stood for the interests of the working class and the poor. I need not remind anybody in this Chamber who dies in wars. It is the working class and the poor. And at the end of the day, if this terrible war commences, each one of us is going to have to walk up to a mother or a father, or a son or a daughter and say that your daddy, your mom died in a necessary, just and noble cause. And if you vote to authorize the President to send our kids into battle, I hope you will be able to look them in the eye and say that they gave their life, 90 percent American, in a necessary, just and noble cause.

Mr. Speaker, I cannot say that to my constituents. I hope that those who vote for the so-called bipartisan resolution can say that to theirs.

Mr. BONIOR. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, during this debate I have heard on various occasions Members of this House tell us that this is the most difficult vote that they will ever cast in their political career. With that, Mr. Speaker, I agree. It is the most difficult vote that we will cast in our entire political career.

But I have listened to both sides and I still have to find someone who gives me some specific reason why we are there, what our interests are in the Persian Gulf. This has not been specifically outlined as far as I can see.

We are told instead that Saddam Hussein is an evil man, that he must be stopped. With that I agree. But the truth of the matter is that Hussein has not changed one bit. He was evil when we were supporting him, when he was our friend. So there has been no change insofar as that individual is concerned.

No one has given any real reason I believe why there is any justification as to why we must sacrifice thousands of young lives before all other alternatives have been exhausted.

Mr. Speaker, many decades ago Americans fought a war to end all wars, but wars have not ended, only the names have changed to police action and so forth. The truth of the matter is that the battlefields of the world still have our men dying and young families continue to mourn their loved ones as widows and orphans live their lives in poverty and deprivation.

Our national leaders tell us now that they want only peace, but they launch us into war as we find ourselves debating now whether or not to grant the President of the United States a declaration of war. Mr. Speaker, I firmly believe that we must not give the President this unbridled reason for him to go into battle. Congress I believe must provide a cooler head and warmer hearts and tell those who wage war that a strong application of sanctions, when given time to work, will prevent war, destruction and death. We must tell those that wage war that the history of the world clearly has demonstrated that the power of the sword only brings suffering, and history, that same history also tells us that the intellect, when given its time, can bring peace. It can prevent the destruction of nations and it can bring about a tranquility throughout the world as a whole, our leadership as well as theirs.

But may I say as well that as the Congress of the United States will be tested in the next few days as all Americans and the people of the world watch and history records and judges, most of those who will vote on this matter do not know what war really is. They never had on a uniform, they never faced an opponent and so they do not know.

I for one cannot condemn thousands of young lives to an untimely death on a foreign battlefield, specifically when there is, in fact, another alternative. A few more weeks can make a difference. I believe that sanctions, given a chance, can work, and it can in fact prevent war and its terrible consequences.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Speaker, I thank the gentleman from Michigan for yielding the time to me.

Mr. Speaker, I rise in support of the bipartisan concurrent resolution sponsored by Republican leader MICHEL and the gentleman from New York [Mr. SOLARZ] which provides support to the multinational forces now determined to remove the military forces in Iraq from the nation of Kuwait.

I believe that President Bush deserves a great deal of credit for his leadership in building a strong international coalition to make it clear to Saddam that he is facing worldwide opposition to his invasion of Kuwait. With the support of the United Nations and our allies, this international force has shown Saddam Hussein that he stands alone against the world, even though he seems to be slow in getting the message.

If Saddam Hussein respects anything, Mr. Speaker—and I emphasize the word if—it is strength of will and unity of purpose. For these reasons, I support this bipartisan resolution.

This is not a partisan issue, Mr. Speaker, nor is this a step which any of us take lightly, when so many lives are at stake. But, we must demonstrate our unity of purpose in support for international efforts to stand firm against Saddam Hussein's naked aggression against Kuwait, a member in good standing of the United Nations.

I support our President and I support our troops who are in the gulf defending our critical international resolve at this important time in world history.

☐ 1310

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak for peace, peace under the rule of law.

It was Franklin Delano Roosevelt who had the dream during the final years of World War II that the rule of law would set the standard on this globe after that conflict. He was the guiding light of the bold idea of the creation of the United Nations. Today we are seeing that dream of Franklin Roosevelt put to the test based upon a U.N. resolution against the tyrannical aggression of Saddam Hussein upon his neighbor.

Our country leads the way toward a resolution of this crisis under the rule of international law.

Mr. Speaker, the issue is whether the dream of Franklin Roosevelt will be fulfilled by reliance on the United Nations and the rule of law. This is a grave issue. It is, however, but a replay of the past. The faces are different, but the issues and the challenges are the same.

The question is: have we learned anything from the lessons of history? In 1936 Adolf Hitler entered the Rhineland. Those great powers of the day, Great Britain and France, did nothing. In 1938 Adolf Hitler demanded part of Czechoslovakia and got it based upon a promise of no more territorial demands. It was Great Britain's Chamberlain, the Prime Minister, who returned from the Munich meeting with Adolf Hitler proclaiming "peace in our time." How wrong he was. The lesson in history of which I speak is found in the phrase, "We should have stopped him when we could."

How many British, French, and, yes, American families said that about Adolf Hitler after World War II? Applying that sad lesson of history, we must stop Saddam Hussein now. We must stop him by sending a clear and convincing message from this Congress of the United States that, "This is the last chance for peace. Get out of Kuwait."

This is not a declaration of war. It is a demand for him to comply with the U.N. resolutions or risk the consequences.

Mr. Speaker, I take this opportunity to commend those allies whose troops, sailors, and airmen are standing shoulder to shoulder with those in American uniform in the Middle East. It is one thing for a country to send a check to pay for this. It is clearly a greater contribution for a country to send its young men and its young women into harm's way.

At the same time, Mr. Speaker, I note that there are countries who are benefiting from our efforts who have not given their full measure of support, whether they hide behind a constitutional reason or otherwise. Should a hair on the head of one American be harmed as a result of this crisis, the American people will long remember who stood with us shoulder to shoulder and who was absent.

Mr. Speaker, the question is asked: What are America's interests in this? Saddam Hussein threatens the interests of our country and the interests of the free world. If he prevails in this crisis, he will pose a direct threat to the entire world. His tentacles would eventually cover this globe. Soon he will have a nuclear arsenal. He already has long-range weapons. He is working on an intercontinental ballistic system. He has developed chemical and biological weapons. He is a direct threat to our economy and the economy of the industrialized and free world.

Give him his desires, and he will continue to engulf other regions and other countries, and soon he will have his hand on the world's energy valve. His demands will continue to grow, and there is no appeasement.

Saddam Hussein should understand that America means business. The well-executed sanctions would take years to have a telling effect on him and on his regime. By that time the alliance could break down and the embargo might turn into a sieve, and Saddam Hussein wins over the rule of law.

Five months have elapsed. The sanctions have caused no movement from Saddam Hussein.

Thus, Mr. Speaker, let us learn from the past. Let us put our country's strength behind the rule of law, behind the U.N. resolution.

Let us not say as, lo, those who lived through the fire and disaster of World War II, that, "We should have stopped him when we could."

Mr. NEAL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I am happy to yield to the gentleman from North Carolina.

Mr. NEAL of North Carolina. Mr. Speaker, I appreciate what the gentleman has to say, and I agree with everything he said about the need to stop Saddam Hussein. But is it not true that he has been stopped? Unlike Hitler in the 1930's, who was appeased, Saddam Hussein has been stopped under the outstanding leadership of President Bush and Secretaries Baker and Cheney; he has been stopped. He was not allowed to go into Saudi Arabia. Yes, he is still in Kuwait, but he is not able to enjoy any benefits. In fact, it is costing him, and the question is not whether he is to be stopped or whether he has been stopped. It is how, it seems to me, but I say to my friend, he has been stopped. It has been an enormous success.

Mr. SKELTON. Reclaiming my time, I say to my friend how wrong he is. He is enjoying the benefits of being in Kuwait. He has Kuwait under his rule of thumb, under his rule of his army, and he is able to take its resources, rape its women and ravish that land. He must not just be stopped. He must be put back into where he came from.

Mr. NEAL of North Carolina. I agree. I agree with the gentleman.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, in the last 40 years, we have fought two land wars in Asia—with thousands of Americans dead, thousands maimed, and with lives demolished. Here we go again. Another Asian land war.

What for? To reestablish the legitimate Government of Kuwait—a feudal country with a self-indulgent life style and no democratic process? And what for? To protect the kingdom, which is what the Saudis call their country, a society with no concept of human rights, and with $50 billion spent on military purchases and unable, or unwilling, to defend themselves, and compared to Israel, with a population half that of Saudi Arabia and facing far greater threats, has never asked us for manpower in five wars. And what for? To save the kingdom so that it can continue to provide free housing, free health, and free education anywhere in the world for all its people. Or so that the kingdom can continue to be the world's largest public works project, and of course, to continue its subjugation of women?

And what for? To protect the oil supplies of Japan and Germany? How terribly short are our memories. The Persian Gulf has been compared to Munich, but Iraq is not pre-war Germany with a powerful military-industrial base. Iraq has no base but has to import its weaponry. That is why long-term sanctions, strongly and doggedly enforced, will erode Iraq's military machine and nuclear capability.

And what for? To promote Syria's regional interests as a base for terrorism, and to continue to expand its power over Lebanon without world condemnation.

And what for? To protect our energy sources from a region that provides less than 10 percent of our energy—less if we had an energy policy.

What we need is an energy policy, not a war. What we need is better health care, not military casualties.

What we need are safe streets in Miami and Washington, DC—safe from criminals at home before we take on criminals 5,000 miles away.

WHAT WE NEED IS MORE INFORMATION

Is it not inevitable that Israel will be brought into the conflict. We do not know anything about the posture of the United States or the allied gulf forces when they are caught in a conflict between Israel and Iraq. To hold the fragile coalition together, we have no indication that plans have been worked out when Israel, as it will be, is brought into the conflict.

WHAT WE NEED IS PATIENCE, NOT BELLIGERENCE

Saddam Hussein should and will get out of Kuwait, but is our vital security right now at stake, and if so what is the best way to protect our security? Patience can be tougher than irreversible force, and wiser.

It is true that the Solarz-Michel resolution sends a stronger, more immediate signal to Saddam Hussein than the Hamilton resolution. But it also comes closer to committing troops into combat, into death in some unknown numbers.

Let us not, as Mark Anthony did 2,000 years ago, cry havoc and let slip the dogs of war. Death is so irreversible—patience is not.

The Hamilton resolution continues sanctions, encourages patience and more diplomacy. It does not exclude the military option. The Solarz resolution brings us a dangerous step closer to war. Vote for the Hamilton resolution.

☐ 1320

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The Chair would remind our guests in the galleries that we are happy to have you here, but the rules clearly provide for no expression of either support or resolution to any remarks made on the floor. Those rules will be enforced.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, when economic sanctions were placed upon Iraq immediately following the invasion of Kuwait, each of us carried high hopes that the sanctions would quickly resolve the situation and force Saddam Hussein out of Kuwait. Now, 5 months later, time has shown that the sanctions do not work.

Today, a resolution is offered to express the sense of Congress that continued sanctions against Iraq is the wisest course. This simply is not true. While the sanctions have created an economic hardship on Iraq, the sanctions will not drive the Iraqis out of Kuwait.

If the sanctions are extended for 6 to 12 months, it will simply give Hussein 6 to 12 months to stand down his troops, to increase his chemical and nuclear capabilities, and to destroy the delicate Arab coalition. Supplies will continue to leak into Iraq, Iraqi troops will be well rested with high morale, and military buildup will continue. While among the allies, costs to support our troops will continue to soar, the sustenance and rotation of Reserve units will become increasingly difficult and morale will plummet. In other words, the United Nations resolution to drive Iraq out of Kuwait will fail.

A second resolution has been offered to require the approval of Congress before an offensive military action is initiated. We are not here today to debate whether or not Congress has the authority to declare war. The War Powers Act has clearly given that authority to Congress. I paraphrase international law scholar, Thomas Franck quoted in the San Diego Union on December 30, 1990.

> Congress does not have a constitutional obligation to declare war before the United States joins in a U.N.-sponsored police action in the Persian Gulf.
>
> The U.N. Charter prohibits war-making by Members except in self-defense. In seeking to abolish war it substitutes a different mechanism, police action, for defending countries against illegal aggression.

Will we act independently and without regard to United Nations policy as some would have us do, or will we support and sustain a united, multinational effort to oust Iraq?

Therefore, recognizing that staying the course for another 6 months or 1 year will not work, and that the U.N. Charter provides an alternative to a declared war, our only option is to support the President according to the U.N. resolution. Therefore, I wholeheartedly oppose resolutions offered by Mr. GEPHARDT and Mr. BENNETT and support the resolution introduced by Mr. MICHEL and Mr. SOLARZ to authorize the use of force if Hussein does not withdraw by January 15. We must send a strong and clear signal to Hussein that his only option is a complete and unconditional withdrawal. Anything less calls for strong and decisive military actions.

Mr. DELLUMS. Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution and in opposition to the President's resolution which asks Congress to declare war against Iraq.

Those who support the declaration of war resolution do so largely on the basis that Congress must support the President.

I supported the President when he led the world in declaring our Nation's opposition against Iraq's invasion of Kuwait, and when he mobilized against the potential threat of an invasion against Saudi Arabia. President Bush must be commended on his rapid and decisive action in this regard. Furthermore the President moved the matter to the United Nations, and was precisely correct in obtaining the support of the United Nations. International world order is the precise business of the United Nations. It is their forum. The burdens of enforcing order must be borne by all nations, not just the United States.

The United Nations is dedicated to preserving peace among nations. Conflicts are supposed to be resolved through diplomatic actions and international negotiations. The United Nations is supposed to mobilize peacekeeping forces. The United Nations is supposed to represent world reason opposed to the use of force. No matter how highly desirable our objectives, the answer is supposed to lie in the arena of sanctions and diplomacy, and not in the use of military force.

Strangely the United Nations has abrogated its fundamental mission as a peace-keeping organization. In its Resolution 678, it has authorized the use of force.

The United States sought that abrogation and it was wrong in doing so. No matter how tough the road to peace appears, threat of war should not be the United Nations choice of options.

The U.N. vote authorizing economic sanctions were appropriate instruments of persuasion. They are working. They will work if we give them our vigorous support.

I served in the Congress from 1965 to 1976, almost the entire period of my service was during the Vietnam war. It was a terrible time for our country. I still agonize over my inability to have done more to end it. Every single person who died in that war was a loss I felt personally and still do. I cannot let history repeat this mistake.

I received a letter the other day from a Vietnam veteran who wrote to me telling me how hard he fought for his country in Vietnam, and that he did everything that his superiors ordered him to do, but when it was all over and he went home, he struggled to understand what his buddies gave their lives to defend. He urged me to look at this Persian Gulf crisis in the same light. Surely there are brave men and women willing to answer the call of the President, surely we have the might and strength to win a war, but this veteran asks the simple question, after it is all over:

> What were our country's goals which justified war and the loss of American lives? What was our country's security interest

that was so critical that it was necessary to send our children to die?

You argue that if we do go to war now, we will win a quick and swift victory. But what will we win? A safer world with Iran poised to take over Iraqi territory; or a more stable Middle East with Syria in charge? Is this the result we will use as justification of the loss of thousands of American lives?

War is the final act of a nation that surrenders its future to violence by admitting that it has lost its intellectual capacity to solve its problems through peaceful means.

I refuse to surrender my country to violence. I believe with all my heart and mind that there are still ways to enforce our global commitment to honor peace without going to war.

I am not a pacifist. I could send my daughter to war if I felt that our borders were under attack. I would myself take up arms to defend my home or my country.

Kuwait is not any of these things. The attack on Kuwait was a despicable act which must be condemned. It is condemned. The guilty country, Iraq, is under penalty of an economic boycott. We must stick with this penalty. We must make it work. We must enforce it more stringently. We must help innocent nations who are suffering from its effects.

Our military response must fit the incident. The countries who have more at stake must be made to pay their proportionate share. It cannot be our price to pay, and our war to wage. We did that in Vietnam. Let the other countries who have more at stake make a larger commitment before we even think of war.

Those who argue that we must go to war now, because if we delay we might lose our fragile coalition cannot seriously believe that this coalition will stick with us after the onset of war. It will be an American war in the beginning and in the end.

Before we commit our children to this violence I ask that Congress tell our children why declaring war against Iraq is necessary for peace in the world, and that Congress advise our children that they go to war because their Government has exhausted all other avenues to peace.

I can say neither to my children nor to your children, and so I must vote no against war, and yes for a greater effort for peace.

□ 1330

Mrs. SCHROEDER. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I would like to congratulate the gentlewoman on her speech and her historical perspective.

I think the point the gentlewoman made is very important. How can we possibly believe that the coalition would hold together for war, but it would never hold together for peace?

We are being asked to vote for war because otherwise the coalition might not hold together. That is the craziest coalition I every heard of.

I think the gentlewoman has made some excellent points and I am really delighted that she is back in this body.

Mrs. MINK. Mr. Speaker, I thank the gentlewoman.

Mr. MONTGOMERY. Mr. Speaker, I will control the time of the gentleman from New York [Mr. SOLARZ] from 1:30 to 2:30, and I yield myself 1 minute.

Mr. Speaker, let me read a letter I have from veterans' organizations and also military associations and we have a number of military experts in these associations.

This is what they say:

> We, the undersigned, unanimously support the prompt action previously taken by President Bush. We continue to support his efforts to resolve the crisis in the Persian Gulf and urge the Members of Congress and the American people to give the President the latitude to take any action necessary to insure that Iraqi aggression in Kuwait is reversed and that the country be restored to its rightful Government.

Now, that is signed by the American Ex-Prisoners of War, Non-Commissioned Officers Association, the Catholic War Veterans, the Polish Legion, the Fleet Reserve, the Legion of Valor, the Retired Enlisted Association, the Marine Corps League, the American Legion, the National Association of Uniformed Services, the Military Order of the Purple Heart, the National Guard Association of the United States.

I will ask the other names to be put into the RECORD with their statements.

THE AMERICAN LEGION,
Washington, DC, January 10, 1991.

DEAR REPRESENTATIVE: The American Legion urges you to vote for legislation authorizing the President to take any necessary actions to resolve the crisis in the Persian Gulf.

As an organization of three million men and women who have experienced first-hand the pain and sacrifice of wartime service, The American Legion hopes that a peaceful solution can be found. However, we know that diplomacy cannot succeed if our nation's leadership is divided.

Any failure by Congress to offer its full bipartisan support to the President could have catastrophic consequences. We are convinced that Saddam Hussein, the world community and other members of the multinational force in Saudi Arabia would see such disunity as a lack of U.S. resolve.

Additionally, a divided national leadership would produce a serious morale problem among our own troops who have been deployed in Saudi Arabia. I had the privilege ten weeks ago to visit those men and women, and I was impressed by their patriotism, confidence and resolve. They accept the potential risks of their mission, but they need to be assured that the Congress and the American people fully support them in carrying out that mission.

This international crisis is clearly a test of our national will. The upcoming congressional debate will be scrutinized by the entire world. It is critical that the decisions Congress reaches show the world, particularly the Iraqi aggressors and all potential aggressors, that the United States is willing to set aside partisan interests to endorse the President's authority as our nation's Commander-in-Chief.

We urge you to vote for legislation authorizing the President to take any necessary actions to deal with the crisis at hand and supporting the implementation of the United Nations Security Council Resolution 678, for which the United States has already expressed its support.

Sincerely,
ROBERT S. TURNER,
National Commander.

ASKING SUPPORT FOR ACTION TAKEN BY PRESIDENT BUSH

We, the undersigned, unanimously support the prompt action previously taken by President Bush. We continue to support his efforts to resolve the crisis in the Persian Gulf and urge the members of Congress and the American people to give the president the latitude to take any action necessary to insure that Iraqi aggression in Kuwait is reversed and that the country be restored to its rightful government.

Francis W. Agnes, Cmdr., American Ex-Prisoners of War; Walter K. Krueger, Pres., Non Commissioned Officers Asso.; Raymond J. Williams, Svc. Dir., Catholic War Veterans, USA Inc.; Edmund Janiszewski, Leg. Dir., Polish Legion American Vets USA; Norman E. Pearson, Exec. Sec., Fleet Reserve Association; James D. Doughtie, Dsc., Wash. Rep., Legion of Valor of the USA Inc.; George A. Smith, Msg USA (Ret), Pres., The Retired Enlisted Association; E. Bud Randall, Svc. Dir., Marine Corps League; James C. Pennington, Mg. USA (Ret), Exec. V.P., National Association Uniformed Services; Leonard A. Carlton, Cmdr., Military Order of the Purple Heart of the USA Inc.

OPEN LETTER TO PRESIDENT BUSH IN SUPPORT OF U.S. PERSIAN GULF POLICY

President GEORGE W. BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We strongly support your outstanding leadership in organizing the worldwide coalition dedicated to the purpose of defending nations in the Persian Gulf area from Iraq, getting Iraq out of Kuwait and restoring peace and security in the region.

The passage of United Nations Security Council Resolution 678 demanding that Iraq get out of Kuwait on or before January 15, 1991, or face overwhelming action by member states was the result of extraordinary leadership.

For the United Nations Security Council Resolution to work without war, Saddam Hussein must understand that you are steadfast and will use the approved military option if necessary.

Regrettably, Suddam Hussein has noted some United States domestic opposition to your use of military option and apparently believes that all he has to do is wait until your resolve or your right to act is eroded.

We have complete confidence that our armed forces have developed a strategy which will make use of maximum power within our technological capabilities, in order to win decisively in the shortest possible time.

Thus, to strengthen your hand, we submit this resolution to demonstrate that there are countless organizations and individuals who have rallied to your support.

Sincerely,

Partial list of signers:

Hon. Ronald W. Reagan, Former President of the United States; Rear Adm. Dudley Carlson, USN (Ret.), Executive Director, Navy League of the United States; Gen. Monroe W. Hatch, Jr., USAF (Ret.), Executive Director, Air Force Association; Gen. Jack N. Merritt, USA (Ret.), President, Association of the U.S. Army; Maj. Gen. Evan Hultman, AUS (Ret.), Executive Director, Reserve Officers Association of the U.S.; Lt. Gen. Vern Weber, Executive Vice President, National Guard Association of the U.S.; Lt. Gen. Lawrence F. Skibbie, USA (Ret.), Executive Director, American Defense Preparedness Association; Norman Pearson, Executive Director, Fleet Reserve Association; Col. Lawrence R. Gaboury, USMC (Ret.), Executive Director, Marine Corps Reserve Officer's Association; Master Chief Manny Ratner, USNR (Ret.), National Executive Director, Naval Enlisted Reserve Association; Hon. Gerald R. Ford, Former President of the United States; Gen. Richard L. Lawson, USAF (Ret.), President, National Coal Association;* Richard D. Murray, Executive Vice President, American Logistics Association; Richard Castor, Executive Secretary, U.S. Coast Guard Chief Petty Officers.

Walter Murphy, Executive Vice President, American Civil Defense Association; Maj. Gen. James C. Pennington, USA (Ret.), Executive Director, National Association of Uniformed Services; Frank Jensen, Jr., President, Helicopter Association International;* Carl T. Johnson, President, Compressed Gas Association; Robert A. Roland, President, Chemical Manufacturers Association;* Hon. Richard M. Nixon, Former President of the United States; Tom Burch, Chairman, National Vietnam Veterans Coalition; Lt. Gen. James McInerney, Jr., USAF (Ret.), Vice-President, American League for Exports and Security Assistance; E.J. Criscuoli, Jr., Executive Vice President, American Society for Industrial Security; Gordon W. Spencer, Executive Director, American Maritime Officers Service; John M. Fisher, Chairman & CEO, American Security Council; Dr. Richard Lesher, President, Chamber of Commerce of the United States;* James L. Henry, President, Transportation Institute; John M. Swihart, President, American Institute for Aeronautics and Astronautics; Dr. Glenn Campbell, Counselor, Hoover Institution;*

Mr. MONTGOMERY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise in support of the Solarz-Michel resolution and the U.N. Resolution 678. Saddam Hussein invaded Kuwait over 5 months ago. President Bush, in my opinion, acted decisively and wisely. He garnered the cooperation of 28 countries, and obtained the endorsement of the Security Council of the United Nations to use military force to expel Saddam Hussein and his forces by January 15, if he did not withdraw or initiate a withdrawal action by that date; 82 percent of Americans approved of his initial action according to polls.

There have been a number of initiatives to encourage Saddam Hussein's peaceful withdrawal before this January 15 deadline, and we remain hopeful that these will work. President Bush offered Iraq 15 different dates for a meeting in Baghdad, or elsewhere, between Secretary Baker and Saddam—none were accepted, and time is running out.

On January 3, President Bush made his last attempt to avoid war by inviting the Iraqi Foreign Minister, Tariq Aziz, to meet with Secretary Baker in Geneva. The meeting took place on Wednesday, January 9. This meeting was made subject to the same conditions, which are: no negotiations; no compromise; no attempts for an Iraqi face-saving; and no rewards for aggression. To date, there has been little if any movement on Iraq's behalf. Minister Aziz even refused to take President Bush's letter back to Saddam Hussein, which was delivered in Geneva on January 9.

Secretary Baker and Secretary Cheney on Wednesday, January 2, briefed several Members and myself on the current status. Secretary Baker has publicly said that he is not optimistic about peace in the gulf. The leadership of the House and Senate has said that full-scale debate should not occur until after the Baker-Aziz meeting and we are now engaging in that debate, which in my opinion is timely.

In this briefing, Secretary Cheney and Secretary Baker told the Congress that the coalition of 28 countries is holding together—currently there are 280,000 American troops and 150,000 prepared to embark or already underway, with 200,000 foreign troops in place. Our allies have committed $23 billion toward support in 1990, and Secretary Baker is requesting additional funding for 1991. I agree very strongly with the administration that America cannot and should not bear the major financial burden of this conflict.

On Friday, January 4, I was visited by former hostage Miles Hoffman from Columbus, GA. He was the only American wounded by Iraqi soldiers, held captive, and thankfully was released. In this meeting, Mr. Hoffman was accompanied by three other former hostages—Mr. and Mrs. Christopher Folsom of New York, and Mr. Cecil Brown of Atlanta, who were released in December.

I had a very interesting conversation with this group. The former hostages advised me:

First, that we should not drag the negotiations out. We should strike forcefully in Baghdad, or other areas of Iraq, and temporarily ignore Kuwait where Iraqi troops are amassed; we should destroy Iraq's communication and command centers, and cut off their supply routes—in effect, isolate Iraq's forces in Kuwait.

Second, it is their impression that the Iraqi troop morale is not high, and that they will largely collapse in the face of a massive strike—a small number have already defected. Intelligence sources have publicly repeated expectations that up to 200,000 Iraqi defections will occur.

Third, according to them, sanctions are not working—and will not work. Food and other supplies are entering Iraq unrestricted from Jordan and Iran, and goods are being smuggled in through Turkey. It is suspected that Libya and other sympathetic countries are sending hard currency to Saddam as a share of their oil profits. This money enables him to buy needed goods. In addition, Iraq does have an agricultural capability, which they are accelerating.

Mr. Speaker, there are those who want to give sanctions more time to work, and there are those who believe that if we were to wait for more time we would be giving up an essential edge to our strategy. In my opinion, each view on this very important matter is sincerely held, and debate on this issue should occur.

Miles Hoffman pointed out that Saddam will not understand the concept of democratic debate. Mr. Hoffman said that the people of Iraq do not understand "the debate that goes on * * * because in Iraq, anything against Saddam Hussein is a death sentence." So it is very important for us on the floor today and tomorrow to show our resolve, and to show America's will to carry out the U.N. sanctions.

However, I would suggest to my colleagues who are raising the specter of thousands of U.S. casualties and body bags coming home that they are rendering a serious disservice to the families who have loved ones deployed in the Persian Gulf. My colleagues, I would urge that we refrain from the use of such rhetoric. Our service people and their loved ones know the risks—let us not make their lives even more uncomfortable than they already are.

My view is that the President has the authority to engage American troops in an offensive action without a declaration of war from Congress. There have been over 105 offensive military actions in our Nation's history and only 5 declarations of war.

However, I concur in the fact that the Congress should debate the issue as we are doing now, and at a minimum endorse the U.N. Security Council's action. That Resolution, No. 678, authorizes an offensive action against Iraq after January 15 by United States and United Nations forces. I hope that such a measure is accepted here in the House, and it will be my intention to support the Solarz-Michel resolution and to work for a strong vote in support of the President.

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*Titles listed for identification purposes only.

I do believe, very strongly, that we should move positively after January 15 if Saddam has refused to cooperate. The perception of the constituents in the Third District of Georgia is that the President and the United Nations have drawn a line in the sand, and that this commitment must be respected. President Bush and the United Nations have not waivered from the statement that "Iraq must withdraw with no rewards for aggression," and I would support our carrying through on this demand.

If the Iraqi forces do withdraw, and this appears doubtful at this time, it is most likely that U.N. forces will remain in sufficient numbers indefinitely to assure that no further aggressive activity will occur by Saddam Hussein. There is no doubt that he will be up to further mischief in one form or another in the future. However, that issue will require debate on another day.

□ 1340

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, first I would like to respond to the gentleman who said a little while ago that no one has ever told him why we are in Saudi Arabia.

But I can guarantee him had we not gone when we did and had the President not moved as quickly as he did, we would not need to debate the issue today, we would not have to vote tomorrow, we would have a full-scale war going on there right now.

How quickly Americans forget. How easy it is for us not to be realistic if it does not suit us to be realistic and how quickly we forget history.

Now, if it makes you feel any better, it is not only Americans who do that, because, of course, the French and the British did exactly the same. There was one voice during the 1930's crying out in the wilderness. No one paid much attention. Eventually he became a powerful leader, a great statesman in Britain.

That voice was Winston Churchill's. In 1935 he said:

> Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring-gong, these are the features which constitute the endless repetition of history.

When Chamberlain finally said, "Poland, we are with you," Churchill said:

> Still, if you will not fight for the right when you can easily win without bloodshed; if you will not fight when your victory will be sure and not too costly; you may come to the moment when you will have to fight with all the odds against you and only a precarious chance of survival.
>
> There may be even a worse case. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves.

Now, I would love to dance around this issue by supporting a longer time for sanctions. My constituency would like that. But, how long? And who are we hurting with those sanctions?

We are hurting Jordan, we are hurting Poland, we are hurting Egypt, we are hurting Turkey, we are hurting all of those countries. And so we cannot continue to wait and wait and wait. But I can assure you of one thing. I can assure you that there is one possible way to force Saddam Hussein out of Kuwait peacefully, and only one way I see at the present time, and that is to support that bipartisan resolution.

If we do not, of course, Saddam Hussein says, "I won," and then we say to Saddam Hussein, "And what is your next target? And when will it be?"

Will we stay there? Some say sanctions are working. Others say we stopped him. Do we stay there forever? And how much does that cost?

We had an opportunity in 1956 to do something about the cold war when we were powerful. We did not do it. We waited, we waited, and, boy, was that a costly period.

And so I would say now, we have one opportunity to move him out peacefully, and that is to give overwhelming support to the resolution sponsored by Mr. BROOMFIELD and Mr. SOLARZ.

Mr. DELLUMS. Mr. Speaker, for purposes of clarification, I yield myself 1 minute.

I would like to clarify, Mr. Speaker, the procedural situation.

As we originally began this debate, the Members on this side of the aisle had one-half the time, the Members on the other side of the aisle had the other half of the time. Subsequent to that, by unanimous consent request, my distinguished colleagues on the other side of the aisle yielded 2 hours of their time to Members on this side of the aisle who are in support of the so-called bipartisan resolution.

I would simply suggest that we are being disadvantaged at this point if we are only being recognized after you recognize the gentlemen on that side of the aisle and the gentlemen on this side of the aisle who are in an alliance with them. We then over the next period of time are receiving one-third of the allocation when we ought to be appearing on the floor 50 percent of the time. And I would suggest that, in alternating between those two, we continue to have speakers in between rather than after the two sides speak.

The SPEAKER pro tempore (Mr. NEAL of North Carolina). Does anyone else desire to be heard on this question?

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, we do not have any problem with that. We only have 2 hours, and we are going to spread our time out anyway.

Mr. DELLUMS. Well, we only have 2 hours as well as on this side.

Mr. MONTGOMERY. But the gentleman had more than that.

Mr. WELDON. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. WELDON. I thank the gentleman for yielding.

Mr. Speaker, the majority saw fit to grant time to its own Members who supported their own individual wishes, and yet the majority was able to gather an equal amount of extra time on our side allocated to the majority side Members on that side of the aisle. So, in effect, the gentleman has additional time to compensate for the time that his side will be speaking on behalf of the bipartisan resolution.

Mr. DELLUMS. If I may reclaim my time, I am not part of the leadership, and I think the gentleman raised an issue that this gentleman is not raising. This comment was simply procedural.

The SPEAKER pro tempore. The Chair recognizes that the majority and those on the Democratic side supporting the Solarz resolution are taking the same side of the question. So they will be treated as one block of time. The gentleman will be recognized accordingly.

Mr. DELLUMS. I appreciate the clarification of the Chair.

With that admonishment, Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentleman from Indiana [Mr. SHARP].

Mr. SHARP. I thank the gentleman for yielding.

Mr. Speaker, I think it would be a grave mistake for the United States to launch into warfare in the Persian Gulf at this time.

Mr. Speaker, therefore, I think we should not authorize a resolution of war.

We should, instead, stay the course with strength, diplomacy, and with strong economic sanctions.

I realize there are those who hope that by authorizing war we will be able to avoid it, that he will strengthen the message to Saddam Hussein, that we will back down and back out and, therefore, war will be avoided.

If their resolution passes, I certainly hope they are right, and I will do all I can to help them in their cause.

But I think it only heightens the risk that our President, who feels compelled to use force if he sincerely cannot achieve peace otherwise, will find himself pressured to do so, and I think that that is a mistake for the United States, a mistake for the Middle East and a mistake for the world.

Saddam Hussein is in great need of buying spare parts from abroad for his planes and for his other military equipment. He needs to buy chemicals and he needs to buy additives to make his transportation fuels the quality that will run his military.

He needs, most of all, to sell his crude oil by the millions of barrels in order to get the money to pay for his regime, to pay for his military, and to be the leader of his country.

Our sanctions are blocking him on all of these fronts. And they are having an impact.

We know our sanctions are hurting his economy. We know our sanctions are depriving him of desperately needed money to run his war machine. And we know that his military will continue to weaken if he does not have access to parts from abroad.

We also know that our sanctions have the greatest chance of working precisely where his need is greatest, and that is in the sale of his crude oil, because of the limited outlets that he has and our ability to monitor them and our ability to stop them and, indeed, in the Hamilton resolution we authorize the use of force in order to make sure the sanctions are effectively working.

Now, I cannot be sure and nobody can be sure that those sanctions will oust him from Kuwait or oust him from power, as many of our colleagues have asked and which seems to drive their argument.

I do not know for sure. But I do know this: The sanctions are having an impact. And I do know that if we choose a course of war, we can be certain that there will be many thousands dead on our side, on his side, and many thousands of civilians dead, and we cannot be sure that it would produce a glorious result for this country or for the Middle East.

Thus I do not think we should take those unacceptable risks at this time.

It is true he may be a Hitler's twin in his brutality and in his ambition. But this is not Europe of the 1930's. If we had time to develop the argument, I think we could document that.

This is not Munich.

There certainly is no Chamberlain in our White House who is buying the excuses of Mr. Saddam Hussein, and there is no Chamberlain in this Congress who is buying his excuses and accepting his views about the Palestinians and all the rest of the excuses and goals that he claims to be achieving.

We are hurting him, we must hurt him, and we need not at this point sacrifice the blood of Americans or of anyone else in order to achieve our results.

If history teaches us anything, it is rare that a war is just, it is far rarer that any war produces the results that those who launch them think they will get. It is always certain people will lose their lives, that families are shattered, and many other people are made more desperate.

☐ 1350

My colleagues, let us vote for a strong diplomacy, strong economic sanctions, to stay the course. We Americans can show our strength, we can show our determination, we can show our leadership. We do not now have to resort to war.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, when the year 1990 began, this Nation and the world had every belief that it was the dawn of a decade of hope. In Eastern Europe, in Central America, and around the globe, freedom and liberty were on the rise. There was an embrace of American ideals and values as the cold war ended.

But now, that decade of hope is threatened in its infancy. We are faced with a serious threat to the continued spread of our ideals.

That threat comes from the brutal regime and cynical aggression of Saddam Hussein. And it would be an ultimate irony if the hard-won legacy of the end of the cold war is to make the world safe for regional despots and tyrants.

It is to that threat which we, the Congress of the United States, must now decide how to respond.

The gravity of the threat is unmistakeable. That's why we have seen the formation of the unprecedented international coalition against Iraq. The unlikely allies in the gulf and around the world have joined together precisely because they recognize in Saddam Hussein a ruthless dictator with the will to use any brutal means to achieve his own aggrandizement.

For me, the magnitude of the vote we now face is greater than any other I have or likely will cast in the Congress. As I wrestled with this decision, reflected on it, and discussed it, I couldn't help but think of the extraordinary American men and women deployed in the gulf.

I saw many of them interviewed on television again Wednesday night, and was extremely impressed with their professionalism, their resolve, and their courage. I was particularly struck by one young man who, when asked what he thought about some people protesting back in the United States, responded "Well, that's freedom—that's why we're here, isn't it?"

Mr. Speaker, we owe it to these valiant Americans and to our constituents to vote our consciences.

Tomorrow, I will vote to support the U.N. resolution and preserve all of our options against Iraq. I will do so not because the military option is inevitable, but in order not to undermine the President's efforts to achieve a peaceful outcome to this crisis—efforts which require that a credible military threat be maintained against a brutal aggressor who only understands the language of force.

A credible threat is necessary against a man who has raised one of the world's largest armies, used chemical weapons against his own people, invaded two neighbors, and is developing nuclear and biological capabilities. We are hardly dealing with a man of peace in Saddam Hussein.

Diplomatic initiatives bear this out. It was not only the Baker-Aziz meeting that failed, or that a diplomatic low point was reached when the Iraqis refused to accept President Bush's letter. Remember that Saddam Hussein refused 15 different dates for a meeting with Secretary Baker, despite finding time to meet with seemingly everyone else who asked. There have been 12 U.N. resolutions. An earlier effort by Secretary General Javier Perez de Cueller failed. European Community efforts failed. The Soviets failed. The Arab League's efforts failed.

It is thus clear that eliminating the threat of force means that Saddam Hussein, who has never been known to bend to political or economic threats, would get a clear message that the world's resolve to reverse his aggression is nothing more than tough rhetoric; that, in the final analysis, democracies will no longer fight for freedom, collective security, and the rule of law.

Why should we expect that the lack of a credible threat increases the chance of diplomacy succeeding?

After all, as our experiences over the last decade with the Soviet Union, Nicaragua, and Libya showed, there are times when the serious threat of force motivates positive change.

And if we vote to exclude the military option, what then are the consequences—what are we left with?

Essentially, it leaves us with sanctions alone. But I have yet to hear anyone assert that sanctions in and of themselves will force Saddam Hussein out of Kuwait.

The goal of sanctions, remember, is political, not simply economic. It is not enough for sanctions to cut into the Iraqi economy. To succeed, sanctions must also force a significant change in behavior in Saddam Hussein, a change that his past cannot lead us to expect.

As CIA Director Webster wrote on Wednesday, Saddam Hussein is apparently willing to permit a subsistence economy in his country. He has shown little regard for the welfare of his people. In all likelihood, Saddam believes he can endure sanctions longer than the coalition can, and that the hardships sanctions will cause are not likely, on balance, to undercut his ability to fight.

So to preclude our military option now and rely exclusively on economic and diplomatic means will not, ultimately, serve the cause of peace.

Mr. Speaker, it is essential to point out that we do not today face a choice between sanctions and war. By supporting the President's request, we do not discard sanctions or diplomatic options. We do not require the immediate use of force or the use of force by any date certain. If anything, this vote increases the burden on the President to seek a peaceful solution, and makes it vitally important for our country to go the extra mile for peace, as I urged him to do on Wednesday. The Solarz-Michel resolution explicitly requires the President to report back to Congress that all peaceful means against Iraq have been exhausted before he resorts to force.

As the President said this morning, the more united we are, the better chance we have for a peaceful resolution.

I don't think anyone here desires war. The President doesn't, I certainly don't, my constituents in Maine don't. History teaches us, though, that the stated willingness to go to war can be an effective means of avoiding that outcome. We have but one way of doing so today, and that is to vote in favor of House Joint Resolution 62, the Solarz-Michel resolution. To do otherwise may represent a far heavier burden for our Nation to bear.

Mr. DELLUMS. Mr. Speaker, I yield 5½ minutes to my distinguished colleague, the gentleman from Oregon [Mr. AuCoin].

Mr. AUCOIN. Like many of you, I did not sleep much last night. My mind was on what we are about to do here—on the possibility of a rash decision to have Americans kill and be killed in a desert war that serves the interests of other countries more than it does us.

But something else disturbs me almost as much: The view of the President on who has the power to make war.

For months the President and his spokesmen have said it does not matter what the legislative branch of Government does, that the President can send thousands of Americans into combat if he alone decides to. I think that is outrageous. This week the President sent us a formal resolution, but yesterday his House minority leader said that we can serve our country only by rallying around the President and his resolution. And over in the Senate this morning I read that a powerful friend of the President threatens to filibuster any resolution other than the President's.

What this means is that on the decision to make war or peace the President's position is that he supports the constitutional right of the Congress to agree with him. If it disagrees, tough luck. This should deeply disturb the American people.

I would like now to turn to the President's resolution itself, offered by the gentleman from New York [Mr. Solarz] and the gentleman from Illinois [Mr. Michel]. In speech after speech yesterday, advocates set this issue up politically as your chance to "send Saddam Hussein a message" Hey who does not want to send Saddam Hussein a message?

As a matter of fact, when a message should have been sent was in July, before the invasion, when the President's Ambassador to Iraq, April Glaspie met with Saddam Hussein himself. With war tensions on the rise, the President's Ambassador met with Saddam Hussein, and looked him in the eye and said: "America has no defense treaty with Kuwait."

What a message from the President's own Ambassador. Within days, Iraqis were in Kuwait.

Now here comes the White House, asking my colleagues to send a message to Saddam Hussein. But here is the problem: Its resolution is not merely a message. It is a declaration, an authorization, for war. Read section 1. It is 10 times clearer than the Gulf of Tonkin resolution ever was.

So make no mistake. If you vote for Solarz-Michel, you might have only wanted to send a message to prevent war. But if war comes, you will have authorized it. That's the trap you are in.

In contrast, Gephardt-Hamilton, which I support, also sends a message, a strong message. But it reserves the use of military attack until all other options have been exhausted and only after an authorization by the Congress of the United States. No less a hawk than Caspar Weinberger in his celebrated six-point speech on the use military force said, "The commitment of U.S. forces to combat should be a last resort." My colleagues, this is not the last resort.

Finally, let me call attention to a report written by and released this week by the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. Aspin]. In it, he estimated that a gulf war would cost 3,000 to 5,000 casualties and approximately 1,000 deaths.

Let me say it is very difficult for me to agree that that is an acceptable cost. Moreover, my analysis is that the losses will be far in excess of his numbers.

But my real point is this: Did any of my colleagues notice what the report of the gentleman from Wisconsin [Mr. Aspin] said about the loss of German lives? French lives? Any European lives? Any Japanese lives? It did not say a thing.

Those losses will not even be measurable, and is that not ironic? Europe and Japan depend on Persian Gulf oil to a far greater extent than does the United States of America. Where are the European troops? Where are the Japanese finances?

My colleagues, figure it out for yourselves: Our partners in the international coalition are prepared to fight to the last American.

Meanwhile we now here in the Congress are being asked to undertake this effort when Desert Shield is costing $30 billion a year before the first shot is fired. If the war you now vote for should occur, you can multiply that cost 10 times over.

Does the President of the United States feel so strongly about the issues at hand that he is prepared to raise taxes to finance it? You know he does not. Neither do you. So, we will blow the deficit out of sight at a time when American's banking system is buckling at the knees, when major corporations, such as Pan Am, are going bankrupt, when we are sinking to a recession, when the unemployment insurance compensation plans in six States are now insolvent and when the Japanese and Germans are taking markets away from us. All this when we are being asked to spend American lives to protect their oil.

Mr. Speaker, the day may come when American use of offensive force is called for. That day is not now. Sanctions are working. Our hostages are out because of them. Iraq's GNP has beem cut in half. I ask my colleagues to follow the advice of seven former Secretaries of Defense and give those sanctions the chance to work.

For the love of God, defeat Solarz-Michel, and support Gephardt-Hamilton.

□ 1400

Mr. MONTGOMERY. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. Valentine].

Mr. VALENTINE. Mr. Speaker, many Americans felt a surge of pride and a patriotic thrill when President Bush dispatched the first United States troops to Saudi Arabia. Decisive action to counter Saddam Hussein's invasion of Kuwait and defend other Persian Gulf states against the Iraqi threat rightly commanded strong support from the American people.

That initial enthusiasm, however, has largely dissipated and given way to more sober calculations as the world faces the grim prospect of a bloody conflict.

Now, a mere 4 days before the United Nations deadline for Iraqi withdrawal from Kuwait, the Congress confronts what may be the most difficult and critical votes of our careers. With the eyes of the Nation upon us, we are about to take actions that may define the United States role in the world for years to come, that may place the lives of more than 400,000 American military personnel, thousands of allied soldiers, and millions of Arabs and Israelis at risk, and that may decide fundamental constitutional issues.

On the constitutional question, no debate is really necessary. The U.S. Constitution is clear, and no hair-splitting explanations or rationalizations can change it. The Congress alone has the authority to declare war.

Only a tortured interpretation of the Constitution would conclude that its authors intended for the President to have the sole authority to send a half million American soliders, along with major Navy and Air Force contingents, halfway around the world to launch an attack—no matter how justifiable—against another nation.

President Bush claims to believe otherwise, and until recent days appeared set on a course toward war without even the benefit of congressional debate. Had he persisted on that course, he would have made a serious mistake and would have assumed most of the political risk and all of the moral responsibility for his policy.

That risk and responsibility should be shared, and today we are being asked to share it. Unfortunately, we are being asked to share the risks without full knowledge of even our own policies.

But there are so many unanswered questions. We do not know our precise national objectives—whether we seek only to drive Iraq from Kuwait, to destroy Iraq's warmaking potential, or to set ourselves up as the permanent, frontline defenders of authoritarian regimes in Saudi Arabia and Kuwait.

We do not know how a Persian Gulf war will be financed or what sacrifices the President will expect of all Americans.

We do not know what commitments we have from other nations for military or financial support.

We do not know what agreements, open or secret, will be required to secure such support.

We do not know whether we are to assume responsibility for rebuilding what is destroyed by war.

We do not know what long-range commitment we are undertaking to maintain troops in both the Middle East and Europe or whether we can at least count on a long-overdue reduction in our military presence in Europe.

Mr. Speaker, the American people and their representatives are entitled to full disclosure before accepting hardships and serious risks. The resolution backed by the White House should detail the purposes and implementation of the President's policies.

But it does not, and it is clear that we are not going to have the benefit of essential facts. The President has presented us with an unacceptable choice at an unacceptable time. Nevertheless, we must decide.

In these circumstances, I have come to the conclusion—with extreme reluctance—that the Solarz-Michel resolution should be passed. I believe that only force, or the credible threat of the imminent use of force, will compel Saddam Hussein to give up what he has taken.

At the insistence of President Bush, the United Nations has set a deadline. That was probably a mistake. But having come this close to that deadline, talking of grave consequences for Iraq at every opportunity, it is likely that a last-minute extension of Saddam Hussein's grace period would severely diminish the future threat of force. We might eventually be required to take military action at a time when the allied coalition may be weaker and Iraq stronger. Backing away from the deadline would also require us to maintain a large military force indefinitely in difficult conditions.

Mr. Speaker, this may be the most reluctant vote I will ever cast in the House of Representatives. It is painful to cast a ballot that puts American lives at risk, but I believe that the risks are even greater in allowing Saddam Hussein to conclude that the deadline is a bluff.

Whatever the House decides, there should be a clear message in this debate for Saddam Hussein. Dictators often do not understand our democratic system, believing that disagreement and debate signal a lack of resolve. The Iraqi dictator should understand, however, that this debate is only about the best way to deter him, to drive him from Kuwait, and to defeat him. He should take no comfort from our deliberations.

Mr. Speaker, I have expressed strong reservations about some aspects of the President's policy, and I hope that war can still be averted. But if it is not, I believe that we all should make a commitment to support our Armed Forces unequivocally. Once the first shot is fired, once the bullets, bombs, and missiles are flying, my reservations about the President's actions will take a temporary back seat to giving total support to Americans in combat. They deserve no less.

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I will vote against authorizing the President to conduct war in the Persian Gulf and I will do so for the following reasons.

First is the nature of war, itself.

War is not, as some armchair generals would have us believe, just another diplomatic tool.

War is bloody, brutal, unpredictable and—far more often than not—useless. Yes, we can probably win on the battlefield. But that victory will not remove the underlying causes of conflict in the region. It will not ease our addiction to foreign oil; or reduce the inequalities of wealth among nations in the Middle East; or promote democracy; or end the threat of terrorism; or produce a deeper understanding between Israel and the Arab world. We know not, therefore, whether this war will resolve anything; whether it will end war in the Persian Gulf, or serve merely as a prelude to more war; whether, by killing, we will end the killing or ignite, instead, further explosions whose power we can neither gauge nor control.

Second, I am unwilling to put my faith—or American lives—in the hands of those who tell us so confidently that a war will be quick, easy and successful. Yes, as I have said, we can probably win. But we do not know how long it will take to win; we do not know how many American soldiers and innocent civilians will die; we do not know how many young men and women and children will be left without homes, without parents, without arms or legs or eyes, without the capacity to live a normal life. No computer, no politician, no so-called expert, not even our best and brightest, can do more than guess at the human costs of this war.

Third, we cannot predict the economic costs of violence in the Persian Gulf. Those who today offer us war have spent the past decade mismanaging our balance of trade, our budget, our banking system and our entire economy. War will only finish the job. It will mean higher—and perhaps far higher—oil prices for God knows how long. The reason we are in the Persian Gulf is oil—to protect our economy. By surrendering to war we will, in that sense, surely defeat ourselves.

Finally, if we go to war now, we will never know whether that war was necessary. Think about that. Think about the lives that will be cut short, the families that will be shattered and the heartbreak that will be endured, and ask yourself how much greater the pain will be if we are not certain whether those sacrifices had to occur.

As long as I have been in Congress, I have argued in behalf of international law, supported the United Nations, and defended human rights. I cannot and do not underestimate the enormity of the crimes committed by Saddam Hussein.

Saddam Hussein must be stopped. But the fact is that he is being stopped. Because of the sanctions, his power is diminishing day by day. He is losing his wealth, his military power, his political standing, and his control over the future. As for oil, he has us not—as some have said—by the jugular, but by a capillary.

Whether the sanctions will ultimately beat him, I do not know. Neither do you, and neither does the President of the United States.

By waiting, we do not lose the option of going to war. But by going to war now, we will lose forever the chance to achieve our objectives without war.

So let us not, in our eagerness to reassert American power, lose sight of American values. Let us not permit our impatience to damage our economy and end thousands of American lives. And let us not, in the name of every lesson history can teach, pretend that we can build a new world order on a foundation of skulls.

Mr. Speaker, our choice today is whether to persevere on the path of patience and determination and peace; or to stray from that path into the wilderness of war. Whether to walk together the extra mile—or the extra 2 miles—in pursuit of a bloodless resolution to this crisis, or to declare war and fight war and count the bodies and bury the bodies and never know whether a single American soldier really had to die.

I urge my colleagues, given what is at stake, given who is at stake, to resolve any uncertainties you may have by giving peace the benefit of the doubt. I urge you to vote "no" to war, and "yes" to patience and peace in the Persian Gulf.

□ 1410

Finally, Mr Speaker, may I observe that some of the most moving speeches I have ever heard on the floor of this House were delivered by Members who served here during the debate, if it can be called that, the one hour of debate on the Gulf of Tonkin resolution. This in a sense is a Gulf of Tonkin resolution. We might call it a Gulf of Oman resolution. In the most critical sense of that, it is not that. A Member should know that.

I have heard Members take this floor and say if there is one vote I could have back in all my years of service in this Congress, it is the vote for the Gulf of Tonkin resolution. Had I known what the President meant, had I known what would be done in the name of my vote, God almighty, I would want that vote back.

We do not have that excuse this time, my colleagues. This is no President that can be accused of deception. He is quite clear in what he wants. We will never be able to hide. We will never be able to pretend we knew not what we did. We know very well what we do, and I hope to God we do the wise and humane thing.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Speaker, during my tenure in the House, I have cast thousands of important votes. But no vote was more important than the issue before us now. I have spent days reflecting on this decision, listening to the supporters and opponents of the administration's position and analyzing the situation in the Persian Gulf.

I did this because this is a critical vote, and I take my responsibility very seriously.

We are voting on this resolution not because President Bush sent troops to the Persian Gulf. We are here because Iraq has decided that it will not be bound by international law.

Five months ago, Iraq invaded a sovereign nation without provocation. Repeatedly since then, it has been called upon by the international community to withdraw.

The world has waited patiently, waited for a signal from Iraq that it would heed the international call to withdraw. But as we have waited, Iraq has plundered, looted, and brutalized a country which has been a sovereign state for over two centuries, a country which has been a member of the Arab League, a member of the United Nations since 1961, and a nation whose government was recognized by the Republic of Iraq.

Over the last 5 months, there have been the most disturbing reports imaginable of the treatment of Kuwaiti citizens:

Saddam Hussein's troops have systematically looted the country, stealing everything from its national museum to the contents of its stores.

Kuwaiti buses have been driven north to serve in Baghdad, and medical supplies and equipment have been ripped out of Kuwaiti for shipment north.

Premature babies were pulled from incubators and left to die on cold stone floors so that medical equipment could be transferred to Iraq.

Entire families including children have been murdered for sheltering westerners.

Amnesty International details literally dozens of cases of torture, rape, murder and brutality against people in Kuwait. From the tanks that carefully drove over wounded Kuwaiti soldiers, to soldiers who repeatedly raped Kuwaiti nurses, to police officials who casually tortured and then shot anyone remotely suspected of opposing the Iraqi occupation, the report presents a picture of unrelenting brutality and total disregard for human life.

For the first time, the nations of the world are united to punish a violation of international law. In an action that is without precedent, the entire U.N. General Assembly has voted overwhelmingly to condemn Iraq's invasion, and over 30 nations have sent troops and equipment to Saudi Arabia. These range from Britain to Bangladesh, and from Senegal to Norway to Australia.

Hopefully, this unity will eventually lead us closer to real world peace. Let us also remember that the object of this unity is not just some tinhorn dictator. This is a man who has not hesitated to use chemical weapons against his own people.

This is a man who threatened to attack Israel if any action is taken to remove Iraqi forces from Kuwait and warned of missiles pointed at Cairo, Riyadh, Damascus, and Ankara and suggested that he would not hesitate to use them.

Even if Iraq does not have nuclear weapons now, it does have a crash program to develop them. Can anyone seriously doubt that Saddam Hussein, a man who ordered his brother-in-law's execution and personally shot a cabinet minister, would hesitate to use an atomic bomb to achieve his aims?

We have the choice of stopping him now, or facing an even stronger Saddam Hussein in a few years. If we sit and wait, how many more lives will it cost then?

Many sincere people have said we must not approve this resolution because if we do, people will die.

But people have already died. People are dying today. And they are not dying because of the United Nations, or the United States. They are dying because of the aggression and brutality of Iraq.

To those who ask why we are in the Persian Gulf, my answer is this: Not to start a war, but to end a war that began on August 2. And we have been waiting since then to see whether Iraq would stop.

This Nation, other nations, and a host of international bodies have tried time and time again to deal with Iraq through diplomatic channels.

All of us want this crisis resolved peacefully. I do not believe even now, at the 11th hour, that war is inevitable. If Iraq wants peace, it can put an end to this crisis immediately.

Even as we debate this resolution today, people in the Baltic Republics are fighting to regain the freedom they lost 50 years ago.

We not only have the chance to halt another such act of aggression; we have the responsibility to do so.

A noted church leader in my State has written that war must always be the last resort. I could not agree more. He has also written that there may exist an obligation to come to the aid of a neighbor who is attacked by an unjust aggressor. I also agree. I hope and pray that a peaceful solution to this crisis can still be found. But, if not, it will prove far more costly for us and for the world community if we do not have the strength to stand and fight.

I will vote for the Michel-Solarz resolution to authorize the use of force to implement the United Nation Security Council resolutions on Iraq's invasion of Kuwait.

It is not an easy vote to cast, but I am convinced it is the right one.

Mr. DELLUMS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, the other night on the evening news a young American soldier was asked if he was troubled by the debate in the U.S. Congress, the House, and the Senate. The soldier turned to the newsman and said that is why he was there. He was there, it was clear, to ensure that not only our debate could continue here, but that choice for others around the globe, that the democracy that we so cherish in America, was something others could look to.

This is a difficult debate, because it is complicated by concerns of what message we send to Saddam Hussein. But indeed in reality it is not difficult, because the message there is a difference between our system of government and the system that Saddam Hussein runs. That if you want a country where there is no debate of the President's decision to move forward, that country today is Iraq. It is thankfully not here in the United States.

Prior to August 2 the United States and most of our Western allies were subsidizing the government of Saddam Hussein. On this floor, on July 27, Members in the House, colleagues of mine, joined together to try to stop American subsidies of the Iraqi Government through American subsidies of grain sales to Iraq. Our administration opposed us.

So when we asked how did Hussein get as powerful as he is today, it is not simply to look to Europe, it is to look to the mistakes we made here, subsidizing the cost of his food so he could continue to buy arms. France and Germany were selling him the technology that enabled him to join the nuclear club and develop chemical and biological weapons.

We do not need to invade Iraq to prevent Saddam Hussein from having chemical weapons. We just need to be assured that the Western world will have the restraint to sell him the technology to make those weapons.

We have achieved a great amount of progress through the leadership of the President. The worldwide embargo of high technology items and spare parts to Iraq has made a difference.

There were those who argued to go in while he held the hostages as shields against an American attack. Well, diplomacy did work. The American hostages are home, and the embargo continues to hold.

□ 1420

Some of our friends like to argue that this is the Sudetenland of the Middle East and the modern world. I would argue that we crossed the Sudetenland when Saddam Hussein killed 5,000 Kurds and not only the rest of the world but our Government was silent.

When we look at the choices of focusing on history, look at the Sudetenland and also look at the mistakes of Vietnam. There is no draft today apparently in Saudi Arabia. Saudi princes are at the casinos in Monaco and elsewhere when American farmers and workers in eastern Connecticut are being called up and sent there to defend their country.

We are worried about if the coalition can hold together. If the Saudis do not want us there to defend them, I am not sure that we have a place in the Middle East. If the Saudis think it is all right to have Saddam Hussein as their neighbor, then maybe we have to see that our friendship with the Saudis for so long is wrong.

The lessons that we have to learn from in history are very clear. If we initiate military action without broad support from those countries that are on the line, we are going to fail. The lessons of Korea and Vietnam are not simply that force works and does not work, but the fact is that in both instances it was expected that virtually on its own, Americans would resolve the crisis. Let us make sure that our Saudi friends and allies have their men and women at the front lines and not just American men and women there.

No one can be certain of what the right policy is and what the failures and downside of each option are. The downside of moving militarily now is the potential for massive, unnecessary casualties. The downside of waiting and giving the economic sanctions the time that this administration argued for is that those casualties may occur at a later date, because despite the CIA's new letter on the gulf region, the fact is that the Director of the Central Intelligence Agency argued successfully, I believe, to convince us not a month ago that if you wait 6 months the air force of Saddam Hussein will be 40 percent less effective, his mechanized divisions would be 20 to 25 percent less effective as spare parts do not get through the embargo and the blockade.

If we wait and we are wrong we will face the challenge of war at a later date. If we act now we will squander an opportunity for a peaceful resolution of this conflict because the critical issue here is if we resolve this the old way, with arms, it will ensure that this new era and its new relationship with the Soviet Union really changes nothing, that we will have to use arms elsewhere, and I can guarantee you that we will not muster 400,000 troops to put Lebanon back together or solve the problems in Angola, Ethiopia, and the Sudan. If we can solve this diplomatically and through the embargo it will give us hope to repair other places in the world without massive death and carnage.

Last, it heartens me to see the administration reading the reports of Amnesty International. They are reports we ought to read not just when it is politically helpful to us. They are reports we ought to read all of the time, and we might not find ourselves in the well of this House today facing an emboldened Saddam Hussein.

Mr. MONTGOMERY. Mr. Speaker, I yield myself ½ minute.

Mr. Speaker, I rise in support of the bipartisan Solarz-Michel resolution, which I am proud to cosponsor. I think it is important to support our President in this crisis.

I am thoroughly convinced that if we don't show strong action against Saddam, he is never going to get out of Kuwait. I am concerned about the message he will get if we approve the Hamilton resolution, which delays military action and gives him more time to strengthen his defensive positions.

Anyone who has been to Saudi Arabia in the last 3 months can see that our forces are at full readiness. I think we have assembled the most capable American military force I have ever seen. If we choose to continue sanctions for 6 months or a year, we will have to start rotating American troops. That will weaken our fighting capability. And if you stay in the desert too long, the conditions have a tendency to destroy equipment.

Another concern I have if we wait, is that the U.N. coalition could fall apart.

I have received letters from the American Legion and other veterans' groups, as well as from several military organizations. Many have bought full-page ads in newspapers to show support for this bipartisan resolution. Most who have signed the ads are military experts in their own right. They ask that we stand with our President.

Sanctions are not going to force Saddam out of Kuwait no matter how long we wait. Eventually war will start and there is no way our forces will be as prepared then as they are now. So I ask you to support the Solarz-Michel resolution and let's get our American troops home as soon as possible.

Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, the decision facing all of us today is not an easy one. The consequences are far-reaching and could alter the shape of our world for years to come. This decision none of us takes lightly.

This conflict was provoked by the attack of Iraq upon its neighbor, Kuwait, followed by a systematic brutality of the Kuwaiti people and a dismantling of the resources of that country. Neighboring nations and world stability were immediately threatened by this act of aggression.

The United States has led an organized response to the attack of Iraq on Kuwait. The unparalleled effort has been worldwide in scope and includes economic sanctions, a naval blockade, and military preparations, supported by 12 resolutions of the United Nations.

We all want a solution to this conflict without military action. The use of force must always be a last resort. Yet I believe that if Saddam Hussein knows with certainty that military force is an option, then the intense diplomatic efforts being conducted may be successful—as we all hope and pray. Under the Constitution, the President is charged with the conduct of our foreign policy, and Congress must authorize the deliberate use of Armed Forces. The successful conduct of that diplomacy is enhanced by this Congress authorizing the use of force at this time, in this situation.

For this reason I support the Michel-Solarz resolution. I believe that the adoption of this resolution is the last, best hope for a peaceful resolution to the Iraqi confrontation.

Voting for the Michel-Solarz resolution does not mandate the use of force, but authorizes that if diplomatic efforts fail. And it tells Saddam Hussein that it is possible that such action can occur unless Iraq complies with the U.N. resolutions.

History has shown that giving additional time to aggressors who prey on other nations ultimately results in greater human misery. For Congress not to act elevates the possibility of military conflict, I believe. Let us support Michel-Solarz to provide the best chance for peaceful resolution of this conflict.

Mr. DELLUMS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, when I first sought to represent the people of Wisconsin's Fourth Congressional District nearly 7 years ago, I never envisioned that one day I would be called upon, through my vote, to send our sons and daughters into a war.

The vote tomorrow will surely be the most important I will cast in my congressional career. It will be the one vote for which each of us will be held most accountable for the rest of our lives, and rightly so.

Make no mistake about it. The Solarz-Michel resolution is a backdoor declaration of war. Congress will not revisit this issue if we authorize Presidential discretion on the use of force.

The Solarz-Michel resolution will not have my vote. I cannot—and will not—support authorizing President Bush to invade Iraq over the issue of restoring the monarchy in Kuwait.

To Members who say that the Solarz-Michel resolution does not do so, I would simply say, "you are wrong."

Those of you who support Solarz-Michel will be placing hundreds of thousands of young Americans in harm's way. You will bear the responsibility for any casualties.

I urge you to vote for the Bennett-Durbin resolution, which states that "the Constitution vests all power to declare war in the Congress of the United States." It further states that "any offensive action taken against Iraq must be explicitly approved by the Congress of the United States before such action may be initiated."

As we approach January 15, the war drums beat ever louder. Preparations for hostilities quicken on all sides.

Much has been made of this well-publicized date, January 15. What is so magical about January 15?

Know full well that this arbitrary date was set by our President and rushed through the U.N. Security Council.

Why not take more time to explore the path of peace? Surely we have not exhausted all diplomatic efforts.

In Geneva this Wednesday, the United States and Iraq took one small step on the path to peace. Would it not be in everyone's interest to take a few more steps?

President John Kennedy once made a wise observation that bears repeating today. He said: "Let us never negotiate out of fear, but let us never fear to negotiate."

Let us encourage and support the efforts of the U.N. Secretary General and the French and Arab leaders who are trying to find a diplomatic alternative to war.

Mr. Speaker, my strong feelings on this issue are reflected in the Bennett-Durbin and Hamilton-Gephardt resolutions.

My views are shared by 90 percent of the constituents I represent, as measured by their letters and phone calls to me. Let me quote a few of them.

"The loss of human life in an unjustifiable war is an offense against civilized humanity," said one Milwaukee church group.

The letter's many cosigners object to the U.S. military presence in the gulf because of what they see as a lack of a clear rationale by our President for being there. "Reasons seem to change day by day," they state.

My constituents' frustration with respect to the ever evolving justifications for gulf involvement are well grounded.

I supported the President's initial decision to deploy troops to defend Saudi Arabia against an attack by Saddam Hussein, although I continue to question whether Hussein ever intended to do so.

When our posture changed from one of defense to one of offense, I could no longer support this administration's policy.

A couple from Greendale, WI, conveyed their feelings well when they wrote that:

> Saudi Arabia asked for our help in controlling an aggressor. We responded to that call. We've been successful in stopping Saddam Hussein. Having done this, we must resort to negotiations to suppress the Iraqi threat.

The Hamilton-Gephardt resolution responds to this family's hope for increased diplomatic efforts. It also supports continued sanctions as urged by a Waukesha, WI couple.

They advised, that:

> It is very crucial that Congress take all actions to let sanctions work. You must give them time instead of going to war.

In the gulf region today, it is our American troops who are bearing the heaviest burden in carrying out U.N. Resolution No. 678 which authorizes force in the gulf.

What troubles me the most about the countries that voted for this resolution, which is the basis for the Solarz-Michel authorization of force, is their lack of commitment to sending their sons and daughters to the Saudi desert.

Let me read you a list of these nations and their military commitment in the gulf: Canada: 1,800, Colombia: Zero, Ethiopia: Zero, Finland: Zero, France: 14,300, Ivory Coast: Zero, Malaysia: Zero, Romania: Zero, Soviet Union: Zero, United Kingdom: 35,000 Saudi Arabia: 65,000, Zaire: Zero, and the United States: 430,000.

These numbers speak for themselves.

Japan and Germany receive the bulk of their oil from this region but none of their sons and daughters are at risk.

Why should thousands and thousands of young Americans put their lives at risk when so many other countries which have a large stake in this region have contributed so little?

For the sake of our young men and women who are in the Persian Gulf region, for the sake of peace and not war, I beg you to pass the Bennett-Durbin and Hamilton-Gephardt resolutions and to defeat the Solarz-Michel resolution.

□ 1430

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, this is the first time that I stand before this House as a new freshman, and no matter what the issue would be at hand, this will be an especially important time for me, but given the severity of the issues we face today, I think this will be likely one of the most serious votes I have to take in my career, no matter how long or how short it might be in the House.

I want to extend my thanks today to the President for his extraordinary courage in leading the alliance to stop Saddam Hussein, an alliance endorsed by the United Nations. We are on the right side of the moral equation, and that is why I believe there are 27 nations with us in the gulf supporting Desert Shield.

Mr. Speaker, I intend to support the Solarz-Michel legislation, because I believe that a vote against this resolution would be interpreted by Saddam Hussein as evidence of both division and potential paralysis in our Government. If this were the case, I believe that war in the gulf would be inevitable, and there would be no way to stop it.

But at the same time, Mr. Speaker, I must state rather frankly that while I support the resolution, I do so with both serious reservations and serious concerns. I said that the President had shown great courage in his determination to stop the aggression in Kuwait, but I also believe it will take great courage at this critical time to pause and think carefully before launching any offensive military action.

I will not support the President's request intending that it be interpreted as a signal for, or as any endorsement of, war. War must be the absolute last resort, and it is clear to me at this time that we have not reached that point.

I will support it in the hope that it will strengthen the President's hand and give him one more card to play in the hope that it is a card he will never have to play.

I believe strongly that economic sanctions should be given more time to work and that we should show greater patience on the diplomatic front, whether it is the Algerians, the French, the Swiss, or the United Nations, which manage to put together a workable plan. Let us make sure that we are willing to listen and that we are willing to wait. I am hopeful that a strong statement of support from this House will create options for the President that are as of yet unseen.

Whatever the risks that a continued commitment to diplomacy and a policy of economic sanctions might entail, and I understand fully that there are some risks, they can surely be no greater than the terrible uncertainties of war.

Mr. Speaker and my fellow Members in this House, we must have a clear sense of our economic, our military, and also our strategic objectives before the first shot is fired. We cannot ad lib as the war goes on. Do we merely want Iraq out of Kuwait? Do we want Saddam Hussein's war machine destroyed? Do we want his nuclear capabilities or his economic capabilities neutered? Those are all very different goals and very different missions which require very different wars. Let us make sure we know exactly what we want up front.

I only can support the stated U.N. goals which are simply to get Iraq out of Kuwait.

Mr. Speaker, I listened to 1,000 of my constituents at a meeting at the University of Wisconsin the other night expressing strong reservations about our course of action. I intend to forward a letter to the President tomorrow which sets out my concerns, the concerns of many of my Wisconsin residents in Madison and the second district, and expressing my strong hope that he will act with continued patience and restraint. It is a letter that I ask my colleagues on both sides of the aisle to sign on to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

THE SITUATION IN THE MIDDLE EAST

Mr. BROOMFIELD. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, as difficult as it may be for us to accept, history will condone only one course of action by this House: The approval of the bipartisan Michel-Solarz amendment to support the President as he leads the world against the dictator Saddam Hussein.

More than half a century ago there were those who thought peace could be purchased by appeasement and turned a deaf ear to the cries of those who had fallen victim to tyranny. They sacrificed weak and peaceful nations to ruthless dictators while murmuring "peace in our time." But they did not buy peace: They bought time for the dictators to grow stronger and bolder. And they earned for themselves the condemnation of history.

Mr. Speaker, more than 5 months ago Iraq invaded Kuwait and that little nation has since suffered unspeakably at the hands of Saddam Hussein. During that time, the United Nations has passed one resolution after another condemning Iraqi action and demanding its withdrawal. Through the United Nations, the world told Saddam that he must withdraw by the 15th of January or be forced to do so. Saddam has chosen to stay.

Our President, who remembers vividly the cost of appeasing dictators, has given strong and determined leadership to the nations of the world who stand in opposition to Saddam. Clearly, the United Nations has expressed its approval of the President's leadership and judgment in this crisis; this Congress can do no less. Now is the time for us to act. Now is the time for us to give the President the support he deserves and needs to remove Iraq from Kuwait. Now, while the international coalition remains strong and determined, is the time to show Saddam that he will not be allowed to benefit from his aggression.

Saddam has had more than 5 months to read world opinion and withdraw from the little country his troops have viciously plundered. He has refused to do so. He has responded with threats against innocent people and nations. He has shown his contempt for world order and peace. He continues his race to acquire nuclear weapons. Does anyone question that a man who has gassed his own people will use those weapons when he has them?

We do not act in haste today. We are acting only after unprecedented international efforts to dislodge a brutal occupation through peaceful means. In acting we are not giving up our hope that peace may still be preserved. We will be standing with our President and the vast majority of the world against a ruthless dictator whose aggression must not be rewarded.

Fifty years ago, the failure to stand up to Hitler led to the most destructive war in human history. Now, in our own time, we must not repeat that great mistake.

Mr. Speaker, the world is watching what we do here today. Neither Hussein nor history must find us wanting. I support the bipartisan resolution because I believe it is the only choice before us that generations to come will have cause to praise.

□ 1440

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Speaker, I rise today to support the bipartisan resolution which authorizes the President to use military force to secure the withdrawal of Iraq from Kuwait.

This is not an issue of whether there will be war or peace in the Middle East. Iraq has already broken the peace. Rather, this is an issue of whether we will have world order, world stability, and world security. This is an issue that crosses many boundaries. It has crossed partisan boundaries. It has crossed regional and geographic boundaries. And, it has even crossed philosophical and ideological boundaries.

The Middle East is the most volatile region in the world. Even when the entire world is at peace, we always have an eye on this region as an area with the potential to ignite a global war. Over the last decade, there have been conflicts that were containable and not upsetting to the overall world order. The Iraqi invasion and conquest of the tiny and helpless Kuwait violated the fragile status quo in the Persian Gulf. And, in addition to this violation, was the violation of human rights on a massive scale as outlined by Amnesty International, the taking of hostages, and the senseless murder of innocent children. We cannot afford to jeopardize world stability and our role as an international leader by inaction.

Mr. Speaker, nobody wants war. We all have constituents serving in Saudi Arabia. We all have friends, and children of friends, who are stationed in the desert. Each of our communities has been directly affected by the activation of National Guard and Reserve units. We all share the pain, frustration, and anxiety of this ordeal. But, it is now time to act—to authorize our Commander in Chief to bring this crisis to a prompt, successful, and hopefully peaceful solution. We can only avoid war by convincing Saddam Hussein we are capable of and prepared to use military force.

American soldiers have been deployed in the desert environment since last summer. They have been training daily, and are ready to take whatever actions our President, their Commander in Chief, deems necessary. I have recently returned from visiting our men and women in Saudi Arabia. There is no question in my mind they are ready and even anxious for a solution. In short, Mr. Speaker, we are at the height of our military readiness. Throughout our history we have tried sanctions, and they have proven ineffective. We cannot continue to keep the fragile coalition of nations supporting the U.N. resolutions together much longer.

Mr. Speaker, the Middle East situation must be resolved now. Accordingly, I believe it is imperative that we support the President and approve the Solarz-Michel resolution.

Mr. DELLUMS. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, in an extraordinary session tomorrow, Members of this body will be called on to cast an extraordinary vote. It is likely to be the most momentous vote we will cast during our careers. Some of us came to our positions rather quickly, others over a longer period of time, but all with thoughtfulness and reflection. All of us appreciate that there is no more solemn and weighty act than the act of going to war.

We are moving rapidly toward war, no matter what the outcome is tomorrow. Saddam Hussein is a ruthless man, and he has the power to demonstrate that repeatedly on the world stage. He demonstrated that power to Iran which we supported and he is demonstrating it to Kuwait which we oppose.

As has often been said during this debate, Saddam Hussein must get out of Kuwait. No matter what the vote is tomorrow, he must leave. It is not his land. It is not his oil. It belongs to the Kuwaitis to do with as they wish.

The only argument that is going on today is whether to continue our attempts to dislodge him by embargoes and diplomacy or use military force. I believe at this point in time there still can be an alternative to war. I do not believe economic sanctions have run their course. I hope by continuing them Saddam will see Kuwait is not worth the price he is paying and will accept the demands of the world community to withdraw.

President Bush was correct in his initial reaction to the invasion of Kuwait, and I don't know of any member who would disagree. Economic sanctions, deterrence of further aggression, and diplomacy were all correct actions. But for the last 2 months that policy was shed for one which places a premium on the threat of offensive military action. We are now engaged in determining whether to stick with the President's first policy, or accept his second.

The arguments have been laid out time and time again. What I find most disturbing, however, is the lack of planning for what happens next. If economic sanctions work, then the Arab world will need to develop some form of containment, certainly with our help. But if we resort to war, what next? Do we stop at the Kuwait-Iraq border, or do we drive on to Baghdad? If we stop at the border, why should Iraq agree to end the war? If we drive on to Baghdad, how do we occupy an Arab country that size and at what cost? And if we destroy the Iraqi Army, will the fruits of our victory be the resurrection of Iran in concert with Syria as the dominate powers in the Persian Gulf.

Any course is fraught with uncertainty. Any course will have unintended consequences. And any course could involve us deeper in the region rather than lead to a solution that brings peace to the Middle East.

So we must make our decision.

History is indeed the summation of individual human choices. And as I look down the alternative paths where these choices might lead us, I think here and now we must choose to continue down the road of applying every economic and diplomatic pressure the world community can muster. The time for the use of military force has not yet arrived. Let us be patient. Let us pursue our shared goals, but by economic and diplomatic means.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, this is an important debate not only for this House, but for the Nation we were elected to serve. The issues before us present a difficult mix of constitutional law, international law, and statutory construction. Perhaps most importantly, we also must consider the very practical strategic implications of this difficult situation, as we analyze the legal and policy questions.

At the outset, it should be stressed that the President and Congress are, in large part, unified on the essentials of the Persian Gulf crisis. Certainly, we are in complete agreement that Saddam Hussein's August 2 invasion of Kuwait was a clear violation of Kuwait's sovereignty, international law, and the U.N. Charter. Similarly, we are in full agreement with President Bush as to our objectives in this confrontation with Iraq. President Bush has articulated specific goals as follows: First, the immediate, unconditional withdrawal of Iraqi Forces from Kuwait; second, the restoration of Kuwait's legitimate government; third, the restoration of security and stability in the Persian Gulf region; and fourth, the release of all persons held against their will by Iraq.

Furthermore, we also recognize that the international community is unified to a remarkable degree. Unified to an extent, perhaps, unprecedented in world history. A number of countries, including certain Islamic nations, have contributed military units to the United Nations multinational force now serving in Saudi Arabia and throughout the gulf region.

Mr. Speaker, the real meaning and purpose of this debate should not be misunderstood by our allies or distorted by our potential adversaries. The United States is a free and democratic society, where political power is diffused and shared—so as to better protect the rights of our citizens. Full and free public debate—even where the subject is as difficult and momentous as going to war—is fundamental to our political process. Congress has a legitimate constitutional role to play in this decision.

We must take care that this debate does not give aid, comfort, or encouragement to Saddam Hussein in any way. There should not be any confusion as to the position of the United States regarding the illegality of Iraq's invasion of Kuwait. Congress fully supports the U.N. Security Council Resolutions, starting with U.N. Resolution 660 and leading to U.N. Resolution 678; hopefully, this House will soon adopt a resolution to that effect. Along with President Bush and the international community, Congress demands that Iraq unilaterally withdraw from Kuwait.

At this point, I would like to briefly examine certain constitutional and legal issues that are pertinent to this debate. Specifically, I propose to address the role of Congress in the President's determination of necessary military action.

Article I, section 8 of the Constitution grants to Congress the power "to declare war". In addition, Congress has the power to raise and support Armies" and "to provide and maintain a Navy". Further, article I of the Constitution grants Congress the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers." At the same time, article II, section 2, clearly establishes that the President is the Commander in Chief and has the primary authority to conduct foreign relations on behalf of the United States. The President also has the responsibility to "take care that the laws be faithfully executed". Article I, section 3.

Thus, the legislative branch and the executive branch have shared responsibilities in the war powers area. Despite the passage of over 200 years, the current state of constitutional law remains vague and ambiguous as to how these powers are properly divided between the two political branches of government. Since the courts have traditionally deferred on these questions—treating them as "political questions"—there is no Supreme Court or lower court decision precisely defining the allocation of this responsibility between the two branches. In fact, many constitutional scholars have speculated that it was an ambiguity intentionally left in the Constitution by the Framers.

An instructive footnote from the Constitutional Convention helps to define our responsibility. An early draft of the Constitution talked in terms of Congress being empowered "to make war". This phase was later changed at the Constitutional Convention to read "to declare war". It is generally accepted that this was done in part to make it clear that the conduct of war was vested in the President and that the President should have the flexibility to respond to and repel sudden attacks on the United States without having to wait for a prior authorization from Congress. Most constitutional scholars concur that a formal declaration of war, or other form of congressional authorization, is not a necessary legal prerequisite for the President to take defensive military action. Nor, in my view, does the War Powers Act of 1973 affect this authority. The key and unresolved question is whether this extends to offensive, as well as defensive, military action—such as the use of force from a standing start in the Persian Gulf.

The President's power to station the Armed Forces outside the country is not dependent on prior congressional authorization. American military forces have often been dispatched abroad to protect American lives and property. Some argue, based on past events, that U.S. military forces can be validly sent overseas to support the broad interests of American foreign policy and as a participant in international police actions, without prior congressional approval. A close analogy to our situation today is that which occurred during the Korean conflict.

As my colleagues know, there was no formal declaration of war with respect to Korea. The legal justification for the United States military involvement in Korea was based upon actions taken by the United Nations Security Council. It was characterized as a police action and not a war—although the practical difference has always escaped me.

The legal argument is made as follows: The U.N. Charter is a treaty of the United States. It is therefore law of the United States. Under the Constitution, it is the President's duty to take care that the laws be faithfully executed. By that treaty, it is argued, the United States undertook to carry out decisions of the Security Council under chapter VII of the U.N. Charter. The charter contemplated that U.N. military action would be taken with forces provided by member states pursuant to article 43 agreements concluded in advance, but nothing in the charter prevents the Security Council from calling for, or authorizing, the use of force by states under other arrangements. This is what happened in Korea in 1950 and this is also true of Security Council resolutions adopted concerning Kuwait in 1990.

Today, we again have the Security Council using chapter VII of the U.N. Charter as the basis for authorizing "all necessary means" to restore the legitimate government of Kuwait and to restore international peace and security to the entire gulf region. The most recent U.N. resolution numbered 678, adopted by the Security Council on November 29, states that on or after January 15, the cooperating members' states "can use all necessary means" to expel Iraq from Kuwait. It has been argued by some that this is a sufficient basis under international law for the President to take such military actions as he determines necessary, without congressional concurrence. I do not believe that is either a wise or persuasive constitutional-legal view.

In 1945 Congress passed the United Nations Participation Act (22 U.S.C. section 287 et seq.) which governs our treaty obligations under the U.N. Charter. By that act, Congress expressly authorized the President to carry out Security Council resolutions calling for economic sanctions (section 5). Further, under section 6 of the Participation Act, the President is authorized to negotiate "Article 43 agreements" with the Security Council to provide forces to the United Nations, subject to approval of the agreements by the Congress. With such approval, the President could then make the agreed upon military forces available for use by the Security Council without further approval of Congress. Importantly, section 6 of the U.N. Participation Act also explicitly declares that nothing in the act shall be construed as authorizing the President to make forces available to the Security Council for U.N. action other than pursuant to article 43 agreements.

The U.N. Participation Act, then, clearly contains nothing by itself that would authorize the President to wage war against Iraq. There have not been any article 43 agreements approved by Congress with respect to Kuwait. Therefore, Mr. Speaker, the U.N. Participation Act could read as prohibiting the President from using U.S. Armed Forces for that purpose.

Mr. Speaker, in my judgment, congressional authorization is constitutionally required before offensive military action can lawfully be taken by U.S. Armed Forces. The fact that congressional authorization has not occurred in numerous prior instances, does not mean that our law does not require it in this case.

Earlier, I mentioned the War Powers Act (50 U.S.C. 1541–1548) which was passed by Congress in 1973 in reaction to the Vietnam experience. It was intended to better define the proper role of Congress in the war powers area. The law requires Presidential consultation with Congress and Presidential notification of Congress, when U.S. troops are deployed abroad. Ironically, however, the very language of the War Powers Act itself seems to presume that there can be situations where the President has validly committed troops without prior congressional authorization. See: 50 U.S.C. 1543(a); 50 U.S.C. 1544(b). Section 4(a) of the War Powers Act talks about the requirement of the President to notify the Speaker and the President pro tempore of the Senate in writing within 48 hours after U.S. Armed Forces are involved in hostilities in another territory in the absence of a declaration of war. Similarly, section 5(b) presumes that the President can commit the U.S. Armed Forces for a period of up to 60 days even though there has been no declaration of war or specific congressional authorization for such action. But even given these confusing defects, the fairest reading of Congress' intent in the war powers law was to assure that a President could not undertake and maintain an undeclared or unauthorized war.

The appropriate role of Congress in the war powers area has still yet to be clearly defined by Congress itself. Perhaps amendments to the much criticized War Powers Act should be considered, at some later date. Of course, Congress can refuse to appropriate the necessary funds to finance a military action or can restrict the uses of such funds. Congress also has the power to impeach a President, where it is felt that the president has exceeded his lawful authority. But these actions typically taken after-the-fact or, are unrealistic or inappropriate alternatives.

This week we consider resolutions with respect to the necessary congressional authorization for the President to engage in offensive military action in the Persian Gulf. This is the constitutionally correct way to resolve this debate. We need no formal declaration of war but we do need congressional authorization.

I believe, given the facts surrounding Iraq's illegal invasion and occupation of Kuwait and the ongoing threat to world peace posed by Saddam Hussein, that this House should adopt the resolution—House Joint Resolution 62—providing that authority to the President. Specifically, the President would be authorized to act pursuant to U.N. Security Council Resolution 678 and take all necessary means to end Iraq's occupation of Kuwait. In the early post-cold war era, we and the world community should take this opportunity to side with law, security and stability against invasion, aggression and force.

It is to be fervently hoped that a congressional resolution, demonstrating a unified U.S. position, will strengthen the hand of the President and the Secretary General in their efforts to obtain Iraq's peaceful withdrawal from Kuwait. Like all my colleagues, I am hopeful that before any hostilities are entered into that the leaders of Iraq come to their senses and realize how resolute America and the free world are on this situation.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise to express my support for the Solarz resolution. I believe it is the proper action for Congress to take. If the President determines that sanctions are not and will not work, them military force is necessary and the President should have the authority to use such force as necessary to get Iraq out of Kuwait. I believe we all agree that in no way should we allow the atrocities committed at the behest of the butcher of Baghdad go unnoticed. I strongly supported the sanctions and hoped they would be successful in convincing Saddam Hussein to pull out of Kuwait. I would maintain this position if I truly thought the sanctions would result in this conclusion. I will not support military force until the President has assured us the sanctions will not work. That is exactly what the Solarz resolution requires.

This is by far and away the toughest decision I have been required to reach since first being elected to Congress in 1976. I have given great and careful thought to my decision and I still pray that a peaceful solution could be possible. I think all of us debating this issue today should pray that none of our troops will give their life in this cause, but I also believe that none of us want to look the other way when a mad man such as Saddam Hussein invades a country that was no threat to his country whatsoever. I believe we all agree we cannot ignore the pillaging of Kuwait's wealth, the rape of Kuwait's women and the vicious slaughter of Kuwait people.

To bring this terrible crisis to an end, I urge my colleagues to unite in support of the President by voting for the Solarz resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the President has gone the extra mile. He has done all in his power to achieve a diplomatic and peaceful solution to the crisis brought on by Iraq's naked aggression against his innocent neighbor, Kuwait; but still does Saddam Hussein thumb his nose at our President, our Nation, the United Nations, and the civilized world.

Invasion, kidnaping, terror, rape, torture, and murder, these are the tools that Mr. Hussein has employed to exert brute dictatorial force over his unwilling victims; yet some in this Congress while deploring his actions still look for any excuse to avoid confrontation and shrink from enforcing world opinion against him.

We were right in sending troops to Saudi Arabia, they say. We were right in imposing sanctions, they say. We were right in mobilizing world opinion and various U.N. resolutions against him, they say; but we should not now use force to expel him.

Let our troops remain in the desert without a mandate for force, regardless of the cost in human and material resources. Let the sanctions which have not worked for 5 months, and have not compelled a withdrawal, remain indefinitely; let Saddam Hussein know that the United States will not stand behind its President, its allies, and the United Nations, and that all we really want to do is talk, not fight.

In short, they say, let Saddam Hussein, the instigator of one-half million deaths in the Iran-Iraq War, the user of chemical weapons against 5,000 Iraqi Kurds, the executioner of many of his own soldiers and generals; the invader, kidnaper, rapist, torturer, and murderer of thousands of innocent Kuwaits, let this tyrant remain in Kuwait without punishment.

I cannot accept this reasoning. Does anyone want war? No!! Of course not!!

Do we want to risk the loss of even one American life unnecessarily? No! I do not!

But when all the facts are considered, do I believe that appeasement now is worth the possibility that thousands more, maybe millions more of people, may later be killed—simply because we would not now stand up to this tyrant? No—emphatically, no!

Mr. Speaker, a Congress united behind our President provides us with the greatest possible hope that Saddam Hussein will take President Bush at his word, accept our position, and withdraw from Kuwait.

A divided Congress most assuredly tells him that time is on his side, and that if he hangs tough and refuses to budge, the world—and the United States—will forget Kuwait, United States troops will grow tired and go home; the consensus our President has created will collapse, and Hussein's unwarranted aggression against a civilized world order will pay off!

We cannot allow that to happen. We have the world on our side. We have the forces available to us, and we should be prepared to punish Hussein now, while we can, and not at some indeterminate date in the distant future.

Mr. Speaker, only by standing with our President—by agreeing to the bipartisan Michel-Solarz resolution, will we truly have a chance at a meaningful peace. Only then will we convince tyrants that aggression bears a heavy price; and only then will we stand a chance at getting Saddam Hussein out of Kuwait without firing a shot.

Vote for Michel-Solarz.

□ 1500

Mr. DELLUMS. Mr. Speaker, I yield 6 minutes to my distinguished colleague, the gentleman from Illinois [Mr. RUSSO].

Mr. RUSSO. Mr. Speaker, many here in this body have argued that it is important for our Nation to speak with one voice. I agree that after a decision on war or peace has been made, it is important for our Nation to stand united. The freedom to debate, however, is an intrinsic part of the framework of this great Nation. Democracy necessitates the open discussion of differing ideas, and the foundation of the democracy which we hold so dear lies in its informed citizenry. Open debate on war and peace in the Persian Gulf is not only essential, but it is our constitutional responsibility.

Historically, when the President asks for the authorization of war, he must state compelling reasons for committing our men and women to certain death.

Today we are being asked to give the President a blank check to wage war, to trust his judgment that war is the only option that will prevail over Saddam Hussein rather than the stranglehold of economic sanctions. Yet, administration policy in the Mideast has been a series of mistakes which have led us to this perilous junction in history.

It has been reported that in February, Assistant Secretary of State John Kelly ordered our Ambassador in Iraq to apologize for a strong Voice of America editorial on human rights. One week before the invasion, Kelly killed a July 25 broadcast warning Iraq that "the United States remains strongly committed to supporting the self-defense of its friends in the gulf." And when Hussein threatened terrorist response to any U.S. pressure for restraint, Kelly ordered our Ambassador to be soothing. This administration virtually gave him a blank check to invade Kuwait. This was a mistake.

The President says now that he is concerned about Hussein's human rights abuses, use of chemical and biological weapons, future nuclear capabilities, and terrorism. Yet, Iraqi human rights abuses did not start August 2 when Hussein invaded Kuwait. Amnesty International has been reporting the horrific practices of Iraqi torturers for years. Under Hussein children have suffered through beatings, whippings, sexual abuse, electric shock treatments, the extraction of fingernails, and starvation. To ignore those warnings until such time as they serve our interests to justify war is unbefitting a democracy. This was another mistake.

On July 27, 1990, the House debated a Glickman amendment to the 1990 farm bill which denied agriculture export guarantees and subsidies to Iraq because of its abysmal human rights record, its support of terrorism, and for its acquisition of chemical, biological, and nuclear weapons. While this amendment passed 234 to 175, this administration opposed the amendment. This was another mistake. Six days later Iraq invaded Kuwait, and then this administration became concerned with human rights, terrorism, and chemical and nuclear weapons.

This administration and the Reagan administration have given Iraq hundreds of millions of dollars of economic and military aid over the past 10 years. This was another mistake. With the invasion of Kuwait, a convenient ally became an instant enemy.

Iraq imports 75 percent of its food. Until the embargo, one-third of Iraq's imports came from the United States. Much of these food imports were subsidized by the United States. In fact, Iraq never paid its bills for agricultural products we sent it. Iraq owed us $2 billion in unpaid loans and was listed by the Agriculture Department as "high-risk." A November 1990 GAO report said:

> It seems that the United States desire to build a strategic and agricultural trade relationship with Iraq outweighed the apparent financial risks involved and discounted evidence of Iraq's human rights violations.

Another mistake.

Today, I want to help the President not make the biggest mistake of all—a mistake that will cost the unnecessary loss of American lives.

President Bush is a man for whom I have a great deal of respect. I am sure that he has agonized and wrestled with this decision—just as we all have. The Constitution charges us all—not just the President—with the responsibility of making this decision. It was the President's responsibility to decide to take specific actions in defense of American interests following Iraq's invasion of Kuwait. It is now the Congress' responsibility to determine if we shall commit America to war.

I sincerely believe that time is on our side. Time is expendable but the loss of American lives is not. I am not arguing that the United States should never take military action, but I am saying that given the heavy costs of war, the United States has everything to gain by giving sanctions more time to work and everything to lose if we don't.

Given events of the past year, the crumbling of the Berlin Wall, independence and elections for Eastern bloc nations, the dismantling of communism as we knew it—we must surely believe that democracy is the wave of the future. If diplomacy and international cooperation is not an alternative we embrace, why do we have a State Department, why do we have the United Nations, and why do we sign treaties? Diplomacy does work. Our decision to contain communism, rather than physically confront it, left that form of government to fall of its own inertia rather than pay the tremendous price of the loss of human life that would have accompanied another world war.

The United States is confronted with a golden opportunity to set the stage for a new world order. And order where the United Nations and international condemnation of aggression, coupled with intelligent and forceful use of economic measures will set a precedent for the resolution of conflicts in the next century.

The question that I pose to each and every Member of the Congress is this: If you had a daughter or son on the frontlines who went in to liberate the feudal state of Kuwait, and was killed and delivered home to you in a flag-draped coffin, could you look into that coffin and say: "It was a terrible sacrifice but you died for the right reason." If you can say that, then vote for the Solarz resolution. However, if you cannot, then do not put other American parents in that agonizing situation.

Mr. Speaker, support the Gephardt-Hamilton resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, perspective is always difficult to apply to events of the day, but it would appear that in the last 6 months a watershed development in international politics has occurred. Largely due to the sapient diplomacy of the administration, the Security Council adopted a panoply of resolutions demanding Iraqi withdrawal from Kuwait and sanctioning civilized countries to employ all appropriate means to achieve that objective.

□ 1510

Mr. Speaker, for the first time in modern history a credible system of collective security appears on the threshold of being born, and here I would observe that, if one political party identifies disproportionately with advocacy of collective security, it is the Democratic Party. Collective security was the watchword of Woodrow Wilson who literally drove himself to death defending the principle against his critics. Franklin Roosevelt, arguably the greatest President of this century, insisted that collective security be espoused in the Atlantic Charter and be the linchpin of the U.N. Charter, yet today it is a Republican President who, in opposition both to the isolationists and go-it-alone interventionist themes that have ambivalently hallmarked much of this century's conservation tradition, who was in the vanguard of collective security endeavors. In paradoxical contrast liberal leadership in Congress appears in the verge of repudiating the philosophical heritage of Wilson and Roosevelt, as well as Truman and John Kennedy, in favor of the more flocculent wait-and-see nostrums that lack historical and philosophical perspective. What is the morality of congressional leadership's wait-and-see approach?

Mr. Speaker, Saddam Hussein has conducted 2 wars in the last 10 years which resulted in 1 million casualties. He has made rape a daily instrument of coercive state policy. Executions are of epidemic proportion, frequently with family members asked to witness and pay for bullets.

In this context, is it moral to stand by? Can we allow Saddam's models of behavior to be rewarded or replicated elsewhere? Do we want to wait to confront a leader with a nascent nuclear and biological warfare capability?

I stress in particular biological weapons at this time. Despite the horrors of Auschwitz and the inhumanity of the Soviet gulag, neither Hitler, nor Stalin threatened the usage of biological agents. Saddam Hussein has. And let me stress biological weapons are a poor man's weapon of mass destruction. They are far easier to develop and far more destructive to employ than nuclear arms.

Confronted with Saddam's threat and weapons development potentialities, it is impossible for this Member to conclude that a wait-and-see approach fits either the times or the circumstances.

On questions of war and peace there is a societal imperative for caution, but it must be understood that ambivalence is not synonymous with statesmanship and that anxietyship is no substitute for leadership.

I am personally convinced that Saddam has no choice except to blink before the 15th, unless America blinks first, but if this Congress sends a message of no confidence to the executive branch, it will be sending a message of no mandate to Secretary General de Cullar and the historic mission that he is currently on to Baghdad. In this context, congressional vacillation makes peace less, not more, likely.

The President and his policy of collective security are the last best hope in this century for establishing a security system which makes aggression, and thus war, obsolete. Support the President, not because he is the leader of this great Nation, but because he is in the vanguard of bringing reality to the dreams of Woodrow Wilson and Franklin Roosevelt, because he is right, that a new world order is only possible if nations under the rule of law accept the obligation to keep the peace.

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Speaker, I think that the situation in the Persian Gulf has gone off course. It was appropriate to have an immediate, decisive response to Saddam Hussein's acts of naked aggression, and I applauded the President's insistence upon adhering to the rule of law.

However, beginning last fall the President began a series of military buildups and ultimatums which culminated in the setting of a deadline of January 15. Setting deadline is not in the interest of achieving a diplomatic and peaceful solution. However, we now find ourselves with our forces deployed and an ultimatum aimed at convincing Saddam Hussein that the United States and the coalition of nations mean business.

Long-term peace in the Middle East must be grounded upon adherence to the rule of law. Saddam Hussein's aggression has violated every principle of law.

I believe the overwhelming sentiment in this country would be to achieve a peaceful resolution of this crisis through diplomatic means.

Our original strategy was based upon economic sanctions supported by an unprecedented worldwide coalition, backed by an overpowering military force and the willingness to use it—plus the patience to allow diplomatic and peaceful solutions to be developed.

Today, there are many who would abandon some of the building blocks. Some would expect a peaceful resolution to be achieved if we deny to the President the option of using all necessary means to restore international peace and security, casting into doubt our willingness to use force.

Others are suggesting that we should abandon the building blocks of patience. They are urging that immediate use of force is necessary.

I do not believe that we should abandon either patience or the possible use of force. We need to authorize the use of all necessary means to achieve the goals of the U.N. resolution, and we need to have the patience to refrain from using military force until all peaceful means have been exhausted.

The Hamilton resolution is, in my view, wise in calling for patience, but mistaken in the supposition that Saddam Hussein will be interested in a peaceful solution once the possible use of force is restricted.

Mr. Speaker, in order to convince Saddam Hussein to accept a diplomatic solution, it must be clear to him that the alternative to a diplomatic solution could be a decisive and forceful response.

The Solarz proposal contains language approving the option of using all necessary means to restore international peace and security in this area after "all diplomatic and other peaceful means to obtain compliance" have been exhausted.

Calling for patience in its application—and based upon my conviction that the best hope for a peaceful solution depends upon the building blocks of economic sanctions supported by a worldwide coalition, backed by an overpowering military force and the willingness to use it, and the patience to allow diplomatic and peaceful solutions to be developed—I ask that you join me in support of the Solarz resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, given the tremendous significance of events in the Middle East, I wanted to add my thoughts to today's historic debate. The crisis in the gulf has dominated my thinking since the early days of August. I do not take lightly the commitment of American forces. I have strong personal views on this subject. I fought in World War II, as an infantry company commander, and was overseas for nearly 3 years. I was in two combat landings, one in North Africa and one in Italy. I knew then and know now that our commitment of forces in that conflict was vital to our security, indeed, to the security of the world. On the other side, I served Congress during Vietnam. From that experience, I learned the lesson of what can result from the commitment of troops to a conflict where our interests are not so clear, where objectives are not defined.

I have given events in the Persian Gulf serious and continuing thought. My conclusion is that our national security is greatly threatened. I plan, therefore, to support the Solarz resolution authorizing the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678. By debating and voting on this resolution, the U.S. Congress is fulfilling its obligation to the American people and to our Nation's Constitution.

I support the Solarz resolution because congressional endorsement of the U.N. resolution keeps the U.S. position consistent with the position of the community of nations. It does not put us ahead of the game.

Keeping our national position consistent with that of the United Nations is important. The significance of the concerted U.N. action to future world peace is incalculable. For the first time in world history, the nations of the world, acting together, have told an aggressor nation that its aggression will not stand. If such a precedent had been taken in 1939 when German troops invaded Poland, million of lives might have been saved.

Perhaps the only differences between Hitler's invasion of Poland and Hussein's invasion of Kuwait is that Hitler did not have a standing army of more than 1 million men. He did not have deadly chemical weapons and the ability to deliver them. Nor was he on the brink of a nuclear weapons capability. Saddam Hussein has all of these. It is in the interest of the United States and the nations of the world to stop Hussein now, to let him know that such naked aggression against another nation will not be allowed to stand.

I commend President Bush and Secretary of State Baker for going the extra mile to achieve a diplomatic resolution to the Persian Gulf crisis. The rebuff of Secretary Baker by Iraqi Foreign Minister Tariq Aziz in Geneva was a disappointing moment for all of us who desire peace. It is my sincere hope that the path to peace remains open in the Middle East and that U.N. Secretary General Javier Perez de Cuellar will not be similarly rebuffed by Iraqi officials in his efforts to enforce the U.N. resolution.

President Bush has been firm in his actions and has not faltered. The President has not acted alone and has not attempted to put the United States in the role of world policeman. He has sought support from the world community and has received that support. His decision has been and remains to get Hussein out of Kuwait and he has applied a program of mounting pressure. Indeed, the risks are great and they increase daily as we approach the January 15 deadline. However, I believe the risks are greater if we allow Hussein's action to stand.

We all want peace—I honestly believe the quickest way to peace is for the Congress to support the Solarz-Michel resolution and let Hussein know the Congress stands behind and alongside the United Nations—the coalition of nations, and the President and that aggression will not be tolerated. Then and only then will Hussein back down.

□ 1520

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. HATCHER].

Mr. HATCHER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the Solarz-Michel resolution. Our President has done a tremendous job leading the nations of the world in resisting further aggressive action by Saddam Hussein.

The United Nations has resolved that after January 15, 1991, there should be a creditable threat of force for the removal of Iraqi forces from Kuwait.

It appears that Saddam Hussein will not leave Kuwait without force or a credible threat of force.

The President needs and deserves our support. To fail to pass the Solarz-Michel resolution will be to diminish the credibility of the threat of force—and to make it even less likely that Hussein will voluntarily leave Kuwait.

I say we should support our President by passing the Solarz-Michel resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have listened to this debate, one point has been stressed again and again. It is a point that needs to be answered.

The point is: Have we done enough to avoid war? Have we exhausted every avenue of diplomacy?

In casting our votes, we are making ourselves accountable for the lives and well-being of hundreds of thousands of young American men and women in uniform.

No one in this House would want to authorize the President to use force if there were any hope that a resolution of this crisis could be handled diplomatically.

But a look at the record shows that the President has done all he can to find a peaceful solution.

From the very beginning, he has brought his case to the United Nations.

On 12 separate occasions, the Security Council has voted to condemn the Iraqi invasion and demand a complete withdrawal from Kuwait.

But the overwhelming condemnation of the world's nations has failed to move Saddam.

The nations of the world have tried economic sanctions. Have they forced Iraqis to tighten their belts? They certainly have.

Will they force Saddam to leave Kuwait? From the reports of many people who have visited the area, there appears to be little likelihood that the sanctions will have any effect on Saddam's occupation of Kuwait.

Most recently, President Bush offered Saddam a chance for face-to-face diplomacy. Saddam's failure to settle on a mutually acceptable date showed that he is unwilling to come to terms with the serious nature of the crisis he has created.

Practically every foreign minister in Europe, and many in the Arab countries, have urged Saddam to abide by the U.N. resolutions.

He has been besieged by a veritable parade of former world statesmen—many of whom I suspect told him of the gravity of the situation.

Some people will not listen to reason. The hearts of some people have been deadened to moral persuasion.

Such people cannot be persuaded, but only cowed. This resolution does not commit President Bush to use military arms, it only gives him that option. In the President's hands, it will be a very credible and powerful negotiating tool, particularly at this late hour.

The President has done everything he could do to convince Saddam through diplomatic channels to leave Kuwait. It is now time for Congress to make the Iraqi leader understand that America stands behind the President and that his recent letter was not an idle threat, but a credible warning.

We must give the President the power he needs to convince Saddam that he has no other alternative but to leave Kuwait. This will be a vote of confidence in the President and a message to Saddam that America is fully united against his aggression.

Mr. DELLUMS. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

At this time, I support continued enforcement of the economic sanctions against Iraq, and oppose any congressional authorization or support for Presidential discretion to launch offensive action in the Persian Gulf.

The standoff at the Kuwaiti-Saudi border does not pose any immediate threat to the national security or economic stability of the United States.

World oil supplies are adequate, with Iraqi and Kuwaiti sources replaced by increased production elsewhere.

Oil prices have increased and fluctuated but have stabilized without reaching alarming levels that would cripple the international economy.

The economic sanctions against Iraq have not had enough time to work to achieve all our objectives. Nevertheless, sanctions already have proven their effectiveness.

First, the aggression has been contained.

Second, American and other foreign nationals once held hostage in Iraq have been released.

Third, Iraq cannot sell its major exported product—oil—and it is only a matter of time before it goes bankrupt.

Time, however, is something we—the international coalition against Iran—have in abundance.

We can afford to be patient.

The international coalition has not yet exhausted the sanctions remedy, thus we should not move hastily to the final alternative—a devastating war with unknown consequences.

Unless severely provoked or attacked, the world community should continue to tighten the economic noose whenever and wherever possible around Saddam Hussein, and refrain from immediate irrevocable offensive military action.

It has been suggested that our international coalition forged in the United Nations would unravel, if we continue this policy of open-ended enforcement of the sanctions.

However, I must ask, if we can muster the skill and courage to fight, can we not also generate the skill and courage to sustain a meaningful embargo?

The same question can be asked about diplomacy.

Does 6 hours of high level, United States-Iraq, face-to-face discussion exhaust international diplomacy?

Isn't there more we, along with the international community, could do in the diplomatic arena before we ask our troops to make the ultimate sacrifice?

We should also use this period of extended enforcement of the sanctions and expanded diplomatic effort to intensify our discussions with our allies about increasing their contributions—both monetarily and in terms of military manpower—and their national risk in the Persian Gulf.

It is estimated that it will cost our country $30 billion a year—without actual hostilities—to maintain U.S. forces in the gulf.

Before we go to war, we should have a bolder, firmer commitment from our allies, especially the Arab States, Japan, and Germany.

Nations more oil-dependent on this region than we, must be induced to accept more of the burden in this crisis.

The United States is already the world's greatest debtor nation.

It is blatantly unfair and intolerable that we continue to borrow and go deeper into debt to finance our military involvement in the Persian Gulf, when it is our foreign creditors who will benefit most from our sacrifices.

In summary, the administration, the Congress, and our allies must do more before we commit to war.

We must be patient, without flinching.

We must be resolute in pursuing the sanction-diplomacy routes. Saddam Hussein can take no solace or comfort, in this alternative to war at this time, for his country will soon be bankrupt, his industrial and military capabilities eroded drastically by the shortages of personnel and spare parts.

He will suffer all the consequences.

In the short term, it may be harder to show restraint and to contain, but it is wiser and better than lashing out prematurely.

We are ready for and preserve, any alternatives in the future, with the Hamilton-Gephardt resolution.

☐ 1530

Mr. BROOMFIELD. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, it is my deepest hope that the crisis in the Persian Gulf can be resolved peacefully, without resorting to the use of force.

I trust and believe that every member in this Chamber shares this hope.

In like manner, I trust and believe that the President wants peace. Yet, in the current confrontation with an absolutely vicious tyrant, in the face of unbridled tyranny, a viable U.S. military option serves to buttress diplomacy and advance peace.

The question then is, while no course of action is foolproof, what is the most likely path the United States can embark upon to both achieve our objectives and to do so peacefully?

After much thought, I am persuaded that the Michel-Solarz resolution is the best choice today.

Mr. Speaker, since Iraq's brutal invasion of Kuwait last August, President Bush has forged an unprecedented international consensus via the United Nations to reverse this aggression and establish a sustainable peace in the region.

Having served as a U.S. Representative to the United Nations last session, I can well appreciate the special difficulties inherent in unifying the disparate nations of the world. Yet, at least for now, we are united.

Mr. Speaker, recognizing that Hussein's occupation of a sovereign nation must not stand, that the pervasive atrocities, including rape and murder, committed by Iraqi troops against Kuwaits must be stopped, and that the thousands of hostages had to be freed, the United Nations has approved a dozen substantive resolutions—including the imposition of broad economic sanctions and an authorization to use force, if necessary.

Saddam Hussein's substantial military capability—1 million men in arms, and his prior use of weapons of mass destruction including chemical weapons, and his aggressive nuclear and ballistic missile programs—clearly poses an ever-increasing threat to regional and world peace. Sadly, since August, Kuwait has felt the sting of some of these weapons.

Given this threat and the United Nation's January 15 deadline to withdraw from Kuwait, I encourage Members to vote for the Michel-Solarz resolution authorizing the use of force if the President determines that "the United States has used all appropriate diplomatic and other peaceful means" to obtain Iraq's withdrawal from Kuwait and "that those diplomatic efforts have not and would not be successful in obtaining such compliance."

Mr. Speaker, the language of the resolution makes crystal clear that the onus is on the President to exhaust diplomatic efforts that "force" be a last resort option. Significantly, this resolution authorizes the use of force but does not require it. I would respectfully suggest that a diplomatic solution is tangibly enhanced—it is made more probable—with passage of the Michel-Solarz resolution and its companion legislation in the Senate.

Mr. STENHOLM. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, each and every one of us are elected by our constituents to make decisions in the best interests of our Nation to the best of our abilities. Many of these decisions are extremely difficult. The judgments we must make today and tomorrow are the hardest and most painful and significant we have faced since coming to Congress.

This debate has made clear the many points of agreement here in Congress. The debate has left no doubt over the total opposition of every Member of the body to Iraq's invasion of Kuwait, to the Iraqi threat to Saudi Arabia, to the Iraqi chemical and nuclear weapon programs and to any Iraqi effort to dominate Saudi Arabia and the Persian Gulf. Moreover, the Congress is united in the belief that the life of each and every soldier, sailor, airman, and marine is precious and any commitment to use force is not to be taken lightly.

The most profound lesson of the Vietnam war is that American lives must only be risked where our most vital national interests, not abstract concepts, are at stake. Saddam Hussein's objectives are as clear as they are ruthless. They include control of the oil fields, possession of nuclear weapons, dominance of the Arab world, and control of the world economy. If Saddam Hussein achieves any of these objectives there can be little doubt that he would utilize these powers for other barbaric actions. There can be little doubt that his pursuit of these goals would pose new and significant risks for America and the American people. Success for Saddam Hussein is a direct threat to the United States and world peace.

Let this Congress be clear, as the United Nations has been clear, this is a struggle between civilization and barbarism. America does not stand alone in this struggle against a modern day Attila, the entire civilized world stands alongside us in the struggle. It is our choice today if the rule of law or Saddam Hussein's rule of the jungle will prevail. If we fail to confont aggression today the future consequences could be devastating.

Over 60 years ago a great depression fathered dictators on the foundations of collapsing democracies—dictators who plunged mankind into a world war. Those dictators like Saddam Hussein, did not have to answer to their people. Those dictators totally lacked any shred of the democratic concern for human life and support of peace, a democratic concern manifest to anyone listening to today's debate. Saddam Hussein's objective is control of the oil fields which will give him the power to plunge the world into a new depression. Saddam's depression would come at a time when freedom is still a fragile phenomenon. Saddam's depression would come when democracy is being reborn in Europe, Latin America, and Asia, reborn in nations whose millions of citizens have lived their entire lives without any democratic experiences. A depression orchestrated by a successful Saddam Hussein could father many more tyrants, wars, and threats to peace and America.

Let us also not forget the most profound lesson of the 1930's—the failure of the democracies to confront Hitler and the other dictators early on—the futile effort to buy "peace in our time." Had the democracies confronted Hitler over the Rhineland, over Austria, over the Sudetenland, or over the remainder of Czechoslovakia there can be little doubt that countless millions of lives, and hundreds of thousands of American lives, would have been saved. Tragically, we know that was not to be the case.

The failure to confront Hitler was a product of twin failures—the failure of will and the failure of judgment. Hitler's ambition's were limitless because he believed that the democracies lacked the will to confront him. This belief was reinforced with every success which saw the democracies capitulate to preserve peace at a price. The failure of judgment was most apparent in Neville Chamberlain's deeply felt conviction that reasonable men could always reach agreement. Chamberlain believed he had achieved a great success at Munich. He did not realize that Hilter, like Saddam Hussein, was not a reasonable man and that Hitler's ambitions were limitless and Munich the beginning of a feeding frenzy.

Delay will just whet Hussein's appetite. Hussein, like Hitler before him, questions the will of the Western democracies. He views his willingness to sacrifice a million countrymen as a sign of strength, rather than barbarism, and our concern over life as weakness, rather than basic humanity. Passage of the Solarz resolution should open his eyes to our seriousness and provide the last best chance for a peaceful Iraqi withdrawal from Kuwait. Passage of any other resolution will merely reinforce his misperceptions and push us further down the path of war which will only become more bloody and tragic with the passage of time.

Do we confront Saddam Hussein today, or wait until he controls the oil field, Do we confront Saddam Hussein today, or wait until he has a nuclear bomb? There can be little doubt that delay means a stronger Saddam Hussein and a higher cost. The eyes of the entire world and most importantly, the eyes of Saddam Hussein are upon us today. Winston Churchill stated that Neville Chamberlain's:

> * * * All-pervading hope was to go down in history as the great peacemaker; and for this he was prepared to strive continually in the teeth of facts, and face great risks for him-

self and his country. Unhappily, he ran into tides the force of which he could not measure, and met hurricanes from which he did not flinch, but with which he could not cope.

Let us not repeat Chamberlain's delusion. Let us send a clear and unmistakable message to Saddam Hussein. You cannot win. A free and civilized world will not let you. Vote for the Solarz resolution.

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, "Send an unmistakable message to Saddam Hussein." That has been the common cry of the Members opposing the Gephardt amendment and supporting the Solarz amendment.

Sometimes I think this debate is more designed to impress Saddam Hussein than anything else, on the theory if we are unified here in this Chamber, he will blink.

☐ 1540

My colleagues, my experience from living in and working in the Middle East for a year is that as rational as it is to our mind, he will not blink. When a Middle Eastern leader of this variety is faced with what he sees as a choice between war and a humiliating backdown, he will choose war. At this late date, Saddam Hussein will not do what he should do, cave in and withdraw. He will go to war, and the Solarz amendment will bring us very close to war indeed, in my judgment, given what the President has vowed to do if he has that support.

We do not have perfect foresight and we do face uncertainty as to either of these two courses, either Solarz or Gephardt, but I think we are facing at least, count them, eight certainties or near certainties.

No. 1, if we go to war a minimum of 18,000 U.S. casualties, 3,000 dead if fighting does include a ground war, which many say we will have to and it could go far higher. One credible estimate capped it at 45,000 American casualties, and about a fifth of those would be deaths.

If we vote yes tomorrow, thousands of young Americans will spend the rest of their lives in hospital beds and wheelchairs with shattered hopes and shattered dreams. That is cost No. 1 and certainty No. 1.

Certainty No. 2, a minimum of 50,000 Iraqi deaths, probably far higher, particularly civilian deaths if we bomb Iraqi infrastructure as we say we will do if all-out war starts. Our ally in the region, Israel, will also suffer many casualties, probably huge casualties if in fact the war spreads. That is near certainty No. 2.

Near certainty No. 3, there will be tremendous divisions within the American society, turmoil and division at home. Congress might be united and many are calling for that, but the public is not united. These deep divisions will only increase as the cost of the war goes up.

Certainty No. 4, a $60 billion to $90 billion cost of the war on top of a $333 billion deficit projected next year, not counting the S&L bailout, and not counting the Social Security transfer. It will be over $400 billion. If those are counted in, it will be well over $400 billion, so we have a $60 billion to $90 billion cost on top of a $400 billion deficit. Plus, higher oil prices and higher taxes, and/or higher interest rates if we decide to borrow the money instead of raising it through taxes.

Certainty No. 5, increased commercial and economic strength of Japan and Germany as our economy takes a heavy hit while they stand aloof, even though we will be fighting for their oil. The result will be more lost American jobs and a lower standard of living in this country.

Certainty No. 6, increased animosity against America in the entire Middle East, especially if we do bomb tens of thousands of Iraqis to their deaths.

Certainty No. 7, destabilization in the region. Iran and Syria, two countries with dangerous long-term ambitions in that region, will be immeasurably strengthened by our destroying Iraq. These two radical regimes will directly benefit from that policy. The moderate Arab governments, on the other hand, countries like Egypt, Jordan, Morocco and so forth will be put under huge political pressure from street demonstrations and other demonstrations.

Certainty No. 8, we will have to occupy Iraq after the war, assuming we win it, which I believe we would, and the more devastating the war the higher the cost of occupying Iraq.

I ask my colleagues and I ask all concerned, are all of those costs, and I have only listed eight of them, are all of those costs worth the desire that many have to go to war now rather than let other pressures, sanctions and economic pressures work?

I know it is psychologically satisfying, and I know we want to finish Saddam Hussein, but are we willing to bear these kinds of monumental costs for our society and the world and the region to satisfy that desire?

A few days ago William Webster, head of the CIA, testified that the mounting shortages caused by the sanctions were likely to shut down all of Iraq's energy-related and military industry by spring or as late as by summer. There is a risk that the sanctions will not work as rapidly as we want and that is possible. But they are inflicting a terrible cost on the Iraqi society, and they are weakening Iraq's warmaking capacity in case we eventually decide we do have to go to war. So why go to war now, my friends? Why undertake the staggering cost of war unless absolutely required?

I believe that the more intelligent, rational decision is for us to apply the sanctions, ratchet them up, stay the course, follow the initial Presidential policy and initial U.N. policy and vote for the Gephardt-Hamilton amendment.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio, [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, this is a momentous and historic debate. I weigh my words not alone by how they will be viewed by my constituents today, but also by how they will be viewed by my grandchildren tomorrow.

The Congress has before it questions which will decide the course of American policy in the present crisis in the Persian Gulf. The immediate issue is the act of naked and unprovoked aggression committed by Iraq against Kuwait and the continuing brutal occupation of that country in clear violation of every standard and norm of international conduct and law. However, how the Congress treats these questions will also decisively influence the role the United States can be expected to fulfill in the future to meet threats to international peace and security that almost surely will come. The end of the cold war did not mean the end of history and the end of the cold war has surely not meant an end to the ambitions of tyrants.

I have listened intently to the debate which has taken place in this House. There is no question that oil and the strategic importance of Kuwait are both critical factors in the conflict between Iraq and Kuwait and in the concerted response of the international community to the events of August 2.

If there had been no effective international response to the invasion and annexation of Kuwait, Saddam Husseins hegemony in the region would have been guaranteed. This would have given Baghdad immediate and enormous leverage over OPEC production and pricing policy. This leverage would accrue not necessarily from further Iraqi conquests in the gulf, although they could not be ruled out, but merely from the threat such an outcome would represent to Saudi Arabia and the gulf states. The negative ramifications for the West and the global economy would be quite serious.

Yet, in the broader and more important context of international stability, the Iraqi invasion and annexation of Kuwait represents a grave threat. Iraq's regional ambitions and the character of its weapons program are well known. If the international community were to fail in opposing the wholesale erasure of a nation by a regional military power, the result, over the long-term, could well be chaos and anarchy with unpredictable consequences. If powerful states are encouraged to settle their disputes by force, peace cannot be secured.

Order, peace, and justice depend on adherence to law. This is no less true in the international arena than it is at home. For international law to have force, we must be prepared to defend it when it has been so egregiously violated. If the post-cold-war era is to hold a promise of order and peaceful change, the United States and the international community have little choice but to oppose Iraq. If we fail to reverse Iraq's aggression, when it clearly is in the strategic interest of the United States to do so, and when that aggression has done fundamental damage to accepted standards of international conduct and law, then where will we be willing to stand?

I believe that all members of this body accept this logic. The ends of American policy and the necessity to reverse Iraq's affront to human decency are not in question. We do have, however, an honest disagreement on the means which need to be employed and the extent to which the President should be given the necessary authority to deal with this crisis. That is democracy and this debate is in the best traditions of our republican form of government and the open society which we represent.

As for me, I have nothing but praise for the handling of this difficult crisis by the President. It has been measured and firm. At this critical juncture, I believe it would be most unwise for Congress to appear to restrict the President's ability to meet this challenge.

No one in this chamber wants war. The President does not want a war. Nevertheless, if the House votes out a resolution short of authorizing the President to use all necessary means to compel Iraq's withdrawal from Kuwait, in concert with our allies and in keeping with the resolutions of the United Nations Security Council, I believe it will strengthen the hand of Saddam Hussein and increase the chances of war.

Those who urge a continued reliance on sanctions alone to resolve this crisis and delay the immediacy of the military option have yet to demonstrate, to my satisfaction, that the policy will work. The Director of Central Intelligence has already indicated his view that the ability of Iraqi forces to defend Kuwait and southern Iraq is unlikely to be eroded substantially over the next 6 to 12 months even if effective sanctions can be maintained. There is little evidence to suggest that Saddam Hussein is politically threatened by the hardships imposed on Iraqi society by the current sanctions, or that he was, in any way, threatened by the hardships imposed by 8 years of war with Iran.

If history teaches one lesson it is that dictators only understand the language of force and the threat of force. Only a policy with credible diplomatic, economic, and military components, conducted in concert with the international community, can succeed. In my judgment, only the Michel-Solarz alternative can effectively maintain a credible policy against Iraq. The President must have the flexibility to deal with all contingencies. Diplomacy may yet succeed, and I sincerely hope and pray it does, but I believe it can only succeed if the President has that flexibility.

We are engaged today in a solemn debate in fulfillment of our constitutional responsibilities. The tension between any President and the Congress over the direction and conduct of foreign policy, and certainly over fundamental questions of war and peace, is as old as the Republic.

As the Constitution was being framed, the argument was over whether the country required a standing army and whether it might be a threat to democracy. The debate was resolved by giving the Congress the power to raise and maintain the military, and the power to declare war, and gave the President the responsibilities of Commander in Chief. Alexander Hamilton, in the 25th Federalist, argued in favor of these provisions noting that no nation could be put in a position where "we must receive the blow before we could even prepare to return it." He noted that even then formal declarations of war had fallen into disuse.

Much has been made of Congress' role in declaring war. On each occasion in this century when war was declared, a state of war already existed when Congress took up the essential question. The Congress in most, if not all, of the military actions in this century has acquiesced in the President's decision to wage war. Ultimately, Congress' power emanates from the power of the purse and Congress has already excluded the costs of Operation Desert Shield from budget deficit reduction targets. I raise this not to make light of our debate. Quite the contrary. Congress has already made critical decisions with regard to our policy in the Persian Gulf. Congress now has an opportunity to speak to the policy of this Nation at a critical juncture in history. Our judgment will reverberate for decades to come. We can choose a path which, in my judgment, best averts war or we can choose a path which may lead ultimately and irrevocably to conflict.

Since the first deployments of American forces to Saudi Arabia in August to assist in the defense of that nation against attack by Iraq, American forces have been in harm's way. War has been a possibility ever since the first Iraqi tank rumbled across the Kuwaiti border. This, in the end, is a question of judgment. I find myself in agreement with the Washington Post which wrote this morning that "Congress, by deciding to authorize the President to conduct war, materially improves his chances of achieving peace. It is a risk, and we would take it." I submit, Mr. Speaker, to my colleagues that it is a risk this House should take.

□ 1550

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, shortly after Saddam Hussein launched his invasion of Kuwait, I visited Turkey to discuss issues relating to trade, health, and NATO. Naturally, my conservations with governmental leaders also focused on the crisis created by Hussein's ill-conceived aggression.

Turkey borders Iraq, of course. And the Turkish Government has a very informed and realistic view of Iraq and the Hussein regime. Based on our talks, I became convinced that Hussein had no intention of stopping with Kuwait. If the United States had not responded quickly and dramatically, there is little doubt in my mind that Hussein would have continued to try to militarily expand his influence and control over the region and, in fact, over much of the world.

Fortunately, President Bush moved quickly. His containment policy was the correct policy. Few of us would disagree with that. It was certainly consistent with the Carter doctrine, which has been reaffirmed by Presidents Reagan and Bush.

Unless Hussein is evicted from Kuwait, I believe he will resume his policy of aggression. Hussein now controls 21 percent of the world's oil reserves. If he gained control over other neighboring countries, he could control up to 62 percent of the reserves. He could then control the economic lifeline of much of the world and cripple the military capability of our own country and other countries of the free world. The issue is not just oil. The issue is Hussein's potential for creating economic and military destruction throughout the world.

It is therefore imperative for the allied forces to prove that aggression in the Middle East will not be allowed to stand.

Many people in the area of Georgia that I represent believe we should give sanctions more time. If sanctions and other diplomatic pressures could eventually succeed, that is certainly the preferable course. It goes without saying that we should do everything possible to avoid war.

A few weeks ago, I was more optimistic about sanctions. Historically, economic pressures have sometimes produced positive results. Unfortunately, I am much less optimistic today. Based on what I learned from Turkish leaders and more recently from former Iraqi hostages and a number of informed sources available to Congress, I do not believe the sanctions are currently effective enough to influence Hussein. And they may never be.

Mr. Speaker, I support the Solarz-Michel resolution because it gives the President the authority to continue to a pursue a peaceful solution from a position of strength. it is not carte blanche authority to wage war. It authorizes offensive military action only if every reasonable opportunity to achieve a peaceful solution is exhausted. That is a solemn part of this Congressional mandate.

New peace initiatives are underway and we all pray they succeed. Under the Solarz-Michel resolution, giving the President our backing will help them succeed.

If the crisis drags on, however, we have to ask whether time is on Hussein's side. If Hussein's position were strengthened by a prolonged stalemate as the President thinks could happen, and this encouraged Hussein to resume his efforts to expand, the allied forces could eventually pay an even higher price in lives and resources. Failure to be forceful enough now could lead to more severe consequences later on. Under the circumstances that now exist, I do not believe Congress should deny the President the options he needs to help achieve the U.N. mandates.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, events across the globe cause us to gather here today to literally determine the course of human history. For what Congress does today serves as a message to not only Saddam Hussein, but to the world: A message that demonstrates our concern as Americans, our commitment as individuals, and our resolve as a people.

On August 2, 1990, the forces of Saddam Hussein unilaterally and without provocation invaded and plundered the sovereign nation of Kuwait. Subsequent reports have outlined in graphic detail the unspeakable horrors that have been visited upon Hussein's opposition, including the killing, rape, and torture of innocent civilians.

Outraged by this flagrant disregard of the tenets of human decency and of international law, the United Nations, at the urging of President Bush, condemned Hussein's actions and ordered that he withdraw his troops by January 15, just 5 days from now. In addition, they ordered an international force to Saudi Arabia and sanctioned the use of military might in the event that Hussein disregarded the United Nations resolution.

Mr. Speaker, the world stands in condemnation of Saddam Hussein. We are joined by the nations of the world, both East and West, rich and poor, Moslem, Jewish, and Christian, in our goal of the restoration of stability to this troubled region of the world.

President Bush deserves our gratitude for his leadership in bringing together the coalition that exists against Hussein. For 5 months, the President has established in clear and concise terms the path to peace: Hussein must withdraw completely from Kuwait. It is now up to the Congress to add our voice in support of our President and the rights of all individuals who look to us for freedom.

The actions we take today and tomorrow will demonstrate America's willingness to act against aggressors who attempt to enforce through military might what they cannot achieve through the political process.

Our actions will indicate whether we as a people have shed the myopic view that blinded our foreign policy in the 1960's and 1970's. We have it within our power today to reaffirm to the world that America and Americans will not return to the days of malaise and that we are willing to take any and all actions needed to protect our interests.

Our brief post-cold-war experience has proven that America must be vigilant in protecting its freedom, not merely by looking toward the Soviet Union, but at other threats to our security as well. The world community has spoken with one voice: Hussein must be stopped now, for to do so later would be at a tremendous cost in the lives and freedom of countless thousands of people.

Once before in our Nation's history we witnessed the actions of one man who sought to impose his will on weaker neighbors. I can recall, as a boy, when America stood idly by while first the Sudetenland and then the sovereign nations of Austria, Czechoslovakia, and Poland simply ceased to exist. We tried to deceive ourselves with the belief that by negotiating with Hitler, peace was at hand. After a World War that resulted in the death of millions of men and women both on and off the battlefield, we vowed that never again would we allow such circumstances to repeat themselves.

Today, some 50 years later, we face a new set of problems, but we may still learn from history. The time has come to fulfill the pledge our Nation made at San Francisco to preserve the world order. I urge my colleagues in the House to stand together with the President, not as Republicans or Democrats, but as Americans, in enforcing the U.N. resolution. Saddam Hussein must be stopped now, before it is too late.

Mr. Speaker, I, therefore, urge passage of the Michel-Solarz joint resolution that President Bush has endorsed.

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, let us make no mistake about what we are debating here. The President will interpret passage of the Solarz-Michel resolution as a mandate to attack. The President has told us that we must join him in his rush to war, because the United Nations has endorsed such a mandate already. We are told not to second-guess the decision of the United Nations.

But the United Nations was wrong. They should not have set a date. You can have the option of the use of force without setting such a date.

The costs in human terms of a war with Iraq are terrible to contemplate. They are so terrible, in fact, that the Pentagon has refused to make any estimate at all of the potential American casualties in such a conflict. Other experts such as Jack Anderson, citing Pentagon sources, have estimated that 30,000 Americans will be killed in the first 20 days of the war.

Disproportionate numbers of those who will be slaughtered in the desert will be African-Americans. Nearly one-third of our soldiers in Operation Desert Shield are African-Americans, many of them with families in districts like mine, the 12th Congressional District of Brooklyn. My district is the 10th poorest district in the Nation. My district has the second-largest number of African-Americans.

Young African-American men and women are three times more likely to be in the Armed Forces and involved in this impending war in the sand as young whites are. There is a reason for this. When people cannot get jobs, they find the Army and the Navy and the other military units to be an opportunity to be utilized.

There are many very bright young people who never look for jobs, but who are recruited from high school and told that "You can go to college after you go through the military and get those advantages," and there are quite a few African-Americans who are officers. Quite a number are officers who are African-American men and women who went to military academies or they used the benefits of the ROTC as the only way they could make it.

☐ 1600

For this reason, we have this disproportionate number. These are the same people who are penalized when President Bush refuses to pass a civil rights bill because it has a quota. He claims there is a quota. There is some kind of ugly reverse quota operating when one-third of the troops on the front line are poor and African-American.

Mr. Speaker, the Vietnam War Memorial is a magnificent monument because it makes war a personal matter, and I think our decisionmaking should be considered to be very personal. Never again should we erect monuments with the Tombs of Unknown Soldiers. Dead heroes should not remain unknown. One by one, we should know their names. This is what the Vietnam Memorial does. All American generals, and I think perhaps all the Congressmen, Senators, and other officials who make life and death decisions, should be required to spend some time each year reading some of the names on the Vietnam monument. It is a pity that only the dead are listed. There are many, many more who should also be there. They should also list the names of the wounded, the amputees, and those who were driven mad by the horrors of combat.

Our men and women on the front lines in Iraq also have names. They have families. They have hopes and dreams. From my district there is a high percentage on the front lines, numbers as high as any one of the 435 districts. Here are some of their names: Anna Marie Robinson, who enlisted in the Army Reserve 5 years ago because the money was needed to help pay her tuition to get a master's degree at Hunter College; Stanley Arjune; Andrew Edmondson; Anthony Griffith, the brother of Michael Griffith, who was killed when a racist mob chased him in front of a car at Howard Beach a few years ago. These are living human beings. These are living human beings I value highly. I believe I am supporting them when I vote against giving the President a mandate to attack Iraq. I am standing solidly behind those on the front lines. They are in the military now and will do their duties. African-Americans are loyal, and as patriotic as any Americans. I am voting against a mandate to go to war, a mandate to attack, because I do not want to see the bravery, the loyalty, and the dedication of these soldiers trashed. We should not be casual and nonchalant about risking human lives. Only as a very last resort, after all other means have clearly failed, should we contemplate the use of force. Every life must be given only for the highest cause, and only as a last resort. Every human being is sacred. Every life is sacred. Certainly the lives of all of our soldiers on the front line are sacred.

The time has come for every Member of Congress to think in these personal terms. We have a personal responsibility. We are decisionmakers in the most powerful country in the world. We have a personal responsibility in this particular conflict, for each death and each casualty. Each Member of Congress must vote his or her conscience. We heard that clearly. This is not a partisan issue. I wish it were. I wish the Democratic Party would take a clear stance. That is not the case. My conscience tells me that to go to war at this time would be monumentally irresponsible. To go to war is squandering human lives. My conscience tells me that if I vote for all of this unnecessary killing, this mass murder, I become an accessory to murder.

I vote yes for the continuation of sanctions. I vote yes on reaffirming the fact that only Congress has the right to declare war. I vote no on going to the President with a mandate to attack.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the vice chairman of the Committee on Armed Services, the gentleman from Alabama [Mr. DICKINSON].

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support House Joint Resolution 62.

Mr. Speaker, I support bipartisan joint resolution House Joint Resolution 62. This will be the most significant vote I will have cast during my 24-year tenure in the Congress. It explicitly authorizes use of force by the United States to implement U.N. Security Council resolutions concerning Iraq's invasion of Kuwait.

The President is carrying as heavy a burden as has any modern Commander in Chief. It is time for the Congress to play its role in going on record sending the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. It's late in the day but there may still be time to back up the U.N. Secretary General Javier Perez de Cuellar's effort to communicate our position to Saddam Hussein.

Such a message from the Congress would help dispel any belief that may exist in the minds of Iraq's leader that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression.

It is now clear that sanctions will not achieve the withdrawal of Iraq from the occupied nation of Kuwait.

The joint resolution I support and have cosponsored:

Requires the President to make determination, prior to committing U.S. forces to battle, that the United States has used all appropriate diplomatic and other peaceful means to obtain Iraq's compliance with U.N. Security Council resolutions, and to report to Congress the basis for that determination;

Places no limitation on deployment of U.S. forces or the use of force; supersedes 60-day clock provisions of the war powers resolution (section 5(B)) by constituting express congressional authorization for use of force; and

Requires the President to continue to report to the Congress at least once every 60 days on the administration's efforts to obtain Iraq's compliance with the U.N. Security Council resolutions.

This joint resolution is bipartisan, having many Republican and Democrat sponsors.

Mr. Speaker, everyone in this House knows that the Constitution states both that "Congress shall have the power to declare war" and that "the President shall be Commander in Chief of the Army and Navy." Exactly who has the authority to order U.S. troops into battle and under what condition remains one of the most hotly contested questions of constitutional law. Congress in the past and also today consistently maintains that we alone retain the power to declare war. I would note that the Congress has only declared war five times in contrast to the hundreds of times the President has ordered military action.

Mr. Speaker, I submit that if the President had not immediately reacted to Saddam Hussein's barbaric invasion of Kuwait, then Iraqi forces would have moved on into Saudi Arabia. Seventy percent of the world's oil reserves underlie Iraq, Kuwait, and Saudi Arabia. Iraq has only 10 percent. If President Bush had not moved immediately both militarily and diplomatically, then Hussein could have been allowed to control those reserves. He could have fixed world oil prices, which likely would have soared to a doubling of even today's price, causing economic chaos and probably depression worldwide. The huge infusion of cash generated by such a monopoly would have allowed Hussein to further expand his military arsenal including his development of nuclear warheads and his delivery capability of those as well as chemical weapons.

If Hussein had grabbed Saudi Arabia, that would have been only the beginning of his territorial ambition. The further instability of the Middle East region affects the stability of Europe and in fact the entire world.

President Bush has moved with skill and promptness in coordinating and leading supporting actions from other nations of the world through the legal auspices of the United Nations. They were almost unanimous in their endorsement of removing Iraq from the invaded member of the United Nations, Kuwait, by whatever force is necessary. House Joint Resolution 62 says that Congress joins them and supports our country's endorsement of the U.N. Security Council Resolution 678.

There are now forces in the Persian Gulf from 27 other countries. Some are admittedly only token in size, but represent a major commitment from some of the smaller countries. But the Saudis, the Egyptians, the British, the French, and Syria are there with substantial forces.

In fiscal year 1990 75 percent of the incremental costs of the military action in the gulf have been covered by countries other than the United States. As to forces, the United States and allies as of today have around 600,000 men and women in the region—350,000 U.S. and 250,000 allied.

Mr. Speaker, it is time for us in this Congress to send a signal to Hussein that the legislative branch of our democracy can act forcefully and resolutely join the rest of the world in a solid commitment that would ensure that capture and rape of a free sovereign nation will not be tolerated.

Mr. Speaker, the passage of House Joint Resolution 62 moves in the right direction to assure our children and theirs that they will inherit a better and more peaceful world.

Mr. STUMP. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Speaker, I rise in strong support of House Joint Resolution 62.

Mr. Speaker, the Congress of the United States should take advantage of this historic opportunity to show its strong support for President Bush's efforts to reverse the brutal invasion of Kuwait. The President has demonstrated extraordinary skill in gathering an unprecedented international coalition condemning Iraq, instituting economic sanctions, and assembling a multinational military force to take action if necessary to implement U.N. Resolution 678.

Diplomatic efforts to persuade Iraq to withdraw began immediately after the invasion, but Saddam Hussein has repeatedly refused every diplomatic initiative. Economic sanctions given time, will hurt the women, children, and elderly of Iraq, but will not force Hussein to withdraw from Kuwait. Further delay will only allow Hussein time to conserve his military resources, fortify his position in Kuwait, and make it much harder to force him out sometime down the road.

It is clearly in the interest of the nations of the world to force Iraq to leave Kuwait. In today's world, civilized countries cannot allow a ruthless terrorist to dismantle a sovereign nation to capture the latter's resources, and threaten other countries in the region. The threat of massive destruction or terrorist attack through Hussein's manufacture and use of chemical weapons, long-range missiles, and the potential development of nuclear weapons should not be tolerated by the nations of the world.

This conflict is not between Iraq and the United States. It is between Iraq and the world. There could be no clearer demonstration of the strong international political front opposing Hussein than the U.N. resolution, calling for the use of all necessary means to force Iraq out of Kuwait. Over 20 nations have sent troops to the Persian Gulf, amounting to nearly one-half the total multinational force opposing Iraq.

Mr. Speaker, I fervently hope and pray that President Bush's extensive diplomatic efforts will lead to Hussein's immediate peaceful withdrawal from Kuwait. However, I also believe that Congress should confirm the President's prerogative to authorize military action to force compliance with U.N. Resolution 678, and restore Kuwait as a sovereign nation.

Mr. DICKINSON. Mr. Speaker, I approach the well today with a feeling of irony. This is one of the most important occasions that I have ever risen to speak, and here I am suffering through a bout of laryngitis.

It is also ironic that the United States managed to prevail upon its friends and allies in the Security Council of the United Nations to support a series of resolutions over which the U.S. Congress is now so divided.

Congress is actually debating whether it should support a series of resolutions that it forged, with a lot of effort, in the U.N. Security Council. What an irony.

Mr. Speaker, I wonder what our allies around the world would think; I wonder what our credibility would be? I wonder what we could expect from our allies in the future if after the United States implores them, to go on record in support of a particular position the Congress turns its back and votes to the contrary. Where would our leadership be? Where would our credibility be? The possibilities boggle the mind.

Mr. Speaker, there has been a lot said about sanctions. We are told that sanctions will work, just hold on. I wonder if any Member remembers Rhodesia, a country which had sanctions imposed on it and whose government stayed in power for years. Mr. Speaker, the sanctions will not work. Rhetoric will not work. What we need is an affirmative vote on the bipartisan Michel-Solarz resolution.

Mr. Speaker, contrary to much of the rhetoric we've been hearing during this debate, this is really not a decision about war. What we are debating, and what we will be voting on tomorrow, is whether or not this House is going to allow President Bush and the international coalition he has lined up against Iraq, to credibly threaten the use of military force if necessary. The President and our allies may never exercise the military option—everyone in this Chamber hopes this is the case. However, if we have any hope for a diplomatic settlement in the days and week ahead, Congress has no choice but to support the President and authorize him to use force, pursuant to U.N. Resolution 678. Neither diplomacy nor sanctions will coerce Hussein to leave Kuwait if Congress equivocates on the military option. The Hamilton resolution equivocates, the Solarz-Michel resolution does not.

We all want the use of military force to be a last resort, the President as much as any of us I imagine. I believe, however, that we are fast approaching last resort time in this crisis. After months of discussion, trips to the Persian Gulf, and an intensive series of hearings in the Armed Services Committee last month, I am convinced that sanctions will not compel Hussein to withdraw from Kuwait. I agree with Chairman ASPIN's assessment that diplomacy, not sanctions, provide the best chance of securing a peaceful solution to this crisis. President Bush, the United Nations, the European Community, the Arab world have relentlessly pursued diplomacy for months, only to be rejected by Saddam Hussein. If the outcome of this week's Baker-Aziz meeting is any indication, Hussein has not been convinced, through diplomacy, to retreat from Kuwait.

I, along with President Bush, still believe that there is hope for a diplomatic solution. This is true, however, only if the threat of military force is real. The only way that the House can help to assure that the threat of military force remains credible is to adopt the bipartisan Solarz-Michel resolution. Nothing less will do.

It will be a sad day for this institution if it cannot muster the courage to support President Bush and the United Nations. More importantly, not supporting the President at this critical juncture will undermine the very thing we all want—a peaceful solution.

The Solarz-Michel resolution is, indeed, the last, best hope we have for peace.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. DELLUMS. Mr. Speaker, in the spirit of comity, this gentleman is happy to yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, the greatest and saddest irony of this war, should it occur, is that it never have been fought. Had a vigilant world leadership, had a sensible American policy taken note of the obvious—that a dangerous dictator, a bloodthirsty tyrant, ruling Iraq by police state methods was pursuing a policy of aggression and domination—American lives would not now be at risk. We would not be undertaking this momentous debate.

After 6 hours of discussion with Iraqi Foreign Minister Tariq Aziz, Secretary Baker went to great lengths to point out that Saddam Hussein miscalculated every step of the way in judging the American and world response. Yes, Mr. Secretary, he did miscalculate, and how understandable that miscalculation was.

Let us look at the history: When Abu Nidal was masterminding terrorist bombings and assassination attempts in Europe and throughout the Middle East, and Abu Ibrahim was planting suitcase bombs while headquartered in Baghdad, both using Iraqi passports and Iraqi diplomatic pouches, the Reagan administration removed Iraq from the list of countries supporting terrorism, and vigorously opposed my efforts and other efforts to restore them to that list. When Abul Abbas, the organizer of the *Achille Lauro* hijacking was given sanctuary in Baghdad, we still could not convince the administration to reverse course.

The Reagan-Bush administration encouraged the French to supply arms to the Iraqis during the Iraq-Iran War, even as we claimed to adhere to our own arms embargo during that war. The Reagan-Bush administration, pursuing policies continued by President Bush, licensed computers, helicopters, other sophisticated technology and equipment with a clear military capability, all the time successfully resisting congressional efforts to ban the sale of dual-use equipment to Iraq. When Iraq initiated the use of chemical weapons in its war with Iran, our protests were perfunctory and pro forma.

After the cease-fire, Saddam ordered chemical weapons attacks on Kurdish cities, killing at least 5,000 Iraqi citizens. Once again, the Reagan administration issued a rebuke and spent the rest of its time fighting congressional efforts to sanction Iraq for that barbarous conduct. To Congress' shame, the 100th Congress adjourned without acting. The Bush administration continued its opposition to Iraq-specific sanctions.

□ 1610

Less than a year ago, in the face of abundant evidence of illegal Iraqi smuggling of nuclear technology, heightened concern about Iraq's ballistic missile program, the return of terrorist operations to Baghdad, threats to destroy half of Israel, threats against Israel, the Bush administration fought relentlessly against efforts to deny Iraq dual-use equipment, export-import banks subsidies, agricultural commodity credits, and IMF loans.

Our shameful pre-August 2 policy culminated in our Ambassador's disgraceful meeting with Saddam several days before the Iraqi invasion, the sum and substance of which, consistent with previous administration policy, was to signal our acquiescence in Iraq's invasion of Kuwait.

But we cannot turn the clock back. We cannot start again. We cannot base our vote on this issue on recriminations, on anger over these half-baked, ill-founded policies. Policy must proceed from its past mistakes. We cannot make this judgment on the fact that the American people in the last three Presidental elections have elected administrations that have had no interest in aggressively pursuing alternative energy sources and creating an energy-independent America. We cannot vote on the basis of our anger at those failures.

Policy must proceed from its past mistakes, though from time to time it would be well to learn from them.

We do not authorize this war in the abstract. We do so only in reference to our assessment of war's ultimate aims and the strategy undertaken to achieve these aims.

It is characteristic of real life that we cannot always select from which options we may choose in these important matters.

The President and his administration have issued war aims like so much buckshot. Is it our purpose to defeat aggressors wherever and whenever they appear, to restore monarchies, to control oil prices, to contain proliferation, to protect jobs? I reject some of these aims.

Yet I support authorization of offensive action against Iraq and I do so for two pre-eminent reasons. First, I think if we do not now confront Saddam Hussein, he will govern the Middle East region in a way that requires us to confront him later as a nuclear power at a much greater human cost.

I do not think it is necessary to exaggerate the imminence of Saddam Hussein's nuclear capability, as some have done. It will not materialize in one year, but we must assume its existence in 5 years or 10 years.

He has five ballistic missile programs, missiles that can hit Europe. He is working on missiles that can cross oceans. His growing chemical weapons' capability is known to all now; he has an active biological weapons program—these are fierce enough threats to warrant our immediate concern.

There is a second reason. This resolution, the Solarz-Michel resolution, authorizing the President to go to war with Iraq, offers the greatest proof to Saddam Hussein that his only rational option is to do what is necessary to reach accommodation with the rest of the world.

I cannot define by my vote what choice will be made as to which war aims to pursue. For me, Kuwait is not the main issue. Vital American interests are not at stake there to the point I would risk American lives. Yet because I believe the elimination of the worst of Iraq's offensive capabilities will be among those aims the Bush administration will pursue, I think offensive action is justified by reference only to this American interest.

While I cannot myself constrain the real consequence of this authorization, I do wish to convey to this administration one thing for which I do not think it is worth the spilling of American blood, and that is the immediate liberation of Kuwait. That is an end to be desired, but one which must be weighed carefully against its cost. This is not due principally to the nature of that regime. Aggression and invasion are wrong.

The SPEAKER pro tempore (Mr. OBEY). The time of the gentleman from California has expired.

Mr. TORRICELLI. Mr. Speaker, I yield 20 additional seconds to the gentleman.

Mr. BERMAN. Just to close, Mr. Speaker, I do want to leave with the point that notwithstanding the situation in Kuwait, the problem of Saddam's intentions remain. Its brutality, its belligerence, its misjudgment warrant the immediate attention of the world. It has the seventh largest army in the world and it is on the move. It is in our interests and it is our responsibility to confront the aggression of Saddam Hussein.

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to my colleague, the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue.

Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution and in opposition to the Solarz-Michel declaration of war.

Before making a decision of such import, a decision on which hang the lives of thousands of Americans, we have the responsibility to ask, why should they die? What are the broader objectives of this decision?

In the course of this debate today, and in fact up until the last speaker, we have heard a variety of objectives. The previous speaker, the gentleman from California, said Kuwait was not enough reason to go in, but taking out the potential nuclear capability of Hussein was, and earlier this morning we heard those proponents of the declaration of war saying we definitely were not going into Iraq.

Have we thought this through? Should we rush into a major war with such a scandalous and astounding lack of goals and direction?

This Nation should never wage war over an illusory policy. Rather, if war is to be our decision, its objectives must be clear, consistent, and widely supportable. They are not.

How did we get to this point? How did we get to the threshold of war?

Others have referred to Secretary Baker's remarks. He said that Hussein made several miscalculations. One was that Hussein miscalculated the reaction of the world community. Perhaps Hussein was led to that false impression by the statement of the U.S. Ambassador to Iraq when, days before the invasion, she said to Hussein, "America has no defense treaty with Kuwait." Maybe Hussein got that false impression when the administration fought against sanctions against Iraq days before the invasion.

It is encouraging now today to hear our colleagues referring to Hussein's human rights violations in Kuwait; but we were all aware of Hussein's human rights violations in Iraq where, among other atrocities, he used poison gas against the Kurds in his own country long before the invasion of Kuwait.

This point was stated so eloquently by the gentleman from Illinois [Mr. RUSSO] earlier. Mr. RUSSO has been a champion of human rights throughout the world.

Through his behavior in Kuwait, Hussein has place himself outside the circle of civilized human behavior, and he must be stopped; but he should have been condemned long ago and perhaps then he might not have miscalculated in the way Secretary Baker suggested.

And so because of the failure of our foreign policy vis-a-vis Iraq and because of the failure of diplomacy of which our country shares some blame, we are now faced with the ultimate failure, war and its deadly consequences.

Make no mistake, this is no police action. This is total war at its most devastating, made ever more horrible because it would become a holy war, a Jihad.

And if we win, what will we have won? The further destabilization of the Middle East? The destruction of our fragile national economy? Another generation of debilitating debt?

Secretary Baker has called this a defining moment in history. It is a defining moment, and I hope we define the future as one with peace based on détente, rather than peace based on mobilization and the use of force.

We heard this morning in some of the debate that we have to go to war now because we are there. If we had not gone there, we might not have to go to war, but we must because we are there.

For those who do not have the patience for peaceful resolution of conflict, I again ask, what if we win?

We were told that we must go to war to insure the stability of the region. Can anyone who supports Solarz-Michel guarantee that war will insure stability, or will it lead to further chaos in that region?

To those who wish to declare war, I ask, is it a good idea for us to go further in debt to our economy competitors in order to protect the oil they use?

I believe that our great country is strong enough to be patient, strong enough to seek other paths than this dark, dark passage that now lies so ominously ahead for our country and for the world.

□ 1620

As we seek to find a better solution to these problems, I urge my colleagues to support the Hamilton-Gephardt resolution.

Mr. Speaker, the poet Shelley once wrote that, "The greatest force for moral good is imagination." This is especially true when it comes to the moral good of avoiding war.

We must draw upon our intellect and our moral strength to find a way to maintain peace without the use of force.

This last Sunday night in San Francisco over 6,000 people jammed and overflowed the Roman Catholic Cathedral of Mary Our Queen to pray for peace, to pray for the President, to pray for the Congress, to pray for each and every one of us that we may find a peaceful settlement to this situation.

It was a beautiful sight. I bring before the Congress thousands of resolutions from those people for a peaceful solution, a settlement based on imagination, intellect, and strength.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The Chair would point out to our guests in the gallery that it is specifically against the rules of the House for anyone to manifest support or opposition to any action taken by the House.

The rules will be enforced, and persons who do not choose to follow the rules will be removed.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, we have been debating for many hours now and I believe all the arguments whether or not we should support the President in using all necessary means to drive Iraq out of Kuwait have been heard. I'm sure we could go on for days or even weeks debating, because this is not an issue to be taken lightly. It is, in fact, probably the most important vote most of us will make while we are in Congress. But, the talking must stop and the decisions must be made because we have a deadline of January 15.

Now some say, "Why hurry? The deadline isn't important." However, I think there are good reasons to hurry.

The longer we wait, the longer our young men and women will have to sit in the desert knowing Iraqi forces are digging in deeper, amassing their forces and becoming more prepared to put at jeopardy the lives of our people in the region. We can't allow this to happen. In addition if we hesitate too long there may be no Kuwait to liberate.

Oh, how I wish I could believe that more diplomacy or sanctions would work. We have done everything possible diplomatically, and have made no progress. Most agree that sanctions will not achieve the goal of making Hussein go home and leave his neighbor alone. We have all seen the letter from William Webster which states economic sanctions won't stop Suddam Hussein even if they are in effect for a year or more. The truth of the matter is, sanctions will hurt the innocent citizens of Iraq and the Iraq economy, but will not do the job.

We have also seen the report by the most respected human rights organization in the world, Amnesty International. The report has incident after incident of brutal inhumane torture and the systematic killings of hundreds perhaps thousands of Kuwaiti citizens, including women and children. Some of the vicious torture methods used include pulling out finger and toenails, cutting off the tongue and ears, hammering nails into hands and beating the soles of the feet until they split open and swell. Most are too gruesome to mention, and the atrocities go on and on.

Just yesterday I visited with an American who was in Kuwait at the time of the attack and has been hiding out in Kuwait City for 6 months. He told of what a horrifying experience the Iraqi invasion was. He returned to the United States just several weeks ago, and related the account of his witnessing an entire Kuwaiti family who lived next door to him being executed in the frontyard of their home for hiding a westerner. He then collected the bodies and helped to wash, dress, and prepare them for burial. This is just one eye witness example of the systematic pillaging and terror going on in Kuwait. He also said the sanctions aren't working, smuggling is rampant, the blockade is leaking like a sieve and that the only way to get Iraq out is to use force.

I wish that sanctions would work or that we could come to a peaceful diplomatic solution, but a deadline was set by the United Nations and unless there is a last minute change on Hussein's part, then we must act with our allies and the coalition countries. The longer we sit the less prepared and ready our troops become and greater losses could be inflicted. We can't give Saddam Hussein a signal of divisiveness by Congress. We must unite behind the President. I strongly urge my colleagues to support the Solarz-Michel resolution and support our troops in the gulf and stop this madman now.

To do less is to dishonor our country and the cause of freedom in the Middle East and around the world.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I take this time so that I may insert in the RECORD a letter which has been referred to me from Judge Webster, head of the Central Intelligence Agency.

Mr. Speaker, since the brutual invasion of Kuwait by Iraq in August, the world has watched and waited and acted, hoping against hope, that further war in the area and attendant bloodshed, could be avoided.

The United Nations Security Council has passed 12 resolutions condemning Saddam Hussein's grisly activities and calling for him to remove himself and his troops from Kuwait. As a matter of fact, the United Nations has sanctioned the use of all necessary force if he does not quit Kuwait by the 15th of this month.

We in Congress, at this point, are being called upon to deal with a number of resolutions concerning the situation to include authorizing the use of force on our part in support of the U.N. resolutions if, in fact, Saddam Hussein does not quit Kuwait by January 15. For my own part, I wish the Congress would have been called upon earlier to speak, rather than now, because an overwhelming endorsement of U.S. resolutions weeks ago might well have brought more pressure on Suddam Hussein to understand that America and her allies do have the resolve to evict him from Kuwait by force, if necessary.

I have heard many of my colleagues on the radio, seen them on television and read their comments in the various papers professing their total opposition to war. I suppose that is most commendable. I would hasten to add, however, that I know of no one serving in Congress who is actually in favor of war, and there are very few in this country who would favor war. Frankly, anyone who would find war anything other than the last alternative, in my opinion, requires psychiatric help.

I have heard many of my colleagues and others search for plausible alternatives to giving President Bush the authority to use force, if necessary, in removing Hussein and his marauding troops from Kuwait. As a matter of fact, there is a good percentage of the American public who feel that somehow, if we wait a little longer, the sanctions, in and of themselves, will do the trick. I would also observe that such an argument is also politically the line of least resistance for the present, but, in my opinion, that reasoning is little more than wishful thinking. My opinion from the outset in this situation has been that no way will sanctions, in and of themselves, begin to cause Saddam Hussein to pull out of Kuwait much less pay reparations, or return the legitimate government to power or, as a few have even suggested, cause Suddam Hussein to see the error of his ways and terminate further development of chemical and biological weapons and the means of delivery or to cease his headlong efforts to produce nuclear weapons. As we debate here, not as a matter of rumor or guess, but as a matter of fact, he continues to produce more chemical weapons and the ability to deliver those weapons of mass destruction.

The sanctions and the embargo have been in place for five months now, and to my way of thinking, it has been more successful than I would have guessed. There are indications, however, that the embargo is starting to leak, and I would think it would leak further. Even if it were air tight, my friends, it is not going to cause Hussein to change.

To suggest that the United States and our allies should sit tight is to give Saddam Hussein just what he wants; time to consolidate and to chip away at the resolve of the United States and her allies, which is, as I said back in September, a big question in Saddam Hussein's mind. And rightfully so, as allied resolve and, in particular, American resolve, is not given much weight in that area of the world, or other areas of the world for that matter.

I have felt, and perhaps others have felt, that the best possibility for a peaceful resolution and rollback of this horrendous and internationally condemned plunder of Kuwait would be not only the use of sanctions, but the political alignment of the civilized world to exert political pressure on Suddam Hussein. That political alignment, incidentally, has been successful beyond any expectations. But that must be combined with a completely credible military force of such magnitude that Suddam Hussein would know, that if unleashed, could force him out of Kuwait and, in fact, destroy his considerable military might. Such a force has been assembled, but the question in Hussein's mind, and a legitimate question, given the debate, is whether we have the resolve to use that force with international approval to remove him from Kuwait. I agree with my colleagues. No one wants war and, in particular, those who have experienced its horrors. But, in my opinion, the surest way to ensure such a war, and perhaps down the line, against more sophisticated weapons of mass destruction, including nuclear capability, is to send mixed signals around the world from Washington, DC and to deny the President the option of force as he walks mile after mile down the road seeking a peaceful and diplomatic solution which must absolutely require Suddam Hussein's removal from Kuwait.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.

Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 months; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to twelve months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to tweleve months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I realize a freshman Member of Congress normally is seen and not heard.

But there will probably be no issue more important in this entire Congress than the one we debate today, and I feel compelled to say just a few words about our responsibilities.

Last week, 55 people from Kansas came to the swearing-in ceremonies and we did some sightseeing together around town.

Among the most heartrending stops was the Vietnam Memorial.

Once again, we saw the haunting looks of those three GI's cast in bronze looking across at that black marble wall.

Those three infantrymen are looking at the names of their fallen comrades who gave their lives in the service of this Nation.

I looked at those names: Loyd S. Rainey, William R. Finn, Sharon Anne Lane, Terry Lee Brown, and on and on they go.

Those sound like the boys and girls who grew up next door or down the block or in the next section, don't they?

Today we are engaged in a great debate. Whether or not to back the President and the international community in authorizing the use of our Armed Forces to restore international peace and security in the Persian Gulf.

We know perhaps too much about Saddam Hussein. How he was a contract murderer by the age of 14—how his trademark was shooting them in the back—how he used poison gas against his own people.

How he is assembling chemical, biological, nuclear, and conventional weapons that can only make decent people everywhere cringe.

The difference between this and other wars is that we have a chance to step in now, with far less cost in lives, to halt the ruthless path of this man. I firmly believe those people listed on that black marble memorial would understand our decision.

Delay can result in an increasing loss of life, not a prevention of any loss.

I am a veteran, a member of the Veterans Affairs Committee, a father, and a grandfather; and I am deeply and personally involved in this decision.

Don't the great endeavors and struggles of mankind always have those who are not quite ready?

Let us postpone, wait, delay; perhaps later, they say.

The time for firmness of purpose is now. The choice of war or no war is up to Saddam Hussein.

Let's stand up with the people and nations around the world who condemn this ruthless aggression.

I urge my colleagues to support the President and the United Nations.

Mr. TORRICELLI. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, like many of you I too am a child of the cold war. The principal events of all of my life have been punctuated by crises.

Born during Korea, remembering first the horrors of the Cuban missile crisis, educated during Vietnam. Indeed, 200 different wars in the span of only 39 years of my life.

During all that time, my most fervent hope, my one single ambition for my life has been to see the world change, to see a time of peace for my children, which has escaped my own life.

Mr. Speaker, I never believed that perhaps I would live to see the time but that time has come; in a very fundamental way, the future can be different than the past.

The future can indeed be different than the past. The end of the cold war allows the nations of the world to work together, to give the concept of international law meaning, to provide sanctions for violators, security to the weak and order among the strong.

These, my colleagues, are not new ambitions, these are the things for which Wilson gave his life in fighting for the League of Nations. They were the most fervent hope of Franklin Delano Roosevelt.

Collective security, international order, they indeed are the concepts upon which the Democratic Party of two generations was built.

And now, in our time, though tragically not in theirs, there is a chance.

Arguably, my friends, George Bush has assembled the most impressive international coalition in history, united not for the concept of anyone but for the justice, and not only that coalition but indeed the concept of international coalition is being tested.

It is a defining moment in the post-cold-war period, as important for our future as the Berlin crisis or Korea were for the cold war of another time.

This result has implications not simply for the Persian Gulf or Saddam Hussein but for every despot and dictator in every corner of the world who would change international order, for all the remainder of our lives.

This is the issue: Will the future be different, or, in the lives of our children and their children, will their lives be punctuated by war and conquest? Will another 200 border fights and wars follow the 200 of our lives?

I know your frustrations. America justifiably is tired. We have handled the burden of international peace and the defense of freedom for so long. Indeed, history is not fair. We are so few, but our burdens so many and for so long.

But as has been said so many times, so much has been given to America. We have lived as a free people longer than any nation in history. We have prospered, we have known more security than any people at any time.

And as much as has been given, much is expected. This is not to suggest that others cannot do more. They must, and they must learn, for this is not the last crisis of the postwar period, it is the first. Today, as Germany is handling the principal burden with the economic revival of the Soviet Union, as Japan has become the principal provider of foreign assistance to the world, now they must learn to bear these burdens too, lest America not have to do so alone any longer.

Mr. Speaker, last year another superpower was tested. Its ideology, its basic character failed.

Now America is tested. The world will discover whether or not there shall be one superpower in the future or none.

A world without American leadership, a world without the same America that defeated fascism and protected the freedom of the world against communism will see a very different future.

Mr. Speaker, we are no less than those who came before, we are no less than the generation before us that rose from a Depression to fight a previous world war. Our character is not less, and we can rise to this occasion.

□ 1630

We are told, if I remember, by the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Missouri [Mr. GEPHARDT] that sanctions will be sufficient, that 160 members of the United Nations are wrong, the Security Council has erred, the President's judgment is wrong, the sanctions will bring peace and justice. How I wish they were right.

But I know something of Iraq, as each of these nations and our President knows. Saddam Hussein sent 1 million men of his own nation to death or injury, and he never compromised with Iran. He saw Baghdad hit by missile after missile, bomb after bomb, and he never sacrificed or compromised with Iran. He saw his people live in utter desperation from the sanctions, from the blockade of Iran, long lines for basic foodstuffs, and he never compromised with Iran.

Mr. Speaker, Iraq is among the most fertile nations in the world. It was once the cradle of civilization. I wish I, too, like the gentleman from Indiana [Mr. HAMILTON] and the gentleman from Missouri [Mr. GEPHARDT], could believe that Saddam Hussein will abandon his ambition because of sanctions, however I say to my colleague, "You know better. The nations of the world know better."

This Congress has justifiably exercised its prerogatives under the Constitution to decide between war and peace. With it comes a great responsibility. Mr. Speaker, exercise that constitutional responsibility wisely. There is still hope for peace, but only in national solidarity. Stand with the President, stand together. The one hope to save lives is for Saddam Hussein to understand our collective strength. There is our victory.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, we all seek peace, but we differ on how to achieve it. I just have trouble understanding why we are engaging in divisive debate a few days before a critical life and death deadline. I ask, "Couldn't we have done this a little earlier?"

Mr. Speaker, Saddam Hussein is watching us on television. He is gauging our resolve.

Let me share with my colleagues some of the things we learned during our congressional delegation this week to the Persian Gulf. First, be assured our men and women in the gulf are superbly prepared. They have had an unprecedented buildup there, and they are insured of full equipment, and the morale is high. We had the opportunity to speak with many of our soldiers.

Let me tell my colleagues this. We heard from the U.S. service men and women and the officials we spoke to about what might happen if we simply sit around and wait. Yes, our men and women would like to get the job done quickly, if at all possible, and come home as soon as possible. But they also know that further delay will strengthen Saddam Hussein and further endanger themselves.

Mr. Speaker, that is what they believe in, and I believe we should listen to then because they are the ones who are most at risk.

My colleagues, the basic message we brought back from the gulf was that time is not on our side, nor all the intelligence that we heard in our talks with officials attesting to the weakness of sanctions alone. We now understand that sanctions would probably take 2 to 3 years to force an Iraqi withdrawal from Kuwait. Many experts believe that sanctions would never force Saddam Hussein to withdraw and that sanctions are effective only when the real possibility exists that force can be used at any time, and that is the United Nations, Bush-Solarz-Michel position. Why? Because the real effectiveness of sanctions occurs only when Saddam's military is engaged and the stocks of spare parts are drawn down quickly, or at least the threats exist that his military would have to be engaged. Otherwise, without that threat or that engagement, the stockpiles can be built up over the years. They can be cannibalized. The training missions and deployment can be relaxed in a climate of sanctions alone, and, when that is added to this Saddam call for a linked solution to the Palestinian problem, one begins to see how the attractiveness of Saddam's position is enhanced day by day with the Arab masses.

That is what we have learned from our discussions with leaders across the Middle East and the Persian Gulf. That is what happens when this thing drags on.

Perhaps the most important thing here is the human element. Saddam, we were told many times in our travels, considers himself a modern Saladin. My colleagues will recall Saladin is the one who defeated the Crusaders. Every day he holds out, this self-styled Saladin wins new respect from the Islamic masses. He holds out against the superpower alliance, the great satans from the West. His reputation grows as a hero of the masses. Political instability looms throughout this region, and with continued standoff, mass demonstrations and the fury of subversion, it endangers our position and the position of our men and women in the gulf. That is what we have learned.

The more it drags on, the more we will be described by our adversaries as an occupying force, not a liberating force.

And what about the Soviet participation in the coalition? We have seen the reversals in recent weeks. Can it be said that 6 months or a year from now the Soviets are still going to be in this coalition as firm allies? We do not know. It is uncertain.

We all want peace. The best possibility for peace is solidarity with the President, with the United Nations. That is what Bush-Michel-Solarz, the U.N. resolution, does.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR] for the purpose of engaging the gentleman from Pennsylvania [Mr. RITTER] in debate.

Ms. OAKAR. Mr. Speaker, I thank the gentleman from California [Mr. DELLUMS] for yielding this time to me.

Mr. Speaker, the gentleman from Pennsylvania [Mr. RITTER] just mentioned the Soviet Union.

What happens if we lose the Soviet Union? Is the gentleman concerned about what the Soviet Union is doing as we speak to the Baltic nations, to Lithuania?

Mr. RITTER. Absolutely.

Ms. OAKAR. You are?

Mr. RITTER. Absolutely.

Ms. OAKAR. Does the gentleman from Pennsylvania [Mr. RITTER] condone that?

Mr. RITTER. Mr. Speaker, as the chairman of the Ad Hoc Committee on the Baltic States and the Ukraine, I am very concerned.

Ms. OAKAR. The gentleman from Pennslyvania shares that concern.

Why are we not speaking out on that issue? Why do we wish to maintain this delicate hold on the Soviet Union who, in fact, is regressing into their past human rights violations?

Mr. RITTER. Mr. Speaker, if the gentlewoman will continue to yield——

Ms. OAKAR. I mean what is the point of holding on to this very great coalition with the Soviet Union who, as we speak, are violating human rights of people in their own entity?

Mr. RITTER. Mr. Speaker, I agree with the gentlewoman from Ohio [Ms. OAKAR] completely.

Ms. OAKAR. I believe those countries are separate countries.

Mr. RITTER. Mr. Speaker, if the gentlewoman would continue to yield, were we to be in a position of solidarity with our President at this time, were we America speaking with one voice, we would not be here 3 days before a deadline of life and death. What are we doing here after all?

Ms. OAKAR. Mr. Speaker, reclaiming my time, I say I am not in solidarity with the Soviet Union today. I am not in solidarity with them today.

Mr. DELLUMS. Mr. Speaker, I would like to know how much of the 2 minutes are remaining.

The SPEAKER pro tempore (Mr. OBEY). Fifteen seconds.

Mr. DELLUMS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me respond to my colleague because frankly I am a little tired as well of the parade of speeches. We are not engaging each other. I would like to engage my distinguished colleague.

Mr. RITTER. Yes?

Mr. DELLUMS. Mr. Speaker, the gentleman from Pennsylvania [Mr. RITTER] on several occasions in the last couple of moments raised the question: Why are we here debating 3 days before January 15? My response is because we are a democracy. We are a constitutional form of government.

Mr. RITTER. Mr. Speaker, will the gentleman yield? Why were we not here 2 months before?

Mr. DELLUMS. Mr. Speaker, in a moment I will yield.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] has the time.

Mr. DELLUMS. Mr. Speaker, I will yield at the appropriate moment. The gentleman from Pennsylvania does not have to harass me. I will debate him.

Mr. RITTER. The gentleman from California [Mr. DELLUMS] is very good at that.

Mr. DELLUMS. I appreciate that.

Mr. Speaker, we are here because we are a constitutional form of government. Article I, section 8, paragraph 11 of the Constitution vests all power to make war in the Congress of the United States.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. Mr. Speaker, I will yield in a moment, and I have said that.

Mr. RITTER. I thank the gentleman from California.

☐ 1640

Mr. DELLUMS. We are here because we are exercising our responsibility to make a judgment, and we have that right. That is what this is all about, the right of the people to make those decisions.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. When I finish.

Mr. RITTER. I have no problem with what the gentleman is saying. I only have a problem with the timing.

The SPEAKER pro tempore (Mr. OBEY). The gentleman from California [Mr. DELLUMS] has the time, and he controls the time until he yields to the gentleman from Pennsylvania. The gentleman from California may continue.

Mr. DELLUMS. I thank the Chair.

Mr. Speaker, let me say to my colleague before we go further, let us continue to respect each other. I do not stand here to harass any Member of Congress.

Mr. Speaker, I will yield to the gentleman at this point. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding.

All my concern is not that we debate; it is simply the timing of the debate. We had time since August 2, to debate this. We have had a military buildup going on, we have had sanctions, and we have had the U.N. resolution. Why were we not here earlier? Why are we leaving it until the last moment, the last second almost to the clock of history to come down here and act divisively in front of Saddam Hussein, who watches us on CNN? Frankly, I do not question the right to debate whatsoever, and I believe the gentleman makes a valid point, but I am just concerned about the timing of it.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. DELLUMS. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, it has also been asserted that Saddam Hussein is watching us on television. What finer picture can we take than going about our business as a constitutionally formed government? What better picture can we send, that we in this country have a right to dissent, that we have a right to our relative perspectives, that Members can talk about war and peace in an open forum, and that the RON DELLUMS of the Congress can stand up and oppose the insanity of war? What better statement can we make to Saddam Hussein than the fact that this is a democratic form of government based on the rule of law, and that a constitutional form of government is the wave of the future and not the wave of the past?

Mr. Speaker, I yield back my time.

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that I may proceed for 1 minute.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois [Mr. MICHEL] is recognized.

There was no objection.

Mr. MICHEL. Mr. Speaker, I take this time in order that I may yield to the distinguished majority leader for what has previously been agreed to. I have reference to our mutual opportunity for extension of time and whatever else the majority leader might want to alert the membership to.

I think it is very important, particularly as we will undoubtedly go into a late hour this evening and tomorrow, and with the weekend approaching, that we have an explanation of what the leaders together have summarily agreed to.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my distinguished friend.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

As the Members know, the two leaders under the rule have the responsibility to ask unanimous consent for more debate time if we feel that that debate time is needed. Our collective judgment is that we do not have enough debate time approved by the House under the rule, and, therefore, Mr. Speaker, I ask unanimous consent that the debate time be extended for 4 more hours, 2 hours on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. TORRICELLI. Mr. Speaker, reserving the right to object, could I receive some explanation from the majority leader and the minority leader as to how members of the majority who are in favor of the Solarz-Michel position might be allocated time under this arrangement?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, I would say to the gentleman that we will endeavor to work out an arrangement so that all Members who are endeavoring to have further debate time, including proponents on our side of the Solarz amendment, will have the opportunity to do that.

Mr. TORRICELLI. Mr. Speaker, further reserving the right to object, it is the majority leader's intention, then, that the time that would potentially be allocated to members of the majority might be divided among those of us in the majority who are in support of the President's position?

Mr. GEPHARDT. Mr. Speaker, let me consult with the Member. I am sure we can work this out in consultation with the minority leader.

Mr. TORRICELLI. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. DELLUMS. Mr. Speaker, reserving the right to object, I shall not object, but I simply take this time for the purpose of making an inquiry.

Can the gentleman tell us, Mr. Speaker—or perhaps the Chair could tell us—what the practical effect of the unanimous consent request would be with reference to the total time that would accrue to the proponents of the alternative, the President's proposal, under the unanimous-consent request?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, there is no precise formula. We have been operating informally, and we have been trying to work out the needs of the Members. We intend to stay here for as long as it takes to give everybody the opportunity to speak. I hope we do not go past midnight, because that is what we are asking for now, but we are committed to get this debate finished and give everybody a chance. We will continue to work informally. I will be here through the evening to see if it works out.

Mr. DELLUMS. Mr. Speaker, further reserving the right to object, I say to the majority leader and the minority leader that I would like to thank them for their cooperation in this regard. I would simply like to say to them that there are an extraordinary number of Members who wish to speak, and the original thought that Members could get on at a particular time, 5:30 or 6 o'clock, just is not working out, particularly since, rather than two positions, we now have three different groups having opportunities to speak. So everything has fallen back, and some Members who have alerted their constituents that they are going to speak between 5:30 and 6 must realize they may not get on until 9 tonight.

I just wanted to be very clear about that. This gentleman certainly in no way wants to restrict the debate, but Members have to realize that this list here is getting longer and longer. We do appreciate that, and I just want the Members to know that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the majority leader, the gentleman from Missouri?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I might just respond to the gentleman's inquiry.

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, if I may respond to the gentleman's inquiry, I would try to give the Members a sense of what is going to be required over the weekend.

When the House finishes the votes tomorrow—and again we hope those votes will occur in midday—it will be necessary for the House to stay in session and for Members to be prepared to be here tomorrow afternoon and maybe into the evening, because we do not know at this point when the Senate will act and what resolution will pass the Senate and, of course, how that fits with whatever passes in the House. Therefore, in a moment I intend to ask for recess authority for tomorrow, and I intend to ask not only for that but that we have the opportunity to convene the House on Monday and then through the next week. It is our intention not only to be here at noon on Monday in case there needs to be further action of the House, depending on what the Senate does and what the House does, but we want to stay in at least pro forma session on every day of next week. So to that extent I intend to ask for unanimous-consent authority.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare recesses on Saturday, January 12, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING FOR SESSIONS FROM MONDAY, JANUARY 14, 1991, TO FRIDAY, JANUARY 18, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that notwithstanding the order of the House of January 3, 1991, establishing convening times for the House until January 23, the House convene at noon each day from Monday, January 14, 1991, to Friday, January 18, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Illinois [Mr. ANNUNZIO].

☐ 1650

Mr. ANNUNZIO. Mr. Speaker, during the Revolutionary War, the great American patriot, Thomas Paine, said, "These are the times that try men's souls." Today, we here can share that concern expressed more than 200 years ago. For as we stand here today, these are now the times that try men's souls.

At the end of the Civil War, President Abraham Lincoln, in his Gettysburg Address said "* * * the world will little note nor long remember what is said here * * *." Lincoln was wrong, for the world has long remembered his historic words, just as the world will long remember what we are about to do.

We have a decision to make that must be made not only the right way, but it must be made right the first time. We do not have the luxury of test marketing our decision but we do have the ability to move slowly. It the vote is "war," we cannot change that vote 2 weeks or 2 months after the shooting starts and we realize that we have made a mistake. A war vote can be made at any time, but a vote to let economic sanctions have more time to work can only be made now. If we fail to vote for economic sanctions tomorrow, then we lose that option forever. But if we vote for continued economic sanctions tomorrow, we do not lose the ability at a later date to vote for military action.

When we consider these resolutions we must look at the human side of our decisions. Too often we tend to look only at the so-called glamorous side of war—the flagwaving, the parades, the good triumphs over evil belief. But war is not an abstraction. War is body bags, torn and crippled bodies. It is real blood being shed and real people being killed. It is the arrival of daily flights at Dover Air Force Base in Delaware to unload the coffins of our dead sons, daughters, husbands, wives, loved ones, and friends. Are we in such a rush to start the flights to Dover that we can't give sanctions a chance? Do not throw away our last chance to avoid war without giving sanctions a fair chance to work.

The world will note and long remember what we do here tomorrow. We cannot make the wrong decision.

President Bush and his supporters in the Congress have offered us hours of rhetoric in support of their cause. Yet, if this headlong rush to war in the gulf is the wisest course to follow, why hasn't the President asked for a declaration of war?

Numerous expert witnesses have testified before this body that economic sanctions are choking off Saddam Hussein's ability to maintain his conquest of Kuwait.

Our allied effort on sanctions with most of the civilized countries of the world has produced a 90-percent drop in Iraq's imports and a 50-percent decline in its gross national product. And these successes have come after only a few months of sanctions.

The economic embargo has undermined Saddam's ability to make war with his 1-million-man army. We have heard experts testify that Saddam's war machine is beginning to run short of spare parts for aircraft and tanks. This trend will almost certainly continue if we have the strength to persevere with sanctions as the Gephardt-Hamilton bill provides. We have recently seen gasoline prices begin falling as a result of the stabilizing effect brought by the sanctions. This has helped to minimize the suffering of Americans as they struggle with the ongoing recession. Our hostages also have been freed.

The success of the economic sanctions to date has convinced me that there is no need for the United States and its allies to rush headlong into war.

Finally, we as a Congress are nearing historic crossroads as we debate whether or not blood will be spilled on the desert sands of the Middle East. None of us in this Chamber will ever ask for a greater sacrifice of the nearly 400,000 United States service men and women who are poised for an assault on Saddam Hussein's Iraqi war machine. Moreover, if the President's request for a free rein on military action prevails, all of us will close ranks and pray that this Republic has embarked upon the correct course.

But after the casualties of this conflict are counted and reflected on, I believe this body will have miscalculated. I urge my colleagues to support the Hamilton-Gephardt bill.

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, we return to Congress faced with what is likely to be the most important decision of our careers. We must decide whether or not we should grant the President the authority to use force, if necessary, in the gulf. We must do so with the understanding that war is possible.

I say this with the hope that force will never have to be used. No one wants a war. I believe that the President's strategy in the gulf can succeed, but not without the help and support of Congress. By granting the President the authority to use force Congress can strengthen the President's hand in the gulf by sending Saddam Hussein a very clear signal that the United States and the international community are committed to enforcing the United Nations resolutions which call for a complete and total Iraqi withdrawal from Kuwait.

The sovereignty of Kuwait is not the only issue at stake in the gulf. The United States and its coalition partners must also be concerned with Saddam Hussein's ultimate ambitions and the means by which he is willing to achieve them. Saddam Hussein sees himself as a modern day Nebuchadnezzer; as the ultimate ruler of the entire Middle East. He has taken his country to war twice in the past decade to realize this goal. He has amassed a large arsenal of chemical and biological weapons and demonstrated a willingness to use them. More ominously, he is engaged in a quest to acquire nuclear weapons.

Permitting Saddam Hussein to retain Kuwait will only whet his appetite for more conquest. And when he returns, perhaps with a nuclear arsenal, the cost of confronting him will be much higher than it will be on January 15. That is why the international community, led by the United States, has chosen to act now. There is an opportunity to stop Saddam Hussein today, just as there was an opportunity to check Hitler's move into Czechoslovakia. We ignore this opportunity at our own peril. This is true, not only because Saddam Hussein's ambitions threaten the peace and stability in the Middle East, but because the outcome of the gulf crisis will effect global relations for years to come.

Saddam Hussein's invasion and annexation of Kuwait occurs at a crucial time in history. The cold war has ended and with it passes the rules that have governed relations among states for over 40 years. It was hoped that in their place a new world order could be constructed; an internal system in which the rule of law and cooperation governed relations among states. The conclusion of precedent setting arms control agreements and the progress toward a settlement of decades long regional conflicts confirmed the hopes for a new, peaceful world order were not misplaced.

Paradoxically, the conclusion of the cold war also unleashed powerful forces previously held in check by the world's ideological division. The challenge for the global community is to hold these malignant forces in check. If they are allowed to prevail the rule of force will replace the rule of law and the strong will terrorize the weak.

Saddam Hussein's invasion and annexation of Kuwait, as the first crisis of the post-cold-war era, represents a direct challenge to the peaceful, prosperous new world which appeared within reach after the collapse of the Berlin Wall. If he is allowed to succeed because the United States and its coalition partners back down or compromise, other states will be encouraged to pursue claims against their neighbors through force of arms. It is naive to imagine that the United States can remain isolated and uneffected by the turbulent events of a world where military might is the equivalent of right.

The President has responded forcefully to the threat Saddam Hussein poses in the Middle East and to the global community at large. The President's efforts to bring the crisis to a peaceful conclusion rests upon making it clear to Saddam Hussein that he has no choice but to withdraw from Kuwait. The last best chance for peace is in our hands. Congress should support the President and authorize the use of force while we stand shoulder to shoulder with the entire international community against Saddam Hussein.

□ 1700

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of the bipartisan resolution which authorizes the President to use military force in the Persian Gulf in order to achieve implementation of the various U.N. Security Council resolutions adopted since Iraq's brutal invasion of Kuwait last August. This resolution requires the President to report to Congress when he has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq before force is implemented. The U.N. Security Council has endorsed 12 resolutions condemning Iraq for its unprovoked invasion and brutal occupation of Kuwait. The resolutions, which include implementing tough economic sanctions and authorizing the use of force if necessary after January 15, are historic. Never have so many nations acted together to condemn hostile aggression. This crisis has marshalled international support that is unprecedented in history moving the United Nations to the forefront as the world peacekeeping force.

Iraq has so far given no indication that it will back down, leaving Congress no choice but to take a stand on whether it will support the U.N. resolution. Saddam Hussein has twice in the past decade led his country into war, first against Iran and now against Kuwait, there is no question that he is determined to dominate the entire Middle East and he has shown that he will employ whatever means are necessary to achieve his goal. Saddam Hussein has proven to the world that he is more concerned about the maximization of his power than the well-being of his own people. If we allow this dictator to prevail in the current crisis, we will eventually be forced to confront him directly when his challenge may be far more formidable. A hostile Iraq armed with chemical, biological, and eventually nuclear weapons represents a clear and present danger to American security.

On August 2, 1990, Iraq brutally invaded Kuwait and began dismantling its infrastructure. Since that time there have been thousands of documented cases of human rights abuses, torture, rape, hostage taking, and other violations of international law. The destruction of Kuwait continues. Iraqi forces continue to fortify their position and Iraq's dictator continues to threaten our forces in Saudi Arabia.

Sanctions will not work without the threat of force to back them up. A just released CIA report concludes that even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardships alone are unlikely to compel Saddam to retreat from Kuwait. The Iraqis have borne considerable hardships in the past. During its 8-year war with Iran, Iraq endured a combination of economic difficulties without serious disruption. Without the implementation of military force against Iraq's Army, it is unlikely that the next 6 to 12 months of sanctions will cause any substantial erosion of Iraq's military strength.

The key to peace is maintaining a credible military threat. If we are to have any chance of getting Iraq out of Kuwait, military force and sanctions must be linked together. It we deny the President the authority to use force, if necessary, we will convince Saddam that he can stay in Kuwait, outlast sanctions and survive. We may delay war, but we will not avoid it.

Diplomatic efforts to persuade Iraq to withdraw began immediately after the August invasion and are continuing in spite of Saddam Hussein's refusal to respond. We are giving him every opportunity to pursue a peaceful diplomatic settlement. As we approach the January 15 deadline set by the United Nations for Iraq to get out of Kuwait, more nations and leaders from every part of the world will continue to try and reason with him. Efforts are being waged by the European Community, the Algerian President, the Soviet Union, the French, and the nonaligned nations.

How we resolve this first crisis of the post-cold war will have profound historical consequences. If we do nothing at this critical turning point in our history, we will be forfeiting American security in the gulf, America's standing in the Arab World and any future possibility for a stable post-cold war order throughout the world. The United States must stand with the international community and on the side of law and decency. We must also dispel any belief that the United States lacks the resolve to act decisively in response to Iraq's continued aggression against Kuwait. The U.S. Congress and the President must be united in their efforts at this critical time. This is our last hope for keeping peace in this troubled region of the world.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in support of the Michel-Solarz amendment.

Mr. Speaker, last August, Saddam Hussein launched a quick and cruel invasion of Kuwait. President Bush, the Congress, and the United Nations, as well the rest of civilized nations of the world responded that Saddam's decision must be reversed, and accordingly, called for economic sanctions and boycotts to emphasize their position on immediate Iraqi withdrawal from Kuwait.

With the failed discussions between Secretary of State Baker and Iraq's Foreign Minister Aziz earlier this week, the Congress, the American People, and the rest of the world has been faced with a most difficult decision: The decision to use force if necessary to liberate Kuwait.

We do not face this decision lightly. None of us wants any armed conflict at all, but we seem to be exhausting every shred of opportunity to reach a peaceful settlement.

Now the hard choice comes for us as to whether we really mean what we say—and that's a choice not only for the President and the United Nations, but for the Congress as well.

All of us are students of history. This fine institution has been around for 200 years and if history has taught us anything, it's taught us that we cannot let unprovoked aggressions go unchecked. If Hitler's troops had been stopped early on, World War II may well have been prevented.

The United States has acted to keep Saddam Hussein's aggression in check. We are perhaps the only Nation in the world that could stop his aggression. In fact, we already have. Now he must recede from Kuwait, peacefully or by force. His choice.

Our allies look to us for leadership, and we must provide it. If the United States doesn't take a stand for the principle of freedom from tyrannic aggression, who will?

Since the end of World War II, we have maintained our defense in a high state of readiness, and we have prevented an all-out worldwide conflict. Our strength has helped keep the peace throughout the world. In the Persian Gulf, our strength has placed a temporary halt to Saddam Hussein's fanatically inspired and ambitious aggression.

We are not acting alone in this endeavor. The U.N. Security Council has already approved a resolution of force. In their deliberations, as in ours, members considered all alternatives and concluded that force may be necessary to liberate Kuwait, if all other alternatives fail.

Members of the Congress must consider these same facts. Perhaps one effect of Saddam Hussein's aggression has been the forcing of Congress' hand of leadership—one way or the other.

And that's why we're here today. Do we mean and believe what we say? Are we, or are we not world leaders—with the conviction to support that position; in peace if possible—with force, if necessary.

Vote for Michel-Solarz.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I believe very strongly that perhaps our last hope to avoid war is the immediate threat of war. I ask all Members to join with me in supporting our President and vote yes on the Solarz-Michel resolution.

Mr. Speaker, many of my colleagues have told us that time is on our side in this Persian Gulf crisis. My colleagues have said, "be patient, give sanctions a chance to work." Well Mr. Speaker, I am here to tell you that this is not the case. Time is not on our side.

The fact is that the sanctions of the past five months are not working, and that even if they were, they will not force Saddam Hussein out of Kuwait. The President has said time and time again that ours is not a quarrel with the Iraqi people. Yet this is the unintended result when we continue on our path of sanctions. Saddam Hussein has no problem with letting his own people suffer, as he did when he ordered the massacre of 20,000 Iraqi citizens. Instead, Saddam will funnel his limited resources to his military machine and starve his own people. So, even in the best-case possible solution, sanctions cannot work.

Yet, this best-case situation does not even exist. The Director of the CIA William H. Webster, recently testified that, in his opinion, sanctions will not lead Saddam Hussein to change his policy towards Kuwait. The Washington Post recently reported that, "Shops, markets and stores throughout Baghdad are brimming with goods produced both locally and abroad."

Many of our allies have already started to cheat and have attempted, some successfully, to break our international boycott and send goods to Iraq. Recently a Soviet ship carrying goods to Iraq was turned away. According to the Post, beer marked "Brewed and canned by Jordan Breweries, Amman" sits on the shelves of Baghdad stores. The longer we wait, the more Soviet ships and Jordanian goods will slip through our blockades and find their way into Iraq.

Time is definitely not on our side.

Right now, we have 360,000 of our young men and women sitting in the deserts off Saudi Arabia ready and eager to go. How much longer can we leave them sitting there? A constituent of mine, Capt. Phillip Hartsfield of Pompano Beach, FL, called my office and said, "morale is so important to our troops. The longer they stay there, the more the morale decreases. Right now, our soldiers are wiling to do anything for our President. Saddam will not back down. Please support the President and don't take away his option of using force to remove Iraq's troops from Kuwait." I agree with him.

At this point in our dealings with Saddam Hussein, we have learned one thing about him—he is unpredictable. World opinion lined against him doesn't seem to effect him. Economic sanctions don't seem to effect him. Talking with him doesn't seem to sway his opinion. The only thing that seems to effect him is threat of the use of force. By voting against the Solarz-Michel resolution, we are cutting off the one weapon that we have that seems to scare this man. The threat of the use of force seems to be our last best hope to remove Iraqi forces from Kuwait without the actual use of military force. Perhaps ironic but true, the threat of immediate war is our last chance to avoid war.

Support our President—vote yes on the Solarz-Michel resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 7 minutes to the gentleman from Arizona [Mr. KYL].

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I thank my colleague for yielding.

I would like the gentleman from Arizona and any other Member in the Chamber who would like a top secret briefing on Saddam Hussein's plans of terrorism for the whole world to come at 5:30 up to room 405. I think it might significantly affect some Members who are on the fence on which way to go.

It is Members only, no exceptions, no staff. Ask in our Cloakrooms where room 405 is.

This is the most stunning briefing that many of us have had in 14 or 15 years around this Hill.

Mr. KYL. Mr. Speaker, I rise in support of the bipartisan resolution to grant President Bush the authority to enforce the U.N. resolutions.

Mr. Speaker, most of the arguments that have been raised against the bipartisan resolution and in support of the alternative resolution have relied upon the notion that sanctions could work to achieve our objectives. And while an issue like this certainly involves the emotions of all of us, I think we also must be analytical about it.

We would all like to avoid war. But if the real objective here is to get Saddam Hussein to withdraw from Kuwait, then we must analyze the three possible scenarios that could result from the resolutions that are now before us.

Under the first scenario Congress would pass the bipartisan resolution convincing Saddam Hussein to withdraw. That achieves the objectives and it does so quickly.

Under the second scenario, Congress passes the bipartisan resolution, but Saddam Hussein still does not withdraw. We utilize the U.N. and congressional authority to remove Hussein from Kuwait by force.

This solution again is quick. It meets the objective, but there is an unknown cost. So some have asked is there a better alternative.

The third scenario is that the Congress passes the Gephardt-Hamilton resolution calling for continued reliance upon sanctions to effect an Iraqi withdrawal. Under this scenario we must wait to see if the policy will work. Unlike the first two scenarios, we do not know whether sanctions will work, we do not know how long it would take them to work, and we do not know what the costs would be.

In short, Mr. Speaker, we know that military force will achieve the objective, either used as a threat or applied operationally.

What do we know about sanctions? Experts disagree. Some say that they will not work. Some say they might, but will take a long time. None say that they would work quickly.

I submit that the potential for sanctions, Mr. Speaker, does not inspire confidence.

Here is a sampling of some testimony that was presented to the House Armed Services Committee and other statements that people have made.

Dr. Phebe Marr testified before our committee and said: "Sanctions alone will not force Saddam Hussein to leave Kuwait. He is a survivor who must feel a direct threat to his military power base or political life before he can be expected to change his behavior."

Dr. Jerrold Post, former CIA Center for Personality Analysis and Political Behavior, said this about Saddam Hussein: "The only language Saddam Hussein understands is the language of power."

CIA Director Webster, who has been much quoted here, said: "Saddam Hussein will not withdraw from Kuwait until he is convinced he is in peril of imminent military attack."

"The success of sanctions must ultimately be measured not by the degree of trade restriction or even the degree of pain inflicted on Iraq, but by Iraqi actions which comply with the U.N. objectives," said the chairman of the House Armed Services Committee, LES ASPIN.

And Israeli Foreign Minister Levy said: "Waiting for sanctions to work represents a victory for Saddam Hussein. It increases his stature among the Arab masses because he is seen as having faced the strongest Nation in the world and survived."

No witness testifying before the House Armed Services Committee believed that a people's revolt to overthrow Saddam was feasible, and all felt that the probability that the army would revolt was very small.

Mr. Speaker, there has been comment about CIA Director Webster's testimony, and I just would like to clarify something. CIA Director Webster has not changed his testimony. Some people were parroting what they thought they heard him say when he testified in December before the House Armed Services Committee, but I would like to tell Members what he really said on that occasion.

> We see no indication that Saddam is concerned, at this point, that domestic discontent is growing to levels that may threaten his regime or that problems resulting from the sanctions are causing him to rethink his policy on Kuwait. The Iraqi people have experienced considerable deprivation in the past. Given the brutal nature of the Iraqi security services, the population is not likely to oppose Saddam openly. Our judgment has been, and continues to be, that there is no assurance or guarantee that economic hardships will compel Saddam to change his policies or lead to internal unrest that would threaten his regime.

Mr. Speaker, sanctions are certainly the policy of hope, but one cannot be confident of their success, particularly against a dictator who is not subject to the same popular pressures as our democratic leaders, and whose people have been subjected to great deprivation in the 8-year war with Iran, without any protest, at least from anyone who lived to tell about it. And ironically, sanctions would be relatively more costly for the alliance against Saddam Hussein in terms of the effect upon public policy, and that in the long run is all that matters.

We have heard testimony about the tremendous effect upon all of the Arab allies, upon the State of Israel, and of course the costs to the United States. My suggestion here is that should we rely upon economic sanctions it is very possible, indeed I would suggest probable that the alliance would blink before Saddam Hussein who was not subjected and is not subjected to the same popular pressures.

Moreover, and finally, once sanctions have been in place a long time, the military option becomes less and less credible. So I would refer Members to the testimony of Dr. Henry Kissinger before the Senate Armed Services Committee to this effect. He said that sanctions and military actions "are being presented as it they were successive phases of the same policy. In fact, they will prove to be mutually exclusive, because by the time it is evident that sanctions alone cannot succeed, a credible military option will probably no longer exist."

Mr. Speaker, these are the unfortunate facts about sanctions. Alone they simply will not bring Saddam Hussein to comply with the U.N. resolutions and do what all of us would like to have done.

I have reached the same conclusion that respected Washington Post columnist David Broder has, who wrote in today's Post and said:

> The best hope for salvaging peace is a strong statement of congressional support for the President's policy so that Saddam Hussein can understand the terrible alternative he faces.

That is the appropriate policy and, therefore, I urge my colleagues to support the bipartisan resolution.

Mr. Speaker, Our votes tomorrow may well be the most important we will ever cast as Member of Congress.

No one wants war.

Our dilemma from the beginning has been how to achieve a peaceful solution to the gulf crisis with a dictator who seems to understand only force.

I have studied the issue closely; I have traveled to the Persian Gulf; sat through hours of congressional hearings and read widely on this issue. I have visited with the troops, with families of the troops, and with hundreds of other constituents. Reluctantly, I have concluded that our best hope, if not the only hope, of avoiding war in the Persian Gulf is to be prepared, and committed, to go to war if necessary.

Possessing the power to wage war and the commitment to do it if necessary has prevented conflict in the past. Peace through strength has been the foundation of this country's bipartisan foreign policy for decades, and it has worked, most notably to prevent Soviet aggression and help bring an end to the cold war. In all probability, convincing Saddam Hussein that we can and will defeat him militarily is the only way to influence him to withdraw from Kuwait and leave his neighbors alone. If we say we won't use force against him, he will do neither.

So today, we must support the bipartisan resolution requested by the President. As respected Washington Post columnist David Broder wrote today:

> The best hope for salvaging peace is a strong statement of congressional support for [the President's] policy; so that Saddam Hussein can understand the terrible alternative he faces.

To understand why United States interests are sufficiently at stake to be prepared to commit our forces to combat against Iraq, we should ask what would happen if we were not prepared to do so.

First, brutal unwarranted aggression would have been rewarded. That is bad as a matter of principle, but as important is what it portends in this case. Saddam Hussein has already shown a penchant for exerting influence, and taking what he wants, through military action—we need not speculate about it. There is every reason to believe that, if unchecked, he will do it again, and again, until he is finally stopped. At that point, it is likely to be much more costly in lives lost than it would be to stop him now. And by acting now, we will have prevented more horrible casualties of his aggression. In short, to allow him to continue to murder, rape, torture and pillage because "it is not our business" is contrary to everything we stand for. The analogy to stopping Adolph Hitler is not inappropriate, especially since Hussein has already been responsible for over a million dead in his invasion of Iran and Kuwait, for more than Hitler before the United States declared war on Germany. So, the second, and perhaps most important reason is to prevent further aggression and the human suffering it involves.

The third reason is related and focuses on the type of unconventional warfare he is likely to conduct. The United States cannot be policeman of the world. So, we act only in certain very important situations. Not all aggressors have the ability to cause massive destruction of lives and property and disrupt regional, let alone world order. While we may be concerned in such cases, they often do not warrant direct U.S. action. Unfortunately, Iraq is fast becoming a major threat. With ballistic missiles, chemical and biological weapons, and a rapidly developing nuclear capability, not to mention the sixth largest army in the world, Iraq is now a very potent force, and, if unchecked, will soon be totally dominant in the region, capable of forcing its will whether by aggression or intimidation. This type of weaponry with which Iraq could conduct unconventional warfare, plus the brutality Iraq's forces have visited on all whom they have attacked—as well as their own people—has been one of the key reasons the world community, acting through the United Nations, has supported military action against Iraq if it has not complied with the U.N. resolutions by January 15, 1991.

Were the United States, as the moral, economic and military leader of the world, to back down now, we would lose all credibility and have a very difficult time ever standing up to aggression or otherwise prevailing in difficult foreign policy situations in the future. Arab states in the Middle East, as well as oil consuming nations throughout the world, would have to make their own accommodations with Iraq and every outlaw nation that might follow its example.

This fourth reason, a loss of credibility, and, thus, capability to influence world events in the future, might not have occurred if we had never sent forces to the Middle East in the first place; but we did, with the overwhelming support of the Congress and the American people. It is also a reality that we cannot ignore what happens around the world—our own self-interest demands that we be able to act with credibility. If friends cannot depend on the United States, we won't have friends for long; bullies will dominate the world scene.

The fifth reason relates to the implications of Iraq's continued presence there as well as domination of neighboring countries. As noted, the United States cannot move to stop all aggression; but it does move to stop it where the threat is of major significance and where our vital interests are jeopardized. Oil is vital to the United States. And, while we should have a better energy policy and while other countries should be doing more—because they are even more reliant on oil from the Middle East—the United States cannot duck responsibility for doing something it should do; that is try to prevent world economic disorder by allowing Iraq to control a majority of the world's oil through military aggression. While the United States does not get most of its oil from the Middle East, we must remember oil is a world commodity, so the price goes up all over the world—including in the United States—whenever the supply is cut anywhere in the world.

We are not in Saudi Arabia to protect the profits of the oil companies, as some have asserted—remember, the price of oil and gasoline was less before the invasion of Kuwait and will go down again if a stable peace is restored to the region.

The Middle East is important for another reason—it is the most unstable and potentially most dangerous area of the world; no less than six wars have been fought there since the end of World War II. The United States cannot unilaterally keep the peace there, but, in concert with others, we can try to minimize the potential for more widespread conflict by helping to stop a man like Saddam Hussein before he embroils the region—and, thus, possibly the world—in further conflict there.

None of these reasons may be sufficient alone to warrant U.S. military action; but, taken together, they suggest to me a compelling case. Only once every several generations does a man like Saddam Hussein develop the kind of military force and use it like he has. Like a serial killer, he will keep on until stopped. We certainly risk casualties in trying to stop him, but it is a virtual certainty that waiting will result in greater casualties among both civilians he brutally attacks and the soldiers we and others will have to send to stop him.

I say virtual certainty because we cannot know anything in the future for a certainty. But, leadership is about making hard decisions when the facts are not all clear, when the outcomes are uncertain. It is frequently too late to do the right thing after all the facts are in. This is the reason most experts are reluctant to rely on economic sanctions alone to cause Hussein to pull out of Kuwait, let alone dismantle his powerful military machine, forgo development of nuclear weapons, and forswear use of chemical and biological weapons and, indeed, the use of any weapons against his neighbors.

Hussein is a man who respects one thing: force. This fact was made clear in the outcome of the meeting between Secretary of State Baker and his Iraqi counterpart in Geneva on January 9. Once again, Saddam Hussein demonstrated his disdain for diplomatic efforts to resolve this crisis peacefully. It is for this reason that I believe only a strong show of force is likely to convince him to leave Kuwait.

President Bush has been very firm in order to try to convince Hussein that he has to leave Kuwait or face probable military action. Without that threat, I am convinced that Hussein would not leave. I am convinced this is the best course of action. We have averted other crises in our past by convincing our adversaries that we will use force if necessary—that is the Cuban missile crisis. I believe it may work with Hussein if Congress backs the President. Hussein must know we are united. That is why I intend to support the President. That is why I became an original cosponsor of House Joint Resolution 62, authorizing the use of force by the United States in order to implement U.N. resolutions regarding Iraq's invasion of Kuwait.

Reasonable people will differ in their conclusions about all of this. As one who has part of the responsibility for making the critical decisions, I have done my best to be informed, to listen, and, in the end, to act responsibly. I intend to support the bipartisan resolution and oppose the others.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, many Members have said today what a difficult decision this is, and I think that is probably the understatement of the decade. For days I have been anguishing over which side of this issue I would take.

I have the utmost respect for Mr. GEPHARDT and Mr. HAMILTON who I believe are two of the most intellectually honest and moral people in this Congress. At the same time, I remember the testimony that I have heard over weeks and months in the Armed Services Committee which I have the honor to serve on.

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As the gentleman from Arizona has stated, over and over again the experts that came before us told us from August on that sanctions would not work and will not work. I think that is evident today, that nothing we can do can dislodge Saddam Hussein and the Iraqi forces from Kuwait.

My decision was one that was made in anguish, not wanting to commit hundreds of thousands of young men and women of the United States to a combat and seeing young people coming back in body bags. I know, because as a parent I have lost a child. That was in 1983, and the hurt still is there. I do not want anyone to feel that anguish and that hurt.

But, on the other hand, I believe the best chance of peace is by being strong, and if we send a message to Saddam Hussein that we do not know what we want to do, that maybe sometime in the future the United States Congress will reach out and give a resolution to the President authorizing him to use force, he will never leave Kuwait. He is resolved that we do not have the resolve to resist his aggression, and that he watches CNN as has been stated, and he hears the discussion and he does not believe that this Congress or the American people have the will to resist aggression after Vietnam.

My own family disagrees with me on this vote. My daughter who is a junior in high school last night spent an hour at dinner telling me what a bad vote I was making. My daughter who is a senior in college spent 15-20 minutes just a few minutes ago telling me this was the worst vote I would ever make. I understand their anguish. I understand the anguish of my parish priest who walked out of mass this week and told me, "Please, let us not give the President the power to fight."

I believe that if we spit in the President's face and that we deny him the ability to use whatever weapons are at his disposal to achieve peace, then we are going to cause war. Our only hope is that by giving the President the right to use force he will not have to use that force.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, in the current crisis our country has emerged as the natural leader of the family of nations. Our administration, ever consulting closely with the leadership of this Congress, has deterred further aggression on the Arabian Peninsula, encouraged the United Nations to condemn that which occurred and set a deadline for its reversal—or else, that else being the military ejection of the arrogant aggressor, an action never cherished by the lovers of peace but often found necessary for its maintenance. That the world, under our leadership, could have come so far so fast is, in itself, an amazing event.

So now why, today at the 11th hour, when the successful resolution of this grave world disorder is at hand, are we here at all? How satisfied and gleeful must Saddam Hussein be as he observes these proceedings, which are, with variations, mouldy rehashes of two centuries of the same endless debate. What must our coalition comrades think as they observe us possibly voting to wait and not wait, authorize and deny, fight and not fight, all at the same time! And what must the American people think of this possible paradox?

Of course we should not be here, but, as unfortunately we are, a vote for the bipartisan resolution and against the others is the only rational course for this House!

Mr. TORRICELLI. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, Saddam Hussein is watching this debate on television. What he is seeing is a free and open and democratic society in action. I want to make certain that he does not misunderstand what to him must be a bewildering variety of views.

Since some of our finest and most respected members of this distinguished body have lined up on opposite sides of the question we are debating today, it is important, Mr. Speaker, that Saddam Hussein understand where the differences between our Members lie.

The debate we are engaged in today is not about peace or war—that would be an easy debate. We would all opt for peace.

In this debate we are all united in our opposition to terror and tyranny. We are all united in our determination that Saddam Hussein not prevail in his brutal rape of Kuwait nor in his vicious intimidation of his neighbors in the Persian Gulf. We are all united in our concern for the welfare of all of the people in the Persian Gulf and the Middle East.

We are all united in our judgment that we will use force only as a last resort if that is what is necessary to achieve the objectives of defeating tyranny and dismantling the tyrant's military might. We differ only on timing and short-term tactics, not on long-term strategy.

We are all united in our eagerness to put this crisis behind us and move on to the serious issues that face our Nation here at home—stimulating a sagging economy, housing our people, educating our children, improving our transportation and infrastructure, assuring health care for all, and helping our senior citizens. We want to deal with the truly historic changes that are unfolding in the Soviet Union and Eastern Europe.

Mr. Speaker, the bipartisan resolution is clearly our best chance of preserving peace and getting on with our agenda. I strongly support that resolution.

I have reached my decision on the basis of my many years of experience of living under and dealing with police states and totalitarian regimes. That experience taught me that we must never appease tyrants. If we had stopped the Japanese in Manchuria, if we had stopped Mussolini in Ethiopia, if we had stopped Hitler in the Rhineland, then tens of millions of innocent men, women, and children around the globe would have been spared the untold agony of war and the tragedy of death.

This is not the time to sound an uncertain trumpet. This is the time to keep all our options open. This is the time to send Saddam Hussein the clear message that this great democracy is not paralyzed and that it will not be intimidated. We were not intimidated by Hitler. We were not intimidated by Mussolini. We were not intimidated by the Japanese militarists, and we were not intimidated by Stalin, or Mao Tse-tung. And we shall not be intimidated by Saddam Hussein.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Speaker, I rise in support of the Michel-Solarz resolution.

Mr. Speaker, no issue we confront on the House floor is as difficult as the question of war and peace. It is an issue that affects the lives of our troops, the security of the United States, and the future of other nations. It is an issue that demands the most serious possible consideration.

Today, we debate whether the President should be authorized to use force if Iraq does not leave Kuwait by January 15. We should make our decisions calmly, with our emotions and anger aside, and on the facts of the case. Here are the facts as I see them:

Iraq is a nation that has gone to war twice in a decade, invading two countries and threatening more with weapons of mass destruction. It is Iraq's dictator, Saddam Hussein who has used chemical weapons on its own people. It is a nation that 5 months ago brutally crushed and annexed a small, peaceful neighbor. It is a nation that feels it is not bound by international law or the principle of self-determination. It is a nation that seeks the wealth and technology to threaten countries around the world with nuclear bombs and ballistic missiles.

What we have seen since Iraq's invasion of Kuwait has been a remarkable display of international unity. Twelve Security Council resolutions have demanded that Kuwait leave Kuwait and restore its legitimate government. For only the second time in its history, the United Nations has authorized the use of force. Why is the world so united? Because from England to Egypt, from Moscow to Malaysia, the lessons of history are being heeded.

And that lesson is: Brutal dictators cannot be permitted to profit from aggression. Because when they do, they will surely be back. They will soon want more. Their appetites for conquest will not be satisfied, and their dreams for more power will know no limits.

Saddam Hussein is this brand of dictator. For the long term, he seeks control of one of the world's most important natural resources, so he can use the profit to build an even stronger military while his neighbors grow weaker. He seeks to acquire the weapons that will make him an Arab superpower.

For the short term, he has only one desire: He wants the world to forget about Kuwait. He wants to break up the international forces arrayed against him so that he can continue pursuing his designs for power. He wants January 15, the United Nations line in the sand, to wither away.

President Bush hopes we will give him the authority to thwart Saddam Hussein's wishes. The President wants us to send the message that the United Nations has sent: That the use of force is a legitimate option for the United States and the United Nations coalition if Saddam Hussein does not leave Kuwait by January 15.

I was disappointed when the Iraqi Foreign Minister snubbed Secretary of State Baker at the Geneva talks. I have hoped, as we all have, for a peaceful solution. As a veteran, there is nothing more I would like than to see all American troops return safely from Saudi Arabia.

But we must stick to our principles and defend our interests. And Saddam Hussein must make a choice about his own principles.

If we pass the use-of-force resolution, we will help make Saddam Hussein's choice even more clear than it already is. Will he stay on the road of aggression and brutality, or will he respect the will of the people of Kuwait, the Arab League, and the United Nations. Or put more bluntly, will Saddam Hussein choose war, or will he choose peace.

I am afraid that if we require the President to continue to rely on sanctions, as some suggest today, we will make the choice for Saddam less clear. It would increase the chance for a greater conflict later. Saddam will see it as more time to hold on to Kuwait, more time for the U.N. coalition to crumble, more time to fortify his army and weapons, more time for our men and women to linger in the desert. Regrettably, that would not be in the best interest of peace and security now or in the future.

Of course, we all wince at the horrors of war, and yearn to avoid it. But we must also wince with equal horror at a dictator who waits for the world to forget that he swallowed a small nation, who waits for a time he can move ahead in his quest for dominance in his region and power in the world. Some say it will not happen, that the world would not look the other way. My friends, it has happened before. It resulted in World War II, and it resulted in a level of death and destruction far beyond what we wince at today.

Today, we take a step to prevent a greater conflict in the future. We must give the President the ability to act now, while the United Nations coalition is united, determined, and focused.

For these reasons, I support the Michel-Solarz use-of-force resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, the issues before us today are without question the most difficult of our political career. The outcome of our deliberations will affect the entire world and the lives of thousands of Americans. It is, as well, a vote each of us must carry with us the rest of our lives.

As we begin this debate, let us clearly consider the function and role of our deliberations. Many, in the Congress and the American public believe we are here today to provide the President clear authority on the use of force in the gulf crisis.

Unfortunately, I do not believe that is our role at all. The Congress has two specific and different responsibilities regarding war. The first, is to raise and fund an army. In the last session of Congress, we passed legislation to authorize the commitment of troops to the Persian Gulf. As a part of our appropriation process for fiscal year 1991, we provided open ended funding for the Desert Shield operation. Thus, under both the provisions of the War Powers Act and the Constitution Congress has met its initial responsibilities. In retrospect, I regret that the authority is open ended. We should have set an expiration date before the end of this fiscal year. Our failure to do so runs the risks similar to the results of the Gulf of Tonkin resolution years ago.

The second perception is that we are here today to consider an official declaration of war, believing such action is necessary before the President can use any force in the Persian Gulf. History will show that is not the role of a declaration of war. Five times in American history, the Congress has passed a declaration of war. Each time, military hostilities had been engaged and the President then came to Congress seeking an official declaration of a state of war between two nations. The result of such action is the total breakoff of all diplomatic relations, freezing of all national assets, and the registering of foreign nationals. For any of us who still hope for a diplomatic solution, a declaration of war is the absolute wrong thing to occur at this time.

Thus, I believe, and most constitutional experts believe, the President already has the clear authority under the Constitution and the previous acts of Congress last fall to take any and all actions he deems necessary regarding the use of force. Thus, our role is twofold. First, the Congress and the American people want the Congress to make a statement regarding the use of force. While, this may satisfy our emotional desires, I must say that if Congress desired to reject the presence and use of American troops in the gulf, Congress should have considered such issue first last August when troops were initially deployed or secondly when the President ordered a major buildup last November.

Our second role in considering this issue today is to contribute to the international response to the brutal invasion of Kuwait. In particular, we are considering whether the Congress endorses the provisions of the 12 United Nations resolutions in response to the crises, in particular the authorizing of the use of all means to accomplish the withdrawal of Iraq from Kuwait after January 15.

In this regard, I am most disappointed by the procedure before us. We in the House will be considering three different resolutions. Indications are that all three might pass, which sends a totally contradictory signal to Saddam Hussein and the world. Second there is serious consideration of whether the Senate will even pass a resolution, and if so by a very narrow margin. The end result of congressional deliberations could be one, not of authorizing force but rather sending the message to Saddam Hussein that America is totally split on our resolve; that he should simply wait us out; and over a period of time Americans will more desperately want their troops home than we want him out of Kuwait.

Earlier this week, I held nine different town meetings in my district. The primary purpose was not only to discuss the Persian Gulf issue with constituents, but more importantly to hear from the families of the troops stationed over in the gulf. No family wants war or the loss of life. No American does. But the families were very clear in making two points: First, either support the troops in the gulf or bring them home. Second, they do not want their loved one still sitting in the gulf a year from now. If we are not going to resolve the crisis, then bring them home as well. Thus, part of our purpose here today must be to determine how we can contribute most positively to a quick and hopefully peaceful resolution of the crisis.

At this point, we must ask ourselves what is the justification for even having American troops in the gulf. And while there are reasons to and not to be there, let us focus today on the reasons for an American presence.

I believe the leader of the free world carries special responsibilities. First, among them is to respond to requests for help when nations either become the victims of or are threatened by blatant, naked aggression. The basic tenet of any civilized society must be a respect for an international order built first and foremost on the right of nations to exist.

In this case, our intelligence and that of Saudi Arabia indicated that Saddam Hussein was not about to stop with the blatant invasion of Kuwait. Saudi Arabia asked for our help to prevent further aggression. Kuwait asked for our help to impress upon Hussein the magnitude of world condemnation in hopes of reversing his aggression.

Second, there must be no doubt that Saddam Hussein left to his own wills and public statements, wants to create one great pan-Arab nation. The later implications of such action are obviously to destroy Israel. All Americans must recognize that if such actions were to occur we would go to the defense of our ally. It is by far in the interests of America that we do not allow him to amass either the land or the resources of one great Arab nation and the temptations and threats that would surely follow.

Third, while he does not possess today a nuclear weapon, there is no doubt that he intends to have one in the near future. And we know he possesses the enriched uranium to do so. Is there any doubt among any of us that a man willing to rule by terror and death, willing to use chemical weapons on his own people, would not hesitate to use nuclear weapons to accomplish his goals? In this context it becomes especially important for the world community to not allow the creation of one great Arab nation under his rule. It is for these reasons that the Arab League has taken the dramatic steps to oppose his actions diplomatically and commit their resources and troops to oppose the actions of an Arab nation. The major impact of this simply cannot be overstated.

But it does present to us a picture of the new post-cold-war world order and the importance of the world's response to this crisis. As dangerous as this crisis is, can anyone even begin to imagine the danger that would loom were this 5 years ago and the Soviet Union were on the other side? Today, the Soviet Union and Eastern Europe stand side by side the world community in condemnation to his actions. Second, the crisis has resulted in a division of the Arab world into two factions; the moderate Arab nations and the radical Arab States. Never again will the Middle East geopolitical situation be the same. Likewise, at the end of this crisis there must be little doubt the moderate Arab nations will demand and achieve world cooperation in resolving the longstanding Middle East dispute regarding the Palestinians and the occupied territories. Third, unlike even previous American administrations, the Bush administration has chosen to assist in making the United Nations a viable entity in resolving world crises. If the United Nations response to the Kuwait invasion is successful, we will see a renewed sense of international diplomacy and the reduction of military solutions. The simple fact that the United States and the Soviet Union will no longer be participating in competitive arms sales will prevent the regrettable circumstances we find today where we both, along with France, are guilty of selling arms to Iraq that have contributed to today's crisis.

For these and other reasons, I believe most Americans are united in their condemnation of Saddam Hussein and his brutal aggression, rape, murder, and pillaging of Kuwait. Most Americans are united with the world community in the initial defensive measures to defend against further aggression, and to pressure for Hussein's withdrawal from Kuwait. That includes the use of sanctions and other economic tools, the many diplomatic tools of the United Nations and elsewhere, and some use of a military presence.

The question we face today, frankly, is how can we now contribute further to a successful resolution of this conflict at minimum risk to the lives of American citizens and the world community. Mr. Speaker, I have concluded that this is the basic question. Will the threat of force, or the use of force increase or decrease the risk to American lives?

The answer to this question must begin with an assessment of whether or not present actions seem sufficient to accomplish our goals. Such discussion begins with a careful assessment of Saddam Hussein, himself. Unfortunately, it appears the only thing he understands is force. And even more unfortunate, he seems totally willing to allow force to be used against his people as long as it does not bring risk to himself and his power. Thus, the major risk of this congressional debate is that we will only hurt our goals by sending the signal to Hussein that he can wait us out.

Second, we must assess the question of whether sanctions and diplomatic pressure will sufficiently cause the withdrawal from Kuwait. While the sanctions are generally working, the question of their effectiveness is suspect. In a letter, dated January 11 to Congressman LES ASPIN, Judge Webster of the Central Intelligence wrote:

> In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgement remains that, even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

What signal do we send by our actions here today? In light of this assessment our message becomes even more important. This returns us to the question of endorsing the U.N. resolution endorsing all means to accomplish the withdrawal from Kuwait. In so doing, we must carefully consider the implications of such action.

First, I want to emphasize we are not automatically committing the allies to the use of force. Rather, we are sending the signal to Saddam Hussein that the Congress will endorse the possible use of force as one of many means envisioned by the U.N. resolution. If we are dealing with a man who only respects force, then perhaps raising to him the possibility of using force will obtain the peaceful withdrawal by Iraq from Kuwait that we all seek.

It is not new either in history or in recent times that the threat of force was used to keep the peace. The most obvious example is the creation of NATO following World War II. Through the use of this organized threat of force, Europe has now enjoyed the longest period of peace in history. Second, the decision by this Congress and the Reagan administration to upgrade the quality and size of our nuclear forces during the 1980's has resulted in the most comprehensive and dramatic series of arms control treaties ever, resulting for the first time in actual reduction of nuclear weapons on both sides.

Second, I want to emphasize that authorizing the use of force does not automatically mean a major use of force, especially that of troops. More and more I am becoming convinced that the combination of economic and diplomatic efforts plus the possibility or actual use of limited force in the version of target-controlled air strikes is now our best hope to achieve our goals in the region without major risk to American lives. This does not, and in my opinion should not, include a major land offensive. Recent history has shown two occasions where such actions have accomplished our goals. First, our targeted bombing of Libya has resulted in the restoration of civil conduct by Qadhafi. Second, Israel's bombing some years ago of Iraq's nuclear production facility prevented the world from today sitting on the brink of nuclear war. Both actions were limited, targeted, controlled, and accomplished with minimal risk to the lives of our respective military.

Frankly, I prefer a very limited use of such force aimed only at one or more army weapons production facilities. It should be used only to communicate to Saddam Hussein the resolve of the world community to demand his withdrawal. Other experts suggest a more comprehensive air strike aimed at Iraq's air-defense forces—the integrated radar networks, antiaircraft missiles systems, airfields, and perhaps even their electric systems.

I admit the terrible risks of any such use. Yes, there is the possibility of a limited strike evolving into a full-scale war. No one can predict the actual outcomes of such actions. And we all will, and we all must, be ready to bear the burden for such decisions. But Saddam Hussein has a history of miscalculation. And I believe we must again prove to him his miscalculation of world resolve, and unfortunately we may have to threaten or even possibly use force to convince him of this fact.

But I do not believe this man, who lives and thrives on maintaining his own political power, will risk losing that power in the face of a serious threat of force. Second, I do not believe he will actually attack Israel. For by doing so, he will incur a military response from Israel in a magnitude and manner, frankly, the Western World would hesitate to use. There is no doubt in anyone's mind that Israel has the military ability to literally wipe Iraq off the map. He must know better than to run that risk.

So the question today, really, is not one of goals, but of strategy. It is not one of authorizing force but rather of sending a message. Thus, I must conclude that 4 days before the U.N. deadline for a peaceful withdrawal from Kuwait, we in the Congress have no choice. A vote to limit or deny the possible use of force will stop neither the President or the United Nations. But it will send the fateful signal to Hussein that if he stalls, he can outlast American resolve and the world alliance against him. Thus, the Congress must stand today with the other 30 nations who have committed troops and arsenal to the gulf. And we must do no less than the United Nations, the world peacekeeping body, has resolved.

In doing so, we contribute yet to a possible peaceful solution. We give new meaning to the diplomatic initiatives of Secretary General Javier Perez de Cuellar. We give new meaning to the Algerian effort to establish an Arab resolution of the crisis. Frankly, either of these efforts can provide a linkage to resolving the Palestinian issue that we cannot, and should not, do.

Mr. Speaker, I don't want to mislead anyone by saying that all families involved in the gulf support the Solarz-Michel resolution before us. Quite the contrary. But I do want to share two messages which have affected me.

On Christmas Day, a constituent, stationed in the gulf wrote me these words:

> I am a soldier in the United States Army, serving proudly in Operation Desert Shield, somewhere in Saudi Arabia. I'm here because I wanted to be. Things are well here, and our morale is good. However, I am concerned that things back home aren't going right. It concerns me that the Executive Branch has gotten so much power that one man can declare war—if President Bush wants to go for it after January 15th, then we, America, will go to war.
>
> What happened to the division of power? How about democracy? While the President pushes and orders, Congress is meekly sitting by, nodding its head, and doing whatever Congress does, perhaps arguing the legality of burning the flag, and what type of law should or should not be passed. Why don't you, Mr. Congressman, show that Congress still has the power that our founding Fathers intended it to have? Don't let our country go to war unless Congress also approves.
>
> I as a serviceman am proud to fight for what my country feels I should fight for. I am both a single American with one voice and one vote, and a soldier, an instrument of foreign policy. As a soldier, I am here serving my country. As an American citizen, I am writing my elected voice in Congress to express my fear that our democracy is slipping.
>
> American voices need to be heard. It is American lives that are at stake. Mr. Gunderson, please remember that you, too, have a dual role in our democracy, both as a single American citizen like myself, and as a Congressman, elected by the people of Wisconsin as the best person to voice our concerns. To speak and to act in our best interests. Somewhere along the line our great country has gotten off track. One man has become all powerful. Our Congress listens only to corporations that don't vote but do pay for reelection campaigns. And our judicial branch, I'm afraid, is in a state of permanent recess.
>
> Mr. Congressman, I want you to know that I am willing and proud to fight in a war with Iraq, if that is what our country wishes. But our country is made up of several hundred million people, not just a single power hungry man. Before we go to war, please be sure, sir, that war is in America's best interest. By allowing the President alone to make war is to set a very dangerous precedent. Let Congress take back its share of the power, and once again America may be led by the voice of the people, the land of the free, and so on.
>
> Happy holidays from the Kingdom.

Mr. Speaker, this young man and 400,000 others in the gulf are watching this Congress and our actions here today. They are asking for a message. And I believe that message was clearly layed out in another letter I received, this one from the father of a young man in the gulf, when he wrote earlier this year to me:

> Now I ask of you a favor. Our son * * * is a soldier in Operation Desert Shield. He understands he is in the Persian Gulf area because he is a soldier and is subject to the orders of his Commander-in-Chief. He is doing the best he can.
>
> On his behalf and that of the other men and women in our Armed Forces please use your considerable influence in Congress to either fully support the Administration or to withdraw all U.S. Forces from the area.
>
> To ask our sons and daughters to risk their real lives, not their political lives, while some in Congress posture and confuse Saddam Hussein is unforgivable.
>
> I urge you and your colleagues in Congress to promptly support the mission of our Armed Forces or get them out now.

Mr. Speaker, we each must vote our conscience today and live with the results of our action. But for me, I must pursue the one strategy I believe holds out the best hope for accomplishing our goals with minimal risk to our soldiers. I must stand with the U.N. actions through the Solarz-Michel resolution. And in so doing I only hope to God, that through this action, we might yet achieve peace.

□ 1720

Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, we are here today engaged in the exercise of one of the great strengths of democracy—the elected representatives of a free people are openly debating and voting on the future course of our country at a time of national crisis.

The words spoken in this debate will soon fade from memory, but the votes cast on the Persian Gulf resolutions will be forever etched in history.

From the very start of this crisis, my goal has been to help find a way to peaceful settlement. No one wants to avoid war more than those of us who have been in war. Having been wounded twice in Vietnam, I know firsthand the horrors of war, and will always try to prevent war. We are all praying for peace and the best way to achieve that goal.

We join here not to debate whether Saddam Hussein has committed unfathomable atrocities against the people of Kuwait—we all know he has. We join here not to debate whether Saddam Hussein must leave Kuwait—we all agree he must. We are here to debate what is the most effective method of achieving that goal, and to find the best route to a peaceful settlement of this crisis.

There are those who say economic sanctions alone will force Iraq to withdraw from Kuwait. As we are all aware, the intelligence community has concluded "there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and there was no evidence when or even if they would force him out of Kuwait." Also, Mr. Speaker, there are innumerable examples in history of the failure of economic sanctions to achieve the desired effect.

Mr. Speaker, only when Saddam Hussein is convinced that the nations arrayed against him may use force, will there be a possibility of peace.

In an address in August of 1939, Winston Churchill said the following about the House of Commons:

> This House is sometimes disparaged in this country, but abroad it counts. Abroad, the House is counted as a most formidable expression of the British national will and as an instrument of that will in resistance to aggression.

This statement also applies to the role of the U.S. House of Representatives. I am confident that the House will vote to support the President. When it does, the world will know, and Saddam Hussein will know, the American people are united behind their President and supportive of the American and allied troops deployed in the Persian Gulf region.

Mr. Speaker, in a radio address to his constituents in June of 1941, former Senator Claude Pepper of Florida spoke on the rising threat of nazism. He stated that:

> America's strength is not great unless it is a united strength. Our power is not determining unless it is mobilized. America's will is not decisive unless it is one irresistible will.

America is the principal member of the coalition opposing Hussein's aggression, and we in the Congress must now confirm our support for United Nations Security Council Resolution 678.

Mr. Speaker, while mankind has made great strides in so many areas in this 20th century, it has also been a century of great tragedies:

This has been the most violent century in the history of man; tens of millions have died in armed conflicts in the 20th century; the unspeakable horror of the Holocaust occurred in this century; and weapons of mass destruction have proliferated in recent decades.

What lessons have we learned from the tragedies that have occurred in this century? I believe the most important lesson we should have learned is that the appeasement of expansionist, dictatorial regimes results in the eventual occurrence of armed conflict on a large scale.

We are all familiar with the failure of the League of Nations to maintain global peace and its inability to check the ambition of dictators. For many years the effectiveness of the United Nations was impaired by the two superpowers conflicting policies on the world stage.

Today, as we deal with the first crisis of the post-cold war era, we are at a crossroads of history. We stand with an opportunity to make the United Nations a truly effective instrument in the maintenance of international law and order.

There are those who say that Saddam Hussein is just another Third World dictator and that he is no threat to America's global interests. I disagree.

The world knows of the human suffering and distress that he has already wrought: 1 million casualties in the Iraq-Iran war; his use of chemical weapons against both Iran and the Kurdish minority in his own country; and the nation of Kuwait has been invaded, occupied, pillaged, and devastated.

Mr. Speaker, I have met with Kuwaiti citizens who have told me of the incredible suffering their citizens have been going through.

Amnesty International has documented in chilling and grotesque detail the torture, mutilation, murder, and rape of innumerable Kuwaiti citizens.

But beyond the issue of the invasion and devastation of an innocent nation, is the broader issue of the potential impact of Saddam Hussein on the world stage if his ambitions are not countered.

Had President Bush not acted to deploy our troops shortly after the August 2 invasion, Saddam Hussein could have easily deployed his troops into Saudi Arabia and captured their oil fields.

He then would have controlled half of the world's known oil reserves.

The greatest concentration of resources in the world would have been in the hands of a ruthless dictator who not only possesses chemical weapons, but is developing even more threatening nuclear and biological weapons.

Mr. Speaker, this man has demonstrated his willingness to use whatever weapons are in his arsenal in order to achieve his geopolitical ambitions.

We cannot have this debate without addressing how proud we are of our young men and women serving in Saudi Arabia. I've visited the front-line troops twice. The conditions are harsh, but their dedication is solid.

Last month, I wrote to many of the soldiers, from the area I represent, who are in Saudi Arabia. I received this note back from Sgt. Brian C. Marcnitello:

> Thanks for your support in our mission in Saudi Arabia. I have received a lot of mail from fellow Pennsylvanians. Without family, friends, and new fans, I don't think I could survive this crisis. I am a crew chief of a C-130 aircraft and have been flying a lot of missions since my arrival back in August. We are all tired but strive to accomplish our true mission and our job. We are proud to be here and proud to be Americans.

In conclusion, Mr. Speaker, I would like to quote from a congressional debate of August 12, 1941, on the eve of World War II. In that debate, John McCormack, a young Congressman from Massachusetts who later became Speaker of the House said:

> We are the trustees of the present and future of our country. That is our job. It is our duty to perform it without fear of the consequences. The question that confronts us is not what we would like to do, but what we must do under the conditions that exist throughout the world today.

Mr. Speaker, I believe what we must do under the conditions that exist in the world today is vote to support the U.N. Resolution 678, the President of the United States, and the servicemen and servicewomen deployed in the Persian Gulf.

A vote for the Michel-Solarz resolution is a vote to oppose aggression.

A vote for the Michel-Solarz resolution is a vote to voice support for the world's community's opposition to an expansionist dictator.

A vote for the Michel-Solarz resolution is a vote to tell the world and Saddam Hussein that America stands by its principles.

Mr. TORRICELLI. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, this is not why I came here, to vote for war. Yet over the last several weeks, I have found myself at war with my own conscience. All my life I have decried violence and all who commit it. All my life I have been and I am a peacemongerer. I opposed Vietnam and even Grenada. I oppose the death penalty. I do not think boxing is a sport. I am even against killing animals without purpose. Toy guns and war games have always been banned from my house.

I am a father who wants his children to grow up in a world at peace. The last thing that I came here to do was to participate in something that would injure someone or take the life of even one human being. But what am I supposed to do? Instinctively I should vote to do nothing, maintain the status quo, give peace a chance, no artificial deadlines. I can explain that easily to my past, to my philosophical soul mates, and to my constituents. However, having done that my hands would be no less free from blood, because I really know that the world is not filled with only peacemakers. I think that there are those who act as if devoid of reason, and who are committed to nothing but power and violence. I am in conflict because I really know that, and we all know that Saddam Hussein is not a good person. He caused a million deaths in trying to take over Iran. He gassed tens of thousands of Kurds. He threatened to burn half of Israel. He devoured neighboring Kuwait. He moved hundreds of thousands of aggressor forces toward Saudi Arabia. Why has he temporarily stopped? Not because we said "please." Not because of sanctions. Not because of condemnations. Not because of group prayer. Not because we threatened him with the negotiations. Not because we threatened to send a committee of diplomats carrying umbrellas. He stopped temporarily for the same reason that all bullies stop—force, or the threat of force.

He is a murderous, international runaway train, and he has to be stopped. If Members want to stop a bully, they have to let him know they are willing to step up to the plate. Why the rush? Why the deadline? Without a deadline, he stays and he wins. No one moves without a deadline. We do not even vote on bills without a deadline. We would not even be here wringing our collective hands and expressing our legislative will today if we did not have a deadline.

For years, we have been espousing our constitutional turf, rightfully insisting unto ourselves the authority to declare war. We cannot have legal authority without exercising moral responsibility.

There were lessons in Vietnam. Saddam Hussein thinks he has learned one, that the United States has no national resolve that Americans will do anything, short of shedding blood, that the Congress will pick apart the President and undermine our troops and our strategy, and let him have his violent way.

Mr. Speaker, let the United States learn him a new lesson. The best chance for peace that we have is for a message to be sent from here today that the American people, through their Congress, is behind their President and their soldiers and are willing to stand up for this vicious aggression.

Mr. Speaker, we fought wars that we have never declared. We have declared wars that we never fought. The war on hunger, on drugs, on poverty and homelessness. Let this be one of them.

Mr. Speaker, I will not cast this vote with any sense of joy. I tremble at the thought of playing God and having to cast it. The only thing I fear more would be sitting on the rocker on the porch, if God grants me the years to reach retirement, and having some little girl who hopefully would look a little like her grandmother, look at me and ask, "Grandpa, why didn't anyone stop him?"

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I rise in support of the Gephardt-Hamilton amendment and oppose the declaration of war amendment.

War, and the inevitable death of thousands of Americans, must be a last resort and must be undertaken only for the gravest reasons, for the most important national interests. We have not exhausted our other options, and our national interest in removing Iraq from Kuwait is less significant than the President claims. I cannot at this time vote to authorize a declaration of war.

What is Kuwait? Why is its survival of the highest importance to the people of Michigan and the United States? Not because it is a democracy. Even South Vietnam for whom 58,000 Americans died, could make plausible claims that it was a democracy threatened by communism. But Kuwait is a monarchy. Its rulers suspended the country's parliament in 1986 in the face of a movement for democratic reforms. Not because Kuwait is a friend of the United States. Kuwait voted against us 9 out of 10 times in the United Nations over the last 10 years. We have no treaty obligation to defend Kuwait.

Clearly, Kuwait's independence and the restoration of its ruling family are not worth the loss of American lives, let alone the enormous expense of our Nation's wealth.

Is Iraq such a threat to the United States and our people that its aggression against Kuwait justifies war? It is not such a threat now, and the continued crush of world-wide economic sanctions will make Iraq less of a threat with the passage of time.

No one should forget that Iraq invaded another, larger neighbor 8 years ago and received our country's support. When Iraq invaded Iran the President did not threaten war, far from it. When Iraq invaded Iran, we provided Iraq with food, arms, and intelligence support. Its aggression was not seen as a threat to world peace or vital American interests then. Iraq's annexation of Kuwait is no more a threat to the American people now than was the invasion of Iran then.

Vice-President QUAYLE claims that Iraq is developing a nuclear weapon whose use would threaten the entire Middle East and, eventually, the world. In fact, however, that threat is so distant as to be negligible. There is no way that Iraq will pose a nuclear threat to anyone during the life of the economic embargo. We lose nothing, and Iraq gains nothing if the world continues to crush Iraq economically for another 12 months. If we go to war, the situation will be very different. Our losses, in blood, treasure, and diplomacy will be enormous and unjustifiable.

I do not want an American war against Iraq. If there must be war, I want it to be a U.N. war against Iraq, or, at least, a war in which we are joined by all our allies and the Mideast nations that Iraq threatens. I want to know today what every American will ask when the body bags come home: where are our allies?

Why have Germany, Italy, Spain, Australia, Japan, and so many others done nothing and left the fighting and dying to the Americans? If Saddam Hussein is such a threat to the world, why have our troops been joined by only a relative few from Great Britain and France? President Bush's rush to war has American lives too far out in front.

A battlefield victory for the United States over Iraq will not end this crisis or bring stability to the Middle East. We cannot occupy Iraq, or even Kuwait, and we cannot control the hatred that will boil over in the Arab world if Israel is drawn into this conflict. Until our goals are clearer than they are today, Congress should not authorize a declaration of war or any offensive action by United States forces.

I served in Congress during the Vietnam war and shared responsibility for the commitment of troops we made in 1965–67. When I turned against the war, it was because I realized we had been lied to about its purposes and chances for success. I learned that the decision to send American soldiers to war—and some to their death—is the heaviest responsibility of a Member of Congress, one that should never be made easily and without the total support of the American people. Nothing in this conflict with Iraq makes me willing to send young men and women to their death.

Finally, let no one question my support for and faith in our soldiers stationed in the Persian Gulf. If we go to war, I have no doubt that we will ultimately emerge victorious from the battlefield. President Bush's request for additional funding for Desert Shield, which will come before us in February, will overwhelmingly pass the Congress, with my support. While I reject the President's justification for this war, I would never vote to deny additional funding for the job we have undertaken or risk tying the hands of our men and women in uniform. I would rather see them come home today, but if they must fight I want to win and win swiftly.

Mr. SWIFT. Mr. Speaker, I yield 5 minutes to the Democratic caucus chairman, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise today in support of the Hamilton-Gephardt resolution. I do so in a belief that though military action may be the only alternative available in the near term—at this time, further diplomatic efforts and the continued imposition of strong sanctions may avert the necessity of war.

There is a consensus on our goal: Saddam Hussein must leave Kuwait. The world must not tolerate nor reward his illegal and violent aggression. The Congress and the American people are in agreement with the President on this principle.

But we have contained Saddam Hussein. If he moves one step further, the Gephardt-Hamilton resolution provides for the immediate and full scale use of force to protect our troops and our allied interests in the gulf.

Continued enforcement of the sanctions may or may not lead to the removal of Saddam Hussein from Kuwait. But there is no question that the sanctions are weakening Iraq. Admiral Crowe, former Chairman of the Joint Chiefs of Staff, stated:

> The embargo is biting heavily. * * * Iraq's civilian production has declined by 40%, exports earnings have sharply dropped, and economic flexibility is rapidly disappearing. Military industry will likewise be hit. It is the most effective peacetime blockade ever levied.

At the same time, I do not believe that Saddam Hussein will ever back down if doing so is perceived as backing down to the United States. The threat of force, no matter how credible, will not change this. I therefore do not agree with arguments being made that Saddam Hussein will retreat in the face of an implicit declaration of war by the Congress. But there may be a chance that Saddam Hussein understands that he cannot win a war with the United States and its United Nations allies. Surely, if he doesn't understand that, he should. And if he does, he may be looking for a way out of this crisis without appearing to back down to the United States. And if he is, then removing the threat of what the world perceives to be a United States deadline, may allow for a diplomatic solution which achieves the same goal—the full withdrawal of Saddam Hussein from Kuwait.

From the time of St. Augustine, people of principle have unanimously agreed that war must only be waged as a last resort. I am not convinced that all options have been exhausted.

There are no national strategic interests immediately at stake. Therefore, the United States has the option—and the Congress the opportunity—to pause and be certain of our course. The United States can and should continue to work with the United Nations to accomplish our shared goals. At the same time, the President and the United Nations can work to increase the commitment of both troops and money of other nations to bring together a truely international force to accomplish our ends. And the public support can be strengthened through the certainty that all options have been exhausted before unsheathing the sword of war.

The Gephardt-Hamilton resolution does not preclude the future use of force to accomplish our goal.

Let me repeat that Saddam's aggression must not be sustained or rewarded. But I do not see the urgency for action on the arbitrary date of January 15.

I believe that the international coalition imposing the embargo will continue to be effective. I believe that Iraq will continue to suffer greatly under the embargo. And I urge Saddam Hussein to take advantage of diplomatic efforts—from whatever source—and remove himself from Kuwait. If he does not, then he should make no mistake, that the world and this country are united in the belief and commitment that he will be removed, by use of force if necessary.

The resolution by Mr. GEPHARDT and Mr. HAMILTON clearly allows for this option. The President may request at any time the use of force against Iraq to accomplish our purposes.

For now, I will vote for a pause in our race to war. The chance to accomplish Hussein's peaceful exit from Kuwait and an opportunity for the saving of American lives is worth, and indeed requires, such a pause. I will, therefore, vote in support of the Gephardt-Hamilton resolution.

□ 1730

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, you know, the vast majority of this Congress certainly support the present policy of sanctions, but congratulations should be given for what has already been accomplished. The deployed forces were there fast enough to protect Saudi Arabia, that is very much in our interest. The hostages, I believe, were freed before Christmas because the forces were properly deployed there.

Finally, that grand alliance of a hundred nations joining together in the sanctions has held together very effectively, to the extent that 98 percent of all exports to Iraq have been stopped; 98 percent of all imports to Iraq have been stopped.

General Schwartzkopf told us when we were in Saudi Arabia last month that every day, every month, the Iraqi forces are weaker. That means they have no spare parts coming in. That means, as he said, in the weeks and months ahead they will have less planes, less tanks arrayed against our forces in any possibility that might occur.

With modern weapons today, you cannot fix them with baling wire. You need the real thing, and they are not getting any of those spare parts whatsoever.

So our policy today presently of the sanctions is working very, very strongly.

What goal do we have that remains? That is to free Kuwait. Unfortunately, the people of Kuwait are suffering very, very severely; but if there is a war, then many more of them will die.

The alliance, as I say, is holding together very well, but on the first day of war we have different nations in our alliance saying they will go in different directions. That has not happened with the sanctions, but it will with war. The French say they will only go into Kuwait, not Iraq. The Syrians will not tell us what they are going to do. The Egyptians say maybe Kuwait, but they will not go into Iraq. It will be our forces alone fighting the brunt of this war, and it will be an American war.

But the sanctions, let us have an alliance that is international.

Last month General Powell told our Armed Services Committee in hearings that we can stay the course. We can stay in the field as long as it takes to let the sanctions operate properly.

He said also that we have no deadlines imposed on ourselves because of weather changes, the time of year, or religious holidays.

Our policy today of sanctions is no Munich. Saddam Hussein cannot profit from his invasion.

The sanctions stop exports. His nation is suffering virtually totally because we are stopping his imports.

Our alliance is secure. The policy is working today.

A war policy divides the alliance on the very first day.

Many people here have said we should support the President. That is how we lost so many lives in Vietnam. People said they were supporting the President, rather than looking at the policy.

We have a responsibility under the Constitution. We all have a choice. We must face that responsibility and not just say that we are going to follow somebody else's policy, but to vote for the policy that we believe in here on the floor of the House.

A great nation like ours needs more than great power. A great nation like ours needs patience and it needs great wisdom. Should we have a war and lose some of our young men and women, or should we have patience to pursue the present policy and operate our sanctions for a longer time and have our people alive and walking home on those transport planes. If it is worth a war to free Kuwait, then it is worth the time to make the sanctions work.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, notwithstanding President Bush's pathetic utterances that the language in the Constitution dealing with war is ambiguous, the Constitution of the United States in unequivocal terms confers on the Congress the exclusive right to declare war.

Notwithstanding our President's irrational statements about Iraq being a threat to world order, there is no sufficient justification to involve the United States military in armed conflict over the invasion of Kuwait. Despite President Bush's illogical rantings and ravings about the need to use force without allowing economic sanctions to play out their course, it would be a tragedy of great proportion to sacrifice the lives of American men and women in this misguided cause.

Mr. Speaker, when will the American people ask our President to define the American interest in the Kuwaiti, Iraqi, Saudi Arabian conflict? Certainly it is not to defend liberty and democracy, for Saudi Arabia and Kuwait are two of the most undemocratic, oppressive nations on the face of the earth. Hopefully, our President is not contending that the occupation of Kuwait threatens the flow of oil to American industrial machinery; there are no long lines at the gas pumps and there is no threat of the excessive consumption of our own vast oil reserves. Americans remember the long lines at the gas pumps in the 1970's, and we should not forget that they occurred as a result of Kuwaiti and Saudi Arabian OPEC Policy.

If, Mr. Speaker, the President is correct in this interpretation that the situation in the gulf is a threat to the world order, then where is the rest of the world community? Especially those nations which really depend on oil from Kuwait? We don't see Japan and Germany committing any troops to fight. We don't see France, Belgium, and England amassing hundreds of thousands of their young men and women on the border of Kuwait. And perhaps the greatest irony of all, is that we don't see Saudi Arabia and Kuwait armed at the border to suppress the Iraqi aggression.

I am unalterably opposed to sanctioning the use of force by the President to evict Iraqi troops from Kuwait, until it is demonstrated beyond a shadow of a doubt that such occupation is a threat to the world order. Our mighty military machine would probably win a war with Iraq, but the cost will be astronomical in terms of Iraqi and American lives lost.

Over the past several months I have worked with some of my colleagues in an effort to forestall the very war mongering that is presently taking place in this body today. We have argued that economic sanctions, accompanied by genuine efforts of diplomacy, should be given ample opportunity to work. But those sanctions have not been given that opportunity, and God knows that the stubborn, intransigent, abrasive attitudes of President Bush and Secretary Baker were intended to effectuate the precise war mood that exists on the floor of this House today.

In addition, I cosponsored the resolution of concern about the President's policy and requested the administration not pursue any offensive military action without the full deliberation and declaration of Congress. Further, I joined with other Members of Congress as a coplaintiff in the lawsuit which sought a Federal injunction to prevent offensive military action in the gulf without express congressional authorization.

Mr. Speaker. Diplomacy is the art of give and take. Over the years, I have criticized most militaristic foreign policy initiatives. I believe U.S. foreign policy is too often directed toward a military solution and not often enough directed toward a diplomatic resolution.

Today we have the technological power to destroy every nation on this earth—but we also have the technology to help create real dialog among all the nations of our planet. A wise Missouri legislator—Harry S. Truman—once said, "The responsibility of great states is to serve and not to dominate the world." I believe our Nation would gain much more if we would heed this advice and use our power and influence to serve others by creating viable diplomatic solutions to world problems.

A war with Iraq promises to serve no one. War is a nonsolution. The U.S. military presence in the Middle East has already acerbated the serious regional problems and turmoil which plague the nations of the Middle East and typify so many developing countries.

Mr. Speaker, today we have the opportunity to make an historic change in U.S. Foreign Policy. We have the power to pursue diplomatic solutions to world problems and we must exercise it. I implore this body to vote against war. I urge my colleagues to approve the Durbin/Bennett resolution confirming that our Constitution has vested in Congress all power to declare war and I encourage passage of the Hamilton/Gephardt resolution authorizing the defense of Saudi Arabia and the enforcement of the U.N. embargo against Iraq.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise today to support the bipartisan Michel-Solarz resolution authorizing force to implement the U.N. Security Council resolutions concerning Iraq's unlawful invasion of Kuwait. I do not take this position easily or lightly.

I have heard from hundreds of residents from my district. Many urge support for the U.N. resolution and President Bush—many have urged caution, wanting our Government to give sanctions more time to work. And a few have gone as far as to say the United States has no business whatsoever being in the gulf.

I have concluded that congressional support of the Michel-Solarz resolution will send a clear signal to Saddam Hussein that this Congress stands solidly with the President and the international community demanding he must withdraw from Kuwait or risk being expelled by force.

I read with interest a recent article by a freelance writer, Marc Wilson, entitled "This Vietnam Protester Won't Be Quick to Oppose Gulf War." This writer is a self-proclaimed pacifist, a champion of liberal causes, and was an outspoken Vietnam protester. Yet his views on the Persian Gulf conflict are quite different from what you might expect.

I would like to read a few passages from his article.

> The Persian Gulf is not Vietnam. We would be fighting to protect the lives of millions of noncombatants whom Hussein, without losing a wink of sleep, would self-righteously gas to death on a moment's notice.
>
> We would be fighting to prevent the inevitability of nuclear weapons devolving into the hands of a man who would surely use them indiscriminately and without provocation.

Mr. Wilson goes on to say that

> The moment we * * * of liberal inclination * * * hear "war", our knee jerks quicker than our mind scrutinizes. Before we mindlessly shout "Another Vietnam!" and get swept up in heady anti-war rhetoric, we need to ponder again, when the all-compelling quest for human harmony can be actualized only by waging battle against those forces that are maniacally bent on disrupting it.

No one wants war. Certainly not I. Nor do any of my constituents. Still, the choice we have is waiting for an undetermined amount of time to see if sanctions will work or forcing Hussein out of Kuwait. The United Nations has said 5½ months is long enough to wait before resorting to other options.

I continue to have in mind the thousands of citizens in the 10th District serving in the Armed Forces; and the 1451st Transportation Company of Boone, the 540th Quartermaster Battalion and the 1450th Transportation Company, both of Lenoir, that have already been deployed. These soldiers are sons, daughters, brothers, sisters, and parents.

Passage of this resolution may help prevent a war. It is a risk, but I believe it is a risk worth taking. Make no mistake about it, any military action should be quick and decisive. The American people will not stand for American casualties mounting month after month from a prolonged conflict. The reasons we are involved in the gulf region are justified, but we should accomplish our mission and bring our young men and women home.

Mr. BROOMFIELD. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, tomorrow, each of us will cast the most important vote of our congressional careers. The consequences of our actions will be far-reaching. World order, economic security and, literally, the life and death of thousands are at stake.

In a paradox, the most militant vote—to support the Michel-Solarz resolution—which authorizes the use of force, is, in my opinion, the vote most likely to avert war. As long as Saddam Hussein believes we will not risk war, he will not peacefully resolve the crisis. Only when he is convinced that the American people, through their elected representatives, are firmly committed to using force, if necessary, will Hussein move away from war himself.

I will vote for the Michel-Solarz resolution. I would vote for a formal declaration of war, if such a declaration was being considered, to send the most unambiguous signal possible to Saddam Hussein that his aggression will not pay.

Of course, voting to authorize force, as difficult as that may be, is not nearly as difficult as the decision to use force. All of us pray for President Bush if he must make that decision. If it must be made, however, I for one hope that we decisively and overwhelmingly employ all force necessary to win, and minimize American casualties. If left unchecked, Saddam Hussein's appetite for power and conquest will only grow. To paraphrase a popular television commercial, we can stop him now, or we can stop him later.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have cochaired the Congressional Human Rights Caucus for the last 8 years. During that time I have attended dozens of hearings and listened to hundreds of witnesses outlining human rights abuses all over the globe. Much of the testimony has been graphic and disturbing. But none has approached the horror described during the hearing I chaired in October outlining the atrocities the Kuwaiti people have suffered at the hands of the Iraqi invaders.

The witnesses—many eyewitnesses—described the most sadistic, cruel, barbaric, brutal, and vicious program of torture and repression against the people of Kuwait that can be imagined.

The litany of horror perpetrated on the Kuwaitis by the Iraqi soldiers boggles the mind: Mutilation—including castration, gouging out of eyes, pulling out of fingernails and toenails, cutting out of tongues and slicing off of ears, ripping out of hair and beards with pliers, and the application of electric shock, red-hot irons, and lighted cigarettes to sensitive parts of the body;

Rapes and sexual assaults on women of all ages, including the brutal rape of young teenage women in front of their mothers and fathers;

Murder of babies in the neonatal wards of Kuwaiti hospitals by stripping the wards of incubators and other equipment essential for the babies' survival; and

Murder and summary execution of men in front of their entire families, and the random murder of innocent civilian Kuwaitis for the most minor reasons or for no reason at all.

One witness, Mr. Speaker, said that the Iraqi soldiers' respect for human life is so negligible that they make bets on how many breaths a Kuwaiti will take between the time he is shot and the time that he dies.

A female Kuwaiti doctor testified to the barbaric rapes and to the fact that the Iraqi soldiers stole her hospital's blood supply and she watched helplessly as a young woman bled to death shortly after childbirth. She said:

> As a mother, I can share each woman's horrors; as a doctor, I abhor the forced destruction of medical capabilities which has cost human lives; as a human being, I am enraged to know that other human beings possess such brutality and willingness to inflict pain and suffering on others. My heart goes out to those courageous people still in occupied Kuwait who must deal with the savage behavior of Saddam Hussein and his troops. The pain and anguish of these people must be alleviated. In a world that cares about human rights and standards of civilized conduct, how can we stand by and watch this continue?

Mr. Speaker, there is no nation on Earth more firmly committed to the cause of human rights than the United States of America. We are looked to as a beacon of hope for oppressed people everywhere. We do not, as do many others who claim to be civilized, look the other way as the rights of our fellow human beings are trampled in the dust. And we cannot and will not look the other way now.

Mr. Speaker, the President has repeatedly and correctly warned that if the United States fails to stand by and implement the resolutions of the United Nations to repel Iraqi aggression, the ability of the United Nations to prevent any future aggression will be destroyed and that organization, like its predecessor, the League of Nations, will be consigned to the dustbin of history.

Mr. Speaker, the United States is the beacon of hope to create a future world dedicated to the rule of law and the protection of the basic rights of every single human being. If we now turn our backs on the suffering of the courageous people of Kuwait, our chance to lead the world toward that future will be destroyed and the barbarism and brutality of all the Saddam Husseins, which has dominated so much of human history for so long now, will prevail. We must not allow that to happen, Mr. Speaker, we must support our President.

□ 1740

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, today we debate, as constitutionally we must, the issue of congressional authority for our Commander in Chief to make war—to use the great forces of our Armed Services in support of the U.N. Security Council's demand that Saddam Hussein abandon his illegal invasion of Kuwait.

As we individually and collectively weigh this awful decision, I believe it important to examine the genesis of this controversy—and I am reminded of the admonitions of the most distinguished gentlemen from California, to feel passionately, as we debate. He is correct. While we must act carefully and deliberately we cannot escape the deeply felt and often conflicting emotions which weight the hearts of every American today. Let us strip this thing down to its basics.

Saddam Hussein did not invade, Kuwait to capture its cotton fields. He launched his aggression to capture its oilfields and its oil wealth.

And we did not deploy our military forces to the Persian Gulf to protect Saudi Arabia's great cotton fields. We deployed to prevent Saddam Hussein from gathering under his unreliable control those massive Saudi and Arab Emirate oil fields that would have effectively provided to this one man, control of over one-half of the entire world's supply of oil.

The U.N. Security Council and 27 other partner nations have joined us in the Persian Gulf for one overriding reason—and it is not the price of cotton or even the price of oil: It is the security of oil—like it or not—the fuel that drives the economies of both the free and not-so-free world.

And so today men and women from Louisiana and from across America stand poised on the edge of war to fight for oil—men and women from Louisiana who would much prefer to be working in the oil and gas fields of Louisiana helping to provide our Nation with a homemade energy security are instead in battle gear defending someone else's oil fields.

And so here is my passion. To each of you who with me agonize over the best way to settle this thing peacefully, I ask you—where were the votes when it was time to decide whether we would produce here at home the energy supplies we required? When it was time to decide on moratoria against offshore drilling in America, did you not see the danger of reliance on Persian Gulf Oil? When it was time to consider exploration of our Alaskan Arctic National Wildlife Reserve [ANWR], did you turn a deaf ear—preferring to heed, instead, the voice of America's environmental extremists? When it was time for a sensible nuclear energy policy for America, did you instead applaud the decision to shut down the $5 billion, newly constructed, Shoreham nuclear facility? When it was time to write tax policy did you join in efforts to penalize domestic drilling—to make it more profitable for America's companies to drill for oil in the Persian Gulf rather than in the Gulf of Mexico? Did you prefer to see our Louisiana workers unemployed. So desperate for work that many—many more proportionately than any in America—surrendered their steel work helmets and donned instead a military one.

Is it more than wrong that Louisiana now fields more reservists and National Guard troops proportionately than any other State? Men and women—who, with just a little help with a rational American energy policy, could be instead working here in America and daily building an energy security that did not depend upon Saddam Hussein or the sheiks in Kuwait or Saudi Arabia.

How sad it is that we never seem to learn. That the oil embargo of the 1970's and the Persian Gulf crisis of the early 1980's are so quickly forgotten. How many young people will we now sacrifice because somebody valued an Alaskan caribou over our own energy security and over our own children?

I will vote to stand with the President and the United Nations. I believe a united America and a credible threat of force is still the best chance for peace—the best chance to convince Saddam Hussein that he cannot succeed. But I am passionately angry that it has come to this. And I am more than ever determined that this time we learn and that we act so that maybe it will never come to this again.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, first, a personal observation. Some years ago, I had the privilege of speaking at the dedication of the Viet Nam Memorial at Fort Hays State University. Sitting in the audience were the parents and loved ones of the Fort Hays alumni who lost their lives in that conflict.

I told them that their young men did not die in vain, for this country had learned a tragic lesson—that never again would we go to war and commit American troops in combat in foreign lands where military victory was ruled out and where that commitment was not supported by the American people and their elected representatives.

I further went on to say that virtually every President has had to weigh the terrible burden of commiting troops to war and that Congress should also assume the responsibility and gravity of that judgment should such a situation arise again.

Mr. Speaker, albeit much too late in this Member's judgment, we are assuming our constitutional responsibilities and I believe this debate and vote has been and will be historic and will serve this institution well.

My colleagues, it is obvious that no Member of this body wants war and that we hope and pray that any late diplomatic efforts will prove successful. While we do not want military action, what if that is the only way to achieve our goals in the Mideast?

The President's ability for advancing the case for American involvement notwithstanding, what are the stakes so important as to endanger American lives?

Simply put, we must stop Saddam Hussein. We are not starting a war, Saddam Hussein has already done that. This was 1930's style aggession in the heart of the world's energy supplies. Additional time for sanctions and diplomacy perhaps but that same time buys Saddam credibility and we are already seeing cracks in the free world alliance. The French may be willing to put a Mideast summit and the Palestinian issue on the negotiating table.

And, the American people are hesitant to go to war unless they can see a clear and present purpose and danger in their daily lives. For instance, if we delay and sanctions and so-called diplomacy do not work—the chances are dramatically increased that Saddam may control half of the world's oil reserves and the power to manipulate production, shortages, economic panic and extortion of the free world. The potential for misery and human suffering is tremendous.

Understandably, I'm not sure we should not adopt a policy of blood for oil. To be sure, this country has a lot of soul searching to do about our lifestyle and our consumption of foreign oil. But, my colleagues, let's change the definition of "oil" to what it really is—the gasoline and diesel that enables us to produce food and fiber for this country and a troubled and hungry world.

One of my constituents in the trucking business told me last weekend that he has already paid $210,000 more in fuel prices during the past several months; that is a tax levied by Saddam Hussein for him in turn to build his war machine in an even more deadly force for international blackmail.

The Overseas Development Council has estimated that if stability is not returned to the gulf, 137 countries around the world could see their annual fuel—not oil, fuel—bills rise anywhere from $100 to $300 billion. That would have devastating effects especially in the Third World.

If Saddam consolidates power and diesel gasoline and fuel doubles and triples in price, the cost of putting a crop in the ground, harvesting it and providing it to our farm to market chain becomes questionable. My friends, we are talking about: Rationing of essential fuel supplies and food; a tremendous increase in the cost of food to our disadvantaged and poor; and an abrupt halt to our ability to prevent malnutrition and hunger throughout the world and here at home.

These are not economic problems, these are problems of human misery and suffering, food stamps will not purchase the basic needs of poor families. The American farmer, hard pressed today, will be denied essential fuel tomorrow.

It does not take much imagination to see that Hussein could line up other Arab oil producing countries and with the European Common Market supplying the food and Hussein being the Nasser of the 1990's supplying the oil, Third World countries would have no option but to rely on that axis for their food supply. And, what do we do for a farm policy with the Asian market dependent upon Arab oil, the Third World blackmailed and the Soviet Union in a free fall?

My colleagues, these downside risks, this potential for human suffering and misery, must be considered. How do we avert this?

Now, some of my colleagues said the choice is war now or patience with sanctions and diplomacy. Sanctions are not working now to the extent they will prove effective in getting Saddam Hussein out of Kuwait. And, according to the CIA report by Director William Webster and the information that has been provided to us by Chairman ASPIN, it is highly doubtful they will work in time. Time is not on our side. We already see the possible breakup of the alliance of nations which brings us to diplomacy.

And, here we have a paradox of enormous irony, people in this body who wish to negotiate do not want and should not want to even consider or discuss what Saddam wants to put on the table—a Mideast summit on the future of Palestine. If you are going to solve the gulf crisis by diplomacy, what do you talk about? Saddam's price is the future of Israel. Do we really want to go down that road? The French may already be taking that road. Do we want that debate, those diplomatic efforts?

It would be my preference, that in the spirit of Camp David and past peacemaking efforts, this Congress should and will do what we can to bring about peace in the Mideast and that means considering options different than the status quo. I don't know how else we will help solve the Palestinian question.

But, not now, not negotiating with Saddam Hussein of all people. If we delay for sanctions that have very little if any chance to work and for so-called diplomacy that for all practical purposes simply means selling out Israel, we will increase the chances of war and loss of life on a massive scale. If I thought patience and sanctions and negotiating with Saddam Hussein on the Palestinian issue would bring peace and save American lives, I would support it.

I do not question the integrity or conviction of those that do. But, someone must consider the practical effect of what may happen as a consequence of those actions and assume responsibility. The President of the United States has and he merits our support as the best chance for peace.

□ 1750

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, when a nation is on the brink of war, her leaders search for just the right words of inspiration to give comfort to the mothers and fathers who must send their children to a far off place, knowing that many of them might never return. You hope you can make the cause sound just and you try to find a way to explain why still one more generation must be haunted by the memory of war.

Those who would have us go to war in the Persian Gulf promised us that war is necessary to establish a new world order. But what good is it for us to emerge from a 40-year-long cold war if our new world order consists of an endless series of conflicts in the Third World where the expectation is that America will commit her troops and her resources to each war? If Americans begin to die to make an example of Saddam Hussein, can we honestly say that a more peaceful and more stable Middle East will rise from the ashes? Can we really defend the premise that all other means to finding a solution in the Persian Gulf have been exhausted and that our only recourse is death and destruction?

Saddam Hussein has indeed committed heinous acts. His acts of genocide and his acts of cruelty predate the invasion of Kuwait. This man is barbaric. He ought not to govern. He ought not to be accorded the respect of civilized nations anywhere. Most of all he ought not to have been rewarded with U.S aid while he was killing his own people. But, as we set about destroying Saddam Hussein, let us not delude ourselves. Thousands upon thousands of innocent civilians—women, children, farmers, workers—will perish violently long before we get the retribution we seek. And, just how many of our own citizens must die because we lost the patience for diplomacy or because we doubted the resolve of our allies or because economic sanctions didn't work fast enough.

I am fascinated when I hear military experts talk of surgical strikes; of an air force that can wreack havoc without doing ourselves much injury. But, the harm we do will haunt us for many, many years to come. The destruction, the bitterness, and the confusion will linger long after our planes fly home and the cost will be enormous far into the future.

The Middle East is an arena fraught with rivalries and shifting alliances that have bedeviled us for years. Eight years ago we thought we would bring order to Lebanon. We were so sure that we could put our battleships, cruisers, and destroyers off the coast of Beirut; station a contingent of Marines near the city, fly in fighter aircraft and that we could prevail. Those Marines had the latest maps and night-vision equipment just as our troops in Saudi Arabia do today. We were so sure American morality and a desire for peace would win out.

But, we know what happened. Two hundred and forty-one Marines died. We exited Lebanon stunned, anguished, and, without a peaceful resolution with which to honor their memory. And, today we find ourselves allied with yesterday's madman—Asad of Syria. For it was Asad, who brought on so much of the destruction of Lebanon because, like Saddam Hussein, he laid claim to his neighbor's lands. And, today, that land is virtually his. While we focus on today's enemy in Iraq, we ally ourselves with yesterday's enemy in Syria. This is a world that cannot be corrected by the sheer might and optimism of America we ought not to let more people die before we learn that awful lesson.

The nightmare that exists for many in the Persian Gulf cannot be fixed by a war we wage. We could go in and do enormous harm to Iraq. But, at the end of the day, it is our resources and our troops and our resolve that will be needed to rebuild the country. And, it will cost us dearly. It will be an American President who comes to this Congress to ask for billions of dollars to rebuild the country we have decimated. We will conclude that the region will be that much more unstable with the preeminance of Syria or Iran absent a strong Iraq. But, there is no Konrad Adenauer waiting in the wings to rebuild a ravaged nation after the allies withdraw.

And, at the end of the war, when our quarrel was with Saddam Hussein, will he in fact suffer a just end? I think not. Marcos. Duvalier. Idi Amin. The world is littered with dictators who brought their nations to ruin, who did grave harm to their people and, paid no price for their cruelty. Yet, we would destroy a nation and sacrifice countless American lives to get at a single criminal.

Mr. FASCELL. Mr. Speaker, I yield myself 5 minutes.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I rise today in opposition to military warfare and in support of continued economic warfare in the Persian Gulf.

I commend Speaker FOLEY for responding to the requests of myself and several other members in debating this vital issue and asserting the constitutional responsibility of Congress to decide whether or not to declare war.

I object to the Bush administration's characterization of January 15, as a deadline in which all diplomatic and sanction options must cease and military deployment and confrontation becomes inevitable. In my judgment, the U.N. resolution authorizes the use of force—it does not mandate a war and neither should we, but the authority sought in the House this week by the Bush administration seeks to use such language as an affirmative declaration of war by the Congress.

The Iraqi military takeover of another nation, Kuwait, is a violation of the most basic tenets of international law and human decency. But engaging and responding with an offensive military aggression at a possible cost of hundreds or thousands of lives when other options have not been provided the time to work is wrong. Offensive military action should be the last resort, the very last resort.

Economic sanctions is certainly the more humane and rational approach today for resolving this crisis. Economic sanctions will bring us closer to a more permanent resolution of the conflict without the tragic results of armed conflict. In 5 months, sanctions have already cut off over 90 percent of Iraq's imports and nearly 100 percent of its exports. Iraq is suffering a 50-percent reduction in its GNP as a result of the sanctions. If Iraq has no foreign currency how will it buy anything, especially replacement parts on new weapons? No country can survive isolation of this severity for a prolonged period of time. We must curb the temptation to seek instant solutions, immediate gratification and stay the course, allowing sanctions the time to work. As history has shown, easy answers don't provide lasting solutions. Success in achieving world peace demands patience and fortitude.

We can learn from our brave American soldiers in the desert who have demonstrated such patience and restraint in the face of imminent hostilities. As long as they remain, they have our prayers and support.

Mr. President, we have been patiently awaiting your leadership in developing a national energy policy. As we head into the 21st century, we cannot afford the economic and international ramifications of dependence on foreign oil. This failure to achieve energy independence is a serious national security liability. We cannot allow the loss of thousands of American lives simply to maintain a supply of oil for us and our allies. Indeed, it is the United States and other nations in the United States' coalition whose oil dollars have been key for Saddam Hussein and Iraq to build and equip the fourth largest army in the world. These recycled oil profits are now deployed against the United States because of the failure to have an energy policy and importantly to stem the proliferation of advanced conventional weapons in any meaningful way, to unstable governments such as Iraq. Worst yet the United States and other Western nations sold Iraq the weapons—an incredible irony.

Clearly, all diplomatic avenues must be exhausted and economic sanctions must be allowed to become fully effective before we should even consider the use of offensive military force. The fact that Saddam Hussein is intractible is not an adequate reason for offensive action when other means are available and working, not immediate gratification, but given a reasonable amount of time we can attain the goal of moving Iraq from Kuwait with proportionate action and measured reasonable actions, not an easy path but one that is consistent with our values and commitment.

It is vital to our Nation and the world that we exercise patience and courage at this critical point in our history. Now is not time to abandon the path of diplomacy and attempt a dangerous shortcut through the thicket of confusion and death that exists in the deserts of the Persian Gulf.

Mr. FASCELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, all of us have remarked about the seriousness of this debate and discussion. I cannot think of a finer example of democracy at work than the people's representatives carrying out their responsibility in an open debate such as today's. Our democracy provides an opportunity for its elected officials to be heard on issues of such serious importance. One has to consider all aspects of our Government's decisionmaking, and the influence of the people, our constituents, of families and friends who have watched this debate and who will continue to watch this debate who have been moved in a variety of ways depending on their experiences, their relationships, and their desires.

Mr. Speaker, the common thread with all of us is that we eschew violence, now and in the future. We all hope to resolve this crisis peacefully.

☐ 1800

I am as an elected Representative and a first generation Member. Most of our families were immigrants at one time or another and came to this country and made their contributions to the greatness of this country to its values, to the great system of our Government. Their contributions were made by hard work, by vision, by determination, by a commitment to a better life. And they sacrificed. Yes, from the very beginning of this institution people were skeptical about whether or not we the people's representatives would ever have the ability, the determination, and the capability to rule ourselves as a free democracy. The skeptics said we, the common people, would never have that capability.

Yet Americans from all over the world have demonstrated in these 200 years plus of our great Nation that we have done very well. I do not know of a people or a nation that has achieved for its own people more in terms of liberty and values and economics and the things in life that provide for a better future for our families than the American people have, nor who have unselfishly provided of their wealth, and of their lives, through their sacrifices, to try to help other people in the world, whether they were starving or in trouble. I do not believe that in the history of man there is as good a record as the one made by the people of this country.

I am proud of that. All those sacrifices came from the people, starting with the shot that was heard around the world, the great war that pitted brother against brother, World War I, at the time when I was born, and World War II, in which I served.

In each of these conflicts, there were the people who died and families which made sacrifices.

Today, I think of those Americas, as well as those Americans who made it possible for me to be here and not lose the sense of value that we all share with regard to our Nation but also to the kind of world in which we would like to live. This view includes our commitment to freedom, democracy and fundamental human rights. It is a view that contributed to our sense of value that the peoples of Africa, Eastern Europe, and Latin America should not become subjects of colonialism that they should have the right to rise and be independent and sovereign and strike off their shackles and make their own free determinations.

Americans have died and sacrificed to see that our value system and the rule of law exist.

The SPEAKER pro tempore (Mr. OBEY). The time of the gentleman from Florida [Mr. FASCELL] has expired.

Mr. LEVINE of California. Mr. Speaker, I yield an additional 1½ minutes to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, without that sacrifice, the world would be a jungle. It would be unsafe for everybody.

Today, Members can say, "Look, this is a tough decision. We don't want to lose any lives, and we don't want to go to war. Let's not do it today. Let's do it next week. Let's put the siege on, and let's wait. We can let sanctions run. Let's wait and find out."

So sanctions stay in place. So what? All these other things happen. So what? What happens, of course, is that Saddam Hussein becomes even more ambitious, gains monumental strength and perhaps even more emboldened. At some point we are going to have to face the decision that many want to avoid today. It seems quite clear to me that this decision must be made today, and if we are going to use diplomacy, we cannot afford to tie the military aspect of our diplomacy behind our back.

We have been successful in this respect to date because the military threat was credible. We have had and continue to have the manpower there. Saudi Arabia was saved, and the hostages were released. But I guarantee that if we let this deadline go by, nothing will happen. There is no incentive. No matter what kind of sanctions we put in, no matter whether there is starvation, he is going to stay right there in Kuwait and decide what else he can do, because he knows that as far as the United States is concerned, he will conclude that we do not mean what we say. He will just go ahead and do whatever he wants, and at some point in time, I guarantee we will have to act.

This is just based on my own experience, after watching my fellow American soldiers, millions of whom served in World War II, and who suffered and sacrificed because some leaders did not act as decisively as was necessary.

Mr. Speaker, I tell my friends that it hurts me to say this, but the time is now, not 6 months from now and not a year from now. I support the Michel-Solarz resolution to give the President that authority.

Mr. Speaker, the Congress is faced today with a very difficult decision. We must decide whether or not to authorize the President to use military force to implement the U.N. resolutions and get Iraq out of Kuwait. And we must make this decision knowing that if we say yes to force after all other means have been exhausted, this represents our best chance to avoid war. Conversely, if we say not now and maybe later, this could be the appeasement of the 1990's.

I believe that the President's decision, and that of our allies and friends throughout the world, to stand firm against Iraq's takeover of Kuwait was and is necessary and correct. Iraqi aggression has already had negative consequences for the world economy, for the prospect of stability in the Middle East, including a settlement of the Arab-Israeli problem, and puts the ability of the United Nations to play a constructive role in the future to a severe test.

There is no dispute about the gravity of the situation. Twelve U.N. resolutions and the troops of 28 nations camped in the desert attest to the depth of international concern. Everyone from the French to the Bangladeshes believe that we cannot let Iraqi aggression stand.

Most Americans, I believe, agree. Now, however, we must make the most difficult decision of all. We must decide whether we are willing to go use the military force of the United States to get Iraq out of Kuwait.

The United Nations has already spoken on this question. The Security Council has agreed that the members are willing to use all possible means to secure Iraqi withdrawal. But we all know that if military force is required, it is the United States which must be in the forefront. It is therefore crucial that the Congress, representing the American people, be heard.

For the last 5 months we and the other members of the United Nations Security Council have sought to force Iraq out of Kuwait through a combination of economic sanctions, international isolation and the threat of the use of force. However, despite a doubling of the initial United States force deployment to a massive 400,000 and agreement by the international community that it would use force to dislodge the Iraqis, there has been little indication from Saddam Hussein that he is paying attention. I would argue that were we to continue the sanctions for a year, we might find ourselves in the very same position we are in today. But by then, cynical Iraqi offers of all manner of solutions—other than total withdrawal—the expense of keeping such a massive force in the desert and time will have eroded international resolve. Time is on Saddam Hussein's side, and he knows it.

Our best chance of achieving our full objectives and full implementation of the U.N. resolution is now. The days before the United Nations deadline are the moment of peak leverage, if we choose to use it. I believe that a strong statement from the U.S. Congress, that we back the U.N. sanctions, that we back our President, that we back our troops in the desert is the best hope for a diplomatic solution, the best hope for peace.

No one wants to go to war. Least of all, those of us who have seen the horrors of the battlefield, experienced the loss of comrades and friends, and witnessed the devastation of modern armaments can produce. Neither should we fool ourselves into believing that we can count on keeping any conflict brief or the number of casualties low. Military force must only be employed when vital interests are at stake and when all else fails.

What we must accept, is that all else may fail. We simply must face this reality. If we believe that vital American—and international interests are at stake—and I do, we must be willing to fight for them.

The resolution that I and a bipartisan group of colleagues have offered in the House of Representatives is not a blank check. It gives the President the authority to use force, only if the President first determines that he has exhausted all diplomatic means of achieving a solution and if continuation of the process can serve no purpose. It permits the use of American forces, only within the context of the U.N. resolution and consistent with our Constitution.

Our intention is to leave no question in Saddam Hussein's mind as to his options. The American people will not hand him a way out.

I agree with those who define this moment as a determining point in history. This is not a moment for handwringing and half loaves. It is a moment to stand up and state clearly what we believe in and what America stands for. We believe in peace, human rights, and the rule of law in international affairs. If all else fails, we must be willing to fight for what we believe in.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise in support of the Michel-Solarz resolution.

Mr. Speaker, I have served in Congress for 12 years, and no decision that I have made during that time has been more difficult than the one I must make this weekend.

After careful consideration, I have decided to vote in favor of the Michel-Solarz resolution, which authorizes the President to use all necessary means to secure Iraq's withdrawal from Kuwait by January 15. This, of course, includes the option of using military force, if the President determines that force is necessary.

I have supported the use of economic sanctions during the past 5 months and have hoped that these measures would be sufficient to convince Saddam Hussein to leave Kuwait. I also have hoped that diplomatic negotiations could lead to a peaceful resolution of this conflict. Neither sanctions nor diplomacy has been successful.

It is now clear that Saddam Hussein will not budge unless he is faced with the imminent threat of military action. It is my hope that passage of the Michel-Solarz resolution will finally convince Saddam Hussein that he has no option other than reaching a negotiated settlement of this controversy. Passage of the resolution will provide President Bush with an enormous club that I sincerely hope will not have to be used.

I think it was appropriate for Congress to act in this matter. The Constitution vests in Congress the authority to commit the United States to war. Some Presidents, in the past, have sidestepped this clear constitutional mandate, but the American people have a right to be involved in any decision of this magnitude, and the way to involve them is through congressional debate and action.

A vote in favor of the Michel-Solarz resolution makes it clear that Congress and the American people support the use of military force and that any commitment of force from this point forward has been done in accordance with our system of law.

It is my sincere hope that war will not occur. I hope that President Bush, armed with a vote of Congress in support of military action—if necessary, will go back to the bargaining table and force Saddam Hussein to withdraw by diplomatic means. Also, I hope that President Bush will now give economic sanctions some additional time to work.

President Bush does not need to attack on January 15 to force Iraq's withdrawal from Kuwait. Certainly, he can now communicate to Saddam Hussein that the American people support the use of military force—if necessary—and Saddam Hussein would need to be deaf and blind not to understand that a diplomatic resolution of this matter is in his own best interest.

Saddam Hussein is a threat to the security of the entire Middle East and is a threat to the political and economic security of the entire world. He cannot be permitted to unilaterally violate the borders of sovereign nations of the world or to intimidate his neighbors through other military threats.

I realize that not everyone in the 24th Congressional District will agree with the vote I am casting this weekend; but, I believe that a vote in favor of the Michel-Solarz resolution is in the best interest of our country and presents the best prospect for a peaceful settlement of this conflict.

I hope and pray that the use of force will not be necessary and urge President Bush to continue to try to resolve this matter short of war.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of the Gephardt-Hamilton resolution and to speak to the district I represent in West Texas. It is a district in which the effects of what we do here in the Congress will have an immediate impact. Fort Bliss, TX, has already contributed 8,500 troops to Saudi Arabia and the gulf. El Paso is a city with a long and proud military history. None of us has ever been more aware than we are today of that tradition and the sacrifices it continues to require.

It is because of those associations and because of the seriousness of these decisions that I must be emphatic and clear on one point. I want Saddam Hussein to know that my vote in support of sanctions as our first option today should give him no comfort, satisfaction or advantage. We do not show a weakness of resolve because some of us respectfully disagree with President Bush as to the timing and means of expelling Iraqi occupation forces from Kuwait. No one, least of all Saddam Hussein, should misunderstand what we are doing here in the Congress—we are describing in different voices the inevitable evacuation of Kuwait by Iraq and Saddam Hussein's total defeat, by whatever means.

There is one point that those who are watching this debate must understand, whether they are at home in El Paso or Pecos, TX, or whether they are government officials in another part of the world. This debate is first about the responsibilities vested in the Congress of the United States by our Constitution. The Congress has never before taken a vote the result of which is to remove itself from the debate and at the same time to give one man, the President, the authority to commit our military forces to offensive action at any time in the future. In 200 years, we have never explicitly given away that prerogative, we have never expressly abdicated our responsibility—and there is nothing about this confrontation with Iraq that says we should do so now.

If at the same time this debate is also about going to war, we must consider that issue according to our consciences, but only once we have discharged our duty to those we represent under the Constitution. Those who decide that they must continue to stand with the President while meeting our unavoidable responsibility to act under the Constitution may do so in good conscience. I have decided to disagree respectfully with the President on the tactics for defeating Saddam Hussein. I am not convinced that a congressional resolution that gives the President permission to use force will result in Saddam Hussein leaving Kuwait immediately, before January 15, 1991. If I were so convinced, I would vote with Mr. SOLARZ and Mr. MICHEL.

I took an oath last week that I have been privileged to take solemnly four other times as well—that in discharging the duties of my office, I will "bear true faith and allegiance to the Constitution" and in so doing, defend it against all enemies, foreign and domestic. My personal constitutional responsibility as a Member of Congress is clear—this institution is alone responsible for voting to take the United States, its citizens and its Armed Forces, into war.

I have great respect and admiration for what President Bush has achieved thus far in this crisis. In responding to Iraq's indefensible aggression, the President in just over 6 months has managed a policy which has been effective and which has sought to unify the nations of the world against a common threat. Congress as a whole admires what that policy has achieved. We said last August that the commitment of United States forces to the region was intended to deter further territorial incursions by Iraq and it has. We said that in arraying a multinational force composed of troops from 28 nations and in uniting the United Nations through sanctions and the passage of 12 separate resolutions, we would demonstrate the isolation of this man and his dictatorship, and we have. This policy has achieved the release of the hostages, taken by Saddam Hussein in cowardice. Not least, the policy to date has restored relative stability to the world economy and assured that there is no fundamental disruption in the supply of energy to the industrialized and developing nations.

There is only one objective that the President's policy has not achieved—the evacuation of Kuwait by Saddam Hussein's forces.

By any measure, it should have; by any sane calculation, Iraq should have withdrawn. It faces the starvation of its people and military annihilation. The Government of Iraq is obviously blind and indifferent to that suffering. Perhaps additional diplomacy may help to describe the far more terrible consequences of war. In my judgment, in combination with sanctions and the readiness of the alliance to attack swiftly and jointly, there is still room for diplomacy.

The fact is that Iraq is vulnerable to the economic sanctions the world has imposed against it. The Director of Central Intelligence has stated that the sanctions have already brought about a profound weakening of Iraq's basic industry, its food supply and that they have impaired its military capability. Those sanctions will clearly continue to do real damage to Iraq's economy, more and more every day they are applied. The point of diplomacy is not to negotiate—it is to explain that these sanction will never slacken.

There is another point to be made about sanctions: The blockade and the embargo are supported by all of our allies. If there is war, will our moderate Arab allies be able to continue in that partnership? We represent what the civilized, united nations of the world represent in this crisis, but despite the inordinate contribution of our men and women in the field, we are only one nation.

Iraq's invasion, miscalculated as it was, outrageous as it is, comes amid a history of regional forces which no one understands. Questions of religion and shifting borders go back thousands of years in the Middle East: No military victory by itself, no matter how thorough, will make the post-war Middle East a more secure place. We just exhaust all the other means at our disposal before resorting to force, and in my judgment, we have not yet done so.

The choices we face in Congress are choices at a specific point in time. I can only conclude that while sanctions may not remove Saddam Hussein from Kuwait by themselves, a policy that combines them with continued diplomatic pressure by our allies and the threat of a massive military attack by our forces beginning anytime after next Tuesday, is better now, today, than a policy that relies exclusively on war.

The option of striking immediately has one undeniable aspect. Once a war is started, it cannot be stopped at the exact time and place we may want it to stop. In fact, if it is the will of the Congress that the President should exercise his discretion in favor of an offensive strike, everything that is important to us, beginning with the lives of our men and women in service to their country, says that we must go all-out, to the finish. I cannot vote to go to war today. I may very well conclude at some later date, perhaps soon, that all other options have been exhausted and that I must vote to commit us to the use of force.

This leads me to a last point: To those who have said that the passage of time works against a peaceful withdrawal of Saddam Hussein's forces from Kuwait, I must disagree. The resolution I am supporting says continue the sanctions. It does not say that President Bush may not return to the Congress to ask for a declaration of war, nor even that he may not do so very soon, after some new provocation or any new turn of events. The meeting in Geneva, discouraging as it was to all of us, was not the last, best chance for peace. At least until tomorrow, this vote is a last, best chance for peace. I urge each of you to vote for the Hamilton-Gephardt resolution, which keeps the sanctions in place—and which is consistent with our responsibilities under the Constitution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

Mr. Speaker, many issues arise in the face of the crisis in the Persian Gulf: the immediate, tangible issue of life, lost or altered; the more distant issue of the makeup of a post-conflict Middle East; and the intangible issue of the United States place in the eyes of the world as we enter a new century.

We must be clear that Iraq's invasion of Kuwait is intolerable in the eyes of the civilized world. And we must be equally clear in maintaining that there will be no linkage between one man's hubris and the Palestinian issue.

Saddam Hussein did not invade Kuwait to achieve peace in the Middle East. Saddam Hussein first murdered when he was 20 years old, and he has been murdering in ever greater numbers since. He invaded Kuwait out of frustrated self-interest and paranoid sense of self-preservation. We must reverse this brutal and illegal action. The Hamilton resolution insists on that reversal.

To this point in time, I am proud of the way our Nation has conducted itself in the face of aggression, and I applaud President Bush for his display of statecraft in uniting the world to bring sanctions against Iraq. The President has been firm but patient, and I rise today to urge him to continue that course.

Mr. Speaker, the patience and courage required to allow the sanctions adequate time to work should pay great dividends. The additional time should be used to insist that our allies play an equal role. The unfairness of a world solution sealed solely in American blood will divide our Nation and dilute our resolve at home and in the international community. The Hamilton resolution supports this course of action.

The additional time will also allow for this body and the American people to weigh the costs of conflict. In victory and in defeat, the costs of armed conflict are high. The cost in terms of human life is obvious, but the economic costs must be raised as well. I serve on the Veterans' Committee, Mr. Speaker, and I will tell you that we are not adequately taking care of our veterans from past wars. What promises can we fulfill to a new generation of veterans? I am afraid of the answer if we do not know that specific course our President wants us to take. And the Hamilton resolution does not rule out military force, but it asks the President to inform Congress of the specific course.

Everyone agrees that we should do whatever is necessary for those who sacrifice, but many veterans in my district will tell you that those promises sometimes ring hollow. Words don't buy health care, dollars do. And the American people deserve to be told how many dollars will be required and where they will come from.

No American will turn from a just cause, Mr. Speaker, but this must be thought out before it is fought out. We do not teach our children that the first degree of resolution is force, and we do not condone it in other nations. Let us have the patience, the wisdom, and the courage of our convictions to lead by example.

Let tomorrow's generation look back and say that America led a new world order into the 21st century bravely and proudly, a beacon of justice and freedom. Let them say that we met the threat of war with a promise of peace. Let them know that we were willing to bear any burden and pay any price, but that we lifted the burden without human sacrifice. Let them say that we met violence with intelligence and intelligence won.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, let us make no mistake about it. The Solarz-Michel resolution is a declaration of war, a war without announced limits on length or means, a war whose consequences we cannot know and whose costs we cannot calculate. Though the resolution skirts around the words "declaration of war," is there a Member on this floor who doubts that, with this vote, we are delegating to the President the authority to commit the lives and fortunes of the American people in a war against the Iraqi nation.

The Constitution imposes no more solemn and terrible obligation on the elected Representatives of the American people in Congress than the power to declare war. The Constitution entrusts us with an authority, which when exercised, has as its inevitable consequence the death of Americans whose number we know not now, the destruction of the cities and the farms of people with whom we have no quarrel, of children left without parents, the widower bereft, and the widow weeping.

But this is not the place for a statement on the horrors of war. There are times when the press of events leaves us with no choice other than to fight. This House, after due consideration, committed this Nation to years of long and bloody warfare in the cause of freedom against the Nazi menace and when the Japanese treacherously attacked us at Pearl Harbor. There the choice was stark, the lines were drawn, the alternatives unacceptable and the national interest allowed us no other course of action.

On Friday, January 11, 1991, the President of the United States has not persuaded me that we are now similarly situated and I do not intend to abdicate my obligations under the Constitution of the United States until I am persuaded beyond doubt that we have no other choice.

We are not under attack; Iraq has not claimed a single American life; it occupies not a single square foot of American soil; we do not need its oil and I have yet to meet a mother or father who would send their son and daughter into battle for a 20-cent differential in the price of regular unleaded.

Without a shot fired in anger, we have succeeded in obtaining the release of the American hostages. The best information available to this House tells us that the sanctions are slowly, but surely, eviscerating the Iraqi economy and thus its capability to wage war. Diplomatic initiatives are continuing and we still have opportunities to talk to the Iraqi government. Who among us now can say that they will end without result? I share the frustrations of everyone in the lack of results to date, but I will take weeks of inconsequential talk anytime over weeks of a brutal and bloody war.

In the months and years to come, I, like everyone else in the Chamber, will return to my district to the VFW and Memorial Halls, to the town meetings, the churches, to the living rooms, to the covered dish suppers and fireman's halls. I do not want to see names on bronze tablets beneath the words "In Memoriam," I do not want to meet the Gold Star mothers, I do not want to hold in my arms the orphaned children of the reservists now in the desert, I do not want to push the wheelchairs into the spaces held at the front of the hall, until I can say, with my head held high, "We had no other choice. Your sacrifice was for this Nation."

□ 1810

Mr. GEPHARDT. Mr. Speaker, I yield 15 minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the majority leader for yielding time to me. Of course, I rise in support of the Gephardt-Hamilton resolution.

The Gephardt-Hamilton resolution is the product of several meetings this week among Members of the House, including the Democratic leadership, and with several Senators who are working on a similar resolution in their body.

CONTENT OF THE RESOLUTION

This resolution is a short and simple statement:

Paragraph (a) commits Congress to ending Iraq's occupation of Kuwait.

Paragraph (b) authorizes the use of force in certain instances which we all recognize as important and for which the President needs flexibility.

Paragraph (c) puts the Congress firmly behind a strategy of staying the course with current policy.

Paragraph (d) pledges full and continued congressional support for economic and diplomatic pressure against Iraq, for maintaining military options, and for insisting on greater burdensharing; and

Paragraph (e) is a statement that: The Constitution requires authorization by Congress of war; Congress does not rule out at a later time a declaration of war or other authorization of force; and Congress will consider any Presidential request for such an authorization expeditiously.

Mr. Speaker, this resolution, then, is: A statement of support for the President's objectives of August 8, 1990; a statement of support for the strategy the President has articulated over the last several months to try to achieve these objectives through: (a) tough economic sanctions; (b) diplomacy; and (c) developing a credible military option; and finally, a statement of support for staying the course with the current strategy.

THE ISSUES BEFORE THE CONGRESS

Congress and the President are united in their determination to see Iraq dislodged from Kuwait. We differ today not on the ends of U.S. policy, but on the means to achieve those ends.

Those of us who support the Gephardt-Hamilton resolution are just as serious about reversing Iraq's aggression as are proponents of the President's resolution. I have no doubt that Iraq will eventually be forced to leave Kuwait one way or another. Our goals in the gulf are sufficiently important to warrant the use of force, if our strategy of economic and diplomatic pressure and the threat of war do not convince Iraq to leave Kuwait. Our current strategy is working, and we should not shift to a far more costly military strategy until we are convinced that the current strategy has failed.

Congress and the President have agreed that force should not yet be used. As late as Wednesday, Secretary Baker stated in Geneva following his meeting with Iraqi Foreign Minister Aziz, and President Bush later confirmed, that no decision has been made on the use of force.

What is remarkable today is that the President is working to reverse this strategy that he put into place with strong support from the Congress and the American people. The President today is asking for prior congressional approval to change this common strategy at any time, and under any circumstances, without coming back to the Congress.

What does this mean? I am led to the conclusion that the President is not serious about his own strategy. He certainly conveys a sense of impatience with his strategy. What disturbs me is that he and his resolution point us toward war.

I see two principal differences between the resolution supported by President Bush and the Gephardt-Hamilton resolution.

WHO MAKES THE DECISION TO WAGE WAR?

First, the issue before Members is not whether we resort to the use of force, but who decides when we use force;

The resolution President Bush supports would leave this decision solely to the President. The only constraint on the President's potential use of force would be that he must report to the Congress that all other alternatives to force have been exhausted. This judgment is left solely to the President;

Under the President's resolution, Congress could play no role in the decision to use force after January 15. Congress would remove itself from the decisionmaking process on that date. To give the President this kind of total discretion would be an evasion of our constitutional responsibilities;

A vote for the President's resolution means Congress gives up the right to decide if, when, and how force will be used. It means we will authorize the President to wage war before even he has made a decision to do so. Should Congress give the President unlimited discretion to start a war at a future time, and under circumstances that cannot be foreseen? I do not think we should.

The Gephardt-Hamilton resolution states that Congress must participate in any decision to initiate hostilities at the time when that decision is made. It states that this decision must be made jointly by the President and Congress. We have a constitutional responsibility to participate in that decision when and if the President concludes force is necessary.

If the President concludes that offensive military action is necessary, he and Congress together can address the facts at that time and make a joint decision. He should not make that decision alone. Nor should Congress, prior to the moment of decision, give the President an open-ended authorization to use force at a date, and under conditions, of his choosing;

It is true that Congress has not exercised its constitutional power to decide to go to war since World War II. The fact that this power has fallen into disuse does not mean that it has ceased to exist;

It is also true that Presidents have sent U.S. forces into combat without prior congressional approval more than 200 times in our history. Most of these cases involved actions to protect U.S. citizens or property. Congress recognizes that Presidents must have the ability to respond rapidly to such threats, to repel attacks on U.S. territory, or to respond to other emergencies.

We face an entirely different set of circumstances in the gulf. The situation in the gulf confronts us with circumstances and issues whose significance clearly rival those we faced on the five previous occasions when Congress declared war:

Massive armies confront each other.

Armed conflict would require sustained and massive operations involving several nations.

Conflict could result in thousands of casualties on both sides.

Weapons of mass destruction might be used; and conflict would have enormous implications for our relations with the Arab world and the security of Israel.

We may yet decide that Iraq cannot be forced out of Kuwait without military action. Yet, given the scale of military action necessary to achieve this objective; the human and diplomatic implications of war; and the absence of an imminent threat to American lives, Congress' constitutional right to participate in a decision to go to war can and should be respected at the time the President seeks to go to war.

SHOULD WE STAY THE COURSE WITH CURRENT POLICY?

Second, there is the question: Do you stay the course with current policy or not?

I believe there are three arguments for staying the course with current policy.

First, U.S. strategy is working. It has produced results.

Iraq has been isolated. An impressive international coalition has been arrayed against Iraq and behind the current three-pronged strategy of sanctions, diplomacy and threat of use of force. Twelve U.N. Security Council Resolutions have been passed in support of this strategy since August 2, 1990. Twenty-eight countries have joined an international coalition arrayed against Iraq based on this policy;

Hostages have been released.

The original threat of an Iraqi invasion of Saudi Arabia has disappeared.

Oil continues to flow.

Domestic public opinion is united in its support for the current strategy. Where differences arise—and domestic support begins to fray—is on the question of changing current strategy and setting an artificial deadline for war.

Economic sanctions have begun to bite, albeit slower than we would like.

Iraq is a vulnerable, one-product economy. It is isolated and landlocked. Experts believe that sanctions will reduce Iraqi GNP by an estimated 70 percent;

CIA Director Webster testified before the House Armed Services Committee on December 5, 1990 that sanctions were seriously damaging the Iraqi economy. More than 90 percent of imports and 97 percent of exports to Iraq have been stopped; although smuggling exists, it is small relative to Iraq's precrisis trade; Iraqi commercial and civilian industrial production is down 30–40 percent; Factories are closing; and sanctions have choked off Baghdad's financial resources. Iraq is losing some $1.5 billion of foreign exchange earnings monthly.

Director Webster, in a January 10, 1991 letter to the Congress, does not alter his earlier assessment that sanctions are working. Where the January 10 letter differs from Webster's December testimony is in its assessment of the likelihood that these hardships will force Iraq to withdraw from Kuwait.

Webster has stated that economic hardship "alone" is unlikely to compel Saddam to retreat from Kuwait. No one has ever said that sanctions alone are guaranteed to get Iraq out of Kuwait. However, there is no evidence to suggest that they cannot play a major role in helping to achieve our objectives.

These are the most comprehensive and effective international sanctions in modern history. By all accounts they are having a significant impact on the Iraqi economy. They stand a reasonable chance of success. We should stay the course.

Second, our current strategy is better than the alternative of war.

We should not base our policy on the most optimistic military scenario; There are no guarantees that a war will be won quickly or easily. A decision for war must take into account the risks that conflict will be drawn out, with all the implications involved;

An extended conflict of several weeks or months would involve a high loss of life, including American lives; threaten to divide the nation and the international coalition we have pulled together in support of present policy; send oil prices soaring and rattle international financial markets; put a severe strain on the U.S. budget; and threaten upheaval throughout the Middle East.

War at this time would substitute the international policy of sanctions with a largely U.S. operation. The U.S. has three-quarters of the fighting forces in the region.

War at this time would place the United States in the midst of a conflict without the full support of many of its coalition partners. Some coalition partners will fight only in Kuwait, and not in Iraq; other coalition partners will rethink participation if Israel becomes embroiled; still other coalition partners will not involve their ground troops or military assets in offensive warfare; and still other coalition partners have refused to send ground forces.

In short, support for the United States from coalition partners will be questionable in the case of hostilities.

U.S. interests are not the only ones at stake. It is a fair question to ask: Why should this be an American war?

When and if we go to war it should be crystal clear that Iraq is going to war with the international community, not only with the United States. Not just American lives should be lost in combating Iraqi aggression; and

The international character of the current strategy has heightened Iraq's sense of isolation. It has undermined Saddam Hussein's efforts to portray the crisis as a crusade against the United States. War, at least at this stage, would do the opposite.

War will have unintended consequences. Those consequences pose unknown—and perhaps grave—risks for the United States.

There are no guarantees that war will enhance stability in the region. The administration has not addressed the difficult question of what happens in the Middle East after we win a war;

There is in the Middle East something called the law of unintended consequences. War will change the map of the region. Even victory will be accompanied by many destabilizing consequences;

War promises no neat solution. A limited war that left much of Iraq's military capability intact would only inflame future crises with a heightened sense of Iraqi grievance. An all-out war that destroyed Iraq's military potential could create a destabilizing power vacuum in the region;

A conflict involving Americans killing Arabs will have a strong impact on Arab populations throughout the region. Anti-Americanism will rise, terrorism will increase, and radical Islamic forces will be strengthened. Such a conflict may threaten the stability of key U.S. allies in the region. These scenarios become even more likely if Iraq attacks Israel and Israel is drawn into a war;

If war comes, it will be difficult to imagine where Americans will be safe in the Middle East for some time to come;

Even if we are victorious in battle, we will not win the psychological war. We may devastate Iraq, but we will have sown the seeds of resentment that are likely to come back to haunt us in the future; and

Whether we go to war or not, a framework for future security and stability in the Persian Gulf is necessary. That framework will involve extended diplomacy between members of the international coalition and countries in the region. War is likely to complicate, rather than enhance, the prospects for a new security framework.

War will be costly and will place an enormous strain on an already shaky U.S. economy.

Our Federal budget deficit may reach over $350 billion this year. We are entering a recession. The fragile state of our economy will be threatened further by the start of armed conflict in the Gulf;

Oil prices are likely to soar if a war lasts more than a few days; and

The cost to the U.S. Treasury of Operation Desert Shield will skyrocket once we are on a warfooting. Our budget deficit will climb. Efforts to get further burdensharing from our allies in the gulf have not been successful: there is no reason to expect that this will change once we go to war.

Finally, war will jeopardize the domestic and international consensus upon which current policy has been based.

The administration argues that the coalition is threatened if sanctions are drawn out too long. I agree that the coalition is under stress. In fact, the outbreak of war is much more likely to strain the coalition than a policy of continuing current strategy.

In his testimony before the Senate last year, Admiral Crowe stated: "I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but to fragile to hold together while we attempt a peaceful solution".

Most of our allies do not believe that diplomatic options have been exhausted.

Public opinion and the Congress are deeply divided over the question of war. A war that risks high casualties also risks public support for that policy.

Third, diplomatic options have not been exhausted. Saddam Hussein is a classic Middle Eastern potentate. He is isolated from the outside world and insulated from opposition. You do not get a message through to him if you do not convey it directly. How can we claim that all diplomatic options have been exhausted if we are not, at the highest levels of our Government, speaking to Saddam Hussein?

The Baker meeting in Geneva Wednesday was the first high level contact between the United States and Iraq since the crisis began on August 2. Messages have been transmitted between the two sides largely through the media for the last 6 months. Six hours of diplomacy after nearly 6 months of stalemate does not exhaust diplomacy.

According to this morning's New York Times, Arab diplomats at the United Nations believe that Saddam Hussein is preparing to accept "in principle" a settlement that would involve Iraqi withdrawal from Kuwait and a simultaneous call for an international conference on the Palestinian issue.

This news may represent a potential opening for diplomacy. While linkage of these issues and an international conference at this time are unacceptable to the United States, this is the first indication we have had that Saddam Hussein may be willing to withdraw from Kuwait and negotiate a peaceful settlement of the crisis. In the coming days, this possibility will be explored further by the European Community and U.N. Secretary General de Cuellar, who is travelling to Iraq. The United States has reportedly given its approval to these diplomatic initiatives.

To act now to encourage war is to preempt these efforts to advance diplomacy.

CONCLUSION

Mr. Speaker, let me quote one of our leaders:

> We believe this coordinated and comprehensive international isolation of Iraq is the only peaceful path to meeting the objectives set by the President. Our efforts will, however, take time and that is what we ask most of the American people: Stand firm, be patient.

Those are the words of Secretary Baker. He said them: I support them.

Today we are being asked to change policy. It is the President's statements, and his resolution before us which are undermining our current, and successful, strategy.

The resolution the President seeks leaves the decision to wage war to his sole discretion. Some of the President's supporters call his resolution the last best chance for peace. But two of the chief sponsors of the President's resolution in the House have called it the "functional equivalent of a declaration of war" and the "practical equivalent" of a declaration of war. There is no clear message in these statements. They send mixed signals.

The Gephardt-Hamilton resolution states that Congress must participate in any decision to initiate hostilities at the time when that decision is made. We have a constitutional responsibility to participate in the decision. We should not yield or delegate that responsibility to the President.

The Gephardt-Hamilton resolution will maintain our current, and to date successful, strategy. Important objectives of the President have been achieved. Hostages have been released. Saudi Arabia has been defended, oil is flowing. Iraq is isolated.

You simply cannot make the judgment today that current U.S. strategy has failed. No one is arguing that sanctions alone will do the job. Sanctions, diplomacy and threat to use force can. This strategy maintains broad domestic and international support.

We must exhaust all options before we resort to the use of force. Six hours of diplomacy after nearly 6 months of stalemate does not meet that test. Most of our coalition partners want the United States to stay the course: few feel diplomacy is at an end. Several diplomatic initiatives are underway.

Mr. Speaker, current United States strategy is putting the screws on Iraq. The sanctions are biting. Firmness and patience are working. Events are moving in our direction. This strategy stands a reasonable chance of success. The President has made no decision to wage war. We should stay the course. This, I submit, is simply not the time to write a blank check to the President.

I urge adoption of the Gephardt-Hamilton resolution.

□ 1830

Mr. **BROOMFIELD.** Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. **WALSH.** Mr. Speaker, in August, just after Iraq's invasion of Kuwait I wrote a letter to the President to congratulate him on his quick response to Iraqi aggression, the effective gathering of world opinion and the mobilization of international sanctions to bring about an Iraqi withdrawal. I said it was necessary to provide a credible threat of force against Saddam Hussein, but that I believed the resources of our Government should be focused heavily on the diplomatic option. I still strongly favor that course of action.

At the same time, we all know the lessons of appeasement. If France and England had acted to stop Nazi aggression in the Rhineland or even in Austria, a world war would have been prevented. All appeasement did was whet Hitler's appetite for more land and give him more time to build his war machine. We all know now that if we don't learn the lessons of history we are forced to repeat it.

Today, in 1991, we are at the threshold of a new world order. Our former adversaries, the Soviets, have conceded defeat in the cold war. Nations are rushing toward democracy. People are hungry for freedom. Saddam Hussein is an aberration, an anachronism who threatens to destroy this promising new order.

I believe the way we resolve this crisis will set a precedent for the next century. In the past, nations have unilaterally resorted to war, disregarding international opinion. Today, the United Nations stand together to resolve conflicts around the globe through diplomatic means. The time has never been better because the world is overwhelmingly united in its denunciation of Saddam Hussein's aggression.

As a student of history, I will admit and agree that the threat of force is essential to the resolution of this conflict. Hussein is a strongman, a despot, a ruthless tryant who is isolated. He will not comply with the U.N. resolutions unless he understands that there will be dire consequences if he refuses. It is only through a demonstration of our strength that we can convince Saddam Hussein of our resolve. He has killed thousands of people in his own country through assassinations, poison gas attacks, and selective executions. He has killed and tortured thousands more Kuwaiti men, women, and children as he looted their country to pay for his war with Iran. He has threatened the existence of Israel and threatens to undermine the stability of Saudi Arabia and other Arab governments in the Persian Gulf.

For these reasons, I will vote to support a resolution that grants the President the authority to use force if he certifies to Congress that all diplomatic means to secure an Iraqi withdrawal have been exhausted. This resolution has broad bipartisan support and is the most effective option for achieving long-term peace and stability in the Persian Gulf.

The irony in this is that in order to have a chance for peace we need to give the President the option to use force. With that option comes our best chance to convince Saddam Hussein he has no alternative but to withdraw from Kuwait. Unless he believes we are serious, he has no incentive to change his policy.

While I have supported and continue to support the use of economic sanctions, I am concerned that the resolution relying solely on sanctions would send the wrong signal to Saddam Hussein. It would effectively preclude the President from the option of using force. It would tell Hussein he is free to continue looting and plundering Kuwait while he develops new weapons and further strengthens the positioning of troops and materials.

Additonally, this delay would give him time to weaken the international coalition. Smoke screens, doubletalk, deception, and threats may take a toll on such a new alliance. Last and most important, sanctions which are meant to hurt the Iraqi war machine will hurt—far more severely—the Iraqi people with whom we have no argument.

Mr. Speaker, colleagues, and fellow Americans, I believe we must face Saddam Hussein now or later—and that now is far preferable.

And as we face him now, as part of a uniquely powerful U.N. force, I believe that only a combination of effective sanctions, diplomatic isolation, and the convincing threat to use force if all else fails offers a real hope that the use of force can be avoided.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, as I have wrestled with all of the debate, I think we must first ask ourselves: Is it right to be in Saudi Arabia? With very few exceptions, nearly everyone here agrees we have a right and an obligation to join the world alliance in protecting our common interests in the Middle East.

With that answer, I believe that there is only one real issue here today: Will economic sanctions work, and if not, how can we proceed to make it least dangerous for our soldiers over there?

I am one of those who do not believe that sanctions can work. While many of the Members of this House would like to continue the sanctions, and all of us would like to see them work, hear me now, Mr. Speaker, I have been told, and I think it is plausible, that Libya has increased oil production and is using that increased oil production to funnel hard money to Saddam Hussein through the banks in Yemen and other allies of Iraq. That alone should convince each and every one of us that even if the sanctions were to be effective, it would take several years before their impact would be felt. While the sanctions and the mobilization of troops were a prudent first step in attempting to stop Hussein in his tracks, believe me, Mr. Speaker, it is obvious now that Saddam Hussein would make his people eat scorpions and sand before he will let sanctions force him out of Kuwait. Sanctions will not work.

My question is: Is it better or safer to put our soldiers in harm's way now or later? Even our troops believe they have a better chance now than later. The longer we wait, the more dangerous it is. Time makes Iraq stronger.

Have we even considered the sophisticated weapons that were captured out of Kuwait? A westerner who came out of Kuwait witnessed Iraqi soldiers capture four batteries containing 200 Hawk missiles and enough supplies to man those weapons for 6 years. More time will allow Iraqis to be trained to use those missiles against Americans, and more time will allow them to dig in and build bunkers to defend themselves against Americans. More time allows the development of terrorist networks to undermine the resolve of the United States and the world.

If we are going to take this very serious and solemn act, we must give the President, not 535 Commanders in Chief, the authority to do it right.

History has shown us the wrong way. The right way is to give the President the capability, if necessary, to achieve a swift and successful end by removing Congress' control and limiting his ability to micromanage the war as it did in Vietnam.

The President of the United States now asks this Congress to authorize the use of military force as a final attempt to convince Hussein that his military aggression will not be rewarded, that this is his last chance to peacefully withdraw from Kuwait.

An editorial in the Houston Chronicle, my hometown paper, clearly outlines the need to authorize the use of force for the sake of peace. It states:

> For Congress to deny the use of force to back up the world community's demands would make them meaningless. Force is the only credible threat. For Congress to postpone for an extended period the use of force would have essentially the same effect. There is at least the hope that the weight of congressional authority of war could be the tipping point in bringing Saddam to what any reasonable person could call his senses. It may not, but it is worth probing for possible effect before the shooting starts.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker I rise is support of the Gephardt-Hamilton resolution.

I rise in support of the resolution offered by Messrs. GEPHARDT and HAMILTON, urging President Bush to continue to apply economic sanctions coupled with diplomatic and political efforts to resolve the crisis peacefully.

I oppose the resolution to authorize the immediate use of military force in the Persian Gulf. In my judgment, it is premature and unwise.

Let there be no confusion about what we are doing here. Some characterize this vote as a bargaining chip. But it is much more than that. This is a vote to go to war. And, in my judgment, it is premature.

I supported the President's initial decision to send troops into the region to protect Saudi Arabia from Iraqi attack, but I do not support a shift to offensive military action. We managed a policy of containment in Europe for over 40 years. Why rush in the Persian Gulf? I do not believe we have exhausted all diplomatic means in less than 6 months. At this crucial time we should continue to hold a shield, not brandish a sword.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, at this stage of a long and difficult crisis, we now face as a nation, and in a larger sense as a world, a defining choice and the opportunity for a last alternative to war. We need to remind ourselves, our allies, and our adversaries that all America stands united behind a common goal: The removal of Iraqi forces from Kuwait now and the restoration of stability to this pivotal station in the balance of world security. This President and the Congress alike have demonstrated consistent support for this purpose.

The question we now address is how to achieve our aim without plunging the world's most fragile region into a horrible war, one that will have corrosive effects on world peace and the long-range interests of this Nation.

We offer a last alternative to war. We must have the courage of patience. And we must have the resolve needed to reach our goal and recognize that the solution may not be simple and it may not be direct. This involves escalating a militarily enforced embargo and taking every multinational measure—to ensure that our allies honor the policy of economic sanctions as well, and to demonstrate that we stand united with the world in this common purpose.

The Hamilton-Gephardt resolution is that last alternative to war. But it does not preclude it. The Hamilton-Gephardt resolution continues to authorize the President to use force to protect American forces in the region and to defend Saudi Arabia. It also advocates that this Nation explore every available and remaining diplomatic remedy.

The Hamilton-Gephardt resolution is the last alternative to war, but it does not propose to eliminate the use of force in the future to achieve our goal. It reinforces it. It does mean, however, that we have decided to exhaust remaining alternatives to war before we commit American forces to battle.

We cannot say with certainty that economic or any other sanctions will work. Today, well meaning and knowledgeable people are divided on this question. Nor does anyone know with real certainty how much time must pass before we can tell whether they have worked or failed. They may not work at all. But that does not mean that we should go to war today, or tomorrow.

We owe it to our best hopes for a secure and stable future to assure that a militarily enforced embargo, coupled with the imminent and continued threat of the use of force, has had the full opportunity to force a diplomatic solution. We are ready to fight but not while it is still possible that our goal can be achieved through other means. Not while there is a last alternative to war.

In choosing this policy, we must be prepared to summon extraordinary determination and patience in the days or weeks before us. And we must prepare the Nation to act. In choosing this policy at this time, we do not offer concession. We do not offer appeasement. This is an act of final determination. If war is indeed the only option available to us, if the force of international pressure and reason does not prevail, and our best efforts short of initiating armed conflict have failed, then we must be prepared to use the full force of arms. Until then, we should pursue this last alternative to war.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution, in favor of the Bennett resolution, in opposition to the other pending resolution.

Mr. LEVINE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

Mr. Speaker, during the last year, we have seen great changes throughout the world.

Most of the changes involved nations like East Germany or the Soviet Union becoming more free.

Unfortunately, there has been one terrible example of someone moving in the other direction.

As President Kennedy once said, "There's always some poor guy who doesn't get the message."

How many of you have seen the Amnesty International report on human rights violations in Kuwait since August 2?

I have and I share the sense of outrage expressed by President Bush about the "rape of Kuwait." Make no mistake, those words are both literal and figurative.

Kuwait has shown that Saddam does not respect the sovereignty of other Arab States—any more than he acknowledges Israel's right to exist.

Listen to Saddam Hussein. His intentions are clear. Postponing the inevitable only allows him to refine more chemicals and develop nuclear capabilities. It exposes moderate Arab States, as well as Israel, to the threat of nuclear, biological, and chemical blackmail.

I think the United Nations was right in giving sanctions time to work. However, their purpose was not only to isolate Iraq, but to display united resolve.

I believe our common purpose has been served by imposing the sanctions. But sanctions alone may not do all we need to do to solve this problem.

An ad on television made the same point: It's the one where an auto mechanic says, "You can pay me now, or pay me later."

Left alone with his sanctions, Saddam Hussein might well destroy Iraq's economy. But by the time that happens, he may well develop the capacity or disposition to wreak even greater havoc on the world.

No one has given up hope for peace. We pray that diplomatic initiatives will lead to Saddam Hussein's compliance with the U.N. resolutions.

But diplomacy will not work unless it is backed by military power. Saddam Hussein will not comply with the U.N. resolutions unless he is convinced that the world means what it says.

Restricting the President's authority to engage in offensive operations, serves to debilitate diplomatic efforts to solve this problem.

It will only ensure that our credibility is damaged, perhaps permanently. What nation would accept a future commitment made by an American President?

Restricting the President's authority will not serve the cause of peace. Nor will it cause a single Iraqi soldier to leave Kuwait.

It will only ensure that any potential adversary or terrorist can watch C-Span or CNN—and be certain the United States isn't likely to stand up for anything.

Restricting the President's authority will tell Saddam that we are not united—and we have no resolve. Our message should be exactly the oposite.

We must show that the United States, in partnership with the United Nations, will not allow aggression to go unanswered.

□ 1840

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, history shows Members that the aggression of a ruthless dictator must be turned back before it becomes uncontrollable, except by means resulting in worldwide economic disruption and staggering loss of human life. The world opposes tyrants, like Saddam Hussein's aggression, and the United States is acting in concert with the entire civilized world, which has spoken through the United Nations in a unified voice in support of force, if necessary, to reestablish Kuwaiti sovereignty.

I am confident that the Bush administration and that the allies of this country have gone to substantial lengths to resolve the crisis peacefully. Sanctions have been made and imposed, and numerous diplomatic efforts have been made in an effort to impress on Saddam the folly in his aggression.

The American people and the United Nations have demonstrated their resolve that the Security Council resolutions must be fulfilled, and I believe that Congress must act now to take advantage of this support of the democratic forces throughout the world. Forty-five years ago, Winston Churchill spoke of the United States as having "awe-inspiring accountability for the future." Churchill foresaw a future in which the United States would have to lead the democratic world against a totalitarian aggression, and the Congress, as the institution most representative of freedom and democracy, must give its support to this effort.

Perhaps more important is the real threat Saddam's aggression makes to our own national security. As a sovereign nation, Kuwait invested billions of dollars internationally, to the benefit of the world. I urge the President and Members of Congress to adopt this.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I rise in support of the Solarz-Michel resolution. I have been listening and hearing people talk now for several hours today, and it is getting somewhat redundant.

There are a couple of things that have not really been addressed. One is the item of linkage. It is to Saddam Hussein's benefit to try to make the world believe there is a connection between the Palestinian and the Israel problem, and the problem at hand today. I listened the other day, I think two nights ago, CNN International News, when Saddam Hussein talked for over an hour. He was talking about how this is God's war. This is a religious war.

It is interesting to note that Saddam Hussein was not even a religious Moslem until August 2. In fact, it is a little reminiscent of Josef Stalin's instant conversion of 1941.

The item of burden sharing, yes, I am offended. The Japanese are probably getting as much out of this as anyone, and yet they have not done anything to speak of. I returned with Chairman LANTOS from the European Parliament meeting, and we expressed to them our outrage on behalf of what they are not doing in Europe, the fact that Germany is hiding behind its constitution, when we all know all it takes is a two-thirds vote for them to override that Constitution and share their end of the burden.

Does this mean that we in this country are going to do nothing, and are going to let this madman over there reach some kind of nuclear capability? I hope, and several people have mentioned Amnesty International, I hope every Member of Congress will read this before they cast their vote. The documentation on the methodology of torture that is going on today, even as we speak, the extracting of fingernails and toenails, the boring of holes in people's legs with electric drills, cutting out of tongues and ears, gouging of eyes.

I agree with General Schwarzkopf when he said that, "Saddam is Hitler times 4."

I do not believe that we have any other choice. I think anyone who says we have to give peace a chance to work should go over there and talk to our young men and women who are in the trenches and say, do you want to stay over there for 3 more months, or 6 more months? The time is right to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, these are days of decision which history will record. Every legislator, regardless of party or ideology, who comes into this well, and every legislator who will vote tomorrow, understands the excruciating weight of the solemn responsibility that we share. That responsibility is not to make war to be enriched, but to make peace in a warring world.

Today the eyes and ears of the world, not just this country, are upon the United States. Families, fathers, mothers, children are watching. People around the world are watching. Kuwait refugees are watching. Eyes and ears of Israeli citizens who have been targeted for attack by Saddam Hussein are watching these debates today, and the eyes and ears of Czechoslovakians whose new democracies are struggling, are watching our debates, and the eyes and ears of the world are connected to the hearts and souls and the conscience, who are united in a hope for peace.

Every Member who enters this well, I believe enters with the fervent hope, the same hope as our President, that peace can be achieved without war.

No one debates that at the beginning of last year the Berlin wall crumbling down gave everyone a new hope for peace in this world. No one debates it was wrong for Saddam Hussein to take over Kuwait.

Today, we debate how to move forward with a new world order. How to move forward so that we can live in a more peaceful world.

Many like myself have traveled to the Middle East. We have sat through countless hours of testimony in the Committee on Armed Services. We have read and we have studied strategy. We have talked to many of our constituents whose views are as varying as those of Members in this Chamber. Yet we arrive at different conclusions. Honest, different conclusions.

A war in the gulf we all admit would have a devastating effect, and today I do not advocate a war. Today I do not advocate that this country launch an attack immediately after January 15, but by voting for the Solarz-Michel resolution, I believe we are sending a clear message to Saddam Hussein.

I believe, in the words of the Washington Post, "that we are making a more plausible threat in the 11th hour circumstances of President Hussein's predeadline countdown." I am convinced that to rebuke this resolution is to send the message to Saddam Hussein which will commit the United States to war, not to peace.

John Adams was asked why he risked war during the Revolution, and he said, "I study war so that my children can study politics, so that their children can study poetry."

May we each use our God-given talents and energies to make a decision which will permit our children, Kuwaiti children, and children of the world to study poetry.

Mr. LEVINE of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the vote that I and all Members will cast tomorrow will, in all likelihood, be the most important vote, certainly the most sober vote that we have ever cast in our careers.

I have, as I know we all have, searched my conscience for the proper course of action. No Member of this body, Mr. Speaker, wants to go to war. Each Member wants to avoid an armed conflict. However, we have deep differences on how to achieve this shared goal.

I am convinced, Mr. Speaker, that if the Congress fails to approve a resolution endorsing the actions of the United Nations, and that the President is seeking, we increase the chance of war either now or later. We are faced with a brutal dictator who has repeatedly demonstrated that he is determined to expand his power and influence throughout the Persian Gulf. Every day innocent men, women, and children in Kuwait are being subjected to unimaginable horrors by Saddam Hussein and his army, the same Saddam Hussein who gassed his own people.

Saddam Hussein is nothing less than a monster who has placed himself outside of civilized human society. The situation, Mr. Speaker, in which we now find ourselves did not occur overnight. Sadly, it is the direct result of a decade of misjudgment about Saddam Hussein and his goals, misjudgment in this Capital and in other capitals around the globe. Until the very day that Iraqi tanks rolled across the Kuwait border, this administration opposed efforts sought by a number of Members in the Congress, to impose tough economic sanctions against Iraq.

□ 1850

Many of us on this floor saw Hussein for what he was and time and again when we attempted to achieve economic sanctions against Iraq, our words of warning were ignored.

Tragically, Mr. Speaker, Saddam Hussein interpreted this willingness to acquiesce in his terror as American weakness.

It is sad, but true, Mr. Speaker, that Saddam Hussein understands only one language, the language of force and determination. We must now at least show that we are prepared to speak to him in that language.

We cannot flinch in our resolve to put an end to Saddam's brutal and expansionist dreams.

If Congress today fails to approve a resolution, and we vote on it tomorrow, giving the President the ability to use force to respond to Saddam Hussein if diplomacy fails, we will be sending a very dangerous message to Saddam, which will only whet his appetite.

Now, however we got here, Mr. Speaker, if we fail to give the President the authority he is now seeking, we will be appeasing Saddam Hussein for agression exactly as Neville Chamberlain appeased Hitler. In so doing we will increase the chances of war, either now or later.

If we do not stand up to this threat now, the specter of war will continue to haunt the region for years to come. If we do stand up to it, if we do back up diplomacy with at least this credibility, I believe we have the greatest opportunity of avoiding war.

This is a very wrenching issue for me, Mr. Speaker, as I know it is for so many Members on this floor, because my political education and my political knowledge, if you will, was forged in opposition to the war in Vietnam; but I think that we must be honest with ourselves and recognize that the analogy today is much more to that of World War II than it is to that of Vietnam.

To my very close friends who say, "Let sanctions work," I wish I could agree with them; but CIA Director William Webster testified last month that economic sanctions will not reverse Iraq's occupation of Kuwait and testified that economic sanctions will not undo Saddam Hussein's long-term threat to the region. It is a nice and a well-intended wish, Mr. Speaker, to believe that sanctions will work, but the evidence contradicts the wish.

If I believed there were any real possibility that this alternative would accomplish our goals, I would support it.

Mr. Speaker, I do not believe the issue here is returning the Emir of Kuwait to his throne, and I oppose a ground war for that purpose.

While complete and unconditional Iraqi withdrawal from Kuwait is a necessary part of any resolution to this crisis, it will not put an end to the threat posed by Saddam Hussein.

Mr. Speaker, unless we prevent Saddam from using chemical and biological weapons and unless we ensure that he will never have the capacity to initiate a nuclear war, we face the very real prospect of having to go through this painful process again in the future, this time with an even more formidable and deadly foe.

Let me conclude, Mr. Speaker, by reporting to you the conversation that was repeated to me many times when I visited our troops in Saudi Arabia several weeks ago. A young sergeant came up to me and said:

> Congressman, I hope you in the Congress will give us the support we need now if diplomacy fails or to back diplomacy up, rather than wait down the road when we will have to confront this brutal aggressor if he has nuclear weapons.

Passage, Mr. Speaker, of the Solarz-Michel amendment is the only real hope for peace. That is why I support it and I urge my colleagues to join with me.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the delegate from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, the world watches and waits as the members of this body debate the resolutions offered on the Persian Gulf: Whether to authorize the President to use military force against Iraq as proposed by Mr. SOLARZ and Mr. MICHEL; to continue to enforce economic sanctions and to defend Saudi Arabia from Iraq as proposed by Mr. HAMILTON and Mr. GEPHARDT; or to express the sense of Congress that we must approve any offensive military action against Iraq as proposed by Mr. DURBIN and Mr. BENNETT.

Actually, we must decide whether we will allow this country to go to war in the next few days, or direct the President to continue to explore every reasonable effort to reach a diplomatic solution to this crisis.

At the outset of the United States' military buildup in the Persian Gulf, we believed our presence there was purely defensive, to prevent Iraq from invading our ally, Saudi Arabia, and from continuing conquests of neighboring states. However, in November the President nearly doubled the number of troops deployed in the Persian Gulf and it quickly became apparent that he was seeking to put in place sufficient U.S. troops to launch an offensive military action.

The original goal of moving troops to the Persian Gulf has been achieved: Saudi Arabia is now secure, the expansionist plans of Saddam Hussein have been thwarted; and economic sanctions are in place which are exacting a heavy toll on Iraq.

Nonetheless, the President has decided that the January 15 deadline for Iraq's withdrawal from Kuwait set by the U.N. Security Council under strong pressure from the Bush Administration is a resolution that must be enforced, even though that deadline is an arbitrary one and one that authorizes military force sometime after that date, not on or even near that date.

Mr. Speaker, we are under no obligation whatsoever to initiate military action on or about January 15. In fact, if we are to recall the President's own statements following agreements with Mikail Gorbachov for a new order, we may be morally and politically obligated not to begin offensive action.

Today the United States is the most powerful Nation on Earth, a nation with the mightiest military ever developed, a large portion of which is now assembled in the Persian Gulf. No one at home or abroad questions that. If the President does not use this military power, the United States will continue to be the most powerful Nation, one that could still, at any time, exert its considerable leverage.

However, if the United States does use its military in a war in the Persian Gulf, we will have unleashed an action with enormous consequences, an action that could extinguish thousands of lives, Arab as well as American, an action that will have untold consequences on Arab-American relations for generations to come, an action that will likely involve Israel and could align many nations of the region against the United States, an action that, once taken, will always remain in the annals of history as a war that, given time, may not have to have occurred.

If ever there was a time to define a new order in the world, it is now. If ever there was a time to prove our leadership of a new world order, it is now. Securing a new order that could last well into the 21st century is far more important than scolding a petty tyrant named Saddam Hussein. If there is truly a chance to create a new order in our world, an order that is so welcome and so needed in these times that follow more than 40 years of cold war, we must secure that chance now, before we allow war and its terrible consequences to take its toll on the people of the United States, the Persian Gulf and the world as a whole.

War, if there is to be one, must come only as a last resort, after all sanctions have failed, after all efforts to negotiate have failed, and after a strong majority of Americans have agreed to support the President through their duly elected representatives in this House.

Our Nation is in economic recession. Our national debt swells larger every day. Our needs at home go wanting. Yet, we seem willing to expend billions of dollars on behalf of allies, who now, for the most part, let the United States defend their interests while they watch from the sidelines. Is it fair to ask the American people to sacrifice their lives and their livelihood for those who will make no such commitment? I think not.

Mr. Speaker, I commend my colleagues on all sides of this debate who have spoken their convictions at this critical time in our Nation's history. While the Delegates to the House, of which I am one, have no vote on the floor, we, too, represent the people of this great Nation, people who at this very moment are committed in the Persian Gulf, people who already have lost loved ones there. This is an issue of extreme importance to the people of the Virgin Islands whom I represent, and were I to cast a vote I would do so in support of Mr. HAMILTON and Mr. GEPHARDT, to require the President to continue to seek a peaceful resolution to the crisis in the Gulf and to require the President to obtain the authorization of the Members of this House before initiating offensive military action against Iraq.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I am pleased that Congress finally has the opportunity to debate this important issue. As the clock continues to tick toward January 15, the prospect of engaging in a war with Iraq becomes more and more ominous for many Americans. A war in the Persian Gulf raises profound political, constitutional, and emotional issues, which should be addressed.

I am initially disturbed by the zeal and determination of President Bush to expend lives of Americans in order to restore the legitimate government of Kuwait. Let's look at this legitimate government. Two years ago, the billionaire Emir of Kuwait quashed Democracy, dissolved the Kuwait National Assembly, suspended parts of the Constitution, dissolved municipal councils, declared that he would rule by decree, and banned the free press. Less than 7 percent of the country is permitted to vote and political parties are prohibited. Also, women are denied the right to vote. Although the national assembly has again been restored, the fact is that Kuwait is a country where its citizens were pressuring the Government for transition from a monarchy to a democratically elected leadership. Americans should certainly question whether they want to lose Americans on a battlefield to restore this wealthy Emir to his throne.

The threat of war in the Persian Gulf should serve as a valuable reminder that the United States must take the necessary steps to conserve energy and develop alternative fuel sources, so we reduce our dependence on foreign oil. Moreover, we need to examine what a war will do to our own country. This Nation is facing an economic recession, a $3 trillion deficit—the largest in our Nation's history—our banks and savings and loans are on the verge of collapse, 7.6 million people are currently unemployed in the United States, and 28 States face revenue shortfalls in their fiscal year 1991 budgets. Just last week our own Government closed the Bank of New England and 47 banks and credit unions in Connecticut.

The cost of Desert Shield has been estimated at $23 billion for fiscal year 1991. According to GAO, the total U.S. costs of Desert Shield without hostilities could exceed $130 billion in fiscal year 1991 alone. Experts predict that if there is war, the recession will last longer and may be more severe, depending on how long the war lasts.

Much has been made by this administration about widespread abuse of human rights in Kuwait. There is no question that the outrageous violations of human rights reported by Amnesty International defy all standards of basic human decency. But I have to wonder where was the outcry from the administration when three United States servicemen were recently murdered in El Salvador? More than 15 U.S. military personnel and countless civilians have been killed in that country, and the administration has been silent. In Guatemala, China, Kenya, and South Africa, pervasive human rights violations have occurred and continue to occur. But we do not send troops there. If Kuwait has been located in Africa, and had no oil, not a single U.S. soldier would have ever been deployed there. I venture to say that if Kuwait produced bananas, instead of oil, we would not have 400,000 American troops there today.

Mr. Speaker, yesterday, I listened to CHARLIE BENNETT, a Member of this body for 43 years, say that he was 80 years of age and that after 43 years and 17,000 votes, he regretted only one vote that he will never have the opportunity to go back and correct. That was his wrong vote on the Bay of Tonkin resolution.

Last night my 6-year-old, first grade grandson, Eric, called me. He said, "granddaddy, are you going to vote to have a war or not to have a war?" I told him that I was going to vote not to have a war. When I asked him if that was OK, he said, "yes, because when I go to bed tonight, I'm going to pray that we don't have a war."

Someday when Eric grows up, he and I will talk about this day. When it occurs, I want to be able to look him in the eye and know that on this vote I voted right—that I voted for the Hamilton-Gephardt resolution, that I voted to give sanctions a chance, that I voted to give diplomacy a chance, that I voted to save life, that I did not vote to give a President, one man, the authority to send other people's sons and daughters to war.

□ 1900

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker and my colleagues, since Iraq's brutal invasion of Kuwait, which was only the most ostensible overt act of Saddam Hussein's larger purposes, I have been supportive of the President's prudent and measured response to Saddam Hussein's attempts to hold the world hostage to his arbitrary territorial, dictatorial, and world petroleum supply ambitions. The events of the past 2 days since Secretary Baker and Foreign Minister Aziz met in Geneva have only reaffirmed my belief that Congress must give the President the flexibility to deal with the situation in manner he prudently and advisedly sees fit.

Tommorrow I will vote to give the President that flexibility. There is nothing more atrocious and distasteful than war. I hope and pray earnestly that there will be a peaceful resolution of the crisis in the Middle East. I am hopeful that the several diplomatic efforts of which we are aware will yet succeed.

However, if they do not, elements of surprise and force must be available to the President to pursue the objective that diplomacy will have failed to achieve. We must preserve the opportunity, the emerging opportunities of the world resulting from the demise of communism.

We must not allow Saddam Hussein to get away with this brutal and tyrannical actions lest other regional terrorist thugs will have the idea that they, too may intimidate others and be successful in that intimidation.

Mr. Speaker, I urge a "yea" vote on the resolution in the support of the Solarz-Michel proposition.

Mr. TORRICELLI. Mr. Speaker, I yield 4 minutes the gentleman from West Virginia, [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, it has been said a number of times, in a number of different ways during this debate, that this vote is, in all likelihood, the most momentous vote we will cast as Members of Congress. For every reason, and we have heard many, this is true.

It is important, therefore, that there be no confusion about our purposes. They are not, as some have suggested: To protect a small country against a large country; to protect oil access; to shore up an undemocratic sheikdom; or to support a political system not in our image. I think that a majority of this body, as well as a majority of the world's citizenry, understand that none of these would justify American involvement, or the world's sense of urgency, and the multinational commitment.

Indeed, nothing short of the reality we face would prompt this U.N. undertaking.

Iraq, under Saddam Hussein, represents a clear and present danger to every country in the Middle East. If he were permitted to occupy the region as he has Kuwait—marrying up Iraq's formidable military power with the wealth that controlling half of the world's oil reserves represents—who could deny that he would become a world class military power who would have to be dealt with on a grander scale, requiring greater sacrifices?

Many oppose the Solarz-Michel resolution because they do not want a military option exercised now, but they would approve force after economic sanctions failed.

I have heard them say as much—I have heard them say things like:

> Economic sanctions have had only 6 months to work—before undertaking military action, give them the 6 to 12 months which President Bush initially indicated it would take to convince Saddam Hussein to pull out of Kuwait.

Their reasoning has an initial appeal: If sanctions have been effective for 6 months, perhaps in another 6 months they will work magic and bring Saddam Hussein to his knees.

Well, perhaps they will—but there is certainly no guarantee. The United Nations and an array of experts believe that economic sanctions alone will not work to remove Saddam Hussein from Kuwait. The higher probability is that, without the threat of force, Saddam Hussein will survive the economic sanctions, while the diplomacy will unravel.

The passage of the Solarz-Michel resolution now is what is needed to give the military option credibility. It should be done now because most of the Islamic world continues to welcome the presence of the multinational force.

It should be done now because abundant military resources are committed and even poised, and their morale is high.

It should be done now because Saddam Hussein knows the next 2 months are optimum time for undertaking military operations in the Middle East.

To the extent any of these factors change, the credibility of a military option fades, it erodes—and with that erosion—sanctions are seriously and, I believe, fatally undermined.

Saddam Hussein is a very literal man. What he sees on the surface is what he believes he's got. He needs to know that the military option is real—that even many of those among us who want to "give sanctions a chance to work," will support military action in the final analysis.

It is ironic, I suppose, but we have a greater chance of achieving a peaceful resolution of this matter if we support the possibility of military force now. If we entrust the President with the discretion.

Don't send Saddam Hussein the wrong signal. Don't let him believe that this whole buildup was an exercise in bluff—something he wants to believe. Let him know that the Congress and the American people stand behind the resolve of the United Nations.

Absent the authorization of its use—the formidable military force arrayed against Saddam Hussein represents more an object for his ridicule, serving to enhance his stature, rather than as an incentive which, in conjunction with the economic sanctions, has the best chance of effecting his quitting of Kuwait.

Mr. GEPHARDT. Madam Speaker, I yield 4 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Madam Speaker, I have thought long and hard for the last few months about the crisis in the Persian Gulf—trying to understand why the President, and some Members of this body, believe that war and violence is the only means by which this crisis can be resolved.

I've heard people say that Saddam Hussein is a cruel and vicious dictator, and I agree with that. I've heard people say that the invasion of Kuwait was illegal, immoral and brutal and that Iraq must be forced to completely withdraw from Kuwait, and I agree with that. What I don't agree with, however, is that war—and the potential loss of thousands of young American, lives and tens of thousands of innocent Iraqi women and children—is the only means by which we can achieve our goals.

Madam Speaker; the President and others, now that the cold war is over, have referred of late to the concept of a new world order. Well, let me say this. There is absolutely nothing new about sending young men and women into battle, about bombing civilian targets, and about seeing tens of thousands of human beings killed and maimed as a result of war. There is nothing new about that. War, brutality and mass murder as a means of resolving international conflict are as old as history itself. If the concept of a new world order is to mean anything, it must mean that we begin to resolve international conflict in a new way—in a nonviolent way. That is new.

Madam Speaker, we can make history in this body by showing the entire world that the U.S. Government will not act in a violent manner—that we will resolve this conflict forcefully and stop Iraqi aggression—but that we will do it nonviolently through continued and strong economic pressure, sanctioned by the United Nations, sanctions which slowly but surely are destroying Iraq's economy and its ability to wate war. Madam Speaker, when we accomplish that, then we can honestly speak of a new world order, but not before then.

Madam Speaker, if the President and this Congress really want to go to war, then let me lay out a battle plan that I will be more than happy to join.

If we really want to go to war, then let us stand up and fight against the grotesquely unfair distribution of wealth which exists in this country, in which the richest 1 percent own over one-third of the wealth, and in which the gap between the rich and the poor grows wider. Let us stand up to the big money interests who, to a large degree, control the economic and political life of this Nation, and bring about a fair and just tax system in which the rich start paying their fair share of taxes. Now that is a fight I would like to participate in.

Madam Speaker, if this body wants a war—then let's take on the insurance companies, and the drug companies and the AMA—and fight for a national health care system which will guarantee health care to all of our people without out-of-pocket expense—as almost every industrialized nation on Earth has achieved. Now that's a fight that will take real courage, and it's a fight that our constituents want us to wage.

Madam Speaker, the standard of living of the average American worker is in decline because, among other reasons, the huge industrial corporations have sold out our people, and have taken their factories and their money into the Third World where they're hiring workers at starvation wages. If we really want a fight, then let's stand up to these corporations and demand that they reinvest in America, and provide good paying, environmentally sound jobs for our people. Do we have the courage to wage that kind of war?

Madam Speaker, this Nation now has a $3 trillion debt, and we are facing the largest deficit in our history. The S&L industry has collapsed and some say that the commercial banking system may not be far behind. We have 3 million Americans sleeping out on the streets; 25 percent of our children living in poverty, an educational system which is failing; and millions of Americans who are functionally illiterate.

Madam Speaker, this vote is not just a vote for war and peace—but it is a vote for the future direction of America for years to come. Is the future of our country to be one in which we are known throughout the world simply as being the strongest military power on Earth, the policeman of the world, the muscleman of the world? Is that what our future is all about? Is that the heritage that we leave to our children?

Or rather, Madam Speaker, can we create a different future for this country? A future in which this Nation leads the world in the quality of our health care system, the quality of our educational system, the quality of our housing and our general standard of living; the quality of our respect for the environment and the quality of the culture which we produce?

Madam Speaker, let us say no to war and yes to peace; no to haste and yes to patience.

Madam Speaker, let us defeat the President's initiative.

□ 1910

Mr. McCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Speaker, today, by our votes and our words, we will send a messsage to Saddam Hussein—to other nations—and most importantly—to our children.

Will we send a clear message of a new world order based on a respect for the law of nations, enforced by a commitment of strength?

Or will we send a garbled and confused message—one of missteps, timidity and weakness. One magnified by misguided, blind hope.

To my colleagues who see this debate as one of whether we are committing this Nation to war, I must disagree. Rather this debate centers on congressional will and resolve. Does this body have the will and the resolve to commit this Nation to a future of peace—or will we leave for our children an inheritance of uncertainty and world instability?

I do not want to see our Nation at war and I pray that this crisis will be resolved peacefully.

But I can not in good conscience, deny to the President of the United States every power and tool that he is entitled to in his efforts to resolve this crisis.

I will vote to authorize the President to use force as a last resort to implement the U.N. resolutions—not because I think that actual force will in the end drive Hussein from Kuwait—but because I believe the real threat of force will make him abandon his aggression.

If this body fails to make the possibility of force real—then surely we are setting ourselves on a path of great instability in the months and years ahead. What international madman, dictator, or aggressor will ever again pay heed to the words of this Nation if in this moment of crisis, we fail to show the resolve we are now called upon to exhibit.

I am reminded of the words once spoken by Ronald Reagan, "If not now, when? If not us, who?" I have no doubt that if we do not stand up to Saddam this time, we will be faced with his aggression again. And when that happens, surely the stakes will be higher, the consequences more dire.

I again state that by my vote, I do not wish to see war. But by my vote, I hope to give the President access to all other tools he needs to bring about a peaceful resolution to this conflict and a world of peace and security for my children and yours.

Mr. TORRICELLI. Madam Speaker, I yield such time as she may consume to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Madam Speaker, I rise in support of the President's proposal and urge prayer as we consider this matter.

Madam Speaker, when I was elected by the people of the Fourth Congressional District of South Carolina, I accepted the honor, privilege and responsibility of serving them with great anticipation and sense of duty.

Never, Madam Speaker, have I had to make a decision as critical as the choice that currently faces Congress.

On August 2, 1990, Iraq invaded Kuwait. Shortly after, President Bush dispatched United States troops to the Persian Gulf with the stated objectives of defending neighboring states from further aggression, protecting American lives, ensuring the continued flow of the world's oil supply and, in connection with the international community, to support the steps necessary for the complete and unconditional withdrawal of Iraq from Kuwait.

Since that time, the world, in near unanimous condemnation of the unprovoked, brutal actions of one man against a small country and many innocent women, men and children, has rejected Saddam Hussein's threats and sought peaceful means of resolving this crisis. The United Nations has adopted twelve separate resolutions and diplomatic efforts aimed at reversing the illegal actions of Iraq. Today, however, the illegal forces still occupy Kuwait. The threats to the international community remain and over 430,000 American service men and women are positioned in and around the immediate vicinity of a ruthless and dangerous despot.

In view of the intransigence of the Iraqi President, and the lack of progress in the removal of Iraqi forces from Kuwait, and after the numerous diplomatic efforts by various parties, most recently between Secretary Baker and the Iraqi Foreign Minister, Tariq Aziz, the time has come to strengthen the flexibility of the President of the United States in achieving the objectives of the multinational coalition.

That is why I intend to support House Joint Resolution 62, the bipartisan resolution which authorizes the use of military force after the President has informed the leaders of both Houses of Congress that all diplomatic and other peaceful means of securing Iraqi compliance with the U.N. resolutions have failed. Mr. Speaker, I do not want a war with Iraq, nor do any of my colleagues. There are those who argue that supporting the resolution constitutes casting a vote for war, not peace, for impatience, not measured tolerance, for the destruction of American lives, not the triumphant return of our men and women, for the survival of an economic and political system and way of life that is alien to the principles of our system of democracy and not worth the moral, economic, and human sacrifice that we may be called upon to give. But, Madam Speaker, I believe that this resolution offers the best chance for the very survival of those same noble and most urgently desired goals.

I have heard from people in my district, average Americans, not military and political analysts, but mothers and fathers, sisters and brothers, and other family members who have loved ones in the Persian Gulf. They have a vested interest in this crisis and in the actions taken by the Congress and the President and will be the first to feel the pain and anguish that are inevitable in a state of war and military conflict. They, more than anyone else, understand the costs of an offensive action and the benefits of a peaceful solution, and they have urged me to support the resolution that authorizes the President to use all necessary means to achieve Iraq's compliance with the U.N. resolutions.

We will continue with strong economic sanctions against Iraq. We will continue to seek ways to negotiate a solution to this crisis and I will stand united with the people of my district in our combined efforts and prayers to bring our troops home safely and soon.

Mr. TORRICELLI. Madam Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Madam Speaker, since coming to Congress 10 years ago I have participated in many debates on foreign policy and national defense. But none seems as historic as the one we are hearing today. There is no place in this debate for partisanship or posturing. We confront our gravest responsibility—and I believe it is the responsibility of Congress—to decide whether to commit this Nation to war.

Five months ago, Madam Speaker, we all were reeling with euphoria over the end of the cold war. Democratic revolution had succeeded in Eastern Europe; the Berlin Wall was being hammered into souvenirs; Nicaragua was liberated from Sandinista misrule; South Africa began the process of dismantling the oppression of apartheid; the nightmare of nuclear terror seemed over. Although some have come to sneer at the concept, the end of the cold war offered many of us the hope that a new world order could be established.

But on August 2, Saddam Hussein shattered that euphoria with his brutal invasion and systematic destruction of a defenseless neighbor. With this act, we were cruelly reminded that peace and freedom are something we can never actually possess; they are not something we can take for granted, as though we owned them indefinitely. We must once again face the fact, as a French writer once remarked, that "Freedom is a system based on courage," and that as the Romans used to say, "Let him who desires peace prepare for war."

Madam Speaker, it is terrible to return to such hard, cold truths after a time of such tremendous good will. I can certainly understand why many of my colleagues hesitate to bring themselves to do it. I share their anger and frustration, and I admire their will to find a more gentle and reasonable way of dealing with the challenge facing us. But I have to say that some may have let hope blind them to the truth of our situation.

For the past 5 months, we have been engaged in an emotional debate about how best to respond to and reverse Saddam Hussein's crime in Kuwait. It has been a fascinating exercise in democracy, to say the least, as people of different political stripes find themselves in new alignments.

But the fundamental question which Congress must now answer is whether to give the economic sanctions imposed against Iraq more time to work, or whether to give President Bush the authority to use military force to get Saddam Hussein to comply with the U.N. resolutions.

Madam Speaker, I have concluded that Congress must vote to give the President the necessary authority to use all necessary means to get Saddam Hussein out of Kuwait. I do so not out of any desire to go to war, but because I believe our vital interests to be at stake in the gulf, and we must be prepared to use force to defend those interests if necessary.

Madam Speaker, I have great respect and admiration for those who argue that sanctions must be given more time to work. I believe they are genuine in their commitment to see Iraq leave Kuwait and that it can be accomplished by peaceful means.

But there is no evidence to indicate that 5 months of sanctions have had the slightest impact on Saddam Hussein's thinking. On the contrary, he has treated the international community aligned against him with contempt, he has rebuked the President's efforts to reach a diplomatic solution at Geneva, and he has given every indication that he will stay in Kuwait regardless of how long sanctions remain in effect. In addition, there is nothing to suggest that sanctions will diminish Saddam Hussein's chemical and biological weapons capabilities or inhibit his quest for nuclear weapons—a threat which certainly compares with his occupation of Kuwait.

Furthermore, unless Congress clearly affirms its support for the possible use of force, the world will grow indifferent to the sanctions themselves. Leaks in the embargo will develop and proliferate. The issue is not sanctions or the threat of force, as some have posed it. In my view, one cannot work without the other.

Madam Speaker, I take very seriously my decision to authorize the President to use force. I have not agreed with every step he has taken throughout the Gulf crisis. I was disappointed by some of the macho talk and personalization of the conflict between the President and Saddam. I opposed his decision to forgive $7 billion in debts owed by Egypt and believe that the administration has not sufficiently pressed our allies in Europe, Japan, and elsewhere to increase their financial and military contributions to this effort.

The President, however, has skillfully employed the type of collective security that we Democrats have always respected and argued for. By assembling at the United Nations an international coalition against Iraq, pursuing every reasonable diplomatic option, and by working to build a bipartisan consensus at home, the President has exercised restraint at a very difficult and dangerous time. Now he deserves our support, and the Congress should give it to him by voting for the Solarz-Broomfield resolution.

No Member of Congress welcomes the prospect of committing our country to war. However, in my view if we fail to give the President the authority contained in this resolution, the prospects for peace will be diminished even further.

Madam Speaker, for 10 years I have walked past the statue of Janette Rankin who said in this Chamber before World War I and World War II—"I cannot vote for war." Even though I have great admiration for her courage and conviction, I shudder at the thought of how many additional lives would have been lost had her position prevailed.

I urge adoption of Solarz resolution.

□ 1920

Mr. GEPHARDT. Madam Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Madam Speaker, first I would like to commend the gentleman from Indiana [Mr. HAMILTON] for a most impressive, precise, and complete presentation of the case for the resolution I rise to support.

President Bush was correct to take a stand against Saddam Hussein's aggression in Kuwait. He was correct to marshal broad international support for that policy, and President Bush was correct to try economic sanctions first, supporting them with 200,000 troops prepared to enforce those sanctions.

It was after this impressive start that the President went awry. He increased the troop strengths to 400,000. We cannot long sustain that size troop commitment, and when he sent those troops in, he significantly changed our policy there.

I supported the President's initial policy. There is a great deal of evidence from military experts that the sanctions are working and will work. Further, the American public will support the sanctions strategy, certainly for long enough to give that policy a fair opportunity to prove itself.

If we first try sanctions, we have not narrowed our options. If we first take military action, we cannot return to any other options, including sanctions.

This is not a question of whether we support the President's first reaction to Iraqi aggression. We do. I have, publicly, and strongly, from the very beginning. But this is a question of whether or not we are going to commit American lives in the defense of a changed policy prematurely, before we have exhausted the potential of a nonmilitary policy that shows real signs of promise to resolve the situations and to back Iraq out of Kuwait.

Madam Speaker, the Hamilton-Gephardt resolution supports the President's first instincts. They were his best.

Mr. MICHEL. Madam Speaker, I ask unanimous consent that 45 minutes allocated to this side of the aisle be given to the distinguished gentleman from New Jersey [Mr. TORRICELLI] for allocation as he sees fit.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MCCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Madam Speaker, today we are debating what is perhaps the most serious foreign policy matter of the past several decades: the crisis in the Persian Gulf. Let me say first that before coming to my position on the President's Persian Gulf policy, I was very hopeful that the latest meeting between Secretary Baker and Foreign Minister Aziz would lead to Iraq's withdrawal from Kuwait.

Unfortunately, we all know what happened in that meeting earlier this week. The Iraqi minister refused not only to comply with the United Nations resolution calling for his country's withdrawal from Kuwait, but he refused to even use the word "Kuwait" in his discussions.

Today, then we are faced with the decision on whether the Congress of the United States will support the President by giving him authorization to enforce United Nations Resolution 678, calling for Iraq to withdraw from its southern neighbor by January 15, or whether we will instead recommend that the economic sanctions in place against Iraq be given additional time to work.

Madam Speaker, I know all my colleagues join me in the hope that a peaceful solution can be found to this world crisis. No one in this body seeks armed conflict. No one in this body want to see American service men and women placed in peril. But as we approach the January 15 deadline in the U.N. resolution, we should speak with a united, bipartisan voice to let Saddam Hussein know that the Congress of the United States stands behind the President.

I call to the attention of my colleagues an editorial in today's Washington Post entitled, "Congress and War." The fourth paragraph of that editorial reads:

> Can there be any question as to how Saddam Hussein would read a congressional vote that denied President Bush the authority he seeks to use force in conformity with international mandate and national policy alike? Does anyone think he would not take heart from such a vote?

It is my belief that the credible threat of force may be the only way of preventing the use of force against Iraq.

It is also important, Mr. Speaker, that we understand what we are facing from Iraq's aggression against Kuwait and who we are facing in Saddam Hussein. I am reminded of the events leading up to World War II with the unchecked aggression of Hitler in Germany who piece by piece, country by country, expanded his domination of Europe.

I want to share with my colleagues a section of a report by Amnesty International on Iraqi human rights abuses in occupied Kuwait so that there can be no doubt in what kind of man Saddam Hussein is. Madam Speaker, I will not go into the details of this report. They are gruesome and sickening to read. I mention them here and will submit them for the record only to demonstrate that we are not dealing with an average individual when we are speaking about Saddam Hussein.

That brings us to the question of the policy of economic sanctions working to drive Saddam Hussein from Kuwait. Sanctions have been in place since last August, shortly after Iraq's invasion of Kuwait. The question we must answer is, are sanctions working?

To help us with that question, I would submit for the record a copy of CIA Director William Webster's letter to Armed Services Committee Chairman LES ASPIN in which Mr. Webster states that there is no indication that the economic sanctions are forcing or will force Iraq to leave Kuwait.

In light of the apparent failure of the economic sanctions to force Iraq to withdraw from Kuwait, and in light of Iraq's refusal to even discuss such a withdrawal with Secretary Baker in Vienna this week, I urge my colleagues to support the bipartisan resolution to uphold United Nations Resolution 678.

[From the Washington Post, Jan. 11, 1991]

CONGRESS AND WAR

Iraq, says Speaker Foley, is an "issue of conscience." But that's to say that only one answer is possible. In fact, Iraq is an issue of judgment. Conscientious legislators have different views about it. That is what makes the congressional debate on Iraq so excruciatingly difficult.

That the United States has large stakes in the outcome of the Gulf crisis is no longer a contentious issue. The threshold argument in Congress is how best to pursue those stakes—by the threat of war or by further reliance on sanctions, diplomacy and the military buildup. On this matter, as we say, conscientious people can differ. There are expert analyses to support several courses. It is a close call.

But Congress is not dealing merely with this essentially tactical question. Having chosen to wait until this late moment to address the crisis in a formal this-counts way, Congress finds itself pinned up against the Bush administration's determined, United Nations-sanctioned effort to enforce the U.N.'s Jan. 15 deadline for Iraqi withdrawal from Kuwait. So a second argument—what we would call the more urgent argument—necessarily comes into play: whether to try to make the Bush enforcement strategy work. This is not simply a matter of supporting the president, although it is partly that. It is a matter of supplying the president with the vote of confidence, the showing of support, to strengthen his hand at the moment when conceivably this powerful sort of strengthening of his hand can influence the calculations of Saddam Hussein and win him over to the withdrawal that is favored by almost everyone in America.

It is no longer seriously disputed that Saddam Hussein is a menace to regional peace and global order and had best be reined in sooner so that he does not become an even greater menace later. This is what the American government has attempted to do. Now comes the squeeze. Can there be any question as to how Saddam Hussein would read a congressional vote that denied President Bush the authority he seeks to use force in conformity with international mandate and national policy alike? Does anyone think he would not take heart from such a vote?

A war in the Gulf could have incalculable and horrible effects, and we are not calling for the country to launch an attack. But we do support putting in the hands of the president—a president who personally knows something about war—the authority to make a more plausible threat in these eleventh-hour circumstances of President Hussein's pre-deadline countdown. Our judgment is that Congress, by deciding to authorize the president to conduct war, materially improves his chances of achieving peace. It is a risk, and we would take it.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.

Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq and on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 months; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to twelve months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to twelve months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

[From Iraqi Occupied Kuwait, Human Rights Violations Since August 2, by Amnesty International, Dec. 19, 1990]

METHODS OF TORTURE AND ILL-TREATMENT

The following are details of allegations of torture and ill-treatment which have been made to Amnesty International since 2 August, some of which are supported by medical evidence and photographic material [see Appendices C and D]. These reports are entirely consistent with methods of torture and ill-treatment known to have been used in Iraq over many years, and some of which are also supported by medical evidence [see in particular Amnesty International's report entitled "Torture in Iraq 1982–1984", published in April 1985, and the organization's annual reports].

It should be noted that not all of the methods listed below are said to have been widely used since 2 August. Those methods which have been alleged only in a few cases brought to Amnesty International's attention are marked with an asterisk (*).

1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.

2. Falaqa: prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.

3. Suspending the detainee by the feet, or by the arms which are tied behind the back.

4. Beating the detainee while suspended from a rotating fan in the ceiling.

5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.

6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.

7. Applying pressure to the fingers with a clamp-like instrument.

8. Slashing the face, arms or legs with knives.

9. Extracting finger and toenails.

*10. Boring a hole in the leg, apparently with a type of drilling tool.

11. Cutting off of the tongue and ear.

*12. Gouging out of the eyes.

*13. Castration.

*14. Hammering nails into the hands.

15. Piercing the skin with pins or staplers.

16. Shooting the detainee in the arm or leg at point blank range, followed by deprivation of the necessary medical treatment.

17. Rape of women (including virgins) and young men.

18. Inserting bottle necks, sometimes when broken, into the rectum.

*19. Tying a string around the penis and pulling it tightly.

*20. Pumping air using a pipe through the anus, particularly of young boys.

21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instruments used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).

22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.

23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.

24. Pouring hot and cold water alternately over the detainee.

25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.

*26. Pouring an acid-like substance onto the skin.

27. Pouring caustic substances onto the eyes, causing blindness.

28. Plucking facial hair, particularly the beard, with pincers or pliers.

29. Placing heavy weights on the detainee's body.

30. Spitting into the detainee's mouth.

31. Exposing the detainee to the sun for several hours at a stretch without water.

32. Subjecting the detaineee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the mouth and pulling the trigger.

33. Forcing the detainee to watch others being tortured, or to hear their screams.

34. Raping or torturing the detainee's relatives in his or her presence threatening the detainee with such acts.

35. Threatening the detainee with torture methods such as the electric chair [al-Kursi al-Rajjaj], or with death by immersion in an acid bath.

36. Deprivation of medical treatment.

37. Deprivation of sleep, food, water, fresh air and toilet or washing facilities.

38. Degrading the detainee by using obscene language or insults.

Mr. TORRICELLI. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Madam Speaker, I rise in support of the Solarz-Michel resolution, which, I believe, represents our last best chance for peace in the Middle East.

I am hopeful that support for this resolution will send a strong, decisive signal to Iraqi President Saddam Hussein that his aggression simply will not be tolerated.

Madam Speaker, while most of my colleagues agree on the goals of Operation Desert Shield, there is fundamental disagreement on the tactics we should employ to achieve them. I can certainly understand my colleagues who believe we should wait for sanctions to take effect. And I agree that we must exhaust all diplomatic options available before resorting to force.

However, after returning Thursday morning from a 26-member bipartisan delegation trip to the Middle East and discussing our tactics with foreign and military officials, I am convinced that sanctions could take 2 to 3 years, if not longer, before ever becoming effective.

There is no guarantee that the coalition united against Iraq will last that long. And with each passing day after January 15, Saddam Hussein will grow stronger and his capability of developing and using nuclear weapons will become greater.

The United States has already demonstrated its willingness to solve this crisis peacefully. President Bush proposed 15 dates for a meeting between the United States and Iraq, but none of them were accepted by the Iraqis.

In another attempt to achieve peace, Secretary Baker met with the Iraqi Foreign Minister in Switzerland. Once again, the Iraqis demonstrated no flexibility, and certainly no intention whatsoever, to withdraw from Kuwait.

Madam Speaker, it is my fervent hope we will not have to use force to achieve our objectives. Despite the latest breakdown in diplomacy, it is not too late for a fair and peaceful solution to this conflict. But such a solution is up to Saddam Hussein.

Only he can prevent war from breaking out in the Middle East by withdrawing unconditionally from Kuwait.

As we debate these resolutions on the floor of the House today, Saddam Hussein is continuing to destroy the infrastructure of Kuwait. He continues to call Kuwait a province of Iraq. And now Saddam Hussein threatens American troops, claiming they will "swim in their own blood." These are hardly words of diplomacy or negotiation, and indeed reflect no intent by Saddam Hussein to withdraw.

Perhaps Saddam Hussein believes that Congress is not fully supportive of Operation Desert Shield. Or perhaps his military and diplomacy advisors are misinforming him, giving him only the information he wants to hear. Either way, he is simply not getting the message.

Madam Speaker, my trip to the Gulf strengthened my firm belief that Saddam Hussein must be defeated—either politically or militarily. I believe that supporting the President at this moment represents our best chance to achieve this goal politically. Therefore Madam Speaker, it is important that we reinforce that strong message on the floor of the House.

I believe that at this point, our only chance for peace is to present Saddam Hussein with the strongest, most credible threat possible—one that is supported by Congress and by the American people.

Saddam Hussein is closely watching our debate today. With the approval of this resolution, Saddam Hussein will know that Congress now stands with the President. We must also show our troops in Saudi Arabia that Congress is fully behind them. The troops I talked to seemed frustrated and concerned that Congress may not support the President's actions. We need to support this resolution to demonstrate to our troops that Congress and the President speak with one voice to praise their efforts in the gulf.

Madam Speaker, Iraq's invasion and occupation of Kuwait is a threat to our vital national interests. If we do not stop Saddam Hussein today, his threat will only grow stronger. At this time, only the United States has the ability to stop Iraq's aggresssion. If we do not respond to this dictator's threat now, who will?

Madam Speaker, I don't want war—nobody in this House does. But if we are to have any chance of avoiding war, we must not send Saddam Hussein a mixed signal about our intentions. This resolution provides the President with the leverage he needs to bring about peace in the Persian Gulf.

It is the best means Congress has right now to prevent war.

□ 1930

Mr. GEPHARDT. Madam Speaker, I yield 5 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Madam Speaker, I want to thank the distinguished majority leader for yielding time to me.

What is the rush? Why is the majority in this House so intent on supporting a President hellbent on going to war as quickly as possible?

It seems to me that our prime concern ought to be, assuming that there has to be a war, that it takes place under conditions most favorable and most advantageous to the young American men and women who will be asked to fight it. Every indication that we get from objective sources is that the sanctions are working and that the sanctions are in fact having a tremendous impact on the warmaking capacity of Iraq.

The Iraqi equipment is literally falling apart. We have the testimony of the Director of the Central Intelligence Agency, Mr. Webster, that as of December 5, 1990, 5 or 6 weeks ago, some 50 percent of the gross national product of Iraq had already been adversely affected; that 90 percent of their imports and 97 percent of their exports had been cut off; that they are losing $1½ billion a month in hard currency; that within 3 to 6 months their air force, their airplanes, will be beginning to fall apart because of an inability to replace parts.

We know from watching the television pictures what is happening to the equipment that our people are using. They are having tremendous difficulty keeping it operative. We can resupply and repair, and he cannot.

So what is the big rush? Time is on our side. Admiral Crowe testified before the Senate Armed Forces Committee and said that to suggest that Hussein has not been adversely affected, that the sanctions are not working, is both weird and wrong.

Time is on our side. If by giving time a chance to work for us and for the young men and women who are asked to do battle we can save lives, if we can save 1 life, 5 lives, 100 lives, 1,000 lives, is that not worth continuing the effort at sanctions?

We have over 100 nations participating in a genuine coalition on the blockade and the embargo. But we have practically no other nation engaged in a coalition of battle, in battle formation. Outside of the British, who have a couple of divisions there, practically no one is there to be supportive of American forces who will be battling against the Iraqis.

It just seems to me that when our constituents ask us what the rush is, as they constantly do, we ought to ask ourselves what the rush is. When people suggest that they know that sanctions cannot work, that is sheer speculation, flying in the face of every objective indication that we have.

When people tell us, "Oh, American casualties will only be between 500 and 1,000," I ask them, how did they suddenly get to be so omniscient? How can they assure us, themselves, assure the young men and women who are going to be doing the fighting, that that is the case?

If they are wrong and the body bags start coming back in larger numbers, who will they apologize to, and who will be there to accept their apologies?

The time to have time work for us is now. We must not give a premature declaration of war to the President of the United States who gives every indication that he intends to implement it as early as possible. It just does not make any common sense.

Seven out of the last eight Secretaries of Defense of this country have said to let sanctions work. The last two Chairs of the Joint Chiefs of Staff have said let the sanctions work. Who are we and who is the President to override that, especially in the face of public statements, from commanding officers out in the field, who tell us that our forces are not really ready for combat at this point, that they need more time in any event?

Madam Speaker, it seems to me that we will rue the day that we have decided to give the President this blank check without any conditions on it, which will only lead to death and disaster and to war unnecessarily.

Madam Speaker, the issue before the House today is probably the most important and fateful decision that we as Members of the U.S. Congress will ever consider—the decision to send the men and women of our Armed Forces to war. We will soon cast our votes and fulfill the solemn constitutional responsibility that is solely entrusted to us as Members of Congress.

Before we reach a vote, I want to urge my colleagues first to consider the many issues on which we—and the American people—are united. We are in complete agreement, for example, in our condemnation of Iraq's unprovoked aggression against Kuwait. We agree that more powerful nations cannot be allowed to swallow up their smaller neighbors with impunity. And we are united in our determination to get Saddam Hussein out of Kuwait and to restore that nation's sovereignty.

The American people and the Congress also stand firm with the international coalition which President Bush has assembled in response to this crisis. We strongly endorse the U.N. Security Council's economic sanctions to pressure Saddam Hussein and to add teeth to our policy.

In other words, Madam Speaker, the American people and their representatives in Congress are indeed united in their support for many—perhaps most—of the Bush administration's policies in the Persian Gulf.

The fact that we agree on the goals of that policy, however, does not mean that we agree about the best way to achieve those goals. How can we get Saddam Hussein to leave Kuwait?

When it comes to the means to achieve that goal, our Nation is deeply and passionately divided. Many of us believe that the international community should maintain its policy of economic sanctions and diplomatic pressure. Others believe, with President Bush, that we should go to war to achieve that goal.

These two basic alternatives divide the Congress; they divide the American people; and the resolutions before the Congress today reflect that division. One says we should stay the course and give sanctions and diplomacy a chance to succeed; the other gives President Bush the authority to wage war.

I am convinced that the best course of action—both for the international community and the United States—is to maintain the United Nations sanctions, coupled with active diplomacy to achieve our common goals.

This view is based not only on my desire to keep the United States out of an unwise conflict, but also on the testimony of many widely respected experts, including seven of the eight former eight former Secretaries of Defense. As Adm. William Crowe, recently testified, economic sanctions can succeed, with sufficient time, in forcing Saddam Hussein from Kuwait.

Listen to the words of the Bush Administration's own Director of Central Intelligence, William Webster:

> All sectors of the Iraqi economy are feeling the pinch of sanctions, and many industries have largely shut down.
>
> More than 90 percent of [Iraq's] imports and 97 percent of exports have been shut off.
>
> The Embargo has deprived Baghdad of roughly $1.5 billion of foreign exchange earnings monthly.

How can these staggering economic consequences not place enormous pressure on Saddam Hussein? It is simply too soon to give up on these sanctions and to short-circuit the possibility of a peaceful resolution of the Persian Gulf crisis. For the sake of the hundreds of thousands of lives that would be put at risk, we must stay the course until every option short of war has been exhausted.

Of course, speculation about the effectiveness of sanctions is just that—speculation. No one can predict with certainty whether Iraq will succumb to the international community's economic and diplomatic pressure. But as Admiral Crowe put it, even if U.N. sanctions require 12 to 18 months, the tradeoff of avoiding war would be more than worth it.

In short, I believe that with patience, determination, and vigilance, this crisis can be resolved peacefully. If we allow the sanctions time to work, we can achieve both of our goals—getting Saddam Hussein out of Kuwait and keeping the United States out of war. But we will only be able to test this policy if we are willing to exhaust every economic and diplomatic avenue. New diplomatic efforts by several parties are already underway, even as economic sanctions continue to take their toll.

As I mentioned, Mr. Speaker, this may be the most important decision that we as individuals, and as an institution, will ever make. Yet no matter the outcome, the United States will remain deeply divided on the issue of war in the Persian Gulf. And a divided nation cannot sustain a war. Until the American people and the Congress are convinced that every peaceful option has failed, the best policy is patience and determination.

I urge my colleagues to support the Gephardt-Hamilton resolution, and oppose the Michael-Solarz resolution.

Mr. GEPHARDT. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Madam Speaker, it is with a somber sense of my awesome responsibility as a Member of the U.S. House of Representatives that I join the debate with my colleagues on the prospect of armed conflict in the Middle East.

For 5 months now the world and the people of this Nation have been united against the uanabashed aggression of Saddam Hussein. The United States under the direction of President Bush has established and maintained a solid coalition to right the evils committed by Iraq against Kuwait.

We are at a critical stage in this crisis. We have trusted President Bush to lead us in this challenge. Thus far, his consistent policy of sanctions and a military blockade have worked to achieve some of our goals. Most certainly, Operation Desert Shield has negated the possibility of an Iraqi attack on Saudi Arabia. And our steady persistence, achieved the release of American and other foreign hostages being held for so long in Iraq and Kuwait.

But we are not finished—acts of heinous aggression must not be rewarded. Saddam Hussein is not yet out of Kuwait and he shows no intent to withdraw. The international condemnation, the sanctions, and the military presence in the gulf have not forced Saddam's hand. More importantly, they have not achieved peace.

I firmly believe that the only hope we have of getting Saddam Hussein out of Kuwait is by giving the President the option to use military force.

This act of Congress does not bring us closer to war. Make no mistake, we are already at the brink of an international catastrophe. The United States and the entire world order is threatened by Saddam Hussein.

We have brave young men and women who are in harms way in the desert of Saudi Arabia. Congressional equivocation at this point would be an intolerable indignity to those soldiers whom we have entrusted so much. In August, Congress unanimously supported the President and the deployment of troops in Operation Desert Shield. In November, Congress and the American people stood behind the President when he ordered the deployment of additional forces to Saudi Arabia.

On the eve of the U.N. Resolution 672 January 15 deadline, it is imperative that this nation continue to speak with a unified voice.

Mr. McCOLLUM. Madam Speaker, I yield 3½ minutes to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Madam Speaker, as an original sponsor, I rise today in strong support of the Michel-Solarz resolution to give President Bush the authority to use force against Iraq if necessary.

I emphasize "if necessary" because I hope, the President hopes, indeed all of us hope, that force will not be necessary. Nobody wants to commit America to war.

But I firmly believe that Congress must adopt this resolution because it's the last, best hope for peace. That's because the decision of whether there will be war rests solely on one man, Iraq's dictator, Saddam Hussein.

For 5 months now, a truly United Nations has attempted to persuade Saddam Hussein to withdraw from Kuwait.

By diplomacy and a trade embargo, the civilized nations of the world have tried to dislodge Saddam Hussein from his conquest.

Unfortunately, as we all know, diplomacy and the embargo have not worked. For 5 months, Saddam Hussein has refused to seriously respond to diplomatic initiatives. Instead, Iraqi forces have systematically raped and pillaged Kuwait, taking virtually anything of value. At the same time, Iraq has continued to fortify Kuwait, and has continued its program to attain nuclear capability.

Saddam Hussein has been called a madman, but I'm not sure I agree. Evil, cunning, and ruthless, yes, but history indicates he's also a man who cuts his losses if necessary.

Simply put, Madam Speaker, I believe the United States and Iraq are playing a high-stakes game of five-card stud. We hold a full house and Saddam Hussein has only a pair of deuces, but as a master gambler, he's betting he can bluff his way to victory.

By adopting the Michel-Solarz resolution, the Congress will lay another card on the table, and I believe there's a good chance that Saddam Hussein will know his bluff's been called.

But if we adopt the Hamilton-Gephardt resolution instead, I fear we will simply be weakening our hand, and strengthening Saddam Hussein's. He knows our coalition has weaknesses, and he knows the threat of military operations will fade quickly once the desert heat starts building up this spring.

Madam Speaker, as I said earlier, the passage of the Michel-Solarz resolution is our last, best hope for peace. But even if Saddam Hussein doesn't fold, we also know that the principles we would be fighting for are just. Right is on our side.

If, despite all our hopes and prayers, war comes, then let us give our President the tools he needs to wage it quickly, decisively and victoriously. To do otherwise would be to betray our Armed Forces, the American people, and the hope for peace and stability in the world in the years to come.

Mr. BERMAN. Madam Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

□ 1940

Mr. CARPER. Madam Speaker, first of all let me make clear that I believe this debate, and the votes we will cast tomorrow, are not some sideshow in the Persian Gulf crisis. Congress and Congress alone, can declare war. The President can take military action to implement U.N. Resolution 678 only with the expressed approval of the House and the Senate.

Two decades ago, I served in a war. I did not want a war then. I do not want a war now. Who among us does. I favor using every diplomatic option available to us to avert war in the Persian Gulf—including new talks between the United States and Iraq if they would be helpful. We should seek a nonmilitary solution for as long as there is a reasonable chance for success, whether that takes 6 days or six months.

The option to use the allied forces assembled in the gulf to remove Iraq from Kuwait should be the option of last resort. But at this late hour, as the U.N. deadline of January 15 approaches, it must now be an option available to the President—not to be exercised on any date certain, but to be used when all else has failed. For Congress to deny at this juncture, the President the authority he needs can only serve to send a confusing signal, both to our allies and to Iraq. The treat Saddam poses today would only grow larger.

Madam Speaker, I would have preferred that this debate had occurred weeks ago when Congress might have played a more constructive role in resolving the gulf crisis. But today I believe Congress has few options left. Ironically, giving the President the authority to use force if it becomes necessary has become, as others have said, our best chance for peace. Perhaps then will Saddam Hussein understand that despite our differences, our country stands together in our resolve that Iraq must leave Kuwait, and leave it now.

Mr. GEPHARDT. Madam Speaker, I yield 3½ minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Madam Speaker, first of all I would like to commend both sides of this debate. I think the debate has been very, very helpful to me because I happen to be one Member that had a very difficult time, and I made my decision on this issue, franky, today.

I want to commend Mr. GEPHARDT and Mr. HAMILTON for the very excellent work they did in putting together their package, and certainly those who support the President's position should be commended as well, because it is a very, very close and very, very difficult decision.

The reason I had such a difficult time making this decision was because we are so close to January 15, and I really had a difficult time voting to undercut what I consider to be the President's authority in this particular matter. At the same time, I have come to realize that we are not mere pawns in this debate as Members of Congress, that we do in fact have a constitutional responsibility to deliberate and make an independent judgment on the issue of offensive action or declaration of war.

Let me, if I may, develop about four areas that I have real problems with respect to the Solarz approach to this particular issue.

One is I know there has been a lot of talk about a new world order, and the fact that for the first time the United Nations is in this debate. The fact of the matter is and the issue in the Persian Gulf is that it is not a U.N. operation. We are going to have 400,000 American troops in that region. The Japanese and the Germans have not participated, and many of our other allied countries have not either. In fact, I have been very, very distressed with the fact that the Germans and the Japanese and the French and the English could vote at the United Nations in New York for a declaration of war, and at the same time not commit any possible blood as Americans are.

In addition to that, although the polls are showing that there is support for the President in this effort, I can tell Members as soon as there is one death, the polls will reverse themselves. The reason I raise that issue is because the President has not done a sufficient job in educating the American public of what the issue is, what is involved and what is in fact the vital interest of the United States. And he has that obligation and he has not fulfilled that obligation at this time.

Third, our strategic interest is at stake. In fact, we must isolate Saddam Hussein and perhaps even find some way to advocate internationally a new leadership in Iraq. But why is January 15 such an important and significant date? Why is that date the date when war has to be declared? Nobody has any idea except President Bush, and even he has not made a case for that particular date.

In addition, we have not, as many of our prior speakers have suggested, explored and completed the issue of economic sanctions, and certainly diplomatic courses as well. So it is my belief that it is our responsibility as an independent branch of this Government to support the Gephardt-Hamilton approach, to give this issue more time to develop and allow the diplomatic approach to take its course.

Mr. McCOLLUM. Madam Speaker, for the purposes of reading a list of endorsements, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, The National Commander of the American Legion, on behalf of the Legion's 3 million members, has sent an open letter calling upon Congress to pass "legislation authorizing the President to take any necessary actions to deal with the crisis at hand and supporting the implementation of the U.N. Security Council Resolution 678 * * *." In short, Madam Speaker, the American Legion endorses the Solarz-Michel bipartisan resolution.

The Legion is joined in this endorsement by the Veterans of Foreign Wars—2,800,000 strong.

Madam Speaker, under leave to include extraneous matter, I insert at this point in the RECORD the text of the American Legion's letter and a list of other distinguished veterans' organizations which have joined the Legion and the VFW in urging Congress to stand behind the President.

The American Ex-Prisoners of War, Non-Commissioned Officers Association, Catholic War Veterans, USA Inc., Polish Legion American Vets USA, Fleet Reserve Association, Legion of Valor of the USA Inc., The Retired Enlisted Association, Marine Corps League, National Association of Uniformed Services, and Military Order of the Purple Heart of the USA Inc.

Madam Speaker, these 7 million brave Americans know better than all others what the seriousness of this issue is. I urge support of the Solarz-Michel resolution.

Madam Speaker, I include the letter from the American Legion, as follows:

THE AMERICAN LEGION,
Washington, DC, January 10, 1991.

DEAR REPRESENTATIVE: The American Legion urges you to vote for legislation authorizing the President to take any necessary actions to resolve the crisis in the Persion Gulf.

As an organization of three million men and women who have experienced first-hand the pain and sacrifice of wartime service, The American Legion hopes that a peaceful solution can be found. However, we know that diplomacy cannot succeed if our nation's leadership is divided.

Any failure by Congress to offer its full bipartisan support to the President could have catastrophic consequences. We are convinced that Saddam Hussein, the world community and other members of the multinational force in Saudi Arabia would see such disunity as a lack of U.S. resolve.

Additionally, a divided national leadership would produce a serious morale problem among our own troops who have been deployed in Saudi Arabia. I had the privilege ten weeks ago to visit those men and women, and I was impressed by their patriotism, confidence and resolve. They accept the potential risks of their mission, but they need to be assured that the Congress and the American people fully support them in carrying out that mission.

This international crisis is clearly a test of our national will. The upcoming congressional debate will be scrutinized by the entire world. It is critical that the decisions Congress reaches show the world, particularly the Iraqi aggressors and all potential aggressors, that the United States is willing to set aside partisan interests to endorse the President's authority as our nation's Commander-in-Chief.

We urge you to vote for legislation authorizing the President to take any necessary actions to deal with the crisis at hand and supporting the implementation of the United Nations Security Council Resolution 678, for which the United States has already expressed its support.

Sincerely,

ROBERT S. TURNER,
National Commander.

Mr. MCCOLLUM. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Madam Speaker, I rise in support of the Michel bipartisan resolution.

No one wants war. No one is happy about this entire situation. I certainly wish it had never come up. But some have said or at least implied that President Bush wants war for some political or hidden or ulterior motive.

Nothing could be further from the truth. President Bush probably wants war less than anyone in this country. He is a good and kind man, and I believe he would feel the responsibility for the deaths of any Americans more deeply than anyone.

To vote against the President now will simply encourage Saddam Hussein. We need to show national unity and strength. We need to show that our word is good, and that the United States is not just a paper tiger, as one of Hussein's advisers recently said.

We need to remember that George Bush did not invade Kuwait. Saddam Hussein did.

This resolution does not require war. I know the President will avoid war if at all possible.

The President of Turkey said yesterday in an interview with the Washington Times, "Only your Congress can convince Hussein."

Let us convince him. Let us do everything we can to support the President.

Mr. BERMAN. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Madam Speaker, there is no doubt that this is probably the toughest decision that any of us will make in our political career. I cannot think of any vote that a person could make that would be harder than to decide whether or not our brave young men and women should go to war, but there is no question that Hussein must be stopped and he must be stopped now before he has more time to develop nuclear capabilities or to gain political strength in the Middle East.

□ 1950

I, too, went to Saudi Arabia. I, too, stood out there in the desert with those brave young men and women, and I ask them how they felt about this war. They are prepared. They are ready. They are trained. All they ask is, "To give us the opportunity to fight, and do not hold us back. Let us finish the job."

I came home with over 300 names and phone numbers of parents, wives, and loved ones. I finished my last phone calls last night, and every one of those parents and wives believed that we had to do something to stop Hussein. They asked us, as Members of Congress, to support their children and their husbands.

There are some real concerns. What will happen if Israel becomes involved in this war? What will happen after we defeat Hussein? What will then happen to the country of Iraq? But the No. 1 concern that I have is, will the American people support those brave young men and women? They believe that we are behind them. They showed me letters, cards, signs, and flags. They believe that the American people believe in them. I just challenge the Members of Congress and the American people to treat those brave young men with dignity and honor and respect. They do not want to be treated like the brave young men who fought in the Vietnam war. I supported the Solarz amendment, and I encourage my colleagues to do the same.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, we are poised on the brink of war. Will we vote to send thousands of our fellow Americans off to die in battle, or will we vote for a patient resolve for a peaceful resolution of this crisis in the Persian Gulf?

If our interests in the gulf are economic stability of the oil market, and political stability of the Middle East, we must ask what strategy will best sustain those interests.

The strategy the administration pursued immediately after Iraq's invasion of Kuwait was appropriate: a military deterrent force to stop Iraq at the Saudi border; an economic embargo backed up by a naval blockade to wear down Iraq and force it out of Kuwait.

In August, the administration asked Americans to be patient, that the sanctions would take a year to a year and a half to work. Now—5 months later—the administration says patience is a cop-out.

Yet, the sanctions are working—they are having the predicted effect. Iraq is losing $30 billion a year in foreign exchange, through lost oil revenues its GNP is already down 50 percent; its hard currency reserves are diminishing; its military is experiencing spare parts shortages; imports are down 90 percent; Iraq is economically and militarily isolated; the world has a surplus of oil.

Let us not be brittle idealists—cracking, crumbling at the first sign of trouble or pain. An embargo will be long and painful—we knew that; we were prepared for it. We—and the administration—should not abandon the course before its purpose has been served.

The Solarz-Michel resolution, advocated by President Bush, is, pure and simple, a declaration of war. Worse, it is prior approval by the Congress of authority for the President at some future date, to wage war, before he even asks for that authority. Abdication of Congress' sole suthority to declare war is a cop-out. The real courage is to stand firm for diplomacy and economic sanctions. Congress should not abandon its sole and solemn power to wage war—surely not now, when sanctions have had only 5 months and diplomacy only 6 hours.

July was the time for talking and acting tough. July—when intelligence reports warned of Iraq's preparations for war, and the administration not only did nothing, worse, they gave the wrong signal to Iraq: that we would not intervene. Must we vote now to send young people to die in battle because the President miscalculated in July? Not while there are alternatives.

As a youngster doing a homework assignment, I asked my father for help in writing a definition for war. "Just write 'War is hell,'" he said.

Mr. Speaker, too often we have opted for war. Just once, let us realize that war is hell, and try to win a peace.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I have spoken on this subject many times over the last several days, but I take this opportunity to rise in support of the Hamilton-Gephardt resolution, in an effort to ensure that every possible option is explored before declaring war.

Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution in an effort to ensure that we explore every possible option before declaring war.

In deciding this most serious question, one of the most serious I have faced since being in Congress, I have come to the conclusion that the resolution being backed by the Bush administration is tantamount to a declaration of war, since it grants to the President authority to use all means necessary, including force, to oust Iraq from Kuwait.

War, in my view, should always be the final option.

I believe it is important that we review the stated reasons we committed our forces to Saudi Arabia last August.

Basically, there were three:

First, to protect our oil supply from Saudi Arabia, upon which we have been growing increasingly dependent—particularly during the last decade.

Second, release of our hostages in Iraq.

Third, ousting Iraq from Kuwait.

The first two goals have been achieved and I applaud President Bush and our military for this success.

Aggression has been stopped; a stalemate exists.

I believe that the fine young men and women wearing the uniform of our country—indeed all Americans—deserve a policy as good as they are.

In formulating such a national security policy, it should be understood that this country should only commit troops to battle when the vital interests of the United States are directly threatened—in imminent peril.

With the Saudi Arabian oil supply secure and our hostages free, where is the threat? I see no clear and present danger to the vital interests of the United States.

We are fortunate in that the current stalemate has given us time in which to explore options—other than a shooting war.

Yes, we want Iraq out of Kuwait. Saddam Hussein's naked aggression should be punished. And, I believe that he is being punished now—through the sanctions imposed on him.

War should be the last resort. It should be undertaken only after it is clearly apparent that no other choice is open to us.

Mr. Speaker, I am not convinced today that war is the only choice. Therefore, I cannot support the administration resolution. I was at the White House this morning and listened very carefully to President Bush present his arguments. They were well-reasoned and sincerely presented.

I know that President Bush does not want war, that he is committed to peace—but he believes that, in this case, our options are very narrow.

He told us this morning that sanctions—in his words—"will not do it" in terms of bringing Saddam Hussein to his senses.

President Bush boiled down the choices as he sees them as between good and evil. I sincerely believe the situation is more complicated than that.

The drama playing itself out on the sands of the Middle East represents our first opportunity in the post-cold-war era to examine options other than force in settling international problems—options which will become valuable precedents for this new era.

President Bush has talked often of a new world order.

A new world order means new options—and we should have the courage to explore them, rather than resorting to force—which is the quintessential cold war response.

There are many actions which can be taken by a civilized world to contain Saddam Hussein. In fact, I am of the opinion that other countries should be doing much more than they are today.

It is not fair for the United States to bear most of the burden for this effort, to have a U.S. force under the U.N. flag.

The nations of the world should speak with one voice in branding Saddam the international outlaw that he is, and to step up political and economic pressure to leave Iraq ostracized and bankrupt.

By taking these actions, the world community can show the Iraqi dictator as the outcast he is.

Worldwide condemnation, coupled with economic sanctions, can be expected to produce real political trouble for Saddam, perhaps even forcing him from power.

I am concerned, Mr. Speaker, that we seem to have no clear statement of policy goals "after Saddam."

Perhaps most conspicuous by its absence is the option that would free us from the dependence on oil from an unstable region * * * a region which has displayed a growing hostility to America and the Western World.

The option would be an aggressive effort to mobilize the resources of the Nation to establish an energy security policy which would displace our dependence on Persian Gulf oil.

As a member of the United States Alternative Fuels Council, I have heard clear and convincing evidence that America can become more energy self-sufficient—depending more on its own resources and less on those of foreign nations.

Without an Energy Security Policy, America is doomed to continued dependence on Persian Gulf oil and the continued necessity to protect that supply.

It is mindless for this Nation to remain enslaved by our dependence on Middle Eastern oil. Continued enslavement means the very real possibility that our brave young soldiers will be permanently stationed in the region to keep oil flowing to the Western World.

Mr. Speaker, how long will we allow our military, economic, and foreign policy to be driven by our addiction to oil?

The path our troops took to Saudi Arabia was littered with the good intentions of past generations.

Yes, we would work on energy policy.

Someday.

We would expand the use of alternative fuels.

Someday.

We would reduce our dependence.

Someday.

Well, someday never came, but "D" day is now upon us.

In my view, it is much more important to our long term future to declare our independence from Persian Gulf oil * * * rather than war on Iraq.

We can make our Nation safer for future generations * * * and we can begin today.

Mr. GEPHARDT. Mr. Speaker, I yield myself 9 minutes, for the purposes of debate.

Mr. Speaker, let us be clear about the lines being drawn in this debate. This is not a choice between those who want to force Saddam Hussein out of Iraq and those who want to talk him out. All Americans agree: Saddam Hussein must be driven out of Kuwait. And driving him out will take more than words. It will take force. I realize that. The President realizes that. All the world recognizes that.

And so the choice is not between action and inaction; it is a choice between two different courses of action—two different methods of applying force. It is a choice between the headlong rush to combat, and the policy of patient strength.

Make no mistake about it: the use of sanctions is the use of force. Indeed, the stranglehold we have placed upon Iraq is more like a medieval siege than the word "sanction." Iraq is under siege, cut off from all the world and all supplies. Saddam Hussein leads a small country against which all the world is arrayed. The question is not whether he will give up, but when.

Sanctions will force him to give up. They are backed up by an armada as fearful and formidable as any ever assembled. America alone has more than 50 warships, 3 aircraft carriers, and thousands of the finest sailors in the world in the region to enforce the U.N. sanctions.

With our allies, American forces have already made 6,662 interceptions, 796 times they have stopped and boarded ships, and 35 times they have forced ships to divert from their planned destination: Iraq. And, when circumstances called for it, they have fired shots across the bow of offending ships. We've already used force—when force was necessary.

And on the land we have more troops facing off against Iraq across the line in the Saudi sand than we had facing off against the Soviet Union across the Iron Curtain in central Europe.

The force of these sanctions is indeed severe. We have cut off food from a nation that imports 70 percent of its food.

We have stopped the shipment of materiel that supports Saddam's war machine. And we have cut off Iraq's only real export: oil, the source of 90 percent of its trade revenue.

The force with which we have responded to Iraq's aggression is truly awesome. The grain embargo and Olympic boycott with which America responded to the Soviet's unprovoked aggression against Afghanistan seem puny in comparison.

The strength of these sanctions is truly historic. The Institute for International Economics recently released an exhaustive analysis of each one of the 115 times which sanctions have been used since World War I. Their conclusion is:

> The current U.N. sanctions are by far the strongest and most complete ever imposed against any country by other nations.

Sanctions are choking off half of the gross national product of Iraq—an amount 20 times greater than the average impact of history's most successful sanctions.

Sanctions can squeeze even the most intransigent regimes into making changes—or the people of those countries will make the changes for them. Again, according to the Institute for International Economics, the U.N. embargo against Rhodesia helped bring about the demise of the regime of Ian Smith. Sanctions helped bring down dictators like Rafael Trujillo in the Dominican Republic in the 1960's, and Idi Amin in Uganda in the 1970's, and accelerated the economic chaos that brought down the Sandinista government. Sanctions are force. Sanctions are effective.

It is said that sanctions alone will never force Saddam Hussein to leave; that the political climate created by this crisis will not allow him to leave. But sanctions far weaker than those faced by Saddam Hussein helped to destabilize Idi Amin and Daniel Ortega. How can you be certain they won't destabilize Saddam—or at least force him to retreat in order to feed his people?

If your concern is over how sanctions will politically allow Saddam Hussein to withdraw, then the answer is that sanctions change the political and economic terrain on which Saddam must operate. That's because sanctions hurt—they cause real pain. And, as we've seen in other cases, even in a dictatorship, the pain of the people eventually gets transferred to the leader.

It is also said that the Moslem world will not tolerate American troops on its soil. If we are worried about Arab resentment against a peacekeeping force in a defensive posture, why are we not more worried about the recriminations that will follow a bloody war on Arab soil?

Let no one misunderstand me—least of all Saddam Hussein. I do not rule out the use of force. And if we must fight, we must ensure that we win as quickly and as decisively as possible. But testimony from a variety of military experts suggests that with each day of sanctions and embargo, the Iraqi war machine grows weaker.

Saddam's war machine has been cut off from spare parts: each bullet fired in training or maneuvers or practice is one less bullet he has if and when war comes.

By contrast, we have the option of rotating troops to maintain a fresh force; our supply lines, although long, are unimpeded; our troops are adapting to the desert, and each training exercise makes them better prepared to engage on that hostile and unforgiving terrain. I've been to the front lines in the desert, and I've talked to our troops. Their morale is high—and I have enough faith in them to know it will remain high. They will not be discouraged as long as they know they have the strong support of the folks back home.

Admiral Crowe, President Reagan's Chairman of the Joint Chiefs of Staff has said that "it's curious that some expect our military to train soldiers to stand up to hostile fire, but doubt its ability to occupy ground and wait patiently."

We owe it to those courageous young men and women to try every other alternative before we sacrifice even a single American life. As former Defense Secretary Robert McNamara has said: "Surely we should be prepared to extend sanctions over a 12- or 18-month period if that offers an opportunity to achieve our political objective without the loss of American lives. Who can doubt that a year of blockade will be cheaper than a week of war."

Yes, sanctions do take time—there's no doubt about it. Can it be that we are not willing to ask the American people to wait for success, but we are willing to ask them to sacrifice their sons and daughters to achieve success? Is our patience really that thin? Is our resolve really that frail?

It is a cruel irony that those who originally designed the policy of sanctions are now the only ones who doubt their effectiveness, and question our resolve. No one else does.

No. It is not the American people who lack resolve.

For 45 years the American people stood eyeball to eyeball with the Communist threat, until finally the bear blinked. For three decades the American people have sent their sons and daughters to keep the peace in Korea—and still their resolve has not waned. It is only the patience and the resolve of our policymakers and our politicians—not our people—that is in doubt. Will we have the strength to stay the course? Will we have the courage to keep slowly applying force? Or will we allow ourselves to be swept up in the frenzy to win this thing quickly—even if the price of victory is American blood?

No one thinks this face-off will last three decades. Many intelligence estimates suggest it's unlikely to last more than 12 more months.

Finally, many of us have expressed concern—bordering on outrage—over the lack of true commitment from some of our allies and trading partners. We believe in fairly sharing the costs and risks of this operation—both in money and manpower—with our allies. But some of our allies are pursuing a policy of burden-shirking instead of burden-sharing. The American people are right to ask why young Americans are risking their lives in the desert, when the sons and daughters of nations far more dependent on Kuwait oil are not.

Sanctions have the advantage of spreading the burden at least somewhat more equitably than combat. If we go to war, it is likely that the lion's share of allied casualties will be American. While we are carrying more than our fair share of the burden of sanctions, the proportion is much fairer than the division of suffering when the shooting starts.

Mr. Speaker, I say to my colleagues, the decision is ours. I am asking you to see the course of sanctions for what it truly is: a course of strength, a course of true force against Iraq, and the course most likely to achieve American objectives without sacrificing American lives.

□ 2000

Mr. Speaker, I believe with all my heart that this policy the President wisely put in place can and will succeed if only we will be patient enough to give it time to succeed, and if it does not, this body and the body on the other side can come back at the behest of the President if we believe this policy has failed and say, "Yes, we give you a declaration of war." I am willing to do that, and I think most Members would be.

I simply ask tonight that you give patience a chance, you give sanctions a chance. We can and we will prevail.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the majority leader yield to me for just 1 minute, or for 30 seconds?

Mr. GEPHARDT. Mr. Speaker, I would prefer to move on. We have 70 speakers on our side.

Mr. McCOLLUM. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the distinguished majority leader undoubtedly is sincere in his expression of concern and belief that sanctions will work, but we have had many speakers giving testimony here today, including Members from his side of the aisle who have recently been over in the Middle East, that it is going to be 2 or 3 years before those sanctions will work or won't work at all. We have experts like Jean Kirkpatrick who are absolutely convinced of that and are out in print.

We have concerns that all Americans ought to have that our troops will lose their morale in that period of time and we cannot keep our entire coalition together, and we have a very deep concern about our troops if we go on with these sanctions for any length of time, because we know Saddam Hussein is developing at least a crude nuclear device that could be a danger to our troops.

So the sanctions argument is wrong and our Members feel very strongly, I think many on both sides, we must give the authority to use force to the President at this time. We have to stand behind him or we send the wrong message to Saddam Hussein.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, I rise in strong support of the Solarz-Michel bipartisan resolution. I believe it is the best path toward peace.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Speaker, I rise to express my strong support for the Solarz-Michel resolution authorizing the President to use United States Armed Forces to enforce the United Nations Security Council resolutions requiring Iraq to withdraw from Kuwait.

This resolution does not represent a call for war. Indeed, we seek to avoid a violent conflict with Iraq if at all possible. If Iraq chooses, it can withdraw from Kuwait and create an atmosphere to address other issues of conflict in the Middle East. However, as of today, all diplomatic efforts by the United States and the international community to achieve a peaceful resolution to this crisis have been rejected by Saddam Hussein. The time has come for Congress to stand with the President and confirm our Nation's resolve to oppose aggression.

We do not seek war, but to allow Saddam Hussein to flaunt the will of the United Nations and succeed in the unjustified, brutal domination of Kuwait will not bring peace. It can only bring the illusion of peace which will ultimately be shattered by his next aggressive act. A clear statement of our resolve to oppose this aggression will be a real contribution to true peace and justice in the world.

Mr. Speaker, as many of my colleagues have said, this vote may be the most difficult one we ever have to make in our careers. I view this decision in the most grave and serious terms possible. I represent San Diego, CA. Thousands of young sailors and marines from my hometown are now in Saudi Arabia and the Persian Gulf. They are the ones who may have to make the ultimate sacrifice to end the aggression of Saddam Hussein. I fervently hope they never have to make that sacrifice. I want every one of them to come home to their loved ones. Nevertheless, they are prepared to do their duty and we must do ours. We must support our military personnel and the President by stating that the United States will not allow Saddam Hussein to occupy Kuwait and cast a shadow of aggression across the entire Middle East. That message is our best hope for avoiding war and establishing a true and just peace in the Middle East.

Mr. Speaker, approval of the Solarz-Michel resolution will demonstrate that the United States will not accept aggression in one of the most important areas of the world. If approved, it may well convince Saddam Hussein to leave Kuwait. If it is rejected, it will convince him he can keep Kuwait and go on to his next aggressive act. We must oppose this thug. Approve this resolution.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, in some quarters, this debate is seen as a debate between war and peace.

That is not what it is at all. This is a debate on how best to preserve the hope of peace in the Mideast without rewarding the aggression of Saddam Hussein.

None of us—not one Member here today wants war. I certainly do not.

I have a son in the Air Force. He could be on his way to the gulf any day. No, I dread the possibility of war for my son's sake and the sake of the sons and daughters of America.

But we have to recognize that this whole crisis was created by confusion. Saddam Hussein miscalculated badly when he ordered his troops into Kuwait and threatened Saudi Arabia.

He miscalculated the response of the rest of the world and the United States to his acts of aggression. He misread the willingness of the world community and the United States to stand firmly against his brutality.

He underestimated us.

But now the stakes are higher. We have nearly 400,000 Americans in the gulf—standing at risk.

We cannot afford any more confusion. We cannot afford mixed signals. We cannot afford any more miscalculations. American lives are now at stake.

Our last best hope for peace is a show of strength and unity here today which would send a message to Saddam Hussein—a message that even he cannot misread.

We have to send him a message—in no uncertain terms—that we have the will and the resolve to do whatever is necessary to get him out of Kuwait—even if it means resorting to the use of force.

Our last best hope for peace today is to send a message to Saddam Hussein that he cannot misread. A message saying that the United States means what her President says.

Passage of the bipartisan resolution is our last best hope of peace and I urge my colleagues to support it.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES of Louisiana. Mr. Speaker, I have listened to a great many reasons this afternoon why to oppose the President. None of them are as important as the three that live with me, one of which is 22 and one of which is 19, so I need no more eloquent reasons to oppose a war, and yet I am going to vote for the resolution of the United Nations, because I am convinced that the best way to oppose that war is to place into the hands of this President all the tools necessary in order for him to have the most powerful position from which to negotiate a peaceful settlement.

Only a Member of the House of Representatives can speak on this floor, but it is actually the voice of the one-half million people who send each and every one of us here. I would be totally remiss if I did not echo within my support of the President, the two grave concerns of those people who establish their residence in southwest Louisiana.

The first involves oil. For us to dismiss summarily the idea that this conflict has nothing to do with oil is to tell the people in my district that it has nothing to do with sand. It is ludicrous. There is no question that we would not be taking the same posture were it not for the huge production resources in both Saudi Arabia and the reigning areas of the Middle East.

□ 2010

I think the correct statement we ought to be reflecting is that it involves the economic power of oil, for that is the only way that I can look in the eyes of the people who elected me and tell them the distinction makes the difference because we are more than totally prepared to make whatever sacrifices are necessary to continue the flow of oil to America despite our dependence upon foreign nations. We are more than necessarily making the sacrifices far, far greater by sending our children there. Any economic sacrifice that you would call upon us to make to provide you with a cheap product is meaningless in comparison.

The second involves the participation of those who would call themselves our allies.

I am more than slightly disturbed that the Japanese, with a powerful economy, have managed to commit almost 10 percent as much as they are willing to pay in cash for a film production company in California. There is a word for that, but the rules of the House will not let me say it.

I am even more distressed that the Germans, who owe an obligation to this country, who owe an obligation to the world, upon the moment that they have the possibility of a newly created freedom, find themselves incapable of making even the smallest economic, much less personal, sacrifice.

I am going to support the President of the United States, and I am going to pray that that leads to peace. If it does not, I am going to do so with the satisfaction that it was the best vote I could cast on January 12, immediately prior to a deadline.

If alternatives are not available, then I would beg that the President come back to this body to give me a second vote prior to an actual assault, to let me then reflect those concerns of that one-half million people, and in particular, my three.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I rise in support of the Gephardt-Hamilton sanctions resolution. I think we should give sanctions an opportunity to work.

I am staunchly opposed to U.S. military involvement in the Persian Gulf. I have visited our troops in the Persian Gulf—I know that these young people are not faceless, nameless statistics. They are people I talked with, ate with, and laughed with. They are our sons, daughters, husbands, wives, and grandchildren.

We must give sanctions a chance to work. Sanctions are working in South Africa, and if given a chance, they will work in the Persian Gulf. Mandela is out of prison and De Klerk has agreed to sit down at the table to negotiate. All this is because sanctions do work if given a fair chance. Some of you may have voted against sanctions in the case of South Africa. You were wrong then. And if you vote against sanctions you will be wrong now. But unlike South Africa you will not be wrong on an issue that is an ocean away. You will have made a bad decision that costs American men and women their lives. I plead with you to give sanctions a chance. If you do not, you have taken away the best chance these young Americans have.

Mr. SMITH of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Speaker, just a week ago yesterday I was sworn in as a new Member of this body. I can assure you and everyone here that this debate and this monumental vote that will be cast tomorrow is not a baptism by fire, it is a baptism by inferno.

For the past few years before I came here, I directed an education program that gave me the opportunity to work with young people from throughout my State of Maine, from throughout the country, and young people from Western and Eastern Europe.

I could see the excitement and I could feel the hope of these young people as we entered the dawn of a new era of history, with the end of the cold war. I became very aware of the role and of the opportunity of our Nation as a leader in this emerging world.

Today we are confronting the first major international conflict and crisis in the post-cold-war era. It is the first major test of our leadership as a nation in this era. Embedded in the choice that we will make when we cast our votes tomorrow will be some fundamental questions. Among them: What kind of leader are we? What kind of foundation are we building for our children and for the children throughout the world?

Mr. Speaker, the leadership that the young people of America and the young people of the world deserve is the leadership of conviction and commitment to stand up to aggression and brutality. But they also deserve the leadership that has the courage and the vision to use every means possible to resolve conflicts between nations without the use of war.

It is not the leadership of appeasement, through oppression or tyranny, whether it be in the sands of Saudi Arabia or on the streets of Tiananmen Square. It is the leadership of clear, consistent action that builds on a foundation of peace, stability and justice in the world.

Mr. Speaker, we have not exhausted all possible means of confronting this crisis short of war. We are riveted on a short-term arbitrary deadline of January 15, without focusing critical attention on the long-term consequences of our action. It was, Mr. Speaker, this very same short-term, shortsighted mentality that helped to put us in the position that we are in today. It has left us without an energy policy worthy of the name and, therefore, as vulnerable as we are to the events of this volatile region of the world.

It was this mentality that led to our support for Saddam Hussein not long ago, and his quest to become a major power and a major threat to the world. It was this mentality that told Saddam Hussein only days before he invaded Kuwait that we have no interest in a conflict between adjoining Arab states.

Mr. Speaker, we are at the 11th hour of a catastrophe of unimaginable proportions. It is time for America to come to its senses, it is time to reject the short-term shortsighted mentality of bravado and brinksmanship, for the sake of our children and the children throughout the world, and it is time to stand up and lead and stop this headlong rush into war.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. SUNDQUIST.]

Mr. SUNDQUIST. Mr. Speaker, 20,000 young men and women from my district, assigned to the 101st Airborne at Fort Campbell, are on duty in Saudi Arabia.

So, this debate today is not an abstraction for me. Like all Americans, I want peace. I want our troops to return home safely.

Because I want peace, I will vote today to support the President. I will vote to give him the authority to use force if necessary.

Saddam Hussein must know that the American Government is united. He must know we are serious.

If Saddam Hussein believes we are ready to fight, he will seek a settlement short of war. But, make no mistake, if he believes we are bluffing, he will dig in and make us prove otherwise.

The irony of the situation we face is that, to best ensure peace, we must convince Iraq that we are prepared for war.

By supporting the President's resolution, we send him that message. We affirm that the United Nations' resolutions have meaning, that the deadline is real, that we intend to have Iraq leave Kuwait, one way or the other.

The alternative resolutions are not practical. The sanctions aren't working. Saddam can live with them longer than we can sustain an army in the desert and, longer than we can hold together the coalition we have marshaled against him.

I'm for diplomacy. Diplomacy will continue. January 15 is not D-Day. We are not going to abandon our efforts to resolve the crisis peacefully. But our diplomacy will carry more weight if Saddam understands that we are prepared to back up our words with deeds.

We're dealing with a despot who takes what he wants and dares the world to do something about it. If we pass these alternatives half-hearted resolutions, if we tell him we won't use the troops we've sent to Saudi Arabia, he has no reason whatever to withdraw. He will have won, not because he is strong, but because we were weak.

I want peace. I pray for the safe return of our soldiers. And I believe in my heart that a vote for the President today is the best way to achieve peace.

Saddam has to get the message. He must know we will fight. He must know that it's in his interest to settle this crisis without war.

Because if he believes we lack the will to fight, he will stay in Kuwait until we show him otherwise.

Support the President. Support our troops. Support only the resolution.

Mr. BERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, a hostile Iraq armed with chemical, biological and eventually nuclear weapons does represent a clear and present danger to American interests. As our allies in the United Nations fully realize, a lawless Iraq let by the "Butcher of Baghdad," Saddam Hussein, represents a direct challenge to our hopes for a new and peaceful world order.

To my friends and colleagues in the 102d Congress who are urging a continuation of sanctions, please consider that if your position prevails:

First, the credibility of the United States will cease to exist;

Second, Saddam Hussein will rejoice and his arrogance will multiply;

Third, foreign diplomats, losing faith with the United States, will fly to Baghdad to make deals with Saddam Hussein;

Fourth, Iraq's revenues will be restored;

Fifth, Iraq's necessities will continue to flow through Jordan to Iraq;

Sixth, Kuwait will continue to be destroyed and its people tortured;

Seventh, Saddam Hussein will be positioned to control the world's oil market and threaten the economic security of nations he dislikes.

The Washington Post, the Louisville Courier-Journal, and the Baltimore Sun frequently share the views of some of my colleagues who today are urging a continuation of sanctions.

One sentence from today's Washington Post editorial: "Our judgment is that Congress, by deciding to authorize the President to conduct war, materially improves his chances of achieving peace."

Today's Louisville Courier-Journal editorial: "If the United States and United Nations cannot respond effectively to the rape of Kuwait, others like Saddam in other parts of the world will draw the appropriate conclusion: Aggression pays. Congress can show Saddam that aggression doesn't pay."

An editorial in yesterday's Baltimore Sun: "Strong legislative action may, in fact, be one of the few means left for convincing Saddam Hussein to make accommodations in the interest of peace."

David Broder, the respected syndicated columnist, writes in today's Washington Post: "Through the strain, the fatigue, and the gloom, one principle stands clear: The President, speaking for an international coalition and armed with the authority of the United Nations, has defined U.S. policy from the only place in Government where it can be set. The best hope of salvaging peace is a strong statement of congressional support for his policy, so that Saddam Hussein can understand the terrible alternative he faces."

Finally, I quote 33-year-old Tony Kinne of Paducah, KY, for 6 years a field representative in my Paducah district office who is now on active duty with the Army Reserves' 807th Hospital Unit at Fort Campbell, KY.

Tony and 249 others in the unit are being flown to Saudi Arabia this Sunday. Tony Kinne said at 4:30 p.m. today: "I urge the Members of Congress to support the efforts of President George Bush."

This is one of those times when Democrats, Republicans, and independents—all Americans—should support the President of the United States.

I urge my colleagues to vote for the Solarz-Michel resolution.

□ 2020

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I rise in strong support of the Hamilton-Gephart resolution.

Mr. Speaker, listening to the debate on the House floor, talking to my constituents, talking to other interested parties, listening to the President at a breakfast meeting this morning, and then debating a long time with myself, I have decided to support the Hamilton-Gephardt resolution. This has been the most difficult decision I have had to make in my 8 years in Congress.

I would like to support the President. I believe he has done an excellent job along with Secretary Baker in putting together United Nations support for his policy in the Middle East. That policy has accomplished a great deal. It stopped the Iraqis from invading Saudi Arabia. It freed all the hostages. It put in place very tough economic sanctions which are working. But, I cannot support a war at this time. I cannot at this time justify the loss of American lives which would result from us driving Iraqis out of Kuwait and Saddam Hussein from his reign of terror.

And I say that, because I believe it's the President's policy not only to liberate Kuwait but to drive Saddam Hussein from power and destroy Iraq's capacity to develop and deliver biological, chemical, and nuclear weapons. These are all very worthy goals, and I desire them also, but not at this time and not at the cost of American lives.

We must give economic sanctions and diplomacy a chance to work. At the same time that economic sanctions and diplomacy are at work, the President must work as hard to gain the support of the American people as he and Secretary Baker have worked to gain the support of the United Nations. The American people do not support a war at this time. They do not understand our mission at this time, and I believe it is absolutely necessary for the people in a democracy to support a military effort of this magnitude if that effort is to be successful.

At the same time the President is working to gain the support of the American people, Secretary Baker must obtain more military and economic support from our allies. Yes, we have a great International coalition in place against Saddam Hussein, but for the most part, it's a paper coalition. Ninety percent of everything is U.S.A.

In conclusion, let me say I believe time is on our side. War can wait for another day. Perhaps we can be more united at home and stronger in the Middle East with greater real participation by our allies. Give economic sanctions and diplomacy a little more time. If my position does not prevail in the House and the Senate, then I will very, very reluctantly support the President's policy because then it will also be America's policy.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. COX).

Mr. COX of Illinois. Mr. Speaker, I step into the well of the House today to make my first comments as a Member of Congress.

Little did I know on December 1, 1989, when I announced my candidacy, that my first vote would be on the awesome issue of war and peace.

I know all those who will vote on this issue tomorrow are sincere and are acting in good faith.

In the last several months, I publicly supported the actions of the President.

I supported his placing a defensive force on the border between Kuwait and Saudi Arabia.

I supported his magnificent orchestration of much of the Arab world consistent with our efforts.

I supported his success with the United Nations in obtaining resolutions against Hussein.

I saw his policy as movement toward a new world order: One, where military might was to be used defensively to bring about peaceful resolution of disputes in a complicated, dangerous world. With the end of the cold war, we would lead the world with the example of patient use of diplomatic nonviolent solutions to threats against international peace without resorting to war.

On November 8, the President began moving his policy away from defensive use of economic sanctions and toward aggressive military action.

Now I am asked to give him a blank check to start a war when he believes that all peaceful means of resolution of this dispute have been exhausted.

To do so, in my opinion, I give away my responsibility under the Constitution.

The time may arrive when I may agree that all attempts at peaceful resolution have been exhausted. I will then vote for war.

The Solarz-Michel resolution is the substantive equivalent of a declaration of war by this body. After its passage, the President will have the sole power to decide when war is necessary.

A careful reading of the Hamilton-Gephardt resolution reveals the authors support the actions of the President to date. The resolution pledges the full support of Congress for continued application of international economic sanctions and diplomatic efforts to pressure Iraq to leave Kuwait. It pledges maintenance of military options and does not close the door to resort to war if necessary.

If you choose to declare war tomorrow, do so. That is your responsibility. Vote for the Solarz-Michel resolution. If you retain any hope that this dispute can be resolved without the terrible violence of war, vote for the Hamilton-Gephardt resolution.

I urge you to vote for Hamilton-Gephardt; to support the President while retaining your ability to ultimately decide when offensive military action is necessary.

We should not yet give up on the hope of a new world order implied by the initial actions of the President in this difficult situation.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I rise today to voice the concerns of thousands of Americans that reach far beyond my Chicago district. And what I've been hearing is a call for peace. I have not received one letter or phone call expressing support for this war. Let's not fool ourselves, the American public does not support using aggression against Iraq. It is not the responsibility of America to police the world. It seems that every other year we are engaged in some conflict. Two years ago it was our duty to rid this country of drugs by getting Noreiga out of Panama. Today our enemy is Saddam Hussein, who by the way was a friend of the President a couple years ago. Now we are sending our young men and women to defend a monarchy that is not even willing to defend themselves.

After spending several days in the Middle East, I am convinced now more than ever that we must give sanctions a little more time to work. As this debate continues I become increasingly worried about the imminent loss of life in the Persian Gulf. Many believe that we can just go into combat and be finished in 3 days; this is not the case. Let us personalize this situation before we vote to do something rash. How many young American men and women will be killed as a result of this conflict? One life lost is one life too many. I speak not only for my constitutents but I stand here knowing that two of my nephews are serving in Saudi Arabia. If I vote to give the President the go-ahead to fight, what shall I say to my sisters? We tend to forget that each man and woman serving in the Persian Gulf are products of someone, someone who cares for them. I fear that many of them will lose their lives for something that they themselves do not understand. Some of the troops that spoke to me said, "Congressman please try to get us out of here, we don't want war. We don't understand why we are here." I did not know what to tell them because I just don't know why we are there myself. Why are we spending billions of dollars to protect a monarchy when we have American citizens who cannot afford decent housing or adequate health care.

I worry that when we reach the point at which we are ready to merely accept death, ceasing all potential for any quality of life for hundreds of thousands of this Nation's youth, this country is certainly in dire straits. Moreover, to choose the date on which Rev. Dr. Martin Luther King, Jr., such a peaceful, God-fearing man, was born, as the day of reckoning for Saddam Hussein should be more than telling for us. It is imperative that this Nation stand up and speak out against any military initiative in the Middle East.

Let's have more compassion for human life. I just don't believe that a bunch of old men should be determining whether or not our young men and women should risk their lives in an attempt to preserve revenue for mega-rich oil companies and Arab royalty. Yet we are marching toward war and the stakes are horribly high. Military experts are predicting casualties in the thousands. And I am afraid that it will not end there. War would give us something that will haunt us for generations to come. It would be a disaster for us all. We must find a way for peace—it is not a matter of whose right and whose wrong, it is a matter of life and death. Who could claim victory if this happens? No one really wins.

We should not submit to the inevitability of war. Give sanctions more time to work and preserve life. I have said it once and if it will save even one life, will say it again; there needs to be an Arab solution to this Arab problem. If the United States is in a position to provide diplomatic assistance, fine, but if any action must be taken then I am supportive of maintaining the economic sanctions in partnership with diplomatic negotiations. And I mean negotiations not ultimatums. When I was a labor union leader I negotiated with some tough businessmen but one thing that I never did was broadcast my position before I got to the bargaining table. True negotiations take some cooperation from both parties. It is imperative that we try as best we can to make diplomacy work so that not a single life is lost over this conflict.

Mr. SMITH of Florida. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DeLAURO. Mr. Speaker, I rise to speak for the first time before this House of Representatives that today, performs its important and most somber constitutional responsibility: deciding whether to issue a declaration of war.

When I campaigned just 10 weeks ago at senior centers and shopping malls, at plant gates and commuter rail stations in Connecticut, I could barely imagine the challenge that I would confront this day. Just a week ago, I stood in this Chamber as the Speaker administered the oath of office. Those lofty words have so quickly turned into the very real responsibility of each one of us to determine the question of war and peace in the Persian Gulf.

On Tuesday evening, 250 of my constituents assembled at a town meeting to speak their minds on the Middle East crisis. Today and tomorrow we in Congress must speak our minds and reflect the cross section of America that we represent.

Mr. Speaker, I rise today to support the Hamilton-Gephardt resolution because it is a vote for strength, resolve, and peace—as long as peace can be maintained through diplomatic and economic measures. We owe it to those men and women in the gulf, our sons and daughters who are the parents of the next generation, to make every attempt to head off war.

One meeting between Secretary of State Baker and Foreign Minister Aziz is hardly an exhaustive use of diplomatic efforts. Five months of economic sanctions does not even come close to the 1 year that the administration initially estimated would be necessary to cripple Iraq's economy.

I have supported comprehensive economic sanctions against Iraq, I have supported the deployment of American troops to the Persian Gulf and I must emphasize that I support the use of miltiary force to end the Iraqi occupation of Kuwait—if and when diplomacy and sanctions fail to bring about that same just outcome.

This is the first major post cold war regional conflict in which the international community, invoking international law, has asserted itself in defense of national sovereignty. In this new era, it is such solidarity among nations that is the best guarantee of peace and security.

Our efforts to establish new principles to assure peace and security must be genuinely international. Twelve U.N. resolutions cannot become a fig leaf for a U.S. military action whose burden in lives and money are born almost solely by Americans. If it is American men and women who fall in battle and if it is American tax dollars that finance these battles, then no new principle will have been established. America will have missed the opportunity to create new instruments for our security.

With the world united against Saddam Hussein, we have a unique opportunity to make economic sanctions work. But, by their very nature, such sanctions take time. If we rush to war against Iraq we sacrifice the New World order President Bush has so carefully and rightfully cultivated.

It is wrong for war to be predicated on the impatience of the administration, the passage of an artificial deadline for action, or assertions that our troops are bored. Our men and women will not die of boredom in the gulf; they will die from bullets and bombs.

My constituents at home recognize that American policy in the Persian Gulf has—thus far—been based on sound moral and political principles. And they have been making great sacrifices for this policy in the hopes of obtaining peace and New World order which promises security for all nations.

They are trying to understand that the things that they care about, like health care, housing and education must take a back seat on the national agenda so that the President can vigorously pursue his gulf policy. They are proud of the world leadership America has demonstrated in recent months. But by changing his policy—by opting for an early use of force which would damage the objective of a safer world order—the President squanders the sacrifices made and the trust demonstrated by the American people.

Mr. Speaker, we are all united behind a strong policy that offers the prospect of peace and security in a New World order. I am proud on the occasion of my first address to the House of representatives to add my voice to those who would put national strength and long term peace ahead of hasty military action.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I rise in strong support of the Michel-Solarz resolution.

Mr. Speaker, throughout this crisis I have supported the President and his policy of taking a firm stand against the unprovoked aggression of Iraq against the peaceful nation of Kuwait. I have also supported his firm opposition to any form of appeasement or capitulation which would reward Saddam Hussein for his aggression.

If Hussein is not stopped, he will continue to be a threat to world peace and even our own national security—especially when one considers that he now has chemical and biological weapons and is on the verge of developing nuclear weapons. He must not be allowed to prevail.

The only path to true peace—the only path that will deter such acts of aggression in the future—is for the United States to resolutely insist on the unconditional withdrawal of Iraqi forces from Kuwait. The only way to achieve lasting peace is for the American people and the U.S. Congress to present a united front with the President. This is not the time for partisan politics. We must support the President in this critical moment. If Hussein thinks he can divide us, then he will hold out longer and make our job more difficult. But if he is made to understand clearly that we are united and have the resolve to use force, then he will back down.

Therefore, I intend to support the congressional resolution, resembling the final resolution passed by the United Nations, allowing the President to take whatever action is necessary to expel Iraq from Kuwait.

I do not believe that the President needs congressional approval to take action in this crisis. We are, after all, only responding defensively to an attack by Iraq on our allies. And the President, as Commander in Chief, has the constitutional power to use military force to defend our country and its allies.

However, a congressional resolution supporting the President would send a clear signal to Hussein that he cannot divide us. Such a clear signal of resolve and unity might be just what is needed to finally convince him to back down.

If Congress does not pass such a resolution supporting the President, but instead tries to tie the hands of the President, then we are merely helping Hussein succeed in his aggression and increasing the likelihood of war. Those truly interested in a peaceful and just resolution of this conflict will support the President. That is what I intend to do.

☐ 2030

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, over the past few months, I have wrestled with the decision Congress faces today. I listened to the debate, I studied the statements of the administration, and I read the letters of my constituents. Earlier this week, I spent part of 2 days calling constituents who had written to me, so that I could discuss their views in greater detail.

On one point, nearly everyone agrees. An armed attack on Iraq's forces in Kuwait should be our last resort.

In my firm judgment, a compelling case for that last resort has not yet been made. However, I believe that an imperative case for granting the President the authority to launch armed attack has indeed been made.

Here is where I think the distinction lies. The question of when an attack would be necessary is a question of how to wage war. Selecting the manner of waging war, of course, is the prerogative of the Executive.

Would an armed attack, if we launch it, cost the fewest lives in January, or in March, or a year from now? I wrestled with that decision over and over before realizing that Congress constitutionally has neither the mandate nor the mission to decide it. Congress has no generals, no diplomats, no war plans, no spies.

The vast majority of us in this House agree that armed force must be used eventually if Iraq fails to withdraw from Kuwait. Our difference is over timing. Timing, I contend, is a question for the Commander in Chief.

The decision on the timing of attack is a decision about the waging of war, a function assigned by the Constitution to the President. I can only pray he has the wisdom to exercise it.

The decision before this House is whether we should give him the authority to wage war. I fear that we must.

This morning, a letter from our colleague from Wisconsin, the distinguished chairman of the Armed Services Committee, Mr. ASPIN, touched a key point. Mr. ASPIN suggested that negotiations may still work.

However, as Mr. ASPIN said, as Saddam Hussein, himself, has made clear, negotiations must take place under the threat of war. Until we give the President authority to wage war, President Bush cannot negotiate with Saddam Hussein. Because Hussein has the power to choose war or peace; President Bush does not have corresponding power. Hussein is not a stupid man. He knows that the President of the United States cannot order our troops to take the offensive without the authorization of this body. He has been scornful of efforts to negotiate prior to the granting of that authority. How even more contemptuous he will be, if that authority is expressly denied.

And so I will be voting to give President Bush the authority to wage war; it's the only way I can see to give negotiations a chance.

Many here have asked, what about our allies? Why aren't they doing more. I join in those questions. And when this crises is over, we will need to reexamine our relationship with some of them.

At the same time, while we wish there were more, there are over 200,000 allied troops stationed with us in the desert. How many will there be 3 months from now if this House proclaims to the world that the President of the United States does not have the power to threaten war. Would that action not insure that when war comes, the United States fights alone?

If President Bush is listening to this debate today, I hope he understands what this House is doing. We are not asking him, or inviting him, or encouraging him to launch an attack against Iraq on January 16. I hope that he will not.

I am voting to give him the authority to threaten an attack, and to threaten it with the authority to back it up at a moment that best suits American purposes.

If fighting does comes, I hope it will be after all efforts for peace have been exhausted, after an overwhelming buildup, after uncertainty and confusion have weakened Iraqi forces, at a time that Saddam Hussein expects it least; at a time when fighting would be sudden and brief. And if Saddam Hussein hears a report of this debate, he needs to understand that the United States is ready, if we must, to go to war.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

One of our distinguished colleagues has asked members who have spoken in support of Solarz if they understand that this resolution is tantamount to a declaration of war. To that colleague, I say, I do—and I believe that such a declaration is the best chance for a just and peaceful resolution to this crisis.

And I say further, that passage of the Hamilton-Gephardt resolution poses the greatest threat of war.

There are those who say: "Vote for Hamilton-Gephardt and give diplomacy a chance to work." To those I ask, "diplomacy to what end?"

In your wildest imagination, what could a diplomat offer Saddam Hussein that would lead him to give up his prize of war? Can you offer him a pardon for the murders and rapes he has committed? Or perhaps let him keep some of his loot? And in return, secure from him a promise that he will pursue war no more?

My colleagues, Saddam Hussein is a a warrior—our world has seen his type before.

He has shown his hand clearly. He has invaded two of his neighbors and is in the process of digesting one of them as we meet in this comfortable Chamber tonight. A showdown is inevitable. Only a credible threat of force will back him down.

He is a warrior. Deadly today, and who one day soon will have the power to threaten the world with nuclear tyranny.

The ambitions of Saddam Hussein cannot be accommodated in a civilized world. He must be stood down by those who love peace and liberty.

To postpone that confrontation, as some urge so eloquently, will only embolden Saddam Hussein and will only increase the chances that the inevitable confrontation will lead to war.

I urge my colleagues to stand with the United Nations, with the President, and stand united against Saddam Hussein. A warrior will not hear the sincere, but to his ear, pitiful entreaties of those who plead for peace.

Our last best hope for a just peace is to send Saddam Hussein the message stated so concisely by Mr. SOLARZ, that Saddam faces the choice of leaving and living or staying and dying.

If we shrink from delivering that message, we most surely will have war.

Mr. SMITH of FLORIDA. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, there is much I would like to say, and I shall make several points in my remarks, but I do want to take these few minutes which the gentleman has so kindly yielded to me to say a few things at this point.

I also want to say at the outset that I have the greatest respect, and personal affection, for the President—as well as for those closest to him in the White House who have been the shapers of our policy in the gulf since this crisis arose. I know that is not relevant to the policy matters at hand, but I wanted to say it anyway. These are decent and thoughtful men, and they are clearly trying to do the very best job they can.

I think all of us feel that way, but as one of the couple of dozen or so Members who have had the opportunity to meet with the President in the White House on a number of occasions during the past 3 months, I did want to say that we all appreciate that opportunity to have had his ear, and to have had that chance to exchange views with him. He has reached out more than past Presidents have to stay in touch with the Congress, and to share his concerns and his feelings and his intentions with us, and I think every one of us appreciates his openness and his willingness to do so, very much.

Having said that, I must also say that although virtually every one of us strongly supported the President's initial response to Saddam Hussein's outrageous and brutal aggression in Kuwait, some of us have strongly disagreed with his handling of this matter since he changed our policy last fall.

Back on August 8, President Bush said:

> The mission of our troops is wholly defensive. Hopefully, they will not be needed long. They will not initiate hostilities, but they will defend themselves, the Kingdom of Saudi Arabia and other friends in the Persian Gulf.

All of us supported that original policy of the President. And, most of us thought that policy was working.

I believe that Mr. Bush succeeded, months ago, in protecting our vital interests in the gulf. We have successfully defended Saudi Arabia and the rest of the gulf States, we deterred any further aggression by Iraq, we ensured an adequate supply of oil at reasonable prices to the entire world, and we brought about the release of all foreigners who wished to leave Kuwait and Iraq.

Our initial modest deployment of troops, and our continuing strict enforcement of U.N. economic sanctions against Iraq, were proper and proportionate responses to Iraq's aggression. They were adequate to protect our interests in the gulf, and were likely to have a completely successful result if applied with patience and with perseverance.

We accomplished these objectives with the concerted help of virtually every other nation in the world and, during the first few weeks, at least, it looked as though only a fraction of the troops deployed in the region to achieve our objectives there would be U.S. personnel.

Some time in mid-October and early November the administration changed its original policy. The President announced that we would double, and then redouble, the number of U.S. personnel in the region to about 430,000, in order to ensure, as the President himself put it, "an adequate offensive military option" to carry out our goals there.

That critical shift in policy brought about a number of changes that were detrimental, rather than helpful, to the eventual satisfactory outcome of our involvement there.

It meant that a high proportion of all troops would be American—and it remains likely that, in the event of hostilities, probably 75 percent or 80 percent or more of casualties will be American.

It meant that the world would increasingly see this as an argument between the United States and Iraq, and not as one between the entire world and Iraq, which is, of course, what in fact it is, and should be seen as.

By unilaterally raising the level of rhetoric and U.S. response, we sent absolutely the wrong signal to the rest of the world: that we would be happy to do the job for them, that we would take care of the problem for them.

And by our rushing around to get the United Nations to set a January 15 deadline, and by personalizing the confrontation between Mr. Bush and Saddam Hussein, and by making it more and more evident to the world that we were becoming impatient, the United States transformed the nature of the confrontation, and made it more difficult to end it. We were no longer giving sanctions a chance. And we were ensuring that the sheer number of troops we had sent, and the deadline we had set, would themselves dictate our policy—rather than the other way around, as it should be.

Thus, there was, I believe, a better way of handling this—at a lower level of bombast and bellicosity, with a proportionately lower level of American involvement, and in a way that would have led us to a solution that did not involve offensive military action. That better way was President Bush's original policy.

The question for us now, is: are we bound to support, should we support, our President when he has moved us unwisely to the brink of war—when pursuit of his original policy, which had already achieved almost all of our important goals, would have continued to serve our interests well, at a much lower cost in dollars, and a very much lower risk of loss of lives?

As one of the small group of members who sat in meetings with the President over the last 3 months, as a member who has no doubts about the strength and the sincerity of the President's convictions about the correctness of the policy he is pursuing, this gentleman finds himself wanting very much to be supportive of Mr. Bush.

But I feel much more strongly that we should not—we must not—let our desire to support our President in a time of crisis overrule our judgment about the wisdom of authorizing the President to go to war.

Is war really necessary?

The answer is clearly, no.

We have already stopped Iraqi aggression; we are punishing Iraq; and have already estabished the lesson that aggression does not pay.

And we have done all this—and have every prospect of achieving our final goal of evicting Iraq from Kuwait, without resort to war.

Sanctions are working, and will succeed in weakening Saddam considerably if we are patient. We have succeeded in cutting off Iraq's oil exports, almost its entire source of income; that has reduced Iraq's GNP by 50 percent, and will reduce it by 70 percent in the near future. Sanctions will weaken Iraq's military capability as shortages of spare parts and needed materiel develop.

As someone who has had regular briefings on the Persian Gulf crisis from the intelligence community, I must tell you that I am perplexed about the adminstration's eagerness to abandon a good policy that was working. I am absolutely convinced that continued application of international economic sanctions will force Iraq out of Kuwait. We must give this policy a chance to work.

The case for war in the gulf is very weak indeed, and is driven mainly by our own mistaken policy of forcing the issue unnecessarily, by our huge and uncalled-for military buildup, and our setting of a deadline that make successful diplomacy very, very difficult.

Since we have achieved most of our original objectives, and since our remaining major goal is achievable with patience, and by continuing to enforce the sanctions, we have not right, in my opinion, to put American lives at risk.

We are now voting on whether to send American men and women to war.

My own personal criterion for making such a decision is this: is this a cause, for which I believe my own sons and daughter should be sent to war? And my answer to that question is clearly no—for the reasons I have just given.

And if I would not want my own children to be sent to this war, then I shall not vote to send other parents' children to this war—because I believe that our Nation's vital interests have already been protected and will ultimately be far better protected if we do not go to war.

Mr. Speaker, I strongly urge my colleagues to vote for the Gephardt-Hamilton resolution, and against the Michel-Solarz resolution. With patient, steady application of sanctions, and with continued diplomacy, we will succeed in achieving the remainder of our objectives—and we will avoid the completely unnecessary loss of American lives.

□ 2040

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I rise in support of the Michel-Solarz resolution and in opposition to the Gephardt-Hamilton resolution.

Mr. Speaker, I am honored to address this distinguished body as a newly elected Member from the 18th District of Pennsylvania, and to enter my statement as part of the public record.

We are facing perhaps this Nation's most difficult decision since the Gulf of Tonkin resolution of 1964. The Iraqi invasion of Kuwait was a grave injustice. Peace and international security have been threatened. Justice and freedom are being threatened. And now American lives are at stake as well.

Congress does have a role in offering leadership on this matter. I believe we have the right and responsibility to decide whether or not the President of the United States should have the authority to use force in this particular instance.

The President, however, believes that the United States Constitution gives him the authority to use force if necessary to get Iraq out of Kuwait. I believe that the President will authorize the use of force, pursuant to U.N. Resolution 678, with or without congressional approval if he feels it is necessary. Unfortunately, Saddam Hussein does not believe that President Bush will take offensive military action without Congress behind him. Therefore, to make Hussein realize that the threat of military action is real—and Mr. Hussein, make no mistake that it is real—I will stand behind the President and support the Solarz-Michel resolution.

As an editorial in the Pittsburgh Post-Gazette stated on Tuesday, "Prudence and the possibility of further diplomacy argue against an immediate attack on Iraqi positions. But favorable action by Congress would put Saddam on notice that the U.S. Government was behind the position of the United Nations—and this could influence him to obey the United Nations." In this scenario the threat of military action may be the best avenue to peace.

However, I believe it is important to send a message to the President as well. I do not support the sacrifice of thousands of Americans in this conflict. My constituents and the American people do not want to see their sons and daughters die in Kuwait. There are many ways in which powerful, decisive action can be taken militarily against Saddam Hussein without risking great numbers of American lives. President Bush, I will be writing you a letter to urge that you implement other avenues than the sending of thousands of American troops into battle. In casting this vote, I am not endorsing offensive action which would engage thousands of American soldiers. With the support of Congress and the American people, you have the most promising diplomatic tool yet to remove Saddam Hussein from Kuwait peacefully. Please use it.

I am not convinced that we are at the appropriate juncture to justify an all-out assault which may take thousands of American lives. We must, Mr. President, not resort to an all-out assault if military action is needed. And if military action is to be taken, we must not be engaged in it alone. The action must be taken together by all the nations participating in the multinational force present in the gulf.

This decision has not been made lightly. I have taken into account the hundreds of letters and calls directed to my office.

Fred Goehringer of Dormont, who has two sons in the gulf, asked me to support the President. Fred, I will support the President and your sons as you do. I will pray for your sons and for all the men and women deployed in the gulf.

Jim Bowden of Mount Lebanon, who has a brother in the gulf, called me to advocate peace. Jim, I appreciate your perspective as a Vietnam veteran, and I do not want another Vietnam. I believe that a vote in support of the President is our best chance to avoid another Vietnam and achieve peace.

Before I close I would like to address one more person. Mr. Hussein, I know that you are listening to these proceedings carefully. I want you to know that your occupation of Kuwait, your murder of innocent civilians, and your oppression of thousands more civilians is intolerable. The world is in agreement: You must withdraw your forces. We stand together on this and will do whatever is necessary to see freedom restored to a sovereign people. Do not think we will do otherwise.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I rise in support of House Joint Resolution 62, to give our President full authority to resolve the Mideast crisis. It is only by giving the President our full support and this authority that we pursue our best course and our fervent hope for resolving this crisis peacefully.

This is a difficult time for all Americans, especially for the men and women and their families who have literally placed their lives on the line out of a sense of duty and respect to this country.

On Sunday, I was in Owosso, MI, wishing Godspeed to 188 men and women headed for Saudi Arabia. They understand the importance of their mission, the importance of this time for our world. I think of them and their families at this moment and I thank them for their trust in our Nation, and their personal sacrifice, and their belief in our cause.

I make this decision in the hopes that the threat of war will avoid war.

We must send a strong and unified message to Saddam Hussein to get out of Kuwait. We must send a signal to the world community that we stand together, united against Saddam Hussein's acts of war, brutality and aggression. We hope and pray that war will not be necessary, that Saddam Hussein will at last listen to the message of a united international community. Our message is clear: We cannot and will not tolerate his acts of barbarism. We cannot and will not allow him to be rewarded for his acts of aggression. Saddam Hussein must leave Kuwait.

We should stand with our President today in the hopes that our men and women will soon be standing with us at home, secure in the knowledge that we did the right thing as a nation and they bravely served the cause of peace and justice.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from California. [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, President Bush has formally asked Congress to endorse a resolution authorizing him to use "all necessary means" to force Iraq to withdraw from Kuwait. It has been my belief throughout this crisis that this was a step the President had to take if he were to use offensive force against Iraq. After a great deal of thought, and after listening to an exhaustive debate, my intention is to support the Solarz-Michel resolution.

This is not a step I take easily or without reservation. There is no graver matter than war and no man approaches the subject simply or easily. I have seen three great wars that America has fought in my lifetime and do not want see another one. My colleagues know that I am not some young "hawk".

I vote for the Solarz-Michel resolution because I believe its passage is the best way to avoid war. With the Congress firmly behind him, President Bush can negotiate with Saddam Hussein from a position of strength. Saddam Hussein will not be allowed to hide behind any more false hopes that America does not have the resolve to do what is right. I firmly believe, ironic though it may be, that it is the threat of war that offers the best chance for peace. Should this resolution fail, we have effectively tied the hands of the President and told Saddam Hussein he has won. Should this resolution fail, we would only face further stalemate and intransigence on the part of Hussein. It is clear from Secretary of State Baker's meeting with Iraqi Foreign Minister Aziz in Geneva that Saddam Hussein will not back down. It is my deep and unabiding hope that the passage of this resolution will prove to Saddam Hussein that the President is not bluffing and then Hussein will withdraw peacefully. But should it not, I am prepared to face the consequences.

A congressional resolution authorizing the use of force against Iraq after January 15 is a step the United Nations has already taken. The President has made every effort to compel Iraq to leave Kuwait by peaceful means. I am satisfied he has exhausted diplomacy. I am not satisfied economic sanctions against Iraq will compel its withdrawl from Kuwait. Congress has insisted that the President come before it prior to the use of force. Now he has done so. This is a policy the nations of the world have resoundly endorsed. It is time for the U.S. Congress to stand up and be counted. The President deserves our support and will receive mine."

□ 2050

Mr. BERMAN. Mr. Speaker, I yield 5 minutes to one of the chief sponsors of the resolution, the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, if this debate has made any one thing abundantly clear, it is that virtually all of us, Democrats and Republicans, liberals and conservatives, agree on the proposition that it is a vital American interest to secure the withdrawal of Iraq from Kuwait. Where we disagree is over how best to achieve that objective. Should it be done through the protracted application of sanctions, or should it be done through the adoption of a resolution which would authorize the President to use force in order to achieve that objective—which would create the possibility of securing the withdrawal of Saddam Hussein without the use of force, but giving the President the right to use force if that should prove necessary.

Let me say, Mr. Speaker, that if I thought for a moment that there was any reasonable possibility whatsoever of securing the withdrawal of Iraq from Kuwait through the protracted application of sanctions, I would strongly favor that course of action. But neither Judge Webster, the Director of the CIA, nor any of our other coalition partners believe that the sanctions will be sufficient to induce Saddam Hussein to withdraw from Iraq. Nor do I.

Why do I think the sanctions will not succeed? If we consider the character of Saddam Hussein, and if we take into account the political dynamics of Iraq, it should become clear that the protracted application of sanctions is a formula for failure rather than a strategy for success.

Why is that? The sanctions, to be sure, are having an economic impact. Nobody can deny that. All of Iraq's oil exports have been cut off. Its industry is in a state of paralysis. Its gross national product has been cut almost in half.

Yet those who support the protracted application of sanctions as the best way of resolving this crisis have never demonstrated the connection between the undoubted economic impact of the sanctions and a political decision on the part of the Iraqi leadership to quit Kuwait.

There are, if you think about it, only two ways in which that can happen. Either Saddam himself has to make the decision to go, or Saddam has to be overthrown by a military junta which would then make the decision to go. The fact of the matter is that Saddam himself does not give a whit for the welfare of his own people. The fact that their per capita income will be reduced by 40 percent does not bother him. The fact that they will have less to eat does not bother him. He will hunker down and he will wait.

Anyway, his people will be able to feed themselves. It is a fertile country. Smuggling is going on across the Iranian, Jordanian, Syrian, and Turkish borders. He will wait. And while he waits there is a real chance this coalition against him will crumble, and the sanctions will erode.

He has totally tyrannized and terrorized his own military. There are five secret services. They are riddled with informers. His military officers know that he acts with utter ruthlessness against anyone whom he even suspects of wanting to overthrow him. If they did not get rid of him during an 8-year war with Iran in which they suffered 1 million casualties, they are not going to get rid of him now simply because the Iraqi people have a lower standard of living.

Believing that sanctions will work elevates wishful thinking to the level of hardheaded analysis.

Mr. PEASE. Will the gentleman yield?

Mr. SOLARZ. I only have 1 minute and then there is no time left.

Mr. PEASE. I suspect that the gentleman from California [Mr. BERMAN] would give you plenty of time if you wanted additional time.

Mr. SOLARZ. Let me finish and if I have any time left I will be happy to yield.

Mr. PEASE. The gentleman is making a brilliant point. I want to know how it applies to the possibility that the President's plan or course will work as well. What are the odds, in the gentleman's view, that Saddam will withdraw from Iraq as a result of our passage of this resolution?

Mr. SOLARZ. I think it is the last best chance for a peaceful resolution to this conflict.

But I want to conclude with one point in the limited amount of time that I have at this stage in the debate. To the extent that there is any possibility of getting Saddam out, it clearly requires a credible threat of force.

Some say that if the Hamilton resolution is adopted the credible threat of force will remain while we wait for the sanctions to work. But the truth of the matter is that if the Hamilton resolution is adopted there is nobody in the world, and certainly not in Iraq, who is going to believe that we will subsequently have the will to use force. They will break out the champagne bottles in Baghdad. Every one of our coalition partners, none of whom believe the sanctions alone can do the job, will conclude that if we are not willing to use force now we will not be willing to use it later. The option will disappear, and ultimately, therefore, we will be playing right into the hands of Saddam rather than delivering Saddam into the hands of the coalition.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I rise in strong opposition to the Solarz-Michel resolution.

Mr. Speaker, I rise today to express my open and absolute opposition to war in the Persian Gulf. My fear against going to war in the gulf is not due to the fact that America and our allies cannot win in battle, but because our objectives and policies in this region have been inconsistent.

I am not comfortable with the stated objectives of why we are so ready to use force to dislodge Saddam Hussein from Kuwait. In August—when it appeared that Iraq was poised to attack Saudi Arabia's oil fields and hold foreign hostages at strategic locations—I concurred with the President's action to create an international force to defend the Saudi's oil fields and impose economic sanctions against Iraq.

Later, President Bush upped the ante with his steadfast promotion of the military option before we could determine whether sanctions and other international initiatives has a chance to take root. Additionally, President Bush began to talk about the need to stop Hussein's "naked aggression" and that he must leave

Kuwait. For me, this is one of the most profound and bewildering turn of events of the entire crisis.

Why are we going to authorize the use of force and the death of thousands of American soldiers to dislodge Hussein from Kuwait and reinstall the Kuwaiti emir. Kuwait by no means represented Jeffersonian democracy. Many of the administration's past objectives and policy positions defended democracy and freedom. Where were these governing principles in Kuwait prior to August?

The Iraqis informed Ambassador April Glaspie that they intended to invade Kuwait in July and Ambassador Glaspie response was that we don't get involved in such Arab affairs and that we do not have a defense treaty with Kuwait. Mr. Speaker, in part, we are responsible for creating the leviathan that challenges us now. Were we as concerned about Iraq's buildup when they were keeping Iran at bay? Of course not. Were we as concerned when Hussein and other Middle Eastern countries escalated their acquisition of arms? Of course not.

The international stance against Saddam Hussein is not truly as united as the President would like us to believe. The major league hitters in this conflict is plainly the United States versus Iraq. Unfortunately, the first and the last soldiers to die probably will be wearing American uniforms.

Now we are considering whether to give the President the authority to use force to dislodge Saddam Hussein from Kuwait. I do not favor this action and believe that we need to fully explore and exhaust our diplomatic options prior to playing the military hand.

I have heard many of our colleagues on the floor and in the media discuss the fact that we need to send a message to Saddam Hussein that his naked aggression will not be tolerated. Mr. Speaker, I want my message to be first sent to the parents and loved ones of those soldiers participating in Operation Desert Shield. My message would be that my conscience cannot rest knowing that your family members are being placed into a conflict that has yet to be clearly defined to anyone.

Mr. Speaker, let us not rush head first into chaos and uncertainty. Let us instead seek ways to leverage Iraq from Kuwait and further tighten the screws via international sanctions and continued isolation against Baghdad.

America has many pressing domestic economic problems. The cost of this war and its concomitant effects will only worsen our economic situation here with no visible relief in sight.

So, I urge those who want to go to war with Iraq to remember that although the Middle East is strategic for its oil, I do not wish to see the Saudi desert become the symbol of unclarified policy and the massive loss of brave American lives.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I am honored and always grateful for the opportunity to address my colleagues and the people of our great Nation. I have no doubt that no one in this chamber is without sons and daughters, relatives, friends and even constituents who are among the 400,000 Americans in military uniforms in Saudi Arabia—all anxiously awaiting what course of action our President and the Congress will take against Saddam Hussein and the people of Iraq.

Mr. Speaker, I have listened with keen interest to the speeches and remarks made by our colleagues about the horrors of war. We have built a monument as a testimony to history and to our Nation—some 50,000 American lives that were sacrificed in Vietnam and some untold hundreds of thousands more who were among the missing, wounded, and maimed and even today, many still wonder if the American people appreciated the services they rendered while in military uniforms in Vietnam.

Mr. Speaker, I have not visited our soldiers and sailors in Saudi Arabia, but I have been to Vietnam like some of our colleagues in this chamber. Throughout the entire year from April 1967 to May 1968, I never doubted for any moment the possibility that I might return either in a body bag or as a cripple for life. I've shed many tears for my buddies and relatives who lost their lives in that terrible conflict, but I'm not going to trouble my colleagues with my personal experiences in that troubled part of the world.

Mr. Speaker, I want to share with my colleagues a few observations of perhaps the most important decision this institution is about to make in a matter of hours. Although I do not have the privilege to cast a vote on the floor of this great institution, I speak on behalf of thousands of Samoan men and women who proudly wear the military uniforms of our great Nation, and many of them now in the Persian Gulf. And coming from a small island community, I will state that several hundred members of my own extended family who are in uniform, are also in the Persian Gulf. I realize my remarks are of no consequence to the outcome of this debate, but we all are responsible to the people of our great Nation.

My first observation is that there is a definite lack of communication and cultural misunderstandings between America and the Arab nations. Additional, there have been problems and confrontations in existence for several hundred years now even amongst Arab nations themselves, which only complicates America's own understanding and real appreciation of the complexity of the situation in the Middle East.

Mr. Speaker, I submit that the public announcement recently made a few days ago by Iraq's Foreign Minister Aziz—of his government's definite intention to attack Israel if the United States and the coalition of nations take offensive military action against Iraq—now opens an entirely new equation of the present crisis in the Middle East. Mr. Speaker, I absolutely support Israel's right to exist as a sovereign state. There is no question in my mind that Israel will respond militarily to defend herself, and she has the right to do so—with or without military assistance from the United States. But, I shudder to think of the consequences, and where our Nation will be then—the reaction from the Arab nations—the status of the world's dependence on oil from the Middle East—the economic standing of all the nations of the world—and ultimately our overall failure to stabilize this region of the world.

Mr. Speaker, I invite my colleagues and the President to take seriously the suggestions offered by Mr. James R. Schlesinger in his testimony which I submit for the RECORD. And I would like to share with my colleagues some pertinent observations of this man's insight on what is happening:

> It should also be noted that Mr. Primakov's observations were confined to the original objective of forcing an Iraqi withdrawal from Kuwait and the restoration of the legitimate regime. Of late, to those original objectives some additional goals have been hinted or stated: the elimination of Iraq's capacity to intimidate her neighbors, the removal of Iraq's military capability, the removal of Saddam Hussein from power, and the ending of Iraq's quest for a nuclear capability.
>
> The general effect is to paint Iraq as a rogue or outlaw state, and that its menace to its neighbors and to the international order must be eliminated. To the extent that these additional objectives are embraced, either in appearance or reality, the prospect for a voluntary Iraqi withdrawal from Kuwait is sharply diminished. To achieve these objectives there is really no alternative but to resort to war. Saddam Hussein's inclination to dig in will be stiffened, and in all likelihood the willingness of Iraqi forces to resist will be strengthened.
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> Saddam's appeal to the hearts and minds in the Arab countries seems to have peaked in September. There has been little restlessness elsewhere in the coalition, no doubt in large degree due to the fact that the world can do without Iraqi and Kuwaiti crude.
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> Moreover, the status quo includes authorization for the naval blockade, which can therefore be continued indefinitely. It would take a positive act of the United Nations to remove that authorization.
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> However, that coalition is likely to prove less durable if combat actually takes place. Particularly would this be the case if the objectives turn to the new and sterner demands of war policy reflecting the decision that Iraq has become an outlaw state that must be dealt with now.
>
> Needless to say, the international coalition has yet to embrace that line of reasoning.
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> Therefore, Mr. Chairman, I close with two observations regarding the inherent difficulties in the emerging situation.
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> First, if the United States conveys the impression that it has moved from the original international objectives to the sterner objectives that Saddam Hussein must go, that Iraq's military establishment and the threat to the region must be dismantled or eliminated, et cetera, then whatever incentives Saddam Hussein may presently have to acquiesce to the international community's

present demands and to leave Kuwait will shrink toward zero.

This may please those who have decided that the war option is the preferable one. But it makes it increasingly hard to hold together the international coalition, which we initially put together to bless our actions in the Gulf.

That brings us to the second observation. The more we rely on the image of Iraq as an outlaw state to justify taking military action, the more we will make holding together the international coalition inherently difficult, if not impossible.

International approval of our actions is something on which the administration has set great store. It has provided the desired legitimacy. To abandon it would mean the undermining of any claim to establishing a new international order.

* * * * *

The principal goal of the administration at this time in deciding on these deployments may simply be to increase the pressure on Saddam Hussein to withdraw from Kuwait. Yet, the situation is more complicated. As Mr. Yevgeny Primakov, Mr. Gorbachev's special envoy, has indicated after conversations with Saddam Hussein, even if Saddam is prepared to withdraw from Kuwait, he would require clear evidence that the sanctions would be terminated and that military force would not subsequently be employed against Iraq. In the absence of such commitments, his incentive to withdraw is weak.

The new deployment might also point to an intention to resort to the military option. The deployment will be complete beginning late in January or early February, and for technical reasons that deployment will be difficult to sustain. That no doubt adds to the pressure, the immediate pressure on Saddam Hussein, but it also increases the pressure to choose the war option.

Mr. Speaker, there is no question that no one on this planet has any doubt about America's capability to wipe out Saddam Hussein and Iraq from the face of the Earth. But sometimes a Nation as powerful as ours—even a superpower at that—restraint and common sense becomes a better part of valor, and to prove courage without having to flaunt it is to show wisdom and prudence.

Mr. Speaker, so that my colleagues can really appreciate what war is like, I suggest legislation to require Members of this Chamber to be personally notified by the Department of Defense on every soldier and sailor from your respective home district, who is killed or wounded in armed conflict that America is involved in—with a strong admonition for the membership of this body to personally visit the families to comfort them for such a tremendous sacrifice.

Mr. Speaker, the issue before us is not who is right, but to do what is right.

Mr. Speaker, I must respectfully disagree with our President on the question of whether he has exhausted all available optons for a peaceful settlement of the crisis in the Middle East. But I appreciate the fact that our President has not given up hope, to continue to seek other available means that are still at his disposal, without having to commit this great Nation to war.

Mr. Speaker, may I conclude by sharing with my colleagues a statement written some 2,500 years ago by a famous Chinese general, Sun Tzu, who wrote a book on the concept of the art of war—and I quote, "to fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy's resistance without fighting." Mr. Speaker, give the sanctions a chance.

Mr. Speaker, I include the following articles by Senator SAM NUNN, Col. Harry Summers, and Mr. James R. Schlesinger as a part of the RECORD.

[From Hearings Before the Committee on Armed Services, U.S. Senate, 1990]

CRISIS IN THE PERSIAN GULF REGION: U.S. POLICY OPTIONS AND IMPLICATIONS

STATEMENT OF DR. JAMES R. SCHLESINGER, FORMER SECRETARY OF DEFENSE, SECRETARY OF ENERGY, AND DIRECTOR OF CENTRAL INTELLIGENCE

Dr. SCHLESINGER. Thank you, Mr. Chairman. I am pleased to be back with you once again, and I deeply appreciate the invitation to discuss with this committee the challenge posed to American policy and potentially to America's Armed Forces by the developments in the Gulf.

When last I addressed this committee at the beginning of the year, I examined the implications for American policy, attitudes, deployments, and budgetary allocations implied by the collapse of the Warsaw Pact and the decline of the Soviet threat. In a sense, today represents the continuation of that earlier testimony, for what we are to examine beyond the details of the Gulf crisis itself is how this Nation should grapple with the altered conditions in this post-Cold War environment.

Mr. Chairman, if you will permit I shall deal initially with the shape of the post-Cold War world in which the sharp ideological divisions, and the coalitions and alliances polarized to reflect those differences, have now become muted. Some, stimulated by the response to the crisis in the Gulf, have expressed the hope that we are now engaged in fashioning a new international order in which violators of international norms will be regularly constrained or disciplined through the instrument of collective security. Put very briefly, Mr. Chairman, I believe that such aspirations for a Wilsonian utopia are doomed to disappointment.

What is emerging is likely to resemble the somewhat disordered conditions before 1938, an era of old-fashioned power politics marked by national and ethnic rivalries and hatreds, religious tensions, as well as smash and grab and the pursuit of loot. Such elements clearly mark the catalyzing event, Iraq's seizure of Kuwait, and has marked the behavior of a number of players on the international scene since August 2.

To suggest that the international order will miraculously be transformed and that the players on the world scene will be motivated by a dedication to justice and international law strikes me as rather naive.

Mr. Chairman, you and Senator Warner have posed the question, "What are America's interests in the Gulf?" I shall mention three and leave it to the committee to decide whether they are in ascending or descending order of importance.

First is oil. There is no way of evading this simple reality. Oil provides the energy source that drives the economies of the industrial and underdeveloped worlds. Were the principal exports of the region palm dates or pearls or even industrial products, our response to Iraq's transgression would have been far slower and far less massive than has been the case.

Nonetheless, this should not be misunderstood. Our concern is not primarily economic—the price of gasoline at the pump. Were we primarily concerned about the price of oil, we would not have sought to impose an embargo that drove it above $40 a barrel. Instead, our concern is strategic. We cannot allow so large a portion of the world's energy resources to fall under the domination of a single hostile party. Any such party, even Saddam Hussein, would ordinarily be concerned with the stability of the oil market, the better to achieve the long-run exploitation of his economic assets. However, concern properly focuses on the extraordinary periods during which he might use his domination of these oil resources to exploit the outside world's vulnerabilities for strategic mischief.

Second, the United States has had an intimate relationship with the Kingdom of Saudi Arabia. That reflects a number of shared strategic objectives as well as Saudi efforts to stabilize the oil market—most dramatically in the period after the fall of the Shah. It is embodied in the Carter Doctrine, which pledges military resistance to external assaults on the Kingdom, as well as the Reagan corollary, which subsequently pledged resistance to internal subversion.

Failure of the United States to honor such commitments would raise questions about the seriousness of the United States, not only in the Middle East, but elsewhere. It is notable that down through August 2 Kuwait itself rebuffed attempts of the United States to provide similar protection, though President Bush's remarks since that date have tended to establish a U.S. commitment to the security of Kuwait.

Third, since the close of World War II, and particularly since the establishment of the State of Israel, the United States has had a generalized commitment to the stability of the Middle East and to the security of Israel. On numerous occasions this generalized commitment has led to U.S. diplomatic or military involvement in the region not always marked by complete success.

Let me turn now to the alternative strategies available to the United States and its allies. The first, of course, is to allow the weight of the economic sanctions imposed in August gradually to wear down the capacity and the will of Iraq to sustain its present position. The embargo, backed up by a naval blockade, is the most successful ever achieved aside from time of war.

Early on it was officially estimated that it would require a year for the sanctions to work. It now appears to be working more rapidly than anticipated. In 3 months time, civilian production in Iraq is estimated to have declined by some 40 percent. Oil exports are essentially nil, and export earnings have dropped correspondingly. The hoard of hard currency necessary to sustain smuggling is dwindling away. The economic pressure can only grow worse.

While Iraq's military posture does not appear to have been seriously affected as yet, as the months go by that, too, will be seriously weakened. Lack of spare parts will force Iraq to begin to cannibalize its military equipment. Military industry, as yet significantly unaffected, will follow the downward path of civilian industry. In short, the burden on both Iraq's economy and her military strength will steadily increase.

We know that such burdens must ultimately affect political judgment and political will. In time, the original objectives of the United Nations will be attained. Already Saddam Hussein shows a willingness, if not an eagerness, to compromise. One no longer hears that Kuwait is for all eternity the 19th province of Iraq. But for some, ultimately may not be soon enough; and for others, the original objectives may not be sufficient.

To the extent that those original objectives are augmented by demands that Saddam Hussein stand trial as a war criminal, that Iraq provide compensation for the damage it has done, that Iraq's military capacity must be dismantled or destroyed, or that Saddam Hussein must be removed from power, Saddam's determination to hangon will be strengthened.

Some may prefer such a response, in that it precludes a settlement and makes recourse to military force more likely. Nonetheless, if one avoids this list of additional demands and is satisfied with the original objectives, the probability that the economic sanctions will result in a satisfactory outcome is very high.

One should note that since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them because they will not have produced the hoped-for results in 6 months time.

In this connection, one should also note the frequently-expressed view that Saddam Hussein must not be "rewarded" for his aggression but instead must be punished. As an expression of emotion, it is understandable, but it must not be allowed to obscure our sense of reality. Saddam Hussein is being punished and punished severely. He has forfeited $20 billion of foreign exchange earnings a year; indeed, $30 billion at the current oil price. Iraq's credit is totally destroyed, and the remnants of its hard currency reserves are dwindling.

When Saddam looks across the border at Saudi Arabia or the UAE, they are prospering because of his actions from which he, himself, has derived no benefit. He is likely to be consumed by envy. His own economy is rapidly becoming a basket case.

Moreover, the position of preponderance that he had earlier achieved in OPEC is now gone. He is diplomatically isolated, his military position will slowly be degraded, his pawns in Lebanon have been wiped out by his chief Baathist rival, Assad, who has immensely strengthened his own position. He has been forced to accept an embarrassing peace with Iran, and that nation's position relative to Iraq is slowly being improved. Sympathetic nations such as Jordan and Yemen have been harshly treated, and neither they nor he have had any recourse.

On the benefit side stands only the looting of Kuwait.

In brief, Saddam Hussein staked Iraq's position on a roll of the dice and lost. Only if he has a deeply masochistic streak can he regard himself as rewarded. To allow our own political rhetoric to obscure the severe punishment that has already been meted out or to suggest that our current policy is in some way unsuccessful and that Saddam's position is now or is potentially enviable strikes me as misconceived.

To be sure, imposition of the sanctions has not been painless. Given the limited spare production capacity for oil and the psychological reaction to the prospect of war, oil prices have shot up at their peak. They have more than doubled. The higher oil price, along with the political and economic uncertainties, have imposed a heavy burden on most national economies. Many, including our own, had already started or were tipping into recession. For most economies, the Gulf crisis has either reinforced or initiated a further contraction.

I do not want to understate the cost. In the case of the American economy it will amount to $100-$200 billion in lost economic growth, but that price has already been paid. The oil market, reflecting a sizable shrinkage of expected demand as a consequence of higher oil prices and the impact of recession, has now been brought precariously into balance. The world is able to do without Iraqi and Kuwaiti crude. Thus, to sustain the embargo, no further price need be paid. In effect, we can leave Iraq in isolation until it comes to its senses.

That brings us to the second alternative—the military option. There is little question that the United States and its allies can inflict a crippling military defeat on Iraq. It can eject Iraq from Kuwait. It can destroy Iraq's military forces and military industries. It can destroy, if it wishes, Iraq's cities. The question is, at what cost, and whether it is wise to incur that cost.

Whenever a nation accepts the hazards of war, the precise outcome is not predetermined. Depending upon the military strategy chosen and the tenacity of Iraq's forces, there could be a considerable variation in the outcome. In the event of an all-out assault on entrenched Iraqi positions, the casualties may be expected to run into several tens of thousands. However, if we avoid that all-out assault, make use of our decisive advantages in the air and exploit the opponent's vulnerabilities by our own mobility, the casualties could be held to a fraction of that prior estimate.

In between 4 and 8 weeks it should all be over, save for starving out or mopping up the remaining Iraqi forces in Kuwait. The question then becomes whether one goes on to occupy Iraq to destroy the balance of Iraqi forces and the like. That would be far more difficult and time-consuming, but circumstances could make it unavoidable.

I think it prudent to say no more about strategy and tactics in this session, Mr. Chairman. Suffice it to say the immediate price will not be small. American forces would be obliged to carry a disproportionate burden in any struggle.

This will affect the attitudes of our public and the attitudes in the Middle East regarding the United States. I believe that the direct cost of combat, including that of a probable scorched-earth policy in Kuwait, will be the lesser part of the total cost.

The Middle East would never be the same. It is a fragile, inflammable and unpredictable region. The sight of the United States inflicting a devastating defeat on an Arab country from the soil of an Arab neighbor may result in an enmity directed at the United States for an extended period, not only by Iraq and its present supporters, but ultimately among the publics of some of the nations now allied to us.

To be sure, there are no certainties, yet that risk must be borne in mind. Moreover, the United States will be obliged to involve itself deeply in the reconstruction of the region in the aftermath of a shattering war. In brief, the noncombat costs of a recourse to war, while not calculable in advance, are likely to be substantial.

On November 8, President Bush announced his decision to acquire "an offensive military option" and nearly to double U.S. forces deployed in the Persian Gulf. That announcement altered the strategic, diplomatic and psychological landscape. The deployment of four additional armored divisions implied that the United States might itself choose to cross that "line in the sand" and forcibly to eject Iraq's troops from Kuwait.

As the President indicated, the earlier deployment in August had been intended to deter further Iraqi aggression. One must recognize that to this point Saddam Hussein has remained unmoved either by appeals or by international declarations. It is only the prospect that force might be used against him that has brought forth any sign of willingness to compromise.

The principal goal of the administration at this time in deciding on these deployments may simply be to increase the pressure on Saddam Hussein to withdraw from Kuwait. Yet, the situation is more complicated. As Mr. Yevgeny Primakov, Mr. Gorbachev's special envoy, has indicated after conversations with Saddam Hussein, even if Saddam is prepared to withdraw from Kuwait, he would require clear evidence that the sanctions would be terminated and that military force would not subsequently be employed against Iraq. In the absence of such commitments, his incentive to withdraw is weak.

The new deployment might also point to an intention to resort to the military option. The deployment will be complete beginning late in January or early February, and for technical reasons that deployment will be difficult to sustain. That no doubt adds to the pressure, the immediate pressure on Saddam Hussein, but it also increases the pressure to choose the war option.

Since our forces will already have been deployed, it also diminishes the immediate cost of going to war. It should also be pointed out that the extended period required to complete the additional deployments also makes the first strategic alternative of relying on the sanctions less costly. By the time the deployment is completed, military action is initiated and the fighting ceases, at least 8 months of what was originally estimated to be the 11 months required for the sanctions to work will have elapsed. Even more of the time and cost involved in making the sanctions work will have thus already been incurred. At that juncture, however, only a modest part of the cost of exercising the military option will have been incurred.

It should also be noted that Mr. Primakov's observations were confined to the original objective of forcing an Iraqi withdrawal from Kuwait and the restoration of the legitimate regime. Of late, to those original objectives some additional goals have been hinted or stated: the elimination of Iraq's capacity to intimidate her neighbors, the removal of Iraq's military capability, the removal of Saddam Hussein from power, and the ending of Iraq's quest for a nuclear capability.

The general effect is to paint Iraq as a rogue or outlaw state, and that its menace to its neighbors and to the international order must be eliminated. To the extent that these additional objectives are embraced, either in appearance or reality, the prospect for a voluntary Iraqi withdrawal from Kuwait is sharply diminished. To achieve these objectives there is really no alternative but to resort to war. Saddam Hussein's inclination to dig in will be stiffened, and in all likelihood the willingness of Iraqi forces to resist will be strengthened.

Consideration of the military option will be influenced by attitudes within the international coalition that the United States has organized. By and large, that coalition has revealed strong ambivalence regarding the military option and a preference for a diplomatic solution, with those least directly involved most dubious about the military option.

While the members of that coalition may be prepared to accept military force to drive Iraq out of Kuwait, to this point they have shown little inclination to embrace the sterner objectives of policy that may have been stated but never officially presented or embraced.

There is, of course, a third strategic alternative: the possibility of a diplomatic solution. Though it remains an eventual possibility, I shall spend little time on it in this hearing for two reasons. First, the United States is probably precluded from any negotiations with Iraq by the position that it initially announced: we will not have any direct communication with Iraq until it has left Kuwait.

For the United States itself to enter into negotiations would represent too much of a diplomatic retreat. To be sure, others have been willing to serve the role of diplomatic intermediaries. Since August, the possibility of an Arab solution has been raised on several occasions. The Soviets, the French, and others have conducted explorations. But as the probability of recourse to war rises, the probability of a diplomatic settlement of necessity shrinks.

That brings me to my second reason for limiting discussion of the diplomatic alternative. If there is to be a diplomatic solution, it will be several months before the outlines gel. It can only gel, gentlemen, as the United States completes its current military deployments.

The United States, given its position, will be obliged to appear merely to acquiesce in such an outcome out of deference to pressures from other elements of the international community. There is something more, however, to be said about the diplomatic situation. In your letter of inquiry, Mr. Chairman, you and Senator Warner inquired about the durability of allied support for the multinational coalition in regard to the original demands on Iraq and the use of sanctions. That support has been firmer than we might have anticipated.

Saddam's appeal to the hearts and minds in the Arab countries seems to have peaked in September. There has been little restlessness elsewhere in the coalition, no doubt in large degree due to the fact that the world can do without Iraqi and Kuwaiti crude.

Moreover, the status quo includes authorization for the naval blockade, which can therefore be continued indefinitely. It would take a positive act of the United Nations to remove that authorization.

However, that coalition is likely to prove less durable if combat actually takes place. Particularly would this be the case if the objectives turn to the new and sterner demands of war policy reflecting the decision that Iraq has become an outlaw state that must be dealt with now.

Needless to say, the international coalition has yet to embrace that line of reasoning.

Therefore, Mr. Chairman, I close with two observations regarding the inherent difficulties in the emerging situation.

First, if the United States conveys the impression that it has moved from the original international objectives to the sterner objectives that Saddam Hussein must go, that Iraq's military establishment and the threat to the region must be dismantled or eliminated, et cetera, then whatever incentives Saddam Hussein may presently have to acquiesce in the international community's present demands and to leave Kuwait will shrink toward zero.

This may please those who have decided that the war option is the preferable one. But it makes it increasingly hard to hold together the international coalition, which we initially put together to bless our actions in the Gulf.

That brings us to the second observation. The more we rely on the image of Iraq as an outlaw state to justify taking military action, the more we will make holding together the international coalition inherently difficult, if not impossible.

International approval of our actions is something on which the administration has set great store. It has provided the desired legitimacy. To abandon it would mean the undermining of any claim to establishing a new international order.

Mr. Chairman, if you will allow me one final word that goes beyond the crisis in the Gulf. That crisis has preoccupied our attention for more than 3 months and is likely to do so for many months more. It has diverted our attention from subjects that may be of equal or even greater importance.

Six months ago all of us were deeply moved by the developments in Eastern Europe and in the Soviet Union and with the prospect that these nations might move toward democracy and economic reform. Members of this committee will recall our high hopes at that time.

Yet, in the intervening period, with the diverting of our attention to the Gulf, those prospects have been dealt a grievous blow. First was the Soviet decision to force the former satellites to pay hard currency for their oil. Second, that was followed by the Gulf crisis that has sharply raised the international price of oil. The prospects and hopes for Eastern Europe, while our attention has been diverted, have been seriously damaged.

Yet to return to my original theme, in the shaping of the post-Cold War world, it is not clear that the evolution of Eastern Europe and the Soviet Union may not be more important than developments in the Gulf.

[From the Washington Post, Jan. 10, 1991]

WAR SHOULD BE A LAST RESORT

(By Senator Sam Nunn)

Our nation has engaged in many "gray area" conflicts where Congress has permitted and even supported military action by the commander in chief without providing specific authorization or formally declaring war. Ordering more than 400,000 American troops into battle to liberate Kuwait is not a gray area. It is essential, to comply with the Constitution and to commit the nation, that Congress give its consent before the president initiates a large-scale military offensive against Iraq.

At the heart of the debate that begins today on the floor of the House and the Senate will be a deeply felt difference of opinion—not over the ends of U.S. policy in the crisis but over the means of attaining them. I continue to favor President Bush's original strategy—economic sanctions, a continued military threat and patience.

1. Iraq is unique in its vulnerability to economic embargo. The international blockade has succeeded in cutting off almost 100 percent of Iraq's exports (mostly oil), stopped over 90 percent of all imports and reduced its GNP by an estimated 50 percent. Over time, experts estimate the Iraqi GNP would be down by about 70 percent, the country will be an economic basket case, and Saddam Hussein may be in jeopardy with his own people.

2. The economic sanctions are international and supported by virtually the entire world. A war—no matter how successful—will be 90 percent American and will be viewed as an American crusade by much of the Arab and Islamic world. When the war starts and the dying begins, the American people will have every right to ask, "Where are our allies?"

3. CIA Director William Webster has testified that sanctions will increasingly weaken Iraq's military power through shortages of spare parts and munitions and equipment breakdowns. In addition, the embargo is a very effective mechanism to impede Iraq's quest for nuclear weapons and sophisticated delivery systems—which should be one of our continuing goals after any resolution of this crisis.

In early November, President Bush abandoned his strategy of liberating Kuwait by maintaining an economic stranglehold on Iraq. Rather than preparing for the long haul by planning a rotation policy for American forces deployed in the region, he directed a buildup of American forces to a level that could not be sustained and that reduced our ability to respond rapidly to unforeseen military contingencies in other regions.

A sanctions policy is not perfect but has to be weighed against the alternatives. To those who say that economic sanctions do not guarantee Iraq will withdraw from Kuwait and conclude we must go to war after Jan. 15 absent a diplomatic settlement, I reply: What guarantees do we have that a war will be brief and that American casualties will be light? If we fight, we can and must win. But no one knows whether a war will last five days, five weeks or five months. Our policy and our military planning cannot be based on an expectation that the war will be over quickly and easily. In large measure, the scope and scale of the hostilities, once begun, will be determined by Iraq's willingness to absorb massive punishment and fight on. An Iraqi military collapse is possible but cannot be counted on.

I would also ask, what guarantees do we have as to the aftermath of the war? Here, too, caution is in order. Has anyone in the administration begun thinking about what happens after we win? The president's declared goals include establishing stability in the Persian Gulf and protecting U.S. citizens abroad. Considering the wave of Islamic reaction, anti-Americanism and terrorism that is likely to be unleashed by a highly destructive war with many Arab casualities, it is difficult to conceive of the Middle East as a more stable region where Americans will be safe.

Doubts have been raised about the coalition's staying power. However, the United States possesses sufficient military power to enforce an oil embargo unilaterally if necessary. Moreover, as Adm. William J. Crowe Jr. testified: "I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution."

If Congress authorizes the president to wage war or he initiates it on his own, what kind of war should be waged? I am afraid too many recall our most recent conflicts in bumper-sticker terms:

"Vietnam: long, drawn out—bad;"

"Grenada/Panama: quick, decisive—good."

The problem is that a war with Iraq will be far different than any of these conflicts. In preparing for and planning for possible war with Iraq, we must get beyond such simplistic analogies. Above all, we must play to U.S. strengths and exploit Iraq's weaknesses. Our strengths include our air power, our maritime forces, our ground force mobility and our ability to use our intelligence and technological capabilities for selective destruction of Iraqi targets.

If war comes, Iraq's fondest hope is that the United States will commit substantial ground forces to frontal assaults, thus giving Iraq a chance to inflict heavy casualties. Saddam's military leaders are not fools. They realize that they will lose any war with the United States, but entertain the hope that high U.S. casualties would weaken our resolve.

Are there military lessons to be learned from Vietnam? Of course. We should hit military targets with awesome power at the beginning of any conflict, as well as knocking out power and communications, electrical, nuclear and chemical facilities. At the same time, we should not "overlearn" the Vietnam lesson. We in America like instant results. We want fast food and fast military victories. However, our nation places a higher value on human life, especially on the lives of our men and women in uniform. Depending upon developments after the first wave of air attacks, a short war may be possible and may save lives. But we must avoid "instant victory" demands and expectations that could cause a premature and high casualty assault on heavily fortified Kuwait by American ground forces.

If war becomes necessary, we should not tell our military commanders to get it over with quickly no matter what. The order should be—"Accomplish the mission with whatever force is required, but do so in a way that minimizes American casualties, even if it takes more time." Making continued Iraqi occupation of Kuwait untenable with air and naval bombardment plays to our strength. Rooting the Iraqis out with ground forces going against heavy fortification plays into Iraq's strength.

Finally—a message to Saddam Hussein. In the next few days, you will hear an impassioned debate emanating from the U.S. Capitol. These will be the voices of democracy. Don't misread this debate. If war occurs, the constitutional and policy debates will be suspended, and Congress will provide the American troops whatever they need to prevail. There will be no cutoff of funds for our troops while they engage your forces on the field of battle.

President Bush, Congress and the American people are united that you must leave Kuwait. We differ on whether these goals can best be accomplished by administering pain slowly with the economic blockade or by dishing it out in large doses with military power. Either way—you lose.

[From Defense and Diplomacy]

THE RELUCTANT SAMURAI

(By Col. Harry G. Summers, Jr.)

Like Mary Shelley's Dr. Victor Frankenstein who tried to build a new man from a dissecting room corpse and created a homicidal monster instead, some in the United States have been trying since the end of World War II to build a new and better Japan.

Since the early 1980s their efforts have concentrated on getting Japan to devote more of its resources to national defense, relieve the U.S. of the burden providing for Japanese security, and increase its capability for power projection outside Japanese territorial waters.

Those efforts gained urgency after Saddam Hussein invaded Kuwait. Within a month, President George Bush was reported to be pushing Japanese Prime Minister Toshiki Kaifu to send Japanese troops to the Gulf. Under intense pressure from Western allies, Japan already had agreed to contribute $4 billion in support of forces facing Iraq and to countries hurt economically by the UN embargo on trade with Iraq.

Now, prodded by Bush, Kaifu proposed to a special session of the Japanese Diet sending some 1,000 support troops to the Gulf. They would carry no guns. They would do no fighting. Yet the very idea of them sent a shiver around the globe. The Diet itself erupted in outrage. In The New York Times, columnist A.M. Rosenthal warned that if the Diet agreed, "Generations to come . . . will curse the day."

Whether Japan will emerge from this debate as a new, growing military power on the world stage will take years to determine. What those involved in patching such a force together may then discover is that, like Dr. Frankenstein, they, too, have inadvertently created a monster.

Indeed, the monster has already arrived in the pages of Silent Fleet, a comic book with a quarter-million circulation among Japanese young people. In its pages the hero, Captain Umieda, skipper of a renegade Japanese nuclear submarine, launches "a war for independence from American domination." In one episode, while being chased through the Straits of Molucca by warships from the U.S. Seventh Fleet, Umieda and his crew skillfully outmaneuver and cripple six U.S. hunter-killer ships.

The caper is pure fantasy, The Wall Street Journal noted on June 13, 1990, "but it is rooted in sentiments spreading rapidly through the popular culture of both countries." A more serious indicator of such sentiments, as Boston University's Dean H. Joachim Maitre reports in Defense Media Review, is A Japan That Can Say No, a book authored last year by Sony chairman Akio Morita and Shintaro Ishihara, an influential member of the Standing Committee on Foreign Affairs of the Japanese Diet.

While Captain Umieda's comic book assault on the U.S. Seventh Fleet was fictional, Morita and Ishihara's America-bashing is deadly serious. Due to be published in an English edition by Simon & Schuster in February 1991, its xenophobic appeal has already made it a bestseller in Japan.

"If Ishihara sounds resentful," writes Dean Maitre, "well, he apparently is. . . . Imperial Japan was defeated 45 years ago. On its ruins—and under American prodding—a new Japan was built democratic, too westernized according to Oriental orthodoxy, not westernized enough in the view of radical reformers. The new Japan, nevertheless, has been and remains pro-West, dependent on the West for its economic well-being, but burdened with a hidden resentment waiting to be exploited."

Hidden, perhaps, but not too well. In the June 17, 1990, Los Angeles Times Ishihara commented on the testimony of a U.S. Marine Corps commander who told the Congress that U.S. Troops are in Japan to ensure "that [Japanese] cannot enhance our military capabilities and once again become a major power."

Ishihara went on to complain that "We are expected to foot the bill so America will, supposedly, save us from ourselves."

Ishihara hit on the crucial question. Does Japan need saving from itself? The U.S. and its allies certainly thought so at the end of World War II. Fresh in their minds was Japan's drive for domination, especially the specter of the Imperial Japanese Empire's "New Order in East Asia" and its successor, the "Greater East Asia Co-Prosperity Sphere." While the Japanese Foreign Office preached partnership and liberation from white colonialism, the military had other ideas. "The credo of Japan's dominance in Asia and the superiority of the Japanese over other Asiatics were sacrosanct," noted one French historian. "In the minds of the military elite, all of Tokyo's notions of equality had to fall before it."

It was this military elite who were the guiding intelligence behind this drive for empire. Their code of bushido (the "way of the warrior") led to the assassination of civilian party leaders—Prime Minister Hara Takashi in 1921, Hamaguchi Yuko in 1931 and Inukai Tsuyoki in 1932—in order to break the political alliance between the political parties and business leaders. Inukai's assassination was the watershed event that marked the end of the movement toward democracy that had begun with the Meiji Restoration in 1868 and the gradual assumption of power by the military.

Earlier the military had set out to define its own foreign policy. On September 18, 1931, the Japanese Kwangtung Army, without prior approval of the civil government in Tokyo, siezed Mukden and proceeded to conquer all of Manchuria, ostensibly to provide Japan with "living space" on the Asiatic continent.

When the League of Nations protested this blatant aggression, Japan's response was to withdraw from the League. American remonstrances were also ignored. Having unilaterally disarmed after World War I, the United States locked power to do anything except issue strong diplomatic notes—"diplomacy by incantation," diplomat John Paton Davies called these pathetic efforts—which fueled rather than deterred further aggression.

On July 7, 1937, the Japanese began their attempted conquest of China proper at the Marco Polo bridge near Peking (Beijing). Again, this military action was a unilateral decision on the part of the Army which the civil government in Tokyo was not strong enough to prevent. Peking soon fell and North China and Inner Mongolia were overrun. Shanghai fell in December 1937 and Canton and Hankow in 1938. Japan controlled China's eastern seaboard and the Chinese government was forced to withdraw into the interior.

In September 1940, Japan moved troops into French Indochina and forced Thailand to provide passage through its territory for subsequent movement of troops into Burma and Malaya. At home the military also consolidated its power. On October 16, 1941, General Tojo Hideki, the most fanatic of those dedicated to Japan's military objective in Asia, became Prime Minister as well as Minister of War and a virtual dictatorship was imposed.

An imperial conference on November 4, 1941, approved a policy of war with the United States and on December 7, 1941, Pearl Harbor was attacked, temporarily immobilizing the U.S. Navy and Air force. In rapid succession Hong Kong, Wake Island, the Philippines, Malaya, Singapore, Burma and the

Dutch East Indies fell to the Japanese. By mid-1942, the monster of Japanese militarism had become full-grown. Japan reigned supreme in East Asia and the Shintoist doctrine of hakko-ichiu—Japan's holy mission to rule the world—seemed well on the way toward realization.

Exorcising this militarism from the Japanese body politic was one of the primary Allied war aims. "My directive read 'Japan is not to have an Army, Navy, Air Force, Secret Police organization or civil aviation,'" said General of the Army Douglas MacArthur, the Supreme Commander Allied Powers (SCAP). And after Japan's unconditional surrender on September 2, 1945, these orders were initially enforced with a vengeance.

Not only was Japan's military disbanded, but efforts were made to demilitarize the political structure as well. An allied tribunal chaired by Australia's Sir William Webb tried some 1,128 Japanese for war crimes and seven, including former prime minister Tojo Hideki, were executed. In Manila a military tribunal also tried Japanese General Tomoyuki Yamashita (the "Tiger of Malaya") and Lieutenant General Masaharu Homma (who led the 1941–42 conquest of the Philippines) for violations of the laws of war and sentenced both to death.

The remainder of the war criminals, including some 210,000 minor wartime functionaries, were purged. SCAP Order 550 ordered the Japanese government to "remove and exclude from public office all persons who in one capacity or another" had been "influential in promoting militarism." But the instrument designed to drive a stake through militarism's heart and destroy it forever, was the postwar Japanese Construction which went into effect on May 3, 1947. Article 9 of Chapter 11 provides: "Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea and air forces, as well as other war potential, will never be maintained. The right of belligerency of the States will not be recognized."

But, like Dr. Frankenstein's monster, the Japanese military survived these attempts at extermination. Ironically, the hand of salvation was exactly the same hand that earlier had clutched it so firmly by the throat.

"You guys wrote our constitution, which is not a bad document," former government analyst Masau Kunihiro said in the September 9, 1990 *Seattle Times*, "and then you tried to erase it."

The outbreak of war in nearby Korea in June 1950 had changed America's mind about the wisdom of a pacifistic Japan. As General MacArthur said, "Article 9 was aimed entirely at eliminating Japanese aggression. I stated this at the time of the adoption of the constitution, and later recommended that in case of necessity, a defense force be established consisting of ten divisions with corresponding sea and air elements."

In July 1950, as American occupation forces were withdrawn to fight the Korean war, the Japanese government, with American encouragement, established a National Police Reserve of 75,000 men equipped with light infantry weapons. At the same time the United States took the lead in formally ending the state of war with Japan. On September 8, 1951, at San Francisco, California, a Peace Treaty was signed by Japan and 48 allied nations (but not the Soviet Union) which, among other things, provided for Japan's right of self-defense. That same day a Security Treaty was signed by the U.S. and Japan which brought Japan within the U.S. defense perimeter. (A revised U.S.-Japan Mutual Security Treaty was signed on January 19, 1960.)

After Japan's sovereignty was restored on April 28, 1952, the National Police Reserve was redesignated the National Safety Force and was expanded to 100,000 men. Significantly, that same year the restrictions on return to public life of those purged under the demilitarization laws were also quietly dropped. Japan became, in effect, "the Far East Arsenal of the Free World." At the beginning of 1951, "almost three-quarters of Japanese production was directly engaged in what was known as defense production" and "plants that had been earmarked for reparations were returned to their owners. These included 314 aircraft factories, 25 weapons and air-research centers, 119 steel mills, 19 machine-tool manufacturing plants, 18 shipyards, 6 synthetic rubber factories, and 131 military arsenals."

After the Korean war ended in 1953, rearmament continued apace. Separate land, sea and air forces "for purely defense purposes" were established in 1954. But to quell fears that this spelled the resurgence of militarism, nonmilitary euphemisms were used. Under a *jietai* of "Self-Defense Agency," the "Ground Self-Defense Force (GSDF)," the "Maritime Self-Defense Force (MSDF)," and the "Air Self-Defense Force (ASDF)" were created. Today, active and reserve, they are some 300,000 strong.

The Ground Self-Defense Force consists of some 156,000 active soldiers with another 46,000 in reserve. Organized into an armored division and 12 infantry divisions, their armament includes some 1,200 main battle tanks, nearly as many as the Republic of Korea, almost 900 artillery tubes and launchers, 40 attack helicopters and almost 400 transport helicopters. The Air Self-Defense Force, with some 46,000 airmen and another 800 in reserve, has 361 combat aircraft, including six squadrons of one of the world's most sophisticated fighters, the F-15J Eagle, produced in Japan under U.S. contract.

With almost as many warships as the United States now operates in the Pacific, the Maritime Self-Defense force's reach extends some 1,000 nautical miles beyond Japan's coastline. The MSDF has some 44,000 sailors on active duty, with another 1,100 in reserve who man some 16 submarines and 63 other surface combatants, including 42 destroyers and 15 frigates. Also included in the MSDF are patrol boats, minesweepers, amphibious and support craft and 80 combat aircraft.

"Despite steady progress," wrote the Seattle Times' Walter Hatch in his analysis of the arming of Japan, "the defense buildup didn't really get rolling until the 1980s. That's when the Reagan Administration and members of the Congress began to grumble that Japan was getting a free ride, that its economy was expanding like a mutant fruit under the warm, protective shield of America's 'nuclear umbrella.'

"Prodded by the U.S., Japan has increased its military budget by about 6 percent a year over the past decade. . . . Last year, Japan says, it spent nearly $31 billion on defense—just behind France, West Germany and the United Kingdom. And if Japan had counted its expenditures the way those NATO countries do, it would have reported defense spending of more than $39 billion—behind only the United States and the Soviet Union.

"Some of its Asian neighbors—and ironically, even some U.S. officials—now say Japan has gone too far," Hatch concluded. His words were echoed elsewhere. "Leaders such as Thailand's Prime Minister Chatichai Choonhaven and Lee Kuan Yu of Singapore feel that America has created a Frankenstein's monster in Japan," wrote the Washington Post's Jim Hoagland.

In February 1990, Admiral Huntington Hardisty, Commander-in-Chief of the U.S. Pacific Command, testified before the Senate Armed Services Committee that "It is not in the best interests of the United States, of the Japanese people or of the stability of Asia for Japan to develop power-projection capabilities. Such developments would foster arms races and instability throughout the region."

But the Persian Gulf crisis in August 1990, like the Korean war before it, threatens to turn this wise council on its head. Trading on the fact that Japan imports 70 percent of its oil from the Persian Gulf, many in the U.S. and the international community as well demanded that Japan contribute more to the resolution of the crisis there. The result was to open a rift between the Japanese government and its military.

"After four decades of silence," the New York Times' David E. Sanger reported last September, "Japan's military has openly split with some of the country's political leaders in a bitter debate over whether and how Japan should contribute forces to the Persian Gulf." As one high-ranking member of the MSDF put it, "if we are not prepared to do this job of cooperating with our allies, what is our purpose?" Calls have gone up to revise Japan's Self-Defense Law to permit military personnel to be sent to the Gulf, in uniform, as part of the multinational force.

But says Sanger, that is exactly what the Japanese government wants to avoid "for fear that any revision . . . would give Southeast Asia exactly what it is often looking for: Evidence that Japan seeks a new regional role beyond its borders. 'Southeast Asian countries, which suffered during World War II, have shown a serious interest in this issue,' warned Taro Nakayama, Japan's Foreign Minister."

And Southeast Asia was not alone. "In Beijing," noted the Christian Science Monitor on September 26, 1990, "Jiang Zemin,the general secretary of China's Communist Party, indirectly expressed concern . . . to visiting former Japanese Prime Minister Noboru Takeshita over possible use of SDF forces abroad."

Even before the Persian Gulf crisis, the issue of the role of the Japanese military was beginning to surface. As Japanese journalist Kan Ito reported in the Spring 1990 issue of Foreign Policy, 'the American policy of keeping Japan militarily weak while pressuring Japan to pay more and more has built up suppressed anger and resentment among many Japanese politicans and bureaucrats . . . it will eventually invite an unhealthy nationalistic backlash."

As noted earlier, some saw evidence of that backlash already at hand, with Japanese Diet member Shintaro Ishihara as a case in point. But Ishihara himself would disagree. The hysterical reaction on Capitol Hill and by the media to the book by Sony chairman Akio Morita and myself, 'The Japan That Can Say No,' was a very disillusioning experience," he writes in the pages of the October 7, 1990 Washington Post.

"We have come to a juncture today when everything about the Japan-U.S. relationship should be reconsidered and redefined," Ishihara said. "The superpowers staked their destinies on the mad rush to develop nuclear arms . . . today we can see that economic strength, not military might, will shape the new high-tech civilization now in its formative period. This historical reality calls for a reexamination, both qualitative and quantitative, of the U.S.-Japan security system.

"Japan has often been criticized by Americans for taking a 'free ride' on U.S. military power," he continued, "but it was the United States, after all, that refused Japan the chance to shoulder its due share of the burden by developing a defense system suitable to its needs." Noting that "the era of ideological confrontation is over," Ishihara called for Japan to do its part for world peace by such means as helping poorer countries toward modernization.

While Kuwait would seem to belie his notion that "economic strength, not military might" will shape the world of the future, Ishihara is right that we are on the verge of a new strategic world environment. But going it alone is not the answer.

"It is in America's national interest to create a Pacific defense cooperation system to which Japan will make a substantial contribution," writes Kan Ito. "Since closer, more integrated military cooperation will restrain Japan-phobia in the United States and myopic nationalism and New Asian expansionism in Japan, it will be clearly in Japan's interest as well. . . . As long as Japan's growing military capability is closely and inexorably anchored to a binational Pacific defense system, the Soviets and other Asians would be assured that the United States and Japan would never again engage in a destabilizing geopolitical rivalry in the area."

Ito may have hit on the answer. Dr. Frankenstein's great crime, said his monster before it lumbered off into oblivion, was that he had created a man, a man without love or friend or soul. He deserved his punishment. And the United States will deserve its punishment as well if it forsakes its friendship with the Japanese Self-Defense Force it took such pains to create.

□ 2100

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, as we prepare for the most significant and potentially most consequential vote of our careers in public service tomorrow morning, let me say that I am proud of this institution, proud of the obvious concern for the consequences that we all have for our authorization which may come tomorrow morning for war. We all pray that war will not be necessary.

We fervently hope that Saddam Hussein will withdraw his bloody claws from his innocent neighbor nation.

However, we have no choice. America's most important message to the world has always been that each nation and each individual has the right to be free from tyranny. Kuwait has been savagely raped. Even today its citizens are being slaughtered by a bloodthirsty neighbor. We have no choice.

We have no choice because our credibility is on the line. If we back down now after holding together the historic world coalition to stop Saddam, neither our allies nor our enemies around the world will ever believe us again.

We have no choice because if we allow naked aggression to succeed, where will it end? Not only can we expect Saddam to continue to run rampant through his part of the world, but other despots worldwide will feel free to gobble up their weak neighbors. The Dark Ages could return to the world with a vengeance. The pattern is being cut right now for the new world order that is succeeding the cold war.

We have no choice because clearly America's vital interests are at stake. Kuwait and the other neighbors of Iraq threatened by Saddam contain the very lifeblood of a civilized world: Oil. If Saddam should be allowed to control that vital lifeblood, the nations of the world and all its people would be subject to this ruthless dictator's demands. That threat is real and so sinister in its implications of our loss of freedom that it is almost incomprehensible.

Though we dread the prospect of war, we have never bowed to despots like Saddam, and I pray we never do. He has thrown down the most arrogant of threats to civilization. He is challenging the whole world. He is the bully who threatens us with baths of blood unless we submit to his whims.

We have no choice, my friends, but to call his bluff. Give him one last chance and then do what has to be done.

I believe there is just one last chance for peace, and that is the U.S. Congress. What we do here tomorrow could very well determine whether our brave young men and women are called up to offer that last full measure of devotion to their country.

Why? Because up until now, President Bush's threats upon Saddam have been interpreted by him as empty, because the Congress is not yet on board, and Saddam believes he can continue the rape of Kuwait unless it appears we are united in our determination to free Kuwait.

Now the time has come to show that unity. If the Congress will back up President Bush's resolve to call Saddam's bluff, I believe he will back down. If he does not, we will have done all that we can do to solve this problem peacefully. The last best chance to avoid this war is to show that we are united and prepared to go to war.

I urge my colleagues that you vote for the Michel-Solarz bipartisan show of unity and resolve.

This is an emotional decision for all of us.

I spent last Tuesday visiting the soldiers of a Kentucky National Guard artillery battalion mostly from my district as they received their final training at Fort Campbell, KY, before shipping out for the battle zone in a few days. These are hometown people. I know them, their parents, their brothers, their sisters. These are hometown merchants, doctors, church brethren, friends, relatives. In fact, I belonged to this very unit of the Guard during my younger years. We visited with each one of the 400-odd members of that group. I am frank to say to you that the vote I cast tomorrow to allow them to be sent into battle is the hardest thing I have been asked to do, but I will do so with dread and extreme reluctance, but without hesitation, because I am convinced that I am offering these young friends of mine the very best chance for avoiding combat.

I am glad that Michel-Solarz is not a formal declaration of war which would, by its somber finality, dictate immediate attack. Instead, it gives us a credible threat of massive force to coerce the bloodthirsty dictator to release his claws from the innocent neighbor. It allows the President further peaceful initiatives until he determines there is no other way but force.

Please, by your vote, show Saddam we are together. Tell him we will use the mighty army surrounding him unless he withdraws. Make your stand for peace. Vote for Michel-Solarz.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, this is the most difficult decision I may ever be called upon to make. I have given it my best. There are merits on both sides in this argument. I agree with those who say the President has moved too quickly to this precipice. He had one policy before the November election and a different one immediately after it. None of us is President and it is not our responsibility to act as if we are. It is our constitutional responsibility to decide whether or not to give the President the authority he has requested to attain a result we all endorse.

The President has narrowed our options to the point where the most important question today, the one the world will focus on is: Does America have a unified position capable of liberating Kuwait and deterring aggression in the Persian Gulf?

Those who oppose giving the President the authority he requests rest their case first on the belief that sanctions will get Saddam Hussein to leave Kuwait and second that the war option will always be available. However, that belief is predicated on the assumption that the domestic, regional, and global situation will remain unchanged following Congress' failure to endorse the U.N. resolution.

That is nonsense. If we do not back the President's request, the following things will happen. First, Saddam Hussein will have the pressure of war taken off his shoulders and will be able to concentrate on a political strategy to beat the sanctions. He can rest his soldiers and pass out medals. Second, the international resolve to stop Saddam Hussein, already weak, as critics correctly suggest, will weaken further.

Iraqis have suffered deprivation before during a protracted war. Does anyone doubt they will be willing to suffer a little now, without the threat of war, to keep Kuwait.

Third, is the issue of American resolve. Let's not kid ourselves, if we are not willing to threaten war now, we will be less willing to do so a year from now. How long can we keep 400,000 men and women in the deserts of Saudi Arabia? Sending our own soldiers a mixed signal is the worst part of Gephardt-Hamilton. And then we would have to face the consequences of removing them without results. Who knows what future mischief this failure of will could generate.

This is not to suggest that there is not great danger on the other side. Yes, I have misgivings. Those who support the President's request implicitly accept Mr. Aspin's analysis that a war will be of short duration and that the casualties will be minimal. Most disturbing of all no one who supports the President's request has any real vision of what America's role will be following the victory.

I am puzzled by the division on the part of those who oppose the President's request. Some say the war option is still available and they will vote for it at some future time if sanctions fail. Others say nothing here is worth fighting for.

The bottom line for me is this: I do not see any possibility of containing Saddam Hussein inside Iraq if we show him and the international community a divided approach. If you don't think it's important enough to take the risks necessary to contain him that's fine, voting for Gephardt-Hamilton is risk free in that regard. But if we do want to contain him, and I do, then we have to take the risks that are required to produce that result.

Just as we should not minimize the risks, we should not ignore the real possibility that Mr. Hussein will reassess his position before the certain destruction of his country.

I have never bought the old cliches that the only way to avoid war is to be willing to wage it or that a big bloody stick is the best weapon in diplomacy or that all power grows out of the barrel of a gun. We have to look at each situation incrementally and select the option best suited to the task of realizing our goals and upholding our values.

In this instance, with the collapse of communism and the emergence of a new superpower relationship, we have an opportunity to participate in the creation of a new world order where the strong do not suppress the weak, and the big do not inhale the small. I cannot let our first act on this new stage be one in which we shrink from our responsibilities because others have not met theirs.

We are deciding much more than whether or not there might be war—we are deciding what the rules will be in the new emerging global order.

□ 2110

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise in opposition to the Solarz-Michel resolution.

Mr. Speaker, I had hoped to serve my political career without ever having to confront the awesome and immediate question of war and peace such as we face here today.

I had also hoped that humanity had reached the level of development that we could find alternative, more rational solutions to such international conflicts.

Strictly enforced international economic sanctions can be that alternative.

When we talk of a new world order in the post-cold-war era, we can find no better example than the universal revulsion and rejection of the brutal Iraqi aggression against its defenseless neighbor, Kuwait.

The quick and decisive action by the United Nations has ensured that Saddam Hussein has gained nothing from his occupation of Kuwait.

On the contrary, each day the international economic sanctions are allowed to work weakens Iraq—economically, diplomatically, and militarily.

Time is on our side in this conflict.

And if we continue to enforce the sanctions, the whole world will continue to be on our side.

But if we choose war at this time, America alone will bear the burden and the pay the costs of that military action.

Let us more strictly enforce the international sanctions.

Let us use the multi-nation military force in the region to impose an airtight naval, air, and land blockade of Iraq.

Let us use our highly capable electronic *intelligence* capabilities and rapid communication facilities to monitor compliance with the sanctions.

Let us punish countries and companies who violate the sanctions by denying them access to our American market.

Mr. Speaker, the Members of this body face no greater question than whether or not to commit American troops to the horrors of combat.

But if we take that momentous decision—let it be with a full understanding of the consequences.

Let us not assume it will be used only as a negotiating tactic.

With our votes, we are authorizing the President to lead this Nation into war.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, there is no issue considered by the House of greater importance than that of war or peace.

As the elected Representatives of the people of the United States, we have the responsibility to debate the grounds on which our Nation should consider military action against another nation. We must also consider whether the chances of achieving our goals through the use of sanctions are so slim that war is the only option left. Ultimately, we must ask: Why the rush to war?

The U.S. Constitution places this weighty obligation on our shoulders.

First, we should consider the singular event that has brought us to this point. On August 2, 1990, the military forces of Iraq invaded the neighboring country of Kuwait.

Since that date, Iraqi troops have waged a brutal campaign of occupation and repression against the Kuwaiti civilian population. The recent Amnesty International report on Iraqi human rights violations offers ample illustration of Iraq's inhumane policy of terror against the citizens of Kuwait.

For several months, the Government of Iraq implemented a despicable policy of hostage taking against foreign nationals. Hundreds of United States citizens were seized by Iraqi security forces, as were the citizens of nations around the world. Saddam Hussein's failure to realize his goals may have led him to release these hostages, but he still bears the guilt for having seized human shields in the first place. We owe him no gratitude.

Iraqi President Saddam Hussein deserves and has received the condemnation of the international community. It is unnecessary to make comparison of Hussein to other dictators, either past or present, to declare unequivocally his personal responsibility for the crimes against international peace and justice committed by his Government.

The United States has been clear in its condemnation of Iraqi aggression. President Bush has spoken forcefully of our Nation's resolve to see that Iraqi occupation of Kuwait does not go unchallenged.

Let me say now that I am in complete agreement with the President and the goals set forth by recent U.N. resolutions: The complete and unconditional withdrawal of Iraqi forces from Kuwait. The U.S. Congress is committed to achieving this objective.

Saddam Hussein should take no comfort from the debate taking place in this chamber. This is not a debate over the goals of United States policy toward Iraq, but it is a debate over the means by which we shall obtain those goals. Whether by sanctions or by war, Iraq will leave Kuwait.

On this point, our Nation has not stood alone. We have been joined by the nations of the world in common effort to end the occupation of Kuwait.

Since August, President Bush has brought together an international coalition united in its determination that Iraq must leave Kuwait. We should commend the President for his leadership in this first crisis of the post-cold-war era.

The Bush administration has marshalled an unprecedented display of global opposition to the continued Iraqi occupation of Kuwait. Acting in concert with the United Nations, the administration has been able to implement a policy of sanctions against Iraq. American troops have been sent to Saudi Arabia, where they have been joined by military units from other countries.

For the first time in several decades, the United Nations has been able to act decisively in response to a clear case of aggression. We should be encouraged by the fact that the United Nations is working to advance the goals which its charter set forth.

When United States military forces were first sent to the Persian Gulf region, it was widely noted that their primary military mission was to deter further aggression by Iraq in the region, to defend Saudi Arabia from attack if deterrence failed, and to enforce the U.N. economic sanctions.

President Bush stated on August 8:

> The mission of our troops is wholly defensive. Hopefully, they will not be needed long. They will not initiate hostilities, but they will defend themselves, the Kingdom of Saudi Arabia and other friends in the Persian Gulf.

As Senator SAM NUNN noted at the beginning of recent hearings on U.S. Persian Gulf policy by the Armed Services Committee of the other body, our military forces are accomplishing their original mission.

Thanks largely to President Bush's leadership, the international community has succeeded in deterring further Iraqi aggression. Hostages have been released. Economic sanctions have been maintained with a surprising degree of unanimity. Most importantly, the world has remained committed to the ultimate goal of complete and unconditional Iraqi withdrawal from Kuwait.

On 12 separate occasions, the U.N. Security Council has passed the resolutions calling for Iraqi withdrawal, and has instituted and reaffirmed repeatedly a policy of strict sanctions against Iraq. The forceful response of the United Nations to Iraqi aggression is testimony to the positive role this agency can play in the post-cold-war world.

In its most recent action, the U.N. Security Council passed Resolution 678, which authorizes member states to "use all necessary means to uphold and implement * * *" previous U.N. resolutions and "* * * to restore international peace and security in the area * * *"

With this resolution, the world's attention has been focused on January 15, as a date of vital importance. The Bush administration has repeatedly notified Iraq that offensive military action against Iraq will become an active option after that date.

So, we are now on the brink of war. For that reason, the Congress of the United States has begun finally to debate specific resolutions dealing with U.S. policy in the Persian Gulf.

Let me state again that I believe there is no question more important for this House to debate than that of war and peace. With nearly 400,000 American men and women stationed in the gulf, we cannot ignore our great responsibility to address this issue.

Currently, there are over 1 million troops facing each other across the border of Kuwait and Saudi Arabia. Along with about 360,000 American troops currently deployed in the region, there are an additional 245,000 Arab and allied troops in place. The Pentagon has estimated that there are more than 540,000 Iraqi troops in Kuwait and southern Iraq.

The risk is great of human suffering and loss of life should war break out in the gulf. This suffering will be inflicted inevitably upon civilian populations as well as armed combatants. It is impossible to predict the number of casualties that may be suffered by American units. For these reasons, if for no others, we must again ask the question: Why the rush to war?

First, January 15 is a sefl-imposed deadline. Even the most recent Security Council statement does not require a move to war on any specific date. The U.N. Security Council resolution calling for Iraqi withdrawal from Kuwait provide for an openended continuation of economic sanctions against the Republic of Iraq. Resolution 678 simply authorizes the use of "all necessary means" if Iraq has not withdrawn from Kuwait "on or before 15 January 1991."

Economic sanctions continue to punish Iraq for its invasion of Kuwait, and constitute one means of enforcing the U.N. resolutions. We must, however, consider whether these sanctions will eventually lead to Iraqi withdrawal from Kuwait.

Central Intelligence Director William Webster has testified on December 4, 1990, that:

> More than 100 countries are supporting the U.N. Resolutions that impose economic sanctions on Iraq. Coupled with the U.S. Government's increased ability to detect and follow up on attempts to circumvent the blockade, the sanctions have all but shut off Iraq's exports and reduced imports to less than 10 percent of their preinvasion level. All sectors of the Iraqi economy are feeling the pinch of sanctions, and many industries have largely shut down. Most importantly, the blockade has eliminated any hope Baghdad had of cashing in on higher prices or its seizure of Kuwaiti oilfields.
>
> Despite mounting disruptions and hardships resulting from sanctions, Saddam apparently believes that he can outlast international resolve to maintain sanctions * * * Our judgement has been, and continues to be, that there is no assurance or guarantee that economic sanctions will compel Saddam to change his policies or lead to internal unrest that would threaten his regime.

Let us acknowledge that there are no guarantees that sanctions will work. Still, should we move to war, it is certain that large numberts of men and women will be wounded and killed. With so many lives on the line, the House must consider at what point we should abandon all hope of achieving the liberation of Kuwait through nonmilitary means.

No nation can afford to stand alone against the world forever. Senator SAM NUNN has noted Iraq's high level of vulnerability to an economic embargo.

> The reason is because 98% of all their earnings come from oil. Fifty percent of their gross national product including everything they produce comes from oil. We have cut off 50 to 60 percent of their gross national product * * * A 10 to 15 percent reduction in gross national product is somewhere between a recession and a depression. When you get up to 20 and 25 percent of GNP reduction you are taking about a depression. Iraq is already twice that and heading toward 75%.

Sanctions have often been chosen as the most desirable means of implementing U.S. foreign policy. Most recently, this Congress gave approval to a range of sanctions against the Republic of South Africa. The United States has maintained a trade embargo against the nation of Cuba for over two decades. Yet, no previous attempt at sanctions compares to the international sanctions currently in place against Iraq.

As Brian Urquhart, U.N. Political Under Secretary for the past 18 years, recently noted: "There have never been sanctions of this complexity or this comprehensive. And Iraq is uniquely vulnerable to sanctions. It has a single economic base and a poor industrial infrastructure."

With persistence, it is reasonable for us to hope that Iraq will eventually find the price of occupying Kuwait to be too high. Continued imposition of these sanctions will also show other potential aggressors around the world that the international community can stand resolutely against such aggression.

The resolution offered by Mr. HAMILTON offers a prudent course of providing time for sanctions to have their ultimate effect. I am prepared to support all reasonable means of enforcing these sanctions. An eventual turn to military offensive action is not ruled out, but this resolution states explicitly that further congressional approval is required before offensive action is initiated.

The time has not yet come for us to provide the President with authority to use "all necessary means" to force Iraqi withdrawal from Kuwait. Such authority would constitute an abdication of congressional responsibility to declare war.

A move to war will inevitably lead to the defeat of Iraq, but at what cost and with what results? Can we reliably say that a United States attack on Iraq will not unleash a terrorist campaign against Americans around the world. Once United States forces have inflicted devastation on the nation of Iraq, how can we hope to restore stability to the region and calm the inflamed passions of the Arab world.

The resolution requested by the President is fatally flawed by its failure to require further congressional approval for offensive military action by U.S. forces. It is unacceptable to simply accept a declaration by the President that "all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions * * * have not been successful in obtaining such compliance."

In effect, such a resolution stands the U.S. Constitution on its head, and transfers Congress' power and responsibility to declare war to the Executive. Congress must not cede such power to any President.

Mr. Speaker, there are no guarantees that sanctions will work, but we owe American troops in the field a willingness to exhibit what President Dwight Eisenhower called "the courage of patience."

Mr. SMITH of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DeFAZIO. Mr. Speaker, this is the second day of many eloquent speeches on the floor, lessons from history, Hitler, Munich, appeasement. We should learn from history. We should not repeat our errors.

It is true that we have encouraged Saddam Hussein through appeasement from April, 1984, when the Reagan administration extended full diplomatic recognition to Iraq, despite its overt support for terrorism, through the attack on the *USS Stark* and the killing of the United States sailors, through the use of poison gas against Iran, against its own people, the Kurds, the administration stood silent and compliant. Even after Hussein massed forces on the border, the administration opposed economic sanctions, sanctions that we adopted briefly in this House because we knew they were diverting our food aid to military purposes.

The administration reversed that vote.

Finally, on July 26, our Ambassador told Saddam Hussein, "We have no opinion on the Arab-Arab conflict."

Only after the invasion did the Bush administration drop appeasement and adopt a firm stand against aggression, and in those 5 short months since we abandoned appeasement and joined in international condemnation and isolation of Iraq, we have had tremendous victories. We stopped the invasion of Saudi Arabia. We have gotten the hostages back. We have continued the flow of oil. We have stopped the flow of high technology and heavy industrial goods to Iraq.

Only one objective remains unmet, to get Iraq to withdraw from Kuwait.

We have adopted a strategy to firmly oppose aggression, economic and political blockade and sanctions unprecedented in the history of the world and it needs a little bit longer to work to get them out of Kuwait.

I quote Mr. Webster, the head of the Central Intelligence Agency:

> The sanctions have all but shut off Iraq's exports and reduced imports to less than 10 percent of their preinvasion level. All sectors of the Iraqi economy are feeling the pinch of sanctions, and many industries have largely shut down. Most importantly, the blockade has eliminated any hope Baghdad had of cashing in on higher oil prices or its seizure of Kuwaiti oilfields.

Is this a prize that he will keep through time, something from which he cannot benefit at all costs? I believe not.

At long last we have put together a long-term winning strategy in the gulf, a strategy that promises a true new world order, hope for peace, hope for stability.

If the administration wants war, then let the President ask for a declaration of war, lest we repeat another mistake of history.

I quote from Senator Wayne Morse on the occasion of the Gulf of Tonkin resolution:

> I believe history will record that we have made a great mistake by subverting and circumventing the Constitution of the United States by means of this resolution. We are in effect giving the President war-making powers in the absence of a declaration of war. I believe that to be a historic mistake.

If we pass the Solarz-Michel resolution, if we pass a declaration of war "cloaked as a dove of peace" then we are repeating the mistakes of history.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The Chair would explain to our guests in the gallery that we are happy to have you, but it is against the rules of the House for any visitor to express any manifestation of either approval or disapproval, and we will ask you to respect the rules of the House.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I thank my colleague, the gentleman from Florida [Mr. MCCOLLUM], for yielding me this time.

Mr. Speaker, I would like to use the few minutes I have to tell you what I would say if I could address my remarks directly to Saddam Hussein.

"President Hussein," I would say, "you, sir, have succeeded, at great cost to your people and the people of your region and particularly of Kuwait, in concentrating the attention of the world on your area and its problems.

"Now, you confront a momentous decision. Will you end this affair violently by precipitating a war that eliminates you as a factor in your region, or will you seize this moment to bring about a world conference to create a new order in your part of the world, by withdrawing from Kuwait.

"Iraqi withdrawal from Kuwait, far from being the end of this affair will lead to a conference of nations to create a new order in the Middle East. That conference must at least address security concerns raised by your own actions, but its goals no doubt will be broader.

"Your choice of peace can lead to a new order in your region.

"President Hussein, the international conference which would follow your withdrawal could secure borders in the Middle East, create a space for the Palestinians, and permit the peoples of the region to advance into a new age of cultural achievement and prosperity.

"And you, sir, rather than being remembered as a marginal and a destructive figure, could be remembered as a man who did terrible things, to be sure, but who led his people to a new and prosperous world.

"I hope and pray, for all our sakes, that you have this vision and the courage to convert the opportunity you have created, at terrible cost, to the good of your people."

Mr. Speaker, That is what I say to Saddam Hussein. If we must force him to withdraw, we will. It is now up to President Hussein to choose. I hope he chooses to give peace a chance, and I urge that we vote for the Solarz-Michel resolution.

Mr. McCOLLUM, Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, it has been only 8 days since I took the oath of office as a freshman Member of Congress. I can't imagine a vote more important than the one that we will cast on Saturday. It will be a vote that we must all live with for the rest of our lives. In this new world order which has been established by the resolve of the Western nations and also the emerging democracies of Eastern Europe, we must strive to maintain peace in the world. It is hoped that this peace can be achieved through diplomatic means, but regretfully there remain in the world those who refuse to acknowledge the right of other nations to maintain their international sovereignty. Our concerns are no longer with communism, but with Third World dictators who find it necessary to encroach upon peaceful nations for their own aggrandizement. The United States should not absolve its responsibility as the most able member of the international coalition and of the United Nations to prevent such naked aggression as Iraq's invasion and destruction of Kuwait.

Under the leadership role that we have assumed, it is necessary for the Congress to unite behind our President as he is the constitutional Head-of-State and Commander in Chief. The Congress has wholly supported the President's attempts to resolve this crisis diplomatically, but we must continue to unite behind the President in order to impress upon Saddam Hussein that the United States is determined in its efforts to achieve world peace.

Iraq's invasion of Kuwait was a prelude to their more heinous acts of plundering a sovereign nation, taking all westerners hostage and persecuting all Kuwaitis who attempted to aid these innocent civilians in their escape. The United States must realize that these actions and Hussein's past record, which includes using chemical weapons against his own people, the continued threat of attack against Israel and the unprovoked attack against the U.S.S. *Stark* in 1987, indicate that he has no interest in establishing peace in the Middle East. These conditions limit the President in his options for forcing Iraq to abandon its military occupation of Kuwait.

Therefore, the Congress must authorize the President to enforce U.N. Security Council Resolution 678. The United States must stand strong and firm in its resolve to oppose the contemptible actions taken by the Iraqis in their brutal occupation of an innocent state. The United Nations stands behind us, the international coalition stands behind us and we cannot shy away from the mantle of leadership that we shoulder. As the beacon of the free world we must be the nation that maintains the stability and peace of this new world order. A little more than a year ago we watched as the walls of tyranny crumbled in Eastern Europe and we were infused with the true hope that we might achieve a lasting peace. I urge you to vote in support of the Michel-Solarz amendment. Peace through strength has worked in the past and provides our best hope for peace in the future.

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Mr. BERMAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentleman from California for yielding to me.

Mr. Speaker, this is probably the most important and difficult vote that any member of Congress will make for years to come. I have been agonizing over this issue for months and particularly during the past few days. I don't make this decision lightly.

Mr. Speaker, peace is always better than war. I hope and pray that during the next few days and even weeks, we can have a diplomatic breakthrough to this crisis. We should leave no stone unturned in the quest for a peaceful and diplomatic solution to the problems in the gulf. I would hope that the January 15 deadline will be a flexible one and that our country will pursue a dialog to keep the door to a peaceful solution open.

I believe in letting sanctions work but I do not realistically believe that sanctions alone will drive Saddam Hussein out of Kuwait. Nor do I believe that driving Saddam out of Kuwait is the end-all and be-all. The world community must address the fact that Saddam Hussein continues to possess chemical and biological weapons and has a potential nuclear capability. He used poisonous gas to murder his own citizens and he certainly would not hesitate to use it against others in the region. We cannot turn our head away from this threat which he poses to our allies in the region—Egypt, Israel, Saudi Arabia and others. If we don't stand up to him now, won't we ultimately have to stand up to a stronger Saddam Hussein down the road? If the Congress does not give the President the ability to show Saddam (Hussein) that we are resolved in stopping his aggression and threats to the region, doesn't this give him pause to think that he can get away with this aggression? As today's Washington Post editorial stated:

> It is a matter of supplying the president with the vote of confidence, the showing of support, to strengthen his hand at the moment when (conceivably this powerful sort of strengthening of his hand) this can influence the calculations of Saddam Hussein and win him over to the withdrawal that is favored by almost everyone in America.

The Post continues:

> It is no longer seriously disputed that Saddam Hussein is a menace to regional peace and global order and had best be reined in sooner so that he does not become an even greater menace later.* * * Can there be any question as to how Saddam Hussein would read a congressional vote that denied President Bush the authority he seeks to use in conformity with international mandate and national policy alike? Does anyone think he would not take heart from such a vote?

Mr. Speaker, Saddam Hussein has repeatedly rebuffed attempts at a diplomatic solution. I am disheartened upon hearing his comments today that he will not leave Kuwait unless there is some linkage to the Palestinian question. This Congress, this Congressman, the administration and our President have repeatedly stated that there cannot and should not be any linkage between Saddam Hussein's brutal invasion of Kuwait and the Palestinian question. They are two separate issues and must be addressed individually and totally apart from one another. Saddam Hussein did not invade Kuwait to help the Palestinians. He invaded Kuwait because he is a brutal and dangerous aggressor. His attempt to link his aggression to the Palestinian cause is a callous maneuver that must not be rewarded.

Mr. Speaker, again I repeat that peace is always preferable to war, but a peace by appeasing an aggressor will lead to even greater consequences later on. Who can ever forget the 1938 meeting of appeasement between Neville Chamberlain and Hitler when Chamberlain waved the white paper and said he had achieved peace in our time. We cannot make this mistake again.

Mr. Speaker, I was a loud and vocal opponent of the Vietnam war. I don't believe we can be the policemen of the world, but this is no Vietnam. Saddam Hussein possesses biological, chemical, and nuclear capability and is a threat to us, unlike Vietnam. This does represent a direct threat to our vital interests, a threat to our economy, a threat to stability, and a threat to our friends in the region. If Saddam feels that we do not have the resolve to see this through, if we come up with a policy of pretending that sanctions alone will work, we will find that 4, 8, 10, 12 months from now, we will be back here debating the same issue. The difference will then be that Saddam will be bolder, stronger, more intransigent than ever. He will then constitute an even greater threat, with even greater implications for us and the world. Moreover, we can't wait a long time. Our troops cannot stay in the desert for lengthy periods without rotation, a lessening of morale and the potentiality of the allied coalition breaking up.

In conclusion, Mr. Speaker, I believe that while diplomacy should continue to go on, this is a time to strengthen the President's hand, not weaken it. By giving the President the authority he requests, it sends a strong message to Saddam Hussein, and can materially improve our chances of achieving peace. I support the Solarz-Michel resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in support of the Gephardt-Hamilton resolution.

Mr. Speaker, I have served in the U.S. Congress 14 years this month. This is the first time I have had to take a stand and vote whether to send my fellow Americans into combat. It is a daunting and humbling responsibility.

When all is said and done leading up to the so-called diplomatic deadline on January 15, the decision to be made in mid-Janaury, 1991 is whether now is the time to order thousands of our Nation's courageous men and women to likely death in order to drive Iraqi troops out of Kuwait.

I am mindful that scores of young Americans have already died while on duty in Operation Desert Shield, helping to successfully defend Saudi Arabia against further Iraqi aggression and hastening the safe release of thousands of innocent Western civilians who were held hostage by the Government of Iraq. Two of the principal goals set out by President Bush to justify dispatching U.S. forces to Saudi Arabia last August have already been achieved.

Why then should the Congress now give a green light and authorize U.S. troops to go on the offensive against Iraq?

President Bush and Secretary of State Baker have shifted ground and cited several different reasons for why military force may be the only course of action for dealing with Saddam Hussein and his military machine. Only two reasons carry much weight with me.

First, it is claimed that the Iraqi regime wants to secure a stranglehold on the oil in the Middle East. The United States imports 50 percent of the oil we now consume, substantial quantities from Middle East supplies. Therefore, it is deemed a vital U.S. economic interest that we sustain continued Western access to Middle East oil.

This is a shaky justification to go to war at this juncture.

There is no shortage of oil in the world market at present and none is expected for the foreseeable future. Yes, Iraqi and Kuwait oil exports have been cut off, but Saudi Arabia and other oil-exporting nations have increased production to make up for any shortfall.

Futhermore, Japan and Western Europe are far more dependent upon oil from the Persian Gulf than the United States. Why aren't those nations pressing for a military solution to the crisis sooner rather than later? More to the point, why aren't those nations more willing to put their young people's lives on the line and shoulder much more fairly the military and economic burdens associated with rolling back the Iraqi threat to stable supplies of Persian Gulf oil?

The obvious answer is that President Bush and Secretary Baker have rushed in and volunteered our troops for that mission. There are now approximately 37,000 British and French troops in the region compared with 430,000 American troops. Not one Japanese or German soldier is at risk at this moment if war breaks out.

Second, we are told by President Bush that Iraq must not be allowed to profit from its naked aggression against Kuwait. Otherwise, a dangerous precedent will have been set in the post-cold-war era that will tempt other tyrants to use armed aggression as an instrument of national policy. Glib analogies to Munich events and the Nazi threat of 50 years ago aside, I agree with the premise.

More importantly, the international community recognizes the danger and has taken multilateral action to avoid such a precedent. Iraq is the target of sweeping, unprecedented multilateral economic sanctions. It loses $70 million a day in oil revenue alone because of the worldwide trade embargo. The occupied Kuwaiti ports are worthless.

There simply is no danger that Iraq will go unpunished for its wanton assault on Kuwait. For that reason, there is no compelling reason to resort to military force now without giving the sanctions ample time to work and without exhausting all diplomatic leads to convince Iraq to withdraw from Kuwait.

As this crisis has unfolded, President Bush has skillfully mobilized solid international support in the Saudi desert and at the United Nations to contain and to roll back Saddam Hussein's military aggression. A very positive precedent will have been set for a better world order in the future if the multilateral economic sanctions against Iraq are given sufficient time to take full effect and if they prove instrumental in compelling Iraq to leave Kuwait. That's a precedent worth setting. Certainly, in a world with many festering regional conflicts, this Congress ought not set a precedent of supporting the rapid deployment of U.S. troops as the principal means for the international community to police the world's trouble spots. Such a precedent could not be sustained.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution. Mr. Speaker, we are not going to know whether or not the sanctions work if we do not give them a chance. If we try the sanctions, then we always have the option of war.

Mr. Speaker, in a widely discussed and praised document, former Reagan administration Secretary of Defense Casper Weinberger suggested several tests he said should be passed before going to war.

"First," he said, "The United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies."

Secretary Weinberger's fourth test, among other things, requires that "We must continously keep, as a beacon light before us, the basic question: Is this conflict in our national interest?"

His sixth test says, "Finally, the commitment of U.S. forces to combat should be a last resort."

Secretary Weinberger offered several other important thoughts and tests, including the entire document at the end of this statement, and concluded by saying that his tests "are intended to sound a note of caution—caution that we must observe prior to commiting our troops."

Mr. Speaker, Secretary Weinberger's tests are very pertinent to our debate today. The questions before us are these:

Is it vital—essential—to our national interest to get Iraq out of Kuwait now, within a few days or weeks, rather than later?

Is it worth the costs in human life and suffering, in economic consequences, in likely disruption of oil supplies, in higher oil prices during a time of recession, in the destabilization of the entire Middle East region, and the long-term consequences of war and chaos which are undisputable.

Mr. Speaker, I agree that Saddam Hussein has to be stoped—that it was, and is, vital to our national interest that he be stopped. Saddam has been responsible for the deaths of hundreds of thousands of people, has invaded two countries, has used chemical weapons against his own people. We could not let him control that 65 percent of the world's known oil reserves which are there in the Middle East.

It was and continues to be our vital national interest to stop and contain Saddam Hussein. And unlike the situation in the 1930's with Hitler, who was appeased, Saddam has been stopped.

Under the excellent leadership of President Bush and Secretaries Baker and Cheney, our policy has succeeded. Saddam has been kept out of Saudi Arabia, and although he is still in Kuwait, he is not benefiting from it. Our hostages have been released. Our policy of economic sanctions and embargo backed up by force has been effective.

Now the question is: Is it vital to our national interest to get him out of Kuwait, now, rather than later. I'm not disagreeing with the propositions, that Saddam must leave Kuwait and must not benefit from his brutal aggression. Saddam must leave Kuwait. We all agree on that. The question is one of timing.

I don't think it is vital to our national interest to get Iraq out of Kuwait within a few days or weeks. And yet I think anyone supporting the administration-Solarz approach must believe that it is vital. Either that or they must think that it is a good idea to go to war for reasons less than vital to us.

Mr. Speaker, if it is vital to our national interest to keep countries from invading each other, then why did we not go to war with China over Burma or the Soviet Union over Czechoslovakia?

Of course, no one is arguing for these kinds of actions because, although we deplore these takeovers, it is not in our vital interest to go to war with China or the Soviet Union.

The fact is that it is not necessary, not vital to get Iraq out of Kuwait quickly. We have to get Iraq out of Kuwait, but we should do it in the most intelligent, humane, economical way possible, and in the way that is most consistent with our own long-term interests.

Will the economic sanctions, backed up by force, be successful? And will the coalition enforcing them stay together?

Honestly, I'm not sure, although the evidence available to us suggests they will be. The sanctions are working beautifully so far. Saddam has been stopped from going into Saudi Arabia. He is not benefiting from his occupation of Kuwait. Iraq's economy and war-making capability are deteriorating daily.

Our country, along with our NATO allies, has had the staying power to contain the Soviet Union for 45 years and virtually alone, North Korea for 40 years. We have proved that we have staying power and can work for long-term goals.

Mr. Speaker, I think the real question is: Will the coalition dedicated to stopping Saddam stay together if war begins? Do we really think Arabs will stick with us and kill other Arabs, especially if Saddam carries through on his promise to attack Israel? What evidence would allow us to assume that?

Our colleague, Senator FRITZ HOLLINGS, has speculated on what the Arab response might to be a sudden, massive violent attack by the United States on Iraq. Senator HOLLINGS said:

> Such a wholesale slaughter of brother Arabs by infidels could quickly break up the hollow coalition of Western and Arab States arrayed against Saddam. Arab public opinion would be united in revulsion and outrage. Every Arab terrorist, every fundamentalist mullah, every anti-American zealot, would take heart. Instead of a new world order, we will create a new world disorder. This is what Admiral Crowe had in mind when he warned that by winning, the United States could lose.

There is no solid evidence, Mr. speaker, that economic sanctions will work, but neither is there evidence that continued cooperative military action will succeed. Since we don't know for sure about either course, we pursue the most humane, most economical, least disruptive course of action first? Shouldn't war be the last, rather than an early option?

Oh, sure, we can save Kuwait by destroying it. But Saddam was perfectly willing to sacrifice hundreds of thousands of people over the last several years during war against Iran. Don't you think that 40,000 or so Iraqi troops in Kuwait will fight? Won't American troops have to fight door-to-door to rout 400,000-plus Iraqi troops? And with the deaths and maiming of tens of thousands of civilians, do you think our coalition will hold together?

In addition to the war's cost in lives, there would be the cost in dollars. It now is costing an estimated $2.5 billion a month, $30 billion year, to maintain our troops in the Persian Gulf region. But the costs of war would be many times as great. At a time when we're running $300 billion annual budget deficits, is it really in our vital national interest to spend and borrow another hundred billion dollars or so, especially if we can achieve our objective in the gulf region another way?

And interestingly, Mr. Speaker, not one speaker I've heard during this entire debate has argued that getting Iraq out of Kuwait immediately is vital.

Going to war at this time would not be in our national interest, certainly not vital, and would be contrary to our values. War should be our last option, not the first.

As Winston Churchill once said "jaw, jaw, jaw, (talk, talk, talk) is always better than war, war, war" and as General H. Norman Schwarzkopf, Commander of U.S. Forces in the Persian Gulf, said in late November, "If the alternative to dying is sitting out in the sun for another summer, that's not a bad alternative."

Mr. Speaker, we should exercise what has been called the "nobility of patience" instead of rushing to war.

STATEMENT BY SECRETARY OF DEFENSE CASPAR WEINBERGER

(1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

(2) Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces sized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the holocaust of World War II.

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

(4) Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "Is this conflict in our national interest?" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we must win. If the answers are "no", then we should not be in combat.

(5) Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.

(6) Finally, the commitment of U.S. forces to combat should be a last resort. I believe that these tests can be helpful in deciding whether or not we should commit our troops to combat in the months and years ahead. The point we must all keep uppermost in our minds is that if we ever decide to commit forces to combat, we must support those forces to the fullest extent of our national will for as long as it takes to win. So we must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens. And those objectives must be vital to our survival as a free nation and to the fulfillment of our responsibilities as a world power. We must also be farsighted enough to sense when immediate and strong reactions to apparently small events can prevent lionlike responses that may be required later. We must never forget those isolationists in Europe who shrugged that "Danzig is not worth a war", and "Why should we fight to keep the Rhineland demilitarized?"

These tests I have just mentioned have been phrased negatively for a purpose—they are intended to sound a note of caution—caution that we must observe.

Mr. SMITH of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Speaker, my colleagues, there is no doubt there is overwhelming support in this Nation and in this Congress for the goals that the President has laid out. There is no doubt in my mind that when history is written, it will show that those goals in fact were achieved.

What this debate is all about is how do we achieve them? That is what the choices are really.

As an engineer, let me examine the problem that we face as a nation and what we are facing in terms of votes.

Certainly under the present course, which is sanctions plus implied force, we have been very successful. So far we have been able to defend Saudi Arabia, we freed the hostages, we stabilized the oil supply.

However, we have not yet been able to free Kuwait and we have not been able to prevent Iraq from developing a nuclear capability.

Those are the concerns that the President has laid out for us.

So let us look at the options we face when we vote tomorrow.

Certainly under the Solarz proposal, which calls for authorizing force, there are two possibilities. Let us assume that in fact we pass that resolution and Hussein blinks. Great.

Kuwait is freed; we are delighted.

But the nuclear problem goes unsolved. That is a problem.

There is no loss of life, wonderful. If Hussein does not blink, then the President will most likely go to war.

The result will be we will win, there is no question about that. We can outproduce them, we can beat them. Kuwait will be freed.

The nuclear problem will be solved, but the loss of life is potentially very large.

Now let us look at the Hamilton side of things, which continues the sanctions with implied force.

☐ 2130

Under that program Hussein could well be deposed. If that happens, Kuwait is freed, and the nuclear problem is solved, no loss of life. If in fact sanctions do not work, or the alliance falls apart, we still have the opportunity to use military force and go this path.

Clearly to achieve the goals that the President said we must achieve, which are to get Iraq out of Kuwait and to eliminate any potential nuclear capability for Iraq, Hussein must go. There are only two ways for him to go. War or being overthrown.

Now the problem that I have with the Solarz approach is that it virtually guarantees war, and let me tell my colleagues why. Certainly the Solarz approach, as everyone has said, will potentially get Iraq out of Kuwait. There is no argument. That may work. But it does not solve the nuclear problem. The only way to really solve that is to get Hussein out of Iraq, and we cannot do that under Solarz. So, under Solarz, essentially the nuclear concern gets unanswered, and war is inevitable to stop them from dropping nuclear weapons.

Now, on the other hand, sanctions. No one in this Chamber can guarantee that sanctions will fail or will succeed. There are no guarantees in life. I say, "You pay your money, you take your chance. No one can guarantee it."

But sanctions can disrupt their economy and can disrupt their military capability. Sanctions could cause the overthrow with no loss of life. With patience we can have it all. We can get Iraq out of Kuwait, we can prevent nuclear capability.

Time is on our side. What is the hurry?

Remember World War II? We did not capture every island in the Pacific. We bypassed them, we isolated them, and we went back later and cleaned them up.

We can isolate, and that is what we do with the sanctions. If sanctions fail, we still have the military option.

So, please support Hamilton. Do not use those body bags. Let us have the courage to be patient. We waited out Russia for 45 years. Surely we can wait out this two-bit dictator for a couple of years, if necessary.

Have the courage.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, history has duly recorded British Prime Minister Chamberlain reportedly achieving "peace in our time" by appeasing Hitler. We are all too familiar with the horrors of World War II which followed this naive statement.

In defense of Chamberlain, the world had never seen a madman equipped with the modern weapons of war. We have no such excuse. History has clearly shown us the dangers of giving in to this type of aggression.

That is what makes this such a difficult question. Do we go in now and eliminate the threat or do we pull back and risk the possibility of Iraqi actions which could threaten the lives of millions?

Yesterday I returned form visiting our troops in Saudi Arabia. Since returning I have been calling the loved ones of service men and women I met to pass along messages. To share in this experience is truly humbling and terrifying.

Despite the feelings of pride I felt it is frightening to know that these very same individuals will be under fire in the event of hostilities. None of us want to place these young men and women in jeopardy.

That is the paradox we face today. By threatening war do we avoid war? And by supposedly striving for peace do we actually bring our Nation closer to war?

In addition, what is the effect of our statements? I will tell you one effect. The inappropriate comment by one of the leaders of this House that left the impression that Congress cut funding to our troops was more damaging to our troop morale than any enemy propaganda.

This one callous statement weighed as heavily on the minds of the soldiers I met than the prospect of battle. It disgusted me to witness this unfortunate result of playing petty politics with the lives of our soldiers.

This is the concern of the soldiers and families I have spoken with. They are rightly worried that Congress will pull the rug from under them.

In my view the Gephardt resolution is not only misguided but unrealistic.

Here is a realistic scenario in the event of hostilities. Within minutes Hussein will be firing missiles from Iraq into our lines. In order to save thousands of American lives these missile bases will have to be destroyed.

Is this offensive action? Are we to tell our field commander to wait until this Congress can convene, draft a resolution, debate it, and give its authorization?

By then it will be too late for thousands of our soldiers whom we are supposedly trying to save.

As I spoke with our soldiers in Saudi Arabia one sentiment became clear. Let us do our job or send us home.

When I expressed surprise at the high level of morale among our troops the answer was always the same. They said they could now see the light at the end of the tunnel and knew they were not going to be left sitting in the desert month after month while politicians and diplomats play their games and our vital equipment fries in the desert.

Finally, let me remind my colleagues that supporting the President does not mean a declaration of war for January 15.

The votes on this issue transcend politics. This is an issue of conscience. None of us want war, especially those of us who have experienced it. Sometimes, however, a military threat is the only avenue toward peace.

We must learn from history. There is no appeasing a madman. History has condemned Chamberlain for appeasing Hitler. That is not the legacy I want to leave behind. Support the Michael-Solarz resolution. Support the President. Support our troops.

To paraphrase Secretary of State Baker "We must not confuse appeasement with diplomacy."

Mr. Speaker, you and I must vote tomorrow. Please dig down deep in your heart and conscience. Do what you believe is in the best interest of our service men and women. This vote is most likely the most difficult one we will ever cast. The Michel-Solarz resolution in my judgment is the only vote.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise in strong opposition to the Solarz-Michel resolution which would authorize the President to enter into a war.

Mr. Speaker, the repeated and continuous debate and reasons given for our immediate military action in the Middle East seems to cloud the real issues of our involvement.

The Presidential, Solarz-Michel resolution is a declaration of war. Every Member who votes for it signifies his or her support for that war.

As a patriotic American, who has served in the military and for 45 years been an active member of various veterans organizations, it is my firm belief that we should only declare war when our country's security is at risk.

No one has addressed that issue. Let's examine the facts. Iraq is governed by a dictator who has been ruthless in his rule. Kuwait is a kingdom governed by a single person who bestows the benefits to members of his royal family.

Our country has had economic relations with both countries but have not been politically close to either. Americans may not own land or minerals in Kuwait or any country in the Middle East. Neither nation resembles in any way our democracy.

Our Ambassadors appointed by President Bush told both nations last July that the United States has no interest vital or otherwise in the dispute between these two kingdoms. Now President Bush and many Members of Congress want to conduct a costly war to settle their differences. Yes, we acted correctly in joining the U.N. resolution of condemnation and economic sanctions against Iraq—we acted wisely in committing sufficient forces to stem further aggression. As other nations supplied troops we should have gradually withdrawn some of our troops to make this a truly U.N. action, instead President Bush has continued the largest single military buildup in our history at a great financial loss to our Nation.

Are we to involve ourselves in every injustice or attack every nation controlled by a despot or possessing weapons we deem offensive? Of course not or we would already be at war with three-fourths of the nations in this world. Why then do we deem this to be so important that we will condemn thousands of young Americans to death and burden those who survive with an unbearable debt.

Yes, this war will cost American lives and a financial cost far exceeding our ability or willingness to pay. But that is not mentioned in this debate.

Whether the U.N. coalition survives with or without a war is immaterial.

We will never know if the sanctions or negotiations will work.

When our President set a deadline for sanctions and negotiations he created the crisis and dilemma we are in today.

To delay military action is not withdrawing our commitment to Saudi Arabia, another kingdom, or to the United Nations who have at times been unkind to our country. It instead advises the President that we value the lives of our young people more than the kings, emirs, and dictators of the world value theirs.

Before President Bush secured permission from those other nations to set a deadline he should have consulted with the American people and their elected Congress. The fact that he did not is his responsibility and mistake now, he and many of you argue it is too late we cannot take a step back from that line in the sand. Mr. President and my colleagues, it's not your life or your fortune to be laid on the line.

To those of you who espouse war as the only course to take, join my proposal to allow the President, Vice President, Cabinet and every Member of Congress to volunteer for combat military duty regardless of your age. Those who are so willing to have war then could not be denied the opportunity of fighting for their beliefs.

The President's resolution should also contain a tax provision to be levied now on the people we are here to serve. If that war is worth it to you then provide for its payment now not give the bill to your children and grandchildren.

Why did not the sponsors or leaders of this body insist that the President provide us with the true cost and include it in this resolution? For I know that most of you who will vote for it today will not be willing to pay for it next year, when the bill comes due.

If we have a war we will win and when its over be prepared to then tax your constituents with the tremendous costs of rebuilding what we destroyed. That has been our humanitarian trait following every conflict we win.

We provide the tax dollars to rebuild the vanquished infrastructure, schools, housing, factories, transportation, and all else.

As we have done and are doing even today in Grenada and Panama.

When we rebuild those nations they will still be kingdoms not democracies.

And we will continue to buy their oil even at a greater price than we pay now.

The facts on the bottom line will be a loss of many young Americans, billions of American tax dollars and we will have purchased nothing but fewer friends in a region that has been plagued for 5,000 years of religion and ethnic warfare.

What makes us think that we can change a region that has thwarted the military might of Persia-Rome, Greece, Genghis Khan, the Ottoman Empire, and many others.

No armed might can create Utopia. Let the United Nation participate equally in the sanctions and share the load. There will be no Japanese, Korean, Taiwanese, Chinese, Indian, Pakistani, European, Russian or any other total commitment to this conflict. They will not suffer the loss, but will reap the benefits.

Let us dismiss the arguments that we cannot back down or that the United Nation has authorized us to go to war.

There are far greater reasons not to fight this war at this time.

In closing however, I will say that if the House and Senate give the President the authority he now requests then I and all Americans must then unite and provide the resources and strength to bring the conflict to a rapid and successful conclusion.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I rise in support of the Hamilton-Gephardt amendment.

Forty years ago I was on the Yalu River in North Korea. I was a sergeant in the 2d Infantry Division. We had driven the enemy from southern Korea all the way past the 38th parallel. Then it reached a point that the Congress and the President was going to decide whether or not the 8th Army and the 2d Infantry Division should move across the Yalu River. The political decision in Washington was whether or not the 8th Army should move across the Yalu River in order to invade Manchuria and go after the Communists who were there.

Mr. Speaker, I wondered those nights in Korea whether or not the Congress was paying as much attention then as apparently they are not paying today as we find all of the political courage in the world to submit somebody else's children into combat. When I think of the close to 40,000 Americans that died in Korea, the tens of thousands captured by the Communists and those that were left maimed and wounded for life, and we go back today to try to pick up the pieces for the courageous Congress that supported their battle against communism, and we find them in homeless shelters and in the streets forgotten, and even difficult to find a memorial for them; if my colleagues see what happened after Korea, they go the Grenada, they go to Panama, they go to Vietnam, and we still find a courageous Congress supporting the fighting men, and yet no matter how much our life depends on it, we cannot think of the reason why we were so courageous in sending them there.

□ 2140

There are only three reasons why we would think about allowing President Bush to send our dedicated men and women to Saudi Arabia and from Saudi Arabia to Kuwait and from Kuwait into Iraq, and that is oil, oil, and more oil.

It seems to me that one thing we should have on our record for all our veterans is that we cared enough about them to give peace a chance. January 15 is not only an ultimatum for Saddam Hussein, it also happens to be the birthday of the late Dr. Martin Luther King, someone who said that he was the prince of peace, someone who thought the world should be remembered for what it did for peaceful resolutions of problems rather than dedicating itself to war.

I hope that when we make our decision tomorrow, Members will think in terms of the other people's children and loved ones. It is no profile in courage for us to say we are going to fight to the last drop of blood as long as it is someone else's blood. It takes courage for us to say that we will support the President when he is right and we will not support him when he is wrong, and asking us to send people into combat without giving the sanctions an opportunity to work is not only unfair and unequitable, but it is not the right and moral thing to do. So tomorrow is the date that I think should be for all veterans, when we can say that we may not have had an opportunity to vote on the lives of those people who were lost before, but our Constitution has given us the opportunity to evaluate the situation today. And for God's sake, I can say to each and every one of the Members, "If you want to be courageous, leave the Congress and get out there and enlist, but don't be courageous at the expense of those people in the Reserves who have been called up around the country. Don't be courageous at the expense of the soldiers and marines who are there to defend our country." If they are going to fight for us, let us make certain it is not over the oil fields that are there in Saudi Arabia.

There is one thing that is abundantly clear: When you want to find out who the enemy is, you make certain that those people they are soldiering with are going to stick with you. And I can tell the Members there is no one in these Halls of Congress that trusts our allies that allegedly are supposed to fight with American men and women over there in the Middle East. I say, "You didn't trust them last month or last year, and you don't trust them now."

Mr. Speaker, I say that if we are going to have our boys and girls fighting, the least we can do is to know who they are fighting with. If we think the coalition is going to fall apart because the sanctions will not work, then, my God, if it falls apart in peacetime, then they will cut and run in war time.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, like every Member of this House and like President Bush, I desperately hope that we will be able to avoid war in the Persian Gulf. It is for that reason that I rise in strong support of the bipartisan package which is being offered here. And I would like to stress the fact that it is bipartisan.

Clearly, Mr. Speaker, this is not a Democrat-versus-Republican issue. We as a House are standing together in a bipartisan way to address this very important issue, and that once again underscores the fact that we can have a bipartisan foreign policy again.

There are many people, Mr. Speaker, who have argued that diplomacy has not worked, and that we should be going further than we have.

Mr. Speaker, nothing could be further from the truth. After all, the Soviet Union, the Jordanians, the Arab League, Secretary Baker, Jesse Jackson, Mohammed Ali, and in fact maybe even Bart Simpson have tried the diplomatic route to deal with this situation. Obviously it has not worked.

There are some, Mr. Speaker, who like to claim that sanctions are working. Well, we have heard the news about the devastation in the Soviet Union, and I think it is important for us to recognize that in Charles Krauthammer's column in the Washington Post this week he said:

> It is vitally hard to take sanctions seriously when both the Associated Press and the Post report from Baghdad that 1,000 Soviet nationals in Iraq have decided to stay rather than return home to conditions in the Soviet Union. A thousand people with first-hand experience with the Baghdad A&P choose life in a war zone under total international sanctions over life in Moscow.

Those are some sanctions. It is very clear that we must send a solid, united voice from President Bush and the U.S. Congress to this reprehensible man, Saddam Hussein. It is very clear that it should be done in a bipartisan way.

Mr. Speaker, I cannot help but think of Abraham Lincoln's quote 126 years ago when he said: "The struggle of today is not altogether for today. It is for a vast future also."

Mr. ANDREWS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. THOMAS].

Mr. THOMAS of Georgia. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

Mr. Speaker, I truly believe that we here in this body this afternoon are involved in perhaps what is the most important episode, certainly one of the latest, in the current drama of the Mideast crisis, and I have no doubt in my mind that Saddam Hussein is watching. He is aware of the U.N. resolution. It has been around for some time. He is aware of the almost unanimous condemnation of the entire free world for what he has done.

He has seen the forces that are arrayed against him. He has heard from our President, and now he is waiting for that one last final signal. He will see our actions as a result of the

American people reflected in the decisions of our Congress.

Our responsibility in mirroring the resolve and intent of the people we represent is shown on especially and profoundly important issues like those of war and peace. Those that come in what is the quietest and calmest hours of our deliberations, we believe to be the truth.

Mr. Speaker, I say to my friends that the truth is that in Saddam Hussein we are dealing with what is unquestionably a dangerous, a powerful, a ruthless, and a merciless, ambitious dictator who poses perhaps the greatest threat to world peace that exists on the planet's face today.

We know this man, we know his intent, and the world knows it. Why should we think for 1 minute that after dragging his people through 8 years of the horrors of a war with Iran, he would think of yielding to sanctions? He has built his might and his power on the poverty and the depravity of his people and the dead bodies of anyone who opposed even the slightest question to his ruthless ambitions. This man will not quit until he is stopped.

There is no escaping this commitment of ours. If our true suit, as it has always been, is a quest for peace and for what is right, we will have to deal with him, this evil and ambitious man, now or later, and I think we all know it.

There is but one way to reduce the commitment we will inevitably have to make, and that is to do it now and not later. The passage of the Solarz-Michel resolution is the last best hope for us. It is the last clear signal of our intent, and my prayer is that it will work.

□ 2150

This last clear signal is that America's might and America's resolve stands united for what is right and united against what is clearly wrong. The passage of the Solarz resolution is the last clear signal that we can send, and we should send it now.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I rise in strong support of the Hamilton-Gephardt resolution.

This resolution addresses two fundamental issues, both of serious magnitude.

The first fundamental issue relates to the makeup of our society—why we are, what we are as Americans. We Americans take great pride in our citizenship—we believe we live in the greatest democracy ever known to mankind and we are right. We love not only our own people, but the people of the world and we wish for the global community the same values and freedom which we hold dear. Many generations of Americans who came before us take credit for our democracy—our freedom. But there is one generation that gave us the foundation of every value we cherish—they were the crafters of our Constitution. Alexander Hamilton, Roger Sherman of Connecticut, George Mason of Virginia, John Jay. The essays, the Federalist papers, explained the new Federal Government and the document by which we are guided. These essays are instructive. Our forefathers explained the debate concerning what body could be "trusted," as Madison put it, to declare war.

Thus, in particular regarding the question of who posseses the power to declare war, the Federalist paper No. 69, written by Hamilton, remains the single most authoritative source which established Congress' sole right to declare war.

In Federalist No. 69, Hamilton writes:

> The President is to be the "Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States" * * * in this respect, his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces * * * While that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the constitution under consideration, would appertain to the legislature.

If there was one tenet of government, one principle on which our Founding Fathers were almost all agreed, it was that Congress alone should possess the awesome power to commit this country to war. Thomas Jefferson himself strongly believed that reserving the power to declare war to the Congress would act as an "effectual check on the dog of war." James Madison—the "Father of the Constitution"—wrote that "in no part of the Constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not the executive department."

In the Solarz-Michel resolution, Congress abdicates its constitutional authority and defies the very principle that our Founding Fathers believed was most sacred and substantive. It is not a sign of weakness or subordination to the world or Saddam Hussein that Congress reasserts its constitutional authority—this principle separates our country as a democracy from Iraq, China, and indeed the Soviet Union. For that very reason alone we should support Hamilton-Gephardt and not Solarz-Michel.

But there is another more immediate issue at hand—should war with Iraq, which I believe will ultimately be a world war, be our first option or our last option.

Let there be no mistake—all Americans are in total agreement that Saddam's naked aggression of Kuwait was evil and unjustified. Saddam and his troops must leave Kuwait and Kuwait's sovereignty as a nation restored.

Therefore the second point we are debating is the means to that end. What are the means then in the Hamilton resolution versus the means in the Solarz resolution?

The Hamilton Resolution calls for continuing application of international sanctions; the Solarz resolution gives the President alone blind power to use force.

The international sanctions are working. According to recent reports from the CIA, the economic sanctions have cut off 97 percent of Iraq's exports and 90 percent of its imports.

How long do we wait for these sanctions to work?

According to the CIA, at the current rate of depletion, Iraq will nearly exhaust its available foreign exchange reserves by next spring. Of its imports:

Industry has been hardest hit so far: Many firms are finding it difficult to cope with the departure of foreign workers and the cutoff of industrial imports such as spare parts for machinery and transportation. These totaled nearly 50 percent of Iraq's total imports prior to the invasion.

Iraq's financial resources have been badly damaged by the imposition and success of sanctions. The embargo has deprived Baghdad of roughly $1.5 billion of foreign exchange earnings monthly. The CIA says that a lack of foreign exchange will, in time, be Iraq's greatest economic hardship. Iraq will soon be bankrupt!

In addition. United States economic sanctions against Iraq: the United States has:

First frozen Iraqi assets;

Second, boycotted Iraqi exports;

Third, embargoes all trade with Iraq;

Fourth, interrupted Iraqi transportation and communication links; and

Fifth, restricted loans and credits from international financial institutions.

So why this Presidential march to war, and what is that price not only to the global community—but most importantly to the citizens of our own country, the American people. I believe the President is marching to war to hide the failure of his domestic policy. As we speak, we have 50 percent dependence on foreign oil, from 20 percent a decade ago. Since 1987, the President has not articulated a national energy policy in direct violation of the Energy Organization Act of 1977 which requires the President to develop and transmit a national energy policy to Congress. With all the untapped, invaluable resources in the country: centuries of unmined coal, shale oil, solar energy, synthetic fuel, unexcavated oil, why are we investing in other countries with our taxpayer's dollars and not our own country for the sake of the future of our people? We must ask a basic question: Is it in our people's interest—the American people's interest—to go to war at this time. I believe the answer is "No"! The cost of our participation—more than $2 billion a month—has led us into a recession which has seen a loss of almost a million jobs in the last 5 months.

Americans are being asked to pick up the tab for essentially the rest of the world. Neither Japan, England, Germany, France, the Soviet Union, et cetera collectively are giving what the American people have given at a time when our people lack the means to education, to health care, and to full employment.

And what of the sacrifice of American lives. I visited many of the American troops which are now almost one-half million strong. These young people are among our best and brightest Americans. They are loyal and patriotic. And whose children and loved ones will be killed if there is a war?

H. Ross Perout, conservative, super patriot, graduate of the Naval Academy, business genius, stated that he addressed 15,000 CEO's since August—few had children serving in the Gulf and most favored war. In Congress, two have sons serving. So the troops who are serving in the Gulf are sons and daughters of the workers of this country. Once again, it will be the middle- and moderate-income people who will pay with their loved one's lives.

Why is this America against Iraq and not the world against Iraq—the manpower—the loss of lives—our young men and women will be essentially American. Can we afford to drain our country of its most valuable resource: Its youth? Can we afford the estimated thousands of American lives lost when are goals are confused? And can we afford to destroy ourselves internally, as surely will be the case, with the loss of American lives? I believe the division in this country will be as insidious as the war itself. I believe our country is at a crossroads of enormous consequences. Our destiny as a nation is what we are debating today. It is time we said in this Congress America first. I am not elected by Europe, Saudi Arabia, or Japan, I am elected by the American people and the American people must come first.

Finally, what are the consequences of war for America and the world. Today, with deafening silence on the part of the administration we see the Soviet troops marching into Lithuania and the Baltic countries, the unrest in the Asian provinces of the Soviet Union, the civil unrest in China, the extreme tensions in the Middle East, the disparity of wealth and the poverty of the people in Africa and Central America. If war breaks out, there will be no surgical strike for Saddam Hussein, there will be a world war of untold dimension. All of our dreams for world peace will have been shattered because of the failure to negotiate and let the sanctions work. My colleagues, the American people's future, the world's destiny, is in our hands. Let us weigh our vote carefully, let us uphold the Constitution and, let us give the international sanctions more time to take hold. Supporting the Gephardt-Hamilton resolution is truly the only civilized vote we have! Let us vote for it, and cast a vote for the American people.

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, "how horrible, fantastic, incredible, it is that we should be digging trenches and trying on gas masks here because of a quarrel in a far-away country between people of who we know nothing." As familiar as you may think these words sound today, they are, in fact, those spoken by Neville Chamberlain after Hitler's annexation of the Sudetenland in 1938 and shortly before the appeasement at Munich. Chamberlain went on to say, "he [Hitler] told me privately and last night he repeated publically that after the Sudeten German question is settled, that is the end of Germany's territorial claims in Europe."

Mr. Speaker, we are here today at another very momentous time in history debating the same age old question: whether or not a civilized world will allow another tyrant to blatantly invade and plunder a sovereign nation, and rape and torture its people. Such aggression clearly violates all civilized ideals and international order. And if it is allowed against one nation, then no other nation can be secure from similar attacks.

So I strongly support the bipartisan resolution authorizing the use of our Armed Forces against Iraq. Our best, and perhaps last, hope for a just solution to this crisis and for avoiding armed conflict is to convince Saddam Hussein that this Congress and the American people are all united in our determination that he withdraw unconditionally from Kuwait. By equivocating for whatever reason, or by showing him that we are weak in our resolve, we will only encourage him to continue on his present course of intrasigence.

Mr. Speaker, we all agree on our ultimate goal: the complete and unconditional withdrawal of Iraqi forces from Kuwait. We have tried United Nations imposed sanctions and we have tried diplomacy. Giving sanctions more time to work will not cause Saddam Hussein to change his position. It will only strengthen his standing among various elements in the Arab world and give him more time to solidify his defenses and further develop his military capabilities. And only a few days ago, we witnessed another diplomatic failure when Iraqi Foreign Minister Aziz refused to even discuss a withdrawal from Kuwait. Unfortunately, it now appears that the only option left is the use of military force. No one relishes the idea of sending anyone in harm's way, but the alternative is appeasement of aggression. And history has shown us that appeasement only encourages more aggression.

Mr. Speaker, we have regrettably arrived at another time in history when we must vote to fight or cower before another tyrant. That crucial decision is now ours to make, but it is not the final one. The final decision will be Saddam Hussein's, and we must not send him the wrong message at this critical time.

I, therefore, urge all my colleagues to support the bipartisan resolution.

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, we would all like to live in an ideal world, in a world free of war and oppression, in a world where we all could be whatever it was that we wanted to be. Unfortunately today's world remains far from the ideal and as much as some of the idealists in our society wish otherwise, world events do not always go according to plan.

I hesitate to draw upon the often voiced comparisons, upon the imperial designs of Adolph Hitler and his Axis powers, to make the point that the people of the planet earth are often faced with situations that defy easy solution. Unfortunately power corrupts, and absolute power corrupts absolutely. In Saddam Hussein we have a figure who features himself as the modern day Mohammed, as the chosen leader of the Arab people, as the one to rid the Middle East of the Israelis. He attempts to dismiss his most recent action, the takeover of neighboring Kuwait, as simply the settlement of a long standing border dispute. Iraq has no designs on Saudi Arabia he maintains. Iraq lays no claim to territories beyond its presently constituted borders he says. Yet this is the same man that invaded neighboring Iran when he thought it was opportune; this is the same man that promises to level Tel Aviv if the multilateral forces in the gulf attempt to retake Kuwait; this is the same man that used poison gas on his country's Kurdish minorities when they were threatening to secede.

George Bush and the leaders of the Western world have taken the only stand they can take against this tyrant. Admitedly no one likes the thought of playing "chicken" with the world's future, no one wants to see a replay of the "Gun Fight at O.K. Corral," particularly when the guns involved can wreak untold havoc on the populations involved, but I'm compelled to ask, what is the alternative?

We clearly cannot let him keep his ill-gotten gains. We clearly can't look the other way as if nothing has happened. Give sanctions more of a chance we are told. Hit him where it hurts, in the pocketbook. The problem with the sanctions is that it puts time on the side of Saddam Hussein. It gives the Iraqis a chance to harden their defenses and to better prepare for war while testing our country's willpower and logistic and manpower capabilities to the limit. Just as President Truman in 1945 felt compelled to use the weapons at his disposal to hasten the end of World War II and in the process save countless lives, President Bush is faced with a somewhat similar call as the confrontation in the Middle East comes to a boil.

A lot of the criticism surrounding our country's troop presence in the Persian Gulf is centered on our dominant role in this pending conflict. One hears the repeated questions of, why should we be the world's policeman; why should we feel an obligation to lay American lives on the line to resolve a dispute which is not of our own making? Why don't we let the Arab League resolve what appears to be an Arab problem?

First off, the problem isn't simply an Arab problem. It is a problem that could threaten the peace and prosperity of the world community for many years to come. The United Nations has recognized this fact by its strong condemnation of the Iraqi takeover. As the world's primary proponent for a stable and orderly global community, the United States is looked to for leadership in such situations. It is a role that goes with the turf, so to speak. By being the dominant force in the free world, we automatically assume the mantle as the world's watchdog. To deny our primacy in world politics is to decline a leadership role in forging a world order that will be committed to lasting peace.

I do not believe any American wants this country to turn inward, to isolate itself from world affairs. We can't and we shouldn't. At the same time, what disturbs me most about the confrontation in the Persian Gulf is that many of the other major nations of the world that should have a similar interest in seeing Iraq denied its conquests, are letting Uncle Sam do their bidding for them. By putting Uncle Sam out on the point both militarily and financially, they are abdicating their responsibilities to a stable world order.

Getting back to the days of the Third Reich, then too countless countries defaulted on their obligations to defend the principles of peace and freedom. The United States was not one of them then, nor should it be one of them now. By supporting bipartisan resolution and giving the President the authority to use all the means at his disposal we will send one final signal to Hussein that complying with the will of the international community and withdrawing from Kuwait is his only recourse.

Mr. STEARNS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. FRANKS].

Mr. FRANKS of Connecticut. Mr. Speaker, as a new Member of this body, I may never cast a vote more difficult or more critical during my tenure as a Congressman. I rise in support of the Michel-Solarz resolution.

Mr. Speaker, no one would want to engage in a conflict that would result in the loss of American lives. There are many people in my district who are deeply troubled and gravely concerned about this crisis, as they are across this Nation.

Closer to home, personally, my nephew was enrolled in an ROTC program at Seton Hall. My brother is a colonel in the Army Reserves. I have a cousin who is a lieutenant colonel in the Army, and another cousin who is a recent graduate of the Air Force Academy. All could potentially serve with our forces in the gulf, and all would be proud to do so.

There is still a slim chance, however, that economic sanctions and diplomacy could bring about a peaceful solution to this crisis by January 15. But, if we are unable to convince Iraq to leave Kuwait with those methods, we must be willing to use all means necessary as set forth in U.N. Resolution 678.

If we show a lack of resolve, this Congress will be sending the wrong message to the world, which could encourage others to copy what Hussein has done, attack and conquer a peaceful and friendly country.

Mr. Speaker, I urge Members to vote for the bipartisan Michel-Solarz resolution, and show that Congress strongly supports the efforts to remove the Iraqi military forces from Kuwait.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

□ 2200

Mr. PAYNE of Virginia. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

Only 5 days remain until the President and our allies must decide whether and how U.N. Resolution 678 is to be implemented.

Each of us is greatly concerned with the potential reality that our American soldiers will be in harm's way in any action in the Persian Gulf. Each of us has spoken to the families at home who have husbands, wives, children, who have been sent to Saudi Arabia to defend our national interest. We share their concern and their anquish.

This is the first major test of the post-cold-war world. How we respond tomorrow, next week and next month will have implications far into the future.

Like my colleagues and my constituents, I hope that a peaceful, diplomatic solution can be achieved. I am increasingly concerned, however, that such a diplomatic solution can not be found.

I would like to think that the continued use of economic sanctions and diplomatic pressure alone would convince Saddam Hussein that he must withdraw from Kuwait.

But I do not believe that continued economic sanctions will bring about the goal of an Iraqi withdrawal from Kuwait.

To delay implementation of U.N. Resolution 678 is to give Saddam Hussein a victory of sorts. It elevates him to a status in the middle-East that he so desperately wants, and that we and our allies—Europeans and Arabs among them—are trying to avoid.

Finally, if we wait, I believe that the broad and diverse international coalition assembled against Iraq will eventually unravel.

This vote is not about oil. It is not about the price of gasoline, nor the price of home heating fuel.

Ultimately, the questions that we will consider tomorrow are neither political nor economic.

The questions before us are moral. What kind of world do we want our families to live in? What is the proper role of the United States in a world that is increasingly interdependent?

Is it a world to be governed by decency and civility at home and abroad?

Or is it to be a world in which despots and dictators use the tools of force, instead of the force of reason?

We await the results of the U.N. Secretary General's trip to Baghdad, this week-end. Meanwhile, I urge my colleagues to support our troops and our President and the Solarz-Michel resolution.

Mr. SMITH of Florida. Mr. Speaker, I Yield 5½ minutes to the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Speaker, No more profound decision can be made by any Congress, President, or nation than to send its young men and women to war. That has always been true, but it is especially so today when the weapons of war are so destructive, when in the span of just a few moments many thousands of people can be killed, the innocent along with the guilty.

And, of course, there is no question that if war breaks out in the Persian Gulf, tens of thousands will be killed, Iraqis and Americans primarily, most of them simply victims of those who make these momentous decisions.

This debate is about whether such a war, with all of its attendant bloodshed and suffering, is really necessary at this time.

This is not a debate about the goals of American policy. The goals are widely supported. They are to force Iraq to withdraw from Kuwait, and to demonstrate to Saddam Hussein and others like him that the international community will no longer tolerate this kind of naked aggression.

In furtherance of those goals, this Nation and most of the world joined together to impose economic and political sanctions on Iraq, and dispatched our military to enforce those sanctions and deter further aggression. President Bush deserves credit for having devised the sanctions strategy, and most of us have given him our strong support.

But now the President and others have concluded that the strategy won't work, and that war is the only way to achieve our common goals. This debate is about that fundamental change in strategy, and specifically about whether this Congress agrees that sanctions will not work and that war is now necessary as a last resort.

I firmly believe that it is much too early to say that sanctions won't work. It is much too early to impatiently throw up our hands and bring on the slaughter of war. I therefore support the Hamilton-Gephardt resolution and oppose the resolution offered by Mr. SOLARZ and Mr. MICHEL.

Like some others who have already spoken, I also serve on the Intelligence Committee. I have been briefed regularly by our intelligence professionals, and I can assure you their judgment is that the sanctions have already hurt the Iraqi economy and over time will have an increasingly significant impact.

Judge William Webster, the Director of the CIA, delivered an unclassified statement on the impact of sanctions in December. At that time he stated that sanctions had "dealt a serious blow to the Iraqi economy" (p. 1). He made a number of other statements which are instructive on this critical issue, and I would like to share a few of them with you.

> The sanctions have all but shut off Iraq's exports and reduced imports to less than 10 percent of their preinvasion level. All sectors of the Iraqi economy are feeling the pinch of sanctions, and many industries have largely shut down. Most importantly, the blockade has eliminated any hope Baghdad had of cashing in on higher oil prices or its seizure of Kuwaiti oil fields. (p. 1)
>
> More than 90 percent of imports and 97 percent of exports have been shut off. Although there is smuggling across Iraq's borders, it is extremely small relative to Iraq's pre-crisis trade. (p. 3)
>
> The cut-off of Iraq's oil exports and the success of sanctions also have choked off Baghdad's financial resources. . . In fact, we believe that a lack of foreign exchange will, in time, be Iraq's greatest economic difficulty. The embargo has deprived Baghdad of roughly $1.5 billion of foreign exchange monthly. (p. 4)

Please remember that Director Webster made those statements over a month ago, and everything we have heard from the intelligence community since then has reinforced his judgments.

In projecting the impact of sanctions on the Iraqi economy in the months ahead, Mr. Webster said the following:

> We expect Baghdad's foreign exchange reserves to become extremely tight, leaving it little cash left with which to entice potential sanctions-busters. At current rates of depletion, we estimate Iraq will have nearly depleted its available foreign exchange reserves by next Spring [1991]. Able to obtain even fewer key imports Iraq's economic problems will begin to multiply as Baghdad is forced to gradually shut down growing numbers of facilities in order to keep critical activities functioning as long as possible. Economic conditions will be noticeably worse, and Baghdad will find allocating scarce resources a significantly more difficult task. (p. 7)

It is difficult for me to understand how anyone can conclude, in the face of this testimony from our own intelligence agencies, that sanctions are not working and will not work in the future. To be sure, Judge Webster also said that "there is no assurance or guarantee that economic hardships will compel Saddam to change his policies. . ." (p. 2) This point has been made by a number of the proponents of the Solarz-Michel resolution.

They have also cited a letter released just yesterday by Judge Webster in which he states that there is "no evidence" that sanctions will force Saddam out of Kuwait. Well, of course there's no evidence or guarantee. No one can expect to know what Saddam might decide to do some months from now.

What we do know, however, is that the economic sanctions are already biting and will have increasingly severe consequences for Iraq as time goes on. For this reason it is much too early to conclude that economic sanctions, together with the continuing threat of military force, will not work.

Some have argued that Iraq didn't quit when it suffered economic hardships during its war with Iran, and therefore it won't back off in the face of these sanctions. It is true that Iraq suffered in its last war, but this is a very weak analogy.

In its war with Iran, Iraq had support from virtually all of its Arab neighbors, from the Soviet Union, and from most of the West. Even the United States provided food aid. Today, Iraq is virtually sealed off from the rest of the world. Its GNP has already been cut by about 50 percent, and experts tell us that over time it will be down by 70 percent. The fact that it persevered in its war with Iran is no proof of how it will respond to the severity of the current sanctions.

It's possible, of course, that some of our allies will lose interest in sanctions. There is no sign of that, but it could happen. In that case, there would be some political loss, but it is important to recognize that Iraq is dependent on access to the Gulf for most of its imports and exports. The U.S. Navy controls that access, and therefore we could maintain an effective embargo without much help from others. Nonetheless, we who favor continuing sanctions rather than war must concede that there are some risks in being patient. The American people might also tire of the sanctions policy.

However, the risks associated with the sanctions strategy have to be weighed against the costs of going to war. Not only are casualties likely to be high, but if we are preceived to have initiated hostilities prematurely, our country will be deeply divided over this war. The costs of such divisiveness at home are incalculable. Moreover, our people have yet to be told how much this war will cost and how it will be paid for.

Beyond these domestic concerns, we have to expect that war will fracture the current international consensus. Many of our European allies will distance themselves, and we can expect active hostility from a large segment of the Arab population. What will the ultimate effect on U.S. interests be in the Middle East? What will the real aftermath of war have in store for us in this volatile region? I haven't heard the proponents of war answer these vital questions.

Mr. Speaker, I am concerned that some of our colleagues are inclined to authorize war because of actions beyond our control: the intransigence of Saddam Hussein, the imposition of the arbitrary January 15 deadline, President Bush's insistence that it is the last chance for peace and his denigration of sanctions, the massive deployment of American troops.

These unfortunate actions do create a climate more conducive to war than to patience. They make it easier to argue that sticking with sanctions will be seen as a lack of will. But that doesn't make the argument right. It doesn't mean that war is the most responsible choice for our country at this time.

So long as there is any reasonable prospect that sanctions can achieve our common goals—and I believe there is such a prospect—it would be unconscionable to send our young people to war, with all of the human, financial, and political costs that will be associated with war.

I therefore urge my colleagues to vote in favor of the Hamilton-Gephardt resolution, and to reject the Solarz-Michel resolution.

Mr. STEARNS. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. Goss].

Mr. GOSS. Mr. Speaker, as we traveled this week throughout the Middle East we found that people in Egypt, Israel, and Saudi Arabia are looking to the United States for leadership.

From Cairo to Jerusalem—the current expression is that "the street is with us." Recent polls indicate that sentiment is true on the streets of this country too. We are all proud to be Americans.

All accounts of Saddam Hussein suggest his inexperience. He doesn't understand democracy—he doesn't understand open debate and free speech. And he does not understand that we can differ among ourselves as we examine the means to achieve our goals and then pull together as one Nation with giant resolve to get a job done.

Saddam Hussein has misread the world's reaction to his actions and he now misreads our debate.

This is no time for misinformation and half-truths—there are some in this debate—who flatly say the draft is coming—and higher taxes too—if we pass Solarz-Michel. Well I say that is poppycock—at a meeting this morning with Chairman of the Joint Chiefs of Staff Colin Powell, I asked about the draft. I got a direct answer: Absolutely not. There are no plans to reinstate the draft. As for higher taxes—right now our troops are working with an arsenal that has already been paid for. The Pentagon is not asking for higher taxes in support of this resolution.

Some have said that the sanctions are working and can work to achieve our objective of getting Saddam out of Kuwait. I know of no facts to warrant such a judgment. On the contrary, there is known to be plenty of leakage in the sanctions sieve—and even if leakage were stopped, best evidence is that it could take 2 to 3 years to have a decisive impact on Saddam's military capabilities.

Earlier this week in Egypt several of us met with President Hosni Mubarek—a courageous leader who is taking a lot of heat for his support of the world coalition. I asked him why, and he said to me with the utmost conviction "It's a matter of principle."

Mr. Speaker this is a matter of principle. And it's the most important one we can stand for. The difference between right and wrong.

If this Congress requires delay, our position deteriorates. If we delay, Saddam will hibernate and come out stronger in the spring. If we delay we risk the potential, if not the likelihood, for more casualties. Mr. Speaker, delay could mean defeat.

Do we care? Does it matter if we abdicate our world leadership role? I think it does—and I think Americans, deep in their hearts, think so too.

Mr. Speaker, the failure of the bipartisan resolution we have before us would tie this Nation's hands and remove the military option. Passage of Solarz-Michel preserves both the sanctions option and the military option. Why shouldn't we use all the tools at our disposal? I urge my colleagues to support our President and support our troops—it's been said many times here today and I believe it's true—we still have one last, best hope remaining for peace. I urge that we take it by voting for Solarz-Michel.

□ 2210

Mr. ANDREWS of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the Solarz-Michel resolution.

There is no disagreement whether Saddam Hussein is a deadly threat to peace in the Middle East and challenges the stability of a new world order. Iraq is an aggressor, and its conquest and pillage of Kuwait cannot stand.

There is no disagreement that the United States has vital interests in the Persian Gulf, and that we have deep commitments to our allies who are threatened by Hussein's aggression.

There should be no disagreement about our responsibilities. The world community is joined together to force Iraq from Kuwait. We are the leader of the free world. If not us, then who will stand up to Hussein?

Let there be no doubt, the eyes of the world watch this Congress to see what step we will take. What we are to decide in this debate is whether to strengthen the President's hand or to undermine his policies.

No one wants our Nation to go to war. I believe the best hope to avoid that calamity, the best hope for peace in the Middle East, the best hope for the security of our allies and our own economic and military interests in the region is for the Congress to stand firm with the President and virtually the entire international community. To avoid this decision now, to rely too much on sanctions will only undermine our policies and embolden our enemy. The costs for America will only increase.

During the Cuban missile crisis, President John F. Kennedy said:

> My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can foresee precisely what course it will take, but the greatest danger of all would be to do nothing. The 1930's taught us a clear lesson: aggressive conduct, if allowed to go unchecked and unchallenged, ultimately leads to war.

John Kennedy was a cold warrior, and that was a different time. But tonight the issue is the same. The best course of action for this Congress to take, the best hope for peace is to show our resolve and support this resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I rise in strong support of the Hamilton-Gephardt resolution.

Mr. Speaker, the debate we are having today is critically important. It's critical for two reasons. First, it will permit the House to debate and to vote on whether or not we intend to carry out our constitutional duty and obligation to determine whether or not this Nation is to go to war. And second, it will provide an opportunity for the President to hear open discussion of his strategies, culminating in a series of votes which should give him a good reading on the degree of support he has for what he is doing.

I'm sure most of us agree that in the matter of going to war both the President and the Congress must agree or we don't go. I intend to support the Durbin-Bennett resolution to reconfirm our duty and obligation to declare or not declare war.

Now, on the issue of strategy and policy. Following the Iraqi invasion of Kuwait, I fully supported the President's prompt action to put forces in place and arrange for wide multinational support to stop further aggression. This effort was eminently successful and is a great credit to the President's skill and determination. The blockade and sanctions established have been unusually effective and, as we all know, they have resulted in further aggression being deterred, the release of all the hostages, the restoration of adequate oil supplies and severe economic pressure on Iraq. Iraq may be able to feed itself but it certainly cannot keep its technical military and industrial equipment going for long without imported replacement parts and the help of skilled technicians who are no longer there.

The sanctions have been a success and as time passes they will be a further success. I was surprised on November 8 when the President announced his decision to double our military force.

He then announced that sanctions were not working. He laid down an ultimatum to Iraq and arranged for a U.N. resolution setting a drop dead date.

In December, the President said he would try to arrange talks, but to my knowledge there have actually been no real diplomatic efforts to develop a solution to our problem, other than all-out war. The meeting this week between Secretary Baker and Tariq Aziz was merely a statement of positions. This could have been the beginning of a negotiation had it occurred months ago, but it didn't. I can only guess that the President concluded that negotiation would work totally to our disadvantage, so he decided to have none at all.

So here we are. The President has asked us to approve going to war, to give him full decision authority. Secretary Baker has said that our goal is to drive Saddam out of Kuwait. When that is done, he said, we will have won. When asked what he thought the situation would be in the Persian Gulf after we had won the war, he said, well there are some other problems we will have to deal with but we'll get into those after the war is over.

Ladies and gentlemen, I can tell you I am worried and I do not like what I see. I know that Iraq is going to try to attack Israel if we attack Iraq. Israel will fight back. I know that the Arab countries want to push Israel into the sea. I know that there must someday be a solution to the Palestinian problem, the West Bank and Gaza for there to be peace in the region.

I think we have two objectives in this situation. One is to be sure Saddam Hussein gets out of Kuwait and does not continue to be a threat to others in the area. The second, and of equal importance, is to find a way to bring peace and stability to the region. A war can certainly get Saddam out of Kuwait and destroy his military strength. But where will a war leave us on the larger problem of peace and stability and on our desire to help Israel be a successful nation that can live at peace with its Arab neighbors.

I do not, in my heart, believe that there is any chance of being better off on the broader issue by attacking at this time. On regional stability, I don't think we are even close to agreement with anyone on a reasonable solution. Some will say we don't care. Let's destroy Iraq and at least we will have one less enemy. Regardless of what else happens we will be better off.

Well, I am not so sure. I do not think we should go to war until we have a better fix on how we are going to end the war. We need to have some basis for how we are going to approach the larger problems. We need to be sure we understand and agree on what our real objectives are.

I have the feeling we're being driven to war. It is almost like a self-fulfilling prophesy. It's becoming a matter of patriotism and flag-waving. It would be great to support the President, have a quick war, get the troops back home again, be proud of what we did and be at peace with the world. But my inner mind and my conscience tell me it is not going to be that way. Our true goals are not clear, our plans are not complete, we will not control our destiny once the war starts, we have not assessed all the risks, the cost will be great in lives and money and we have no assurance we will not have chaos as a result.

I was at the breakfast meeting with the President this morning. Many of these issues were brought up and I found no comfort in the President's answers. It is not at all clear how we can come out of a war without having greater problems than we have now.

I will be supporting the Hamilton-Gephardt resolution to stay the course, tighten the sanctions, get some meaningful talks going and lay plans for after the war. Then, if we are ready, if there truly is no other alternative and we know where we are going, let us approve a Presidential request to declare war and have a war that we are more sure we will be proud of.

I urge the members to vote for Hamilton-Gephardt. It is a harder way but it is surer.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in strong support of the Gephardt amendment.

Mr. Speaker, the issue of war and peace is dominant on the mind of every American today. I have just completed a series of 10 town meetings in communities large and small throughout my State of South Dakota. Each meeting was attended by overflow, standing-room only crowds with their interest focused exclusively on events in the Persian Gulf region and America's proper role in the international order of this new post-cold war era.

Several points were made abundantly clear at these meetings: That our views on America's foreign policy differ greatly, but we are united in support of those courageous men and women in uniform who serve our Nation at great risk to themselves and their families; that while our views differ, we are united in our commitment to America and one position is not somehow more loyal or patriotic than another; that while our views differ, we are united in our condemnation of Iraq's invasion of Kuwait and appalled at the brutality that has and is taking place there.

But the decision to commence an offensive war is perhaps the most fundamental of all decisions made by any nation—clearly, for the preservation of American liberty and our most cherished rights, South Dakotans will lay down their very lives and lives of their children. Our contributions to past war efforts have been immense, and we view those sacrifices with patriotic pride.

But as I travel my State of South Dakota, visiting the town meetings, the church basement hot-dish suppers, the high school graduations, if I am to embrace the widow of a National Guardsman, or hold the hand of a reservist's orphan, I need to be able to look that person in the eye and tell them that their loved one's death was absolutely necessary to preserve America's liberty, and that there were no other alternatives.

My constituents have been telling me overwhelmingly, and I deeply believe, that the issues at stake in the Middle East today simply do not rise to such magnitude to justify what will be an almost exclusive sacrifice for American families—at least not until all other options have been exhausted.

Immediately following the Iraqi invasion of Kuwait, our Government put a stop to further Iraqi aggression into Saudi Arabia—that has been accomplished, the border aggression of Iraq has been stopped in its tracks. Is it worth the blood of thousands of our finest young people—is it worth the billions from our treasury—billions which could so much better be put to use for the benefit of our own people, is it worth what will with virtual certainty be the generations-long American military presence in the Middle Eastern deserts, all this to remove Iraq from Kuwait this month rather than this year?

Iraq is unique in its vulnerability to multinational sanctions—the embargo has cut off nearly 100 percent of its exports, including oil, and 90 percent of its imports. Iraq's GNP has already been reduced by an estimated 50 percent, and economists predict it will decline by 70 percent as Iraq's economy and military machine is beggared.

The current sanctions are truly international in nature—immediate war, however, will Americanize the conflict in an unmistakable manner. The Wall Street Journal recently quoted a top Arab diplomat as chuckling that he certainly wouldn't send his teenaged son to fight over Kuwait, but why should he, when their American slaves will do all the dying for them—and tragically, he assessed the current situation all too well.

CIA Director William Webster has noted that Iraq's military capability erodes each month that goes by, due to the shortage of spare parts, munitions, and equipment breakdowns brought about by the international trade embargo, an embargo which serves to thwart Iraq's high tech and nuclear weapon development as well.

There is, of course, a possibility that military action now may be quick and decisive; but there is also the much greater possibility that a region-wide war, including the unknown consequence of an Israeli presence, will occur. Our strategy cannot be premised on the notion that immediate use of the military option will result in a quick, and for us, a largely bloodless, solution. Even after an American military "victory," the aftermath is likely to result in the need for a huge American military presence for generations. Given the reaction of Islamic governments to large numbers of deaths at the hands of Christian and Jewish forces, the certain terrorism, and the fanaticism that is likely to be unleashed, it is difficult to imagine a region which will be made safer and more stable as a consequence of this war. This is truly a moment in time which requires of us the courage of patience.

The world which watches us today should understand that policy making in a democracy is not a neat, simple process. Debate is sometimes loud and rancorous, and may give the impression of divisiveness. But in a democracy, public debate is essential—it is a manifestation of our Nation's strength, and not of weakness.

Saddam Hussein, you should not misread this debate. Our people, our President, and our elected officials, Republican and Democrat, are absolutely united that you must leave Kuwait—we differ here today only on whether to accomplish this end by crushing your economy and military capability over time through world-wide sanctions, or to do so through an immediate military effort. Your failure to leave Kuwait will destroy your nation either way.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I rise tonight to endorse the Hamilton-Gephardt resolution as we debate our future, a unique opportunity in history in matters of life and death.

The future is about our country, the world community and the 21st century and how the world community will resolve conflict. It is also about the future of young people, young people throughout the world, particularly those in the desert, those whom I will nominate next Tuesday morning to attend the U.S. military academies, and those who are yet to be born.

It is a debate about a unique opportunity in history. There has been a change in the world order. There is increased democratization throughout the world.

Setting aside the immediate crisis at hand, the world today is safer than it was 2 years ago, but obviously much less stable and much less predictable. However, in the immediate future at hand, the world community has come together. They have come together to indicate that they will not tolerate aggression, that they will contain and ostracize those who do not conduct themselves in a human fashion.

But ultimately we must resolve the question of whether or not we all have the strength of patience to persevere in concerted diplomatic and economic efforts until all options are exhausted before military action is taken.

On Wednesday evening of this week, I held a town forum in Gary, IN, and one of the 73 speakers was Father Charles Kniblik. He spoke briefly but eloquently. Father Kniblik indicated Wednesday evening that Congress had a tremendous opportunity to educate the youth of our country and the world, to educate them that we will not tolerate aggression, that we will not tolerate violence, but we will deal with those transgressions through the strength of our convictions to the last degree, and only then exercise the military option. The siege of Richmond lasted for a year. Sanctions against South Africa have not worked overnight. We have been patient in containing communism since 1945. The free world has stood fast in Korea since 1953.

Clearly, we are not talking about waiting decades to have the removal of Saddam Hussein from Kuwait. However, just as clearly, we should not have ever anticipated the sanctions would work in simply 5 months.

Clearly, the answer is sanctions must be given a longer period of time to work.

Finally, we are dealing with questions of life and death. I have a son, John, 3 years old, and a son, Tim, 10 months old. It is obviously an academic question as to whether or not their lives are at stake tonight, but I do ask myself: Is it worth their lives? Is it worth the lives of anyone else's children to protect the vital interests of the United States as dictated in terms of whether or not Hussein has to be out of Kuwait by midnight, next Tuesday? I think the answer in terms of our children's lives and our vital interests is next Tuesday night is not the time.

Let us stand firm. Let us stand resolute. Let us see this crisis through to the end, but let us give every chance of peace to prevail.

Mr. STEARNS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, we come before the House today focused on matters of utmost gravity: the unprovoked invasion, occupation, and plunder of Kuwait by Saddam Hussein, and the appropriate American response.

President Bush has asked Congress to indicate support for the 12 U.N. Security Council resolutions that have passed to date, including resolution 678 (1990), authorizing the use of force in the Persian Gulf, should all else fail.

It is time now to put partisanship aside and endorse the U.N. resolutions on a broad bipartisan basis.

The U.N. resolutions, after all, have been supported by practically every other nation in the world—a very disparate group which came together to oppose the bestial abuse that Saddam Hussein has inflicted on Kuwait.

What is at stake? World order in the post-cold-war world is at stake. Preventing the settlement of disputes by use of naked aggression and plunder is at stake.

It is not the price of oil about which we are concerned; if that were the case, we would have waged war on OPEC a long time ago. Rather, it is the control over the world's economy that would come if Saddam Hussein should emerge as the dominant leader of the Arab world, with influence over half of the world's proven oil reserves.

It is domination of the Arab world and the Middle East by a leader who has launched two wars in less than a decade, who has shown no compunction about using chemical and biological weapons, and whose arsenal may soon include nuclear weapons—that is at stake.

Only if the United Nations effort is successful is there any hope for a just and lasting peace in the Middle East.

Why not wait longer before endorsing the U.N. resolution on force, waiting for economic sanctions to take a toll on Iraq? We should not wait precisely so that U.S. commanders and our Commander in Chief can move in a way and at a time that maximizes the chance of success and minimizes the risk to U.S. servicemen and servicewomen.

Calling for further action by Congress or setting additional future deadlines only allows Saddam Hussein to stand down his forces to conserve valuable resources—to limit his military exercises, to reduce the readiness levels of his armed forces, and to minimize the damage that sanctions would impose on his ability to fight. The Director of Central Intelligence, in a letter to Chairman Aspin, has just concluded that "even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq."

Further delays also would deny U.N. and U.S. forces the ability to select the optimal time for any action—an important consideration in light of the fact that, 6 months from now, daytime temperatures in the desert will likely exceed 140 degrees, rendering the use of force virtually impossible. Delay is the fatal opiate of the faint-hearted.

Moreover, a protracted stalemate may not only increase the costs of potential conflict, but entails an indefinite period of difficult economic sacrifice imposed on our National Guardsmen and Reservists who have been called to active duty. These individuals and their families have been forced, in some cases for 6 months now, to make due on military salaries. For reserve military people who have already settled into civilian life, replete with house payments and other obligations, this is an entirely untenable economic situation. Beyond this, the size of the current United States presence in the Persian Gulf precludes an effective rotation of forces without reinstituting the draft—a step that I would oppose.

As Republican Leader BOB MICHEL has noted so well, "Patience at any price is not a policy, it is a cop-out." In words attributed to Robert F. Kennedy, "If not us, whom? If not now, when?"

Why not simply negotiate more? President Bush has taken every step possible to achieve a peaceful solution to the Persian Gulf crisis and has vowed to continue to do so. I believe him.

President Bush knows the horrors of war. I served in the Marine Corps during the Korean war and know its trauma. I have a son flying F/A-18 fighter bombers in the Marine Corps today, and I am quite aware that duty may call him to fight.

The United States has supported negotiation of the disputes between Iraq and Kuwait once Iraq's occupying forces are withdrawn. To negotiate as a condition of withdrawal, however, would be to reward aggression.

This is not a declaration of war. The resolution before us today provides the Commander in Chief with the authority to use such measures as he may see fit, including the use of force. I believe it is important to recognize, if it comes to the point of pursuing military force, that our Nation will be seeking not the unconditional surrender of the Iraqi Government, but rather a reversal of Saddam Hussein's pillaging of Kuwait.

This is an important distinction, in my view. Our mission is not the destruction or occupation of Iraq, but rather, participation in an international effort to achieve the salvation of Kuwait. Such fighting as may occur in or over Iraq will be carried out with the goal of rescuing Kuwait from a brutal occupation and limiting Saddam Hussein's ability to strike at us and our allies. We have no quarrel with the Iraqi people.

Nor does endorsing the U.N. resolutions mean we will engage in conflict on January 15. It means that we have an additional option as of that date. And, if Saddam Hussein is persuaded of our unity in this regard, it is the last best hope for peace.

We cannot have 535 Commanders in Chief or Secretaries of State or Defense. Congress cannot micromanage military operations. We have only one President at a time.

That President has vowed to take, and has taken, every step possible to achieve a peaceful solution. Nobody—not me, not any of my colleagues, and most of all, not the President—wants a military conflict. But all are agreed that Saddam Hussein must withdraw from Kuwait. This Congress should give the President the ability to use all necessary means to accomplish this objective.

□ 2220

Mr. ANDREWS of Texas. Mr. Speaker, I yield 3½ minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I rise to support the Solarz-Michel resolution. This is one of the most, or probably the most difficult decision I have ever had to make in my life, of all the jobs and positions I have held, of all the decisions that I have made. I do not know of any that are more soul searching than to make this decision that we are ultimately going to make very soon.

I want to now direct my remarks to Saddam Hussein. I know Saddam Hussein watches CNN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The chair should point out under the rules the gentleman must direct his remarks to the Chair.

Mr. CLEMENT. Mr. Speaker, I will address my remarks to the Chair. However, I also know that Saddam Hussein listens to CNN. I want him to hear everything that I have to say because today with many of my colleagues, I had the opportunity to meet with

President Bush, and it came accross to me and many of my other colleagues very clearly that President Bush has every intention toward moving toward military action after January 15. He made that very direct today.

However, Saddam, it is not too late, whether you work with the Secretary General of the United Nations, the Soviet Union, France, or any other intermediary country, it is critically important that you send some type of message to the world that you want peace.

I sent a member of my staff to Iraq 6 months prior to the invasion of Kuwait. His trip was paid for by the Arab American Affairs Council and not the American taxpayers. My staff member had the opportunity to travel all over Iraq. When he went to the ruins there at Babylon, there are some engravings of Nebuchadnezzar, who we all read about in the Bible, that ruler of the then known world at that particular time. In the engravings, it says "This is the beginning of my kingdom." But right next to that stone of Nebuchadnezzar is also a stone of Saddam.

I had the opportunity to meet and visit with the emir and members of the royal family recently. The emir told me, referring to Saddam Hussein, that "You are not a 21st century man, that you don't think as we think, and you cannot be trusted." Well, Saddam, this is a different world. The cold war is over. The new world order is taking shape.

Your people have suffered enough. Your people deserve a future. You have the power to change the world by announcing your intentions to withdraw from Kuwait. Saddam, you can work with the United Nations to accomplish that objective. It is not too late, but the clock is ticking.

Let Memberrs rise above hatred and mistrust, and let Members also support the Solarz-Michel resolution.

We have all been critical of the United Nations in the past, but they have made a bold move now. Let Members stand by the United Nations, and let everyone have peace.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would take this occasion to remind all Members that under the rules, they must direct their remarks to the Chair and not others in the second person.

Mr. SMITH of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I congratulate my colleagues on the thoughtfulness and eloquence of this debate. Their comments have brought into sharp focus the critical issues facing Congress, our country, and the entire world.

I am particularly sympathetic to our freshman colleagues who must cast as one of their first votes in Congress a vote that will help determine whether to send American troops into battle. I know how difficult their position is; as a freshman Congressman I was called upon to vote on the Gulf of Tonkin resolution in 1964. That resolution was adopted in support of President Lyndon Johnson's decision to respond to an attack on American troops, and I believe if we were attacked in a similar manner today, Congress would again respond with similar support. However, this situation is different.

The Congress of the United States strongly supported President Bush when he sent American forces into the Persian Gulf to oppose Iraqi aggression and prevent an attack on Saudi Arabia. We supported the President when he deployed U.S. troops and applauded his ability to assemble a broad coalition of nations, including many Arab nations, in opposition to the aggression of Saddam Hussein. The debate in which Congress is now engaged does not indicate opposition to what President George Bush has done. This debate is not whether we support the President. The question is when we start offensive action.

However, events have reached a critical turning point which requires Congress to consider whether to authorize American armed forces to be used in an offensive military action to implement the U.N. resolution and force Iraq to withdraw from Kuwait. Congress is asked to ratify a shift from diplomatic efforts to resolve this crisis to military efforts.

Mr. Speaker, I continue to believe that we should support the President's use of military force to continue to enforce economic sanctions and to support and defend American personnel stationed in the Persian Gulf. However, I also believe that a little more time is needed to pursue the last hopes for a peaceful diplomatic resolution to this crisis. At this point, I favor the use of military force as embodied in the Gephardt-Hamilton resolution, primarily to gain a little time.

At the same time, I do not think we can rely indefinitely on economic sanctions alone for 6 months or a year in hopes of resolving this situation. Continuing the sanctions that long as the sole means of bringing this crisis to a conclusion in the timeframe is not realistic, and you and I know that the President will not accept that approach.

I am glad that the Gephardt-Hamilton resolution gives the President the authority to come back to Congress with a finding that all alternatives have been exhausted and seek final approval to use offensive force. This resolution does not tie the President's hands, but gives him the flexibility I believe he and other world leaders need to continue to seek peaceful solutions. If all possibilities are exhausted and no peaceful answer is found, I think Congress will and should at that time support the President's request for offensive military capability.

Mr. Speaker, at this point I hope that January 15 will not be interpreted as a deadline for U.S. military action, but that 2 or 3 additional weeks—or some reasonable time—should be used to explore all remaining options that might lead to a negotiated solution. I admit that there may be little hope that a negotiated settlement can be reached, but I call upon all parties to this crisis to take this extra time to intensify their search.

I call upon the Secretary General of the United Nations to continue to explore any new possibility of peacefully enforcing its resolution.

I call upon the international community of nations to renew their efforts to help find a solution. If no solution is found, we risk a global conflict in which every major nation in the world will be involved. Those nations should help to find a solution, and should be aggresive in that search.

I call upon our Arab allies in particular to join in a new clear and forceful plea to Saddam Hussein to explore a peaceful settlement.

And I call upon the President of the United States to remain flexible and dedicate a little more time to the search for peace, and listen to any fair and reasonable option that will achieve our objectives.

Surely there is some way in this great world that we can find a way that this bloodshed can be prevented. But if we authorize offensive military action now, I fear we may extinguish that faint hope. A little more time is needed, Mr. Speaker, a little precious time.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield for a question?

Mr. PICKLE. I yield to the gentleman from California.

Mr. ROHRABACHER. I thank the gentleman for yielding.

Mr. Speaker, I ask the gentleman how much more time? When he says a little bit more time is needed, how much more time does he believe will be necessary?

Mr. PICKLE. I suggested perhaps 2 or 3 weeks, a time that would be agreeable to the President. I do not believe you could go on for 6 months or a year with sanctions. The Gephardt-Hamilton resolution under the rule allows the President to come back at any time.

I would hope we would take another 2 or 3 weeks to see if we cannot find some solution and then if there is no solution in that short time, then I think the President should come back and ask us, and I think the Congress would support him.

Mr. ROHRABACHER. The gentleman would support the Solarz amendment in 3 weeks' time?

Mr. PICKLE. Yes; that would be my intention. That approach, or something like it.

Mr. STEARNS. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, 3 days ago, I had the opportunity to visit the Middle East and speak to the troops and political leaders. Let me say, that troop moral is high, political leaders are united, and the military force is in place.

Never, in recent history has there been an international coalition like the one forged to oppose Saddam Hussein. It is not hard to understand why. Since August 2, Saddam's troops have literally raped and plundered the peaceful country of Kuwait.

Yesterday, I received Amnesty International's report of the human rights violations in Kuwait since August 2, 1990. No Member of this body should vote tomorrow until they have had the opportunity to review this document. It is shocking. The report details widespread abuses of human rights that have been perpetrated by Iraqi forces following the invasion of Kuwait.

I, respectfully, request that pages 37–40 be included with my remarks in the CONGRESSIONAL RECORD. These pages describe the cruel methods of torture practiced by Saddam's troops.

The members of the U.N. Security Council recognized that permitting the use of force is the best hope of peacefully resolving this crisis. Now it is our turn.

We have the opportunity to support the U.N.'s resolution which permits the use of force, or we can turn our backs on world opinion.

I agree that it would be best to give sanctions more of a chance to work if there was any reasonable possibility that they would bring an Iraqi withdrawal from Kuwait. No one looks forward to war or the loss of life an armed conflict would inevitably bring. But, realistically the prospects for the success of sanctions are slim.

Yesterday, Congressman LES ASPIN, the distinguished chairman of the House Committee on Armed Services, received a letter from CIA Director William Webster regarding sanctions. Judge Webster has some reliable things to say about the difficully of relying upon economic sanctions. He says:

> Even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait.

Also, when you consider that this is a man who dropped chemical weapons on his own people, and fought a bloody war with Iran for 8 years it is obvious he is unconcerned about the discomfort economic sanctions may bring.

Mr. Speaker, at this time I would like to submit Judge Webster's letter for the RECORD and to be included with my remarks.

I would like to close by saying the Michel-Solarz resolution is our best option for long-term peace and stability in the Persian Gulf. This measure has the support of world opinion. The United Nations has acted, now it is our turn. Do we turn our backs? For the sake of a lasting world peace I hope not.

Mr. Speaker, the articles referred to are as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, 10 January 1991.

Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq and on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 months; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to twelve months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to twelve months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

METHODS OF TORTURE AND ILL-TREATMENT

The following are details of allegations of torture and ill-treatment which have been made to Amnesty International since 2 August, some of which are supported by medical evidence and photographic material [see Appendices C and D]. These reports are entirely consistent with methods of torture and ill-treatment known to have been used in Iraq over many years, and some of which are also supported by medical evidence [see in particular Amnesty International's report entitled "Torture in Iraq 1982–1984", published in April 1985, and the organization's annual reports].

It should be noted that not all of the methods listed below are said to have been widely used since 2 August. Those methods which have been alleged only in a few cases brought to Amnesty International's attention are marked with an asterisk (*).

1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.
2. Falaga: prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.
3. Suspending the detainee by the feet, or by the arms which are tied behind the back.
4. Beating the detainee while suspended from a rotating fan in the ceiling.
5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.
6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.
7. Applying pressure to the fingers with a clamp-like instrument.
8. Slashing the face, arms or legs with knives.
9. Extracting finger and toenails.

*10. Boring a hole in the leg, apparently with a type of drilling tool.

11. Cutting off of the tongue and ear.

12. Goughing out of the eyes.

*13. Castration.

*14. Hammering nails in the hands.

15. Piercing the skin with pins or staplers.

16. Shooting the detainee in the arm or leg at point blank range, followed by deprivation of the necessary medical treatment.

17. Rape of women (including virgins) and young men.

18. Inserting bottle necks, sometimes when broken, into the rectum.

*19. Tying a string around the penis and pulling it tightly.

*20. Pumping air using a pipe through the anus, particularly of young boys.

21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instrument used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).

22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.

23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.

24. Pouring hot and cold water alternatively over the detainee.

25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.

*26. Pouring an acid-like substance onto the skin.

27. Pouring caustic substances onto the eyes, causing blindness.

28. Plucking facial hair, particularly the beard, with pincers or pliers.

29. Placing heavy weighting on the detainee's body.

30. Spitting into the detainee's mouth.

31. Exposing the detainee to the sun for several hours at a stretch without water.

32. Subjecting the detainee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the mouth and pulling the trigger.

33. Forcing the detainee to watch others being tortured, or to hear their screams.

34. Raping or torturing the detainee's relatives in his or her presence; threatening the detainee with such acts.

35. Threatening the detainee with torture methods such as the electric chair [al-Kursi al-Rajjaj], or with death by immersion in an acid bath.

36. Deprivation of medical treatment.

37. Deprivation of sleep, food, water, fresh air and toilet or washing facilities.

38. Degrading the detainee by using obscene language or insults.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, as I begin my third term as a Member of this house, I can think of no issue more important, or more solemn, upon which we have been called to cast a vote. Many issues are described as matters of principle, and indeed, many are, but none are of this magnitude. Often we are told that an issue or vote is a "matter of life and death" for some group, but that is a hollow claim when viewed against a vote on the issues now before us.

It seems to me that we face two types of decisions. One involves the assertion of the constitutional role of the Congress on the question of using military force. The second question has to do with the wisdom of choosing one strategy over another and with the question of timing.

I firmly believe this Congress has a right under the Constitution and a duty to the American people to vigorously debate the issue of using military force in response to the invasion of Kuwait. I believe each of us must search our hearts and our minds and then cast a vote which reflects our considered judgment, our moral conscience and our Nation's best interest.

Three basic, fundamental requirements must be met before any American military force is used in any situation:

First, there must be a clearly defined goal. Neither friend nor foe should ever have reason to question what it is that motivates our use of military force or what we seek to accomplish. If the objective can not be clearly and precisely defined, then something is wrong with the policy and we in government have no right to put the lives of our military forces at risk.

Second, there must be strong public support for the policy. If the American people are divided or confused as to the proper course of action, if they can not agree on where our true national interests lie, then it will prove impossible to sustain any meaningful commitment to the use of force.

Third, there must be a commitment to prevail. If we use force, we must do so with the determination to win. If we have clear goals, and enjoy public support, we must not lack the resolve and determination to see matters through to the resolution we desire. If we use force under these circumstances, we must have the commitment to use sufficient force to accomplish our legitimate goals.

Our experience in Vietnam and more recently in Lebanon has shown that if we cannot meet all three of these requirements, our policy is likely to fail, at an irreplaceable cost of blood and treasure.

People ask me why are we there? Is it oil? Is it preserving peace in the gulf? Is it to set the ground rules for a new, post-cold war order? My reply is, "It's all of the above."

It was President Jimmy Carter, in 1980, who declared our Nation's resolve that aggression in that part of the world "will be regarded as an assault on the vital interest of the United States. And such an assault will be repelled by any means necessary, including military force."

There can be no more clear-cut act of aggression than Iraq's invasion of Kuwait. Those who remember, and those who have studied history, see the clear parallels with Germany's aggressive policies in the 1930's. At that time there was a great public chorus calling for "preserving the peace," for seeking negotiated solutions, and ultimately for turning a blind eye as each victim was devoured by a beast whose appetite for conquest only grew. When we finally took a stand, the battle was much tougher, the cost much higher.

In the present crisis more is at stake than simply control of oil supplies, even though this itself is of vital concern to all nations which are not completely self sufficient in energy. When Iraq invaded a peaceful neighbor and then declared the unilateral merger of the two nations, an action condemned by all nations of the world, it presented a fundamental challenge to the world community. We can talk about the end of the cold war and how to spend our peace dividend, but the question now is what we, together with our allies and the members of the United Nations will do to resist this act of naked aggression. In our reaction to this first crisis of the post-cold-war era we will be setting the ground rules. All those dictators with ambitions against their neighbors will be watching and drawing their own conclusions from our conduct. If they see there is no real penalty for aggression the world will have become a much more dangerous place for all of us.

Make no mistake, in today's world, where ballistic missiles can be bought as readily as trucks and tractors, even countries as poor and technically backward as Iraq can threaten mass destruction far beyond its own borders. Iraq has demonstrated a commitment to developing atomic weapons, weapons it might now have if not for Israel's preemptive strike on their atomic reactor in 1981. All the world has an interest in resisting any increase in the power of such predatory dictatorships.

We are fortunate to enjoy the support of nearly all the nations of the world for our present policy. Not only our NATO allies, and Japan, but even those countries which frequently oppose us in the United Nations are now not only supporting us verbally, but many are sending ships, aircraft and ground troops. Others are making military bases available in support of these operations. Such international cooperation is unique in postwar history.

Mr. Speaker, I will support the Michel-Solarz resolution. From all of the information available to me it seems clear that our best hope of restoring the independence and territorial integrity of Kuwait lies in convincing Saddam Hussein that failure to comply with the United Nations' demands for total and unconditional withdrawal will involve Iraq in a military conflict it cannot hope to win.

I sincerely hoped that sanctions would work. However, I also sincerely believe that a policy which avowedly relies on sanctions alone is doomed to failure. The threat of force may actually increase the prospects for a diplomatic solution.

I do not consider this to be a vote which will automatically result in armed conflict. But I do acknowledge that this vote approves and endorses the use of force, if such becomes necessary, in the judgment of the President, acting as commander in chief, to accomplish our stated goals.

I believe it is the role of Congress to make the policy judgment as to whether or not force should be authorized. Once that authorization has been given, I believe it is the responsibility of the President to make the strategic and tactical judgments as to how and when such force should be employed. Both the Congress and the President bear a tremendous responsibility, but we must all remember that our responsibilities are separate and distinct.

When we vote tomorrow, let us speak clearly to the issue before this House. Let us not equivocate or temporize. And again, let us not confuse the avoidance of conflict with advancing the cause of peace.

Mr. SMITH of FLorida. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KOLTER].

Mr. KOLTER. Mr. Speaker, I rise in strong support of the Hamilton-Gephardt resolution and in opposition to the Solarz-Michel Resolution.

Many people of my district are strongly opposed to military action in the Middle East. They know, full well, the grave consequences of war. These are people of experience and knowledge. They have heard the rhetoric of war before. They have heard the promises of quick, decisive action that have not come true. They remember young, brave, patriotic soldiers who did not return home, or who did return home less than whole. They know that diplomacy and economic sanctions are much better than death and destruction and dislocation.

We have been advised by the administration and other leaders that this war will end in 3 or 4 days, perhaps in 1 week. However, my colleagues, it will never be over in the minds and hearts of people who lose loved ones or whose loved ones come back from war less than whole.

It seems absolutely ludicrous to me that we have not learned the lesson of 20 years ago in a conflict that saw the losses of over 50,000 American lives and thousands of young people wounded. Have we not learned that military action does not solve the underlying problems in these areas and that it is the lest effective alternative in both economic and human costs?

We have been asked by President Bush, Members of Congress, and various groups who think war is the answer, to stand behind and be proud of our troops in the Middle East. There is no question that we are all proud of our service men and women and we do stand behind them. But I wonder, Mr. Speaker, will President Bush, the Pentagon, the Veterans' Administration, and Members of Congress stand behind these same men and women if and when they come back to us as veterans of war? Will these same people guarantee that our veterans' hospitals will be able to take care of our veterans' needs.

History shows that the Reagan-Bush administration made repeated requests to eliminate benefits of our present veterans and many Members of Congress voted to approve these cuts.

Mr. Speaker, if we really want to stand behind our service people, let us insist that President Bush use his ability to establish an executive order to reinstate full benefits that were taken away from our present veterans and thus insure that future veterans—those in the Middle East—will be taken care of when they return to us.

I urge adoption of the Hamilton-Gephardt resolution.

□ 2240

Mr. McCANDLESS. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I had hoped that my first speech on the floor of Congress could be on an easier and less contentious subject—like balancing the Federal budget. Instead, I rise to discuss the most difficult and important issue Congress has faced in a generation, and to explain to my constituents and to you, my new colleagues, why I have decided to vote for the Solarz-Michel resolution authorizing the President to use military force against Iraq.

The decisions we make tomorrow will determine this Nation's ability to create a more peaceful and stable world in the 1990's and the next century.

We face one of those gut-wrenching occasions when our best chance for peace lies in our being able to threaten war with credibility. If we fail tomorrow to give the President the backing he needs to give meaning to the U.N.'s January 15 deadline, there is no reason why Saddam Hussein should believe we would ever use force, and there is no reason why any future aggressor should ever take us seriously.

Those who oppose the Solarz-Michel resolution say our credibility is not at stake because we have the military strength to demolish Iraq whenever we want. But they miss the point. If we cannot summon the will to authorize the use of that strength, all our divisions and all our weaponry are useless against an aggressor.

I agree with many of the points raised by the opponents of the Solarz-Michel resolution. But they are not pertinent to the central issue at stake today. Granted, we tilted too much toward Iraq before it invaded Kuwait. Granted, our allies should be contributing more troops and more money to the cause. Granted, Kuwait and the Arab members of our coalition are autocratic regimes that ought to democratize.

But all of this does not change the principal fact: The President and the community of nations have solemnly set January 15 as a deadline for Iraq's withdrawal, and the United Nations has authorized military action after that date. For Congress to deny the President the authority to enforce this deadline gives Saddam Hussein every reason to believe that he will never authorize war. It is as though we were telling him "if you don't get out by the time we count to 3, then we'll count to 10, or 20, or 30, or until we get tired of counting."

I am voting for the Durbin-Bennett resolution because it is our constitutional obligation to decide the course of our Nation at this critical moment in history.

I believe we should exercise our constitutional power now to authorize President Bush to use force as a last resort after all other means have been exhausted and after he notifies the leaders of Congress. And, frankly, I trust him with that authority.

Saddam Hussein has shown absolutely no willingness to cooperate with the international community. We can't continue in this manner indefinitely. As the father of two draft-age sons, I fervently share the hope for peace. But it is clear to me that at this point in history our best, and perhaps last, prospect of peace is to tell Saddam Hussein that the world will not go on playing his game forever, that we refuse to be drawn into a stalemate in the desert.

If we fail to stand behind this Nation's threat of military action, we will lose the value of such threats as a legitimate tool of diplomacy. Every tinpot dictator will be more willing to invade neighboring nations without fear of repraisal despite the rhetoric of all the nations of the world.

Our failure to act now will only postpone an inevitable conflict with Hussein and prove far more costly in the long run. This is a sobering moment. I am confident, though, that by acting wisely today, we will brighten the prospects for peace.

I call on my colleagues to join me in supporting the Solarz-Michel resolution in the interest of global stability and a more peaceful world now and for decades to come.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 3 minutes to the gentlemen from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I support President Bush's handling of the Persian Gulf Crisis, including his request to use force to drive the Iraqi military from Kuwait. I will vote yes on the Solarz-Michel resolution.

This is the hardest decision that anyone can ever make. War is hell. Over the last five months since the August 2nd invasion, I have talked to hundered of Tennesseans as I have agonized and prayed about this crisis.

I respect to opinions of the many thoughtful, patriotic Americans who disageee with me. Ultimately, it boils down to a question of judgment. Does Saddam Hussein understand anything but force? Is time against him or us? Will our use of force be as effective as our generals claim? Will it add or detract from stability in the Middle East?

No one really knows the answers to these questions, so we should all be very humble in our statements. History will judge us harshly.

The lives of thousands of Tennessee volunteers are at risk. But I have been struck by the fact that almost every one of these brave men and women and their families say they support the President. They do not want to play any waiting games with Saddam Hussein.

Every President since Franklin Roosevelt, whether Democrat or Republican, has declared that we have vital national interests in the Middle East, particularly in their vast oil reserves. I hope that all Americans learn form this crisis what OPEC failed to teach us: we must wean ourselves from Middle Eastern oil. I also hope that we can bridge the cultural, religious and political differences that today separate us from so much of the Muslim world.

Since every diplomatic initiative has failed in the last 5 months, including a precedent-setting 12 United Nations resolutions and the recent Geneva talks, Congress faces a terrible choice at this late date in the crisis: First, continue economic sanctions; or second, authorize the President to use force to free Kuwait.

I choose the latter option, not because I like it—no one wants war—but because I don't believe that sanctions are likely to be effective against Saddam Hussein. Why? His country, unlike most Arab nations, is relatively fertile. Should there be shortages, Saddam will starve his people to feed his army. More and more goods will get through Iran and Jordan. And sanctions are a two-edged sword that hurt not only innocent Iraqi civilians, but also our allies like Turkey and Egypt.

Tragically, the threat of military action may be the only language that Saddam Hussein understands. He did not use sanctions against the Kurds, he used poison gas. He will view a vote for sanctions as a victory. We all hope that, once force is authorized, he will finally see that the United States is not a paper tiger. He will see that our debates don't make us weak; they make us strong.

I hope and pray that Saddam Hussein will relinquish Kuwait before hostilities begin. Everyone loses when war breaks out. But he—and every other would-be dictator—need to know that he will not get away with brutalizing his neighbors and his own people with weapons of mass destruction.

Saddam is just a large-scale terrorist. We must not give in to terrorists whether they take an individual hostage, or a nation like Kuwait hostage.

There are many things that I would have done differently in this crisis than President Bush. I suspect there are things he would have done differently. But now I am ready to help him do the best that he possibly can.

Mr Speaker, after tomorrow's vote we should all stand behind the President in this time of crisis, and at least give him as much leeway as the other nations of the world have been willing to give him. He's our President, we should trust him as much as they do.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

Mr. LaFALCE. Mr. Speaker, I rise in support of Operation Desert Shield and in opposition to Operation Desert Sword.

Mr. Speaker, I want to address my remarks not to my colleagues, for each Member has likely decided how he or she will vote; not to America, for my colleagues have already offered every argument imaginable. Rather, I will address myself tonight to Saddam Hussein:

You have made Iraq an outlaw nation. Every American, and especially every Member of Congress, condemns your aggession. Every Member of Congress insists that Iraq be ostracized from the Community of Nations, militarily, diplomatically, and economically, until you remove your troops from Kuwait. And we are prepared to presevere until Hell freezes over, if necessary, until that happens.

However, in our democratic society, there are always differences of opinion on how to achieve common goals. There is now a difference of opinion over whether we should use military force, at this time, to force you out of Kuwait. There are many who believe we must. They believe your are a virtual madman, and that therefore only destroying you and annihilating Iraq's military capacity will accomplish that. I suspect that they will be in the majority. For your sake, but primarily your people's sake, I hope you will get out before January 15, as the U.N. resolution demands.

There are a sizeable number, however, who are not yet convinced you are a madman. They believe your realize that a military encounter will result in your destruction, and that therefore you, if given some diplomatic over, will pull out of Kuwait. I hope so, for it not, I am completely convinced that the world will exercise the military option authorized by U.N. Security Council Resolution 678.

And when our President commits our troops to battle, Americans and Congress will rally around that military effort, and will demand that it be short and decisive. And there will be no disagreement on that, either in America or in its Congress. I would then fear for your people, who are also our brothers and sisters.

You engaged Irag in almost a decade long war with Iran. You caused the deaths of tens of thousands of Iraqis, and then gave back all gains you had achieved. You gained nothing and lost all.

Your have now invaded and ravaged Kuwait, and you must, and you will, give back every square inch of that country. You will do this either peacefully, or you will be forced to do it militarily. If you choose the latter path, again, you will be responsible for the deaths of thousands of Iraqis. Again, you will have gained nothing and lost all.

A great number of us will vote to continue Operation Desert Shield, to continue to sanctions, but to postpone the implementation of Operation Desert Sword, the offensive use of our awesome military might. I am one of those. For I believe that not only must war be an option of last resort, so too must declarations of war be options of last resort. But not misjudge our votes. We do this to give you another chance to exercise right reason, another chance to prove that you are not a madman, another chance to avoid a catastrophe of Iraq. But do not confuse this with disagreement over our objectives, our goals, our common purposes and common resolve. There can be only one result that will not lead to your destruction—you must get out of Kuwait.

Mr. SMITH of Florida. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, we are gathered in this great chamber to debate the gravest issue which can ever come before the House—whether this Nation shall go to war. I rise to counsel patience.

Let me state my appreciation, as a Member of the House for some 16 years, that we are debating this crucial issue. It is our duty to debate vigorously and openly a question of such grave consequences.

We are not "Democrats" or "Republicans" when we consider this issue. Rather, we are Americans, each seeking to do his or her best in fulfilling the awesome responsibility which the Constitution places on the Congress when the suggestion of war is raised.

I urge this body to do something which, in many ways, is the most difficult act * * * the act of being patient. This is difficult because most of us believe that our military forces can, indeed, quickly dispatch Saddam Hussein and the evil which he represents. Recognizing the clear superiority of our military power makes it all the more difficult, and in many ways frustrating, to exercise restraint. Still, patients and restraint are, at this moment, the best policies.

Consider the situation which we confronted, as a nation and as a civilized world, five short months ago. Iraq had overrun Kuwait. There was no real doubt that Saddam Hussein fully intended to consolidate his position and move on to Saudi Arabia. In a manner very similar to that of a common street mugger, Hussein had taken literally thousands of de-facto hostages from among the citizenry of almost every civilized nation in the world.

Led by the President, the world united against Hussein. An imperfect but also effective international embargo was instituted. A large multinational military force, again led by the United States, was quickly assembled. Hussein understood. He stopped in his tracks. There has been no further aggression. Hussein also understood that he had done something which diplomats had failed at for 40 years. He had created an issue and a crisis which brought together the United States and the Soviet Union against a common enemy, himself.

Hussein is evil. Hussein is corrupt. He is not, however, stupid. All the hostages were releasted without a shot being fired. There is a message in that. The message is that Hussein realizes that he has backed himself into a corner. Like the common mugger who finds himself face to face with a strong and armed police officer, Hussein is looking for a safe place to run. But the bully Saddam Hussein has no place to run. He cannot run from public opinion. He cannot run from the entire world. He can only face the consequences of his actions.

I repeat that this is the time for patience. We should recognize certain realities. The most fundamental reality is that there will be no real "winner" in any war in the Middle East.

How do you measure the "winner" of a war? By the fewest casualties? Indeed, is there a winner? Just losers—some lose less than others, and are declared the winners. But they are not the winners—only the survivors.

We should also bear in mind that the evidence indicates that the embargo is effective. Iraq is a nation which is not, in any way, self-sufficient. One day at a time, Iraq is strangling under the burden of worldwide repudiation and economic sanctions. As each day passes, Iraq and Hussein are becoming weaker, not stronger.

Iraq does, however, possess evil chemical warfare capability. Fortunately, we have never fought a war in which we have been confronted by the technology of the 1990's in the areas of chemical and biological warfare. While I have no doubt that the United States would prevail in a war against Iraq, and quite quickly, I suggest to you that we would also learn a terrible lesson about the evil which these technologies can inflict. We do not want young American men and women to be the laboratory on which this technology gets its first real test.

In conclusion, Mr. Speaker, I counsel patience. Patience will spill no blood. Neither Americans nor Iraqi citizens, who simply have the misfortune to suffer under Saddam Hussein's dictatorship, will die. In the upcoming weeks Hussein will become weaker, not stronger. World opinion should be allowed to prevail. Justice will prevail.

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Mr. McCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, as a parent, I know of the uncertainty facing those whose sons and daughters are part of Operation Desert Shield. I pray that their loved ones will soon be returning home safely. The question before the House, how do we best achieve this goal?

Saddam Hussein is listening to what we are saying. He knows the U.N. Security Council has voted overwhelmingly to support all necessary means to achieve this goal. Can we afford to send Saddam a cloudy message? Can we afford to grant him the luxury of believing that the U.S. Congress will not join in the international insistance that he leave Kuwait by January 15? I do not believe we can.

Saddam Hussein has clearly shown us that he will forecefully if necessary, take whatever the nations of the world will allow him to take. In addition, he may very soon have nuclear weaponry. His threat is not going away, and we Americans, so often the victims of international terrorism, may well be his next targets.

Historians tell us that if the free world had stood up to Hitler in 1936 when he first violated the treaty of Versailles, we could have averted the far wider catastrophe of World War II. Would a more prompt containment of Hitler not have cost any lives? I doubt it. But the total loss of life would almost certainly have been significantly smaller than the 50 million who ultimately were killed in that war. The Michel-Solarz Resolution does not say we are going to war. The resolution simply authorizes the President to enforce resolutions already adopted by the overwhelming majority of the members of the United Nations. It says to Saddam Hussein that force is one option available if he does not choose to remove himself from Kuwait by January 15. For our greatest hope of peace I strongly urge your support of the Michel-Solarz Resolution.

Mr. KANJORSKI. Mr. Speaker, there can be no question that the actions we take here may very well be the most profound and important that any of us will ever be called upon to take.

In our first vote, we will be called upon to determine if the President has the exclusive power to take this Nation into war, or does the Congress also have a constitutional responsibility which it must discharge.

One this constitutional issue is clarified, we will be called upon to make a choice. One option is for the Congress to delegate its constitutional authority to the President and allow him to commit United States forces to an active military war against Iraq after January 15. Make no mistake about it, the President's resolution is tantamount to a declaration of war. The resolution gives the President the power to decide when and how to start the actual war.

The alternative to this is equally clear. Under the Hamilton resolution, Congress would retain its constitutional responsibility, instruct the President to withhold committing United States troops immediately to combat, and allow the current international economic embargo, blockade, and sanctions additional time to further weaken Iraq's military.

Voting for the Hamilton resolution does not mean that we may not vote to authorize the President to go to war at a later date. Instead, it means that we believe war does not need to begin immediately after January 15. It means that we believe our position will be strengthened by allowing the embargo, blockade, and economic sanctions to weaken Iraq's military.

Voting for this alternative also provides the President with the time he needs to clarify several crucial questions on the minds of the American people and to build a stronger consensus for war if it truly becomes unavoidable.

Mr. Speaker, let me make one thing absolutely clear: regardless of the choice the Congress makes in the coming hours, and regardless of what actions the President may take, the loyal American men and women who have answered the call of duty and are serving in the Persian Gulf have my unconditional support.

I believe I speak for the entire Congress when I say that regardless of the decision we make, we will provide whatever is necessary, in terms of material, encouragement, and protection to our soldiers. They deserve nothing less.

Speaking for myself, I cannot in good conscience place the lives of our sons and daughters in jeopardy at this time. American bloodshed should be the last resort, not the first.

The January 15 deadline is an artificial "line in the sand." The initial actions by President Bush, have resulted in an economic strangle hold on Iraq, have not been given adequate time to work.

CIA Director William Webster, and seven out of the eight last Secretaries of Defense, have testified that the sanctions will increasingly weaken Iraq's military. It makes sense, therefore, to allow the sanctions to have their maximum effect, especially when the lives of American soldiers are at stake?

There are crucial questions about exactly what our objectives are. Is our goal to force Saddam Hussein to withdraw from Kuwait? If so, does this mean that an American offensive would stop at the Kuwaiti border?

Or, is our goal to completely remove Saddam Hussein from power? Do we intend to wipe out any future nuclear threat that may be posed by Iraq? If these are our objectives, then it is possible that American troops will never step foot in Kuwait.

Will we occupy Iraq following the war? If so, how long will we keep our troops there, and what will it cost? Will we also spend billions of dollars to rebuild Iraq after the war, as we did in Japan and Germany after World War II and as we are doing today in Panama?

Do we want to protect the availability of cheap oil? If this is the reason for our involvement, I would seriously question that priority. There are sufficient alternatives to Middle East oil. No American should die to keep the cost down. Further, it has been predicted that oil prices will soar if war occurs.

Is our objective to establish a long-lasting stability in the region? If so, what does this stability look like, and are we proceeding in the appropriate manner? Is it really possible to attain?

As we all know, the Persian Gulf has a long history of instability and shifting alliances. This will not change. Consequently, not only is our present alliance tenuous, but it is also unlikely that any coalition that is forged as a result of this war will last long afterward. We must proceed judiciously to ensure that the United States is not seen as a bully to rally against the future.

We also need to look at what we are protecting in the gulf. We are not protecting democracy. Neither Kuwait or Saudi Arabia is a democracy. Is there sufficient moral imperative for us to risk the lives of more than 400,000 loyal Americans?

Who has defined the ethical urgency to which we are responding? The international community, faced with the prospect of a new world order, should now take the time to define moral imperatives and what we are willing to die for.

By establishing an international code of criminal conduct the United Nations will give the American people, as well as the other citizens of the world, the reason and the moral imperative they need to take a truly international force to war.

This raises the question of what role of our allies have and will play in the current conflict. To date, the American taxpayers and the American military have borne the brunt of Operation Desert Shield. If fighting begins tomorrow, next week, or next month, it will be almost exclusively American lives which are at stake.

The United States can no longer afford to be, and should not be, the policemen of the world. Yet this is a role we are taking on. Clearly, our allies have assumed an insufficient share of the burden thus far, both in human and financial terms. This is all the more galling because it is their economic interests, far more than our own, which are at stake.

If the United States is to spend billions of dollars which we do not have on this war, we will undermine our already shaky global economic standing. At the same time, we will be strengthening the economic standing of our allies who are not even contributing their fair share.

Experts estimate that if we go to war, the cost will run between $500 million and $1 billion per day during the time of most intense fighting.

How will this money be raised? In the 1950's, Americans' income taxes were raised significantly, and an excise profits tax was enacted to pay for the Korean war. From mid-1969 to January 1971, a 10-percent surcharge was imposed on personal income tax to fund the costs of Vietnam.

To date, the President has not addressed what programs he will cut, or what taxes he will raise, to support the huge costs of this war.

I have introduced legislation, H.R. 475, requiring the President to submit to Congress, within 48 hours of initiating offensive military action, a report detailing the cost, both in terms of money and lives, of any military operation, and how he will find the money and manpower.

The President of the United States, as well as the Members of congressional leadership, are to be commended for bringing this debate to the floor of the House and the Senate. This is where it belongs, and the President's request for congressional authorization averts a constitutional crisis.

By holding this debate we are taking the time to decide what powers the President will have after January 15 to make war. Our ability to debate, decide, and air the views of the American people is one of the factors that distinguishes us from Saddam Hussein.

The Congress may well grant the President the power to go to war after January 15. If this happens, or if at any time our military forces are engaged in battle, our service men and women can be assured of my unconditional support. They deserve nothing less.

For my part, I do not believe that the national interest is best served by rushing to war after January 15.

Nevertheless, if we do go to war, we shall be united. We shall support our President. We shall spare nothing to back our troops. We shall prevail.

Mr. DWYER of New Jersey. Mr. Speaker, as Members of the House of Representatives, we frequently have to make difficult decisions. We are called upon to cast votes which we find complex and troubling; we are torn by the crosscurrents of public opinion, our own world view, the pressures of interest groups. All must be considered in reaching a conclusion on the tough issues.

Yet, never in my 10 years as a Member of the House have I had to look at a more significant, more profound issue. We are talking this week not about whether to increase the tax on motor fuels; not about whether to surcharge incomes of more than $1 million a year or grant family and medical leave. We are discussing issues of war and peace.

The situation in the Middle East calls into question a variety of issues. The first and foremost among these is a determination of the vital interests of the United States and whether those vital interests are in imminent danger.

When the Iraqis invaded Kuwait and the potential existed for them to continue to move on into Saudi Arabia, the vital interests of the United States were clearly at risk. Largely through our own fault, we are substantially dependent on Saudi Arabian oil. The President moved quickly and effectively—with my strong support and the support of the American people—to preclude any further aggression. The work the President did to assemble international support for our efforts to stop Iraq was brilliant and achieved its purpose.

Once the aggression was stopped, we embarked on a course of economic strangulation. The United States and its international partners isolated Iraq, largely preventing its ability to import goods it needs and export its oil. Again, strong and effective leadership.

In November, however, without substantive explanation, the issue changed. The President unilaterally committed an additional 200,000 troops and dramatically changed the American position from a defensive posture to an offensive one. It was at that point, Mr. Speaker, that I had to leave the reservation.

There is substantial evidence that the sanctions are working. They are causing inflation thoughout Iraq, creating shortages, fostering discontent. Economic sanctions are not a "weapon of mass destruction" designed to have instantaneous effects. Rather they are an insidious weapon, designed to cut off the lifeblood of a regime bent on terror, at home and abroad.

War is a quick and relatively easy option; peace takes patience and hard work. It appears that our Government may have lost its patience and may be taking the quick way out.

There is no doubt that Iraq must leave Kuwait—that is beyond question. There is, however, a difference of opinion over how to reach that result in a way which serves America's best interests.

The President speaks eloquently about a new world order and we all pray that it will come to pass. But, part of that new world order must be the understanding that the United States of America is one nation—albeit the greatest and most powerful Nation on the face of the Earth. Our allies in this struggle must stand with us—not just with words, but with their soldiers and sailors and with their national treasure. Nothing less is acceptable.

From the time we were schoolchildren, we were taught that only Congress has the power to declare war and clearly that is where the power belongs. But my conscience will not allow me to take this step at this time. We need to stay the course—to show the patience of a truly great Nation. The sanctions must be allowed to do their job; the world community must join us as full partners in this endeavor.

All of the elements are in place to avoid war. With work and patience—with wisdom and with leadership—we can achieve our goals and keep the peace. This is the course and effect of the Hamilton resolution which I will support. I will vote against the administration's resolution.

Mr. DOOLEY. Mr. Speaker I rise in support of the Hamitlon-Gephardt resolution. As a freshman Member of the 102d Congress I am immediately faced with a vote that may send our country to war. It may be the most difficult vote I will cast throughout my tenure in Congress.

I have carefully listened to the arguments supporting and opposing the resolutions before this body. I agree that the only tolerable solution to Saddam Hussein's barbaric invasion of Kuwait is his complete withdrawal from that region.

I support President Bush's contention that nothing short of Iraq's removal from Kuwait should be accepted. My decision on these resolutions is predicated on what action by the United States will achieve the President's objective with the fewest American lives being sacrificed.

We should not allow our decisions to use offensive military action to be forced by an arbitrary date which was drawn in the sand in a vacuum devoid of considerations of the potential effectiveness of continued sanctions or diplomatic opportunities. Military force should be used when it is our last available alternative for removing Saddam Hussein.

I do not believe we have reached that point yet. I believe that sanctions put so carefully in place by President Bush and our allied coalition should be given more time to reach their full intended effect.

Let Saddam feel the full pinch of the worldwide embargo. Then if need be we'll consider military force. Let the United States establish a "new world order" that is achieved by measured patience, economic, and diplomatic sanctions, and lastly military threat.

During my first caucus meeting I was moved by the heartfelt comments of Congressman DE LA GARZA who stated that he hesitated to speak out in opposition to U.S. military action because he had a son who was stationed with troops in the gulf and that his personal feelings may make his arguments to this body less valid. My decision today is guided precisely by the sentiments of Representative DE LA GARZA and my constituents with loved ones at risk. If the United States were to engage its troops in desert battle in the near future, and I was approached by a constituent who had lost a son or daughter, could I look that persons in the eye and say my vote backing military action was the best alternative available?

That's the question I ask myself. My answer is "No."

Mr. GAYDOS. Mr. Speaker, last August 2, Saddam Hussein's Iraqi troops unleashed a devastating and unprovoked invasion on a sister Persian Gulf nation, the Emirate of Kuwait. In the more than 5 months since that violation of national borders, Iraqi troops have systematically destroyed Kuwait as an entity.

No one that I know condones Saddam Hussein's naked and illegal aggression. Everyone I have spoken with believes without question that Hussein should, and must, withdraw his forces from Kuwait and permit Kuwait the opportunity to rebuild.

Almost everyone with whom I have spoken in recent months fully supported the President's initial response to Iraq's invasion of Kuwait—the imposition of economic sanctions through an air and sea blockade as a means of making life more difficult for all Iraqis and the deployment of a defensive force—some 100,000 American troops—in Saudi Arabia as a means of preventing any further aggressive military action by Saddam Hussein in the Persian Gulf region.

There is now, and has been for some time, considerable difference of opinion as to whether we should build up American forces, to about 450,000 in order to establish the base for an offensive military response in order to force Hussein to withdraw from Kuwait.

I, too, have serious doubts about the direction we as a nation are considering.

Today, Mr. Speaker and colleagues, is a time for careful deliberation and consideration.

We have before us a resolution calling on the Congress to endorse the United Nations Security Council Resolution 678, which has established January 15, 1991, next Tuesday, as the date by which Saddam Hussein must withdraw from Kuwait or face the threat of armed conflict.

Mr. Speaker, there are questions which we, the elected representatives of the American people, must give thought to as we consider this resolution.

Have we really and truly enforced the economic sanctions and have we allowed sufficient time for those sanctions to work?

If we endorse the United Nations resolution and permit the President the authority to initiate an armed response in the Persian Gulf, are we then abdicating the Congress' constitutional responsibility for declaring war against another nation?

First and foremost, we should all recognize that it is American troops—men and women, husbands and wives, mothers and fathers—and all of their families, and ours, who will bleed and suffer, no matter how short or long an armed intervention will be.

It has been estimated that in a short-term conflict in which our Navy and Air Force will lead the way, as many as 1,000 Americans could fall in the first week. And, just keep this figure in mind, even as things are right now with no fighting, nearly 100 American troops have died as part of Operation Desert Shield.

In a longer military exercise, I have heard that the numbers of dead and wounded could top the 100,000 mark.

Are we prepared as a nation to see Americans coming home this way?

Most Americans, including most of us here today, know that under even the best circumstances, American soldiers, sailors, pilots, and other Air Force personnel would bear the brunt of the load under a United Nations umbrella.

But, Mr. Speaker, I must ask a serious question. When the United Nations Resolution 678 was adopted by the Security Council, where was the concurrent Security Council resolution calling on other members of the United Nations to support the action by sending either troops, war materials, or funds?

Why is there no Security Council resolution setting forth the responsibilities of other member nations?

There are some nations, 29 including the United States, that are in one way or another supporting the effort to drive Hussein out of Kuwait and to restore peace and order to the Persian Gulf.

But Mr. Speaker, there are 159 nations in the United Nations, and some of those nations that are not contributing to Operation Desert Shield are conspicuous by their absences.

It comes as no surprise that France, England, Canada, and a host of other European nations have sent token forces or other minimal assistance. And I must admit that I am presently surprised that such small nations as Bahrain and Bangladesh, along with several other African and Middle Eastern nations, have made token contributions to the effort.

Where, however, are Japan, Germany, and the Soviet Union? Why aren't these nations with significant means putting something into the pot?

Thus far, there has been evidence that the economic sanctions are not working as was originally thought, but that may be primarily because some nations in this world have refused to agree to the concept of isolating Iraq from the community of law-abiding nations.

It will take more time for the economic sanctions to have the desired effect and it may require that sanctions also be applied to those nations that are refusing to support them now, but that kind of action may well be far less destructive for America than committing its troops to a military action in the Persian Gulf.

Mr. Speaker, I must oppose the idea of giving the President the authority to commit American troops without a formal declaration of war by the Congress.

I am concerned about the abdication of constitutional authority of the Congress by even extending to the President permission to engage American forces in a military operation.

Twice in the 20th century, the Congress has declared war. In both cases, the declaration came after an event that touched America and Americans directly.

Almost 50 years ago, in the wake of the Japanese bombing of Pearl Harbor and other American bases in the Pacific and at the request of then President Franklin Roosevelt, Congress issued a declaration of war.

In 1917, then President Woodrow Wilson said:

> We entered this war (World War I) because violation of rights had occurred which touched us * * * and made the life of our own people impossible unless they were corrected.

In both World War I and World War II, we had a better sense of purpose. We knew who the enemy was and why we were fighting.

It was not that the loss of life was more acceptable then, only that the loss of American lives were tied to the goal of freedom and liberty. That has not been the case with other American military actions in this century.

I likewise, am not sure that we have a clear sense of purpose for an armed conflict in the Persian Gulf. I am not sure that we have been personally touched enough to justify sending American troops into a battle or a war.

Mr. Speaker, colleagues, while we can equate Saddam Hussein's takeover of Kuwait with the takeovers of Austria, Czechoslovakia, and Poland by Adolph Hitler in the 1930's and 1940, we are not following the pattern of acquiescence of England and France at that time. We are fortunate to have history to guide us.

But neither is it necessary for us to engage in an immediate shooting war, putting American lives in jeopardy, without giving the economic sanctions and other peace initiatives a chance to work.

Mr. DORGAN of North Dakota. Mr. Speaker, some who engage in this debate characterize it as something that is very simple. It is, they say, a choice between doing something or doing nothing; a choice of strength or weakness; a choice between good or evil.

But in fact it is not simple at all. It is for some a choice of life or death. The question we face is whether words of persuasion will be replaced by weapons of war as a solution to the Middle East crisis.

We are told today we must stand with the President to send the message to Saddam Hussein. But it is not that simple either. For the message we are asked to send to Mr. Hussein is also a message that we authorize American troops to go to war in the Persian Gulf. Some, myself included, feel very strongly that it is far too early to authorize American troops to go to war in the Persian Gulf. We have not nearly exhausted the opportunities that exist for economic sanctions and diplomatic pressure to achieve our goals without resorting to war. The test of one who carries a big club is not how indiscriminately he uses it, but it is how he is able to accomplish his goals without having to resort to its use.

Let me be clear. I support the President's goals in the Persian Gulf.

There is no disagreement about our country's goals in the current crisis in the Persian Gulf. Iraq must be removed from Kuwait. The naked aggression Iraq exhibited in its invasion of Kuwait cannot be allowed to stand. That is the position of President Bush, and its my position, and I think that of most Members of Congress.

So the question is not one of goals, but of methods. The United States and its allies have moved quickly and decisively to impose economic sanctions on Iraq. Iraq, because of the economic blockade is unable now to sell its oil and raise the foreign currency that is necessary for its continued economic well-being. The result is that Iraq's gross national product will collapse.

Iraq is going to pay a very heavy price as a result of the continued patient application of these economic sanctions by the United States and its allies.

The United Nations at the urging of the United States has adopted a resolution setting a January 15 deadline for Iraq's withdrawal from Kuwait. The U.N. resolution authorizes the use of "force" if Iraq has not complied with its resolution by January 15.

As we count down now the final days to the 15th, the President is asking Congress to give him the authorization needed to use force in the Persian Gulf to remove Iraq from Kuwait.

This debate is troubling to me for a number of reasons.

First, I think that our objectives in foreign policy are best achieved when America speaks with one voice. We will in this debate be demonstrating that we are not of one mind or of one voice on this subject. But while I think that is troubling, it is not at all surprising. America is not of one mind on this issue. Our country is deeply split on whether we should order our soldiers to war in the deserts of the Persian Gulf. As untidy as a debate of this type might be, it is, I think, necessary in a democracy before committing our soldiers to die on the battlefield to determine whether it is in our national interest; whether there is a national will; whether there is a moral imperative to commit our troops to war.

A rancher from southwestern North Dakota came up to me after an evening meeting in late December and gave me a piece of paper on which was written this:

Ten thousand men marched off to fight,
When forty statesmen called it right.
But had the statesmen fought instead,
Their impatience would have cost but forty dead.

I wonder if old men deciding whether young men should fight would be quite so quick, quite so bold, quite so full of bravado, if they were leading the charge. I can't help but think that we are being far too impatient. Have we stopped Iraq's aggression? Yes. Since our deployment of troops, Saddam Hussein is stopped dead in his tracks. Have we exhausted the potential for economic sanctions to impose the kind of price on Iraq that will persuade Saddam Hussein to leave Kuwait? The answer's no. Have we exhausted all avenues of diplomatic pressure to achieve our goal in the Persian Gulf? I don't believe we have.

I think it is in this country's best interest to use of force only when it's clear that our goals cannot be attained through the continued patient application of tight economic sanctions and diplomatic pressure. In short, I think it is a mistake for this country to rush to commit its soldiers to combat before we have exhausted all other remedies.

There are a couple of other elements about the current mood here in Washington that bother me as well. Why are we so quick to Americanize this conflict? To call the force in the Persian Gulf a multinational force is a fig leaf. If there is war it will be a U.S. war. Our allies have not contributed their treasury and their troops in proportionate numbers to represent their responsibilities to keep the peace.

Shouldn't we constitute a true multinational force and require a true commitment of financial resources and troops from around the world before we take military action. Even if we end up not taking military action shouldn't the prominent peace-keeping force that will have to exist in that region be a true multinational force rather than Uncle Sam once again paying the price, bearing the burden, and incurring the risks? The answer is yes. It is time the President and Congress insisted on that kind of commitment from its allies.

The financial cost of Operation Desert Shield in the Persian Gulf without war is estimated this year to be $30 to $35 billion. With war, it will skyrocket far above that.

An enemy as dangerous to this country's well-being as Saddam Hussein is a budget deficit estimated to be $400 billion in this fiscal year.

Where is the grim determination, the steely resolve, the get tough attitude from President Bush or from this Congress to respond to the crippling deficits that are slowly but surely strangling this country's economy. As America perches precariously on the cliffs of recession and serious economic trouble, is it wise for President Bush and Congress to focus virtually all of our attention on a tinhorn dictator in Iraq rather than the serious threats to the American way of life here at home?

My colleagues, America is borrowing money from its allies and spending it to risk the lives of our young men defending our allies interests in a desert 10,000 miles from home—even as our unemployment lines lengthen, our economy turns sour.

As we debate the crisis in the Persian Gulf, let's understand it's also time to start dealing with the threat here at home.

Mr. OWENS of New York. Mr. Speaker, stop the madness. Stop the war. Deny the President the authority to wage war in the Middle East.

Let us make no mistake about what it is we are debating here. Attempts have been made to obfuscate and obscure what is really before us to provide some political cover for those among us who want to dodge the issue. But clever rhetoric cannot conceal it. We are debating war. The President has asked the Congress to give him a specific mandate to attack Iraq. That is what is at issue here: whether we will wage an offensive war against Iraq.

The administration has accomplished a great deal by its swift and skillful assembly of an international coalition aligned against Saddam Hussein's rape and annexation of Kuwait. Further Iraqi aggression has been contained; Saddam's forces have been stopped in their tracks. Sweeping, worldwide economic sanctions have been erected; the Iraqi economy is sputtering in their wake. If the President's true objective really is to liberate Kuwait and punish Iraq, he is well on his way to achieving that goal if he just holds the line and stays the course.

But Presidential temperance and restraint are about to be discarded. Suddenly impatient, President Bush is poised now to pitch American men and women into a calamitous bloodbath against Iraq.

We are urged by the President to join him in his rush to war because the United Nations has reputedly endorsed such an attack. We are told not to second-guess their decision. But the United Nations was wrong. And it is our duty to correct their mistake.

The costs in human terms of a war with Iraq are terrible to contemplate—terrible, in fact, that the Pentagon has refused to make any estimate at all of the potential American casualties in such a conflict. But other experts have given us some rough idea of the kind of carnage we can expect. Newsweek estimates that 5,000 Americans will die and 15,000 will be wounded in the first 10 days of war—as many as in an average year in Vietnam. The Center for Defense Information estimates 10,000 American dead and 35,000 wounded over 90 days. The Washington Post reports that the Pentagon has just made a rush order for 16,000 additional body bags. And Jack Anderson, citing Pentagon sources, has estimated that 30,000 Americans will be killed in the first 20 days of war. This, Speaker, is nearly as many dead as we lost during the entire Korean war.

Disproportionate numbers of those who will be slaughtered in the desert will be African-Americans. Nearly one-third of our soldiers in Operation Desert Shield are African-American, many of them with families in my 12th Congressional District in Brooklyn. Numerous others are Hispanic, Native American, and Asian. But this is an issue that is of particular concern to the African-American community. Young African-American men and women are three times more likely to be in the Armed Forces and involved in this impending war in the sand as young whites. Thousands more precious members of a generation already devastated by malignant Republican social policies here at home will be lost to a malignant Republican foreign policy abroad. Ironically—no, sickeningly—these young men and women who have been denied adequate health care, housing, and educational support by their own government will be sent into battle to try to restore a foreign government which provided free health care, education, and ever free telephone service to its oligarchic elites.

Yet with the prospect of so much bloodshed, of so many losses of American lives, the White House has offered up only the most feeble of rationales for its headlong rush to war—when it has bothered to offer them at all. But even if the potential casualties were smaller, a move toward war would still be unacceptable. I have heard not one word from the lips of President Bush that would justify the loss of a single American soldier in the sand of Kuwait.

War is never morally justifiable when peaceful means of resolving a conflict remain viable and available. But after a promising beginning, the White House has suddenly abandoned the pursuit of a peaceful resolution of the crisis. It tells us not that a United States military assault against Iraq is the only way to bring peace and stability to the Persian Gulf. War, in other words, is the only path to peace.

So many times before have we heard that chilling refrain from those who lead nations—and always with such tragic consequences for the men and women who are called to follow them. Old men declare war; young men and women fight and die; then old men sit down to make the deals they could have made before the war.

In this 1967 "A Christian Sermon on Peace," Dr. Martin Luther King, Jr. underscored the fraudulence of this peculiar but all too familiar vision of the way toward peace.

> It's one of the strangest things that all the great military geniuses of the world have talked about peace. The conquerors of old who came killing in pursuit of peace, Alexander, Julius Caesar, Charlemagne, and Napoleon, were akin in seeking a peaceful world order. If you will read Mein Kampf closely enough, you will discover that Hitler contended that everything he did in Germany was for peace. And the leaders of the world today talk eloquently about peace. Every time we drop our bombs in North Vietnam, President Johnson talks eloquently about peace. What is the problem? They are talking about peace as a distant goal, as an end we seek, but one day we must come to see that peace is not merely a distant goal we seek, but that it is a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. All of this is saying that, in the final analysis, means and end must cohere because the end is preexistent in the means, and ultimately destructive means cannot bring about constructive ends.

Dr. King was right. We cannot come killing in pursuit of peace in the Persian Gulf; we must pursue peaceful ends through peaceful means. We must hold the line, maintain the sanctions against Saddam, and resist the rush to war.

I do not understand the logic of those who now insist that economic sanctions cannot now do the job of getting Saddam out of Kuwait. Of course they can; economic sanctions work all the time and they are working now. Iraq's ramshackle economy is uniquely vulnerable to this kind of peaceful but potent economic pressure. And the scope and complexity of the sanctions now in place are unprecedented in modern world history. Sanctions will work if we give them time; there is no need for war.

President Bush has often said that what happens in the gulf at this moment in history is so critical because it promises to be the event that will define and shape the code of conduct among nations in what he calls the new world order. Indeed, it will be. Which is precisely why we must stop the war and stick with sanctions. With our votes this week, let us act to make the pursuit of peaceful ends through peaceful means the central guiding principle of the emerging new world order. Do not go killing in pursuit of peace.

I had hoped that the Democratic Party would leap into the vacuum of moral leadership at the highest levels of our Government and loudly declare itself in opposition to war. Americans are urgently seeking that kind of vision and leadership. But the Speaker has declared that this is a nonpartisan issue and has urged Members to vote their conscience on this issue. That they must do. Each Member here bears personal responsibility for what will happen in the next few weeks in the Persian Gulf.

I will be voting my conscience and voting against the war. My conscience tells me that to do otherwise would make me an accessory to murder.

Mr. BUSTAMANTE. Mr. Speaker, Congress can debate no more important question than the issue of war and peace.

The American people should know that while the Members in this Chamber may disagree over what course of action we should take in the Persian Gulf, this is not a partisan issue.

I commend the leadership for making this an issue of conscience, not of party.

Our common goal is for the complete withdrawal of Iraqi forces from Kuwait. Our differences exist on the tactics that get us there.

What is the most effective means of accomplishing our objective? Going to war? Or letting sanctions work?

Retired Adm. William Crowe, Jr., former Chairman of the Joint Chiefs of Staff said it well:

The issue, he said, is not whether an embargo will work, but whether we have the patience to let it take effect."

So, from my viewpoint we either bomb Iraq or starve it. The war option results in immediate sacrifices. The economic option takes time, but reduces the risk of American casualties.

There is no question of the effectiveness of the economic embargo.

Last month, CIA Director William Webster said that the economic sanctions against Iraq are effective and are being felt economically and militarily.

I understand that Director Webster has expanded on that statement.

Supporters of the Solarz-Michel resolution site Director Webster's letter of January 10 to support their position to give the President the authority to use military force.

But listen to what Director Webster has to say about relying on economic sanctions for another 12 months. Continuing with the sanctions, he says, will degrade Iraq's "armored and mechanized forces."

He goes on to project that "The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb training activities."

Economic sanctions may not achieve the political objective of toppling Saddam Hussein quickly from power.

But they will work to further weaken Iraq militarily. I don't question the use of the war option, but I do question using the war option at this time. The United States waited 40 years to win the cold war.

Why can't we show a little more patience in letting the economic sanctions work their deteriorating effect on the Iraqi war machine before we decide to commit our young men and women to a military offensive?

There is one other point that has influenced my decision to lend my support for the Hamilton-Gephardt resolution.

Despite what the polls say, I do not find a consensus of support in the 23d Congressional District for giving the President blanket authority to conduct war.

In fact, very few of the calls and letters I've received have indicated support for the President's position.

If this Chamber mirrors the mood of the country, then clearly this country is divided over the war question.

And in my view, the last thing we should do is commit this country on a course to war in the absence of a national consensus.

It is for these reasons that I rise in support of the Hamilton-Gephardt resolution.

Mr. EDWARDS of Texas. Mr. Speaker, as a new Member of Congress, this is my first speech on the floor of this historic House.

Rather than being the uplifting and exciting moment I had dreamed about for so long, this is a sad and difficult moment for me, because 22,000 brave men and women from Fort Hood, in my district, are at this moment in the Persian Gulf.

For weeks I have agonized over the decision on war and peace, the most important vote any Member of Congress could ever face.

I have met with 20-year-old wives at Fort Hood who could be young widows in the near future. I have walked alongside the Vietnam War Memorial and touched the names of men and women who died in that tragic war—a grim reminder that war is not a John Wayne movie where the good guy rides off happily into the sunset.

If we go to war, many of my constituents may not ever see another sunset. Children will lose their parents and mothers and fathers will lose their most cherished dreams of seeing their own sons and daughters live a full and happy life.

For these reasons, I had hoped and prayed that diplomacy, not war, would solve the Persian Gulf crisis. That is still my hope.

Since I represent more troops in the Persian Gulf than perhaps any other Member of this House, the easiest personal decision for me would be to vote to prohibit military force as of now. By doing that, I would not have to look a young widow or child in the eye and say I was part of a decision that sent her husband or father to an early grave.

However, I have decided that the only hope for peace, as slim as it might be, is for the United States and the world community to send a clear message to Saddam Hussein that we will not tolerate unprovoked aggression against a sovereign nation.

I wished we lived in a world where the threat of force was not necessary to prevent war. If that were the case we would have no Defense Department and no nuclear weapons. Unfortunately, I can only dream of living to see such a day, and that day will never come as long as we have Saddam Husseins in this world.

I had hoped diplomacy might work, but it has not. Genuine efforts by the Arab League, the United Nations, the European Community and the United States have failed.

I had hoped sanctions might work to bring Hussein to his senses, but that has not happened so far.

I had hoped continued sanctions could work, but, in my own judgment, Saddam Hussein's delusions of grandeur will let him rationalize the tremendous suffering of his own people to keep his war machine alive, regardless of sanctions.

I had hoped there would be no downside, no risk in just letting sanctions work for a year or two. But, I now do not believe that to be the case. The potential breakup of our fragile alliance, the temptation to appease Hussein's aggression with concessions, the growing supply of chemical and biological weapons, the increased threat of nuclear weapons, and the possibility of a Hussein with enhanced Arab prestige as a result of his having stood up to the world community—these are all grave and real risks of withholding the threat of military force now.

When I vote for the Solarz-Michel resolution, it will be with the belief that war can still be averted, but not at all costs.

I urge President Bush to exhaust every means of diplomacy, because I still hope for peace.

Just as every Member of this House has done, I have searched my conscience and have tried to do what I think is right, knowing that each of us must live for the rest of our lives with this decision.

Mr. ANTHONY. Mr. Speaker, the objective of American policy in the Persian Gulf is clear and unequivocable—Iraq must effect a complete and total withdrawal from Kuwait. This objective is not subject to compromise or negotiation. Simply put, we cannot permit Iraq's naked aggression to stand. I fully support this policy objective and want to commend the President for taking decisive action to stop Iraq at the Kuwaiti border and for organizing an international coalition to work in concert to isolate Saddam Hussein economically.

The debate is not about what our policy should be, but how to best implement it. As I see it, there are three options to accomplish this policy: we can vote to give President Bush the authority to commit U.S. forces to war after January 15; or as some believe we could decide to only use economic sanctions and diplomacy to pressure Iraq to leave Kuwait; or finally, we can pursue what I think is the best option—allow sanctions and diplomacy more time to work while at the same time keeping all our military options open.

The most important reason for pursuing this option is that sanctions may work and military force will not be needed. Equally important is that if the sanctions have their intended effect they will drastically inhibit Saddam Hussein's ability to prosecute war against United States forces thus reducing the number of American lives that may be lost in expelling Iraq from Kuwait. After all when you get right down to it isn't that what we all want—to accomplish the policy objective with the minimum loss of American life?

Until this week, all we have heard is that no oil is getting out of Iraq and no spare parts are getting in. Some estimate that Iraq's GNP has been cut in half and that Saddam Hussein's military infrastructure is deteriorating rapidly. Mr. Speaker, if the sanctions are not working it is the duty of President Bush to make the case to the American public and the Congress. I cannot vote for the immediate use of force until I have been presented with tangible evidence that the economic sanctions are not having their intended effect.

Nor can I vote to authorize the President to go to war until appropriate diplomatic options have been exhausted. This does not mean that Iraq should be allowed to use endless diplomatic maneuvering to merely delay his exit from Kuwait. But, at the very least a high-level official of the administration or our U.N. allies should have a face-to-face meeting with Saddam Hussein or a member of his intercircle before American troops are sent into action.

Commiting U.S. Armed Forces to war is the gravest decision a Member of Congress must make. My vote is not one that is cast against the President because I support his ultimate policy objective. The most important duty all of us share is to support our brave men and women stationed in the desert of Saudia Arabia. That is why I am following my conscience to pursue an option that I firmly believe will ensure as many of them as possible to return home safely to their families and loved ones.

Mr. CLAY. Mr. Speaker, notwithstanding President Bush's pathetic utterances that the language in the Constitution dealing with war is ambiguous, the Constitution of the United States in unequivocal terms confers on the Congress the exclusive right to declare war.

Notwithstanding our President's irrational statements about Iraq being a threat to world order, there is no sufficient justification to involve the United States military in armed conflict over the invasion of Kuwait. Despite President Bush's illogical rantings and ravings about the need to use force without allowing economic sanctions to play out their course, it would be a tragedy of great proportion to sacrifice the lives of American men and women in this misguided cause.

Mr. Speaker, when will the American people ask our President to define the American interest in the Kuwaiti, Iraqi, Saudi Arabian conflict? Certainly it is not to defend liberty and democracy, for Saudi Arabia and Kuwait are two of the most undemocratic, oppressive nations on the face of the Earth. Hopefully, our President is not contending that the occupation of Kuwait threatens the flow of oil to American industrial machinery; there are no long lines at the gas pumps and there is no threat of the excessive consumption of our own vast oil reserves. Americans remember the long lines at the gas pumps in the 1970's and we should not forget that they occurred as a result of Kuwaiti and Saudi Arabian OPEC policy.

If, Mr. Speaker, the President is correct in his interpretation that the situation in the gulf is a threat to the world order, then where is the rest of the world community? Especially those nations which really depend on oil from Kuwait? We don't see Japan and Germany commiting any troops to fight. We don't see France, Belgium, and England amassing hundreds of thousands of their young men and women on the border of Kuwait. And perhaps the greatest irony of all, is that we don't see Saudi Arabia and Kuwait armed at the border to suppress the Iraqi aggression.

I am unalterably opposed to sanctioning the use of force by the President to evict Iraqi troops from Kuwait, until it is demonstrated beyond a shadow of a doubt that such occupation is a threat to the world order. Our mighty military machine would probably win a war with Iraq, but the cost will be astronomical in terms of Iraqi and American lives lost.

Over the past several months I have worked with some of my colleagues in an effort to forestall the very war mongering that is presently taking place in this body today. We have argued that economic sanctions, accompanied by genuine efforts of diplomacy, should be given ample opportunity to work. But those sanctions have not been given that opportunity and God knows that the stubborn, intransigent, abrasive attitudes of President Bush and Secretary Baker were intended to effectuate the precise war mood that exists on the floor of this House today.

In addition, I cosponsored the resolution of concern about the President's policy and requested the administration not pursue any offensive military action without the full deliberation and declaration of Congress. Further, I joined with other Members of Congress as a coplaintiff in the lawsuit which sought a Federal injunction to prevent offensive military action in the gulf without express congressional authorization.

Mr. Speaker, diplomacy is the art of give and take. Over the years, I have criticized most militaristic foreign policy initiatives. I believe U.S. foreign policy is too often directed toward a military solution and not often enough directed toward a diplomatic resolution.

Today we have the technological power to destroy every nation on this Earth—but we also have the technology to help create real dialog among all the nations of our planet. A wise Missouri's legislator—Harry S. Truman—once said "the responsibility of great states is to serve and not to dominate the world." I believe our Nation would gain much more if we would heed this advice and use our power and influence to serve others by creating viable diplomatic solutions to world problems.

A war with Iraq promises to serve no one. War is a nonsolution. The U.S. military presence in the Middle East has already acerbated the serious regional problems and turmoil which plague the nations of the Middle East and typify so many developing countries.

Mr. Speaker, today we have the opportunity to make an historic change in U.S. foreign policy. We have the power to pursue diplomatic solutions to world problems and we must exercise it. I implore this body to vote against war. I urge my colleagues to approve the Durbin-Bennett resolution confirming that our Constitution has vested in Congress all power to declare war and I encourage passage of the Hamilton-Gephardt resolution authorizing the defense of Saudi Arabia and the enforcement of the U.N. embargo against Iraq.

Mr. STARK. Mr. Speaker, I have listened very carefully to the debate for 2 days now.

I have not heard any of you say a single thing for which I would vote to send even one American to die. Not one of the many reasons given, such as Hussein being a modern day Hitler, the need for oil, protecting the Saudis, the need to save Kuwait, or the safety of Israel have convinced me that war is justified. The only valid issue is whether to give President Bush authority to order thousands, even tens of thousands to their death.

Our allies have done almost nothing to help with this burden. The embargo is the only humane alternative.

I will not vote for the President's resolution.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I am deeply troubled today as I begin my service in the House of Representatives. I cannot imagine having to make a more difficult or more agonizing vote.

I rise in support of the Solarz-Michel resolution. I believe that it is important for Congress to support the President. I have fully and consistently supported the President's deployment of American troops, defense of Saudi Arabia, and imposition of the U.N. sanctions against Iraq. I question, however, the President's decision in November doubling the number of American troops in the gulf and setting the January 15 deadline for Iraqi withdrawal. This shift from a defensive to an offensive posture by American forces in the gulf has embarked this Nation upon a high-risk gambit which I would not have chosen.

Keeping the peace is more complicated than simply delaying the onset of war. I have searched my mind and my soul and have reached a decision which I pray is correct. Ironically, I have concluded that a vote against the President's authority to conduct war will almost certainly result in war. It would embolden Saddam Hussein and would not prevent President Bush from acting without congressional authority.

On the other hand, a vote granting the President authority to conduct war might be the last hope for peace. By exhibiting unity of American resolve, Saddam might realize that futility of his actions and withdraw.

In the final analysis, the success of the President's diplomatic strategy requires the credible threat of force. Once Congress approves the use of force, the President must make the decision whether to use force, and when, what type and how much force is necessary.

Mr. Speaker, we are asked to authorize force and stand prepared to take this Nation into war if necessary in the hope that war will be avoided. I pray that we are right. I pray that girding up for war constitutes the last best chance for peace.

I will give President Bush my trust and my vote and my prayers.

Mr. SMITH of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I am here to tell you that I am in favor of giving sanctions more time to work.

When President Bush first sent troops to the Middle East on August 8, 1990, he said the mission of our troops was wholly defensive—that it was not to initiate hostilities. I support the President's decision to defend Saudi Arabia. I support the President's decision to prevent Saddam Hussein from selling the oil that he has stolen from Kuwait.

Beyond our defensive posture, this issue becomes more complicated.

Article I, section 8, of the Constitution clearly gives Congress, the authority to declare war. We met for 20 hours a day, seven days a week at the end of the 101st Congress. At a time when we could have taken action on this issue, we were told by the administration that the sanctions were working.

Three weeks later, when we were no longer in session 2 days after an election—our President convinced the United Nations to set a deadline for withdrawal.

What happened during the weeks that we were out of session to cause this change? Were we attacked? Was a single American killed by hostile fire? Was one shot fired in anger?

During the same 3-week period, our Nation spend $12 billion on interest payments alone on the national debt. Not principal; interest payments. Yet there is no clamor here or in the White House to balance the budget.

During the same 3 weeks, freighter loads of marijuana, truck loads of cocaine flooded across our borders, but there is no clamor to win the war on drugs.

During the same 3 weeks, three additional S&Ls failed and yet no one clamored to bring the abusers of the public trust to justice.

Dozens of American industries closed their doors and joined the ranks of our maritime industry, shipbuilding, steel textile and electronic industries—another segment lost from what was once our industrial might. Yet, there was no clamor to protect the backbone of the American dream—decent jobs that provide opportunity for upward mobility.

During the same 3 weeks, organized crime figures murdered, extorted money and bragged of their successes in manipulating our legal system. Yet Members who traveled thousands of mills to investigate the wrongdoings in the Middle East, won't raise a hand against the criminals at home.

Why are those who are so intent on solving Kuwait's problem, so reluctant to solve the problems of people here in this country? America has never wavered in its purpose. We have been willing to fight for the things in which we believe.

Historically, we have been a peaceful nation, that has acted not in haste. When North Koreans captured the U.S. *Pueblo* in January, 1968 and tortured and interrogated its 82 crew members for 11 months, did we attack North Korea? If not then why now?

The great leaders in this nation have always thought of war as a last resort.

Some people may ask what kind a message are we sending Hussein if the President and the Congress appear divided in the issue of aggression and of liberating Kuwait?

With 400,000 U.S. troops already in Saudi Arabia, America already has sent Hussein a clear enough signal.

Hussein is a little man. Iraq is only one of 13 little nations to possess over 1,000 tanks. Iraq is one of 14 little nations to possess chemical weapons. Iraq has no Navy. Its Air Force is a joke. Hussein is a petty thug.

Tonight, after work, I will walk down the street to have some dinner—no escorts—no bodyguards—no fear of the people I have the privilege to represent. Tonight, Saddam Hussein, traveling in a bomb proof vehicle will sleep in one of his 10 bomb-proof shelters out of fear for his life. He knows that his people will one day avenge the murders that he has committed against his countrymen. He is afraid of his own people.

No one, no one rushes to Hussein's defense. All Members of this body reject Hussein and his methods. All agree that he must go. The question is whether we starve him out, or blast him out.

A universal criticism of government is that we always find the most costly way to accomplish our goals. Must that criticism apply to the waste of young men and women as well? It is wrong to waste one dime of our citizens' money. It is inexcusable to squander one life.

Those who would have us rush to spend these lives would like to have the citizens believe that any Member who does not vote in favor of this war resolution is faltering in his support for our troops.

Nothing could be further from the truth.

I represent one of the most patriotic areas of our country—and one of the most conservative. South Mississippians believe in our President and, over the years, we have stood behind the flag. Mississippi has one of the highest proportion of residents called up as Reservists in Operation Desert Shield. These men and women will selflessly serve in war, if this is what our President and this body calls them to do.

True conservatives, know the value of conserving all of our resources—not just our money. One of the most precious resources that we can conserve is the lives of our young men and women in uniform. The citizens of this nation built the hospitals in which they were born, the schools in which they were educated and the communities in which they live. As a nation, we have spared no expense in training and arming these warriors. Is it not wise to want to protect our investment?

Our forces were trained to combat very real threats. Despite all of their internal trouble, the Soviets continue to build nuclear submarines and missiles. Just last month, a new Soviet Victor III Class nuclear submarine entered the Mediterranean. The submarine carries nuclear missiles and is virtually impossible to detect. Ladies and gentlemen, that is a real threat.

Ladies and gentlemen, this is not a vote for or against the President, for or against the United Nations. Above all, this is not a vote for or against those people who have volunteered to serve our country. The Solarz resolution is a vote for war and it must be called that.

Last year, Congress passed what it called an ethics package. To the people back home it was a pay raise. No slight of hand should disguise this issue.

If we are willing to go to war, let's say so. If we are willing to pay the costs of war, let's say what programs are going to be cut or what taxes are going to be raised. If we are willing to go to war, let's come up with a program now that outlines a draft should that be necessary. All of the citizens and all of the Members should know exactly what the issues are.

To do anything less is an injustice to the American people.

If this body is not ready to give the President a clear declaration of war, to pay the cost of that war and to draft our young people to serve this great Nation, then we should follow the course of the sanctions and explore every possible avenue to achieve our goals with the least cost in American lives. Regardless of the outcome of this vote, I make this pledge to the people of Mississippi, this Nation, our men and women in uniform and to Saddam Hussein: If one bullet is fired at one American anywhere by an Iraqi soldier, as a member of the Armed Services Committee, I will support the President in using every weapon in our arsenal to eliminate the scourge of Saddam Hussein from the face of the Earth.

□ 2300

Mr. McCANDLESS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. MCCRERY].

Mr. McCRERY. Mr. Speaker, as badly as we all wish to avoid military conflict in the Mid-East, we must recognize the unfortunate reality that sometimes in the course of human events, wars are necessary. Americans are a peace-loving people—we have not fought wars for conquest or territorial gain, but rather to preserve our freedom and to give others a chance to enjoy freedom. Yes, Americans are a peace-loving people, and yes, Americans abhor war and its ugly consequences, but Americans have never been afraid of a fight and recognize that there are times when we must fight. This Congress, as representatives of the American people, needs to send a clear message to Saddam Hussein that now is one of those times—that we are decided, and we are together. To be fair with the Iraqi people and to give the most impetus to prospects for a peaceful resolution to this crisis, we must adopt the Solarz-Michel resolution to make it abundantly clear to Iraq's leaders that Americans will indeed fight if need be to remove Saddam and his troops from Kuwait.

Why is this a time to fight? The reasons are many and have been stated by other speakers here today.

Briefly: As far as the timing of military engagement:

It is unlikely that sanctions alone will achieve our goal of removing Saddam from Kuwait;

There is serious question as to how long the international coalition now arrayed against Saddam will hold together;

The morale of our soldiers is high now—the prospect of waiting another 6 months, or even longer, will surely threaten that morale;

We don't know how close Saddam is to production of a nuclear weapon, and we surely do not want to wait until he has nuclear weapons to begin a military action against him.

As far as the underlying reasons for our goal of removing Iraqi troops from Kuwait, there are two:

One, purely and simply—economic—oil and energy;

Two, the necessity for the United States to play a leadership role in establishing the post cold war world order.

The United States is the only true superpower, in both military and economic terms, in the world today. We, as Americans, have always dreamed of living in a world which is at peace, one which is not threatened by global war. We have long sought a world in which people will be free to use their minds, their talents, and their skills to improve the quality of life on this planet, a world in which trade will flourish among nations, lifting the standard of living for a greater and greater proportion of the world's population. We have a chance now to pave the way for such a world order—Shame on us if we shrink from the leadership role we must play if it is to come about.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I rise in support of the bipartisan Solarz-Michel resolution, which reaffirms U.N. Resolution 678, and authorizes the President to use military force as an option to liberate Kuwait if other efforts fail.

It is our duty now to face the reality which has evolved, to choose the course which will, in our best judgment, serve the interests of peace, save American lives, and protect our international interests. I have come to believe deeply and sincerely that economic sanctions alone will not force the unconditional withdrawal of Iraqi forces, and that the threat of massive force against Saddam Hussein is no threat at all without the authorization to use it.

This resolution does not ask or encourage the President to conduct war. It does not preclude patience. It does not preclude the continued use of economic sanctions, nor does it preclude the search for peace through diplomatic channels. In my opinion, it strengthens our diplomatic effort, by underscoring the seriousness of our commitment against the outrage of Saddam Hussein's occupation of Kuwait.

Mr. Speaker, this war has begun—it began on August 2, and it continues in the daily terror of atrocity in Kuwait. The civilized nations of the world community who are aligned against this aggression did not seek this fight. We seek to end it. And we must give ourselves every option to secure that end.

Mr. Speaker, we must send the strongest possible signal to Saddam Hussein that the time has come to accept the opinion of the community of nations, and to withdraw from the sovereign state of Kuwait, unconditionally and peacefully.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, on the most important vote of my career, I am uncertain whether my vote will be the right one. I say this even though I have been in the Persian Gulf recently, I serve on the House Intelligence Committee, I have been a Member here 8 years, and I usually make up my mind fairly fast on issues.

I was among those this morning that met with President Bush. He was magnificent and I firmly believe that he wants peace and has gone the extra mile. In contrast, Iraq showed its true colors by choking off any interest in negotiations.

My gut and the facts tell me to go with the President, but my heart and my conscience tell me to give sanctions more time. In the end, I will be voting with my heart and my conscience to give sanctions more time. I do so with the view that the military option may have to be exercised, even at a date certain, perhaps in 60 to 90 days if Iraq continues to rebuff peace efforts.

Here's why I believe we should be patient a little longer knowing full well that this may be a potential mistaken course.

First, the President's resolution puts the Congress out of the loop in future decisions on the gulf involving war. That I believe is inappropriate, both constitutionally and because the only voice the American people have is the Congress. We are talking about 400,000 American lives. We are talking about an American war. A strong America is a democratic America. If we go to war, Congress should not shirk its responsibility by giving a one time blank check.

Second, I believe that Iraq will ultimately become an economic basketcase because the President's economic sanctions are working. The international blockade must be given more time, not indefinitely, but clearly for a few more months. To those who say that economic sanctions do not guarantee Iraq will withdraw from Kuwait after January 15, without a diplomatic solution, I say what guarantee do we have that a war will be brief and that American casualties will be light?

Third—something has to change about allied burdensharing, about whose interests are at stake, about who is really doing the dirty work. Let's face it. Where is Japan? Where is Germany? Who is on the front line? Who is coming back in body bags? It's American boys. The burden needs to be spread more evenly. It should be a real coalition where you are counted by how many troops you send rather than casting easy U.N. votes.

Fourth—I have to listen to what New Mexicans have said to me. A majority are not for going to war. They want to give sanctions more time and so I have to reflect what the people that sent me here want. It is not the major reason, but an extremely important one for me, and I am sure for many of us.

I am not optimistic about the prospects of a diplomatic solution nor of the certainty of sanctions to get Saddam out of Kuwait. And I concede that we might be on the brink of a quick military victory but I don't know that either. So in the end, I have opted to give the slim possibility that a nonmilitary solution might succeed one last chance.

Finally, I know the President would prefer to have my vote rather than these nice words.

Mr. President, you have handled this issue masterfully internationally. What is happening today in the Congress is not division, but democracy in action.

Mr. President, if you go to war at least you have constitutionally given the Congress a role, although not to my entire satisfaction.

Mr. President, I think you have given peace a chance but if you can wait a little longer it might avert the blood we all fear will be spilled.

Mr. President, as you make the enormously difficult decisions in the days ahead, remember that every Member of this body deep down supports our troops and hopes you succeed.

Mr. Speaker, I am including a diary that I kept of my Persian Gulf trip in December 1990.

OPERATION DESERT SHIELD DIARY

TUESDAY, DECEMBER 11, 1990

10:00 am—Leave Andrews Air Force Base via a VC-137 military jet en route to Operation Desert Shield. It is a 13 hour flight with a brief refueling stop in Shannon Island.

In the cargo compartment of the VC-137 I brought a huge ice chest containing seventy 12-ounce containers of salsa roja, courtesy of the Chavez Chile Corporation of Santa Rosa, letters and 81 messages to be delivered to New Mexico troops. Navy Commander Nash, the group's military escort, warned me not to expect every New Mexico troop to come marching to meet with me. "We'll do what we can to find them," he said.

WEDNESDAY, DECEMBER 12

8:30 am—The military jet touches down at Riyadh Air Base.

9:30 to 11:30 am—General Norman Schwartzkopf, U.S. Commander of Desert Shield, gives us an exhaustive briefing.

Schwartzkopf is not intimidated by the presence of 28 members of Congress. We need your support he keeps repeating. He wants mainly to clear up several misconceptions about Desert Shield. First, U.S. equipment has been effective and has worked in the desert, specifically the Apache helicopter, he assures us. Second, the morale of troops is very good, not negative as the press has been reporting. Schwartzkopf mentions that the troops are receiving 300 tons of mail per day. He is especially laudatory of the 16 tons of weightlifting equipment sent by Arnold Schwartzenegger and the free phone calls that AT&T has arranged for them.

Schwartzkopf impresses me with his facts, a strategic mind and deep concern for his troops. From press reports, I had expected a gung ho type salivating to go to war. I am pleasantly surprised, as are the other members of our delegation. His main message is twofold (1) that Operation Desert Shield is a highly competent military force ready to go to war if necessary and determined to win and (2) that had we not sent American forces to the Gulf Iraq would have made a move on Saudi Arabia and other Persian Gulf states.

11:30 am to 1:00 pm—Briefing by U.S. Embassy staff and Ambassador Chas Freeman.

The Ambassador gives us a broad overview of Saudi Arabia and its problems. He tells us of the growing tensions in the Kingdom because of the possibility of war and the excellent behavior of American forces. When Freeman observed that U.S. troops hadn't downed a beer in four months in observance of strict Saudi Moslem regulations, that set off some fireworks (especially from me) from some of my colleagues over the restrictive Saudi practices on our troops, such as limiting religious practices, discriminatory measures against women troops, and freedom of movement within Saudi Arabia.

Although extremely well versed and capable, Freeman strikes me as being a bit too eager to defend Saudi behavior. On a bipartisan basis, Members inform Freeman, who no doubt will cable the Secretary of State about our meeting, that (1) we should stop acting like the Saudis are doing us a big favor about being here and that they should loosen up on restrictions and (2) that we are not happy about allied contributions to Desert Shield, notably Germany and Japan. The meeting nonetheless ends on a positive note.

1:30 pm—After a brief tour of an RC-135 reconnaissance aircraft we get back on our military jet and head off for Dhaharan and the King Abdul Aziz Air base.

2:30 pm—After a one hour flight, we are met by Prince Turki Faisal, a Saudi Royal family member and F-15 pilot and Col. John McBroom of the 1st Tactical Fighter Wing who give us a tour of the Air base and the Joint American-Saudi units.

The starkness of the Saudi landscape is most evident. Desert and sand and more desert—virtually engulfing the city of Dhaharan. The Saudi and American pilots seem to work well together with little language difficulty. Turki Faisal gets a little defensive when I ask him informally about Saudi restrictions on our troops.

3:00 pm-4:30 pm—Col. McBroom takes us to meet several of our pilots from the 1st Tactical Fighter Wing.

He tells us that fighter pilot morale goes up and down and that Iraqi surface to air missiles can hurt us. I meet up with Fighter pilot Bill Lebrecht of Albuquerque and I promise to call his father. "Let's take action so that we can go home. Morale's okay but we want to get out of here. Just let us do our job," Lebrecht tells me. Lebrecht doesn't look like a day over 21.

Pilot Don Schlipp, who trained at Cannon, says "Just do it constitutionally, get Congress involved. You guys (Congress) figure it out, but let's just get out of here."

The message from other F-15 pilots who had trained in New Mexico was basically the same: "Let's do something, kick some rear ends, and go home."

Several complained about Saudi restrictions. One woman officer told me she didn't like the fact that the Saudis closed their gyms to women. "It's hard to go downtown—there are just too many hassles." On the bus back to our next stop, Col. McBroom testily answered he, not the Saudis, put on many of the restrictions because of possible terrorist threats.

The rest of the afternoon we spent touring a military hospital, a logistics center, and talking to a variety of top brass about the American presence in Saudi Arabia. It is truly amazing how we have constructed a sprawling city in the middle of the Saudi desert. Our job, said the head of the logistical support group, is "to bring the troops in, take them to the field, and provide them sustenance."

8:30 pm—After calling my office and a few calls to New Mexico, I am sound asleep. Tomorrow, we are told, we start at 7:00 a.m. and end up with a 10:00 p.m. briefing in Israel.

THURSDAY, DECEMBER 13

8:00 a.m. to 9:15 a.m.—Visit 1st Marine Expeditionary Forces. As we board three huge Marine helicopters, I smile at how we look—28 Michael Dukakises with our little caps and flapjackets. As we fly over miles and miles of Saudi sand and desert to see American marines near the Kuwaiti border, you can feel the sand and dirt all over you. Huge sandstorms are everywhere.

Landing at Jubail Naval Air Base, we are met by Lt. General Walter E. Boomer and a group of young Marines, quiet and determined looking, none looking older than 19. They look fit, agile, clean, and in good spirits. They joke and chuckle a bit at one or two overweight Congressmen trying to get into jeeps.

Boomer looks mean and tough but with a devilish twinkle in his eye. We are glad you are here, and we need your support, he says. He starts his briefing in a camouflaged net. "I've got thousands of Marines up here on the front 40 miles from the Kuwaiti border and the morale is basically good. My boys here want to hear news from the states so most of our time here we'll use so that you Congressmen see the troops from your states. I haven't given them a day off in four months, so they'll be glad to see you." The temperature is about 90 degrees and it goes down to about 70 at night.

The first question rings out from one of my colleagues, "What other countries are up here with you on the front?" Boomer rattles off the Saudis, Omanis, Qataris, and Senegalese. He says morale is good. The most important necessities up here says Boomer is food, warmth, clothing, mail, and phone calls home. Boomer adds, perhaps noting his audience, "The guys are getting mixed messages about Desert Shield from back home. They want the American people to back them."

Boomer concludes his briefing. Like Schwartzkopf, he is no nonsense, impressive and sincere. He seems like a guy you definitely want on your side in an alley fight. Again, what comes across is a deep concern for his troops. "Make sure my boys get plenty of mail. Thank God for the AT&T free phone calls. The goal of every Marine is one phone call home between now and the end of the year." Boomer's remarks make me feel good about the letters, messages, and salsa I brought from New Mexico.

As we jump in a jeep to meet troops from our home states deeper in the desert, I notice a picture of a scantily clad women on the dashboard, posing provocatively. "That looks like Pretty Woman Star Julia Roberts," I said to the pleased Marine. "That's my wife, sir. Just looking at her keeps me going," he said.

"Did you bring me some green chili?" asks Lance Corporal Eric Omelas of Rio Rancho, approaching me from the rear. Omelas is tall, stocky, muscular, bespectacled and smiling, obviously in good spirits. Omelas' artillery battalion had trained at Mojave. Omelas passes on several messages to his family. "Tell my folks Raymond and Jesse and my wife Aggie that I love them and miss them and that I'll be home soon. Thank them for sending me the Albuquerque Journal, the articles about how New Mexico is really backing us." Omelas tells me he wants to write a letter to the Journal thanking the many New Mexicans that have formed support groups. "The January 15th date of the UN resolution was the best thing that happened for morale around here," said Omelas. "It means that we know we won't be around here forever and in fact might be home soon. If we can go in, we can get it over with. The worst is sitting out in the desert and waiting." Omelas misses the Lobos, the Pit, and Luc Longley. He misses deer season. He seems excited about having participated in a live fire exercise recently. We chat for about half an hour and he never stops smiling and talking. We embrace as I depart and he is still smiling. Eric Omelas is 27 years old and on the front line. In a ground war, he would be one of the first to go to battle. He is ready.

11:00 a.m.—Marine helicopter takes us to visit Army units. Forty-five minutes later we land at 24th Infantry Division, mechanized brigade.

12 noon—We are met by Col. John LeMoyne, the division chief of staff for another briefing.

I immediately notice several women troops. We head for a briefing at a small tent that seems lodged in the middle of a Saudi sand dune. LeMoyne starts the briefing stating that women soldiers have performed extremely well and that they never make excuses and they never require extra attention. "In case you Congressmen are wondering," he adds, "women in the military is definitely working." Congresswoman Barbara Vucanovich winks at me. I never knew our reputation as male chauvinists extended to the Saudi desert. LeMoyne adds that the woman about to give us the slide briefing had to leave her young 11 month old baby with her husband at home.

She smiles at LeMoyne and proceeds businesslike with her slides. The Army's main messages are (1) we are combat ready whether we need to move in two or thirteen months (2) our equipment is working well in the desert, close to 94% operational and (3) morale is good. As I leave the briefing tent, Commander Nash tells me that Sgt. Juanita Curry of New Mexico is outside waiting to see me. Nash tells me that Sgt. Curry claims to know me very well and that her deceased father was one of my early supporters in Taos. I am panicked as I can't recall Juanita nor her father. Juanita, all four feet ten inches of her makes it easy when she hugs me and tells me that she is the daughter of Abelino Cordova of Rodarte, who was the Democratic precinct chairman of the Penasco when I first ran for Congress in 1980. Now deceased, Cordova was one of the few Northern New Mexico political patrons who backed me when I ran against then Rep. Manuel Lujan now Secretary of the Interior. Ironically, Cordova used to tell me that to get elected I should attend as many funerals, communions, and weddings as possible. Juanita had since married Raymond Curry, who was stationed 40 miles away in a separate brigade. Juanita thanked me for having helped her and her husband get stationed in Korea. Thank God for my caseworkers, I thought silently, they are the blessed ones who get us all elected. My dad always told me to call you when I got in trouble, said Juanita.

In two hours, Juanita took me around to visit several Army helicopter and equipment units. At one of the M-1 tank units I met Andre Borowell of Albuquerque. He was extremely shy but loosened up right away. As I was leaving with Juanita after snapping some pictures he grabbed me and said, "Tell my family I'm okay and I miss them. Congressman, let's get this war over with." Borowell was one of many black troops that I noticed in the Marine and Army units that I'd seen that day.

Juanita and I lunched together. The chicken was good and all the troops seemed to have few complaints about the food and living conditions.

2:15 pm—Taking off for the King Fahd Air Base to visit A-10 and Apache units from the 354 Tactical Air Fighter Wing, I could see Juanita's small figure waving to us and I thought I saw some tears on her face glistening in the hot Saudi sun. We had spent nearly two hours together, and already I felt a strong bond. What do you want me to tell your family in Taos, I asked her? "Tell them the training here is excellent, and that, I'll be home soon. Tell them I've convinced my non-New Mexico husband that we'll be making New Mexico our permanent home after this is over."

3:00 pm—More briefings and troop visits with the A-10 and Apache units.

I had brief visits with Jeff Scott of Santa Fe, Melvin Patrick, Dave Vargo and Patrick Wattenberg of Albuquerque. Patrick said there was no morale problem and he was ready to go. He wanted to know if I was backing President Bush. Wattenberg said let's get it over before Ramadan, the Moslem holiday which starts in March. "Saddam Hussein won't pull out," he said. Patrick jumped in the conversation, "Congressman, are you going to support us?" Jeff Scott was also for quick military action but added there should be a clearer policy, "Our policy needs to be more directed," he kept repeating. At first he said little, deferring to his senior colleagues Wattenberg, Patrick and Vargo. "Give these pilots a green light to do their job without restrictions and the war will be over in two days, said Vargo. He wanted me to make sure the shooting range at Sandia stayed open. Patrick wanted me to thank AT&T for making those phone calls possible. "And thank Coca-Cola for all those free cokes." In the end, we were all joking and taking pictures. As we were boarding the bus, I saw a bunch of my colleagues from large states still talking to dozens of their constituents. I noticed some troops without Congressmen—they looked disappointed.

The four New Mexicans were ready and in excellent spirits. As they say, they definitely had the eye of the tiger. We posed for a final picture, then I had to go. Our final stop was at Tent City where we heard numerous complaints about Saudi restrictions. "At least they could let us have a beer once in a while," said one. At Tent City, James Brodhed of Albuquerque told me we needed to develop an alternative energy policy. "We need to develop geothermal and solar instead of relying on this worthless oil," he said. As we left Tent City, Brodhed asked me to call his wife Kimberly. "Tell her I love her," he said. Other troops I talked to were down on the Saudis. A Puerto Rican soldier said he might have to die in Saudi Arabia yet they wouldn't let him practice his Catholic religion.

5:00 pm—Depart Saudi Arabia for Israel.

On the plane a sense of exhilaration and fatigue. Unanimously, all agreed that the highlight of the trip was the high caliber, readiness, and morale of our forces.

9:00 pm—Arrival in Tel Aviv—met by U.S. Embassy personnel.

In the one hour bus ride to the King David Hotel in Jerusalem, Embassy officials briefed us about the current state of siege in Israel. Israel is faced with several problems (1) the Gulf Crisis—Saddam Hussein has threatened to launch missiles against Israel to break up the U.S. led Arab coalition (2) the intifada—while the Palestinian unrest continues, Saddam Hussein has become a hero to the Palestinian masses because he has challenged the U.S. and Israel (3) Jewish emigration—nearly 1,000 refugees are arriving daily from the Soviet Union (4) the economy—Israel has a serious recession and budget deficit. The country's limited economic resources are stretched.

FRIDAY, DECEMBER 14

8:00 am—Israeli government briefing on the situation in the occupied territories and alleged human violations against Palestinians.

A charismatic Israeli General, deputy spokesman for the government, held us spellbound for nearly an hour, gesticulating madly, screaming, but effectively getting his point across. "As we quell the revolts successfully to protect ourselves, we lose the propaganda war. We may win in the battlefield, but we lose in world opinion," he said. The General claims that it costs Israel two million per year to deal with the intifada. "And the intifada has gotten new life from Saddam Hussein. He is now perceived as a messianic leader who will give the Palestinians a homeland," he added.

10:00 am—Meeting with Foreign Minister Levy.

The meeting with Levy is uneventful and the translations from Hebrew to English are extraordinarily long. He overbriefs us with history, anecdotes, and Israeli positions that most of us know. He is not overly candid. I wonder if maybe he doesn't want to say anything to upset a recently concluded summit between President Bush and Prime Minister Shamir.

12:00 noon—Luncheon with Moshe Arens, Minister of Defense.

Arens is candid, direct and his English is flawless. His main point is that Saddam Hussein poses a great threat to Israel, especially if he is allowed to develop nuclear weapons. He had just come from a funeral where an Israeli General, a good friend of the Arens family had just lost a 22 year old daughter stabbed to death by a Palestinian terrorist in a downtown bus. He was obviously shaken and said, "My friend told me, 'Moshe, I joined the Army to protect our children—now I've lost my child.'" The discussion with Arens stretches for two hours. He knows many of us and is obviously most comfortable with American politicians. He has nothing but praise for President Bush and the United States. "But our best friends are in the U.S. Congress," he says, "and we don't forget that." The message is clear: we may be needing each other soon again. The meeting concludes and there is a one hour briefing by Israeli intelligence on the military balance in the Persian Gulf.

4:00 pm—A few of us sneak in a trip to Bethlehem before heading off to a cocktail party arranged by the American Consul General in Jerusalem with a group of Palestinians. "Can you believe it—the Embassy is giving us one hour of R&R?" said one of my colleagues. Many of us hope that the cocktail party will be a light affair—a meet and greet event that won't tax our weary bodies too heavily.

For the next two hours, the American Consul General presides at his event like Phil Donahue. After six Palestinians speak for two minutes or so each, Consul General Wilcox invites debate from the floor. Two of my Jewish colleagues get into loud arguments with the Palestinians. The exchanges show me that the Palestinian situation is getting worse, with both sides further apart than before. We leave the residence drained and depressed, but all agreeing it was a fascinating evening.

SATURDAY, DECEMBER 16

6:00 am—Tel Aviv to Andrews Air Force Base.

For practically the entire 14 hour flight, 28 members of the United States Congress slept soundly. The trip made me proud of our troops. I was also determined to punch out anyone who called this journey a junket. Most of us learned a lot and were able to see the situation on the ground. The journey, however, added to the already huge burden on my shoulders as to whether I ultimately vote to allow the President to go to war.

TUESDAY, DECEMBER 18 TO THURSDAY, DECEMBER 20

At town meetings where I reported on my trip in Santa Fe, Los Alamos, Taos, Las Vegas, Rio Rancho and Farmington, a strong majority of those attending sent me a clear message: give the economic sanctions more time, don't give President Bush authority to declare war without the approval of Congress, and we don't want to go to war in the Gulf. Usually my town meetings are packed with those of a certain political predictability. This time the meetings seemed more broadly based with mothers, veterans, etc.

Now it is time for Congress to either put up or shut up.

□ 2310

Mr. McCANDLESS. Mr. Speaker, I yield 3½ minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I hope for a peaceful solution to the gulf crisis, but I am going to endorse the U.N. resolution by voting for the Solarz-Michel resolution in this House.

This is the most difficult decision I have had to make since being elected to Congress 2 years ago, not just because I have the obvious heavy responsibility already for the people of my district and the people of this country, but also because both I and my wife, Marsha, are currently active military reservists. In fact, members of my unit, the security police of the New Mexico Air National Guard, are serving in the Persian Gulf tonight.

But I think this is the necessary decision. There are many reasons why the world must insist that Iraq leave Kuwait unconditionally, but that has not been the nature of the debate here today and tonight. Most if not all of my colleagues agree with that. The difference has been in coming to choosing an approach to achieve that goal, and that difference is reflected in the two main resolutions offered here tonight, the Solarz-Michel resolution which I support, and the Hamilton-Gephardt resolution which I do not support.

What is the difference between these resolutions? Some of the supporters of the alternative Hamilton-Gephardt resolution say the difference is that the Solarz-Michel resolution is the equivalent of a declaration of war and they cannot vote for that. But the Hamilton-Gephardt resolution is also the equivalent of a declaration of war. The Hamilton-Gephardt resolution also authorizes force by the United States in the Persian Gulf for several reasons, including to enforce the embargo. Using military force to enforce an embargo is under international law an act of war, so that is not the difference between the two resolutions.

The difference between the two resolutions is that the Hamilton-Gephardt resolution prevents the President as Commander in Chief from using force in one specific way, and that way is to offensively push the Iraqis out of Kuwait.

I do not think that we should guarantee to Saddam Hussein that we will not use force in one particular manner. I do not think that guarantee will result in the Iraqis leaving Kuwait. This is a dictatorship where sanctions can be channeled so the military still receives necessary support. That policy will not even necessarily weaken the Iraqis for a future military confrontation.

It is true that if the embargo continues the Iraqis may have trouble getting things like spare parts, but it is also true that a guarantee of no attack will give the Iraqis the time they may need to reorganize their troops and to improve their defenses.

Further, in the meantime our own coalition might be weakening.

In conclusion, Mr. Speaker, the Solarz-Michel resolution does not demand that we go to war after January 15. I certainly hope that we do not. But I think it is time that the President of the United States had that option.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the anger and hatred emanating from the Middle East is not a new phenomenon. This animosity has disrupted the region for several thousand years. It just happens that the current situation has been instigated by a maniacal despot whose ultimate goal is control of the entire Middle East.

I have listened to all sides of the debate wanting to hear an alternative to military action as a response to the Iraqi occupation of Kuwait—hoping that someone would offer the world community, of which we are an integral part, a way to solve this problem diplomatically. No one has presented an idea that is an acceptable and workable alternative.

I am convinced that economic sanctions are not working and will not work to the extent needed to stop Iraq's aggression. Iraq is a fertile land. The Iraqis can feed themselves. Iraq's borders have not been closed. Goods are moving across. A long-term stalemate can only benefit Iraq. The longer we wait, the more difficult the task is likely to become, and of paramount import, the more American lives will be lost.

Yes, decisions have been made. Since the crisis began the troop numbers were drastically increased, effectively committing us to a single course of action. Additionally, the U.N. Security Council set the absolute deadline of January 15. A calendar date is a poor choice to serve as the trigger to end the negotiating process. Perhaps, we could do nothing more or less. I do not know.

Nevertheless, the key issue at stake here, is the presence on the ground of 400,000 American troops. Absent that fact, perhaps we would have other choices. But they are there, and we must now give the President, as Commander in Chief, a free hand, to give him maneuverability, to protect our soldiers from unnecessary risk and increased vulnerability. Only in supporting the Solarz-Michel resolution do we have a chance for peace.

The question is not whether we can defeat Saddam Hussein. We can defeat him. The question is not whether we can obliterate the Iraqi military forces. We can obliterate them. Rather the question is—how and when? Saddam Hussein must withdraw. Stability must be returned to the region. Saddam Hussein has left us no alternative but to force him out of Kuwait. Congress must act to authorize use of such force. It is my belief that our President will not impatiently and unilaterally move into Kuwait without exhausting every possible diplomatic approach. It is my belief that our President will factor in all his decisions the stability of the Middle East. The final decision will rest with the President. I trust that God grants him the wisdom to do what is best for our Nation and the world.

□ 2320

Mr. SMITH of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, as a new Member of this body, I have listened intently these last 2 days to the words of my colleagues. I have heard the opinions of those I represent in Rhode Island. All have expressed great concern at the thought of war in the gulf and, I am struck by the irony that these first few votes may be the most difficult ones I may ever face as a Member of Congress.

The United States and the world community acted appropriately and promptly to isolate Iraq in response to Iraqi aggression that cannot be tolerated. Through economic sanctions and diplomatic action we are responding to this grave crisis.

Let us be clear, Mr. Speaker, those sanctions and the continued use of diplomatic pressure are producing results.

Evidence suggests that if left in place, these sanctions will weaken Iraq's military strength and with it its willingness and its ability to wage war. At this time, it is premature to reject the use of sanctions to dislodge Iraq from Kuwait.

The United States is united in opposition to Iraq's invasion of Kuwait. And I recognize that we cannot rule out the use of force at some point. But now is not the time.

To date, little thought has been given to what the Persian Gulf will look like even if we have a military success. Will it be more stable or will we inherit a host of more profound and perplexing problems?

Time will not only give sanctions more effect, but it will help us truly understand the results of a military solution.

Many words have been spoken about a new world order and America's role in this new world order. In the days ahead the lessons of this crisis will be drawn. If the lesson is that international crises are resolved by the use of almost exclusively American military power, then that will be the wrong lesson. A stronger and more durable world will emerge if we can reach a peaceful solution through collective action.

All of us here today have called upon our backgrounds and our personal experience in making this decision. We are thinking of our families, our friends, and of those who serve us in Saudi Arabia and around the world.

I am a graduate of West Point. The company I once commanded in the 82d Airborne is now close to the front line. People with whom I served are in the gulf. I have every confidence in the bravery and skill of our Armed Forces. I know that they are trained to do their job well and that they have the ability and the willingness to serve their country.

But now is a time for wisdom as well as bravery.

I am not ready to enact a declaration of war when there is still a chance for a peaceful and proper resolution of this conflict.

I urge my colleagues to support the continued use of sanctions and diplomacy called for in the Hamilton-Gephardt resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, the choice between war and peace is the most serious decision any nation can take.

The choice defines our national priorities.

The choice defines our principles as a nation.

Today in this Congress, some believe that war is the next step for the United States to take, and that this step should be taken now.

I do not agree.

Many of us in this Chamber have seen the horrors of war, but our duty today is more than merely to bear witness to our past.

Congress and only Congress has the responsibility to decide the questions of peace and war.

To do that, we must confront two issues which reach into the core of this democracy.

First, is the President required to get the approval of Congress before starting a war?

The answer is "yes."

What the President and his advisers may believe to the contrary does not matter.

What actions the United Nations may authorize do not matter.

The only thing that matters is what our Constitution says. And the Constitution says that only the Congress can declare war.

One week ago, I took my oath of office for the ninth time as a Member of this House.

I promised again to uphold and defend the Constitution of the United States.

If the President starts this war with Iraq without the consent of Congress, he undermines the Constitution, he jeopardizes his Presidency, and he will endanger the success of the war that he starts.

If the President wants us to authorize him to conduct a war, let him come and stand before us and ask us to declare a war.

I cannot and will not relinquish the responsibilities of Congress by giving one individual the power to start a war under these circumstances.

The second issue before us is the specifics of a conflict with Iraq.

On this point, let me say first that I believe the President does not want a war. My concern is that he believes he has no choice, and in this he is wrong.

The President has failed to present a convincing case that the United States is now imperiled to the point that sacrificing thousands of American lives is imperative to protect our Nation.

I respect those who fear the evil Saddam Hussein can thrust upon his neighbors. I share this concern.

I have no love for Saddam Hussein or his utter disregard for national sovereignty and human rights.

But the mistake I hope our country will not make is to allow our hate for this man and his barbarism to overshadow what is in our national interest.

Where is it in our national interest to launch a war?

Until the President has come before Congress and provided a rationale that satisfies me that all else has failed, I will not vote to give him the authority as Commander in Chief to conduct a war.

Mr. Speaker, I believe the President has made a serious mistake by forcing this issue through the arbitrary January 15 deadline.

What significance does this date have on its merits? None that I can determine. That is why I will vote for the Gephardt-Hamilton resolution.

Mr. Speaker, turning a desert shield into a desert sword was the President's decision and his responsibility.

The President chose this course on his own on November 8. And now, that unilateral decision threatens to expend thousands of American lives in a costly war.

I will not rubberstamp that mistake by voting for a resolution that provides political insurance coverage at the expense of the Constitution.

Mr. Speaker, if this Congress cedes to the President our constitutional authority to declare war, we may never forgive ourselves.

I will not vote away my right as a Member of this Congress to determine when and if the President will be allowed to wield the sword he's forged in Saudi Arabia.

As of today, that sword should at most stay right where it is: At the ready, and nothing more.

Mr. McCANDLESS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, My colleagues, America has been blessed since its creation over 200 years ago. We have enjoyed an enormous bounty of natural resources and encountered few natural barriers to growth. Lengthy and friendly borders were never occupied by threatening neighbors. Men and women of limitless talent and energy have been empowered by a unique and much admired political and economic system to become a nation of incredible wealth, influence, and opportunity.

As a result of this national evolution and maturity, we have inherited, in part by design and in part by default, an unparalleled position of political, economic, and, more importantly, moral leadership within the community of nations. And in spite of our basic antimilitaristic, proisolationist nature, we have sent soldiers to faraway places to fight and, sadly and heroically, to die. We have done so as often to protect and defend the interests of others as we have our own.

On these historic occasions, we have defined for ourselves and the rest of the world the principles, values, and relationships that are at the heart of the American experience.

This crisis and our national response is one of those rare and defining moments.

More time is Hussein's ally, not ours. Time is the enemy of our coalition, the brutally repressed people of Kuwait, and the world that is regrettably, but inescapably, addicted to oil.

Moreover, ruthless despots like Hussein and their armies rarely endure the deprivations and suffering of such actions. Their subjects do, and our quarrel is not with the people of Iraq.

So if America and Americans seek a world where the strong are effectively discouraged from preying on the weak, where aggression is challenged and unrewarded, where collective voices of nation states are raised in loud and nearly unanimous opposition to the kind of conduct that has reduced one sovereign country to another's 19th province, where America's vision, values, and voice are respected and credible, where our national ability to influence positively the conduct of nations and the flow of events for ourselves and others is preserved and strengthened, then we must support our President, the United Nations, and the men and women wearing our uniform in the gulf.

My colleagues, on the occasion of Saddam Hussein's aggression and brutal rape of a defenseless neighbor, we have the responsibility and the opportunity to define again ourselves as individuals, as a nation, and as a world leader.

□ 1130

On this occasion we must remind the world that we abhor war, that annually we expend enormous sums of energy and money to promote freedom and peace, but as a country we are unwilling to sacrifice fundamental principles to achieve a fraudulent peace which would ultimately lead to a wider and more devastating war. I urge my colleagues to support the Michel-Solarz resolution.

Mr. ANDREWS of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise in support of the Michel-Solarz resolution. Most of my colleagues have addressed their remarks to the Speaker and to those in attendance here. I would like to address my remarks, my specific remarks, to the one person in the world who can tonight, tomorrow, Monday, or Tuesday, render this entire debate moot. I address my remarks to Saddam Hussein, for I am told that he monitors all of our speeches, that he has CNN beamed into his headquarters. I hope you listen, and I hope you listen well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The Chair would instruct the gentleman in the well that the gentleman is required to address his remarks to the Chair and not address any remarks in the second person.

Mr. HALL of Texas. Mr. Speaker, I address my remarks to you, Mr. Speaker, and to this group, and to all who would hear. I hope that you would listen and listen well.

I hope we remember that there were those who refused to accept the President's letter. I hope they remember deep down, though, that surely those who refused that letter must have the message. We know those who have their tentacles into the heartland of Kuwait, but I think the knowledge of Saddam Hussein should cry out that these despots, these dictators, these invaders, eventually pay the supreme price.

It is only a matter of time, and one man has the power to harness this time.

Let Members take a little walk through history. Put yourself in a bunker in Berlin. The year is 1945. Your name is Adolf Hitler, a gun is to your head and to Eva Braun. Gasoline, a fire, a dishonorable and unmarked grave. Or put yourself on that bleak scaffold there in a Tokyo prison. Your name is Hideki Tojo. What were his last thoughts? There was a time when he could have said, "Wait a minute." What were his thoughts as the trap door collapsed? He, as Saddam Hussein, was out of time. What were his last thoughts?

I think we could put ourselves in Ruldolf Hess' parachute, a jump that culminated in almost 60 years of incarceration in a lonely Spandau Prison. I wonder if Saddam Hussein can remember and envision Benito Mussolini's last thoughts as he and his mistress were hung like animals when they, too, ran out of time.

Only about a year ago, to bring this into recent history, Nicolae Ceausescu, along with his wife of many years, were executed in Romania, a cigarette and a blindfold. What were their last thoughts? Would they like to turn back the tolls of time?

Adolf Eichmann even escaped that final moment for many years, but just as surely as Saddam Hussein is going to face judgment, he had time to think. He had to walk those 13 steps because he was out of time. So I am hoping that for Saddam Hussein, that he will know what he must do and what he should do to make all this moot.

How will the last picture appear in his annals of history? I think Saddam Hussein only can control that now, before January 15, and cannot only save his life but the lives of many of the youth of his nation. He can save the lives of young boys and girls from my hometown, my State, my Nation, and the world, if he would act before the 15th. Saddam Hussein has that power. What will the last sentence in his obituary read, and when?

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, having addressed the issue yesterday during the debate on the rule, I am in favor of Gephardt-Hamilton at this time.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, the United States policies in the Persian Gulf have worked. We have successfully deterred an attack against Saudi Arabia. World oil markets are stabilized. The hostages have been freed. The economic sanctions have succeeded in cutting off almost 100 percent of Iraq's exports and 90 percent of its imports. And, most important of all, Saddam Hussein has been contained. He does not pose an immediate offensive threat to American troops or to other countries in the region.

Two former Joint Chiefs of Staff, General Jones and Admiral Crowe, in testimony before the Senate Armed Services Committee, both acknowledged the unmatched success of the international economic embargo against Iraq and urged continued reliance on economic sanctions.

CIA Director William Webster offered testimony that the sanctions will have a significant impact on Iraq's ability to maintain its military. Mr. Webster said that the readiness of Iraqi ground and air forces would begin to deteriorate after 9 months. He said that probably only energy-related and some military industries will still be functioning by next spring and that this would almost certainly be the case by next summer. The bottom line is that the economic embargo is having, and will continue to have, the intended effect. And the letter sent by the CIA just yesterday to change the thrust of the December testimony is ambiguous at best.

The response of the international community to Hussein's aggression has been swift and sweeping. President Bush is to be commended for his ability to galvanize international opinion in condemning the Iraqi invasion of Kuwait. Further, the President's ability to garner the unequivocal backing of the United Nations has been a cornerstone of the United States response to the Middle East crisis.

But, let us not kid ourselves about this situation. It is a U.S. operation. United States forces comprise 90 percent of international forces in Saudi Arabia. While our allies provide us with the rhetorical backing and their votes on the U.N. Security Council, they fall short in committing their own troops to enforce the Security Council resolutions. Only two of the other members on the Council have sent troops to the Persian Gulf. And, there are indications that our Arab allies who have troops in Saudi Arabia would not be full partners in an offensive campaign against Iraq. In peace, the international coalition is strong. In war, it is fragile, if it exists at all.

Former Chief of Staff Adm. William Crowe underscored this point when he stated:

> I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution.

Senator NUNN made some very pertinent remarks earlier today on the Senate floor about the timing of the sanctions. He asserted correctly that, in August, when we first contemplated imposing sanctions, everyone agreed that the economic embargo would take at least 9 months to 1 year, and perhaps as long as 18 months, before the full effect would be felt in Iraq. Now, we are effectively being told that 5 months is long enough and that we can wait no longer. However, no one has demonstrated why we have decided to sell short on the sanctions.

Though no one can guarantee the success of the economic embargo, the outcome of waging war against Iraq is equally unpredictable. The aftermath of war, putting the pieces together, may leave the region with less stability and the United States with even less influence. Paul Nitze, a former Reagan adviser, confirms this point,

> Even a successful all-out war could throw the Middle East into chaos. With the destruction of much of Iraq's military capability, Syria and Iran could be expected to vie for regional domination. Other nations—including Saudi Arabia, Jordan and Egypt—could be destabilized, enraged by their government's collaboration with Americans who had killed thousands of their Arab brothers.

Gen. H. Norman Schwarzkopf, commander of American forces in the Persian Gulf, also recognizes the difficulty of securing long-term United States interests in the Middle East, and the potential for creating a power vacuum in the region. He stated in a November interview,

> The ultimate objective is to make sure that we have peace, stability and a correct balance of power in the Middle East, so that all nations can continue to prosper without the fear of being attacked or blackmailed by a neighboring state. There are many ways you can accomplish that. Obviously one way would be the total destruction of Iraq, but I am not sure that is in the interest of the long-term balance of power in this region.

As some have suggested, this is not a question of supporting our troops in the field. I have fully supported our troops and I will continue to support them regardless of the outcome of this vote. I just find it disheartening that some seek to politicize this debate, to question our patriotism and suggest that by not supporting the President on this vote that we are undermining American interests and placing the lives of American soldiers in danger. I find it ironic that these same people who question the Hamilton resolution backers' support for our troops are so ready to send many of them to their deaths. I concur with General Schwarzkopf, the commander of United States ground forces in Saudi Arabia. He said, "If the alternative to dying is sitting out in the Sun for another summer, I think that's not a bad alternative."

Mr. Speaker, we all support the President's goals in the Middle East. The question we must answer is not whether we have cause to go to war—international consensus clearly says that we do—but whether going to war is in the best interest of the United States.

Mr. Speaker, let there be no mistake about it. We are being driven to the edge of a potentially devastating military confrontation not because Iraq has viciously and without provocation occupied its sovereign neighbor, which it has and which has rightly generated a tough and vigilant response from our Nation and the world community. We stand on the brink of war because of our own over dependence on Persian Gulf oil.

Preserving access to cheap oil from the Middle East is the only real vital national interests at stake here. And, Mr. Speaker, the tragedy is that the two presidents of the last decade dismantled a whole array of programs that were designed to protect our economy, our jobs, and our vital national interests from just the kind of threatened oil supply interruptions that have forced us to mount this massive force against Saddam Hussein.

In 1980, the Federal commitment to conservation and renewable energy technologies that would help reduce our reliance on imported oil exceeded $1 billion. Over the last decade, however, that support was slashed by more than 90 percent, in real terms. And, funding for these technologies over the entire decade of the eighties totaled just $3.3 billion. That's how much our current deployment in the Middle East will cost us in just 33 days, and that is without a single shot being fired.

Clearly, there is a dramatic inconsistency between the price the President is willing to pay to prevent Saddam Hussein from dominating Middle East Eastern oil, and his willingness to take even modest, affordable steps toward reducing United States dependence on imported oil.

Largely because we abandoned our support for these technologies, imports make up a greater percentage of our demand for oil than at any other time in our Nation's history. Oil imports have risen 60 percent in the past 6 years alone.

Today, the price for that dependence and for the abdication of an energy security policy has finally come due. If oil is our primary purpose for being in Saudi Arabia, then we must resolve the dilemma of whether or not adherence to a cheap oil policy is more valuable than the lives of thousands of American servicemen.

President Bush talks of a new world order, of an opportunity to establish a precedent on which the future of international and diplomatic relations will be based. However, by going to war now, having given the economic embargo only 5 months to work, it seems to me that we are only resorting to the tired old solutions of the past.

The United States is uncontested in its military prowess. We have the ability to reach into the far corners of the Earth and destroy any opponent who steps in our way. Perhaps it is because we are so strong that the military option comes to us so easily. We have come to rely on it readily and as anything but the last resort which it should be.

Perhaps this vote is where we begin to broaden the definition of strength in the new world order. As John F. Kennedy said in his inaugural address 30 years ago, "Let us never negotiate out of fear. But let us never fear to negotiate." Clearly, we need fear no one. But where and when do we overcome the fear to negotiate? We must rise above the passions of the moment, and err on the side of patience and diligence and consistency.

Of course, each of us is making a decision today based on conviction and our best judgment. The President and the Congress act knowing that whatever fate will bring—from a negotiated settlement at the last possible moment to a bloody and protracted war and all possibilities in between—leaves enormous advantage in its aftermath for those who focus not on policy but on political campaigns.

There are some who are already attempting to build a case against the Democratic Party because its leadership in Congress had generally chosen to withhold the grant of an offensive military option for the moment. Even after agreeing to a massive deployment of American troops to Saudi Arabia, placing them in a deterrent posture, and supporting the President's policy with great consistency, it is now said that we are appeasers or that we lack the will to ever commit troops to combat, simply because we wish to try alternatives to the immediate use of force.

Where and when will we decide that toughness comes from relentless dedication to the pursuit of policy goals over time. If this Nation—which in the very recent past was subsidizing Iraq's economy, providing it with intelligence information about Iran and looking the other way as Iraq acquired advanced military technologies—really cares to be a continuing force in the region, it must be willing to endure long and difficult contributions to the peace of the region—including regrettably, for the moment, a continued deployment of our young men and women in this very harsh terrain.

We are told that the President fears that the American people would not have the patience for a long commitment—that staying the course is politically untenable. Are we saying that this preeminent world power's attention span in not long enough? Or, is it the Congress and the President, who cannot provide the inspirational leadership to carry effectively this sort of cause to the American people over an extended period of time. If this is the case, we could easily be defined as we have defined the Soviets—as a military power only, not a world power in every sense. And, can we then justify sending American troops to die in combat simply because our elected officials lack the leadership qualities needed to sustain American public opinion.

I do not rule out the possibility of using force in the future. But, today, I am not convinced that we have given diplomatic and economic pressures time enough to work. The evidence is clear that the economic sanctions are working. But the evidence is not clear that we will benefit from war. As Paul Nitze asserts, "the all-out war option seems highly counterproductive in the long term and certainly not worth the thousands of lives it would cost."

Mr. Speaker, this is without question the most difficult issue I have had to grapple with in my public career. Our decision on these resolutions will have far-reaching implications for our country and for the world. Today, Mr. Speaker, I believe there is an alternative to going to war—an alternative that will save American lives and achieve the United States goals in the Middle East. This alternative is embodied in the Hamilton-Gephardt resolution.

□ 2340

Mr. McCANDLESS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Speaker, July 7, 1990 and there are reports of Iraq's accusations that Kuwait is stealing oil from the Rumailia oil field, and Iraq demands reimbursement. On August 1, 1990, the Iraq-Kuwait talks break down, and borders are closed. August 2, 1990, Iraq invades Kuwait, and in an emergency session the U.N. Security Council pases resolution 660 condemning the invasion and demands Iraq's immediate withdrawal.

On August 8, 1990 Iraq formally annexes Kuwait. President bush issues a statement of United States policy and requires the unconditional withdrawal of Iraq forces. On August 9, Iraq closes its borders and announces that foreign nationals will not be allowed to leave.

On August 19, the Arab League holds an emergency meeting and votes to condemn Iraq's aggression and agrees to send troops to Saudi Arabia. August 31, U.N. Secretary General Javier Perez de Cuellar and Foreign Minister Aziz meet, and de Cuellar characterizes the meeting as a failure, as Iraq refuses to withdraw from Kuwait.

The U.S. Senate adopts on October 3, a resolution supporting deployment of troops to the gulf by a vote of 96 to 3.

On November 29, 1990 the Senate Armed Services Committee begins the first congressional hearings on the gulf crisis, and on this day the U.N. Security Council votes 12 to 2 to adopt Resolution 678, which authorizes the use of force if Iraq fails to withdraw from Kuwait.

On January 1, 1991, NATO sends 42 aircraft to Turkey to protect that nation from possible attack by Iraq. And on January 9, 1991, Secretary Baker meets with Foreign Minister Aziz and Iraq refuses to withdraw from Kuwait.

Time has run—opportunities have been rebuffed, warnings ignored. International pleas have fallen silently on the sand.

Sure, sanctions are taking their toll—the people of Kuwait are feeling the impact, and all innocent people in both countries know what shortages mean. But President Hussein feels no discomfort. His needs are met. He has no reluctance to sacrifice his people to feed his own ambition. He simply waits eagerly for our resolve to fade, or for timer to pass until the wind driven sand storms of summer make military action risky if not impossible. The bully of Bagdad does not believe that America will take a stand.

Now is the time to give the President real authority at this moment—while Secretary de Cuellar speaks for the United Nations and holds out the last real opportunity for peace. It is imperative that Hussein know there will be serious consequences, if he does not choose peace.

If we fail to adopt the Michael/Solarz resolution, it will not just be victory for Hussein, or just a political embarrassment for President Bush. There will no longer be reason for Hussein to alter his invasion policy, and we will have turned our back to tyranny, brutality, and oppression. May God have mercy on us all.

Mr. McCANDLESS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I am pleased we are debating and voting on this issue, and I agree with those who say we should have held this debate much earlier.

In this most important vote, all in this Chamber are trying to achieve the same goals.

We all want peace in the troubled Middle East.

We all want Iraq out of Kuwait so that in this post-cold-war period all nations are notified that aggression will not be rewarded. The world will not look the other way as it did with Hitler.

We want to prevent an ambitious dictator from controlling the world's economy through his control of 60 percent of the world's oil supply. All of us recognize the danger of this cold and ruthless leader who used poison gas on his own people.

And none of us wants to put at risk the lives of men and women in our Armed Forces—or, indeed, any life.

Our decision today is how best to achieve these goals—to bring about peace; save lives; and prevent aggression.

The choices are clear: We can vote to withhold the authority to use force, and allow a longer time for sanctions to take effect. If we do this, I believe, Saddam Hussein will think America will never act. We will be back in this well debating again, in 6 months or a year. The international coalition will have unravelled in the face of our indecision. The blockade will be a sieve. Our troops in the area will be less ready and less fit.

Even as we debate, Hussein is trying to negotiate with Iran to build a pipeline into Iran's distribution system in order to sell Iraq's oil to the world. If this happens, Hussein will gain the currency he needs.

If we choose the course of delay, we will not be facing a weaker Hussein in the future, but a strong Hussein. And therefore I am supporting the bipartisan Michael-Solarz resolution.

I pray that we do not take aggressive action on the morning of January 16. I hope that our determination and the strength of the world community will cause Saddam Hussein to leave Kuwait and that through the United Nations or a regional coalition, peace and stability can be fostered.

Everything the United States had done up to this point has been to prevent war. This vote gives Hussein one last opportunity to comply with the wishes of the world community—the United Nations and indeed his neighboring Arab nations.

Although a vote for the bipartisan resolution is a vote to authorize the use of force, it is a vote that I believe is the last real hope of preventing war.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, a lot has been said about the difficulty of the choice we will make tomorrow. The President claims we're in a battle against evil in the new world order. Many say we must stop a ruthless dictator from further aggression. We have heard from our allies, from the generals, and we have heard from the experts. I have considered all their views and thought carefully about this issue. But when it comes right down to it, this is a decision the American people must make because if America goes to war, it must have the people's consent and support. And I have heard from the people in my district. Earlier this week, I was in the IGA grocery store in my hometown of Olney, IL, when a neighbor and a good friend stopped me and said "Please don't let the President get us into war." It was a simple way of saying what I think is on the minds of the majority of the American public. That our President has set a deadline that the American people do not agree with. The President has drawn a line in the sand which he claimed would stop Iraqi aggression. Now he wants the United States to step across that line, plunging us into a costly, destructive, and devastating war.

Why do we need to go to war? War should be an absolute last resort, especially when the sanctions are working. Members of the President's own administration have claimed that our current strategy is working, including the Secretary of Defense and the Director of the CIA. Former chairmen of the Joint Chiefs of Staff and a host of military analysts of every ideological background all agree that the sanctions are hurting Saddam and hurting him badly. Surely it is unwise to change an effective, working strategy.

For those who say that we cannot afford to wait, I ask them, why could we wait for 45 years with a policy of containment and economic isolation to topple the Soviet Union and we can't wait a year to topple Iraq, a much less formidable foe? There are 10 previous cases in modern history when we've slapped sanctions on dictators, and every time, they have contributed significantly to their downfall. Remember Somoza in Nicaragua? Idi Amin in Uganda? And the current regime in South Africa.

Mr. Speaker, I believe that Mr. GEPHARDT and Mr. HAMILTON have come up with a resolution that will let the President of the United States and the American people know that the Congress has supported his actions up to this point. Iraq's aggression must be stopped, the United Nations embargo must be enforced, and Saudi Arabia must be protected. Sanctions can accomplish these goals, if we just give them time. Support Hamilton-Gephardt, and vote no on giving the President a blank check for war.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Speaker, the architects of the Constitution I swore to uphold just days ago used an economy of words in article I, section 8:

> The Congress shall have power to declare war.

That efficiency does not make our duty today easy or simple. And that duty is not escaped by an implicit or de facto war declaration as contained in the resolution before us, House Joint Resolution 62.

Search through the fancy words and the noble notes and the meaning and force of this resolution are as sharp and simple as the Constitution. They distill to one word: War. And the power is granted to one man: the President. Congress thus becomes the bursar, our citizens the payors, and our children the currency of exchange.

Before that simple, terrible power is transferred from the elected representatives of the American people to the Commander in Chief, the arguments for should be closely regarded:

First, Saddam Hussein is an evil man.

That is a truth. In one decade, he has taken a million casualties. He has used chemicals and gas on thousands of innocents. He has cavalierly tortured and killed his own people. He has ruthlessly raped a sovereign neighbor. He has spit on universal conventions of war and humanity. And he must be stopped.

Saddam Hussein must be stopped and destroyed. And that too is a truth. The debate is whether we should, now, impatiently do that by throwing our children at his with maximum violence. Or do we strangle him to death by sanctions, embargoes, military positioning, threats, blockades, and diplomatic initiatives? The latter is paid with time. The former is paid with American blood.

Second, war is the only way to stop Saddam Hussein. That too may be true—next week or next month. But it is not true now.

In fact, the international opposition to Hussein is so universal, so powerful that Iraqi exports have been slashed by over 97 percent, Iraq's gross national product [GNP] has been cut by 50 percent, imports have been reduced by 90 percent, and experts believe the Iraq GNP is going down to 30 percent—with parallel economic and political instability.

Iraqi military defectors tell us military supplies have been shortened and morale is decreasing.

Former American secretaries of defense and state have told us "sanctions are working," "the blockade and embargo are biting," and the embargo is "the most effective peacetime blockade ever levied."

Gen. David Jones and Adm. William Crowe, both military men who rose through the ranks to attain the highest positions within their services and to become respected chairmen of the Joint Chiefs of Staff for President Reagan, have urged Congress to give the sanctions full play and not declare war out of impatience.

Third, the international effort against Saddam Hussein will unravel if we do not go to war now. This is not even close to true. In fact, it is false.

If we go to war now, we will go it quite alone. A U.N. effort will become a U.S. effort. A host of allies in this effort, including Egypt and other Arab nations, the Soviet Union and other Eastern bloc countries, even European allies of long-standing, have told us and the world that they will not join with us now militarily.

War now will therefore mean that the blood shed in the gulf desert will be red, white, and blue.

War now will therefore mean that America's children will carry the burden for resolving what is an international problem. That American taxpayers will carry the burden of paying for what is an international obligation. That other nations and economies will have their debts wiped clean by American blood. That the international effort will be ripped apart by U.S. impatience. And that the remarkable progress on world cooperation will be co-opted by a rush to war.

The United Nations has been given a new lease on life, the President's dream of a new world order is taking shape, friends are standing shoulder to shoulder with foes, Arabs and Christians and Jews are united in one enterprise for the first time in centuries. All of this will be destroyed if we strike without exhausting other options that involve these nations and, failing that, convincing many of them that quick military action is required.

Finally, Americans must ask why the most hawkish of our allies and those with the greatest economic stake in the effort are not carrying anything close to their share. If this is an international effort, why aren't Saudi and Japanese children at proportionate risk? Why aren't their—and a lot of other nations'—pocketbooks at least open in proportion to their financial gain?

Fourth, American oil interests are jeopardized, and that affects all Americans. This is an economic argument that has force—and so do the counter economic arguments.

About 15 percent of American oil comes from the Persian Gulf. If we drive 55 instead of 65 miles per hour on our highways, we can reduce gas consumption by about the same 15 percent. And thereby lessen the pressure to act militarily immediately. Are we now to ask American servicemen and women to kill and be killed and not ask American citizens to slow down to the speed limits or turn down their thermostats?

American car companies have the technology to mass produce safe cars that can greatly increase mileage, but they don't want to use it. Are we now to ask American service men and women to be shot and maimed and gassed and burned, and not ask General Motors to market their fuel-efficient cars?

American oil companies are getting rich on the gulf crisis and stand to get even richer. Are we now to ask Americans to offer up their sons and daughters, their mothers and fathers, their brothers and sisters to war—so that oil companies can hoard war profits?

Certainly, resolution of this crisis in the gulf will require American sacrifice. The kind of sacrifice and its spread have not been addressed by those who propose to act militarily now. American fairness and economic democracy demand that we not ask 5,000 or 10,000 or 20,000 young Americans to sacrifice their lives and limbs now so that we can continue to live high on cheap oil in the near future. Where is the talk of shared sacrifice?

Fifth, Justus est. "It is right and just" to go to war now.

Too many of those who equate mass violence with "kicking ass" and want to "just go in and get it over with" are quick to draw on morality and history.

Proponents talk of World War II, Hitler and Chamberlain, and opponents talk of Vietnam and old men sending young men off to reappear on little white crosses and VA rehab beds.

This is not World War II and it is not Vietnam. It's not "The Longest Day" or "Platoon." It does, however, raise the same questions of principle, values, righteousness, and purpose.

Much as we may want to believe otherwise, this will be no push-button war. No anonymous planes and anonymous targets. No grainy black-and-white newsreels and films hyping the march against Hitler. But full-color action-cam videos of destruction and instant replays. Technology and air superiority will not prevent the off-loading of body bags and paralyzed and maimed and burned American boys and girls. It will not prevent the destruction of civilians—Iraqi children and the thousands of Egyptians, Pakistanis, and others who labor in Iraq.

Likewise, we know that successful war requires an understanding of cause and effect—not simply the moral causes of war but the practical effects as well.

If we do attack Iraq and succeed, what then? Who will rule Iraq? Will Iran and Syria occupy Iraqi land and oil? How long will American resources and personnel be drained for the protection of the Kuwaiti Government and the necessary reforms in Iraq? Will the United States soon find itself engaged in another, possibly bloodier, war as anti-American sentiment in the region grows? Only months ago, the Bush administration counted Saddam among its closest friends in the Middle East. While we cannot undo the arms deals and diplomatic incompetence that encouraged Saddam's boldness, we in Congress are morally bound to prevent future short-sightedness in American Middle East policy before we send one man or woman to die. Few here or at the White House have even fathomed that puzzle.

Our Library of Congress tells us that words of the American hero whose birthday we celebrate on the deadline date of January 15, Martin Luther King, are among the most quoted by us: "Injustice anywhere is a threat to justice everywhere." That charge calls upon us to act immediately, effectively, and responsibly wherever we perceive injustice. King relied on the teachings of Mahatma Gandhi: "Non-cooperation with evil is as much a duty as is cooperation with good," but "violent non-cooperation only multiplies evil" and "evil can only be sustained by violence." While only two Members of this body will vote in the knowledge that their children's lives hang on this decision, each one of us should vote as if it were our son or daughter on the frontline.

As an American Congressman, as an American citizen, as an American parent, I challenge those who cry impatiently that the cause of justice will only be served by a rush to war.

For generations, Tolstoy has instructed humanity on war and peace, life and death, leadership and strength of character. Today we should listen to his words: "The strongest of all warriors are these two—Time and Patience."

Let us be strong.

□ 2350

Mr. GEPHARDT. Mr. Speaker, I rise because under the rule we have the opportunity, the majority leader and the minority leader, to ask for additional time. We have a large number of speakers left on our side, and for that purpose I would ask unanimous consent that we extend the time beyond the time now allotted by 4 hours, 2 hours on each side.

I might say before the question is put that it may well be that we do not need that amount of time, and, if we do not on both sides, we obviously can yield the time back.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from Missouri?

Mr. MICHEL. Mr. Speaker, reserving the right to object, I have no objections, but it is important, however, I think, that, if the time is not used, on both sides the time be yielded back so that we can hold to the schedule that we told everybody we would adhere to in the morning by beginning sharply at 9, beginning with a rigid succession of the three amendments.

Mr. McCANDLESS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Speaker, there was an arrangement prior to this dialog that the amount of time would be limited per speaker in order to keep track of that. How is that going to be handled on the additional time?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, I do not know that we have had an agreement on limiting time. We are trying on this side, and we will continue to try, to cut down on the amount of time that each speaker takes, and I think, as time goes on, that will be adhered to.

Mr. McCANDLESS. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from California.

Mr. MICHEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. McCANDLESS. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, let us begin at a point on which most of us agree.

We agree that armed forces from the country of Iraq should not have invaded—nor continue to occupy—Kuwait. Most of us also agree that we should not allow Saddam Hussein to annex additional portions of the Middle East. Nor should we allow him to control roughly two-thirds of the world's oil supply.

Where we differ is in response to the question of "What are we going to do about it?" This debate—which may very well be the most important debate of the post-cold-war era—is to decide whether we have the resolve to take the actions necessary to deal with the crisis.

There are three resolutions before us. The Bennett resolution asserts the sense of Congress that the President may not engage in offensive military actions against Iraq without congressional approval. With all due respect to the distinguished sponsor of the resolution, he seeks to resolve a constitutional question that has been debated for over 200 years. While well intended, it is highly unlikely that a nonbinding resolution will settle that debate.

Passage of either the Hamilton or Michel resolutions will make the Bennett resolution unnecessary. However, because the vote on Bennett will occur first, I must oppose it. If the Bennett resolution was adopted, and the Michel resolution was subsequently defeated, it would send the message to Saddam Hussein that Congress currently lacks the resolve to deal with Iraq. That begs the question: "If not now, when?"

The Hamilton resolution says that the United States will continue to rely on economic sanctions, and tells Iraq that it need not worry about military action until—and unless—it is approved by Congress at some unspecified time in the future. The Michel resolution authorizes the use of military force—if necessary—to drive Iraq out of Kuwait.

Several of my colleagues have invoked the painful memories of the Vietnam war in support of the Hamilton resolution. While they are correct to remind us of Vietnam, they have failed to learn from history. During the 1960's, some argued that we should not have troops in Southeast Asia. Others argued that we should do what was necessary to win the war. The very same arguments are being made today about the Middle East. The tragedy of Vietnam is that the United States was indecisive and committed troops—and sacrificed the lives of over 58,000 Americans—without the resolve to win.

Make no mistake. The Hamilton resolution sets the stage for another Vietnam. It says, "Keep the troops in the gulf, but do not allow them to resolve the crisis." I cannot and will not support it. I would have far more respect for a resolution that informs Saddam Hussein that he is welcome to the Middle East, and which calls for a complete withdrawal of United States forces from the region. I don't agree with that position, but it is consistent for those who advocate peace at any price.

Let's not repeat the mistakes of the past. Support the Michel resolution and allow us to resolve the crisis. Absent a complete withdrawal, anything less is a vote for another Vietnam.

The SPEAKER pro tempore. The Chair will state his understanding of the situation at this point.

The gentleman from California [Mr. McCANDLESS] would have 2 hours and 47½ minutes remaining. There are 2 minutes remaining for the gentleman from New Jersey [Mr. TORRICELLI] and there are 3 hours and 14 minutes remaining for the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise to support the Gephardt-Hamilton resolution.

Mr. Speaker, I have had no trouble coming to this conclusion. I sympathize with those who have had to agonize, with those who had been traumatized by the fact that they are confronted with this very difficult decision, but I made up my mind a long time ago in my life. I do not believe in war. I do not believe it is a viable way by which we can resolve conflict. I believe in peace. I do not believe in war or death.

Mr. Speaker, I just returned from Saudi Arabia. I talked with the young men and women there. I do not agree with the representations of others who have returned who talk about the high morale and the fact that they are ready to go and that they are ready to be involved in war. I talked with young men and women about their families, and I asked them about their mothers and their fathers, and many of them said to me before I left, "Ms. WATERS, can you and the Members of Congress find a way to get us out of here? Can you find a way to prevent war?"

Mr. Speaker, I simply said to them, "I'm a new Member of Congress with very little influence. But I guarantee that my voice will be heard as I speak to the other Members about my feelings about this war."

I do not know a lot about how the President came to this conclusion, that we must use force. I have tried to analyze the President's decision. I have watched, and I have listened. This is the same President that has said to us on another important matter, "Read my lips," and I did, and I believed him, and then, when he changed his mind and we tried to find out what was motivating him, he simply said, "Watch my hips."

I do not know why the President came to this conclusion, but I do know that we must not support the use of force at this time.

Some Members have come before this body, and they have said that Saddam Hussein is just like Hitler, he is a demon, he is a killer, he is a terrible man, and he may be all of these things.

□ 2400

But we must come to grips with the way we make public policy in this body. We cannot continue to insult the intelligence of the American public. We cannot continue to say to them, "He was all right just a few months ago." We were aligned with him when he fought the war against Iran. He was our friend, and we gave him support, and we had many Members who stood here and said, "Support him," and they now say that he is Hitler and he is such a terrible man.

Mr. Speaker, I know that there are problems in the Persian Gulf. I do not believe that using force is going to solve the complications and the problems that we have in the Middle East. It is about time that we understand that if we take Saddam out today, it will be Assad from Syria tomorrow. If we take him out, the next day it will be Iran. They will team up then with somebody else. Jordan will continue to play its games, and we will not know where they are going.

It is about time we confront the issue that we must be leaders in this world. We must bring people to the peace table. We must talk about how we deal with the future. Again, I know that the President of this country has said that he is not into the "vision" thing. But I am into the "vision" thing. I have a vision of what this world could be and what it should be. I have a vision for peace. I have a vision that we can say to the young people of this country, "We don't believe in war and weapons."

And just as we do not want them to use weaponry in this conflict, we do not want them to use AK-47's in Harlem and in south central Los Angeles, in these inner cities where we see gang warfare. We should be saying to the world, "We want to solve the problems of people. We believe in human potential, and we want to do something about the infrastructure of America. We want to get rid of the deaths of children that we are experiencing here in this country today. We want to do something about the health care needs of this country, and we want to make sure that the rural health care needs are being met in this country."

Madam Speaker, it is about time we share our vision with the world and we give real leadership. I say to the Members, do not support the President in his effort to use force at this time, but let us talk about the unthinkable. Let us talk about a world conference for peace. Let us say to all of our friends and our allies, "We love you, but we must talk about peace. And let us say that to those people who only think that the way to deal with the problems today is to use force against this one man who we have made bigger than life. He is only a human being. He is only one other human being who is wrong in what he has done, but he is a human being that we must force to the peace table along with all the others who would dare to use aggression to solve the conflicts in whatever way they think they should be solved.

Mr. McCANDLESS. Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Madam Speaker, I rise in support of peace and our men and women in the Middle East.

We are here today because Saddam Hussein is a world criminal. He has slaughtered his own people, he has slaughtered innocent civilians in Kuwait, and he has ignored and trampled upon the basic human rights of Americans and others in using them as human shields to protect his unprovoked aggression. He has personally committed murder and has overseen the mass murder of his own people. He is surrounded by a limited number of advisors, none of whom would gentle his condition.

To allow Hussein to remain in Kuwait indefinitely while leaky sanctions are continued means an increasingly defiant Saddam with less and less to lose.

Since the middle of this century, the United States has had inviolate policies in the region. Our Nation and I personally are committed to the survival of the State of Israel, even though we may have concerns about some policies of the Israeli Government.

Our Nation has as well had a long and close relationship with, and commitment to Saudi Arabia and other Arab nations. We cannot and will not sit by and see Saudi Arabia and the entire peninsula go the way of Kuwait. Can you imagine the devastating effect of Saddam Hussein controlling 70 percent of the world oil and its effect on the world economy and world peace?

Saddam Hussein has today, a massive chemical and biological warfare inventory and is daily increasing his storehouse of death. He has the capability of delivering these weapons, and he has shown his willingness to use them even on his own people.

Saddam Hussein is rapidly developing nuclear capability as well, and could have it in usable form in short order.

Saddam Hussein has threatened terrorists acts through the world and we've seen the terrible toll terrorism can take, whether it's in Lebanon, or aboard an international jetliner carrying civilians.

Saddam Hussein has captured sophisticated weapons from his invasion of Kuwait, and antiaircraft missiles which he may not be able to use effectively today but will be able to use soon.

I know of no Member of this House who has advocated that we withdraw from Saudi Arabia. The United Nations regards Saddam's threats with such seriousness that it has authorized the use of force anytime after January 15 if diplomatic efforts fail. I believe the best course to guarantee peace is to provide the President with the authority to use force after all reasonable diplomatic efforts have failed.

To prohibit the use of force guarantees a stalemate and requires the United States to continue to have hundreds of thousands of Americans remaining in Saudi Arabia—indefinitely. It means that the families of the thousands of Reserves and Guard members will continue to be separated from their loved ones.

Madam Speaker, I met earlier this week with the families of many of our Guard and Reserve troops from western North Carolina, I met with mothers and fathers, and wives and husbands, and I cannot in good conscience act to guarantee that the active service time for our troops already in Saudi Arabia will be increased for up to 2 years—with no end or peace in sight.

Knowing what we know of Saddam Hussein and his terrorist capacity, why do we think troops left in harm's way indefinitely will not sustain casualties?

Knowing what we know of Hussein's development of offensive weapons we have no assurance that those weapons will not be used as the pressure on him increases.

On one hand, today's debate is whether the Congress will leave our troops in the desert while denying the President the option of force if it is the only option left available. Or on the other hand, allowing the President to certify that all diplomatic options have been exhausted and then determining that force is the only option remaining. The Congress must provide the President with the support to make that decision. I pray that decision will bring peace.

I believe that it is our best chance for peace and the best way to protect our men and women who stand in harm's way. I will vote for the bipartisan Michel-Solarz resolution.

Mr. McCANDLESS. Madam Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Madam Speaker, I rise today in support of the Michel-Solarz resolution. I do so with the sober knowledge that 1 week from today American men and women may be in deadly combat with the forces of Saddam Hussein.

However, I cannot vote other than to support the President.

During this debate, it has become clear that members believe that we have three options to resolve this situation: Force, sanctions, or diplomacy. These options are not mutually exclusive, as witnessed by the implementation of sanctions and the flurry of diplomatic activity since August.

But I agree that force should be a last resort, after sanctions and diplomatic efforts have been exhausted. But the decision of when force must be used is not and never can be absolutely defined. Sanctions, to be credible, must have military force as an alternative.

There are some who say the President has not given sanctions the time to work. How long should we give them? One more week? A month? A year? At the end of a year why would we not want to allow just a little more time? If we cannot say today that force is an alternative, when will we be willing to authorize its use?

Sanctions have certainly hurt Saddam Hussein's war machine, but it has not crippled it. CIA Director Webster stated in his letter of January 10, "The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained."

Nor have sanctions led to a decrease in the harsh rhetoric emanating from Baghdad. Saddam has not softened his position, in fact he has hardened his fortifications and strengthened his resolve.

On the diplomatic side, I can describe Saddam in a word: disingenuous.

On July 31, only 2 days before his invasion of Kuwait, Saddam began negotiating with Kuwait. At the same moment, he was amassing 100,000 troops on the Kuwait border. Kuwait was faced with the stark reality of either capitulating, or face disintegration. That's not diplomacy, that is vicious, state-sponsored terrorism.

Throughout the first few months of the crisis, Saddam initiated, not diplomacy, but a sickening lottery involving thousands of Western citizens who overnight became pawns in his grab for power. Every decent human was revolted by the sight of Saddam flaunting young children before CNN's cameras while citizens worldwide agonized if they would ever see their loved ones again. That's not diplomacy.

President Bush extended the diplomatic hand to Saddam, only to have it slapped away. The President suggested more than 10 dates for a meeting between Secretary Baker and Saddam in December. None were accepted, and no reasons were given. That's not diplomacy.

Tariq Aziz would not even accept President Bush's letter delivered in Geneva by Secretary Baker. And then Aziz reiterated the bizarre claim that Saddam's invasion of Kuwait was somehow linked to the Palestinian issue. That's not diplomacy; that is a lie.

I believe an excellent definition of the "new world order" we have been hearing so much about the last few weeks is the existence of autonomous nations, with divergent views and cultures, drawn together by the universal interest of increased social, and economic prosperity.

Saddam Hussein violates this principle. He repulses a world which is determined to pursue peace as its final objective.

Saddam Hussein has not attempted diplomacy. A true diplomat knows the stakes, and understands the consequences of his actions. Surely the almost total unanimity of opposition to Saddam's aggression demonstrated by the world should have made it clear to Saddam that he miscalculated.

But not according to Tariq Aziz. He claims that Saddam has not miscalculated. Saddam fully understands, according to Aziz, the situation he has put himself in.

I share President Bush's discouragement with the diplomatic option because diplomacy has never been an option for Saddam Hussein.

And now Congress must decide.

Are we prepared to accept our superpower responsibility as the only country capable of stopping a brutal madman that posses one of the most powerful military forces in the world?

Only a few hours ago, I returned from the Soviet Union. While there, we met with members of the Supreme Soviet and a variety of other Russians in official and unofficial capacities. What I heard was a clear message: Only the United States is capable of fulfilling its role as a superpower and that we are right to stand firmly against Hussein's aggression. I heard expressions of shame that Iraq had been able to commit its aggression and inflict such pain on Kuwait with Soviet-built weapons. On more than one occasion, I was told that the U.S.S.R. should be standing alongside the United States in this effort, Afghanistan notwithstanding.

Madam Speaker, the clock is ticking. Every minute we wait, Saddam grows stronger. He gets closer to achieving nuclear weapons. He gets more opportunities to bolster terrorism. More time to dismantle Kuwait. More time to dig in and await Ramadan and the harsh Arabian summer which will undoubtedly make military operations only more difficult. And more time to threaten and intimidate the rest of the Middle East.

Are we willing to keep American troops in Saudi Arabia for a year, and revisit this issue then? That appears to be what opponents of the Michel-Solarz resolution are advocating. And if those opponents recoil at the potential casualties of military action now—and all of us do—they will be even more horrified at the casualties we would suffer 1 year from now.

Sadly, force is the only language that Saddam seems to understand. Now, he must know the strength of our resolve to deter unbridled aggression. Only the Michel-Solarz resolution accomplishes this task.

I don't want war. I don't want American men to die. There was another war and another time when the democratic leaders of the world could not face that same alternative. They refused to act when a small step might have averted Hitler. Instead, they reaped the harvest of death and destruction that was World War II.

The French Marshall, Henri Petain, put it is these words:

> Our spirit of enjoyment was stronger than our spirit of sacrifice. We wanted to have more than we were willing to give. We tried to spare effort, and got disaster.

Let this House stand today as one to meet this challenge, that our children will know that the principles America has stood for the last 200 years are principles worth standing for today.

□ 0010

Mr. FEIGHAN. Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Madam Speaker, I rise tonight in support of the resolution offered by the majority leader, Mr. GEPHARDT, and the gentleman from Indiana [Mr. HAMILTON].

Madam Speaker, at the outset, let me clearly state that I strongly support the following goals of the President's policy in the Persian Gulf region: First, Saudi Arabia must be protected from Iraqi aggression. Second, Iraq must unconditionally withdraw its forces from Kuwait. Finally, Saddam Hussein's brutal aggression must not be allowed to stand. I commend President Bush for his successful efforts to unite the international community in its imposition of economic sanctions against Iraq.

Let me also state the people of the Ninth Congressional District of New York, which I represent, have historically rallied around the President during times of international crisis. My constituents are patriotic and willing to make the sacrifices necessary to preserve freedom and protect liberty at home and abroad. But my constituents also know just how costly war can be. During the Vietnam war, the Pentagon categorized casualties according to the home Zip Code of every injured or killed soldier.

Woodside, NY, Zip Code 11377, a neighborhood in my congressional district, in New York City, where I lived for many years, lost more young men during the Vietnam war than any other Zip Code in the Nation; 28 men from Woodside were killed in Vietnam, 17 from the Army, and 11 from the U.S. Marines, including Lance Cpl. Thomas Noonan, winner of the Congressional Medal of Honor. Most of these fallen heroes were under 21 years of age.

The memories of Vietnam remain painfully clear in Woodside. Before my constituents are willing to sacrifice a new generation they must be convinced war is our only alternative.

Madam Speaker, as of today, I am not convinced, nor are my constituents convinced that all the alternatives to war have been exhausted. I also am deeply concerned that war in the Persian Gulf would be shouldered disproportionately by Americans. Many of our allies, particularly France, Germany, and Japan, have a greater economic stake in removing Saddam from Kuwait. Yet most of these countries have been unwilling to commit combat troops in the event of war. The few nations willing to commit troops have done so at levels dramatically less than the United States should war break out, American casualties would account for more than 90 percent of total allied casualties. That would be unfair to the American people.

Madam Speaker, the international economic sanctions imposed against Iraq are firmly in place and they are working. Iraq is not exporting any of its oil. Iraq's gross national product already has been cut by 50 percent. Sanctions also are weakening Saddam's military by denying his army the spare parts it desperately needs.

Madam Speaker, before we commit our Nation to war, we must give economic sanctions and other peaceful means an opportunity to work. This much we owe the brave young men and women who are willing to give their lives for their country. Until those efforts fail, war must remain the last resort.

I urge my colleagues to support the Gephardt-Hamilton resolution.

Mr. McCRERY. Madam Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, I rise in support of our servicemen and women and for my draft-age son by supporting the Michel-Solarz for peace. No one in this room has my combat experience, and, in most cases, all of them put together. Gephardt-Hamilton means a war of attrition, our attrition.

It pains me, Madam Speaker, that Gephardt-Hamilton revisits a personal nightmare. In Vietnam our hands were tied, and over 55,000 Americans were killed. Double that number were lost of our allies. For us to say our allies today would cut and run is an unnecessary slap to their face.

Let me tell Members a personal experience. I have flown the Mirage fighter in the Middle East. I know the Iraqi skills and their mindset. I flew 300 combat missions in Vietnam and was part of Operation Proud Deep.

President Johnson had stopped the action against the North Vietnamese. None of us wanted to be there. We wanted to get the job done and get home.

From 1968 through 1972, the North Vietnamese were allowed to rebuild. We saw clearly the need for striking North Vietnam, but his forces and our politicians held us back. We launched a second time, but were called back. We launched a third time, but scrubbed the mission due to bad weather. We again asked the politicians for an extension of time. They said no, take those 3 days or none.

Madam Speaker, with that restriction we attacked. We lost over 20 aircraft in 2 days.

This body is being called upon to make a prompt and wise decision based on facts, not politics. The facts are indisputable. Sanctions alone will not remove Iraq's Army from Kuwait. If I believed it could, I would change my vote. I know in my heart that it won't.

Madam Speaker, it is not that this Congress should shrink from its constitutional responsibilities of declaring war. Far from it, Rather, we should clearly vest our President with the authority he needs in these crucial times so that our world can for now grasp a tenuous hold on peace.

We, with our inaction, would play directly into Saddam Hussein's hands, for today, for hope of peace tomorrow. I do not believe in war, as my colleague previously stated. I want to get us out safely. But an extension of time and sanctions would clearly not get us out.

Can you imagine, Saddam Hussein does not have revetments in Kuwait. He does in Iraq. I have attacked targets that have not been revetted, and been successful. I have been with aircraft that have attacked revetted implacements, and it cost us dearly in pilots' lives.

The sanctions will not get the job done. The President is working with Congress today and working with the world that supports the President. Only in Congress have we some that do not support our President.

Anyone who attempts to do what the Gephardt-Hamilton bill does, I will fight it, because it has cost lives in the past, and it will in the future. The lives of my son, your sons, and your daughters, rest with not supporting Gephardt-Hamilton. Let us bring home our MIA's from Vietnam, let us bring home our troops safely from Saudi Arabia, by supporting Michel-Solarz for peace. For those of us that have fought for life, and those that face death in Saudi Arabia, life has a special flavor that you, the protected, will never know.

Mr. SMITH of Florida. Madam Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Madam Speaker, the debate today is not over U.S. goals in the gulf crisis. Our goals are clear: to force Saddam Hussein to withdraw his forces from Kuwait. And beyond that the elimination of Saddam Hussein's potential to rain death and destruction upon our Middle East allies: Israel, Saudi Arabia, Egypt, Jordan, Turkey, and, in fact, on all the nations of the region that Saddam has threatened at one time or another.

There is unanimity in this body about those goals. Saddam Hussein should not think for a minute that this Congress is divided on those fundamentals.

We stand as one in opposition to Saddam Hussein and everything he stands for.

And we stand as one behind President Bush and his promise that Saddam's aggression "will not stand." It will not. We will not permit him to remain in Kuwait. And we will not permit him to continue to threaten his neighbors.

The differences in this body are over what would constitute the best means of reversing the consequences of Saddam Hussein's aggression and of eliminating his capacity to terrorize his neighbors.

The supporters of the Solarz-Michel resolution believe that the most effective way of confronting Saddam Hussein is by giving the President the authority to go to war with Iraq after January 15. And, in fact, it is possible that—at some point—it will become clear that war is the only way to achieve our goals.

But Madam Speaker, we haven't reached that point yet. On the contrary, we see that our current policy—the policy of sanctions—is working. Only a few weeks ago, the administration's own witnesses conceded that Saddam was being badly hurt by our economic blockade.

And he is hurting even more now. Right now, we are blocking 90 percent of Iraq's imports and 97 percent of its exports. We are depriving Saddam of $1½ billion in hard currency each month.

In 6 months, he'll be broke. His air force will be grounded. And his land forces will be stuck in the sand, unable to operate its machinery for lack of spare parts and supplies.

Why then should we rush to war: what makes a January 15 deadline sacred, when we have as good a chance of achieving our objectives through other means. As President Bush himself said back in August, "nobody can stand up forever to total economic deprivation."

Madam Speaker, there is always time to go to war. Our mission as Members of Congress must be to avoid war, avoid the loss of American lives, so long as there is a viable alternative that can achieve the same goals.

The sanctions policy provides that alternative and that is why I am supporting the Hamilton-Gephardt resolution. Hamilton-Gephardt says to the President:

> Continue the sanctions. Keep the diplomatic option open. Use the combined forces of our allies to remind Saddam Hussein that his isolation is complete.

And it says to the President, that if that approach fails, then come before the Congress and ask for a declaration of war. Hamilton-Gephardt would give sanctions a chance to work and, in so doing, it would give peace a chance.

My colleagues, I am haunted by one thought about what will happen if we vote to endorse immediate war today. I am haunted by the calls I will receive—calls that you will receive—from bereaved grief stricken parents asking us to explain just why their son or their daughter died in the sands of the Arabian desert.

Will we be able to tell them that they lost a child because America's security was threatened and because we had exhausted every possible alternative to war? Or will we have to say that we grew impatient and decided that we were tired of waiting for sanctions to work? And so we voted for war, and they made the supreme sacrifice.

Madam Speaker, the decision on whether or not we go to war rests with us. The Constitution is unambiguous on that point. And it is incumbent upon us, the Congress, not to cede that responsibility to anyone, even to the President of the United States.

The Solarz-Michel resolution does just that. It allows the President to unilaterally decide whether or not we go to war. It is, in my opinion, an abdication of our constitutional prerogative to declare war under article 1, section 8. In that regard, it is nothing more—and nothing less—than this generation's Gulf of Tonkin resolution. And history will regard it as such.

If President Bush believes that there is no alternative but to go to war, then he should come before us, the Congress, and ask for a declaration of war. But there should be no blank checks and there must be no undeclared wars.

Madam Speaker, this is truly an historic debate. While each of us will struggle to reach a decision on how to cast his or her vote, I know that we share one goal. That goal is to see the complete Iraqi withdrawal from Kuwait and the total elimination of Iraq's capacity to intimidate its neighbors.

We will achieve that goal. I will cast my vote for Hamilton-Gephardt in the firm belief that we can achieve it without the loss of American life.

□ 0020

Mr. McCANDLESS. Madam Speaker, I yield 8 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Madam Speaker, this debate is not about giving sanctions time to work. It is not about the imperfections of our allies. It is not about unleashing our military's awesome power in the Persian Gulf. What we are deciding is America's role in the post-cold-war world.

Is America to be a force on this planet? Or are we to retreat and let history be determined by others? And make no mistake. There are others, not constrained by our values, traditions or democratic institutions who are eager to rise in prominence as America fades.

Saddam Hussein is just one such man—ruthless, bloodied and without mercy—a tyrant who captured the reins and has maintained control through murder and terror.

This man never was a soldier, although he wears the uniform. He began as a hired street thug, a strong arm boy, from finger-breaker to assassin. His pathway to power is littered with bodies, and tales of torture and ghoulish brutality.

Once in control, he killed again and again. Sometimes a potential rival would crash in a helicopter or car accident; other times, it was a bullet through the head.

And as the supreme authority in Iraq, he attacked his neighbor, Iran, leading his country into a genocidal war that brought misery, death and privation to those he governed. He was trying to steal land from Iran—land that had been established as Iranian in a legitimate mutually and internationally recognized treaty.

But Saddam Hussein believed Iran weak and divided, so he grabbed for the territory. His miscalculation is evidenced by a million graves and the sound of mourning which fills the air in Iran and Iraq.

War, hunger, repression, demolished villages and torn bodies—such is the legacy of individuals as Saddam Hussein. And if the United States retreats into its shell, these are the ones who will determine the future of humankind.

If we back away, their power to control events, to exercise their will, to dictate to the rest of mankind grows as our influence diminishes.

Regional powermongers like Saddam Hussein, no matter how evil, will find their military might far more intoxicating, when it is no longer compared to that of the United States. This peril to mankind has been held at bay—deterred and restricted by our commitment and our muscle.

An American retreat from the world, a weak America, means a world subdued by the likes of Saddam Hussein. It will be, if we let it happen, a more frightening world. And the people of good will, suffering and huddled, will wonder why America, the mightiest force for good and virtue on this planet, the last best hope for mankind, threw its sacred trust into the sand and walked away.

We've heard much in this debate about signals. And yes, I agree that unless we stand with our President now, and back up his January 15 deadline, no one will again take an American President at his word. It will be the last deadline an American President will ever be able to set.

If we undercut our President, Saddam Hussein will be emboldened. Our friends and our adversaries will reach conclusions about the reliability and courage of the United States based on our actions. Contrary to what some would prefer, the world will not be endeared to us, nor appreciate the sincerity of those in this hall, whose hearts plead for peace and understanding among all peoples.

Our message will be Saddam Hussein, and all others like him, and all others like him in the years ahead. It will be a message not of peace, but of weakness, confusion, and retreat.

Undercut our President, limit his options, and you threaten the alliance our President has so painstakingly put together. If we eclipse his mantle of leadership: his claims, his promises, his threats, his assurances will ring hollow and be ignored.

Is this what will bring about a more peaceful world? An emasculated President, an America unable to take a stand without bickering, backbiting and retreat? Let us not kid ourselves. Our friends and enemies will see any cancellation of the January 15 deadline by Congress as flinching, cowering before a flame, a defeat of our will brought on by the fear of loss of sons, daughters, and loved ones.

Yes, it is right to care about the lives that may be lost should conflict begin. I do not question the patriotism of those who would vote to restrict our President in dealing with this threat. They do what they believe is best for our country. I ask, however, that they grant that I, and others who support our President, are as compassionate and as heavy in heart at the potential loss of life as they.

Our compassion is not just for those who may fall in the weeks after January 15, should force prove to be necessary. Our thoughts and commitment must also be focused on those many Americans and others throughout the world, whose lives and freedom are tied to America's willingness to hold firm, to do our duty and to meet our responsibility as the world's leading democracy, the only country with the capacity to lead, to ensure that evil does not prevail.

Our actions will tell the tale. We are writing the chapter that will lead inexorably to the next. And whatever history records, there will be time for an assessment. How we got to this point, this confrontation, will be judged. And yes, there are serious questions, but they need not be argued and resolved now.

Now it is for us to set a course, to demonstrate to the world with our grit and our steel, that America will be a force on this planet, even as cold war strategies and positionings no longer are relevant.

This is not the time for backing down. It is the time for standing tall, for proclaiming our ideals and our steadfast resolve. Let us confirm that America will not turn its back on a friend. Nor will we back away from mankind and leave the field to the likes of Saddam Hussein.

Let us stick with our President, stand behind him, and give him the leverage and authority he needs to deal with this enemy of peace and stability. Let us have the courage to do the right thing for today and tomorrow. After all, we are Americans.

And finally, let us note that the Secretary-General of the United Nations is on his way to Baghdad. He is carrying a plan which offers Saddam Hussein a way out. Even if Congress gives the President the authority he needs, there is no guarantee that Saddam Hussein will take this opportunity. One thing is certain. If we take from the President the option of using force, Saddam Hussein will have no reason to accept the Secretary-General's offer.

Giving President Bush the authority he needs as Commander in Chief maximizes the potential for peace. Words are not enough. If sincerity meant anything to tyrants, enough has been expressed in this debate to keep America at peace for a hundred years. Sadly we are dealing with individuals who understand only power and thus, even in this post-cold-war world, we must maintain a certain level of military might and expertise.

And we must be willing to face the challenges today and in the years ahead with the courage and determination that past generations of our countrymen demonstrated in their time. And now the choice is up to us. The future is in our hands.

□ 0030

Mr. McCANDLESS. Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Madam Speaker, I ask my fellow Members and colleagues to support the Michel-Solarz resolution. I strongly support it, and I feel our troops in the Middle East would also.

Madam Speaker, the sanctions against Iraq are not working well. The embargo is clearly not as effective as it should be and must be.

For example, some 1,000 Russian nationals chose to remain in Iraq rather than return to the Soviet Union because there was more food readily available in Baghdad than in Moscow. Mr. Speaker, we must demonstrate to Saddam Hussein that the world community is serious, that the United Nations, the United States and free nations everywhere mean what we say.

We have no choice but to support the President. No one wants war—the loss of a single human life is a terrible thing—but the result of not being prepared to go to war may be worse than war itself. Saddam Hussein has a proven record of barbarism and aggression. We must meet force with force. History has proven that mutual weakness is no guarantee of security.

As we watch the Soviet Union continue to break-up, it becomes clear that the United States is the world's only superpower, the only nation which has both the will and the ability to fight for the cause of liberty and justice on the world stage. Giving in to aggression does not end aggression but rather encourages it. Hussein must be stopped now. The future stability of our world is at stake. Madam Speaker, I hope and pray for peace. At the same time, I hope and pray that this body has the wisdom and the will to act as we must on behalf of free people everywhere.

As defenders of democracy around the world, the responsibility to stop Hussein has been thrust upon us. We reluctantly accept this responsibility and realize that it is a tremendous moral decision. We recognize that although the price of freedom is high, the price of oppression is much higher.

In closing, I strongly encourage my colleagues to support the Michel-Solarz resolution.

Mr. SMITH of Florida. Madam Speaker, I yield 4 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Madam Speaker, with the Saudi Arabian oil supply secure and our hostages free we are fortunate in that the current stalemate has given us time in which to explore options other than a shooting war.

Yes, we want Iraq out of Kuwait. Saddam Hussein's naked aggression should be punished. And, I believe that he is being punished now—through the sanctions imposed on him.

War should be the last resort. It should be undertaken only after it is clearly apparent that no other choice is open to use.

Madam Speaker, I am not convinced today that war is the only choice. Therefore, I cannot support the administration resolution.

I was at the White House yesterday morning and listened very carefully to President Bush when he talked about a new world order.

The drama playing itself out on the sands of the Middle East represents our first opportunity in the post-cold-war era to examine options other than force in settling international problems—options which can become valuable precedents for this new era.

A new world order means new options, and we should have the courage to explore them, rather than resorting to force—which is the quintessential cold war response.

There are many actions which can be taken by a civilized world to assist in containing Saddam Hussein. Other members have reacted to these actions.

It is not fair for the United States to bear most of the burden for this effort, to have a U.S. force under the U.N. flag.

The nations of the world should speak with one voice in branding Saddam the international outlaw that he is, and to step up political and economic pressure to leave Iraq ostracized and bankrupt.

By taking these actions, the world community can show the Iraqi dictator as the outcast he is.

Worldwide condemnation, coupled with economic sanctions, can be expected to produce real political trouble for Saddam, perhaps even forcing him from power.

But I want to raise a point that has not been raised. Mr. Speaker, that we seem to have no clear statement of policy goals, "after Saddam."

Perhaps most conspicuous by its absence is the option that would free us from the dependence on oil from an unstable region, a region which has displayed a growing hostility to America and the Western World.

The option would be an aggressive effort to mobilize the resources of the Nation to establish an energy security policy which would displace our dependence on Persian Gulf oil.

As a member of the U.S. Alternative Fuels Council, I have heard clear and convincing evidence that America can become more energy self-sufficient—depending more on its own resources and less on those of foreign nations.

Without an energy security policy, America is doomed to continued dependence on Persian Gulf oil and the continued necessity to protect that supply of foreign oil.

It is mindless for this Nation to remain enslaved by our dependence on Middle Eastern oil. Continued enslavement means the very real possibility that our brave young soldiers will be permanently stationed in the region to keep oil flowing to the Western World.

Madam Speaker, how long will we allow our military, economic, and foreign policy to be driven by our addiction to oil?

The path our troops took to Saudi Arabia was littered with the good intentions of past generations.

Yes, we would work on energy policy. Someday.

We would expand the use of alternative fuels.

Someday.

We would reduce our dependence.

Someday.

Well, someday never came—but "D" day is now upon us.

In my view, it is much more important to our long term future to declare our independence from Persian Gulf oil—rather than to declare war on Iraq.

Madam Speaker, I rise in support of the Hamilton-Gephardt resolution in an effort to ensure that we explore every possible option before declaring war.

Mr. McCANDLESS. Madam Speaker, we are going to yield 4 minutes, which I understand will be added to the 2 minutes of the Solarz group that is remaining if I have this all figured out correctly. We are yielding it to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Madam Speaker, I ask for the balance of the time remaining.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from Virginia has 2 minutes, and the gentleman from California yields an additional 4 minutes for a total of 6 minutes.

Without objection, the gentleman from Virginia [Mr. MORAN] may control the time.

There was no objection.

Mr. MORAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many's the time I have dreamed that when I first addressed this body that I would be bright eyed and energetic, speaking for the principles that brought me into public life peace, progressive social policy, speaking on the side of my heroes, TOM FOLEY, DICK GEPHARDT, LEE HAMILTON, DAVE OBEY.

Instead I stand before you today exhausted, without sleep since Sunday, at odds with my natural constituencies and political allies, and while my anguished decision may have very little effect on the course of the world's destiny—it will affect the rest of my life—and the decision we make will affect the lives of countless others. I am haunted by the spectre of the Vietnam war and the error of the Tonkin Gulf resolution.

But the issue we face today, is about far more than the feudalism of Kuwait, or the efficacy of sanctions, or the immorality of Saddam Hussein. The issue we face today is about leadership—world leadership. The fact that America is being called upon to be the world's leader. Why? Because we are a people of principle. Leaders don't act only out of selfish interest. Leaders don't look behind them saying "if you don't go I'm not." And "leaders don't flinch."

This world that we are asked to lead is full of bullies and tyrants and petty international thieves like Saddam Hussein. And all of them are looking for opportunities to beat up on those weaker than them.

And for every bully who is allowed to mercilessly prey upon his victim, many more thugs will emerge from hiding to try to get away with the same.

Madam Speaker, a state of war already exists. It began when Iraq invaded Kuwait, raped and pillaged it. We are not starting a new war, we are reacting to a state of war.

We live in a fragile world with the international scales of good and evil now weighted on the side of good, of justice under law.

But that is because America weighs in so heavily on the side of peace under law.

There is a reason Madam Speaker, that the rest of the free world stands with us and it is not out of coercion. They have confidence that the United States will stand strong and straight, speak with one voice, and when necessary show the courage of our convictions. Madam Speaker, we are not a nation of warmongers nor are we a nation of peaceniks. We are a nation of patriots.

And when it is time to be heroic in the pursuit of peace, no petty thug should ever have reason to believe that we are confused in our purpose, nor divided in our resolve.

Madam Speaker, I owe George Bush nothing, but I owe the democratically elected President of the United States to support his request for what he has said is our last best chance for peace. My support does not come easy nor is it unconditional, and I hope that the President does not abuse nor breach the faith I place in him today.

I ask the President for only one thing, that he accept the responsibility that the American people and the rest of the world have given him, to secure peace, not at all costs—but by every means, to continue negotiations—even if it requires judicious flexibility, to maintain sanctions, even if it requires infinite patience and to treasure the lives of every man and woman whose life is at risk—and yes, Mr. President, to use force if necessary, but only after all attempts for a peaceful, diplomatic solution have been exhausted. Mr. Bush, you are my President and our President and their President, and as we vote to support your request, you now hold our best hope for peace. It is an awesome responsibility. May God bless you with the ability and resolve to achieve it.

□ 0040

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. UNSOELD). The Chair must remind all Members to direct their remarks to the Chair and not to others in the second person.

Mr. McCANDLESS. Madam Speaker, I yield 7 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Madam Speaker, we live in a global village, one in which what we say here is followed intently, not just in this Chamber, or indeed across America, but at far distant points in the world. So the thrust of my message is not so much for my colleagues or those I am privileged to represent—it is directed to Baghdad, to Saddam Hussein, and to those to whom he looks for guidance.

Mr. Hussein, don't let a lack of understanding of a true democracy lead you to the wrong conclusion about what is taking place in this Chamber and this land.

The Congress and the American people are united in our condemnation of your actions. Simply put, you are wrong and your conduct, past and present, cannot be tolerated. It must be reversed.

It should not have been lost upon you that when our President stood in the sands of Arabia before our troops on that special Thanksgiving day, he was flanked by the Speaker of the House and the majority leader of the Senate—Americans first united in common cause.

What this debate is about is not an objective but rather the best means to achieve that objective.

I am one who has recommended sanctions and diplomacy as the best course to follow, feeling in the final analysis that patience and persistence would pay off.

What's the rush, I would argue, let's continue to squeeze and squeeze some more while simultaneously exploring every possible diplomatic option.

Well we have squeezed and squeezed some more and sanctions have produced some results. The problem is that the sanctions have not negatively impacted Hussein or his elite troops—inconvenienced perhaps, but no serious disruption to their military capability.

The people who have been hurt the most are the people for whom Hussein has little regard, the masses within Iraq who dare not complain or they will face elimination. The Butcher of Baghdad nickname is not an affectionate reference. He earned it by slaughtering his way to the top.

I didn't arrive at my conclusion about sanctions in isolation, but rather reached out for all the informed opinions I could get. I traveled to the Middle East, returning just yesterday, to question political leaders and military leaders and intelligence experts in Saudi Arabia, in Egypt, and in Israel as well as those here in Washington.

The collective judgment is that the tightest sanctions, with minimal leakage, something not easily achieved, would not force Hussein's hand, for a long time to come, if ever.

What about diplomacy?

No one should deny the President has demonstrated repeatedly, a willingness to go the extra mile. His calls for reason have fallen upon deaf ears.

So, the sanctions and diplomacy, which I prefer, have not produced. Now what?

We face a critical choice here today. We can endorse U.N. Resolution 678 and give to the President another option, one which we hope and pray will not be employed, or we can reject that resolution and deny those options. And what would be the consequence of either action?

An affirmative vote, one expanding the options available to our Commander in Chief tells Saddam Hussein he is wrong. It tells him we do not lack resolve, we are not willing to look the other way, we are people to whom the word commitment has meaning. Then, just then, coupled with what he will hear from the U.N. Secretary General, Saddam Hussein might get the message and commence to reverse his actions.

But if we are negative, if we say no, I am afraid a far different attitude will prevail in Baghdad. Saddam thinks he is winning. I don't share that view, but it is not so important what I think, it is what he thinks.

In no way should our action give him an opportunity to sense a weakening in resolve, a lessening of commitment.

Support of U.N. Resolution 678 does not deny the sanctions option; defeat of U.N. Resolution 678 eliminates the military option, it substitutes certainty for uncertainty in Baghdad, at least for now, and we don't want that.

Finally, I do not accept the inevitability of war, maybe it is wishful thinking, perhaps it is because I am an eternal optimist, but I will concede one point to our adversary: the American people do not want war. No thinking person anywhere wants war, it is a mindless way to resolve disputes. Yet we realize, as the father of our Nation George Washington said, "to be prepared for war is one of the most effective means of preserving the peace."

I urge support for the Michel-Solarz resolution.

□ 0050

Mr. SMITH of Florida. Madam Speaker, will the gentleman yield?

Mr. BOEHLERT. I am glad to yield to my colleague, the gentleman from Florida.

Mr. SMITH of Florida. Madam Speaker, I appreciate the gentleman's statement very much. It was very heartfelt and very much in the right direction, but I would like to correct one thing the gentleman said.

The sanctions have worked very significantly militarily to reduce the capacity of Saddam Hussein's Air Force to fly sorties or reconnaissance. He is running short of spare parts, and in that regard we know for sure that those sanctions have pinched him very significantly militarily right now, and it is getting worse every day.

Mr. BOEHLERT. Reclaiming my time, Madam Speaker, I will tell my colleague that the sanctions have worked most effectively at the very people we are not at war with or want to be at war with, the rank and file, the innocent citizens and victims of Iraq; but the Republican Guard, the Elite Force, and I wish we could change that name, they have not suffered at all. Saddam Hussein is not experiencing any inconvenience by these sanctions.

Mr. WELDON. Madam Speaker, will the gentleman yield?

Mr. BOEHLERT. I am glad to yield to the gentleman from Pennsylvania.

Mr. WELDON. Madam Speaker, as a member of the Armed Services Committee, having sat through almost 25 hours of hearings on the military implications of our Persian Gulf operation, I would like to add for the record that the greatest threat to the loss of life among our troops and our allied troops has not come from the Iraqi Air Force. It comes from the Iraqi ground forces, which are very heavily embedded into their operation, and that is our greatest concern in terms of loss of life, not the Iraqi Air Force.

Mr. BOEHLERT. Madam Speaker, I thank my colleague for that contribution.

I would point out my assertion that sanctions are not working as intended is not a personal opinion arrived at in isolation. It comes after an extensive briefing from the Central Intelligence Agency, an exceptional briefing from Israeli intelligence, it comes from conversations with the leaders of Egypt, it comes from conversations with our military leaders in the field in Saudi Arabia.

Sanctions, I would like to think could work. I am convinced they are not working as intended. So I want to give the President this additional option, with the hope and prayer and expectation that he will not have to use it, but I want to send the right message to Baghdad.

Mr. SMITH of Florida. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS of New Jersey. Madam Speaker, tonight in this long and sobering debate before our country, there are really two questions. On the question of whether we should go to war, there is heartfelt disagreement, but I would hope that on the question of how we should wage war, if we must wage war, that we speak with unity and clarity.

I would hope that all of us in the country and all of us in this House send a message to our troops and to the world that we are undivided in our support for the troops in the desert and that we are undivided in our commitment to total victory in war if it must come.

But the question that divides us and gives us cause for deliberation is whether we must wage war.

This is the first time that I have had the occasion to rise on behalf of my constituents in New Jersey to address an issue in this great institution. I have prepared myself to make this decision by listening. I have had the opportunity to listen yesterday morning, Friday morning, to the heartfelt and good faith words of the President of the United States.

I have had the opportunity to listen to the eloquent pleadings of my colleagues, but most significantly, I have had the opportunity to listen to the men and women and children who sent me here to Washington from New Jersey to represent and speak for them.

Now, I have heard in my listening the last few days lots of high rhetoric, high international theory about New World orders and great global visions, but I do not really approach this issue from that framework. I approach it from a more simple and clear framework that is suggested to me from those constituents that I have listened to, and I would invite you to listen to it as well.

When I make this decision that we will all make together tomorrow, I make it with this situation in mind. I imagine a constituent coming to me and saying to me, "Congressman, why did my son die in the Persian Gulf? Why did my daughter die in the Persian Gulf?"

If each of us is not prepared to answer that question, then none of us is prepared to commit our troops to war in the Persian Gulf.

My constituents know that we do not have a good answer to that question. My constituents know that sanctions have not been given the opportunity to build on the success that they have already achieved. My constituents know that the road to diplomacy has not been exhausted and fully traveled. They know that until there is a face-to-face session with the only person in Iraq who has the authority to make a decision, Saddam Hussein, that there has been no real diplomacy with real results.

Madam Speaker, My constituents know the difference between strength and recklessness. They understand that we have not exhausted all peaceful means to earn peace.

My constituents understand that a decision for war would be reckless and precipitous and wrong, and I understand that, too, and that is why I will oppose the Michel resolution tomorrow.

Mr. McCANDLESS. Madam Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Speaker, I stand before you today as a veteran who remembers vividly my experiences in Vietnam. I stand before you, Madam Speaker, today as a father who only a few years ago took my sons to the Vietnam Veterans Memorial to show them the names of the men who I served with who died in Vietnam.

On that particular day as we were leaving, a few young people ran up to a section of the wall and hurriedly looked at all the names. One of the young people said as they quickly scanned the names, "There he is, there he is. Here is Daddy."

Madam Speaker, as I stand before this body today, I want you to firmly know that I am committed to peace in the Persian Gulf. As a teacher who has seen students that I taught be deployed to the Persian Gulf, I am committed to peace, and now as a Member of Congress having a crucial role to play in the future of 400,000 men and women who represent this country, I am committed to peace.

□ 0100

I have listened to my distinguished colleagues on both sides of the aisle and stand now in support of the President of the United States because I believe he has acted wisely in his methodic steps, his step-by-step efforts in dealing with this enormous problem that faces the United States and the world.

We as a nation have implemented economic sanctions against Iraq, and they must continue to play a crucial role in our initiative. We have used diplomatic efforts wisely and intelligently and, yes, we must continue to pursue all avenues of diplomacy.

I stand before you as a colleague who asks that you support one of the few means left to us now to achieve a peaceful settlement in the gulf, and that is a strong signal of unity from the Congress of the United States.

That strong signal of unity is the Michel-Solarz resolution. We must work together to avoid war, bring peace and stability to the Middle East and bring our young men and women home.

There are three things we must have at this time to achieve a peaceful settlement and a stable Middle East. Those three things are: continued international economic sanctions, diplomatic initiatives, and a credible military option.

The paradox of military force and the will to use it is that, in all likelihood, it will not be needed nor will it be used. I urge your support for the Michel-Solarz resolution.

This Congress, this Government, and this Nation will stand together to show our resolve to the tyrants of the world.

God bless America.

Mr. SMITH of Florida. Madam Speaker, I yield 5½ minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Madam Speaker, we meet today at a time of grave international crisis and a time of testing for our own country. The brutal invasion and occupation of Kuwait by Saddam Hussein's Iraq poses a threat which we can neither minimize nor ignore. The prospect of this ruthless regime, armed with weapons of mass destruction, exercising political domination in the Middle East and obtaining an economic stranglehold on the Western family of nations is simply intolerable. This aggression cannot go unchecked.

Saddam Hussein must leave Kuwait and that country's legitimate government must be restored. On this proposition the international community is united and we in this Congress speak with a single voice. We will debate vigorously which means might best be employed to achieve this purpose. But whether those means be an economic blockade backed up by the threat of military force, or an immediate military offensive, the purpose remains the same: Iraq's aggression must be reversed.

The implications of our debate have been articulated well by Senator SAM NUNN, in a message intended for Saddam Hussein:

> You will hear an impassioned debate emanating from the U.S. Capitol. These will be the voices of democracy. Don't misread this debate. If war occurs, the constitutional and policy debates will be suspended, and Congress will provide the American troops whatever they need to prevail. There will be no cutoff of funds for our troops while they engage your forces on the field of battle.
>
> President Bush, Congress, and the American people are united that you must leave Kuwait. We differ on whether these goals can best be accomplished by administering pain slowly with the economic blockade or by dishing it out in large doses with military power. Either way—you lose.

I believe that the best means to achieve our goals are articulated in the resolution introduced by Representatives HAMILTON and GEPHARDT.

The resolution begins by expressing our firm commitment "to reversing Iraq's brutal and illegal occupation of Kuwait." The resolution then authorizes the continued use of American military force to help enforce the United Nations economic embargo and to defend Saudi Arabia from direct Iraqi attack; states the sense of the Congress that the continued application of international sanctions and diplomatic efforts to pressure Iraq is the wisest course at this time; and explicitly states that the military option shall remain available should other means fail.

Economic sanctions promise to devastate Iraq's economy and drastically weaken Iraq's capacity to wage war. The international blockade has cut off almost 100 percent of Iraq's exports—mainly oil—and has stopped over 90 percent of the country's imports. CIA Director William Webster has testified that Iraq is losing $1.5 billion in foreign exchange monthly, and the Agency already reports severe shortages in Iraq's military spare parts.

Some of those who urge giving the President immediate and unilateral authority to wage war stress the uncertainty surrounding a reliance on sanctions. I am well aware of the uncertainty, and of the fact that a resort to war may yet prove necessary. But some talk as though we are weighing two equivalent policies in the balance—morally equivalent, equivalent in terms of human and economic cost. We are not. There is a tremendous burden of proof on a policy as costly and as dangerous as a full-scale rush to war. The gulf crisis may come to that. But we should make no mistake about the likely costs of that course of action—thousands of casualties, a conflict that could last a very long time, and the risk of a radically destabilized Middle East. As President Eisenhower said: "Every war is going to astonish you." The fact that a tightening of the economic noose will require some patience, will require continuing efforts to keep our coalition intact, and will be fraught with some uncertainty is not a good enough reason to rush to war.

In the meantime, the threat of war against Iraq must be maintained. I would explicitly oppose any resolution which foreclosed the military option until a specific future date, as some have suggested. But we must not take this Nation into war, with all the frightful costs and heartaches that entails, except as a last resort. I cannot in good conscience ask our young men and women to put their lives on the line until and unless all other means have been exhausted.

President Bush's original strategy—economic sanctions, a continued military threat, and the patience to wear Iraq down—still has much to recommend it. The international community—not just our usual allies but the Soviet Union and most Arab nations as well—have displayed unprecedented solidarity in isolating and sanctioning Iraq. I fully supported President Bush's initial deployment of troops to deter the imminent Iraqi invasion of Saudi Arabia. With those forces in place and the economic noose tightening on Iraq, we were well situated for the long haul. But with the massive November deployment and the cancellation of troop rotations, the President has achieved a buildup that cannot be indefinitely sustained and has created a tilt toward early military action.

I understand the dangers of pulling back from that forward posture, the dangers of sending the wrong signals to Saddam Hussein. We are in a difficult situation strategically, one largely of our own making, and there is no risk-free solution. But when I weigh the costs and the risks of premature military action, I conclude that we should persevere with the President's original policy. There is no comfort in that policy for Saddam Hussein. And there is the real possibility that we and our allies can achieve our objectives with coercive measures that fall short of full-scale war. The Hamilton-Gephardt resolution would commit us to giving this policy a chance to succeed.

The resolution would also commit our Nation to an effort to increase the military and financial contributions made by our allies. I share the concern expressed by many today in this Chamber, where a few months ago we witnessed wrenching debates on our country's fiscal crisis, about the costs of our gulf operations and the failure of our allies to share those costs more equitably. I too am outraged by the small numbers of troops fielded by the gulf states who are supposedly most in jeopardy. This effort cannot succeed, and will have legitimacy neither in the Arab world nor here at home, if it is seen as simply an American crusade.

Finally, the resolution would require the President to obtain authorization from the Congress before waging war on Iraqi forces and would provide for expedited consideration of such a request. This provision would hold both the President and this body to our constitutional responsibilities. The President is asking for open-ended authority to wage war, and the Solarz resolution, as I read it, would grant him that authority. Some insist that the Solarz resolution is less than a full declaration of war, while others insist that it nonetheless fulfills our constitutional obligation. You cannot have it both ways. What I do know is this: The President would treat it as all the declaration of war that he needs. That alone is reason enough for withholding support, for we should give no President a credit card for war.

I close, Madam Speaker, again emphasizing the unity of purpose which this debate must not obscure: Saddam Hussein's aggression cannot and will not stand. But the debate over means is nonetheless an important one. It is much too early to give up on the policy of economic sanctions, a blockade backed by the threat of military force. We must stay the course, and for that reason I urge support of the Hamilton-Gephardt resolution.

Mr. McCANDLESS. Madam Speaker, I yield 5 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Madam Speaker, the hour is late and much has been said. Madam Speaker, I rise in support of the bipartisan resolution backing the U.N. Security Council.

I wish, frankly, that this were not the case. But although through this resolution war is not a fact, not a fact on January 15 by any means, it does involve great risk, and risk is something we try to avoid since it centers on something deep within every politician. But I am persuaded that now is the time to stand up and to take that risk, and if we do not, I fear that we look straight into the barrel of higher risks for our children, our children's children, and our grandchildren.

I did not set January 15 as the decision point; the United Nations did.

□ 0110

I have no idea whether January 15 or February 15 or any other date is the right date, but some date is since without it things will drag on and on, and it is us who will be bled dry by the costs and not Iraq. And if that happens, not only do we suffer, but two other things take place.

First, the so-called new world order following the end of the cold war would be pushed aside. There would be no order. There would be no strengthening in the United Nations to evolve as the "good cop," the strong balance wheel of the world.

The second thing to take place would be that Saddam Hussein would see that not even a rap on the knuckles would be forthcoming, and he could bully and intimidate that part of the world which is not unimportant to us.

The sanctions approach, as I understand it, pleads for time, and I am sympathetic with that argument. I would like to see them work. I come from a world where even a moderate economic squeeze can be brutal on the lives of people.

But the question in a year's time will be: Will Saddam Hussein be weaker? And the answer is that he probably will be, yes. Or will he be less popular? And the answer to that question is also probably, yes. But what I fear is that by going the sanctions route alone, we write off the military option, and if we write off the military option, we cancel the one threat, the one message that experts say Saddam Hussein understands.

Abraham Lincoln used to say that if the only tool you have is a hammer, soon everything begins to look like a nail. This is the mind set of this wily leader of Iraq, according to those I talked to in Cairo, the Egyptians, the Israelis, the leaders of over 30 African nations, in other words, his neighbors.

Now, I know that this is not self-confession hour, but I must say I have tried to pray for peace and for wisdom in making any decisions that are coming in front of us. The Lord gives no easy answers, and he did not fail me in this particular case. Yet, having been down here about 4 years, one point is clear: Sometimes leaders have to do what is uncomfortable, and the approach of putting if off and letting others handle it later has its merits, and there are, of course, times when no action is the best action. But I sense that this is not one of those times.

As Richard Murphy, who is the former Ambassador to Syria, told me today on the telephone, it is a mean and brutal scene over there. This is a man who has killed 500,000, not of the enemy but of his own people. So if we want peace, we must put ourselves inside the head not of the Marquis of Queensbury but of a man who watches for any weakness, any sign of hesitation.

Make no mistake about it, through C-SPAN or CNN, the eyes of Saddam Hussein are on us. If we are resolute, he will move, and if we stutter, he will hold. I am told that depending on the Saturday vote, Saddam Hussein is looking for a way to back down and yet not lose face. He will not give us that satisfaction, or he will not give that satisfaction to the United Nations that he holds in such great contempt, but he may give it to the Saudis or even the PLO. But everything is on hold until we get the signal.

As proven by the Iranian war, this man has an obsession about not looking weak. He does not want to appear to have been pushed. He will play the hand out, and I plead with all of us not to fold prematurely.

I have had great difficulty in coming to this decision, and I have had great uncertainty, having talked to hundreds of people from the southern tier of New York and listening to their cries for peace. But I cry for peace also, just as they do and just as any person does with whom I have talked.

But peace is not the issue. The issue in my mind is how to get at it, and I guess I come down on the side of standing tall rather than standing aside. Good people can differ, and I do not claim to have all the answers. I certainly do not claim to be a Middle Eastern psychologist or a student of dictators. I just have a sense, having come back only yesterday from the Middle East, that now is the time to be firm. If not, then all will fail, as it did after Mr. Chamberlain in the 1930's, on the shoulders of others at far, far greater cost.

Mr. Speaker, I support our President and I support the United Nations of this world, perhaps for the first time in history.

Mr. SMITH of Florida. Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Madam Speaker, I rise in opposition to the Michel-Solarz resolution and in support of the Gephardt-Hamilton resolution.

Madam Speaker, I cannot in good conscience vote for a resolution which in effect is a declaration of war. I have not been convinced by the administration that we have exhausted all peaceful options to resolve this crisis. We stand today on the precipice of a holocaust that could very well engulf the Middle East, leaving in its wake the debris of shattered governments with international consequences that are unpredictable. Make no mistake about it, if war is to be the chosen path in the gulf, it will be American men and women that make the ultimate sacrifice.

Let us remember that the disproportionate share of dying will not be done by Germans or Japanese or even Saudis but by Americans who make up more than 80 percent of the multinational force. I would be more in support of a conflict if our allies who benefit by 80 percent were 80 percent of the forces on the front line.

I have heard a number of my distinguished colleagues forcefully argue that we should support the President and that there is no assurance or guarantee that international sanctions will convince Saddam Hussein to withdraw his troops from Kuwait. But at the same time, they have not shown any conclusive data that shows that sanctions will not work.

Don't we owe it to the American servicemen and servicewomen in the gulf and to their families back home to give sanctions a chance to work.

Madam Speaker, let us stay the course that the President originally embarked on following Iraq's brutal invasion and occcupation of Kuwait. Instead of losing patience with the situation, the President should continue to work on isolating Iraq, tightening economic sanctions, and reinforcing the current international resolve to squeeze Iraq until they see the folly of their way.

Madam Speaker, I continue to support the President's stated objectives in the gulf, however, I disagree with his timeframe for resolving this crisis by immediate war. There is nothing magical or sacred about January 15. It is simply an arbitrary date, nothing more and nothing less. We should not tie our hands by it nor should we be too eager to shed blood over it. It is my opinion, my firm belief, that the solemn act of war should be taken as a last resort and only after we have conclusively determined that Iraq will not comply with U.N. Security Council resolutions—and that sanctions will not work and that time has not yet come.

For these reasons, I will vote for the Hamilton-Gephardt resolution which declares that continued sanctions and diplomatic efforts represent, at this juncture in time, the wisest course of action to resolve this crisis. If war is to be the final arbiter in this crisis, and that time may come, let us not say that we did not exhaust all peaceful options to persuade Iraq to comply with international law.

Mr. SMITH of Florida. Madam Speaker, I yield 5½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Madam Speaker, for the first time since Vietnam, America is poised to fight a major war. Never before in history have we committed so many young men and women so quickly against a nation that did not directly threaten our borders. Soon our troop strength will total more than 400,000 troops in the Persian Gulf. In Vietnam, it took us 5 years to build up such a huge military presence. In the Persian Gulf it has taken less than 6 months.

President Bush has promised that he will not repeat the mistakes of Vietnam and that any offensive military action against Iraq will be quick and decisive. While I have great confidence in our military, I know that life is not a Rambo movie and that any major offensive against a brutal regime like Iraq involves great risks and great costs. We must consider fully the cost of war in terms of the loss of human lives and human suffering.

How many Americans will die if we go to war? It is a question my constituents raise back home in Rochester every day in their letters and their phone calls to my office. The estimates are appalling. Consider these: 5,000 Americans dead and 15,000 wounded in the first 10 days. Newsweek; 10,000 dead and 35,000 wounded in a successful 90-day campaign to take Baghdad—Center for Defense Information; as many as 30,000 dead in 20 days—Jack Anderson quoting from "top secret Pentagon estimates." Whatever the figure, the prospect of casualties by the tens of thousands is something we cannot ignore.

There are other costs as well.

What will be the cost, for example, of caring for a new generation of disabled veterans, who will require a lifetime of medical care as a result of a Persian

Gulf war? Today, our country is hard pressed to humanely care for those American heroes traumatized by past wars. Every week, my office helps veterans searching desperately for adequate health care, only to find that the VA cannot meet their needs.

What, will be the cost of war to our entire economy? Will the peace dividend evaporate forever in the sands of Saudi Arabia and with it our hopes for new domestic investments in deficit reduction, education, and health care?

Will the burden of shouldering the costs of this war, without the promised help of our allies, cause our economy to collapse?

And what will be the cost of war for the United States in the new world order? Will attacking Iraq simply increase a sense of world disorder? Will our new extensions of friendship to Syria and China—countries known for terrorism and suppressing freedom of expression—help lessen tensions? Or will these gestures encourage other regimes to adopt similar tactics within their own countries?

In raising these questions, I want no one to conclude that I condone Iraq's invasion of Kuwait. I abhor the atrocities perpetrated on Kuwait and its people. I know of no Member in Congress who believes that Iraq can be allowed to remain in Kuwait.

The key question we are considering today is whether we have given diplomacy and economic sanctions enough time to work. The potential costs of waging war is so great that we should postpone military action until we are absolutely convinced that diplomacy and economic sanctions will not work.

Even the President's own CIA Director William Webster agrees. The sanctions, he testified, have had a dramatic impact on Iraq's economy.

Two former chairmen of the Joint Chiefs of Staff have seen no reason to rush into war. I was particularly impressed by Adm. William Crowe's statement:

> I cannot understand, he said, why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution.

Paul Nitze, former President Reagan's special adviser on arms control, argued that a stable world order was more likely to result through successful sanctions than all-out war. Success through sanctions would lower the risk of violence and distruption in the region; it would likely maintain our access to Middle East oil, and it could halt the proliferation of nuclear weapons. Nitze concludes, sanctions are worth pursuing.

This Chamber is no stranger to Saddam Hussein and the threat he poses in the Middle East. I recall only last July, 6 days prior to the invasion of Kuwait, the House voted to impose tough sanctions against Iraq. We voted to cut off new financial credits and export quarantees to Iraq until President Bush certified that Iraq was in compliance with the international agreements on human rights and weapons of nonproliferation. At that time, however, we were cautioned by the State Department officials who said our tough actions "would not help us to achieve U.S. goals with Iraq."

Ironically, while we were reacting to Iraq's buildup of troops along the border of Kuwait, our Ambassador in Baghdad, April Glaspie, was telling Saddam Hussein in a face-to-face meeting that—and I quote, "We have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait." At best we gave Hussein a mixed signal of our position on an invasion of Kuwait. At worst, we led him to believe we would not react at all.

Unfortunately, there is no way of turning back the clock. We missed the opportunity to deliver to Saddam Hussein, prior to his invasion of Kuwait, the same strong, unequivocal message that President Bush attempted to deliver earlier this week.

Today, we must deal with the future—and we must do so with a full realization that diplomacy and economic sanctions still offer opportunities for peace that may be lost forever if we vote to engage in war.

Over the past 4 years, a half a dozen of my colleagues have told me that the one vote they regret is their vote in favor of the Gulf of Tonkin resolution. In reading that debate, I can't help but see the similarities of the debate then and now. I urge my colleagues not to make that same mistake again.

Tonight, I rise in support of the Hamilton-Gephardt resolution. Our duty this weekend is clear. Under the Constitution, it is the Congress—not the United Nations or the President of the United States—that has the awesome responsibility to declare war. It is up to us to decide what is best for the people of this country. On this issue of war and peace, I urge my colleagues to consider the difficult path of diplomacy. Let us exercise patience. And let us work as hard for a diplomatic solution as we have to prepare for a violent one.

□ 0120

Mr. McCANDLESS. Madam Speaker, I yield 9 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Madam Speaker, I rise in support of the President, but I do it with a sense of dread, that one of the most evil people in the world on the modern scene may force the hand of the most amazing coalition of allies in my lifetime, or at least since World War II.

The situation that we have been faced with in this Congress, beginning a new Congress, the 102d Congress, has made me very proud of this House and Members on both sides of the aisle, of all ideologies and persuasions. I have been particularly impressed with the freshmen class and the speakers on both sides of the issue, and the way that they have presented themselves, with dignity and with conviction. They have made compelling arguments on both sides.

I think I have only been put off by speeches that I could count on one hand. I can understand the frustration that led some people to use unseemly analogies, like we are trying to be the bully boy of the world, or have some John Wayne image where we are lusting to fight.

George Bush, our President, who lost both his crewmen, one of them a family friend on his first and final mission of the war, replacing Bush's regular enlisted gunner, that has haunted him all of his life. He spent 30 days on a submarine under the water on lifeguard patrol picking up other shot down pilots, some of whom lost their crewmen, and he is not going to look to shed blood. I think he will go the extra mile, the second mile, the third mile.

Mr. Cheney, our former colleague who I think is the best Secretary of Defense we have had since we reorganized our Pentagon after World War II, assured me that there is no need for our ground forces to share in any combat from day one. Besides, our units and the British units are behind young Arab men, a division that I would not have asked to come into this, the Syrian division. God knows Syria is as much a terrorist supporting state as Iraq. God knows that the butcher of Hama, Mr. Assad, is equal to the butcher of Baghdad for the slaughter of Kuwait City.

But there is a Syrian division on the front line, with two Egyptian divisions, the equivalent of a Saudi division, and there are Kuwaiti young men that are ready to try and liberate their country, young men that are not pleased with the emirs and the sheiks and the feudal system there.

Sunday I will meet with 500 young Kuwaitis who have left colleges all over the United States and who are training by our Army to go back to the Saudi Arabian desert to try and liberate their country. Some of them will have safer jobs than others. Some of them will be translators. That will take a month at least to get them into the lines over there.

The support of the coalition that George Bush has put together, the 100 soldiers from Honduras, Bangladesh with their economic problems and weather problems, Pakistan, Venezuela, people all over the world, for the first time since the end of World War II, a Luftwaffe squadron going to Turkey this week, a French Mirage, the British Seventh, the Desert Rats, the 4th Armored Brigade, people from all over the world.

None of these nations want to fight, but they realize that Saddam Hussein must be stopped.

The desert war will not be a Vietnam. All desert wars, because of the nature of the topography, are short wars. Bloody, brutal, but short. The India-Pakistani war, the Israelis' constant defense of that tiny little county to defend its very existence, our back and forth early 1942 crusades against Rommel in northern Africa. It will be short.

But there is an aspect to it that I dread, and that is the terrorism aspect. This sadistic gang of six, Saddam and the only five cronies that he talks to, one of them is his son-in-law and a paternal cousin, the same person; two of them are half-brothers who are full brothers to themselves; and another paternal cousin; and this unbelievable Joseph Goebbels propaganda minister, Jazeez, who talks about torturing pilots, literally cooking them and eating them, constantly talking about bathing us in blood.

Those five cronies, four of them related to him, are the only people that Saddam Hussein takes any counsel with.

That is why the sanctions cannot work. We are not dealing with a reasonable person here. We are dealing with someone not out of the Middle Ages, but out of the Dark Ages.

I am not worried about running out of time this late at night. I am fortunate enough to have been offered a hosting job on a live radio show starting Monday, 3 hours a day for 5 days during this crucial period, all next week, 300 stations, all 50 States, an audience of 1½ million. I urge my colleagues to call in on this show all next week. You don't have to buy time. We will continue to discuss this, because I believe, and I am not any more expert on this than anybody else, that the real moment of war here is mid-February, not the 15th of January.

Everybody I have talked to in the Air Force, the Marine Corps, the Army, the Navy, some branches of the service are ready to go because of the nature of the way they deploy their forces. But we do need some more armor from Germany, and this will get us, I believe, and the President has not assured me of this personally, but I have gotten semiassurances from his most trusted advisers, that there will be a period of time where we will try to make diplomacy work, during the rest of January and the first part of February, and I am holding out for hope against hope that even de Cuellar, the Secretary-General of the United Nations, may give Saddam Hussein the fig leaf that he needs to start a pullout. But it does not end our problems with this man, who will use biological warfare in a minute in his messianic, Nebuchadnezzar dream that he is the sword of the desert, that he is the leader of one united Arab nation. And this is the problem we have with the sanctions, and the fact that beyond another month, my arbitrary 6-month period, beyond 1 more month, President Bush may be asked to make that dreaded decision that only a handful of our Presidents have had to make, to put our young men and now young women into combat.

My nephew, blood nephew, a Dornan, Don Dornan, Jr., arrived in the gulf this week on a carrier I choose not to name.

BEVERLY BYRON's son is a Strategic Air Command pilot, he never knows where he will be. He may be on Diego Garcia.

I spent a morning with JERRY COSTELLO's handsome young son, Jerry, Jr., in the 82d Airborne. Our colleague, KIKA DE LA GARZA, has a doctor son there.

That is four. But that does not give us any other edge. We have come down on both sides of this. All of us have all our sons and daughters there. We are an American family. These are all our constituents, and we do not want to shed blood.

But there comes a defining moment in history, and this is one of them, where somebody, regardless of what happened yesterday and all of the mistakes of the past, and I can stand here clean as a hound's tooth and say I praised Israel the day after the Osirak raid in June 1981. I yelled at the Reagan administration and the current administration, do not deal with this lesser of two evils. He may be the worst of the evils. Do not deal with this man.

My focus has been on human rights, and it is a great compass to have in this House, and I recommend it to the freshmen.

But that is yesterday. Tomorrow, this man is getting ready to unleash terrorism around this world without parallel.

□ 0130

I will sit at the desk and listen carefully to the rest of the fascinating debate and hope for the best, for peace.

Mr. SMITH of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Speaker, I rise in support of the Gephardt-Hamilton amendment.

All of us pray that war can be averted in the sands of the shattered country that was Kuwait.

I don't know one Member of Congressor even one American citizen who hasn't recognized the necessity of confronting Saddam Hussein and neutralizing his ability to make further conquests of weaker neighbors.

I applauded as President Bush moved boldly, quickly, and wisely to isolate Iraq behind the most comprehensive blockade even mounted by the civilized nations of this world.

I continue to support the policy of tough effective sanctions that have significantly reduced—and will continue to reduce—the effectiveness of Iraq's Army and Air Force to wage war.

I would submit that additional patience on the part of our President will provide an opportunity for the international blockage of Iraq to produce further positive results in weakening Iraq in every important way.

Although there is no guarantee that giving the embargo an additional 6 months to work will result in Saddam Hussein's withdrawal from Kuwait, no one can disagree that his ability to wage war will be further weakened.

This weakness may eventually save the lives of a great number of young Americans if war becomes inevitable.

All of us pray that if war comes, it will be over quickly, with a minimum of casualties. But a continued sanctions policy that is tough and unyielding could avoid any dead American combat soldiers at all.

A tough effective sanctions policy requires that any nation found supplying Iraq with key spare parts or other war fighting materiel be isolated just like Iraq from the world of nations.

How much are we willing to commit to achieve our objectives if we rush into war? How many dead? How many billions of dollars? How many weeks or months?

We do know we have the support of virtually every nation of the world in continuing to strangle Iraq economically and militarily.

How many of these nations will commit their sons and daughters to fighting alongside our own? How many Germans and Japanese and French and Syrian and Saudi Arabians? If we go to war next week, we will learn who pays the highest price.

I enlisted in the service at the height of the Vietnam war, but I later joined many others in opposing the war because our Government could not identify objectives that justified the human cost of the combat.

I know what the price of war can be, and I know it is essential that both the American people and the front-line soldiers understand and support the objectives of the war and that they are willing to accept the costs.

We do not have that situation today.

To give the President a free hand to go to war when so much is still unknown would be a mistake of tragic proportions.

Let's support the President's current course of action—the most comprehensive economic embargo the world has ever known, combined with deft, tough international diplomatic efforts, and an in-place international military force capable of going to war in short order—while giving him the time to answer for Congress and the American people these fundamental questions.

Mr. SMITH of Florida. Mr. Speaker, I yield 5½ minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, the hour is late and all of us have spent literally dozens of hours listening to this historical debate, and I sometimes think that everything that could be said has been said. But nevertheless, when we vote tomorrow we must think long and hard about the grant of absolute power to make war that we may or may not grant to the President of the United States.

If we vote for the Solarz-Michel bill, then we issue in effect what is practically a declaration of war.

If we make this so-called tantamount declaration of war and Saddam does not abandon Kuwait, then we have made a grave miscalculation, my colleagues, and we will have no choice but to embrace war, and to embrace the full war option. There will be no turning back. The economic sanctions road will be closed, as will the diplomatic road.

Paradoxically, we will have to go to war because many of my colleagues believed they were on the road to peace, and how ironic that is. What is war, after all, but the ultimate demonstration of the law of unintended consequences.

Vietnam and the botched hostage rescue attempt in the Iranian desert are stark proof of this.

We do not know what forces a Middle East war will unleash, but we can hazard a guess. We can guess that the war will unleash an unstoppable firestorm of Islamic fundamentalism, engulfing the Middle East, Africa, and the Moslem republics of the Soviet Union in its consuming fires. We can guess the war will not only destabilize Iraq, but also will destabilize Jordan, Egypt, Saudi Arabia, and the gulf coast states, leaving the region in a terrifying and tragic shambles.

We can guess that the war will destroy the oil fields, the refineries, and the pipelines of Saudi Arabia, drastically reducing global oil supplies, and shocking the fragile economies of the merging democracies and threatening global stability.

But after all that guessing, we must know that war will take a tragic toll of human lives, wasted, precious human lives because of the lack of wisdom and lack of patience on our part.

Mr. Speaker, has our country become so immersed in instant gratification that we cannot summon from the wellsprings of our wisdom and maturity the patience and vision to give a demonstrably promising sanctions policy the time to work?

Mr. Speaker, we are not justified in jettisoning the promising sanctions policy until they have been proven ineffective, a policy of sanctions that demonstrably, according to much testimony given to this body and to the committees of this House and Senate, a policy that promises to devastate Saddam Hussein's military capability and rid the Middle East finally and once and for all of Saddam Hussein as a towering threat to the peace and stability of the entire region.

Almost every expert who has testified before the House and the Senate and its committees have predicted that the sanctions policy will be successful, and none of them have even suggested that success would have to be achieved and demonstrated by now. Two former Chairmen of the Joint Chiefs of Staff and seven out of eight of the last Secretaries of Defense tell us that economic sanctions should be given more time, and they express their terrible reluctance to go to war until we have exhausted every conceivable option.

How can we fail to be impressed by the testimony of these brilliant men who have served their country so well? What has become of our simple common sense?

The Hamilton-Gephardt resolution indeed does support the President. It supports his finely crafted economic sanctions policy backed by a credible military option. That was the policy last summer, that was the policy President Bush constructed brilliantly, and it promises remarkable success, and it would be absolutely ludicrous of us to abandon it now when it is demonstrably doing the job and promises to bring Saddam Hussein to his knees, and all without firing a shot.

I urge my colleagues to support Hamilton-Gephardt, and to reject the Michel-Solarz resolution.

Mr. McCANDLESS. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, these have been somber yet proud days for this House. The debate has been high caliber, it has been formative, dignified, and made us in my opinion healthier as a Nation and stronger as a body.

There has been a lot of talk, about blinking in the last several months, about who will put their own interests behind the greater interests of world peace and stability. Mr. Speaker, I have blinked, I will admit it, more times in the last 24 to 48 hours perhaps than I have in the past 5 months.

I have supported the President in his commendable powers or organizing and maintaining international focus and opposition to the brutal and naked aggression of Saddam Hussein toward Kuwait, this despite very obvious misleading statements by the United States that we would look the other way if Iraq invaded Kuwait, given by our United States Ambassador in Baghdad personally to Saddam Hussein just days prior to his invasion.

I have blinked because I am an American of Lebanese ancestry, an Arab heritage of which I am proud. My heart has cried because of the backlash I have seen, and more of which I fear should more American lives be lost in the Middle East. My prayers go out to the families of those 98 Americans who have already lost their lives in Operation Desert Shield.

I personally came under vicious attack last November because of my ancestry by those who tried to link my heritage to support for Saddam Hussein. Mr. Speaker, I deplore his actions in Kuwait, just as every Member of this body does.

The President's name calling and Saddam's hyperbole have come to mean nothing to me. Name calling, unfortunately, has only hardened Saddam's resolve. Reasoned, objective and serious diplomacy now being conducted I hope will bear more fruit than media events of recent days.

I have blinked, Mr. Speaker, because I am an American first, and more concerned with America's best interests in the Middle East than any one country in that region. I know how the President keeps stressing that it is the coalition versus Iraq, not the United States versus Iraq, but no one is fooled. The United States has bought and paid for this coalition support. It is, therefore, very tenuous, it is complex, and it is a fickle phenomenon that one has to treat with kid gloves.

We all want to do what is in America's best interest first, not any one country in the region or any one country in the coalition, any one of whom will have agendas that are entirely different from our own best interests.

I have blinked, Mr. Speaker, when I traveled in the Middle East and heard personally from the leaders of those countries, including many that are allied with us now in this crisis. I hear their list of grievances against the United States for what they can only best describe as a one-sided policy on our part. They have seen us in and out so many times that they doubt our resolve should they be aligned with us today. They have seen us run when the going gets tough, and they fully understand the constant attacks upon us from that part of the region.

They have seen us in the past strongly hint we would protect innocent Palestinians, only to see them massacred in cold blood in their camps in Lebanon.

The Saudis have watched the United States arm to the heavens one country in the region while they, the Saudis, have to fight to buy defensive AWACS planes from us.

□ 0140

These systems are now so vital for our best interests and intelligence-gathering in the gulf region.

Mr. Speaker, yes, I admit I have blinked, but I believe it has been for America's best interests.

I will also state that I share the feelings of thousands of my constituents and perhaps millions of Americans. I wanted it both ways. I have wanted to kick butt and, at the same time, I have wanted no loss of American lives and to stay the course and give effective sanctions more time. I have attacked our allies, especially Japan and Germany, for not doing more to share the burden. Their help can only be described as frustrating and downright despicable, but I know that this will not allow me an escape from the tough decisions we must make under our Constitution and will make in a few hours on this Saturday morning. Mr. Speaker, we have all at one time or another tried to go with the flow on this issue. We have given our President strong backing in August, September, and October when the polls were so high in his favor. Some have backed off when the troop deployment doubled, realizing, and rightly so, the changed nature of our commitment.

However, we all remain steadfast in our common goal of removing Iraq from Kuwait via every peaceful route possible.

I share the President's concern for human-rights violations, the rape, torture, and pillaging of Kuwait, and, quite frankly, Mr. Speaker, I am more concerned about the rape, pillaging, and neglect of our own needs right here at home.

I want peace. The American people want peace. George Bush wants peace.

I want to turn our attention to our problems immediately on our doorstep, our infrastructure needs, our health care, our education policy, and in caring for the needs of our Americans right here at home.

Mr. Speaker, we have pressing problems with which we, until about 5½ to 6 months ago, were to use our much deserved peace dividend to help solve. Oh, how nice it would be to set up a special account to receive contributions from those we now protect in the Middle East and, instead, help protect and rebuild America here at home.

Mr. Speaker, I challenge the President and this Congress that the second we have ended this conflict that we move forward determined to make this Nation independent, to break the chains of energy dependence, to rebuild our economy, to defend this country with a new commitment to economic strength and to stop playing Uncle Sucker to the whole world.

Mr. Speaker, I blink this final time in these early hours of this fateful Saturday less than 48 hours from the deadline. After careful thought, the toughest vote of my 14 years in this body will be to support the President. Let us give the true peace a real chance. I will stand by our President. I will stand by our troops. And I pray for both.

Mr. SMITH of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, tomorrow we are not simply voting on the question of authorizing the use of military force but also on the creation of a new generation of war veterans.

Most military experts say that we will lose thousands of young American lives and that the trauma of a technologically intense and mechanized war will cause severe physical and psychological damage to many of the survivors.

As a member of the Veterans Committee I have seen too many veterans suffer from cutbacks in VA health care. Veterans of World War II, Korea and Vietnam are not getting the help they deserve from the VA.

For example, our Government has continued to ignore the plight of agent orange victims and we have treated only a small fraction of vets who still suffer from the psychological scars of the Vietnam war.

Mr. Speaker, if we cannot help veterans from previous wars, how can we in good conscience say we will serve the thousands of veterans who will carry home the wounds of this impending war? And for what?

Should this Congress support a resolution that amounts to a declaration of war so we can restore the Kuwaiti royal family to power?

Should this country go to war to protect the supply of oil to our so-called allies who have not sent ground or naval forces to the gulf?

Should we send thousands of young Americans into battle when Saudi Arabia is not willing to fully mobilize its own population?

None of these reasons, nor any of those advanced by the Bush administration, should compel us to risk the lives of our servicemen and women.

I believe we should send our finest young Americans into combat only when vital national security interests dictate that we do.

In the meantime, let us continue the sanctions which are weakening Saddam Hussein's ability to wage war. And let us ensure that our allies like Japan, Korea and Germany send some of their own to the desert to aid our containment of Iraq.

War now means we will suffer greatly while our allies sit on the sidelines.

Such a war is not worth it—and it certainly is not in this country's best interests.

Mr. Speaker, it is for these reasons that I urge my colleagues to vote for the Hamilton-Gephardt resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield 5½ minutes to the gentleman from New Jersey [Mr. GUARINI].

Mr. GUARINI. Mr. Speaker, I rise to strongly support the Hamilton-Gephardt resolution.

As a free, Democratic people we have struggled and fought hard for a newer world.

Today, we are involved in a historic debate; crucial to the future of our Nation. We have a profound responsibility before us.

In the final analysis, we will be voting our conscience knowing that what we are doing is in our national interest regardless of party.

Unfortunately, the United States may be headed for armed confrontation in the Persian Gulf. Saddam Hussein has invaded and pillaged Kuwait committing countless human rights violations.

The U.N. resolution calling on the international community to "use any means necessary" to bring about Iraq's "immediate and unconditional withdrawal" shows unanimous condemnation of Saddam's actions. This unmitigated aggression must not be allowed and must not be rewarded.

Since the August 2 invasion of Kuwait, the United States, with international backing, has tried moral persuasion, and face-to-face talks in Geneva. All appear to have failed. Iraq has not budged an inch and remains firmly in control of Kuwait.

Aggressive behavior by one nation against another must be resisted or we will lose the opportunity for a new world order. The rule of law must prevail. The international community should continue its efforts to enforce the U.N. resolution. The question is how best to achieve this objective.

In my opinion we have two options: We can continue to strive for a political solution through diplomacy and continue to tighten the sanctions or we can declare war. My vote is to give sanctions more time to work. We must be more patient.

Five months of sanctions have clearly weakened the Iraqi economy. By some reports their GNP has dropped 40 percent. They have been declared an international outlaw—cut off by the rest of the world, and their problems will continue to escalate.

We have already seen positive results from our policy. We have stabilized the region. We have stabilized the world's oil markets. Our hostages are safe at home and we have contained Iraq's territorial ambitions.

Sanctions are indeed exacting a toll. Our policy is having a marked effect. Why change strategy in midstream?

At present, our forces are in a defensive position and I support this fully.

We must exhaust all possibilities for a peaceful solution before we commit ourselves to war.

War must be our last resort.

If there is to be war, it is Congress that has authority under article 1 section 8 of our Constitution to declare war.

The President is wrong when he claims that he has sufficient authority under the Constitution to order U.S. forces into battle. He is our Commander in Chief in charge of conducting military operations. Under our system of checks and balances, only Congress has the power to declare war.

He has not only ignored the powers bestowed upon Congress by the Constitution but he has said that if appropriate action is necessary, he will go ahead without congressional approval. This is a blatant usurpation of power and a distortion of our constitutional process.

I am not ruling our armed conflict should the circumstances warrant it. Saddam needs to know that our patience is not endless and Iraq must unconditionally withdraw from Kuwait.

But, first, let us give peace a chance. Tens of thousands and hundreds of thousands of lives are at stake.

Wars are not tidy and they are fraught with the unexpected. If you have been through war—you have experienced the pain and the horror—you are not so quick to commit others.

We must ask ourselves if we went to war, would it be a pyrrhic victory? Are we willing to occupy Iraq indefinitely? Do we have a plan for stability in the Middle East? Do we have a plan to deal wtih terrorism?

Where to? What next, Mr. President? We must make every effort to lead the way—away from violence.

Otherwise we will be unleashing the most awesome power ever assembled in history.

Let us not make war a quick fix. We need time to find an acceptable solution. Let us give ourselves more time to work with our allies to strengthen the coalition and to get them to join in a fairer burden sharing.

We must not turn this into an American war. Almost two-thirds of the 750,000 troops in the gulf are Americans together with three-quarters of the planes.

Our focus should be on bolstering our failing economy, fighting the war on drugs, making our streets safe, straightening out our banking crisis, and attending to our deep-seeded social problems. We are faced with a $320 billion deficit that is continuing to grow out of control and threatening to lessen every American's standard of living. This is a war we can ill afford.

The estimated cost of our effort in the gulf is $30 billion now. If we go to war this sum will increase astronomically.

It should be noted that Saudi Arabia, whose homeland and oil fields we are defending, is benefiting from a windfall profit of $60 billion. Every American taxpayer is contributing to this windfall. This is not fair and it is not just.

Patience is a virtue. NATO is proof positive of that patience. We acted together with our allies and we won.

Give sanctions a chance to work. Perfect these sanctions relentlessly—keep the pressure on. Strive to replace many of our forces with our Western and Arab forces. Work toward peace. Let us stand up for America.

We should all pray for peace and for the safe return of our service members. They and their families are making extreme sacrifices for the ideals for which this country stands. We are grateful to them and we are proud of them. We can best serve them by adopting a policy which will bring each and everyone of them home safely.

□ 0150

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Speaker, I oppose America's military involvement in the Middle East, but of course this is not to condone the position of Saddam Hussein in Iraq.

I, of course, oppose all invasions, not only in Kuwait, but the Soviet invasion of Afghanistan and our own invasion of Panama and Grenada. I oppose all occupations, not only Iraq of Kuwait, but also Israel of the Gaza Strip in the West Bank and Golan Heights in southern Lebanon. I think that Saddam Hussein and Iraq should comply with the U.N. resolutions, but so should Israel.

I think that the United States needs to, in order to play its part as a world leader, be more evenhanded and fair. Before trying to wage war abroad, to try to win some of the wars in which we are engaged in at home: the war against drugs, the war against crime, the war against homelessness, the war against racism. This is here, before we go to teach elsewhere.

I think it is a disgrace that a President who just recently vetoed the rights of African-Americans to have a chance to get a more proportionate share of our employment in business, and ownership in this country, and to turn around now and ask these same African-Americans to risk their lives at a rate above the proportion of their population. The same may be said of whites. Whites' sons and daughters of working class families.

May I just add also in this debate, I think it has been clouded by jingoistic hyperbole that personifies the problem as though Hussein is the problem, so we can talk about doing out Hussein, bombing Hussein. Well, let me tell Members, if we bomb Baghdad, we do not bomb Hussein. We bomb and kill children, and mothers, and senior civilians unarmed. Do not cover that by some phony personification.

The real problem, if not Hussein, existed before him and will exist after him, the question of resource exploitation in our world where developing nations exploit the resources of undeveloped nations so that the undeveloped nations suffer ever-increasing poverty while the developed nations prosper. Africans, Latin Americans, Arabs, many members of Asiatic nations, while the developed nations with the Eurocentric culture, the capitalistic economy prosper, that is unjust. I say to Members that they cannot have peace without justice. Justice is a prerequisite for peace. If America wants peace, it cannot do so with military might, but only by promoting justice in the world so that our prosperity and good health can be shared by all. Justice is the answer to the problems in the Middle East, not military might.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, it is an established fact: That both the President and the Congress unanimously agree that Saddam Hussein must leave Kuwait unconditionally.

It is an established fact: That both the President and the Congress unanimously agree that our troops must be given 100 percent support now and should Congress declare war and empower our President to conduct that war, they should be given 100 percent support in the future.

However, it is not an established fact: That we should abandon the policy of economic sanctions against Iraq while maintaining a defensive posture in Saudi Arabia until the sanctions accomplish the result of forcing Hussein out of Kuwait.

Let us reiterate: The policy of sanctions, international unity, and a defensive posture was one articulated to the Congress and the world less than 5 months ago by the President himself.

Now we are being asked to abandon this policy, a policy which the President initiated with these words.

> This is a policy which will take time—it will require the patience of the American people.

The President of the United States is in the prayers of every Member of this Congress. Despite the brash statements of some, statements in error, that some Members will vote on the basis of their politics, I do not believe there is one Member of this Congress who wants to see our President or our country fail at this critical moment in our history.

But there are many Members of this body, including this Member, who disagree with the change in policy which the President has stated and wish him to stay the course which he originally established.

Why? Because we believe that the original course of action, the course of economic sanctions, defensive military posture to prevent further aggression, and international unity against an aggressor nation represents the best solution for resolving, not just this conflict, but all conflicts such as this one in the future.

Why do we believe that this original course of action has a chance to work? For one reason. Because there is indeed a new world order which the President himself has had a part in bringing about.

A new world order which is more democratic, less prone to tolerate naked aggression by one country on another, and more capable of adopting and implementing the very course of action which the President set less than 5 months ago.

Even 5 years ago we would never have seen a unified international community stand with us against the likes of saddam Hussein. Sanctions would never have worked then, they have a chance now because we truly do live in a different world.

They have a chance to work now if, in the President's own words, "We can be patient", understand that this new model for a new world order is one for the long haul. And it is not enough for the people of America to understand this—it must be understood by our allies also.

As it has been said many times on this floor, impatience is no excuse for war. When future generations open the history books—will they read that at this moment in our country's history—we had a chance to lead a new world order in a new direction for defeating naked aggression—and we refused to have the patience or the courage to risk that effort?

Or will they read that we resorted to the old method of resolving differences, the method of war first. This is the first time in history that we have had sufficient unity among the nations of the world to chart a different course.

Mr. Speaker, I urge the President and I urge the Congress to stay the course, the one that the President himself set out. Let us teach our children, and teach the world, that leadership also means daring to find peace in a different way than through the mechanism of war. And let us have faith that the people, given an appropriate understanding of the need for resolving this conflict through sanctions, and defensive action, will stay the course with us.

□ 0200

Mr. SMITH of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, as many of us have pointed out today, these votes we take on our Nation's policy in the Persian Gulf will be remembered as the most important of our careers, whether we have been here 1 term, or 25 terms. For that reason alone, we should not rush our judgment. History tells us that when we rush, or even stumble, into war, we end up regretting our actions later. A number of current and former Members of Congress have told us that their vote for the Gulf of Tonkin resolution was the vote they regretted most. Patience is a virtue in instances when the consequences of quick action are so high. I have been home in my district for a couple of months and this is the message I have heard from the people there: "Don't rush to war—let the sanctions take grip—use force as a last resort."

We are all proud of our Armed Forces in the Middle East. Those brave men and women have the support of all of us, no matter what course of action we favor here today. We all believe that Iraq should end the armed occupation of Kuwait, a sovereign nation and an ally of ours. The aggression of Saddam Hussein cannot be rewarded. This is a vital matter for the postcold war world order. The question is why we have to make a snap decision, on a short timetable, on the use of offensive force.

I am also concerned about the huge burden that this country has taken on as we defend Saudi Arabia and seek to liberate Kuwait. The projected cost of Operation Desert Shield is projected to be about $30 billion for fiscal year 1991. Our allies have pledged a mere $9 billion in assistance. This is not enough. If our allies are going to be the direct beneficiaries of our military actions in the gulf, then they must be prepared to pay an equal share of the costs.

Mr. Speaker, this will be the first time in American history that we have set a date on which we will attack another country. This is unprecedented and unnecessary. I do not believe that enough time has been given for the worldwide embargo against Iraq to have their full effect. I believe there are additional diplomatic channels that can be brought into play that have not yet been explored that could lead to a peaceful solution to this explosive situation. We owe it to the one-half million American service men and women in the Persian Gulf to completely exhaust those options before we resort to force. War is a last resort and should be treated as a last resort. I do not rule out offensive strike at a later date. If the President comes to the Congress and demonstrates that sanctions against Iraq are not working and will not ultimately work, and if the President is certain that all diplomatic options have been explored, then the Congress can do its' duty under the Constitution and declare war.

We were right to go to the defense of Saudi Arabia and our other allies in the Middle East against the aggression of Saddam Hussein. Our policy to this point has isolated this dictator and is hurting his country. I believe we should proceed from this point with caution and patience. I will vote for the Hamilton-Gephardt resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, this is what the House is debating: "A resolution concerning the authorization for use of military force against Iraq."

Why do we not call it what it is, a declaration of war?

We are debating whether or not America will go to war perhaps in the next 72 hours.

We are deciding whether to send men and women to kill and to be killed.

We are debating the most fundamental question a democratic society can debate.

If ever there was a time to speak plainly, now is the time. This is a declaration of war and it will take the country into a war that we are told will be short and decisive, but which could be long and bloody.

Mr. Speaker, this is something the Congress has done only five times in American history, only twice in this century. Is this such a time?

Does the Congress believe this declaration should join those that launched two world wars in this century?

Is this the new world order?

There seems to me nothing new at all about two armies poised to fight one another to the death on a faraway battlefield. War, Mr. Speaker, is definitely part of the Old World order. This is the wrong war, at the wrong time in the wrong place for the wrong reasons.

Mr. Speaker, others before me have argued for more time for the sanctions and for diplomacy. I will not repeat those arguments again.

But it seems to me that this drive to war is taking on a perilous life of its own. It is as if because there are soldiers there, we must fight or surrender. But war, Mr. Speaker, even necessary wars, should never be rushed into, and tonight America is rushing to war.

The very people who would take us to war now want it to be a secret war.

The New York Times reported this week that the Pentagon will impose restrictions on the press to keep it from reporting fully to the American people the horrors of this war and its bloody realities.

The Pentagon and the White House want to deny the American people the knowledge of the suffering this war will cause to so many, they want to sanitize it.

If we go to war, Mr. Speaker, we ought to see it in its unvarnished horror, we ought to see it every night on the Nation's television screens.

It ought not to be kept from us or hidden from us. We ought not to be shielded from it. We should see and share the suffering of our countrymen who will fight and die in this war.

And so Mr. Speaker, if there is to be a vote on declaring war, let us call it what it is. And if there is going to be a war, let us see and know and feel what its costs will be in blood as well as treasure.

The Pentagon's action is unprecedented, for they remember that when television brought the war in Vietnam into America's living rooms, America turned against it.

Mr. Speaker, since others have dealt with the efficacy of sanctions and the hopes of diplomacy, let me say a word about the country's attitude toward this war.

Earlier this week I spoke to the people I represent at three separate public meetings in Pennsylvania. I found them deeply divided on going to war. The polls indicate the Nation is as well divided. If the war is short and the casualties few, the President will be a hero and the war will be judged a victory, but if it is long and deadly the country will feel the bitterness of division once again.

This war, which has not even yet begun is opposed by half the country, what will happen when the casualties mount?

Mr. Speaker, the country remains unconvinced and so do I. In the end, when all the arguments are put aside, this decision, the decision to go to war can not be justified when measured against the possible loss of so many American lives. We are not saying to the President, "No", we are saying "not yet".

"To everything there is a season", Mr. Speaker, we have in these few hours remaining the chance to make this a season, not of war, but of peace.

□ 0210

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. Mr. Speaker, I confess that I am not one of the Members of Congress who normally takes up the debate on the floor. I prepare carefully, I assemble my notes and then I come to the well, listen to the debate of others, decide that what others have said is probably better than what I was going to say. And so I thank the gentleman for yielding, put my notes back in my pocket, and sit down. Not today.

Today, I want to talk. I have studied this situation like no other. I have read, I have listened, and for 4 straight weeks in November and December, and to the expense of my friends, my staff and my family, I discussed little else. I honestly sought something, anything, some tidbit of information that would say to myself intellectually and morally, "there, that's it, here at last is the reason for war" and I should support the President. When the President ordered troops into Panama, I supported the President. When Iraq invaded Kuwait in August and the President ordered troops into a defensive positure in Saudi Arabia, I supported the President. I don't lightly step back from the President in matters of foreign affairs.

However, I cannot justify this mindless rush to combat that I sense in this administration.

And as I come here today for one of my few speeches, I am now searching for a word, a phrase, some utterance or clever saying that will stop this House from marching with the President to war.

I cannot find the logic of the argument that says on one hand the military capability of Saddam Hussein must be destroyed if he does not get out of Kuwait, but argues on the other hand that if he leaves, he can retain that military capability. There are more important priorities for the United States than the restoration of sovereignty to Kuwait.

I cannot find the logic of the argument that says in a region where 80 percent of the troops are ours, 90 percent of the casulties are ours and we receive but 11 percent of the oil, our European allies should be brushed aside, their counsel of caution and patience and perseverance ignored, and we should rush to war.

What path did we take, what turn did we miss, what twist of wind or logic happened to us that suddenly made this our war, our war to fight, our war to die. Does this new world order we are told of mean that the paths of diplomacy and sanctions are replaced with a new American slogan no longer the "land of the free and the home of the brave" but we are now the world's paladon: "Have Gun, Will Travel."

Should we set aside the administration's justified pride in their unprecedented mobilizing of world opinion and world sanctions against aggression, of the fact that the hostages are freed, that this man is now blocked on all sides, his ill gotten gain of oil cannot be sold? I think not.

This is not the early days of World War II. Back then, we didn't stage troops in Poland, in the Ruhr Valley, in Czechoslovakia. We didn't mobilize world opinion, we didn't isolate Hitler; then, unlike now, we tried to ignore him and pacify him. Firmness then, not force, should have been our early response. Here, we have been firm, here the use of other tools should be pursued such as sanctions and patience and unity.

And finally, I cannot find the logic of the argument that says that we should not worry, history is wrong; this will be the first clean, nat and tidy war, where the deaths are few, the pain minimal and our enemy is not going to shoot back. That by destroying Kuwait, like hue, we will save it.

Like here, it is winter now in Iowa. The mornings start cold and gray, the sun barely rises above the line of dark and barren trees. But because our winters are cold and long, spring is a special time. The first day without a jacket, the first time the warm, new wind of the first warm day touches your face tells you most vividly that you are life, the renewal of that cycle has commenced again.

I want our sons and daughters, when spring comes, to feel that first warm wind. I want children to be comforted by their parents, husbands and wives to hug, the planting to be done, and their lives to be lived in peace—not wasted on sand and sea halfway around the world in a place where no one else wants to fight and die.

This Member cannot give up willingly their right to live and lead those lives without every effort having been made first for peace. War should be our last alternative, peace should be our objective.

The administration's request for a blanket endorsement of war should be rejected, Congress should insist that all peaceful alternatives be pursued.

We should remember the admonition of Adlai Stevenson: "Making peace is harder than making war."

Mr. SMITH of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Oregon [Mr. KOPETSKI].

Mr. KOPETSKI. Mr. Speaker, there are few issues as important to debate as the delineation of constitutional powers or decisions to authorize military action.

Today, we consider both of these grave issues.

Under our democratic government our debate today is not a nicety; it is a necessity.

It is not a sign of weakness, it is a sign of strength. Our form of government not only requires but thrives on this form of debate.

The first issue at hand is whether the President needs congressional authority to take offensive military action against Iraq.

I say yes. And I will vote for the Durbin-Bennett resolution.

Some would say, however, that this is a gray area; that the Framers of the Constitution left us with conflicting provisions. While article I, section 8 of the Constitution gives Congress the power to declare war, article II, section 2 designates the President as Commander in Chief of the Armed Forces.

However, the intent of the Framers, in fact, is comprehensively, clearly, and convincingly spelled out in the Federalist Papers. Alexander Hamilton, writing in paper 69, tells us:

> The President is to be Commander in Chief * * * In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces * * *; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

The Founding Fathers understood history. They knew of the propensity of monarchs to commit the citizenry to war, wars that took the lives of the working people and drained the economic resources of their communities. In this new great experiment called representative democracy, the Framers devised a check on the warmaking powers. The safeguard was simple: the President would be required to ask the Congress for the authority to wage war.

The second issue we consider today is whether we should authorize the President to take offensive military action against Iraq.

Using his powers as Commander in Chief, the President committed troops to the Persian Gulf on August 8, 1990, in a defensive operation. Since that time, 400,000 American troops have been stationed in the region on a nonrotation basis and we have spent billions of taxpayers dollars on Operation Desert Shield. Now the President wishes to have the authority to take offensive action.

I do not support—and will vote against—the Solarz-Michel resolution, authorizing the President to take offensive action at this time. I will vote for the Hamilton-Gephard resolution.

This decision does not come easily. I concur in the President's goal to remove Iraqi forces from Kuwait. It is important in this postcold war era that the world community not allow such violent aggression as Saddam Hussein's to go unchecked, and therefore, be rewarded.

I support the deployment of troops to defend the Saudi Arabian peninsula.

I support the imposition of economic sanctions.

I support the full range of diplomatic pressures against the Iraqi Government, including ostracism from the world community.

But the President's consideration of offensive military action is premature—premature by his own words. As recently as November 1, the President said, and I quote:

> I want a peaceful resolution to this crisis * * * I've indicated we're prepared to give sanctions time to work, and I'll repeat that here again today.

So what made the President change his mind?

A decision to change our country's policies from one of a defensive military posture to an offensive action must result from the failure of economic and diplomatic actions, that there is no other alternative.

But the facts speak for continuing sanctions. Sanctions are having an effect. Combined Iraq-Kuwait oil production has dropped 91 percent, denying Saddam Hussein virtually all of Iraq's export revenue. Estimates tell us that sanctions will reduce Iraq's economic output by 40 to 50 percent.

Think about that. How long can a country's economy survive—or how long can a despot stay in power or maintain his war machine—when the gross national product drops by 50 percent?

There are more signs of success as well.

Since our troops are in the gulf, and the sanctions are in effect, Saddam Hussein's military aggression is contained. And herein lies the difference between Saddam Hussein in the Middle East and Hitler in Europe in 1939. No one stopped Hitler. We stopped Saddam. Our multinational military action is working.

The hostages have been freed.

Up until a few days ago, the price of oil had dropped and was relatively stable.

We have built a world boycott of Iraq including Arab and non-Arab nations.

All of these signs point to success if we continue the policy we have been following: The use of economic sanctions and diplomatic pressure to force Saddam Hussein to withdraw from Kuwait.

We've even been told by the White House, State Department and Pentagon that sanctions are having the desired effect. Members of the congressional delegation who returned from the gulf this week report that sanctions will work—but might take longer than we all would like.

So, what has changed since the President told us on November 1 he wanted to resolve the crisis peacefully by giving sanctions time to work?

Apparently, only time and the President's logic. No one can say unequivocably that sanctions won't work; only that they will take time.

We should continue to follow our policy of economic sanctions and diplomatic ostacism until Saddam Hussein leaves Kuwait or until we are absolutely certain no further progress can be made.

But despite the continued progress in the gulf, the President wants to change course in a move toward offensive military action. In order to convince the Congress to give him the authority to do that, he needs to make his case. Not just to us here, but to the citizens of Oregon's Fifth Congressional District and the rest of the Nation.

I don't believe he's done that.

The power conferred upon the Congress concerning offensive military force is not just procedural. It is substantive as well. The Congress is not just a rubber stamp of the President's policies. The power to declare war, to authorize the use of offensive military action, is also the power to say no. And we should say no until the President proves his case.

So, Mr. Speaker, I wish I could support the tactics of our President. But then, I think of Glen Klein. Glen was my best friend in Pendleton, OR. He was an all-America boy, a high school track star, a dedicated student. He was a young man who went to war and died for his country.

One of the first visits I made when I got to Washington was to look up Glen's name on the black granite of the Vietnam Memorial. I touched his name. And I thought about how much I missed him. I could not help but think of the possibility of this very vote.

When I'm told we may have 1,000 or 10,000 dead soldiers, I don't think solely of the men and women who will die. I read my mail and I think of thousands of wives and husbands. Then I double that figure and think of their parents. I multiply that number and think of children, brothers and sisters.

Nothing is less certain in war than predictions, how quickly to victory, how many death. This is why we today should tell the President to be patient, to give economic sanctions a chance, as he asked us in November.

Now is not the time to give the President discretionary authority to commit American men and women to the perils of war, to injury, to death. Bloodshed is not the only recourse. It appears we have contained Saddam Hussein. Let's allow more time for economic sanctions and world diplomatic pressure to drive Saddam Hussein out of Kuwait.

Finally, Mr. Speaker, I am submitting for the RECORD the recently published thoughts of the father of one of the service people from my district serving in Saudi Arabia. I am also submitting a poem by the young man himself.

[From the Statesman Journal, Salem, OR, Aug. 18, 1990]

NATIONS CAN'T TEACH CHILDREN

(By Cy Eberhart)

What does a father say when his son calls and says, "This is it, Dad. We report at 1300 hours to check our rifles and gear"?

You've known for a week that the unthinkable could happen, but still . . . maybe something would change.

You choke up. Feelings from three wars ago come flooding back . . . when your own father clasped you by the hand as you boarded the 1:30 a.m. train. There were no words then, and there are none now.

So you try to hold together long enough to make certain that you have his correct mailing address . . . after all, Saudi Arabia is a long way away. You ask if you can send him anything. Yes, there is one thing. That sight scope he bought for his own rifle a few years back. Send that.

Ah, the Marines taught him well. Your weapon is everything. Take care of it, and it will take care of you. Combat is for keeps. Get the advantage over your enemy.

There is a feeble goodbye, and the brief conversation is finished. The tears well up.

With clouded eyes, you imagine the two hours he has left at home. He'll hold his own son, not yet 3 weeks old. You feel his own bewilderment at being wrenched away from the one place he knows he's supposed to be.

He's supposed to be that special source of laughter and play for his son, opening to him the world of joy and excitement. To open to him life's wonders, encouraging his curiosity to dream dreams and see visions. A hand to hold, fulfilling the infant's need for trust and security. To hug and to bounce so that belonging and love are things to take for granted.

He was not taught this. These are simple truths that rise naturally from his heart. Now he's violating that which his every instinct tells him to obey.

This makes obvious the fact that in matters of truth, whenever the mind abandons the heart, trust only the heart. It alone has the wisdom of human survival.

Never is this more in evidence than when situations bring you face to face with life's basics.

I saw this often in my work as a hospital chaplain. In the quiet hallways at night, seeing family after family sitting in vigil. Life is reduced to its essentials: love, caring, compassion, empathy.

But outside, because of an unpopular war, the world was marked by people against people. There was constant unrest, violence, riots, political maneuvering and confrontations of all sorts.

The lesson in this has been repeated throughout history.

It's there to see at least as far back as the Old Testament prophets. Basic human and spiritual values are the essentials for human fulfillment. Without this, all else collapses. History has vindicated those who spoke this truth, not those who held power. It is a message expressed some way in every living religion.

But the lesson has not yet been learned. Some say it's even idealistic to try to teach it. But without it, where is there any hope?

Some say the struggle today is about oil and economics. Perhaps. But there is another struggle. It is for the survival of those values essesntial to humanity itself.

The ways of nations have yet to elevate human life and human purpose. They have yet to offer human life a future.

What is a father to say when his son calls, saying he is headed toward war? There are no words, only feelings. But perhaps he understood their meaning:

"Come back, son. Come back soon—you and all who are with you. The world has more need of you in your home than on the battlefield. Your son needs to learn from you the ways of life and love and hope. Nations can't do this. But you can. Come home, son. Come home soon!"

POEM BY ERIC EBERHART, U.S. MARINE CORPS, SAUDI ARABIA, NOVEMBER 1990

O ften I may wonder why
P erhaps it's just my fear
E ven when the war begins
R eality is here
A nd as I wither in the heat
T he desert wind blows on
I t's where I stand, here in the sand
O bserving what goes on
N othing to compare it to.
D rink from my canteen
E at with us, oh noble one
S it and live like a Marine
E arly morning swarms of flies
R estless nights and troubled times
T hen the thought of fear was gone.
S oon the days became so long
H oly land, the desert sand
I s not our fate in another's hand
E ven I, prepare to die
L ord my God watch over me
D estiny, not up to me, what is my identity?

☐ 0220

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, the absurdity of much of what we have heard tonight is hard to ignore. We are told that we have to declare war in order to avoid it. We are told that we may have to destroy a country in order to save it. The magic of a date plucked from the air is said to be that linchpin around which we will decide whether or not to move this Nation's and other nations' great forces in an indiscriminate attack aganist some who is universally decried as an evil person. But January 15 is not a special day. It does not recognize the birth of any great leader, nor does it commemorate any great event. It does recognize, however, the abdication to the simply philosophy once again that might makes right and commemorates the surrender of reason to impulse. Saddam Hussein being wrong does not make war on January 15 right. But it may make it inevitable.

Mr. Speaker, we were in this well just 2 years ago speaking about the peace dividend. Two years later we have neither peace, nor a dividend. That which we in this Chamber fought so vigorously for just this past October, to reduce the deficit, has already evaporated in the hot desert air, and we will lose much more financially with each day that this desert adventure goes forward. But war cannot be measured just in dollars and cents alone.

Mr. Speaker, this vote is not really the end. It is merely the beginning. It is the beginning of lonely knocks on faraway doors telling families that a love one is lost. It is the beginning of the end of a rule of reason in an administration that I am so fearful wants to see much more come from the pockets of American taxpayers and more to be asked from the lives of American citizens. It is the beginning once again of the failure to believe in the reasonability of those who seek to achieve peace through negotiation.

We do not win when we fight. Mr. Bush does not lose when we vote. Those who lose are those who resort to violence and the threat of violence in order to achieve their ends.

What counts is not simply the cold statistics of bodies or dollars, not whether George Bush or Saddam Hussein is the winner, or which military strategy should be used, but how each American will react when Life magazine records in color the pictures of the dead. It is the human toll that must convince this body that war and that which is attendant to war is not really an answer in and of itself.

The new order should not be commenced by resorting to an old tactic. The final resort, war and violence, is that which must meet a very high moral test, and simply to say that we have waited long enough, that we have no more patience for peace, does not meet the moral standard of using force as a last resort.

Mr. Speaker, I am not prepared to look my constituents in the eye and tell them that this Government, our people, has exhausted every opportunity to save their children's lives. When I can do that, then I will support the initiatives before us. Until then I honestly believe that the best course and the only course for hope and opportunity for all people everywhere is to give an opportunity to let peace have its chance.

Mr. SMITH of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Mr. Speaker, this is my first statement before this body as a Member of Congress.

We all recognize that the Persian Gulf situation before us is most grave.

At this moment, hundreds of men and women from the second District of Missouri stand ready to prevent further aggression—and force Saddam Hussein from Kuwait, if necessary.

I want to thank them for taking that risk.

They are in my thoughts as I have listened and weighed the options before Congress.

I join my colleagues in stating that: First, Saddam Hussein's aggression will not stand; second, there will be no appeasement; third, Saddam Hussein will leave Kuwait; and finally, fourth, he will never control the oil supply in that region.

Saddam Hussein must take no comfort from this debate. He must make no mistake that the military might of the United States, including many men and women from Missouri, will force him—if that is necessary—to leave Kuwait.

The President's decision to stand firmly against Saddam Hussein last August is honorable and just. I commend and support it. There is no doubt that our military and diplomatic position is one of strength.

Five months ago, the United States and our international allies put into place sanctions against Iraq. These sanctions are working. The flow of Iraqi oil to the world market has stopped. Iraqi GNP will soon be cut by 70 percent. American hostages have been released.

CIA Director Webster, known and respected by many of my constituents, has testified that the sanctions are continuing to weaken Iraq's military capability as shortages of spare parts and munitions develop—and as equipment breaks down.

Despite the disappointment of Wednesday's meetings in Geneva, diplomatic channels are still open.

Mr. Speaker, I also want to address the issue of what happens if we go to war.

What happens when Saddam Hussein attacks Israel, as he has assured us he will?

Israel will respond.

We all realize that when that happens, Arab participation in the coalition will change.

Many of us are not satisfied that this issue, along with the issues of possible terrorism and the ultimate balance of power in the Middle East, have been fully addressed.

I support the Hamilton-Gephardt measure because it does support the President. It endorses all actions taken to date by our Government. It ensures that if the President should seek to use force against Saddam Hussein in the coming weeks or months that his request for authority will be given immediate consideration in Congress. As many of my colleagues have pointed out, the only thing this measure does not do is affirm January 15 as an arbitrary deadline.

This debate in Congress just began on Thursday. The urgency we and the rest of the world community feel today will not cease to exist on January 16. The determination and commitment of our Nation will strengthen—as Saddam Hussein grows weaker—under the international coalition for peace.

Patience beyond January 15 does not weaken our position. The threat of force is still available to the President.

Therefore, I will support the Hamilton-Gephardt measure to pursue peace in the Middle East through continued sanctions and diplomacy.

☐ 0230

Mr. SMITH of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, the crisis in the Persian Gulf, and determining the course we should take in dealing with it, requires each of us to decide how to cast the most difficult vote of our lives.

It is not acceptable for Iraq to overrun and annex a relatively small and powerless neighbor. It is not acceptable for Iraq to fuel its further aggression by plundering and exploiting the resources of a conquered nation. It is not acceptable for Iraq to ignore international law and U.N. Security Council resolutions.

Last year, when Iraq invaded Kuwait, I supported President Bush's initial decisions to deploy United States forces to the gulf to block further aggression; to impose economic isolation through an embargo on trade with Iraq; and to take those steps as part of a concerted, international response authorized by the United Nations. These have been among the most important and effective actions the United States has taken in world affairs in recent years. The President deserves great credit for these remarkable achievements.

Iraq should be, must be, and will be contained and punished. And containment and punishment is being accomplished, through the deployment of our forces and the economic embargo.

Our policy has certainly not yet been a complete success. But just as certainly, it has enjoyed substantial success. Iraqi aggression has been blocked; the hostages have been released; energy markets were stabilized; sanctions have begun to hurt.

Still, after 5 months, Iraq has not left Kuwait. That objective has not yet been accomplished. But is that sufficient reason to change our policy now and go to war?

This debate, and the debates that will inevitably follow, will again test the maturity of this Nation's politics. I pray we will rise to the occasion. The country, the troops, the world deserve our very best.

It is important at a time like this to consider our limits: the extent to which we can with any assurance really know what will happen, what the consequences of our actions will be. We are rarely as smart as we think we are. And however smart we may be, it is essential not to confuse our smartness with wisdom.

So, let us be mindful of our limits. This is not the time for pridefulness, or willfulness, or self-righteousness, or false certainty.

We are dealing with the most profound moral decision a legislature or a government can have to make. Shall we go to war, and so knowingly embark on a path that we must assume will mean death to thousands of our troops, of those of our allies, and of those Iraqi people with whom the President rightly observes we have no quarrel?

With many, many lives in the balance, there should be a high degree of moral certainty about the rightness of our actions with answers to at least the following questions.

Are our Nation's objectives so vital and valued that they justify the use of deadly force on a broad scale and the deaths that will surely follow? In this case, I believe the objective of turning back Iraqi aggression, and so deterring future aggression, may well meet this test. As I stated, I also believe much of this objective has already been attained.

But we must answer a second question, too. Have we exhausted all reasonable alternatives to war, such that war and loss of life cannot be avoided, or, if avoided now, are likely to be more costly later? It is here the evidence is sorely lacking.

The answers to these questions are not now so clear that they can inform a decent and civilized judgment to go to war.

Am I certain that my position is absolutely correct? No. No one could be. No one knows what will happen. But when not certain, I prefer to err on the side of actions which stop short of the horrific irreversibility of war.

In announcing his response to the invasion of Kuwait, the President stated that "The mission of our troops is wholly defensive * * *. They will not initiate hostilities." Right after the November election, the President changed his policy and deployed forces sufficient for an offensive mission, and he now indicates in every way that he is determined to use those forces after January 15 if Iraq fails to withdraw from Kuwait.

Having changed his policy, the President now asks Congress to fall in line behind the new policy—without serious qualification, restriction, or modification.

Those of us who decline to endorse the President's request for authority to use force will be accused of undermining him and our Nation's credibility. That is an unavoidable result of a vote against his request, and that pains me greatly. But this exercise in democracy adds much more to our credibility than this vote can subtract.

I was once an officer of marines, and so I am always a marine. And proud of it. When my Peresident issues a call to duty, when he makes an appeal for support, my first instinct, my first reflex is to salute.

However, my constituents have elected me to represent them, and the Constitution requires me to fulfill a national responsibility as a Member of a coequal branch of this Government. The branch charged with the power to declare whether to take this Nation into war. These supervening responsibilities make it impossible for this marine to support this President's request this time.

Perhaps more importantly, the President cannot presume to set out on a course that almost certainly implicated the eventual massive use of military force, do so without first obtaining the informed agreement of the Congress, and later be heard to complain when Congress has to confront its own responsibility. As I've said before, the President may possess the power to take this country into war without congressional assent, but under our Constitution he does not have the right to do so. That right is expressly reserved to the representatives of the people in Congress.

There is good reason why our Founding Fathers organized our Government this way. The decision to go to war is the gravest decision that a Government can make, and it is imperative that such a decision be made with the broadest possible support, and after careful consideration of all the options and all the ramifications.

So, the decision is properly one to be made by this body.

For my part, as a veteran of Vietnam, I have been mindful in recent weeks and months of the horrors of war. And while I might say "Yes" to war against Iraq at some point, I will not at this point. War now is not necessary. The President's original policy—of containment, punishment, and diplomacy—can still work.

The decision to change that policy and initiate the use of force—with many thousands likely to be killed, and tens of thousands wounded and maimed—should be made as a last resort only.

Before we take that step, we must be prepared to say, to the mother who might lose a son, to the husband who might lose a wife, to the neighbor who might lose a friend: We tried everything else that had a realistic chance of working before we chose war.

And we have some time. The immediate objective of containing Iraq's aggression has been accomplished. The longer term objective of forcing Iraq out of Kuwait can still be accomplished. Let us employ what President Eisenhower called the courage of patience.

The fact is sanctions are working, and working better than any sanctions in modern history. The administration has testified that the embargo is more than 90 percent effective. There is leakage, and some newly imported consumer goods can be obtained in Iraq. But the first purpose of the blockade was always to cut off Iraq's exports of the one product on which its economy depends—oil—and that part of the blockade has been effective. Most experts say the embargo has also been extremely effective against major war materiel.

These sanctions are unprecedented in their success, extraordinary in the international backing they enjoy, and more massive in scope than any adopted in peacetime against any nation. And they are inflicting painful costs on the Iraqi economy—and, increasingly, on the Iraqi military.

A respected group of former U.S. military chiefs, Reagan Cabinet members, and diplomats has testified that continued economic sanctions could achieve our goals in the region. In hearings last month, two former Chairmen of the Joint Chiefs of Staff—Gen. David C. Jones and Adm. William J. Crowe—two former Secretaries of Defense—James R. Schlesinger and Robert S. McNamara—former National Security Adviser Zbigniew Brzezinski, former National Security Agency Director William Odom, and the current Director of Central Intelligence William Webster advised that economic sanctions can be expected to have a serious effect on Iraqi military and economic capabilities within 3 to 6 months.

All but Judge Webster—and former Secretary of State Henry Kissinger—counseled for patience and continued reliance on sanctions, and against premature military action. I agree with this patient but strong approach. It offers good prospects for success in Kuwait with perhaps the least collateral damage to our allies in the region and in our standing with Arab populations. Further, if military force proved necessary at some future point, our own forces would face an Iraqi army significantly weakened by the embargo. Without foreign-supplied maintenance, equipment, and spare parts, as much as one-third of Iraq's war-fighting capability could be compromised by midsummer.

Given this, it is extremely unfortunate that the Bush administration has shifted its focus away from sanctions. Immediately after the Iraqi invasion, administration officials worked hard to convince Congress and the United Nations of the value of sanctions. Since then, however, the administration has repeatedly cast doubts on their worth and called into question the reliability of allies in respecting them.

The President did a masterful job of constructing the sanctions policy. I do not understand why he now insists on deprecating it.

If the administration would apply itself as diligently to maintaining and strengthening the sanctions as it has to preparing for military action, there is every reason to believe the sanctions could be made even more effective. One way to do this would be for the United States to return to the United Nations for beefed up sanctions—perhaps with a carrot-and-stick proposal directed at the border nations—such as Jordan and Iran—that still allow some goods to leak through to Iraq. The carrot, to induce them to uphold strict sanctions, would be some additional aid to shield their own economies from the costs of sanctions; the stick, if they did not, might be direct interdiction or a secondary U.N. embargo against them. These are possible alternatives—and there are others—which ought to be examined.

The administration, in focusing most of its efforts on preparing for the use of force, may be unduly optimistic about the prospects for a relatively painless military success. Administration officials appear to believe that U.S. Armed Forces could win a war quickly, while suffering few casualties. Unfortunately, history tells us that both leaders and the public tend to underestimate the costs of war and exaggerate how quickly, easily, and successfully one can be concluded.

If war breaks out, I hope and pray that the optimistic assumptions prove accurate.

But, before authorizing war—particularly through a resolution as open-ended as the one the President has asked for—we should make clear that we are prepared to see the fighting through to the end, even if the end is a long, bloody ways off. As Admiral Crowe testified, "War is not neat, it's not tidy, and once you resort to it, it's uncertain and it's a mess." No one should base a decision to go to war on any prediction that it would be quick or easy.

Just as wars tend not to be quick and tidy in military terms, so too they rarely have simple and obvious effects on international affairs and the course of history. I have seen little evidence that the administration has thought through the possible ramifications of the war it is prepared to initiate. Even assuming we win a war quickly, what are the immediate and longer term consequences for both the national and international politics of the countries of the region? Will we have, in the end, served our other goals in the gulf: improved conditions for our moderate Arab allies; regional stability; and movement toward settling longstanding conflicts there?

Both American and Middle East experts warn that military action against Iraq would very likely cause political instability for our closest Arab allies by strengthening extremist, anti-Western forces, many of them religious. Will we have created a generation or two of virulent hostility toward Americans and American interests among most Arab and Muslim peoples? Will nascent democratic movements in Jordan, Algeria, Yemen, and Tunisia be put at risk? What of terrorism? As Admiral Crowe testified:

> Many Arabs would deeply resent a campaign that would necessarily kill large numbers of their Muslim brothers and force them to choose sides between Arab nations and the West.
>
> Even if we win, we lose ground in the Arab world and generally injure our ability to deal in the future with the labyrinth of the Middle East.

Paul H. Nitze, special adviser on arms control to President Reagan, also fears the consequences of a successful war:

> Saudi Arabia, Jordan, and Egypt could be destabilized, with strong internal forces rising in opposition, enraged by their government's collaboration with Americans who had killed thousands of their Arab brothers. In all this ferment, U.S. influence could be reduced to shoring up friendly regimes, if we had the stomach for it. All these troubles would be exacerbated if Saddam were to succeed in drawing Israel into the war.

Others have pointed out the political damage we would suffer in any attempt to establish a new regime in Baghdad to replace Saddam Hussein, or in keeping a long-term peace-keeping force in place in either Iraq or Kuwait—both possibilities that administration officials have discussed.

I certainly expect that keeping enough forces in the region to contain Iraq while sanctions do their work may also cause difficulties for some of our regional allies. But I am convinced that these problems are likely to be far less harmful than the probable consequences of war and of postwar developments.

Last September, in an address to Congress, President Bush invoked a vision of a world free of terrorism and superpower competition, where countries would work together as partners and resolve conflicts peacefully, seeking a more just and secure world. This was his vision of a new world order, and he called the gulf crisis a test of whether the United States and other nations would succeed in making this vision a reality.

I agree with President Bush. With the end of the cold war, there is a tremendous opportunity to initiate a new world order. And I agree that in the gulf crisis we face our first real test in creating it.

That is precisely why I am concerned about a U.S. policy that would use military force relatively early on and not as a last resort. I would hope that in a new world order, the United States and the Soviets and the United Nations could agree to resolve conflicts in a way that doesn't turn too quickly to the use of force. Especially where practical alternatives exist, as they do in the gulf today.

I believe President Bush has accomplished tremendous things in uniting the vast majorities of both the Western and Arab worlds in opposing the Iraqi invasion. His work could bear fruit for decades to come. We must be tough with Saddam Hussein. But if we really want the world to break out of its old behavior patterns, we ought to start now, with our own policy, and apply it proudly, passionately, persuasively to this crisis in the gulf.

In the search for any alternative to a premature resort to war, we must also be on guard against embracing a false peace. Saddam Hussein does pose a real and substantial threat to regional stability in the Middle East, to international economic stability and so to extremely important interests of the United States. He is going to have to be dealt with.

My advocacy of patience and determination in behalf of sanctions and economic and political pressure should not be misunderstood. I believe many of us who support the Hamilton-Gephardt resolution would stress that our patience, too, is limited; that we are in earnest in saying the use of force may be justified later. It is, rather, a matter of being smart about our timing, and not letting arbitrarily determined deadlines preempt our best judgment.

What should be made of Wednesday's sorry conduct by Foreign Minister Aziz and of the inflammatory words of Saddam Hussein? Their behavior was again outrageous. But let us not let them manipulate us into making a decision based too much on our emotions and too little on our hard assessment of what's ultimately in our own interests. We cannot let the idiocy of the other side provoke us.

We are now urged to unite. We are told that we owe that to the troops in the field. But what we owe the troops in the field is not some unexamined unity behind an unwise policy. What we owe the troops, what we owe the country, is our very best judgment—about what truly is in our national interest.

I have read and listened and thought about this to the best of my ability. I do not conclude that war this winter is right for America.

□ 0240

Mr. SMITH of Florida. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, the vote I will cast today will be the most important and most difficult that I will face as a Member of Congress. It will affect every facet of our lives in the months and years ahead.

Last weekend, as I struggled with this difficult decision, I met with constituents for over 10 hours in five community meetings in my district. Those present were representative of the people I serve and of our Nation at large. They were old and young. They were black, white, Hispanic, and Asian. They were Protestants, Jews, and Catholics. They were rich and poor; Democrat, Republican, and Independent.

All of them were deeply concerned about the course our Nation will be taking in the days ahead. Some argued strongly that we should go forward with war. The overwhelming majority, with equal passion, pleaded that we give more time for peaceful solutions to work. All, however, were troubled, as I am troubled, with the situation we confront and the choices we face.

At the end of each of those meetings, most people came to me and, having expressed their personal views, said that the most important thing was for me to vote my conscience, to do what I felt was right for our Nation. That is precisely what I intend to do.

Let me first make clear that I have supported the President time and time again as he has pursued a very strong course of action against Saddam Hussein's naked aggression against Kuwait and his blatant disregard for the principles of international law which are fundamental to the future of civilization.

On August 2, when Iraq invaded Kuwait, I strongly supported legislation authorizing the President to impose strong economic sanctions against Iraq. And his policy has been working. Iraq is suffering. Its gross national product has been cut in half. It has no access to spare parts for its military. Food shortages are growing. And this progress is after only 5 months when administration officials told us that they would take 1 year to 18 months to work.

On August 7, when the President sent troops to the region to protect Saudi Arabia against Iraqi aggression, I supported his decision. I reiterated that support on October 1 in voting for House Joint Resolution 658 stating the strong support of the House of Representatives for the President's policy in the gulf. And his policy has worked in preventing further aggression.

As the President pursued tough stands with regard to the thousands of American hostages trapped in Iraq, I supported him. And his policy worked.

As the President has worked to maintain an international consensus, I supported him. And his policy has been working.

As the President has stood firm against linkage between Iraqi withdrawal from Kuwait and other issues in the Middle East, I have supported him vigorously. And his policy has held in spite of Saddam Hussein's blatant attempts to the contrary.

The question before us now is not whether we support the goals of our President. Iraq must leave Kuwait and must no longer pose a threat to our interests or those of our allies. Saddam Hussein must not be allowed to undermine the movement toward peace enveloping much of the world. I am in full agreement with these goals and have repeatedly taken affirmative actions in support of those goals. But there are serious questions which must be answered before we take aggressive military action.

Our soldiers are presently stationed in the heartland of the Moslem world. Never in the history of Islam has such a massive non-Moslem force been so close to the most sacred shrines of Islam. There may be many differences between the Arab nations of the Middle East, but whatever their conflicts, they are, first and foremost, all part of "Dar Al-Islam," the world, the home of Islam. Saddam Hussein has visions of becoming the modern Salach a-Din, the great Arab Moslem conqueror; however, he is not alone in his belief that this is an age of the resurgence of Islam. From that perspective, we have no Arab allies who share our interest in protecting the stability of the Western World. Their priority is and will always be an Islamic world.

It is an understatement to say that the Arab nations do not daily concern themselves over the welfare of the United States. The best we can claim is that we presently share an enemy. But to think that this alliance unites the world in peace and in support of our vital interests, or that these are true allies in the long run, is a delusion. We should not forget that Iraq was one of those allies only months ago. If we understood so little about the realities of the Middle East to not suspect that we, the United States, helped create Iraq's power, I am concerned that we have not effectively thought through the implications of an Iraqi defeat.

On Iraq's border is Syria, now allied with us against Saddam Hussein. This is the same nation which has nurtured terrorists who have been responsible for acts of horror against innocent Americans and others. It is the same nation that presently occupies 70 percent of Lebanon. Its president oversaw the massacre of 30,000 of his citizens and initiated war against Israel. President Assad was also a committed ally of Iran while American citizens were held hostage by its imams. The collapse of Iraq could well create a new and potentially more lethal enemy, one which has proven its willingness to fight against us and which sits on the border of our most valued ally in the region, Israel. There is no reason to assume that Assad has abandoned his hopes for a greater Syria. Assad, no less than Hussein, sees himself as a potential savior of Dar al-Islam, the world of Islam, over the infidel forces of those whom he believes are out to attack the Moslem Arab world.

Have we assessed how the map of the Middle East will look after our military victory over Saddam Hussein? I have not yet heard what strategies have been developed and what plans prepared to address the transformations which will result even from a swift American victory. In fact, in response to a direct question earlier this month, Secretary of State Baker indicated that our Government would cross that bridge when we come to it.

One can well imagine the difficulty with which Arabs and Moslems would view news reports and graphic coverage of American planes and missiles killing other Arab Moslems in Iraq. Though Saddam may be a bully to us, he is still a brother to Arabs. Will the United States, in spite of our alliances and good faith, become the great Satan for those who do not see our military action in the context of the fine distinctions of intra-Arab politics but only see American soldiers on Moslem territory? Will the deaths of thousands of Iraqis taint not only us, but also Arab leaders who support our country? Will the result be the downfall of moderate Arab leaders, such as Egyptian President Mubarak, with whom we have worked in recent years?

We must ensure that the government and the policies of Saddam Hussein are thwarted. I am committed to the destruction of the military infrastructure of Iraq. It may ultimately be necessary that the United States enter the quicksand of war on the Arabian peninsula. But in doing so we must not ignore the fact that this place is also the heart of a culture and civilization which does not share our world view. We are, for all Arab Moslems, Dar-al-Harb, the world of evil and warfare. Our hostages are still held in Lebanon, and we are called Satan by many. Saddam Hussein has been cheered not only by Iraqis, but also by many citizens of Arab nations throughout the Middle East.

I recognize that war is chaos, that predictions are impossible. I do not expect our President to promise us no casualties and no cost. But I cannot vote to commit young American men and women and a significant portion of our economic capacity and strength to a policy formulated myopically, without taking into account the full context of conflict. The administration has not articulated a cogent policy on our policy upon victory nor how the long-term strategic and economic interest of our country will be protected. Therefore, for the moment, a forceful patience is our best policy: continued pressure, continued blockade, and a strengthening of our military capacity.

This policy is most likely to maintain the international coalition against Iraq. In addition to the risk of losing Arab members of the coalition if United States forces are attacking their Arab brothers in Iraq, others in the coalition have made no secret of their feelings that diplomatic options and the pressures of sanctions have not been exhausted.

However, 452,000 American troops are committed to the Persian Gulf. Two out of every three troops facing down Iraqi forces are American. There is little doubt that the blood which will be shed if we enter a war will be, in large measure, American blood. In Korea, where there was a similar multilateral force, 90 percent of the casualties were American. The same result is highly likely in the gulf.

It is not an easy thing to vote contrary to the wishes of our President at a time such as this; however, I have a responsibility under our Constitution to make the best judgment that I can. It is a difficult judgment to make; indeed, many of the arguments made in behalf of authorizing the use of force are very persuasive. But the fact of the matter is that a very real possibility still exists that, given a reasonable time to work, the international sanctions can achieve our objectives. I do not rule out force, but to choose war now and abandon diplomacy and economic pressure would be premature.

As I prepare to vote, I must ask myself, as the mother of three grown children, could I accept their deaths in battle, with the justification which has been made at this point. As a Member of this Congress, I have a responsibility to consider the lives of the American men and women serving in the gulf as if they were my own children. To use any other standard would be unthinkable. For now, my answer to those questions is no.

Mr. SMITH of Florida. Mr. Speaker, I yield 4½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, it is with a tremendous sense of responsibility and a hopeful vision toward the future that I cast a vote in my first week in Congress that may determine whether or not the United States goes to war. I find myself wondering whether any freshman class in Congress has been faced with such a profound and difficult decision so early in their careers.

If there is an agreement on the issues which we face in making this difficult decision, it is that we are united in our bitter condemnation of Saddam Hussein and in our enthusiastic and complete support behind our courageous men and women in the Persian Gulf. That cannot be contended.

But this vote, this historic vote is about our highest responsibility as citizens and as a Congress. We have made mistakes in the past by not committing the people of this country, by not committing Congress before committing the troops. It should be the people represented by the Congress who ultimately declare war.

Mr. Speaker, I rise in strong support for the Hamilton-Gephardt resolution, and I applaud in particular the gentleman from Indiana [Mr. HAMILTON] who exhibits as much knowledge, insight and experience in the Middle East as any Member who has served this most august body.

My reasons for supporting the Hamilton-Gephardt resolution are threefold: democracy, deadlines and dreams. Democracy because just 1 week ago I took the oath to defend that Constitution.

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I raised my hand and pledged allegiance to that Constitution, and for 15 months in a campaign against an incumbent, I told my constituents that I would make the tough decision even if I disappointed some constituents, and in voting on this particular issue and resolution, I will not vote to abdicate the decision to declare war to a U.N. resolution. Congress should shoulder this responsibility, not forfeit it.

We should not allow the United Nations, which is not bearing its burden financially nor militarily, to tell the United States and the people what to do.

Second deadlines. January 15 is an arbitrary date, and the administration has not made compelling cases for the U.S. national interest being at stake. They have not explained what would happen in Iraq if we won a military victory in Iraq. They have not carefully articulated if Saddam Hussein, Kuwait, or chemical or biological weapons are our military objectives.

Lastly, dreams. If I come here to this body as being one of the youngest Members to serve this body, I hope, I strive for idealism and principle. I come here with hope in my heart. I come here with prayers in my thoughts and a belief in the magnificence of America.

We have shown that we can lead the world by our proven success as a superpower to enforce peace in Saudi Arabia and in the Middle East. Let us still hold out that hope that we can pursue peace with a bit more patience, purpose, and persistence.

Mr. Speaker, it is with a tremendous sense of responsibility and a hopeful vision of the future that I cast a vote today, in my first week in the Congress, that may well determine whether or not the United States goes to war. I find myself wondering whether any freshman class of Members has been faced with a decision so profound at such an early stage in their congressional careers. It is the essence of the Harry Truman adage, "The buck stops here."

This debate fulfills one of the highest responsibilities of this body. No President must be allowed to commit U.S. troops to a ground war overseas without the approval of the Congress. Clearly, we have both a constitutional and moral responsibility to be heard on the question of whether or not to use military force in the Persian Gulf.

The U.S. military presence in the Middle East is not just about oil. Saddam Hussein clearly must not be allowed to blackmail the world economy, but neither must he be allowed to solve his country's diplomatic and territorial disputes through brutal military force. More than just the protection of the vast oil reserves of the Arabian Peninsula is at stake—the U.S. presence in the gulf represents an intolerance for Saddam Hussein's brutal tactics.

If there is agreement on any single point among the various participants in this debate, it is that Saddam Hussein is a ruthless leader who will stop at nothing to achieve his selfish personal goals. He has invaded and literally raped a nation that did not provoke attack, and the United States must not allow such aggression against our allies and friends worldwide to go unpunished. Saddam Hussein stands virtually alone in his aggression, and he and his army must leave Kuwait unconditionally.

Our disagreements today center on the means by which we accomplish this goal—whether we authorize the President to act now with military force or give economic sanctions and the diplomatic process more time to resolve this crisis peacefully. It is not a decision that I take lightly, since I personally believe that it is important to send a clear message to tyrants such as Saddam that their egregious acts will not go unpunished. It is therefore my view that we must retain a military option if our international commitment to remove Saddam from Kuwait is to remain credible.

The situation as I see it today calls for careful moderation. We are at an extremely sensitive stage in this crisis. A decision to immediately send U.S. troops into war touches families not just throughout the State of Indiana and its Third Congressional District, but ripples throughout this country and across the shores to our allied nations as well. The United States has expended considerable energy in trying to reach a solution through diplomatic means. The President's policy of economic sanctions has received an unprecedented degree of support from the international community, and it has significantly affected Iraq's military and civilian industrial base. Sanctions have curtailed the Iraqis ability to gain spare parts for the military machine. Sanctions have cut back on the economic performance, the foreign currency, the exports and imports, and the standard of living for Iraq's citizens. The failure to establish a meaningful direct dialog with Iraq in Geneva on Wednesday was a major disappointment, but it is not the end of the road.

There are numerous questions to consider for U.S. policy beyond the most dramatic and obvious one of a U.S. ground war in the gulf region entailing a loss of American lives. These questions are unsettling as we contemplate the future of the security regime in the Middle East. If we militarily remove Saddam Hussein, what type of government will follow him? If we choose to invade, how long will the international coalition that we have rallied against Saddam hold up? Some argue that the condition could crumble through sustained sanctions. How long would it hold together after the missiles are fired? While these are important questions, there are two issues in my view that are of critical importance.

The first is whether or not the President can be authorized to initiate a war solely on his own. The second is whether we utilize a U.N. resolution deadline to initiate military action now or give sanctions and diplomatic initiatives more time to work.

In the first instance, the answer is obvious. The Constitution provides that the Congress declare war, and neither Congress nor the President can dodge that responsibility. I voted this week to reassert that responsibility, and in so doing have fulfilled my solemn oath to the citizens of the Third District of Indiana and the United States to "support and defend," and to "bear true faith and allegiance" to the Constitution of the United States. I will not abdicate this awesome responsibility at this time to one person. Congress should be involved in the ongoing process of debate and deliberation, at least for now.

On the second question, I support the approach embodied in the Hamilton-Gephardt resolution. Testimony before the relevant oversight committees of the Congress has indicated that the economic sanctions imposed against Iraq are taking their toll. In just 6 months, they have significantly affected the Iraqi economy. The international coalition lined up against Iraq is unprecedented in recent history. To spill American blood into the sands of Kuwait when we have not exhausted every possible option is a foolhardy and unnecessarily dangerous course at this time.

Hamilton-Gephardt is a well thought out and reasonable course. It preserves a military option for the removal of Saddam Hussein, and authorizes the continued use of military force to defend Saudi Arabia and protect American military personnel. It does not rule out a declaration of war at some future date, which may or may not be necessary to oust Saddam from Kuwait.

Mr. Speaker, the diplomatic process may not be as fast as we would like, but it could save precious American lives. To go to war now when we have tried only 6 hours of diplomacy would be premature. To go to war from a request from the U.N. resolution rather than the U.S. Constitution would be unfair. To go to war now because an arbitrary deadline has been reached when we have not exhausted every peaceful means at our disposal is unwise. Before young Americans fall in battle, we must go beyond the extra mile for peace.

Mr. SMITH of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, the United States is a great nation, a strong nation. The strength of our country is evidenced by this debate.

Mr. Speaker, 9 days ago I stood in the well of this—the people's House—and took the oath as a new Member of Congress— a sacred oath to defend the Constitution.

Now I speak here for the first time on the issue of war and peace. The votes I cast will perhaps be the most momentous of my House career. What is certain is that I will never forget the gravity of this decision.

My colleagues have spoken eloquently on the merits of the issue. I have listened carefully to them and to my constituents who have conveyed their heartfelt concerns. After careful consideration of the arguments, I must in all good conscience support the Hamilton-Gephardt resolution.

In doing so, I do not reject the President. Indeed, the President and I share similar goals. We both want Saddam Hussein removed from Kuwait. The President's strategy of sanctions has already achieved many key objectives in this critical region. The hostages have been freed. Saudi Arabia's borders have been protected. Iraq's oil exports have been halted. Saddam's aircraft and artillery suffer from lack of spare parts. And, Iraq has been appropriately choked off from the world and showcased in the United Nations for what it is—an aggressor nation.

Why have these goals been achieved. Because the President has carefully fashioned an unprecedented coalition to enforce sanctions and to isolate the illegal and immoral acts of Saddam.

Mr. Speaker, this sanctions strategy has a record of success—not failure. This sanctions strategy has a recent history of peace—not war.

The resolution I support neither ties the President's hands nor closes off future military options. Rather it calls for patience and for firm resolve: Saddam must withdraw from Kuwait. The goal is clear, but the means are in dispute.

I will vote for the Hamilton-Gephardt resolution because it best fulfills our common goal without risking massive casualties and misery on both sides. The resolution seeks to exhaust all diplomatic means before resorting to war.

As the sole superpower in this post-cold-war period, the United States must add to our massive military arsenal the weapons of patience and diplomacy. As a veteran, I know that war is the inevitable result of failed diplomacy.

Mr. Speaker, it has also been suggested that war is the last chance for peace. This is not a new world order. This is new-speak.

The Congress and the American people have been generous to the President in permitting him wide latitude in the Persian Gulf thus far. Now, I believe, he is obligated by the same Constitution which I have sworn to defend, to seek the approval of Congress. It is this constitutional prerogative which we now exercise.

Mr. Speaker, in the end, Saddam Hussein will lose. We are united in that goal. But the wise course is not to rush into battle. Rather, let us be strong in our resolve and press our advantages to bring this chapter of history to a successful conclusion. Mr. Speaker, I urge passage of the Hamilton-Gephardt resolution.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, as we begin to close debate at this stage of a long and difficult crisis, we now face as a nation, and in a larger sense as a world, an defining choice and the opportunity for a last alternative to war. We need to remind ourselves, our allies, and our adversaries that all America stands united behind a common goal: The removal of Iraqi forces from Kuwait now and the restoration of stability to this pivotal station in the balance of world security. This President and the Congress alike have demonstrated consistent support for this purpose.

The question we now address is how to achieve our aim without plunging the world's most fragile region into a horrible war, one that will have corrosive effects on world peace and the long-range interests of this Nation.

We offer a last alternative to war. We must have the courage of patience. And we must have the resolve needed to reach our goal and to recognize that the solution may not be simple and it may not be direct. This involves escalating a militarily enforced embargo and taking every multinational measure—to insure that our allies honor the policy of economic sanctions as well, and to demonstrate that we stand united with the world in this common purpose.

The Hamilton-Gephardt resolution is that last alternative to war. But it does not preclude it. The Hamilton-Gephardt resolution continues to authorize the President to use force to protect American forces in the region and to defend Saudi Arabia. It also advocates that this Nation explore every available and remaining diplomatic remedy.

The Hamilton-Gephardt resolution is the last alternative to war, but it does not propose to eliminate the use of force in the future to achieve our goal. It reinforces it. It does mean, however, that we have decided to exhaust remaining alternatives to war before we commit American forces to battle.

We cannot say with certainty that economic or any other sanctions will work. Today, well-meaning and knowledgeable people are divided on this question. Nor does anyone know with real certainty how much time must pass before we can tell whether they have worked or failed. They may not work at all. But that does not mean that we should go to war today—or tomorrow.

We owe it to our best hopes for a secure and stable future to assure that a militarily enforced embargo, coupled with the imminent and continued threat of the use of force, has had the full opportunity to force a diplomatic solution. We are ready to fight but not while it is still possible that our goal can be achieved through other means. Not while there is a last alternative to war.

In choosing this policy, we must be prepared to summon extraordinary determination and patience in the days or weeks before us. And we must prepare the Nation to act. In choosing this policy at this time, we do not offer concession. We do not offer appeasement. This is an act of final determination. If war is indeed the only option available to us, if the force of international pressure and reason does not prevail, and our best efforts short of initiating armed conflict have failed, than we must be prepared to use the full force of arms. Until then, we should pursue this last alternative to war.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I thank the gentleman for yielding me this time and for the way in which he has handled this debate this evening.

Mr. Speaker, tonight we are not debating the legality of Iraq's aggression against Kuwait. All of us in this body recognize the brutality with which the forces of Saddam Hussein literally swallowed its tiny neighbor. Neither are we at odds with the conviction that Iraq's aggression should not, cannot, and will not stand. Instead, the central focus of our debate today is, quite simply, whether our Nation should rush headlong into war in the Persian Gulf. A war that is, at best, premature, and at its worst, tragically unnecessary.

When Iraq invaded Kuwait over 5 months ago, the President brought together an unprecedented array of nations, all united in condemning Iraq's actions, and all willing and prepared to join together in the effort to isolate Iraq. The President's policy to utilize our military might, defensively, to prevent an attack against Saudi Arabia, has succeeded. And his effort to employ economic sanctions to force Iraq's withdrawal from Kuwait will also prove effective. The President should stay this course.

Instead, we deviate from this path with the decision to shift our forces from a defensive to an offensive posture. I have profound reservations with our apparent willingness to endanger the lives of thousands of young men and women—our neighbors and our friends, our sons and our daughters.

Mr. Speaker, as the son of a career military officer who served in three wars, I do not shirk the responsibility of the decision that Congress must make as to whether men and women should be sent to far-off shores to fight, and perhaps to die. But for me to make this fateful decision on behalf of the families of others requires clear and convincing evidence that no viable option remains. That all diplomatic efforts have been exhausted. And that all means of pressure, short of war, have been thoroughly explored and tried to their fullest. Mr. Speaker, we have not yet reached this critical point, for the sanctions have not been given sufficient time to take effect.

When the President outlined the economic isolation of Iraq as a policy, we all knew that sanctions could not achieve their desired objectives overnight. We knew that this effort would take time, patience, and continued skill on the part of the President to hold together the coalition united against Iraq.

And the President must be given credit. The fact is that, after 5 months, the coalition holds together and sanctions are working, 90 percent of all goods coming into Iraq have been stopped and, perhaps more importantly, not one drop of oil is flowing out of Iraq or occupied Kuwait. Because of sanctions, Saddam Hussein has been denied the profits from his brutal occupation.

Let us also not forget that every day of the embargo is another day without spare parts and other critical materials to supply the Iraqi war machine. As the sanctions continue, Iraq becomes even more debilitated. And as Iraq weakens, we are further strengthened.

It is true that, over time, Saddam Hussein may become more desperate, his rhetoric more shrill, and his actions more unpredictable. But we cannot allow this brutal despot to goad us into playing his game. War and death are the methods he has used to attempt to expand his world. But a world united against him—willing to meet force with force if necessary—but determined to overturn his aggression through peaceful means, can demonstrate in the words of President Bush that a new, civilized world order really is at hand.

At what has been described as a defining moment in world history, I know that there are those who say we cannot afford to wait. But I say that we cannot afford to act hastily out of frustration. I urge my colleagues to remember that the cost of sanctions is measured in dollars, but the cost of war is measured in lives.

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Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Speaker, in 1941, Hale and Lindy Boggs, my predecessors in office from Louisiana's Second Congressional District, came to Washington, DC, under clouds threatening a great world war—a war that eventually came to pass.

Now, 50 years later, it is more than ironic that my first vote in Congress deals with the very real threat of another great international conflict. It is a threat that exposes how little we have learned as a nation, and as an international community about resolving international disputes without military action.

So the question before us is "Why are we here debating whether to go to war?" "Why are so many in this Chamber and throughout our country convinced so early that war is our only solution?"

Yes, Saddam Hussein is a ruthless, cruel dictator, bent on the sort of world domination that threatens our national security—but why are we debating going to war?

Yes, we cannot tolerate Saddam Hussein controlling, perhaps, 40 percent of the proven oil reserves of the world—but why are we debating going to war?

Yes, we must be concerned about Saddam Hussein as a future threat of even greater proportion—but why are we debating going to war?

Are we convinced to a moral certainty that there are no other ways to deal with these threats?

Why have we gotten lost on the road to peace?

In my judgment, the events that have brought us to the edge of war today, represent a study in opportunities missed and miscalculations.

Unfortunately, we are brought to this point because of the administration's distorted idea of diplomacy.

Instead of negotiation, the administration has pursued a policy of threats and innuendo.

Instead of negotiation, the President has moved hundreds of thousands of our sons and daughters, and brothers and sisters into positions of grave danger in the Persian Gulf.

Instead of negotiation, the administration has orchestrated, through the United Nations, an artificial and arbitrary deadline of January 15 for Iraq's withdrawal from Kuwait.

Instead of negotiation, the President has pursued a policy of brinkmanship.

Diplomacy has not failed—it has not been given a real chance to succeed. If we go to war, it will be because our brinkmanship, rather than our diplomacy, failed us.

Through the Solarz resolution, the President seeks one more card to continue his failed policy—our support for the policy that he has heretofore carried out without our consent.

I have supported most of the President's policies in the Persian Gulf to this point, and it is tempting to deal him the next card. It is tempting to stand unified with the President, to give him a vote of confidence for his policies at a time of international crisis.

It is tempting to shore up his failed policies with our support. But we must not further his high stakes game.

We cannot treat what the President now asks us for as a means toward peace, a means of merely strengthening his hand with Saddam Hussein to achieve peace. What he asks for is calculated only to make war. He already has in place what is needed for a peaceful expulsion of Saddam Hussein from Kuwait—a multi-national force united to support economic sanctions.

I do not view the Solarz resolution as a declaration of war. I view it as a congressional capitulation over to the President or our constitutional prerogative to declare war. Under Solarz, the President gets to take us to war whenever he pleases. The Constitution does not contemplate that we support the President, that we back the President in war-making at the expense of our oaths of office to represent the people on this very question.

To observe the constitutional authority of Congress to make war, is not a matter of indifference, nor a mere legal technicality. Rather, it is essential to our democratic form of government.

President Abraham Lincoln described it thus:

> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention understood, to be the most oppressive of all kingly oppressions, and they resolved to frame the constitution that no man should hold the power of bringing this oppression upon us.

The contrary view, Lincoln said:

> * * * destroys the whole matter and places our President where kings have always stood.

Therefore, I cannot support the Solarz resolution.

The price of war will be terrible. According to the House budget office, it will cost in the range of $60 billion to wage war. Who among us is willing to vote for the taxes to pay for it?

And the cost of occupying, policing, and rebuilding the conquered territory in the Middle East for years to come would be staggering. And what financial responsibilities are our allies shouldering? While we expect to spend an estimated $30 billion on Operation Desert Shield for this fiscal year (Oct. 1, 1990 through Sept. 30, 1991), our allies have so far made cash contributions as follows: $760 million, from Saudi Arabia; $2.5 billion, from Kuwait; $428 million—from Mideast oil-dependent Japan; $272 million—from Mideast oil-dependent Germany; $250 million—from United Arab Emirates; and $50 million, from South Korea.

American taxpayers are paying for Operation Desert Shield, and they will pay for any war that breaks out as well, if our recent history with these allies is any indication.

But, what of the ultimate stakes in the war—the lives and futures of our young service men and women. How can we begin to calculate their loss to their families and to our Nation? Perhaps two-thirds of the fighting men and women in Saudi Arabia in a gulf war will be American. Do our interests there, compare to those of our allies, justify our risking the lives of our military personnel in such great disproportion? I think not.

By all estimates, we stand to lose thousands upon thousands of soldiers, a loss which is patently intolerable under the circumstances.

The Hamilton-Gephardt resolution, at least, gives us and the international community a chance for peaceful expulsion of Saddam Hussein from Kuwait, and a chance for future stability in the region without a sustained military presence. From testimonies given before the committees of Congress by the Director of the Central Intelligence Agency and other witnesses, sanctions will work if given time. Reports that have been many times repeated on this floor suggest that the GNP of Iraq has already been cut by 50 percent due to internationally enforced economic embargoes.

Hamilton-Gephardt permits military action by the President to:

1. Enforce the unendorsed international embargoes.
2. To defend American soldiers in the Persian Gulf; and
3. To protect Saudi Arabia from invasion by Iraq.

It endorses the President's present policy by calling for continued enforcement of economic sanctions, and it calls for a true effort at a negotiated settlement. It reserves to the Congress, as the Constitution requires, the authority to make a declaration of war in the future, if deemed necessary. It strikes the right balance at this time.

Talk of a new world order along the lines that have been suggested by sponsors of other resolutions in this Chamber and by our President is misplaced. The new world order that I wish to see our Nation embrace is not merely a world order free of Saddam Hussein, or of dictators, or of aggression.

It is not one where we restore monarchs to their thrones, upon the blood of our soldiers—thrones that are unapproachable by almost all of their own people and by all of ours—thrones set above democratic principles and human rights. Rather, the world order that I envision for our Nation and that the Hamilton-Gephardt resolution gives a chance, is represented by the emerging democracies of Eastern Europe, by the release of Nelson Mandela and other political prisoners around the world, and by peaceful resolution of world disputes.

The new world order that we should be seeking is one where democratic tenets are embraced and autocratic regimes felled without the firing of a shot. This is the new world order that our Nation must stand for. The road of economic sanctions—the highway that the Hamilton-Gephardt gives us—permits us this chance. The path toward war down which the Solarz resolution leads us destroys it.

Winston Churchill, on the occasion of an allied victory, hoped for this world order when he said "The victory is not the end. It is not even the beginning of the end; but, it is perhaps, the end of the beginning."

What we witnessed, in recent months as peace broke out in Eastern Europe and in other parts of the world, was widely viewed as the beginning of a truly new world order of which we had only seen the end. Let our Nation not be the one, to use Churchill's words, to turn what has truly been an extraordinary end of the beginning of world peace around our globe into the beginning of a world without peace.

I am supporting Hamilton-Gephardt, and I urge each Member of this body to do likewise.

[From the Times-Picayune, Jan. 9, 1991]

LET ARAB NEIGHBORS DECIDE FATE OF SADDAM

(By David C. Trest)

NEW ORLEANS.—As a member of the House Armed Services Committee when I seved in Congress (1973-1980), I was considered a "hawk." I still am; I believe the best hope for peace lies in maintaining superior military power.

This power enables us to pursue alternatives to war because our enemy knows he will be defeated if the alternative is not accepted. Such is the situation in the Persian Gulf, where there may be an alternative to war that will achieve our purpose."

Saddam Hussein says his claims on Kuwait are founded on certain historical and legal rights. Among his claims is the contention that Iraq has rights to various oil fields that straddle the border between Iraq and Kuwait and further that Kuwait has unlawfully drained oil from reservoirs which belong to Iraq.

Louisiana and the United States have also had a continuing dispute over drainage of oil and gas reservoirs on or near the dividing line between Louisiana waters and the federal offshore zone in the Gulf of Mexico.

Without acknowledging the legitimacy of Iraq's claims the United States, in concert with its allies, should propose an international tribunal to evaluate and adjudicate the claims of Iraq against Kuwait and any counterclaims of Kuwait against Iraq, including claims for reparations. All parties, including the United Nations, will be bound by the result.

Once the organization of the tribunal has been agreed upon, Iraq will commence withdrawing from Kuwait and repositioning from Kuwait and repositioning its troops and equipment in an non-threatening configuration. When that is accomplished, the United States and its allies will withdraw.

The tribunal would be established by the Arab League nations or by a group of Arab nations agreed upon by the parties.

Would Saddam accept such a proposal? Consider what enormous pressure would be placed on him to accept. He will have his claims adjudicated and his fate will be in the hands of his Arab neighbors. He has repeatedly said that this is an Arab issue and should be settled by Arabs.

Saddam recognizes he is in a no-win situation. He needs to save face in any peaceful solution. Why not let him save a little face if it saves thousands of American lives?

Does this amount to appeasement of a powerful tyrant? No, the tryant will have been forced to withdraw and accept the rule of law.

It is possible that some of Saddam's claims will be approved by the international tribunal. Should be get increased oil resources, that will have minuscule effect on the world oil situation.

For our part, if we have learned one lession from this, it must be that we need to increase our level of self-sufficiency. Californians will simply have to go along with drilling offshore, as we have in Louisiana.

Some will say this would not solve the long-range problem which will be posed by Saddam developing a nuclear weapons capability. He may develop this capability, but that is also true of numerous other nations, for we know that technology cannot be forever contained.

Are we to threaten military action every time some nation achieves nuclear capability? No, we are simply going to have to find a way for the major powers to be so formidably arrayed against such activity that it will not be seen as an option by other nations. The developments in Eastern Europe and in the Soviet Union hold promise that such a world alliance can be achieved.

Should such a proposal be the foundation of a peaceful solution, a grateful nation will applaud President Bush for his resoluteness and courage in achieving our purpose without having one American killed in conflict.

Mr. SMITH of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, to be sure, we are engaged in a great debate. It is a debate on an issue of such magnitude that the Constitution specifically empowers the Congress to debate this question. The debate here will transcend into the future and well into the 21st century.

As a youngster, I saw a distinguished American President, Franklin Delano Roosevelt, ask the Members of this Chamber for permission to engage in a war against tyranny in Europe and in the Pacific.

After that war, I served in the Armed Services and at the outbreak of the Korean conflict, President Truman extended my term of service by an additional year. During Vietnam, I stood by as a witness to the national anguish, the peoples' frustration, and the unintended consequences which we continue to pay for today.

I came to Congress in an earlier day, fully prepared that I would probably have to cast a vote in a war between two great superpowers. That never happened and the cold war is behind us.

With the dawning of a new age in the post-cold war, with the promise of a better world, I find it incredulous we are now engaged in a momentous vote that could usher in a war that would pale Vietnam. Have we not learned from the lessons of history? Must we once again give to the President a "blank check" to carry out a war under doubtful circumstances? Is this another Tonkin Gulf Resolution? I believe it is! And I can well remember the consequences and price that this Nation has had to pay for that ill-conceived resolution.

With all due respect for the talents of President Bush—he has employed his considerable skills to ally the world against Iraq—he has not articulated to my satisfaction why an invasion of Kuwait and Iraq is in our best interest. Why should the United States risk thousands of American lives and spend billions of dollars to protect Saudi Arabia and Kuwait in order to provide Japan and Europe with cheap oil?

I doubt the hostilities will be over in a few days. I doubt that American casualties can be minimized while Iraqi casualties are maximized. I doubt we can limit destruction to Kuwait.

Assuming we win, what then? What then? Who will govern Iraq? Do we militarily install a puppet government? How long will that last? I know for a certainty the Muslim world will not support our puppet regime. How long will we have to maintain a sizable force in the region to secure that win? How long will our Arab friends permit our troops to remain?

Mr. Speaker, I wish to make clear that in a debate such as this one which stirs such emotions and passions among Members of this body, that there are those who feel that if one raises questions, or expresses criticism of the policies of our country, one's very patriotism is subject to question. Article I, section 8 of our Constitution does not permit the President to make war at his discretion. I stand here in this well as a patriot, fulfilling my constitutional responsibility to challenge the President's judgment.

Make no mistake, having lived through the Korean conflict as a serviceman, and having been witness to the Vietnam war, I know the high cost of war—both when we win and when we lose. In the case of Korea, our victory cost thousands of lives and billions of dollars to station United States troops there in perpetuity. In the case of Vietnam, our loss cost us thousands of lives and billions of dollars—much of it squandered—in a military buildup unparalleled in history. Either way, win or lose, war is costly.

I took careful note of my distinguished colleague LEON PANETTA, the chairman of the Budget Committee, who declared today that this Nation, under the wraps of a recession already in place, with taxpayers bearing the cost of billions of dollars in failed savings and loans, with the expectation of serious problems in our banking system, with unemployment beginning to escalate, we can little afford to engage in a war with a national deficit of $330 billion for 1991.

Our Nation's deficit at the time of the Korean war was $3 billion, and when we entered the war in Vietnam, we had a $6-$8 billion deficit. My friends, who pays the bill? Yes, the

American people, in vast capital outlays and with the blood of our youth.

Mr. Speaker, on this, my first substantive vote in the 102d Congress, I cannot vote for war—not yet. War should be our last resort—after all diplomatic and economic efforts have failed. War should be our defensive strategy, not our offensive posture.

For that reason, I shall oppose the President's resolution and vote for the Gephardt-Hamilton resolution.

☐ 0310

Mr. SMITH of Florida. Mr. Speaker, I yield 5½ minutes to the Delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I had intended that my first words from the well of the House would concern the District of Columbia. As it turns out, they will. The prospect of war in the Persian Gulf has brought anguish to the residents of your host city, if I am to judge by the near unanimous reaction my constituents have communicated to me. The reasons for that anguish are in some measure special to the District and critical to their view of war and peace.

I support the Durbin-Bennett concurrent resolution and the Hamilton-Gephardt concurrent resolution. I support them on their merits and I support them for their special meaning for my district. The Durbin-Bennett mandate that the President seek explicit approval from the Congress before engaging in an offensive war is nothing more than a reiteration of the war power as stated in the Constitution. I regard Durbin-Bennett as implicit in the oath of office which I took last Thursday in this very Chamber.

If you agree that Congress is properly affronted if the President proceeds to war without its approval—and some have called this an impeachable offense—then you may be able to identify with the self-same anguish of the people of the District. If the decision is to proceed to war, it will inevitably be without their approval becuase their representatives cannot cast a vote for or against war. Congress in its wisdom has accorded the Delegate from the District of Columbia all of the privileges of this body, including the vote in committee. But the vote on the House floor, the vote that in this instance will decide the most important question that can confront any legislative body—that vote is denied the District. If there was ever an opportunity to understand the meaning of the denial of full democratic rights and statehood for the District, that understanding should come now.

Of the 50 States and the District of Columbia, we rank fourth per capita in the number of troops called to active duty in the Persian Gulf. In this 70 percent black city, this figure has double meaning. African Americans are 30 percent of the Armed Forces but only 11 percent of the population. Both as District residents and as black Americans, our people have volunteered to serve their country and if necessary, to die for their country, in greatly disproportionate numbers. Is it too much to ask that, they have a say in the matter? The next time that you are asked to cast a vote concerning the District—whether to disallow a law passed by our city council or to add a rider to our appropriation nullifying our laws, Think of the District's men and women serving in the Persian Gulf.

Mr. Speaker, in the name of District of Columbia residents in the Persian Gulf and in the armed services and in the name of the residents of this city, I voice my support for the Hamilton-Gephardt resolution, I support diplomacy and I also support international sanctions. These economic sanctions are the moral equivalent of force and they are doing the work of war without violence and the loss of American lives. Iraq presents the quintessential case for sanctions because it is a one-product economy that cannot sustain itself in a situation where no oil is getting out to create the necessary foreign exchange. To jump ahead to war now is to cut off our nose to spite our face. It is we with our air strikes who shall have destroyed the oil supplies of Iraq, Kuwait, Saudi Arabia, Jordan and elsewhere in the gulf, thereby raising oil prices and curtailing the world's supplies, precisely the result we are there to avoid. We would create Arab civilian and American military casualties in a war of madness.

The President appears to regard sanctions as an adjunct to war, not an independent weapon. At the moment there is potent evidence that sanctions can do the job in a civilized and effective way without the barbarity of a self-destructive war that will wipe out significant portions of the world's oil supply. This time the price would be prohibitive because we would not only pay at the gas pump, American lives needlessly would be part of the foreign exchange.

The present coalition—note that we do not dare call them all allies—will scatter if war begins, devastates part of the Arab world from the air, and demands, as every war does, that ground troops take the ground, take prisoners of war, and occupy the territory. We learned this lesson expensively in Vietnam where, with all our air power, we could not claim victory on the ground and were finally routed.

Ultimately we could be left to fight another American—or Americanized—war almost alone. If this happens, District residents will be there disproportionately and patriotically. They deserve a vote in that collective decision. Through me they have had some say today. Through me, they ask also to be treated as if they count and to be counted as other Americans are when we pledge our lives for war and peace.

☐ 0320

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of the Hamilton/Gephardt resolution.

As my distinguished colleague, Mr. JACOBS from Indiana, said earlier in this debate, we should never go to war just because we have the opportunity to go to war. And we should never go to war to prove that our military is bigger and stronger than the military of an adversary. We should go to war only when our national security or American lives are at risk. We should go to war only because we must go to war.

We should also ensure that we have the military capability and the military readiness to protect and defend our freedom, our security, our people. I commend the President for his quick and effective response to Saddam Hussein's invasion of Kuwait. Because of his leadership, we were able to halt further aggression by Iraq. And we are militarily ready for a war, should that become our only option.

I support our President in standing up to Saddam Hussein. I support the United Nations resolution that gives us the authority, as a nation, to use whatever means necessary to force Iraq out of Kuwait. And if we reach a point where I believe that we have exhausted all attempts for a peaceful resolution, I will support using all military action necessary to force Saddam from Kuwait. But, I believe it is bad policy for us as a Congress to vote to go to war at this time.

I recognize that voting to go to war now sends a strong message to Saddam Hussein, and may indeed scare him enough to withdraw his troops. If the Congress votes to authorize war, I hope and pray that that happens. But, the risk is just too great. We sacrifice American lives without giving sanctions enough time to work.

Furthermore, current administration policy combined with the Hamilton/Gephardt resolution make a strong statement to Saddam Hussein. We have 400,000 troops and billions of dollars of state-of-the-art equipment in the Persian Gulf. The Hamilton/Gephardt resolution authorizes continued use of American military force to enforce the United Nations economic embargo against Iraq; to defend Saudi Arabia from direct Iraqi attack; and to protect American forces in the region. It also pledges full and continued support for maintaining our military options; and finally, for efforts to increase the military and financial contributions made by allied nations.

Some have argued that if we do not declare war now, that our fragile alliance will break down. If it is so weak that it would disintegrate during peacetime, surely it could never endure the strains of war. Additionally, I believe such an argument underestimates the importance felt by other Arab nations and the rest of the free world in getting Iraq out of Kuwait. Finally, I think those who say the alliance will break down underestimate the ability of our Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff and the President to hold the alliance together.

It has also been argued that Iraq will only grow stronger over time. Yet, our head of the Central Intelligence Agency has said that with sanctions, Saddam Hussein's position has become weaker. I have to believe that his inability to obtain supplies and parts will only strengthen our position and weaken that of Iraq. If at some time in the future, this trend has reversed, and we have the need, the Hamilton/Gephardt resolution allows us to expeditiously make a decision to go to war.

Contrary to what opponents of this resolution are saying, it is not a policy that sends a message of weakness. It sends a message of strength and of reason. I extend my appreciation to Mr. HAMILTON, for crafting this resolution. The chairman of the Europe and Middle East Subcommittee and the dean of my State's delegation, Mr. HAMILTON brings to this House a true sense of statesmanship.

Today we will vote to authorize going to war, or to maintain our military strength, but give sanctions longer to work. For all of us in this body, we will vote our best judgment and our conscience. Men and women of good judgment and the best of intentions will disagree. And only time will tell us which decision is best for our country. I echo what others have said and pledge my support to stand behind whatever course of action we choose because I believe we must put the interest of our country above the individual judgments and decisions. But, at this point in this process, I believe the Hamilton/Gephardt resolution is the better course of action. I urge adoption of the Hamilton/Gephardt proposal.

Mr. SMITH of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, my colleagues, for the last few days I have had a difficult time trying to figure out what this presentation on my part would be like today, not in terms of what my vote would be. That I have known for the longest time.

But certainly whether it was proper for me or not to bring into this debate and into this discussion issues having to do with my district and the suffering of my district.

After much soul-searching and somewhat despair at times, I have come to the conclusion that it is indeed appropriate to discuss some other issues as we discuss this very important issue.

My district being the poorest district in the Nation and having problems that we try to get rid of in other nations, I just wonder what our role would be if war breaks out. I do not think that we need to go to war right now. I do not want to see young men and women die.

I am sure that our allies, so-called allies, will not help.

TOM DOWNEY on this floor said yesterday that the help they will give us will be equivalent to the way people in the South Bronx used to hold somebody's jacket when you got into a fist fight. That is what they will do for us.

After the war, what? After the boys and women come back home hurt, wounded, and some will not make it at all, then what about the occupation that will take place? Please do not kid ourselves, that will be for many years to come, and that will cost a lot of time, a lot of effort and a lot of money.

In the meantime, we will have a lot of ruined lives, a lot of people coming back home. You know, today and yesterday and tomorrow morning we will hear a lot of people talk about how much we feel for the troops and what great heroes they are and how much we respect them. But a lot of the same people, with all due respect to them, when they come back needing support and medical help and homes and jobs, will say that the economy does not allow it and they are fiscal conservatives and they do not want to spend the money on the same people that they are sending into war right now.

So my district has to be told something that I do not want to have to tell them in the next few days, that our agenda will have to be put on the back burner; that the issue and homelessness in my district will have to be put aside for a while, that the fact that I have more babies born with AIDS will have to be put aside for years to come because we have to pay for a war that we should not be in; that the fact that I have more babies born addicted to crack in my district than anywhere else in the Nation will have to be forgotten for a while so that we can continue to spend $30 billion or more every 5 months to take care of this war.

And for what? To restore the legitimate Government of Kuwait? Legitimate? A prince and his 50 cousins in a little kingdom, not sharing with anyone else, that is what we are going to restore in return for not taking care of the poor in my district?

And Syria, our new-found ally; if 6 months ago I had said on the floor of this House that Syria was an ally of mine, I would have been asked to remove myself from this floor. Now we have not even removed them from the list of terrorist nations, and we are still calling them our ally.

□ 0330

And Saudi Arabia; now is that not wonderful? A country that we send troops to defend which will not let our boys and our girls wear medals, religious medals, because it offends their religion. Well, it offended me that 450,000 men and women have to be over there ready to die for a country that will not let me or someone else wear my religious cross because it is improper.

What is the hurry? Let sanctions work. We have time. We have waited out Europe for 46 years. My God, we can wait another year. And in the meantime we will not lose anybody. Why do we have to go around trying to force someone into believing that we can win this war in a week or win it in a month?

Mr. Speaker, people talk as if it were not important, that we will only lose 5,000 men and women in the first month, that maybe we will only lose 10,000. Well, yes, that is a number we throw up, but I say, "If you're Mrs. Smith, or Mrs. Rivera, or Mrs. Rosenberg, and it's your son that died, then it really doesn't matter that only 5,000 others died."

There are times when we must make war. There are times that I would be willing to declare war. But I am not willing to do it now because we are not willing to declare war on homelessness, and we are not willing to declare war on AIDS, and we are not willing to declare war on poverty in this country.

I am sorry. I really hope that we do not go to war. But I suspect that we will. And after we win this war, if my colleagues want to call it a victory, then maybe I will travel to Kuwait, and I will ask the emir and his cousins to fund the poverty programs in my district. After all, it is the least they can do after we restore them to their throne.

Mr. McCANDLESS. Mr. Speaker, I yield 6 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, January 15 is a deadline for Saddam Hussein and Iraq. It is not a deadline for the United States of America.

I intend to support the Solarz-Michel resolution. The President should be given the authority to use the full power of our Armed Forces to get Iraq out of Kuwait. This is an option that should be made available to our President. The fact is, diplomacy works only if there is a strong economic and military force to back it up.

I want this issue to be resolved peacefully, diplomatically. But regretfully, Saddam Hussein doubts our resolve. He doesn't believe we will use our military force. And a military force that no one—particularly our adversary—believes we will use, is not a deterrent. No matter how powerful that military force, if no one believes we will use it, it has no diplomatic value.

Whether to give our President the extraordinary power to use force to get Iraq out of Kuwait is not, for most of us, an easy issue to decide, as this very fine debate of the past 3 days has shown.

Each of us is doing what we believe is right for our Nation and the world. And we will live with our decision and our votes the rest of our lives.

I believe what happens in the Middle East is of utmost importance to the United States and the world. Sixty-five percent of all the known world's oil reserves are in the Persian Gulf. Iraq has 10 percent of the world's reserves, Kuwait—now annexed by Iraq—has another 10 percent. And Saudi Arabia has 25 percent of all the world's reserves.

In contrast, the U.S.S.R., the world's largest oil-producer, has only 5½ percent. The United States has even less—just 2½ percent of the world's reserves.

Think of it. Our Nation has just one fourth of the reserves of Kuwait. Kuwait is not a tiny irrelevant desert nation along the Persian Gulf. It is a nation with four times the oil reserves of the United States.

From my viewpoint this conflict is in large measure about oil, the life blood of the world, and whether one man, Saddam Hussein, will control nearly 50 percent of all the known world's oil reserves. This would give him the power to dictate price and, more frightening, gain the extraordinary monetary benefit that comes to a nation that controls the reserves.

Saddam Hussein cannot be allowed to finance his terrible war machine, which has no parrellel in the region, with such wealth.

I want the president to give sanctions more time to work. But I want Saddam Hussein to spend his every waking moment fearing that what Irqa did to Kuwait could happen to Iraq.

The President should be given the option to use force. And Saddam Hussein must live with the recognition and fear that the United States could use that force at any moment. Only then, in my judgment, are we likely to achieve our primary objective—the complete withdrawal of Iraq from Kuwait.

Mr. SMITH of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank you for the patience and work that you have done this evening in presiding over this debate, and I thank the gentleman from California [Mr. MCCANDLESS] and the others who have presided on the Republican side of the aisle.

Let me also at the outset compliment the freshman class, both Republicans and Democrats. I am truly impressed by the level of their commitment to their positions, the level of the debate which they have engaged in and the force of their conscience which came through the presentations made by each and every one of them.

Mr. Speaker, I think it is wonderful, and I am very proud to be a Member of this body which just renewed itself in the election cycle with so many good Members who bode well for the future of this institution.

Mr. Speaker, with this right hand I voted in 1983 for a resolution allowing the President of the United States to send a peace-keeping force into Lebanon. I thought I had a fairly good, suitable, relevant, legitimate amount of knowledge of the situation which would allow me to make a rational, and reasonable and logical decision. I voted with the President. I believed it was the right thing to do. The President assured us that these people, although they were in harm's way, would be in every way protected. These were young American service men. As far as I know, there was no single woman among them.

One day in October of 1983 I woke up to find out that approximately 250 of them were dead in a heap in a building where they were bivouacked outside Beirut. Two hundred and fifty, gone. To this day I feel responsible. To this day and for all time I shall remember that vote and rue the casting of that vote.

Mr. Speaker, with this right hand just last week I and every Member of this body took an oath to uphold the Constitution of the United States. I swore loyalty and made a commitment to the very basic requirement of the role of a Congress Member, to uphold the Constitution.

□ 0340

I also privately swore after the October disaster in Lebanon, and swore again to myself on this floor, that I would never again make such a vote without having every single piece of relevant information that I deserved and every other Member deserved in order to make a reasoned, rational, and proper vote on an issue of sending young men and women to war and to die, because people die in wars. It is not an abstract, nor are they disconnected occurrences.

I do not support the Solarz-Michel resolution, first for the reason that I firmly believe that no Member of this body has been given by the executive branch which is asking for this resolution—and it is to go to war—all of the relevant information that is absolutely necessary for them to make a reasoned, logical, sound, and conscionable vote.

Maybe I am naive, Mr. Speaker, but I always believed that article I, section 8 of the Constitution, which says that the Congress shall have the power to declare war, add some legislative intent, some of the intent of the framers, somewhere in the ethereal space of the last 200 years that was definable. Oh, it is not definable in the Constitution. There are no A's, B's, or C's to tell us what a declaration of war really is. It does not say anything. It does not say how it is supposed to read. It does not say it is supposed to have a seal, it does not say it is supposed to have a ribbon. It does not say anything, but it reserves to the Congress that power.

So we improvise. The reality is that on the five occasions when war has been declared, they have been in different forms.

But this time we are not being asked to declare war. We are being asked to endorse to the President a resolution of the United Nations which calls for the use of force to remove Iraq from Kuwait.

Now, as I said, I thought—maybe I am naive—that if we were asked to declare war, somehow that President asking for the declaration might perhaps come to Congress and ask for a secret session, look all 535 Members in the eye and say, "This is what I am asking. This is what we have done on each of the issues that are important for you to make a decision. This is what we expect the body count might be. That is our best guesstimate."

He might say, "That is what our best guesstimate is perhaps of the duration. This is what our best guesstimate is of the cost of this war, economically speaking. This is what we believe may be left to do."

Or ideally, the President would say, "There is nothing left to do, no diplomatic overtures which will work. We have tried everything, and we are stymied." And like you, the President would say, "Mr. Speaker, I don't want to go to war either except as the absolute last option that we would have."

So the President would present the case. We would have what we consider to be all of the relevant information, and we would vote.

But, Mr. Speaker, I guess I an naive. The President has not done that, and we do not have this information. And I would bet that no one in this Chamber or in the other body has enough information to make that conscionable decision, a cogent decision based on fact. And we are being asked yet, in light of that, to send young men and women of this country, my neighbors' daughters and sons and husbands and wives—and the same is true in every district, in every one of our elected congressional districts—off to war and off possibly to their death.

So that is the first reason I shall not vote for this, because I do not believe we have any of the necessary evidence or any of the necessary facts given to us by the President. I do not mean that in a negative sense. I do not think he is trying specifically to withhold information. It just has not been imparted.

It might shock the American people to know that we do not know much more than they do when it comes to having all the information we ought to have. But we do not, and I challenge Members to come up here and tell me they have gotten the estimates I have talked about a minute ago from the State Department, from the Defense Department, or from the President.

I am not talking about firm figures. I am not talking about guarantees. But we are being asked under our constitutional authority to grant that authority to the President, and we do not know any of this.

Would it not make a difference if we knew that the President and his Defense Department estimated 100,000 casualties as opposed to 1,000? It might make a difference to some, and they are entitled to know that.

So the first reason I will not vote for it is because we do not know enough of the anticipation and all the diplomacy and all the facts and circumstances surrounding the President's decision to ask us to vote for it.

The second reason I will not vote for it is because I do not believe it meets the constitutional test. It is, as other speakers have said, a Gulf of Tonkin resolution. It is not a direct request for a declaration of war. It is an open-ended blank check for the President to take from us the power and decide then at what point in the future he will use it and under what circumstances and at what time, thereby depriving us of what I consider to be the real intent of the Framers of the Constitution that we would declare war. But that means it would be a specific time, for a specific purpose, with specific players, and under specific circumstances then and there existing at that moment.

Now, it is easy to do that when you have a catastrophic enormity of a calamity like Pearl Harbor. Boy, is it much easier to make a decision based on that kind of provocation rather than the one we have now. I do not envy the President his job.

So the second reason I will not vote for it is that I do not believe that constitutionally we should be voting on that type of a declaration in lieu of a direct request for a declaration of war.

The third thing is the reality of the situation in the field.

□ 0350

We have heard pros and cons all night here about the efficacy of sanctions. But everyone including General Powell and General Schwarzkopf have told Members of Congress that the sanctions are working. The gentleman from Missouri [Mr. WHEAT] indicated that he is getting weaker, not stronger, and he is getting weaker. His Air Force flies less reconnaissance sorties than they flew before because they are running low on spare parts, and parts in general are becoming more difficult for him to obtain.

His military machine is slowly but steadily being reduced. Yet in the face of that, all of a sudden we have a decision by the President to come and ask us to declare war at this moment when we are watching our enemy, against whom this war would be waged, slowly strangling and getting less capable of putting up a fight than he was weeks and weeks and weeks ago. So the timing certainly is bad.

But beyond that, the sanctions are having an effect on his whole country, and they are providing us with the capability of continuing the sanctions with a compounding effect to bring him to his knees.

Now those who argue that sanctions alone are not enough, as Mr. Webster has in his letter, I believe are correct. But Mr. HAMILTON stood in this well and talked about the three strands of the sanctions, and the force of the military might that is arrayed against him, and the threat that it will be used, and the diplomacy. That is what has worked.

But let us be very careful to realize that he has yet to blink, even though 450,000 people, Americans are there, and even though we have applied the sanctions, and even though the President has said up until last week when he sent us the letter asked for this resolution that he did not need this, he could do this on his own. Saddam, perhaps, did not believe him because he is not out of Kuwait. What makes Members think now that if we vote this resolution that miraculously, all of a sudden Saddam is going to say, "Oh, that's what I was waiting for. The Congress says he should wage war, and so now it's over, I'm leaving."

That is an awfully thin premise on which to posture a declaration of war, and it seems somehow strange and illogical to me to have the constant argument made that in order to avoid war we shall declare war. That has never seemed to happen in the past, not ever.

He knows what our capability is. He chooses not to get out for his own reasons.

The next reason I shall not vote for it is because it is premature. I am not one frankly who likes the Gephardt resolution all that much in the sense that it is open-ended. It does give the President the right to come back any time he wants, and so he could come back next week, and in that sense the control is in the President's hands. By the same token, I would like the Congress to be on record that frankly we should not go any further than about 30 days. And the reason I say that is because much of the testimony presented by the military to the committees in the Congress and in this House was that the optimum date for any kind of offensive thrust against Iraq and against Saddam Hussein would be February 15. The President, to quote him, has said, "In the quest for peace I will go the extra mile." I commend him for what he has done already, and I might add at this juncture, Mr. Speaker, I supported the President then. I supported the President in the interim, in the buildup of troops, and I support him now. We all want Saddam Hussein out of Kuwait. Most of us would like to see Saddam Hussein removed as well. We know he is an international criminal, and international terrorist, a brigand, a murderer and all of the epithets, all of them fit. We know it all and we agree.

But if you truly want to be a peacemaker, then you would walk a second extra mile. You would regard the advice and the testimony of your own military people and go until February 15. Do not let the artificial date set by us, because we maneuvered the January 15 resolution, Resolution 678 in the United Nations, it was ours. It did not spring from the Somalians or the Rhodesians or anyone else. It sprang from us. We should be willing to go that extra mile, thereby for the President foreclosing any further criticism because he would have done everything he could have in order to be able to bring about a peaceful resolution which we would all like to see.

So I think it is premature at this moment to be asking for this, even though it is in the wrong forum, and I would hope that when he came back he would ask for a declaration of war.

Finally, we have to be very careful in any event because we must find a peaceful solution, if it is at all possible because of the enormity of what war will be. I do not know how many people understand the array of weapons that we have against Iraq. But I also do not know how many people understand what Iraq is capable of. I do think his military prowess is not all that great. He is a classic overestimator of his own capabilities. He went to war with Iran for something less than 8 years with an army which had no air force and hardly any real weaponry, so they are not exactly the premium military force in the world in Iraq.

But let me assure you, Mr. Speaker, and I am sad to say this, the battle which will wage in Iraq and in Kuwait will not be the only battlefield on which Americans will be fighting and will be dying. This man is capable of any gross behavior, any immoral act is within his purview. He gassed his own people, and he did not gas them by bombs, you know. He flew planes over, like crop dusters and released that stuff in the air. He has killed people left and right by his own hand and at his direction. He has done unspeakable acts in Kuwait.

But watch what happens when we attack him. If you think you have seen terrorist acts, you ain't seen nothing yet. He is capable of killing innocents around the world, and let me assure you they will be Americans as the prime and foremost targets. This Capitol is not without his range. And we had better be very, very certain that before we enter into any course of conduct which will raise that specter of direct terrorist acts against Americans, both domestically here and abroad anywhere, targets of opportunity for which I am sure agents have already been assigned and are operating, waiting for the signal, we had better be sure that we have explored every single avenue and every possible road for a peaceful solution.

Finally, Mr. Speaker, what will postwar Iraq look like? When we attack Iraq it will be with enormity. There will be an enormous amount of damage and loss of life to them, first and foremost, because again the technological weaponry arrayed against him I do not think anyone understands. It is bigger than what was assembled for D-day, better by leaps and bounds, and geometric proportion, and that will invite for the future an enormous power vacuum in Iraq.

□ 0400

And that power vacuum will attract in the Syrians, the Iranians, and the Shiite fundamentalist Moslems, because those are the organized groups in that region who will take advantage of the death of the government of Saddam Hussein, and that is not going to be any better for us than what is there now, as sad as that is to say.

The possibility exists of a peacekeeping force having to be maintained there by the United States. If that is so, the chances are we may lose as many people in the peacekeeping due to terrorism as we might lose in the war, and I do not know how long Americans will sustain that either.

So the President ought to be thinking of all of these things, and perhaps he is, before he makes this decision to ask us for war. We ought to be thinking of them before we make the decision to grant him that authority.

The future of that region is important to us, but we have to ask ourselves the single most important question. Is this offensive war that is being asked for by the President necessary at this moment for the vital strategic interest and protection of the United States? And the answer is no. We are not at risk. They are not on our borders. They have not attacked us. Until we can find a direct link, we had better be careful about these Gulf of Tonkin resolutions and the kind of domino-theory application which prevailed in Vietnam, because that is what we are doing here, without calling it the same thing, saying that it is in our interest, our national interest, to free Kuwait of Iraq and somehow get rid of Saddam Hussein, and it is. But is it that interest which is controlling sufficient to commit Americans to die? Because they will. They will.

We have to think long and hard about that, and I think we are a few steps away from that threshold. I think we are short of where we need to be in order to have to make that decision, and there are many more pieces of the puzzle that have to be fit in and put together.

I would urge you to consider the irony of this new world order as the President calls it, having as its first act making war. I thought that was the old world order, and the new world order would be to resolve issues peacefully.

We built hundreds of billions of dollars of weapons in the old world order and faced each other down. I thought the new world order was for the purpose of resolving things peacefully. That is how it started. We began to resolve our differences with the Soviet Union peacefully.

I think it would be a terrible tragic start for this new order if it began with a war, and I urge all of you to consider very carefully and not vote to go to war at this time. We all support the President in his goals. We all support the President in wanting to find a way to bring peace to the region, but none of us wants to commit the young men and women of America for the purpose of war if there is any single other way available to us.

We have not reached the time when we can make that statement. I do not believe either has the President, and so I would urge a no vote on the Solarz-Michel resolution, and hopefully we would then be able to have the President say to us, "I am going the extra mile. Maybe we can achieve peace." If it is worth going to war for, it is worth going to find peace for.

Mr. McCANDLESS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Florida. Mr. Speaker, I yield back the balance of my time.

NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–28)

The SPEAKER pro tempore (Mr. OBEY) laid before the House the following message from the President of the United States; which was read and without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

1. I hereby report to the Congress on developments since my last report of July 13, 1990, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) ("IEEPA"); and section 505(C) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

2. Since my last report on July 13, 1990, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury. Additionally, since July 13, 1990, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

3. During the current 6-month period, FAC approved only one license application authorizing the renewal of a patent. Twenty licensing decisions were made prohibiting transactions in connection with Libya.

4. Various enforcement actions mentioned in previous reports continue to be pursued. In October 1990, based upon violations of IEEPA, the U.S. Customs Service seized $3 million in funds at a New York bank and $800,000 at a bank in Florida. The U.S. attorneys for the respective jurisdictions utilized 18 U.S.C. 1956, the Money Laundering Control Act, to effect the seizures. This marks the first time that this statute has been used to effect seizures based upon an IEEPA violation. This continuing investigation centers around an alleged conspiracy to invest Libyan funds in various U.S. businesses and technology.

In November 1990, FAC blocked a letter of credit in the amount of $332,124, drawn on the account of a U.S. manufacturer to pay a South Korean firm for the shipment of industrial equipment to Libya. The funds have been placed into a blocked account, and the investigation into the actions of the U.S. firm continues.

5. The expenses incurred by the Federal Government in the 5-month period from July 13, 1990, through December 14, 1990, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at $407,603. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my dis-

posal to apply economic sanctions against Libya as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

GEORGE BUSH.

THE WHITE HOUSE, *January 11, 1991.*

TRIBUTE TO COMMAND SGT. MAJ. JAMES E. MASKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, a good friend of mine is retiring later this year after 42 years of service in the U.S. Marine Corps, Marine Corps Reserve and the Mississippi Army National Guard. His name is Command Sgt. Maj. James E. (Gene) Maske of Newton, MS.

In 1982, Gene became the State command sergeant major for Mississippi. His steady leadership in that position over the past 8 years has earned Gene the respect of National Guard personnel throughout our State and across the country.

Enlisted men and women from Biloxi to Corinth have come to count on Gene's knowledge and experience to help solve problems large and small. He has been a tremendous asset to the Mississippi National Guard.

I know Gene's many friends join with me in wishing him the very best in retirement. We all salute this great American for a job well done.

I also want to share with my colleagues Gene's resume, which outlines his 42 years of outstanding service to his State and his country.

BIOGRAPHY OF COMMAND SGT. MAJ. JAMES E. MASKE

CSM Maske served on active duty with the U.S. Marine Corps from 13 May 1949 until 12 May 1950 when he transferred to the Marine Corps Reserve. On 20 October 1950, he was activated for the Korean Conflict and remained on active duty until 2 April 1952.

During the conflict, he served in the Korean Theater of Operations, aboard the USS Midway, the USS Saipan and the USS Cabot as a member of Marine Fighter Squadron 225 where he was assigned as a crew chief.

After his discharge in 1952, CSM Maske again joined the U.S. Marine Corps Reserve where he remained for four years.

Upon his release from the U.S. Marine Corps Reserve on 26 July 1956, CSM Maske enlisted in the Mississippi Army National Guard and was assigned as the Operations Sergeant for the 415th Field Artillery Battalion (Heavy Mortar) in Newton. He was reassigned to the First Sergeant position in 1957, filling that position for seven (7) years. On 3 June 1964, he was named Command Sergeant Major of the 4th Battalion, 114th Field Artillery at Newton and was one of the first in the Mississippi Army National Guard to achieve that rank. He remained in that position until 3 August 1982 when he was appointed as the State Command Sergeant Major of the Mississippi Army National Guard.

CSM Maske is a past President of the Mississippi National Guard NCO Association; Past President of the Camp Shelby NCO Club Board of Governors; Co-Chairman of the Adjutant General's Advisory Committee, Mississippi National Guard NCO Association. Chairman, NGB CSM Advisory Council; Chairman, State E-9 Promotion Board; Chairman, NCO/Soldier of the Year Board; Member of the State Safety Council; Member of State/Federal Awards Board.

CSM Maske is Past Member and Secretary of the Newton Chamber of Commerce; Past Member and Secretary of the Newton Volunteer Fire Department; Past Chairman of the Board, Newton United Methodist Church, where he also served as a Sunday School Teacher and Youth Counselor. He is also Master Mason and member of Newton Lodge #57.

AWARDS AND DECORATIONS

Meritorious Service Medal.
Army Commendation Medal.
Army Achievement Medal.
Army Good Conduct Medal.
Marine Corps Good Conduct Medal.
Navy Presidential Unit Citation.
Army RC Overseas Training Ribbon.
Army Service Ribbon.
National Defense Service Medal.
Korean Service Medal w/2 Battle Stars.
United Nations Service Medal.
Humanitarian Service Medal.
Armed Forces Reserve Medal.
Army Reserve Component Achievement Medal.
NCOPD Ribbon w/numeral.
Mississippi Magnolia Medal.
Mississippi Commendation Medal.
Mississippi Emergency Service Medal w/5th Award.
Mississippi Longevity Medal.
Mississippi Service School Medal.
Mississippi War Medal.
Mississippi Medal of Efficiency.

USE OF FORCE BY THE UNITED STATES IN THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I asked for a special order today to present my views on the three resolutions regarding the use of force by the United States in the Persian Gulf. Although I do not have the privilege to cast a vote on the floor of Congress, I speak on behalf of the thousands of Samoan men and women presently serving in the armed services of our great Nation, many of them who now serve in the Persian Gulf.

Mr. Speaker, I support two of the three resolutions presently before us. The Bennett-Durbin resolution reaffirms the authority of Congress to make war as provided in the U.S. Constitution and the laws of the United States. The Hamilton-Gephardt resolution reaffirms the international economic sanctions and embargo against Iraq, which have been in effect for the last 6 months.

However, Mr. Speaker, I have some serious reservations concerning the Solarz-Michel resolution. This resolution authorizes the President to use military force pursuant to U.N. Security Council Resolution 678. This resolution is tantamount to a declaration of war by Congress. The Solarz-Michel resolution, in my opinion, gives too much discretion to the President. This nearly blank check authority would result in the Congress shirking it's constitutional duties while the President wages war. In that we have not given the economic sanctions sufficient time to become effective, and given that we have not exhausted all peaceful means of resolving this crisis, passage of the Solarz-Michel resolution at this point may be premature.

Mr. Speaker, I am also very concerned with the gross disparity of American servicemen employed in Operation Desert Shield relative to the other countries. The European countries and Japan have not fulfilled their commitment to protect their interests in the Persian Gulf. This is very disturbing given that 40 percent of Europe's imported oil and 60 percent of Japan's imported oil comes from the Middle East. The United States only imports 8 percent of its foreign oil from the Middle East. Also, present estimates put the cost of the U.S. military operation at $2 billion, and this will increase to $30 billion per month if war begins. Although our allies have pledged $25 billion, only $4 billion has been received. Who will willingly bear the financial costs for Operation Desert Shield? It is clear to me that the United States will incur a disproportionate share. I urge the President to continue negotiations with these countries so that the financial and military burden of Operation Desert Shield is shared proportionately among our allies.

Mr. Speaker, I believe the administration should continue to support the international economic sanctions and embargo against Iraq. The economic sanctions are supported by virtually the entire world. By all estimates, the sanctions and embargoes are having a major effect on the Iraqi economy.

Recent reports indicate that the international blockade has succeeded in cutting off almost 100 percent of Iraq's export—mostly oil—stopped over 90 percent of all imports and reduced its GNP by an estimated 50 percent. Experts estimate that over time the Iraqi GNP would decrease by about 70 percent. In addition, Iraq has forfeited $20 billion of exchange earnings a year and Iraq's credit has been destroyed. Iraq is also experiencing a shortage of spare parts for its munitions and military equipment. The embargo has also been effective to stop Iraq's attempt to obtain nuclear weapons and delivery systems. Because of these facts, there is a downward spiral in Iraq's overall military strength.

When the international embargo was initiated, experts estimated that it would take a year before the affects of the sanctions were felt by Iraq. If this is the case, then according to Dr. James R. Schlesinger, former Secretary of Defense, "* * * it seems rather illogical to express impatience with them because they will not have produced the hoped for results in 6 months time."

Mr. Speaker, Saddam is now in diplomatic isolation. He has been forced to an embarrassing peace with Iran and he has lost his position of influence with OPEC. Iraq is becoming an economic basket case and Saddam Hussein may be in jeopardy with his own people. Meanwhile, many of Saddam's neighbors are prospering from his actions while he derives no benefit. Saddam is clearly being punished by the international sanctions and embargo.

I realize the American diplomatic effort has fallen on Saddam's deaf ears. The lack of communication and cultural misunderstandings between the United States and Iraq continues to forstall United States diplomatic efforts. As we near the January 15 deadline, I believe that we should continue to aggressively pursue the diplomatic effort. I believe Saddam is becoming increasingly aware that the United States is serious and that war is not in his best interest.

Mr. Speaker, the alternative to the international economic sanctions and embargo is war. Some military experts suggest that a limited air strike upon Iraqi strategic positions and cities would convince Saddam to withdraw from Kuwait. Other analysts suggest that war with Iraq would be quick and perhaps last a few days or a few months. I would like to ask those same experts what guarantees do we have that war will be brief and that American casualties will be light. In fact, no one really knows exactly how long a war with Iraq would last. I submit Mr. Speaker that war is not two dimensional and the cost of victory cannot be calculated on paper like some elementary mathematical equation. It is clear to me that the immediate price for war will not be small and that the American forces will carry a disproportionate burden in any event.

I also ask what guarantees do we have as to the aftermath of a war with Iraq? What will we do if we win? Will we establish an alliance similar to NATO to enhance stability in this region of the world? Islamic reaction will certainly be anti-American and terrorist acts are likely to occur. Given the problems and confrontations among the Arab nations for the last century, it is difficult to foresee stability in this region of the world.

Mr. Speaker, I believe Saddam must leave Kuwait. However, I differ with the President on the means used to achieve this objective. Should the economic blockade be given more time or should swift military action be taken? I believe we should try to achieve this objective through peaceful means. Peaceful means mandates that we give the sanctions a chance. In the words of Adm. William J. Crowe, Jr., USN, retired, former Chairman of the Joint Chiefs of Staff:

> If in fact the sanctions will work * * * the trade-off of avoiding war with its attendant sacrifices and uncertainties would, in my view, be more than worth it.

The Persian Gulf crisis has been further clouded by the recent public announcement by Iraq's Foreign Minister Aziz of his government's intention to attack Israel if the United States and the coalition of nations take offensive militray action against Iraq. I absolutely support Israel's right to exist as a sovereign state and it's right to defend itself. However, this declaration by Iraq adds to the instability of the crisis. I shudder to think of the consequences and reaction among Arab nations and the overall economic stability of this area of the world.

Mr. Speaker, I ask that the President continue to support the international economic sanctions and diplomatic efforts. Military force should be used only as a last resort.

Mr. Speaker I cannot in good conscience support the Solarz-Michel resolution at this time, and I urge my colleagues to reject this measure.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCANDLESS) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 60 minutes, today and January 12.

Mr. DORNAN of California, for 5 minutes, today.

Mr. HUNTER, for 60 minutes, today and January 12.

Mr. DORNAN of California, for 60 minutes, on January 12.

(The following Members (at the request of Mr. SMITH of Florida) to revise and extend their remarks and include extraneous material:)

Mr. SCHEUER, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. MFUME, for 60 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Mr. WILLIAMS, for 5 minutes, on January 12.

Ms. PELOSI, for 5 minutes, on January 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. BEREUTER, in two instances.
Mr. BLILEY.
Mr. MACHTLEY.
Mr. LEWIS of California.
Mr. GINGRICH.
Mr. SLAUGHTER of Virginia, in two instances.
Mr. EMERSON.
Mr. GEKAS.
Mr. DANNEMEYER, in two instances.
Mr. RHODES.
Ms. ROS-LEHTINEN, in two instances.
Mr. SOLOMON.
Mr. FIELDS.
Mr. COBLE.
Mr. DUNCAN.
Mr. ROGERS.

(The following Members (at the request of Mr. SMITH of Florida) and to include extraneous remarks:)

Mr. RICHARDSON.
Mrs. KENNELLY.
Mr. FAZIO.
Mr. SOLARZ.
Mr. HALL of Ohio.
Mr. BONIOR, in two instances.
Mr. ACKERMAN.
Mr. PENNY.
Mr. STARK.
Mr. KENNEDY.
Mr. EDWARDS of Texas.
Mr. DYMALLY.
Mr. TALLON.
Mr. LAFALCE.
Mr. LEHMAN of Florida.
Mr. LIPINSKI.
Mr. VISCLOSKY.
Mr. HUBBARD, in two instances.
Mr. CHAPMAN.

ADJOURNMENT

Mr. SMITH of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes a.m.), under its previous order, the House adjourned until Saturday, January 12, 1991, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

273. A letter from the Comptroller of the Department of Defense, transmitting notification that the Department plans to transfer $806.4 million to the operation and maintenance appropriations for the modernization and expansion of automated data processing systems, pursuant to section 8108 of the DOD Appropriations Act, 1991; to the Committee on Appropriations.

274. A letter from the Secretary of Housing and Urban Development, transmitting the Department's sixth annual interim report on the Neighborhood Development Demonstration Program, pursuant to 42 U.S.C. 5318 nt.; to the Committee on Banking, Finance and Urban Affairs.

275. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–257, "Naylor Court, N.W., Designation Act of 1990", and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

276. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–258, "D.C. Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Free Clinic Amendment Temporary Act of 1990," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

277. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–253, "D.C. Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Amendment Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

278. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–254, "D.C. Jewish Community Center Real Property Tax Exemption Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

279. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–255, "Department of Corrections Grant Award Authorization Temporary Act of 1990," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

280. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–256, "D.C. Religious Accommodation Amendment Act of 1990," and report, pursuant to D.C. Code, section 1–

233(c)(1); to the Committee on the District of Columbia.

281. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-259, "D.C. Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Free Clinic Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

282. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-239, "D.C. Prevention of Domestic Violence Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

283. A letter from the Secretary of Health and Human Services, transmitting a report on the Department's efforts to bring about coordination of goals, objectives, and activities of agencies and organizations which have responsibilities for programs related to child abuse and neglect during 1987 and 1988, pursuant to 42 U.S.C. 5106f; to the Committee on Education and Labor.

284. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report of the Department's Council on Alzheimer's Disease delineating revisions to previous research plans and progress made in research sponsored by the Federal Government, pursuant to Public Law 99-660, section 912(b)(2) (100 Stat. 3805; to the Committee on Energy and Commerce.

285. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

286. A letter from the Executive Director, Interagency Council on the Homeless, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

287. A letter from the Martin Luther King, Jr., Federal Holiday Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

288. A letter from the National Credit Union Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

289. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to waive requirements of section 210(b)(2) of title 38, United States Code, for a planned administrative reorganization involving the organizational realignment of management responsibility for Department of Veterans Affairs data processing centers, and the corresponding realignment of associated central office components and functions; to the Committee on Veterans' Affairs.

290. A letter from the Secretary of State transmitting on behalf of the president, a report on progress on resolution of expropriation claims for El Salvador, pursuant to title II of Public Law 101-513; jointly to the Committees on Appropriations and Foreign Affairs.

291. A letter from the Agency for International Development, transmitting a report on the quantity of agricultural commodities programmed under title II in fiscal year 1990; jointly to the Committees on Foreign Affairs and Agriculture.

292. A letter from the Secretary of Energy, transmitting the first annual report on the programs, projects, and joint ventures supported under the act, pursuant to 42 U.S.C. 12001 et seq.; jointly to the Committees on Science, Space, and Technology and Energy and Commerce.

293. A letter from the Secretary of Health and Human Services, transmitting the annual report of the Indian Health Care Improvement Act covering the major activities and accomplishments on the Indian Health Service during fiscal year 1989, pursuant to 25 U.S.C. 1671; jointly to the Committees on Energy and Commerce, Interior and Insular Affairs, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 10, 1991]

By Mr. OWENS of Utah:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that notwithstanding previous debate disagreement and votes taken authorizing the use of military force in the Persian Gulf, all Members of Congress now desire to express their unified support for the President of the United States and for American and allied forces; to the Committee on Foreign Affairs.

[Introduced January 11, 1991]

By Mr. BEREUTER (for himself, Mr. BARRETT, and Mr. HOAGLAND):

H.R. 479. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails Systems; to the Committee on Interior and Insular Affairs.

By Mr. BILBRAY:

H.R. 480. A bill to amend section 28 of the Mineral Leasing Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DARDEN (for himself and Mr. SYNAR):

H.R. 481. A bill to establish grazing fees for domestic livestock on the public rangelands; to the Committee on Interior and Insular Affairs.

By Mr. FLAKE:

H.R. 482. A bill to declare that the continued operation of the Freedom National Bank of New York is essential to provide adequate depository services in its community, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GORDON:

H.R. 483. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to require an image of a candidate for Federal office to be included in any television advertisement for such candidate, and for other purposes; jointly, to the Committees on House Administration and Energy and Commerce.

By Mr. HEFLEY (for himself, Mr. SCHAEFER, Mr. CAMPBELL of Colorado, and Mr. ALLARD):

H.R. 484. A bill to improve the water quality of water flowing from the Leadville Mine drainage tunnel, CO, and of the Upper Arkansas River Basin, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE:

H.R. 485. A bill to extend the expiration of the Defense Production Act of 1950 to September 30, 1991; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LENT:

H.R. 486. A bill to authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings to efficient, alternate uses, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 487. A bill amending the Rail Passenger Service Act to establish collective bargaining arbitration procedures for issues relating to the employment of railroad police by the National Railroad Passenger Corporation; to the Committee on Energy and Commerce.

H.R. 488. A bill to amend title 38, United States Code, to provide for the prorating of veterans compensation and pension for the month in which the death of a veteran occurs; to the Committee on Veterans' Affairs.

H.R. 489. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

H.R. 490. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of any participant in any State or local government plan so much of any distribution from such plan as represents his allocable share of tax-exempt interest of such plan; to the Committee on Ways and Means.

H.R. 491. A bill to amend title II of the Social Security Act to require the establishment of procedures to assure that benefit payments will not be made thereunder to deceased individuals; to the Committee on Ways and Means.

H.R. 492. A bill to amend the Internal Revenue Code of 1954 to provide a basic $10,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 493. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for commuting expenses incurred on public mass transit; to the Committee on Ways and Means.

H.R. 494. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of Social Security benefits to be taxed; to the Committee on Ways and Means.

H.R. 495. A bill to amend title II of the Social Security Act to improve the treatment of women through the establishment and payment of working spouse's benefits; to the Committee on Ways and Means.

H.R. 496. A bill to amend the Internal Revenue Code of 1954 to allow certain low- and middle-income individuals a refundable tax credit for a certain portion of the property taxes paid by them on their principal residences or of the rent they pay for their principal residences; to the Committee on Ways and Means.

H.R. 497. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 498. A bill to amend the Internal Revenue Code of 1954 to provide that the medical expenses of handicapped individuals and individuals who have attained age 65 shall be deductible without regard to the requirement that only medical expenses in excess of certain percentages of adjusted gross income are deductible; to the Committee on Ways and Means.

By Mr. OWENS of New York:

H.R. 499. A bill to require that federally insured depository institutions establish random drug testing programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANNUNZIO (for himself, Mr. BLAZ, Mr. BROOMFIELD, Mr. CONTE, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HAYES of Louisiana, Mr. HORTON, Mr. HUCKABY, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KLECZKA, Mr. LAFALCE, Ms. LONG, Mr. MCGRATH, Mr. MARKEY, Mr. MARTIN of New York, Ms. MOLINARI, Mr. MONTGOMERY, Mr. NATCHER, Mr. PALLONE, Mr. RAHALL, Mr. RICHARDSON, Mr. SCHUMER, Mr. SLATTERY, Mr. VANDER JAGT, Mr. WHITTEN, Mr. FASCELL, Mr. GUARINI, Mr. IRELAND, Mr. LENT, Mr. LIPINSKI, Mr. MCNULTY, Mr. NOWAK, Mr. ROYBAL, Mr. TORRES, Mrs. VUCANOVICH, Mr. WAXMAN, and Mr. WILSON):

H.R. 500. A bill to require the Secretary of the Treasury to mint coins in commemoration of the quincentenary of the discovery of America by Christopher Columbus and to establish the Christopher Columbus Fellowship Foundation; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, and Science, Space, and Technology.

By Mr. OWENS of New York:

H.R. 501. A bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families; jointly to the Committees on Banking, Finance and Urban Affairs, and Education and Labor.

H.R. 502. A bill to amend the National Labor Relations Act to improve the procedure for appointing members to the National Labor Relations Board; to the Committee on Education and Labor.

H.R. 503. A bill to amend the National Labor Relations Act to provide for fair and expeditious representation elections; to the Committee on Education and Labor.

By Mr. PICKETT:

H.R. 504. A bill to amend title 28, United States Code, to prohibit the paying of witness fees to persons convicted of crime and serving a prison sentence pursuant to that conviction; to the Committee on the Judiciary.

By Mr. RHODES (for himself, Mr. UDALL, Mr. STUMP, Mr. KOLBE, and Mr. KYL):

H.R. 505. A bill to designate the Salt-Gila Aqueduct of the Central Arizona Project as the "Fannin-McFarland Aqueduct"; to the Committee on Interior and Insular Affairs.

By Mr. SCHUMER (for himself and Mr. SHAYS):

H.R. 506. A bill to amend the Communications Act of 1934 to provide immunity from damages to cable franchising authorities for cable regulatory actions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SLAUGHTER of Virginia (for himself, Mr. SMITH of Texas, Mr. DANNEMEYER, Mr. JAMES, and Mr. HUGHES):

H.R. 507. A bill to amend the Internal Revenue Code of 1986 to allow newspapers a credit against income tax for using recycled newsprint; to the Committee on Ways and Means.

By Mr. HOLLOWAY:

H.R. 508. A bill to designate the lock and dam 1 on the Red River Waterway in Louisiana as the "Lindy Claiborne Boggs"; to the Committee on Public Works and Transportation.

By Mr. KOLTER:

H.R. 509. A bill to amend the Federal Food, Drug, and Cosmetic Act to require food and drug manufacturers to maintain a toll-free telephone line for inquiries respecting foods containing vitamins or minerals, herbal foods, foods for special delivery uses, and over-the-counter drugs and to require the labels and advertising of such products to contain a reference to such line; to the Committee on Energy and Commerce.

By Mr. KOLTER:

H.R. 510. A bill to require generators of hazardous waste to treat or dispose of their waste at the site on which the waste was generated; to the Committee on Energy and Commerce.

By Mr. KOLTER:

H.R. 511. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that passenger motor vehicle repair businesses supply customers with information respecting the origin of parts installed and the cost of available parts and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLTER:

H.R. 512. A bill to provide for a bonus to veterans of World War II; to the Committee on Veterans' Affairs.

By Mr. KOLTER:

H.R. 513. A bill to amend the Internal Revenue Code of 1986 to terminate the exclusion from gross income of Americans working abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. KOLTER:

H.R. 514. A bill to establish a temporary program of supplemental unemployment benefits for unemployed coal miners who have exhausted their rights to regular unemployment benefits; to the Committee on Ways and Means.

By Mr. KOLTER:

H.R. 515. A bill to amend the Internal Revenue Code of 1986 to permit individuals to include cash contributions with their income tax returns to be used for grants to reduce the cost of organ transplants, and for other purposes; jointly; to the Committees on Ways and Means and Energy and Commerce.

By Mr. MATSUI (for himself, Mr. DOWNEY, Mr. STARK, Mr. MCGRATH, Mr. GUARINI, Mr. PEASE, Mr. DORGAN of North Dakota, Mr. DONNELLY, Mrs. SCHROEDER, Mr. MARTIN of New York, Mr. FAZIO, and Mr. JONTZ):

H.R. 516. A bill to amend the Federal Unemployment Tax Act with respect to employment performed by certain employees of educational institutions; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 517. A bill to waive age restrictions preventing the enlistment or appointment in the Armed Forces of the President, Vice President, Members of Congress, and heads of executive agencies; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 518. A bill to provide additional life insurance under the Servicemen's Group Life Insurance Program for members of the Armed Forces assigned to duty in the Persian Gulf region in connection with Operation Desert Shield; to the Committee on Veterans' Affairs.

By Mr. THOMAS of California:

H.R. 519. A bill to amend the Internal Revenue Code of 1986 to permit tax-free withdrawals from individual retirement plans, section 401(k) plans, and section 403(b) contracts for the acquisition of the first principal residence of the taxpayer or a member of the taxpayer's family; to the Committee on Ways and Means.

By Mr. APPLEGATE (for himself, Mr. MCEWEN, and Mr. MONTGOMERY):

H.J. Res. 70. Joint resolution designating April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. FIELDS:

H.J. Res. 71. Joint resolution proposing an amendment to the Constitution requiring that federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. HASTERT (for himself, Mr. MONTGOMERY, Mr. JONES of North Carolina, Mr. COX of California, Mr. MCGRATH, Mr. NATCHER, Mr. FORD of Michigan, Mr. ANNUNZIO, Mr. UDALL, Mr. ESPY, Mr. BEVILL, Mr. STUMP, Mrs. COLLINS of Illinois, Mrs. BYRON, Mr. GORDON, Mr. WOLF, Mr. MARTIN of New York, Mr. HYDE, Mr. VANDER JAGT, Mr. RINALDO, Mr. SLATTERY, Mrs. BOXER, Mr. LENT, Mr. OWENS of New York, Mr. WHITTEN, Mr. LANTOS, Mr. ROSTENKOWSKI, Mr. SKELTON, Mr. COSTELLO, Mr. SMITH of Florida, Mr. FROST, Mr. MADIGAN, Mr. SCHEUER, Mr. POSHARD, Mr. GEJDENSON, Mr. HAMMERSCHMIDT, Mr. ROE, Mr. SPENCE, Mr. OLIN, Mrs. MEYERS of Kansas, Mr. BILBRAY, Mr. LAGOMARSINO, Mr. HOCHBRUECKNER, Mr. STAGGERS, Mr. TAYLOR of Mississippi, Mr. PAXON, Ms. LONG, Mr. BILIRAKIS, Mr. KENNEDY, Mr. PARKER, Mr. SANGMEISTER, Mr. HUGHES, Ms. SLAUGHTER of New York, Mr. PAYNE of Virginia, Mr. DOOLITTLE, Mr. HARRIS, Mr. YOUNG of Florida, and Mr. BERMAN):

H.J. Res. 72. Joint resolution to designate December 7, 1991, as "National Pearl Harbor Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO:

H.J. Res. 73. Joint resolution designating the month of November 1991 as "Dyslexia Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. SENSENBRENNER:

H.J. Res. 74. Joint resolution proposing an amendment to the Constitution of the United States to permit Congress to grant power to the Supreme Court to remove judges in certain cases; to the Committee on the Judiciary.

By Mr. KOLTER:

H.J. Res. 75. Joint resolution to designate September 1, 1991, as "National Day of Recognition of the Polish Armed Forces of World War II"; to the Committee on Post Office and Civil Service.

By Mr. KOLTER:

H.J. Res. 76. Joint resolution designating October 8 through 14, 1991, as "National School Lunch Week"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H. Con. Res. 30. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem, in order to ensure equitable and fair treatment for those who have based their retirement plans on benefit levels which have existed for the past decade; to the Committee on Ways and Means.

By Mr. PENNY:

H. Con. Res. 31. Concurrent resolution expressing the sense of the Congress regarding the need to provide adequate health care for America's children; to the Committee on Energy and Commerce.

By Mr. HOLLOWAY:

H. Res. 30. Resolution to amend the rules of the House of Representatives to prohibit the House from receiving and considering special interest commemorative legislation; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. REGULA, Mr. GILLMOR, Mr. SANGMEISTER, Mr. ERDREICH, Mr. SHAYS, Mr. INHOFE, Mr. YOUNG of Florida, Mr. LIPINSKI, Mr. SMITH of Florida, Mrs. KENNELLY, and Mr. BARRETT.

H.R. 8: Mr. RANGEL and Mr. SERRANO.

H.R. 53: Mr. POSHARD, Mr. MRAZEK, Mr. RANGEL, and Mr. ANNUNZIO.

H.R. 83: Mr. KANJORSKI.

H.R. 86: Mr. HUNTER, Mr. HORTON, Mr. BURTON of Indiana, Mr. ROBERTS, and Mr. CHAPMAN.

H.R. 90: Mr. WOLPE, Mr. LAFALCE, Mr. STAGGERS, Mr. SCHEUER, Mr. HUGHES, Mr. FORD of Michigan, Mr. SMITH of Florida, and Mr. OWENS of New York.

H.R. 102: Mr. YATRON, Mrs. MORELLA, Mr. STOKES, Mr. WOLF, Mr. TRAFICANT, Mr. BILIRAKIS, Mr. LANCASTER, Mr. BACCHUS, and Mr. MACHTLEY.

H.R. 103: Mr. LENT, Mr. MRAZEK, Mr. FALEOMAVAEGA, Mr. DEFAZIO, and Mr. ERDREICH.

H.R. 104: Ms. PELOSI.

H.R. 105: Mr. RITTER, Mr. YATRON, Ms. ROS-LEHTINEN, Mr. GOSS, Mr. TALLON, Mr. SPENCE, Mr. RAY, Mr. YATES, Mr. STAGGERS, Mr. LAGOMARSINO, Mr. JAMES, Mr. PAXON, and Mr. POSHARD.

H.R. 123: Mr. HANSEN, Mr. MADIGAN, Mr. SOLOMON, Mr. ROGERS, Mr. COUGHLIN, and Mr. STUMP.

H.R. 193: Mr. GUARINI.

H.R. 234: Mr. KYL.

H.R. 262: Ms. PELOSI, Mr. LEVINE of California, Mr. JONTZ, and Mr. STOKES.

H.R. 263: Mr. JONTZ, Mr. STOKES, and Mr. CAMPBELL of Colorado.

H.R. 325: Mr. SHAYS, Mr. MCCLOSKEY, Mr. GILMAN, Mrs. MORELLA, Mr. STAGGERS, Mr. STARK, Mr. MCMILLEN of Maryland, Mr. BEILENSON, Mr. EDWARDS of California, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. OBERSTAR, Mr. BERMAN, Mr. POSHARD, Mr. MAVROULES, Mr. LIVINGSTON, Mr. ROE, Mr. BATEMAN, Mrs. UNSOELD, and Mr. SMITH of Florida.

H.R. 328: Mr. NOWAK, Mr. OLIN, Ms. KAPTUR, Mr. MRAZEK, and Mr. BILBRAY.

H.R. 381: Mr. SERRANO and Mr. MAVROULES.

H.R. 385: Mr. RANGEL, Mr. SERRANO, Mr. FAZIO, and Mrs. COLLINS of Illinois.

H.R. 414: Mr. GILCHREST and Mr. BATEMAN.

H.J. Res. 18: Mr. KANJORSKI.

H. Con. Res. 1: Mr. BEILENSON, Mr. KANJORSKI, Mr. BACCHUS, Mr. TRAFICANT, Mr. LAFALCE, Mr. WASHINGTON, Mr. HUGHES, Mr. REED, Mr. SIKORSKI, Mr. RUSSO, and Mr. ANDREWS of New Jersey.

H. Res. 19: Mr. ABERCROMBIE, Mr. MFUME, Mr. ROYBAL, Mr. LAFALCE, Mr. SMITH of Florida, and Mr. JACOBS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11. By the SPEAKER: Petition of the city council, city of Boston, relative to the current crisis in the Middle East; to the Committee on Foreign Affairs.

12. Also, petition of chair of the Committee of Foreign Affairs of the National Assembly of Austria, relative to ending military aid to the Government of El Salvador; to the Committee on Foreign Affairs.

13. Also, petition of the legislature of Rockland County, NY, relative to the footbridge between Jersey City, NJ and Ellis Island, NY; to the Committee on Interior and Insular Affairs.

14. Also, petition of Office of the County Legislature, Suffolk, NY, relative to cost of living adjustments (COLA) to all veterans; to the Committee on Veterans' Affairs.

SENATE—*Friday, January 11, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Except the Lord build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain.—Psalm 127:1.

Father in Heaven, the burden of decision is awesome, the implications are overwhelming. As Congress bears its burden, literally millions of Americans have mobilized for prayer. For this we thank Thee. Save us, Lord, from an attitude so secular that we leave no room for an eternal God to intervene. As the Senators struggle with this awful responsibility, grant them grace to make room in their minds and hearts for a God who understands, who loves, who cares, and who has not uncommonly, in times past, overruled the plans and the schemes of the most powerful leaders. Touch each life in this body with special wisdom and grace for these hours.

We ask this in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 11, 1991.

To the Senate:

Under the provision of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, in a moment debate will resume on the Persian Gulf crisis. Under the consent agreement obtained last evening, the resolution which I offered yesterday in behalf of Senators NUNN, BYRD, PELL, BOREN, MITCHELL and LEVIN, later cosponsored by many other Senators, is on the calendar, and I intend to move to proceed to that resolution today, as I notified the distinguished Republican leader last evening.

I also advised the Republican leader again, as I have previously in several discussions and as I have stated publicly, that it is my hope and my intention that the Senate can complete action on this matter tomorrow.

I believe that we ought to have a full and open debate. We had a lengthy day of such debate yesterday. I anticipate another one today, and I hope that we could continue the debate and complete action by voting on tomorrow.

As all Senators know but most Americans do not, under the rules of the Senate I cannot fix a time for voting unilaterally, since under Senate rules each Senator has the right to speak for as long as he or she wishes, and, since under those same rules any Senator may offer any number of amendments that he or she wishes, the only way in which we can fix a time for voting is by unanimous consent, or, should the Senate as a whole decide to invoke cloture and terminate debate, then ultimately, at some point thereafter indeterminative as of now, there could be votes.

I hope that we do not have a filibuster. I hope that no Senator chooses to invoke his or her rights under the rules to delay or prevent voting. That is possible, and of course it is understandable under the rules and has occurred in the past. I do not believe that is the course of action we should take in this instance. I think each Senator has a right to express his or her views both in statements and in votes and the American people have a right to know where each of us stands on this important issue.

So I repeat that it remains my hope and my intention that we can reach an agreement and vote on these matters tomorrow. I will continue to pursue such an agreement with the Republican leader and others of my colleagues and will keep Senators advised throughout the day of our progress in that regard.

Mr. President, I yield the floor.

ORDER PERMITTING SENATORS TO SPEAK

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period in which Senators are permitted to speak. The Chair recognizes the Senator from New Mexico.

THE PERSIAN GULF CRISIS

Mr. BINGAMAN. Mr. President, I rise today in strong support of the joint resolution proposed by the majority leader and many of my colleagues. It is a resolution which I certainly add my name to as a cosponsor, which I believe is rooted in strength and in patience and in an awareness of the true costs of war.

On the morning of November 8, before the President announced later that day that he intended to essentially double the size of our forces in the Persian Gulf, I wrote to the President expressing my view that the American people would not support offensive military action until all other efforts had been exhausted. In hearings held by the Armed Services Committee in late November and December, I heard nothing that would change that opinion.

Please understand, Mr. President, that if my view on this issue is rejected and if the Congress and the President decide to proceed with military action beginning on or after January 15, then I will support funding to ensure that we prevail in that military action. As a Member of the Senate I have a responsibility to express my convictions on the question of whether this country should go to war at this time.

However, if the decision is made to go to war, then I also believe strongly that I and all of us must join together to do all in our power to ensure victory.

We all agree that Iraq demonstrated an outrageous and an unacceptable disregard for international law when it invaded Kuwait on the 2d of August. And we also agree that Iraq must withdraw from Kuwait.

But I am not convinced, especially after hearing the expert testimony of a dozen defense and national security specialists who appeared before the Armed Services Committee. I am not convinced that offensive military action is the correct course to accomplish that goal at this time. In fact, I have come to believe the exact opposite. That is, that a rush to action would be imprudent, it would be unwise, and it would involve unnecessary costs, chief among them the unnecessary loss of human life.

In both the short and the long term, offensive military action soon after January 15 creates some disturbing results for which we as a nation are not yet prepared. Some will portray this as an argument or a debate between using force now and never using force, but that is clearly not the case. I believe the most appropriate action for the United States at this time is to maintain the international sanctions and trade embargo and to pursue a diplomatic solution while maintaining the credible threat of force in the future.

I supported the President's initial deployment of troops to Saudi Arabia. After the August 2 invasion of Kuwait there were very real fears that Saddam Hussein might order his troops to invade Saudi Arabia and other Persian Gulf states. By his own account, the President's objectives at that time were defensive. The troops, he said, were intended to fortify the defense of our Saudi allies and to draw a line across which Saddam Hussein dare not step.

To date that line has not been crossed, and we and our allies have succeeded in that stated objective. So, too, the President has succeeded in building an international coalition against Iraq's seizure of Kuwait and in obtaining release of all foreign hostages. We now have an impressive array of countries, including Arab countries, who are committed to isolating Saddam Hussein and constricting his ability to hold on to Kuwait. The United Nations itself has approved an unprecedented 12 resolutions against Iraq, including only the third international economic embargo in its history.

In these efforts the President has been successful and I have supported him. But I believe the President has erred in recent months as he narrowed his options and imposed an artificial deadline on our own actions. Time is on our side if we have the patience to use it. It is not on Saddam Hussein's side.

It became apparent in November the President had changed his strategy. No longer were our troops in Saudi Arabia for defensive purposes. On November 8 the President ordered our Armed Forces in the Middle East nearly doubled, from 230,000 to 430,000. This was accompanied by talk not only of removing Iraqi forces from Kuwait but also of removing Saddam Hussein from power, removing his current and potential control over weapons of mass destruction and, in late November, in the President's search in the United Nations for an authorization to use force, he joined in creating an artificial deadline, January 15, which now seems to be driving our entire policy in this crisis.

Let me cite four reasons that I oppose the use of force at this time. First I believe that economic sanctions need more time to work. To expect that they would succeed in only weeks or a few months is nothing less than naive. Former National Security Adviser Brzezinski stated recently before the Senate Foreign Relations Committee, "Sanctions are not a blunt instrument for promptly achieving total surrender." The entire intent of sanctions is to deny Iraq any benefit from its seizure of Kuwait and at the same time to reduce Saddam's ability and his will to continue the lawless occupation of Kuwait. If history is any indication, sanctions can work.

In a recent study by the Institute for International Economics, a study of 115 cases of sanctions being imposed since early in this century, success was achieved 40 times. Iraq is particularly vulnerable, since its economy is dependent on oil exports which have been totally cut off. It has only recently concluded a bloody 10-year war with Iran. Obviously that is no guarantee of success in this case. But I pose this question: What do we have to lose by waiting?

The current U.N. sanctions are easily the most far reaching ever imposed on any single nation by anyone. Even if they do not work in all respects, Saddam Hussein, with his borders sealed off against all but minor smuggling and with a finite reserve of supplies with which to feed his people and his war machine, is likely to be weaker months from now than he will be on January 15.

A second reason that we should not resort to force at this time is that just as we need more time to see if sanctions will work, we also need more time to pursue a diplomatic resolution of the crisis. The failed talks in Geneva Wednesday clearly are not the end of diplomatic efforts. The Secretary General of the United Nations is on his way to Iraq at this very moment.

France and other European allies have indicated the desire to pursue further diplomatic initiatives. Algeria has also been active in facilitating a dialog among Arab nations. These and any other initiatives by the international community must be allowed to run their course. We should not underestimate our ability to accomplish the goal of forcing Saddam Hussein out of Kuwait through peaceful means. We should not prejudge the outcome of sanctions. And we should not prejudge efforts to resolve this crisis peacefully.

A third reason for us to stop short of a declaration of war at this time is the enormous loss of life that may well result if war begins. Secretary Baker has said repeatedly that if we commence a military action it will be "sudden, massive, and decisive."

I would only add that it will also be catastrophic and that we must expect that the loss of human life will be substantial. Many in the administration and even some in Congress appear to be convinced that if we attack now the ensuing war will be short and will result in minimal U.S. casualties. But others, whose opinions I respect, conclude that while that is a possible outcome, it is equally or more likely that casualties could be significant and that the fighting could drag on.

I do not know how long a war with Iraq would last. I do know that virtually everything in human experience takes longer than it is expected to take. History is replete with wars which proved to be longer and more costly in human life than their instigators expected.

The Germans, the Italians, and the Japanese made that fatal mistake in their planning of the actions which led to the Second World War. We ourselves learned this tragic lesson in the Civil War.

The fourth reason that a declaration of war would be premature at this time is the potential cost of early military action to the stability of that region and to the U.S. role in that region. Former Chairman of the Joint Chiefs of Staff, Admiral Crowe, who has been quoted here many times by many Senators, in his excellent testimony to the Armed Services Committee stated, "Posturing ourselves to promote stability for the long term is our primary national interest in the Middle East * * * the United States initiating hostilities could well exacerbate many of the tensions * * * and further polarize the Arab world."

President Bush himself has stated that one of our main goals in this crisis is restoring stability and security to the region. The obvious question is will early military action promote stability in the region, and I have grave doubts. Can we realistically expect our Arab allies to remain with us, once we begin a mass assault against Iraq? If we succeeded in destroying Iraq's ability to wage war, how likely is it that other regional powers will try to fill that void? How much of a long-term military presence are we committing ourselves to maintain in Iraq, once the war is concluded? And what will be the reaction of other Arab countries to our continued long-term presence there?

At some point offensive action may be necessary, but I believe these and other questions about the costs of early military action on the stability of the Middle East should be addressed before we decide that we have reached that point. Once in the war, these are the questions with which we will be immediately confronted.

Mr. President, I would like to discuss very briefly the New World order that President Bush has referred to in the past few months. In an interview with Newsweek that appeared on November 26, President Bush stated:

> We must not reward aggression * * *. The civilized world is now in the process of fash-

> ioning the rules that will govern the New World order beginning to emerge in the aftermath of the cold war. * * * If the world looks the other way in this first crisis of the post-cold-war era, other would-be Saddams will conclude correctly that aggression pays. We must either be prepared to respond now or face a much greater set of challenges down the road.

Mr. President, I also hope for a post-cold-war era of sustained peace, but I do not believe that aggression is now or in our lifetime will be a thing of the past. Believing that early offensive military action in this first crisis of the post-cold-war era will end aggression is a basic misreading of human nature. I am not certain of what exactly the President means by a New World order, and I have questions about using this particular crisis as a model for future crises.

While I agree that we must not reward aggression, I do not believe that rushing into war is the only way to keep from rewarding that aggression. I have grave doubts about the wisdom of predicating future world peace on a rush into war at this time.

If a New World order is to prevail in the coming years, I am also concerned about the role the United States is to play in that New World order. Are we, the United States, to ensure that aggression anywhere in the globe is stopped? Will this responsibility fall to us since the United States is the only country in the world which has a military capability to achieve this? Certainly, no other country could undertake and sustain the mobilization of forces that we have accomplished over the last 5 months.

Is our role that of the enforcer of this New World order?

I also have concerns about the roles that our allies should play in this New World order. Clearly, two of our closest allies—Japan and Germany—both stand to lose more from Saddam's action than we do because of their greater dependence on Middle East oil, and clearly they have shown little commitment to involving themselves in military actions to punish his aggression.

I am disappointed, as are many of my colleagues, by the lack of action by our allies in an operation which is clearly at least as much in their interest as it is in ours. I wonder how can the American people be asked to sacrifice for this New World order when two of our closest and strongest allies are off pursuing a world order of their own.

I also have strong doubts that a rush to war against Iraq will get us to that New World order when many of the other members of our coalition are clearly reluctant to begin that war. Yet, uneasiness about war among the members of the United Nations and among our close allies leads me to believe that offensive military action at this time would damage the world's ability to undertake international efforts in the future. I believe that the New World order, whatever that may prove to be, would be better served by continuing sanctions and diplomatic efforts.

Two days ago, we saw the failure of talks between the United States Secretary of State and the Iraqi Foreign Minister in Geneva. Not only did we see the failure of talks, but the refusal of the Iraqi Foreign Minister to honestly address the issue of Iraq's invasion of Kuwait. The natural response of the American people is one of disappointment but also one of anger and of frustration, and the temptation for all of us is to bring U.S. military force to bear at this time.

In my view, Mr. President, that course is not in the best interest of the American people or of the world community. We should not allow our frustration and the lack of a clear path to prevent us from continuing to search for a peaceful solution.

Many statesmen have been quoted during this debate and I am sure many will be in the next 2 days. One quotation I would like to bring to the attention of the Senate is a statement by Winston Churchill in his extensive writings. He said:

> Those who are prone * * * to seek sharp and clear-cut solutions of difficult and obscure problems * * * have not always been right. On the other hand, those whose inclination is to bow their heads, to seek patiently and faithfully for peaceful compromise, are not always wrong. On the contrary, in the majority of instances they may be right not only morally but from a practical standpoint. How many wars have been averted by patience and persisting good will!

If all other means of obtaining Iraqi compliance with United Nations resolutions prove futile and a consensus is reached at home and abroad that military action is the only solution, then at that point, the President should come to Congress. He should request a declaration of war. At that point, I believe the Senate would grant such an authorization. But we are not at that point today. I urge my colleagues to stop short of authorizing war.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I wonder if the distinguished Senator from New Mexico might be willing to engage in a brief discussion with this Senator.

Mr. BINGAMAN. I will be pleased to.

Mr. SPECTER. I thank my good friend from New Mexico. He and I have worked closely during the course of the past 8 years during our joint tenure and worked very closely on the impeachment case involving Judge Hastings that he chaired and I cochaired. I have a very high regard for Senator BINGAMAN, and I compliment him on a very well-reasoned presentation, not to say that I agree with all aspects of it, but I did with many aspects, especially his comment about the keen interest of Japan and Germany in Mideast oil and the failure of those 2 countries to assume a fair burden, and the thrust of his contention that others of our allies have not done a fair share.

But the point that I would like to discuss very briefly this morning—and I intend to make a more complete statement later this morning—turns on the consideration that Congress is giving to those important issues at this time, January 11, 4 days from the January 15 cutoff, contrasted with the consideration of these issues at an earlier time.

I was interested to note that the distinguished Senator from New Mexico commented that he had written the President on November 8 objecting to the increased use of force, or the increased allocation of force—strike the use of force, it was not used—but the increase of our force in Saudi Arabia, and that he also was concerned on November 29 when the U.N. resolution was established fixing January 15, 1991, as the day after which force could be used.

I had expressed yesterday on the Senate floor my preference to allow economic sanctions to have lasted longer and not to have had a January 15 cutoff date, but said that it seemed to me that being in the posture we were in as of January 10, January 11, that it was much too late in the day to try to change U.S. foreign policy and representations and commitments which had been made by the President on behalf of the United States. Looking back to November is not useful in the sense of turning back the clock, but I think it does bear on what U.S. policy might be at some time in the future, and I think it also bears on the question as to whether it is appropriate and timely to change that policy today.

When we assembled in mid-November to select our leaders, the distinguished Senator from Indiana [Mr. LUGAR] took the initiative and proposed a special session. Many of us backed him up on that. As I know the Senator from New Mexico will recall, the majority leader and the Speaker of the House retained authority after adjournment to reconvene the Congress on this issue, realizing that that might be necessary.

It seems to this Senator that Congress had the opportunity to reconvene in mid-November and express itself on a resolution objecting to the buildup of forces in Saudi Arabia and the change of posture from defensive to potentially offensive mode. Congress could have reassembled itself in late November when we were on notice, as was the world, when the President was seeking a January 15 date in the United Nations resolution and was negotiating with the Soviets and the Chinese who were hard to deal with at that time, and the French and other members of the Security Council who were also not too easy to deal with at that time. Congress had the opportunity to come into session in November and say we do not want an arbitrary day, we want to give sanctions an adequate opportunity to work—and there were some projections at that time that they might take a year, as the distinguished Senator from Illinois [Mr. SIMON] said yesterday.

I have two questions to propound to my colleague from New Mexico. The first is: Would it not have been far preferable for the Congress to have been convened shortly after the November 8 deployment of additional forces, or sometime hopefully immediately before the November 29 U.N. resolution, or at least shortly thereafter? And the second part which is related to the first part is: Is there not a prejudice to the President's position and substantial prejudice to the other members of the United Nations who have relied upon the President's position and the congressional silence thereby making it extremely difficult if not impossible to alter that key aspect of U.S. foreign policy today?

Mr. BINGAMAN. In my view, there are several reasons we could go back in the last several months and say "It would be preferable if * * *." If we want to begin, it would have been preferable for the President to have advised the leadership of Congress before deciding to essentially double the troop strength in the Middle East or Saudi Arabia. No such action was taken by the administration. It was not determined that this was something that required consultation with Members of Congress.

I think that would have certainly been preferable. Had that occurred, then I think it is very conceivable that the leadership of Congress would have seen there was a very major shift in U.S. strategy that was manifest in that decision to double our troop strength and that Congress did need to express itself. But the President chose not to do that.

I point out also that as far as whether we should be acting now, the President has made it very clear repeatedly that he has not made a decision to use military force. Accordingly, I believe it is entirely appropriate and responsible for the Congress to be here carrying out its constitutional responsibility and giving its best advice to the President and determining under the Constitution, as it is required to do, whether the use of force is required at this time.

This is not second-guessing the President's decision to use force. The President has said he has not made that decision. He has set an arbitrary deadline. The United Nations has set an arbitrary deadline after which they would like blanket authority to use force as they determine it is appropriate.

I, for one, am not willing to give them that blanket authority. I can understand why members of the United Nations might, because, quite frankly, they have much less to lose than the United States. Most of the troops engaged in this activity are U.S. troops and U.S. personnel.

But clearly I think that this body, the Senate, is entirely in its rights and acting appropriately in dealing with this issue before a decision to use force is made. It is my clear understanding that that decision has not been made.

Mr. SPECTER. I would disagree respectfully with my distinguished colleague that we are not second-guessing the President, for this reason: It is true that he has not said he will use force, but he wishes to have the option to use force. If the Congress adopts the Mitchell resolution, we will be denying him the option to use force. So that he has proceeded for a long period of time, at least from November 29, 1990, to January 11, 1991, and has represented to the other members of the United Nations that he is in a position to carry out U.N. Resolution 678. He has in fact expressed himself that he does not need congressional authority to use force in the Persian Gulf.

My own reading of the Constitution is that authority from Congress is necessary, but there could be a situation if Congress sat back and did nothing, as it appeared for some time, and the Congress did not express itself, and then, given the subtleties of authority under the Constitution with the President as Commander in Chief and congressional inaction, that would have posed a different issue. But if the Congress adopts the Mitchell resolution and says economic sanctions now, no force now, then it seems to me the Congress really is, to use the Senator's phrase, second-guessing the President.

When the Senator from New Mexico says that it would have been preferable for the President to advise the Congress and consult in advance on the increase in force, I have to disagree sharply with that contention, for this reason: The Congress was on notice that the President intended to sharply increase U.S. forces in the Persian Gulf, on notice well in advance of the time that the first deployments were made, and in fact as of this moment all of the deployments have not yet been made.

It would have been highly desirable had a series of meetings been held in advance. I am not saying that would not have been a good course. I believe that at least one Senator was called in advance.

There is some controversy about having been given only a few hours', perhaps 2 hours' notice, but when we deal with matters of this moment it seems to this Senator that we do not stick to niceties and say well, if the President did not give us formal notice and formal consultation, then we did not have a duty to come forward.

Mr. BINGAMAN. That is certainly not my position, let me make it clear.

Mr. SPECTER. Let me finish the thought and I will yield. It seems to me that once the Congress knows that the President is going to markedly increase forces in the Persian Gulf, to have an offensive posture, and the Congress disagrees with that, then the Congress ought to act immediately. And once the Congress knows the President is seeking a resolution from the United Nations and they were tough negotiations which lasted a long time before the U.N. resolution was adopted, the Congress had a duty to convene if it disagreed with that policy of limiting economic sanctions to January 15 and putting on that date.

So while I do agree with what the distinguished Senator from New Mexico has said about we could have had a lot of different policies in the past, I think this posture and this timing bears very heavily on the judgment we make today.

Mr. BINGAMAN. I would just respond by saying I am not suggesting there is some kind of formality that should have been followed. I am saying when the Congress adjourned there was no understanding on my part, and certainly I do not know of any—I sit on the Armed Services Committee where we were briefed on a regular basis on this matter. I had no understanding that we were going to increase troop strength in the Middle East or in Saudi Arabia from 230,000 to 430,000 personnel. That was not contemplated at the time the Congress adjourned, in my view.

If the President did have that in mind, he should have called in the leadership and said we have a major change in approach, a major change in strategy. Had he done that, then perhaps we would have had a different set of actions that followed. But what has followed has followed, and clearly the Congress is doing what it is required under our Constitution to do today, and that is meeting to debate whether we should go to war, whether we should use military action.

I am persuaded that it is an entirely appropriate role for us. The President needs to listen to these debates, and the President needs to abide by the will of Congress on this. And the Congress needs to be in a position where, if circumstances change—I do not know how this vote will come out; it is possible. Were the President to prevail and get a blanket authority to commence military action anytime after January 15, if that is the case, then a declaration of war will have been made, in effect. And certainly, I will support that decision.

But if that is not the case, then the President, in my view, needs to pursue the course that this resolution sets out; that is, economic sanctions, pursue diplomatic efforts, continue to try to find a peaceful resolution of this matter. And when and if he determines that is not in any way promising, he can come back to Congress. Again, the Congress can consider the situation.

Mr. SPECTER. I agree totally with the distinguished Senator from New Mexico that the Congress is doing what it should do at this time. Better late than never. But on the merits, I think we would have had a very different picture had we looked at it and were on notice about his intention to increase troop strength in the Mideast, in the Persian Gulf, and if we were on notice of his intention to have a military option after January 15.

I just think on the merits, it weighs very heavily against a peaceful resolution at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Pennsylvania has the floor.

Mr. SPECTER. I yield to the distinguished Senator from Nevada.

Mr. REID. Mr. President, in 1935——

Mr. JOHNSTON. Did the Senator yield for a question?

Mr. SPECTER. I yield for a question.

Mr. REID. If the Senator from Louisiana has any objection whatsoever—I have spoken previously to the Senator from Pennsylvania indicating that I was going to give a statement. If the Senator would rather I not do that—I would be happy to return the floor to the Senator from Pennsylvania and seek recognition on my own.

Mr. SPECTER. I had thought the Senator from Nevada was interrupting for a question. But I did previously advise, although I was on the floor earlier, that I would yield to the Senator from Nevada for remaining statements, if that is his request. In any event, I now yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

OUR ROLE IN RELATION TO THE PRESIDENT

Mr. REID. Mr. President, in 1935 Italy invaded Ethiopia. Writing after the World War of which that invasion proved to be the opening shots, Winston Churchill reflected that Mussolini's designs were unsuited to the ethics of the 20th century, that they belonged to the Dark Ages and that such conduct was both obsolete and reprehensible.

Both Italy and Ethiopia were members of the League of Nations. Churchill called it a test case for that "instrument of world government upon which the hopes of all good men were founded." The league failed that test. It imposed sanctions which Churchill noted merely stimulated the Italian war spirit.

Churchill, writing from the wisdom of years of greatness, said that Britain should have interposed her fleet and gone to war, if necessary. If ever, he said, "there was an opportunity of striking a decisive blow in a generous cause with the minimum of risk, it was here and now."

Mr. President, it is again 1935 and a dictator has invaded Abyssinia. It is 1932 and Japan has slashed into a helpless China. It is 1938 and Germany has goose-stepped into Czechoslovakia.

Once again, Mr. President, a dictator is on the march. But this time the world is different. There is an effective world body, there are powers ready to take action on behalf of that body, and there is no countervailing threat to stay our hand.

If it is necessary we are prepared and capable to act in the cause of prevention of aggression, justice for the weak and defenseless and, dare I say, freedom and democracy.

There are those among us Mr. President, who say that Kuwait is a monarchy, far from home and hardly worth a fight or the expenditure of resources, let alone the blood of one American soldier. The same might have been said, Mr. President, the same was said of China and Ethiopia. By the time the democracies decided to fight it was a very near thing. By the time America, over the vehement opposition of a strong body of isolationism, edged toward supporting the forces of democracy it was almost too late; for millions of innocent men, women, and children it was too late.

Mr. President, I hear whispers of those voices today. I hear in this Chamber the faint echo of men like Senator William Borah who believed that reality and a wide ocean demanded that we look to our own defenses; that we abandon democracy outside this hemisphere as a lost cause.

Mr. President, I remember as a young man, hearing John F. Kennedy tell this body and the Nation in his State of the Union Address that the mere absence of war is not peace. As long, Mr. President, as one nation may subdue another free and independent state by force of arms there is no peace. As long as one nation may at will threaten to strike the cities of another and attack her civilians with poison gas and weapons of mass destruction, there is no peace.

As long, Mr. President, as Iraq continues to occupy, and pillage, and plunder, and lay waste to Kuwait, as long as the Iraqi Army continues to rape, and torture, and brutalize, and murder the people of that tiny land, for that long, Mr. President there is no peace.

The question before this body today is an essential one of constitutional implications. May the President fulfill his role as Commander in Chief, and what is our role in relation to the President?

I would say this to my fellow Senators. Over the years I have served in Washington I have learned that one does not take military action by committee. That is the duty, it was designed by the Founding Fathers to be the job of our Chief Executive.

We have a part as a body, most certainly. If we disapprove of the action taken we may force its cessation by terminating funding. If we wish to halt an action in advance we may order that no funds be spent. We have the power to declare war. What we do not have is the power to make war.

The President must be able to deal with foreign hostilities with a free hand; to use the diplomatic corps and the Marine Corps with equal facility, subject only to our power to force a halt to actions we deem contrary to the national interest.

Mr. President, at this point and based on what we know about Saddam Hussein and the dark forces which rule Iraq, I do not believe that allowing the President to conduct a strong foreign policy is against that interest. Until he shows me otherwise I believe that George Bush, President of the United States, a man who has seen the face of war in person, will act with the utmost concern for protecting the lives of our service men and women.

I urge the President, to spend money rather than lives, equipment rather than humanity, and to follow the tradition we have always had in wartime, to never send a man where we can send a bullet.

Before I close, Mr. President, I would like to address one other point. We have heard much over these past days and weeks about the failure of our allies to come to our support. Since I have quoted so much today from a British statesman, I would like to mention a special relationship, our alliance with Great Britain.

It is an alliance which for 80 years has held firm, and which once again shows the unyielding bonds between our two peoples. There are 35,000 British troops in the gulf; soldiers, sailors, and airmen a significant number of their overall military. They have placed themselves at America's disposal, and under American command, to join us in the fight, and if necessary, to lay down their lives at our side. Mr. President, there can be no stronger or finer expression of brotherhood.

Mr. President, I will close with another thought by Winston Churchill: "There is no merit in putting off a war for a year if when it comes, it is a far worse war and one much harder to win."

Mr. President, all the evidence shows the Iraqis are stalling for time while they improve their defense and attempt to destroy our coalition. Delay will only strengthen their hands and harden their hearts. If sanctions are working, America can stay its hand. If sanctions are not enough, then let us strike while the coalition stands firm and our convictions and our morale are high. Let us achieve a clear-cut victory and get our troops out of the Middle

East before they become bogged down in interminable occupational duties. We cannot wait for the far worse war to come. The President must decide when to act. I believe the authority is his. He must act at a time to avoid that far worse war.

I yield the floor.

PRIVILEGE OF THE FLOOR—SENATE JOINT RESOLUTION 1

Mr. WELLSTONE. Mr. President, I ask unanimous consent that during the consideration of Senate Joint Resolution 1, regarding United States policy to reverse Iraq's occupation of Kuwait, Miss Katherine Magraw, a fellow with me, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

GIVING A BLANK CHECK

Mr. JOHNSTON. Mr. President, under the Constitution, the Congress has the power to declare war. On January 8, the President of the United States asked for just that authority. What he has asked for has been described by the majority leader, and I think correctly so, as being a blank check, a carte blanche. There is no euphemism. It is, unadulterated, a request to go to war. What this request is is the authority to put in the hands of the President not only the authority to go to war, but to determine the circumstances under which he would exercise that power, as well as the timing as to when we would go to war.

If you think the President ought to be given that authority, I submit that we ought to leave it in the hands of the President as to the circumstances and the timing, because, obviously, if we are going to go to war, we do not want to tell Saddam Hussein that tomorrow morning at 1 a.m. we are going to attack. You want to leave that question open. You also, I think, want to leave it to the President to decide those circumstances, that is to say, if you think the President ought to be given the authority to go to war.

Mr. President, the Nunn resolution asserts that the wisest course is to have the sustained application of sanctions. Much as agreed to by all sides in this debate. Everyone that I have heard speak will publicly and privately say that aggression cannot be rewarded, that Iraq must leave Kuwait. It has been said over and over again by the majority leader, as well as the leaders on the Republican side, that Iraq must leave Kuwait. But on the question of the authority to go to war, U.N. resolution that the President requests is a yes that really means yes. And the Nunn resolution is a no that really means no. It is a question of yes and no on the question of whether we should go to war. So here we are in this very fateful debate determining whether the President shall really be given the authority to go to war.

Since early November, I have spoken publicly all over my State, any chance I could get to speak in Washington and elsewhere, publicly and privately, the latest time being yesterday, urging that the sustained application of sanctions is the proper way to go. The reason I have said that is because I believe Iraq is uniquely vulnerable to sanctions, uniquely vulnerable to a blockade. The flow of oil, as far as Iraq is concerned, has been hermetically sealed off so that almost no oil, other than a few truckloads here or there, moves in or out of Iraq. Saddam Hussein cannot sell his oil. Not only can he not sell Kuwaitis oil, he cannot sell his own oil. And the ability to sustain that kind of embargo, that kind of blockade, I believe, can be sustained over a long time.

So, Mr. President, I believe that, over time, the economy of Iraq will atrophy, will shrink, and Iraq will go from a Third World country to a fourth world country. And whether or not they agree immediately to withdraw from Kuwait, considering the huge, $80 billion external debt that Saddam Hussein has, by the time the embargo has a chance to work, then Iraq will no longer be a power.

How long will it take? There is the rub, Mr. President. Because Iraq is agriculturally rich, militarily well supplied, the amount of time it would take, I believe, is a year, 18 months, 2 years. Who knows how long it would take. I believe the sustained application over time will work. But the amount of time is the question.

Are we in a position to wait long enough to find out if it will work? Well, Mr. President, we are not now in a position to do that. In order to have a sustained application of sanctions, then the 400,000 troops that we have now either in Saudi Arabia, or on the way to Saudi Arabia, are too many to sustain an embargo. There is absolutely no way that we can keep a force of that size sweating in the desert, called away from their jobs, and leave them there for a year or 18 months. It cost $30 billion for last year. For less than half a year, maybe 5 months, it cost $30 billion. We could not sustain that over a period of a year or two.

We have a policy of no rotation, so all of these troops are there, both our troops and others, without rotation, staying in the desert. So, in order to give sanctions a chance, what we would have to do is bring home, 200,000 or 300,000 troops. We would have to be willing and able to reintroduce those troops at a later stage, because, as the Nunn resolution says, we would be prepared, if the sanctions failed, to reintroduce those troops in order to use force at a later time. So we would have to be willing to do that. And in the meantime we would have to hold the alliance together.

The question is, Can that be done? Can we actually bring home those 200,000 to 300,000 troops, or whatever that magic number is? Can we hold the alliance together? And can we have that ability to reintroduce the troops at a later date in case they are needed, in case the sanctions do not finally work?

Mr. President, reasonable minds can differ as to whether that could be possible. I believe it could. I know the Secretary of State believes it could not, I know the Secretary of Defense believes that it cannot be done, because I have asked them both and they say no. I know the CIA says that sanctions will not work on the short term. So the question is, Can we do that which is necessary in order to make the sanctions work?

The key fact in this whole debate is that the President of the United States believes sincerely, but strongly, that he cannot bring those troops home in order to let sanctions work. There is no other way to let sanctions work and to bring troops home, massively bring troops home, 200,000, 300,000 troops, because that is what it is going to take to be able to let the sanctions work. How do I know the President believes that? Because he said so yesterday. I asked him directly and unequivocally. "Mr. President, if we convince you that sanctions can work can you bring troops home?" And he says absolutely, unequivocally "No."

The reason he believes that, is that he believes that that decision was really made back in November. You have had lives disrupted. You have had young students taken away 2 weeks before exams. You have had doctors snatched from their practices, and lawyers and people in all walks of life, those in the National Guard, those in the Reserves, taken from their civilian occupations, put into the Army, or Navy, or Air Force, and sent to Saudi Arabia.

That having been done, I believe the President believes that he cannot say: "Well, you know, I made a mistake. I made a decision to be ready to go to war back in November but now I am going to change my mind and send you all home and we are going to try sanctions."

He believes that the alliance will not hold together during all of that time. He believes that the embargo may leak, that the blockade may leak, that they may build a pipeline to Iran in order to get oil out. That may or may not be correct. But he believes it.

So, therefore, Mr. President, I believe the decision on sanctions for right or for wrong was made in November. It was made by the President. It was not made in consultation with the Congress of the United States but nevertheless it was made. I believe the die is cast. I believe that the question of war or peace lies in the hands of Saddam Hussein. Which leads us inexorably to the question of the day: Yes, or no, on the resolution to give the power to the President to go to war. That is what we are facing here. Do we vote yes or no on that power to go to war?

Mr. President, my answer is yes. If, as I believe, the answer to war or peace lies with Saddam Hussein, if, as I believe, the question of the applications of sanctions, the sustained application of sanctions was made in November, then if that is true, I believe that we must demonstrate the truth of that fact to Saddam Hussein, we must show maximum unity, because if it is in his hands to call off the war at any time, then the stronger the demonstration of force, of unity, of resolve, of power in the hands of the President of the United States to go to war, then the better chance we have to avoid that war.

Mr. President, I believe Saddam Hussein has colder ice water in his veins than most anybody the world knows or has known at any time. He has the power to call off that war. The last card he has to play is the Congress of the United States. I believe he thinks that on January 14, or maybe January 15, he can tell the President that, yes, he will get out of Kuwait and it will not be too late, he will not have lost anything.

Now whether or not he is waiting to find out what the Congress does in order to make that decision is something we do not know and cannot know. But I think there is strong reason to suppose at least that he is waiting with that cold ice water in his veins to the last possible time, hoping that the Congress will say to the President: "You do not have the power to go to war," and that that window of opportunity will close.

What do I mean by the window of opportunity? I mean the weather window, sometime between January 15 and the end of March, as Ramadan begins and the hot weather comes on; this attack must be made during that window. If he can get past that then he is home free for the rest of the year. His hope is, so says the President and so says the Secretary of State, that by waiting the Congress, and more to the point, the American people will flag in their desire to maintain the discipline that the international consortium behind the U.N. resolution, behind this effort, will dissipate, that we will accept the fact of his conquering of Kuwait.

Mr. JOHNSTON. So, Mr. President, it is a paradox that by voting to authorize war we make, I believe, peace more possible, if only marginally so. I was very hopeful a few weeks ago of being able to avoid war. I am not so hopeful today because I believe the die is cast.

If Saddam Hussein is listening, then I would tell him I spoke to the President yesterday as did some other colleagues, and I believe this die is cast. I believe, Saddam Hussein, if you do not leave Kuwait we are going to attack and we are going to attack in January. I believe that is going to happen, and whether the Congress votes for it or not, I believe it is going to happen. I believe that decision was made in November, without this Congress to be sure, but I believe that decision was made.

So our last best chance, I believe, to avoid that is to convince Saddam Hussein that that is so, and that you better get out of Kuwait while there is still time. That is why I am going to vote yes, not because I disagree with sanctions. To the contrary, I think the Nunn approach of a sustained use of sanctions is the way to go. But the President rejected that decision back in November and the question is now up to Saddam Hussein.

I am glad to yield.

Mr. HARKIN. I thank the Senator. Mr. President, I just wanted to make a comment and observation on what the Senator was speaking about.

The rotation policy: We have heard it said many times that if we draw down some of our troops, go to a rotation policy, that might be seen as a sign of weakness. I am going to just quote for Senators and others a question and answer from the hearings before Senator NUNN'S committee in December. It was a series of questions about the policy by Senator THURMOND and Senator NUNN. But here is the last question by Senator KENNEDY. The question is for General Jones, former Chairman of the Joint Chiefs of Staff. I read the question in its entirety.

> Senator KENNEDY. What is your own sense of whether that kind of policy would be perceived as the Americans backing down? We are over there now, and now we are going to have a large force over there. If we move toward a position of rotation and it looks like we are going to stay in there for whatever period, the year or the 18 months, while the sanctions would work, do you have any feel, as individuals—Admiral Crowe has lived over there—who have spent a good time in the area? Would that be damaging?

That was Senator KENNEDY'S question.

> General JONES. I believe with many people it would be seen as a strength that we could stay, we could persevere, we could be patient, we could keep isolating Saddam Hussein. He is suffering every day. We would have some problems, but they would be minor compared to the ones of Saddam Hussein, so I would see it as a strength, rather than a weakness.
>
> There would be some that would call it a weakness that we deployed the force and we received the authority under the United Nations that on January 15 we could go ahead with combat. Therefore some would say we were not resolute. But I believe most of the world would look at it as a strength of America to be able to stay some place and be able to look at the long-term interests rather than the immediate crisis.

Mr. JOHNSTON. I would observe I agree with General Jones, but I can tell you the President of the United States does not.

Mr. HARKIN. I tend to associate myself with the Senator's remarks. Thank you.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Georgia, the chairman of the Armed Services Committee.

WHEN THE DIE WAS CAST

Mr. NUNN. Let me say I enjoyed everything about those remarks by my friend from Louisiana except the conclusion. But I would say when the vote is taken and the roll is called and the vote is tallied, if the Nunn-Mitchell-Boren-Byrd resolution gets 20 votes, we are going to add one vote from the Senator from Louisiana who is with us in spirit.

We appreciate his remarks, and his analysis is sound, I think, in almost every respect, in that when the President made the decision to build up the forces, double the forces in November, and couple that with an announcement there would be no rotation, at that time the die was cast.

I am not certain that the President intended that the die be cast then, and that was the reason I raised the question immediately about the lack of rotation and about the size of the force not being sustainable and about the sanctions policy being discarded.

As the Senator will recall at that time the administration vigorously denied that the die had been cast, and that the sanctions policy had been discarded. But in practical terms, when you cannot rotate forces and you do not have enough troops left back home and around the world to rotate, and your forces certainly cannot stay out there in the desert for a year to 18 months at a time without degrading their military capability, then the die in effect was cast.

I guess history will record whether that was an intentional policy on the part of the President or whether it was a policy that had not been thought through.

Mr. President, I thank the Senator from Pennsylvania for yielding. Again I repeat to him I am not in any way trying to get in front of him on the floor. I know there is no list but he was here first. If I am going to go ahead, I do thank him very much for that privilege.

Mr. President, I want my colleagues and the Chair to understand before I begin my presentation that I have had a very bad cold that has gone into laryngitis. By about 12 noon every day I am whispering. I am having a difficult time in making any kind of presentation, and I will be going slow and interrupting my remarks with a little water, here, from time to time. So I will be taking a little more time than I would like because of a voice problem.

It is regrettable that because of Iraqi intransigence, the meeting in Geneva this week with Secretary Baker produced no diplomatic breakthrough and very little that was encouraging. I noted with interest—and I must say with almost complete amazement—that the Iraqi Foreign Minister refused to accept President Bush's letter to Saddam Hussein because the letter, according to the foreign minister, was supposedly not polite. I have not seen President Bush's letter. But I find that Iraqi protest both ironic and, indeed, repulsive.

Was it polite when Saddam Hussein used chemical weapons against his own people? And then, again, against Iran? Was it polite when Iraqi forces launched a brutal, unprovoked invasion of Kuwait? Was it polite when Iraqi forces used savage violence against innocent Kuwaiti civilians and took hostage innocent foreigners residing in that country?

Saddam Hussein and his top spokesmen do not have the standing in the court of world opinion to raise the issue of politeness.

Mr. President, I still believe there is room for some hope that diplomacy can succeed in avoiding war. But as January 15th approaches, as so many of my colleagues have already observed, Congress must act. Article I, section 8 of the Constitution provides that the Congress clearly has the authority and the duty to decide whether the Nation should go to war. In many past instances it is true that military actions have occurred without congressional authorization. Pursuant to the authority assumed by the President in his constitutional capacity as Commander in Chief in today's fast-moving, interconnected world with instant communications, a world plagued with nuclear weapons and international terrorism, there are certainly instances when U.S. military force must be used without congressional authorization.

There are many gray areas where the Congress, by necessity, has permitted and even encouraged and supported military action by the Commander in Chief without specific authorization and without a declaration of war. I do not deem every military action taken as war. I think there is always room for debate on definitions. But a war against Iraq to liberate Kuwait initiated by the United States and involving over 400,000 American forces is not a grey area.

In this case, I believe the Constitution of the United States is absolutely clear. It is essential to comply with the Constitution and to commit the Nation that Congress give its consent before the President initiates a large-scale military offensive against Iraq. I think the Founding Fathers had a great deal of wisdom when they put this provision in the Constitution. One of the main reasons, of course, was to prevent one person from being king. They did not want that. But I also believe that there was another purpose, and that is to make sure that when this Nation goes to war and asks its young men and, increasingly, young women also to put their lives on the line, the Nation must commit itself before we ask them to lay down their lives.

The President's January 8th request that Congress approve the use of military force presents Congress with an issue, simply stated but profound in its consequences; not simply short term but also long term. Many of us strongly believe a war to liberate Kuwait should be the last resort and that sanctions and diplomacy combined with a threat, a continuing threat of force, should be given more time.

Should we give the President, after all of these debates when the die is cast, should we give him blanket authority to go to war against Iraq to liberate Kuwait? This is the question we face. There are numerous questions that will have to be answered in the minds of each of us before casting our vote.

The first question I try to ask when it comes to matters of war and peace is the question of whether a particular situation is vital to our Nation's security. In this case, is the liberation of Kuwait vital to our Nation's security?

We all agree with the goal of restoring Kuwaiti sovereignty; no doubt about that. But have we concluded here that the liberation of Kuwait in the next few weeks is so vital to our Nation's security that we must take military action now instead of waiting a few months, waiting a period of time to allow the economic embargo and the blockage to take its toll?

Back in August and September when the embargo was successfully and, I would say very skillfully brought about by President Bush, through what I think was his superb leadership, no one thought or predicted the embargo was going to be over by January. No one predicted we were going to be able to bring about the termination of Iraqi presence in Kuwait by January. None of the intelligence experts or other experts who testified felt the embargo was really going to have much effect before April on May of 1991 and almost all of them said it would take at least a year.

There was no surprise about that. I am absolutely amazed when people say, well, we have waited 4 months and 5 months and the embargo is not working. They must not have been there at the beginning or they must not have talked to anybody at the beginning about how long it was going to take. It is very puzzling to me how someone could give up on the embargo after 5 months when nobody that I know of predicted that it was going to last less than 9 months to a year, and most people said a year to 18 months from the time of inception, which was August of last year.

When we talk about the question of "vital"—a lot of times we in Washington throw that word around as if it is just another word. Sometimes we use so many words in the course of debate that we do not think carefully about what we mean. I recall very clearly President Reagan's 1982 declaration that Lebanon was vital to the security of the United States—Lebanon.

Shortly thereafter, following the tragic death of more than 200 marines, we pulled out of Lebanon, we pulled out of a country that only a few weeks before had been declared "vital." Today, we debate this 8 years later while pursuing our newly proclaimed vital interest in Kuwait. It was not vital before August 2. Nobody said it was vital then. There was no treaty. In fact, when we were protecting Kuwaiti vessels coming out of the gulf for several years in the Iran-Iraq war, the Kuwaitis did not even let us refuel, as I recall. I would have to be checked on that one but that is my recollection.

All of a sudden it is vital—vital. And, while this embargo has been undertaken since August 2, and while we have all seemed to take for granted now that the liberation of Kuwait is vital, not just in general but in the next 2 or 3 or 4 weeks—while that has been going on our Government has watched passively and said very little, if anything, while our former enemy, a nation on the terrorist list for years and years and I believe it still is—Syria—used its military power to consolidate its control over Lebanon, the same country that was our vital interest in 1982. So one of our so-called vital interests, Lebanon, 8 years ago, is now under the control of Syria, while we have pursued another vital interest.

The point is, not all these things are simple. The point is we ought to be careful about defining "vital." A lot of things are important, very important, that are not vital, vital in the sense of young men and young women being called to put their lives on the line.

In more recent history, we defined Panama and Nicaragua as vital, and we used force in the case of Panama directly. In the case of Nicaragua, we supported force. I supported both of those decisions. But after achieving our short-term goal in both of these countries—we arrested Noriega, and we cheered the election of President Chamorro—we seem to have forgotten their ongoing economic and political agony. These were countries in which we used or supported force for one reason or the other. Again, I supported it in both cases. And now while we are pursuing another vital interest, they are going through economic and political wrenching experiences with the outcome being very uncertain. Both the Bush administration and the Congress have unfulfilled responsibilities regarding those two countries.

My point is, Mr. President, we throw around the word "vital" very carelessly. When politicians declare an interest to be vital, our men and women in uniform are expected to put their lives at risk to defend that interest. They train for years to be able to go out and, if necessary, give their lives to protect what we declare to be vital. Sometimes when you see how quickly we come to use that term, it makes you wonder whether we are fulfilling our responsibility to those men and women in uniform.

We have an obligation as leaders to distinguish between important interests which are worthy of economic, political, and interests that are vital, that are worth the calling by the leaders of this Nation on our young men and women in uniform to sacrifice, if necessary, their lives.

Former Secretary of Defense and former CIA Director James Schlesinger spoke to this very point when he testified before our committee. He testified that he did not think liberation of Kuwait "was a vital interest on the second day of August 1990." Dr. Schlesinger, however, went on to say, quoting him again:

> * * * the investment of the prestige of the President of the United States now makes it vital"—he does not use that word "vital" lightly. Continuing his quote: "for Iraq to withdraw from Kuwait. I do not think that it is necessary, to achieve that objective, for us to turn to war. I think we can avoid war and still achieve the objective of Iraqi withdrawal from Kuwait.

This brings up the next question. Are there reasonable alternatives to war? What is the likelihood that sanctions will work?

In testimony before the Congress and in public and private statements as recently as January 3, the Bush administration stopped short of saying that sanctions cannot get Iraq out of Kuwait. The administration acknowledges the significant economic impact sanctions have had on Iraq, but now says there is no guarantee whether or not they will bring about an Iraqi decision to withdraw from Kuwait.

Last August, President Bush asserted himself, saying, "Economic sanctions in this instance, if fully enforced, can be very, very effective. * * * nobody can stand by forever to total economic deprivation." That is from President Bush.

The international sanctions are, indeed, having a devastating effect on Iraq's economy, for two basic reasons. The Iraqi economy is based on oil, which accounts for 50 percent of the country's gross national product and almost 100 percent of the country's hard currency earnings. Iraq is essentially landlocked, dependent upon oil pipelines, foreign ports, and international highways for its imports and exports.

As Georgetown University specialist on economic sanctions, Dr. Gary Hufbauer, testified before the Senate:

> On no previous occasion have sanctions attracted the degree of support they have in the Iraqi case. Never have they been so comprehensive in their coverage. Never have they imposed such enormous costs on the target country. Moreover, Iraq's economy, geographically isolated and skewed as it is toward oil, is far more vulnerable to economic coercion than other economies have been the targets of sanctions.

Mr. President, the net result to date is that the international sanctions have cut off more than 90 percent of Iraq's imports, almost 100 percent of Iraq's exports, including virtually all Iraq's oil exports.

Iraqi industrial and military plants are receiving from abroad virtually no raw materials, no spare parts, no new equipment, no munitions, and no lubricants. Moreover, Iraq now has no way to earn hard currency to purchase desperately needed imports even if they can be smuggled in spite of the embargo. Amstel light beer may be available in Baghdad, but it is a very poor substitute for such essentials as motor oil and transmission fluid.

The key to a meaningful embargo is oil. So long as Iraq's oil exports are shut down—and no one disputes that they are shut down, no one; that is not in dispute—Saddam Hussein will be deprived of at least half of his country's gross national product and essentially all of his hard currency income. So long as oil exports are shut down, he will become progressively weaker. There is no doubt about that.

We worry about a recession in the United States. We worry right now about a recession. We are talking about whether the economy of the United States is declining by 3 to 5 percent of our gross national product, and it is a great and legitimate concern. Saddam Hessein has to worry about a devastating reduction of approximately 70 percent of his gross national product by the summer of this year. By the end of this summer, the country will be an economic basket case, and I mean Iraq, and Saddam Hussein may be in jeopardy with his own people.

The question is: Can anyone guarantee that Iraq will abandon Kuwait when their gross national product goes down 70 percent? Can anybody guarantee that? The answer is no. We cannot guarantee that. But the other options we have also must be held to the same standard. A sanctions policy is not perfect. There are no guarantees here. But it has to be weighed against the alternatives.

The Bush administration is correct when they point out that sanctions do not guarantee that Iraq will leave Kuwait. But the story does not end there. What guarantees do we have that war will be brief, American casualties will be light? No one can say whether war will last 5 days, 5 weeks, or 5 months. We know we can win, and we will win. There is no doubt about that. There is no doubt about who wins this war. Our policy and our military planning, however, cannot be based on an expectation that the war will be concluded quickly and easily. In large measure, the scope and scale of the hostilities, once begun, will be determined by Iraq's willingness to absorb massive punishment and to fight on. A quick Iraqi military collapse is possible in days. We hope it will happen if war comes. But it cannot be assured.

The administration argues that the coalition may crumble before Iraq withdraws from Kuwait. The Senator from Louisiana, my good friend, referred to that.

Adm. William Crowe, former Chairman of the Joint Chiefs of Staff, took this issue head-on during his testimony before the Armed Services Committee last November. Quoting Admiral Crowe, the immediate past Chairman of the Joint Chiefs, "It is hard to understand," he said, "why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution."

(Disturbance in the galleries.)

The PRESIDING OFFICER (Mr. BINGAMAN). The Sergeant at Arms is directed to maintain order in the galleries.

Mr. NUNN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I think it ought to be said at this point that the President of the United States has gone to the United Nations——

Mr. WARNER. Mr. President, will the Senator yield? Is there some point in the Senator's delivery at which time the Senator will be willing to take a question? I want to accord the Senator the full opportunity to complete his statement.

Mr. NUNN. I will be glad to. My voice is very weak at this point. I want to make sure I complete my remarks and get through with that, and then I will be glad to take the question.

Mr. WARNER. If the Senator will indicate his willingness to take a question from the Senator from Virginia, I will rise to seek recognition.

Mr. NUNN. Mr. President, I think the kind of outburst we have seen here has no place in our democracy. The President of the United States has gone to the United Nations in accordance with the charter of the United Nations. He has come to the Congress of the United States in accordance with the Constitution of the United States and asked for the authority of the Senate and House in his actions.

We may disagree in this Chamber, but when this vote is over—and I expect I will not be on the prevailing side—when the vote is over, we are going to stand united. We are going to stand united, and that word should go out. Debate in our society is absolutely essential. The Congress has a role, as I have said. We have, though, the absolute obligation of debate, and for debate to be interrupted with that kind of outburst simply has no place in the Senate, nor in our democracy, as I understand it.

Mr. President, the administration's position is that if we wait for sanctions to work, Kuwait and its citizens will be further victimized. Tragically, this is no doubt true. But to quote Admiral Crowe again:

> War is not neat. It is not tidy. Once you resort to it, war is uncertain, and a mess.

The additional cost to Kuwait of letting sanctions work must be weighed against the cost to Kuwait in terms of human lives, human suffering, as well as national resources, if the United States-led coalition launches a military offensive to liberate the country, which is heavily fortified.

Mr. President, those who support prompt military action argue that delay will allow Iraq to strengthen its defensive positions in Kuwait, thereby adding to the eventual cost of forcing Iraq out of Kuwait.

A couple of observations on this point. This would have been a better argument in September and October of last year than it is today. Iraq already has had 5 months to dig in and to fortify, and they have done so in a major way. Kuwait has fortifications reminiscent of World War I.

This argument also overlooks the costs to the Iraqi military of sitting in Kuwait with a 500,000-man force while logistical support degrades because of the sanctions.

Mr. President, I am aware that Director Webster sent Congressman LES ASPIN a letter on January 10 that addressed this issue.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. If the Sergeant at Arms will keep the doors to the gallery closed so that Senators may be heard. The Senator may proceed.

Mr. NUNN. Mr. President, I was referring to the letter that Director Webster sent yesterday to Congressman ASPIN. One can read that letter in a lot of different directions. It depends on how you want to read it.

I read the Webster letter as confirming that the sanctions, if kept in place for 6 to 12 months, will severely degrade Iraq's armored forces, air force, and air defenses. I consider that good news. For some unexplained reason—and I am sure people have a reason, but I find it puzzling now because I do not understand what it is—Judge Webster implies that Iraq's tanks, its air defenses, and its over 700 combat aircraft will not play an important role in Iraq's defense of Kuwait.

I would certainly hate to try to explain this to several hundred American pilots that are out there, Air Force and Navy pilots, who have the job of putting their lives and their aircraft at risk to knock out these very targets at the beginning stage of any conflict.

I do not understand the Webster letter, frankly. Perhaps we will get more from that later. But it is incredible to me that he seems to writeoff the importance of the tanks, the aircraft, and the air defenses. Everything I have heard is that we are going to have to make those the priority targets, among others, and to write those off and say that degrading them is really not going to play a big role to me is bewildering. But we will wait to hear from Director Webster at a later point.

Supporters of prompt military actions argue that our offensive military capability will degrade if our huge force sits for months in the Saudi desert. This also is true, and for several months I have suggested that we should institute a policy of unit rotation, commencing with quick reaction forces, such as the 82d Airborne, that might be needed on short notice elsewhere in the world.

We should take full advantage of the coalition's of superiority in air and sea power while establishing the capability of deploying additional ground forces to the region quickly if needed.

I find it puzzling, however, Mr. President, that proponents of our early military option voiced concern about the degradation of our 400,000-strong force, fully backed by the United States and supported by numerous allies, yet at the same time those favoring authorization of an early military offensive minimize the degradation of Iraq's 500,000-man force in the Kuwaiti theater, a force essentially supported only by Iraq, totally lacking significant allies, and subjected to a remarkably effective international embargo.

Mr. President, weighing the cost of the military option, one must also consider our long-term interests in the region. Has there been any indepth analysis in the administration about what happens in the Middle East after we win? And we will win. The President's declared goals include establishing stability in the Persian Gulf and protecting United States citizens abroad.

Considering the wave of Islamic reaction, anti-Americanism, and terrorism that is likely to be unleashed by a highly disruptive war with many Arab casualties, it is difficult to conceive of a Middle East as a more stable region where Americans will be safe.

Finally, the administration has argued there is no guarantee that economic hardships will in the end compel Saddam Hussein to withdraw from Kuwait. Mr. President, I have attended intelligence community as well as Defense and State Department briefings for 18 years. I have been thinking back. I cannot recall one instance where I ever came out of those briefings with any guarantee of anything. For the intelligence community to say they cannot guarantee that Iraq is going to get out of Kuwait because of the sanctions, which is going to reduce its gross national product by 70 percent and cut off all the hard currency, for them to say that is true, nobody can guarantee it.

But what else are they guaranteeing? I have not seen any guarantees on any subject from the intelligence community. It is not their fault. They are not in the business of guaranteeing. The CIA is not the FDIC. They give you the facts, and then you use common sense to come to the conclusions.

In summary, Mr. President, I believe that on balance there is a reasonable expectation that continued economic sanctions, backed up by the threat of military force and international isolation, can bring about Iraq's withdrawal from Kuwait. I believe that the risks associated with the continued emphasis on sanctions are considerably less than the very real risk associated with war and, most importantly, the aftermath of war in a very volatile region of the world.

Many of my constituents in Georgia have written and called and asked me whether this is another Vietnam. Are we about to get into another Vietnam? No. I do not believe so. I agree with President Bush and other administration spokesmen who assure us that a burgeoning Persian Gulf conflict will not be another Vietnam. I think they are right on that.

The territory of Iraq and Kuwait, is different in most respects from that of Vietnam, particularly in terms of geography and vulnerability to air attack and economic embargo. Iraq is very vulnerable to air attack. The conditions of warfare will be vastly different from those in Vietnam.

Of course, there are military lessons we should remember from Vietnam. We should hit military targets at the outset with overwhelming and awesome power, at the beginning of any conflict, as well as knocking out power and communications, nuclear, biological, and chemical facilities. At the same time, Mr. President, we should not overlearn the Vietnam lesson. We in America like instant results. We want fast food and we want fast military victories. However, our Nation places a much higher value on human life, especially on the lives of our men and women in uniform.

Depending upon developments after the first wave of air attacks, a short war may be possible and may save lives, but we must avoid an instant victory kind of psychology with demands and expectations in this country that could cause a premature and high-casualty assault on heavily fortified Kuwait by American ground forces. We do not want to create a psychology that puts pressure on our military commanders in the field to do things that are foolish because we think they should get it over with quickly. We hope they will be able to do it with a minimum loss of life.

But if war becomes necessary, we should not tell our military commanders to get it over with quickly, no matter what. No. Orders should be to accomplish the mission with whatever force is required but do so in a way that minimizes American casualties even if it takes more time.

Making continued Iraqi occupation of Kuwait untenable with air and naval bombardment plays to our strengths. Rooting out the Iraqi army with ground forces going against heavy fortifications plays right into Iraq's hands.

Mr. President, in conclusion, a message to Saddam Hussein: You are hearing an impassioned debate emanating from the U.S. Capitol, both the House and the Senate. These are the voices of democracy. Do not misread the debate. If war occurs, the constitutional and policy debates will be suspended and Congress will provide the American troops in the field whatever they need to prevail. There will be no cutoff of funds for our troops while they engage Iraq in battle.

President Bush, the Congress, and the American people are united that you must leave Kuwait. We differ on whether these goals can best be accomplished by administering pain slowly with an economic blockade or by dishing it out in large doses with military power. Either way, Saddam Hussein, you lose.

Mr. President, in concluding and in closing, I can think of no better person to quote than Gen. Norman Schwarzkopf, commander of U.S. forces in the gulf, who will bear the heavy responsibility of leading American forces into combat, if war should occur. On the question of patience, General Schwarzkopf said in mid-November in an interview, quoting him, "If the alternative to dying is sitting out in the Sun for another summer, then that is not a bad alternative."

On the question of cost, of waiting for sanctions to work, General Schwarzkopf also said in an interview in November, "I really don't think there is ever going to come a time when time is on the side of Iraq, as long as the sanctions are in effect, and so long as the U.N. coalition is in effect."

On the question of the effect of sanctions, General Schwarzkopf said in October—and this is immediately prior to a major switch in the administration's policy "Right now, we have people saying, 'OK, enough of this business; let's get on with it'. Golly, sanctions have only been in effect a couple of months * * * And we are now starting to see evidence that the sanctions are pinching. So why should we say, 'OK, we gave him 2 months and they didn't work. Let's get on with it and kill a whole bunch of people'. That's crazy. That's crazy." That is a quote from the commander in the field.

Mr. President, in closing, I believe that before this Nation is committed to what may be a large-scale war, each of us in the Senate of the United States, in reaching a decision which will be very personal and very difficult for all of us, should ask ourselves a fundamental question: Will I be able to look the parents, the wives, husbands, and children in the eye and say that their loved ones sacrificed their lives for a cause vital to the United States and that there was no other reasonable alternative?

Mr. President, at this time I cannot. Thank you.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to engage my colleague in a brief series of questions here. Senator NUNN and I have worked together for 12 years, and throughout that period, I think we have been together many times. But on this issue we seem to be thoroughly entrenched on opposite sides for the moment. Perhaps we can bridge the gap as time goes on.

My first question to my distinguished colleague and chairman is, what would be the implication of the adoption of the resolution, as proposed by the majority leader and Mr. NUNN, on the allies that have joined in response to a request by our President and the United Nations and have sent their troops to this region? What does the British commander say to his forces, and what does the Egyptian commander say to his forces, if the Congress of the United States suddenly withheld from our Commander in Chief the power of the decision to employ those forces when, in his judgment, and presumably in the collective judgment of other leaders, that time had arrived? What, I ask my chairman, is the implication on the other forces that have traveled long distances, endured great hardships, and are now standing shoulder-to-shoulder with the Americans in the desert?

Mr. NUNN. Mr. President, I say to my friend from Virginia—and we have worked together on many, many things over the years, we have agreed on most of the debates, and we have been on the same side of most of them; I have great respect for him—that the reaction would be mixed. Some of our allies would breathe a sigh of relief. Others would say, you led us right up to the brink of war and now you are going to give sanctions the time to work.

It would depend on how the President handled it, whether he was willing to go to a rotation policy, which I hope he would. It would not be an easy adjustment.

When you consider the alternative, I say to my friend from Virginia, you have to look at the other side. The other side is where we know we are headed—to war. You have to weigh these measures carefully.

There is a down side to our resolution. There is a down side; there is no doubt about that. There is also a down side to the other resolution, which is probably going to pass, and I say to my friend that this is a very difficult issue for all of us.

I doubt very seriously that if the forces in the field were told that we were now going to give sanctions more time, that we felt they were working and would work, we were going to begin a rotation policy, that very many would say: We are disappointed because you did not let us go to war. I think most of them have been over there long enough to understand that while we will win, and must win, there are going to be some sacrifices made. I think the reaction would be mixed.

The Senator makes a valid point. There are down sides to this resolution and there are down sides to the other.

Mr. WARNER. If I may propound a second and third question, and then I will yield the floor. My colleague from Pennsylvania and others are anxious to get into this colloquy.

I draw the Senator's attention to that period during Vietnam. I, at that time, was in the Department of Defense and remember firsthand the attitudes at home, the reception that we failed to give those men and women who went into that conflict and returned home, and we all know full well the cold shoulder that America greeted them with.

In this particular instance, there is a very high state of morale of our troops in the gulf today. That has been engendered by, first and foremost, united support here at home. We have seen a mail campaign flowing across the ocean unlike anything since World War II, in terms of volume. We have seen the media, the television, daily exchanging the emotions of loved ones on both sides of the ocean. All of this at home has given a tremendous sense of security to these men and women and instilled in them a fighting spirit.

These are young people. They tend to believe what they hear and what they are told. From General Schwarzkopf on down, the officers, from four star to gold bar lieutenant, have instilled in them a fighting spirit. And, suddenly, here on the eve of this date of the 15th, across the ocean comes a message that the Congress of the United States is not with them.

I ask my friend, what is his assessment of the impact on the fighting spirit of the men and women in the gulf upon learning that the Congress does not give full support to their Commander in Chief and, in effect, to them?

Mr. NUNN. I say to the Senator, I just read a quotation from General Schwarzkopf and he ended up saying that time was on our side—I am paraphrasing him now—and it was crazy to give up on the embargo. This was in October.

So I say to the Senator, I do not think the man in the field, based on everything he said, would say to the Congress of the United States and the American people we surely are disappointed that we came over here to go to war and now you are not going to let us.

I do not think the Senator is implying that. I think the men and women believe their role is not simply to go to war but to deter war. They were sent to Saudi Arabia to defend that country.

I talked to General Schwarzkopf, and the Senator and I were together in August of last year. His mission at that time was clear: To defend Saudi Arabia, to deter attack on Saudi Arabia, and to enforce the embargo. They were not given an offensive application. They went over there. Everybody who got there before November went over there with a mission of defending. It is only those who have gone recently who have gone with a mission of taking offensive action against Kuwait.

So if the Senator is asking me whether I believe the American forces in the field will be disappointed if we tell them we are going to give this more time and give the embargo more time; they have played a key role and they have succeeded in their mission. They have defended Saudi Arabia. They have deterred an attack. They have enforced the embargo. We applaud them. I think they would not in any sense be disappointed. All you have to do is read the quotations.

I would say to the Senator another thing: When this vote is over—this debate may last another day; I hope we will vote on it tomorrow—as the Senator probably already knows I am going to be with our forces in the field. Whatever happens, the President will have come before the Congress under the Constitution as he should. He will have the backing of the United Nations. And I have said from day 1 of this debate that I think a war is justified; what Saddam Hussein has done justifies war. I do not think a war at this time is wise, and I think there are other alternatives. So that will be my answer.

But I will say we are very proud of those forces in the field, and in just a moment, if I could take this time, I would like to propose some nominations. But I will do that after the Senator gets through.

Mr. WARNER. Mr. President, I have a third and last question and then I will yield to my colleagues.

Reading from the resolution of which my distinguished friend and colleague is a principal author—and this was a subject that was broached in the Chamber last night by our distinguished colleague from Maine, Mr. COHEN—I likewise did research on this issue.

So I pose my question, and later today I think Mr. COHEN will continue to address the issue. The last paragraph of the resolution says:

> The Constitution of the United States vests all power to declare war in the Congress of the United States. Congress will expeditiously consider any future President's request for a declaration of war, or for authority to use military force against Iraq in accordance with the foregoing procedures.

There is no mention in this resolution, as proposed, of the principal authority and power that this body—together with the House—has; namely, the power of the purse.

I draw the Senator's attention to an op-ed piece entitled "War Powers" written Monday, March 7, 1988, and the author is one SAM NUNN, the distinguished Senator from Georgia, in which he concludes:

> Third, eliminating the requirement for automatic withdraw. When U.S. forces are introduced into a loss till environment we could provide for an accelerated procedure for a congressional vote on funding if Congress disapproves. It would cut off funds for the operation. In the final analysis, I have concluded that Congress can only enforce its constitutional responsibility to declare war through the power of the purse.

The PRESIDING OFFICER. Will the Senator suspend a moment?

The Chair has advised the Sergeant at Arms to admit spectators to the Gallery again.

The Senator may proceed.

Mr. WARNER. I thank the Chair.

Mr. President, I find the omission of any reference to the power of the purse inconsistent with, presumably, the Senator's viewpoint with regard to this authority. I ask the Senator was it purposely omitted? And, if so, for what reason?

Mr. NUNN. In this resolution? In this resolution, the President has come forward and asked for our authority under the Constitution and recognized our authority under the Constitution and that is why we are debating this.

In the reference to the article the Senator read—I have not seen that lately—but I believe the Senator and I both cosponsored an amendment to the War Powers Act because we do not think the War Powers Act will ever work and that article was written in reference to the automatic withdrawal, and as the Senator knows, if the President declares hostilities are imminent under current law—I am not talking about the Constitution—but under the law, there is a period of 60 days and if Congress fails to act, our troops have to be withdrawn. If we really wanted to apply that war powers law literally when the President of the United States on the 14th of this month, if there has been no breakthrough in diplomacy, says war may be imminent or if he sends a report up here to comply with the act, the clock will start ticking. In the absence of specific approval by the Congress, the War Powers Act will call for all of our troops to be withdrawn within 60 days. That is what that article was written about.

I think that part of the War Powers Act is not even going to work, would never have worked, and should be amended or ought to be removed from the books. My reference was to the final power the Senate has if the President ignores the Constitution and does not come to the Congress for permission before announcing the war. The final power is the power of the purse.

If the President wins this vote—and there are all indications that he will win the vote then he will have the backing of the House and the Senate. I believe in majority rule. I may be on the losing side of this vote but I am going to back the President. The theoretical power to cut off funding, in my view, is inapplicable here. As I have said, I think war against Iraq would be justified. I happen to be one of those who think we have other alternatives at this time. But I do not believe anyone out there in the field in the military needs to worry at least from this confrontation to a conclusion—successful conclusion—if the President gets the authorization, and if he decides to use force.

Mr. WARNER. I have no more questions. Perhaps later on today we can engage in another colloquy.

I thank my colleagues for their indulgence.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. RIEGLE. Will the Senator from Pennsylvania yield 30 seconds before the Senator from Georgia leaves the floor? I am also waiting to speak, and I follow the Senator from Pennsylvania. Would the Senator indulge me to ask one question that will take only a half minute to answer?

Mr. SPECTER. It is my hope I can ask the Senator from Georgia two questions myself.

Mr. RIEGLE. I will follow the Senator from Pennsylvania.

Mr. SPECTER. I will adopt the 30-second time period.

I will yield at this point, Mr. President. I ask unanimous consent for the arrangement that I will retain the floor and have a chance to ask the Senator from Georgia a couple questions.

The PRESIDING OFFICER. The Senator from Pennsylvania retains the floor.

Mr. RIEGLE. I thank the Senator from Pennsylvania for his courtesy.

I wonder if I could inquire of the chairman of the Armed Services Committee—and I am only asking for a general percentage estimate here. I do not know if he would have the precise number. But the best estimate as to what percent of the combat forces on our side are, allied combat forces, in the field now that will be fighting this war on the ground, that if it takes place, roughly, what percentage of that force would be made up of Americans?

Mr. NUNN. I would have to defer to someone who had the exact number because they vary. But there is a distinction between the number of forces on the ground and the number that are capable or willing to go into combat.

Mr. RIEGLE. Yes.

Mr. NUNN. It is my judgment that of those forces willing to go into combat, America composes about 90 percent of them.

Mr. RIEGLE. About 90 percent.

Mr. NUNN. About 90 percent. The British have been very forthcoming and have been, of course, as they usually are among our strongest allies; they have a substantial number of forces there, excellent forces. The Egyptians have two excellent divisions there, but there has been no clarity from the Egyptians about whether they would be used on offense, and if so, where they would be used on offense, including whether they would be willing to actually go into Iraq. The Syrians, I understand, have taken the position they are not going to go on the offense.

It is my judgment—and this is a matter of judgment, it is not a matter of definite numbers—that we would be supplying about 90 percent or more of the combat power on the offensive. If this were a defensive operation, if the Iraqis decided to launch an attack into Saudi Arabia, then the ratios would change. America would still be supplying an overwhelming amount of power but the allies would come into play much more on defense than offense.

Mr. RIEGLE. That is very disturbing. I thank the Senator for the answer.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have some questions for the distinguished Senator from Georgia. But first let me note my hope that he is correct that there will be about 20 votes in support of a Nunn-Mitchell resolution and that he can count.

Mr. NUNN. That is hypothetical. I hope more than that. I am speaking hypothetically.

Mr. SPECTER. The comment was made. There were 20 votes before you count the Senator from Louisiana [Mr. JOHNSTON] in support of it.

I might observe three comments by the Senator from Georgia. I think his resolution would fail. I hope he is correct in that. But on the two questions, if I may, and the first one concerns the timing of our debate today because I believe that had this debate been held in November, there would be a very different posture, very different consideration of the merits and perhaps a different conclusion.

The Senator from Georgia commented immediately after the increase after the announcement of the President he intends to increase the deployment of forces, there was a major change and that the posture was being shifted from defense to offensive and Congress knew it was a different world when the President made that announcement far in advance of the actual deployment which has not even been completed at the present time.

The second event of overwhelming importance was the enactment of U.N. Resolution 678 on November 29 and again the Congress had ample notice that the President and his administration were working fervently to persuade everyone of the difficulties with the Soviets then the Chinese, so that Congress was on notice that the President was seeking authority for the use of force after January 15 and in November there were those of us who were calling for a special session.

The majority leader of the Senate and Speaker of the House had the authority to reconvene the Congress, under the usual reservation of power on the adjournment. My question to the Senator turns not only on looking backward as it may provide a precedent for the future, but also turns on the merits now.

Is it not really too late, 4 days in advance of January 15, to pull the rug out from the expectations of our U.N. partners and the expectations of the President?

I quite agree with the distinguished Senator from Georgia that it is the congressional authority to declare war and the corollary to authorize the use of force. But should that debate not have occurred in November? And is it not so late now as to materially prejudice U.S. interests?

Mr. NUNN. I would say my friend from Pennsylvania makes a good point. There was clearly a point in November, right after the election, when the President announced the two things he was going to do—double the number of forces and also prevent rotation—that was the point of departure. There is no doubt about that. Not simply because we were building offensively. A lot of people missed this point. A lot of the media missed this point.

We have had an offensive power over there since October. We have had awesome Air Force and Navypower over there since early October. So it is not a matter of offensive power. It is a matter of building forces so large that the clock starts ticking away on us, rather than Saddam Hussein, because we cannot maintain those forces.

But the Senator makes a valid point. If the leadership had agreed then that everybody come back and we had focused on that, we might have had a meaningful debate.

I note I saw Congressman BOB MICHEL on television last night, the Republican leader on the House side. And he said he was opposed to coming back then, too. And the reason, he said, was because he did not think he had the votes then to support any kind of blanket authority as the United Nations had given.

So it was a matter of judgment at that stage. We could have debated it. It could have been meaningful. We might have come to a conclusion. We might have given the President an earlier signal. But also we could have had a filibuster. We could have come back here and the side that thought they were going to lose might have started a filibuster; we might have had 3 or 4 weeks of filibuster and at that stage it might have been viewed by the administration as even more negative than that.

I would say also, to my friend from Pennsylvania, that the original U.N. deadline was explained, as I recall it, by the Bush administration, by the United Nations and others, as a deadline on Saddam Hussein, saying to him: "You have to get out by January 15 or we are authorizing the use of force."

Until recent weeks it was not deemed to be a deadline on us. We have created that psychology, that there is a world expectation now that after January 15 we indeed are going to use force. Maybe we will. Maybe we will not. That is for Saddam to figure out.

But I do not believe in limiting one's own options. I think that we would have been better off to keep the psychology of the U.N. resolution as a deadline on Saddam Hussein and not convert it into somewhat of a mutual deadline, which it appears to me to be. It is not too late to alter that. But those would be my observations.

Mr. SPECTER. Before propounding the next and final question, let me just observe that I disagree with what the distinguished Senator from Georgia has said about the psychology being different now as opposed to then.

When U.N. Resolution 678 was approved it was with the clear authorization to use force. And that was an option at that time. Even as we stand here today, we do not know what the President will do. There are reports that Saddam Hussein may change his attitude a day or two after January 15. The President is not committed.

While there might have been a filibuster or there might have been other postures taken, while Congressman MICHEL, the Republican leader in the House, might have thought he did not have the votes to get the Presidential authorization, if that was the will of the Congress reflecting the sense of the people then it seems to this Senator that would have been a much better time to have had that expression.

My own personal view would have been not to have had a deadline date and not to have abandoned the sanctions. But my view changes completely when we are on the brink of January 15. Which brings me to the second and final question. That is, with respect to what the distinguished Senator from Georgia has identified as vital national interests—and I agree totally that is a loosely used phrase, to the detriment of the United States, and when we talk about vital national interests we have to be very, very careful. And I do not disagree with Senator NUNN's conclusions that we do not have a vital interest in liberating Kuwait this week.

But I believe we do have a very vital interest in preserving the credibility of the President of the United States and in preserving the credibility of the United Nations. And that requires an authorization by the Congress to permit the President to enforce, as far as U.S. participation is concerned, U.N. Resolution 678.

My question to the Senator from Georgia is: Would the Senator not consider that a vital national interest?

Mr. NUNN. Many times during the cold war when we had so many danger spots around the world, we felt a great deal of legitimacy, for a lot of good reasons, that if we ever backed down or changed policy in one place it could affect us elsewhere. I think at that stage there was a strong feeling—and every time we ever had a question, I believe in my 18 years here, I went along with that feeling—that once the President's prestige was committed personally the Congress of the United States under most circumstances should go along with that.

I think that is still a good rule of thumb. But I would have to say to my friend, we, in another era where we do not have the same threats around the world and where the adjustment and change of policy would avert a war and may very well be a key part of our long-term interests, I think we have a separate responsibility.

I do not think our main duty here in the Senate is to preserve President Bush's prestige, or any other President's prestige. I think we are sworn to preserve the Constitution of the United States and to represent our constituents and this country and to give them our best judgment.

I never want to see a President's prestige in any way diminished. But if we take the position that any time the President commits his prestige we have to salute and line up and go along, then we have basically said that our role under the Constitution is not important; that once the President commits his prestige we are going to go along no matter what.

I normally do. But in this case I see the downside, the very, very steep downside, and I see the reasonable alternative which I think we should explore and we should pursue.

I thank my friend from Pennsylvania.

Mr. SPECTER. I thank my distinguished friend from Georgia for those comments. Before making a few supplementary remarks, I would say that I agree that the Congress has to use its independent judgment.

In my 10 years, here, no one can say that I have been less than independent when it comes to disagreeing with the President of my own party.

Mr. NUNN. I agree with that. The Senator is very independent. He is one of the independent minds in the Senate. I know what the Senator is going to decide today will be his own position. I understand that completely, because I know him.

Mr. SPECTER. I thank the Senator for those comments. I was making that reference because we have put President Bush out on a long limb. He has climbed that limb himself. The Congress could have put him on notice or sawed off the limb much earlier in this process to have avoided the precarious position that not only the President is in, but our Nation is in, and that the United Nations is in. Had we said to him unequivocally at an early date: "We oppose putting the extra forces in Saudi Arabia; we oppose a deadline which implies limiting sanctions for a period of a year to 18 months," then he would have been squarely on notice.

I do not believe that we should defer our separate but equal authority. It is a vital strength of the United States of America to have an independent Congress and an independent court system. But we are so late in the day that we simply have not done our job in a timely manner.

As the Senator from Georgia knows, how full the law is, as a matter of practical human experience of sleeping on your rights, waiver, estoppel, laches are all filled with our legal precedents in this country, that you must assert a position in a timely manner if you expect to exercise your power and your congressional authority. That is what is so troubling to this Senator.

Mr. NUNN. Will the Senator yield for a brief observation?

Mr. SPECTER. I do.

Mr. NUNN. The Senator makes a valid point. I certainly do not attempt to rebut that point, but I offer this observation: I myself told the President personally exactly that on several occasions. I have heard the leadership of the Congress, including the Speaker and including our majority leader, tell the President exactly that warning on several occasions.

We have not done that formally. The Congress has not spoken formally, but as the Senator knows, Congress speaks without formal declarations through its own leadership on many occasions. We did not take any kind of united action in November and December. Perhaps history will record that we should have. But I do not think there was any lack of communication.

To the President's credit, he consulted often. He talked to the leadership often. We have been down at least five times, maybe six or seven times, to confer with him. On every one of those occasions, I told him my views, and those views were: Do not stop your rotation policy; do not build up the forces so large that we have no other alternative but a successful diplomacy or war. Keep the options open. We can always use the war option. Why do we reduce our options to one and burn our bridges? I have said that.

I heard the majority leader say similar things. I have heard the Speaker say similar things. I have heard the minority leader, Senator DOLE, express his reservations on several occasions in meetings at the White House, and he has done so publicly, or else I would not say anything about it here today.

So there has been no lack of the President understanding that there were a number of people, including a number of the leaders, who had serious reservations about the direction the President was going.

The Senator is correct; there has been no formal resolution to that effect.

Mr. SPECTER. Mr. President, the supplementary remarks I have are on this line, that the formal consultation is not like a Senate vote. The comments on "Meet the Press," "Face the Nation," "The Brinkley Show," press conferences outside the Oval Office, and all of the interviews, are nothing like a rollcall, and that is the way the Congress expresses itself under the Constitution. That is what this Congress should have done in November had we sought to differ with what the President has promoted and what the United Nations has adopted.

Mr. President, I sought the floor to make a few brief comments. They tie in with what I have already discussed. As I heard the debate yesterday, I felt that there were three very dangerous factors emerging from that debate.

The first was that acceptance of the Nunn-Mitchell resolution would incapacitate this President in this situation. If we rebuke the President, if we rebuke the U.N. Resolution 678, the credibility of the United States will be diminished, and it is this Senator's view that the sanctions will fall apart.

How can we expect Turkey to keep that pipeline shut off with the millions of dollars that it costs the Turkish Government? How can we expect Jordan to stop the flow of goods, and how difficult it is to get our allies not to send nuclear equipment to hostile powers at any time.

There are already leaks in the embargo. It will become a flood, so that there will be a total incapacitation of this President in this situation.

Second, I believe that we will be incapacitating the Presidency as an institution in the future, which will be very, very important. What will happen the next time a Secretary of State goes to talk to the Soviet Union Minister? How effective will the Secretary of State be in dealing with the Chinese, who really were very reluctant to see U.N. Resolution 678 passed? How uncertain will it be for the President, who has the authority under the Constitution to conduct foreign relations, to make representations, when the ultimate authority lies in the Congress?

I think that it is very, very important that the Congress express itself on this issue. But what now will be indelibly implanted in a solid precedent in the United States is that we simply cannot accept what the President says as to United States policy, that at the 11th hour, at the last minute, the Congress may come in and repudiate the President and repudiate the reliance of the United Nations on the President's representations. That is disastrous, not only for this President in this vital situation, but it will be disastrous for the Presidency in the future.

The third concern which I have arising from yesterday's debate is what may be the appearance of partisan politics. I say the appearance of partisan politics because I believe that every Senator who has spoken has articulated his sincere views, aside from party label, and without a partisan motivation.

But there is the appearance, with 17 speakers yesterday in favor of the resolution, all Democrats; and 11 speakers yesterday in opposition to the resolution, all Republicans; that others, including President Saddam Hussein may say it is a party matter and that is going to determine the outcome.

I am delighted today to see that there have been two Senators, the distinguished Senator from Nevada, [Mr. REID] and the distinguished Senator from Louisiana [Mr. JOHNSTON], who have spoken in favor of the President. I am not as optimistic, frankly, as the distinguished Senator from Georgia was about the President prevailing here. It looks to me as if it is very, very close.

But it is, I think, important that we put the world on notice, including the Iraqi President, that we are not engaging in partisan politics here. And that those who have seen the Senate debate and the eruption in the galleries, "No blood for oil," know that is part of American democracy. Anyone who wishes to come to see the Senate debate these issues is permitted to come here.

We do not permit the Galleries to interfere with the speech and presentation here. The right of freedom of speech does not include the right to stop others from speaking. If you cannot cry "fire" in a crowded theater, then you cannot speak in Senate Galleries to drown out the Senators.

It is obvious it was orchestrated, because as soon as two people were permitted to leave, then others spoke up. The Chair appropriately cleared the Galleries for a very short time, for just a few minutes, and now the Galleries are back.

I think this is a very important point, and my final point, Mr. President, that when Iraq and its President, Saddam Hussein, are trying to evaluate the state of mind of the U.S. Congress, and we are trying to evaluate his state of mind, that he should be on notice that if and when, as this Senator hopes, there will be a forceful vote from a Congress supporting the President and U.N. Resolution 678, that that is the time for him to leave Kuwait.

The best chance we have to avoid a war is to solidly back the President and U.N. Resolution 678 so that Saddam Hussein and Iraq understand what the consequences will be. That is the best chance of having them withdraw from Kuwait and avoid a war.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

A LIFE AND DEATH ISSUE

Mr. RIEGLE. Mr. President, I just want to acknowledge, in passing, the comments of the Senator from Pennsylvania and his courtesy before. I want to say to him, because he and I know each other well—in fact, we both have gone through a change of party affiliation during our political lives, and so we have thought a lot about the question of politics and partisanship and independence.

I came to the Congress 24 years ago and, by coincidence, was in a class of new Members of Congress, young Republicans at that time, that included George Bush. I ran for Congress at that time essentially to come to try to do something about stopping a war that we had going on at that time. It took a long time to get it stopped.

But I want to just make the point in passing, and the Senator from Pennsylvania would know this because he knows me. My opposition then, 24 years ago as a Republican House Member, with a Democratic President, continued when we had a Republican President. And, like the Senator from Pennsylvania, I make my remarks, and I make my judgment on this issue without any regard to party whatsoever. I know he would know that but I think that is true really of every Senator. On an issue as solemn as this, a life-and-death issue, and that is what it is, I do not think people are going to make that decision on a partisan basis. In fact, I know that.

Mr. SPECTER. I thank the distinguished Senator from Michigan, my colleague, for those very generous remarks.

Mr. President, if I may, will the Senator yield for a unanimous-consent request.

The PRESIDING OFFICER. Does the Senator from Michigan yield for this unanimous-consent request?

Mr. RIEGLE. Yes; I yield only for that purpose, without losing my right to the floor.

Mr. SPECTER. On the issue of human rights, there is a very important document which I ask unanimous consent to have printed in the RECORD—I regret that it is so long, but it is so important and worth printing—showing the violations of human rights by Iraq in occupied Kuwait, which bears on our debate today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Amnesty International, International Secretariat, London, Dec. 19, 1990]

IRAQ/OCCUPIED KUWAIT HUMAN RIGHTS VIOLATIONS SINCE AUGUST 2

NOTE ON SOURCES AND METHODOLOGY

This document has been compiled principally on the basis of interviews conducted by Amnesty International with scores of people who fled Kuwait between August and November 1990. Most of these interviews were carried out in Saudi Arabia, Bahrain and the United Kingdom, with a smaller number of people in the United Arab Emirates, Egypt and Iran also being interviewed. Most of the interviewees are Kuwaiti nationals, but they also include Bahrainis, Saudis, Lebanese, Egyptians, Palestinians, Indians, Filipinos, Britons and Americans. Among them are former detainees, the families of victims of extrajudicial executions and of those who have "disappeared", eyewitnesses and medical personnel. Amnesty International has also relied on information emanating from persons who have remained in Kuwait, and who include both Kuwaiti and foreign nationals. In respect of some of the torture allegations made, the organization has sought the medical opinion of forensic pathologists and doctors in the United Kingdom with experience in the examination of torture victims.

All Kuwaiti nationals interviewed requested that their identities not be revealed for fear of reprisals by Iraqi forces against members of their families still in Kuwait. Some Western and Arab nationals have made the same request, also fearing for the safety of their relatives or friends in hiding in Kuwait or in detention in Iraq. Hence their names have either been omitted altogether or, in some cases, changed in order to prevent identification. The exceptions to this are: 1) several former detainees whose names are mentioned in Section 3 of this document, and 2) the ten victims of extrajudicial executions (and in some cases torture) whose names are cited in Section 6. These cases have either already been submitted to the United Nations, or authorization to reveal their names has been obtained by Amnesty International. The names of over 1,027 other detainees and "disappeared" persons received by Amnesty International are not being made public at this stage.

1. INTRODUCTION

Widespread abuses of human rights have been perpetrated by Iraqi forces following the invasion of Kuwait on 2 August. These include the arbitrary arrest and detention without trial of thousands of civilians and military personnel; the widespread torture of such persons in custody; the imposition of the death penalty and the extrajudicial execution of hundreds of unarmed civilians, including children. In addition, hundreds of people in Kuwait remain unaccounted for, having effectively "disappeared" in detention, and many of them are feared dead. To date, an estimated 300,000 Kuwaitis have fled their country, as well as several hundred thousand foreign nationals working in Kuwait. Their accounts of the abuses they have either witnessed or experienced have received worldwide media coverage. This document details some of these abuses, confining itself to those violations which fail within Amnesty International's mandate.

Amnesty International takes no position on the conflict in the Gulf, and does not condone killings and other acts of violence perpetrated by the parties to the conflict. What concerns the organization are human rights violations taking place in that context. Those violations which have been reported since 2 August are entirely consistent with abuses known to have been committed in Iraq over many years, and which have been documented by Amnesty International in its numerous reports. Iraq's policy of the brutal suppression of all forms of internal dissent continues to be implemented, and the people of Iraq remain its victims. Amnesty International has repeatedly placed such information on the public record, and regrets that until the invasion of Kuwait, the international community did not see fit to apply serious pressure in an attempt to put an end to these abuses.

2. DEVELOPMENTS SINCE 2 AUGUST

Iraqi forces invaded Kuwait on 2 August. In his 17 July speech, sixteen days before the invasion, President Saddam Hussein attacked Kuwait's royal family for damaging the Iraqi economy through forcing down the price of oil by exceeding its OPEC production quota. He also accused Kuwait of taking Iraqi crude worth U.S. $2.4bn from the Rumaila oil field and demanded the writing-off of U.S. $12bn in war loans owed to Kuwait.

Immediately after the invasion, Iraq announced that nine-man 'Provisional Free Kuwait Government' had been set up. It was headed by Colonel 'Ala' Hussain 'Ali, said to be Kuwaiti national. However, less than a week later, on 8 August, the transitional government was dismissed and Iraq announced the annexation of Kuwait. By 28 August, Kuwait was declared to be Iraq's 19th province, while the border area with Iraq was incorporated as an extension of the province of Basra. 'Ali Hassan al-Majid, Iraq's Minister of Local Government and a cousin of President Saddam Hussein, was appointed as its governor. In 1987–1988, he had held responsibility for law and order in the northern Kurdish provinces of Iraq.

On 2 August, the United Nations (UN) Security Council adopted Resolution 660, which condemned the invasion of Kuwait and called for Iraq's immediate and unconditional withdrawal. On 6 August, economic sanctions were imposed on Iraq in accordance with Security Council Resolution 661. Between 9 August and 29 November, nine other resolutions were passed, the most recent of which, Resolution 678 passed on 29 November, authorizes the use of force to secure Iraq's withdrawal from Kuwait and sets 15 January 1991 as the date by which this should occur. Resolution 670 of 25 September condemned ". . . the treatment by Iraqi forces of Kuwaiti nationals, including measures to force them to leave their own country and mistreatment of persons and property in Kuwait in violation of international law." Resolution 674 of 29 October urged Iraq to refrain from violating the Charter of the United Nations and the provisions of the Fourth Geneva Convention, and to "immediately cease and desist from taking Third-State nationals hostage [and] mistreating and oppressing Kuwaiti and Third-State nationals . . ."

To date, Iraq has not implemented any of the Security Council resolutions, although it announced on December that all detained Western nationals would be released. Aside from the perpetration of those human rights violations documented in this report, widespread destruction and looting of public and private property was carried out. Most critical of these has been the looting of medicines, medical equipment and food supplies. The massive scale of destruction and looting which has been reported suggests that such incidents were neither arbitrary nor isolated, but rather reflected a policy adopted by the government of Iraq. According to information received, this policy caused embarrassment on the part of some Iraqi soldiers who were called upon to implement it. A number of people who had fled Kuwait told Amnesty International that Iraqi soldiers had apologized to them for the destruction of their country, stating that they were led to believe that they had been deployed in order to thwart an external attack on Kuwait. A Kuwaiti doctor specialising in occupational medicine described to Amnesty International the looting and destruction of al-Shu'aib Industrial Centre where he had worked. On the fourth day after the invasion, members of Iraq's Republican Guards had apparently destroyed medical equipment, thrown files on the floor and torn down photographs of the Amir of Kuwait. The doctor said: "I went into the dental clinic, which was also completely destroyed. I noticed that on one of the walls of the clinic the following words were written in large letters: "Dear Kuwaiti doctors—we are sorry but we are under orders."

Since occupying Kuwait, Iraqi forces are reported to have meted out collective punishments against the local population in retaliation for armed attacks against them. Several incidents were reported involving the burning or blowing up of homes in districts where Iraqi soldiers had been killed. A night curfew was imposed in Kuwait City at the start of the invasion remained in force until 23 November. Filming and photography are prohibited, and the offices of all newspapers and magazines have been closed down. The Iraqi authorities took over the printing presses of al-Qabas, one of Kuwait's daily newspapers, to issue their own newspaper, al-Nida'. At least three *al-Qabas* employees, two Lebanese nationals and one Egyptian, were arrested on 25 August reportedly for refusing to cooperate with the Iraqi authorities. In September and October the Iraqi Government issued a series of regulations aimed at completing the 'Iraqization' of Kuwait. These regulations required Kuwaitis to take up Iraqi identity papers in lieu of existing Kuwaiti documents; to replace Kuwaiti car number plates with Iraqi ones; to change the clock to correspond to Iraqi time (previously there was an hour's difference between the two countries); and to use Iraqi rather than Kuwaiti currency (initially parity of the Iraqi dinar with Kuwaiti dinar was enforced, the harder Kuwaiti currency being worth 20 Iraqi dinars before the invasion. Subsequently, Iraq declared that only its own currency was legal tender). A number of districts, streets and public buildings were renamed, particularly those which carried the names of members of Kuwait's Al-Sabah family.

Since 2 August, Iraq has denied the media access to Kuwait. More importantly, it has denied access to the International Committee of the Red Cross (ICRC). In the first week of September, ICRC President Cornelio Sommaruga visited Baghdad and held three meetings with Iraqi Foreign Minister Tariq 'Aziz. The terms of a possible agreement defining the ICRC's operating procedures were discussed. In keeping with the ICRC's mandate to act in the event of international armed conflict on the basis of the 1949 Geneva Conventions, one of the organization's main objectives was to provide protection and assistance, in both Iraq and Kuwait, to the various categories of civilians affected by the events. The ICRC did not succeed in obtaining the Iraqi Government's authorization to launch an operation in Iraq and Kuwait for the victims of the crisis. The government has given no reason for its refusal to grant ICRC access.

Similarly, Iraq has failed to respond to appeals on behalf of victims of human rights violations in both Iraq and Kuwait launched by various non-governmental organizations, including Amnesty International. On 3 August, the organization appealed publicly to the Iraqi Government on behalf of Iraqi exiles living in Kuwait who were reported to have been arrested immediately following the invasion. There are grave fears for their lives as they risk torture and execution in Iraq. On 23 August, Amnesty International expressed its concerns to the Iraqi Government about a wide range of human rights violations, including continuing arbitrary arrests, rape, summary executions and extrajudicial killings. The organization stressed that the arrest and continued detention of Western nationals was contrary to fundamental internationally recognized standards of human rights, and urged the immediate and unconditional release of all such detainees. It requested that their names and whereabouts be made known, and that they be granted immediate and regular access to consular officials. Amnesty International called upon the Iraqi Government to take immediate steps to prevent incidents of rape by Iraqi forces, to investigate such incidents and to bring those responsible to justice. The organization also expressed its concern about the extension of the scope of the death penalty to include looting and the hoarding of food. In response to the execution of the third week of August of several people said to have been found guilty of looting, Amnesty International urged the government to refrain from carrying out any further executions. It also asked under what laws the executions had been carried out and for details of any legal proceedings followed in their cases. Finally, the organizations expressed grave concerns about the extrajudicial killings of unarmed civilians, including children, by Iraqi forces. It urged the Iraqi Government to take urgent steps to prevent further such killings, to investigate those incidents which had occurred and to bring those responsible to justice.

On 29 August, Amnesty International sent urgent appeals to the government on behalf of six Kuwaiti men, all Shi'a Muslims aged between 18 and 26. They had been arrested on

3 August after taking part in a demonstration in the al-Sulaibikhat district of Kuwait City. Reports received by Amnesty International indicated that the six detainees had been transferred to Baghdad for detention. On 3 October, Amnesty International once more expressed its concerns in a public statement about the widespread abuses being perpetrated by Iraqi forces in Kuwait, including mass arrests, torture under interrogation, summary executions and mass extrajudicial killings.

The Iraqi Government failed to respond to any of Amnesty International's appeals. However, on 3 October Iraq's embassy in London issued a public statement commenting on Amnesty International's own statement issued the same day. The embassy did not deny that human rights abuses had taken place, but dismissed Amnesty International's statement as "an embarrassment to the practice of reporting" [see Appendix E for text of the Iraqi Embassy statement]. Further comment on the human rights situation in Kuwait since 2 August came from President Saddam Hussein during an interview broadcast on British television on 12 November. The following is an extract from that interview [other extracts from which are quoted in sections 3 and 5]:

INTERVIEWER: How can you justify the atrocities committed by Iraqi troops in your name?

President HUSSEIN: Have you seen these atrocities yourself?

INTERVIEWER: I have not seen them, but let me quote you some reports, Mr. President. One report speaks of scores of people being tortured and hanged at Kuwait University for opposing the annexation of their country. Another report speaks of 15-year-old boys being shot. An American woman married to a Kuwaiti talks about a pregnant woman being disembowelled. These reports have been coming out of Kuwait for some time. Do you know about these reports? Do they worry you? Have you heard about them?

President HUSSEIN: What is certain is that I have not heard of any such acts. It is possible that, in the same way that the Western media is trying to fill the minds of people everywhere, every day, with lies about the situation . . . it is also possible that some false reports may come out of Kuwait, claiming the sorts of things you have described. But let me say something to you. There is now, in the province of Kuwait, an instruction which is valid: whoever opens fire at our soldiers, they will open fire in return. They will shoot to kill . . .

INTERVIEWER: Mr. President, these reports of atrocities, you see, are encouraged by the fact that you have sealed off Kuwait from the rest of the world. Why don't you let us go in and see for ourselves whether these reports are true?

President HUSSEIN: You are partly right in what you have said. But you must undoubtedly remember that now the province of Kuwait is a military target for the American forces there and the forces allied to them. . . . So [the province of Kuwait] and its approaches in the province of Basra are now being prepared as a fully-fledged battlefield for the confrontation of a possible invasion. And you know that, under such circumstances, countries usually take measures preventing journalists from approaching military zones. And the British public, for example, knows these facts because it has lived through that during the Second World War."

In this document, Amnesty International once again calls upon the Iraqi Government to implement the following recommendations as a matter of urgency:

1. Grant immediate access to the International Committee of the Red Cross to enable it to provide protection and assistance to civilians in Kuwait and Iraq under the terms of the 1949 Geneva Conventions.

2. Release immediately and unconditionally all detainees held solely on account of the non-violent expression of their conscientiously held beliefs or on account of their nationality.

3. Ensure that all detainees are granted their internationally-recognized rights to challenge the legality of their detention before a court, and to receive a trial which meets the requirements of fairness set forth in international human rights and humanitarian law.

4. Make known the whereabouts of all detainees and grant them immediate access to their families, legal counsel, medical doctors and consular officials.

5. Initiate prompt and impartial investigations into reports of torture and extrajudicial killings (including the ten cases referred to in this document), the results of which should be made public. Military and security personnel and other public officials found responsible should be brought to justice.

6. Conduct a prompt, thorough and impartial investigation into all reports of "disappearances" and bring to justice those responsible. Inform the families immediately of the arrest and keep them informed of the whereabouts of detainees at all times. Detainees should only be held in official known detention centres, a list of which should be widely publicised.

7. Refrain from extending the scope of the death penalty and taking immediate steps to ensure no further executions are carried out; provide information of the legal basis for those executions already carried out and details of any trail proceedings followed in those cases.

3. ARBITRARY ARRESTS, DETENTION WITHOUT TRIAL AND "DISAPPEARANCES"

Under the circumstances prevailing in Kuwait since 2 August, it has been virtually impossible to estimate the number of people arrested by Iraqi forces after the invasion. In the absence of any official figures from the Iraqi Government, and its denial of access to detainees by any international humanitarian organization, Amnesty International is not in a position to give any precise figures. The organization has attempted to build up a general picture of the situation through information provided by former detainees and eyewitnesses, as well as through statistics provided by governments whose nationals were transferred from Kuwait and held in Iraq. A number of Kuwaiti sources estimate the number of detainees to be over 10,000, a figure which cannot be substantiated in the absence of further information. By November 1990, Amnesty International had received the names of over 875 Kuwaiti nationals said to be in Iraqi custody, both civilians and military personnel. The majority are believed to be held in prisons and detention centres in Iraq—notably at Basra, Baghdad and Mosul, and a smaller number in Kuwait City. Among them are eleven Kuwaiti diplomats who were stationed at Kuwait's embassy in Baghdad and its consulate in Basra at the time of the invasion. Amnesty International has also received the names of 152 others, all Kuwaiti men between the ages of 19 and 50 whose fate and whereabouts are unknown. They include both civilians and military personnel who are presumed to be in detention, although there are fears that some may have been killed or executed by Iraqi forces. In addition there are hundreds of Western nationals apprehended in Kuwait and who, as at 6 December, remained in detention in Baghdad and in other undisclosed locations in Iraq and Kuwait.

In the first days of the invasion, Amnesty International received reports that hundreds of Kuwaiti military personnel were rounded up and held in makeshift detention centres in Kuwait City. The detainees included members of the armed forces, the navy, the police force and security forces. Those who were not seized immediately after the invasion continued to be sought by Iraqi troops, and in some instances were arrested from their homes. Numerous eyewitnesses stated to Amnesty International that Iraqi army vehicles patrolled residential areas, looking for the homes of military personnel. The relatives of military personnel being sought were sometimes themselves arrested and tortured during interrogation in order to reveal their whereabouts. The majority of detained military personnel are reported to have been subsequently transferred to Iraq. Official Kuwait, sources estimate their number to be between 6,000–7,000.

Although the majority of those arrested were Kuwaitis, among the detainees were also stateless persons living in Kuwait known as the 'bidun' [literally 'without', ie. without nationality. They include Arabs from neighbouring countries, some of whom have lived in Kuwait for over 25 years, but neither they nor their children born in Kuwait had the right of permanent residence and were denied basic political and civil rights]. Apart from Western nationals who were rounded up and taken to Iraq [see below], the detainees included Syrians, Lebanese, Egyptians, Bahrainis, Saudi Arabians, Indians and Pakistanis. Arab nationals who were detained were largely from those countries whose governments had adopted a position on the invasion of Kuwait considered 'hostile' by Iraq. However, Amnesty International is aware of several cases involving the detention of Jordanians (largely Palestinians) who had refused to cooperate with Iraqi forces in Kuwait or who had been suspected of opposition activities. In two cases brought to the organization's attention, the detainees were reported to have been subjected to torture [see Section 4 below].

Also reported to have been arrested in the first days after the invasion were scores of Iraqi exiles who had been living in Kuwait for a number of years. According to Amnesty International's information, many of those arrested are said to be Shi'a Muslims with suspected links to the opposition group *al-Da'wa al-Islamiyya* (Islamic Call), membership of which has been a capital offence in Iraq since 1980. The organization has received the names of several of them, who were said to have been arrested in the Bnaid al-Gar district of Kuwait City. Their fate and current whereabouts are unknown. They are believed to have been taken to Iraq where they face continued detention and risk torture and execution.

The widespread arrest of civilians began to be reported in the second and third weeks of August following, on the one hand, the emergence of an opposition movement in Kuwait and, on the other, the adoption by Iraq of the so-called 'human shield' policy involving the detention of Western nationals. According to reports emanating from people fleeing the country, groups of Kuwaitis and other nationals seized weapons and ammunition stored in police stations in several districts of the city, leading to sporadic armed clashes with Iraqi troops which lasted several weeks. Among those who participated in the armed resistance against Iraqi troops were said to be Egyptians, Palestinians and other Arab nationals, as well as a number of Kuwaiti Shi'a Muslims who had previously formed part of Kuwait's internal opposition. They are said to include former political prisoners who, prior to the invasion, had been serving terms of imprisonment in Kuwait Central Prison. The number of civilian and military casualties on both sides resulting from these clashes is unknown.

However, opposition to the Iraqi invasion of Kuwait also took other forms. For example, in the second week after the invasion, leaflets calling for continued opposition to the occupation began to appear in the streets of Kuwait. These leaflets included *al-Sumud al-Sha'bi* (Popular Resistance) and Sarkha (The Cry). Other forms of non-violent opposition to the Iraqi occupation included the raising of the Kuwaiti flag; putting up photographs of the Amir of Kuwait, Shaikh Jaber al-Ahmad al-Sabah and the Crown Prince, Shaikh Sa'ad al-'Abdallah; writing anti-Iraq slogans on the walls; shouting "Alluhu Akbar" (God is Greater) from the rooftops; going out onto the streets after curfew and, where possible, non-compliance with the various orders issued by Iraqi forces. Among those arrested in August and September, apparently for non-cooperation with the Iraqi Government, were former members of Kuwait's National Assembly (parliament): Mubarak al-Duwaila; Khaled Sultan al-'Issa (also a member of the Islamic Heritage Society); Khaled al-Wasmi; and 'Abd al-Karim al-Juhaidli (also a member of the recently formed National Council). One of them, Khaled Sultan al-'Issa, was held for 29 days, principally in Basra. According to information received by Amnesty International, his beard was shaved off and he was subjected to beatings and electric shocks.

Opposition to the occupation developed into a form of 'civil disobedience' from mid-September, following the issuing of a series of regulations by the Iraqi Government aimed at completing the 'Iraqization' of Kuwait [see Section 2 above]. The refusal to comply with such orders led to the arrest of civilians who had not participated in any armed resistance against Iraqi forces. Civilians were also arrested for non-compliance with other types of regulations introduced in Kuwait, such as the ban on growing beards which came into effect in the first week of September. Several men interviewed by Amnesty International said they had been stopped at checkpoints solely because they had beards, though none of them could offer a logical explanation as to why that should constitute an offence. One 30-year-old Kuwaiti entrepreneur who left his country on 16 September said:

"* * * those who had beards were ordered to shave them off. Punishment for non-compliance consists of plucking the beard with pliers or some other unspecified punishment. Several arbitrary regulations of this kind have been introduced, but they did not take the form of official decrees. The problem for us was that we did not learn of these regulations until we encountered troops at the checkpoints. They would inform us what the latest regulation was, but by that time, it would be too late because we may have unwittingly committed the 'offence' in question. I know of cases of people who have had their beards plucked, including elderly religious men who traditionally wear a beard."

Amnesty International has received the details of several such cases, involving the public humiliation of both young and elderly men and their subsequent detention for refusing to shave. The Iraqi authorities in Kuwait have themselves failed to explain why the growing of beards has been made illegal.

The following is a description of the general pattern of arrests as described in a memorandum prepared by officials of the Kuwaiti Red Crescent, dated 23 October:

"The daily arrests and the attacks on citizens became [widespread]. People could not move about freely, even to carry out essential tasks, for fear of being arrested or killed (or of disappearing). Raids on homes became a daily occurrence, which people could expect at any time. The arrest and torture of people was something which threatened every individual. Young men were shot near their homes and in front of their families, and this method was used by the occupiers to terrorize the people and to eliminate the young men on the pretext that they worked in the resistance . . . there were no fair trials for these people. On the contrary, the arrests, interrogation, torture, punishments and killings were carried out in an arbitrary and whimsical manner, decided upon by intelligence agents and others in the occupying forces. . ."

According to reports received, in the first two weeks of the invasion most arrests were carried out in the streets. In the third week, Iraqi forces began entering peoples' homes more frequently. In some cases the intention was not to carry out an arrest but to force individuals to return to work. A lecturer in political science at Kuwait University, in her mid-50s, told Amnesty International that Iraqi soldiers came to her home in the Sabah al-Salem district on 25 August and insisted that she return to work. She argued, pointing out that there were no students to teach. Here she continues her story:

"A few days later, on 28 or 29 August, they came back. This time they searched the entire house. There were eight of them, carrying weapons, and they arrived at eight in the morning. The children were still having breakfast. They asked, "Do you have weapons? Do you have foreigners here?" We said no. Before leaving, they threatened that if a single shot was fired from our house they would blow it up. They were registering the names of all foreigners in peoples' homes, including Indians and other Asians. They said that if any of these foreigners escaped, they would arrest us and take us to Baghdad."

Kuwaiti nationals arrested from their homes were invariably taken to the police station in the district where they lived. Some remained there throughout their period of detention, while others were moved to different places of detention in Kuwait City. Those detainees who were neither released nor executed at that stage were subsequently transferred to Iraq. The vast majority of police stations in Kuwait City have been used to hold detainees, as have the Juveniles Prison (Sijn al-Ahdath) in the district of al-Firdos and the Deportations Centre (Markaz al-Ib'ad) in the district of al-Shuwaikh. No information has been received which indicates that Kuwait Central Prison (al-Sijn al-Markazi) in the district of al-Sulaibiyya has been used since the invasion to hold detainees. The prison is believed to have remained empty since 3 August, when an estimated 1,500 common law prisoners and some 50 sentenced political prisoners fled. One of these former political prisoners who subsequently fled to Iran told Amnesty International that much of the prison had been destroyed through fire in the first two weeks of August.

Public buildings as well as private homes have also been used to hold detainees. They include the Muhafazat al-'Asima [City Governorate] building on al-Hilali Street; the faculties of Law and Literature of Kuwait University; government ministry buildings; Dasman Palace and Nayef palace; sports clubs (such as the Olympic Club in al-Nugra and al-Kadhima Sports Club in al-'Udailiyya; the building housing the Economic Development Fund (Sanduq al-Tanmiya al-Iqtisadi) in the district of al-Mirgab; and schools (such as 'Abdallah al-Salem Secondary School). The Iraqi Embassy building on al-Istiqlal Street has also been used as a place of detention. Private homes used for the same purpose have included those previously owned by members of the ruling al-Sabah family. Military buildings used to hold detainees include the Police Academy, al-Liwa' al-Sades military base on the al-Jahra' road and the 'Ali al-Salem base near the border with Saudi Arabia. Most former detainees interviewed by Amnesty International who were transferred to Iraq reported that they were take to Basra. Although in many cases they were not in a position to specify the prison or detention center, some said they were held in the Deportations Prison (Sijn al-Tasfirat) and the State Security Prison (Sijn al-Amn al-Siyyasi). Others said they were also held briefly in police stations in other nearby towns, including al-Zubair and Safwan. Several thousand detainees are currently reported to be held in prisons in Baghdad and Mosul, but Amnesty International has been unable to verify their numbers or obtain information on their places of detention. Most are said to be military personnel.

A 27-year-old Kuwaiti office employee who fled his country in mid-September told Amnesty International of a former detainee whom he spoke to following his release:

"As you know there is a shortage of food in peoples' homes. The resistance would sometimes take food to the mosques, where people could go to eat. A young man was arrested by the Iraqis in al-Shamiyyeh district. He was carrying a leaflet distributed by the resistance, which said that 'supplies' were to be taken to the mosques and gave details of the plan. The Iraqis probably thought that this meant military supplies rather than food. They arrested the man and tortured him by breaking his ribs. He was 26 years old and was arrested on Tuesday 11 September".

A Kuwaiti journalist who fled his country on 20 August told Amnesty International of an incident which took place in mid-August:

"I know of the case of Khaled . . . [surname withheld by Amnesty International], who worked as a telephone operator in the Kuwaiti army. He lived in al-Sulaibiyya. He was arrested by the Iraqis with two others. He was a *'bidun'* and the other two were Kuwaitis. They were taken to Bayan police station. They were arrested because they had raised the Kuwaiti flag on their car. When we asked about them at the police station, the Iraqis told us that Khaled was going to be transferred to Baghdad. But I saw him the following day when he was released. He had marks all over his body from having been beaten. He could not walk normally as he had been subjected to falaqa for a prolonged period * * *."

A former detainee, a 31-year-old Kuwaiti, said that he was stopped at a checkpoint on 23 September and accused of stealing his own car. He was held for five days, initially in a school in the district of Salwa and later at al-Shuwaikh Security Directorate (*Mudiriyyat Amn al-Shuwaikh*). According to his testimony, he was slapped, punched and beaten with a hosepipe for one hour, and threatened with the rape of his mother. He said he was interrogated eleven times about opposition activities. Upon being released his car was returned to him, stripped of everything inside it. Another former detainee, a 23-year-old labourer, told Amnesty International that he was arrested on 8 October:

"The day before there had been an attack on Iraqi soldiers. The Iraqis were stopping all cars and taking people away. I was told to board a bus near the checkpoint, together with 12 or 13 others. The bus took us to Bayan police station. I was held there for three days and interrogated about the resistance. Then they took me to a school, where I was interrogated by two officers and two soldiers. They applied electricity to my chest, head and arms. I felt paralysed for nearly three days. They also poured an acid-like liquid on my back and used a pincer-like device which they placed around my fingers and tightened. I was released one week later after my friends paid a bribe."

Among the children interviewed by Amnesty International was a 16-year-old Kuwaiti boy, a student at al-Farwaniyya Secondary School. He was arrested on 1 October after violating the night curfew:

"I was taken to al-Rabia police station and put in a cell with four others. I was held for five days, and interrogated daily usually at about 3 pm. I was asked about my father, brothers and friends. During interrogation, a second person would come in and punch me or beat me with a belt. Each session usually lasted about half an hour. After five days my left arm was marked with the letter H using a hot skewer. I was told that if I got into any more trouble it would mean certain death. Then I was released and told to go home."

Incidents such as these, as well as the prevailing climate of fear, also took their toll on the younger children. Here, a Kawaiti housewife in her late thirties who left the country at the end of August described to Amnesty International one aspect of this:

"As a result of these tactics, the children were in a permanent state of fright. Many of them developed a stutter and could not talk normally. Others began suffering from uncontrolled urination. We tried to cure their stutter by taking them up on the rooftops with us where we shouted *Allahu Akbar* in protest at the Iraqi invasion. At first the children had difficulty in getting the words out, but we urged them to shout at the top of their voices. After several attempts, some of them regained normal speech."

The vast majority of former detainees interviewed by Amnesty International stated that they were not brought before any judicial authority throughout their detention period, and had remained in the sole custody of arresting and interrogating officials. Almost all were held incommunicado and were routinely denied visits from family, friends, lawyers or doctors. Although some detainees were accused of specific offences, no 'official' charges as such were brought against them, even though in some cases the interrogating officials informed them of the punishment 'by law' for the offences they had committed. For example, several of those interviewed had been accused of 'illegal entry' into Kuwait (this pertained largely to Kuwaitis who entered the country after the invasion, either to assist their families in fleeing or to participate in the opposition against Iraqi forces). In some of those cases, the detainees were informed that the punishment for 'illegal entry' was five to eight years' imprisonment. As far as Amnesty International is aware, however, such punishments have not been codified in law. At the same time, detainees accused of offences said to be punishable by long term imprisonment have often been released within days or weeks. The decision to release appears to be as arbitrary as the decision to arrest. Amnesty International received details of the following incident from a group of Kuwaitis reporting directly from Kuwait on 10 November:

"In the district of al-Faiha' an [Iraqi] officer asked to enter the cooperative society without standing in the queue. The young men from the society told him to wait for his turn. In the evening the same officer returned, accompanied by a number of soldiers. They took five of the young men who worked at the cooperative society to the police station and charged them with stealing cars belonging to the municipality. An order was issued to detain them for 15 days in order to bring them to trial in Basra. But after an offer of 'presents' (a video and television) of the issuing of a letter from the municipality confirming that the cars had been given to the cooperative society, the young men were released."

Of the scores of people interviewed, only for former detainees stated that they had been brought before a judge, three of them in Iraq and the fourth in Kuwait. A 23-year-old Kuwaiti student [name withheld by Amnesty International] arrest in the third week of September in al-Salmiyya, stated that he was held for eighteen days, first in Kuwait City and then in Iraq. He had not been in Kuwait when the invasion took place, but had returned to help his family leave. He stated that he was tortured throughout his detention period, including with electric shocks. After two days' detention in Kuwait City, he was taken to Basra and held for one week in a place he described as the 'offices of Iraqi intelligence'. Here he continues his story:

"After that I was transferred by bus to an ordinary prison. The drive was about 15 minutes. I was told I had to pay for the bus fare, which I did with the little money I had on me. In the prison I was held in a large hall, where there were hundreds of detainees. I remained in the prison for eight days, and then 32 of the detainees were summoned for trial. I was one of them. We were taken to another building which had a sign on the outside saying 'Basra Court'. We sat in a waiting room, and then each of us was brought before a judge individually. I didn't know whether he was really a judge, but the sign on the door of his office said 'The Judge'. He wore civilian clothes. There was also an officer in the room, taking notes. I was before the judge for three minutes altogether. He asked me for my name and why I had returned to Kuwait. The charge against me was entering the country illegally (when I was first arrested I was accused of espionage). Then the judge asked me to sign a statement, the contents of which I was given no opportunity to read. He warned me that if I was caught again I would be executed. I was taken back to the waiting room while the other detainees went through the same process. When it was over, we were taken back to the prison where they gave us back our identity documents and released us. A few of us took a taxi as far as Safwan, and from there entered Kuwait."

Another 23-year-old Kuwaiti [name withheld by Amnesty International], formerly in the armed forces, was arrested at a checkpoint in al-'Ardiyya on 12 August. He stated that one of his neighbours had informed Iraqi soldiers at al-Firdos police station that he had hidden weapons in the basement of his home. He was held in Kuwait City for ten days until his interrogators, a captain and a first lieutenant, "said they would release me in exchange for a television, a video machine and video cassettes. Another Iraqi soldier at the station also told me to bring perfumes, a suitcase and car tyre." Following his release he left Kuwait for Saudi Arabia and then returned on around 4 September when he was arrested again with five other Kuwaitis who had entered Kuwait with him. They were all held for six days in al-Jahra' police station and then transferred to Basra, where they were taken to the Deportations Prison (*Sijn al-Tasfirat*). The following is his account of what happened later:

"We were put in a cell measuring 4 x 3 metres where there were already other detainees: nine Iraqis, two Syrians and four Jordanians. The Iraqi detainees were wearing army uniforms. They had been accused of looting. The two Syrians had been accused of carrying false car documents. We stayed there for three days without being interrogated, but occasionally the guards would show us other detainees who had been tortured, just to frighten us. On the third day they took the six of us, together with the Syrian and Jordanian detainees, to police headquarters in Safwan. We travelled by car, and they asked us to pay the fare for the journey. We were told we were going to be executed. [In Safwan] we were put in a cell where about sixty people of various nationalities were held. A while later an Iraqi man appeared. He said he was a lawyer and identified himself as . . . [name withheld by Amnesty International]. He said to us he could secure our release in return for 4,000 Iraqi dinars per person. None of us had asked for a lawyer. He had come of his own accord, looking for cases. We said we had Saudi rivals, which the lawyer said he would accept. He then advised us that when we were brought before the judge, we should say that we had returned to Kuwait in order to look for our sheep. At 6 pm that evening an Iraqi officer, known as Ra'ed, interrogated the six of us. He asked us what we had to say to explain our situation. The lawyer was present during the session. We repeated what he had instructed us to say. At 7 am the following morning we were taken on foot to the court in Safwan. The judge did not speak to us, but wrote something down and then informed us that we were being released. The whole process barely lasted one minute. I don't know what happened to the Jordanian and Syrian detainees. They were still being held when we left."

As mentioned earlier, it was not possible to determine in many cases the reasons behind the release of detainees. However, three essential preconditions appear to apply in most cases. Firstly, detainees are required to sign statements declaring their allegiance to President Saddam Hussein and the Iraqi Government. And their agreement to cooperate with the Iraqi authorities (principally by acting as informers). Secondly, release was invariably accompanied by the payment of bribes. Many former detainees and relatives of detainees told Amnesty International that they had to pay sums of money and provide certain goods requested by the interrogating officials. In this regard, the goods most in demand have been television sets and video machines, although, as the case mentioned above demonstrates, other requests may be made. One 17-year-old former detainee said that his interrogators offered him his release in exchange for an Indian or Filipino woman [see Appendix A2]. Thirdly, detainees are required to provide detailed information on themselves and their relatives, such as that described below by a Red Crescent doctor released from detention on 11 October:

"Upon release, the Iraqis asked us to provide detailed information about our families. They wanted the names, addresses and professions of my own immediate family, my brothers and sisters, my brothers-in-law and my paternal uncles and their families. When all this information was written down, we were made to sign an undertaking that if we talked about what happened to us, members of our families would be harmed, and that the penalty was death. They also asked us for information about any past political activity and any period spent in detention. They even took down information on our educational qualifications. The statement we were made to sign also said that all the information we had provided was correct, and that if any of it proved false, the penalty was death. We also had to undertake to inform the Iraqis of any political crimes we heard about."

A number of people interviewed by Amnesty International also stated that detainees who had been badly mutilated as a result of torture were either kept in detention, prevented from leaving Kuwait or executed. This appears to be a more recent development, prompted in all likelihood by widespread media coverage of human rights abuses being perpetrated by Iraqi forces in Kuwait. The 17-year-old former detainee mentioned above, who was released in early October, stated that just prior to release:

"* * * they transferred us to Muhafazat al'Asima where we were examined. I hid the traces of torture on my body in order to avoid being executed, because anyone who has clear traces of torture on his body or is suffering from permanent damage is executed."

Families were given no official notification of the arrest, place of detention and subsequent movement of detainees, and had to obtain such information through their own efforts. During the first two weeks of the invasion, relatives of detainees routinely enquired about them with Iraqi military personnel who had taken charge of the local police stations. In some instances, the families were told that the detainees had been transferred to Iraq, and that all further enquires should be made to the authorities there. However, in the vast majority of cases, Iraqi forces denied having the detainees in their custody. Those arrested had therefore effectively "disappeared" in detention, and their families remained ignorant of their false fate and whereabouts until they had either been released or executed. In the latter case, the bodies of the victims would either be found in the streets of Kuwait City, or else dumped outside their homes [see section 6].

As incidents of arrests and killings multiplied from mid-August, the families of those who had "disappeared" became increasingly reluctant to make enquiries about them for fear of being arrested themselves. A 31-year-old Kuwaiti doctor told Amnesty International of one such case:

"The young man [a Kuwaiti, name withheld by Amnesty International] went to enquire about his cousin who was held in al-Rigga police station. When he kept insisting he was taken inside the police station. He was stripped of his clothes and told to pray. When he kneeled down they started kicking and beating him. He was suspended from a fan for several hours and was told to sit on a bottle. He was released several days later with a message to everyone, that this is the punishment for those who ask about any detainees. He was in a very bad psychological state. This happened in the first week of September."

Instead, the families of detainees turned for help to the Red Cresent, to whom many of the bodies found in the streets were being referred. A member of the Red Crescent's administrative council described the situation to Amnesty International:

"In the early days of the invasion, we tried to raise with the Iraqis the cases of detainees as well as those who had disappeared. There were many such cases in Kuwait. When a young man steps out of his house, there is a likelihood that he will not return. The families of the disappeared tried to enquire about them with the Iraqis in all possible places, but to no avail. So they used to come to the Red Crescent in the hope that we had some information. Prior to the invasion, the Kuwaiti Red Crescent had professional links with the Iraqi Red Crescent, and we tried to use those connections in order to obtain information about the detainees. We were not successful in this. All we could do was to ask the families to write down for us the names and details of those missing, in case we should come across them in the future. . . . ."

On 16 September, six Red Crescent workers were arrested by Iraqi soldiers. They were taken away from their premises on the pretext that they were to attend a meeting with the Iraqi Minister of Health who was visiting Kuwait. Instead, they were taken to Nayef Palace, which is being used as a detention centre. They were held there for 26 days. Following their release, the Red Crescent headquarters were closed down, and Iraq subsequently announced that the Iraqi and Kuwait Red Crescent societies had been merged.

The following is a father's account of his attempts to find one of his sons, Hassan, a 24-year-old teacher. He was arrested from his home on 16 September, together with his younger brother, 'Abdallah, a student aged 18. 'Abdallah was brought back nine days later and shot dead in front of his parent's home [see Section 6 below], while Hassan remained in detention. The father, a Kuwaiti aged 53, told Amnesty International how he tried to find him [the names of both sons have been changed to prevent identification]:

"When I returned to my house after the burial [of 'Abdallah], a Palestinian whom I did not know came up to me and asked if I was the father of . . . (mentioning the names of my other sons who were in the armed forces). When I replied yes, he warned me: "Your sons were in the armed forces. You had better escape or they will come after you." So I spent the next week in hiding, moving from house to house and sleeping in different places. Then I felt I must look for my son, Hassan. I enquired about him everywhere. I went to the police stations in al-Rigga, al-Ahmadi, al-Sabahiyya, Khaitan, but did not find him. At one of these police stations the Iraqis asked me if I was a Kuwaiti. I said yes, and they mocked me: "Your sons are the sons of Jaber and Sa'ad" [referring to the Amir of Kuwait and the Crown Prince]. Finally, I was told he was at Markaz al-Ib'ad [the Deportation Centre]. When I went there, the soldiers told me that they would release Hassan in exchange for a television, a video and 500 dinars. So I went home and returned with these items. I was kept waiting for several hours. At 3.15 in the afternoon Hassan was brought out. He could not walk, the soldiers were carrying him. I put him in the car and took him to the home of my brother-in-law in al-Rumaithiyya. Hassan had been badly tortured and his face was swollen from having been beaten. I did not dare to take him to any of the hospitals. So we waited, and at the first opportunity we left Kuwait. . ."

A 24-year-old Kuwaiti, formerly a lieutenant in the National Guard, describes below how he learned of the fate of his father who, according to a former detainee held with him at al-Firdos police station, had been transferred to a hospital. The father had been arrested in the district of al-Sabahiyya in later August on suspicion of taking part in opposition activities:

"When [the former detainee) told me that my father was in hospital, I went looking for him in the hospital, I went looking for him in the hospitals but I couldn't find him. I looked in the cemeteries but I couldn't find him. Then I was advised to go to al-Amiri Hospital where . . . photographs of the dead [had been taken]. There, I saw a photograph of my father. There were traces of beatings on his head, an open wound in his stomach and the skin on his face was flayed. I left the hospital with my cousin, and we came across a checkpoint near al-Hamra Cinema. [The soldier] told us to produce identification and asked me why I was crying. My cousin replied that my father had died. The soldier said that it was no problem that my father had died. My cousin told him that my father was more honourable than any Iraqi . . ."

Both the former lieutenant and his cousin were arrested at this point and held for five days.

The detention of Western and other foreign nationals

The information in this section relates to the period up to 6 December, when President Saddam Hussein announced that all detained Western and other nationals were to be released and allowed to leave Iraq. Developments after 6 December are not referred to in this document.

On 19 August, seventeen days after the invasion, the Iraqi authorities ordered all Western foreign nationals in Kuwait to assemble in three hotels in Kuwait City—the Regency Palace, the Meridien and the International Hotel. They announced that these nationals may be transferred for detention at key military and industrial sites in order to deter military attacks against Iraq. Although none were actually detained on that day, the announcement marked the beginning of what is now commonly referred to as Iraq's 'human shield' policy. On 20 August, British and French government sources confirmed that 82 Britons and six French nationals were moved from hotels in Kuwait and taken to unknown destinations. In addition, some 200 British and American nationals who had also been transferred from Kuwait to Iraq were detained in several hotels in Baghdad. On 21 August, the Iraqi authorities confirmed that some foreign nationals had been transferred to military sites in Iraq.

Subsequently, hundreds of foreign nationals were rounded up in Kuwait City and taken to Iraq. They included French, British, American, Australian, German, Dutch, Belgian, Scandinavian and Italian nationals, as well as Japanese nationals. Hundreds of others of these and other western nationalities who were either working in or visiting Iraq at the time were also detained in hotels in Baghdad or transferred to undisclosed locations. In the third week of August, the Iraqi authorities announced that some 13,000 Western, Soviet and Japanese nationals would not be permitted to leave Iraq or Kuwait until United States troops withdrew from Saudi Arabia and the sanctions against Iraq were lifted. Nevertheless, up until 6 December, several hundred of these foreign nationals were allowed to leave Iraq, largely following visits by former heads of state and political leaders from countries including Britain, France, the United States, Austria, Germany, Japan and the Soviet Union. The majority remained in Iraq, however, and were dubbed 'guests' by the host country. The precise numbers of those among them who, at the time of writing, were detained in strategic military and industrial installations, were not known. According to one estimate, some 600 British, Japanese and American nationals were being held at an estimated thirty sites in both Iraq and Kuwait, while up to 2,000 Western nationals remained in hiding in Kuwait [figures compiled by the Associated Press news agency].

The Iraqi authorities have said nothing to suggest that these foreign nationals are being held on grounds other than their nationality. President Saddam Hussein recently reaffirmed that they have not been charged with any offence. In an interview broadcast on British television on 12 November, he said the following:

"If you ask these guests, whom you call hostages, who have returned to Britain: did Iraq ask anything of you in return for lifting the restrictions on travel . . . they will reply that nothing [was asked]. Therefore . . . they are not hostages. And if you ask them: did Iraq charge you with anything or interrogate you, they will reply no. Therefore they are not imprisoned, and the description of detention and imprisonment does not apply to them . . ."

Semantics aside, however, it is beyond doubt that these detentions are arbitrary and violate international human rights norms. Furthermore, all foreign nationals detained since 2 August have been denied consular access. Foreign diplomats in Kuwait were themselves stripped of diplomatic immunity when the Iraqi authorities announced that all embassies in the country should cease to operate by 24 August.

Scores of Western nationals took refuge in their embassies in Kuwait City in the third week of August when the 'human shield' policy began to be implemented, but most remained in hiding elsewhere. A group of British and American nationals who, at the time of writing, were in hiding in Kuwait described their situation thus in a report they had compiled dated 6 November.

"We have been in hiding at various locations for over three months. We never go outside and the only daylight we see is by peeping round a curtain. As for escape, that is totally impossible. We would have to get through as many as six checkpoints manned by armed Iraqi soldiers to reach the desert. Even if we got that far, which is very unlikely, we face the prospect of being shot without warning by soldiers in and around Kuwait."

One British national was in fact shot dead on 11 August as he tried to cross the Kuwait-Saudi Arabian border [see Section 6 below]. The situation became more precarious with the introduction of the death penalty for harbouring Western nationals on 25 August. Several Kuwaiti former detainees interviewed by Amnesty International stated that during interrogation, they were questioned on the whereabouts of foreigners. Many others reported that Iraqi soldiers conducted house-to-house searches looking for foreigners, and that in some cases violence was used to detain them. On 5 September an American national, Miles Hoffman, was reported to have been shot in the arm while trying to evade capture from his home. Also in early September, a British man and his Filipino wife were allegedly beaten prior to their arrest. An account of that incident, as well as a general description of the situation, is provided by a British woman who had been living in Kuwait and whose husband remained in hiding there. She told Amnesty International in October:

"Our home was in al-Fahahil . . . we heard lots of stories. I knew a British guy with a Filipino wife, he's about 35 or 40 years old. The Iraqis broke into their flat while they were in hiding in the back room. It was between 1 and 3 September. They kicked the wife in the chest and her husband was badly beaten around the head. I think she's here now [in the United Kingdom], but he's a hostage . . . My husband and I were in hiding almost from the beginning. We went out only if it was absolutely necessary. Eight days after the invasion we moved from our flat because it became unbearable. We were afraid the Iraqis would come, so we moved southwards. Someone told us they were picking up Brits in house-to-house searches . . . Now the situation is much worse. I got a letter from my husband on Friday, it was dated 25 September and was smuggled out of Kuwait. He says there's an atmosphere of despair. He seems to think the soldiers are getting ready to move in, and it's a lot more tense than when I was there. He says they're picking up more Brits, and mentioned that at least twenty more were picked up last week. He's back to hiding in the attic now . . . The Palestinians were helping with food, but they can't help any more because they don't have money . . ."

The 6 November report quoted earlier, which had been sent to Amnesty International (among others), gives further details about the situation of some of the Western nationals:

"We have to report that the American Embassy is now totally out of touch with the situation in Kuwait and the conditions under which its people and ourselves are surviving. They are virtually powerless to help us in any way. For us in hiding, it means that for our daily needs we have to rely totally on the goodwill and capabilities of the Kuwaiti people, whose patience is wearing very thin . . . An additional problem in respect of our security is now getting close. All Kuwaitis will become non-persons in their own country on November 25 . . . unless they register themselves for Iraqi citizenship. Those not complying will become fugitives from Iraqi justice in their own country and, like us, will have to go into hiding. Many others will take the opportunity to leave the country if possible before November 25th . . . This will leave many of us in hiding without protection. It will assuredly force large numbers of us to give ourselves up, as there will be nobody to supply us with food."

The 25 November deadline for the taking up of Iraqi identity documents has since been extended by one month. An earlier report sent in mid-October by the same group of British and American nationals gave details of the case below, which highlighted the predicament of Western nationals in hiding who required medical attention:

"A Scotsman in hiding in Kuwait City was rushed to a hospital with a perforated ulcer. He had been reluctant to expose himself for fear of capture, despite his condition. Unfortunately the man died in the hospital. His body has still not been released by the Iraqis for burial."

4. TORTURE AND ILL-TREATMENT OF DETAINEES

In the period August to November, Amnesty International interviewed scores of detainees who stated that they had been tortured while in the custody of Iraqi forces. The majority of the victims were Kuwaiti males between the ages of 16 and 35, some of whom still bore marks of torture on their bodies when interviewed. Amnesty International has also received numerous other testimonies from the families of torture victims, the doctors who examined them and, in the cases of those who died, the people who buried them. Some have also given accounts of the torture and ill-treatment of women generally, who are said to have been subjected to beatings and rape. The methods of torture and ill-treatment said to have been used by the Iraqi forces since 2 August are listed in detail at the end of this section.

Iraqi forces at all levels appear to have been involved in the infliction of torture on detainees. They include ordinary soldiers from Iraq's regular army, senior military personnel, and agents of Iraqi intelligence and the security forces. Based on the information it has received and the interviews it has conducted, Amnesty International believes that torture is being systematically used during interrogation, both in order to extract information and as punishment. It is during this period that torture is described at its most brutal, when the interrogation methods used by Iraqi forces have frequently resulted in permanent physical or mental damage. The condition of detainees under such circumstances is compounded by their deprivation of medical treatment while in custody and, following their release, by the almost total absence of medical facilities.

Two categories of detainees appear to have been targetted for particularly severe torture: actual or suspected members of the Kuwaiti armed forces, National Guard, police and security forces, and individuals suspected of having participated in armed resistance against Iraqi forces. However, others have been tortured for involvement in non-violent activities such as peaceful demonstrations (in the early days of the invasion), writing anti-Iraq slogans on walls, possessing opposition leaflets and raising the Kuwaiti flag. In large measure, torture in these cases was aimed at punishing such acts of defiance. It was also aimed at extracting information about the identity of persons involved in opposition activities, the locations of such activities, and the whereabouts of individuals or families being sought by the Iraqi authorities. In other cases, the objective was to force detainees to cooperate with Iraqis after release by acting as informers. Coupled with that was forcing them to make statements against the Kuwaiti ruling family and government and making declarations of allegiance to Iraq's President Saddam Hussein. Finally, the sheer brutality of the torture inflicted on detainees was designed to terrorize the population at large and to discourage others from expressing in whatever form their opposition to the Iraqi presence in Kuwait.

Appendix A of this document contains the testimonies of eight Kuwaiti men and youths who stated to Amnesty International that they had been tortured at the hands of Iraqi forces [their names have been withheld at their own request]:

A1. A former interrogator in his early 30s, arrested on 22 September after being found in possession of a leaflet giving information on chemical weapons. He was detained for one week, principally at al-Farwaniyya police station, and subjected to beatings, kicking, burning of the skin and sexual torture.

A2. A 17-year-old student arrested in early September after being found in possession of a gun and leaflets containing information on weaponry. He was detained for 36 days in several detention centres in Kuwait City and later in Basra and subjected to beatings, mock execution, falaqa [beatings on the soles of the feet], electric shocks and threatened with sexual torture.

A3. A 32-year-old office clerk arrested on 3 August as he returned home after buying foodstuffs from the local cooperative society. He was detained for five days at al-Sulaibiyya police station and subjected to beatings and electric shocks, and was shot in the leg at point blank range.

A4. A 22-year-old student arrested on 24 August following house-to-house searches in the district of al-Rawda. He was detained for eight days in al-Rawda and al-Farwaniyya police stations, and subjected to beatings, kicking, and falaqa. Cigarettes were extinguished on his body and his leg was slashed with a knife.

A5. A 38-year-old man arrested on 5 September after another detainee allegedly revealed that he was active in the armed opposition. He was detained for one week at the Kuwait General Staff headquarters in the district of al-Shuwaikh and later in Basra. He was subjected to beatings, mock execution, exposure to hot and cold temperatures, electric shocks and suspension from a rotating fan.

A6. A man in his 30s arrested twice, in the third week of August and later on 20 September and accused of being member of the Kuwaiti armed forces and of having participated in opposition activities. He was held for four days in a school and at al-Jahra' police station and subjected to beatings, kicking, electric shocks and the placing of heavy weights on his body.

A7. A 23-year-old student arrested around 22 September after returning to Kuwait to assist his family in fleeing the country. He was detained for eighteen days in several detention centers in Kuwait City and later in Basra. He was subjected to beatings, whipping, exposure to cold air and to the sun for prolonged periods, as well as electric shocks.

A8. A 31-year-old man arrested on 14 September at his home during a diwaniyya [a traditional male gathering where social and political issues are discussed]. He was detained for three weeks at al-Farwaniyya and al-Jahra' police stations as well as a private home in Kuwait City, and later in Basra. He was subjected to beatings, electric shocks, mock execution, was forced to watch his relatives being tortured and was himself tortured in front of them.

Numerous other testimonies have reached Amnesty International, from which only a selected few are published in this document. The following is an extract from the testimony of a Kuwaiti former detainee held in al-Kadhima Sports Club. Here he describes the condition of other detainees held with him, including that of a 13-year-old boy:

"One of the soldiers led us into the squash court, and we saw many Kuwaitis of different ages, ranging between 13 and 45. Some of them had fainted from torture. I sat next to a 13-year-old boy whose body looked blue. I asked him, "What have you confessed to?" He said: "My crime was to shout *Allahu Akbar* and every oppressor, and I was tortured with electricity for four days. The skin on my back was peeling and I can only sleep while sitting." There was another young man who was unable to stand or hold anything because the skin on his hands and feet had split and peeled from being tortured with flames. Worse than that, I saw one of the young men from the resistance whose finger and toenails had been extracted, and whose body was blue from [the application of] electricity. He had become blind because they had used a kind of caustic substance to torture him. He was barely alive, unaware of what was happening around him. [Then he told me who he was and said], "Take care of my parents because I am their only son and they have no one in the world except me". I asked him, "Why have you done this?" So he said, "There is nothing more precious to me than my father and mother, except my country. . . . If Kuwait is thirsty I will water it with my blood". He started singing, "I am a Kuwaiti", and I started crying, not from fear but because of the situation we were in . . ."

A 38-year-old Kuwaiti housewife told Amnesty International of the case of her neighbour's son, an 18-year-old Kuwaiti boy accused of distributing leaflets:

My neighbour's son . . . [name withheld by Amnesty International] was arrested at the end of August in the district of al-Surra where he lived. It was Friday night, after the evening prayers. He was detained for about ten days. His mother went to al-Surra police station to look for him, but the Iraqis told her he was not there. Ten days later he was released. He had been held at al-Farwaniyya police station. I went to my neighbour's house to see them. Her son could not speak or walk normally. He had been sexually assaulted and electricity had been applied to his penis. They also applied electricity to his ears and lips, and suspended him from his feet."

One of six Red Crescent workers held in Neyef Palace for 26 days in September and October described to Amnesty International what he had witnessed:

"During our stay there, we used to see other detainees when we left our cell to go to the toilet. I saw about 30 or 40 people every day. Most of them appeared to have been beaten or otherwise tortured. The soldiers routinely kicked the detainees in the stomach, causing maximum damage with their heavy army boots. On one occasion I saw a man who was urinating blood, presumably due to the hemorrhage of the kidney. His facial hair had been plucked out and his fingernails pulled out. I saw an old man aged about 60, and a young boy aged about nine. Another detainee I saw was being forced to walk after having been subjected to falaga. He was limping and screaming from the pain. His face and clothes were covered with blood. . . ." [None of the Red Crescent workers were subjected to physical torture while in detention, having been told by their guards that they were being held in a "five-star-jail"].

A 24-year-old former detainee [name withheld by Amnesty International] who suffers from a physical handicap told of how he and others with similar disabilities had also been tortured:

"I was with the resistance working in one of the districts of Kuwait. A detainee had given my name to the Iraqis. The soldiers arrested me from my home in al-Da'iyya at about midnight [in August]. They dragged me from my bedroom and took me to the local police station. The first day they beat me severely with a cane. I was held for ten days altogether, first at al-Da'iyya police station and then at *Sijn al-Ahdath* (the Juveniles Prison) in al-Firdos. The only food I was given was hard bread. Some of the detainees at the police station were minors, aged about 14 or 15. I heard the screams of detainees being tortured. I was not subjected to electricity, only beatings. But my body was blue all over with bruises. An officer told me that I had been sentenced to death. I was beaten so hard that the aluminim rod which holds my calliper together broke (I suffer from paralysis of the right leg and have to wear a calliper constantly). In my cell there were two detainees, one aged 16 and the other 25. The younger one was handicapped—he was lame and used a crutch. He had been beaten on his face, which was blue with bruises."

A Kuwaiti businesswoman in her late 20s who ran a marketing firm prior to the invasion told Amnesty International what had happened to one of her employees, a 25-year-old Palestinian who holds a Jordanian passport [name withheld by Amnesty International]:

"He went to Basra to sell electronic equipment in order to buy vegetables and fruit to bring back to Kuwait. He was arrested on 9 September after refusing to give the Iraqis some of the food he had brought back. His younger brother [name withheld] was arrested as well. They took them to al-Surra police station and held them for 4—5 hours. I saw [my employee] upon his release. He was in a terrible state, unable to walk. The soles of his feet were swollen. I saw marks of beating on his body and his hands were covered with scratches. He told me they had taken off his clothes, blindfolded him, and then beaten him for about an hour with canes and then with electric batons. Then he was kicked by four soliders who wore heavy army boots. Before releasing him, they subjected him to Russian roulette [mock execution]. His brother received the same treatment."

Several former detainees told Amnesty International that Iraqis had been held with them in the same detention centre. A Kuwaiti student held at al-Farwaniyya police station in September [see Appendix A2] said:

"They took me back to the al-Farwaniyya and threw me back in the same room where I stayed four days . . . then they took us out of the room and brought in four Iraqi soldiers whose hair, eyebrows and moustaches had been shaved. The guards were beating them, saying that they were traitors and had brought shame upon their families . . .".

Another Kuwaiti student held at an Iraqi Intelligence centre in Basra in the third week of September [see Appendix A7] told Amnesty International:

"[I was] put in a cell measuring 3×4 metres, together with about 25 other detainees. These detainees, from what I could gather, were all Iraqi civilians. One of them, aged 18, had been tortured with electricity. Another one had had his skin pierced with pins."

Amnesty International has also interviewed several doctors who, following the invasion of Kuwait, worked as volunteers in various hospitals. All of them stated that the bodies of victims of extrajudicial killings brought to the hospitals bore obvious signs of torture, some of them having been badly mutilated. Scores of these bodies have been photographed, and the photographs provide irrefutable evidence of the abuses committed by Iraqi forces [See Appendix D]. The following are two accounts provided by medical doctors to Amnesty International.

*Account provided by a 31-year-old Kuwaiti doctor [name withheld by Amnesty International] whose specialization is occupational medicine. He volunteered his services at al-Ahmadi and al-'Addan hospitals in August and September, and stated in respect of the former hospital:

"On average, five or six new bodies were brought to the hospital each day. All were males and most were in their 20s. Many bore marks of torture. Judging by the bodies that I personally saw, the methods of torture being used included the extinguishing of cigarettes on the body; burning of the skin with heated metal rods; application of electricity; cutting off of the tongue and ear; gouging out of the eyes and the breaking of limbs. In most of these cases, the immediate cause of death appeared to be a single shot in the back of the head or, in a few cases, a shot in the ear or mouth. I also saw the body of a middle-aged man who appeared to have been strangled with a rope. Most of the victims were Kuwaitis, but among those whom I came across were five Egyptians and one Iranian. Some of the victims had also had their fingernails extracted, and others had swollen feet with pockets of pus as a result of being subjected to *falaqa* for prolonged periods. Some had marks round their ankles, consistent with having been suspended upside down. One had been shot in the thigh. Those burned with heated implements had white marks on the affected areas, with black spots on them. One of the Egyptians I saw had been shot at point blank range in his hand, which looked as if it has been torn to pieces. Some had had their beards plucked out . . . ."

*Account provided by a Kuwaiti medical doctor in his early 40s [name withheld by Amnesty International] who examined the bodies of victims at the Red Crescent headquarters between August and October:

"I personally examined about 60 bodies. In addition to the shot through the back of the head, some of them also bore marks of torture, such as burns on various parts of the body. Some had broken limbs, others bore signs consistent with having been beaten with heavy implements. One victim had clearly had his beard plucked out, and others had had their finger and toenails pulled out. I came across three people who had been tortured with electricity on their genitals and back, and three others who had had cigarettes extinguished on their eyeballs. In some cases the immediate cause of death was not a bullet, but torture. One such body which I examined had no bullet wounds. The victim had been kicked and beaten extensively. His name was . . . [name withheld by Amnesty International], aged 20, from al-Sulaibikhat. He had been arrested in early September while distributing food from the cooperative society to peoples' homes. His body was found lying in the streets ten days later . . ."

Several doctors also informed Amnesty International that Iraqi officials forced them to issue death certificates in respect of some victims, giving an incorrect cause of death. For example, the doctors would be forced to state that the victims had died of internal bleeding instead of torture or bullet wounds. According to one Red Crescent worker, this happened at al-Farwaniyya, al-Amiri, al-'Addan and Mubarak hospitals.

All the torture victims referred to thus far in this document have been males. Although a number of former detainees interviewed by Amnesty International stated that they had either seen women held with them in the same detention centre or had heard their screams, none was able to provide detailed information on their treatment while in custody. Female detainees were, in most cases, held apart from the men, either in separate cells or in different sections of the detention centre or prison. One passing reference to a female detainee was provided by one of the Red Crescent workers detained in Nayef Palace in the period mid-September to mid-October:

"All the detainees I saw in Nayef Palace were males. However, late one evening I saw a woman being brought in. She was pregnant and was carrying a suitcase. I don't know her nationality, but she was Western. She was taken into the officers' room. Later I heard screams, and I think they were those of a woman. I don't know what happened to that woman, I didn't see her again."

On the basis of the information received by Amnesty International, it was not possible to determine the extent to which the torture methods described above were used on women. Apart from psychological torture, such as having to watch their sons being shot [see Section 6], the prevalent form of torture used on women has been rape. By its very nature, this form of torture makes the victims, as well as their relatives, reluctant to talk about it. A number of men interviewed said they knew of cases of rape, but refused to reveal the names of the victims even in confidence.

In this context, it has proved difficult to verify or substantiate the numerous reports of rape emanating from Kuwait since 2 August. In the first week of August, a British Airways stewardess was reported to have been raped by an Iraqi soldier on board a bus outside the Regency Palace Hotel in Kuwait City. One of the hotel's employees informed Amnesty International that the stewardess, a British national, was raped as she was about to accompany passengers to another hotel. Most incidents of rape reported in the first three weeks of the invasion, however, suggested that Asian women were the prime targets, particularly Indian and Filipino domestic servants. Eyewitnesses stated that they had seen some of these women being dragged out of their employers' homes by Iraqi soldiers, presumably for the purpose of raping them. One such account is that of an Indian male cook who, together with an Indian maid identified as Mary, was employed by a Kuwaiti family at the time of the invasion. He told Amnesty International:

"On 2 August, early in the morning, my boss received a telephone call. Immediately afterwards the family started packing their belongings. Then they called Mary and me and told us that they were leaving for London. My boss gave us the keys to the house and a few gold coins, told us to take care of ourselves and left. For one week we stayed alone in the house. Then about ten or fifteen Iraqi soldiers in two military vehicles arrived. They decided to take everything in the house, and ordered Mary and me to load the vehicles. This took two hours. When we finished, two of the soldiers told Mary to go with them. Mary said to them, "Please, I am not coming with you, please help me". She was crying too much when she said this. The soldiers pushed her into one of the vehicles beside the driver while pointing a gun at her. Then one of them turned round to me and hit me in the chest with the butt of his machine gun. I didn't see Mary again."

Such reports were rife in Kuwait, and although the actual extent of such incidents is impossible to assess, they gave rise to a climate of very real fear among the Asian women. A 37-year-old Filipino staff nurse who was visiting Kuwait at the time of the invasion told Amnesty International:

"[In August] there were about 20,000 Filipinos sheltering at our embassy in Kuwait. Some were inside the building, and the others were in three unfinished buildings nearby. Among them were housemaids who were alone and scared, their employers had been away on holiday. They were all scared, having heard stories of rape. I don't think they were safe even at the embassy—there were only seven officials working there."

Since early September, Amnesty International has received reports that increasingly, Kuwaiti and other Arab women have been raped by Iraqi military personnel, although some cases were reported earlier. According to Egyptian diplomatic sources, three Egyptian air stewardesses were raped at the Meridien Hotel on 3 August. An Egyptian female nurse working at Mubarak Hospital until early September told Amnesty International that she knew of several Arab women admitted to the hospital after being raped. She stated that she had personally participated in carrying out gynecological tests on one of them, a Palestinian woman in her early 20s, and that the test were positive. The nurse said that when she arrived at the hospital (in mid-August) the woman was hysterical, having apparently been taken to the district of Hawaii, raped by five soldiers and then thrown out onto the street. She also said that the previous day, a Kuwaiti woman was admitted to Mubarak Hospital, having been raped by Iraqi soldiers at her home in al-Salmiyya. A Kuwaiti doctor who had been working for the Red Crescent told Amnesty International that he knew of fifteen incidents of rape in al-Jahrá, fifteen in al-Rigga and three others at the Maternity Hospital. The victims were of various nationalities, including Arab women. In another case, an Egyptian doctor working at al-Sabah Hospital told Amnesty International of a case he knew of:

"I know of one Kuwaiti lady in al-Jabiriyya who has a 19-year-old daughter . . . I'm sorry I can't tell you the names, they're from, a very prominent family. It was at the end of August . . . the daughter went out to get some food. Three Iraqi soldiers and one officer followed her and wanted to rape her. They followed her inside her villa. When the mother saw them she pleaded with them not to rape her as she was only a virgin. She asked them to rape her instead of her daughter, so they did."

A Kuwaiti woman [name withheld by Amnesty International] who left her country on 29 November stated that Iraqi soldiers had threatened to rape her and her sister in front of their brother, a journalist who had been arrested on suspicion of involvement in opposition activities. The woman gave this as her reason for fleeing Kuwait, and she gave details of cases of rape she knew of. These included the rape of four Kuwaiti girls in front of their father in al-Rumaithiyya in mid-November. She also reported seeing a young Kuwaiti woman being held while completely naked at Sabah al-Salem police station during the two weeks prior to 29 November. She had apparently been repeatedly raped by Iraqi soldiers there.

A Kuwaiti gynecologist and obstetrician working at the Maternity Hospital who left Kuwait in mid-November reported on two rape victims she had personally examined:

"A Jordanian girl aged about 20 was raped by five Iraqi soldiers. She told me that they had abducted her when she left her building to go to the grocers. They abducted her, raped her and then threw her onto the street. She was later found by some Kuwaiti boys who brought her to the hospital. When I examined her I found her vagina swollen from extensive penetration. She was also scratched and bruised on her face, back and hands. She was hysterical."

"[On 11 November] when I was in the casualties ward, the Iraqi police brought me two girls. The first was a 22-year-old bidun and unmarried. She told me that while they were sleeping in their home at 6 am, Iraqi soldiers came and gathered them in the upper floor. They took her down to the ground floor, where an Iraqi soldier raped her anally several times. When I examined her, I found an injury 4cm. long from the anal opening to the vagina. She needed five stitches. I also noticed bruises and injuries on her body due to resistance. Then she told me that the Iraqis also brought her older sister and assaulted her. So I examined her sister, who was 26 years old and married. I found that she had been raped vaginally and anally. She told me that they had raped her and then stole her family's money and gold. I have heard of many cases of this kind, but they did not come to the hospital because of the shame."

Methods of torture and ill-treatment

The following are details of allegations of torture and ill-treatment which have been made to Amnesty International since 2 August, some of which are supported by medical evidence and photographic material [see Appendices C and D]. These reports are entirely consistent with methods of torture and ill-treatment known to have been used in Iraq over many years, and some of which are also supported by medical evidence [see in particular Amnesty International's report entitled "Torture in Iraq 1982–1984", published in April 1985, and the organization's annual reports].

It should be noted that not all of the methods listed below are said to have been widely used since 2 August. Those methods which have been alleged only in a few cases brought to Amnesty International's attention are marked with an asterisk (*).

1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.

2. *Falaqa:* prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.

3. Suspending the detainee by the feet, or by the arms which are tied behind the back.

4. Beating the detainee while suspended from a rotating fan in the ceiling.

5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.

6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.

7. Applying pressure to the fingers with a clamp-like instrument.

8. Slashing the face, arms or legs with knives.

9. Extracting finger and toenails.

*10. Boring a hole in the leg, apparently with a type of drilling tool.

11. Cutting off of the tongue and ear.

12. Gouging out of the eyes.

*13. Castration.

*14. Hammering nails into the hands.

15. Piercing the skin with pins or staplers.

16. Shooting the detainee in the arm or leg at point blank range followed by deprivation of the necessary medical treatment.

17. Rape of women (including virgins) and young men.

18. Inserting bottle necks, sometimes when broken, into the rectum.

*19. Tying a string around the penis and pulling it tightly.

*20. Pumping air using a pipe through the anus, particularly of young boys.

21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instruments used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).

22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.

23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.

24. Pouring hot and cold water alternately over the detainee.

25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.

*26. Pouring an acid-like substance onto the skin.

27. Pouring caustic substances onto the eyes, causing blindness.

28. Plucking facial hair, particularly the beard, with pincers or pliers.

29. Placing heavy weights on the detainee's body.

30. Spitting into the detainee's mouth.

31. Exposing the detainee to the sun for several hours at a stretch without water.

32. Subjecting the detainee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the mouth and pulling the trigger.

33. Forcing the detainee to watch others being tortured, or to hear their screams.

34. Raping, or torturing the detainee's relatives in his or her presence; threatening the detainee with such acts.

35. Threatening the detainee with torture methods such as the electric chair [*al-Kursi al-Rajjaj*], or with death by immersion in an acid bath.

36. Deprivation of medical treatment.

37. Deprivation of sleep, food, water, fresh air and toilet or washing facilities.

38. Degrading the detainee by using obscene language or insults.

5. THE DEATH PENALTY

Within a month of the invasion of Kuwait, Iraq's Revolutionary Command Council (RCC) had passed resolutions introducing the death penalty for three offenses: On August 11 for the hoarding of food for commercial purposes; on August 14 for looting; and on August 25 for the harboring of Western nationals. On November 20, the RCC reaffirmed in a new resolution that the hoarding of food was punishable by death, apparently in response to the growing effects of the internationally-imposed economic sanctions on Iraq.

In line with its usual practice, the Iraqi Government has refrained from making public the number of people executed for these capital offenses, although some executions for looting have been officially confirmed [see below]. In this context, it is impossible to assess the extent of the application of the death penalty since the invasion. Furthermore, the information available to date does not enable Amnesty International to assess the extent to which such executions can be considered as 'judicial'. In other words, whether the alleged offender had had been granted the opportunity to defend himself against the charges against him, including having access to a defense lawyer, and whether his conviction had been secured following trial procedures which met international standards for fair trial. In the context of the widespread abuses perpetrated by Iraqi forces in Kuwait, which reveal a total disregard for the most fundamental human rights principles, it is Amnesty International's view that the likelihood of any alleged offender receiving a fair trial under such circumstances is indeed remote. In arriving at this conclusion, Amnesty International also takes into account Iraq's past and current record vis-a-vis the conduct of trials in its own courts. The organization has over a number of years expressed its concerns to the Iraqi authorities about unfair trial procedures which failed to meet not only internationally recognized standards for fair trial, but also those standards set out in Iraq's own domestic legislation. Such deficiencies apply in death penalty cases as well, where defendants have been repeatedly denied access to a defense lawyer while in pre-trial detention, denied the opportunity to speak in their own defense in court or to call witnesses on their behalf, and denied the opportunity to appeal against a death sentence which, in many cases, had been secured on the basis of "confessions" extracted from the defendants under torture. The unfairness of these procedures is most apparent in trials before Iraq's permanent and temporary (ad hoc) special courts, whose decisions by law are final and not subject to appeal [for further details, see Amnesty International's report entitled "The Death Penalty in Iraq: Legal Aspects", published in June 1987]. The RCC's Resolution No. 322, which introduced the death penalty for looting on August 14, provided that such cases will be heard before a special court, whose decisions are also final and not subject to appeal.

To date, Amnesty International has not received any information suggesting that any death sentences have been passed or carried out on individuals accused of hoarding food. Reports that a Kuwaiti man was executed in early September for harboring a Western national remain unconfirmed. The person in question was said to be among the thousands of Kuwaiti military personnel arrested by Iraqi forces, and may have been executed for other reasons. At least 18 executions for looting, however, have been officially confirmed by Iraq. The first known case was reported on August 16, two days after the offense became punishable by death. The body of a man said to be an Iraqi soldier was found hanging from a crane in al-Hilali Street, opposite the *Muhafazat al-'Asima* building [see Appendix D for photograph]. Initial reports suggested he had been publicly hanged, but subsequent accounts from eyewitnesses who saw the body indicated that he had been shot first and then his body was later hung in public as an example to others. The following is one such account given to Amnesty International by a Kuwaiti housewife in her late 30s:

"I saw his body that morning [August 16], suspended from a crane near *Muhafazat al-'Asima*. There was a placard round his neck which read: "This is the punishment for those who steal the riches of the people". Another placard with the same message was placed on the ground beneath the suspended body, together with the goods he was supposed to have stolen. The man had been shot first, and then his body was hung. It remained there for two or three days. His photograph was published in *al-Nida'*."

Another person, a Kuwaiti man in his late 20s, told Amnesty International that he had been present when the body was taken down. He stated that there were several bullet wounds on the body, suggesting that the victim had first been executed by firing squad. The body was removed by the Red Crescent for burial. The name of the victim is not known, and neither is it known whether he had received any form of trial prior to execution. A former lecturer at Kuwait University in her mid-50s remarked to Amnesty International:

"They said he was guilty of looting, but that was probably a pretext. How can they execute him for looting when they are all looting openingly? I saw myself, on the way from Kuwait to Baghdad, fourteen lorries carrying televisions and other electrical equipment. Maybe that person was an honourable man who dared to say "no" to them, and was executed for it."

According to information received by Amnesty International, the photographs of ten other men said to have been executed for looting were shown on Iraqi television between 17 and 21 August. Among them were Iraqi, Kuwaiti, Egyptian and Syrian nationals. The university lecturer (mentioned above) told Amnesty International:

"In the days immediately after the [16 August] execution, Iraqi television announced that others had been executed for looting. They showed their photographs on television. I saw four or six of them. One of them was an Egyptian national employed by the Kuwait Oil Company. A maternal cousin of mine recognized him, but I don't recall his name. On 18 August they showed on television the photograph of another of those executed. He was a Kuwaiti from the al-Hajiri family, also accused of looting. I don't know his first name. On 20 August they showed on television the photographs of other looters."

Her account was consistent with those given by several other people interviewed by Amnesty International, including that of a Kuwaiti businesswoman in her late 20s. She also told Amnesty International that one of the Kuwaitis executed was from the al-Hajiri family, that he was 17 years old and was arrested after leaving a diwaniyya and later accused of looting. Further confirmation that executions for looting have been carried out since the invasion of Kuwait was provided by President Saddam Hussein in an interview broadcast on British television on 12 November. In response to a question on human rights violations posed by the interviewer, President Saddam Hussein stated that:

" * * * any Iraqi from Baghdad who steals or robs from a house in the province of Kuwait, and is caught red-handed, will be tried. Iraqi law provides for the death penalty in a case of this kind. A number of Iraqis from the province of Baghdad, or they may have been from the province of Basra or maybe from other provinces, were executed because they stole from the homes of the people in Kuwait. This has happened. Why does the British press not talk about this? Because it reflects the just aspect of our position. . . ."

On 30 November, seven men were publicly hanged in Kuwait after being accused of looting. Iraqi television announced that they had stolen large sums of money in Iraqi dinars, jewelery and electrical appliances from homes in Kuwait. One of Iraq's daily newspapers, al-Jumhuriyya, reported on 1 December that the seven were hanged in the presence of their victims, who were said to have identified them. The names and nationalities of those executed are not known, nor is it known whether they had been tried.

A number of Kuwaitis and other nationals interviewed by Amnesty International firmly believe that ostensibly criminal offenses, such as looting, were used by the Iraqi authorities as a pretext to execute individuals suspected of 'political' offences. In other words, individuals who had taken part in opposition activity against Iraqi forces in Kuwait. In that context, scores of hangings were alleged to have been carried out on the grounds of Kuwait University in late August and early September, while other executions by firing squad were reportedly carried out, sometimes in public, in residential districts of Kuwait City [See Section 6]. Other categories of people feared to have been executed since 2 August are Iraqi soldiers who attempted to desert from the army after their deployment in Kuwait, and Iraqi exiles living in Kuwait and suspected of membership of the opposition group al-Da'wa al-Islamiyya (Islamic Call). Iraqi law provides for the death penalty for both these offenses.

6. EXTRAJUDICIAL EXECUTIONS

"From the middle of August, an average of four or five bodies were brought daily to our centre, but on some days there would be as many as ten. All the victims were male and were of varying ages, the youngest being about 16. However, on 18 August the body of a 12-year-old girl was brought in. Many of the male victims whose bodies I examined had been shot in the back of the head at point blank range, and as such their jaws had been shattered. The usual pattern was that the Iraqis would bring the detainee back to his home and ask his family to identify him. Once he had been identified, the Iraqis would shoot him in the back of the head, right in front of him family."

This pattern of deliberate killings, described to Amnesty International by a doctor working for the Red Crescent, was repeated time and again in accounts provided not only by medical personnel working at several hospitals in Kuwait, but also by the relatives of victims and others who had witnessed such killings. According to Amnesty International's assessment of the situation, hundreds of extrajudicial executions reported since 2 August were carried out in the manner described above. However, many other victims were said to have been executed by firing squad, sometimes in public, apparently without prior legal proceedings. Others, including infants, have been killed through the deliberate deprivation of essential medical treatment.

During the first few hours of the invasion, an unknown number of Kuwaiti military personnel were reported to have been killed in the context of armed clashes with Iraqi forces. In the ensuing month, many civilians who took up arms against Iraqi forces were killed in similar circumstances, and their numbers are also unknown. However, all the cases referred to below involve killings which, according to Amnesty International's information, clearly took place outside the context of armed conflict. The victims include both civilians and former military personnel who were unarmed at the time of their deaths, and who appear to have been deliberately targetted.

The majority of victims of extrajudicial executions brought to Amnesty International's attention have been Kuwaitis, but the organization has also received reports of the killing of other nationals, including Egyptians, Iranians, Pakistanis and one British national. Most of the Kuwaiti victims were males in their early 20s, although among them were minors below the age of 18. Some were as young as 15. With the exception of two cases mentioned later in this document, it does not appear that women have been killed in the same manner. Although Amnesty International has received reports of at least five women being lined up and shot in public, it has not been able to confirm this nor to obtain their names and details of the circumstances surrounding their deaths.

Again, as with those who have been arrested or who have "disappeared" in custody, it is impossible to ascertain with any real certainty or accuracy the number of people deliberately killed by Iraqi forces in Kuwait since 2 August. In the context of denials by the Iraqi Government of any knowledge of such atrocities, and having denied the International Committee of the Red Cross and journalists access to Kuwait, it is only possible to arrive at a general estimate. Based on the information it has received from a wide range of sources, including the scores of people it has interviewed, Amnesty International believes that the number of extrajudicial killings runs into hundreds, and may well be over 1,000. Incidents of such killings relate largely to the period mid-August to mid-October, although killings before and after that period have also been reported.

The range of 'offences' which have led to these mass deliberate killings is wide and varied. Apart from persons known or suspected of having participated in armed opposition, others are reported to have been extrajudicially executed for reasons including: trying to flee Kuwait; possessing hunting rifles and other weapons of a 'non-military' type; giving medical treatment to suspected opposition activists; refusing to allow the removal of medical equipment from hospitals; 'neglecting' Iraqi patients requiring medical treatment; carrying large amounts of money; participating in peaceful demonstrations; carrying the Kuwaiti flag or photographs of the Amir of Kuwait; writing or distributing leaflets critical of the Iraqi presence in Kuwait; and refusing to publicly demonstrate allegiance to President Saddam Hussain. In a few cases, people have been deliberately killed as they were in the process of delivering food from the cooperative societies to peoples' homes.

There is no indication whatsoever, based on the information gathered by Amnesty International to date, that people arrested for these kinds of offences were actually formally 'charged' or received any form of trial prior to execution. On the contrary, some of them were apparently led to believe that they were to be released. The following is an extract from the testimony of a 19-year-old Kuwaiti student who survived an attempted execution by firing squad, and gave Amnesty International an account of what happened. He had been arrested on 11 September after failing to hand over to the Iraqi authorities arms he said he had possessed prior to the invasion. After a two-week detention period at a private house in al-Jahra', during which he was subjected to torture, he and other detainees were told that they were to be released:

". . . on the last day [ie. 24 September] at 2:30 in the morning, a captain came and told us that the President had ordered the release of all the detainees. [He] said that they were going to release us in groups, and called out the names of twelve people. I was one of them."

According to his account, they were taken to Dasman Palace where they were told they were going to be driven to their homes. The 19-year-old student and two other detainees [whose names below have been changed by Amnesty International to prevent identification] were led into a car:

"We were all still blindfolded and handcuffed, but as we approached the district of al-Faiha' the solders removed Samir's blindfold so that he could direct them to his home. But when we arrived there, they told us all to get out of the car. Muhammad and I asked why, because we didn't live there. They made us get out of the car anyway, blindfolded Samir again and made us stand at the doorstep of a house. I realised at that moment that we were going to be executed. I remember it was just after dawn prayers. The first shot was fired and I heard Samir fall to the ground. Two bullets grazed my head but neither of them penetrated my skull. I fell to the ground, and when Muhammad was shot he fell down on top of me. The soldiers then came up to us, took the blindfolds and handcuffs and went away. They must have believed we were all dead.

"My head was bleeding profusely. I crawled over to Samir and raised his head, trying to revive him. I thought he had been pretending, just like me. Then I saw the bullet hole in his head, and just at that moment he died. I couldn't believe what was happening. I went over to Muhammad and found him dead too. I managed to drag their bodies over to one side and recited a short prayer for them. Then I started walking. I didn't know where I was going, but I was afraid the soldiers would come back. . . ."

He was able to get medical assistance, and fled Kuwait some three weeks later [his full testimony is reproduced in Appendix B].

As this student's testimony shows, and as described in Section 4 of this document, victims of extrajudicial killings were invariably also victims of torture. Many of the cases known to Amnesty International involved the suspects being arrested and detained for several days or weeks, during which time their families remained ignorant of their fate and whereabouts. The detainees were routinely tortured while in custody, and then publicly shot outside their homes after a member of their family had identified them. Two Kuwaiti brothers were arrested on 9 September after weapons and a pistol silencer were found at their home in the district of al-Nuzha. They were initially held at al-Kadhima Sports Club and then at the Iraqi Intelligence Centre in al-Jahra' municipality. The younger brother, an 18-year-old student, told Amnesty International that he was held for three days and tortured through constant beatings. Here he recounts what happened to his brother, who was aged 19 [the names of both brothers are withheld by Amnesty International]:

"My brother . . . had been held with me in al-Jahra', but they did not release him. He was held for 36 days and then, in mid-October, they brought him back to our house. When we saw him he was still alive. They threw him down on the doorstep and then shot him in the head with a gun fitted with a silencer. He was handcuffed at the time. We called an ambulance which took him to al-Amiri Hospital, but he was already dead. He had also been severely tortured. His feet were covered with blue bruises, and his body lined with marks caused by extensive beating. There was a deep hole in his thigh which appeared to have been caused by some sort of drilling tool. Electricity had been applied to parts of his body. Late that afternoon we buried him in al-Rigga cemetery. The Iraqis had earlier made it known that public mourning for the dead would not be permitted. Nevertheless, people came to our house to offer their condolences."

In other cases, Iraqi soldiers apparently did not wait for the detainee to be identified before killing him. Such was the case of another 18-year-old Kuwaiti student whose father, aged 53, told Amnesty International of the circumstances of his death [the names below have been changed to prevent identification]:

"The Iraqis came four times to our house. They were searching for Kuwaitis who had been in the armed forces. I have seven sons, five of whom were in the army. My two younger sons are Hassan, a teacher aged 24, and 'Abdallah, a student aged 18. Since the invasion, Hassan had been working as a volunteer in the cooperative society in our district, and 'Abdallah was helping to bury the dead in al-Rigga cemetery. Each time the soldiers came, they searched the whole house. On the fourth occasion, which was on 16 September, they arrested Hassan and 'Abdallah. Before taking them away, the soldiers hit Hassan with a metal rod in his stomach until the skin was cut and he started to bleed. They threw 'Abdallah on the ground and stepped on him with their army boots. For eight days we knew nothing of their fate and whereabouts. Then, on the ninth day, they brought 'Abdallah back. It was eight o'clock in the morning, and I had just finished the morning prayers. I heard the doorbell ring, followed by two gunshots. I ran down and opened the door. I saw 'Abdallah lying down on the ground. His eyes were bound with a black cloth. He had been shot in the head and had died instantly. We took him to the cemetery for burial."

As mentioned earlier in this document, some of the "offences" for which people have been extrajudicially executed by Iraqi forces had no connection whatsoever with membership of the Kuwaiti armed forces, or with suspected acts of armed or even non-violent resistance. Reports received by Amnesty International indicate that these killings were arbitrary in the extreme, and that decisions to shoot were often taken on the spot by soldiers or officers without prior clearance from their superiors. A lecturer in political science at Kuwait University told Amnesty International about the killing of a male relative of hers in such circumstances:

"During the first few days of the invasion, there was a lot of pressure on the bakeries to keep up supplies of bread to the people. On the fourth or fifth day my relative, who was 45, was queuing outside a bakery in al'Umairiyya. An Iraqi soldier from the Republican Guards was also there. My relative could not control himiself. He started shouting at the soldier, saying: "You have ruined our lives, why did you come?" The Iraqi soldier shot him dead there and then, in front of everyone."

In another incident, a Kuwaiti man was reported to have been killed in similar circumstances at a checkpoint, apparently for carrying Kuwaiti currency. The following is an eyewitness account of his execution given to Amnesty International by a Lebanese engineer working for the Kuwait Oil Company:

"On 17 October I was on duty in the al-Ahmadi area near the main office of the Kuwait Oil Company. I was in my car. There was a man in front of me in a blue Mazda. He came to a checkpoint. I remember it was about 4 pm because I was supposed to be on duty and I was already running late. I was thinking 'please don't let this guy be a Kuwaiti', because they really give the Kuwaitis hell. The soldiers took him out of his car. I opened the window of my car so I could hear what was going on. 'What's your nationality?' they asked him. 'I'm a Kuwait,', he answered. 'Where's your wallet?'. As he was reaching for his wallet one of the Iraqis pushed him and pulled it out. They found Kuwaiti currency, 150 dinars. 'You've got that dog Jaber's money [referring to the Amir of Kuwait]'. The Kuwaiti was going to explain [why he had the money] when the soldier pushed him hard, making him stumble, and then he sprayed him with bullets with his machine gun. Within a few seconds a pickup truck drove up—they must have been waiting there, as if they knew. The Kuwaiti had fallen to the ground on his back. Three soldiers grabbed him like a rubbish bag and dumped him in the truck, and then disappeared. I asked one of the soldiers what had happened, and he said, 'the bastard had that dog Jaber's money.' He then asked me where I was from, so I told him I was Lebanese. He said, 'Don't worry, we'll free your country from the bloody Syrians, they're next. . . .' I went to al-Ahmadi Hospital to look for the man whom they had killed, and then to al-'Addan Hospital where I asked if a body had been brought there. No one knew anything about it."

Information gathered by Amnestry International indicates that incidents of such killings, which began in earnest in mid-August continued and increased in September and October. In addition to those detainees who were shot outside their homes after identification by relatives, others were reported to have been killed in police stations or other places of detention where they were held. One 32-year-old Kuwaiti office clerk told Amnesty International that a detainee held with him at al-Sulaibiyya police station in August was shot dead in front of him during a torture session [see Appendix A3]. In such cases, the bodies of the victims would invariably be thrown out onto the streets or dumped in rubbish bins. A former member of the Kuwaiti armed forces in his early 30s told Amnesty International that, prior to leaving Kuwait in mid-September, he had volunteered to collect bodies off the streets for burial. He stated that:

"On average, about 20 or 30 bodies were found daily in the period starting beginning of September. In each district I covered I would find five or six bodies, although there were days when none were found. These districts included Bayan, Sabah al-Salem, Qurtuba, al-'Umairiyya and al-Rawda."

Passers-by who came across these bodies would also take them to one of the hospitals or to the cemetery. As the killings continued, however, people were said to have become too frightened to remove the bodies for fear that even this might be interpreted as an act of resistance. Instead, passers-by would contact the Red Crescent or call an ambulance. One of the Red Crescent's staff who left Kuwait in mid-October told Amnesty International:

"After a while there were so many bodies that there was no more room at the morgue of the nearby Mubarak Hospital. We began putting some of the bodies in the large hospital refrigerators normally used to store food. Families would come looking for missing relatives in the morgues and refrigerators. Most of the bodies were buried in al-Rigga cemetery. We buried about 30 or 40 bodies in each grave."

A Kuwaiti doctor volunteering at al-'Addan and al-Ahmadi hospitals told Amnesty International:

"A number of unidentified bodies remained in the morgues of several hospitals for a long period without anyone claiming them, to the point that the morgues were packed with bodies. This coincided with the fleeing of the cemetery employees and the necessity for each family to dig the graves of those it had lost. But some of the young men volunteered and took charge of the cemetery (washing the bodies, digging the graves and praying for the dead). Some Afghan workers were also hired to dig graves. Al-Rigga cemetery was used instead of al-Sulaibikhat cemetery, which had been turned into a military zone early on in the invasion."

The Red Crescent worker quoted above described later developments.

". . . . towards the end of September/beginning of October, even the burial operations became risky. The Iraqis had stolen the equipment used for burial, even the shrouds used to wrap the bodies. Some of the volunteers who were in charge of digging the graves were arrested. Among them was . . . . [name withheld by Amnesty International]."

A former member of the Kuwaiti armed forces who left Kuwait on 12 October told Amnesty International that his brother had been one of the volunteer grave-diggers. Through him, he learned that on 7 or 8 October, Iraqi forces had taken control of al-Rigga cemetery. "After that", he said, "some families who took the bodies of their relatives for burial there were made to pay 100 Iraqi dinars for each body buried."

In addition to paying for the burial of these victims, reports were also received that some families had been made to pay for the bullets used to execute them. In one case, two Kuwaiti brothers aged 18 and 19 [names withheld by Amnesty International] were shot dead in front of their homes in al-Khaldiyya on 4 October after reportedly refusing to lower the Kuwaiti flag from their home. Their parents were asked to pay the price of the bullets used to kill them—in this case 15 Iraqi dinars each. In other cases reported, the sums of money being asked were 70 or 100 dinars per person. This practice of asking families to cover 'state expenses' for executions is common in Iraq and has been documented by Amnesty International over a number of years. In some instances the sums of money requested have been as much as 500 Iraqi dinars, apparently to cover the costs of coffins and transportation of the bodies as well as ammunition. The practice of instructing the families of victims not to hold public mourning is also common in Iraq. According to reports received, Iraqi forces have tried to enforce such instructions in Kuwait since 2 August, apparently without much success.

Case examples

Below are the details of ten identified victims of extrajudicial executions who died in the period 8 August—first week of October. Accounts of the circumstances of these deliberate extrajudicial killings have been provided by eyewitnesses or people who subsequently saw their bodies, some of whom were interviewed by Amnesty International.

1. Sana' al-Nuri: a 25-year-old law student at Kuwait University. According to eyewitness reports, she was killed on 8 August when Iraqi troops fired at a group of some 35 women demonstrating peacefully in al-Jabiriyya against Iraq's annexation of Kuwait. Another woman in her mid-20s was also reported to have been killed in the same incident, as well as two boys aged 13 and 16 who died after being shot in the head and heart respectively.

2. Douglas Croskery: a middle-aged British businessman who was shot dead by Iraqi soldiers on 11 August near the Kuwaiti border with Saudi Arabia as he was trying to flee the country. Two other British men travelling with him who did succeed in crossing the border stated that they had witnessed the killing. British Embassy officials in Kuwait lodged an official protest to the Iraqi Government over the incident, and made attempts to recover the body. The British Foreign Office has confirmed that Douglas Croskery's body has not been handed over to their officials to date.

3. Mahmoud Khalifa al-Jassem: a writer on Islamic affairs in his early 30s, living in the al-Salmiyya district of Kuwait City. According to information provided to Amnesty International by medical personnel of the Red Crescent, his body had been found in a rubbish bin and was brought to their headquarters at the end of August. Two doctors who examined the body stated that he had been tortured prior to execution: his beard had been plucked out, his toenails extracted and his body bore burn marks consistent with the use of a hot metal implement. The reasons for his arrest and execution are not known.

4. Ahmad Oabazard: an employee of the Department for the Protection of Personalities (Idarat Himayat al-Shakhsiyyat) of the Ministry of the Interior. He was a Shi'a Muslim in his late 30s, and held the rank of captain. According to reports received, he was arrested for the possession of opposition leaflets. In the first week of September (exact date unknown) he was brought back to his house in al-Jabiriyya. The house was reportedly set on fire by Iraqi soldiers, who then shot Ahmad Qabazard in the back of the head. Amnesty International interviewed two Kuwaiti men who stated that they had seen his body subsequently. According to their accounts, it had been badly mutilated: the left ear had been severed and the right eye gouged out; the finger and toenails had been extracted; his body was burned with cigarettes in several places; and nails had been hammered into his hands.

5. *Mubarak Faleh al-Noot*: aged 44, Head of the al-'Ardiyya Cooperative society and President of the Numismatics Society. According to several accounts, including those of eyewitnesses, he was publicly shot by firing squad outside al-'Ardiyya cooperative society on 7 September, apparently for refusing to take down a photograph of the Amir of Kuwait and to replace it with one of President Saddam Hussein.

6. *Saleh Hussain*: age and profession unknown; he was arrested on 2 September at a *diwaniyya* in the al-Sabahiyya district of Kuwait City, together with seven other Kuwaiti men. According to reports received, he was brought back to his house on 8 September and publicly shot in the presence of his mother, brothers and neighbors. A medical doctor told Amnesty International that his body bore extensive burn marks consistent with the use of electricity and hot metal rods (on his back, stomach and hands). Cigarettes had also been extinguished on his body.

7. *Badr Rajab*: age unknown, employed as an administrator with the al-Sabahiyya cooperative society. He was married and had eight children. His body was found in a rubbish bag in the al-Sabahiyya area on 8 September. According to reports received, his hands had been tied and his head wrapped in the flag of Kuwait. He had been shot twice in the head, just above the ear. The reasons for his execution are unknown; when arrested, he had just left his house, apparently to make arrangements for the setting up of a new bakery in the district.

8. *Adel Dashti*: age unknown, he was employed in the public relations department at al-'Addan Hospital. According to several accounts received by Amnesty International, on 9 September several wounded Iraqi military personnel were brought to the hospital for treatment, one of whom, an officer, died the same day. In retaliation, five of the hospital's administrative staff, including 'Adel Dashti, were reportedly lined up and shot on the hospital's premises. Iraqi military personnel had allegedly accussed the hospital of neglect.

9. *Dr. Abd al-Hamid al-Balhan*: age unknown, he was the administrative director of the Hussain Makki Jum'a Centre for the Treatment for Cancer. His body was brought in off the streets to the Red Crescent headquarters in the third week of September. One Red Crescent doctor who saw his body told Amnesty International that it bore marks of torture as well as a bullet wound in the head. According to several doctors, he had been arrested and executed for refusing to cooperate with Iraqi forces in the removal of medical equipment from the centre where he worked. This is borne out by the account of a Kuwaiti family interviewed by Amnesty International, one of whose members had been receiving cancer treatment at the centre and was still there when Dr. al-Balhan was arrested. They reported that he had hidden some medical equipment in the centre's basement in order to prevent it being stolen by Iraqi troops.

10. *Dr. Hisham al-'Ubaidan*: an obstetrician in his late 30s working at the Maternity Hospital. His body was brought to the Red Crescent headquarters in the first week of October. According to accounts received, he had been arrested on 1 October after Iraqi forces learned that he had been treating people who had taken part in resistance activity. According to an Egyptian doctor interviewed by Amnesty International, Dr. al-'Ubaidan was shot outside his home several days later, and had been tortured while in detention, including with electricity.

In addition to killings by execution and torture described thus far in this document, a number of other deaths resulting from deprivation of medical treatment have been reported. These have occurred in the context of the widespread looting of medicines and medical equipment carried out by Iraqi forces in Kuwait since 2 August. According to information made public by Kuwait's government-in-exile, as well as by eyewitnesses, most of the principal general and specialist hospitals in Kuwait have been looted, with much of their equipment being transferred to Iraq. The majority of deaths reported in this context appear to have resulted from the non-availability of medical treatment, compounded by the exodus of medical personnel out of the country. Nevertheless, a number of other deaths have apparently resulted from the deliberate deprivation of medical treatment, including the disconnection of life-support machines from patients. On the basis of the information received, Amnesty International believes that such deaths are tantamount to extrajudicial killings. The victims are said to include both infants and adults.

The following is a general account of the situation in Kuwait's hospitals as described by a 33-year-old Kuwaiti banker who left the country on 16 September and was subsequently interviewed by Amnesty International:

"Conditions in the hospitals are very bad. Medicines are no longer available. The Iraqis looted the hospitals and took away even vital machines which were keeping some of the patients alive. At some hospitals they no longer admit Kuwaitis, only Iraqis. Many Kuwaitis are afraid to go to the hospitals anyway. They are mostly treated in their homes by Kuwaiti, Egyptian and other doctors working as volunteers. We heard of several cases where patients died after being deprived of medical treatment. One woman died after the dialysis machine she was connected to was switched off and looted. Another woman at al-Sabah Hospital died in similar circumstances. She had just had a lung operation and was in the process of recovering."

In some cases, Kuwaitis were apparently denied medical treatment altogether. A number of medical personnel reported that when Kuwaitis were brought to the hospitals, Iraqi soldiers stationed there would check whether they were suffering from natural diseases or complaints as opposed to wounds sustained during armed clashes. In the latter cases the would-be patients were either not admitted or were subsequently denied treatment. One such example was provided by a Kuwaiti doctor who left the country on 16 September:

"At al-Razi Hospital there was a young Kuwaiti man who was wounded and his condition was critical. His parents came to me and said that he was dying. So I ran to the wing [of the hospital to which he had been admitted], and I saw that his condition was indeed critical. I noticed that his oxygen supply had been cut off. So I switched it on again aand he began to improve. I made a protest about his treatment, so one of the Iraqi doctors took me aside and [warned me against saying anything]. The following day the young man died because the oxygen supply had been switched off again."

Another Kuwaiti doctor provided information on the case of a detainee [name withheld by Amnesty International] who was ill at the time of his arrest and required constant treatment. As he was said to have been tortured while in custody, however, it remains unclear whether the immediate cause of death was torture or deprivation of medical treatment. The victim, a Kuwaiti aged 48, was an administrator at al-Fintas cooperative society.

"He was arrested on 24 August just as he was leaving his house. During his detention at Iraqi intelligence headquarters in al-Fintas his relatives tried to convince the Iraqis of the importance of his taking medicines. But the Iraqis refused to pass on the medicines to him, and threatened to arrest his relatives if they asked about him again. Their reply was: "If he is alive you will find him, and if he is dead you will find him." He died on 26 August and was buried on 27 August without his family knowing about it. His body had been taken to al-Amiri Hospital and, according to the medical report, there were marks of torture on his stomach and back, and bruises on his forehead. He was buried in al-Rigga cemetery, where the young men [grave-diggers] identified him. His son and cousin identified him from a photograph at al-Amiri Hospital on 11 September, a day after they were themselves released from detention."

In other cases, Kuwaitis and other nationals suffering from natural but chronic complaints reportedly died after doctors were forced to give priority to Iraqi patients. A doctor working for the Red Crescent told Amnesty International:

"In the early part of the invasion, the Iraqis prevented ambulances from taking wounded Kuwaitis to the hospitals. Eyewitnesses in hospitals reported that in some cases Iraqi soldiers ordered doctors to give priority treatment to fellow Iraqis at the expense of Kuwaiti and other patients. I know of two Kuwaiti men who died as a result of medical neglect in these circumstances. . . . [names withheld by Amnesty International]. Both were under intensive care at al-Amiri Hospital. One of them suffered from a heart condition."

Several cases of this kind were reported to Amnesty International, the information in large part being provided by doctors working at the hospitals where the deaths occurred. Among the victims were three patients [names withheld by Amnesty International] who died after life-support machines had reportedly been disconnected and looted. Two of them suffered renal failure: a Jordanian woman and a Kuwaiti businessman at Hamad al-'Issa Centre for Kidney Transplants [part of al-Sabah Hospital]. The third case was that of a Kuwaiti woman under intensive care at the Cardiac Unit of al-Sabah Hospital and who died of cardiac arrest.

In addition, over 300 premature babies were reported to have died after Iraqi soldiers removed them from incubators, which were then looted. Such deaths were reported at al-Razi and al-'Addan hospitals, as well as the Maternity Hospital. According to a Red Crescent doctor:

"Premature babies at the Maternity Hospital died after Iraqi soldiers took them out of the incubators. This happened in August, in the early days of the invasion. A total of 312 babies died in this way. I personally took part in the burial of 72 of them in al-Rigga cemetery."

Another doctor working at al-'Addan Hospital, whose brother was a volunteer grave-digger, reported that 36 premature babies were buried in one day alone in August. An eyewitness account of such deaths at al-'Addan Hospital was provided by a 15-year-old Kuwaiti girl, who testified before the United States Congressional Human Rights Caucus on 10 October:

"The second week after the invasion, I volunteered at the al-'Addan Hospital . . . I was the youngest volunteer. While I was there, I saw the Iraqi soldiers come into the hospital with guns, and go into the room where 15 babies were in incubators. They took the babies out of the incubators, took the incubators and left the babies on the cold floor to die. It was horrifying."

A Kuwaiti doctor working at al-Razi Hospital (quoted earlier on in this section) told of other cases he knew of:

"There is a woman I know who for a long time did not bear children. This year she gave birth to quadruplets—three boys and a girl. The babies were put in incubators because they were born in the seventh month. Two hours after the birth, the woman was told to leave the hospital. The next day she received a telephone call from the hospital, telling her to come and take her babies. She said she could not take care of them as they needed special care and nutrition. So they said to her 'As you wish'. The woman rushed to the hospital and found her babies out of the incubators. She took them home, and the following day they died."

APPENDIX A: TESTIMONIES OF EIGHT TORTURE VICTIMS

Testimony A1

A former interrogator in his early 30s, arrested on 22 September after being found in possession of a leaflet giving information on chemical weapons. He was detained for one week, principally at al-Farwaniyya police station in Kuwait City and subjected to beatings, kicking, burning of the skin and sexual torture.

"I was arrested on 22 September, just as my family and I had set off for Saudi Arabia. We live in Kifan. We were driving through al-'Umairiyya when were stopped at a checkpoint. The Iraqis searched the car, and found a leaflet giving information about chemical weapons. They took me to al-'Umairiyya Primary School, where I was blindfolded and left for one day. Next day I was taken to al-Farwaniyya police station, where I used to work as an interrogator before the invasion. It was about 11:30 am. I was blindfolded and handcuffed. Almost immediately they began hitting me, and I was subjected to beatings on the soles of my feet (*falaqa*). They burned my skin with a hot metal rod. The interrogator kept asking me about the leaflet found in my car, and I denied knowing anything about it.

The following day I was beaten once again. This time they used a cane, an electric cable and another wooden implement with which they hit me on my rib cage until one of my ribs was fractured. The soldiers also kicked me on the pelvis with their army boots. By that time my body was blue with bruises, and my nose was bleeding. Then they tied a string around my penis and asked me to "confess" as they pulled the string tighter. They threatened me with execution, and with the rape of my sister. Then one of the officers said, "Bring the bottle". They spread my legs and began inserting the top of the bottle into my anus.

In the evening they locked me up in a filthy cell on my own. The dishdasha I was wearing was covered with blood. There was also blood in my urine. I was left in the cell for three days, and then they took me to al-Jahra' police station. I was beaten there once again, and this lasted for about one hour and a half. An officer there threatened me with the electric chair (*al-Kursi al-Rajjaj*). After the torture came to an end, they forced me to insult the [Kuwaiti] government and to declare allegiance to Saddam. They told me I must cooperate with them, and I had to sign a statement to that effect before I was finally released."

Testimony A2

A 17-year-old student was arrested in early September after being found in possession of a gun and leaflets containing information on weaponry. He was detained for 36 days in several detention centres in Kuwait City and later in Basra and subjected to beatings, mock execution, *falaga*, electric shocks and threatened with sexual torture.

[He was arrested by Iraqi special forces at a checkpoint at Khaitan Bridge, near Khaitan Sports Club, at 3 pm in the afternoon. He was found in possession of a gun and 150 copies of a leaflet containing instructions on the use of rockets and explosives. The leaflet contained the official stamp of the Kuwaiti National Guard].

"They took hold of me quickly and began hitting me. They locked me up in the boot of my car for about half an hour, then they took me out and tied me up with a rope with my hands behind my back". [Several] other military personnel then arrived.] "They put me back in the boot of my car and placed a tyre over my chest and took me to Khaitan police station. There, they took me out of the car and led me to an office where there were seven lieutenants. On the way to the office they kicked me and hit me with their hands. They threatened me with death and torture if I did not tell them where I had gotten the gun and leaflets and who my friends were. In the pockets of my trousers they found emblems used by the Iraqi Special Forces and the emblem used by the Iraqis on their hats. They asked me about who the members of the resistance were, and whom I had killed and where. I insisted on saying one thing, that I had got the emblems from some soliders as a souvenir and that I came across the gun and leaflets by chance. I said I was passing by close to the National Guards building in al-Khaldiyya were I saw the gun and leaflets. They did not believe me. They had bound my eyes so that I could not see anything. The soldiers kicked me as they passed by me.

After that they removed the blindfold. The officer had with him four soldiers carrying their weapons, which were Kalashnikov machine guns. The officer told me, "Pray for your soul because you are going to be executed", and he gave orders to the four soldiers to load the guns and fire. They loaded, but when they pulled the trigger it turned out that the ammunition was blank. The officer told me to smile and that it was my luck that the ammunition was defective. He was laughing. They took me to a room where there were about fifteen Iraqi soldiers [The officer] said to them, "He is the one who carried out yesterday's operation and killed our comrades". So they started beating me up, they kicked me, punched me and slapped my face and beat me with canes. This lasted from five o'clock until nine o'clock in the evening. I saw the clock pointing to nine in Abu Khaled's office. He is in charge of the police station and his rank is that of major. He asked me "How are you? Answer me regarding the gun and the leaflets". I gave him the same answer, so he ordered them to take off all my clothes except for my shorts. Then he started hitting me with a black rubber stick, and every time I stepped away from him the other officers hit me with an electric baton.

After that they blindfolded me and hit me in the same way. Then they subjected me to *falaga* on my feet until they turned blue. . . . I was subjected to electric shocks for a brief period and I felt my body tremble and fell to the floor. I was able to see a little through my blindfold which was white and was raised a little over my eyes. [The officer] placed a wire on my nipple and stuck it on. Then he took hold of the other end and applied electricity four times. I lost consciousness, and when I came round I was being whipped. [The officer] then applied electricity to my toes while repeating "Confess and tell us what you know". . . [Then one of them] came in and put a bottle of whisky on the table. They brought a bucket with a sponge in it . . . He gave orders to remove my shorts and to place the bottle in my anus. So I said I would confess . . . and I repeated what I had said before. He asked me about the leaflets, and I said that I had seen the leaflets in my car but I did not know who was distributing them."

[He was then asked about named individuals and families, where they lived or where they could be found. He said he did not know. He was also asked about the locations of resistance activity. He gave the names of two districts where he knew there was no such activity].

"They told me that if I brought them an Indian or Filipino woman they would release me. They laughed among themselves and two of them carried me (for I was unable to stand up) back to the cell and gave me back my clothes which I put on . . . After three days they transferred me to a house [a private house belonging to a member of the al-Sabah family] . . . There were Indians and Kuwaitis with me. There was one guard standing over us. There were two women there, one was elderly and the other about 25 years old. At noon they took me to another place which I believe was the Iraqi Embassy in Kuwait . . . I was handcuffed and blindfolded. They asked me the same questions while beating me with a stick. I did not change my answers. They took me back to Khaitan police station and put me in the officers' room with them. They were laughing and making jokes. In the evening they transferred me to al-Farwaniyya police station . . . They told me it would only be for two days and then I would be released. The following after interrogation and beating they returned me to Khaitan police station . . . When we arrived at Khaitan they told me that I was to be released tomorrow and that they have my release papers, and in fact I saw these papers bearing my name. At midnight I was summoned by Abu Khaled, the head of the police station, who said to me that the statements I had made were not acceptable. He tore up the release papers . . .

They took me back to al-Farwaniyya and threw me back in the same room where I stayed four days . . . then they took us out of the room and brought in four Iraqi soliders whose hair, eyebrows and moustaches had been shaved. The guards were beating them, saying that they were traitors and had brought shame upon their families. We were put in another room . . . for fifteen days and then they transferred four of us to the district of al-Jahra" . . . they beat us up for the whole day . . . they pierced our skin with pins . . . and forced us to dance . . . Then I was told, "You will be dead tomorrow. Write a letter to your family. What sort of execution do you want, electric, by shooting or by hanging?". A soldier said, "We have a new method which is the acid bath, or else we can knife them until they die . . ."

[Eventually] I was transferred with twenty others to Basra. They led us into a building and made us stand in the corridors . . . they subjected us to the worst forms of torture . . . there were four women there . . . I heard their screams and cries. After the interrogation and beating I was told that my name was not [registered with them]. So I stayed one day in Basra and then they transferred me back to the Municipality Building in al-Jahra' [in Kuwait] . . . and then they transferred me with 30 others to the Juveniles Prison [in the al-Firdos district of Kuwait] . . . In the Juveniles Prison there were 160 detainees, among them . . . [names withheld by Amnesty International]. The charge against many of them was the distribution of food (meat and chicken) to the people. [After spending a further three days in the municipality building in al-Jahra'] they transferred us to Muhafazat al'Asima where we were examined. I hid the traces of torture on my body in order to avoid being executed, because anybody who has clear traces of torture on his body or is suffering from permanent damage is executed. After the examination was over we had to give an undertaking to cooperate with the Iraqi authorities. Then I was released."

Testimony A3

A 32-year-old office clerk arrested on 3 August as he returned home after buying foodstuffs from the local cooperative society. He was detained for five days at al-Sulaibiyya police station in Kuwait City and subjected to beatings and electric shocks, and was shot in the leg at point blank range.

"On 3 August, the second day of the invasion, I was supposed to take one of my children to the hospital in al-Farwaniyya for a check-up. When I arrived there I was prevented from entering. I tried to go to a pharmacy, but the roads were closed. In the afternoon I went to the cooperative society in our district to get some foodstuffs. On the way back to my home I was stopped by Iraqi soldiers. They took the milk and other food I had bought, blindfolded me and took me to al-Sulaibiyya police station.

When I entered the police station, I was taken into a room where about 70 Kuwaitis were held. There were young boys among them, below the age of 18. I recognized a friend of mine among them, and I understood that he had been arrested in circumstances similar to mine. Each deainee was interrogated individually. I was told to wait my turn.

There were three officers in the interrogation room when I went in. One asked the questions, another took notes and the third stood by the door, holding a gun. I was asked for my nationality card. Then the officer asked me, "Are you happy with the situation [ie, the situation in Kuwait] in which you find yourselves?" I replied : "Yes, we are fine". The officer then said, "We are here to help you in the uprising". When I replied that there had been no uprising, the officer standing by the door hit me on the head with his rifle. I was immediately taken to another room where I was subjected to torture for about one hour. They applied electricity to my fingers and genitals, and I was beaten with sticks. My friend whom I had seen earlier was brought into the room. One of the officers said "Execute them", but another officer replied, "No, only one of them". So they shot my friend there and then, in front of me. They shot me in my left leg. I received no treatment for the wound until my release five days later.

I was returned to a cell measuring 2 x 3 metres. Several Kuwaiti detainees were there, all of whom bore marks of torture. They gave us dry bread to eat. Five days later I was summoned again. I was told that if I tried to leave Kuwait I would be executed. I was asked to put my fingerprint on a piece of paper containing a prepared statement and then I was released. When I returned to my house I found that the Iraqis had stolen most of its contents. Apparently, in my absence, they had gone to the house and told my wife that I had decided to give away our possessions. When my wife objected, one of the Iraqis hit her. They took our furniture and even my wife's wedding ring. Eight days after my release, my family and I left for Saudi Arabia.

Testimony A4

A 22-year-old student arrested on 24 August following house-to house searches in the al-Rawda district of Kuwait City. He was detained for eight days in al-Rawda and al-Farwaniyya police stations, and subjected to beatings, kicking, falaga; cigarettes were extinguished on his body and his leg was slashed with a knife.

"I was arrested on 24 August. Iraqi soldiers were searching all houses in the area where I live (al-Rawda) and arresting a number of men. It was a Friday and I was at home. They knocked on the door and when I opened it they arrested me. I was put in the back of a lorry together with others who had been rounded up. We were not allowed to talk to each other. We were taken to al-Rawda police station. I was put in a cell measuring 3 x 5 metres together with eight other detainees. We were all blindfolded and our hands and feet tied. For a while I also had a rope put around my neck, and which was tied to the ceiling. We remained in the cell for two days, during which we were beaten by guards. Groups of four or five guards would enter the cell and start hitting us with their hands, and sometimes they kicked us with their heavy army boots. They threatened us with electrical torture. I knew one of the detainees in my cell. His name is . . . [name withheld by Amnesty International], a Kuwaiti aged about 24. His father was a lieutenant in the National Guard. He was beaten very badly and suffered broken legs as a result. They only gave us bread to eat.

On Sunday morning I was taken to another room. Two Iraqis, both with the rank of captain, interrogated me. One of them asked the questions and the other tortured me. I was asked to name people who were active in the resistance. When I said I did not know anyone in the resistance, they threatened that they would arrest my two younger brothers (aged 14 and 15). One of them began beating the soles of my feet with a cane, and then he forced me to walk around the room. He also extinguished cigarettes on my upper left arm and on the left side of my chest, traces of which are still apparent. He also cut my left thigh with a knife.

After that I did not return to the cell. I was put in a car (a Toyota Saloon) and driven to al-Farwaniyya police station. I was put in a room which contained torture equipment. It was mainly electrical equipment, wires and electrodes like those used to recharge car batteries but smaller in size. I was told to sit down, and I was left alone for about one hour. I did not know what was happening, but I could hear screams from nearby rooms. There was a lot of blood on the floor, particularly in the corners of the room. After one hour I was taken to the airport. A Palestinian in the Iraqi army, with the rank of lieutenant, came with us. When we arrived at the airport an Iraqi officer took me to a toilet and said to me, "This is where Kuwaitis belong". I was made to stay in the toilet for about a quarter of an hour. Everything was broken. While waiting I noticed some discarded uniforms previously worn by Kuwaiti Airways stewardesses. I could hear the sounds of people screaming even here at the airport.

I was then taken to an office, where the Palestinian lieutenant and the Iraqi officer were seated. I was asked again about whom I knew in the resistance. I refused to give any information. The Iraqi officer then put a gun to my head and said while laughing, "You are about to die". They then brought a video camera, and gave me a piece of paper which contained statements against the [Kuwaiti] government. For example, it said that the government was corrupt and that the Kuwaiti people had been oppressed until their liberation by Iraq. They told me to memorise the statement in preparation for filming. After the filming was over, they asked me to cooperate with them as an informer. I told them I could not do that if they used the film because the resistance would not trust me. They agreed not to use it and allowed me to telephone my family. My mother and brother came to the airport to collect me. The Iraqi officer and the Palestinian lieutenant came with us, and we dropped them off at al-Salmiyya police station. The Palestinian lieutenant told me to return to al-Farwaniyya police station that evening and bring him babies' milk. When I went there with the milk, I was detained for another two days. I was kept in an office, not a cell, and I was not tortured again.

After my release, I returned home. The Iraqis kept contacting me to make sure that I had not fled, and to threaten me that if I failed to cooperate with them they would arrest my family. They said they would also arrest me and take me to Fao. I managed to leave Kuwait almost three weeks after my release. At the Kuwaiti-Saudi Arabian border I was told to turn back, as no males were being allowed to leave. I gave one of the soldiers 100 Iraqi dinars and some cigaretts and he let me through."

Testimony A5

A 38-year-old man arrested on 5 September after another detainee allegedly revealed that he was active in the armed resistance. He was detained for one week at the Kuwait General Staff headquarters in the al-Shuwaikh district of the city and later in Basra. He was subjected to beatings, mock execution, exposure to hot and cold temperatures, electric shocks and suspension from a rotating fan.

"I was arrested on about 5 September. A treacherous person in al-Jabiriyya informed about me. I was in the armed resistance. On the day of my arrest I was armed and travelling in one of the cars used by the resistance. I was alone. I was stopped at a checkpoint. One of the Iraqi soldiers asked me: "Are you . . . [he mentioned my name]?" I realized that they knew about me and I drove away at top speed. The soldiers began shooting. At the next checkpoint there were about 30 soldiers. I did not stop and they pursued me. They fired in the direction of my car, as a result of which one of the tyres was punctured. The soldiers caught up with me and dragged me out of the car. They tied my hands and feet and blindfolded me with a piece of green cloth.

I was taken to the Kuwait General Staff headquarters in al-Shuwaikh, where the blindfold was removed. I was brought before an Iraqi captain. Without asking me any questions he started hitting me Karate-style, then he said, "Execute him". This was about 8 o'clock in the evening. I was beaten for about a quarter of an hour, and then taken into a courtyard where I was a firing squad consisting of three soldiers. An officer read out the charges against me: he accused me of treason against my country and of having stolen arms and ammunition. The soliders then pointed their rifles at me; I was still without a blindfold. One shot was fired, deliberately missing me. The officer said, "Stop, the interrogation is not over".

They locked me up in a room for about one hour. Then I was taken to another room which had four air conditioning units. I was practically naked, wearing nothing except a sirwal [inner clothing]. They turned on the air conditioning and left me there for several hours, until dawn. Then they took me to another room which was very hot.

After that I was interrogated. They asked me questions about the resistance, they wanted information about the cells within the resistance, the names of activists, etc. They also tried to force me to make statements against the (Kuwaiti) ruling family. I remained silent. At 7:30 am the following morning, I was blindfolded and pushed into a car. During the drive I was occcasionally beaten. When the blindfold was later removed, I found myself in Basra in Iraq. I was taken to a detention centre where both men and women were held. Almost immediately I was subjected to lashing with a whip. Then two officials brought me some food, which consisted of bread and tea, and they gave me a cigarette. One of them spoke to me in a brusque and harsh manner, the other was polite. The official who spoke harshly told me that I must confess to being a member of the National Guard, to being in the resistance, etc. He said that if I confessed, I would be given Iraqi nationality and if I didn't confess I would be executed within half an hour. Then he left the room. The polite officer then advised me not to confess. I replied that I had nothing to confess to. While this was going on I could hear the sounds of women screaming under torture.

After a while three men entered the room. One of them carried a bucket of very hot water. First they beat me up by using Karate blows until I lost consciousness. Then all three men lifted me up in the air and dropped me on the ground. My head hit the ground and my jaw broke as a result. By that time I was bleeding profusely and vomiting blood. At this point they immersed my head in the hot water about six or seven times, all the while ordering me to confess. I repeated that I would not confess. Then they left me unconscious. After several hours another group of men entered the room. One of them attacked me with a sharp implement, cutting my face and arms. Then they beat me with hosepipes and electric cables. After that they gave me two pills to swallow, which they called 'confession tablets'. These pills were supposed to calm me down, but they did not seem to have any effect on me.

Then they put me in cell on my own. The room measured about 2 x 3 metres and had a small window. The following day they tortured me with electricity. First they poured water on my body and then applied the electricity. Then they placed electrodes on my toes and genitals. I was taken for interrogation once again. Finally one of them said that there was no use in interrogating me further and that I was to be prepared for execution. However, they took me to another room which had a fan in the ceiling. I was turned upside down and my ankles were tied to the fan, which was then switched on. I spun around two or three times and then I was taken down. I was taken back to the cell and left alone for two days.

After that I was put in a car and driven back to Kuwait. I was taken to the Mudiriyyat al-Amn (General Intelligence Directorate), close to Nayef Palace, which is now a detention centre. I was made to sign various papers and was then released. After my release I was warned by various people that I was under surveillance and that I would be rearrested and executed. So I fled Kuwait and went to Saudi Arabia."

Testimony A6

A man in his 30s arrested twice, in the third week of August and later on 20 September and accused of being a member of the Kuwaiti armed forces and of having participated in opposition activities. He was held for four days in a school and at al-Jahra' police station in Kuwait City, and subjected to beatings, kicking, electric shocks and the placing of heavy weights on his body.

"I was first arrested during the third week of August, in a residential area. It was in the middle of the day, about 12 o'clock. I was alone in my car, and I was stopped by soldiers. They ordered me out of the car and accused me of being in the resistance. They took me to a school which had been turned into a military barracks. I was taken into a large hall, where I saw about 100 Kuwaiti detainees. All were men and were hardly wearing any clothes. They were surrounded by guards.

The following day I was taken to the police station, where I was tortured. Three officers interrogated me. They asked for my personal details. I was kicked and beaten with a rifle butt. They accused me of being in the army and in the resistance. The interrogation session lasted for several hours. Then they took me to another room, where they applied electricity to my hands, feet and genitals. I fainted as a result of the electric shocks. I was then interrogated once again. They asked me the same questions. One of them punched me in the mouth with his elbow, and one of my teeth broke as a result.

They took me to a large cell, where I was held on my own. The beating continued intermittently throughout the day and night. I was beaten particularly on my back. The soldiers stepped on me with their heavy army boots and they placed heavy weights on my body. The following morning one of the officers came to fetch me. He gave me a cigarette and then told me to start walking. I thought he was going to shoot me since he was carrying a machine gun. He told me to go to the bathroom, where I found a friend of mine. He had paid a sum of money in exchange for my release. I left the police station with him.

My second arrest was on 20 September. I was held for six hours. I was arrested in al-Jahra', again as I was driving a car. They interrogated me again, asking the same questions as before. I was beaten and insulted. I was released in exchange for a sum of money. Two others detained with me were released in the same way."

Testimony A7

A 23-year-old student arrested around 22 September after returning to Kuwait to assist his family in fleeing the country. He was detained in several detention centres in Kuwait City and later in Basra. He was subjected to beatings, whipping, exposure to cold air and to the sun for prolonged periods, and electric shocks.

"I was not in Kuwait when the invasion occurred, but went there in order to get my family out. I was arrested in mid-September, in al-Salmeh district. First I was taken to 'Ali al-Salem [military] base, close to the border with Saudi Arabia, where I was left on my own for about three hours. No one talked to me. Then I was taken to al-Liwa' al-Sades [military base on the al-Jahra' road]. I was put in a room where the air-conditioning was switched on. They left me there overnight without a blanket, and I was shivering from the cold. I was not given any food. The following day I was interrogated. They asked me to tell them where the American forces were stationed, where the resistance in Kuwait was based, etc. I was being interrogated on my own, but after it was over they took me with two other detainees to the Iraqi Embassy in Kuwait City. We were taken in an open car, accompanied by two soldiers. At the embassy we were left for three hours in the sun, without food or water. Then an officer arrived and took us back to al-Liwa' al-Sades. From there we were taken to Basra in a lorry loaded with goods stolen from Kuwait. These were mainly refrigerators and office equipment.

In Basra we were taken to the offices of the Iraqi Istikhbarat [Intelligence]. As soon as we entered we were blindfolded. The Iraqis started whipping and beating the three of us. They took us down some stairs into a basement. Although I was blindfolded, I managed by looking downwards to see scores of detainees who were also blindfolded and handcuffed. The three of us who arrived together were put in a cell measuring 3 x 4 metres, together with about 25 other detainees. These detainees, from what I could gather, were all Iraqi civilians. One of them, aged 18, had been tortured with electricity. Another one had had his skin pierced with pins. We could hear cries and screams all the time. The whole basement was stifling—there was no ventilation whatsoever. We were constantly beaten. The food we were given was foul, and the water was warm and salty. We were allowed to go to the toilet once a day only.

I remained in that cell for about one week. Then I was summoned for interrogation. I was taken upstairs, blindfolded and handcuffed. One person interrogated me, and another person whipped me. The questions were mainly related to the specific locations of American forces in Saudi Arabia and the centres of resistance in Kuwait. The interrogation lasted about five minutes. Then I was taken to another room, still blindfolded and handcuffed. I was subjected to electric shocks on my right ear and chest.

After that I was transferred by bus to an ordinary prison. The drive took about 15 minutes. I was told I had to pay the bus fare, which I did with the little money I had on me. I was held in a large hall, where there were hundreds of detainees. I remained in the prison for seven or eight days, and then 32 of the detainees were summoned for trial. I was one of them. We were taken to another building which had a sign on the outside saying 'Basra Court'. We sat in a waiting room, and then each of us was brought before a judge individually. I didn't know whether he was really a judge, but the sign on the door of his office said 'The Judge'. He wore civilian clothes. There was also an officer in the room, taking notes. I was before the judge for three minutes altogether. He asked me for my name and why I had returned to Kuwait. The charge against me was entering the country illegally (when I was first arrested I was accused of espionage). Then the judge asked me to sign a statement, the contents of which I was given no opportunity to read. He warned me that if I was caught again I would be executed. I was taken back to the waiting room while the other detainees went through the same process. When it was over, we were taken back to the prison, where they gave us back our identity documents and released us. A few of us took a taxi as far as Safwan, and from there entered Kuwait."

Testimony A8

A 31-year-old man arrested on 14 September at his home during a diwaniyya. He was detained for three weeks at al-Farwaniyya and al-Jahra' police stations as well as a private home in Kuwait City, and later in Basra. He was subjected to beatings, electric shocks, mock execution, was forced to watch his relatives being tortured and was himself tortured in front of them.

"At 2:30 am 45 soldiers broke into my house. As well as my own family, my father and brothers and my in-laws were there. We were twelve in all: eight Kuwaitis, three Indians and one Yemeni [names withheld by Amnesty International]. The soldiers separated the men from the women and made the men lie on the floor face down with their hands above their head. The house was searched and a picture of the Amir was found, as well as the Kuwaiti flag. We were told this was a capital offence. They took the men in a bus and confiscated the cars. They also took our jewelery, watches and money.

They took us to al-Farwaniyya police station and put us into two cells. At 9 pm the next evening the interrogation began. We were blindfolded and handcuffed behind the back before interrogation. We were accused of being in the resistance. There was usually one interrogator and two guards present. The interrogator said he was not convinced by our answer which was denial of involvement. After 15 minutes, the beatings began. They tied a wire to my two middle fingers and an electric current switched on for 4 to 5 seconds. The same questions were again repeated. My father was then called in. I was forced to watch him being kicked and beaten by a lieutenant called Hani. Then they called in my son. I was beaten in front of him in order to get him to confess. This went on from 9 o'clock until 1:30 in the morning.

I was returned to my cell. I was unable to lie on my back for two days. Interrogation continued twice daily at 11 am and 2:30 am. They used a nylon hose to beat us because it does not leave any permanent marks. I was prodded with an aluminum stick which had an electrified end. On the third day they threatened to bring in my wife and beat her in front of me. My brother-in-law was subjected to falaqa.

In all there were about fifty people in the two cells at al-Farwaniyya. We had very little food, and we were allowed to go to the toilet only twice a day. After seven days they subjected me to mock execution. The interrogator put a gun to my head and pulled the trigger. He then put it into my mouth and pulled the trigger again. I was then forced to sign papers based on my interrogation. On Monday at 4 pm we were taken in three cars to al-Jahra' police station. We were put in one cell—eight of us plus four others (the three Indians and the Yemeni had been released). We were told not to speak to each other.

Interrogation began at 9 pm. There were no beatings, just questions about previous statements. Next day I was called in at 11 am, blindfolded. The blindfolds were removed—I could see cane sticks and electric wires. I was told to confess, and when I refused I was beaten with the sticks. After two days the rest of the family was released. Next day I signed various papers and was taken in a bus with seven others to a house in al-Jahra' district. It was about 6 pm. We were taken down to the basement. This house seemed to be a security centre. The guards wore civilian clothes, not military. There were about 15 prisoners—four of them Palestinians. The guards beat us as they passed by. After five hours they moved us into cells. There were three cells on the ground floor holding 85 prisoners—35 in one and 25 in each of the two others.

Food was rare. We were allowed to go to the toilets twice daily. Beatings were continuous. Sick people were seen by a doctor who came every two or three days to give tranquilisers. We were interrogated twice daily in a separate room. The guards had electrified sticks and used them to wake up the prisoners throughout the night, according to their mood. We were usually interrogated by seven people, each session lasting about half an hour, followed by a one hour torture session. They beat us with hoses and applied electric shocks with their sticks.

At the end of the week I was taken with eight other detainees [names withheld by Amnesty International] in a bus to Basra. First we were taken to *Sijn al-Amn al-Siyassi* (State Security Prison). There were many Iraqis held there, mostly members of *al-Da'wa al-Islamiyya*. On the first day I was held in solitary confinement. They tortured me by pulling out a toenail from my right foot, extinguishing cigarettes on my hand, and applying electricity to my body using wires as well as an electric prod. The next day I was put in a cell with 14 other detainees. One died of a heart attack, he was given no medical help. I was interrogated once daily. After eight days I was forced to sign various papers, the contents of which I had not seen, and taken back to al-Jahra' on my own. I stayed there for six hours, and then I was handed over to my father. I had lost over 20 kilos in weight."

[His wife told Amnesty International of how soldiers came to their house the day after his arrest and beat her up along with their two daughters, in order to force them to confess that he was involved in opposition activities. They put a gun to the head of one of her daughters and threatened to shoot her. Then they slapped her and threw her to the ground.]

APPENDIX B: TESTIMONY OF A SURVIVOR OF AN ATTEMPTED EXECUTION

Testimony B

A 19-year-old student arrested on 11 September after failing to hand over weapons to the Iraqi authorities. He was detained for two weeks at a private house in al-Jahra' and subjected to torture. He survived an attempt to execute him by firing squad on 24 September [the names below have been changed to prevent identification]:

"I was arrested on 11 September. The Iraqis first came looking for me at my home in the district of al-Rawda, but I was not there. I was at a *diwaniyya* in a nearby house. So the soldiers came there and arrested me and another person. First they took me to al-Kadhima Sports Club, where I remained for about two hours. Then they took me to a private house in al-Jahra', where I was held for two weeks. I was put in a room with other detainees. We were 32 altogether in that room, but I estimate that there were about 120 detainees in the whole house. They were all males of varying ages. There were young boys aged 14 or 15, and men as old as 80.

For the first days I remained in that room. I was handcuffed and blindfolded the whole time, as were all the others. They gave us no food. There was even nothing to lean on to rest my body. I was not interrogated during those three days, but we were all subjected to constant beatings and kicking by the guards. They used to come into the room and threaten us: either you confess, or else we have 22 officers here in this house to deal with you. Then after three days I was called for interrogation. The Iraqis had found weapons in my home, which I had had before the invasion. They repeatedly asked me why I had failed to hand over the weapons to them. During the interrogation I was blindfolded and beaten repeatedly. Then I was handcuffed and suspended by the hands from the ceiling. After that they applied electricity to various parts of the body, including my chest. Apart from questioning me about the weapons, they also asked if I knew any foreigners and where they were hiding. Also, if I knew of the whereabouts of any diplomats, members of the armed forces and members of the al-Sabah family. They asked me about specific individuals whom they named. I didn't know any of them except for one, who was a major in the Kuwaiti army, but I did not reveal that to them.

I was interrogated several times over the next four days. It was always the same questions and the same torture. If I said anything which contradicted what I had said in an earlier interrogation session, the torture would become more severe. In the final week of my detention, there was no more interrogation, but the usual beating of all the detainees continued. Then, on the last day [ie. 24 September] at 2:30 in the morning, a captain came and told us that the President had ordered the release of all the detainees. Some of the detainees in the room with me, especially the old men, thanked him. The captain said that they were going to release us in groups, and called out the names of twelve people. I was one of them.

They blindfolded us and tied our hands behind our backs. We were taken onto a bus and then driven to another place, where two more people boarded. Then they took us to Dasman Palace. I knew where we were because one of the other detainees was able to see a little from below his blindfold. At Dasman Palace we remained on the bus for about half an hour. Then an officer came and told us we were going to be taken to our homes. I was led into a car with two other detainees, Samir, a 23-year-old officer who lived in the district of al-Faiha', and Muhammad, aged 23 or 24, who lived close to me in al-Rawda (I don't know his profession).

We were all still blindfolded and handcuffed, but as we approached the district of al-Faiha' the soldiers removed Samir's blindfold so that he could direct them to his home. But when we arrived there, they told us to all get out of the car. Muhammad and I asked why, because we didn't live there. They made us get out of the car anyway, blindfolded Samir again and made us stand at the doorstep of a house. I realized at that moment that we were going to be executed. I remember it was just after the dawn prayers. The first shot was fired and I heard Samir fall to the ground. Two bullets grazed my head but neither of them penetrated my skull. I fell to the ground, and when Muhammad was shot he fell down on top of me. The soldiers then came up to us, took the blindfolds and handcuffs and went away. They must have believed we were all dead.

My head was bleeding profusely. I crawled over to Samir and raised his head, trying to revive him. I thought he had been pretending, just like me. Then I saw the bullet hole in his head, and just at that moment he died. I couldn't believe what was happening. I went over to Muhammad and found him dead too. I managed to drag their bodies over to one side, and recited a short prayer for them. Then I started walking. I didn't know where I was going, but I was afraid that the soldiers would come back. I was looking for someone to help me, but it was dawn and the streets were empty. I started feeling faint, so I went up to a house and knocked on the door. No one answered, but the door was not locked and I went in. As I was looking for a telephone an old man and three women came out of one of the rooms. The man asked me what I wanted, so I told him what had just happened. At first he didn't believe me. I told him where the two bodies were, and he went to look for himself. When he came back he said I could stay with them.

I stayed for three days. One of the old man's daughters was a nurse, and she treated me as best she could. Then I called my family and my father came to collect me. I learned that, in my absence, he had been looking for me. After paying a sum of money to an Iraqi officer at a police station in the 'Abdallah al-Salem district, he was told that I had been executed. My father had then gone looking for my body in the hospitals. At Mubarak Hospital he found my name on a list of executed people. So my family naturally thought I was dead, and they were receiving mourners at our home. They couldn't believe I was still alive. I found them at home crying.

Of course I couldn't stay with them at home, in case the Iraqis found out that I was still alive and came after me again. So I went into hiding until, some three weeks later, I was able to leave Kuwait. . . ."

APPENDIX C: EXTRACTS FROM MEDICAL REPORTS

The information below relates to Photographs 1 to 9 in Appendix D. It consists of extracts from a) a medical report from a British doctor with experience in the examination of victims of torture and, b) the written medical opinion of a prominent British forensic pathologist.

Photographs 1, 2 and 3

These are photographs of the bodies of three unidentified persons. The bodies were found in the streets of Kuwait City and brought to the headquarters of the Red Crescent in the period late August/early September. Amnesty International interviewed the doctor who took these photographs. He stated that the victims had been tortured (beaten and burned) prior to their execution. There was no autopsy examination. The following is the medical opinion of the British forensic pathologist:

Photograph 1

There is clearly a lot of blood soaking the body which has most likely arisen from either a wound to the head, neck or chest. A striking feature of the photograph is the dark staining of the hands which may represent oil (or a similar substance) or alternatively burns.

Photograph 3

This is a view of the top of the head together with the forehead. There is an obvious gaping wound which extends from the left side of the forehead, just in front of the hairline, backwards towards the top of the head. The scalp is torn open in the front half of the wound and beneath it can be seen white skull. The back half of the wound shows loss of scalp and skull and there is brain tissue hanging out. Over the forehead at the front end of the wound it has an arc shape and from this the main wound which is linear passes backwards. I interpret this as most likely a tangential gunshot wound which has barely penetrated the skull. The arc shape at the front of the wound is likely to be the entry and, running backwards from this, the bullet has merely penetrated the scalp; then in the most posterior part of the wound it has also penetrated the skull and torn the brain. It is not possible to say what the range of fire was other than that it was either a contact wound or fired from a range of greater than 1m. There are clearly some marks to the face but it is impossible to say whether these are injuries or dried blood stains.

Photographs 4 to 7

These show the traces of torture still apparent on the bodies of three Kuwaiti men [identities withheld] who fled to Saudi Arabia in late September. No medical report has been provided. The following is the medical opinion of the British forensic pathologist:

Photograph 4

The man in this photograph shows prominent bruising to the right side of the forehead and the right eye which might either represent a fall or a blow. The most significant injuries from the point of view of interpretation are those to the right upper arm and adjacent right chest. These comprise at least three and possibly four loop shaped injuries made up of two parallel lines (similar to curving railway lines in appearance). This is a forensic classic and is produced by blows from a rope or electrical flex or similar object which has been doubled up to form a loop. There is no doubt therefore that this man has been assaulted. It is significant that the three or four blows are very localised to the outside of the right shoulder since this implies that he was not moving in an attempt to escape the blows at the time they were struck. This might imply that he was unconscious or semi-conscious as a result of his head injury or alternatively that he was in some way physically restrained or that he was psychologically restrained by fear. The injuries appear fresh and are likely to be only a few days old.

Photograph 5

This appears to be the back of the same man as in photograph 4. There are irregular purple bruises over the left shoulderblade area. These are blunt force injuries produced either as a result of a fall or one or more blows.

Photograph 6

This man has extensive healing injuries to the face particularly involving the right side of the forehead and right cheek together with the right upper eyelid and the bridge of the nose. There appear to be some minor scabs over the left cheek. There are surgical sutures in the wounds and this together with the general appearance suggests that the injuries are less than two weeks old at the time of photography. Healing injuries are difficult to interpret but the appearances suggest a series of lacerations ie tears to the skin produced as a result of blunt force. In practice this means that of either a fall or blow. The pattern of injuries would be consistent with either a very heavy fall onto the nose and right side of the face or alternatively a series of blows with a blunt object, for example a baton or a riflebutt.

Photograph 7

This elderly man shows some small irregular scabbed injuries to the inside of is right elbow. One of these appears to have prominent puckering of the skin around the margin which is common in the healing of skin injuries where there has been a loss of surface tissue. The original injuries are likely to have been abrasions or lacerations, ie. scrapes or tears of the skin produced by blunt force trauma, ie. either through a fall or a blow. This would be an unusual location for an injury produced in a fall although the possibility cannot be discounted.

Photograph 8

This shows traces of torture on the arms of a 22-year-old Kuwaiti student whose testimony appears in Appendix A4 of this document. The victim was examined by a British doctor on 9 November, and the following are extracts from his medical report:

On Examination

There are nine 1cm circular scars, recently healed, arranged in a cluster on the outer aspect of the left upper arm. There is a single similar one on the adjacent area of the left chest.

There are two tiny, recently healed scars on the outer aspect of the left arm and a single one on the right arm.

There is a recent 2cm transverse linear scar on the front of the left thigh and a similar 1cm scar close by.

Comments

He states that the nine circular scars on the left arm and the single one on the chest were caused deliberately by cigarettes.

He attributes the tiny recent scars on both arms to scratches inflicted during interrogation, the scabs of which have only recently finally separated.

He states that the recent linear scars on the left thigh were inflicted deliberately with a razor blade.

Opinion

The circular scars on the left arm and chest are characteristic of cigarette burns. Their appearance is of injuries which have healed only a few weeks ago. Their distribution in a symmetrical cluster-pattern could only have been deliberate. I have no hesitation in asserting that they were inflicted deliberately by cigarettes within the past three months.

The tiny scars on both arms are compatible with scratch-marks which have recently healed. Their appearance fits his story.

The two linear scars on the left thigh are clearly recent and would fit in with his statement that they were caused by a razor blade.

Photograph 9

This shows the facial view of a 28-year-old Kuwaiti man [identity withheld], the victim of an attempted extrajudicial killing interviewed by Amnesty International. According to his testimony, Iraqi soldiers shot him on 24 August as he had just finished distributing food from the local cooperative society to peoples' homes. He stated that soldiers started firing at him as soon as they saw him, and he ran away. One of the bullets penetrated his neck, exiting at the mouth. He suffered serious damage to the jaw and was fortunate to survive. He was admitted to Mubarak Hospital for preliminary treatment, and subsequently underwent surgery at a hospital in Saudi Arabia. The following are extracts from the written medical opinion of the British forensic pathologist, based on three photographs provided by Amnesty International:

"There is a circular scar on the back of the neck on the left side consistent with the description given as a bullet wound inflicted one and a half months previously. It is impossible to say with certainty that it is a bullet wound but if it is then it is likely an entry wound. A wound in this site would not necessarily strike the spinal column and, depending upon direction of the wound track, not necessarily be lethal. . . The obvious lesion is to the left lower face where there is a healing injury with loss of the left half of the lower lip and a large scarred area involving the left side of the chin. A part of this scarred area shows the absence of a beard. There is also a scar passing in an arc shape from the lateral margin of the left nostril around the left cheek to the point of the chin on the left side. . . [This] apparently shows small dots along its margin which likely represent surgical suture marks suggesting that whatever the underlying condition this man has had surgical treatment. It is not possible to state conclusively that this damage to the lower face was the result of trauma rather than natural disease. However taken together [with the other photographs examined, the injuries shown in this photograph] would be consistent with a gunshot entry to the back of the neck on the left side with an exit through the left side of the face and resultant disruption of the face probably including the jaw, which was then repaired surgically."

The organization subsequently received his medical records, which confirmed the nature of his injuries.

APPENDIX D: PHOTOGRAPHS OF VICTIMS OF TORTURE AND EXTRAJUDICIAL EXECUTION

[Photographs not reproducible in the RECORD.]

APPENDIX E:

STATEMENT BY THE IRAQI EMBASSY

Once more, Amnesty International has resorted to its unenviable lip-service in matters related to Iraq. Perhaps, what is most regrettable on this ocassion is that the end product of its service concerns a country where the entire population is now the victim of illegal armed embargo on all necessities for their livelihood, including food and medicine with the intention of starving its people and exposing their children to diseases. But our past experience with the Amnesty shows that no humane motives towards Iraq could have galvanized Amnesty into action.

However, we find it regrettable that under the present circumstances in the concerned area any outsider would have the audacity to give credibility to today's so called report by Amnesty International.

Yet, on our part, we renew our advice to the Amnesty on the need to approach an official Iraqi representation and examine their so called "testimonies" as one-sided stories would only further expose the intentions of those involved in this lip-service by the Amnesty. The opportunity to witness the situation on the ground remains open for the Amnesty. Absence of representative officers of the Amnesty and lack of evidence to its reports on Iraq renders its recent report an embarrassment to the practice of reporting, and Amnesty itself is in no better position in this regard.

LONDON, *October 3, 1990.*

The PRESIDING OFFICER (Mr. ROBB). The Senator from Michigan.

Mr. RIEGLE. I thank the Chair. Mr. President, going back in time to the reference that many of us have to the Vietnam experience, clearly that situation was different, and we know that, in many important ways. But by the same token, there are a number of disturbing and relevant parallels between that situation and this one. I think it is very important to reflect on our history, that history, and other history, before we move ahead at this time.

There are a lot of levels upon which we can analyze this problem, and I want to just touch on some of those this morning. One of them relates to other events that are going on in the world.

I was profoundly struck and troubled by the news this morning that Soviet forces have moved into Lithuania, and there you have an invasion, in effect, against an authentic democracy. Kuwait is not a democracy; it is a monarchy, which is a very different thing. So there are a lot of problems around the world that would invite our attention.

I must just say in passing that I am very troubled about invasions any time, very troubled about the one that we are seeing occurring right now in Lithuania and, I suspect, possibly in the other Baltic States. I hope the Soviet officials will understand that if they take advantage of our distraction in the Persian Gulf to crack down on captive nations that in fact have democracies in place, they are going to pay a price here. They are certainly going to pay a price with respect to the views and the actions of this Senator and, I expect, many others.

But it is relevant to think about that in the context of the stakes that we face in the Persian Gulf, because the question that we are dealing with right now is whether the United States decides to start a war. Our war. It will be our war. We just heard the chairman of the Armed Services Committee say that if this thing moves into an offensive mode, 90 percent, his best estimate, or perhaps more of the combat forces are going to be American forces. People from some place else may agree with what we are doing, but it will be our war. That is the choice on one side.

The choice on the other side is whether we continue to use every other form of pressure that we have, the economic sanctions, diplomatic pressure, everything else that we can bring to bear to try to resolve this situation in a way satisfactory to us and to the views that we hold.

Now, if a war starts, there are going to be an awful lot of people who die. We should not have any illusions about that. This is not going to be a clean, quick, surgical war. That is not the nature of the region, not the nature of the history, not the nature of the passions that are involved. This is a situation, I think, where we will find that, if a war ensues on that scale, initiated by us, principally conducted by us, we are going to find ourselves with a subsequent chain of events that no one can foresee but that I think are enormously complex and dangerous and costly to our country.

War is about, as I just said, people dying, and there are going to be a lot of Americans who will die in this war. A good number already have just in accidents and other circumstances. Most of the forces that we have over there on that frontline situation right now are very young. They are not much older than these pages sitting down here in the well of the Senate, a few years older, but they have not lived very long. If the bullets start flying, there are going to be a lot of them who are not going to live much longer. That is just the sheer, miserable fact of war. War is about fire and steel and people dying.

I am convinced in my own mind that if the sons and daughters of all of us, of the President, of the Vice President, the Cabinet, were all over there in the Persian Gulf right now right up on the front line and were going to be part of that first assault line that would go into Kuwait, I think we would be taking more time. I think we would be working harder on the sanctions policy. I think we would be trying to squeeze Saddam Hussein in every other way that we could, short of a shooting war.

But that is not the nature of it. I must say I am troubled about that. It is even different than when we had the Vietnam war because when we had the Vietnam war, we had the draft in place, which was not a perfect device. We collected people in this country in a far more equitable way when there was a requirement, or so it seemed—I question whether it was right or not, but that aside—to go out and put Americans at risk and ask them to fight and die for their country. We lost over 55,000. We lost over 55,000. And I can tell you this, I did not know Lyndon Johnson well, but I knew him well enough to be able, I think, to make this statement. I think if he had known at the outset that that war—or John Kennedy before him—was going to take 55,000 American lives and over 200,000 American wounded, he would have said, no, we are not going ahead with it; it is not worth it.

It was not worth it. It was not worth it. And any of us who served during that time who did talk to the parents who lost sons principally and some daughters in that war and tried to make sense out of it and explain it to them, whether out in Arlington Cemetery or military hosptials, which all of us who served at that time did, and to try to find words to explain why their son either had to die or be incapacitated in some way, it was very difficult to find the words.

It is not going to be any easier in this situation. I have to tell you I care about people, and people that I do not know. But I do not care much about the emir of Kuwait. I've never met him. I do not care if I ever do meet him. I do not care much about monarchies. Whether he runs the show in Kuwait or not I do not think is really very important to this country. I do not mean by that that I want Saddam Hussein to run it. But the issues at stake over there are very unclear and very fuzzy, not about democracy, I will tell you that, because there is no democracy there. There was not before, there is not now, and there will not be, in my view, in the future. So that is not why we are asking a combat force, 90 percent plus of whom are Americans, to be ready to start to fight and die.

So I have very serious reservations about that. We have changed the draft, as I say, so now we have a volunteer army, it is called, and in that volunteer army we have a very high proportion of people in our society who represent minority groups in our country, partly because it was a professional opportunity, a job opportunity, a chance to get ahead.

So we do not have, in a sense, an even distribution throughout our country of who it is that is up there on the front edge of this thing, and who are going to be the ones that are asked to pay the price.

I will make a prediction right now, and I hope I am wrong. If the shooting starts I think there are going to be many, many, many thousands of deaths, combatants on both sides, and a lot of other innocent people who get caught in the crossfire. Those people were all over Vietnam, too, by the way. I am talking about civilians who get caught in the crossfire, children, old people, and they pay a price that is every bit as severe as people who are in combat responsibilities.

I have been hearing from the people of Michigan about this because they care very deeply about it. I only want to make two references to it and I will move on.

This week, from Michigan, I received roughly 800 phone calls and letters. In December I had a total of about 3,000. The messages that I am getting, obviously this is not a perfect sample, these are self-initiated, are running 9 to 1 against going to war at this time.

But what happens if we have a war, beyond just the mayhem that will occur that any war brings? I received a letter from a professor at Michigan State University. I want to read it into the RECORD because I think it is directly relevant to what the stakes are here. It is written to me by a professor named Alan Fisher, director and professor of Middle East history at Michigan State University. This is what he says. He sent this in on his own.

> In this difficult time of debate over what to do in the Middle East, please consider the following questions as you grapple with the options available (continued reliance on sanctions or war): What will the Middle East look like after a war?

He then goes on to write as follows:

> Besides the inevitable enormous loss of life, mostly non-combatants, and mostly Arabs to begin with:
>
> 1. Will there be a Kuwait left to return to sovereignty?
>
> 2. Will Iraq be a more stable place with Hussein removed by military means?
>
> 3. Will the Iraqi civilians who survive our bombing be likely "good citizens" in the New World Order?
>
> 4. Will Israel be further along the road to a secure future? Will not many Israelis also be dead, wounded, and will not Israel be even more of an economic dependency of the United States?
>
> 5. Will Israel be more likely to be able to move in the direction of peace with the Arab world?
>
> 6. Will Turkey's democracy survive? Is it not more likely that Turkey's largely Islamic population will be less Western-oriented? I foresee the establishment in Turkey of another Islamic Republic as one of the results of such a war.
>
> 7. Will Jordan possibly survive at all as a country? Think of the likely millions of refugees to pour out of Iraq/Kuwait to Jordan, Syria, Arabia as the result of heavy bombing and combat.
>
> 8. Can the Saudi family possibly survive such a catastrophe as a war on their borders (particularly the war that most seem to be forcasting)? What will this mean for the economy of the world, let alone Michigan?

These questions and others need asking, and he is exactly right. There has not been much debate yet about the question of where this all leads. Where does this all lead?

If we have the mayhem that will come from a shooting war of the kind that one can anticipate here, what are the down-the-line consequences, if not instability probably spreading off in all directions?

But I want to ask this question: if this is so important to the world, to the rest of the world, the rest of the world that is on our side, then where are they? Where are they? Why are not they there? Why are not they there with us?

I will tell you why they are not there: the rest of the world, what we call our allies, are not willing to fight this war. They are not willing to fight it. They are willing to say that it is OK for us to fight it. But they are not willing to fight it.

I saw a woman in my hometown of Flint, MI, a few months ago. She said to me, and I was powerfully struck by this, that she has three sons in the Marine Corps and they are all over there right now in that situation in forward positions.

It just knocked the wind out of me because I think of a family being called upon to maybe send one child, or at the most two. This woman looked me in the face and explained to me that she has three sons there.

In my mind, I was thinking to myself, as our forces and her three sons are out in these forward positions in these sand dunes out there in Saudi Arabia, why are not there some Japanese combat forces over on the next sand dune? Why are not there some German forces over on another sand dune, and some French forces over on another sand dune?

They are not there, as we were just told by the chairman of the Armed Services Committee. And you will not see them there.

As long as we are willing to carry this load for the rest of the world, wisely or unwisely, whether we can afford it or not, whether it is fair or not, the rest of the world will stand aside as they are doing.

Yes, we have a few allies there. Quite frankly, just as we did in Vietnam, in effect we are paying some of them to be there with us. I am glad the Egyptians are there with us. They are there to defend Saudi Arabia. They are not prepared to be part of assault wave into Kuwait. Of course, we just forgave 8 billion dollars' worth of bills that they owe us. I suspect that has something to do with why they are there in a defensive capacity, and the same applies to U.N. votes.

We have looked the other way at some of the outrages that have gone on in China with respect to the brutality and repression there.

Now there is some brutality that is going on in the Baltic States with the Soviet Government. We got their votes and their support, at least adequately enough in the United Nations, and how did we get that support to let us go in and fight this war for everybody else, by looking the other way and soft-peddling some of the things that they are doing and in fact helping them directly and in other ways.

So I think it is fair to say that we bought a little support there as well. I am convinced, as I stand here, if the issue put to the United Nations today was this: Look, we would like you to put together a 500,000-person international, multinational force that over the next 90 days would replace the American force, and we would be part of it, we would do our fair share, and get all of the rest of the U.N. nations involved, let us have an honest-to-goodness U.N. force in there, and then if we are going to have an offensive action, let us let that be who carries it out. If that were put on the floor of the U.N. today for a vote, how many votes do you think that would get? How many votes do you think that would get? That is why it has not been done that way, because there are not the votes for that, because the rest of the world is not willing to fight this fight, unless it is being done with young people from this country. And that is wrong.

It is just plain wrong. There is no justification for it.

Mr. President, I ask unanimous consent that a letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MICHIGAN STATE UNIVERSITY,
East Lansing, MI, January 10, 1991.

Senator DONALD RIEGLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR RIEGLE: In this difficult time of debate over what to do in the Middle East, please consider the following questions as you grapple with the options available (continued reliance on sanctions or war): What will the Middle East look like after a war?

Besides the inevitable enormous loss of life, mostly non-combatants, and mostly Arabs to begin with:

1. Will there be a Kuwait left to return to sovereignty?

2. Will Iraq be a more stable place with Hussein removed by military means?

3. Will the Iraqi civilians who survive our bombing be likely "good citizens" in the New World Order?

4. Will Israel be further along the road to a secure future? Will not many Israelis also be dead, wounded, and will not Israel be even more of an economic dependency of the United States?

5. Will Israel be more likely to be able to move in the direction of peace with the Arab world?

6. Will Turkey's democracy survive? Is it not more likely that Turkey's largely Islamic population will be less Western-oriented? I foresee the establishment in Turkey of another Islamic Republic as one of the results of such a war.

7. Will Jordan possibly survive at all as a country? Think of the likely millions of refugees to pour out of Iraq/Kuwait to Jordan, Syria, Arabia as the result of heavy bombing and combat.

8. Can the Saudi family possibly survive such a catastrophe as a war on their borders (particularly the war that most seem to be forecasting)? What will this mean for the economy of the world?

9. Will Mubarek be able to remain in authority in Egypt? Is it not more likely that he will be replaced there with a variant of an Islamic Republic too?

10. Is it not likely that there will be civilian casualties of a terrorist campaign as a part of this war?

Is it not a better alternative to take the "high ground" and call upon the international community (in the hopes of avoiding civilian and non-combatant casualties, and in the hopes of preserving the stability of the rest of the Middle East) to tighten the sanctions, to isolate Iraq from the world community, to send home their diplomats and close world airports to their planes, to seize all Iraqi assets outside of Iraq, and to make it thus more likely that there would be, in time, an internal (Iraqi) solution to Hussein? But such a strategy might take a year.

Is this too much of a sacrifice to make in order to avoid the collapse of the Middle Eastern political order, and to avoid the tens of thousands of deaths which the military option now would produce?

I have heard no one in the public side of the debate ask these questions, and they need asking!

Sincerely,

ALAN FISHER,
Director, and Professor
of Middle East History.

Mr. HARKIN. Will the Senator yield?

Mr. RIEGLE. When I am finished, I will be happy to yield. I want to make a few more points. I am nearly finished, and then I would be happy to yield.

I have essentially concentrated here on the human side of this thing and the equity side of it. But I want to talk for a minute about the economic side of it.

I serve as chairman of the Senate Banking Committee, and we have banks collapsing in this country. And it is a little hard for that news to make it to the front page, because all of the front page news is on the Persian Gulf, as it properly should be.

But my point is that we have other serious problems facing us, enormous problems, on the economic side. We are going to have a Federal budget deficit this year of probably $400 billion, after last year's so-called budget deal. It is absolutely extraordinary, and we cannot afford it. A significant chunk of it is going to be the added cost of the rest of the world allowing us to go in and conduct an American war into Kuwait and into Iraq. The deficit is a huge problem. That is a ticking time bomb.

If you want to talk about the United States losing its power internationally, the way we are going to lose it is by squandering our economic future. We can talk about projecting military power as long as we want, but there will come a time if we cannot sustain it with our economic strength, we are not going to be able to assert military power, whether we should or should not, whether we want to or not, in the future.

In addition to that deficit, we have a recession under way. Unemployment is rising; the unemployment lines are getting longer, and we are depleting the unemployment compensation fund. We have many American people and families in economic trouble.

I will tell you this—mark it down—we have tremendous accumulated stresses and strains and dangerous conditions in our financial structure. You are seeing it in the banking system right now. But it radiates out beyond that.

These are problems building up over a long period of time, and they are very difficult to solve. When a nation goes off to war and conducts it essentially by itself, in terms of the cost and lives and dollars, it is even in a weaker position to be able to deal with its fundamental economic problems here at home. We are way overdue in that respect. It is time to start investing in America and in our people.

Here we are over in Saudi Arabia. I asked how much the Saudis have given to this war effort so far. The figure is about $6 billion. It is a laugh. In fact, I think the Saudi royal family ought to be up on the front line. I do not say that disrespectfully. But I will tell you this, they have a lot more at stake in this than any family in America.

I am not prepared, as I stand here, to put one young American in front of any member of the royal family of those countries that are under immediate threat. I should think they would want to be up on the front line ahead of us.

That is not the way it works. No, let us just go get some kids, hither and yon from this country and, yes, as the Senator from Virginia said a while ago, who in their youth and in their enthusiasm and so forth, and send them over there. It is one thing before the war starts, but it will be a very different thing after it starts.

It is regrettable what happened up in this gallery earlier today. I condemn that kind of outburst in here. But it is a sign of things to come if this war starts, and we all know it, at least anybody that has a memory.

I know this President, as we all do, and I care deeply about him, personally, and in the duties and responsibilities that he carries. I want this President to succeed in everything he does, not just on this matter. It is not a decision that any one person in this country under our system or under common sense ought to take by himself. If we are going to war—and as I say again, it is going to be an American war if it starts—than we better have a real consensus in this country. I do not mean a 52-to-48 vote or 51-to-49 vote or 55-to-45 vote, because what that vote will say to whoever might be President is: Look, we are not convinced, we are not convinced that the stakes require this, or that this is the action to take at this time. I speak only as one Senator. But that is my view.

So my prayers, and the prayers of everybody here, will be with everybody who carries the weight of deciding and carrying this out, our military people in the field, first and foremost, and the President, as he weighs the judgments he is called upon to make. America needs a good decision here, and so does the world as a whole. I think the decision is to try every last thing that we can find, as long as we can try it, before we throw the switch and initiate an American war, the consequences of which no one can foresee.

I thank the Chair and yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, let me make a comment on something that the Senator from Michigan brought up.

There is a misconception that this is a U.N. resolution. The Senator from Michigan did us a great service by pointing out that the resolution giving the green light to use force against Iraq after January 15 was a Security Council resolution voted on by 12 nations, only 2 of whom beside the United States have sent military or economic assistance to the effort in Saudi Arabia.

Again, I want to read into the RECORD a list of those countries that voted to allow our young men and women to shed their blood in Saudi Arabia: Canada, Colombia, Ethiopia, Finland, the Ivory Coast, Malaysia, Romania, Zaire and Britain, France, U.S.S.R., and the U.S.A.

Again, France and Britain have troops over there. I might point out China did not vote for the Security Council resolution. They simply abstained. Because of China's position as a permanent member of the Security Council, they could have killed the resolution using their veto power if they had voted against it.

It is interesting to note that the day after this vote the Chinese Foreign Minister was welcomed to the White House here in Washington.

We have to point out this is not a U.N. resolution—159 member nations did not vote on it; 12 nations voted on it. I just read the list.

Mr. RIEGLE. If the Senator will allow me, I shall add one other final thought and then take my seat. Others wish to speak.

I mentioned the mother who spoke with me in Flint, Michigan, who has three of her sons in forward positions as Marines over there at the present time. If a Japanese family would send one of their sons and a German family or French family would send one of their sons, then two of her sons could come home and only one would remain. That to me is the test that we ought to be applying in this area of this discussion.

I thank the Senator, and I thank the Chair.

Mr. HARKIN. I thank the Senator.

Mr. President, I think we need to remember just how we got into this mess so that we can avoid repeating our past mistakes and sort of do a review of events that have unfolded so far.

Again, I am not going to go into every detail, although I think we have enough material to back up the things that I am about to say with cites of dates, events, comments, many of which I will be inserting into the RECORD.

The fact is, the United States for a long time supported Saddam Hussein. He was one of ours. We supported him in the Iraq-Iran war. Throughout the 1980's, the administration, first the Reagan administration and then the Bush administration, continually played down, did not want to rock the boat on the human right violations in Iraq. Senators took the floor to talk about it. Members of the House spoke about it. But the administration did not want to do anything to rock the boat.

When Saddam Hussein gased his own citizens, the Kurds, there was not a peep from this administration. When Iraq commenced building chemical and biological weapons, there was a deafening silence from this administration and from the Reagan administration. When they began developing intermediate-range ballistic missiles that could reach Israel, again nothing was said by the Reagan and Bush administrations.

When they attempted to develop a nuclear weapons capability, there was nothing from the Reagan and Bush administrations.

I said, Mr. President, on many occasions after Iraq invaded Kuwait, we have the Israelis to thank for going in there and taking out what was beginning to be a national nuclear capability being developed by Iraq.

Throughout 1990, long before Iraq invaded Kuwait, Congress tried to impose economic sanctions against Iraq for its human rights and weapons violations. The administration opposed them all. On July 27 of last year, 1990, less than 1 week before the invasion, the Senate voted 83 to 12 to impose sanctions. The House approved them, but the administration opposed them.

On June 15, Assistant Secretary of State for Near Eastern Affairs, John Kelly, testified that the administration opposed these economic sanctions.

We keep hearing how Saddam Hussein is isolated; he does not get the right kind of information. But all through the 1980's he had to be thinking America is on his side in supporting him. Even when one of his missiles killed 27 of our men on a ship we said "Oh, it was a mistake," and took no action against Saddam Hussein.

Then we come up to the fateful meeting between April Glaspie, our Ambassador to Iraq, and Saddam Hussein just a few days before the invasion. Listen to what April Glaspie had to say directly to Saddam Hussein before the invasion, which was recorded on videotape.

First, she tells Saddam Hussein, in reference to the British colonial power that drew the Iraq-Kuwait border:

> I think we know that well. As a people we have experience with colonialists.

When later in conversation Saddam Hussein said Iraq needed higher oil prices, our Ambassador said:

> I know you need funds. We understand that. And our opinion is you should have the opportunity to rebuild your country.

Then Ambassador Glaspie went on to say this:

> We have no opinion on Arab-Arab conflicts like your border disagreement with Kuwait. I was in the American Embassy in Kuwait during the late 1960's. The instruction we had during this period was that we should express no opinion on this issue and that the issue is not one associated with Americans. James Baker has directed our official spokesmen to emphasize this instruction.

So if we are told that Saddam Hussein does not get outside information, that he is isolated over there, what is he to think after all the 1980's with all the support of the United States and then our own Ambassador telling him we have no opinion on Arab-Arab conflicts, "specifically your border dispute with Kuwait."

I do not know Saddam Hussein. I never met him. I can only take what I read and what other people said about him. But he must have been thinking that this is a green light from the United States for him to take action.

Then Ambassador Glaspie was quoted in the New York Times after the invasion saying, "We never expected they would take all of Kuwait."

I think it is important for people to understand what led us up to this invasion.

I am not saying this somehow excuses the invasion. Absolutely not. I supported and still do support President Bush's initial actions that he took in Saudi Arabia. I said so publicly. The only thing that I disagreed with back in August was calling up Reserves. I did not think that was necessary. But I supported sending troops in a defensive posture to Saudi Arabia; I supported the efforts by President Bush to get other countries involved; and I supported his efforts to get all the nations of the world together in the economic embargo and sanctions.

This is the kind of new world order that we ought to be talking about. Rather than responding with brute force and military power, we need a new world order wherein we respond to the Saddam Husseins of the world with isolation, economic and diplomatic isolation, to the point where their economy crumbles and they cannot operate.

If we can do that, then we truly will have achieved a new world order. But if we are simply going to use the votes of 12 members of the Security Council—and who knows what promises were made to them—as a pretext for America, again, being the policeman of the world, going in and conducting offensive military actions, we are back to where we were before the United Nations, and indeed before the League of Nations. So I was hopeful that this Security Council Resolution would help achieve a new world order. The President's global economic blockade was unprecedented, replacing unilateral military action with collective economic blockade. When we left here in October to go home, we had a unified purpose, and a unified position. I supported the President. I supported the economic sanctions. I supported the defensive structure we had in Saudi Arabia. I searched the RECORD, and I cannot find anyone in this body who disagreed with that, Democrat or Republican.

Last fall, I was up for reelection. During the campaign, I specifically said time and time again that I supported President Bush's actions in the Mideast, although I did not think we needed to call up the Reserves. But, be that as it may, that was a small point.

Only after the election, much to my surprise, the President unilaterally and without consulting Congress changed his policy and position in the Mideast in two ways. One, he upped the ante by going from a defensive position to an offensive position. I said at the time I thought that was not the right course of action to take. He could have consulted with Congress or called Congress back into session to consider whether we agreed with this policy change. But he made that decision without consulting us.

Another decision was made unilaterally by the President without consultation with Congress: to go to the U.N. Security Council to get this resolution setting the date of January 15. What is magic about January 15? Where did that date come from? I will tell you where it came from: It was plucked out of thin air.

Actually, as my understanding goes, the Bush administration wanted January 1 to be the deadline. Some of the other nations of the Security Council wanted later dates. They compromised on January 15 as the deadline.

So the policy and position that was supported uniformly among most people was changed. As I said, I cannot think of one Senator who disagreed with that policy before the election. The President, doubled troop levels moved from a defensive posture to an offensive posture. And set an arbitrary January 15 deadline. And again, I repeat for emphasis sake, this was not a deadline set by the United Nations as a whole. It was accepted by 12 nations of the Security Council, only two of whom have troops in Saudi Arabia.

I have talked with constituents of mine back in Iowa who understand this. One of the reasons I pressed so hard for this debate and a vote by the Senate and the House was I found it incongruous at best that the President would go to 12 member nations of the Security Council, like Zaire and the Ivory Coast and Ethiopia and Colombia, to ask for their permission to allow our young men and women to fight and perhaps to die in Saudi Arabia; but the President would not come to the Congress to ask permission of the elected representatives of the American people.

That is why I feel that this debate is important, and that we vote before January 15. This is a debate that encompasses all the American people. They are watching, they are listening, and they want the information. I think there is a great deal of confusion out there about: How we got into this; what our purposes are, and what are our options.

I covered the first about how we got into it. Now let me, for a few minutes, cover what the reasons are for U.S. involvement.

The first reason enunciated was to stop Iraq from invading Saudi Arabia. That policy was supported wholeheartedly and uniformly, and we succeeded. We stopped him in his tracks.

Another reason cited for our involvement was oil. I agree with those who say in our economy we must have oil to function. I am one of those who think we ought to have a different energy policy and move forward on an energy policy that would make us more energy independent. But the fact is, right now we have to have it.

But we are looking at oil from Iraq and Kuwait. All of the oil that we had previously gotten from Iraq and Kuwait could be replaced just by raising the average fuel economy of the automobile fleet in America, the CAFE standards, by 3 miles per gallon. Think about that. We ask thousands and thousands of young American boys and women to die because Detroit cannot raise the average miles per gallon by 3 miles a gallon? How ridiculous; how absolutely ridiculous. In any event, Saudi Arabia has increased its production.

The next reason we were given was Secretary Baker said at one time, what it boils down to essentially is jobs. What kind of jobs is he talking about? If we want jobs, rather than spending money on a military machine to be squandered in the Saudi desert, we should be putting people to work on alternative energy projects: Environmental restoration, repairing our highways and bridges, and infrastructure in this country?

Another reason was to stop naked aggression. We have heard that a number of times recently. Certainly naked aggression should be stopped. But what about a few weeks ago when there was naked aggression in Chad by Libya? We did not rush over there with our troops.

How about Syria? Syria, now one of our allies. Not too long ago Syria went into Lebanon and massacred 700 civilians. That was naked aggression. We did not do anything about it. Now Assad is on our side.

What about Indonesia's bloody excursion into East Timor, where they basically wiped out a country and killed a lot of people? We did not do anything.

Or when Saddam Hussein gassed the Kurds in his own country? That was naked aggression. We did not do anything.

What does this mean, that we want to stop naked aggression? Does this mean that we are now going to say that the United States will, indeed, become the policeman of the world and that we will respond to every instance of naked aggression? Or does it mean we are just going to pick and choose which ones we want to respond to or not? How about the Soviets putting down the Lithuanians? Are we going to respond to that? I daresay we are not. So we are going to pick and choose which kinds of naked aggression we oppose?

Again, as I stated earlier, a new world order, I believe, can respond to this type of aggression in a more forceful way, and one that can actually be counted on by those countries that would anticipate such aggression, more so than the United States just sending in troops.

Libya knows the United States is not going to send troops to defend Chad. The Soviets know we are not going to send troops to protect the Lithuanians. Indonesia knew we were not going to send troops to protect the poor East Timorese.

But if we establish this new world order of economic sanctions and embargo on a country like Iraq, then that says something to these other countries that may have designs on other people's territory: That the United Nations indeed can get together to put economic sanctions and embargo on that country. That would be more of a threat than the United States sending troops, because they know the United States is not going to send troops in many of those cases.

Another reason was to restore the legitimate Government of Kuwait. What does this mean? Does this mean the national legislature? The emir dissolved the legislature in 1986. Only adult males whose fathers or grandfathers resided in Kuwait before 1920 could vote, which amounts to about 8 percent of the population. The emir, as I said, dissolved the national assembly in 1986. So it is ruled by a monarchy, a virtual dictator, who has untold wealth.

But all that aside, is Kuwait a friend of the United States? How do we mark friendship? Kuwait has voted more often against the United States in the United Nations than the Soviet Union. When we went to Grenada to protect our people in Grenada, there was a vote taken in the United Nations, in 1983, on the subject of Grenada. There were 100 votes against us for committing naked aggression in Grenada. Kuwait voted against us. Just a year ago in Panama, there was a vote, again, on what we did in Panama, in the United Nations. Kuwait voted against us again. So we have to really wonder, and the people of America ought to know this. Again, I do not say this in any way says we cannot take action. I am going to get to that, obviously, at the end of my remarks. I am just saying, at what price? At what price? How many lives?

Another reason to stop Iraq's nuclear capability. I will respond to my good friend, Senator HATCH, who talked about me on the floor yesterday. I said to him this morning that I was going to mention his name in response to, I think, a misinterpretation or misunderstanding that he may have of my position on this. There is a lot of talk about Iraq becoming a nuclear power and having a nuclear weapon's capability.

Let us look at the facts. Iraq has 12 kilograms of enriched uranium, which they had obtained in order to fuel their nuclear reactor, which, of course, was taken out by the Israelis. Iraq is also a signatory to the nonproliferation treaty. When a country signs onto the nonproliferation treaty, they agree to two provisions: They will not obtain nuclear weapons and, second, in exchange, countries with a nuclear capability can help the treaty signatory to establish a domestic nuclear generating capacity. But any country that is a signatory has to allow the International Atomic Energy Agency to inspect and account for the nuclear materials at any time. Last month, the International Atomic Energy Agency inspected the enriched uranium stockpile of Iraq and accounted for the 12 kilograms which they had obtained 10 years ago.

So they do have 12 kilograms. What can they do with 12 kilograms of enriched U-235? They can make one very crude nuclear device. I said device, not bomb. Bomb envisions something that can be picked up, carried by a plane, and dropped someplace. So they could probably make one bomb. How big would it be? Again, this is where we get in the area of nuclear physics. It would be a big bomb, bigger than the one we set off near Alamogordo, which they had to raise with a crane, probably bigger than the "little boy" we dropped on Hiroshima, which required a B-29 bomber to carry.

So let us say they were going to build this bomb with the 12 kilograms of uranium that they have. What are they going to do with it? They send one bomber across the border and that plane will be shot down so fast. That is why we have AWACS over there. They cannot get it out of their country. Are they going to put it on a truck and take it to Jordan? As soon as they did that, we would know they diverted their 12 kilograms and made a bomb. There is no way to deliver it. It is absolutely impossible to put it on a missile. As I said, they have not done anything to divert that 12 kilograms to any kind of bombmaking as of last month.

You say, well, they may develop other types of facilities later on. To build a nuclear weapons capability, Iraq would have to develop much greater quantities of enriched uranium or plutonium, one of the two. You cannot make a nuclear bomb out of nothing. You have to have the nuclear material. To get enriched uranium—let us take that first—they would have to build either a gaseous diffusion plant or gas centrifuge plant. A gaseous diffusion plant, if anybody has been to Oak Ridge, is very large and very costly. Ours was built during the Manhattan project that cost billions of dollars, a lot of time, and a lot of high technology.

We are going to have a briefing by our Intelligence Committee soon, but all the information I have from the Intelligence Committee is they have no gaseous diffusion plant in Iraq and have not started to design or build one. They can build a gas centrifuge plant. Again, our intelligence shows us they have enough hardware to build 26 gas centrifuges to separate U-235 from U-238. But you need 1,000 such centrifuges to get the enriched uranium to build nuclear weapons.

Why do I go into elaborate detail? Because so many people talk about this, but they do not have their facts straight. They have 26 while they need more than 1,000 gas centrifuges in order to separate out U-235 from yellow cake which is mostly U-238.

The only other way they could enrich uranium is through laser isotope separation. This Senator spent 10 years on the House Science and Technology Committee. We talked a lot about laser isotope separation. We have not even developed it commercially. We think we can, but we have not even started the process of building large laser isotope separation facilities. It is very high technology. So much for uranium.

The other route to fissile material is plutonium. Where do you get plutonium? Out of nuclear reactors, either military reactors or those that generate commercial electricity. Again, thanks to the Israelis, the Iraqis do not even have a research reactor and are not about to have one for quite a while. Even if they did have an operating nuclear reactor from which they could get the plutonium after a while, they would need a plutonium reprocessing plant to extract the plutonium from spent fuel rods. They are not even near building anything like that.

This whole idea of this nuclear capability of Iraq is exaggerated. But I think the nail in the coffin on the nuclear argument as the reason that we ought to go into war with Iraq follows from Secretary of State Baker's no-invasion pledge. If Iraq withdraws from Kuwait by the 15th, we will not invade them and we will take no military action against them. That leaves Hussein in power and leaves whatever nuclear facilities people may think he has intact.

So it cannot be an issue. It is one that is blown out of proportion. There is no basis in fact for the fear that they either have a nuclear capability, delivery capability, or are about to acquire one. As I said, if he leaves, they get to keep everything. So it cannot be too much of a concern of ours.

The last reason for our involvement is to force Iraq out of Kuwait. I submit, Mr. President, that is the only legitimate reason. We cannot condone in the post-cold-war era this type of naked aggression. I think that those of us who are supporting the resolution offered by the majority leader, and even those who are opposing it, all agree that Saddam Hussein's troops have to get out of Kuwait. On that there is no disagreement and no negotiation. The question is how best to accomplish Saddam's eviction from Kuwait in the long-term best interest of the United States and the Mideast and at least cost in money and lives.

That is why we emphasize sanctions. They are working, as so many have said, including the distinguished Senator from Georgia, the chairman of the Armed Services Committee—97 percent of Iraq's exports, 90 percent of its imports, 45 to 50 percent of its GNP, according to intelligence estimates. In the worst year of the Depression in this country our GNP went down by 14 percent—1931–32. We know how devastating that was in this country. Think what it must be like in Iraq when their GNP has gone down 45 percent in 5 months. So they have been reduced more than 5 months than the United States suffered during all 4 years of our Depression.

Again on the question of sanctions, Admiral Crowe in testimony before the Senate Armed Services Committee said that the embargo is "biting heavily." He said, "It is the most effective peacetime blockade ever levied." And quoting Admiral Crowe further, he said, "Most experts believe that it will work with time. Estimates range in the neighborhood of 12 to 18 months. In other words, the issue is not whether an embargo will work but whether we have the patience to let it take effect." Again from a former chairman of the Joint Chiefs of Staff.

Seven out of eight former Secretaries of Defense said that the sanctions ought to be given time to work.

I am going to finish also a quote that was partially quoted by the Senator from Georgia [Mr. NUNN]. I want to finish it because there are a couple sentences in it that I think ought to be added. This is from October 28. General Schwarzkopf, our commander in the field, head of our forces in the Mideast, is quoted as stating with respect to sanctions:

> Golly, the sanctions have only been in effect about a couple of months . . . And now we are starting to see evidence that the sanctions are pinching. So why should we say, OK, we gave them 2 months (and it) didn't work. Let's get on with it and kill a whole bunch of people? That's crazy. That's crazy. You don't go out there and say, OK, let's have a nice war today. God Almighty, that war could last a long time, long time, and kill an awful lot of people. And so we've just got to be patient.

That is from General Schwarzkopf. I wanted to repeat that statement because a couple of sentences were not stated by the Senator from Georgia. I wanted to add them because I think it shows that General Schwarzkopf himself does not know how long that war would last or how many casualties we would have.

In closing, Mr. President, on eight occasions prior to the election last fall the President said that economic sanctions were working and that we should have patience. But that position was switched after the election.

In one other quote that I wanted to read, and I will put this in the RECORD, in testimony before the Armed Services Committee, Edward Luttwak, a military expert said:

> With each passing day, the Iraqi economy reverts another step to its organic agricultural level, which can supply dates and barley, but not ballistic missiles or, indeed, any other armaments beyond small arms.

Mr. Luttwak also said that military action now against Iraq would "do no more than to turn the wheel of Persian Gulf instability one more time. Hence, if Americans were to die in fighting Iraq, only the tragic loss inflicted on their families would be permanent, while any results achieved would be ephemeral."

Mr. President, my conclusions are these. First of all, as to the constitutional position, only Congress can declare war. Only Congress.

I have heard it said that the President has made the decision. Now, we may not agree with that decision, but he has made that decision; we have to support it.

The President of the United States is not a king. He is not an emperor. He is not a dictator.

A week ago yesterday we stood on this floor of the Senate, we raised our right hands, and we swore an oath on a Bible. I take that oath seriously. That oath was to uphold and defend the Constitution of the United States. I did not take an oath to uphold and defend a President of the United States, not any President of the United States. So that argument has no effect on this Senator whatsoever because my oath of office was on the Constitution. If the President made a mistake, then I think it the responsibility of Congress to say that he has made a mistake and not just to go along.

We have been told that there are 210 previous wars that the President has conducted without any kind of approval from Congress. Actually, there were 215. Five of those were declared wars: the War of 1812, the Mexican War, the Spanish-American War, World War I, World War II—by the way, there were two declarations for World War I, and three for World War II.

We started looking at some of those other 210 military actions. I will tell you they are as phony as a $3 bill. One of those 210 that they listed was the dispatch of three military transport aircraft to the Congo to evacuate citizens. That was one war. Another war they listed was in 1983 when we sent the AWACS airplane to aid Egypt after the Libyans bombed a city in Sudan. That was another war.

In 1976, additional forces were sent to Korea when two U.S. servicemen were killed cutting down a tree. That is another war. And by the way, the Vietnam war is listed three times—the actual Vietnam war, the April 3, 1975, evacuation of Vietnam, and the April 30, 1975, evacuation of the Saigon Embassy. These are part of the 210 "wars" that were listed that the President got us into without approval of Congress.

What we are talking about in Saudi Arabia is war, real war where people will fight and die.

These previous speakers said we have allies there. Yes, we do. And those allies are willing to fight to the last American to make sure that our position prevails. But not to the last Egyptian, or Saudi, or those people who voted in the Security Council, Zaire, and Malaysia, and Romania and others.

(Mr. LIEBERMAN assumed the chair.)

Mr. HARKIN. Assad, I tell you Assad would like nothing better than to knock out Hussein. Then he becomes numero uno over there. If he can get it done with Americans, fine. This, the same Assad who just practiced naked aggression against Lebanon.

Or Iran. You have to believe that Iran would like nothing better than for us to take out Hussein, to do their work for them.

Sanctions must be given a chance to work is my second conclusion. I have talked about that enough.

The third is that the case for military action at this time has not been made. This really gets to the heart of the debate. As someone who spent 8 years in the military, I at one time—and I only did it once—took a flag to a family of a friend who was killed in the military.

That has a profound effect on you. It is something you never forget. The number of people that I went through flight training with that are no longer with us because they died in Vietnam. I was in the military during Vietnam.

I had a different responsibility. I had a different oath. I supported the President.

When I left the military and later became a Member of the House of Representatives, I began to speak out against Vietnam. I swore at that time that never again would there be an unjust war. There will be times when the United States must use its military might—I am not a pacifist. But our cause must be just. Our purpose must be clear, and our people must be united. Nothing less will suffice for America going to war.

Quite frankly, if the Congress is divided on this issue, it is because the President of the United States has not made his case to the American people that war is necessary at this time. The polls all show a split. The recent New York Times CBS poll asked the question, "Should we go to war now or should we let sanctions have more time to work?" The results were 47 to 46. Evenly split.

I do not want our young men and women going into war with a divided United States. The President has not made his case to the American people. The American people are divided on this issue. That is reflected here in the Senate of the United States because we are divided, because we reflect that division among the American people. We should not go to war when the people of this country are divided and when our purpose is not clear.

Now I hope that we have the votes to do two things: To insist that the President come to the Congress before he takes any offensive action. That, I believe, is crystal clear in the Constitution. He must do that.

Second, to express the Congress' support for continuing the sanctions.

There may come a time when force must be used. The President must make that case to the American people. He must get them united. Second, if we have to use that force, use it on a weakened Iraq, a nation that is going to be much weaker than it is now when they cannot get spare parts, when they cannot get tires, when they cannot get lubricating oil, and when they cannot fly their airplanes. Think of 1 year's GNP loss of 50 percent or more, of what that would mean to their economy.

Mr. President, I ask unanimous consent to put in the RECORD a number of items, one of which is this article that came in the paper yesterday from Philadelphia, to the Washington Post. It is entitled "Working Overtime, Preparing for the Worst." "U.S. Companies on Tight Schedules to Fill Pentagon Order for 16,099 Body Bags." They are working round the clock. The Pentagon ordered 16,099 body bags. That must be based on something. As I understand, they have already shipped about 12,000 body bags over there.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 7, 1991]

WHITE SLAVES IN THE PERSIAN GULF

(By Arthur Schlesinger, Jr.)

President Bush's gamble in the Gulf may yet pay off. Let us pray that it does—that the combination of international economic sanctions, political pressure and military build-up will force Saddam Hussein to repent and retreat. Let us pray that the tough talk from Washington is designed primarily as psychological warfare—and that it will work.

But tough talk creates its own momentum and may seize control of policy. If the gamble fails, the president will be hard put to avoid war. Is this a war Americans really want to fight? Sen. Robert Dole (R., Kan.) said the other day that Americans are not yet committed to this war, and he is surely right. And is it a war Americans are wrong in not wanting to fight?

Among our stated objectives are the defense of Saudi Arabia, the liberation of Kuwait and restoration of the royal family, and the establishment, in the president's phrase, of a "stable and secure Gulf." Presumably these generous-hearted goals should win the cooperation, respect and gratitude of the locals. Indications are, to the contrary, that our involvement is increasing Arab contempt for the U.S.

WHITE SLAVES

In this newspaper a few days ago Geraldine Brooks and Tony Horwitz described the reluctance of the Arabs to fight in their own defense. The Gulf states have a population almost as large as Iraq's but no serious armies and limited inclination to raise them. Why should they? The Journal quotes a senior Gulf official: "You think I want to send my teen-aged son to die for Kuwait?" He chuckles and adds, "We have our white slaves from America to do that."

At the recent meeting of the Gulf Cooperation Council, the Arab states congratulated themselves on their verbal condemnation of Iraqi aggression but spoke not one word of thanks to the American troops who had crossed half the world to fight for them. A Yemeni diplomat explained this curious omission to Judith Miller of the New York Times: "A lot of the Gulf rulers simply do not feel that they have to thank the people they've hired to do their fighting for them."

James LeMoyne reported in the New York Times last October in a dispatch from Saudi Arabia, "There is no mass mobilization for war in the markets and streets. The scenes of cheerful American families saying goodby to their sons and daughters are being repeated in few Saudi homes." Mr. LeMoyne continued, "Some Saudis' attitude toward the American troops verges on treating them as a sort of contracted superpower enforcer. . . ." He quoted a Saudi teacher, "The American soldiers are a new kind of foreign worker here. We have Pakistanis driving taxis and now we have Americans defending us."

I know that the object of foreign policy is not to win gratitude. It is to produce real effects in the real world. It is conceivable that we should simply swallow the Arab insults and soldier on as their "white slaves" because vital interests of our own are involved. But, as Mr. Dole implied, the case that U.S. vital interests are at stake has simply not been made to the satisfaction of Congress and the American people.

Of course, we have interests in the Gulf. But it is essential to distinguish between peripheral interests and vital interest. Vital interests exist when our national security is truly at risk. Vital interests are those you kill and die for. I write as one who has no problem about the use of force to defend our vital interests and who had no doubt that vital interests were involved in preventing the domination of Europe by Hitler and later by Stalin.

In defining our vital interests in the Gulf, the administration's trumpet gives an awfully uncertain sound. It has offered a rolling series of peripheral justifications—oil, jobs, regional stability, the menace of a nuclear Iraq, the creation of a new world order. These pretexts for war grow increasingly thin.

If oil is the issue, nothing will more certainly increase oil prices than war, with long-term interruption of supply and widespread destruction of oil fields. Every whisper of peace has brought oil prices down. And the idea of spending American lives in order to save American jobs is despicable—quite unworthy of our intelligent secretary of state.

As of the stabilization of the Middle East, this is a goal that has never been attained for long in history. Stability is not a likely prospect for a region characterized from time immemorial by artificial frontiers, tribal antagonism, religious fanaticisms and desperate inequalities. I doubt that the U.S. has the capacity or the desire to replace the Ottoman Empire, and our efforts thus far have won us not the respect of the Arab rulers but their contempt.

What about nuclear weapons? The preventive-war argument is no more valid against Iraq than it was when nuts proposed it against the Soviet Union during the Cold War. In any case, Secretary of State Baker has in effect offered a no-invasion pledge if Iraq withdraws from Kuwait—a pledge that would leave Saddam Hussein in power and his nuclear facilities intact.

As for the new world order, the United Nations will be far stronger if it succeeds through resolute application of economic sanctions than if it only provides a multilateral facade for a unilateral U.S. war. Nor would we strengthen the U.N. by wreaking mass destruction that will appall the world and discredit collective security for years to come.

No one likes the loathsome Saddam Hussein. Other countries would rejoice in his overthrow—and are fully prepared to fight to the last American to bring it about. But, since the threat he poses to the U.S. is far less than the threat to the Gulf states, why are we Americans the fall guys, expected to do 90% of the fighting and to take 90% of the casualties? Only Britain, loyal as usual, has made any serious military contribution to the impending war—10,000 more troops than Egypt. If we go to war, let not the posse fade away, as befell the unfortunate marshal in High Noon.

And please, Mr. President, spare us the sight of Dan Quayle telling the troops that this war won't be another Vietnam. How in hell would he know?

No one ever supposed that an economic embargo would bring Iraq to its knees in a short five months. Why not give sanctions time to work? The Central Intelligence Agency already reports shortages in Iraq's military spare parts. If we must fight, why not fight a weaker rather than a stronger Iraq? What is the big rush?" There is a phrase of President Eisenhower's that comes to mind: "the courage of patience."

I also recall words of President Kennedy that seem relevant during these dark days:

"Don't push your opponent against a locked door." What is so terribly wrong with a negotiated settlement? Iraq must absolutely withdraw from Kuwait, but the grievances that explain, though not excuse, the invasion might well be adjudicated. As for the nuclear threat, that can be taken care of by a combination of arms embargo, international inspection throughout the Middle East and great-power deterrence. Such measures would do far more than war to strengthen collective security and build a new world order.

One has the abiding fear that the administration has not thought out the consequences of war. Fighting Iraq will not be like fighting Grenada, or Panama. The war will most likely be bloodly and protracted. Victory might well entangle us in Middle Eastern chaos for years—all for interests that, so far as the U.S. is concerned, are at best peripheral.

IRAQI SIDESHOW

Worst of all, the Iraqi sideshow is enfeebling us in areas where vital interests are truly at stake. While we concentrate energies and resources in the Middle East, Eastern Europe is in travail and the Soviet Union is falling apart. We cannot singlehandedly rescue democracy in the ex-communist states, but at least we ought to be thinking hard about ways we could help on the margin. Europe is far more essential to our national security than the Middle East.

And we confront urgent problems here at home—deepening recession, decaying infrastructure, deteriorating race relations, a shaky banking system, crime-ridden cities on the edge of bankruptcy, states in financial crisis, increasing public and private debt, low productivity, diminishing competitiveness in world markets. The crisis of our national community demands major attention and resources too. While we fiddle away in the Middle East, the American economy will continue to decline, and Japan and Germany will seize the world's commanding economic heights.

War against Iraq will be the most unnecessary war in American history, and it well may cause the gravest damage to the vital interests of the republic.

(Mr. Schlesinger is Albert Schweitzer professor of the humanities at the City University of New York and a winner of Pulitzer Prizes in history and biography.)

[From the Washington Post]

WORKING OVERTIME, PREPARING FOR THE WORST; U.S. COMPANIES ON TIGHT SCHEDULES TO FILL PENTAGON ORDER FOR 16,099 BODY BAGS

(By Mary Jordan)

PHILADELPHIA.—In a one-story factory on a quiet side street in the blue-collar Port Richmond neighborhood here, workers who make bedsheets for babies are busy filling a new rush order: 16,099 body bags for soldiers who may die in Operation Desert Shield.

"I hope nobody has to use these," said Edward Lustick, an Aldan Rubber Co. employee, as he inspected the olive-color, rubber-coated material that will be sewn into the government's standard seven-foot, 19-inch bags that store human remains.

On Dec. 11, the Department of Defense awarded a contract to three body bag makers. They immediately called Aldan, one of the few sources in the country for the chloroprene-coated fabric used for the waterproof bags, the contractors said.

"We can confirm that we have ordered human remains pouches," said Lt. Col. Stuart Wagner, a Pentagon spokesman. "But we can't say how many or where they are going."

Pentagon sources, however, said the rush order for the 16,099 body bags was placed because they may be needed in Operation Desert Shield.

"No, it would not be wrong to say that these body bags are going to Desert Shield," said one Defense Department official. "We do always keep some on hand, but this is not regular inventory."

Three of the companies said they were told the bags were for Operation Desert Shield. One company official said that when he inquired about the unusual number, a Defense Department supply officer said the order was based on a computer model of how many deaths might result if a shooting war breaks out in the Persian Gulf.

"I asked why it as such a crazy number. Why not 16,000 or 17,000?" said Hugh Blaha, vice president of C.R. Daniels, an Ellicott City, Md., firm assembling 8,200 of the body bags in its Tennessee factory. The Department of Defense official "said that it was based on computations that were made and that this was the number that they needed," Blaha said.

The Pentagon has refused to estimate publicly how many American lives might be lost in a war with Iraq. Defense officials will not acknowledge any preparations for war casualties, keeping classified the number of body bags, hospital beds and grave registration units in the Persian Gulf region.

The term "body bag," has even been stricken from the official vocabulary at the Pentagon, where military spokesmen, when pressed, referred to them as "human remains pouches."

Norbert Efros, an owner of Lite Industries Inc., of Paterson, N.J., said his company could make only 4,000 of the body bags on the "very tight delivery schedule" called for in the Desert Shield contract. "They made it very clear that they needed these right away," Efros said.

Blaha said his Elicott City company, which also makes Christian Dior handbags, has set aside about 40 sewing machine operators to work full time on the body bags. The company expects to get its first shipment of material from Aldan by Jan. 21.

The Pentagon body bags, sturdier than those used by commercial mortuaries, cost about $100 each.

The stipulations of the contract awarded Dec. 11 call for delivery of some bags as soon as possible, with all 16,099 delivered by March 1, according to the contractors.

To fill the largest order for the government-specification body bag material it has ever received, Aldan is keeping its two giant ovens operating 24 hours a day. The heat seals the rubber coating on the green fabric.

"We're running three shifts around the clock. We can't do more than that," said Barry Fleischer, Aldan's vice president for marketing. "We're working overtime and Saturdays."

Most of Aldan's business is in commercial products, including material for Gerber waterproof bedsheets for babies.

"I choose not to think about what it's for because it's not very pleasant," Fleischer said as he watched hundreds of yards of the body bag material roll on steel rods into the ovens.

"I'm seeing quite a bit of this these days," said Winston Parker, the factory's head oven operator as he checked the rubber-coated material as it was heated to 280 degrees. "I hope nothing is going to happen that means we have to use these. It's not going to prove anything if we go to war."

[From the Washington Post, Sept. 13, 1990]

TRANSCRIPT SHOWS MUTED U.S. RESPONSE TO TREAT BY SADDAM IN LATE JULY

(By Jim Hoagland)

One week before he ordered his troops into Kuwait, Iraqi leader Saddam Hussein warned the U.S. ambassador in Baghdad that America should not oppose his aims in the Middle East because "yours is a society that cannot accept 10,000 dead in one battle" and is vulnerable to terrorist attack, according to the Iraqi minutes of the July 25 conversation.

U.S. Ambassador April Glaspie did not respond directly to Saddam's menancing comments, concentrating instead on praising Saddam's "extraordinary efforts to rebuild your country." She also gently probed the Iraqi leader's intentions in massing troops on Kuwait's border, but did not criticize the Iraqi troop movements, according to the Iraqi transcript.

The State Department did not challenge the authenticity of the transcript yesterday. Spokesman Richard Boucher declined to comment on specific remarks it contains. He said Glaspie was not available for comment.

Iraq's version of the meeting shows Saddam giving Glaspie explicit warnings that he would take whatever action he deemed necessary to stop Kuwait from continuing an "economic war" against Iraq. Her response, as recorded by the Iraqis, was to reassure Saddam that the United States takes no official position on Iraq's border dispute with Kuwait.

In response to Saddam's comments about Iraq's need for higher oil prices, the ambassador said: "I know you need funds. We understand that and our opinion is that you should have the opportunity to rebuild your country. But we have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait, . . . James Baker has directed our official spokesman to emphasize this instruction."

The disclosure of the transcript to Western news media, which originated with Iraqi officials, appears intended to emphasize that Saddam had reason to be believe that the Bush administration would not offer any serious opposition to his move against Kuwait.

The administration has acknowledged that it was caught by surprise by Iraq's Aug. 2 invasion of Kuwait. But the tone and content of the transcript of the July 25 meeting called by Saddam strongly suggest that the official American misreading of Saddam's intentions and capabilities may have emboldened him to commit an act of aggression that has brought the United States to the brink of war in the Persian Gulf.

Mr. HARKIN. Mr. President, that is what this is about. It is about body bags. There may come a time when we have to do it. But that time is not here and it is not now. The time is here and now for a new world order based on economic sanctions, isolation, keep our allies together, and making Saddam Hussein pay a much, much higher price with a minimal loss of our lives of our own young men and women in Saudi Arabia.

I yield the floor, Mr. President.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

If the Senator will withhold, I want to indicate to the various Members of the Senate who are here that I have received from my predecessor in the Chair, the Senator from Virginia, a list of Senators who have been in the Chamber waiting to be recognized in order of their appearance in the Chamber. I will proceed according to that list, and therefore recognize the Senator from Texas [Mr. BENTSEN].

THE GULF CRISIS

Mr. BENTSEN. Mr. President, I am in an unaccustomed role. I have a reputation of being somewhat of a hawk for the things that I have done in this body throughout the years. But this time I am supporting the resolution of the Senator from Georgia and the majority leader.

I heard one Member earlier saying that now that these young men and women are over there in the Middle East, in the Persian Gulf, that if they do not go ahead into combat, that they will be disappointed.

I do not believe that for a minute. I happened to have served this country in combat in the air and on the ground. I never saw people in combat that were not uptight, sweating, and worried. If they were not, they were either without imagination or they were dumb. I do not charge any of these young men and women with that. I think they are there because they think it is their responsibility discharging what the President has ordered, their Commander in Chief.

We are debating an issue that is the most important issue that can ever face this Senate; that is, whether or not we declare war. We spent a great deal of time in trying to sort out the complexities and seeing that the Congress fulfills its constitutional responsibility on the declaration of war.

The first speech that I made on the floor of the Senate addressed that dilemma, trying to do it where you do not shackle the President, where he can respond quickly and forcefully in protecting U.S. interests.

Amid all of this controversy that we have been hearing about, one thing is very clear: Iraq began this war on August 2, when they invaded Kuwait. The President, the Congress, and the American people, I believe, are united in agreement that the Iraqi aggression shall not stand. I think we all agree that if American troops are committed to combat, they must have the full support of the Congress; that there must be no question about our total commitment to success.

So I would agree that there is a broad consensus on the objectives but a lack of consensus on how we achieve those objectives. Hopefully, this debate that we have been experiencing yesterday, today, and tomorrow will help to clarify that.

I know there are some that say there is not that much interest in it. There are not that many members on the floor. I must tell you there is intense interest. I am sure there is not a television console that is not turned on in any office in the U.S. Senate or the House of Representatives.

This debate that we have today is more than just about principles and policies and prerogatives. It is about American men and women and their lives, the faces you see every morning on television wishing their families well.

I do not think anyone in this chamber or the generals themselves can have an accurate, sure knowledge of what costs there will be to this war.

I heard the Senator from Michigan saying that he did not know Lyndon Johnson well but he was sure if Lyndon had known there was going to be 55,000 lives lost in Vietnam, that he would have been following the suggestion of the Senator from Vermont, Senator Aiken, to declare victory and go home; that he would not have wanted to see this country experience that kind of divisive fight.

I do know that in that desert in 1973, in just a 20-day war between Israel and the Arab nations, 21,000 people lost their lives in 20 days—and 37,000 were casualties. The weapons are much more lethal today where you see biological warfare, chemical warfare, and you see a ruthless dictator who will not hesitate to use them.

I believe the cost of even a short, successful war will be very high. Wars generally fought do not follow with precision any plan of action that a general sets forth at the beginning.

It is interesting to talk about an unstable area that has been that way for thousands of years, the Middle East; to talk about how we have to continue balance; that we have to really punish Saddam Hussein but not destroy the power of Iraq; that we have to look over here at General Assad, and what he has done in Syria and who also wants to be the new Nasser of the Middle East; that we have to be concerned about the Iranians becoming a predominance of power. I do not quite know how you measure all those things. I am trying to keep a balance in the process.

The other day Ross Perot made a telling point. He said we should commit our Nation before we commit our troops. The President is asking Congress to commit our troops. He is asking us to sign off on the use of force to liberate Kuwait.

The question has been asked whether the congressional grant of authority can fall short of what the Security Council has said in blessing the use of force after January 15. My answer to that is that Congress can certainly set different standards regarding authority to go to war.

The support of the U.N. Security Council is welcome, and it is important, but its members have not sworn to uphold the Constitution of the United States. They were not elected to represent the will of the American people. That is our job. That is what we hired out to.

Mr. President, I fully recognize that it may only be possible to eliminate the consequences of Iraqi aggression by liberating Kuwait by Armed Forces. And certainly the meeting this week between Secretary Baker and Foreign Minister Aziz gave us little reason to be optimistic about a negotiated settlement or unilateral Iraqi withdrawal.

Let me make that quite clear. I do not rule out the use of military action to force the Iraqi military from Kuwait. But I strongly believe there is less risk overall in giving those sanctions more time to work. It is not clear to me that the people of the United States are committed to the option of invasion and all it entails.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. BENTSEN. If I may continue, I ask the Senator to wait until the end of my statement, please.

Some are saying that this debate divides us. But the truth is that the American people are already divided on the wisdom of war in the gulf.

We cannot wish away those divisions or swallow them in a great gulp of patriotism. But I think we can try to minimize their consequences abroad by limiting this debate in time and reaching an early conclusion.

Only the President, I believe, by rational persuasion from his position of leadership, can bring about a consensus.

I think we need to keep the invasion option on the table, right out front, where the Iraqis can see it. I believe it is premature to authorize the President with our forces to march on Kuwait. I prefer the leadership alternative by which the Congress gives the President clear authority to fight in defense of our interests, guarantees expedited procedures on the use of force to liberate Kuwait, if the President specifically requests it, and provides for the option of holding our fire while we see if those sanctions will work.

If someone thought they were going to work in 4 or 5 months, we should have never taken that route. That is not a realistic timetable.

I think this resolution by the majority leader and the Senator from Georgia is the best course of action under the circumstances. I believe it preserves the constitutional role of the Congress and the President, and guarantees the President a prompt vote if he should seek an authorization for offensive operations.

President Eisenhower knew the horror of war. Yet he talked about "the courage of patience." Two of our highest ranking military officers, recent Chairmen of the Joint Chiefs of Staff, are Admiral Crowe and General Jones. Admiral Crowe said that the embargo is biting heavily. He said it is the most effective peacetime blockade that has ever been imposed. Even granting that it is not working as fast as many would prefer, he noted that most experts believe that it will work with time. And the estimates range all the way from 12 to 18 months.

Admiral Crowe concluded, "It would be a sad commentary if Hussein, a two-bit tyrant presiding over 17 million people and possessing a GNP of $40 billion, would have more patience than the world's most affluent and powerful nation."

General Jones called for "patient resolve" and expressed concern that the most recent reinforcements might cause us to fight prematurely and perhaps unnecessarily.

What we are looking at here is a country that is about the geographical size of California, has the population of Texas, and has the income of Louisiana, a country that has never been as isolated as this one is, surrounded by those economic sanctions.

CIA Director Webster gave unclassified testimony about the potential effects of the sanctions on Iraq's war machine. He said, "Under noncombat conditions, Iraqi ground and air forces can probably maintain their near-current levels of readiness for as long as 9 months." He said, "Iraqi technicians would be able to maintain current levels of aircraft sorties for 3 to 6 months."

What that means is, as these sanctions continue—and we heard statements about their GNP being cut by 50 percent already, 70 percent at the end of 12 months. What kind of a fighting force do you think you have when you only have 30 percent of your GNP left? What do you think has been happening to the resupply of parts, to the effectiveness of the vehicles that they have to use? These estimates mean that you have very serious problems for Iraq insofar as their economy, and have that by summer.

I also recognize it is a genuine question whether our international coalition can hold together for that long. But there are enormous uncertainties over the scope of that war—and the consequences of a full-scale war—and what might encourage the further destabilization of that area.

Mr. President, I know it can be frustrating for our Government and for some of our troops in the field to hold back and wait for sanctions to take their toll. But that time will not be wasted. A year of sanctions will force them to cannibalize their parts, create a shortage in those parts, dry up supplies of processed fuel and foreign exchange. When you finally cut back that much, well over 90 percent on those things they can sell, they will not have the foreign exchange to buy those things they need to wage war.

I still cannot see any compelling reason to rush into war, with all it means in terms of life, loss of life, economic dislocation, and dangers to our interests throughout the region.

But there is another point I would like to make while we are debating questions of principles as related to the gulf. I am proud that America has the will and the capability to respond to grave threats to the international order, and it is good to have friends like the English, the French, the Egyptians, and the Saudis prepared to stand with us.

But there are other nations with vast economic interests in the region and in this crisis that are doing far less, when they could do much more. Major world powers like Germany and Japan, two of the largest economic powers of the world, have demonstrated that they can be aggressive, resolute, and make tough decisions when it comes to establishing market share in other countries, and economic sanctions on trade. But when it comes to taking risks and devoting the resources necessary to protect the system that enables them to continue to progress and prosper, many of our friends dial 911 and expect the United States to be on the other end of the line. We need friends who will do more than just hold our coats.

The fact that the expenses of Desert Shield are apart from the budget does not mean that we do not have to pay them. I can recall that we stayed out there for months, 4 and 5 months, debating the budget, making painful decisions, raising taxes, cutting back on essential programs, to save $41 billion. Now we will be expending it in the Middle East, in the gulf, and if we go to war, the estimates are we will be spending an additional $1 billion to $2 billion a day. That is with all of our deficit problems, with the recession in our country, with unemployment going up.

We got into an arms race with the Russians. Fortunately, they went broke first. But we cannot afford to mortgage ourselves further unless we get adequate help from those who have the capability to pay.

There are many nations that have an undeniably major stake in effective response to Iraqi aggression there that are not helping enough on that score. But if that aggression is overcome by force of arms, there is no doubt in my mind that the United States will pay a disproportionate share in lives and costs.

I feel very strongly that the President must have a fail-safe, expedited process to get a vote on the invasion of Kuwait. But I also feel it would be well to give those sanctions more time to work. I think there is less risk in that than going to war at this time.

We all want to bring this crisis to a conclusion. It has been stated we cannot keep 430,000 combat troops in the Middle East. There are some of us who remember some extended tours. This is one fellow that did not see his first born until he was a year-and-a-half old.

At some point, maybe military action will be the only option left open. But I do not think that is the case today. We are approaching a moment of truth in the gulf, with enormous uncertainties and difficult choices. There is no easy answer, but there are important principles involved, and thousands of lives. Congress has a responsibility, Congress has a right, to share in the fateful decisions of war. We have a right and a responsibility to debate the options.

We must commit the Nation before we commit the troops, and by fulfilling our role as representatives of the people, I would hope that we could develop policies and priorities that commit the Nation both now and in those fateful weeks ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. WIRTH].

U.S. POLICY IN THE PERSIAN GULF

Mr. WIRTH. Mr. President, we begin the 102d Congress with the most critical vote any of us will be called upon to make: Whether or not to commit our Nation to war. After months of debate, hearings and consultations with the administration, we are now in the Senate fulfilling our constitutional responsibility of the war power by voting on the pending and related resolutions. There can be no doubt that the American Constitution grants the power to declare war only to the Congress. If article I, section 8 has any meaning, any clear applicability, it is in this precise circumstance.

This debate is not about American goals in the gulf crisis. On this, we all agree: Iraq's unprovoked aggression against Kuwait must be reversed; stability in the region restored; and a hopeful "new world order" strengthened. The debate is not about the ends, but about the means to achieve those ends. And here, there is significant difference of opinion on whether we should send American troops into Kuwait after January 15—or whether we should tighten the economic strangehold on Iraq, while holding out the use of force as a last resort.

I cannot now support a resolution which gives the President the authority to initiate combat against Iraqi forces. Such a course of action at this time—although fully justified by Iraq's aggression last August—is neither necessary nor prudent. For this reason, I have cosponsored the resolution offered by the majority leader, the distinguished chairman of the Armed Services Committee and others which urges continued application of economic and diplomatic pressure, while not ruling out the use of force at a later date.

Mr. President, as we contemplate sending over 400,000 young Americans into battle against Iraq, it might be instructive for us in understanding this decision to review how precisely we have arrived at this historic juncture.

U.S. POLICY IN THE 1980'S

There can be no doubt that the responsibility for Iraq's brutal invasion of Kuwait lies squarely with Saddam Hussein's ruling regime in Baghdad. Secretary Baker spoke in Geneva of Saddam's miscalculations, and he certainly has made many in the 1980's, if not before, beginning with his attack against Iran. But we too have made some miscalculations in that troubled corner of the world.

Sadly, the United States Government has contributed to the current crisis through the mixed signals of support we sent Saddam throughout his war with Iran. The Reagan administration sold helicopters to Baghdad and took Iraq off the terrorist list in 1982; the following year we granted export credit guarantees for agricultural purchases—purchases which totalled $5 billion in the ensuing 6 years. It has been reported that we shared intelligence data with Saddam.

Only in the past year, we have apologized to Saddam for offending him with a Voice of America broadcast critical of Iraqi human rights abuses. Weeks before the invasion of Kuwait, the Bush administration vetoed congressionally mandated economic sanctions against Iraq. And in the week before the invasion itself, our Ambassador gave Saddam no reason to believe that the United States would intervene in Iraq-Kuwaiti issues.

This is not to excuse Saddam, but to serve as a reminder that Saddam was given no firm, clear delineation of U.S. determination to reverse any act of aggression or manipulation of his neighbors. He clearly must have that message now.

A second area in which we have failed, and failed miserably, is in seeking greater energy independence. Unquestionably, the lack of a national energy policy for the past decade has much to do with the President's decision to deploy our troops in the Saudi sand. After all, when the legitimate government of Liberia was under assault last fall, we did not send a quarter million troops. When the Chinese invaded Tibet, we did not send in troops. There is no question but that we are in the gulf in large part because of oil, and our concern about oil relates directly to our increasing dependence on imported energy.

It would be a mistake not to point out that it was the Reagan-Bush team that dismantled this Nation's commitment to energy independence through alternative energy and energy conservation programs. In the area of R&D, for example, expenditures have been cut by more than two-thirds in the last decade. Fuel economy standards for automobiles have been rolled back, and just last year the President backtracked on his own goal of putting 1 million alternative-fueled vehicles on the road by the year 2000.

We receive, Mr. President, disturbing reports about the White House's reaction to the comprehensive suggestions made by Secretary Watkins and the Department of Energy, saying we should not have aggressive conservation measures, we should not take the steps that I think most Americans know have to be taken. Simply put, cheap supplies of energy, not secure, reliable, domestic sources of energy, were the objectives of energy policy in the 1980's. This administration and the previous one strived for cheap supplies of energy, not energy independence. But, like the budget deficit generated by the feel-good economics of the 1980's, we are now paying the bill and the price in even greater than anyone could have imagined.

In the 16 years I have been in the Congress, Mr. President, I have worked in the House and here on a national comprehensive energy policy, and never has the need been more apparent and never has the opportunity for succees been greater than it is today. If there is a silk purse to be made out of this whole situation, Mr. President, maybe it is that we can expect President Bush—to make a statement of his long-term energy goals as he makes his State of the Union Address to Congress; and that he in that commits himself and this country to a national energy policy.

Maybe there is some light at the end of the tunnel of this otherwise very, very unfortunate situation in which we find ourselves. We must hope that our national energy policy will reflect the same vigor and commitment of the President that he has exercised in drawing a line in the sand in Saudi Arabia. Let us hope that same commitment comes for all of us here at home that he is making for more than 400,000 American troops overseas.

Mr. President, I applauded President Bush's initial reaction of Saddam's aggression. Following Iraq's brutal aggression toward Kuwait, the United States last August embarked upon a proper three-pronged approach to aggression in the gulf: To stop Iraqi aggression and defend Saudi Arabia; to impose economic sanctions against Iraq; and to weave a broad international coalition to isolate Iraq. That policy and that deployment were broadly supported by the American public and broadly supported here in the U.S. Senate.

The initial U.S. policy has also been very successful internationally. The President quite rightly characterized the world's response to this first cold war crisis as critical in establishing a new world order. We have cooperated with the Soviet Government in a manner unimaginable since 1945. What once could have been the start of World War III is now the subject of broad superpower harmony. The United Nations, through the Security Council, is beginning to fulfill its mandate of collective action for collective security.

But the day after the November election, the day after the elections, President Bush, without any consultations with the Congress, abruptly shifted U.S. policy by announcing his intention to add an additional 200,000 troops to Operation Desert Shield. Without a troop rotation policy, this decision to deploy 430,000 troops in the gulf put the United States on a clear path to war. With this decision, the President veered away from his successful three-part August policy and toward one fraught with significant danger. It is not at all clear to me, Mr. President, why the administration chose to cast aside the course it originally set, especially when the best evidence we have indicates it had been working and when the administration itself suggested that sanctions would require at least 1 year to be effective.

The former Chairman of the Joint Chiefs of Staff, Gen. David Jones, testified before the Armed Services Subcommittee that—

> My main concern is not that we might choose to fight but rather that the deployment might cause us to fight, perhaps prematurely and perhaps unnecessarily. * * * Adding such a large increment of forces * * * could narrow our options and our ability to act with patient resolve. Mr. President, this is exactly what is happening.

Why the apparent change of strategy last November? Iraq is now the object of the most comprehensive set of sanctions in history, sanctions endorsed by the United Nations and actively supported by the world community. These sanctions are slowly but surely squeezing Iraq. As CIA Director Webster has testified:

> Sanctions have dealt a serious blow to the Iraqi economy. * * * They have all but shut off Iraq's exports and reduced imports to less than 10 percent of their preinvasion level. All sectors of the Iraqi economy are feeling the pinch of sanctions and many industries have largely shut down.

This from the President's own Director of the CIA.

Current estimates suggest that the U.N. sanctions have reduced Iraq's gross national product by 50 percent. Foreign exchange reserves are nearly depleted. Military support—spares, technicians—from the Soviet Union and France, previously major suppliers of the Iraqi military machine, is now nonexistent.

The impact of these sanctions on the Iraqi military is already palpable, and continues daily to erode their military preparedness. Tires, spare parts, special lubricants, and countless other items are in short supply, and the list will only grow. If we must commit U.S. forces I would prefer to send them up against an enemy rendered anemic by an economic embargo, rather than send them to their deaths due to our own impatience against a better prepared enemy. Sanctions will clearly take time, Mr. President, but patience in this matter is a sign of strength, not weakness. And it certainly is the correct military route to take.

If sanctions do work, and the crisis can be resolved peacefully, we must give them that chance. If, as many argue, sanctions alone will not force Saddam out and we must use force, we will certainly do so with fewer casualties going up against a much less prepared enemy.

Proponents of the war option assert that the sanctions cannot work because the coalition will not hang together. Mr. President, for nearly 6 months Iraq has been the object of unprecedented international opprobrium. Post-cold-war diplomacy is at work, and it is focused on Saddam. Where is the evidence that our collective will to enforce sanctions is weakening? Where is that? I have not seen it. There is none. That coalition is holding together and holding together well.

Alternatively, the costs of offensive military action are incalculable. How many lives would be lost? What would be the impact on the United States and the world economy? Will Israel be drawn into a widening gulf war? What happens to the forces of Arab nationalism when Americans begin killing Arabs? And what do we do after a war? Can we defang Saddam without creating further instability in the Middle East? Mr. President, has anyone at the White House thought through what we will do after a war against Iraq?

By initiating a conflict in the gulf we will set in motion unforeseeable and potentially disastrous consequences. Can the administration confidently say that a military solution will end this crisis in a predictable way and at a reasonable cost? Obviously not. The unknowns and the liabilities of the war option are far more troublesome than the problems of maintaining the international sanctions today.

Adm. William Crowe, Chairman of the Joint Chiefs under President Reagan, put is most succinctly in his testimony before the Armed Services Committee. Admiral Crowe said:

> If in fact the sanctions will work in 12 to 18 months instead of 6 months, the tradeoff of avoiding war, with its attendant sacrifices and uncertainties would, in my view, be more than worth it.

This from one of the most distinguished military men in our recent history.

This sentiment was echoed by Gen. Norman Schwarzkopf, our commander in the gulf, who stated in an interview with the Los Angeles Times, on November 29, that:

> If the alternative to dying is sitting out in the sun for another summer, that is not a bad alternative.

And here is President Carter's National Security Adviser, Zbigniew Brzezinski, before the Foreign Relations Committee:

> President Bush's initial commitment to punish Iraq and to deter it remains the wisest course—and one which this Nation can resolutely and in unity support over the long haul. By any rational calculus, the tradeoffs between the discomforts of patience and the costs of war favor patience. Both time and power are in our favor—and we do not need to be driven by artificial deadlines, deceptive arguments, or irrational emotion into an unnecessary war.

Mr. President, a key question here is: What is the rush?

None can doubt for a moment the seriousness of the gulf crisis, nor the imperative of a vigorous American response. We have mounted such a response and remain capable of taking military action if and when necessary, especially with devastating air and naval power. If force must be used, we should not play into Saddam's hands by sending ground forces against his heavily defended positions in Kuwait. I suspect that had President Bush not augmented our forces in the gulf to provide this kind of offensive capability on the ground, the question of the use of force would not be as contentious as it is today.

If force must be used, we would be well advised to restrict offensive action to air attacks, using armored forces defensively to deter any attempt by Iraq to widen the conflict on the ground.

We could, for example, assert the sovereignty of Kuwaiti air space quickly and without great casualty. Then any Iraqi attack on Kuwaiti-sanctioned aircraft in Kuwaiti air space would be dealt with immediately and decisively. The onus for escalation would be with Iraq, while the coalition air forces could use control of the air to interdict illegal Iraqi resupply in Kuwait, thereby isolating Saddam's army in the Kuwaiti desert.

In this critically important debate over war or sanctions in the Persian Gulf, scant attention has been paid to the cost of the American response to Saddam's aggression. The American people and the Congress deserve a full accounting of those costs, direct and indirect, financial and political, incurred by the administration on behalf of the American people in pursuit of policy objectives in the Persian Gulf. And that cost has been staggeringly high.

Before the decision to nearly double our troops in the region, the United States constituted 57 percent of the troops in the coalition arrayed against Iraq. Allied pledges of nearly $9 billion offset about 50 percent of the then estimated U.S. cost, but now with the addition of 200,000 more troops, our share of the forces will rise to 75 percent, and those which will go into combat, as Senator NUNN has pointed out, over 90 percent. And yet we depend upon the gulf for only 10 percent of our total oil consumption. We are 90 percent of the fighting force, and we get less than 10 percent of our oil from the region.

It is certainly outrageous, Mr. President, that those countries most directly affected by the threat posed by Saddam are not contributing a greater share of those ground forces. It is outrageous that those who are most dependent upon gulf oil, such as Japan, are paying a disproportionately low share of the total cost of maintaining the free flow of that oil. The entire Japanese contribution to support Desert Shield is less than what one Japanese company has spent to acquire the MCA Corp $6 billion for "Jaws", "ET", and the rights to the concessions in Yosemite. Maybe one-third of that is committed to the Persian Gulf and of that, Mr. President, only $400 million has actually been paid. Six billion dollars for MCA; a commitment of $2 billion for the whole of the Persian Gulf; only $400 million of that commitment delivered. It is a disgraceful demonstration, Mr. President, of the commitment by an ally of the United States that is dependent for more than 60 percent of its oil on the Persian Gulf.

Finally, many of the oil-producing countries themselves whose interest in containing Saddam is greater than our own have reaped enormous windfall profits in the aftermath of the Iraqi invasion. Yet how much of this is being channeled to support Operation Desert Shield? Saudi Arabia's contribution to Operation Desert Shield to date equals a week's worth of its crisis-related oil profits. How can we send young Americans to their deaths to defend Kuwaiti independence when able-bodied Kuwaiti students watch from the safety of American university towns? We are being asked to be our brother's keeper in every way. Everybody else is saying we will hold your coat, you go fight and, by the way, while you are fighting, you pay the tab as well.

Americanizing the gulf conflict is neither in the best economic interest of the United States nor the best political interest of the Arab world. The purpose of Desert Shield is to provide collective security to the Middle East, and it is imperative that this be accomplished through collective cost sharing and collective responsibility. The less our allies contribute, the more Americans will have to pay in war, the less the allied effort, the greater the loss of American lives.

The fundamental question in the gulf, Mr. President, is not whether or not Saddam Hussein is a brutal dictator who deserves to be overthrown. Clearly he is. Or whether his unprovoked aggression against Kuwait should stand. It clearly will not. The issue is whether going to war with Iraq now is necessary to achieve our goals, whether war will put the United States in a better position to advance our national interests in the Middle East over the long run. An Americanization of war with Iraq now would not only be fraught with dangers in the short run but would also likely lead to a destructive polarization in the Arab world that would make United States interests in that important region even more difficult to achieve for generations to come.

Before we send thousands of brave young Americans to battle in the Middle East, we have a duty to continue the course the administration correctly embarked upon in August and for which there was very broad national support. There is no guarantee that the economic and political sanctions will move Saddam. There is no guarantee of that. But what is the guarantee that war is not going to be fraught with much more danger? That is the question we face here.

I believe that before we sacrifice our sons and daughters, we better be certain we pursued fully and in good faith all of the options.

Mr. President, before closing, I want to also spend a couple minutes on the arguments that have been made over and over again by those who are critical of the resolution being brought forward by the majority leader, Senator NUNN, and others. Let me just touch upon those arguments because they deserve our attention and deserve to be refuted.

The argument has been made that there is a parallel between what we may be doing now in this option and what was done in the 1930's: In 1932 in Manchuria, 1935 in Ethiopia, 1938 in Czechoslovakia. But the analogy does not apply. In fact, we have acted very decisively. A major blocking force was sent to the Middle East to stop Saddam Hussein. Anybody who suggests this is a parallel to the 1930's when nothing was done is misreading history dramatically.

Second, the quite glib political argument is made that "the Democratically controlled Congress should have had this debate before now." Let me respond to that.

We had no request from the President, and in fact he did not want a resolution up here which would generate devisive debate. We forbore going ahead. There was an enormous amount of pressure on the majority leader to bring this debate up, and he did not want to undercut the negotiations that were going on in the Middle East.

If we had gone ahead with that debate, the same kind of political bashing would have occurred that is going on now. If we started that dabate, we would have been accused of undercutting the negotiations. We waited for the negotiations to be over and now the argument is we should have gone before. I find it quite disingenuous to pursue that criticism, particularly when the President, in fact only 10 days ago, thanked the majority leader and Speaker of the House for their forbearance in this situation.

Third, the argument has been made over and over again that we have to restore the legitimate Government of Kuwait. We may want to restore the legitimate Government of Kuwait.

But let us remember that during the Iraq-Iran War, when we were reflagging Kuwait vessels, it was the Kuwaitis who would not allow U.S. forces to be put ashore for rest and recreation, or U.S. ships to come ashore to be repaired in Kuwait itself. We were reflagging their vessels and they would not let U.S. forces come on shore even in Kuwait.

Certainly, I think none of us would condone the rape of Kuwait, but let us keep this in proportion. Is it now in our interest potentially to bring this whole part of the world into an enormous war? I think not. Saddam Hussein must get out of Kuwait. To push him out at this time with military means is far out of proportion to the problem we face.

To those who say, well, the embargo is not going to work on time, I would ask: How long did we expect an embargo is going to take and why did we embark on this embargo to begin with if we were not willing to stay the course? The argument has been made that somehow the Congress is going to blink in this situation. You can turn it around and say, in fact, the administration blinked. They had a very successful program going with the embargo, demanding a kind of patience, and we ought to be pursuing that.

Another criticism is that we are "pulling the rug out from under our U.N. partners." U.N. partners? As the distinguished Senator from Iowa made very clear, the "January 15 Resolution" passed the U.N. Security Council by a vote of 12 for, 2 against, and 1 abstention. Essentially, this is a "hold-your-coat" resolution. A number of countries are saying, "We will hold your coat, Uncle Sam, while you go out and fight." Few have made any commitment to this at all.

I ask, Mr. President, if today the question facing the United Nations were going to war now or allowing economic sanctions to work, I would wager that the United States would clearly vote for the continuation of those sanctions and not for war.

Finally, Mr. President, the argument has been made that we do not have the patience in the United States to persevere with a sanctions strategy. That argument flies in the face of our recent history. We just went through 40 years of the cold war. We were enormously patient, holding together a very complicated, a very different, and a very important coalition. That coalition held together. We were patient for 40 years and we won the cold war. There were some during that period of time, as Admiral Crowe pointed out, that thought we ought to bomb Moscow. "Wouldn't that have been a great idea?" he said. Of course we have the patience; of course we can hold together the coalition, and that is precisely the policy that we should be pursuing.

Finally, Mr. President, I just want to note that my office has received a great outpouring of concern on this issue from all over the State of Colorado. We have received in the last 3 days 1,516 telephone calls, nearly 1,100 of those opposing the President, supporting sanctions, 420 of these supporting the President and military action. Since December 21 we have received 2,600 letters against the President's position, 196 for the President's position.

Obviously, none of us in making this decision is in a situation of simply weighing the mail that comes in; if we did that, there would be no point in being elected. You would just have a set of scales in everybody's offices and do that. But I think it is useful to note for the record how the people of Colorado have registered their concern and views on this crucial issue.

Mr. WIRTH. I have great respect for this debate. I hope that we have the wisdom and we come to the point, Mr. President, to persist in patience and to let the sanctions work, rather than rush to war.

Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. (Mr. KERREY). The Senator from Missouri.

A GRAVE AND IMPORTANT TASK

Mr. BOND. Mr. President, the task we have undertaken today is a grave and very important one, perhaps one of the most important tasks we will have the opportunity to exercise in our service in this body.

For more than 5 months now, Iraq has illegally occupied the sovereign nation of Kuwait. The occupation of Kuwait has been a brutal one. We have heard discussion today about the possibility of people dying. Well, people have died and people are dying. The Iraqi soldiers have murdered, robbed, raped, and tortured Kuwait citizens. They have taken newborn infants and thrown them out of incubators. Kuwait City has been dismantled and taken back piece by piece to Iraq.

In the wake of this outrageous violation of international law and common decency, President Bush has brought the international community together and the United Nations has issued some 12 resolutions from the Security Council. In November, the Security Council passed a final resolution authorizing force if Iraq does not agree to withdraw from Kuwait. There has not just been talk. There has been action. We have imposed sanctions. We have resolved to cut off the oil pipelines. An international embargo has been instituted. But Saddam Hussein has still not withdrawn from Kuwait. He refuses to do so. The Director of the CIA, Bill Webster, has indicated that there is no evidence that the sanctions will work, that the sanctions will get the Iraqi ground forces out of Kuwait.

No one would argue that perhaps the sanctions have cut the GNP, the gross national product, of Iraq, that the sanctions have lengthened bread lines, that the sanctions have driven up the cost of bread, that the sanctions have worked some hardship on the citizens of Iraq. but they have not squeezed Iraq sufficiently to get its ground forces out.

In his letter to Congressman ASPIN, Bill Webster, on January 10 said:

> Our judgment remains that even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait. Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions especially if the threat of war recedes significantly.

Director Webster also says:

> Iraq: infantry and artillery forces, the key elements of Iraq's initial deterrence, probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically.

Today, as we enter the final days before the January 15 deadline set by the United Nations, I believe it is absolutely critical that the entire world send a clear message to Saddam Hussein, and that message should be we are not bluffing. As Secretary Baker said on Wednesday after his meeting with Tariq Aziz, Iraq's behavior throughout this crisis has been characterized by one miscalculation after another. First a miscalculation of world response to his invasion of Kuwait; second, the miscalculation of the response of the world to the taking of innocent hostages and the using of them as shields; and third, the miscalculation at Wednesday's meeting in Geneva that the United States and the world would not follow through on their promises to use force against him.

Given this record, we must not allow any action to be taken here that would cause Saddam to make the greatest miscalculation, the one that would result in our troops ultimately being forced into battle.

I can tell you, Mr. President, that I for one have been somewhat disappointed in recent days by comments of some of our allies who appear to be more and more willing as each day goes along to give Saddam some hope that there is a way out of the situation short of unconditional withdrawal, that he will get something as a result of his invasion if he compromises just a little bit.

President Mitterrand of France, for example, seems to be determined to reward Saddam for his crimes against Iraq. President Mubarak of Egypt made comments earlier this week that he would reevaluate Egypt's position in the coalition. Those indications are I think both unnecessary and unhelpful. Furthermore, they show that there is a real danger that the coalition could come apart with further delay, a delay which would be countenanced by the resolution introduced by the majority leader.

We may have little influence over what the heads of other nations say, but we do have a President who is willing to lead. He has kept the coalition together. He and his Secretary of State deserves great praise I believe for that effort. There is something, however, that we can and I believe we must do to strengthen the President's hand, to strengthen our coalition and, we hope, to avoid a war with Iraqi. That is, to make it absolutely clear to Saddam Hussein that the United States stands as one, we stand with the world coalition under the U.N. resolution determined to see him withdraw.

That means we must act. We have had a lot of debates on whether Congress can and must act on what the President can or cannot do. Those questions are all moot now because the time has come for us to act. The President has asked for us to act. We must.

I believe there is only one place we can stand and that is solidly behind the President. I believe we must pass a resolution similar to the one that was passed by the U.N. Security Council in November, one that unconditionally authorizes the use of force. Any other action is certain to be interpreted by Saddam Hussein as a wavering, with the result that the crises will go on and on and he will not withdraw.

What does Saddam Hussein want? Obviously he wants to keep Kuwait. He wants to be able to stare down the international community, in particular the United States. That will make him in his eyes and in many others, the leader of the Arab countries. He wants to be in that position.

How can he stay there? First he wants to make sure that we do not attack him. He wants a guarantee that he will have an opportunity to wait out the sanctions. He wants an opportunity to work to break down the coalition. He wants an opportunity to show that the January 15 deadline has come and gone, and he is still in power and all the nations of the world, led by the United States, arrayed against him cannot shake his position.

He needs time in order to work to break down the coalition, to work his way back into his channels of distribution.

When I took at his goals and compare them against what I believe will be the result if the resolution I referred to earlier is adopted by Congress, it would, No. 1, show a lack of will by not even being willing to support the U.N. resolution; it would show that the United States is in retreat from the strong position taken by the United Nations.

Second, it would delay any possible action or the threat of any possible action. And speaking today with the Secretary of Defense, I learned that the ability to stand down his forces, to put less of an effort into total wartime mobilization, would allow him to regroup and recoup his strength.

The threat of war, the threat of military action against him is wearing on his abilities, on his supply lines, and on his troops. To give them a free pass, to give them a recess, to give them a winter vacation, allows them to rebuild their strength.

Third, giving Saddam Hussein more time allows him to stand tall throughout his part of the world after January 15 and say "I am the leader, I am the one who has faced down the United States; rally behind me."

I believe that is a very dangerous message to allow him to convey because it might attract others to him.

What does the resolution before us do for our country's efforts to resolve the crisis? No. 1, it ensures that Saddam Hussein will not beat the January 15 deadline. No. 2, it strengthens Hussein's resolve to wait us out. No. 3, it undermines the President's efforts to get Hussein to believe we are serious, which is our only real leverage to get him to withdraw his soldiers from Kuwait.

It is clear to me and the American people as well that the only way to get Hussein out of Kuwait is to make him believe we will use force. The resolution before us goes in just the opposite direction.

Saddam has made it very clear time and again that he understands only force. And he has further made it clear that he does not think the United States nor the world will use force against him. Until we convince him otherwise, he is unlikely to back down.

We saw an excellent illustration of the obstinancy of Iraq on Wednesday. The Foreign Minister of Iraq, Aziz, showed absolutely no indication that Iraq intends to comply with the U.N. resolutions. He even refused to convey a message from our President to his President.

This can only be because Saddam is convinced that we will not follow through on our threats.

It is sometimes hard to blame him for thinking we will not follow through. We have talked about the messages from the heads of other countries. Certainly anyone who watches television, as we are told Saddam Hussein does, and sees the comments on our television about people pledging that we will not go to war, we will withdraw our troops, or we will cut off the money for the troops, it is easy to understand that someone not accustomed to our system would see these as policy declarations. The hide of the President's policy with respect to Iraq is being chipped up and chewed up by thousands of sound bites.

I know compelling arguments can be and have been made, arguments which are popularly appealing, arguments against war. Here is a good one. I quote:

> How horrible, fantastic, incredible it is that we should be digging trenches and trying on gas masks here because of a quarrel in a far-away country between people of whom we know nothing. It seems still more impossible that a quarrel which has already been settled in principle should be the subject of war.

In case you do not recognize that quote, it was from Prime Minister Neville Chamberlain in a London broadcast on September 27, 1938.

I believe the better policy then and the better policy now was summed up by Winston Churchill in the dark days leading up to World War II. Churchill said:

> Civilization will not last, freedom will not survive, peace will not be kept, unless a very large majority of mankind unites together to defend them and show themselves possessed of a constabulary power before which barbaric and atavistic forces will stand in awe.

Also, we have heard lots of discussions today about how our situation shows we do not have an energy policy. We have heard a lot about what other countries should be doing to support our efforts. There is no disagreement with that.

If the resolution were to say we demand more support from Japan, from Germany, we demand more financial support and more military support from the countries we are defending, I suspect the vote would be 100 to nothing.

No. The reason we are here is to debate on which resolution we pass. I believe the reason we must adopt a resolution supporting the position of the U.N. resolution is very simple and straightforward. The simple reason we must act is that we cannot allow Saddam Hussein to profit from his aggression.

The world stands poised at a critical moment in history. A cold war has come to a close, and the world is entering into a new era, one that I hope is going to be characterized by democracy and peace.

On the other hand, there is a danger that it will instead be characterized by regional strife and violence. If we allow Saddam Hussein to succeed in this venture, the first of the truly post-cold war era, we will pay the price for years to come.

If the world makes it clear that we will stand by, not get in the way, and allow a large country to erase a smaller one, and to do it without a strong and immediate response, we will see that pattern followed time and time again in Europe, in Asia, in Latin America, in Africa.

In addition, if we allow Saddam Hussein to wiggle out of the current situation on any terms other than complete and unconditional withdrawal, we will serve only to strengthen his hand and we will be forced to deal with him in the future when he attempts to attack Saudi Arabia or Israel or when he bullies his smaller neighbors such as Jordan and Bahrain; then we will be forced to face an Iraq armed with long-range missiles and possibly even nuclear weapons.

Appeasement of a bully has never worked. We should have learned that in the 1930's. Less than 60 years ago, the nations of Europe tried it. They tried appeasement with "peace in our time" and Hitler showed it did not work. Instead of standing up to Hitler when it could have done so at a relatively small cost, the other countries of Europe tried appeasement first by ignoring his military buildup and then by allowing him to keep Czechoslovakia, none of which had any effect other than to make him stronger and more bold.

As Churchill wrote in the first volume of his excellent history of the Second World War:

> All this terrible superiority had grown up because at no moment had the victorious allies dared to take any effective step, even when they were all-powerful, to resist repeated aggressions by Hitler and breaches of the treaties.

One other matter that I would like to take just a moment to address is the issue of linkage, which has attracted a great deal of attention recently. Instead of discussing Kuwait's situation, Aziz said that Iraq's invasion of Kuwait was motivated by Saddam Hussein's concern for the Palestinian people in Judea and Samaria. If you think about it for a moment, that is a truly incredible statement.

First of all, Saddam Hussein has never been a champion of the Palestinian people. In fact, he has only rallied to their cause when doing so furthered his main goal of becoming the preeminent leader in the Arab world—the next Nasser.

Second, Saddam's invasion of Kuwait resulted in great hardship and suffering for many Palestinians living in Kuwait—thousands have lost their savings and their homes and have been forced into refugee camps in Jordan and other countries.

And finally, to argue that Iraq's attack on Kuwait was somehow on behalf of the Palestinians and that Israel should somehow be forced to pay the price of that invasion is simply ludicrous. Kuwait is no friend of Israel; in fact, it remains in a state of war with Israel, and it has funneled billions of dollars to PLO terrorist groups over the years. Saddam Hussein's invasion of Kuwait is exactly what it appears to be—a territorial dispute between two Arab countries. The invasion had nothing to do with Israel and nothing to do with the Palestinians. To allow Saddam even the smallest success in this attempt to rewrite history would be an egregious error.

Put in its most simple terms, Iraq is in Kuwait because it invaded that country without provocation and without attempts at diplomacy. Its actions in that country have been beyond any bounds of decency or morality. Israel, on the other hand, occupies the West Bank and Gaza as a result of its attempts to defend itself against decades of armed aggression by its neighbors. Further, Israel has tried for decades to open talks that could lead to trading those territories for peace with its neighbors—an offer we saw backed by bold action in the 1979 Camp David accords.

Certainly we would like to see a peaceful resolution of all of the problems throughout the Mideast, but the issue today—and the only issue—that we are dealing with is Saddam Hussein's crimes in Kuwait.

In closing, I would simply urge my colleagues to consider the gravity of the action we are considering today. Not only are we facing a decision that will affect the lives of hundreds of thousands of young Amercians now in Saudi Arabia, but we are also facing a decision that could have an impact on the lives of many more Americans in future conflicts.

In making our decision today, we must consider what will be its long-term impact. We must understand that a decision to avoid conflict today may result in a greater conflict, greater loss, much greater hardship, and many more deaths down the road.

As much as any other member of this body, I dread the thought of sending American troops into battle, and I continue to cling to the hope that the current crisis can be resolved diplomatically. However, it now seems patently clear to me that the best way to peace is through strength, and the only way that we in this body can show strength today is to stand with the President and with our brave men and women in the Middle East.

We have assembled such a tremendous force against Iraq. Now we in the Congress must act in a way that will finally cause Saddam to stand in awe of that force and the moral power that stands behind it. Only through such strong, clear-cut, and direct action can we hope to avoid conflict and convince Saddam Hussein that he must get out, or face terrible consequences. As Director Webster has said, economic sanctions will not get ground troops out of Kuwait. Time is on Saddam Hussein's side, not our side. We need the credible threat of force to tell him that his time is up.

I thank the Chair.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

ACHIEVING THE GOALS OF OUR NATIONAL POLICY

Mr. McCAIN. Mr. President, I rise in opposition to the resolution which is before us, and in support of a resolution which would, if necessary—and I emphasize only if necessary—give the President the support of this body for the use of force. It is only by supporting our President that we can achieve the goals of our national policy and meet our urgent national security requirements in the Middle East.

Mr. President, I stand here with some confidence, that the proposed resolution will be defeated. I have this confidence because, quite frankly, I cannot envision this body of responsible men and women endorsing a resolution which would tie the hands of the President at a time when he must be free to act, but which also endorses and I quote:

> * * * the use of force at a later time, should that be necessary, to achieve the goal of forcing Iraqi troops from Kuwait.

Mr. President, anyone who is a credible observer of Saddam Hussein recognizes one basic fact: It is a credible threat of the use of force which now has any possibility of succeeding in convincing Saddam Hussein that the evacuation of Kuwait is in his best interest. The correct resolution would undercut or destroy our last hope of a peaceful withdrawal, and then commit us to the use of force only when that threat has lost its meaning and credibility.

We also cannot rely on sanctions. First, sanction are not necessarily more humanitarian. In many people's minds, sanctions means that we will just cut off parts of Iraq's economic activity. That Iraqis will not be able to drive their cars, or buy luxury goods, and sooner or later minor inconveniences will make an individual such as Saddam Hussein accede to our request that he leave Kuwait.

Mr. President, in order for sanctions to succeed, we must inflict significant pain on the people of the nation which is the object of those sanctions. Yet, Saddam Hussein is certain to allow massive pain to be inflicted upon his people before he will consider withdrawing from Kuwait. He will make innocent civilians, and children suffer. It is the ordinary Iraqi that Saddam Hussein views as nonessential to his war effort. If we are not prepared, as a nation, to attack his military forces, are we prepared to watch films of children suffering from malnutrition and swollen bellies as a result of our sanctions?

Mr. President, it is intellectual sophistry to believe it will have decisive effect without the use of force. The best estimates of the CIA indicate that this is not the case. The Director of the CIA, Judge Webster, has stated publicly that sanctions and the embargo will not have a significant impact on Saddam Hussein and his policies in the short run.

We have already imposed sanctions for 5½ months, and we still have no clear timeline or date when we can be sure that sanctions will change Saddam Hussein's behavior. The question that I believe the sponsors of this resolution must answer before it can be seriously considered when this situation will change? When will they feel that sanctions have had enough time? Will it be 1 month? Will it be 2 or 6 months? Will it be 1 year, 2 years, 5 years, 10 years? When will they admit sanctions have been given enough time? Not only do the American people deserve that answer if we are seriously to consider this resolution, but so do some 400,000 American service men and women who are now in the Middle East? Are we deferring action or avoiding it? Are they reducing the risk of war, giving Saddam a political victory, or allowing Iraq time in which it can improve its defenses and make our men and women pay a higher price for victory with their lives?

Mr. President, during this debate we hear references time and time again to the Vietnam war and how people want no more Vietnams. We hear that from the President. No one wants another Vietnam. The President does not, and neither does anyone in this body who has addressed this issue. Clearly, neither we, nor the American people seek a replay of that tragic chapter in our Nation's history.

Yet, this resolution could force a "Vietnam" upon us. If we drag out this crisis and do not act decisively and bring it to a successful resolution, we face the prospect of a much longer and bitter war.

If we must use force, we must use it quickly and decisively. We must never again drift into a major conflict in slow stages, denying its seriousness, and setting political rules and constraints that make victory impossible. Fortunately, I believe that we have the leadership to avoid such mistakes. Colin Powell, the Chairman of the Joint Chiefs of Staff, has clearly learned the lessons of the Vietnam war. I think that Secretary Cheney is also an outstanding individual who has a clear grasp of what is at stake here. Our President deserves great credit for the skill and great ability that he has shown in handling this issue, and he has made it clear that if Saddam Hussein forces him to act, he will use the strategy and tactics we need to avoid the mistakes of Vietnam.

We also must beware of trying to pursue sanctions as if the use of force would still be an option 6 months or a year from today. The Senate Armed Services Committee held a series of hearings this December, while Congress was in recess. Very credible witnesses opposed the use of force in their presentations to the committee and to the Amercian people.

However, one witness who did not get enough visibility during those hearings was former Secretary of State and National Security Adviser Henry Kissinger. Henry Kissinger pointed out in his testimony, when he was asked about military action and the use of sanctions, that "the two approaches have been presented as if they were successive phases of the same policy. In fact, they will prove mutually exclusive because, by the time it is evident that sanctions alone cannot succeed, a credible military option will probably no longer exist."

Why did Mr. Kissinger say that, Mr. President? I believe he said it because he knew the fragility of our coalition and its willingness to use force. He knew there is only so long that widely disparate nations with different regimes and interests can be kept together in the face of a threat to their mutual security.

If the United States, as this coalition's leader, now sends a signal that it is not prepared to use all means necessary, that coalition could dissolve and, unfortunately, very quickly. We might then well find ourselves alone or without many of our supporters. We could lose our military capability and credibility long before we found out an embargo and sanctions could not do the job.

Mr. President, another key issue of this debate is the risk war poses to human life. Let us first establish during this debate that no matter where we stand on this resolution, none of us want to see the needless loss of human life, especially American lives. I reject categorically any argument by those who support this resolution that those in opposition to it do not share that same fundamental concern.

The truth is that if we are forced to fight later—if we can fight later—Iraq will be more ready, more dug in, and more able to absorb our air attacks. Further, Mr. President, there are other lives at stake here, lives that already are being lost day by day. I wish that every American would have the opportunity to read the report of Amnesty International. Amnesty International, as we all know, is the most credible body on this globe concerning human rights and its observance. They have contributed more to the furtherance of the observance of human rights than any organization that I know, and I say that, not always having agreed with them.

Mr. President, I will not read all of the Amnesty report. In fact, I will not read some of the excerpts from this report because some of it is so graphic and appalling that I feel some restraint is called for in reading all the details in public. I will, however, read some excerpts.

The report quotes a description of the general pattern of arrest described in a memorandum prepared by officials of the Kuwaiti Red Crescent, dated October 23, 1990:

> The daily arrests and attacks on citizens became widespread. People could not move about freely, even to carry out essential tasks for fear of being arrested, or killed, or disappearing. Raids on homes became a daily occurrence that people could expect at any time. The arrest and torture of people is something which threatened every individual. Young men were shot near their homes and in front of their families, and this method was used by the occupiers to terrorize the people and eliminate the young men on the pretext that they worked in the resistance. There were no fair trials for these people. On the contrary, arrests, interrogation, torture, punishments, and killings were carried out in an arbitrary and whimsical manner decided upon by intelligence agents and others in the occupying forces.

Mr. President, a number of people interviewed by Amnesty International also stated that detainees who are badly mutilated as a result of Iraqi torture are either kept in detention in Kuwait, or executed. This appears to be a more recent development prompted in all likelihood by widespread media coverage of human rights abuses. For example, the Amnesty Report quotes a 17-year-old former detainee released in early October, who states that:

> . . . They transferred us to Muhafazat al-'Asima where we were examined. I hid the traces of torture on my body in order to avoid being executed, because anybody who has clear traces of torture on his body or is suffering from permanent damage is executed.

Mr. President, let me read a list of the following details of torture and ill-treatment which have been made to Amnesty International since August 2. There are some 20 forms of torture on this list:

> 1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons, and rifle butts.
> 2. Falaqa: prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.
> 3. Suspending the detainee by the feet, or by the arms which are tied behind the back.
> 4. Beating the detainee while suspended from a rotating fan in the ceiling.
> 5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.
> 6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.
> 7. Applying pressure to the fingers with a clamp-like instrument.
> 8. Slashing the face, arms or legs with knives.
> 9. Extracting finger and toenails.
> 10. Boring a hole in the leg, apparently with a type of drilling tool.
> 11. Cutting off of the tongue and ear.
> 12. Gouging out of the eyes.
> 13. Castration.
> 14. Hammering nails into the hands.
> 15. Piercing the skin with pins or staplers.
> 16. Shooting the detainee in the arm or leg at point blank range, followed by deprivation of the necessary medical treatment.
> 17. Rape of women (including virgins) and young men.
> 18. Inserting bottle necks, sometimes when broken, into the rectum.
> 19. Tying a string around the penis and pulling it tightly.
> 20. Pumping air using a pipe through the anus, particularly of young boys.
> 21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instruments used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).
> 22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.
> 23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest, and hands.
> 24. Pouring hot and cold water alternately over the detainee.
> 25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.
> 26. Pouring an acid-like substance onto the skin.
> 27. Pouring caustic substances onto the eyes, causing blindness.
> 28. Plucking facial hair, particularly the beard, with pincers or pliers.
> 29. Placing heavy weights on the detainee's body.
> 30. Spitting into the detainee's mouth.
> 31. Exposing the detainee to the sun for several hours at a stretch without water.
> 32. Subjecting the detainee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the mouth and pulling the trigger.
> 33. Forcing the detainee to watch others being tortured, or to hear their screams.
> 34. Raping or torturing the detainee's relatives in his or her presence; threating the detainee with such acts.
> 35. Threatening the detainee with torture methods such as the electric chair [al-Kursi al-Rajjaj], or with death by immersion in an acid bath.
> 36. Deprivation of medical treatment.
> 37. Deprivation of sleep, food, water, fresh air, and toilet or washing facilities.
> 38. Degrading the detainee by using obscene language or insults.

Some of the cases Amnesty reports upon are too degrading to read.

> One case, however, that merits worldwide investigation is a report by a Red Crescent doctor that over 300 premature babies died after Iraqi soldiers removed them from incubators, which were then looted. Such deaths were reported in the al-Razi and al-'Addan hospitals, as well as the Maternity Hospital. According to the Red Cresent doctor:
>
> Premature babies at the Maternity Hospital died after Iraqi soldiers took them out of the incubators. This happened in August, in the early days of the invasion. A total of 312 babies died in this way. I personally took part in the burial of 72 of them in al-Rigga cemetery.

Mr. President, I wish that every American would take the opportunity of reading Amnesty International's report, and understand such atrocities are still going on today. The embargo has meant the loss of life, of human dignity, and human rights. It is not an alternative to the loss of life.

Mr. President, previous speakers have also attempted to discount Iraq's efforts to acquire weapons of mass destruction, that is, atomic weapons in order to support this resolution. This is a dangerous exercise in political rhetoric. Saddam Hussein has already shown his willingness to use weapons of mass destruction. He used them on the battlefield against the Iranians and he also used them against his own people, the Kurds. He has the singular distinction of being the first person to make mass use of chemical weapons on the battlefield since World War I.

As far as his capability to acquire nuclear weapons is concerned, I do not know exactly when he is able to acquire them. I have heard estimates from as short a time as 1 year to as long as 10 years from now. I believe, however, that the evidence is clear that if Israel had not bombed his Osirak facility back in 1981, we would already be facing the threat of nuclear weapons today from Iraq. It is equally clear he has spent billions since that time to acquire a centrifuge enrichment and nuclear weapons production capability, is actively producing biological weapons, and has stockpiled thousands of tons of chemical weapons. We are not arguing whether Iraq will attain nuclear weapons. We are arguing as to when. I would like to believe the most optimistic estimates, that such nuclear capability is a long time away. Unfortunately, we do not know and time after time we have been deceived by our hopes.

Another argument that is frequently mentioned in this debate is whether we are considering going to war over the price of oil. Mr. President, no one can ignore strategic realities, but we are not opposing Saddam Hussein to lower the price of oil. The issue is de facto control over more than 60 percent of the world's oil reserves. If whether one individual will have the ability to threaten the world's economy for years to come. I have no doubt that if Saddam Hussein were to prevail, it would only be a matter of time before he went on to take control of Saudi Arabia and the other Gulf States, or Saudi Arabia and other oil producing nations felt they had to respond to the dictates of Saddam Hussein. I do not believe that Saddam Hussein is simply interested in increasing the price of oil. I believe he is interested in power and regional dominance. I believe that this would inevitably lead him to cut off or ration the world's oil supplies and thereby disrupt the world's economy. We cannot risk putting that capability into his hands, the capability to undermine or destroy the world's economies.

We have also debated allied participation and burdensharing Mr. President, as if this somehow excused us from the necessity to act. I, too, am bitterly disappointed at the lack of active military participation by many of our allies. I suggest if there is any message President Bush and Secretary Baker need to carry to many of our allies, it is the great and enormous dissatisfaction that the American people feel about their lack of military and economic participation, particularly since we know it is the lives of American men and women that are principally at risk in the gulf. I believe we need to address that issue in the future.

Yet, Mr. President, we are in a time of transition, a time of transition to a new world order. Some 37 other nations have shown they are willing to make some contribution. Hopefully, when the next crisis arises, and unfortunately there will be one, we can expect a greater participation on the part of our allies.

We also cannot ignore our obligation to Israel. The distinguished majority leader of the Senate recently raised the issue that if we attack Iraq, Iraq might attack the State of Israel in response and thereby divide the coalition that supports the U.N. effort in the gulf. I believe this risk is minimal, and ignores the threat to Israel if we do not act. As recently as yesterday, President Hosni Mobarak stated that he felt if Israel were attacked, Israel had every right to respond in a military fashion.

It is also clear that many Americans understand that Saddam Hussein threatens the entire Middle East, and Israel's very existence, and not just the gulf. I think it is important at this time to mention a statement made by the Conference of Presidents of Major American Jewish Organizations. The Conference of Presidents of Major American Jewish Organizations on Wednesday, June 9, issued the following statement on the current crisis in the gulf:

> We support the policy of the Bush administration in demanding the complete and immediate withdrawal of Iraqi forces from Kuwait, the restoration of the legitimate Government of Kuwait and its land, and the dismantling of Iraq's huge arsenal of conventional and military weapons as well as its potential for developing biological and nuclear arms. We support the policy of the Bush administration in going the extra mile to seek a peaceful resolution of the gulf crisis, while being prepared to take the required steps including the use of military force to achieve the goals of international community and opposing Saddam Hussein's aggression.

Mr. President, I ask unanimous consent that this full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE OF PRESIDENTS OF MAJOR AMERICAN JEWISH ORGANIZATIONS,

January 9, 1991.

1. As we get closer to January 15 there will be a need for quick access to regularly updated information. For this purpose the Presidents Conference will be converting its travel line into a Crisis Hotline so that our leadership can call in to receive up-to-the-minute information regarding the situation in the Gulf. The number is 1-800-872-8540.

2. The following is a statement issued by the Presidents Conference today.

The Conference of Presidents of Major American Jewish Organizations today (Wednesday, January 9) issued the following statement on the current crisis in the Gulf:

"We support the policy of the Bush Administration in demanding the complete and immediate withdrawal of Iraqi forces from Kuwait, the restoration of the legitimate Government of Kuwait in its land and the dismantling of Iraq's huge military arsenal of conventional and chemical weapons, as well as its potential for developing biological and nuclear arms.

"Such measures are essential to prevent Saddam Hussein from renewing his threats against other states in the region and his attempts to further radicalize other Arab regimes.

"We support the policy of the Bush Administration in going the extra mile to seek a peaceful resolution of the Gulf crisis while being prepared to take the required steps—including the use of military force—to achieve the goals of the international community in opposing Saddam Hussein's aggression.

"We support the policy of the Bush Administration in its refusal to accept any linkage of the occupation of Kuwait with the Palestinian issue. There is no connection between the two. The true similarly is between Kuwait as the victim of Iraqi aggression in 1990 and Israel as the victim of Arab aggression in 1967. The difference is that Kuwait was overrun and Israel successfully resisted an unprovoked attack by Arab states.

"We trust that the U.S. policy will not be undermined by the attempts of other nations to appease Saddam Hussein or in any way to reward his aggression."

Mr. McCAIN. Mr. President, this is a critical point in history. We determine at this moment whether we, in the first crisis of the post-cold war era, can act together with the United Nations and every other civilized nation in the world, to prevent naked international aggression of the most heinous and disgraceful kind. It is clear to me that if we fail to act, our New World order will be inevitably a succession of dictators, or more Saddam Husseins. There is an abundance around this globe of real or would-be dictators who will see a green light. They will see a green light for aggression, and a green light for annexation of its weaker neighbors. We will have created a threat to the stability of this entire globe.

It is unfortunate at this time in history that the United States has to bear the majority of this burden. I believe over time we can rightfully expect other nations to provide the kind of coordination and assistance that will be necessary in the next crisis.

Let us also not forget that American determination is our only real hope for peace. I am convinced that somewhere deep down, Saddam Hussein still must, somewhere, have a spark of sensibility. Convincing him that we will use force if necessary is the best and most viable option that we have to convince him that it is in his best interests—which is the only interest he is concerned about—to have an orderly withdrawal and a speedy one from Kuwait. If he cannot understand the threat of force, he will not understand the threat of any embargo. He will have forced us to war, and we will have been forced to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

HISTORY OF SANCTIONS

Mr. D'AMATO. Mr. President, a number of my colleagues have offered a resolution. The essence of that resolution is that continued operation of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course of action at this time.

Mr. President, this is not a debate over whether we commit U.S. forces to wage war. Even those who have propounded this resolution have indicated that it may in the future be necessary to use force—but that we should be more judicious and that we should give the sanctions more time to see what if anything happens. Mr. President, I believe if we adopt the resolution that we are considering, it chops the knees right from out under our boys. It undercuts them in the sand. It undercuts the President and it undercuts this country. I think it is going to be rather difficult for any President, this President and any in the future, to conduct foreign policy and to have our allies rely upon his word and his commitments. We better think long and hard about this.

Let me speak about the history of sanctions in this body. It was on May 17 of this year when with a number of our colleagues, Senator PELL and I attempted to offer an amendment to the Chemical and Biological Weapons Act of 1989. I never heard more double talk, more triple talk, more quadruple talk about why, on May 17, we should not do anything to disturb our relations or out trade with Iraq. We had people telling us what a wonderful guy he was. Oh, he was changing. Incredible; it is in the RECORD.

We had a little fandango here about, oh, how the Ways and Means Committee would blue slip it; how we did not want to stop that legislation. We adopted a policy that what is good economically for my region is what is important. We did not care about the butchery. We did not care about the chemical weapons. We did not care about the report that Amnesty International had prepared before that showed the killing, the atrocities. We did not care about the reports we were getting from the CIA and others as to what was taking place.

We had a State Department that was a mealy mouthed group, incredible. Do not think they do not share the blame. Right up until the final days: Oh, we see him moderating.

I said, "Why?"

"Well, he's sending someone to the international convention on chemical weapons."

I asked the question, Was that to find out how he could use them better, more effectively? He was moderating.

"The enemy of my enemy is my friend." How many times have we heard that from Assistant Secretary Kelly and the other groups of absolute wishful thinkers who showed no pragmatism, no practicality.

If on May 17 we had done something and sent the butcher of Baghdad a message—by the way, when I called him the "Butcher of Baghdad," the Iraqi Ambassador complained. I offended his sensitivities. Do I offend his sensitivities now? Will I be accused of being undiplomatic now? Is it any less truthful or was it any less truthful then?

I do not hear anybody bashing Saddam Hussein. I think we ought to be pretty careful when we speak about our President. I heard some language here that is less than careful and judicious. You may disagree. But to take the President on the way we have sends a terrible signal. And it is wrong.

This is not a question of whether or not we declare war. It is a question of whether or not we back up our President and our Nation's commitment and all of the actions we have undertaken to give them credibility. Then we hear these estimates about sanctions and how they are working and how they are not working and whether we should wait or whether we should not wait. That is important.

I have heard about the letter and the assessment of January 10. But when we look at the record, it seems that we want to disregard this. Mr. Webster in his latest analysis on January 10 said, "The ability of Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months."

Here are the CIA's comments as of January 10, in a letter to Congressman ASPIN. He said the situation in Kuwait is unlikely in the next 6 to 12 months to change. Twelve months from now, we will be here. Will our position in the field be strengthened? What about the resolve and the determination of our young men and women? What will the country be asking? What about the fragile coalition? And it is fragile, and we understand that. What about the economic burden? What does Mr. Webster continue to say, because we talk about whether or not the sanctions are working.

By the way, the same group who would not vote sanctions, who would not cutoff trade with him prior to his invasion, is now supporting sanctions. I find it interesting that we wait for him to invade, we wait for him to wipe out, we wait for him to occupy, we wait until we send a quarter million-plus boys over there and now we are talking about whether or not sanctions are going to be effective and maybe we should give it some time. How much time? Is there anyone here with some expertise who can tell me 6 months from now that his Armed Forces are going to be degraded to the point that we are enhanced and he is going to withdraw particularly when we say we will not give the President the ability to back up any credible threat with the military? What nonsense.

Saddam Hussein, when he sees that, will be licking his chops. He is the winner. If we pass this resolution, he is the winner. He sticks in there and behind the scenes the Arab coalition begins to shudder and then they say maybe we should not have called upon the United States because, after all, they cannot keep that commitment.

Let us read the letter, and I am going to take a little part of it.

> On balance, the marginal decline of combat power in Baghdad's armored divisions probably would be offset by the simultaneous improvement of its defensive fortifications.

So when he says is there a degradation, yes, but minimally. And they will enhance their defensive capabilities. He addresses the question as to their air force and its degradation, and he points out that that is not their strong suit.

He continues: "Even if"—this is Judge Webster, January 10. What is the date today? 11th. January 10 he writes this letter, a day ago:

> Even if sanctions continue to be enforced for an additional 6 to 12 months—

We are talking for up to a year—he is saying—

> Economic hardship alone is unlikely to compel Saddam Hussein to retreat from Kuwait or cause a threatened popular discontent in Iraq.

He goes on:

> He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate.

I say to my friends, we talk about waiting for some sanctions at some mythical time that no one is willing to set forth. We do not say 2 months, 6 months, some undetermined time when they will pay their toll, and we have an assessment by Judge Webster, the CIA, by others, that says it is not having an impact. Any darn fool should have known that right from the beginning and it should not have been handled in that manner. We should have said our sanctions are there to deprive him of the fruits of an otherwise great victory.

I begged the administration early on not to take that course of action, not to spell out to the people that sanctions in and of itself would bring victory. They did not. The administration was wrong. And they have come forward today and they admit it because those are the facts. I am not just saying that. I committed that to paper August 24 in an article to the New York Times. I said to them, "It is simply naive to believe that an economic embargo will starve Mr. Hussein into capitulating to our demands." It is in the RECORD. It is in the RECORD that we failed to do even a prudent thing, to send a signal to Saddam Hussein, "Do not undertake this aggression."

Now after the aggression is undertaken, after the failure of the administration to stand early and the Congress to do what it should have done, now when the President commits hundreds of thousands of young men and women, what are we going to say to Saddam Hussein? We are going to see if the sanctions will work in the face and in the light of our expert testimony that indicates an evidence and facts that they will not.

Do we want to undercut the President, a blow to our President and to future Presidents and to our young men out there? Do it. That is what happens if we pass this resolution. It is incredible.

Let me read a part of today's editorial in the Washington Post: "* * * but do support putting in the hands of the President—a President who personally knows something about war—the authority to make a more plausible threat in these 11th-hour circumstances of President Hussein's predeadline countdown. Our judgment is that Congress, by deciding to authorize the President to conduct war, materially improves his chances of achieving peace."

If Saddam Hussein faces no credible punishment, no credible threat but the continuation of an economic boycott that, yes, is bringing real problems in economic deprivation to his people, but that is not the kind of credible punishment that will move him, he has no incentive to withdraw from Kuwait.

History has pointed that out in the case of Saddam Hussein. But only when he faces an overwhelming threat to his well-being and that of his military machine do we have an opportunity to resolve this matter peacefully. So I say if we pass this resolution, we deprive the President of demonstrating that we have the will and the capacity and the ability to inflict the kind of punishment that even Saddam Hussein will not countenance.

This is our best opportunity to resolve this even if it is a minimal opportunity to resolve this peacefully. That is why I will vote against this resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

HOW DO WE BEST ACHIEVE OUR GOALS?

Mr. BREAUX. Mr. President, today we are all engaged in a debate on a subject matter with more important consequences than any other that can come before the Senate: The question of whether we as a body will vote to authorize the use of military force against another nation.

I trust that our decision today will be the correct one. To do the wrong thing today can have terrible consequences tomorrow.

There is no disagreement in America today that Saddam Hussein represents the embodiment of evil and that he must get out of Kuwait which he has brutally invaded and now illegally occupies. The only debate is how do we best achieve our goals?

While Kuwait is only a small country, many thousands of miles from our shores, I know that Americans today realize that the world of the 1990's is, indeed, a smaller place where any event anywhere can affect us all everywhere.

Even in 1945, Franklin Roosevelt recognized this when he said during his fourth inaugural address:

> We have learned that we cannot live alone at peace. Our own well-being is dependent on the well-being of other nations far away. We have learned that we must live as men and not as ostriches, nor as dogs in the manger. We have learned to be citizens of the world and members of the human community.

A year ago the world was basking in the glow of a new era of freedom and harmony that many hoped would be the underpinnings of what has become known as the "new world order." The Berlin Wall had fallen, Ceausescu toppled in Romania, Mandela freed in South Africa, and free elections scheduled in Nicaragua. People around the globe looked forward to an era when domestic political disputes would be settled at the ballot box, and international problems resolved at the conference table.

Mr. President, Iraq shattered this dream on August 2 with its brutal blitzkrieg against its tiny neighbor, Kuwait. From the beginning, there have been stories of atrocities by the Iraqi Army, the likes of which have not been seen since Hitler's panzers rolled across Europe half a century ago. Summary executions, torture, rape, pillage, and looting have left Kuwait in ruins. In hospital maternity wards Kuwaiti infants were taken from their incubators and left to die. The incubators were sent back to Baghdad. Kuwait, which Iraq now claims as its 19th province has, for all intents, ceased to exist as a nation.

Mr. President, Amnesty International, a very well-respected international organization, has documented the types of torture that the Iraqi Army perpetrated on the people of Kuwait. I quote from this publication:

> METHODS OF TORTURE AND ILL-TREATMENT
>
> The following are details of allegations of torture and ill-treatment which have been made to Amnesty International since 2 August, some of which are supported by medical evidence and photographic material. These reports are entirely consistent with methods of torture and ill-treatment known to have been used in Iraq over many years.
>
> 1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.
> 2. Falaqa: prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.
> 3. Suspending the detainee by the feet, or by the arms which are tied behind the back.
> 4. Beating the detainee while suspended from a rotating fan in the ceiling.
> 5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.
> 6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.
> 7. Applying pressure to the fingers with a clamp-like instrument.
> 8. Slashing the face, arms or legs with knives.
> 9. Extracting finger and toenails.
> 10. Boring a hole in the leg, apparently with a type of drilling tool.
> 11. Cutting off of the tongue and ear.
> 12. Gouging out of the eyes.
> 13. Castration.
> 14. Hammering nails into the hands.
> 15. Piercing the skin with pins or staplers.
> 16. Shooting the detainee in the arm or leg at point blank range, followed by deprivation of the necessary medical treatment.
> 17. Rape of women and young men.
> 18. Inserting bottle necks, sometimes when broken, into the rectum.
> 19. Tying a string around the penis and pulling it tightly.
> 20. Pumping air using a pipe through the anus, particularly of young boys.
> 21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals.
> 22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.
> 23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.

I could go on an on, Mr. President, with this list of documented types of torture that have been used by the Iraqis on citizens of occupied Kuwait.

They have also obviously used chemical weapons on their own citizens.

I doubt very seriously, Mr. President, that a nation which has used these types of torture methods on the people of Kuwait and chemical weapons on its own citizens is going to be too impressed by sanctions which merely sometimes reduce caloric intake on the citizens of Iraq while the army continues to get well fed.

A similar question faced this Nation in the late 1930's as Adolf Hitler's shadow slowly, but surely, fell across Europe. As late as 1936 Hitler's Germany was neither seen, nor in fact was a credible threat to world order. America wishfully hoped for peace and watched as a mad, power-hungry dictator ran over one country after another. People like Charles Lindbergh warned that, "If we enter fighting for democracy abroad, we may end up by losing it at home." Many people listened and the question asked was "Why die for Danzig?" The answer, history tells us, is that the terrible world war that followed could have been avoided had we responded earlier.

I say to President Bush, your responsibility, Mr. President, is to lead, and you have done a remarkable job internationally in convincing the world community that Saddam Hussein must pull out of Kuwait. The world is united in its resolve, it is now time to convince America of the corrections of your position. This is the most important moment of your presidency, it is worth a few more minutes clearly explaining what you have done and what is now needed. Americans want strong leadership and they deserve no less.

I have heard my constituents in Louisiana. They love America and what our country stands for, yet they are also concerned. They do not want another Vietnam, and we must clearly stand for the proposition that never again will that occur. They question whether this effort is worth the price. They need to be assured by our President of the importance of America standing strong in these critical times. We owe it to the American people, to our military men and women, and to their parents and children that in this effort we will be united, clear in purpose and successful as quickly as possible.

I believe that there are compelling reasons for America's presence in Saudi Arabia and our leadership of the multinational coalition confronting Iraq. A restoration of regional stability; continued access to reasonably priced Arabian oil supplies; stopping Iraq's quest for nuclear weapons; and the continued forging of a new world order from a sound basis for our effort to reverse Iraq's absorption of Kuwait. In addition, American credibility and our commitment to global security are at stake.

Iraq's enormous military is a serious threat to the entire Middle East. While Iran had heretofore been a counter to Iraqi strength, the Iranian armed forces were greatly weakened during the 8-year war with Iraq and no longer represent an adequate counterweight to Baghdad. Thus, Saddam Hussein has been able to train his sights on his far weaker, but oil-rich neighbors to the South. I consider it vital, irrespective of the outcome of this crisis, that Baghdad's military might be reduced to prevent Iraq from preying on its neighbors in the future and to restore the balance of power in the gulf region and throughout the Middle East.

Mr. President, the invasion of Kuwait doubled the volume of oil under Iraq's control. Saddam Hussein now holds 20 percent of the world's proven oil reserves. Unless he is stopped, Saddam will be in a position to manipulate oil pricing and supply, either by continued conquest, or by threatening his relatively lightly armed neighbors. This is unacceptable and poses a grave threat to America's economy and security, and those of our allies.

Iraq's pursuit of nuclear weapons is expected to result in nuclear capability within the next 3 to 10 years, although some analysts predict that Baghdad may be capable of exploding a crude nuclear device within 12 months. Mr. President, the prospect of a nuclear-armed Iraq is terrifying. Saddam Hussein's willingness to use chemical weapons, not only against Iranian troops, but also against Iraq's own Kurdish minority, leads me to conclude that he would have no hesitation to use nuclear weapons. It is vital that Iraq's effort to acquire nuclear weapons be stopped as part of a diplomatic settlement; or, if war breaks out, that Iraq's nuclear weapons development facilities be targeted and destroyed. Iraq's capability to manufacture and deliver chemical and biological weapons must also be eliminated.

The collapse of communism in Eastern Europe and the ongoing rapprochement between the United States and the Soviet Union has reinvigorated the United Nations and given rise to hopes that conflict resolution can take place peacefully. Implicit in this "new world order" is the need for the world community to respond collectively in opposing, by force if necessary, those countries which violate the precepts and norms of international behavior. Iraq's brutalization of Kuwait clearly falls into this category, and the global response to Baghdad's invasion is a test of the world's willingness to exercise collection security.

So far, the world has responded with a remarkable degree of unanimity. On 12 separate occasions the U.N. Security Council has passed resolutions demanding that Iraq withdraw from Kuwait and that the legitimate Kuwaiti Government be returned to power.

Mr. President, if this new approach to international affairs is to succeed, this Congress must demonstrate and resolve that aggression will not be rewarded and that it will be reversed.

There are those in this body and throughout the Nation who do not believe that we should resort to force to secure an Iraqi departure from Kuwait. They argue that the sanctions are working and that the Iraqis will withdraw peacefully. With all due respect to my colleagues, I do not believe that the sanctions alone are enough to force Iraq to back down.

The history of economic sanctions clearly indicates that the longer they remain in effect, the more porous they become. There have been a number of reports in the media detailing efforts by countries in Western Europe to circumvent the sanctions. I am also concerned that Iraq will be able to expand the illegal trade now occurring along its border with Iran.

I do not doubt that the sanctions are taking their toll on Iraq; recent reports indicate that the Iraqi groll national product has been cut in half. Devastating as this may be to Iraq's oil-based economy, their effect cannot be overemphasized. Iraq's command economy is not affected to the same degree by sanctions as a market economy would be. Food, although rationed, appears to be plentiful and life in Iraq goes on relatively normally. Remember, Mr. President, that economic privation and hardship are nothing new to Iraq. The country was severely tested during the 8 years of fighting with Iran.

I am also concerned that the coalition facing Iraq will break apart if the Congress votes to defer indefinitely the use of force and instead opts for the continuation of sanctions. The administration has already gone to great effort to keep the other members of the coalition together. Fractures between the United States and the allies are becoming apparent and these schisms are likely to expand in the future. The Europeans are becoming skittish and our Arab allies fear the wrath of their people, many of whom see Saddam as a modern-day Nasser. The tensions in the Arab world will undoubtedly rise if thousands of foreign troops remain in Arabia through the holy month of Ramadan—which begins in mid-March—or the Haj, the annual pilgrimage to Mecca which will take place in June.

Our allies, especially in the Middle East, have stuck by the United States because they have believed that we are determined to put a stop to Iraqi aggression. If we appear to waver, I have little doubt that they will scramble to cut separate deals with Saddam Hussein to avoid Kuwait's fate. Clearly, now is the time to support the President, confront tyranny and aggression and restore a measure of balance to a volatile region.

I have no quarrel with the Iraqi people. However, Saddam Hussein must understand that, in President John Kennedy's words:

> Let every nation know, whether it wishes us well or ill that we shall pay any price, bear any burden, meet any hardship, support any friend, and oppose any foe to assure the survival and success of liberty.

I urge my colleagues to join with me in sending a clear and unmistakable message to Baghdad by supporting the President.

I yield the floor.

The VICE PRESIDENT. The Chair recognizes the Senator from North Dakota.

The Senator from North Dakota.

CONTINUE TO WORK FOR PEACE

Mr. BURDICK. Mr. President, war is the last thing any of us want. I cannot vote to authorize military force at this particular time. I support the Democratic resolution which stops short of war. But it says Congress will work with the President as the situation changes. Sanctions should force Iraq out of Kuwait if we give ample time. Let us continue to work for peace instead of working for war.

Mr. METZENBAUM addressed the Chair.

The VICE PRESIDENT. The Senator from Ohio.

Mr. METZENBAUM. I thank the Chair.

Mr. President, I am pleased to be a cosponsor of the resolution authored by our Democratic leader. I commend Senator MITCHELL for his diligence and his diplomatic skills in crafting this measure with the assistance of Senators NUNN and LEVIN, BYRD, PELL, WIRTH, LEAHY and so many others.

It lays out a course of action that is measured and sensible. It ensures the protection of the constitutional balance envisioned by our Founding Fathers.

That balance prohibits any one man or woman, even the President of the United States, from committing an entire Nation to war.

Mr. President, Saddam Hussein is a tyrant—a bully—an insecure leader trying to prove his importance with a reckless disregard for the lives of his people and the future of his country. Over the past 10 years, he has menaced his neighbors—he has gassed his own people. He invaded, smashed and pillaged a small powerless neighbor. Kuwait as a nation no longer exists. Everything of value was stripped, stolen and shipped off to Baghdad.

I agreed with the President when he said that the situation in the Persian Gulf presented a serious threat to vital U.S. interests.

All nations that depend on a stable supply of Middle East oil were threatened and endangered when Saddam Hussein marched into Kuwait. I supported the tremendous effort the President and his Secretary of State made in mobilizing worldwide condemnation against this outlaw dictator. But after that, the President and I parted company.

I believe the International Coalition has stopped Saddam in his tracks. The sanctions are beginning to bite. They are beginning to strangle his economy.

And I believe these hard-earned sanctions should continue to work.

Iraq's economic output is down 40 percent since August. According to Jim Schlesinger and Admiral Crowe, certainly two knowledgeable men. What possible reason can there be now for abandoning this successful effort?

Sanctions or war—Saddam will lose either way. But this economic embargo of Iraq is enabling us to avoid the terrible costs of war. Let us not forget. It is the lives of young Americans that will be lost in war. And, if we go to war, someone will have to explain why.

It is war that will drive the price of oil to $60 or $100 a barrel. It is war that will result in the destruction of the gulf countries. It is war that holds the greatest uncertainty.

When the shooting stops, it is the United States that will bear the lion's share of the cost of reconstructing the region.

Now let me address myself to another extremely troubling aspect of the gulf crisis. That is the issue of burdensharing. Our allies are not paying their way. The United States is bearing almost the entire cost of the Desert Shield Operation; 430,000 U.S. troops, far more than the rest of our allies combined.

How many troops have our allies there? 245,000. About 30 percent of the total.

But as the chairman of the Armed Services Committee Senator NUNN pointed out, the Syrians have indicated that they will not use their troops in an offensive operation and we do not know whether the Egyptians will permit their troops to be used in such an operation against Iraq.

So, the reality of the situation is if the coalition attacks Iraq, United States troops will make up about 90 percent of the total attacking force.

It is our soldiers whose lives are on the line, our allies in Europe and Japan are far more dependent on Middle East oil than we.

Yet their contribution to Desert Shield is penurious. It is insulting.

Look at the facts.

Japan promised $2 billion in calendar year 1990.

What has Japan provided to date?

$428 million in cash, and their estimate of $50 million in-kind services.

I was informed today they have provided as part of those in-kind services 40,000 Sony Walkman radios. At best, including all of their contributions, even the Sony radios, that is a total of $478 million—less than a quarter of what they promised.

This is from a country with the second largest economy in the world, a country that is taking the rest of the world to the cleaners economically—a country that imports 99 percent of its oil—70 percent of which comes from the Gulf.

Japan can afford to do more—they should be doing more! They are shirking on their responsibilities.

What about Germany, the economic powerhouse of Europe?

Germany agreed to provide $2 billion in support.

What have they contributed so far? $337 million in cash and useless East German military equipment—one-sixth of what they promised.

France imports 96 percent of its oil; Italy imports 93 percent of its oil; the Netherlands, 94 percent; Belgium, 99 percent; Sweden, 95 percent.

All of these countries should be standing shoulder to shoulder with America, shoulder to shoulder with our boys in the field. Yet, they are contributing almost nothing. And it is our men and women who are being called upon to face the Iraqis in the field.

At last count, France was sending about 15,000 troops.

Britain had sent 30,000 troops.

Compare that to the U.S. commitment of 430,000 combat troops.

Europe and Japan, Brazil, the so-called tigers of Asia—Korea, Singapore, Hong Kong, and Taiwan—all countries that must have a reliable supply of oil to keep their economies going, to maintain their standard of living—countries that can afford to help—are not helping.

We still spend $3 billion every year defending South Korea.

Now we are going to protect their oil supply.

It is any wonder that we have such difficulty in competing with Korean goods as they come into this country and compete with American products?

The fact is, the gulf burdensharing issue is so egregious, it has become an embarrassment to the administration.

Until recently, the Pentagon and the State Department were publishing an accounting of foreign contributions to Operation Desert Shield and assistance to the frontline, Middle-Eastern countries.

They are no longer doing so.

In addition, the Pentagon is no longer providing cost estimates for the Desert Shield Operation.

Last Friday, the administration decided at the last minute to forbid Pentagon officials from testifying at a House Budget Committee hearing on the cost of Desert Shield.

According to the chairman, Mr. PANETTA, the administration "informed us that it will not be willing to discuss the cost of Desert Shield for an indefinite period."

At the same hearing, Charles Bowsher, Director of the GAO, complained that Pentagon chiefs know how much foreign governments have contributed to the frontline states, but now refuse to release the data.

That is an outrage.

The frontline states know what they are contributing. Other nations that are contributing know. But the American people are being told by their own Government representatives, "We will keep the facts secret from you; we will refuse to testify to a congressional committee. This is secret information."

What is so possibly secret as to the amount that foreign governments have contributed, unless it is just a total embarrassment to the U.S. Government? How can the U.S. Government possibly justify shielding the American people from that information, refusing to share it with us, refusing to share it with Congress?

Most recent estimates place the cost of Desert Shield at $30 billion in 1991—and that is without a shooting war.

So, Mr. President, once again, it is Uncle Sam, U.S. soldiers, and U.S. taxpayers that will carry the world on its back.

It is wrong and it is unfair.

I agree with the President that we cannot negotiate, we cannot accept linkage; I salute him for his position on those points. But we cannot reward illegal aggression, either.

And I abhor the deal the French are trying to cut with Hussein at the world's expense.

This is not the first time France has had its own agenda.

France is that one nation in the world that never can be counted upon, that is always looking out for its own welfare and no one else's concerns. It has done it time and time again.

The French pulled their forces out of NATO when Europe faced a Soviet menace during the depths of the cold war.

They sold arms indiscriminately to anyone with cash on the table—including both Iraq and Iran during their 8-year war.

And they refused to let United States pilots overfly French airspace during the Libyan raid.

Probably in the history of this country, there are few nations that have been more remiss, more turning their back on their obligations to the world community and their responsibilities as far as their relations with this country are concerned than the French. We have not been able to count upon them for many years. Going back in history, they were one of our great friends, but in more recent years, they cannot be counted upon.

Mr. President, make no mistake about it. I support the blockade against Iraq.

I do not rule out war as a last resort. But war should be the solution when all else fails.

Mr. President, it is outrageous that the American people must carry so much of the financial burden for Desert Shield. But I believe they are willing to stick it out until the sanctions break Saddam's back.

Money is one thing, but I cannot hand a blank check of American lives over to the President until I know in my head and in my heart that we have no other option.

Accordingly, Mr. President, I will support the resolution of the majority leader, and I hope that it will soon take its proper course. I understand the difficulties of passing it. I understand that the votes may not be there, but this Senator believes that the wise course, the right course, is to proceed forward, supporting the sanctions, supporting the embargo, and not taking this country into a war.

I yield the floor.

The VICE PRESIDENT. The Senator from Connecticut.

THE PERSIAN GULF CRISIS

Mr. LIEBERMAN. Mr. President, it is a terrible frustration, indeed a painful irony that Saddam Hussein's invasion of Kuwait has plunged our world back into crisis just months after the collapse of Eastern European communism. We have hardly had the time to enjoy the peace before confronting war once again. Indeed, nearly half the men and women who form the vanguard of our defense of Western Europe have suddenly been shifted from Germany to Saudi Arabia, trading uniforms and tanks of forest green for those of desert brown.

This sudden reversal of our fortunes reminds us of a sad and old lesson which runs throughout the course of human history. We are an imperfect species, capable of great good but also great evil. Saddam Hussein's fascistic tyranny and brutal aggression are but the latest examples of the capacity of human beings to inflict pain on one another.

Within our society, we rely on the adoption and enforcement of laws to control our worst inclinations. In the world community, civilized relations between nations have depended on alliances of peace and defenses against war. But when alliances have been broken and defenses breached by acts of aggression, the civilized world has often had to meet force with force.

Regretfully, I have concluded that this is such a time. We are now joined in a conflict from which there is no turning back. That is no easy conclusion for me to reach. I am humbled, in fact, by the responsibility which has been placed in me by the people of Connecticut who sent me to be their U.S. Senator at this moment, and by the responsibility that I feel for every one of the men and women who are defending us today in the Persian Gulf, and every one of their fathers and mothers, their husbands and wives, their sons and daughters.

The horrible possibility of war became clear to me one recent Sunday morning in the Goffe Street Armory in my hometown of New Haven, CT, where the 142d Medical Clearing Co. of the Connecticut National Guard had gathered for departure to Fort Devens in Massachusetts and, from there, to the desert of Saudi Arabia. I felt an obligation, as have so many of my colleagues in recent months in similar circumstances, to join those men and women for a brief time to convey to them my own sense of gratitude for the tremendous sacrifice they were about to make, my support for their cause, and my belief that they are heroes to us all.

It is no easy thing to look into the eyes of men and women who are marching off to the drumbeat of war. It is no easy thing to look into the eyes of their families gathered to see these soldiers off, all of them haunted by the ultimate question, "Will I see my loved one again?"

It is no easy thing to stand on the floor of this historic Chamber and cast a vote that may decide the fate of so many of our American friends and neighbors. It is not easy. We all know that.

We know from the tone and tenor of the debate in the Chamber over the last few days that all of us comprehend the gravity of this moment. The political intrigue that often marks debate on issues here in the Senate is absent, replaced by a common knowledge—in the midst of diverse opinions—that the fate of people and nations hangs in the balance as we marshal our arguments for or against a resolution that may lead to war.

No, it is not easy. But it must be done. It must be done because our President has asked us to vote to support him in this hour of challenge; and our Constitution demands that we vote before our Nation is committed to war.

The issue before us is not to pick a day or time for hostilities to begin, or to determine how a war is waged. No; that in my opinion is the clear responsibility of the President as Commander in Chief under article II of our Constitution. The issue before the Congress under article I, section 8, is whether or not we authorize the President to use force to achieve our goals in the Persian Gulf, if the President chooses to wage war.

On that issue, I will vote to authorize the President to have the power to go to war. I will do so in the knowledge that war may, indeed, be the result and that many good people may die. But I will cast that vote in the hopes that, by so doing, I will make the prospects of peace more real.

Mr. President, it is one of the ironies of this crisis that the prospects for peace may not be fully realized until we are fully prepared for war. That is not a new concept. More than 15 centuries ago a Roman historian, Vegetius said it: "To have peace you must prepare for war."

In Saddam Hussein we face a threat of the most dangerous nature, a rigid, unyielding dictator. Our best hope for true peace is to convince Saddam Hussein now that he faces swift, utter, devastating defeat if he fails to withdraw completely, and without condition, from Kuwait. President Bush has been absolutely clear and resolute on this point.

But it seems that Saddam has not yet gotten that message. How else to explain the contempt he displayed through the person of Tariq Aziz in Geneva just 2 days ago? How else to explain the intransigence of Saddam in instructing his emissary to refuse to even accept a letter from the President of the United States? That insult was to me, and I am sure to many Americans, a defining moment in this crisis, a moment that encapsulated the nature of the threat we face—stubborn, rigid, unyielding dictatorial, and arrogant. It demonstrated more clearly than ever the need for American unity and American determination.

Our final best chance for a truly peaceful end to this crisis, I am convinced, is to send a clear and unequivocal message to Saddam Hussein that the American Congress and the American people stand shoulder-to-shoulder with our President at this critical moment of confrontation. And that is why I will vote to support and affirm the U.N. resolution.

Mr. President, those who argue that economic sanctions must be given more time to work, who have joined in the resolution to require that sanctions be given more time to work, have made serious and thoughtful arguments on this floor and they deserve an answer from those of us who will oppose that resolution and instead counsel authorization for war. There is a surface appeal to the position that sanctions should continue. But in my respectful opinion that appeal does not run deep and it does not run strong.

Yes, the sanctions have cut off most of Iraq's imports and exports. But 5 months of sanctions have not led Saddam Hussein to cede 1 inch of Kuwaiti territory, not to bring forward one hint of compromise. Rather, 5 months of sanctions have given Saddam 5 months to pillage and rape Kuwait, to fortify his defenses, to endanger further the lives of American soldiers who are there.

Five months later in Baghdad, restaurants and cafes and discos remain open, car dealers continue to sell cars, and high-rise apartments continue to be built. Starvation seems very far away in this land where the science of agriculture was in fact invented at the dawn of civilization.

Yes, industry in Iraq has suffered somewhat, but we must remember industry accounts for but 10 percent of Iraq's gross national product.

That part of Iraq's military forces most vulnerable to sanctions is the air force, which will probably atrophy somewhat from lack of high-tech parts over a period of time. But the air force is not critical to Saddam's ability to maintain his power in Iraq and in Kuwait. It would, in fact, by most estimates be destroyed early in any war that we do begin.

No, it is Iraq's ground forces that represent the greatest threat to all of us. Tanks, artillery armored personnel carriers, and soldiers need only dig in and stay put in Kuwait, as they have. It takes little to maintain them, especially if we remove the threat of imminent war and promise them months of peace, while we wait to see whether sanctions work.

Sanctions in the present case, in my opinion, are a tactical, not a strategic, weapon. There is a man in Connecticut by the name of Uwe Jahnke, who lives in Washington Depot. He was taken prisoner in Kuwait after the Iraqi invasion, and held as a human shield at an Iraqi military site. He wrote to me recently to say:

> I think that delay will help the Iraqis, will most likely result in Iraq remaining in Kuwait, and will further strengthen Saddam both economically and politically, both in Iraq and regionally. I believe that sanctions alone will not result in Iraq withdrawing from Kuwait.

Mr. President, sanctions are a very blunt instrument which hurt civilians before they hurt the military, which hurt the weak before the strong.

I ask the question here: Is it truly more moral to maintain a strategy that inflicts the most punishment on a civilian population, the most vulnerable in society, the poorest, the youngest, the oldest?

If people think that sanctions will work, they must think that they will bring terrible destruction on the heads of the Iraqi people themselves. It is important to consider the morality of that result before decrying the immorality of war.

Consider, too, the fact that making the Iraqis suffer will in no way guarantee the achievement of our goals in the Persian Gulf. Where is there one shred of evidence over the last 5 months that leads to a conclusion that massive suffering on the part of his people will convince Saddam Hussein to leave Kuwait? This is a man who let as many as 1 million of his fellow Iraqis suffer casualties in a war against Iran. That is a casualty rate greater than what Americans suffered—North and South—during the Civil War.

No sanctions we impose can compare to the suffering the Iraqi people faced in their 8-year war with Iran, suffering which did nothing to dislodge Saddam from power or to change his course. How can we hope that a man who would kill his own people with poison gas will retreat because his people may have to stand in line for food?

Supporters of sanctions, I think, not only fail to fully consider the mind of Saddam Hussein, they fail also to look at the calendar on the wall. Their argument suggests, what do we have to lose by taking more time to see whether the sanctions work?

Mr. President, more time for sanctions is not a course without risk. It is a course full of risk and peril for the world, for the United States, and particularly for America's fighting men and women in the gulf today. What impact will the passage of time itself have on our ability to achieve our goals? Do supporters of continuing sanctions imagine that all other aspects of the Persian Gulf crisis will remain static, unchanged? Will the Gulf States countenance the presence of hundreds of thousands of American troops within their borders for a period of a year of more? What will happen to our ability to use military force if 1 or 2 years from now sanctions fail? Will our troops be able to maintain their sharpest combat edge for that long? And what will Saddam do over that time to further protect himself and imperil our troops, to cover and disperse Iraqi targets, to dig in more in Kuwait, to make even more difficult and dangerous the service of American soldiers there?

No, allowing the sanctions more time is not a course without peril. It is full or peril. Tying the President's hands indefinitely would give Saddam additional time to perfect his weapons of mass destruction. They will enhance their ability in this time to develop new biological weapons and to deliver them: botulin toxins, various strains of anthrax, typhoid, and cholera bacteria, the most nightmarish forms of combat. Within a year I am convinced he will develop a crude yet destructive nuclear device. Our soldiers, if indeed any would remain in the gulf to carry out the military option a year from now, could well face a greater threat on the battlefield than they face today. My point again in that those who wish to use sanctions must face the fact that they have a price. They are not without cost.

What of the coalition, the essential ingredient of our ability to maintain sanctions and threaten force? Will Turkey remain firmly allied with us for years? We forget the toll that these sanctions have taken on that nation. The internal pressure in Turkey to reopen its oil pipeline or its agriculture trade with Iraq will grow with each passing month.

In Egypt, extremists who assassinated the head of the parliament last autumn could undermine the government's support of our policy. Clashes between Israelis and Palestinians will continue, possibly straining our relations with our own moderate Arab allies.

In Europe, the growing conservative forces in the Soviet Union could compel President Gorbachev to renew Moscow's once-close relationship with Saddam. France, affected by its own domestic political cross-currents and its north African neighbors, could decide against any use of military force.

Any one of these developments would generate more pressure on nations to compromise with Saddam. Already there is talk of an Iraqi demand that Kuwait cede two strategic islands, Babiyan and Warba, and the southern end of the huge Rumaila oil field. Those concessions are already being discussed. Is it realistic to conclude that within a year from now, they will not be much more seriously considered? Arabs who now stand with us ready to fight Saddam, if necessary, may well lose faith in our will if we send an uncertain message from this Chamber, and may begin to seek ways to make a deal with Saddam if we retreat from the course of strength that our President has set.

I know none of us in this Chamber advocates appeasement. I am not saying that. None of us wants to offer Saddam real concessions. But I want to suggest that to delay the threat of force, to rely on sanctions for a period of a year or more, opens the door for accommodation—some might call it appeasement—by others. And that is something we cannot stop, we cannot control.

We all know how high a price we will pay for that result. Appeasement of Saddam, even if not by our design, would leave him the victor in this crisis and the United States the loser, and a lesser power in the world. Who could trust our word? Who could have confidence in our will as we tried to lead the civilized world into the new world order?

I fear that concessions and delay will only embolden, not satisfy, Saddam Hussein. Delay will strengthen his resolve for victory more than it will weaken his capacity to survive. That is a lesson that has been taught to us throughout the span of human history.

Remember the words of Pericles, responding to the demands for peace with the Spartans at the price of compromise.

He warned:

> There is one principle which I hold to through everything. * * * If you give way, you will instantly have to meet some greater demand.

Two thousand four hundred years later, another great general offered a similar warning to his country, our country:

> Eagerness to avoid war can produce outright or implicit agreement that injustices and wrongs of the present shall be perpetuated into the future.

Those were the words of Gen. Dwight D. Eisenhower. And he added:

> We must not participate in any such false agreement. Thereby we would outrage our own conscience. In the eyes of those who suffered injustice we would become partners of

> their oppressors. In the judgment of history we would have sold out the freedom of men for the pottage of a false peace. * * * We would assure future conflict.

Those words of Eisenhower's ring so clearly and directly in the situation we face today.

Then another great American, 4 years before World War II, in a prescient speech for which he was severely criticized at the time, President Franklin Roosevelt said:

> There can be no stability or peace either within nations or between nations except under laws and moral standards adhered to by all. International anarchy destroys every foundation for peace. It jeopardizes either the immediate or the future security of every nation, large or small. It is, therefore, a matter of vital interest and concern to the people of the United States that the maintenance of international morality be restored.

Roosevelt expressed a clear understanding that when immorality is allowed to run loose in the world, when aggression is tolerated, though it may occur far away, all of us suffer. That is what is at stake in the Persian Gulf. A victory by Saddam Hussein is a victory of anarchy over order, or war over peace, of brutality over liberty, of immorality over morality. Saddam will breathe new life into that discredited old notion of Machiavelli that the power of the state is the supreme right.

No peace-loving people or nation is safe once the terror of the state is loosed against people around the world. Saddam, victorious, cannot be shunted to the sidelines of world affairs, ignored as a grotesque anomaly, a sideshow. Like a virus, Saddam, the victor, will infect the body of international order, and we cannot let that happen.

Mr. President, I know that comparisons between Saddam Hussein and Adolf Hitler are made often. Sometimes they are too easily drawn. Sometimes, on the other hand, they are too simply dismissed.

The achievement of wealth and power that would be Saddam's, if we did not strongly respond to the threat that he represents, will not satisfy his thirst for conquest. That is clear from his ideology; it is clear from his record. It will not satisfy him any more than it did satisfy Adolf Hitler in the 1930's.

Saddam is in his 13th year as leader of Iraq and he has been an aggressor in 11 of those 13 years. That is the record. There are ominous historic parallels to the ruthlessness of his aggression. Compare Saddam's Scud missiles with Hitler's V–2's, both weapons launched against civilian populations. Compare Saddam's gas attack on the Kurds of Hallabja in his own country to Hitler's air attack against the villagers of Guernica. Scale of destruction may be different so far, but the horror on the face of the dead are quite the same.

Mr. President, we must uphold the principle of order, particularly at this turning point in world history. The waning of the cold war has ushered in a period of tremendous promise. The spread of democratic ideals, of competitive economic markets, of worldwide communications, have put the forces of tyranny on the defensive around the globe. Those forces now look to Saddam and they look particularly to us as the one remaining superpower in the world, the torch of liberty within our grasp, standing for freedom and stability throughout the world. They look to us to see how we will act in this crisis.

Victory for Saddam will embolden all who share his thirst for power and disregard for civil conduct.

The defeat of Saddam will restore international morality and enhance prospects for a generation of civilized relations, peaceful relations among the nations of the world.

Mr. President, in the end, in this humbling, awesome debate and decision, we must each face the ultimate question, which is whether our goal, the goal of defeating Saddam Hussein, is worth the terrible price that we may have to pay in a war. That question really cuts to the heart of this debate today, and it cuts to each of our hearts as well.

To answer that question, I have tried to imagine what I would say to give comfort to a parent whose child may confront an Iraqi artillery bombardment, to a parent whose child may endure an Iraqi chemical attack, to a wife whose husband may face an Iraqi terrorist raid. I can truly say to them, your son or daughter, your mother or father, your wife or husband is a hero defending our country and the civilized world, and the people of the United States will be eternally grateful for their service and their courage.

As horrible as war is, its horror pales in comparison to the fate of the world if Saddam Hussein's power is allowed to grow. The lives of loved ones are put in harm's way only because the nature of all of our lives for years to come hangs in the balance. The heroic work of our men and women in the Persian Gulf will mean the survival of the kind of world that we want for our children and the prevention of a world in which our children may not survive, certainly not survive as free men and women.

One of those heroes that I have just talked about is another resident of my State, Sgt. Douglas Champaigne of Stratford, CT, who sent me a holiday card from the Persian Gulf where he is serving, and he said to me:

> All of us here hope for a peaceful end to this crisis, but if that is not possible, I sincerely hope that Congress and President Bush will see eye to eye on the quickest and least destructive way to force Saddam Hussein from Kuwait.

Sergeant Champaigne concluded:

> We are prepared to do the job that we are trained for.

Mr. President, now let us in Congress do the job that we were elected for. Let us not "sell out the freedom of men for the pottage of a false peace." None of us wants war. None of us in this country, right up to the President of the United States, who himself has known war and is a man of strength and balance, wishes to wage a war. But we must, as Lincoln said, be ready to accept that war may be required. Let us face the awful task before us with the conviction that the price we set for a civilized world is a price that we Americans are prepared to pay.

Thank you, Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Ohio.

THE GRAVITY OF THE SITUATION CANNOT BE OVERSTATED

Mr. GLENN. Mr. President, the gravity of the situation we face, which has been discussed here yesterday and today, cannot be overstated.

I would like to begin by saying I believe we all agree with President Bush in a very fundamental way, and that is the overall objective of our policy toward the Persian Gulf. We all agree that Iraq must get out of Kuwait.

The debate here is not over that subject. The debate here is how we accomplish that end with the least potential loss of life. I would add, Mr. President, that I am concerned about the loss of life on both sides. We tend to think solely of loss of American life, but we know that the loss of a son or father, or any family member, to an Iraqi mother is just as grievous, and we do not want to see that pain inflicted on anyone.

We are told that Saddam Hussein quite often watches American television, so perhaps our remarks here today should be tailored to send a message directly to Saddam Hussein:

And that message is, do not misread this debate in the Halls of Congress. Do not misconstrue our constitutional debate, which is largely an internal matter for us to resolve here. Do not misconstrue this debate as a lack of commitment to seeing Iraq leave Kuwait.

We have a united United States of America. We have a united Congress. We have a united United Nations. We have a united coalition of nations that agree with the President that Iraq will leave Kuwait.

It was obvious to all of us that the objective of the move into Kuwait was but the first step. We saw the forces of Iraq move into a southern position and assume attack positions: artillery forward, troops forward, tanks forward, aimed toward Dhahran and the oil fields in that area.

By insisting that Iraq get out of Kuwait we signal that we will not permit Iraq to dominate some 71 percent of the world's oil. I will address that a little bit more later.

We would ask Saddam Hussein what does he have to gain by defying world opinion? What does he have to gain by defying the U.N. sanctions? We would say to him directly. What does he have to gain by defying his own Arab brothers who have castigated him along with the whole community of Nations?

While, as I have indicated, I continue to support the President's insistence that Iraq must leave Kuwait, I begin to be concerned when I see this policy extended into timetable combat before the embargo has had time to bite—to be as effective as I believe it can.

Mr. President, I have been a bit mystified by some of the changes in the course of administration policy. We started off early last fall with the President putting together an international coalition and the most effective embargo ever put in place. Then we started seeing, a short time ago, a shift. I was concerned about this and questioned our intelligence people about whether we were being given all the same information that the President gets. If I was being given that same intelligence information, I saw no reason for that shift to occur.

And we saw, during that period, many statements which I have called sound bite justifications for war which did more to confuse than to clarify during that period. I submit that we can never again get into a war that is not fully understood and fully backed by the American people. In other words, we do not want to repeat the Vietnam experience.

It seems that discussion of real and important Persian Gulf policy issues somehow got set aside for short, catchy, attention-getting statements. The important thing in going to war is not whether the President says, "I've had it." The important thing is whether the American people have had it and will support whatever action comes thereafter.

It is not just mistreatment of hostages or denial of normal Embassy rights, which had their turn of emphasis. Important as those things are, declaring Saddam Hussein as Hitler-like and overstating the imminence of nuclear danger may appeal to the emotions but do little to add to understanding the situation.

Is it naked aggression which we have heard repeated over and over? Yes, it is. The naked aggression charge against Iraq is absolutely true, but can anyone believe that we would have 400,000 troops in Saudi Arabia supported by U.N. sanctions and embargoes if Kuwait was a nation with no resources, in a nonstrategic, non-energy-producing part of the world? Well, hardly.

We saw encroachments in Timor out in the Far East. Was there a cry that this is encroachment, that this is naked aggression, and did we move 400,000 troops to that area? No, we did not. It had little impact on us directly economically. Are we prepared to move in 400,000 troops if the Soviets decide to move into Lithuania suddenly. No, probably not.

So the point is there are real issues. They are issues that must be understood by the American people, and I believe these issues are important. I believe they are vital to the United States. We go back to the time of the Carter doctrine in the 1970's. At that time we were concerned about a Soviet move toward the Persian Gulf and what it would mean if the bulk of the world's oil supply had come under the domination of the Soviet Union.

On the issue of our vital interests, the first one, of course, is the potential control of 71 percent of the world's oil reserves. I believe that was an Iraqi objective. The first step was their move into Kuwait.

I read an article during the holidays written by Jim Fain, of the Cox News Service. He was commenting on a new book by Daniel Yergin, called "The Prize." He quotes out of that book: "'Mastery itself was the prize,' said Winston Churchill," describing when they moved the British Navy from coal to oil. He says, "Oil has been synonymous with mastery ever since."

Yergin traces the saga of petroleum and what it has meant in industrialized expansion in the 20th century. "Saddam Hussein," he goes on to say, "comes across as a rather ordinary player in his bizarre cast of heroes, villains, and screwballs." He says that World War I really established our dependence on oil and all that flowed from it into our society after that. He goes on to detail some of the things that have occurred in the world's quest for petroleum. I will quote from this article:

> A U.S. embargo prompted Japan's attack on Pearl Harbor while it reached for the oil riches of the East Indies. Hitler invaded the Soviet Union coveting the oil of the Caucasus. Both guessed wrong. U.S. oil fueled the allies. U.S. submarines and airplanes destroyed Japan's tanker fleet. Allied bombers crushed Nazi coal-gasification plants. Even so, Patton's tanks would have taken Berlin in 1944 had they not run out of gas.
>
> The CIA's first dirty trick sought to safeguard oil by reinstalling the shah in Iran, a gambit that triggered his hubris and ultimate downfall. Britain's Anthony Eden put all his chips in 1956 on seizing the Suez Canal to maintain the oil lifeline—and was humiliated when a miffed Eisenhower cut off his emergency oil supply. Sound the requiem for Victoria's empire and 19th century imperialism.
>
> Those who say we shouldn't fight in the gulf today reveal charming naiveté—and total ignorance of history. Oil is precisely what we do fight for. It remains mastery.
>
> As Yergin writes, "At the end of the 20th century, oil was still central to security, prosperity and the very nature of civilization."

He concludes by saying:

> That's why 400,000 Americans are bivouacked on the Saudi sands. It's why, unless Hussein backs down, we will send them into battle.
>
> There's nothing noble or moral about any of this. It's just that, until we develop new energy sources, we have no choice. We are trapped in an oil society we fashioned of ourselves. We are, as Yergin puts it, Hydrocarbon Man.

We are not talking about whether gasoline at the pump is going to cost $1.75 or $2 a gallon or even more. If that was the only issue, we probably could say we will pay that and avoid any conflict. But it goes far deeper than that, the issue is access to and control of some 71 percent of the world's oil.

We have another vital interest, it seems to me. We have the implication for long-term United Nations collective security actions. Will they be successful in the future? This is the first test of the United Nations in the post cold war era.

(Mr. CONRAD assumed the chair.)

Mr. GLENN. Another interest is our future relations with Arab nations and the hopes for Mideast peace.

Another concern is that Iraq already has chemical weapons of mass destruction and has not hesitated to use them, and is developing a nuclear capability. Finally there is our interest in the welfare of our friend and ally Israel.

All these issues need to be fully explained and examined, before the American people can be expected to give their assent and their commitment to military action.

Will the embargo work? We do not know yet. It has only been in operation for a comparatively short period of time.

I noted today a number of references to Director Webster's letter of yesterday to Congressman LES ASPIN. I put a different interpretation on that letter than do my colleagues who have today quoted Director Webster saying that sanctions would not work. That is not exactly what he said.

He was asked directly, "Do you think we will get Saddam Hussein out by this means,"; he doubted that and I doubt that, too. I could have written this letter. I am skeptical that an embargo alone would do the whole job, but no one can say for certain it will not. Even if it does not, it will undoubtedly leave Saddam Hussein and Iraq in a weakened condition for facing military action to force Iraq out of Kuwait.

Director Webster said that U.N. sanctions have shut off nearly all of Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact has varied by sectors. He said the ability of the Iraqi ground forces to defend Kuwait or southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months, which was the timeframe he had been asked to comment on.

But he goes on to say that Iraq's armored mechanized forces will be degraded somewhat from continued sanctions, the number of inoperable Iraqi armored and other vehicles will grow gradually, and the readiness of their crews will decline as Baghdad is forced to curb its trading activities.

He goes on in a later paragraph to say Iraq's air force and air defenses are likely to be hit far more severely than its army if effective sanctions are maintained for another 6 to 12 months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and conduct similar attacks on its neighbors.

Basically I read the Director's letter as saying that while we do not expect sanctions alone to make him yell uncle and pull out, we would expect them to weaken him before a military attack might have to take place.

Americans, more than most people around this world, are accustomed to near instant gratification. That is a problem for us. What we want, we want now. I want a new car. I want it now. I do not want to wait. We establish an embargo. We want it to work now. But embargoes take time. As has already been quoted here today, President Eisenhower asked: "Do we have the courage of patience?" That was in a different context. We could well ask that of ourselves today.

Certainly Iraq is an ideal embargo target. If the embargo ends in failure, we still have the military option. I will fully support that course at that time. I believe the Persian Gulf is that important. But to again loose the terrors of war, and the thousands of lives that hang in the balance, should not be the first resort.

Just saying that Kuwait was attacked or that hostages have been mistreated will not be much solace when flag-draped coffins of both male and female soldiers, sailors, marines, and airmen line up in the hangars in Dover, DE.

It seems to me that we have a situation that calls not a very lengthy delay, not for a delay into the indefinite future, but for letting the embargo have a greater chance to work.

I think the President still has a lot of explaining to do to the American people about the vital interests of the United States at stake in the Persian Gulf area.

This is necessary because Presidents do not go to war. It is the Nation that goes to war. And the people must understand and support the decision if we are to avoid disasters of the past.

I say keep the embargo on. For what length of time? Good question. I would make that decision based on intelligence estimates of whether the embargo is increasingly biting, is having an increasing effect on Iraq.

Can you base it solely on that? No. Obviously, there are going to be other factors. There is rotation of our military personnel to be considered. Do we activate all the Reserves? Do we institute a draft? What about weather factors? There are a number of factors here that impact on how long we let the embargo work.

But there is another problem of deciding when military action should start. January 15 has been used as a focal point date, but to me there is nothing automatic about January 15. The date when we would decide to take military action should be when we have the maximum military strength there, when our 430,000 people are there in place with their equipment. When combat starts, we must be ready and we must prevail with overwhelming military force.

Looking up some things the other day, I ran across this quote out of a book, "Lord Nugent's Memorial of Hampden." It was about John Hampden. He said he knew that "the essence of war is violence, and moderation in war is imbecility." I might put that in my own words and say in combat, moderation is self-defeating.

In other words, we want Iraq to know that we learned our lessons in Vietnam. This is not going to be a piecemeal approach, where our people get chewed up. We are not, we would say to Saddam Hussein, not Iran. There will not be human waves of 15-year-olds. This is the United States and our allies, with the finest firepower, the finest training the world has ever known, the world's most capable military power.

We do not want Saddam Hussein to be surprised. He should understand that our military are not trained to lay down their lives. They are trained to make opponents lay down their lives; the Iraqi President should understand that thousands of Iraqis will be at risk. Is that brutal? Yes; it certainly is, because war is brutal.

And that is the reason we would like to make certain that this embargo is given a chance to work—to get Iraq out of Kuwait or to weaken the opposition to the maximum extent possible.

Mr. President, I agree with President Bush thoroughly, completely, unequivocally on one thing; that is, Iraq will be out of Kuwait. That is not part of this debate, that is a given.

The glorious wars of the history books cannot erase the horrors of war up close and personal.

Along with other Members of this body, Mr. President, I have experienced war and combat. So when it comes to the 400,000 men and women we have sent to the sands of Saudi Arabia, I want to make one thing very clear: I say to Saddam Hussein and to every mother, father, sister, brother, friend, spouse, and fiance of our troops in the gulf, that while I do not want war any more than they do, if war comes, and the shooting starts, our Government will do whatever it takes to support and protect our people, and bring them home as quickly as possible.

The men and women of our Armed Forces have been my very first concern since this crisis began, and they will continue to be. And that is the reason I will vote as indicated when this issue comes before us on the floor.

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

THE GULF CRISIS

Mr. FOWLER. Mr. President, there is only one President of the United States, one Commander in Chief. And in foreign policy, particularly in crisis situations when time is of the essence and where it is vital we speak with a strong and united voice, it is the President who must be the primary spokesman and policymaker for our Nation.

Throughout this latest crisis in the Persian Gulf, I have urged support of American policy as proposed by the President, praising his prompt and resolute response to Saddam Hussein's aggression, his skillful diplomacy in putting together an unprecedented international wall of resistance to Saddam Hussein, his perseverance in putting into play political and economic sanctions to pressure Iraq.

In spite of misgivings about the change in administration strategy in November—the doubling of our troop commitment in Saudi Arabia and the transformation from defensive to offensive capabilities—I have continued my willingness to support a Presidential request for an authorization of offensive force, as long as the President provides evidence that our current course of economic and political sanctions cannot achieve our objectives, and that our allies are doing their fair share.

In my view, the formulation of America's response to international crises rests chiefly with the President, and I am sympathetic with the lament of the current and previous administrations that we cannot afford to have each of the 535 Members of Congress serve as Secretary of State. Similarly, the Commander in Chief must be in clear charge once hostilities begin.

As Republican Senator Arthur Vandenberg said in the Senate Chamber on December 8, 1941:

> I am constrained to make this brief statement on my own account, lest there be any lingering misapprehension in any furtive mind that previous internal disagreements regarding the wisdom of our policies may encourage the despicable hope that we may weaken from within. I have fought every trend which I thought would lead to needless war; but when war comes to us—and particularly when it comes like a thug in the night—I stand with my Commander in Chief for the swiftest and most invincible reply of which our total strength may be capable. It is too late to argue why we face this hazard. The record stands. The historians can settle that conundrum upon another day when we have finished with this task. For now, nothing else will be enough except an answer from 130 million united people that will tell this whole round Earth that though America still hates war, America fights when she is

> violated. And fights until victory is conclusive. God helping her, she can do no other.

There remains one area, however, where the President should not, and under the Constitution cannot, act without full congressional assent. This act commits our Nation to war.

And make no mistake about it, that is where we are today: We are on the brink of full-scale, all-out war, not a police action, not a limited reaction to attacks on American forces, not a rescue mission, not a response to an imminent threat to American lives, but war. The President, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff all have stated clearly and publicly that if and when we employ the force we are here to authorize today, it will be total war against Iraq.

The Founding Fathers clearly held, correctly in my view, that no one individual should have the capacity to take our country into war—thus the constitutional requirement for Congress to declare war: war with all its uncertainties, with all its costs in lives and resources, with all its consequences, known and unknown, must be the result of the collective will of our Nation's citizenry exercised through their elected representatives.

I have previously said on this floor that there is no more important responsibility facing a U.S. Senator than our votes on confirming Supreme Court Justices. I still believe that to be the case, for it is the only dispassionate accountability required of the judicial branch of our Government, whose decisions fundamentally affect the way Americans live, and work, and worship.

But the decision we face today, in essence whether to confirm the President's request for an authorization of war, is of the same magnitude, affording the best opportunity for accountability of the other independent branch, the executive, whose decisions in this case quite literally will affect the lives of thousands of young Americans, Iraqis, Kuwaitis, and others.

In preparing for this decision, I have looked to history to help provide some larger perspective. In reading about the First World War, I was struck by the prewar predictions of quick victory: the German general staff thought the war it helped start would be over in 4 months; the Russians were even more optimistic, looking for a victory in 2 or 3 months; the English and French also expected quick and relatively painless success. How wrong they all were!

I was also deeply impressed by the fact that, once the major powers began to mobilize their forces for war in late July and early August of 1914, they largely became the prisoners of their own mobilizations: There was a frightening, automatic-pilot quality to those last days of peace before the lamps went out all over Europe. The political decisionmakers found their options dramatically limited by train schedules, and by the real dilemma of whether to use the mobilized forces or to risk losing their capacity to act.

I also read the debates, in this Chamber, from August 6, 1964, on the Gulf of Tonkin resolution, spoken while I was a young infantry lieutenant at Fort Benning, GA, preparing for another war. Hear the words of Senator Javits of New York in that debate:

> What are we to look for from our allies in the way of assistance, aid, comfort, partnership, and the future implementation of the resolution? It is one thing to stand alone; it is another thing to stand with (the) seven other (SEATO) countries, three of them in the area, implementing a solemn commitment, which is just as binding on them as it is on us. I am sometimes inclined to agree with those who say that we cannot be the policeman or guardian of the whole world. We cannot lead it by the hand; we can be the linch pin; but what are we to expect from the others?

Or to the then Chairman of the Foreign Relations Committee, Senator William Fulbright of Arkansas:

> As to contributions by other members of SEATO, they have been too little * * * the question has been asked, "What are the others doing?" We were informed as late as this morning, and on other occasions in the past several days, that they are not doing very much.

or to Richard B. Russell of my State, one of the great Senators of American history:

> No one feels more deeply than I do about the fact that when the United States intervenes, many others who have equal responsibility have tended to say, "Let Uncle Sam do it."

These discussions of allied contributions could have been taken from today's newspaper. And in the case of Vietnam, once the fighting started in earnest, there arose an even greater distance between American policy and that of our SEATO allies.

Listen to Senator Russell once more:

> In the present circumstances, it will serve no useful purpose to debate the wisdom of our original decision to go into Vietnam. It is unnecessary for me to state that I had grave doubts about the wisdom of that decision. * * * No action whatever can be taken in the field of international relations in today's troubled world that does not involve some danger. But I submit to this body the view that I firmly believe there is much more danger in ignoring aggressive acts than there is in pursuing a course of calculated retaliation that shows we are prepared to defend our rights.

Or to Senator Fulbright once again:

> The point which I wish to make is that while we must be consistent in the objectives of our foreign policy, we must be flexible in the instruments we use to attain them. We must bear in mind that military force is not an end but an instrument, a dangerous and repugnant one which is never desirable but sometimes essential. It is equally unwise to assume that force must never be used and to assume that its successful use in one instance warrants its use in any or all others.

Objectives and means, the appropriate degree of response, the place of force in our foreign policy options, these are all issues which are at the heart of today's debate.

Parenthetically, in fairness, I must point out that the three Senators I just quoted supported the Tonkin Gulf Resolution, as did all but two of their colleagues, the exceptions being Senators Morse and Gruening.

But if my colleagues will indulge me for a moment, in addition to considering more recent history, I was also interested to read Thucydides' account of the fifth century B.C. Peloponnesian War, particularly his account, written shortly after the events he described, of the Athenian invasion of Sicily from 415 to 413 B.C.

The Peloponnesian War, primarily involving Sparta and its allies against the Athenian empire, had started in 431 B.C. But after 10 years of inconclusive warfare, a peace treaty was signed in 421 B.C., which lasted, after a fashion, until 413. So the Athenian expedition against Syracuse took place during a respite in "superpower" hostilities—another parallel to today.

Thucydides, in many ways the first historian who set high standards of objectivity in his work, reports the debate within the Athenian assembly over the proposed intervention in Sicily. Nicias, the cautious Athenian politician who had helped secure the peace treaty of 421 and who was very concerned about Athens overextending itself in Sicily, and Alcibiades, the ofttimes brilliant strategist and enthusiastic supporter of an expansive Athenian empire present the arguments.

> Nicias: It is true that this assembly was called to deal with the preparation to be made for sailing to Sicily. Yet I still think that this is a question that requires further thought—is it really a good thing for us to send the ships at all? I think that we ought not to give such hasty consideration to so important a matter and on the credit of foreigners get drawn into a war which does not concern us * * * What I am saying is this: In going to Sicily you are leaving many enemies behind you, and you apparently want to make new ones there and have them also in your hands. * * *
>
> We should also remember that it is only recently that we have had a little respite from a great plague and from the war, and so we are beginning to make good our losses in men and money. The right thing is that we should spend our new gains at home and on ourselves instead of those exiles who are beginning for assistance and whose interest it is to tell lies and make us believe them, who have nothing to contribute themselves except speeches, who leave all the danger to others and, if they are successful, will not be properly grateful, while if they fail in any way they will involve their friends in their own ruin. * * *
>
> If any one of you is sitting next to one of his (Alcibiades') supporters, do not allow yourself to be brow-beaten or be frightened of being called a coward if you do not vote for war. Do not, like them, indulge in hopeless passions for what is not there. Remember that success comes from foresight and

> not much is ever gained simply by wishing for it. Our country is now on the verge of the greatest danger she has ever known. Think of her, hold up your hands against this proposal.
>
> Alcibiades: Do not change your mind about the expedition to Sicily on the grounds that we shall have a great power to deal with there. The Sicilian cities have swollen populations made up of all sorts of mixtures, and there are constant changes and rearrangements in the citizen bodies. The result is that they lack the feeling that they are fighting for their own fatherland; no one has adequate armor for his own person. * * * The chances are that they will make separate agreements with us as soon as we come forward with attractive suggestions, especially if they are, as we understand is the case, in a state of violent party strife. * * *
>
> There seems to be, therefore, no reasonable argument to induce us to hold back ourselves or to justify any excuse to our allies in Sicily for not helping them. We have sworn to help them, and it is our duty to help them, without raising the objection that we have had no help from them ourselves. The reason why we made them our allies was not that we wanted them to send us reinforcements here, but in order that they should be a thorn in the flesh for our enemies in Sicily, and so prevent them from coming here to attack us. * * *
>
> Remember, too, that the city, like everything else, will wear out of its own accord if it remains at rest, and its skill at everything will grow out of date; but in conflict it will constantly be gaining new experience and growing more used to defend itself, not by speeches, but in action.

Alcibiades prevailed in this debate, but Nicias made one last attempt to dissuade the Athenian assembly by presenting his assessment of the large force which would be necessary to successfully prosecute the invasion.

> Nicias: To deal with a power of this kind we shall need something more than a fleet with an inconsiderable army. We must have in addition a large army of infantry to sail with us, if we want our actions to come up to what we have in mind. * * * It would be disgraceful if we were forced to retire or to send back later for reinforcements owing to insufficient foresight to begin with. We must start, then, with a force that is large enough for its task, and we must realize that we are going to sail a long way from our own country on an expedition very different from any of those which you may have undertaken against any of your subjects in this part of the world, when you have had your alliance to fall back on and when supplies have been easy to obtain from friendly territory. Instead of this, we are cutting ourselves off from home and going to an entirely different country, from which during the four winter months it is difficult even for a messenger to get to Athens.

The Athenian assembly, as we now know from 400 years before Christ, confounded Nicias' plan by approving the larger expedition, and then naming him and Alcibiades as two of the three commanders of the mission. It is now also recorded that the Athenian expedition met disaster 2 years later, though historians still debate why this happened: Whether because of leadership failures, or excessive timidity in military tactics, or underestimating the foe, or some other factors. But Thucydides' summation echoes down the centuries, regardless of what produced the result:

> This was the greatest Hellenic action that took place during the war, and, in my opinion, the greatest action that we know of in Hellenic history—to the victors the most brilliant of successes, to the vanquished the most calamitous of defeats; for they were utterly and entirely defeated; their sufferings were on an enormous scale; their losses were, as they say, total; army, navy, everything was destroyed, and, out of many, only few returned. So ended the events in Sicily.

Mr. President, in conclusion, I do not attempt to draw close parallels with events of the past. There are not clear analogies between the classical Greek world of the 5th century B.C. and the late 20th century, and I am not for a moment suggesting that our forces would suffer the Athenians' fate.

Indeed, I have every confidence that our military would prevail in any conflict it enters into with Iraq. No, the lesson is, first and foremost, the uncertainties of war, as true when the European powers had plotted a short, decisive war in 1914, as in 1964 when we sought no wider war in Vietnam, or in 415 B.C., when Athenians dreamed of glory on a far-off battlefield. In none of these cases did those who planned the conflict foresee the ultimate cost in blood or treasure or the long-term consequences of their actions.

So as we stand here today deciding on whether or not to go to war, now let us remember these cautionary tales from the past, not because we are doomed to repeat them but because they do remind us that war, all-out war, should not be entered into lightly even if our best guesses point to swift and near certain success.

Is war with Iraq justified? Absolutely, yes. The Iraqi invasion and occupation of Kuwait was a blatant act of aggression and an affront to the international community of civilized nations, thus justifying an international response.

But there is a difference between a war being just and a war being prudent or necessary or immediate. What would determine whether this war was necessary and prudent? Given the highcosts and uncertainties of war, I believe the answer is, we should choose the war option only when other less costly, less risky alternatives such as the use of economic and political sanctions are shown not to be able to achieve our objectives.

One way or another, sooner or later, Saddam Hussein, who is after all mortal, will leave the scene. So our long-range policy goals should not be shaped by a reaction to this one venal man.

What if we go to war with Saddam Hussein on January 15 or 16, defeat and destroy him and Iraq in 3 weeks, with relatively few casualties? Will our long-range position in the gulf and regional stability be guaranteed or undermined in the aftermath of our military victory?

What if, after our victory over Iraq, the Arab masses throughout the Middle East perceive our successful war as an instance of Americans invading Arab land and killing Arabs, and they hold their own nondemocratic governments to blame for supporting us? What if, after our military victory, the Iranians, the Syrians, and the Turks, all press for immediate and favorable resolution of their border disputes with a badly weakened Iraq?

What if, after our military victory over Iraq, the Kurds in Iraq obtain, formally or informally, autonomy or outright independence and exert a possibly destabilizing influence on their fellow Kurds in the neighboring nations in the Middle East? What if the American and possibly other forces necessarily left behind to secure the new status quo in Iraq and the Arabian Peninsula are subject to frequent terrorist attacks, at a minimum?

What if a devastated Iraq, facing potential starvation, is increasingly subject to the appeal of Islamic fundamentalism as a response to its total defeat?

Should not we, the United States of America, maintain our military threat, let the world know—as all of us are doing on all sides of this debate—that military threat remains our option, that it will be used if all else fails? But should not we try all else and begin debate on what happens after we win and not look at this in terms of 3 days or 5 days or 7 days, when these overwhelming questions have achieved no attention in the public debate or an discussion from the executive branch?

It is obviously my conclusion that now is not the time to lead with our military option. Surely we can be more tough-minded than that.

We must not become, as did the European leaders in 1914, prisoners of our own force mobilization. We must not embark on a military offensive in support of international goals where the cost and risk is so overwhelmingly borne by us alone.

Need I remind us that once the fighting starts it is unlikely we will be able to equalize this disparity? Ninety percent American forces—90 percent of the fighting forces are American. Once our fighting starts, our allies will conclude, rightly, that once we have committed American lives to the fighting we certainly will not refuse to provide for them.

Above all, we must not embrace the war option with its inherent and unforeseeable risks, unless we have concluded that other policy options—in this case the international political and economic sanctions against Saddam Hussein—cannot succeed in driving him out of Kuwait.

I am not one who believes—and with this I conclude, I say to my friends who have been patient—I am not one who believes that it is never appropriate for the United States to use armed force to protect our interests. Quite the contrary, in the 14 years that I have served in the United States Congress I have backed American military deployments in Grenada, in Panama, in Lebanon, and the ongoing defensive deployment in Saudi Arabia.

At this moment I believe the President has the inherent right to use force if necessary to respond to military or terrorist attacks upon the United States and our interests or to imminent threats to American lives.

A military offensive to liberate Kuwait may well become necessary. It may well become out Nation's only option. I would and will support such an option if two conditions are met: evidence that sanctions will not do the job, as I said, and equitable burden-sharing by our allies in this fight. But let the world know that the American people are of one mind and one voice when it comes to resisting the naked aggression of all the Saddam Husseins of the planet. We will continue to vigorously enforce sanctions in order to continue weakening his outlaw regime and to continue denying him any benefits from his occupation of Kuwait.

At present, in my opinion, we should do everything short of immediately initiating a war to achieve our just aims. And if all else fails, then that option will be exercised.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION

Mr. WARNER. Mr. President, on behalf of a bipartisan group of Senators, myself, Mr. LIEBERMAN, Mr. STEVENS, Mr. ROBB, Mr. HEFLIN, Mr. DOLE, Mr. SHELBY, Mr. DANFORTH, and others, I lay before the Senate a resolution in support of the President, in support of the constitutional process, and in support of the United States continued participation in and leadership of the U.N. policy in the Persian Gulf.

I ask this resolution be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Joint resolution to authorize the use of United States Armed Forces pursuant to United Nations Security Council Resolution 678.

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990; and

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression; and

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored; and

Whereas the U.N. Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the U.N. Charter; and

Whereas, in the absence of full compliance by Iraq with its resolutions, the U.N. Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution.

SECTION 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Mr. WARNER. Mr. President, quite simply, this joint resolution, unlike Senate Joint Resolution 1 laid before the Senate yesterday by the distinguished majority leader, Senator NUNN and others, recognizes that a continued credible threat of military force is an essential ingredient if we are ever to attain the goal of requiring Iraq to withdraw immediately and unconditionally from Kuwait and to fulfill the goals of the United Nations resolutions.

While many of those who have spoken in support of Senate Joint Resolution 1 have attempted to claim they support the President's policy in the Persian Gulf, and that their only difference with the President is over the matter of timing of the use of military force, that is simply, in my judgment, not the case. Senate Joint Resolution 1, if enacted, would decouple from economic sanctions and all other peaceful and diplomatic initiatives the essential ingredient of the U.N. policy; namely, the credible threat of military force linked with the sanctions. Our resolution provides the President with all of the elements necessary to see that the U.N. goals are achieved.

Let me explain briefly what this resolution seeks to achieve. This resolution, which is identical to a bipartisan resolution being considered by the House of Representatives, would provide the President with the authorization of Congress to use the United States Armed Forces pursuant to U.N. Security Council Resolution 678 to achieve implementation of the other 11 U.N. Security Council resolutions pertaining to the invasion of Kuwait by Iraq.

However, before the President could exercise the authority in this resolution, the President would first have to determine and notify the leadership of the Congress that the United States has used all appropriate diplomatic and other peaceful means to obtain compliance with the U.N. Security Council resolutions and that those efforts have not been and would not be successful in obtaining such compliance.

Mr. President, the sponsors of this resolution believe that we have now presented the Senate with a clear choice: Do we support the President's policy of actually achieving the clear objectives of the U.N. Security Council in the Persian Gulf, or do we repudiate the President, repudiate U.S. policy, and repudiate the United Nations?

It is important to note the reasons we believe our approach is the right one.

Proponents of Senate Joint Resolution 1 assert that Iraq is uniquely susceptible to economic sanctions and that we should give those sanctions more time. It may be correct that Iraq is unique, but the best evidence available to the United States and its allies and, indeed, to the U.S. Senate, in my judgment, shows that it is not so unique that economic sanctions, standing alone, will reverse Iraqi aggression in Kuwait.

As CIA Director Webster stated in his letter to the chairman of the House

Armed Services Committee, dated January 10 of this year:

> Our judgment remains that, even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq.

Today the Senate, in room S–407 of the Capitol, at the request of myself, the Republican leader, and others, and indeed joined in by the distinguished majority leader, presided over by the chairman of the Intelligence Committee, the Senator from Oklahoma [Mr. BOREN] received much the same information in a greatly expanded version and had the opportunity for questioning by the more than 60 Senators present.

The proponents of Senate Joint Resolution 1 say, more time but no authorized threat of force. We say, time without threat of force is of no value and may, indeed, be counterproductive to the U.N. coalition and its forces.

The proponents of Senate Joint Resolution 1 say, more time, and we ask, how much more time? And then a silence ensues.

The proponents of Senate Joint Resolution 1 say, they support the President and his policy, but they just wish to give sanctions alone an idenfinite chance. We believe that peaceful means have a far greater chance of success now if there is no doubt that other means are authorized, including the use of force.

Mr. President, we all hope, and, indeed, we all pray that there be no further acts of aggression, no more bloodshed in the Persian Gulf. We all hope and pray that Saddam Hussein will understand that he must withdraw from Kuwait. The sponsors of this resolution, however, believe that we as a nation must stand together with the President if Saddam Hussein is to clearly and unequivocally get that message. This fact, if there is to be any truly peaceful, long-term solution to this crisis has to be made unequivocally clear.

I urge each of my colleagues to give deep and serious thought and consideration to the issues before us, as we are doing, and to support this resolution, which today is laid before the Senate.

We wish the Secretary General of the United Nations the best of good fortune, but in this 11th hour, no message, no messenger can be more decisive than a decisive action by the Congress of the United States in support of the President and the United Nations.

If we fail, if a conflict ensues, future generations will search for evidence to answer the question: Could bloodshed have been avoided had Congress acted in support of the United States and the United Nations? I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey. The Senator from Kansas was seeking recognition.

Mr. DOLE. I will take 30 seconds.

Mr. LAUTENBERG. I yield to the minority leader.

Mr. DOLE. Mr. President, I want to say the resolution that will be introduced, once we have an agreement, is the resolution that we indicated last evening that we would be putting forward. I have indicated to the majority leader privately that we would be prepared to do this. I am pleased, as pointed out by the Senator from Virginia, that it is identical to the bipartisan resolution offered in the House, the so-called Solarz-Broomfield-Fascell resolution. It is identical to the House version. We hope that colleagues on both sides will take a hard look at this resolution. Even some who may be supporting the Nunn-Mitchell resolution, if that should be defeated, may want to support this resolution. I thank the Chair, and I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

THE DECISION TO WAGE WAR: A GRAVE DECISION

Mr. LAUTENBERG. Mr. President, I rise to join the debate to help resolve the question on whether or not the Congress should vote to give the President authority to lead our Nation into war now or whether we should give the policy of economic sanctions, coupled with the threat of force, more time to work.

Mr. President, as an aside, I am committed to the Mitchell-Nunn amendment, but I would be more than willing to look at any proposals that are offered so that we can, in good conscience, make the clearest decision for each one of us.

The decision of whether to commit our Nation to war is one of the most difficult, complex, and wrenching ones that a nation can make. The stakes are enormous. It cannot be overstated. This vote could mean the difference between life and death for thousands of American and allied soldiers. It could alter the lives of families and friends forever. It could fundamentally change the shape of the post-cold-war world and America's place in it.

Because the decision to wage war or seek peace is the gravest decision a nation can make, I have thought long and hard about what the right course of action should be at this time. I have carefully reviewed the expert testimony presented to Congress on this issue, and have received my own briefings from administration experts. I have listened at length to the concerns of my constituents and discussed the problem with my colleagues. I have thought carefully about my own experiences as a soldier in World War II and the outcome of our Vietnam involvement.

I even traveled to the gulf in August, 3 weeks after the invasion, to make my own assessment of what we faced in the region.

As the father of a son of draft age, I have tried to put myself in the place of parents whose children today sit in the sands of Saudi Arabia. I have tried to answer whether I would be willing, at this point in time, and given our other options, to take the risk involved on the battlefield to achieve our aims. And in thinking of my son, I am thinking of all those other sons, daughters, spouses, relatives and friends who could be called to fight, and perhaps die, if we go to war.

While we must always be prepared to defend our vital national interests, we cannot detach ourselves from the human costs involved in this decision.

After careful thought, I have come to the conclusion that the most prudent and effective course at present is to give the sanctions, coupled with a readiness to go to war if necessary, more time to achieve Iraq's withdrawal from Kuwait.

Mr. President, in deciding to give the sanctions more time to work, I want to make it clear that I do not rule out going to war when and if the sanctions have run their course without producing the desired result. I simply believe that based on available evidence, going to war is not the wisest, most effective policy today.

For these reasons, I support and have cosponsored the Nunn-Mitchell, et al. resolution.

Mr. President, this resolution puts Congress on record in favor of giving economic sanctions more time to work before concluding that they will not be sufficient to dislodge Saddam Hussein from Kuwait. It also requires the President to seek congressional approval before going to war, and authorizes the President to use force to protect United States forces, enforce the embargo, and protect Saudi Arabia.

I believe the policy expressed by this resolution charts a wise course between those who want Congress to simply give the President an open ended authorization to use force once we have passed January 15 and those who would rule war out totally. This resolution concludes that now is not the right time to go to war, while preserving clearly our option to go to war at a later point.

Some have suggested that by refusing the President the authority he seeks to go to war, we are undercutting him at a critical time, and giving aid and comfort to Iraqi intransigence.

But the hand of the President will be considerably stronger if he decides to wage war against Iraq after having secured the support of the Congress, as representatives of the American people, than if he goes to war without it.

We each have our constitutional responsibility. Each Senator must examine his or her own conscience and determine what is the best course for the country to follow, as he or she sees it. We cannot be guided, in this weighty decision of war and peace, by anything other than what our best judgment tells us is the right course.

In deciding whether the use of force is appropriate to resolve conflict at any given point, it is important to evaluate such proposed action in light of general criteria that we believe are relevant.

Question: Is the issue at stake demonstrably vital to U.S. security interests?

Do we have clearly defined and agreed-upon political and military goals?

Have all other means to resolve the dispute been exhausted?

Are the American people committed to the use of force?

Is the Nation willing to commit the resources necessary to achieve our objectives?

Has Congress, representing the American people, fully explored the issues and met its constitutional mandate to approve the use of force?

Careful consideration of these criteria leads me to the conclusion that while force may ultimately be required in this situation, given our vital national interests, it is not the only alternative at this particular point in time.

Mr. President, there is no question in my mind that we have vital national interest at stake in this conflict.

There can be little doubt about Hussein's aggressive intentions, or his willingness to use force to achieve his boldest aims. His invasion of Iran in 1980 and Kuwait in 1990 made it crystal clear that the civilized norms of international behavior are no brake on his ambitions.

Today, with his million-man army, his biological and chemical weapons, and his budding nuclear capability, Hussein's eyes are turned on the spoils to be found in the Middle East. But if his invasion and occupation of Kuwait are not reversed, he will surely look further afield.

And, if his aggression stands, he will have won not only the ability to control the oil resources of Kuwait, but by intimidation or outright force, those of the rest of the gulf. Think of the military arsenal he could build with a stranglehold on almost half the world's oil.

Saddam Hussein already possesses weapons of mass destruction and has demonstrated a willingness to use them against enemies and his own population. We have all heard his threats. He has said that he would torch half of Israel with binary chemical weapons. He used poison gas against his own Kurdish citizens, causing over 5,000 civilians to die. He has shown that he will stop at nothing to punish dissent or perceived disloyalty in his population, including torture and murder of children to punish their parents.

Today Hussein's sights are set on domination of the Arab world. But his possession of biological and chemical weapons, and his relentless drive to acquire a nuclear capability, threaten the safety of the entire world. Today, this tyrant is content with Kuwait. But tomorrow, no one knows.

Further, because this crisis is the first of the post-cold-war world, how we deal with it will influence how we are able to deal with future aggression.

If sanctions succeed in reversing Hussein's aggression, we will have set a powerful precedent for the peaceful resolution of crises through concerted international action.

Finally, we also have a vital national interest in preserving the continued flow of oil. I am not talking about the price at the gas pump when I refer to oil. Oil is the single most important commodity in the industrial world. Its assured supply is essential to the functioning of our society, and to the health of the world economy.

If Iraq is allowed to get away with wanton aggression, it could be in a position to control the oil resources of the entire gulf through intimidation if not outright conquest. We would cede to Hussein the right to dictate the price and availability of roughly half the known oil reserves in the world, giving him inordinate power over the destinies of not only the United States but the entire world.

Such control would simply mean the unavailability of the fuel we use to warm our homes, to bring our harvest to market, to keep our hospitals and our institutions operating, and our economy functioning. Even if we are able to deal with the higher oil prices ourselves, such higher prices would have a pervasive and detrimental effect on the economies of our trading partners and developing countries.

So for me, Mr. President, the first test has been met. America does have vital national interests at stake.

Mr. President, there is broad agreement in the Congress on the President's overriding goal of reversing the Iraqi invasion and occupation of Kuwait. Further, we appear to have moved toward consensus on other political and military goals as this crisis has progressed. These include reducing Saddam Hussein's future warmaking capabilities, setting a precedent in the post-cold war era that aggression will not be tolerated and preventing Saddam Hussein from gaining control of almost half the world's oil resources which could cripple our world economy and enable him to continue to build an even more threatening arsenal.

Mr. President, the fact that we have not exhausted all means other than force to resolve the dispute compels me perhaps more than any other consideration to believe that we ought not to authorize the President to go to war at this time. Despite the belligerence of Iraq and the failure of diplomacy in Geneva, I believe that we have to give international economic sanctions backed by force and readiness and the promise of diplomacy more time to work.

We have heard from the military experts, people like Adm. William Crowe, Gen. David Jones, former Chairman of the Joint Chiefs of Staff, former Defense Secretaries, James Schlesinger, former Defense Secretary Cap Weinberger, and the respected chairman of the Armed Services Committee, Senator SAM NUNN, among others, all of whom have stated their belief that we ought to give sanctions a chance to do their damage before making a decision to go to war against Iraq. Each day they remain in place Iraq's military capability is degraded and it becomes less able to withstand military attack.

Historical analysis of the use of economic sanctions suggests that they can be effective over time in forcing the withdrawal of Iraqi troops from Kuwait. The prospects for the success of sanctions against Iraq are considerably higher than in previous international efforts because of the unprecedented coverage of sanctions which cover virtually all of the Iraq's trade and finance, and the strong commitment to these sanctions by the global community.

Sanctions have rarely been applied in such a comprehensive manner, even in wartime. All of Iraq's oil exports, which provide 90 percent of its foreign exchange, have been cutoff. Iraq has been forced to forfeit $1.5 billion in foreign exchange earnings each month since the embargo was put in place. Iraq's hard currency reserves essentially to pay for smuggling are running out. Iraq is unusually vulnerable to economic coercion like this because crude oil represents 90 percent of its total exports. It is easily monitored and easily interdicted.

This squeeze on Iraqi income facilitates enforcement of the embargo since smugglers do not take credit and do not charge full price. Denied critical inputs like fuel additives, Iraq's economy is slowing down. Iraq is clearly beginning to feel the economic consequences of its international isolation. Its factories are shutting down, and its productive capabilities have been impaired. Recent press reports confirm that the Iraqis across the board are feeling the pinch of the embargo. They indicate that Iraq is encountering increasingly serious shortages in the government food rationing program that has helped Iraq sustain its defiance of the U.N. embargo.

Since September Iraqi families have suffered a 25 to 50 percent decline in the amount of basic food items they can get in government stores with their ration coupons. With the reduction of government food supplies more and more Iraqi families are being forced into the open food market where prices of basic food items are seven times higher than they were at the outset of the crisis. Shortages of rice, sugar, and milk have become more apparent.

The strongest indication of a looming food crisis was a government announcement in late December that all excess supplies of sugar and flour on the open market were to be confiscated by Iraqi authorities administering the rationing program.

Further attempts to blunt the embargo impact through farming have not been successful. Our own CIA believes that the embargo will degrade Iraqi military readiness. The CIA Director Webster told the Congress the international boycott is likely to seriously affect the Iraqi Air Force within 90 days, and to degrade to a somewhat lesser extent other Iraqi military forces over a period of time of 9 to 12 months.

Former Chiefs of Staff Crowe and Jones have testified before the Senate Armed Services Committee that the embargo will stop the flow of spare parts to the military and that within 9 to 12 months the operation too of Iraqi planes and tanks would be seriously impaired. The longer the embargo lasts the less able Iraqis will be able to defend their army in Kuwait.

Mr. President, it is true that we do not know at this point if our policy of adhering to economic sanctions will achieve our goals, but one thing is quite clear. If we go to war now we will never know. There is no guarantee that a war would achieve our goals either or what the costs would be in human lives.

Mr. President, I will ask unanimous consent that an article that appears in today's Philadelphia Inquirer appear in the RECORD as if read in full.

I will just make some reference to it, Mr. President because very frankly, many of us in this Chamber sat in a room where we were to be briefed on the latest intelligence information as gathered by our State Department or by our Defense Department. We were never able to get any kind of a suggestion as to what the casualty toll might be.

But here in this Philadelphia paper today it tells us a story. In a one-story factory building in Philadelphia's Port Richmond section, workers, who usually make bedsheets for babies, are busy filling the rush order material for 16,099 body bags for soldiers who may die in Operation Desert Shield. "I hope nobody has to use these." They quote the individual and an employee as he inspected the olive-colored rubber-coated material that will be sewn into the Government's standard 7-foot, 10-inch bags that store human remains.

The article goes on to say, "I asked why it was such a crazy number. Why not 16,000, or 17,000? Why an odd number like 16,099?" It said a Defense Department supply officer said the order was based on a computer model of how many U.S. deaths might occur if shooting broke out in the Persian Gulf.

Mr. President, I ask unanimous consent that the excerpt be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> "I asked why it was such a crazy number. Why not 16,000 or 17,000?" said Hugh Blaha, vice president of C.R. Daniels, an Ellicott City, Md., firm assembling 8,200 body bags in its Tennessee factory. The Defense Department official "said that it was based on computations that were made and that this was the number that they needed," Blaha said.

Mr. LAUTENBERG. Offensive military action could cripple our access to gulf oil. If we attack Iraq, the Iraqis might in turn attack and destroy Kuwaiti and Saudi oil facilities.

Further, it is possible that military action to "free" Kuwait could actually result in its total destruction. With some half million Iraqi troops presently in or near Kuwait, in well fortified defensive positions, a quick military strike may not be realistic. It may require a longer, more drawnout conflict to achieve the desired goal, destroying whatever remains of Kuwait in the process.

Going to war at this time could fracture the international coalition we have so painstakingly constructed. Our allies are not united on the wisdom of pursuing such a course, by any means, and some of them might even switch sides in the event of hostilities. The probability that Israel would wind up fighting alongside of us in the fight to liberate Kuwait increases the possibility that Arab opinion would turn against our effort.

If America attacks Iraq, Iraq's Foreign Minister Aziz has stated in absolutely clear terms that Iraq would attack Israel, bringing Israel into the war on the side of the United States coalition. A highly destructive war, fought by American and Israeli forces, with many Arab casualties, may unleash a wave of anti-Americanism that hurts our long-term interests in the Middle East.

Mr. President, if we propose to fight a war, then the American people have to clearly support the use of force. They have to believe that the good of the Nation warrants the risk of the lives of their children, spouses, and parents. In my view, this test has not yet been met. Americans are divided over whether to go to war after January 15, or to give sanctions more time to work.

A new Washington Post-ABC poll found that 63 percent of Americans favor going to war with Iraq to force it out of Kuwait at some point after January 15. But the same poll shows that when asked if they support such a war if it means 1,000 to 10,000 Americans would die, the majority of those polled oppose the war.

And if the American people are divided at the outset on the wisdom of embarking on war, before a single shot has been fired, they almost certainly will be less supportive when the casualties start to mount.

The fifth test is our willingness—the President's and that of the American people—to commit the resources needed to do the job, and the wisdom of such a course, given the impact on our society and economy.

The President appears willing to underwrite any price for Operation Desert Shield, given the massive deployment of over 400,000 people in the gulf and his request to the Congress to authorize them to go to war. What he has not said is where we are going to find the funds, estimated to cost over $30 billion during the coming year, without firing a single shot. What he has not spelled out is how he will explain to the American people why we are not only contributing the large majority of soldiers, but paying most of the bills for fighting in the desert as well.

Recent reports suggest that the budget deficit in the coming fiscal year will exceed $300 billion and might even reach $400 billion. While our Nation's security can never be mortgaged, the costs of Operation Desert Shield must be seen in the context of our ailing economy and the need to provide for urgent domestic needs.

Will the American people be willing to finance the cost of Desert Shield when they realize that Saudi Arabia will make $52 billion more from oil in 1991, or $143 million more per day as a result of this crisis, but has contributed less than $1 billion in cash and material support to Desert Shield through the end of November?

Will they be willing to shoulder this crushing burden when they realize that the Saudi contribution represents less than 7 days of total Saudi oil revenue windfall?

Will they be willing to pay when they realize that Germany and Japan are much more dependent on gulf oil than are we, but have refused to pay their fair share of the burden of defending the gulf against Iraqi aggression?

Will they be willing, when they realize that not only are Americans being asked to shoulder the lion's share of the financial burden but are being asked to do the lion's share of the fighting as well?

I am not saying that we should forever wait on the sidelines to defend our national interests because our allies and friends have not come forward. But I am saying that the American people's perception of how fairly the burden is being shared will affect their support for embarking on the path of war.

Mr. President, a final consideration in deciding whether to use force is whether the President has sought and secured the approval of the Congress to do so.

Before the President commits the country to war, he must, under the Constitution, seek congressional approval and he should, as a matter of common sense, seek that approval in order to assure that the Nation is behind him.

Congress is not the only final arbiter of what is right or wrong in international affairs, but Congress is charged with the solemn responsibility of declaring war. And in this, we are the representatives of the American people. We represent the collective wisdom, the views, and the common sense of those who elected us. We are their voice and their vote in the councils of power. We are their proxy.

It is my responsibility to every New Jersey family and every American family to make sure that before we risk the lives of our beloved American soldiers any further, we have exhausted every option that has a reasonable chance to achieve our goal.

It is my responsibility to ask if I would be willing to send my own child to war in the gulf at this juncture before I send anyone else's child to war. And it is my responsibility, as one who has fought a war, and experienced first hand the terrible loss and sacrifice that is asked of our soldiers and of a nation that commits itself to war, to determine whether such a course is justified at this time.

Now is the time for the Congress to speak its mind. It would be folly for the President to commit to a war without a national debate and congressional approval to do so. When the going gets rough, he will want and need Congress behind him. The decision to go to war was vested in the Congress by the Constitution, so that the decision to risk American lives would not be made by one person, but rather by many, by people elected by our citizenry and answerable to them.

Mr. President, I want to stress that the Nunn-Mitchell resolution does not rule out going to war at some point down the road. It merely expresses the view that we ought to give the economic sanctions, coupled with the threat of war and the possibility of diplomacy, more of a chance to work before we have concluded that they have failed.

Mr. President, one novelist has written that the strongest of all warriors are these two: Time and patience. We are asked on the floor by colleagues what kind of a message it is that we are sending to those who are now onsite in the Persian Gulf, and I think the message that we are sending is that we are behind you, that we are trying to protect your lives and your wellbeing, and we are also sending a message to American families across the country that before we take the risk, we are going to exercise every option available.

Mr. President, I hope the Senate will support the Nunn-Mitchell resolution.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

OPERATION DESERT SHIELD

Mr. BURNS. Mr. President, maybe a little fall on the ice was good for me because I have had the opportunity to listen to almost all of the arguments made here over the past few days. The arguments for and against giving the President—my President, your President—of these United States of America the kind of support he needs to bring the Middle East situation to resolve.

Let us sum it up. I hope Saddam Hussein watched this whole debate because it was pretty clear to me that almost every man and woman in this Congress believes very strongly that Iraq should get out of Kuwait. There are honest and varied differences on the best method to attain that goal. But we are united in a common goal.

Let us use some good old common sense. How many in this body who have ever aspired to be President—and believe me there are a number of them—would do anything different than what the President is doing this very moment if they were faced with this dilemma? President Bush has established and proven himself as a leader among leaders in dealing in the international community. What he has done thus far is unprecedented in the annals of man. I believe in President Bush, and the American people believe in him. If we do anything to threaten his standing in the international community, we will have done the American people, not just President Bush, a great injustice.

At this juncture, I know that President Bush will not commit this country to war unless he is convinced that neither sanctions nor further diplomacy will work. I believe that we need to give him the ammunition he needs to convince Iraq to withdraw from Kuwait. That ammunition includes an authorization to use force if need be.

I have heard the opinions of many prominent names from the past quoted during this debate. I appreciate the service that they have given this country, but I am not going to stake the future of this Nation on their judgments alone. We have others, current administration officials, who have their fingers on the pulse of this situation, who disagree with many of these former officials. We have had a number of briefings on the gulf situation from Secretary Baker and Secretary Cheney. The facts are there folks, and I firmly believe that the time to stop Saddam Hussein is now.

If we fail to stop Hussein now, what will we do when he has nuclear weapons? If we do not stand against Saddam Hussein's aggression, we risk losing the opportunity for a new world peace. But if we do give the President the authority to stop Saddam Hussein now, it will be as Vice President QUAYLE has said, "others will draw the lesson that might does not make right and that aggression will not be allowed to succeed."

It is often said that those who either forget or ignore history are doomed to repeat it. In light of that, I ask only two questions.

First, is Saddam Hussein out of Kuwait or even considering getting out of Kuwait? I do not believe that this veteran of Middle East confrontations has any intention of ever yielding to world opinion let alone the opinion of the United States. This is not a man who yields to pressure. History has shown us that.

Second, will sanctions really work? Have sanctions ever been 100 percent effective in achieving a foreign policy goal of this magnitude. I have never heard anyone claim that they have. I have heard that the sanctions imposed against Iraq are more successful than others have been in the past. Sanctions will only work if they are air tight. They never have been, they are not now, and they never will be in my opinion. In fact, as time goes on, there will only be bigger leaks and more of them.

Finally, the most compelling argument for the President's position yesterday was that of Senator COHEN of Maine. We either deal with Saddam Hussein now at a cost no one can estimate or deal with him later at an even greater cost. This is a lesson of history that we must not ignore of forget. I have heard many draw parallels to Vietnam. The lesson I draw from Vietnam is that an indecisive response leads to greater loss of life.

President Roosevelt did not want war. President Truman did not want war. And President Bush does not want war. I do not believe there is a single person in this town who wants anything that resembles war. To me, American lives are faces and friends. It is a terrible way to settle disputes. There are no winners and lots of losers. However, recent history teaches us that a strong policy in strong hands is the greatest deterrent to armed conflict.

I shall vote to give the President the authority he needs to deal with the situation in the Middle East. To do anything to the contrary will destroy the coalition that was so masterfully put together by our President and his administration. To do anything to the contrary puts peace at risk. That is not a risk I am willing to take.

Several Senators addressed the Chair.

The PRESIDING OFFICER. In the opinion of the Chair, the Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. STEVENS addressed the Chair.

Mr. KENNEDY. Mr. President, I am recognized; am I not?

Mr. STEVENS. I suggest the absence of a quorum, Mr. President.

Mr. KENNEDY. Mr. President, I do not yield for that purpose.

The PRESIDING OFFICER. In my opinion, the Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

URGING CONTINUED SANCTIONS AND DIPLOMACY IN THE PERSIAN GULF

Mr. KENNEDY. Mr. President, President Bush is marching this country toward a senseless and unnecessary war. It may well be that only the U.S. Senate can stop him now.

The United Nations is willing to let America go to war, because the United Nations will not have to fight the war, or fill the body bags that will be returning to the United States.

We will not know for sure until the votes are cast tomorrow, but the House of Representatives has apparently acquiesced in war, for reasons that are difficult to comprehend.

So now the issue of war or peace is in the lap of the Senate of the United States.

One reason that our democracy works as well as its does is that the House and Senate can take opposing views of what the national interest is. In the all-important decision that our democracy is about to make, President Bush cannot go to war unless he has the consent of both the Senate and the House.

In the many months ahead, there will still be ample opportunities left for war, if all peaceful efforts fail. But if the U.S. Senate votes for war tomorrow, there may well be no time left for peace.

It has never been the Senate's role to be a rubber stamp for the President, or to yield to the prevailing passions of the times. The Senate was designed from the beginning as a place where the Nation could be protected—and would be protected—from being stampeded into profoundly unwise and potentially disastrous actions. Now, it is up to us in the Senate to fulfill that historic role again.

A century ago, the House of Representatives voted overwhelmingly—126 to 47—for the impeachment of President Andrew Johnson.

But by a single vote—the vote of Senator Edmund Ross, a courageous Senator from Kansas—the impeachment was defeated in the Senate.

When the Senate roll is called tomorrow, who will be Senator Edmund Ross, and cast the single vote that saves us all from war?

We all agree on the goals we seek in the Persian Gulf. There is no dissent on that. America and the world are united that Saddam Hussein must get out of Kuwait—no ifs, no ands, no buts, no compromise.

But America is deeply divided over whether now is the time for war, on the January 15 timetable that President Bush set last November for the use of force.

War is not the only option left. Our policy in the Persian Gulf is not broken, and it cannot be fixed by war. There is still time for the Senate to save the President from himself—and save thousands of American soldiers in the Persian Gulf from dying in the desert in a war whose cruelty will be exceeded only by the lack of any rational necessity for waging it.

In dedicating the battlefield at Gettysburg, our greatest Republican President, Abraham Lincoln said, "We here highly resolve that these dead shall not have died in vain."

President Bush cannot make that statement, if he goes to war on the indefensible timetable he has set. If President Bush wants to fight, I urge him to give peace a fighting chance.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I would like to try to see if we can reach some accommodation here. I understand there is no effort here to close anyone out. And I know Senator STEVENS was here previously and there was something of a list. I had actually been operating by it. I know the Senator who was ahead of me on that list. I think in the change of chairs, unfortunately, some people were away for a briefing and that list was changed.

I would be very, very amenable to yield to the Senator. Perhaps we could even get a rotation or something going. I think we need to be fair in this process.

Mr. President, if the Senator from Alaska were to agree to that—I know it is hard because the rules of the Senate are that the first Senator up is recognized. But I think, given the passions of this, and obviously the length of time people are waiting, it is the interest of all of us to try to accommodate everyone on a fair basis.

Mr. STEVENS. Mr. President, if the Senator will yield one moment, without losing the right to the floor—he has the right to be recognized, Mr. President—some of us have been waiting here since noon, coming on and off. We thought we had a list. That has not worked. There have been two Republicans on this side recognized since noon.

I suggest that the time is going to come when this Senator will be recognized, and when that happens we are going to have a quorum call and get a majority in here to work something out so it is fair.

I do not seek the Senator to yield to me. He has been recognized in his own right. But I do think it is time that we be fair about recognition of the people who support the President and those who do not. That is the way I view the process right now, Mr. President.

The record will reflect the recognition since this morning of Senators as they have been recognized. I suggest some fairness be brought into this procedure now.

Ms. MIKULSKI. Mr. President, will the Senator from Massachusetts yield?

Mr. KERRY. Mr. President, I yield if I can ask unanimous consent that I not lose the right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Maryland.

Ms. MIKULSKI. Without the Senator from Massachusetts losing his right to the floor, the Senator from Massachusetts is to be commended for helping to maintain civility in the throes of debate.

I would recommend to the Senator from Alaska, while the Senator from Massachusetts is speaking, because I believe his remarks will be extensive, that we can reach this framework of fairness that he has talked about and not beginning that after he concludes his remarks. We could get that list in and work on it while the Senator from Massachusetts is conveying to us and the people of America his views on the subject.

I think it is important for us to maintain civility in the throes of this debate and get recognized. This is a bipartisan body.

Mr. KERRY. Mr. President, I would be happy to do whatever my colleagues think would work best here. I know we do not want to lose time in a quorum call at all. The distinguished majority whip is here. He wanted to work this out with the leader.

Mr. President, without losing my right to the floor, I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I believe the distinguished Senator from Maryland is correct, and the Senator from Massachusetts [Mr. KERRY] does have 25 minutes of remarks. During that period of time I intend to work with the distinguished whip on the other side and we will see if we cannot work out some form where everything would be fair.

As far as time is concerned, the individuals, that is one thing. We cannot be timekeepers. And the only list at the desk is an informal list of the ones recognized first.

There have been—not been—this many on this side here all day. Most of them have been over here. They have been in and out, reading newspapers, and that sort of thing. We do not mind that at all.

At the first juncture the distinguished assistant Republican leader and I will have to try to work things out. I see my good friend from Alaska smiling, and he will be the first one we help. We do not want a quorum call. If he will just relax and allow us to move forward here, I think we will be able to accommodate him before midnight.

Mr. BRYAN. Mr. President, will the distinguished Senator yield for the purpose of questioning without losing the right to the floor?

Mr. KERRY. Without losing the right to the floor, I am glad to yield.

Mr. BRYAN. I say to the distinguished Senator from Massachusetts that I have physically been on the floor for 3 hours. I intend to speak in support of the President. So I do not want any system to be devised that would alternate back and forth with the expectation that because a Senator happens to be on this side of the aisle he will be speaking in opposition to the resolution offered by the senior Senator from Virginia.

I am going to work out—it seems to me those of us who have waited on the floor and physically sat in—not in and out—ought to have the right, under the rules, ought to be recognized first to seek recognition and be recognized by the chair.

Mr. KERRY. Mr. President, I am confident, watching the Senator from Kentucky that he will take that into consideration. I am sure agreement will be worked out.

INSTEAD, WE ARE TALKING ABOUT WAR

Mr. KERRY. Mr. President, I wish, like everyone else here, that we were not at this moment talking about sending people to another war. Like many of us, I suspect, I had hoped after my reelection, and given the economic problems that we face in Massachusetts, to be able to return here and to talk about what we need to do to move our economy, to talk about economic priorities, about education, and the crime in our streets, and about the plain and simple anxiety that thousands of our citizens feel today just about survival at home.

Instead, Mr. President, we are talking about war, about countless of our families torn apart by duty and commitment to our country, of countless lives put on hold.

Mr. President, we are here talking about all of the repercussions that go with a war, about countless lives that will be put on hold. And surely the consequences of this discussion can make our domestic concerns even greater than they are today. But that is not the issue. That is not what we are here to talk about.

We engage here in one of the most important debates that we could ever engage in. And it is certainly the most important debate that I have engaged in since I have been in the U.S. Senate. And this will be the most important vote.

There has been a lot of talk on the floor about treaties, resolutions, principles, slogans, and all the political and strategic reasons for going to war or not going to war, and they are indeed a legitimate part of this debate.

But sometimes I think in the words we lose sight of the personal stakes of this conflict and what it will really mean to us at home—and to the rest of the world.

We have a way of quietly saying "war is hell" or "war is horrible" and then we move on, lost again in the words which describe the passions and the politics. I am willing to accept the horror that goes with war—when the interests or stakes warrant it. My belief is though that our impatience with sanctions and diplomacy does not yet warrant accepting that horror and my fear is that our beloved country is not yet ready for what it will witness and bear if we go to war.

The question of being ready and certain is important to many of us of the Vietnam generation. We come to this debate with a measure of distrust, with some skepticism, with a searing commitment to ask honest questions and with a resolve to get satisfactory answers so that we are not mislead again.

I might add that I also come to this debate determined that whatever happens we will not confuse a war with the warriors. I am determined that our troops will receive complete and total support. And, that if we do go to war, I am committed that we do everything in our power to accomplish our mission with minimum casualties and bring the troops home to the gratitude and respect they deserve.

But until the first shot is fired I remain troubled by the unanswered questions and by the human considerations.

Our VA hospitals are already full of several generations of veterans who carry or wear daily reminders of the costs of war. Those hospitals have been cutting staff and services these past several years. They cannot care for those already needing help. So, are we ready to spend the money on a new generation of patients? And can we afford to?

In a country that still struggles with agent orange, outreach centers, posttraumatic stress disorder, homeless veterans—is this country ready for the next wave?

I remind my colleagues that cost in human lives is not limited to the battlefield. In the case of Vietnam—we have lost more Vietnam Veterans from suicide and slower forms of suicide such as alcoholism and drug abuse that have had the same end-result of death, than we lost in battle—60,000 of them. The human costs, pain, and suffering do not end when combat ends. Are we ready?

Are we ready for the changes this war will bring—changes in sons and daughters who return from combat never the same, some not knowing their families and their families not even recognizing them. Are we ready?

Are we ready for another generation of amputees, paraplegics, burn victims, and whatever the new desert war term will be for combat fatigue, shell shock, or PTSD?

Since the time of Vietnam we have been reaching for a set of ruling principles about when we go to war and many have tried to set out what those principles ought to be—commentators, Secretaries of Defense, Presidents—both present and former. A consensus seems to have been arrived at that we should go to war when our vital interests are at stake in a way that the majority of Americans have identified and are agreed upon, and when we have exhausted all peaceful alternatives that could have achieved the same goals as war. That is not, Mr. President, the situation that exists today, and we know it.

To those of us for whom Vietnam remains much more than just a distant memory, there are analogies which create deep-seated doubts over the apparent willingness of this Administration's rush to war. Let me say right up front that the Iraqi crisis is in most ways not like Vietnam.

It is very different indeed—different in International implications—different in purposes—different in risks—different in stakes—different in military strategy and opportunities. I am convinced also that it will be different in outcome.

But in one inescapable and absolutely critical facet, it demands that one of the central lessons of the Vietnam experience be applied—do not commit U.S. forces to combat in a potentially prolonged or bloody conflict unless Americans have reached a consensus on the need to do so. That consensus must be broad and openly arrived at with full respect for the constitutional role of the Congress—not by unilateral action of the President, absent true consultation.

There is a rush to war here. I do not know why, but there is a rush to war. There is a rush to have this thing over with. Somehow I can not help but feel that if we were squared off against a stronger nation there would not be such a rush. Our history with the Soviet Union makes that clear. But with Iraq—we know we can win or think we know we can win. We know they are surrounded. We know our high-technology weapons and targeting capabilities can overwhelm the Iraqi military. And so we think we can get it over with an "acceptable level of casualties."

So we are willing to act, it seems, with more bravado than patience. It is as if the whole theory of deterrence developed through the cold war period has suddenly been turned topsy-turvy; and we are behaving precisely in such a confrontational manner because we are not facing a superpower and because the same rules of deterrence do not apply. That, I think, is not the way a great and responsible nation should act in these dangerous times, particularly not when it has other options available to it. But, most important, that is not the way you act if truly acting within the definition of a new world order.

In recent days we have heard some try to cower those with legitimate concerns or questions into political submission by suggesting that we are weakening the country or pulling the rug out from under the President with this debate or an adverse vote. I believe it is those who make that argument who do a disservice to country and to Constitution, and perhaps even to the troops.

I believe we strengthen our country through this debate because we show the world what real democracy means. And, more importantly, we strengthen our country because our citizens see our own democratic process working as it ought to. But most importantly, consider what a farce we would be perpetrating if the U.S. Congress did not exercise an independent judgment about war. Are we in the United States of America supposed to go to war simply because the President thinks we should and has put so many people in the position of having to support him just to back him up? Is that the reason we go to war in 1991 in the United States of America?

I hear it from person after person—"Well, I want to back up the President." "I do not want the President to look bad." "The President got us in this position, I am uncomfortable—but I can not go against him."

Mr. President, it looks to me like backing up the President's decision has become the new vital interest, not the immediate liberation of Kuwait—not some real threat to our country.

It sounds like we are risking war for pride, not for vital interests!

Are we supposed to go to war simply because one man—the President—makes a series of unilateral decisions that put us in a box—a box that makes that war, to a greater degree, inevitable? Are we supposed to go to war because once the President has announced something publicly, to reverse or question him is somehow detrimental to the Nation despite the fact we are a coequal partner in government?

Obviously, such an argument and such an approach to the governing process of this country makes Congress nothing more than a rubber stamp and literally renders inoperative our coequal decisionmaking responsibility in a matter of war and peace. It might be wise to remind ourselves that we still are a nation of laws and not of men; that we still elect our Presidents: We do not crown them. We had a revolution more than 200 years ago to settle that question and the Constitution put the war-making power in Congress's hands precisely to avoid the very individual decisionmaking—that places us in the box we are told we are in today.

Mr. President, I suspect that 75 percent or more of those who will vote for use of force desperately do not want it to be used, and a significant number will vote for it only because they want to prevent the President from being reversed. That really means that this vote to grant the use of force may very well carry—if it does—only because some will succumb to the very box the President has put us in.

The danger of that is that those who vote for use of force will create a situation where it becomes more, rather than less, likely that the force they hope will not be used will, in fact, be used. They escalate the stakes. They narrow the box further. That is a terrible way to make policy, Mr. President, but it is an even more terrible way to go to war by any account. That is called rolling-the-dice policy; big rolling the dice. Perhaps it will work. There are many who suspect it might.

But, Mr. President, I would rather vote for good, prudent policy which would have the same good end result or which, if it ultimately brings you to war, it does so because there was no other option. I would rather vote for that than a roll-the-dice policy with all the attendant risks and questions about who fills the power vacuum in Iraq. What happens if we win? What happens with Israel? What happens for years to come to American businessmen trying to do business in the Middle East? All of those are unanswered questions, Mr. President, and I think the American people would prefer that we vote that way, too.

But now, because of the decision of the President of the United States, because he set a January 15 deadline, because he significantly increased the number of troops in the desert, turning from defense to offense unilaterally, we are in the position of either debating this issue and slowing the rush to war, or forever giving up our responsibility to decide whether or not this Nation goes to war. I believe we have a basic duty and a responsibility to ask why the unilateral conversion of Desert Shield to Desert Sword now demands that, like lemmings marching to the sea, we must march off to war.

Many have argued in recent days that we must, by a large majority, vote to give the President the right to use force, because that is the best way to send the message to Saddam Hussein, and that only the threat of force, a new threat of force, will somehow give him that message.

Mr. President, I believe such thinking is dangerous, and I believe it is flawed because it requires us to surrender the most important responsibility of the Congress: The power to make war. This is not a vote about sending a message. That message was already on the table. This is a vote about whether or not to put ourselves in a smaller box where war may become more likely, whether it needs to or not, and where we will have nothing further to say about it.

For us in Congress now, this is not a vote about a message. It is a vote about war because whether or not the President exercises his power, we will have no further say after this vote. But voting to keep sanctions and diplomacy is not a vote against war if all other options fail because we continue to hold that lever in our hands.

I ask you, Mr. President, which is more prudent? The argument that this vote will somehow send Saddam Hussein a different message ignores the fact that from the outset there has already been a realistic force on the table and there remains a threat of force as long as the sanctions are in place and troops are in the region. So the decision is not a decision that sends some new threat of the use of force that somehow will accomplish what the last threat of force was unable to. It is a vote which says we are ready to go to war and it says we are ready to go to war before all the other options have been exercised. I, therefore, do not believe that we can treat this as somehow passing on to the President some casual affirmation of his diplomacy.

There is also the argument that we must support the President because he is the President, and if you do not support the President when he asks you to, you will hurt the policy. That is an argument of enormous appeal, Mr. President, and that is why it is made. All of us, I think, every single one of us by natural instinct wants to support the President. None of us wants to be perceived somehow as taking away from the ability of the President to act in the greater interest of the country. But regrettably the President has put us in a position where we have a choice between either blindly supporting him or destroying the strength of the constitutional process and risking a war simultaneously.

Sometimes this appeal of the President, political as it is, can trample on the duties and responsibilities of others that the Founding Fathers said share in the governing process. Mr. President, in all candor, I would rather be here on the floor voting to support the President. I would rather case a vote that tallies in the eighties or nineties or is unanimous and I can walk away without a sense of division. I can assure you it is easier, but if we were to succumb to this argument, if anybody in this Chamber succumbs to this argument right now, if we just close ranks with the President for the sake of closing ranks, we will effectively have given up our warmaking power, and we will set an extraordinarily dangerous precedent, and, most of all, we will not have done, I think, our service to the troops and to this country.

All the President would have to do at any time then, all any President would have to do is create a box, put the Congress in the box and then say, "I need you to close ranks around me," and he or she will unilaterally carry out whatever policy they want to in the name of unity. That argument cost us thousands of lives in Vietnam, Mr. President. Just go down to the memorial here in Washington and look at that black granite wall. I say to my colleagues that over half the names on that wall are there because too many legislators were too often too willing to just close ranks with the President.

The call we need to heed is not a call to close ranks with the President, but how about closing ranks with the troops in the Arabian desert whose fate is determined by our analysis and judgment? How about closing ranks with mothers and fathers and brothers and sisters and families across this country whose hearts and souls are heavy with the hope that we will exercise our judgment correctly? If there is a call to close ranks, Mr. President, let it be the closing of ranks among ourselves here in this Chamber with our responsibility to make our best judgment about how we deal with human life. That is what the Framers of the Constitution intended and that is what the American people expect of us.

We are in this position today because the President of the United States made a series of decisions that have put us in this position, not because we made them or because we fail to make them. The memory of Vietnam says to all of us that it is far, far better that we risk curbing in or reining in this rush to war now, rather than trying to get the American people support it at some time down the road after the shooting has started. Nothing, nothing could faster bring us a repetition of the divisions and the torment this Nation faced during the 1960's and 1970's.

Mr. President, in my heart and in my gut and in my mind I do not believe in sending people to war unless it is imperative. And it is not, in my view, imperative that in the next few days we send soldiers to fight a war. We are at this grave moment deciding whether or not we do so for two fundamental reasons: Because President Bush unilaterally decided to increase the troops to 430,000 and because he set a deadline.

We are not here because oil is not reaching the shores of the United States or our economy is crippled.

We are not here because there has been an attack or there is the imminent threat of one.

We are not here because the world has decided that we have to go to war.

We are not here because the vital interests of the United States are somehow more at stake today than they will be in 3 weeks or 3 months or a year.

We are here because the policy of one man suggests that we do not have the patience to wait this out and see if we can settle it differently.

Much has been said by the Secretary of State and others about a New World order, about a defining moment in history. I have no doubt about the potential of this moment to be defining in terms of history, but that definition can be negative as well as positive. And how negative or positive it will be will depend on what kind of New World order we really create.

Can it truly be said that the United States of America, trading off better treatment to China for an abstention on a vote, cozying up to Syria with its record of support for terrorism, or making promises to other countries in exchange for a hold-your-coat, you-go-ahead-and-take-the-risks-and-casualties endorsement, can it truly be said that these create a New World order? Can it really be said that we are building a New World order when it is almost exclusively the United States who will be fighting in the desert, not alone, but almost, displaying pride and impatience and implementing what essentially amounts to a pax Americana? Is that a New World order?

Can it really be said that this is a true New World order when it lacks a true United Nations collective security effort, with the full measure of international cooperation and burden-sharing which it should carry?

Most who look at the financial burden we are incurring compared to our allies; who measure the number of forces we have who will shed blood in comparison to our allies; who take notice of the degree to which there are unilateral ultimatums issued by us; the unilateral offerings of meetings by us; the unilateral refusals of meetings by us; and U.N. Secretary General Perez de Cuellar nearly absent from the scene until these final moments—many who see these realities—cannot help but question the collectiveness of this security, the breadth of multilateralism in this cooperation, and especially the newness of this New World order.

Mr. President, I regret that I do not see a New World order in the United States going to war with shadow battlefield allies who barely carry a burden. It is too much like the many flags policy of the old order in Vietnam where other countries were used to try to mask the unilateral reality.

I see international cooperation; yes, I see acquiescence to our position; I see bizarre new bedfellows and alliances, but I question if it adds up to a new world order.

Most important, I do not see a new world order in fighting before we wait out more peaceful approaches. In fact, I see more of the old world order where countries are quick to try to resolve their disputes by force, where countries that do not try to exercise the patience for real international cooperative efforts—slow as they might be, become so locked in their position that common sense becomes one of the first casualty of conflict.

Some Senators and the administration have suggested that sanctions alone cannot force Saddam Hussein to withdraw from Kuwait. They note that sanctions can be evaded; that the alliance could break up, with Iran agreeing to pipe Iraqi oil or the Soviet Union suddenly shifting its support for our policy to opposition. They say now is the time to strike, while the alliance is strong. They suggest that the failure of sanctions is an obvious truth that the rest of us are willfully ignoring.

This obvious truth is contrary to the testimony of our own intelligence estimates. As CIA Director William Webster testified before the Congress just 1 month ago—on December 5, 1990—the CIA estimated that sanctions would need another 9 months to be effective—only then could we determine the extent to which they were working.

That means that according to the Director of the CIA, we cannot conclude that sanctions are ineffective until next September.

Other experts have suggested that the full impact of sanctions in degrading the Iraqi military, in addition to its civilian economy, would take some 2 years in all to be felt. By that time, they have testified, "the industrial infrastructure of the Iraqi economy will grind down for lack of spare parts, and factories will close for lack of raw materials." As they have testified, "sanctions do not yield immediate results. They are not a surgical tool; rather their effect is corrosive."

With the sanctions, time is not on Saddam Hussein's side, but ours. Sanctions cost Iraq much, they cost us little. Iraq's gross national product before the sanctions were imposed was $52 billion a year—its exports were $12.4 billion, almost entirely in oil, its imports another $13 billion. Those exports are now wiped out; those imports are largely stopped. The grinding down has begun and will only intensify with time.

As a top-level member of the Bush administration told the New York Times and Washington Post on August 9, on the condition that he not be named, sanctions will work against Iraq because "we don't have the cold war situation where it was difficult to enforce sanctions because of ideological competition and huge divisions in the world. This time, we've got the Soviet Union on board and virtually everyone else as well. * * * You can shut off the gulf and you've got them locked in on the Mediterranean side. * * * This time we're dealing with a single-source economy based on oil sales that is on its knees working of the war and can be hurt very easily."

As a former Iraqi army colonel told the Washington Post on August 23, "It's more important to stop the oil from getting out than to stop food from getting in." If the oil doesn't get out, in time Saddam Hussein cannot pay for anything—let alone the huge military establishment that is bleeding his country's economy dry.

We sustained our fight against the Soviets for 40 years after Stalin took over Eastern Europe. We contained Stalinism, and in time, an isolated and decaying Soviet Union has been going through a process of caving in. Iraq, a far less powerful nation than the Soviets, will be ground down even more surely, and far more quickly, if we only have the patience to stay with our original policy.

I have heard Senators and others argue that coalition is weak or fragile and that we must move now before it falls apart. That says little for a New World order. The President says little for vital interests at stake.

I would suggest respectfully that every parent in America with a child in the desert must ask: If our allies, the coalitions, cannot stay the course of peace, then why should we be forced to run the course of war?

Some say look at how he survived a 7-year war with Iran. If he can do that, he will survive the sanctions. It is true, Saddam Hussein forced the Iraqi people to endure untold human sacrifice in the 8-year war he waged against Iran. However, there are major differences. During that war, it was Iran which was, for the most part, cut off from the outside world, not Iraq. And it was during that war, that the Soviet Union, France, China, the United States, and other Western nations provided Saddam Hussein the guns and butter to wage the campaign against Iran. Billions of dollars of aid flowed from the gulf state Arabs into Saddam Hussein's coffers.

Today, Saddam Hussein does not enjoy any of that luxury. The sanctions have effectively denied to Iraq foreign exchange earnings from oil. In addition, the sanctions have effectively cut off Saddam Hussein's military pipeline.

Each day—this is by CIA and all other observers' estimates—the sanctions are in place is a day in which Iraq's military capabilities undergo further degradation. Radars start breaking down; computers in aircraft, tanks and antiaircraft batteries blow. They cannot be replaced the same way ours can. A steady deterioration sets in that, with patience on our part, can leave the Iraqi military with a large number of personnel, but with an unreliable arsenal that cannot hold up in the heat of sustained battle.

As a former soldier, I would far rather exercise patience as a means of gaining the maximum military advantage possible, than to force a hasty confrontation which is almost certain to result in more body bags and casualties than we would have had to endure if such patience had been exercised. Those who want the President to have an unfettered hand may be willing to overlook this reality. But the hearings have shown that the American people are not.

Most amazingly, until November 8, the administration on numerous occasions urged the American people to be patient—that sanctions would take time to work. We were told that the economic sanctions would make Saddam Hussein's position untenable.

The August 9, 1990, New York Times carried an analytical piece quoting various administration sources that the economic embargo would cut off Iraq's supply of military spare parts and ammunition, making it impossible to sustain long supply lines and perhaps eroding Hussein's political statutes at home.

A senior administration official was quoted as saying: "The embargo is the key." He, and other officials warned that it would take months for such a strategy to play out.

On September 5, 1990, Secretary of State James Baker, in testimony before the Senate Committee on Foreign Relations, stated:

> Iraq's import-dependent economy is beginning to feel the strain, and international pressures will continue to grow over time as shortages mount.

The Secretary made a very important and unequivocal point:

> Time is on the side of the international community. Diplomacy can be made to work.

The Secretary concluded his remarks by stating the administration believed:

> * * * this coordinated and comprehensive international isolation of Iraq is the only peaceful path to meeting objectives set by the President. Our efforts, however, will take time and that is what we ask most of the American people: Stand firm. Be patient. And remain united so that together we can show that aggression does not pay.

Thus, the fundamental question Congress is legitimately asking is why, all of a sudden, did all the talk of patience and time being on the side of the international community vanish so quickly? We have a right to still ask that question. To date, we have not received a believable explanation.

Mr. President, it has been said again and again on this floor but it bears repeating: You only go to war when it is imperative to protect vital national interests—when it is the last alternative available to you—when there is none other. Until we reach that point, no one should send our young people into battle to die.

Have we reached the point where we can tell the American people that there is no other moral choice but to send their sons and daughters, their husbands and wives, their grandchildren off to war in the Arabian Desert?

If ever there was a time to heed the counsel of former President Dwight D. Eisenhower, it is now. For in matters of war, President Eisenhower said that we have to have the courage of patience.

I would ask another question, Mr. President. I have not heard one single person within the administration suggest that somehow at this point in time we are losing this effort and Saddam Hussein is winning it. There is no one who suggests that Saddam Hussein is winning anything today. In fact, all we are told is, well, we do not think the sanctions are going to drive him out of Kuwait.

But, tragically, we will never know the answer to whether or not they will drive him out, and some family that might lose a son will never know the answer of whether there was another way because we were not willing to find out whether that other way might work.

So if Iraq is not winning and we are not losing, Mr. President, then why the rush to send our men and women to war? What happened to the very patience that the President and Secretary of State Baker asked of the American people as a requirement necessary for the success of the President's policy?

The answer is regrettable I think. We are asked to authorize the President to go to war now, not because the President's original policy—which we all supported—has failed. We are asked to authorize war because the President put 430,000 troops in Saudi Arabia and it may be impossible to maintain them in a high state of readiness if they are not engaged soon.

There are other unanswered questions about this war. It will cost American money, it may damage our weakened economy further and its impact on energy prices is impossible to predict. But we should ask, can we really afford what we are possibly embarking on?

In the long run, such a war could lead to renewed terrorist attacks on Americans as a result of our having killed innumerable Arab civilians. Is America prepared? And what of the war's impact in the Middle East generally? What of the grave risks of new instabilities that could lead to still further wars, involving many nations in the region, including Israel. Is the liberation of Kuwait in a few days so imperative that all those risks are worthwhile at this moment?

As we approach this historic vote, we must ask ourselves the most important and fundamental question we are ever called upon to answer in good conscience; If it were my son, my daughter, or grandchildren, am I convinced that our Government has done everything possible, short of war, to bring about the outcome we all desire?

Did our leaders exercise enough patience. And if it were my son, or daughter, or grandchild, killed in battle on January 16, or February 16, or March or April, would I firmly believe in my own mind that the sacrifice was justified because vital national interests were at stake and all others options, short of war, had been painstakingly and patiently exhausted.

This question is fundamental to why we are here today, exercising our constitutional responsibility in deciding whether or not to authorize one man—the President—to go to war.

Mr. President, it seems to me that pride and Presidential prestige have far more to do with this vote than the vital interests of the United States.

I am well aware of the dangers of Saddam Hussein to the region and the long-term danger of his arsenal—of nuclear, chemical, biological weapons. But I did not know the United States was in the habit of fighting preemptive wars and, more important, the constant references to Saddam Hussein being a future threat have nothing to do with the U.N. resolutions. Nowhere in the resolution has the United Nations ever agreed to or referred the use of all necessary means to somehow solve the long-term problem.

For students of history there is skepticism about a war solving that anyway. Yes, Saddam Hussein may die. And you may temporarily obliterate the warmaking power against Israel or other states in the region. But as long as the United States, China, the Soviet Union, France, Germany, and others sell weapons and arm the region, the next despot to replace Saddam Hussein will once again build the capacity for war unless there is attention to real peacemaking in the region. Moreover, if we have a war, a predominantly U.S. war, the enmity that will build up will last beyond any of our lifetimes, the hatred that will fester will replace the weapons of today until that hatred is allied with the weapons of tomorrow and they will seek revenge.

We should again heed the words of the great conservative Edmund Burke when he said "A conscientious man would be cautious about how he dealt in blood."

I end my comments coming back to where I began: Are we ready for what this country and our countrymen will witness and bear? Have we come to the moment, each of us, with the values and interests at stake to call on each of us to send our own children to die?

I come back to my plea that we balance the risks of continuing sanctions and making clear to Saddam Hussein that force is a future possibility against the human considerations of today, against the gravity of what we will do to others, and what will certainly be done to all too many of our own.

It is hard sometimes, Mr. President, to measure fully what that means when we talk about what will happen to them and what will happen to us. I am prepared to accept the consequences of a war should it be absolutely vital and necessary. But the vote here at this point in time is really a vote about what we will accept. All the personal things that will happen to people because none of the others at this point are paramount.

I would like to share with my colleagues something that Dalton Trumbo wrote in a book called "Johnny Got His Gun." It was written after World War I.

Yes, there was an enormous passivism in the air at that time. That is not what we are talking about here. But, nevertheless, what he faced and put before the world then, is relevant today. It is a question about what happens to people. He wrote about a young soldier who went to war who ended up losing his arms, legs, sight, hearing, his smell, his capacity to speak.

After years of lying in a hospital, he finally figured out how to tap his head in Morse code and finally somebody heard his message. Thinking that somehow he might be able to go out in the world and be of use by being a spectacle of what war does, he suggested that they let him out in a glass box for people to see. And among the places he suggested he go was a place like this.

Dalton Trumbo wrote the following:

> He would be doing good too in a roundabout way. He would be an educational exhibit. People wouldn't learn much about anatomy from him but they would learn all there was to know about war. That would be a great thing to concentrate war in one stump of a body and to show it to people so they could see the difference between a war that's in newspaper headlines and liberty loan drives and a war that is fought out lonesomely in the mud somewhere a war between a man and a high explosive shell.

* * * * *

> Take me wherever there are parliaments and diets and congresses and chambers of statesmen. I want to be there when they talk about honor and justice and making the world safe for democracy and fourteen points and the self determination of peoples. I want to be there to remind them I haven't got a tongue to stick into the cheek I haven't got either. But the statesmen have tongues. The statesmen have cheek. Put my glass case upon the speaker's desk and every time the gavel descends let me feel its vibration through my little jewel case. Then let them speak of trade policies and embargoes and new colonies and old grudges. Let them debate the menace of the yellow race and the white man's burden and the course of empire * * *. Let them form blocs and alliances and mutual assistance pacts and guarantees of neutrality. Let them draft notes and ultimatums and protests and accusations.
>
> But before they vote on them before they give the order for all the little guys to start killing each other let the main guy rap his gavel on my case and point down at me and say here gentlemen is the only issue before this house and that is are you for this thing here or are you against it.

That is the only issue before this body.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, so that we might develop a schedule of speakers as relates to this issue, I have consulted with my distinguished friend, the assistant Republican leader, and the Senators on both sides of the aisle, and that is the reason I will make this unanimous-consent request.

Mr. President, I ask unanimous consent that the Senators listed below be recognized in the order listed and for such time as indicated—and some have not given me a time. I hope they will not be too long.

But those in order will be first, Senator MIKULSKI from Maryland, Senator STEVENS from Alaska, Senator BRYAN from Nevada, Senator KASSEBAUM from Kansas, Senator KERREY of Nebraska. I am going to Senator CHAFEE, Senator DODD, Senator WALLOP, Senator SANFORD, Senator PRESSLER Senator BYRD, Senator GORTON, Senator DECONCINI, Senator MCCONNELL, Senator GRAHAM of Florida, Senator RUDMAN, Senator BIDEN, Senator COHEN, and we have Senator GRAMM and Senator SIMPSON.

At the conclusion of Senator COHEN'S statement, the Chair will endeavor to recognize the majority and minority members ultimately. We would be glad to have Senator SMITH from New Hampshire be included, after Senator SIMPSON.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr FORD. Mr. President, before we listen to the distinguished Senator from Maryland, it is my understanding that she will need approximately 5 minutes. The Senator from Alaska will need approximately 20 minutes; Senator BRYAN, approximately 10 minutes; Senator KERREY of Nebraska, approximately 15 minutes; Senator CHAFEE, approximately 15 minutes; Senator DODD, approximately 25 minutes; and Senator KASSEBAUM, approximately 10 minutes. So these are in the proximity so we can have some idea of the time. Senator SANFORD, approximately 20–25 minutes; Senator BYRD would be 30 minutes.

Senator PRESSLER, does he know how much time he will be taking? Senator PRESSLER will be 15 minutes. That is the approximate time.

We want to add after Senator COHEN, Senator CONRAD, and then Senator HATCH will be added to the list.

Mr. DODD. Reserving the right to object, may we also inquire of our colleagues how much time they will take as well so we can get some sense of how long we will have to wait here?

Mr. FORD. The Senator from Connecticut, all have been given time limits, Senator MIKULSKI 5, Senator STEVENS 20 approximately, Senator BRYAN 10, Senator KASSEBAUM 10, Senator KERREY of Nebraska 15, Senator CHAFEE 15, and then the Senator from Connecticut 25.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senator CONRAD and Senator HATCH will be added to the list.

THE SUBJECT OF WAR

Ms. MIKULSKI. Mr. President, today I rise to exercise my responsibility as a U.S. Senator, to offer my opinion, to give guidance, and to ultimately cast my vote on this most important subject, the subject of war. Should we or should we not provide an unlimited authority on going to war?

Mr. President, there is no greater responsibility that a Senator can face than the decision about war. In the course of several days, I have agonized over this. I have listened to the President's men, consulted with experts, and listened intently to my own constituents because I know the decisions that we are about to make will affect the lives of American sons and daughters in the desert and the future of the United States of America.

Let me say a word about the troops. Every one of our troops in the desert is a part of my American family. I know they are there at tremendous sacrifice and great risk. They are ordinary men and women who have been called on to act in an extraordinary way. And they have responded quickly and gallantly. They have been willing to face physical hardship, the threat of ghoulish weapons, and financial sacrifice for their families. They have been challenged by the scorching heat of the desert and the looming threat of confrontation. Those men and women have met a great test, a test of patriotism and devotion, and everyone here owes them a great debt of gratitude for the way that they have acted.

Mr. President, we need to keep them in mind and know that however we make use of them there, it has to be the wisest and most prudent course.

Mr. President, there are those now watching this debate on TV who are not friendly to the United States or to its interests. There are Americans who are mesmerized by this discussion, who are also watching these great processes unfold.

I would like to make a comment, if I could, about the very nature of the fact that this debate is being broadcast worldwide, even to the councils of war of those who might wage an attack against Saudi Arabia or against our own troops. First of all, know this: In this country, the mere fact that we are here and that we are willing to do this in an open way and to broadcast across the global village demonstrates the American commitment to democracy. This is a democratic institution, and it sets a norm for democracy. It also shows that in a democracy, difference is tolerated, and also that difference is not division.

I want those who are watching this debate who are not friendly to us to understand that: where there is difference, there is not division.

Then there are those saying: Where is the debate? When are they going to get into the argument? When are we going to see "Geraldo goes to the United States Senate?"

Mr. President, that is not the way this body is conducting itself. I am proud to have been part of this discussion that I have heard. I see that my colleagues here do not want to argue with other Senators. The Senators getting up here today are giving their thoughts, their views, and their conclusions, arrived at in very responsible ways.

We are not here to be glib, to be facile, to engage in a kind of debate that we would do on some other issues. I think that this procedure also shows the sincerity of our efforts and the true test of what leadership is all about.

A word about our President. Right now, I just want to say that I truly believe that he has tried to do his best and has tried to act with intelligence and integrity.

Mr. President, that takes me to where we are in a legislative framework. When I ran for the U.S. Senate 4 years ago, I came in here and said I want to get Maryland and this country ready for the future. I was excited because a new century was coming, a new millennium was on its way, and I was looking forward to it.

A year ago, in January of 1990, I thought we were on the brink of a whole new age. There was a quickening of democracy around the world and a focus here on our domestic issues.

As I sat New Year's Eve in Baltimore, I did not see the dawn of a new age. I feared the dawn of a dark age because of the August 2 invasion of Kuwait by the Saddam Hussein war machine. And though I was shocked at the brutality of it, I had believed for some time that Hussein was a bully. That is why over the past several months I voted for sanctions, even before the invasion, that I hoped would curtail his human rights abuses. That was to no avail. And now he has invaded, and the President has organized a multilateral and multinational effort to stop him.

Where do we go from here? Well, Mr. President, let me say this: I have been doing a lot of thinking and talking with my constituents. They are very clear in that they urge two policies. They urge resolve, and they urge restraint. And that is, essentially, my own view.

That is why I support the resolution offered by the majority leader, Senator MITCHELL, along with such distinguished people as Senator NUNN, and my senior Senator from Maryland, Senator SARBANES. Why? Let us talk about the resolution. Let us talk about what we are voting on.

First of all, it begins with "Resolved by the Senate and the House of Representatives." "Resolved." We are taking an act of resolution. The Congress is firmly committed to reversing Iraq's brutal and illegal occupation of Kuwait. Make no mistake, we are resolved in doing so.

We then go on to say that we further resolve that the wisest course is international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait. But we also say we are further resolved in not ruling our declaring war or authorizing the use of force at a later time, if it is necessary.

I think that is pretty plain, and I think that is pretty resolute, to say just where the Congress of the United States of America stands.

We go on to say that the Congress pledges its full and continued support for sustaining the policy of economic and diplomatic pressures against Iraq.

There are those who have made convincing arguments that these sanctions are working. They are working and are eroding the ability of Iraq to conduct its war and are having an effect on destabilizing the internal politics of Iraq.

There are those who feel that economic and diplomatic pressures are kind of wimpy, that this is a soft way to go. I argue just the opposite, that they show resolve and commitment and should be followed.

Mr. President, in the Mitchell-Nunn resolution we also continue to give the President the authorization to use American force—conditional force, yes—but military action to enforce the U.N. embargo, to defend Saudi Arabia against Iraqi attack, and to protect American forces in the region.

So I think we offer a commitment to sustain military options, to a wise course of a continued policy of embargo and sanction, reserving the right for further assertive action.

Mr. President, I think that offers resolve and restraint. I know that the time is late, and I hope that the brevity of my remarks here does not imply that I have not thought about this with a great deal of care.

Having reached my conclusion, I think that this resolution says a lot, not only about American policy, but about American character. It says that we have a commitment. We have a commitment, first of all, to peace, and we have a commitment to use force as a last resort. We have a commitment to being tenacious, even when the times are tough and pose a great burden to our own Nation. We have a commitment to flexibility, with the changing nature of diplomatic initiatives offered by ourselves and also by other nations. It is also a commitment to self-sacrifice. I hope that the other nations who talk about being part of the coalition stick with us on the same issues of tenacity and self-sacrifice.

Mr. President, when my name is called, I am going to vote for the resolution offered by Senator MITCHELL, which I believe is in the best long-term interest of the United States of America and will get us ready for the future and the new age that I hoped for a year ago.

Mr. President, I took the commuter train from my home into the Senate this morning. And for that hour, moving through a snowstorm, I held a town meeting about our policy toward Iraq and what we should do about Saddam Hussein's invasion of Kuwait. Like most Americans, those men and women were worried about the possibility of war. Some were adamant that we should not go to war at all. Others thought that we should send our troops into Kuwait as soon as possible.

Like my colleagues here on the floor today, they were sober and deliberative—they took the possibility of war seriously, and they were pained by the thought of sending our men and women in the desert into battle.

The question of war worries everyone—from commuters on the train, to my colleagues, to the President of the United States.

I want to say a few words about the leadership of President George Bush. When Saddam Hussein was ready to invade Saudi Arabia, President Bush moved quickly and decisively. His actions stopped Saddam Hussein, saved our Persian Gulf allies, and strengthened our policies of international cooperation.

We were served well by his experience as he moved in short order to begin a sustainable and supportable policy of diplomatic pressure and economic sanctions. I believe that he is a man of intelligence and a man of integrity. And I have continually supported the President of the United States in this challenge.

When the President sent our troops to the desert to protect Saudi Arabia and the entire Persian Gulf from Saddam Hussein's aggression, I stood with him and with them. When he condemned the brutality and belligerence of Saddam Hussein, I agreed. When he worked to build an international coalition, I offered by full support. And with every attempt to negotiate a peaceful solution, I was praying for his success.

And even when I had differences with our President, those differences did not lessen the resolve I share with the President to bring Saddam Hussein to account for his invasion of Kuwait. Because in our democracy, difference is not division.

Today, Mr. President, I stand up to my responsibility to offer my opinion and my guidance. And tomorrow Mr. President, I will support the judgments made by this body and my colleagues. That is democracy in action. And let those who are listening to this debate understand one thing very clearly: We will stand united.

There can be no greater responsibility than decisions about war. The decisions we are making are about the lives of our American sons and daughters. Every one of our troops in the desert is a part of my American family. They are there at tremendous sacrifice and great risk.

They face personal risk in the desert and financial sacrifice for their families at home. They are challenged by the scorching heat of the desert, the looming threat of confrontation, and separation from the ones they love. And those men and women have met that test.

Every single person I have talked with finds the same thing about these young men and women. They are willing to do whatever is asked by their country. And they are incredibly fit for duty.

They are ordinary men and women called to an extraordinary event. My heart goes out to them and my hat comes off to them. Whatever we decide, our commitment to them must be sustained.

They are very much in my mind as I make my decision about the course I think is best to follow. But in the end, I can only make my decisions by answering one question: What is best for our country?

We cannot be affected by partisan politics. Today, I speak as an American. Not as a Democrat, but as an American who has been agonizing over doing the right thing.

Mr. President, before Iraq ever invaded Kuwait last year, we took a vote on whether or not to impose sanctions on Saddam Hussein. I supported sanctions. And after the invasion, when the President persuaded most of the world to support sanctions and an embargo, I think we began a policy that offers a model for a new world order.

Some argue that we must go to war now to prevent the coalition from falling apart. I disagree. The use of the American military should not be a substitute for the weakness of any coalition. America is not 911 for every problem.

I am angry that our allies have not helped out more. Allies are not cheerleaders from the sidelines. The countries that have the most at stake should share the burden and the risks. The U.N. resolution should not mean that only U.S. sons and daughters will fight.

President Bush gave Saddam Hussein a deadline and he should give our allies a deadline, too.

I am a cosponsor of the Nunn-Mitchell resolution to support the President's original policy of sanctions and embargo. This resolution shows restraint and resolve. It is a steely resolve.

We sustain all military options and say to the President that we support all actions in self-defense: to protect our troops, to stop Iraq from invading Saudi Arabia, and to enforce the embargo. And it says that when all other options have been exhausted, we will still be able to use the ultimate last resort—war.

Sanctions are not a wimp-out, a cop-out, or an easy way out. Continuing sanctions calls for great commitment, from us and from those countries that would stand with us.

War must be our last choice. The call to arms must not be sounded out of impatience.

I don't believe that the American people have been truly prepared for the consequences of war. We have heard assurances that a surgical strike will end the war in a few days. But Mr. President, too many of the experts who have led our military say otherwise. It will not be easy.

Two of the world's largest armies are facing each other in an area smaller than my own State. The distance across Kuwait is not much longer than my train ride from Baltimore. A fighter-bomber can fly over in 10 minutes.

With over 1 million troops on the battlefield, there could be 128 men fighting for each square mile of Kuwait. The casualties could be horrendous. The weapons will be grisly and ghoulish.

And the war may not end on the battlefield. We must anticipate that this action could trigger a widespread and lasting wave of terrorism. On airlines, in Europe, and here at home.

That is why we must exhaust the possibilities of sanctions. And in fact, sanctions are working—90 percent of Iraq's imports are now cut off. Almost 100 percent of the exports. Iraq's GNP has gone down 50 percent. The best estimates are that it can go down over 70 percent.

Sanctions can mean an enemy that is worn out and worn down.

I have listened to arguments from all sides. Here on the floor. In briefings from the President, our military leaders, and the CIA. In the past few weeks, as I have moved around my State, I have heard from Marylanders of every opinion.

The agonizing does not end with this vote. I will continue to pray and work for peace. I believe that continuing the sanctions and embargo is the best decision for our country.

The PRESIDING OFFICER. The Senator from Alaska.

THE PERSIAN GULF CRISIS

Mr. STEVENS. Mr. President, first let me commend the whips for their action. I do believe it is much better to have some order and understanding of how we are going to proceed. It is the first act of our new majority whip. So

I congratulate both him and Senator SIMPSON for their action.

I think first it would be important for us to remember why we are here. I am one who went to the Persian Gulf during the December period with the Senator from Hawaii, [Mr. INOUYE]. When we came back, we visited with the President, and the President once again reiterated to us that he would be happy to have the support of Congress. On January 8, the President wrote to Senator DOLE and made this statement:

THE WHITE HOUSE,
Washington, DC, January 8, 1991.

DEAR SENATOR DOLE: The current situation in the Persian Gulf, brought about by Iraq's unprovoked invasion and subsequent brutal occupation of Kuwait, threatens vital U.S. interests. The situation also threatens the peace. It would, however, greatly enhance the chances for peace if Congress were not to go on record supporting the position adopted by the UN Security Council on twelve separate occasions. Such an action would underline that the United States stands with the international community and on the side of law and decency; it also would help dispel any belief that may exist in the minds of Iraq's leaders that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression against Kuwait.

Secretary of State Baker is meeting with Iraq's Foreign Minister on January 9. It would have been most constructive if he could have presented the Iraqi government a Resolution passed by both Houses of Congress supporting the UN position and in particular Security Council Resolution 678. As you know, I have frequently stated my desire for such a Resolution. Nevertheless, there is still opportunity for Congress to act to strengthen the prospects for peace and safeguard this country's vital interests.

I therefore request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Such action would send the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. Anything less would only encourage Iraqi intransigence; anything else would risk detracting from the international coalition arrayed against Iraq's aggression.

I am determined to do whatever is necessary to protect America's security. I ask Congress to join with me in this task. I can think of no better way than for Congress to express its support for the President at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

Mr. President, that was my conclusion, too, when I returned from those lengthy briefings that the Senator from Hawaii and I had in the Persian Gulf and the nations of that area. I can understand why some of the nations over there who are members of the United Nations do not understand what is going on here, and I would remind the Senate of article 43 of the Charter of the United Nations. It states:

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance and facilities, including rights or passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be neogitated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Mr. President, the President has called upon us to support his position in responding to that call. It is a U.N. resolution we are supporting, and he wants Congress to go on record. Congress, it seems to me, should do that.

Incidentally, we went back in our research and found that the former Senator from Ohio, Mr. Taft, in 1945 made some very interesting comments concerning the article 43, and specifically raised the question concerning whether it might be desirable for Congress to reserve some power to consider whether or not this treaty, this charter that we ratified in this Senate in 1945, was inconsistent with the Constitution.

I ask unanimous consent that the text of Mr. Taft's statement be printed in the RECORD.

There being no objection, the Taft statement was ordered to be printed in the RECORD, as follows:

Mr. TAFT. I fully agree with the Senator from Texas. In what the Senator has stated lies the great value of the Organization, and it cannot be underestimated. My only point is that I believe the people of America should not feel the force is the main feature of the Charter. If they do, they may be badly disillusioned, and they may turn against the Charter, as well as the Organization, because certain things are not being done which they thought would be done. So much emphasis has been placed on force in public discussions that most of our citizens do not realize how impotent this force is in any major crisis. Force has been grossly overplayed.

VETO POWER CAN BE A WEAPON TO PROTECT JUSTICE

So long as action under the Charter is based on expediency and not on justice, I believe that the veto power is necessary. Otherwise it might be possible for the great nations, while fully complying with the definite obligations of the Charter, to act unjustly and contrary to the interest of many smaller nations. Apparently, under paragraph 4 of article 2, boundaries fixed in the treaty of peace are to be frozen in the absence of some voluntary readjustment, for all members pledge themselves to refrain from the threat or use of force against the territorial integrity or political independence of any state. If unjust boundaries are set up in the treaty of peace, any attempt to rectify those boundaries by force would be a violation of the Charter no matter how just that rectification might be. The veto power enables us to judge such a matter and refuse to permit the machinery of the Charter to be used against a nation fighting, in effect, for the freedom of its own people.

I have also been interested in the problem of whether the obligations of the Charter prevent one nation going to the assistance of another which is attacked by one of the powers holding a veto. Thus, conceivably, Russia might attack Turkey, or France might attack Syria. It is at least doubtful to my mind whether Great Britain or ourselves, for instance, could go to the defense of Turkey or Syria, assuming that the veto power was exercised. I suppose the answer to this is that if one of the five great powers violates the Charter and vetoes action against its own violation, the Charter is for all practical purposes dissolved in failure. Of course, we look forward with hope for unanimous action by the great powers, and a willingness on their part to submit their disputes to peaceful settlement. On this continent we could clearly go to the defense of any American state under the doctrine of collective self-defense in article 51.

THE POWER OF THE AMERICAN REPRESENTATIVE

In connection with the veto power, I think it is much more important to fix the powers and duties of the American representative on the Security Council under chapter VII. I believe that we should fix these duties at the same time we adopt the treaty, but I do not greatly object to considering the question at a later time. I do wish to emphasize the importance of this representative's powers and duties. There are three cases in which they affect the vital interests of the American people:

First. There are those cases in which action is sought against the United States itself. I have stated that in my opinion we should always be willing to submit any international dispute to arbitration or adjudication, providing that the boards or courts established are bound to decide the question on principles of justice. This, however, involves authority to arbitrate disputes. That has always been a matter determined by Congress. I should be inclined to pass a statute defining the conditions under which the American representative could agree to a proper submission. I should make the authority as wide as possible.

I agree with the Senator from Minnesota that we should adhere to the World Court with regard to matters which are justifiable. I also believe that we should go further and agree to submit other matters, as well, to arbitration, and direct our American representative to do so. Moreover, we should state the conditions upon which he should do so.

Mr. President, if our representative, in some extraordinary circumstances, should find it necessary to refuse to agree to arbitration, I believe he should be instructed to veto any measures thereupon threatened against us under articles 41 and 42.

The second class of cases involves those in which we are called upon to apply sanctions or supply forces against nations which the Security Council considers to be aggressors. There may be a number of different situations. I do not think we would care to approve the use of force in an oppressive way against a nation struggling for its freedom and with whose case our people sympathize. It is important to determine whether such a cause shall be determined by the President or by Congress.

It may be that we will not care to approve the use of force if it involves an obligation which would inevitably lead to a major war. We should determine whether this is to be decided by the President or by Congress.

> There may also be cases in which the threat to the peace is so distant from us that other nations should undertake the police function. Probably this situation would be covered by the supplemental treaty under article 43.
>
> There is this consideration, however, in dealing with the power of our representative to authorize sanctions or force. If we assume certain definite obligations, I am prepared to leave to the President the performance of those obligations. But the veto power given under article 27 makes every individual case a question of national policy and not of justice. There is no obligation of any kind on us to vote for sanctions or force if we consider that it is unwise to do so from a question of our own national policy. Ordinarily, national policy in the field of sanctions and war has been decided by Congress. Under the Constitution, only Congress can declare war. It would seem desirable therefore, that some power be reserved to Congress to direct voting by our representative which may involve a war as distinguished from policing operations or may involve sanctions or vital economic dangers to the United States. I do not intend here to state any final opinion on these questions. I only feel that they are questions which must be decided by Congress when the office of representative is created, and that they are far broader and more important than the problems arising under article 43, which have been debated at some length on the floor of the Senate this week.

I do not maintain it is, and I do not maintain that what the President is doing is inconsistent with the Constitution. I do believe that as I have listened to people here on the floor, I have not heard anyone say we should not be in Saudi Arabia. I have not heard anyone say that the President was wrong to put our forces in harm's way.

There have been some people who criticized the number of troops, whether there should have been an increase in November. That, I believe. And in our briefings in Saudi Arabia and other areas, the Senator from Hawaii and I were told that it was a military recommendation to the President that the threat of force was not credible with the number of troops who were there at the time, so the troops were increased.

Congress in the past has specifically passed resolutions or taken action to authorize the use of force without declaring war. Incidentally, for all of my friends who want to declare war, I would urge them to take a look at some of the implications in existing statutes. For instance, under the Gramm-Rudman law, a declaration of war—OMB advises the Warner resolution is not a declaration of war—causes suspension of the Gramm-Rudman budget restraints.

Under an old statute, a declaration of war could also give the President some authority regarding wage and price controls. Does anyone really realize what they are asking when they ask for a declaration of war at this time. But this is not a declaration of war. We do not have a declaration of war before us because we do not want war. I do not think there is anyone here who wants war. We want the Nation to be able to respond to the United Nations according to its charter, and to be able to provide forces to support that objective.

Mr. President, in 1899, Congress approved a voluntary group to go to deal with the Philippine insurrection in the Philippines. In 1900, Congress approved sending our forces to China during the Boxer Rebellion. In Cuba, Congress approved in 1902 an amendment that specifically gave the United States the authority to intervene in Cuban affairs. In 1914, Congress passed a joint resolution similar to this one, justifying the deployment by the President of the Armed Forces of the United States against Mexico. We had a similar action in 1915 in Haiti.

In 1926, Congress authorized the President to send members of the United States military to Nicaragua. Again in 1927, Congress dealt with the involvement of our forces in a Chinese civil war. In 1955, Congress passed a joint resolution which authorized the President to employ the Armed Forces of the United States as he deemed necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack. And in 1957, Congress passed a joint resolution to authorize the President to use armed forces in Lebanon.

We have had a series of such involvements. In 1962, during the Cuban missile crisis, Congress passed a resolution to support President Kennedy and to prevent the Soviets from establishing a military presence in Cuba. And we all know about the Gulf of Tonkin resolution in 1964. And in 1965, we had another resolution supporting the President in the Dominican Republic.

In the absence of strong congressional support, the President, in his role as Commander in Chief, may not be understood abroad when voices are raised here at home concerning the power of Congress to declare war. I think that is the reason we are here.

The President kept hearing this, kept hearing it from the Congress, "Remember, you cannot use the force of the United States except pursuant to a declaration of war." But he does not want to declare war. I do not want to declare war. I challenge anyone to stand up here on the floor of the Senate and say that they want to declare war. What we want to do is support the objectives of the U.N. resolution to achieve peace, to try and keep the peace.

Furthermore, Mr. President, if the Congress really wanted to do that, this Congress now should take some action that the last Congress did not do.

The armed services bill was passed out of the Senate and was in conference before the deployment of forces following the Iraqi attack on Kuwait. The defense appropriations bill, that this Senator was involved in last September, contained provisions authorizing the use of moneys, authorizing the Secretary of Defense to utilize contributions made to the United States, extended the callup authority for reservists and National Guard personnel specifically for this purpose in Desert Shield, and permitted the Department of Defense to spend up to $1 billion from a special account created for this, the defense cooperation account, for the support of Operation Desert Shield.

In other words, Mr. President, if people here in the Congress wanted to limit the President's authority pursuant to the Charter of the United Nations and pursuant to the action that he had already taken, this Congress had an opportunity last fall and did not take it. This President had the right to assume from everything everybody said that this Congress was behind the President.

The Congress even appointed 20 Members, 10 from each body, to consult with the President, and this President has consulted with Members of Congress concerning this action more than any President in the history of the United States. I challenge anyone to come up with a contrary statement.

I am a member of that consultative group. I know the President has gone out of his way to listen, to expand the group, to include people who were otherwise not included in it by Congress.

Mr. President, it is imperative that we think about why the President seeks this support. We have the largest military force deployed since World War II in the Persian Gulf region. It is there to support the objectives of the United Nations. Having just come back from there, as I said, I can tell the Senate that every single person in the military that I talked to asked me about what Congress was going to do: Was Congress going to make the Persian Gulf Desert Shield operation into another Vietnam, into another Korea, and set down guidelines which would prevent the maintenance of peace?

That is what is going on here, and I am sick at heart to hear so many people say on the floor of the Senate they support our people over there, they support what the President had done, but we should wait. We should wait because they believe the President's request for the use of force to keep the peace ought to wait until the sanctions work.

Wait until the sanctions work. We saw marines that had been in the desert since August. They had been training daily. One of them said to me: Senator, can you imagine what it is like for a marine to be without beer for 4 months? They have been out there, day in and day out, on that desert getting used to it, and they are ready. We have to convince Saddam Hussein that they are not only ready but they can do the job if he does not comply with the U.N. resolution.

We also went to a whole series of areas. We visited vessels on the gulf. We visited with pilots. We visited with the Army people, with the commander over there, General Schwarzkopf, and his very dedicated and capable staff. All of them, even the foreign leaders in the nations we went to, said the problem is that Saddam Hussein is not getting the message. He does not believe you. He listens to the voices from home. He hears these people on CNN who say we are not going to support that, and that the President does not have the authority he says he has.

So the President did ask us to come on board. As Senator Vandenberg used to say, "If you want to be on board at the time of the landing or the crash landing, you have to be on board at the takeoff." The President has asked for us to get on board, to show the Nation is united behind those people who are deployed in the Persian Gulf region. Clearly the resolution that was discussed and presented by the majority leader does not meet the request of the President. Why should we be here and vote for something that does not give the President the authority he needs to carry out the purpose of the U.N. resolution?

One of the things we did on our trip was to go to Israel. I want to tell the Senate that that nation is in dire peril. It has been on alert now for so long it is straining them financially. Clearly they have the strongest threat against them, stronger than even the threat against the U.N. coalition forces. And there is no question that Saddam Hussein and his country have targeted Israel. If there is a nation that is going to be harmed, if the will of the United Nations in getting Iraq out of Kuwait is not complied with, it will be Israel.

I really believe that the problem we face now is to achieve the compliance with the U.N. resolution without the use of force. And how can we do that if these people in charge of Iraq do not believe that we will use the force we have already deployed?

I think it is important for the Senate to realize what we are talking about, how big this country is. Iraq is one-third the size of my State of Alaska. Did the Presiding Officer know that? It is one-third the size of Alaska. It actually has produced and exported less oil in the last 10 years than has been produced and exported from my State in the last 10 years. Yet it has 17 to 18 million people, and its income has been dedicated not to building an infrastructure and educational institutions and docks and taking care of wildlife and tourist facilities. They have dedicated their income to making war. They have dedicated their income to maintaining over 1 million men and women in arms. And they have at least another million in reserve.

I cannot understand anyone in the Senate who received this booklet that we all received from Amnesty International having any question about the intentions of the Iraqis. We understand command and control. Isolated instances of abuses and atrocities can happen in war, but I challenge my colleagues to read this, read this report of Amnesty International that urges an end to torture and killings and the widespread human rights violations and come to the conclusion that somehow or other this military machine is going to be deterred by economic sanctions alone. It has not been deterred by any concept of economics the world knows. It has dedicated all of its income to building the facilities of war: chemical warfare, biological warfare. It is working on a nuclear capability, and if it were not for Israel, they would have it now.

I believe it is time that we take a look at, really, what can we do, what can we do as Members of Congress to support the U.N. goals of trying to have Saddam Hussein and his forces leave Kuwait without the use of force. To me it is plain; that is, to do what has been asked by the President. I do not believe he had the duty to do that. After we already acquiesced in financing that Desert Shield operation, after we acquiesced in extending the periods of enlistment, extending the authority for calling up the reserves, any President would have the right to assume Congress agreed with what was going on and did not seek to interfere. But because of the voices that have been raised, and they continue to be raised here, I believe it is necessary for us to do what has been requested and that is to give the President of the United States the authority to carry out the objectives of the U.N. resolutions and specifically the one that says that such force as may be necessary may be used to remove the forces of Iraq from Kuwait if they do not withdraw by January 15.

In my judgment, there is ground here for people to have a difference about sanctions in terms of whether, standing alone, they will work. The question is not whether they will work, but whether they will work in time. Can we preserve the coalition that is there now, and can we maintain the support of the American people in the deployment of this many people, the maintenance of this credible force to carry out the U.N. resolution?

I still am of the opinion that if the Iraqis realize that there is no further impediment in the way of the use of the U.N. forces, the forces arrayed under the banner of the United Nations in the Persian Gulf, there will be a peaceful resolution of this. I must confess I am a little more pessimistic since I read the Amnesty International report than I was before, because the extent of those atrocities is just overwhelming. We have been told that Iraq has destroyed the birth and death record of Kuwait. It has destroyed the passport records. It has destroyed even the driver's license records. It has eliminated Kuwait from the memory of man, as far as they are concerned. It has even barred access to Kuwait, I am informed, by our news media. They are free to go into Iraq but they cannot go into Kuwait.

Is that not a dichotomy since Iraq believes Kuwait is now Iraq?

Why should we not have free access for the press to know what is going on in what we believe is Kuwait and what the Iraqis believe is now part of their nation?

I am of the opinion, Mr. President, that the people who do not vote to support the request of the President are not really supporting our forces in the field. That is what makes me sick at heart.

The array of our young men and women over there is tremendous. They have a morale factor that is just amazing. Everywhere we went, the Senator from Hawaii asked about absent-without-leave statistics, about sick-leave statistics, about reenlistment statistics. It might interest the Senate to know: No AWOL's; the lowest sick leave in the world in the American forces; the highest level of reenlistment in U.S. forces. The morale of these people over there is just tremendous.

Would we like to send them a signal that this Senate is unwilling to give them support? That is the way they are going to read it. I hope they do not have to read about some cliffhanger vote tomorrow on this resolution. This Senator is used to cliffhangers, Mr. President. I sat here and watched the vote on the Alaska pipeline. It was a tie vote broken by the then Vice President of the United States, the only vote he ever cast. It only took 1 vote to authorize that pipeline, and we have exported 8 billion barrels of oil. We understand democracy. One vote can make a difference.

But I wonder, does the world understand it? Does the world understand that the Senate of the United States can come in response to a request of the President of the United States to take and reaffirm what we have done? We went to the United Nations, got the U.N. support. The people are there. Our forces are there. The President has had his people negotiating all over the world to get money to support this deployment.

Now will the world understand a close vote in the U.S. Senate? I do not think the world even understands, as I said in the beginning, why we are here in view of the U.N. Charter. We committed as a nation to deploy forces at the request of the Security Council to meet its objectives. We did.

Now the question is can they be used? Is that force, which is now a credible force, of the nature that is required to make the threat believable? Can we really say the President may use it? He has asked us for that authority.

I think, as I pointed out in my statement, Mr. President, that the President's request is not irregular; it has been made by Presidents in the past, and Congress, to my knowledge, has never refused. When the President of the United States has come and asked for such an authority, to my knowledge, the Congress has never refused. The Mitchell resolution would not grant him the authority he asks with forces in the field, an overwhelming military force of American young men and women.

From my point of view, Mr. President, there can be no vote that supports those people other than to support the Warner resolution. It is clear; it puts some burdens on the President, but burdens he will live with, I am sure. He will find some way—other Presidents have found some way—to live with them, or explain why he did not.

But clearly this is, I think, the most important vote we will cast in our service here, because if it is cast in a way that sends the wrong signal, those people who want to count body bags and talk about numbers in terms of the casualties that may come from this operation are going to have the chance. Unless there is a clear signal sent by this Congress that we stand behind the President of the United States, behind those who went to the United Nations and got the United Nations on record with its demand to restore Kuwait, to have the Iraqi forces out of Kuwait, then I think the result will be war.

I still believe there is a chance to maintain peace if we act in support of the goals that have been enunciated by our President. Thank you, Mr. President.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

THE PERSIAN GULF

Mr. BRYAN. Mr. President, there are few times in our Nations history that this Chamber has considered such weighty issues as we debate here today.

As we ponder the issue of war and peace we are reminded that the armies of Saddam Hussein have marched twice in the last decade across international borders invading neighbors with whom they were at peace. These were invasions of conquest, first against Iran; then on August 2, against the small country of Kuwait.

On the day before his armies invaded Kuwait, Saddam Hussein was reassuring Arab leaders that he was going to settle his differences with Kuwait not by the use of force. Mr. President, He lied.

We have seen such lawless conduct before in this century. In the stormy decade of the Great Depression, Americans watched as Nazi Germany first reoccupied the Rhineland.

The world looked the other way, believing that this would satisfy Adolf Hitler. And then, after terrorism and political turmoil, fostered by Berlin, Austria was annexed into the Third Reich.

In the ultimate abdication of moral responsibility, the world learned a new word to equate with appeasement: Munich.

In Winston Churchill's chilling words, we are reminded of the results of that naive attempt to placate aggressors: "Silent, mournful, abandoned, broken, Czechoslovakia recedes into the darkness."

The breakdown of collective security, of free nations failing to confront aggressors, resulted in the most devastating war in history. Millions of people perished as armies marched and countermarched as bombs leveled cities, and the darkest nightmare of genocide became a reality.

American soldiers died a thousand deaths on remote beaches and in snow-covered forests. The cemeteries of Europe and the Pacific are testament to the price America has paid for standing up late to aggressors.

It is argued that Saddam Hussein is no Hitler; that the desert wastes of Iraq are not industrial Germany; that this petty aggressor does not warrant the full measure of our response.

Mr. President, the folly of that argument is clear. Hussein now, today, has under arms more men than Hitler when the German Army marched into the Rhineland.

The Iraqi Army today has more tanks than when the Panzer Divisions crushed France in May 1940. And, most chilling of all, Hussein is much closer today to having a nuclear weapon than Adolf Hitler ever was.

The Iraqi regime has used one of the 20th century's most terrible inventions: chemical weapons not only against Iranian troops in that bloody war, but also against its own helpless people. The photos of the dead Kurdish villagers are a silent, grim reminder of what kind of man we are dealing with in Baghdad.

As clear as this aggression was as brutal as Saddam Hussein's legions were to the Kuwaiti people, the administration did not immediately react with force. President Bush and Secretary of State Baker made an honest attempt to set up meetings directly with Saddam Hussein.

The President offered 15 different dates for Secretary Baker to meet with Saddam Hussein to discuss this issue, all of which were rejected. Finally, Secretary Baker and the Iraqi Foreign Minister Aziz met in Geneva, to no avail.

The question is not who is the aggressor, not who broke the peace, not who cast the first stone, not whose regime is a mortal threat to its neighbors and world peace and not who has attempted negotiations.

There should be no doubt in this Chamber or in this country that once the Iraq armies crossed the border of Kuwait, they committed an act of aggression.

The question before this body and, indeed, before this country, is what is the most effective way to remove Saddam Hussein from Kuwait, to reverse this act of aggression.

The President has mobilized the international community, through the United Nations, in a policy of tough economic sanctions.

This effort, skillfully led by President Bush, and executed by Secretary Baker, has resulted in one of the most effective embargoes in history.

Export of Iraq's oil has been stopped. This shutdown or Iraqi oil exports has devastated Iraqi international finances and Iraq's ability to purchase critical war material on the open market. Estimates indicate that because of the effectiveness of the sanctions the Iraqi economy has been reduced by 40 percent, or more.

Military and industrial material imports have been reduced to a trickle, and the United States Navy and our allies have already inflicted a grievous economic punishment on the Iraqis for breaking the peace.

The cost, to the Iraqi economy and people has been severe.

Many have argued, most notably in testimony before Chairman NUNN's committee, that sanctions are taking a severe toll on the Iraqis and that these sanctions alone should be given an opportunity to corrode the political will, the Iraqi economy, and the Iraqi military machine.

When two former Joint Chiefs of Staff who served under President Reagan argue that sanctions should be given time to work, that they are taking their toll, those arguments are worthy of taking note.

The President and his principal advisers have argued to the contrary. They do not dispute that the sanctions are hurting Iraq, but they remain convinced that sanctions alone will not do the job. There have also been questions raised as to the long-term staying power of the coalition of nations enforcing the embargo on Iraqi imports and exports.

As to the conduct of our foreign policy, the Constitution delegates to the President primary responsibility. There cannot be hundreds of voices in American diplomacy.

When President Bush and his administration argue that sanctions alone will not do the job, due deference should be paid to that opinion.

It does no discredit to the legitimate role of the Congress or the Senate to say that the President is the chief diplomat and Commander in Chief, and that his arguments are persuasive and compelling.

Moreover, we should not risk the sending of anything less than a unified signal to Saddam Hussein. This dictator's ability to miscalculate is our greatest danger. To date he has made several deadly miscalculations: Saddam Hussein invaded Iran, hoping for a quick victory, he ended up with an 8-year war.

Saddam Hussein invaded Kuwait thinking they would not fight. Kuwait did fight.

Saddam Hussein believed the Saudis would never invite American forces to its soil, and now he faces a massive American military force.

Saddam Hussein calculated that America would never react, would never move to Saudi Arabia's defense. President Bush launched the swiftest buildup of military force in history in defense of Saudi Arabia.

And now he is calculating that America lacks the will and resolve. That we are divided, that we will not back up the President.

We cannot afford to send that kind of signal to provide him with the false hope that we are anything less than committed to his withdrawal from Kuwait. Endorsing the U.N. resolution which authorizes the use of force will provide the President with the authority to launch a military offensive operation if the President of the United States deems that necessary.

But the U.N. resolution is no order to attack, no ultimatum requiring an immediate offensive. It is up to President Bush to discern if diplomatic movement can continue in the policy of sanctions and containment. And ultimately it will be up to the President to make that awesome decision of launching a military offensive.

We in this Chamber should not deceive ourselves or the American people by believing the rosy scenarios of a quick and bloodless victory.

While we all hope, should President Bush decide to attack, that the conflict will be swift and the cost small, history teaches us that this has seldom been the case. Phrases such as "Home before the leaves fall" and "On to Richmond" echo in the pages of history as a warning to those who hope for quick and painless victory.

President Bush, who himself has experienced the horrors of war, must be trusted to leave no stone unturned in the quest for a peaceful resolution. I trust the President.

As we approach this crisis we should keep two additional points in mind: our dependence on foreign oil and the failure of our allies to stand by our side.

In no small part the invasion of Kuwait, and the world's concerns about Kuwait's future, stems from that region's vast oil reserves. Today we are more, not less, dependent on foreign oil, especially oil from the Persian Gulf, more dependent than when we suffered the gas lines and shortages of the mid-seventies.

Today we import 50 percent of our oil from abroad, and the estimates are that we will import as much as 75 percent in a decade.

The administration is now, hopefully, at the end of a 2-year process to develop a national energy policy. It is long in coming and apparently still in the throes of internal debate. We should move forward early this year on conservation efforts, including improving automobile fuel economy, that result in permanent reductions in our consumption of foreign oil.

Our level of dependence on foreign oil is a latent threat to our security.

The administration's tenure is half over, and each year we become more dependent, more at risk. To not address our energy dependence now, when the country is galvanized and understands the true costs of such a dangerous dependence, would be a failure equal to a failure to expel Saddam Hussein.

The President and Secretary of State Baker have marshalled the world community in the diplomatic effort. Yet, while there is success in diplomatic unity, there is a real lack of support both financially and militarily to this cause. Countries which have as much at stake or more in the Persian Gulf are conspicuously hanging back. The President should renew the effort to make this truly an international alliance on the ground as well as on paper.

Both Japan and Germany could do more, much more, to offset the massive costs of the military effort.

With the notable exception of the British, who are standing fast with America both diplomatically and on the ground in Saudi Arabia, Western Europe could do much more. I have been to the gulf, and I wish I had seen more foreign uniforms, rather than just the desert fatigues of American military personnel.

Even if one accepts the argument that both Japan and West Germany are proscribed from military involvement, there is no reason not to see more financial and noncombat assistance.

There is absolutely no good reason why there are not German and Japanese field hospitals, supply units, and the thousands of other jobs that would not run counter to any legitimate constitutional restrictions.

This Senator, like the American people, will long remember that the British stood with us while others held back.

We can wish for a utopian world, where only peaceful men and women of good will lead nations. That is the hope of all of us. But as Saddam Hussein has cruelly reminded us, it is a wish as yet unfulfilled. As President Bush moves into this critical phase we should stand united. The signal to Baghdad from Washington should be firm, and our thoughts should be of our troops in the desert.

I thank the Chair. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kansas [Mrs. KASSEBAUM] is recognized.

A DEBATE OF ENORMOUS IMPORTANCE

Mrs. KASSEBAUM. Mr. President, it goes without saying that the debate before us is of enormous importance. It uniquely reflects the doubts and divisions that exist in the American public. My conversations these past few days with Kansans who have families in Saudi Arabia have been heartfelt. There are deep concerns and fears. I believe each and every one of us understands those well.

Everyone has hoped that since August the various diplomatic initiatives would have succeeded.

Up to this point, they have not. Earlier this evening the Senator from Massachusetts [Mr. KERRY] made an eloquent statement. I would take exception, however, to his statement that the issue is about closing ranks with the President or meeting a deadline set by the Security Council of the United Nations. It is much more than that.

The basic issue of Saddam Hussein's withdrawing from Kuwait is agreed to by everyone. But what is before us at this particular moment is the question of whether we wait or whether we proceed with the policy that was called for by our allied coalition and the President.

Do we support the efforts of the international coalition to isolate Iraq, or do we in Congress want to stand back and undermine that coalition by setting our own goals and our own force?

For many of us who have argued over the years, we should not go it alone—we should work with the United Nations—the coalition mobilized by the President is a landmark achievement.

It now is clear that the broad and overwhelming domestic consensus of last August has unraveled and, as Winston Churchill once said: "The terrible ifs accumulate."

From the start of this crisis, the President has always demanded "immediate and unconditional withdrawal." The word "immediate" is the nub of our disagreement at his particular juncture.

If we adopt the resolution introduced by the majority leaders and others that calls for a policy of sanctions and patience, the message we send to Saddam Hussein and the rest of the world will be as muddled and ambiguous as the resolution itself. This is an open invitation to disaster.

What we will be saying is that Saddam Hussein must get out of Kuwait—but not right now. Not today or tomorrow, not this month or next, but someday.

To the question of whether the January 15 deadline set by the U.N. Security Council is real, we will be answering with a firm "No." To the question of whether the world coalition opposing Iraqi aggression has real teeth, we will be answering with a "Maybe."

There is little doubt in my mind how Saddam Hussein will interpret such an action. It will be viewed as a victory of astounding proportions. They will have shattered the strongest link in an international coalition of a type that has not been seen since the end of World War II and that may never be seen again.

No one can doubt that Saddam Hussein will be emboldened by such a decision. All of us know the calendar, the religious holidays and weather conditions that constrain us. Saddam Hussein certainly does and he can quickly imagine vast new opportunities that the calender and our inaction would create.

With the message that he can remain unmolested by the multinational force arrayed against him for now, Saddam will intensify his efforts to destabilize Egypt, Saudi Arabia and other Arab members of the world coalition. He will redouble his efforts to shift the focus from Kuwait to Israel. He will go all out to improve and perfect his chemical and biological weapons, extend the range of his missiles and develop a genuine nuclear capability as rapidly as possible. The possibilities for mischief and genuine mayhem are endless.

Throughout all of this, the forces of 28 nations, most importantly thousands of American troops, will sit immobile beneath the guns of Saddam Hussein's armies—vulnerable at any moment to attack but helpless themselves to carry the fight to the enemy at a time and place of our choosing.

The terrible if's of such a situation are too bitter to contemplate. To grant such freedom of action to a man who has acted in such a brutal and repressive manner is, to me, unthinkable. To cede the initiative to a man with no qualms about gassing entire villages and ordering the torture and execution of children is beyond my comprehension.

Mr. President, I began to realize the danger posed by Saddam Hussein after his indefensible use of chemical weapons against his own citizenry and in the Iran-Iraq War. These incidents constituted the most blatant, confirmed use of chemical weapons since World War I. Saddam's use of chemical weapons was in direct violation of one of the most respected tenets of international law, the 1925 Geneva Protocol banning the use of chemical weapons in war.

I firmly supported the efforts in Congress to sanction Iraq for its use of chemical weapons. His continued disdain for international law is something we must continue to weigh seriously, as we search for a solution to this crisis.

The pattern of his brutality became even clearer to me this past spring, when I received documented reports from Amnesty International and our State Department about the torture and execution of children inside Iraq. As a member of Congress who was pressing the administration to do more to restrain Iraq prior to the invasion of Kuwait, I believe it is extremely unfortunate that we did not do so.

A man who will torture and execute the children of his opponents is capable of anything. Anything. I urge my colleagues to think carefully about this point. Do not misunderstand the nature of our enemy. Saddam Hussein will do anything and everything to maintain and extend his power.

This is why a policy based solely on sanctions is doomed to failure. Saddam Hussein does not care if we starve a million Iraqis to death. It will simply provide new and even more powerful propaganda for his use against the world coalition.

Mr. President, it also is essential that we not misunderstand the nature of the threat we now face. Saddam Hussein is not interested in merely annexing Kuwait. In Saddam's cold calculations, Kuwait is only the first item in a longer agenda that is intended to gain him actual or effective control of the entire Persian Gulf region. If allowed to proceed, he will bring 70 percent of the world's oil reserves under his personal control.

If that is allowed to happen, Saddam Hussein will hold a dagger against the jugular vein of the entire Western World, including the United States. This is not a question of "cheap oil," as some suggest. It is a question of whether one brutal dictator should be given life-or-death power over the future of our Nation and all our allies.

While this may sound dramatic, I believe it is very real. The danger to the West was clear and real to us all last August and we stood united behind a President who forged the broadest and most diverse international coalition in world history. Today, we are divided and uncertain as we wrestle with all of the terrible if's.

Mr. President, our policy in the Persian Gulf now rests upon a three-legged stool. The first leg is the complete political and diplomatic solidarity of the world community in opposition to Saddam Hussein's aggression.

The second is a near total international embargo against Iraq. The third is the credible threat of the multinational military forces now assembled in Saudi Arabia.

If we now kick the third leg from under our policy, I have little doubt that the other two will follow. If we cannot maintain our own consensus, how will we lead all of those who have joined us? I strongly support the language of the U.N. Security Council resolution which would give the President the authority to use force after January 15.

Mr. President, the present crisis has provoked an outpouring of thoughtful comments from hundreds of Kansans on both sides of this question. I will conclude by quoting from one of the letters that I have received. It expresses a sentiment which I strongly support:

> Anarchism cannot be tolerated. The principle must be made concrete that an attack on one of us is an attack on all of us. The world has no better hope for peace.

I certainly believe that is true. I yield the floor, Mr. President.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

SOMETHING APPEARED TO BE MISSING

Mr. KERREY. Mr. President, let me, first of all, assert that though I believe most of us share the sentiments as articulated by the President, some of us have been very critical of several things in particular that he has done.

In particular, Mr. President, I have been critical from the first moment, because I believe he improperly rationalized—not to protect Saudi Arabia; that was legitimate. Not to enforce the naval blockade; that was legitimate. But to begin to say that anyone who had an objection to the policy was an appeaser, Mr. President, was to ignore the administration's own participation in appeasement.

In addition, I do not believe that the President of the United States has sufficiently identified the interests that would justify a war. It is the most serious problem we have today. He justified the interest that would cause us to send troops to Saudi Arabia, but not to advance those troops to drive the Iraqi forces from Kuwait.

Four months ago, after listening to public confusion over our actions in the gulf, I declared that something appeared to be missing. And now after listening to 2 days of debate in this Chamber, I must confess that I have the same feeling.

President Bush may eventually, as it appears, get a resolution passed by both Houses of Congress, which will authorize the use of force. Public opinion polls, as well, appear to support this course of action, after Iraq's rejection of the President's attempt at a diplomatic solution.

Still, Mr. President, something seems to be missing, something the polls are not detecting, and that something is a personal, individual commitment to pay the price that would be necessary in this war.

I know and I believe the President is deeply troubled by this debate. He has been enormously successful and right in assembling a coalition of partners to oppose Saddam Hussein's aggression.

My sincere hope and prayer is that the President and others who support granting him the authority to use force now will look at the dissent itself and lack of enthusiasm for this war as evidence that something is wrong.

For in every other instance since the War of 1812, when the President of the United States has asked Congress to declare war, the dissent has been minimal or nonexistent. In the Mexican War, the Senate vote was 40 to 2. In the Spanish-American War, it was 67 to 21. In World War I, it was 82 to 6. In World War II, it was 88 to 0.

Something is missing, Mr. President, on our campuses, when President Bush feels the need to send a letter to college students asking them to consider what is at stake. Something is missing among America's most visible citizens, we here in the Congress.

In the Second World War—and I make this comparison because it is used so often by supporters of an authorization for war—Members of Congress actually resigned to enlist and serve. Vincent Francis Harrington of Iowa, Henry Cabot Lodge of Massachusetts, and congressional candidate Paul Douglas of Illinois enlisted for active-duty service. Other Members, including Lyndon Johnson of Texas, joined the Armed Forces Reserves.

Mr. President, the absence of prominent, enthusiastic volunteers like Joe Lewis, Jimmy Stewart, and Ted Williams should tell us something about our cause and what will happen if we pursue it to the bitter end.

I rise today to support the resolution that is offered by the distinguished majority leader and the chairman of the Armed Services Committee, Senator NUNN, and in strong opposition to a resolution which authorizes whatever force is necessary and authorizes that force is to be used now.

The resolution of the majority leader declares that America is willing to confront the danger of Saddam Hussein. It is not a resolution of retreat. It is not a resolution of appeasement. It is not an isolationist's manifesto, but a prescription for success and a blueprint for a sustainable engagement.

This is a resolution declaring our willingness and our commitment to defend the vital economic interest and to confront a dangerous military dictator whose conventional weapons and weapons of mass destruction we can no longer ignore.

This resolution authorizes the continued use of military force and the continuation of economic sanctions, both of which are a heavy price for American citizens.

Those who stand and say that the backers of this resolution have ignored the lessons of the 1930's ignore the actions that this resolution authorizes. We are not calling for a return to the policy of the United States prior to the August 2 invasion, when the threat of invasion was greeted with official statements about this simply being an Arab-Arab border dispute.

The message which this resolution sends to Saddam Hussein is powerful. It says that we are, on behalf of the peace and stability of our Arab, Jewish, and Christian allies, sending our sons and daughters to contain Iraq's armies. We have joined the entire world community in opposing Iraqi aggression. We will not buy Iraq's oil. We can live without it. We will not sell Iraq the goods of our labor, either those things their people need to raise their standard of living, or the things that their army needs to threaten us again.

It is a resolution of force, Mr. President, and it is a resolution of force which I am certain can be sustained. This is a debate which unquestionably is made more difficult by our concern for the safety of our soldiers. There is a legitimate fear that leaving them on the sands of Saudi Arabia too long can cause a deterioration of their morale.

But concern for our soldiers' morale should not drive us into an early war, when there is such a clear and present amount of public doubt about what it is we are doing.

No one in this body wants war, Mr. President. All of us hope and all of us pray that it does not happen. To those who have assessed the current situation and have concluded that we need to give the President authority to use whatever force is necessary to drive Iraq out of Kuwait. I do not question your desire to avoid war, and I do not question your commitment to the soldiers we have asked to go to Saudi Arabia.

Rather, I am asking you to consider my stong belief that the battle plan for a quick military victory will be politically unacceptable after the fact, if not before.

I do agree, Mr. President, with those who say that we should fight a war all out if war becomes the final solution. President Bush is right to develop a military plan according to the lessons of Vietnam.

However, it is precisely because of the probable consequences of this total war that we should question—question, Mr. President—whether public support can be sustained for the military strategy that is planned. We have a duty to do more than make a case for the starting of a war. We have a duty to make certain it can be continued to completion.

Mr. President, I want to make it clear that my feeling is that I am far from certain. Thus, I believe it would be better policy for the United States to cease from threatening war if Saddam Hussein does not withdraw from Kuwait. Rather than threatening war, we should declare, just as we did in the cold war, that we are not going to launch an offensive attack under present circumstances. We will defend—with awesome, sobering power if we are attacked—but we will not initiate this war under the current circumstances. We should tell Iraq and the world we believe the wholesale loss of American and Arab lives is too great a price to liberate Kuwait, and I personally and strongly, Mr. President, have concluded that it will be.

It has become clear to me the purpose of driving Iraq from Kuwait as important and worthy as it is, should no longer be the first principle of our and our coalition partners' policy. Its preeminence tends to force us into a corner. We are trapped between a fear of Saddam Hussein's full or partial withdrawal, leaving his threatening military intact, and our fear of the bloody consequences of the war which we are now staring in the face.

Before we go to war there is an urgent need for elected representatives to examine several assumptions which precede the selection of a massive, nonincremental battle plan. The first, that the threat of an attack would make a war unneccessry because Iraq would see our power and withdraw; has become academic. Iraq has not withdrawn from Kuwait and does not appear to be willing to do so.

The second is that Congress' vote of support for the President's request is crucial is demonstrating our resolve. Some have even suggested that the lives of the troops are endangered by any dissent as the suggestion that we should not go to war now somehow endangers the lives of our soldiers more than suggesting that now is the time go to to war.

Further, Mr. President, I believe that personal, bellicose threats are much more likely to have stiffened the resolve of Saddam Hussein than the remarks of those of us who believe the sudden escalation of our commitment was a mistake.

The third and most important assumption is that the battle plan of the Joint Chiefs of Staff will achieve a relatively quick victory. Several facts should give every Member of this body a sobering moment of reflection. Most wars begin with the military claiming to be able to achieve a quick victory. The longest and the bloodiest began with the expectation of an early resolution.

Further, even if Iraq is forced to withdraw from Kuwait in an acceptably short period of time, the loss of American and Arab lives will be shockingly high. Rather than providing the deterrant for future aggressors it is much more likely to deter us from fulfilling our international responsibilities in the future.

Finally, a military victory will not necessarily lead to a political victory. It is my strong belief our political position in the Middle East will be significantly weakened not strengthened if we select the battle plan of the administration.

Mr. President, as I said earlier in some ways the details of this resolution are less important than the presence of so much dissent before war has begun. I urge those of my colleagues who are bothered by this dissent to consider this: This is not a Congress unwilling to support the use of force. There are no America firsters standing here on the Senate floor arguing against a proposal to lend an endangered ally a hand. No, this dissent springs from the deep doubt and misgivings of our own citizens, doubt which I have heard from even strong supporters of the President's request for new authority.

This is a Congress which has taken the pulse of our friends and neighbors at home. This is a Congress which has considered the cost of a war to liberate Kuwait—both to our own soldiers and treasure and to the Arab people of Iraq—and is saying: Hold on, we may be about to make a terrible mistake.

This is a Congress I believe in considering the Mitchell-Nunn resolution which is doing the right thing, simultaneously supporting most of the policies of the Bush administration and by arguing for delay in implementing a battle plan which may result in a rapid decline of political support. Once we start we cannot stop. Simply put, there is too much doubt for us to start.

If we pass the resolution urged on us by President Bush that authorizes whatever force necessary, we must be more certain of what we are about to do. As the possibility of war becomes more imminent, I have become less and not more pursuaded that the unknown price is worth the uncertain gain.

Two days ago we saw the sad and weary face of Secretary of State Baker reporting that nearly 7 hours of meetings with Iraq's foreign minister ended in failure. When we heard Iraq's foreign minister speak; we understood why President Bush's letter had failed to pursuade: Iraq is unrepentant and unwilling to acknowledge the facts of their bloody deed.

It was a stunning moment which has sobered America focusing our attention on the reality of what is about to follow. Our mood has changed instantaneously. America's sons and daughters are about to fight, kill and die in a war whose outcome we can only predict as victorious without knowing exactly what victory means.

For most of the past 5 months we hoped that Saddam Hussein would withdraw from Kuwait. As Security Council resolution followed Security Council resolution, we expected a reversal but got instead a rebuff. Today, after moving from a defensive to an offensive posture—after increasing our troop strength so as to have the capacity to launch an offensive strike—Saddam Hussein seems willing to take our blow.

So, as we stand here debating this resolution, the smell of battle is in the air. Notwithstanding the constitutional arguments over who has the authority to declare war and the important question of whether or not economic sanctions will work, I cannot shake the conclusion that it would be a mistake for us to launch a war against Iraq.

Again, Mr. President, I know this is a war which all of us seek to avoid. Some have argued that the best way to avoid the war is to give the President the authority to use whatever force is necessary to drive Iraq from Kuwait. They argue that only by making Saddam Hussein believe we will use force will Saddam Hussein understand we are serious.

The appeal of this course of action is its hope that a completely unified United States will send the strongest and best signal to Iraq.

The tragic weakness of this argument is that it papers over deep and growing unwillingness to pay the price of human life necessary to carry it out, if Iraq does not withdraw. For it is not the congressional Democrats who are trying to obstruct President Bush, it is Americans themselves who are saying: We do not think war is worth it.

The resolution offered by the majority leader accurately expresses the will of the American people. They are not ready for an offensive war the object of which is to drive Iraq out of Kuwait. They want to wait a little longer to see if sanctions will work particularly since we have other options besides this inexorable procession to war.

Mr. President, this delay could do much more than give Saddam Hussein more time. It could give us the opportunity of assisting President Bush develop an alternative strategy which the American people and our coalition partners will support. It could give us the opportunity of reexamining some of the premises of our policy which seem to be forcing a conclusion that Americans do not want.

It is understandable that military commanders with the experience of the adverse effects of gradual escalation would insist that a massive air, sea, and land attack be the course of action. Getting this war over in a hurry has been a top priority. No incrementalization has been the first principle in developing our battle plan.

Unfortunately, this plan has a serious defect which as we approach the fatal hour is coming clearly into view. The costs of American and Iraqi casualties, property damage, economic disruption and mounting domestic deficits will be greater than the prize gained. What works militarily may fail politically because people will recoil in horror at the scene they see before them.

I believe President Bush is personally committed to avoiding war. If war is begun, I believe he is also personally committed to avoiding a replay of the Vietnam war. However, one of the most painful lessons of the Vietnam war was discovering the need to make certain the American people were behind the effort before sending our armies into the field.

Mr. President, the alternatives are not just the extremes of waiting for sanctions to work or going to war to get the job done. Both of these strategies—and many others in between—are based upon the premise that our No. 1 objective should be to drive Saddam Hussein out of Kuwait.

There is another option: Change the objective so that the liberation of Kuwait is a secondary objective to stabilization of the entire area. This does not mean that we retreat from our opposition to this invasion, the obliteration of a sovereign nation and the cruel abuse of the people of Kuwait. Rather, it means that we should stop asking the question will economic sanctions, military containment, and a naval blockage result in the timely withdrawal of Iraq's occupying forces and start asking the question will this international effort enable us to build a more stable region.

I believe it can. I believe it must. There are two good examples of a changed American attitude which provide us with the basis for constructive action.

The first is that prior to the invasion of Kuwait few of us were giving speeches about the dangers of nuclear proliferation, chemical and biological weapons, and the need to stop the conventional arms race. Those who were had to search for a receptive audience. Now, both the people and their representatives actually fear the danger and are prepared to do something about it.

The second is that prior to the invasion few of us saw much of a danger in Iraq's growing military threat or their willingness to apply inhumane, brutal force on their own people. Those who did also had to search for a receptive audience. We owe these brave souls our thanks and our apologies for not seeing the danger sooner.

Mr. President, I believe the best course—the path of strength and wisdom—is to tell Saddam Hussein that we have been patient to no avail. We should tell him he has lost the opportunity to simply withdraw from Kuwait. We should tell him we are not going to declare war and will not initiate the attack under the current circumstances. However, not only do we intend to keep in place our economic sanctions and the warning of swift and certain use of force if his appetite for power leads to further aggression, but we are changing the order of our objectives.

The first priority will now be a reduction of his military power and elimination of his most endangering weapons. We want more than to just have him gone from Kuwait. We want his destabilizing influence on the region gone and we want it gone for certain.

To change directions in this manner will most certainly make the downsizing of our military force a necessity. The offensive purpose will be gone. Still, some force must remain to guarantee that we can protect Saudia Arabia, enforce our economic embargo, and to present a credible deterrent to Iraq's military dictator.

The brave men and women of Desert Shield deserve a hero's homecoming. They have already faced great danger and have done so with impressive speed and intrepidity. They have accomplished the most important goal—stopping Saddam Hussein's aggression—and have done so in a way that has brought honor to themselves and the United States of America. America has demonstrated her resolve. We have sent our best and most precious treasure to stop Saddam Hussein. Now, it is time for us to stop before we do something which in our political stomach and in our human heart many of us believe we will regret.

Led by President Bush the world community has achieved a great victory. We could achieve an even greater one if we will only see there is a better way to peace than through this war.

The PRESIDING OFFICER. The Senator from Rhode Island.

CONSEQUENCES OF A UNITED STATES-IRAQ WAR

Mr. PELL. Mr. President, "War is neither inevitable nor necessary to resolve the Gulf crisis." So begins a letter I have just received from former President Jimmy Carter and which I would like to share with the Senate. President Carter has a keen understanding of the Middle East. His efforts at Camp David were the greatest success of American diplomacy in 40 years in that troubled region. Indeed, one might say, the Camp David accords have been our only success.

Therefore, his warnings about the consequences of a United States-Iraq war for the Middle East bear special scrutiny by this body. He makes clear that Iraq must withdraw from Kuwait, but also argues that nothing is to be lost if we accept the idea of a peace conference to deal with the broader Middle East questions including the Palestinian issue.

Mr. President, I ask unanimous consent that President Carter's letter be printed in the RECORD at this point so that all Members might consider the views of this statesman prior to our vote.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 10, 1991.

DEAR SENATOR PELL: War is neither inevitable nor necessary to resolve the Gulf crisis. Iraq's obduracy and U.S. quibbling over meeting dates and "linkage" have moved us slowly but inexorably toward military action. The devastating consequences will be both immediate in human blood shed and, for decades to come, in economic and political destabilization of the Middle East region. Massive bombing and missile bombardment will be necessary to minimize American troop casualties, with commensurate civilian deaths. In the aftermath of the war, no matter what the outcome might be, an allied invasion will be viewed simplistically as a devastating attack by United States forces against the people of Iraq and Kuwait. Religious sensitivities among Moslem believers in all countries will be further aroused because of the dramatic presence and actions of Western powers in their holy lands. Saudi restraints on dress, Christian and Jewish worship, the display of the American flag, and even official acknowledgment of foreign forces on their soil are clear indications of the extent of this concern. The inevitable Israeli response to an Iraqi attack on their country will cause grave defections among some of our presently staunch Arab allies.

Despite U.S. claims of allied unanimity, it is obvious that many of those contributing to the Gulf military forces are much more amenable to patience as the economic sanctions become increasingly effective and while other peace initiatives can be attempted. French and Soviet leaders have made it clear that they prefer a flexible negotiating approach instead of the delivery of iron clad ultimatums.

There is no reason why the international community should not accept the concept of a peace conference to deal with broader regional issues, including the attempt for a peaceful settlement of the Palestinian question. This has already been endorsed by the United Nations Security Council, and is compatible with the historical policy of the United States government. Israeli concerns about biased conveners can be largely assuaged by U.S.-Soviet bilateral sponsorship, now that relatively good Israeli relations with the Soviet Union have evolved. If necessary to save face, we can continue to deny what everyone knows: that linkage does exist.

Iraq must comply with United Nations requirements on the Gulf issues. Iraqi forces must withdraw from Kuwait. Other disputes, compatible with this bottom line demand, can still be negotiated, preferably among Arab leaders with Western backing. Concerns about excessive flexibility can be assuaged by the understanding that any resulting agreement will be submitted to the Security Council for ultimate acceptance as complying with demands of the international community. Reasonable concessions required by all contending parties are insignificant when compared with the destruction of war. It is not too late.

JIMMY CARTER.

The PRESIDING OFFICER. The Senator from Connecticut.

THE PERSIAN GULF CRISIS

Mr. DODD. Mr. President, before beginning with some remarks I would like to take a moment to respond to some comments made by some previous speakers only a few short moments ago.

I regret our colleague from Alaska, Senator STEVENS, is not still on the floor. In his remarks he suggested that those who will not be supporting the resolution sought by the White House are in some way expressing that opposition to the young men and women who make up Desert Shield, our Armed Forces present in the Persian Gulf.

I regret that comment was made, because I do not think anything could be further from the truth than to suggest that those who may disagree on what course of action we ought to take in this body somehow reflect a lack of support and appreciation for the 400,000 U.S. citizens who are presently defending the interests of this Nation, our allies, and other strategic causes in the Persian Gulf.

I hope in the course of this debate as it goes forward over the next day or so we would keep our attention focused on what the differences are. One of those differences is not a lack of support, appreciation, and confidence in the men and women who are defending this country's interests, who are in uniform in the Persian Gulf.

Second, it was suggested by the distinguished Senator from Kansas [Mrs. KASSEBAUM] that a resolution which suggested supporting continuation of sanctions rather than opting for a military course of action at this particular juncture is one that says that we do not want Saddam Hussein to move out of Kuwait immediately; that we are somehow suggesting delay; that we are really not committed to achieving the goals as articulated by President Bush as early as the first week in August when Iraq's naked aggression toward Kuwait occurred.

I do not believe anything can be further from the truth. I think again there is a commonality of purpose that I heard reflected in speeches by all Senators over the last 2 hours. The common desire of every single Member of this body is to secure the independence of Kuwait, the departure of Saddam Hussein, and the neutralization of the warmaking capacity of Saddam Hussein, the chemical, biological, and potential nuclear weapons he may accumulate.

So I hope again, Mr. President, as we move forward with this debate we will discuss the issue at hand and try not to create false differences—and I say false because that is what they are—between Members of this body who are asked to choose between two particular approaches over the next several weeks, assuming for a second that Saddam Hussein will not take the advice that is being offered by many—including, I gather, the Secretary General of the United Nations, who is on his way to Baghdad—to remove himself from Kuwait and to avoid the possibility of conflict.

If he does not do that, whether it occurs on January 15 or 16, at some point I suggest that that will be the case. And our collective hope in this body ought to be that he will listen to wiser counsel and recognize the mistake, the tragedy he has brought on that small nation and reduce the tensions that have caused 400,000 Americans and 27 other nations to place forces in the gulf.

Mr. President, this Chamber is no stranger to controversy or emotional debate. Over the decade I served here there have been numerous occasions where that has happened. However the issue before us is not only controversial and emotional, but it is also historic. In fact, Mr. President, I would not be surprised if future generations were to look back on this debate as a significant date in the history of our Nation's diplomacy, the first challenge in the post-first-cold-war world. And, Mr. President, they will be right.

What we all do here in the next days will echo down the halls of history for years to come. Mr. President, what is before us is not routine legislation. Rather, we are here because the President of the United States has asked this Congress to approve the use of military force in the Persian Gulf. We are being asked to approve nothing less, in my view, than a declaration of war.

The Congress' acquiescence to this President's request could very well, as we all know, send 400,000 of our young men and women into mortal combat. Accordingly, Mr. President, I view this question as the single most important issue that has come before the Senate in my 10 years of service.

The President refers to this debate and this crisis in general as the turning point for a new international regime, perhaps even a new world order. To this end he has asked us to implement the United Nation's resolution authorizing all necessary means to force Saddam Hussein out of Kuwait.

Mr. President, I understand the President's request. I understand why he has made his request. And I firmly believe that the President deserves an up-and-down vote on that request.

Furthermore, Mr. President, I am in complete and total agreement with the stated goals and objectives of the President's policy. The Iraqi Armed Forces must leave Kuwait or be forced out. In fact, I was one of the first Members of this body to support the initial deployment of troops to the region in order to defend against further Iraqi aggression.

Since Iraq's invasion of Kuwait on August 2, there have been few decisions that our President has made with which I would quarrel. The escalation of our troop levels in the gulf by 150,000 men and women on November 8, and the choice of January 15, 1991, as a date of no return, are two such mistakes that I think have been made. However, up to now, Mr. President, I believe that President Bush has managed this crisis creatively and with vision.

The irony is that those who initially doubted the effectiveness of economic sanctions and the ability to amass global consensus against Saddam Hussein have become believers, while the architect of this bold policy, the President, has become his own worst skeptic. At this, the critical moment up to now of the gulf crisis, the President appears to have lost confidence in his own successful strategy: A strategy that has led to the adoption of 12 resolutions by the U.N. Security Council, condemning Iraq:

Achieved unprecedented political unity in the Arab and non-Arab world against Iraq;

Marshalled the military forces of 28 nations in the gulf to prevent further Iraqi aggression; and

Last, imposed an effective worldwide trade embargo and economic sanctions.

Those are no small feats. That is a remarkable set of accomplishments over the last several months. This is not a Chamberlin; this is not 1939. This Nation and others have responded to this crisis and to this threat.

By requesting, however, blank check approval for the use of force at this particular juncture from the Congress, the President appears to me to be saying that these historic achievements have failed.

The President has now done what only a few short weeks ago he cautioned all of us against—he seems to have lost patience.

Even though there is overwhelming evidence that the President's original approach is working, we are told we must now change course and place in harm's way thousands of U.S. service men and women.

Mr. President, I shall vote against this request. Allow me to explain why.

This debate is not about the option of military force as a legitimate means of pursuance of our objectives in the gulf crisis.

I supported the deployment of military forces to the gulf in August.

I would strongly support the use of force to protect our service men and women;

I would strongly support the use of force to protect our allies in the region from Iraqi aggression;

I would strongly support the use of force to enforce the trade embargo; and

Mr. President, I would strongly support the use of military force to remove Saddam Hussein from Kuwait and neutralize his future warmaking capacity if our present strategy of political, military, diplomatic, and economic pressures fail to do the job.

No one, Mr. President, is kicking a third leg out of the strategy of economic, political and military presence to deal with this crisis. All we are suggesting is that those particular efforts be maintained and pursued equally.

However, Mr. President, just as it would be foolhardy to remove altogether the arrow of military force from our quiver, so too would it be foolish to draw this arrow prematurely.

I say this because, of all the available options, military force is the only one which once commenced is almost impossible to stop. To put it mildly, the use of military force in the Middle East is always risky business, with no guarantees of success. It is a leap into the abyss. We learned this painfully in Lebanon.

I accept the fact that we may be with no other choice. But, Mr. President, just as I am convinced we may have to make that choice one day—we do not and must not make that choice today.

Mr. President, those who argue that now is the time to give the President the authority to go to war should have no illusions: I am convinced the President has already made the decision to fight. He has made it clear that he intends to go to war. If Saddam Hussein fails to back down, then we, I say to my fellow colleagues in the Senate and the House of Representatives, are all that stands in the way of that war.

Mr. President, I believe at this point, war would be a tragic mistake.

To forsake the success of the present course of action for the risk-ridden option of war is, in the words of the historian, Barbara Tuchman, "To pursue the unworkable at the sacrifice of the possible."

In this case, what is being sacrificed is the real possibility that the embargo, economic sanctions, and diplomacy are working and with some patience can prove even more effective.

Mr. President, it is of the utmost importance that these efforts be given the opportunity to prove their worth, not merely because of what is at stake in the present crisis, but also because of the new chapter in conflict resolution that President Bush has devised by arranging world participation through the United Nations and the imposition of economic and political pressure.

Now that the threat of nuclear war has diminished and super power tensions are at their lowest level in four decades, the world must face the challenge of how to maintain order.

Mr. President, George Bush has drafted a blueprint in the world's first test of this new challenge. To abandon this inventive plan now may well doom the peaceful resolution of this crisis, but, as importantly, may well dissuade others from following a similar course of political, diplomatic, and economic pressure if we untimely reject their effectiveness.

To assess the vitality of our present position vis-a-vis Saddam Hussein, consider the following:

First, consider the present potency of economic sanctions. In the early days of this debate, the President repeatedly expressed his confidence in the sanctions effort.

Indeed, at a September joint session of Congress, the President of the United States reassured us and the American people that sanctions were working and working well. And, in asking for our patience, the President reminded us that sanctions could take 12 or even 18 months to prove fully effective.

In fact, no case of sanctions in modern history has ever had more than a 16-percent impact on the target nation's gross national product. Already the impact of the sanctions is unprecedented, affecting over 40 percent of Iraq's gross national product, and over 90 percent of Iraq's trade. And their vitality, Mr. President, increases with each passing day.

Second, the door to political and diplomatic alternatives should never be shut.

President Bush insists that he has gone the extra mile. However, it seems to me that when 400,000 troops are sitting in the Saudi desert, there is a heavy obligation to exhaust every option for a peaceful solution to the crisis.

If Foreign Minister Tariq Aziz has rebuffed the United States, then we should try other offers—through the United Nations, through the European Community, through anyone who is willing to continue the diplomatic track.

We must be prepared to fight for a diplomatic solution as vigorously as we would fight for a military solution.

If we practice trench warfare, Mr. President, on the economic, political, and diplomatic front, we may be able to avoid it on the battlefield.

I am also concerned, Mr. President, as to whether we can even achieve our objectives with military action. The course of history in the Persian Gulf suggests we should be skeptical of any presumption of automatic victory.

War in the gulf will pit Arab against Arab, Arab against American and the real possibility of Arab against Israeli.

Mr. President, a military war with Iraq could very easily get out of control, and that would be disastrous.

Our concern for the coalition's stability has to begin with Israel.

We know that Iraq will attempt to attack Israel in a war.

We know that Israel will respond. But we also know that Syria and Jordan will not permit Israel to pass over their territory en route to Iraq.

The Egyptians have already indicated they would have serious reservations about fighting side by side with Israel.

Mr. President, that raises serious problems. We are firmly committed to the security of Israel, as we should be. But how would we react, Mr. President, if Syria or Jordan, or some other member of the coalition, were to attack Israel? These are serious questions, Mr. President. They deserve serious answers.

What if, rather than attack Israel, Egypt, and the other Arab members leave the coalition altogether? What then is the future of the multilateral effort to confront Iraqi forces? Remember, there are no Soviet troops in the region, no Chinese troops, no Japanese troops, and no German troops. The British have contributed a small number of troops, and the French only a token force. How do we avoid the impression that this is, once again, an Arab-American conflict? That perception alone would be sufficient to upset in my view, the delicate nature of any postwar balance, even if Saddam Hussein is entirely defeated.

And, Mr. President, it is not enough to concern ourselves with who loses influence in the postwar Middle East region. We must also worry about who will gain.

In the wake of Iraq's defeat, Syria and Iran will certainly attain far greater influence over the events in the Persian Gulf. Are we prepared to face Hafiz al-Assad 5 years from now should he undertake territorial ambitions? Would we be able once again to summon the political will necessary to send half a million troops to the region? These concerns, Mr. President, must also be addressed.

Decades from now, Mr. President, how will future generations view this confrontation with Iraq? Will they read about a glorious military campaign, about bombing followed by limited but effective ground combat? Or will they read about how superior forces were bogged down by sandstorms and a determined energy? Will they visit the museums to find displays devoted to the courageous leaders who bravely managed this conflict? Or, Mr. President, will they reach out their hand and solemnly trace out on yet another black slab of granite the names of those who lost their lives? Will they remember a nation that acted decisively and effectively in the face of a dangerous enemy or one that lost its patience when patience was most called for? We do not know. No one can answer those questions.

But if we give up on the sanctions and the diplomatic effort now, we will never know whether those efforts would have worked. That perhaps, Mr. President, is the critical point. We have pursued the unworkable at the sacrifice of the possible.

The President reminds us what we do here will constitute the makeup of a new international regime, a new world order for years to come. But if we go to war now, Mr. President, we risk the undermining of that global effort. We will gravely tarnish if not discredit our economic and diplomatic tools. And once again we will have resorted to aggression and conflict rather than diplomacy to solve international disputes.

Mr. President, let us not step into the black abyss of war in the Middle East unnecessarily.

As is the case so often with me, Mr. President, maybe my favorite poet, William Butler Yeats, said it best:

THE SECOND COMING

Turning and turning in the widening gyre
The falcon cannot hear the falconer;
Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction,
While the worst are full of passionate intensity.

With deep respect, I urge the defeat of the Warner resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GORE). The Senator from Rhode Island is recognized.

Mr. CHAFEE. I ask unanimous consent that the Senator from Wyoming go ahead of me and I follow him.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the Senator from Rhode Island.

A DEBATE OF PASSING INTEREST, OF PASSING PASSION

Mr. WALLOP. Mr. President, this is a debate of passing interest, indeed, of passing passion. We hear those on the majority side just expressing themselves in seeking guarantees. Mr. President, while we seek them, there are no guarantees of success. And there is no way on Earth in which a committee of 100 or a committee of 435 in the House or a committee of 535 in the House and Senate or even more can choose the moment in time when success is more likely by one means than another.

In fact, Mr. President, as much as the Senate and Congress may dislike it, only the Commander in Chief can choose that moment and only upon his shoulders rests the chilling aspect of success or failure.

Congress will find a way to excuse itself or to take credit, no matter what happens.

I have heard speaker after speaker, and most recently my friend from Connecticut, suggest that were we only to be patient and not impatient we would know with some certainty the course of events. His suggestion is that were the President of the United States to choose the use of force over the continued use of sanctions, we will never know whether sanctions could have succeeded or not.

Mr. President, I suggest that is the truth. But an even more chilling truth, Mr. President, is that when we have seen that economic sanctions have failed, we will never know if the credible threat of force would have worked and the interests of the United States and its allies might have been served.

So therefore, Mr. President, I rise to oppose the Nunn-Mitchell joint resolution which is today's version of the Boland amendment. It is a political statement and not a policy position. Like the Boland amendment, it is pusillanimous and it equivocates. It says neither yes nor no. It does not oppose war but it opposes war now.

Mr. President, my question to the Senate and to the country is: When will these Neville-ites be able to decide?

The posture of the Nunn-Mitchell, Mitchell-Nunn proposition basically says we the majority will wait until the end of the battle to interpret its results and harvest the politics as the opportunities arise. Should the operation succeed, we have been with you all along.

How many, many times have we heard in here "I support the views of the President, the purpose of the President"? Should it not succeed, we have already heard the threats of impeachment. I ask again: Upon whose shoulders does the most compelling question rest?

Make no mistake, Mr. President, the majority proposal is not a message to the President of Iraq, Saddam Hussein, but to the President of the United States, George Bush.

Last October, just before the end of the 101st Congress, I spoke at length on this floor on this crisis, as some colleagues may recall. I felt then and I still feel that the Persian Gulf conflict is sufficiently serious to justify a formal debate on a declaration of war against Iraq.

I felt then and still feel that the United States has a direct, worthy, and significant national interest to be defended and that we should have debated and clarified those interests at the time.

Mr. President, a declaration of war is not a call to combat. Let me point out to those who may be watching and those who may be listening that some of our allies in this alliance are still in a state of war with Israel. Are they engaged in combat? No, Mr. President, they are not.

Their's is a statement of national purpose of enmity with Israel one with which I disagree and so, too, does this body, and time after time it has made its opinion known.

But in fact, Mr. President, a declaration of war is not a declaration of combat, and this Congress and this country should not suppose it to be that. What I asked for in a declaration of war was an unequivocal statement of American purpose and resolve.

This declaration would not have obligated us to attack Iraq nor made war any more imminent. I believe that a joint resolution to declare it was and still is the proper constitutional vehicle to clarify the U.S. interests at stake and to illuminate the relationships between the means and the ends in the conflict.

Above all, if, tragically, it becomes necessary to engage in combat, a declaration ensures political stability and public support, the lack of which inevitably sews confusion and saps morale amongst our Armed Forces and can lead to disaster at the operational level as it did in Lebanon in 1983.

But the majority's resolution, and frankly, even those others which have been suggested to be more strongly worded alternatives, are mush. Like the Gulf of Tonkin resolution, they contain the seeds of uncertainty and confusion that have clouded every recent war that we have fought.

So I am compelled to ask, Mr. President, why are we doing this now? Yes, I realize the U.N. deadline for the Iraqi withdrawal from Kuwait is only 5 days away, and that is precisely my concern. Our choice of timing in publicly opening this controversial debate could not be worse. We had an opportunity back in the fall to debate this issue and pass an appropriate measure.

In October, the massive buildup of U.S. troops was continuing, and so, too, was it in November and December. We did not need the request of the President of the United States to act. This body managed to provide a view to the American people that we were conscious of what was going on, and we gave ourselves the opportunity to call ourselves back into session.

But sadly, what took place then, what has taken place today, is somehow or another a means of carrying on a debate to express that we have concern, but to avoid being pinned with a decision the likes of which the President of the United States must make and cannot avoid.

Had we, back in October or November or December, authorized the use of force, it would have said to Saddam Hussein that Americans were both determined and united. And what a stronger message that would have been then this subsequent dithering and inaction. Action then would have permitted us to stop at any point short of combat operations without harming our vital interests, had events warranted.

Regrettably Congress, the modern Congress, especially, is designed to evade its responsibilities. We try to have it both ways, or even any number of ways. We want the credit for its successes, but none of the blame for its failures. We would carefully trim our sails to catch the winds of favorable public opinion, but dive overboard rather than truly be held accountable in the eyes and minds of the public. We hold hearings, sometimes interesting, most often meaningless. We carp in the press. We remain silent when we should speak, and we speak when we should remain silent. Is there any wonder that the executive branch refuses to relinquish its powers to such a body?

So I suppose, indeed, I admit, that there is nothing to be gained in recriminating over what we have failed to do. Yet it is worth pointing out in passing that nothing is as irredeemable as a missed opportunity.

So we are now at the point where we can no longer evade responsibilities. The march of events and passage of time has brought the Nation to the brink of engagement. Yet, its very imminence vastly increases the sensitivity of what we say and do here in the next few days.

On the floor last week, Senator WIRTH put it very neatly. We are on the horns of a dilemma. Congress has a duty to act. Yet we ought to feel at least an equal duty to give the executive branch the flexibility to conduct the operation safely and to protect the interests of the soldiers, sailors, airmen, and marines who happen to be serving this country's interests abroad.

This dilemma illuminates the dual nature of the debate on the gulf crisis. We are essentially confronting two issues: What one might call the war powers issue or the constitutional issue of executive versus congressional prerogative; and secondly, the policy debate, the substance of American conduct of Operation Desert Shield itself.

Simplified, the policy debate asks, "Should we fight at a time of our choosing after January 15, or should we wait for some indefinite period to let sanctions work, to achieve some indefinite goal?"

Critics of force in the gulf have consistently linked these two issues in complaints about the President's handling of the crisis. They seem to equate Congress' prerogatives to declare war on the one hand, with a condemnation of force on the other. Ironically, the Senate's linkage of these two propositions has assured the administration's continued reluctance to place the issue before Congress, and has perpetuated an incipient crisis right up to the very threshold of hostilities.

I do not intend to discuss the constitutional issue which, Mr. President, is largely irrelevant at this late date, in any case. It remains unresolved. Indeed, in the current climate, it will be impossible to resolve, as it has been proven impossible to resolve hundreds of times in our past.

Mr. President, there is an old-fashioned word called victory. Our experience in Korea and Vietnam seems to have excised that word from our national vocabulary. The victory is what we should be seeking. Victory, therefore, is what President Bush should define.

Any resolutions this Senate, that House, and this Congress passes should—but I regret to say certainly will not—define what constitutes victory, should define our goal, define what it is that we as a nation have as our perfect and special interest.

Mr. President, should we define that, it will become then our choice to stop at any point along the road that we deem satisfactory. But should we fail to define it, it will be defined by the world, by the press, by the French, by the United Nations, by somebody else whose boys are not committed.

So, Mr. President, I suggest that it ought to be an obligation that the Senate of the United States would willingly shoulder, and I suggest to you that it is an obligation that the Senate of the United States will willingly shirk.

Regrettably, those on the side of saying stay the course, waiting for sanctions, no one asks on that side what must these sanctions do? How will they achieve a successful end? If we have to fight, how will we know when to start and when to stop? What constitutes eventual success? Rather than deal with these fundamental requirements, the majority attempts to ride the issue of Congress' ambiguous warmaking power into the White House and substitute Congress' role for that of the Commander in Chief.

The Mitchell-Nunn resolution spells out the specific conditions or scenarios under which the President may use force. Why, then, do they not also establish the rules of engagement, write operational field orders, and delineate the targets, and determine when they have and have not been satisfactorily hit?

I am sad to say I have seen few arguments from the Nevilleites that would contribute to our victory over Saddam Hussein and defeat his aggression. Indeed, under the guise of constitutional prerogatives, some would forfeit a permanent advantage to Saddam Hussein.

In my view, Mr. President, it is a modern political tragedy that appeasement and compromise and retreat have been identified with the so-called constitutional position. A Nevilleite measure, a new Boland amendment, is not worthy of the Senate, but it does illuminate how prone we are as a body to avoid discussing the demands and the fulfillment of national interests.

This crisis does abound with wild improbabilities. Was there ever a conflict in which we sought to give the enemy such a priceless advantage, advance notice of the earliest date of possible military action? And even worse, in the majority's resolution, advance notice of when we have changed our minds about sanctions of the United States, sanctions versus military force?

Saddam Hussein has had at least until January 15 to dig in safely, reinforce his troops, and continue his rape of Kuwait with impunity. But the majority resolution seeks to offer him even more months of security to strengthen his defenses and manipulate world opinion, while they attend the day when sanctions may work.

Saddam Hussein, Mr. President, knows himself to be ruthless, knows himself to be tough. He demonstrates it daily, and has over the last decade. He may even believe that he has more resolve than Mr. Bush. He knows he has more resolve than the Congress of the United States, and resolve can be the decisive element of the military equation, despite an imbalance of forces which rests largely on our side.

He may actually think we are bluffing, and that he can face down our bluff. That is why what we do here in the next few days is so critical, because I do not believe the President is bluffing. While I have some concern about the extreme multilateralism that has characterized the President's actions, I commend him for the cool, steadfast, resolute, and clearheaded manner he has displayed. He has in all major respects been an exemplary Commander in Chief.

But this debate stands in startling contrast to the actions of the Commander in Chief, the Secretary of Defense, the Chairman of the JCS, the commanders and troops in the field. The Senate presents a picture of vacillation, and indecision. We stiffen Saddam's defiance based on his misreading of our intentions and our resolve. No amount of repetitive statements on the floor of the Senate of the United States that we stand together on the ultimate goal will persuade Saddam Hussein that there is a credible threat of force that can make our resolve believable.

Saddam Hussein has shown himself to be capable of major miscalculation. Invading Kuwait in the first place and attacking Iran in 1980.

Today we may be witnessing a classic case of further miscalculation leading inexorably to war. The tragic irony is that the majority's appeals to avoid war at all cost may in fact ensure it.

In the final analysis, Mr. President, this Nation cannot afford to let this debate, or even legitimate doubts and questions about the administration's priorities, obscure our obligations and the vital national interests at stake. If we have no vital interest at risk in this situation, we have none anywhere. And if we have none anywhere—in God's name, let us stop equivocating and come home.

Many people have trivialized this crisis by claiming it is merely about cheap oil, that we are going to shed blood merely for the oil companies, or to make the world safe for gas guzzlers. Well, Mr. President, the conflict is in part about oil, but not exclusively. But the oil issue is not trivial. We are tied to the rest of the world, and its economy. If we allow 70 percent of the world's proven reserves, with the global leverage it represents, to fall into the hands of a man like Saddam Hussein, we will no longer be a secure power, much less a great power. And those people who are shouting the loudest now about no war for cheap oil will shout even louder when they are jobless, cold and hungry.

Saddam Hussein sees oil as a weapon, one to be used to fuel his imperial dream. He sees himself as the new saladin to drive out the west from Arab lands, as the new Nebuchadnezzar of a revived Babylonian Empire, stretching from the gulf to the Mediterranean. And the targets of his expansionist military empire will be all our allies in the region—Saudi Arabia first, then the rest of the Gulf States and ultimately, Israel.

This is a test of our credibility and our leadership as a great power. And America is a superpower—perhaps the only one—and with that role comes responsibilities—to ourselves, and to our allies.

The crisis in the gulf is not just about oil and concern for American wallets, or about the ruling families of Kuwait or Saudi Arabia. Sooner or later Saddam Hussein must be defeated in order to guard the principle that aggression across borders—especially in such a critical region—must never succeed.

Senator NUNN has asked us to make a distinction between interests that are truly vital and those that are merely important. That's a legitimate question, and I can cite at least one. Above all, now that we are committed, it is in our interest not to fail.

Turning our backs now on this responsibility will fatally undermine our creditability, our national power, and our ability to defend our interests. And it will unleash an era of international aggression, piracy, and terror. And in due time our failure will leave us beset by threats to our well-being on every side.

Make no mistake about it, Mr. President, if we fail to deal with Saddam now, we will have to later. Only then, when his weapons of mass destruction are perfected, when our allies have melted away, the cost in blood and treasure may be far, far higher. If we succeed now, this may well be the last such crisis we have to face for a long while. If we fail, then Saddam's threat will grow, and there will be others. We will reap a Breughelian world of massive instability, increasing violence, and remorseless exploitation of the weak by the strong.

It is self-evident that sanctions alone cannot work. To suggest otherwise is a delusion. Anything short of a credible threat to use credible force to eliminate the Iraqi threat—present and future—is merely an excuse for inaction.

Those who advocate open-ended sanctions, or more diplomacy, or anything other than force to eliminate this threat have no theory of victory. They cannot explain how economic privation in a military dictatorship like Iraq can ever translate into a political concession by Saddam. And when asked, the advocates of open-ended sanctions cannot say when they will conclude, they have not worked.

They will not even define the measurement by which their success can be evaluated. The Neville-ites will not define it, for they will have to admit that sanctions will not force Iraq to withdraw from Kuwait.

The success of the embargo also depends on the Iraqi regime's willingness to kill those who dissent. Who can doubt that willingness in light of Saddam's bloody history? To whom will the Iraqi people appeal when the pain of the embargo grows too great? Nor will the embargo survive the self-interest of third parties like Iran, certainly no friend of the United States, or the U.S.S.R.

Finally, sanctions are hurting the rest of the world and its economy in relative terms perhaps as much as they are hurting Iraq. The longer they are in force, the less effective they will become. Consequently, sanctions alone is not a true policy, only an excuse to avoid the difficult choice.

There are other excuses for inaction, Mr. President. Some say that war risks alienating the entire Muslim world and harming United States relations with present Arab allies. Some fear a worldwide Muslim reaction against us. But the Muslim world is not a monolithic entity, and in any case Muslims have never achieved peace among themselves, much less with the rest of the world. But of this I am certain. Muslims, and Arabs in particular, understand weakness and strength. If we do nothing but prolong the stalemate, we risk a far greater likelihood of losing all our friends in the Muslim world.

It is interesting to remember, Mr. President, that some of our Arab allies in the coalition are still technically at war with Israel, our other ally in the region. Yet, they have stood with us loyally, admittedly because it is in their interest to do so. But there would be no United States-Arab coalition without the credible threat of the United States to use force.

The danger to the Arab States who have supported us will be acute without the continued credibility, and reliability, of the American military option. And if we falter, is there any doubt that they will begin to accommodate the true military power in the region—and quickly.

Mr. President, we simply cannot sustain an embargo and a "line in the sand" for an indefinite period. But even if we could, would it solve our basic problem? Of course not. Indeed, an American—non-Muslim—garrison permanently encamped on the holy soil of Islam would soon unite the Arab masses against us. Continued passivity will cede the initiative to Saddam Hussein.

Under the Nunn-Mitchell resolution, Saddam Hussein can win simply by standing fast, and continuing his clever political and psychological welfare. He can appeal for peace to our antiwar movement. His pan-Islamic propaganda, threats of Jihad against Israel, and linking the gulf crisis with the Palestinian problems will inevitably fracture the coalition. And finally, he can wear down the resolve of the coalition by promises to withdraw from Kuwait, to negotiate, anything to keep the game going. And in time, we will find ourselves isolated—and defeated, the very thing which those who were advocating the Nunn-Mitchell amendment say they seek to avoid.

Mr. President, the threat to our interests is Saddam Hussein, his regime, and its military power, and nothing but their removal will suffice in the present circumstances. Even the liberation of Kuwait, if it does not contribute directly and quickly to the elimination of that regime, will not suffice.

Mr. President, the roman poet Virgil wrote in his epic Aeneid, "The God of war favors bold beginnings." We as a nation began this operation boldly, and today we enjoy major advantages as the fruit of our boldness. We have the psychological edge, worldwide and domestic political support, troops at their peak, and justice on our side.

Yet in Congress we are faced with a failure of both judgment and courage. As Paul Gigot wrote in today's Wall Street Journal, "crises reveal character." This crisis is a true test of our national character. According to the Greek philosopher Heraclitus, "a man's character is his fate." The same may be said of nations. And courage is the core of character, the ladder on which all other virtues mount.

Our soldiers, sailors, marines, and airmen are showing great courage. I think about them often. Some of them are my friends and neighbors from Wyoming, a State with only half a million people, yet which has the second highest number of guardsmen and reservists called up relative to population. But whether from Wyoming, California, or New York—they are all my countrymen. They are also all volunteers, and they are ready.

Our servicemen are not shrinking from the battle, even though some of them will be wounded, and some will die. But I fear the collective courage of this body does not match theirs. If we cannot be worthy of our servicemen, let us at least have the decency to stop invoking their courage to camouflage our own weakness.

Gentlemen cry "peace, peace," but there is no peace. In essence we are already at war. Lives have already been lost, if not in combat, at least in preparation for combat. And we have used force to enforce the blockade, in itself an act of war.

No, Mr. President the time to act is now, while we have the advantage, while we have the means amassed in the right place, and while we can keep the loss of life at a minimum.

To prolong the crisis bids up the ultimate price. Can we not summon the courage to make clear to the American people what is at stake and what their sons are being asked to fight for? The President has—cannot this body have the courage to do the same?

This is not an easy choice, I grant. But then, leadership and responsibility seldom offer us easy choices. Any course of action that says "yes, but * * *" ignores the harsh reality that the history of conflict allows no "buts." There are only choices, difficult choices. The Senate can achieve no purpose, by failing to choose or postponing choice. Can we make the wrong choice. Of course. But we can never succeed without taking the risk that choosing imposes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. According to the previous order, the Senator from Rhode Island is now recognized.

Mr. SANFORD. Will the Senator yield for a moment?

Mr. CHAFEE. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. SANFORD. Mr. President, I ask unanimous consent that the previous consent agreement regarding recognition of Senators for speeches during today's session be amended to reflect the following addition:

Add Senator LEVIN after Senator GRAMM of Texas, for up to 25 minutes.

Add Senator BAUCUS after Senator PRESSLER, deleting Senator BYRD, and that Senator SASSER be added after Senator SMITH; and that Senators DURENBERGER, MURKOWSKI, HEINZ, DOMENICI, MACK, HELMS, and COATS be added after Senator HATCH, and that Senator HEFLIN be added after Senator HATCH prior to Senator DURENBERGER.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. I wonder if he could repeat that last part.

Mr. SANFORD. And that Senators DURENBERGER, MURKOWSKI, HEINZ, DOMENICI, MACK, HELMS, and COATS be added after Senator HATCH, and that Senator HEFLIN be added after Senator HATCH, prior to Senator DURENBERGER.

Mr. CHAFEE. If he could withhold 1 minute, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANFORD. Mr. President, might I add a note from the leadership for the information of Senators that if they are not present and ready the Chair will recognize the next Member on the list.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE PERSIAN GULF CRISIS

Mr. CHAFEE. Mr. President, as we debate this very serious matter, I wish there was emblazoned on the pediment above the presiding officer's head the words, "The objective is to have Iraq out of Kuwait."

That is the U.N. objective. That is the objective of the President of the United States. That is the stated objective of the majority leader and others supporting the resolution that is before us this evening.

The nations of the world have rightfully declared that they will not countenance the savage aggression that Saddam Hussein visited upon a helpless neighbor. If that aggression is tolerated the world, for all of us, even a big nation like the United States will be a far more dangerous place. I deeply believe that. I deeply believe in the analogies comparing this situation to 1934 through 1939 in Europe when aggression went unpunished.

Now, Mr. President, having agreed upon the objective, let us review the situation that confronts us as we attempt to achieve the goal, the goal being, and I wish to keep this before us, the goal being to have Iraq out of Kuwait.

Iraqi forces are solidly entrenched in the country now. Estimates are they have in Kuwait itself about 290,000 soldiers, and available in nearby southern Iraq an additional 240,000, making 530,000 Iraqi forces, a total of over half a million. Facing them are 335,000 American troops, and 245,000 allied troops, close to 600,000 from 28 different countries.

The Iraqi Air Force is estimated to have about 740 fighters and attack bombers. The United States has 1,200 alone, and our allies have something in the neighborhood of 800 more, making 2,000 aircraft.

Leading the Iraqi forces is a proud and skillful leader who, with iron discipline, led his forces through an 8-year war with Iran that is said to have cost him a million casualties, a million civilian and military out of a nation of 17 million people. If you applied those same ratios to the United States of America that would mean that we would suffer losses of close to 15 million people. That is the population of that State of Florida.

Therefore, I think it is easy and logical for us to conclude that we are facing a very determined leader who has clearly shown he is not disposed to blink. He is no fool and therefore we can, I think, expect that he will recognize that the military blows that the allies are capable of delivering against him will eventually overpower him if, if he believes that we will ever resort to using that force.

Let us move now to alternative approaches that are being debated by the Senate. The majority leader's proposal says that we shall continue on the present course of the sanctions outside of that, it does not do anything. It does not up the current pressure on Saddam Hussein. It does not up it one iota.

As a matter of fact, I think I can say it reduces the pressure because the current situation says to him by January 15 you are going to be attacked, or could be attacked, whereas under this resolution it says, no, we will continue the sanctions and if there is to be the use of force the administration must come back to Congress seeking approval for that use of force.

Therefore, it assures Hussein there will be no shooting until some possible indefinite time in the future when Congress will consider the matter.

Now the resolution in three separate paragraphs discusses the embargo or sanctions, and somehow it seems to me it demonstrates a faith that these efforts will in kind of a painless way permit us to attain our goal.

But two questions immediately arise. First, will the sanctions permit us, or materially assist us, in achieving that goal of getting Iraq out of Kuwait?

Second, when do we say we have given the sanctions enough time?

Note that the first question deals with whether the sanctions will help us achieve our objective of getting the Iraqis out of Kuwait. It does not say will the sanctions produce bread lines in Baghdad, or will the sanctions affect the Iraqi Air Force. No. The question is will they help us get him out of Kuwait? The success of the sanctions must be judged by that standard.

Director William Webster of the CIA stated yesterday in writing the following, and I would call the attention of all to these, that we pay careful heed to these words. This is Director Webster speaking.

> I testified on December 5 that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait. Our judgment remains that, even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait.

In other words, unlikely to achieve the objective that we have all agreed upon.

> The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period.

This is Director Webster speaking.

He continues:

> Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq has a large stock of spare parts and other supplies. On balance, the marginal decline of the combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications.

That is the end of the quote from Mr. Webster.

Mr. President, I try to give as much credence as possible to the viewpoint of those favoring this resolution. Amongst them are individuals for whom I have a great deal of respect. But I find it extremely hard to fathom how this resolution advances or attains our agreed-upon objective.

The supporters say "Give the sanctions a chance" while at the same time saying to Saddam, "We are giving you a further period of grace from even the threat of fighting." During that period of grace, Hussein can strengthen his position in Kuwait. He can carefully conserve or even replenish those items in short supply.

We suddenly apply the Marquis of Queensbury Rules to warfare: No attack without penalty of warning, and meanwhile he proceeds to make all preparations possible against our forces.

Meanwhile, what of our allies? Are they to assume anything other than that we suddenly lost our nerve just as we arrive at the critical date of January 15?

The leader of the United Nation coalition is clearly the United States of America. If our Nation cannot back a U.N. resolution, then these nations associated with us, many of them at a very high economic and a very high political cost, are going to drift away, each, perhaps, making whatever accommodations it can with Saddam.

The second question: When do we say we have given the sanctions enough of a try? It is never answered by the proponents. And, indeed, they cannot answer that question. I suppose if their resolution succeeded, some time in the near future we would revisit this question, with strong voices saying, "Give the sanctions more time," while we face an even stronger entrenched Iraqi force in Kuwait. Should we at that future time decide to attempt to achieve our goal by force or authorize the use of force, our position vis-a-vis the Iraqi's would be most likely less favorable than it is today.

But more important than that, Mr. President, we would have lost the opportunity that we now have, an opportunity that might succeed in getting Saddam out of Kuwait. We now have the ability, absent this resolution, to say to him: The President of the United States, backed by the full support of Congress, says "Get out of Kuwait or we shall use force against you." That possibility does not exist under the pending resolution.

In this life of ours, nothing is certain. We, none of us, know exactly how we should decide this issue. We are given powers of judgment, supported by the experiences that we know of and read of and have personally undergone and we thus arrive at the best decisions we are capable of.

It is my very firm belief, based upon some experience, that to delay here, to postpone, to temporize, would be extremely costly for our Nation in terms of American lives. The best chances for success are not only to defeat this resolution but to endorse one giving the President the authority to use force, should he deem it necessary, which hopefully will not be true.

I would like to make a further point. I very strongly believe that what we do in this instance influences our Nation's standing beyond the immediate boundaries of this situation. The Congress has, ever since the Iraqi invasion of Kuwait on August 2, over 5 months ago, encouraged and supported the President in forging the unique alliance he has put together. We have not just been bystanders. We have actively encouraged this.

We have funded it, Mr. President. We have made exceptions to the Budget Reform Act for it. We have passed a resolution showing our support for what the President has done, and that resolution passed 96 to 3. We have known of this U.N. Resolution No. 678 since it was passed November 29 with the very active support of the United States, 6 weeks ago. We have known of the President's support for that resolution and his intention to implement it.

Now, at the final hour, with 4 days to go before the U.N. deadline, this resolution is before us saying that the President cannot use force without further approval of Congress.

Should this resolution be approved, I do not know what nation in the world would ever believe in the constancy of reliability of the United States in the future.

We would hereafter, it seems to me, be viewed as a country that would refuse to back up its words with its deeds; a fair weather friend; not there when the going got tough.

For these reasons, Mr. President, it is in the best interests of our country that this resolution be defeated. It is my hope we can then all unite behind a resolution in effect supporting the U.N. resolution, giving the President the authority to use force if he deems it necessary, hopefully which will not occur.

This, it seems to me, would convey the clearest and best message to Saddam Hussein, and afford the best opportunity to achieve at the lowest cost in casualties—something that must constantly stay before us—our goal, which is to remove Iraq from Kuwait.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina [Mr. SANFORD] is recognized.

THE PERSIAN GULF CRISIS

Mr. SANFORD. Mr. President, this debate may very well have started out to be a debate about the Constitution and the constitutional requirement that this Nation cannot go to war without a declaration by the Congress. But that is not really, now, what the argument is about I am afraid.

The reason I am so much in support of the resolution that has been put in by the leader—the resolution prepared by Sentor SAM NUNN—is that I think if we do not vote for this, we are going to war very shortly. So I think we either support this resolution which brings, I think, some sanity to the discussion, or we are going to see this Nation go to a war, and a war that certainly does not need to be fought—the most unnecessary war in the history of this Nation and a war that could have disastrous effects.

There is not much we can do about the President going to war unless we pass this kind of a resolution. As George Will said today in his editorial in Newsweek making the point that, were it applied to debate tonight which supports the Nunn resolution, if the President decides to go to war there is not anything the Congress can do except to impeach him or to cut off the funds for the military.

He was quite correct in pointing out that we are not going to cut off the funds for the military, not when our young men and women are over there exposed. And I suspect we are not going to impeach the President while fighting is going on and while war is going on and probably should not anyhow.

But, in any event, I think we either support Senator SAM NUNN'S resolution—and I might say here parenthetically that there is no Member of the U.S. Senate more thoughtful, more knowledgeable about the military, more aware of the position of this Nation's leadership in the affairs of the world than SAM NUNN. I am pleased to have an opportunity to be a cosponsor and to support this legislation.

But if we do not pass it, you may be sure we are almost certain to go to war.

It is possible—and I certainly hope it does turn out—that Saddam pulls out of Kuwait. But there is nothing in his history to indicate that is going to happen. And if we do not say "let us be cautious, let us go back to our original plan"—which Senator NUNN says—then we are going to see this Nation dragged into a war that brings pain and suffering and death and loss and added costs of all kinds, not only to this Nation but to other nations. Not only that, but we are going to see that it brings in its wake the kind of turmoil that we will be a generation getting under control.

We will see turmoil in the Middle East, bringing all kinds of results that are going to lead to the instability of that region. We are going to see the State of Israel put in jeopardy. And we ought not to overlook that danger.

I think the aftermath of this war might very well be far worse than the war itself.

I have tried to find out from the administration just how they see the war. "How many deaths?" I have asked. "How much time do you think it would take?"

The answer has not come. The answer has been very vague.

"Oh, we can go in there and bomb for 2 or 3 days and Saddam will give up. Or we can take a scenario that is a little bit more pessimistic, and it might take us 11 days to carry it out. It depends," they said, "on the scenario."

"And how many deaths will there be?"

"It depends on the scenario."

I can tell those gentlemen what their War College says about the senario. I can tell them what their War College—and surely most of them have attended it—has to say about how you calculate the time of conflict in a war and how you calculate the number of deaths. You take the worst case scenario. The worst case scenario could have us losing thousands and thousands of young Americans.

The worst case scenario could have us bogged down for months and months, and maybe years. So there is no easy way to end this war. This is not an easy war to be fought and this is not a war that ought to be fought.

I grant you that the President has put himself in a position that more or less is the case of painting oneself into a corner. He added the buildup. He turned, without real consultation with the Congress, a defensive operation sent there to defend against further aggression into Saudi Arabia into an offensive potential and decided that he would say this is going to be a demand that you get out or we are going to come in. There was not any consultation with the Congress about that.

It is a game of bluff. If a game of bluff works, well and good, and I hope it will. But if it does not work, then where are we left standing if we have had our bluff called? Then we have to go to war, the administration contends.

The President said after Secretary Baker's meeting that now it is up to Saddam Hussein. I say it ought not be up to Saddam Hussein. We ought not to let Saddam Hussein's stubbornness, his inflexibility, his refusal to move, decide that we are going to make such a tremendous blunder as going to war now would be.

It is not so, Mr. President. It is up to the United States. It is up to us to decide whether there is going to be a war.

As we carry on this debate, I think it is important for us to remind our colleagues from time to time that all of us share a common understanding, and have from the beginning, that we cannot let Saddam Hussein have any of the fruits of his aggression; that he must leave Kuwait.

The debate is really about the best road to reach that goal, and I think, Mr. President, equally important, we are overlooking this, but it was obvious from the beginning, equally important that this debate ought to also be about building now with the use of this experience a mechanism for the resolution of this conflict itself and future conflicts that might arise.

On Wednesday, we learned of the failure of the meeting between Secretary of State Baker and the Foreign Minister of Iraq, and while the results of that meeting are disappointing, they are not surprising. The failure to reach a diplomatic solution has left us in the same position that we were in the day before the meeting, the same position we have been in; nothing has changed.

There is no reason for this added fervor. There is no reason for the United States to succumb to anger and rush to war. There is no reason to say we have been insulted, we have been strong-armed, we have been stiff-armed. Of course we have been, and we have stiff-armed them. That is part of diplomacy. But there is no new justification for the President to send thousands of our young people to their deaths in the Middle East.

Our resolve to see Saddam Hussein forced out of Kuwait has not changed and has not weakened. But the way to do it is what this debate is about and the way to do it is not to go into a deadly war.

Mr. President, it has always been easier to settle an argument with a gun, and it is much more difficult to settle one by other means. People throughout the world have been struggling all of this century and longer to find a way to resolve national differences without war. We finally have the opportunity today to make real and important progress toward a better way of resolving conflicts and at the same time get the job done in Iraq and get it done right.

Probably the greatest development that resulted from World War II was the birth of the United Nations. Until now, that institution has been stymied by the cold war conflict between the Soviet Union and the United States. For the first time, in the Iraqi crisis, we have seen that the United Nations can come together to exert its moral force and can be backed up with economic sanctions and with the military might of its members, including especially the United States, to punish unwarranted acts of aggression.

We ought not to miss the opportunity to establish that this is the way that aggression ought to be dealt with in the future.

But we have arrayed now in Saudi Arabia the greatest concentration of military might since World War II. The question is: Which way do we go first? That is our debate. That is our fateful decision. Do we resort to the age-old way of war, or do we at least try this new moral force available through the combined weight of the nations of the world?

We can teach Hussein a lesson. We can get him out of Iraq. And I would add that we ought to also insist right now that before we lift the sanctions, he has to destroy all weapons, chemical, biological, nuclear, and the capacity to make them, and give the United Nations a right for on-site inspection, which we have not yet required.

We not only teach Hussein a lesson, we not only can bring him in line with the norms of the world community, but we can teach would-be aggressors the same lesson, not by going to war, but by making the United Nations moral force work, and we can greatly diminish the chance of future invasions of neighboring nations.

The lesson is that acts of aggression will not be tolerated and that those who attempt to engage in them will be isolated and crippled by the moral, economic, and military might of the United Nations.

It is through the United Nations that we have isolated Iraq politically, commercially, and economically. We have sealed Iraq off from the rest of the world. If we continue relentlessly to enforce the embargo, we can cause an economic collapse which certainly will have the capacity to bring Iraq into compliance with the demands of the world.

Strict enforcement of the embargo at the very least will leave Iraq in a much weakened condition, lacking the spare parts and munitions should military force in the end prove necessary.

To go to war now is not only unacceptable impatience, but I suggest a lack of real courage to rush hurriedly into war.

Of course, the embargo would work. It has already started to take its toll. Virtally all of Iraq's exports, mostly of oil, have been stopped. We cut off its money so Iraq is not earning anything from export sales. We have simply cut off his income. Ultimately, Iraq will have no funds to buy goods even if it could find those willing to sell them.

The embargo has also stopped over 90 percent of all imports, cutting Iraq off from most of the supplies it would need, including food, which I might say I do not think ought to be part of the embargo, but it will cut off all of those supplies that he needs to prepare for war.

Obviously, it takes time. We knew that in the beginning. We did not send the military over there to fight a war. We sent the military over there because we knew it was going to take patience and time if we wanted the embargo to be the new way that we dealt with aggression, the new way that we avoid war as a solution.

There is not any question that it takes time and it takes courage and it takes moral strength and it takes patience and it takes wisdom to make Iraq realize that the embargo can last forever. That is the path I hope our President will take. The risk of the embargo must be weighed against the alternative risk of war.

To those who say that the sanctions do not guarantee an Iraqi pullout from Kuwait, I would remind them that war offers few guarantees other than the almost certain loss of many American lives.

To those who express concern about the ability of the United Nations and the coalition supporting the embargo to stay the course, I find Admiral Crowe's words to be the most telling.

> I cannot understand why some consider our international alliance strong enough to conduct intense hostilities, but too fragile to hold together while we attempt a peaceful solution.

Of course, the coalition will hold together and hold the embargo in place.

Mr. President, risking lives in a war is not to be taken lightly. Almost one-quarter of the troops deployed in the Middle East right now have come from places in my home State of North Carolina. I know many of their families, and I know their living conditions, and I know their communities. I know these fighting men that have gone out from those bases to the Middle East are to be commended. They are to be respected. They are to be honored. They have moved into their positions and carried out their duties with the utmost in professionalism. They would, if summoned, serve this Nation with outstanding competence and valor.

However, I do not believe, as I see them and their wives and their children and their parents, I should vote to risk their lives until we have let the economic squeeze of the embargo run its course, because I believe it will work.

Some of the debate today has focused on whether the passage of this resolution will somehow undermine the President and will send a signal to Saddam Hussein that the United States is less than committed in forcing Iraq out of Kuwait. I do not see that reasoning as being valid at all.

The President was right to organize the international condemnation of Iraq's illegal and unwarrented invasion of Kuwait. The Congress and the American people supported those initiatives. The President was right and brilliant in his quick deployment of American forces in August. The President was right to organize the United Nations behind the sanctions against Iraq.

But the President will be wrong if he takes offensive military action right now without playing out the alternative of the embargo. The challenge that the President made to Saddam was his deliberate strategy. It might have worked. I hope it yet does work.

This resolution will not in any way affect that. But that it did not work should not drive us to war, a war that does not need to be fought. We do not now need to save face. We are too strong to submit to that vanity. This is the United States of America. We do not deal in face saving. We have far more important things and principles to save than face.

We can do what we ought to do. We do not need to play that kind of a game. Moreover, in saying to the President, as this resolution does, that Congress has not ruled out going to war, that Congress authorizes the use of military force to enforce the economic embargo against Iraq, to defend Saudi Arabia from additional attack, to protect American forces in the region, it says that Congress willfully supports increasing economic and diplomatic pressure against Iraq. It says that Congress will act expeditiously to consider any future Presidential requests for a declaration of war.

Congress has expressed strong support for what the President has done so far and giving the sanctions more time to weaken Iraq's military power. This resolution leaves the United States as committed as it has ever been since August to the goal of removing Iraq from Kuwait.

Mr. President, let us stand tall and strong and firm. Let us not take the quick and easy way.

Future generations will praise the wisdom of President Bush, for he can make the decision that gives us the great opportunity for building a more stable world. We can make the United Nations work. We can force Iraq out of Kuwait. We can take his destructive weapons of war away from Saddam Hussein, and we can establish a system for resolving international conflicts without sacrificing today so many American lives.

We can win this conflict without paying the terrible price of war.

Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. (Mr. SARBANES). Under the unanimous-consent request earlier entered into, the Chair now recognizes the Senator from South Dakota.

PERMITTING THE PRESIDENT TO FOLLOW THROUGH

Mr. PRESSLER. Mr. President, I shall support the resolution to permit the President to follow through on the U.N. resolution if that is necessary to expel the Iraqi occupation force from Kuwait.

Mr. President, today in a Los Angeles Times syndicated article, Jeane Kirkpatrick had an interesting article entitled, "Congress May Regret Power To Declare War."

In this article, Jeane Kirkpatrick analyzes the constitutional role of Congress in war and military actions. She talks about the vagueness of some parts of our Constitution, about the ultimate need for Congress to be involved, and about the fact that maybe Congress in the end will regret the fact that we must be involved.

But we are involved in a process this evening wherein each of us comes to the floor to make our statement on the votes we will have tomorrow. We all seem to agree on two or three key points in this debate.

I have been in the Chamber on and off since about 3 o'clock this afternoon. It seems that every speaker strongly condemns Saddam Hussein, as I do. Every speaker, every Senator shares the President's goals. But then differences are expressed how to best achieve those goals next Tuesday and beyond.

Actually, there is about a 90-percent agreement in the speeches given here today. There is a great deal of overlap. Yet there seems to be a fierce division between the two propositions put forth, one by the Democratic leader and one by the Republican leader.

I support the Dole, et al. resolution because I think that it gives our President the authority to negotiate more effectively. If we were to adopt the Mitchell resolution, the President would lose the power to negotiate effectively. At the very peak of his negotiation with Saddam Hussein, his power would be taken away from him.

There is no conclusion date in the Mitchell resolution. Its indefiniteness would result in malaise. Saddam Hussein would win under those ground rules. He would have no incentive to negotiate with the President of the United States. That is why I believe this body will appropriately reject the Mitchell proposal and adopt the Dole proposal.

Let me say a word about the need for the President to have the power to negotiate. The President notified the Congress in November exactly what he was doing. We gathered on January 3 for swearing in Senators. We could have acted late last year or earlier this month.

But here we are at the very climax, and one proposal is to take the President's power away from him. I am strongly opposed to that. I believe that we should follow the U.N. resolution and keep the President's options open.

That being said, I am against going to war on Tuesday. It is my strongest feeling that Saddam Hussein will agree to withdraw unless this Congress takes the power to negotiate effectively away from the President of the United States. That would be tragic.

Mr. President, about 2 years ago around this date, my wife and I were in Iraq on a private trip funded by a Christian foundation, visiting biblical sites. We visited the restoration of Babylon. We also visited with some Iraqi governmental officials, including Saddam Hussein's son-in-law, who is now number 2 in the Government of Iraq.

I went away feeling that these were very tough, determined, calculating military people and very dangerous people. Events since have proved that they are. Indeed, it is my feeling that had President Bush not acted, Iraq, led by Saddam Hussein, would have taken over not only Kuwait but also Saudi Arabia, and that would have made us vulnerable in terms of the supply of energy.

I think it is our own fault that we have not become energy independent. I have been an advocate of gasohol and a number of other oil alternatives over the years. I think we could do much better in improving our energy independence. But we are not at that point now. So the President had no choice except to act.

As one who served in the U.S. Army in Vietnam, I do not want us to go to war. I do not want to see young people killed. I am sensitive to the concerns of family and friends of the American men and women now stationed in Saudi Arabia and the Persian Gulf. I questioned the wisdom of sending the additional 200,000 personnel to that region some weeks ago. I do not always agree with President Bush's foreign policy, and I have said so on occasion on this floor.

It was my strongest feeling that their places can and should be taken by personnel from other nations, especially those that are far more dependent than we are on Middle Eastern oil. Our wealthy allies simply have not done enough to help.

I have joined with Senator D'AMATO, of New York, in sponsoring a resolution I hope we can bring to a vote that would request Saudi Arabia to pay for the total cost of our defense of that country. Saudi Arabia is making almost $1 billion extra a week, or $52 billion a year, from windfall oil profits. This is a situation where American consumers are paying twice—once when they buy the fuel to heat their homes or for their automobiles; then a second time when they pay their income taxes. It is my feeling that our Government could be much more aggressive about asking the Saudis to pay more of the burden. I extend that statement to the Japanese and the Europeans, as well.

I was one member of a group of Senators who visited King Fahd, of Saudi Arabia, last September. I recall that he and his brother and his nephew, who are the crown prince and the Foreign Minister respectively, were somewhat startled at the directness of the visiting Senators in demanding that more money be paid to help the United States. I think our State Department is sometimes a bit timid and overly polite. But we had all just come from meetings in our home States, and I had just come from a listening meeting in my State of South Dakota. How outraged our citizens were that the United States was paying the bill alone, that we were going it alone, so to speak. We need more help from other countries. We need more help from Saudi Arabia, from Japan, and from Europe. The United Nations needs to have troops there. Indeed, I believe the end of the tunnel would be to have our troops replaced by U.N. troops.

I say all of these things to point out that I have not agreed with every step of the President's policy along the way. I have said so on the floor of this U.S. Senate. But tonight we are near the climax of the President's negotiating effort. To take away from him his only really lever in the negotiations at this time would be a disaster for our country, for the West, for our cause, and it would be a great victory for Saddam Hussein.

I have mentioned that I am very concerned about the failure or refusal of other nations to defray more of our expenses for Operation Desert Shield. I have mentioned the resolution that Senator D'Amato and I introduced last Friday calling on the President to request Saudi Arabia to use its windfall oil revenue gain to pay for the cost of Operation Desert Shield, among other things. So there are aspects of our current policy about which I am concerned.

I hope we do not have war with Iraq. I was disappointed at the inflexible attitude displayed by Iraqi Foreign Minister Aziz in his meeting with Secretary of State Baker the other day. I hear the counsel of Senators who believe we should stick with the policy of economic sanctions indefinitely. But it seems to me the resolution requested by the President should be adopted for the following reasons:

First, it makes the threat of force more credible to Iraq's leaders, thus enhancing the possibility that they will withdraw their 500,000 troops. If this Congress passes the Mitchell resolution, the President no longer has any real negotiating strength. Saddam Hussein would laugh in our face, and I hope that all those who vote for it will think of that.

Second, the resolution requested by the President should be adopted for this reason: It does not undercut diplomatic efforts or economic sanctions as the other resolution would do. In fact, passage of this resolution should strengthen the chances for a diplomatic solution.

Third, it does not assure that United States offensive action against Iraqi forces in Kuwait will occur. It simply preserves that option while demonstrating the United States and determination to Iraqi leaders as well as our own allies.

In short, Mr. President, we are not today deciding on a resolution to go to war. This is not a declaration of war resolution. We are deciding whether to adopt a resolution that would strengthen the chances for a peaceful resolution of this crisis.

I am personally convinced that the best path to peace, the best way to avoid war, is to defeat the Mitchell resolution and pass the Dole resolution, which supports the U.N. resolution.

In some areas of the media, and elsewhere, it is being portrayed almost as if this were a declaration of war. This is not the case. I disagree with the implication left by some that what we are about to do inevitably hurls our Nation into war.

Mr. President, I have faith in President Bush's efforts to exercise restraint and to make the difficult decisions that lie ahead. Saddam Hussein's inflexible response to 5½ months of diplomacy, sanctions, and threats lead me to the conclusion that he believes Congress will not support the use of force against him. He is gambling on that. We should pass the resolution authorizing force now so he cannot continue to delude himself on that point. We must make our threat credible in order to give diplomacy a chance to succeed.

Mr. President, our Nation is 50-percent dependent on foreign oil. That is a mistake. We need a national energy policy to move us away from that dependency. We need a policy of promoting conservation and energy alternatives—gasohol, solar, methanol, wind, geothermal, and many other types of energy sources. Until we have such a policy, we must protect our access to foreign oil, too much of which comes from the Middle East. That region historically has been dangerously unstable. Leaving Saddam Hussein free to do as he pleases simply adds another major destabilizing force to that already unstable region. By demonstrating resolve now, we may be able to prevent further destabilization from occurring.

Mr. President, to conclude my statement, I strongly believe that we should pass the Dole resolution, which will give the President the authority he needs to negotiate effectively.

If that resolution is defeated, it will diminish the President's power to negotiate with Saddam Hussein. I think peace will exist on Tuesday and in the future if we give the President this negotiating tool. It would be disastrous for the Congress of the United States, at the height of the diplomatic effort, to withdraw from the President the thing he needs most.

Also, I think that we should learn a lesson from this whole episode. We need to develop a national energy policy so we are never again in this situation of potentially being blackmailed, or potentially going to war, or sending troops to the Persian Gulf for the purpose of preserving our energy lifeline. We are a great nation; there is no need for such dependence on foreign energy sources. We have plenty of energy in our own country and plenty of alternative energy sources, if we would just seek them out.

Finally, we all might well learn from reading Jeane Kirkpatrick's article, which I submit for inclusion in the RECORD at the conclusion of my statement.

I think the Congress and the Nation should review the vagueness in some of the provisions of our Constitution regarding the war power and related matters.

Mr. President, I ask unanimous consent to have Jeane Kirkpatrick's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles (LA) Times, Jan. 11, 1991]

CONGRESS MAY REGRET POWER TO DECLARE WAR

(By Jeane Kirkpatrick)

There is no room for resonable doubt—the men who wrote the U.S. Constitution deliberately and clearly limited the powers of a president to lead the nation into war. They gave the president broad powers as commander-in-chief to conduct a war without the advice of Congress. But the power to declare a large-scale, planned military action—a war—they vested in the national legislature.

They knew that the effective conduct of foreign affairs requires qualities—unity, secrecy, dispatch—more often found in the Executive than in the Legislative branch of government. But they clearly intended that it be more difficult to wage war than to conduct routine foreign policy.

James Madison's "Notes on the Convention Proceedings" confirm the conscious intention of some members of the Constitutional Convention to "clog" rather than to "faciliate" a U.S. president's power to make war.

Madison tells us that, when a member of the convention argued against vesting the power to declare war in Congress on grounds that its members were too numerous, its proceedings too slow, its meetings too infrequent, that motion was defeated without a roll call vote, Madison also tells us that another member observed of the motion that he had "never expected to hear in a republic a motion to empower the executive alone to declare war."

Many things are ambiguous about the U.S. Constitution. But the Founders' intention to involve the national legislature in a decision to make war is not ambiguous. They quite deliberately intended that the president should have the power to repel sudden attacks and to conduct war once decided upon but that the Congress should declare it. Undoubtedly, they believed it would enhance the democratic legitimacy of the war.

(These powers are wholly independent of the War Powers Resolution, which I have always believed is unconstitutional.)

As is so often the case, the Founding Fathers were wise as well as authoritative on this issue. War is not just another policy decision. It asks ultimate sacrifices. It takes unprecedented risks with the lives of citizens. It is terribly expensive.

But can this Congress, with its Democratic majority, participate responsibly in a decision so crucial to a Republican president? Will partisan passions take precedence over national interests—whatever one may believe those interests to be?

It is a fact that the U.S. constitutional system works differently today because the separation of powers has been reinforced by a divided government. Much of what we call a struggle between the Congress and the presidency has in fact been a bitter partisan tug-of-war.

The fact that the Democrats have, in recent decades, enjoyed a more or less permanent majority in Congress while the Republicans have had a more or less permanent lease on the White House has exacerbated rivalries between the two branches beyond anything conceived by Montesquieu or James Madison.

Is responsible teamwork between a Republican president and Democratic Congress possible? Or have we reached the condition of the French Fourth Republic, of which it was said: "It suffered from a deficiency of motor power and an excess of brakes"? Will U.S. foreign policy and U.S. government succumb to imobilisme, the disease that finally killed the Fourth Republic? Is a dominant executive like that found in Britain, France and Germany a prerequisite to strong and effective government today?

There are a good many people in the world who believe that the U.S. government has already become structurally incapable of coping with contemporary problems. This kind of divided government cannot deal with the problem of the deficit, they say. How can it deal with a question as hard as authorizing the use of force?

Congress has the power to deny the Bush Administration the authorization that it has already received from the United Nations Security Council. But it is too late to use that power without doing heavy damage to the U.S. reputation and credibility in the world. Congress knows that.

Of course, Congress is a self-governing body. It could have acted before President Bush asked the Security Council for a resolution authorizing the use of "all necessary means" to drive Iraq from Kuwait. It could have acted before hundreds of thousands of U.S. troops had been dispatched to the Gulf.

Now, the deadline for Congress is the same as the deadline for Saddam Hussein. By the time the debate is finished and the votes cast, many in Congress may regret that the Constitution is so clear on their responsibility for declaring war.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. Under the unanimous-consent request previously entered into, the Chair now recognizes the Senator from Montana [Mr. BAUCUS].

Does the Senator from Tennessee have a parliamentary inquiry?

Mr. SASSER. No, I do not.

THE GRAVE QUESTION OF WAR AND PEACE

Mr. BAUCUS. Mr. President, the other day I got a phone call that crystalized for me the grave question of war and peace. It was from one of my oldest and very best friends, Jack Mudd, former dean or our law school at the University of Montana. He is one of the most distinguished attorneys in my home State of Montana, and a solid, steady, careful, circumspect, and personally conservative man.

He asked me whether I would vote to authorize the immediate use of force in Iraq. I told him that I would not.

He then said something to me that further strengthened my resolve. He said, "Max, as you know, I served in Vietnam. But there is something else that I have never told you, and it is why I worked in your first campaign for public office back in 1974. I decided to support you because as a Vietnam veteran and based upon what I saw in Vietnam I did not ever want my sons to die in an unnecessary war. I thought that was something you would probably never vote for."

Well, I intend to keep my faith with one of my very best friends, and with the people of Montana, and do what I think is right. I intend to vote against what I am convinced is, at this time, an unnecessary war.

I agree that Iraq must leave Kuwait. Of course, Iraq must withdraw from Kuwait, immediately. Iraq must not retain the fruits of its brutal aggression. Iraq must leave Kuwait; make no mistake about it.

Like most Americans, I also realize that at some point, it may become clear that we could only achieve our objective with military force. That may be necessary. But I also believe that we have not yet reached that point.

Vigorous diplomacy, with the continued application of an economic stranglehold, along with the clear unequivocal resolve of the world community that Iraq will be forced to leave, may well force Iraq to do just that, leave Kuwait, without war and without the bloodshed and chaos that would ensue.

The sanctions that are imposed are unprecedented. They are tight, and make no mistake about it, they are working. They are crippling Iraq's economy. Foreign reserves have evaporated. Iraq's GNP has been cut in half. Saddam Hussein has been put in the position that he cannot sustain, either economically or politically.

Sanctions are also undermining Iraq's military capability.

CIA Director Webster says that, because of the lack of spare parts, Iraq's Air Force will deteriorate in as few as 3 months. Sanctions may do the job peacefully.

Why is that so important? It is so important, because we must ask ourselves what is the alternative. The alternative is war. And we are not talking about Grenada or Panama. We are talking about real, honest-to-goodness war—as many as 20,000 American deaths; our sons, our daughters, our fathers, and now even our mothers, killed in war.

If history teaches us one thing about war, it is that the ultimate consequences are completely unpredictable. Who really knows what will happen? What if Iraq attacks Israel? And what about Arab nationalism? What about that affect? What if large-scale terrorism erupts worldwide—and for the first time here in the United States—as a consequence of our military action? What happens after we win? Do we occupy Iraq, and at what cost?

In the end, we may have no choice but war. But today that is far from clear. The sanctions and vigorous diplomacy just might work, and if they do, America's interests will be far better served.

I, therefore, support the conclusion in the Mitchell-Nunn resolution that "the continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time and should be sustained."

There is another reason why I support the resolution. As it now stands, America and American troops would bear a disproportionate burden of any military action. This is not, after all, a dispute between Iraq and the United States. It is a dispute between Iraq and the world.

A lot has been said about the international coalition arrayed against Iraq. But if you look at the front lines, you will not see much of an international coalition. Maybe 15,000 British troops, but close to a quarter-million Americans. And only a handful of token representatives from other allies. And in the background, an enthusiastic international cheering section.

The Japanese are more than twice as dependent on Mideast oil as we are. But they have, for various reasons, sent no troops. Neither have the Germans, or many other countries with a heavy stake in the gulf.

As a result, the U.N. resolution authorizing the use of force, to paraphrase the senior Senator from Colorado, is little more than a declaration by other countries they will hold our cost for us while we fight Saddam Hussein. That is not enough.

I believe that, while we give sanctions time to work, we should build a truly international military coalition, in which the burden is shared.

As we prepare to vote, Mr. President, we face a difficult dilemma. If we authorize the immediate use of force, we probably do increase the President's short-term negotiating leverage. But we also increase, dramatically, the likelihood of war.

There is a better course. Congress should state plainly and unequivocally that all Amercians are united in our objective.

Iraq must leave Kuwait. We will not shirk from that objective. There must be total, final, unconditional withdrawal. But before giving the President a blank check for war, we should go the extra mile for peace—giving the sanctions a bit more time, intensifying our diplomatic efforts, strengthing the international coalition. If that does not force Saddam Hussein to leave Kuwait, then and only then should we let slip the dogs of war.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair now recognizes under the unanimous-consent request the Senator from Washington.

THE PERSIAN GULF CRISIS

Mr. GORTON. Mr. President, on the profound question facing each of us here as Members of this Senate, the columnist Charles Krauthammer wrote:

> The choice between containment and war is agonizingly difficult. The outcome for each is highly uncertain. But choosing in contingent circumstances is the essence of policymaking.

Now that choice is ours and only ours to make. We have no more grave or consequential responsibility.

On November 28 the United Nations authorized its members, including the United States—and I quote, "to use all necessary means" to vindicate its authority and force Iraq to withdraw from Kuwait on or after January 15 unless it has already done so voluntarily and in compliance with earlier resolutions of the United Nations.

The President of the United States has now asked us, under the Constitution, to grant him that precise authority.

The majority leader's resolution, while lauding and supporting the goals of the President and of the United Nations, denies the President that authority and only states that the "continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time."

In the course of their arguments during this debate, proponents of the majority leader's resolution have stated the choice simply and starkly as war or a continued reliance on sanctions.

Because they have misstated the choice we will make, because they have asked the wrong question, they have reached an answer, a conclusion, that is not only wrong but profoundly dangerous to the future peace and security of this Nation, not to mention that of the nations of the Middle East.

The primary goal of the President's policy, as well as of that asserted by proponents of the majority leader's resolution, is the total and unconditional withdrawal of Iraqi forces from Kuwait.

As a consequence, the first proper question to ask, Mr. President, is this: What evidence is there that sanctions, however effective, will work to secure this goal?

One part of the answer to that question, about which there is no dispute whatsoever, is that a period of almost 5½ months of reliance on sanctions has not resulted in the slightest degree of progress toward attaining that goal. No glimmer of flexibility has been demonstrated by the Iraqi aggressors.

William Webster, Director of the Central Intelligence Agency, testified as long ago as December 5, 1990—and I quote, "that there is no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait."

Our intelligence services tell us today that sanctions will not adversely affect the strength of Iraq's ground forces during any foreseeable period of time. There is no discernible crack at this point in the position that Saddam Hussein and the Government of Iraq have taken ever since the onset of their aggression.

On the other hand, all must admit that certain positive results of sanctions are equally clear. No one disputes the proposition that exports from Iraq have been cut off almost completely. In addition, Mr. President, 90 percent of Iraqi imports have been blocked. Certainly the standard of living of the people of Iraq is lower today than it was before sanctions were imposed. But these results, gratifying as they may be, are not the goal of our policy. Iraqi evacuation of Kuwait is that goal.

If we examine the history of Iraq since Saddam Hussein's ascension to power, we note that he waged an 8-year war against his eastern neighbor, Iran. That war dramatically lowered the standard of living of the people of Iraq and killed and wounded hundreds of thousands of its citizens, young and old. This sacrifice did not change Saddam Hussein's course of action for a period of 8 long years, nor did it undermine his power over a nation he rules with an iron hand. We should not, therefore, underestimate the ability of Iraq to absorb pain.

During his entire history in office, Saddam Hussein has used the bulk of his substantial oil revenues to build up his armed services rather than the infrastructure of his nation and the standard of living of the people of his country. These deprivations have been accepted by the Iraqi people for decades.

Why should we expect that economic sanctions alone will cause Saddam Hussein to loosen his hold on Kuwait this year, next year, or ever? Nothing in his record or in history leads rationally to such expectation. Will a leader who will accept war rather than withdraw do so because his people line up at food markets? The question answers itself.

Mr. President, the bottom line is that there are no rational grounds upon which to believe that sanctions, standing alone, will change the mind and course of Saddam Hussein and will gain for us agreement on his part to withdraw from Kuwait.

The case for sanctions, Mr. President, is based upon vague and foolish hopes, on self-delusion, and on an all too natural desire to avoid hard questions and harder answers.

But, Mr. President, the debate does not end here. The case for the majority leader's position, as stated in its best and in a proper light, is better than that stark contrast between war and sanctions. In fact, it is better than it is outlined in the resolution which he has presented to this body.

It was articulated most thoughtfully by the distinguished senior Senator from Georgia [Mr. NUNN] in these words—and I quote him:

> I continue to support President Bush's original strategy—economic sanctions, a continued military threat, and patience.

But, Mr. President, the majority leader's resolution, as drafted and supported by the Senator from Georgia, destroys utterly and without hope of salvation the Senator's own position.

If the majority leader's resolution passes, there will be no "continued military threat." It will disappear as certainly and completely as last year's snows. We will be left with sanctions alone and, inevitably, at some time thereafter, with nothing at all except the face of defeat.

This is not to say that the policy of sanctions accompanied by a credible threat of force was hopeless from the beginning. Perhaps we might have acted differently in August or taken a different course of action in November, and it is possible that acting differently on one of those occasions would have had different results, though this Senator doubts it.

But what is past is past, and to change course today would most certainly be disastrous to us, disastrous to our allies, to Kuwait, to Saudi Arabia, to the promises of a real and effective United Nations, disastrous to the cause of security and, yes, disastrous to the cause of peace.

The proponents of the majority leader's resolution, of course, do not agree that the course they propose eliminates a credible threat of force. Their resolution is studded with bellicose language, with threats, with statements of high purpose—at every point except for its operative language.

But, Mr. President, when will those threats be carried out? When will the resolution's sponsors determine that sanctions have failed? Its proponents studiously and totally avoid those questions. Do they seriously assert that the United Nations coalition will continue to be nurtured and strengthened in its support for the use of armed force at some vague and unspecified future time when those proponents of a sanctions-only approach may finally be satisfied with the obvious truth of the failure of sanctions? They do not, Mr. President.

When will that future date arrive? During the Moslem month of Ramadan? During the pilgrimages of late spring and early summer? In midsummer? When desert temperatures soar to 130 degrees? On the second anniversary of the occupation of Kuwait? Next winter? When?

For all that vague and indefinite period of time, will we maintain our armed forces in Saudi Arabia? We know that to be impossible.

The Senator from Georgia believes in a policy of rotation. For an extended stay, of course, that is the only possible course of action. So in order to have a rotation, we will withdraw tens or hundreds of thousands of men and women from the Middle East.

How many will stay, this Senator asks the proponents of patience; 200,000, 50,000, 20,000?

Do the backers of the majority leader's resolution assert that Saddam Hussein will accede to the United Nations resolutions with that number of troops on its borders after it has faced down the threat it faces today? Will they tell us in seriousness that our forces will all at some future time reembark for Saudi Arabia? Be serious. We know that will never happen.

By that vague and unspecified future date, is it not almost certain that some of our allies will have made the decision that Iraq is really not so bad after all; that the occupation of Kuwait after all took place a long time ago and very far away, and that those nations' business communities are being hurt by continuing to abide by sanctions?

Will we not long since have found that our Arab allies, those immediately threatened by Saddam Hussein, will have rightly questioned our willingness to stick to our principles? Will they not, of necessity, have been required to make the best deal possible with their powerful neighbor, Iraq? Will they not have been forced to retain a mere shadow of their sovereignty by giving Saddam Hussein control over some 60 percent of the oil of the world? Will they not have acknowledged him by that time to be the dominant factor, the leading individual in the Arab world?

Do the proponents of the majority leader's resolution believe that if we allow Saddam Hussein to succeed now, this week, that we will not face him again, that we will not have to deal with a more powerful Iraq after it dominates the Arabian Peninsula, after it has perfected chemical and biological weapons, and after it is closer than it is today to nuclear capabilities? Do they believe that by then he will have become an advocate of justice and peace and security?

Critics of the President who wish to depreciate the U.N. resolutions tread on dangerous ground. They risk the destruction of a dream pursued by enlightened statesmen for centuries, the dream of a world body that can act decisively to stop aggression, a world body capable of establishing the rule of law and of making it unacceptable and unprofitable for nations to swallow other nations by force.

After World War I, that dream was embodied in the League of Nations. But in 1935, as Benito Mussolini marched into Ethiopia, the League of Nations could not agree on effective measures to counter that aggression and those it did promulgate were ignored by its members.

Much as some critics today judge Kuwait to be unworthy of our full commitment, many then in the West then judged Ethiopia to be a barbarous nation unworthy of our concern.

In 1935 Adolph Hitler noted the impotence of the League of Nations and correctly judged that it could safely be ignored. He remilitarized the Rhineland in the next year, believing correctly that no one would risk the lives of some of their soldiers to stop him. Six million Jews and 30 million other lives paid the price for that failure.

Perhaps Saddam Hussein and Iraq are not as powerful or significant a threat to world peace and order today as was Adolf Hitler or even Benito Mussolini in the late in the late 1930's. But to the people of Saudi Arabia, Egypt, and Israel, Saddam Hussein poses the same threat as Hitler did to Czechoslovakia, Poland, and Belgium.

We cannot guarantee, Mr. President, that if the U.N. resolution, of which we here debate the enforcement, is respected, and that if Saddam Hussein either chooses or is forced to withdraw from Kuwait, a new world order of peace and security will be the inevitable result. But we can come close to certainty that if this historic effort on the part of the United Nations fails, the United Nations will suffer the fate of the League of Nations and that there will be no new world order with which we are comfortable.

This Senator has been convinced for some time, and has stated repeatedly, that it is almost impossible to expect any movement on the part of Iraq, as the result of the resolutions of the United Nations, any sooner than the last 48 hours or perhaps the last 24 hours before the expiration of the January 15 deadline.

Saddam Hussein is a skilled practitioner of brinksmanship. He has clearly not yet been persuaded that the United States or the United Nations are serious. He believes that we will pass a resolution like that proposed by the majority leader and that we will back away from this confrontation. He believes firmly and completely in his own ability to come out of this confrontation as a winner and as the acknowledged leader and ruler of the Arab world.

We will succeed in reaching our goals, Mr. President, without the use of our armed services in conflict, only if we act in accordance with the U.N. resolution. Only when it appears to Saddam Hussein that he is certain to lose his military power and perhaps his regime, his life, and his country, will he consider a last-minute retreat. And only through the passage of the President's resolution can that threat of military force be made believable.

There is no possibility at any time in the foreseeable future and no real argument that at any time in the immediate future, were we to pass a resolution like that of the majority leader, that it will be crowned with any kind of success in reaching our goals whatsoever.

The real choice, Mr. President, is not between sanctions and war. An honest examination of this question tells us that waiting, that depending on fruitless sanctions, is almost certainly a prescription for an even more costly war in the future, more costly in both lives and treasure to the people of the United States than anything which we can imagine during the course of the next few weeks or months.

No one can fail to agonize over the choice we must make. No one wishes for or desires war. Today's peace demonstrators and those who speak for sanctions-only in this body are every bit as sincere as men and women who demonstrated for peace in London in 1938.

The government of those citizens of London deferred to their pleas, and as a result sentenced them to a worse and more destructive war by far than the war they avoided.

A short time after those demonstrators appeared on the streets of London, but before World War II began, the slogan of many of those same people was, "We will not die for Danzig." They were no more and no less serious than those who say today that they will not send their constituents to the Middle East to die for cheap oil or hollow ideals or principles.

But, in fact, Mr. President, the people who lived for a short time by that slogan died with their sons and daughters and mothers and fathers in far greater numbers because of that slogan, than would have been the case had it never been invented.

The solution to the problem before us is made more difficult by an apparent paradox. The only chance for success without war is to prepare for war on Tuesday or later next week. As this Senator has already said, only the serious threat of destruction has any chance of compelling Saddam Hussein to relinquish his control over Kuwait.

It is this paradox, I believe, that makes it all the more difficult to guage the public mind on this issue. We are all against war, asked whether or not we should wage it or stay out of it. But the American people also support us in our desire to achieve our vital objectives which, alas, requires the threat of war.

Mr. President, several Members of both this body and of the other body have presented us with perhaps the most agonizing of all choices. They have asked themselves whether or not they would be willing to send their own sons and daughters into battle in this confrontation. Reaching the conclusion that they would not, they are unwilling to send any of their constituents into that situation.

Mr. President, I am one of the few Members of this body who is likely to face that choice in reality. I have a son-in-law, the father of my two grandchildren, who flies A-6's off aircraft carriers for a living. He has told me that if war breaks out in the Middle East, he wishes to be part of it; that it is his duty and his career.

I have found it somewhat ironic, Mr. President, that most of the debate about the tactics of this war emphasized that we had best start only by air strikes, risking rather fewer in the way of lives than we might should we engage in an infantry or a tank attack. But it is exactly one of those few lives that my family will risk if we back the President in our vote tomorrow to follow those tactics.

I honor my son-in-law for that choice, and I support him in that choice, because I believe with all my heart that to back the President today will save more lives, more American lives, than it will destroy.

Mr. President, the cause of peace is not served by the majority leader's resolution. That resolution serves the cause of defeat, the cause of the abandonment of a noble idea and of a lawful and peaceful world order, and serves the cause of a worse war at a future date.

The approach of those who would recommend economic sanctions and patience is fatally flawed, for if we flinch now, there will be no military option in the future. But more important, those who counsel patience must realize that if the threat of extinction does not move Saddam, neither will any other threat.

We do not have the luxury of the choice between sanctions and war. To paraphrase Winston Churchill, we may choose sanctions and patience today, but we will have war tomorrow.

Mr. President, the true cause of peace is served by the President of the United States. The true cause of peace in this body will be served by supporting a resolution to back the policies of the President of the United States.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. As Members know, the Senate is proceeding under a unanimous-consent request entered into earlier in the evening with respect to the recognition of Senators.

Pursuant to that unanimous-consent request, the Chair now recognizes the Senator from Arizona.

THE GULF CRISIS

Mr. DECONCINI. Mr. President, I rise today to join my colleagues in debate on probably the most difficult decision that Members will ever have to face as Members of Congress.

The responsibilities of our office require us to make many difficult and painful decisions. Some of them are pure political decisions, but none so difficult or awesome, in this Senator's judgment, as the decision to commit our great country to war.

It is not a decision which any of us take lightly. Nor is it a matter for partisan wrangling.

I have enormous respect for my colleagues on both sides of the aisle, and both sides of this issue. I do not believe any one of us is basing our decision on whether we are Democrats or Republicans or liberals, conservatives, moderates, or what have you. We are talking about a decision which could require men and women to make the ultimate sacrifice for their country—and for each one of us in this room, as well. No, Mr. President, party loyalties are not fueling the real passion of this debate.

It is the knowledge that we as individuals must make a decision which will profoundly affect the national security of our country and place hundreds of thousands of American lives at risk.

What are we asking ourselves to do and how do we justify asking ourselves to step up and vote on these important two resolutions that will be before us?

Our debate here today represents a maturity of our democracy, a democracy which wisely does not place the burden of such far reaching decisions, such as war, just with the President of the United States. Rather, it vests the power in the branch of Government which is most closely affiliated and associated with the people, and that is the Congress.

I see the people in my State and throughout this Nation wrestling with the issue, very intensely, as to what should we do under these circumstances. All of us, particularly our men and women in the armed services deserve to be assured that no decision will be taken before Congress, together with the President, have explored it thoroughly and deliberated thoroughly. We are all agreed that Saddam Hussein and his outrageous acts of aggression cannot be allowed to stand. All of us are horrified and repulsed by the horrible atrocities he has committed against his own people during the war with Iran, as well as the citizens and those who were not citizens but legally living in Kuwait.

He must be expelled from Kuwait, and the nation of Saudi Arabia must be protected from similar aggression or other neighbors as well. But what we are asking ourselves today is whether war now is the best way to achieve these particular aims and objectives that our Nation has firmly established. Can we compel Saddam Hussein to withdraw without war? That is really the question here. I and many of my colleagues are not convinced that every alternative option to war has been exhausted as of the date we vote tomorrow, perhaps, on these resolutions. Let there be no mistake, Mr. President. I have the greatest pride and confidence in the ability of our Armed Forces. I have no doubt that we can win and we will win, God forbid if we have to go to war. We can win an armed conflict against Iraq. Military superiority is not the solution in and of itself. Military superiority is a tool which, if used effectively, can prevent war and preserve peace. The more powerful the military might of a nation, the greater that nation's responsibility to use that power wisely.

President Bush has at this disposal an extensive array of diplomatic, economic and military tools. He has used the former expertly so far. He has deftly and patiently worked with our allies and friends in the international community to build a united international front through the United Nations against Hussein. His astute understanding of the policy of pressure through sanctions and diplomacy backed up by a deadly and massive armed presence has sent Hussein the strongest of messages. It is my belief that the President's policy has, in fact, been so effective that I am hopeful that the continuation of this skillful application of pressure will ultimately force Hussein to withdraw from Kuwait.

Some are arguing that unless Congress gives the President the power today to use the tool of last resort—armed force—we undercut his ability to continue to effectively apply pressure. But I would argue, Mr. President, that if Mr. Hussein does not know that Congress will not hesitate to authorize the use of force, he is badly misjudging the U.S. Congress. I know this Senator is fully ready to give President Bush the authority to use force once I am convinced that sanctions and diplomatic efforts have failed.

We must ask ourselves before we commit to war, where war will lead us? What kind of regional order will result through the premature and massive use of force? I am not willing today to ask our men and women to risk their lives for an action which in the end could further destabilize the region; increase the threat of terrorism and Moslem fundamentalist radicalism, and necessitate a prolonged military presence perhaps requiring even further military action.

Before we plunge into a difficult conflict which can have no simple ending—we must know—and the American people who will be fighting and dying must know, what kind of solution we are seeking. The complex problems of the gulf region do not lend themselves to simple solutions. We must find a course which will enable our Arab allies to find their own way to peace in the region.

Again, I stress my support for the President's policy to date, which my distinguished colleague from Georgia, Senator NUNN, characterizes as sanctions, continued military threat, and patience. While it is essential that we remain committed to use force if it proves necessary, I do not believe the case has been made to use force now. We must remain committed to patience, to the search for a long-term solution, and avoid the needless spilling of the blood of Americans and many, many others.

The international embargo which the President has so skillfully put together is proving successful contrary to what some would have us believe. Such distinguished military experts as the former Joint Chief of Staff, Admiral Crowe and former Secretary of Defense Schlesinger have urged that we give sanctions more time. Why? Because by most objective standards the sanctions have been extraordinarily effective. Iraq's production has dropped to 40 percent and its main source of hard currency, oil exports is virtually at a standstill. In fact, its entire import/export flow has come to a halt. I am not going to repeat the facts and figures which so many of my colleagues have cited during this debate. Suffice it to say that 5 months is not enough time to weigh the effects of this formidable economic embargo. Why not pursue this current course and in the process further weaken both the economy and the war machine of Saddam Hussein. When and if war comes, we can win it. We can take that action. But would it not be preferable to achieve our objectives without war?

By not agreeing to the use of force today we do not remove this as an option, Mr. President. The diplomacy of searching for peaceful solutions to this crisis can be reversed at any time—we can always declare war—and we will not hesitate to use force if it becomes clear that force is our only remaining course. There are procedures incorporated in the Mitchell resolution to expeditiously consider any request by the President for a declaration of war. But until we have greater clarity of vision that war will result in a secure peace and until we have truly exhausted all economic and diplomatic means, I canot in good conscience vote to give the President the authority to pursue military action from which there is no turning back.

I do not believe we have exhausted the call. Let me be clear that this is no criticism whatsoever of Secretary Baker or the President's efforts thus far.

Mr. President, with respect to the order of speakers this evening, on behalf of the two leaders, I ask unanimous consent that Senators MURKOWSKI, SASSER, MACK, and DIXON be listed in the time slots previously allotted Senators RUDMAN, BIDEN, GRAMM of Texas, and BAUCUS, respectively.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Pursuant to the unanimous-consent request, the Chair now recognizes the Senator from Kentucky.

HUSSEIN'S AGGRESSION UNCHECKED

Mr. MCCONNELL. Mr. President, no graver issue will ever confront this Congress than whether we commit our young people to battle, our conscience to combat and our Nation to war. Since August 2, we have struggled to define the question we should debate. Some argue congressional versus Presidential constitutional responsibilities are at stake. Others have focused on whether clear enough goals have been defined by the President to compel us into war. And still others have said that while we share the goals, the means to achieve them are the crucial matter.

This confusion of the issues is understandable given our Nation's history and tremendous sacrifice of life in war.

There is a healthy fear and respect for what the future may bring if we are forced to engage Iraq in war.

From my corner of the world, I have a profound concern about what may happen since more than 18,000 soldiers based in Kentucky have deployed to the Persian Gulf. I feel a responsibility for every one of those men and women and their families anxiously waiting at home.

But, it was in listening to those families and, in particular, reading a letter from a young soldier from Fort Knox that what is at stake, what is important became clear to me.

This young soldier had read about antiwar protests in Louisville and sent me a copy of a letter he wrote to the Courier-Journal. He said:

> I am glad to see freedom of speech is alive and well at home. That is why I, and tens of thousands of other Americans are scattered all over the Persian Gulf * * * to protect your rights, to protest as only Americans can do. But, it saddens and sickens us to read and hear all these protesters who say we are over here for oil * * * Time out America! Whatever happened to principle, * * * Are we going to exit this century in the same way we entered it? Are we going to be a selfish, self-centered isolationist nation? This is not Vietnam! We in the military have all volunteered. * * * Every man and woman over here is homesick, lovesick and ready to go home at any time. But, we all know we are standing our guard for principle and the American way of life and will be here till our job is done.

Lieutenant Korty, I applaud you. You have your eye on the threat. The threat to you and to our Nation. A tyrant is on the move and 28 nations have committed troops and resources to stop him. The United Nations has passed 12 resolutions condemning the invasion and illegal occupation of Kuwait and has had the courage to call for the use of all means necessary to expel Saddam Hussein's forces.

The issue before the Senate is whether we stand by Lieutenant Korty—in principle—and the United Nations—in fact—and affirm the commitment they have collectively and willingly made to restore the legitimate government of Kuwait, assure regional security through the unconditional withdrawal of Iraq and establish, now and for the future, that ruthless aggression does not pay.

In an appearance before the Senate Foreign Relations Committee, Secretary Baker testified:

> Iraq's unprovoked aggression is a political test of how the post-cold war world will work. * * * The Iraqi invasion of Kuwait is one of the defining moments of a new era—an era full of promise but also one replete with new challenges * * * It is an era in which new hostilities and threats could erupt as misguided leaders are tempted to assert regional dominance before the ground rules of a new order can be accepted.

I would add, the invasion is more than a political test—it poses a serious economic threat. Prior to the August invasion Iraq and Kuwait accounted for 13 percent of world oil export trade and 7 percent of production. With a paralyzing grip on these resources, Hussein now threatens 60 percent of the globe's proven reserves located in the gulf. If Hussein's aggression is allowed to stand unchecked, he is well positioned to threaten and intimidate the region's producers into higher and higher prices.

The consequences of this control could be catastrophic. At home, we could face sharp increases in the price of gasoline driving up the cost of farming, industrial production, and simply getting to work in the morning. While we would certainly survive, Hussein's stranglehold on the world oil supply could jeopardize democratic progress in Eastern Europe and development in Central America, Asia, and Africa could be irreversibly damaged.

Intimidation, aggression, illegal invasion, and brutal occupation must not be appeased nor accommodated as we build the post-Cold War world. As East-West tensions diminish, we have a unique opportunity and obligation to work with the Soviet Union and other nations to foster peaceful democratic change, preserve the security of our friends and promote economic prosperity.

The stakes are high but our goals are clear. The Senate must now decide to grant the President the means to join the international effort to accomplish our objectives.

Before we take this step, we should ask—as many of my colleagues have done—are sanctions and diplomacy working? Iraq continues to occupy Kuwait and shows absolutely no signs of leaving. Secretary Baker summed it up after 6½ hours of talks with Secretary Aziz. He saw no flexibility and no signs of Iraqi willingness to agree to the unanimous international call for withdrawal.

While I continue to hold out hope for the Secretary General's mission this weekend—and any other effort made by members of the coalition—intensive diplomacy and sanctions have produced no results—none—to date.

The next question that obviously follows is will sanctions work with more time? Nothing about this invasion and this dictator would suggest sanctions alone will work. Hussein is a leader who has committed unprecedented and unspeakable atrocities against his own citizens and his Arab brethren. He is personally responsible for millions of deaths. He has defied all human understanding and gassed villages of women and children. He has anticipated the consequences of sanctions, and as William Safire recently said, "He knows what's coming and he's not caring."

CIA Director, Judge Webster, assessed the impact of sanctions this way:

> The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained. * * * Our judgment remains that, * * * economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime threatening popular discontent in Iraq. * * * Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its 8-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

So, if we can fairly say the sanctions alone have not worked so far, and in the best judgment of experts will not work over the next year, the question must be put to sanctions proponents: How long are you prepared to wait? Until another nation falls? Which one? Frankly, one of the most disturbing aspects of the majority leader's legislation is its explicit authorization for use of force in certain circumstances. We can use force to defend our troops, enforce the embargo and defend Saudi Arabia. What about Oman, Bahrain, the UAE? Each of these nations is in peril and yet is very clearly excluded from the perimeter of defense defined by the majority leader's bill.

Just after the invasion, many Members accused the administration of failing to make clear our intention to protect Kuwait from the Iraqi threat. The legislation before the Senate so narrowly defines our security commitment that it all but invites Hussein to march on the smaller gulf nations.

I ask those who urge us to wait, at whose peril? Hussein has laid waste to Kuwait. A tyrant responsible for two invasions, and more than a million deaths is not concerned about sanctions and economic hardship. He is not concerned about any additional loss of life. He is clearly counting on our loss of interest.

The President of the United States has asked this Congress to fulfill our constitutional obligation and grant him the authority to use force. No other President who has asked Congress for the authority to go to war has been refused.

As the internationally determined deadline nears, diplomacy must continue. Every effort by every member of the coalition should be encouraged. I pray for a peaceful solution to this crisis.

President Bush is our leader and the leader of an international coalition has asked us to authorize the means necessary to accomplish this goal. Voting to support the President's request is a vote of confidence in the credibility of a threat that leaders of the world have determined may produce peace and avoid war.

To refuse President Bush and reject the declared, collective will of the United Nations protects a tyrant and rewards aggression. If we refuse the President's request today, who will believe we will enforce sanctions tomorrow?

Mr. President, I am not impatient for war. I am impatient for peace. As Lieutenant Korty knows, peace depends on the protection of principles. He has willingly assumed his responsibility. Now we must assume ours. We must grant the President of the United States the vote of confidence he has requested to use all means necessary—diplomacy and force, if need be—to expel Iraq from Kuwait.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the unanimous-consent request, the Chair now recognizes the Senator from Florida.

THE MAKING OF THE DECISION

Mr. GRAHAM. Mr. President, few issues in any of our political careers have had the human power that the decision that we are called upon to make tonight and tomorrow has.

In the last few weeks, I have had an opportunity to visit with many of the people most directly affected by the decision that we will make. Five weeks ago, I was at Eglin Air Force Base in northwest Florida. This is the base center for the Air Force special operations. Many families in that community have a loved one deployed into Saudi Arabia. I met with the spouses and the children of several of those families and heard the distress, the pain of the separation, and of the uncertainty.

Three weeks ago, with the majority leader and others of our colleagues, I had the opportunity to visit Saudi Arabia, and to visit in the desert with some of our troops—young men and young women of great courage and bravery, well equipped, well prepared, well led, ready to assume any responsibility. But they were clearly young men and women who had a high degree of anxiety about what they would be called upon to do and what the consequences would be.

One young man, who I happened to meet as he was digging out a bunker in a complex of tents, called up to me and indicated that he was from Florida. In fact, he had been a student at the University of Florida, and he greeted me with the "Go Gator" statement. This young man from Clearwater, FL, told me that he had dropped out of school in order to join the Army, both in terms of maturing himself in life, and economically preparing himself better to continue his education. Now he was prepared to make a sacrifice for the Nation, beyond that which he probably contemplated when he enlisted.

Finally, Mr. President, just last Sunday I was in Tallahassee in preparation for the events of the inauguration of our former colleague, Lawton Chiles, as Governor of Florida. A lady I knew for over 20 years came up to me, and I could tell she was upset. I asked her if we could step into a private room to talk, and she broke down. She told me that her youngest son, her second son had now been called to Saudi Arabia to join an older brother who was already there on the U.S.S. *Saratoga* as a sailor. Her youngest son is now going to be in Saudi Arabia as an infantryman based close to the Kuwait line. She wanted to know, "Are they going to kill my boy?"

Mr. President, we do not get asked questions like that very often in the issues that we are called upon to decide. I cite these personal examples to indicate the depth of humanity, the depth of personal feelings that America has invested in this issue.

Therefore, it makes the responsibility that each of us hold an especially solemn one, one in which we must try to bring the full strength of our personal experience and our capacity and judgment to bear. In doing so, Mr. President, I have felt that the present is needed to be evaluated in the context of the past and the future, almost in the way that Charles Dickens helped explain the true meaning of Christmas present by elaborating the significance of Christmases that had passed and

Christmases which might come in the future.

I think the past of this, which I will define as that which occurred prior to the invasion of Kuwait, is unfortunately characterized by a failure of strategic vision. Some very basic things are occurring in this region of the world to which we have not been appropriately attentive. Just to cite three, an emerging fundamentalism, not just religious but cultural fundamentalism, the rejection of Western values. This movement of fundamentalism is especially troublesome, as it has attracted such a large number of younger people throughout this region. The enormous disparity between rich and poor, which are fueling basic animosities, and the fact that, in part, through the United States participation, the Middle East has become the parking lot for the military weapons of the world. We end up with a relatively small nation of 15 million people with a 1.3 million army, with 5,700 tanks and over 700 combat aircraft, enormous disproportion of military strength, and incredible need for those weapons.

We make a basic mistake, I suggest, if we think that what we are dealing with is one man—Saddam Hussein. I see Saddam Hussein not as the cause of those fundamental events, but rather as the guileful person who has taken advantage of those and other fundamental factors occurring in this region.

We also, domestically, have contributed to the past. We have accommodated Iraq over a period of more than a decade, accommodated in terms of covertly assisting them in the war with Iran, within the shadow of the invasion of Kuwait, continuing to extend substantial economic assistance to Iraq.

We also have contributed to the past by our failure to have a sustained commitment to a rational national energy policy, failure which has made us increasingly hostage to the circumstances in the Middle East and the personalities of today's and tomorrow's Saddam Husseins.

Looking to the future, I would suggest that as we attempt to assess how we should respond to the current crisis today we should ask ourselves what do we want to have as some of the consequences not just of the next 30 or 60 days but over the next decade in this region and what do they say about U.S. policy around the world in this new post-cold-war era.

First, I would suggest that it is imperative that we develop some new national security arrangement. It may not be and will not mean precisely what NATO has been in Europe for the last 45 years, but I believe the NATO example, one of the most successful political and military alliances in the history of Western civilization, has some instructive lessons.

Some of those include the fact there was a predetermined allocation of responsibility, a predetermined basis upon which those responsibilities would be financed. NATO did not run the danger of having a U.S. Secretary of the Treasury with a tin cup arriving at the capitals of the various member nations attempting to solicit funds for an engagement that was already underway. Those decisions were made before, not after the conflict began. We need to have a thoughtful security arrangement for the new post-cold-war era.

Second, within our own constitutional system we need to reexamine the relationships between the President and the Congress. I am not going to have a debate today on whether a declaration of war is required in these circumstances. I happen to think it is. But I think the reality of the circumstances in which we find ourselves tonight is that any effective participation of Congress as the representatives of the people in shaping policy has been rendered formality by the occurrences of the last several months, at least since November 8 when the level of U.S. military in the region moved from defensive to an offensive posture.

Our capacity to sustain that level of military became stretched when our ability to have a rational rotation policy was terminated. Effectively we were on a path accelerated by a U.N. resolution with a January 15 date that has led us inexorably to where we are tonight.

I believe that we need to reexamine this relationship between the executive and Congress, and I would suggest we attempt as a Congress to play a role of strategic adviser setting forth in advance what are going to be the standards which the United States will consider its vital interests to have been affected and where those vital interests justify the sacrifice of American lives for their protection. That decision should be made prior to, not after or during a crisis as it is being done now.

Third, we need to play an even more constructive role in bringing peace with dignity and respect into a region which since biblical times has been racked with war and hatred and dissension, an extremely difficult task, a task that has eluded man over the milleniums, the one to which we must in the aftermath of this crisis recommit ourselves.

We must also look for how we can play a more effective role in eliminating or moderating, mitigating these enormous economic disparaties which as long as they exist are going to be fueling discontent and creating the tenor for a Middle Eastern populous demagog to inflame.

Finally, and in brief summary of just some of the items that will be on the post-crisis agenda, enormous conflict is on the horizon over natural resources in this region, particularly water. Here the United States in my judgment could play a particularly important role in applying some of its technological capability as well as its political good offices to try to shape a controversy before it becomes the core of yet another set of conflicts in this region.

With that said about the past and the future, Mr. President, I would like to talk about today. This has been a rollercoaster week: I have heard that phrase applied by others and I will adopt it. A week ago, with several colleagues, including Senator NUNN, Senator LEVIN, Senator BOREN, and others, I participated in some of the early drafts of the Mitchell-Nunn resolution which is now before us.

I think it is a very constructive contribution to the debate and to the resolution of this process. It set out some important principles, one of which was that the Nation is committed to the proposition that Saddam Hussein's aggression will not be allowed to stand. That, I think, is a message which, whatever surface division may be read into the debate of the last several days, there should be no misunderstanding the Nation is united behind that principle that his aggression will not be rewarded, that we authorize the use of force in three specific important areas, that we stated that we felt diplomacy and economic sanctions were the wisest course and should be pursued, but recognize the possibility they might not be able to accomplish our objectives and therefore set up an expedited procedure in which the President could ask for authority to commit American forces to the removal of Saddam Hussein from Kuwait.

At least two significant events have occurred since last Thursday and Friday. One of those events occurred on Tuesday. The President requested the authority to use force. I have been asking the President to make such a request for several weeks. Upon our return from Saudi Arabia, on the 20th of December, when with colleagues I met with the President, when it was my opportunity to make some comments I used my time to emphasize the importance that I attached to the President going to the Nation and explaining why the U.S. vital interests were at stake and then at the conclusion of that education of the American people asking their representatives for authority to commit force. I am very pleased that the President has done so.

The second significant thing occurred a few hours later on Wednesday with the breakdown of the meeting between the United States Secretary of State and the Iraqi Foreign Minister. Not only did that tend to crush optimism that diplomacy could be the means by which we would achieve our objective because the discussions failed, but the style of failure was so dispiriting.

It would have been hard to have scripted the press conference of Foreign Minister Aziz in a way more calculated to inflame, to raise fundamental questions as to intelligence and value and sensitivity among the international community and particularly among the citizens of our country than the performance that he gave Wednesday night in Geneva. It raised basic questions as to whether diplomacy could reach our objective and whether the economic sanctions were having their intended effect of moving Iraq toward a policy of greater openness.

Now in this rollercoaster week we come to the end. The end unfortunately is going to be handled with sharp differences. I say unfortunately. There are some positive signs. Clearly it is a strength of our democracy that we can have the kind of debate that we have experienced since Wednesday. There are few places in the world which would have the consideration of war and peace so openly and with such passion debated. That is a great strength of our system.

However, Mr. President, I regret that I believe at the conclusion of this process we are going to have a very divided Congress. A matter of a handful of votes here and in the House of Representatives will determine the course of action the Congress will permit.

I believe that that narrow division is not going to contribute to the sense of unity of the Nation, to the strength of the message to Saddam Hussein, nor to the capacity of the President, should he assume the role of Commander in Chief, to effectively carry out his responsibilities.

It has been my hope, and I have spent some time over the last 2 days toward this end, that we might be able to shape a position that would not command unanimous support—that is impossible—but would command a sufficiently large majority that we could say yes, there is a unity within the Nation for a course of action.

I still have faint hopes that that might happen, but I fear that our choices are going to be those that are before us in the two resolutions.

With that said, I am going to support the resolution which will give the President of the United States the authority to use force. I am going to do so because I believe that the President of the United States deserves to have a presumption of correctness of his actions, and that he especially deserves to have a presumption of correctness as it relates to matters of our national security and relations with other nations.

I am reluctant to draw universal conclusions from a short visit to the Middle East, but that reluctance will be overcome to this extent; that I came away with the sense that this was an extremely complex fabric of interrelated and divergent issues, factors, personalities, history, and culture that we were dealing with in this crisis. It is not just the simple issue of a large and powerful state invading, pillaging, and occupying a weak neighbor. And that the institution of the Presidency was in the best position to integrate, evaluate, assess options and implications of those options, and reach a judgment which was in the national interest.

Although, frankly, there are some events which have caused me concern about the institution of the Presidency, such as the failure to go effectively to the American people over the last several months, as Franklin Roosevelt did in the months before World War II and explained why we were about to undergo this very bloody war, I still believe that the President continues to warrant our support. I am prepared to invest my confidence in the judgment of the President.

I hope the decision that we make will be a wise one. I pray that the actions that we take contribute to peace; contribute to peace for the two sons of that mother in Tallahassee and contribute to world peace for the sons and grandsons of that mother in Tallahassee, so that we will be able to discharge our responsibility to our Creator for peace on Earth, and so that we can hope for a world without mothers' tears.

The PRESIDING OFFICER. The Chair now, under the unanimous-consent agreement, recognizes the Senator from Alaska.

THE AUTHORITY TO ACT

Mr. MURKOWSKI. Mr. President, our President, George Bush, must have the authority to deal effectively with Saddam Hussein. This is, really, Mr. President, the question before us. It is not a question whether sanctions will or will not get Iraq out of Kuwait.

Without the authority to act on the United Nations resolution, the President will have in effect one arm tied behind his back. We must give the President the authority that he needs to work toward a resolution of the Persian Gulf situation and to bring an end to Saddam Hussein's brutal occupation of Kuwait.

This is truly an historic moment in this body. This is a time for statesmanship. But, above all, it is a time for doing one's duty. And the duty of Congress is to give the American people, the President, and indeed the world, and especially Saddam Hussein, a clear answer to the request for that Presidential authority. This is not a partisan issue. We are not here to make debating points or to elaborate about unknown contingencies. Our duty is to vote to give the President the authority he seeks or to vote against his request.

As a State legislator recently stated, "The problem with Congress is that it forgets that its job is to write the music, not to conduct the orchestra." Let us be sure we write and not conduct.

Listening to the extended debate, I feel a sense of pride in the intelligence and perspective which has been displayed by my colleagues. Yet, I heard a fair amount of discussion that really has nothing to do with the central issue that is before us: Whether we will exercise congressional authority to either grant or deny the President's request. Using our authority does not mean giving the President a convoluted and unworkable answer, such as I see in the Mitchell resolution, the indecision of which has to give Saddam Hussein some degree of comfort.

Supporting the President at this time does not mean that we must have war. The President has the responsibility to exhaust all alternatives before using force to remove Saddam Hussein from Kuwait. And, Mr. President, our President Bush does not take that responsibility lightly. He personally knows war and knows firsthand of its consequences.

I have recently met with the President, as well as Secretary of State Baker and Secretary of Defense Cheney. I have every confidence that the President will do all in his power short of war to remove Saddam Hussein from Kuwait.

Iraq's brutal, unprovoked aggression against Kuwait has been broadly condemned both here and abroad. Twelve U.N. Security Council resolutions are a powerful testimony to the outrage felt around the world, and Members of this body have been eloquent in their condemnation of Saddam Hussein's actions. Senators are unanimous in their determination to achieve Iraq's speedy and unconditional withdrawal from Kuwait, and Members praise the skill with which President Bush has assembled an international coalition to achieve that objective.

In the 5 months since the invasion, the international community, led by the United States, has imposed an unprecedented land and sea embargo on Iraq. Never before have such comprehensive economic sanctions been imposed and never before has enforcement been so universally effective. All Members of Congress have hoped, and still hope, that the combined diplomatic and economic pressures, supplemented by massive military deployments, will persuade Saddam Hussein once and for all that he must withdraw.

The vast majority of Alaskans who have contacted me share this view. At the same time, Alaskans show overwhelming support for the President. Of course, it was with deep disappointment that we learned that the diplomatic effort Wednesday in Geneva met with no success. Iraq continues to defy international law while proceeding with its bloody demolition of the nation of Kuwait.

It is particularly ironic that officials involved in the ruthless aggression in Kuwait refused to deliver President Bush's letter to Saddam Hussein because, we were told, it was not polite enough.

Earlier today, we had a disruption in this Chamber, with demonstrating and shouting: "No blood for oil." Mr. President, as an Alaskan Senator, I firmly believe that the United States has become too dependent on foreign sources for our energy. We have not done enough and must clearly do more to solve our domestic energy needs at home.

A full debate on energy dependence and alternatives, such as exploring for oil in Alaska's Arctic, must await another day. For now, let there be no mistake that blood has already tragically been shed for oil in the Mideast.

In a graphic report which I have before me, Mr. President, Amnesty International describes torture and death suffered by Kuwaitis at the hands of Iraq's occupation army. This list, Mr. President, of some 38 methods of torture and brutality include such practices as beatings designed to systematically break one bone after another, beatings administered while the victim is suspended from a ceiling fan, gouging out of eyes, castration, cutting off tongues and ears, rape, denying incubators to hundreds of premature babies, and every brutality that sick minds can devise. This, Mr. President, is happening in Kuwait today.

I ask unanimous consent that a summary of these gross human rights atrocities, as indicated by the Amnesty International report, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURKOWSKI. Mr. President, on January 8 of this year, President Bush specifically requested that Congress support the use of all necessary means to remove Iraq from Kuwait. This is the issue, Mr. President, and this is the challenge before this body: Is the Congress prepared to give the President the necessary authority he requests as the Commander in Chief of the Armed Forces to compel Saddam Hussein to abide by the terms of the U.N. resolution?

Let us examine for a moment, Mr. President, the two principal measures before this body to see which one responds best to this critical situation. In the opinion of the Senator from Alaska, the pending Michell resolution provides the President only partial and conditional support and denies what he has requested. It only authorizes force in three specific circumstances: To enforce the embargo, to defend Saudi Arabia, and to protect American troops. It pledges full support for the continuation of increasing economic and diplomatic pressures against Iraq; it reaffirms the Congress and the congressional power to declare war; and, finally, it sets forth a fast-track procedure to expedite consideration of a request by the President to declare war.

The Mitchell resolution will not give the President the strength he needs to convince Saddam Hussein that our military power is a real threat. Why? Because if we adopt this resolution, Saddam Hussein will then surely be convinced that the President's threat of military force was and is hollow.

Also troubling are the procedural provisions of the Mitchell resolution, which requires the President to seek a declaration of war that will be considered on a fast-track basis. I fear, Mr. President, that under the procedures in the pending resolution, we may be unintentionally giving Saddam Hussein the time, the inclination, perhaps, to launch a preemptive strike against our forces or against others in the region, including perhaps Israel. We simply cannot be in a position in this modern age of warfare to telegraph our military signals to our adversary.

Mr. President, a resolution that both responds to the President's request and preserves a proper consitutional balance between the executive and legislative branches will be introduced in the Senate. I am an original cosponsor of this joint bipartisan resolution, which gives our President the direct authorization to enforce the U.N. resolution. It also requires that he make a determination before using force that he has used, indeed, all the appropriate diplomatic and other peaceful means to obtain Iraqi compliance with the U.N. resolution. This determination must be given to the Speaker of the House under the resolution as well as the President pro tempore of the Senate.

The resolution further authorizes force to provide periodic reports to Congress on the President's attempts to obtain Iraqi compliance. Implicit in the joint resolution is the urging by Congress that the President exhaust all means, short of war, to move Saddam Hussein out of Kuwait. The resolution, however, does not bind our President's hands. It explicitly grants the President what he seeks and what he needs before the 15th of January.

Mr. President, the Congress can respond to this request in three ways: First, we can deny the President's request and destroy the President's ability to act effectively as leader of the international coalition, which has become so effective.

Second, we could provide partial and conditional support, as the Senate majority leader proposes. The result, in the opinion of the Senator from Alaska, will be a crippled Commander in Chief whose ability to lead will truly be jeopardized. The Senate would signal Saddam Hussein that his effort to split the international coalition arrayed against him was succeeding at the very heart, Mr. President, of the U.S. Congress.

Equally as serious, this would also send a message to the men and women of the Armed Forces in the Persian Gulf that they were being asked to risk their lives for a cause that Congress did not fully or conditionally support. I shudder to think of sending this message to those brave men and women soldiers in the field.

The third and only responsible action is to provide President Bush the support that he has requested, and, by doing so, we are not expressing a preference for a military action. We will be giving our Commander in Chief the ability to credibly threaten armed forces as the best hope of persuading Saddam Hussein to withdraw peacefully from Kuwait. But if the President determines force must be used, he will then have the authority to act.

Mr. President, I believe sanctions will be pursued as one element of our strategy. As a former businessman, I have a keen appreciation of the powerful consequences that result when the income of an enterprise is cut off. The Iraqi economy is almost entirely dependent on one product, and that is oil. It accounts for 95 percent of Iraq's foreign exchange earnings. The sanctions have now completely stopped Iraq's oil export of some 3 million barrels a day, representing a cash flow of at least $60 million a day to Iraq.

Saddam Hussein has tried to justify his invasion on the ground that Kuwait was strangling Iraq by opposing an increase in the OPEC oil price. What Kuwait was allegedly doing cannot be compared to what the sanctions are doing. This is, indeed, real strangulation.

Iraq's financial assets abroad have been frozen and remain so despite vigorous attempts by the Iraqi Government to gain access to those accounts. Iraq's foreign exchange reserves are, of course, nearly depleted. Imports are almost equally vulnerable. Three-quarters of Iraq's food supply, key weapons systems, military spare parts, critical manufacturing products, like ball bearings, are all important.

Mr. President, as vice chairman of the Intelligence Committee, I have reviewed the best information available concerning the effect of these sanctions. That information is, to some extent, incomplete and ambiguous because of the difficult sources of information in Iraq. Members of Congress, certainly, may have honest differences of opinions over what efforts sanctions will have in a particular timeframe. But let us recognize that so far sanctions are, indeed, doing what they were specifically designed to do, and that is to stop Iraq's oil exports and to dry up Iraq's cash flow.

It is clear that sanctions are having a major impact which will grow with the passage of time. By the fall of this year, we can expect the impact to be debilitating across almost the entire spectrum of the Iraqi economy. Will that be enough to persuade Saddam Hussein to withdraw from Kuwait? It is the contention of the Senator from Alaska that no one really knows that answer. Hussein himself may not even know. But we know one thing, that the threat has not caused him to back down over the 5 months that the sanctions have been in effect. While sanctions may at some point ultimately force a collapse of Iraq's economy, they probably will not, standing alone, drive out the ground forces that Saddam Hussein has already deployed in Kuwait.

This is our and our President's immediate dilemma. Since August, Iraq has only met one of the four conditions for a peaceful settlement, and that is the fortunate release of the hostages. Saddam Hussein has not withdrawn his troops or restored the Government of Kuwait to its rightful place or contributed to any peace or stability in the region. Ironically, such reliance on extended sanctions may actually undermine sanctions as a viable alternative.

Mr. President, without giving our President the authority to act, Saddam Hussein, sometime shortly after January 15 will, in the mind of this Senator, proclaim to the world that he has stood up and defied the United Nations, the United States, and this Congress. His reward for naked aggression will be the continued rape and pillage of Kuwait and its people, as we stand by and wait for extended sanctions to bring him down.

What kind of a message will be sent to the fragile coalition of Arab States who now support the U.N. resolutions and how have courageously condemned Saddam Hussein? If we tell these nations that our President will not be given the authority he seeks, then how can we possibly expect them to bear the responsibility they have so bravely undertaken to stand up to the bully of the region? Without a strong coalition in the region, the sanctions cannot be extended. Mr. President, they could and very possibly will collapse.

The world is, indeed, watching the actions of this Congress, and if we blink and do not come up to take our turn at the bat, the belief that there is an opportunity for a newer world order is threatened at its very core.

Some may think Saddam Hussein is a madman, but he is cunning and he has a clear objective to gain power by controlling the world's exportable oil reserves. If President Bush had not taken strong decisive action in August, Saddam Hussein could easily have controlled 42 percent of the proven oil reserves of the three Arab States, specifically his own, Iraq, Kuwait, and Saudi Arabia.

Mr. President, I often reflect on the meeting that I had in Mosul in northern Iraq last April with Saddam Hussein, along with Senator DOLE, Senator MCCLURE, Senator SIMPSON, and Senator METZENBAUM. The message from Saddam Hussein at that time was very clear, that the Western World has taken the Arab States too much for granted, depending on the Arab States to supply cheap oil to the industrialized nations.

He believes and enunciated to us the conviction that the Arab world must unite under strong, disciplined leadership and work collectively to control the supply of Mideast oil, which would result in higher world oil prices.

Mr. President, we had no doubt about who he had in mind to provide that leadership. That is why we must fulfill our duty to address the question the President has placed squarely before us in his letter.

Will the Senate grant the President the authority he seeks? I am confident that we must at this critical juncture before January 15 make sure that President Bush has every ounce of authority he can use to enforce the U.N. resolutions.

Mr. President, I have not come to this conclusion without considerable thought. I have met with and heard from hundreds of Alaskans in the months since Iraq's aggression in August 1990. Alaska's sons and daughters are now serving in the Mideast and their courage is a constant reminder to me of the burden I face in casting my vote.

As a father of six children, all at an age and capability of serving our Nation's military needs, my responsibility is a very personal one. Alaskans share a special bond with our military, yet Alaskans never want our military power to be used irresponsibly.

None of us in this body want that result either. By our debate the past few days and by our upcoming votes, we must demonstrate to Saddam Hussein and to our citizens at home that we understand this is a most solemn and serious moment in our history and the history of this body. We stand united with one voice and that voice is to stop aggression.

Mr. President, yesterday, as this historical debate in Congress began in earnest, a young man from our State Capitol, Juneau, AK, dropped into my office. He wanted to know of my views on the debate, where I stood on authorizing the use of force in the Persian Gulf. We explained to him the position that I have outlined and shared with you, that we hope and pray to God that a peaceful resolution is found to this crisis, but that the President and our troops in the gulf must be fully supported by the Congress and the American people in delivering a message to Saddam Hussein.

Then he offered his view on the debate. He said he was in the U.S. Air Force and was being sent to the gulf on Wednesday next. He said he went willingly and proudly to defend American values and American beliefs. And he asked solemnly and emphatically that I vote in this body to support his mission and that of his fellow troops already in the gulf states. He asked that we in Congress do our part to support them as they serve their Commander in Chief, President Bush. Mr. President, that is what I intend to do.

I yield the floor.

EXHIBIT 1

IRAQ: AMNESTY INTERNATIONAL URGES END TO TORTURE AND KILLINGS; MAJOR REPORT DETAILS WIDESPREAD HUMAN RIGHTS VIOLATIONS

WASHINGTON, DC.—Amnesty International has called on the Iraqi government to follow the release of hundreds of Western nationals by ending the imprisonment, torture and killing of thousands of people in Kuwait.

In its first comprehensive report on human rights violations in Kuwait since the invasion on August 2, Amnesty International details how Iraqi forces have tortured and killed many hundreds of victims, taken several thousand prisoners and left more than 300 premature babies to die after looting incubators from at least three of Kuwait City's main hospitals.

The report catalogues 38 methods of torture used by the Iraqi military, including cutting off people's tongues and ears, shooting them in the limbs, applying electric shocks to their bodies, and raping them.

"The Iraqi forces' brutality in Kuwait has shocked many people in the past four months," Amnesty International said, "but such abuses have been the norm for people in Iraq for more than a decade."

Amnesty International said it welcomed the release of the Western nationals, but feared that the plight of thousands of victims of gross human rights violations in Kuwait and Iraq might now be forgotten. The organization called on governments to appeal to Iraq to stop the gross human rights violations.

Most of the abuses detailed in the report took place in the first three months after the invasion, when dissent among Kuwaitis and other nationals was widespread and its suppression ruthless. Reports of violations continue to reach Amnesty International almost daily, although the severity of the early suppression appears to have crushed much of the opposition that led to arrest, torture and killing.

The organization said it has collected compelling evidence supporting earlier reports of the killing of premature babies by Iraqi soldiers. "We heard rumors of these deaths as early as August," the organization said, "but only recently has there been substantial information on the extent of the killings."

The organization's investigation team interviewed several doctors and nurses who worked in the hospitals where the babies died. All had seen the dead bodies and one doctor had even helped to bury 72 of them in a cemetery near the hospital. In some hospitals, unofficial records were kept of the number of people who had been killed, including the babies.

Amnesty International's report—released today—has been submitted to all members of the United Nations Security Council, which has requested information on the human rights situation in Kuwait, and to the Iraqi government.

The organization, which takes no position on the disputed territory, again called on the Iraqi government to allow the International Committee of the Red Cross into Kuwait to provide protection and assistance to all people in need.

The 82-page report was based both on medical evidence and on in-depth interviews with more than 100 people from about a dozen countries. Since the invasion, Amnesty International investigators have traveled to Bahrain and Saudi Arabia to talk to victims and the doctors who treated them, relatives and eyewitnesses. They have interviewed dozens more in several other countries.

"Time and again, we were told that the most common way soldiers killed people was to take the victim to his family's doorstep, have his relatives identify him, and then shoot him in the back of the head," Amnesty International said.

Some people were killed because they resisted the "Iraqization" of their country by carrying Kuwaiti money or refusing to pledge allegiance to Saddam Hussein. Others were killed simply for refusing to help soldiers loot medical equipment or while trying to flee the country.

The investigators also talked to scores of people who had been arrested in their homes or on the street. Most of these arrested were Kuwaitis, although many from other Middle Eastern, Asian, European and North American countries were also held.

The team collected the names of some 1,000 people who were arrested, but believes the true figure to be much higher. Thousands of people—some as young as 13—are reported to still be held in Iraqi and Kuwaiti prisons, detention centers and homes; other were killed shortly after their arrest, in police stations, before firing squads, or at their homes.

METHODS OF TORTURE AND ILL-TREATMENT

The following are details of allegations of torture and ill-treatment which have been made to Amnesty International since 2 August, some of which are supported by medical evidence and photographic material [see Appendices C and D]. These reports are entirely consistent with methods of torture and ill-treatment known to have been used in Iraq over many years, and some of which are also supported by medical evidence [see in particular Amnesty International's report entitled "Torture in Iraq 1982–1984", published in April 1985, and the organization's annual reports.]

It should be noted that not all of the methods listed below are said to have been widely used since 2 August. Those methods which have been alleged only in a few cases brought to Amnesty International's attention are marked with an asterisk (*).

1. Beatings on all parts of the body, involving punching, slapping, delivering Karate-style blows and kicking with heavy army boots. Implements used for beating include canes, metal rods, whips, steel cables, hosepipes, rubber truncheons and rifle butts.
2. *Falaqa:* prolonged beating on the soles of the feet. Sometimes the detainee is then forced to walk or run.
3. Suspending the detainee by the feet, or by the arms which are tied behind the back.
4. Beating the detainee while suspended from a rotating fan in the ceiling.
5. Breaking of the arms, legs or ribs; dislocating elbow and shoulder joints.
6. Lifting the detainee high up in the air and then dropping him, sometimes resulting in the fracturing of bones.
7. Applying pressure to the fingers with a clamp-like instrument.
8. Slashing the face, arms or legs with knives.
9. Extracting finger and toenails.
10. Boring a hole in the leg, apparently with a type of drilling tool.*
11. Cutting off of the tongue and ear.
12. Gouging out of the eyes.
13. Castration.*
14. Hammering nails into the hands.*
15. Piercing the skin with pins or staplers.
16. Shooting the detainee in the arm or leg at point blank range, followed by deprivation of the necessary medical treatment.
17. Rape of women (including virgins) and young men.
18. Inserting bottle necks, sometimes when broken, into the rectum.
19. Tying a string around the penis and pulling it tightly.*
20. Pumping air using a pipe through the anus, particularly of young boys.*
21. Applying electricity to sensitive parts of the body, including the ears, lips, tongue, fingers, toes and genitals. Sometimes the detainee is doused with water prior to the administration of electricity. The electrical instruments used include electric batons as well as wires fitted with clips (like those used to recharge car batteries but smaller in size).
22. Burning various parts of the body, including the genitals, with domestic appliances such as electric irons, with heated metal rods, or with a naked flame.
23. Extinguishing cigarettes on the eyeballs or on various parts of the body, including the genitals, nipples, chest and hands.
24. Pouring hot and cold water alternately over the detainee.
25. Placing the detainee in a cold, air-conditioned room for several hours, and then immediately into a heated room.
26. Pouring an acid-like substance onto the skin.*
27. Pouring caustic substances onto the eyes, causing blindness.
28. Plucking facial hair, particularly the beard, with pincers or pliers.
29. Placing heavy weights on the detainee's body.
30. Spitting into the detainee's mouth.
31. Exposing the detainee to the sun for several hours at a stretch without water.
32. Subjecting the detainee to mock execution. This includes holding the head below water to the point of near suffocation; going through the motions of execution by firing squad; and holding a gun to the head or in the mouth and pulling the trigger.
33. Forcing the detainee to watch others being tortured, or to hear their screams.
34. Raping or torturing the detainee's relatives in his or her presence; threatening the detainee with such acts.
35. Threatening the detainee with torture methods such as the electric chair [*al-Kursi al-Rajjaf*], or with death by immersion in an acid bath.
36. Deprivation of medical treatment.
37. Deprivation of sleep, food, water, fresh air and toilet or washing facilities.
38. Degrading the detainee by using obscene language or insults.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Tennessee [Mr. SASSER] is recognized.

A SOMBER MOMENT FOR THE SENATE

Mr. SASSER. Mr. President, the issue that we are discussing and debating this evening is the most important issue to come before the Senate in the 15 years that I have served here. I think it is no exaggeration to say that the issue we are addressing this evening is one of war or peace for this country and, moreover, an issue of life or death for perhaps thousands of our countrymen in Saudi Arabia and the Persian Gulf. So this is, indeed, a somber moment for the Senate and a somber moment for the country.

My mind goes back to a time 6 or 7 years ago and the location was a rural county in my native State of Tennessee. It was a gray, wintry afternoon, and I was attending the funeral of a young marine sergeant who had been killed in Beirut, Lebanon. The little chapel was filled to overflowing. Following the services, I followed the funeral procession out to a small family cemetery set in the trees on the edge of a cornfield on what I took to be the family farm. Back in Tennessee and other areas of the South, we call such farms "the home place."

After the final words were said and the honor guard of Marines had departed, I lingered at the edge of the little plot among the trees, and looked back. And there were four figures left standing by that open grave on that gray, wintry afternoon. There was a young wife clutching an American flag, and three little boys with blond hair. They stood there like stairsteps, and the oldest one was about 8 years old, I would say. They were looking across that open grave, and out into the distance. And I shall never forget that scene because when all of the bands quit playing, and all of the speeches were made, that was the face of war brought home. That was the face of terrorism haunting the rural county in middle Tennessee some years ago.

I suspect that some would be moved by this story, and I was moved that afternoon. But they might also say that we have to be clear and hard-headed, and not softhearted when it comes to the vital interests of our country.

I was interested to hear the distinguished chairman of the Armed Services Committee this morning. Senator NUNN addressed the issue most eloquently of what constitutes the vital interests of the United States. And the speech of the distinguished Senator from Georgia was well reasoned, it was knowledgeable, and it was typically convincing. He wisely delineated the differences between a vital interest and what is an important concern.

I thought, while listening to him, that surely in hindsight what happened in Beirut, Lebanon, a few years ago was not something that affected the vital interests of the United States. I reflected back on all of the other military conflicts of recent years, perhaps the most significant is Vietnam. We were told that was in our vital interests as a nation, that if South Vietnam fell, all of Southeast Asia would be subjected to communism; that the neighboring countries would fall one by one pursuant to the domino theory.

But now, 25 years later, and after tens of thousands of young Americans have perished, and perhaps hundreds of thousands of Vietnamese, would anyone dare to come on the floor of this Chamber and argue that South Vietnam and its sovereignty and independence was absolutely necessary to our vital interests as a nation? Indeed, that it was worth the cost? I think not.

But others will argue, well, this is a different situation because we need the oil in the Middle East to fuel our industry and to fuel our economy. I would simply reply that there is plenty of oil without that of Kuwait and without that of Iraq.

Our friends in Saudi Arabia and the other gulf emirates are making up the difference. And in so doing, they are increasing their profits dramatically as a result. By some accounts, our friends, the Saudis, alone have increased their profits to the tune of $15 billion over what they were before the invasion of Kuwait, a total of $15 billion in additional profits since August alone.

So I say what is the hurry? Why the rush to war? That is what it is all about. The administration to its credit with the bipartisan support of the Congress and pursuant to the sanctions of the United Nations imposed an economic blockade on the aggressor nation, Iraq. We put a blocking force in Saudi Arabia to contain the aggressive intents of Saddam Hussein and to protect the oil that is necessary to all the industrialized world. That policy is working. As a result of the economic blockade, we are told that the gross national product of Iraq has plummeted by some 50 to 60 percent in the space of slightly less than 6 months.

Think how devastating that must be. The gross national product of that country, all that it produces, has contracted by slightly over one half in just a few months. Why, we here in the United States are concerned because our gross national product has simply not grown in the last few months. It has not dropped any in real terms. It simply failed to increase. And we are worried because we are in a recession because of it, in a recession simply because our gross national product has been stationary or stagnant. Imagine if it contracted by some 50 or 60 percent in just a few months. That is what has occurred in Iraq.

Our intelligence experts advise us that we have been successful in coordination with the naval power of some of our allies in halting 95 percent of the exports of Iraq and 90 percent of its imports—and distinguished and highly experienced experts such as the former Secretary of Defense, and former Director of the Central Intelligence Agency, James Schlesinger, who declared that this is the most effective economic blockade in history, other than those imposed in wartime.

Simply stated, the Iraqis cannot sell the only commodity of substantial value they have to the outside world. They cannot export their oil, and they are running out of foreign exchange.

In layman's terms, Saddam Hussein is simply going broke. Iraq has no money to buy anything or shortly will have no money even if they could access the world marketplace which they cannot do.

We can reasonably anticipate—and it has been predicted by experts—that these sanctions will become increasingly effective and economically devastating as time goes by. Even now, it is being reported in the popular press and confirmed by the intelligence agencies that there is food rationing, that food for private sale has been confiscated by the Government of Iraq, that medical supplies are running low, that even chlorine to purify the water supply is running out.

But perhaps more importantly, shortages in vital military necessities are developing. Truck tires are not to be had. Transmission fluid is in very short supply. Vital lubricants to fuel the engines of war are drying up. What about the parts of the sophisticated weapons, such as the Mig fighters Saddam purchased from the Soviet Union or the French F-1 Mirage fighter jets that he purchased some years ago? Because of lack of parts and lack of technicians, the Iraqi Air Force is slowly being ground to a halt.

In World War II we lost hudreds of airplanes and thousands of air crews while we bombed the industrial facilities of our enemies all to deny them the fruits of their own industry. I would submit that we are denying the Iraqis the same vital components but we are doing it by a bloodless blockade which is infinitely more effective than any aerial bombardment that we carried out in any war to try to reduce our enemies' ability to sustain itself in war.

By summer, the Director of the Central Intelligence Agency has indicated that the gross national product of Iraq will be reduced by 70 percent from its starting point last August.

The distinguished chairman of the Armed Forces Committee stated in a piece that he wrote for the Washington Post, correctly, that Iraq will be an "economic basketcase" by this summer. The Director of the Central Intelligence Agency has testified openly that as time goes by, Iraq will get progressively weaker due to the effectiveness of these sanctions. So we have to ask ourselves: Why the rush to judgment?

If time weakens our adversary, if we are essentially carrying out a successful but bloodless siege on this country of Iraq, why not weaken our foe to the fullest extent? Why this rush to "get it over with," as some are saying?

Well, I submit that this attitude is certainly not shared by the field commander, General Schwarzkopf. He has so stated publicly that time is on our side.

Well, some would admonish us that we have to carry out the U.N. resolution to use force after January 15. If we do not, we will lose the opportunity. If it is not done, we are told that it will show a lack of resolve on the part of the United States, and the coalition will simply fall apart. Well, one might ask, where are all of the other United Nations members who voted to allow the United States to bear any burden and pay any price in the Middle East?

We are pleased to have the support of our stalwart British friends. We are pleased to have the support of a small French contingent. But among the other Europeans, there are no Italian troops there; there is no financial assistance from Italy, although the Italians get 65 percent of their oil out of the Persian Gulf.

How about our friends the Japanese, with their powerful $3 trillion economy that allows them now to be the bankers of the world? This powerful economy depends on Middle Eastern oil for 66 percent of their oil imports. What have they done? They sent a small group of physicians to the Persian Gulf earlier, but now this team has gone back home. Our friends the Japanese pledged $4 billion early on. As of November 30, only 10 cents on the dollar of that pledge has been received.

The Pentagon will not provide the Senate Budget Committee with current figures on allied contributions, so that must mean it is not good news on future contributions of the Japanese.

What about the Germans, the new economic colossus that stands astride Europe? They have sent no troops, and they propose a contribution of $880 million, only one-half of which has been received. That is a mere pittance when contrasted with our projected cost of $1 to $2 billion a day, if there is indeed a war in the Middle East.

Well, one might say, surely the Kuwaitis will be generous and forthcoming, since their very nationhood is at stake here. They manage an overseas financial empire with assets in excess of $100 billion. Well, on examining the books, we find that our friends the Kuwaitis abroad have pledged $5 billion and paid one-half of that to date.

Interestingly enough, the annual interest income on their investments abroad exceeds their Desert Shield pledge by over $1 billion. One might ask if perhaps they could even sell some of there overseas assets so they might contribute more. Well, not so, says the governor of the Central Bank of Kuwait from abroad. He says, "We are not interested in liquidating. We do not think we need extra funds for the period.''

So, clearly, there is not much that is equitable about this arrangement. Our share of the cost and burden simply do not match, I submit, our share of the international risk.

I say that, fundamentally, we are in the process of embarking on a course of preserving, at great cost to the United States, a stable world order for others to take advantage of. We may be unwittingly accelerating the decline of our own country vis-a-vis those other nations that are competitors and trading adversaries around the world. And while we are fighting off the threats to the new world order, at a cost of untold billions of dollars and perhaps thousands of American lives, the rest of the industrial world will be marshaling their resources to pursue new markets and to strengthen their economies.

The irony here is almost overwhelming. We are poised to fight a war to make the world safe for other countries to thrive and prosper in. Sometimes I wonder if some of our allies have seen further into the future consequence of the war than we have been able to see ourselves, because we are too wrapped up in the confrontation. Perhaps they see the consequences clearer than we do, in human terms, in economic terms, in geopolitical terms.

At the very least, we owe it to ourselves, and we owe it to our constituents, to take a careful and unflinching look at what war might bring us. By all estimates, the cost in American lives of war with Iraq will not be trivial.

I have seen few reliable analyses that estimate American casualties at less than 5,000, and that is for a so-called quick victory scenario. For an engagement that extends to several weeks and perhaps months, the Center for Defense Information projects American casualties as high as 45,000. Sources at the Department of Defense have been quoted by the Washington Post and the New York Times as forecasting casualties in the 10,000 to 30,000 range.

Of course, the cost of deploying troops and material of this magnitude 9,000 miles from home will resonate through this economy for many years to come.

Certainly, no one doubts that budgetary issues, fiscal issues are much less important than the lives of our young men and women. But I do believe that we have an obligation in this Congress to also examine the economic consequences of our policy.

In just a few weeks, the Pentagon will be here asking for a supplemental appropriation of $20 billion for Operation Desert Shield. That is a sum that will wipe out half of the deficit reduction that we achieved at such great cost and with such great anguish in the difficult budget agreement last fall.

Half of it is gone already. While that is a sobering loss indeed, a full-scale shooting war will cost us from $1 billion to $2 billion a day, and that means just 20 days of warfare will completely wipe out the $41 billion in deficit reduction we have achieved this year.

By the way, while I hear all this talk about what we must do in this area, and how it is so vital to do this or do that, I have heard no one propose steps to pay for this war effort. When the President's Chairman of the Council of Economic Advisers asked about the cost and how to defray it, he responded, I thought quite honestly, well, the plans were to temporarily borrow the money.

So simply put, the direct impact on Federal revenues and outlays in terms of the operation itself and the long-term economic consequences could be staggering. Add that impact to the recession we are already experiencing, add that to the weakness of our financial system, and I am not sure we have any way of predicting what a shooting war could mean for this Nation's economic future.

Finally, Mr. President, before we proceed militarily in this very tense and unpredictable region, I think we ought to consider the geopolitical implications of what we are about to do. When it comes to a war in perhaps the most volatile region of the world, winning a military victory is only the beginning. What do you do after you win that victory?

If we reduce Iraq to rubble, we may very well set loose forces in that region that no subsequent diplomacy will have a hope of controlling, forces that could create a complex web of commitments and responsibilities that we cannot yet imagine or even calculate.

About the only certainty is that we are not going to be hailed as heroes or liberators in many corners of the Arab world.

And moreover, we may very well create a power vacuum that a fundamentalist Iran or a terrorist Syria will be only too happy to fill. The precarious balance, or should I say imbalance, that prevails between Israel and the Arab States will almost certainly be upset.

Well, the President has spent much time putting in place a force structure sufficient to defend Saudi Arabia, and I applaud his efforts in that regard, in defending Saudi Arabia. Much time has been spent calculating how to arrest the threat posed by Saddam Hussein. But have we really considered the aftermath of war? Have we really stopped to consider the shape and the velocity of the myriad forces that we could very well be unleashing? A chorus of experts say we have not.

Again, former Secretary of Defense James Schlesinger told the Senate Armed Services Committee in late November:

> I believe that the direct cost of combat, including that of a probable scorched-Earth policy in Kuwait, will be the lesser part of the total cost. The Middle East would never be the same. It is a fragile, inflammable, and unpredictable region. The noncombat costs of a recourse to war are likely to be substantial.

James Webb, former Secretary of the Navy, posed this question to that same committee: "Are we prepared for the inevitability of yet another Arab-Israeli war, and the immediate shifting of alliances that would accompany it, with our troops at risk?"

Mr. President, President Bush has said repeatedly that he wants a "stable an secure gulf." We all want that. The terrible irony is that all of our efforts and all of our sacrifices at the conclusion of a military conflict may very well be profoundly destabilizing, and may bring everything to this region except security and stability.

Indeed, victory through armed conflict may instead bring a seething and long-lasting hostility in the Middle East toward the United States and toward our interests in the region.

There are many consequences of war, and not many of them are good. There are grave human costs, extensive economic and fiscal consequences, and as yet unknown geopolitical factors.

But the fact is for the American people all of these prospectives are best served by a peaceful, diplomatic solution; a solution that could perhaps be driven by the work of these economic sanctions. If we do not give them time, how will we ever know if they could work?

Mr. President, in the past 5 months my office has been inundated with letters from the families and friends of our young soldiers in the gulf. I know I am not alone among my colleagues in this.

Recently, I received a letter from a woman in Lenoir City, TN, who said she had three brothers who served in World War Two, a son who served in Vietnam, and now she has her grandson in Saudi Arabia. This woman has seen three generations of her family serve this country honorably. She is well acquainted with the wrenching emotions, and the deep sorrow that war brings to families.

And yet, she made a point of saying to me that "this is my first protest letter." She is not a complainer—there is a record of service in her family that we all should admire. And yet, her Nation's response to the crisis at hand has moved her to write her "first protest letter."

She went on to say to me:

> I love my country, but I love my grandson more. Please, do all you can possibly do to get him and all the others home and out of danger.

And she enclosed a letter written to her from her grandson in the Saudi Desert. It's a letter full of courage, pride, and honesty.

He writes:

> Most of the time everyone tries not to think too much about what is going on and trust our leadership. We just do our job and talk about going home.

I pray that this courageous young man's trust in our leadership is well placed. I hope that we have the wisdom not to let him down.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. SASSER. I am pleased to yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the very able Senator from Tennessee for a very powerfully reasoned and cogently argued statement. It was a very strong and powerful eloquent address. I simply thank the Senator for his contribution to this debate.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Maryland for his very kind remarks and comments.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, the distinguished majority whip.

Mr. FORD. Mr. President, on behalf of the leadership, I ask unanimous consent that the placing on the list of speakers occupied by Senators COHEN, MACK, and SIMPSON be replaced by Senators MACK, SIMPSON, and SMITH, respectively.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I might observe that the distinguished Senator from Illinois [Mr. DIXON] has been eliminated from the list for this evening.

The PRESIDING OFFICER. I thank the distinguished majority whip, and according to the unanimous-consent request, the Senator from Florida [Mr. MACK] is recognized.

THE PERSIAN GULF CRISIS

Mr. MACK. Mr. President, hundreds of thousands of young American men's women's lives are placed on the line in Saudi Arabia today. The thought that thousands of lives could be lost, thousands of lives could be lost in action, is staggering to the emotions. I know that all of the Members of the Senate on both sides of this issue must feel that emotional pressure.

During the day, I had the opportunity to take several calls from constituents around the State of Florida: One father telling me of a conversation that his son had with some of his fellow students at school; one indicating that if the draft, for example, were ever reinstated, that he would take his own life as opposed to running to Canada. He would take his own life, he said, to make a statement. I do not happen to believe that anybody is seriously considering reinstituting the draft. But it is a sign of the kinds of emotional turmoil this debate is causing.

I had another call from an individual who referred to himself as a hawk, who said that in his heart he wanted to avoid conflict but that he knew that it was necessary if after the 15th of January there were still Iraqi troops in Kuwait, that force would have to be used.

Another individual had said to me: You tell the President and you tell the military leaders and you tell your colleagues in the Senate that if war comes about, do not tie the hands of our soldiers behind their backs. Give them the flexibility to win.

So there are strong emotions. During the day I also had the opportunity to read a letter that was sent to me by one of my constituents. She had been asked by a group to write letters to our soldiers in Saudi Arabia. It was not addressed to anyone in particular. The letter ended up being assigned to one of our airmen to write back. It is a rather lengthy letter. I just want to read a portion of it.

> As an airman in service to my country for the past 16 years, I would ask that you let your Congressmen and your Senators know of your support for us here in the desert. In order to do our job, we need the total support of the people. So, if Congress tries to vote, then vote yes with the President. There is nothing worse for us than the attitude that we will fight to lose, or just to a draw; i.e., Korea, Vietnam. If we fight, it must be to win and to win totally; i.e., World War I, World War II.
>
> The people must understand that there are no civilians in a war. You are either front line soldiers, sailors, Marines, or airmen of the rear support personnel, the doctors, the lawyers, the bankers, the cooks, the mechanics and so forth.
>
> I am going to try to answer at least one of the "Any Soldier" letters per day to show our thanks for your support. No need for you to answer this letter unless you wish to. I have plenty of family and friends that I will be hearing from. I just wanted you to know that your card reached someone and that someone wants to say thank you.

The airman is not the only one who thought that it was important that there be solidarity, that there be one voice, in essence, coming from our country. Several editorials from around my State, one in the north part of our State, one in the middle. From Orlando, the Orlando Sentinel:

> In light of failed peace talks between the United States and Iraq, Congress has a clear responsibility: Authorize President Bush to use military force to back up the United Nations' goal of removing Iraq from Kuwait. Such a blessing by Congress wouldn't be the same thing as a declaration of war; conflict wouldn't be imminent. Rather, lawmakers would be giving Mr. Bush the flexibility he needs to use force if that is the only option left. Also, they'd show Americans are speaking with one voice.

And from the Jacksonville Times Union:

> The best chance of a peaceful solution exists if Saddam fully believes that he will be attacked if he fails to withdraw. The more doubt he has on that score, the less chance there is that he will withdraw. As one observer said earlier, it is not U.S. firepower that Saddam questions, it is U.S. willpower.

The central thrust of the argument against giving the President authorization to use force is that we ought to let sanctions work, we ought to give them time to work, that we should give them a year to work. I must say that the idea of waiting for sanctions to work is an appealing one to those who would do anything, in many cases almost do everything, to avoid conflict, because it allows them to rationalize that they have a plan to solve the problem. But the reality is that waiting a year for sanctions to force Saddam Hussein out of Kuwait just will not work. There is absolutely no evidence that sanctions would work. Those who take that position do so based strictly on hope.

I am going to take just a couple of moments to read several statements from a letter from the Director of the Central Intelligence Agency, Director Webster, because there has been a lot said during the debate today about sanctions. For example, we heard just a few minutes ago that Iraq's economy was devastated; a loss of some 50 percent in less than 6 months. I would not disagree with that statement about a 50-percent reduction in that 6 months. But the key question is not whether they are having an economic impact. The key question is will those sanctions in fact force Saddam Hussein to withdraw his troops from Kuwait? And the answer that we get over and over and over again from the Central Intelligence Agency is: No, it will not. It will not do it now. It will not do it 6 months from now. It will not do it 1 year from now.

In his letter to LES ASPIN, chairman of the Committee on Foreign Affairs in the House, several comments. First:

> I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that the sanctions would mandate a change in Saddam Hussein's behavior, and that there was no evidence when or even if they would force him out of Kuwait.

Another comment:

> but disruptions in most sectors of the economy are not serious yet.

Further on:

> The ability of Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months, even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period.

I want to restate that last point: "This is especially true if Iraq does not believe a coalition attack is likely during this period."

What he is saying there is that Saddam Hussein could easily and clearly and correctly conclude, if the Congress denies the President the authority to use force, and he will conclude, that the United States is prepared at least a year to wait for sanctions to work. Therefore, he will not have to respond. He will not have to keep his troops at high alert. And the suggested impact of the sanctions would in fact be lessened.

The letter goes on to say:

> On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications.

The area we keep hearing that the sanctions will have the greatest impact is Iraq's Air Force and air defenses. So again the letter refers to that:

> Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another 6 to 12 months. * * * It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

So the area where it will have its greatest impact, that is with the Air Force and air defenses, is an area in which, frankly, he is the weakest, and we believe that we can overcome those forces in a very short period of time. I do not think that many dispute that point.

Again, further on in the letter:

> Our judgment remains that, even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. * * * Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain sanctions, especially if the threat of war recedes significantly.

Mr. President, I ask unanimous consent that the Director's letter be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.

Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions in Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 monhts; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to twelve months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense-probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to twelve months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

Mr. MACK. Again, the central argument against authorizing the President to use force has to do with sanctions. I have said over and over, it is the opinion of the Central Intelligence Agency that these sanctions will not have the kind of impact that those who support the sanctions idea are suggesting.

One additional point. All during the debate today the impression has been given that to not use force now and to give sanctions an opportunity to work has no risk related to it.

In other words, we could go ahead and try this 6- to 12-month extension of time without really having to worry there is not any risk. All we are trying to do now is wait and see if it would work, no risk attached. I disagree with that, and I would like to raise several points to make my case.

The first consequence is that there will be other international decisions, or other decisions on international foreign policy that this Nation will have to make, and our decisions will be affected by our attempts to keep the coalition together. I would use several examples to indicate that that already has occurred. Not long ago, Syria used its military power to impose on the country of Lebanon its idea and its solutions for government in Lebanon. If the coalition had not been in place, if it had been months before that coalition had been put in place, Syria never would have invaded Lebanon, the United States would not have, in essence, turned its back on that use of force.

A second point: The United States voted several times now to condemn Israel in the United Nations. I suggest that that vote for condemnation never would have taken place if it had not been for us trying to hold that coalition together.

A third point: We have been reading in the last several days, the last several weeks, that Soviet forces are now in the Baltic States and in other republics. We have also seen where they have taken over printing presses in some of the republics. And we also understand that censorship is now finding its way back in to the Soviet press. I suggest that the comments we have made to the Soviets during this period of time have been somewhat tempered because of our attempt to keep the coalition together.

So the first point to indicate that waiting for sanctions to take place does have risk is that we are going to be forced to make during this next year many decisions with respect to foreign policy that we might make differently because of our attempt to keep that coalition together. There is risk in waiting.

Second, America will be seen as a paper tiger. Some might hear that comment and say, "So what? Who cares whether America is looked at as a paper tiger?"

I suggest it would be much more difficult for us in the years ahead to try to put together any plan, to try to encourage any allies to participate with the United States if we fail today to carry forward on the plan that the President has proposed, that the international community has suggested and the U.N. resolution supported.

Or to say it another way, let me just read again from another article. This is an op-ed piece by former President Richard Nixon:

> If we succeed in getting Mr. Hussein out of Kuwait in accordance with the U.N. resolution and eliminating his capacity to wage war in the future, we will have the credibility to deter aggression elsewhere without sending American forces. The world will take seriously U.S. warnings against aggression.

The third point I would make where there is risk is potential aggressors around the world would conclude it was safe to use aggression to reach their foreign policy objectives because the message that the United States and the coalition is not prepared to use the force would encourage them, other leaders, who may feel they can get away with aggressive action, to use those tactics to meet their foreign policy objectives.

A fourth point: Israel will find itself facing an international conference on the Middle East tying directly the Palestinian issue with that of Iraq and Kuwait, a position we say we will not accept. I suggest if that were to occur as a result of the unraveling of the coalition, as we wait for sanctions to work, that will create a difficult problem in the Middle East. It will be bad for Israel; it will be bad for the Middle East; it will be bad for the United States.

Think about the leaders who have taken key roles in the establishment of the coalition, who have worked with the United States and the United Nations in the adoption of these resolutions. If we now tell them that we are not going to support their efforts, not only will it be a long time before we can convince other leaders to work with us, but I suggest at the same time we may see those leaders facing a great deal of instability in their own country.

Most everyone believes that if you do not deal with Saddam now, you are going to have to deal with him later. I think that is a valid argument. We are all concerned today about biological and chemical weapons. Many fear that before too long, we will have to deal with the issue from a nuclear perspective as well.

So waiting for sanctions to work clearly has risks associated with it.

Mr. President, I will conclude and reiterate that no one wants war. The thought of thousands of Americans being killed in the desert is staggering. Our hearts tell us to avoid war, but our minds and history tell us that appeasement, concession, and weakness bring on war. The central point is that to make the world safe for true peace, we must stand up to aggression today. To tell those who would contemplate aggression that they would fail, we must stand up against aggression today. Therefore, I ask my colleagues to vote against the Mitchell-Nunn resolution and to support the President. I thank the Chair.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

WAR MUST BE A LAST RESORT

Mr. CONRAD. Mr. President, the question we face in this body is the most somber of all. The question before us is do we authorize the President of the United States to take the Nation to war? Before I vote to send American men and women into battle, I must be firm in the conviction that we have exhausted all other possibilities, pursued all other avenues and have no other options. War must be a last resort.

There is clearly broad support in the country for the President's position that Saddam Hussein must leave Kuwait. But the question before us is how best to accomplish that goal. The decision we make has profound implications for the future of our country.

Each of us has a constitutional responsibility to the people we represent to analyze the options open to us. Do we authorize the use of force now or do we give the economic sanctions and the international blockade more time to work? If we go to war, make no mistake, it will be an American war. It is estimated that U.S. troops would suffer 90 percent of the casualties.

I noted with interest the article in the Philadelphia Inquirer about the body bags that have been ordered for Desert Shield: 16,099. When one company official asked the Department of Defense about the unsual number, the defense supply officer said the order was based on a computer model of how many United States deaths might result if a shooting war broke out in the Persian Gulf. This is the order that has been placed with one company. Perhaps other orders as well.

Mr. President, we also know we will pay most of the bill. Let us remember that it is always easier to start shooting than to stop shooting and that wars rarely follow the course we expect. We may anticipate a lightning strike, an overwhelming and quick victory. We may be wrong.

Remember the Soviet experience in Afghanistan. They had overwhelming military superiority. Their population is many times that of Afghanistan. Yet, when they thought they would have a short operation, they found themselves bogged down for 10 long years. When they left, they found they had lost 50,000 lives and were at the brink of bankruptcy.

Mr. President, the Middle East is a special place. It has been a cradle of conflict for over 2,000 years. Do we really think that we can march in to that part of the world and make it right with a single military action? I suggest that it is a special arrogance that assumes that we can somehow bring peace to a part of the world that has not known peace since before the birth of Christ.

I graduated from high school in this part of the world. I graduated from high school at Wheelus Air Force Base in Tripoli, Libya. I know firsthand that their concept of time and conflict differs dramatically from ours.

What happens when the war is over? Have we enhanced the peace and stability of the region? Have we furthered our own political and economic interests? What nation becomes the dominant power in the Middle East?

Will it be Iran, the country that considers the United States to be the great Satan? Will it be Syria? Assad, the leader of Syria, our ally of convenience today, is the tyrant responsible for murdering our marines in Lebanon, the man who ordered the brutal killing of thousands of his own people in the small town of Hamma.

Indeed, Zbignew Brzezinski painted a grim picture of the postwar possibilities when he testified before the Senate Foreign Relations Committee December 5. Let me quote what Brzezinski said:

> Considerable anxiety is justified that subsequent to the war, the United States might not be able to extricate itself from the Middle East caldron—especially if in the meantime, the Arab masses have become radicalized, and hostile to the Arab regimes that endorse the U.S. military action.
>
> How will that affect the U.S. global position? I would think it likely that with the United States embroiled in the Middle East mess for years to come, Europe and Japan, both free to promote their own agendas, will pursue the enhancement of their economic power.
>
> In the region itself, it is probable that fundamentalist Iran will become the dominant power in the Persian Gulf, and that the terrorist Syria will inherit the mantle of leadership among the Arabs.

So at the cost of a terrible loss of life and untold billions in military expenditures, would we see a Middle East even more unstable and a weakened global position for the United States? Will we be called upon to serve as the world's policeman in a hostile and unstable region?

Let us not forget that 45 years after World War II, the United States maintains 300,000 troops in Europe and 50,000 in Japan. That 40 years after the Korean war, 50,000 Americans remain stationed there to keep the peace.

Do we want the same thing to happen in the Middle East? Will we have to maintain a large occupying force in the Persian Gulf? In the new world order, with the United States becoming an unpaid mercenary force expected to keep the peace while other nations consolidate their economic strength, a dangerous path has already been set.

The Japanese and the Europeans are far more dependent on Middle East oil than we. Yet American troops stand at the front lines. Our allies cheer us on as we go off to war.

Not only do we risk American lives but we pick up the tab. We pay billions for the military deployment while our allies have failed to deliver even the minimal financial support they promised. What is worse, we continue to pay their defense bills not only in the gulf, but in their own backyards. We still provide the lion's share of the defense umbrella for Western Europe and Japan to the tune of over $100 billion a year.

I do not believe that war is our only remaining option. I do not believe the American people see it as the only course of action. If there is one thing we have learned in this century, it is that we do not succeed when the country is divided. The cohesion and unity of purpose that led our Nation to victory in World War I and World War II was not present in our less successful effort in Vietnam. And this issue has already divided our people.

I understand there are misgivings. Some say this is simply a fight over oil. And indeed 67 percent of the world's known reserves are in the Persian Gulf. We must ask if those oil fields were fig fields would we have sent six carrier battle groups, 1,200 warplanes, and 400,000 troops?

At the same time our people question this commitment, they also understand that we must take some action. They understand that Hussein's aggression cannot go unpunished and unchecked. But they are wary of war.

We tell them today that there is no other option than war, that we have exhausted all alternatives to a peaceful solution? I do not think so. In the past 2 months I have had literally dozens of meetings on this crisis all across my State.

The message I have received in every town and city has been simple, and clear. Consider war a policy of last resort. Be patient and give sanctions a chance.

I am concerned that the speed and size of our military buildup is pushing us toward war. We are setting artificial deadlines, artificially increasing the tensions in the gulf, and creating an artificial momentum for war.

Gen. David C. Jones, former Chairman of the Joint Chiefs of Staff and a native of my home State of North Dakota, issued a well-founded warning in November. He said "My main concern with this latest scheduled reinforcement is not that we might choose to fight but rather that the deployment might cause us to fight prematurely and perhaps unnecessarily."

General Jones is right. We must not think that simply because the troops are ready to fight that we must fight. We must resist the momentum and retain our ability to choose the right time to fight if we must fight at all.

There are still good alternatives. There is still time. I support the continuation of the policy the President announced after the invasion of Kuwait. We must continue to provide a defensive shield to protect Saudi Arabia, and we must continue a strong military threat and, most importantly, we must give the international sanctions a real chance to work.

Iraq provides a textbook case of a country where sanctions should work. It is landlocked. It is surrounded by hostile neighbors. And it is dependent on a single export, oil, and is heavily dependent on the imports of spare parts and military equipment to keep its war machine going.

We already have solid proof that sanctions are beginnning to bite. The Iraqi economy has already been cut in half. This afternoon we were told that in 6 months the Iraqi economy would be reduced by 65 to 70 percent. That is stunning in light of the pain that is being caused by a 3-percent downturn in this country.

Indeed, the experts tell us this is the most successful peacetime blockade ever imposed. CIA Director Webster testified in early December that in the few months the embargo has been in place all sectors of the Iraqi economy have felt the pinch of sanctions and many industries have largely shut down.

More than 90 percent of imports and 90 percent of exports have been shut off. The cutoff of Iraq's oil exports and the success of sanctions have also choked off Iraq's financial resources. Recent reports indicate that the export situation has worsened for Iraq with over 95 percent of exports stopped.

What will the coming months bring? Again, according to Director Webster's testimony:

> Iraq will have depleted all of its foreign currency reserves by spring. * * * Iraq's economic problems will begin to multiply as Baghdad is forced to shut down growing numbers of facilities. Economic conditions will be noticeably worse.

And on it goes.

> Probably only energy-related, and some military industries will still be functioning by spring. Critical commodities such as sugar and edible oils will be in short supply.

As we strangle the economic strength that sustains Iraq, domestic pressure on Hussein will build. There is reason to think he could face growing political turmoil and instability at home. We should let Saddam Hussein stew in his own juices.

In a recent Washington Post piece Winston Lord argued that we should stay the course on sanctions. The former Ambassador to China points out that it defies common sense and history that Hussein is popular and secure. While Lord warns we should have no illusions that Hussein can be dislodged quickly or easily, he nonetheless reminds us of what last year's events in Romania proved: even a dictator who rules through terror cannot forever withstand the oppostion of his people.

Since the sanctions have already clearly had a measurable effect, this is not the time to undercut. We knew when the sanctions were put in place that it would take time to judge their effectiveness. Why should young men and young women die because we do not have the patience to see whether the sanctions will work?

We should not let our natural desire to see Saddam Hussein brought down tempt us into acting against our own long-term interests.

I think Admiral Crowe had it right when he said in November "We should give sanctions a fair shake before we discard it. Posturing ourselves to promote stability in the long-term is our primary national interest in the Middle East. Our dislike for Hussein seems to have crowded out many other considerations."

Some argue that the problem of sanctions is they did nothing to damage or knock out Hussein's chemical, biological, and nuclear capabilities. As Israel proved in 1981, those facilities are vulnerable to a targeted air attack.

Some argue we cannot keep the international coalition together long enough for the sanctions to work. Perhaps every country will not stay the course. But as long as Iraq's hostile neighbors, Saudi Arabia, Syria, Turkey, and Iran maintain the embargo, as long as the United States maintains control of the seas, economic sanctions will continue to be effective.

I might add, Mr. President, that it seems to me that a massive military assault would put far greater strains on the coalition, especially the Arab members, whose alliance with us is already uneasy.

We need to keep the pressure on. We need to keep the sanctions in place. We need to keep the threat of war dangling over Saddam Hussein's head. But let us be patient, confident and strong, secure in our position. We are a great Nation, with great power. We know we can win this war, if it must be fought. But there are alternatives to war still open to us. We should pursue them.

Now is the time for patience, persistence and quiet strength, the steady strength of real leadership.

Mr. President, I ask unanimous consent for certain attachments to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[FROM THE BISMARCK TRIBUNE, JAN. 11, 1991]

U.S. BETTER OFF WITH BLOCKADE THAN WITH WAR

Sen. Kent Conrad and Rep. Byron Dorgan have both taken the hard line against Saddam Hussein and his invasion of Kuwait.

The two North Dakota Democrats say Saddam must pull back to Iraq and stay put.

That is not to say either man endorses the use of force, come the Tuesday deadline upon which the Iraqis risk a massive military assault unless they obey United Nations directives to leave Kuwait.

On the contrary, both Conrad and Dorgan say the U.S. and its allies should continue the blockade of Iraq. They say—and we agree—that the U.S. has Saddam by the throat. Keep up the economic pressure of the blockade and sanctions, and there is every reason to believe he'll collapse.

It will take time and require patience, a quality we Americans are notoriously lacking, but it is an infinitely preferable alternative to war.

Most analysts seem to think a war with Iraq will be relatively short. No war in history was ever expected to be long. 'Home by Christmas' has been the expectation of American GIs from Lincoln's 90-day volunteers to the Green Berets who first went to the aid of South Vietnam.

And when we win, what then? Everyone can go home, except us. We'll have to stay behind to maintain this manufactured peace, accepting many years of Arab resentment, and whatever that may mean in the continuation of bloody terrorism. Have we forgotten our Marines in Beirut?

No thanks. Let's keep up the stranglehold until Saddam cries uncle, or his people finally put him out of our misery. Then we will have peace.

[From the Grand Forks Herald, Dec. 30, 1990]

BUSH HAS TO KNOW THAT COMPROMISE IS BETTER THAN A WAR

George Bush cannot be serious when he says that there can be no compromise with Saddam Hussein. Such a position leaves no room for negotiation and little hope of a peaceful solution to the standoff in the Persian Gulf. It also means war, and that means casualties, probably membering tens of thousands of American dead.

The sand that Saddam wants, and the oil under it, aren't worth the sacrifice.

And there should be no mistake; The oil is what the war is about.

The sovereignty of Kuwait is a secondary issue. A well-crafted compromise can restore Kuwaiti independence.

Freedom, at least as Americans understand it, is not an issue in the Gulf. Americans serving there aren't free to observe their religious holidays nor enjoy their favorite beverages.

Saddam has been as stubborn as President Bush, of course. The world is waiting for a signal of flexibility from him. As the U.N. imposed deadline approaches, the danger of war increases, and so does the necessity of a reasonable, negotiated solution.

This is a situation that calls for a calm assessment of options.

A negotiated settlement, including some territorial concessions, is better than war.

The areas that Saddam most covets are uninhabited. If there were no oil in the desert, there would be no people, either. The issue of who controls the oil is an old one. Saddam did not make up the dispute as a pretext for his invasion.

Other territories that could be included in a compromise are two uninhabited islands. They are worthless to Kuwait, but they would allow Iraq access to the sea. An Iraqi port could help stabilize the situation in the Middle East by giving Iraq an opportunity to compete with other Gulf oil producers.

The need to preserve a balance of power in the Middle East is a compelling reason to avoid war. Without Iraq, the path from Tehran to Jerusalem is open—unless President Bush is prepared to leave an army of occupation in Iraq. This is a long-term commitment that the United States should not undertake. In that direction lies bitter opposition from much of the Arab world, which could turn against the United States as quickly as it rushed to the United States for protection from Saddam.

The danger to the United States does not lie only in the Middle East, however. It's impossible to predict what might happen in the Soviet Union. No doubt there are elements there that would embrace the Iraqi cause. If they should come to power, the world could face a superpower confrontation that could lead to a much wider, bloodier war.

It's worth seeking a solution even if the confrontation extends beyond the Jan. 15 deadline.

There is a good chance that the patient application of force, coupled with effective sanctions, with force Saddam to assess his own position. He knows from Bush's repeated warnings that the United States can level his homeland. He also knows that his own military power can deliver a terrible blow. It would be wrong to back down in the Gulf, but it would be tragic to rush into a war without regard to the consequences—in lost lives and lost opportunties.

As the new year dawns, it is crucial that Saddam and Bush both realize that.

The PRESIDING OFFICER. The distinguished minority whip is recognized, the Senator from Wyoming.

Mr. SIMPSON. Mr. President, the hour is late. The list of those who still want to speak tonight is long. Because there are several Members here waiting to speak this morning, at this hour, I will be brief in my time.

The arguments have been fully made. The occupant of the Chair was very forceful in his arguments. I listened to those carefully earlier in the day. It is a serious, serious discussion with serious differences among men and women of good will. I will not make it any more dramatic than it is.

I would say this: The word "war," the very word itself, is what is freezing us and appalling us, frightening us, terrifying us. It should. Because if war comes, it is going to be totally different than any other kind of war in the history of mankind, with at least one weapon absent, and that would be the atomic bomb—certainly the most appalling of all the weapons of war that was ever visited upon the world.

I always remember that Harry Truman said something to the effect that he made that decision with all of the thoughtful and prayerful consideration he could muster, and then he never looked back.

In that particular awesome blast, many, many people were killed. It was always said that many lives were saved because of the bomb. The ruthlessness, death and destruction toward the end of that war and prior to the bomb are clearly documented in history.

I remember that World War II started when I was 9, so I carefully charted that one on my wall. I remember that, as a kid, the people who went to serve in my hometown sent me artifacts and memorabilia of war, pieces of Zero aircraft, and things from the woods of Germany. I remember that.

In Korea, I was 2 months shy of my 17th birthday and could not join the National Guard. That Guard unit was activated, and many of my friends went to Korea. I served in the armed services, in the Army of occupation in Germany. It was not a time of combat. I served in the 2d Armored Division, "Hell on Wheels."

I did not see combat; I did not seem to miss it in my life either. But I remember all the instruments of it, because we practiced with them all day long. Live ammunition, armored personnel carriers, 81-millimeter mortars. That was my bag.

During the Vietnam conflict, I was raising my babies and practicing law in Cody, WY. It was kind of a faraway dream for me until they brought a couple of boys home that were on my Bankers League baseball team.

And then we had Grenada, a successful effort. And then, most recently Panama. Those events have all been well described and documented.

And now we have this. I did not want to read, and yet I did read the report—and I know it has been referred to in debate—of Amnesty International, on Iraq and occupied Kuwait. In detail, it sets out human rights violations since August 2, 1990.

I want to say I recommend that to you I do not know that I do. But I hope you might look at it out of curiosity to see what these people do to their fellow man and woman. I am talking about Iraq. Here it is, documented; carefully. It is hideously documented. Some have read from it today. I hope you might look at that.

The report sets out what they do to people in Iraq who they do not agree with or who do not agree with them. It is not visionary or dream world stuff. It is real stuff. Amnesty International is not some captive organization of the administration, or some rightwing outfit or leftwing outfit. It is an outfit that I have supported with my own personal funds for some years because of what I think they do, and do so well.

Take a look at that, and then see how callously they regard human life, something we really do care about in these United States. Apparently, they really do not care about it, no matter how much they talk about their babies and the people who will starve, and the things that will happen with the embargo. In some respects, the embargo is working. However, it will not work to drive Iraq out of Kuwait. It will bring, economically, the country to its knees, but it will not take the army out of Kuwait. And that is a critical fact of this situation.

I happen to have met with Saddam Hussein in April of last year, along with four other of my colleagues, and I spent about 3½ hours with him. I spent a lot of time with Aziz and Assad, their Ambassador Al-Mashat. Ours was perhaps a naive mission. We thought that peace was breaking out all over the rest of the world and we ought to encourage it over there.

So we talked with Assad and Mubarak, King Hussein, and the representatives of the Government of Israel, which was in some turmoil then. We all came away with a very clear view that Saddam Hussein is one tough, unblinking-eyed cookie. He sat there in his beautifully tailored suit and his silk foulard and beautiful leather shoes, and never really said very much. I and others said to him "If you really are not doing all these things, why do you not let the Western media in here to look around?"

Then I said some things about the Western media, which I would not retract one whit of, which put me in bad with the Western media. I said, "They are arrogant and cynical, and all of them think of themselves as 'wizards' in this area of the world, but you have to let them in and let them look around."

He did not think that was necessary.

We were in Mosul. I said, "Let them look around this Kurdish area where you did things that were reported to the world." Of course, he would not have any of that.

After spending time with Hussein and the Iraqi Ambassador, when we returned, we felt like we had been lied to through the teeth. We were lied to not only as to what they were going to do regarding the world, but even as to the specific we asked Hussein about.

So, I urged him to let the media in, but you will not see any media there. You will not see the ability for anyone to know what is going on in Kuwait except what comes out of the documented testimony of those who have been available to Amnesty International. No one will know all the horrors that have gone on in that country, except we do know of some which have been documented like the looting, and the murder, and the rape, and the torture. Those are not my imagination. They are real clearly documented by others.

It was not my comment, but I remember it was several years ago in this body that one of my colleagues said a rather startling thing. He said there are some things in the world that are worse than war, which is really quite a disturbing statement. He then went on to say, that things worse than war are all things that come from defeat. They are called slavery, torture, bondage, loss of freedom. You might want to take a look at that Amnesty International report because that is what happened to the people of Kuwait who did not agree with this particular man. He runs the shop, and if you challenge him, you are gone. It is a very effective way to govern. You challenge and you disappear. So there are not going to be many voices of dissent. Do not look for a new regime there. Those are some of the things that we should think about.

And then I thought of another one. I always enjoyed the alliteration of it. "Those who cry 'appease, appease' are jailed by those they seek to please." And that happens all thoughout the world and it has in the past.

So here we are. A tough, tough decision. I am a legislator. I have no desire to seek any higher post. I love to legislate. I love to try to resolve tough legislative problems—the kinds which, I say are filled with emotion, fear, guilt, and racism. I love to try to bring some reason to them. This is the toughest decision I have ever been involved in in 25 years of legislating. But this is it. School is out. The "chips" are "on the table." The bluffing stops. Lay your "poke" on the line—"right on the bar." "Shoot out the lights." High noon—all of things from the wild West. The bad guys will lose again, and, hopefully, without great loss of human life. But this guy cannot stay in Kuwait while the world does nothing. It will be like that simplistic ad, "Pay me now or pay me later," and that is where we are with Saddam Hussein.

So as we hear the old refrain of "maybe the lion and the lamb will lay down together," it reminded me of a story about the zookeeper in another country. He called the National Zoo in Washington and said, "We have the most extraordinary thing to show you. We have a lion and a lamb that are in a cage together and they live together in there, and it is the most extraordinary thing." The guy at the National Zoo said, "I am flying over to see it immediately." He went over there, and the lion and the lamb certainly were in the cage together. He said, "I cannot believe this. How does this happen? Can you explain it to me?" He said, "Yes, we just replace the lamb every hour."

And that is what we will be doing in the world every year if we leave Saddam Hussein in the saddle.

He is watching right now, but I just say to him, as I should have said had we known all the great panoply of human events that were to take place: "The world is aligned against you. It is a unique revulsion by the world community which will never happen again and you know it. The waiting game will not be part of the scenario." Saddam knows that waiting is the one thing that could "save his bacon."

Saddam should know that this Congress and this President are dead serious. This crafty, arrogant, canny egomaniac will not be allowed to prevail. He will pay and he will pay dearly. It is not just the United States that will do him in. It is the world alined against him. This choice is all his to make, nobody else, period.

Mr. President, it is a matter of crucial importance to this Nation and to the world that the resolution of the majority leader and Senator NUNN and others be defeated—that it not be perceived by the world or by Saddam Hussein that it represents the will of Congress.

Although the supporters of the resolution offered by the majority leader have said that they support the goals of our involvement in the Persian Gulf, that is, they agree that Saddam Hussein must withdraw completely from Kuwait, the clear fact is that passage of the Mitchell/Nunn resolution would have precisely the opposite effect.

The Mitchell resolution says that it does not rule out the authorization for use of force if sanctions do not bring about the result of getting Iraq out of Kuwait.

The effect of that language, however, is to encourage Saddam Hussein to stay right where he is, because he will believe that the United States does not have the political will or the moral courage to resort to the use of force.

We, as the Congress of the United States of America, must speak clearly on this point, and Saddam Hussein must hear that we support our President and that force may be used against him if he does not comply with the will of the world.

Let us be clear at the outset that we are not talking about going to war when we speak of authorizing the President to use U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

As my colleague the senior Senator from Wyoming has so carefully observed one has only to look at the case of Israel and the Arab countries to see that a declaration of a state of war does not necessarily mean open conflict. Most of Israel's neighbors are in a state of war against Israel, and yet there is no fighting.

We are talking about making sure that Saddam Hussein knows that the President has the backing of the country and that Americans are united with the civilized world community in our resolve that his blatant and bloodthirsty aggression against his neighbor will not be tolerated.

What dangers do we face it we do not support the President and send a strong message to Saddam Hussein?

Saddam Hussein will draw encouragement and succor from that fact, and he will be able to take his troops off the high alert they have maintained.

The international coalition arrayed against Saddam, now standing shoulder-to-shoulder with the United States, will begin to crumble.

This is a particularly dangerous potentiality with other countries in the region, some of which have faced down tremendous popular support for Saddam Hussein in order to join the coalition.

As Saddam becomes an even greater hero for what will be perceived as a moral victory over the United States, these countries will have great difficulty in standing strong with the coalition.

It is human nature to side with the victor, the hero, the strongman. It is safer that way. And read the Amnesty International report to see what happens to those who disagree with Saddam. And if Saddam Hussein is perceived that way by the people of the region, it will become more politically difficult for our allies in the region to maintain the opposition to Saddam.

We must realize that what we do here will in every way affect Saddam Hussein's decisionmaking.

If he sees that we will not authorize the use of force to get him out of Kuwait, he will certainly remain.

Sanctions alone will not affect that decisionmaking. They will not affect military preparedness for many, many months, if ever.

They will hurt the Iraqi people—there is no doubt about that. And they are an important element of our approach. But they are not sufficient to affect the way Saddam Hussein makes his decisions.

If, however, Saddam Hussein sees that we are serious, that the American Congress stands with the American President in saying that Saddam Hussein will be removed from Kuwait by force of arms if necessary, then we may still avoid war.

It is ironic, but I feel deeply and sincerely that only by authorizing the use of force can we avoid it.

Supporters of the Mitchell-Nunn resolution say they support our goals, but our policy has three essential parts: diplomatic/political initiatives, economic sanctions, and the credible threat of force.

The Mitchell-Nunn resolution removes the third prong of that policy, and renders it thereby ineffective.

President Bush has done one superb job of handling the crisis precipitated when Iraq invaded Kuwait on August 2. He has worked diligently with and in consultation with other world leaders and used the venue of the United Nations to consolidate international response.

He has approached the unquestionable goal of securing Iraq's withdrawal from Kuwait by undertaking a three-pronged approach which involves the use of economic sanctions to isolate Iraq and weaken it; diplomatic initiatives to solidify world opinion and undertake to convince Saddam Hussein of the resolve of the world community; and the credible threat of the use of force to enforce the will of the civilized nations of the world.

But this is not just a matter of supporting our President. We all support his stated goals. It is a matter of assuring that Saddam Hussein gets out of Kuwait, and the only way that is going to ever happen is that he believes, deeply and sincerely, that force is a real and credible option for use against him.

The U.N. Security Council has adopted 12 resolutions since the Iraqi invasion in what must surely be an unprecedented show of united world response to brutality, aggression, and lack of respect for the rule of law.

Our forces went to Saudi Arabia to act as a deterrent and to provide defense if necessary. Those forces have been joined by a multinational force which includes troops from 28 nations. We must now be very clear that those forces may be used against Saddam Hussein.

The multinational force includes troops from Britain, Egypt, Syria, Morocco, and France. Other countries providing military support or assistance include Australia, Bangladesh, Belgium, Canada, Denmark, Greece, Gulf Cooperation Council, Italy, Japan, Netherlands, Niger, Norway, Pakistan, Senegal, Saudi Arabia, Soviet Union, Spain, Turkey, and West Germany.

There is currently broad support for containing Iraqi aggression, and reversing its takeover of Kuwait.

In short, world opinion is united in condemning Saddam Hussein's actions. I daresay it is unprecedented to have as united a response as we have seen to this naked aggression.

Now we are faced with a very sobering prospect. The United Nations has authorized the use of all necessary means to bring about the withdrawal of Iraq from Kuwait if that has not occurred by January 15.

By endorsing that option—the use of force—we would be telling Saddam Hussein, in no uncertain terms, that the use of military force against his illegal and immoral invasion of Kuwait is a very real and substantial threat to him.

We would not be ensuring that that option would be used. But we want to be certain that Saddam Hussein understands that it is an option and that we will not hesitate to resort to it.

Unless Saddam Hussein understands that he faces the military might of the assembled international force and that it can be used against him, I fear that he will believe that his invasion of Kuwait will stand.

Saddam Hussein precipitated a crisis. The world community has come together to oppose him. World leaders are consulting together and working together to defuse the situation.

We cannot respond to Iraq with unilateral actions, however dearly we might wish to. World opinion would assuredly then turn on us.

Iraq's withdrawal from Kuwait and the assurance of peace and stability in the region are crucial.

Economic sanctions are but one aspect of the international community's response, which also includes diplomatic isolation of the aggressor and the credible threat of the use of force.

Healthy debate about our goals and how to achieve them must take place, but it must not undermine or be perceived to undermine the international coalition arrayed against Iraq's aggression.

We must be clear that debate about how to achieve our ends must not appease Saddam Hussein's aggression, and it must not lead him to believe that the international coalition will hesitate to use force if he fails to comply with the U.N. resolutions.

Conflict is not inevitable at this point. But the credible threat of the use of force must be a part of our strategy. If it is not, and if the Mitchell-Nunn resolution passes, conflict becomes even more assured.

The President has continued to pursue diplomatic options and to seek all possible means of assuring peace. James Baker has met with Foreign Minister Tariq Aziz for 6½ hours, and he saw no signs of flexibility in the Iraqi position.

It unfortunately does not appear that Saddam Hussein will awaken to the realities of his situation until he knows that the international coalition will move against him militarily if necessary.

And he will not know that until this Congress puts itself squarely on the record that the president is authorized to carry out U.N. Security Council Resolution 678.

The United Nations was set up and conceived to function just as it has in this crisis—to be a forum for international debate and enforcement of international law.

That body has functioned with unprecedented speed, near-unanimity, and force in condemning Iraq's actions and in authorizing concerted international action in response.

Having met with further Iraqi intransigence, we must focus our attention as a legislative body and as a nation on endorsing, supporting, and encouraging the actions of the United Nations.

The United Nations has authorized the use of force if Iraq does not comply with its resolutions by January 15. It has not mandated such force, nor has it made the use of force inevitable.

Support for the President and for the United Nations is not an assurance that war will occur. In fact, it is the best chance ever we have to assure that war does not occur.

Let's not tie the President's hands, give encouragement to Saddam Hussein, and undermine the functioning of the United Nations.

I trust that we, as the Congress of the United States, will be able to stand firmly by the President of the United States and the world community and say to Saddam Hussein, "You must behave as a civilized member of the international community or face the consequences." And he must know that the consequences will be grave and he will pay dearly.

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, as if in morning business I ask unanimous consent that resolutions by Senators DOLE and BRADLEY be in order for introduction today.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE SECRETARY GENERAL OF THE UNITED NATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent to proceed to the immediate consideration of a Senate resolution submitted earlier today by Senators DOLE, PELL, and MITCHELL to commend the Secretary General of the United Nations.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 11) to commend the Secretary General of the United Nations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the resolution.

PEREZ DE CUELLAR: MISSION OF PEACE

Mr. DOLE. Mr. President, I am pleased to submit this resolution, commending U.N. Secretary General Perez de Cuellar for his 11th hour mission to Iraq.

We all want peace. And we all support every reasonable effort to achieve our goals—the goals the United Nations has endorsed on a dozen occasions—by peaceful means.

That is why President Bush has gone the extra mile, and then done it again, and again—to search out avenues to achieve our goals without war.

That is why Secretary Baker went to Geneva, where he was stiffed by Iraqi Foreign Minister Aziz.

Secretary General De Cuellar will make one last try.

I am not optimistic he will succeed, where so many others have failed.

But he deserves our commendation and best wishes as he undertakes this trip.

The United Nations has spoken loud and clear on what must be done to bring an end to the Persian Gulf crisis.

The United Nations has spoken loud and clear that member nations may use all necessary means to achieve our goals.

Now the Secretary General's initiative speaks loud and clear about his personal commitment to make sure that we have exhausted all peaceful alternatives.

Mr. President, time is running out for Saddam Hussein. Let us hope that he listens and heeds the words of Perez de Cuellar. The next message he hears from the nations gathered behind the U.N. banner may be a very different message indeed.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 11) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 11

Whereas it is in the interest of all parties to explore every reasonable avenue to achieve a resolution of the Persian Gulf crisis without war.

Whereas the United Nations has played a central role in efforts to achieve the total withdrawal of Iraqi forces from Kuwait.

Whereas the United Nations Security Council has passed 12 separate resolutions calling for the accomplishment of those goals.

Whereas the United Nations Secretary General Perez de Cuellar has announced his intention to travel to the Persian Gulf, including to Iraq, to make a last effort to convince Iraqi President Saddam Hussein to withdraw his forces from Kuwait before January 15, 1991.

Resolved, That the Senate commends the Secretary General for his initiative.

That the Senate hopes that the Secretary General's mission will lead to a peaceful resolution of the Persian Gulf crisis, to include the total withdrawal of Iraqi forces from Kuwait.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CALLING UPON PRESIDENT GORBACHEV TO REFRAIN FROM FURTHER USE OF FORCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 12, submitted earlier today by Mr. BRADLEY, for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. KOHL, Ms. MIKULSKI, Mr. KASTEN, Mr. GLENN, Mr. RIEGLE, Mr. DIXON, Mr. WARNER, Mr. THURMOND, Mr. SIMON, Mr. GRAHAM, Mr. DODD, Mr. MOYNIHAN, Mr. DECONCINI, Mr. METZENBAUM, Mr. MCCAIN, Mr. MACK, Mr. LUGAR, Mr. AKAKA, Mr. BRYAN, and Mr. SARBANES.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 12) calling upon President Gorbachev to refrain from further use of force against the democratically elected Government of Lithuania, Latvia, or Estonia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the resolution.

RESOLUTION ON THE USE OF FORCE IN THE BALTICS

Mr. BRADLEY. Mr. President, the Senate, and indeed the entire Nation, is engaged in a debate over America's role in defending a small nation in the Persian Gulf that is fighting for independence and resisting the aggression of its brutal neighbor.

I would like to take a moment to address a similar situation that has long existed in Soviet relations with its Baltic neighbors and has now reached a critical point.

The democratic aspirations of the people of the republics of Lithuania, Latvia, and Estonia are no less important than the sovereign rights of the Emirate of Kuwait.

These nations have been fighting for their freedom since Stalin's invasion more than 50 years ago. Gorbachev's moves toward democratization and decentralization seemed to offer the prospect of righting this grievous wrong. Now, by deploying troops in the Baltic republics and threatening to use them to replace a democratically elected government with rule by Presidential decree, Gorbachev has taken steps in the opposite direction. These same threats and coercive political tactics have been applied to other Soviet republics that have made progress toward democracy and market economies such as Moldavia and the Ukraine.

President Gorbachev's threat is directed not only at the republics, but at all democratic reformers in the Soviet Union. We are seeing the fulfillment of Foreign Minister Eduard Shevardnadze's warning that "dictatorship is gaining ground" in the Soviet Union. Gorbachev's message to

Lithuania uses language reminiscent of his Stalinist predecessors, warning that the democratic government seeks to "reestablish a bourgeois regime and order," and the message inflames otherwise minor grievances to create a pretext for aggression.

Faced with this ultimatum, the democratically elected Government of Lithuania has turned to us pleading for a "firm, concrete and determined response of the democratic countries" to protect their small nation's advances toward freedom. In appealing to all free nations yesterday, they warned of offensive action by "Soviet troops, KGB, and ultra-conservative pro-Moscow organizations" against Lithuania's free press as well as its government. Just this morning, I heard the first reports of actual shooting and casualties from this Soviet-instigated strife. Now that this attack has begun, we must respond to this appeal.

Particularly disturbing is the coincidence of dramatically heightened pressure on the Baltic republics with the escalation of tension in the gulf. President Gorbachev is counting on the world's preoccupation with the crisis in the gulf to muffle the world's outrage over his aggression. As I said yesterday regarding the use of force in the gulf, it would be a sad irony if the price of Soviet support for freeing Kuwait turns out to be American acquiesence in Soviet aggression against other small, illegally annexed, nations.

The resolution I am submitting today calls on President Gorbachev to refrain from the further use of coercive tactics in Lithuania, Latvia, and Estonia.

I urge my colleagues to give the people of Lithuania their wholehearted support.

I ask unanimous consent that President Gorbachev's ultimatum to Lithuania and Lithuania's appeal to democratic nations be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF PRESIDENT GORBACHEV'S ULTIMATUM TO LITHUANIA

The situation which has developed in the Republic, and its sharp aggravation during the past few days forces me, as the President of the USSR, to appeal directly to the Supreme Soviet of the Lithuanian SSR.

It is necessary to face the truth and to see the real reasons of the current situation. They are conditioned by flagrant violations and deviations from the constitutions of the USSR and of the Lithuanian SSR, by violations of the people's civil and social rights, and by hiding behind the mask of democracy seeking to implement policy, the goal of which is to re-establish a bourgeois regime and order.

The responsibility for this lies with the Republic's Supreme Soviet, who, in ignoring constitutional laws, resolutions of the Supreme Soviet of the USSR and of the USSR Congress of People's Deputies, and decrees and appeals of the President of the USSR, goes against the interests of the people.

Essentially, the situation has reached a dead-end. The need to find a way out of the situation requires taking speedy steps. Union authorities are getting many appeals from social political organizations, manufacturing collectives, and citizens of all nationalities. People are demanding that constitutional order be re-established, and that their security and living conditions be properly guaranteed. They have lost faith in the policies of the present authorities. They demand that Presidential rule be established.

I propose to the Supreme Soviet to immediately restore the validity of the USSR constitution and of the constitution of the Lithuania SSR, and to revoke the anti-constitutional acts adopted earlier.

TEXT OF LITHUANIA'S APPEAL TO THE DEMOCRATIC NATIONS

We appeal to you with an urgent request—help the Lithuanian people to defend democracy and freedom in the Republic of Lithuania. Following Soviet President Gorbachev's ultimatum of January 10, 1991, Soviet troops, KGB, and ultra-conservative pro-Moscow organizations have begun a large scale offensive against our freely elected, legitimate parliament, government buildings, offices, and radio-TV. A real threat exists that Soviet troops will attack Lithuanian Parliament and other strategic objects in this city. Lithuanians are responding to the urgent appeal made by Lithuanian's authorities by gathering in large numbers around the Parliament in order to defend it.

Only a firm, concrete and determined response of the democracratic countries could safeguard the independence and democracy in Lithuania and the other Baltic States of Latvia and Estonia.

RESOLUTION OPPOSING THE USE OF FORCE IN THE BALTIC STATES

Mr. MACK. Mr. President, I would like to commend the Senator from New Jersey and the Senator from Kansas, the Republican leader, for sponsoring the resolution before us, which urges the Soviet Government to refrain from further use of force to suppress democracy in Lithuania, Latvia, and Estonia.

It is critical that the United States send a crystal clear signal to President Gorbachev: if he crushes democracy in the Baltic States, the honeymoon is over. No more cozy relationship. No more aid. No more loans. No more détente. No more business as usual.

Now is the time for Congress and the administration to make absolutely clear what the consequences of crackdown will be—before it happens and to prevent it from happening. Because I believe that if President Gorbachev has to choose between his relationship with the West and crushing democracy in the Baltics, he will choose not to use further force against those elected governments.

Let no one delude themselves into thinking that silence on this issue will "help Gorbachev" or avoid a takeover by "hardliners" in the Soviet Union. Our job is not to sustain President Gorbachev, even if that were possible. Our job is to stand up for freedom and democracy, whether it is threatened by Gorbachev himself or his successor. Whoever is in charge of the Soviet Union must know that the United States will not and cannot continue the current warm relationship with any Soviet Government that crushes the democratically elected governments in the Baltic States.

Yes, we are preoccupied with the crisis in the gulf. But we are not so preoccupied that we will ignore a bloody crackdown in the Soviet Union. Our message to the Soviet Union is this: the day of the dictator is over. The time for democracy is now. The cause of freedom will prevail.

RESOLUTION CONDEMNING THE USE OF FORCE IN LITHUANIA

Mr. HELMS. Mr. President, the attention of the world is focused upon the situation in the Persian Gulf. There have been hours of debate in this Chamber regarding the appropriate response to Iraq's destruction of the independence of Kuwait.

I regret, but am not at all surprised, that the Soviet Union has taken advantage of the fact the world's attention is focused elsewhere to take military action aimed at snuffing out the last remnants of Lithuanian freedom.

Earlier today, I received confirmation from the State Department that Soviet troops have opened fire upon Lithuanian civilians participating in a vigil being conducted in Vilnius in protest of the Soviet occupation.

The tragic confirmation follows reports from the Associated press indicating that tear gas has also been used against these civilians and that the Soviet military has closed the Vilnius airport and seized the radio and television towers. Last night, Lithuanian press reported that four Lithuanian young men were rounded up by Soviet paratroopers for refusing to serve in the Soviet occupation army.

Just as the U.S. Government refused to ignore the destruction of Kuwait's independence, we must now not ignore Gorbachev's attempt to snuff out Lithuanina independence.

For this reason, I am pleased that the Senate is considering and agreeing to this resolution which calls upon Gorbachev to refrain from using coercive tactics against the people of Lithuania. I am proud to be an original cosponsor of this resolution.

President Landsbergis has attemtped to reach Mikhail Gorbachev and the Communist leadership in Moscow. My understanding is that no official in Moscow will even take his calls, much less respond to his appeals for negotiation and peace. Some telephone lines have been cut to prevent Lithuania from appealing for Western help.

Beginning this coming Monday, or perhaps earlier, the elite paratroopers sent by General Yazov of the Red Army, no doubt on orders from Gorbachev himself, are scheduled to hunt down more young Lithuanian boys who justly refuse to serve in the Soviet Army occupying their homeland.

Obviously, the military and the hardline Soviet Communists are prepared to preserve the prison known as the Soviet Union at any price. The Prime Minister of the Republic of Moldavia was in Washington this week negotiating for grain purchases. He was compelled to come here after Moscow had informed his Republic that its failure to sign the proposed union treaty would result in a denial of 1 million tons of grain currently intended to be dispatched by Moscow for the people of Moldavia.

During his visit to Washington last December, President Landsbergis predicted that discord would be sown in Lithuania by the KGB and small numbers of pro-Moscow forces at which time the military would be brought in with the excuse of restoring order. How prescient was his prediction.

At that time, President Landsbergis asked the United States for protection. Unfortunately, no one listened then. Hopefully, people will listen now.

The only hope for avoiding further violence is for the United States to take a strong stand. The United States should extend diplomatic recognition immediately to the freely elected Lithuanian Government and make the summit planned for February contingent on freedom for the Baltics.

In addition, President Bush must make it clear to Gorbachev that the Soviet Union will lose grain concessions and all other trade benefits unless they turn their guns away from the people and Government of Lithuania.

Mr. President, America's stand in the gulf is strong because it is based on strong moral principles. If we fail to extend these same principles to our politics with respect to the Soviet Union, it diminishes our stance in the eyes of Saddam Hussein and the rest of the world. Now is the time for America to keep vigilant and stand with the people of Lithuania as they face down the guns of the Soviet Red Army.

LITHUANIA: STOP THE CRACKDOWN MR. GORBACHEV

Mr. KASTEN. Mr. President, I rise today in support of the Bradley resolution. The following is a letter that I will send to President Bush urging him to press President Gorbachev to stop the crackdown in Lithuania, Estonia, and Latvia and to allow these peoples the right of self-determination.

JANUARY 11, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Several Baltic leaders have reported an escalation in the number of provocations and attacks by Soviet Interior Ministry troops upon their citizens as well as their government institutions. This dramatic increase in hostilities between the Soviet central government and the independent republics demonstrates President Gorbachev's desire to remove the elected governments in Estonia, Latvia, and Lithuania from power.

On January 3, 1991 the Department of State issued a statement illustrating how dangerous the situation has become for the survival of democracy in the once sovereign nations of the Baltic region. Specifically, Deputy Press Secretary Richard Boucher deplored the seizure of Latvia's main printing plant and the Lithuanian Communist Party Central Committee building.

Furthermore, the world listened in dismay as Soviet Foreign Minister Eduard Shevardnadze said recently that the Soviet Union is moving toward a "dictatorship" of some kind. To support the gravity of his statement, KGB chief Vladimir Kryuchkov announced that he will "use all means at his disposal" to combat "anti-communist" forces in the Soviet Union and abroad.

These are serious deviations from the path of democratic restructuring in the Soviet Union—deviations that can only hurt our improved relationship with the Soviet Union. Therefore we urge you to warn President Gorbachev that if aggression continues in the Baltic countries United States-Soviet relations will suffer.

Finally, we feel that the actions the Soviet central authorities have taken in response to the peaceful and democratic Baltic independence movements have been grossly inappropriate. We hope that you will make the resolution of the Baltic issue part of your discussions with President Gorbachev during your upcoming summit meeting with him in February.

Sincerely,

ROBERT W. KASTEN, Jr.

CLOSE WATCH ON THE U.S.S.R.

Mr. DOLE. Mr. President, I rise in support of the resolution being offered regarding the rapidly worsening situation in Lithuania. For the last few months, the primary focus of the United States and the world undoubtedly has been on developments in the Persian Gulf. And, since the Congress has returned, it seems that there has been little discussion of anything other than Iraq.

It seems to me that there are those who think that the Congress is not paying attention to events outside the Persian Gulf. This impression runs the risk of sending a very dangerous signal to foreign governments that they can get away with taking brutal actions against their populations without any reaction from the United States and from the U.S. Congress.

Mr. President, I am here today to say that this perception is absolutely mistaken. This Senator—and I know there are many others—is closely watching events outside the gulf. And this Senator expects the United States—the executive branch and certainly the Congress—to react to those events as necessary.

At the top of my list of concerns beyond the Persian Gulf is the situation in the Soviet Union. Developments over the past month have become increasingly worrisome to those who want to see peaceful democratic and economic reform come to the Soviet Union.

Despite the deepening crisis in the Middle East, Mr. President, I did not miss the announcement early this week by the Soviet defense ministry that Soviet troops would be sent to seven republics: Latvia, Lithuania, Estonia, Moldova, Georgia, Armenia, and the Ukraine. Yesterday, I did not fail to notice the reports of the arrival of troop enforcements in Lithuania and Latvia, who like the other five republics I mentioned, already have a strong Soviet military presence within their territory. And, I am fully aware of Gorbachev's message to the Lithuanian Parliament which threatened Presidential rule if the Lithuanian Government did not back down from its declaration of independence, as well as Gorbachev's threats of military actions against Estonia and Latvia in the event that Soviet draft laws are not complied with.

Mr. President, to date the United States has firmly supported President Gorbachev and his policies of reform. But, this support is not and cannot be unconditional. Yes, we want political and economic reform in the Soviet Union; yes, we want glasnost. But, political oppression and military aggession such as we have seen in the last few weeks do not represent reform or glasnost, but abandonment of that path, and regression into the Soviet Union of the past, the Soviet Union that Gorbachev claims to have rejected.

Mr. President, I am also extremely concerned by something I learned first hand from a meeting with the Prime Minister of the Republic of Moldova 2 days ago. Prime Minister Druc told me that Gorbachev has indicated that the only republics that will receive grain and feed purchased with the $1 billion in credits from the United States are those republics that agree to sign the Union Treaty. In other words, Gorbachev is trying to use our grain credits to blackmail Moldova, the Baltic republics and any other republic that does not agree to sign the Union Treaty. Gorbachev has offered the people of these republics two options: sign or starve.

Mr. President, the United States must not be a party to oppression and blackmail. And, in my view, we must do more than just issue statements and demarches to the Soviet Government. We need to let the Soviet Union know that just as there are tangible benefits to be gained from relations with the United States if there is real economic and political progress, that there are also losses and costs to the Soviet Union if it reverts to the policies of the past.

So, I believe that unless Gorbachev puts an immediate end to the threats, blackmail and aggression, that the United States should not deal with him in a business-as-usual manner. Moreover, it is my view that the United

States needs to develop policy options—other than the usual public statements—which result in real costs to the Soviet Union if it continues these repressive policies. And, while I have been a strong advocate of the recent decision to provide $1 billion in grain credits to the Soviet Union, I believe that we should suspend grain credits to the Soviet Union until we receive concrete assurances from Gorbachev that feed and grain purchased with our assitance will not be used as a means of coercion, rather that it will go to the hungry people in all the republics, as it was originally intended.

Mr. President, the crisis in the gulf looms large, but we must not overlook crises in other parts of the world, especially in the Soviet Union. If we do, we could inadvertently end up on the wrong side, against political and economic reform and human rights.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 12) was agreed to.

The preamble was agreed to.

The resolution with its preamble, is as follows:

S. RES. 12

Whereas President Gorbachev has deployed Soviet troops to Lithuania and begun to use force to impose his rule in place of the demoratically elected government of Lithuania;

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union;

Whereas these Baltic nations have been at the forefront of economic reform and real democratization among the people of the Soviet Union; and

Whereas the government of Lithuania has responded with an urgent appeal for the immediate support of all democratic countries to protect the independence and democracy of Lithuania and the Baltic States: Now, therefore, be it

Resolved, That the Senate calls on President Gorbachev to refrain from further use of coercive tactics against the democratically elected government of Lithuania, Latvia, or Estonia. Such coercive tactics are unacceptable among the community of democratic nations and especially so at a time when the world, including the Soviet Union itself, is united in opposition to the forcible annexation of another small nation, Kuwait, by its brutal neighbor, Iraq.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

U.S. POLICY IN PERSIAN GULF

Mr. LEVIN. Mr. President, we stand on the brink of war, a nation united in support of our troops in the gulf, united in our firm dedication to removing Iraqi forces from Kuwait, but divided on the contention that war at this time is the wisest way to achieve that very certain result.

The Iraq of Saddam Hussein is a nation that grows weaker every single day. Every single day that the unprecedented international embargo continues, the punch of this bully gets weaker. And as a result, every single day, the opportunity to save the lives of American men and women in uniform grows as victory in battle, should it come to that, is a victory over a steadily weakening enemy. We owe it to our troops and to the success of their mission and the success and continuance of our international coalition, to pursue the course of sanctions. That is why I have cosponsored S. 1, which is before us and, indeed, why I helped draft it.

Since none of us has a crystal ball, we are left with a calculation; an equation when it comes to the option of war. And the divisions we see in the opinion of our people are sharply reflected in the best military, political, and diplomatic minds of our Nation. And the equation being weighed throughout our society is this: Is the abandonment of economic sanctions to the option of war worth the price we will surely have to pay in lives, and in billions of dollars, especially if what results is not simply the restoration of Kuwait, but also a deadly new resurgence of anti-American extremism and terrorism and such massive regional instability as to require a long-term United States presence in the region.

I think the costs at this time outweigh the benefits. All Americans are united in support of our troops, but to me that means bringing the troops home alive by accomplishing our goals in other ways if possible. It means not waging a war when perhaps half of our society still sees an alternative to war, an alternative that saves American lives.

One of the lessons of Vietnam is that we should not wage war without a consensus of our people. We owe it to our military forces and to their loved ones to send them to battle and possibly to their deaths only if the American people believe the objective is worth the likely price to be paid, only if achieving the objective militarily does not create a new set of worse problems in the region, and only if that objective cannot be achieved without American blood being spilled.

There is no consensus among the American people to wage a war against Iraq at this time. The proof of that is widespread. A New York Times-CBS News poll taken January 5–7 found that 47 percent of the people believe we should wait longer for the embargo to work if Iraq does not withdraw by January 15, while 46 percent believe we should start military action then. That poll reflected virtually no change in public opinion from an identical poll a month earlier. A recent Washington Post-ABC News poll found that while 63 percent of the people felt that the United States should go to war with Iraq to force it out of Kuwait at some unspecified point after January 15, even that vague formulation resulted in only 44 percent favoring going to war and 53 percent opposed "if it meant 1,000 American troops would be killed in the fighting"—surely a highly realistic possibility.

Further proof of the lack of consensus is the fact that some of the most respected military and national security figures of recent history, free of political constraints because they are not part of the current administration, urge us to continue to pursue economic sanctions as the wisest and best way to force Saddam Hussein out of Kuwait. President Reagan's former Chairman of the Joint Chiefs of Staff, Adm. William Crowe, said in testimony on November 28, 1990, that—

> The embargo is biting heavily * * * it is dead wrong to say that Baghdad is not being hurt; it is being damaged severely. That goes for the Iraqi military as well, which depends on outside support. * * * It is the most effective peacetime blockade ever levied.
>
> Granted that the embargo is not working as rapidly as many would prefer; but if we wanted results in two or three months, clearly ask quarantine was the wrong way to go about it. Most experts believe that it will work with time. Estimates ranges in the neighborhood of twelve to eighteen months. In other words, the issue is not whether an embargo will work, but whether we have the patience to let it take effect.

Former Defense Secretary Frank Carlucci said that "war possibly would create more problems that it would solve."

It is not just former Secretaries of Defense and former Chairmen of the Joint Chiefs who feel this way and whose statements so clearly show the lack of an existing consensus to initiate an early offensive. Listen to the statements of the current commander of our forces in the Persian Gulf, Gen. Norman Schwarzkopf, relative to the merits of pursuing economic sanctions versus initiating an early military attack:

> If the alternative to dying is sitting out in the sun for another summer, then that's not a bad alternative. (L.A. Times, November 29, 1990).

And he further said:

> At the present time, I think time is on the side of the world coalition. I really don't think there's ever going to come a time when time is on the side of Iraq, as long as the sanctions are in effect, and as long as the United Nations coalition is in effect. (L.A. Times, November 29, 1990).

One of the clearest proofs of a lack of consensus in our country will be our vote—for unless two-thirds or more of this body gives the green light to initiate an attack, the consensus which should exist before war is waged will not be present.

If 57 of us, for instance, were to vote tomorrow to authorize the President to wage war now and 43 vote to pursue economic sanctions for a longer time, the President would then have congressional authority to wage war, but he could not claim that a consensus would exist to wage such war.

Why is there this lack of consensus to wage war now, both throughout the country and in this Chamber? Because the costs of waging war at this time outweight the benefits.

The first cost is human—the casualties. The Pentagon claims it cannot give a range of casualties. If they cannot, how can the President have considered the costs and benefits of initiating a military offensive?

The Pentagon may perceive a gain in public support for the "wage war now" option by refusing to estimate a range of casualties, but that gain is likely to be short-lived. If significant casualties occur—and hundreds of casualties would be considered significant in my view—the support for waging war now will dissipate and the President could be in a position where he is without the necessary public support to conclude the enterprise after it has begun.

The second reason for a lack of consensus is the short- and long-term economic costs. While it is difficult to estimate the economic costs of waging war versus the costs of maintaining economic sanctions, it is clear that the cost of the former is greater than the cost of the latter.

Even a short war could be followed by the cost of occupying territory in the gulf. Maintaining the peace in Europe—with few guerrilla or violent actions against us—still costs us more than $100 billion a year even though World War II ended 45 years ago and even though the cold war has concluded.

The long-term costs of a Middle East war are almost incalculable but we would surely dig ourselves even deeper into economic uncompetitiveness if we plunge into a costly war and perhaps an even costlier postwar period.

A third reason for a lack of consensus about waging a war before economic sanctions are given a longer chance to work is the fear of war's aftermath.

This will be a predominantly American war. It is likely that the attack on Iraq itself, presumably mostly by air, would be almost entirely American and that an attack on Iraqi forces in Kuwait would be predominantly American. Victory may or may not be swift on the battlefield but its aftermath almost certainly would not be. More likely, the aftermath will be a volcanic explosion of radicalism and fundamentalism which will engulf the region with an unpredictable outcome, and a reign of terrorism which will be felt worldwide.

Former Secretary of Defense James Schlesinger made this point eloquently in his testimony before the Senate Armed Services Committee on November 27, 1990:

> I believe that the direct cost of combat—will be the lesser part of the total cost. The Middle East would never be the same. It is a fragile, inflammable, and unpredictable region. The sight of the United States inflicing a devastating defeat on an Arab country from the soil of an Arab neighbor may result in an enmity directed at the United States for an extended period, not only by Iraq and its present supporters, but ultimately among the publics of some of the nations now allied to us. To be sure, there are no certainties, yet that risk must be borne in mind. Moreover, the United States will be obliged to involve itself deeply in the reconstruction of the region in the aftermath of a shattering war. In brief, the non-combat costs of a recourse to war, while not calculable in advance, are likely to be substantial.

Mr. President, if we knew economic sanctions would not succeed, the costs and risks of the wage war now option might be acceptable. But it is far too early to know that. Only 23 weeks have elapsed—far too short a period for sanctions to destroy Iraq's economy effectively. We should remember that the original course that President Bush steered us on—the right course, I believe—was to send troops for defensive purposes—that is, to deter Iraq from attacking Saudi Arabia and to use a worldwide, ever-tightening noose of economic sanctions to drive Iraq out of Kuwait.

On September 11 before the Congress, the President said, "I cannot predict just how long it will take to convince Iraq to withdraw from Kuwait. Sanctions will take time to have their full intended effect." On October 27, the President said, "I am told that the economic effects are taking hold." And CIA Director Webster told the Congress on December 4 that the economic sanctions and the embargo have dealt a serious blow to the Iraqi economy. Director Webster further stated that Iraqi ground and air forces at current or near-current levels of readiness could probably not be maintained for longer than 9 months under noncombat conditions.

Our commanding general in the gulf, General Schwarzkopf, said on October 28 that:

> * * * it took some time before we got the ships out and really started enforcing the sanctions. And now we are starting to see evidence that the sanctions are pinching.
>
> So why should we say, "OK, gave them two months, didn't work. Let's get on with it and kill a whole bunch of people?" That's crazy. That's crazy.
>
> You don't go out there and say, "OK, let's have a nice war today." God Almighty, that war could last a long, long time and kill an awful lot of people. And so we've just got to be patient. (Atlanta Journal and Constitution, October 28, 1990).

It has been urged that the world's support of sanctions could deteriorate over time. It is true that it will take real effort to maintain a tight economic noose around Iraq until it comes to its senses. But the uncertainty about perfection relative to continuing economic sanctions should be compared to the much greater uncertainty of unity relative to the use of military force. Few countries with troops on the front lines are committed to attack Iraq itself, but just such an attack may be critical to the success of military operations to free Kuwait. Admiral Crowe stated this well in his testimony before the Armed Services Committee:

> * * * I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution. Actually, I sense more nervousness among our allies about our impetuousness than about our patience.

Mr. President, as we consider whether or not we should initiate offensive actions against Iraq, we must also examine the best evidence we have about the impact sanctions will have on the Iraqi military.

The question that we must ask is, "Will the Iraqi military grow weaker than they are today if we continue the sanctions policy?"

As we have seen from our own experience in the desert, one of the critical elements of military readiness and preparedness is the stocking of spare parts. This issue has been a special concern of mine as chairman of the Conventional Forces Subcommittee of the Armed Services Committee. The desert environment takes a heavy toll on military equipment and spares are very important in order to keep tanks, planes, helicopters, and other mechanical systems in service.

The Iraqis, who are dependent on the Soviet Union and France for many spare parts and military equipment, are currently not receiving these vital supplies as a result of the economic embargo.

Allowing the sanctions to run even for a full year would cause a degradation of Iraqi air and ground forces. To initiate early conflict with Iraq means our forces would face the Iraqi military at a near-current state of strength. On December 12, CIA Director Webster, in his statement before the House Armed Services Committee stated that, "Under noncombat conditions, Iraqi ground and air forces can probably maintain near-current levels of readiness for as long as 9 months." In a recent letter, he phrased that as 6 to 12 months, in his analysis. Judge Webster testified that Iraqi air forces will feel the bite of the sanctions more quickly "because of its greater reliance on high technology and foreign equipment and technicians." As an example, he stated that major repairs to the Iraqi F-1 aircraft, perhaps the best all-around fighter that Iraq possesses, "will be achieved with significant difficulty, if at all."

Regarding ground forces, Judge Webster testified that—

> The embargo will eventually hurt Iraqi armor by preventing the replacement of old fire-control systems and creating shortages of additives for various critical lubricants.

Shortages will also affect cargo trucks over time.

As former Defense Secretary, James Schlesinger, told the Senate Armed Services Committee in December, "the original estimate was that the sanctions route would require a year."

When I asked Mr. Schlesinger in the hearing on where the estimate of 1 year came from, he stated that it was "an official estimate" that was not made public.

It seems clear that through a policy of disciplined economic sanctions, the United States and its allies can put a great deal of pressure on Saddam Hussein to withdraw from Kuwait and increase the possibility that this crisis can be resolved peacefully, without our waging war. At the very least, if the embargo does not force the Iraqis out of Kuwait in a reasonable period of time, the United States and its allies will face a less potent military force if the time comes to force them out.

If we are to have a new world order, and the world needs a true regime of collective security, it must be based on international participation. Economic sanctions have that kind of participation—a military offensive will not.

The proposed offensive has been Americanized. The administration changed its policy in early November from one of reliance on a world wide tight net of economic sanctions to squeeze Iraq out of Kuwait and relying on our military forces to defend Saudi Arabia to a policy of threatening imminent attack, and also to the rhetoric of waging war.

We named our training exercises "imminent thunder" and we put troop rotations on the shelf. We got the United Nations to set an early authorization date for using all necessary means which we have frequently characterized as a deadline to be followed by military action. We said the U.N. resolution was Iraq's last chance, and then this week's meeting in Geneva was called Iraq's last chance. We talked about kicking ass, and Saddam Hussein returning to Baghdad with his tail between his legs.

Maybe the threat of massive force and our rhetoric will still work.

But it now appears that the choice will come down to either pursuing economic sanctions for a longer period with waging war as a last resort or waging war shortly after January 15.

Congress must weigh the costs and the benefits, both short term and long term of the wage-war-now option.

Congress must do what the administration has not done: Estimate the range of the American casualties that would result.

Congress must do what the administration has not adequately done: Look at the uncertainties of war. Contrast the 5-day war claims of some spokesmen with the more sober assessments of our military leaders. Gen. Schwarzkopf said that "war could last a long, long time," and that "the most dangerous thing a commander could do, or that a country can do, in planning for battle, is assume away the capabilities of the enemy." Gen. William Odom, Director of the National Security Agency under President Reagan, has said that, "We have no military precedents against which to judge what is actually required to defeat the Iraqi forces" and that "the Arab-Irsraeli wars will look small by comparison.

Congress can do what has not been done by the administration: Take to heart the words of our own commander of our own forces in the Persian Gulf, Gen. Norman Schwarzkopf. I quoted his words earlier and I do so again because he says in one line what I have taken far longer to say less well:

> If the alternative to dying is sitting in the Sun for another summer, then that's not a bad alternative.

Only 2 of the 535 Members of Congress have children with our forces in the gulf. One is Representative JERRY COSTELLO of Illinois. In yesterday's paper he reminded each of us of the stakes involved:

> I can tell you this, that if every member of Congress had a son or daughter in the Middle East, if the President had his son or his daughter in the Middle East in combat now, it might change their attitude to some extent when it comes to the issue of either war or pursuing options that take patience and time.

Mr. President, the 400,000-plus sons and daughters, fathers and husbands, and mothers and wives, who are poised to wage war in the gulf, are our family. The issue we face is how best to protect our Nation and those who serve it so courageously. Pursuing economic sanctions, while keeping the waging of war as a last resort, is the wiser course for those whose lives are on the line, and even more importantly, for the Nation that they serve and love.

Both sides in this Senate debate agree on a number of things. We agree there must be no reward for aggression. And I hope we agree there must be no linkage of Saddam Hussein's certain departure from Kuwait to any other issue where he seeks an advantage. I think most of us agree that the threat of military action should be maintained. Where we differ is whether economic sanctions, if effectively pursued for a longer period of time, could achieve our goal without waging war now.

I have concluded that the relentless imposition of economic sanctions for a longer period is the wiser way to achieve the desired result. It would avoid the casualties of war, and the costs of war and the postwar period. It would avoid the uncertainties that would follow military victory, uncertainties which could lead to an avalanche of fundamentalism, radicalism, and terrorism that would engulf the region we seek to stabilize.

Before we unleash that mad Middle East genie from its bottle, we should stay longer on our original course, tightening the noose of economic sanctions net until Saddam Hussein sees he has nothing to gain and everything to lose from his occupation of Kuwait.

Saddam Hussein will lose either way. Our way, though, holds out the hope that Saddam Hussein does not take the entire Middle East and thousands of Americans down with him.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition? The Chair recognizes the Senator from New Hampshire [Mr. SMITH].

Mr. LEVIN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. SMITH. Yes, I yield.

STAR PRINT—SENATE JOINT RESOLUTION 1

Mr. LEVIN. Mr. President, I have been asked by the majority leader to indicate to my colleagues that the text of Senate Joint Resolution 1 has been star printed due to a printing error at the Government Printing Office. The error is on page 3, lines 20 to 21, where the term "majority leader" is incorrectly indicated instead of "minority leader" that was correctly included in the text filed at the desk yesterday. Correctly printed copies of the text will be available tomorrow, which I assume now means today.

I thank my friend and I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH].

THE GULF CRISIS

Mr. SMITH. Mr. President, this is my maiden speech on the floor of the U.S. Senate after having served 6 years in the House of Representatives. There is little that I would not do for the opportunity to make these remarks under less serious conditions and more happier times; if I had to pick and choose, it certainly would not have been in this environment.

Thomas Paine, in an often used, perhaps overquoted remark 200 years ago said, "These are the times that try men's souls." And Congress, the President, the relatives of American service men and women and the service men and women themselves, certainly them most of all, are keenly aware of the enormous burden which the world events have placed upon all of us.

There have been some very eloquent remarks made in the past several days of debate. Most of them seem to be focusing on going to war or not going to war. That is what we are debating about or should be debating about with the two resolutions before us. This is not a declaration of war that we are debating.

I do not know of anyone in this body who wants war. I do not know of anyone in American who wants war. I certainly do not. The President does not. Nobody in America wants war. Yet we have heard today on this floor that President Bush is leading us into war. Wrong. Saddam Hussein is leading us toward war.

President Bush got us into this position, it was said. Did President Bush invade Kuwait? Why is President Bush the issue tonight that divides us? That does not unite us and it plays into the hands of Saddam Hussein. So this is not about a declaration of war. It is about preserving the military option for the Commander in Chief—preserving, not necessarily using, the military option.

Nobody who has fought in a war would make or take the commitment of U.S. troops in combat lightly. It is interesting, as I have talked to people today on both sides of the aisle, my colleagues, those who have been involved in war seem to be even more sensitive than those who have not. I served in Vietnam in the United States Navy. I can assure you that I approach this debate as my other colleagues do with the realization that we may never make a more important decision than the one we are facing tonight.

I agonized a long time over how I was going to vote, and I also agonized over the ramifications of this vote.

I personally, in my own involvement in Vietnam—my mother was widowed at the end of World War II, like thousands of other women, and I did not have a father due to a war—watched my brother crying in the arms of my mother when he went to war, and I watched my mother cry when I went. So I know a little bit about the separation of power and what it means.

There are two sons in New Hampshire who have already given their lives in the Persian Gulf, and we still are not at war. Capt. Michael Chinberg of Durham, NH, died last Tuesday, when a plane he was piloting crashed during a night training mission. Captain Chinberg has been married only 4 months. But, as he said, he lived a lifetime in those 4 months. We certainly all extend our condolences to his wife and family.

Last October, Gary Dillon, a Marine helicopter pilot from Concord, NH, gave his life for his country when his helicopter disappeared over the ocean during a training flight.

They were tragic deaths to young men, young men who understand the risks they were facing and willingly took those risks because of the great cause in which they felt they were involved.

I would like to read from a newspaper clip on Captain Chinberg. His father said, "My son loved what he was doing. He was doing what he wanted to do. He was a patriotic guy." That is from his father, Dale Chinberg, of Durham.

Captain Chinberg was a patriotic family man who believed in duty, honor, and country. Despite the family's personal tragedy, Mr. Chinberg supports President Bush's policy in the gulf. Listen carefully to what he says. "I don't have much good to say about what is happening over there. I think Hussein should be dealt with, and I support Bush's stand and I think we have to do that sort of thing."

I believe that the American people also understand the truth. They also understand sacrifices. But we do not conduct foreign policy by polls. We have had polls quoted all day and yesterday.

In this morning's Washington Post column Charles Krauthammer discusses the fact that 6 months before Pearl Harbor 79 percent of Americans opposed entering World War II. Today there are few Americans who would not concede that World War II was inevitable as we look back.

Furthermore, if the United States had moved earlier and more decisively to confront Hitler, it may be that many American lives could have been saved. How many lives? We will never know. How many lives were lost because we waited as long as we did?

Sometimes, maybe most times, the only way to avoid war is to be prepared for it. I did not say fight it. I said be prepared for it; to be prepared to fight.

This rule is particularly true when the world is confronting a madman. Saddam must know that we are prepared, that we have the resolve, that we have the will. We are not showing him that tonight if we part ways with the President at this hour, at this time.

I think we need to look a little bit at Saddam Hussein. Frankly, as most Americans, I am sick of hearing the man's name. I wish he would go away. But let us find out who he is. Let us find out a little bit about what makes him tick. We have not heard a lot about him in terms of what he is.

He is a nasty man; that is not disputable. He is a man who waged a genocidal war which resulted in the deaths of a million of his own people. That is pretty much inflicted. If Iraq were the size of the United States geographically and demographically, that would be the equivalent of 15 million Americans.

Here is a man whose troops have been cited by Amnesty International for atrocities ranging from castration to eye gouging and other tortures, murder of babies, old men, women, and children.

That is Amnesty International. It is documented. It has been cited here tonight in other remarks. I will not go any further.

Here is a man who repeatedly purged the highest ranks of his military, his trusted advisers, by mass murders of his own senior officers. Does that sound familiar? Do you remember Stalin, Hitler? And where necessary, he, like Hitler and Stalin, covered up these murders by contrived mishaps. In most cases, the only transgression of these men was their convenience as scapegoats for Saddam Hussein's inability to achieve his impossible goals.

Here is a man who has at his disposal, at his fingertips, as we speak, chemical and biological weapons. Many countries have them in their arsenals. He has used them. He used them against Iran, and he used them against his own people.

Here is a man who is attempting to secure nuclear weapons, and may indeed have the ingredients to make them now, and probably would have them made now, had it not been for the fact that in 1981, Israel conducted a preemptive raid. I believe, and I think I am not the only one, if he had nuclear weapons, he would use them probably against Israel or anybody else that he could reach with them. He has repeatedly threatened his neighbors, including Israel.

If he will use chemical and biological weapons, why not nuclear? Against such a ruthless character, normal means of diplomatic suasion lose their effectiveness. History should have taught us that the only means of stopping a man such as this is to confront him with a show of force which he cannot ignore.

The issue we are debating tonight as we speak, again, is not war. The issue we are deciding is will economic sanctions standing alone, economic sanctions standing alone, stop Saddam Hussein without the threat of force coupled with it? That is the issue that we are debating tonight. We should not be off on a tangent about a declaration of war, and body bags, and all of those horrible things. That is not what we are talking about tonight.

We are talking about—again I repeat—will we give the Commander in Chief, the President of the United States, the option to couple threat of military force with economic sanctions to remove Saddam Hussein from Kuwait? That is the issue.

Let us look at history. I am a history teacher. I read a lot of history, and I have read a lof ot it. On March 2, 1938, when Adolf Hitler was meeting with the Chancellor of Austria to prepare for the elimination of Austria from the face of the Earth, the Prime Minister of Great Britain rose on the floor of the House of Commons to make the following statement:

> What happened was merely that two statesmen had agreed upon certain measures for the improvement of relations between their two countries.* * *.

When Hitler postponed his invasion of Czechoslovakia to meet with Prime Minister Chamberlain, the whole House of Commons, in the words of Howard MacMillan, "burst into a roar of cheering, since they knew that this might mean peace." Throughout the House Chamber, dissidents were urged to "Get up. Get up," with shouts of "Thank God for the Prime Minister."

And then following the Munich agreement, effectively ceding Czechoslovakia to Hitler's troops, Chamberlain, in a speech which, in view of history, has proved to be something less than prophetic, predicted that "Now that we have got past (the obstacle of Czechoslovakia), I feel that it may be possible to make further progress along the road to sanity."

As the crowds cheered the latest concessions, Chamberlain predicted, quite erroneously, that he had achieved "peace in our time."

How many people died after he achieved "peace in our time"?

The point is that sometimes the best way to achieve peace is to prepare for war, to prepare for war. Sometimes actions which with good intentions purport to favor peace only make war bloodier and more inevitable.

John F. Kennedy, in 1962, in a high-stakes game, caused Khrushchev's missiles to be taken out of Cuba. He did what he had to do. Many of us lived through it. We know what it felt like.

It may be that Saddam Hussein will opt for peace if he is confronted with the near certainty of defeat. But he is not going to be confronted with the near certainty of defeat if we decouple military options from economic sanctions. World equivocation may encourage him to continue his inflexible position, and I believe will encourage him to continue.

More important than the specifics of any legislation being debated on the floor today is the importance of sending Hussein a message, a united message, that the United States is not divided; that it is united behind its Commander in Chief, and prepared to do whatever it takes to achieve a real and lasting peace in the Middle East, not ruling out anything. Not ruling in anything, but not ruling out anything; not ruling out sanctions, not ruling out a military option—which brings us to the current problem of Congress' role, and more importantly, what Congress should do, irrespective of what it has a right to do.

There is a lot of talk about declarations of war. I have not seen anybody introduce one, nor have I seen anybody be more specific to the President about what he did do, as the silence was kind of deafening as the President began to conduct his policy.

Congress has the constitutional right to declare war. Nobody disputes that. Why not give the President a chance to avoid war? That is all we are asking with the Warner-Dole resolution: Give the President of the United States, the Commander in Chief of the United States of America and the leader of the free world, the opportunity to avoid war—avoid it; the opportunity to avoid it.

Let us make no mistake about the issue before us. To my knowledge, there is nobody in this body who does not share the goal of removing Saddam from Kuwait. We have all said it. If you want to remove him, you have to have the guts to stand up to him and remove him. The reason is not because of any love, my love. Why am I supporting this? I have no love for the Emir of Kuwait. Personally, I would not shed one drop of American blood, not of my kids or anybody else's kids, for one drop of oil or for any sheik anywhere in the world, not one drop. I would not put one American in harm's way for oil or for a sheik. That is not the issue.

The reason is, again, in the words of Charles Krauthammer, "Kuwait happens to be that place that a heavily armed, utterly ruthless, endlessly ambitious, highly dangerous regional thug made his first grab for the gulf, an Arab hegemony." Ignore Kuwait, he said, and "in a very few years, even Americans will be forced to notice when Saddam, on the move again, reappears on the American radarscope, this time with intercontinental ballistic nuclear missiles." How many Americans will die then? Where will those who have timidly spoken on this issue be then? To those in this body who honestly feel that they have solutions that conflict with the administration's military planners and security advisers, I understand that. You may be right. You may be wrong. They may be right; they may be wrong. Give the President a chance to get peace, to avoid war. That is what we elected him to do, to be the Commander in Chief.

Communicate what you feel, if you have that wisdom, to George Bush; do not communicate it to Saddam Hussein. That is what you are doing when you decouple. We are now debating a declaration of war. Again, I repeat, we are trying to avoid it. We are telegraphing our self-imposed limitations to our enemy. We only enhance the likelihood that American men and women are going to die in that desert, or that we will be stuck in a prolonged quagmire like Vietnam.

I am glad we are having this debate, because it gives us an opportunity to tell Hussein and the world that America is united behind its Commander in Chief and will do what is necessary to bring about a permanent, lasting peace in the Middle East. But for the Senate to send that signal tonight, it is essential that it make the right choice from the two principal resolutions or proposals before us. The Mitchell proposal, so-called, would put the Congress on record as publicly limiting the President's options. Well-intended they are, I understand that; but it is publicly limiting the President's options.

Economic sanctions, Mr. Saddam, that is all you have to worry about, no threat of military force. Take your time and see if you can work out a deal so you can get some of the smuggled goods in from Iran and Jordan and Turkey and other places and maybe from some Soviet ships. Work it out and do not worry about the military option, do not be concerned about your troops up on the front, because we are not going to attack you. You can divert your goods to your soldiers, starve your people back at home, do not worry about that, get the goods in to the soldiers. There will be no attack.

The President would be publicly enjoined from exercising other options, the President. While the Mitchell language was drafted with all the best intentions, its adoption would be suicide both for American interests and troops. I cannot believe that intelligent men and women cannot understand that. By decoupling sanctions from military force, the Mitchell language guarantees that the sanctions are going to fail, because it would guarantee that the sanctions would not be backed up by military options.

Why broadcast that to Saddam? The longer this coalition must be maintained, the greater the chance of divisions. The longer the embargo continues, the greater the chance that economic strains are going to lead some countries to demand more money to offset the damage, or perhaps reinstate trade with Iraq black marketeers. A scaling down of U.S. forces will reduce our offensive capability to wage a successful war and the option of taking military action, if sanctions fail.

Holding the military option in abeyance while continuing economic sanctions for an extended, unspecified period will blunt the crisis perception of the gulf. It will blunt the crisis perception of the gulf. Do not broadcast to Saddam what we are going to do. This is not the time to publicly hamstring the President of the United States. You can disagree with him. That is not the issue. To do so, to publicly hamstring the President, would give a guarantee to Saddam in a way that will allow him to prolong and tailor his intransigence. In addition, it will give him the time to prepare for chemical and biological attacks, time he desperately needs, an assault on Israel, and perhaps an even worse contingency. That is the last thing any of us want.

Now—particularly now—America's leadership needs to speak with one voice, through the President of the United States. We need to make it abundantly clear to Saddam Hussein that he can seek no refuge, intended or unintended, anywhere in the world, especially in the Halls of the U.S. Congress. We cannot afford another broadcast to Saddam of our strategy, our troop placements, our military intentions, and yet, we have done that blunder after blunder after blunder. The Mitchell resolution is one more blunder. Efforts by Members of Congress to discuss specific elements of American combat strategy have been all over the press in recent days. Air strikes now, followed by troops moving here, and all of these detailed things. If we do this, they do that, we do this. All kinds of strategies are being discussed by very prominent Members of Congress who are in the know. He knows that. Public advertisements of troop movements, great fanfare.

Can you imagine in World War II, if that had happened? It was unheard of. Announcements by American generals concerning the readiness or nonreadiness of American forces; that is unheard of. And now this, the Mitchell resolution, which says, Saddam, do not worry, we are going to put the sanctions and leave them on, unlimited. Take your time. You have all the time in the world. We are not going to attack you.

A man who is aiming guns and poison at American troops should not be spoonfed information concerning our troop dispositions, intentions, and limitations. This is why at this time a resolution of the Republican leader, Senator DOLE, and Mr. WARNER and others, including Senator ROBB, represents the only legislative alternative for protecting American interests and American troops and pursuing the No. 1 goal, ousting Saddam Hussein from Kuwait.

This resolution allows the President of the United States to continue economic sanctions as long as it appears they could have an effect. It does not tell the President he cannot put on sanctions. It does not tell the President to take them off. Nothing of the kind. The President may decide to leave them on, but only he knows it, or perhaps he shares it with Congress in confidence out of the public debate. But Saddam does not know it. It does not rule out anything. The President could continue to rely on sanctions for a day, a week, a month, or a year. By making it clear that the United States retains a broad range of options, the Dole language increases the likelihood that sanctions will achieve their goal and that peace would be attained without further loss of American lives.

This resolution does not forfeit the ability of the Commander in Chief to protect American troops from direct and indirect threats. Again, it does not broadcast to Saddam our battle plan, our options. It retains our military option. I would like to quote from today's Washington Post, which I do not like to quote from too often:

> It is no longer seriously disputed that Saddam Hussein is a menace to regional peace and global order and had best be reined in sooner so that he does not become an even greater menace later. This is what the American government has attempted to do. Now comes the squeeze. Can there be any question as to how Saddam Hussein would read a congressional vote that denied President Bush the authority he seeks to use force in conformity with international mandate and national policy alike? Does anyone think he would not take heart from such a vote?
>
> A war in the gulf could have incalculable and horrible effects, and we are not calling for the country to launch an attack. But we do support putting in the hands of the president—a president who personally knows something about war—the authority to make a more plausible threat in these eleventh-hour circumstances of President Hussein's pre-deadline countdown. Our judgment is that Congress, by deciding to authorize the president to conduct war, materially improves his chances of achieving peace. It is a risk, and we would take it.

Congress by deciding to authorize the President to conduct war materially improves his chances of achieving peace. It is a risk and we should take it. That is the essence of the whole debate.

Is Saddam Hussein another Adolf Hitler? We hear him compared to Hitler all the time. The fact remains to be determined.

What we do know is he is a chemical, biological, and nuclear clear and present danger to the world. That is why we are here. Not because of sheiks, not because of oil, not because of anything other than the fact that he is a clear and present danger to the world with nuclear, biological, and chemical capabilities. That is why we are here.

We are here because we want to send a clear and united message to Saddam Hussein, and we can do that by supporting the proposal brought to the floor, on behalf of the President and in behalf of our troops frankly, by the distinguished minority leader, Mr. DOLE, and Mr. WARNER.

I want to conclude with a couple of thoughts for focus here. We are not debating the declaration of war tonight. It may sound as if we are but we are not. We are trying to prevent it.

Stand with the Commander in Chief. Have the courage to stand with him who was elected by all the American people. Stand with him, and stand with our sons and our daughters in the Persian Gulf. Do not give Saddam a reason to doubt our resolve. Stand together. Let us discard Saddam Hussein on the garbage heap of history along with the other despots like Khrushchev, Stalin, and Hitler. That is where he belongs, and that is where we are going to put him sooner or later.

A final quote, David Broder:

> Through the strain, the fatigue and gloom, one principle stands clear: The president, speaking for an international coalition and armed with the authority of the United Nations, has defined U.S. policy from the only place in government where it can be set. The best hope of salvaging peace is a strong statement of congressional support for his policy, so that Saddam Hussein can understand the terrible alternative he faces.
>
> And then the United States must be prepared to pay the price world leadership requires.

In conclusion, to our Commander in Chief, the President of the United States, George Bush, I say God bless you for the heavy burden that you are carrying as we speak. I deeply regret, and I am somewhat outraged frankly, that some in this body have chosen to make you the target of their emotion and their frustration rather than Saddam Hussein. To all of our brave men and women in the gulf and their families I say thank you, thank you, and God watch over you.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. I yield to the distingushed Senator from Minnesota for a brief remark.

The PRESIDING OFFICER. The Chair will recognize the Senator from Minnesota [Mr. DURENBERGER].

TRIBUTE TO SENATOR SMITH

Mr. DURENBERGER. Mr. President, I recall when I made my maiden speech on the floor of the Senate I did not realize there was such a thing as a maiden speech, and I also did not realize that by staying to 1:30 in the morning I was going to be privileged to hear my new colleague, the junior Senator from New Hampshire.

I want to take a minute to congratulate BOB SMITH. I do not know where he learned it but he has a lot of feeling. Mr. President, I grew up as the son of a coach, and BOB SMITH is that, I know his background, and that is where the feeling comes from.

He comes from a State that was once represented by Daniel Webster, who has the only original desk still in the Chamber. I guess what we heard here this morning was the kind of oration that would do honor to Daniel Webster.

He succeeds in this place a very, very close friend of mine, Gordon Humphrey.

And when it comes to principle, and when it comes to personal commitment, that speech that we just heard has both. And I think those of us who will be serving with BOB SMITH in the next few years heard an indication of what we will hear for the first 6 years that he serves in this U.S. Senate. He is going to bring all that feeling and that tradition of ability, and especially that sense of principle that we have come to appreciate so much from our colleague from New Hampshire, and I thank him for the opportunity of being here.

Mr. SMITH. I thank my colleague.

Mr. DURENBERGER. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN].

RESOLUTIONS ON THE PERSIAN GULF

Mr. HEFLIN. Mr. President, I believe that the President and the vast majority of the American people, as well as the Members of the Senate and House of Representatives, hope and pray that a solution to the Iraq-Kuwait issue can be reached without war. I was disappointed but not surprised that the

Geneva diplomatic endeavor failed to resolve these issues. However, I am still hopeful that Iraq will withdraw from Kuwait either because of their fear of the mass destruction of their country and/or as a result of diplomatic endeavors.

The upcoming votes are grave and important responsibilities and I will not be swayed by any partisan arguments. This is a not a Republican or Democrat decision. When men and women's lives are at stake, the decision is a moral one, and we should be guided only by our conscience.

These times weigh heavily on the minds of all Americans. Neither the President nor any Member of Congress takes this grave responsibility lightly. No one can suggest that the decision to approve the use of force is an easy one, but in my judgment we must present a united front in support of President Bush, just as our allies have remained united behind economic sanctions and have endorsed the use of force to stop this aggression by Saddam Hussein.

I guess that Saddam Hussein's state of mind is such that he will not reach a settlement with American diplomats. That does not mean, however, that agreement cannot be achieved by diplomats of other nations if Hussein realizes the consequences that can result to his country from war with the United States and its allies.

There are many efforts still under way to bring about a peaceful solution to this Middle East crisis. A number of other nations, including Arab nations, are directly or indirectly pursuing efforts toward peaceful solutions at this time.

If Congress were to declare war at this time, it would mean that all efforts to bring about a peaceful resolution would immediately terminate and war would be certain. By declaring our support for the President, we leave open many options for a resolution of this conflict. Further, if a declaration of war were to be enacted by Congress, a major military tactic—the element of surpise—would be lost.

In addition, I think that it is reasonable to expect that a declaration of war would cause Iraq to immediately go on the offensive. This declaration could cause American forces substantial problems. Saddam Hussein could scatter future battlefield areas with chemical and biological destruction, which could linger for a long period of time. I do not think that Saddam Hussein would hesitate to fire numerous missiles at Middle East areas which could cause incredible death and destruction as well as irreparable harm to our alliances and allies.

I am a firm believer that the Constitution provides Congress the authority to declare war. However, Congress has recognized that every military action should not necessitate a formal declaration of war when hostilities exist, or where circumstances indicate our imminent involvement in hostilities.

This recognition was formalized in the War Powers Resolution. There were numerous reasons for the passage of the resolution, one of which was to show that Congress does not require a formal declaration of war for every military action.

In my judgment, it would be a mistake for Congress to formally declare war at this time under the existing circumstances even if there were no hope for a peaceful settlement. For the same reasons, it would probably also be a mistake to formally declare war at a later date, if force has not then been used.

President Bush has approached this matter in a rational and intelligent manner. My opinion would be different if the United States had been the sole country to take a stand against Hussein. Rather, wisely, I think, the President engaged the nations of the world to form a coalition and, importantly, the consensus on what needs to be done about Hussein's naked aggression against a member nation.

The U.N. Security Council in the adoption of Resolution 678 has brought tremendous pressure upon Iraq. It is designed to exert every pressure for peace. It is a carefully drafted resolution that reflects the view that war should only be undertaken as a last resort. The passage of such resolution was indeed a remarkable event and should not be taken lightly by Saddam Hussein or the Congress of the United States.

The nations of the world passed this resolution because they realized that we cannot allow Saddam Hussein to continue to run roughshod over the Middle East. These countries recognized the danger which Hussein represents to this region and decided that they must act now.

World attention is now on the U.S. Congress. The adoption of a resolution which fails to give the President the power to use force at this time will be construed as a weakness, not only by Saddam Hussein but also our allies. In my judgment, it would be a tragic mistake for the Congress to show a lack of resolve. I do not think there is any question that Saddam Hussein would consider it a victory and would adopt a position that would be destructive of any possibility of a peaceful solution. He would become a hero immediately among many Moslems and his position would be strengthened. Delay would be his ally.

It is important to think of the consequences if Congress denies our Commander in Chief the authority to use force. This denial could damage the chance for a peaceful solution, as well as affecting our ability to achieve the goal of removing Iraqi troops from Kuwait. I will not list all the other possible consequences at this time, but numerous Senators, in their speeches, have made reference to many of them.

On the other hand, a congressional approval of force will affect Saddam Hussein's state of mind. If peace is to be obtained without war, then we must generate in the mind of Saddam Hussein and the people of Iraq every possible fear of the consequences of war involving the United States. The Iraqis must realize the terrible destruction they will face if invaded. They must realize that it will be far different from the Iran-Iraq war. In that light, I wish that CNN would display to the Iraqis the vivid pictures of destruction that occurred to many of the cities of Germany in World War II. If Saddam Hussein were to see films showing the horrible death of Mussolini, I believe he would begin to spend many sleepless nights. Every effort to show the devastation of war on his country if invaded by American forces must clearly be brought home to Saddam Hussein and his people.

I have confidence that the President wants a peaceful settlement and does not want any Americans killed. I believe he will use the threat of war as a means to achieve peace. But if a peaceful solution cannot be obtained, the immediate future is the time to act. Delay will bring much more harmful consequences. I would much rather America's Commander in Chief has the element of surprise as a tactical weapon instead of Saddam Hussein.

I will vote to authorize every possible action including the use of force to resolve the Iraq-Kuwait issue. I hope and pray that it can be resolved without a war.

I must add one more remark. I have been contacted by a number of Alabamians asking, "If war occurs, will it be another Vietnam?"

If efforts for a peaceful solution fail, and we do come to blows with Saddam Hussein, I pledge my support for giving our military complete authority to fight to win as quickly as possible with "no arms tied behind our backs." The undeniable lessons of Vietnam are clear—we must never again enter armed conflict unless we as a people and as a nation are prepared to win and win completely. To settle for less would be a betrayal of the faith the American people place in their Government and their elected representatives. I therefore urge that we support the President regarding his initiatives to enforce U.N. Resolution 678, and pray that in the face of a unified international community, Saddam Hussein will rethink his position and withdraw his military forces from Kuwait.

The PRESIDING OFFICER. The Chair notes under the unanimous-consent agreement the distinguished Senator from Utah [Mr. HATCH] is next. The Chair notes his absence from the floor.

The Senator from Minnesota [Mr. DURENBERGER] appears next on the list. The Chair recognizes the distinguished Senator from Minnesota.

A SOLEMN MOMENT OF CHOICE

Mr. DURENBERGER. Mr. President, there has never been a time in my service here in the U.S. Senate when I felt a heavier burden of decision than I do at this time. The issue before us can be plainly stated. Shall we in the Congress authorize the President to use military force to achieve the objective of expelling the forces of Iraq from Kuwait? The consequences of how we decide will be as historic as war and peace, and as personal as a man or a woman in our Armed Forces coming home alive or dead.

This is a solemn moment of choice, one for which few of us on either side of this debate can say: I am sure I am right. But we must choose.

No matter how long we study this issue, consult with experts or debate on this floor, it will all boil down to a single word, yes or no. And then we will each live a lifetime with the consequences.

As a part of the historical record of this debate and for my constituents in Minnesota to hear today or read at some point in the future, I want to be clear why this U.S. Senator chose as he did: To give the President of the United States the authorization to use force.

It should be clear what we are dealing with in this debate. War is hell. It destroys lives and it destroys values. And it perpetuates its own destruction.

We are here on this floor, not to debate how the United States should go to war, but how best to avoid prolonging the war we are already in with Saddam Hussein and Iraq. And there are no objective observers here on this floor, nor any iron-clad analysis on either side of the issue. Those of us on whom this decision rests are not judges, we are representatives. We are elected to listen, to learn and to use the best judgment we are capable of. There are no easy answers, either in process or in substance.

There should be no quarter given in this debate to partisanship or political self-consciousness of any kind. To the degree that it is possible, the Members of this body must believe that we are a government of laws and not of men and women, and relegate politics to the furthest corner of our minds.

Mr. President, as I reached my decision, four issues were of primary importance to me.

First, we are at a crossroad of history. This is the first international crisis in my lifetime which does not occur in the context of East versus West. Symbolically, the Berlin Wall is down and so are the blinders which have obscured our view, and the view of millions around the world for more than a generation. This is, therefore, a formative time, a time in which events become precedents when actions become norms of behavior; when mistakes are lessons, not lethal to our objective.

The values we project at this time, as Americans and leaders of the world, are crucial to the future of international relationship. I believe we are participating either in the formation of a new world order, or of an age of increasing disorder.

Second, our national purposes in this matter are both clear and noble. International failures of our past have been characterized by goals and by leadership which were unclear, unsupportable, or both. I have lived here through Nicaragua, El Salvador, Panama, Angola, Lebanon, and Afghanistan, and I can go on. It is proper for us today to press beyond the slogans to see what substance lies behind them to determine if the cause that is articulated is real or illusory.

I have concluded that we are not proposing to fight a war for oil or for political ideology. We are not proposing to fight a war for the sake of war, in other words, for national ego. I believe instead that the President of the United States is asserting a central value of our Nation in pursuit of a strong national interest. It just so happens that this national interest is also the national security interest of every nation of this world: aggression tolerated is aggression encouraged.

The principle behind the nation Iraq and the nation Kuwait is far more important than those two countries are. And the future consequences far more important than the present circumstances. Aggression resisted today is aggression prevented tomorrow.

Just as the family is the building block of all society so the sovereignty of nations is the foundation of an orderly global community. I would not often hold Kuwait up as a shining example of what a nation should be. But there can be absolutely no question that they have a right to be returned to their seat in the family of nations.

The Ambassador of India to the United States, Mr. Abid Hussain shared the following proverb with me yesterday:

> Many tigers learned to be man-eaters only because someone failed to save the first man the tiger tried to eat.

Let me say that again:

> Many tigers learned to be man-eaters only because someone failed to save the first man the tiger tried to eat.

Yes, lives are put at greater risk as soon as we pass the resolution that the President favors, but lives are already at risk at the hands of "Saddams" present and future. We have a rare opportunity to save lives by changing the tigers.

Why does it need to be the United States which puts its people on the line? Simply because that is the burden of world leadership. The world looks to us, and we should be proud that they do.

My third major point is that we need to chose the strategy that has the best chance of avoiding war and achieving our national purpose at an appropriate cost.

I do not hear anyone saying that Saddam Hussein should be ignored. I do not hear any critics of the initial deployment of United States troops which halted his aggression at the Kuwait border. The nub of this debate is how do we accomplish what we all desire; and that is that he withdraw from Kuwait as soon as possible.

The resolutions before this body represent two alternative strategies.

The Mitchell-Byrd-Boren resolution supports a strategy with the following elements: a defensive posture with respect to Iraq; continuation of economic sanctions; and pursuit of settlement options in whatever diplomatic forums become available.

I would say that that is much the same posture the President of the United States was in prior to November 8.

The alternative resolution reflects the strategy adopted by the President on November 8, and subsequently by the United Nations on November 29. Along with defense, sanctions and diplomacy, the international community strategy adds two critical elements: The first is the credible threat of the use of offensive military force; the second is a deadline.

In any conflict, whether it is a war or a labor negotiation, knowing your adversary is always the key. Everything I know about Iraq tells me that a policy of sanctions alone, without the threat of credible force and the political will to use it, will never do the job.

I was fortunate to have the opportunity to visit Iraq 16 months ago on a private trip through several developing nations in Africa, Asia, and the Middle East. I spent a considerable amount of time with Foreign Minister Aziz and even more time with his deputy, Mr. Nizar Hamdoon, and several other members of the Iraqi leadership as well.

I came away from those meetings knowing that each of them believed, as Saddam Hussein believed, and with some justification, that American policies changed with the direction of the wind. They saw us as being incapable of concerted, consistent action of any kind; the offer of friendship was traditionally from an unreliable undependable friend. It is that calculation which encouraged them to invade Kuwait, and which keeps them there today. They began to unlearn their lessons about the United States of the 1990's when George Bush dispatched tens of thousands of troops to the gulf. Each day that goes by helps convince them that we do mean business. But we cannot allow the pressure to subside.

Our colleague from Pennsylvania, ARLEN SPECTER, has spent more time with the Iraqi leadership than the rest of us here in the Senate put together. His judgment is the same as mine: the Iraqi's expect us to be distracted or to lose our resolve and give in. We simply cannot allow them room for such a further miscalculation.

That means they need to understand what we are prepared to do, and, just as importantly, when we plan to do it. As long as Saddam Hussein has any reason to believe that we will vacillate or delay or we will divide, he will not make a decision. If we want Saddam to decide to leave Kuwait, we need to put him in a room with only one exit.

Mr. President, as I speak, the Sun is up in Baghdad. It is just about 10 in the morning. It is also 3 days before January 15.

I say to my friend Nizar Hamdoon and Tariq Aziz, this is not the United States you spoke of. This is a truly United States.

Our strategy has not been without its failures. A policy which is designed explicitly to send a message and to raise Saddam Hussein's anxiety level to the breaking point cannot help but unnerve the American people in the process. That is a reality, and that is why we see some division on this floor. Many Members of this body, this Senator among them, have questioned the timing, size, purpose and effect of the November 8 augmentation of U.S. forces. As legitimate as these questions are, raised by the Senator from Georgia and others, we simply cannot undo that decision here on this floor, Mr. President, without undoing the strategy of the international community. That is too high a cost to pay.

The issue of the proper strategy for dealing with the Iraqis boils down to this: If there is a way for Saddam to avoid a decision on leaving Kuwait, he will take it. What the international coalition has tried to do, through direct diplomacy, through international economic sanctions and through authorizing the use of force and through setting a deadline, is reduce Saddam's many options down to a single one: withdraw from Kuwait, or face dire consequences.

The Mitchell-Byrd-Boren resolution backs the United States off that firm stance in favor of something defensive and indefinite. With this adversary, that is something we cannot afford to do.

The final issue, which is always critically important in a democracy, is who is in charge and who will decide.

In my view the resolution supported by the administration in the House and here answers that question in a manner that accommodates both the constitutional requirements and the practical needs of this situation. The Warner-Dole resolution is a congressional authorization of the use of force to achieve the objectives contained in Security Council Resolution 678. It does not require the use of force; it simply allows the President to make that determination after a number of conditions are met. Let me repeat that: it is an authorization of the use of force, not a requirement to use force.

The Congress retains its rights to cut off funds if necessary in the future, and gains substantive powers by virtue of the invocation of the War Power Resolution in the measure before us.

And it is the supreme irony, but true I believe nonetheless, that by making war in the gulf legally more likely, this resolution will make it less necessary. Without it, we become the paper tiger Saddam has told us we are and he becomes the man eating tiger. With it we become an adversary he dare not ignore any longer.

We are not permitted the luxury of academic speculation in this debate. Steps have been taken which cannot be taken back. Decisions have been made by the President and the international community that cannot be reversed. And whether we like it or not, time is running.

The choice at this time boils down to this: should we get in line with the community of nations behind a strategy designed to force Saddam to decide to get out himself? Or do we abandon that course in favor of a defensive, indefinite alternative?

Would we rather see Secretary General Javier Perez de Cuellar in Baghdad today with solid international backing? Or with a U.N. resolution with a gapping hole in it?

Would we rather credibly threaten the use of force now or allow Saddam Hussein to dictate a timetable which can only benefit him?

Mr. President, I believe we are on the verge of a New World order.

I believe our national purposes in the gulf promote a safer world for today and especially for tomorrow.

And I believe we need to approach Saddam as a genuinely United States and a United Nations.

The only way we can do that is to defeat the resolution before us and then ask every Member of this body to endorse an alternative like Warner-Dole.

I received a petition this morning from 52 young people in St. Paul, MN. It begins with a very articulate statement about their concern for misplaced priorities, and the need to "stop spending billions on war and redirect money toward health care, education and the environment." It continues, "We the youth who would be sent to war, believe that human life is more important than a full tank of gas. We refuse to take orders to kill the youth of other nations from powerful elders who are safe behind the lines * * *. The U.S. Government can set a positive example by withdrawing troops from Saudi Arabia and stop the current war for oil and power in the Middle East." They abhor war and support meeting basic human needs.

As I said earlier, defeating this resolution and supporting the President does put American lives at greater risk. They have been at risk since we made the decision to defend principle and the people of the gulf from Saddam Hussein. But in my judgment the alternative to Nunn-Byrd-Boren has the potential to free many more lives in the future from the inevitable risks of a world that rewards aggression.

About 1,000 miles from the Iraq-Kuwait border, outside the spotlight of international attention, are close to 2 million Sudanese who will probably not be alive a year from now. Why? Because their government chooses not to feed them, and we were too busy to see or help. What we are trying to do is build a world where we will have the resources and the caring to value human life everywhere above everything else.

Mr. President, to the young people who wrote that letter, I must say what we are trying to do is build a world where we will all have the resources and the caring to value human life everywhere above everything else.

For the sake of the thousands of lives and futures that are at stake, I hope to God I am not wrong in my judgment today. But I conclude that a vote of "aye" to the international community and the President of the United States is the best way to end this crisis soon and without bloodshed, and to build a better world for the young of America and of all the nations of this world.

Gen. Omar Bradley said that the best way to win a war is to avoid a war. President Eisenhower believed that the United States should never start a war. We are not here to debate how we should go to war. The war started 162 days—3,888 hours—ago. We are here to find out how best to get to peace. Let's hope that in the next 72 hours Iraq and Saddam Hussein will show us how.

The PRESIDING OFFICER. Under the unanimous consent order, the Senator from Pennsylvania [Mr. HEINZ] is now recognized.

THE PERSIAN GULF CRISIS

Mr. HEINZ. Mr. President, our debate today is the most important debate Congress has undertaken at least in my experience and probably within the last quarter of a century. The subject and outcome of this debate is most probably a life or death matter both for thousands of young men and women in the sands of Saudi Arabia who await the results of our deliberations as well as for the millions of people in the Middle East and elsewhere who are threatened by Iraq's occupation in Kuwait and subsequent expansion of Iraqi military end economic power.

I do not know of a single Member of this body who is not approaching this task with some anxiety and no little deep concern, Mr. President. For most of us this is the first time as legislators that we have been so starkly confronted by the reality of a major conflict and the burden of decision obviously weighs upon our shoulders as well it should. So let us take one moment to consider how it is we have come to so dangerous a pass.

I think we agree, Mr. President, on the facts of the case. Saddam Hussein invaded Kuwait, eradicating a sovereign nation, gaining control of one-fifth of the world's oil reserves, and threatening the rest of his neighbors in the Persian Gulf region. This invasion came quickly on the heels of failed regional negotiations, negotiations that in retrospect were apparently only a facade for military actions planned long in advance by Iraq's leadership.

The realization that the subjugation of Kuwait was, in Saddam's mind, inevitable, should lead us to ask exactly what this conflict is about.

BORDERS

First, it has been argued both in Iraq and elsewhere, that Kuwait is historically part of Iraq. There is some basis for this in fact, but only if we realize that none of the borders in the Persian Gulf are accurate. They are all—and this includes Iraq's borders—the result of often unwise colonial decisions taken long before most of the region's residents were even born. Indeed, if we were to look back at historical claims, we might just as easily argue for the redrawing of maps in Asia, Africa, Latin America, and even Europe and North America, including the United States.

Saddam, however, chose to press his claims through force. This, Mr. President, has always been a dead-end: The first major attempt to resolve border disputes in the modern era was called World War I, while the most recent was the Argentine-British war over the Falklands. From Alsace-Lorraine to the Sudetenland to Biafra, and now to Kuwait, war over borders has produced nothing but death and destruction, and in the end the original issues remained unresolved.

ECONOMIC JUSTICE

We have also been told that the Kuwaiti Emirs tempted fate by wielding disproportionate wealth and power in a region where so many are poor and dispossessed. Well, Mr. President, who can deny that the regime in Kuwait was authoritarian? Who can deny that it, like many of the other traditional regimes of the region, exhibited fabulous wealth, while others went hungry? And who, Mr. President, would deny the understandable anger of the have-nots when faced with the stunning opulence of the haves?

But here again, Mr. President, we confront a paradox. Can we honestly believe that Saddam Hussein intended to liberate the suffering masses of the Middle East from the economic grip of wealthy sheikhs and emirs? Saddam has inflicted immense suffering throughout the region, taking more than a million lives in both Iran and Iraq in a 10-year war for treasure and glory, and now through the brutal pillage of a small nation whose most grievous offense was in their refusal to accede to Iraqi economic and territorial demands that had little to do with justice and everything to do with conquest.

PALESTINIANS

Finally, Mr. President, Saddam has stooped to the most cynical rationale for his invasion, namely, that he was fighting to force a negotiated settlement of the Palestinian issue. Of course, this was not the original rationale for taking Kuwait, and his sudden discovery of the Palestinians is an obvious diversion that I will return to in a moment. For now, suffice it to say that Saddam has butchered hundreds of Kuwaiti Palestinians without regard to their status, revealing the true hollowness of his professed desire to use Kuwait as leverage for a Middle Eastern peace conference. He may speak the language of Arab internationalism, but his actions are the actions of an Iraqi nationalist aiming for regional hegemony.

SADDAM'S TRUE MOTIVES

If Iraq's invasion of Kuwait was not motivated by border disputes, if it was not a crusade for economic justice, if it was not undertaken on behalf of the Palestinians, then what lies behind this barbaric act?

Mr. President, it seems that there can be but one motive for Saddam Hussein's actions, and it is the most chilling motive there can be.

Power, Mr. President, sheer, undiluted power. The pursuit of power for it's own sake is the mainspring of Iraqi policy, and power—not Islam, not justice, not borders—is Saddam Hussein's only religion. And because the pursuit of power is by definition unlimited, Saddam's aspirations are unlimited, and this is why I say that this is the most chilling possibility we could face. You see, Mr. President, ideologues and fanatics at least have a creed. They have a set of goals—insane ones, perhaps, but goals nonetheless—and so therefore there is a way to communicate with them.

But those who seek only power, Mr. President, are the most dangerous species of the genus tyrant. They are interested only in one aspect of every discussion: Does the outcome increase or decrease my power, my ability to control the lives and destinies of others? It is the growth of power for growth's sake. It is the ideology of the cancer cell, deadly and implacable.

It is here that civilized discourse breaks down. I agree, Mr. President, with Zbigniew Brzezinski's belief that Saddam and Adolf Hitler are a poor comparison, but I disagree with his comment that Hitler was far worse than Saddam. Hitler was a murderer with a cause. A deranged, evil, insane cause, to be sure, but a cause laid out for all to see in the pages of Mein Kampf. Saddam is far worse: His murders are done for his own sake, for the greater glory of Saddam, and this makes him more dangerous than we realize.

It has been reported that Saddam Hussein's favorite movie is "The Godfather." I can understand that, Mr. President. Like the fictitious Don, who knelt before the church alter blessing himself while his gunmen slew dozens of his enemies, so too does Saddam mouth the sacred words of Islam while his soldiers destroy the lives of any who would oppose him in the gulf. No doubt Saddam admires the Godfather's detached pursuit of power and money, buttressed by bullets and terror.

Finally, Mr. President, we must confront the reality that the lust for power means that Saddam's ambitions will make him a chronic problem. This is not the last we will hear from him.

In sum, we know the enemy. We know what he has done. We know why he has done it. Let me turn now to a question that the American people are asking us every day: what are we doing? Why are we involved?

AMERICAN MOTIVES

Mr. President, I do not for a moment doubt that we all agree about why the situation in Kuwait distresses us so. Let me state it clearly, for at times in our debates it has become obscured.

First and foremost, Mr. President, the occupation of Kuwait is a moral issue. It is a moral offense of monumental proportions, for a world in which states are erased from the map by arms is a world based on the law of the jungle. It is a repudiation of the very basis of civilization. It does not matter that in this case that aggressor was Iraq and the victim Kuwait. It was wrong when Germany invaded Poland, when Japan invaded Manchuria, when North Korea invaded South Korea, when China invaded Tibet, and when the Soviet Union invaded Afghanistan. It is wrong, transcendentally wrong. To allow the world to devolve into a street fight, where the fastest gun or the sharpest knife wins.

I want to be absolutely clear about this, Mr. President. I am certain that the President, the Congress, and the American people are reacting to the invasion of Kuwait first and foremost out of a sense of moral outrage. This overriding moral principle is the reason that millions live in freedom today in Korea, in France, in Eastern Europe and elsewhere.

Of course, I am painfully aware, Mr. President, that many past injustices have not been attacked as vigorously as the subjugation of Kuwait. Around the globe tyrants have managed to protect their crimes from the anger of the international community. On some occasions, we were unable to respond. On others, we were, for various reasons, unwilling. In large part, we in the West were restrained from undertaking action against international aggression due to the specter of nuclear war that haunted us during the dark days of the cold war.

But the cold war is over, Mr. President, and for the first time in modern history we have reached a point where the entire international community—and it is now a community, rather than opposing blocs—has chosen to isolate and punish an unrestrained aggressor. There is no motivation higher or more powerful that has guided us and our allies in the present crisis.

Some are concerned about access to strategic resources, and understandably so. An attempt to strangle the world economy is as blatant an act of aggression as any other, and there should be no shame in proclaiming our unwillingness to see one unprincipled dictator control the economic well-being of a large part of the world. Millions of people in the developing countries can afford such gangster-style profiteering far less than we can.

Oil is an issue for a different reason than the inconvenience or economic hardship of paying an extra 50 cents a gallon at the pump. The presence of oil in the region only adds to the danger that emanates from Iraq's unbridled appetite for power, and in the end the acquisition of such a valuable resource will serve only to fuel Saddam's ambitions to rule the Persian Gulf, and eventually the entire Middle East, to mold it in his image.

To Saddam Hussein, oil is power, and it should be clear to us now that power is the drug to which he is addicted, and the drug that induces in him the most dangerous and threatening behavior.

And so the need to confront Iraq's aggression is clear. The question is how? Our answer so far has been the imposition of sanctions, and this choice, with all of its attendant dangers and opportunities has served to frame our debate today.

The choice of sanctions was the obvious and appropriate response to the invasion of Kuwait. Sanctions have a long, if checkered, history and tradition, and the imposition of airtight economic sanctions has been an impressive achievement, of which the United Nations may be justifiably proud.

But we must now ask if sanctions are the right tool for the right job. Let us consider generally the case for primary reliance on sanctions.

First, it has been argued that there is no better method by which to weaken an opponent than by sustained sanctions. There is much to recommend this interpretation. Sanctions against countries as diverse as Iran, South Africa, the U.S.S.R., and Germany all produced both changes in behavior as well as a clear weakening of military potential.

Second, it has been correctly pointed out that few nations have undergone sanctions as comprehensive as those in place against Iraq. Although almost every previous embargo in modern history had it loopholes and leaks, the economic noose around Iraq is a ring of iron, supported by dramatic incidents such as the landing of American, British, and Australian marines on the decks of Iraqi freighters foolish enough to ignore warnings to halt.

Third, few countries are as dependent on a single commodity for their economic well-being as Iraq is on oil. Even if other items were to slip the embargo, the end of Iraq's oil profits will have a heavy impact on the standard of living in Iraq, and eventually, one would assume, on Iraqi military potential.

Yet, despite these advantages, and despite my original high hopes for the success of sanctions, I have become convinced that the embargo will not succeed for several compelling reasons.

First, let us assume that the coalition can be held together for at least a year—an extremely optimistic assumption in itself, but one we will accept for the moment. CIA Director Webster himself has testified that there will be no appreciable erosion in Iraqi military capabilities for at least—at least, Mr. President—1 year. In fact, intelligence estimates now suggest that the longer Iraqi troops remain in Kuwait, the better dug in, and the more prepared to repel an attack and inflict heavier casualties, they will be.

Mr. President, this can only mean that an eventual attack to dislodge Iraq from Kuwait will produce more casualties if undertaken 6 months or a year from now than the same attack conducted soon. It would be a horrifying irony, Mr. President, if the very measures we undertake to save allied and American lives in turn end up costing yet more lives. It is true that sanctions may hurt the Iraqi Air Force in the short term. But Iraqi Air power was never our primary concern. More to the point, there is no evidence that sanctions will weaken Iraqi infantry and armor forces. To quote Director Webster:

> The key elements of Iraqi defenses would probably not suffer significantly as a result of sanctions.

But even if there is room for disagreement about the economic and military effectiveness of sanctions, the larger question revolves around our ability to maintain sanctions for so long a time. The administration, through the United Nations, has created a dynamic coalition composed of economically and culturally diverse nations, many of whom are traditional friends, many more of whom are traditional enemies. We cannot expect this remarkable group to maintain itself while diplomats wrangle and Kuwait effectively disappears.

Traditional diplomacy has not worked and will not work with a Saddam Hussein. If we are unwilling to send a message both to Saddam and our allies that we are prepared to enforce Security Council Resolution 678, then I believe the coalition will falter as well.

This is hardly an indictment of our allies, Mr. President. The embargo is, in many ways, much more painful for the international community than for Iraq. In particular, it is unreasonable to expect that the front-line states, for whom the embargo will produce the most pain and political dislocation, can hold on for a year or more. Rather than destabilize Iraq, the economic hardships imposed by the embargo will destabilize our most trusted partners in the coalition like Turkey and Egypt even sooner. One can only guess at how long countries like Iran and Syria can be relied on.

Third, while it is true that Iraq is dependent on oil exports, it is equally plain that the world is dependent on oil imports. Continuing the embargo, in my view, will do relatively little to Iraqi military potential, but much to destabilize the international economy. How long can the embargo hold, Mr. President, with oil prices on a roller coaster and the economies of the developed world on the verge of recession or even depression, all because of one man?

At this point, Mr. President, I would like to point out several of the conclusions presented in Prof. Gary Hufbauer's study of sanctions that supporters of the embargo have often cited. Hufbauer himself admitted that sanctions were far more effective before the 1970's; since that time, the world has become much more economically interdependent, and thus sanctions are often as painful for those imposing them as for the target nation second, Hufbauer points out that sanctions work best where aims are limited. Turning back an invasion is not a limited aim, Mr. President. And even in cases where sanctions have met with limited success, the average period of an embargo was 3 years.

Mr. President, it is not 1970. Our aims are not limited. And the international economic coalition against Iraq does not have 3 years.

Even if all these other criteria could be met, however, it is important to remember that Iraq has one more advantage over the international community where sanctions are concerned. Mr. President, we must understand that we are trying to impose sanctions on a totalitarian nation, the type of state that is best suited to weathering an embargo. Consider for a moment how sanctions work: They produce pain. When the pain of economic deprivation, the theory goes, outweighs the pain of giving in to the demands of the sanctioners, then the enemy will acquiesce, or even be overthrown by their own people.

But totalitarian governments are different, Mr. President. War with Iran was far worse than any sanction; yet, Saddam survived. And therefore the odds overwhelmingly favor that he will withstand this embargo, because he will gladly inflict pain on Kuwaiti and Iraqi civilians rather than bow to economic pressure. Ten years of war and bloodshed did not dissuade Saddam from his ways, and I fear we delude ourselves if we think a 6-month or 1-year embargo will succeed where the Ayatollah's armies failed.

Both history and common sense tell us that embargoes and sanctions work only where the leaders have some semblance of conscience, where they are not willing to feed soldiers at the expense of feeding children. Iraq, I am sorry to say, is not that kind of state.

If sanctions cannot work, is there another option, between sanctions and war? Some abroad have grasped at Saddam's call for a Mideast peace conference. Let me state for the record why I cannot support what I described earlier as a transparent and cynical move.

III. A MIDEAST PEACE CONFERENCE?

While it is tempting enough to dismiss this idea merely because Saddam Hussein proposed it after the fact, I have serious reservations about such a conference that I would like to share.

My greatest objection to a Middle East peace conference lies in its manipulation as a diversion. The issue before the world at this moment is the occupation of one sovereign nation by another. If Iraq wishes to negotiate about its demands on Kuwait, then let them withdraw their forces and come to the table without holding an entire nation hostage.

And if the purpose is to turn world attention from an illegal invasion to the longstanding disputes between the Arab nations and the State of Israel, then we can only respond by insisting that Kuwait, not Israel, is the issue. There will be all the time in the world to discuss and negotiate the future of the Middle East, but only after Kuwait is free and restored. We cannot and must not allow Saddam to hide international aggression behind the facade of compassion for the Palestinians and the veil of Saddam's crocodile tears.

I hope that no one believes Saddam Hussein is committed to a genuine dialog on Middle Eastern peace. When he calls for a conference, he is calling for a platform from which he can turn international attention to Israel, not a forum is which the disputes of all Middle Eastern States may be discussed. Would such a conference, for example, involve negotiation over Jordan's ancient claims to the holy sites of Islam in Saudi Arabia? Or the status of Lebanon, or Syria occupation of it, or any one of a dozen other troubles that have afflicted the Middle East for decades? Of course not, Mr. President, and so we must recognize Saddam's ploy for what it is, and dispose of it accordingly.

The central issue that has brought us here tonight; namely, whether to approve the President's request for authorization to use force, if necessary, to compel Iraq's expulsion from Kuwait, does indeed raise issues that are literally life and death. And this vital question has finally come to where it should finally be decided: here on the floor of the U.S. Senate.

IV. THE ROLE OF CONGRESS

Our deliberations here tonight are all the more painful, Mr. President, because we are so close to the fateful edge of conflict. Congress has a vital role—a role as essential as it is inevitable—to play in that decision. I believe that it is unfortunate that we shirked that responsibility for months. There is more than enough blame to go around: we in the Congress wanted to play a waiting game, and the President supported that game, since it provided him with the latitude he needed and wanted in dealing with the United Nations and with Iraq.

But we are paying the price for that irresponsibility now, for we are forced to debate this issue under the threat of apparently imminent hostilities, with nerves on edge around the dinner table of every American family. We should have been here on this floor when the first troops landed in Saudi Arabia; we should have been here when that troop strength was doubled. And we were not. And that lack of leadership and institutional courage forces upon us as a consequence a last-minute and unpredictable decision.

And look at the result. Now that we are finally where we ought to be, our debate is too little about the merits of the case against Iraq, and too much about the power of the Presidency. And to what effect?

Too often on the one side, this debate has taken on the character of a second-guessing contest, with the rule that whoever makes the first move loses. And the Congress, by not going squarely on the record, dares the President to go first. The other side in this debate has often suggested that this is a test of congressional loyalty to the President.

Well, we do not owe obedience to the President, or any of the other partisans playing games on either side of the aisle. Rather than engaging in partisan politics, we owe obedience to our consciences, and we owe our energies to the defense of our Nation's interests and the safety and security of this and future generations. To act on any other criteria, when so many lives are at stake, would be at best cowardly, and at worst, criminal.

V. THE NUNN-MITCHELL RESOLUTION

Mr. President, what are we being asked to decide in the Nunn-Mitchell resolution? In effect, this legislation says that yes, we support the policies of the administration in every aspect except the use of force. That means we supported the buildup of troops. That means we supported the January deadline. That means that we supported the efforts to negotiate at the eleventh hour.

But after that, the resolution says nothing, except that we will then invite the President to set off another round of delay and recrimination in the future, should the use of arms then be requested. This resolution is a dodge, for it says nothing about the unity or disunity of the U.S. Government. It is a copout, with one exception, which specifically says that we would all like to argue about this again at some later date.

This is as unwise and counter-productive a course as it is dangerous. The message that such a statement would send to Saddam Hussein is the most dangerous one possible, in effect admitting that we and the American people—despite every poll to the contrary—do not support the course taken by the United States and the world community for the past 5 months.

Mr. President, I believe that Saddam will quit Kuwait if we convince him that we are united in our determination. If he senses weakness and disunity, he will remain where he is, confident that he can outlast us.

And if we give him the encouragement, outlast us he will, Mr. President. With the adoption of the Nunn-Mitchell resolution, we would grant him a winning hand just as he was about to contend with the stark reality that his own life was now at stake. The right vote, the vote to minimize or eliminate the risk of going to war, the vote of conscience, is to vote against Nunn-Mitchell and instead to vote to tell Saddam Hussein that the game is over, and that an accounting for his actions can no longer be postponed.

Once he sees that there is no profit in attempting to divide the United States or the alliance, I believe that the war we all hope can be avoided will be avoided, and that Saddam will do what all bullies finally do in the face of resolute force, and accede to the just and legitimate demands of the world community of civilized nations.

Mr. President, I suppose you could ask what if I am wrong and Saddam Hussein refuses to yield? Well, then it should be clear to us that he was not willing to give up his ambitions under any circumstances. In that case, armed conflict will be a reality sooner or later. An inescapable confrontation will be forced upon us, possibly when we are least prepared for it, by a ruthless and even more arrogant Saddam Hussein. And if that is the case, then it is best we do what must be done before Iraq eradicates Kuwait, before Saddam digs in for a long war, before the Iraqi missiles are well-stocked with chemical, biological, or even nuclear bombs.

And so I shall oppose Nunn-Mitchell and support the Warner-Dole resolution. I do not take this decision lightly, Mr. President. Like all of us here, my heart is heavy, and my mind is troubled. I see again and again the faces of the young soldiers I met in Saudi Arabia and the Persian Gulf.

I think of them. I pray for them and their families. But if we fail to call a halt to Saddam Hussein, then we will need to pray for all of us.

This vote may be our last chance, short of war, to accomplish this vital task. So I urge my colleagues to join with the President and the other nations of the world, to tell Saddam Hussein that we will not be divided.

Mr. President, we are not by this course of action that I urge, telling or encouraging the administration to go to war. We are giving the President the power he needs to do everything possible to avoid war. We are telling Saddam Hussein that we live by our principles and will defend them as one Nation. Anything less will not mean the end of this conflict but only the beginning of a series of conflicts that one day, sooner or later, will drag us into the bloodshed we have sought to avoid.

Mr. President, I yield the floor.

WHETHER OR NOT TO GO TO WAR

Mr. GLENN. Mr. President, after the failure of diplomacy in Geneva this week, the winds of war are blowing in the sands of the Middle East. But before we fan those winds by turning our Desert Shield into a Desert Sword, I believe that this Congress and this country must answer some very important questions. Indeed, the current Persian Gulf crisis poses for this Nation—its Government and its people—one of the most fundamental questions a nation can face—whether or not to go to war.

The issue is not whether Congress will or should support the President's actions. The issue is whether the President's actions will be supported by the American people. History clearly teaches us the folly of going to war without the support of the American people. A national consensus on this question is absolutely necessary, and this decision is not for leaders alone. Presidents do not go to war. It is the nation that goes to war, and the people must understand and support the decision if we are to avoid disasters of the past.

Central to the decision to go to war is not whether the President has "had it" with Saddam Hussein, but whether the American people "have had it" and will support whatever actions are undertaken thereafter to achieve our national goals. The public must understand what vital national interests are at stake, and agree that those interests are sufficiently threatened to justify a military response. We cannot ask the men and women of our Armed Forces—including an estimated 20,000-plus Ohioans—to put their lives on the line with any lesser justification.

Let me say that I believe the United States does have strategic interests at stake in the gulf, and I have thought so for some time. Whether we like it or not, we cannot avoid the fact that our economy, and the economies of virtually every nation in the world, is largely dependent on petroleum as an energy source.

Approximately 70 percent of the world's known reserves of this vital commodity are located in the Persian Gulf. This is not merely a question of the price of oil. While we might grumble I believe most Americans would pay more per gallon for their gasoline if that were all that would be required to avoid a war in the gulf. Perhaps our grumbling would finally result in a true national energy policy which we lacked during the last oil crisis and unfortunately still lack today.

It is a question of reliable access to this vital commodity, and our inability to accept a situation where a tyrant hostile to U.S. interests controls that access and can manipulate it to serve his own interests. This is not a comelately concern. It was spelled out in unequivocal terms of vital United States national interest in the Carter doctrine of the 1970's when there was a potential Soviet threat to the region. That, too, followed a 42-year-long commitment of Bahrain-based United States naval forces in the gulf.

Other U.S. interests at stake in the gulf include the future nature of U.S. relations with the entire Moslem world for at least the next several decades, the future of the United Nations as a vehicle for ensuring international peace and stability, and the future of U.S. and international efforts to control the spread of weapons of mass destruction.

There is no doubt that this country has deep and abiding strategic interests in the gulf region. But the crucial question—the one that we should debate and the one the American people must answer—is whether these vital interests are threatened, and whether that threat can best be overcome through quick resort to war or through a patient continuation of the sanctions and embargo we already have in place.

I support the original objectives enunciated by the United Nations and endorsed by the President, namely a complete Iraqi withdrawal from Kuwait, restoration of the Kuwaiti Government, release of all hostages, and the enhancement of security and stability in the region. I believe most Ohioans and most Americans support these objectives.

When the decision was first made to send U.S. forces into the gulf, their mission was clearly defined and widely supported by both the Congress and the American people—to defend Saudi Arabia and deter further Iraqi aggression against vitally important oil reserves. To date that mission has been an unqualified success.

I also supported the President's November decision to double the size of the United States deployment insofar as that action enhances the security of our forces deployed in Saudi Arabia and ensures their maximum effectiveness should combat start. However, I am extremely concerned by the administration's apparent intent to use offensive military force before we have exhausted all peaceful economic and diplomatic means to achieve U.N. and U.S. objectives.

Evidence of this preference for a near-term offensive military option is headlined by the administration's increasingly pessimistic statements about the effectiveness of the economic embargo and the ability of the international coalition to hang together over the long haul.

I simply have seen no concrete evidence that the embargo is not working. All indications suggest that the embargo is beginning to bite and is likely to have a much more profound effect over time as Iraq exhausts its reserves of hard currency and its stockpiles of components and spare parts necessary for the maintenance not only of its civilian economy but also its military machine. No one can guarantee that the sanctions will achieve our objectives. But never before in modern history have we had a case that coupled a country uniquely vulnerable to economic isolation with an embargo observed by virtually the entire world community.

In making a decision about which course of action best serves our national interests, another question we must answer—and try to answer now—is not so much when a war should start, but how that war will end. What will be the nature and scope of America's commitment? Will United States troops be needed or asked to occupy Iraq? If Iraq were reduced to rubble, how would that power vacuum be filled and by whom? Until we get some satisfactory answers to questions like these, it is clear to me that it will be much easier to start a war in the Middle East than it will be to end it.

Further, war in the gulf could well destroy much of the region's oil refining and pumping capacity—and would likely drive the price of petroleum through the roof. If you think the economic costs of keeping our troops waiting in the desert are high, I can assure you that they are nothing compared to the direct and indirect costs of war.

So I say lets give the sanctions a chance to work, let the censure of the world be brought to bear concretely on the Iraqi regime. I find it curious that the administration appears to believe that this unprecedented international coalition would bear up in the face of an all out war in the gulf yet cannot persevere in the pursuit of peaceful means for resolving this crisis. Ultimately, if the sanctions do not bring about the desired result, and a decision is made that military force is necessary, the least an extended embargo will have achieved is to weaken the military capability of the opponent, sapping his will and ability to fight.

While there is no guarantee that sanctions will work, we will never know unless we let the scenario play out. As the former head of the Joint Chiefs of Staff, Admiral Crowe, said in a recent hearing of the Senate Armed Services Committee, if we were not prepared to wait, economic sanctions was the wrong policy from the outset. I do not believe it is the wrong policy, and I am not prepared to face the loved ones of any Ohioans deployed in the gulf if I cannot honestly tell them that this Nation will fully explore and completely exhaust all peaceful means for resolving this crisis.

In sum, the American people must understand and concur that vital American interests are at stake in the gulf, and that these interests are sufficiently threatened by Iraqi aggression to demand a United States response. Further the American people must understand and support whatever means this Nation elects to employ to protect those vital interests up to and including offensive military action to dislodge Iraq from Kuwait, if that is the ultimate decision. Without such public support, we cannot sustain that action.

To date I believe the American people have given their assent to our defensive deployment in Saudi Arabia, and to the imposition of the economic embargo. However they, as well as I, have grave reservations about the wisdom, and the necessity, for an offensive military action which we initiate, on January 15 or anytime thereafter, before we have exhausted all peaceful alternatives.

Some have said that we must rally around our President at this time of crisis, and that is a powerful argument. However, in good conscience, I cannot back a policy I believe is ill advised—when thousands of American lives hang in the balance—just for the sake of displaying a united front.

As a veteran of two wars, I know combat and it is hideous. And when it comes to the 400,000 men and women we have sent to the sands of Saudi Arabia, I want to make one thing very clear. I want to say to Saddam Hussein and to every mother, father, sister, brother, spouse, friend, and fiance of our troops in the gulf that, while this Senator does not want war, if war comes and the shooting starts, our Government will do whatever it takes to support and protect our people and bring them home as quickly as possible. The men and women of our Armed Forces have been my first concern since this crisis began, and they will continue to be.

Saddam Hussein will find little comfort in the Democratic proposal. We—the President, the Congress, the American people, and indeed the entire world community—are absolutely united on the bottom line—Iraq must get out of Kuwait. Our debate is over what means to employ and when. The Democratic proposal does not rule out the use of force, it does suggest that force be the last resort, after all other avenues have been exhausted.

For all these reasons, I intend to vote to keep sanctions in place—while keeping our military option in reserve—and against the kind of blank check that the President would view as congressional acquiescense to a quick and precipitous resort to war.

If there is to be war, it is the American people who will pay for it.

It is the American people who will die in it.

And it is the American people who should have a say on it.

THE CRISIS IN LITHUANIA

Mr. MOYNIHAN. Mr. President, I am deeply concerned about the recent events in and concerning Lithuania. President Gorbachev has demanded that Lithuania immediately accept the authority of the central Soviet government or face direct rule from Moscow. Now Soviet troops have stormed buildings in Lithuania. The historical analogies are ominous. Lithuanian politicans have noted that Stalin gave the Lithuanians 24-hours to capitulate in World War II. But I think the more exact analogy is to 1956. The world was distracted by a crisis in the Middle East. The Soviet Union saw a chance to crush a Hungarian move toward neutrality and it took it. Zbigniew Brzezinski has written in his classic work "The Soviet Bloc" that "the final Soviet decision to intervene [was] facilitated by the Anglo-French attack on Egypt. * * *" In recent testimony before the Committee on Foreign Relations, Dr. Brzezinski expressed his concerns that the Soviets might again yield to the temptation to clean house while the world is preoccupied with the gulf crisis. It appears that his gloomy prediction is beginning to come true.

How tragic and ironic. President Gorbachev's Nobel Peace Prize is newly minted. It has only just reached him. I urge him to live up to the confidence and trust which the Nobel Prize Committee placed in him in bestowing this honor and reverse this misguided decision.

I would also note that during the last Congress I introduced legislation to provide to Lithuania $15 million in humanitarian assistance. I argued that this aid would provide critical moral and material support for Lithuania in its negotiations with the Soviet Union. With its reserves depleted by the Soviet blockade the Lithuanians were negotiating with Soviet officials with a knife against their throat. But the Bush administration said "No", the negotiations are going well, this would upset them. Well, obviously the negotiations were not going well. President Gorbachev has turned to threats, including the implicit threat of military force. I will reintroduce my legislation in the new Congress, but I fear that aid will not reach Lithuania in time to have any affect on the current crisis.

I urge President Bush to make clear to the Soviet Union in the strongest possible terms the opposition of the United States to the use of force in negotiating with Lithuania.

COMMITTEE CONSIDERATION OF CERTAIN MILITARY NOMINATIONS

Mr. NUNN. Mr. President, the Armed Services Committee has approved six military nominations related to our commanders in Operation Desert Shield. I now report them favorably to the Senate, and I hope the Senate will consider them expeditiously even though the Senate received them just a few days ago.

Senator WARNER and I, and the committee wanted to accommodate the request of several of the Services to accelerate its consideration of these nominations because these nominees are commanders of major combat organizations in the Persian Gulf or are in the process of being deployed there in Operation Desert Shield. We asked the Services to ensure we covered all pending nominees in this category and these are the ones that have been identified to us.

For example, Brig. Gen. James M. Myatt, one of the nominees, is the commanding general of the 1st Marine Division, the initial ground combat element of the Marine Corps deployed in Operation Desert Shield, and one of the largest combat elements over there.

The committee's action in accelerating these nominations is not intended to reflect adversely on other pending nominees who will be considered by the committee in the regular order.

The committee prefers to consider all nominations on a list at the same time, but that was not possible given the timeframe. The committee's action does reflect my view and those of other members of the committee that our men and women in uniform who are deployed deserve our full support. In this regard, I will be joining others next Monday in introducing legislation to benefit our troops in the field, such as implementing the savings plan we passed last year, delaying the Federal income tax filing deadline without penalty, and several other provisions. I will have more to say about these initiatives next Monday.

I have also said that should war occur, and I pray that it does not, I will vote to provide our troops with whatever they need to prevail. As far as I am concerned, there will be no cutoff for our troops if the battle starts.

Mr. President, Senator WARNER and I have asked the majority and minority leaders to expedite consideration of these nominations, and I am certain they will do so.

TRIBUTE TO JOSEPH A. GRAZIANO, WILLIAM F. McGUIRE, AND ALLAN W. WHITCOMB

Mr. KENNEDY. Mr. President, each year, thousands of people fall victim to the ravages of fire, including many brave men and women who risk their lives fighting fires. It is my privilege to pay special tribute to three firefighters from Massachusetts who gave their lives in 1990—Joseph A. Graziano of Braintree; William F. McGuire of Lawrence; and Allan W. Whitcomb of Assonet.

These men were dedicated members of a profession that poses the greatest risks and sometimes demands the greatest sacrifice. It is a profession that tests the limits of human emotion, endurance, commitment and courage. The following prayer, offered at services to fallen firefighters, reflect the dedication of those engaged in this extraordinary form of service to their community.

A FIREFIGHTER'S PRAYER

Give me concern,
A willingness to seek out those in need
Give me courage,
The boldness of spirit to face and conquer fear,
To share and endure the ordeal of others in need.
Give me strength,
Strength of heart, to bear whatever burden might be placed on me,
And strength of body to
Deliver safely all those placed in my care.
Give me wisdom to lead,
The compassion to comfort, and the love to
Serve unselfishly wherever you may take me.
And please Lord, throughout it all, be at my side.

I extend my deepest sympathy to the families and friends of Joseph Graziano, William McGuire, and Allan Whitcomb. I ask unanimous consent that a series of articles may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Fall River Herald News, Aug. 24, 1989]

ALLAN WHITCOMB, 64, DIES, WAS FIRE CHIEF IN FREETOWN

FREETOWN.—Fire Chief Allan W. Whitcomb, 64, died Wednesday after being stricken while collecting rocks at a sand and gravel pit for the fire department's annual clambake.

Whitcomb, in his fifth year as chief, was transported by medical rescue to Charlton Memorial Hospital in Fall River where he died in the emergency room.

Deputy Chief Wayne Haskins said Whitcomb was scheduled to retire in October, and had announced his retirement plans last week.

"We're at a loss for words," said Haskins, who served as deputy under Whitcomb for the last five years. "He was the kind of guy that everybody had to like. He was just a helluva guy. He was good to me and to his men."

"He did what every firefighter dreams of—he worked his way through the ranks," Haskins added.

He said the department is planning "a full fire department funeral" on Saturday, Burial will be in the Assonet Cemetery, South Main Street.

The deputy said town flags are being flown at half-staff and will continue to be flown that way until seven days after the funeral.

Whitcomb, who lived at 75 High St., Assonet, was the husband of Anne F. (Lord) Whitcomb. Born in Manchester, N.H., he was the son of Violet W. (Berglund) Doyle, formerly Whitcomb, of North Scituate, R.I., and the late Arthur Whitcomb. He moved to Freetown in 1956.

He was appointed fire chief on Sept. 17, 1984 by selectmen. His appointment became effective 12 days later, the day after his predecessor, Fire Chief Richard Buttermore, retired.

He served on the town's fire department for 30 years and was a call firefighter from 1959 until 1974 when the first full-time department was formed.

He was promoted to lieutenant in 1974 and named captain in 1976, then acting deputy chief in 1981. He had served under five different fire chiefs.

A registered emergency medical technician, he was a member of the Bristol County Auto, Theft and Arson Task Force; a member of the Bristol County Fire Chiefs Association; the National and Massachusetts Fire Prevention Association; and the Freetown Firefighters' Association.

He was also a member of the Fraternal Order of Eagles, Lakeville, the King Philip Lodge, A.F. & A.M., Fall River, and a 32nd degree Mason and member of the Scottish Rite Bodies, Valley of Fall River, and Azab Grotto, Fall River.

Whitcomb saw active duty in the U.S. Navy during World War II and was a member of the United Church of Assonet.

Besides his widow and mother, he is survived by a daughter, Carol A. Carrier of East Freetown; a brother, Arthur C. Whitcomb of Clairemont, N.H.; a sister, Dariel Hill of Foster, R.I.; two grandchildren; and several nieces and nephews.

Arrangements are with the Hathaway Home For Funerals, 1813 Robeson St., Fall River.

[From the Eagle Tribune, Mar. 21, 1990]

SCHOLARSHIPS OFFERED TO FALLEN OFFICERS' CHILDREN

(By Sally Gilman)

LAWRENCE. Full four-year scholarships to Emerson College are waiting for three children of a Lawrence firefighter who died in the line of duty.

The college notified Rilla McGuire, widow of Lawrence Firefighter William McGuire, that its free tuition program will be available to her children if they are interested in attending Emerson when they are ready for college.

The college said it is also checking on the children of Lawrence Patrolman Thomas Duggan, who died Friday, three days after he was beaten with an aluminum baseball bat in a vacant lot on Lowell Street.

"We are waiting to get all the information on how best to proceed with the Duggan family," said Brendan Donahue, Emerson's director of community and government relations.

As part of its commitment to Lawrence, Emerson College in 1987 announced it would pay full tuition to academically qualified children of Lawrence police officers or firefighters killed while on the job.

The McGuire children are the first to qualify for the program. Their father died of injuries he suffered while fighting a house fire at 8 Temple St. in December 1989.

Patrolman Duggan's children are Melissa, 21, and Thomas 23, both of Lawrence, and Becky, 13, and Kelley, 12, both of Methuen.

Both men were 18-year veterans of their departments.

[From the Braintree Forum and Observer, Mar. 29, 1989]

AS THE COFFIN LEFT THE CHURCH, A TAPE PLAYED "YOU ARE MY HERO"

(By Cathy Conley)

Some 400 firefighters from throughout New England lined Hawthorn Road, standing in brilliant sunshine.

A dirge, like a heartbeat on a drum, could be heard in the distance.

As the sound came closer a color guard rounded the corner and began slowly marching toward St. Thomas More Church.

The fire chief's car with red lights blinking was next followed by two flower-draped fire trucks, Engine 1 and Engine 4.

Then came a cortege of almost 200 Braintree firefighters and police officers.

They had come to bury a fallen comrade—an officer who died in the line of duty.

Joseph A. Graziano, 49, was stricken with a heart attack at the East Braintree Fire Station March 15 after responding to a car accident.

He died March 23 at University Hospital without regaining consciousness.

He and three other firefighters went to the scene of an accident on Elm Street in which an alleged drunk driver smashed truck head-on into a car occupied by an elderly couple.

The husband Arcangelo Bellino, 74, died shortly after the accident.

Firefighter Graziano worked at removing the man from the wreckage and then administered CPR to his wife Frannie.

He restored her breathing but she died two days later.

"He was the picture of health. He had passed the fire department physical with flying colors in October," said his friend Captain Richard Hull.

"But he was busting himself when he was out there. When there are people laying there and they're hollering, you've got to get them out," he said.

As the funeral car slowly passed, the firefighters they snapped to attention and saluted.

Pallbearers Deputy Chief Richard Golden, Captain Arthur Dalton, Lt. Stephen Flaherty, Officers David Linscott, John Malone and David Buker gently hoisted the flag-draped coffin up the church stairs while a bagpiper played "Amazing Grace."

Fr. William Williams called it a "very sad day."

"For a week his family softly called—wake up Joe. Wake up Joe." They kept calling his name.

"Thursday Jesus called his name. And we lost a good man, a good father, a good husband, a good brother, a good son," the priest said.

Captain Hull eulogized his friend. "You have lost a husband and a father. We have lost a brother, a companion, a pal," he told the family.

He recounted an anecdote when Joe started a collection agency on Washington Street on a shoestring.

He couldn't afford a mailbox so he cut a hole in the door.

"What he didn't realize was the door was hollow and all the mail was slipping inside.

"It was weeks before he received his first piece of mail," Captain Hull said.

Arthur Graziano also eulogized his brother.

His daughters Suzanne and Mary Joe played a tape of "You are my Hero" as the casket was slowly carried out of the packed church.

An endless motorcade then went down Adams Street and up Commercial to the East Braintree Fire Station.

The motorcade then backtracked to Washington Street and passed the Central Fire Station where another fire truck paid tribute.

Then it was on to Blue Hills Cemetery.

The cortege of Braintree firefighters led the mourners to the graveside service.

Firefighters William Coppens and Russell Monahan folded the flag on his coffin.

It went from the hands of Captain Hull to Fire Chief Carl Vitagliano to Joseph's widow Mary Anne Graziano.

And Firefighter Joseph Graziano was finally laid to rest to the sound of a sole bagpipe.

Chief Vitagliano called him "quite a guy."

A firefighter with the chief since 1970. Vitagliano said. "I never saw him angry. I never saw him lose his temper. I never thought of it before but he just never got mad.

"He was always positive. You couldn't have a bad day if he was around. He wouldn't let you," the chief said.

Firefighter Graziano was the second Braintree firefighter in five years who has been stricken with a heart attack after responding to an emergency.

In 1983 Firefighter John McDonnell also collapsed and died at the Central Fire Station just after coming back from a fire, the chief said.

Captain Hull called Officer Graziano "the friendliest man I never met.

"Everybody knew him. He just couldn't pass a coffee shop without going in and he talked to everyone.

"Over 1000 people came to his wake and I think every one of them mentioned how friendly he was.

"We sure are going to miss him," Captain Hull said.

[From the Lawrence Eagle-Tribune, Dec. 19, 1989]

COLLAPSE SURPRISED FIREFIGHTER

(By Hilde Hartnett)

LAWRENCE.—Firefighter William McGuire spent Sunday afternoon in the middle of one of his favorite activities—handing out gifts to children at the Firefighter Association's annual Christmas party.

At work a few hours later, he and other members of the crew of Ladder 4 were called to help clean up after a fire at 8 Temple St. The danger was supposed to be over.

But minutes after he arrived, Firefighter McGuire, 42, was buried under a pile of wood and gravel when a third-floor porch broke loose from its supports.

He was in critical condition at Massachusetts General Hospital this morning. The water-soaked debris crushed his chest, and doctors estimate he may have gone without oxygen for 10 minutes while his fellow firefighters struggled to free him.

An 18-year-veteran of the fire department, Firefighter McGuire is best known for his love of children. He and his wife, Rilla, have three of their own, one just 4 months old. His 4-year-old son has Down's Syndrome, but his progress has been so remarkable that psychologists at the University of Lowell are tracking him, said sister-in-law Jan Woodhouse. Erin, his oldest child, is 5.

The McGuire home on Edgewood Avenue is a gathering place for neighborhood children, said another sister-in-law, Marilyn Evans. The yard, complete with playhouse, swimming pool and a loping, friendly great dane, is outfitted like an amusement park.

The family Christmas tree is hung with dozens of miniature cradles and the living room walls are decorated with pictures of children.

"He's a great family man," they said. It left three families homeless.

Relatives watched the McGuire's children yesterday as Mrs. McGuire stayed at her husband's side.

Mr. McGuire's parents, Mr. and Mrs. William McGuire, flew in from Florida. The senior McGuire was a Lawrence firefighter for 30 years before his retirement several years ago, Chief Johnson said.

From the hospital yesterday, Firefighter's Union president William Middlemiss had one request from the family: "Keep the prayers coming in."

[From the Eagle-Tribune, Dec. 21, 1989]

VETERAN FIREFIGHTER FOLLOWED FAMILY TRADITION

(By Jim Patten)

LAWRENCE.—All who knew him say William F. McGuire Jr.'s first love was his family.

After his family, the 42-year-old father of three loved the Fire Department and the camaraderie of shared adventures.

The 18-year-veteran of the department followed a family tradition when he entered the fire service. His father, William F. McGuire, retired 10 years ago after 30 years of service.

And when the younger McGuire married his wife, Rilla, he created an extended Fire Department family. His father-in-law, James Tacy, retired about 15 years ago after almost 30 years with the Lawrence Fire Department.

Pvt. McGuire died yesterday morning after being on life support since he was crushed by debris at the scene of a house fire at 8 Temple St. on Sunday night. He was the first Lawrence firefighter killed in the line of duty dince 1969.

Hundreds of firefighters from around the state are expected to attend his funeral at 11 a.m. Saturday at St. Mary's Church.

Fire Chief Raymond Johnson said the officers and men of the department will miss Pvt. McGuire, not only because of his skill as a firefighter, but because of his involvement with department activities.

"He was a very experienced firefighter, a good firefighter. He was very involved with the department and took part in all of the functions of the department," Chief Johnson said.

"He was doing his job. That's why he was where he was on the night of the fire," Chief Johnson said.

Pvt. McGuire was on a secondfloor porch, about a step away from Firefighter Jay Toye, when the third-floor porch and porch roof collapsed and fell on him.

Pvt. Toye, 40, married and the father of two children himself, said yesterday the usual stressful feeling firefighters have while on the way to a fire was missing Sunday night because Ladder 4 had been called in to relieve another fire company.

"They called us to chase sparks and throw debris out that still might be hot. It's just brute labor," he said.

"Billy and I were on the second floor and he told me there was fire on the porch. We both went out there and it looked like the deck had burned away," Pvt. Toye said.

Pvt. McGuire used a hook to knock the porch railings off and two posts were all that remained to hold up the third floor porch above them.

[From the Eagle-Tribune, Dec. 24, 1989]

FIREFIGHTER MCGUIRE IS LAID TO REST

(By Jim Patten)

LAWRENCE.—About 900 firefighters, some from as far away as New York and North Carolina snapped to attention and saluted smartly as the hearse bearing the body of Firefighter William F. McGuire Jr. passed before them.

The hearse and Ladder 4, to which Pvt. McGuire had been assigned, passed under an archway formed by two extended aerial ladders which reached toward the cold winter sky.

They proceeded on to the Elmwood Cemetery in Methuen, where the 18-year Fire Department veteran was laid to rest yesterday, in sunny, 15-degree weather.

As Pvt. McGuire passed the central fire station for the last time, his boots, turnout coat and helmet displayed on the ramp according to fire service custom, the fire department radio crackled and came alive.

"This is 981 sounding the final alarm of fire for Firefighter William F. McGuire Jr., sounding box 6–5–2, 8 Temple St," the dispatcher intoned.

They were saying goodbye in the best tradition of the fire service.

It was the kind of goodbye Lawrence firefighers have not had to provide since 1975, when another of their number, Leo Turner, died in the line of duty.

Pvt. McGuire died Wednesday morning after being on life support since he was crushed by debris as he helped conduct mop-up operations at the scene of a house fire at the Temple Street address Sunday night.

A few minutes before the processsion began, nearly 1,300 people crowded St. Mary's Church on Hampshire Street to hear Fire Department chaplain Rev. Francis Pikor compare Pvt. McGuire's sudden and unexpected death to that of the late President John F. Kennedy.

Shortly after the Kennedy assassination, the poem "A Special Delivery From Heaven" was written Father Pikor said.

A message from the president to his family, the poem exhorted them to carry on as they did before, and that he would always be with them, even though they did not see him there.

"With just a few changes of names and words, this same message comes down to us today. It is signed 'love, your husband . . . your dad.' The real 'Bill' is asking you to keep on going, to keep on loving one another, to keep on trying as you did before. He tells us that he will meet you on heaven's bright shore. He tells us that he is with us, though we don't see him," Father Pikor said.

"This is part of our consolation, part of our faith that Jesus rose from the dead and promised a new life to all who would believe in Him and live in Him. Really death does not take life away; it merely changes this troubled life into a better, brighter life with God," Father Pikor said.

"He was kind and charitable. He did his part for his country, family, and his neighbors. The gathering at this Mass proves all of this," Father Pikor said.

"And now for his departure from this world into eternity, he performed his last act of charity and love last Sunday at the Relief Inn Christmas party for the little children which were always part of his life. He wrapped up gifts and passed them out to the children," Father Pikor said.

"The tragic end came shortly after that, making a sacrifice of his life while on active duty," Father Pikor said.

Father Pikor ended the service by reading a poem written 50 years ago by William J. Cantwell Sr.

Entitled "His Last Alarm," The verses offer a tribute to departed firefighters.

They read in part:

"When duty called, he never shrank.
He was fearless of all harm.
His "Supreme Chief" has pulled the box.
He has answered his "Last Alarm."
That voice we loved is forever still.
His work upon Earth is done.
He has answered the call of his "Chief" above.
And has gone on his last run.

In addition to Mayor Kevin J. Sullivan and other local dignitaries, Massachusetts Secretary of Public Safety Charles Barry, and Stephen Cohen of the Massachusetts Fire Academy also attended the services.

Fire Chief Raymond Johnson said members of the department and the family were gratified by the large turnout.

"We were very pleased they came on a day like today, so cold, and during the holiday season," Chief Johnson said.

JOHN J. MCNALLY, JR.—A MASSACHUSETTS LEADER FOR SMALL BUSINESS

Mr. KENNEDY. Mr. President, a good friend and native son of Massachusetts has recently retired as district director of the Small Business Administration of Massachusetts, and I would like to bring to the attention of my colleagues his distinguished record of service.

John J. McNally, Jr., of Webster, MA, served in various capacities in the administrations of President Kennedy, President Johnson, President Ford, and President Bush. As a lifelong advocate of small business, John McNally's impressive positions of responsibility have included director of the Economic Development Program of the Small Business Administration for New England; Chief Advocate of the Small Business Administration for the Northeastern United States; and appointment as chairman of the first Performance Standard Review Board for the SBA. Mr. McNally has also been active in community affairs. He served as president of the Webster-Dudley Chamber of Commerce, and was honored by that organization as Man of the Year in 1975.

On a more personal note, John was a valued friend of my brother, President Kennedy, whom he served as Staff Assistant and Assistant Press Secretary. John has remained a close personal friend over the years, and I salute his dedicated service to our commonwealth, to our Nation, and to small business.

TRIBUTE TO SOUTH CAROLINA SENATOR MARSHALL B. WILLIAMS

Mr. THURMOND. Mr. President, I rise today to pay tribute to South Carolina Senator Marshall B. Williams, who recently became our Nation's longest serving State senator. He has served the State of South Carolina with dedication, ability, honor and integrity for over 39 years. We are proud of him and his lovely wife Margaret.

First elected in 1952, Senator Williams has been consecutively reelected ever since. For the past 2 years he has served with distinction as president pro tempore of the South Carolina Senate. A man of commitment, intellect and high ideals, Senator Williams is a model of excellence to generations of young and aspiring public servants. The Palmetto State is indeed fortunate to have as talented and honorable a man as Marshall Williams at the helm of the State senate.

Mr. President, I ask unanimous consent that an article regarding Senator Williams be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ORANGEBURG SEN. MARSHALL WILLIAMS IS NATION'S LONGEST SERVING SENATOR

(By Tucker Lyon)

In 1989, veteran Orangeburg Sen. Marshall Williams was sworn in as president pro tempore of the Senate, an honor traditionally reserved for the state's top-ranking or longest serving senator.

Now, two years later, Williams has the added distinction of being the longest-serving senator in the nation.

"I'm the most senior senator lawmaker in the United States. I don't know about the House," Williams said. "The woman doing the federal, national legislative (handbook) said one other had served the time I was, but he was not offering for reelection . . . She said I'd be the senior one after the election."

Another state record he holds, Williams believes, is a key to his longevity.

"I went without opposition 32 years, from 1952 to 1984, longer than any person's ever been in South Carolina," he said. "I don't know about the rest of the country."

Although four others before him—Sol Blatt in the House and Edgar Brown, Rembert Dennis and Marion Gressette in the Senate—had served longer than Williams's 39 years in the Senate, he notes that they all at times had opposition.

"That's probably why I'm still up there. If I'd had opposition during those years, I might have lost somewhere down the line," the Democrat said. "Harry Truman said it's like a card game, if you play enough hands, you'll lose some."

Since his days as a college student, Williams also has the rare distinction of never having lost an election by the people.

In 1946, when he made his first bid for public office, Williams says he was "a country boy" who ran for the House as a way to make himself known and bolster his law practice. The countrywide Democratic primary election was for the four House seats.

But thanks to the grateful regard afforded returning veterans of World War II, Williams and three fellow young Turks—Jimmy Brailsford, Hugo Sims and Charlton Horger—swept the entire old guard House delegation, he said.

"I'm sure I'd have had a much harder time being elected the first time if I wasn't a veteran in 1946," Williams concedes.

Once elected to the House and again following his 1952 election to the Senate, Williams says, he carried out his intention "by going to about everything I was invited to, from family reunions to speaking at clubs."

And, the 77-year old lawmaker said, "I really held the only office that I would have wanted. I never wanted to sacrifice my law practice."

The senator's one brush with opposition came in 1984, when stricken by a stroke days before the filing period, he was challenged by a Democrat and a Republican.

Because "politics have definitely changed," particularly with escalating costs in large media coverage areas, Williams thinks his record of longevity will be difficult for up-and-coming politicians to match.

"I was amazed that Richland Republican Sen. John Courson had to raise $147,000 to run for the Senate. I never heard of such a thing," Williams said. "When I ran and had opposition, we raised $21,000 and didn't spend all of that. I know he's in an area where you have to buy television coverage and a lot of ads in the paper . . . but that just blew my mind."

Asked the secret of his success, Williams says he makes it a practice not to get mad with anyone over politics and "I respect through the years the opinion of other people, especially when it's from their experience."

But it was the late Wallance Bethea, Williams says, who really put the finger on the senator's success.

"He said I was elastic enough to keep up with the times," Williams said. "My family had a lot to do with that . . . my children, grandchildren and now great grandchildren."

REMARKS BY GOV. CARROLL CAMPBELL AT HIS INAUGURATION

Mr. THURMOND. Mr. President, I would like to take this opportunity to bring to the attention of my distinguished colleagues the fine remarks made by the able Governor of the great State of South Carolina, Governor Carroll Campbell, on the occasion of his inauguration to a second term.

As I am an admirer of the Governor and feel that he has done an outstanding job in office, I wish him the best of luck as he leads South Carolina into the future. I look forward to working with him in any way I can to promote the welfare of our State.

Mr. President, I ask unanimous consent that Governor Campbell's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

1991 INAUGURAL ADDRESS

There are no words adequate to express my appreciation for the great honor you have bestowed upon me. I want you to know I will do my best to be deserving of your trust.

Inauguration day is a celebration of new beginnings—a day to reflect on the past and ponder the unlimited opportunities which await us.

I intend to do a little of this in a few minutes.

But this is also a day when all South Carolinians are dwelling on the present. A half world away sons and daughters of South Carolina and America are preparing for war while praying for peace.

We know that history will be written in the next week, but we do not know what it will say. We do know, however, that the current situation is unacceptable.

This morning I signed a proclamation designating the next 7 days as prayer week in South Carolina. I am asking people of all faiths to pray for God's protection of our troops, and for God's guidance for our President as he seeks a solution to the Persian Gulf crisis.

Now I want to share with you a letter I received from a South Carolina son, Private First Class Thomas S. Doar the fourth from Hartsville of the 37th Engineers Battalion in Saudi Arabia.

Writing about his education in South Carolina schools, he says, quoting, "I often was spellbound in my U.S. history classes by the part South Carolinians played in not only the formation of a State, but a nation as well. From Rutledge to Calhoun to Byrnes to Thurmond, these are just a few of the historical figures (who) simultaneously forged and strengthened the United States of America."

He continues, "it was the education I received in South Carolina that has caused me . . . to feel like I, too, am playing an important part in our Nation's history."

And he concludes by writing, "For me, it is a responsibility and a reward."

A responsibility and a reward. So writes Pfc Thomas Doar from the sands of Saudi Arabia.

It is to this soldier and the other Americans in uniform that we dedicate this inaugural ceremony in thanksgiving for their courage and devotion. God bless America and her sons and daughters in uniform.

Four years ago I shared with you my belief that the overriding purpose of government is to help people help themselves.

A government that aggressively creates opportunities but steadfastly resists guarantees.

A government that encourages independent initiative and discourages debilitating dependency.

A government that empowers, not enslaves.

This philosophy works.

Personal income in South Carolina has grown at an average annual rate of eight-point-two percent since 1987, improving our standard of living and giving us the resources to educate children and increase services to our citizens.

And not only did we avoid a general tax increase, we cut taxes on the working poor and took steps to prevent backdoor tax increases through inflation.

Two weeks ago the board of economic advisers reported that South Carolina is still adding jobs while the nation is losing them. While a downturn is expected, the report indicates continued growth. Indeed, we have added more than 200 thousand new jobs.

South Carolina's record setting economic expansion and job creation validate our strategy of putting more people to work instead of putting higher taxes on working people.

"The supreme end of education," said Samuel Johnson, "is expert discernment—the power to tell the good from the bad, the genuine from the counterfeit, and to prefer the good and the genuine to the bad and the counterfeit."

Such is our quest for excellence in education.

Achieving excellence requires different strategies from achieving minimum standards. Centralized control must give way to local innovation.

We recognized with the target 2000 legislation that the real vitality of South Carolina education rests right there in the classroom with the teachers and principals and parents who know their children best.

They are the potters molding the clay, the artists painting the picture. The State's job is to support them. Their job is to understand the needs of their children and creatively find ways to meet those needs, even if it means painting outside the numbers.

Our children will get quality education to the extent that the State funds it and local educators use it to benefit the children.

In this regard 1991 presents some tough choices. The budget is tight and the needs great.

Let the special interests shout from the State house dome if they must. But let us be sensible enough not to raise taxes and wise enough not to retreat from pursuing excellence in the classroom.

A short time ago, I received a letter from a worker who participated in my initiative for work force excellence. Referring to her fellow employees at a major plant, she writes, "I found them to be excited about the opportunity to develop their skills and continue their education. Everyone enrolled in the program seems to have a different outlook on life."

This is the power of education. If the leadership of South Carolina, unified in purpose, can help people capture a new outlook on life, there is no limit to what we can accomplish.

Four years ago I talked about a clean and safe environment.

Again, South Carolina is united behind the effort to cleanse our schools and streets of drugs.

The Safe Schools Act, which took effect nine days ago, reaffirms that schools are for building up. But there's also a place for those who would tear down. It's called prison.

Just as the fight to protect our children continues, so must we continue our vigilance to protect our natural resources.

Hurricane Hugo again reminded us that our environment is fragile.

Poet T. Benton Young captured the South Carolina we all love when he wrote, "a quiet, calm and peaceful place, here each life can set its pace, with hope that time will not erase the special beauty, charm and grace so loved in South Carolina."

We cannot permit time to erase the special beauty of the wetlands. We cannot permit other priorities to thwart efforts for sensible solid waste and recycling programs.

And we shall not allow one judicial opinion to let other States off the hook in meeting their responsibilities for hazardous waste.

In the last four years not one hazardous waste facility has opened in South Carolina. We have enough capacity to meet our needs. We have not sought, nor do we seek, to dodge our responsibility, and we will not allow other States to dodge theirs.

It is not too much to ask States which voluntarily signed the regional agreement on hazardous waste to honor their word and maintain their integrity. We shall pursue fairness, preferably through cooperation. But if forced, we will not duck confrontation.

But we have our own integrity to deal with in South Carolina. Revelations of corruption have hurt.

Our image has been tarnished. Public confidence has been damaged, and it isn't over yet.

The thing that troubles me most is the effect it must be having on our children. The very soul of our State is shaken if they perceive their elected leaders as dishonest.

I want to make three points.

First, I proclaim that the vast majority of legislators and other public officials are men and women of integrity who have chosen to serve with grace and dignity in the public square.

Second, all the laws in the world will not guarantee honesty. You only need to look at the Bible to see this. If certain people choose willingly to violate God's laws, then we cannot expect universal conformity to man's laws.

Third, we do not need reform to make bad people good. But we need reform to mirror the integrity of the good people in public life and free them to do the people's business without a cloud of suspicion and doubt.

There will be much debate over the substance of reform. I commend Senator Williams, Lieutenant Governor Theodore, Speaker Sheheen and Representative Wilkins for their work in setting the stage for debate.

I think I can speak for them and other legislators in promising the people that we will not quit this year until honesty and ethics have again been exalted and restored to their rightful position in the affairs of state.

Addressing ethics, however, is only a partial answer. Much of State government is not directly accountable to any elected official. We in essence have four branches of government: the executive, legislative and judicial branches, and the bureaucracy.

Failure to restructure government, failure to bring horse-and-buggy government into the space age, will perpetuate a system that answers to nobody, listens to nobody and serves nobody other than its own special interests.

Soon I will submit for the general assembly's consideration a plan to restructure State government.

There will be those who will measure its merits in terms of power—who gains and who loses.

Let me be clear: the only gains we should concern ourselves with are those that make government more accountable.

And the only power to fret about is the power of the people because it is their government, their taxes, their future.

I have provided a general outline of some of our accomplishments and challenges. But I do not want to end without stating my unequivocal optimism for the future of South Carolina.

I can't help but be optimistic when one of modern history's worst natural disasters left our people unbowed.

I can't help but be optimistic knowing how we all pulled together in that tragic time and came out stronger.

Ladies and gentleman, if Hugo couldn't destroy our spirit, then recession, difficulties and even scandal do not stand a chance.

Let us look to ourselves for unity and purpose. Let us look to God for strength and assurance. And let us move confidently to fulfill our responsibilities.

Thank you, God Bless America, our military, and all of you.

TRAGEDY AT CALHOUN, TN

Mr. SASSER. Mr. President, on December 11, 1990, the worst highway tragedy in the history of my State occurred on Interstate 75 near Calhoun, TN. I rise today to recognize the agencies, organizations and individual volunteers who acted swiftly and courageously to assist those in trouble and to avert further tragedy.

This accident unfolded rapidly as motorists, suddenly engulfed in blinding fog, found themselves trapped in wreckage and fire. The pileup stretched a mile in both directions. Eighty-three vehicles were involved, 12 persons died, and 50 more were hospitalized with injuries. I am convinced that many more individuals would have died if not for the heroic actions of individual motorists and emergency personnel who acted quickly to help crash victims and to warn those approaching this area.

Emergency response teams from seven counties and medical professionals worked tirelessly to save the lives of victims on site and at area hospitals. Rescue teams worked for hours in the burning wreckage to free other survivors knowing that their own lives were in danger.

Community support in the aftermath of the tragedy was outstanding. Volunteers worked around the clock to provide adequate food and shelter, to answer phone inquiries and to contribute any support services needed by victims, rescue workers, medical professionals and others.

Mr. President, the response was phenomenal and deserves special attention. Our heart-felt sympathy goes to the families who lost loved ones. At the same time, we should express our gratitude that so many more lives were saved by the courageous efforts of many individuals.

I would like to recognize for a job well done the following agencies, organizations and individuals who participated in the response to this accident:

Alert Care Emergency Medical Services, American Red Cross, Athens Area Amateur Radio Club, Athens Community Hospital, Athens Fire Department, Athens Police Department, Athens/McMinn County Emergency Management, Athens/McMinn Hazardous Material, Bacon Construction—Cleveland, Baptist Med Flight—Knoxville, BFI, Bowaters Emergency Medical Services, Bowaters Security, Bradley County Emergency Medical Service, Bradley County Emergency Management, Bradley County Hazardous Materials, Bradley County Rescue, Bradley County Sheriff's Department, Bradley Memorial Hospital, Calhoun Police, Calhoun Rural Fire, Calhoun School, Calhoun Transport Service Reef Truck, Charleston Volunteer Fire Department, Chattanooga-Hamilton County Rescue, Clearwater Rural Fire, Cleveland Area Amateur Radio Club, Cleveland Community Hospital, Cleveland Fire Department, Cleveland Police Department, Dallas Bay Volunteer Fire Department, Daniels Construction Co.—Cleveland, Dr. Rodney Dunham—Woods Memorial Emergency Medical Services, Dr. Jerry DeVane—Bradley Memorial Emergency Medical Services, Eastridge Fire Department, Erlanger Hospital, Erlanger Life Force Helicopter, Etowah Rescue, Etowah Rural Fire, FBI Team, Hamilton County Emergency Management Agency, Hamilton County Emergency Medical Services, Highway 58 Volunteer Fire Department, Hillsview Rural Fire, Knox County Rescue Team, Loudon County Emergency Medical Services, McMinn County Fire/Rescue, McMinn County Government—County Executive Ron Banks, McMinn County Sheriff's Department, McMinn County School Department Bus Drivers, Meigs County Emergency Medical Services, Meigs County Rescue Team, Memorial Hospital Emergency Medical Services, Monroe County Emergency Medical Services, Monroe County Rescue, Olin Chemical Group, Polk County Rural Fire and Rescue, Redbank Fire Department, Riceville Rural Fire, Dr. Iris Snider—McMinn County Coroner, St. Paul's Episcopal Church—Dr. Brody, Tennessee Emergency Management Agency, Tennessee Funeral Directors Association: Executive Director Joe Scudder and Fred Berry, Jr.—Disaster Committee, Tennessee Highway Patrol, Tennessee Public Service Commission, Tennessee Department of Transportation, Tri-Community Fire and Rescue, Tri-State Mutual Aid, Union Grove Rural Fire, UT Life Star Helicopter, UT Medical Center, Dr. Benny Waller—Medical Command Officer, Woods Memorial Hospital, Woods Memorial Hospital Emergency Medical Services, All Area Wreckers.

Mr. President, I thank you and my colleagues for joining me in this public tribute. It is the least we can do for those who gave so much of themselves.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,127th day that Terry Anderson has been held captive in Lebanon.

In our debate, a number of Senators have invited us to imagine our own children at war in the Persian Gulf. To use that ruler to measure the importance of what is at stake.

I suggest that we spend a moment imagining a son or brother held hostage. Chained to a wall. I ask that you store this image, and recall it as we debate the larger issue here. The establishment of a new world order. An international order that can no more tolerate aggression against an individual than aggression against a neighboring nation.

THE LITHUANIAN TRAGEDY

Mr. DECONCINI. Mr. President, I am deeply disturbed by the unfolding tragedy taking place in Lithuania and the use of Soviet military force against the people of Lithuania even as we speak. We understand that three persons have already been wounded and that one fatality has been reported. These acts by President Gorbachev and his military are contrary to the spirit of perestroika and reflect a mentality we thought had ended with the cold war.

These actions by President Gorbachev do not mark the values of a Nobel Peace Prize winner. They reflect a cynical attempt to use force at a time when the world's attention is turned to another serious crisis.

The Lithuanian people and their Government present no threat to the Soviet Government. They are not shooting anyone. They simply want their freedom and their nationhood back.

The Soviet Government has already condemned the Hitler-Stalin secret protocols that turned the Baltics over to the Soviet Union. But Gorbachev appears to be returning to Stalinist policies on the Baltic States.

This is truly a set-back for United States-Soviet relations, and I believe the President should postpone the summit and send Mr. Gorbachev an urgent message telling him that we will not pursue a policy of business as usual. We must urge Mr. Gorbachev to call the troops back from Lithuania and allow the democratically elected Government of Lithuania, and the Governments of Latvia and Estonia to carry out their lawful duties.

I ask unanimous consent that a news release of a statement I made several days ago be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CSCE COMMISSION CHAIRMAN HITS ADMINISTRATION CAUTION ON BALTICS

WASHINGTON.—Sen. Dennis DeConcini (D-Ariz.), chairman of the U.S. Commission on Security and Cooperation in Europe ("Helsinki Commission"), today expressed deep concern over Moscow's reported threat to send paratroops into the Baltic States to round up draft resisters.

"It's time for the Bush Administration to back up its rhetorical support for Baltic self-determination by taking a tough stand on forced Baltic conscription into the Soviet Armed Forces," DeConcini said.

Since 1940, when the Soviet Union invaded and seized Estonia, Latvia, and Lithuania, the United States government has considered the Baltic States occupied countries.

DeConcini said that because the 1949 Geneva Convention, which was ratified by the United States and the Soviet Union, prohibits occupying powers from compelling citizens of occupied countries to serve in its armed forces, Baltic citizens should not have to serve in the Soviet Army.

The Soviet Defense Ministry's latest threat to use compulsion against the Baltic States caps a series of alarming events and trends," DeConcini said. "Baltic good-faith efforts to negotiate independence with President Gorbachev and the Soviet authorities have foundered because of Moscow's recalcitrance."

Calls have issued from Moscow to dissolve the duly elected parliaments of the Baltic States and to rule Lithuania, Latvia and Estonia by presidential decree. Last week, special "Black Beret" forces of the Soviet Internal Affairs Ministry took control of the press building in Riga, Latvia.

"All signs indicate that President Gorbachev has lost any inclination to work out differences with the Baltic governments and has opted instead to force them into line," DeConcini said. "Foreign Minister Schevardnadze's warnings that 'a dictatorship is coming' grow more convincing every day.

"Moscow's unwillingness to negotiate seriously with the Baltic States has, unfortunately, been encouraged by a confused U.S. policy," DeConcini added. "Since Lithuania declared the re-establishment of independence in March 1990, and Estonia and Latvia declared their intentions to proceed on the same course, the Administration has tiptoed, backtracked, and sidestepped on the issue of Baltic independence.

"The issue of forced conscription provides us with an opportunity to put some teeth into our 50-year principled stand of refusing to recognize the forcible Soviet incorporation of Latvia, Lithuania and Estonia. We should make clear to President Gorbachev that Soviet use of force in the Baltic States will have a powerful and immediate impact on U.S.-Soviet relations and that our cooperation in other regions, including the Persian Gulf, does not mean that we have given Moscow carte blanche in the Baltic."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON DEVELOPMENTS WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since my last report of July 13, 1990, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) ("IEEPA"); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. Since my last report on July 13, 1990, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury. Additionally, since July 13, 1990, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

3. During the current 6-month period, FAC approved only one license application authorizing the renewal of a patent. Twenty licensing decisions were made prohibiting transactions in connection with Libya.

4. Various enforcement actions mentioned in previous reports continue to be pursued. In October 1990, based upon violations of IEEPA, the U.S. Customs Service seized $3 million in funds at a New York bank and $800,000 at a bank in Florida. The U.S. attorneys for the respective jurisdictions utilized 18 U.S.C. 1956, the Money Laundering Control Act, to effect the seizures. This marks the first time that this statute has been used to effect seizures based upon an IEEPA violation. This continuing investigation centers around an alleged conspiracy to invest Libyan funds in various U.S. businesses and technology.

In November 1990, FAC blocked a letter of credit in the amount of $332,124, drawn on the account of a U.S. manufacturer to pay a South Korean firm for the shipment of industrial equipment to Libya. The funds have been placed into a blocked account, and the investigation into the actions of the U.S. firm continues.

5. The expenses incurred by the Federal Government in the 6-month period from July 13, 1990, through December 14, 1990, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at $407,603. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Department of Justice, the Federal Reserve Board, and the National Security Council.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

GEORGE BUSH.

THE WHITE HOUSE, *January 11, 1991.*

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN from the Committee on Armed Services:

The following-named brigadier general of the U.S. Marine Corps for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 624:

James M. Myatt.

I nominate the following-named captains in the line of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. David S. Bill III, [redacted] U.S. Navy.

Capt. Arthur K. Cebrowski, [redacted] U.S. Navy.

Capt. John J. Mazach, [redacted] U.S. Navy.

Capt. Bernard J. Smith, [redacted] U.S. Navy.

Capt. Ernest F. Tedeschi, Jr., [redacted] U.S. Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. STEVENS, Mr. ROBB, Mr. HEFLIN, Mr. DOLE, Mr. SHELBY, Mr. DANFORTH, Mr. MURKOWSKI, Mr. BOND, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CRAIG, Mr. D'AMATO, Mr. DOMENICI, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. HATCH, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. ROTH, Mr. RUDMAN, Mr. SEYMOUR, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, and Mr. THURMOND):

S.J. Res. 2. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678, placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself, Mr. PELL, Mr. MITCHELL, and Mr. WARNER):

S. Res. 11. Resolution to commend the Secretary General of the United Nations; considered and agreed to.

By Mr. BRADLEY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. KOHL, Ms. MIKULSKI, Mr. KASTEN, Mr. GLENN, Mr. RIEGLE, Mr. DIXON, Mr. WARNER, Mr. THURMOND, Mr. SIMON, Mr. GRAHAM, Mr. DODD, Mr. MOYNIHAN, Mr. DECONCINI, Mr. METZENBAUM, Mr. MCCAIN, Mr. MACK, Mr. LUGAR, Mr. AKAKA, Mr. BRYAN and Mr. SARBANES):

S. Res. 12. Resolution calling upon President Gorbachev to refrain from further use of force against the democratically elected government of Lithuania, Latvia, or Estonia; considered and agreed to.

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 1

At the request of Mr. KERRY, his name was added as a cosponsor of Senate Joint Resolution 1, a joint resolution regarding United States policy to reverse Iraq's occupation of Kuwait.

SENATE RESOLUTION 11—COMMENDING THE SECRETARY GENERAL OF THE UNITED STATES

Mr. DOLE (for himself, Mr. PELL, Mr. MITCHELL, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 11

Whereas it is in the interest of all parties to explore every reasonable avenue to achieve a resolution of the Persian Gulf crisis without war.

Whereas the United Nations has played a central role in efforts to achieve the total withdrawal of Iraqi forces from Kuwait.

Whereas the United Nations Security Council has passed 12 separate resolutions calling for the accomplishment of those goals.

Whereas the United Nations Secretary General Perez de Cuellar has announced his intention to travel to the Persian Gulf, including to Iraq, to make a last effort to convince Iraqi President Saddam Hussein to withdraw his forces from Kuwait before January 15, 1991.

Resolved, That the Senate commends the Secretary General for his initiative.

That the Senate hopes that the Secretary General's mission will lead to a peaceful resolution of the Persian Gulf crisis, to include the total withdrawal of Iraqi forces from Kuwait.

SENATE RESOLUTION 12—RELATIVE TO THE USE OF FORCE IN THE BALTIC NATIONS

Mr. BRADLEY (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. HELMS, Mr. D'AMATO, Mr. KOHL, Ms. MIKULSKI, Mr. KASTEN, Mr. GLENN, Mr. RIEGLE, Mr. DIXON, Mr. WARNER, Mr. THURMOND, Mr. SIMON, Mr. GRAHAM, Mr. DODD, Mr. MOYNIHAN, Mr. DECONCINI, Mr. METZENBAUM, Mr. MCCAIN, Mr. MACK, Mr. LUGAR, Mr. AKAKA, Mr. BRYAN, and Mr. SARBANES) submitted the following resolution; which was considered and agreed to, as follows:

S. RES. 12

Whereas President Gorbachev has deployed troops to Lithuania and begun to use force to impose his rule in place of the democratically elected government of Lithuania;

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union;

Whereas these Baltic nations have been at the forefront of economic reform and real democratization among the people of the Soviet Union; and

Whereas the government of Lithuania has responded with an urgent appeal for the immediate support of all democratic countries to protect the independence and democracy of Lithuania and the Baltic States: Now, therefore, be it

Resolved, That the Senate calls on President Gorbachev to refrain from further use of coercive tactics against the democratically elected government of Lithuania, Latvia, or Estonia. Such coercive tactics are unacceptable among the community of democratic nations and especially so at a time when the world, including the Soviet Union itself, is united in opposition to the forcible annexation of another small nation, Kuwait, by its brutal neighbor, Iraq.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on agricultural trade and agricultural reform in the Soviet Union as they effect United States agriculture. The hearing will be held on Wednesday, January 23, 1991 at 9:30 a.m. in SR–332. For further information, pleace contact Lynnett Wagner of the committee staff at 224–5207.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet to organize on Wednesday, January 30, 1991, at 9:30 a.m., in SR–301. At this meeting the committee plans to adopt its rules of procedure and to select members for the Joint Committee on Printing and the Joint Committee of Congress on the Library.

The committee will also consider legislative and administrative items currently pending in its agenda, including an original resolution authorizing expenditures by the Committee on Rules and Administration for the 102d Congress.

For further information regarding this meeting, please contact Carole Blessington of the Rules Committee staff on 224–0278.

ADDITIONAL STATEMENTS

HONORING AMERICA'S BEST AIRLINE

• Mr. KASTEN. Mr. President, those of us from the Great Lakes region have long been proud of the excellent service provided by the Milwaukee-based airline Midwest Express.

Yesterday, we learned that the secret is finally out. The January issue of Consumer Reports Travel Letter reveals to all Americans that Midwest Express is—overall—the best airline in America.

Speaking from personal experience, I can say the following: Midwest Express is second to none. And I would like to take this opportunity to congratulate the folks at Midwest Express for this richly deserved honor.

I ask that an article from the Milwaukee Journal on this subject be included in the RECORD at this point.

The article follows:

ON TOP: MIDWEST EXPRESS NAMED BEST AIRLINE IN UNITED STATES

(By Tim Cuprisin)

Midwest Express was rated "best US airline overall" in the January issue of Consumer Reports Travel Letter.

The monthly travel newsletter praised the Milwaukee-based airline as the only US carrier providing "acceptable comfort for the traveler on any coach ticket, including the cheapest excursion."

The airline's comfortable seating and premium meals earned Midwest Express an inclusion in the newsletter's "10 Good Transportation Values."

"However small its present market, this niche carrier is a welcome exception to the sameness of most US coach air travel," according to the newsletter. Published in Mount Vernon, N.Y., by Consumers Union, the 85,000-circulation newsletter is aimed mostly at non-business travelers.

Midwest Express President Tim Hoeksema said that maintaining the airline's reputation for service was "something that we work very hard to do."

"When I look at this thing, it just renews to me the fact that people want good service and they want good value," Hoeksema said.

Hoeksema said the airline's status as a "niche carrier," which serves a specific area of the flying market, made it easier to stress service.

"We have a successful basic formula and stick to it," Hoeksema said. "The fact that we're small makes it easier to do this type of thing. It's not all things to all people."

Recently, Midwest became the only US carrier to offer credit card telephones in all planes.

BATEMAN PRAISES MIDWEST

Mitchell Airport Director Barry Bateman said Midwest Express was responsible for "putting us on the map."

"Midwest Express is awfully good for Milwaukee and awfully good for Mitchell Airport," Bateman said. "It's very nice to be standing out in the concourse and executives will come in from Boston and New York, and they will remark about what a nice trip they've had. It's a real feather in our cap that Midwest Express is here."

Bateman said Midwest Express was one of the few airlines created after the industry was deregulated that has thrived. He said its success stemmed from its focus on Wisconsin business fliers.

Hoeksema said that the recession and higher fuel prices had forced the airline to spend the first quarter of 1991 preserving its market, rather than expanding. But he said that passenger figures had not dropped much, since about 75% of the airline's passengers were business fliers, rather than discretionary travelers.

W.B. Leonard, managing editor of the newsletter, said Midwest Express routinely scored highly in surveys of seating comfort.

The airline's fleet of 13 DC–9s has only two rows of two seats each, an arrangement most US airlines limit to first class seating. Most airlines have three seats in a row in coach.●

HONORING CHIPPEWA SPRINGS CORP. AND LEINENKUGEL'S BREWERY

● Mr. KASTEN. Mr. President, all Americans are proud of the sacrifice being made by the young men and women who are representing our country in the Persian Gulf. I rise today to applaud some of my constituents who have gone the extra mile to lighten the burden on those courageous young soldiers.

The Chippewa Springs Corp. of Chippewa Falls, WI, together with the Jacob Leinenkugel Brewing Co., has shipped 800 cases of bottled spring water to our military personnel stationed in Saudi Arabia.

Thanks to this important joint project, our troops will enjoy 20,000 16-ounce bottles of refreshing Wisconsin spring water. Truly can it be said of our soldiers: "Blessed are they who thirst for what is right." I therefore extend a heartfelt thanks to the generous Wisconsinites who have made this important donation.●

ORDERS FOR SATURDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 a.m. on Saturday, January 12; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day.

I further ask unanimous consent that immediately following the prayer on Saturday, there be 3 hours 10 minutes of debate on the consideration of Senate Joint Resolution 1, the Nunn, et al., joint resolution, with the majority leader or his designee controlling 110 minutes and the Republican leader or his designee controlling 80 minutes; that at the conclusion or yielding back of time, the Senate proceed to vote without any intervening action or debate on passage of Senate Joint Resolution 1; and that upon the disposition of Senate Joint Resolution 1, the Senate proceed to the consideration of Senate Joint Resolution 2, the Dole-Warner, et al., resolution, on which there will be 2 hours 10 minutes of debate, with the Republican leader or his designee controlling 80 minutes and the majority leader or his designee controlling 50 minutes; and that at the conclusion or yielding back of time, the Senate proceed to vote without any intervening action or debate on passage of Senate Joint Resolution 2; and that with respect to the consideration of these two resolutions, no amendments or motions be in order, except for motions to reconsider and to table the passage of these resolutions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, it is so ordered.

Mr. MITCHELL. Mr. President, I want to thank my colleague, the distinguished acting Republican leader, and the Republican leader, with whom I have reached this agreement following many hours of discussion along with many colleagues on both sides who participated in those discussions.

Under this agreement, for the information therefore of Senators, to summarize, the Senate will reconvene at 8 a.m. on Saturday morning—actually now this morning, it just being after midnight now—and we will debate for 3 hours and 10 minutes on the Nunn, et al., resolution. There will then be a vote on that at 11:10 a.m. on Saturday. Assuming that will be an approximately 20-minute vote, beginning at approximately 11:30, or immediately following that vote, the Senate will then debate for 2 hours and 10 minutes on the Dole-Warner resolution, with a vote on that to occur at approximately 1:40 p.m., pursuant to this agreement. There will be no amendments to either resolution. There will be no other matters before the Senate at that time, just these two votes on the two competing resolutions.

Mr. President, if I might, I further ask unanimous consent that the joint resolution filed earlier yesterday by Senators WARNER and DOLE, et al., be considered introduced and that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President and Members of the Senate, that is a necessary prerequisite to having it up for consideration later today. So the matter will be concluded with rollcall votes to occur—to repeat once more—at approximately 11:10 a.m. on the Nunn resolution and at approximately 1:40 p.m. on the Warner resolution.

The PRESIDING OFFICER. The distinguished acting minority leader is recognized.

Mr. SIMPSON. I thank the majority leader and express to him we, too, are pleased we could compress this time and meet this schedule. But I want to say, certainly, to those on this side of the aisle that the time will be excessively compressed in the morning hour from the time when the Senate begins its business until the approximate time of the rollcall vote the leader has just described for reasons that I understand remained apparent between the minority leader and the majority leader earlier in the day.

And so I would remind my colleagues that their schedule will be available to them in the morning. There are some times that we were not able to meet in the form of the full time requested. And so I am just saying to those on our side of the aisle that schedule for their remarks will be strictly adhered to in order to meet this schedule and we will continue our statements tonight.

Mr. MITCHELL. I thank my colleague.

RECESS UNTIL 8 A.M. TODAY

The PRESIDING OFFICER. The Chair notes there are no other Senators on the floor who are authorized to be recognized. There appears to be no other business before the body at this time.

Under the previous order the Senate will stand in recess until the hour of 8 a.m.

Thereupon, the Senate, at 2:39 a.m., recessed until Saturday, January 12, 1991, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate January 11, 1991:

DEPARTMENT OF STATE

JON DAVID GLASSMAN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

DEPARTMENT OF JUSTICE

DONNA M. OWENS, OF OHIO, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE (NEW POSITION).

IN THE AIR FORCE

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

FORTUNATO T. ELIZAGA, [redacted]

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATES.

MEDICAL CORPS

To be lieutenant colonel

DONALD E. BAYLES, [redacted]
BENJAMIN A. MALDONADO, [redacted]

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

EDWARD J. PASQUARELLA, [redacted]

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be lieutenant colonel

ROBERT L. COOPER, JR., [redacted]

DENTAL CORPS

To be lieutenant colonel

JOSEPH M. HARVEY, [redacted]

LINE

To be lieutenant colonel

HERBERT A. HARRISON [redacted]
BROOKS E. SHELTON [redacted]

THE FOLLOWING RETIRED OFFICER FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

RETIRED RESERVE

To be colonel

WALTER R. LAWRENCE [redacted]

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 1552, TITLE 10, UNITED STATES CODE.

DENTAL CORPS

To be colonel

DENNIS R. FAIRBOURN [redacted]
STANLEY E. ZEITZ [redacted]

LINE

To be lieutenant colonel

ROGER A. ENGSTROM [redacted]
JOHN A. MATHESON [redacted]
DANNY J. WAYTT [redacted]

THE FOLLOWING STUDENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1991, FOR APPOINTMENT IN THE REGULAR AIR FORCE, EFFECTIVE UPON THEIR GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

BRIAN D. AFFLECK [redacted]
DANNY P. BERK [redacted]
JAY T. BISHOFF [redacted]
MICHAEL L. BLEDSOE [redacted]
DAN W. BODILY [redacted]
EDWIN K. BURKETT [redacted]
BLAKE V. CHAMBERLAIN, [redacted]
DAVID R. CONDIE [redacted]
RONALD N. DELANOIS [redacted]
SCOTT M. DEPUE [redacted]
ROY J. DILEO [redacted]
FRANK G. DITZ [redacted]
BRUCE M. EDWARDS [redacted]
IREL S. EPPICH [redacted]
DAVID R. FOSS [redacted]
PAUL F. FREITAS [redacted]
JOHN V. GANDY [redacted]
MARK D. GOODWIN [redacted]
JAMES W. HAYNES [redacted]
MARC A. HESTER [redacted]
CAESAR A. JUNKER [redacted]
KAREN K. KERLE [redacted]
COLIN M. KINGSTON [redacted]
DAVID L. KUTZ [redacted]
GIAEVITA LANZANO [redacted]
VIKI T. LIN [redacted]
DON C. LOOMER [redacted]
JEFFREY A. MARCHESSAULT, [redacted]
ANDREW M. M. MORAN [redacted]
CHARLES E. MORRIS [redacted]
ANJA A. PATTON [redacted]
HELEN G. POREMBA [redacted]
JOHN A. POREMBA [redacted]
RICHARD C. RENO [redacted]
PHILLIP C. RIDDLE [redacted]
RICHARD S. SABO [redacted]
TOM J. SAUERWEIN [redacted]
CHUNG M. SIEDLECKI [redacted]
ROY G. SOTO, [redacted]
ERIC B. STONE [redacted]
JEFF P. VISTA [redacted]
DAVID M. WALKER [redacted]
BILL P. WATSON [redacted]
RICHARD M. ZWIRKO [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be colonel

JOSEPH S HUNTER [redacted]

To be major

JAMES M. FAGAN [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

ROBERT D. HIGGINBOTHAM [redacted]

MEDICAL CORPS

To be major

CAROLE A. BUCKNER [redacted]
JOHN T. BURGESS [redacted]
JAMES COFFEY [redacted]
MICHAEL S. DEW [redacted]
JEFFREY L. GARNDER [redacted]
LAWRENCE B. PLACE [redacted]
THOMAS M. SEAWORTH [redacted]
DONALD L. SINDEN [redacted]
CHERYL L. SISLER [redacted]

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

DENTAL CORPS

To be colonel

RAY D. BERRINGER [redacted]

MEDICAL CORPS

To be colonel

LOUIS R.M. DEL GUERCIO [redacted]
GEOFFREY M. GRAEBER [redacted]
GEORGE PODGORNY [redacted]
MARTIN C. ROBSON [redacted]

MEDICAL CORPS

To be lieutenant colonel

JAMES E. ANDERSON [redacted]
MARCO T. EUGENIO [redacted]
EUGENE J. GOLDMAN [redacted]
LEO N. HOPKINS [redacted]
ROBERT T. JARRETT [redacted]
JOHN R. KEARNS [redacted]
DAVID KORMAN, [redacted]
LUCIANO G. LADAGA, [redacted]
PARVIS PARTOVI [redacted]
FRANCIS E. ROSATO [redacted]
RAMAN SHANKER [redacted]
FRANK J. SUATONI [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTIONS IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

CHAPLIN CORPS

To be colonel

CRAIG B. ANDERSON [redacted]
RONALD C. ANDERSON [redacted]
HOWARD B. FAUNTROY, [redacted]
FRANCIS J. GERBER [redacted]
DENNIS G. HAMM [redacted]
JAMES T. HENKE [redacted]
RICHARD E. LENTZ [redacted]
THOMAS L. LOFTUS [redacted]
PETER P. MADUS [redacted]
PAUL H. MASON [redacted]
JAMES L. MCDONALD [redacted]
JOHN A. RASMUSSEN [redacted]
JAMES E. RENNELL [redacted]
DAVID M. RHYNE [redacted]
KENNETH ROBERTSON [redacted]
JOHN L. SETZLER [redacted]
PAUL F. STJAMES [redacted]
WALTER R. WADDLE [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

CHAPLAIN CORPS

To be lieutenant colonel

THOMAS E. BATSKY [redacted]
RICHARD A. BEACH [redacted]
ERNEST D. BLISS [redacted]
RICHARD D. BROWN [redacted]
ANTHONY J. BRUNO [redacted]
WILLIAM H. CAMP [redacted]
RODNEY B. COLEMAN [redacted]
JAMES R. COTTER [redacted]
WILLIE F. CROW [redacted]
FREDERICK DOWNING [redacted]
SIMON H. FELD [redacted]
DAVID L. FLEMING [redacted]
PETER J. GILHAWLEY, [redacted]
SAMUEL M. HOPE [redacted]
RONALD G. HORTON [redacted]
OTIS S. HUGHSON [redacted]
ROBERT A. KOEHLER [redacted]
IRA I. KRONENBERG [redacted]
ALAN R. LACHTMAN [redacted]
DONALD I. LINDMAN [redacted]
DOUGLAS MCCULLOUGH [redacted]
DOUGLAS D. MENDIS [redacted]
HARRY L. MORGAN [redacted]
WILLIAM S. MORGAN [redacted]
DAVID A. PAAP [redacted]
JAMES C. PAKALA [redacted]
ROBERT J. PALKEWICK [redacted]
JAMES S. PARK [redacted]
THOMAS H. PAUL [redacted]
IVAN E. PETERSON [redacted]
JOHN A. RAYMAKER [redacted]
JOHN C. RIECKS [redacted]
JAMES T. SPIVEY [redacted]
THOMAS E. STOKES [redacted]
RICHARD T. TINKER [redacted]
FRANK W. YOUNG, [redacted]
EDWARD J. ZANDY [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS ARE APPOINTED IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATE CODE, SECTION 531, 532, AND 533:

ARMY NURSE CORPS

To be lieutenant colonel

CELIO, MARY P., [redacted]
PETERSON, SANDRA [redacted]

To be major

BOYETTE, HOWARD [redacted]
HEIN, LINDA D. [redacted]
LAZARUS, RUSSELL [redacted]
ODONELL, TAMARA [redacted]
TUCKER, ORIAN W. [redacted]
VOLK, MARIBETH C. [redacted]
WALL, BETH J. [redacted]
WALTERS, RUSSELL [redacted]

To be captain

DIAZ, RICHARD P. [redacted]
GEORGE, LINDA M. [redacted]
HOUGH, CHARLOTTE [redacted]
LUTZ, CHARLES W. [redacted]
MOORE, CONSTANCE [redacted]
PLAWECKI, ROBERT [redacted]
ROSKOVENSKY, DENISE M. [redacted]
STRITMATTER, FATEMEH I. [redacted]
SULLIVAN, THERESA M. [redacted]

To be first lieutenant

WANLESS, HOWARD, 417-70-77010

To be second lieutenant

HOLLY, BRENDA J. [redacted]
KORHELY, LINDA M. [redacted]
SHIER, TERRY L. [redacted]

MEDICAL SERVICE CORPS

To be major

BROWN, JERRY L. [redacted]
GARGAN, THOMAS P. [redacted]
GOLDSMITH, JONATHAN [redacted]
GUPTA, RAJ K. [redacted]
ILLICH, STANLEY [redacted]
MCFERRAN, DANIEL [redacted]
MCVEIGH, FRANCIS [redacted]
POWERS, NELSON R. [redacted]
RAHM, RONNIE L. [redacted]

To be captain

ARCHIBALD, DONALD, [redacted]
ARTERBURN, KATHERINE G. [redacted]
BATES, BRUCE [redacted]
BERNRITTER, TRAVIS [redacted]
BETANCOURT, JOSE A. [redacted]
BOEN, JAMES R. [redacted]
CHOWEN, STEVEN M. [redacted]
CLINES, THOMAS C. [redacted]
FAIREY, JOHN D. [redacted]
GARGIULO, PETER [redacted]
HEIKES, GERALD L. [redacted]
HINES, CLAUDE JR. [redacted]
HOUSER, JOSEPH B. [redacted]
IACOVETTA, GLENN [redacted]
JACKSON, DAVID B. [redacted]
JONES, HERBERT C. [redacted]
KOTCH, MICHAEL J. [redacted]
LADOUCEUR, BERTHONY [redacted]
LANDRAU-LOPEZ, RAFAEL [redacted]
LEMAY, KAREN A. [redacted]
LEWIS, MICHAEL R. [redacted]
MARTELLY, GERARD [redacted]
MASHBURN, LEWIS, [redacted]
MCPHERSON, MICHAEL [redacted]
MINDINGALL, TALFORD V. [redacted]
MOODROW, HAROLD E. [redacted]
MOORE, TIMOTHY J. [redacted]
NAUSCHUETZ, WILLIAM F. [redacted]
OBERLE, WILLIAM [redacted]
PANKRANTZ, MICHAEL [redacted]
ROBERT, LEON L. [redacted]
SANDERS JEFFREY [redacted]
SLIFE, HARRY F. [redacted]
VESTA-MULFORD, VICKI [redacted]
WALSH, JAMES T. [redacted]
WARD, ROBERT V., [redacted]
WEBB, PETER A. [redacted]
WILLIAMS, HARRY [redacted]

To be first lieutenant

CHAMBERLIN, CLINT R. [redacted]
GIFFORD, MARK A. [redacted]
LATCH, DAVID A. [redacted]
MAKS, JOSEPH D. [redacted]
MULLON, JOHN J. [redacted]
PETERMAN, MICHAEL [redacted]
SHIREY, ROBERT W. [redacted]

To be second lieutenant

GARVENS, JAY A. [redacted]
HIGH, GREGORY K. [redacted]
KELLEY, DARLENE M. [redacted]

OSBORNE, JOHN C. [redacted]
PEREDA, FRANCISCO [redacted]
REINHART, DAVID [redacted]
ROUPE, CEPHUS L. [redacted]

VETERINARY CORPS

To be major

DAVIS, KELLY J. [redacted]
FRESHWATER, MONTY [redacted]
HARRIS, RICHARD [redacted]
MARLOW, DENVER D. [redacted]
WEMPE, JOHN M. [redacted]
YOUNG, GEORGE D. [redacted]

To be captain

LASSITER, KAY D. [redacted]
MARTINEZ, MARJ J. [redacted]
MCLEAN, DONALD A. [redacted]
MELANDER, JEFFREY [redacted]
PROCTOR, JOHN W. [redacted]
SKVORAK, JOHN P. [redacted]
SMATHERS, BEVERLY [redacted]
SWEARENGEN, JAMES [redacted]
WEDAM, JACK M. [redacted]

MEDICAL SPECIALIST CORPS

To be captain

JERABECK, DAVID A. [redacted]

MEDICAL CORPS

To be colonel

FETTERS, LAWRENCE [redacted]

To be captain

AHN, PETER J. [redacted]
ALDEN, JEFFREY D. [redacted]
BAL, GEORGE K. [redacted]
BENEDEK, DAVID M. [redacted]
BLACKMON, KEVIN P. [redacted]
BREWSTER, STEPHEN J [redacted]
CHO, KENNETH H. [redacted]
CITRONE, MICHAEL J. [redacted]
CLINE, DAVID B. [redacted]
CORR, WILLIAM P. [redacted]
DELAGIUSTINA, DAVID A. [redacted]
DUNN, JAN R. [redacted]
FOMIN, DIMITRY A. [redacted]
GAERTNER, ERICH M. [redacted]
GORDON, DANIEL S. [redacted]
GRATHWOHL, KURT W. [redacted]
GRAY, DARREN F. [redacted]
HARAZIN, JEFFREY S [redacted]
HARRISON, MARK J. [redacted]
HARTMANN, JOHN E. [redacted]
HELLING, ERIC R. [redacted]
HEWITSON, WILLIAM C. [redacted]
HOLLCRAFT, CHARLES M. [redacted]
IMLAY, LONNIE L. [redacted]
JOHNSON, ANTHONY J. [redacted]
JOHNSON, MICHAEL W. [redacted]
JOHNSON, RINNA C. [redacted]
KELEMEN, JOHN J. [redacted]
KOSMOWSKI, ANDREW J. [redacted]
KRAVITZ, BRIAN N. [redacted]
KULA, JOHN K. [redacted]
LANCE, RAYMOND S. [redacted]
MAGUIRE, KEVIN M. [redacted]
MARTIN, KAREN L. [redacted]
MATHER-MONDREY, MARY K. [redacted]
MOORES, CAROL A. [redacted]
NICHOLS, DENNIS, D [redacted]
OKADA, KEN [redacted]
ORONOZ, JOAQUIN F. [redacted]
PASQUINA, PAUL F. [redacted]
PEARSE, LISA [redacted]
PETERSON, KRIS A. [redacted]
PLACE, MICHAEL L. [redacted]
PROVIDENCE, BETRAM C. [redacted]
QUETELL, GUILLERMO [redacted]
REEVES, MARK M. [redacted]
RETKE, MATTHEW S. [redacted]
RICE, WILLIAM A. [redacted]
ROY, FRANCIS O., [redacted]
RUBEL, ERIC J. [redacted]
SCHOOF, MICHAEL D. [redacted]
SHROUT, ANNE B. [redacted]
SHROUT, JOSEPH A. [redacted]
SHUPING, ERIC E. [redacted]
STOJADINOVIC, ALEXANDER [redacted]
TAILLON, DONALD L. [redacted]
TROY, JAMES M. [redacted]
TRZEPKOWSKI, KENNETH [redacted]
VALENTIN, MANUEL [redacted]
WHITECAR, PAUL W. [redacted]
WINKLE, RICHARD K. [redacted]

THE FOLLOWING-NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

BUAMSTRARCK, HILLARY T. [redacted]
BUCKNER, DALE R. [redacted]
COLLADO, MICHELE A. [redacted]
COLLETTI, CHARLES A. [redacted]
DUNKLE, KEITH A. [redacted]
EDWARDS, WILLIAM L. [redacted]
ENGLAND, EDWARD A. [redacted]
ESCOFFERY, ANDRE M. [redacted]
GIACOMINI, EUGENE F. [redacted]
GUTIERREZ, MOISES M. [redacted]
HEARON, ROBERT W. [redacted]
HUY, ANTHONY T. [redacted]
JANSEN, MARK G. [redacted]
KENNEDY, ROBERT E. [redacted]
KONZLEMAN, KARL [redacted]
LAW, LEONARD J. [redacted]
O'ROURKE, JAMES M. [redacted]
SCOTT, SHANNON N. [redacted]
SEROTA, BRIAN K. [redacted]
SMITH, STEPHEN R. [redacted]
SULLIVAN, CHAD M. [redacted]
VANEK, THOMAS R. [redacted]
WARREN, STEVEN H. [redacted]
WEBB, PHILLIP A. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

ALEXANDER H. BURGIN [redacted]
JAMES C. DEGATINA [redacted]
CHARLES F. DENMEAD [redacted]
SHERRILL W. EASTERLING [redacted]
BILLY L. GORE [redacted]
ALBERT D. GRIFFIN [redacted]
ELTON E. JAY [redacted]
GEORGE H. JORDAN [redacted]
JOHN F. KANAN [redacted]
ROBERT E. KARLEN [redacted]
FEDERICO I. LOPEZ [redacted]
GERALD MARTIN [redacted]
EARL M. NAKASHIMA [redacted]
DAVID G. NEWHALL [redacted]
JAMES C. PECK [redacted]
GERALD A. SEAMAN [redacted]
JAMES R. SPACKMAN [redacted]
JOHN A. TANDY, JR. [redacted]
TOMMY L. WILLIAMS [redacted]
GEORGE P. WISELL, JR [redacted]

MEDICAL CORPS

To be colonel

EDGAR E. BOBO [redacted]
DONALD C. WAUGH [redacted]

MEDICAL SERVICE CORPS

To be colonel

EMMETT A. FRIEL [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

JESSE L. ADAMS, III [redacted]
EDWARD H. BALLARD [redacted]
LEONARD W. BIRDSONG [redacted]
JAMES E. CALANDRO [redacted]
MICHAEL E. CARR [redacted]
DANIEL W. COSTNER [redacted]
DWIGHT L. DINKLA, [redacted]
WILLIAM J. DOWLING [redacted]
TERRY L. DOWNEN, [redacted]
ALTON L. ENGLEBRETSON [redacted]
THOMAS N. FEASKI [redacted]
JAMES C. FERGUSON [redacted]
ROBERT M. FOULK [redacted]
ROBERT M. HAACK [redacted]
EARL R. HARRIS [redacted]
WILLIAM J. HAYES [redacted]
LARRY T. HOLMES [redacted]
DENNIS D. HULL [redacted]
JAMES G. JAJICH [redacted]
JOHN A. KENDALL [redacted]
BERT W. KEY [redacted]
RONALD C. LASSITER [redacted]
BRUCE M. LAWLOR [redacted]
MARK E. LEWIS [redacted]
DAVID G. MCDONALD [redacted]
PATRICK F. MCGOVERN [redacted]
DENNIS C. MERRILL [redacted]
RICHARD R. MICHAELS [redacted]
RANDAL M. MILLING [redacted]
JERRY N. MORRIS [redacted]
ROBERT K. NELSON [redacted]
HERSHELL W. ODONNELL [redacted]
KEITH A. PREWITT [redacted]
WILLIAM B. RANEY [redacted]
JOAO D. RAPHAEL [redacted]
STEWART A. REEVE [redacted]
THOMAS A. RESO [redacted]
ALBERT R. SCHWEIZER [redacted]
RICHARD L. SCOTT [redacted]
JACK B. STALLINGS, JR [redacted]
THOMAS M. TRITSCH [redacted]
THOMAS G. TUCKER [redacted]
DOUGLAS J. WEST, [redacted]

CHAPLAIN

To be lieutenant colonel

EUGENE C. NEUMAN [redacted]

MEDICAL CORPS

To be lieutenant colonel

MICHAEL J. JENNINGS [redacted]

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT CAPTAIN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CAPTAIN, LINE, USN, PERMANENT

WALTER M. ELLIOTT

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, LINE, USN, PERMANENT

THOMAS E. KATANA
LANNY K. MILLER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, LINE, USN, PERMANENT

MILTON D. ABNER
WILLIAM W. ARRAS
BETTY J. BLAND
MARK R. BOETTCHER
ROCKY S. BOGGS
ROBERT C. BROWN, JR
GEOFFREY R. BURKE
PETER R. BURKE
RANDALL S. BUTLER
JAY D. CALER
DAVID B. CAMPBELL
VIRGINIA E. CORNWELL
JEFFERSON C. DAVIS
GREGG A. DEBOODT
WILLIAM G. DUBYAK
WILLIAM R. DURDEN
JEFFREY T. ENGLE
JINX FALKENHAGEN
MARK A. FILIPIC
JAMES A. GARRETT, JR
MICHAEL D. GNOZZIO
DAVID W. GRUBER
DEMPSEY H. HARRISON
CHARLES T. HAVENS
HARRY M. HEISNER
FRANKLIN D. HITT, JR
GLENN M. IRVINE
MICHAEL E. KILEY
BRUCE R. KITCHEN
FREDERICK J. LANDRO
JOSEPH S. LANGLEY
CHRISTOPHER J. LINDBERG
THOMAS LITOWINSKY
MICHAEL LOIZOS, JR
KEVIN J. MASON
WILLIAM R. MASSEY, JR
JOE K. MCKAY
MYRON F. MLACHAK, JR
CHARLES L. NICHOLSON
STEPHEN A. NOTT
ELIZABETH D. OLMO
JOHN F. ORTOLF
ERIC L. PAGENKOPF
GARY D. PASH
KENNETH R. PATTERSON, JR
PAUL E. PEPPER
JAMES W. REYNOLDS, JR
DONALD J. ROBERTS
RAUL D. RODRIGUEZ
KEVIN G. SAIGHMAN
JACK R. SAUVE
DANIEL M. SLACK
JAY M. SMITH
WAYNE P. STAMPER
JASON E. TIBBELS
STEVEN J. TOBIA
JULIAN E. TONNING
STEPHEN C. TYSON
JEFFREY F. WADE
DIAN J. B. WATABAYASHI
LARRY M. WATTS
MARILYN S. WESSEL
WILLIAM S. WOLFNER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CAPTAIN, MEDICAL CORPS, USN, PERMANENT

HARRY J. BEECHAM, III
HAROLD R. BOHMAN
GUIDO R. GHISELLI
MICHAEL K. KLEIN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, MEDICAL CORPS, USN, PERMANENT

WILLIAM M. ANDERSON
FANANCY L. ANZALONE
ROBERT J. BACKER
WILLIAM C. BAERTHLEIN
MICHAEL J. BAILEY
JEFFREY L. BELL
ALBERT R. BLACKY
MICHAEL BOLGER
MAURICE L. BOUCHARD, JR
JOHN E. BRITT
JAMES L. BUCK
MICHAEL D. CANTY
ROBERT P. CARRILLO
STEVEN CHALFIN
PEGGY J. CHANDLER
EUGENE P. CHRISTIAN
JAMES M. CRUTCHER
ROBERT S. EPSTEIN
RONALD J. ESCUDERO
JAMES N. FRAME
DAVID J. FUNSCH
SHAMEEM K. GHAURI
FRANK K. HIXON
CHARLES B. HON
DAVID H. HUNTER
ROBERT A. MARLEY
ROBERT G. MCALPINE, JR
LEE P. MILLER
ROBERT MORALES
MARK C. MUSMANNO
ANDREW P. NEUHAUSER
JESUS A. M. OLCESE
HAROLD C. POSTON
JOHN B. RAFF
PAUL W. RAGAN
JOHN S. REIFSCHNEIDER
ROBERT L. RINGERING
MIGUEL A. RODRIGUEZ
WILLCOX K. RUFFIN
RONALD P. SEN
WILLIAM F. SIEBERT, JR
ROBERT S. SMITH
ROBERT T. SPIRO
PAUL H. UHLE
MARK R. WALLACE
WILLIAM G. WATKIN
PAUL R. WOLFF
MICHAEL YEDINAK
WILLIAM M. YUDT

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, SUPPLY CORPS, USN, PERMANENT

MICHAEL K. ADAMS
BRUCE D. COLE
JENNIFER J. HUGHES
ROBERT D. MARCINEK
KYUNG C. MOON
DONALD E. MUTKALA
GREGORY M. ORIHEL

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT CAPTAIN IN THE

CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CAPTAIN, CHAPLAIN CORPS, USN, PERMANENT

CHARLES E. BOURKE, JR

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, CHAPLAIN CORPS, USN, PERMANENT

ALFREDO S. LABARO
JAMES P. OKIELTY
JULIUS A. THOMAS

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, CHAPLAIN CORPS, USN, PERMANENT

RALPH W. ARNOLD, JR
JAMES V. ASPARRO
STAN M. AUFDERHEIDE
WILLIAM J. BARTZ
STEPHEN P. BEYER
WILLIAM C. BLAIR, JR
CESAR V. BUENAVENTURA
HERSTEL G. CARTER
TIERIAN CASH
ROBERT J. CLARK
JERRY W. COMPTON
ROGER L. CRIM
WINFIELD S. DAVIS
DANIEL E. DEATON
WILBUR C. DOUGLASS, III
GUY W. DRAB
THEODORE W. EDWARDS
ROBERT D. EVANS
SAM J. FERRETTI, JR
JAMES D. GANTT
JAMES A. GAY
PATRICK A. HAHN
STEPHEN B. HALL
THEES C. HOFT
RICHARD R. HUBBARD
STEPHEN A. HULSEY
EDWARD E. JACK
ROBERT W. JACKSON
BRIAN F. KELLY
JEROME C. KIENZLE
DONALD F. LEROW
ROBERT S. LEWIS, JR
JAMES F. LOOBY
WALKER E. MARSH, JR
BOBBITTI N. MAY
PETER W. MCGEORY
JOSE E. MCLAUGHLIN
THOMAS F. MELE
JAMES J. MELLEY
NATHANIEL MILTON
DAVID E. MULLIS
ARYEH S. OBERSTEIN
WILLIAM M. PETRUSKA
JAMES R. PIPKIN
JAMES D. PUTTLER
SHELIA C. ROBERTSON
TIMOTHY D. ROTT
DAVID K. SANDERS
DAVID W. SHAFER
CHARLES D. SHOAFF
BRADLEY R. SICKLER
BRIAN L. SIMPSON
LYMAN M. SMITH
JAMES L. SPIRITOSANTO
ROBERT D. STRICKLAND
THOMAS E. THIES
MARK L. TIDD
ANTHONY M. TRAPANI
JAMES E. VINSON, JR
DOUGLAS J. WAITE
WILLIAM G. WAUN
JAMES D. WEADICK
GARY L. WHITSON
CHARLES E. WILSON
KENNETH G. WINTERS
JOHN C. WOHLRABE, JR
PHILIP A. WYRICK
CHRISTOPHER XENAKIS
JAMES W. ZINN
MICHAEL P. ZUFFOLETTO

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, CIVIL ENGINEER CORPS, USN, PERMANENT

DANIEL F. BACKMAN
JOHN D. BELANGER
SCOTT P. CALISTI
ROBERT F. PARKER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT CAPTAIN IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CAPTAIN, DENTAL CORPS, USN, PERMANENT

WINTHROP B. CARTER
WILLIAM A. WALKER, JR

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, MEDICAL SERVICE CORPS, USN, PERMANENT

ROBERT P. AITKEN
TIMOTHY G. ALBERT
GREGG M. BARINGOLDZ
ROGER A. BATCHELOR
BARBARA A. BOYD
ELIZABETH A. BURNS
JOHN A. DALESSANDRO
MICHAEL J. DEJAEGER
STEVEN J. DWINE
LYNN L. FLOWERS
ALFRED L. GLOVER
ALLAN J. HAMMAR
ROGER P. HANSON
ROBERT J. JACOBS
TREVOR R. JONES
DONNA M. MURDOCH
WAYNE J. OSBORNE
ANDREW R. PORTER
JOHN ROSSI, III
WING SUE M. SHIU
RICKIE L. SOSH
ROBIN A. R. SPAULDING
MARIANNE THOMPSON
VIRGINIA M. TORSCH
JOHN F. TOURVILLE
RENE VILLARREAL
SCHUYLER C. WEBB
JAMISON A. WHITEMAN

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE NURSE CORPS OF THE U. S. NAVY, U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, NURSE CORPS, USN, PERMANENT

JIMMIE L. OLIVER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, NURSE CORPS, USN, PERMANENT

ROSARIA GEMENDER
BONNY J. C. LAMPO
LORETTA A. MADDEN
ELIZABETH A. MCDONALD
NANCYE K. WARREN
RONALD A. YAKSHAW
DEBRA D. YAREMA

EXTENSIONS OF REMARKS

IMMINENT SOVIET REPRESSION ENDANGERS IMPROVED SOVIET-AMERICAN RELATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. BEREUTER. Mr. Speaker, yesterday this Member addressed the House on the imminent Soviet repression of the Baltic States as Americans and the world focus attention on the crisis in the Persian Gulf region. It was suggested that crushing the legitimate aspirations of the people of these Baltic nations to regain their independence would do severe damage to Soviet-American relations. Soviet President Gorbachev clearly has great problems in holding together the republics and diverse ethnic groups of the U.S.S.R., but he can for legitimate reasons, and should for pragmatic reasons, distinguish between the Baltic nations which were illegally annexed as a result of the infamous pact between Hitler and Stalin. The attention of Members of the House is requested to the following excellent related editorial of January 8, 1991, found in the Fremont, (NE,) Tribune:

SOVIET BALTIC ACTION THREATENS RELATIONS

The United States has been put in a precarious position by the Soviet Union's decision to send troops into its Baltic republics to enforce that country's draft.

The Bush administration cannot stand by idly with the looming possibility that the Soviets will use force to quell future unrest is present. Yet the administration must be careful in its criticism for fear of losing a U.S.-Soviet relationship that ended the Cold War and helped give legitimacy to U.S. actions in the Persian Gulf.

The United States has not let the Baltic action go unnoticed, and rightfully so.

Presidential press secretary Martin Fitzwater, in an administration statement released Tuesday, fell just short of lambasting the Soviets for their action against the Baltic republics. His call of the Kremlin to cease "attempts at intimidation" emphasized the concern of the Bush administration and echoed the sentiments of many governmental officials, world politicos and us.

We find it impossible to fathom how Gorbachev can avoid escalation of military intervention in the rebellious republics once it is started. It's similar to the proverbial liar—it's difficult to lie the first time, but untruths become easier and more frequent as time passes.

It's very easy to see how the use of the Soviet military might not stop with draft enforcement. Gorbachev's main goal is to preserve the Soviet Union, keeping its 15 republics together. Forcing Baltic draft dodgers to enlist is insignificant to outright secessionist rebellion, a definite possibility in a crumbling Soviet Union.

The use of military intervention in the Baltics only will further irritate the situation in breakaway secessionist republics, where anti-Soviet sentiment is strong and grows stronger each day. Gorbachev is bound to use his strong-arm tactics again and again, until his union is preserved or engulfed in all-out civil war.

The Bush administration's 180-degree turn from vocal Gorbachev supporter to critic indicates the weightiness of recent events in the Soviet Union that have moved that country away from liberalization in recent years toward the authoritarian shadow of renewed conservatism.

Should Gorbachev implement domestic policies encouraged by Sovet hard-liners, the United States will have to reconsider its partnership with Moscow. To what degree U.S.-Soviet relations will deteriorate is unknown. But there is already talk that a superpower summit next month in Moscow could be canceled if Soviet domestic policy doesn't satisfy the United States.

Should the United States be too harsh in its assessment of Gorbachev, it faces possible loss of a stalwart ally in its standoff against Iraq and Saddam Hussein. What is now dual diplomacy could very easily become adversarial diplomacy should the Soviet Union react negatively to U.S. criticism. Such was the accepted practice during the Cold War—Washington and Moscow opposing each other no matter the issue.

Clearly, Gorbachev's actions threaten to reverse the warming of East-West relations. The United States can't very well continue to praise the perestroika and glasnost of Nobel Peace Prize winner Gorbachev when his means of attaining them fly in the face of accepted democratic practices.

When Gorbachev first set on this course of liberalization and democratization, he asked the United States to keep its mouth shut about the internal problems that were bound to result and his methods of handling them. He warned that criticism could have a chilling effect on U.S.-Soviet relations.

The United States has not and should not meet Gorbachev's demand if Soviet crackdowns continue. But the United States will have to suffer the consequences.

A BAD PEACE IS WORSE THAN WAR

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. EMERSON. Mr. Speaker, it is my privilege to submit for the consideration of my colleagues the most trenchant, articulate, incisive, single brief statement on the Middle East crisis that has come to my attention. It is a statement on the subject by our former President, Richard Nixon, which appeared on the op-ed page of the Saint Louis Post-Dispatch on Tuesday of this week.

[From the Saint Louis Post-Dispatch, Jan. 8, 1991]

A BAD PEACE IS WORSE THAN WAR—SANCTIONS ARE NOT THE ANSWER; UNITED STATES MUST BE READY TO FIGHT

(By Richard Nixon)

It is time for some straight talk about why 400,000 young Americans spent Christmas in the deserts of Saudi Arabia and why in less than two weeks the United States may be once again at war.

We must first be clear about what the conflict is not about.

If we must resort to military force to drive Saddam Hussein from Kuwait, it will not be a war about democracy. While our goal is to restore Kuwait's legitimate government, it is hypocritical to suggest we hope to bring democracy to Kuwait. Except for Israel, there are no democracies in the Mideast, and there will be none in the foreseeable future. The emir of Kuwait is among the world's more benevolent dictators, but once he is back in his palace in Kuwait City, he will still be a dictator.

Nor is intervention justified because Saddam is a cruel leader. President Bush has been criticized for equating him with Adolf Hitler. Whether he is that bad is irrelevant. He is bad enough. Saddam's soldiers are murdering, torturing and raping defenseless Kuwaitis and pillaging the country. He violated international law by using chemical weapons against Iran and the Kurds.

But if our policy were to punish cruel leaders, we would not be allied with Syria's President Hafez al-Assad. He ordered the massacre of 20,000 innocent people in the city of Hema in his own country, has supported international terrorism and presided over an army that has committed brutal atrocities in Lebanon.

Both Syria and Iraq threaten our interests, but today Iraq poses a profoundly greater threat.

Those who fault Bush for enlisting Assad's support should remember Winston Churchill's classic rejoinder to those who criticized him for supporting Stalin after Hitler invaded the Soviet Union during World War II: "If Hitler invaded hell, I think I would find a kind word to say about the devil in the House of Commons."

We are in the Persian Gulf for two major reasons.

First, Saddam has unlimited ambitions to dominate one of the most important strategic areas in the world.

When Sen. Bob Dole said we were in the gulf for oil and Secretary of State James Baker said we were there for jobs, they were criticized for justifying our actions on purely selfish grounds. We should not apologize for defending our vital economic interests. Had we not intervened, an international outlaw would today control more than 40 percent of the world's oil.

While, by stringent energy conservation, the United States might be able to get along without oil from the gulf, Western Europe and Japan could not. What happens to the economies of other great industrial nations directly affects the economy of the United States.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We cannot allow Saddam to blackmail us and our allies into accepting his aggressive goals by giving him a choke hold on our oil lifeline. Because he has oil he has the means to acquire the weapons he needs for aggression against his neighbors, eventually including nuclear weapons. If he succeeds in Kuwait, he will attack others, and he will use whatever weapons he has to achieve his goals.

If we do not stop him now, we will have to stop him later, when the cost in young American lives will be infinitely greater.

There is an even more important long-term reason for rolling back Iraq's aggression. We cannot be sure, as many believe and hope, that we are entering into a new, post-Cold War era where armed aggression will no longer be an instrument of national policy. But we can be sure that if Saddam profits from aggression, other potential aggressors in the world will be tempted to wage war against their neighbors.

If we succeed in getting Saddam out of Kuwait in accordance with the U.N. resolution and in eliminating his capacity to wage war in the future—which must be our goal if he refuses to get out peacefully and forces us to act militarily—we will have the credibility to deter aggression elsewhere without sending American forces.

The world will take seriously U.S. warnings against aggression.

Some critics argue that we should continue sanctions for as long as 18 months before resorting to force. They contend that even if sanctions do not work, Saddam will be so weakened that we will suffer fewer casualties if war does come.

They are wrong on three counts. First, while the Iraqi people suffer the effects of the sanctions, Saddam will direct his resources so that the Iraqi military will not.

Second, while sanctions will weaken Iraq, they will weaken us more because of the political difficulty of holding our alliance together abroad and maintaining support for our troop commitment at home.

Finally, the most the critics can claim is that it is possible that sanctions might work. It is certain that military force will work. The stakes are too high to risk failure.

Other critics believe diplomacy will eventually convince Saddam that he should get out of Kuwait. But neither diplomacy nor sanctions has a chance unless he knows that if he does not get out of Kuwait peacefully, the American people and our allies will be united in support of driving him out military.

Should Secretary Baker's meeting with Iraqi Foreign Minister Tariq Aziz fail to produce an agreement that complies unconditionally with the U.N. resolution, we must remember that when dealing with an insatiable aggressor a bad peace is worse than war because it will inevitably lead to a bigger war.

If we must go to war it will not be just a war about oil. It will not be a war about a tyrant's cruelty. It will not be a war about democracy.

It will be a war about peace—not just peace in our time, but peace for our children and grandchildren in the years ahead.

If Saddam gains in any way from his aggression, despite our unprecedented commitment of economic, diplomatic and military power, other aggressors will be encouraged to wage war against their neighbors and peace will be in jeopardy everywhere in the world.

That is why our commitment in the gulf is a highly moral enterprise.

TRIBUTE TO SHENANDOAH UNIVERSITY

HON. D. FRENCH SLAUGHTER, JR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise today to pay tribute to an old institution and the newest university in the Commonwealth of Virginia. On January 1, 1991, Shenandoah College and Conservatory, located in my district in the northern Shenandoah Valley, became Shenandoah University.

Since the institution was established in 1875 as a conservatory, Shenandoah has become renowned as a leader in the instruction of music and the arts. As demand for an institution of higher education in the Winchester area increased, Shenandoah expanded its curriculum, and in 1974 the college and conservatory became a single 4-year institution, attracting students from across the Commonwealth and the Nation. Shenandoah University offers a wide range of educational opportunities, and as a full university will expand still further, fulfilling the need for a university in the northern Shenandoah Valley.

I am both pleased and proud to tell my colleagues of Virginia's newest university, and I am sure that you will be hearing much about this unique institution in years to come.

A VISION OF JUSTICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, this year our distinguished colleague, the gentleman Senator from Florida [BOB GRAHAM], was presented with the American Jewish Congress Stephen Wise Award. This award signifies the highest honor to those who are dedicated and committed to issues of concern to the American Jewish Congress and the American Jewish community.

The award was named after Mr. Stephen Wise, who was not only the founder of the American Jewish Congress, but also a leader within the Jewish community. It is not often that this award is presented, and I congratulate Senator BOB GRAHAM on this tremendous honor.

I commend to my colleagues a speech delivered by Senator GRAHAM at the American Jewish Congress award dinner:

REMARKS OF SENATOR BOB GRAHAM AT THE AMERICAN JEWISH CONGRESS' DINNER ON JANUARY 8, 1991

Thank you. Adele and I are honored and humbled to receive this recognition.

Tonight, I am reminded of words that I spoke in January 12 years ago. On a cold day in Tallahassee, outside the Capitol, I was sworn in as Governor of Florida. I said this was a proud day for the Graham family—which had known adversity and victory, joy and pain. But this day we will long remember * * * and we feel the same way tonight. We feel that special combination of pride and humility because we know the stature of the namesake of this award: Rabbi Stephen S. Wise, one of the founders of the American Jewish Congress.

We know who attended that first American Jewish Congress convention at the Metropolitan Opera House in Philadelphia in 1918 * * * along with Dr. Wise: A young woman from Milwaukee named Golda Meyerson, Henry Morgenthau, Louis Lipsky and Felix Frankfurter, who would later serve with distinction on the Supreme Court. One of the proudest points of Graham family history is that my brother Phil was a law clerk for Felix Frankfurter at the Supreme Court.

We are humbled because we know the powerful words of Dr. Wise, spoken 75 years ago as this great organization was formed. Dr. Wise said we should deal directly with the challenges of the day, not gloss them over. Like all rabbis, Dr. Wise had an expansive vocabulary. He urged the founders of the American Jewish Congress not to palliate. Palliate means to concel the gravity of a situation by offering excuses, or, in a medical sense, to ease without curing. Dr. Wise's wisdom, his rejection of the superficial, his call to justice * * * are just as relevant today—if not more so.

JUSTICE IN THE MIDDLE EAST

We should put the immediate crisis in the Persian Gulf in a longer range context. After resolution of this crisis—one way or another—how do we serve our long-range interests in this region? It would be a mistake, an over-simplification, to personalize this crisis to one person: Saddam Hussein.

That would be a modern-day form of palliation—concealing the gravity and the complexity of the issue. To personalize the Persian Gulf to one man hides these other factors that helped shape the current crisis: (a.) The rise of fundamentalism. (b.) The rise of populism against a regime that was seen as privileged. (c.) Competition for scarce resources, particularly water.

To personalize this crisis means that we would be satisfied if Saddam Hussein leaves Kuwait. Our objectives must be broader—to move toward stability in the Middle East. That means the deadly Iraqi military threat must be reduced, either by military action or by longterm embargo. Our objective is to advance democracy in a region of tyranny. In that effort, Israel is the model.

JUSTICE IN THE WORLD

Before World War I, one of the main goals of the newly formed American Jewish Congress was to assure the safety and dignity of Jews around the world, particularly in Europe as the world faced the prospect of war. That concern—for world Jewry—is just as fundamental as we and this century as it was in the beginning of the century.

The great emigration of Soviet Jews, the Exodus to freedom, must not be taken for granted. At times, the Soviet Union seems like an oxymoron * * * there is no union.

Again, we should not be content to personalize changes in the Soviet Union into one man: Gorbachev. Changes in the Soviet Union should transcend one man * * * changes should be institutionalized and put into law. The right to emigrate must be part of the code of Soviet lawbooks, not merely part of a Gorbachev speech.

I urge caution as we move to assist the Soviet Union with its domestic problems. I was skeptical of the Administration's decision to waive Jackson-Vanik because the right to emigrate hasn't been established by law. The President should weigh very carefully the stagnation of peristroika and the long delay by the Soviets in codifying the right to emigrate in deciding the future of our aid.

JUSTICE AT HOME

In the past two years, I've traveled around the world. The people of this world still look to America as a beacon of freedom. The work of the American Jewish Congress is part of the reason that our nation is respected for justice. The search for civil rights and human rights is more than rhetoric for the American Jewish Congress. You have achieved results, decade after decade.

But we know that the American revolution that began more than 200 years is a dynamic revolution. We continue to face new challenges. We must reject the politics of racial and ethnic fear. We're facing Hussein's poison gas in the Middle East, but we must not overlook the poison politics of David Duke.

In our democracy, there is no substitute for participation by citizens who are alert to the tricks of hate-mongers and who are committed to justice for all. And so tonight—some 75 years after that preliminary conference of what would become the American Jewish Congress—we re-dedicate ourselves to the principles of Rabbi Wise, who said:

"Not relief, but redress, Not palliation, but prevention. Not charity, but justice. This is the only program worthy of a great and proud people."

IMPROVEMENT OF ADMINISTRATION OF JUSTICE IN THE AMERICAS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. SOLARZ. Mr. Speaker, as you may know, the Enterprise for the Americas Initiative was presented by President Bush to an assemblage of Latin American and Caribbean Ambassadors on June 27, 1990. The initiative is intended to give substance to a policy of cooperation in economic growth and social progress among the nations of this hemisphere.

Mr. Speaker, it is extremely important to the success of the initiative that serious efforts be undertaken to improve the administration of justice in the Americas.

In August 1989, at its meeting in Rio de Janeiro, the Inter-American Juridical Committee adopted a resolution intended to give substance to the inter-American consensus that improvement in administration of justice is essential to continued advances in democratization in the Americas.

The resolution, expressing the conviction of the highest juridical authority of the Organization of American States, recommends that an inter-American association be formed to facilitate inter-American discussion and consideration of methodologies and activities advancing the betterment of the administration of justice in the Americas.

Mr. Speaker, I commend the effort of the Inter-American Juridical Committee, and I applaud regional efforts to enhance the administration of justice in the Americas. Moreover, I believe that the Bush administration should provide substantial assistance to such efforts to ensure their success.

I ask that the "Resolution on the Improvement of the Administration of Justice in the Americas" be inserted in the RECORD.

RESOLUTION ON THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE IN THE AMERICAS

The Inter-American Juridical Committee:

Re-affirming its long-standing interest in the advancement of improvements in the Administration of Justice in the Americas;

Recalling the endorsements given to its work in that important area by the General Assembly of the Organization of American States;

Noting that advancement in improvement in the administration of justice in the Americas is vital to the advancement of democracy and to economic and social development in the hemisphere;

Recalling its several special sessions, held in 1988 and 1987, together with jurists of several countries of the Americas and in collaboration with public and private international and inter-American organizations;

Appreciating the vital assistance of the Fundacao Getulio Vargas as well as of other international associations of jurists, including national bar associations, "colegios de abogados y de magistrados", and the financial assistance provided by the U.S. Agency for International Development; and

Considering the value of collaborative and development efforts and of the exchange of information about the various aspects of work in the advancement of the administration of justice,

Resolves:

1. To recommend that an inter-American association be formed, on a private basis, and working in close cooperation with governmental and intergovernmental bodies, and in harmony with the General Secretariat of the Organization of American States, the purpose of which would be to facilitate inter-American discussion and consideration of methodologies and activities advancing the betterment of the administration of justice in the Americas;

2. To accept and acknowledge the offer made by the American Society of International Law as a means of expediting the formation of such an association on a sound and cooperative basis, to take the initial steps required to bring such an association into existence as a non-profit legal entity;

3. To recommend that this entity be titled "Inter-American Association for the Administration of Justice" (IAAJ), with headquarters initially in Washington, D.C.;

4. To suggest as the purposes of the Association, as indicated hereinabove, to strive to improve the administration of justice in the American States in collaboration with the organs of the Inter-American System, and particularly with the Inter-American Juridical Committee and the General Secretariat of the Organization of American States;

5. That said Association consider the establishment of a work program emphasizing, as priority tasks—

(a) Interchange of jurists, magistrates, lawyers, teachers, and others concerned with the administration of justice, with the objective of achieving inter-American cooperation in the advancement of justice.

(b) Establishment and dissemination of a compendium of information, relating to issues in the administration of justice in the American States;

(c) Establishment of programs of cooperation with bar associations, associations of judges and magistrates, educational and research institutions, directed toward improving the administration of justice in the American States,

(d) Promoting research related to betterment of the administration of justice and providing facilities therefor;

6. That the co-rapporteurs on the topic Improvement of the Administration of Justice in the American States be requested to report on this topic at the next regular session of the Inter-American Juridical Committee.

Jorge Reinaldo A. Vanossi, Seymour J. Rubin, Ramiro Saraiva Guerreiro, Galo Leoro F., Roberto MacLean Ugarteche, Manuel A. Vieira, Kenneth O. Rattray, Francisco Villagran-Kramer.

KREMLIN ACTION IN BALTIC STATES THREATENS IMPROVED SOVIET-AMERICAN RELATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. BEREUTER. Mr. Speaker, yesterday this Member addressed the House during the 1-minute period to voice grave concern over imminent and actual Soviet repression and aggression against the people and government of the illegally annexed Baltic nations of Estonia, Latvia, and Lithuania. Those actions fundamentally threaten the improved Soviet-American relations and our ongoing and increasing assistance and cooperation with the U.S.S.R. in addressing their severe economic problems. This Member urges his colleagues to read in entirety the following excellent editorial of this date in the Omaha World-Herald:

[From the Omaba World-Herald, Jan. 11, 1991]

FREEDOM THE FIRST CASUALTY: WHAT STARTS IN THE BALTICS COULD BE GLOBAL DANGER

Tragedy may be unfolding in the Soviet Union. Independence-minded Soviet republics appear about to become the victims of iron-fisted Soviet policies reminiscent of the Stalinist era. And the people of Latvia, Lithuania and Estonia may be among the first to suffer.

The political disintegration of the Soviet Union could create a situation as dangerous, in the long run, as the Persian Gulf crisis.

Moscow said this week that it was sending paratroopers to the Baltic nations and four other Soviet republics to arrest young men who had refused to be drafted into the Red Army or had deserted.

Armed Soviet troops surrounded Lithuania's legislative headquarters and television station. Soviet military vehicles were poised near an adjacent library.

Troops took control of Latvia's largest newspaper publishing plant, the source of every major newspaper in Latvia. Dainis Ivans, deputy chairman of Latvia's parliament, said he was told he would be shot if he tried to enter the building.

"This looks like the first step of a major armed action against us." said Ivans, who later fled to Finland and announced that he was considering setting up a government in exile.

The Kremlin seems to be making an example of the Baltic States, which, by virtue of their having been absorbed into the Soviet Union against their will, have a special claim to independence. The courage displayed by their people in speaking up for their rights has spread. Similar courage can be seen from Moldavia to Siberia. A long-suppressed attitude has emerged: The Kremlin doesn't have all the answers. More and more people have questioned the outmoded authoritarian thinking.

How tragic it would be if such courage once again became a capital offense in the Soviet Union.

With its vast resources and its patient, resilient, loyal people, the Soviet Union has the potential to be an economic superpower. But if the Kremlin uses force against the independence-minded republics, it will have chosen, in effect, to throw in with the hardliners rather than joining the civilized progressive world.

Political repression can't coexist with an enlightened foreign policy and an economy that is based on the principles, of fredom of choice. If the Soviet Union started back down the road to Stalinism at home, the implications would be global.

The situation contains a lesson to be taught, but the Kremlin should be the pupil, not the teacher. The lesson is that the urge to live free cannot be extinguished without eliminating the dignity of the human spirit. Without that spirit, prosperous societies and successful governments cannot survive. Regrettably, the Kremlin has given no sign that it understands the consequences of its choice.

REMEMBERING BERNARD R. WIEDER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Miami Beach recently lost one of its beloved residents when Bernard Wieder, a Miami resort and hotel owner, passed away. A true representation of the American dream, Mr. Wieder will certainly be remembered dearly by all who knew him. His son, Mr. David S. Wieder, a practicing attorney in my congressional district, wrote to my colleague, Congresman BILL LEHMAN, on his father's death and I would like to enter his obituary, as printed in the New York Times on Sunday, December 30, 1990.

BERNARD R. WIEDER, RESORT-HOTEL OWNER

Bernard R. Wieder, a retired owner of resort hotels in New York, New Jersey and Florida, died on Thursday at the Miami Heart Institute. He was 86 years old and lived in Miami Beach.

He died of congestive heart failure, his family said.

Mr. Wieder started his hotel career in the 1920's as a waiter in the Mohawk Valley in upstate New York. He soon became a maitre d'hotel and in 1937 invested in his first property, the Fairmont Hotel in Mount Freedom, N.J.

A year later he took over the Reiter House in Lake Mahapac, N.Y., which was owned by his wife's family, and from 1943 to 1946 he operated the Adelon Hotel in Long Beach, L.I. From 1952 to 1971 he owned the Adler in Sharon Springs, N.Y.

Meanwhile, Mr. Wieder had become interested in Florida properties, and in the 1950's was a partner in construction of the Shore Club in Miami Beach and operated the Surfside Plaza there. He bought the Martinique in Miami Beach in 1965 and ran it until 1975, when he retired and the hotel was turned into the Mar del Plata condominium.

Shortly after the end of World War II, Mr. Wieder, who was born in the village of Marmaros-Szighet in Hungary, returned to Europe to conduct a long search for his two sisters, who had vanished during the war. He found them in a camp for displaced people, along with more than 20 other former concentration-camp inmates from Marmaros-Szighet, and arranged for all of them to be resettled in the United States.

Mr. Wieder is survived by his wife, the former Hilda Reiter; a son, David, and a daughter, Celeste, both of Miami Beach; two sisters, Margaret Scharf and Sari Weiser, both of Brooklyn, and two grandchildren.

THE ELECTION OF CARDISS COLLINS: FIRST BLACK CONGRESSWOMAN FROM THE MIDWEST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. STOKES. Mr. Speaker, I take pride in rising today to salute my friend and our colleague, CARDISS COLLINS. As we begin the 102d Congress, CARDISS is not only 1 of 31 females elected to serve in this institution, but she becomes the second ranking female Member of Congress. This represents an outstanding achievement for the distinguished legislator from the Seventh Congressional District of Illinois. CARDISS has served her constituency and our Nation in an exceptional manner during her 17-year tenure.

Mr. Speaker, Philip A. Grant, Jr., professor of history at Pace University, recently delivered a speech at a meeting of the Association for the Study of African-American Life and History. His speech was entitled, "The Election of CARDISS COLLINS of Illinois as the First Black Congresswoman From the Midwest." In his remarks, Professor Grant provides a candid look at the career of CARDISS COLLINS following her election to the Congress in 1973. I am pleased to bring Dr. Grant's speech to the attention of my colleagues.

Mr. Speaker, it's an honor to serve with CARDISS in the Halls of Congress. I congratulate her upon this important achievement and wish her much continued success.

SPEECH BY PROF. PHILIP A. GRANT, JR.

On December 8, 1972 Congressman George W. Collins of Illinois was killed in a plane crash near Midway Airport in Chicago. Collins, the Democratic incumbent representing Illinois' Seventh Congressional District, on November 2, 1972 had been overwhelmingly re-elected to his second term in the House. Collins, who in 1971 had become Illinois' second Black congressman, had defeated his 1972 Republican opponent by a margin of 95,018-19,798 (82.8%).[1]

Because of the vacancy created by the tragic death of Collins, a special election was necessitated to fill the deceased congressman's unexpired term. There was a general expectation that the special election would occur sometime in the spring of 1973. Consequently, there was little surprise when Illinois officials decreed that a primary would be held on April 17 and the special election itself would be scheduled for June 5.[2]

Among the individuals announcing their intention of running in the Democratic primary was the Congressman's widow, Carliss R. Collins. Mrs. Collins, forty-one years of age, had attended Northwestern University and was an accountant by profession. For many years she had held a variety of appointive positions, foremost among which were in the Illinois State Employment Service and the Illinois Department of Revenue. During the years her late husband had served successively as a Chicago Alderman and as a member of Congress, Collins had also been active in Democratic Party affairs.

Inasmuch as Congressman Collins had been a prominent leader in the Cook County Democratic Organization, it was assumed that Mrs. Collins' candidacy would be viewed favorably by the organization's key spokesmen. Indeed Mrs. Collins' quest for the nomination was unanimously approved by the fifty-four precinct captains of the Twenty-Fourth Ward Regular Democratic Organization on December 24, 1972, and three days later she was officially endorsed by the powerful county organization, thereby affording her a substantial, if not insurmountable, advantage in the Democratic congressional primary.[3]

Competing with Mrs. Collins in the April 17 primary were two other Black Democrats, Otis G. Collins and Miltin Gardner. Collins had previously served eight years in the Illinois House of Representatives, while Garnder, a twenty-six year old law student at Columbia University In New York City, had never previously sought political office.

During the primary campaign Mrs. Collins vowed to persevere in her late husband's unqualified commitment to the ideals of racial equality and social justice and severely criticized the conservative domestic priorities of Republican President Richard M. Nixon. While not disagreeing with her stands on the basic issues, Otis G. Collins stressed his strong disenchantment with Mayor Daley and his expertise as a legislator. Garnder, who confined his campaign to weekend appearances, was not considered by political observers to be a serious candidate. While Mrs. Collins commanded the support of the regular Democratic organization, Otis G. Collins hoped that his prospects would be bolstered by an editorial endorsement from the Chicago *Tribune*.[4]

It was anticipated that there would be a relatively low turnout in the Democratic congressional primary and that the well-disciplined Cook County organization would mobilize to secure a substantial victory for Mrs. Collins. The early returns on primary night indicated that only a small fraction of the district's registered Democrats had opted to vote in the primary contest and that Mrs. Collins seemed likely to score a solid triumph. The outcome of the primary was as follows:[5] Cardiss R. Collins, 30,940 (84.7%); Otis G. Collins, 3,430 (8.4%); and Milton Gardner, 2,114 (5.8%).

Illinois Seventh Congressional District, containing portions of the South and West Sides of Chicago, was heavily Democratic in party affiliation. The territory encompasing the densely populated urban district had voted Democratic in twenty-four consecutive House contests over a span between 1926 and 1972. In 1968 and 1972 the Democratic presidential candidates had registered overwhelming victories in the Seventh District, the Republican nominees having averaged a mere twenty-two percent to the popular vote.[6]

According to the Census of 1970, the population of the Seventh District was 54.9% Black and 16.6% Hispanic. In every respect the district was working class in its orienta-

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Footnotes at end of article.

tion with blue collar employees accounting for 49.3% of the total labor force and service employees for 15.4%. In terms of median family income the Seventh District was the second poorest in Illinois and regarding housing statistics 83.1% of tis inhabitants were tenants.[7]

In the special election Mrs. Collins was opposed by Republican Lar Daly. Daly, whose campaign slogan was "America First," had frequently appeared in "Uncle Sam" uniforms in his many previous political campaigns. Over a period of an entire generation Daly had run without success for a member of municipal, state, and federal offices in Illinois. There seemed absolutely no possibility that an eccentric white Republican, who had been so consistently humiliated in past races, would pose a meaningful challenge to Mrs. Collins in one of the nation's most solidly Democratic constituencies.[8]

The special election not only involved Collins and Daly, but also included the write-in candidacy of Angel Moreno, an Independent. From the counting of the initial ballots it was certain that Collins would emerge victorious. The official election statistics were:[9] Collins, 33,875 (92.4%); Moreno, 1,467 (4.0%); and Daly, 1,329 (3.6%).

At noon on June 7 Mrs. Collins entered the chamber of the House of Representatives. A few minutes later she was officially sworn in as a member of Congress by Speaker Carl B. Albert. Twelve days after taking her oath of office Collins was assigned to the Committee on Government Operations.[10]

At the time Mrs. Collins became a member of the House there were only three other Black women in the overall membership of four hundred and thirty-five. These individuals were Representatives Yvonne B. Burke of California, Shirley A. Chisholm of New York, and Barbara Jordan of Texas. Like Collins, Burke and Jordan would be serving their freshman terms in 1973 and 1974.[11]

Since Mrs. Collins was completing an unexpired term in the House, it would be necessary for her to begin preparations to seek re-election to a full term in 1974. Polling 87.9% of the popular vote in the general election of 1974, Collins would encounter only slgiht difficulty in winning seven additional terms between 1976 and 1988. In these seven biennial campaigns for the House her winning proportions have varied from 78.4% in 1984 to 100% in 1988.[12]

In 1978 Congresswomen Burke and Jordan decided to relinquish their seats in the House of Representatives, and four years later Congresswoman Chisholm opted to retire from public life. Thus, when the Ninety-Eighth Congress assembled in January 1983, Mrs. Collins had the distinction of becoming the senior Black woman serving in either House of Congress.[13]

At the time she began her congressional career in the spring of 1973 there were fourteen other Black incumbents in the House. In addition to the departures of Congresswomen Burke, Jordan, and Chisholm, her Illinois colleague, Ralph H. Metcalfe, died, and Andrew Young of Georgia was appointed as Ambassador to the United Nations. Three other Blacks, Robert N. Nix of Pennsylvania, Parren J. Mitchell of Maryland, and Charles C. Diggs, Jr. of Michigan, were either defeated in electoral contests or voluntarily retired. By January 1987 Collins was outranked in seniority by only six other Blacks in the House. One of these gentlemen, Augustus F. Hawkins of California, has chosen not to seek re-election in 1990, thereby assuring that Collins will automatically advance in seniority at the opening of the next Congress.[14]

There were fourteen other women on Capitol Hill at the time Mrs. Collins began her freshman term in Congress. Between June 1973 and the present time the number of women in the House and Senate has increased to thirty-one. Only two of these distinguished ladies, Democrats Patricia Schroeder of Colorado and Lindy Boggs of Louisiana, have accumulated more seniority than Collins. Inasmuch as Boggs recently announced her decision to retire at the end of her current term, Mrs. Collins will become the second ranking woman member of the Congress which will begin its deliberations in January 1991.[15]

Largely as a result of her continuous longevity, Mrs. Collins has risen to the position of the senior Democrat on the Committee on Government Operations. As an activist member of this important standing committee, for the past four years she has chaired the Subcommittee on Government Activities and Transportation. Collins has also attained prominence in the Congressional Black Caucus, serving two terms as its Treasurer and one term as its President.[16]

After the tabulation of the Census of 1980, the State of Illinois experienced the misfortune of losing two of its twenty-four seats in the House of Representatives. Because of the failure of the Illinois Legislature to reach a consensus on the geographic makeup of the remaining twenty-two districts, a panel of federal judges assumed responsibility for finalizing the specific features of a congressional redistricting plan. According to the changes decreed by these judges, Mrs. Collins gained approximately fifty-five thousand additional constituents. The boundaries of the district were enlarged to include the suburban communities of Oak Park and River Forest. In racial composition the revised district was 66.9% Black and 4.7% Hispanic.[17]

Cardiss R. Collins was first elected to the House of Representatives during the latter stages of the presidency of Richard M. Nixon. Her seventeen year congressional career had paralleled the Administrations of four other Presidents of the United States. Mrs. Collins has obviously retained the support of her constituents in the Seventh District and with each succeeding term has advanced in seniority and influence on Capitol Hill. As the only Black congresswoman from the twelve states of the Midwest, she has served her district, state, and nation in a highly conscientious manner.

FOOTNOTES

[1] Bruce A. Ragsdale and Kathryn A. Jacob (eds.), *Biographical Directory of the American Congress, 1774–1989* (Washington: United States Government Printing Office, 1989), p. 810; United States Congress, *Congressional Directory, 1972* (Washington: United States Government Printing Office, 1972), pp. 49–50; *America Votes, 1972* (Washington: Congressional Quarterly, Inc., 1973), p. 113; *Tribune*, Chicago, Ill., December 9, 1972, pp. 1, 2, 4, 5; *Post*, Washington, D.C., December 9, 1972, pp. 1, 16; *Times*, New York, N.Y., December 9, 1972, pp. 1, 70.

[2] *Congressional Quarterly*, December 16, 1972, p. 3154; January 6, 1973, p. 8.

[3] *Tribune*, Chicago, Ill., December 25, 1972, p. 12, December 28, 1972, p. 7.

[4] *Congressional Quarterly*, April 7, 1973, p. 761; *Tribune*, Chicago, Ill., April 8, 1973, p. 22; April 15, 1973, II, 4.

[5] *Congressional Quarterly*, April 21, 1973, p. 899; *Times*, New York, N.Y., April 18, 1973, p. 42; April 19, 1973, p. 26; *Tribune*, Chicago, Ill., April 18, 1973, p. 16; April 19, 1973, p. 16.

[6] Kenneth C. Martis, *The Historical Atlas of United States Congressional Districts, 1789–1983* (New York: Macmillan Publishing Company, 1982), pp. 160–207, 227–229; *Guide to U.S. Elections* (Washington: Congressional Quarterly, Inc., 1985), pp. 912, 917, 922, 927, 932, 937, 942, 947, 952, 957, 962, 967, 972, 977, 982, 987, 992, 997, 1003, 1008, 1013, 1018, 1023, 1028.

[7] *Congressional Disricts in the Nineteen Seventies* (Washington: Congressional Quarterly, Inc., 1974), pp. 58–59; Michael Barone, Grant Ujifusa, and Douglas Matthews, *The Almanac of American Politics, 1974 (Boston: Gambit, 1973), pp. 274–276.*

[8] *Congressional Quarterly*, May 26, 1973, p. 1289.

[9] *Tribune*, Chicago, Ill., June 6, 1973, p. 15; *Times*, New York, N.Y., June 6, 1973, p. 23; June 7, 1973, p. 11; *Congressional Quarterly*, June 9, 1973, p. 1441.

[10] United States Congress, *Congressional Record* (Washington: United States Government Printing Office, 1973), CXIX, 18463, 20185; *Tribune*, Chicago, Ill., June 9, 1973, p. 2.

[11] *Biographical Directory of American Congress*, pp. 706, 774, 1284–1285; United States Congress, *Congressional Directory, 1973* (Washington: United States Government Printing Office, 1973, pp. 24–25, 125, 180; State of Illinois, *Blue Book, 1973–1974* (Springfield: 1974), pp. 32, 36.

[12] *Guide to U.S. Elections*, pp. 1033, 1038, 1043, 1048, 1053, 1058; *American Votes, 1986* (Washington: Congressional Quarterly, Inc., 1987), p. 167; *Congressional Quarterly Almanac, 1988* (Washington: Congrssional Quarterly, Inc., 1989), p. 30–A.

[13] In 1983 Collins was joined in the House by another Black woman, Katie S. Hall, of the First District of Indiana. *Congress and the Nation, 1981–1984* (Washington: Congressional Quarterly, Inc., 1985), p. 1106.

[14] Maurice Christopher, *America's Black Congressmen* (New York: Thomas Y. Crowell Company, 1971), pp. 209–227, 237–261; *Biographical Directory of American Congress*, pp. 789, 821, 895, 1155, 1494–1495, 1514, 1571, 1692, 1881, 2098.

[15] *Biographical Directory of American Congress*, pp. 637–638, 1777.

[16] United States Congress, *Congressional Directory, 1989–1990* (Washington: United States Government Printing Office, 1989), pp. 59–60, 389–390; Phil Duncan (ed.), *Politics in America, 1990* (Washington: Congressional Quarterly, Inc., 1989), pp. 434–436.

[17] *Congressional Districts in the Nineteen Eighties* (Washington: Congressional Quarterly, Inc., 1983), pp. 153–154, 161–162; *Congressional Quarterly*, November 28, 1981, p. 2363; March 12, 1982, 573–575; *Post*, Washington, D.C., November 25, 1981, p. 7; *Times*, New York, N.Y., November 24, 1981, p. 16.

FAIRNESS TO ALL DEPOSITORS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. HUBBARD. Mr. Speaker, I would like to share with my colleagues an outstanding editorial which appeared January 9 in the Paducah Sun written by the newspaper's editorial page editor, Don Gordon of Paducah, KY.

Don Gordon has written an excellent editorial about the double standard which exists when the Federal Government bails out depositors of certain banks. Indeed, when you look at the costly bailout of the Bank of New England Corp. earlier this week, it is clear that the Federal Government favors those depositors of large institutions, not those in smaller institutions.

What the Paducah Sun is referring to is the "too big to fail" doctrine whereby the Government insures all depositors, even those whose accounts are over the $100,000 limit. But what happens to depositors when a small bank or thrift fails in the rural communities of Kentucky or elsewhere in rural America is yet an entirely different scenario. Unfortunately, these citizens are treated differently in that when their small bank or thrift fails, their accounts are not insured like the others, that is above the $100,000 limit, because their bank or thrift is not too big to fail. I assure my colleagues that this is a blatantly unfair practice of our Federal Government and one that needs to be changed by this Congress.

I urge my colleagues to read and consider the Paducah Sun editorial. It follows in its entirety:

BANK BAILOUT SHOWS DOUBLE STANDARD

By its handling of the costly bailout of the Bank of New England, the federal government shows it operates by a double standard, one that favors depositors in large institutions.

Western Kentuckians who lost money in the First Federal Savings and Loan takeover here a couple of years ago can hardly miss the point.

The 1988 failure of the Paducah thrift cost about 100 depositors a total of $500,000 because the $100,000 deposit insurance limit was adhered to.

In the takeover of the huge Boston bank, the Federal Deposit Insurance Corp. moved in before the institution actually failed, which had the effect of protecting all the deposits of all sizes. The uninsured amount is put at $2 billion, or 4,000 times the amount of extra funds it would have taken to protect all the First Federal depositors.

Federal regulators can call up a defense for the New England decision. For instance, they worried that total collapse of the bank and loss of deposits would have driven the region deeper into recession. The action also was continuation of the policy of not allowing the biggest banks to fail, again for reasons the regulators and some members of Congress undoubtedly consider sufficient.

No rationale is sufficient, however, to explain away the $100,000 limit on insured deposit that applies across the land and is well-known by all banking customers, including those who had their money in the Bank of New England.

The government owes it to all financial institutions large and small, and all people, rich and poor in big cities and small towns, to exercise its regulatory and spending powers in an even-handed way.

The implication of the Bank of New England case is that institutions and their depositors need not be prudent if the bank is large enough, which is a less appealing thought than a big bank failure, even with its ripple effect.

The U.S. taxpayers' shoulders are not wide enough to carry the bailout bucket for everyone.

LINE-ITEM VETO

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. STUMP. Mr. Speaker, last week I introduced House Joint Resolution 55, proposing an amendment to the Constitution of the United States to grant the President line-item veto authority. House Joint Resolution 55 is identical to a measure I introduced last Congress.

For many years, I was hesitant to endorse a line-item veto, believing that Congress could control Federal spending and ensure the proper appropriations of public moneys without interference by the executive branch. However, as the deficits mounted, and the burden on the taxpayers grew, it became increasingly obvious that Congress would never voluntarily restrain its spending or resist the temptation to put a little something in each appropriation bill for the folks back home.

The failure of Congress to enact the types of budget reforms which were necessary to ensure that each dollar spent was put to worthwhile and productive use has contributed greatly to the growing loss of public confidence faced by this body. Congress has, quite honestly, failed in its duties to protect the public purse and the public knows it.

Mr. Speaker, it is said that old habits die hard. This is particularly true of the tax and spend habit of the liberals—their unrestrained desire to spend what we do not have and take from the taxpayers what they cannot afford. It is past time that we curbed unnecessary Federal spending. Giving the President the authority to veto individual items in an appropriation bill would be an important first step toward this goal.

SID LANGER: A SENIOR STATESMAN OF AMERICA'S GAS INDUSTRY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. LEHMAN of Florida. Mr. Speaker, last week, south Florida lost one of its modern day business giants: my friend, Sidney W. Langer.

Sid was a self-made man—a true business and community leader. I knew him for over 50 years; we both came to Miami in the same year. He was a fine and dependable friend who was generous with both his time and considerable talents. He helped many south Floridians through his work in numerous charitable organizations. He was also an astute businessman, building a tiny enterprise, Sun Gas Co., into the second-largest gas utility in the State.

Mr. Speaker, the imprint of Sid Langer will long be apparent in south Florida, and we will miss him. I would like to share with my colleagues the following article of his life which appeared in the Miami Herald.

SIDNEY LANGER, FOUNDED HIALEAH

(By Lydia Martin)

Sidney W. Langer, chairman and chief executive officer of City Gas Company of Florida, which supplies natural and propane gas to more than 80,000 customers in Dade, Broward and Brevard counties, died Friday of a heart attack.

Mr. Langer, 81 founded the Hialeah company in 1949. He continued running it until his death.

"He came in every single day," said his son Jack. "He was a tough old bird who loved his work. He would have never retired. If he had retired, he would have been dead in six days, not even six months."

Mr. Langer, who was born in New York and moved to Miami in the 1940's, got his start in the gas business at age 19 with $600 he had saved from working odd jobs.

He had said he was thumbing through the pages of a magazine when an ad for gas jumped out at him. He traveled to Rochester, N.Y., to meet a salesman and arranged to sell propane in the Catskills.

In the winters, business in the resort area became slow. So Mr. Langer opened a branch in Miami in 1935. It was called Sun Gas Co. and it operated only in the winter.

Eventually, he sold both companies and volunteered for the military just before World War II.

After the war, he and his family settled in Miami and he started Dade Gas Co. By 1949, Dade Gas was one of the largest bottled gas companies in the country.

The company, renamed City Gas, later sold natural gas and in 1988 was acquired by NUI Corp. of New Jersey.

Mr. Langer became a member of NUI's board of directors and stayed on as chief executive officer of City Gas Co.

"Sid Langer was one of the senior statesmen of America's gas industry," said John Kean, president and chief executive officer of NUI, "Sid was a true pioneer in the gas industry, starting out with a small business that he eventually built into the second-largest gas utility in Florida."

Mr. Langer, a past president of the Gas Institute of Greater Miami and of Temple Judea in Coral Gables, devoted much of his spare time to local charities.

He gave time and money to Miami Children's Hospital, Cedars Medical Center, the University of Miami, the United Way of Dade County, the Miami Heart Institute, South Miami Hospital, the Boys and Girls Clubs of Miami and other groups, his son said.

Named after him is the Sid Langer Kendall Boys and Girls Club.

Mr. Langer is survived by sons, David and Jack; grandchildren, Marshall and Allison; sister, Helen Blinder; and wife, Irene.

Services are scheduled for 2 p.m. Sunday at Temple Judea in Coral Gables, Shiva services will follow at Jack Langer's house in Coral Gables.

THE 50TH ANNIVERSARY OF PAWTUCKET WEST/SHEA HIGH SCHOOL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in recognition of the 50th anniversary of Pawtucket West/Shea High School.

Former alumni and the present student population should be very proud of this institution. For 50 years the high school has provided its students with quality education. We must remember that it is not the building we are celebrating, but the hard work and determination of the faculty and students.

Gathering as many as 1,300 alumni, faculty, and guests together for a celebration of 50 years of hard work, is no small feat. It is demonstrative of the good feelings and pride of former students and faculty members.

It is with great pleasure that I salute Pawtucket West/Shea High School. It is a role model for our State as well as the Nation. I wish them continued success in their excellence in providing their students with a fine education. I hope that the legacy of the school carries on for another 50 years.

DR. M. PATON RYAN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mrs. KENNELLY. Mr. Speaker, Dr. M. Paton Ryan, RSM, president of St. Joseph College in West Hartford, passed away a week ago Wednesday after a long battle with cancer. Her death is a great loss for our community, the Sisters of Mercy, and St. Joseph College which she led with great distinction for these past 6 years.

Dr. Ryan came to us from Milwaukee, WI as a well-respected scholar and administrator. She was an articulate spokesman for the educational causes she believed in—combining the vision to see how the world in which she existed could be made better, and the pragmatism to make it so. We will truly miss her.

St. Joseph President Dies During Retreat

(By Robert A. Frahm)

M. Paton Ryan, president of St. Joseph College in West Hartford, died overnight Wednesday after a long battle with cancer. She was 57.

Ryan, a gregarious leader who worked tirelessly to put the small women's college in the public eye, was found dead at a hotel in Windsor where she was staying while the college was closed for winter break.

Her death came as she was planning to leave the presidency to become the school's chancellor, a new position in which she was to have led the first major fund-raising campaign in the school's history.

"She brought to the campus an intellect and wit and positive spirit that really was infectious," said Robert J. Clark, chairman of the college's board of trustees.

A former Fulbright Scholar, Ryan came to St. Joseph in 1984 from Marquette University in Milwaukee, where she was an associate dean.

Many credit Ryan for helping St. Joseph to hold its own in enrollment as colleges everywhere completed for a declining college-age population. The fall enrollment of 1,870 is 15 percent higher than last fall's and is the largest enrollment ever at the college.

Officials had begun the search for a new president, hoping to name someone by July, when Ryan was to have started as chancellor.

However, Clark said Thursday, the college probably will not fill the chancellor's job. "It was a unique assignment for a unique person," he said.

Ryan's body was discovered after college officials became concerned that she did not show up for appointments Thursday. Workers at the Residence Inn in Windsor found the body, Windsor police said.

College officials said Ryan had been staying at the hotel on a personal retreat, a periodic break for prayer and rest taken by members of the Sisters of Mercy, the religious order to which Ryan belonged, Mercy Hall, where her campus apartment is located, is closed during winter break.

The campus was relatively quiet Thursday, with classes not scheduled to resume until Jan. 21, but those who were there agreed that Ryan's biggest success was raising the school's profile.

"She worked incessantly for that purpose," said Polly Pagnucco, Ryan's administrative assistant. Despite her illness, "She had marathon appointments, and she kept them all, from 7:30 in the morning until the late hours of the evening."

Those who knew her said she could move comfortably with students and with corporate executives. She was active in civic groups.

"She was dynamic," said Karen M. Whittel, a junior from West Hartford. "There was a certain air about her. She was an excellent speaker, well-versed in everything—literature, current events . . . She was on top of everything."

Ryan, a member of the Chicago Province of the Sisters of Mercy, preferred not to use the religious title of "sister" because of the stereotypes that accompany it.

She was an adamant advocate of equality for women and frequently emphasized the college's role in developing women in leadership and professional positions.

Under Ryan, the school added several programs to attract students who otherwise might not have attended college. She pushed hard, for example, for a weekend degree program for working adults. The program is widely regarded as a success.

Claire Markham, a longtime faculty member who later became Ryan's assistant for academic affairs, said, "She was just a very good embodiment and role model for someone with a truly liberal education but with both feet planted squarely in the marketplace."

Ryan studied English language and literature at Yale University, earning a master's degree in 1960 and a doctorate in 1967. She was a visiting lecturer at Yale in 1968–69 and assistant director of graduate studies in English in 1969–70.

A wake is scheduled for 3 to 7 p.m. Saturday at Mercy Hall on the St. Joseph campus. Burial services are tentatively scheduled for Tuesday in Milwaukee. A memorial Mass will be celebrated at 11 a.m. Jan. 23 at the Connor Chapel on the St. Joseph campus.

A TRIBUTE TO MS. CYRENE HOLMAN

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. TALLON. Mr. Speaker, at the beginning of the 102d Congress, I want to take the opportunity to recognize one of my greatest helpers during the 101st Congress, Ms. Cyrene Holman, of Denmark, SC.

For the past two summers, Cyrene has joined my staff as an intern and has provided invaluable support to my Washington office. A diligent and capable worker, Cyrene needed little guidance to do a remarkable amount of good work in my office. Her pleasant disposition was greatly appreciated by her colleagues on my staff and by the constituents which she cheerfully and capably served. She has been a breath of fresh air for us all.

I have learned that Cyrene is very concerned about Federal issues important to her and to her community. Unlike many young people, Cyrene understands the relevance of Federal student aid legislation to her own education. This summer, she was very concerned about the debate in Congress regarding efforts to curb the high student loan default rate. I was greatly impressed with her ability to express her views to me.

As a junior majoring in business at the University of South Carolina, Cyrene is working hard to make the most of her future. She performs a delicate balancing act of maintaining excellent grades while working to finance her studies. Still, she needs Federal financial aid to achieve her career goals.

Below, is Cyrene's comments on the state of student financial aid. I urge my colleagues to think of Cyrene and other great students like her whose lives are dependent on our policy decisions:

In the Matter of Education Cuts: A Student's Perspective

As a student who is becoming more and more aware of the obstacles that may face me, I write to voice my concerns about the role of the federal government and the education of today's students.

Because of the amount of the default rate on student loans, it has been suggested that Stafford Loans be reduced. But is that the solution to the problem? Sure, less spending in these loans means a step toward deficit reduction, a deficit we did not create, but how does reducing educational funding help students? Why cut College Work Study when students actually earn their money? Maybe the solution to reducing the loan defaults can be found (1) regulating banks so they do not make the Stafford Loan Program a part of their business that they can capitalize on (2) decreasing loans and giving more scholarships and grants (3) decreasing interest rates on the loans (4) help get jobs for those who show they have been trying, and (5) inform parents and children of ways to invest money and make money for school in advance. Why are people defaulting? Are they not trying to repay their debt, or are they really not able?

Before any decreasing is done, there has to be some increasing. The passing of the Labor-Health and Human Services-Education Appropriations bill, H.R. 5257, was a step in the right direction. There had not been an increase in educational funding in quite some time. The cost of education has been and is constantly rising, not to mention inflation. It has become extremely necessary to increase the financial aid available.

It seems to me, that the education of this nation's youth should be top priority. The inequalities of available resources to students of different school districts should be made more equitable. All school officials should be evaluated on their teaching methods, and student evaluations should be administered. Families who partake in human resource programs should not be included in the regular need analysis formula when applying for student aid. Youth who are striving to make better lives for themselves, rather than becoming involved in the drug scene, should not have to worry about the money it takes to go to college, so they can earn an honest living. More interest needs to be given to the educating of tomorrow's presidents, doctors, lawyers, scientists, teachers, etc., for we must be able to educate the next generation, and so on.

Surely, we all must agree that "the children are our future." We are the leaders of tomorrow. Can the federal government afford to gamble with this nation's future?

TRIBUTE TO HERBERT G. FREEMAN

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. CHAPMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the occasion of the retirement on January 10, 1991, of Mr. Herbert G. Freeman, Director of Supply, Ammunition, and Transportation at Red River Army Depot, in Texarkana, TX.

Mr. Freeman began his civil service career in February 1942, at the age of 18, at San Antonio Arsenal, San Antonio, TX. In October 1943, he transferred to Red River "Ordnance" Depot. At Red River, he climbed the career ladder from clerk to head of supply, ammunition, and transportation directorate, where almost 1,600 employees are working in support of troops in the field.

Mr. Freeman's tenure as Deputy Director and Director of Supply, Ammunition, and Transportation Directorate has progressed through critical periods for the Army. It began with the Southeast Asia buildup, and lasted through the subsequent pull-out, the designation of Red River as an area oriented depot, the implementation of the direct supply support system, and to the present Operation Desert Shield.

Mr. Freeman's expertise and professionalism in the supply field have been recognized throughout the U.S. Army and the logistics community. As an example, he was selected to serve with an advisory group which was sent to Vietnam to evaluate support efforts there during the war. His personal actions resulted in procedural changes which simplified and increased the effectiveness of support to Army troops fighting in Vietnam.

When Red River was designated as an area oriented depot in 1974, the supply directorate, under Mr. Freeman's leadership, responded to the task at hand. Within 2 years, the workload doubled without commensurate increase in resources and facilities. With the effective management of personnel and resources, Red River was shipping over 1 million lines by the end of 1977.

The conversion of Army units to the direct supply support system was another mission which required immense coordination and cooperation to minimize impact on the readiness posture. Mr. Freeman assembled expert depot teams to assist the units with conversion and continued a policy of onsite support to troops as needed.

Because of his wide knowledge and outstanding ability in the supply field, Mr. Freeman has been asked to participate in actions and projects which have had tremendous benefits to the Army. Examples of this include:

He directed the design and programming of an order tracking and control system to track the progress of materiel release orders through the entire depot supply and transportation operation. The system provided real-time data for management and control vital to the supply distribution mission and resulted in significant savings in direct transportation costs.

He guided the development of special supply support procedures for new weapon fieldings, such as the Apache, Multiple Launch Rocket System, and Bradley Fighting Vehicles. Mr. Freeman also designed the procedural concept for the total package/unit fielding plan to assist in fielding of new systems. That concept is in place today throughout the logistics community.

Due to his concern that orders for supplies were being placed on out-of-area depots when assets were on hand at in-area depots, Mr. Freeman initiated a plan to identify shipments being made out of an area-oriented depot's assigned geographical area. Recommended changes were adopted which now minimize out-of-area shipments.

Throughout his management career, Mr. Freeman has demonstrated leadership in providing fair and equitable employment opportunities for minorities and women. Examples of his actions include promoting the first black female to division chief and opening the door for hiring women in the ammunition explosive operations in 1965.

In 1986, Mr. Freeman was awarded the Exceptional Civilian Service Award, the Army's top award for civilian service. He became the first Red River Army Depot manager in its history to earn the award for managerial performance.

Mr. Freeman's philosophy is that you must believe in what you are doing, take pride in workmanship, and adapt an eagerness to do a job. Throughout his long career, he daily demonstrated these high standards of performance. Because of people like Mr. Freeman, our Nation is stronger today. I would like to ask my colleagues to join me in recognizing Mr. Herbert G. Freeman for his dedication and initiative in his job performance, congratulate him as he ends a most illustrious Federal career which has spanned nearly 49 years, and extend best wishes to him for a happy retirement.

REMEMBERING NEW MEXICO'S JAMES THOMPSON

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. RICHARDSON. Mr. Speaker, last month New Mexico lost a real friend when James Thompson died. The former prosecutor for the first judicial district in New Mexico and a longtime community leader succumbed to Parkinson's disease at the young age of 64.

He was a brilliant man, a caring individual, and an outstanding public servant. I knew him well and always admired him. He was in love with our State and the Nation. Mr. Thompson served as a counterintelligence officer during World War II and the Korean war and later worked for the National Security Agency.

In the late 1960's and early 1970's he served as district attorney for Santa Fe, Rio Arriba, and Los Alamos Counties. He remained politically active throughout his life. His marriage to Conseulo and city councilor in Espanola—the two of them often campaigned together.

Mr. Thompson was a member and chairman of the board for McCurdy Schools of northern New Mexico, served as Secretary of the Ghost Ranch Museum Foundation, was a member of the State Judicial Standards Commission, served as a member of the Espanola Hospital Foundation, was past president of the Espanola Valley Chamber of Commerce, was a member of the Rotary Club and also served on the board of the Boy Scouts of America.

Mr. Thompson will be sorely missed by his family, friends, colleagues, and acquaintances. I ask my colleagues here in the Congress to take a moment to remember this very find individual.

THE TRAVAIL OF A PRO-LIFE SOLDIER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. DANNEMEYER. Mr. Speaker, Frank B. Smith is a dear friend of mine and has been for several years. He has been on the front lines in southern California fighting to protect unborn children with unwavering commitment. Operation Rescue is the clearest expression of Frank Smith's commitment. His experience with Operation Rescue has indelibly marked his soul. He has put his good name on the line for fellow humans whom he has not met and tragically, because of abortion, will not get to meet in this life.

Whatever your opinion of the techniques employed by rescuers in their attempt to save human lives, and there are diverse opinions among good people, each of us can be edified by the words and experience of Frank Smith. I urge my colleagues to reflect on the travail of one pro-life soldier.

THE SAGA OF 1989 FROM A VICTIM OF AMERICAN RELIGIOUS FERVOR

(By Frank B. Smith)

Brave souls blocking a murderer's door,
No innocent victims this day.
Rabid opponents, who jeer shout and mock,
And others who gather to pray.

Then an army of cops—America's finest,
Come with horses and dogs and fear.
"The babies must die," their actions decry.
"You criminals get out of here!"

"Will you leave?" "No I won't," this grandfather spoke,
"They'll kill babies as soon as I'm gone."
"Get up and walk and the pain will stop."
As nunchuk's bruise muscle and bone.

Sidewalk justice continues, nine hours in cuffs,
Worshipping saints jammed in tanks.
Pain in the body, pure joy in the soul,
As Jesus had joined in our ranks.

Finally a trial with muzzles in place,
"Don't say why you did that deed!
God is not welcome, the children aren't real,
Just answer us, how do you plead?"

While kangaroos hopped like teeny toy soldiers,
Said the black-robed, blank, smiley face,
"They're a menace, you know, it's guilty we show;
And jury, remember your place.

I am god in this room, what I say goes,
What laws and words you can hear.

You're too dumb to hear why, you might not comply;
But I'll put 'em in jail, never fear."
And true to his word, nothing was heard,
That explained why babies should die.
So Connie and Frank were sent to the tank,
While loved ones continued to cry.
"Hands over your head against the wall."
Life continues but my world is the wall.
"Don't look around! Keep your eyes on the wall."
How soon can this sheep be put in his stall?
"On the line . . . bend over . . . spread 'em."
Jesus, I feel like an it, degraded and such.
Did You really hang naked in shame on the cross?
Do You actually love me that much?.
Warmth sucking concrete—the drunk tank floor,
My bed for the first night in jail.
A pillow of shoes among hundreds confused,
Contentiously men rant and rail.
A 4 a.m. transfer, pictures and prints,
Chained to a bench, a dark hall,
"Father what's happening, what must I suffer?"
I pray as I stare at a wall.
"What you lookin' at, Home Boy?"
Screamed the voice from a darkened cell.
A quick turn aside, a nervous shake.
"Have I died and gone to hell?".
Circles of men, eager for truth
Clutching for help and for hope.
"Give me acceptance, courage and strength
Before I'm surrounded by dope."
The boys in men's bodies listen and think,
How the prodigal came to his head.
Diving in dumpsters, he rose empty and cold,
"I'll go home to my family," he said.
"That dude in the story's not like my old man.
The drunk kept our house full of strife."
But God as your Father will wash and receive,
If you want a new birth, a new life.
The tears mark the ache and desire for change.
There was Bo and Walter and Trip,
and a host of others who wanted to come.
But feared out on the streets they'd slip.
"They're not worth it, Reverend," the deputy sneered,
"They lie and don't mean what they say.
They find them a fix as fast as they're out,
It's just a game they play."
O, Jesus, my Lord, does this cynic speak truly?
Is the world, things and comfort the aim?
Is my life laid down for Your Kingdom and will,
Empty and striving in vain?.
"Smith, 887, roll-up," the voice breaks my night,
Transfer to the place in the hills.
Fresh air and sunshine, bright stars in the sky,
Will add to my sorrow and ills.
A ferocious fence—"razor wire" they say—
Sparkling in the sun like circles of light,
Pierces my heart with an aching dull pain.
The Closest I love are far from my sight.
Learn all the lessons,
Get it straight,
Who's cruel and vindictive,
Who's filled with hate?
Which deputy castrates,
By badge, gun and pride?
Which master shows kindness,
And just lets it slide?
"Man walkin'," hide the crosses.
"Man walkin'," stash the smokes.
"Man walkin'," snap to attention.
"Name, last three numbers! No jokes!"
"Man walkin'," warns your comrades,
It comes by whisper or by shout.
"Man walkin'," makes my heart thump.
"Walkin' "—the enemy's about.
Roll-up again, to a work camp this time,
A stalag, far from the fuss;
So down to the hall to wait on the wall
For the chains, and the ride on the bus.
Deputies belt us with iron and locks,
Chained, then cuffed to another.
One wrist on mine, the other on his.
Is this man really my brother?
A year away from my stay in jail,
I still jump at a uniform.
"Walkin'," I think. An enemy's here,
Get in line, you'd better conform.
Where are we going? What good do we do,
To warehouse these people awhile?
We train 'em up good in a jail neighborhood,
Then release them to crime with more style.
Does anyone care, does anyone dream,
How to bring these people to life?
Or is it only more jails, more crime, more
Cops, more drugs, more strife?
Father forgive us, for we have sinned,
We've given up the gates.
Wickedness roams through the City of God,
The things You said Your soul hates.
Innocent blood, flows in our streets,
Unchecked by the powers that be.
Pompous piffle from preposterous pulpits,
We have eyes, but we do not see.
Our highest court has twice made a law
That Your gifts are not welcomed here.
First it was blacks, non-people, no rights,
And now it's Your children so dear.
In the place of justice, where law should prevail,
There is arrogant wickedness.
In the halls of congress, where truth should prevail,
There is little righteousness.
Are You coming now to judge our land,
And give us our just deserts?
Or is Your mercy extending us grace
To make right the wrongs and the hurts?
Rulers of Sodom, people of Gomorrah,
Hear His voice, awake from your dream.
Let justice roll on like a river,
Righteousness like a never-failing stream.
Who knows but what the Lord might turn,
And let His up-raised hand
Be unto us for good, not ill
To bless the contrite land.
Once in a moment of eternity,
His up-raised hand did smash,
The substitute, His Son no less,
Who took for us the lash.
So if in Him we now are found,
Our lives are hid from wrath.
And righteousness with justice for all,
Mark those who walk His path.

SUPPORT THE PRESIDENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. HUBBARD. Mr. Speaker, the 102d Congress convened last week, and for the past several days the House of Representatives has been debating one of the most crucial issues of recent times—whether to support the President in his efforts to resolve the crisis in the Middle East.

I received an excellent letter today from former Kentucky State Senator Kenneth O. Gibson of Madisonville, KY, that I would like to share with my colleagues. I served for several years in the Kentucky State Senate with this outstanding individual and came to respect his views on various issues that were of importance at that time.

Today, I believe his comments about why Congress should support President Bush are excellent. In fact, as an artillery officer in the 101st Airborne Division, Ken Gibson knows firsthand what it's like to be called back to active duty because of a crisis such as our Nation is now facing.

I urge my colleagues to read the excellent comments of this longtime friend and fellow Kentuckian, one whom I like and admire. The letter from Senator Gibson, a Democrat, follows:

KENNETH O. GIBSON,
Madisonville, KY, January 11, 1991.

Hon. CARROLL HUBBARD,
Rayburn House Office Building,
Washington, DC.

DEAR CARROLL: It has been awhile since I wrote to you last about an issue before you on the House floor. Knowing, however, of your vigilant concern for your constituents and their opinions on important matters, I feel compelled to express my approval for your decision to support our President for his stand in the Middle East.

Having served with you in the Kentucky Senate, I sense the anguish you must feel in a decision that could project our finest young men and women into the perils of a war with Iraq. Only those who have served the public in critical decision making positions can appreciate the trauma associated with such a vote.

It is this empathy, born of fifteen years in the Kentucky Senate, that prompts me to write to you in appreciation for your stand on what has to be the best course for our national interest—the bottom line for any decision to send our troops into war.

As an artillery officer in the 101st Airborne Division, the number one ready force during the Eisenhower administration, and one who was called back into service in the Berlin crisis, I can also understand somewhat the uncertainties facing our service men and women. My belief, however, is that they understand that the price of peace sometimes means laying it all on the line, and most of them are ready.

Carroll, I have spent hundreds of hours, since the August invasion of Kuwait, keeping abreast of the news and activities in the Middle East.

Based on this daily observation of the developments and the total lack of responsibility shown by Saddam Hussein, I am convinced that any effort to appease him would only heighten his appetite for power at all costs. His capacity for brutality in Kuwait and historically with his own people should prove to us that he is too ruthless to ever be trusted in a negotiated settlement.

Congress should recognize this fact, face up to their national and United Nation responsibilities involved, and make the only tough and timely decision that can provide any peace in the area for the future.

Anything less will extend the turmoil, have a negative impact on our united coalition, and multiply the costs in lives and dollars in the near future. Munich should teach us in unforgettable terms that appeasement for a tyrant only delays the inevitable and magnifies the price to an unacceptable level to justify indecision now.

Carroll, my prayers are with you in this most trying of times. Also, my compliments for having the foresight and the fortitude to put politics aside to stand up in the face of tyranny as a statesman.

Only history can prove if we are right, but the facts lead me to believe that it is better to err on the side of action than inaction in this critical decision.

God bless you in the days ahead.

Sincerely,

KENNETH O. GIBSON,
Kentucky State Senator, Retired.

ENVIRONMENTAL EXTREMISTS SOUND UNWARRANTED ALARM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. DUNCAN. Mr. Speaker, environmental extremists have caused much alarm in recent years by exaggerating the threat of so-called global warming.

Actually, several leading authorities now say that what little warming there is may be helpful rather than harmful.

Certainly we should not accept at face value everything these radical alarmists tell us in what really are just efforts to further their own selfish political agendas.

Two recent articles dealing with global warming need to be studied by everyone interested in this subject.

I commend these articles to the attention of my colleagues.

[From Wall Street Journal, Jan. 11, 1991]

WARMING UP TO THE FACTS

Thanks to media publicity, "the greenhouse effect" and "global warming" have become familiar phrases. Indeed, the same could be said of most environmental concerns: The worries have been well publicized. The question is whether the environmental story is being thoroughly reported or whether only the environmental worriers' views of the world are being presented. Ultimately, the public is asked to form an opinion about these issues, and it cannot make an informed judgment if key facts and viewpoints are withheld. Consider, for example, the recent experience of a British documentarian who tried to place his examination of global warming with the U.S. Public Broadcasting System.

Producer Hilary Lawson set out to do a program on why global warming represented a major threat to mankind. But after interviewing all of the leading scientific experts, he changed the focus of the report. "I learned that the only problem with the theory of global warming," says Mr. Lawson, "is that there is mounting evidence that it is untrue."

Mr. Lawson examined the four pillars that support the global-warming fears and systematically critiqued them. First, because the records showing the Earth's warming come from stations on dry land, less than one-third of the globe is measured. Much of the warming detected may simply represent the greater heat created by the growth of urban areas. Towns smaller than 5,800 people have cooled, not warmed in recent years. Second, the evidence that carbon-dioxide levels are the reason for any warming is nonexistent. Third, the computer models that global-warming doom sayers rely upon often don't predict *today's* climate accurately. One model forecast as much summer rain would fall in the Sahara as in Scotland. And lastly, the scientists warning about global warming are using highly speculative theories of physics.

When "The Greenhouse Conspiracy" aired in Britain last August it won rave reviews. Yet PBS officials rejected the program on the grounds that it was "too one-sided." The idea that PBS would turn down something because it is "too one-sided" is difficult to credit. PBS, for instance, had little trouble recently finding air time for "After the Warming," a documentary that more resembled science fiction than fact. Ostensibly set in the year 2050, it described how the world had suffered from the rising temperatures and oceans of a global-warming catastrophe.

These biases are worth calling attention to because the stakes are high. The constant flogging of one or another environmental crisis eventually finds its way into the political system, whose solutions tend to be very expensive. If society is expected to accept these imposed costs, it deserves some reassurance that the policies are the result of real science and not just the half-developed theories of tendentious public-interest groups.

These are some signs now that reporters are exercising more of their traditional skepticism when confronted with the environmental community's claims. Last month, "60 Minutes" took a probing look at the Natural Resources Defense Council's claims on acid rain's damage. It high-lighted the findings of the government's 10-year study of the subject, the National Acid Precipitation Assessment Program, which last year found "no evidence of a general or unusual decline of forests in the U.S. and Canada due to acid rain."

Similarly, if subjects such as global warming do not receive the sort of close scrutiny offered by "The Greenhouse Conspiracy," the public may become overloaded with these scares, and ultimately cynical about both problems that are fake and those that are legitimate.

[From Human Events, Jan. 12, 1991]

"60 MINUTES" ON ACID RAIN—CBS' BIG TURNAROUND ON ENVIRONMENTALISM

Conservatives were pleasantly surprised—stunned, in fact—when CBS' "60 Minutes" program informed its vast audience on December 30 how Congress, at President Bush's urging, had put a tough acid rain reduction provision in the recently enacted Clean Air Act that will cost American consumers billions of dollars a year and destroy tens of thousands of jobs, while deliberately ignoring a massive scientific study that proved beyond any reasonable doubt that the costly acid rain legislation was unnecessary.

In the past, CBS and "60 Minutes," in company with the major media in general, have hyped environmental scare stories promoted by militant environmental groups that have turned out to have little or no scientific justification.

(CBS is being sued right now because of a "60 Minutes" segment that reported, allegedly without credible evidence, that a substance known as Alar, then widely used as a preservative by the apple industry, presented a significant danger to human health. Apple growers charge that the hysteria touched off by that program wound up costing them millions of dollars in unnecessary losses.)

But in its December 30 program, "60 Minutes," to the delight of conservatives, gave new prominence to a scandal that might never have come to light at all except for the diligence of syndicated economics columnist Warren I. Brookes.

More than a year ago, as Human Events readers will remember, Brookes began warning that the Bush Administration, spearheaded by Environmental Protection Agency Administrator William K. Reilly, was suppressing the results of a taxpayer-funded study whose release would endanger the President's proposed program to reduce acid rain.

Month after month, Brookes told his readers that a 10-year scientific study called the National Acid Precipitation Assessment Program (NAPAP) had determined that, contrary to the alarmist propaganda of the environmental lobby, acid rain—resulting from sulphur dioxide (SO_2) emissions from smokestacks—was causing no discernible damage to crops or forests at present levels of acid rain emission.

What's more, NAPAP, which employed hundreds of scientists and cost a half-billion dollars, found that the level of acid rain emissions had been declining significantly—from 32 million tons a year in 1970 to about 22 million tons in 1987.

The study projected that, even in the absence of any new emissions control legislation, the levels of acid rain would decline dramatically again between 2005 and 2030, as old, high-emission power plants are replaced by new plants using cleaner technology.

And it predicted that legislation to cut SO_2 emissions by 10 million tons by the year 2000, as proposed by the President, would cost electricity consumers up to $4 billion a year, but would have little or no beneficial effects on health, crop yields, forests, or the acidity of American lakes.

Despite Brookes' efforts to draw attention to NAPAP, Congress went ahead and passed the Clean Air Act with the expensive Administration-backed acid rain requirements intact, and few outside of the conservative camp paid any attention to the NAPAP bombshell. But now, thanks to "60 Minutes" correspondent Steve Croft and producer Jeff Fager, that has changed.

Not only did "60 Minutes" draw attention to the yawning gap between the popular perception of an acid rain crisis and the much more manageable reality, but it highlighted the responsibility of the media—including CBS itself—in contributing to the unwarranted fears about acid rain.

In addition, "60 Minutes" showed lobbyist David Hawkins of the Natural Resources Defense Council implicitly admitting that his organization had been hell-bent on passing the costly new emissions controls, regardless of the scientific evidence that such controls weren't needed. And the segment gave credit to Brookes as the one journalist who had brought attention to the NAPAP study.

The segment began with Croft citing the popular view of acid rain as "poisons falling out of the sky, killing our forests and ravaging the countryside," and then noting that the "most expensive and exhaustive scientific study ever conducted of an environmental problem . . . takes the conventional wisdom and shoots it full of holes."

In an interview with Dr. James Mahoney, director of the NAPAP program, Croft asked about a report in Newsday that wispy clouds of acid rain were creeping silently through the Northeast's forests and slowly killing off trees.

"I think that's in the sense of poetic characterization," the NAPAP director replied.

"Overblown?" asked Croft.

"In a word," said Mahoney, who added: "There is a broad view that acid rain kills trees on a broad basis. The scientific community, I believe even the environmentally active scientific community, now understands that this is not what we see."

Croft then commented: "You certainly wouldn't get that impression reading news stories about acid rain."

The program then focused on the widespread reports that acid rain is destroying thousands of lakes and a report by the National Academy of Sciences in 1981 that predicted the number of acid-dead lakes would nearly double by the year 1990. "Has that happened?" asked Croft.

Mahoney answered that it definitely had not happened; on the contrary, the number of acid lakes is about the same as a decade ago, and that, for many acidic lakes and streams, the cause is "natural. It has nothing to do with acid rain."

Croft was then shown interviewing Dr. Ed Krug, a soil scientist who was one of the many who had looked at the effects of acid rain on lakes.

"The New York Times," said Croft, "reported recently that over the last 10 years, while NAPAP has been doing its study, the number of lakes turned into aquatic deathtraps multiplied across New York, New England and the South. Stretches of forest along the Appalachian spine from Georgia to Maine, once lush and teeming with wildlife, were fast becoming ragged landscapes of dead and dying trees. True?"

"No, no," the scientist responded. "I don't know where they got that from. It appears to be another assertion, unsubstantiated, because we've spent hundreds of millions of dollars surveying the environment to see if that was occurring and we do not see that occurring."

Though many find the NAPAP results encouraging, Croft pointedly noted in a voice-over, it hasn't "been received as good news by most environmental groups." He then interviewed the NRDC's Hawkins, who said that his group hadn't been paying much attention to NAPAP "because we felt that this program was essentially a misdirection of resources" and that his group felt its resources would be better spent in trying to get legislation to attack acid rain.

"Wait a minute," Croft said. "You seem to be saying it doesn't matter what the scientists say. What matters is passing the legislation."

Soon Croft turned to the political ramifications of the NAPAP story. "Hawkins," he noted in a voice-over, "says that even if acid rain isn't a crisis, he considers it serious enough to require action.

"And the legislation he's talking about is the tough acid rain provision of the new Clean Air Act, which his group, other top environmental lobbyists, the President and the Congress pushed through at the end of this last session. It will cost U.S. industries $4 billion to $7 billion a year to cut emissions that cause acid rain in half."

Sen. John Glenn (D.-Ohio) was then shown speaking bitterly about Congress' failure to pay more attention to the NAPAP findings before passing the stringent new emission controls.

Croft noted that Glenn was concerned that the new legislation would "have a devastating effect on his home state of Ohio, not to mention Pennsylvania, West Virginia, Kentucky and parts of Indiana where high-sulphur coal, long blamed for causing acid rain, is not only the main source of energy but a major source of employment.

"Factories will be forced to install expensive new pollution control equipment. Utility rates are expected to jump by as much as 30 per cent and 100,000 people could end up losing their jobs, many of them coal miners."

The camera then showed Robert Murray, a coal-mine owner and employer of 400 workers, who said, "We're out of business. We're out of business. Our jobs are gone." Murray expressed anger that no one was listening to the scientists.

"The networks, the electronic media, the written media," he complained, "have played acid rain up to the point that our teachers, our students, are totally confused about the issue, yet when the NAPAP study came out, you found it on page 34 of the New York Times. You didn't find it on CNN, CBS, ABC, or NBC at all!"

Croft then introduced Brookes, saying: "About the only person who has written about the NAPAP study in this man, syndicated columnist Warren Brookes, who's made it a crusade."

"Brookes," he added, "has read the reports, studied the science and his conclusions have become the gospel for a growing number of people convinced that America is suffering from environmental hypochondria and that this acid rain legislation is just the most recent example."

Brookes was then shown saying that, since the scientific evidence shows that acid rain is not a crisis, it should be dealt with "sensibly and so we don't throw people out of work unnecessarily."

"Why has nobody listened to it [NAPAP]?" Croft asked.

Brookes: "Well, the point is that once their minds are made up—that is, 'We're going to do something'—the politics is, 'We're going to do something. . . .' "

Croft: "That's happened? That's what's going on here?"

Brookes: "That's what's going on."

In a voice-over, Croft noted that "Brookes says the political agenda was set by candidate George Bush when he pledged to become the 'environmental President' and to do something about acid rain. Brookes claims that Congress, looking at public opinion polls, decided voting against clean air was like voting against motherhood."

He then asked Brookes:

"So you're saying this has a lot more to do with politics than it does with science?"

Brookes: "Absolutely. . . ."

Croft: "There are votes in it?"

Brookes: "Yeah, very simple."

For Brookes, who has been a voice crying in the wilderness, the attention given to the acid rain charade by "60 Minutes," with its millions of viewers, had to be extremely encouraging. He should be very happy. Had it not been for his dogged work, "60 Minutes" probably never would have heard about the NAPAP study.

Though Brookes refuses to toot his own horn—indeed, he is amazingly publicity shy—informed sources have told Human Events that "60 Minutes" became interested in the NAPAP after learning about Brookes' writings on the subject last spring. It happened when a group of steelworkers, their jobs endangered, came to Washington to demonstrate against the Clean Air Act and brought with them copies of Brookes' columns on the issue.

Reporting on the steelworkers' anger, columnists Rowland Evans and Robert Novak mentioned Brookes' role in their column which in turn caught the attention of the people at "60 Minutes."

Now that the harsh light of exposure has been focused on the acid rain nonsense, perhaps CBS and the rest of the media will begin to look more critically at some of the other wild claims made by the liberal environmental groups.

But, whatever the future holds, "60 Minutes" did an excellent job on its December 30 broadcast. Conservatives would do well to congratulate CBS in writing for a job well done—and to give columnist Warren Brookes a much-deserved pat on the back as well.

IMPROVING CHILD HEALTH CARE

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. PENNY. Mr. Speaker, during the 101st legislative session, Congress took some important steps toward improving health care for our Nation's children. The Omnibus Budget Reconciliation Act expanded both mandatory and optional health care for all children through age 18. This means an additional 700,000 poor youngsters will receive Medicaid coverage by 1995. That's a small step in the right direction, but it's not nearly enough. Not when you consider that more than 11 million children still go without health care because their low-income families earn too much to qualify for Medicaid and still can't afford the cost of private insurance. These children go without the most basic health care—such as vaccinations needed to prevent the ravages of tuberculosis, polio, measles, and whooping cough. The absence of such preventive medicine results in thousands of seriously ill children and no one to care for them. With this in mind, today I am reintroducing a sense-of-the-Congress resolution that expresses our commitment to meeting, however tardily, the Surgeon General's maternal and child health objectives established in 1979, and designed to be met by this year. It is disheartening to report that we have failed to meet these modest objectives. The following is the concurrent resolution:

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the need to provide adequate health care for American's children.

Whereas the infant mortality rate in the United States is currently 9.7 per 1,000 live births;

Whereas low birthweight births constitute 6.9 percent of all births;

Whereas one-third of America's more than 31 million uninsured are children;

Whereas one American child in four lives in poverty and only half of all poor children are covered by Medicaid;

Whereas one-quarter of all preschool children are not immunized against common childhood diseases;

Whereas the United States lacks a national child health policy and coherent child health delivery system;

Whereas the Surgeon General's Maternal and Child Health Objectives for 1990 were not met;

Whereas all children are entitled to grow and develop to their maximum potential in a safe, healthful and nurturing environment;

Whereas ensuring a healthy next generation is our best guarantee of future security: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should—

(1) give highest national priority to developing a national child health policy,

(2) establish a universal national children's health insurance program, benefitting all the Nation's children, and

(3) devote sufficient resources toward achieving by the year 2000, the Surgeon General's Maternal and Child Health Objectives.

TRIBUTE TO TWO HIGH SCHOOL FOOTBALL TEAMS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. COBLE. Mr. Speaker, the college football world has just completed its season while pro football's playoffs are in high gear. During this football season, I would like to take a moment to recognize two football teams in our congressional district which exemplify the finest in high school athletics.

Two high schools in the Sixth District of North Carolina participated in State championships—with one school capturing the title and the other coming up just a little bit short. Both schools are worthy of recognition for their outstanding seasons.

Hugh M. Cummings High School of Burlington won the North Carolina Class 3–A football championship. The Cavaliers defeated Statesville by a score of 32–26. While it is true that football is a team sport, the Cavaliers were blessed with one truly outstanding player. Quarterback Donnie Davis set the Nation's new single season passing yardage record in the title contest. In 15 games this year, Davis passed for 4,456 yards. In the championship game, he passed for 304 yards and four touchdowns. But it was the defense that preserved the championship by stopping the Greyhounds' final last-second drive, proving that it takes more than one person to win it all.

In fact, Burlington Cummings has had a successful football program for the past 5 years. In that time period, the Cavaliers have had 4 undefeated seasons—including 1990—and have a total record of 67–4. In addition to their quarterback, every member of the Cavalier squad deserves praise. Those members include Lee Crawford, Maurice Mebane, Lewis Pennix, Mack Richmond, Junior Poteat, Rayvon Lynch, Rodney Burnette, Stovell Wade, Ernest Tinnin, Shabazz Cheeley, Harold Cohen, Buddy Fowler, Chris Miles, James Shivers, Greg Pennix, James Upsher, Robbie Wolfe, Chris Rogers, Kendrick Pullium, Tyrone Jeffers, Curtis White, Barry Morrow, Adrian Harvey, Tony Johnson, Nathan Hair, Keith Alexander, Joe DiConstanzo, Mike Coleman, Patrick Powell, Jamie Nelson, Eric Clark, Lin Workman, Jeff Felshaw, Derrick Evans, Tyrone Matkins, Brian Love, Tony Woods, Devon Walker, Melvin Babbs, T.J. Cox, Mitch Simmons, Rodney Graves, John Haith, and Mandriel Reaves.

Congratulations also go to athletic director and head coach David Gutshall and his fine staff of assistants Steve Johnson, Frank Mensch, James Gentry, Dave Bennett, Todd Staley, Peter Gilchrist, Jay Perdue, Mark Ellington, Mike Langone, Earnest Moffitt, and Ronnie Enoch. From principal Robert Logan to every student, teacher, and staffer at the school there is pride in knowing that in Class 3–A, Burlington Cummings is No. 1. The Cavaliers' season was so successful, the Greensboro News & Record selected the Cummings football squad as its sports team of the year.

In the North Carolina Class 2–A championship game, Thomasville High School was defeated by Clinton High School, 14 to 6. That loss does not diminish the excellent season in which the Bulldogs went 12 and 3. Every member of the squad should be proud of an outstanding season.

Members of the team included Brian Caldwell, Seward Johnson, Billy Walker, Shane Ross, Rodney Stanley, Derick Marion, Vance Simon, Roger McKinney, Derrick Moss, Lamont Pegues, Marvin Bogans, Tony Hurst, Brian Streater, Keith Gaither, Miquel Weldon, Terrell Canty, Larry Davis, Deshun Cockrane, Kevin Bell, Perez Boulware, Rashein Feaster, Kerry Mock, Raymond Dow, John Cranford, Todd Gibson, Jamarr Camp, Brian Rich, Robby Dowell, Ken York, Brad Crowell, Kevin Hill, Bobby McGee, James McGuire, Sean Yates, James Sheetz, Lamont McCauley, Antoine Steele, Chad Smith, Ryan Johnson, Travis Leonard, Stacy Baxter, Anthony Henderson, Ron Mock, Scott Kime, Mitch Hensley, Mark Rossi, Jimmy Mullies, and Ezekiel Dula.

Congratulations also go to athletic director and head coach Allen Brown and his outstanding staff of assistants Roger Bryant, Ed Courtney, Billy Freeman, Russ Gobble, Joe Kennedy, Bob Mayton, Keith Tobin, Church Parks, Scott Beckom, and trainers Charles Crowell and Brian Coker.

In fact, everyone at Thomasville High School, from principal Dr. G. Wayne Thrift to every student, teacher, and staffer at the school should be proud of the accomplishments of the Bulldog football team in 1990. A tremendous season was culminated with an appearance in the State title game. While the sting of the loss will eventually fade, the memories of an outstanding season will linger forever.

On behalf of the citizens of the Sixth District of North Carolina, congratulations to Cummings and Thomasville High Schools for their excellence in athletics.

THE STATE OF THE WORLD'S REFUGEES

TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. HALL of Ohio. Mr. Speaker, I wish to bring to my colleagues' attention an article entitle, "Refugee Crisis: Causes and Solutions" by Jewel Lafontant-Mankarious, ambassador-at-large and U.S. Coordinator for Refugee Affairs. This article appeared in the Christian Science Monitor on December 31, 1990.

As chairman of the Select Committee on Hunger, I am deeply concerned about the 16 million refugees in the world today. I find it particularly disturbing that, as Ambassador Lafontant points out, human rights abuses are often the cause of critical refugee situations.

One of these abuses is the denial of adequate amounts of food. The Select Committee on Hunger has a longstanding interest both in the plight of the world's refugees, as well as in insuring all people's access to food. Therefore, I wish to thank Ambassador Lafontant for bringing these critical issues before the public. For the benefit of my colleagues, the text of her opinion editorial follows:

[From the Christian Science Monitor, Dec. 31, 1990]

REFUGEE CRISIS: CAUSES AND SOLUTIONS

(By Jewel Lafontant-Mankarious)

Dec. 14, 1990, marked the 40th anniversary of the establishment of the Office of the United Nations High Commissioner for Refugees (UNHCR). UNHCR's original, three-year mandate was thought to be sufficient to "solve the refugee problem," regarded then as mainly a postwar European problem. Instead, the past 40 years have seen an increase in refugees on several continents, with UNHCR playing a greater role in caring for and protecting the world's most vulnerable population.

The global refugee situation remains critical despite several important successes in recent years. In fact, in some respects, it has worsened. In the last decade alone, for example, the refugee population has doubled from approximately 7 million to an estimated 15 million. Today, armed conflicts in the Horn of Africa, civil strife in Mozambique and Liberia, continued unrest in Afghanistan, and unresolved political and economic conditions in Vietnam and Cambodia all compel the international community to maintain its efforts to protect and assist the world's refugees.

Ensuring that first asylum, protection, and relief assistance are provided to the world's 15 million refugees is a basic humanitarian and foreign policy objective of the United States. The US, UNHCR's single largest contributor, works closely with the high commissioner to ensure that the needs of refugees and displaced persons are adequately addressed.

For 40 years, UNHCR has remained firmly committed to its original mandate of protecting and assisting refugees, as well as advancing respect for individual dignity and human rights. Over the years, UNHCR has earned the respect of nations around the world as a protector of people seeking refuge from persecution for reasons of race, nationality, religion, or political beliefs.

The time has come for the international community to tackle the refugee problem at its source. UNHCR's Statute stresses the need for seeking "durable solutions" to the refugee problem.

According to a recent UN report on measures to avert new flows of refugees, the root causes of refugees or displaced persons are drought and other natural disasters, armed conflict, and human rights abuses.

To the extent that drought and other natural disasters are the result of ecological or environmental imbalances aggravated by overpopulation, these may be alleviated, at least in part, by comprehensive, long-term economic development. Here, bilateral assistance in the first instance, as well as such multilateral organizations as the United Nations Development Program and the World Bank have a major role to play.

Prevention or resolution of armed conflicts that threaten international peace and security, whether as a result of external aggression (as in the case of Iraq's occupation of Kuwait) or internal strife (as in the case of Cambodia) falls within the mandate of the United Nations. In recent years, the UN has exercised a significant role in a growing number of the world's trouble spots, including the Persian Gulf, Central America, and Southeast Asia. We should build upon this momentum to promote the peaceful settlement of international disputes.

Last but not least, human rights abuses by governments against their own citizens must be recognized as the root cause of the most serious refugee situation since the establishment of UNHCR. The international community must show resolution and cooperation in addressing this primary cause of refugee flows. Economic palliatives will not solve the problem. For if a government cannot properly administer its responsibility toward its own citizens by respecting their basic human rights, how can it be entrusted with receiving and administering international economic assistance intended for their benefit?

Our nation's history as a safe haven for people seeking refuge from persecution compels us to maintain our support for UNHCR. At the same time, we urge refugee-generating countries to work with UNHCR in administering their responsibility toward their own citizens: to respect their basic rights and freedoms so that they are not forced to leave their homelands.

EMERGENCY EXTENSION OF THE DPA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. LAFALCE. Mr. Speaker, because of the imminent threat of military conflict in the Persian Gulf, I am introducing today, a bill to extend the expiration date of the Defense Production Act [DPA] of 1950 to September 30, 1991. The DPA was in effect throughout the 101st Congress and expired on October 20, 1990, after reauthorization legislation did not come out of conference.

I do not believe that at this time a United States offensive military action against Iraq would be wise. However, I do want to assure that if the President chooses to use military force in the gulf he has all necessary legal authority to assure that U.S. military operations can be carried out effectively.

The Defense Production Act [DPA] was enacted in 1950 to ensure that our peacetime economy could be converted to support an intense military effort in a timely and efficient manner. The act provides the statutory basis for the President to allocate the available supply of needed commodities and to establish a priority system for acquisition programs.

Under this act, the Government can require contractors to meet production, delivery, and deployment schedules of weapons systems regardless of other non-priority Government and civilian contracts. The DPA also authorizes the use of financial incentives for the expansion of domestic capacity and capability to produce and deliver materials and services necessary to national defense.

We, as a nation, must ensure that in the event that we do become engaged in a military conflict, we are prepared to maximize our civilian resources so that losses will be minimized.

IT'S TIME TO STAND BEHIND THE PRESIDENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. SOLOMON. Mr. Speaker, the Albany Times Union, a Hearst newspaper, is one of the most influential dailies in upstate New York and must reading in the Capital District region that I am privileged to represent in Congress. Today's edition of the Times Union carries a very compelling editorial which calls upon Congress to stand behind the President.

Specifically, the Times Union says:

> . . . in the debate now taking place in Congress, we think it wise for both Houses to give their support to the President by voting to endorse his use of force if he believes it in the best interest of the nation . . . Iraq needs to see that the Congress is willing to endorse what the United Nations has already consented to.

I insert the full text of today's Times Union editorial at this point in the RECORD.

[From the Albany Times-Union Jan. 11, 1991]

TIME TO BACK THE PRESIDENT

The failure of the talks in Geneva between Secretary of State James Baker and Iraqi Foreign Minister Tariq Aziz further demonstrates Baghdad's unwillingness to peacefully withdraw from Kuwait and thereby settle this international crisis diplomatically.

The United States, along with the U.N., is thus being pushed closer toward war.

On the one hand, it still is the better course for the U.N. to give the sanctions more time to work. Indeed, the sanctions can be made even more effective by, for example, getting better cooperation out of Jordan, Iran and, most recently, the Soviet Union.

On the other hand, given that it may be difficult to keep the coalition against Saddam Hussein together indefinitely, it might be necessary, at some point, to resort to force. In the meantime—and until that point is reached, if it ever is—it will be the threat of imminent hostilities from the U.N. forces that could bring Iraq to see the wisdom of pulling out of Kuwait. Which is to say that President Bush needs to be able to parade a real military threat, not one made dubious by congressional indecision.

The U.S. government, for its part, has made it clear by its recent actions that it is not thirsting for blood. The sending of the secretary of state to Geneva was a clear demonstration of Washington's willingness to do some negotiating, despite its claim that the situation is non-negotiable.

In the meantime, Baghdad has taken advantge of the U.N.'s patience by trying to drive a wedge between the coalition members. On several occasions it has attempted to reshape the conflict by, first, arguing that the settlement of the Palestinian problem had to be coupled with any gulf settlement; and second, by threatening a military strike against Israel in the event of gulf hostilities. Most recognize that the Palestinian issue, hardly on Saddam's mind at the time of his invasion of Kuwait, is now little more than a convenient red herring.

The terrible truth, however, is that the shedding of blood in the gulf area might, at this point, be inevitable. Backing down now, as some peace activists propose, might only increase the price that will have to be paid in the future.

Thus, in the debate now taking place in the Congress, we think it wise for both houses to give their support to the President by voting to endorse his use of force if he believes it in the best interest of the nation. Some have argued against giving President Bush what they consider a "blank check." Iowa Sen. Tom Harkin, meanwhile, has threatened that he would consider it an impeachable offense if President Bush were to embark on a war with Iraq without Congress' approval.

What, in such a situation, is the man mostly responsible for having halted Iraq at Saudi Arabia's border, to do? How can the President even convincingly threaten war against Iraq with such division at home?

A vote on this matter is needed. Iraq needs to see that the Congress is willing to endorse what the U.N. has already consented to.

WORLD DAY OF PRAYER OF PEACE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. VISCLOSKY. Mr. Speaker, I take this opportunity to address the House of Representatives to inform them of a request to the President made by Anthony S. Lenzo of Crown Point, IN.

On January 9, I held a town forum to hear my constitutents' concerns regarding the Iraqi invasion of Kuwait. As you might expect, strongly held views on all sides of the issue were expressed.

At this forum, Mr. Lenzo shared with me a telegram he sent to President Bush in which he asked the President to declare a "World Day of Prayer for Peace" on January 13. He noted that this was just 2 days prior to the United Nations' January 15 deadline for Saddam Hussein to remove his troops from Kuwait.

A year ago, the world watched in amazement as the Berlin Wall was dismantled and tyrannical regimes crumbled. It was hoped that a new era had dawned—one free of war and dictators. Regretfully, the recent events in Kuwait have shattered these hopes and we are now on the brink of a major armed conflict.

I admire Mr. Lenso's sincerity and echo his request to the President. Furthermore, I encourage all my colleagues in the House of Representatives to endorse Mr. Lenzo's suggestion.

INTRODUCTION OF THE NEWSPAPER RECYCLING INCENTIVES ACT

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, the pollution statistics in our Nation are alarming. In the United States, we generate 3.5 pounds of municipal solid waste per person per day, representing a total generation of approximately 150 tons for the entire population per year. Given that only 10 percent of this waste is recovered through recycling or other conversion methods, the need to improve our resource recovery system is clear. In this regard, Federal, State, and local policymakers have increasingly focused upon recycling as perhaps one of the most effective methods by which we can promote a healthier environment.

The U.S. Environmental Protection Agency has set forth the national goal of doubling solid waste recycling to 25 percent by the year 1992. While the agency's agenda does not carry the force of law, many States, including the Commonwealth of Virginia, have moved forward with aggressive recycling regulations. The Virginia General Assembly last year enacted legislation requiring localities to develop solid waste reduction plans that provide for the recycling of 15 percent of local waste by the year 1993 and 25 percent recycling by the year 1995. A majority of localities in the Seventh Congressional District have instituted recycling programs with the aim of compliance by the end of 1991.

With improved attention given to the collection of waste materials that can be recycled, the next step to solid waste reduction and resource conservation requires the promotion of economic incentives and markets for recycled products. Disconcerting reports of stockpiled materials available for conversion and reuse underscore the importance of additional measures to promote recycling.

To address a portion of this problem, today I have reintroduced the "Newspaper Recycling Incentives Act" to provide a tax credit to publishers of newspapers who purchase recycled newsprint. Some estimates suggest that it may take as many as 18,000 trees to publish one Sunday edition of a major newspaper. When only a small percent of newspaper in the United States is recycled, a recycled newsprint credit against income tax would encourage our publishers to purchase and print on paper with recycled fibers. My legislation would offer, initially a 15-percent credit to publishers who purchase paper consisting of at least 40-percent recycled materials. If enacted, I believe this measure would effectively promote both waste reduction and resource conservation.

MOREAU HIGH SCHOOL CELEBRATES ITS 25TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. STARK. Mr. Speaker, this year Moreau High School in Hayward, CA, celebrates its 25th anniversary. I rise today to congratulate and to commend Moreau High School for 25 years of service to the young people of southern Alameda County, in California's Ninth Congressional District.

Moreau High School was founded in 1965 following discussions between the Most Rev. Floyd L. Begin, Bishop of Oakland at that time, and, Brother John Baptist Titzer, CSC, serving then as Provincial of the Southwest Province of the Brothers of Holy Cross. Named for Father Basil Moreau, founder of the congregation of the Holy Cross, the school began as a high school for young men.

While construction continued on the current Mission Boulevard site, the original freshman class of 103 students held classes at neighboring St. Bede's school. Brother Fisher Iwasko, CSC, served as the first principal of Moreau. Although final construction of the entire campus facility would not be completed until the summer of 1967, the religious community moved into the third floor residence on August 20, 1966. The first classes were conducted in this building in September, 1966.

Moreau High School remained a school for young men for the first 4 years of its existence and, graduated its first class in June, 1969. In the fall of 1969, at the request of Bishop Begin, Moreau became co-ed and admitted 177 freshmen women.

The following examples illustrate how Moreau has grown since 1965:

Moreau High School annually serves nearly 1,200 young men and women from Hayward and the surrounding communities with a student population of 52 percent female and 48 percent male.

In 1984 and 1989, Moreau received Exemplary School awards from the U.S. Department of Education.

The formation of the Moreau High School Foundation established an organization that is fully committed to ensuring that Moreau remains a viable, growing institution throughout the 1990's and well into the next century.

After 25 years, Moreau is a school community with an alumni population of over 6,000.

Mr. Speaker, I rise today to congratulate Moreau High School on its 25th anniversary and to commend Moreau for 25 years of dedicated service to the community.

REQUIRE RECONFIRMATION OF FEDERAL JUDGES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. FIELDS. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Presently, Mr. Speaker, Federal judges serve life terms once they are appointed. The only constitutional mechanism for removal of these judges is impeachment. As we all know, impeachment is a long and arduous process. Historically it has been exercised on only 10 occasions, resulting in actual removal from office of only five judges.

In the absence of any other effective formal procedure for removal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Consequently, and to the citizenry's misfortune, there is no procedure for the removal of a judge who may be dysfunctional, dishonest or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme and lower court judges are appointed to office for a term of good behavior. I certainly recognize and compliment the wisdom of the Framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate, but equal, branches of government.

However, I continue to believe that this separation has resulted not in a more effective judicial system, but rather in a greater disparity between the various branches of government. The life tenure of these judges has them less, not more, accountable for their actions and decisions.

Moreover, the increasing use by these judges of their judicial power as a means of effecting social policy is troubling. Our judicial system was established to interpret the law, not to formulate national policy. However, within the past 15 years, many of our Federal judges have taken to backdoor legislating on such controversial issues as school prayer and busing, and abortion. In my own State of Texas such backdoor legislating has occurred on such issues as prison overcrowding and the provision of educational services to illegal aliens. The perpetrator of overreaching judicial bounds has been Federal Judge William Wayne Justice.

I sincerely believe that neither this legislative body nor the American citizenry can stand by and watch this transgression of constitutional authority. National policy decisions should not be promulgated by our courts, but rather should be duly deliberated and decided by the people's elected representatives in Congress.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate, but equal, branches of government.

ISRAEL BERNBAUM RECEIVES AWARD FOR HOLOCAUST BOOK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to recognize today the notable actions of my constituent, Mr. Israel Bernbaum.

Mr. Bernbaum, a survivor of the Warsaw ghetto, has written a children's book titled "My

Brother's Keeper," which describes the lives of Jewish children in the Warsaw ghetto. "My Brother's Keeper" has been awarded the 1990 German Prize for Young People's Literature, the only literature award given regularly by a Ministry of the Federal Republic of Germany.

Publication of this work represents the first time that a book by a Holocaust survivor has been put in the hands of young German children on a national scale.

The lesson that it is important to keep alive memories of the Holocaust is one that Mr. Bernbaum is teaching not only German children but to American youngsters and many others as well.

Mr. Bernbaum, who escaped from Warsaw after the Nazis entered the city, traveled to Germany to receive his award from Prof. Ursula Lehr, the German Federal Minister of Youth, Family, Women and Health.

Mr. Bernbaum emigrated to the United States after escaping from Poland to Russia and then to Paris, where he lived for 10 years. Israel Bernbaum now lives in Rego Park, Queens, and since 1973 has been teaching elementary school children about the Holocaust.

I ask all my colleagues in the House of Representatives to join me in congratulating Mr. Bernbaum on receiving the German Prize for Young People's Literature.

TRIBUTE TO REV. HERBERT GRAVES, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the wonderful work of an outstanding New Jerseyan—Rev. Herbert Graves, Sr. Rev. Graves, on Friday, January 11, 1991, will retire from his 23-year association as an employee of the Prudential Insurance Co.

My association with Rev. Graves stems from our days as volunteers in the YMCA movement. He was a dedicated volunteer. He has always been interested in our young people. He has always been an excellent role model and mentor. Rev. Graves was all of these things—volunteer, role model, mentor—in the days before it became popular to share your time and talents with those who are less fortunate.

Over the years, Rev. Graves has not become a different man. He is still a man who shares his time and talents. He is the founder and senior minister of the Fellowship Baptist Church in Irvington, NJ. He founded the Marion Graves Scholarship Fund. He is a member of the Newark Council of Churches and serves as the spiritual advisor to the Prudential Specialized Explorers Post No. 745 of the Boy Scouts of America.

Mr. Speaker, I know my colleagues will want to join me in extending our best wishes to Rev. Herbert Graves, Sr. and to thank him for his tireless efforts on behalf of others.

I DON'T WANT GORDON ROAD TO BE A DEAD END STREET FOR ATLANTA'S CHILDREN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an article by Cynthia Tucker, which appeared in the Atlanta Constitution.

I don't believe any of us could read Ms. Tucker's deeply moving article without realizing that we must devote significant time, thought, and effort to alleviating the devastating cycle of poverty that is destroying the future of our country.

The homeless shelter in Atlanta on Gordon Road should not be the end of the road for the women and children who enter it. Instead, it should be their first step toward new opportunities and a future full of hope for the next generation.

As we embark upon a new year, it is my plan to continue to develop new ideas and new solutions to chip away at the wall of poverty that currently traps the Third World in America.

The article follows:

[From the Atlanta Journal and Constitution, May 12, 1990]

BY IGNORING ITS CHILDREN, AMERICA IS HEADING FOR THIRD WORLD STATUS

(By Cynthia Tucker)

I know what poor, sick, hungry children look like. I have seen them in Kenya, in South Africa, in Honduras. I have grown accustomed to seeing them in the countries of the Third World in which I sometimes travel, so I am rarely shocked by their suffering. I see them with the journalist's world-weary eyes.

I have seen them right here in Atlanta, too, not far from downtown, in a shelter for women and children on Gordon Road. That shelter is not so different from other shelters for women and children in the city, so there must be sick and hungry children in those other shelters, too.

It's when I see them here in Atlanta, here in America, that I am jarred, stunned, thunderstruck. What are they doing here? America is not a Third World country. It's the land of the free and the home of L.A. Gear. Surely, children don't go hungry here.

But they do. The United States lags far behind other developed nations in providing for its children. Think on this: This year, 40 American children have died of measles—measles—because they were not inoculated.

Consider these statistics assembled by the Washington, D.C.-based Children's Defense Fund:

In this country, more babies die before the age of one than in 18 other countries, including Singapore and Hong Kong.

In the United States, 13 of every 1,000 young children die before the age of five. That ranks us behind 21 other countries, including East Germany.

There is a higher percentage of poor children in the United States than in seven other industrialized countries, including Canada and Australia. Why?

In large measure, the growing ranks of impoverished children are the result of the disintegration of the traditional family. The soaring divorce rate and the spiraling number of teenage pregnancies have left lots of American children in homes without fathers and their fathers' wages. If a child lives in a household headed by a woman, his chances of being poor are one in two.

The shift in family structures settled in on the Nation at about the same time President Reagan was taking the White House, bringing to acceptability a disdain for the poor and a disingenuous self-righteousness that found lecturing people more comfortable than helping them. President Reagan and his minions told families to change their values.

But there is precious little value in insisting that a wife stay with an alcoholic, abusive husband. Nor is there much point in lecturing a working mother on her values when her husband has left her for another woman.

Adolescent pregnancy is usually a disaster for all involved. But lecturing teenagers on controlling their raging hormones has had precious little effect on them so far, especially when they are surrounded by a popular culture that glamorizes sex. And surely there is no point in lecturing their babies. Is it the child's fault that he was born to parents who can't take care of him?

If we continue to act as if it is, we will all eventually suffer. As the Children's Defense Fund points out, by the turn of the century, there will be far fewer people between the ages of 18 and 24 than there are today.

In other words, there will be a small group of young adults out there trying to run the world's largest economy and take care of a booming number of elderly and retirees. If all those young people are not cracker-jack smart—well-educated and highly competitive—the Nation will get poorer.

Americans may be in danger of coming to know exactly what it's like to live in a Third World country.

INTRODUCTION OF LEGISLATION TO DESIGNATE THE SALT-GILA AQUEDUCT OF THE CENTRAL ARIZONA PROJECT AS THE FANNIN-McFARLAND AQUEDUCT

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. RHODES. Mr. Speaker, today I am introducing, along with my colleagues from Arizona in the House of Representatives, legislation to rename the Salt-Gila Aqueduct of the Central Arizona Project [CAP] as the "Fannin-McFarland Aqueduct."

The task of getting the CAP authorized and getting it sufficiently funded throughout lean budget years in the past, has not been an easy accomplishment. Many prominent individuals from Arizona and at the national level have contributed generously over the years since the CAP was first authorized in 1968.

Among the leaders in the effort are former Governors of Arizona, Paul Fannin and Ernest McFarland. As Governor of Arizona, Paul J. Fannin supervised State water agencies in their relations to the CAP and advised them in decisions that shaped Arizona water policy. He called for an information and education campaign on the CAP to help Arizonans understanding the great importance of the project to Arizona's future. After being elected to the U.S. Senate, he cosponsored and actively pressed for passage of the legislation that finally authorized the CAP after over half-a-century of diligent efforts by western lawmakers.

Ernest W. McFarland, also a former Governor and U.S. Senator from Arizona, support the CAP as a Senator by sponsoring the first bill calling for its authorization in 1947, and continued his significant efforts as Governor. He was known as the chief strategist for CAP legislation while he served on various Senate committees. Mr. McFarland attended the groundbreaking ceremonies for the CAP in 1973, satisfied that his efforts, and those of his colleagues, had been successful in making the CAP a reality for Arizona.

It is only appropriate that we in Arizona honor these men for their great contributions to the people of Arizona and the CAP. Therefore, our legislation would rename the Salt-Gila Aqueduct of the CAP in their honor—the "Fannin-McFarland Aqueduct."

GIVE SANCTIONS A CHANCE

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. KENNEDY. Mr. Speaker, the Pentagon now estimates that 30,000 deaths could occur in the first 2 weeks of combat. Forty-five thousand body bags have been ordered by the Pentagon for this conflict. That's a reminder for what is at stake. This is not about politics. It's not even about what is good for the Congress. It's not about what's good for liberals or conservatives or Democrats or Republicans. It's about protecting our sons and daughters, protecting our Constitution, and protecting the country we love. It's about keeping this Nation out of a war that we don't need to enter. Make no mistake about it, the Solarz-Michel Resolution gives a green light for war, not at some time way out in the future but in 4 days. The President is ready to plunge this Nation into war. He's doubled our troop strength, he's forbidden troop rotations, and he said sanctions are a failure after 4½ months. He's written off diplomacy after 6½ hours.

The question is whether or not we need a war to achieve his aims. He said that we're there for four reasons: We're there to stop the aggression. We're there to stop the nuclear threat. We're there to protect the free flow of oil. And we're there to help our Saudi and Kuwaiti friends.

If we're there to stop the aggression, I would suggest 200,000 troops and a defensive posture in Saudi Arabia to accomplish the policy goals. If we're there to stop a nuclear threat, the Israeli government taught this Nation and others around the world how you deal with a nuclear threat from Iraq—you don't need 450,000 troops to be committed to war to accomplish that. He says we are there to protect the free flow of oil. But the fundamental facts are that OPEC has made up for the loss of oil from Kuwait and Iraq. Every one in this Chamber and in this country ought to be able to look themselves in the mirror and say whether or not we're here to protect some way of life that allows us to drive cars that get minimum gas mileage, that allows us to live in houses that are energy sieves, that allows us to work in buildings such as this one that are energy sieves as well, in order to protect the notion of a conservative aspect of our history that says that is capitalism. Capitalism doesn't mean inefficiency. If this country just would adopt any energy policy, an efficiency policy, we wouldn't have to worry about the free flow of oil. And lastly, we're there to help our so-called Kuwaiti and Saudi friends. Need I remind the members of this chamber, what the Kuwaitis and Saudis did to this country in 1973, and did to us again in 1979. We're there to protect these so-called friends? Ladies and gentlemen, these fickle friends have never proven that they are worth the kind of price that President Bush has committed.

It seems to me that what we're there to do is protect people who refer to us as white slaves, create situations where our troops are forced to hide their crosses, hide their St. Christopher's medals, hide their Stars of David, to defend a nation that does not believe in democracy. I would suggest that we look at what our true foreign policy aims are. Ladies and gentlemen, we should give sanctions a chance. Seven of the eight former Secretaries of Defense say that sanctions will work. Two former Chairmen of the Joint Chiefs of Staff say that sanctions will work. We have been told in recent days that now the CIA Director has changed his testimony. He is now saying that sanctions will work, but they won't force Iraq out of Kuwait. But we heard Secretary Baker and Secretary Cheney tell us the other day, when General Wallace told us that the troops would not be ready to fight on January 15, that he was making a mistake because it was his first time before the press, that in fact he was a rookie. In other words, he told the truth. I would maintain the CIA Director was telling the truth just 3 weeks ago when he testified that sanctions would work. Better to achieve our goals by reducing the flow of goods, not increasing the flow of blood. Better to keep talking, than to start shooting.

There's a misguided machismo mentality in America now, a John Wayne attitude, that says somehow or another, this is the way we should conduct foreign policy. We ought to be the bully boy. We ought to get out there and be the policeman of the world. Well, the fact is if we want to take that battle to every single conflict in the world, this country would not only be morally bankrupt, we'll be bankrupt economically as well within 6 months.

It's time for us to question the fundamental policy George Bush has articulated, that he asks the members of this Chamber to commit themselves to war in just 4 days. I implore you to think about what it will be like to face up not to the phone calls of support you've received, but to face up to the tears of the mothers and fathers of the children that are in the Middle East today. To face up to the tears that will exist when their sons and daughters start coming home in body bags. Or when fathers come home in flag-draped coffins. And ask ourselves whether or not we have truly exhausted all the possibilities to avoid war, before we commit to it.

SPECIAL TRIBUTE TO JOHN AND CORDELIA NOVAK ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. LIPINSKI. Mr. Speaker, I rise today to give special recognition to two outstanding constituents of mine, who reside in the Fifth Congressional District of Illinois, which I am privileged to represent in the U.S. Congress. On January 16, John and Cordelia Novak will celebrate 50 years of marriage.

John and Cordelia are 43-year residents of the 23d ward in Chicago who have been very active in civic and political activity. They are the kind of individuals whose neighbors enjoy knowing and living near. Their many contributions on behalf of their neighborhood and community make them liked and admired among fellow southwest side of Chicago residents.

John Novak worked for Page Engineering Co. for more than 30 years and was considered a valued employee. He is longtime member of the United Steelworkers of America Union district 31. Cordelia Novak was a long-term employee with Johnson & Johnson Co. in the baby products division and was highly regarded by her coworkers.

Upon retirement, John and Cordelia became avid travelers to Europe and throughout the United States. During these travels they exhibited the friendly and warm hospitality known well to their southwest side neighbors.

The Novak's have two distinguished children who also reside in the 23d ward. Their son Phil is a State representative in the Illinois Legislature who is ever diligent in providing outstanding representation to his constitutents. They are especially proud of Phil's son, and their grandson, Todd. Another son, Richard, is a local small businessman who has a successful restaurant.

On this very special occasion, I join with my fellow House Members and constituents to pay special tribute to John and Cordelia Novak on their golden wedding anniversary. I am pleased to know John and Cordelia and send my very best wishes for many continued wedding anniversary celebrations.

PENNSYLVANIAN HONORED WITH EAGLE SCOUT AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. GEKAS. Mr. Speaker, I rise today to ask my colleagues to join me in acknowledging a superb young man from Sunbury, in the 17th Congressional District of Pennsylvania.

In February, Shawn Leroy Ross will be receiving the Eagle Scout Award, the highest possible honor in the Boy Scouts of America. In order to attain this honor, a Boy Scout must possess dedication, determination, and persistence. Shawn possesses all of these characteristics which makes him an outstanding Boy Scout as well as a fine individual. For his Eagle Scout project, Shawn helped his local community by cleaning up the Ebeneezer Methodist Episcopal Church cemetery in Rockefeller Township. Shawn spent 3 years cutting brush, restoring headstones, and planting grass to renovate the cemetery.

Mr. Speaker, Shawn also demonstrates fine leadership abilities within the Boy Scouts as a 4-year den leader for a local cub pack, and as a patrol leader, senior patrol leader, and assistant senior patrol leader. He is also a junior board member of the Camp Hallowing Run Association.

Besides being an avid member and treasurer of a 4–H Club in his area, he has been involved in various other clubs and undertakings. He has organized monthly paper and aluminum drives, as well as participated in the Pennsylvania litter pickup and Sunbury sidewalk cleanup. Shawn is a good example of the potential for leadership and achievement that today's young people demonstrate. I am confident that Shawn will become a future leader of America.

Through the Boy Scouts, Shawn has attained a special honor and it is at this time that I would like to congratulate him on his achievements and to wish him well in his future endeavors.

A TRIBUTE TO MRS. WILLIAM H. NATCHER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. ROGERS. Mr. Speaker, today I want to extend my deepest condolences to my good friend and dear colleague from Kentucky, Congressman WILLIAM NATCHER, on the passing this past Sunday of his dear wife, Virginia, here in Washington.

BILL NATCHER is the epitome of distinguished service in this body, its most respected member, and the example of service that none can rival. As his wife of 53 years, Mrs. Virginia Natcher was a partner in this historic journey, and to her we owe our humble appreciation.

Though we will miss her, we will continue in the honored and wonderful company of her beloved partner in life. To BILL and their wonderful daughters and grandchildren, my family and I extend our very deepest sympathies.

HONORING WILLIAM "BILL" CARROLL

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. FAZIO. Mr. Speaker, I would like to take this opportunity to honor William "Bill" Carroll, who is turning in the gavel after 18 years as mayor of the city of Vacaville and trading it for a seat on the Solano County Board of Supervisors.

Bill has served a long and successful tenure as mayor and has been instrumental in providing many changes for this growing city. His interests in the health and welfare of the community are evident in his list of accomplishments. In 1976, voters approved bringing a paramedics program to the city, a service strongly supported by "Mayor Bill." Following this in 1978, Bill began a CPR training course that is still going strong. The opening of VacaValley Hospital in 1987 was the gold medal of Bill's Olympic efforts to obtain funds for this much needed community hospital.

While maintaining sensible growth limits in the city, Bill still allowed Vacaville to prosper economically. The year 1988 saw the opening of the Factory Stores, a series of retail outlets with a variety of goods to please just about everyone. He has also been recognized statewide for his abilities. He served as first vice president of the League of California Cities in 1983 and became president of the league in 1984.

When he was first elected to the city council in 1970, Bill was fondly referred to by a former councilman as "a good listener—who—has the interests of the community at heart." This claim has been substantiated year after year as the voters continued to reelect Mayor Bill. Modestly, Bill credits much of his success to the staff at city hall and the strong support of his wife and best friend, Marge.

One of Bill's favorite phrases since his election to the Board of Supervisor's has been, "Goodbye, Hollywood. Hello, Broadway." At this time, I would like to ask that we welcome Bill to "Broadway" and wish him the best of luck in his new position.

RANCHERS SHOULD PAY FAIR MARKET VALUE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. DARDEN. Mr. Speaker, though a discouraging word seldom has been heard on the range, all is not well on the wide open spaces of the American West today. Our rangelands have deteriorated beyond what is acceptable for plant and wildlife, and the reason is a continuing Government giveaway which favors wealthy cattle ranchers and at the expense of both our public lands and our budget deficit.

Young Americans cannot afford homes, older Americans cannot afford health care and middle-class Americans cannot afford to educate their children. But wealthy cattle ranchers continue to benefit from the reduced rates charged by the Federal Government for grazing on public lands.

It costs the Federal Government about $63 million to administer 3.7 million acres of Federal grazing lands. However, the grazing fee income for this land totals about $22 million. Incredibly the Government charges far less than market value for these lands, requiring only $1.81 per animal unit month in 1990, and $1.97 per animal unit month in 1991 for grazing rights worth at least three times that amount.

I am introducing legislation, as I have in the 99th, 100th and 101st Congresses, which would mandate that ranchers pay fair market value for these grazing rights. With our budget deficit requiring cuts in many worthy programs, subsidizing private ranchers is a luxury we cannot afford.

We have asked Americans to sacrifice for our efforts in the Persian Gulf, for economic security and for our country's future, yet we continue to jeopardize that future by incurring unnecessary debt while destroying our natural resources. Mr. Speaker, I believe we must change this damaging policy, and I urge my colleagues to support my efforts to eliminate this costly inequity.

A TRIBUTE TO LORENE MEEK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 11, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and successful career of Lorene Meek who, after 40 years in the title insurance business, is retiring. Lorene will be honored for her work at a special dinner next week at the Arrowhead Country Club in California.

Lorene began her professional career working for the Escrow Co. Upon the creation of the Land Title Co. in San Bernardino in 1948, she worked as a receptionist while also working in the escrow and accounting departments. In short time, she became the escrow officer, foreclosure officer, and DRE officer and was elected Secretary of the Land Title Co. in 1949. Ten years later, the company changed its name to First American Title Co. of San Bernardino, and Lorene was elected both secretary and treasurer.

In 1974, Lorene's company merged with First American Title Insurance Co. Four years later, she was elected the first woman vice-president of First American Title Insurance Co., a position she has maintained ever since. Through her leadership, and the work of her colleagues, Lorene's business has become the largest and most successful title insurance company in San Bernardino.

Lorene has also been very active in our community as a member of the Escrow Association and through her involvement with Allied Arts, the YMCA, Salvation Army, and the San Bernardino Valley Concert Association.

Mr. Speaker, I hope you will join me and my colleagues today in recognizing Lorene Meek, known to her many friends as "the First Lady of the Title Insurance Business," for an exceptionally successful business career. Her selfless dedication is certainly worthy of recognition by the House today.

SENATE—*Saturday, January 12, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Baruk hashem. Blessed be the name of the Lord.

Hear, O Israel: the Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might.—Deuteronomy 6:4–5.

I will bless the Lord at all times: his praise shall continually be in my mouth. My soul shall make her boast in the Lord: the humble shall hear thereof, and be glad. O magnify the Lord with me, and let us exalt his name together. I sought the Lord, and he heard me, and delivered me from all my fears. They looked unto him, and were lightened: and their faces were not ashamed. This poor man cried, and the Lord heard him, and saved him out of all his troubles. The angel of the Lord encampeth round about them that fear him, and delivereth them. O taste and see that the Lord is good: blessed is the man that trusteth in him.—Psalm 34:1–8.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Patrick J. Leahy, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

UNITED STATES POLICY TO REVERSE IRAQ'S OCCUPATION OF KUWAIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of Senate Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) regarding United States policy to reverse Iraq's occupation of Kuwait.

The Senate proceeded to consider the joint resolution.

The ACTING PRESIDENT pro tempore. There will be 3 hours and 10 minutes of debate, with 110 minutes under the control of the majority leader, or his designee, and 80 minutes under the control of the Republican leader, or his designee.

Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 15 minutes from the Republican leader's time, but ask that I be notified when I have used 12 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be notified. He is recognized.

Mr. DOMENICI. Mr. President, during the 18 years that I have served in the U.S. Senate, I have cast exactly 8,150 rollcall votes. By far the most important vote that I will cast in my Senate career is going to be Vote Number 8,151, the vote on the resolution dealing with the current Persian Gulf crisis.

In considering this matter, the Senate is undertaking a solemn constitutional responsibility. It is also undertaking a monumental moral responsibility to the world, and to the 400,000 young Americans currently deployed in Operation Desert Shield.

NEW MEXICANS AFFECTED

There are thousands of New Mexicans involved in this gulf operation right now. These are men and women from 33 squadrons from Kirtland, Cannon, and Holloman Air Force Bases, as well as units from the New Mexico National Guard and reserve units.

Among them, the 1606th Air Base Wing; 1550th Combat Crew Training Wing; the 833d Air Division, Transportation, Medical, Civil Engineering Squads who have already had their lives changed by this deployment. A member of my Albuquerque field staff has been activated and is serving in Operation Desert Shield here in the United States.

I know many of the families of others deployed in the gulf. As I considered how I would vote, these young people are foremost on my mind.

REASONS TO SUPPORT DOLE-WARNER

I am supporting the Dole-Warner resolution authorizing the President to use force, because I believe it is our best and maybe our only chance for peace.

The key to peace is convincing Saddam Hussein that he should withdraw from Kuwait.

CIA Director Webster has concluded that Hussein's decision to withdraw "will be determined by his total assessment of political, economic, and military pressures arrayed against him."

Saddam Hussein is counting on the U.S. Congress to undermine President Bush and his diplomatic efforts. To the contrary, the Congress can aid in convincing Saddam Hussein that the United States is solidly committed and absolutely determined to accomplish the purposes of the U.N. resolution.

Saddam Hussein is an international outlaw with unlimited ambitions. He has had a 20-year career of ruthless and tyrannical action.

He has never possessed a weapon he failed to use, and he is getting dangerously close to possessing nuclear weapons. Clearly, he has the wherewithal to dominate one of the most important strategic areas in the world. He is not loath to accomplish it if he thinks he can.

In short, Saddam Hussein must be stopped.

COMMON GOALS

As I have listened to the debate on this issue over the past 2½ days, it strikes me that there is total agreement in the Congress, even as between those who support different resolutions, Iraq must fully, completely, and unconditionally withdraw its forces from Kuwait.

There is agreement and broad support for:

The U.N. Security Council actions and the objectives of the 12 U.N. resolutions;

The economic sanctions being imposed by hundreds of countries against Iraq; and

The President's efforts to arrive at a diplomatic solution to this crisis.

It is amazing how much we agree upon. It appears that the only difference is one of timing.

The question really is: When should we give the President the authority to do whatever is necessary to implement the U.N. resolutions?

As I listened to my colleagues over the past 2 days, I was struck by the fact that so many agree with the President's objectives. In fact, many who oppose any immediate congressional authorization for force to liberate Kuwait appear willing to grant such authority at some future time, and some are not thinking of a very long period of time from now.

A CONTINGENT AUTHORIZATION

The subject of this Senate debate is not a declaration of war. None of the resolutions before us declares war. That is a simple fact that many of our people watching at home do not yet realize.

If the resolution I support becomes law, there will still not be a state of war between the United States and Iraq.

To be sure, enactment of the resolution could lead to something approaching war at some future time under two conditions:

First, all diplomatic approaches have been exhausted and, that would be diplomatic approaches after we have given the President the authority to use whatever force is necessary. Perhaps the prospects for diplomatic successes will be different once Hussein knows that our President has that authority.

Second, that the international coalition, including the United States, has decided a military offensive is the only way to oust the Iraqi forces from Kuwait, and has received the necessary authorization from each nation's authorities.

Our President has not decided to use force against Iraq. The King of Saudi Arabia and President Mubarak of Egypt have not decided to use force against Iraq. Each of them continues to welcome ongoing diplomatic efforts by others to convince Iraq to withdraw peacefully.

As I said a while ago, perhaps these efforts will change in complexion and effectiveness once Saddam Hussein understands that we are behind the President and he has the authority.

The question, greatly simplified, as I see it, is whether we give the President the support he has requested in the form of a contingent authorization. Some might call the Dole-Warner resolution a contingent declaration of war.

SANCTIONS

Some of my colleagues suggest that we should depend solely on economic sanctions and revisit and redebate authorizing the President to use force at some later date. This approach is a variation of the "never do today what you can postpone until tomorrow" philosophy taken to its most dangerous degree.

The disagreement among us centers on whether to authorize the use of force now. Authorizing the use of force now grants to the President the widest range of options. Authorizing the use of force now provides for the greatest possibility that we will avoid war.

Neither diplomacy nor sanctions has a chance unless Saddam Hussein knows absolutely that if he fails to get out of Kuwait peacefully, the American people and our allies are ready, willing and able to drive him out militarily. He understands nothing else.

If Hussein will not even accept a letter from President Bush, he is certainly not yet convinced that the United States is monolithic in its resolve.

Relying solely on economic sanctions is unlikely to work. According to CIA Director Webster, "Even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam Hussein to retreat from Kuwait."

On balance, the marginal decline of combat power of Baghdad's armored units and air defenses would probably be offset by the improvement of his defensive fortifications.

It is Director Webster's job to evaluate whether sanctions are likely to work because it is the CIA's responsibility to monitor conditions and to evaluate the effectiveness of the economic sanctions.

Sanctions have increased economic hardships facing the average Iraqi. Iraqi wives and mothers are forced to spend considerable amounts of time searching for reasonably priced food and waiting in lines for bread and other rationed items. These hardships are far easier for Iraqis to endure than were the hardships of the 8-year Iran-Iraq war.

In short, sanctions will have little effect upon the ground military forces of Saddam Hussein and they constitute a compelling majority of his power. This is unequivocal and lately it is becoming clear, the sanctions are only negligibly affecting the Iraqi military's readiness. Under noncombat conditions, Iraqi ground and air forces can probably maintain near-current levels of readiness for as long as 9 months—maybe longer.

Even if we leave the sanctions in place, they won't achieve the objective of moving the Iraqi ground forces out of Kuwait. As I just indicated, that is becoming more and more obvious.

On the other hand, sanctions coupled with continued diplomacy backed up by strong, unambiguous congressional authorization offer the best prospects for convincing Hussein to comply with the U.N. resolutions and to get out of Kuwait peacefully.

The U.N. Security Council recognized the importance of coupling sanctions with a concise authorization to use force, if necessary.

CONGRESSIONAL ACTION NEEDED

When the President acts pursuant to an express or implied authorization of Congress, his power is at its maximum, for it includes all that he possesses under the Constitution plus all that Congress can delegate.

We are at a time in history when the President needs that concentrated authority in order to preserve peace.

MIDDLE EAST ARMS LIMITATIONS

The President would be well advised to work toward an effective arms-control regime for the entire Middle East. To do so, he must convince China, the Soviet Union, Germany, and France to follow suit. This I know is one lesson we have learned from Iraq's brutal occupation of Kuwait.

For my part, I intend to look far more critically at any future transfers of advanced technologies with military application to any nation in the Middle East. We should not repeat the mistake we made in Iran in the 1970's.

Whatever the outcome of the situation in Kuwait, we should have learned the danger of allowing small nations led by malevolent rulers to acquire high-technology weapons and chemical and nuclear capabilities.

CONCLUSION

As Soviet Foreign Minister Eduard Shevardnadze told the U.N. General Assembly:

> An act of terrorism has been perpetrated against the emerging New World order. This is a major affront to mankind. Unless we find a way to respond to it and cope with the situation, our civilization will be thrown back by half a century.

If Saddam Hussein gains in any way from his aggression—despite the unprecedented commitment of economic, diplomatic and military power—other aggressors will be encouraged to attack their neighbors, and place peace everywhere in the world in jeopardy. That is why our commitment in the gulf is a highly moral and necessary undertaking.

As I prepare to cast my 8,151st vote, it is a vote for the only way we can ever achieve an era of lasting peace.

Mr. President, I yield to the leader whatever time I have remaining.

The ACTING PRESIDENT pro tempore. The time is reserved to the distinguished Republican leader. Who seeks recognition?

Mr. RUDMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I yield myself 15 minutes of the leader's time and ask that I be notified after 12 minutes.

The ACTING PRESIDENT pro tempore. The Senator is given 15 minutes, and the time will be noted accordingly.

THE PERSIAN GULF CRISIS

Mr. RUDMAN. Mr. President, as we think about possible war in the Persian Gulf, I strongly suggest that the world stands at one of history's critical junctions. No matter how this crisis is ultimately resolved, the complexion of the

Middle East will have been changed forever. Let us not overlook the significance of that fact for our security interests.

Accordingly, no task is more compelling, nor the consequences of failure more profound, than a reasoned assessment of the premises and goals of our policy.

There are no easy answers. No single option we discuss for achieving Saddam Hussein's withdrawal from Kuwait holds a monopoly on merit. We should think about the long term—as well as the short term.

This debate is not an academic exercise. We are possibly days away from going to war. Simply put, we cannot allow any ambiguity to exist about the purposes for which we are prepared to expend blood and treasure.

So, why are we in the gulf? And how important are those reasons to both our national interests and acceptable conduct between and among states?

First, fundamental principles of international law cannot be permitted to be trampled with impunity. Iraq's invasion, dismemberment, and annexation of Kuwait constitute naked aggression in its most direct form.

Far more than Kuwait's national identity has been obliterated. There is ample documentary evidence of the unspeakable horrors which Iraq has inflicted on a helpless people.

Chilling eyewitness accounts of the widespread murder, torture, and rape of innocent civilians—coupled with the general pillaging of a once-vibrant economy—leave little doubt as to the enormity of the international crime committed.

Indeed, there is an ethical clarity to the situation which cannot but shake an often benumbed international conscience and summon an outraged response.

No claim of prior grievances against Kuwait, nor any attempted linkage of Iraqi withdrawal to other regional issues, can obscure this brutal reality.

Respect for the sovereignty and borders of nations is enshrined in numerous international covenants, including the charter of the United Nations.

To cave in to such aggression, or reward it with even partial territorial concessions or the provision of Kuwaiti assets, would mock every value we ascribe to an enlightened foreign policy.

It would also set an intolerably dangerous precedent.

For let there be no misconception about the nature of this crisis. Iraq's conquest of Kuwait represents far more than the initial step toward the limited goal of regional domination. In Saddam Hussein we confront an imperial dictator whose ambitions are surpassed only by the ruthlessness with which they are pursued.

If he is not stopped now, when his ability to strike out can be more easily roped in, how credible will our response be when his aspirations are further buttressed by a deliverable nuclear weapons capability?

By then, Saddam's threat will have likely acquired a global dimension. And the global community will have inadvertently accelerated the advance of a deadly destabilizing force it now so fervently decries.

It will be too late to be sorry over an inevitability which might have been prevented with an earlier display of resolve.

Second, the oil resources of the Persian Gulf region are crucial to the economic health of the industrial democracies. This is an uncontestable fact, however crass it may appear to some as a potential reason for hostilities.

To glibly characterize a war with Iraq as a crusade on behalf of cheap gasoline trivializes the real issue.

The economic promise of the post-cold-war world is at least partly dependent on assured access to stable foreign energy supplies.

Can anyone reasonably assert that it would serve our interests to mortgage the production and pricing levels of nearly one-half of the world's proven oil reserve to the whims of an ambitious tyrant?

I think not.

The implications of permitting Saddam Hussein to maintain a stranglehold on the global economic jugular are frightening to ponder.

Third, Iraq's relentless pursuit of weapons of mass destruction must be forthrightly addressed.

Saddam Hussein's prior use of chemical weapons offers little hope that he would feel bound by any moral constraints from employing even more nightmarish arms in the future. Along with the other elements of Iraq's already bristling conventional arsenal, such capabilities of mass destruction would be potent instruments of political intimidation—or worse.

No blueprint for a stable world order could long withstand such a fearsome challenge.

Fourth, the way this crisis is resolved will decide the way countries behave toward one another in the future. I have no doubt of that.

Will the peaceful settlement of disputes become more universally entrenched?

Or, will the world witness a steady regression to an earlier dark age of conquest—where militarily powerful States preyed upon weaker neighbors to advance their political and economic ambitions?

The stakes involved here are nothing less than the creation of a new international security framework.

It is most heartening to observe the international community, through a series of overwhelming United Nations resolutions and in other ways, consistently support the coalition opposing Iraq's aggression. The significance of this unified stance, in some cases involving serious economic hardship due to support of the embargo, cannot be overstated.

Let us not forget how the lack of a concerted response by the League of Nations to Axis aggression in the 1930's contributed to the global carnage which followed. The specter of that infamous surrender of will by States hoping to preserve peace by avoiding war at all costs has haunted international politics ever since.

Dare we risk a possible replay, with its attendant consequences?

Mr. President, the current international and domestic consensus will not last indefinitely. And not everyone is in the coalition for the same reasons.

Particularly among the Arab members of the coalition, individual motives more nearly reflect the political vagaries of the Middle East. There are serious doubts about how much support the United States can expect for alternative courses of action.

How do we decide whether the sanctions will prove more effective than an earlier recourse to combat for achieving our common objective? That is the central question before this Senate.

Indeed, a singular feature of this debate is the unanimity of view that there can be no acceptable outcome other than Iraq's complete and unconditional withdrawal from Kuwait. The administration and Congress, as well as all Members of this body, are in total accord on this point.

The operative issue before us concerns when that objective should be met and by what means it should be effected.

The weighing of continued sanctions against the use of force cannot be based simply on hope—and nothing else. It is my belief that the President, with all the assets of statecraft and updated intelligence at his disposal, is uniquely positioned to make that judgment. Only he has the full picture.

Thursday we had a hint of that picture when an important letter from CIA Director William Webster was delivered to the Congress. Director Webster, whose reputation for honesty and forthrightness is impeccable, made these points:

Iraq's ground forces won't suffer much under sanctions for the next 6 to 12 months.

Even if we keep sanctions for 12 months, chances are they won't force Saddam Hussein from Kuwait or result in his overthrow.

There's not much evidence to indicate the current hardship caused by the sanctions is politically threatening to Saddam Hussein. Things were much worse during the war with Iran and Saddam Hussein did just fine.

These important points by the CIA Director are certainly just samples from the full spread of information to be placed before the President—and only the President—before a decision about the continued viability of sanctions is made. Even with the best of intentions, the U.S. Congress is simply ill-equipped to perform a similar function.

Moreover, the President's personal relationships with the leaders of the allied states are unparalleled. Having masterfully forged a fragile multinational coalition, he is the one who can best gauge its cohesion and durability.

I do not think anyone could realistically dispute that fact.

Whatever the option, and whenever that choice is made, there will be costs. Some will be less direct, though no less significant, than others.

I am unconvinced that those who advocate an open-ended extension of sanctions, and consequently a protracted military deployment, understand this.

For example, the military manpower which makes up our All-Volunteer Force is an extremely limited resource. Much of our front-line combat personnel and equipment from all branches of the military is currently stationed in the gulf.

A prolonged deployment while waiting for sanctions to work would inevitably require rotating units to maintain the cutting edge of combat capability. I am frankly doubtful that replacement requirements could be satisfactorily fulfilled.

There are not enough soldiers to maintain the indispensable high level of quality that a policy premised on potential offensive action now requires. Iraq, with the seemingly limitless manpower of the draft, faces no similar dilemma.

Furthermore, the stretched out presence of a substantial U.S. military force would erode their operational readiness over time.

No unit can indefinitely sustain the multiple rigors and stresses which the current high state of alert imposes. A price would unquestionably be exacted in morale, skill execution, and mission performance.

How this would affect overall combat readiness or the way we might fight is critical in deciding the best time for such an operation.

We can assume in any event that Iraq's battle-hardened units would use the additional respite to further build up their capabilities and reinforce their positions. While the days passed and the sands shifted—Iraq would be fortifying its positions and stockpiling supplies—becoming stronger every day.

Thus, anticipated U.S. casualty levels in any conflict might be much reduced if force were employed when American combat preparedness was at its peak, and not afterward.

Moreover, the unpredictability of Saddam Hussein means we must be ready for anything.

However crazy it might appear from our perspective, there is nothing to rule out Iraq from launching a preemptive strike in the hope of securing an immediate advantage.

We are not the only ones with the option to fire first. Saddam Hussein has previously demonstrated a penchant for aggressive risk taking in order to divide, confuse, and ultimately subdue his enemies.

We discount the possibility of a similar gamble at our peril.

The bottom line is we cannot collectively substitute for Presidential leadership in judging the significance of these factors.

Yet even if the President can best decide when Desert Shield might become Desert Sword, he surely possesses no constitutional monopoly in determining whether it becomes so.

It is my view that Congress has not only the right but the solemn obligation to either endorse or deny the potential use of military force in the gulf after January 15.

The U.N. Security Council has rendered its opinion on this matter before the world in Resolution 678. Can anyone presume or desire that we should do less?

Indeed, it would be the supreme irony if this body, after so much handwringing over the prospect of hostilities, were unwilling or incapable of making this fateful choice. I submit that neither history nor the American people would soon forgive such an abdication of will.

It has been said that generals always fight the last war. I often wonder whether politicians are condemned to repeat the decisionmaking errors of previous conflicts. It is well to learn from the past—but only if we draw the appropriate conclusions from its lessons.

It cannot fairly be said that we have failed to give diplomacy ample opportunity to effect a peaceful solution. In light of Iraq's intransigence it would appear more accurate to say that diplomacy has failed to provide the desired end.

At what point do repeated calls for diplomacy become a fatuous exercise in wishful thinking—or more dangerously—a convenient cover for compromising our goals so as to avert conflict?

We are embarked upon the first full-scale consideration of whether to commit U.S. troops to battle since World War II. There is little point in lamenting the forfeiture of congressional initiative in Korea and Vietnam if we are unaccountable now before hostilities might commence.

And one of the most poignant lessons from those experiences is that prudent U.S. military action requires sustained political support at home. It will not be achieved subsequently.

Mr. President, no one can view with equanimity the casualties that an armed conflict with Iraq would entail. We must thus decide whether our national interest justifies the potential resort to war as embodied in Resolution 678. No vote we cast will ever be more momentous.

As I noted at the outset, the United States and the world are at a critical turning point. How we act in meeting the challenge events have thrust upon us will affect the course of global politics long after we have left this Chamber.

But let us never succumb to timidity by not acting at all, or we shall be forced to bear enduring shame as our legacy. For these reasons and others, and in the cause of peace and our national welfare, I will support the resolution endorsing the policies of the United Nations and the President of the United States.

I thank the chair.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont. If the Senator will withhold, how much of the Republican leader's time does the Senator seek?

Mr. JEFFORDS. Ten minutes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, like each of my colleagues, I have spent the past weeks and months listening and talking and agonizing about what we as a country—and as its representatives—should do to secure peace in the Middle East.

The snow-covered woods and fields of Vermont seem far removed from the sands of the Persian Gulf desert. But the people of Vermont, like our soldiers, are engaged there nonetheless. Over 4,000 Vermonters have called or written me or stopped by my offices to let me know their views on the situation. The vast majority who have done so want to permit economic sanctions more time to work.

We all want the sanctions to work, and diplomacy to succeed. But can this be done without a credible military threat?

None of us knows with certainty the answer to this central question. All we can do is look at the situation and use our best judgment.

My judgment, like everyone's, is based on my best reasoning and experience. That experience includes a stint as a young officer in the Navy, when I took part in two actions in the Middle East: the opening of the Suez Canal and the landing of marines in Beirut.

It would be foolish to apply too closely the experience of gunboat cold war actions to the current crisis. I do not. But I do think that two principles survive. First, we must deal with dictators like Saddam Hussein from a position of strength. Second, we have to recognize that we may always be viewed, to varying degrees, not as savior but as infidel in the Middle East.

This is not a pleasant thought. But we must not deceive ourselves as to our purpose—it must be self interest. I care not one whit for restoring a monarchy in Kuwait. I am mad as hell about the paltry contribution—in men, money and materiel—from our so-called allies. But I do care about the threat that an unchecked Saddam Hussein poses to the stability of the region, to human rights, and to our own strategic interests.

I am hardly alone in this. We all share the goal of ending the illegal occupation of Kuwait. None of us wants to trade blood for oil.

Most of us supported the President's initial deployment of troops to Saudi Arabia. And most of us applauded the President for his ability to rally the international community in condemnation of Saddam Hussein, and in support of the use of force, if necessary, to dislodge him.

I did not agree with the President's decision to nearly double the ground forces in the gulf. I would have preferred to have stayed in a defensive posture and give economic sanctions more time to work.

But the President decided that only a strong and credible offensive threat would permit diplomacy and sanctions to work. This is a reasonable position, even if it is not the course I would have chosen.

It may seem perverse to suggest that diplomacy can be bolstered by strengthening our warmaking capability. But despite the end of the cold war, despite the emergence of a new world order, our ability to resolve conflicts remains crude.

I wish Iraq had sought a peaceful means to resolve its dispute with Kuwait. Iraq, of course, chose war. And we, as has been painfully chronicled, made mistake after mistake in our dealings with Iraq.

I may be too much of an optimist, but I see grounds for hope in the current diplomatic efforts. In our goals we must be firm. We must not reward aggression. Iraq must withdraw from Kuwait. But we must not sacrifice a single American or Arab life until all diplomatic efforts have been exhausted.

As my colleagues know, the Secretary General is travelling to Baghdad to seek a peaceful solution to this crisis. We wish him well, and hope he can succeed where we have failed. I would not mind losing a little face and saving a lot of lives. If our goals are reached, pride has no place in our policy.

But it is without knowing the result of current efforts at diplomacy that we must make a decision. That decision is essentially between two options, both of them understandable, both of them reasonable.

The first, proposed by Senator MITCHELL, would defer the point of decision on authorizing war until some point in the future. The second would express our support for the approach adopted by the U.N. Security Council and the President, authorizing—but not requiring—the use of force after January 15, and after consultation with the leadership of the Congress.

Ironically, as I have mentioned, my personal preference was for the first alternative. I think it is possible that economic sanctions could work, or at least further debilitate the Iraqi infrastructure—military, economic and perhaps even political.

But I am not faced with a blank slate on which to write our Nation's foreign policy. We are beyond that point. The United Nations and the President have adopted a different strategy for peace.

At this point, I feel compelled to oppose the Mitchell resolution and support the President.

I do so not from partisan loyalty. I have spoken to the President and members of the Cabinet on this issue. I think politics is the farthest thing from their mind. It certainly is from mine.

As one who has often found myself in disagreement with my party on more mundane matters, I am not about to let partisan considerations enter my thinking on a matter of life and death. I am supporting my President, not my party's leader.

It is not an easy decision. But I hope it proves to be the right one.

Backing away from the U.N. resolution would not serve the cause of peace, for now or for the future. This is a test, not just of how the United States responds to threats, but whether the United Nations and international diplomacy will become the primary tools for resolution of international conflicts that until now have been resolved by military force alone. Failing to support the President would not decrease the likelihood of bloodshed. And showing division between the executive and legislative branches would only strengthen Saddam Hussein's resolve.

Even as we grapple with the issues before us, we must also give our attention to what may happen beyond next Tuesday. If there is war, we must wage it wisely. It would be, in my opinion, foolhardy to launch a ground attack against Saddam's ground troops, playing to his strengths rather than our own. While "limited war" is rightly thought a contradiction, it may be that we can exert sufficient air and naval pressure to reach our goals.

The notion of limiting a war is of course specious, not just from a military standpoint, but from a broader political one as well.

If diplomacy fails, Iraq's response cannot be predicted. But it is not likely to be restrained or civilized. We have to take seriously Iraq's promises to attack Israel and to use all chemical and biological means at its disposal. And we have to be prepared for terrorism without boundaries.

And if it comes to war, we must be prepared for its aftermath, too.

One of my most vivid memories is from my duty on the U.S.S. *McNair*, the first ship through the Suez after the blockade. Young and naive, we believed the propaganda that told us that we were liberating heroes, only to find that the Egyptians seemed to see us as a new group of oppressors. We can assist in finding peace in the Middle East, but we cannot impose it.

And just as importantly, we need to take steps to avoid finding ourselves in this position in the future. First, we need to build upon the current experience in multilateral action. We need to foster the role of U.N., of our allies and even some of our adversaries, in keeping peace.

We also need to check the proliferation of nuclear weapons. This December, I was part of a delegation that met with President Gorbachev to discuss this issue. He seemed receptive to the idea of the major nuclear powers foregoing further testing in exchange for stiff sanctions against testing and development.

As part of any settlement in the Middle East we need to ensure that Iraq will abide by its treaty commitments and international law with respect to nuclear, chemical and biological weapons.

Finally, we need to reduce our own vulnerability and dependence on Middle East oil. If this administration does not seize upon this crisis to plot a bold, aggressive strategy to wean us from foreign oil, it will be a tragic mistake. If all the administration can suggest is a laissez-faire national energy strategy, it might as well not waste the electricity to print it.

Both these issues Mr. President, must be taken up another day. Today, we must decide the most serious question of my congressional career, whether to give the President authority to commit American troops to combat, or whether to defer that decision.

I think we must give him that authority. And even though we disagree on that question, I do not think that we disagree on our goals.

I respect those who disagree with me, I have heard the outpouring of concern from the people I represent, but in the end I must vote what my conscience and judgment dictate. I pray it is the right vote for peace.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Mr. President, I yield myself 6 minutes out of the leader time.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 6 minutes on the Republican leader time.

Mr. GRAMM. Mr. President, yesterday I was down in the barber shop as the debate played out on the television screen, and those in the barber shop at the time were amazed that they could not tell in listening to the speakers whether they were with the President or whether they were against him.

In fact, speaker after speaker got up and praised the President's program and his leadership, and then concluded by coming out in favor of the Mitchell-Nunn resolution.

Mr. President, for domestic political purposes, the Mitchell-Nunn resolution is a very large fig leaf, indeed. It allows a supporter to be in a position of talking about a declaration of war, and yet at the same time be committed to giving peace a chance.

It lets you be with the President, and yet against him. It puts you in a position to avoid blame if things go badly in the Middle East, or you can claim credit if they go well.

But as an instrument of foreign policy, the Mitchell-Nunn resolution is unambiguous in the message it sends; adoption of this resolution undercuts the President's position of leadership, undermines the work of the United Nations, and contradicts the effort that has been undertaken by some 60 nations. We are discouraging our allies and even encouraging Saddam Hussein, and we are virtually eliminating our last, fleeting hope for peace.

Mr. President, if we adopt this resolution, we virtually guarantee that by eliminating, at least in the mind of Saddam Hussein, a clear and present threat to use military power, that the Iraqis will not leave Kuwait by January 15, will not comply with the U.N. resolution.

On the other hand, if we reject the Mitchell-Nunn resolution and adopt the Dole resolution that reaffirms the U.N. resolution, I believe that we send a very strong and clear signal, indeed. We stand with the President; we stand with the United Nations; we stand with our allies. We send a very clear message to Saddam Hussein, and I believe we maximize our chances that Saddam Hussein will come to his senses, and will pull out of Kuwait and give us the peaceful solution that we all seek.

Mr. President, I am prayerfully hopeful that, if we act affirmatively today in supporting the President, we can yet have a peaceful solution in the Middle East. I believe that there is only one thing that we can do that might bring Saddam Hussein to his senses, and that is to use our vote today to affirm the leadership of our President, to assure that America speaks with one clear voice for peace.

Therefore, today I am proud to support our President. I believe our President has shown strong and extraordinary leadership. Now is not the time at this late hour, at this critical moment, to change the position of the United States of America. Now, more than ever, we must speak with one clear voice, and ultimately, that is the voice of the President. And that is why I intend to support the President today.

Mr. President, I reserve for the leader the remainder of my time.

The ACTING PRESIDENT pro tempore. Time is reserved.

Who seeks recognition?

The Senator from South Carolina.

THE PERSIAN GULF CRISIS

Mr. HOLLINGS. Mr. President, let us be done with this disingenuous argument we constantly have been hearing this week to the effect that the best way to preserve the peace is to give the President authority to go to war next week.

The President does not believe that. If the President of the United States ever believed that, he should have come to us for a war authorization 2 months ago, when he changed signals and changed policy. He waited until after the election and then on November 8 called the chairman of Armed Services, Senator NUNN, at the restaurant and said, "We are switching from a policy of defensive and blockade to a policy of offensive and invasion."

The President could have urged the Congress to debate the authorization of military force in the gulf. Instead, he absolutely showed disdain for the Congress until we convened last week, and the Senator from Iowa, the Senator from Washington, and I demanded that the Senate have a full-fledged debate and vote on the issue of war. It was only when the President realized we were going to debate and vote on Persian Gulf resolutions that he belatedly requested that Congress grant him authorization to use force. And along with the request he said, "By the way, I have the authority anyway, so do not worry about it."

So do not give me this line to the effect that we can achieve peace by granting authority to go to war next week. The President does not believe that. He is ready to go, and he has delivered the ultimatum. He told everybody he is going to "kick ass," to use the President's very words.

Jim Baker has been to Geneva. He has delivered his ultimatum, and this singsong about achieving peace by authorizing war ought to be muffled.

We can count the votes around here. We know that the President is going to get his authorization to make war. And we have only one President. When the order is given and the shooting starts, the debate must stop. If he gives the command, he has my full support. We will not tolerate that nonsense about cutting off funds for our troops in the field. Once we go, we are all going together.

But until that time, until the vote is actually taken, I will continue to tell the President that his policy is flawed. He cannot win his long-term objectives in the Persian Gulf by waging war.

My concern, my loyalty is with the troops. On that score, I note that Senator INOUYE and I are on the Defense Appropriations Subcommittee. Just a little over a year ago, we were in the gulf, thanking the Emir in Bahrain. Why? Because the Emir of Kuwait would not take our injured sailors from the U.S.S. *Stark*. Kuwait denied us access to its nearby hospitals. Kuwait would not allow a ship to dock; not allow a plane to land.

And Kuwait has voted against the United States more often in the United Nations than the Soviet Union, and more recently voted against the United States for a so-called act of aggression a year ago in invading Panama. Some 75 other nations joined with Kuwait in condemning the United States intervention in Panama.

The President likes to rile us all up about this wild man Saddam Hussein, saying that Saddam has attacked two of his neighbors in the last 10 years. But that is exactly what the U.S. has been condemned for in the United Nations in 1983, not by 12 votes as in the case of Resolution 678, but by 109 members of the United Nations condemning the United States for an act of aggression in Grenada, and by 75 votes just December a year ago for an act of aggression in Panama.

So let us cool down around this place and talk sense, as Adlai Stevenson said to the American people. Why is this policy flawed? Try it on for size.

Let us assume the President's policy and military strategy works, and works admirably, and God knows I hope it will. We strike with our missiles and knock out all of Iraq's missiles so they cannot involve Israel. We knock out their airfields, and those in Kuwait, with our missiles. So even if they get planes up, they cannot land them.

So in 24 hours, we have taken over control of the air. Then we devastate Iraq's Republican Guards, the best of Saddam's troops. And we fly in from Diego Garcia with the B-52's and carpet bomb the 500,000 Iraqis dug in across Kuwait.

And let us optimistically say that within 10 days, Saddam, if he is still alive, hollers "uncle." What do we gain? Within 3 to 6 months, every Arab terrorist, every fundamentalist mullah, every Arab nationalist will say, "The world power, the United States, came over here and invaded his Third World country for oil. The infidel came and killed tens of thousands of our brothers for oil." And face it, they would be speaking the truth.

Naked aggression? Pick up the morning paper. My colleagues will see as recently as yesterday naked aggression against Lithuania. We have officially recognized Lithuania as an independent country since 1922. We had a proposal to put an embassy in Vilnius last year. So yesterday in Lithuania we saw naked aggression against a free people with a free parliament, not an emir. Time magazine said the emir has four wives, four at one time. I do not know how many he has had when you add them all up. Twenty-one wives, one source said. Newsweek says 47 wives, dozens of children. I suppose the emir himself has lost count. Yet in Lithuania we had a parliamentary government assaulted by naked aggression. Are we going to intervene to rescue Lithuania? Not a chance. Oh, Lithuania does not have oil.

Chad? The beginning of December. Rwanda? A few weeks ago. We can go down the list: Afghanistan, Cambodia, the Pakistan-Indian border—nake aggression. They do not want to mention the naked aggression of Syria against Lebanon. They massacred over 750 Christians.

Give me that Amnesty International report Senators are running all over the floor with. Find one for Lebanon. I daresay more were killed during Syria's recent take-over in Lebanon than in Iraq's conquest of Kuwait City. But we do not hear about naked aggression in Lebanon by our new-found ally Syria.

The new world order? What I am trying to emphasize is that we are likely to end up with a new world disorder. I participated 48 years ago in an earlier United States invasion of Arab lands. We took Morocco, Algeria, Tunisia, and in the subsequent 48 years they have not had a truly free election yet in those countries. Leadership is transferred through rigged elections, inheritance, or mostly by assassinations.

The culture of the United States is human rights and freedom and free elections. Arab culture is one of religion, a religion which teaches that you and I are the infidel—the No. 1 infidel. And do not forget it.

We are not going to impose our culture and values through the barrel of a gun. We are not going to get free elections in the Mideast. Qadhafi came to power in the wake of assassination. Mubarak—they had the assassination of Sadat and he took over. Little King Hussein as a boy stood there and saw his grandfather assassinated. In Saudi Arabia, King Faisal was assassinated.

Free elections, freedom—come on. New world order? What should the policy be? The only sane policy is the one that President Bush initially set in place and that is working, the economic war, the blockade, sanctions. We cut off trade; we have them totally blockaded. Their gross national product has been reduced by nearly 50 percent. Bear in mind that here in the United States with a 3-percent decline in our GNP, we say we are suffering a terrible recession.

Iraq's industry is crippled. I do not care what CIA Director Webster says now, politicizing his intelligence report as he does. The cardinal rule of intelligence is do not enunciate policy; just give facts. When he testified earlier he gave the facts. Yesterday, in his letter to Congressman ASPIN, he gave the policy, politicizing our intelligence. And he ought to be ashamed of it. Because there is no question that sanctions will impair Iraq's Air Force. It will impair Iraq's ground troops. I say let Saddam stew in his juices. Why are we rushing to war? The 1992 election, that's why. We have to get this over with right now. We are on controlled time. We have to hurry up and vote today so we can get to the Sunday morning TV programs. It is not prudent policy, it is prudent politics.

We tried to force a debate on this matter earlier. We had to get personally angry around here. Where is the rush at a time when economic sanctions are working? It is working, under the President's own blockade, and we can keep the coalition together.

Meanwhile we must Arabize this conflict. We need the time Mr. President. We need to redeploy. We need to get the ground forces of the United States out of that desert and leave the 200,000 allied Arab forces there, not as a trigger but as a bait. We have our Air Force; we will keep them and the Navy there. And if Saddam comes over, we will really have a war of Arab versus Arab, and then we get some credibility in this thing. And then we might achieve our long-term objectives in the gulf and in the Middle East.

But, instead we have made it an American war and an American attack and American invasion. It will be seen as a superpower against a Third World country, all for oil, and that is not going to sell. The only way to win this war militarily is to kill thousands and thousands of Arabs, and we will be viewed as worse than an infidel when we get through. And that is what the President of the United States ought to be hearing, not this bogus argument that we must support the troops by voting for war. Nonsense. I support the troops. That is why I am speaking.

For that same reason, to support the troops, if the vote today is for war, then the debate must stop. When the shooting starts we must rally behind our President and behind our men and women in the field. Once our troops are committed, there can be no turning back, no hand tied behind our back, no substitute for victory.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Vermont.

Mr. LEAHY. Mr. President, today, more than 400,000 U.S. troops are deployed in the Persian Gulf.

The United States is on the brink of a war that could inflame the entire Middle East, consume enormous resources, and, most importantly, cost thousands and thousands of lives.

What happens next is a question that only the American people—through their representatives in Congress—can answer. Politically, morally, and even militarily, we must not go to war if it is not supported by the American people. Vietnam proved that truth.

There is no question that this will be the single most difficult vote most of us will cast in our lifetimes. It is an awesome responsibility.

Mr. President, the genius of our Constitution is that it established a government of checks and balances. The Framers, having fought a long and difficult war on independence only a few years before writing the Constitution, carefully established separate powers.

Article I authorizes Congress "to declare war." With tyranny fresh in their minds, our Founding Fathers specified that no single person would have the power to commit our Nation's blood or its treasury to war.

The Judiciary Committee's probing hearing earlier this week underscored Congress's constitutional war power. The Framers of our Constitution intended Congress and Congress alone to have the power to commit this Nation to war.

The President is Commander in Chief. Article II puts the actual conduct of war in the hands of the Executive. The Framers recalled the Revolutionary War when a Committee of the Continental Congress issued orders to General Washington in the field. The Framers also wanted to ensure that the President had the authority to repel sudden attacks. For this reason, they amended the proposed Constitution to give Congress the power to "declare" war rather than to "make" war.

Alexander Hamilton, said in the Federalist papers that the American President's power would amount to "nothing more than the supreme command and direction of the military and naval forces . . ." He said that the President's authority would be much inferior to that of the British King, because the King declared war and raised and regulated the army and navy "all of which, by the Constitution under consideration, would appertain to the legislature."

The Framers put those powers—the powers: "to declare war, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water," "to raise and support Armies . . ." and "to provide and maintain a Navy,"—in Congress.

When Pierce Butler of South Carolina proposed that the warmaking power be vested solely in the President—saying that the President would never go to war unless the Nation was behind him—no one at the constitutional convention supported Butler.

Elbridge Gerry of Massachusetts said he "never expected to hear in a republic a motion to empower the Executive alone to declare war." These are words we should recall today.

For we stand at a crossroads—at a moment when this Nation is poised at the brink; when sons and daughters from every State in this Union are doing their duty in the sands of Saudi Arabia; when the eyes of all Americans from every Main Street and thoroughfare in this land are turned to Congress for guidance and leadership. It would surely be a grave and historic abdication if this great assembly were to voluntarily forswear its right and its duty to stand and make a choice for war or for peace.

Nor can this body rely on United Nations authorization as a substitute for the approval of Congress required by our Constitution. The Security Council Resolution does nothing more than authorize the member states of the United Nation to use force. It is up to each member state to decide for itself, in accordance with its own constitutional procedures, whether such force shall be used.

Professor Van Alstyne made this point emphatically at the Judiciary Committee hearing the other day:

> [t]he fact that the United Nations has authorized its member states to consider individually going to war is of the greatest political influence * * * [but] it in no way * * * improves upon the need of the President to get an authorization from Congress to carry out that authorization from the United Nations.

Justice Hugo Black, who revered and understood the Constitution as deeply as any man I ever met, wrote in a 1957 decision of the Supreme Court that—

> [i]t would be manifestly contrary to the objectives of those who created the Constitution * * * let alone alien to our entire constitutional history and tradition * * * [to permit] the United States to exercise power under an international agreement without observing constitutional prohibitions. [*Reid* v. *Covert*, 354 U.S. 1 (1957).]

I also would remind my colleagues that the Security Council resolution was voted on by nations that do not have to commit the lives of their sons and daughters to war.

Let there be no mistake. The President's actions in building the international coalition and security U.N. approval were skillful and important.

But we have our own constitutional responsibility. We cannot and must not hide behind the United Nations. It is time for the Senate to speak its mind.

Some who claim that the President can act alone say, in effect, that the meaning of the Constitution has been changed by the historical record of more than 200 undeclared uses of force without congressional declaration. But, as I discussed with Professors Koh and Van Alstyne at the Judiciary Committee hearing, the overwhelming majority of those cases involved minor naval operations, Indian wars, skirmishes with Barbary pirates and the like. With the single exception of Korea, every major war this Nation has fought—and no one questions that a war against Iraq would be major—has been approved by Congress.

We have also heard much in the last few days from those who say that Congress need not authorize war because it can always rely on its power of the purse. This brings to mind testimony by the late Senator Claude Pepper before the House Foreign Affairs Committee in 1970. Senator Pepper, who understood a few things about this institution, observed that once a President involves our national interest by sending our troops into battle, the ability of a Member of Congress to exercise his constitutional judgment is practically denied.

The Framers knew what they were doing when they gave Congress the power to declare war. It is not for us, at a time of national need, to cast that power aside.

President Bush has asked for congressional authorization. We cannot ignore that request because we fear the outcome of the vote.

Earlier in this debate I said war should be the last resort and not the first option. I feel that way today having listened to the Senate debate throughout the past 3 days. I will vote to continue the sanctions and reserve war for the last resort.

The PRESIDING OFFICER. (Mr. FORD). The Senator from Wisconsin.

Mr. KOHL. Mr. President, this has been a difficult debate for our country and a difficult decision for all of us. Emotions are running high, often obscuring the complexity of the issues we need to consider and the nuances of the positions we must take. But we must decide. I have. I will vote today for continuing sanctions and against the immediate authorization of the use of force.

When Iraq invaded Kuwait last August, I joined the President in condemning their action. When the President announced that we would impose sanctions, I applauded his decision. I admired his ability to orchestrate international opposition to Iraq. I supported those actions because, like the President, I do not believe that Iraq's occupation of Kuwait can be allowed to stand.

But in November, the President grew impatient with the strategy of sanctions—a strategy he created and a strategy which he recognized would require patience. He announced his intention to double the number of troops and make their mission offensive rather than defensive. And then he engineered a U.N. resolution to establish a terminal date of January 15—an arbitrary and artificial cutoff point for diplomacy and economic pressure. Indeed, even before that date was reached, it had a negative impact on diplomacy: instead of debating the shape of the table, as we did in the Paris peace talks during the Vietnam conflict, we debated the date of a meeting between the President of Iraq and our Secretary of State. That artificial date imposed a cost: there was no meeting between the President of Iraq and our Secretary of State. And now that artificial date threatens to impose another cost: a war whose shape we cannot predict and whose consequences we all fear.

The joint resolution introduced by Senator MITCHELL and Senator NUNN restates the President's policy of August and concludes that it should remain our policy in January. Yes, I recognize the fact that the policy was changed by the President in November—changed without the approval of or consultation with the Congress—makes it harder to return to the August approach. I recognize that the so-called reversal contained in the Mitchell-Nunn resolution may threaten our coalition and make some of our allies doubt our resolve. But I believe we can convince our allies that we are united in the belief that sanctions and diplomatic efforts can drive Iraq out of Kuwait as effectively, and at a lower cost, than a war.

Mr. President, there is no doubt that sanctions are working. One hundred percent of Iraq's exports have been halted; 95 percent of its imports have been curtailed; 50 percent of its economy has disappeared. Yes, Iraq has not withdrawn from Kuwait—not yet. But they are paying an unacceptable and ultimately unaffordable price for their continued occupation. I believe that sanctions will achieve our goals. They did in Eastern Europe. They are in South Africa. And they can in the Middle East. But if they do not—if, after a reasonable period of time we see no evidence of a change in Iraq's position—then we can and should and will revisit this issue. But before I can vote to send our sons and daughters into battle, I need to know, beyond any doubt, that we have tried every other route. We have not. As a result I cannot accept the conclusion that war, at this time, is our only option.

There are those who say that the joint resolution introduced by Senator WARNER does not make war inevitable: it authorizes the President to use force but does not require him to do so. The President said, as recently as last Wednesday, that he had not yet decided to use force. So, they argue, this resolution is just a precaution and not a promise that force will be used.

But that argument troubles me for three reasons. First, if the President has not yet made a commitment to force, why is the Congress authorizing it? Why are we being asked to endorse a decision which has not yet been made? Second, I am afraid that the decision has been made. And I am afraid that the decision is not just to use force but to use massive force. I could support an air strike against Iraqi nuclear, chemical, and biological weapons facilities. But I have received no assurance that the President would take that limited action and then wait to see if Iraq responded reasonably. In fact, based on the briefings I have received and the conversations I have had, I believe that once we initiate military action, there will be no limits and no turning back. And, third, I am not convinced that we know what our objectives are in such a massive war or that we have planned for the consequences. What will we do when we win the war? If we destroy the Government of Iraq, what do we believe will happen in that country and in the region as a result? We have planned for war, but we have not planned for victory. And that failure can turn victory into defeat.

Let me conclude with three brief observations.

First, this is a difficult vote. Both options before us involve risks, neither offers guarantees. This is not a choice between war and peace—this is a choice between precipitous action and patience. By voting for continuing sanctions now, we are not ruling out war later. The American people need to understand that.

Second, in making my decision, I have tried to listen to all the arguments. I traveled to the Persian Gulf in December. I talked with the President of the United States yesterday. I have discussed this issue with other Senators, on both sides of the debate and both sides of the aisle. And I have listened to the passionate pleas of the people of Wisconsin. There are arguments for each of the options now before us. I believe I have made the right choice, but I respect the decisions of those who disagree. Our disgreements within the Senate have been civil and characterized by respect for the motives of those with whom we disagree. I can only hope that the same tone and tenor will inform the ongoing debate within American society.

Finally, we must all recognize that on the issue of how we can best secure Iraq's withdrawal, we disagree. But today we will decide. A vote will be taken, a course of action will be adopted. We are obligated to accepted that decision even if we dissent from it. And we are obligated to support the men and women who will be asked to implement that decision. Our hopes, our thoughts, our prayers are with those who must carry the burdens that this resolution will impose. Let us hope we are worthy of the sacrifices we ask them to make.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. PRYOR addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair.

Years ago someone said, and I do not know which person to attribute this to, "let's you and him go fight." I think, Mr. President, that whoever uttered that phrase must have seen into the future, into the future of January 1991, perhaps even onto the Senate floor of the United States of America as the Nation is poised at the brink of war, as we are poised seeking an answer in this great debate as to whether we should declare war or commit troops to the use of force or whatever alternative.

For this Senator, Mr. President, I submit that the best alternative at this time is to continue with the option of sanctions. I believe truly that current sanctions are working. We should allow them to work. We should give them full and ample opportunity.

Another thing that we must do, Mr. President, before we commit our sons and daughters to die in the deserts of Saudi Arabia, Kuwait, Iraq, or elsewhere in the Middle East, is to go to our allies and say to those whose vital interests our sons and daughters will be given that you will play a greater role in this decision and a greater role of support in our action.

I believe, Mr. President, that here, 4 days before the January 15 deadline, as we debate this great issue and prepare to commit our sons and our daughters, we should realize that a definite disproportionate share of the burden of war will fall upon this country, a country who, we must realize, is going to be defending the vital interests of many countries that will gain more than we will.

Mr. President, I have heard speech after speech on this floor about the terrible dilemma, the awesome decision that the Congress faces in declaring or not declaring war, in committing or not to committing to the use of force. Mr. President, I truly believe from the bottom of my heart that committing our sons and daughters to harm's way should be a dilemma. It should be considered an awesome decision. It should not be an easy decision, and it should be turned to only after every other conceivable option has been exhausted.

Weeks ago, Mr. President, I had the opportunity to watch on C-SPAN, I believe, an hour-long address by H. Ross Perot of Dallas to the National Press Club. He stated about six times in that message to the Press Club, "Never commit the troops until we have committed the country."

Mr. President, I am wondering today if our country is committed. I know that our troops are. We must stand behind those troops.

But yesterday I called Ross Perot, and I asked him how many people he had spoken to since August around the country. He stated that 15,000 people had been in the audiences he had addressed. Many of the people were business people, college people, professors, and board members of Fortune 500 companies. Everywhere that he could get an audience gave the message: Never commit the troops until we commit the country.

He said that most people in the beginning responded to him with, "Let's go get Saddam. Let's get him out of Kuwait. Let's free Kuwait." And then Mr. Perot would ask the question: "Do you have a son or daughter in the gulf?" And of 15,000 people in those audiences of Ross Perot, only eight—eight, Mr. President—stated that they had a son or daughter in harm's way. Then Mr. Perot asked the question of those 15,000 Americans: "Would you give a son or daughter's life to free Kuwait?" Not one hand went up, Mr. President, in those audiences of 15,000.

Mr. Perot then asked each audience another question: "How many of you, when this war is declared, and when we go into Kuwait and bomb Iraq, how many of you 15,000 Americans will join me in supporting a war tax to pay for this war?"

Mr. President, of 15,000 people addressed by Ross Perot, not one hand, not one hand in the audience ever went up to say they would support a tax for the war we are about to fight.

Mr. President, I have heard speech after speech about standing behind the President; that the Nation is committed. I ask the question: Is the Nation committed? Are we ready to fight this war? Are we ready to commit these troops without the support and the commitment of the American citizen?

The troops, Mr. President, that we will be committing to this war, are not the sons nor the daughters from the country clubs or the boardrooms. They are not the sons and daughters who grew up in the homes across America belonging to the members of the Fortune 500. These are the children, Mr. President, of everyday Americans who will be committed to war. These are the kids of the families all around us and of the many people who work with us.

Senator KERREY of Nebraska last night delivered an eloquent statement on commitment. He talked about how during the times of World War II, Members of the House and Members of the Senate were so committed to our war effort that they volunteered to go to active duty to fight in World War II.

Mr. President, with all due respect to all of my colleagues in this Chamber, I do not know of one colleague who is on the verge of volunteering to fight this war in the Mideast. Where is that commitment, Mr. President? Do we have it now? My answer is I do not think so. I think before we commit our troops, we must commit our country.

Mr. President, a lot of people look at this with some sort of John Wayne syndrome. They are saying, "Let's get tough. Let's show them we are tough. Let's show them the American might." But let us remember that this is not the Super Bowl where everyone walks away alive. It is not an Easter egg hunt where winners walk away without a scratch.

This is the most serious decision that I as a Senator from the State of Arkansas have had to make since becoming a Member of the Senate. I can only conclude, Mr. President, by urging and begging and pleading with my colleagues in the Senate to adhere to the admonition of Dwight D. Eisenhower when he urged us to have the courage of patience. That admonition has never been more truthful and never more needed and never more forceful than it is today. That message should echo in this Chamber today as we debate this momentous decision.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas yields the floor.

Who seeks recognition?

The Senator from Oklahoma requests how much of the leadership time?

Mr. BOREN. About 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 10 minutes.

Mr. BOREN. Mr. President, I thank the chair. I compliment my distinguished colleague from Arkansas for a very eloquent statement about the dilemma which all of us face today. This is by far, as the Senator from Arkansas has said, the most difficult decision that I have made as a Member of the Senate. It is the most difficult decision to face this body since I have been a Member of the Senate.

But, Mr. President, as Abraham Lincoln said in the midst of the Civil War, we cannot escape history. Not a single one of us can escape the judgment of history which will be rendered upon the actions which we take today. None of us can say this is a responsibility that must be borne by others, only the President is responsible or someone else is responsible.

Each and every one of us by our votes today will play a part in assuming responsibility for the decisions which are made, and we cannot escape history. We cannot escape that judgment. We cannot escape that responsibility to in our own individual consciences render the best judgment that we have. That is what we owe this country that we love, to make a judgment that we truly believe is in the best interests of this country. That is a responsibility that we owe to the young men and women in uniform in the Persian Gulf whose lives we put on the line, whose lives we put at risk by the decision which we are called upon to make. Each and every one of us will have participated in the result of our deliberations today.

Mr. President, we cannot escape our constitutional duty. Some have said, "Why has Congress waited so long to debate?" Mr. President, I for one have urged that we wait, that we not begin a divisive debate, that we wait as long as we possibly can to give the President room to work for peace and for the right result in the Middle East because it is important that we speak to the rest of the world with a single voice.

That is why, Mr. President, until the last few days my advice to the President has been rendered not on talk shows and not on the floor of the Senate but it has been rendered in private in advice to him personally and to those who serve with him and his administration. But we no longer have the luxury of speaking only in private. We no longer have the luxury of having our debate behind closed doors because the Constitution of the United States requires that the Congress shall declare war, that the Congress shall authorize the waging of war. It does not say you have a choice. It says you must. We have a responsibility.

Therefore, since the President reserves the option, as I understand he must, to commence hostilities immediately after the passing of the deadline on midnight of the 14th, this Congress, if it is to speak and to meet its constitutional responsibility, must do so before that period of time. Therefore, Mr. President, we may not duck and we may not dodge. We must do our duty under the Constitution as it requires.

One thing that should be made crystal clear by all of us—and I hope when our deliberations are finished we can find a way both individually as Members of the Senate and perhaps collectively as one body to say once the deliberations are finished today, once the votes have been taken, that we say to the world, if hostilities do commence, we will be 100 percent in support of our troops, we will be ready to provide them with anything they need. We have rendered our own best judgments. We may have had differences of opinion about how to proceed, but Saddam Hussein should have no doubt in his mind that once the decision is made and if hostilities ever do commence—and we hope they will not—we will be united as a people, that we will be united as a Congress, that we will be united with the President as the Commander in Chief to give our troops all of the support they need to achieve a total victory.

Mr. President, to be absolutely clear, I want to say today what I am saying by my vote later today and what I am not saying. I am not saying by my vote that we should never use force to defend the national interests of the United States. I supported our President when he went into Libya. I supported our President in Panama. I supported our President in Grenada. I have made it very clear that at any point in time if our President wanted to use force right now to make an air strike to destroy the chemical, nuclear, and biological facilities and capabilities of our enemy in Iraq, I would support the use of force to do that. In fact had I been President of the United States, that would have been done long ago. I want to make it clear I am not saying that we should never use force.

I also want to make clear that I am not here today to criticize the President of the United States. This is not a time for us to speak as Democrats. This is not a time for us to speak as Republicans. The President has a difficult responsibility. He is a good and a decent man. He deserves much credit for what has already been accomplished. Because of his decisive action, Iraqi aggression has been stopped, it has been contained. Saudi Arabia was not invaded as I am convinced it would have been if the President had not acted. He deserves credit for the hard line he took which made a contribution to the release of our hostages. And those are important objectives. Along with removing the chemical, nuclear, and biological capability of Iraq, those are the top goals and priorities of the United States in this crisis. All of those objectives rank far ahead, in my view, of restoring the previous Government in Kuwait, of restoring the emir of Kuwait to his throne.

I am not saying, Mr. President, that we should use sanctions alone. Sanctions can have an important effect. It was very clear from testimony that I have heard as chairman of the Intelligence Committee that sanctions are weakening our enemy every single day. They have cut off already 100 percent of his exports. They have made it impossible for him to get foreign currency by selling things abroad. They have cut off already 90 percent of his imports, and as he runs out of foreign currency, it will be impossible for him to even pay for that 10 percent that is now trickling through the activity of smugglers.

So sanctions are having an effect. But even so, I am not saying that we should rely upon sanctions alone. I think we should seriously consider taking out by air strikes certain key facilities as I have mentioned before, particularly the nuclear and chemical and biological facilities.

I think we should certainly keep a credible military threat as an option as we face Saddam Hussein and as we also pursue additional diplomatic channels.

What I am saying is this. I hope my colleagues will hear me. I have listened to all the evidence. I speak not only in my individual capacity but also as chairman of the Intelligence Committee. I believe that there is a substantial possibility that if hostilities do commence there is a strong risk of a prolonged ground conflict which would be very very costly. And in making the decision today, I think we must understand that we may be potentially offering a blank check authorization to commence an action that will result in a prolonged ground conflict.

Mr. President, I am saying that while in good conscience I can support certain kinds of air strikes, I cannot in good conscience vote to give a blank check authorization to prolonged ground conflict with all of the casualties that it would entail, especially while other nations sit on the sidelines, while Japan, which gets 70 percent of their oil from the Middle East, while we get only 13 percent, makes a paltry contribution of $4 billion to the effort, while we risk the lives of our precious young people and our taxpayers risk the possibility that when war begins at the cost of $2 billion a day we can spend $100 billion, $200 billion of our taxpayers' money, putting this country in a deeper hole, making it more impossible when everything is over for us to be able to compete with other nations in the world.

I am saying I cannot in conscience say that those precious lives should be risked if 90 percent of the casualties will be Americans. I cannot say that those scarce tax dollars that are needed to solve problems at home, to rebuild the strength of this country, to get America ready to compete as a world leader in the next century should spend $100 billion to $200 billion while Japan, with a higher per capita income and a stronger interest in the gulf in terms of its share of oil, contributes about perhaps $4 billion.

I am saying before we make that kind of authorization we must think about the long-range effects of our acts. We must think about where we will be in the world and what will be our ability to be a world leader and compete economically. What will happen to us if we are drained of our recources while our competitors in the future sit on the sidelines.

I am saying we have to think about power vacuums we might create in the Middle East. It will be filled by countries like Syria or Iran, certainly not serving the American interest for stability and peace in the long run.

These are difficult tasks. We have the responsibility of deciding whether or not the current situation calls for us to risk the possibility of ground war, of the loss of the treasure of our Nation, the precious lives of our young people.

I close simply by this: May God guide our deliberations today; may God bless our country and our President; may God bring those brave young men and women who serve in uniform in Saudi Arabia safely home to us when their task is done.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Who seeks recognition?

Mr. COHEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized for 10 minutes from the time of the Republican leader.

Mr. COHEN. Mr. President, let me associate myself with at least the concluding remarks of my friend from Oklahoma in terms of his prayer.

Mr. President, there is an assumption that the majority leader's resolution will keep us out of war. I think nothing could be further from the truth, and the reason for that is there is no enforcement mechanism in that resolution.

The President has said that he has the authority to go forward without congressional consent. I disagree with that particular position. He has also said that even in the face of opposition from Congress, he will go forward. I think that not only is a constitutional error but a tactical one as well, as I said the other day.

Those who support the resolution that was drafted by the chairman of the Armed Services Committee, offered by the majority leader, indicate they are absolutely opposed to the use of offensive force at this time. And yet there is one thing missing out of that resolution. There is no prohibition for the use of funds that have been appropriated to conduct an offensive war without congressional consent.

I will not debate that legislation at this point. But I believe it would be irresponsible for us to pass a resolution without an enforcement mechanism as outlined by Senators MITCHELL, the majority leader, Senator BYRD, Senator NUNN, and others, myself, who have supported the bill labeled S. 2 in the last Congress.

Mr. President, there has been a troubling shift in perceptions and attitudes during recent days. As a matter of fact, in some circles George Bush has been characterized as a warmonger, spoiling for a fight, with the lives of our sons and daughters at risk. Yet he has not invaded a nation, or stripped or plundered or robbed or raped or executed innocent children. He has committed no war crimes. He has asked the robber who has murdered the occupants of a friend's home to leave. He has said to the robber who has had 6 months to feed off the carcass of his victims:

"Leave now voluntarily or we and the others in the neighborhood will use force to evict you."

The robber has said, "No. This is now my house. Besides, you haven't shown me enough respect; your language is too harsh for ears as sensitive as mine."

We have had a curious reaction. Rather than being outraged by his pathetic display of umbrage, many have demanded to see President Bush's letter to determine if it was sufficiently diplomatic in tone and content.

I have read Harold McMillan's comments on the once prevailing attitude of British leaders toward Hitler. He said that "Hitler was regarded by British politicians as a brilliant but tempermental genius who could be soothed by kindness or upset by hard words. It was this fearful misconception about the nature of dictators that was the root cause of much that went amiss in those tragic years."

There is a process underway that is air-brushing his brutality, his barbarity, his cruelty, documented by Amnesty International, into a soft, indefinable, amorphous background. Nails have been driven into the bodies of innocent people; cigarettes put out in open eyes; electric wires attached to genitals; daughters raped before their parents and executed. Horror that would challenge the imagination of the Marquis de Sade.

Yet many in our society still ask why can we not continue the dialog; why not agree to linkage? If someone other than Secretary James Baker agrees to his demands, would that not be sufficient?

With each passing day acts of appeasement are wrapped in the more acceptable language of constructive dialog or serious negotiations. And with each passing day, the United States and its allies emerge as the bullies or imperialists seeking to destroy a man who professes to be a benevolent Robin Hood, who only wants peace and justice for the Palestinians and the Arab nations.

Many have come to the conclusion that we should let him stay in Kuwait for another 6 months, perhaps a year or so, let his soldiers lick the bones of those they butchered, ignore the violence his troops continue to inflict upon the innocent, stuff our ears with the cotton wool of rhetoric.

Today we remain benignly indifferent to the savagery. After all, Kuwait is half a world away. It is a foreign land, with foreign customs. Besides, it is not a democracy. We really do not need Kuwaiti oil after all.

Let me say to my colleagues, not one of us in this Chamber or outside of it is safe from the violence currently being inflicted in Kuwait. Today in Iraq you will find Abu Nidal, Abu Abbas, other terrorist groups, and already they are planning bomb attacks, assassinations, other atrocities against those who have the audacity or courage to challenge them.

Some might argue yes, but only in response to an attack upon Iraq. Possibly.

But ladies and gentlemen, we can take no comfort in the moral basis asserted for their past violence. Saddam Hussein destroyed an entire nation because oil production was too high; because the Kuwaits refused to forgive his debts.

Our security is only a Pan Am 103 away at any moment. To accommodate him now, to engage in constructive dialog, to seek compromise, to give him a piece of Kuwaiti territory, to agree to back an international conference on the Middle East is only going to feed his egocentricity and his army. No one in this Chamber has argued that we make such concessions. But Mr. President, the pressure is building for the United States and the United Nations to do precisely that.

I might say that what has been remarkable about this debate has not been only the absence of any personal rancor among the Members, but also the presence of so many of our colleagues who have been touched by the wings of war in a personal or in a very violent way: DANIEL INOUYE, BOB DOLE, BOB KERREY, JOHN MCCAIN, TED STEVENS, STROM THURMOND, JOHN KERRY, CHUCK ROBB, WARREN RUDMAN, HOWELL HEFLIN, JOHN CHAFEE, JOHN WARNER, MARK HATFIELD, AL GORE, JOHN GLENN, LARRY PRESSLER, JAKE GARN, TOM HARKIN, and others.

What is striking about this is how they see the need for pressure or patience in the Persian Gulf in such a different way. Each draws upon his experience, his reading of history, his understanding of international affairs, his measure of Saddam Hussein, and comes to a different conclusion. They remind us that there are no absolutes, no blueprints from the past that will provide a clear guide to the right decision.

So we are left to make judgments, while doubt sits like a raven on our shoulders and taunts us. It is a doubt that is multiplied by the hopes, fears, prayers, and tears of those who have loved ones on the front lines. Polls show that a majority of the American people say we should support our President. Our calls and our mail, if mine is any example, say otherwise.

Perhaps the answer lies in the nature of the questions being asked, and perhaps that support will evaporate as soon as the first soldier falls.

Human affairs are infinitely more complex than any formulations that either Harris or Gallup pollsters can construct. We are left with the responsibility of serving what we believe to be the truth, rather than opinion; to do what we think is right even when success is in doubt.

Mr. President, history may judge that those who support the President are merely tending to the abandoned campfires of 19th- and 20th-century thinking, where force, even though justifiably applied, is dangerously obsolete. Or it may reveal that those who counsel restraint and patience cause the tentative, fragile coalition that currently exists to crack, and friends to run and embrace the enemy that now confronts them for fear that they will be abandoned and stand naked against their aggressor. Not one of us knows; not one of us knows.

I can only assure the people of Maine and this country that I have tried to use my best judgment to arrive at the right conclusion. It is an hour of doubt and one of destiny, which not one of us has asked for and from which not one of us can escape.

Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized. How much time does the Senator seek?

Mr. GORE. Mr. President, it is my understanding that I have been allocated 20 minutes.

The ACTING PRESIDENT pro tempore. From whose side?

Mr. GORE. The Republican leader's side.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 20 minutes on the Republican leader's time.

Mr. GORE. Mr. President, like the rest of my colleagues, I have been an intent student of these events: At hearings and briefings, where every possible point of view was exchanged by representatives of the administration, and by experts of every kind; in the huge outpouring of information that the media brings us; in the views of many hundreds of my constituents, indeed, thousands; and finally, from this debate.

I attended virtually every minute of the long hearings before the Senate Armed Services Committee. I have listened to most of the speeches made by my colleagues during this debate. Unlike many other issues that have divided this body, we actually began from important areas of general agreement.

We agree that Saddam Hussein's Iraq is a threat to regional and even global security. We agree that the threat he represents is so severe that responding with force is not only legitimate, but could be unavoidable. We disagree more on tactics and timing than on first principles.

But our disagreement over tactics is serious and deeply troubling to us all, because lives are in the balance: the lives of our own military people, the lives of all others in the region, including not only those who are with us, but our enemies as well.

In such circumstances, with so heavy a burden of conscience, it is inevitable that the arguments of both sides of the debate involve a complex blend of accuracy and wishful thinking.

I am as prone to that as anyone else. But my decision today is the product of an intense, may I say, excruciating, effort to find my way to a place as close to a sense of the ultimate truth in this matter as I am capable of getting. I have struggled to confront this issue in its bare essence: to separate what I think is fact, or at least highly probable, from what I think is false, or at least highly improbable; to strike a balance and to take my stand. We have all made that journey, regardless of where it has led us. Each of us has stood here to describe it, and now it is my turn.

I stood in a different place halfway through last year, when men and women from my hometown of Carthage, TN, joined the units of many other towns across this country, leaving their loved ones, saying goodby to husbands and wives and children and parents, and preparing to become part of this army now massed in the desert of Saudi Arabia.

I felt, up until recently, especially after the hearings, in which I played an active role, questioning, probing, searching for the truth, that I would support a move to continue the sanctions and hold open the option of force at a later time.

As I searched my heart on this issue over the last few days with special intensity, after we all heard the Secretary of State enunciate the word "regrettably" in Geneva, I found myself feeling that if I voted for the Mitchell-Nunn resolution, I would do so hoping that it did not prevail. I found myself feeling, even late last night, that since it now appears that there is a majority in favor of the other point of view, that it would pass and will pass, regardless of how I vote. I found myself pulled, once again, to support the Mitchell-Nunn resolution, speaking only of the process I had gone through.

Mr. President, I feel that I owe it to those who are there in Saudi Arabia, prepared to make the ultimate sacrifice, to give the best judgment of my head and my heart on what this Nation should now do. I cannot reconcile myself to a point of view and a vote that says, in effect, we will let this deadline come and go, and try the sanctions, perhaps until the next window next August, when military operations would again become feasible.

This statement is my effort to explain why I feel that way. I think there is wishful thinking on both sides of this debate. It is said by many supporters of the Warner amendment that Congress must uphold the President because it is the last, best chance to convince Saddam Hussein to yield and to prevent war.

I wish it were so. And I hope and pray that, if the Warner amendment passes, that will be true.

But I believe it is wishful thinking to vote for the Warner amendment on the assumption that it leads to peace. This debate is no longer about the threat of war and the hope of peace. The hope of peace remains in my heart and the hearts of us all. But this debate is now about war. We should have no illusions.

This is not like the Tonkin Gulf resolution where there was deception. At times in the course of this policy debate, there has been a lack of candor with the Congress and the American people on the part of the President, but not now.

None of us should have any doubt about what is intended after the authority is granted here by Congress. How could we vote an expression of support for the use of force only days before the announced deadline and then yet be surprised if force is actually used?

It is also said that, if force is used, the battle may well be brief, relatively less costly in lives than many fear, and the results decisive. Again, that may well be true, but I fear that it may again be only wishful thinking. The Iraqi Army is capable. Surely anyone who votes for the Warner amendment ought to accept that the odds still favor a war that is longer, more costly, and less clear in its outcome than optimism would lead us to imagine.

There has also been an assumption in this debate to the effect that, if the President does not prevail, he may well do as he pleases regardless of what the Congress decides. I have come to the conclusion however, that I must cast my vote on the assumption that the view I express with that vote will become policy.

The issue of the President's willingness to comply not just with what Congress decides but with the Constitution itself has been a source of serious and unnecessary confusion and has complicated the country's ability to come to grips with this crisis. The plain sense of our Constitution, supported by the full weight of history and jurisprudence, says that the President was never meant to have the power to order this Nation into war: that this power was vested in the Congress after the most careful deliberation by our Founders for reasons that are absolutely as valid now as they were then.

President Eisenhower said in the middle of the 1950's:

> I have announced time and time again that I will never be guilty of any kind of action that can be interpreted as war until Congress, which has the constitutional authority, says so. There are times when troops, to defend themselves, may have to unite and undertake local war-like acts, but that is not the declaration of war and that is not going to war, and I am not going to order any troops into anything that can be interpreted as war until Congress directs it.

The Nation yearns for that kind of forthrightness and directness from this President in this debate. We have not had it.

But, in effect, Mr. President, the debate we are engaging in here on a measure to authorize the use of force, with the President actively supporting that resolution, makes this particular debate one for another day. The debate here is about war and peace.

Perhaps if the President had not thought this power was his alone, he would not have unilaterally changed the entire strategy of the coalition from defense and containment to offense and rollback by force. Perhaps we would then not have to decide between a policy we wish had been left in place and facts that have been created for us without consultation: principally, the fact that the President has brought us and the coalition he skillfully created, and the international community in general, to the very point of war.

There is much to regret at this point. Had this President and his predecessor not grossly misunderstood Saddam Hussein, we might have taken effective action against him sooner. Our hapless Ambassador to Kuwait at that time was not misrepresenting American policy in her meeting with Saddam Hussein. She was representing it all too faithfully as it had been for years and was on that very day. The last two Presidents have thought it was possible to do business with this man: to convert him to our purposes. That they were wrong has been plainly evident for some time.

On two occasions in the fall of 1988, I stood here on this floor, after Saddam Hussein was found to have used poison gas, and called on the President of the United States to immediately become involved in that issue and call for a special session of the U.N. Security Council. I called for a series of steps at that time and said, in October 1988, on the use of poison gas, "I deeply believe that if this episode is allowed to slide, then governments contemplating the use of chemical weapons will conclude they may do so with impunity. This situation is an important test of the will and ability of nations to exert themselves for the sake not only of a moral imperative, but also for the sake of their common security."

We stood by and allowed this situation to develop. The week before the invasion we were here debating sanctions against Iraq because the nature of Saddam Hussein was clear to many of us. But, again, the President felt we could deal with him. That is now history. This could have been avoided, but here we are, Mr. President.

Saddam Hussein has more troops than Hitler did in the early years of World War II. He is not Hitler—that exaggeration has also clouded this issue—but he is using weapons of mass destruction. He is threatening to continue his march throughout the region. His nature has been clear to us for quite a long time. He is seeking now to acquire ballistic missiles and nuclear weapons. The effort late last year by the White House to, in effect, exaggerate the shortness of the period of time during which he could acquire those weapons was again inartful and not helpful. But it is only a matter of time.

We have to compare two courses of action. We are agreed he has to be stopped, and it is said that the sanctions could stop him. I wish that were so. It may be so. But it does not feel plausible to me.

In August, when the next window for using force if the sanctions fail opens up, will the sanctions change his mind? I doubt that. Will the sanctions inspire such unrest among the Iraqi people that they, through some instrument, will find a way to overthrow him? That is more plausible. His regime rests in part on popular support. But against the arguments that economic suffering has flowed from the invasion, he will be able to marshal the argument that he has stood up to the entire international community, brought Kuwait into the nation of Iraq—that he stood for his people against the world community.

I do not believe we could adopt the course of action implicit in the Nunn-Mitchell resolution without withdrawing up to half the troops now deployed. I think the overriding effect of that withdrawal would be to make it extremely unlikely that sanctions would then result in Saddam Hussein's withdrawal from Kuwait or his overthrow in the near future.

The risks of war are horrendous. The real costs of war are horrendous.

Mr. President, what are the costs and risks if the alternative policy does not work? I think they are larger, greater, and more costly.

I feel that I owe my vote to an expression of support for the resolution authorizing the use of force—I hope it will not be used, I am afraid that it will be—but I will vote for that resolution.

The ACTING PRESIDENT pro tempore. The time of the Senator from Tennessee has expired. The acting majority leader.

Mr. FORD. Mr. President, I yield from the leader's time 15 minutes to the distinguished Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware [Mr. BIDEN] is recognized for 15 minutes.

Mr. BIDEN. Mr. President, this is a somber moment. This is an historic moment. But this is not an excruciating moment for me for I think this decision is so clear.

I have heard expressions on the floor from people over the last 2 days, talking about defining moments in their deliberation as to whether or not to commit the Nation to war and they have mentioned what seemed to me, I must say bluntly, some outrageous rationales.

A defining moment for six of my colleagues that I counted was when Saddam Hussein's representative left a letter on the table. Is that a reason to send my sons to die? Because we are offended? Is that a defining moment in history, to send a generation, or those representatives of a generation, to war?

The President says he is angry, he is impatient. Well, God bless him, so are all of us. But is that a reason?

We are about to vote to give the President of the United States of America the authority to take this Nation to war, Mr. President. From my perspective that leaves us with only one question before the House; only one question before this body; only one question that must be answered at this historic moment. That is: What vital interest of the United States of America justifies sending young Americans to their death in the sands of the Arabian peninsula? Not what slights to our national pride or prestige have occurred; not what emotional crisis may have developed among our leaders as a consequence of anger and frustration; and, as I said, not as I have heard repeatedly on this floor, whether a letter was left on a table.

As Arthur Schlesinger, Jr., said in testimony before our Foreign Relations Committee: "What direct threat to our national security now summons us to war?" That is the only question we should be attempting to answer, Mr. President.

Let me briefly restate the interests that the President of the United States and others on this floor say are at stake and point out what I believe to be the irony of the fact that the very interests that are offered as a rationale for war will be much better protected in the absence of war.

The first one we hear is oil. When the President first sent troops to the Persian Gulf, he said something astounding. he said, looking into the camera: "America's way of life is at stake. America's way of life is at stake."

The emir of Kuwait has been desposed, overthrown, thrown out unfairly. A small country has been invaded somewhere on a map that most people cannot identify, and America's way of life is at stake.

I presume that he meant that if, in fact, the Iraqis kept moving and occupied all the oil fields in Saudi Arabia and the surrounding emirates, that America's way of life would be at stake. So he did the right thing. He sent a defensive force and stopped, cold in his tracks, a person who already had stopped cold in his tracks, I might add.

So we have accomplished the first objective when we sent the first troops. More oil is flowing today than there was before Kuwait was taken. I respectfully suggest that war will more likely increase the price of oil, with long-term interruptions of supply, widespread destruction of oil fields, and terrorism that will plague those oil fields for the remainder of this decade; doing considerably more damage to our economic infrastructure—to use a fancy Washington phrase—than us not going to war.

The second rationale offered is collective security. Mr. President, the United Nations will be far stronger and more effective in the future if there are resolute applications of economic sanctions and if they succeed. And even if they do not succeed, loss of American international support in the future is much more likely in the international community after a war than before a war.

If we have trouble holding this grandiose coalition together, a coalition that has voted to allow us to take on 95 percent of the sacrifice across the board—if we have trouble holding it together at a time of peace, I respectfully suggest that at a time of war, our French brethren, among others, will be the first to find rationales to allow them to, to use the vernacular, to cut their own deal.

As someone said in the committee, rather than a multilateral facade for unilateral intervention, we need a multilateral mechanism now and for the future. And that will not likely occur as a consequence of war.

We do not strengthen the United Nations by making war. Collective security is an ideal to be collectively divided. Is the United States the only guarantor of the world order? If some country moves into Chad, are we going to send 400,000 troops there? And are we going to send 400,000 troops to respond to the transgressions that occur around the world on a regular basis that are often equal in consequence to what has happened in terms of the tragedy that has been spawned in Kuwait? Is that the new world order, Mr. President?

Are we more threatened today by Iraq than the neighboring Arab States? Than the Europeans who rely more heavily on oil from that region than we do? Are we more threatened in terms of our security than the Japanese who rely almost exclusively on oil from that region?

A third rationale offered as a vital interest—to stabilize the Middle East. As was pointed out in our hearing, that goal has never in 5,000 years been accomplished for very long. It is reminiscent of what I heard on this floor in the debate I had some years ago with my colleague, then the majority leader, about stabilizing Lebanon. Who do we think we are? What do we think of our capabilities to do what has seldom been done in history without total occupation of the entire region? It has been hard, Mr. President, because of artificial borders, tribal antagonisms, religious fanaticism, disparate inequalities and anachronistic monarchies and dictatorships that remain.

The fourth rationale is nuclear weapons.

How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Delaware has 4½ minutes remaining.

Mr. BIDEN. Mr. President, as to the timeframe of 5, 10, 15 years before Iraq gets nuclear weapons, are we going to send someone to die now because we see so far in advance that we know 5 years from now that something may happen? Five years from now Saddam Hussein can be struck by lightening, overthrown and/or we can go in 5 years from now and blow away that capability. Is that such a vital interest to the United States today in the absence of our ability to see into the future to send young people to their death?

Mr. President, Iraq can be made to pay and pay dearly without war. Urgency is not called for. Our vital interests are protected. The coalition is not equal. Priorities are not in order. As we debate today and are consumed by this issue, the Soviets are rolling into the Baltic States, something that is infinitely of greater consequence to our vital interest and the future security of this Nation—changed Soviet attitude—than anything that will happen in Kuwait.

The negative consequences far outweigh the positive consequences.

Mr. President, let me conclude by making a few points. The debate should not be whether we are fighters or appeasers, for if that were the case, those who appeased Saddam Hussein in this administration and on this floor for several years knowing that he, in fact, relocated almost as many Kurds as there are Kuwaiti citizens, knowing that he gassed as many as 10,000 of his people, yet came up and told us, "You can deal with this man," are now the very people on this floor who are willing to say this man is awful; we only have the option of war or the threat of war.

The appeasers of the past are now ready to vote to spill my son's blood and his generation's blood to satisfy and salve their consciences, in my view.

The issue should not be between an early and late use of force. That only begs the question, Mr. President. Even after sanctions have been tried, and if they fail, the fundamental question remains: What is our vital interest? The issue remains: What American vital interest is at stake that justifies the spilling of blood? Surely not the reinstatement of a monarch in a dictatorship from another century. Surely, that cannot be a vital interest. I fear that even if we grant the President this authority, we risk our National Treasury.

I ask unanimous consent for 30 more seconds, Mr. President.

Let me just say this, Mr. President: President Bush, if you are listening, I implore you to understand that even if you win today 46-54, you still lose. The Senate and the Nation are divided on this issue. You have no mandate for war. Mr. President, President Bush, the debate to punish Saddam Hussein, the impatience you feel, the anger you feel are all justified, but none of them add up to vital interest and none of them—none of them—justify the death of our sons and daughters.

To quote a businessman who has been quoted before on this floor, Mr. President, "First commit this Nation, then commit our troops." We will finish whatever you start, Mr. President. The sons of this generation are patriotic, as are the daughters. We will finish it, but for God's sake, do not start it unless you think it is a vital interest, which I feel strongly it is not.

Mr. President, on August 2, 1990, Iraq's invasion of Kuwait triggered a response by the Bush administration and the international community that has evolved over 5 months. Armed Forces, primarily from the United States, have been deployed in mass to protect Saudi Arabia against further Iraqi aggression and to enforce against Iraq a United Nations embargo unprecedented in scope and severity—an action endorsed by an overwhelming vote of Congress.

In November, the U.N. Security Council acted further to establish a date after which member-nations are authorized to use "all necessary means" to secure Iraqi's withdrawal from Kuwait and the restoration of Kuwaiti sovereignty. What we must now decide is whether we will use such authority under international law at an early point to launch a major military offensive against the armed forces of Iraq.

As I argued at the outset of this debate, responsibility for this decision falls upon Congress. For whereas the actions taken to date by the United States may be classified as participation in a police action, an American-led attack on Iraq would cross the threshold into war. Whether to cross that threshold is a question the Framers of the Constitution vested surely and unequivocally in the U.S. Congress.

I shall vote in these proceedings to oppose an early counteroffensive against Iraq. I have listened with great attention through days of hearings and briefings, and I believe that those who assert the urgency of war have failed to muster a cogent case.

Their arguments, I believe, reflect flawed assumptions leading to dangerous folly. Wisdom, I am convinced, lies in the case for a policy of patient strength—a policy that continues to weaken Iraq through sustained and effective embargo while strengthening the coalition against Iraq through enhanced burden-sharing and economic compensation.

SEVEN REASONS TO PAUSE IN THE RUSH TO WAR

Let me identify seven factors that should give pause to any American, in this body and across the nation, contemplating a rush to war.

THE QUESTION OF VITAL INTERESTS

The first and fundamental factor is the question of vital interests. Precisely what vital interests of the United States justify sending young Americans to their death in the Persian Gulf? In the words of Prof. Arthur Schlesinger, Jr., "What direct threat to our national security now summons us to war?"

Earlier in this debate, I was distressed to hear one of my colleagues—one whom I esteem highly for his friendship and intellect—state that the unwillingness of the Iraqi foreign minister to accept President Bush's letter in Geneva was still another reason why this body should vote to authorize the use of military force in the Persian Gulf.

I cannot accept such reasoning. I believe that force must be used to defend American vital interests; and I revere the U.S. Armed Forces for standing ready to perform that honorable role. But I will never accept that some slight to our national pride and prestige—some diplomatic insult—adds any reason to send our men and women into the crucible of war. Etiquette is no vital interest.

Just what interests are at stake here? We have heard from the administration a number of suggestions: Oil and our way of life. The principle of collective security. The stability of the Middle East.

But on examination, no argument can be sustained that any vital American interest is now in jeopardy. Yes, we have interests in the Middle East. We wish to support the free flow of oil. We wish to promote stability, including the security of Israel. But we have heard not one cogent argument that any vital American interest is at stake in a way that impels us to war.

Consider oil. The most plausible assertion is that we have a vital American interest in the world's access to the oil of the Persian Gulf. But the fact is that we have—through our defensive deployments in Saudi Arabia—sucessfully defended that interest.

What would threaten that interest is not a policy of sustained sanctions but a policy of war, which could subject the oil fields of the Gulf to terrorism, sabotage, or direct military attack. Only in that event are supplies likely to shrink and prices to skyrocket.

Indeed, because of increased Saudi production, as much oil is now flowing from the Persian Gulf region as flowed before this crisis began. As a consequence, the world is now buying the same amount of oil, but the income has been diverted in the direction of our Saudi and Emirate allies and away from our Iraqi adversary.

Our side is getting richer; the other side is getting poorer. This truth has crucially important implications for our ability to sustain our coalition. We should be making unequivocal demands upon the Saudi Government for adequate burden-sharing and economic compensation within our coalition during this crisis, and for a more generous sharing of wealth within the Arab world over the longer term.

And what of our interest in the principle of collective security? While this is not a vital interest, it is a crucial principle.

But we must ask: Is that principle better served by a unilateral American attack upon Iraq than by a sustained policy of collective sanctions? I think not.

Are we more threatened by Iraq than the neighboring Arab States, than Europe, than Japan? I think not.

Is not collective security an ideal to be collectively upheld? I think so.

Finally, what of our interest in stability in the Middle East? Who here can speak with confidence that a war policy is more likely to promote stability than a policy of sustained sanctions?

Are we truly so arrogant as a nation, at this late date, to believe that by attacking an Arab tyrant—initiating a war that could cost tens or hundreds of thousands of lives—we can comfort ourselves, and our widows and bereaved families, that we have promoted stability in the Middle East?

Professor Schlesinger reminded the Foreign Relations Committee in succinct words that this is a region "characterized from time immemorial by artificial borders, tribal antagonisms, religious fanaticisms and desperate inequalities." Given that history, and the totally unknowable consequences of war, why can we not accept as a matter of wisdom and humility that a course of moderation and patient strength may be more prudent than a hasty resort to war?

We must not accept an Orwellian distortion by labeling the issue here a vital American interest. What is arguably vital we have protected; what is important—the principle of collective security, the stability of the Middle East—we can, I believe, pursue most effectively through means short of war.

AMERICAN OPINION

The second factor that should give pause as we consider a rush to war is the unified public support on which any successful war policy must depend.

Earlier this week, the absolute requirement for public support was put with fine clarity by the conservative industrialist, Ross Perot, whose skepticism about the Bush administration's policy I share. If we are to send our men and women into battle, said Mr. Perot, "First commit the nation; then commit the troops."

The truth is that we are a nation divided. The Gallup poll tells us that two-thirds of Americans favor war against Iraq, but only if no significant level of casualties is involved.

Once Americans are asked to contemplate this question as more than a matter of whether or not Saddam Hussein is an evil man—to contemplate, that is, the reality that war could entail American deaths on a scale of thousands—support for a war policy shrinks to one-third of the American public.

And this is even before troops have been committed to battle and the real death toll has begun to mount. I am not here to advocate policy-by-poll. But it is plain that the President lacks a strong base of public support from which to launch American forces into war.

Opinion among American leaders is also sharply divided, and not only in Congress. Indeed, with near unanimity, the former Secretaries of Defense of the United States have publicly advocated a policy of sustained embargo, rather than early war.

Surely all wars occasion controversy. But never before in our history have we contemplated war when the American people, their political leaders, their former military commanders, and their former diplomats have been so divided on whether war is the wisest course. That alone should give the President pause.

AMERICAN ALLIES

The third factor that should give pause to a war policy is the array of allies in the "international coalition" on which the administration places such rhetorical emphasis.

I support the coalescence of a multilateral effort against Iraq. Indeed, I favor a sustained multilateral effort, with due contributions from many parties. But the truth is that the alleged coalition consists, at least at this point, of little more than a few self-interested Arab governments who are all too ready to see American forces committed to battle for reasons that have absolutely nothing to do with the new world order about which we hear so much.

Just look at the United Nations. How many of those nations that authorized an American war against Iraq have voted to send their sons and daughters to the gulf? I count only two.

Yes, the Saudi royal family, the sheikdoms of the gulf, and the exiled leaders of Kuwait are, in their safe havens, quite eager to witness the expenditure of American blood to rescue their lucrative and undemocratic regimes. But surely that support offers no justification for the sacrifice of even one American soldier.

And what of our other Arab allies?

Egypt is a welcome partner and the lynchpin if we are to claim serious Arab allegiance to our cause. But the weakness of President Mubarak's position and commitment is manifest in his obvious reluctance to involve Egyptian forces in anything more than the defense of Saudi Arabia. Thus, while the Bush administration prepares for an offensive that will surely involve a direct attack against the territory of Iraq, our key military ally in the Arab world has exempted itself from participation.

As to the other prominent Arab participant in this coalition—namely, Syria—the regime of Hafiz Assad in Damascus hardly warrants the term "ally." The cruel brutality of Hafiz Assad is difficult to distinguish from that of Saddam Hussein. Already, in the course of his supposed participation in the international coalition, Assad has used the opportunity to expand his control of Lebanon, and we can be sure—as events in the Persian Gulf unfold—that naked opportunism will continue to be his only standard.

As to the role of most of our European allies and Japan, the minimalism of their participation is plain. Apart from token force contributions and supportive votes in the United Nations, they have been content to hold our coat. Every American citizen has the right to ask why our military men and women should be placed in harm's way when the forces of those nations are not.

THE COSTS OF VICTORY

The fourth factor is the cost of victory. I have no doubt that our armed forces can secure the destruction of the Iraqi army. Our forces are brave, well trained, committed, and equipped with weaponry of devastating power. If directed into war, I trust they will accomplish their mission. But at what cost will that victory be won?

I am impressed by predictions on the part of some experts that victory over Iraq will be secured with only a minimal loss of American life—fewer than 1,000, some assert. But I am less impressed by the reliability of such predictions. We face a million-man army, well entrenched and well equipped, and—by all appearances and by its record in an 8-year war with Iran—prepared to sustain massive casualties and still fight on.

How could anyone guarantee an easy victory, with few American casualties, against such an opponent?

Listen to the precise words of the commander of United States forces in the field, Gen. Norman Schwarzkopf:

> You don't go out there and say, "OK, let's have a nice war today." God almighty, that war could last a long, long time and kill an awful lot of people.

This will be, says General Schwarzkopf, a dirty war. He wonders, as do I, why we should not be patient. He wonders why we should say—and these are his words: "OK, gave them two months; didn't work. Let's get on with it and kill a whole bunch of people. That's crazy," he says. "That's crazy."

Our military commander in the field has told us something, if we will listen. He is telling us something about the costs this war may entail if we fight it, and he is telling us something about our obligations here in Congress.

Neither General Schwarzkopf nor most other military experts believe this will be a short and conclusive war. Surely, we can prevail at some considerable sacrifice. But is it not our obligation as elected leaders to commit the sons and daughters of the United States to such peril only when all other means of securing our objectives have been exhausted? In the view of this Senator at least, that is my most solemn obligation.

When will such a war end? How will it end?

Even our Arab allies in the coalition who favor war appear uncertain as to how to conduct it. What objectives would we try to achieve, other than massive destruction of Iraq? Just this week, reports from Saudi Arabia indicate that top officials among our Arab allies are concerned that far too much attention is being focused on launching a war and far too little attention is being paid to plans for bringing the war to a conclusion.

THE CONSEQUENCES OF VICTORY

These questions lead us to the fifth factor that should give us pause: The uncertain consequences of military victory.

Do those who favor an early war have any notion of the political forces—of passion and instability—that would be unleashed in the Middle East even by a successful counteroffensive against Iraq?

I have come to the reluctant and deeply disturbing conclusion that, while the administration is ready to start a war, it does not even begin to appreciate the consequences of such a war—and does not know how to end it.

We do not even know how our allied partners will behave if war comes. Would American forces be required to occupy Iraq? If so, will our Arab allies join us in pursuing Iraqi forces within Iraq? Egypt has said it will not; will others? Are we thus to be left to wage a ground war within Iraq ourselves, including street-to-street combat amid a hostile Arab population?

Meanwhile, how do we respond if Syria and Iran use the cover of an American invasion to dismember Iraq? Our Saudi allies want to see Saddam overthrown but without the disintegration of his country. Are we to fight with the Saudis against Syria and Iran?

Above all, as a consequence of an American attack on Iraq, would anti-Americanism sweep through the Arab world, at the expense of the United States and of Israel?

In short, what would victory look like? In Foreign Relations Committee testimony from this country's foremost experts on the Middle East, one message emerged louder and clearer than all the rest: If the international coalition launches an offensive against Iraq, whatever our hopes that other countries will participate, an overwhelming majority of Arabs and Muslims will regard such a war as an attack by the United States of America against the Arab world.

This fact is not just incidental; not just an unfortunate aspect of war that we must grin and bear. We have all agreed that this crisis must be perceived as the world against Iraq—not George Bush against Saddam Hussein.

We can keep that perception alive if the policy is sanctions. But if the policy is war, it will be seen as an American war; it will be seen as the American President against the aspiring leader of the Arab nation.

Again, our commander in the field, General Schwarzkopf, is keenly aware of this danger. I quote: "We don't want to win the war and lose the peace."

And who will be the winners? Who else but Syria and Iran? Both are powerful terrorist states extremely hostile to American interests.

If we rush to war, according to former National Security Adviser Brzezinski,

> it is probable that fundamentalist Iran will become the dominant power in the Persian Gulf, and that terrorist Syria will inherit the mantle of leadership among the Arabs.

Thus, Dr. Brzezinski says:

> An American military invasion of Iraq would be likely to set off a chain reaction that could bog America down in a variety of prolonged security operations, in a setting of intensified political instability. * * * [S]ubsequent to the war the United States might not be able to extricate itself from the Middle Eastern cauldron, especially if in the meantime the Arab masses have become radicalized and hostile to the Arab regimes that endorsed the U.S. military action.

I believe that everyone in this chamber wishes to support the President to the maximum degree possible in a time of crisis. But every Senator here—of both parties—must also weigh heavily these potentially dangerous consequences of a so-called victory against Iraq.

For American foreign policy, for our profound interests in the Middle East, and for the welfare of the American people, any such victory would constitute the essence of folly.

THE "NEW WORLD ORDER"

A sixth factor is the model of action inherent in an American rush to war. Administration officials have brandished the concept of a new world order. Surely this is a concept to be applauded and embraced.

But what model—of any possible future utility—would be established by a process whereby the United Nations imposes sanctions briefly, after which the United States undertakes massive and unilateral military action with a veil of U.N. approval? Is this to be the new world order?

Let us stop to consider the effect on the American people of a perception that this "new world order" will be one wherein we are the world's policeman, shedding our blood and treasure to stop aggression around the globe. I believe that Americans would recoil from that role in bitterness and resentment.

Rather than ushering in a new era of internationalism, our policy would have undermined the potential to create a new order in which the United States participated effectively—but collectively—in upholding international law. We would create American isolationism when we need to create American internationalism.

What might establish a model applicable to the future is a successful policy of collective sanctions, backed up and enforced by a multilateral military force. But that possibility—and the valuable precedent it would represent—would be foreclosed by a rush to war.

THE FLAWED RECORD OF AMERICAN POLICY

Thus far, I have cited six factors that should give every American pause before a rush to war:

First, the absence of a vital interest requiring defense by means of war;

Second, the sharp division of American opinion;

Third, the dubious character of the so-called international coalition if war comes;

Fourth, the uncertain and potentially severe costs of victory;

Fifth, the uncertain, perverse, and potentially dangerous consequences of victory; and

Sixth, the inconsistency between a rush to war and the building of a new world order.

To these six factors, I regret, must be added a seventh, which is the tragically myopic record of American policy vis-a-vis Iraq during this and the previous administration.

As we consider committing American forces to battle, we are asked to rely upon the policy judgment of an administration that just 6 months ago was still courting the regime against which our soldiers would be fighting.

As recently as last summer, the Bush administration adamantly resisted the efforts of Congress to apply sanctions against the Iraqi regime for its barbarous use of poison gas in slaughtering its own Kurdish citizens.

Just 6 weeks before Iraq invaded Kuwait, a top administration human rights official described in bloody detail what he called Iraq's "shocking, indiscriminate use of chemical weapons" that had killed "thousands of men, women, and children."

And yet on that same day, the administration's top Middle East policy official offered this pathetic approach:

> We believe it is important to give the Government of Iraq an opportunity to demonstrate that it can act to reverse this deterioration in relations. We are therefore opposed to legislation which would impose economic sanctions.

And it was virtually on the eve of Iraq's invasion of Kuwait that this administration's Ambassador in Baghdad told Saddam Hussein, personally and directly, that the United States stood neutral on the question of inter-Arab borders.

I do not wish to engage in recriminations. Each of us is fallible and prone to mistakes, and we must suppose that officials in both the Reagan and Bush administrations were pursuing American interests as best they could. But our record of mistakes and miscalculations in the Persian Gulf should counsel us toward caution before we once again assume a posture of great confidence and certainty, particularly in setting ourselves on a path toward war.

Again, I believe that Professor Schlesinger's words are profound:

> Quite apart from the future, one wonders whether we even know enough about the present to act with any sort of confidence in the Middle East. * * * We do not understand the cultures, speak the languages, appreciate the religions, comprehend the ways of life.
>
> That, of course, is why we get so many things wrong. One day we embrace Saddam Hussein and the next we condemn him as the Great Satan. One day we condemn Assad of Syria as the king of terrorists and the next we embrace him. * * * When we were so wrong about the Middle East yesterday, and the day before yesterday, and the day before that, why in the world do we suppose we have suddenly got it right today—right enough to send thousands of young Americans to their deaths?

He also reminds us that we are embarking on this path with a liability we carried into Vietnam: A severe lacking within our Government of expertise on the region. Just as there were no wise men on Southeast Asia: No Bohlens, Kennans, Thompsons, or Harrimans to turn to on Vietnam, we have, says Professor Schlesinger,

> No Middle Eastern Bohlens and Kennans advising our Government at high levels today. We plunge on in a condition approximating invincible ignorance, with no idea of the traps lying ahead, the labyrinthine and treacherous politics of the area, the forever shifting sands. Are we really so sure now that we have the wisdom to pick the best course and the power to attain our goals?

In keeping with my sincere desire to avoid recriminations, I will also not dwell on the role played by certain leading Senators of the President's party who journeyed to Baghdad not so very long before the Iraqi invasion and apologized to Mr. Hussein for the ill words spoken of his barbaric regime during an international broadcast of our Voice of America. I will state that I am not inclined to accept from those same Senators any insinuation that we who oppose a rush to war in favor of a policy of sanctions are somehow not tough enough in our opposition to Saddam Hussein.

Having watched the administration so unwisely lead Saddam into temptation, should we now follow the administration blindly as it leads us needlessly into war? I think not.

THE UNPROVEN CASE FOR WAR

What is the case for war?

Hovering over this debate, and inclining some Americans to support the war option, is a frightening specter: That Saddam Hussein may at some point acquire a nuclear weapon.

What of this specter? How should we evaluate it? What should we do about it?

First, it bears emphasis that, according to our own Secretary of Defense, Saddam Hussein has no prospect for achieving a nuclear capability for 5 years, 10 years or more. For this reason alone, fear of an Iraqi bomb does not create an urgent need for conventional war now to prevent nuclear war later.

I do not denigrate the danger that could one day be posed by an Iraqi bomb. But that danger is precisely why we can and must act to impose a prolonged air-tight embargo on critical nuclear supplies entering Iraq. As the administration well knows, an effective embargo will enable us to push the threat of an Iraqi bomb ever further into the future.

And what will that future look like? Some ask, "If we know that Saddam may someday have a bomb, isn't it better to fight him before he gets one?"

Let me again quote Professor Schlesinger, who reminds us once more of our fallibility:

> It requires considerable arrogance to claim sufficient foreknowledge of what Iraq will be doing 5—or 10—or 15 years from now to justify the sacrifice of countless lives today."

As Professor Schlesinger points out, these same arguments were heard in this Chamber at various points in the cold war to urge a preventive war against the Soviet Union and China. And he reminds us of the words of Andrei Sakharov: that a preventive war is simply "wrong in principle. We know too little about the laws of history. The future is unpredictable; we are not gods."

We are surely not gods, but we can act as reasonable men and women. In the past, the United States has employed a well-reasoned and well-executed concept of nuclear deterrence—based upon the ability to retaliate against an enemy's use of nuclear weapons with devastating force.

This strategy has worked against Stalin, Mao, and other dictators no less brutal than Saddam. And there is every reason to believe that such a policy could deter Saddam—assuming, which I must doubt, that he survives long enough to acquire a nuclear capability.

And if we do find ourselves faced with that sad eventuality, Saddam will know that it is not just the United States that has the power to retaliate with nuclear weapons—but Israel as well.

The truth about the Iraqi nuclear bomb issue is that it represents no real dispute between the supporters of war now and the supporters of sustained sanctions. Why? Because the President has already authorized Secretary Baker to assure Iraq that if its forces leave Kuwait it will not be attacked by the United States, notwithstanding the prospect of an Iraqi nuclear capability.

Thus, the Bush administration itself has spoken loudly and clearly that the Iraqi nuclear bomb is not a justification for war.

Given that the administration cannot logically use the Iraqi nuclear threat as a justification for attack, the weight of the Administration's case for a rush to war is based on two assertions: First, that sanctions will not work in forcing Iraqi withdrawal from Kuwait; second, that the international coalition will collapse if we pursue a policy of sustained sanctions.

In hours and hours of hearings, the Foreign Relations Committee examined each assertion, and I believe found each to be without substance.

Are sanctions failing, as the administration now asserts? The obvious response is that, at this early point, we could not know; and if we rush into war, we will never know. Secretary Schlesinger, Dr. Brzezinski, and leading experts on the history of sanctions all pointed to the simple truth—that we knew all along: Sanctions take time.

As Dr. Brzezinski put it:

> The administration's argument that the sanctions are not working suggests that in the first instance it had entertained extremely naive notions regarding how sanctions acutally do work. They not only take time; they are by their nature an instrument for softening up the opponent. * * * Sanctions are not a blunt instrument for promptly achieving total surrender.

As Secretary Schlesinger said:

> Since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them, because they will not have produced the hoped-for results in 6 months.

Adm. William Crowe, the former Chairman of the Joint Chiefs, put matters in sound perspective this way:

> The issue is not whether an embargo will work, but whether we have the patience to let it take effect. * * * It would be a sad commentary if Saddam Hussein, a two-bit tyrant who sits on 17 million people and possesses a GNP of $40 billion, proved to be more patient than the United States, the world's most affluent and powerful nation.

And once again our commander in the field, General Schwarzkopf, gave us advice to heed. Indeed, he essentially summarized the decision before the Congress and its effect on the American men and women in the Saudi desert: "If the alternative to dying is sitting out in the sun for another summer," he said, "then that's not a bad alternative. * * * Time is on the side of the world coalition."

In truth, the debate over the efficacy of sanctions is a debate between the Bush administration of September and the Bush administration now. In September, Secretary Baker testified before the Foreign Relations Committee as follows:

> We believe this coordinated and comprehensive international isolation of Iraq is the only peaceful path to meeting the objective set by the President. Our efforts will, however, take time and that is what we ask most of the American people: stand firm, be patient, and remain united so that together we can show that aggression does not pay.

The American people have not lost patience; the Congress has not lost patience. It is the administration that has lost patience.

The administration justifies its loss of patience by arguing that a sustained sanctions policy is infeasible because the coalition cannot hold. But this assertion does not stand the test of scrutiny. Any argument that the coalition will not hold in peacetime becomes an even more powerful argument that the coalition would collapse in war.

Testifying before the Foreign Relations Committee, Secretary of State Baker was unable to identify one country in the international coalition whose participation was in doubt if we stuck with sanctions.

What, for example, of the ally that hosts our military forces? King Fahd has stated that the presence of American forces in Saudi Arabia is a blessing from God. Is there any reason to believe that his government would wish to dissolve its participation in the coalition rather than sustain a policy of sanctions backed by deterrent force? The question answers itself.

As to other participants in the coalition, such as Turkey and Egypt, which are suffering economic loss due to the sanctions, is there any reason to believe that they cannot be adequately and effectively compensated by the gulf oil states which the coalition is defending? The Saudis, after all, are pumping oil—and earning profits—at an unprecedented rate even as we speak.

Moreover, is there any reason to believe that, if we adopted a policy of patient strength, we could not effectively encourage the gulf oil states to become far more generous than they have ever been before in sharing some of their vast oil wealth with their far less prosperous Arab brethren—thus turning the "have-have not" issue into an asset of the coalition, rather than a liability. Such things are possible—if we adopt a policy of patient strength.

Nearly every Middle East expert testified that it is a war policy that will split the coalition—not a sanctions policy. Through sanctions, we can manage this crisis as the world-against-Iraq. Through war, we will make it George Bush-against-Saddam Hussein. The choice is ours.

If keeping the world against Iraq—not America against the Arab world—is the central principle guiding our strategy, then a siege, not war, must be our tactic.

I will therefore vote in these proceedings in favor of severe and sustained siege against Iraq. I will oppose an impetuous and ill-considered rush to war.

A DISTINCTION BETWEEN AUTHORIZATION AND MANDATE

I close by commenting on the implications of the vote to come. If my side of the debate prevails, the President is legally obliged to continue a policy of siege. If my side of the debate does not prevail, the President will have obtained the legal authority to undertake war.

But authority for war must be distinguished from a mandate for war. Never before has our Nation stood on the verge of war and yet stood so divided. Thus, while a narrow victory in Congress may give the President what is legally necessary, it will not provide what is politically sufficient—a strong mandate for war.

Accordingly, whatever the outcome of this contentious debate and the vote that concludes it, I believe that the message to the President is clear: Sustain the sanctions; weaken Iraq; continue to build and improve the international coalition; do not carry the American people into a precipitous war that will divide and weaken our Nation, and undermine any real prospect for a new world order.

Mr. President, I ask unanimous consent an Amnesty International report on Iraq dated Feburary 1989, testimony by Joshua R. Gilder and Department of State reports on human rights practices in Iraq in 1988 and 1989 be printed in the RECORD at the conclusion of my statements.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From Amnesty International, February 1989]

IRAQ—CHILDREN, INNOCENT VICTIMS OF POLITICAL REPRESSION

1. INTRODUCTION

"Iraq regards children as a basic pillar of society and, accordingly, makes a special effort to ensure their welfare since they represent the future prospects of society" (taken from the Iraqi Government's Second Periodic Report to the United Nations Human Rights Committee CCPR/C/37/Add. 3, 18 July 1986).

Brutal treatment of children has become routine practice in the prisons of Iraq. Young people have been tortured, often to force them to reveal information about their relatives. Even infants have been ill-treated to compel members of their families to "confess" to alleged political offences.

Children have frequently been the victims of human rights violations in Iraq. Information received by Amnesty International over a number of years indicates that children have been the victims of arbitrary arrest and detention without charge or trial. They have been imprisoned as "hostages" in lieu of their parents or relatives who were being sought by the authorities. They have sometimes "disappeared" following their arrest, and their fate and whereabouts have remained unknown for years. They have been subjected to torture and ill-treatment at the hands of the security forces; some were reported to have died in custody as a result of such treatment. Children have been the victims of the wide-ranging application of the death penalty in Iraq. In some instances such executions have been carried out without prior legal proceedings or following summary trials by military or special courts. Children have also been the victims of deliberate killings by government forces, in some instances on a massive scale. School children have been apprehended, lined up and summarily shot in public. They have been shot dead in demonstrations. Whole families, including children and infants, have been killed in large-scale military attacks by Iraqi troops on civilian targets.

In sum, children and young people have become the innocent victims of a policy of political repression. Opponents and critics of the government have frequently had to pay a price for their activities in terms of the welfare—and sometimes the lives—of their children.

2. INTERNATIONAL LAW AND IRAQI LEGISLATION

The rights of children have been embodied in a number of international human rights instruments, notably the International Covenant on Civil and Political Rights (ICCPR), to which the Republic of Iraq is a state party. In recent years, the rights of children have received increased attention in the world of international human rights law. Recognizing the particular vulnerability of the young, the fact that they cannot be held responsible for their actions in the same way as adults and their need for special protection, there have for some years been moves to establish a Convention on the Rights of the Child.

In 1959 the United Nations General Assembly adopted a Declaration on the Rights of the Child, and the proposed convention would make some of these rights legally binding on states party to it. It would also cover areas that the original Declaration did not, such as the problems of children in detention.

In 1985 the UN endorsed Standard Minimum Rules for the Administration of Juvenile Justice, which covered the treatment of children caught up in the criminal justice system. The rules state that juveniles should be deprived of their liberty only when there is no other appropriate response. They also rule out the death penalty and corporal punishment for the young.

A move is underway to supplement these rules by special new UN Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty—that is, rules covering the treatment of imprisoned children. It is expected that these will be drafted by 1990. Amnesty International is one of many non-governmental organizations which have been meeting to propose ideas for the Convention on the Rights of the Child and the rules governing the treatment of imprisoned children, and has pressed for the Convention to contain effective measures to ensure that the rights of children are protected. A Working Group of the UN Commission on Human Rights has completed work on a draft Convention. It is hoped that the Commission will forward the text to the UN General Assembly for adoption this year, which coincides with the 30th anniversary of its adoption of the Declaration on the Rights of the Child and the 10th anniversary of International Year of the Child.

The Government of Iraq signed the ICCPR on 18 February 1969, and ratified it without reservation on 25 January 1971 in accordance with Article 43(d) of Iraq's Interim Constitution of 1970. Iraq became bound by the ICCPR on 23 March 1976 when it came into force. Article 24(1) of the ICCPR states: "Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, or on the part of his family, society and the State."

The rights of children are also protected under articles 6, 10 and 14 of the ICCPR relating to, respectively, the non-application of the death penalty to minors, the rules governing juvenile detention and trial procedures in cases involving juvenile offenders (see below under relevant sections). In June 1979, in accordance with Article 40 of the ICCPR the Iraqi government submitted its Initial Report[1] to the Human Rights Committee, the body created by the ICCPR to monitor implementation of the Covenant's provision by State Parties. Iraq's Second Periodic Report[2] to the Committee was submitted in April 1986.

Similar safeguards are also incorporated in Iraq's domestic legislation, intended to protect minors in relation to arrest, detention, trial and sentencing procedures, as well as their cultural and economic rights. These safeguards are codified principally in Iraq's Penal Code (No. 111 of 1969), the Code of Criminal Procedure (No. 23 of 1971), the Juvenile Law (No. 64 of 1972) and Act No. 104 of 21 September 1981 Concerning the Public Authority for Social Reform. As defined by Iraqi law, "a juvenile is a person, male or female, who has completed his seventh year of age but has not completed his eighteenth year at the time of the commission of the offence. If a juvenile has not yet completed his fifteenth year of age, he is defined as a 'boy'; if he has completed fifteen, but not eighteen years, he is defined as a 'youth'."[3]

(References to the specific provisions in Iraqi legislation designed to protect the rights of minors in detention appear in the sections below.)

This document contains information which suggests that the Government of Iraq has over the years been repeatedly and flagrantly in breach of its own domestic legislation as well as of international human rights treaties it has ratified. The government has frequently reiterated its denial of allegations that the rights of Iraqi children are being violated. Despite the sheer scale and nature of such abuses, as documented in this report, the government has only seen fit to give vague assurances that it "has done its utmost in striving to adhere to its international obligations in accordance with international human rights treaties . . .".[4]

3. ARBITRARY ARRESTS

Article 9(1) of the ICCPR states: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Iraq's Interim Constitution (passed by RCC Resolution No. 792 of 1970) "prohibits the arrest, detention, imprisonment or search of anyone except by law". The Code of Criminal Procedure contains a number of provisions protecting individuals from arbitrary arrest and guaranteeing their right to liberty. Infringements of these provisions constitute

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Footnotes at end of article.

offences punishable in accordance with the Penal Code. Article 322 of the Penal Code states that any government employee or public servant who arrests or detains any person in circumstances other than those prescribed by law is punishable with a term of imprisonment not exceeding seven years.

The Penal Code, furthermore, defines acts directed towards children and minors as criminal offences. Article 383 of the code stipulates that: "Anyone who exposes to danger, whether directly or through another person, the life of a person who has not attained the age of fifteen . . . shall be punishable with a term of imprisonment not exceeding three years or with a fine not exceeding 300 Dinars."

Despite the Iraqi Government's assurances to the contrary, Amnesty International believes that the provisions of the Code of Criminal Procedure guaranteeing individuals freedom from arbitrary arrest are in practice rarely enforced or supervised with respect to prisoners held for political reasons, including children. Further, the organization is not aware of any cases where the provisions of the Penal Code were enforced with respect to officials found guilty of violating the provisions of the Code of Criminal Procedure. In the majority of cases brought before Amnesty International's attention, political suspects and their children are arrested without a warrant and are not informed of the reasons for their arrest or the legal basis for their detention. They are frequently held incommunicado for prolonged periods without access to a lawyer, relatives or a doctor. Relatives consistently testify to Amnesty International that they remain ignorant of the fate and whereabouts of detained family members until they are either released or executed. During this period, which may last for several months or years, the detainees have effectively "disappeared" and relatives often refrain from making enquiries about them for fear of reprisals by the authorities. Political suspects may continue to be held without trial for indefinite periods or sentenced to terms of imprisonment following summary trials, without any right of defence or appeal.

Children and young people below the age of eighteen have frequently been the victims of such abuses in Iraq. Young people have been arrested on suspicion of being involved in political activities opposed to the government, or merely on suspicion of being sympathisers of a particular opposition group. Among those subsequently charged and put on trial, some have been sentenced to death or to heavy terms of imprisonment. However, in the vast majority of cases brought before Amnesty International's attention, children have been the innocent victims of a policy aimed at stifling all forms of political dissent in the country. Children have been arrested in order to force their parents to desist from any form of 'hostile' political activity. They have been arrested in order to force their parents or relatives being sought by the authorities to give themselves up. Children, including infants, have been kept in detention with their parents in order to force the latter to confess to alleged political offences.

Among those detained are the children of members or supporters of prohibited political parties, including al-Da'wa al-Islamiyya (Islamic Call), membership of which is a capital offence; The Iraqi Communist Party (ICP); the Kurdistan Democratic Party (KDP); the Kurdistan Socialist Party Iraq (KSP-I); the Kurdistan Popular Democratic Party (KPDP); the Patriotic Union of Kurdistan (PUK) and other suspected government opponents or critics. The detention of children has also been a consequence of the Iraqi Government's pursuance of other policies. For example, in the early 1980's, shortly after the outbreak of the Iran-Iraq war, the Iraqi authorities deported thousands of families to Iran, declaring that the families were of Iranian descent (taba'iyya). The majority of deportees—women, children and old people—were from Arab Shi'i families. In many cases, the male members of such families, including minors, were arrested and detained without charge in Iraq's prisons. Similarly, male members of Feyli Kurdish (Shi'i muslim) families deported to Iran were arrested and detained (see also Section 7).[5]

Twelve children were among some 130 members of the al-Hakim family arrested by Iraqi security forces in May 1983, of whom over 50 are believed to be still detained. The ages of those arrested ranged from 9 to 76. All were relatives of Ayatollah Muhammad Baqer al-Hakim, spokesman for the exiled Iraqi Shi'i opposition in Iran and son of the late leader of the Shi'i community in Iraq, Ayatollah Muhsin al-Hakim. The family has been closely associated with the Shi'i movement, al-Da'wa al-Islamiyya. Six members of the al-Hakim family were executed in prison in Baghdad on 19 May 1983. The government confirmed these executions to Amnesty International, but denied that others from the family had been arrested. However, on 5 March 1985 ten other members of the family were executed in prison in Baghdad. These executions were also later confirmed by the government.

The fate and whereabouts of twelve members of the al-Hakim family, whose ages at the time of arrest ranged between nine and 17, remain unknown. Among them is Sayyid 'Ali Sayyid 'Abd al-Hadi al-Hakim, fifteen years old when arrested in May 1983. His father, Hojatoleslam Sayyid 'Abd al-Hadi al-Hakim and his two brothers, Hussain and Hassan (aged 18 and 22 respectively) were executed in March 1985. The fate of the adult members of the family leads Amnesty International to fear for the safety of the children. (See Appendix C for the names of the twelve children, and Appendix F2 for photographs).

Below are the details of six Kurdish children arrested in July and August 1985, and whose parents or relatives were said to be members of the KDP's Pesh Merga forces (armed Kurdish units). One of the children was arrested with his father; the others were arrested as hostages in lieu of relatives being sought by the authorities. Their ages at the time of arrest ranged between six and thirteen. As far as Amnesty International is aware, none have since been released.

Ladhgin Sabri Hussain: born in 1975 in Zakho; an intermediate school student; arrested at the age of ten in July 1985 by police in Zakho with his father, who was suspected of having joined the Pesh Merga forces; initially held in Zakho; last known to have been detained in Mosul.

Muhammad Omar Najm: born in 1974 in Zakho; arrested at the age of eleven on 12 August 1985 by intelligence officers in Zakho because of his father's membership of the Pesh Merga forces; initially held in Zakho; last known to have been detained at police headquarters in Tikrit.

Lami Khan 'Abd al-Baqi Taha (female) and Jum'a 'Abd al-Baqi Taha: sister and brother born in Duhok in 1973 and 1974 respectively; intermediate school students; arrested with their mother at the ages of 12 and 11 respectively by security forces in Duhok; their elder brother was suspected of membership of the Pesh Merga forces; both children and their mother were last known to be detained in Duhok.

Mirza Rasho and Mardan Rasho: brothers born in 1979 and 1972 respectively in al-Shaikhan; Mardan Rasho was an intermediate school student at the time; arrested at the ages of 6 and 13 respectively in July 1985 by security forces in al-Shaikhan because of their father's suspected membership of the Pesh Merga forces; initially held in al-Shaikhan; last known to be detained in Mosul.

In some instances the arrest of children as hostages in lieu of their parents or relatives has taken place on a massive scale. Between late September and mid-October 1985, some 300 Kurdish children and youths were arbitrarily arrested by security forces in Sulaimaniya in northern Iraq. They were aged between 17 and 23 at the time. According to information received by Amnesty International, the children and youths included those whose relatives had deserted from the army or who had joined the Pesh Merga forces. They were apparently arrested as hostages in order to force their parents or other relatives to give themselves up to the authorities. Others were said to have been arrested in order to act as informers, and to extract information from them about the activities of the Pesh Merga forces and their supporters in Salaimaniya, including possible activities by members of their own families.

Initial reports received after their arrest suggested that the children and youths were being held in a detention centre in Sulaimaniya known as Maktab al-Mulazim Muhsin. Later reports suggested that some had been transferred to Fudailiyya Security Headquarters in Baghdad. Allegations were received that some of the children had been subjected to torture and that three had died in custody as a result of such treatment (see Section 6). The Iraqi Government initially denied that such arrests had taken place. In response to appeals by Amnesty International, the government stated in a letter received on 29 April 1986: "The Government of Iraq, having considered the verbal notes and cables sent by Amnesty International and its branches implying allegations about [the] detention of 300 children in the Iraqi city of Sulaimaniya, has found such allegations totally false . . .".

However, in February 1987, information was received that 29 of the children and youths had been executed in early January 1987. The government confirmed seven of these executions in September 1987 (see Section 8). The fate and whereabouts of the other children arrested in this group remain unknown.

4. JUVENILE DETENTION

Article 10(1) of the ICCPR states: "All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person."

The same article (paragraph 2b) states: "Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication."

Paragraph 3 of the same article states: "The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status."

Similar and additional safeguards designed to protect the rights of juveniles in detention have been incorporated into Article 19 of the UN Draft Convention on the Rights of the Child and the Draft Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty. Part II of the Draft Standard Minimum Rules, in particular, addresses the rights of juveniles under sentence, juveniles under arrest or awaiting trial, juveniles arrested or detained without charge and children in prison with one or both parents or born in prison.

Iraqi legislation also contains a number of such provisions. In its Initial Report to the UN Human Rights Committee, the Iraqi Government stated: "The principle observed in Iraqi legislation regarding juvenile detention is that a juvenile should not be detained for minor violations, but he may be detained for a misdemeanour or a serious offence in order to examine and study his personality, or when he fails to produce a person to bail him. He must be detained if the charge against him is punishable by the death penalty, [provided he has attained] ten years of age.

"In cases [where] the detention of a juvenile is decided in accordance with the aforementioned principle, the detention is executed in an observation house. In areas where there is no observation house, all necessary measures should be taken to ensure that the juvenile person be separated from adult detainees."[6]

Articles 32 and 33 of the Juvenile Law of 1972 provide that juveniles shall be detained in a penitentiary, and accorded treatment appropriate to their age and legal status. According to the Penitentiary School Regulations (No. 31 of 1964) "boys" (ie. below the age of 15) are segregated from "youths" (ie. below the age of 18). Article 16 of the same law specifies that juvenile offenders are transferred to a school for youth training upon reaching the age of 18. Both penitentiaries and youth training schools fall within the jurisdiction of the Ministry of Labour and Social Affairs. According to the government's Initial Report to the UN Human Rights Committee, the activities of the penitentiaries and youth training schools are supervised by an administrative board composed of the Director General of Social Services at the above-mentioned ministry, who acts as chairperson, as well as the judge of the Juvenile Court, the head of the penitentiary or youth training school in question, a physician and a social worker.

Iraqi legislation also contains a number of provisions pertaining to the rights of juvenile offenders. These include the right to pursue their education, to receive vocational training and to receive wages for work undertaken in the penitentiary. There are also regulations concerning the right of juvenile offenders to receive adequate medical treatment, to correspond and receive letters, to receive visits and to leave the penitentiary on home-leave for specified periods. Act No. 104 of 1981, for example, accords to both adult and juvenile offenders a number of rights, including the following:

Article 28: The right to receive visits in accordance with the times specified by the competent authorities.

Article 31: The right not to be deprived of visits for more than one month except with the agreement of the Director-General, and for more than three months under any circumstances.

Article 33: The right to free medical treatment.

Article 38: The right to home-leave for ten days (in the case of juveniles) twice a year.

Article 40: The right to correspond and receive letters.

Article 43 of the same act, however, stipulates that when disciplinary measures are imposed on juvenile (and adult) offenders, certain of these rights may be withheld for a period not exceeding three months. (For references to the right of juvenile offenders to make complaints against ill-treatment while in custody, see Section 6).

Amnesty International believes that the provisions of Act No. 104 of 1981 and other laws governing the rights and treatment of juvenile offenders are rarely enforced in practice in political cases. The most elementary of these provisions, which specifies the minimum age at which a person is regarded as a juvenile offender, is violated. Article 66 of Iraq's Penal Code defines a juvenile offender as one who has "attained the age of seven but not the age of eighteen at the time of the commission of the crime". Article 233 (a) of the Code of Criminal Procedure contains the same provisions. Yet children below the age of seven have been detained, such as Mirza Rasho (referred to in Section 3 above), imprisoned since the age of six following his arrest in 1985. Even infants aged several months have been imprisoned with their parents (see Section 6).

The Iraqi Government has stated that juveniles are not detained for minor violations but only for misdemeanours or serious offences. In the majority of cases brought to Amnesty International's attention, detained juveniles have committed no offences whatsoever. Their imprisonment constitutes, in Amnesty International's view, an act of retribution against their parents or relatives for real or suspected 'hostile political activity'.

Children and young people imprisoned either for alleged political offences, or simply as a punishment for the activities of family members, have not been segregated from adult detainees through confinement in penitentiaries or other institutions for juvenile offenders. Rather, they have been held in local police stations or security forces' headquarters in the areas where they were arrested. Subsequently they have been transferred to some of Iraq's most notorious prisons and detention centres. Muhammad Omar Najm (referred to in Section 3 above), a Kurdish boy arrested at the age of 12 in August 1985, was held at police headquarters in Tikrit. 'Ali Mahdi Shabandari, aged 15 when arrested in September 1983, was held at Mudiriyyat 'Amn Karbala' (Karbala' Security Directorate). Kadhim Sikar 'Abbas al-Rubai'i, aged 14 when arrested in April 1982, was held at Mudiriyyat Amn al-Hilla (al-Hilla Security Directorate) (see Appendix B for details of these and other cases). Some are eventually transferred to Abu Ghraib Prison on the outskirts of Baghdad. Eight Kurdish youths, aged between 14 and 17 at the time of their arrest, were detained and later executed (in 1987) in this prison (See Appendix D for names). According to a testimony received in July 1988 from a group of former detainees held in Abu Ghraib, several hundred women and children were said to be held at the prison. They were reportedly kept in communal cells reserved for families.

In November 1988 Amnesty International received another testimony from a former detainee held for some 14 months on charges of working with the Pesh Merga forces of the Kurdistan Socialist Party—Iraq. He stated that he was tortured while in detention, most of which was spent in Abu Ghraib Prison. In his testimony he mentions some of the detainees held with him: "The wing in which I was placed held more than 1,800 prisoners, and is known as the Special Wing. All those held there were charged with political offences. About (100) of them were accused of membership of the Kurdistan Socialist Party. They include four children, I remember the names of three of them. They are Yusuf, Salim and Khadr and they are from Arbil. The ages of these children ranged between 13 and 16 years. They had been charged with cooperating with the Pesh Merga forces of the Kurdistan Socialist Party—Iraq."

Such young detainees, according to Amnesty International's information, have been deprived of the most basic rights accorded to juveniles deprived of their liberty under Iraqi law. This includes the right to correspond and receive letters and the right to receive visits. In numerous cases known to Amnesty International, parents are not even aware of the whereabouts of their detained children. They frequently refrain from making enquiries in this regard for fear of reprisals by the authorities. In some cases, parents only become aware of the fate of their detained children when they have either been released or executed.

5. TRIAL PROCEDURES

Article 14(1) of the ICCPR states: "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law * * *"

Paragraph 4 of the same article states: "In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation."

In Iraq, the provisions relating to investigations and trial procedures in cases of juvenile offenders are contained in the Code of Criminal Procedure and the Juvenile Law. The principal provisions are summarized in the Iraqi Government's Initial Report to the UN Human Rights Committee as follows: "The examining judge or the judicial [investigator] takes charge of collecting evidence. The examining judge is required to request a social worker to do social research on the juvenile charged with a criminal offence. He may request this even when the inquiry concerns a delict . . . If a juvenile person is charged with a criminal offence, and the judge finds that the evidence is sufficient to commit him to the Juvenile Court, he is required to send him first to the Social Services Bureau to have him examined * * * The judge may send the juvenile to the Bureau if he is accused of a delict and if his condition and the circumstances of the delict require such an examination. The Bureau examines the juvenile person physically and mentally and reports its findings in writing. The examining judge may suggest the penalty and recommend measures to the taken by the court regarding the juvenile person. This report is to be enclosed in the case file."[7]

All cases involving offences committed by juveniles are required to be referred to the Juvenile Court, which is competent to hear cases against offenders between the ages of seven and seventeen. If the offender attains the age of 18 during the investigation stage, his case is referred to the criminal court or to the higher criminal court. If, however, he has already been referred to the Juvenile Court upon reaching the age of 18, his case will be heard by that court [CCP, Article 233 c].

The panel of the Juvenile Court is normally composed of a judge, a medical practitioner and a social worker. Trials of juvenile offenders are conducted in camera, attended only by members of the court and its officials as well as the parties concerned with the case, including relatives of the accused, his defense lawyer and witnesses [CCP, Article 238 a]. The provisions of the Juvenile Law are applied at all stages of investigation, trial, sentencing, appeal and execution of sentence [CCP, Article 242 a].

Amnesty International's information indicates that a number of safeguards relating to trial procedures guaranteed in the Code of Criminal Procedure are in practice frequently violated, and that proceedings fail to conform to internationally accepted standards for a fair trial established under Article 14 of the ICCPR. Moreover, most political prisoners are tried not by ordinary criminal courts but by permanent or temporary special courts, notably the Revolutionary Court (a permanent special court functioning since 1969). The provisions of the CPP are by law applicable to proceedings of the Revolutionary Court (Law No. 1 of 1969). However, sentences passed by the Revolutionary Court are final and cannot be appealed again to a higher judicial body. The Iraqi Government has often stated that the provisions of the CPP are enforced, but it has failed to provide documentation to that effect, despite the organization's repeated requests for such information.

Similarly, juveniles imprisoned for alleged political offences have not been tried by the juvenile courts, but by military courts and ad hoc special courts. Between October and December 1978, for example, five Kurdish youths aged between 15 and 17 were reported to have been sentenced to death by military court following summary proceedings (see Appendix D for names). They were said to have been KDP sympathizers. Another case is that of Azad Yusuf Omar, a Kurdish youth from Majeed Bag arrested in September/October 1985 at the age of 17. He was one of some 300 children and youths arrested at that time in the city of Sulaimaniya, principally in retaliation for the activities of their parents and relatives (see Section 3 for background details). Information received from the Iraqi Government in September 1987 stated that Azad Yusuf Omar had not been executed as initially reported, but was tried by a special court (date of trial unknown) and sentenced to life imprisonment. The government did not state what the charges against him were, but gave assurances that during the tiral "* * * all judicial and legal guarantees were fully respected, including the right to have a court-appointed lawyer to defend [him] * * * [He] was sentenced to life imprisonment due to his special case."

In its letter, the government did not indicate what was special about the case of Azad Yusuf Omar. Amnesty International subsequently requested further information on the judicial procedures followed in the court during the trial and further clarification on Azad Yusuf Omar's case. No response was received. Amnesty International's concerns about the fairness of trails by temporary special courts (courts set up on an ad hoc basis to try particular groups of prisoners) have been raised with the government on various occasions, including during the organization's mission to Iraq in 1983. In previous such trials known to Amnesty International, the special courts' benches consisted solely of members of the Revolutionary Command Council, the trials were held in camera, no defence counsel was permitted and there was no opportunity to appeal.

The Iraqi Government has consistently failed to provide details of trial and appeals procedures followed in cases raised by Amnesty International, beyond giving vague assurances that the necessary legal safeguards stipulated in existing legislation were being enforced. Such was the government's reply in the case of 'Abd al-Rahman Ahmad Haji, a secondary school student from the village of Sewarea near Duhok. He was arrested in December 1984 at the age of 16, reportedly on charges of distributing KDP leaflets. According to information received by Amnesty International, he was tortured prior to his execution on 2 November 1985 at the age of 17 (see also Section 8). The government nevertheless stated in its reply on his case received in April 1986, that 'Abd al-Rahman Ahmad Haji was "* * * granted a fair trial where all judicial and legal measures were fully respected according to the Iraqi Constitution and the laws in force, including the right to have [a] court-appointed lawyer defending him."

The government did not respond to Amnesty International's subsequent requests for details on the trial and appeals procedure followed in this case.

A more recent case was that of Ribwar Muhammad Karim 'Aziz, a Kurdish youth from Sulaimaniya arrested at the age of 13. He was sentenced to death by a special court and executed in Abu Ghraib Prison in December 1987 at the age of 16. The government "assured" Amnesty International that all necessary legal requirements during his trial had been fulfilled (see also Section 8).

Amnesty International has received details of other cases where trials by such courts have resulted in the passing of heavy sentences on minors for alleged political offences, but whose names the organization will not publish for fear of reprisals by the Iraqi authorities against them or their families. They include three minors arrested in 1982 whose ages ranged between 15 and 16 at the time. According to information received, they were sentenced to terms of imprisonment ranging between 15 and 20 years' imprisonment and life. Over and above Amnesty International's concerns about the fairness of trial procedures followed by such courts, the passing of sentences of life imprisonment or death on minors for whatever offence contravenes the provisions of Iraq's Penal Code and its Juvenile Law. Both these laws stipulate that minors shall be served lesser sentences in cases where they have been charged with offences normally punishable by life imprisonment or death.

In many other cases known to Amnesty International, minors have been detained indefinitely without charge or trial. Having committed no crime themselves, their fate is dependent on that of their parents or relatives for whom they are held as hostages. Alternatively, they are used as tools to induce their parents to "confess" to alleged offences.

6. TORTURE AND ILL-TREATMENT

For many years Amnesty International has received reports of the widespread torture in Iraq of political prisoners, among them minors. Some were reported to have died in custody as a result.

Torture is prohibited under Article 7 of the ICCPR which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

Torture is also prohibited in Iraq under the Constitution and in national legislation, and constitutes an offence punishable in accordance with the provisions of the Penal Code. Article 22(a) of the Constitution prohibits "any form of physical and mental torture." Article 127 of the Law of Criminal Procedures states that no illegal methods may be used to extract confessions from the accused, including ill-treatment, threats to cause harm, psychological methods or the use of drugs and spirits. According to the provisions of the Penal Code: "A penalty of imprisonment not exceeding one year and a fine not exceeding 100 dinars shall be imposed upon any official or person entrusted with a public duty who, taking advantage of his post, treats another person with cruelty, causing him moral or physical harm . . ." (Article 332)

"A penalty of imprisonment shall be imposed upon any official or person entrusted with a public duty who inflicts or instigates torture on an accused person . . . to force him to confess to a crime . . . The use of force or the threat to use force are regarded as torture." (Article 333)

As regards juveniles, Article 383 of the Penal Code provides that a term of imprisonment not exceeding three years or a fine not exceeding 300 dinars be imposed on anyone exposing to danger the life of a person below the age of fifteen.

Amnesty International believes that the torture and ill-treatment of detainees in the custody of the security forces is routine and systematic in Iraq. Among the victims are political prisoners—including young people below the age of 18—tortured in order to force them to sign "confessions" or to renouce their political affiliation. Relatives, including children, arrested in lieu of suspects being sought by the authorities have also been tortured. Some are reported to have died in custody as a result. Interrogation methods used by the security forces are described as brutal, in some cases resulting in permanent physical or mental damage to the victims. Other detainees, among them minors, have also been tortured prior to their execution.

In a report published in April 1985, Amnesty International listed some 30 different methods of torture said to be used in Iraq.[8]. These range from beatings to burning, administration of electric shocks and mutilation. Over the years, the Iraqi Government has denied allegations brought to its attention by the organization, including cases supported by detailed medical evidence. During a mission to Iraq in 1983, officials told Amnesty International delegates that complaints of torture and ill-treatment had been investigated and the perpetrators punished. They stated that no one could be arrested without a warrant, that detainees could contact their families immediately after arrest, that they were allowed regular visits by relatives every 15 days and medical examinations within 24 hours after arrest, and that regular prison visits were made by independent officials. Nevertheless, the inconsistency between the government's statements and testimonies Amnesty International continues to receive from torture victims and their families remain marked. The government has declined to provide Amnesty International with documentation showing that torture allegations were ever investigated, and the organization is unaware of any instance where the perpetrators were brought to justice in accordance with national legislation.

Children and young people have also been subjected to torture while in custody. Allegations received have included the following: the extraction of fingernails, beatings, whipping, sexual abuse, electric shock treatment, and deprivation of food and of the use of toilet facilities. According to the testimony of a former prisoner released in 1988, female prisoners, including young girls, have been hung upside down from the feet during menstruation. Objects have also been inserted into the vaginas of young women, causing the hymen to break.

Iraqi legislation gives juvenile offenders the right to make complaints against ill-treatment while in custody. Article 41 of Act No. 104 of 1981 states that a juvenile (as well as adult) offender: "* * * may address to the competent Director General complaints regarding any ill-treatment inflicted on him or any offence committed against his person, and the Director General shall deal with all such complaints within seven days of receiving them."

Amnesty International is not aware of any instances where detained juveniles have been able to file such complaints or that any such complaints were ever investigated. In the organization's view, any detainee venturing to exercise this right would be placed at risk of further reprisals.

Children and young people, according to Amnesty International's information, are most commonly tortured in order to force their parents and relatives to confess to alleged political offences. A former political prisoner, held at al-Karkh Security Directorate in Baghdad and released in April 1985, submitted his testimony to the organization. A former student at Baghdad University and a KDP sympathizer, he was detained for five months and tortured in order to reveal his political affiliation and the names of other activists. In addition to details of his own treatment in detention, he gave the following information about the torture and ill-treatment of his relatives: "Members of my family, mother (73 years old), three sisters and three brothers with five children aged between five and thirteen, were arrested and brought in front of me. They were subjected to the falaqa and electric shocks. * * * They also made me listen to a recorded cassette tape of the cries and moans of my family [undergoing] torture * * *".

His testimony also described conditions under which infants have been held at the detention centre where he was held: "The detention centre is extremely filthy * * * infant children are kept in [the] detention centre together with their parents. Usually they keep such children in a separate cell next to [the] mother or father's cell and deprive [them of] milk in order to force [the] parent to confess. I saw a 5-month-old baby screaming in this state * * *".

In January 1986 Amnesty International called on the government to investigate reports that some of the 300 children and youths arrested in Sulaimaniya in September/October 1985 had been tortured, and that three of them died in custody as a result. The bodies of the three children were reported to have been found in the streets of the outskirts of Sulaimaniya, their clothes bloodstained and their bodies bearing the marks of torture. Others were allegedly beaten while in detention. The government denied these reports in its letter to the organization received in April 1986. There was no indication that the torture allegations had ever been investigated. Amnesty International subsequently received the testimony of a former detainee released from Fudailiyya Security Headquarters in Baghdad in late 1985. Suspected of having contacts with members of the Patriotic Union of Kurdistan, he was detained for seven months and allegedly tortured in order to reveal the names of PUK members. He stated following his release that some of the 300 Sulaimaniya children had been detained at Fudailiyya with him and subjected to torture. The following are extracts from his testimony: "* * * we were forbidden to communicate with the children, who were treated with special brutality * * * the cell was so small that only a few children could sit down in turn on the floor which was cold and uncovered. The cell was windowless, except for a hole in the door for the security officers to keep watch on us. There was no air to breathe.

"Each hour, security men opened the door and chose 3 to 5 of the prisoners—children or men—and removed them for torture. Later, their tortured bodies were thrown back into the cell. They were often bleeding and carried obvious signs of whipping and electric shocks. We always tried our best to help them.

"At midnight, the security men took another three of the children, but because they were so savagely treated they were taken from the cell to a military hospital. It was clear that the security authorities did not wish them to die like this. However, when their wounds healed, they were returned to the cell.

"Some children tried to sleep on the floor. A child who had been in the hospital lay down and finally, we thought, fell asleep. But * * * we knew he was dead. No one knows what happened to his corpse.

"During the next few weeks our situation did not change. Three times a day we had meals thrown at us: breakfast was a piece of bread to be shared between every four prisoners; lunch was a pear or five grapes for each one. Whenever there was a complaint about the food, the complainant received a blow instead of food.

"We were only allowed to go to the toilets when the security men allowed us to do so, rather [than] in accordance with our needs. And they seldom allowed us to do so. For the children this was especially difficult and some children occasionally dirtied themselves. The prison chief ordered us to punish them for this by whipping them with a rubber whip. Those who refused to join in the punishment were themselves tortured.

"When I was released, there were still some children in our cell. I don't know what happened to the others * * *."

In January 1987, 29 of these children and youths were reported to have been executed and their bodies returned to their families. According to accounts received by Amnesty International, some of the victims had had their eyes gouged out and their bodies bore marks of torture. The government did not respond to Amnesty International's renewed call for an investigation into the torture allegations. The detention and torture of these young detainees were condemned by the European Parliament in a resolution passed in April 1987 (see Section 8 for further details).

7. "DISAPPEARANCES"

Amnesty International uses the term "disappearance" whenever there are reasonable grounds to believe that a person has been taken into custody by the authorities or with their connivance and the authorities deny that the victim is in their custody. A "disappearance" may be resolved by the authorities acknowledging the victim's detention or by the detainee's release. People who have "disappeared" may well have been the victims of violent, often illegal, arrest, of torture, unacknowledged detention and, at worst, may have died under torture while in secret detention or have otherwise been killed in custody.

"Disappearances" constitutes a clear violation of international law. When a person has been taken into custody and the authorities nonetheless deny knowledge of this, internationally guaranteed human rights are contravened, such as: the right to security of person; the right not to be subjected to arbitrary arrest and detention and the right to an effective remedy for acts violating human rights, as guaranteed by the ICCPR and the Universal Declaration of Human Rights (UDHR).

A "disappearance" also contravenes Rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners, which states that: "* * * an untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends * * *"

The UN Commission on Human Rights, in Resolution 1986/66, expressed "its emotion at the anguish and sorrow of the families concerned, who should know the fate of their relatives". The suffering caused by a "disappearance" to the ralatives, as well as to the victim, in itself contravenes the right not to be tortured or subjected to cruel, inhuman and degrading treatment or punishment.

Moreover, a person who has "disappeared" may have been tortured or killed in custody in violation of the rights guaranteed by the UDHR and the ICCPR. The right to life and the right not to be tortured are absolute rights from which no state may derogate even in situations of publicly declared emergency as defined in Article 4 of the ICCPR.

Such rights are also enshrined in Iraq's Constitution and in its laws. Nevertheless, thousands of people arrested by Iraqi security or intelligence forces have, over the years, been reported as having subsequently "disappeared" in detention. The victims have included whole families, although the principal targets have generally been males—both adults and minors. In some instances the arrests are witnessed by others, such as relatives of the victims when they are arrested from their homes, or by their friends or colleagues. In other cases there are no identifiable or known witnesses, such as when victims are arrested on the streets. Others still are presumed to have been arrested when they fail to return to their homes or report to their schools or places of work.

One major obstacle to the tracing of such victims in Iraq has been the fear on the part of family members of further reprisals by the authorities if enquiries about detained relatives are made. The experience of years of political repression has sometimes forced victims' relatives to refrain from asking questions. Accounts received by Amnesty International suggest that reprisals have taken the form of a deterioration in the situation of the detained persons and the arrest (or threat of arrest) of other family members. Thus, victims' families have lived for months and very often years in ignorance of the fate and whereabouts of their relatives and in the hope that they may still be alive. The problem is further compounded by the denial of family visits to detainees.

Where inquiries are made by the victims' relatives, officials have in some cases denied knowledge of the arrests or subsequent detentions, even when the victims were arrested in the presence of eye-witnesses. In other cases, officials have confirmed that the victims had been detained but subsequently gave contradictory information about where they were being held and later denied that they had even been arrested. Such denials on the part of Iraqi officials have been made to the victims' families as well as to Amnesty International in cases raised with them by the organization.

In some cases, the government has stated that persons who were reported to have "disappeared" in detention simply do not exist. In October 1983, for example, Amnesty International submitted to the government the names of 114 people who had "disappeared" following their arrest by security forces between 1979 and 1982, urging that an investigation into their fate and whereabouts be carried out. Among them were five school students aged below 18 at the time of their arrest:

Muslem Hassan and Riyad Hassan: intermediate school students arrested in Basra in April–May 1981;

Nizar Najm, an intermediate school student and Samir Najm, a secondary school student: arrested in Basra in May 1981:

Samir 'Abbas: a secondary school student arrested in al-Thawra, Baghdad, in August 1981.

In their reply of December 1983, the government declared that the 114 names submitted by Amnesty International were "fictitious." There was no indication that the government had ever investigated these cases. In July 1984, Amnesty International received the testimony of a former detainee who had "disappeared" in detention and whose case was among the 114 submitted earlier to the government. He stated that he had been detained in Abu Ghraib Prison between May 1982 and March 1984 after refusing to collaborate with Iraqi intelligence. In his testimony he mentions other detainees held with him in Abu Ghraib: "Among this group are also the relatives of Iraqi [army] deserters, arrested as hostages, and the young sons of families of Iranian descent who were expelled to Iran at the beginning of the war. I can [also] cite an example of the taking of "state" hostages: four Iraqi brothers have been "enjoying" Iraqi "Arab-Socialism" with their elderly mother in Abu Ghraib Khassa for over three years. They are called: Muhammad (32 years), Ahmed (26 years), Hussain (11 years). Unfortunately I have forgotten the name of the fourth son, but he's about 18 years old now. They had been arrested because their older brother [name]—previously an official in the Ba'th Party—had escaped to Iran more than three years ago."

In other cases the government had initially denied that arrests had taken place, or that the victims were in detention, but subsequently confirmed that some of them had been executed. In February 1985, the government confirmed to Amnesty International that six members of the al-Hakim family were executed in 1983 but denied that some 90 other family members (believed to be still in detention at that time) had been arrested. However, in July 1985 the government confirmed that ten other family members were executed in March of that year, and reiterated: "As regards the imprisonment of 90 members of the Hakim family, there is no truth in these allegations". At the time of writing, over 50 members of the al-Hakim family were believed to be still in detention, but their fate and whereabouts are unknown. Among them are twelve children and young people aged between nine and 17 at the time of their arrest in 1983.

The government also denied in April 1986 the arrest of some 300 Kurdish children and youths in Sulaimaniya in September/October 1985. However, in September 1987 it confirmed the execution in January of that year of seven of them, and added that one other had been brought to trial and sentenced to life imprisonment. The fate and whereabouts of over 250 children and youths remain unknown; they have effectively "disappeared" in detention.

Reports of the "disappearance" of detainees following their arrest continue to be received by Amnesty International. Some were reported to have been arrested on suspicion of membership of support of opposition groups. 'Ismat Najman 'Abdallah, a secondary school student from Duhok, was 17 at the time of his arrest in October 1986. Mustafa Ahmad Mustafa, also a secondary school student from Duhok, was 17 when arrested in February 1987. Both were arrested by intelligence forces, apparently on suspicion of affiliation to the KDP. Their fate and whereabouts have remained unknown since.

The "disappearance" of children and young people have sometimes taken place on a large scale, with hundreds reported missing since their arrest. A group of 315 children and young people are among some 8,000 Kurds who were reported to have "disappeared" following their arrest by Iraqi forces in August 1983. The 8,000 Kurds are all members of the Barzani clan from the regions of Barzan and Merga Sur in Arbil province in northern Iraq. In 1976 and 1977 these families have been forcibly resettled by the authorities in four "housing complexes" in the province of Arbil: Qoshtapa, Diyana, Harir and Bahark. According to information received by Amnesty International, Iraqi forces carried out widespread arrests in these housing complexes between 1 and 10 August 1983. Some 8,000 males aged between eight and 70 were arrested, forced into military vehicles and removed from the area.

Some of those arrested are close relatives of Mas'ud Barzani, leader of the Kurdistan Democratic Party. The arrests took place shortly after armed conflicts between Iraqi and Iranian forces in July 1983 which led to the occupation by Iranian forces of Iraqi territory at Haj Omran. The Kurdistan Democratic Party was held by the Iraqi authorities to be responsible for assisting Iranian forces to military victory at Haj Omran. This has led to fears that the arrest of the 8,000 Kurds was carried but in retaliation for the KDP's military actions, and that they were arrested solely on the basis of belonging to the Barzani clan. On 12 September 1983, one month after the arrests took place, the Iraqi News Agency reported on a speech given by President Saddam Hussain at a reception in Baghdad. The news agency's dispatch said: "On the treachery of the sons of Mustafa Barzani, who had earlier led the rebels against the government, the President warned against co-operating with them to betray the homeland and said: we will punish those who co-operate with Barzani's sons, just as we punished the Barzani sons themselves and those who co-operated with them in the past. Those people were severely punished and went to Hell, the President added. He said that the Barzani sons had indulged in treason and had co-operated with and served as guides for the Iranian army in its attempts to occupy Iraqi territory."

At the time, those detained were thought to have been taken initially to other camps in south-western Iraq, close to the border with Jordan. However, their fate and current whereabouts are unknown. Their families fear that many of them may have been executed. Amnesty International has received the names of over 2,280 of those detained, among them 315 minors aged between eight and 17 at the time of their arrest. They include the following (see Appendix A for complete list and Appendix F1 for photographs):

Shaikhomar Yassin Isma'il: born 1975 in Baban; arrested in Qoshtapa at the age of eight;

Ihsan 'Ali Shihab: born 1974 in Barzan; arrested in Qoshtapa at the age of nine;

Farnad Ahya Ahya: born 1973 in Hupa; arrested in Harir at the age of ten;

Siyamand Salman Haji: born 1972 in Hasnaka; arrested in Qoshtapa at the age of 11;

Yasin Muhammad Yasin: born 1971 in Shengel; arrested in Qoshtapa at the age of 12;

Mala 'Ali Ibrahim: born 1970 in Pendru; arrested in Bahark at the age of 13;

'Aziz Mirkhan Hamed: born 1969 in Kanyader; arrested in Diyana at the age of 14;

Farhad Ibrahim Bapir: born 1968 in Kani Bout; arrested in Diyana at the age of 15;

Mawlud Chicho Mawlud: born 1967 in Bekhshash; arrested in Bahark at the age of 16;

Sabri Sazem Mahmud: born 1967 in Bersyav; arrested in Harir at the age of 17.

Among the hundreds of others who are reported as having "disappeared" over the years are male members of families deported to Iran by the Iraqi authorities. Following the outbreak of the Iran-Iraq conflict in September 1980, thousands of families were forced to leave their homes by the authorities. Their properties and possessions were confiscated. They were forcibly taken to border areas such as Mandali and forced to cross the border into Iran, where the majority have since lived in refugee camps. In some cases whole families were deported, while in others only the women, younger children and old people were deported (see Appendix F3 for photographs). The male members of such families—both adults and minors—were arrested, often in the presence of their relatives as eye-witnesses. They have since been detained, indefinitely without any legal proceedings. Amnesty International is not aware of any such cases where the detainees were charged with any offences. In most cases brought to the organization's attention, the families have remained ignorant of the fate and whereabouts of detained relatives. They have been prevented from making enquiries in this regard by virtue of being forcibly expelled from their country.

The majority of those arrested under these circumstances have been male members of Arab Shi'i muslim families from regions such as Najaf, Karbala' and al-Hilla, who were declared by the authorities to be of Iranian descent (taba'iyya). Also detained are male members of Feyli Kurdish families (Shi'i muslims) who have also been deported to Iran over many years. In these latter cases, however, such punitive measures were taken for overtly political reasons, since Feyli Kurds have historically been associated with opposition movements in Iraq (see Footnote 5 for brief background detail).

The following are examples of such cases where minors have been detained and whose families were deported to Iran:

'Abd al-Rahman Qasem Hatem: a student arrested on 6 February 1982 at the age of 17. He was taken from his home in Baghdad and reportedly held initially at Mudiriyyat al-Amn al-'Amma in the city. His fate and current whereabouts are unknown.

Malek Baba Isfandiyar: a Kurdish student, he was arrested on 10 April 1983 at the age of

16. He was apprehended in the streets of Baghdad and taken to an unknown destination. His fate and whereabouts remain unknown since his arrest.

'Abd al-Hussain 'Abd al-Hassan Sayyid 'Ali Gubanchi: a student arrested on 10 July 1983 at the age of 17. He was taken from his home in Najaf and initially held in the area. His fate and current whereabouts are unknown.

8. THE DEATH PENALTY

Article 6(1) of the ICCPR states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

Paragraph (5) of the same article states: "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age * * *"

Similar provisions are incorporated in Iraqi legislation, principally the Penal Code and the Juvenile Law. Article 72 of the Penal Code states: "If a boy* commits a felony punishable with death or life imprisonment, he shall be detained in a penitentiary for a period not less than two years and not exceeding five years * * *" *[ie: above seven and below 15 years of age]

Article 73(1) of the Penal Code also provides that: "If a youth* commits a felony punishable with death or life imprisonment, he shall be detained in a school for juvenile delinquents for a period not less than two years and not exceeding fifteen years." *[ie: above 15 and below 18 years of age]

In 1972, however, the Juvenile Law was passed, and its provisions regarding penalties prescribed for juvenile offenders superceded those prescribed in the Penal Code, which was promulgated in 1969. Article 32 of the Juvenile Law sets the minimum penalty for juvenile offenders under the age of 15 at five years' detention, instead of the two years prescribed in the Penal Code. Article 33 of the Juvenile Law, however, retains the maximum penalty for juvenile offenders above the age of 15 at fifteen years' detention, in line with the provisions of the Penal Code.

Amnesty International receives reports of hundreds of executions each year, but the precise number is unknown. Many victims are reportedly executed summarily following proceedings which do not conform to international standards for a fair trial and without right of appeal. Others have been executed without trial or after having been sentenced to terms of imprisonment. The victims have included members of prohibited political parties, suspected government opponents, students, children, army deserters and civilians arrested as hostages. Some victims bodies have been returned to their families bearing the marks of torture.

In recent years Amnesty International has received information which suggests that Iraq is not fulfilling its obligations under Article 6 of the ICCPR, or indeed its own domestic legislation, concerning the application of the death penalty to persons under the age of 18. Reports reaching the organization indicate that minors as young as 14 have been executed. In cases raised by Amnesty International, the government has either denied the allegations or questioned the ages of the victims concerned, stating that they were over 18 years of age at the time of their execution.

One case in which the age of the victim was not challenged by the government was that of 'Abd al-Rahman Ahmad Haji, a Kurdish youth from the village of Sewarea near Duhok. A secondary school student, he was arrested in December 1984 at the age of 16, reportedly on charges of distribution of leaflets of the Kurdistan Democratic Party. He was executed on 1 November in Abu Ghraib Prison at the age of 17. His body was returned to his family on 5 November. According to reports, he was tortured while in detention, including having his fingernails extracted. In December 1985 Amnesty International sought confirmation of his execution from the government and urged that reports of his torture while in detention be investigated. In April 1986 the government replied as follows regarding 'Abd al-Rahman Ahmad Haji and two other detainees executed in the same period: "The above-mentioned criminals have been executed for their crimes including carrying out sabotage activities using explosives and weapons against [the] peace and security of innocent citizens. The convicted were granted a fair trial where all judicial and legal measures were fully respected according to the Iraqi Constitution and the laws in force, including the right to have court-appointed lawyers defending them."

The government did not refer in its reply to the execution of 'Abd al-Rahman Ahmad Haji as a minor, nor was there an indication that the torture allegations had been investigated. The government did not respond to Amnesty International's subsequent calls in May 1986 for an investigation into these allegations, nor to the organization's request for details of the trial and appeals procedures followed in this case.

Information received by Amnesty International regarding the execution of 29 Kurdish children and youths from Sulaimaniya in January 1987 indicated that three of the victims were below the age of 18 at the time. They were: Dara Hussain Hassan from Sahikh Muhyidin, Dlir Mahmud 'Ali from Dargazin and Salah Omar from Majeed Bag. All three were aged 15 at the time of their arrest and 17 when executed. Eleven others in this group were aged 16 and 17 at the time of their arrest in 1985 but had attained the age of 18 at the time of their execution (see Appendix D for names). In its response of September 1987 to Amnesty International's appeals, the government denied that the above-mentioned 14 persons had been executed. It acknowledged that one of them, Azad Yusuf Omar (aged 17 when arrested) had been tried and sentenced to life imprisonment. The government confirmed the execution of seven others from the group of 29, all aged between 20 and 23. It stated that they had: "* * * committed criminal and subversive acts using arms and explosives against innocent civilians as well as public and private properties and establishments. * * * Therefore, and being adults according to Iraqi laws, they were tried by a special court where all judicial and legal guarantees were fully respected, including the right to have a court-appointed lawyer to defend them. They were found guilty and [sentenced to death] * * *."

The government added in its letter: "With regard to the rest of the (29) names we once again deny and disregard the allegations made about them, and we believe that the Iranian hostile regime and [its] clique [are] behind such false and unfounded allegations [and] claims, aiming at discrediting and defaming Iraq's reputation and its international position and stands."

Information received at the time by Amnesty International indicated that the bodies of the 29 children and youths were returned to their families following their execution. The families were reportedly asked to pay a sum of money upon receipt of the bodies. [In accordance with the usual practice in Iraq, families are asked to pay a customary "execution fee" upon receipt of the bodies of executed relatives. The sums requested are sometimes several hundred Iraqi dinars per body, and are said to cover state expenses on items such as bullets, coffins and transportation. Families are also frequently prevented from performing burial ceremonies or holding public mourning for their dead].

The government did not respond to Amnesty International's subsequent request for information on the judicial procedures followed during the trial by special court of the seven victims, nor to the organization's renewed call for an investigation into allegations that some of these detainees had been tortured, nor for information on the fate and whereabouts of the children and youths believed to be still detained. On 9 April 1987 the European Parliament passed by consensus a resolution[9] expressing its grave concern about reports of the arrest and detention of some 300 children from Sulaimaniya and of the execution of 29 of them, as well as allegations that some had been tortured in custody (see Appendix E for full text). The resolution:

"1. Condemns utterly these crimes which disgrace the government which perpetrates them or permits them to continue, and expresses its profound sympathy with the families of the victims of the recent murders and with the young people who are still in detention;

"2. Calls for the immediate release of all the children and young people detained on the basis of political activities undertaken by their parents or relatives;

"3. Calls on the governments of Member States to exercise all possible means of pressure on the Government of Iraq to secure the release of all remaining child prisoners in Iraq, their restoration to their families and the punishment of those guilty of torturing or murdering these victims of oppression;

"4 Warns that if these crimes continue there are bound to be repercussions on the relations of Member States with Iraq;

"5. Instructs its President to forward this resolution to the Council, the Commission, the Foreign Ministers meeting in political cooperation and the Government of Iraq."

The Iraqi Government made no official response to the resolution. In March 1988, Amnesty International received reports of the execution of 17 minors aged between 14 and 17 in the period November and December 1987. A number of these executions constituted extrajudicial killings (see Section 9). The victims were among some 360 people reported to have been executed at the time in seven separate incidents. The majority of the victims were Kurdish political prisoners from the provinces of Sulaimaniya, Arbil, Kirkuk, Duhok and Zakho. However, scores of political prisoners including Arabs, Kurds and Turcomans, were reported to have been executed in Abu Ghraib Prison on 30 and 31 December 1987 alone. According to reports, some of the victims were executed without charge or trial, or after having been sentenced to death by military court following summary proceedings. Others were said to have been executed after having been sentenced to terms of imprisonment. Some of the victims' bodies bore the marks of torture.

Nariman Othman 'Abdallah and Fallah Wali, two Kurdish youths from the town of Shaqlawa (Arbil Province) were reported to have been executed between 14 and 18 November 1987. They were aged 16 at the time. They were among a group of 32 Kurds arrested in the second half of October 1987 and executed by firing squad in the city of Arbil.

The executions were said to have been carried out in reprisal for an earlier attack on Iraqi personnel in the area by the KDP's Pesh Merga forces. The bodies of the victims were returned on 18 November to their families, who were asked to pay 50 Iraqi dinars each upon receipt. They were prevented from holding public mourning or burial ceremonies.

Five Kurdish youths aged between 15 and 17 were reported to have been executed between 10 November and 28 December 1987. Isma'il As'ad and Latif 'Adel, both 15 years of age, were executed on 18 November in Fa'ideh Garrison, located between the cities of Duhok and Mosul. Segvan Khaled 'Ali, aged 15 and Hewul Misho Miho, aged 17, were also executed in Fa'ideh Garrison on 10 December. Rizgar 'Abdallah, aged 16, was executed in Mosul Training Camp on 28 December. The five youths were among 31 Kurds, suspected of being KDP sympathizers, who were said to have been sentenced to death by military court following summary proceedings. They were executed by firing squad.

Eight children aged between 14 and 17 were among some 150 political prisoners reported to have been executed in Abu Ghraib Prison on 30 and 31 December 1987. The eight were Kurds from the province of Sulaimaniya whose bodies were handed back to their families in early January 1988. The family were asked to pay 300 Iraqi dinars per body upon reciept. The eight victims, all secondary school students were: Karawan Nawzad Hama Agha, aged 17; Dara Muhammad Sadeq, aged 17; Ribwar Muhammad Karim 'Aziz, aged 16; Shirko Rida Ahmad Rida, aged 17; Rizgar Anwar Haji Rida, aged 16; Jamal Hama Saleh, aged 15; Dana Haji Sidiq Ma'ruf, aged 14 and Luqman Haji 'Ali, aged 16.

Following appeals in March 1988 from Amnesty International regarding the wave of executions of November and December 1987 described above, the organization received the Iraqi Government's response on 17 August 1988. The letter stated the following: "It is untrue that execution took place of persons alleged to have not reached their maturity age."

On the execution of 32 Kurds, including two minors, from the town of Shaqlawa, the government said: "* * * The allegations of executions of (32) Kurds, of which you have mentioned (25) by name, are again false and baseless."

On the executions in Fa'ideh Garrison: "* * * there is no truth in the allegations of execution of seventeen people you have mentioned as being executed at the Fa'ideh Garrison, as no executions of citizens have ever taken place in military garrisons."

On the executions in Mosul Training Camp: "* * * with regard to the alleged executions of (14) people in a training camp in Mosul on 28th December, I would like to confirm that this is a false allegation".

The government confirmed that two people, both adults, were executed in the training camp after having been found guilty by a special court of sabotage and murder. On the executions in Abu Ghraib Prison, the Government said: "* * * regarding the allegations of more than (150) political prisoners on 30th and 31st December 1987 in Abu Ghraib Prisons, this has been grossly exaggerated and in certain aspects it lacks truth altogether."

Amnesty International had submitted the names of 46 of the 150 victims reported executed in Abu Ghraib. The government confirmed the execution of nine of them who were: "* * * convicted of crimes that involve capital punishment. Consequently, they were put on trial by a special court, and were represented by lawyers with all other legal requirements fulfilled. They made confessions of their crimes including carrying weapons and attacking civilians with hand grenades, the death sentence was passed accordingly."

Two of the nine victims whose executions were confirmed by the government were, according to Amnesty International's information, aged 16 at the time of their execution. They were Luqman Haji 'Ali and Ribwar Muhammad Karim 'Aziz. The government stated that Luqman Haji 'Ali was in fact 23 years of age, not 16, when executed. However, despite denying in its letter that minors have been executed, the government confirmed that 16-year-old Ribwar Muhammad Karim 'Aziz had been executed and did not contest his age as documented by Amnesty International. According to the organization's information, the youth had been in detention since 1984 when he was 13 years of age. The government ended its letter by saying: "* * * I sincerely hope that by providing these answers, I have managed to convey to Amnesty International the facts as they are in each case [and] have helped overcome all suspicions about the reality of the matter and exposed the elements standing behind the fabricated accounts given in certain cases.

"These answers have been provided in the hope of establishing a constructive and fruitful co-operation, as we further wish that Amnesty International would allow to reach to the truth of the matter prior to a hasty publication of such allegations, given the fact that there are hostile groups aiming at defaming Iraq's reputation through these fabrications.

"I would like to make it clear to you that Iraq, despite having to fight a war imposed on it for the last eight years, has ratified and adhered to the International Covenant on Civil and Political Rights since 1971."

9. EXTRAJUDICIAL EXECUTIONS

"* * * all children in the Iraqi province of Kurdistan enjoy the same care and protection without any discrimination as all other Iraqi children." (taken from a letter to Amnesty International from the Iraqi Government, 25 April 1986)

The above statement was part of the Iraqi Government's response to appeals sent by Amnesty International following the reported arrest and detention of some 300 Kurdish children and youths from Sulaimaniya in 1985. Before that date, Amnesty International had received reports of incidents involving the deliberate (extrajudicial) killing of unarmed civilians by Iraqi government forces and of the mass execution of political prisoners. Such killings appear to have continued unabated. In the past two years such incidents have become more frequent, involving the killing of a greater number of people. The prime target in the recent killings has been the Kurdish population of Iraq, with the number of victims killed in 1988 alone running into thousands. The victims have included whole families—men, women and children—killed as a result of large-scale military attacks on civilian targets. The Iraqi Government has tendered to deny that such killings have taken place, or that its own troops were the perpetrators. In some cases it has held Iranian forces responsible for the killings, despite overwhelming evidence to the contrary.

Such killings have frequently been carried out in retaliation for the activities of Kurdish opposition forces, for which children and young people have sometimes paid the price. In July 1986, for example, Amnesty International received reports of the extrajudicial killing of 21 people in Sulaimaniya and Arbil in northern Iraq in March and April 1986. Fifteen of the victims were students from secondary schools and the University of Salah al-Din in Arbil, who were arrested and summarily executed in public in the city between 27 March and 3 April. The executions were said to have been carried out in retribution for an attempted assassination in late March 1986 on the life of the Governor of Arbil by Kurdish opposition forces. The governor was said to have been wounded in the attempt in accordance with usual practice in Iraq, the homes of some of the victims were subsequently razed to the ground with bulldozers. A large number of civilians, including students, were reportedly arrested during the operation, and their fate and whereabouts remained unknown. In another incident, six detainees were reported to have been summarily executed on the afternoon of 9 April. The executions were carried out in public in a square outside Sulaimaniya Central Prison. The six victims, aged below 18 at the time of their execution, were sympathizers with the Patriotic Union of Kurdistan. They were: Keywan Muhammad 'Abd al-Karim, Bakhtiar Satter Karim, Soran Nuri Othman, Mawlud Rashid Faraj, Hawry Akbar Ahmad and Hawry Muhammad Qadir.

Over the years Amnesty International has documented a number of incidents of deliberate killings which could not be attributed solely to fighting. In October 1985, over 300 Kurds were reported killed in the cities of Sulaimaniya and Arbil following the killing of two army officers by Pesh Merga forces. Some of the victims were arrested, lined up and shot. Others were allegdly buried alive, or died when troops fired directly into crowds of demonstrators, many of whom were students. More recently, an estimated 100–150 Kurds, including women and children, were said to have been summarily executed following house-to-house searches in the village of Jiman (Kirkuk Province) in November 1987. Jiman is one of hundreds of Kurdish villages declared by the authorities since March 1987 as 'prohibited for reasons of security' and whose inhabitants have been forcibly resettled. The village was bombarded after its inhabitants had returned there, having earlier been evicted. Amnesty International received the names of thirteen of the victims killed in Jiman, among them two minors: Nazem Haidar (aged 17) and Fa' eq Bakr Qader (aged 15). The government denied that the incident had taken place, stating in a letter to Amnesty International received on 17 August 1988: "* * * regarding the alleged eviction of inhabitants from the village of Jiman in al-Ta'min (Kirkuk) Province, I would like to inform you that the Iraqi forces have never carried out such an operation. Reports of this incident are mere fabrications."

The years 1987 and 1988 witnessed the most deliberate and systematic killing of Kurds, notably unarmed civilians. A number of instances when Iraqi forces repeatedly used chemical weapons in the Kurdish region, ostensibly for military purposes, suggest strongly and clearly the existence of such a government policy. Amnesty International believes the killing of thousands of Kurds in separate incidents in this period to be a systematic and deliberate policy on the part of the government to eliminate large numbers of Kurdish civilians, both as punishment for their imputed political sympathies and in retaliation for the activities of opposition forces. Hundreds of the victims have been children and infants.

In one incident in mid-April 1987, following a chemical attack on the Balisan Valley in Arbil province, some 360 people from the village of Shaikh Wasanan, wounded as a result of the attack, were transferred to Arbil's hospitals for treatment. According to accounts received by Amnesty International, including one from an eye-witness, the victims (among them women and children) were denied medical treatment and were transferred by the security forces to a detention centre in Arbil. They reportedly "disappeared several days later after being transferred to an unknown destination outside the city. Their fate and whereabouts remain unknown, and it was alleged that they may have been executed. Amnesty International received the names of 48 of the victims.

The well-documented incident involving the killing of an estimated 5,000 civilians following a chemical attack on the town of Halabja in March 1988 speaks for itself. Whole families, including hundreds of children and infants, were killed in the space of two days on 16 and 17 March. Survivors were transferred to hospitals in Iran for urgent medical treatment (see Appendix F5 for photographs). The Iraqi Government continues to deny responsibility for the killings, stating that the perpetrators of the massacre were Iranian forces.

In less than ten days after the killings in Halabja, Iraqi forces were reported to have launched another attack using chemical weapons on the region of Qaradagh in Sulaimaniya province. Several hundred survivors, perhaps as many as four hundred, were said to have been apprehended as they made their way to the city of Sulaimaniya to seek medical treatment for wounds inflicted during the attack. Among them were said to be women and children. They were reportedly taken to the military garrison of Tanjaro, located 4 kms outside Sulaimaniya, and executed by firing squad on 2 April.

Amnesty International expressed its deep concern about these killings in a statement to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities on 17 August 1988. It warned of further deterioration of human rights after the ceasefire between Iran and Iraq should such abuses continue unnoticed and unchecked by the international community. The following day, 18 August, the observer delegation of Iraq at the Sub-commission exercised the right of reply under Rule 69 of the Rules of Procedures by responding thus: "If we return, Mr. Chairman, to the interventions of some organizations which made reference to Iraq, we note with regret that one of these organizations, which enjoys a wide reputation, has gone down a clearly political path on more than one occasion in its statement * * *.

"This organization * * * concludes by saying that the human rights situation in Iraq will not improve once the war comes to an end, but on the contrary it will be aggravated. This expectation on the part of the organization is an expression of a preconceived judgment, reflecting a biased political position and lacking in objectivity. We wonder how it is possible for the human rights [situation] in a country at war to be better than it would be in time of peace. No, [this] convince[s] us that behind these allegations are clear political aims which have lost this organization its credibility.

"With respect to the town of Halabja, my delegation makes clear that this town was the site of military operations, and that it was occupied during these operations by Iranian troops which used various weapons, including chemical weapons, against its Iraqi civilian inhabitants. It is natural, then, that these statements should have been addressed to the aggressors which occupied the town and violated every single article of the United Nations Charter".

In late August 1988, further reports were received of the deliberate killing of hundreds of unarmed Kurdish civilians, including women and children, as a result of military attacks by Iraqi troops on Kurdish villages in northern Iraq. According to information received at the time thousands of Iraqi troops launched military attacks using tanks, helicopter gunships, artillery and chemical weapons on hundreds of Kurdish villages in the so-called "liberated zone" in the north. Among the areas principally affected were the Zakho, 'Amadiyya, Bamarni and Sersenk regions of Duhok province, Shaikhan and Atrush in the province of Mosul, and Sherwan, Sidakan and Balisan in the province of Arbil. The majority of the victims were reported to be unarmed civilians, including women and children. Tens of thousands of troops were said to have been deployed, including units of the Presidential Guards and arm troops redeployed from the war front. The offensive was launched shortly after the Iranian Government's announcement on 19 July 1988 of its acceptance of a ceasefire in its conflict with Iraq in accordance with UN Security Council Resolution 598 of 20 July 1987.

Thousands of villagers fled the affected areas to seek refuge in Turkey in late August as further instances of deliberate killings by government forces continued to be reported. On 31 August the Turkish authorities confirmed that temporary refuge on humanitarian grounds had been granted to some 57,000 Kurds who crossed the border into Turkey. Other families fleeing from Iraq entered Turkey in early September, while others fled to Iran. The vast majority gave consistent accounts to reporters from the Turkish and Western media of the use of chemical weapons by Iraqi forces in the offensive. Amnesty International issued urgent appeals to the Iraqi authorities on 2 September to put an end to the killings. On 8 September, the organization issued an unprecedented public appeal to the UN Security Council "to act immediately to stop the massacre of Kurdish civilians by Iraqi forces", stating that the "systematic violations" taking place in Iraq "call out for immediate action by the Security Council". On 16 September, the Iraqi Government refused a request made by the UN Secretary General, Javier Perez de Cuellar, to allow a UN team to travel to Iraq to investigate the reported killings.

In early October 1988, Amnesty International delegates carried out a fact-finding visit to camps in south-eastern Turkey where thousands of Kurdish refugees who had fled Iraq were being sheltered (see Appendix F6 for photographs). The accounts given by the scores of refugees interviewed of the Iraqi forces' offensive proved consistent with earlier reports Amnesty International had recieved. A number of the refugees came from the regions of Zakho and 'Amadiyya in Duhok province, and described the attacks which took place on their villages in August 1988. Some of those interviewed said members of their families, including children, had died instantly as a result of chemical attacks, while others were too seriously wounded to flee. Iraqi troops were said to have first used chemical weapons, then entered the affected villages, dynamiting the houses or razing them to the ground with bulldozers.

Over a number of years, Amnesty International has also receive reports indicating that the Iraqi Government has repeatedly resorted to the poisoning of its opponents as a method of eliminating them. The most widely used poison, thallium, is a heavy metal commonly employed as rat poison. Amnesty International first appealed to the Iraqi Government to investigate reports of thallium poisoning of political opponents in September 1980, after receiving detailed evidence that former political prisoners had been victims. There was no response to these appeals from the government. Similar reports continued to be received since then, the most recent reported incident having taken place in November 1987. In this instance, Amnesty International was able to document in detail and obtain medical evidence of the poisoning. It was an incident in which Trifa Sa'id Muhammad, a 14-year-old Kurdish girl, was an innocent victim (see Appendix F4 for photographs).

According to Amnesty International's information, she was one of ten Iraqi Kurds who were poisoned with thallium on 24 November 1987 in the town of Marga (Sulaimaniya province). The poison was said to have been put in a yoghurt drink by a female agent of the security forces working at the home of a member of the Patriotic Union of Kurdistan (PUK). The victims included members of the PUK and the Kurdistan Socialist Party-Iraq. Three of the victims died within ten hours of drinking the poisoned yoghurt, one of them being Trifa's grandmother who was aged 60 at the time. The seven survivors suffered a range of symptoms associated with thallium poisoning, including vomiting, fever, neurological disorders and loss of hair. They were eventually taken to hospitals in Tehran, but subsequently the three most serious cases were flown to London for urgent treatment, among them Trifa's uncle. The consultant physician who treated them in London confirmed that the three patients were "seriously affected" as a result of "acute thallium poisoning".

Trifa Sa'id Muhammad was transferred to a hospital in Tehran in late February 1988, some three months after being poisoned. Winter conditions had made travelling earlier impossible through the mountainous terrain of the Kurdish region. The report of Trifa's medical condition, based on an examination conducted on 5 March 1988 in Tehran, stated that she had "arrived too late to benefit from therapy" (the antidote to thallium, known as Prussian Blue, is only effective when administered within 2-3 weeks after poisoning). Diagnosis of her condition was as follows: "* * * both legs involved with serious loss of sensory and motor functions. In addition [to] hair loss there is muscular atrophy [in] upper arms and some evidence of ascending paralysis * * * further treatment and rehabilitation strongly recommended * * * [Trifa] presently in wheelchair * * * [It is] expected that hair loss will recover spontaneously but neurological damage can only be treated paliatively with physiotherapy. Dryness of the eyes and mouth can be addressed with some oral hygiene and eye drops * * *"

In early May 1988 Trifa Sa'id Muhammad was flown to the Netherlands where she continues to make gradual recovery through physiotherapy. The following are extracts from her testimony: "After the meal I travelled to another place in Kurdistan. I didn't know I was poisoned as well. After three days my hair began to fall and at the same time I felt weakness in my legs and I walked as if I was drunk. After seven days all my hair was lost and when I walked the problems in my knees were so bad that I fell after a few steps.

"The pain in my legs was terrible and because of the pain I could not stand any more. Every movement was giving me a lot of pain and I cried and shouted when my legs touched one another or touched the blanket.

"I was at this time in a little village near Marga, this place was under the control of the Pesh Merga. After this first week I was sure I was poisoned as well. I didn't have any appetite at all and was getting weaker and weaker. The movements in my legs were getting less and less. After three weeks I was completely paralyzed in both my legs.

"This was all when I was with the Pesh Merga and all the help I had was infusion and some tablets for the pain. They wanted to transport me to Tehran but this was impossible because of the bad weather conditions. Roads were hard to travel, snow was falling and of course the war in the area was dangerous. I couldn't ride a donkey in my condition, and had to be transported lying down.

"After four weeks my condition was getting very bad and they decided that they should try to transport me. But after a couple of hours they had to stop because I was frozen and the pain in my legs was unbearable. They couldn't give me anything else in Kurdistan, only some tablets and infusion. On 20th February I arrived in Tehran. The journey [to Iran] took four days and I travelled on a donkey. This time I managed because the weather was milder and there were more people to help me.

"First I came to Sardasht and after one day to Tabriz. After one night in Tabriz I was brought to Tehran by aeroplane. I went to Luqman Hakim Hospital and stayed there for two months until 4th May * * *"

On 13 January 1988, Amnesty International called on the Iraqi Government to investigate reports of the security forces' use of thallium poisoning against political opponents. There was no response from the government. However, Iraq's ambassador to the United Kingdom stated, in press interviews, that the allegations were "false " and "bizarre".

FOOTNOTES

[1] CCPR/C/1/Add.45, 8 June 1979.

[2] CCPR/C/37/Add.3, 18 July 1986.

[3] Penal Code (Article 66) and the Juvenile Law (Article 1).

[4] Taken from a statement delivered by the observer delegation of Iraq at the 40th Session of the United Nations Sub-Committee on Prevention of Discrimination and Protection of Minorities, during the discussion of Agenda Item 6 (Geneva, 18 August 1988).

[5] Prior to the creation of the State of Iraq in 1921, all persons living in that region were registered under either the Ottoman or Iranian protectorates. The two protectorates were divided along confessional lines: Sunni muslims (both Arabs and Kurds) were registered under the Ottoman protectorate, while Shi'i muslims (both Arabs and Kurds) were registered under the Iranian protectorate. When the State of Iraq was created and Iraqi nationality introduced, each person was obliged to register on his nationality form his original protectorate. The thousands of families deported to Iran by the Iraqi government following the outbreak of the war in 1980 were those whose original protectorate was Iranian (referred to as taba'iyya). They include people whose families had lived in Iraq for generations, held Iraqi citizenship and carried out military service in the Iraqi armed forces. Apparently the sole criterion used for their deportation was that their nationality forms indicated that they were of Iranian descent or taba'iyya.

Also deported to Iran have been Feyli Kurds who, unlike the vast majority of Iraqi Kurds, are Sh'i muslims. Over the years, large numbers of Feyli Kurdish families have been expelled from Iraq by successive Ba'thist governments. Historically, Feyli Kurds had been associated with opposition groups in Iraq: the communists in the 1950s, the Kurdish nationalists in the 1960s and 1970s and, most recently, the Shi'a movement in the country.

[6] CCPR/C/1/Add. 45, 8 June 1979, pages 44–45.

[7] CCPR/C/1/Add. 45, 8 June 1979, pages 65–66.

[8] Torture in Iraq: 1982–1984 (AI Index: MDE 14/02/85).

[9] Joint Resolution replacing Docs. B2–171, 179 and 187187 of 9 April 1987. Published in Official Journal of the European Communities, No. C 125/132, 11 May 1987.

TESTIMONY BY JOSHUA R. GILDER, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, JUNE 15, 1990

U.S. RELATIONS WITH IRAQ

Human rights, as such, are not recognized in Iraq. As our report details, the ordinary Iraqi citizens knows no personal security against government violence. Disappearances, followed by secret executions, appear to be common. In some cases, a family only learns that one of its loved ones has been executed when the security services return the body and, in line with the Iraqi regime's view of justice, require the family to pay a fine.

The penalty for expressing opinions deemed objectionable by the regime is swift and brutal. We believe that over the past ten years many thousands to tens of thousands—and I will speak to the inexactitude of our figures in a moment—have been arrested by the secret police on suspicion of opposition to the government. While the judicial system seems to function fairly well by regional standards for people accused of crimes with no political implications, there is not even the charade of due process for those charged with security-related offenses. I should add that security-related offenses are broadly defined to include such routine criminal matters as currency violations.

Torture is routine, for security offenses and ordinary crimes alike, and confessions extracted under torture are admissible in court. Treatment is reported to be the worst immediately following arrest and during the period of interrogation and investigation, which can last for months.

Compiling accurate information on human rights in Iraq is made extremely difficult by the highly secretive and repressive nature of the regime. Diplomatic travel is severely restricted, and most Iraqis are, quite understandably, fearful of speaking their minds to foreigners—or to anyone else for that matter.

The Iraqi regime is authoritarian in the extreme. There are some exceptions. The practice of religion is largely free. There has been some attempt to relax the worst aspects of the statist command economy. In general, however, the regime is ruthless in its efforts to maintain absolute control over the population.

Control is exercised in part through the Baath Party apparatus. The party is a secretive one. While it has a large grass roots membership, decisionmaking is concentrated among the few at the top. The lower ranks serve as informers on the political reliability of their neighbors. There are many other intelligence networks through which the government monitors the citizenry, as well as keeps a careful eye on the military and the Baath Party itself. I have already described the punishment for stepping out of line, or being deemed unreliable by the government. Periodically, over the last two years, the regime announced that it had uncovered incipient coup plots within the military. Hundreds were arrested. We do not know how many were executed.

The Baath Party is a Pan-Arabist party. As such, it has integrated Arabs of various religions and sects quite well, but has had trouble finding an ideological niche for Iraq's non-Arab citizens, most of whom are Kurds. The disaffection of elements of the Kurdish population did not begin with Baath Party rule, but the current government's policy has resulted in enormous human rights abuses.

With respect to the Kurds, the Iraqi government has followed a policy of carrot and stick. It has sought to gain the support of as many Kurdish tribes as it can, using the carrot of ethnic cultural freedom. There is a Kurdish Autonomous Region with its own institutions, providing patronage for Kurdish tribes that support the regime. Kurdish language and culture are fostered, and education in Kurdish is available through the secondary level.

But the stick of Iraqi policy has been brutal. During the Gulf War, in which Iran took advantage of the dissatisfaction among Kurdish tribes, the Iraqi Government began a campaign of destroying suspect villages, relocating the populations to closely-watched cities and new settlements. After the ceasefire with Iran, Iraq's campaign to dislodge rebels from the areas they controlled was accompanied by the shocking, indiscriminate use of chemical weapons—killing thousands of men, women, and children. After Iraqi troops regained these areas, destruction of villages and towns, and population transfers were speeded up, until finally some 500,000—about one-seventh of the entire Kurdish population of Iraq—were displaced. Although we understand Iraqi authorities are now allowing displaced villagers to commute to their lands to cultivate the fields and orchards, we remain extremely concerned about the overall effects of this massive displacement.

Let me stress that in detailing our concerns over the treatment of Iraqi Kurds we are not taking a position on the roots or aims of Kurdish rebellions, but rather on abuses of internationally recognized human rights. The United States Government supports the territorial integrity of the states in this region, and holds that Kurds should seek to fulfill their aspirations peacefully within this context.

During the last two years the Government of Iraq has announced its intention to institute reforms. Wartime travel restrictions have been relaxed, permitting large numbers of Iraqis to travel abroad for the first time in eight years. Elections for the National Assembly and the Kurdistan Autonomy Council were held in April and September 1989, respectively. Independents were allowed to run, and some Baath Party members were defeated. However, all candidates were carefully screened for support for the Government, and in any event neither body has any real power or legislative function as we would understand the terms.

A new constitution has been drafted and was submitted to the President last January. According to a recent Iraqi press report, the draft has undergone the finishing touches by a panel of six members of the Iraqi leadership, and it will soon be submitted to the National Assembly and to a popular referendum.

It is, however, one thing to adopt a constitution and another thing to respect it. The current Iraqi constitution includes clauses on respect for human rights, a ban on torture, and the independence of the judiciary—none of which has any apparent effect in practice. If Iraq wishes to end international criticism of its human rights record, it must take steps that are real, not cosmetic. It must end the climate of fear imposed by its security apparatus and hold meaningful elections that are more than a mere charade. It must institute a truly independent judiciary and allow for a truly free press that does more than simply parrot the government line.

Most important of all, it must treat its citizens with dignity and give them the chance to live secure in their own homes and persons—free from the omnipresent threat of government repression and violence.

U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

Iraq is in effect a one-party state governed by the Arab Ba'ath Socialist Party (ABSP) through a Revolutionary Command Council (RCC) which has both executive and legislative authority under the provisional Constitution of 1968. Saddam Hussein holds decisive power as President of the Republic, Chairman of the RCC, and Secretary-General of the Regional Command of the ABSP. Two other small parties are essentially support groups for the Government. In 1989 the Government announced its intention to adopt a multiparty system enshrined in a new constitution. Elections for the National Assembly—which has few powers—were held April 1. A draft constitution which would reportedly allow a multiparty system was completed in 1989 and is expected to be put to a referendum in early 1990. It remains to be seen, however, whether this will dilute the monopoly of power held by Saddam Hussein and the ABSP. Iraq's population comprises many disparate groups, most notably Shi'a and Sunni Muslim Arabs, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans.

Iraq's military is large and well trained, and parts of it, notably the Fursan, or Kurdish tribal levies, have responsibility for security within the Kurdish autonomous region. The National Police is responsible for civil order.

The Government exerts a high degree of control over the economy, dominated by the petroleum sector, and owns all major industries. The Government has been carrying out a program of divestiture and privatization in agriculture, tourism, services, and light industry, and is trying to attract investor capital and expertise in the operation of the economy. However, close government regulation of economic activity is expected to continue.

Iraq's human rights record remained abysmal in 1989. Effective opposition to government policy is stifled; the intelligence services engage in extensive surveillance and utilize extralegal means, including torture and summary execution, to deal with antiregime activity. The civil rights of Iraqi citizens continue to be sharply limited, and Iraqis do not have the right to change their government. The freedoms of speech and press and of assembly and association are virtually nonexistent. Other important human rights problems include continuing disappearances and arbitrary detentions, lack of fair trial, widespread interference with privacy, excessive use of force against Kurdish civilians, and an almost total lack of worker rights. In addition to the repressive domestic controls that predate the war with Iran, tight wartime controls, including travel restrictions, remain in effect despite the August 1988 cease-fire with Iran.

An armed Kurdish insurgency continued in 1989, but at a reduced level. Although there were no allegations that the Government used chemical weapons against Kurdish civilians in 1989, as it did in 1988, in its efforts to crush the rebellion, it continued to violate the human rights of elements of the Kurdish population. The Government announced in June that in its campaign to suppress the rebellion it has pursued a program since 1987 of establishing a depopulated security zone along the full length of Iraq's borders with Iran and Turkey. Under this program, the Government has destroyed villages within a 30-kilometer-wide zone and relocated approximately 500,000 Kurdish and Assyrian inhabitants into more easily controlled and protected towns, cities, and newly constructed settlements in traditional Kurdish areas.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

For years execution has been an established Iraqi method for dealing with perceived political and military opponents of the government, including, but not limited to, members of the outlawed Da'wa organization (an Iran-supported fundamentalist Shi'a Muslim group that has engaged in acts of international terrorism). In some cases, a family only learns that one of its members has been executed when the security services return the body and require the family to pay a fine.

Amnesty International (AI), in its presentation before the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities in August, stated that it had received allegations that some 80 army deserters were executed in December 1988 and charged that the Government executed 11 of its Kurdish opponents in March and April 1989.

In its February report, "Iraq: Children: Innocent Victims of Political Repression," AI stated that it receives allegations of hundreds of executions in Iraq each year. AI cited the case of 29 Kurdish children and youths allegedly executed in January 1987. In addition, AI, in its 1989 Report covering 1988, cited allegations that hundreds of civilians, including women and children, were executed at Tanjaro Military Garrison, Sulaimaniya province. Independent information to confirm the allegations cited in AI reports is not available.

b. Disappearance

In the February report, AI asserted that thousands of people arrested over the years by Iraqi security or intelligence forces reportedly have "disappeared" while in detention, with many feared executed. In its August presentation to the U.N. Subcommission, AI reported the disappearance in mid-April of Mulla Muhammad Dalgayi, described as the imam of Qal'at Diza, who was among delegates from Kurdistan who reportedly met with government officials to appeal against forced settlement of the Kurds at Qal'at Diza. He was reportedly arrested in Baghdad and has since disappeared. An Assyrian organization based in the United States charged in March that the whereabouts of 33 Assyrians, who took advantage of the amnesty issued by the Government and returned to Iraq from Iran and Turkey, were unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, but it is clear that both physical and psychological torture are used by the authorities, especially the security policy. Given the rigid chain of command within the Government and the security services, torture could not be practiced without the knowledge or authorization of senior officials.

Emigre groups and former prisoners assert that persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases.

Security-related offenses are broadly defined and include such routine criminal matters as currency violations.

In its 1989 Report, AI stated that the routine torture and ill-treatment of prisoners continued to be widely reported. It said the victims included detainees below the age of 18 who were reportedly beaten, whipped, given electric shocks, and deprived of food. The Government categorically denied any use of torture against children as an official policy or as a practice, and stated its readiness to consider fully any individual allegation with a view to bringing perpetrators to justice. Impartial observers have so far been unable to look into these allegations.

d. Arbitrary Arrest, Detention, or Exile

While the Constitution and legal code provide for the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search, these provisions have virtually no weight in political or national security cases, although they are generally respected in ordinary criminal cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes becomes known only after they have been executed. Security charges have included espionage, treason, and conspiracy against Iraq, in collaboration with unnamed foreign enemies.

The relocation of 500,000 Kurdish villagers to other areas of Kurdistan since 1987 may be considered a form of internal exile. The Government declared in June 1989 that it was creating an uninhabited security zone to ensure the safety and security of citizens in the border regions (who were subjected to shelling and military operations during the war with Iran) and to provide better services to the villagers.

Although the Government has ceased expelling Iraqis of supposed Iranian descent, most of the few remaining Iranians have been imprisoned or live under the fear of deportation or incarceration. Spouses of Iraqis of Iranian orgin are required to obtain a divorce or suffer the same consequences. Moreover, other Iraqis, whose grandparents are shown not to be of Iraqi origin, are subject to arbitrary detention and deportation.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Iraq's legal system provides for investigation by police and then by an inquiry judge who may refer a case to the courts or dismiss it. Judges try criminal cases; there are no juries. Convictions may be appealed to the Court of Appeal and then to the Court of Cassation, the supreme court. There are no Shari's courts per se in Iraq; however, family courts administer Shari's law modified by Iraqi custom.

Trials of oridinary cases are held in civil, criminal, and religious courts and are open. Defendants are entitled to counsel—at government expense if the defendant is indigent. Charges and evidence are available for review by the lawyer. Appellate courts hear cases not under the jurisdiction of the Revolutionary Courts.

In contrast to ordinary cases, security cases are handled by the Revolutionary Courts, which usually hold closed trials. Security cases include espionage, treason, smuggling, currency exchange violations and drug trafficking. The right of defense in such courts is said to be severely restricted. The "special courts" constituted by the RCC for specific incidents, such as the reported conspiracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights; defendants are held incommunicado, and confessions extracted by torture are admissible. Appeals can be taken only to the chairman of the RCC. However, the utility of this appeal is questionable, since there are reports that executions take place shortly after trial.

Political dissent in Iraq is taken by the authorities to encompass a wide range of activities and, in an environment where public acknowledgement of arrest or imprisonment is rare, it is extremely difficult to estimate the number of political prisoners. In its 1989 Report, AI stated that "thousands" of political prisoners continued to be arbitrarily arrested and detained, especially members of prohibited political parties, Army deserters, and draft resisters. Relatives, including children of suspects, are said to be held as hostages to compel confessions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. However, warrants are not required for the arrest of security suspects. Although most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa organization.

Although the Constitution provides for the confidentiality of mail and telegraphic and telephone correspondence, many Iraqis believe that the monitoring of telephones is a common practice and that all mail is subject to review by censors. The security services and Ba'ath Party maintain pervasive networks of informers. The Government maintains a close watch against Iranian attempts to exploit dissatisfaction among Iraqi Shi'a, who adhere to the branch of Islam prevalent in Iran.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Elements of Iraq's Kurdish population have engaged in armed struggle with all governments of Iraq periodically since the 1920's. The outbreak of the Iran-Iraq war in 1980 sparked a new antigovernment insurgency by Kurdish elements, many of whom fought with or aided Iran during the war. From 1981 to 1989, the Government's efforts to crush the rebellion militarily resulted in approximately 8,000 deaths, many of them civilians killed indiscriminately by chemical weapons in 1988.

Although the fighting was at a reduced level in 1989, Kurdish military operations continued, as did government measures to contain them. Kurdish rebels continued to announce their hostility towards the central Government. On August 29, 1989, the leader of one group of insurgents stated to the press in Geneva that his group would target foreign interests in Iraq supporting the Iraqi regime. At year's end, the cycle of Kurdish rebellion and government repression remained unresolved.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The freedoms of speech and press are not respected. The Constitution prohibits "any act aimed at undermining the national unity of the people, provoking racial, sectarian, and regional bigotry, or violating gains and achievements of the country." The Government views political dissent as a threat to its security and strictly controls speech and all information media. All publications are subject to censorship. The Government and the Ba'ath Party own and operate the press, radio, and television. The media do not criticize the Government, and news reporting is strongly biased. There is no presentation of opposition viewpoints.

Few foreign periodicals reach Iraq and those that do may be censored. Western newspapers are not sold. Foreign visitors' magazines, newspapers, cassettes, cameras, and video cassettes may be confiscated at the airport. To control the dissemination of political leaflets, word processors and computers must be registered. Failure to register is a criminal offense. Iraqis no longer need to register their typewriters or photocopiers, but foreigners in Iraq must do so. Taking photographs of military installations, government buildings, or areas near sensitive locations is forbidden and punishable by imprisonment. Journalists and photographers visiting Iraq at the invitation of the Government are required to present film taken in Iraq for inspection by the authorities.

b. Freedom of Peaceful Assembly and Association

These freedoms are severely limited. Public meetings may only be organized under the auspices of the Government or the Ba'ath Party. Association for nonreligious purposes and demonstrations without government approval have met with severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Iraq is an ethnically and religiously diverse society. Since its rise to power in 1968, the Ba'ath Government, while carefully controlling religious groups, has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism. A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places of worship, appointment of clergy, publication of religious literature, and participation in religious councils and meetings. Muslim religious leaders operate under close government supervision, are considered government employees, and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has provided allotments to them and to churches for maintenance and refurbishing. There are no penalties under Iraqi law for changing one's religion, although there is a social stigma for Muslims who convert to another faith.

While the Government has assumed much greater authority in Islamic religious affairs since 1981. It has been less intrusive into the religious affairs of Iraq's Christians, who number more than 500,000 and constitute nearly 4 percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist, and some new churches have been constructed, in some cases with government financial support. The Jewish community has decreased from 150,000 following World War II to under 400. There is no evidence of recent persecution. One synagogue in Baghdad still functions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences of workplaces. However, they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off limits. There are police checkpoints on highways and outside major towns, but Iraqis and nondiplomatic foreigners travel freely in nonrestricted areas.

The Government's harsh campaign to suppress Kurdish rebels, involving mass relocations of Kurdish villagers, has nullified the right of hundreds of thousands of Kurds to choose their place of residence. Since the Government began its programs of forced relocation in 1987, an estimated 500,000 people have been uprooted. Since traditional Kurdish culture has been deeply embedded in the rural village, the forced removals and razing of villages has had a destructive impact on the lives of some half a million Kurds.

Most foreigners who remain in the country for more than 30 days and all Iraqis must obtain exit permission. Travel has been severely limited since September 1986, when the Government imposed tight restrictions on currency exchange. These restrictions were eased somewhat in 1989, but the most an Iraqi may exchange is 1,000 dinars ($3,220). Because of the drain on the economy caused by the war and reconstruction, permission to travel abroad is restricted to a few categories of Iraqis, including officials, businessmen, government-approved students, and persons needing medical treatment. In 1989 the Government eased restrictions to permit one parent to visit his or her offspring who is studying or working abroad.

While permission for medical treatment abroad may be granted, permission to transfer hard currency abroad to pay for it may not be. In cases of those desiring medical treatment in the United States, the Government now requires a bond to be posted by an American friend or relative with the Iraqi embassy in Washington before exit permission is granted. The minimum amount of this bond is $10,000. The Government sometimes limits the countries an Iraqi traveler may visit and, should the traveler visit a nonauthorized country, a small fine may be levied upon his return. Iraqis who have residences abroad may depart the country, provided they originally left before the war began. A married woman must have the permission of her husband to travel abroad.

The Government can require a prospective traveler to post a substantial bond to assure his return. The RCC decreed in 1987 that Iraqi students abroad who refuse to return to Iraq must reimburse the Government for all education received in Iraq or abroad at government expense. The decree is applicable retroactively to students who have refused to return since May 16, 1983, the date the Government began requiring employees leaving government jobs before 20 years of service to reimburse the State for the cost of their education. Amounts due can be recovered by confiscation; nonpayment may result in imprisonment. Each student must provide a guarantor before traveling abroad. This guarantor and the student's parents may be held liable if the student fails to return.

There is no specific ban on emigration or special restrictions for members of minority groups; however, emigration is discouraged. For the past several years, almost all of those given permission to emigrate have been Christian Iraqi wives of former Iraqi citizens now living abroad as citizens of another country. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

Non-Iraqi spouses of Iraqi citizens who have resided in Iraq for 5 years are required to take Iraqi nationality or leave Iraq. Many people, including several Americans, have thus been obliged to accept Iraqi citizenship and are therefore subject to the present travel restrictions. In March 1984, an order by the RCC reduced the residency period before naturalization to 1 year for the spouses of Iraqi citizens employed in government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately $10,000, and repayment of the costs of education. Iraq does not recognize the concept of dual nationality, and many Iraqi "dual nationals," especially the children of an Iraqi father and a mother of non-Iraqi birth, have been denied permission to leave Iraq to visit the country of their other nationality.

In recent years, the Government has instituted special programs to encourage repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit from Iraq without a visa.

Other persons of Iraqi origin are permitted to return, including many persons who were admitted to other countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq war, including several U.S. permanent resident aliens, have been unable to depart from Iraq after returning. In September and November 1988 and in February and March 1989, the Government announced amnesties for Kurds who fled the country for any reason. Approximately 2,000 have voluntarily returned from refugee camps in Turkey.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Iraqi citizens do not have the ability peacefully to change their government. President Saddam Hussein and the RCC rule Iraq through the Ba'ath Party. It reportedly has some 1.5 million adherents, representing about 9 percent of the population.

There are two other small legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the party is not required for appointment to senior government positions or military ranks or election to National Assembly, but is normally necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. The Da'wa organization, a violent Shi'ite group, is still proscribed, and its members are subject to incarceration and execution, as are members of other parties believed to be cooperating with Iran. Plans the Government announced in 1988 to permit legal formation of opposition parties were not implemented in 1989.

General elections were held for the 250-seat National Assembly in April. Though in theory possessing a wide range of official duties, the Assembly exercises little real authority. The majority of the more than 900 candidates were independents, although all supported current government policies. The elections by secret ballot were more open than in the past, and some high-ranking Ba'ath party officials were defeated.

The biennial elections for the Legislative Assembly of the Kurdish Autonomous Region were held in September 1989. All 174 candidates, from the three legal parties and independents, had to satisfy the same requirements as National Assembly candidates. The Legislative Assembly does not exercise meaningful authority.

In October 1989, an Experts Commission finished drafting a new Constitution to replace the Provisional Constitution of 1970. Iraqi officials assert that the new Constitution will provide more guarantees of human rights. However, the new Constitution has not yet been made public pending approval by President Saddam Hussein and the RCC.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government allows one human rights group to operate inside Iraq, but this is largely under government control. The Government has rarely cooperated with private foreign groups or international organizations in investigating events or practices in Iraq.

The Government denies charges that it violates human rights, and claims that the information on which AI and other human rights groups base their charges comes from pro-Iranian and Kurdish Iraqi exile groups in London and Paris. In its 1989 report on children in Iraq, AI cited several instances in which Iraqi authorities had commented on AI reports or responded to AI inquiries, but in each case these authorities had defended the Government's actions as justifiable or denied the accuracy of AI's information. A resolution before the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities in August 1989, recommending that the U.N. Commission on Human Rights study the human rights situation in Iraq, was narrowly defeated.

Iraq does cooperate with the International Committee of the Red Cross in efforts to resettle Iranian civilian refugees in third countries, and the U.N. High Commissioner for Refugees has had a permanent representative in Iraq since April 1988 who registers Iranian refugees and works for their resettlement.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Ba'ath Party is committed to the equality of the sexes, and a series of laws since it came to power in 1968 has steadily improved the status of women. There have been laws to protect women from exploitation in the workplace; grant subsidized maternity leave; permit women to join the regular army, popular army, and police forces; and equalize women's rights in divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970's, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women. While the application of these laws has resulted in significant tangible improvements for women, a number of problems remain. Married women may still travel abroad only with the permission of their husbands. School enrollment of females has been increasing in recent years, reaching 45 percent in elementary schools and 36 percent in secondary schools in 1985-86.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. The war accelerated the Government's drive to elevate the status of women, and it appears to have significantly reduced, if not removed, barriers to the acceptance of women in traditional male roles. Women are increasingly employed as architects, construction engineers, oil engineers, air traffic controllers, and factory and farm managers. Their role in the armed forces is limited to the medical field.

Violence against women, such as wife beating and rape, is known to occur but little is known about its extent. Such abuse is customarily dealt with within the tightly knit Iraqi family structure because of the value attached to personal privacy in this conservative society. Consequently, there is no public discussion of the subject, and there are no official statistics. Excessive violence against women would be grounds for divorce and criminal charges, but suits brought on these charges in Iraq are believed to be rare.

The use of minority languages is unrestricted. Kurdish is an official language used in schools and media in Kurdish areas. Turcomans publish in their dialect of Turkish, and Christians often use Aramaic as well as Arabic.

The Shi'a, who make up roughly 55 percent of the population, have historically been economically, politically, and socially disadvantaged throughout much of the Middle East. The Government has a declared policy to raise their living standards and equalize opportunities for their economic and professional advancement. For four centuries, political power in Iraq has been concentrated in the hands of the Sunni minority. Sunni Arabs, who comprise 20 to 25 percent of Iraq's population, dominate the RCC, the Regional Command of the Ba'ath Party, and the Cabinet. However, increasing numbers of Shi'as hold prominent positions, and the economic status of the Shi'a has improved through intensive government investment in the economic and educational infrastructure of southern Iraq.

Although Christians sometimes allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, has represented Iraq at meetings of the foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions.

Citizens considered to be of Iranian origin carry special identification. They are often precluded from desirable employment and their advancement may be impeded. Many "Iranian" families have been in Iraq for generations. The two holiest shrines of Shi'a Islam, the prevalent sect in Iran, are located in Iraq. For generations Iranians have come to Najaf and Karbala on pilgrimage or to study in the seminaries, and many settled there. Some "Iranians" say their forebears were not from Iran but claimed Iranian nationality to evade Ottoman military conscription.

Section 6. Worker Rights

a. The Right of Association

Trade unions independent of government control do not exist in Iraq. Under the trade union organization law of June 2, 1987, a new single trade union structure was prescribed for organized labor. Workers in private and mixed enterprises and in cooperatives—but not public employees or workers in state enterprises—have the right to join a local union committee. The committees form trade unions which in turn are part of provincial trade union federations. At the top is an umbrella organization, the Iraqi General Federation of Trade Unions, which is organically linked to the Ba'ath Party and required to promote party principles and policies among union members. The General Federation is affiliated with the International Confederation of Arab Trade Unions and the Communist-controlled World Federation of Trade Unions. It is also active in the tripartite Arab Labor Organization, headquartered in Baghdad.

Although workers legally have the right to strike, after providing notice to the Labor Ministry, no such strikes were reported in 1989. There was a 1-day wildcat walkout by Egyptian workers protesting excessive work hours.

b. The Right To Organize and Bargain Collectively

The right to bargain collectively is not recognized. Salaries for public sector workers (i.e. the bulk of the employed) are set by the Government. Wages in the private sector are set by the employers or negotiated individually with workers.

Iraq, which has ratified International Labor Organization (ILO) Convention 98 on the Right to Organize and Bargain Collectively, was criticized by the ILO's Committee of Experts (COE) in 1989 for the fact that its new labor code of 1987 fails to provide workers with protection against antiunion discrimination. The COE also expressed regret that the 1987 Act on trade union organizations did not provide for collective bargaining.

There are no export processing zones in Iraq.

c. Prohibition of Forced or Compulsory Labor

Although compulsory labor is prohibited by law, during and shortly after the war with Iran the Popular Army, the militia of the Ba'ath Party, employed press-gang methods to draft recruits. However, these activities ceased in November 1988, and the Popular Army was for the most part demobilized in 1989.

ILO supervisory bodies again in 1989 expressed concern that the Penal Code permits the punishment of civil servants with imprisonment, including compulsory prison labor, for breaches of labor discipline, which include resigning from one's job. A November cabinet meeting, reported in the government-directed press, quoted the remark of a minister that resignation from government jobs should be free, confirming that heretofore civil servants have had to buy their way out of government service.

d. Minimum Age for Employment of Children

Children are frequently encouraged to work as necessary to support the family, but the employment of children under age 14 is forbidden in all enterprises other than small-scale family enterprises. Children between the ages of 14 and 18 who are employed are protected by law: they work fewer hours and have more privileges than adult workers.

e. Acceptable Conditions at Work

The workweek in urban areas is 6 days, 7 to 8 hours a day, for workers in the private and mixed sectors. These provisions do not apply to agricultural workers whose workweek and hours of work per day can vary according to individual employer-employee agreements. Hours for government employees are set by the head of the ministry for which the employee works. Many government employees routinely work longer than 8 hours a day, some of them as much as 12 hours per day.

Occupational safety programs are in effect in state-run enterprises, and inspectors make visits irregularly to private establishments. Enforcement varies widely. A government decree to extend occupational safety and health protection was issued and subsequently withdrawn in December 1988, reportedly resulting in the dismissal of the Labor Minister.

A special problem arose after the Government decided in June to reduce drastically the amount of hard currency foreign workers could remit. It is widely believed that the Government took this measure to "encourage" foreign workers to leave the country, thus freeing jobs for demobilized Iraqi soldiers. Workers not on contract were particularly hard hit. Most of the over 2 million Egyptian workers in Iraq were manual laborers. When they learned they would be able to transfer only $32 per month, they began to leave Iraq in droves, an estimated 2,000 per day by air alone. Egyptian and other foreign workers in Iraq have claimed that some Iraqi employers forced them to work 12 to 15 hours a day for 8 hours' pay or refused to pay wages. The Government has admitted that Iraqi banks have been slow to pay remittances. Egyptian workers are in fact receiving their savings a year after leaving Iraq.

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Iraq is in effect a one-party state governed by the Arab Ba'ath Socialist Party (ABSP) through a Revolutionary Command Council (RCC) which has both executive and legislative authority under the provisional Constitution of 1968. Saddam Hussein holds decisive power as President of the Republic, Chairman of the Council, and Secretary General of the Regional Command of the ABSP. Two other legal parties are essentially support groups for the Government.

Iraq's population comprises many disparate groups, most notably Shi'a and Sunni Muslim Arabs, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans.

Iraq's military is large and well trained, and parts of it have security responsibilities, notably the Fursan, or Kurdish tribal levies, which have responsibility for security within the Kurdish Autonomous Region. The national police is responsible for civil order. In addition, Iraq's intelligence services are widely feared, and have engaged in extensive surveillance and extralegal means to deal with antiregime activity, including torture and summary execution.

The Government exerts a high level of control over the economy, which is dominated by the petroleum sector. The state owns all major industries, including petroleum and banking. In agriculture, tourism, the services industry, and light industry, the Government is engaged in a program of divestiture and privatization. Close government regulation of economic activity will be maintained, but the Government is trying to attract investor capital and expertise in the operation of the economy.

Iraq's abysmal human rights record remained unacceptable in 1988. Political and individual rights continued to be sharply limited, and the news media remained largely under government control and subject to censorship. In addition to repressive domestic controls that predate the war with Iran, tight wartime controls remained in effect after the cease-fire. These included a decree which prescribes the death penalty for anyone who damages the country's military, political, or economic position. Wartime travel restrictions, which prevent most Iraqis from departing the country, also remained in force.

Most significant in 1988 were the grave human rights violations that occurred when the Iraqi armed forces moved to crush a longstanding Kurdish rebellion after the August 20 cease-fire with Iran. The campaign was marked by the use of chemical weapons against guerrillas and civilians alike. It marked an intensification of the program begun in 1987 to destroy villages and hamlets in Kurdish areas of northern Iraq, and to relocate approximately half a million Kurdish and Assyrian villagers to more easily controlled towns and cities. In addition, there are unconfirmed reports that tens of thousands of Kurds have been removed from their homes to camps located outside traditional Kurdish areas of northern Iraq.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Execution has for years been an established method for dealing with perceived political and military opponents of the Government, particularly members of the outlawed Da'wa Organization (an Iran-supported fundamentalist Shi'a Muslim group that has engaged in acts of international terrorism). The Government has been accused of murdering Iraqi political opponents in the United Kingdom and Sudan; in the case of Sudan, the victim was a leader of the opposition Supreme Assembly of the Islamic Revolution in Iraq, based in Tehran and closely linked to the Da'wa Organization.

The Government's intensified efforts to crush a Kurdish rebellion in northern Iraq resulted in approximately 8,000 deaths, many of them civilians, according to Kurdish sources. The Iraqi armed forces made extensive unlawful use of chemical weapons against both military and civilian targets in Iran and Iraqi Kurdistan. In the course of a March 16 battle between Iraqi forces and Iranian Revolutionary Guards in and near the Kurdish city of Halabja in northern Iraq, an estimated 600 to 3,000 civilians were killed by Iraqi chemical weapons. The United States condemned Iraq's action as a particularly grave violation of the 1925 Geneva Protocol on chemical weapons, to which Iraq is a party, while noting that Iran also appears to have employed chemical weapons in the same battle. Several international teams, including a U.N. team and a team of Belgian doctors, confirmed the use of chemical weapons in this battle. Twice in 1988 the U.N. Security Council condemned use of chemical weapons in the Iran-Iraq War.

With the cessation of hostilities between Iran and Iraq in August, the Iraqi armed forces launched an offensive against Kurdish rebel forces. Combat troops from the Iranian front carried the battle to villages, which they claimed rebels were using for sanctuary.

On several days in August, chemical weapons were used in this campaign. Immediately thereafter, at least 60,000 Kurds fled across the border into Turkey. On September 8, the U.S. Department of State announced that it had conclusive evidence that Iraqi forces used chemical weapons unlawfully against Kurds and condemned its use. Since then, several groups including a U.S. Senate staff delegation, Physicians for Human Rights, and a British laboratory that analyzed soil samples, confirmed Iraq's use of chemical weapons in this campaign. The Iraqis have denied using chemical weapons against Kurds.

In its 1988 Report, covering 1987, Amnesty International (AI) noted that at least 17 Kurdish children aged 14 to 17 were executed in November and December 1987. AI also reported the poisoning of Kurdish opponents in November 1987 by security forces.

b. Disappearance

Iraqi emigrants have reported that some persons, particularly those detained by the security police for subversion, disappear following detention. Kurdish rebels in northern Iraq have occasionally kidnaped foreign workers and businessmen. In its 1988 Report, AI noted that the "disappearance" of large numbers of people continued to be widely reported, and that many of them were feared to have been executed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, and the Government rejects charges that it practices torture. Nevertheless, reliable reports make clear that both physical and psychological torture are used by the authorities, especially the security police. Given the rigid chain of command within the Government and security services, torture could not be practiced without the authorization of senior officials.

According to emigre groups and former prisoners, persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases. Security-related offenses are broadly defined to include such routine criminal matters as currency violations.

The security forces' methods of torture, often employed to extract confessions or information about the suspect and his colleagues, reportedly include beatings with fists and rubber truncheons, electrical shocks to the genitals and other parts of the body, and the extraction of fingernails and toenails, as well as psychological torture. AI has reported that over the years the Government had denied allegations of torture even when the allegations were supported by detailed medical evidence and that the Government had also failed to show that such allegations were ever investigated or that any perpetrators were brought to justice. In its 1988 Report, AI noted that the routine use of torture by the security forces continued to be widely reported. It said that the victims included political prisoners, and cited a report that the bodies of 29 youths—who allegedly had been tortured shortly before being executed without trial in January 1987—were returned to their families bearing marks of torture. They had been among 300 Kurdish children and young people arrested in 1985.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and legal code provide for the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search. These provisions are generally respected in ordinary criminal cases, but have little weight in political or national security cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes becomes known only after they have been executed. Security charges have included espionage, treason, and conspiracy against Iraq, often in collaboration with unnamed foreign foes.

As part of its campaign to eliminate the Kurdish rebellion and to clear a security zone along its northern border, the Government continued the policy of relocating, sometimes forcibly, several hundred thousand Kurds. While most were moved to or near Kurdish towns and cities south of the mountains, there are unconfirmed reports that others were exiled to non-Kurdish parts of the country. The campaign involved widespread destruction of Kurdish villages, and some Turcoman and Christian villages near the front lines.

In the past, Iraq has expelled to Iran large numbers of Iranians and Iraqis of supposed Iranian descent. These deportations ceased in the early 1980's; however, most of the few remaining Iranians have been imprisoned or live under the fear of deportation or incarceration. Spouses of Iraqis of Iranian orgin are required to obtain a divorce or suffer the same consequences. Moreover, other Iraqis, whose grandparents are shown not to be of Iraqi origin, are subject to arbitrary detention and deportation. Assyrian religious groups in the United States alleged in 1987 that many Iraqi Assyrians were expelled to Turkey under this rule.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

Iraq's legal system provides for investigation by police and then by an inquiry judge who may refer a case to the criminal court. A judge tries criminal cases; there is no jury. Convictions may be appealed to a court of cassation or, in the case of major crimes, the High Court of Appeals.

Trials of nonsecurity cases are held in civil, criminal, and religious courts and are open. Defendants are entitled to counsel. A lawyer is provided if a defendant cannot afford one. Charges and evidence are available for review. Appellate Courts hear cases not under the jurisdiction of the Revolutionary Courts. The Revolutionary Courts, which usually hold closed trials, deal with espionage, treason, smuggling, and drug trafficking. The right of defense in such courts is reportedly severely restricted.

The "special courts" constituted by the RCC for specific incidents, such as the reported consipracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights; defendants are held incommunicato, and confessions extracted by torture are used. Appeals can be taken only to the Chairman of the RCC. However, the practical availability of this appeal is open to question, since there are reports that executions take place shortly after trial.

Political dissidence in Iraq is taken by the authorities to encompass a wide range of activities and, in an environment where public acknowledgment of arrest or imprisonment is rare, it is extremely difficult to estimate the number of political prisoners. In its 1988 Report, AI noted that "thousands of political prisoners" continued to be arbitrarily arrested and detained.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. However, warrants are not required for the arrest of security suspects. Although most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa Organization. As their compaign against Kurdish rebels intensified, government forces conducted large-scale searches of homes in Kurdish towns, and arrested and relocated large numbers of people.

There is no legal protection against the monitoring of telephones, which many Iraqis believe to be a common practice. All mail is believed subject to review by censors. The security services and the Ba'ath Party are generally assumed to maintain pervasive networks of informers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

These freedoms are not respected. The Constitution prohibits "any act aimed at undermining the national unity of the people, provoking racial, sectarian, and regional bigotry, or violating gains and achievements of the country," and the Government views political dissent as a security threat and strictly controls speech, all information media, and assembly. The Government owns and operates the press, radic, and television. The media do not criticize the Government, and news reporting is strongly biased. Opposition viewpoints are not heard. Few foreign periodicals reach Iraq, and Western newspapers are not sold. Foreign visitors' magazines, newspapers, cassettes, cameras, and video cassettes may be confiscated at the airport. To control the dissemination of political leaflets, typewriters and photocopying machines must be registered. Taking photographs of military installations, government buildings, or areas near sensitive locations is forbidden and punishable by imprisonment. Journalists and photographers visiting Iraq at the invitation of the Government are required to present film taken in Iraq for inspection by the authorities.

b. Freedom of Peaceful Assembly and Association

These freedoms are severely limited. Public meetings may only be organized under the auspices of the Government or the Ba'ath Party. Association for nonreligious purposes and demonstrations without government approval have met with severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

C. Freedom of Religion

Iraq is an ethnically and religiously diverse society. However, many non-Muslims, principally Jews and Christians, left Iraq under previous regimes. Since its rise to power in 1968, the Ba'athist Government, while carefully controlling religious groups, has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism. A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places of worship, appointment of clergy, religious literature, and participation in religious councils and meetings. Muslim religious leaders operate under close government supervision, are considered government employees, and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has increased allotments to refurbish and maintain them in an apparent attempt to win support from the devout.

While the Government has assumed much greater authority in Islamic religious affairs since 1981, the law has not been invoked against Iraq's Christian sects. Iraq's Christians number more than 500,000 and constitute nearly 4 percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist, and some new churches have been constructed, in some cases with government financial support. The Jewish community is believed to have decreased from 150,000 following World War II to under 400. It was severely persecuted in the past, but there is no evidence of recent persecution. One synagogue in Baghdad still functions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences or workplaces. However they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off-limits. Civilian travel in the war zone is restricted. Curfews are in effect where Kurdish insurgents have been active. There are police checkpoints on highways and outside major towns, but most Iraqis and foreigners travel freely in nonrestricted areas.

The Government's harsh campaign to suppress Kurdish rebels, involving mass relocations of Kurdish villagers, has nullified the right of hundreds of thousands of Kurds to choose their place of residence. An estimated 250,000 to 300,000 Kurdish villagers were forcibly relocated in 1988; since the Government began its program of forced relocation in 1987, an estimated 500,000 people have been uprooted. Since traditional Kurdish culture has been deeply embedded in the rural village, the forced removals and razing of villages has had a destructive impact on the lives of some half a million Kurds.

All Iraqis and most foreigners who remain in the country for more than 2 weeks must obtain exit permission. Travel has been even further limited since September 1986 when severe restrictions on currency exchange were imposed. Because of the war's drain on the economy, permission to travel abroad is restricted to a few categories of Iraqis, including officials, government-approved students, and medical treatment abroad may be granted, permission to transfer hard currency abroad to pay for it usually is not. The Government seeks to limit the countries an Iraqi traveler may visit and, should the traveler visit a nonauthorized country, a small fine may be levied upon his return. Iraqis who have residences abroad may depart the country provided they originally had left before the war began. In general, a married woman must have the permission of her husband to travel abroad.

The Government can require a prospective traveler to post a substantial bond to assure return. The RCC decreed in 1987 that Iraqi students abroad who refuse to return to Iraq must reimburse the Government for all education received in Iraq or abroad at government expense. The resolution is applicable retroactively to students who have refused to return since May 16, 1983, the day the Government began requiring those employees who left government jobs before completing the required 20 years of work to reimburse the State for the cost of their education. Amounts due can be recovered by confiscation; nonpayment may result in imprisonment. Each student must provide a guarantor before traveling abroad. This guarantor and the student's parents may be held liable if the student fails to return.

There is no specific ban on emigration or special restrictions for members of minority groups; however, emigration is discouraged. For the past several years, almost all of those given permission to emigrate have been spouses of foreign nationals. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

Alien spouses of Iraq, citizens who have resided in Iraq for at least 5 years are required to become naturalized or leave Iraq. Many people, including several Americans, have thus been obliged to accept Iraqi citizenship and are therefore subject to the present travel restrictions. In March 1984, a resolution by the RCC reduced the residency period before naturalization to 1 year for the spouses of Iraqi citizens employed in government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately $10,000, and repayment of the costs of education. Iraq does not recognize the concept of dual nationality, and many Iraqi "dual nationals," especially the children of an Iraqi father and a mother of non-Iraqi birth, have been denied permission to leave Iraq to visit the country of their other nationality.

In recent years, the Government has instituted special programs to encourage the repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit from Iraq without a visa. Former Iraqis can more easily obtain visitors' visas than can other aliens, who generally must have a sponsor.

Other persons of Iraqi origin are permitted to return, including many persons who were admitted to other countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq War, including several U.S. permanent resident aliens, have been unable to depart Iraq after returning. AI reports that in November 1987 the Government declared an amnesty "for Iraqis living abroad who had been convicted or suspected of political or criminal offenses. It was not known whether anyone took advantage of it." In September the Government announced an amnesty for Kurds who fled the country during the August campaign. Approximately 1,400 returned from refugee camps in Turkey.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government in Iraq. The Ba'ath Party, whose limited membership is dominated by the President and the party's Regional Command, rules Iraq. The party reportedly has some 1.5 million adherents, representing about 10 percent of the population; but only some 50,000 "active" or full members, less than 0.33 percent of the population, participate influentially in party activities. There are two other legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. The two minor parties carry on only limited activity. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the party is not required for appointment to senior government positions or military ranks or election to the National Assembly, but is normally necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. The Da'wa Organization, a violent dissident Shi'ite group, is still proscribed, and its members are subject to incarceration and execution, as are members of other parties believed to be cooperating with Iran. The Government announced in November plans to permit the legal formation of opposition parties. However, this development is unlikely to have a major effect on the nature of the regime.

General elections were last held for the 250-seat National Assembly in 1984. The Government screened all the candidates for consonance with Ba'ath Party ideology. Though in theory possessing a wide range of official duties, the Assembly exercises little real authority. The most recent local elections were held in the Kurdish Autonomous Region in 1986. With the term of the National Assembly having expired, elections are scheduled for March 1, 1989.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Iraq denies charges that it violates human rights. Iraqi officials claim that the informtion on which AI and other human rights groups base their charges comes from pro-Iranian and Kurdish Iraqi exile groups in London and Paris. In its 1988 Report, AI noted several instances in 1987 in which Iraqi authorities had commented on AI reports or responded to AI inquiries, but in each case these authorities had defended their actions as justifiable. Iraq refused to permit any independent investigation, including one under U.N. auspices, of charges related to the use of chemical weapons in its campaign to suppress Kurdish rebels. Iraq adamantly denied such use.

There is no government office or official charged with investigating human rights and coordinating with other governments and international organizations on human rights. Iraq cooperates with the International Committee of the Red Cross in efforts to resettle Iranian civilian refugees in third countries. The U.N. High Commissioner for Refugees (UNHCR) in previous years sent several representatives to Iraq for brief periods to register refugees and to work for their resettlement. A UNHCR representative has been in Baghdad since April 1988.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Ba'ath Party has been committed to the equality of the sexes, and a series of laws since it came to power in 1968 has steadily improved the status of women. Such laws have protected women from exploitation in the workplace; granted subsidized maternity leave; permitted women to join the regular army, Popular Army, and police forces; and equalized women's rights on divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970's, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women. However, women may still travel abroad only with the permission of their husbands. School enrollment of females has been increasing in recent years, reaching 45 percent in elementary schools and 36 percent in secondary schools in 1985–86.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. The war accelerated the Government's drive to elevate the status of women, and some Iraqis believe it has permanently broken cultural barriers to the acceptance of women in traditional male roles. Women have become increasingly visible as architects, construction engineers, oil engineers, air traffic controllers, factory and farm managers, and Air Force pilots. Some 40,000 women were reportedly volunteers in the Popular Army in 1982.

The use of minority languages is unrestricted. Kurdish, an official language, is used in schools and media in Kurdish areas. Turcomans publish in their dialect of Turkish. The Shi'a, who make up roughly 55 percent of the population, have historically been economically, politically, and socially disadvantaged throughout the Middle East. The Government has a declared policy to raise their living standards and equalize opportunities for their economic and professional advancement. For four centuries, political power in Iraq has been concentrated in the hands of the Sunni minority. Sunni Arabs, who comprise 20 to 25 percent of Iraq's population, dominate the RCC, the Regional Command of the Ba'ath Party, and the Cabinet. However, many Shi'as hold prominent positions, and the economic status of the Shi'a has improved. Nevertheless, the Government maintains a close watch against Iranian attempts to exploit dissatisfaction among the Iraqi Shi'a, who adhere to the branch of Islam prevalent in Iran.

Although Christians sometime allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, has represented Iraq even at meetings of the foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions. Citizens considered to be of Iranian origin carry special identification, and they are often precluded from desirable employment and their advancement may be impeded. Many "Iranian" families have been in Iraq for generations. Some say their forebears were not from Iran but claimed Iranian nationality to evade Ottoman military conscription.

Section 6. Worker Rights

a. The Right of Association

Industrial workers do not constitute a significant part of the total work force, whose principal components are agricultural workers, shopkeepers, and government employees. Under the Trade Union Organization Law of June 2, 1987, a new single trade union structure was prescribed for organized labor. Workers in private and mixed enterprises and in cooperatives—but not public employees or workers in state enterprises—have the voluntary right to join a local trade union committee. The trade union committees form trade unions which in turn are part of provincial trade union federations. At the top is an umbrella organization, the Iraqi General Federation of Trade Unions, which is organically linked to the Ba'ath Party and required to promote party principles and policies among union members. The General Federation is affiliated to the International Confederation of Arab Trade Unions and to the Soviet-controlled World Federation of Trade Unions. It is also active in the tripartite Arab Labor Organization which is currently headquartered in Baghdad.

Although workers legally have the right to strike, after providing notice to the Labor Ministry, no strikes have been reported for almost 20 years.

b. The Right to Organize and Bargain Collectively

Even before the abolition of the Labor Federation, the right to bargain collectively was not recognized. Labor legislation and practice is uniform throughout the country. There are no export processing zones in Iraq.

c. Prohibition of Forced or Compulsory Labor

The Popular Army, the militia of the Ba'ath Party, employs press-gang methods to draft recruits. It sets up roadblocks and inducts eligible men on the spot; they are sometimes not allowed to contact their families for weeks afterwards. Popular Army personnel perform duties in rear areas, freeing regular army personnel for front line duty; they also perform many functions, such as reconstruction work, which would normally be done by the civilian labor force. However, on October 30 the Government announced that the Popular Army would cease recruiting drives and begin to release Popular Army inductees who were currently in training camps. There has been no evidence of recruiting into the Popular Army since this announcement, and measures are under way to significantly reduce its size.

d. Minimum Age for Employment of Children

Children are frequently encouraged to work as necessary to support the family, a common social practice in the Middle East. The employment of children is forbidden in all enterprises other than small-scale family enterprises.

e. Acceptable Conditions of Work

The workweek in urban areas is 6 days, 7 to 8 hours a day, for workers in the private sector. Hours for government employees are set by the head of the ministry for which the employee works. Many government employees routinely work longer than 8 hours a day, some of them as much as 12 hours per day. Wages are set by the Government for public sector workers (i.e., the bulk of the employed) and do not adhere to any fixed per hour or per day rate; salaries are generally deemed low but adequate. Wages in the small private sector are set by supply and demand. Occupational safety programs are in effect in state-run enterprises, and inspectors make irregular visits to private establishments; enforcement varies widely. A new government decree to extend occupational safety and health protection was issued and subsequently withdrawn in December 1988, reportedly leading to the dismissal of the Labor Minister.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who seeks recognition?

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The majority leader has 55 minutes and the Senator from West Virginia would have such time as the majority leader or his designee yields to him.

Mr. FORD. Mr. President, I yield 45 minutes of the leader's time to the distinguished President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia, the President pro tempore, is recognized for 45 minutes.

Mr. BYRD. Mr. President, I thank the distinguished majority whip, Mr. FORD.

Mr. President, I ask unanimous consent that certain materials, including newspaper reports and the two joint resolutions on which the Senate will vote today be printed at the close of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, this is my 39th year in Congress. This is my 33d year in the U.S. Senate. I have cast a total of 12,822 votes during these 39 years in Congress.

This vote today troubles me. I have cast difficult votes before: For example, in the case of the Panama Canal treaties and the Civil Rights Act of 1964. There are three or four votes that I regret having cast, one of them being my vote in opposition to the 1964 Civil Rights Act. But this vote today I think, Mr. President, may be the most important vote that I shall have cast in my career, certainly up to this point.

I represent a State that is a patriotic State. My State is second to none in the number of men who died in the Korean war and in the Vietnam war—the percentage of deaths in proportion to the eligible male population at that time.

Stonewall Jackson, one of the greatest of all generals, was born in Clarksburg, what is now West Virginia. I was born during the administration of

Woodrow Wilson in 1917 during the First World War. My mother died when I was a little less than 1 year old on Armistice Day of 1918.

So, Mr. President, coming from a State which broke away from the Old Dominion during the Civil War to become the 35th star in the galaxy of stars, coming from a State, the motto of which is "Mountaineers are always free," coming from this background, my natural instincts are to support the President today.

The spirit of patriotism has a natural force which urges me in that direction, not just because it is President Bush or not just because the President seeks a vote in support of the second resolution which will be voted on today, but because there is that spirit of patriotism that runs in the veins of the Anglo-Saxon and Germanic peoples and those from southern and eastern Europe who hewed the forests and fought the savages and plowed the fields of West Virginia.

That would be my first instinct, my "gut" reaction, my "gut" feeling, to use a somewhat familiar idiom.

But the question before the Senate today is too grave a question to be decided by the neigh of a horse or by a gut feeling. It is one which engages the heart and the mind as well as the visceral impulse, and so I have sought to bring my mind and heart and all that is within me to bear on this grave issue.

Mr. President, what is the question? The question, as I see it, is whether the Senate will stamp its imprimatur on the second resolution which authorizes the President to go to war at any time after midnight on Tuesday next, January 15, unless provoked by Iraq before that time, or whether to support and vote for the first resolution, of which I am a cosponsor, and which would say to the President, "Stay the course yet a little while; let sanctions have more time."

It is not an easy decision for me. Socrates, when asked whether it was better to marry or not, replied, "Whichever you do, you will repent it."

Mr. President, I will not repent the vote that I am about to cast, and that is that we stay the course for now, give peace a further chance to work. Its pulse beat is not dead. It is still alive. Let us not cut off the life support mechanism just yet.

There are those who say that it is up to Hussein as to whether or not we go over the brink next Tuesday after midnight. Mr. President, that is our decision and not Hussein's.

Fabius Buteo was the head of the Roman delegation that called on the Council of Carthage in the year 218 B.C. The Romans delivered an ultimatum to the Carthaginian council. The question was whether or not the Carthaginian council chose war or peace. Fabius Buteo said that within the fold of his toga he held both war and peace and asked the Carthaginian council, "Which do you choose?" The council answered, "It is your choice." Fabius then, with a symbolic gesture, said, "Then I will let fall war." And the Carthaginian council shouted, "We accept it." And so it was in this very casual way that these two great Mediterranean powers in that day chose to go to war, a war which Livy, the Roman historian, who lived between the years 59 B.C. and 17 A.D., characterized as the most memorable of all wars ever waged—the Second Punic war.

Mr. President, I think that we stand at a moment so grave and that the responsibility is so great upon us that we should not cavalierly be hurried into an action that may cost this country its treasure and its blood beyond what the cost may be otherwise if we stay the course for yet a little time.

Decisions of war and peace are the gravest choices that political leaders of our country are ever called on to make. In these decisions, our duty as leaders of a free society is to act judiciously above all else, keeping in mind our national interests as we discern those interests from the coldest facts.

Right now, the gravity of the choices facing the President and the Congress requires us to assess our national interests by a totally calm and rational standard. We ought not personalize or politicize the looming conflict. To do so would cloud our judgment at a time in our lives and in our careers that demands from us absolute lucidity.

We would make a mistake in going to war to kick someone's rear. I will not use the word that has been heard around here. We all know what is meant. We should not go to war in vengeance and indignation, or through any emotional distraction that might shorten our ability rationally to judge the outcome of our actions or the ways in which that outcome might affect our long-term national interests.

Mr. President, those who will oppose the first resolution and support the second resolution say that we are at our peak now, our legions are brimful, our cause is ripe; that "we must take the current when it serves or lose our ventures."

Mr. President, delay does not help Saddam. Delay will help the United States. We can use that time. Delay will cause Saddam to need additional spare parts. It will cost him in new equipment. It will cost him in treasure. He has no additional reservoir from which to get his manpower, nothing like that which the United States has. The United States can restore spare parts. It can restore equipment that has been cannibalized for spare parts. Saddam cannot.

We are told that the coalition may fall apart if we delay. Mr. President, I do not believe that. If a coalition will fall apart staying the course with sanctions, and the embargo, which has been overwhelmingly supported by the United Nations, then what might we expect the coalition to do if there is a war?

They say that American support may dwindle; the support of the American people may lessen. I do not believe that. I think that the support of the American people will grow if we measure our actions, let the embargo have more time, and let diplomacy work.

Mr. President, this is one Senator who, while he will not vote today to authorize war as of 1 minute past midnight next Tuesday, January 15, this Senator will vote for a declaration of war a few months down the road. I have said this to the President of the United States at the White House.

I believe the support here in the Senate would be stronger for such an authorization 6 months from today. Why not 6 months? It was earlier envisaged that it might take a year or longer for the sanctions to work. Another 6 months would not total a year.

I think the consensus would be stronger here in the Senate if we measure our actions, and be patient. There are those who say, well, there is a religious holiday coming, and we should act before the religious holiday. The Ramadan will begin, as I understand it, on March 17 and end on April 16. And then there are the intensely warm months of June, July, and August.

So there are those who say let us hurry, let us get our bid in, let us act now before the religious holiday, and before the hot months arrive.

Mr. President, Machiavelli advised the Prince to study history; to study those who made war and to study the reasons for their victories or their defeats, so that one would emulate the former and avoid the latter; and he advised the Prince to choose someone whom the Prince should emulate, as Alexander the Great did Achilles, as Caesar did Alexander the Great, and as Scipio Africanus did Cyrus.

Byron said "History with all her volumes vast, hath but one page." So, Mr. President, let us consult history.

In 218, Hannibal had just crossed the Alps and lost 20,000 of his men out of the 46,000 who left the Rhone River just 16 or 18 days before. At the battle of the Trebia, he was confronted with two Roman consular armies. The Roman military system consisted of two or more consular armies. There were two consuls, each elected for 1 year. Each consul had command of two legions. So, there were at least four legions facing Hannibal at the battle of the Trebia.

The two Roman consuls were Publius Cornelius Scipio and Tiberius Sempronius Longus. Longus wanted to rush into battle with Hannibal. Scipio advised waiting through the winter, biding their time.

Longus was impetuous and eager to fight immediately. A battle was fought. The Longus lost the battle, and, with it, 15,000 men.

Mr. President, here, too, we are confronted with a weather problem. There is no doubt about it. But that will pass in time. We can utilize that time to good advantage.

Some say the United States will suffer if we do not support the President. I took an oath, Mr. President, to support and defend, not the President of the United States, whether he be a Democrat, such as Jimmy Carter, or a Republican like Ronald Reagan or George Bush, but to defend the Constitution of the United States. That is where my responsibility lies, and I intend to do that.

I think it is better to be wise than simply tough. Patience does not damage prestige. Our prestige will not suffer if President Bush does not win this vote.

What about the future prestige of our country in the Middle East if we go to war now? As Admiral Crowe summed it up in recent hearings:

> Even in winning, we could lose. Dealing effectively in the Arab world will take all our resources of creativity and patience. And, thus, even a quick "knockout" of Iraqi forces may well unleash a cascade of outcomes and reactions that reduce our long-term ability to influence events in that region.

We are tied to the complexities of the Middle East in part because of oil dependency and energy reality, which might not be so severe if the Reagan administration had not dismantled the national energy policy that I put into place with Scoop Jackson and others in this Senate when I was majority leader during the Presidency of President Carter. But that is behind us. That national energy policy was dismantled. We have done little since to solve the energy dependency situation.

Meanwhile, we have been able to accomplish next to nothing to solve the Palestinian crisis. These and the continued stark discrepancy between the haves and the have-nots in the Middle East, fueling a growing anti-Western Arab nationalism, are in the deep contours of the Middle East landscape. Unless we roll up our sleeves on these fundamental questions in the region and work with a true international coalition to solve them, we will have no end to the series of sorry episodes that have weighed us down for more than a decade now.

War will not solve the root problems of the Middle East; we have said that, and we have known it. Only with a long-term commitment with resolve, patience, dedication, and the will to succeed, will we be able to address the complexities of the region.

It is said that sanctions are not working. Mr. President, sanctions are working. Saddam's spare parts cannot be replenished. His equipment that is cannibalized for the purpose of securing spare parts cannot be made whole again. With us, it is different.

I have been a strong supporter of the President's decisive action to respond to the defensive needs of Saudi Arabia and to punish Iraq for its invasion of Kuwait through an economic embargo. These twin goals have been largely successful up to now.

Who expected them to work completely by now? Even the President did not expect them to work so quickly. Meantime, Saudi Arabia has been safeguarded from Iraqi invasion. And the economic stranglehold being tightened around Iraq's economy has not only denied Hussein any economic benefit from the aggression, but has also begun to cripple the Iraqi economy. These actions have enjoyed substantial and continued support from the American people and from the Congress, as well as from the international community.

Mr. President, I say to those who say sanctions are not working: have we forgotten so soon the celebrations of last year when we so correctly congratulated ourselves on the crumbling of the Soviet Empire in Eastern Europe, after more than 40 years? Forty years of patience, willpower, strength, and resolve. We were patient for 40 years. What has happened to that patience?

Let us remember the lessons of history. Edward Gibbon wrote of the Battle of Hadrianople. The Roman Empire was divided into the western empire and the eastern empire. Valens was the emperor of the east. He was the brother of Valentinian, and the uncle of Gratian who was the emperor of the west. The Goths had gathered just a dozen miles from Hadrianople. Gratian, emperor of the west, was on his way to assist his uncle, the emperor of the east, but Valens was impetuous. He did not want to wait and share the glory of a victory over the Goths with Gratian, his nephew. So Valens rushed on to the field, and in one afternoon, two-thirds of the Roman Army was destroyed. Almost as many Romans were killed and captured as died at the Battle of Cannae in 216 B.C. Had Valens exercised patience until Gratian could arrive with his legions, the Romans might have won, and the Goths might have been defeated. Valens lost his life in the battle.

Mr. President, a superpower does not have to be impatient. Aristotle told the story that had been related to him by Antisthenes, a sardonic fable about the hares and the lions. The hares addressed the assembly and demanded that all should have equality. But the lions said, "Where are your claws and your teeth?"

Mr. President, a superpower has claws and has teeth. A superpower, as against this Third World power, does not have to be impatient or impetuous. A superpower does not have to feel rushed. We can afford to be patient and let sanctions work.

They say the morale of our soldiers will suffer if we give the embargo more time to work. Mr. President, we should have thought about this before we proceeded to double our forces in Saudi Arabia and terminate the rotation policy in the Middle East. Nothing damages morale more than early, large losses of life.

Mr. President, the Nation is fixated on the so-called countdown or the deadline established by the United Nations resolution demanding that Iraq evacuate its forces from Kuwait by January 15.

Such self-imposed pressures need not dominate our provisions about what actions to take in the Persian Gulf. The U.N. resolution only asks member governments to decide for themselves how best to implement the demand that Iraq evacuate Kuwait. Why are we in such a rush to go to war when many avenues of diplomacy are apparently still being explored by the United Nations, by the French, by the Soviet Union and others?

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia, the President pro tempore, has 13½ minutes remaining of this time.

Mr. BYRD. I thank the Chair.

Mr. President, the sanctions are working. Nobody disputes that. Granted, they have not yet accomplished the goal of driving Saddam out of Kuwait. But who would expect them to have done that in these few short months. I heard the distinguished Senator from Georgia [Mr. NUNN] say yesterday, I believe, that Saddam Hussein had not been able to sell one drop of oil. Oil is the backbone of the Iraqi economy, and without the sale of oil, Hussein's currency is going to dry up. He will not be able to buy anything after yet a little while. So the pressure on Saddam increases.

Mr. President, we ourselves could use that time; we could use the time for another 6 months. Let Ramadan pass. Let the hot months of June and July and August pass. We could make good use of that time.

I recently read that an American general said that our forces are not ready yet to go on the offensive. A little more time would enable our forces to get ready. I cannot believe that our forces would not benefit from additional training in the desert, that they might become better acclimated to that harsh climate. A little more time, and all the buildup that we have read about can then be in place.

Mr. President, I have been disconcerted by reading that there is still a divided command in the desert; that we have not yet unified all of the allied forces under one command. Mr. President, I think it would be a mistake to go on the offensive until there is a unified command. I am not a military man. I never served in any war. I built ships in World War II. I was a welder in shipyards in Baltimore, MD, and Tampa, FL. But common sense would tell me, there should be only one commander at the top.

Again let us resort to history. Hannibal, who has been proclaimed by some as "the greatest soldier that the world has ever seen," knew that under the Roman military system there was a divided command. There were two consuls. Each had two legions. And there was jealousy between the two consuls. Hannibal knew this. He did not have this problem. Hannibal exercised a single command; there was one brain and one will behind his planning, his designs, and his actions.

At the battle of Cannae, which took place on August 2, 216 B.C., Paulus and Varro, the two Roman consuls, were at variance. Varro wanted to meet Hannibal on the plain. Paulus wanted to met Hannibal in a hillier region. They daily rotated their commands and on August 2, it was Varro's day to command all of the Roman legions. Both Livy and Polybius, the Roman historian and the Greek historian, respectively, agree that there were eight Roman legions, 5,000 men in a legion, 40,000 Romans with an equal number of allies, totaling 80,000 foot soldiers and horsemen, but the wind, the Sun, and the dust were in the faces of the Romans that afternoon. The Roman armies were devastated. It was Hannibal's greatest victory in his 15 years in Italy. That was the lesson of Cannae. That was the lesson of a divided command.

Fabius Maximus initiated a policy of *cunctatio*, "putting off" or avoiding battle with Hannibal's forces, knowing that Hannibal, like Saddam Hussein, could not replenish his resources. He could win battles, but he could not take walls and earthened works around cities.

Knowing that Hannibal would run out of "spare parts"—he had lost his elephants, and, in time, he lost his Nubian horsemen, his excellent cavalry—Fabius Maximus implemented his policy of *cunctatio*, patience, avoid a battle just now, let Hannibal's forces decline by attrition. In the long run, the policy of avoiding battle with Hannibal proved to be effective.

Mr. President, a majority of the American people do not believe that we should rush into war immediately. I now read from the Washington Post of January 11, this paragraph:

> While most Americans appear willing to go to war at some point after Tuesday if Iraq continues to occupy Kuwait, the latest Post-ABC poll continues to show that only a minority of Americans want that war to begin when the deadline expires.

Mr. President, something should be said about the cost of a war in treasure. We are going to end up paying for most of Operation Desert Shield ourselves, as we will discover when the supplemental appropriations measures are submitted. We will end up fueling our deficit with a war and borrowing from the Germans and Japanese at Treasury bill auctions to fund our budget deficit because they would not provide the money up front to help us.

Our projected deficit, as of now, for fiscal year 1991 is $320 billion. This is an American operation with a superficial covering of internationalism. It is a bitter pill for the American people to swallow, coated with the noble embroidery of international collective burden sharing, and they will be swallowing the economic consequences of such a war for years to come.

According to the Veterans' Administration, 72,000 World War I veterans are alive today, after 73 years; 8.6 million World War II veterans are living; 3.9 million veterans of the Korean war are living; 7.7 million Vietnam veterans are alive. Society will be paying for health care and pensions for these veterans for many years to come, as we should.

For fiscal year 1991, the Veterans' Administration will provide in pension payments, readjustment benefits, and support for the Home Loan Guarantee Program in the amounts broken out by specific war service: World War I, $737 million; World War II, $11.3 billion; Korean war, $3.3 billion; Vietnam, $8.3 billion; total, $23.637 billion. So, if war comes, the U.S. Government will be paying the costs for decades to come.

Mr. President, there is a serious question of burden sharing here. I was provoked and insulted and embittered when I read in the Washington Post of Saturday, January 5, an Associated Press story headlined "Japanese Application to Gulf Ended."

And I now read therefrom:

> Japan's lone aid team in Saudi Arabia has returned home, and officials were unsure today whether the government would send more.
>
> The seven doctors and nurses who made up Japan's second medical team all had left by Dec. 28, the Foreign Ministry said today, ending a mission plagued by too few volunteers and what critics say is the Japanese people's unwillingness to consider Iraq's occupation of Kuwait their problem.
>
> Both missions drew only a total of two dozen volunteers. Two ministry officials who accompanied the second team are the only Japanese personnel still among the more than half-million U.S.-led troops massed in the Persian Gulf region.
>
> Critics say Japan's inability to put together a 100-member medical team as promised in September reflects an insular mentality that has undercut government efforts to do more than send $4 billion to help pay for the troop deployment and aid poor states in the area that have suffered from boycotting Iraq.
>
> "We are still not sure whether we really can . . . make a meaningful contribution," said a Foreign Ministry official, speaking on condition of anonymity. He said another medical mission was possible but "has not been worked out yet."
>
> In a poll last month, 62 percent of Japanese questioned opposed sending anything more than financial aid to the gulf.

So, Mr. President, while the American people will send their doctors to the Persian Gulf, while the American people will do without adequate medical care, will do without their medical personnel to a high degree, the Japanese will not even send a volunteer team—a volunteer medical mission to the Persian Gulf.

Mr. President, the United States is working nearly alone in this effort. It is clear that many, if not most, of our major allies in Europe do not share our enthusiasm for this adventure. Money is not pouring into our Treasury in a genuine burden-sharing act by our allies. The administration is about to embark on the second phase of "Operation Tin Cup." We have to go around begging for contributions for this effort.

I salute and congratulate the President of the United States and Secretary Baker for the leadership that they have demonstrated, for their dedication, for their skill, and for their success to a point, in marshaling the strength of the United Nations behind this effort.

But the total amount of cash and in-kind contributions provided by our allies as of the last report from DOD is less than $5 billion, an embarrassingly small sum. According to that report, the Germans have provided some $272 million and the Japanese some $426 million. Together, the two economic giants of Germany and Japan have hardly spoken eloquently with their pocketbooks. They have only opted to hold our coats, while we take on Hussein.

Mr. President, I think this is a shame and a disgrace, that Germany and Japan, two countries which will benefit far more than will the United States, two countries whose dependence on the oil from the Middle East far exceeds our own need, will stand by and cynically watch American men and women shed their blood in the sands of the Arabian desert and refuse to help to finance, from their treasuries, the cost of this effort.

Mr. President, I have difficulty finding the words adequately to express my feeling that such Nations would stand by. It is a monstrous disgrace and the American people will remember it.

Mr. President, Francis Bacon wrote of the words that Croesus spoke to Cambyses, that "peace was better than war because in peace the sons did bury their fathers, while in war the fathers did bury their sons." How appropriate at this moment.

Mr. President, let Hussein get no comfort from the vote today. I anticipate that the resolution offered by Senator NUNN and others will not carry.

But, as the chairman of the Appropriations Committee, I can assure Mr. Hussein that there will be no division here if war comes.

I pray that the President will exercise patience and take time. He has it within his hands. But Saddam must know that we will all stand together and that, whatever the cost, the Senate will do its duty. We will not let down our men and our women in the Middle East.

Mr. President, I know what it is to lose a grandson, and I know that there are many fathers and mothers and grandparents and wives and brothers and sisters who pray each night that their sons and daughters, their relatives, will come back home safely. I know what it is to lose a grandson. The greatest sorrow of my life was the loss of Michael. Let us hope for the best.

So, Mr. President, in the words of the Epistle to the Hebrews: "let us run with patience the race that is set before us."

EXHIBIT 1

[From the Washington Post, Jan. 11, 1991]

MOST BELIEVE WAR INEVITABLE, POLL SHOWS

While most Americans appear willing to go to war at some point after Tuesday if Iraq continues to occupy Kuwait, the latest Post-ABC poll continues to show that only a minority of Americans want that war to begin when the deadline expires. According to the survey:

WASHINGTON POST-ABC NEWS POLL

Q. Do you approve or disapprove of the way George Bush is handling the situation caused by Iraq's invasion of Kuwait?

[In percent]

	Approve	Disapprove
January 9	69	29
January 6	67	30
November 15	59	36
October 14	64	31
August 20	75	21

Q. As you may know, the United Nations Security Council has authorized the use of force against Iraq if it doesn't withdraw from Kuwait by Jan. 15. If Iraq does not withdraw from Kuwait, should the United States go to war with Iraq to force it out of Kuwait at some point after Jan. 15, or not?

[In percent]

	Jan. 9	Jan. 6	Dec. 18	Dec. 2
Yes	68	63	55	63
No	29	32	30	32
Don't know	3	5	15	5

Q. How long after Jan. 15 should the United States wait for Iraq to withdraw from Kuwait before going to war to force it out? (Asked only of those who said that the United States should go to war with Iraq.)

[In percent]

	Jan. 9	Jan. 6
Immediately	39	29
Less than 1 month	43	49
1–3 months	12	13
4 months or more	2	2
Don't know	4	7

Q. Just your best guess, do you think the United States is going to get involved in a war with Iraq, or not?

[In percent]

	Jan. 9	Jan. 6	Nov. 15	Oct. 14	Aug. 20
Yes	86	72	71	69	66
No	12	23	22	28	29
Don't know	2	5	7	3	5

Q. Do you think the United States has done enough to seek a diplomatic solution to the Persian Gulf situation, or not?

[In percent]

	Jan. 9
U.S. has done enough	71
U.S. has not done enough	27
Don't know	2

Q. Do you think additional talks between the United States and Iraq would produce a diplomatic solution to the Persian Gulf situation or not?

[In percent]

	Jan. 9	Jan. 6
Yes	35	49
No	58	44
Don't know	7	7

Q. The Bush administration opposes making any concessions to Iraq to get it to withdraw from Kuwait, including an international conference on Arab-Israeli problems. Some people say such a conference would be a concession that would reward Iraqi aggression by linking the Arab-Israeli dispute with Iraq's invasion of Kuwait. Other people say such an agreement would be worth it if it got Iraq to withdraw from Kuwait without a war.

Do you think the United States should agree to an Arab-Israeli conference if Iraq agreed to withdraw from Kuwait, or not?

[In percent]

	Jan. 9
Should agree	66
Should not agree	30
Don't know	4

Note: Figures do not add to 100 percent on the first question due to rounding. Jan. 9 figures are based on a Washington Post-ABC News poll of 511 randomly selected adults 18 years of age and older conducted nationwide Jan. 9. All other polls are based on samples ranging from 515 to 1,057 persons. The Jan. 6, Dec. 2, Nov. 15 and Oct. 14 polls are Washington Post-ABC News polls. The Dec. 18 poll is a Washington Post poll. The Aug. 20 poll is an ABC News poll. Margin of sampling error is plus or minus 4 percentage points for the Jan. 9 poll and ranges from plus or minus 3 to 5 percentage points for the other polls. Sampling error is, however, only one of many potential sources of error in these or any other public opinion polls. Interviewing was conducted by Chilton Research of Radnor, PA., and ICR Survey Research Group of Media, PA.

[From the Washington Post, Jan. 5, 1991]

JAPANESE MISSION TO GULF ENDED

TOKYO, January 4.—Japan's lone aid team in Saudi Arabia has returned home, and officials were unsure today whether the government would send more.

The seven doctors and nurses who made up Japan's second medical team all had left by Dec. 28, the Foreign Ministry said today, ending a mission plagued by too few volunteers and what critics say is the Japanese people's unwillingness to consider Iraq's occupation of Kuwait their problem.

Both missions drew only a total of two dozen volunteers. Two ministry officials who accompanied the second team are the only Japanese personnel still among the more than half-million U.S.-led troops massed in the Persian Gulf region.

Critics say Japan's inability to put together a 100-member medical team as promised in September reflects an insular mentality that has undercut government efforts to do more than send $4 billion to help pay for the troop deployment and aid poor states in the area that have suffered from boycotting Iraq.

"We are still not sure whether we really can . . . make a meaningful contribution," said a Foreign Ministry official, speaking on condition of anonymity. He said another medical mission was possible but "has not been worked out yet."

In a poll last month, 62 percent of Japanese questioned opposed sending anything more than financial aid to the gulf.

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress is firmly committed to reversing Iraq's brutal and illegal occupation of Kuwait.

(b) The Congress authorizes the use of American military force to enforce the United Nations economic embargo against Iraq; to defend Saudi Arabia from direct Iraqi attack; and to protect American forces in the region.

(c) The Congress believes that continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time and should be sustained, but does not rule out declaring war or authorizing the use of force at a later time should that be necessary to achieve the goal of forcing Iraqi troops from Kuwait.

(d) The Congress pledges its full and continued support for sustaining the policy of increasing economic and diplomatic pressure against Iraq; for maintaining our military options; and for efforts to increase the military and financial contributions made by allied nations.

(e) The Constitution of the United States vests all power to declare war in the Congress of the United States. Congress will expeditiously consider any future Presidential request for a declaration of war or for authority to use military force against Iraq, in accordance with the following procedures:

SEC. . CONGRESSIONAL PRIORITY PROCEDURES FOR CERTAIN JOINT RESOLUTIONS.

(a) DEFINITION.—For purposes of this Act, the term "joint resolution" means any joint resolution which is introduced in a House of Congress after the President has made a request under section 1(e) and which consists solely of a declaration that a state of war exists between the United States and Iraq or an authorization for the use of the Armed Forces of the United States against Iraq.

(b) CONSIDERATION OF RESOLUTIONS.—Section 258A(b) of the Balanced Budget and Emergency Control Act of 1985 (2 U.S.C. 901 et seq.) shall apply to the consideration of any joint resolution under this Act, except that—

(1) notwithstanding paragraph (2) of that section, the Majority Leader of the Senate may move to proceed to the consideration of a joint resolution at any time;

(2) the time for consideration of a joint resolution in the Senate shall be limited to not more than 20 hours during which time the time for debate on any amendment thereto shall be limited to not more than 2 hours, and the time for debate on any amendment

to such an amendment shall be limited to not more than 1 hour;

(3) if, during the consideration of the joint resolution under paragraph (2) of this subsection, the Minority Leader has not had the opportunity to offer an amendment, he may, at the expiration of the 20-hour period and the disposition of all pending amendments, offer an amendment which may amend language previously amended, on which there may be 2 hours of additional debate, which amendment shall be subject to one amendment thereto, on which there may be an additional 1 hour of debate;

(4) the total time for consideration at any stage of the proceedings in the Senate of all amendments between the Houses of Congress and motions with respect to all such amendments shall be limited to not more than 3 hours (and the time for consideration of any such amendment or motion shall be limited to 30 minutes), and the total time for consideration of a conference report on a joint resolution shall be limited to not more than 3 hours;

(5) any amendment between the Houses of Congress with respect to a joint resolution, and any amendment to such an amendment, shall be germane;

(6) upon the expiration of the 3-hour period described in paragraph (4) of this subsection with respect to consideration of amendments between the Houses and upon disposition of any pending questions, no further amendments shall be in order and only the following motions shall be in order and shall be decided without debate; motions to concur, to disagree, to insist, to recede, to table, to request or agree to conference, and motions to appoint conferees;

(7) in the event that conferees are unable to agree within 24 hours after the House that requested conference was notified that the other House has agreed to conference, the conference shall be deemed to be discharged, and it shall be in order to consider any amendment or amendments in disagreement;

(8) in paragraph (3)(C)(i) of that section, the phrase "or to the order under section 254" shall be deemed instead to read "or to a declaration that a state of war exists between the United States and Iraq or to an authorization for the use of the Armed Forces of the United States against Iraq"; and

(9) the following provisions shall not apply:

(A) in paragraph (2) of that section—

(i) the phrase "On or"; and

(ii) the phrase "(excluding Saturdays, Sundays, and legal holidays)" the first place it appears; and

(B) paragraphs (3)(C)(ii), (5), and (6) of that section.

S.J. RES. 2

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990; and

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression; and

Whereas Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored; and

Whereas the U.N. Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the U.N. Charter; and

Whereas, in the absence of full compliance by Iraq with its resolutions, the U.N. Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States had used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

The VICE PRESIDENT. The Senator's time has expired.

Mr. LEAHY. Mr. President, we are going to vote today, and I am glad of that.

The Constitution makes it very clear that the Congress and only the Congress can declare war. By the same token, the Congress also has the responsibility, if it is going to withhold the right to go to war, to stand up and speak. If we did otherwise we ignore our responsibility.

It is very clear to me, after 16 years here in the U.S. Senate, there is no vote that I have cast, no vote that any of us has cast, that is going to stay more in the minds of the people we represent than this vote today. Whichever way we vote, everybody is going to remember how we vote.

Some of us said they wished they could pass this by. If we did, we would violate our own duty and our own oath to the Constitution.

I said before that I strongly support the Mitchell-Nunn resolution. I am a cosponsor of that. War is unpredictable. Churchill said it was like "riding the back of a tiger." One does not always get off at the place one might want to choose. And nothing could be truer of a possible war with Iraq.

There is no question in my mind that if there is a war, we will win. Saddam Hussein should be under no illusion about that. But I am very concerned that in this rush to go into war, we forget what such a military victory means. Does it mean that Syria and Iran become the new dominant powers in the region? Does it mean a never-ending wave of Islamic fundamentalism sweeping Egypt, Jordan, and any other Arab nation that fought along with us? Does it mean technoterrorism and bioterrorism that we could not even imagine?

We do not lose by keeping the economic stranglehold we now have on Iraq. We have an unprecedented coalition of the allies. Why lose sight of that? Why give up this enormous advantage that the United States has, something that in the postwar period we have never been able to obtain before.

As I said before, let us make war the last resort. Do not make war the first resort.

I yield the floor.

Mr. COATS. Mr. President, I rise today to voice my support for President Bush's Persian Gulf policy and to add my objections to a congressional policy of indefinite sanctions and rootless hope.

In contrast to what some in the media and Congress have argued, the President has made his case against Iraq with force and clarity. He has pursued his policy with wisdom and patience. And now the Congress must choose between increasing the pressures on Iraq that may lead to peace, or pursuing a policy of delay and division.

The world stands united in condemning Iraq's unprovoked invasion of Kuwait, a nation targeted for aggression merely because it was peaceful and wealthy. The reasons for this unified position are numerous and compelling. American national interests and those of most countries have been directly challenged by the aggressive moves of one outlaw nation.

It has been argued that our intervention in the Persian Gulf is solely because of oil, that we are willing to go to war to protect the price at the pump. This argument both oversimplifies American interests in Persian Gulf oil and overlooks our other reasons for standing up to Iraqi aggression.

If Iraq were to gain permanent control of Kuwait's oil supply, Saddam Hussein would control 22 percent of the worldwide proven oil reserves, and he would be the neighbor to an additional 49 percent located in Saudi Arabia and the other gulf countries. Iraq would thereby be in a strong position to dictate oil production rates and prices, a position reinforced by the credibility of its military threat. With his ability to manipulate the flow of Persian Gulf oil, Hussein would gain more than a mere ability to burden American drivers. He would be in a position to threaten the economic stability of the industrialized world and ultimately our national security.

We must also consider the indirect effects of Iraq's ability to control a large portion of the world's oil revenue. As Secretary of Defense Cheney told the Armed Services Committee last December, during the 1980's, while most Gulf States were investing their oil income on economic development and raising the living standards of their people, Iraq spent some $50 billion on military equipment. We have no reason to believe that Hussein's investment priorities would change in the future. He appears determined to continue to build a large and sophisticated military machine capable of coercing and directly challenging his neighbors. He already has amassed the largest military force in the region.

Saddam Hussein's geopolitical designs on the Middle East are ambitious and ominous. His goals include becoming the leader of the Arab nation, the destruction of Israel and the elimination of Western capabilities to influence events in the Middle East. His form of power politics reminds us more of the Middle Ages than the 1990's, although he clearly recognizes the importance of modern military might. While Iraq's military might is impressive today, if left unchecked it will continue to grow and diversify. In the future Hussein's arsenal will likely include nuclear weapons, intercontinental ballistic missiles, and biological weapons. At this point Iraq will no longer be merely a regional military threat but one with global reach. Unfortunately, this day may arrive sooner than we anticipate. No one can say with certainty how soon Iraq will have some form of nuclear weapons capability. And as we have seen, Saddam Hussein demonstrates little reluctance to use whatever weapons he possesses. He has stated explicitly that if he could strike at Washington he would not hesitate. I believe he is serious.

Also at stake is the future of international relations, what is now being referred to as the new world order. We have a long way to go before peaceful dialog supplants military force as a way of settling disputes and advancing national interests. Unfortunately, Iraq's occupation of Kuwait threatens to derail this process. Every potential aggressor in the world today is watching with great interest as Iraq stands up to the one power on Earth that can make this new world order a reality. If Iraq walks away from this crisis with even a partial victory the shock waves will be felt around the world and for years to come. If Iraq is not thoroughly rebuffed the message will be heard loud and clear that aggression pays.

We must also consider the impact of this crisis on the image of the United States and our role in global affairs. The United States was the only country that could have assembled a rapid and effective international response to Iraqi aggression. In many ways we are the only remaining superpower and our handling of this crisis will determine our international status. If we fail to achieve a satisfactory resolution to this crisis, U.S. global influence will be severely tarnished and we will need to rethink our entire approach to foreign and defense policy.

Some have argued that our role as the leader of a military coalition aligned against an Arab country threatens to damage our relations in the Middle East and our ability to influence the peace process. I believe the opposite is true. One reason that Middle East peace has been so elusive is because Arab radicalism has been an obstacle. This radicalism threatens not only Israel but also moderate Arab States who may be inclined to join us in forging lasting peace in the region. Our fight against Saddam Hussein is a fight against radicalism, which, if successful, should strengthen the forces of moderation and peace, just as our failure would embolden those who seek a militant solution to Middle East problems.

In his attempt to resolve the crisis caused by Iraq's invasion of Kuwait, President Bush has explored every reasonable and honorable route to peace. He has instituted sanctions, built an international coalition to apply military pressure, and pursued diplomacy—all with commitment and patience. Seldom have decisions of this importance been made with more care, caution and consultation. Secretary of State Baker's meeting with the Iraqi Foreign Minister has been a final symbol of his sincerity and commitment to exploring all reasonable options.

Secretary Baker's meeting with Foreign Minister Aziz makes it increasingly clear that a diplomatic solution may be beyond reach. The United States and its allies have tried all feasible channels to convince Saddam Hussein that he must withdraw from Kuwait or risk being expelled by military means. Aziz' cynical attempt to avoid even mentioning the invasion of Kuwait during his press conference on Wednesday, and his attempt to link every aspect of Iraqi aggression to Israel, makes it clear that the Iraqis have no intention of pursuing a serious political solution to the gulf crisis.

Even if Iraq had been more interested in diplomatic interaction, I am skeptical that such a path could have led to a satisfactory solution. The United States entered the process with a list of minimum demands upon Iraq—an unconditional withdrawal from Kuwait, the restoration of the legitimate Kuwaiti government, the release of all hostages and respect for regional stability. There is no room for the United States to compromise on these goals. Charles Krauthammer stated it succinctly: "A conditional withdrawal, which is what a 'diplomatic solution' is all about, means aggression rewarded and Saddam rewarded."

If anything, United States demands need to be expanded to include the elimination of Iraq's nuclear, chemical and biological weapons programs and a significant reduction in its conventional military forces. Some have even advocated the removal of Saddam Hussein from power as a worthy U.S. objective. Ironically, a diplomatic solution would more than likely lead to a situation in which the source of the problem would remain unchanged or be strengthened. Even if U.S. goals are not compromised their achievement will still be restricted to the symptoms of the problem.

If a diplomatic solution offers little or no promise, as is now increasingly apparent, we are left with two options—relying on sanctions to break down Hussein's will to resist or resorting to military action to force him from Kuwait. Neither option is free of risk.

Many Members of Congress have suggested that pursuing a sanctions-only policy will be easy and risk-free. Nothing could be further from the truth.

Sanctions alone are unlikely to produce Iraqi compliance with stated United States goals within the next several months. Most experts have estimated that it may take a year or two. In its hearings on this matter late last year, the Armed Services Committee heard from former Secretary of Defense Schlesinger, a panel of experts on the Iraqi economy and a number of other witnesses with informed opinions regarding sanctions. Those who advocated continuing a policy of sanctions admitted that this would take at least a year to work. What we could expect from this reliance on sanctions was not at all clear, however. No witness could state with any degree of certainty that sanctions will lead to Iraq's withdrawal from Kuwait.

It is increasingly clear that even if sanctions succeed in badly damaging the Iraqi economy over the next year or so, they may still not produce our stated goals. CIA Director William Webster informed the House Armed Services Committee in December that: "Our judgment has been, and continues to be, that there is no assurance or guarantee that economic hardships will compel Saddam to change his policies or lead to internal unrest that would threaten his regime." Webster reiterated this view in a letter that was submitted for the RECORD yesterday. According to Webster "The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next 6 to 12 months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period." Hence, even if sanctions appear to be working in purely economic terms, they might fail politically. Even if they do succeed in forcing Iraq to comply with the United Nations demands, this will only take place after a year or more.

Unfortunately, a policy that assumes a year or two for sanctions to work ignores the tremendous pressures that this would place upon the international coalition, U.S. military forces deployed in the Gulf region and the American people.

There are signs that a protracted wait-and-see policy may be as corrosive upon the international coalition as on Iraqi forces. Representative SOLARZ, who is hardly known as a consistent supporter of U.S. military intervention abroad, has recently written that "The prospects for the success of the sanctions are less likely than the prospects for the collapse of the coalition if we wait for the sanctions to be given more time to work." This sentiment was reinforced by a House Armed Services study released in December by Representative Les Aspin. The Aspin study documents that sanctions are not working politically even though they are beginning to impact upon the Iraqi economy.

During his testimony to the Senate Armed Services Committee last November, Henry Kissinger expressed the view that the most we could expect from the sanctions is the beginning of a diplomatic discussion, which would tend to reinforce Saddam Hussein's view that he will ultimately stare down the United States. When I questioned Dr. Kissinger on his view of the long-term implications of our following such a policy, he stated: "I believe that radical governments or policies would then emerge in many of the countries now associated with us." He then stated that: "This will lead to a high possibility of conflict between the remaining moderate Arab nations and the radical nations, as well as the near certainty of an Arab-Israeli conflict in which there is a high possibility that this time nuclear weapons might be involved."—perhaps within 2 to 3 years.

I am convinced that continuing sanctions indefinitely will produce at most an ongoing diplomatic process. Iraqi Foreign Minister Aziz was clear what this would bring—a link, even if only implied, between Iraq's unprovoked aggression and Israel's attempts over the years to defend itself against Arab radicalism. Let there be no mistake. If we withdraw the military threat against Iraq—and that is precisely what the Mitchell resolution will do—Saddam will succeed in forging this linkage, especially among those Arab countries who currently support our policy. Saddam knows well that a militant stance toward Israel is the one thing that might unify the Arab world. Granting him a reprieve from the threat of military action gives him time and incentive to redirect Arab animosity in the direction of Israel.

It is also clear that we could not maintain a ready military capability in place in Saudi Arabia for a year or two without significantly reducing the size and readiness of our current deployment. In other words, a long-term sanctions policy is not really consistent with the maintenance of a credible military threat. Ironically, without a credible military threat present, it will be much easier for Saddam Hussein to withstand the impact of sanctions, especially their impact on his military readiness. Reducing our military commitment to the crisis, moreover, this would send the wrong signal to all members of the coalition, especially the Arab members, who would have to give serious thought to making separate accommodations with Iraq.

If the President of the United States is denied by the Congress the authority to use force against Iraq at this point his foreign policy-making powers will be severely damaged. This has implications for all future Presidents, Democrat and Republican alike. Our ability to intervene in the interest of global stability will be hindered, tyrants around the world will have reason to believe that the President's hands are tied, and our involvement in United Nations peacekeeping mission will never again carry the same weight.

Over the last five months President Bush has put together the most impressive show of global unity in history. The United States has been the clear leader in showing that a new world order can be achieved. After this unprecedented demonstration of patience, consultation and vigilance, the Congress risks sending a very unfortunate message—that the United States is unwilling to back its words with force, except when directly attacked. In so doing, we would abdicate our leadership role in building this new world order, and indeed may undermine it altogether.

Passing the Mitchell resolution will also send the message that the use or threatened use of force shall no longer be a tool of American diplomacy. If the President does not possess a credible threat to use force he also lacks an ability to influence global events. Our allies and foes alike will never again know whether American resolve is strong, whether we are willing and able to achieve stated objectives. We will invite aggressors the world over to harbor the belief that the United States will never again involve itself in a situation that threatens to involve Americans in combat.

We also risk undermining the United Nations just when this institution is becoming more relevant and effective in dealing with global instability. In the case of the current crisis, when President Bush has assembled an unprecedented coalition in support of our policy, the Congress is now threatening to undermine the United Nations by saying that the United States cannot participate in implementing its solemn resolutions.

Finally, we must face the fact that a protracted sanctions policy means mass starvation in Iraq and Kuwait, not among those responsible for perpetrating hostilities but among the most innocent of civilians. Will American public opinion be willing to accept a continuous stream of images of women and children starving and dying due to a lack of medical supplies? Even though the embargo permits the shipment of humanitarian supplies it is unlikely that they will reach their intended recipients. In the end, moreover, even if sanctions succeed in driving Iraqi forces from Kuwait there may not be a Kuwaiti population left to inhabit this rich piece of land other than those installed by Iraq. It would be a Pyrrhic victory indeed if we saved the country yet sacrificed the population.

This brings me to the last remaining option—the use of military force. Make no mistake, it is peace I am seeking, not war. War is the business of hate and death. It is the prelude to sufferings we cannot count. I heard a Senator rise on this floor to say that Congress is calloused and hardened because our own sons and daughters will not be affected. I wish the Senator had been more careful. It is hard for me to verbalize my outrage at statements like that. I have a young daughter, and her fiance is on his way to the Middle East right now.

Unfortunately, most of those who advocate an indefinite sanctions policy have also misrepresented President Bush's policy and stated intentions. Authorizing his use of force does not mean that war is inevitable or that the administration has abandoned sanctions. If anything, authorizing the use of force may be the only remaining way of making a sanctions policy viable. This may be the last hope for a political solution. It may be that Saddam Hussein is engaged in an extremely high-risk, high-stakes game of chicken, hoping that the United States will flinch before he does. Denying the President the authority to use force will send the signal to Baghdad that the United States has indeed been unable to stand up to his challenge.

It has been argued here today that if we only wait another year or so Iraqi forces will be significantly worn down and that the threat facing our forces at the time will be diminished. Yet for this to be true a credible military threat must be maintained against Iraq. If we announce to the world in the coming days that we have decided to set aside the military option for a year, Iraq's military will be strengthened in its resolve to withstand sanctions. CIA Director Webster confirmed yesterday that "Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength." It is only by linking the credible threat of military force with sanctions that Iraq's military will be significantly worn down. And, unfortunately, by denying the President a congressional authorization to use force we will effectively undermine this credibility.

Whether we ultimately engage in military conflict with Iraq or simply use the credibility of a military threat to speed the effectiveness of sanctions, the President needs congressional support. I therefore urge my colleagues to support the President's request for a congressional resolution in support of U.N. Resolution 678, which would authorize the use of force after January 15. The time for debate is rapidly coming to an end. Any extension of this discussion will only be divisive and contrary to the national interest. I believe that the time has come for Congress to vote, up or down, on granting the President the authority to pursue any means necessary to achieve our goals in the Persian Gulf, goals that are widely supported throughout the United States and the world. We have avoided our responsibilities for long enough.

Now is not the time to enter into a bitter, partisan debate on the constitutional authority of the Commander in Chief. However one comes down on this issue, it is clear that the President is now requesting congressional authorization, a sign of solidarity that is needed to unify the Nation behind the President in pursuing a peaceful solution or, in the end, executing a rapid military campaign to achieve our goals. President Bush stated clearly during his news conference on Wednesday that it is not too late to send a signal of unity. I agree and urge my colleagues to join me in supporting the President and the national interest.

The VICE PRESIDENT. The Senator from Hawaii.

Mr. INOUYE. Mr. President, we are on the threshold of conflict; we are at the edge of the battlefield.

I am here to implore my colleagues: Withhold! Give pause before making the irrevocable decision to cross that threshold.

The Constitution of the United States of America, in article I, section 8, charges the Congress with the authority to declare war. With this awesome authority comes grave responsibility. It is the Congress which directly represents the people; it is to the Congress that the people have delegated the power to decide the question of war or peace.

The Founding Fathers of our Nation were wise and practical men, steeped in the traditions of democratic debate and hardened by the rigors of war. They understood, all too well, the intoxication of executive power and the dangers inherent in government by decree. They knew that, from time to time, even the most thoughtful leader would be tempted by the exigencies of the moment and act alone, preferring the expediency and decisiveness of Presidential action to the deliberate and thoughtful process of Congress. To guard against this threat to popular sovereignty the Founding Fathers were explicit in vesting the people's representatives with the sole power to move the country from peace to war.

No less a figure than Alexander Hamilton stated: "It is the peculiar and exclusive province of Congress when the Nation is at peace to change that state into a state of war; whether from calculations of policy, or from provocations, or injuries received; in other words, it belongs to Congress only to go to war."

Mr. President, I have read the arguments regarding the inherent powers of the Commander in Chief and I know there have been instances when Presidents have committed U.S. forces to combat without first receiving the assent of Congress. Most frequently these lapses have occurred when U.S. forces in the field were reeling under the armed assault of a foreign foe and were, in fact, already at war. I believe, however, that these were exceptional circumstances which in no way negate or diminish the authority of this body nor its responsibility to the people of the United States. It may be that our predecessors were not sufficiently vigilant in defending the constitutional authority of the Congress to declare war. There is no reason, however, why we in this Chamber today must repeat the errors of the past. To meet our responsibilities, we must insist that the Congress must give its explicit authorization for the use of force before the President can enter into battle.

Mr. President, half a world away and beneath the cloudless skies of Arabia, two great armies stand face to face, preparing for total war. For the moment, the guns stand silent. The eyes of history are upon us. To this point, only a volley of words have been exchanged between the diplomats of Iraq and the United States. Now, however, the conflict may take a deadly turn. We have time to pause, to measure our response to Iraq's provocation and consider the long-term consequences of the decision we are about to make. The decision to send our legions into combat—to cross the threshold of conflict—is a decision which is now entrusted to our care. Once we choose to take that fateful step, then, and only then, can the President perform his wartime function as Commander in Chief.

Mr. President, I approach the task before us with a heavy heart—a heart burdened by the knowledge that, early last year, this body had numerous opportunities to answer Saddam Hussein's threats off the field of battle and yet chose to do nothing. Standing on this very spot, I warned the Senate of Saddam's treachery and the danger which his arsenal of unconventional weapons posed to United States interests. Over a year ago I was the first Senator to propose a comprehensive sanctions bill against Iraq that would have ended all trade and commerical ties between our two countries.

In this Chamber, and in hearings going back nearly 4 years, I spoke of Iraqi-sponsored terrorism, human rights abuses and the $1.2 billion in U.S. taxpayer credits which flowed to his regime every year. In April 1990 I acted to stop a Commerce Department aerospace trade mission to Iraq, a mission intended to sell more of the very military equipment and advanced technology which Saddam Hussein now has arrayed against our forces. For the last 3 years I have worked to end United States Export-Import Bank financing for the sale to Iraq of chemical agents which could have had a weapons application.

Unfortunately, Mr. President, my efforts to gain wide sponsorship of a comprehensive Iraq-sanctions bill fell on deaf ears. There were those who saw in Saddam's congenial demeanor a man of peace. They ignored his personal history of brutality, and the documented savagery of his regime. They believed him when he professed his benign intentions toward the countries of the region.

Mr. President, 6 months ago Saddam Hussein was a leader unknown to most Americans. Today his deeds are known to all. He has captured our attention, sparked our outrage, and aroused our patriotism. He has dashed our hopes for a new world order and has awakened fears that disorder will follow from the breakup of cold war alignments. Saddam Hussein has become the new bully on the block, brandishing his weapons of mass destruction as if they were toys and brutalizing those he claims to champion.

In vain, Saddam Hussein has tried to convince the world that his invasion of Kuwait was undertaken on behalf of the Palestinians, a claim belied by the fact that his threat to attack Israel with chemical weapons would surely kill hundreds, if not thousands of Palestinians. At the same time, his support of Palestinian terrorist organizations, his use of chemical weapons against women and children in Kurdish villages, and his brutal occupation of Kuwait demonstrates a vicious contempt for human life which belies any claim to moderation.

The threat posed by the Iraqi invasion of Kuwait extends far beyond the Middle East. Hussein's attempt to control a major portion of the region's oil supply continues to have a detrimental effect on the global economy. The price of basic commodities, food, fuel, and shelter has risen at an alarming rate, cutting deeply into the incomes of poor Americans and plunging the Nation into its worst recession in a decade.

For the people of the Third World, for the impoverished nations, Hussein's liberation of Kuwait has had an even more disastrous effect, setting back plans for modernization of their economies and forcing many nations in Asia and Africa to turn to international relief organizations and the multilateral banks for emergency assistance. When we speak of the danger Saddam Hussein's control of oil poses to the world, we do not mean that Americans will have to drive smaller cars or stand in gas lines. That is true, but of greater consequence is the starvation and malnutrition which will accompany agricultural shortfalls as petroleum based fertilizers become too costly for Third World farmers. We speak not only of gaslines, but also of foodlines.

The community of nations has been correct in its repudiation of Saddam Hussein and his wanton rape of Kuwait. If left to stand, his conquest will provide an example to other countries whose despotic leaders harbor hidden designs on their neighbors or who seek the readjustment, through intimidation, or settled international boundaries. Moreover, the world can not be seen to countenance the taking of hostages by allowing those who would engage in such practices to escape unpunished.

Mr. President, those who know me, know that I am not one to shrink from a fight or retreat from the field of battle. The defense of freedom, I believe, is a duty which falls to every individual who cherishes our way of life. My generation paid a terrible price to safeguard our Nation—a price which tragically has been paid many times since. It is for this reason that I feel compelled to counsel caution as we move ever closer to the January 15 deadline set by the United Nations for the withdrawal of Iraqi forces from Kuwait.

To be cautious in this endeavor is to recognize that future generations will sit in judgment of our success or our failure. So, too, in months and years hence, will the American people stand in judgment of those who stood shoulder-to-shoulder with our service men and women under arms. It is clear to everyone in this Chamber who the countries are which share our ideals and which are prepared to sacrifice both blood and treasure to assure a successful outcome in the deserts of Arabia.

So far, the tally of contributions toward Operation Desert Shield has been disappointing—particularly from the European nations whose dependence on Middle Eastern oil far exceeds our own. With a total population of 280 million people, surely a united Europe is able to muster more than the meager 40,000 troops which it has deployed in the region, principally on ships and on air bases, far from the front lines. Surely Germany, can do more to ameliorate the harm caused by its companies which served as the principal conduit for the chemical technology now arrayed by Iraq against our forces. Where is the materiel support—airplanes, trucks, tanks, armored vehicles, artillery—found in abundance in European arsenals and no longer needed for the defense of the Continent now that the Warsaw Pact has dissolved?

To Japan, whose economy is nearly 100 percent dependent on imported oil, and whose wealth derives in large measure from exports to the United States and the Middle East, Americans must pose a similar set of questions. Likewise, Saudi Arabia, in whose defense our troops were first deployed, must recognize that it cannot continue to reap windfall profits, estimated at $13 billion since the start of the Iraqi invasion of Kuwait, and yet contribute only a fraction of that amount to the support of American forces.

Mr. President, after the dust has settled, and the soldiers of Operation Desert Shield have gone home, the citizens of our great land will begin to tally up the costs and reassess who our friends and allies really are. I fear that the enthusiasm Americans have for a new world order based upon European unification, a reunited Germany, and a more worldly Japan will be radically transformed, if the countries of the Marshall plan, OPEC and the Pacific Rim do not take a more active role in supporting our common interests.

Mr. President, the power which the United States and our allies are now prepared to unleash against Iraqi forces is truly awesome. A devastating and humiliating defeat for Saddam Hussein can be the only possible outcome. At the same time, it is a tragic illusion to believe that the United States will not suffer casualties. Just how numerous those casualties will be is impossible to say. Yet, we owe it to our forces in the field—young men and women—to ensure that we have done everything possible to avert conflict before we ask them to make the supreme sacrifice. We owe it to humanity to ensure that the terrible power of United States and allied weaponry is not indiscriminately unleashed on the civilian population of Iraq, which is itself held hostage to the despotic rule and maniacal ambitions of Saddam Hussein.

I am not convinced that war is inevitable. Where others see only despair after the failure of the Geneva talks, I see a faint ray of hope. I was pleased to hear Secretary Baker say that he and the President welcomed the peace mission of United Nations Secretary General Perez de Cuellar. This is a hopeful sign, but alas, the Secretary General's trip may come too late to avert war.

Mr. President, while I believe that the establishment of a withdrawal deadline is useful in focusing world attention on the need for a rapid resolution of this crisis, the decision whether or not to go to war remains of our choosing. I note that the Secretary of State pledged that the United States would not attack Iraqi forces in the process of withdrawal.

Clearly, January 15 is not the ultimate deadline. The ultimate deadline occurs when Iraq again miscalculates the resolve of the American people and attacks. Similarly, time runs out for Saddam Hussein when it appears that the political coalition and military might arrayed against Iraq begins to erode. Then, and only then, is the United States compelled by circumstance to deny Iraq the spoils of its wanton aggression.

It is not a sign of weakness to refrain from the initiation of warfare while there is a reasonable hope that a peaceful outcome can be achieved—an outcome which deprives Iraq of the ability to repeat its misadventure in the future. Nor is it unreasonable to hope that the Secretary General's mission might prove successful or that economic sanctions combined with the weight of global diplomatic isolation will force Hussein to back down.

Mr. President, if after the passage of this resolution the President of the United States comes to the determination that U.S. forces will face a greater danger or heightened threat to their safety and security because sanctions are not working, he may return to the Congress and ask for immediate consideration of a resolution authorizing the use of force. I am confident that under those new circumstances we, in the Congress, would respond positively to his request.

Mr. President, these are extraordinary times, requiring patience, perseverance and clear vision. There should be no doubt as to the justness of our cause or the firmness of our resolve. We are a nation that has long shed our blood to reverse the conquests and oppression of others—and we will do so again. The invasion of weak States by the mighty will forever be the rallying cry for free peoples everywhere. The outrage which we, in this chamber, felt upon learning of Iraq's invasion of Kuwait on August 2, has since been shared by most nations of the world. Together, we stand committed to a reversal of these events at the earliest possible moment.

My colleagues, the hour for action is nearly upon us. As the men and women of Operation Desert Shield gird for war, we at home must remain united, firm in our resolve to support them through the difficult weeks and months ahead. I believe that we should withhold our swords until it is clear beyond any reasonable doubt that economic and political sanctions will not work. But then, if Mesopotamia, the ancient cradle of civilization, must once again become a cauldron of conflict, then let it be for the principles which the countries of the United Nations reaffirmed in 12 Security Council resolutions—let it be for the peace and stability of a region vital to American national interest.

Mr. President, in years to come, Americans may be singing songs of glory about this war in the desert, but let it be forever remembered that many of those who did participate in that war may just remember pain, brutality, and ugliness.

The VICE PRESIDENT. Who yields time?

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The Senator from Kansas.

Mr. DOLE. Mr. President, we are going to be voting here in just a few minutes. I want to say, first, I think it is an honor and privilege for me to follow the distinguished Senator from Hawaii in this debate. He talked about his generation, and I am part of that generation. In fact, the two of us spent about 3 years together in Battle Creek, MI, in Percy Jones Hospital. He was one of the greatest patients of all time, as I recall.

Also there as a patient was our late distinguished friend, former Senator Phil Hart. So I guess when you ask the question how can you look someone in the eye or the parents and say, "This is worth it," I guess that has always been a question in any war.

To some of us, we see it differently. Sanctions, without a credible military threat, in my view, are not going to work for a long time. But it also seems to some of us that the best way to have peace is for Saddam Hussein to clearly understand the consequences.

Someone sent me a note yesterday saying that they had it on very credible authority that Saddam Hussein was waiting for the Senate vote. He still had some hope that he would prevail, not that anybody wants him to prevail, but that the outcome would mean to him he was going to have a little holiday. Nobody knows how long the holiday would be because there is not any deadline in the Nunn holiday resolution. It is not 1 day, 3 days, 3 months, 3 years.

I think everyone would agree that sanctions without a credible military threat would never have any severe impact on Iraq or Saddam Hussein.

I have said to the President of the United States in a meeting with Republicans and Democrats that we need to pursue every avenue for peaceful solution.

I have said to the President of the United States, when I look into the eyes of a young man in the desert in Saudi Arabia I see his parents, maybe his children, his spouse, and if we talk about burden sharing as we have in the dollar terms, when do we start counting the deaths; how many Egyptians? How many Americans? How many Saudis? How many British? This is the real burden sharing.

I have implored the President, who also has been there in World War II, that what we are attempting to do in the Congress of the United States is to strengthen his hand for peace, not to give him a license to see how fast we can become engaged in armed conflict. As far as this Senator knows, there is nothing in the U.N. resolution that says on January 15 you have to do something. But I think on January 15 Saddam Hussein will understand that if he wants peace, he can have it.

Mr. President, I know that everyone in this Chamber wants Saddam Hussein to get out of Kuwait, and some have additional demands they would make on Saddam Hussein.

I happen to believe that the resolution we are about to vote on does exactly the wrong thing. As I have indicated, it actually gives Saddam Hussein a holiday from the threat that we might use force, if I tell you, well, on January 15 we are going to let sanctions work some interminable length of time—not 6 months.

There is nothing about 6 months. The distinguished President pro tempore indicated 6 months which might be a reasonable time. Maybe 1 month is a reasonable time.

We have all had our experiences with sanctions in other parts of the world, generally without any military threat at all. It would seem to me that the pending resolution wipes out this credible threat unless we are going to maintain 400,000 men there and all the military threat we have up until some day in the future, maybe this year or next year or the next year.

I have always thought if you had sort of a holiday, as Saddam Hussein would have, he probably would not just take the holiday; he would probably dig in deeper and make preparations so he could inflict even more casualties on the United States and on our young men and other forces from other allied nations in this period. So it is a two-edged sword.

It seems to me we have to think about the ultimate result. Do we save lives by waiting 6 months, or waiting a year, or do we by our votes today indicate to Saddam Hussein "now it is up to you"?

President Bush did not start this war. I must say I have been a little astonished to hear some on this floor criticize President Bush without ever mentioning Saddam Hussein. Saddam Hussein can end this today. He can end it tomorrow.

So I want to vote for peace. I would like to have it both ways. This Senator would like to figure out how I could tell this group one thing and this group something else, but I have not been able to figure that out. Maybe some have.

But sooner or later there is going to be a moment of truth. I do not think the time will ever come that I could look some parent in the eye and say, "Well, I think it is fine; I can justify sending your son and risk his life anywhere in the world." Maybe such an occasion might arise.

So I hope, Mr. President, that we are going to demonstrate today that the President of the States is the Commander in Chief.

The Congress of the United States certainly has a role to play. I said last November and December we ought to have been here debating then when the policy was being formulated instead of coming in at the 11th hour after having been AWOL for 3 or 4 months and try to change the direction of the policy President Bush has so patiently and successfully put together.

This is not the United States versus Iraq. It is the entire international community with just a few exceptions versus Saddam Hussein and Iraq.

Let us not pull the rug out from under the President at this last moment, at the 11th hour, when the pressure is building on Saddam Hussein by the minute. Let us not give him any relief by our votes in the Congress.

I do not question anybody's motives, anybody's patriotism. We all have the same objective. We all have the same goals. We all want to send a signal. But I think you should ask any neutral observer what would happen if somebody imposed a deadline, told me I had until a certain time to do something, and somebody else said, "Well, we are going to give you another period of time, nobody is going to say how long, but don't worry about the deadline because we are going to let sanctions work in the next month, or 2 months, or 6 months, or 12 months, or 2 years, or 3 years, or 10 years."

I think we know where the votes are. If we do not, we ought to get some new counters. Nobody is going to be swayed by what anyone says here. But I think it is important that we state our views. The Senator from West Virginia talked of 20,000 votes cast by the Senator from West Virginia, this being the most difficult.

Mr. BYRD. Twelve thousand eight hundred.

Mr. DOLE. I do not have quite that many, but this is a very difficult vote, and when I vote no I want Saddam Hussein to understand that I want peace, and I want him to understand that we are preparing our President, as we will on the next vote, to use force if necessary. I want our President to understand this is not some hunting license, that this is to strengthen his hand for peace, not war but for peace. That is the message I believe will result after all the voting is done this afternoon.

Mr. President, I thank the Chair.

The VICE PRESIDENT. Who yields time?

Mr. NUNN addressed the Chair.

The VICE PRESIDENT. The Senator from Georgia.

Mr. NUNN. Mr. President, just one point on the minority leader's excellent presentation. The January 15 deadline was supposed to be on Saddam Hussein and not on the United States. The President, after the United Nations made its decision to approve the deadline, made that distinction clear, but that seems to have faded from memory, that we did not view it as a deadline on us, we viewed it as a deadline on Iraq and not on the United States.

Mr. President, many of us strongly believe that we should be patient, that the embargo's real impact will begin to be felt intensely in the spring of this year, only 2 or 3 months away, and that by the summer of 1991 Iraq will have lost at least 70 percent of its gross national product. We are worried in this country about a recession involving some 3 to 5 percent of our gross national product, as we should be. We are talking about 70 percent of Iraq's gross national product disappearing by the summer. Iraq is isolated and suffering from the embargo, and time is on our side.

Iraq is uniquely vulnerable to the embargo. We have cut off close to 100 percent of its oil exports. We have cut off over 90 percent of its imports. Our Nation has the naval power to continue to block Iraq's oil shipments indefinitely, even if the coalition itself weakens.

Iraq is already desperately short of hard currency. And as CIA Director Webster states, by summer of this year, the sanctions will have severely degraded Iraq's air force and its air defenses, and it will also degrade its very considerable armored forces.

Our military forces have done their job, and they have done it well. They have successfully enforced the embargo. They have defended Saudi Arabia. And we are all very proud of our men and women in uniform, in the reserves as well as active forces.

In short, Mr. President, we are playing a winning hand. I see no compelling reason to rush military action.

Of course, there are no guarantees on economic sanctions. There are also no guarantees on war. I find it puzzling that some of those who believe Saddam Hussein and the Iraqis are so tough that they will indefinitely endure a disastrous embargo and a wrecked economy also believe that a war with Iraq will be short, and that its military will quickly collapse.

The VICE PRESIDENT. I say to the Senator from Georgia that the time on the resolution has expired.

Under the standing order, both leaders have an additional 10 minutes. But the time on the resolution for the majority has expired.

Mr. MITCHELL. I yield to the distinguished Senator from Georgia such time as he may use.

The VICE PRESIDENT. The Senator from Georgia is recognized.

Mr. NUNN. I thank the leader. I thank the Chair.

Mr. President, to repeat, I find it puzzling that some who believe Saddam and the Iraqis are so tough that they will indefinitely endure a disastrous embargo and a wrecked economy also seem to believe that a war with Iraq will be short and that its military will quickly collapse. One or the other of those premises is wrong.

If sanctions and diplomacy are to succeed, do we need to continue the threat of war? Of course we do. That is why this resolution we are about to vote on specifically authorizes President Bush to use military force to protect Saudi Arabia, to use force to protect our military forces in the field from any type threat or any preemptive attack, and to use force to enforce the embargo.

We have also provided expedited procedures to ensure that the Congress will, within 24 hours, act on any future Presidential request to give the President full authority to take offensive action for the purpose of liberating Kuwait.

In short, the threat of war will continue to pose a clear and present danger to Saddam Hussein so long as his forces occupy Kuwait.

Mr. President, we have had many closed hearings and a lot of debate about the promise and the risk of continuing sanctions. We have not had nearly as much debate about the risks of war.

For example, we have not heard much from the administration about what happens in the Middle East once we win, and we will win. I know of no analysis that has been presented to the Senate which even looks at the painful downside of war and its aftermath.

No one in the administration has given us any estimate of how long a war will last, how many casualties we are likely to suffer, and what is the likely aftermath. What will be the effect on Islamic fundamentalism throughout the region? What will be the effect on terrorism? Will friendly Arab nations be destabilized over time?

I hope that within the administration this analysis has been made in a very thoughtful way. But we have not yet seen it in the U.S. Senate.

Mr. President, I did not agree with the decision on November 8 to forego a rotation policy and to build up American military forces to a level that simply cannot be sustained. I did not agree with the abandonment of the initial policy of using the economic embargo, coupled with the threat of military force, to require that Iraq get out of Kuwait.

However, I want to point out in closing that I commend President Bush for recognizing Congress' constitutional role in this important area, and for requesting that a debate and a vote be taken on this crucial question. I commend President Bush for his superb job of rallying the international community, and I commend President Bush for his prompt action in defending Saudi Arabia, and for working skillfully through the United Nations to impose the most successful embargo since World War II.

Mr. President, Saddam Hussein and the world should not be misled by this debate. When the final votes are tallied today, and the results are announced, America's position in the Persian Gulf will be stronger, not weaker. The President has followed the Constitution of the United States. He has followed his oath, and those of us on both sides of this debate are grateful to him for that.

This can only strengthen President Bush's hand and the hand of our Nation, not only in this conflict but in confrontations to come.

I continue to hope and pray that war can be avoided. If, however, war does occur, speaking for myself, this debate will be set aside, and I will support our American military forces with whatever they need to prevail.

I thank the Chair.

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader has 5 minutes 38 seconds remaining.

Mr. MITCHELL. Mr. President, first I want to say that every Member of the Senate firmly shares the convictions expressed by the Senator from Georgia with respect to the support of American military personnel, our men and women, in the event that hostilities break out. That support is firm and unshakable.

Two themes have reoccurred throughout this debate from both sides. First, the Senate is unanimous in insisting that Iraq leave Kuwait. Iraq's invasion of Kuwait is brutal and illegal, should have been and was condemned, and must be reversed. It will be reversed.

This is not a debate about that objective; it is a debate about how best to achieve that objective. In its simplest form, the question before us is whether Congress will give to the President an unlimited blank check to initiate war against Iraq at some unspecified future time, under circumstances which are not now known and cannot be foreseen, or whether while not ruling out the use of force if all other means fail, we will now urge continuation of the policy of concerted international economic and diplomatic pressure.

The arguments for and against sanctions have been made in detail. I simply restate my firm conviction that the best course now for the President and the Nation is to stay the course, to continue the policy the President himself so clearly established at the outset of this crisis. That policy is hurting Iraq's economy and reducing its military capability. It offers the best prospect for a peaceful solution; or failing that, for weakening Iraq's military force.

In short, the policy of continuing international diplomatic and economic pressure against Iraq offers the best hope now for achieving our common objective at the lowest cost in lives and treasure.

The second recurring theme in this debate is that no Senator wants war. We all know that to be true. No Senator wants war. That is not the issue. The issue is whether by our votes we authorize war immediately—war with its great costs, war with its high risk, war which could be avoided, war which may be unnecessary. That is the issue.

Let no one be under any illusions about the differences between these two resolutions. They are fundamentally different. One authorizes immediate war. The other does not. That is the difference. That is the central issue we are voting on today.

Those Senators who vote for the second resolution are voting to authorize war immediately. That is the very title of the resolution. "Authorization for Use of Military Force Against Iraq." I understand the argument of those who support that resolution, that they hope its passage prevents war. But the reality is that if that hope is not realized, if immediate war does occur, passage of that resolution will have been an essential prerequisite for that war under our Constitution and our democratic system. The essence of democracy is accountability, and if immediate war occurs, that resolution and those who voted for it must share that accountability.

The President has submitted to the Congress a written request for authorization to use military force. That is the title of the resolution. In the current circumstances, clearly, it would be of such a scope and intensity that can only be described as war. So the second resolution is, plainly, by its own words, and by the circumstances which exist in the Persian Gulf, an authorization for war. Of that there can be no doubt or dispute. That is what we will be voting for or against today.

I urge my colleagues to vote against authorizing an immediate war.

I have discussed two things we have heard a lot about. Let me close by discussing something we have heard little about. It is this question: In the event of war, why should it be an American war, made up largely of American troops, American casualties, American deaths? The first resolution, the Nunn resolution, directly addresses this concern by supporting "efforts to increase the military and financial contributions made by allied nations." The second resolution does not mention the subject.

Certainly, the United States has a high responsibility to lead the international community in opposing aggression.

The VICE PRESIDENT. The Chair will inform the majority leader that the time has expired.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be permitted to complete my statement, and that a time comparable to that which I use be assigned to the Republican leader for his use in the debate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the United States has a high responsibility to lead the international community in opposing aggression. But this should not require the United States to assume a greater role and a greater responsibility than other nations with an equal, or even greater, stake in the resolution of this crisis. That is what is happening, and it is wrong.

It may become necessary to use force to expel Iraq from Kuwait. But because war is such a grave undertaking, with such serious consequences, we should make certain that war is employed only as a last resort. War carries with it great costs and high risk.

The possibilities of spending billions of dollars; a greatly disrupted oil supply and oil price increases; a war widened to include Israel, Turkey, or other allies; the long-term American occupation of Iraq; increased instability in the Persian Gulf region; longstanding Arab enmity against the United States; a return to isolationism at home. All of these risks are there.

But the largest risk, the greatest risk, the most profound risk is that of the loss of human life. How many people will die? How many young Americans will die? And for the families of those young Americans who die, for every one of us, the truly haunting question will be: Did they die unnecessarily? No one will ever be able to answer that question, for if we go to war now, no one will ever know if sanctions would have worked, if given a full and fair chance.

I urge my colleagues to vote for the first resolution, the Nunn resolution, to vote for continuing economic sanctions and diplomatic pressure. I urge my colleagues to vote against the second resolution, to vote against an authorization for immediate war.

Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The Republican leader is recognized.

Mr. DOLE. I have nothing further. I will ask that any time we may be allowed be transferred to the next debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The joint resolution is before the Senate.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. CRANSTON] would vote "aye."

The VICE PRESIDENT. Are there any Senators in the Chamber desiring to change their vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—46

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Conrad
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Grassley
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Riegle
Rockefeller

Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth

NAYS—53

Bond
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gore
Gorton
Graham
Gramm
Hatch
Hatfield
Heflin
Heinz
Helms
Jeffords
Johnston
Kassebaum
Kasten
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Cranston

So, the joint resolution (S.J. Res. 1) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Members of the Senate, under the previous order there will now be 2 hours and 10 minutes of debate on Senate Joint Resolution No. 2, the Warner-Dole resolution.

In addition, an additional 3 minutes will be allocated to the distinguished——

Mr. HARKIN. Mr. President, point of order. The Senate is not in order.

The VICE PRESIDENT. The Senator from Iowa makes a valid point. The Senate is not in order.

The majority leader will be recognized momentarily when the Senate comes to order. Those Senators who desire conversation at this time, either cease conversation or please retire from the Chamber.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, under the previous order there was to have been a period of 2 hours and 10 minutes of debate on Senate Joint Resolution No. 2, the Warner-Dole resolution, to be divided 80 minutes under the control of the distinguished Republican leader, 50 minutes under the control of the majority leader. Three minutes will be added to that time, to the time of the Republican leader, giving him a total of 83 minutes. And 50 minutes will be controlled by the majority leader.

At the conclusion of that time we will vote on the second resolution, the Warner-Dole resolution.

Mr. DOLE. Will the majority leader yield?

I think, just so Senators may know, in order they may speak on this side, if I can name just three or four up front, then we can contact others. Time under the order slipped a bit. We have 1 hour and 10 minutes starting at noon. It may be a little after.

Mr. MITCHELL. I think it will slip a little bit because we expected to start this at about 11:30.

Mr. DOLE. If there is no objection, Senator HATFIELD will be the first at 15 minutes, Senator LOTT with 5 minutes, Senator ROBB with 5 minutes, Senator SHELBY with 5 minutes, Senator LIEBERMAN with 5 minutes, and that will get us started. Then I am going to try to squeeze some of the others.

Mr. MITCHELL. Mr. President, if I might make clear, we had anticipated that this debate would begin about 11:30 and we had allocated 30 minutes to the Democratic side to be followed by the 1 hour and 10 minutes to which the Republican leader has just referred.

So there is no confusion, we are going to begin with Senator KENNEDY for 5 minutes, Senator ADAMS for 5 minutes, Senator DIXON for 10 minutes, Senator KERREY of Nebraska for 5 minutes, and Senator PELL for 5 minutes. They will be followed by the speakers to which the Republican leader has just referred, and then we will come back to the Democratic side originally scheduled to begin at 1:10 but obviously now approximately some 25 minutes later than that.

That is the order we will proceed in now, under the previous agreement worked out between the Republican leader and myself.

AUTHORIZING USE OF U.S. ARMED FORCES PURSUANT TO U.N. SECURITY COUNCIL RESOLUTION

The VICE PRESIDENT. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution No. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 2) to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

The Senate proceeded to consider the joint resolution.

The VICE PRESIDENT. Will the Senate please come to order?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, by a narrow margin, the Senate has refused to give sanctions more time to work. I regret that vote, but our cause is not yet lost.

By also voting against the Dole resolution, the Senate still has time to stop this unseemly rush to war.

I urge the Senate to reject the Orwellian argument that the only real hope for peace is for Congress to threaten war. That is brinkmanship of the worst sort, and the U.S. Senate should not be an accomplice in it.

In truth, it may well be that the last best hope for peace is being played out now in other places, in the diplomatic initiatives underway by other nations.

It is said that the United States, with all our ideals and all our heritage and all our history, has now become the country that beats the drums of war, while other nations hold forth the olive branch of peace. Perhaps, as has been said, we are all poor players strutting on a stage. But why does the United States have to play the role of war?

In these fateful final moments, before we rush to cast a vote for war, it is wise to pause, to ask where we have been, and how the Nation got where we are today. Before we rush ahead toward war, it is wise to pause, to ask where we have been, and how the Nation got where we are today. In truth, we are over compensating now, for mistakes we made for years about Iraq, and especially in the recent past.

Saddam Hussein was a brutal dictator long before his invasion of Kuwait. And yet two successive administrations have repeatedly remained silent about his tyranny. Instead, again and again, they sought ways to cooperate with him, when they should have been confronting him.

In 1981, President Reagan made overtures to Iraq to counter Soviet influence in the region. In 1982, he removed Iraq from the list of terrorist-supporting nations, and we began providing agricultural credits to Saddam Hussein.

The Reagan administration also encouraged the flow of arms to Iraq, in an effort to reduce the influence of Iran during the long and bloody war between those nations. Over the past decade, we provided $1.5 billion in computers, electronic equipment, and machine tools to Iraq—much of which undoubtedly was used by Saddam to build up his war machine.

The administration looked the other way when Saddam used poison gas against Iranian troops, and against his own Kurdish population in Iraq. The Reagan administration, and later the Bush administration, consistently opposed our efforts in Congress to impose economic sanctions against Iraq because of its brutal record on human rights.

As late as 1 week before the invasion of Kuwait, the Bush administration was actively resisting efforts in Congress to impose sanctions against Saddam. On the eve of the invasion, our diplomats were telling Saddam that the United States had no interest in Iraq's boundary dispute with Kuwait.

We paid a high price for that mistake on August 2—and so did the people of Kuwait. But it makes no sense to pay an even higher price now in blood for that mistake.

Failure to stand up to Saddam over the last decade brought us to this crisis. The administration underreacted then. But that is no excuse for over-reacting now, by abandoning reasonable possibilities for peace and rushing recklessly into war.

President Bush's decision last August to send American forces to prevent further Iraqi aggression was the right one. Our sanctions are making Saddam pay a heavy price for his aggression against Kuwait.

Iraq's billion dollar oil industry has been shut down. The Kuwaiti oil fields are worthless to Iraq. The thousands of foreign hostages seized by Saddam are free and home.

How then can President Bush make a persuasive case that our current policy is not working, when there is a good chance not only that it will continue to work, but that it will achieve all our objectives, with no high cost in U.S. lives? There is no reason whatever to shift to a policy of war.

Saddam has made it clear that he will attack Israel as soon as war begins. The administration claims that the Arab coalition against Iraq will be difficult to hold together to continue our sanctions policy. But it will be even more difficult to hold the coalition together when war begins.

Even without the involvement of Israel in the war, the prospect of American forces killing throusands of Iraqis may well alienate all the Arab nations, and encourage worldwide terrorism against Americans.

Why risk that prospect now? Our policy of economic sanctions has not failed. There is no justification for abandoning it now. There is no reason whatever to shift to a policy of war.

Many of us regret that Congress did not have this debate 2 months ago, when President Bush changed course so precipitously, and put us on this headlong path to war. But our failure to act responsibly 2 months ago is no excuse for acting irresponsibly now.

January 15 is an artificial and entirely arbitrary deadline. It is not an acceptable deadline for war. There is still time for the Senate to stop this senseless war before it starts. We have the time—we must not lack the will.

President Bush lit the fuse for war on November 8, and the fuse has been burning steadily for the past 2 months. In 3 more days, the fuse will reach the powder. The Middle East may explode in war, unless the Senate puts out the fuse.

Since the crisis began last August, President Bush has tried many times to explain his policy. But he has never been able to convince the American people that any of our vital interests now at stake are in such imminent danger that we must hurry into war.

In fact, the principal reason driving the President's policy of war can be spelled out in three other letters: O-I-L—oil. Does anyone anywhere in this country seriously believe that 400,000 American troops would be stationed in the Persian Gulf on the brink of war today if there were no oil wells in Kuwait?

Not a single American life should be sacrificed in a war for the price of oil.

Not a single drop of American blood should be spilled because American automobiles burn too many drops of oil a mile.

Not a single American soldier should lose his life in the Persian Gulf because America has no energy policy worthy of the name to reduce our dependence on foreign oil.

The Europeans understand that point. So do the Japanese. They are willing to pay a very high price in dollars for their oil, but not a price in blood.

Why can the United States not understand that point? Why are we the only nation in the world that is willing to send hundreds of thousands of its sons and daughters to the Middle East to die for oil? Are everyone else's priorities wrong? Or is it America whose priorities are wrong?

The other major rationale for war that President Bush often cites is the need to stop aggression.

It is too bad that President Bush did not think of that last July, when Iraqi troops were massing on the border of Kuwait.

In one of the worst miscalculations in the history of modern American foreign policy, the Bush administration told Saddam Hussein—and we told it to him point blank, face to face—that the United States had no opinion about Iraq's border dispute with Kuwait. That miscalculation gave Saddam Hussein all the green light he needed to invade his rich but helpless neighbor.

President Bush prides himself on his ability in foreign policy. Undoubtedly, he felt embarrassed by Saddam's invasion of Kuwait. But wounded Presidential pride is not a rationale for war.

In expressing his determination to roll back Iraq's aggression, President Bush has frequently compared Saddam to Hitler. But that comparison is a gross exaggeration that has far more differences than similarities. Baghdad is not Munich. Iraq is not Germany. Kuwait is not Czechoslovakia. Saddam Hussein is not Adolf Hitler.

It is true that Saddam is a ruthless and brutal Third World dictator who must be stopped. But that is no excuse for not making every reasonable effort to stop him peacefully, before we resort to war.

We have not met that high and essential standard for using military force. Now is not the time for war. We have gone a few extra miles for peace. But we have not gone the last mile for peace. And until we do, the U.S. Senate should never never never vote for war.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, today is a historic day for the U.S. Senate, as we all recognize. Today we are being asked to cast one of the most difficult set of votes of our entire lives. We will decide today whether our Nation goes to war in the Persian Gulf. Let us not call it anything else. Let us call it what it is. This is a difficult choice for most, and for some it may be a choice that will alter their political future. That is the way the Constitution intended it. Our Founding Fathers believed that war was such a momentous decision that it should be decided by the elected Representatives of the American people. They did not believe that decision should be left to the Executive alone.

I regret that the first resolution was defeated. I supported it. It was a resolution that showed that we would continue with economic sanctions and stop Saddam Hussein and not go to war.

The Founding Fathers did not ever intend that we rush this Nation to war. James Wilson, one of the participants at the Constitutional Convention, confirmed that when he said, "This system will not hurry us into war. It is calculated to guard against us."

I think we are being hurried into war. The first resolution would not have done that. This resolution will and the statements of our administration officials indicate that war is imminent in the Middle East.

This is the first time since the cold war that Congress is exercising its warmaking power. These powers come from the Constitution and it was for that reason that last Thursday, along with Senator HARKIN, I pressed that the Senate begin debating whether or not we should go to war in the Persian Gulf. I believe that with this week's debate and today's vote, Congress has shown courage to reassert its constitutional rights, and may we never give them up again.

I want to commend the majority leader for making this debate and vote possible. It has been difficult. It has been very difficult. But he did it, and I want to also commend him on his remarks and join in his remarks. He is accurate. And I join in the remarks of the Senator from Georgia [Mr. NUNN]. I have been in constant communication with them now for 2 months since the President escalated this peacekeeping force into a force for war. They have carried out their promises and they have carried out their basic responsibilities to see that we had information, that we had the debate, and now we are at the crucial vote, the vote of whether or not to authorize this Nation to go to war.

I think it is essential that we do this today before the bullets fly. Those who have voted for it have no excuse of, simply, we must support our forces in the field. They are making a cold and calculated decision that this Nation should be authorized, the President should be granted the right to go to war. That is what this next vote will be and that is why I have waited until now in this debate—since I have already spoken on the first resolution—to say, please, please, please, dear God, do not vote to send us to war. That is what this next vote is.

I want to clarify my position. I supported the President's original policy. I think it was a brilliant policy. I supported his gathering the coalition and putting together the U.N. sanctions. I supported the defense for us to defend Saudi Arabia. I condemn the subsequent destruction of Kuwait. I strongly oppose and condemn Saddam Hussein, his aggression and his cynical ploy to link his aggression in Kuwait with the Arab-Palestine conflict.

But we are winning with our existing policy. We have protected Saudi Arabia and 90 percent of the oil supplies, and even more if they wish to pump more. We have won that with the sanctions and the U.N. resolutions. The hostages are out. We have won.

So when people say that the sanctions are not working, look at the results. The final part of squeezing Saddam Hussein and making certain that he withdraws from Kuwait is very important and is being done. I oppose President Bush's new offensive policy provoked by the rapid escalation of troops.

Mr. President, the choice between the resolutions of Mitchell and Warner are clear and unequivocal. It is a choice as to whether we exhaust the diplomatic option and give sanctions a chance to work or go to war now.

Mr. President, I ask unanimous consent to print in the RECORD letters that I have received from my constituents as a result of both town meetings and voluntarily.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
Seattle, WA, January 11, 1991.

Hon. BROCK ADAMS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR BROCK: I want to commend you and your colleagues in the Congress for taking up the debate on the question of war in the Persian Gulf. The importance of this issue cannot be overstated—the course we take, as a nation, could mean life or death for thousands of men, women and children, and will profoundly affect the future course of world events.

This is an issue that demands the fullest debate possible, both within the Congress and by the American people. I strongly believe any decision to use military force in the Persian Gulf should occur only with the overwhelming support of both Congress and the American public, and only after our nation has truly exhausted every other non-military option.

Clearly, neither of these conditions have been satisfied at this time. I strongly believe that the United States should not take offensive military action against Iraq at this time. We must give economic sanctions and negotiations time to work.

I understand and respect the President's goal of removing Iraqi forces from Kuwait and restoring that nation's rightful government. Iraq's unprovoked invasion of a sovereign nation represents the most serious breach of our fragile international order, and this aggression should not be allowed to stand.

But agreeing with the President's ultimate objective does not mean we must agree with the means he has selected. Once military action starts, it will be very difficult to stop. War will bring enormous costs to our nation:

According to one estimate, war would result in 10,000 American and 35,000 Iraqi deaths, over 150,000 American and Iraqi wounded, and 100,000 civilian casualties in Iraq.

A military strike against Iraq could quickly escalate into a war involving the entire Middle East region, and threaten the delicate political balance of the region.

Iraq has vowed that, if attacked, it would attack Israel immediately, a move which could threaten the very survival of Israel and raises the unthinkable specter of nuclear war.

The cost of any military conflict will fall most heavily on minority and low-income Americans, who are disproportionately represented in our armed forces.

As Mayor of the City of Seattle, I hope you will also consider another very real consequence of choosing military action over continued sanctions and negotiations—the terrible economic and financial cost to our nation, at a time when more resources are needed to address critical domestic problems.

Already, the build-up of U.S. forces in Saudi Arabia is costing our nation $2-4 billion each month. That cost could rise to over $1 billion per day in the event of war.

Obviously, while financial concerns are not the only considerations in such a profound international situation, they are an important factor to consider. Seattle, like every other major city is facing a wide range of challenges, including homelessness, education, health care, crumbling infrastructure and a rising tide of drugs and violence. Unfortunately, federal aid to cities has been slashed, even as our needs have increased and the federal government has shifted more and more responsibilities to the local level.

I urge you to do everything possible to avoid the need for a military solution to the crisis, so that our scarce federal dollars can be used to address the pressing problems in our cities and our nation as a whole.

Finally, I want to stress that this letter is not intended, in any way, to undercut or criticize the President of the United States or the proper role of the Congress in debating this critical issue. As so many people have said during the past few weeks, this is not a Republican or Democratic issue, it is an issue of vital importance to our entire nation.

I am convinced that any U.S. policy—especially a military policy—will only be successful if it has the full understanding and full support of the American people.

At this time, I sense the American people are deeply divided over the question of using military force against Iraq, and the people of Seattle are no exception. Every day brings more rallies and meetings and expressions of concern over the prospect of war. This evening, for example, community meetings are scheduled at over 20 sites all across Seattle.

It is ironic that the United Nations deadline for war falls on January 15, the birthdate of Dr. Martin Luther King, Jr., the greatest voice of peace and non-violence in our Nation's history.

As you weigh what is one of the most difficult decisions any of us will ever have to make, I hope you will remember the words of Dr. King:

". . . Violence never brings permanent peace. It solves no social problem; it merely creates new and more complicated ones.

Violence as a way of achieving . . . justice is both impractical and immoral. It is impractical because it is a descending spiral ending in destruction for all. The old law of an eye for an eye leaves everybody blind. It is immoral because it seeks to humiliate the opponent rather than win his understanding; it seeks to annihilate rather than to convert. Violence is immoral because it thrives on hatred rather than love. It destroys community and makes brotherhood impossible. It leaves society in monologue rather than dialogue. Violence ends by defeating itself. It creates bitterness in the survivors and brutality in the destroyers."

Sincerely,

NORMAN B. RICE.

NO WAR

BELLEVUE, WA,
January 11, 1991.

To: Senator Brock Adams.
From: Richard Fria.
Subject: Testimony regarding Iraq crisis, given on Jan. 10, 1991 at town meeting.

SENATOR: I wish to thank you for your sincere and diligent efforts in leading America away from war. My position is that we should resist war at all costs. I respectfully request that Congress demand our rights as Americans to be heard and that Congress be the only authority to declare war in accordance with our Constitution. I implore Congress to prevent one man from having the power to send tens of thousands of Americans to their deaths as is the case in Iraq! I encourage Congress to pursue the enforcement of sanctions and peaceful negotiations aimed at settling this crisis. We must exercise patience and wisdom.

Before Congress takes this historical vote I request answers to the following questions. I hope that in considering these questions, reason will prevail:

1. Why did Congress wait to reconvene and address this pressing issue? We've known for over a month that an additional 250,000 troops were being rushed to that area. We've for some time now. Congress needs to be accountable to America for waiting until this late date to rush into last minute debate. This has only served to further exacerbate the crisis.

2. What's the rush? Why do we recognize such a deadline at the risk of tens of thousands of American lives? Doesn't reason indicate that America should exercise as much patience as is required to avoid such massive casualties?

3. How has America gotten into a position wherein one man, the President, and the rest of the world have dedicated 400,000 American lives to this cause while Americans have had virtually no say in the matter? Doesn't democracy demand that Americans have a say in this matter with so very much at stake?

4. Everybody talks about January 15 and what will happen then. Why hasn't anybody asked what happens after that? What happens when and if Iraq leaves Kuwait? Can Kuwait defend itself? The obvious answer is no. Who, then, will defend Kuwait? Will

America do it? Will we leave American forces there in perpetuity to be constantly exposed to terrorist attacks? How many troops will that take? . . . and how many will be lost?

5. The experts predict oil will go to $60 per barrel, should war break out. Such a price escalation will have a monumental effect on the world economy. Americans should ask themselves, are we prepared to sacrifice our jobs? . . . our mobility? . . . our economy? . . . life in the free world as we know it? Make no mistake, these risks are very real.

6. Are we prepared for a whole new generation of walking wounded? Are we prepared to pay the medical bills and assure that these vets get proper treatment? America has done a less than admirable job of caring for the last generation of walking wounded. We can't even care for our elderly. Who will care for the motherless and fatherless children? Who will care for the parents who will lose their children? Who will ask God's forgiveness for the pain, grief and sorrow that will result?

As Congress and Americans ponder these questions we should also consider the long term solutions. I challenge this Congress to lead this nation to the formation of a comprehensive national energy policy with the end goal of eliminating our dependency on foreign oil, thereby assuring that this type of crisis will not ever again happen. I challenge this Congress to provide bipartisan leadership to achieve this goal with the fervor we demonstrated for space exploration in the 1960's!! If we were to dedicate the $30 billion we are about to spend on this crisis to alternative energy research and public awareness we will have made an assertive start!!

I thank you for hearing my pleas. I am proud to live in America where a person's voice can be heard.

Respectfully submitted,

RICHARD T. FRIA.

[Gray Panthers Project Fund, Jan. 10, 1991]

STATEMENT ON PERSIAN GULF CRISIS TO SENATOR BROCK ADAMS

We are all hostage to the so-called diplomacy of two heads of state and their emissaries who met yesterday in Geneva, Switzerland. We are treated to the spectacle of two earnest men who talked right past each other from biases reflecting each of their Nations' history and very different ethnic and moral foundations, informing each other of their leaders' narrow stands. This is diplomacy?

Both presidents speak from a strong sense of the righteousness of their causes—and each no doubt considers that God is on his side.

First I speak as a citizen of this country and also of this small and beleaguered planet. Geographical and political boundaries fade in the glare and destructive power of bombs. Increasingly I am convinced that these leaders do not represent their citizens. It is absolutely wrong that, in spite of all the rhetoric and U.N. resolutions, a devastating conflict can hang upon the decisions of two such bull-headed and stubborn men.

Born during World War I, I have lived to see too many wars, and the horrible costs to individuals and nations, and damaging political and personal tolls. Practically speaking, I fear this country is dangerously near bankruptcy from a monstrous national debt, grossly bloated military spending that results in billions lost in blunders such as the stealth bomber; the savings and loan swindles, failing banks, homeless families and untreated ills. I feel helpless and hopeless, without significance and choice—how long can "we, the people" handle this? We—who have learned from history and been a part of it—do not want to be doomed to repeat it!

Speaking for National Gray Panthers as national vice chairperson, our stand was clearly conveyed to the President and Congress in mid-November: "Using war to solve conflict in the nuclear age is totally unacceptable even when countries such as Iraq commit acts of aggression against their neighbors. Sacrificing lives to protect the special interests and a foreign monarchy is morally outrageous and a repudiation of democratic principles. Under the auspices of the United Nations, the United States should support a negotiated settlement."

Thank you for this opportunity to be heard—even though today's effort here may be "too little and too late."

MARGARET LUEDERS.

Mr. ADAMS. Mr. President, I simply will close by saying this is a vote that we now take to authorize our Nation going to war immediately. The results, in my opinion, will be catastrophic to peace in the Middle East. We must each vote our conscience. All I have left today after these days and weeks of work is just a prayer that we make the right choice.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, when Saddam Hussein went into Kuwait, we were home in August of last year on our work break in our respective States. I was doing townhall meetings in my State of Illinois. When the President announced that he was drawing the line in the sand at the Saudi Arabian border and imposing sanctions, I supported that position in those townhall meetings in my State. I said at those townhall meetings that the sanctions, coupled with talks and diplomatic efforts, could peacefully resolve this situation.

For many months, the President took the position that he would not enter into talks because of the presence of Saddam Hussein in Kuwait and that Hussein would have to leave Kuwait before talks could take place.

We began Armed Services hearings on November 27. We had 2 weeks of those hearings. I attended all of those hearings, and the evidence was overwhelming at those hearings that the sanctions were working; that Saddam Hussein and the Iraqis were feeling the bite of those sanctions. With every witness, I urged that we undertake talks with those sanctions to resolve the problem in the Mideast.

I was pleased, Mr. President, when on the last day of the hearings, the President of the United States indicated that he would undertake talks.

Mr. President, as we debate this issue today, talks are still going on through efforts of the United Nations and our friends in the European Community. But it was also clear in those Armed Services hearings that after November 8, when the President announced the augmentation of forces in the Mideast, that the augmentation was an engine driving us toward war. We had to give up a rotation policy and we went to the United Nations which finally authorized through a resolution the use of force after January 15.

I was involved in the debate with my friend, Senator AL D'AMATO of New York State, on "Crossfire." When we talked about that U.N. resolution in that debate, I referred to that as an act by our allies and friends where they said, "America, you go fight; we'll hold your coat." Regrettably, to this day there has not been sufficient burden sharing by our allies and friends.

On January 3, Mr. President, Secretary of Defense Dick Cheney and Secretary of State Jim Baker came to meet with us, the Members of the Senate, in a secure room here in the Capitol. At that time, I said to Secretary Cheney, "I understand that there is a possibility that sanctions and the talks may not work. If that happens, I would support the use of force. We have massive air power, overwhelming in that region. The Iraqis have a few Mirage and a few Mig airplanes. Don't chew up our young people on the ground in Kuwait. If we have to use force, give us your assurance you will use our massive air power. He will sue for peace in days."

The Secretary said, "We can't discuss battle plans."

Yesterday, the Secretary called me again and asked me to consider a favorable vote on this resolution, and I told him again, "Mr. Secretary, if the sanctions and the talks have failed, I could support massive air power. Give me your assurance that's the way we will do it, not with our young people on the ground."

He said, "I can't do that."

And later in the day, yesterday, the President of the United States called me and asked me to vote for this resolution. I said, "Can't we work out a compromise by which some of us could stand in support of you by use of air power without committing our ground forces there?" And he made no such commitment.

Now, let me tell you something. My dear friend and young Congressman, JERRY COSTELLO, from my home 21st Congressional District in Illinois has a boy on the ground there in Kuwait in the 82d Airborne.

My best friend and neighbor lost his son as a lance corporal in Vietnam. Mr. President, I was a young State Senator in Illinois in those years. I was trying a lawsuit and I went home to my house to get a medical file for my lawsuit, and while I was there the doorbell rang. I came down the steps and opened the door to my house. There stood a marine major in resplendent formal uniform and a marine sergeant, and they asked for my friend. They said, "He is not home next door." I knew what that meant, Mr. President. I told them where his place of business was, and they went there.

When my friend had emotionally recovered, to some extent, he later told me that he was sitting in his office and he saw that marine major and that marine sergeant walking through his place of business, and he jumped up from his desk and he ran to the door and he said, "My God, they have killed my son. My God, they have killed my son."

Mr. President, sanctions and talks can work if we are diligent and we assiduously pursue that course, but if they do not, massive air power in a matter of days can bring this villian to his knees to sue for peace.

But this resolution—this resolution—gives the President of the United States unlimited power—to use U.S. Armed Forces at midnight, January 15—and simply send a letter to the Speaker of the House and the President pro tempore of the Senate.

I do not want us to send our young people on the ground against a numerically superior army of 1 million people with a Republican Guard of excellent soldiers and battle-hardened people who fought for 9 years in that region. I do not want our young people on the ground.

I would support massive force in the air. I have said that to the President of the United States. I have said it to the Secretary of Defense. I have said it to the Secretary of State. I have said it to the country.

Mr. President, I pray for peace. I fear war.

If it is war, I pray the President has heard my words and he uses our massive air power to emerge successfully.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, that was a very moving speech by the senior Senator from Illinois. I want to commend him for that address.

President Bush will get the authorization he needs to use whatever force is necessary to drive Iraq from Kuwait. I supported an alternative authorization which has failed. It would have given permission for the use of force to contain Iraq and maintain a naval blockade, and for time to allow the economic sanctions to have a greater effect.

I will vote against the Warner resolution because I do not believe we should give the President permission to launch a military attack under the current circumstances. However, let there be no doubt of this: If the President chooses to go to war, I will support our soldiers completely.

Prior to this vote I have made statements about President Bush's conduct and the arguments he has made in defense of his policy. These statements help explain my vote against what the President believes he needs to wage a war against Iraq.

First, the President is wrong to have threatened Iraq with war. The basis of the threat was the belief it would force Iraq to withdraw. The language of threat—"Just watch me" or "We'll kick his ———"—bore a greater resemblance to that of a little league football coach than a Commander in Chief. The justification of the threat—show our resolve to Iraq—was made necessary by the President to involve the Congress other than as a receptacle for notification. I believe these threats and the assumptions which necessitated them simultaneously stiffened Iraq's resolve and weakened America's.

The President's commitment of United States forces to Saudi Arabia in August to defend Saudi Arabia enjoyed near unanimous support with very few negative comments. Perhaps this caused the President to believe that he could pursue his policy without consultation.

His decision to change that commitment to an offensive force in November without consulting with Congress caught almost everyone by surprise. There was a sea of change of attitudes at home with most of us having very little information which would guide our answers when citizens asked us questions.

Here is where he should have called in Congress to ask for their support. He should have told us why he believed this action was necessary and asked for our support. Post decision notification, meetings, photo opportunities and gatherings to discuss the situation, all of these occurred after the most important decisions had already been made.

Paul Gigot wrote yesterday in the Wall Street Journal about a similar incident in our past when an American President saw the need to use force to defend a far away U.S. interest. The moment occurred after World War II when America's tendency was to withdraw from the commitments which had cost us so dearly.

In 1947, President Truman saw a danger of Communist expansion and aggression in Greece and Turkey. He approached a Republican Congress to ask for their support. Senator Robert Taft would not give it. Senator Arthur Vandenberg of Michigan replied, "Mr. President, if you will say that to the Congress and the country, I will support you, and I believe most of its Members will do the same."

Like Mr. Gigot some of my colleagues have used Senator Vandenberg's position as an example of what should guide Senators today. It would be much easier for us to do so if President Bush would follow the example of President Truman.

President Bush did not approach the Congress to say I have a difficult decision to make, this is why I believe it is right, and I hope you will support me.

Instead, he made the decision to deploy American forces, defended his right to do so, and suggested that those of us who criticized this decision were endangering the troops he had sent.

The President was also wrong to compare Saddam Hussein with Adolf Hitler. His brutality and barbarous behavior are not in dispute. Those of us who believed President Carter was right to build a foreign policy upon moral judgments about human rights are pleased to see former critics of these policies now making the arguments in defense of them.

His military threat is also not in dispute. Nor is our need to confront that threat with force. I must insert at this time my strong objection to statements made by some proponents of this resolution that those of us who are advising patience are presenting the policy of Neville Chamberlain at Munich.

Not only have we learned the lessons of the thirties that you must meet aggression head on if you are to stop it. I have not heard a single Senator arguing that we should ignore Iraq's aggression. However, we have also learned the lessons of the forties, sixties, seventies, and eighties. We know from experience that forceful patience can work. We know in the Middle East that force alone is not enough.

Although it might generate political support, the Adolf Hitler analogy provokes the wrong image and the wrong policies. It provokes a defense from supporters of force that should be unnecessary.

Further, I tell you this: I believe the Winston Churchill quotes which have been offered as a justification for war are the least persuasive of all. If I hear one more Winston Churchill quote given as if they had relevance in this situation, I may ask the Sergeant at Arms to install motion sickness bags at our desks.

This is not Munich in 1938, it is 1991 and all of us understand the difference. In 1938 a majority was unwilling to confront the aggression of Adolf Hitler; in 1991 Congress is almost unanimous in its willingness to do so. In the case of the Third Reich it took every ounce of every American's energy to contain and defeat them; in the case of Iraq they have been completely contained with considerably less force.

President Bush is also wrong to respect only one memory of Vietnam—that of the professional military officer—as he formulated his policy. I understand and respect the nonincrementalization military plan the support of which is the sole reason the President says this will not be another Vietnam.

At the very least there are two other Vietnam memories which should be respected by the President but appear not to be. The first, is you must be confident the American people will support the war if a speedy end does not occur. And you must consider what the impact of the use of force will be on the political, social, and economic stability of the people who live in the war's theater. Again, respect for these two memories need not prevent us from forcefully confronting Saddam Hussein or others who will most assuredly follow.

Finally, the President is wrong when he predicts this action will provide the basis for a new world order based upon respect for international law. At best this conflict will determine to what ends the United States will go to protect and defend an economic interest.

Some have argued that Congress should merely get behind the President and support his request for permission to use whatever force necessary. I wonder how these individuals reconcile this position with their understanding of the President's need to present treaties for ratification to the Senate after he has negotiated them with other nations. Surely, the decision to go to war is on a par with a decision which is made to prevent one.

I have listened most carefully to those who argue that a vote against the President will encourage Saddam Hussein to resist us more. For emphasis and in conclusion, if war is what Iraq wants and if the President makes the decision to attack, the Commander in Chief and our soldiers, sailors, air force, and marines will have my support.

Let me emphasize again that I oppose this resolution. I believe it is wrong policy; I believe it gives the President too much authority. But let me make it clear that if the President chooses military action against the nation of Iraq, I tend to support our soldiers, sailors, air force, and marines entirely.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, these votes are particularly difficult for me as, since having participated in the 1945 founding of the United Nations in San Francisco, I have always been a great believer in collective security.

But true collective security means an equal, proportional sharing of the load and of the bloodshed by the various nations. This is certainly not the case here, as the United States would carry a disproportionately large share of bloodshed and the load.

Moreover, time would also allow us to obtain a more equitable sharing of the human and financial burden of enforcing the objectives of the United Nations, not just the objectives of the United States.

It is intolerable to my mind that we should go to war when 90 percent of the casualties will be American and when the bulk of the financial cost will be shouldered by the United States taxpayer, and realizing, at the same time, that the majority of Americans are not concerned about replacing or restoring the Emir of Kuwait to his throne.

Accordingly, I oppose going to war against Iraq at this time. We have in place comprehensive, very effective economic sanctions; actually, according to our witnesses, the most effective set of universal sanctions that have ever in history been applied against a single nation.

These U.N. sanctions will produce one of three results. First, they may persuade Saddam Hussein to withdraw from Kuwait. That would be the best. Second, they may inflict sufficient pain that the Iraqi people will overthrow Saddam Hussein. Or third, at least they will over time degrade Iraq's military capabilities so that any military operation to liberate Kuwait will be far less costly in terms of lost American lives.

We should recognize that time is on our side, not Iraq's. Time is helping degrade the war machine of the Iraqis. Time is wearing away at the enemy more than it is with us.

So let us give sanctions the necessary time to bring Iraq to its knees. We owe this to every young man and young woman now serving our Nation in the Persian Gulf, and those who are still destined to go there. In general, it seems to me, this would be a very unwise measure.

I yield the remainder of my time to the majority leader.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 15 minutes.

Mr. HATFIELD. Mr. President, I came to the floor today hoping, as this fateful day has arrived, that we would have a choice between two resolutions, one that would clearly state the proposition for peace, as against the one that we are about to vote upon which states the proposition for war.

I was terribly disappointed that that first resolution did not give us that option. The first resolution, you will recall, on page 1, says the Congress authorizes the use of American military force to enforce the U.S. economic embargo against Iraq, to defend Saudi Arabia from direct Iraqi attack, and to protect American forces in the region; clearly an authorization for war.

So consequently I find myself in a situation of having to vote against both of the resolutions, because in my reading of them, they do not offer us the alternative of peace.

Mr. President, let us not deceive ourselves into thinking that the White House policy up to this point is not our policy too. We in the Congress can complain all we want about the lack of sufficient consultation with Congress in the development of the current policy. We can talk until we are blue in the face about our constitutional power to declare war.

But let there be no mistake. This Congress has been a full, if confused at times, partner in the White House policy ever since we ourselves refused to uphold the War Powers Resolution early last fall, and instead, adopted a concurrent resolution congratulating the President with the policy at that time which only served as an invitation to the White House to follow the policy that had been started.

Now, more than 3 months later, we are face to face with the prospects of war. Well over half a million United States and Allied troops are now staring across the desert at a similar number of Iraqi troops. Well over 1 million men and women are at this very moment poised with their fingers on the triggers of some of the most lethal weapons in human history.

As complicated as the geopolitics of this situation may be, the question we are constitutionally obliged to answer could not be more simple. Are we willing to give the go-ahead for war?

I cannot overstate the seriousness of that question. Saddam Hussein is a ruthless dictator who currently is enamored of his leading role on the world stage, and seems very eager to martyr himself and even his people.

Moreover, with our acquiescence, if not our outright support, he has undertaken the largest weapons purchasing program in Third World history, and it has paid off handsomely for him.

Iraqi troops are equipped with thousands of tanks, with Exocet and Scud-B missiles, and with chemical and biological weapons. And I hope the next time we are on this floor debating the sale of sophisticated weapons systems. The next time we are on this floor debating whether to pour more weapons of mass destruction into the developing world—I do hope my colleagues will remember that fact. These are not sticks and knives—if our troops are sent into battle, they will be face-to-face with some of the best weapons money can buy.

Moreover, Congress does not have the authority to determine how war will be waged. When it comes right down to it, we have the power to declare war. That is it. Once we give the White House our blessing, the President—as our Commander in Chief—will have the authority to fight in any way he chooses to fight, and with whatever weapons he chooses to use.

We have all heard the President's promise: This will not be "another Vietnam." We also all know that that is a thinly veiled code for "we will hit them with everything we have. Straightaway. No hesitation." The obvious implication is that this war will be quick and easy and clean.

Indeed, the Pentagon is now doing everything possible to give us the impression that war will come in a tidy little package.

Even the words are neat and tidy—body bags are not body bags anymore. That is too messy. That conjures up all the wrong images—images of blood and pain and suffering. Now body bags are "human remains pouches." There, America, does that make you feel better? Your sons and daughters and mothers and fathers will have their faces blown off—their limbs torn apart—their chests ripped open: but they will not come home in body bags. They will come home in neat and tidy human remains pouches.

Mr. President, war is not quick and easy and clean. It is horrible.

It is agonizing. And in the midst of battle, war is often as random as it is violent. Innocent people lose their lives: the children and the spouses and the parents of people like you and me lose their lives simply because they happen to be in the wrong place at the wrong time.

To my colleagues who are prepared to give the White House their blessing for war: I beg you—do not avert your eyes. Stare it in the face, and expect its horrible images to be replayed over and over and over again. Let us not be conned into thinking that war will be quick and easy and clean.

Maybe it will all be over in a matter of hours—or a matter of days—or a matter of weeks at the outside. Even if it is, Mr. President, at what cost? At what cost in human lives? How many lost lives can we accept; 100, 1,000, 10,000? And who decides? Who decides how many lost lives a family can accept? Who is prepared to tell a grieving widow that her husband's life was part of the loss we deemed acceptable? We are told that the loss of life would be minimal. Minimal compared to what? The loss of life in war—no matter how short it might be—would not be minimal when compared to the alternative.

Even in the very best case scenario, the loss of life would be unacceptable. But what happens when the war does not go the way we want it to? Maybe war will not last for a matter of days. Maybe this war will drag on for months. Or just maybe, this war will drag on for years. And what happens if the alliance is torn apart by the shifting sands of war?

And what happens then? What happens when the war to which we gave our blessings does not unfold the way we wanted it to unfold?

What happens when domestic public opinion—which even now is sharply divided over whether or not the United States should go to war with Iraq—begins to plummet? What happens when a tidal wave of anti-Americanism sweeps across the Arab world? What happens when the President comes to us and asks to have the draft reinstated.

For those who find it uncomfortable to oppose a war before it starts, let me only tell you from very personal experience that this is nothing compared to how you will feel when we are in the midst of war.

Raising questions now may garner some criticism. But consider the implications of giving our approval to war now and then having second thoughts when it does not unfold the way we want it to unfold.

Once we have given the White House a green light—explicitly or implicitly, sooner or later—there will be no turning back short of cutting off funds. And, again, I tell you from very personal experience, there is nothing more difficult than being forced to choose between funding a war you do not support and cutting off funds for a war to which our troops are sacrificing their lives.

If we are going to send our troops into combat, we must be prepared for the worst case scenario. We must be so sure of our objectives—so sure that our national security depends on removing Iraq's military from every last inch of Kuwait—that we are willing to initiate a war and commit this Nation's young people to it, no matter how long it takes and no matter what the cost. We must be able to look at our young men and women now on the frontlines and tell them that their lives are a legitimate price to pay.

Mr. President, I am not prepared to do that. I am not prepared to do that now. And I will not be prepared to do that in the future. Not 6 months from now. Not 12 months from now. Not ever.

God knows that I hate what Iraq has done to Kuwait—and to the Kuwaiti people. Nobody could look at the pictures of Kuwait City and hear the stories of suffering and violence and destruction without being profoundly moved. But Mr. President, even the most brutal human rights violations of one nation do not justify an offensive strike by another nation.

Indeed, it makes a mockery of the exceptional work done by organizations like Amnesty International to use their documentation of human rights abuses as a convenient justification for launching an attack that will very certainly cause even more suffering.

When it comes right down to it, this is about oil—about our dependency on the oil reserves that lie under Iraq and Kuwait and the whole of the Arabian Peninsula. We must be honest about the real motivations behind this policy, and then we must all ask ourselves one basic question:

Does Iraq's invasion of Kuwait constitute such a grave threat to the national security of the United States that we are willing to spill the blood of the Nation's children to reverse it?

I cannot in good conscience say that it does.

If we want to avoid war, then we ought to say so. Right here—and right now. And instead of playing this dangerous game of "maybe now, maybe later", it is my view that we ought to bring our troops home once and for all. I am deeply saddened that neither resolution offered here today reflects that point of view.

This Nation is obviously deeply divided over the question of war. This Congress is deeply divided over that question, and well we should be—we are a reflection of the American people, and our skepticism is their skepticism. But if we are this divided now, think how divided we will be when the shooting starts—and when our young people begin coming home in those "human remains pouches" that are not so neat and tidy after all.

Before I close, I want to make something very clear.

I do not question the sincerity of anyone in the Congress or in the White House. I know in my heart that everyone here and everyone in the White House understands the seriousness of the issue now at hand and has thought it through very carefully. Nobody wants war, and I do not suggest that those who are willing to line up behind the January 15 deadline are doing so because they are somehow eager to send our young people into combat.

That said, however, it is very obvious to me that this is not a war our Nation should fight. This is not a war we—as a nation—are prepared to fight.

Not for oil or pride or anything else. Not now. Not ever. We may have thefirepower, Mr. President, but we do not have the will. As deeply as some people believe that war is our only option, many others believe that war is not an option at all. And we owe it to our troops—to their families—to our Nation—and ultimately to ourselves to say so before we pass the point of no return.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, since the Iraqi invasion of Kuwait, the world has united to condemn, in judgment, the Iraqi Government. President Bush has sought every possible diplomatic or political solution. The world and America now demand resolution of the chaos created by Saddam Hussein. Hussein seeks "just and dignified treatment." That was what his Foreign Minister told Secretary of State Jim Baker just this week. Yet he has consistently displayed a character void of human decency, dignity, and justice.

The situation is clear now. In fact, to quote the former Assistant Secretary of Defense Richard Perle, "If America fails when the issues are so clear, the aggression so unambiguous, the value so fundamental, the international community so united, how will America fare in a far more common condition of confusion, divided opinion, ambiguity and moral uncertainty?"

The world is united—and I have to commend President Bush for the effort that he made through the United Nations and with personal diplomacy, personal contacts with leaders all over the world to bring the world together, unite against the aggression of one man, really, Saddam Hussein.

Now the world is watching, watching this body, to see what the U.S. Senate will do under these conditions at this time. Hussein is watching. He is watching, and he is waiting to see if the Senate will support the request of our President.

Are we united? That is the question. Are we united as people, as a government, in support of the President and with the President?

I have to say of the last vote, that was a very important vote; it was a difficult vote. I know that every Senator has given a lot of prayerful thought to it, debated it in his or her mind, and wanted to do the right thing. It was a close vote.

I too, support the sanctions. I supported them from the very beginning. But they have been in place now for 4 to 5 months, and so I have to ask the question, are sanctions enough? I think the answer is no. Will they alone work? I think the answer is no. If they were really sanctions on Hussein, maybe they would, but they are sanctions on the people of Iraq.

I do not think he cares about the people. but sanctions should stay in place. They will stay in place. The President is not going to lift them. We are not going to ask that he lift them. We want them to stay in place. But what is at stake now with this vote is unity or chaos.

Again, Hussein is watching. Will the Senate authorize the use of all necessary actions, including force, to bring this matter to a conclusion? I trust it will, that the Senate will not tie the hands of the President. This vote is the last rose of peace. We have tried everything else as a Nation and as a Government through our President. I'm reminded of a quote from the Roman poet Horace which is a fitting commentary on the vote we face today. I use an aberration of that passage in which he said, let us continue our effort to find where the last rose lingers. This is where the last rose of peace lingers. This is a vote that does not say "let us go to war now." This is a vote that says we are unified, we are together with our President and with the world against this aggression. If we speak together with one voice in unity, that is our best last hope for the rose of peace.

What is the alternative now? What if the Senate votes down this very important resolution? We then after 3 days of debate day and night will have voted down a resolution on the sanctions and voted down a resolution that would authorize all necessary actions to bring this to a peaceful conclusion.

How will that look? What kind of chaos will that create? What will we do? We would probably continue the sanctions, or would we? Would we begin to withdraw troops, because without the option of the serious threat of force or, in fact, force, we would not need that many troops in the Persian Gulf region? And should we begin to withdraw them, what would Hussein do? He dances in the streets of Baghdad tonight because the Senate would have created total chaos and uncertainty about what is happening.

My colleagues, vote for this resolution, vote for unity, do not allow chaos to set in. Now is the time to stand up and be counted.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this of course is a difficult and heartfelt moment for all of us in this Chamber. We appreciate the gravity of the decision we have. It goes to the heart of human nature and to each of our hearts.

Mr. President, I believe it is also a defining moment in the history of our country, indeed, in the history of our world. All of us feel the weight of the burden of decision. But I make my choice today to support the President of the United States, to give him not a compulsion to go to war, but an authorization to commit our troops to battle should he determine it necessary to protect our national security. Mr. President, by doing so, we do not pass the buck of responsibility. In fact, we in the Congress share in the responsibility of leadership and that is part of the price of public service.

A lot has been heard in this Chamber about the consensus here of how important it is to stop Saddam Hussein, how evil he is, what a threat he is to world and American security.

War is justified. That is what we are saying by supporting this resolution. We are not ordering the war, we are putting our confidence in the Commander in Chief who under article II, section 2 has the responsibility to make the decisions of when and how to go to war.

Mr. President, much has been said about the head of State of Iraq and why his brutal and outrageous behavior justifies our stand. Not enough has been made about the head of State of the United States of America.

President Bush and I are of different parties, we disagree on issues. But I stand here today, as difficult as this decision is, to support this resolution with full confidence in doing so because of my measure of this particular man who is our President. He is strong. He is balanced. He is seasoned in world diplomacy. He has been through war. He has seen men die at his side. He is not hungry to go to battle, but he feels, I believe, the responsibility of leadership of our country and the world, a responsibility to protect our national security. And I know that he will exercise the authority that we will give him with this resolution with the greatest care for human life, international order, and the peace of the world.

I hope and pray, as I am sure the President does, as we pass this resolution it will be taken as a sign that Americans stand together with their President to advance the cause of peace; that it will convince Saddam Hussein that peace is the only rational course to take. I hope and pray that our act today in concert with actions by other nations around the world will finally reach into the mind of Saddam Hussein and lead him to the decision to spare the world and his people the tragedy and horror of war.

Beyond that hope, this resolution carries meaning for the conduct of world affairs for years to come. It is our opportunity to draw a line not just in the sand, but a line between morality and immorality, between civility and barbarism, between law and anarchy.

We pass laws here in the Congress, throughout this country, in our cities and towns, to express our aspirations for an orderly society. It is one of the reasons we form governments and we give people authority to carry out those laws to punish wrongdoers, to punish criminals and, if necessary, to remove them from society. The community of nations is not so carefully ordered. But through international agencies and alliances, over the years we have attempted to establish some norm of international order and civilized behavior. This is such a time. Mr. President, this is a moment of extraordinary opportunity for the United Nations and the rule of law in the world.

The nations of the world have spoken clearly. Will we now in the Congress of the United States not join them in that expression of desire for order? Now it is our turn. We have a standard that we can set for global conduct and send a message to those like Saddam Hussein who take advantage of the weak and use arms at any cost of human life to achieve their evil intentions. Let us not lose this opportunity to set that standard lest all standards begin to erode, lest lawlessness abound throughout the world.

The world looks to us at this moment of decision.

Mr. President, I ask unanimous consent for one additional moment.

The PRESIDING OFFICER. Is there objection to an additional minute of time? Without objection, it is so ordered.

Mr. LIEBERMAN. The world looks to us at this moment of decison for a sign how the leading Nation of the world will act. Let us here in this Chamber act with decisiveness, with firmness, with the highest regard for the rule of law, and the highest contempt for the aggression and barbarism and tyranny that is represented by Saddam Hussein.

Finally, a word about our men and women in the Persian Gulf in whom we place the ultimate responsibility. It is a difficult thing, painful, the hardest decision I have ever made to cast a vote that may mean war. But let no one believe that a vote against this resolution is a vote for permanent peace. In fact, I believe, a vote against this resolution endangers our troops further.

Our men and women in the Persian Gulf await a sign from the Congress of the United States. All the communications I have received from them say that. Where do we stand in this hour of decision? Let us show them that we stand with our Commander in Chief, behind them. They are heroes. No men and women have ever served America's interests in a greater way. And I promise them when they return from the Persian Gulf—and with God's help, all of them will return—we will all stand by the side of the road and cheer as they march by.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SHELBY. Mr. President, the gravity of the issue of which we speak today cannot be overstated. Our Nation stands on the brink of war. Hundreds of thousands of American men and women are poised on the Saudi-Kuwaiti border facing over 500,000 Iraqi troops. We are quickly approaching the January 15 deadline imposed by the United Nations Security Council authorizing the use of force if Iraqi troops refuse to withdraw from Kuwait.

Americans are concerned over the possibility of war. I share this concern. A war with Iraq will mean the loss of American lives. It is my sincere hope that bloodshed can be avoided. That is why I have supported economic sanctions as a means to pressure Saddam Hussein into leaving Kuwait. I have supported diplomatic initiatives, most recently the talks between Secretary of State, James Baker, and Mr. Tariq Aziz, the Iraqi Foreign Minister. I have supported United States troop deployments to Saudi Arabia as a means by which pressure can be applied to force Saddam Hussein from Kuwait. I have also supported United Nations resolutions as part of a worldwide effort to convince Saddam Hussein of the hopelessness of his position. I pray that diplomatic initiatives that will take place over the next few days will achieve a peaceful resolution to this crisis.

However, every attempt at pressure, every diplomatic initiative has ended in disappointment and futility. It has become clear to this Senator that Saddam Hussein has taken over Kuwait and has no present intention of leaving. Therefore, I believe it is time for Congress, after months of hearings and factfinding missions, to make its position known. It is my hope that the Congress will be united.

Whatever differences of opinion that I, or other Members of Congress, may have over the current gulf policy, none of us have forgotten that it is Saddam Hussein alone who is responsible for this crisis. Saddam must be stopped because he invaded a sovereign nation and now threatens all other nations in this region. He must be stopped now, before he possesses nuclear weapons capabilities.

The Congress is united in the proposition that there will be no linkage between the occupation of Kuwait and the Palestinian issue. Iraq did not invade Kuwait because of any concern for Palestinians. Iraq invaded Kuwait for hegemonic reasons and oil. It was only later, as an attempt to drive a wedge in the United Nations coalition, that the Palestinian issue was raised by Iraq.

There has been unity of opinion in Congress concerning the need for our allies to more equitably share the burden and costs of this crisis. There are other nations, primarily Germany and Japan, whose vital interests are affected more than ours, but they have provided little help thus far in this crisis. This lack of cooperation should not deter the United States from its present course. However, I believe that it should be duly noted and not forgotten when this crisis ends.

Committees of Congress have held numerous hearings about the gulf crisis. We have received testimony from senior administration officials and a wide range of experts. All of these witnesses have condemned the invasion of Kuwait and praised the administration's stand against Iraqi aggression.

The choice this body faces today is between the continued reliance on economic sanctions or a congressional validation of U.N. Resolution 678 providing for the use of military force if Iraqi forces do not withdraw from Kuwait by January 15, 1991. Also, this body sends a critical message to Saddam Hussein with its vote for or against the use of force. Will Saddam Hussein see that America is divided with the President on one side and the Congress on another? I believe that if we let such a perception appear in the minds of Saddam and our allies we would be making a grave mistake, now is the time for America to speak with one voice.

Mr. President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Is there an objection to an additional 3 minutes?

Mr. DOLE. Two minutes.

Mr. SHELBY. That is fine.

The PRESIDING OFFICER. Two minutes.

Mr. SHELBY. When all is said and done, debated and examined, our next votes in the Senate will be very personal. Mr. President, now is the time to make this very personal choice. I have not reached my decision lightly. Last January, I met with Saddam Hussein in Baghdad. I came away from that meeting with the feeling that Iraq's leader was a man who could not be trusted. His invasion of Kuwait certainly justified my feelings.

As a member of the Senate Armed Services Committee, I attended many hearings where a wide range of views on the gulf crisis were presented. I recently traveled to the Middle East with the majority leader in order that I might determine for myself the exact nature of this crisis. I have spent the last 4 days criss-crossing my home State enlisting the views of the people of Alabama on the issue before us today.

Mr. President, I have come to the conclusion that a policy, based on economic sanctions will not, by itself, result in the outcome that we all desire. Nor do I believe that continued diplomatic activity, without the threat of force, will convince Saddam Hussein to pull his troops out of Kuwait.

The only way that the world community can now convince Saddam Hussein of the insanity of his actions is to show a united front. It has been Saddam Hussein's intransigence that has led us to this point, not the President's and not the United Nations'. We must now stand behind our President, our troops—exposed in the Saudi Arabian desert—and the nations of the world in sending a message to Saddam Hussein that we will take whatever steps are necessary to force his troops out of Kuwait should he not consent to a peaceful withdrawal by January 15.

Mr. President, this is not a Republican or a Democratic issue. This is an American issue. That is why I have cosponsored and will vote for the resolution sponsored by the distinguished senior Senator from Virginia and supported by many of my colleagues from both sides of the aisle. As I cast this vote, my hope remains that the possibility of a peaceful solution to this crisis is not outside our reach. The choice now lies with Saddam Hussein. I pray that he chooses peace.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Mr. ROBB].

Mr. ROBB. Thank you, Mr. President. My views on this matter are well known to most Members so I will use my brief allocation of time to rephrase the question before us. Can we trust the President of the United States to act in this matter in the best interests of the United States of America in his capacity as Commander in Chief of our Nation's armed forces? I believe that we can and we should, and I believe the consequences of not doing so would be devastating.

First, this is not and should not be a partisan issue, and I commend the leaders on both sides of the aisle for keeping it from becoming one.

Second, we agree on the objectives required by the U.N. Security Council resolutions. To be certain, there are widespread differences of opinion regarding the mass additional commitments of U.S. troops immediately after the November election and whether sanctions have had adequate time to work. But those questions are largely moot at this point.

The additional troops are on the scene, or soon will be, and the President has achieved international agreement that Iraq must be out of Kuwait by January 15. To give even the appearance of tying the President's hands at this late date would send the wrong message to Saddam Hussein, the wrong message to our allies, and the wrong message to the international community in this first real test for the United States in the post-cold-war era.

I believe we should commend the President for putting together a truly extraordinary coalition and for giving the United Nations a chance to play a responsible role—even if we do not believe that most of our allies are carrying anything like as much of the burden as they should. And we should commend the President for consulting widely and frequently with Congress, even if he has not agreed with all of our often contradictory advice or agreed with the vast majority of Members who believe his authority to engage in certain types of military operations is more limited than he believes.

Giving the President the authorization he has asked for—and which he has already received from the international community—does not require him to commit our troops on January 15, or on any specific date thereafter.

And even if many Middle Eastern leaders are correct in their belief that Saddam Hussein will not believe we have the will to use force until we strike—that still does not "require" the President to commit our infantry and armored units—where our losses could quickly become unacceptable under almost any definition—in the first days of fighting—or hopefully ever.

To the contrary, most scenarios involve taking down high-priority targets without committing ground troops in the initial phases.

The President could then, having shown Saddam Hussein the strength of American resolve, reassess the situation and revert to a containment and sanctions strategy if he believes it would be in our best interests.

We can and should take the President to task if we disagree with him on a whole variety of matters here at home, from the budget to the rest of the domestic agenda, but in the great issues of war and peace we ought to make every effort possible to speak with one voice or at least with the strongest majority voice possible.

On balance, most of us would give the President very high marks for the way he has handled the gulf challenge to date.

Yet, now that we have reached a truly critical stage I believe it would be a fundamental mistake, to give even the appearance of withdrawing our trust and our support.

There is no question that the risks are great. And I do not want to minimize the potential consequences if we are "wrong."

We cannot escape responsibility for the action we are about to authorize—and we should not.

We are risking thousands of American lives, and that fact weighs on the conscience of every member here, particularly those of us who have known the inhuman brutality of combat firsthand.

But sometimes we have to take the risk because the "consequences" of not taking it are so much greater.

To each of us as individuals, some family members, or values, or principles are so precious that we'll risk dying to protect them—and I believe the same ought to be true as well for this democratic experiment we call America.

Secretary Baker's description of the force we may have to apply is right; if it is sudden and massive, we hope it will also be "decisive." And if Saddam Hussein understands that we have not only the capability but the will to carry out such an attack if necessary, maybe he will act rationally in the first instance and we will be able to bring the troops home soon. And maybe future Saddam Husseins will act rationally when they look back on how the free world responded to the first real challenge to the concept of collective security in the post-cold-war era.

Let us give peace a chance by giving the President the authority he believes he needs to achieve it.

Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask the Republican leader if he can yield me 6 minutes?

Mr. DOLE. I yield 5 minutes.

Mr. SYMMS. I thank the Republican leader for the 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho for 5 minutes.

Mr. SYMMS. Mr. President, I thank the leader. I am pleased to have the opportunity to address the Senate following my friends from the other side of the aisle. And I compliment the Senators from Virginia and Connecticut and Alabama for their willingness to recognize that it is very difficult for a committee to set military policy.

Mr. President, I think the time for us to debate whether there is a war going on or not has already passed. We are already at war in the Persian Gulf, in a sense, an economic war. It is a defensive position we have taken.

I believe none of the Senators, certainly this Senator, want to sow the destruction that will come from the actual infliction of combat in that region. We are all sensitive to that.

But having said that, I would also say that America is, again, confronted. We are now at a crossroad in our destiny. There are those who say why should this be the Americans? The reason it is the Americans who have to shoulder the biggest part of the responsibility is that we are the only people in the world who are capable, the history, the wealth, the military preparedness, to confront a Saddam Hussein. There is no one else who could put a coalition together, except the President of the United States of America, George Bush.

Mr. President, history often repeats itself. I believe it was George Santayana who said, "Those who cannot remember the past are condemned to repeat it."

The problem of vital interests is that they are often difficult to recognize at the time, but so obvious later with hindsight. For example, the breakup and annexation of Czechoslovakia by Nazi Germany in 1938-39 was not deemed a vital interest of Britain, France, or the United States at the time.

In the face of this potential sacrifice, it is paramount that we have a clear understanding of the national interests and policy objectives that would be served by our commitment to combat in the gulf region. Equally important, we need to have an understanding of the consequences for our long-term vital interests should we decide to accept some form of the status quo with Iraqi occupation of sovereign Kuwaiti territory. Would such an acceptance really matter in the international scheme of things as far as the United States is concerned?

Acceptance of this naked aggression assured peace in the short run at what seemed a small cost—after all, Czechoslovakia was part of the Austrian empire prior to WWI, and Germany had just annexed a willing Austria in 1937. Some who favored peaceful compromise even spoke of legitimate German territorial claims.

It just made sense to sacrifice this small country for peace in our time as Mr. Chamberlain put it. It was particularly easy for the United States to avoid involvement in this unpleasant business—after all it was a European affair that did not affect our vital interests. Even the imminent U.S. Ambassador to Britain at that time, Joseph Kennedy, supported the Chamberlain policy and passionately counseled against U.S. involvement in European affairs that risked bringing the United States into a conflict with Nazi Germany. This view, I might add, reflected the majority of American public opinion at that time.

The question is "Do we face a similar situation with Iraqi occupation of Kuwait today?" I had hoped economic sanctions would work, and there will be no need for a military solution. But what if they do not and the will to take action declines? Will there be a bigger bill in blood to pay at a later time if this aggression is not dealt with today? Finally, does the violation of this small, and some would say overly wealthy, country really matter?

Mr. President, I remind my colleagues that as we are having this debate today, Lithuanians fighting for democracy are being crushed by the Soviet army. Time magazine's "Man of the Decade" is now starting out the 1990's running as "dictator of the decade" as he crushes democratic resistance and democratic ideals in Lithuania. People asked me when I was at home in Idaho last week: Why are we not doing something about Lithuania? Why are we worrying about Saddam Hussein in the Persian Gulf?

Mr. President, it is very clear, and I said to my constituents and I say to you, it is clear why we cannot do anything about Lithuania. The Soviet empire still has thousands of nuclear weapons targeted on the United States which we have no defense against. So we cannot do anything about it. But we can do something about the travesty that is taking place in the Persian Gulf.

If we stand aside now and if we believe that economic sanctions are going to stop this, I remind my colleagues that 300,000 Iraqis lost their lives, at a minimum, in an aggressive war with Iran. That is of a population of 16 million people, Mr. President. For the United States of America, this would be similar to our losing 4½ million of our citizens in a conflict. A country that can stand that kind of tragic loss over an 8-year war and still view their leader, Saddam Hussein, as a hero, what makes us think that a year from now they will not be able to withstand the economic sanctions?

I appeal to my colleagues that it may make them feel good somehow to think that we can have economic sanctions.

The passage of the Dole-Warner resolution is not going to mean that President Bush is instantly going to interfere and instantly launch the attack, but it shows solidarity and it shows that we will use our force, if necessary, and that way we hope we can achieve peace.

Mr. President, our distinguished Republican leader said the other day that this debate may well be the most significant issue we deal with this year. I agree, but would go one further. I also believe the matter before us could be the most important and decisive issue some of us will face in our political careers.

But I firmly believe that if there is one obvious way to achieve a peaceful settlement, it is to show congressional support for President Bush's numerous and extensive efforts to resolve the conflict.

That is why I have chosen to vote against the Mitchell-Nunn resolution, and support the Dole-Warner alternative legislation which gives the President the authority to use military force to achieve our objectives.

I believe it is a just and sound policy that, as elected officials, we should support. It is in our vital interests to do so.

The debate throughout the last few days has come down to two important policy decisions. Do we give the sanctions more time, or do we give the President the authority to use military force if he deems it to be the only viable solution to resolve the crisis.

My decision favors the latter position. Not because the President and I share the same political party.

My decision is based on the fact that the United States has set a course, one that we all supported in the beginning, to resolve this matter. That was and still is to not allow Saddam Hussein's actions to go unchecked or unchallenged.

Should his aggression be rewarded through our capitulation, should he go unchallenged, the threat to not only the Persian Gulf region but the international community will have increased significantly.

At some time—when it seems to be a matter of debate—Saddam Hussein will possess nuclear weapons. If he doesn't have the capability now, then when: 6 months, 1 year, 18 months. Is it at that point when those who support the Mitchell-Nunn proposal would say "sanctions haven't worked and now is the time to use our military force?" I ask my colleagues: are you entirely comfortable with that situation? Do you believe a man who has demonstrated his complete disregard for human life by using chemical weapons on his own people would hestitate unleashing a much more devastating weapon on someone else?

I hope everyone has had the opportunity to review the Amnesty International report on human rights violations by Iraq in occupied Kuwait. Let me just quote one of the first paragraphs of Amnesty's press release that accompanied the report:

> In its first comprehensive report on human rights violations in Kuwait since the invasion on August 2, Amnesty International details how Iraqi forces have tortured and killed many hundreds of victims, taken several thousand prisoners and left more than 300 premature babies to die after looting incubators from at least three Kuwait City's main hospitals.

It gets worse from there.

Tell those people who are suffering on a daily basis under the Iraqi occupation of Kuwait that we are going to give sanctions more time. Thank God those who advocate waiting for sanctions to work "someday" do not have to live and survive under Saddam Hussein's torture and oppression today.

So if we are supposed to let these sanctions work a little longer, let us all sit back in the confines of our safe borders and wring our hands of this terrible situation. Let us all shout from our shorelines what a ruthless and brutal dictator Saddam Hussein is. But as the most powerful Nation on earth, as the Nation that stands second to none in being able to mobilize man and industry to fight for freedom, let us not do anything about it.

If that is the case, then we should have never gone there in the first place, and we should bring our men and women in uniform home. Home not only from the Persian Gulf, but from the areas where they are deployed around the world. For that matter we may as well dismantle our military, sparing the national guard to stop any civil insurrection, because we do not need them any longer.

No, Mr. President, this Senator believes we still need a strong military. This Senator believes in the peace through strength initiative. This Senator believes we have obligations to protect and defend freedom here and abroad. We are bound morally, politically and economically to be in the gulf.

President Bush has taken a course of action that is just and sound. He has now come to Congress to seek a resolution of support which gives him authority to use force, if necessary, to resolve this matter. I will vote to support him in his endeavors.

Now is not the time to tie the President's hands, or run for our own political cover. The votes we cast on this issue will be tough—for everyone. But when all is said and done, we must stand united in our collective decision and resolve. Let the politicking end with a vote to support the President.

The best way we are going to achieve a peaceful withdrawal of Iraq from Kuwait is to support the President. Give President Bush the ability—give the United States the credibility—to confront Saddam Hussein, to give him a clear-cut choice: Get out now and in peace, or face the ultimate and massive power of a U.S. military attack.

Mr. President, I ask unanimous consent to print in the RECORD the Heritage Foundation background on Saddam Hussein and the crisis in the Persian Gulf.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation, Backgrounder, Nov. 23, 1990]

SADDAM HUSSEIN AND THE CRISIS IN THE PERSIAN GULF

INTRODUCTION

The outcome of the crisis in the Persian Gulf will be decided to a large extent by the decisions of one man—Saddam Hussein. The ruthless Iraqi dictator precipitated the crisis by ordering the August 2 invasion of Kuwait. He has brought the United States to the brink of war by holding thousands of hostages in Iraq and Kuwait and refusing to heed United Nations resolutions calling on Iraq to withdraw unconditionally from Kuwait. Saddam, more than any other leader, has the power to determine whether the crisis will be resolved through diplomacy or through war.

Given Saddam's repeated ability to surprise his neighbors and the U.S. with sudden shifts in policy, it is difficult to predict his future actions. Yet a study of his past, his character, his policies, and his long-term goals sheds light on what he might do next.

Saddam is a born survivor. He escaped poverty through a street gang, became an assassin, organized the death squads in the late 1960s that propped up a narrowly based regime and used his control of the secret police to consolidate his personal power. Once installed as Iraq's supreme leader in 1979, Saddam brought to Iraq's foreign policy the tactics that served him in good stead throughout his political career: intimidation, conspiracy, terrorism, and the use of force.

Adept in Intimidation. Saddam, say those who long have observed him, is a ruthless opportunist with a predatory personality. He is quick to grab for what he wants and slow to relinquish it in the face of strong opposition. Adept in the art of intimidation, Saddam himself is not easily intimidated. Economic sanctions alone, therefore, are not likely to compel him to withdraw Iraqi troops from Kuwait because such an ignominious withdrawal would jeopardize his political leadership and personal survival.

Rejecting Face-Saving Solution. Only the credible threat or actual use of force will compel Saddam to relinquish Kuwait. Once he is convinced that war is imminent, Saddam probably will try to head it off and keep the U.S. off-balance by proposing a partial Iraqi withdrawal from Kuwait, which would split the anti-Iraq coalition and give him a face-saving escape route from his own adventurism. As such, Washington must reject such a Munich-like diplomatic "solution" because it would enable Saddam to reap the fruit of his aggression and increase his destabilizing influence in the Middle East. Allowing Saddam to score a diplomatic victory in Kuwait will make it more difficult and most costly to halt Iraqi aggression in the future, when Iraq has developed more lethal weapons of mass destruction, including nuclear, biological, and chemical weapons.

The U.S. therefore must press for a United Nations Security Council resolution calling for the use of force against Iraq unless Iraqi troops immediately and unconditionally withdraw from Kuwait. The longer the stalemate continues, the more time Saddam Hussein has to undermine the solidarity of the anti-Iraq coalition and find support for a face-saving settlement that will leave him free to launch future aggressions.

SADDAM'S EARLY LIFE

Saddam Hussein was born on April 28, 1937, to a landless peasant family near the town of Tikrit, 100 miles north of Baghdad on the Tigris River. Many details of his early life remain murky because of conflicting biographical accounts. Saddam (whose name translates as "one who confronts") grew up without a father, either because his father died before his birth (the official story) or because he abandoned his family (according to a personal secretary who later broke with Saddam). After Saddam's strong-willed mother, Subha, remarried, the young Saddam was constantly abused by a scornful stepfather, Ibrahim Hassan, a crude peasant who complained of Saddam: "He is a son of a dog [a particularly virulent insult in Arabic]. I don't want him."[1] Saddam did not begin his formal education until age ten because his stepfather preferred him to take care of the sheep.

In 1947 Saddam was sent to live with his mother's brother, Khayrallah Tulfah, in a working-class neighborhood of Baghdad, the Iraqi capital, where many Tikritis lived. Khayrallah was an ardent Iraqi nationalist who was cashiered from the Iraqi army for joining an abortive anti-British and pro-Nazi uprising in 1941. Khayrallah was probably the strongest influence on Saddam's early political views, infusing him with a hatred of British colonialism and the British-installed Hashemite regime that ruled Iraq after independence from Britain in 1932. Perhaps trying to emulate Khayrallah, Saddam applied to enter the Baghdad Military Academy, but failed the entrance examination. Although he never served in the army, Saddam developed a love of military uniforms and guns. Years later, after gaining power, he named himself a "Field Marshal."

Street Muscle. Saddam left school at age sixteen and became the leader of a street gang of poor Tikritis living in Baghdad. He killed his first man at the age of sixteen, by some accounts; others claim he may have been only twelve. In 1956, Saddam, then age nineteen, like most of the Arab world, was electrified by Egyptian leader Gamal Abdel Nasser's ability to transform a military defeat at the hands of Israel, France, and Britain into a political triumph in the Suez crisis. Saddam was inspired by Nasser's efforts to unify the Arab world. In 1957, Saddam joined the radical Baath (Renaissance) Party, which was dedicated to restoring Arab glory through pan-Arab unity, secular nationalism, and socialism. Saddam's gang gave the Baath Party street muscle. Saddam's political career was propelled by his ability to orchestrate and execute political violence.

The tiny Baath Party was relegated to the political sidelines when General Abdul Karim Qassim overthrew Iraqi King Faisal II in 1958. Saddam's first political murder is believed to have been the killing of a communist supporter of Qassim, who also happened to be Saddam's brother-in-law.[2] Saddam boldly led an abortive assassination attempt on General Qassim on October 7, 1959. Saddam, then 22, was wounded in the leg, and dug the bullet out with his pocket knife, according to an official account. Saddam then fled to Syria and ended up in Cairo where he spent four years on the Egyptian payroll being groomed by the Nasser regime as a future leader of the pan-Arab cause.[3] While in Cairo, Saddam married his uncle Khayrallah's daughter, Sajida, and finally finished high school at the age of 24. In the meantime, he was arrested twice by Egyptian police, once for threatening to kill a fellow Iraqi student because of political differences and once for chasing another student through the streets of Cairo with a knife.[4]

SADDAM RISES THROUGH THE SECRET POLICE

Saddam returned to Iraq after the Baath Party overthrew General Qassim in February 1963 and joined the internal security forces. He became an interrogator and torturer in the *Qasr-al Nihayyah* ("Palace of the End"), a Baathist torture chamber in the palace where King Faisal and his family were executed in 1958.[5] The Baath Party, weakened by factional cleavages, was ousted on November 18, 1963, by the Iraqi army. Saddam was arrested in October 1964 and jailed for almost two years. He concluded that the Baath Party henceforth should maintain strict unity and distrust ambitious army officers who had a tendency to purge non-military conspirators after a successful coup.

Torture and Terror. Saddam escaped from jail in 1966. He then founded the Baath internal security forces, the *Jihaz Haneen* ("instrument of yearning"). This dreaded organization assassinated the party's enemies, monitored the loyalty of party members, and purged dissenters. The Baath Party returned to power in a coup in July 1968, in which Saddam's security forces quickly purged non-Baathist army officers. Saddam's cousin, General Ahmed Hassan al-Bakr, became President, but Saddam quickly became the strongman of the regime. As head of the internal security apparatus, Saddam crafted the Arab world's most ruthless police state. His secret police routinely tortured political dissenters—even children, to extract confessions and information from their parents.[6]

Saddam's political power base has always been the internal security services which he staffed with members of his own family and clan or neighbors from his home town, Tikrit. This "Tikriti mafia" became the core of Saddam's regime as he continuously purged rivals and potential rivals from the Baath Party. So many high-ranking members of the regime hailed from Tikrit that Saddam banned the public use of the laqab, or surname indicating place of origin, to obscure the disproportionate number of "al-Tikritis" (people from Tikrit) in his inner circle.

Saddam ousted his cousin, Al-Bakr, from the presidency on July 16, 1979, and ruthlessly consolidated total control over Iraq. Claiming that he had uncovered a plot by pro-Syrian Baathists, Saddam purged up to 500 party members. At a meeting of hundreds of party cadres, Saddam read the names of 22 high-ranking party members, who then were led off to be executed. Several senior officials were shot shortly thereafter by a firing squad composed of Saddam and his surviving colleagues.

Ruthless Purges. Saddam himself is said to have killed 22 men.[7] He personally executed his own Minister of Health, Riyadh Ibrahim, a longtime compatriot, in the middle of a Cabinet meeting in 1982 when the hapless minister suggested that Saddam temporarily step down from power to allow a negotiated solution to the Iran-Iraq war. Soon after, the minister's dismembered body was delivered to his wife's front door in a sack.[8] Saddam's use of terror, even against his own associates, inspires fear in Iraqis and has assured his domination of Iraqi politics.

Saddam may be understood best as a gang leader. He used his gang to gain control of the secret police, which he then used to gain control of the Baath Party, through which he rules Iraq. He now seeks to become the undisputed leader of the Arab world. Fittingly, his favorite movie is said to be *The Godfather*, which he has seen many times.[9]

SADDAM'S PERSONALITY CULT

The Iraqi dictator sits at the center of a web of state, party, military, and secret police organizations. As President and Chairman of the Revolutionary Command Council, Saddam controls all government bureaucracies. As Secretary General of the Regional Command of the Baath Party, he leads 50,000 Baath Party members and 1.5 million sympathizers. As Commander in Chief of the armed forces he leads Iraq's one-million-man army. And through his powerful "Special Bureau," he keeps close tabs on Iraq's many competing intelligence and internal security agencies.

Giant portraits of Saddam dominate government offices and all public places. Iraq's state-controlled television periodically flashes Saddam's "internal sayings" on the screen. His birthday is an Iraqi national holiday.

To strengthen his claim to leadership, Saddam has exploited symbols of Iraq's historical glory. He has encouraged comparisons to Nebuchadnezzar, the powerful leader of ancient Babylon, who conquered Jerusalem and brought the Jews to Babylon. He is reconstructing the walls of Nebuchadnezzar's Babylon, putting his own name on every tenth brick, as a testament to Iraq's pre-Islamic glory.[10] He has invoked Saladin, the brilliant military and political leader who defeated the Crusaders and conquered Jerusalem in year 1187. Although Saladin also was born near Tikrit, Saddam neglects to recognize that Saladin was a Kurd, the ancestor of the 3 to 4 million mountain people in northeastern Iraq whom Saddam ruthlessly has repressed.

Demanding Deference. Saddam rules with what seems a messianic sense of mission. He seeks to restore the Arab world to what he believes is its rightful place in the world as a Third Superpower. He is quick to take offense at those who do not accord him the respect he feels is due. Since 1986, public insults of Saddam have been punishable by death. Even when dealing with foreigners, Saddam demands deference. According to an unnamed diplomat who has met with him, Saddam habitually holds his hand extremely low when greeting visitors to force them to bow as they shake hands.[11]

Because he lacks personal charisma and is not an articulate speaker, he prefers to communicate to his countrymen through a surrogate, often a television announcer who bears a striking resemblance to Saddam, who reads Saddam's speeches. Saddam lives and works in isolation, shunning contact with his people, probably out of fear of assassination. He is believed to have survived several attempts on his life and is heavily guarded during his rare public appearances.

Saddam is extremely distrustful, even of his closest associates. When he goes on one of his infrequent foreign trips, he brings his own food, a food taster, and his own chair, apparently fearful of sitting on a poisonous needle. When the lights momentarily flickered out at the February 1990 Arab Cooperation Council summit, Saddam dove under a table, apparently fearing an assassination attempt.[12]

SADDAM'S GAMBLES

Saddam has not had the same success imposing his will on neighboring countries as he has had with Iraq. When revolutionary Iran, after Ayatollah Ruhollah Khomeini's 1979 revolution, threatened Saddam's regime by stirring unrest among Iraqi Shiites, who make up about 55 percent of Iraq's 18 million people, Saddam responded by invading Iran in September 1980. Saddam, expecting a quick and easy victory, badly miscalculated the strength of Iranian resistance. Iraq became mired in a bloody eight-year war with Iran that took the lives of up to 500,000 Iraqis and left Iraq $80 billion in debt. Although Saddam eventually won a military victory in 1988 by using illegal chemical weapons on the poorly prepared Iranians and Iran's Kurdish allies inside Iraq, he had little to show for his victory. The Iranians were forced to accept a ceasefire, but refused to negotiate a peace settlement.

Saddam was unable to provide war-weary Iraqis with a "peace dividend." High world oil prices in the early 1980s and generous loans from the Arab Gulf states, had enabled Saddam to coopt many Iraqis with a guns and butter policy that combined massive military spending with huge economic development projects. But the fall of oil prices after 1985 reduced Iraq's oil revenues and reduced the Iraqi dictator's ability to finance ambitious economic development schemes. Although Saddam's pervasive police apparatus precluded organized opposition, Iraqis are believed to have grown increasingly disenchanted with Saddam's harsh rule.

Blocking Coups. Particularly worrisome for Saddam was the growing restiveness of Iraqi army officers, who had seen at close range the terrible price that Iraqis had paid for Saddam's military miscalculations. Saddam surely realized that the biggest threat to his rule came from the army, which had staged thirteen coups d'etat between 1920 and 1979. To block possible coup attempts, Saddam constantly purged high-ranking officers and executed hundreds of officers suspected of disloyalty. Baath Party commissars monitored military affairs down to the battalion level. Secret police were infiltrated into the ranks. And an elite Presidential Guard unit was recruited primarily of diehard loyalists from the Tikrit region. War heroes who threatened to become potential rivals of Saddam Hussein were forced out of public view or placed under house arrest. Even Minister of Defense Adnan Khayrallah, Saddam's cousin, brother-in-law and closest friend as a young boy, fell victim to Saddam's suspicions. Khayrallah, who directed Iraq's military effort in the final months of the war, died in a mysterious helicopter accident in May 1989 believed by many to have been arranged by the Iraqi dictator.[13]

Following the August 20 1988, ceasefire with Iran there were a growing number of reported coup attempts against Saddam. The Iraqi internal security forces sniffed out and foiled several plots, including an attempt to shoot down Saddam's plane and an attempt to bomb the presidential reviewing stand during a military parade.[14] There have been four credible reports of coup attempts this year alone, including an abortive car bomb attack to be launched on January 6 during Iraq's "Army Day" celebrations.[15] Saddam became so distrustful of his own military that he closed officers clubs this July and purged three top military leaders, including Iraq's most celebrated war hero, Lt. General Maher Abdul Rashid.[16]

Miscalculation in Kuwait. Saddam's August 2 invasion of Kuwait was more a mark of economic and political weakness than a sign of military strength. Saddam in effect tried to make the annexation of Kuwait Iraq's "peace dividend" from its war with Iran. By seizing Kuwait's oil wealth, Saddam tried to score a personal triumph that would discourage challenges to his rule, quiet grumbling about his fruitless war with Iran, and reverse growing resentment of his brutal dictatorship by exploiting Iraqi nationalism and irredentism. In additon to halting the erosion of his domestic power base, a successful annexation of Kuwait would strengthen Saddam's claim to the leadership of the Arab world. It would give him additional financial resources, in the form of Kuwait's 94 billion barrels of oil reserves and $100 billion in foreign investments, to accelerate his ambitious military, nuclear, and development programs. Having conquered Kuwait, Saddam would loom large as the "new Nasser"—a strong leader who could stir the Arab masses by championing their long-held dreams for Arab unity and restoring Arab honor by standing up to Israel and the West.

Saddam once again grossly miscalculated the implications of aggression. Although Kuwait swiftly succumbed to his onslaught, Saudi Arabia, which he probably expected could be intimidated, uncharacteristically boldly chose to resist the expansion of Iraqi power. The Saudis staunchly backed Kuwait and invited American, British, French, Egyptian, Syrian, Pakistani, Bagladeshi, and Moroccan troops (listed in descending order of the strength of committed military forces) to help defend Saudi territory. This unlikely coalition, supported diplomatically in the United Nations Security Council by the Soviet Union and Mainland China, imposed an economic embargo on Iraq on August 6, and threatens to use military force to comple Iraq to withdraw from Kuwait.

SADDAM'S STRETEGY

Since the August 2 invasion, Saddam cautiously has sought to consolidate Iraq's control over Kuwait while avoiding a provocation that could trigger a war with the multinational forces assembled in the Persian Gulf to curb Iraqi aggression. Saddam in early August ordered Iraqi ship captains to permit their ships to be boarded and searched by the blockading naval forces enforcing U.N economic sanctions. Iraqi warplanes carefully avoid entering Saudi airspace or challenging American or Saudi air forces in the Persian Gulf.

Meanwhile, Iraq steadily consolidates its control over Kuwait. Baghdad declared on August 8 that Kuwait had been annexed as an Iraqi province. Iraqi troops began taking foreign hostages in Kuwait on August 13 to be used as shields to deter attacks on Iraqi strategic and economic targets. Iraqi troops have terrorized Kuwait's population, driving 500,000 of Kuwait's 750,000 native citizens out of the country.[15]

Thousands of Iraqi peasants and urban poor have been settled in Kuwait.[15] Iraq has organized some of the 350,000 Palestinian refugees in Kuwait into a pro-Iraqi force, and has permitted radical pro-Iraqi Palestinian terrorist leaders such as Abu Nidal and Abu Abbas to set up headquarters in Kuwait City.

Saddam's strategy is to tighten his grip on Kuwait while buying time to sow disunity in the unwieldy anti-Iraq coalition. He probably reckons that the longer the stalemate drags on, the more likely is it that the U.N.-mandated embargo will spring leaks and the anti-Iraq coalition will crumble. By stringing out the crisis, Saddam apparently hopes to deflect attention from his own aggression to the Westen military presence and strengthen political constraints in the U.S. and the West against military action by stressing the high costs of war. Meanwhile, Saddam tries to drive wedges into the anti-Iraq coalition by exploiting Arab-Israeli dispute, selectively releasing hostages and offering free oil to countries that violate the U.N. economic embargo.

One Iraqi ploy is the attempt to link the Persian Gulf crisis with the Arab-Israeli conflict. By doing this Saddam hopes to focus Arab attention on the U.S.-Israeli axis to undermine the anti-Iraq coalition. Saddam offered on August 12 to withdraw his troops from Kuwait if Israel withdrew from occupied Arab territories and is Syria withdrew from Lebanon. Although the U.S., Israel, and most Arab states have rejected this linkage, the October 8 riots in Jerusalem that resulted in the deaths of seventeen Palestinians aided Iraq by diverting the attention of the Arab and Muslim countries. Saddam escalated his propaganda attacks on Israel on October 9 and announced that Iraq had developed a new missile, the Hijara ("the stone"), capable of hitting Israel, like the stones of the Palestinian rioters in Jerusalem. Saddam knows that nothing unites the Arab world like an anti-Israeli stand, so he attempts to thrust himself to the head of an anti-Israel crusade.

Appealing to Arab Masses. Saddam has appealed to the Arab masses over the heads of Arab rulers opposed to his invasion of Kuwait. Iraq set up a radio station on August 13 that calls on Egyptians to rise up against Egyptian President Hosni Mubarak, who has taken a pro-Kuwaiti stand, Iraqi radio charges meanwhile that the U.S. military presence in Saudi Arabia is a U.S.-Israeli plot to control oil, that Israeli personnel are in Saudi Arabia masquerading as Americans, that U.S. soldiers massacred pro-Iraqi Saudi demonstrators, and that U.S soldiers have brought AIDS, alcohol, pork, and prostitutes to Saudi Arabia.[19] Although Saddam is a secular socialist who brutally crushed Iraqi Muslim fundamentalist groups, he now poses as a defender of Islam against the infidel West. Saddam calls for liberation of the Holy Places in Mecca from occupation by "unbelievers and the Jews."[20] Although this charge appears specious in the West, the Saudis were nervous enough about the gullibility of Arabs to invite Muslim religious leaders to Mecca in September to certify that the Holy Places had not been violated.

At the forefront of Saddam's efforts to shatter the anti-Iraq coalition have been the Western hostages held in Kuwait and Iraq, now estimated at about 2,000, including some 900 Americans. Baghdad announced on August 17 that it was moving hundreds of hostages to strategic and economic facilities in Iraq to deter attack and to raise the domestic political pressures on the U.S. and other states to postpone military action. Iraq initially demanded a U.S. pledge not to attack as a precondition for releasing these hostages.

When this failed to bring U.S. concessions, Iraq began selectively to release hostages to lure foreign leaders to Baghdad and weaken the unity of the anti-Iraq coalition. The Iraqis believe that the subsequent procession of fawning foreign dignitaries to Baghdad, including former West German Chancellor Willy Brandt, former Japanese Prime Minister Yasuhiro Nakasone, and former U.S. Attorney General Ramsey Clark, gives Iraq the opportunity to put its case before the world and reduce the chances of an attack against Iraq. Saddam Hussein announced only last week that Iraq would free all remaining hostages in small groups beginning on December 25 and continuing to March 25, "unless something should occur to disturb the atmosphere of peace." Saddam's manipulation of the hostages is designed to paralyze the anti-Iraq coalition and preclude concerted military action against Iraq during the winter months, which are the most favorable months for military operations due to lower temperatures and reduced numbers of sandstorms.

SADDAM'S FUTURE POLICY

Saddam is trapped in a dilemma of his own making. He cannot bow to international pressure and withdraw unconditionally from Kuwait because this would be political suicide. It would shatter his carefully cultivated aura of invincibility, raise anew strong doubts about his judgment and leave him vulnerable to future coups by disgruntled army officers. Yet he cannot sit tight in Kuwait if that means war with the U.S., for such a war would be military suicide.

Saddam is unlikely to be pushed out of Kuwait solely by economic sanctions. Although the U.N. economic embargo is beginning to pinch, it will not develop a painful bite for several more months. Saddam can divert scarce food and other supplies to his army, while allowing Iraqi Kurds, Kuwaitis, and Iraq's 2,000 Western hostages to starve slowly for the benefit of Western televison cameras.[21] The international consensus in support of the embargo will dissipate when it becomes clear that Saddam is willing to starve more people to retain Kuwait than the U.N. is willing to starve to liberate Kuwait. Saddam took the Iraqi people hostage long ago.

Stalling for time. Saddam has proved himself a tough-minded master of brinkmanship. He thus surely will cling to Kuwait until convinced that this will lead to a war that he cannot hope to win. Saddam apparently is not yet convinced that war is imminent. One of his closest associates, his son-in-law General Hussein Kamel, who is the Ministry of Industry and Military Production, recently told a diplomat: "We have nothing to worry about from a war with the U.S. The Americans are not prepared to pay the price of a war with Iraq."[22] Iraqi officials believe that the U.S.-led coalition is a fragile marriage of convenience that will weaken and dissolve over time. They speak of a "French and Soviet axis" that eventually will end the "U.S.-imposed Gulf crisis."[23] Iraq will therefore continue stalling for time to wear down the resolve of the anti-Iraq coalition and drive wedges between its members.

Surprising Flexibility. Yet Saddam has shown flexibility in the past when confronted with an unfavorable situation. For example, in March 1975 he struck a deal with Shah Mohammed Reza Pahlavi of Iran to accept Iran's territorial claims in a border dispute in exchange for an end to Iranian military aid to Iraq's Kurdish rebels. Later, Saddam withdrew his territorial claim on Iran's oil-rich Khuzestan province, called "Arabestan" by the Iraqis, in a vain bid to end the Iran-Iraq war in 1982, after Iran had halted Iraq's invasion and pushed Iraqi forces back to the border. Twelve days after invading Kuwait, Saddam demonstrated tremendous flexibility by suddenly bowing to Iran's terms for a peace treaty and withdrawing its troops from Iranian territory. This concession to Iran, Iraq's bitter historical enemy, must have been unpopular with the Iraqi people, a factor that is likely to make Saddam all the more determined to reject a humiliating forced withdrawal from Kuwait.

Saddam will abandoned Kuwait only when convinced that holding on to it will trigger a disastrous war that threatens his regime's political and physical survival. Convincing Saddam of this is difficult for Washington, given its need to maintain a broad international consensus, particularly within the U.N. Security Council, for sustained economic and diplomatic pressure on Iraq. When U.S. Air Force Chief of Staff General Michael Dugan threaten this consensus by publicly threatening to "decapitate" Iraq's leadership, Secretary of Defense Richard Cheney sacked him on September 17. This action probably was perceived in Baghdad as a signal that the U.S. was not serious about its threatened use of force.

Saddam Hussein is a calculating risk-taker who surely now continually is gauging not only the capability, but also the willingness, of America to use force. He doubts American will power, not American firepower. According to an unnamed Arab ambassador in Baghdad, Saddam will not consider withdrawal unless he "see the red eye" (the determination) of his opponent.[24] George Bush recently has shown Saddam this "red eye" by expressing anger over the plight of Kuwaitis and the esti⅛mated 900 American hostages held in Iraq and Kuwait. Moreover, the Bush administration has escalated the pressure on Iraq by announcing on November 8 the commitment of over 400,000 troops to the Persian Gulf by early next year. Washington also is preparing to push a resolution through the U.N. Security Council supporting the use of force if Iraq fails to withdraw from Kuwait.

Soviet moves may play a key role in determining Saddam's future policies. According to an unnamed Iraqi official close to Saddam, the Iraqi dictator believes that the Soviet reluctance to countenance a war over Kuwait is one fo the strongest constraints on U.S. willingness to go to war. Saddam has given specific instructions that he is to be closely informed of every Soviet move.[25] Soviet President Mikhail Gorbachev's waffling on the question of military force, particularly his statement on October 29 indicating that military solution was unacceptable in the Persian Gulf crisis, can only have emboldened Saddam. But if Moscow should signal Saddam that it accepts the need for military force, perhaps in a U.N. Security Council Resolution supporting the use of force to enforce previous U.N. resolutions, then Saddam's calculus concerning Kuwait may suddenly change.

Fall-Back Position. Once he is convinced that a war is imminent, Saddam probably will seek to forestall military action with a timely diplomatic initiative. Baghdad already quietly has staked out a plausible fall-back position that could resolve Saddam's dilemma through a partial withdrawal from Kuwait. Significantly, when Kuwait was annexed as Iraq's nineteenth province on August 8, a swathe of northern Kuwait that the Iraqis named the Saddamiyat al-Mitlaa, was incorporated into Iraq's Basra province. According to maps distributed to Iraqi embassies, this territorial enclave consists of Kuwait's Northern Province, which contains approximatley one-third of Kuwait's territory and one-fifth of its oil.[26] Refugees fleeing Kuwait report that border posts and a concrete wall are being constructed along the new border.[27] If Saddam concludes that he cannot hold Kuwait without a war, he may offer to withdraw to this new boundary, which essentially corresponds to the historic boundary of the Ottoman Turkish province of Basra. Baghdad may have been preparing Iraqis and other Arabs for such a partial withdrawal by leaking reports on October 18 that Saddam had a dream in which the Prophet Mohammed called on him to leave Kuwait.[28]

Such a diplomatic settlement would allow Saddam to save face by leaving him in control of Kuwait's northern oil fields and the strategic islands of Warba and Bubiyan, which guard the access channels to Iraq's naval base at Umm Qasr. This should be absolutely unacceptable to the U.S. It would give Saddam a "war dividend" of up to 20 billion barrels of Kuwaiti oil reserves and improved access to the Persian Gulf. As dangerous, it would boost Saddam's prestige as a strong Arab leader that faced down the Western powers. This would enhance his influence and strengthen radical anti-Western forces throughout the Middle East.

Uncomfortable Saudis. Secretary of State James Baker repeatedly has ruled out "partial solutions" to the Persian Gulf crisis that would involve Kuwaiti concessions to Iraq in exchange for a partial withdrawal. But other members of the anti-Iraq coalition may not reject such an outcome, especially if the stalemate over Kuwait drags on without an end in sight. Saudi Arabia, in particular, is uncomfortable with the prospect of an open-ended presence of hundreds of thousands of American troops. While such a huge military force safeguards Saudi security in the short run, it undermines Saudi political stability in the long run because it undercuts the chief source of legitimacy of the ruling dynasty—the guardianship of Muslim holy places in Mecca and Medina. The Saudis privately have pressed Washington for a swift and decisive resolution of the crisis. They are believed to be concerned about the possibility of anti-Western protests during *Ramadan*, the Muslim month of fasting which begins in March 1991 and during the *Haj*, the Muslim pilgrimage, which begins in June.

If the Saudis conclude that Washington is incapable of decisive military action and that Saddam will survive this crisis, then they increasingly will be tempted to strike a deal with Iraq. Saddam knows this and continually denigrates U.S. staying power to remind the Saudis that Iraq will remain a neighbor long after U.S. troops have returned home. When Saudi Defense Minister Prince Sultan hinted on October 21 that a territorial compromise could be worked out between Iraq and Kuwait after Iraq had withdrawn, Iraqi radio stations trumpeted the apparent softening in the Saudi position. Although Saudi King Fahd subsequently disavowed the statement, saying that it was taken out of context, some unnamed U.S. government analysts concluded that: "Sultan was telling us that time is running out. The U.S. better get going or else we [the Saudis] will have to make our own deal."[29] Saudi and Iraqi diplomats remain in contact in many world capitals.

Partial Withdrawal. Even if Baghdad finds no takers for a negotiated partial withdrawal, it could still throw a monkey wrench into the deliberations of the anti-Iraq coalition by unilaterally withdrawing from southern Kuwait and Kuwait City. Many countries wavering over the question of whether to go to war to liberate Kuwait would be even less likely to go to war to liberate a province of Kuwait. The Kuwaiti government, intimidated by its powerful northern neighbor, and despondent over its abandonment by much of the world community, might eventually accede to the new territorial arrangements, allowing Iraq to escape from U.N. economic sanctions. Even after a withdrawal, Iraq will retain tremendous leverage over Kuwait through its control of radical Palestinians living in Kuwait and its ability to destroy Kuwait's oil facilities and southern oil fields through sabotage.

By staging a partial withdrawal from Kuwait, Saddam could minimize the chances of war, while retaining oil-rich strategic territory that would give him a resounding victory that would shore up his own narrow base of power within Iraq and enhance his stature in the Arab world.

CONCLUSION

Time is working against both the U.S. and Iraq in the current crisis. The U.N. embargo is weakening Iraq economically and undermining Iraq's military potential. But Saddam Hussein is unlikely to relinquish Kuwait out of humanitarian concern for his own people, particularly if doing so leaves him vulnerable to overthrow by his own army, which is still seething over his miscalculated invasion of Iran.

On balance, America loses more from the passage of time than Iraq. Although the military buildup in the Persian Gulf strengthens U.S. diplomacy, the passage of time dissipates the sense of Iraqi threat, throws up new issues that strain the ad hoc anti-Iraq coalition and increases the natural reluctance of a free democratic people to resort to force. As an Arab leader confronting Western forces on Arab soil, Saddam can score easy propaganda points that undermine the political stability of American allies like Egypt, Saudi Arabia, and the United Arab Emirates. The longer the stalemate continues, the more Saddam can exploit visceral Arab nationalist, radical revolutionary, and Muslim fundamentalist currents in the Arab world. And the closer Saddam gets to attaining nuclear and biological weapons that will greatly raise the costs of any conflict.

High Stakes. To halt the sense of drift in American policy George Bush and James Baker should clearly explain the stakes in the Persian Gulf to the American people. Saddam Hussein, a brutal dictator armed with weapons of mass destruction, has made a lunge to dominate the Persian Gulf, the strategic storehouse of two-thirds of world oil supplies. What is at stake is not the price of oil, but access to oil, which Saddam is fully capable of taking hostage to blackmail oil-dependent industrial democracies. If Saddam succeeds in looting Kuwait he will use the plundered assets to accelerate the development of his nuclear, missile, and biological weapons programs. This will make him much harder to deter and much costlier to defeat in a future crisis. An Iraqi triumph in Kuwait will radicalize the Middle East, threaten the stability of U.S. allies in the Arab world and ultimately could trigger an Arab-Israeli war that could threaten the survival of Israel, America's closest friend in the Middle East.

Although the risks of forcing Iraq out of Kuwait are significant, the risks of allowing Iraq to digest Kuwait are even greater. The U.S. must work to strengthen the unity of the anti-Iraq coalition to deny Saddam a diplomatic victory that would permit him to extract political, economic or strategic benefits from his aggression. The Soviet Union, responsible for providing Saddam with up to 85 percent of his military arsenal, bears a special responsibility for restraining Saddam. Bush should press Gorbachev to cosponsor a U.N. Security Council Resolution that will authorize military operations to liberate Kuwait similar to the ones that liberated South Korea in 1950–1953, if Iraq fails to withdraw totally and unconditionally within five days of the resolution's passage.

Credible Threat. Saddam will not withdraw his troops from Kuwait unless credibly threatened with overwhelming force. Confronted with such a formidable global alliance, Saddam might relinquish Kuwait and risk the wrath of his own countrymen, rather than risk a war that he and his regime would not survive. But if he fails to withdraw, a United Nations mandated war against Iraq would be preferable to a Munich-like settlement that would reward Iraqi aggression and leave Saddam Hussein free to plot future aggressions.

JAMES A. PHILLIPS,
Deputy Director of Foreign Policy Studies.

FOOTNOTES

[1] Judith Miller and Laurie Mylroie, *Saddam Hussein and the Crisis in the Gulf* (New York: Random House, 1990), p. 27.

[2] Saddam reportedly was incited to do this by his uncle Khayrallah. Miller and Mylroie, *op. cit.*, p. 29.

[3] Yossef Bodansky and Vaugh Forrest, "Saddam Hussein," House Republican Research Committee, Task Force on Terrorism and Unconventional Warfare, October 3, 1990, p. 4.

[4] Miller and Mylroie, *op. cit.*, p. 30.

[5] Miller and Mylroie, *op. cit.*, p. 31.

[6] Amnesty International, "Iraqi Children Innocent Victims of Political Oppression," April 1989.

[7] David Pryce-Jones, "The Conquering Hero," *The New Republic*, September 24, 1990, p. 19.

[8] David Korn, "Blood Baath," *The New Republic*, October 29, 1990, p. 13.

[9] Miller and Mylroie, *op. cit.*, p. 24.

[10] Peter Mansfield, "The Arab Nation and Saddam Hussein," *Middle East International*, August 31, 1990, p. 26.

[11] *Wall Street Journal*, September 12, 1990.

[12] Miller and Mylroie, *op. cit.*, p. 40.

[13] Adnan Khayrallah also sided with his sister, Saddam's wife, in a bitter family feud over Saddam's public affair with Samira Shahbandar, the ex-wife of the chairman of Iraqi Airways, Saddam's eldest son, Uday, avenged his mother's honor by publicly beating to death the presidential food taster, who had introduced Saddam to Shahbandar. Efraim Karsh, "In Baghdad, Politics is a Lethal Game," *The New York Times Magazine*, September 30, 1990, p. 40.

[14] The Guardian (London), March 24, 1989, p. 14.

[15] *Washington Post*, August 16, 1990, p. A34.

[16] Laurie Mylroie, "Saddam Was in Desperate Trouble," *The Wall Street Journal*, August 10, 1990, p. A10.

[17] *The Economist*, October 20, 1990.

[18] *Middle East International*, August 31, 1990, p. 8.

[19] *The New York Times*, September 16, 1990, p. 2.

[20] *The Washington Post*, October 5, 1990, p. A30.

[21] See: James Phillips, "Can the Embargo on Iraq Succeed?" Heritage Foundation *Backgrounder* No. 789, September 5, 1990.

[22] *The New York Times*, November 4, 1990, p. 2.

[23] *The Wall Street Journal*, November 2, 1990, p. A10.

[24] *The Wall Street Journal*, November 2, 1990, p. A10.

[25] John Burns, "To Manipulate the World, Mystify It," *The New York Times*, November 4, 1990, p. 2.

[26] Oil Daily, *Energy Compass*, London, October 26, 1990, p. 3.

[27] *Wall Street Journal*, November 2, 1990, p. A10.

[28] See: Foreign Broadcast Information Service, Near East and South Asia Daily Report, October 23, 1990, p. 25.

[29] *Middle East Policy Survey*, November 2, 1990, p. 3.

Mr. SYMMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from New York?

Mr. DOLE. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. D'AMATO. Mr. President, today the Senate has taken a step toward peace in the Middle East by sending Saddam Hussein a strong signal that the American people will not tolerate the taking of Kuwait as an appetizer followed by Israel as the main course. By backing our President, we have let Saddam Hussein know that the American people speak with one voice in their resolve to see his forces removed from Kuwait.

We are about to give the President the authority he needs to bring about peace. If we had failed to authorize the use of force in the Persian Gulf, Iraq's bold gamble would have paid off. Saddam Hussein would have been able to wait for the inevitable fracturing of the allied coalition. Our partners in that coalition, seeing a lack of American resolve, would inevitably have begun to cut their deals with Saddam Hussein.

Instead, we have sent a clear signal to Hussein. He must now stare into the abyss of certain defeat if he chooses the path of war. Even a reckless leader may be sobered by the view. Hopefully, he will now see that withdrawal is his only option.

I commend all those who voted against the resolution which would have stripped the President of congressional support at this crucial juncture. I would especially like to commend those of my colleagues on the other side of the aisle who resisted partisan pressure and supported the President.

Saddam Hussein must now finally face grim reality. His armed forces, and perhaps his country, face certain ruin if he pursues a policy of war. The road to peace, however, is still open. We must all pray that he chooses it, having no other viable option.

Let this vote not be a signal to our allies that this is a free ride. They better do more, and must do more. In the next few weeks, this August body should pass the D'Amato-Pressler resolution to get the Saudis to pick up the cost of Operation Desert Shield.

Saddam Hussein is like a glutton—a geopolitical glutton.

He is sitting down at a big banquet table, overflowing with goodies. And let me tell you—like every glutton, he is going to have them all.

Kuwait is just the appetizer—

He is gobbling it up—but it is not going to satisfy him.

After a noisy belch or two, he is going to reach across the table for the next morsel.

What is it going to be? Saudi Arabia? It could be. The UAE? Who knows? I do not. But I do know two things, with absolute certainty.

He is going to keep grabbing and gobbling.

And the main course, somewhere on that menu, is the State of Israel.

The Israelis know that. That is one big reason Prime Minister Shamir within the past 48 hours has again stated his unequivocal support for President Bush's policies.

What is a little hard for me to understand is how some of Israel's strongest supporters in this body have joined into this chorus of "let's give Saddam some more time."

Saddam has already had too much time. I am not talking just about these past 5 months. I am talking about years and years in which we—the United States—ignored his brutality, condoned his repeated aggressions against both his neighbors and many of his own people, and actually subsidized his regime.

It is time to blow the whistle on Saddam Hussein.

It is time to let this grisly glutton know the free lunch is over. It is time for him to pay the bill.

The VICE PRESIDENT. The Senator from California is recognized for 5 minutes.

Mr. SEYMOUR. Mr. President, I rise for the first time today as a Member of the Senate, and I am deeply honored to address this distinguished body of leaders.

I have been advised that a new legislator's opening days of Senate service should be devoted to reflection, learning and listening. Yet upon entering this room, I have also walked with you, my new colleagues, into an international crisis that brings us to the brink of war. Despite the fact that I am, indeed, a rookie here, I have an obligation to the citizens of California to present my views today. I would also add that I am personally saddened by the fact that mine will be the only vote cast from California on this issue, and extend what I am sure is the shared wish of this body to our colleague Senator CRANSTON for a full and speedy recovery.

Mr. President, Yogi Berra once said that "you can see a lot just by watching." And just by watching over the past 2 days, I have seen that more issues about this crisis unite us rather than divide us.

No one has disputed the fact that Saddam Hussein has committed an act of unconscionable and intolerable aggression against Kuwait—an act which cannot remain intact. No one has questioned Saddam's ambitions to control more than half of the world's proven oil reserves. No one has underestimated the destructive potential of Iraq's chemical and biological weapons of the Iraqi Army's willingness to use them against innocent civilians throughout the Middle East.

In summary, Mr. President, no one has challenged the hard fact that Iraq's invasion of Kuwait poses a large and long-term set of strategic, diplomatic, and economic problems for the United States and its allies throughout the world.

It seems to me, therefore, that the main questions before this body are how to stop a dictator from brutalizing innocent people anywhere he decides to send his army, and second, how to frustrate his desire to control a significant supply of the energy resources upon which so many Western economies depend.

If Saddam Hussein succeeds in consolidating Kuwait and intimidating or destabilizing other Middle Eastern States, including Israel, tyrants from other continents of the globe would be encouraged to attack other nations.

Mr. President, we all know the consequences of our inaction on both of these accounts. If Saddam Hussein realizes his goal of manipulating the entire oil supply of the Arabian Peninsula, nations from The Netherlands to Japan would face the risk of economic collapse.

So both moral principle and practical politics present compelling reasons to favor the reversal of Saddam Hussein's murderous and violent rape of Kuwait. In this current crisis, the civilized norms of international relations and the sovereign political and economic rights of nations have become mirages in the Kuwaiti desert.

Senators from both sides of the aisle have already engaged in an extensive debate about economic sanctions. But what does recent history teach us about the effectiveness of sanctions in averting conflicts and stopping injustice? It teaches us, Mr. President, that embargoes can postpone a tyrant's ability to realize his goals, but not his will to ultimately secure them.

American and European sanctions did not stop the Axis powers of World War II from trying to absorb the lands that they invaded.

They did not stop the Soviet Union from covertly or overtly challenging the self-determination of nations for decades after 1945.

They did not stop Fidel Castro from bankrolling Communist movements in this hemisphere.

They did not stop Syria or Libya from sponsoring terrorist organizations that have killed men and women all around the world.

They will not stop Saddam Hussein from supplying, feeding, and digging his army into Kuwait. He has starved and gassed his citizens in the past to free resources for his soldiers and squelch opposition to his warfighting policies. He has rationed food, resettled entire villages, stolen spare parts from civilian transportation systems, and emptied his gas stations to fortify the Iraqi military.

Along with these measures and the riches of a plundered Kuwait, as well as his unlimited potential to repress dissent, Saddam has enough resources to sustain his occupation until one of two events occur:

First, we face the potential future breakup of the Desert Shield coalition as a result of the domestic political concerns of many governments throughout the world. The Saudis cannot host such a large contingent of Americans indefinitely, and the Egyptians, Moroccans, Turks, and Syrians cannot fully support this effort if we only offer them a stalemate which no one can predict will end.

Furthermore, the idea of formally or informally linking Saddam's withdrawal from Kuwait with an international conference on the Israeli-Palestinian conflict has already gained support in some Western European capitals barely 5 months after the economic embargo on Iraq went into effect. The Arab League States, including all of our current Desert Shield allies, have long supported this agenda.

We cannot tolerate this approach, Mr. President. Not only would it extend an award to the Iraqis for their militarism, but it would also spell the end of the coalition against Saddam as well as link two morally and historically distinct issues. Israel can never be expected to sit at a negotiating table across from other countries still officially in a state of war with her.

Second, Mr. President, none of us in this country wishes to maintain our troops in the Saudi desert over an unknown period of time with an unclear mission. We want to bring our forces home from the gulf as quickly as possible.

The evidence that we have today, Mr. President, clearly suggests that the Iraqis can evade sanctions long enough for either the Desert Shield coalition to fall apart or for America to be politically and economically weakened by our burdensome commitment in Saudi Arabia.

I support with every fiber of my being the peaceful alternatives for solving this crisis. None of us wants to see American lives lost. I would have been proud to join my colleagues in casting my first vote as a U.S. Senator to applaud the U.N. Secretary General's mission of peace to Baghdad. We cannot and should not close the door on a diplomatic plan to force Saddam out of Kuwait while the guns still remain silent.

A settlement now, however, that allows Iraq to retain its tools of military and economic aggression will precipitate a bloody, protracted, and possibly unwinnable war in the future. The Middle East and the Western World could suffer Baghdad's boundless ambitions for only so long.

I pointed out at the beginning of my remarks the common ground that we as Senators share on the goals of U.S. policy. One of these goals is that the multinational coalition should and will prevail against Iraq. But a peace agreement making concessions to Saddam today would only postpone the violent storm of tomorrow.

The resolution that the distinguished Republican leader will offer makes the most sense to me in the face of Iraq's senseless behavior during the last 5 months.

It reinforces the mandate not of one President or of one party, but of 12 United Nations General Assembly measures.

It does not make war inevitable nor even encourage it. Rather, the Dole resolution would send a unified congressional signal to Saddam Hussein that the multinational coalition may consider military action at any time after the 15th of January if Iraq does not pull out of Kuwait and only if the diplomatic alternatives for securing this result have all been exhausted.

And to those who rightfully want to protect the constitutional prerogatives of Congress, I will say this. I am not a constitutional expert; I am not an attorney. I have in the past few days, however, listened, learned, and reflected.

I believe the Dole resolution is a prudent exercise of the Senate's responsibility against the intransigence of Iraq and on the advice of both the President and the United Nations.

Now is not the time for partisan politics. Now is the time for Republicans, Democrats, and people of all parties and philosophical persuasions to unite as Americans behind our President and send a clear message to Saddam Hussein that our resolve is firm and that we speak with one voice.

Those democratic institutions that last the longest, Mr. President, jealously guard both diversity and dissent in society as a matter of eternal law. Yet to prosper, a free people must also unify in a crisis and know the time when a protracted debate can send a mixed signal to a dangerous adversary. Congress and the American people, I believe, have drawn near to this time.

In closing, I would like to add a personal note. I have been deeply touched in the past few days at the tremendous kindness and consideration offered by my new colleague and I thank you from the bottom of my heart. To my constituents in California, I thank you as well for your opinions, your thoughts, and your prayers.

I am honored and humbled to be here, and will do my utmost to protect American lives and work for a durable peace.

Thank you, Mr. President, and I yield the floor.

The VICE PRESIDENT. The Senator from Utah is recognized for 6 minutes.

Mr. HATCH. Mr. President, after listening to the debate, I want to raise a couple of profound concerns that I have had.

We need to focus on the long term threat we face if Saddam Hussein prevails in this conflict, if we were to wait for our sanctions to work and our coalition falls apart in the meantime. We need to look not only at the present but also the future.

What would we face down the road? We would confront an Iraq under Hussein that would dominate the entire Middle East. We would see an assault on the moderate Arab States and on Israel. There would be a wave of subversion, intimidation, terrorism, and open aggression.

Unless we face up today to the challenge posed by Saddam Hussein, we will have to face him alone in the future. President Mubarak—who has built on the legacy of Sadat and the Camp David accords—has run enormous risks in standing with us. King Fahd—who has worked with the United States not only in this crisis but also on other issues such as Afghanistan—has staked the future of his country on our reliability and steadfastness. We can stand together with our allies, or we can stand alone if we let down our allies.

Who will suffer if the United States fails to step up to this issue? Certainly the moderate Arab States would. But just as certainly, Israel's survival would be called into question. Four million people to whom we have a profound moral and strategic commitment and with whom we have had a longstanding partnership would be put at risk.

As we debate, many people of Israel are sealing a room in their apartment or house with an air tight caulking. They know the risk of chemical and biological weapons in the hands of Saddam Hussein. They know he poses a mortal threat to the future of their country and their nation.

I do not understand why some on the other side of this resolution who consider themselves to be friends of Israel cannot see these simple facts. They do not speak about this danger. They ignore it. But the people of Israel do not have that privilege. They face a mortal peril, both in the short-term and the long-term. Yet many on the other side of this resolution have had no solution to offer besides waiting for sanctions to work, waiting to act until the threat becomes unmanageable.

There are two aspects of that threat that I would like to focus upon in my brief remarks as a senior member on the Intelligence Committee—the threat of Iraqi-sponsored terrorism and the threat of Iraq's weapons of mass destruction.

We all know that the world's most vicious terrorists have taken up residence in Baghdad. But while we have been waiting and debating, they have been preparing for cold-blooded killing. Our embassies and bases on three continents have been cased by likely terrorists. Terrorists are on the move, and weapons and equipment are being put into place. Iraq stands at the center of these actions, providing the crucial support—false passports, sophisticated equipment, vast sums of money—that only a state sponsor of terror has available.

But this threat will not diminish over time. Instead, it will grow. Those who would put off the need to confront Hussein would simply endanger more lives and would simply cause more innocent deaths at the hands of Iraqi's terrorist allies.

The same is true of the threat of Hussein's weapons of mass destruction. He has already killed thousands with chemical weapons. More ominous, he already has produced biological agents, such as anthrax and botulinum toxin, and has almost certainly developed deliverable biological weapons. If we give him time, he will develop weapons capable of not only killing a few soldiers in their bunkers but also wiping out entire major metropolitan areas. I do not want either to occur.

But it gets worse. Hussein's well-advanced nuclear weapons program could develop a crude nuclear device within a few months. Some Members have argued that this device would be so crude and so unweildy that it could not be delivered on any aircraft in the Iraqi Air Force. But a crude device can kill noless than a sophisticated one. Let us also remember that determined men, driven by hatred, can act in unpredictable ways. If we give him time, for example, there's nothing to stop Hussein from putting that kind of device in Kuwait City and detonating it and when our troops have entered its gates. There is no end to the kinds of scenarios that can be devised by a ruthless and cunning leader like Hussein, and I fear for the nations in that region if we do not deal decisively and promptly with the dangers posed by the Iraqi nuclear program.

Today, we have the chance to reverse all of these threats. They can be dealt with through diplomacy from a position of strength. The President needs our decisive support to succeed in backing Hussein down without the use of force. If Hussein will not relent, we must endorse the President's course to expel Iraq from Kuwait by all available means including force. If we fail, a high price will be paid in the death of innocents and even nations.

Mr. President, I reserve the remainder of the time for the majority leader.

Mr. NICKLES addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma is recognized for 4 minutes.

Mr. NICKLES. Mr. President, first I would like to compliment our colleague, Senator SEYMOUR, for his initial speech. I think he did an outstanding job. Certainly this is difficult not only for him but for all Senators because we are talking about a very serious issue, about the authorization of force.

Mr. President, I support that authorization and resolution by my colleague and friend, Senator DOLE, requested by the President of the United States. I have heard many of my colleagues, even those who have debated in favor of the previous resolution, state that Saddam Hussein and the Iraqis had to leave Kuwait; that his aggression could not be allowed to stand.

I happen to agree. I have a little disagreement on how we accomplish it.

We have heard people say, let us rely on the use of sanctions and hope that the continued use of sanctions would force him out of Kuwait. Unfortunately, I do not think that is the case. It might possibly work if he really cared about his people. I do not think that is the case here. If he really cared about his people why would he initiate and wage a war against Iran where over 1 million lives were lost?

He cares very little about his people. He cares about his ego. He cares about power. He cares about being the world Arab leader. He cares about fomenting hatred. He has a great desire to expand his power and even this conflict against other countries, including the nation of Israel which he stated time and time again that he would attack.

Mr. President, if this resolution fails, this will be a great victory for Saddam Hussein. A great victory because he stood up to the United States. If this resolution fails, the world will be a loser. The international coalition that President Bush has assembled will be a loser. It will disintegrate.

This resolution is vitally important. If we hold any hope for peace without military conflict, in my opinion this resolution has to pass because the only way that Saddam Hussein will leave Kuwait is if he really believes that the use of force is imminent.

Mr. President, I do not think sanctions will work. I do not really think that we want to have several hundred thousand troops of the United States in Saudi Arabia for 6 months, or for a year, or for 2 years. I do not.

I have talked to some Oklahoma families and some Oklahoma troops in Saudi Arabia. I have great compassion and great respect for the sacrifices they are making. I want to limit those sacrifices.

I certainly want to limit the loss of life not only for the United States but for the Iraqis. But we have to stare Saddam Hussein down. He has to know that the use of force is imminent.

In my opinion it is the only way whatsoever that he will move out. The decision is his. The international community has spoken and spoken loudly. I hope and pray that Saddam Hussein will hear the message and believe it. I hope he will change his mind. I hope he will reverse his earlier decision and withdraw from Kuwait. The decision is his.

I pray that he will make the right decision. I pray that our leaders will make the right decision and that there will be a peaceful resolution. This is an authorization. This is not a declaration of war.

This Senator happens to think that we should authorize for and give the President some authority so we can add some real strength to our position. It is not a declaration of war. If war breaks out—and I hope and pray it does not—I think the President should request, and I think Congress should come back with, a declaration of war.

I yield the floor.

The VICE PRESIDENT. Who yields time?

Mr. PRESSLER addressed the Chair.

The VICE PRESIDENT. The Senator from South Dakota is recognized for a period of 5 minutes.

Mr. PRESSLER. Mr. President, I rise to say I believe that this is a resolution of peace. Historically, every time a dictator has been appeased, it has resulted in war and death. The most obvious historical example of this is Chamberlain in 1938, and many more. I look upon this as a resolution of peace.

Mr. President, I have opposed sending more troops to Saudi Arabia. I support the United Nations replacing our troops there. Senators have had different opinions on many areas of Persian Gulf policy. The ultimate point is, however, if we were to take away from President Bush his authority at this critical moment, it would strengthen the hands of Saddam Hussein. And that would be a very negative step.

Let us look at the negotiating position the President of the United States is in. This Congress could have acted on January 3; it could have acted in December. Instead, Congress has waited until the last minute. If we are to take away the authority of the President of the United States to negotiate effectively at this moment, we would be giving Saddam Hussein a completely free ride.

I also point out that this resolution will be adopted today by both Houses of Congress, both Houses controlled by Democrats. We are witnessing a bipartisan foreign policy being formulated, somewhat in the tradition of Arthur Vandenberg, in the sense that both the President and the Congress will be on record, the Democratic Congress will be on record. I note that the resolutions in both the House and the Senate that are headed for passage are cosponsored by leading Republicans and Democrats.

So what is occurring here in an historical perspective is very important, because a dictator is being confronted. We are not appeasing him. We are strengthening the hand of our President to negotiate. None of us favor war. All of us want to get rid of Saddam Hussein. Those are things in common. But history has shown that we would move toward war much faster if we follow an appeasement course here.

So, Mr. President, I conclude by saying that I shall vote for the Warner-Shelby-Dole resolution, which is the resolution favored by the President of the United States. I predict it will be passed here shortly in the Senate. I think it is a step toward peace. If we do not pass this resolution, we will have a much higher chance of having a war.

Some groups across the country are interpreting this as a declaration of war vote. That is not the case at all. In my judgment, we will be moving toward peace much more by the passage of this resolution. This should be called a resolution of peace, because it improves the likelihood that war will not break out if we pass it.

Mr. President, I yield back the remainder of my time.

Mr. COATS addressed the Chair.

The VICE PRESIDENT. The Senator from Indiana is recognized for 5 minutes.

Mr. COATS. Mr. President, in 1937 Winston Churchill rose in the House of Commons to announce a bit of prophesy rooted in history. "Want of foresight," he said, "unwillingness to act when action would be effective, confusion of counsel until the emergency comes—these are the features which constitute the endless repetition of history."

There are certain historical lessons on meeting aggression we would be blind to ignore.

The most important is both simple and primary. Firmness, consistency, unity, commitment—these are the things that have historically tamed and reversed aggression. Weakness, dissention, indecision, hopeful illusion—these are the things the practitioners of aggression depend upon. And their appetite is not easily sated.

Another British leader in that period before World War II, Duff Cooper, made the point, "Lack of decision is the worst fault from which a policy can suffer. It is of first importance that we should know our minds; it is of almost equal importance that the world should make no mistake about our intentions."

Make no mistake, it is peace I am seeking, not war. War is the business of hate and death. It is the preclude to sufferings we cannot count. I heard a Senator rise on this floor to say that Congress is calloused and hardened because our own sons and daughters will not be effected. I wish the Senator had been more careful.

I do not presume to know the impact on other Senator's families, the sons and daughters, fiances or friends, that this war will bring. I do not think other Senators should presume to know the pain and suffering and anguish that goes into making a decision that commits American men and women to possible death and to certain turmoil and struggle and agony. I do not think they should presume to know what goes into a Senator having to make that very, very difficult decision.

But the slim chance that remains to us for the peace we want is to convince Saddam Hussein that the world community and the United States, including the Congress, are united in our purpose and resolve. Any vacillation will obscure that message, calling into question whether we mean what we say. The integrity of that message is now in the hands of the Congress.

We have only seen the beginning from this man if our national policy is indefinite delay and hope against hope. It's been said that criminal methods, once tolerated, are soon preferred. In Churchill's words once more, "This is only the first sip—the first foretaste of a bitter cup which will be offered to us year by year."

What is our policy to be? Is it to irresponsibly hope for the best while Hussein promises the worst? Is it to endanger the future for the sake of the moment? Is it a public declaration of our strident indecision?

What will we have earned? I believe we will be left with a shameful peace that will lead, inalterably, to a more bitter and bloody war. Choosing peace and delay, I fear we will get delay and war at far greater human cost.

In my opinion, there is only one ultimate justification for a vote for war—namely, that a vote for peace promises a false hope, that a vote for delay only makes the ultimate result more terrible.

The majority leader said that if we do not delay, no one will ever know if delay would have saved American lives. But it is equally true that, if we simply postpone what most believe to be an inevitable conflict, no one will ever know how many lives might have been saved had we acted now.

Hussein is a man who claims leadership of the whole "Arab nation." He is a dictator who claims succession to the ambitions of King Nebuchadnezzar. He is a leader seeking nuclear weapons and funding terrorism. He is a general who has brutalized his neighbors and his people with vicious efficiency. He has shut and locked the door of compromise and lost the key.

After World War II, a harsh historical judgment was pronounced on the architects of delay. Yes, they tried to give peace a chance. But, in the words of one historian, "They were too easily swayed by the perils of the moment, too little governed by the dangers of the future."

Mr. President, I hope and pray such an epitaph will not be written about this Senate.

Mr. HELMS addressed the Chair.

The VICE PRESIDENT. The Senator from North Carolina is recognized for 3 minutes.

Mr. HELMS. Mr. President, there are certain occasions in the history of nations when the people are called upon to reaffirm the integrity of the national interest.

This is one of those occasions.

The President has dispatched over 400,000 American military personnel to the Persian Gulf to protect the national interest. We must support the President in the course he has laid out.

On August 27, 1787, the Constitutional Convention meeting in Philadelphia adopted without debate the words of article II, section 2, clause 1, that the President is "Commander in Chief of the Army and Navy of the United States * * *." He is also the head of the militia of the several States, if federalized.

Thus the Constitution made the President the only Commander in Chief of the Armed Forces of this Nation. The President is therefore obligated to protect the interests of the United States, to defend the rights of its citizenry, and to preserve the national security by whatever means are necessary.

Thirteen years later, at the beginning of the second decade of the Constitutional Republic, Congressman John Marshall, before he was appointed Chief Justice, declared on the floor of the House of Representatives that "the President is the sole organ of the Nation in its external relations, and its sole representative with foreign nations."

There is no historical evidence that Chief Justice Marshall ever changed his mind. The phrase "sole organ of the Nation in its external relations" was emphatically restated by the U.S. Supreme Court in 1936 (U.S. versus Curtiss Wright Corp.). This view has never been repudiated by the Court.

On the other hand the Constitution fails to provide for 535 other Commanders in Chief.

Article III, section 8, clauses 11–16, specifically enumerate the war powers of the Congress in the Constitution. Congress is given the power: First, to declare war; second, to raise and support armies; third, to provide and maintain a navy; fourth, to make laws regulating the Armed Forces; and fifth, to support the militia of the Federal States. These specific powers encompass the sole authority of the U.S. Congress with regard to war.

Thus Congress can in no way limit or authorize the President's constitutional authority as Commander in Chief. Congress has attempted to do that in the War Powers Act, an act which I strongly opposed at the time of its passage in 1973, and which no Chief Executive has ever accepted; but I believe that the War Powers Act is plainly unconstitutional. I have consulted many distinguished constitutional authorities on this point, but most especially our late distinguished colleague, Senator Sam Ervin of North Carolina. There were 18 of us who voted against the War Powers Act, and now only Senator THURMOND and I remain in the Senate. Nor can Congress authorize or restrict the President's war power by any of the resolutions which have been proposed or circulated in the past few days.

In the short time that the Convention spent debating the subject, the Founders made a careful distinction between making war and declaring war. James Madison and Elbridge Gerry were responsible for enlarging the Presidential prerogative to enable the Chief Executive to meet the demands of national security.

As Madison warned in Federalist No. 48, encroachments by one branch upon another branch will upset the delicate balance of the tripartite constitutional system. Thus, it is exceedingly important to hold the branches to their intended functions with respect to the conduct of American foreign relations.

What the Framers originally intended, Mr. President, was to make a careful distinction between declaring war and making war. The Constitution is silent on whether the President is required to make war after Congress declares war; at the same time, it is silent on whether the President is prohibited from making war if Congress has not declared war. Clearly, common sense requires that the President seek the agreement and cooperation of Congress in any endeavor that commits the lives and fortunes of the American people. And the President has done so.

The powers to declare and make war are inherent powers of national sovereignty. The President has welcomed the cooperation of the United Nations and our allies in the United Nations who have supported us with diplomacy and by conducting troops. But the U.S. Constitution is superior to any obligations which we may or may not have undertaken by assenting to the U.N. Charter. No treaty can compel us, either in fact or in intention, to set aside any provision of the U.S. Constitution. The power to declare and make war therefore remains with the United States, and has not been delegated to the United Nations.

The U.N. resolutions, therefore, provide a framework for U.S. diplomacy, ratifying the individual bilateral relationships which the United States has with each of the members separately. They are a sign or symbol of the international support and common agreement which the President has organized through his leadership, merely ratifying the assent of our allies to our broad policy. There is nothing in them which requires the President or the U.S. Congress to perform any acts.

So the burden falls upon Congress, and it falls upon this body to demonstrate the solidarity which the Nation needs in time of crisis. The President's leadership has been superb. His toughness and courage have called upon a moral strength in the Nation which skeptics said no longer existed. Unless these virtues are nourished and cherished, this Nation, as a nation, will disappear from the field of history.

There are, of course, practical problems. There are sacrifices that will be required. There will be a price to pay. But there will be overwhelming practical problems, sacrifices not of our choosing, and prices too high to pay if we do not follow the course which the President has outlined.

Of course, there is a role for constructive criticism. But the naysayers who deny our national interest, who speak for delay when they really mean never, and who are more interested in narrow political advantage than in the national advantage—there is no room for these if the inner heart and soul of our Nation is to flourish.

So let us get down to the particulars.

Secretary Baker's 7-hour meeting in Geneva made clear that President Bush and Secretary Baker have exhausted every reasonable diplomatic effort to resolve the crisis in Kuwait. The Iraqi refusal even to receive the President's letter in a diplomatic forum demonstrates a complete lack of good faith in the peace process.

It is now time for the American people to rally around the President, and support the 400,000 American troops now poised in the gulf. These 400,000 American troops in the Persian Gulf are in a situation fraught with danger.

For the past 5 months the American people have been subjected to a cacophony of carping criticism and second-guessing that, intentional or not, has persuaded Saddam Hussein that the will of the American people is weak when vital principles are at stake. The only hope for avoiding hostilities—if there is a hope—is for Saddam Hussein to be convinced beyond a doubt that the American people stand behind their President.

Politics must stop at the water's edge. This is no time for posturing politicians to strut across the TV screens, presuming to second-guess the Commander in Chief. I have not agreed with all aspects of the President's program—for example, I felt that more support by our allies should have been nailed down at the outset—but I communicated my concerns to him privately. I have issued no press releases, nor have I consented to go on television to differ with the President. Now that the critical moment has arrived, it is time for all of us to stand united behind him.

On August 8, in response to the request by Saudi Arabia, the President sent United States troops to the gulf. The President stated four goals:

First, the immediate and unconditional withdrawal of Iraqi forces from Kuwait;

Second, the restoration of the legitimate Government of Kuwait;

Third, the security and stability of the Persian Gulf; and

Fourth, the protection of the lives of American citizens abroad.

All four of these goals are directly related to the national interest of the United States. The principle of national sovereignty is the very basis of our independence and national survival. It follows from the rule of national sovereignty that legitimate governments have the right not to be disturbed by foreign aggression. These principles are of particular importance to the United States when the victim whose sovereignty is violated is a country such as Kuwait, which has a key role in economic and diplomatic relationships with the United States.

President Bush is to be commended. He has not deviated from his original purposes. His forthright stand has protected American lives in Kuwait and Iraq. Moreover, he has demonstrated that we are willing and able to protect the security and stability of the Persian Gulf.

All Presidents in modern times have made the security and stability of the Persian Gulf a paramount interest of our foreign policy. Our interest is not, in the first place, economic. But the oil supplied by the gulf is indeed a major element in our own national security and stability. If we allow aggression to disrupt our relationships with friendly governments, the strength and independence of the United States is threatened.

The President's action in August was therefore action in the defense of the Nation. Presidents have taken similar actions 216 times, solely on their constitutional authority as Commander in Chief. When U.S. troops are sent abroad in defense of the Nation against specific challenges to our national sovereignty and independence, this Senator believes that the issues involved are too important for public squabbling.

Some have argued that the sanctions imposed upon Iraq must be given time to work. They have already worked. They have demonstrated that the whole world is standing together against the aggression of Saddam Hussein. The world does not turn upon economic issues alone, and it is difficult to imagine that a tyrant who has killed 500,000 of his own people for political reasons will be persuaded ultimately by an economic squeeze. Besides, Saddam Hussein has stolen almost $7 billion in gold and cash from the Kuwait central bank, and he has the economic cushion to resist the squeeze.

The U.S. Constitution was carefully crafted to allow much room for judgment. And in matters of war, the power to declare war does indeed lie with Congress. Nobody, nobody disputes that. But Congress has used that power only five times. On the other hand, the power to make war clearly belongs to the Commander in Chief, and we do not have but one Commander in Chief at a time.

The President has a duty to seek the support of Congress, and he has done that. I have sat in on endless meetings since this crisis began. But the Congress has a duty to close ranks and abandon partisanship, just as it did 50 years ago when another tyrant threatened the freedom and security of the world.

I thank you, Mr. President, and I yield back the remainder of my time.

The VICE PRESIDENT. The Senator from Wisconsin is recognized for 4 minutes.

Mr. KASTEN. Mr. President, I rise today in support of President Bush's position on the crisis in the Persian Gulf. He has shown firm, principled leadership on this issue—and all Americans and all Members of the House and Senate can be proud of his efforts to achieve a peaceful solution.

The President should be commended for his patience and perseverance to reach a lasting peace in the Middle East. He should be applauded for his insistence on consulting many Members of the Senate including myself—on both sides of the aisle. Mr. President, this vote is clearly a vote of support for the dedicated, patriotic Americans now in the desert on this mission. It's a vote that says: We're with you—or we're not.

The President has been very effective in his handling of this crisis. He has created and held together a world-class coalition encompassing 28 nations and over a quarter of a million soldiers. This coalition is dedicated to achieving a peaceful withdrawal of Iraqi forces from Kuwait.

These forces, our last best hope for the preservation of peace and international order, deserve our strongest possible support.

Mr. President, within the last 48 hours I was in the Egyptian desert with some of our brave soldiers. Particularly, I was honored to visit Wisconsin's very own—the 128th Air Refeuling Group. I am pleased to have been a part of that unit at one time, and I was in the desert working with and visiting with the people that make up our proud forces. There were roughly 240 of them—all dedicated to serving their country from Wisconsin, of whom I am very proud—a group of average Americans like you and me—spoke in one voice as they made it clear: They need our support now, more than ever.

The President has been successful in assembling this coalition because our national purpose has been clear. Our purpose is this: To resist aggression and to promote a world order in which both peace and freedom are secured.

The resolution now before us is designed to make clear to Saddam Hussein the following: Any illusions that he may harbor about the lack of U.S. determination to act promptly and vigorously against his aggression are absolutely wrong.

Hussein knows that all Americans dislike the prospect of war. We are, after all, a peaceful nation.

Diplomacy is America's first and best defense against aggression.

But what Hussein possibly does not understand is that while diplomacy is both our first and best defense, it is not our only defense. The American people believe in freedom, and we are willing to fight for peace once we are convinced that all the diplomatic alternatives have been exhausted.

The President has been concentrating diplomatic and economic pressure on Iraq for over 5 months.

In August, the President formed an international coalition to stop this Iraqi aggression. The Iraqis remained in Kuwait.

The President convinced the United Nations to impose economic sanctions against Iraq. Iraq still refused to budge.

In November, the President convinced the United Nations to endorse the use of all necessary means to force Iraq to withdraw from Kuwait by January 15. Today, Iraq is no closer to compliance than it ever was.

The President is now asking us in the U.S. Congress to help him keep his options open. Make no mistake: He is not asking for war. His priority, and that of the American people, myself included, is peace.

He is asking us to strengthen his hand as he makes a valiant effort to achieve a peaceful solution. I will vote to approve this request, because I think it is truly the last chance for peace.

My decision to fully support the President at this critical point in American history is made with a heavy heart. The prospect of war looms larger every day, as Saddam Hussein continues to ignore a united world's offer of a peaceful settlement.

This leaves us with a truly unfortunate prospect—but one that might well be necessary.

Virtually everyone agrees that Saddam Hussein's act of aggression against a sovereign country must be reversed. It is also clear that there are two possible ways to accomplish this. One option, which we have been trying without success for almost half a year, is diplomacy backed by economic sanctions. The second, the choice we must face today, is the use of military force.

As we debate this crucially important issue, I am reminded of a similar situation that occurred half a century ago. I have had the opportunity over the last few years to visit the small Baltic countries that were victimized by the Soviet Government in 1940—and face the prospect of further victimization by that same power even as we in this country are distracted by the gulf crisis.

In 1940, the Soviets illegally incorporated the Baltic States into the U.S.S.R. The world community failed to challenge that aggression. The Lithuanians, Estonians, and Latvians paid the price, and they continue to pay it today.

If the West had acted in time to deter that Stalinist aggression, the Baltic States would be free today, instead of being threatened by yet another Kremlin crackdown.

The occupation of the Baltics proves that silence in the face of aggression carries a terrible price, a price that continues to be paid by future generations.

Let's confront our responsibility in the face of today's aggression.

The President is asking for our help. He wants to continue on the path of peace, while retaining a credible threat. If his path is unsuccessful, if Iraq does not back down, we must give him the options he needs to stop this Iraqi dictator.

Let no one mistake the true meaning of this resolution. The President is as dedicated as any of us to the preservation of peace. But if Saddam Hussein insists that he will not give up his conquered territory in a peaceful manner, the President must have the power to join our allies in taking all necessary actions.

That is what this resolution is all about. It gives us a last chance for peace, and it backs up the world's commitment to stop Saddam Hussein.

I recognize that for each of my colleagues, this is a vote of conscience. I am not trying to convince those of my friends in this chamber who are opposed to the resolution. All of us have heard the debate. And we have made our decisions in the privacy of our own hearts.

What I am doing is trying to explain how I came to my own decision. I believe that rewarding aggression is wrong. I believe that the President is making every conceivable effort for a peaceful solution. And I believe he needs our continued support if he is going to be successful in preserving peace.

That's why I will be voting yes on the President's resolution.

The VICE PRESIDENT. The Senator from Alaska is recognized for 3 minutes.

Mr. MURKOWSKI. Mr. President, much of the debate heard in Congress over the past few days has focused on the use of sanctions to drive Saddam Hussein out of Kuwait. It is the opinion of this Senator from Alaska, that the very success of the sanctions is threatened. Many of my collegues want the President to give sanctions more time to work, time to weaken Iraq's economic and military capability and to persuade Saddam Hussein he must leave Kuwait.

I have been an advocate of the use of sanctions, and I remain an advocate today. The sanctions put into effect through the members of the United Nations are the tightest this world has ever witnessed, and truly an extraordinary diplomatic achievement thanks in large part to our President, and as vice chairman of the Intelligence Committee, I have learned much about the impact that the last 5 months of sanctions have had on Iraq. There can be no question that sanctions are having a debilitating effect on the Iraqi economy.

A vote in favor of the Dole/Warner resolution, of which I am an original co-sponsor, is not a vote to abandon sanctions. The policy of President Bush has been, and is today, a policy to restore the legitimate government of Kuwait through all available peaceful means. It is Saddam Hussein alone who has not taken steps toward assuring peace.

I deeply fear that if we fail to give the President strong support for his request to use "all necessary means," we will undermine his ability to pursue sanctions, as well. For those who believe in the use of sanctions, as I do, the only responsible action to take now is to grant the President his request for a realistic threat of force. Only by maintaining that threat can we hold our coalition together and bolster the impact of sanctions.

If the President is denied the authority he seeks, we can be certain that tomorrow Saddam Hussein will declare that he has triumphed over the United Nations, the President and this Congress and will invite other Arab Nations to join him. At that point the coalition and the sanctions themselves will be in grave jeopardy.

Ultimately the President must decide whether sanctions will be effective in removing the Iraqi army from Kuwait. I have full confidence in the President's ability to make that judgment, and know he will not make that decision lightly.

Some observers will note that the relatively close vote on the previous resolution will question the strength of the President's support in this body. I am pleased to learn that 250 members of the House have just voted to support our President. I am certain that when this debate is over, every Member will declare his complete support for the President and for the Armed Forces if—God forbid—it becomes necessary to actually resort to force.

I yield the floor.

The VICE PRESIDENT. The Senator from Rhode Island is recognized for 3 minutes.

Mr. CHAFEE. Mr. President, President Franklin Roosevelt said:

> The will for peace on the part of peace-loving nations must express itself, to the end that nations that may be tempted to violate their agreements and the rights of others will desist from such a course. There must be positive endeavors to preserve peace.

Today, the U.S. Senate is given the opportunity to make that a positive endeavor to preserve peace. We are about to vote on whether to stand with our President and virtually all the nations of the world, who are resolved that Saddam Hussein must voluntarily leave Kuwait by January 15, or be forced out.

The world, I believe, has seen enough of Saddam Hussein's actions since August 2 to know that time may very well not be on our side—to know that the only factor Saddam finds persuasive is the conviction he will be attacked if he does not yield to the requirements of the United Nations.

Iraq has swallowed whole a helpless, unharmed neighbor, has swept it off the map and tortured its citizens. Saddam Hussein, unchecked, threatens to impose a frightening level of control over the world's economy—and the world's stability.

Just last year the Berlin Wall came down and we believed we were on the threshold of a new, more peaceful era.

This year, instead, we find ourselves face-to-face with a ruthless despot who, if allowed to benefit from his heinous acts, along with those who may take courage from his example, will make the world a very treacherous place indeed.

It does no good for us to make threats or set deadlines, unless our impassioned statements are supported by a capacity and a will to wage war, if necessary.

Furthermore, should we fail to approve this resolution to back up the United Nations, I do not know what nations in the world would ever believe in the constance and reliability of the United States in the future.

The new world order, where the great and the small shall be unthreatened, may be elusive, but it is worth striving for.

The PRESIDING OFFICER (Mr. LEAHY). Who seeks recognition?

The Senator from Delaware is recognized for 3 minutes.

Mr. ROTH. Mr. President, our country is faced with a threat posed by a man who has the personal ambition and the proven ruthlessness to try and dominate a region of the world that is of vital importance to us. A man who, instead of investing in the economy of his country and pursuing peaceful relations with his neighbors, has used his country's resources to build a personal military machine, replete with chemical, biological and, soon, nuclear weapons—all with the sole purpose of extending his domination over his own people and as many neighboring countries as possible.

Already, he has used his military might internally to destroy opposition. He has used it externally against Iran and now Kuwait. And he will continue to use it to try and destroy any leader, Arab or non-Arab, or any country, Arab or non-Arab that stands in the way of his ascendancy. When Saddam Hussein took over Kuwait he sent a punitive message to OPEC nations that he would be the enforcer as to how much oil is to be pumped from the region. Despite the deceitful arguments he's now trying to peddle to the world, he did not take over Kuwait to improve the lot of Palestinians. It was a ruthless act of aggression to promote his own interests.

Because of the importance of the Middle East to the world, and especially the world economy, it is clear that if Hussein were to become the dominant force in the region he would have a tremendous negative impact on our quality of life, and he would eventually threaten our very security. Make no mistake about it, our vital interests are at stake. We need to stand prepared to defend our interests. And we should not be embarrassed to do so. Saddam needs to be dealt with now while the world has the will to act, and while we have friends in the region like Egypt, Saudi Arabia, and others, who are willing to take a stand against him.

Of course, Mr. President, a peaceful solution is the preferred solution. I have urged the President to continue every effort to achieve a diplomatic solution—especially a solution that will bring lasting stability into the region. But it is also my strong feeling that the best hope for a peaceful solution with people like Saddam is international isolation and the credible threat of force. The only way for that threat to be credible is to have the force assembled and for the Congress to authorize the President to use it as a last resort. In other words, the best chance we have of avoiding war in the Middle East is to stand united here at home—to prove to this tyrant that democracies can be resolute when their interests and security are threatened. Right now Saddam Hussein is playing off the divisiveness in this nation; he is banking on the possibility that President Bush will not have the support he needs to protect the interests of the country he leads. It is a horrible mistake—a mistake that has caused Hussein to miscalculate his actions time and again. But unless we end this debate and support our President, it is likely that Hussein will continue his dangerous gamble. Saddam must not get conflicting signals as to our resolve in opposing his aggression. Our Arab friends who are most directly threatened by his aggression must know that we stand with them. The men and women in our Armed Forces must know that they have our full support and that they will not be undercut and second-guessed back home if they have to undertake their difficult and dangerous mission.

Mr. President, this is a "pay me now or pay me later issue." Either we deal with this man at the moment—when his allies are few and his foes many—or we will have to face him later in a far more dangerous form. There are those who argue that we should wait a year or so and hope that sanctions will weaken Saddam. I understand their argument and, frankly, there would be merit to it if the economic pain would seriously weaken the Iraqi military. However, according to recent testimony before Congress this may take years, and human nature being what it is, it is likely that in that time the world coalition will weaken—especially as it's hard to imagine how the coalition might be stronger than it is now.

The time to support the President as he carries out the U.N. resolutions is now. The coalition awaits our response. It is true that decisions to authorize force are always difficult and should never be taken lightly. It is true that this will be a difficult vote for many to make, since none of us wants war. But we must remember, that the vital interests of our country are our responsibility, and our citizens expect us to defend them. President Bush is experienced and skilled. His advisors are some of the best and brightest our country could hope to be offering counsel right now. We must give the President the authority he has asked for and put our trust in him to use it wisely as he discharges the obligations of his office.

Clearly, this is a turning point in our history. Indeed, it is a turning point in world history. The end of the cold war has presented us with a great opportunity for peace, freedom, and economic growth—not only here at home—but for all nations. If we deal with Saddam successfully and eliminate his capacity to dominate the Middle East, it will allow that growth and opportunity to occur. It will also have the additional benefit of sending a signal to any other dictator, bent on the accumulation of personal power, to think twice before he follows similar policies of expansion and aggression. And that, Mr. President would do more than anything else to contribute to peace in the world.

It has been said quite often recently that America is slow to anger. Perhaps this is one of the fundamental blessings of democracy—that everyone has a right to voice an opinion and stand fast for principles and ideals. However, dictators like Saddam Hussein are quick to take advantage of the disagreement and debate inherent in democracy as they work their treacherous strategies. It is time to take this final card from that tyrant. Our quarrel is not with the people of Iraq. It is with Saddam Hussein and his army. It is time to give our President the authority he needs to face him. Standing strong, prepared, and united is the only chance we have of avoiding war in the Persian Gulf.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

The Chair will advise that the time allotted to the distinguished Republican leader has also expired.

The Republican leader.

Mr. DOLE. Mr. President, it is my understanding we sent someone to ask the distinguished majority leader to extend that time, but I think I have 13 minutes, counting my leader's time.

I yield 4 minutes of that to the distinguished Senator from South Carolina [Mr. THURMOND]. We will have additional time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 4 minutes.

Mr. THURMOND. Mr. President, during the past 2 days, this Chamber has witnessed an historic debate, the outcome of which will have consequences on the current crisis in the Middle East and on our Nation's future role as the world leader.

Mr. President, I want to congratulate my colleagues for their sincere and sometimes very personal statements on the crisis and the pending resolutions. In my judgment, we have demonstrated to the world the meaning of democracy and that we can debate issues without rending the fabric of civility.

Regardless of the outcome of today's votes, this Congress has let its voice be heard. Although some Members of the Senate did not speak in unity with the President's policies and the United Nations' goals, we did make one point very clear—a point which Saddam Hussein must remember. That point, Mr. President, is that sooner or later Saddam Hussein will leave Kuwait—by force or through diplomatic negotiations. Whichever way it is accomplished one thing is clear: The strength of our military force will be the critical factor.

Mr. President, both resolutions before this body have the common goal of bringing about the withdrawal of Iraqi forces from Kuwait. However, the resolution sponsored by Senator MITCHELL and the chairman of the Senate Armed Services Committee, Senator NUNN, was the worst signal we could have sent—it decouples the most effective means of removing Saddam Hussein from Kuwait—the dual elements of Economic sanctions and the credible threat of force. As Frederick the Great observed over 200 years ago: Diplomacy without arms is like music without an instrument. Mr. President, the bipartisan resolution, which authorizes the use of force, increases the pressure on Saddam Hussein by one more notch. It does not mean that we will go to war on January 16—as many of my colleagues who oppose the resolution have implied.

Mr. President, there is risk in both proposals. I believe that the President has evaluated these risks. As one of my constituents wrote me:

> President Bush is in a better position to know. He believes that appeasing aggression only makes the world more dangerous. He knows that our opponents will not be convinced by words alone. He needs the authority to use military power when and where he determines it will succeed.

Mr. President, I hope my colleagues on both sides of the aisle will join in demonstrating our solidarity with the President and the United Nations and vote for the bipartisan resolution to authorize the use of military force against Iraq's occupation of Kuwait.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3 minutes on the time of the Republican leader.

Mr. LUGAR. Mr. President, so long as Saddam Hussein and the rest of the world has any doubt about the resolve of the United States to use military force, the chances for miscalculation and tragic error loom much too large.

The most certain path to peace left is the credibility of the United States.

Our country is the only remaining world superpower. We face an awesome challenge to our diplomatic skills and perhaps to our military efficiency.

We were shocked that Iraq has attempted to destroy the nation of Kuwait, but our President responded by calling upon every world leader to establish a vital new interest in international law. Only he could have played that leadership role.

By enlisting an international payment plan to stop Iraqi aggression, President Bush has provided an emergency fair-share means to rally collective political and economic will.

Eventually, Germany and Japan, among others, will define their constitutional ideas on the use of military force abroad. For the moment, only the United States could have moved 400,000 troops to the Persian Gulf and provided sufficient reason for Iraq to surrender the fruits of aggression.

We are a reluctant superpower and many Americans will argue that we should not be involved all over the world in maintaining peace and advancing our ideals.

In truth, we have no choice. The world is a dangerous place. Our freedom and our opportunities to live in peace will be based on our success in fostering and supporting a growing number of countries that share our ideals.

The unity and staying power of the American people represented by our votes must be clear. We pray that this clear and unified voice may still be heard and lead to peace.

In the worst case brutal war the resolution of the American people to win is of the essence. Our votes today express our determination to prevail.

The moment of accountability has come. I have supported President Bush as he has sought peace in international law, and I will support his request that he be authorized to use military force.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from Pennsylvania [Mr. SPECTER] have 3 minutes; the Senator from Wyoming [Mr. SIMPSON] 3 minutes; the Senator from Virginia [Mr. WARNER] 6 minutes; and this Senator 6 minutes. That will be 18 minutes.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. Mr. President, I support the Dole resolution because I believe that, if the United States allows a backdown of U.N. Resolution 678, we will fight a more destructive war at a later date. Had this issue been brought before the Senate, Mr. President, back in November before U.N. Resolution 678 was adopted, this Senator would have preferred to give sanctions a longer period of time and would have preferred not to have a cutoff date of January 15. But if this Congress does not today support the President and U.N. Resolution 678, then we will be backing down and it will be a victory for Iraq.

In my judgment, the best way to secure peace is for the Congress to play a firm card. One year ago tomorrow, Mr. President, on January 13, 1990, this Senator and Senator SHELBY had the opportunity to meet with President Saddam Hussein. While President Saddam Hussein was poorly informed about U.S. policy and Western attitudes, it was clear in my mind that he was not a madman. He does not want to die, and he does not want to commit suicide, and he does not want to see his country destroyed. So if the option of force is present, it seems to me, as a judgment call, we have the best opportunity to avoid war.

As we have been trying to figure out what is on the mind of President Saddam Hussein, whether he is going to seek to involve Israel and have an Arab-Israeli war and try to have our coalition disintegrate, I believe that President Saddam Hussein has also been trying to find out what is the state of mind of the U.S. Congress.

If we back away from U.N. Resolution 678, Mr. President, then I think it is inevitable that the coalition will disintegrate. With the very fragile coalition which we have today, the economic sanctions will evaporate, because when countries like Turkey lose millions of dollars a day by keeping the spigot shut on Iraqi oil, why should they continue the economic sanctions if the United States backs away from resolution 678? Therefore, the best chance for peace is to vote for the Dole resolution.

The VICE PRESIDENT. The Senator's time has expired. Who yields time?

The Senator from Wyoming is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, the debate on these resolutions has been most powerful, one very seriously and maturely conducted by Members of this body. We could not possibly be more serious in our intent and our resolve to see Saddam Hussein out of Kuwait. Our only honest differences have to do with how we accomplish that goal most expeditiously and with a minimum risk of conflict. We now have an opportunity to express fully and clearly that resolve. Now is the time to make an uncomplicated and positive statement that Saddam Hussein will not be able to misinterpret in any way.

The Dole-Warner resolution does not mandate war. In fact, the real irony is that only by authorizing the President to use force can we hope to avoid warfare. The Dole resolution says only, once again, to Saddam Hussein, what the United Nations has said to him time and again, meeting the promise held at the moment of its creation, and what the entire international coalition has said to him and what our steady President has said to him. It says powerfully he must leave Kuwait or force can be used against him to bring that about.

This resolution does not present us with some doomsday scenario, some Dr. Strangelove script. It does say with a splendid clarity and unalloyed exactitude and for all the world, most importantly for Saddam Hussein, that the U.S. Congress stands resolutely by the side of our fine President and stands powerfully committed to taking whatever action is necessary to pull his taloned claw away from the slitted throat of Kuwait. It gives to our President, the international coalition, and the United Nations yet another credible option, a credible course of action, and another action to pursue.

Saddam Hussein will understand that the threat of force is so very real, and he will never have that understanding unless we, the Congress of the United States, tell him just that, without any mental reservation or purpose of evasion whatsoever, as is the phrase in our oath of office. Only by making him so absolutely certain that this has been a commitment of ours and by giving it to him eyeball to eyeball in the tough, bully style that he seems to love, only then can we have any real hope of avoiding war. I thank the Chair.

The VICE PRESIDENT. Who yields time? The Senator from Virginia is recognized for 6 minutes.

Mr. WARNER. Mr. President, I rise to support the resolution which the distinguished Republican leader and a number of those on the opposite side of the aisle have presented to the Senate. In consultation this morning with the President's senior staff, we are advised that the President will sign Senate Joint Resolution 2. My plea at this moment, for those who have voted for Senate Joint Resolution 1, is to ask them to search their conscience and seek a basis on which to join us in supporting Senate Joint Resolution 2.

Almost each and every speaker on behalf of Senate Joint Resolution 1 has couched his remarks ever so clearly to point out those areas on which this body is in unanimous or nearly unanimous agreement. The majority leader has noted that we are unanimous in seeking fulfillment of the goals of the U.N. resolutions. Senator NUNN has indicated that these votes today will strengthen the hand of our President and that the Congress will stand united behind the President after these votes are completed. I hope and pray that that will be the case. No Senator wants war; indeed, our President, above all other citizens in this Nation, does not want war.

A vote of conscience—we have heard that phrase so many times from the first day we joined the Congress of the United States. But it is this debate, for me, which has defined that term and given it meaning, unlike any other debate that I have experienced in my 12 years. I fervently believe each Senator will cast on this next vote the purest of votes of his or her conscience.

I agree with the Republican leader. This is not a vote for war. We in the Congress of the United States speak for the people. That is our first and foremost obligation. This resolution is a resolution of national resolve for peace.

Mr. President, each of us in searching his own conscience, I am sure, has gone to the Bible. I go to Corinthians 14:8 which reads, "For if the trumpet give an uncertain sound, who shall prepare himself to the battle?"

Our President, through his Secretary of State, endeavored to present a letter setting forth ever so clearly the positions that our President has taken in clear and unmistakable terms. The letter was rejected. The letter was not accepted. So now we, the Congress of the United States, have the chance to send our message in the clearest of terms, and it is a message that he cannot refuse to hear.

Mr. NUNN. Mr. President, I believe that the majority leader has 2 minutes that he will permit me to have. Perhaps the Senator from Virginia and I could have a dialog that will not take over about 3 minutes.

The VICE PRESIDENT. Who yields time?

Mr. MITCHELL. I yield the Senator from Georgia 2 minutes.

The VICE PRESIDENT. The Senator from Georgia is yielded 2 minutes.

Mr. NUNN. Mr. President, I ask my good colleague from Virginia two or more questions about this resolution which may be important at least for our colleagues to understand. That is on page 3, section 2(b), line 4. This says that before the President exercises his authority granted in subsection (a), "The President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that." And then it cites a series of things that he has to determine.

Could the Senator from Virginia tell us what "determination" means? Is that an oral or written determination? How would he describe it?

Mr. WARNER. Mr. President, this is a subject which my distinguished chairman and I have discussed, and I have discussed it with the President's advisers today.

First, let me make it clear that this particular section is wholly unrelated to the War Powers Act.

If signed by the President—and I am assured that he will sign Senate Joint Resolution 2—it will become new, precedent-setting law.

The form of the determination required by this section is to be decided by the President. The President may decide if the determination is to be in writing, oral, or both. No decision has been made by our President, as we speak, with respect to the use of force or to exercise the authority contained in Senate Joint Resolution 2.

However, the President's senior staff has indicted that the following procedure is likely to be adopted. The President will request of the Secretary of State and the Secretary of Defense a complete and comprehensive report as regards the matters described in section 2(b) of Senate Joint Resolution 2. The President will carefully review those reports and make his determination. If his determination is that the provisions of section 2(b) have been met, he will forward that determination to Congress, most likely in writing, and likely to be accompanied by copies of those reports from the Secretaries of State and Defense. Let me note further that the term "peaceful means" used in section 2(b)(1) embraces reasonable efforts to obtain compliance with economic sanctions.

Mr. NUNN. I thank the Senator from Virginia for clarifying that.

One other question on page 4, which is the final page of this resolution. This would be section (2) on line 3. This sentence says, "Nothing in this resolution supersedes any requirement of the War Powers Resolution."

When I look at the War Powers Resolution itself, Section 3 of the War Powers Act requires that "The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities."

Could the Senator tell me whether the intent of this resolution is to pick up that specific section of the War Powers Act?

Mr. WARNER. Mr. President, let me make clear my understanding that the President intends to act in accordance with the Constitution of the United States.

Direct to the Senator's question, in section 2(c)—and that is a section which, indeed, refers to the War Power Resolution—I have been advised that the President would sign Senate Joint Resolution 2, which I mentioned, if it were presented to him, but in doing so he would not depart from the position taken by all Presidents, Democrat and Republican, since the enactment in 1974 of the War Powers Resolution with respect to the War Powers Resolution's constitutionality.

I would refer my distinguished colleague to the Presidential position taken with respect to the legislation enacted regarding use of armed forces in Lebanon. I understand from my research that situation establishes a precedent in some respects for what we are discussing today.

Mr. NUNN. I thank the Senator from Virginia.

Mr. WARNER. If I may conclude, the authority in Senate Joint Resolution 2 is provided consistent with the process contemplated by the 1974 War Powers Resolution, but it is not provided pursuant to any requirement of that resolution.

The VICE PRESIDENT. The time of the Senator from Georgia and the Senator from Virginia has expired.

Mr. NUNN. I thank the Senator from Virginia.

Mr. MITCHELL. Mr. President, I yield 5 minutes to the Senator from Connecticut, and 3 minutes to the Senator from New York, 2 minutes to the Senator from Connecticut, 2 minutes to the Senator from Minnesota, 2 minutes to Senator KERRY of Massachusetts, and 2 minutes to Senator SIMON.

I apologize. Let me go through that again so there is no mistake: The Senator from West Virginia 5 minutes, the Senator from New York 3 minutes, 2 minutes each to the Senators from Connecticut, Minnesota, Senator KERRY of Massachusetts, and Senator SIMON.

Mr. ROCKEFELLER addressed the Chair.

The VICE PRESIDENT. Who yields time? The Senator from West Virginia is recognized for 5 minutes.

Mr. ROCKEFELLER. Mr. President, I have thought as we all have long and hard about the votes that are being cast today. The question before us, whether to authorize immediate war or not, is a profound one and a very difficult one. Ultimately, I reached the judgment that it is potentially premature to commit our forces to battle.

I voted for the resolution by our majority leader and Senator NUNN, and I will vote against the resolution put forth by the minority leader. I have firmly supported our President's determined effort to reverse Iraq's brutal and illegal occupation.

Along with the people of my State and all Americans, I was proud to see our Nation lead other nations throughout the world against the barbaric actions of Saddam Hussein. We were told by President Bush that it would take time, that it would take patience, and the commitment of our troops and resources. I fully agreed that we should follow that course and lead an all-out effort of sanctions, economic blockade, pressure, and diplomacy to force Iraq out of Kuwait.

I deeply regret that President Bush changed his course so abruptly when in early November he doubled the commitment of U.S. troops in the Persian Gulf and later persuaded the U.N. Security Council to set the date of January 15 as the deadline that could then trigger an attack on Iraq.

I worry in fact, Mr. President, that President Bush has underestimated the capacity of the United States and, indeed, underestimated his own capacity. We knew back in August and September that it would not be easy to get Iraq out of Kuwait. We knew that it would take great strength and great leadership on our part and on the part of our President to keep the alliance together and to pursue every avenue for resolving the crisis in a peaceful manner. In October, we were told by Secretary of State Jim Baker that we must "exercise patience" and focus our efforts on the sanctions.

It is by no means weakness to stay on that course, and to exhaust every alternative before moving to offensive military action. President Bush should have faith in the resolve of the American people to support the pursuit of a peaceful solution, and in his own ability to keep the alliance together against a common enemy, and in favor of collective goals.

It may well become necessary to use force to expel Iraq from Kuwait. But I simply cannot conclude that it is the necessary or wise action at this particular time. In fact, I share the views of many others—including numerous top-level military commanders and security advisers from previous administrations—that time is, in fact, on our side. An unprecedented worldwide embargo is crippling the Iraqi economy.

In shunning the sanctions as a means to expel Iraq from Kuwait, the administration has argued that there is no guarantee that sanctions will succeed. Of course there is no guarantee. The American people or the people of our allied nations have not asked for a guarantee. But we do and they do ask for a course of action that seeks success without shedding American blood.

One day of diplomacy, Mr. President, is not the equivalent of exhausting every option. Let us continue pursuing every diplomatic, political, and other nonmilitary means of resolving this dispute. And, if military action proves necessary, the American people deserve to know that every conceivable preparation has been made and is complete to assure a decisive and quick military victory.

Mr. President, if an exhaustive search for peace does not succeed, I will support offensive action against Iraq. I believe, however, that we should pursue the alternatives first to achieve our common goals.

I thank the Chair and yield the floor.

The VICE PRESIDENT. Who yields time?

Mr. MOYNIHAN addressed the Chair.

The VICE PRESIDENT. The Senator from New York is recognized for 3 minutes.

Mr. MOYNIHAN. Mr. President, when I spoke Thursday in support of Senate Joint Resolution 1, the Mitchell-Nunn resolution, I remarked that on our way to the establishment of a New World order we somehow relapsed into the modalities of the cold war. I would ask for a moment to expand on that theme.

Thirty years ago come Sunday a week, John F. Kennedy delivered his inaugural address as President on the west front of the Capitol, a few yards from here. The cold war was at its most intense. Many thought—wrongly, as it turned out, but let us be generous and say sincerely—that the Soviet Union had opened a lead on the United States in intercontinental ballistic missiles—the ultimate weapon of destruction. World communism was at its apogee; declaring its progress to be irreversible; asserting itself to be the next stage in history. The next and last stage.

President Kennedy responded in terms of ultimate defiance. The United States, he said, would: "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

Ten days ago, on January 2, we heard President Bush speak in just such terms of ultimate commitment: "Standing up against this aggression—no price is too heavy to pay for it."

The aggression, of course, is the Iraqi invasion of Kuwait. The Senate fully agrees that this aggression must not be allowed to stand. We have so stated. Nor will it be allowed to stand. But as we go about this collective exercise—an exercise under chapter VII of the U.N. Charter—what possesses the President to declare that "no price is too heavy to pay for it!"

No price?

Five million Arab civilian casualties, for example?

Conflagration in the Middle East?

The exhaustion of American military resources?

It is enough simply to ask the question to realize the answer. The answer being that we are prepared and ought to be prepared to pay some price, but not any price.

The problem is that the cold war mode of decision making does not admit of such proportionality. Or does not do so readily. The tiniest issues roar to the fore with armageddonic fury. In this case it all happened in a flash on November 8. A defensive/deterrent deployment which enjoyed the full support and admiration of the Senate became a full-scale offensive deployment. In an instant, a million men and women in arms faced each other in the Arabian desert. The largest massing of forces since World War II. Soon the paraphernalia of the cold war was fluttering all about us. The intelligence community knew things that if only the rest of us knew we would understand what must be done, but unfortunately, what they knew was classified. Terror alerts were broadcast by the State Department. The Federal Bureau of Investigation commenced loyalty investigations of Americans based on their ethnic origins. This is not the place to address the matter, but there was much of this in the Red scares of the past.

And now the Senate is about to authorize the use of force to carry out this mission.

By the end of the day, the President will have all the power he has wished. I wish him well; I wish our forces well. Certainly our cause is just. I ask only if our response is proportional.

It happens that just 30 years ago come Thursday, Dwight D. Eisenhower gave his farewell address to the American people, which contained this still echoing passage:

> Until the latest of our world conflicts, the United States had no armaments industry. American makers of plowshares could, with time and as required, make swords as well. But now we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security more than the net income of all United States corporations.
>
> This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.
>
> In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.
>
> We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.

Why is it that we seemingly cannot give economic sanctions a chance?

At least a dozen times since this crisis began I have said on the floor of the Senate or in the Committee on Foreign Relations that economic sanctions are not "a kinder, gentler" form of diplomacy. They can be brutal. Iraq is being punished right now—severely—for its violation of the U.N. Charter. And as I said Thursday, Iraq will leave Kuwait. One way or another.

Nor am I opposed to the use of force. The Charter of the United Nations explicitly provides for the use of U.N. forces to defeat aggression. I have come to this floor time and again to plead the case for international law, and in doing so have time and again rejected the notion that law, to use the phrase of John Norton Moore, is a system of negative restraint, a system that tells us what we cannot do whilst others are free to do as they please. Time and again I have invoked the widsom of Alfred Rubin to the effect that only ignorance could account for the view that force has no role in a regime of law. Force enforces law.

What I have pleaded for, however, is a sense of proportionality. I plead that we recognize that indeed this is the first crisis of the post-cold-war era. The end of the cold war came so suddenly, almost silently, that somehow our behavior in crises hasn't had time to change.

Nor, indeed, need it, in the sense that the end of the cold war set loose forces that will bring about such change. To the contrary, our victory in the cold war is most readily seen to validate the arrangements by which we fought it, and if anything, strengthen those arrangements.

Mancur Olson has described with great insight the processes whereby defeat in World War II freed West German and Japanese societies of all the accretion of veto groups and choke points and pressure groups that make for inefficiency in a fully developed society. What President Dwight Eisenhower called "the industrial-military complex" is but one instance of what Olson calls "coalitions in the distributional struggle." In that sense, Britain lost the war by winning. We could do the same now if we let the cold war institutional sclerosis rest undisturbed.

The United States stands at once invincible and vulnerable. No one can match or approach our military strength; by contrast, our economic strength at the end of the cold war is more problematic. Certainly there is no threat to our liberty posed by Iraq. Iraq violated international law. The Security Council had decreed that this violation must be reversed. This is a task for the world community, no doubt with American leadership.

Iraq should be under no illusions. If, after a sufficient period, economic sanctions fail, or if it attacks U.S. troops or our allies in the region, we will destroy the Iraqi forces. We have the will and the capacity to do so. In particular, Saddam's blustering threat that he will attack Israel if war begins only hardens our resolve to see that he gains nothing from his aggression.

While the al-Sabah family of Kuwait was voting against the United States 88 percent of the time in the United Nations, the only democracy in the region—Israel—voted with us 92 percent of the time. For 42 years Israel has been a friend of the United States. For 42 years Israel has been a model of democracy, civil liberties, and religious tolerance in a turbulent and violent region. While Saddam Hussein's opponents were being imprisoned, tortured and executed, Arab citizens of the State of Israel were sitting as members of the Knesset. We must utterly repudiate Saddam Hussein's attempts to link his illegal acts to the effort to resolve the conflict with the Palestinians. And let none doubt that we will come to Israel's aid if it is attacked.

A further question I asked on Thursday was whether America really has an interest in the return of the al-Sabah family to its throne. The al-Sabah's have a rich history of poisonous anti-American, anti-Israeli rhetoric and behavior. To take but one example, in 1984 at the Inter-Parliamentary Union, the Kuwaiti representatives introduced a resolution denouncing Zionism as a form of racism and condemning the United States in virulent terms for supporting Israel. The Kuwaitis would not even refer to Israel by name, stating at one point:

> [T]he racist regime in occupied Palestine and the racist regime in South Africa have a common imperialist origin and the same racist structure, and * * * both are organically linked in their policy aimed at the repression of the dignity and integrity of the human being * * *.

Only the forceful intervention of the U.S. delegation at the I.P.U., led by our dear colleague, the late Claude Pepper, prevented the resolution from being brought to a vote.

A final point which I made Thursday which I would repeat with as much force as I can muster: The important American interest at stake in this crisis is in establishing a world in which the rule of law is respected and enforced, not by America alone, but by the international community. Yet going to war at this time would jeopardize, not achieve this goal. The international community has not yet agreed to go to war with Iraq. That is not what Security Council Resolution 678 said. What the international community has agreed to do is to help enforce an economic embargo. And it is doing so with great effect. It would be desperately unwise to truncate this absolutely vital experiment in collective security before the results are in.

If we use force now, it will not be a collective response to aggression. It will be us versus them. Bush versus Saddam. It will be a bipolar conflict with a demonized adversary in the mode of the cold war. We will be playing the role of the world's policeman as if the United Nations is still paralyzed by that cold war. There is as yet no United Nations flag in Saudi Arabia, unlike Korea.

Not only would the use of force at this time be essentially unilateral, but the consequences of the use of force for the region are also most uncertain. Those who believe that it would be in the interests of the United States and our allies in the region to "take out Saddam" now, should recall the wise words of the great Prussian chief of staff Helmuth von Moltke: "No battle plan ever survived contact with the enemy." Another great commander—Dwight Eisenhower—meant the same thing when he said "Every war is going to astound you." That is why President Eisenhower also spoke of "The courage of patience."

If we launch a war in the Persian Gulf the results will be uncertain, and perhaps, astounding. Would Jordan emerge with a radical government? Will Israel be attacked? What will the effect of a war be on the stability of Saudi Arabia? So long as there is reason to believe that the United Nations economic embargo of Iraq will avoid the necessity of answering these questions, I believe that patience is both the wise and the courageous step.

The United Nations Charter provides the means to deal with Iraq's weapons of mass destruction. Chapter VII of the charter allows the Security Council to impose sanctions to rid the world of "any threat to the peace" as well as to correct a "breach of the peace." I believe that the world now recognizes that these weapons are a "threat to the peace" and that it will work to contain and eliminate them through sanctions, restrictions and inspections.

I return to the matter of proportionality. David C. Unger has said of our Nation in the aftermath of the cold war that "We've had no real experience just living among [other] nations." Nor have we had much experience in using our immense array of armaments in a mode proportionate to the strength of our adversaries, more likely than not to be wretchedly poor or wretchedly governed Third World regimes. Let me close with an excerpt from a letter I have received from that most distinguished of American law professors, Charles L. Black, Jr., sterling professor of law emeritus at Yale University, and now adjunct professor of law at Columbia University.

> Very little is being said among us about the Iraqi people—except for repetition of the Wilsonian incantation that "we have no quarrel with them." But if we have no quarrel with them, we ought to consider what it is that at worst, we may be moving toward doing to them. * * * [W]e may pulverize them, kill tens or hundreds of thousands, of them, leave their country—as Tamerlane did—a wasteland.
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> Now we might think we have to do that to some peoples at some times—or at least that is the modern assumption. But before we ever should do such a thing, we ought prayerfully to consider, and reconsider prayerfully again and again, whether, first, our own national safety is so plainly and massively and imminently at stake as to make such action proportionate, and secondly, whether some other means should not be long tried, tried seventy times seven times until shown beyond doubt, by full experience, to be ineffective. The people who are planning this war haven't done anything like that. No such absolutely imperative national interest has been made—or, I dare say, can be made—to appear. The full, patient trial of alternatives is treated with thinly veiled impatience by those who are managing this thing.

And that is the final point. Ruhl J. Bartlett, that most eminent of diplomatic historians, a beloved teacher and friend, writes to remind me that "the authority of the President is to conduct foreign policies, not to control and determine them." That is a responsibility shared with the Congress. At least we can agree that that condition has now been met; or will have been shortly. In that sense we are transcending the cold war mode—when Presidents were in a position of having to respond to the onset of a nuclear attack in a matter of minutes, with no time even to think, much less to consult Congress. It is not the worst outcome of this long week.

Mr. DODD addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, first of all, let me just make one observation at the outset; that is, I have heard a number of comments over the last several days that support for the Mitchell-Nunn proposition or failure to support the Dole-Warner proposition is somehow a reflection of lack of support for the servicemen and women who are defending our interests and the interests of others at this very hour in the Persian Gulf.

Nothing could be further from the truth. There was no debate today about the preparedness or the admiration we have for these men and women who are standing guard, prepared to do their job should they be called upon to do so in the coming days. But just as they are doing their job, we are here on this Saturday doing ours, as the Constitution requires, to make the decision on whether or not this Nation ought to go forward. That is what the Dole-Warner proposition asks—to engage in military conflict in the Middle East.

Mr. President, I would note the primary opposition to that particular proposition has been reflected in the

Mitchell-Nunn proposal, that there are other alternatives available to us, and that war at this particular moment is not necessary.

But there is another reason as well, Mr. President. History dictates caution because the Middle East is rife with conflict. No other region in the world in the post-World War II period has been in such a state of conflict as the Middle East—five wars against Israel including the war of attrition, the Suez crisis, Lebanon, Ethiopia, Sudan, Yemen, the Iraq-Iran war, the conflict with Kuwait, terrorism, assassinations—this is the Rubik cube of the world. And before we go charging over into military conflict, we ought to take a moment and recognize the historical framework we are about to enter militarily before that decision is made.

Mr. President, I would hope that history would guide us in these coming days and that we recognize the dangers before we engage in military conflict prematurely. Conflicts in that part of the world have served primarily to shift the balance of power and create new bullies.

The VICE PRESIDENT. The Senator's time has expired.

The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. Mr. President, I have sat in on many administration briefings. There have been so many graphs and charts and figures about planes and bombs and economic sanctions. But I have asked the questions over and over and over again: Can you tell me how long will the war last? What will be the casualties? What will be the loss of life? And the silence is deafening. Not one graph, not one chart, not one set of figures.

This administration is unable or unwilling to provide us with information about the most precious commodity of all—life. And yet it asks for a blank check to initiate war. We must not give this administration that blank check.

I hope I am wrong. But I speak with a sense of foreboding. I am chilled. I believe that if we rush to war, it will be a nightmare in the Persian Gulf. Our country will be torn apart and, Mr. President, very little good will happen in the United States of America or in the world for a long, long, long time.

Thank you.

The VICE PRESIDENT. The Senator from Massachusetts is now recognized for 3 minutes.

Mr. KERRY. Mr. President, I do not believe our Nation is prepared for war. But I am absolutely convinced our Nation does not believe that war is necessary. Nevertheless, this body may vote momentarily to permit it.

When I returned from Vietnam, I wrote then I was willing personally, in the future, to fight and possibly die for my country. But I said then it must be when the Nation as a whole has decided that there is a real threat and that the Nation as a whole has decided that we all must go.

I do not believe this test has been met. There is no consensus in America for war and, therefore, the Congress should not vote to authorize war.

If we go to war in the next few days, it will not be because our immediate vital interests are so threatened and we have no other choice. It is not because of nuclear, chemical, biological weapons when, after all, Saddam Hussein had all those abilities or was working toward them for years—even while we armed him and refused to hold him accountable for using some of them. It will be because we set an artificial deadline. As we know, those who have been in war, there is no artificial wound, no artificial consequence of war.

Most important, we must balance that against the fact that we have an alternative, an alternative that would allow us to kick Saddam Hussein out of Kuwait, an accomplishment that we all want to achieve.

I still believe that notwithstanding the outcome of this vote, we can have a peaceful resolution. I think it most likely. If we do, for a long time, people will argue in America about whether this vote made it possible.

Many of us will always remain convinced that a similar result could have come about without such a high-risk high-stakes throw away of our constitutional power.

If not, if we do go to war, for years people will ask why Congress gave in. They will ask why there was such a rush to so much death and destruction when it did not have to happen.

It does not have to happen if we do our job.

So I ask my colleagues if we are really once again so willing to have our young and our innocent bear the price of our impatience.

I personally believe, and I have heard countless of my colleagues say, that they think the President made a mistake to unilaterally increase troops, set a date and make war so probable. I ask my colleagues if we are once again so willing to risk people dying from a mistake.

The VICE PRESIDENT. The Senator's time has expired.

The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. Mr. President, I confess that I am more depressed than at any time in my 17 years on Capitol Hill, because we are moving, inching in the direction of perhaps wasting thousands of lives needlessly. But let no one, and particularly no one at the White House, mistake what has happened. The vote of 53 to 46, and the next vote we are taking, shows a deeply divided Congress and a deeply divided America, and it is the smallest vote for the authorization of force in the history of this country since the War of 1812.

We should not hastily move on this. I have heard references to the Korean war. The difference during the Korean war is that all the leaders of Congress were unanimous in supporting the President in what was happening. Two days before our troops got to South Korea he asked for the reauthorization of the draft, and there were four votes against it in the House, not a single vote against it in the Senate.

We are in a very different situation. If we get into a war, one of the things that I have not heard talked about on the floor is that a disproportionate number of those whose lives are going to be shed are minorities; 26 to 33 percent of those over there in Saudi Arabia are minorities. There is not a single African-American or Hispanic-American here in the U.S. Senate.

The VICE PRESIDENT. The Senator's time has expired.

Mr. MITCHELL. Do I have any time left, Mr. President?

The VICE PRESIDENT. Four minutes remaining.

Mr. MITCHELL. I yield an additional 1 minute to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized for 1 additional minute.

Mr. SIMON. Washington, DC, in reserves over in Saudi Arabia, has more than 48 States on a per capita basis.

Finally, many of you here are old enough, along with me, to remember the days when people said, "Let us go to war with the Soviet Union. It is going to happen inevitably. Let us move in and get it over with." We were firm and tough, but patient, and we won. We won without firing a shot. Let us do the same in the Middle East.

Mr. BROWN. Mr. President, the goals of any resolution adopted by this body must be to prevent war, to prevent the loss of American lives in the Persian Gulf and to strengthen the prospects for a just and a meaningful place in the region.

Our Constitution requires Congress to make a decision on whether to declare war in the Persian Gulf. Some in this body would like to dictate the President's strategy, by eliminating the real threat of force.

You can be certain a similar debate is not being waged in Baghdad. There is no constitutional authority, no law of the land, no checks and balances, just the lawless power of Saddam Hussein—a power gained by torture and assassination.

Iraq's invasion of Kuwait violated international law and sovereignty of another nation. Kuwait's borders and separate status have been recognized by the world, including the Arab League, since 1961, and even by Iraq since 1963.

Saddam's continued occupation of Kuwait will enable him to develop the military capability to directly threaten areas outside the Persian Gulf, including Africa, Europe, Asia, and the United States.

Saddam has arbitrarily arrested, illegally imprisoned, and tortured thousands of Kuwaiti civilians and military personnel since he invaded their country August 2, according to the group, Amnesty International. Hundreds of unarmed civilians, including children, have been executed.

Independent reports document that Saddam Hussein ordered the execution of the childern of anyone who dares oppose him.

Yet at the same time, American television showed him visiting foreign children and patting them on the head.

These same children were a few of the thousands of American, European and Asian citizens Saddam had captured to use as shields to protect his military installations.

If Saddam is allowed to continue to occupy Kuwait, Kuwaiti oil will bankroll his armaments binge—more arms, more missiles and eventually technology to build nuclear weapons—all to invade and intimidate other sovereign nations in the Middle East. Unchecked, he might soon develop the capability to attack even stronger nations and perfect his ability to repel any attack.

Saddam's chemical and biological arsenal is massive—and tested. He has slaughtered thousands of Iranians and whole villages of minorities within Iraq, but even today the threat extends beyond the limits of these two countries.

The Iraqi military has developed and used sophisticated ballistic missile technology. Iraqi ballistic missiles were first used in 1980 on Iranian border towns. Since then, Iraq has more than tripled the range of its ballistic missiles.

Saddam already threatens parts of Europe and the Soviet Union with his existing ballistic missile arsenal. With technological development financed by Kuwait oil and the added threat that Saddam might directly purchase the weaponry, chemical, biological, or nuclear weapons could reach the United States.

President Bush's efforts to use economic sanctions and diplomatic initiatives to compel Saddam Hussein to leave Kuwait deserve the praise and support they have received from Congress and world leaders.

My hope has been that economic sanctions and diplomatic contacts would convince Saddam to restore Kuwaiti sovereignty. Namely, that these efforts show that the world is committed absolutely to his withdrawal from Kuwait.

The CIA Director reported in a January 10 letter to House Armed Services Committee Chairman LES ASPIN that the sanctions have shut down much of Iraq's civilian economy, but have had little effect on Saddam's military and its combat capability.

The CIA states that Saddam's million-man army—his most valuable military asset—has been least affected by the sanctions. The fortifications of Iraqi troops in Kuwait are some of the most extensive since World War I. The longer Kuwait is occupied, the stronger the defensive fortifications will become. This could offset any slight erosion in his combat readiness caused by the sanctions.

CIA Director William Webster, further stated:

> Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq.

Furthermore, if we demonstrate weakness in any way, it stands to reason sanctions will look more and more like swiss cheese as other nations begin to feel their pinch.

Diplomatic initiatives have failed to convince Saddam to comply with the U.N. resolutions and withdraw from Kuwait. He refuses to negotiate.

The United Nation has passed 12 resolutions condemning the Iraqi invasion of Kuwait. Resolution 678, the most recent, authorizes the use of "all means necessary" to restore Kuwait's sovereignty.

President Bush proposed 15 separate dates for meetings between Secretary Baker and Saddam, and between Foreign Minister Aziz and himself. It is ironic that the only meeting day Saddam offered was today, January 12. Saddam has refused every proposal and only permitted a brief meeting between Baker and Aziz.

Wednesday's Baker-Aziz meeting brought home for the world Saddam's unwillingness to leave Kuwait, even if it requires that he starve the peoples of both Kuwait and Iraq.

Diplomatic efforts, even though coupled with sanctions, have not worked.

Today, we must send a clear message to this brutal dictator that he is running out of time. Congress has an essential role in this crisis. Our founding fathers vested in the Congress the voice of the American people to declare their message to their enemies. The separate constitutional responsibilities of the President and Congress ensure the enemies of the United States our President is acting with the undeniable support of the American people.

Thus far, our message to Saddam has been clear—the United States Congress strongly supports President Bush's actions to restore Kuwait's sovereignty and to defend Saudi Arabia.

Congress is on record several times in support of the President's actions:

In a congressional resolution passed last August (S. Con. Res. 147);

In a continuing resolution passed in October (Public Law 101-403);

In a defense authorization bill (Public Law 101-510); and

In a defense appropriations bill (Public Law 101-511).

A decision to commit American troops to battle is a very serious one, and must have the full support of the American people.

In addition to securing the consent of Congress, the President must share our burden with our allies. The administration's efforts to distribute the burden of the gulf crisis among the many members of the coalition are the first steps in the right direction. The Defense Department reports that 80 percent of the incremental cost of Desert Shield will be borne by our allies. In addition, the multinational coalition has committed more than 245,000 troops, 64 warships, and more than 650 combat aircraft.

That's a start, but it is not enough. Congress and the administration must ensure that our allies meet their pledges. Our economy cannot afford the money necessary to act as the world's sole policeman.

The United States cannot tolerate the loss of American lives in a war where our allies are not willing to make the ultimate sacrifice. The American people expect and deserve continued efforts by the administration to ensure the multinational coalition is truly multinational.

I have heard from many Coloradans on this issue. They are deeply concerned about the possibility of war. They don't want war. It is a feeling that I share. No one wants war. The issue before us today is what is the best way to avoid war.

Should the United States Senate assure Saddam Hussein that we will not use force to end his occupation of Kuwait? Clearly, if we give him that assurance he is unlikely to withdraw. If Saddam believes that we may use force, he would be a fool not to withdraw from Kuwait.

Passage of the Nunn resolution would make it much less likely Saddam will withdraw from Kuwait. It adopts what can be called the "General George McClellan strategy": assemble and overwhelming military force, incur the expense, but don't use your strength.

In this case, the resolution takes the McClellan theory one step further by assuring the enemy in advance that we will not use our strength.

If peace is our ultimate goal, it is in our interest to leave Saddam Hussein with the impression that conquest of his neighbors will not go unanswered.

Mr. HATCH. Mr. President, I have been listening to the debate on the floor over the last 2 days, and I wanted to raise some questions about two of the main arguments of those who oppose endorsing the President's right to use force in the present crisis.

First of all, I have heard many members say in effect that we should not care about the fate of Kuwait. Some say that the invasion of that country on August 2 did not matter, that it merely represented the takeover of one nasty little country in the Middle East by another slightly larger and slightly nastier country. Others have argued that no one and nothing in Kuwait are worth the life of even one American soldier. Still others have argued that the United States shouldn't be in the business of restoring distant emirs to their thrones.

Those statements demean the stakes in this conflict. They seek to give the impression that nothing of larger importance hangs in the balance. But they're wrong. In fact, they could not be more wrong, more mistaken, more misguided.

If we want to understand the real stakes, we should ask ourselves some fundamental questions:

Do we want Saddam Hussein to rule the Middle East? If he faces down the United States in this confrontation, the shadow of his brand of radicalism will fall on every moderate Arab State in the region and will ultimately threaten Israel.

This has happened before. In 1956, Nasser faced down Britain and France in the Suez crisis. He took on the dominant colonial powers in the region. And he prevailed, largely because the United States failed to back up its allies. But the result was a disaster. He became the hero of the Arab world. He became more emboldened in pushing his radical Arab nationalism throughout the region. He sought to subvert other Arab States, such as Jordan and Yemen. He facilitated a steady stream of Palestinian guerrilla operations against Israel and stoked the flames of anti-Israel hysteria throughout the Arab world. And finally he organized a coalition of Israel's neighbors—Jordan, Syria, and Egypt—and instigated a crisis that provoked the 1967 Arab-Israeli War.

By comparison with Hussein, Nasser was a moderate nationalist. But the point is that a failure to stand up to aggression led to further aggression. Backing down before a dictator like Hussein will lead to a larger conflict and more casualties down the road.

Do we want Saddam Hussein to add the revenues of Kuwait's oil fields—which used to produce 1.6 million barrels per day—to his coffers? Think about where that money will be put. It will not benefit his people. Rather, he will funnel it into the same place his oil revenues have always gone: the Iraqi military, the Iraqi support for terrorism, and the Iraqi effort to develop weapons of mass destruction, including biological and nuclear weapons.

Do we want Saddam Hussein to continue to build up a world terrorist threat? We have all read the press reports about the threat of Iraqi-sponsored terrorism.

He has recruited the world's most vicious terrorists to his cause. Abu Nidal, the man behind the Rome airport massacre, is in Baghdad. Abu Ibrahim, the man behind the Pan Am 103 bombing, is in Baghdad. Abul Abbas, the man behind the *Achille Lauro* hijacking, is in Baghdad.

While we've been waiting for sanctions to work, they've been planning for coldblooded killing. It's not secret. It's all been reported in the media. Many of our embassies in Europe, the Middle East, and Africa have been surveiled by probable terrorists. Many U.S. military facilities have also been cased. Reports have been flowing in from dozens of our embassies of the movement of terrorists, the preparation of terrorist operations, the coordination of a worldwide terrorist campaign.

Those who argue that Hussein's aggression does not matter, that its effects are inconsequential, should remember that an Iraqi victory will not be the end of this story. Having prevailed, he will become ever bolder. And the result will be terrorist attacks against Americans, not only abroad but also right here at home in the United States.

Do we want to see Saddam Hussein continue his programs to develop weapons of mass destruction? Is this the kind of leader who should hold in his hands the fate of thousands and perhaps millions of people?

He already has chemical weapons, both blistering agents such as mustard gas and nerve agents. He has used them against Iranian troops. He's used them against his own people. He's already killed over 5,000 innocent Kurdish civilians in northern Iraq.

But it's worse than that. He already has biological agents, such as anthrax toxin, and has probably developed deliverable biological weapons. Some of these biological toxins are so potent that they have the capability of not only killing a few soldiers in their bunkers but also wiping out entire major metropolitan areas.

But that's not even the worst of it. Saddam Hussein has a well-advanced program to develop nuclear weapons. We don't know a great deal about how far they have come. We know that he could develop a crude nuclear device within 6 months or so. Some Members on the floor have argued that this device would be so crude and so unwieldy that it could never be delivered. But the devices that were detonated over Hiroshima and Nagasaki were also primitive compared to today's weapons. Those who died suffered no less because they were not killed by a more sophisticated weapon.

Moreover, he does not need a plane or a missile to deliver such a weapon. If we find sanctions don't work after a protracted period—which would be the case if we adopted that course—and if we then decided to use force to retake Kuwait, all Hussein would have to do would be to plant this weapon in Kuwait City and detonate it after our forces entered its gates.

More is at stake in Kuwait than the fate of that country. As we vote on this issue, let us have not illusions about the importance of this conflict to the rest of the world.

In listening to this debate, I have heard another disturbing argument reiterated again and again: Give the sanctions more time, bring Hussein to his knees by depriving him of hard currency and spare parts, and squeeze the Iraqi economy for 1 year, 2 years, or even longer.

Those who make this argument completely misunderstand the kind of man we face in Saddam Hussein. He is a brutal dictator, not a cautious accountant. He is the butcher of Baghdad, not a prudent economist. He wants to control the Middle East, not maintain a favorable balance of payments.

The point I want to make is that waiting is not the safer course. It carries profound risks, incalculable costs, and the potential of defeat. Let's just contemplate the risks of waiting, the danger of not taking on Hussein as soon as we are in a position to prevail.

First of all, it means more casualties among our troops. Many who oppose the President believe Iraq will grow militarily weaker over time. But the opposite is true. He has used the 6 months he has had so far to build the world's most daunting border fortifications. But he's not done. If we wait, there will be more and denser minefields. There will be more coils of razor wire. There will be more tank traps and fire ditches. There will be more dug-in tanks and infantry bunkers. And our forces will have to cross and destroy these obstacles at a price of Americans wounded and killed.

Those who argue that because of the embargo the Iraqi military will see its equipment deteriorate, that if we have to use force we are better off waiting until the opponent weakens are also mistaken. The fundamental strength of the Iraqi armed forces—the armor and infantry—will be only mildly affected. He will not use up spare parts when there is no threat of attack. And there's no threat of attack if the other side is whiling away the time waiting for sanctions to work.

Second, if we wait, we will see more innocent civilians die in terrorist attacks. Hussein will have the time to sow more seeds of terror, to hatch more plans for maiming and killing innocent people around the world. This threat is real. It is imminent. Most ominous, it is growing. The threat of terrorism is not new, but if we wait, the scale of the threat—which is already unprecedented—will become unmanageable.

The lesson of the 1980's was that state sponsorship was central to successful terrorist operations. Assistance with false passports and documents, terrorist devices and materials, and logistics and intelligence—all of these are central to success. In Saddam Hussein, the world's terrorists have found a beneficent godfather. He has provided terrorist groups with an unprecedented boost in supplies and money—which, in turn, has generated an unprecedented surge in their ability to kill and maim. As this body debates whether we should give sanctions more time, let us remember that with every passing week Hussein puts into place more pieces of his international terrorist network. More time, means more casualties.

Third, if we wait, Hussein will have time to further develop his weapons of mass destruction.

He will build more missiles armed with chemical weapons—against which our troops in the field have the thinnest of defenses.

He will develop more means to deliver his biological weapons. And we cannot rule out the possibility that he will choose to turn such weapons over to his claque of terrorists, who could in turn unleash them on the cities of the West.

Finally, he will keep working feverishy on his nuclear weapons program. Many Members expressed complacence about this threat, arguing this danger lies in the distant future and should not be part of our current calculus.

But that's foolhardy. We really don't know how soon Iraq will develop usable weapons. It could be 10 years, 5 years, perhaps even less than 1 year. I have spent 6 years on the Senate Select Committee on Intelligence. I have nothing but the highest respect for our intelligence officers and analysts. But these kinds of estimates are exceedingly soft. I am not criticizing the intelligence community. That uncertainty is inevitable. These projections are always prefaced by the phrases like "our best intelligence indicates that" or "we are confident that." They are never prefaced by the words "we know that" or "we are certain that." Just in the course of the last couple of months, the timeframe for the development of an Iraqi nuclear device has been reduced to as little as 6 months. I am simply saying that we should not bet the lives of millions of people that our intelligence estimates are dead on target.

These are just some of the costs and risks that the President's opponents fail to consider. We cannot afford to be so shortsighted. All of these troubling might not come about, but if any do, the costs will weigh heavily on the consciences of those who urged delay.

As the Soviet Union has declined as a major power, the United States has emerged as the world's only genuine superpower. As Winston Churchill once said, such awesome power carries awesome accountabilty for the future.

Today, that accountability lies here in the Halls of Congress. If we back the President, we will put the kind of pressure on Hussein that could lead to a peaceful settlement. But if we fail to back the President, Saddam Hussein will calculate that he can wait us out. It will make war inevitable, and war will come at at time when Iraq has best prepared itself to inflict maximum casualties on our troops and on innocent civilians around the world.

In conclusion, I must say that I have been distressed by the exploitation for partisan political purposes of this momentous issue by those who have opposed the President. I had hope that this debate would rise above such considerations. But some of the President's opponents have contrived a resolution that pretends to be an endorsement of the President's policy but that in its closing lines does not seek to deny him authority to spend U.S. funds to support offensive actions.

The import should be clear to all of us. If the President were to exercise his authority as our Commander in Chief and to liberate Kuwait, they will grab part of the credit. But if things were to go wrong, some in the House will seek to impeach him. Is that bipartisan? Is that a high-minded approach to the Nation's security? Or is that barely concealed partisanship and the pursuit of political advantage. Let history judge.

Mr. CRAIG. Mr. President, I recently received a letter from some folks in Idaho whose son is serving in Operation Desert Shield. They are proud of their son and his commitment to serve. They told me "he is willing to give his life for his country and for what his country stands for." And went on to request what is right and just: that if there is to be war, let it be fought by the military; let strategy, not politics, direct the way.

Mr. President, that letter brought home to me the reality of the need for national resolve, better than all the eloquent debate I have heard here in the last few days, or the weeks of discussion and editorializing I have absorbed since last summer:

> It is your obligation [Mr. CRAIG] to our son, ourselves, and the brave men and women serving in Operation Desert Shield to make the war quick and decisive.

In the Persian Gulf we face a situation that will have a lasting impact on future behavior between nations. Maybe because of our desire that it be so, many Americans seem to believe that just a little aggression will go away if we ignore it. Can that be true?

We are told to learn from the lessons of history, so let's take a look at some of those lessons. World War II tells us that a little aggression, left unchecked, will grow. From Vietnam we know that a war cannot be won if it is controlled by politics instead of military strategy and national resolve. We also learned that we will lose any struggle we are not committed to winning. Recent history also tells us that, in the gulf, we are dealing with an irrational tyrant who uses violence against his own people as well as others. The more power Hussein is allowed to usurp, the more dangerous he becomes, and the more real peace is placed at risk.

Certainly, there have been instances when internal and external aggression have gone unchecked. However, many of those instances occurred during the cold war era, when the delicate balance of power between the United States and the Soviet Union posed a constant threat of escalation into a nuclear war. Today, we are joined by the majority of nations in this world including the Soviet Union and many of the Arab nations.

Furthermore, the causes of the situation we face today are complex and multifaceted. Certainly, economic considerations play a part. The best interests of the civilized world would be compromised by Hussein's potential control of 66 percent of the world's proven oil reserves. At risk is more than just a question of quality of life. Control of the Persian Gulf would bring to Hussein, personally, a vast amount of wealth and economic power, giving him further influence over the major economies of the world. With what we know of Hussein, the man, this would be especially threatening to the free world.

One of the most important facets of today's crisis—and one too often ignored—is whom we are confronting. We do not confront a man of reason. We do not confront a man of trust. We do not confront a man who shares our beliefs in international law, personal freedom and human dignity. Instead, we are confronting a man who has freely used aggression, and his rhetoric tells us that he will continue to do so unless he is stopped. We have heard the many accounts of the atrocities in Kuwait—some may be occurring as we debate this issue today. We have heard of the horrors he has committed against his own people and the Kurds. We have seen his blatant disregard for fellow Arab nations through his actions and continual threats against neighbors in the region.

Mr. President, Saddam Hussein is not a man to ignore. He has proven to us, and the rest of the world, that he is untrustworthy and will stop at nothing to achieve his goals.

If we are truly committed to lasting, meaningful peace, Saddam Hussein's unprovoked atrocities cannot be ignored. To allow Hussein any sort of victory would send the wrong message—a message that naked aggression and annexation of another nation is an acceptable means of furthering narrow national interests.

But beyond these obvious and substantial questions lies an equally important issue: do we deal with Hussein now, or later?

I am gravely disappointed that no progress has been made in diplomatic efforts to resolve this crisis, though I am not anxious to see those efforts cease, we must accept the fact that diplomacy cannot work if one party to the conflict is not willing to make an effort. Iraq's refusal to accept President Bush's letter to Hussein was not a positive sign that the Iraqis are sincerely in search of a peaceful settlement. Given Hussein's track record, I fear that a real threat of force is the only voice to which he will listen.

Some think that we should accept the linkage of this problem with the Palestinian question. But Iraq did not invade Kuwait to solve the Palestinian problem; they did so for their own narrow national interests. Combining the Arab-Israeli conflict with the Persian Gulf crisis is not a compromise but a reward to Hussein for his unprovoked use of force.

Some have expressed concern about the low level of commitment of manpower and materiel by our allies. While I share that concern, I am convinced that unity among America's leaders will be an effective tool in pursuading those allies to match our own effort.

We have watched our every diplomatic effort fail. History and the experts of current times tell us that sanctions alone will not solve this crisis. The time may soon come when we must face the fact that this man speaks with force; he will listen only to the real threat of force.

It is for these reasons that I am committed to oppose Saddam Hussein and his unprovoked invasion of Kuwait. A statement of national resolve must be passed so that Hussein will know that we, as a nation, join the rest of the world in opposing his belligerent actions. If a credible threat is to be posed, then Hussein must know that we are prepared, we are resolved, and we will take action to carry out the U.N. resolution.

I will support a resolution that will make force an option for the President if diplomatic means become exhausted. I am deeply troubled about the potential loss of life, should the last option be taken. But we cannot leave our men and women in the Persian Gulf as pawns of a political battle on Capitol Hill. We must have national resolve.

Let us not tie the hands of the President. Let us not leave these men and women as political pawns in the desert. Let us ensure that if force is the only option, it is quick, strategic, and decisive. Let us support the Warner-Dole resolution.

Mr. GARN. Mr. President, members of my staff recently sent several holiday care packages to Saudi Arabia. A grateful soldier sent us the following letter:

> The amount of support we have received here is overwhelming. I never knew the American people cared so much. I love the United States of America and the freedom it stands for. I will continue to defend freedom at any cost—my life, if that is what it takes.

This letter sends me many messages. First, the American people do care about what is going on in the Persian Gulf. I know my constituents care. They have made their voices heard loud and clear. Utahn's are frustrated because they cannot understand the brutal behavior of the Iraqi Government. The are frightened by what may happen next. Their apprehension is reinforced and probably heightened by the fiery words they are hearing through the media everyday. Dan Rather's "Countdown to Confrontation," for example, sends the message that we are on an undeviating course toward war on January 15, and that our days of peace are almost over and the days for conflict are almost upon us. While it is true that we have sent a deadline for an Iraqi pullout in Kuwait, I do not believe President Bush has set January 15 as the modern day version of D-day.

Our efforts now are efforts for peace—not for war. Why are we here now. Is it because we are chomping at the bit to go to war? Is it because we want to send the American people the message that war is our only option? Is it because we want to see the soldiers, like the ones who wrote a letter to my staff, give their lives for us? We are here because we want to work for peace. We want to show our support for the President. We want to authorize the President to use force—if necessary. Our only hope for peace is to have a solid, unified American position—the administration, the Congress, and the American public all shouting in unison with all of our strength: We will not let Saddam Hussein, a ruthless dictator, stay entrenched in Kuwait and we will do what is necessary to get him out. Does this mean war? No, it means we are prepared for war and if necessary, we will commit troops to combat. It means we are willing. But, we hope the strength of our unified message will help bring Hussein to his senses and help him see that we will take nothing less than his complete withdrawal from Kuwait. The majority of the world community has endorsed the President's efforts. Can we do any less and expect Saddam Hussein to receive a credible message? I think not.

The second message brought to mind by this young soldier's letter is the principle of freedom. We hear people saying we should not be involved in the Persian Gulf and that we should let the people there fight their own battles. We heard the same message prior to World War II, until piece by piece Hitler dominated Europe and finally our own borders were threatened. While Hitler promised he would go no further Hussein has stated his clear intention that he wants to unify the Arab world and he has proven his willingness to use force in order to obtain his goals. Let us take Hussein at his word and give the President the tools to address the problem.

The final message is perhaps the most important. We have hundreds of thousands of Americans whose lives are in the balance as we debate how to achieve peace. "I will give my life if that's what it takes," wrote the young soldier. That is not what we want. We do not and cannot take their commitments and sacrifices lightly. Remember that what we want is peace. We want to give the President the power he needs to let Hussein know that his aggression will not be tolerated. President Bush has worked diligently to obtain consensus within the community of nations, but this solidarity will ring hollow without the support of the U.S. Congress and thereby the American people.

Mr. HEINZ. Mr. President, up to this point I have confined my remarks largely to the shortcomings of the Nunn-Mitchell resolution. I would like to briefly explain why I believe voting for the Warner-Dole resolution is the responsible course of action for myself and for the Senate.

At the outset let me make it clear that conferring on the President congressional authority to use force if necessary does not under any circumstances mean that we want to encourage the President to go to war.

No rational human being should ever welcome going to war. Just as any course of action that rewards aggression or plays into the hands of the aggressor should be rejected, so, too, should every alternative to war be explored and pursued. And many have been.

But, the one alternative we have not tried and seriously tested is showing unambiguous purpose and unmistakable resolve. For months those of us in Congress, and that includes the Senate, have been sending mixed and confusing signals that convey the impression of anything but firmness and resolve.

At one time or another many of us have said: "Let's give economic sanctions the time to work."

At one time or another many of us have said: "The President must not go to war without congressional authorization to do so."

At one time or another we have all questioned why the vast majority of forces in the gulf must be American, why it is mainly American lives that must be risked and why, even if no war takes place, the American taxpayer must be put at risk.

And, as any sensible person would say at one time or another, we have all said that we want to avoid the casualties and terrible costs of war.

At one time or another many of us have rejected—and properly so—the notion that this conflict is about oil. I know of almost no one, including myself, who believes that we should shed the blood of even one American serviceman to prevent the price of gasoline from increasing from $1.30 to $1.70 per gallon.

At one time or another we have all acknowledged that the political boundaries in the Middle East are almost all arbitrary divisions drawn by the winners of the two World Wars, and that these countries, like Kuwait, lack the authenticity that we like to associate with a nation-state. Indeed it often seems that the Middle East is a region of warring tribes and villages, bent only on pursuing the vengences and vendettas of a thousand years. Why, we ask, should we side with one tribe against another in a tempest-tossed region where we have no blood ties to speak of and where religion, language, and traditions are utterly alien to most of us.

These are the questions we have raised, the opinions we have expressed, the issues we have debated.

Why? Because in a democracy we have the right—and the obligation—to debate these questions, opinions, and issues, freely and openly. And we should never hesitate to do so.

We are used to differences of opinion in the American political process. But despots and dictators do not necessarily understand that free debate implies any lack of resolve, or that difference of opinion means an inability to come to a clear and strong conclusion.

I believe we are dealing with a despot who thinks America has no will or staying power, that this is a man who has no comprehension of the democratic process and that Saddam Hussein will interpret every sign of hesitation or procrastination as confirmation that he has nothing to fear. And we all at one time or another have taken positions or made statements that he has taken to give him aid and comfort.

And so he can believe that the January 15 deadline means little or no increased risk to him and no reason to withdraw from Kuwait.

There is no doubt in my mind that if Iraq does not withdraw from Kuwait that the United States and our allies will go to war with Iraq. It may be sooner, it may be later, but it will happen if Saddam Hussein remains intransigent. And I am convinced that Saddam Hussein, if he gets a signal from the Senate and House that betrays any lack of resolve, will sit tight, not believing that he would then ever be put to the ultimate sanction of war.

Now is the time to make it clear to Saddam that the Congress and the American people share a sense of purpose and resolve, to disabuse him once and for all of the notion that our open and free debate means a free ride for his aggression and ambitions.

That is why I say that the time has come for us to fully commit ourselves to the one remaining alternative to war, namely demonstrating a purpose so clear and a resolve so strong that Saddam Hussein cannot be in doubt about the terrible consequences he will inflict on himself and his people because of his own disregard for human rights, international law, and any standard of civilized conduct among people and nations.

Mr. AKAKA. Mr. President, last week I took the Senate floor and stated that I would not support any action by any administration that unnecessarily or prematurely commits American soldiers to offensive military operations wherever world conflicts may occur.

This morning I voted against war and in favor of Senate Joint Resolution 1, which would have continued the application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait. Regretfully, it failed.

This afternoon Mr. President, we find ourselves at a critical crossroads in our Nation's history. The Bush administration—in keeping with article 1, section 8 of the Constitution—has come to Congress and requested specific authorization to initiate offensive military actions in the Persian Gulf if Saddam Hussein's army isn't out of Kuwait by the U.N.-imposed deadline of January 15, 1991.

As we consider the President's request today, there are two very important issues which must be addressed. One issue is procedural. It has to do with a very fundamental constitutional prerogative. That is, which of the three branches of our Federal Government has the responsibility and authority to declare war?

The second issue—related to the first—is substantive. Will the Congress, as duly elected representatives of the American people, authorize our President to send troops into battle in the Persian Gulf to achieve the commonly held objective of restoring the territorial integrity of Kuwait as a nation state in the Middle East?

Concerning the procedural issue, I am very pleased that the Bush administration has chosen to avoid a constitutional confrontation between the executive and legislative branches of government over this matter. The wording of the Constitution and the matter. The wording of the Constitution and the accompanying historical records appear to be quite clear. However, the practice of this and previous administrations with respect to American troop deployments and offensive engagements has—over time—been troubling to congressional leaders and constitutional scholars.

Under the Constitution, war powers are divided. Congress has the power to declare war and raise and support the Armed Forces (article I, section 8), while the President is Commander in Chief (article II, section 2). It is generally agreed that as Commander in Chief, the President is empowered to repel attacks against the United States.

During the Vietnam war, however, when the United States found itself involved for many years in an undeclared and unpopular war, Congress sought to reassert its authority to decide when the country should become involved in a war or the use of armed forces that might lead to war. As a result, On November 7, 1973, it passed the War Powers Resolution (Public Law 93-148) over the veto of President Richard Nixon. This legislation asserted Congress' exclusive authority and denied the President's authority to decide for war or peace.

Only last week, President Bush was holding steadfastly to the view that he had the authority to use force without a declaration of war by Congress and without any explicit authorization.

Needless to say, the American public breathed a collective sigh of relief when the President changed his view and recognized the constitutional imperative that he must obtain congressional approval to iniaite offensive military action in the Persian Gulf. This was a welcomed development and coincided with my cosponsorship of the Harkin resolution (S. Res. 8) which reaffirms the widely accepted legal view that it is Congress and Congress alone that has the power to declare war.

Let me turn now to the substantive issue of whether Congress should respond in the affirmative to the President's request that it approve the "use of all necessary means" to get Iraqi forces out of Kuwait.

I supported the President's decisive action to send U.S. military forces into the Persian Gulf under the auspices of the United Nations. There is no question that this action was necessary and appropriate in the face of the Iraqi invasion and occupation of neighboring Kuwait. Such unprovoked aggression by any nation should not be tolerated in a world governed by laws. The respect for international boundaries is fundamental to the maintenance of world peace.

Following Iraq's illegal takeover of Kuwait, the United Nations has adopted 12 resolutions over the past 5 months in an attempt to resolve the crisis peacefully and without the use of force. The center piece of the U.N. initiatives was an agreement to apply economic sanctions against Iraq which would result in its peaceful withdrawal from Kuwait.

The Bush administration has also been successful in assembling a multinational commitment of military force to deter further aggression by Iraq in the region. This development was critical because the situation in the Persian Gulf must not be seen as an American problem alone. It must be seen as a U.N. problem to be solved jointly by nations in league with one another.

Mr. President, it is important to note that in a crisis of this magnitude, this is the first time in the history of the United Nations that we've had a unified view of what must happen in the Persian Gulf. Achieving our objectives peacefully, even if it takes longer is always preferable to a military action and the accompanying bloodshed and anguish of war.

And that brings me to the questions at hand: Do we authorize the President to go to war to force the Iraqi Army out of Kuwait?

Clearly Mr. President, Iraq's invasion of Kuwait was outrageously immoral, and contrary to all precepts of international law. But is the immediate commitment of our troops into battle the proper the action to take given the situation at hand? Is war waged by 430,000 American men and women on behalf of Kuwait necessary or appropriate at this point in time? Is this the only policy option available to us to address this blatant act of aggression by Saddam Hussein and his Iraqi Army?

Mr. President, as I have said before, we should not shrink from the use of force. But war is not our only option, and I believe the use of force should never be a first-choice option. Force must only be used as a last resort and only to the degree necessary to accomplish the immediate objective at hand.

Based on the discouraging results of last Wednesday's meeting between Secretary Baker and Iraqi Foreign Minister Aziz, diplomatic initiatives to date have not been successful. Nevertheless, I have not given up on a peaceful solution to the gulf crisis. If there was a glimmer of hope that an immediate diplomatic and political solution might still be on the horizon—thus avoiding the possibility of a military confrontation—it was contained in Secretary Baker's comments that he welcomes the continued diplomatic efforts by the U.N. Secretary General Javier Perez de Cuellar. These 11th-hour diplomatic initiatives must continue to go forward.

Recent diplomatic setbacks aside, we have creditable evidence that the economic sanctions are working, Mr. President. Last month our Senate Foreign Relations Committee heard testimony that the sanctions have produced a 50-percent drop in Iraq's gross national product. This is three times the impact of any other economic sanctions this century and 18 times the impact that experts say is necessary to accomplish the political objectives of the sanctions.

Without the oil revenues Iraq has been unable to obtain replacement parts and supplies for its massive military war effort. Their equipment is running down, their economy is in shambles, and the morale of their troops is deteriorating.

It must be understood that patient diplomacy and the steady forceful pursuit of economic sanctions go hand in hand toward attaining a peaceful resolution of the crisis. Mr. President, with time on our side, I believe the U.N. blockade and embargo is the best weapon we can use to accomplish our objectives without resorting to the use of force.

As I stated earlier, we should not shrink from the use of force. But if force is eventually required, wouldn't it be better to face a rundown Iraqi Army in 12 or 18 months rather than its heavily equipped and well-supplied army of today?

And what about the cost, Mr. President? Not just in billions of dollars but in the lives of the men and women serving in our Armed Forces in the gulf. If we commit our troops to war now, Mr. President, conservative estimates are that it will result in the loss of thousands—perhaps even tens of thousands—of American lives. Is this bloodshed necessary? Can this tremendous loss of life be avoided?

Balance the commitment to war and the devastating impact it will have on the lives of American soldiers against the commitment to sanctions and the devastating impact they will have on the military capability of the Iraqi Army, and you must conclude that the pursuit of sanctions, not war should continue to be the first-choice option we use in our confrontation with Iraq.

There is one last issue, Mr. President, that also needs to be addressed. It has always been my belief that the primary responsibility for containing Saddam Hussein should fall to the United Nations and those countries most directly threatened by Iraq. This is in keeping with my view that the Persian Gulf crisis must not be seen as an American problem alone. Other nations with more at stake than the United States now must be prepared to step forward and equalize the risk and commitment to the objectives at hand.

In this regard, reports circulating earlier this week which indicate that some of the nations that have sent troops to the gulf may not be committed to actual combat—that they too would prefer to stand behind the sanctions as the best option to pursue at this point in time.

If this is true, then why is President Bush asking the American people to risk so much by rushing into a war with Iraq? The perception of the world community must not be that the United States is the hired gun of other nations. Nor can it be that we are a country that accepts and bears the burdens of fighting a war for those whose resolve may not be as great as ours.

Mr. President, it is for these reasons that I believe an offensive engagement by U.S. troops in the Persian Gulf may be unwarranted, and premature. As long as there is a reasonable basis for the attainment of a diplomatic settlement through the steady and persistent pursuit of sanctions, I cannot vote to authorize the President to go to war. Diplomacy and sanctions—not war—are the proper course for the United States to follow.

In conclusion, Mr. President, there is no disagreement between Congress and the Bush administration over what we are attempting to achieve in the Persian Gulf. The brutal, ruthless, unprovoked, and unprincipled Saddam Hussein must withdraw his army from Kuwait. Where we differ is the means we use to accomplish that objective.

I say no to war and yes to the steadfast, patient, united, multinational continuation of the economic sanctions against Iraq. I firmly believe that the embargo, the blockade, sanctions, and diplomacy should be used to attain a peaceful resolution of the crisis we face in the gulf.

And therefore, Mr. President, I cannot support Senate Joint Resolution 2 and I intend to vote "no."

The VICE PRESIDENT. Who yields time?

Mr. DOLE. Mr. President, I think I have 6 minutes; is that correct.

The VICE PRESIDENT. The Republican leader has 4 minutes remaining.

Mr. MITCHELL. Mr. President, I yield the remaining 3 minutes of my time to the Republican leader.

Mr. DOLE. Mr. President, we are not going to change any minds. I think everybody's mind has been made up. But I think in addition to a lot of hopes, there is a real world out there. I am not certain any of us can predict with certainty, if there should be a conflict, how many lives would be lost, how much of a cost, how long it would last.

I do believe that our best chance for peace and best hope for peace is to strengthen the President's hand in every way that we can.

The Senator from Illinois just indicated it is going to be closely divided. That is unfortunate. I wish it were not. I wish we could get consent, after the vote, to do it on a voice vote that everybody would support. I said I would not ask for that consent.

I am not so concerned about the message we send to the White House. I am more concerned about the message we send to Saddam Hussein. Somehow he has been forgotten in this debate. He started it. He can end it right now.

I agree with the majority leader that there is not one Senator in this body who wants war, not one on either side of the aisle who wants war. I assume, by the same token, there is not one who does not want peace and a peaceful settlement.

Some have strong convictions following one path and some have strong convictions on another path, but I think the bottom line is that this is not a blank check, as far as this Senator is concerned. I intend to use my influence, if any, in every way that I can to find some peaceful way to resolve the current crisis.

It just seems to me that when we authorize, we do not mandate. We do not say that it has to be today, tomorrow, or next week. We authorize. I believe President Bush understands that it is an authorization. It is only an authorization.

After we vote, there will be a vote in the House on this same resolution. It is going to be a massive vote of support for President Bush, true bipartisanship in the House of Representatives, and I commend them for that.

I commend my colleagues on the other side who will support this resolution. I would encourage those who may have voted for the Nunn-Mitchell resolution to support this resolution. It is not contradictory. It demonstrates again that the primary message coming from the Congress today is to Saddam Hussein. The last time I checked, he was the real villain in this piece.

Mr. President, for many reasons, this is a very important vote. It is a very important time in history. The Senator from Connecticut pointed out that things in the Mideast are always difficult.

But if we postpone it for 6 weeks or 6 months or 1 year, is it going to be any less difficult? If we have a conflict at that time, will there be fewer casualties, or more? Will the stakes be higher or lower?

It seems to me that if we could encourage more of our colleagues—and I know that everyone has the same goal, and that is for Saddam Hussein to get out of Kuwait. But if he draws the same conclusion as the Senator from Illinois has drawn, that America is divided, that Congress is divided, he may think he is going to get a free ride; he is going to be rescued, maybe, by the Congress; we are going to throw him an anchor. But if we throw him one, I want it to go down.

Mr. President, I would hope my colleagues would support this resolution, the resolution offered by the distinguished Senator from Virginia [Mr. WARNER], the distinguished Senator from Connecticut [Mr. LIEBERMAN], and others of us on both sides of the aisle. This is the time. Oh, there will be other times, but this is the time to send the message. There is not much time left.

There is not much time left, and to President Bush I say, as I said earlier, this is to strengthen your hand; this is to give you every resource we can in the final 48 or 72 hours to send the message that we want a peaceful settlement.

And to Saddam Hussein, again, to underscore that same message, plus to send him an additional message that Congress has acted. We have had bipartisan debate, and we have had some partisan debate. But we are going to have a bipartisan result in the House of Representatives and the U.S. Senate.

So for all of us who want peace; for all of us who want to strengthen the President of the United States, along with 82 percent of the American people, the vote on this resolution should be yes.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 77

Mr. MITCHELL. Mr. President, I ask unanimous consent that if the Senate receives House Joint Resolution 77, the House companion to Senate Joint Resolution 2, the Warner-Dole resolution, from the House, and if the Senate has passed Senate Joint Resolution 2, at that point, the House Joint Resolution be deemed read three times and passed and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, this will be the last vote of the day. The Senate will continue in session following the vote in a period of morning business in which Senators will be permitted to speak.

And I now ask unanimous consent, Mr. President, that following the vote there be a period for morning business with Senators permitted to speak therein.

The VICE PRESIDENT. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Under the previous order, the Senate will be in session Monday, beginning at 12 noon, for the purpose of introducing bills, resolutions, and making statements with respect thereto, and we will have a further announcement beyond that on Monday.

Mr. DOLE. All bills?

Mr. MITCHELL. Let me make clear that on Monday, all bills of any kind, not just limited to the current situation. The Senators should be prepared to introduce their legislation; then they are free to speak with respect thereto at that time.

Mr. STEVENS. If the majority leader will yield, what about the remainder of the week?

Mr. MITCHELL. No decision has been made with respect to that. I will consult with the Republican leader, as I have every day for the past few weeks, on Monday, and we will make announcements on a day-to-day basis at that time.

I ask the Senators' patience and understanding in that regard, given the circumstances which now exist.

Mr. DOLE. Let me ask one additional unanimous-consent request, and that is that Members may supplement their remarks today.

Mr. MITCHELL. Mr. President, I so request.

The VICE PRESIDENT. Without objection, it is so ordered.

All time has expired.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is on the passage of Senate Joint Resolution 2.

The Chair reminds occupants of the galleries that demonstrations of approval or disapproval are prohibited.

The clerk will repeat the votes of Senators as they are recorded.

The question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

I further announce that, if present and voting, the Senator from California [Mr. CRANSTON] would vote "No."

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—52

Bond
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gore
Gorton
Graham
Gramm
Hatch
Heflin
Heinz
Helms
Jeffords
Johnston
Kassebaum
Kasten
Lieberman
Lott
Lugar
McCain
McConnell
Mack
Murkowski
Nickles
Packwood
Pressler
Reid
Robb
Roth
Rudman
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NAYS—47

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Conrad
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Grassley
Harkin
Hatfield
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan

Nunn
Pell
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth

NOT VOTING—1

Cranston

So the joint resolution (S.J. Res. 2) was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 2) with its preamble is as follows:

S.J. RES. 2

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990; and

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression; and

Whereas Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored; and

Whereas the U.N. Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the U.N. Charter; and

Whereas, in the absence of full compliance by Iraq with its resolutions, the U.N. Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolution 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER PERMITTING SENATORS TO SPEAK

Mr. MITCHELL. Mr. President, there will now be a period for morning business, with Senators permitted to speak therein, pursuant to the previous order, and I will remain for as long as any Senator wishes to address the Senate.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MITCHELL. I yield the floor.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

SOVIET INTIMIDATION OF THE BALTIC STATES

Mr. DODD. Mr. President, we have been in debate over these last 2 days on the most serious questions, of course, wrestling with the question of war and peace in the Middle East and the involvement of our Nation in that conflict. At the same time, Mr. President, another drama is unfolding in another part of the world. But for the events in the Middle East and but for this debate, I presume it would be the subject of significant debate here in the Senate of the United States. I speak specifically of the drama unfolding in the Baltic States.

This morning's headline and photograph of people facing down tanks once again is a chilling reminder that despite the freedoms we have seen in Central Europe and elsewhere that the cold war may not be entirely over. Although the continuing intimidation of the Baltic States by the Soviet Government seems to be a subject unrelated to the Gulf crisis, there is an ominous historical precedent that may actually link these two events: The precedent of Hungary and the Suez Canal in 1956.

Mr. President, I prepared these remarks several days ago, but because of the debate on the Persian Gulf was not able to give them. I noted this morning the Washington Post in its lead editorial makes that same analogy and draws that same conclusion that we ought to be reminded of the fall of 1956 when we were preoccupied with the Suez crisis and paid little or no attention to the invasion of the tanks rolling into Budapest. Yet, today we see the photograph on the front of the Washington Post of tanks once again being used in nations that achieved sovereignty long ago being threatened by Soviet intimidation.

For a number of days now, Mr. President, the Soviet authorities have conducted a campaign of escalating steps to threaten and intimidate the independent institutions of the Baltic States, Estonia, Latvia, and Lithuania.

I do not have to remind my colleagues of the way these small and peaceful nations came under Soviet domination. It happened under one of the most perfidious deals of the 20th century, the Molotov-Ribbentrop Pact of 1939. Stalin's invasion of these countries resulted in enormous devastation and suffering with thousands of citizens—particularly the intelligentsia—deported to Siberia or killed.

Mr. President, throughout a half century, these peoples have remained faithful to their cultures, and dedicated to the idea of regaining their independence and freedom in spite of all Soviet attempts to forcibly assimilate these peoples by suppressing their cultures and by moving masses of Russians to reside in these states. In this struggle to retain their identity the Baltic Nations were helped, at least spiritually, by the consistent refusal of the people and Government of the United States to recognize as valid the annexation of these countries into the Soviet Union.

The coming into power of Mikhail Gorbachev has opened a new chapter in history of the Baltic Nations. His bold reform course has opened up the opportunity for authentic political organization and action that was unprecedented during previous Soviet history. In a few months the Baltic Nations elected genuinely representative legislations, heads of state, and administrative organs. While the central Soviet authorities repeatedly tried to interfere with this process, no violent crackdown was attempted. Many of us started to be hopeful that this gradual self-liberation would be allowed to spill over quietly into full independence and freedom for these long-suffering peoples.

Recent developments in the Soviet Union threw cold water on these expectations, however. Apparently, the reform process has reached a crossroads that is very typical of similar processes. There comes a time when marginal changes have run their course, nothing more can be accomplished by tinkering and only two stark alternatives remain: Either a reaffirmation of the reforms by a bold step ahead, or backsliding into restoration. What is happening in the Soviet Union today is the fight between these two and the Baltic States are in danger of being used as pawns in this game.

The steps taken by the Soviet Government against the Baltic States in the past few weeks are greatly disturbing. Increasingly harsh and threatening rhetoric was followed by troop movements into these states, occupation of printing plants and television facilities by military forces and the position of troops in the vicinity of the Parliament of Lithuania. President Gorbachev himself hinted at establishing his own rule over Lithuania which would mean, of course, the suppression of the legitimately chosen leaders of that nation.

This course of events painfully remind one of the fall of 1956. On that occasion the Soviet leadership took advantage of the Western World's preoccupation with the Suez invasion by Britain, France, and Israel to send thousands of tanks into revolutionary Hungary and drown the revolution in blood. No one knows if the Soviets would have invaded without the Suez conflict, but most historians agree that Suez must have worked as encouragement for the Kremlin hardliners.

Western preoccupation with the gulf crisis and eagerness to secure Soviet consent and cooperation may have a similar effect on the calculations of today's Red Square reactionaries. It is our task, Mr. President, to leave no doubt in Soviet minds that this time it may not work as smoothly as in 1956, and there would be a stiff price to pay for any such adventure.

Two days ago I wrote to President Bush to urge him to reinforce to the Soviet leadership our support for the restoration of independence to the Baltic Nations. I asked him to let Mr. Gorbachev know that violent suppression of the independent institutions set up through the exercise of the right of self-determination by the Baltic peoples would rule out any chance that we would assist Soviet economic development in any meaningful fashion. While I wrote only for myself, I certainly hope that my colleagues would agree with me. I want to note, by the way, that I was pleased by the strong reaction of the White House to the latest acts of intimidation in the Baltics. I hope they continue.

Mr. President, Mr. Gorbachev faces another test of his dedication to a peaceful development toward freedom and democracy in the Soviet Union. Our taking a strong stand on behalf of the Baltic Nations will help him to choose reason and accommodation over darkness and oppression.

Mr. President, I ask unanimous consent that the text of my January letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 8, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The latest reports of renewed pressure on the Baltic states by the central Soviet authorities fill me with great anxiety. There appears to be a program of escalating threats against these small, peaceful nations whose desire for freedom and independence has been endorsed by the American people and government ever since the Baltic states' forcible annexation by the Soviet Union.

Only a few months ago it seemed that the Soviet leadership had started to realize it had to rid itself of this legacy of Stalin. It was hoped that the time was approaching when Estonia, Latvia, and Lithuania might regain their independence.

Recent developments have thrown cold water on these hopes. Threatening words by President Gorbachev and other Soviet officials cannot be dismissed as mere posturing in light of the dire warnings included in the resignation speech of Eduard Shevardnadze. The words have been followed by deeds as in last week's occupation of Latvia's major printing plant by Soviet troops and in this week's reports of paratrooper reinforcements in the Baltic to enforce Soviet draft laws.

Mikhail Gorbachev has brought changes to the Soviet Union that would have been inconceivable just five years ago. For this he deserves a great amount of credit. At the same time the Soviet reform process may have arrived at a crucial crossroads, and it can no longer be certain whether in the present phase Mr. Gorbachev still represents progress. Our admiration for much that he has accomplished in the past few years must not compel us to continue to support him, should he decide to revert to dictatorship. Moreover, under no circumstances can we regard the Baltic nations as expendable pawns in this game.

Mr. President, I suggest that, as long as the intensive harassment of the Baltic nations continues, our diplomats stationed in Leningrad should be sent to the Baltic states with increased frequency to give a tangible form to our concern.

As for the longer view, I strongly urge you to reinforce to the Soviet leadership our support for the restoration of independence to the Baltic nations. Please tell Mr. Gorbachev that violent suppression of the independent institutions set up through the exercise of the right of self-determination by Estonians, Latvians, and Lithuanians during the past two years would rule out any chance that we would assist Soviet economic development in any fashion. Mr. Gorbachev should be left no doubt on the price he would be paying for choosing oppression over accommodation.

Sincerely,

CHRISTOPHER J. DODD,
U.S. Senator.

Mr. DODD. Mr. President, I should also note that I understand—I will let him speak for himself—the distinguished Senator from New Jersey has proposed a resolution which I am pleased to cosponsor on this very subject matter. I do not want to second guess his remarks, as he follows me. But seeing him here reminds me that in fact that resolution is being circulated. I urge all of my colleagues to join in that resolution. I know the preoccupation of the Persian Gulf is foremost in our minds but we cannot let silence from this Chamber and silence from our colleagues prevail with the threat that is occurring in the Baltic nations.

Mr. President, I urge that my colleagues communicate their thoughts through to the White House and support the Bradley resolution.

THE PERSIAN GULF CRISIS

Mr. WALLOP. Mr. President, I am gratified by the passage of Senate Joint Resolution 2, the Dole-Warner resolution. The President now has the authority to use military force—but for the explicit purpose of driving the Iraqi invaders out of Kuwait. I have expressed on several occasions my fear that this policy goal aimed too low, that by itself it would not serve the national interests which supporters of the resolution have persistently invoked. If the President does end up launching an attack on Saddam Hussein's forces, the outcome of the operation must not merely be the liberation of Kuwait, but the destruction of Saddam Hussein, his brutal regime, and his offensive warmaking power as well. Anything less is only a half measure. A Saddam Hussein who exits all or a portion of Kuwait with his military and political power intact becomes an even greater menace than he appears today.

There remain serious diplomatic dangers and pitfalls along the pathway to this kind of true resolution to the crisis. I fear the possibility of an 11th-hour, bogus peace effort which will deprive the President of the initiative and leverage which he now enjoys, and his ability to bring about a permanent end to the Iraqi threat. In short, I urge the President and the Congress to beware of a false peace sponsored by the Soviet Union, the result of which may ultimately confirm Richard Nixon's admonition that a bad peace can be worse than war.

Lest my colleagues dismiss my concerns as unfounded, I call your attention to last night's CNN News broadcast, which announced that a Soviet peace initiative was already under way. And I have been advised that President Bush has already met with Soviet Ambassador Besmertnykh twice in the last 48 hours.

It's clear to me, Mr. President, that the Soviets have been playing a double game from the beginning of this crisis. And with covert Soviet help and overt Soviet diplomacy, Saddam is now in the perfect position to negotiate us out of the Middle East, definitively. Here is how it might occur.

As soon as President Bush calls Mikhail Gorbachev to tell him he has decided to attack Saddam—which he should not do but surely will—Gorbachev will tell Saddam. Very quickly thereafter, Gorbachev will go on world television to announce that Saddam has begun to withdraw from Kuwait, and to invite a number of nations, including the United States, to a peace conference. Several things will happen instantly:

First, the United States will permanently lose the option to use military force, and everyone will know it. The near-half million troops in the area will become irritants. Iraq's withdrawal will slow and stop several times before reaching Basra Province. But no one will believe that the United States—having failed to fight for the whole of Kuwait will now go to war for a part of Kuwait—especially during a peace conference.

Second, the United States will accept Gorbachev's invitation. To do otherwise would be to impeach the main thrust of Bush-Baker diplomacy. But alas, it will also become obvious that the conference will be the very thing that the Soviet Union has been trying to get for a generation, Iraq has been demanding for months, and the United States has always opposed except for a few weeks of Jimmy Carter's term.

Third, the outcome of that conference will be predetermined: The United States out of the Middle East, plus Soviet backing for the dominant Arab power, plus universal pressure in the United States to turn against Israel—which we have in some measure already begun to do. After all, since the United States will have given up the option to fight, American troops will have no reason to remain in the gulf. Saddam Hussein will inevitably be acknowledged as the dominant military power in the region. Saudi Arabia and the Gulf States must necessarily scramble to accommodate him.

Fourth, nevertheless, the administration will put the best face on it all. Following the advice that Senator George Aiken gave about Vietnam, he will "Declare victory and come home," hoping that public understanding of the costs and ill effects of our reversal in the venture can be staved off as long as possible.

Several additional effects will take a little longer, but not much.

First, the United States will be treated like a leper by the Saudis, and possibly even the Egyptians, Turks, and Arab States who have come to regret heeding the call of our uncertain trumpet and getting involved with a United States that habitually winds up leaving its allies holding the bag.

I do not so much worry about Israel, at least not for some years. Israel is protected by its military capability and reputation for certain retaliation. I worry about Moslem allies who will be the immediate targets of strengthened pro-Saddam forces in their midst.

Second, the butcher of Lebanon, Syria's Hafez Assad, will join with the butcher of Baghdad in an uneasy alliance sponsored by the most murderous regime of all, the Soviet Union.

Third, in exchange for brokering "peace," Mikhail Gorbachev will request and receive the Bush administration's tacit blessing for reimposing the rule of the KGB on his country. This seems to have already happened, in fact. Even while we have been debating Iraq's aggression in Kuwait, the Soviet central authorities have launched a new round of repression in the Baltic States. The crackdown in the Baltics is clearly the price we have paid for the dubious value of Soviet membership in the anti-Iraq alliance.

Fourth, oil prices will stay high enough to channel lots of the working world's money into the pockets of the Soviet and Iraqi regimes. The Saudis? They won't be taken over so long as they agree to restrict production and pay lots of protection money.

And finally, when it comes time to return to Europe, the Bush administration will receive quiet messages from Mr. Gorbachev that the Soviet Union would consider our return provocative. Perhaps Saddam will also tell the German Government that it can expect a break in the price of oil if United States troops don't return to Germany but go home instead.

Mr. President, I earnestly hope events like these never take place, or are confronted as they happen, and that my worries will prove unfounded. But we Americans stand to pay a heavy price if the Congress, and President, and his Secretary of State do not consider the possibilities of such a scenario. We must remain alert to the manipulations of a hidden Soviet-Iraq condominium, and determine not to be outmaneuvered or deflected from our purposes. If we fail to remain clear thinking and alert, then the debate which we have just completed, and the votes we have just cast, will not have a salutary effect on the world, but will prove to have only blinded us to the real dangers.

I thank the Chair, and yield the floor.

THE CRACKDOWN IN LITHUANIA

Mr. WALLOP. Mr. President, after weeks of mounting evidence that the central authorities in Moscow were preparing for a crackdown on dissenting Soviet Republics, the crackdown has begun finally in Lithuania. The action of the central authorities in Moscow speaks more loudly than all the words, all the meticulously calculated PR moves, and all the extolling of perestroika and glasnost. The action of Soviet paratroopers in the small brave Republic of Lithuania speaks not of a government seeking desperately to introduce democratic reform or to induce the flowering of a free market. No, such action only confirms what many of us have understood for some time—Soviet words and Soviet deeds are two drastically different things. And to base our own policies on their words and ignore the deeds is not only myopic, but dangerous.

Mr. President, I regret deeply that the United States has not spoken out strongly and unequivocally on the side of freedom and democracy in the Soviet Union, but rather has chosen to side unabashedly with Mr. Gorbachev, has chosen to stand resolutely behind keeping whole the last predatory empire on Earth. In doing so we have positioned ourselves squarely against the traditions and ideas on which America is based.

Why has this administration chosen to look the other way? Chosen to call Soviet military action in the Baltics, counterproductive, instead of rightly and harshly condemning such action? Quite simply this: Mr. Gorbachev has given us a favorable vote in the United Nations and he has hung together with us in a fragile coalition against Iraq, and for this, we are willing to wink, willing to give up whatever leverage we may have with the Soviet Union by way of trade or credit advantages. If this is the price we must pay for Soviet compliance—to look the other way when annexed nations seek our moral support for independence and democracy, to allocate, in the face of crackdown, $900 million in agricultural credit guarantees—then, Mr. President, the price is too high. Soviet compliance with our goals in the gulf is not worth the continued oppression of a nation of freedom-seeking people. To think so would be to deny not only our own history and our own most fundamental values. No, Mr. President, to listen to, to believe, and to act according to all the talk coming from Moscow and not according to the dangerous signals of dictatorship coming from that country is to make a dangerous Faustian pact, one which we will surely come to regret, and which history will record to our shame.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from Arizona seek recognition?

Mr. McCAIN. Mr. President, I request unanimous consent to speak on the subject at hand as if in morning business for 5 minutes.

The PRESIDING OFFICER. The Chair recognized the Senator from New Jersey to speak.

Mr. McCAIN. Mr. President, will we be going, as is normal procedure, back from one side of the aisle to the other or will we just as has happened all too often recently stay on one side of the aisle rather than go back and forth?

The PRESIDING OFFICER. The Chair will try to go back and forth. Senator BRADLEY asked for recognition and to speak on the same subject as Senator DODD, presumably.

SOVIET MILITARY OCCUPATION OF THE BALTIC STATES

Mr. BRADLEY. Mr. President, naturally today our minds and our hearts go out to our troops in the Persian Gulf. Serious and sober decisions have been made by this body today. Naturally, they have occupied the bulk of our attention over the last several days.

But there is another event taking place in the world that merits our attention. Glasnost in the Soviet Union appears to be dying. In the last 48 hours, we clearly see what Foreign Minister Shevardnadze meant when he resigned, saying that "dictatorship was gaining ground" in the Soviet Union. For the third time in nearly 51 years, the Soviet Union has begun a military occupation of the Baltic States.

The President Ruutel of Estonia has conveyed that he has been informed that 2,000 paratroopers will be in his republic by tomorrow.

In Latvia, armored personnel carriers are rolling through the country today.

In Lithuania, over the last 48 hours there has been a sequence of events that are ominous and that cannot go uunremarked upon.

At 9 p.m. last night, Soviet troops seized a TV transmission station 20 miles north of Vilnius, the capital of Lithuania, a transmission station that is absolutely essential to the transmission of TV signals throughout the republic.

At 11 p.m. last night, Soviet troops seized the railway central headquarters in Vilnius. About 50 trains, including international trains, are stopped there.

At 1 a.m. yesterday morning, January 12, the second building of the Lithuania defense department in Vilnius was stormed by Soviet paratroopers. Two employees were seriously wounded, blood was spilled, and inside the building soldiers exploded grenades inflicting serious material damage.

At 3:15 a.m. last night, a local police unit was attacked and seized by Soviet paratroopers and the policemen were disarmed and captured.

At 5 a.m. this morning, Soviet troops surrounded the Lithuanian police.

All night last night Soviet tanks and armored carriers were moving around the center of Vilnius in an attempt to intimidate citizens.

There is no possibility to print any newspaper at this time. The Soviet authorities have taken control of the publishing and press center. New Soviet army units are arriving every day in the Republic of Lithuania. Four hundred paratroopers have just arrived from the Kaliningrad district.

Indeed, Mr. President, what we are witnessing in the last 48 hours is, as I said, the third time in 50 years that the Soviet Union is occupying the Baltic States.

What has been the reaction to this occupation?

In Moscow, according to AP Boris Yeltsin—the President of the Russian Republic, the largest republic in the Soviet Union—strongly protected the use of military force against the Baltics. He said it could produce violence in other republics and regions and unleash, in his words, "wide-scale civil conflict." Yeltsin called for an emergency session of Russia's executive council today to pass a toughly worded statement. He then met with our Ambassador Matlock to talk about the Baltic turmoil, and later Yeltsin personally delivered the statement to Mr. Gorbachev and other members of the National Federation Council meeting in the Kremlin.

That is what Mr. Yeltsin has done. The charge d'affaires of the Baltic Republics here in Washington earlier today issued a lengthy statement.

I will read but two paragraphs from this statement. This is a statement of the charge d'affaires of Lithuania, Latvia, and Estonia. It says:

> In deploying troops to forceably conscript Baltic citizens into the Soviet armed forces, President Mikhail Gorbachev has violated Soviet law. The use of the military to reassert illegal Soviet rule in Lithuania is a violation of international law. The use of force against unarmed Lithuanian citizens is a violation of all codes of human conduct and decency.
>
> Through these actions, Soviet President Mikhail Gorbachev has undertaken a course of action which in principle, differs little from what Joseph Stalin did in the Baltic States in 1940, and what Saddam Hussein is doing in Kuwait today.

Mr. President, those are but two paragraphs of the statement issued today by the three charge d'affaires of the Baltic Republics.

The European Community has already condemned this occupation. Poland has not only condemned the occupation but has referred to the status of the Baltics as independent nations.

Mr. President, what has President Bush and his administration done during this turmoil?

He spoke with President Gorbachev yesterday. On the Baltic issue he said that Soviet actions were counterproductive.

Mr. President, I would say they are a little more than counterproductive. I would say they offend the basic principles upon which this country was founded.

Further, when asked by the press why he did not say more, President Bush said that, "The Soviet Union knows where we stand." Indeed, regrettably, Mr. President, it appears that we stand for stability in the short run rather than democratic reform in the long run.

Mr. President, it is a sad irony—I should modify that to give it the benefit of the doubt—to say that it would be a sad irony if the price of Soviet support for freeing Kuwait turns out to be American acquiescence in Soviet aggression against other small illegally annexed nations.

Mr. President, it is with this background in mind that yesterday I introduced a resolution on the Baltics that was cosponsored by 24 Senators: Senators DOLE, MITCHELL, PELL, HELMS, D'AMATO, KOHL, MIKULSKI, KASTEN, GLENN, RIEGLE, DIXON, WARNER, THURMOND, SIMON, GRAHAM, MOYNIHAN, DECONCINI, METZENBAUM, MCCAIN, MACK, LUGAR, AKAKA, BRYAN, SARBANES, and GRASSLEY.

Mr. President, the resolution cosponsored by 24 U.S. Senators passed last night because I felt that it was important that the Senate go on record clearly stating our view of the events taking place in the Baltics. That resolution stated as follows:

> Whereas President Gorbachev has deployed Soviet troops to Lithuania and begun to use force to impose his rule in place of the democratically elected government of Lithuania;
>
> Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union;
>
> Whereas these Baltic nations have been at the forefront of economic reform and real democratization among the people of the Soviet Union; and
>
> Whereas the government of Lithuania has responded with an urgent appeal for the immediate support of all democratic countries to protect the independence and democracy of Lithuania and the other Baltic States: Now, therefore, be it
>
> *Resolved*, That the Senate calls on President Gorbachev to refrain from further use of coercive tactics against the democratically elected government of Lithuania, Latvia, or Estonia. Such coercive tactics are unacceptable among the community of democratic nations and especially so at a time when the world, including the Soviet Union itself, is united in opposition to the forcible annexation of another small nation, Kuwait, by its brutal neighbor, Iraq.

Mr. President, the Senate, by passing that resolution in the early morning hours last night, has sent a clear message to the Soviet Union that it is difficult to continue progress and a relationship if the conduct of the other party includes a military occupation and brutal repression of basic democratic rights by countries that have never been recognized as being a part of the Soviet Union by the United States of America.

Mr. President, I would hope that in some small way—and this morning my office was called by the Soviet Embassy wanting a copy of this resolution—that in some small way those of us who feel strongly about this issue—and I believe it is far more than the 24 cosponsors that I had on the resolution when it passed, and I believe it is both on the Republican and the Democratic side—that in some small way the United States Senate might put a red flag for Mr. Gorbachev before he moves further down the path envisioned and sensed by Mr. Shevardnadze when he resigned by saying that in the Soviet Union dictatorship is gaining ground.

Mr. DODD. Will my colleague yield for a second? I wanted to express to my colleague, I did not stay around all last evening. I knew the resolution had been passed. I informed my staff to put me on as a cosponsor. I do not know if they did get there in time before it was adopted. Let me commend him for achieving that result I presume late last evening.

As he points out, in the midst of all of the discussion on the Persian Gulf this issue has not been the subject of normal debate as it would be, in my view, in the absence of that. He points out correctly that it is too coincidental for this Senator's taste that we are having these chummy conversations with Mikhail Gorbachev over how to handle the Persian Gulf while tanks are rolling into Lithuania. His resolution I hope does get the attention of Soviet authorities.

I hope even maybe this small debate—I gather our colleague from Arizona and others may be talking on this—maybe this debate, a little bit of this discussion will also be heard so that before they repeat the actions of 1956 in Budapest they will understand that in fact there will be a price that will have to be paid if they use that kind of force to crush these three small nations who are seeking their freedom.

I commend the Senator on the resolution, and I apologize for suggesting that it may not have been adopted yet. I did not realize that.

Mr. BRADLEY. I thank the Senator from Connecticut for his remarks. He will be added as a cosponsor, as well as the Senator from Iowa [Mr. GRASSLEY] who sought recognition for that purpose a few minutes earlier.

Again, let me express my appreciation to one of the original cosponsors, Senator MCCAIN, for being on the floor, I think to speak about this subject, and also of course, Senator BIDEN who is subcommittee chairman for European affairs of the Foreign Relations Committee. He has also been added as a cosponsor.

Mr. FOWLER. Will the Senator from New Jersey also add me as a cosponsor?

Mr. BRADLEY. I add the distinguished Senator from Georgia as a cosponsor as well.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise to express my hope on the Persian Gulf resolution since I refrained during the debate. I approached this decision after talking and hearing from thousands of constitutents. It is an individual decision to make without any influence from the administration or even my colleagues.

My votes reflect feelings expressed to Iowans in many different meetings and settings in my State over the last 2 to 3 months. There is in my State a principle of Iowa politics that a representative of the people should vote in Congress the way that we speak to our constituents in Iowa. So my vote or votes today should surprise no constituent of mine. I voted as I related my principles and thought processes to my constituents.

Mr. President, we, in this Congress, have been in the process of what is one of the most urgent, if not most important debates, and decisions that most of us will ever undertake in our lifetimes.

It was with a very heavy burden that I cast my vote on what Secretary Baker has properly referred to as a "defining moment in history."

Let me say from the outset, that no matter what the result of this debate was going to be, everyone knows that the President will be overwhelmingly supported by the Congress and the American people if he decides that offensive military action is necessary. Once troops are committed, Congress will not undercut them, and it will be Saddam Hussein's greatest mistake if he fails to take this into account. And let me emphasize, that, even though my votes were with the minority, I am totally committed to support our troops under any and all circumstances. All 100 of us owe it to our men and women in uniform.

Secretary Baker's report on his failed meeting with Foreign Minister Aziz was a tremendous disappointment to all of us. I was hoping for a miracle—hoping for an answer to my prayers—but it did not happen. Now, we must continue to hope that some way—a path to peace—can be found by other means. And my prayers go out to those, such as Secretary General Perez de Cuellar, who continue the quest.

This debate today revolved around disagreements on both policy and procedure. Policywise, should the United States go to war soon after the U.N. deadline of January 15? Procedurally, the question is where does the President's authority to conduct foreign policy and lead our Armed Forces end, and the Congress' constitutional power to declare war begin?

There is no question that the President's policy of containing Iraq has been enormously successful and enjoys universal support. I differ with the President only on how to go beyond this containment policy in actually liberating Kuwait and disarming Saddam Hussein. The President appears ready to go to war. I understand the need to, at least, appear we are prepared to go to war, because a credible threat of war can, indeed, actually prevent war.

However, for the last 2 months, I have encouraged the continuation of sanctions and diplomatic efforts. The President has successfully orchestrated the most encompassing and universally supported policy of economic sanctions in history.

If it is agreed, as the President has said, that sanctions are not, and will not, work, then the use of economic sanctions will no longer be a viable option in confronting aggression in the future. If we are ready to give up on sanctions now, then we will be giving up on sanctions forever. If we cannot bring a tin-horn, Third World dictator to his knees through sanctions that are being nearly universally enforced, then sanctions will never be successful against anyone. Are we ready to accept this defeat?

I, for one, am not ready to cast the present or future use of sanctions onto the dust-heap of history, because the only next step is likely to be war.

Accordingly, I do not believe the President has made the case that sanctions are not working. As has been noted, CIA Director Webster has publicly disagreed with the President by testifying that sanctions are working and will continue to weaken Iraq's military capability. Now, I understand that Director Webster has recently modified this assessment by stating that sanctions, without a credible show of military force, will not lead to Iraq's withdrawal from Kuwait.

Well, Mr. President, I suggest that our force of over 400,000 soldiers is a credible show of force, and can therefore, along with continued sanctions, eventually help force Saddam Hussein out of Kuwait.

Mr. President, the other question that was before us revolves around the respective contrasting powers of the Presidency and Congress in making war. This question, Mr. President, will never be totally answered. There have been around 200 military confrontations of varying scale in our history and only five actual declarations of war. In nearly all of these cases, the Congress basically abdicated its power by merely going along with the President for various reasons.

Few will challenge a President's authority once troops have been committed. If Congress does attempt to challenge a President, the only arbiter—the courts—will refuse to take sides because of the political questions involved.

Even today, Congress is skirting the issue. We are not voting on declaring war, which is the power the Constitution confers upon Congress. We are merely voting, at the most, on authorizing force, and this is being done over 5 months after the conflict began. Perhaps this fulfills our constitutional duty, it is a less than courageous way of doing it. Nevertheless, this is the procedure that has been taken, and we will have to live with the consequences.

Mr. President, this is a time of questioning, but not of division. The majority leader was correct in saying that regardless of the outcome of this debate, we all agree that Iraq must leave Kuwait.

I have approached the ultimate votes with a great deal of soul-searching and even sadness. But I have not given up hope.

As a conservative Republican, it is very difficult for me to be the only Republican to differ with the President on such a major issue as war and peace. But, I only differ on how to achieve the goal of dislodging Iraq from Kuwait—not the goal itself.

Much has been said about the so-called new world order and what it means. Well, Mr. President, I certainly could never be accused of being a cold war pacifist. But I am not ready to be a new world warrior either.

Casting any partisanship aside, it appears to me that the resolution offered by the majority leader and others was a reasonable one. While it emphasized that sanctions and diplomacy should be continued, it left the door open for Congress to consider a future declaration of war or a wider authorization of force. At the same time, it authorized force to protect our men and women in the gulf. To me, this is a prudent course of action.

These decisions should be above any partisanship. Now is not the time to make something Democrat versus Republican. These are decisions of conscience. And I was just trying, after a tremendous amount of soul-searching, to do what I thought was right.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

BALTIC STATES

Mr. BIDEN. Mr. President, I do not want to take advantage of the suggestion of the Senator from Arizona that we go back and forth, but I will tell him that I will only be about 60 seconds.

Mr. President, I strongly support, and am pleased to cosponsor, the resolution offered by the Senator from New Jersey. I commend him for his leadership on this question.

The shocking actions of Soviet troops in Lithuania in the past 48 hours have confirmed our fears—and the dire warnings of Foreign Minister Eduard Shevardnadze—that the Soviet Union could be sliding into dictatorship.

Yet these fears and warnings go largely unnoticed in the United States, where we are preoccupied with the Gulf crisis, a crisis that prevents us from dealing with other international issues. Of course we must give due attention to the situation in the Middle East, where nearly half a million U.S. troops stand poised to heed a call to arms. But we must not let the gulf crisis prevent us from dealing with equaly important events around the world.

Indeed, I believe that the changes in the Soviet system are actually more important to the vital interests of the United States than is the liberation of Kuwait. Only when we learn this lesson can we give proper attention, and achieve proper perspective, on the revolution occurring in the U.S.S.R.

President Bush himself seems not to notice; earlier this week, the White House issued a perfunctory statement declaring that the actions of the Soviet troops were counterproductive, a shameful act of acquiescence that he will, I predict, come to regret.

Mr. President, we must send a strong, unambiguous message to Moscow that the events occurring in Vilnius are simply unacceptable. Since President Bush will not send it, the Senate must. And in hearing this message, the Kremlin must learn that the Soviet Union cannot join the Western community of nations while such repressive acts continue.

I will say no more at the moment, other than to tell the Senator from Arizona that he has probably regretted for a moment he suggested that we go back and forth, but hopefully relieved that I will not speak any longer on this subject, since I have spoken so much in the last 2 days on the previous resolution.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my good friend from Delaware. Many Members of this body are not aware that we have been friends for many years, and I am always grateful for his courtesy and his friendship.

I am also grateful, Mr. President, for the leadership that the Senator from New Jersey [Mr. BRADLEY] is displaying on this issue. I think the Senator from Delaware is correct when he states that events that are transpiring in the Baltic, although overshadowed by those in the Persian Gulf, have a longer lasting and more significant impact for world peace than many of us realize.

Mr. President, I think the Senator from New Jersey is entirely appropriate in bringing this issue to this body. In fact, I question whether Mr. Gorbachev would have been able to act with the relative impunity with which he has acted in the last few days, if it were not for the fact that the attention of world and the American people has been focused on events in the Persian Gulf.

I will not take a lot of time to discuss this situation, because there is little I need do to elaborate on the remarks of the Senator from New Jersey, except to say that they are true.

I do, however, want to say that the issue is not simply Lithuania, it is freedom throughout the Soviet Union. No state is safe where tanks and paratroopers rule instead of freely elected representatives: Lithuania today, Estonia tomorrow, Latvia, Georgia, Azerbaidzhan.

If we allow President Gorbachev's actions to go unchecked, unpunished, almost uncommented upon, how can we hope that he will end the kind of behavior that we condemned so strongly in 1956 after the invasion of Budapest, and then again in 1968 in Czechoslovakia?

The Senator from New Jersey has also pointed out a fact that I am afraid most Americans do not appreciate. The United States has never recognized the incorporation of the Baltic States nations into the Soviet Union. They remain sovereign nations, and Moscow must now respect their sovereignty. We cannot again let them fall under the darkness of tyranny. The United States must make clear to Mr. Gorbachev that all the progress that we have made in the past few years is going to come to naught unless he reverses his actions.

Mr. President, we also must recognize that some of the most important leaders in the Soviet Union share this view. Boris Yeltsin, the President of the Republic of Russia, has strongly protested the use of military force against the Baltics, according to an AP wire story dated today. President Yeltsin also warned that this action in the Baltics could provoke violence in other regions and unleash wide-scale civil conflict.

Mr. President, that warning does not come from an American; it comes from Boris Yeltsin, the freely elected President of the largest republic of the Soviet Union. It also is a strong and urgent warning. President Yeltsin, with our Ambassador, said he personally delivered the statement to Mr. Gorbachev.

If Boris Yeltsin is that concerned I think we should be also. In fact, what we are seeing today is a test of whether the cold war has really ended. I have believed for some months that the cold war is over, but I and all Americans may now have to rethink that opinion. We may rapidly see a reawakening of all the tensions that characterized our relations with the Soviet Union after World War II, if something is not done.

We may see the Soviet Union turn back to authoritarianism and militarism.

We cannot simply stand aside and watch this happen. This Congress and this Government must now ask itself what flow of trade and what aid we should extend to the Soviet Union in light of its recent actions.

Mr. President, I do not want to see Soviet children starve. None of us do. I think we enacted the right policy, and executed the right actions, when we sent food and gave food credits to the Soviet Union. We should not halt that flow of food now. However, all our other aid and assistance must be reevaluated in light of these events. We cannot allow any leader of any nation, no matter how dearly we want peace, to trample on the basic human rights to which they are entitled and this Nation has so often sacrificed its young men and women in defense of in all four corners of the globe.

I not only urge all my colleagues to support the implementation of the very important resolution by the Senator from New Jersey, I urge the American people and executive branch of this Government to take notice of the tragic events that are transpiring and to do everything in our power to bring them to an immediate halt.

Mr. President, I appreciate the indulgence of my colleagues, and I yield the floor.

The PRESIDING OFFICER. (Mr. WIRTH). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 1 minute as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AUTHORITY TO USE FORCE IN THE MIDDLE EAST

Mr. AKAKA. Mr. President, now that the Senate has passed Senate Joint Resolution 2 and the other body its companion measure, President Bush will have the authority to use military force in the Middle East. The people of American have now heard from the Congress and have heard from the administration, so our Nation will move forward with what the Senate and the House has voted on.

I rise today, Mr. President, only to urge President Bush to exercise patience, and give international embargos, blockades, sanctions, and diplomacy a chance to work. He owes this to our country.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

THE BALTICS AND THE MIDDLE EAST

Mr. RIEGLE. Mr. President, I want to comment on two or three things, and I also will attempt to be brief here. I want to begin by strongly supporting the statements of Senator BRADLEY, Senator DODD, and others with respect to expressing great concern and distress about the events in the Baltic States that have been presented here.

I mentioned these in my remarks yesterday. But clearly the assault by Soviet forces into Lithuania and the clear effort to intimidate the other captive nations that now have put in place democratic practices and governments within their respective republics is a matter of grave concern, and I am troubled that our Government is not doing much about it. I understand why. We are distracted in large measure by the events in the Persian Gulf, but I suspect as well that we are soft-pedding events going on in what is called the Soviet Union because we do not want to rock the boat with respect to the fact that the Soviets have given us some measure of support for the proposition of undertaking an American war in the Persian Gulf. So, in a sense, part of the price that we are paying, or so it appears to me, for Soviet support of our Persian Gulf policy is the fact that we seem to be doing very little to impress strongly on Gorbachev and the other military leaders in the Soviet Union that what they are doing in the Baltic States is outrageous and it is wrong and it ought to be stopped now.

I wrote the President a letter the other day, on the 10th of this month, on this subject, and that letter was signed, in addition, by Senators DIXON, KERRY, BRADLEY, D'AMATO, LEVIN, GLENN, COATS, DECONCINI, WALLOP, INOUYE, and MIKULSKI. But for the need to conclude the circulation for signatures in order to get the letter to the President, I am sure we could have gained many more. That letter calls upon the President to use the strength and leverage of this Government to work in a restraining way on the forces that are being applied in such a brutal fashion against people who only want the right to be self-governing in the Baltic States.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated January 10, 1991, to the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 10, 1991.

Hon. GEORGE BUSH,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are deeply concerned over this morning's reports of Soviet troop movements in Lithuania, which come on the heels of the announced deployment of Soviet paratroopers into the Baltic States to enforce conscription of Baltic citizens into the Soviet Army. This development has dramatically heightened tensions and instability in the Baltic States, and we urge you to take immediate steps to prevent a further deterioration of the situation there.

Today's disturbing events—the latest in a series of increasingly provocative and intimidating actions by Soviet officials toward the Baltic states—appear to legitimize the Baltic leaders' fears of a violent Soviet crackdown in the Baltics.

Over the past several months, calls have come from Moscow to dissolve the duly-elected parliaments of the Baltic States and impose rule by presidential decree. Soviet President Gorbachev has sharply intensified his anti-independence rhetoric, and ominously replaced the relatively moderate Interior Minister Bakatin with the widely feared and hated former Latvian KGB Chief Pugo. Soviet KGB Chief Kryuchkov has accused the nationalist movements of being "masterminded" by foreign espionage organizations "waging an undeclared war" on the USSR. And, in Riga last month, over 500 Soviet military officers from the Baltic region called for the use of "all possible measures up to and including martial law" to "defend the unity of the USSR."

This Cold War rhetoric has been accompanied by hostile actions as well. In November, anti-army protesters in Lithuania were sprayed with water hoses, fired on with blanks and beaten by Soviet soldiers. In Latvia, over a dozen explosions have rocked Riga and other cities since December, orchestrated, in the opinion of the Latvian government, by pro-Soviet forces in order to create a sense of instability and provide a pretext for introducing presidential rule. Last week, special "Black Beret" forces of the Soviet Interior Ministry occupied the central publishing establishment in Riga, placed its director under house arrest, held Latvia's vice president at gunpoint, and opened fire on a Latvian Interior Ministry vehicle.

Our government must make it absolutely clear to Moscow that our involvement in the Gulf does not in any way diminish our commitment to Baltic freedom. First and foremost, President Gorbachev must know that US-Soviet relations will suffer—including the suspension of economic benefits to his country—unless Moscow replaces its current aggressive tactics with good-faith negotiations on the restoration of Baltic independence.

Second, given our 50-year non-recognition policy, which rejects Soviet illegal occupation of the Baltic States, we view any forced conscription of Baltic citizens into the Soviet military as a blatant violation of the 1949 Geneva Convention. We urge you to raise the issue of forced conscription in the United Nations and other appropriate international forums.

Rather than appearing to reward the Soviets' use of military intimidation, we must impress upon them that, as Foreign Minister Shevardnadze so courageously stated, the greatest threat to progress in the USSR lies not in nationalism and democracy but in a return to dictatorship.

Sincerely,

Donald W. Riegle, Alan J. Dixon, John F. Kerry, Alfonse D'Amato, John Glenn, Dennis DeConcini, Daniel K. Inouye, Bill Bradley, Carl Levin, Dan Coats, Malcolm Wallop, Barbara A. Mikulski, U.S. Senators.

As I said yesterday, on the issue in the Baltic States today, we have an issue of democracy on the line. It is not democracy that is on the line in Kuwait. It has not been, is not now, and will not be in the future. That country has been ruled by a monarchy. I do not happen to care much for monarchies, but I care very much for democracies, and I would like to see more effort by our Government in behalf of the defense of the democracies in the Baltic States. Now is the time to show that kind of concern by our Government and not be so focused alone on the Persian Gulf that we fail to respond adequately at a time of crisis in the Baltic States.

Next, if I may, I wish to comment very briefly on the votes that we have had here today because I think they require some reflection.

As I read the vote totals on S. 1 and S. 2, I draw from that that 47 Senators here today said by their votes, "Stop the rush to war."

On the other side there were 52 votes, Senators who are prepared to authorize and see our country undertake a war at this time. That division, as close as it was, says to me that starting an American war now is not a wise course of action. There is not the kind of broad consensus in the land or in this Chamber that I think is needed for a step that is as awesome and as transforming as that step will be.

Someone said in the debate earlier today that we really cannot afford to keep our military forces out there in the field much longer without using them, without throwing them into battle. As I listened to that I thought to myself that history proves just the reverse. Think about it for a minute. After World War II, in order to maintain stability in Europe, we stationed hundreds of thousands of American combat troops in that area of the world. They are there today. They have been there for some 45 years, hundreds of thousands of them. And they are there this very minute in Europe.

So regarding the idea that a policy of deploying force and keeping it in place and not starting a war is somehow bad strategy or unworkable strategy, our history is exactly to the reverse and we have seen that strategy work. We now see the Soviet Union in a form of collapse. We have not seen additional aggressive efforts taken in Europe. And the deployment of those American forces without a war, without shots being fired, over four decades, has been a strategy that worked for this country.

So we have time, I think, to give our sanctions policy, give the economic embargo, give the diplomatic efforts, an appropriate period of time to work.

We have let them work, in effect, in Europe for 45 years. So the notion that we have to rush into a war with somebody else's sons and daughters I think is a dangerous notion and I do not think it is the strategy that we ought to follow at this time.

I want to say something about the independence and courage, in my view, of the Senator from Iowa [Mr. GRASSLEY]. I used to serve in that party some years back. And in either party it is not easy to be a person who casts a dissenting vote, particularly if the President of your party is seeking your support on an issue, and particularly one of this scope and scale. It is very difficult to have what it takes to be independent enough of mind to cast a vote that you think is right, despite the pressure that is present.

I know something of that pressure because I have lived through that exact same experience in the other party. So my hat is off to Senator GRASSLEY for the strength of his convictions. I think his independence of mind and his willingness to vote his conscience under the circumstances is a real mark of the strength of that particular man.

In saying that I do not degrade anybody else's decisions or purposes, or what-have-you. But I think he deserves to be acknowledged. I wanted to make that comment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

THE IMPACT OF ECONOMIC SANCTIONS ON IRAQ AND CONSULTATIONS

Mr. WARNER. Mr. President, during this debate I made available to my colleagues a letter by Judge William Webster, the Director of Central Intelligence, on the impact of sanctions on Iraq. I will ask to have a copy of Judge Webster's letter printed in the RECORD with my remarks. The refined judgments in this letter are the product of 5 months of in-depth analysis by the intelligence community, and I urge all Members to study it carefully.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, January 10, 1991.

Hon. LES ASPIN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of January 9, 1991, in which you ask for an updated assessment of the impact of sanctions on Iraq and on the policies of Saddam Hussein subsequent to my testimony before your committee in December. In that testimony, as you accurately noted, I observed that the sanctions were effective technically and that they were being felt economically and eventually would be felt militarily in some areas. I also testified that there was no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait.

You now ask me to: (1) address the impact of the sanctions on the economy and populace of Iraq and on the operational effectiveness of its military if left in place for another six to 12 months; (2) address the question of how Iraq's defensive abilities might be affected by the sanctions on the one hand and by having additional time to prepare on the other if sanctions are allowed to work for another six to 12 months; and (3) address the likelihood that sanctions, again if left in place for another six to 12 months, could induce Iraq to withdraw from Kuwait.

UN sanctions have shut off nearly all Iraq's trade and financial activity and weakened its economy, but disruptions in most sectors are not serious yet. The impact of sanctions has varied by sector. The most serious impact so far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or raise even small amounts of foreign exchange. For the populace, the most serious impact has been inflation.

The ability of the Iraqi ground forces to defend Kuwait and southern Iraq is unlikely to be substantially eroded over the next six to twelve months even if effective sanctions can be maintained. This is especially true if Iraq does not believe a coalition attack is likely during this period. Iraq's infantry and artillery forces—the key elements of Iraq's initial defense—probably would not suffer significantly as a result of sanctions. Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and atillery units and can produce virtually all of the ammunition for these forces domestically. Moreover, these forces will have additional opportunity to extend and reinforce their fortifications along the Saudi border, thereby increasing their defensive strength. Iraq's armored and mechanized forces will be degraded somewhat from continued sanctions. The number of inoperable Iraqi armored and other vehicles will grow gradually and the readiness of their crews will decline as Baghdad is forced to curb its training activities. Iraq has large stocks of spare parts and other supplies, however, which will ameliorate the effect of these problems. On balance, the marginal decline of combat power in Baghdad's armored units probably would be offset by the simultaneous improvement of its defensive fortifications. While the military, especially the army, has been protected from the impact of sanctions by stockpiling and minimal usage, during a military action the impact would be more profound as equipment and needed parts are expended.

Iraq's Air Force and air defenses are likely to be hit far more severely than its Army, if effective sanctions are maintained for another six to twelve months. This degradation will diminish Iraq's ability to defend its strategic assets from air attack and reduce its ability to conduct similar attacks on its neighbors. It would have only a marginal impact on Saddam's ability to hold Kuwait and southern Iraq. The Iraqi Air Force is not likely to play a major role in any battle for Kuwait.

In December, during my appearance before the House Armed Services Committee, I noted that while we can look ahead several months and predict the gradual deterioration of the Iraqi economy, it is more difficult to assess how or when these conditions will cause Saddam to modify his behavior. Our judgment remains that, even if sanctions continue to be enforced for an additional six to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. The economic impact of sanctions is likely to be increasingly serious, with conspicuous hardships and dislocations. Nevertheless, Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

We have seen little hard evidence to suggest that Saddam is politically threatened by the current hardships endured by the populace. Moreover, Saddam has taken few actions that would indicate he is concerned about the stability of his regime. Assessing the populace's flash point is difficult, but we believe it is high because Iraqis have borne considerable hardship in the past. During its eight-year war with Iran, for example, Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

Mr. WARNER. Mr. President, during the course of the debate, several Senators have urged the President to continue to rely only on sanctions. They believe that sanctions are having an effect, and will have a greater effect as time goes on. The President, our deployed troops, our Nation need only to have the patience to let sanctions go on and see if they work. Under this position, the threat of force would be decoupled, and shelved.

Because the issues before us are so grave, we must seek to have as clear an understanding of the impact of all courses of action as possible. We must be particularly vigilant when assessing the impact of sanctions, because this option is inherently seductive—it offers the prospect of avoiding the difficult decision to put in place an authorization for the use of force.

Mr. President, there is no doubt that sanctions are having an impact. But how much—now and for the forseeable future. The economic embargo has reduced to a trickle Iraq's ability to import and export goods and services. It has, as a consequence, reduced the supply of domestic goods and services. Certain sectors of the Iraqi economy are performing at less than preembargo levels. Some goods have disappeared from Iraqi stores, and the price of others have skyrocketed. The financial sector has been particularly hurt.

But these are conditions with which the Iraqis can cope. Not one sector of the economy necessary for the functioning of Iraqi society has collapsed and, while the impact of sanctions will grow worse, no key sector is likely to crash over the next 6 to 12 months—if ever. DCI Webster, reflecting the considered judgment of the intelligence community, has stated: "Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the internaional resolve to maintain sanctions, especially if the threat of war recedes significantly."

Equally important, Judge Webster indicated that Saddam has taken few of the steps that a leader would take if he were concerned that the sanctions were destabilizing his regime. DCI Webster further went on to note that the Iraqis capacity to endure hardship appears high. "During its 8-year war with Iran," he notes, "Iraq endured a combination of economic difficulties, very high casualties, and repeated missile and air attacks on major cities without any serious public disturbances."

Similarly, while sanctions will slowly but surely erode some of Saddam's combat capability, it will have a negligible impact on that component of combat power on which he relies most—ground forces. Simply put, ground forces equipment does not erode quickly, and it is easily maintained by the large stocks of Iraqi spare parts and by parts that can be manufactured by the Iraqis themselves. Moreover, the impact of sanctions is offset by the simultaneous improvement in fortifications—minefields, concrete barriers, trenches capable of being filled with oil, and barbed wire.

As we project what the impact of sanctions will be on both the Iraqi economy and military, we must also realize that with each passing month, it will be more and more difficult to maintain the embargo. Leakages will grow, and they will further offset the impact of sanctions.

Aside from a strict discussion of sanctions, we must also recognize that with every month that passes, the consequences of Iraq's occupation of Kuwait grow greater and greater—as Kuwaiti's are tortured, killed, and removed from Kuwait, and as its wealth and infrastructure are stolen and destroyed. Reversing the consequences of this brutal occupation will be harder and harder, and is not fully possible even if Saddam left Kuwait today.

To wrap up, Mr. President, based on the judgments of Judge Webster and other experts, I must conclude that sanctions alone will not force Saddam Hussein out of Kuwait, certainly not in the foreseeable future. This past Wednesday, the Iraqi Foreign Minister Tariq Aziz publicly stated that Iraq will closely watch the debate in Congress. Saddam Hussein will never seriously consider leaving Kuwait unless he is convinced that the prospect of a military engagement is credible and that he faces the possibility of a decisive defeat. Congress, in Saddam Hussein's mind, holds the key.

In short, if we support the President, then he will have a powerful and persuasive tool to convince Saddam to leave Kuwait. Such support does not mean that the President will immediately attack Kuwait; it does mean that we have done our duty—we have given the President all the tools to give peace its last, and perhaps, best chance.

On one other matter, I want to bring to the attention of my colleagues, the history of the consultation between the President, and his senior advisers, and the Congress since the beginning of the Persian Gulf crisis. It can be said, I believe, that President Bush has consulted with the Congress to a degree which far exceeds any prior records of consultations between the executive and legislative branches. I commend and thank the President for this willingness to work with the Congress, and ask unanimous consent that the previously mentioned history be printed in the RECORD.

There being no objection, the history was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL HEARINGS/BRIEFINGS/MEETINGS ON PERSIAN GULF—JULY 27, 1990—JANUARY 10, 1991

Date	Briefing/Hearing/Meeting	Briefer	Audience
White House:			
8/28/90	Meeting	President	Bipartisan leadership.
8/28/90	Briefing	President, Baker/Cheney/Webster, Powell	Bipartisan briefing.
9/5/90	Briefing	President	Bipartisan codel.
9/11/90	Briefing	President	Joint session of Congress.
9/21/90	Meeting	President	Bipartisan leadership.
9/26/90	Meeting	President	GOP elected leadership.
10/30/90	Meeting	President	Bipartisan leadership.
11/14/90	Meeting	President	Bipartisan leadership.
11/30/90	Meeting	President	Bipartisan leadership.
12/14/90	Meeting	President	Bipartisan Members.
12/19/90	Briefing	President	Bipartisan codel.
12/20/90	Briefing	President	Codel briefing.
12/20/90	Briefing	President	HPSCI codel briefing.
1/3/91	Meeting	President	Bipartisan leadership.
1/3/91	Meeting	President	Bipartisan leadership.
1/9/91	Meeting	President	House bipartisan leadership.
1/10/91	Meeting	President	Senate bipartisan leadership.
Department of State:			
8/8/90	Closed Briefing	Kimmitt	Full House and Senate.
8/28/90	Closed Briefing	Baker	Congressional leadership, committee chairmen, and ranking members.
8/31/90	Closed Briefing	Kelly	Codel to Middle East.
9/4/90	Hearing	Baker	HFAC.
9/5/90	Hearing	Baker	SFRC.
9/11/90	Closed Hearing	Covey	HPSCI.

CONGRESSIONAL HEARINGS/BRIEFINGS/MEETINGS ON PERSIAN GULF—JULY 27, 1990—JANUARY 10, 1991—Continued

Date	Briefing/Hearing/Meeting	Briefer	Audience
9/12/90	Closed Hearing	Covey	SSCI.
9/18/90	Hearing	Kelly	HFAC Europe and Middle Subcommittee.
9/19/90	Hearing	Solomon	HFAC Subcommittee Asian and Pacific Affairs.
9/19/90	Hearing	Eagleburger	House Appropriations Subcommittee on Foreign Operations.
9/20/90	Hearing	Pickering	SFRC.
9/25/90	Hearing	Tamposi	HFAC Subcommittee on International Operations.
10/3/90	Hearing	Bartholomew	HFAC Subcommittees on ACISS and Europe and the Middle East.
10/4/90	Hearing	Bartholomew	SFRC.
10/15/90	Closed Briefing	Kelly	HFAC Subcommittee on Europe and the Middle East.
10/17/90	Hearing	Baker	SFRC.
10/18/90	Hearing	Baker	HFAC.
10/24/90	Closed Briefing	Baker	All Senators.
10/24/90	Closed Briefing	Baker	All Congressmen.
11/14/90	Closed Briefing	Baker	SFRC.
11/14/90	Closed Briefing	Baker	HFAC.
11/25/90	Closed Briefing	Mack	Codel to Iraq.
12/5/90	Hearing	Baker	SFRC.
12/20/90	Briefing	Baker	Codel.
1/3/91	Briefing	President/Baker	Congressional leadership.
1/4/91	Briefing	Baker	House Members.
DOD:			
8/9/90	Briefing	Cheney/Powell	House/Senate.
9/7/90	Briefing	DOD	SAC Defense Subcommittee.
9/10/90	Briefing	State/DIA/CIA	HPSCI.
9/11/90	Hearing	Cheney	SASC.
9/12/90	Hearing	Wolfowitz	SSCI.
9/12/90	Hearing	DOD	House Postal Personnel and Modernization Subcommittee.
9/12/90	Meeting	Jehn/Duncan	H/S Veterans Affairs Committee.
9/13/90	Closed Hearing	Wolfowitz	SASC.
9/19/90	Hearing	Cheney/Powell	HAC Defense Subcommittee.
9/25/90	Informal Hearing	Cheney/Powell	SAC Defense Subcommittee.
9/26/90	Hearing	VAdm Donovan: Mil Sealift Command	H Merchant Marine and Fisheries Subcommittee.
10/3/90	Hearing	Wolfowitz/Bartholomew	Two HFAC Subcommittees.
10/4/90	Hearing	Wolfowitz/Bartholomew	Two SFRC Subcommittees.
10/10/90	Hearing	DOD Witnesses	H Public Works Subcommittee.
10/17/90	Closed Hearing	DIA	HASC.
10/24/90	Briefing	Cheney/Baker	House Members.
10/24/90	Briefing	Cheney/Baker	Senate Members.
Week of 11/12/90	Briefing	Cheney/Powell	Nunn/Warner.
Week of 11/12/90	Briefing	Cheney/Baker	Senate Members.
11/13/90	Briefing	Cheney/Powell	House Members.
11/13/90	Briefing	Cheney/Powell	60 MOC and HASC staffers.
11/27/90	Hearing	DIA	SASC.
12/3/90	Hearing	Cheney/Powell	SASC.
12/14/90	Hearing	Cheney/Powell	HASC.
1/3/91	Briefing	Cheney/Baker	House/closed.
1/3/91	Briefing	Cheney/Baker	Senate/closed.
1/4/91	Briefing	Cheney	House freshmen.
1/4/91	Briefing	Senate freshmen invited	None attended.
1/10/91	Briefing	Cheney	H. Republican caucus.
CIA:			
12/5/90	Hearing	Webster	HASC

Mr. WARNER. Mr. President, I wish to join other Senators in acknowledging a deep sense of gratitude to the infrastructure of the U.S. Senate, who have really been put to a true test during this extraordinary period of the last several days, particularly our new Sergeant at Arms, Ms. Pope, and her staff, and many others for providing the ability of this institution to conduct the most historic deliberation that I have participated in in my brief Senate career.

I should also like to acknowledge my appreciation to the staff of the Senate Armed Services Committee, both the majority and the minority, for the services they rendered all members of our committee during the course of the debate.

Last, Mr. President, I wish to acknowledge my deep respect for the Chairman of the Senate Armed Services Committee, Mr. NUNN, who consulted with me throughout this debate in a spirit of bipartisanship and fairness. It is a relationship that I value and one that I know will continue long into the future.

This was a difficult day for all Members of the Senate, but particularly stressful for some who stepped up and assumed the heavy burdens of leadership. That most respectfully includes our majority leader who, again, was available at any and all times for purposes of consultation, and of course my leader, the Republican leader, the Senator from Kansas, Mr. DOLE.

I have had the opportunity to work very, very steadily and closely with him throughout this debate, and I value his leadership.

This was a most grave, somber experience for all. The Senate fulfilled the awsome duty of meeting its constitutional responsibility as a coequal branch of our Government. We pray to God that conflict can be avoided.

The PRESIDING OFFICER. The Senator from New Jersey.

THE PERSIAN GULF

Mr. BRADLEY. Mr. President, before this very important day passes, I would like to comment about what is, in my mind, the very clear irony about the decision we took today and about the events that might transpire from this decision.

When Iraq invaded Kuwait, the President of the United States embarked upon a policy, the premise of which was that he sought international justification and support for whatever actions he might choose to take in the Persian Gulf.

Indeed, having been a former Ambassador to the United Nations, he sought U.N. support for any action he might take. The United Nations passed resolutions condemning Iraq for the invasion, for the hostage taking, implementing sanctions, putting teeth in sanctions, and finally authorizing the use of force.

The underlying premise of all of these actions, indeed of the United Nations, is that what collective security attempts to do is to counter the invasion of one nation state by another nation state. Indeed that was Woodrow Wilson's dream. It was Woodrow Wilson's hope that aggression by one nation state against another could be contained and controlled by collective security through the apparatus and resolutions of the League of Nations.

The President has sought to have his policy ratified by the United Nations through those resolutions. One does not know what will happen now. Inevitably, if force is used, part of the justification for that force will be the resolutions passed in the United Nations and that use of force, at great cost, both in American lives and in billions of taxpayers' dollars, could very well achieve its stated objective, which is the get Iraq out of Kuwait.

Mr. President, the President has achieved his objective up to this point and if force is used, the resolution justifies his action. Indeed, I assume that it is this path that leads people in the administration to talk about the emergence of what they call a new world order; in this case, an effort that might involve military force to counter aggression.

But the question occurs to me—and this is the irony at this stage—is that going to be the nature of the threat to our world over the next generation? Is the nature of the threat to our security going to come from one nation state invading another nation state?

I submit to the Senate today the thought that this will not be the nature of the bulk of our threats over the next generation. If there is one thing that we see emerging in many places of the world, it is a kind of burgeoning pluralism in which you find ethnic, racial, and religious expression blossoming; we find it bursting; we find it confronting other truths, held equally fervently by other people, equal and opposite truths, sometimes.

Frequently those disagreements become violent. Indeed, I assert that violence in our world will become increasingly ethnic, racial, and religious, and that the apparatus that was set up and conceived in the early 20th century through the League of Nations, and the United Nations and is a basis and justification for the policy that the Bush administration follows today, will become less and less relevant.

For example, Kashmir, Tibet, Hungarian minorities in Romania; anti-Semitism, conflict between Islam and Christian, racial conflict.

Mr. President, these are more difficult questions than Woodrow Wilson ever envisioned the United Nations could ever successfully address. Yet, I believe these are the questions that will fundamentally confront our world over the next generation.

So where there is some ominous feeling about what might transpire, some hope, in terms of having any action justified by the United Nations, I would like to simply note for the record that there is much more thinking that must be done. There is much more effort that has to be made to deal with what I believe will increasingly be the sources of conflict in our world.

One of my hopes is that what transpires in the Persian Gulf in the next month will not make coming to terms with those racial, ethnic, and religious conflicts more difficult. That was, in part, one of the bases of my opposition to the resolution offered by the distinguished Senator from Virginia, a belief that a massive use of force could drastically harm communication between the Arab world and the United States.

So, Mr. President, I pause to make these comments at this time only because I think that they are issues that this debate has not begun to address and that our world has to address for what we hope is a truly peaceful, stable world order.

USE OF UNITED STATES ARMED FORCES PURSUANT TO U.N. SECURITY COUNCIL RESOLUTION 678

The PRESIDING OFFICER. Pursuant to the previous order, House Joint Resolution 77, just received from the House of Representatives, is deemed read a third time and passed and the motion to reconsider that vote is laid upon the table.

So the joint resolution (H.J. Res. 77) was deemed passed.

The preamble was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

THE GULF RESOLUTIONS

Mr. BUMPERS. Mr. President, I spoke on Thursday evening regarding the two resolutions which we just voted on in a very highly charged and dramatic time in the Senate an hour ago. I would like to make a few additional comments about that vote.

First of all, I do not question the sincerity of a single Senator as to why he or she voted the way they did. I have never seen a time where I thought partisanship played a smaller role, even though the votes might indicate otherwise.

I think the American people mostly—though they are divided deeply over this whole issue—instinctively want to support the President, but they are not prepared to go to war.

My mail and my phone calls have been evenly divided for some time, even though for the first 4½ months of our presence in Saudi Arabia, since the invasion of Kuwait by Iraq, my mail had been running about 10 to 1 against war.

Mr. President, there is a side of me—in the interest of candor—that would like to launch at least a preemptive strike immediately to take out all the chemical and biological weapons, storage and manufacturing facilities, and to eliminate all of Saddam Hussein's nuclear facilities, even though I think he is probably a long time away from developing a deliverable nuclear weapon. I am talking about years.

Mr. ROBB assumed the Chair.

Mr. BUMPERS. But, Mr. President, my vote today was calculated on the proposition that force should be the last alternative and that constitutionally I had a duty to either agree to give the President authority to commence hostilities any time on or after next Tuesday or to join the "Wait-Just-a-Minute Club" and say let us wait a few more days, a few more weeks without giving up the option for the use of force sometime before summer sets in, and the belief that diplomacy and the sanctions ought to be allowed to at least be given every chance.

I am mildly optimistic about de Cuellar's visit to Baghdad, and I think Saddam would much rather cut a deal with the Secretary General of the United Nations or the President of France than he would with us. I think that if Saddam believes that he is going to have to leave Kuwait and all the 100 Members of this body believe that, he may be prepared to do it by negotiating something with somebody else. That is fine. President Bush, to his credit, has said that is fine with him. But whatever they agree to cannot be a condition for his withdrawal.

The other thing, Mr. President, is what do we lose by waiting 30, 60, or 90 days? The answer is we not only do not lose anything, we gain. The reason we gain is because everyday that passes because of the embargo, Saddam's military apparatus is denigrated, one more tank without a tread, one more personnel carrier without an engine, one more antidefense site that has been degraded and inoperable and highly sophisticated aircraft unable to fly for lack of spare parts. Whereas we still have 50,000 to 100,000 men on the way to Saudi Arabia. So we become stronger in the next 60 to 90 days and he becomes weaker. We lose nothing if we wait.

But to repeat the ultimate argument, it is this: When we talk about 1 to 20,000 men and women dying, I am talking about Americans.

You do not have to search your conscience very long among the 100 Senators to answer the question would it be better to take that chance, whatever it is, no matter how slight, to allow diplomacy or the sanctions or both to work and avoid that kind of bloodshed, or should we just preempt a strike right now, commence hostilities, because we know that Saddam is a tyrant. That is not a sufficient justification. There are tyrants all over the world. We have been in bed with a lot of them.

Everybody knows we would have a very difficult time maintaining 430,000 men and women in the desert for another 8 months. I do not know whether we could do it or not. General Schwarzkopf said we could but that it would be infinitely preferable to spend another summer in the sun than it would be to start the killing. That is our field commander in Saudi Arabia.

Mr. President, there is another side of me that worries about what our vital interests are. When I spoke Thursday evening in this Chamber, I pointed out I thought we understood what our vital interests were in Vietnam and we found out, after 55,000 men had been killed and 700,000 wounded, that we had no vital interest in Vietnam.

How many wars have been fought throughout history, and how many lives have been lost as a result of a premature action, maybe because of somebody's macho feelings out on his cuff, maybe because somebody felt he had to show how tough he was and could not wait to prove it? There have been a lot of miscalculations in some of those wars, too.

Mr. President, when you start this war, everybody knows that you are going to have long-lasting terrorism all over the world. Everybody knows that it is going to cost us roughly $2 billion a day for every day combat goes on to add to our already $400 billion deficit. Everybody knows that we will incur Arab enmity as far into the future as anybody can foresee. And those are only a part of the down side.

Yet all 100 Senators, regardless of how they voted, agree that we will win the war. We are all agreed that Saddam must leave Kuwait. We are all agreed, above all else, Mr. President, that once hostilities begin, whether it is Tuesday or a month from Tuesday, or 2 months from Tuesday, every Member of Congress and certainly 100 Members of the Senate will support our troops with every conceivable weapon we can provide them to make sure they prevail and have the best opportunity in the world of prevailing. Everybody knows that we will circle the wagons once the shooting starts. That is not the issue.

Mr. President, there is another point that I must make, though it is not totally on target, as to why I voted the way I did. That is, I have not ever had it satisfactorily explained to me—and I tell you, a lot of my mail reflects that in my State a lot of people have never had it satisfactorily explained to them—why is it that it is the United States that must put up the money, the manpower and shed the blood, virtually all of it, to secure Middle Eastern oil for other countries, the contribution of which is minimal and almost nonexistent.

That is not to say we are not a world leader and must act like one. That is not to say that Saddam must be dealt with. But this coalition of Syria and Egypt, for example, is not only fragile; it may not exist once the shooting starts. There is no commitment from Syria or Egypt that they will set one foot inside Iraq. Maybe Kuwait but not Iraq. And if Israel is brought into the war and feels forced to retaliate, the point has been made over and over and over again on this floor, you can almost certainly forget the coalition. It will cease to exist.

Mubarak, Assad, no Arab leader can survive fighting on the side of Israel, or be perceived by their people as fighting alongside of Israel.

It is a very tenuous situation. The President has been applauded time and time again during the last 3 days for putting the coalition together, and I join it. I am pleased because he went to the international community, the United Nations. I am doubly pleased that he came to the Congress and said, "I need your backing, I need your support, and you have the constitutional duty to decide what my powers are." He just received authority from both Houses to commence hostilities any time on Tuesday or thereafter. While my side did not prevail, the President deserves credit for having done so.

Mr. President, what are our vital interests? Is it the restoration of an emir? Kuwait is hardly a democracy. I have heard one Senator, I believe, on the floor say they treat their camels better than they do their women.

But I harken back to the time when I was vociferously opposed to reflagging Kuwaiti tankers during the Iraq-Iran War. I was opposed to it for what I thought were cogent, compelling reasons; namely, that while we put flags on their tankers to help them get their oil past Iran and Iranian ships in the Persian Gulf, their warships in the Persian Gulf, and while we spent $20 million of American taxpayers' money to reflag Kuwaiti tankers, they would not let an American airplane land on one of their airstrips or an American ship berth in their ports. And it is hard for me to forget that.

Well, Mr. President, I hope that everything turns out well. If we go to war next week or the week after, we will never know whether the casualties we suffer could have been avoided. We will never know whether the sanctions and diplomacy might have worked if we had given it a little more time. And as I pointed out earlier, bear in mind that the time we are spending is in our favor. Time is on our side.

If de Cuellar strikes a deal with Saddam on Monday, Tuesday, or whenever, and Saddam agrees to start his withdrawal, with no conditions, and somebody comes up to me and says, "Senator, looks like your vote was wrong," I will say I am pleased. I will be happy to live with that.

But there is another side to it. If it does not, and it becomes a very dicey situation, we will never know whether war was necessary or not.

Mr. President, I must tell you that there is not a single boy or girl in Saudi Arabia that is the son or daughter of a single Member of the United States Senate, I understand there are two youngsters who are sons of House Members.

But I would be less than candid if I didn't ask a simple rhetorical question. Would the vote have been the same if we had a draft, and rich people and middle-class people and lower middle-class people and poor people were all sharing or were prepared to share in the bloodshed?

Everyone ought to ask themselves the question, and perhaps that is a debate that we might want to start in the Senate sometime in the not-too-distant future.

This is the first time we have fought a war, Mr. President, quite like this, where everybody in the Army is a volunteer. They tell me morale is high there. I hope it is, and I pray it is. And I pray for the lives of every single person there, and the well-being of their families that are still here. I pray that some sort of a truce or peace will be accomplished there in the very near future, and before these hostilities that will end God knows when.

I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,128th day that Terry Anderson has been held captive in Lebanon.

Mr. President, I suggest that absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 77. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 32. A concurrent resolution to express the sense of Congress that Congress must approve any offensive military action against Iraq.

ENROLLED JOINT RESOLUTION SIGNED

At 4:25 p.m., a message from the House of Representatives, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 77. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

The enrolled joint resolution was subsequently signed by the Vice President.

MEASURES REFERRED

The following concurrent resolution was read; and referred as indicated:

H. Con. Res. 32. Concurrent resolution to express the sense of Congress that Congress must approve any offensive military action against Iraq; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 2

At the request of Mr. DURENBERGER, his name was added as a cosponsor of Senate Joint Resolution 2, a joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

SENATE RESOLUTION 12

At the request of Mr. BRADLEY, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Resolution 12, a resolution calling upon President Gorbachev to refrain from further use of coercive tactics against the democratically elected government of Lithuania, Latvia, or Estonia.

ADDITIONAL STATEMENTS

PRESIDENT BUSH SALUTES SOUTHERN OREGON DRUG AWARENESS VOLUNTEERS AS "DAILY POINT OF LIGHT"

• Mr. PACKWOOD. Mr. President, I rise today to recognize the admirable efforts and successes of the volunteers of the Southern Oregon Drug Awareness [SODA] Program. Based in Medford, OR, the SODA volunteers provide substance abuse prevention and education to the members of their community.

Since its founding in 1981, by some 60 members of the Medford Junior Service League, SODA volunteers have been active in the fight against drug abuse. Today, SODA volunteers number more than 500 and include teachers, students, parents, and business leaders in Medford and the surrounding communities. While the backgrounds of its members vary, SODA volunteers share a common goal—to encourage young people to become involved in the fight against substance abuse by making them aware of the dangers involved in using drugs and alcohol.

Each month, Medford community representatives meet with SODA's Youth Advisory Board, Business Committee, Parents and Teachers Committee, and Task Force, to develop new methods of educating the risks of substance abuse. Each of SODA's committees have implemented numerous programs and activities over the years to target the youth in the area.

The young people on the Youth Advisory Board coordinate school activities, such as drug awareness weeks and peer assistance programs. The Business Committee educates the community on the dangers of drugs in the workplace. The Parents and Teachers Committee trains other teachers on how to discourage their students from using drugs. And, the task force coordinates and chaperones drug-free parties at local schools and community centers for young people.

In recognition of their outstanding community service, President Bush has saluted SODA's volunteers as the 264th "Daily Point of Light." The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by SODA.

To the volunteers at SODA—Thank you for your hard work. You are doing a fabulous job!•

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have only a unanimous-consent request regarding the Executive Calendar and then with respect to the schedule for next week. I am advised by staff that these have been cleared by the distinguished Republican leader who is unable to be present at this moment.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 1. Nominations in the Navy for promotion to permanent grade of rear admiral:

Capt. David S. Bill III.
Capt. Arthur K. Cebrowski.
Capt. John J. Mazach.
Capt. Bernard J. Smith.
Capt. Ernest F. Tedeschi, Jr.

Calendar 2. James M. Myatt, to the permanent grade of major general in the Marine Corps.

I further ask unanimous consent that the nominees be confirmed, en bloc, that the statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc, are as follows:

IN THE NAVY

The following-named captains in the line of the U.S. Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. David S. Bill, III, [redacted] U.S. Navy.

Capt. Arthur K. Cebrowski, [redacted] U.S. Navy.

Capt. John J. Mazach, [redacted] U.S. Navy.

Capt. Bernard J. Smith, [redacted] U.S. Navy.

Capt. Ernest F. Tedeschi, Jr., [redacted] U.S. Navy.

IN THE MARINE CORPS

The following named brigadier general of the U.S. Marine Corps for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 624:

James M. Myatt.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, JANUARY 14, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, January 14; that following the prayer and approval of the Journal there be 1 hour of leader time, with the majority leader controlling the first 30 minutes and the Republican leader in control of the remaining 30 minutes; that following time for the two leaders there be 2 hours for morning business, with the time between 1 p.m. and 2 p.m., under the control of the majority leader, and the time between 2 p.m. and 3 p.m. under the control of the Republican leader.

I further ask unanimous consent that at 3 p.m. there be a continued period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, JANUARY 14, 1991

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 12 noon on Monday, January 14.

There being no objection, the Senate, at 4:40 p.m., recessed until Monday, January 14, 1991, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 12, 1991:

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. DAVID S. BILL III, [redacted] U.S. NAVY.
CAPT. ARTHUR K. CEBROWSKI, [redacted] U.S. NAVY.
CAPT. JOHN J. MAZACH, [redacted] U.S. NAVY.
CAPT. BERNARD J. SMITH [redacted] U.S. NAVY.
CAPT. ERNEST F. TEDESCHI, JR. [redacted] U.S. NAVY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED BRIGADIER GENERAL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

JAMES M. MYATT

HOUSE OF REPRESENTATIVES—*Saturday, January 12, 1991*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day, O God, we express our thoughts and feelings in prayers for peace together with the multitudes of people from all across our land and from many lands. From every background and with different voices together we pray: O God of Life, protect all life, O God of peace, grant us peace.

We specially remember, O God, the men and women of the Armed Forces who serve so far from home and family. We remember too the diplomats on every side who seek ways to avoid the anguish of conflict and who search to know the foundation for justice.

May Your good spirit, O gracious and loving God, that transcends all the barriers that are placed between nations, encourage all people of good will, so Your gift of peace will be our heritage and our treasure.

Bless us, O God, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EDWARDS of Oklahoma. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 92, not voting 56, as follows:

[Roll No. 6]

YEAS—286

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Bartlett
Barton
Bateman
Bennett
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carr
Clinger
Coleman (MO)
Collins (IL)
Combest
Conte
Cooper
Costello
Cox (IL)
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dingell
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Fields
Fish
Foglietta
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hefner
Henry
Hertel
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Long
Lowey (NY)
Luken
Madigan
Markey
Matsui
Mavroules
Mazzoli
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moody
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Rinaldo
Roe
Roemer
Rose
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Staggers
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Unsoeld
Visclosky
Volkmer
Walsh
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—92

Allard
Armey
Baker
Ballenger
Barrett
Bentley
Boehlert
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coughlin
Dannemeyer
Dickinson
Doolittle
Dornan (CA)
Fawell
Gallegly
Gekas
Gilchrest
Gingrich
Goodling
Goss
Hastert
Hayes (IL)
Hefley
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
James
Kolbe
Kyl
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McGrath
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Murphy
Nussle
Paxon
Regula
Rhodes
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—56

AuCoin
Beilenson
Bilbray
Carper
Chapman
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cox (CA)
Coyne
Crane
Dicks
Dixon
Donnelly
Dymally
Feighan
Flake
Ford (MI)
Ford (TN)
Hancock
Hayes (LA)
Hoagland
Hutto
Jones (NC)
Lloyd
Manton
Martinez
McCloskey
McHugh
Moakley
Ortiz
Owens (NY)
Pease
Penny
Ray
Ridge
Ritter
Roberts
Rostenkowski
Savage
Slattery
Spratt
Stark
Tauzin
Thornton
Torres
Udall
Valentine
Vander Jagt
Vento
Washington
Waters
Waxman
Weiss

☐ 0933

Mr. PAXON changed his vote from "present" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would ask the gentleman from California [Mr. PANETTA] to lead the House in the Pledge of Allegiance.

Mr. PANETTA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE SITUATION IN THE MIDDLE EAST

EXPRESSING SENSE OF CONGRESS THAT CONGRESS MUST APPROVE ANY OFFENSIVE ACTION AGAINST IRAQ

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 27, it is now in order to consider the concurrent resolution printed in section 1 of House Report 102-1 by, and if offered by, the gentleman from Florida [Mr. BENNETT] or the gentleman from Illinois [Mr. DURBIN] or their designee.

For what purpose does the gentleman from Florida rise?

Mr. BENNETT. Mr. Speaker, on my behalf and on behalf of the gentleman from Illinois [Mr. DURBIN] and some 80 cosponsors, I offer House Concurrent Resolution No. 32.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 32

Resolved by the House of Representatives (the Senate concurring)

SECTION 1. URGENCY OF CONGRESSIONAL AUTHORITY FOR OFFENSIVE OPERATIONS IN THE PERSIAN GULF.

The Congress finds that the Constitution of the United States vests all power to declare war in the Congress of the United States. Any offensive action taken against Iraq must be explicitly approved by the Congress of the United States before such action may be initiated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes. Is there a Member opposed to the resolution?

Mr. HYDE. Mr. Speaker, I am opposed to the resolution.

The SPEAKER pro tempore. Therefore, the gentleman from Illinois [Mr. HYDE] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I yield myself 5 minutes, and the rest of the time I will leave in the hands of the cosponsor of the resolution, the gentleman from Illinois [Mr. DURBIN].

Mr. Speaker, this is a day for courage. There are all different kinds of courage. Courage is intertwined with one's responsibility. Those who have been in Saudi Arabia and talked to the soldiers there, on the precipice and on the eve of battle, have encountered people who experience the most travailing part of military life. That is, the expectancy that in the very near future they will go to combat.

They have been interviewed, and they have shown remarkable courage. We are glad of that. As an ex-infantry soldier man myself, I want to tell Members that they could not have told citizens anything else than what they said. They are "ready to go to war, and we are hopeful that if the war comes forward, it gets over with if it is going to be." They could not really say, "Mr. Congressman, have you exercised your part of courage? You have a responsibility. You are elected by the American people to make a decision about war and peace. I was not elected. I am just a soldier, but you were elected."

Is not this your time for courage? Is not this your time, Mr. President and Mr. Secretary of State, instead of saying as the Secretary of State has said, "not one inch will we give in diplomacy, we will tell you what you will do, and you will give in to us." Is that diplomacy?

Are there things that could be done? Obviously there are things that could be done. There are things that are of interest to both sides, of interest to our side of this difficulty and on the other side of this difficulty. Among the things that could be done, and the ones that come to my mind immediately are that there are border disputes between Iraq, between Kuwait. Perhaps some arrangement could be made that they could be handled by the World Court.

I will tell Members what I think about it. I do not care whether I have the attention of Members or not. If Members like it, fine. If they do not, they do not have to like it.

The resolution before Members now is one all Members can vote for because it is just a resolution to say that Congress is going to stand up and uphold the U.S. Constitution. The Constitution says that the Congress is a warmaking power of the public, and we must do that. That is as important, almost, as this question of whether we are going to war or not. Members can vote for all of the resolutions, or Members can vote for the Bennett-Durbin resolution, and vote for either one or the other: the Republican one, or the bicameral one, is one which does not sustain that point of view, but it does not repudiate it.

□ 0940

But you can vote the Bennett-Durbin resolution and also vote for the other resolutions, so it is not inconsistent. I want to make that point clear to you, but I do want to say something else about what is before us, because I think the overall issue before us is the sort of thing that we should carry in our hearts.

We do not have to be reelected. When I first came to Congress, I wore a ribbon, the Silver Star. I did it partly as an apology for being crippled. I have not been wearing it recently. I am not quite sure why I am not wearing it, but I do know this, that when I was given that, I was given that with a citation that said "Gallantry in Action."

Friends, there is no such thing as gallantry in action. I do not want to run down anybody else's award, but action, military action, is a horrible experience. There is no gallantry in it. There is no beauty in it. It is a horrible experience.

It is up to us in Congress to bite the bullet ourselves and to do something about seeing to it that peace and security can be secured for the benefit of everybody, and it can be done.

There are things that are unmentionable, things that cannot be linked, for instance. It antagonizes a lot of people, but the world knows that if this war ends the way it is now going, we are going to have a worse war in the future, a much worse war which may last for thousands of years.

So this question of settling the Palestine problem, protecting Israel in its boundaries and things like that are things that can be met. That takes courage, because it can defeat us to do anything about it, but that is why we were elected. We were elected to make this kind of decision. We were not elected to stay here forever. We were not elected for our salaries. We were elected to take the responsible position of Government when the opportunity comes to take it. That is what we are not doing unless we have some way to see to it that this process of trying to find a solution to this, other than combat, takes place. That is our responsibility. That is the courage that we must show today and this is the place it has to be. It is not in Saudi Arabia. It is here in Washington, DC, in this Chamber today.

So you must decide in your life. This may be the most important point in my entire life. This is a decision which we must make.

I am 80 years of age. I have been in this Chamber 43 years. Out of the 17,000 votes I have cast, the only one I really regret is the one which I cast for the Bay of Tonkin resolution. I particularly regret it, because I knew it was a declaration of war, and just as is the Solarz measure before us today. It is a declaration of war, and if you pass it, you make compliance with the things I am now asking you to vote for.

I have not spoken very eloquently from the standpoint of using good words, but I have spoken courageously and I think that is what we have to do today. We have to speak courageously. That does not mean to say that if you take an opposite position from what I take, that you are not courageous, but it means that the vote ought to be cast on the basis of what you think is best for our country, not best for the Democratic or Republican Party, not best for the President, not best for you, but what is best for our country and what is best for the world.

So take that in your hearts. Hold it close to you and realize this is a tremendously important opportunity you have here today, and cast your vote on that basis.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). Before the debate resumes, the Chair will simply say that the Chair knows in the normal course of events we have at least a low murmur going on around the House. That is not especially harmful, but on an occasion like this the Chair is going to be more rigid than normal because of the seriousness of the occasion and because every Member feels this issue so deeply and feels that he or she has the right to be heard without the accompanying tension of wondering whether or not he or she is being heard. So the Chair asks for the cooperation of the House, and if you want to engage in the normal collegial conversation, the Chair will ask you to please leave.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is extremely difficult to disagree with the gentleman from Florida [Mr. BENNETT]. He is one of the most beloved and respected people in the world, much less in this body, and it is extremely difficult to vote against something that is so important to him, and frankly, I do not think the world will stop spinning on its axis if this bill passes, because I think what it does is subsumed into the Solarz resolution, so its mandate is accomplished if the Solarz resolution passes.

But frankly, we are passing laws. We are not voting approval or affection or esteem for anybody. We are passing laws for the country. That is why I cannot vote for this bill.

What we do here today cannot change the Constitution, what it means, what it says, what it does. We can express our views on it, of course, but we cannot change it.

I suggest to you there are some distinctions that need to be made in the Bennett-Durbin bill that are not made.

It requires that any offensive action taken against Iraq must be explicitly approved by the Congress. The distinction between offensive action and defensive action is crucial.

I would suggest to you that a very good case, one that I believe and accept, can be made that our situation in the gulf is not offensive action, that the war was started when international law was flouted by Iraq when they occupied Kuwait. They broke the U.N. Charter. They have violated international law and therefore only in the most tactical sense can our response to that be offensive, but in a legal and strategic sense I suggest it is not offensive, but defense.

Now, as to declaring war and making war, there are distinctions of which history gives us many examples but I think that to vote for the Bennett resolution, however much one would like to, muddies the waters; but in any event, it does not achieve anything because the Solarz resolution is an explicit request from this Congress for the authority that the Bennett resolution says the President must get.

Now, so much for that.

Mr. Speaker, this is a soul wrenching issue, the whole issue that we are dealing with today and yesterday. Despite the fact that it has been overwhelmed by speeches, it is nonetheless a soul wrenching issue.

I heard the gentleman from Georgia, Mr. JOHN LEWIS, recite the great spiritual, "Ain't gonna study war no more." No one can ever hear that without being gripped, being gripped in the soul, but you know, "if men were angels," Madison said, there would be no need for government. If men were angels, there would be no need for West Point or Annapolis and the Air Force Academy.

□ 0950

But our freedom has been won by men who did study war and who defended it and are still willing to defend it.

I do not think we should be less than proud of them.

William Bullitt, our first Ambassador to the Soviet Union, appointed by President Roosevelt, said:

> To beat our swords into plowshares while the spiritual descendants of Genghis Khan stalk the Earth is to die and leave no descendants.

What he said then is true today. Important vote? Yes. This is a very important vote.

And I can remember in my 16 years in this Chamber some important votes. I remember my first year here, I sat in the back of the Chamber at 2 o'clock in the morning and we were debating cutting off all funds from the army of the Republic of Vietnam. We had gotten out and now the question was would we permit them to defend themselves against the Vietcong and the North Vietnamese? We cut out every dime. We did not give them anything. And I remember that.

I thought that was an important vote, and I remember John Conlan, a Member from Arizona, standing here and saying, "My God, it is Dunkirk over there." But this body was unmoved. We cut out every nickel to defend South Vietnam after we had decided it was too costly—and it may well have been.

But when the issue was defending themselves, we were not there—we turned our back.

The result was boat people, reeducation camps, Pol Pot; not a heck of a lot of moral dividends from that.

And some of the same voices that have been arguing against supporting the President here, I remember them arguing against our deployment in 1983 of intermediate nuclear weapons in Europe, they were shaken when the Soviets walked out of the arms control talks, and they charged we were bringing our country to the brink of nuclear war. They were adamantly opposed to it. But we hung tough, we followed through, and the result was an INF Treaty.

We have been told by people opposed to the President that war should be a last resort, not the first resort. I can agree with that. But this invasion was on August 2; since then there have been 12 United Nations resolutions. I do not think we need 24 United Nations resolutions. How many diplomatic initiatives are enough?

I wonder if ever there is a time for us to take a stand. I wonder if this is not our foreign policy Midgetman, always the next weapon, always something around the corner and down the street, but never here and never now.

Is this struggle about democracy? No.

Is this struggle about restoring the emir to the throne of Kuwait? No.

What is it about? It is about aggression, something we have seen quite enough of in this century. It is about the rule of law. It is about resisting brutal conquest, lawlessness, international banditry; it is about law and order in the world, the kind of a world we and our grandchildren want to inhabit and want to inherit now that the Communist house of cards has fallen.

It is about collective security. We have reached an historical breakthrough, an unprecedented standing together of 27 nations. It is about whether we as the last superpower left standing will step up to the terrible, awesome responsibilities of world leadership.

Something else I remember, and I know my friend Mr. BENNETT remembers it and so does Mr. GIBBONS, and that is the Great Depression of the 1930's. I remember that.

Boy, I remember when unemployment was not 4 or 5 percent, it was 24.9 percent. Hunger, joblessness, cold, frustration, despair; but they were orderly suffering people in those days. They waited in line for their bowl of soup then.

This next depression, if it hits this country, there will be broken glass. There will not be an orderly group of hungry Americans, cold Americans. It will be chaos.

So need we be embarrassed about worrying about a worldwide depression? Do we need to apologize about that? I do not think so. I do not think so.

Giving Saddam Hussein a stranglehold on the jugular vein of the world's economy is something I think we ought to think about, because a worldwide depression will inevitably result.

But there are other reasons, perhaps more salient, for supporting the President.

Nuclear proliferation: How many of us are terrorized by the thought that more and more countries are joining the nuclear club? Does anybody doubt for a second that Saddam Hussein is working to get a nuclear weapon and that he will use it?

Biological warfare: You can carry in your hands enough anthrax to destroy a whole metropolitan area, and you can smuggle it in in diplomatic pouches.

Chemical warfare: He has destroyed over 5,000 of his own people, not to mention Iranians by using it on them.

That is what Saddam Hussein is. Those are reasons to stand tough.

So much in this century the American people have sacrificed their treasure, their blood, to beat down the dictators, tear down the walls, defend human dignity. But I will tell you there is no such thing as a risk-free foreign policy.

Do you think Perez de Cuellar can talk Saddam Hussein out of his weapons of mass destruction without the credible threat of military force?

The Solarz resolution provides credibility that the United States and the United Nations must have if we are going to avoid war.

This infusion of credibility is needed now, not 6 months from now. To abandon the U.N. resolution, to abandon the President now, erodes, undermines, subverts any credibility we might have.

It is backing down, it is retreat. It is like paying a blackmailer. When does it end? It never ends.

The heart of this argument really is not a denial that military force may be necessary; we all concede that. The argument is over when? Now or later should that authority be given?

What are the consequences of voting for Gephardt? Well, we will shatter into a thousand pieces our influence in the Middle East and in the world. But support of the United Nations and the President will put us in an unprecedented position to help share peaceful settlements in the whole region.

Think of the influence we will have in trying to resolve the Palestinian-Israeli issue, which is looming like a brooding omnipresence over this whole area.

Think of the leverage and the prestige that we will have if we succeed. If we fail, I am afraid all is lost. Backing down not only strengthens Saddam Hussein, it encourages all of the embryonic Saddam Hussein's throughout the world. It shatters the brittle coalition.

Let me tell you, a coalition made up of Iran and Syria, Jordan, not to say the Saudis and Egypt, is miraculous and brittle. We have to keep it together.

Please do not forget, Saddam Hussein does not care what happens to his civilian population.

But the tragedy and the irony of all this is that we do this at precisely the time when the world is looking to America for leadership, at a time when the newly freed people of central and Eastern Europe are joyfully acknowledging the success of American policies, which regrettably many of the same opponents of the President's gulf policy once rejected, and at the precise time when the countries' representatives at the Security Council are more confident of America's ability to act for good, for peace, for freedom, for human dignity than ever before.

Now let me speak on the virtue of prudence. No one should blithely assume that anyone goes to war lightly. It is sheer demagoguery to suggest the President has mindlessly locked himself into a macho confrontation in which he is prepared to resolve at the cost of American lives.

The moral traditions of the West which emanate from the philosophy of the Greeks and Jewish and Christian theology has emphasized, for three millennia, that the supreme virtue in all policies is prudence, prudence. It is not a question of splitting the differences between opposed moral positions. It is the moral skill of applying our principles to messy human situations so that the maximum good is obtained in complicated circumstances.

Prudence ought to tell us something about our current choices, none of which are pleasant and few of which are satisfactory.

Saddam Hussein's aggression in Kuwait is part of a larger strategy of intimidation and coercion that poses grave threats to peace in the Middle East and to the legitimate security interests of the United States; not Germany, not Japan, not Saudi Arabia, but the United States.

His arsenal is offensive, it grotesquely exceeds what he needs to defend Iraq, and it has one purpose: intimidation, coercion in the service of tyranny.

Should Saddam successfully intimidate and coerce the United States and the United Nations, and anything less than Iraq's unconditional withdrawal from Kuwait will be a success for him, we may be sure that we will be faced with even more terrible choices in 2 years, 3 years, 5 years, or 10 more years.

May I say to my friends we have such limited time. If there is time at the end, I would be delighted to engage in a dialog, but I cannot now.

□ 1000

Using military force versus Iraq is not going to be easy or pleasant, but it will be far more dangerous, far more difficult and far more costly in lives in the future. Prudence should teach us that now is the time to check the aggression of this ruthless dictator whose troops have bayoneted pregnant women and have ripped babies from their incubators in Kuwait.

My friends, the spiritual descendants of Genghis Khan still stalk the Earth in Badhdad, in Vilnius, Lithuania, in Afghanistan, in North Korea, in Cambodia, and they do not respond to plowshares.

St. Augustine, who died in the year 430, had a great prayer. He said, "O God, make me chaste, but not now." The Gephardt resolution says to Iraq, "Get out of Kuwait, but not now, not now."

It has been said that democracy is always 2 years behind the tyrant, and that was certainly true in World War II. The result: 50 million people, 50 million people around the world died as a result of World War II, the most avoidable war in history had we stood firm at that time.

We can today, here, make this democracy's finest hour by standing up to the awesome responsibility of world leadership. The consequences are immense. Today the debate will finish, and the decision is here.

Support Solarz-Michel.

Mr. Speaker, I reserve the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Illinois [Mr. DURBIN] for yielding.

Mr. Speaker, I think the debate we are having here on this measure is terribly important. It goes right to our historical root and what a democracy is all about. Our forefathers and foremothers said,

> There is nothing more sacred in the public trust than committing the young lives of your citizens and committing them to a war in which they may be killed.

Mr. Speaker, that is too much power for any person to have because indeed none of us are angels, and so what we are talking about here is reaffirming that very, very basic principle that we Americans should be so proud of that are in our Constitution.

We have heard so much about this debate, that this democratic debate must be giving Saddam Hussein comfort. No, it is not giving him comfort. He must be terrorized. His people see this kind of debate and say, "There's a country that's powerful enough to allow people to criticize some of the administration's policies and not get shot." His people may want a parliament. Imagine such a thing. That would not make him feel good at all.

We know that seeing our democracy operate in a constitutional manner, as it has in many other ways, allowed Eastern Europe, the people of Eastern Europe, to finally get the same dream and the same idea and have it.

I think this debate is so healthy, so important, and I think it is going to help all over the Middle East to see how a democracy really functions, and I certainly hope this body votes for the Bennett-Durbin resolution. Our forefathers and foremothers would be shocked to know that they fought for

200 years for this principle and to think that this body would waffle and walk away from it. This is the absolute root of our foundation. If we defer on this, we count for nothing.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank the gentleman from Illinois [Mr. DURBIN].

Mr. Speaker, we have had 2 days and 2 nights of debate on the resolution, whether or not we should authorize the President to enter into a military conflict, and we will have more of that debate as the day progresses. I would like to, however, address my brief remarks in support of the Bennett-Durbin resolution.

Mr. Speaker, I think we have come to the floor this week because we believe that the Constitution of the United States stands above the President. It stands above Congress, it is the rule in which we all must live, and for several months now our President has acted as though he were not guided by that Constitution, that he could establish deadlines, that he could declare war, that he could move massive amounts of military might around the world without the consent of the people.

Mr. Speaker, we may not be all the people, but we are responsible to them every 2 years. The people send us here. The people are calling our offices, the people are seeing us as we return home on our streets and in our neighborhoods, and they are telling us what they want.

It is extremely important that today we establish the policy that the Bennett-Durbin resolution brings and that the President accepts that policy that no war should ever be entered into without the consent of the American people through their elected Congress.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is not a vote about whether we support the President in the Persian Gulf. It is a vote about what each of us thinks is our responsibility as Members of Congress.

The Constitution has been very clear over the warmaking authority of the Congress. Yes, Presidents in the past, both Republican and Democrat, have conveniently ignored it in Grenada, in Vietnam, and Panama. Had there not been overwhelming pressure from the American people, President Bush himself might have followed the same course in the Persian Gulf.

This resolution simply reaffirms first that the American people, through their elected Representatives, have the primary authority to declare war.

I ask my colleagues, "Can you imagine 400,000 Americans engaged in war without the American people having a say?"

Mr. Speaker, we have elected a President, not a monarch, not an emir. It is very clear the Constitution says that Congress has warmaking authority.

Mr. DURBIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, enough is enough.

The Constitution clearly, unequivocally gives Congress, and only Congress, the right to declare war. Once the war is declared, the President can wage the war. But only Congress can tell the President that the time has come when U.S. troops are to go into active combat.

Yet, President's are sometimes not satisfied with that division of power. In recent decades, time and time again, U.S. military force has been used without heed to the Constitution's distinctions. Although others have done so, none have violated the Constitution as flagrantly as Presidents Reagan and Bush. Does President Bush not remember the oath he took to uphold the Constitution?

On January 3, 1991, 535 Members of the House and Senate took the oath. I hold that oath sacred. I will do everything in my power to ensure that American citizens of the Chicago metropolitan area will not be shortchanged in their representation in Congress. Among our most explicit and vital duties as Members of Congress is the power to be the sole arbiter in the question of whether to go to war. There is no chance that American blood should ever be spilled on foreign soil without our having decided that there was a good enough reason to do so or our having had the opportunity to prevent it.

No single man or woman should have such awesome power. To allow President Bush to dictate that we are to start war without being subject to Congress' determination on the question is to elevate him from President to monarch and, in many respects, to a god-like being. That is not only unconstitutional, but unconscionable as well.

The potential problems are showcased in the past. Vietnam was a morass of five presidents acting without authority from the Congress. In the early 1980's, President Reagan never asked us for permission to invade Grenada. He just did it. I still feel that it was one of the most unnecessary uses of power that could have been contrived. But try using that observation to console the families of those who died. What was done was done. Since Congress could do nothing about it after the fact, we must be on the case, to stop such frivolous military action before it occurs.

More recently, President Bush invaded Panama. Did he ask? Did he ever convince the Congress, the representatives of the people, that there was a strong enough need to march in and destroy? Of course not. Yet, such actions affect every American. They especially affected the dozens of American servicepeople who came back in body bags and the families of those people.

That must never happen again, and especially not now, in the Persian Gulf. The House must pass the Durbin-Bennett resolution today. To do otherwise would be to gift-wrap our powers and send them to the President. If we abandon this authority, will we next abandon our authority to appropriate Federal funds? What is the difference? In both cases, the Founding Fathers struck a sagacious balance of powers between our two branches of Government. To upset that balance would be to tamper with the fundamental fabric of our democracy.

Mr. Speaker, I urge all my colleagues to support the Durbin-Bennett resolution for now and all times to come.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, let me repeat a verse that was given me by a rancher, that I used yesterday. His question was, "What's the hurry?"

The verse he gave me was: 10,000 men march off to fight when 40 statesmen call it right, but had the statesmen fought instead, their impatience would have cost but 40 dead."

What is the hurry? We are told today we must send a message to Saddam Hussein, and the message must in effect be a declaration of war, in order to demonstrate that this country in the middle of an economic crisis, is willing to borrow money to send our troops to shed American blood to protect what is largely our allies' oil supply.

Two points:

First of all, this country should never choose war until it has exhausted every effort for peace; and, second, Iraq has received a message. Saddam Hussein is now stopped. We have sent the message and it was received. Dealing with Iraq later, if we must, will not be dealing with a stronger Iraq. It will be dealing with a weaker Iraq because economic sanctions will and now are weakening Iraq.

So, what is the hurry? What is the rush, statesmen?

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise in strong support of the Bennett-Durbin resolution.

My colleagues, we make a lot of hard decisions in this Chamber.

Every day we make decisions that affect people, real people, flesh and blood. Decisions that affect poverty or prosperity, life or death.

But no decision is harder to make than that to authorize the President to send American men and women to fight a war.

It is our decision to make. That is what the Constitution says.

Little more than 200 years ago, a group of men sat in Independence Hall in Philadelphia—in my district—and wrote the foundation for this great land—the U.S. Constitution.

The administration speaks out of two sides of its mouth when it comes to interpreting the Constitution.

When it suits them, they are strict constitutionists. They say that you must look to the original intent. But when it doesn't meet their purposes, they ignore the document and its original intent.

Here, the original intent is clear.

The Framers spoke loud and clear about this division of authority.

No single person should be saddled with the responsibility to send men and women to die.

All of us have been in our districts listening to our constituents. Their voices whisper in our ear as we make this decision this weekend.

Let the people be heard.

Vote to support the Bennett-Durbin Resolution.

□ 1010

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, this issue was not about nuclear and chemical and biological weapons; those weapons, the chemical and biological, as a reality, and the nuclear as a potential have been in Saddam Hussein's hands for a long time. They were in his hands when many of us in this House tried to impose sanctions against him and the Bush administration lobbied to kill them. And the Bush administration's stated policy now, as the gentleman from Illinois restated it, is that he should leave Kuwait, which would leave the nuclear and chemical weapons in his hands. They are the problems to be dealt with, but they are not the target of this administration's policy now, although they were in fact the beneficiaries of this administration's policy before.

Second, the gentleman said that democracy is certain to lag 2 years behind the tyrants. Not by my values. I celebrate democracy. I celebrate the fact that this Nation ought not to be able to make the most terrible decision that a society can make, to send its young people out to kill or be killed, which sometimes we have to do.

There is no pacifism here. This is not a case of Munich. Saudi Arabia is Czechoslovakia, if you want to use Munich, and we sent hundreds of thousands of troops with unanimity in this body to its defense. This is not Munich.

What we are talking about is, as the gentleman articulated it, should America take world leadership? That is what we take on ourselves, the burden of Americans dying, of Americans paying.

We have a multilateral force that consists of American soldiers and international cheerleaders. We have the Egyptians announcing that they will not go into Iraq. They will go into Kuwait, but if the Army goes the other way, they will not be there. We are being told by the President that America alone should take this burden on. Then the question is, who makes that decision?

We have heard it here, people saying, "Don't undermine America's policy." What are we, the Canadian Consulate? This is part of America. This is where the elected Representatives of the American people sit, and that is why we need the Bennett-Durbin resolution, to do away with the notion that Presidential policy governs in the most terrible decision we can make on loss of life, destabilization of our economy, and commitment forever, apparently, to this "we will do it all" idea. That is why Congress has to vote, and that is why we owe the gentleman from Illinois and the gentleman from Florida thanks for letting us establish this important constitutional principle.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman very much for yielding time to me.

Mr. Speaker, I have just completed reading the book, "Miracle at Philadelphia," by Elizabeth Drinker Bowen. Anyone who would read that book about those fateful days in Philadelphia in the summer of 1787, would conclude that all the Members of this House really should support the gentleman from Illinois [Mr. DURBIN] and the gentleman from Florida [Mr. BENNETT] on this resolution. We should be the ones to declare offensive action.

Having said that, let me also suggest that I support the Hamilton-Gephardt resolution because I do not know what the rush to war is all about. Why do we have to be bludgeoned into or rush into an affair that will clearly claim many American lives, the lives of men and women?

Is Saddam Hussein, for example, sailing up the Hudson River and about to lay siege to the World Trade Towers? Is he poised over in Clarksville, IN in LEE HAMILTON's district, about to come into Louisville, in my district? No, he is not. He has been stabilized.

This is not World War II. This is not Europe. This is not a situation where the world is silent and the world is asleep. The world is wide awake, and the world is vigilant. The world is poised to pounce upon this man if he fails to do the right thing and leave Kuwait.

Mr. Speaker, let us give diplomacy a chance and let us give sanctions a chance. Then and only then, if we have to, should we move with military force.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the distinguished Marine general, BEN BLAZ, the gentleman from Guam, where America's day begins.

Mr. BLAZ. Mr. Speaker, it is difficult enough to speak on this issue today. It is tormenting to speak in apparent opposition to CHARLIE BENNETT and in support of Solarz-Michel, for there are very few people I admire more profoundly than I do my friend CHARLIE BENNETT.

If you are a foe of America, you would be distressed today, for it is apparent that American resolve is being awakened. If you are a friend and a former critic of this House, you would be reassured, for the House has risen, with candor, without rancor, as it should rise, for the issue is overwhelmingly important. That message is enough.

Were we to stop today, we would be served and served well. But if we are speaking about messages, permit me, please, to sharpen the focus of the debate to a particular constituency of ours, the men and women in the Armed Forces of the United States. I yield to you and you and you on your messages to Saddam Hussein. I yield to you and you and you on your messages about politics and the economy. I give little ground to the kind of message that a soldier, sailor, Air Force man or Marine would like to hear.

In our history, World War II, because of American resolve, produced men of character such as CHARLIE BENNETT, because we were all one. In Korea we failed. We ended with a draw. I was there. I could not believe that I always had to seek permission to turn right or turn left. A draw for a soldier?

And in Vietnam we lost. That was worse. Not only did we have to seek permission, we could not shoot unless shot at. Good grief. That is committing the soldier to certain death.

In the interim years we had the All-Volunteer Force. We have devoted so much to giving them all that they need. And we applauded in this House, as they did everywhere else, when we sent them off in August. When we augmented them in September, we cheered, and when we sent reinforcements in October, we cheered.

Now we are saying, "Wait now." In effect, some of the messages are like saying, "Don't shoot unless you are shot at, and, by the way, before you shoot, call me collect."

Mr. Speaker, let me say this to my friends: I am as tormented as all of us, as all of you are. I had an opportunity to have a peaceful discussion with the President, one-on-one, on this issue.

□ 1020

He is a very tormented man as well.

But my friends, America did not seek to be the world's leader, it was thrust upon us. And it is the burden of leadership to lead.

We are not saying you must go to war. What we are saying is that if you have to fight, then you do not need to make that phone call.

Let me end by just reminding some of my friends of a story I told when I took the oath here 7 years ago. As I exited, a reporter came up to me and he said, "What was on your mind?" I indicated to him that in the 30 seconds that it took to take the oath that 30 years of my life as a marine flashed before me, and the most prominent images were those instances in which I was asking my men to go off to war and saying it is for democracy, for our way of life, for freedom. And when the casualties came back I was burdened with so much guilt, but it was my lot as an officer to carry that burden. I was ready to carry it to death.

But in the 30 seconds during the oath, as the majesty, the nobility, and the dignity of the Chamber unfolded before me, I realized that I did give the right mission, because if this is the forum that we are trying to protect, then it was worth the sacrifice, and I am not as much burdened by a sense of guilt.

We must carry the burden of leadership. It is heavy, but the bigger burden is to send the message to the soldier, sailor, and marine that we are behind them, because in the final analysis he carries the heaviest burden of all.

I thank you, my friends, for listening to me, and I salute all of you.

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I rise in support of the pending resolution and as a cosponsor of the Michel-Solarz resolution. I see absolutely nothing inconsistent. In fact, it is entirely compatible and I think it is essential for this Congress to go on record in support and affirmation of the constitutional provision.

Mr. Speaker, I rise in support of the resolution being offered by our distinguished colleagues, Representatives BENNETT and DURBIN, House Concurrent Resolution 1. This resolution expresses the sense of the Congress that Congress must approve any offensive military action against Iraq.

The resolution further reaffirms that Congress has the responsibility and authority to declare war as granted in the Constitution.

Both Representatives BENNETT and DURBIN presented excellent and persuasive testimony on their resolution to the Foreign Affairs Committee earlier this week.

As an original sponsor of the War Powers Resolutions enacted nearly 20 years ago, I fully support the principles expressed in House Concurrent Resolution 1 and would add that these principles are incorporated in House Joint Resolution 62, which has the support of a bipartisan membership of the Congress, led by Representatives SOLARZ and MICHEL.

House Joint Resolution 62 authorizes the conditional use of force to implement U.N. resolutions and as such is the implementation of the War Powers Resolution. In section 2(c)(1) of House Joint Resolution 62, the Congress declares that this conditional authorization of the use of force constitutes the specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

In other words, under House Joint Resolution 62, force is authorized by the Congress only after the President determines that the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the 12 U.N. Security Council resolutions and that those efforts have not been and would not be successful in obtaining such compliance.

Only pursuant to the presentation of that determination to Congress and the American people, for which he will be held accountable, would the President then be authorized to use force to implement the U.N. resolutions. This procedure established by House Joint Resolution 62 is consistent with and fulfills the requirements of the War Powers Resolution and the U.S. Constitution.

In this way, the Congress is upholding the basic premise of our system of government as perscribed in the U.S. Constitution that responsibility for foreign policy and national security policy decisions, including and especially those involving war, is to be shared between the executive and legislative branches of government and not to be decided alone by any one branch or person.

For these reasons, I fully support House Concurrent Resolution 1, the Bennett-Durbin resolution and urge my colleagues to do the same.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from Montana, [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I rise in support of this resolution and also in support of the Hamilton-Gephardt resolution.

Rushing to war will be a mistake of historic proportions. The result of moving too quickly to war will be destructive divisions here at home and a dangerous jumbling of alliances and allegiances in the nations of the Middle East.

Moving to war quickly out of fear that the coalition of nations will not hold for the long pull indicates that the coalition may lack sturdiness and resilience because the cause itself is infirm.

This Nation must match our determination that Iraq's aggression will not stand with the restraint, caution and thoughtfulness required of a Nation that would lead the world. We urge President Bush to be both confident and wise. We hope he will rely on history for guidance, and not only the history of World War II, but other events, including Korea and Vietnam. Not all old soliders learn the lesson.

Finally, I want to express my opposition to the Solarz-Michel proposal. War by voucher system breaks faith with the Founders and abrogates our constitutional responsibilities in this Congress.

Finally, we pray for the young men and women under arms in the Middle East. We pray for President Bush and we urge on him thoughtfulness, caution, and wisdom.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from New York, [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise today in strong support of the resolution introduced by our colleagues Mr. BENNETT and Mr. DURBIN. This important resolution reasserts the clear constitutional prerogative of Congress to make the ultimate decision to commit the Nation to war.

There are two very distinct issues before the House today. One issue—about which there is deep and passionate division here in Congress—concerns the wisdom of various strategies to restore the sovereignty of Kuwait. For my own part, I am convinced that we have not yet exhausted all available economic and diplomatic avenues, and that our best option is to stay the course of sanctions and diplomatic pressure.

But there is another important issue before the House today—an issue of profound constitutional import. It boils down to one simple question—who has the authority to commit the United States to war?

On the one hand, this question hardly seems necessary to debate at all. The Constitution, in article 1, section 8, leaves absolutely no ambiguity on this issue. It is Congress—and only Congress—who has that authority. The necessity of this provision was clear to the members of the Constitution Convention. They were determined that no one person, be he a King or a President, should have the sole authority to send the Nation to war.

The Constitution is so clear, in fact, and the Founders' reasoning so wise, that it almost seems superfluous to reiterate the time-tested Constitutional provision in legislation.

But the recent statements of President Bush—and indeed the record of the last 10 years—indicate that the resolution offered by Mr. BENNETT and Mr. DURBIN is not only appropriate, but absolutely essential.

Mr. Bush—like Mr. Reagan before him—has made the bald assertion, the Constitution notwithstanding, that the President has the authority to send the Nation to war without the approval of Congress. This unadorned claim would not even have been conceivable just a decade ago. Yet now it is publicly asserted from the White House.

One of the great ironies of President Bush's position is the fact that he—like President Reagan before him—claims to be a strict interpreter of the "original intent" of the Framers of the Constitution. It is odd that President Bush supports the original intent of the Founders when the Constitution is vague, yet opposes the Framers' intent when it is crystal clear, as on the issue of congressional war powers.

The Bennett-Durbin resolution, for which I commend the gentlemen from Florida and Illinois, will put that new-found misinterpretation of the Constitution to rest.

Congress—and only Congress—has the authority to commit the United States to war. I urge my colleagues to support the Bennett-Durbin resolution.

Mr. Speaker, when we take those 30 seconds to take the oath of office, and we raise our right hands, and we puff our chests, that is not just a formula that we are going through. We swear to preserve and protect and defend the Constitution of the United States. When we do that, we do it in the particular and for the last 10 years at least there has been such a tremendous erosion of our commitment to protecting and defending and preserving the Constitution. And this institution has played a role in that erosion in that we have abdicated our constitutional responsibilities.

When we permit a President to wage small wars, whether it is Grenada or Panama, without the prior approval of the Congress, we are eroding the Constitution. And when we try to defend against violations of international law having violated international law ourselves we erode the Constitution and we undermine our leadership role in the international community.

The Bennett-Durbin resolution should be adopted because it reasserts that which the Founders of this Nation intended, that the people through their representatives must make the fateful decision to go to war. That is the procedure that should be followed at this time. And it is being followed. But it would not have been followed if the Secretary of State or the President had been left to their own inclination. This body made that happen.

Let us adopt this resolution so we make it absolutely clear that it is still Congress that has the sole power to declare war.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding the time and thank him for his leadership, along with the gentleman from Florida [Mr. BENNETT], for his leadership in giving us this opportunity to vote on the constitutional right of Congress to declare war, because in restating that right for Congress we are restating it for the American people. And the people of my district want Congress to be aware of some consequences that perhaps have not been addressed in this debate as we consider when and if to use force in the Persian Gulf.

We all, of course, revere those who have gone before us and fought the wars that have made our country and the world free. But the stakes are so much higher in this potential battle that I want to call some of them to Members' attention.

Mr. Speaker, every Member of Congress, regardless of which gulf resolution they are supporting, is burdened with the image of human lives that could be lost in the tragedy of a Persian Gulf war.

While we are all concerned about this tragic image, there are other concerns which will also affect human life and all of life on Earth.

The war cloud that would result from exploding oil fields and large-scale bombing of Kuwait, Iraq, Saudi Arabia, and other countries in the Middle East would doom the environment for many years to come. King Hussein of Jordan stated in his remarks before the global warming conference in Geneva last year: "If half of Kuwait's oil reserves were to go up in flames during a war, the environmental impact would be swift, severe and devastating—(it) would blacken the skies over a radius of at least 750 kilometers." And last night the king stated that the war would be an ecological disaster of the first order.

Some of the world's leading scientists state that the environmental effects of a war in the Middle East would be staggering. While we discuss the many scenarios that might result from a gulf war, let us also focus on these images:

Fires raging for weeks, or perhaps months, sending tons of smoke and debris into the Earth's atmosphere.

Oil equal to a dozen *Exxon Valdez* spills coursing through gulf waters.

Millions of Dolphins, fish, sea birds and other marine life washed onto gulf shores.

Smoke and debris blocking sunlight, causing temperatures to drop and altering crop seasons which would result in widespread famine.

Toxic plumes ascending to the upper atmosphere and falling as acid rain.

Chemical contamination of air, water and vetegation.

The Persian Gulf as the Dead Sea.

All of the Persian Gulf's natural resources, recognized by the United Nations environmental program as "one of the most fragile and endangered ecosystems" in the world, would be affected—from drinking water to marine life—disrupting the chain of life and livelihood for generations to come.

We are all too familar with the devastation that can be wrought by a large-scale oilspill. The *Valdez* tragedy, which we addressed with oilspill prevention and liability legislation in the last Congress, would be magnified many times over by war in the Middle East. It takes, on average, a minimum of 3 weeks to put out an oilwell fire. There are 1,000 oilwells in Kuwait. There are only a few firefighting teams in the world prepared for this type of emergency.

The Fertile Crescent, created by the confluence of the Tigris and Euphrates Rivers flowing into the gulf, habitat for rich marsh life and the center of agricultural irrigation, would be irrevocably changed. Imagine this: The gulf would become the Dead Sea in more ways than one.

The point has already been made how important it is for us to have an energy policy to avoid such conflicts in the future. And the point has already been made how we have to have a better policy toward nuclear disarmament. I hope the point is made that we take very seriously the environmental consequences of our action, and again I thank the gentlemen for their resolution.

□ 1030

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, in order to fully understand what we are doing today, I think it is important to understand the legal nature of the three measures we will vote on today. Two are concurrent resolutions and one is a joint resolution.

Concurrent resolutions do not rise to the level of a law. They are mere expressions of opinion. They do not go to the President for his signature or veto. They do not change or legally interpret any section of the Constitution or any law. Passing a concurrent resolution in either House is not binding on anyone and may be inconsistent with one passed in the Senate or passed previously or in the future. It makes no difference legally and to pretend the House is passing a historic law when it passes a mere concurrent resolution is a misrepresentation.

A joint resolution if passed in identical form by both the Senate and the House and signed by the President can have the force of law.

Both the Bennett resolution (H. Con. Res. 1) and the Hamilton resolution are concurrent resolutions and merely express opinions of Congress. The Solarz-Michel resolution (H.J. Res. 62) is a joint resolution which, if passed in identical form by both the House and Senate and signed by the President, will rise to the level of law.

If those who support the two concurrent resolutions were to pass something of substance, they would propose passing a law to repeal the War Powers Act, which is inconsistent with these two concurrent resolutions most of them support. The War Powers Act is a law which sets forth certain procedures the President should follow if he orders troops or the use of Armed Forces in situations like we have in the gulf. I did not vote for it and believe it was in effect an unconstitutional delegation of congressional authority and also an unenforceable infringement on Presidential power. It has not been recognized as constitutional by any of the five Presidents since it passed. If the War Powers Act is to be modified or repealed, it must be done by law and cannot be done by a mere concurrent resolution.

House Concurrent Resolution 1 states that it is the opinion of those voting for it that "any offensive action against Iraq must be explicitly approved by the Congress of the United States before such action can be initiated." Since there are no exceptions, it would even prohibit using the force we are using each day to enforce the embargo and it would prohibit offensive action taken in retaliation for suffering inflicted by Iraq under any condition. That means that if Iraq were to use biological or chemical weapons on our troops in the desert, all they could do is try to defend themselves against another attack. They could not take offensive action to prevent another attack. No Member of the House has been willing to say they believe the response should be that limited in that particular case but that is the plain unambiguous reading of the resolution; and one or even several Members of the 435 in the House saying they would like for exceptions to be read into it, does not change it. Even though it is a mere resolution expressing an opinion, and will not settle a question which has been debated for 200 years, any resolution stating the opinion of this House today should state any exceptions Members believe appropriate. I will not vote for a resolution or opinion which as written in effect states that American soldiers should be limited in responding to a biological or chemical attack.

The Hamilton resolution is based upon the assumption that sanctions and an embargo will cause Saddam to withdraw from Kuwait. I do not believe that and not very many do. It is merely an excuse. Those who want to wait, and they are many, should just say so. Since the Hamilton resolution cannot rise to the level of a law and will not have any legal effect on the President, to claim it is effective or an historic document is not right. While passing a mere opinion in and of itself does no legal harm, it does no real good either. On the other hand, I fear passing it might encourage Saddam to believe U.S. troops would not be permitted to retaliate and therefore, passing it might encourage him to continue to defy the U.N. edict to withdraw, encourage him to not agree to proposals being advanced this weekend by the U.N. Secretary General, and also encourage him to commit a reckless aggressive act endangering our military personnel. I see no positive gain flowing from passing this resolution but a possible downslide. If the authors want to do something positive and substantive, they should instead be proposing repeal or amendment of the War Powers Act which in effect concedes authority of the President to use force in such situations for up to 90 days.

House Joint Resolution 62, which is supported by the administration, is a serious proposal rising to the level of a law, but it grants authority to be implemented at some indefinite time in the future. The circumstances at that future time are not known today. Indeed, circumstances may very well change substantially by next Tuesday and those changes may be so important that one voting yes today under today's circumstances may want to vote no on Tuesday. If the Secretary General of the United Nations can extract an agreement for a viable program for withdrawal, there would be a lot more support for action. I think House Joint Resolution 62, as written at this time, is too much of a blank check. We should deal with such important questions at a time when all the circumstances are known.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I stand in support of the Michel-Solarz resolution and oppose the Bennett resolution.

Mr. Speaker, I rise in support of the Solarz-Michel resolution authorizing the President to use United States Armed Forces to implement the U.N. Security Council resolutions concerning the Iraqi invasion of Kuwait.

The approval of this resolution by Congress will provide the President with a critically important tool to use in his continued efforts to avert war—Saddam Hussein will know beyond a shadow of a doubt that our Government and its citizens stand firmly behind the President's actions.

We cannot expect our Commander in Chief to lead our Nation through this crisis with one hand tied behind his back. The President must have the ability to choose among a variety of options, including military options, in negotiating this crisis. Sanctions alone do not provide the needed threat to bring about the Iraqi withdrawal from Kuwait. In the more than 5 months since the Iraqi invasion, Saddam Hussein has increased, rather than decreased his hold on Kuwait. Sanctions have produced no hint of a response from Iraq.

The morale of our troops in Saudi Arabia is high. I returned from the gulf region earlier this week with the knowledge that our military forces are extremely well trained and ready for any eventuality. These brave men and women are professionals that know their jobs and strongly believe in their mission. But our troops must know that our Government stands squarely behind them and respects their ability. Just as we must speak with one voice to Saddam Hussein, we cannot send mixed messages to our own soldiers about our commitment in the gulf. In this instance, maintaining peace demands that we maintain a credible military threat, otherwise Iraq will not budge, and we will go to war.

I continue to maintain hope that we can yet avoid war, and pray for this outcome. The loss of young lives in the defense of our country would be a tragedy of overwhelming proportion. However, the threat of failing to act, of allowing a mad dictator to succeed in his vicious aggression against neighboring countries and the world community is simply not an option. In short order our Nation would face an even more aggressive and imposing force in the Middle East, one that could jeopardize many more lives.

As we approach the January 15 deadline for Iraq's withdrawal from Kuwait, the world is intently watching how the strongest nation on Earth responds to one of its greatest threats. I have faith, based on more than 200 years of proud history, in the strength and resolve of the American people to protect freedom and defend against aggression. We will persevere, and Congress has the opportunity to help.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I understand the intentions of the gentlemen who offer this resolution, and they differ from my own. But I am unable to understand the relevancy of insisting in a concurrent resolution on what the Constitution says plainly—that only Congress has the right to declare war—when the concurrent resolution has no force of law and merely expresses a sense of the body, and especially when, on the same day, we will be voting to grant—or not—the express power to the President to take offensive military action.

I believe, as I expect most all Members of this body believe, that the Founding Fathers were correct in placing in the hands of the legislative branch the responsibility and power to commit our country to armed conflict. Plainly, there are and have been throughout our history times when the exercise of such power was not possible, consistent with our national interests. These included actions against pirates in the early days of our national existence, the invasions of Grenada and Panama, when covert action was necessary, and others, such as Vietnam, where we were fighting for an established government and against an insurrection and, at least in the very early stages of our involvement, there was no other nation we might have wanted to declare war upon at that time.

In every such case, of course, the legislative branch retained the power and responsibility for providing the resources to conduct these military operations and thus, though no declaration of war may have been appropriate, the legislative branch was a full participant with the power to prevent continuation of our military participation at any moment.

The situation in Kuwait, however, does not fall into any of these categories. Military action has been threatened for some months and both sides have steadily built their confronting forces. An identifiable nation is the intended enemy and there is nothing covert about the confrontation. Ample legislative time is available to address the issue.

I have been urging the President publicly and privately that, in these circumstances, the Constitution requires a declaration of war, and he should ask for one. Note, however, that the Constitution nowhere requires the President to seek a declaration of war from the Congress. It is our power and our responsibility alone, and the President under the Constitution has no role to play in it.

In any case the Michel-Solarz joint resolution fulfills, in my judgment, the constitutional imperaitive completely and also satisfies the terms of the Bennett-Durbin concurrent resolution, which under the circumstances, it seems to me, is irrelevant and redundant.

A vote for or against the proposition, then, seems totally unnecessary and the current resolution, therefore, totally unnecessary as well. The statement reaffirming that the power and responsibility for declaring war lies in the Congress is obviously one I support. The need for such affirmation as a sense of the Congress and in the face of actual legislation which grants the President such power is difficult to discern.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Flordia. Mr. Speaker, what a terrible shame, 1990 was a year in which freedom broke out around the world and was the first time in more than 50 years that the entire world seemed to be at peace.

What a terrible shame, just as the people of the world were standing together breathing a collective sigh of relief that war was going away, superpower confrontation was going away, the dictator of Iraq stirred it all up again.

The long-anticipated clash between the Soviet Union and the United States ended instead with a historic chain of diplomatic events and treaties that lessened the threat of conflict, reduced the United States and Soviet nuclear threat, resulted in a build-down of Eastern and Western Military forces in Europe, and opened the doors to a clearer understanding between the leaders of our two nations. It was under the strong leadership of Presidents Reagan and Bush, and Soviet General Secretary Gorbachev that a new decade ushered in a vision of peace for the first time in three generations.

Here at home, we reduced spending on national defense programs and this Congress eagerly anticipated a peace dividend that could be spent to provide for the education of our children and the health care of our aged.

In recent months we were amazed with the destruction of the Berlin Wall, the melting of the Iron Curtain, freedom was breaking out all over Europe, free elections in Poland, free elections in Czechoslovakia, countries withdrawing from conflicts where they were involved as surrogates and third parties. Peace was breaking out, and the dictator of Iraq changed all of that. There can be no question that the dictator of Iraq is a threat, not only to the people of Kuwait, not only to the people of Saudi Arabia, but to the people of the world, to the economy of the world. And he has denied us, he has denied us that peaceful world that we thought we had within our grasp. What a shame. What a shame. He is a threat, and something needs to be done.

Hope and optimism for a potential entire generation of peace were quickly dashed on August 2, when Saddam Hussein's armed forces brutally annexed Kuwait, taking thousands of Americans and other visitors of that nation hostage. Not only did he rob the Kuwaiti people of their freedom, pillage the nation of its assets and resources, and violently murder innocent men, women, and children—Saddam Hussein robbed the world of its only real hope for peace.

Our President, George Bush, did something, and everyone speaking on this floor in the last several days has complimented the President for moving out swiftly and strongly and organizing world opinion, preparing to stop the threat from the dictator of Iraq. Congress was in session at the time of the invasion of Kuwait. But Congress was silent as the United Nations adopted resolution after resolution condemning the dictator of Iraq. Congress applauded, the people of America applauded, even the press applauded.

As the troop movements began and commitments were made, thousands of Americans went to the desert with their tanks and guns and ships and airplanes and other types of equipment that we cannot even mention on the floor today. The commitment was being made, and Congress acquiesced in that commitment. Yes we were part of that commitment through our silence.

In August, September, October, November, and December, Congress did not stand to try to prevent that commitment, to try to stop what was happening, to tell the President, "You cannot move ahead." We applauded. We joined in that commitment by our silence, and now we have George Bush, who has done such an outstanding job in this regard out there on the end of the limb, and Congress can be silent no longer. Congress should speak out strongly in favor of that commitment today since we made that commitment all along with George Bush with our silence.

As we close the debate on this critical resolution, we stand just hours away from a possible armed conflict, the magnitude of which the world has not seen for almost 20 years. There is no Member of this House who hopes and prays more than I that Saddam Hussein will withdraw from Kuwait and avert the use of force.

There is no questioning the resolve of the United States and the international coalition of more than 100 nations that have condemned Iraq's aggression in 12 strong and very clear U.N. resolutions. President Bush has rallied the international community, including a coalition of our allies and another coalition of nations who rarely if ever support the United States, in an unprecedented show of unity. Immediately following Iraq's incursion into Kuwait, the United Nations approved resolution 660, the first condemning Iraq's invasion and demanding an immediate and unconditional withdrawal of forces.

The United Nations soon after, on August 6, approved resolution 661 imposing a trade embargo and financial sanctions against Iraq and Iraq-occupied Kuwait. On August 9, the United Nations declared Iraq's annexation of Kuwait null and void and demanded that Iraq rescind the annexation.

The United Nations on August 18 demanded that Iraq release the thousands of foreign nationals being held hostage and on August 25 reaffirmed its support for enforcement of the international trade embargo against Iraq. The U.N.-approved four additional resolutions in September including resolution 670 that indicated a greater resolve by the entire international community to tighten the trade embargo.

Despite Saddam Hussein's arrogance, the United Nations issued two resolutions in October and November before finally approving resolution 678 on November 29 authorizing member states to use all means necessary to uphold the terms of the first 11 U.N. resolutions and restore international peace and security in the region. It was this resolution which established the January 15 deadline for Iraq's withdrawal from Kuwait.

Mr. Speaker, President Bush, Secretary of State Baker, and U.N. Secretary General Perez de Cueller have taken every step possible to enable Saddam Hussein to settle this situation peacefully. Iraq's response was never clearer than this past Wednesday when its Foreign Minister Tariq Aziz refused to accept a letter from President Bush to Saddam Hussein that ought to make the Iraqi President fully understand the options available to him and the consequences of his decisions. As the world watched, the Iraqi Foreign Minister, on behalf of Saddam Hussein, virtually closed the door to any peaceful settlement and all but challenged the world to forcibly remove Iraqi troops from Kuwait.

The United States clearly stands on the side of peace. For more than 5 months, President Bush has sought through every diplomatic channel possible to convince Iraq to withdraw from Kuwait, a nation Saddam Hussein openly acknowledges that he has liquidated and annexed. The Soviet Union, the United Nations, even the nations of the Arab community, have provided unwavering support to President Bush and his every move.

Mr. Speaker, those on both sides of the aisle commend President Bush for his leadership, his initiative and his restraint in dealing with Saddam Hussein these past 5 months. With this vote today, we can clearly signal the support of the U.S. Congress for his efforts and reaffirm our trust in the difficult decisions he must make in the weeks and months ahead. A vote for the Solarz-Michel resolution today is a signal to Saddam Hussein that the international community remains united in its condemnation of Iraq's brutal aggression and its attempt to take away the freedom of a sovereign nation and its people.

A vote against the Solarz-Michel resolution sends the wrong message to Saddam Hussein. It would strengthen his hand and lessen the chances for a peaceful resolution of this diplomatic stalemate. It also would seriously undermine the credibility of the President of the United States and leave our allies in turmoil.

A vote against President Bush today casts aside the 12 years of leadership by two American Heads of State to reestablish respect throughout the world for the United States and the American people. We are on the doorstep of a so-called new world order that offers the hope of peace to this generation and generations to come.

It is a hope that will not and cannot be fulfilled without strong leadership and that leadership must come from the United States which for more than 200 years has stood as the beacon of hope, the beacon of freedom, and the beacon of peace throughout the world.

Mr. Speaker, when I was a child growing up during World War II, I was old enough to know that we were in a terrible war. But I knew that there was someone somewhere looking after this great Nation and I had every confidence that the decisions they were making would make everything all right. Ladies and gentlemen, today all over this great country there are young men and women who know that someone somewhere is looking out for them. That someone somewhere is us and we have got to be decisive in making the right decision.

In his first annual Address to the U.S. Congress, President George Washington said, "To be prepared for war is one of the most effectual means of preserving peace." I think that was a valid observation then, and I think it is a valid observation now. Today to be prepared for war and preserve the peace means adoption of the Solarz-Michel resolution to let the dictator of Iraq know beyond a doubt that we are serious, that he should withdraw and to let him know that we will keep our commitment to the world, to President Bush and to the young Americans who are in the desert today.

If we are going to err in making a decision, we must err on the side of strength and leadership. This is a world in which Saddam Hussein and those tyrants who will surely follow him only understand and respect strength and the willingness to use that strength to right the wrongs that have been thrust upon the world.

If we err on the side of procrastination and what appears to Saddam Hussein to be indecision and division we repeat the same mistakes that preceded World War II when we refused to deter the aggression of another despot from a far more civilized nation than we face today. It is this series of mistakes from which we have just emerged and which finally gave us the hope for world peace.

Mr. Speaker, the vote we cast today will not only go a long way toward resolving the situation in the Persian Gulf, but it will determine our future, the future of our children, and the future of our grandchildren. It is one which will determine if we are to begin a generation of world peace or a renewed generation of world conflict and tension.

The SPEAKER pro tempore (Mr. OBEY). The Chair will announce that the time remaining is 9¼ minutes on this side and 7 minutes on this side. In the case of all three propositions today, the proponents will be allowed to close.

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I rise in strong support of the Bennett-Durbin resolution.

Article I, section 8 of the Constitution explicitly states that the Congress alone has the power to declare war. The Constitution says, "The Congress shall have power * * * to declare war." The Constitution properly mandates that our elected representatives have an important check and balance against an errant Presidential decision on so grave an issue involving our national security. And the people have spoken: An Associated Press poll released Wednesday showed that only 44 percent of the Nation support military action by the United States against Iraq, while 50 percent want to give sanctions more time to work.

The President wants to sidestep this pivotal provision of the Constitution by simply asking this Congress to implement U.N. Resolution 678, authorizing "all means necessary" to enforce the will of that body. If we pass the administration's resolution, we play directly into not only the President's political gyrations, but the very peril the Constitution seeks to avoid: the loss of American life overseas without an explicit declaration of war by the Representatives of the people.

By taking this country to war without a national consensus, the President, and this Congress by its actions, threatens to break the spirit of this Nation, wreak violence on the Constitution, and illegally place U.S. troops in a lethal situation. We made a great mistake in giving unlimited authority to the President in the Vietnam war with the Gulf of Tonkin resolution, and most Americans do not want to see this occur again.

Article 1, section 8, clause 11, means exactly what it meant 200 years ago: that only the American people, through their elected congressional representatives, can lead this Nation to war, and it must be done with a formal declaration. Our actions here today threaten to undo this vital measure. If we cannot preserve the foundation of democracy here at home, how can we encourage it abroad? We are talking about deliberately initiating a conflict of potentially uncontrollable dimensions. In this case the President is simply wrong. President Woodrow Wilson said, "The greatest mistake a President can make is to take a divided nation to war."

Our Nation is divided, Mr. Speaker, because the administration has failed to provide the American people with a compelling reason for our sons and daughters to die. I have not heard anyone assert that our basic survival or national identity are at risk. The commitment of our troops to a desert war without the consent of the people will only further divide the Nation and paralyze our future diplomatic role in that critical region.

Practical sense and the U.S. Constitution both require support for this resolution.

Mr. DURBIN. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I rise in support of the Bennett-Durbin resolution, and also I rise as one Member who is not prepared to give the President a blank check in the situation in the Middle East.

We, as Members of Congress, hold a sacred trust with our troops in the field as well as our citizenry here at home.

There must be no doubt about why America goes to war. The reasons must be crystal clear, and the objectives honorable, and war must be the very last of resorts, not the first.

I appreciate our congressional leadership responding to the pleas inside this body to hold this debate and discussion. The American people have a right to a Congress that meets its constitutional responsibilities today and in the days to come.

This branch of government is not an extension of the executive branch nor its handmaiden. Each of us is elected in our own right and is sworn to the very same oath of office as the President of the United States.

Events have conspired to make these votes today very tough calls. My own preference is to let the economic sanctions and the noose tighten around Saddam Hussein and Iraq.

But to assure a national consensus in this country, we know the American people must be assured by our actions that all diplomatic and peaceful means have been tried before the war option is triggered.

I support the Bennett-Durbin resolution, because it preserves this Congress' rightful responsibilities in the days to come.

And I just want to say that I commend this body for the high manner in which this debate has been conducted, nonpartisan on both sides. I am proud of all of you, this institution, and our country.

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I rise in support of the Bennett-Durbin resolution and also the Hamilton-Gephardt resolution.

Great Britain's Prime Minister Clement Attlee once said: Since wars begin in the minds of men, it is in the minds of men that defenses of peace must be constructed." It is in this context that the Congress of the United States must work its will.

In the more than 16 years I have spent in a legislative capacity, I can think of no other vote that has been more difficult, or more important. It goes without saying that this is anything but a political decision. No party, or for that matter, no individual has the right to say whether we are to go to war. This can only be done as our forefathers declared in the Constitution—through the collective decision of the Congress by its elected representatives.

I originally supported the President's action in stopping Saddam Hussein's efforts to invade Saudi Arabia after his takeover of Kuwait. I believe that action was necessary; however, now we must face the question of whether we go from a defensive posture to one of an aggressor. Have we really given enough time for the sanctions to work? Shouldn't every avenue of diplomacy be explored first? Is the cost of American lives—which will surely occur—worth what we will gain? Where are the ground troops of all those countries represented in the United Nations that resolved that after January 15, force can be used? Where is the logic in setting an arbitrary date for the use of force? Will Israel be drawn into this conflict and perhaps break up the Arab coalition that supposedly now supports us? Will terrorism break out all around the world? How long will this war last? A week, a month, or years? How many American lives will be lost? When it is over, will the United States then become the landlord of Iraq, and perhaps the entire Middle East? Will we then bear the responsibility to monetarily and economically support them?

There are no easy answers to these questions. I have served in the military myself and realize that military force is sometimes necessary, but I fail to see that destroying one individual is worth the cost of countless human lives—not only American, but the innocent Iraqi citizens as well. History provides us with valuable insight. I believe it is imperative that the American people be behind the President if he chooses to wage war in the Persian Gulf but I sense that this vital support is not there. President Johnson found this out too late on Vietnam, and President Bush should look back on this hard-earned lesson before committing our troops to battle.

Surely before we proceed, every avenue to resolve this conflict must be explored and traveled to achieve a peaceful resolution of this crisis. Short of that, my conscience only allows me to vote no on going to war.

Mr. DURBIN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, a decision to go to war—once made and implemented—is irreversible.

It is a decision that weighs heavily on the minds and in the hearts of the families and friends in my congressional district whose sons and daughters are at risk on the frontline in Operation Desert Shield.

It is a decision that will directly impact on the lives and livelihood of every American and seriously strain our already strained national economy.

It is a decision that cannot and must not be taken lightly.

A decision to go to war should only be made when all other avenues for peaceful resolution have been exhausted and the American way of life is directly threatened or in eminent danger.

Mr. Speaker and my fellow colleagues, over the past few days the citizens in my district have reached out—first in prayer and then in concern.

Their prayers are to a power that is higher than you and I. A power that urges us, as representatives of the people's will, to think long and hard about the decisions we will be making over the next few days; to fully weigh the consequences that our decisions will have for both our Nation and the world.

Their concern is that those of us gathered in this Hall will not haphazardly make a decision that will cause the death or injury to their loved ones until we have: First, exhausted all peaceful remedies, and second, developed a better rationale for the loss of American lives.

My consitutents are asking one question and one question only: Why?

Why are we in Saudi Arabia?

If it is not for oil, why?

Why are we risking the lives or our sons and daughters in a foreign land?

If not for democracy, why?

In a time of limited resources to rebuild our cities, feed and house our homeless, and educate our young, why is this administration so eager to spend billions of dollars in a far-off land that will have no meaningful impact on resolving the social and economic problems confronting every American every day, right here at home?

Mr. Speaker, my constitutents are asking why? And at this time, with the information currently available, I am hardpressed to find an answer. For this reason, I urge my colleagues to support: The continuing of current sanctions against Iraq; encouraging the administration to continue to explore other diplomatic avenues for reaching a peaceful solution to this crisis situation that looms over our Nation; and voting against any measure that would enable the President to go to war and place our sons and daughters at risk.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, the heart and soul of a democracy is the commitment to act on matters grave only with the consent of the governed. No action can be more grave than the action of going to war.

The levy of war will directly hit few of the Members in this body, but if we go to war, thousands of mothers will mourn the loss of their sons, their daughters, thousands of fathers likewise. Thousands of children will mourn the loss of their parents. And thousands of young people will spend the rest of their lives in wheelchairs or in hospital beds.

The economic cost of war, which is often forgotten during the rhetoric about pride and honor, is also enormous. No taxation without representation, the very foundation of our political origins, really means no enormous material levy can be exacted on the people without their consent.

For all of these reasons, Congress, the most direct representative of the people, must make the choice of war. This insistance on that role is the most conservative of all positions.

The Durbin-Bennett resolution asserts that responsibility.

Please support the Durbin-Bennett resolution.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, one of the catch phrases for those who are opposing the Solarz-Michel resolution appears to be, "What is the hurry? Iraq has been stopped. Our policy has worked."

Well, where was Iraq stopped? In Kuwait. Kuwait does not belong to Iraq. Kuwait is, or was, a sovereign nation. Yes, Iraq is stopped. It is stopped on somebody else's square.

□ 1040

Kuwait is dying. The Kuwaiti people are dying. Those who are not dying are suffering miserably. The people of Iraq are suffering. The old men and women and children of Iraq are suffering. The Iraqi Army is not suffering. The Iraqi Army sits in Kuwait. It is being fed. It is being clothed. It is being cared for.

Those who say, "Let's wait. Let's rely on sanctions." First of all, we all know we are depriving our President and the United Nations of their options, their legitimate options, to repeal aggression. But I would observe as well that if we rely solely on sanctions, if we say, "What's the hurry?" If we say "Let's wait and see if sanctions work," that the Iraqi Army would arguably be the safest organization in the world to belong to. While the people of Iraq will not be fed, the people of Iraq will not be clothed, and the people of Iraq will not be cared for, the army will be fed. The Iraqi Army will be fed, the Iraqi Army will be clothed, the Iraqi Army will be cared for, and the Iraqi Army will be a safe place to be because they will not be at risk.

It seems to me that with Kuwait dying, with the Kuwaiti people suffering, and with the Iraqi Army sitting on land that belongs to a sovereign nation, that we have just defined "the hurry." That is the hurry. The United Nations has stood up and said, "We will no longer tolerate aggression in this world, and we will authorize whatever means are necessary to repeal aggression." Is the Congress of the United States to say different?

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, many of those who have stood in the well before me in this debate have reiterated that the votes we cast today will be momentous votes on the issue of peace and war in 1991. That is true. But these votes will have a tremendous effect on peace and war in the next century, as well. Sometime perhaps in the year 2003—a dictator will be considering invading his or her neighbor. That dictator will look back on 1991, and Saddam Hussein, and will ask him or herself, did the United Nations stand firm? Did the United States, the leader of the United Nations, stand firm? Or after 5 months of diplomatic and economic efforts, did we back off on the U.N. resolution and let Saddam Hussein carry the day?

Let Members stand firm with the United Nations and with the President. Let the Members vote to preserve peace in the next century. Let Members support the Solarz-Michel resolution.

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Bennett-Durbin resolution.

Adoption of this resolution confirms our solemn obligation under article I, section 8 of the U.S. Constitution to act for the people of the United States, in the decision to go to war.

As I have stated on this floor a number of times in the last 3 days, the process we are currently undertaking is vital to our country, and vital to the Constitution our Nation depends upon.

Today we are debating the powers of one man to commit American lives and resources to war when our country or our citizens are not directly threatened.

If we do not test our Constitution now, when we have the time and are not directly in harm's way, we allow the potential for future constitutional crises to rock this Nation.

Mr. Speaker, I rise today not only in favor of the Bennett-Durbin resolution, but also in support of our Constitution and our Founding Fathers.

I urge all of my colleagues to join me in supporting this critical resolution.

The SPEAKER pro tempore (Mr. OBEY). The Chair would say at this point that the gentleman from Illinois [Mr. HYDE] has 3 minutes remaining, and the gentleman from Illinois [Mr. DURBIN] has 7 minutes remaining.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I rise in support of this resolution for two fundamental reasons. First, it goes to the heart of what is perhaps Congress' most solemn constitutional function. And second, because it addresses the failure by Congress to live up to its duty thus far in this world crisis. For both reasons, I urge my colleagues to vote for this reaffirmation that Congress will fulfill its responsibility to speak for and act for the people in determining when force will be used on behalf of our country. Article I, section 8, clause 11 of the Constitution is clear: only Congress can declare war. The Founding Fathers left no doubt about that, 204 years ago. Their intention was that the power to commit the nation to war must reside with the Congress, as the institution which most directly speaks for the people of this country. The question today is, how should this constitutional principle apply in today's world, where the use of armed force as an instrument of national policy is usually limited, both in scope and purpose, without any declaration that a state of war exists. Clearly, the President, acting as Commander in Chief, must have flexibility to act, but it is equally clear that Congress cannot abdicate its Constitutional duty or its responsibility to the people to serve as their voice.

In the 5 months since this crisis began, Congress has not fulfilled its duty. The President committed 200,000 troops to the Persian Gulf without any formal action by Congress. When we adjourned last October, we made a special provision to come back into session to act in this crisis. Yet when the President doubled our troop commitment to more than 400,000 Congress did not convene. Nor did we meet to consider the United States' role in seeking or implementing the United Nations resolution, which is cited as the basis for threatening military action against Iraq. In short, Congress did nothing until now, a few days before the U.N. deadline, when this crisis has reached the precipice of war.

This resolution is important to remind the President that he must come to Congress for the authority to use force. As this crisis has demonstrated, when Congress leaves a vacuum, Presidents can step in and maneuver Congress into a position where a vote against military action is a vote to undercut our troops at their moment of maximum vulnerability.

For me, it is a bitter choice to be forced into the position we find ourselves today. It is the result of Congress' failure to be more involved in the preceding months, as this crisis has escalated. Now, we have no choice but to back up the President by voting for the use of force—a step that I fervently hope the President will not use, and should not use while there is the slightest hope for a diplomatic solution. In fact, it is because I am absolutely convinced that diplomacy can succeed only with a demonstration of unity in our Government that I can vote for the authority to use force. Five months ago, two months ago, one month ago, a full debate by Congress could have allowed other options for our action. Today, because of this institution's inaction, we have only one.

That is why this resolution is so vital.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, the Constitution has become an early American wall decoration. Everybody sees it. Nobody reads it. Nixon raped it. Reagan shredded it. The truth be known here, George Bush would disregard it.

Through all this, Congress turned their back. They turned their back that dealt with Vietnam. They turned their back that dealt with Korea. Congress cannot afford to turn their back as it deals with the Persian Gulf.

If Members think the gulf cannot turn into a Vietnam, let me tell Members something: Yitzhak Shamir and King Fahd are both singing "Onward Christian Soldiers." I assure Members that it can happen. I say this today, It should be quite clear that Congress' legislative history is simply this: Any President that disregards the Constitution on warmaking powers in the future will be subject to impeachment. If Congress has any courage at all, Congress will set that record straight.

Mr. HYDE. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, we are asked, what is the hurry? Well, after 5 months of rebuffed diplomacy, every day that this Congress procrastinates, Saddam's factories are producing more chemical and biological weapons, more anthrax, more botulism, more sarin. This is a lethal nerve gas. And yes, more progress on nuclear weapons.

Make no mistake about it, if indeed we must resort to military force, those factories of death and destruction and terrorism will surely be targets.

So today, not next week, not next month, but today, we must give the President the authority to remove this scourge, or the face of history will pass judgment upon the Congress, as the Congress that failed to do their duty.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, last night my daughter asked the question as postulated by her fourth grade teacher: Will your father vote for war or for peace?

As I looked into the face of that little life that I value more than my own, I thought how simple it is when a person knows no history, when they have no memory, when they see no consequences, when a person lives only for today.

Munich simply said, "You go no further." From now on we will have sanctions. When Chamberlain landed and held up the paper on which he had the few words that held peace in our time, the crowds lined the streets, blocked Downing Street, so much that he could not enter, as the House of Commons roared their approval. They asked the little stooped 65-year-old remnant of World War I, Lord Adm. Winston Churchill, "What do you think? He has brought us peace in our time."

□ 1050

Churchill said, "The Prime Minister faced the question between war and shame, and he has chosen both."

From that day until now the world has learned, all the civilized world, unanimous in the United Nations.

Mubarak has placed the future of Egypt on the line.

The tremendous economic sacrifices of Turkey, the Communist bloc have all said, "We will stop tyranny at its first step."

Hitler said, "I intend to go no further."

Hussein has said, "I intend to go all the way. I intend to unite the entire Arab world under my command."

And the civilized world has said, "We will stop you here."

The Congress of the United States of America in 1991 should do no less.

Mr. DURBIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of the Bennett-Durbin constitutional War Powers Resolution.

Mr. Speaker, I rise in strong support of the resolution offered by my colleagues, Mr. BENNETT of Florida and Mr. DURBIN of Illinois. I am encouraged that, at long last, Congress is confirming its exclusive right to commit this Nation to war. In the present case, I strongly oppose granting the authority to the President to make war against Iraq.

Just over 3 years ago, when American servicemen were dying in the Persian Gulf to protect Kuwaiti oil shipments, I made the point that the United States was in the 37th year of a constitutional crisis. The crisis began when President Harry Truman introduced a large American military force into the Korean conflict without any congressional authorization whatsoever. His administration advanced the unheard of theory that "the President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."

For the first time in American history, a President claimed the full share of the warmaking powers granted to Congress by the U.S. Constitution. Today, Mr. Speaker, we are in the 40th year of that constitutional crisis, and Congress is still failing in its responsibility.

The Framers of the Constitution clearly intended that the power to initiate war, whether declared or undeclared, should reside in the legislative branch of Government. They gave Congress the power "to declare war [and] grant letters of marque and reprisal, and make rules concerning captures on land and water"; Congress was given thereby sole authority over not only declared wars, but undeclared military actions sanctioned by the Government of the United States. The Framers also gave Congress the power to "make rules for the Government and regulation of the land and naval forces," the power to "define and punish piracies and felonies committed on the high seas, and offenses against the law of nations," and the power to "raise and support Armies * * * [and] a navy."

If that weren't enough, Congress is given perhaps the broadest grant of power in the Constitution, the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or office thereof."

The President's vaunted power as Commander in Chief of the Armed Forces, according to Alexander Hamilton, who among the Framers was the champion for a strong Presidency, was limited to "nothing more than the supreme command and direction of the military and naval forces," as opposed to the British King, whose power included "the declaring of war and * * * the raising and regulating of fleets and armies."

The Framers sought to create a chief executive, not another king. The power to lead the Nation into a costly overseas military adventure was a power they explicitly denied to the President of the United States. James Madison spoke for all of his colleagues when he wrote, in a letter to Thomas Jefferson:

> The constitution supposes, what the history of all governments demonstrates, the Executive is the branch of power most interested in war and most prone to it. It has accordingly, with studies care, vested the question of war in the Legislature.

Presidents up until Harry Truman by and large honored the constitutional scheme. But since that time, the President has increasingly asserted the power to make war at the expense of the Constitution and the legitimate role of the U.S. Congress.

The constitutional crisis came to a head with the Vietnam war and the Gulf of Tonkin resolution. The Gulf of Tonkin resolution was a loosely worded declaration supporting the President's actions to defend U.S. Armed Forces in Southeast Asia and deter aggression. Members of the Senate rose to make it clear that the resolution was not intended to authorize a wider war, but two U.S. Presidents read it differently.

Only two Members of Congress opposed the Gulf of Tonkin resolution. One of them was Wayne Morse of Oregon. In opposing the Solarz-Michel resolution later today, I am proud to echo his words on the floor of the Senate in 1964:

> I believe history will record that we have made a great mistake by subverting and circumventing the Constitution of the United States, by means of this resolution. As I argued earlier today, we are in effect giving the President war making powers in the absence of a declaration of war. I believe that to be a historic mistake.

History vindicated the Senator from Oregon.

The War Powers Resolution, passed in 1973 over President Nixon's veto, was a response not only to the excesses of the Executive during the Vietnam war, but also to the near-total abdication of responsibility during that period by Congress. The resolution was intended to:

> Insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostitlities or in such situations.

The resolution requires the President to report to Congress under section 4(a)(1) whenever he introduces U.S. Armed Forces into hostile situations. Congress must act within 60 days to authorize their continued presence, or they must be withdrawn. Unfortunately, Presidential compliance with the reporting and consulting requirements of the resolution has been nearly nonexistent.

The CONGRESSIONAL RECORD is equally dismal. In 1987, when President Reagan used the U.S. Navy to escort reflagged Kuwaiti tankers, both the House and Senate repeatedly ducked the war powers issue. Despite a major military buildup in the gulf—despite the fact that 37 U.S. seamen aboard the U.S.S. *Stark* were killed by an Iraqi missile, the fact that a number of vessels were damaged by mines, and the exchange of hostile fire between United States and Iranian forces, the President did not submit a report pursuant to section 4(a)(1) of the War Powers Resolution and Congress did not demand one.

It was left to a number of my colleagues and I to seek relief in the Federal courts. The courts judged the matter to be a nonjusticiable political question. Today we have arrived at the final and complete unraveling of the War Powers Resolution. The President has once again failed to properly comply with the law, and Congress has offered him its congratulations.

The near war with Iraq in which we find ourselves is a classic case of bad policy choices coming home to haunt us. Iraq has a long history of aggression in the region, and an abysmal human rights record, and has violated international conventions against the use of chemical weapons, going so far as to use them against its own population. Despite that, the Reagan and Bush administrations have increasingly tilted United States policy toward Iraq. Their bad judgment was compounded, of course, by both administrations' failure to develop a national energy policy and their systematic cuts in Federal support for conservation and renewable energy development.

Today, a large American force sits uneasily in the Arabian desert. They don't have a clear idea why they are there, the American people don't have a clear idea why they are there, and Congress doesn't have a clear idea why they are there.

Mr. Speaker, if we should have learned anything from the military misadventures of the last 40 years, it is that U.S. military might should not be committed to battle without a clear statement of U.S. objectives and the broad support of the American people.

Will our citizens support an indefinite United States presence in the Arabian Peninsula? Will they support a war to put back in power the autocratic billionaire oil sheiks of Kuwait? Will they support the President if he decides to invade Kuwait and Iraq? Will they support the decades-long occupation of Iraq that would follow? These are the kinds of questions that we must answer with debate in Congress on granting the President authority for war with Iraq. The Constitution is clear. Congress must speak.

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope my colleagues in this Chamber will allow me to digress at least partially from this debate for one moment. I feel it is the ultimate in hyprocrisy for Soviet President Gorbachev to be counseling President Bush on the issue of peace while Soviet paratroopers and tank forces brutalize Lithuania and the Baltic Republics.

I only hope that America can save part of its outrage over the aggression of Saddam Hussein and reserve it for the most recent winner of the Nobel Peace Prize.

One of the saddest responsibilities of a Member of Congress is to stand at the funeral of a fallen soldier. Many of us have done it. After the crack of the rifles, the Honor Guard has folded Old Glory into the neat tricorner and handed it to the survivor, it is often our responsibility to walk up and strain to find some words to say.

I have listened closely to the debate over the last 2 days. I do not know that I could go up to a young woman I know in my home town, a black American, whose only son is on the front line and say, "I'm very sorry, but we just couldn't wait."

I do not know that I can go up to the father or to the mother of someone who has died in Operation Desert Shield and say, "I regret very much the sorrow to your family, but we had to get it over with."

I certainly do not know that I could go up and tell someone who has lost a husband that it was more important for this Congress to show unity than patience.

These statements which we have heard repeatedly over the last 2 days may have the ring of truth and sincerity to some, but to this Congressman they are a hollow substitute for the principles and values which many Americans treasure as worthy of human sacrifice.

War and killing must be the last resort, and before we lose another American life in Operation Desert Shield, we must exhaust every reasonable possibility for peace, and that is why I am supporting Hamilton-Gephardt.

Now, most of us come to this debate weary of all the statements made on the floor and praying that our collective decision is wise, whatever it is; but regardless of the outcome of these historic roles, everyone in this Chamber must concede this Congress has responded to a national crisis with an exhaustive debate which has engaged the opinions and interests of the American people. The men who wrote our Constitution over 200 years ago understood that. They understood the gravity of this decision and they knew how important it was that the American people we represent have a voice in this debate over the fate of the lives of their children.

A week ago this very debate was in question. The President argued that he would follow the Constitution, but he would give us no assurance that a vote would be taken before war began.

My colleague, the gentleman from California [Mr. DELLUMS] initiated a lawsuit to try to guarantee that constitutional voice, and today the Constitution has prevailed. The American people have prevailed, and a topic which has been debated far and wide in barbershops, sale barns, family rooms, and board rooms, has finally been debated on the floor of the people's House.

Even the Solarz-Michel resolution makes it clear that we are authorizing the President. We are giving him authority. We are not conceding the President had this authority without us.

Now, some argue they can conceive of a set of facts where some President in the future faced with extraordinary circumstances might not be able to seek congressional authorization. I will concede that point. History proves that point. It is not unusual or even unconstitutional for a President to use his power as Commander in Chief and ask for congressional approval after the fact, and certainly not all uses of force constitute war; but I would hope that this Congress will not squander its constitutional birthright over some ambiguous possibility or partisan loyalty to any President, Democrat or Republican.

It is far more important that we assert clearly and directly that article I, section 8, clause 11, is alive and well. To do otherwise is to effectively amend this important power out of our Constitution.

It has been my honor to cosponsor this resolution with the gentleman from Florida [Mr. BENNETT]. I certainly hope that every Member in this Chamber, regardless of their feelings on the Persian Gulf, will take their oath of office seriously and vote yes on the Bennett-Durbin resolution.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Speaker, I rise in opposition to the Bennett-Durbin resolution.

The Bennett-Durbin resolution before us correctly states that only the Congress can declare war. This is a view I have long applied to the Persian Gulf crisis. However, the resolution goes further and states:

> Any offensive action taken against Iraq must be explicitly approved by the Congress of the United States before such action may be initiated.

That is not the same thing as saying that Congress alone can declare war. Let me offer at least one concrete and realistic example.

After the *Achille Lauro* hijacking and murder of the American, Leon Klinghoffer, the United States intercepted an Egyptian plane carrying the hijackers and their leader, Abu Abbas, to freedom. We forced the plane down in Italy, where the hijackers were arrested and convicted. The forcing down of that plane was offensive action against the country under whose flag that plane flew—Egypt. Indeed, the United States fought the War of 1812 on just that issue, the principle of free navigation on the high seas. Yet President Reagan did not seek, nor was there time to seek, congressional approval in advance.

Abu Abbas was let go by the Italian authorities and is now reported to be living in Baghdad. Furthermore, Saddam Hussein has explicitly threatened terrorism within his arsenal in the present crisis. Suppose we learned in the next week that an Iraqi plane or ship was carrying Abu Abbas out of Iraq. If the President forced that plane or ship to stop, to take Abu Abbas prisoner for the murder of Leon Klinghoffer, it would be an offensive action against Iraq. There would not be time to seek explicit approval in advance from Congress for such an action. This is a realistic example, in the precise context of the present crisis.

The problem with the Bennett-Durbin resolution, evidently, is that it is drafted too broadly. It is simply impossible for the President to submit "any offensive action" to the prior consideration and approval of Congress. And the resolution says "explicitly;" its drafters intend it to sweep broadly.

Had the resolution said that the Congress alone can declare war under our Constitution, I would have supported it. But the drafters, either intentionally or through imprecision born of the shortness of time, have drafted a resolution that incorrectly states this important principle of constitutional law. The President does have authority in certain occasions to use offensive action, and to say he doesn't goes against the Constitution as much as to say Congress is not the body empowered to declare war.

Let me also take this occasion to place before the public my reasons for voting in favor of the Solarz-Michel joint resolution, and against the Gephardt-Hamilton concurrent resolution. Nothing has consumed more of my time and energy since becoming a Congressman than this. It is a terrible thing to go to war. Nevertheless, war, or the use of force, has been justified from time to time in our history.

The use of force directed at Iraq's chemical, biological, and incipient nuclear weapons facilities is justified. The world would be a safer place if Saddam Hussein no longer possessed chemical and biological weapons, or the potential for nuclear weapons. I believe an air or missile attack on those facilities could be successful with little loss of life. And I do not believe this would necessarily cause Saddam Hussein to respond by invading Saudi Arabia.

Saddam Hussein is the only national leader on the world stage who has used chemical weapons—against both the Iranians and the Kurds. It is likely that he will threaten to use them again, possibly against the Turks, the Syrians, the Saudis, or the Israelis. To these may be added his biological weapons. Both of these kinds of weapons were created by Iraq in clear violation of international law.

It is true that the United States also has chemical weapons, though we have never used them and Saddam Hussein has. Furthermore, we are actively engaged in negotiations with the Soviets aimed toward mutual elimination of these weapons. And, in my own case, I have always voted against funding their creation or stockpiling.

Experts disagree on how soon Iraq will have a nuclear device, but the estimates range from less than 1 year to 5 years. Complex delivery systems may take longer, though we know Iraq does possess the SCUD surface-to-surface long-range missile. Without overemphasizing the point, I think we can conclude that Iraq's nuclear potential is also worthy of concern. Yes, several other countries possess nuclear arms; but what is unique about Saddam Hussein is his proven willingness to use chemical weapons, which could indicate a willingness to use at least a tactical nuclear weapon as well. At the very least, he could make a threat to do so that his neighbors would consider very credible.

The present crisis, therefore, as I see it, affords the opportunity to rid the world of horrible weapons held by a man who has used them before. Whereas eliminating these weapons was not the focus of the U.N. resolution, their destruction would be quite consistent with the resolution, which authorizes the use of force necessary to drive Iraq from Kuwait. For one point, destroying these weapons facilities might convince Saddam Hussein that he is in a position of military inferiority, so that he might voluntarily then withdraw from Kuwait, or, perhaps, be toppled from power in his own country. Also, destroying them is a logical prelude to any war that might come—as a way of protecting our own troops from being attacked with them.

Additionally, I think it would be defensible to use force to seal off Kuwait—to intercept any attempt to resupply the Iraqi troops there. If we were successful in enforcing a complete blockade by land, sea, and air, the Iraqi troops in Kuwait could then be invited to lay down their arms and enter Saudi Arabia. I am hopeful they would do so—again, ending this crisis with relatively little loss of life. I do recognize that lives will be lost by shooting down Iraqi supply planes or bombing overland resupply convoys or ships. But this would still be far short of an all out war.

I am not in possession of all the information of which the President is aware, but I think it would be wiser for American troops not to be committed to a land invasion of Iraq or Kuwait. The potential for large-scale loss of life in such a contingency is high. After destroying the chemical and biological weapons, and interdicting the resupply of Kuwait, I would think the withdrawal from Kuwait or the defection of Iraqi troops from Kuwait would soon follow. But if it didn't, I would favor the replacement of United States troops in the Saudi desert. Waiting out the long term in a purely defensive posture can, I believe, be the mission of the troops from Saudi Arabia, Egypt, and Syria. An Arab nation force could defend Saudi Arabia from any threatened further invasion by Saddam Hussein, especially after he had been deprived of his weapons of mass destruction. U.S. forces could be limited to the air and sea power necessary to maintain air superiority in the event of a such an attack.

Nevertheless, the threat of such an invasion should be maintained; and this the President is doing in hopes that Saddam Hussein will withdraw completely.

Some critics have argued that our decisions have been driven by oil. While there is no doubt that oil is important to the present world economy, our access to oil was not a factor in my vote. I have long believed that our country needs to move away from fossil fuels, primarily for environmental reasons, but also for reasons of national security. The real issues for me are chemical weapons, daily human rights abuses by the Iraqis in Kuwait, and a chance to guarantee the long-term peace in the world through a newly invigorated United Nations.

One last point—the cost of this entire operation must be borne to a far greater degree by the Saudis, and by our other allies. The Saudis have benefited from the higher world price of oil—estimates are $2 to $3 billion a month of increased revenues. That entire sum should go to the multilateral force arrayed against Iraq. Americans are taking the risk of loss of life; that is the greatest contribution imaginable.

Our votes today are on authorizing the use of force or waiting for the economic sanctions to have more effect.

The latter course condemns the Kuwaiti people to human rights abuses throughout the time we continue to wait. The Amnesty International report on what the Iraqi soldiers have done to individual Kuwaitis makes horrifying reading—rape, gouging out of eyes, castration, beating individuals while suspended, summary execution.

The latter course allows Saddam Hussein more time to build more weapons, including chemical and biological weapons capable of killing thousands. It allows his troops to dig in deeper, his air defenses to be made more comprehensive. When the time comes to go to war, our troops will thus be under greater threat. I cannot do that.

Only the former course authorizes the destruction of horrible weapons created in contravention of international law, used in contravention of international law and all human decency. Only the former holds out the hope of replacing Saddam Hussein, the only leader on the world stage today to have used chemical weapons.

It is a sorry thing to conclude that the use of force is ever necessary to settle disputes in the affairs of nations. But we must use force from time to time, until the world is rid of those who invade their peaceful neighbors, to rape, torture, steal, and murder.

It is far more comfortable to seek peace at any price. Some would never use force; many of them are saints, too many of them are martyrs. But we Members of Congress cannot afford to take that posture. We are sworn to protect those whom we represent. We have, by taking public office, taken on the heavy responsibility of authorizing the use of force when it must be so. This is a time when it must be so.

Mr. MORRISON. Mr. Speaker, there are three votes to cast today that are of great significance. I choose to comment on them in their order of appearance on the calendar.

First, the Bennett-Durbin resolution calling for no offensive action against Iraq without congressional approval.

History shows that the Presidents of the United States have initiated military action on about 260 different occasions, while Congress has declared war five times.

As the clock ticks toward the January 15 U.N. deadline, this legislative option reopens a centuries old debate over who has what authority under the Constitution. This resolution simply ties the President's hands on any offensive action against Iraq unless Congress specifically approves, a process that could take months.

I would love to be part of an in-depth debate on this constitutional issue, but not under today's circumstances. As history reflects, the Commander in Chief has the authority to react instantly, and Congress has chosen to legally participate less than 2 percent of the time, in every case in support of the President.

This resolution, though nonbinding, would totally deny the Executive's emergency authority that currently does not necessarily lead to the start of war. That authority has been used, for instance, to force down the plane carrying the fleeing murderers of the *Achillie Lauro* hijacking, and there are numerous other examples of a justified use of force.

In the name of separation of powers, this resolution is unduly restrictive and is unnecessary in light of the resolution offered in support of the United Nations.

Second, the Hamilton-Gephardt resolution calling for the extension of economic sanctions.

The sanctions have been somewhat effective but there has been universal agreement in congressional hearings that sanctions alone will not achieve Iraq's departure from Kuwait.

My conclusion is that Saddam Hussein wins if we merely attempt to extend economic sanctions. Under this legislative option, he has faced up to the United Nations and the United States, and we back away while he slaughters the people of Kuwait. His stature is enhanced, and we unravel the fabric of international cooperation that is the best hope for long-term world peace.

I believe that some Members will vote for both the U.N. Presidential authority resolution and extended sanctions.This has some appeal to me because I argued weeks ago that sanctions could paly a greater role in weakening Iraq. Since then the United Nations has approved Resolution No. 678 with the January 15 deadline, and President Bush has increased our troop strength dramatically. Under today's circumstances, I believe that supporting both resolutions is contradictory.

Third, the Solarz-Michel resolution authorizing, upon certification by the President that all diplomatic and peaceful means have been exhausted, the use of armed forces under the provisions of U.N. Resolution 678.

This is not a declaration of war. It is authorization for the use of force if all else fails. It is a big stick.

I am increasingly convinced that positive action by Congress, backing up the United Nations and our President, will be the next logical step toward a peaceful solution and the most effective message that we can deliver to Saddam Hussein. He will probably be encouraged by the debate, as our system of government allows the full presentation of dissenting views. But a strong vote in support of this joint resolution is the enforceable bottom line that also characterizes our system.

The President does not need this authority to proceed under the U.N. resolution and its January 15 deadline. My visits to the White House during the past few days underscore the President's support for Perez de Cuellar's last-minute efforts at diplomacy, and his contempt for Iraq's continuing efforts to break up the international strength that has amassed against his brutality.

Mr. BROOMFIELD. Mr. Speaker, well, I guess I don't really know what the point of this resolution is.

Article I, section 8 of the Constitution vests Congress with the power to declare war. The executive and legislative branches have disagreed ever since on how this power relates to the President's role as head of state and Commander in Chief of the Armed Forces.

I'm sure all the Members of this House agree that the President should consult Congress on planned military action, and seek congressional authorization whenever possible. This is because our political system works best when there is agreement between the branches of Government on this important question.

Perhaps there is no great harm in adopting this resolution, provided it is seen in connection with the other actions that will be taken by this House and the Congress. I hope and expect that Congress will adopt a resolution supporting action under U.N. Security Council

Resolution No. 678 which authorizes the use of all necessary means, including military force, to respond to Iraq's aggression against Kuwait.

This resolution simply restates the constitutional provisions on the power to declare war. It does not and cannot add to the powers of the President and Congress on the use of U.S. military forces overseas.

Also, this resolution speaks only of offensive action against Iraq. I don't know what this is supposed to mean, but many experts believe that—under both international and domestic law—military actions taken as part of U.N. Security Council enforcement actions are defensive in nature. They believe that a state of war has existed in the Persian Gulf since Saddam Hussein invaded Kuwait on August 2. So, once again, this resolution would not impose any new limitation on the President's authority.

But the bottom line is this—that the House is now preparing to adopt not only this resolution but a resolution to support the actions that the President will take, in accordance with the Security Council resolution, to turn back Iraq's aggression against Kuwait.

Mr. EDWARDS of California. Mr. Speaker, I rise in strong support of the Durbin-Bennett resolution.

As chairman of the Judiciary Committee's Subcommittee on Civil and Constitutional Rights, I have been deeply concerned by the President's continued denial of the Congress' constitutional prerogative with regard to the declaration of war.

With the Bennett-Durbin resolution, Congress does no more than reassert our constitutional prerogative—the sole power to declare war—which article I, section 8 of the U.S. Constitution gives to Congress alone.

In a better world, such a restatement of the Constitution would be unnecessary. But, today, we find ourselves in a climate where an American President has cast among the American people shadows of doubt on Congress' role in making war. This resolution removes those shadows, and reassures the American people that war will never be declared in this country by one person, acting alone.

The President is, of course, the Commander in Chief once war is begun, but he has absolutely no constitutional authority to start a war on his own. There can be no graver decision than a decision taking our country to war. It is Congress' constitutional prerogative and solemn responsibility to make this grave determination.

The resolution before us makes this point crystal clear. I strongly urge its passage.

The SPEAKER pro tempore (Mr. OBEY). Pursuant to the rule, the previous question is ordered on the concurrent resolution.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BENNETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 302, nays 131, not voting 2, as follows:

[Roll No. 7]

YEAS—302

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conte
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
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Hall (OH)
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NAYS—131

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Ros-Lehtinen
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Smith (IA)
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Stearns
Stump
Sundquist
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Thomas (CA)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Weber
Wolf
Wylie
Young (AK)
Zeliff

NOT VOTING—2

Dymally
Udall

☐ 1115

Mr. BUSTAMANTE changed his vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGARDING UNITED STATES POLICY TO REVERSE IRAQ'S OCCUPATION OF KUWAIT

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 27, it is now in order to consider the concurrent resolution printed in section 2 of House Report 102-1 by, and if offered by, the gentleman from Indiana [Mr. HAMILTON] or the gentleman from Missouri [Mr. GEPHARDT], or their designee.

For what purpose does the gentleman from Missouri rise?

Mr. GEPHARDT. Mr. Speaker, pursuant to the rule, I offer House Concurrent Resolution No. 33.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 33

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress is firmly committed to reversing Iraq's brutal and illegal occupation of Kuwait.

(b) The Congress authorizes continued use of American military force to enforce the United Nations economic embargo against Iraq; to defend Saudi Arabia from direct Iraqi attack; and to protect American forces in the region.

(c) The Congress believes that continued application of international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait is the wisest course at this time and should be sustained.

(d) The Congress pledges its full and continued support for sustaining the policy of increasing economic and diplomatic pressure against Iraq; for maintaining our military options; and for efforts to increase the military and financial contributions made by allied nations.

(e) The Constitution requires the President to obtain authorization from the Congress before initiating new offensive military action or waging war against Iraq or Iraqi forces. The Congress does not rule out the enactment by the Congress at a later time of a declaration of war or other Congressional authorization for the use of force should that become necessary to achieve the goal of forcing Iraqi troops from Kuwait. The Congress will consider any request from the President for such an authorization expeditiously in accordance with the priority procedures set forth in section 2.

SEC. 2. PRIORITY PROCEDURES.

(a) The House leadership commits to ensuring swift consideration of a Presidential request to authorize the use of force against Iraq. On the first legislative day on which the President submits such a request, the majority leader of the House of Representatives shall introduce (by request) a joint resolution to carry out that request. Notwithstanding clause 4(b) of rule XI of the Rules of the House of Representatives, for the purpose of expediting the consideration and passage of any joint resolution introduced pursuant to this subsection, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the prompt consideration of that joint resolution under this subsection.

(b) Subsection (a) is adopted by the Congress with full recognition of the constitutional right of either House to determine the rules of its proceedings (so far as relating to such House).

□ 1120

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Under the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

For what purpose does the gentleman from Oklahoma [Mr. EDWARDS] rise?

Mr. EDWARDS of Oklahoma. Mr. Speaker, I rise in opposition to the Gephardt-Hamilton resolution, and I ask unanimous consent that the debate in opposition be controlled, 20 minutes by the gentleman from New Jersey [Mr. TORRICELLI] and 10 minutes by myself.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in support of the Gephardt-Hamilton resolution.

Congress and the President agree that Iraq must leave Kuwait. We differ today on means, not ends.

Supporters of Gephardt-Hamilton are as serious about reversing aggression as supporters of the President's resolution. Iraq will be forced out of Kuwait.

Our strategy is not sanctions alone. It includes tough sanctions, diplomatic isolation and the threat of force.

This strategy is working. It continues to ratchet up the pressure on Iraq. You simply cannot yet say this strategy has failed. We should not shift to a war strategy.

There are two issues before members.

First, who decides when we use force?

We have a constitutional responsibility to vote at the time when and if the President concludes force is necessary. That decision must be made jointly.

The President's resolution means Congress gives up the right to decide. It means we give the President unlimited discretion to start a war in circumstances that cannot be foreseen. He should not make that decision alone.

Second, should we stay the course?

I believe there are three arguments for staying the course.

First, the three-pronged U.S. strategy of tough sanctions, diplomatic isolation and the threat of force is working.

It has produced results. Iraq has been isolated; hostages have been released; Saudi Arabia is safe; and oil continues to flow.

Economic sanctions have begun to bite. They are seriously damaging the Iraqi economy. They will inflict further pain in all sectors. There is a reasonable expectation that this strategy will succeed.

Second, our current strategy is better than the alternative of war. There are no guarantees war will be quick or easy.

War will have risks for the United States and unintended consequences. War will: Split the coalition; estrange us from our closest allies; make us the object of Arab hostility; endanger friendly governments in the region; and not be easy to end, once started.

War will be largely a U.S. operation. We have three-quarters of the fighting forces. The coalition will be divided by war. Some partners: Will fight only in Kuwait, not in Iraq; some will rethink participation if Israel enters; some will not use ground forces; and still others have not sent ground forces. Coalition support for war is questionable. War promises no neat solution.

What does it mean to win a war, and what comes next? The region is volatile and prone to violent change; alliance shift. A few years ago, we helped Saddam Hussein against the ayatollah; some think Saddam's demise will solve all our problems; it will not. Who will rule in Baghdad? Who will police the region? What will be our role? Bringing stability to the Middle East after a war will be protracted and difficult.

Third, diplomatic options have not been exhausted.

Saddam Hussein is isolated. You do not get a message to him if you do not convey it directly. Six hours of talks after nearly six months of stalemate with a Foreign Minister who is not a key adviser do not exhaust diplomacy; several other diplomatic initiatives are underway; and to declare war ends diplomacy.

CONCLUSION

Mr. Speaker, some of the President's supporters call his resolution the last, best chance for peace. Two chief sponsors of the President's resolution call it the equivalent of a declaration of war. You cannot have it both ways.

The Gephardt-Hamilton resolution: Preserves the role of the Congress; guarantees our participation in any decision; and does not delegate that decision to the President.

Mr. Speaker, we must stay the course: Current policy is working; we are putting the screws on Iraq; the sanctions are biting; diplomatic options are opening; and events are moving in our direction. You simply cannot make the judgment today that current U.S. strategy has failed. This strategy stands a reasonable chance of success.

There are better alternatives to war: War will bring devastation, death, horror and havoc far beyond Iraq; we must exhaust all options before we resort to the use of force; and we must stay the course.

I urge adoption of the Gephardt-Hamilton resolution.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, the last two days have reflected the best of American tradition at a moment of crisis. We have listened to Members' opinions reflecting every conceivable point of view regarding the challenge we face in the Middle East.

This morning we have reached the moment of truth.

I urge my colleagues to be very restrained in their rhetoric during the debate today. It is one thing to make speeches for domestic consumption. It is quite another to realize that what we say here, right now, is being carefully measured by Saddam Hussein. America will not be hurt by what her politicians do not say today.

The President wants peace. He opposes the kind of violence that led to the absorption of Kuwait by Iraq. He needs the united strength of all of America as he extends his hand for a peaceful solution. Let us make certain that what we say and do here does not weaken his hand.

Every voice that does not support the world's opposition to Iraq's aggression weakens the President's voice. Every voice that does not support the logic of the United Nations muffles the world's cry for peace. My colleagues, to each of you personally I must say this, do not let your voice weaken the slim chance for peace.

Saddam Hussein has aggressive intent beyond Kuwait. If President Bush had not acted swiftly in August, Iraq would have moved on Saudi Arabia and we would already be at war. Since that time, a vast coalition of nations seeking a new world order has come together to condemn Iraq's occupation of Kuwait and demand its withdrawal.

The United States and the United Nations have exercised every possible avenue to bring about a diplomatic solution. In the meantime, Hussein continues to build his military capability. He is moving quickly to develop weapons of mass destruction, including missiles to accurately deliver poison gas. He is working frantically toward nuclear capability.

The time has come for us to squarely face that line in the sand. Yes, my colleagues, the time has come for us to set aside partisanship. The time has come for a united American voice to strengthen the President's effort for peace.

I am not unlike many of my constituents who have family serving in the gulf. My nephew Erich, who commands a Black Hawk helicopter crew, is among the thousands of young men and women on the front lines in the Saudi desert. Thoughts of him weigh heavily on my mind. Like most people, I do not want to see America go to war. But like Erich, I will continue to support my President.

Mr. Speaker, I support the civilized world's opposition to Iraq's invasion of Kuwait. We must join the world of nations to see that Saddam Hussein's aggression does not prevail. I urge the Congress to give overwhelming support to the U.N. resolutions and the world effort toward a sensible and peaceful resolution.

□ 1130

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, after the brutal Iraqi invasion of Kuwait, President Bush reacted quickly. He sent in the 82d Airborne, he sent in the Marine Expeditionary Force, he deployed carriers, he sent in F-15 fighters, and he consulted with Congress.

I personally, in my job as chairman of the Defense Appropriations Subcommittee, met with him 11 times on this crisis. I have talked with him on the phone, and we gave him advice. He did not talk to us; we talked to him.

We said to him get the allies involved; seek burden sharing; don't repeat Vietnam. We said, everything must be done under the auspices of the United Nations.

President Bush, with his background in diplomacy, as former Ambassador to the United Nations, did a brilliant job. I do not know if there is anybody else in history better prepared for this type of a crisis. He talked to his allies, and he sent Secretary of State Baker to encourage burden sharing. He took that advice, and he has done everything in that regard.

The United Nations then passed 12 resolutions, condemning Iraq, and allowing member states to use force if necessary to get Iraq out of Kuwait.

He has continued diplomatic efforts for a peaceful solution. As a matter of fact, a number of us were in a meeting with the President. He was interrupted. Secretary Baker had called from Geneva. He went out, and came back 10 minutes later and said, "We have been stiffed. This guy made no compromise, indicated no flexibility. He is not willing at all to agree to a diplomatic solution. All the flurry of activity and all the diplomacy we have been involved in has produced nothing."

I visited the 82d Airborne 1 month after the deployment. Let me tell you something: there is no harsher environment. I have been in the jungles of Vietnam, I have been in the jungles of Central America. There is no harsher environment than the deserts of the Middle East.

If you sit here in an air-conditioned office and you say, "Let our soldiers sit out there in the sand," you do not know what it is like. You put your hand on metal and you get a third-degree burn. It is so hot they have to train at nighttime and sleep in the daytime.

Many of them are getting just one hot meal a day and infrequent showers. It is easy for the Congress to sit back here and say, "We are going to allow these troops to sit out there in the sand for an unlimited period of time." We cannot do that, and they cannot sustain that physically.

I went down to Norfolk and Camp Lejeune to visit the families of the people who have been deployed for the longest period of time. I listened to a lot of problems that they have.

I said to them, "What is the thing you want most? What is the problem I can resolve?"

They said, "We want our men home. We want our families together."

"What is the second most important problem?"

"We want them home soon."

I was out in the hallway the other day, and I hope this is not something we can say about a lot of Members, but I heard one Member say to another, "You know, this is just a concurrent resolution. It is only a sense of Congress resolution. It has no force of law. You can vote for this resolution. If it does not work out, you can always say, 'I didn't tie the hands of the President.'"

Let me tell you something: this is a concurrent resolution that has no force of law, but it sends an outrageous signal to Saddam Hussein if we were to pass it. It shows that this country is not united, and we have to be united if we are going to have a peaceful solution.

Let me read a quote to you:

> America's strength is not great unless it is a united strength. Our power is not determining unless it is mobilized. America's will is not decisive unless it is one irresistible will.

That was made July 28, 1941, by the late great chairman Claude Pepper, trying to rally the American people to the cause and be prepared for World War II.

I was in the Marine Reserves during the Cuban crisis. I remember people saying when JFK was facing down Khrushchev, they said, "Let him put missiles in Cuba. We don't want a holocaust. We don't want to destroy the world. Let him put missiles there. We have missiles in Europe."

John Kennedy stood up to Khrushchev, and this is a better, more secure America, for what he did in those days.

The United States has to be united against Saddam Hussein and united in support of the international community arrayed against Saddam Hussein. We must be united in support of our troops deployed in Saudi Arabia.

The way to send the message of unity is simple: vote against the concurrent resolution, which has no force in law, and vote for the Michel-Solarz joint resolution, allowing the President to continue his good work.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the Hamilton-Gephardt resolution which embraces the current policy of sanctions, diplomacy, and military deterrence to compel Saddam to withdraw from Kuwait.

The policy of sanctions has the broad-based support of the American public. History has demonstrated time and time again that strong support at home for major action abroad has long been the formula for success in American foreign policy. It is in keeping with this democratic tradition that I support the Hamilton-Gephardt resolution.

Mr. Speaker, this debate is not about whether Congress, by its actions, will either be opposing or supporting Saddam Hussein. No one wants to reward Saddam for his aggression in Kuwait. No one here wants to let him threaten the world with weapons of mass destruction and no one wants to allow Saddam to control the free flow of oil from the Persian Gulf.

The President's response to Hussein's piracy of Kuwait was supported by the Congress and the American people back in August. The issue before us now is whether the United States should continue to use sanctions to starve Saddam's army out of Kuwait over the long term or force his troops out militarily in the short term. That is the context in which this debate should be framed.

Mr. Speaker, the Hamilton-Gephardt resolution rightly maintains our current policy. The underpinning of this resolution views military force as a last resort. We owe it to our troops in the gulf to exhaust every conceivable option before embarking on a military offensive in the gulf.

As chairman of the Subcommittee on Human Rights, I recall when many of us here called for the imposition of sanctions against Saddam Hussein when he used chemical weapons to kill thousands of innocent Kurds back in 1988. Last year, many of us, once again, sought to impose economic sanctions to protest Saddam's butchery of his own people. In both cases, sanctions were derailed by the State Department which contended that such punitive measures were counterproductive and would send the wrong message to Baghdad.

Mr. Speaker, had we imposed those sanctions back then Saddam might not have grossly miscalculated the United States response to his invasion of Kuwait. Economic sanctions would have been the appropriate policy response then, just as maintaining our current policy of economic sanctions is the appropriate response now.

Our current policy will maintain the support of the American people and the world community. Force will not. Sanctions will eventually erode Iraq's warmaking capacity and cause dissension within Saddam's military. That is a certainty. Force now, will result in a significant number of American casualties. That is a certainty.

Finally, Mr. Speaker, the Hamilton-Gephardt resolution does not rule out the use of force, if it becomes necessary, in the future. But offensive military action, at this time, denies our American troops the benefit of allowing the sanctions time to work. We owe them that, and I would urge my colleagues to support Hamilton-Gephardt and oppose the use of force resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

First, let me compliment the leadership on both sides of this debate. It is clear that this Congress and our Nation are united in their commitment and their resolve to stop the aggression of Iraq and restore the lawful Government of Kuwait.

Where we differ is on the course we now should take to accomplish these goals. I favor the Hamilton-Gephardt resolution.

The current economic and political policies initiated by the United States and supported by our allies have worked. Iraq has been isolated. Our hostages have been released. Iraq has been denied the benefits of Kuwaiti oil. Saudi Arabia is secure, and we have established stability in the flow of oil from the Middle East. Now is the time to maintain this successful policy and accomplish our final objective of getting Iraq out of Kuwait.

By initiating offensive military action now we run the risk of unpredictable and unintended consequences. Can we keep our coalition together as other nations are drawn into active military engagement? What will be the continued U.S. obligation in the region after the cessation of hostilities? Are our allies willing to fairly share this burden?

There are those who say we cannot just stand by and do nothing. I agree. We have taken decisive action. We have enforced an economic blockade. We have sent hundreds of thousands of Americans to the Middle East. And this policy has brought world support.

Mr. Speaker, regardless of the vote on these resolutions, the message of this Congress is clear. We stand united in our support and will take any and all action necessary to support the brave men and women of this country who are in the Middle East, preserving the freedom for which this Nation was founded.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I rise in strong support of the Gephardt-Hamilton resolution as a responsible alternative to the President's policy.

Mr. Speaker, I have listened very carefully to the debate for 2 days now.

I have not heard any of you say a single thing for which I would vote to send even one American to die. Not one of the many reasons given, such as Hussein being a modern-day Hitler, the need for oil, protecting the Saudis, the need to save Kuwait, or the safety of Israel have convinced me that war is justified. The only valid issue is whether to give President Bush authority to order thousands, even tens of thousands to their death.

Our allies have done almost nothing to help with this burden. The embargo is the only humane alternative.

I will not vote for the President's resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution. These are very difficult times for this country. These are very difficult times for every Member of the House of Representatives, and the other body. We are about to cast the most important vote of our careers. I cannot imagine a more difficult decision than the one that may result in putting thousands of American lives on the line.

As my colleagues know on both sides of the aisle, I have a very proud son who is a member of the 82d Airborne Division, an infantry paratrooper, who has been in Saudi Arabia since August. I spoke with him on the telephone this past Sunday. He is prepared both mentally and physically to go into combat if called upon. If we go to war, my son and thousands of young Americans will win this war, and we will be very proud of them.

This debate today is not about my son or any one soldier in the Middle East. This debate is about how we can best achieve our goals of getting Saddam Hussein out of Kuwait. It may take war. I have not ruled out war. The Gephardt resolution does not rule out war. It simply says that while we have the remaining option, economic sanctions, let us give economic sanctions time to work.

If I believed for 1 minute that by giving President Bush the authority to engage in combat and take this country to war we could achieve peace today, I would vote for the Solarz amendment. But I do not.

There is still evidence to indicate that economic sanctions and international diplomacy are in fact working. How long will they take? I do not know. There is no Member of this body that knows if it will take 3 months, 6 months, or a year.

But I do know this. The experts cannot agree as to how long it will take to be successful, but they do agree on one thing: That sanctions are effective, and they are working. If we go to war now or next week, we will never know if a peaceful resolution might have prevailed.

Finally, Mr. Speaker, in the last 48 hours I have been asked by the news media if President Bush had his son on the front line, and if each and every Member of this body and the other body had a son or daughter on the front line in Saudi Arabia today, would it affect their decision?

I truly believe that it would. But I do not believe that the outcome of the vote today would be any different. I believe that Members of this body would do as I have done. I have listened to the testimony, I have listened to the debate, I have gone to the Middle East, and now I will cast my vote to do what I think is right. Not for Pvt. Jerry F. Costello, but for this country.

If you believe that the path of peace is with the Solarz resolution, then I respect that, and I ask you to vote for

Solarz. But if you believe, as I believe, that economic sanctions may work, then I ask you to support the Hamilton-Gephardt resolution.

□ 1140

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I have listened carefully to the debate on the resolutions now before this body. It is clear that both the Gephardt and the Solarz-Michel resolutions, as well as Durbin, recognize the need to evict Iraq from Kuwait and to reverse the brutal and illegal occupation of Kuwait.

The debate today is over the most effective means of achieving the goal of gaining freedom for the beleaguered nation of Kuwait.

I am convinced that sanctions alone will not result in the withdrawal of Iraq from Kuwait and will only result in erosion of the strength of the U.N. coalition. The tyrant Saddam Hussein will be emboldened by what he perceives as a lack of will on the part of the United States and its United Nations allies. Time will only make the problem facing the international military forces more difficult and potentially more costly in human life.

As the President continues working for a peaceful solution he needs to be armed with the option of using force. The record of brutality of Saddam Hussein shows clearly that he does not respond to rational options.

As President George Washington stated in his first annual address to the Congress, "To be prepared for war is one of the most effectual means of preserving peace."

The Solarz-Michel resolution recognizes that as President Bush seeks peace he must have the support of this body and that the President must be armed with a credible threat of force.

The Solarz-Michel resolution mandates that the President must certify to Congress that "the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions * * *." In addition, the resolution approved by the House invokes the War Powers Resolution.

Passage of this resolution would allow the continuance of sanctions and diplomacy while providing the credible threat of force. This combination has the best chance of achieving a peaceful solution.

This decision is not easy. Having myself served in the U.S. Navy, I fervently resist the idea of war. I hope and pray that we can still avoid war. Our images of the post-cold-war era do not involve fighting. They involve economic prosperity, the free trade of both products and ideas, a renewed emphasis on quality of life for all people, and equality of opportunity.

And then one man, hungry for the power that oil would provide him, and seeing himself as the savior of the Arab world, clouded our view of the world we are trying to build.

All Americans would prefer that a peaceful and diplomatic solution could be found to resolve the crisis. I believe President Bush has taken every reasonable opportunity in pursuit of a nonviolent resolution. To that end, the threat of force becomes another mechanism.

A decision by Congress and the American people to deny the President this option would seriously undermine his efforts to convince Saddam Hussein that the international force arrayed against him is serious. Authorizing the use of force may be the last means of conveying to Iraq that it would be in its best interests to pull out of Kuwait.

This is not a regional conflict. If it were, 32 nations would not have contributed either men or material, or both, to the military force stationed in the Persian Gulf. It is an international crisis, not because of oil, but because of the power that controlling 21 percent of the world's oil reserves would bestow upon one man who used naked aggression to obtain it.

Do we reward Saddam Hussein or do we stop him? Most people believe that if he is not stopped now, he will have to be stopped in the future. It is better to do it now than to wait for him to achieve his goal of a nuclear weapons capability.

Moreover, does waiting longer improve the chance of an Iraqi pullout or does it strengthen Saddam Hussein's position? There are many points of view on the effects of economic sanctions. CIA Director Webster reports that the strength of Iraqi ground forces will not be substantially eroded over the next 6 to 12 months even if effective sanctions could be maintained. Two former hostages who visited my office this week reported that food in Iraq is plentiful, but that food shipments were not being made to Kuwaiti residents. Again, they are the victims of aggression.

Regardless of differences of opinion on what course should be taken, I hope that all Americans will support our 430,000 soldiers, sailors, and air force personnel who are proudly serving their country.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Speaker, I thank the gentleman for yielding time to me. I have reluctantly concluded that the Gephardt-Hamilton resolution would seriously undercut U.N. Resolution 678.

Mr. Speaker, the decision of the congressional leadership to wait until 4 days before the January 15, 1991, deadline specified in U.N. Resolution 678 to have a vote on the Persian Gulf situation is troubling, and moreover, threatens to undercut the legitimate and well-thought out process that led to U.N. Resolution 678.

I do not want to be misunderstood—clearly, I do believe it is appropriate for the Congress to debate matters of this profound importance. However, the time to do that effectively has largely passed, and the opportunity to consider these issues was ignored. By inserting ourselves into the process at this late date, our ability to participate in a meaningful way is severely limited and could severely cripple the recently begun process of providing for collective security through the United Nations.

U.N. Resolution 678, with its predecessors, is the first major effort of the United Nations to function on behalf of collective security since the end of the cold war. This is our first effort to enable the Security Council to function as the drafters of the U.N. Charter envisaged, whereby the great powers—and particularly the United States and the U.S.S.R.—would work together through the Security Council to ensure the collective security of peoples around the world.

If the Congress now undercuts Resolution 678, it will likely destroy forever this initiative to reconstitute the United Nations as it was originally conceived as the vehicle by which the nations of the world work together for collective security.

The 101st Congress, in its waning days, did not lack opportunities to affect the process. By the time we had adjourned on October 28, 1990, we had approved a defense authorization and appropriations bill that provided funds for the stationing of troops in the Persian Gulf. Since that deployment had been in accordance with article 51 of the U.N. Charter and U.N. Resolution 665 concerning the naval and maritime blockade, our vote plainly endorsed that deployment.

I supported those efforts, joining over 400 of my colleagues in approving an additional $978 million for Persian Gulf related operations on September 19, 1990.

When the House adjourned on October 28, 1990—well over 2 months ago—our adjournment motion contained a specific provision allowing the Speaker of the House and the majority leader of the Senate to call the 101st Congress back into session on 2 days' notice. Thus we were not dependent on a Presidential call of a special session under article II, section 3 of the Constitution in order to reconvene to consider issues relating to the Persian Gulf; we could have been called back at any time by our leadership.

By mid-November, it was clear that President Bush was seeking international support for a U.N. Security Council resolution to authorize the use of force to enforce the previous resolution adopted by the Security Council regarding the Iraqi invasion of Kuwait. The November 19, 1990, New York Times reported on Secretary Baker's trip to the U.S.S.R., specifying that he was there to secure the U.S.S.R.'s support of a U.N. resolution backing a use of force.

However, this effort by President Bush did not bear fruit until November 29, when the Security Council passed U.N. Resolution 678, authorizing the use of force if Iraq failed to withdraw from Kuwait by January 15, 1991.

The administration effort to secure U.N. Resolution 678 represented a significant change in position from that which the Congress had approved in appropriating funds for the Persian Gulf effort. It was during that 10 day period between the reports of that new position and the enactment of Resolution 678 that the Congress should have been called back into session. This would have been the opportunity to consider the issues raised by this change of position, if there was any question of lack of congressional support, or if the Congress wished to impose any conditions.

It would have been appropriate, for example, to consider the issue of burden sharing, since I am not satisfied that all of our allies are carrying their share of the burden in this effort. Frankly, I had expected a larger commitment in dollars and manpower from many of our allies.

By means of a debate and enactment of a resolution between November 19 and November 29, the position of the Congress could have been made clear before Resolution 678 was considered and before the governments of other countries had acted to support us by voting for Resolution 678 or by maintaining troops or financing operations in the gulf area impacted by decisions on Resolution 678.

However, the fact we face today is that Congress did not meet during that period of time to consider those very serious issues, and all of the governments involved acted in reliance on Resolution 678.

Make no mistake about it—a vote of congressional support of or opposition to Resolution 678 is dramatically different on January 11 or 12 from what it would have been on November 23. Our choices now are very limited. If we repudiate the resolution, we hand Saddam Hussein a powerful weapon and cast serious doubt over the United Nations effort to act effectively as an arbiter of international disputes. In fact, by waiting until this later hour, we have rendered ourselves extraneous to any positive policy role, unless we are prepared to try to force a change in the position taken by the United Nations.

I know that the leadership of the Congress does not wish either to help Saddam Hussein or to damage the United Nations; yet, by failing to act at the appropriate time, we face this Hobson's choice.

Supporters of the Hamilton-Gephardt resolution describe it as a "stay the course" resolution. In fact, I heard one of its sponsors, the gentleman from Indiana [Mr. HAMILTON] so describe it on ABC's Nightline, and he so described it a few minutes ago. I think that description would have been true prior to November 29; it is plainly untrue today. Since November 29, the course on which we have been placed is that set forth in U.N. Resolution 678, under which January 15 is the deadline for Iraq's compliance and use of force is authorized to achieve compliance.

I have other problems with the Gephardt-Hamilton approach. Though I am very skeptical of the efficacy of sanctions, let us assume that they can work in a year or two. That still leaves the question: Can President Bush hold together the fragile and diverse coalition arrayed against Iraq for as long as it will take sanctions to work? I am very doubtful that he can. But even if he can, can we afford to pay the price that will be necessary to do so? How long do we remain silent about the Baltic States? What if European nations that were only too happy to sell Iraq the makings of its chemical and nuclear weapons industries start using the Persian Gulf situation as a lever in our trade talks with them?

When one considers questions like those, the superficial attractiveness of the Gephardt-Hamilton proposal rapidly fades. I urge a vote against it.

As I have stated, if the Congress did not wish to embark on the course called for by U.N. Resolution 678, then Speaker FOLEY and Senator MITCHELL should have reconvened us prior to November 29. To change course now can only persuade Saddam Hussein of our irresolution and increase the probability that force will ultimately have to be used if we truly insist that Iraq get out of Kuwait. For that reason, I shall cast my vote in support of the Solarz-Michel resolution and the positions contained in Resolution 678, and oppose efforts to undercut the United Nations, the President, and those nations who have, in good faith, acted to support us.

I do so most solemnly. I understand that any war in the Persian Gulf will involve casualties. I do not view those casualties with equanimity. But let us hope that, at the very least, this unhappy situation can be the start of a process by which we develop a workable system for collective security backed by the world's major powers.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, at issue today is whether this Congress favors a policy of peacekeeping or keeping an unprincipled peace.

Sanctifying the status quo in the gulf, as the Hamilton-Gephardt approach so flaccidly does, grants time and solace for a tyrannical satrap to fortify his sand redoubt in Kuwait, to perfect with hideous science his biochemical and nuclear weapons capacity, and to continue to exhort, without compunction or conscience, murderous miscreants around the world to replicable acts of terrorism.

Sanctifying the status quo drives a stake into the heart of international law, for it renders hapless the collective security system that Woodrow Wilson and Franklin Roosevelt worked so assiduously to create, and American soldiers in the great wars of this century fought so courageously to make possible.

When human beings are allowed to be raped as an instrument of state policy, when innocent citizens are executed at an epidemic rate, when a country is not only being systematically pillaged, but a culture eviscerated, moral people have an obligation to do more than simply wring their hands and suggest that resolve be diluted by the sands of time.

The Hamilton-Gephardt approach is a nonbinding copout. It leaves a fragile world order increasingly vulnerable to aggression and thus war.

The President's collective security approach, on the other hand, gives hope that an international order will be established based on the precept that aggression will not be rewarded, that peacekeeping is peacemaking, that potentates, whether petty or mighty, who through naked aggression attempt to take the world hostage will be held accountable to the rule of law.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Washington, [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I think we need to keep clear in mind the choice we face today. Under Michel-Solarz we authorize the President of the United States to use force in the Persian Gulf to enforce the U.N. resolutions and bring about a withdrawal from Kuwait by Iraq. Or we adopt the Gephardt-Hamilton resolution and deny the use of force, require extension of sanctions with no time limit, and add to the end of that a congressional approval requirement for any future use of force.

Unfortunately, Michel-Solarz has been characterized today as a declaration of war, one which gives up on diplomacy. Let me point out within the language itself of Michel-Solarz there is a requirement for every last single effort to bring about a final-hour diplomatic solution. The President would be required to report to this Speaker and to the majority leader of the Senate that he has, and I quote from the resolution,

> * * * used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council's resolutions (cited in the subsection above), and that those efforts have not been and would not be successful in obtaining such compliance.

The U.N. Secretary General, Perez de Cuellar, is advancing a peace plan today. President Bush and Secretary of State Baker have made it clear that they are open to any reasonable, peaceful diplomatic solution. President Mikhail Gorbachev has offered his assistance, and the President, by the language of the Michel-Solarz resolution, is required to use diplomacy.

I do not know about you, but I have had a lot of trouble sleeping the last couple of nights. I think that is the case with all of us. But what I would suggest you do is look at the face of the President of the United States. That face is drawn, it is lined, it is the face of a man under tremendous strain, a man carrying an agonizing burden.

President Bush is not a gunslinger. He is not a Rambo, and he does not want war. But regrettably, I have concluded that he needs the authority to wage war in order to make diplomacy work.

If there are no consequences for the failure of diplomacy, diplomacy has no chance to succeed with a man like Saddam Hussein. I urge the defeat of the Gephardt-Hamilton resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I rise in support of Hamilton-Gephardt that will give the opportunity for sanctions to work in the Persian Gulf, and against a declaration of war that has been expressed in the Solarz-Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

As I've talked to my constituents over the last few weeks about what to do in the Persian Gulf, I think a lot about my boyhood friend John Waden.

John Waden grew up five doors down the block from my home in Malden. In 1966, he came back from Vietnam in a body bag. I had looked up to John Waden, but at his wake I looked down at his closed casket and wondered why he had died. As I went from adult to adult, I searched for an answer. No one could explain to me what the war in Vietnam was all about. I swore then that if I were ever in any position of power, I would do everything I could to assure that before any young persons were asked to lay down his or her life for our country, we would be able to explain to that young person's friends and family the reasons why.

So far, I haven't heard any explanations that would satisfy the loved ones of the new generation of John Wadens who now stand poised to fight in the Persian Gulf. Some say that Saddam Hussein is a Hitler who must be stopped; that if we don't use force to drive Iraq from Kuwait, we will only whet Saddam's appetite for further aggression, much as Neville Chamberlain's appeasement at Munich encouraged further Nazi aggression.

As my mother often says, if you don't start out working smarter, you'll end up working harder. If one drop of American blood is spilled in the sands of Saudi Arabia this winter, it will be because for the last decade America has not worked smarter. This failure can be directly traced to four public policy failures by the Reagan and Bush administrations that, taken together, have established the conditions for U.S. military involvement in the Persian Gulf crisis.

First, energy policy. In 1980, the Reagan-Bush campaign called for the elimination of the Department of Energy. To make good on this campaign promise, President Reagan appointed a dentist named James Edwards as Secretary of Energy. Edwards testified before Congress that he intended to shut down the Department so he could "be back in South Carolina for hunting or fishing in April or May." When questioned on how he could possibly be serious about such a timetable—let alone the wisdom of such a move—Edwards joked "the fishing is good in June or July as well."

A "Gone Fishin'" sign has hung on the door of the Reagan-Bush energy policy ever since—automobile fuel economy standards rolled back, appliance and building efficiency standards gutted, energy conservation research slashed, alternative energy research cut. The Department of Energy, which, in 1980, had earmarked more than two-thirds of its total budget for civilian energy programs and one-third for nuclear weapons, was by the end of the decade spending two-thirds of its funds on nuclear weapons and only one-third on civilian energy programs. Ten years later the United States still has no long-term energy independence strategy, and U.S. oil imports have soared from 34 to over 50 percent of total consumption, thereby immersing us ever deeper in the insanity of Middle Eastern politics.

Second, nuclear proliferation. During the 1980 campaign Ronald Reagan claimed that nuclear proliferation was not "any of our business." Once in office the Reagan-Bush administration cut back on enforcement of United States nuclear nonproliferation laws, allowing Iraq to obtain access to sensitive technologies used in its nuclear weapons program. Moreover, the administration sat on the sidelines as Iraq manipulated oil exports to blackmail European countries into supplying it with nuclear technology and assistance that it could use to build the bomb. Ironically, the Bush administration now warns of Saddam Hussein's nuclear ambitions, but when Israel launched an air strike against Iraq's Osirak nuclear powerplant in 1981, to halt Saddam's drive to acquire nuclear explosives, the Reagan-Bush administration sharply criticized Israel's courageous action. During the several months following the raid, the United States actually worked with Iraq on various U.N. resolutions condemning Israel.

Third, chemical weapons. In 1983, Saddam Hussein began using chemical weapons against Iranian troops and in 1988, he used nerve gas against the Kurdish minority in Iraq. The Reagan-Bush administration turned a blind eye toward Iraqi use of chemical weapons and in 1988 it successfully opposed congressional efforts to impose sanctions against Iraq for its use of such weapons. During this same period, America's moral stance against the use of chemical weapons was undercut by the Reagan administration's efforts to break a longstanding U.S. moratorium on production of lethal nerve gas—including then Vice President George Bush's three tie-breaking votes in the U.S. Senate in favor of new chemical weapons production.

Fourth, the tilt toward Iraq. In 1980, Saddam Hussein invaded Iran. Instead of condemning this act of "naked Iraqi aggression," the Reagan-Bush administration tilted toward Baghdad, and in 1982, it removed Iraq from the list of terrorist nations—thereby clearing the way for providing Iraq with agricultural credits. By 1984, the United States restored full diplomatic relations with Iraq and shortly thereafter it reportedly began providing Saddam with covert intelligence support, including satellite photographs of Iranian military formations.

By July 1990, Congress was pressing to end the pro-Iraqi tilt of United States foreign policy, adopting measures that would cut off agricultural credits to Iraq until it complied with international agreements on human rights and weapons nonproliferation. In response, the State Department issued a statement opposing this legislation, saying that "measures now under consideration would not help us achieve United States goals with Iraq."

Incredibly, when Iraq escalated its war of words with Kuwait over oil production increases last July and began threatening war, State Department officials testified before Congress that the United States was unlikely to respond sharply to an Iraqi military action, noting that the United States had "no defense treaty relationship with any gulf country" and that "we have historically avoided taking a position on border disputes or internal OPEC deliberations." The State Department also instructed the United States Ambassador to Baghdad, April Glaspie, to tell Saddam Hussein that "we have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait."

Given this sorry record, is it any wonder that we are today facing a Saddam Hussein armed with chemical weapons and ballistic missiles and on the verge of acquiring nuclear explosives within the next decade? Will we now compound these previous blunders by plunging America head long into a costly military confrontation with Iraq?

There is an alternative to war. It has four parts.

First, instead of launching a bloody offensive war, we should maintain a multinational military force in Saudi Arabia to contain Saddam Hussein and deter any further Iraqi aggression. A policy of containment and deterrence won the cold war against the Soviet Union; it can certainly lead to a successful resolution of the gulf crisis. Remarkably, with the end of the cold war, both the United States and the Soviet Union stand united in opposition to Saddam Hussein's invasion of Kuwait, making it possible for the entire world community to join in demanding an Iraqi withdrawal. Now we need to give this unprecedented exercise in international cooperation more time to drive Iraq out of Kuwait.

But we must also demand that all participants in the coalition arrayed against Iraq bear their fair share of the burden on containment and deterrence. Our European and Japanese allies, who are heavily dependent on imported gulf oil, should increase their contributions to the multinational military force in the gulf. At the same time, we should expect greater Arab support for the joint effort. The Saudis, for example, are realizing a windfall profit of up to $150 million a day from increases in the price of oil since the onset of the gulf crisis. They should be asked to use all of their windfall profits to help defray the costs of Operation Desert Shield.

Second, we should give the economic sanctions time to work. Those who argue that sanctions alone will not force Saddam from Kuwait are mistaken. Iraq invaded Kuwait for economic reasons, desiring access to Kuwait's rich oil reserves and wanting to shed the burden of the huge war debt it owed Kuwait for financing Saddam's war against Iran. The Iraqi economy is already thirsting from the loss of $1.5 billion in foreign exchange earnings every month—the equivalent by itself to more than a third of Iraq's total national product—and the sanctions are expected to lead to a 48-percent decline in Iraq's gross national product over the next 1 to 2 years, effectively choking Saddam's economy to death. Sanctions will also weaken Iraq's military capabilities by denying Saddam access to military equipment and spare parts for the Mig fighters, tanks, and other military hardware Iraq purchased from the Soviets before the invasion.

Third, America must take steps to reduce our overdependence on gulf oil. This overdependence threatens to interfere with our ability to advance other important American interests in this region, such as promoting a Middle East peace agreement which assures the security of Israel. It's time to take the "gone fishing" sign off the Department of Energy and forge a national energy policy capable of achieving energy independence. Such a policy must focus on improving energy efficiency and conservation, expanding Federal incentives for renewable energy production, expanding weatherization assistance, and promoting reliable and environmentally responsible energy sources.

Fourth, we must reverse the legacy of the past decade and become a principled world leader in opposing the spread of nuclear weapons. We should press for a more effective multilateral nuclear nonproliferation regime that serves as a technological stranglehold on the spread of nuclear explosives to countries such as Iraq, Iran, Pakistan, Libya, and North Korea. This regime should include tougher international safeguards against diversion of nuclear materials and technologies, stricter inspection and verification procedures, bars on all nuclear-related exports to nonweapons states that refuse to accept international safeguards, a phase-out of all exports of highly enriched uranium, and harsh penalties for those countries which continue to engage in reckless proliferation policies.

Two weeks ago, at a town meeting I held in Billerica, a woman stood up before the microphone and told me how she lived each day in fear that America would soon be in a war and her son might come home in pieces. Cradling in her arms a picture of her boy as she choked back her emotions, she said:

> "If my son had to go to war with people coming after us in our country, I'd be right there * * *. I'm a very American person, I'd be right there along with all my family. But this I don't understand. I'd like to have it explained why exactly they're over there.

We owe it to the soldiers and their families to pursue alternatives to war. If we do so, we will not need to search for explanations to make to the mother in Billerica, or to any of the families and friends of this generation of John Wadens. No caskets will be filled that cannot be justified. America will have worked smarter, our Nation and its economy will be stronger, and as a result, the young men and women now deployed in the deserts of Saudi Arabia will not have to fight and die harder.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I come here today with the full understanding of how grave this situation is for our Nation. I have withheld statements to the press and avoided discussions of my positions based on hypothetical circumstances because I believe in the principle of pursuing diplomatic solutions as long as peace is within our grasp. I felt that more rhetoric, while our Secretary of State and our President worked within the framework of diplomacy to achieve a solution without war, did not serve our Nation well; and I have supported our President in his management of this political aggression in the Persian Gulf.

But I will not transfer my responsibility as a member of the U.S. Congress to the President in making the decision on whether or not this Nation engages in war against another nation. When the time comes to declare war, I will not hide behind some resolution absolving me of my constitutional responsibility.

But in my mind, that time—the time to declare war—has not yet come. When the time does come, a straight declaration of war resolution should be brought to this Congress for debate, not some resolution delegating to the President that sole responsibility.

There is no legislation, nor any proposition, that should be more closely examined and debated than one which authorizes war. It may be a difficult political vote when we decide to impose a new or higher tax on our people. But if we are wrong, life, nevertheless, goes on. In is not the end of the world. Where, however, the issue is war, life will not go on for many young men and women; and it will be the end of the world for them. Therefore, it is critical that we debate this with the full knowledge and understanding of what we are doing.

Liberty and freedom are worth fighting for. They are worth dying for. But war must be the very last resort.

Yes, Iraq has invaded and conquered Kuwait. Yes, the Iraqi military threatens Saudi Arabia, and only holds back because of the counterthreat of United States forces standing guard. Yes, the Iraqi leader is irrational and ruthless. But have we exhausted all means to turn away this aggression short of war?

For all of recorded history, the Middle East and the Persian Gulf have been the site of conflict and turmoil. It is not easy for us to fully understand the thinking of these people whose lives and history have been forever plagued with violence. We never fully understand the alliances which crisscross the boundaries of the various nations of this part of the world. We grope for understanding.

In total frustration, we are now ready to involve hundreds of thousands of our finest young men and women in a ground war in this troubled part of the world. But beyond that, we are now committing billions of dollars in the future into the Middle East. There will be no end to this dollar drain.

Henry Clay, who served in the House, the Senate, and as our Secretary of State, addressed the House of Representatives on the issue of war on March 24, 1818. The words of Henry Clay 173 years ago apply here today. In his speech, Clay said:

> It is not every cause of war that should lead to war. War is one of those dreadful scourges, that so shakes the foundation of society, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous that nothing but dire necessity can justify an appeal to arms.

Are we and the American people ready for the misery and wretchedness of war?

I do not believe that time has yet come for the misery and wretchedness of war. I do not believe that the time has come to lay the lives of American men and women on the desert sands nor plunge them into the Persian Gulf waters.

For now, I favor continuing the sanctions for a time. But then in the event no avenue is left us but war, I will be here to cast my vote and to bear the burdens of the consequences of it. I am not quick to war, but I will be committed to it when it is a necessity.

In the heat of this debate, we should remember the words of former President Herbert Hoover:

> Older men declare war. But it is youth that must fight and die. And it is youth who must inherit the tribulation, the sorrow and the triumphs that are the aftermath of war.

Now is not the time to rush into abdicating our constitutional responsibility for a few fleeting moments of political popularity. The effect of our decision here on this issue will last much longer than the 30 second sound bite and will be remembered far longer than what the political expedience of the moment was.

I am not yet convinced that war is the only avenue. I am not yet convinced, if war should be the only answer, that our allies are ready to fully participate with us in this endeavor. Surely we want that answer before we declare war.

I have heard your arguments that sanctions and diplomacy will not work. You may be right. But let us not yet give up on that possibility.

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Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I rise today in opposition to the Gephardt-Hamilton resolution. If adopted, this measure will severely undermine America's credibility with its allies.

Now is the time for those of us in Congress to support President George

Bush, a man who was elected Chief Executive by carrying 49 out of the 50 States in 1988.

Finally, I urge my colleagues to support the brave men and women who are presently or who soon will be serving in the Persian Gulf region. Support the Solarz-Michel resolution and vote no on Gephardt-Hamilton.

Mr. TORRICELLI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, my remarks are for the support of the American men and women we have called on to defend this Nation's principles in the Gulf. We have no alternative but to support the Solarz resolution.

Mr. Speaker, today marks a unique day not only in American history but in world history. Today the eyes of the world are focussed on Congress, the capital of the free world and the beacon of hope for oppressed people worldwide. Today, my colleagues and I must make a very personal decision: a decision which will set the course for American foreign policy. In making this decision, I am compelled to consider four factors: the nature of our adversary, the best course of action for America to take today, public opinion, and the message Congress will send to the world.

I do not know how many Americans truly understand Saddam Hussein's background, his character, his goals, or his logic. He is single-minded in his purpose, ruthless in his actions, and shrewd in determining what course of action will best further his goals. His ultimate goal, gaining power by which he can unite the Arab world, is all that matters. He does not recognize people as Americans, Egyptians, Iranians: only friends to his cause or enemies to his cause, Arabs or infidels. He has 1 million men under arms. After 8 years of war and an economy unable to support them, where do we expect them to go? Saddam Hussein's nature can lead me to only one conclusion: he will continue to use force in the future when he sees an opportunity to further his goals. He must be stopped.

The question then becomes "when do we stop him?" Now or later? Which option must I, today, make to ensure that Saddam Hussein leaves Kuwait and does not further threaten America's and the world's interests. My decision is not about whether I believe we should be there to the extent that we are; the President as Commander in Chief has chosen a course of action and the time for that debate has passed. My options are clear: stay the course with sanctions and wait a little longer before authorizing force, or authorize the use of force in conjunction with the U.N. resolutions. Experts can argue about the effectiveness of sanctions, but I cannot find any indication that staying the course and delaying military options will achieve our goals. A vote to stay the course is a vote of hope: hope that a dictator who continues to threaten the entire world will back down. Had I any assurances that this would occur, I would not hesitate to vote accordingly. Unfortunately, I have no such assurances that Saddam Hussein will back down if we delay military options. My colleagues who urge further patience do so nobly, with the understanding that war should only be a last resort. I, too, agree that war should only be a last resort. A vote to authorize force is also a vote of hope, though; hope that Saddam Hussein will back down when he sees our resolve and willingness to forcefully deny him what he truly treasures. By voting for an authorization of force, I believe I will be best advancing the cause of peace.

In making this decision, I have listened carefully to my constituents. By a 2-to-1 margin they say they oppose war. No one wants war. I am struck by Secretary of State Baker's comments following his talks with Iraq's Foreign Minister. He stated:

> Don't miscalculate the resolve of the American people, who are very slow to anger, but who believe strongly in principle and who believe that we should not reward aggression * * *.

In support of this statement, I am compelled to look back in this Nation's history only 50 years. In February 1941, Hitler had conquered the European continent and was looking toward Britain. FDR looked for Congress to pass the Lend Lease Act and thereby end America's declared neutrality. Congress hotly debated lend lease for 2 months; interventionists arguing for action and isolationists urging inaction. Congress and the people were divided on our intervention abroad yet united in our principle against tyranny. When my father-in-law, only 19 days before his death in a plane crash, voted in favor of the Lend Lease Act, passing by 260 to 165 on February 8, 1941, this Nation set itself on a course toward war. The fait accompli came on December 8, 1941 when my mother-in-law, then a new Member of this body, voted with 387 of her colleagues to declare war on Japan. Americans know what we can accomplish when we are united, and Americans know what our limits are when we are divided. I cannot help but believe that while Americans want peace in the Persian Gulf today, we are willing to confront Saddam Hussein with all available resources in the end. At this point in time, with over 400,000 American troops in the Persian Gulf, I cannot vote for buying time. War is not inevitable yet, but our moment of decision has come. We must make our principles known today, before war begins, or we will be forced to defend our principles by force at a later date and a greater cost.

Today, with the world watching, Congress, as the voice of the American people, will send a message. This message should be one of support for our President and strength in our resolve. This message will reach the entire world, but is really meant for two entities. The first is for Saddam Hussein: you will not be able to string out this crisis in hopes of dividing American public opinion. If you are really interested in peace, if you want to survive, you will obey the 12 United Nations resolutions. The second entity Congress will reach with our message is the American force in the gulf. Our sons and daughters, husbands and wives, mothers and fathers serving in the gulf are looking to the Congress for support and assurance: assurance that Americans will support their efforts, and assurance that if they enter combat, they will be given all means at their disposal to accomplish the Commander in Chief's military and political objectives as quickly as possible and with as few casualties as possible.

History will be the ultimate judge of today's decision. My colleagues and I are making the monumental judgement of our lives. There is none among us who can predict the future. My vote is a vote to give the President and the world community the support they need to resolve this situation peacefully, and only as a last resort, the power they need to resolve this crisis decisively by force. I hope and pray that congressional action today, whichever message we send, will result in peace tomorrow.

Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of the Solarz-Michel resolution. This is a time to support the President, to support U.N. Resolution 678, not repudiate it. Leadership requires us to stand firm. We do not do that by supporting Gephardt-Hamilton.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker and my colleagues, the goal in the Persian Gulf should be, and must be, a political solution. Economic sanctions and military force are only tools to get there.

There are those who choose to wait to see if a clearer political solution in the conflict arises. I can respect that position. There are those who argue against the establishment of a January 15 deadline, but, my colleagues, on two different occasions when I was in the gulf, I saw that a deadline gave hope to our men and women in uniform that this conflict, this stalemate will not go on indefinitely.

What institution better understands the need for deadlines to break gridlock and to force concessions than the Congress of the United States?

Some have complained that the sanctions in the United Nations were engineered by President Bush. That may be. But we Democrats should rejoice that a President, a Republican President, heeded our advice and used the United Nations and formed an international coalition instead of unilaterally rushing to force.

My good friend and respected colleague, the gentleman from Indiana [Mr. HAMILTON], and my dear friend, the majority leader, the gentleman from Missouri [Mr. GEPHARDT], urge that we adopt the stay-the-course resolution and give sanctions a chance, to give peace a chance. I want to see a successful, peaceful outcome in the gulf that addresses the long-term threat in the region.

The goal of sanctions is political. It is political; it is not economic. The key is what influences Saddam Hussein, because he is the only one who counts in making decisions in Iraq. Look at his inner circle. In the intelligence committee we have had briefings. The question is not of objective advice. The question is simply loyalty.

Of the five key people in his inner circle, his ministers, they include his son-in-law, two half brothers, and his cousin.

There is no evidence that sanctions—although they are biting deeply into the economy, whether it is imports, exports, or his cash flow—have had an effect or impact on Iraq's military or the psychology of Saddam Hussein.

Judge Webster said that the marginal military decline would be offset by the simultaneous improvement of his defensive fortifications. Most ammunition and the ability to wage war with his ground forces, which is his strength, can be produced domestically and will be taxed only in time of military action.

But more importantly, I was taken by the testimony in the Committee on Armed Services of a psychiatrist who helped form a psychological profile of Saddam the person. I wish I now had the time to detail and quote it, but I cannot, but let me quote just a few provisions.

It said, "It is this political personality, this constellation of messianic ambition for unlimited power, the absence of conscience, the unconstrained aggression and a paranoid outlook which makes Saddam so dangerous. However, he is not impulsive. He only acts after judicious consideration and can be extremely patient." And for those who argue sanctions, "Indeed he uses time as a weapon."

Mr. Speaker, "He is willing to reverse course, but only if his power and reputation are threatened." And I further quote, "The only language Saddam understands is the language of power. Without this demonstrable," and this is a quote, "Without this demonstrable willingness to use force even if the sanctions are biting deeply, Saddam is quite capable of putting his population through a sustained period of hardship as he has in the past." And, lastly, "It is a certainty that he will return at a later date stronger than ever unless firm measures are taken to contain him."

My colleagues, I pray for a successful, peaceful outcome in this region. I believe that war should be undertaken only as a last resort, but I also believe that because of the complex and dangerous personality that we are confronting that only by authorizing the President, the executive, the President of the United States to employ force, if necessary, with our allies will this outcome occur.

I urge the support of the Solarz resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Speaker, I rise in support of the Gephardt-Hamilton resolution and in opposition to the Solarz-Michel resolution.

Both resolutions have the same goal—to achieve the withdrawal of Iraq from Kuwait.

But there is an essential difference between the two resolutions. The Gephardt-Hamilton resolution seeks to achieve the goal through continued reliance on economic sanctions against Iraq, not on war. The Solarz-Michel resolution assumes that economic sanctions won't work and would rely on force to remove Iraq from Kuwait.

The basic choice we make today is between economic sanctions and war.

Mr. Speaker, I choose sanctions.

I choose sanctions because American lives are at stake. War with Iraq will mean the loss of life for thousands, perhaps tens of thousands, of young American men and women. It will mean not only body bags but thousands of other young people coming home on stretchers. Such carnage may ultimately be unavoidable, but we ought first to give economic sanctions every opportunity to work.

I choose sanctions because a United States attack on Iraq risks opening a veritable pandora's box of uncertain consequences. Certainly there is the risk of death and destruction in Israel, which Iraq says it will attack if the United States initiates offensive action against Iraq. There is the risk that a United States-Iraq conflict would be transformed into a war pitting Israel and its ally the United States against the Arab world. Such a division would put the current leadership of Egypt, Saudi Arabia, and Jordan into an impossible position and would risk radical revolutions and dangerous long-term instability in the Middle East. If United States forces destroy Saddam Hussein's regime, the resulting power vacuum will likely be filled by Syria and/or Iran, both of them outlaw nations. Ultimately, Mr. Speaker, it may be necessary to run those risks, but it should not be until we have given economic sanctions a real chance.

I choose sanctions because the cost of war against Iraq will be borne overwhelmingly by American taxpayers; only a fraction of the cost will be borne by others who have far more at stake. The cost will be $30 billion this year even if there is no war; if war starts, the cost to American taxpayers will be from $1 to $2 billion for each and every day of the war—this at a time when the U.S. fiscal deficit for next year is already estimated at $350 billion or more. Serious, critical social needs will go unmet. To 37 million Americans who have no health insurance whatsoever, we will be saying that their government can find tens of billions of dollars to wage war but not a dime for a new health insurance initiative.

I choose sanctions, Mr. Speaker, because of the political turmoil which war will cause in the United States. President Bush has not made a convincing case to the American people that armed force against Iraq is justified. Americans will not support war and its concomitant loss of life in order to preserve oil flows or to restore the undemocratic Government of Kuwait. In particular, college students across the land—those at risk from the resumption of the military draft which a prolonged conflict would require—will turn their campuses into boiling cauldrons of dissent.

Mr. Speaker, I choose sanctions because their successful implementation would establish a realistic, believable precedent for future situations in which nations try to forcibly annex the territory of their neighbors. To few other places around the world is the United States likely to dispatch 400,000 troops. There is no credible precedent here. On the other hand, the United States and the United Nations can impose economic sanctions if future acts of aggression occur. The community of nations can—as it currently is doing in the Persian Gulf—deny to an aggressor the fruits of his aggression. Economic sanctions are a precedent worth establishing.

Mr. Speaker, I choose sanctions because that course has the greatest chance for success at the lowest cost.

Those who support the Solarz-Michel resolution are taking a high stakes gamble. They gamble that congressional support for President Bush will help convince Saddam Hussein to withdraw from Kuwait, thus avoiding war.

But if that gamble fails, war will ensure with tragic loss of human life, costs in the tens of billions of dollars, and great political instability in the Middle East and within the United States.

Those of us who support the Gephardt-Hamilton resolution are gambling too. We are gambling that sanctions, over time, will force Iraq out of Kuwait.

If our gamble fails, we will be, a year from now, essentially where we are today, with no loss of life for thousands of American young people; no huge escalation of cost to the American taxpayers; no political turmoil in the Middle East or the United States; and no benefit to Iraq of its aggression.

And we will still have, at that time, the military option.

Mr. Speaker, to me, the right choice of action is absolutely clear. I urge support for the sanctions option and opposition to the war option.

Mr. GEPHARDT. Mr Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I rise this morning in total support of the Gephardt-Hamilton resolution and in total opposition to the declaration of war implicit and inherent in the intent of the Solarz-Michel resolution.

Mr. Speaker, I rise today to express my open and absolute oppositon to war in the Persian Gulf. My fear against going to war in the Persian Gulf is not due to the fact that America and our allies can not win in battle, but because our objectives and policies in this region have been inconsistent.

I am not comfortable with the stated objectives of why we are so ready to use force to dislodge Saddam Hussein from Kuwait. In August—when it appeared that Iraq was poised to attack Saudi Arabia's oil fields and hold foreign hostages at strategic locations—I concurred with the President's action to create an international force to defend the Saudi's oil fields and impose economic sanctions against Iraq.

Later, President Bush upped the ante with his steadfast promotion of the military option before we could determine whether sanctions and other international initiatives had a chance to take root. Additionally, President Bush began to talk about the need to stop Hussein's naked aggression and that he must leave Kuwait. For me, this is one of the most profound and bewildering turn of events of the entire crisis.

Why are we going to authorize the use of force and the death of thousands of American soldiers to dislodge Hussein from Kuwait and reinstall the Kuwaiti emir. Kuwait by no means represented Jeffersonian democracy. Many of the administration's past objectives and policy positions defended democracy and freedom. Where were these governing principles in Kuwait prior to August?

Equally, the Iraqi's informed Ambassador April Glaspie that they intended to invade Kuwait in July and Ambassador Glaspie's response was that we don't get involved in such Arab affairs and that we do not have a defense treaty with Kuwait. Mr. Speaker, in part, we are responsible for creating the Leviathan that challenges us now. Were we as concerned about Iraq's buildup when they were keeping Iran at bay? Of course not. Were we as concerned when Hussein and other Middle Eastern countries escalated their acquisition of arms? Of course not.

The international stance against Saddam Hussein is not truly as united as the President would like us to believe. The major league participants in this conflict are plainly the United States and Iraq. Unfortunately, the first and the last soldiers to die will probably be wearing American uniforms.

Now we are considering whether to give the President the authority to use force to dislodge Saddam Hussein from Kuwait, or to work for a peaceful negotiated resolution to the crisis in the Persian Gulf. I favor exploring our diplomatic options prior to playing our military option.

I fear that the Michel-Solarz resolution will give President Bush tacit approval to launch a military offensive against Saddam Hussein's forces in Kuwait and set off a very bloody desert war. Mr. Speaker, make no doubt about it, a vote for the resolution before us is a vote for war. Anyone who attempts to argue the opposite is lying to themselves and to the American people.

I have heard many of our colleagues on the floor and in the media discuss the fact that we need to send a message to Saddam Hussein that his naked aggression will not be tolerated. I take this opportunity to send a message to the parents and loved ones of those soldiers participating in Operation Desert Shield. My message is that my conscience cannot rest knowing that your family members are being placed into a conflict that has yet to be clearly defined by the President to anyone.

Mr. Speaker, let us not rush head first into chaos and uncertainty. Let us instead seek ways to leverage Iraq from Kuwait and further tighten the screws via international sanctions and continued isolation against Baghdad.

The Gephardt-Hamilton resolution is the most progressive and promising chance we have to avert war in the Persian Gulf. Gephardt-Hamilton advocates continued sanctions and enforcement of the U.N. economic embargo. CIA Director William Webster said that sanctions are working and can further hurt Iraq. The administration knows that economic sanctions can work.

America stands to suffer great economic consequences if war in the Middle East reaches the anticipated levels. How are we going to pay for such a military offensive? Will those within this august body who have adamantly opposed taxes now vote to increase taxes to support a foreign war effort? War offers many paradoxes, but the ones emanating from our current crisis will be devastating.

Thus, I urge those who want to go to war with Iraq to remember, that although the Middle East is strategic because of its oil, I for one, do not wish to see the Saudi desert become the symbol of misguided policy and the massive loss of American lives.

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Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

Mr. Speaker, today we are called upon to be the conscience of America.

When our forefathers gathered to write the Constitution that would define and direct these United States, never did they realize that their successors would one day be able to bring into their homes debate on the true meaning and consequence of article 1, section 8, that states that only the Congress of the United States is vested with the responsibility and authority to commit this country to wage war.

And Mr. Speaker, never before in our Nation's history has the U.S. Congress been watched more closely nor depended upon more greatly, to exercise its collective conscience.

People stayed home yesterday and stayed up last night to hear us express our judgment.

And Mr. Speaker, they have expressed their judgment—and that is that government has not exhausted every alternative to war.

Mr. Speaker, it is their sons and daughters who must pay the ultimate cost of war.

Mr. Speaker, we are not a nation of peaceniks nor of warmongers. We are a nation of patriots.

Adm. William Crowe is a neighbor, Mr. Speaker. His life embodies what patriotism is all about. He has spent his life in our military, capping his career as Chairman of the Joint Chiefs of Staff.

Mr. Speaker, he knows what he is talking about and yet what he told me that was most compelling is what I want to share with you. He said,

> I have a son over there. He's a company commander. He's on the front line.
>
> He's a good kid. He grew up in this house. He went to school with your kids. He loves his country. Enough to lay down his life for it. And if we go to war with Iraq I will lose him.

And it doesn't have to happen.

Not yet, Mr. Speaker. Do we need to risk the lives of our loved ones?

And should we not pose to ourselves that same compelling question: How would we vote if our son or daughter were on the front lines?

Mr. Speaker, I have immersed myself in this issue day and night and consulted every expert available.

And Mr. Speaker, I must conclude that this will not be a quick and clean war. Surgical air strikes may be an effective strategy, but it will not be the final resolution. The best analogy to the ground attack that will be necessary to overcome Iraq's ground troops that are dug in along Kuwait's perimeter, dug into ditches reinforced by wire behind pools of oil that will be lit upon attack—Mr. Speaker, is Normandy.

Mr. Speaker, I have stood on the beaches of Normandy where in the month of June 1944, 100,000 Allied troops met their death.

Perhaps this is why, Mr. Speaker, that so many of my constituents including countless numbers of military officers and retired veterans have urged me to vote for the Hamilton-Gephardt amendment.

Mr. Speaker, last night I held a town meeting and heard from several hundred of my constituents who had come out in the freezing rain to share their views with me.

That constituency was of the same opinion that 95 percent of the people who have written and phoned—that it is not time to move to the final alternative of war. The vast majority of the people of the Eighth District of Virginia are not convinced that it is past time for negotiations nor for sanctions.

And while the perception of support that a vote for the Solarz-Michel amendment might give the President in strengthening his hand in the negotiation process, the awesome responsibility of declaring war should not be relinquished prematurely.

But if Saddam Hussein interprets support for the Gephardt-Hamilton amendment as a vote against the use of force at any time, he will have made yet another miscalculation.

We are a people of principle. We are prepared to pay the ultimate cost for the preservation of those principles. And if, Mr. Speaker, negotiations clearly have failed and sanctions clearly have not worked, then, Mr. Speaker, this Congress and this Congressman will declare war and will lead the nations of the world in the conclusion of that war and in the restoration of a lasting peace.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER

Mrs. BOXER. Mr. Speaker, this country is about to be sucked into a war in the area of the world known for violence, known for terrorism, known for blood baths, known for atrocities. I will tell Members, we will never be the same.

The Gephardt-Hamilton alternative points to a wiser path. It keeps the line drawn in the sands of Saudi Arabia. It keeps the sanctions, and it calls on our allies to do more.

Make no mistake about it, unless we pass Gephardt, this will be an American war. The measly contributions of Japan, Germany, France, and Italy will not dry the tears of our war widows.

The two ships provided by the Netherlands which gets 100 percent of its oil from the Persian Gulf will not heal the broken hearts of our grieving mothers and fathers.

A robbery is taking place right here, right now. Billions of dollars out the door to pay for an operation called The

World Versus Saddam Hussein. But the world does not pay. We do—Uncle Sugar Daddy.

We have spent more on Desert Shield so far than we spend in 1 year on Head Start, cancer research, AIDS research, Alzheimer's, heart research, and childhood immunization, all combined. That is what we have spent so far on Desert Shield.

My friends, a 22-year-old constituent of mine, and it could have been any constituent of yours, as he was sent off to the Persian Gulf was told to write his will. What will he leave his mother? What will he leave his father? His love? His hopes? His dreams? His ambitions?

With all due respect, this is not about looking at the President's face. I know his face looks worried. Our faces look worried. It is not about looking at the President's face, and it is not about saving face. It is about saving lives. Peace through war makes about as much sense as health through sickness.

It took 8 years into the Vietnam war to get 150 votes against it. Today, we will have more negative votes than that for this war yet to come. That is because there is a better way. It is called Gephardt-Hamilton. We have learned from Vietnam. It is good that we have, and we should not be ashamed that we have learned from Vietnam. We have totally isolated Iraq without a shot being fired. So stay the course and spare the United States the body bags, the tears, the terrorism, and the anguish. Support Gephardt-Hamilton.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I have determined that this debate comes down to one simple fact, that is, that Saddam Hussein will withdraw his troops from Kuwait faster with a loaded and cocked gun at his head, than he will if we extend the sanctions. Let Members load and cock the gun, and then pray to God that we do not have to pull the trigger.

I rise in strong support of the Solarz-Michel resolution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the Michel-Solarz resolution and in opposition to Gephardt-Hamilton.

I rise in support of the Michel-Solarz resolution, endorsing the U.N. Resolution No. 678, giving President Bush authority in conjunction with our allies to use "all means necessary" to force Iraq from Kuwait and restore regional stability.

And I do so with graver misgivings than most, having lost a son; not to war but to illness. I know the everlasting anguish of the loss of a child.

I have concluded that if we truly believe that we should walk the last mile for peace we should defeat the Gephardt-Hamilton resolution and approve the Michel-Solarz resolution and possibly spare the anguish of loved ones having died because we lost our resolve.

Choosing this last mile is not a clear choice, because fundamentally I believe that the sanctions are working and that a number of avenues remain open for dialog and diplomatic maneuver, while remaining true to our commitment to the international coalition and our principles. I do not see war as inevitable.

I do see war as bringing about numerous consequences as yet unforeseen. Representative HAMILTON spoke cogently on this subject yesterday.

These include an even more incendiary Middle East.

In other words, the tactics are debatable.

But in this vote today, we must take the facts as they are where we are today. And the bold facts are:

There was a failure last Wednesday in Geneva.

The deadline adopted by the United Nations is looming.

Secretary General de Cuellar is preparing to talk to Saddam again.

Whether by design, by cynical calculation or by default, we have been maneuvered to this vote at the precise time when a negative vote will be viewed by the world community as ineptitude.

The United States will have lost credibility and we will have provoked a prolonged stalemate and all-out war could be the only recourse.

So we must endorse the U.S. action and when—in their collective judgment—the President and the coalition attest to the need for force.

Any miscalculation, on the President's part, will result in thousands of lives lost and profound economic and political consequences.

And to President Bush, I say, God give you the wisdom and compassion to bring about the New World order for which all Americans pray.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong opposition to Gephardt-Hamilton, and strong support for Solarz-Michel.

Mr. Speaker, while I strongly support continued, tough international sanctions against Iraq, I do not believe that sanctions alone will force Saddam Hussein to comply with the U.N. resolutions. I rise in opposition to the Gephardt-Hamilton resolution. Let us not deceive ourselves, this resolution removes the threat of force, which apparently is the only action which will influence Saddam Hussein. This resolution does not strengthen sanctions or diplomacy, it weakens them. It is very clear that if Saddam Hussein believes we will not use force, or if there is not a credible threat of force, he will never withdraw from Kuwait and will continue to directly threaten vital American national security interests.

I agree that if nothing else in the world changes, over time, sanctions could provide enough pressure on Saddam Hussein to comply with the U.N. resolutions. But, all the other key factors that make sanctions effective will not remain the same. The realities of the world, which some are ignoring to make their case, clearly indicate that over time our coalition and our ability to enforce a tough embargo will weaken whereas Iraq's position will not. Without the credible threat of force, time is on Saddam Hussein's side, not ours. That's reality.

First, Iraq can hold out for a long time. Saddam has no problems denying resources to his people in order to maintain his aggressive, offensive military machine. His gestapo-style secret police will make sure that anyone who complains won't be around to ever complain again. The Iraqi people went without for 8 years during a war with Iran. They are hardened. Further, Iraq has quite a self-sufficient agricultural sector, particularly in basic foodstuffs, meaning the Iraqi people are in no danger of starving therefore removing a pressure on Saddam to change his ways. They are willing to go without some of life's conveniences rather than be shot. Remember, Iraq is not all desert like Kuwait, it is Mesopotamia, the cradle of many ancient and modern civilizations—the fertile crescent.

While the embargo is denying Iraq spare parts for its weapons, without the very real, credible threat of force, Saddam doesn't need spares because he won't be using his weapons. Besides, Iraq has billions of dollars in hard currency and gold looted from Kuwait to sustain illegal sanctions-busting, black-market trade for key goods. And, if thousands of years of history have taught us anything, the people of this region are extremely capable merchants able to overcome any obstacle.

As I noted during yesterday's debate, the fact that many Soviet and Bulgarian technicians in Iraq have opted, despite the security threats, not to leave because they note there are more consumer goods and food in Baghdad than in Moscow or Sofia, indicates that sanctions are not totally effective. So too, is the fact that fresh kiwifruit, a perishable item not grown in Iraq, are available in Iraq and occupied Kuwait. Hostages held in Kuwait affirmed this to me.

While I believe Iraq can hold out for some time, especially without the credible threat of the use of force which the Gephardt-Hamilton resolution removes, I believe the multiple pressures on our coalition mean we cannot.

Today's sanctions are hurting the poorest countries and Eastern Europe's newest democracies the most—more than they are hurting Iraq. As I explained yesterday, the gulf situation is an economic, and therefore becomes a political and social, disaster for the Third World and Eastern Europe's new, very fragile democracies. Do we want to see and can we afford failure in Eastern Europe coupled with revolutions, civil wars and new dictators in Asia, Africa, and Latin America—in other words a collapse of much of what we've recently achieved?

In his chilling resignation speech before the Congress of People's Deputies, Soviet Foreign Minister Shevardnadze specifically noted the increasing opposition from powerful Soviet institutions like the Red army to Soviet support for our gulf policy. Iraq was a key source of trade and hard currency for the Soviets. With all the other serious problems they are facing, how long can the reformists in the Soviet Union continue to be cooperative with us and the United Nations?

Similarly, over time, vulnerable countries like Syria and Jordan which cannot sustain the embargo may become lax in enforcing it or abandon it altogether, making sanctions even far less effective.

While the coalition against Iraq is a multinational one, because we are a superpower that is looked up to by most, we naturally play a leadership role. But, if we are unwilling to back the U.N. resolutions and our own national security interests, we signal that we are a weak leader and the coalition, therefore also the effectiveness of sanctions and diplomacy, crumble.

As we wait for sanctions to work, Saddam can rest and better prepare his armies. Like all tyrants, he will deny his people resources to ensure his armies remain strong. And, when sanctions don't force him to leave by some later deadline, we'll face an even stronger Iraqi army with, perhaps, less international support. The expense of waiting through higher American casualties is ours.

For example, in overrunning Kuwait, Iraq was able to seize advanced American-made Hawk antiaircraft missiles. These are just like some of the missiles we have deployed in Saudi Arabia to protect our forces. We believe that at this time, Iraq has not had the time to learn how to operate the Hawk system effectively. But, Iraqi technicians are not stupid. In time they will master the system and correct Iraq's weakness in medium-range and high-altitude air defense. We know how good the Hawk system is and our pilots don't want to have to fly against it. As we wait for sanctions to bite, the chances of confronting the deadly Hawks only increase. Those who say we should engage in an air war if there are hostilities by voting for Gephart may well mean more pilots will be lost.

Further, by waiting without threatening force, we still have to keep sufficient forces in the area. That means we must rotate troops. The only way to accomplish this is to either call up hundreds of thousands of reserves or reinstitute the draft. Both of these are very unpopular actions that will hurt our economy, increase our budget deficit, and reduce domestic programs like education, housing, and drug control while, once again, increasing defense spending.

The only chances for peace that the Gephardt-Hamilton resolution increases are for a bad one. History has proven that a bad peace always results in a war, often a far bloodier and costly one. I wish we didn't have to threaten to use force, no one wants a military option, particularly me. I wish we could just sit back and let sanctions and diplomacy alone work. But, they will not and the costs of not providing a very real and credible threat of force are too high. The choice before us today is not war or peace. War is not inevitable. With the resolutions before us both alternatives are possible. However, I continue to strongly believe that House Joint Resolution 62, the bipartisan Solarz-Michel-Broomfield-Fascell resolution has the best chance of fostering a peaceful solution whereas the Gephardt-Hamilton resolution lessens the chances that Saddam will seek peace and increases the chances that we will pay a much higher price for war.

The final decision as to whether there shall be war or peace lies with Saddam Hussein. To paraphrase Winston Churchill's comments about the aggressive actions of Hitler, "If (he) does not want war, then there will be no war. Therefore, if war should come, there can be no doubt upon whose head the blood guiltiness will fall." While Churchill's comments refer to Hitler and events earlier this century, they are very applicable to Saddam Hussein and his actions today.

The decisions before us today are very hard and very trying. Yet, I urge my colleagues to seriously consider all of the factors and all of the real costs today and into the future. The best chance for achieving our goals peacefully is not the Gephardt-Hamilton resolution, but the Solarz-Michel-Broomfield-Fascell resolution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I oppose the Gephardt resolution because it undermines, rather than enhances, prospects for a peaceful resolution to the conflict in the Persian Gulf. To adopt the Gephardt resolution sends Saddam Hussein the wrong message. The world community of nations has been waiting 5 months for Saddam Hussein to demonstrate the slightest inclination of being willing to withdraw from Kuwait. Any lack of resolve by this House to stand by the U.N. Resolution 678 can only be interpreted by him as capitulation and retreat on the terms of the resolution itself.

Look at the consequences, Mr. Speaker: Saddam Hussein will claim it as a victory, and he will only believe that our having postponed once, we will postpone yet again. Be it 30 days or 60 days or half a year from now, we will be faced with the same decision. But meanwhile, the moral resolve of the community of nations, its diplomatic unity, and its military position will have been put at risk while we wait.

We will present to the world the picture of a nation divided, divided in its support of the President's policy and divided in support of the U.N. resolution.

The morale of our troops in the gulf will potentially be undermined as they seek to interpret the meaning of this resolution. Prospects of extended tours of duty in the gulf are forced on themselves and their families at home.

The safety of our troops in the gulf will have been put at risk.

Forthcoming changes in the climatic patterns in the gulf are adverse to the military situation in the alliance. They will be straddled in an announced defensive posture while subject to offensive attack.

This resolution puts the United States at odds with the community of nations itself. The Senate has rejected the resolution just shortly sometime ago. Now history looks at the House of Representatives. Will it point to this House in this moment as the place and time where the attempt of the world community of nations to order its affairs in a post-cold-war era was cast into the abyss?

Mr. Speaker, I do not seek war. I do not even want to resort to military action in the gulf. This resolution not only undermines the judgment of the world community as to just how such a conflict can be avoided, but it also undermines the means by which such a resort to force can be hopeful of success should it be required.

Oppose the Gephardt resolution, my colleagues. Stand firm with our President. Stand firm with the alliance. Stand firm for the principle of the rule of law between nations, and stand firm on behalf of steps which history has taught us to be the best means of keeping the peace.

PARLIAMENTARY INQUIRY

Mr. AuCOIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AuCOIN. Mr. Speaker, is it in order under the rules of the House to refer to statements of Members of the other body, or to actions taken within the other body?

The SPEAKER. It is possible under the rules of the House to refer to a vote taken in the other body, but not to characterize the vote by statements of approval or disapproval.

Mr. AuCOIN. I thank the chair.

Mr. EDWARDS of Oklahoma. Mr. Speaker, was the gentleman referring to the fact that the Senate has just defeated the Gephardt amendment?

Mr. TORRICELI. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise in opposition to the Hamilton-Gephardt resolution and in support of the Michel-Solarz resolution.

Mr. Speaker, I believe our economic alternatives have expired in the Persian Gulf Region. I recently met with several former hostages, including Miles Hoffman from Columbus, GA, the only American wounded by Iraqi soldiers. The hostages described to me the failure in a policy of economic sanctions. They talked of food and other supplies entering Iraq unrestricted from Jordan and Iran. We also discussed the fact that other sympathetic countries like Libya are sending hard currency to Saddam enabling him to buy needed goods. One hostage described Iraq's growing agricultural capability—complete with irrigation facilities. Finally, they told me of their luscious Thanksgiving Dinner—turkey with all the trimmings.

Mr. Speaker, does that sound like a country suffering at the hands of serious economic sanctions that are stripping it bare of basic necessities?

Saddam Hussein and his army are not suffering from these sanctions, nor will they because they will continue to plunder, rape, and pilfer all that they must from Kuwait to maintain themselves. In addition, as fellow Arabs grow ever more sympathetic to Saddam, they will continue to help Saddam get what he needs.

Mr. Speaker, we gave Iraq an ultimatum—their time has come due.

□ 1210

Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise today in the midst of the most important debate in my 10 years in Congress. We have already heard many excellent arguments on both sides of this vital issue, and I appreciate the honest views of my colleagues. As for me, I intend to support the President and the U.N. resolutions, not because I want war, but because I want a genuine peace.

I'm sure we can all agree that President Bush and Secretary of State Jim Baker have done an excellent job in bringing the international community together in joint condemnation of Iraq's invasion of Kuwait. As a matter of fact, I feel that Secretary of State James Baker will always be remembered as one who went the last mile, always cool and courteous, always professional, and always there. Who could have dreamed that he could pull the U.N. members together—even Syria and Egypt? This Secretary of State brings to mind the Cordell Hull image of the 1930's and early 1940's.

As I agonized over this historic vote, I keep coming back to where we are now. Not last August or September—but now. Our troops are in the desert now. They were there when I arrived on the scene. They were there when the entire Congress came on the scene. If I were President, I probably would not have sent ground forces to Saudi Arabia. Instead, I would have used air and sea power and our technological advantages to protect the Persian Gulf from further unprovoked aggression. As Gen. Douglas MacArthur put it, "The object of war is victory." If hostilities begin, let's learn from Korea and Vietnam, and allow the military to fight the war. The shortest war spawns the fewest casualties. These would be my actions based on what I know. Granted, I am not in command of the information that our Chief Executive has.

Therefore, I don't know all of the relevant factors involved in the President's decision to send a large contingent of ground forces. If I trust in the judgment of the President, if I believe he is sound of mind, that he is a patriot, and I do, then I must accept that he has made the right decision. I would ask my colleagues, how would you feel if you were a young soldier sitting in a puptent in that remote desert, and you picked up a copy of the "Stars and Stripes" newspaper, only to read that the Congress did not support your Commander in Chief?

I honestly believe that the policy of appeasement and delay is, in fact, a policy which in the end leads to even greater suffering and death. As a veteran of World War II, I cannot help but remember the words of Prime Minister Neville Chamberlain upon his return from his ill-fated peace negotiations with Adolf Hitler, and I quote Mr. Chamberlain, who said, "For the second time in our history a British Prime Minister has returned from Germany bringing peace with honor. I believe it is peace for our time. Go home and get a nice quiet sleep." Mr. Speaker, I and many others did get a nice sleep that night. Yes Mr. Chamberlain delayed the war—but he magnified the loss. In looking the other way then, the world allowed a madman to consume Europe, and before it was over, millions paid for this tragic mistake with their lives.

Mr. Speaker, it is indeed appropriate for Congress to meet here today to debate this issue. The Constitution empowers this body with the responsibility to decide when this Nation goes to war, and we shouldn't shrink from our constitutional duty. Let us decide today—not 6 months or 1 year from now—to put a stop to Saddam Hussein's ambitions before he descends on more of his neighbors, before his neighbors—little countries who have supported the U.N. resolutions condemning Iraq—have the sinking feeling that we are not going to call Iraq's hand. Then they will have no alternative but to fall in line behind Saddam, and we will have created a monster on that desert that will have the financial resources to buy the world—and the thirst to consume it.

I cannot do less than support our troops over in the desert, by supporting their Commander in Chief here at home.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, what justifies the threat of force against Saddam Hussein? It is Saddam Hussein's record of brutal aggression, combined with his nuclear, chemical, and biological weapons capability and the threat that poses to the United States and to the entire world.

American force is not justified by the need to liberate Kuwait. That is a valid objective and it is one that can and should be an integral part of any resolution of this crisis.

The threat to oil does not justify the use of force. That is precisely the type of threat best effected by an embargo.

The new world order which we want to achieve is a result which should be achieved by diplomacy, not force; but what cannot be achieved by diplomacy or sanctions alone, is our ability to defeat Saddam's increased ability to utilize chemical, biological, and nuclear weapons, which weapons he could, and undoubtedly would, use to blackmail the United States and any other country in the world.

We must be willing to act now or face the grave risk of Saddam's nuclear weapons to the Nation and to the world.

Unfortunately, many have followed a policy of wishful thinking toward Saddam Hussein. Many never believed that Saddam would invade Iran, and he did. Many never believed that Saddam would use chemical weapons for the first time since World War I, and he did.

Many never believed that Saddam would use chemical weapons against his own people, and he did.

Many never believed that Saddam would be able to extend the range of Soviet-made missiles to hit Tehran, and he did.

Many never believed he would invade and annex and rape Kuwait, and he did.

Some now say he will not have nuclear weapons for 5 to 10 years, despite strong and credible evidence of a much shorter timeframe. We have dangerously deluded ourselves about his capacity, and as much as we would like sanctions to force Saddam out of Kuwait, that is wishful thinking, too. Sanctions alone to date have accomplished nothing.

Sanctions did not convince Saddam Hussein to halt his drive to the Kuwaiti border.

Sanctions have not kept oil flowing.

Sanctions did not convince Saddam Hussein's emissary to negotiate in good faith with Secretary of State Baker earlier this week, and sanctions did not tell Saddam Hussein to release his hostages. Saddam released foreign hostages not because of sanctions, but because of his cynical attempt to undermine the entire Arab coalition.

I ask my colleagues, my friends who would argue we should give sanctions more time, when will we have given them enough time? Will we have given sanctions enough time when the Iraqi chemical stockpile has tripled in size?

Will sanctions have run their course once Baghdad has a nuclear bomb?

I deeply regret this conclusion, but saying we need more time for sanctions is an excuse for doing nothing. We can engage in wishful thinking that shortages of imported goods will bring Saddam to his knees, but in a dictatorship where opponents to Saddam are shot for expressing a divergent view and whose agricultural bounty extends from the Tigris to the Euphrates, sanctions will discomfort the civilian population, but they will not bring Saddam Hussein to his knees and they will not force Saddam out of Kuwait.

We must not pull the rug out from under the international coalition at one minute before midnight.

Whatever has been accomplished to date has been accomplished precisely because Saddam began to believe that the United States and the international community were prepared to use force to respond to his aggression.

Philosopher Michael Walzer writing in The New Republic states, and I ask you to listen to this quote:

> The embargo is aimed * * * at Iraq's military-industrial capacity. But Saddam can let his capacity run down indefinitely so long as he is sure he will not be attacked. Hence the effectiveness of an embargo depends on a credible threat to fight. At some point Saddam must yield or we must fight. If he

doesn't yield and we don't fight, the victory will be his.

A vote, my friends, today for Hamilton-Gephardt will strip the President of the ability to credibly threaten the use of force in support of sanctions. It will send a clear message that the Congress does not stand behind the U.N. resolution and that our policy is one of sanctions alone. It will convince Saddam that he can remain in Kuwait as long as he wants.

Based upon my conversations with our soldiers in the field, we know it will have a devastating impact on the morale of our forces.

At this point, this vote will determine whether our Nation has the will to resist the dictator's aggression, or whether we will continue to engage in a policy of wishful thinking.

If we really want sanctions to work, if we want a real chance to avoid conflict, Congress must reject this amendment and instead pass the Solarz-Michel amendment.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, my colleagues, arriving at this point in the discussion of this issue has been very difficult and painful. I would like to respectfully share with you my views at this time. I support the President, I support the troops in Operation Desert Shield, but I am deeply disturbed at the events and the persons who have led us to this point in our history. I have and will continue to support our troops and will support all efforts to give them the necessary tools to fulfill their mission. Having said that, the most important support we can give them is to do our utmost to keep them from having to use those tools.

I am not prepared at this time to accept the fact that all of the resources of the free world through the United Nations have failed in this instance and the only recourse is war—what a shame, how sad if this is true, that in 1991 the world admits failure for a peaceful, diplomatic resolution of the Kuwait affair. I support the United Nations resolutions, that's no problem, but do you know what they say? Get the Iraqi troops out of Kuwait, that's all they say. I now ask, is the Emir of Kuwait worth dying for? No. Is the Emir of Kuwait worth one American life? No. I condemn the actions of Mr. Saddam Hussein, and I agree he is a menace to that area of the world and possibly beyond. I think that what he has done should not be the order of the day, but under the U.N. resolutions we drive him out of Kuwait, that's all they say, what then, what have we gained? They do not speak of chemical weapons or nuclear weapons, all they say is he's a bad guy and should be driven out of Kuwait. Having done that, what have we gained, I respectfully ask?

The Hamilton-Gephardt resolution does not prohibit the President from acting. All it says is, should all fail, then Mr. President, you tell us that's the case and we will act together, that's all it says, let us do it together. Mr. President, as the elected representatives of the people, is that too much to ask? I support you, Mr. President, but my conscience and my district demand that we give peace a chance first, should that not be humanly possible and war is the ultimate need, I will be with you, and pray that it be achieved with the least loss of life possible, for it will be our young people in great part that will bear the burden. God bless and protect them. With all my mind, body and soul, I pray that what we do here today be worthy of our service as representatives of the people of the United States, our troops abroad and our own conscience. Thank you.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time and commend him for what he has done on this resolution.

Mr. Speaker, we all support the President. We support his goals. We want Iraq out of Kuwait and we want, frankly, most of us, if not all of us, to get rid of Saddam Hussein one way or the other; but the Solarz resolution is not right. It does not meet the constitutional test for which we swore an oath of office to uphold that Constitution.

It is not a declaration of war. If we are going to go to war, make the President do exactly what the Constitution calls for, not a back door open-ended blank check to do it at his decision, at his time, but the people's time, the time when it is right, not the time he decides.

Second of all, we, none of us, have enough information. Do we know how long this war might be anybody's guesstimate in the Defense Department?

Do we know how many bodies may come back, how much of a casualty count there will be by the Defense Department estimate?

Do we know what the cost will be? The gentleman from California [Mr. PANETTA] says they will not even tell us. Is that fair for you to make the most important decision of your careers, your lives, affecting your neighbor's children, husbands, and wives, based on no information?

Third of all, it is premature. Diplomacy has not been given its final chance. We have to go every extra mile, as the President has said, in the quest of peace. Walk another extra mile, I say to the President, before he commits young Americans to death, because that is what war is. They are not disconnected.

War is death. People will die, our young sons and daughters and husbands and wives.

The sanctions are working. This nonsense that they are not working is not true at all.

□ 1220

He is weaker. Testimony from our own Defense Department has said he is weaker. His airplanes, his aircraft are less capable of flying today than they were 4 and 5 months ago.

Would you rather face an enemy who is weaker, and more capable of being won over rapidly than doing it now when he is more capable?

War will bring terrorism. Mark my words, the surge of terrorism will be on the battlefield of the world, not just in Iraq.

Anybody who thinks that the battle is going to be in Kuwait or Iraq is deluding themselves.

This man is a lunatic, and he will blow up any object that he wants to get at Americans. That means we are all at risk.

The last thing we want to do is to prematurely go to war.

Finally, Mr. Speaker, we have an obligation to others, our allies in the region, our friends; but we have an obligation to ourselves and to our servicemen and women.

I would rather that they sweated in the desert than be buried in that desert.

Mr. Speaker, would it not be ironic if the new world order touted by this President has as its first act the act of war? How sad, how wrong for America, and its moral leadership.

If the time comes to go to war, then we will go to war, but we should all be assured that everything short of war has been done. The Gephardt-Hamilton resolution allows us to do that with the resolve for the President to continue to have the military option.

You should vote for it and vote against the Solarz resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY. Mr. Speaker, in August, when the first American troops were sent to the Persian Gulf, Americans opposed the brutal invasion of Kuwait by Saddam Hussein.

They knew we had to halt Iraq's imperialism, free our hostages, safeguard the world's vital oil reserves, and protect our allies in the region from further naked aggression.

Americans also knew what a threat Saddam Hussein was to world peace. He used chemical weapons on his people, practiced genocide on the Kurds, and in Iraq political opposition can be found only in the cemeteries.

That is why I—and practically all Members of Congress—supported the President's decision to send troops to

Saudi Arabia, and then to use sanctions. In August, we voted to impose sanctions 416-0. In October, we voted 380-29 to support the policy of Desert Shield.

Today, however, this successful policy is on the brink of major change.

The administration now wants to change "Desert Shield" into "Desert Spear."

They want our approval to launch offensive military action of an unspecified nature—at an unspecified time.

In short: A Presidential declaration of war.

Why change policy now?

Is it to stop aggression?

We have stopped Iraq, protected Saudi Arabia and our other allies in the region, and protected world oil supplies.

Is it to defend democracy?

Hardly, since Kuwait is no democracy. Neither is Saudi Arabia, or Syria.

Forget lofty ideals. Let's be practical.

Is it to protect oil and our way of life?

Iraq and Kuwait combined have only 20 percent of the world's oil reserves; 80 percent are located elsewhere. And it we developed an alternate energy policy and eliminated gas guzzling cars and boats we wouldn't need dipstick diplomacy.

Let's do that, and let Saddam Hussein drown in his own oil.

Is it to send a diplomatic signal of resolve and strength?

But sending a signal implies somebody's there to receive it. He hasn't gotten the signal yet—not from 400,000 troops and two U.N. resolutions. What makes us think he will get it from this vote today?

Let us not fool ourselves. The vote today is not to send a signal. It's on whether we want a declaration of war.

What about the new coalition?

We'll have partners, right?

Only if we mistake words for deeds.

Japan draws 70 percent of its oil from the Middle East. It has contributed about $400 million to Desert Shield. All our allies combined have paid about $4.3 billion of the $30 billion Desert Shield will cost.

One foreign official talked to us about the strength of our allies' commitment.

He said:

> The Syrians, Saudis, and Egyptians want Saddam Hussein defeated swiftly, decisively, elegantly. But if it doesn't come quickly, they're willing to fight—to the last American.

Will the coalition hold together for another year while we allow sanctions to take effect?

Our allies have kept their troops home, and their money in the bank. Are we now to believe they will even cut off the words?

If we can coalesce for war, why not peace?

At some time we may well have to use force in Kuwait. But we haven't exhausted our diplomatic options. Not yet. One meeting—even 6 hours long—is not enough.

My colleagues, here is the central issue. Should we change from Desert Shield to Desert Spear?

Is that the national—and international—consensus?

Let us stick with the current policy.

It prevented Saddam Hussein from going into Saudi Arabia.

It is weakening his arsenal.

It is draining his treasury.

Let us stay the course.

"Genius," a French philosopher once wrote, "is nothing but a greater apptitude for patience."

Nations of great genius exhibit great patience.

Let's not sacrifice lives on the altar of impatience.

Let's not lose lives because we didn't want to lose time.

Vote for Hamilton-Gephardt.

Mr. GEPHARDT. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, there are four reasons today to vote for Hamilton-Gephardt. First is that the Michel resolution itself is a declaration of war without actually admitting it. It puts the trigger in the President's fingers and it says, "You decide."

Do not vote to ask American troops to make the ultimate sacrifice unless you are willing to go home and admit that squarely.

Second, the problem is that the Michel proposal authorizes war before we have to. Do not ask our soldiers to put their lives at risk until there is absolutely no other possibility left.

Surely we are not yet at that point. We have time.

The President's supporters say this is not Vietnam, and they are absolutely right; but neither is it Munich. Iraq is no Germany, and if war occurs, Saddam will learn that in days whether we attack now or later. George Bush has already prevented another Munich. Saddam has already been stopped. We have time.

Third, if we attack, the Middle East would become what we have always feared it would be: A radicalized, polarized cauldron in both the Palestinian and Moslem worlds, seething with hatred, and that hatred will be directed at us and it will not just be confined to the region.

The costs will be enormous abroad and at home. You had better be prepared to pay them.

And that is my last point: Do not vote to strike up the band today unless you are willing to face the music afterward. Do not vote to create a new generation of veterans of foreign wars unless you are willing to pick up the full cost of caring for their health needs, caring for their family support needs, and all the other attendant needs that they will experience.

Last, let me simply say that a lot of you do not like to vote for foreign aid. Well, if you vote for the Michel resolution today, you had better be prepared to vote for a lot of it.

□ 1230

You had better be prepared to support the billions and billions in new Presidential requests which you will see over the next decade. You had also better be prepared to vote for the taxes to pay for the war upon which we are about to embark.

Mr. Speaker, I beg you to not just add the cost to the deficit because a bookkeeping gimmick allows us to. Our economy cannot afford it, and our self-respect should not allow it.

I would ask my colleagues last of all to remember not just the President's face, but to remember the faces of all of the people we know who are now on the front lines who may be asked to make the ultimate sacrifice.

When I was in the chair last night, I made a list of the people who I knew personally or who I have met from my own area in the last 6 months who are now in Saudi Arabia. I thought of the vice president of the central labor body in my own hometown of Wausau. I thought of kids I met from Sheboygan, Milwaukee, Stevens Point, Superior, and literally a dozen other places in my own State. I thought of the classmate of my own son here at Yorktown High School in Arlington. That is who I think of before I vote.

Mr. Speaker, I ask my colleagues today, for God's sake, remember: The choice is not whether we have to go to war. It is whether we have to go to war now. Give us more time.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I come to the well today for the first time in my career. I do it at a time most grave for this Nation, and I rise in support of the only resolution that makes any sense, the Hamilton-Gephardt resolution.

Mr. Speaker, I do this with a special perspective, a 26-year military veteran, 7 of which were in sustained combat. So, I know what these troops are doing over there, and I have great respect for their perseverance, for their capabilities, for their professionalism, because if we go to war, our troops will win a decisive battle. No doubt.

But the Gephardt-Hamilton resolution is not a lollipop. It is a tough resolution. It supports our President regardless of what has been said. It supports the constitutional way this government works. It supports our troops in the gulf, too, because we say, "Hey, one single attack, and you've been had, Mr. Saddam Hussein." It secures the Saudi borders for the same reason. But it encourages, it insists, that the President continue diplomatic efforts and that he does exhaust every effort to find a way to find a peaceful solution to this conflict.

It does not give war-making powers to the President, and the reason we are not doing that is because the President can only commit forces. The President cannot commit the Nation. Only this body, by this Constitution, can commit this Nation to war.

The Tonkin Gulf resolution is experience enough. The reasons for that resolution were great. It fell apart because we committed troops. We did not commit our Nation to that exercise, and it destroyed this Nation. It split it apart. Let us not do that again.

I vowed when I sat in Hanoi that I would never allow anyone to persuade me to send troops into battle without the backing of the American people, and I am not going to do it today. I will never do it, and I ask my colleagues today to vote for the only resolution that stays on the line of the Constitution, the Hamilton-Gephardt resolution.

Mr. GEPHARDT. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker and colleagues, each time that I step on this floor to cast a vote for a half million Missourians, I feel somewhat inadequate to the responsibility of being their voice and their vote. I never feel informed enough, I never feel prepared enough, and I never feel wise enough.

Today, for obvious reasons, I especially feel that way.

The Saturday after Thanksgiving I was eating lunch in a McDonald's with my 20-year-old son, Matt, not too far from this Chamber. A woman, a stranger, approached us as we were eating, and she said, "You're a Senator or something; aren't you?"

I said, "Yes."

I let it pass.

She said, "I want to talk to you." she said, "You see, my son and his wife are in the Army in the Persian Gulf," and then she began to cry, and then her tears turned to sobs. I tried to console her, but she could not get control of herself, and finally she just had to turn and leave.

We cannot and we should not decide the policy of our country in the gulf standing just in her shoes, but I believe we have got to be able to look that woman and all like her, and husbands as well, in the eye and say that before we send their children to war that we have done everything in our power to reach our goals without war. In my heart and mind we cannot say that yet today.

When we started sanctions, we knew that it would take longer, rather than sooner, for them to achieve their goal. But I say to my colleagues that these are the most powerful and effective sanctions in the history of the world.

With more that 50 of our warships in the region, three of our aircraft carriers, we have made over 6,000 interceptions of questionable vessels; 800 times our sailors have boarded and stopped questionable ships. Thirty-five times we have diverted ships from their destination and sent them somewhere else, and many, many times we have sent shots over the top of the ships that we have wanted to stop.

Only we have begun to lose patience with the policy of sanctions that is clearly having its intended effect. Opponents say that they will never work alone. They say they will never work fast enough, they will never keep enough pressure on Saddam Hussein politically to leave. Opponents say that if we do not use force now, then we have told the world that we have cut and run.

Mr. Speaker, that is what they said about the sanctions applied to Idi Amin, to Trujillo, to Somoza, and to Daniel Ortega.

□ 1240

But history shows that even brutal dictators have been toppled and defeated by sanctions. Sanctions are force. Sanctions are effective. Sanctions require rightful contributions from our allies, and, yes, sanctions succeed, as these are succeeding, and sanctions will leave us better able in the end to resume the wars we must fight here at home, wars against drugs and crime, wars against proverty and disease, and the war to rebuild our economic strength.

Now, the debate of words and ideas is about to end, and we are about to have the chance to decide. Whatever our decision, we will leave this room today one again and whole again. If we vote for war today—and I hope that we will not—this Congress and this country must close ranks, not because that makes war inevitable but because diplomacy and sanctions and international pressure thankfully still have time to work. But if that fateful decision is made, let us also be united in our prayers.

I pray for the President, for his judgment, for his wisdom, and for whatever decision and whatever course he will decide. Most of all, all of us pray for our young people, for our soldiers scanning the lonely sand-blown horizons. We pray for the pilots flying their fighters above the Arabian Sea. We pray for the sailors and the ground forces, and we pray, all of us, with all our hearts, for their safe return to America, the country that loves them and deeply appreciates the sacrifice they are prepared to make.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of the bipartisan Solarz-Michel amendment. And I do so with a great sense of responsibility, as we all must feel here today. This is indeed one of those historic occasions when we are called upon to perform our ultimate duty, to our constituents, and to our Nation. The responsibility weighs heavy on our shoulders, but we cannot shrink from it.

This debate, and the votes we will cast, are momentous indeed. But the resolution I support is not a declaration of war. Let us be very clear about that. It is rather a vote to stand firm, stand tall, and stand together, as one nation. It is a vote to give our President the support he has asked for, the support he deserves, the support he needs. At this critical moment for our country, and for the world, we have been called upon to give the President of the United States the authority he requires to meet this great challenge. Yes, Congress does have a constitutional prerogative. But we must exercise that prerogative soberly and responsibly.

If anything, a yes vote on Solarz-Michel is the best chance to avoid war. For only if Saddam Hussein sees unity and resolve on our side, will he finally understand that he has no choice. Only a credible threat will force him to yield. If we fail to send that unequivocal message, Iraq might miscalculate once again. Saddam may conclude that we lack the will to use force, and that if he stays put, his illegal occupation will stand. If you don't believe that, ask President Ozal of Turkey. He knows the Iraqis very well. He shares a border with them. His forces have 10 Iraqi divisions pinned down on that border. He is quoted in this morning's Washington Times as saying that it is crucial that we "send the right message * * * only * * * Congress can convince (Hussein) that the Bush administration is now authorized to use force to evict him." Mr. Speaker, that realization on the part of Saddam Hussein may be our best chance to avoid war. That's why it is so crucial that we do the right thing here, and give the President the support he asked us for.

During the past few months, we have heard much discussion centering on one small question: Why are we in the gulf?

The answer to this question is crucial in terms of this debate. What indeed is this conflict all about? Well, first let's determine what it is not about. Oil is certainly a consideration, but it is not the primary consideration. We have other sources of energy. And it is high time that we developed a real independence of Arab oil.

It is not even about Kuwait, and it is certainly not about democracy. Kuwait was a benevolent dictatorship, but it was a dictatorship. So is Saudi Arabia. It is not about human rights. Unfortunately, human rights abuses are rampant throughout the Arab world, and in so many other countries, like Cuba, Ethiopia, and Afghanistan.

The fact remains however, that we do have a vital stake in this confrontation. Our national interests really are at stake. For Kuwait is only the beginning. If Saddam Hussein is allowed to prevail, what kind of world will we live in?

If Saddam stays in Kuwait, he will undoubtedly become the leader of the Arab world. His appetite for conquest and intimidation will grow. Other dictators will be encouraged. Instability in the world will be rampant.

We and our allies will be affected. Saddam Hussein will increase his arsenal of nuclear and chemical weapons, and he will use them, make no mistake about it. The threat lies not necessarily in what will happen tomorrow, but what will happen the day after tomorrow, if we do not act now. Winston Churchill put it best:

> Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.

Mr. Speaker, this is the history that we must avoid, because our children will pay the price.

I would just like to interject one note of caution into his debate—for those, whether in Europe, in the Arab world, or anywhere else, who think we should "give" something to Saddam, who think we should press Israel to make concessions. We must continue to categorically reject linkage. It is unconscionable that Israel be made a victim of this crisis. Of course we want to solve the Palestinian problem. So do the Israelis.

All the Arabs have to do is accept Israel's existence. Egypt recognized the state of Israel. In return, they got every inch of the Sinai Desert, although Israel won that territory in a war of self defense. All problems in the Middle East can be addressed, but the solutions must be based on rationality and goodwill.

To those who oppose this bipartisan approach, I say this: I respect your view. I know we all want the same thing. But please, please, ask yourselves this question: What is the cost of waiting?

Ask yourselves these questions:

Can we afford to wait?

Can our men and women continue to sit in the desert, away from their loved ones, and in many cases away from their jobs and studies here at home?

Can our coalition stand the erosion of support that may come in the interim?

Can the Kuwaiti people continue to suffer from the horrible atrocities they have been subjected to?

Can our allies—Egypt, Israel, Turkey—continue to suffer the damage to their economies caused by the protraction of this crisis?

Can we wait around while a vicious, bloodthirsty dictator holds the world at bay?

Can we wait around while Saddam makes a mockery of civilized norms of behavior?

Please ask yourselves these questions. Please be honest. Please vote your conscience.

Let's stand shoulder to shoulder with the President during this trying crisis.

With God's help, we may just be able to avoid a greater catastrophe later on.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I rise in opposition to the Gephardt-Hamilton resolution because it would undermine U.N. Resolution 678.

Mr. Speaker, I rise in support of the bipartisan resolution which authorizes the President to use all means necessary to enforce the UN resolutions regarding Iraq's invasion of Kuwait provided he certifies to Congress the United States has used all appropriate diplomatic means to obtain Iraqi compliance with the U.N. resolutions and determines those diplomatic efforts have been unsuccessful.

The United Nations is finally acting in its true sense as an international peacekeeping coalition. Many in the international coalition have sent troops and invested money in order to repeal Iraq's invasion of Kuwait. A vote against the bipartisan resolution is a vote against the United Nations and will seriously undermine the United Nations as it is finally acting as a peace-keeping international organization. This is not a vote for war. It is a vote to support the United Nations, not repudiate it. It is a vote to stand united behind the President and the international community. This is a vote to ensure diplomatic initiatives have a chance to work. Diplomacy will work only if Hussein knows that his rejection of diplomacy has severe consequences.

I believe the objectives of the United States and United Nations are clear. They have been stated in 12 U.N. resolutions. These goals call for Iraq's total and unconditional withdrawal from Kuwait, the restoration of the Government of Kuwait, compensation to the victims of Saddam Hussein's aggression, and stopping any further aggression from Iraq to its neighboring countries.

Iraq mobilized its armies, lied to their neighbors about their intentions, invaded and annexed Kuwait, took foreign hostages to use them as human shields, and raped and tortured Kuwaiti citizens.

It has been said that for evil to thrive, good only needs to remain neutral. The United States has not remained neutral and neither has the world community. For the first time in my life, the United Nations has truly worked as it was originally intended. The founders of the United Nations were determined, in the words of the charter, "to save succeeding generations from the scourge of war * * * and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest."

In American diplomacy, this principle was stated by President Truman, when he declared the fundamentals of American foreign policy would rest in part on the proposition "that the preservation of peace between nations requires a United Nations organization comprised of all peace-loving nations of the world who are willing to use force if necessary to ensure peace." Unfortunately, the threat of force is sometimes needed to ensure peace, and this is one of those times. It is my sincere hope that adoption of this resolution will lead our Nation down the path of peace and not war.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. McDADE].

Mr. McDADE. Mr. Speaker, I rise in strong support of the Solarz-Michel resolution.

Mr. Speaker, this has been a most difficult and sobering debate for all of us. The stakes are high. Emotions are running strong. And I think all of us—reflecting the feelings and belief of those we are privileged to represent—find ourselves torn and conflicted by the situation that confronts us today and the choices before us.

None of us wants war. No one. All of us want to see this crisis resolved peacefully. I can understand and I respect the views of those who want to defer conflict and avoid a recourse to arms.

But today, we find ourselves at what without question is a defining moment, a moment of truth.

It is a critical moment for the world community in its quest for a peaceful settlement. The world is watching whether the Congress will stand together, unified, with the President and the United Nations in rejecting the aggression of Saddam Hussein.

And it is a moment of truth for Saddam Hussein because this is perhaps the very moment he has been waiting for and gambling on all these many months.

Even though the international community, in unprecedented unity, has rejected his immoral occupation and destruction of Kuwait—even though Iraq has been subjected to sanctions and a trade embargo—even though a 28-nation coalition has arrayed against him a military force of unquestionable power—Saddam Hussein has refused to budge.

Even confronted with the explicit threat of force by the United Nations, he has spurned each and every effort to reach a peaceful solution to this crisis.

For the past 5 months Iraq has not sought peace. Instead, it has sought simply to divide and conquer; divide the international community while conquering Kuwait.

We've been forced to endure a seemingly endless charade from Baghdad, not diplomacy but rhetoric and threats, intended to fracture the coalition.

Baghdad says the issue is not Kuwait, it is the Arab-Israeli dispute. Iraq takes, then releases, hostages trying to cynically manipulate world opinion. It threatens "seas of blood" trying to sap our will.

And when finally given the chance this week to broach a peaceful solution, Iraq insults our President and matter-of-factly states it will attack Israel.

Iraqi diplomacy—if one would stoop to call it that—has been a waiting game, an effort to confuse; to delay; and ultimately to divide.

This is Saddam Hussein's gamble—will the international community, the coalition, stay together over the long haul? Or will the coalition begin to come apart while Iraq has the pressure taken off and is given more time to stall and delay?

Mr. Speaker, like it or not—we find ourselves confronted with choices that go to the heart of Saddam's gamble. This is perhaps the ultimate roll of the dice in his game and the stakes are immense.

At this critical moment—what are the chances for any peaceful resolution of this crisis if the dictator sees that his gamble may pay off?

Can anyone doubt what will occur if we send a mixed signal at this critical juncture? What will happen to the coalition if the carefully forged position of the United Nations and President Bush is not endorsed by this body?

What hope is there, really, for any peaceful settlement that denies Saddam Hussein the fruits of his aggression if he receives a signal from this body that his gamble, his delaying game, is working?

There is only one vote before us, Mr. Speaker, which will clearly and unequivocally strengthen, not weaken, the President's ability to achieve a peaceful resolution to this crisis.

At this critical juncture, the chances for long-term peace—a peace that does not reward aggression—are best served by supporting the Solarz-Michel resolution.

Let's endorse the position of the President and the United Nations. Let's keep the world unified against the dictator, let us speak with one strong voice and send a signal to Saddam Hussein that his gamble will not pay off.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Let me begin by concurring with a portion of what the distinguished majority leader has just said.

Mr. Speaker, it is terribly important that in the last moment of this debate we do not reduce this magnificent exercise in free speech to some kind of inarticulate, indecisive mumble which sends no clear message of American resolve. However, if we reject Solarz-Michel and pass Gephardt-Hamilton, or, worse, if we pass them both, we may preach diplomacy but we will practice delay and we will give Saddam Hussein the one commodity he needs to prevail. That is time.

A 2-month delay will allow him to manipulate the Islamic holy month of Ramadan against our Arab allies in the international coalition. A 6-month delay will force our U.S. commanders to decide between combat readiness and troop rotation. A delay of 1 year might force this body back into session to decide whether we need to reinstitute a military draft to maintain our own commitment. And while we labor under these decisions, Saddam, confident that he will not be struck at massively and decisively at a point uncertain, will no doubt refresh and rest his troops, stockpile his spare parts, deprive his citizens to feed his soldiers, and probably work out the kinks in his chemical weapons. And I cannot even begin to speculate at what the luxury of time will do to his ability to export terrorism around the region, which he has vowed to do.

Perhaps since I have just returned from the gulf, I do not, as many of my colleagues do, feel as they do that the conflict is avoidable, but I will oppose Gephardt-Hamilton because I still want to extend diplomacy and not extinguish it. But what chance does Perez de Cuellar or the European foreign ministers or even those Arab ministers who are proposing diplomatic solutions have to realize their goal if force is not a constant alternative to Saddam's intransigence?

We naively presume in this body that somehow this man is impressed by our tightly reasoned diplomatically appropriate Western civilization arguments. But what model does he have for democracy? Egypt? A country he has already betrayed by going into Kuwait? Israel? A country he has vowed to obliterate? And what is his model for Arab moderation and peaceful coexistence? Anwar Sadat, now deceased.

Mr. Speaker, from his narrow frame of reference we can only teach Saddam Hussein two lessons: We can teach him the lesson of Lebanon, in which American resolve collapsed under Third World terrorism, or we can teach him the lesson of Libya, in which the terrorist Quadhafi himself finally paid the price for his brutality. I know which lesson this gentleman will prefer to teach.

Yes, I have been with the congressional delegation most recently and heard the reports that the Arabs will not fight. I have heard that report. For what it is worth, I have also heard our distinguished majority whip report he was told conflict is inevitable and that sanctions will take 2 or 3 years. But I respect his decision.

But I ask the Members to respect this: I ask them to reject the Gephardt solution and rally instead behind the resolve and the clearheaded determination of a young soldier who said to us when we were in Saudi Arabia last week, "Congressman, I really want to go home, but I want to go home through Kuwait."

Support the Solarz resolution.

Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I rise in support of the Michel-Solarz resolution and in opposition to the resolution offered by my dear friends, Mr. GEPHARDT and Mr. HAMILTON. I urge my colleagues to vote likewise.

Mr. Speaker, I have spent much time following the debate here in the House and also in the other body.

I would like to note first that I served my country in time of war, as an infantryman in World War II, and through the most extraordinary kindness of the Almighty I survived that war.

I detest war. War is death and killing, pain and suffering, the bereavement of families, the loss of husbands, parents, and wives and children. Its costs in human terms are awful, its costs in economic terms unbelievable.

I have listened, read, thought, agonized and prayed for wisdom and guidance over the hard choices before us. They are not easy for any of us here, nor are the choices clear. It is impossible to say who is right or to predict what is the best course. History will reveal that to us when we look back on this day, and I pray our judgment is wise and good for our great country and for all Americans—above all, for those who are especially at risk standing under arms in the Persian Gulf.

We have voted on House Continuing Resolution 1, the Bennett-Durbin resolution. I voted in favor of it, as did most of my colleagues. That was the right vote, a correct and proper institutional vote. It said the Constitution vests in the Congress the power to declare war, and that military action by the United States must be explicitly approved before military action may be initiated.

I have heard it said that this country should not resort to war until it has exhausted every method of achieving peace. I agree with that. There is no difference of opinion here in the House, or in the Senate on the substantive questions. We all agree:

We oppose war.

We want to avoid the terrible human and economic consequences of war.

Saddam Hussein must leave Kuwait.

The Persian Gulf area must be restored to a state of peace and tranquility.

We all want the sanctions to be used and to establish that they cannot bring success before any military force is used.

We all want every effort to achieve a peaceful settlement to be exhausted before this country resorts to war and violence.

The question is not what are our substantive goals. Our differences are over how they are to be achieved. We differ on methods, and it is to these differences that we must address our attention.

I did everything I could, honorably and properly, to prevent the election of George Bush to the Presidency in one of the most partisan elections in history. Mr. Bush carried my district, and was elected in a landslide of awesome proportions. I say this not to explain my vote but simply to make clear his constitutional legitimacy.

George Bush in his capacity as President has clear constitutional primacy in two areas: In the conduct of foreign relations, which is reserved exclusively to the President; and as Commander in Chief, where the Constitution also gives the President exclusive power.

We in the Congress, on the other hand, have the power to declare war. In some 200 instances in the history of this Nation, Presidents have committed Armed Forces of the United States to military action. In only five of those instances was there a declaration of war by the Congress. That establishes clearly the power of the President to act as Commander in Chief.

The Congress should consider the important questions of policy here, and has done so now for 2 days. We are now preparing to vote, and I am satisfied that all Members are voting their conscience and convictions after a worthy debate, characterized by civility and intelligence.

As I have observed, the question before us is tactical: How to accomplish the substantive goals, upon which we all agree, and to do so with least risk to our servicemen and women, and with the least chance of war and the smallest loss of life.

The first point to be noted is that the Gephardt-Hamilton resolution does not have the force and effect of law. It is solely a House concurrent resolution. Indeed, the first two resolutions we vote on today lack, if adopted, the force and effect of law. The President will not be called upon to sign either of them, and cannot refuse to sign them because of the form in which they are submitted.

Those resolutions are, in effect, a statement of congressional policy. They are, if you wish, a message to the President. They are also a message to the world, and to Saddam Hussein, and it is he who will be mostly moved by that action.

Politics stops at the water's edge. We are all Americans, sharing the same goals of peace, freedom, self-determination, human dignity and a decent life for all. But the President was elected to be our principal negotiator, and we are sending our President to deal with some of the most important and sensitive questions affecting our national security. If the Nation, if this House, if this Congress expects the President to succeed, we cannot send him into the process without all the tools his office and the Constitution give him.

No principal, no negotiator, acting on an important matter can expect success if that negotiator is functioning with only limited authority.

If this Congress wants to protect our troops in the Persian Gulf, it is absolutely necessary that we give the President the authority to assert all his powers. It is also urgent that the President have the power to speak, clothed with the full backing of the Nation he serves.

To do less, to reduce the real or apparent power of the President to conduct the delicate, difficult, and dangerous task is to increase, not reduce, the risk of war and all its attendant horrors.

Will the President use these powers well? I don't know. I hope so. I pray so. I pray that God give him wisdom and grace to do what is right and best for all: for the United States, for the world, and for the people of the Persian Gulf, including, yes, the people of Iraq.

I do not rejoice at having to decide the issues before us. Nor do I rejoice at the way they are presented. I have many reservations about the way the matter has been conducted by the administration, and I have expressed those concerns to the President, and to officers of the administration. I have sent a lengthy letter to the President urging him in the strongest way to let the sanctions work. I still hope he will do so. That was clearly a sound policy before this debate and will continue to be so.

I hope that armed action can be avoided. I hope that the President can and will handle this matter without failure or fault. I cannot assure you that he will, or that I will agree with him as he continues one of the most difficult tasks ever to befall a President.

I cannot assure you I can or will agree with George Bush's conduct of our Persian Gulf policy. It may be that I will come to disagree with him on these matters, either personally or institutionally. If so, I, like the others of my colleagues, will do what I must do.

For now, I believe that history will confirm that our best chance of saving precious lives is to afford the President adequate authority to negotiate the issues of concern to us in the Persian Gulf from a position of the greatest strength. He cannot serve us well with lesser powers.

The choices, as I have said, are not good. Had I crafted this debate and this process, I would have done it far differently. But the choices I would have crafted are not before us.

Diplomacy works, and we want it to work here. We want there to be sufficient time for it to work. We cannot expect it to work unaccompanied by a full expectation by our adversaries that failure to allow it to work will have far worse consequences for them.

Without that expectation, Saddam Hussein has no incentive to negotiate. The efforts of everyone now engaged in diplomatic efforts to resolve the crisis will face the real probability of failure if we do not afford the President the necessary support for real negotiations in the availability of the military option.

Saddam Hussein will be watching this debate, and he will gauge whether or not the pressure will be sufficient to make him negotiate or not. The debate here will affect, adversely or favorably, the efforts of others to achieve diplomatic settlements.

Do not think that adoption of the Gephardt-Hamilton resolution absolves this body of responsibility or closes the matter. If negotiations fail, our Armed Forces may well face Saddam on the field of battle and, God forbid, it may come soon.

We are all agreed that our national purposes will be carried out. Saddam Hussein out of Kuwait; peace, order, and tranquility in the gulf—those are our goals. This issue may be back here for another vote if the President is not successful in negotiating a diplomatic end to this matter. I hope, if and when that time comes, that we can say we gave the President the power he needed to resolve the issues diplomatically, on the best terms and with the least loss of life.

I also hope that our Nation, our forces, and our situation will be better and stronger at that time. I cannot be sure, nor can I assure my colleagues, that it will be so.

This will be the most difficult vote I have cast in 35 years of service here. For all of that I vote as I do firmly convinced that it affords us the best chance of avoiding the horrors of war, and the suffering and loss of life that accompany such an awful event.

I will vote for the Solarz-Michel resolution. I intend to vote against the Gephardt-Hamilton resolution. I urge my colleagues to do likewise.

God bless the United States, God bless our fine young men and women in the Persian Gulf. May He, in his infinite wisdom and power, guide us safely through this difficult time. May He give us peace.

Mr. TORRICELLI. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

I believe, with a great deal of reluctance, that diplomacy is best served by the threat of imminent military power. For that reason, I reluctantly oppose the resolution of my colleague, the gentleman from Missouri [Mr. GEPHARDT].

I rise in support of the Solarz-Michel resolution and in opposition to the Hamilton-Gephardt resolution. I have listened to my constituents, for as their representative, it is my role to do my best to reflect their concerns. They are, though, divided in their assessment of what vote I should cast in these next few hours. But I must perform as our Constitution requires and the ultimate decision on how I vote is mine alone. I share with all my colleagues the gravity of the charge. It has been a difficult struggle.

I wonder if this Nation can actually insure we are setting the course for a tyrant's retreat from tyranny. I doubt the world's need for oil is dearer than the blood that will be shed for it. As the original House sponsor of the U.S. Institute of Peace, I believe in conflict resolution but I fear each day is yet another step away from all peaceful means of ending this crisis. I question the years of confusing and mistaken administration foreign policy which has led us to this time and place. I anguish over the fate of our brave troops. I am haunted by words read long ago, the author since forgotten, that said, "War would end if the dead could return."

Yet with all my doubts and all the ramifications of those doubts, I choose to vote to give the President the authority he has requested. I believe the chances for peace, as we approach the U.N. deadline, are indeed more likely if Saddam Hussein believes this great country of ours is united. God help me that I have made the correct decision, the decision that will lead to a speedy resolution, the decision which will, as history is written of this moment, be said to have been the best and most honorable decision.

Mr. TORRICELLI. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from New Jersey [Mr. TORRICELLI] is recognized for 5 minutes.

□ 1250

Mr. TORRICELLI. Now, my friends, a great choice. Not only a question of war. In truth, that judgment remains with Saddam Hussein. He shall withdraw from Kuwait and the peace shall be preserved, or he shall remain. And at some point, on some battlefield, with some unspoken weapons, war will be fought.

The issue for us is also how to preserve the peace, even at this late moment. The Hamilton resolution asks you to believe that an adolescent assassin, who rose to power assassinating his closest friends and allies, who sent 1 million men to their deaths in the war with Iran, who visited upon his people 8 years of unspoken deprivation, that this man will respond to your patience, because of his deep and abiding concern for his people.

It is, my friends, a triumph of hope over reason. Four hundred thousand young Americans are on station in Saudi Arabia. The most powerful army in history. And still Saddam defies the world's demand for justice.

He does not doubt our power. He does not question our weapons. He doubts our will. He challenges the proposition that our generation possesses the strength of purpose, the basic resolve of our fathers.

My friends, send Saddam a message that will shake the foundations of Baghdad, that the American people are filled with a terrible resolve, angered, that at this moment in history, still in the dawn of our triumph over communism, believing that the peace was secured for our generation, that he has brought the world to war again. Resolved that international law in our time will have meaning, the ambitions of Wilson and Roosevelt for order among nations, a time when the weak would be protected, that there would be order among the strong, would be known.

America, I know you are tired. We are so few, and we have borne the burdens of this world for so long. But history calls us again. George Bush has assembled what is arguably the greatest coalition of nations of all time, united not for the conquest of anyone, with designs on nothing, but for justice, and more, a lasting peace in a new time. That coalition is tested in a defining moment of the post-cold-war period, that will tell much about the role of our Nation for the rest of our lives, and the kind of peace that may endure.

This is the issue. I have lived through my life, my 39 years, with 200 wars. My greatest hope for our time is that the future be made different from the past. That is what we ask.

One hundred sixty nations have spoken. The Security Council has voted. The Senate of the United States has decided. Now the world watches this House. Is our resolve less, our vision any different?

Give an answer that will be heard not simply throughout the world, but throughout the years; a message that every despot and dictator in every corner of this globe will hear. It is a new time of international law, with real international sanctions for those who violate the peace.

Mr. Speaker, we are a patient people, but we shall not visit this moment in our history again. This international coalition will not endure if the wrong judgment is made here today.

The gift of time that you would give Saddam shall not be used for peace, God, I wish that it were so, but to prepare for war; to build the trenches, to provide the traps, to refine the weapons that would consume the lives of our sons and daughters.

An hour ago we declared that we would use our constitutional prerogative. Now is that time. Stand with your President, without divisions.

God bless you as you make your fateful choice. And to those young Americans in foxholes and tents spread across the broad peninsula of Arabia, as you listen to our words here today, know that we are proud of you, we are grateful to you, and Godspeed in your mission for America and for a lasting peace.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, speaking for 19 members of the class of 1990 in support of the Hamilton-Gephardt resolution, we believe that the alternatives to war have not been exhausted. We will not vote for a declaration of war in the Persian Gulf. We call on our colleagues to exhaust all efforts to secure peace in the area by voting for the Hamilton-Gephardt resolution.

Less than 2 weeks after taking the oath of office we face a decision graver than any confronted by some of our most senior colleagues.

Because we believe that alternatives to war have not yet been exhausted, we will not vote for a declaration of war in the Persian Gulf.

Toward that end, we support the Hamilton-Gephardt resolution. Hamilton-Gephardt strongly endorses the President's authority to enforce sanctions vigorously, to secure an Iraqi evacuation of Kuwait, to support our fighting men and women in the field, and to defend the Saudi borders.

Hamilton-Gephardt also affirms the constitutional requirement for congressional authorization before the commencement of war and calls for our coalition partners to bear a fuller share of the costs.

We call on our colleagues to exhaust all efforts to secure peace in the area by voting for the Hamilton-Gephardt resolution.

Members of the class of 1990 supporting the Hamilton-Gephardt resolution are: PETE PETERSON, THOMAS H. ANDREWS, BERNIE SANDERS, WM. J. JEFFERSON, NEIL ABERCROMBIE, JOHN W. COX, JR., TIM ROEMER, COLLIN C. PETERSON, ROSA L. DELAURO, CALVIN DOOLEY, MAXINE WATERS, PATSY T. MINK, JOHN F. REED, MIKE KOPETSKI, JOAN KELLY HORN, LARRY LAROCCO, BARBARA-ROSE COLLINS, ELEANOR HOLMES NORTON, and JAMES MORAN.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman for Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I endorse prayerfully the course which the resolution of the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Indiana [Mr. HAMILTON] would put us on.

Mr. Speaker, late last night—or, to be more precise, early this morning—I addressed this House with my concerns about the President's proposed military course of action in the gulf. I spoke in support of an alternative that would not take us into war until all other reasonable, practical options were exhausted.

Today as we continue to debate this grave issue, I would like to make two additional points that I believe are important.

First, a number of speakers have continued to make what I consider to be a forced and terribly mistaken analogy between the decision we face today, and the decision that certain European governments made in Munich in 1938.

At that time Hitler threatened war if Europe did not acquiesce in his demand for Germany to annex the Sudetenland region of Czechoslovakia. In Munich in 1938, representatives of the Governments of Great Britain, France, Italy, and Germany met on this issue and, without the participation of the Government of Czechoslovakia, reached an agreement, known as the Munich Pact, that conceded the Sudetenland to Hitler.

British Prime Minister Neville Chamberlain returned to London and announced that he had achieved peace in our time. A year later, far from satisfied with the acquisition of the Sudetenland, but instead strengthened economically and militarily by that acquisition, Hitler invaded Poland, and World War II was underway.

It's always tempting, but often dangerous, to try to use historical lessons to guide our present decisions. And those who suggest that a continuation of the policy of sanctions against Iraq and the policy of appeasement at Munich are comparable are most egregiously distorting history.

In 1938, the leaders of the European community gave their assent to the invasion, occupation, and absorption of the Sudetenland by Germany. In 1990 and 1991, the leaders of the world community have united to insist that Iraq must withdraw completely and unconditionally from Kuwait. And every member of this body who has participated in this debate agrees with and supports that demand.

In 1938, the leaders of the European community hoped that their gift of part of the territory of Czechoslovakia would satiate Nazi Germany, and did nothing to prepare to stop further German aggression. In 1990 and 1991, the leaders of the international community have mobilized and deployed overwhelming armed forces at the borders of Iraq and Kuwait to ensure that Iraq can undertake no further aggression. And this body is united in support of that policy.

In 1938, the leaders of the European community let Nazi Germany use the resources of the Sudetenland to increase its ability to wage what became World War II. In 1990 and 1991, the leaders of the world community have instituted against the Iraqi invader the most far-reaching and effective economic embargo and sanctions in the history of the world, to force it to withdraw from Kuwait and to keep it from enjoying any advantage from its aggression. And every Member of this body, so far as I am aware, supports that embargo and those sanctions; our disagreement is over how long we let them operate before we resort to force.

In 1938, the leaders of the European community were weak and irresolute, and allowed Hitler to embroil the world in war. In 1990 and 1991, the leaders of the world community are strong and resolute, and will, one way or another, compel Saddam Hussein to yield. Our only difference is over the means by which we will force him to yield, and the timing in adopting those means.

In short, we don't have similarities between this situation and Munich; we have fundamental differences. To suggest otherwise is to imply that the only power we have to bring to bear is the full military power of an all-out offensive; that the force being used to enforce sanctions is not significant and powerful; that the economic power of this, the greatest Nation on Earth, in conjunction with that of our allies and the United Nations, is of no consequence; and that all diplomatic efforts are now worthless. I do not believe this. Our sanctions are being enforced with military power and they are working. And worthwhile diplomatic efforts can still continue.

To suggest that a continued reliance on economic sanctions and diplomatic efforts is akin to the justly infamous decision of Munich is to misrepresent in a very insidious fashion the truth and relevance of history.

In his testimony last month before the Senate Armed Services Committee, Gen. David C. Jones, former Chairman of the Joint Chiefs of Staff, suggested that, instead of looking to Munich, that we look to the beginning of the First World War for wisdom:

> One often looks for historical precedents to lend context to dramatic events and the press has been full of comparisons between Saddam Hussein's invasion of Kuwait and Hitler's annexation of Czechoslovakia prior to World War II. No analogy is perfect, but the current course of events strikes me as more reminiscent of World War I than World War II. In 1914, the contending powers set in motion a mobilization and deployment juggernaut that soon achieved a momentum of its own. Each side's reaction to the other's growing force levels and troop movements became, in itself, the rationale for war and the terrible slaughter that followed.

The second thing I believe all of us should consider in this decision is why our European and Japanese allies continue to balk at supporting the military endeavor the President is considering. These allies say they are behind us.

If they agree that vital interests are at stake, they should be standing with us shoulder to shoulder, with their fair share of troops, materiel, and funds. They should fully share the military, economic, and political prices and risks. But they aren't. We should ask ourselves—why not?

This is a fundamental question. After all, we have committed over 400,000 troops, and our financial costs will likely exceed $35 billion, even if no shot is ever fired. War would almost certainly cost us thousands of casualties and scores of billions of dollars more.

Europe has committed perhaps one-tenth that number of troops, Japan none; and combined they have made pledges of perhaps $10 billion in loans, equipment donations, economic aid to front-line states, and some cash.

This is predominantly an overwhelmingly American effort. And as a result, any political damage that accrues in the region, any burden of terrorism, from Arab States and Muslim populations, will also likely be placed on American shoulders.

We should ask ourselves why this is the case, given that our country is less dependent on Persian Gulf oil than Japan or any other European country.

Sixty-three percent of Japan's oil comes from the Persian Gulf. Yet it has committed no troops, its volunteer medical force of 19 doctors left the region last month, and its miserly $4 billion donation turns out to be mostly loans. The Netherlands, Spain, and Italy get 100 percent, 59 percent and 36 percent of their oil, respectively, from the gulf. Yet none of these nations have sent troops, and none have made financial contributions to the Desert Shield effort—although they may be participating in a European Community economic aid program for front-line states. France obtains 38 percent of its oil from the gulf, and England 16 percent; these nations have at least sent some troops—as of late December, about 33,000, with several thousand more pledged—and materiel.

We should ask ourselves why this is the case, given that European and Asian countries cannot count on the geographic distance we have from Iraq—and its rapidly developing war machine—missiles, chemical, and biological weapons, and in the future, possibly nuclear weapons.

Part of the answer may be that our European and Japanese allies do not believe war is yet an acceptable or necessary action. If that is the case, perhaps our country should listen more carefully to their concerns.

But just as plausibly, these countries may simply be letting America pay the costs that eventually the world would otherwise have to pay to reign in the aggressive dictatorship in Iraq. That is both shameful and unacceptable. And it threatens the ultimate successful resolution of this conflict.

Whether this is eventually resolved through sanctions or through military force, it will be terribly unwise for us to allow the effort to be labeled "American," rather than global. Our regional interests and relationships, and our ability to play a constructive role in working toward a more stable, peaceful, and democratic Middle East, would suffer greatly if Iraq and its allies—including extremist and religious groups throughout the region—succeed in putting an American label on these efforts.

The failure of Europe and Japan to meet their responsibilities hurts our efforts in the gulf and hurts our country. It will be the greatest and most outrageous irony for this country to have to borrow tens of billions of dollars from the Europeans and Japanese to finance a war to protect their interests, and, while paying it back, further cede to them critical economic advantage. We deserve better cooperation from them.

To their credit, and to the President's credit, many of our Arab allies have contributed significant levels of both financial and military—including troop—support. However, many of these Arab troops are not front-line troops and are not committed to the mission we are about to embrace. This must also be addressed.

Finally, I would simply like to insert into this debate the words of the commander of our troops in the gulf, General Schwarzkopf, who spoke about sanctions and war in late October of last year. He said:

> Golly, the sanctions have only been in effect about a couple of months * * *. And now we are starting to see evidence that the sanctions are pinching. So why should we say, "OK, gave them two months, didn't work. Let's get on with it and kill a whole bunch of people?" That's crazy. That's crazy. You don't go out there and say, OK, let's have a nice war today. God Almighty, that war could last a long time, and kill an awful lot of people. And so we've just got to be patient.

As the President continues to work toward a resolution of this conflict, I pray that he heeds General Schwarzkopf's wise advice.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I rise to express the overwhelming sentiments of the American people, of my congressional district, who have implored upon me on behalf of their sons and daughters to support the Hamilton-Gephardt resolution.

Mr. Speaker, during Vietnam, I stood by as a witness to the national anguish, the peoples' frustration, and the unintended consequences which we continue to pay for today.

Eight years ago, I came to Congress fully prepared that I would probably have to cast a vote in a war between two great superpowers. That never happened and the cold war is behind us.

With the dawning of a new age in the post-cold-war, with the promise of a better world, I find it incredulous we are now engaged in a momentous vote that could usher in a war that would pale Vietnam. Have we not learned from the lessons of history? Must we once again give to the President a blank check to carry out a war under doubtful circumstances?

Is this another Tonkin Gulf resolution? I believe it is. And I can well remember, as I'm sure you do the consequences and price that this Nation has had to pay for that ill-conceived resolution.

With all due respect for the talents of President Bush—he has employed his considerable skills to ally the world against Iraq—he has not articulated to my satisfaction why an invasion of Kuwait and Iraq is in our best interest.

Why should the United States risk thousands of American lives and spend billions of dollars to protect Saudi Arabia and Kuwait in order to provide Japan and Europe with cheap oil?

Why should American men and women die in Kuwait and Iraq so that the multinational oil corporations continue to reap huge profits for Kuwaitis who have not supplied soldiers in their own defense, while Americans may die to perpetuate a monarchy that has no commitment to democratic values.

Mr. Speaker, the first service casualty without us having fired a shot in the gulf was a constituent of mine. Sgt. Campisi of West Covina. That number of noncombat deaths has grown to 98. Indeed, 98 deaths too many for us to bear and if the Michel-Solarz resolution is adopted these numbers will be multiplied a thousand fold.

The many Latino veterans of my district have called upon me to not repeat the horrible lessons of Vietnam. Latinos, as American servicemen were over represented in combat units and in the front lines and while they represent 5 percent of the U.S. population, they suffered 20 percent of the casualties. The war in Vietnam as one in the Persian Gulf will again bring disproportionate higher casualties of minority troops.

Mr. Carlos Munoz, Jr., a distinguished professor of politics and history at USC, Berkeley has recently written that 36 to 40 percent of combat troops in the Persian Gulf are Hispanic Americans.

Make no mistake, having lived through the Korean conflict as a serviceman, and having been witness to the Vietnam war, I know the high cost of war, both when we win, and when we lose. In the case of Korea, our victory cost thousands of lives and billions of dollars to station United States troops there in perpetuity.

In the case of Vietnam, our loss cost us thousands of lives and billions of dollars, much of it squandered, in a military buildup unparalleled in history. Either way, win or lose, war is costly.

This Nation, under the wraps of a recession already in place, with taxpayers bearing the cost of billions of dollars in failed savings and loans; with the expectation of serious problems in our banking system; with unemployment beginning to escalate, we can little afford to engage in a war with a national deficit of $330 billion for 1991.

Mr. Speaker, today on this, my first substantive vote in the 102d Congress, I cannot vote for war. War should be our last resort after all diplomatic and economic efforts have failed. War should be our defensive strategy, not our offensive posture.

I will vote against the Michel-Solarz resolution which is a declaration of war.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS].

Mr. STALLINGS. Mr. Speaker, I have decided to support the Hamilton-Gephardt resolution. I urge my colleagues to do likewise.

Mr. Speaker, I have supported the President to this point because I believe it is imperative that Saddam Hussein be forced to reverse his occupation of Kuwait and understand that his actions are unacceptable to us and to the other civilized nations of the world. But I also believe that in this effort, war, with all its attendant human and strategic costs, should be a course of last resort.

Our President initially told us that above all, we needed to have patience and resolve. I agreed then, and I still do. I am not persuaded that we have exhausted the options of sanctions and of diplomacy. We owe the effort to ourselves and to the mothers and fathers, and the sons and daughters of our troops.

Mr. Speaker, I also want to address this body from my perspective as a professor of history. I am concerned about a misuse of history in this debate. The notion that this is a new Munich, an appeasement, simply doesn't stand up to scrutiny.

We are not withdrawing from the field. We intend to pursue sanctions aggressively—I hope even more aggressively than we have to this point. We are not telling Saddam Hussein, as Chamberlain told Hitler, that we will leave him alone with Kuwait in his hands as long as he assures us he wants nothing more. Instead we are resolved that he will be an increasingly debilitated outcast from the community of nations until he leaves Kuwait.

Nor are we facing an action by a world-class industrialized power with a growing military machine capable of overwhelming those just across the borders. The Armed Forces assembled in the gulf make it impossible for Saddam Hussein to continue his aggressive actions.

So I ask my colleagues to be careful with history. There may well come a time when we must resort to war. But when we talk, for now, about sanctions, we are not talking about appeasement, we are talking about tactics, and about the most constructive way of bringing pressure on Hussein to get him out of Kuwait.

Mr. Speaker, we have heard much over the last months and days about the notion that we are establishing a new world order. I agree that we are doing so. It is a new day. That makes it all the more important that we think very carefully about the nuances of our reaction.

I can think of no other war in this century that we entered for the reasons, or under the circumstances, that face us now. In all our other wars, both popular and unpopular, our physical integrity or our fundamental political system has been under direct attack. In World War I, our shipping was being attacked and sunk. In World War II, Pearl Harbor had been devastated by bombers and fighters. Korea involved an invasion by Communists openly hopeful of destroying democracy as an ideology. In Vietnam we faced similar Communist subversion.

The present situation does not equate to any of these.

If we accept that we are setting the ground rules for a new era, for a new emerging global order, we must carefully ask and consider a question I have not yet heard posed:

Do we really want to set ourselves up as the enforcer of this new world order. Why not choose to be a partner? And is it not through uncompromising patience, and firm sanctions and skillful diplomacy, that we will emerge as a partner and leader, instead of merely the chief enforcer?

It is easy, in this instance, to identify Kuwait as a nation deserving of our protection and efforts. There are, however, smoldering conflicts all around the globe. Are we to have responsibilities as an armed enforcer in each of those as well? As we speak, for example, the Soviet Union is using military force to surpress fledgling democracies in the Baltics. Do we send our young men and women to protect the integrity of Latvia or Lithuania? They are certainly as deserving of our protection as Kuwait.

We are launching into uncharted and perilous waters, and while we must never fear to do so, we must never do so blindly either. Before we rush headlong into this rule as the armed enforcer of the new world order, I would like to have a firm sense of the parameters of that role. We are making history here, and the historical precedent we are setting may pull us in directions and into conflicts we deeply regret. So let us not shy away from our responsibilities, but let us set the precedent carefully and deliberately.

Mr. Speaker, before I conclude I must also express our thanks and gratitude to the young men and women of our Armed Forces who are serving in the Persian Gulf. Sanctions and diplomacy do not betray them. Instead, continued sanctions would validate the actions of our men and women in the gulf, and the enormous accomplishment their presence has already made possible. They have drawn a line and placed themselves on the line, selflessly and loyally, as Americas soldiers have always done. The willingness of our young men and women to answer their country's call is precisely the reason the final call must not be given before we have exhausted our other options.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in proud support of the Gephardt-Hamilton resolution, and in opposition to the Solarz-Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I thank the majority leader for yielding. I do not believe in death by deadline. I believe there are other alternatives which are viable left to us before we turn this great country to war. Therefore, after a lot of soul searching, I announce my support in favor of Hamilton-Gephardt.

Mr. Speaker, I rise before this body in an hour of grave deliberation, to speak in support of the Gephardt-Hamilton resolution. I have come to this decision after much soul searching. I support Gephardt-Hamilton, and oppose the resolution offered by Mr. SOLARZ and the distringuished minority leader because I do not believe in death by deadline.

The time has come when I, along with all of my colleagues, have to make the most serious and far-reaching decision of my tenure as a Member of this Congress. From my State of Mississippi, 7,270 courageous and committed men and women have been called to active duty for the Persian Gulf. While Mississippi has only 1 percent of the Nation's population, its Guard and Reserve units make up 2 percent of the total forces called into active duty.

I have listened to the debates. I have read all salient materials I could obtain. I have attended relevant hearings. I have communicated with my constituents. I have traveled to the Persian Gulf and I have talked to our courageous men and women in the desert. They are committed, and I have no doubt that if called upon they will be victorious.

I have searched my heart, my soul, and my conscience. My conclusion is that the Hamilton-Gephardt resolution offers the wisest course for the United States and the world at this time. We cannot render a sentence of death by deadline to our sons and daughters, wives and husbands, fathers and mothers in the Persian Gulf.

In my travels to the Persian Gulf I visited with President Mubarek of Egypt, talked with our military leaders, and met with our Israeli friends. I am convinced that at this time there are better alternatives than war.

We need to demonstrate patience at a time when it is very tempting to become impatient. The economic sanctions appear to be working, though they are working slowly. The international embargo has effectively eliminated virtually all of Iraq's exports, blocked over 90 percent of their imports, and cut its GNP in half. Continued sanctions should reduce Iraq's GNP to approximately 30 percent of its pre-invasion level. William Webster, Director of the CIA, has testified that continued sanctions will increasingly diminish Iraq's military power as Saddam Hussein is unable to obtain the materials necessary to maintain and replenish his stock of armaments.

Additionally, this embargo appears to be our most effective means for deterring Saddam Hussein's ability to add destructive nuclear weapons to his arsenal. A country as great as ours can afford to be patient while sanctions weaken Saddam. Even in this situation, patience is a virtue.

Further, I am not convinced that we have adequately exhausted all channels for negotiating a peaceful settlement in the Persian Gulf. This crisis began because Saddam Hussein refused to consider negotiation as a means of resolving his differences with Kuwait. How ironic and tragic it would be if this crisis ends, with the cost of thousands of innocent lives, because the greatest military power on Earth, the United States of America, was too impatient to allow sanctions and negotiations to work. As President John F. Kennedy once said, "let us never negotiate out of fear, but let us never fear to negotiate."

We should negotiate, not to reward agression, but to address the legitimate issues that have precipitated this crisis. We should negotiate because the new world order we all seek will be no different from the old if international disputes are resolved by force, before all other options have been exhausted.

Six hours of talking at one another rather than to one another in Geneva by Secretary of State Baker and Minister Aziz does not constitute a reasonable attempt at negotiation. I believe we owe it to our brave men and women who are prepared to sacrifice their lives to give diplomacy and sanctions time to work. I believe we need to be patient, and give the diplomatic efforts which the United Nations, Algeria, and France and the rest of the international community have initiated a chance to work.

While I was in the gulf, I also became convinced that the multinational alliance is not "us," but mostly the United States. We have committed 375,000 men and women to the region. We will have spent in excess of $31 billion in incremental costs by the end of this fiscal year if we do not engage in war. If we go to war, the financial costs alone will likely exceed $1 billion a day.

Other countries such as Japan and Germany have pledged financial help, but most of it has yet to arrive. Of $4 billion pledged by the Japanese, only $450 million has been received. That is a paltry sum from a country which receives 63 percent of its oil from the Persian Gulf. Of $2 billion pledged by the Germans, only $100 million has been received. Our allies are willing to hold our coats while we go fight.

In the gulf, I saw over 400 Mitsubishi four by four jeeps donated by the Government of Japan. But they were being driven by American soldiers. The Japanese are prepared to contribute their cars, and some of their cash, but not their children. Where are the sons and daughters of those who receive more oil from the Persian Gulf than we do? Before we fight, the alliance must be truly multinational, and it must be only after we have exhausted every other option.

Mr. Speaker, my family has a history of association with death. I was raised in the funeral home business, and I cannot count the times I have been called upon to comfort mothers, fathers, sisters, brothers, husbands and wives after the death of a loved one. I know that Mississippi would likely have more casualties per capita in a war than any other State. Mr. Speaker, I will attend those funerals. But before it comes to that, I want to know in my heart that I can look those loved ones in the eye and tell them that I did everything possible, that I exhausted every reasonable opportunity, that I went the last mile for peace.

Before we go to war to pursue what some see as our vital interests, we need to exhaust every opportunity for peace. And before we go to war, we must be absolutely certain that our vital interests are at stake. After Iraq invaded Kuwait, President Bush swiftly ordered American troops to the gulf in a defensive posture to prevent an invasion of Saudi Arabia. I support that action because clearly we could not risk Saddam's controlling the entire Persian Gulf. But the world has adjusted to the situation in Kuwait. Eighty percent of the world's oil has not been affected.

Also, Kuwait is not a democracy, it is a monarchy. We need to repel the invasion of Kuwait, because Saddam must not keep the fruits of his aggression. But I do not believe at this time that we need to do so at a cost of thousands of American lives. We need to give sanctions and diplomacy a chance. And no matter how we do it, we don't need to do it alone.

Mr. Speaker I am convinced that if we do go to war, our troops will be victorious. America and the Congress will stand behind our President and our troops. We will give them everything they need for a decisive victory. But if we can do the job without war, we must. Let us be patient. Death by deadline is not a reasonable alternative.

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, because I believe with all my heart that it is the best course for the United States of America, I support the Hamilton-Gephardt resolution.

For the first time since Vietnam, America is poised to fight a major war. Never before in history have we committed so many young men and women so quickly against a nation that did not directly threaten our borders. Soon our troop strength will total more than 400,000 troops in the Persian Gulf. Vietnam took us 5 years to build up such a huge military presence. In the Persian Gulf, it has taken less than 6 months.

President Bush has promised that he will not repeat the mistakes of Vietnam and that any offensive military action against Iraq will be quick and decisive. While I have great confidence in our military, I know that life is not a Rambo movie and that any major offensive against a brutal regime like Iraq involves great risks and great costs. We must consider fully the cost of war in terms of the loss of human lives and human suffering.

How many Americans will die if we go to war? It is a question my constituents raise back home every day in their letters and their phone calls to me. The estimates are appalling. Consider these: 5,000 Americans dead and 15,000 wounded in the first 10 days said Newsweek; 10,000 dead and 35,000 wounded in a successful 90-day campaign to take Baghdad said the Center for Defense Information; as many as 30,000 dead in 20 days, said Jack Anderson quoting from "top secret Pentagon estimates" Whatever the figure, the prospect of casualties by the tens of thousands is something we can't ignore.

There are other costs as well.

What will be the cost, for example, of caring for a new generation of disabled veterans, who will require a lifetime of medical care as a result of a Persian Gulf war? Today, our country is hard pressed to humanely care for those American heroes traumatized by past wars. Every week, my office helps veterans searching desperately for adequate health care, only to find that the Veterans' Administration cannot meet their needs.

What, will be the cost of war to our entire economy? Will our peace dividend evaporate forever in the sands of Saudi Arabia and with it our hopes for new domestic investments in deficit reduction, in education, in health care?

Will the burden of shouldering the costs of this war, without the promised help of our allies, cause our economy to collapse?

And what will be the costs of war for the United States in the new world order? Will attacking Iraq simply increase a sense of world disorder? Will our new extensions of friendship to Syria and China—countries known for terrorism and suppressing freedom of expression—help lessen tensions? Or will these gestures encourage other regimes to adopt similar tactics within their own countries.

In raising these questions, I want no one to conclude that I condone Iraq's invasion of Kuwait. I abhor the atrocities perpetrated on Kuwait and its people. Just as I abhor the atrocities committed on Tibet by China and on Lebanon by our new friend Asad. But I know of no Member in Congress who believes that Iraq can be allowed to remain in Kuwait.

The key question we are considering today is whether we have given diplomacy and economic sanctions enought time to work. The potential costs of waging war is so great that we should postpone military action until we are absolutely convinced that diplomacy and economic sanctions will not work.

Even the President's own CIA Director Wiliam Webster agrees. The sanctions, he testified, have a dramatic impact on Iraq's economy.

And two former chairmen of the Joint Chiefs of Staff have seen no reason to rush into war. I was particularly impressed by Adm. William Crowe's statement: "I cannot understand, he said, why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution."

Paul Nitze, former President Reagan's special adviser on arms control, argued that a stable world order was more likely to result through successful sanctions than through all-out war. Success through sanctions would lower the risk of violence and disruption in the region; it would likely maintain our access to Middle East oil, and it could halt the proliferation of nuclear weapons. Nitze concludes, sanctions are worth pursuing.

This Chamber is no stranger to Saddam Hussein and the threats he poses in the Middle East. And I recall only last July 24, to be exact, 6 days prior to the invasion of Kuwait, when we voted to impose tough sanctions against Iraq. And I dare say that numbers of persons here tonight, who have characterized him as the new Hitler, voted against those sanctions.

But nonetheless, the House voted to cut off new financial credits and export guarantees to Iraq until President Bush certified that Iraq was in compliance with the international agreements on human rights and weapons of nonprofliferation. And the State Department fought us every step of the way.

Ironically, while we were reacting to Iraq's buildup of troops along the border of Kuwait, our Ambassador in Baghdad, April Glaspie, was telling Saddam Hussein in a face-to-face meeting that—and I quote, "We have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait."

And colleagues, I submit to you that future debates on this issue will revolve around the face-to-face meeting.

In preparing for this debate today, and for this vote that is obviously going to be the most crucial of any of our lives; I reread the Gulf of Tonkin debate and couldn't help but be struck by the similarities of almost everything said on the floor then has been said on the floor again today.

It seems that the very least we could have learned from that debate is that patience will not hurt. That peace is better than war. That life is better than death. And that we can support the Gephardt-Hamilton resolution tomorrow with a good conscience and a good heart and know that we have done our best for our country and for its future.

[From the Nation, Dec. 24, 1990]

CHOOSE PEACE

The choice in the Persian Gulf conflict has never been between sanctions and force. It is between peace and war, between life and death. The party of death, which prefers self-descriptions that cover its thirst for conquest with appeals to the great tradition of just wars and lesser evils, has since August 2 seen sanctions as a kind of ritualistic foreplay to the violent penetration of an entire region of the globe. President Bush manipulated the various United Nations sanctions votes as he sent Secretary of State Baker to bribe and buy a favorable "use of force" resolution, putting a specious international gloss on his deadly designs for war and, not inconsequentially, buying time for the Pentagon to amass the most destructive invasion force since D-Day. The issue is not how soon, or how effectively, sanctions would work. It is how soon Bush believes he can get away with abandoning them. The polls, the pressures of a self-aggrandizing war coalition and the uncertain formations of a nascent antiwar movement will set the time frame—rather than any true test of sanctions themselves. (For an assessment of the costs of war, see the special report beginning on page 791.)

Of course sanctions can work. They do all the time, whether imposed by one or two nations or an entire world organization. What needs to be decided in every instance is what constitutes "working" and how long a period is deemded acceptable. In South Africa international sanctions provided necessary context and specific impetus for historic concessions by the white rulers. But as Brian Urquhart, U.N. political under secretary for eighteen years, points out: "There have never been sanctions of this complexity or this comprehensive. And Iraq is uniquely vulnerable to sanctions. It has a single economic base and a poor industrial infrastructure."

Sanctions rarely, if ever, bring unconditional surrender. That requires overwhelming military devastation, the extermination of civilian populations and the reduction of a nation's economic life to rubble. To bring Iraq to its knees, the United States will have to exceed by several degrees the level of annihilation reached in three years of war in Korea and a dozen years in Indochina. A nuclear bomb or two or three would do the trick nicely.

Why should unconditional surrender be the goal of U.S. policy in the gulf? Sanctions have a much better chance of forcing Iraqi concessions in a shorter time and with much less misery than war. But Bush is running out of "patience" after four months. What that means is that he is finished with the foreplay and wants to get on with the action. If his talk-show surrogates Defense Secretary Cheney and Vice President Quayle are to be believed, Bush has already decided that Saddam Hussein and independent Iraqi power have to be stopped sooner or later, and it had better be sooner. If that's true, Baker's mission to Baghdad is intended solely to deliver an ultimatum for surrender, not to open a dialogue for peace.

No conceivable interest of the United States would be served by aborting the sanctions process and sending an invasion in its place. Saddam has shown every intention of modulating his most offensive policies—holding hostages, starving the U.S. Embassy in Kuwait, pillaging his conquered territory—while there is the possibility of discussion with the United States. There's every reason to believe that with sanctions in force and talks in progress, most if not all of the U.N.'s August demands can be met without the catastrophe of war. In the meantime, U.S. ground forces can be steadily reduced. Enough firepower would remain in naval and air units to keep the sanctions "working." That's all that's needed, if the revocation of Iraq's claim to Kuwait and containment of further aggression are really the aims of the military presence in the gulf. The rest is overkill.

If there were a way to substitute a true U.N. command for what no one doubts is a unilateral U.S. effort in the gulf, it would be so much the better. But the demise of the cold war and the decline of much of the Third World's economy have made the U.N. a sitting duck for U.S. manipulation. We should do all we can to strengthen the U.N. as an instrument for the peaceful settlement of world disputes, but let us not delude ourselves: The old socialist bloc is irrevocably broken, and the ever-promising nonaligned group is practically non-functional now that there's only one world power. France and Britain are toothless has-beens, and Germany and Japan are effectively removed from power in U.N. circles because of their exclusion from permanent membership on the Security Council.

Gorbachev probably exercised a restraining influence, but when it came to a vote Baker bought the Russians for an estimated $4 billion in aid from the sheiks. He bribed Egypt's Mubarak with $14 million in forgiven debts. Syria's Assad, whose own brand of Baathist fascism is no second to Saddam's, got $1 billion in arms aid and a go-ahead to wipe out all opposition to its puppet control of Beirut—by massacre, Assad's favorite tactic, where necessary. Turkey was promised 8 or 9 billion dollars' worth more in U.S. weapons, support for its application to join the European Community, and a big increase in its quota for textile exports to the United States. And for abstaining on the war resolution, China got a $114.3 million loan from the World Bank and a trip around official Washington for its Foreign Minister—the first break in a promised reintegration of the Dengist fascists of Beijing into the free-world comity.

In the middle run and the real world, the key to peace lies in Washington. Those opposed to war—both inside official circles and outside in the streets, campuses and conference halls—have more power than they may think to keep Bush from acting the war party animal. The party of peace must demand that he stick to sanctions, start talking about settlements and moderate the military buildup. Such a course might take six months, a year or longer to "work." But if peace is not worth waiting for, nothing is.

THE COSTS OF WAR

"This will not be another Vietnam," says George Bush. Agreed: The Iraqi Syndrome from which we will one day suffer, if war comes, will be different from the Vietnam Syndrome—and perhaps much worse. For the Pentagon the main lesson of Vietnam was to avoid gradual escalation. This time, the military will use maximum firepower from day one. "The lethality of the battlefield in a single day will overshadow the whole Vietnam War," says Marine Col. Carl Fulford. Second, Vietnam was the engine that drove the economy for more than a decade of sustained growth, but war with Iraq is more likely to deepen the present recession. Third, while Vietnam defied the predictions of the domino theorists, war with Iraq will trigger incalculable repercussions in the Middle East. This time we will not be able to retire and sulk over distant wreckage; it may pursue us into every corner of our lives.

Those who have planned the Bush Administration's war-fighting strategy assume that it was the incremental conduct of the war in Vietnam that bred public alienation. But that has led to a central fallacy: that there is only oneway—the Vietnam way—that war will traumatize and divide the American people. Already, public anxiety is at a pitch that it did not reach for years over Vietnam. If the likely costs of a gulf war were spelled out, it would only grow more acute.

But Bush, like Lyndon Johnson and Richard Nixon before him, prefers not to be encumbered by informed public debate. Here, for all the differences, is the continuity between Vietnam and Iraq. Twenty years ago, thanks to the Pentagon Papers, we learned some of what had been suppressed. Today, we cannot know for certain what the Administration is keeping from us about the costs of war. But here are some informed guesses.

THE BATTLEFIELD

For weeks all the talk was of air superiority. There was the optimists' Top Gun scenario, in which Saddam Hussein would be driven out by a two- or three-day aerial blitzkrieg, and the longer-range bombing campaign proposed by analysts such as Edward Luttwak, who believe that even a successful ground war would be so devastating that it would cost George Bush his presidency. But air power "alone didn't work on the Ho Chi Minh trail, and it won't work on the battlefield of the future," says Gen. Ed Scholes, chief of staff for most of the Army troops in Saudi Arabia. Gen. Colin Powell, during Senate hearings on December 3, appeared to agree, deriding the reliance on air power as an "alleged low-cost, incremental, may-work" strategy. He too would start with airstrikes, but in order to create the best conditions for an inevitable ground war. This in turn could take a number of courses, depending on whether the goal was to force Iraq out of Kuwait or whether, as many defense analysts believe, it would necessarily involve an assault on Baghdad.

The combined air-sea ground operation that Powell foresees would kill more Iraqis than Americans—perhaps three times as many. Countless civilians would also be killed or wounded—100,000 or more if Baghdad is attacked, according to the Center for Defense Information (C.D.I.), a Washington think tank staffed by retired military officers. Many more will be at risk if chemical warfare installations are bombed.

But the debate in the United States will necessarily turn on U.S. casualties. "The American people will support this operation until body bags come home," said Air Force Chief of Staff Gen. Michael Dugan in the infamous interview that led to his dismissal. The body bags, unfortunately, will be coming home in great numbers. (For comparison, bear in mind U.S. death on the battlefield in other conflicts since World War II: Vietnam 47,244; Korea 33,629; Panama 23; Grenada 19.)

5,000 dead and 15,000 wounded in the first ten days (Newsweek)—as many as in an average year in Vietnam.

10,000 dead and 35,000 wounded in a successful ninety-day campaign to take Baghdad (C.D.I.).

As many as 30,000 dead in twenty days, says columnist Jack Anderson, citing "top-secret Pentagon estimates."

The Pentagon has in place blood supplies to treat 4,000 casualties per day—a heavier casualty rate than at Iwo Jima.

It may also be helpful to consider the only direct recent precedent for a short, intense desert war—the 1973 Arab-Israeli conflict, which produced 20,000 casualties in two weeks. Let's also be clear that "casualties" means the wounded as well as the dead. Because of new battlefield technology developed sinced 1973, "things are going to happen to people that we have never seen before," in the words of one U.S. weapons designer. Military surgeons and the V.A. hospitals are unprepared, for example, to handle "blast lung" and "metal fume fever" and the other arcane and nightmarish injuries that will afflict tank and armored vehicle crews. Weapons expert Donald Kennedy, writing in the military journal Armor, says this is "a subject that most governments do not wish to publicize for fear of its effect on their armed forces."

The lower of the body counts we have cited depend on everything going right on the battlefield. But it never does. Murphy's Law was invented by the military. The death toll could rise to Korean War levels, or higher, in any of a number of circumstances. (1) How effective will the Iraqi defense of Kuwait City be? Iraq's strategy, rather like the Viet Cong's, will be to inflict casualty levels that are politically unacceptable in the United States. (2) U.S. air superiority is not a given, especially if the Iraqis have mastered the U.S.-made Hawk missile systems they are believed to have seized in Kuwait. (3) High technology often disappoints those infatuated with it. The F–117 Stealth fighter, which was a flop in Panama, will be an essential element of the air war. The M–1 tank is untested in desert conditions, and the Israelis believe it may prove a major disappointment. The Apache "tank-killer" helicopter develops a maintenance problem every fifty-four minutes of flying time. Night-vision equipment is untested. (4) Multinational command and control might well break down in combat. There is also a high risk of casualties from "friendly fire." Syrian and Iraqi equipment is identical. (5) All of the above assumes that Israel will be kept out of the war. (6) What does "winning" this war mean, anyway—It may become necessary, in the immortal phrase, to destroy Kuwait City in order to save it. And what if the infidels capture the ancient Islamic metropolis of Baghdad, or "make its rubble bounce" with aerial bombing? In this war, military "success" may be directly proportional to political disaster.

THE REGION

President Bush says his goal is the security and stability for the Middle East, and he holds out the promise of a "new world order" once Saddam Hussein's aggression is punished and Kuwait is freed. But Middle East experts agree that the more likely outcome would be greater chaos.

Consider the existing unstable balance of forces, starting with the historic rivalry of the city-states of Baghdad, Damascus and Cairo for hegemony. Add the oil wealth, the way the Western powers have directed and defended its exploitation, and the class and nationalistic resentments generated among the have-nots; factor in the Muslim movement for purification and rejection of the West, led primarily by Iran; and then overlay Israel's saber rattling and de facto annexation of the occupied territories (paid for by the United States). Iraq's invasion of Kuwait and the subsequent responses of the American-Saudi-Syrian-Egyptian-(Israeli) axis are already generating tremendous and contradictory pressures in the Middle East. War would transform the region.

If the war leaves Iraq intact, it will by definition be a weak Iraq. The occupiers of the pro-Western government they install will be hard pressed to ignore Kurdish demands for freedom. Then, according to former National Security Adviser Zbigniew Brzezinski, "Syria, Iran and even Turkey . . . might all be tempted to pursue their own territorial interests." Syria, emboldened by its U.S.-approved takeover of Lebanon, "might begin to make some moves against Jordan," says Raymond Tanter, a senior N.S.C. staff specialist on the Middle East in the early 1980's. The Iranians have a special interest in Shiite holy sites in oil-rich southern Iraq. An Iranian move on that region, says former U.S. Ambassador to Saudi Arabia James Akins, would create "a super oil power with three times the population of Iraq and a far greater potential for causing trouble in the gulf." And the Turks no doubt would want to reclaim the Iraqi province of Mosul.

As for the future of "our friends in the region," ponder the C.D.I.'s prediction of 100,000 or more civilian casualties from air attacks in a battle for Baghdad. The prospect of being held responsible for such a toll terrifies Egypt's Hosni Mubarak and Syria's Hafez al-Assad, both of whom have insisted that their troops will not be used offensively. Akins warns that "every Arab country that backed us—even if their troops were not directly involved in offensive actions— would have revolutions. . . . Only the Saudis, backed by U.S. troops, would maintain control. The ruling family couldn't afford to let us leave. There would be a long-term U.S. occupation, the people would turn against us, the army would turn against us."

And what if, as is likely, Saddam deliberately attacks Israel, or the Israelis decide to "pre-empt" what they claim or believe to be an imminent attack? Most observers agree that Israeli-Iraqi fighting on Jordanian territory is likely, an event that would probably spell the end of the Hashemite kingdom. There are reports that the United States has asked Israel to "absorb" an Iraqi blow without retaliating; in exchange such a blow would be treated as a *casus belli*, akin to an Iraqi attack on Saudi Arabia. But if an offensive from Saudi soil had already begun, the Iraqis would have little to lose by attacking Israel and a lot to gain. "Much as we want to coordinate our steps with our friends," writes Ze'ev Schiff, military correspondent for Ha'aretz, "we may happen to be forced to act unilaterally." The actual extent of U.S.-Israeli coordination remains a mystery, although the remarks of the recently dismissed General Dugan to the effect that the Air Force was getting targeting advice from Israel are somewhat enlightening. Former C.I.A. Middle East Analyst Graham Fuller, now at the Rand Corporation, says, "If Israel is involved in any way . . . it will transform the character of the conflict overnight."

THE ECONOMY

If the shooting starts, the only given is that oil prices will soar far beyond the point they've been driven to by the threat of war and the greed of the oil companies. According to a U.N. simulation, oil at $40 a barrel would cost poor oil-importing countries $64 billion on their trade balances and developed market economies $177 billion.

And the United States itself?

The Defense Department's original estimate for keeping 200,000 troops in the gulf for a year without a war was $15 billion.

Congressional Budget Office sources say the buildup could bring that figure to $20 billion or $30 billion.

The C.D.I. places noncombat costs at $74 million a day; combat would absorb several times that amount.

Extrapolating from the experience of Vietnam, whose cost military planners had underestimated, anticipating a quick, "clean" war, it is reasonable to assume that military costs could be at $50 billion to $60 billion after a year. Assuming that sanctions were to take a maximum two years to work and assuming too—against all principle and common sense—that the original deployment was maintained over that period, the direct cost of sanctions would be half as much as a year of war (four months actual fighting) with all its imponderables.

Yet a fuller sense of the cost of fighting needs to include indirect expenditures, such as military and economic assistance to other countries, increases in veterans' benefits, lost income from deaths and injuries and interest on the national debt. Back in 1973 Tom Riddell, now an economist at Smith College, calculated that the $141 billion military outlay for Vietnam between 1965 and 1974 came to $676 billion when those costs were added in. It would be crude simply to slot expectations about one war into the niche molded by the discrete circumstances of another—and therefore to conclude that the military estimate of $50 billion for a gulf war translates neatly into $240 billion with indirect expenditures—but the comparison is useful for suggesting the direction the costs of a shooting war might take.

All this will clearly add to the deficit. Interest rates will rise, exacerbating the recession at home. The housing industry, already on its knees, would be hard hit, maybe flattened. All industries that use large amounts of energy and aren't involved in war production would be troubled. Business investment, particularly for the long term, would drop, and the economy would fall further behind in developing technologies and producing goods that people need or want. Meanwhile, every percentage point added to U.S. interest lays a murderous $10 billion onto Third World indebtedness.

There has been much talk of foreign, particularly gulf state, assistance offsetting the costs of the U.S. military deployment—a kind of Vietnamization in reverse. And in fact, if Saudi Arabia were to bail out all the costs and were to pump enough oil to hold prices down, recessionary effects of a war might be minimal or nonexistent, according to economics Nobel laureate Lawrence Klein. As it is, the United States has received about $4 billion from other countries; a couple billion from Kuwait and $987 million (out of a promised $12 billion) from the Saudis.

Cost-benefit assessments never provide sufficient reason for opposing war—what if we *could* afford it?—although they have been used for promoting it. The rapid injection of vast sums into the economy does act as a stimulus, at least in the short term, but because of oil prices and the size of the deficit, a gulf war would be very tricky here. And as the United States "invests" in war to protect oil, it forgoes the prospect of applying resources for building alternative energy systems—one of many bitter ironies.

[From The Washington Post, Sept. 13, 1990]

TRANSCRIPT SHOWS MUTED U.S. RESPONSE TO THREAT BY SADDAM

(By Jim Hoagland)

One week before he ordered his troops into Kuwait, Iraqi leader Saddam Hussein warned the U.S. ambassador in Baghdad that America should not oppose his aims in the Middle East because "yours is a society that cannot accept 10,000 dead in one battle" and is vulnerable to terrorist attack, according to the Iraqi minutes of the July 25 conversation.

U.S. Ambassador April Glaspie did not respond directly to Saddam's menacing comments, concentrating instead on praising Saddam's "extraordinary efforts to rebuild your country." She also gently probed the Iraqi leader's intentions in massing troops on Kuwait's border, but did not criticize the Iraqi troop movements, according to the Iraqi transcript.

The State Department did not challenge the authenticity of the transcript yesterday. Spokesman Richard Boucher declined to comment on specific remarks it contains. He said Glaspie was not available for comment.

Iraq's version of the meeting shows Saddam giving Glaspie explicit warnings that he would take whatever action he deemed necessary to stop Kuwait from continuing an "economic war" against Iraq. Her response, as recorded by the Iraqis, was to reassure Saddam that the United States takes no official position on Iraq's border dispute with Kuwait.

In response to Saddam's comments about Iraq's need for higher oil prices, the ambassador said: "I know you need funds. We understand that and our opinion is that you should have the opportunity to rebuild your country. But we have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait . . . . James Baker has directed our official spokesman to emphasize this instruction."

The disclosure of the transcript to Western news media, which originated with Iraqi officials, appears intended to emphasize that Saddam had reasons to believe that the Bush administration would not offer any serious opposition to his move against Kuwait.

The administration has acknowledged that it was caught by surprise by Iraq's Aug. 2 invasion of Kuwait. But the tone and content of the transcript of the July 25 meeting called by Saddam strongly suggest that the official American misreading of Saddam's intentions and capabilities may have emboldened him to commit an act of aggression that has brought the United States to the brink of war in the Persian Gulf.

ABC television on Tuesday night quoted briefly from the Iraqi transcript, which was also the subject of an article in the British newspaper The Guardian yesterday. The Washington Post has obtained a 17-page English translation of the full transcript.

While the Iraqi transcript is disjointed in places, the substance of Glaspie's recorded remarks closely parallels official U.S. positions stated in Washington at the same time, in which other State Department officials publicly disavowed any American security commitments to Kuwait.

A career foreign service officer, Glaspie made a point of telling Saddam that she was acting under instructions from Washington responding to him.

Greeting her, Saddam said that he wanted his part of their conversation to be "a message to President Bush." Reviewing U.S.-Iraqi differences, he singled out the secret shipments of U.S. arms to Iran in 1985 and 1986 and recalled that he magnanimously accepted President Reagan's "apology" to him "and we wiped the slate clean."

Saddam turned next to the devastated condition of the Iraqi economy because of eight years of war with Iran. He suggested that the United States was supporting an effort by Kuwait to wage "another war against Iraq," an "economic war" that deprives Iraqis of "their humanity by depriving them of their chance to have a good standard of living."

The United States should be grateful to Iraq for having stopped Iran militarily because the United States could not fight such a war in the Persian Gulf, Saddam said. "I hold his view by looking at the geography and nature of American society . . . . Yours is a society which cannot accept 10,000 dead in one battle."

Denouncing Kuwaiti efforts to "deprive us of our rights" he demanded that the United States "declare who it wants to have relations with and who its enemies are . . . . If you use pressure, we will deploy presssure and force . . . . We cannot come all the way to you in the United States but individual Arabs may reach you."

The remainder of his opening monologue was filled with attacks on U.S. support for Israel, for the United Arab Emirates and for Kuwait. Saddam made a point of telling Glaspie that he had clearly warned the Kurdish tribesmen of Iraq and Iran's leaders before he went to war against them.

In the transcript, Glaspie did not respond to this rhetoric. She began her response by speaking of Bush's desire for friendship with Iraq: "As you know, he directed the United States administration to reject the suggestion of implementing trade sanctions" against Iraq. "I have a direct instruction from the president to seek better relations with Iraq . . . . President Bush is an intelligent man. He is not going to declare an economic war against Iraq."

Saying that the American media's treatment of Saddam resembles its treatment of American politicians, Glaspie is quoted as calling an ABC Television interview with him "cheap and unjust . . . . I am pleased 'that you add your voice to the diplomats who stand up to the media."

She then said she has been instructed "to ask you, in the spirit of friendship—not in the spirit of confrontation—regarding your intentions" about Kuwait in light of his massing troops on the border. Saddam's response was that he hoped to settle his dispute with Kuwait peacefully, but the transcript shows him adding:

"We regard [Kuwait's economic campaign] as a military action against us . . . . If we are not able to find a solution, then it will be natural that Iraq will not accept death, even though wisdom is above everything else."

Glaspie took no notice of this implied threat in her concluding remarks. Instead, she told Saddam that she had worried that she would have to postpone here scheduled July 30 departure from Baghdad for consultations in Washington "because of the difficulties we are facing. But now I will fly" on July 30.

Thirty-six hours after her departure, Saddam launched his invasion. Glaspie has remained in Washington since then to underscore official U.S. displeasure with Saddam's action, according to the State Department.

[From the New York Times, Sept. 23, 1990]

UNITED STATES GAVE IRAQ LITTLE REASON NOT TO MOUNT KUWAIT ASSAULT

(By Elaine Sciolino with Michael R. Gordon)

WASHINGTON, September 22.—In the two weeks before Iraq's seizure of Kuwait, the Bush Administration on the advice of Arab leaders gave President Saddam Hussein little reason to fear a forceful American response if his troops invaded the country.

The Administration's message, articulated in public statements in Washington by senior policy makers and delivered directly to Mr. Hussein by the United States Ambassado, April C. Glaspie, was this. The United States was concerned about Iraq's military buildup on its border with Kuwait, but did not intend to take sides in what it perceived as a no-win border dispute between Arab neighbors.

In a meeting with Mr. Hussein in Baghdad on July 25, eight days before the invasion, Ms. Glaspie urged the Iraqi leader to settle his differences with Kuwait peacefully but added, "We have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait," according to an Iraqi document described as a transcript of their conversation.

Portions of the document, prepared in Arabic by the Iraqi Government, were translated and broadcast by ABC News on Sept. 11 and were the basis of accounts by The Washington Post and The Guardian of London. The State Department declined to confirm the accuracy of the document, but officials did not dispute Ms. Glaspie's essential message.

As those and other details of the Administration's diplomacy have unfolded in recent weeks, its handling of Iraq before the invasion has begun to draw strong criticism in Congress, even among those who generally support the Administration's military action in the Persian Gulf. Some lawmakers have asserted that the Administration conveyed a sense of indifference to Baghdad's threats.

Interviews with dozens of Administration officials, lawmakers and independent experts and a review of public statements and the Iraqi document show that instead of sending Mr. Hussein blunt messages through public and private statements that an invasion would be unacceptable, the State Department prepared equivocal statements for the Administration about American commitments to Kuwait.

ARAB ASSURANCES ON INVASION

The American strategy, carried out primarily by the State Department but approved by the White House, was based on the assumption that Iraq would not invade and occupy Kuwait. President Hosni Mubarak of Egypt and King Fahd of Saudi Arabia, who assured the Bush Administration that Mr. Hussein would not invade, argued that the best way to resolve an inter-Arab squabble was for the United States to avoid inflammatory words and actions.

Some senior Administration officials said the strategy was also rooted in the view that Washington—and most of the Arab world—probably could live with a limited invasion of Kuwait, in which Iraqi forces seized bits of Kuwaiti territory to gain concessions.

"We were reluctant to draw a line in the sand," said a senior Administration official. "I can't see the American public supporting the deployment of troops over a dispute over 20 miles of desert territory and it is not clear that the local countries would have supported that kind of commitment. The basic principle is not to make threats you can't deliver on. That was one reason there was a certain degree of hedging on what was said."

EFFECT OF A HARDER LINE

Even in the days before the invasion, there was a consensus inside the Administration and among outside experts that Mr. Hussein would not invade despite largely correct intelligence assessments of the military buildup on the ground.

"There would have been a lot of fluttering if there has been a partial invasion," said an Administration official. "The crucial factor in determining the American response was not the reality but the extent of the invasion."

It is not clear that taking a harder line would have made a difference in Baghdad's decision to take Kuwait, and some Administration officials argue that if they had they would now be accused of pushing Mr. Hussein toward extreme actions.

As the Administration's policy toward Iraq before the invasion has come under criticism in Congress, the President's Foreign Intelligence Advisory Board, a group of experts who report to President Bush on intelligence issues, has also begun a post-mortem on the handling of the crisis.

The Administration was following what President Bush acknowledged last week was a flawed policy toward Iraq, a policy built on the premise that the best way to handle Mr Hussein and moderate his behavior was through improving relations with Baghdad. That assessment presumed that Iran and Iraq, both exhausted by their eight-year border war, would focus on domestic reconstruction, not foreign adventurism.

As a result, the Bush Administration failed to calibrate its policy to take into account a string of belligerent statements and actions by Mr. Hussein in recent months, including the execution of a British journalist and a treat to use chemical weapons against Israel.

"We were essentially operating without a policy," said a senior Administration official. "The crisis came in a bit of a vaccum, at a time when everone was focusing on German reunification."

In the days before the invasion, Administration officials sent mixed signals about the American commitment to Kuwait's defense.

Secretary of Defense Dick Cheney, for example, was quoted as telling journalists at a press breakfast on July 19 that the American commitment made during the Iran-Iraq War to come to Kuwait's defense if it were attacked was still valid. The same point was also made by Paul Wolfowitz, Undersecretary of Defense for Policy, at a private luncheon with Arab ambassadors. But Pete Williams, Mr. Cheney's chief spokesman, later tried to steer journalists away from the Secretary's remarks, adding that Mr. Cheney had been quoted with "some degree of liberty."

From that moment on, there was an orchestrated Administration campaign to speak with one voice, and speak quietly.

On July 24, when Margaret D. Tutwiler, the State Department spokesman, was asked whether the United States had any commitment to defend Kuwait, she said, "We do not have any defense treaties with Kuwait, and there are no special defense or security commitments to Kuwait."

Asked whether the United States would help Kuwait if it were attacked, she replied, "We also remain strongly committed to supporting the individual and collective self-defense of our friends in the gulf with whom we have a deep and longstanding ties," a statement that some Kuwaiti officials said privately was too weak.

BUSH'S FORCEFUL TONE

Two days before the invasion, John H. Kelly, Assistant Secretary of State for Near Eastern and South Asian Affairs, essentially repeated the same message in Congressional testimony.

Even after the invasion, there was unease in some quarters in the State Department over Mr. Bush's tough public stance. On Aug. 6, when President Bush clearly committed the United States to roll back Iraq's conquest of Kuwait, Secretary of State James A. Baker 3d expressed reservations about the wisdom of the forceful tone of Mr. Bush remarks, according to Administration officials.

Last Tuesday, at a hearing before a House Foreign Affairs subcommittee, Representative Lee Hamilton sharply chided Mr. Kelly for not taking a tougher stance against Iraq in his testimony before the invasion.

"You left the impression that it was the policy of the United States not to come to the defense of Kuwait," said Mr. Hamilton, an Indiana Democrat. "I asked you if there was a U.S. commitment to come to Kuwait's defense if it was attacked. Your response over and over again was we have no defense-treaty relationship with any gulf country."

POLICY GUIDELINES FOLLOWED

Bush Administration officials assert that Kuwait never asked for American troops or sought to join in joint military exercises with American forces.

Mr. Cheney told a breakfast group on Capitol Hill on Thursday that "the fact was, there was literally nothing we could do until we could get access to that part of the world, and the attitude of Saudi Arabia and the Persian Gulf states has been consistently that they didn't want U.S. forces on the ground over there."

On July 25, a week before the Iraqi invasion of Kuwait, Ms. Glaspie was quickly summoned into Mr. Hussein's office in Baghdad, and she faithfully followed conciliatory policy guidelines sent to her from the State Department.

In their conversation, Mr. Hussein described an American conspiracy against him since the end of his war with Iran, and warned the United States not to oppose his goal of getting economic concessions from Kuwait and the United Arab Emirates, according to the document described as the official Iraqi transcript which ABC News made available to the New York Times. Miss Tutwiler said Friday that the State Department would not reveal the contents of a diplomatic exchange.

WE TOO CAN HARM YOU

Mr. Hussein told the American Ambassador that the United States should thank Iraq for stopping Iran's aggression during the war, because the United States could never fight such a war to defend its friends in the region. According to the Iraqi document, he also suggested that he would use terrorism to curb and effort by the United States to try to stop him from achieving his goals.

"We too can harm you," he said, according to the document, adding, "We cannot come all the way to the United States but individual Arabs may reach you."

* * * *

EXCERPTS FROM IRAQI TRANSCRIPT OF MEETING WITH U.S. ENVOY

WASHINGTON, Sept. 22—On July 25, President Saddam Hussein of Iraq summoned the United States Ambassador to Baghdad, April Glaspie, to his office in the last high-level contact between the two Governments before the Iraqi invasion of Kuwait on Aug. 2. Here are excerpts from a document described by Iraqi Government officials as a transcript of the meeting, which also included in the Iraqi Foreign Minister, Tariq Aziz. A copy was provided to The New York Times by ABC News, which translated it from the Arabic. The State Department has declined to comment on its accuracy.

Saddam Hussein: I have summoned you today to hold comprehensive political discussions with you. This is a message to President Bush.

You know that we did not have relations with the U.S. until 1984 and you know the circumstances and reasons which caused them to be severed. The decision to establish relations with the U.S. were taken in 1980 during the two months prior to the war between us and Iran.

When the war started, and to avoid misinterpretation, we postponed the establishment of relations hoping that the war would end soon.

But because the war lasted for a long time, and to emphasize the fact that we are a non-aligned country, it was important to re-establish relations with the U.S. And we choose to do this in 1984.

It is natural to say that the U.S. is not like Britain, for example, with the latter's historic relations with Middle Eastern countries, including Iraq. In addition, there were no relations between Iraq and the U.S. between 1967 and 1984. One can conclude it would be difficult for the U.S. to have a full understanding of many matters in Iraq. When relations were re-established we hoped for a better understanding and for better cooperation because we too do not understand the background of many American decisions.

We dealt with each other during the war and we had dealings on various levels. The most important of those levels were with the foreign ministers.

U.S.-IRAQ RIFTS

We had hoped for a better common understanding and a better chance of cooperation to benefit both our peoples and the rest of the Arab nations.

But these better relations have suffered from various rifts. The worst of these was in 1986, only two years after establishing relations, with what was known as Irangate, which happened during the year that Iran occupied the Fao peninsula.

It was natural then to say that old relations and complexity of interests could absorb many mistakes. But when interests are limited and relations are not that old, then there isn't a deep understanding and mistakes could leave a negative effect. Sometimes the effect of an error can be larger than the error itself.

Despite all of that, we accepted the apology, via his envoy, of the American President regarding Irangate, and we wiped the slate clean. And we shouldn't unearth the past except when new events remind us that old mistakes were not just a matter of coincidence.

Our suspicions increased after we liberated the Fao peninsula. The media began to involve itself in our politics. And our suspicions began to surface anew, because we began to question whether the U.S. felt uneasy with the outcome of the war when we liberated our land.

It ws clear to us that certain parties in the United States—and I don't say the President himself—but certain parties who had links with the intelligence community and with the State Department—and I don't say the Secretary of State himself—I say that these parties did not like the fact that we liberated our land. Some parties began to prepare studies entitled, "Who will succeed Saddam Hussein?" They began to contact gulf states to make them fear Iraq, to persuade them not to give Iraq economic aid. And we have evidence of these activities.

IRAQ POLICY ON OIL

Iraq came out of the war burdened with $40 billion debts, excluding the aid given by Arab states, some of whom consider that too to be a debt although they knew—and you knew too—that without Iraq they would not have had these sums and the future of the region would have been entirely different.

We began to face the policy of the drop in the price of oil. Then we saw the United States, which always talks of democracy but which has no time for the other point of view. Then the media campaign against Saddam Hussein was started by the official American media. The United States thought that the situation in Iraq was like Poland, Romania or Czechoslovakia. We were disturbed by this campaign but we were not disturbed too much because we had hoped that, in a few months, those who are decision makers in America would have a chance to find the facts and see whether this media campaign had had any effect on the lives of Iraqis. We had hoped that soon the American authorities would make the correct decision regarding their relations with Iraq. Those with good relations can sometimes afford to disagree.

But when planned and deliberate policy forces the price of oil down without good commercial reasons, then that means another war against Iraq. Because military war kills people by bleeding them, and economic war kills their humanity by depriving them of their chance to have a good standard of living. As you know, we gave rivers of blood in a war that lasted eight years, but we did not lose our humanity. Iraqis have a right to live proudly. We do not accept that anyone could injure Iraqi pride or the Iraqi right to have high standards of living.

Kuwait and the U.A.E. were at the front of this policy aimed at lowering Iraq's position and depriving its people of higher economic standards. And you know that our relations with the Emirates and Kuwait had been good. On top of all that, while we were busy at war, the state of Kuwait began to expand at the expense of our territory.

You may say this is propaganda, but I would direct you to one document, the Military Patrol Line, which is the borderline endorsed by the Arab League in 1961 for military patrols not to cross the Iraq-Kuwait border.

But go and look for yourselves. You will see the Kuwait border patrols, the Kuwait farms, the Kuwait oil installations—all built as closely as possible to this line to establish that land as Kuwaiti territory.

CONFLICTING INTERESTS

Since then, the Kuwaiti Government has been stable while the Iraqi Government has undergone many changes. Even after 1968 and for 10 years aftewards, we were too busy with our own problems. First in the north then the 1973 war, and other problems. Then came the war with Iran which started 10 years ago.

We believe that the United States must understand that people who live in luxury and economic security can reach an understanding with the United States on what are legitimate joint interests. But the starved and the economically deprived cannot reach the same understanding.

We do not accept threats from anyone because we do not threaten anyone. But we say clearly that we hope that the U.S. will not entertain too many illusions and will seek new friends rather than increase the number of its enemies.

I have read the American statements speaking of friends in the area. Of course, if is the right of everyone to choose their friends. We can have no objections. But you know you are not the ones who protected your friends during the war with Iran. I assure you, had the Iranians overrun the region, the American troops would not have stopped them, except by the use of nuclear weapons.

I do not belittle you. But I hold this view by looking at the geography and nature of American society into account. Yours is a society which cannot accept 10,000 dead in one battle.

You know that Iran agreed to the ceasefire not because the United States had bombed one of the oil platforms after the liberation of the Fao. Is this Iraq's reward for its role in securing the stability of the region and for protecting it from an unknown flood?

PROTECTING THE OIL FLOW

So what can it mean when America says it will now protect its friends? It can only mean prejudice against Iraq. This stance plus maneuvers and statements which have been made has encouraged the U.A.E. and Kuwait to disregard Iraqi rights.

I say to you clearly that Iraq's rights, which are mentioned in the memorandum, we will take one by one. That might not happen now or after a month or after one year, but we will take it all. We are not the kind of people who will relinquish their rights. There is no historic right, or legitimacy, or need, for the U.A.E. and Kuwait to deprive us of our rights. If they are needy, we too are needy.

The United States must have a better understanding of the situation and declare who it wants to have relations with and who its enemies are. But it should not make enemies simply because others have different points of view regarding the Arab-Israeli conflict.

We clearly understand America's statement that it wants an easy flow of oil. We understand America saying that it seeks friendship with the states in the region, and to encourage their joint interests. But we cannot understand the attempt to encourage some parties to harm Iraq's interests.

The United States wants to secure the flow of oil. This is understandable and known. But it must not deploy methods which the United States says it disapproves of—flexing muscles and pressure.

If you use pressure, we will deploy pressure and force. We know that you can harm us although we do not threaten you. But we too can harm you. Everyone can cause harm according to their ability and their size. We cannot come all the way to you in the United States, but individual Arabs may reach you.

WAR AND FRIENDSHIP

You can come to Iraq with aircraft and missiles but do not push us to the point where we cease to care. And when we feel that you want to injure our pride and take away the Iraqis' chance of a high standard of living, then we will cease to care and death will be the choice for us. Then we would not care if you fired 100 missiles for each missile we fired. Because without pride life would have no value.

It its not reasonable to ask our people to bleed rivers of blood for eight years then to tell them, "Now you have to accept aggression from Kuwait, the U.A.E. or from the U.S. or from Israel."

We do not put all these countries in the same boat. First, we are hurt and upset that such disagreement is taking place between us and Kuwait and the U.A.E. The solution must be found within an Arab framework and through direct bilateral relations. We do not place America among the enemies. We place it where we want our friends to be and we try to be friends. But repeated American statements last year made it apparent that America did not regard us as friends. Well the Americans are free.

When we seek friendship we want pride, liberty and our right to choose.

We want to deal according to our status as we deal with the others according to their status.

We consider the others' interests while we look after our own. And we expect the others to consider our interests while they are dealing with their own. What does it mean when the Zionist war minister is summoned to the United States now? What do they mean, these fiery statements coming out of Israel during the past few days and the talk of war being expected now more than at any other time?

I do not believe that anyone would lose by making friends with Iraq. In my opinion, the American President has not made mistakes regarding the Arabs, although his decision to freeze dialogue with the P.L.O. was wrong. But it appears that this decision was made to appease the Zionist lobby or as a piece of strategy to cool the Zionist anger, before trying again. I hope that our latter conclusion is the correct one. But we will carry on saying it was the wrong decision.

You are appeasing the usurper in so many ways—economically, politically and militarily as well as in the media. When will the time come when, for every three appeasements to the usurper, you praise the Arabs just once?

April Glaspie: I thank you, Mr. President, and it is a great pleasure for a diplomat to meet and talk directly with the President. I clearly understand your message. We studied history at school. They taught us to say freedom or death. I think you know well that we as a people have our experience with the colonialists.

Mr. President, you mentioned many things during this meeting which I cannot comment on on behalf of my Government. But with your permission, I will comment on two points. You spoke of friendship and I believe it was clear from the letters sent by our President to you on the occasion of your National Day that he emphasizes—

Hussein: He was kind and his expressions met with our regard and respect.

DIRECTIVE ON RELATIONS

Glaspie: As you know, he directed the United States Administration to reject the suggestion of implementing trade sanctions.

Hussein: There is nothing left for us to buy from America. Only wheat. Because every time we want to buy something, they say it is forbidden. I am afraid that one day you will say, "You are going to make gunpowder out of wheat."

Glaspie: I have a direct instruction from the President to seek better relations with Iraq.

Hussein: But how? We too have this desire. But matters are running contrary to this desire.

Glaspie: This is less likely to happen the more we talk. For example, you mentioned the issue of the article published by the American Information Agency and that was sad. And a formal apology was presented.

Hussein: Your stance is generous. We are Arabs. It is enough for us that someone says, "I am sorry, I made a mistake." Then we carry on. But the media campaign continued. And it is full of stories. If the stories were true, no one would get upset. But we understand from its continuation that there is a determination.

Glaspie: I saw the Diane Sawyer program on ABC. And what happened in that program was cheap and unjust. And this is a real picture of what happens in the American media—even to American politicians themselves. These are the methods the Western media employs. I am pleased that you add your voice to the diplomats who stand up to the media. Because your appearance in the media, even for five minutes, would help us to make the American people understand Iraq. This would increase mutual understanding. If the American President had control of the media, his job would be much easier.

Mr. President, not only do I want to say that President Bush wanted better and deeper relations with Iraq, but he also wants an Iraqi contribution to peace and prosperity in the Middle East. President Bush is an intelligent man. He is not going to declare an economic war against Iraq.

You are right. It is true what you say that we do not want higher prices for oil. But I would ask you to examine the possibility of not charging too high a price for oil.

Hussein: We do not want too high prices for oil. And I remind you that in 1974 I gave Tariq Aziz the idea for an article he wrote which criticized the policy of keeping oil prices high. It was the first Arab article which expressed this view.

SHIFTING PRICE OF OIL

Tariq Aziz: Our policy in OPEC opposes sudden jumps in oil prices.

Hussein: Twenty-five dollars a barrel is not a high price.

Glaspie: We have many Americans who would like to see the price go above $25 because they come from oil-producing states.

Hussein: The price at one stage had dropped to $12 a barrel and a reduction in the modest Iraqi budget of $6 billion to $7 billion is a disaster.

Glaspie: I think I understand this. I have lived here for years. I admire your extraordinary efforts to rebuild your country. I know you need funds. We understand that and our opinion is that you should have the opportunity to rebuild your country. But we have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait.

I was in the American Embassy in Kuwait during the late 60's. The instruction we had during this period was that we should express no opinion on this issue and that the issue is not associated with America. James Baker has directed our official spokesmen to emphasize this instruction. We hope you can solve this problem using any suitable methods via Klibi or via President Mubarak. All that we hope is that these issues are solved quickly. With regard to all of this, can I ask you to see how the issue appears to us?

My assessment after 25 years' service in this area is that your objective must have strong backing from your Arab brothers. I now speak of oil. But you, Mr. President, have fought through a horrific and painful war. Frankly, we can only see that you have deployed massive troops in the south. Normally that would not be any of our business. But when this happens in the context of what you said on your national day, then when we read the details in the two letters of the Foreign Minister, then when we see the Iraqi point of view that the measures taken by the U.A.E. and Kuwait is, in the final analysis, parallel to military aggression against Iraq, then it would be reasonable for me to be concerned. And for this reason, I received an instruction to ask you, in the spirit of friendship—not in the spirit of confrontation—regarding your intentions.

I simply describe the concern of my Government. And I do not mean that the situation is a simple situation. But our concern is a simple one.

Hussein: We do not ask people not to be concerned when peace is at issue. This is a noble human feeling which we all feel. It is natural for you as a superpower to be concerned. But what we ask is not to express your concern in a way that would make an aggressor believe that he is getting support for his aggression.

We want to find a just solution which will give us our rights but not deprive others of their rights. But at the same time, we want the others to know that our patience is running out regarding their action, which is harming even the milk our children drink, and the pensions of the widow who lost her husband during the war, and the pensions of the orphans who lost their parents.

As a country, we have the right to prosper. We lost so many opportunities, and the others should value the Iraqi role in their protection. Even this Iraqi [the President points to the interpreter] feels bitter like all other Iraqis. We are not aggressors but we do not accept aggression either. We sent them envoys and handwritten letters. We tried everything. We asked the Servant of the Two Shrines—King Fahd—to hold a four-member summit, but he suggested a meeting between the Oil Ministers. We agreed. And as you know, the meeting took place in Jidda. They reached an agreement which did not express what we wanted, but we agreed.

Only two days after the meeting, the Kuwaiti Oil Minister made a statement that contradicted the agreement. We also discussed the issue during the Baghdad summit. I told the Arab Kings and Presidents that some brothers are fighting an economic war against us. And that not all wars use weapons and we regard this kind of war as a military action against us. Because if the capability of our army is lowered then, if Iran renewed the war, it could achieve goals which it could not achieve before. And if we lowered the standard of our defenses, then this could encourage Israel to attack us. I said that before the Arab Kings and Presidents. Only I did not mention Kuwait and U.A.E. by name, because they were my guests.

Before this, I had sent them envoys reminding them that our war had included their defense. Therefore the aid they gave us should not be regarded as a debt. We did no more than the United States would have done against someone who attacked its interests.

I talked about the same thing with a number of other Arab states. I explained the situation to brother King Fahd a few times, by sending envoys and on the telephone. I talked with brother King Hussein and with Sheik Zaid after the conclusion of the summit. I walked with the Sheik to the plane when he was leaving Mosul. He told me, "Just wait until I get home." But after he had reached his destination, the statements that came from there were very bad—not from him, but from his Minister of Oil.

Also after the Jidda agreement, we received some intelligence that they were talking of sticking to the agreement for two months only. Then they would change their policy. Now tell us, if the American President found himself in this situation, what would he do? I said it was very difficult for me to talk about these issues in public. But we must tell the Iraqi people who face economic difficulties who was responsible for that.

TALKS WITH MUBARAK

Glaspie: I spent four beautiful years in Egypt.

Hussein: The Egyptian people are kind and good and ancient. The oil people are supposed to help the Egyptian people, but they are mean beyond belief. It is painful to admit it, but some of them are disliked by Arabs because of their greed.

Glaspie: Mr. President, it would be helpful if you could give us an assessment of the effort made by your Arab brothers and whether they have achieved anything.

Hussein: On this subject, we agreed with President Mubarak that the Prime Minister of Kuwait would meet with the deputy chairman of the Revolution Command Council in Saudi Arabia, because the Saudis initiated contact with us, aided by President Mubarak's efforts. He just telephoned me a short while ago to say the Kuwaitis have agreed to that suggestion.

Glaspie: Congratulations.

Hussein: A protocol meeting will be held in Saudi Arabia. Then the meeting will be transferred to Baghdad for deeper discussion directly between Kuwait and Iraq. We hope we will reach some result. We hope that the long-term view and the real interests will overcome Kuwaiti greed.

Glaspie: May I ask you when you expect Sheik Saad to come to Baghdad?

Hussein: I suppose it would be on Saturday or Monday at the latest. I told brother Mubarak that the agreement should be in Baghdad Saturday or Sunday. You know that brother Mubarak's visits have always been a good omen.

Glaspie: This is good news. Congratulations.

Brother President Mubarak told me they were scared. They said troops were only 20 kilometers north of the Arab League line. I said to him that regardless of what is there, whether they are police, border guards or army, and regardless of how many are there, and what they are doing, assure the Kuwaitis and give them our word that we are not going to do anything until we meet with them. When we meet and when we see that there is hope, then nothing will happen. But if we are unable to find a solution, then it will be natural that Iraq will not accept death, even though wisdom is above everything else. There you have good news.

Aziz: This is a journalistic exclusive.

Glaspie: I am planning to go to the United States next Monday.

I hope I will meet with President Bush in Washington next week. I thought to postpone my trip because of the difficulties we are facing. But now I will fly on Monday.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, on behalf of the physically and emotionally scarred Vietnam veterans who have contacted me, and the potential physically and emotionally scarred casualties of Desert Shield, I rise in support of the Gephardt-Hamilton resolution.

Mr. Speaker, I rise on behalf of the many physical and emotional casualties who were fortunate enough to return from Vietnam alive, and not in body bags like many of their fellow soldiers. Many of them are casualties, however, because they are so physically impaired, or emotionally scarred that they are dysfunctional in our society. They cannot in many instances hold jobs and thus are unable to maintain constant employment. For many, the pains have been so great that they have turned to drugs for escape. All too many of the veterans are found among the homeless.

Further, Mr. Speaker, I rise on behalf of the potential unquantifiable physically and emotionally scarred survivors, if we chose to go to war in the Middle East. Thus far debates have focused on potential casualties measured by the number of anticipated body bags. Unless we are prepared to provide larger allocations for Veterans' benefits for counseling, housing, education, medical, and spousal and dependent support, we will exacerbate the current crisis that exists for Veterans who deserve many more benefits than they currently receive.

Since women will be included in this military offensive, in an unprecedented historical manner, children will become casualties without the benefit of the love, guidance and nurture which mothers provide. Many of the problems of urban America, particularly drugs and violence, can be traced to the hostility that many of our children have experienced, having lost their father or other relatives in Vietnam, or having to see them maligned because they fought in an unpopular war for democracy abroad, only to return home and find conditions prohibiting full participation in American democracy.

This is not the time for war. American blood should not be spilled for one drop of oil. The new world order must be built on a foundation of peace. Mr. Speaker, let us use the resources that we will allocate for war in the Middle East to fight the war against drugs, homelessness, illiteracy, crime, and the myriad of economic problems which are eroding the power and strength of our Nation.

I support the Hamilton-Gephardt amendment because it does not deny our willingness to go to war if provoked. However, it does allow diplomacy and economic sanctions to work until the point of exhaustion, with war as the last option rather than the first choice.

Let us give peace a chance.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, President George Bush has my prayers; Mr. HAMILTON and Mr. GEPHARDT have my vote.

Mr. Speaker, for the first time in almost 50 years, the Members of the House and Senate are debating whether our Nation should commit itself to war.

It has been a difficult debate, more difficult than when this body last confronted the issue of war. Perhaps this is because our interests are not as clear, the violation of our sovereignty not as blatant as in the case of Pearl Harbor. And perhaps, given the much advanced "new world order" this is a case of first impression. For that reason it is not like either World War II or the Vietnam war. But if we do have a new world order, we must have a new procedure for deciding the use of war as a remedy. To his credit President Bush has helped forge that new world order by seeking and obtaining the cooperation with the United Nations. Now, Congress must act. For if we don't then the power to declare war vested in us by the Constitution is meaningless.

Unlike some, I do believe that vital United States interests are at stake in the Middle East. Regardless of new or old world order, the principle that one sovereign nation must not invade another sovereign nation must remain inviolate. International trespass, burglary, and murder should not ever be legitimate means to settling disputes. We must stand against this aggression with military force, if necessary. There isn't any question that the American people, and that the nations of the world, are united in their resolve that Saddam must be driven out of Kuwait. All civilized nations have a duty to defend this interest and to protect friendly non-belligerent nations.

The question before us is: Who should take what steps, and when, to achieve this.

This debate would lead you to believe that sanctions and offensive military action are mutually exclusive. They need not be. There is a middle road that is not expressed in either resolution. The President could come to us for permission to use offensive air superiority to give teeth to the sanctions, to speed their effectiveness and to make clear to Saddam and the Iraqi people, that they cannot succeed.

Frankly, Mr. Speaker, neither resolution before us does this. As a result, I'm not happy with either resolution.

Solarz-Michel asks us to give the President carte blanche to use force without further meaningful review by the Congress. The President's power over the situation is already awesome. But, to paraphrase Clemenceau: "War is much too serious a matter to be entrusted to—a President." Indeed not only our Constitution requires this but our entire economy requires it as well.

As hard as we might try in this debate today we cannot elevate this interest above other important interests in conflict. For example, it is also in our interest to be a first rate economic power. What with recession, a staggering deficit and financial collapse all around, we cannot ignore that a long protracted conflict or post-conflict responsibility abroad could seriously undermine our standing as a world economic power. I doubt that the members of the United Nations Security Council had the economic well-being of the United States on their minds when they gave the United States permission to use military force.

The problem with Solarz-Michel is that it not only gives the President a blank check on military options, but also an unlimited credit card, and it doesn't require him to tell us how he proposes to pay the bill. These are problems that the diplomats at the United Nations didn't examine. Nor is it their job to juggle those interests. It is ours and that is why we must have a continuing role throughout this crisis.

But in my view, Hamilton-Gephardt is also lacking. It gives the impression that international sanctions are sufficient to cripple the Iraq regime and eventually lead to the overthrow of Saddam.

The problem with this view is that while the sanctions imposed on Iraq are the most comprehensive, and the most successful ever imposed to date, they are not in all likelihood sufficient to get a remedy in a short enough time to really mean anything and to deter other nations in the future.

But after only 5½ months it is clear that sanctions are having some effect. In this respect for the near term time is on our side and we should use it. Saddam simply cannot maintain his army of 1 million men at the ready, in the field, indefinitely, without spare parts and supplies. And likewise, I think it would be foolish for the President in the short term to wage a land war to liberate Kuwait while the Iraqis—firmly entrenched and still well supplied—are capable of putting up a bloody resistance.

The Hamilton-Gephardt resolution should, but does not give the President present authority to use offensive air power to exacerbate the effects of the sanctions. I firmly believe that such a use of force is consistent with a commitment to the use of sanctions while avoiding an escalating general war.

In summary both resolutions are lacking. Solarz-Michel is too open ended and Hamilton-Gephardt is too restrictive.

I am convinced that it is possible to drive Saddam from Kuwait, and from Baghdad, by a combination of sanctions and limited offensive military strikes.

I hope that if the Hamilton-Gephardt resolution passes, the President will not disregard the rule of law and launch an unconsitutional offense. Such action would deeply divide the American people at a time when we should be united in our resolve.

If Solarz-Michel passes, I hope the President exercises careful restraint and pursues a course of gradual escalation, putting primary emphasis on sanctions, but speeding their effectiveness with surgical military operations. If we do this, while working for equitable burden sharing with our international partners, we will be able to teach the international community that we have the confidence and respect of them, and of ourselves. In addition we may learn that determined patience, the kind of patience that paid off in NATO, is more the character of America than the characterization of America as some kind of world-class "Rambo".

One last final thought: The pressure on Saddam and the Revolutionary Council doesn't really begin to build until the passage of the deadline next Monday evening. We owe it to ourselves, the people of America, and our international partners to see how he reacts. If he doesn't withdraw from Kuwait soon after the passage of the deadline, the use of an increasing military offensive capability should be used.

I could vote for the Solarz-Michel resolution in the hopes that the President will do just that. Or I could vote for Hamilton-Gephardt which supports sanctions and asks the President to come back to us and ask for approval to do that.

Though not happy with either resolution, on balance I believe it is in the country's best interest that we should support Hamilton-Gephardt because I believe that we should wait for 2 to 3 more weeks, and the President should formulate a specific proposal for the use of force. Were we to do so, by then, a few short days from now, the President should give us his specific—in secret session if necessary—request for greater authority. By that time, Saddam having failed to quit Kuwait, would receive an overwhelming mandate of support for the extreme military option. At that point the President would have my total support.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, a proud moment for the House; debate excellent on both sides, Mr. Leader.

With each passing day, Saddam Hussein grows stronger in the field of terrorism, and prepositions more weapons of horror worldwide.

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in favor of the resolution so we can have a continuation of sanctions, diplomacy, and against force at this time.

Mr. Speaker, we in Congress today face as difficult a decision as any of us have ever, or will ever, make. It is, quite frankly, a decision which none of us welcomes, but which we are responsible for making, and which we were elected to make. Let there be no doubt that the final decision about going to war properly rests with the representatives of the people here assembled.

I believe most strongly that the decisions which will be made today should not, and will not, be made on the basis of partisan considerations. In addressing the most critical issues which we are debating—how best to avoid war and the loss of lives, how best to serve the interests of the brave and courageous men and women serving in our Nation's armed forces, and how best to protect and to serve our Nation's national security—Members of Congress must probe deeply their individual consciences, and weigh that which we feel in our hearts as well as our heads. I hold the deepest respect for all of my colleagues who with me today are making these crucial decisions, regardless of their vote.

There are few, if indeed there are any, of us who believe that the use of force is not a justifiable response to Iraq's invasion of Kuwait. The question which we each face is whether the Nation's interest is best served by the use of force at this time.

There are few words which could express how strongly I condemn Iraq's illegal, immoral, and entirely unjustified invasion of Kuwait and Iraq's brutal aggression against the Kuwaiti people. We are all familiar with the reports of human rights groups which have compiled absolutely horrific accounts of war crimes committed against Kuwaiti civilians and aliens resident in Kuwait. The world community of civilized nations holds Saddam Hussein and his henchmen responsible for their actions, and must see that justice is done.

Mr. Speaker, I supported the President's policy at the beginning. I believe that the deployment of troops to the gulf region was necessary to prevent further aggression by Iraq. I have been most impressed by the success which the President has had in rallying global support for his policies and have lauded his determination to work through the United Nations to achieve a just resolution of this crisis.

At the same time, I have grave concerns about authorizing the use of force at this time. I believe that the global community has unfairly placed on the United States, and that we have too easily accepted, the principal cost, in terms of both American lives and American dollars, of expelling Iraq from Kuwait. Why have those countries which are even more dependent on gulf oil, or which are more directly at risk from Iraqi aggression, not contributing more to our efforts in the gulf? Why are only 20,000 of Saudi Arabia's 65,000 army soldiers deployed on the Iraqi border? Why haven't our NATO allies pledged more military support? Why have we not secured from Japan and Germany, which are rightly precluded from the use of their military forces beyond their borders, greater financial support? I strongly believe that this crisis requires that all members of the global community assume a fair share of the responsibility, and I am not convinced that they have done so to date.

Most importantly, Mr. Speaker, I am not convinced that we have made every possible effort to resolve this situation without resorting to force. As a mother of nine children, who has had family members who have served this country in combat, and who has a former staffer serving today in Saudi Arabia, I believe that we must explore every possible alternative to war before asking our brave men and women in the Armed Forces of the United States to make the ultimate sacrifice. We owe them no less.

Mr. Speaker, I will yield to no one in my love of our country or in my respect for President Bush and his office. And while I believe that the use of force is justifiable and will likely support it in the future should all other alternatives fail to achieve the goals set forth by our President and the United Nations, I cannot in good conscience vote in support of the use of force at this time.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mrs. COLLINS of Illinois. Mr. Speaker, listening to the debate and speeches of many of my colleagues over the past few days has, quite frankly, often appalled me.

True, today's votes are some of the most difficult ones we could ever be asked to cast. Also true is the fact that there are at least good arguments on each side. But from the flurry of factors there emerges one clincher. After giving each point its due and letting them cancel each other out, there is one point that remains standing.

To my colleagues who suggest that that one point is the administration's view that we must send a message to the world's oppressors and fight Saddam Hussein because it is morally imperative to do so, I say, "Hogwash!" Where was the State Department during the 1980's when the same Saddam Hussein was waging war against Iran for 8 years, complete with liberal usage of chemical weapons? If President Bush is sincere in his message now, he would have stated it then. Furthermore, this aim is in conflict with the President's stated objectives, to only liberate Kuwait, not to hunt Hussein or level Iraq.

To my colleagues who suggest that the one main point that necessitates war is that the flow of oil must be secured, I say, "Misinformation!" Prior to August, only a very small percentage of Kuwait's petroleum came to the United States and since August we have been doing just fine without that, too. It is grotesque to assert that we should bear the costs of war for the oil that is used by Japan and other industrial giants.

To my colleagues who suggest that the salient point in this debate is that we cannot leave the region and allow Israel to stand alone against Iraq, I say, "Speculation!" While standing firm with our allies in the region is very important, defending Israel has never been one of the President's stated objectives in deploying troops to the gulf. Furthermore, the suggestion that, after we leave the gulf peacefully, Iraq will attack Israel is just one among a sea of plausible scenarios. Who knows what other events and intervening factors will come to pass in the near future? One could just as easily argue that Iraq will once again turn against its neighbor, Iran.

To my colleagues who suggest that the most weighty point is that we must stabilize the region, I say, "Illusory!" If they really support stability then they should be calling for an international peace conference on the Middle East to resolve the disputes through negotiation toward a long-term solution that all parties can live with. Furthermore, if our military's purpose was to stabilize regions, then we should also deploy troops to the Soviet Union, Indochina, Africa, Central America, and elsewhere.

To my colleagues who say that the one main point that necessitates war is that we must uphold our international credibility and stature, I say, "Aggression!" Recklessly jumping into war without exhausting alternatives will only make the United States look like a limping, aging giant who must thrash about to remind himself of what he was or could be. We will lose friends, not gain or retain them.

To my colleagues who say that the key point is that we must simply restore Kuwait's Government, I say, "Why?" Since when are we willing to go to war to uphold a regressive monarchy? If we do so in Kuwait, then we should have gone to war to reverse innumerable injustices worldwide in recent years.

As I see it, in the minds of the people there is only one point that remains standing after all others have canceled each other out: There is not yet any reason good enough to die for. America should not be in the business of wasting our young lives for the sake of some oblique geopolitical strategy contrived on some chalkboard. Just ask your constituents who have a son or daughter, mother or father in uniform in the gulf. They overwhelmingly do not see the situation as one that is bad enough to risk their loved one's lives. I strongly urge our colleagues who support the Solarz resolution to reconsider their position in light of the devastating consequences that their vote could have on those families. I believe that the question of war should be viewed strictly as representatives of the people, not as military or academic theorists.

Mr. Speaker, I am putting forth a call for humanness. I ask all my colleagues to put aside all the geopolitical analysis and ask themselves simply, "What is right?" I believe that the overwhelming answer will be to support the Hamilton-Gephardt resolution and oppose the Solarz-administration resolution.

Mr. CONTE. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution. When this crisis began, I had hopes that a long-term policy of diplomatic pressure and economic sanctions was likely to succeed. I still have those hopes, and I continue to support that strategy.

After the invasion of Kuwait on August 2, President Bush and the international community acted quickly and effectively to halt Iraq's Army, impose a comprehensive embargo, and ensure that Iraq got no financial gain from its capture of Kuwait's oil fields.

We have had some successes. Iraq's armies have been halted. Iraq can no longer buy weapons abroad. Before the crisis, Iraq exported about 3 million barrels of oil per day. The sanctions have cut that to zero. Iraq's other imports and exports are almost entirely cut off, and Iraq's GNP has fallen by 40 to 50 percent. That is an economic blow greater than any our country has ever suffered. I know there have been leaks, and I know the risks of erosion over time, but I still believe the sanctions need more time to work.

I think the case for continued sanctions remains valid. The Desert Shield force has blocked his aggression and is now large enough to defeat any attempt he could make against it. Iraq is blockaded by sea. The international community has branded Saddam Hussein the aggressor, and is resolute in its determination to stop him and reverse his annexation of Kuwait. His neighbors, Syria and Turkey, have joined the international coalition and show no inclination to leave. Egypt, the most populous of the Arab nations, shows no signs of wavering in its support.

If Iraq refuses to leave Kuwait, the policy of sanctions, containment, and prolonged pressure will do permanent damage to Iraq's economy, make it much more difficult for Saddam Hussein to sustain his bloated military, and set a precedent for future international cooperation against aggression by Iraq or anyone else.

I believe that the policy outlined by the Hamilton-Gephardt resolution is a sound strategy. I know that some say we have made no progress up to this point. The Iraqi Foreign Minister's performance in Geneva strengthened their argument. But I believe that the most successful resolution we can ask for is that Iraq leaves Kuwait without a shot fired. And with that in mind, regardless of what the Congress does today, I urge the President to use sanctions as our preferred policy in this crisis.

Mr. MCMILLEN of Maryland. Mr. Speaker, now that we have provided the President of the United States the authority to use force to carry out U.S. and U.N. policy in the Persian Gulf, I believe that all possible avenues must be pursued. With that in mind, I have written President George Bush on this day imploring him to give diplomacy one last chance to resolve this crisis peacefully. While I support the Presidential authority to use force in this crisis, I feel it must be used only as a last resort. I would like to include that letter in the CONGRESSIONAL RECORD.

DEAR MR. PRESIDENT: I realize that this letter reaches you on the eve of momentous events in the world, however, I implore you to consider it.

As you know, the Congress of the United States has now provided you the authority to use force to carry out American policy in the Persian Gulf if and when you deem it necessary. I supported this authority for a variety of reasons which I outlined during the debate in the House of Representatives. But most of all, I believe that our Commander in Chief should have every available option during this time of tension.

Nevertheless, I believe that all other options should be exhausted before this Nation employs force. I have discussed this crisis with many of my constituents and some of them are concerned that we are rushing into a war without using all means necessary to avoid violent conflict. Therefore, I respectfully request that diplomacy be given one last attempt to resolve this crisis peacefully. Even though the congressional resolution authorizing force requires you to report to the Congress that all diplomatic efforts have failed, the American people must be certain that force is being used only as a last resort. We must be confident that if American men and women are being sent into battle, it is being done because all other means of peaceful resolution have failed.

I believe you now have the flexibility to convince the leader of Iraq that the United States is committed to use force and you can use this tool in a last effort of diplomacy. I urge you to seriously consider this option when weighing the consequences of your decision.

TOM MCMILLEN.

Mr. STARK. Mr. Speaker, I am voting against a declaration of war today.

Supporters of the President have raised three points to which I would like to respond: the issues of stopping territorial aggression, of protecting human rights, and preserving oil supplies.

How does each of these issues affect the United States?

On aggression, the aggression has stopped. Saddam Hussein has been contained. Yes, the aggression is yet to be reversed. But it took us 45 years to do that after World War II. What is the hurry? What is the rush to war after just 6 months?

As for human rights, they do not exist in the Persian Gulf as we know and revere them in our country. I wish they did, but the monarchies of the Middle East have never extended what we consider basic rights to their residents. War will not change their moral and ethical traditions which have evolved over centuries.

The issue of protecting an oil supply—largely for Europe and Japan—is too crass a disregard of human life to warrant serious debate. For those who persist, it should suffice to point out that the United States is insolvent. We are in a deep recession. To increase our deficit and debt by over $50 billion should turn the most aggressive warriors away from combat.

President Bush is anxious to go to war. Let's review the options foregone. President Bush has been an ally of Hussein. President Bush has funded the abuse of human rights in El Salvador and refused to act against the murderers of priests, women, and children in El Salvador—yet he now rushes to express concern about Kuwait. Upset about territorial invasions? What about Nicaragua?

I listened to serious debate for almost 3 days. Despite all of the flag waving, energy saving, Presidential loyalty, and saving our prestige arguments, there was nothing said to justify the deaths of tens of thousands of American service men and women—not to mention the civilian population that would inevitably be slaughtered.

As I listened, I could find no reason, no issue, not one scintilla of patriotic calling to convince me to vote, on behalf of my constituents, to risk the life of one U.S. citizen at this time.

Mr. FUSTER. Mr. Speaker, I rise today to address perhaps the most difficult question this body will face; significantly, it is the very first issue—and rightly so—on the agenda of this 102d Congress.

For me, it is particularly important, since I, the only Member of Congress from Puerto Rico, have just returned from the Middle East as a member of the official House delegation sent there to assess the explosive and complicated situation in the Persian Gulf. Mr. Speaker, there are no easy answers to the long-standing problems in the Middle East, but we are all resolved that Saddam Hussein's brutal and naked aggression against Kuwait cannot be allowed to stand.

Nevertheless, Mr. Speaker, there are choices, different approaches to the problem. It is a very difficult choice we must make today, but I must support the Hamilton-Gephardt resolution that would authorize the use of force now to defend Saudi Arabia and United States troops to enforce the embargo against Iraq—but, and most significantly, does not authorize offensive action against Iraq at this time.

Mr. Speaker, was has terrible, irrevocable consequences. There will be thousands of casualties, both ours and innocent Arabs. Moreover, war in Iraq will provoke resentment in the Arab world for a very long time. Most importantly, war would seriously jeopardize the emerging New World order. That new order must be one where peace is the ruling consideration, one based on law and justice and diplomacy. It cannot be built on the basis of a terrible war. We simply must not let this happen. This New World order is simply too vital, too far reaching, to slip between the cracks of a relatively minor confrontation between Middle East neighbors.

Let us seize the moment, Mr. Speaker, let us make this the finest moment of this 102d Congress. Let us support the President, Mr. Speaker, but let us put the interests of all the citizens of the United States first. Let us put Saddam Hussein on notice—firmly and unequivocably—but first let us give sanctions a chance to work. That is the prudent thing to do, and to that extent I support the Hamilton-Gephardt resolution.

Mr. DICKS. Mr. Speaker, the question of whether to go to war is a most serious matter. The decision we are faced with today and tomorrow is a decision to commit U.S. forces to a war that the U.S. people are divided over. We have a very solemn constitutional obligation here to debate this matter—as Congress appropriately must—and to decide for ourselves and on behalf of our constituents what the best course of action for our Nation should be. The Congress must listen to the President, but it also has the constitutional responsibility to make an independent judgment.

To begin with, I share the repulsion that all Members have to the unprovoked invasion of Kuwait and to the atrocities that have been committed against that nation since August 2. I am also sensitive to the dangers that the Iraqi military machine poses to the region. The international community and certainly all of us in Congress agree that Iraq must withdraw from Kuwait. Our debate here is over how best to accomplish that goal, and whether it can be accomplished without resorting to war. Because after all, war is—and should—a last resort. But let Saddam Hussein make no mistake, he is going to leave Kuwait.

After considering the excellent arguments raised on both sides of this critical question, and after listening to the outstanding debate here in the House I have decided to support the Gephardt-Hamilton resolution to urge continuation of the policy of economic and diplomatic pressure that was originally presented by the President last August. The policy of deploying troops to stop Saddam's aggression, to contain him and to apply economic sanctions against Iraq were overwhelmingly supported by the American people.

It is important to realize that the Gephardt-Hamilton resolution explicitly authorizes the use of American military force to enforce the economic embargo against Iraq, to defend Saudi Arabia from direct Iraqi attack and to protect American forces in the region. It does not rule out authorizing the use of force, if necessary, at a later date to force Iraqi troops from Kuwait. This resolution simply states that continued application of international sanctions and diplomatic efforts to pressure Iraqi out of Kuwait is the wisest course at this time for our Nation and for the Middle East region.

Congress strongly supported President Bush immediately after August 2, in his initial decision to deploy troops to the Persian Gulf in order to deter further Iraqi aggression. And we were united in support of economic sanctions, which the President said would take time to be effective. We were willing to demonstrate the patience necessary to convince Saddam Hussein to understand that he had made a serious error. Both the House and Senate adopted resolutions by overwhelming margins affirming this support. And this policy of imposing economic sanctions while providing American and Allied Forces to deter further aggression against Saudi Arabia had the support of the vast majority of the American people.

In watching events unfold however, I believe that the President made a serious error in announcing a fundamental shift in our strategy on November 8. Without prior consultation with either the Congress or our allies in the international coalition, the President announced a doubling of the size of our deployed military forces in order to provide a credible option to launch a military offensive against Kuwait. I believe President Bush was also misguided in his judgment to impose an arbitrary deadline for exercising this military option.

The result is that the burden for this additional deployment has fallen disproportionately on the United States. Questions have been raised about the willingness of some deployed allied forces to participate in offensive operations. And the united front in the Congress and in the country disappeared.

This debate, and the communications we are receiving from our constituents, clearly demonstrate that the Nation is divided in its determination that a war at this time is either justified or required. We are divided on this issue. And if there is one lesson we should have learned from the tragedy of Vietnam it is—as Ross Perot has stated—do not commit this Nation to war if the country is not united. Until November 8 the American people and the Congress met this test, now they do not. It would be far better to continue the President's original policy, at least in the near term.

The Congress has heard from a wide array of "experts" on all aspects of the situation in which we find ourselves. While their opinions are instructive, they are all inherently speculation. No one can say with any degree of certainty whether economic sanctions will force Iraq out of Kuwait, and if so when. We can, however, say with certainty, that they are working with unprecedented effectiveness. In past circumstances, economic sanctions have been judged effective when they resulted in a 2.5-percent reduction in gross national product. In this case the GNP decline in Iraq is on the order of 50 percent, and Senator NUNN has estimated they could reach 70 percent. Iraq has lost 98 percent of its foreign earnings, and 90 percent of its imports have been halted. There has been a 40-percent drop in civilian production. Iraq's hard currency is nearly exhausted. Multibillions of dollars in oil revenues have been lost. Spare parts for his foreign-built military machine have been terminated. Saddam Hussein certainly can not be enjoying economic sanctions.

At the same time, no one can say with certainty what would happen if there is war. There is no shortage of arm chair strategists here in Washington, DC. You can find someone with an impressive title to speculate on virtually any conceivable military strategy and outcome. I don't know if air power alone could prevail. I don't know whether the Iraqi Army will give up when confronted with our forces. I certainly do not pretend to be able to predict the length of the casualty lists. But I do know that the toll could be high, involving many thousand lives on both sides. The long range potential for post war instability is huge. And the economic cost would include not just the estimated $1 billion a day during the fighting, but the devastation that war would produce in energy markets that could take the current recession and plunge us toward depression. One clear message that the conflicting public opinion polls send is that the American people are not prepared to accept heavy casualties to restore the Emirate in Kuwait.

The risks of war should not be borne unless we have, in fact, exhausted every reasonable avenue to achieve our goals without bloodshed. I am not convinced that we have exhausted all those avenues. I am not convinced that time is on the side of Saddam Hussein. The United Nations, the European Community, and the Arab League are all exploring a diplomatic settlement to this issue.

I also want to make it clear that should Iraq see the error of its ways and agree to honor the requirements of U.N. Security Council Resolution 678 that we will not immediately forget the problems faced in the region. In particular, the Iraqi military machine will have to be contained and dealt with by the international community. But there are economic and diplomatic options other than war, including a continuing arms embargo, more aggressive restrictions on technology transfer, as well as negotiated arms reductions on all sides in the region that can be pursued. An agreement of the coalition arrayed against Iraq to achieve a stable security agreement for the region, perhaps including a permanent international peacekeeping force, is essential.

It is with disappointment that I cannot support the President in his request for immediate authorization to use military force in the Persian Gulf. I am sensitive to the impact this will have on his efforts. But I am not convinced that failure to attack on January 16 will fatally undermine our efforts. In fact, it could provide the opportunity that is needed to initiate a new world order demonstrating that the goals of the international community can be accomplished without resorting to war. Can anyone honestly state that we have exhausted every peaceful option? I do not think so.

I also strongly support the Durbin-Bennett resolution, clearly expressing the constitutional powers and responsibilities that belong to the Congress on issues of war and peace. I would fervently urge the President to honor the will of the Congress, if we do not vote for immediate authorization of military force in this instance. To ignore such an action would trigger a constitutional crisis that would seriously undermine any military effort. The President must realize that without the support of Congress and the American people, no policy can be sustained.

At the same time, if the Congress votes to authorize the use of military force, I hope that the Members of this body and the Nation as a whole will honor the outcome as well and unite in support of that decision. If this fateful decision is made, the President and our troops in the field will have my complete support. But I would hope that in any event that the President would seriously heed the language of the Solarz-Michel resolution requiring a certification that all peaceful options have been exhausted before any military action is begun.

So at this time, we all hope and pray that war can be averted. My vote today is based on my conviction that the Gephardt-Hamilton resolution is truly the last best hope for peace.

Mr. BEILENSON. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution.

I want to say at the outset that I have the greatest respect and personal affection for the President—as well as for those closest to him in the White House who have been the shapers of our policy in the gulf since this crisis arose. I know that is not relevant to the policy matters at hand, but I wanted to say it anyway. These are decent and thoughtful men, and they are clearly trying to do the very best job they can.

I think all of us feel that way, but as one of the couple of dozen or so Members who have had the opportunity to meet with the President in the White House on a number of occasions during the past 3 months, I did want to say that we all appreciate that opportunity to have had his ear, and to have had that chance to exchange views with him. He has reached out more than past Presidents to stay in touch with the Congress, and to share his concerns and his feelings and his intentions with us, and I think every one of us appreciates his openness and his willingness to do so very much.

Having said that, I must also say that although virtually every one of us strongly supported the President's initial response to Saddam Hussein's outrageous and brutal aggression in Kuwait, some of us have strongly disagreed with his handling of this matter since he changed our policy last fall.

Back on August 8, President Bush said, "The mission of our troops is wholly defensive. Hopefully, they will not be needed long. They will not initiate hostilities, but they will defend themselves, the Kingdom of Saudi Arabia and other friends in the Persian Gulf."

Virtually every one of us supported that original policy of the President. And, most of us thought that policy was working.

I believe that Mr. Bush succeeded months ago in protecting our vital interests in the gulf. We have successfully defended Saudi Arabia and the rest of the gulf states, deterred any further aggression by Iraq, ensured an adequate supply of oil at reasonable prices to the entire world, and brought about the release of all foreigners who wished to leave Kuwait and Iraq.

Our initial modest deployment of troops, and our continuing strict enforcement of U.N. economic sanctions against Iraq were proper and proportionate responses to Iraq's aggression. They were adequate to protect our interests in the gulf, and were likely to have a completely successful result if applied with patience and with perseverance.

We accomplished these objectives with the concerted help of virtually every other nation in the world and, during the first few weeks, at least, it looked as though only a fraction of the troops deployed in the region to achieve our objectives there would be U.S. personnel.

Some time in late October and early November, the administration changed its original policy. The President announced that we would double and then redouble the number of U.S. personnel in the region to about 430,000 in order to ensure, as the President himself put it, "an adequate offensive military option" to carry out our goals there.

That critical shift in policy brought about a number of changes that were detrimental, rather than helpful, to the eventual satisfactory outcome of our involvement there.

It meant that a high proportion of all troops would be American—and it remains likely that, in the event of hostilities, probably 75 or 80 percent or more of casualties will be American.

It meant that the world would increasingly see this as an argument between the United States and Iraq, and not as one between the entire world and Iraq which is, of course, what it is in fact—and should be seen as.

By unilaterally ratcheting up the level of rhetoric and U.S. response, we sent absolutely the wrong signal to the rest of the world: That we would be happy to do the job for them, that we would take care of the problem for them.

And by our scurrying around to get the United Nations to set a Janaury 15 deadline, and by personalizing the confrontation between Mr. Bush and Saddam Hussein, and by making it more and more evident to the world that we were becoming impatient, the United States transformed the nature of the confrontation and made it more difficult to end it. We were no longer giving sanctions a chance. And we were ensuring that the sheer number of troops we had sent and the deadline we had set would themselves dictate our policy—rather than the other way around, as it should be.

Thus, there was, I believe, a better way of handling this—at a lower level of bombast and bellicosity, with a proportionately lower level of American involvement, and in a way that would have led us to a solution that did not involve offensive military action. That better way was President Bush's original policy.

I had the privilege last month of leading a bipartisan group of 19 Members of this House to the Persian Gulf. All of us came away with a renewed sense of pride and feelings of support for our men and women who are there on our behalf.

But as I saw the thousands of troops we had sent there and the tens of thousands of tons of materiel of all kinds—tanks, planes, and supplies of every sort—I had the recurring thought that if we can do what we are doing in the Persian Gulf, we can do anything. When you see what the United States can do in such a short period of time if we only put our minds, our hearts, and our resources together, it reminds you of what we could be doing here at home as well where problems are crying out for help.

It's heartbreaking to realize how much we could accomplish here at home if we would only try; and its infuriating that we find it so easy to act overseas and so difficult to act to solve domestic problems. No one denies that we have major national interests to tend to in the gulf. But from the moment they were identified, we have spent whatever sum of money is necessary and called up however many troops and reservists we need; we acted immediately, and we have stopped at nothing.

Grave as this threat by Iraq may be to our vital interests as Americans, I can think of a dozen other vital interests that matter more in the everyday lives of most Americans and are more important to the long-term strength and security of our Nation—including improving an education system that is failing our children; reforming a health care system that costs too much and helps too few; halting the scourge of crime that makes personal security the No. 1 concern of most of our citizens; and rebuilding an infrastructure of roads; bridges, and other economic supports that has fallen into almost total disrepair over the past generation.

What is it about our interests overseas that inspire our President to commit any and every thing imaginable to protect them—and to give to the many problems we have here at home so little interest, money, and leadership? Why are we continuing the self-destructive work of the 1980's, taking care of everyone else's problems in the world, but not our own?

One additional, ironic, and sad legacy of our involvement in the Persian Gulf in a manner that was uncalled for, and at a higher cost than was necessary, is that the additional billions of dollars that this effort will add to our national deficit will effectively make it absolutely impossible for us to even begin to try to solve our problems here at home in the immediate future.

And, finally, however events unfold in the Persian Gulf, two policies must come of this. The first must be an effective international undertaking, most especially with our Western European friends and allies, to ensure a strict regimen of arms control and limitation of technology transfers to the Middle East region—and other regions—of the world. Iraq's nonconventional arsenal is worrisome and threatening not only to its neighbors in the Persian Gulf, but also to the entire world. And it's not only Iraq whose weapons capabilities should be of concern to us. Syria, too, has sophisticated weapons and a leader who will not hesitate to use them, and there are other potential trouble spots in the world as well.

And the second must be the establishment and undertaking of a truly serious and substantive national energy program for the United States. The first two oil crises, in 1973 and 1979, let to higher prices, long gas lines, double-digit inflation here at home, and recession around much of the world.

This crisis may be leading us to war—and the loss of American lives, as well as $30 billion or more in direct costs, higher oil prices, and the worldwide havoc it has already brought.

We have got to care about American lives, and the well-being of our people enough to ensure that our national interests can never again be so seriously threatened by turmoil in the Persian Gulf. If we do not tend to these problems, if we do not lead international efforts to stem the flow of sophisticated arms and technology to the Middle East, and lessen our reliance on overseas supplies of oil, then all of the money, the hard work, and the lives that may be lost—we pray that none are—will all have been in vain.

The question before us now is this: Are we bound to support our President, should we support our President, when he has moved us unwisely to the brink of war—when pursuit of his original policy, which had already achieved almost all of our important goals, would have continued to serve our interests well at a much lower cost in dollars and a very much lower risk of loss of lives?

As one of the small group of Members who sat in meetings with the President over the last 3 months, as a Member who has no doubts about the strength and the sincerity of the President's convictions about the policy he is pursuing, this gentleman finds himself wanting very much to be supportive of Mr. Bush.

But I feel much more strongly that we should not—we must not—let our desire to support our President in a time of crisis overrule our judgment about the wisdom of authorizing the President to go to war.

Is war really necessary?

The answer is clearly, no.

We have already stopped Iraqi aggression; we are punishing Iraq; we have already established the lesson that aggression does not pay.

And we have done all this—and have every prospect of achieving our final goal of evicting Iraq from Kuwait, without resorting to war.

Sanctions are working, and will succeed in weakening Saddam considerably if we are patient. We have succeeded in cutting off Iraq's oil exports, almost its entire source of income; that has reduced Iraq's GNP by 50 percent, and will reduce it by 70 percent in the near future. Sanctions will weaken Iraq's military capability as shortages of spare parts and needed materiel develop.

As someone who has had regular briefings on the Persian Gulf crisis from the intelligence community. I must tell you that I am perplexed about the administration's eagerness to abandon a good policy that was working. I am absolutely convinced that continued application of international economic sanctions will force Iraq out of Kuwait. We must give this policy a chance to work.

The case for war in the gulf is very weak indeed, and is driven mainly by our own mistaken policy of forcing the issue unnecessarily by our huge and uncalled-for military buildup, and our setting of a deadline that makes successful diplomacy very, very difficult.

Since we have achieved most of our original objectives, and since our remaining major goal is achievable with patience and by continuing to enforce the sanctions, we have no right, in my opinion, to put American lives at risk.

We are now voting on whether to send American men and women to war.

My own personal criterion for making such a decision is this: Is this a cause for which I believe my own sons and daughter should be sent to war? And my answer to that question is clearly no—for the reasons I have just given.

And if I would not want my own children to be sent to this war, then I shall not vote to send other parents' children to this war—because I believe that our Nation's vital interests have already been protected, and will ultimately be far better protected if we do not go to war.

Mr. Speaker, I strongly urge my colleagues to vote for the Hamilton-Gephardt resolution, and against the Michel-Solarz resolution. With patient, steady application of sanctions, and with continued diplomacy, we will succeed in achieving the last of our objectives—the withdrawal of Iraq from Kuwait—and we will avoid the completely unnecessary loss of American lives.

Mr. JONTZ. Mr. Speaker, let me make five points with which I believe most Americans agree:

First, we should avoid a war in the Middle East if we can;

Second, if we have to go to war to achieve our objectives in the Middle East, we must;

Third, if we go to war, we must and will fight to win and win decisively and quickly;

Fourth, our Nation should stand together and if we end up sending troops into combat to resolve the Middle East conflict, we must support them in every way possible; and

Fifth, we are assuming these burdens because of our position of world leadership, but our allies who stand as much to gain or more than we do from successful resolution of the gulf crisis ought to be paying their fair share—and they aren't.

That being said, let me share what I believe are the disagreements in the current debate. I heard these disagreements when I traveled through the Fifth District earlier this week to solicit my constituents' views on what course of action our Nation ought to take; I have heard these same disagreements these past 2 days as the issue has been debated on the floor of the House and Senate.

First, there are different opinions about whether sanctions, diplomacy, and international pressure have been successful or can be successful. Some say these methods have failed, and will fail, or will be successful only with the immediate threat of war. This group says attack now; give the President the blessings of the Congress to proceed with force on January 15. Others say that sanctions have worked—we isolated Iraq, we won release of the hostages—and if they are continued, they might bring enough pressure to bear on Saddam Hussein that means can be found to resolve the crisis without war. This group says be patient; that 5 months of embargo and 6 hours of dialoq are not enough to accomplish resolution of the Middle East issues through peaceful means; that we should exhaust all options before risking American lives.

There is also disagreement about what steps will allow us to maintain and strengthen the international coalition now opposing Iraq, and lead to the long-term stability of the Middle East which is the most important of our objectives.

Some say that we cannot hold the coalition together if we do not attack; that there is no way the issue can be settled peacefully which will lead to long-term stability in the Middle East. Others say that the surest way to splinter the alliance of nations aligned against Iraq is for us to use force prematurely, and that efforts to resolve the issues by force if not necessary will lead to increased instability and more bloody conflict in the future.

We may need to go to war. If we fight, we must support our troops 100 percent and be united in our determination to finish the war quickly and with complete victory. But I will vote for the Hamilton resolution and against the Solarz resolution because I believe that there is still a possibility that diplomacy and sanctions can work. I don't want to risk American lives and drain the American treasury if our allies aren't willing to do their share in shouldering the burden.

The Netherlands, which receives 100 percent if its oil from the Persian Gulf, has not contributed any military or financial support to our mission in the Persian Gulf. Japan, which receives 63 percent of its oil from the region, has sent no troops to the gulf, and offered just $4 billion to an engagement that will cost an estimated $30 billion before one shot is fired. France, Spain, and Italy, all rely extensively on the Persian Gulf for their energy needs, but have yet to give a cent to what is supposed to be an international effort.

Finally, Saudi Arabia, the nation which has the most at stake in the conflict, has profited to the tune of $9 billion as a result of the sharp increase in oil prices that we Americans have been paying at the pump for 6 months. They're continuing to line their pockets at the rate of $143 million a day, yet they have turned over just $1 billion of their windfall—much of which has come from American wallets—to the military effort.

As long as there is some hope that continued sanctions and negotiations can bring about a peaceful resolution of the Persian Gulf conflict, and until our allies back up their words with action, we should not risk the lives of the young men and women who are serving their country in the Middle East.

Mr. BROWN. Mr. Speaker, the American people and the vast majority of the world community share a single, unequivocal goal in resolving the crisis confronting us today in the Middle East. We seek the withdrawal of the armies of Iraq from Kuwait and the restoration of Kuwait to its previous condition. However, in deciding how to achieve this goal, the citizens of our Nation, and of the world, are not speaking with one voice. The great question facing Congress is how to achieve our goal without needlessly sacrificing the lives of the men and women in our Armed Forces and without sacrificing the values that make our country strong.

There are causes for which fighting and dying are worthwhile and necessary. Wisdom lies in knowing when to fight, when to ask young men and women to die. Today, I believe wisdom lies in patience and in resolve. We must resolve as a nation and as a global community to not respond to brute force with further violence until every avenue for a peaceful solution has been explored. We must be patient, and allow sanctions to have their full effect.

I believe our President is willing to risk too much too soon. The costs of an armed conflict with Iraq are great. Thousands of our own men and women face death and serious injury, while tens of thousands of civilians could be killed. Already in a recession, our economy will be devastated not only by skyrocketing oil prices but by the additional taxes which our citizens would have to pay in order to finance a war with Iraq. The entire Middle East would be destabilized, particularly if Iraq follows through with its promise to attack Israel. Few have even considered the long-term environmental problems associated with fires from ignited oil fields, which could burn for years and darken the skies across the region.

The situation we currently face in the Middle East—with all its potential risks and costs—calls out for strong efforts for a nonviolent solution. Such a solution is possible. World opinion is strong and unified and economic sanctions against Iraq are clearly working. With such great risks associated with violence in this situation, does not the sane, moral choice lie in patience and diplomacy?

There may come a time when military force clearly becomes our only option. At that time I have no doubt that the Congress and the American people would approve of our Armed Forces joining a truly multinational military force to remove Iraqi troops from Kuwait. However, until that day arrives, I favor President Bush's original strategy: economic sanctions, patience, the development of a multinational military force for deterrence, and diplomacy.

The Hamilton-Gephardt resolution, which I will support, authorizes the President to use military force to defend our soldiers and to sustain the U.N. embargo against Iraq. This resolution tells the President that sanctions and diplomatic efforts to make Iraq leave Kuwait are the wisest choices at this time. This resolution also states that at any time the Congress will reconsider a new request from the President for a declaration of war or authorization to use military force.

Let Saddam Hussein make no mistake: We in this country are of one mind. He must withdraw his armies from Kuwait. Regardless of whether that end will be achieved peacefully or at tremendous cost to Iraq and the rest of the world community, it will be achieved.

My hope is that we in this body will exercise the resolve and wisdom which this situation demands. We have the strength to be patient. We have the responsibility to respect the lives of the men and women we sent to the Middle East. And we have the chance, still, to achieve a peaceful solution to this conflict.

As many others have said on this floor, a peaceful solution can be obtained only if we couple our resolve, as indicated by our economic sanctions backed by overwhelming military force, with a flexible and enlightened negotiating position. So far what we have lacked is such a negotiating position. Six hours spent telling the Foreign Minister of Iraq how we will destroy his country is not an adequate position.

If the President is sincere in his commitment to a new world order, and I believe he is, he should begin now to demonstrate that commitment. The greatest weakness in our present position, and one which could lead to the rapid deterioration of our multinational alliance over time, is the appearance that it is a U.S.-dominated military adventure aimed at shoring up the Western industrial nations interest in mideast oil resources. We can argue as long as we will that we are really engaged in a crusade to protect human rights and the rule of law in the world, but our past deeds belie our protestations.

Over a generation the United States and the Soviets have joined to emasculate the United Nations and multinational peacekeeping because we preferred a bipolar world dominated by the two super-powers. We revelled in proxy wars around the globe and rejected overtures from the United Nations or other sources to resolve them peacefully. No tyrant was too irrational, cruel, or unjust to his people to be denied our aid and friendship if he stood with us in our holy war against the global Communist conspiracy. Arab and Moslem nations were measured not by their needs or by the quality of their commitment to justice and democracy but by their subservience to the U.S. views of the cold war.

The Arab nations know this history well. They know that many of the problems of the Mideast today are the legacy of irresponsible Western colonialism of the last century. They also know that they have a great challenge before them to rise above this history and to create a new and more just society based upon the best of Moslem history, cultures, and religion, but open to the benefits available from the judicious use of Western industrial culture.

If we expect a new world order to emerge from the current confrontation with Saddam Hussein, we must start now to involve the Arab nations in determining the future of their region. A coalition of Arab leaders should be conducting negotiations with Hussein, under the auspices of the U.N. Security Counsel and backed by the commitment of U.S. resources. The military forces arrayed against Iraq should be guided by an international joint command with highly visible Arab commanders. President Bush and Secretary Baker should adopt a posture of greater respect for the Arab nation and the Moslem world. An attitude of appropriate humility because of our past sins, and of greater sincerity in addressing this "vision thing" of a new world order would help create the setting for a post-crisis approach to a wide range of Mid-East problems.

I believe that a nation such as Iraq which can and has sustained a million casualties in a border dispute with a neighboring Moslem nation—Iran—could in all likelihood accept far greater casualties against an infidel force invading the holy places of Islam. I lament this prospective loss of Moslem lives as much as I do the corresponding loss of U.S. lives. Both losses are irrational, unnecessary, and unproductive in reaching lasting solutions to real problems.

So I beg the President, with respect and humility, to consider now the need to create a new atmosphere in this time of crisis. Take some brave new steps to change the framework of negotiations. Do not retreat from our core position, but be more sensitive to a larger set of core issues. The American people and the world will respect such leadership. You will then truly be able to say that you are helping to shape a new world order.

Mr. GEPHARDT. Mr. Speaker, I yield the remaining time on this side to the distinguished Speaker of the House, the gentleman from Washington [Mr. FOLEY].

□ 1300

Mr. FOLEY. Mr. Speaker, I take the well in what will be an unusual and only occasional circumstance, to speak to my colleagues as a Member rather than as the Speaker. But as I leave the chair and come to the well, I hope I may for just a moment speak to you as the Speaker, and tell you that I think this general debate—the longest in the modern history of the House of Representatives, extending over 20 hours—has done great credit to each Member who has spoken to the House, to all those who have taken opposing and difficult views, and in the highest tradition of this body fulfills our constitutional responsibilities and our obligations to those Americans for whom we stand and speak.

But I would not feel it right to stand behind the usual custom of the Speaker not to vote and not to speak on a question of this importance. I do not ask anyone to follow me, but I do feel the need to explain to my constituents, to those who have sent me here, why I will cast a vote for the Hamilton-Gephardt resolution and against the Michel-Solarz resolution.

I will vote this way not because I do not have the greatest respect for those who take an opposing view. I do. And I know what a difficult choice this is for each of us. I will not go over the arguments again. They have been articulated so well and so ably on both sides.

But let me suggest what this debate is not about. It is not about a lack of determination to see Saddam Hussein, a brutal dictator who has taken a country by force and violence and holds it today, removed from Kuwait. We will not permit him to stay. We are committed to his removal.

This debate is not about who supports the President of the United States and who does not. I honor and respect the President. I know his determination and I also know the awful loneliness and terrible consequence of the decisions that he must make.

In a letter to Thomas Jefferson, James Madison wrote that,

> The Constitution supposes what the history of all governments demonstrate, that the Executive is the branch * * * most interested in war, and most prone to it. It has accordingly * * * vested the question of war in the legislature.

I do not believe that the President wants war. I believe that he devoutly wishes peace and will continue to hope and work for it. But it is wrong to suggest that we who have taken our own oath can burden him further by giving to him alone the responsibility that also must be ours today. We must share in this decision. We have been elected to do it. The Constitution mandates it, and we would shirk our duty if we easily acquiesce in what the President decides. That is unfair to him, as it is to our constituents and to our responsibilities.

The President deserves, more than any single person in this country, not our agreement given casually or automatically, but our informed and conscientious judgment. And each Member should strive to give that to the President and the country today.

This debate is not about who supports our troops. We hear constant references that they are eager, almost anxious to fight and to sacrifice and perhaps to die. And I must say a respectful thank God. Thank God we have young men and women who are so committed to this country, to its values, and to its service that they are ready to lay down their very lives for it, and for their fellow citizens. That is a tremendous gift to this country. And each of us who has seen our troops in the field, our young men and women, and noted their morale and enthusiasm, and, as I say, even eagerness, ought not just respect and thank them for it; we have a duty not to rush them into an early and precipitous war as a way of recognizing their willingness to make that sacrifice.

This debate is not about supporting the coalition that the President has so successfully organized. It is not about supporting the United Nations that has a new and revived role in promoting international order.

It is not about standing with our allies. All of those things can be done in support of the Hamilton-Gephardt resolution.

The debate is not about the use of force. Force is being used every day. Ships are being stopped. Iraq is being surrounded, its military potential has been hedged. We only reserve the right to give final approval to the President to initiate the maximum offensive force in our command, the terrible, terrible force that this country has the power to inflict.

Eight years ago, in the 98th Congress, this House was asked to adopt a resolution providing for the continued peacekeeping presence of U.S. marines and other servicemen in Lebanon. The Speaker of the House, Thomas P. O'Neill, took the well and asked all Members to support the President's request that we should continue the American peacekeeping presence in Lebanon. I voted for that resolution. I regret that vote today, not because one could not honorably support such a resolution; not because I wanted to back the President or I wanted to stand firm with the leadership on both sides of the aisle. Those were all decent reasons. I regret that vote today not just because, as we all regret, 300 marines lost their lives. I regret it also because I cast that vote feeling doubtful, uncertain, unwilling to commit myself fully to its consequence. And those who believe that the President must now be armed with what unquestionably—as DANTE FASCELL so honorably and candidly has told this House—is the virtual declaration of war, should not hesitate to vote that way, should not hesitate to give him that power.

But let me suggest to you one thing. Do not do it under the notion that you merely hand him another diplomatic tool, another arrow in the quiver of economic and international leverage. The President has signaled no doubt about this. He has said again and again that, if given the power, he may well use it, perhaps sooner than we realize. If that is your judgment, vote honorably and calmly and securely.

But if you feel that more can be done; if you feel that the sanctions have not yet wasted their opportunity; if you believe that Saddam Hussein is growing weaker every day under their impression; if you believe the international coalition will hold; if you believe that this Nation's leadership is best expressed in this body and in the other body, and in the coalition of constitutional consent, then vote for Hamilton-Gephardt.

But however you vote, as the majority leader has said, let us come together after the vote with the notion that we are Americans here, not Democrats and not Republicans, all anxious to do the best for our country, without recrimination as to motive, without anything but the solemn pride that on this great decision day we voted as our conscience and judgment told us we should. And though our opinion may change over years, we will then not bear the burden of a harsh judgment on our honor and our actions at this moment.

And though I too was raised in a tradition that honored silent and private prayer, I offer a public prayer for this House, for all of us, for the Congress, for our President—and he is our President—and for the American people, particularly those young Americans who stand willing to make the supreme sacrifice. May God bless us and guide us and help us in the fateful days that lie ahead.

□ 1310

The SPEAKER. Under the rule, the previous question is ordered on the concurrent resolution.

The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 250, not voting 2, as follows:

[Roll No. 8]

AYES—183

Abercrombie
Alexander
Andrews (ME)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Beilenson
Bennett
Bonior
Boucher
Boxer
Brown
Bruce
Bryant
Bustamante
Cardin
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conte
Conyers
Costello
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Gibbons
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horn
Hoyer
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz

Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
LaRocco
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moody
Moran
Morella
Mrazek

Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rangel
Reed
Richardson
Riggs
Roe
Roemer
Rose
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage

Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Taylor (MS)
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—250

Ackerman
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Brooks
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Derrick

Dickinson
Dingell
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Engel
Erdreich
Fascell
Fawell
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe

Ireland
James
Johnson (CT)
Jones (GA)
Jones (NC)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leach
Lehman (CA)
Lent
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Myers
Nichols
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson

Paxon
Payne (VA)
Petri
Pickett
Porter
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton

Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon

Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Dymally
Udall

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1330

AUTHORIZING USE OF U.S. ARMED FORCES PURSUANT TO U.N. SECURITY COUNCIL RESOLUTION 678

The SPEAKER. Pursuant to section 4 of House Resolution 27, it is now in order to consider the joint resolution printed in section 3 of House Report 102–1 by, and if offered by, the gentleman from Illinois [Mr. MICHEL] or his disignee.

For what purpose does the gentleman from Illinois rise?

Mr. MICHEL. Mr. Speaker, pursuant to House Resolution 27, I offer the bipartisan joint resolution sponsored by myself and the very distinguished gentleman from New York [Mr. SOLARZ], whose extraordinary work in putting together this very unique and unprecedented coalition has to be publicly applauded, and I know, greatly appreciated by the President.

Mr. Speaker, I ask unanimous consent that the time be controlled, 20 minutes by the gentleman from New York [Mr. SOLARZ] and 10 minutes by the gentleman from Michigan [Mr. BROOMFIELD].

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

H.J. RES. 77

Whereas, the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990; and

Whereas, both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression; and

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

Whereas, the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored; and

Whereas, the U.N. Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the U.N. Charter; and

Whereas, in the absence of full compliance by Iraq with its resolutions, the U.N. Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas, Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of military Force Against Iraq Resolution."

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666,667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWER RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 3. REPORTS TO CONGRESS

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the joint resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Pursuant to the rule, the gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

PARLIAMENTARY INQUIRY

Mr. SOLARZ. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SOLARZ. Mr. Speaker, I believe the gentleman from Illinois asked unanimous consent to yield 10 minutes to the gentleman from Michigan.

The SPEAKER. The Chair will specify that under the unanimous-consent request, the gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to the resolution.

The SPEAKER. The gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes in opposition to the resolution.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. FASCELL], the very distinguished chairman of the Foreign Affairs Committee.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to begin with an observation that I think all of us share.

I have been here a few years, and for those of you who are serving for the first time, let me tell you that what you have witnessed has been a proud moment in the democratic process and in this legislative body. I am proud of my Speaker and my leader and the leader on the Republican side and my colleagues in what has been characterized, rightly so, as historic debate.

I want to express appreciation to those who had the resolve to start the movement to say that the Congress of the United States ought to share in the responsibility in a major decision of this kind and who made it possible to have a vote prior to the U.N. mandated deadline. Those colleagues deserve a great deal of credit for insisting on maintaining and preserving the constitutional process and to exercise our responsibility in a timely fashion.

Our leadership on both sides needs to be commended and congratulated for the fact that they together, without regard to political considerations, made it possible for us to participate in the debate on this matter and for the consideration of fulfilling our constitutional responsibilities. The American people owe all of them an everlasting debt of gratitude.

As chairman of the Foreign Affairs Committee, I take special pride in the fact that members of our committee were especially effective in the presentation of this awesome issue to the American people and to the Congress of the United States. Mr. HAMILTON, the distinguished chairman of the Subcommittee on Europe and the Middle East, presented one point of view, along with our distinguished majority leader, Mr. GEPHARDT. Mr. SOLARZ, the distinguished chairman of the Subcommittee on Asian and Pacific Affairs, presented a second view, along with my distinguished colleague the ranking Republican, the gentleman from Michigan [Mr. BROOMFIELD]. We worked together in order to consider and fashion some of the points and the actual language that is before you today. These Members and the Committee on Foreign Affairs did so in order that we would have a clear debate in this House on this subject and the American people could see how our judgment is being made.

□ 1340

I have never been prouder of the effort which was made by my colleagues on the Committee on Foreign Affairs, on both sides of the aisle, for their participation in this debate. Make no mistake, my friends, that what you are doing here and what you have been doing is fulfilling, to the ultimate, the constitutional responsibility that you were elected to fulfill and that you swore to uphold.

That is what you are doing. And when you vote on this resolution, one way or the other, yes or no, make no mistake about your actions, you are voting to empower the President to use the awesome military force of the United States in a manner that is necessary, to secure the peace.

There is no doubt about it. There is no tomorrow about this decision. It is a decision which you must make today, not tomorrow. When you here make the decision to authorize the use of military force, you are telling the Commander in Chief to implement that authority, and make no mistake about that.

There is nothing to this arugument that, "Well, he is going to implement it at his discretion." He is the Commander in Chief. He will carry it out. You are not going to tell him in the resolution how or when to actually do it, like 9 o'clock in the morning or with six tanks or whatever.

He is required under the Constitution to carry out the responsibility as laid down in this resolution, which says:

> Mr. President, exhaust all diplomatic means, report to the Congress you have done everything you know how to do, and then if you have to use military authority, we want you to know that this resolution empowers you to use that force."

There is no question about coming back tomorrow or next week or that you in some way have ducked this decision.

With regard to the constitutional responsibilities, let me make a few points and read to you from the case of *Mitchell* v. *Laird*, 488 FEd. 2d, 611. I will insert the entire case into the RECORD, and I will add to my remarks in the RECORD additional related material.

The prevailing opinion in this case, 1973, Mitchell versus Laird:

> Any attempt to require a declaration of war as the only permissible form of assent might involve unforeseeable domestic and international consequences, without any obvious compensating advantages other than a formal declaration of war does have special solemnity and does present to the legislature an unambiguous choice. While those advantages are not negligible, we deem it a political question or, to phrase it more accurately, a discretionary matter for Congress to decide in which form, if any, it will give its consent to war. That is, we regard the Constitution as contemplating various forms of congressional assent, and we do not find any authority in the courts to require Congress to employ one rather than another form.

Mr. Speaker, I cite that simply to point out that every element of the Constitution will be fulfilled as you vote on this issue.

The Congress of the United States, if this resolution is approved, is giving its assent; it is providing the authority, the legal basis for the President to exercise that authority. And it is to his credit that the President of the United States sent a letter and a request to Congress, which will also be inserted into the RECORD in full, saying:

> I ask the people of the United States and the Congress of the United States to give their assent at this time.

And that is what we will be doing when you vote on this. And because of the facts that are before us now, because of the situation that exists, I have determined that I must support this request, and I intend to do so. And that is the reason I am a consponsor of the pending resolution. I trust in your very considered and deliberate judgment you will decide likewise.

Mr. Speaker, I rise in support of House Joint Resolution 62 which addresses the single most important issue that can ever confront this institution—the question of war and peace.

I support a peaceful settlement that secures Iraqi withdrawal from Kuwait. Right now is our last, best chance to achieve it. The way to do it is to give Saddam Hussein a clear message that the American people support the United Nations, their President, and the 500,000 troops representing 28 nations in the Saudi desert.

It was the brutal crushing of Kuwait that brought us to this point. If there is to be war, only one individual will have caused it—Saddam Hussein—and he can restore peace by moving his troops out of Kuwait and settle his differences in a peaceful manner.

This crisis that confronts our Nation, and indeed the global community today is a challenge to the hopes and aspirations of the entire world. With the end of the cold war, we entered a period of hope, promise, and yes, peril. That peril is clearly illustrated by Iraq's brutal and naked aggression against its smaller neighbor and former ally, Kuwait. It is clearly illustrated by Iraq's taking of thousands of hostages and by its threatening to unleash terrorist death squads against its enemies. These actions fly in the face of all norms of international law, the principles upon which the United Nations was founded, and our aspirations for the world of the future.

This ominous trend must be brought to an end.

House Joint Resolution 62 is the result of long and extensive deliberations and consultations between the bipartisan membership of Congress that supports its adoption and that of the President directly. These discussions and negotiations have taken place since the August 2 Iraqi invasion of Kuwait. The supporters of this resolution believe that it is time for the Congress to speak up and exert its will—one way or another.

I would urge my colleagues to carefully examine the content of this resolution. Simply stated, this resolution gives conditional approval for the use of U.S. military force pursuant to U.N. Security Council Resolution 678 which embodies the achievement of implementation of 11 previously passed Security Council Resolutions—660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677—which impose international economic sanctions and require withdrawal of Iraqi forces from occupied Kuwait. House Joint Resolution 62 does not endorse any future actions which may be approved by the Security Council. That judgment, that potential future judgment, is reserved for Congress at that time. In other words, our options, our future options—those of Congress—have been preserved.

House Joint Resolution 62 authorizes the use of U.S. Armed Forces pursuant to U.N. Resolution 678 and other congressionally mandated conditions. This authority is conditional upon the reporting requirements of section 1(b) which stipulate that the United States has used all diplomatic and other peaceful means to obtain Iraqi compliance with, and implementation of the 12 previously passed U.N. Security Council resolutions. In addition, the President must assure Congress through this report that those efforts have not and would not be successful in achieving Iraqi compliance with those same Security Council resolutions. Finally, this joint resolution mandates an additional requirement upon the President to report to Congress at least once every 60 days on the status of efforts to obtain Iraqi compliance with those Security Council resolutions. House Joint Resolution 62 mandates real requirements upon the President to comply with congressional concerns before exercising the use of military force.

House Joint Resolution 62 authorizes the conditional approval for the use of military force. This affirms the constitutional authorities and responsibilities that are granted solely to Congress on the issue of war and peace. More importantly, this joint resolution offers Members of Congress a clear-cut choice.

That of authorizing the potential use of military force in order to achieve a peaceful solution to this crisis. It is a choice of yes or no. This joint resolution contains no figleaf or hidden agenda. It is straight forward. It offers us the opportunity to make the simple judgment in favor of, or opposition to the use of military force in confronting the crisis before us. Simply stated, this joint resolution reaffirms the principles of shared powers on matters of war and peace as reflected in the Constitution, as well as that of the War Powers Resolution.

I would also note that this resolution while not using the constitutional language, is the legal and practical equivalent thereof and meets all the constitutional tests. (*Mitchell* v. *Laird* (488 F.2nd 611 (1973.)) This is equivalent to a conditional declaration of war—conditional upon the requirements of House Joint Resolution 62, the implementation of this resolution by the President and the constitutional obligations of the President.

I believe that this resolution will reduce the likelihood of war by convincing Saddam Hussein that American and international resolve is steadfast and unwavering.

Accordingly, passage of this conditional authority is the best means by which to avoid war and compel Saddam Hussein to leave Kuwait. Passage of this joint resolution demonstrates that the American people are telling Saddam Hussein and Iraq's leadership that their illegal and barbaric actions against the Kuwaiti people and indeed all peoples of the world, cannot be tolerated.

House Joint Resolution 62 strengthens the unprecedented international resolve which has been demonstrated against Iraq. It strengthens the international coalition of the U.N. Security Council's actions against Iraq. This resolution tells the American people that we believe it essential that we, the United States, continue to work within the context of the international alliance that we have assembled in concert against Saddam Hussein.

Passage of this resolution demonstrates our support for the half million United States troops that are being deployed against Iraq. It demonstrates that commitment to their families and friends, and as such the American people who are the ultimate arbiters of the decision we face today.

It is my view that the American people want to know one way or another how their elected representatives stand on this issue. I, for one, support the conditional authorization of military force because I believe it represents the most likely way to restore peace.

Over the past 5 months, Saddam Hussein has received messages from scores of world leaders, private citizens, and the international community as embodied under the auspices of the United Nations. He has turned a deaf ear to all. Now it is time for Saddam Hussein to hear from the Congress and the American people. Our message is plain and simple—support peace through withdrawal from Kuwait.

In assessing the efficacy of economic sanctions, we must ask: are they working and can they meet our objectives?

The facts are clear:

Economically, they are working quite effectively. Little is getting in or out of Iraq.

Militarily, they are eroding Iraq's capacity to fight but there is no evidence that they are precluding Iraq from fighting or that they are affecting Iraq's will to fight.

Politically, there is no evidence that Saddam Hussein has accepted the conditions of the U.N. resolutions. To the contrary, he is not leaving Kuwait, he is incorporating it into Iraq. He is not recognizing basic human rights, he is abusing to the extreme, basic human rights.

Regrettably, I see no indications that sanctions alone will force Saddam Hussein to make the necessary political changes to accept the U.N. resolutions.

I sincerely believe that our positive action on this resolution may finally convince Saddam Hussein to comply with the U.N. resolutions and it strengthens the position of the United States and the coalition of other nations. No one expects at this late date, Saddam Hussein will pull out of Kuwait by midnight January 15. Indeed, he said he will not. Therefore if we are to avert a showdown, there must be negotiations. If there is no credible threat of force because the Congress does not authorize the use of force, it will be impossible for the President or the United Nations to solve the problem. Without a credible threat of the use of force, which passage of this resolution would provide, Saddam Hussein will just stay put in Kuwait and extract a much higher price from the United States and the world community than he already has.

Of course, theoretically, the President could, even if this resolution is not adopted, order the use of force. But we all know that this would create a constitutional crisis with efforts of impeachment and funding fights on every bill going through the Congress.

But with passage of this resolution and a credible threat to use force behind them, the President may not have to use force at all. After the deadline of January 15 passes, if there is to be any chance of negotiations and a peaceful resolution to this mess, we need to give the President the support of Congress.

Otherwise sanctions may be in place forever and never bring about the desired result, which is to get Saddam Hussein out of Kuwait so that he doesn't get any further reward for his aggression.

Saddam Hussein should take no solace in hearing the differing views of Congress today. One essential ingredient, and indeed the strength of our democracy is our tolerance and defense of dissenting views. Today, Saddam Hussein will hear our voices and differences of opinion but at the end of the day, he will hear the single voice of our unity and resolve against his illegal and barbaric aggression.

The documents referred to are as follows:

U.N. SECURITY COUNCIL RESOLUTIONS REGARDING PERSIAN GULF CRISIS

RESOLUTION 660—AUGUST 2, 1990

Condemns Iraqi invasion of Kuwait and demands immediate and unconditional withdrawal of Iraqi forces.

RESOLUTION 661—AUGUST 6, 1990

Imposes trade embargo and financial sanctions against Iraq and Iraqi-occupied Kuwait. (Medical supplies and humanitarian foodstuffs are exempt from the trade embargo.)

RESOLUTION 662—AUGUST 9, 1990

Declares Iraq's annexation of Kuwait null and void, and demands that Iraq rescind the annexation.

RESOLUTION 664—AUGUST 18, 1990

Demands that Iraq permit immediate safe departure of foreign nationals from Iraq and Kuwait. Demands rescindment of Iraq's orders to withdraw diplomatic immunity and close diplomatic missions in Kuwait.

RESOLUTION 665—AUGUST 25, 1990

Calls upon states to enforce the trade embargo against Iraq and Iraqi-occupied Kuwait.

RESOLUTION 666—SEPTEMBER 14, 1990

Provides for humanitarian provision of any necessary food and medical supplies to Iraq and Kuwait.

RESOLUTION 667—SEPTEMBER 16, 1990

Demands that Iraq protect diplomatic personnel and premises, and take no action that hinders the performance of their duties.

RESOLUTION 669—SEPTEMBER 24, 1990

Authorizes Sanctions Committee to examine requests for assistance from states confronted with special economic problems related to the sanctions.

RESOLUTION 670—SEPTEMBER 25, 1990

Requires states to cooperate with air embargo, and to detain any ships that are being used to violate the sanctions. Food and medical supplies being shipped for humanitarian reasons are exempt, but subject to authorization.

RESOLUTION 674—OCTOBER 29, 1990

Reminds Iraq that it is liable under international law for any loss, damage, or injury arising in regard to Kuwait and third states and their nationals as a result of Iraq's invasion and occupation of Kuwait.

RESOLUTION 677—NOVEMBER 28, 1990

Condemns Iraqi attempts to alter Kuwait's demographic composition and destroy Kuwaiti civil records, and mandates steps to be taken by the U.N. to safeguard the demographic composition of Kuwait.

RESOLUTION 678—NOVEMBER 29, 1990

Authorizes member states to use all means necessary to uphold the above resolutions and restore international peace and security in the region, unless Iraq fully complies with the above resolutions on or before January 15, 1991.

U.N. SECURITY COUNCIL RESOLUTION 678 (1990)

[Adopted by the Security Council at its 2963rd meeting, on 29 November 1990]

The Security Council, recalling, and reaffirming its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990 and 677 (1990) of 28 November 1990,

Noting that, despite all efforts by the United Nations, Iraq refuses to comply with its obligation to implement resolution 660 (1990) and the above-mentioned subsequent relevant resolutions, in flagrant contempt of the Security Council,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security,

Determined to secure full compliance with its decisions,

Acting under Chapter VII of the Charter,

1. Demands that Iraq comply fully with resolution 660 (1990) and all subsequent relevant resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;

2. Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the foregoing resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;

3. Requests all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 of the present resolution;

MITCHELL V. LAIRD

[Summary of D.C. Circuit Court Decision in 1973]

Any attempt to require a declaration of war as the only permissible form of assent might involve unforeseeable domestic and international consequences, without any obvious compensating advantages other than a formal declaration of war does have special solemnity and does present to the legislature an unambiguous choice. While those advantages are not negligible, we deem it a political question, or, to phrase it more accurately, a discretionary matter for Congress to decide in which form, if any, it will give its consent to . . . war, . . . That is, we regard the Constitution as contemplating various forms of congressional assent, and we do not find any authority in the courts to require Congress to employ one rather than another form. . . . [emphasis added].

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, January 10, 1991.

To: House Committee on Foreign Affairs. Attention: Dante B. Fascell.

From: American Law Division.

Subject: Legal Effect of H.J. Res. 62 Authorizing the Use of Military Force.

This is in response to your request regarding H.J. Res. 62. Specifically, you asked whether the resolution constitutes a declaration of war against Iraq and what legal effect it would have upon enactment and upon satisfaction of the condition stated in subsection (b)(2).

At the outset, it should be noted that under international law a declaration of war is no longer deemed a necessary predicate for a state of war to exist. At one time the authorities and even an international convention asserted that a declaration was necessary.[1] But it now appears to be agreed that a state of war can exist as the result of an armed conflict regardless of whether a declaration of war has been issued.

Nonetheless, a declaration of war can itself create a state of war between two or more states, even absent armed conflict. "The declaration of war creates the legal status of war. . . . (T)he announcement is sufficient evidence that peace has been transmuted into war, and that the law of war has replaced the law of peace."[2]

Neither international law nor United States law decrees any particular form or content for a declaration of war. The enactments declaring war with respect to the War of 1812, the Mexican-American War, the Spanish-American War, World War I, and World War II all provided in explicit terms that "a State of war exists," or is "declared to exist," between the United States and the enemy in question.[3] Several enactments in the nineteenth century that have been termed conditional declarations of war, on the other hand, did not use that language.[4] More recent enactments have conditionally authorized the President to "use force" or the "armed forces" or "whatever means may be necessary, including the use of arms" in particular situations.[5]

What constitutes a declaration of war, in short, would seem to be a matter of legislative intent. If an enactment declares that a state of war exists, or shall exist under certain conditions, the legislative intent is clear. But no particular verbal formula is necessary for a given enactment to be deemed a declaration of war.

H.J. Res. 62 would authorize the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation" of the various resolutions the Security Council has adopted with respect to Iraq's invasion of Kuwait. That grant of authority is made conditional upon communication by the President to the Speaker of the House and the President pro tem of the Senate that "all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions . . . have not been and would not be successful in obtaining such compliance." At most the resolution would seem to be a conditional declaration of war, as certain conditions have to be met before its authorization of the use of force takes effect. But whether it should be deemed to be a conditional declaration of war would seem to be a matter of legislative intent. If Congress intends that it be so, nothing in its formulation would prevent it from operating as such a conditional declaration.

If it is deemed to be a conditional declaration of war, it would seem to have no immediate legal impact under either domestic or international law upon enactment. It would not at that point create the legal status of war, because its conditions would not yet have been met. Only upon the President's communication to Congress of the failure and futility of peaceful means of obtaining Iraq's compliance with the United Nations resolutions could the measure constitute a declaration of war and thus create the legal status of war, if Congress so intends.

I hope the above is responsive to your request. If we may be of additional assistance, please call on us.

DAVID M. ACKERMAN,
Legislative Attorney.

FOOTNOTES

[1] See, e.g., Hugo Grotius, "Of the Law of War and Peace," Bk. III, Ch. iii, V and XI, cited in Ingrid Detter De Lupis, "The Law of War" (1987), at 8, and the Hague Convention on the Opening of Hostilities, 36 Stat. 2259 (1907).

[2] Clyde Eagleton, "The Form and Function of the Declaration of War," 38 American Journal of International Law 19, 21 (1938).

[3] See, CRS, "Iraq-Kuwait: Issues Concerning a U.S. Declaration of War," Appendix C (Nov. 30, 1990) (Report No. 90-531).

[4] See Resolution 15 of the 35th Congress in 1858 ("A Resolution for the Adjustment of Difficulties with Paraguay," which authorized the President to "adopt such measures and use such force as, in his judgment, may be necessary and advisable, in the event of a refusal of just satisfaction by the Government of Paraguay"); 26 Stat. 674 (1890) (a joint resolution authorizing the President to "take such measures as in his judgment may be necessary to promptly obtain indemnity from the Venezuelan Steam Transportation Company of New York . . . and to secure this end he is authorized to employ

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Footnotes at end of article.

such means or exercise such power as may be necessary"); 28 Stat. 975 (1895) (a joint resolution regarding a grievance between a naturalized citizen of the United States and Spain, which simply directed the President "to insist upon the payment of the agreed upon . . . in liquidation of the claim"); and 30 Stat. 738 (1898) (stating that Cuba ought to be free, demanding that Spain relinquish all authority in Cuba, and empowering the President "to use the entire land and naval forces of the United States . . . to such extent as may be necessary to carry these resolutions into effect").

[5] See P.L. 85-7 (Mar. 9, 1957) (the Middle East); P.L. 84-4 (Jan. 29, 1955) (Formosa); P.L. 88-408 (Aug. 10, 1964) (the Tonkin Gulf resolution); and P.L. 87-733 (Oct. 3, 1962) (Cuba).

THE WHITE HOUSE,
Washington, DC, August 9, 1990.

Hon. THOMAS FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: On August 2, 1990, Iraq invaded and occupied the sovereign state of Kuwait in flagrant violation of the Charter of the United Nations. In the period since August 2, Iraq has massed an enormous and sophisticated war machine on the Kuwaiti-Saudi Arabian border and in southern Iraq, capable of initiating further hostilities with little or no additional preparation. Iraq's actions pose a direct threat to neighboring countries and to vital U.S. interests in the Persian Gulf region.

In response to this threat and after receiving the request of the Government of Saudi Arabia, I ordered the forward deployment of substantial elements of the United States Armed Forces into the region. I am providing this report on the deployment and mission of our Armed Forces in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution.

Two squadrons of F-15 aircraft, one bridge of the 82nd Airborne Division, and other elements of the Armed Forces began arriving in Saudi Arabia at approximately 9:00 a.m. (EDT) on August 8, 1990. Additional U.S. air, naval, and ground Forces also will be deployed. The Forces are equipped for combat, and their mission is defensive. They are prepared to take action in concert with Saudi forces, friendly regional forces, and others to deter Iraqi aggression and to preserve the integrity of Saudi Arabia.

I do not believe involvement in hostilities is imminent; to the contrary, it is my belief that this deployment will facilitate a peaceful resolution of the crisis. If necessary, however, the Forces are fully prepared to defend themselves. Although it is not possible to predict the practice scope and duration of this deployment, our Armed Forces will remain so long as their presence is required to contribute to the security of the region and desired by the Saudi government to enhance the capability of Saudi armed forces to defend the Kingdom.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief. These actions are in exercise of our inherent right of individual and collective self-defense. I look forward to correction with the Congress in helping to restore peace and stability to the Persian Gulf region.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE
Washington, DC, August 9, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: On August 2, 1990, I reported to the Congress that, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 201 of the National Emergencies Act, 50 U.S.C. section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime that in no way represents the people or legitimate Government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990. Specifically, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), section 201 of the National Emergencies Act, 50 U.S.C. section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new Executive orders.

The order I have issued with respect to Iraq:

Prohibits exports and imports of goods and services between the United States and Iraq, and any activity that promotes or is intended to promote such exportation and importation;

Prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;

Prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;

Prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;

Prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;

Prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;

Blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and

Clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

Prohibits exports and imports of goods and services between the United States and Kuwait, and any activity that promotes or is intended to promote such exportation or importation;

Prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;

Prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;

Prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;

Prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;

Prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;

Blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and

Clarifies that definition of U.S. persons includes vessels of U.S. registry.

Today's orders provide that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at 8:55 p.m. e.d.t., August 9, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE,
Washington, DC, November 16, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

Dear Mr. Speaker: There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of Government and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

As you are aware, the United States and Allied and other friendly governments have introduced elements of their Armed Forces into the region in response to Iraq's unprovoked and unlawful aggression and at the request of regional governments. In view of Iraq's continued occupation of Kuwait, defiance of 10 U.N. Security Council resolutions demanding unconditional withdrawal, and sustained threat to other friendly countries in the region, I determined that the U.S. deployments begun in August should continue. Accordingly, on November 8, after consultations with our Allies and coalition partners, I announced the continued deployment of U.S. Armed Forces to the Persian Gulf region. These Forces include a heavy U.S. Army Corps and a Marine expeditionary force with an additional brigade. In addition, three aircraft carriers, a battleship, appropriate escort ships, a naval amphibious landing group, and a squadron of maritime prepositioning ships will join other naval units in the area.

I want to emphasize that this development is in line with the steady buildup of U.S. Armed Forces in the region over the last 3 months and is a continuation of the deployment described in my letter of August 9. I also want to emphasize that the mission of our Armed Forces has not changed. Our Forces are in the Gulf region in the exercise of our inherent right of individual and collective self-defense against Iraq's aggression and consistent with U.N. Security Council resolutions related to Iraq's ongoing occupation of Kuwait. The United States and other nations continue to seek a peaceful resolution of the crisis. We and our coalition partners share the common goals of achieving the immediate, complete, and unconditional withdrawal of Iraqi forces from Kuwait, the restoration of Kuwait's legitimate government, the protection of the lives of citizens held hostage by Iraq both in Kuwait and Iraq, and the restoration of security and stability in the region. The deployment will ensure that the coalition has an adequate offensive military option should that be necessary to achieve our common goals.

In my August 9 letter, I indicated that I did not believe that involvement in hostilities was imminent. Indeed, it was my belief that the deployment would facilitate a peaceful resolution of the crisis. I also stated that our Armed Forces would remain in the Persian Gulf region so long as required to contribute to the security of the region and desired by host governments. My view on these matters has not changed.

I appreciate the views you and other members of the congressional leadership have expressed throughout the past 3 months during our consultations. I look forward to continued consultation and cooperation with the Congress in pursuit of peace, stability, and security in the Gulf region.

Sincerely,

GEORGE BUSH.

DECLARE WAR CONDITIONALLY

(By Doug Bandow)

WASHINGTON.—When President Bush consults with Congressional leaders today on the Persian Gulf crisis, he reportedly will seek to devise a way to involve Congress without restricting his options or authority as Commander in Chief. Fortunately, just such a mechanism exists: a conditional declaration of war authorizing the President to take military steps if certain specified conditions are met.

While previous Presidents have acted unilaterally, and almost certainly unconstitutionally, in committing military forces without Congressional consent, such cases cannot justify this President's acting lawlessly. President Bush—if he takes the Constitution seriously—has to gain Congressional authorization for an attack against Iraqi forces.

Unlike a declaration of war, a conditional declaration would not signal imminent hostilities. Rather, like a United Nations resolution, it would provide the legal basis for future offensive action. The war-making decision would still rest primarily with the President.

Although long-since forgotten, a conditional declaration would not be unprecedented. In fact, Congress passed conditional declarations of war on four separate occasions.

The first, against Paraguay in 1858, followed the shelling of a naval vessel. The second, against Venezuela in 1871, demanded indemnity for two American steamships that were seized improperly. The third, in 1895, threatened Spain over a debt owed to an American citizen for property destroyed in Cuba in 1886. In each case, the declarations led to negotiations and a peaceful settlement.

The fourth and most important, precedent was in 1896, when Congress approved a joint resolution demanding a Spanish withdrawal from Cuba and instructing the President to use military force to enforce the resolution. The result was the Spanish-American War.

Involving Congress would have several advantages. First, the President would have to decide on his goals and articulate what he expects war to achieve. When he frets over a possible Iraqi nuclear weapon, for example, he suggests that his objective is overthrowing Saddam Hussein rather than liberating Kuwait. The uncertainty over what George Bush intends not only makes it harder for him to unite this country, but also leaves Mr. Hussein uncertain as to exactly what step or steps will avert war.

Second, going to Congress would fulfill the Constitution's dictates by allowing the people's representatives to decide whether the President's goals warrant war. This is particularly important since the President's strategy resembles a giant bait-and-switch operation—he has moved from defensive to offensive objectives without bothering to acknowledge, let alone explain, the change. Congress could ratify Mr. Bush's course, decide for a limited war (to free Kuwait but not conquer Iraq, for instance), or say no, forcing the Administration to rely on sanctions.

Third, a Congressional debate would allow the American people to voice their opinion. Polls suggest that average citizens are less interested in fighting to defend cheap gas, feudal aristocracies, jobs and a utopian new world order than are State Department officials and think-tank analysts. If the President believes his objectives are worth a war, he should spell them out and subject them to a full and fair debate.

President Bush's apparent willingness to sacrifice thousands of lives for dubious goals cannot be beyond debate. Moreover, by law the final decision on war rests with Congress. Although such constitutional niceties may seem unduly restrictive in the modern age, respect for the law is the most fundamental difference between a free society like our own and a totalitarian hellhole like Iraq.

MEMORANDUM ON PAST CONGRESSIONAL AUTHORIZATIONS FOR THE USE OF FORCE

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, January 10, 1991.

Subject: Some Past Congressional Authorizations for the Use of Force.

Author: Mark M. Lowenthal, Senior Specialist in U.S. Foreign Policy.

The ongoing crisis in the Persian Gulf has raised the issue of whether and how Congress should assert its role over the possible engagement of U.S. forces in hostilities against Iraq. Assuming that Congress feels that it should have a definitive vote on this issue, several avenues are possible. One would be a declaration of war, which the Congress has voted five times in U.S. history (see CRS Report 90-531 RCO: Iraq-Kuwait: Issues Concerning a U.S. Declaration of War, by Mark M. Lowenthal. November 30, 1991). Congress could also vote an authorizing resolution under the War Powers Resolution (P.L. 93-148). Alternatively, Congress could vote a resolution authorizing the use of force without reference to the War Powers Resolution.

Several times in U.S. history, Congress has voted authorizations for the President to use force without actually declaring war. The most well-known recent instance was the Gulf of Tonkin Resolution (P.L. 88-408). Other significant instances (see below for texts) that may be of interest in the current situation include:

Algerine Cruisers (Barbary War), 1815.
Cuban Resolution, 1962.
Berlin Resolution, 1962.

In two of these cases (Algiers, Tonkin), there had already been hostilities between U.S. and local forces. Hostilities continued in both cases. After attacks by U.S. naval units, the various Barbary states agreed to U.S. demands in July and August 1815. The Gulf of Tonkin Resolution was used by President Lyndon Johnson as authority for the escalation and prosecution of the war in Vietnam. U.S. troop strength reached roughly 500,000 in 1969, when reductions began. The Cuban and Berlin resolutions served more as measures of support for Presidential policy during times of heightening tension, as well as an authorization to use force at the President's discretion. In neither of these cases did U.S. forces engage in hostilities.

None of the resolutions placed any limit on the numbers or types of forces that could be employed. Each of the resolutions was open-ended rather than finite in terms of how long or it would be in effect or under what conditions it would terminate. The Tonkin Resolution, however, did allow that Congress could, by concurrent resolution, terminate the authorization.

Three of the authorizations (Algiers, Cuba, Tonkin) were joint resolutions; Berlin was a concurrent resolution.

In addition to these cases, there have also been some less well-known instances in which Congress has authorized Presidents to use force if necessary. Two of these involved actions taken against U.S. owned steamers in South America, in Paraguay in 1858 and in Venezuela in 1890 (see below for texts). The resolution regarding Paraguay specifically authorized the use of force; the resolution regarding Venezuela authorized the use of "such means . . . or such power as may be necessary.

ALGERINE CRUISERS, 1815

[CHAP. XC.—An Act for the protection of the commerce of the United States against the Algerine cruisers]

WHEREAS the Dey of Algiers, on the coast of Barbary, has commerced a predatory warfare against the United States—

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it is shall be lawful fully to equip, officer, man and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States for protecting effectually the commerce and seamen thereof on the Atlantic Ocean, the Mediterranean and adjoining seas.

SEC. 2. *And be it further enacted,* That it shall be lawful for the President of the United States to instruct the commanders of the respective public vessels aforesaid, to subdue, seize, and make prize of all vessels, goods and effect of or belonging to the Dey of Algiers, or to his subjects, and to bring or send the same into port, to be proceeded against and distributed according to law; and, also, to cause to be done all such other acts of precaution or hostility, as the state of war will justify, and may in his opinion require.

SEC. 3. *And be it further enacted*, That on the application of the owners of private armed vessels of the United States, the President of the United States may grant them special commissions in the form which he shall direct under the seal of the United States; and such private armed vessels, when so commissioned, shall have the like authority for subduing, seizing, talking and bringing into port any Algerine vessel, goods or effects, as the before-mentioned public armed vessels may by law have; and shall therein be subject to the instructions which may be given by the President of the United States for the regulation of their conduct; and their commissions shall be revokable at his pleasure. *Provided*, That before any commission shall be granted as aforesaid, the owner or owners of the vessels of which the same may be requested, and the commander thereof for the time being shall given bond to the United States, with at least two responsible sureties, not interested in such vessel, in the penal sum of seven thousand dollars, or if such vessel be provided with more than one hundred and fifty men, in the penal sum of fourteen thousand dollars, with condition for observing the treaties and laws of the United States, and the instructions which may be given as aforesaid, and also for satisfying all damages and injuries which shall be done contrary to the tenor thereof by such commissioned vessel, and for delivering up the commission when revoked by the President of the United States.

SEC. 4. *And be it further enacted*, That any Algerine vessel, goods, or effects which may be so captured and brought into port, by any private armed vessel, of the United States, duly commissioned as aforesaid, may be adjudged good prize, and thereupon shall accrue to the owners, and officers, and men of the capturing vessel, and shall be distributed according to the agreement which shall have been made between them, or, in failure of such agreement, according to the discretion [of] the court having cognisance of the capture.

Approved, March 3, 1815.

PARAGUAY, 1858

[A Resolution of the Adjustment of Difficulties with the Republic of Paraguay]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of adjusting the differences between the United States and the republic of Paraguay, in connexion with the attack on the United States steamer Water Witch, and with other matters referred to in the annual message of the President, he be, and is hereby authorized to adopt such measures and use such force as, in his judgment, may be necessary and advisable in the event of a refusal of just satisfaction by the government of Paraguay.

Approved, June 2, 1858.

VENEZUELA, 1890

[(No. 28.) Joint resolution for the relief of the Venezuela Steam Transportation Company]

Whereas it appears from the correspondence transmitted to the Senate by the message of the President, of the second day of February, eighteen hundred and seventy-two (Executive Document Numbered Twenty-eight, second session Forty-eighth Congress) and on the twelfth of April, eighteen hundred and eighty-eight (Executive Document Numbered One hundred and forty-three, first session Fiftieth Congress), that since the year eighteen hundred and seventy-one indemnity has been repeatedly demanded by the Executive Department of the United States from the Venezuelan Government, but without avail, for the wrongful seizure, detention, and employment in war and otherwise of the American steam-ships Hero, Nutrias, and San Fernando, the property of the Venezuela Steam Transportation Company, a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States, under circumstances that render the Republic of Venezuela justly responsible therefor; and

Whereas all the diplomatic efforts of the Government of the United States repeatedly exerted for an amicable adjustment and payment of the just indemnity due to said corporation and its officers, citizens of the United States, upon whose property and persons the aforesaid wrongs were inflicted, have proved entirely unavailing: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to take such measures as in his judgment may be necessary to promptly obtain indemnity from the Venezuelan Government for the injuries, losses, and damages suffered by the Venezuela Steam Transportation Company of New York, and its officers, by reason of the wrongful seizure, detention, and employment in war or otherwise of the said company's steamers Hero, San Fernando, and Nutrias by Venezuelan belligerents in the year eighteen hundred and seventy-one, and to secure this end he is authorized to employ such means or exercise such power as may be necessary.

Received by the President June 7, 1890.

[Note by the Department of State.—The foregoing resolution having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CUBA, 1962

Cuban Resolution

[Public Law 87-733 (S.J. Res. 230), 76 Stat. 697, approved October 3, 1962]

Joint Resolution Expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers to "extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "the present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the International Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

BERLIN, 1962

Berlin Resolution

[House Concurrent Resolution 570, 87th Congress, 76 Stat. 1429, passed October 10, 1962]

Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all; and

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany; and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and

Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue in force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for freedom.

GULF OF TONKIN, 1964

Tonkin Gulf Resolution

[Public Law 88-108 [H.J. Res. 1145] 78 Stat. 384, approved August 10, 1964]

A Joint Resolution To promote the maintenance of international peace and security in Southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these people should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty, requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

THE WHITE HOUSE,
Washington, January 8, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The current situation in the Persian Gulf, brought about by Iraq's unprovoked invasion and subsequent brutal occupation of Kuwait, threatens vital U.S. interests. The situation also threatens the peace. It would, however, greatly enhance the chances for peace if Congress were now to go on record supporting the position adopted by the UN Security Council on twelve separate occasions. Such an action would underline that the United States stands with the international community and on the side of law and decency; it also would help dispel any belief that may exist in the minds of Iraq's leaders that the United States lacks the necessary unity to act decisively in response to Iraq's continued aggression against Kuwait.

Secretary of State Baker is meeting with Iraq's Foreign Minister on January 9. It would have been most constructive if he could have presented the Iraqi government a Resolution passed by both houses of Congress supporting the UN position and in particular Security Council Resolution 678. As you know, I have frequently stated my desire for such a Resolution. Nevertheless, there is still opportunity for Congress to act to strengthen the prospects for peace and safeguard this country's vital interests.

I therefore request that the House of Representatives and the Senate adopt a Resolution stating that Congress supports the use of all necessary means to implement UN Security Council Resolution 678. Such action would send the clearest possible message to Saddam Hussein that he must withdraw without condition or delay from Kuwait. Anything less would only encourage Iraqi intransigence; anything else would risk detracting from the international coalition arrayed against Iraq's aggression.

Mr. Speaker, I am determined to do whatever is necessary to protect America's security. I ask Congress to join with me in this task. I can think of no better way than for Congress to express its support for the President at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

[United States Court of Appeals, District of Columbia Circuit, No. 71-1510]

THE HONORABLE PARREN J. MITCHELL, ET AL., APPELLANTS, V. MELVIN R. LAIRD ET AL.

(Argued Nov. 6, 1972)

(Decided March 20, 1973)

(Rehearing En Banc Denied June 21, 1973)

Thirteen members of United States House of Representatives filed complaint against the President of the United States, the Secretaries of State, Defense, Army, Navy, and Air Force, and the United States of America seeking injunction restraining defendants from prosecuting war in Indo-China unless Congress explicitly authorized continuation of war and for dedclaration that defendants were carrying on an unconstitutional war. The United States District Court for the District of Columbia, William B. Jones, J., dismissed action, and plaintiffs appealed. The Court of Appeals, Wyzanski, Senior District Judge, held that plaintiffs had standing to sue, because the House of Representatives had the duty to consider whether to impeach the President. The Court also held that the President in certain circumstances had the power to initiate a war, but not to continue it indefinitely without Congressional approval, and that even if Congress had orginally given by the Gulf of Tonkin Resolution a power to continue the Indo-China war, after repeal of that Resolution, the President had no constitutional power to continue the hostilities except to withdraw in safety the forces already committed. But the Court declined to adjudicate the question whether the President had exceeded his Constitutional power because in the case as presented the materials necessary for adjudication were not now available, and, therefore, in the present posture the question was "political."

Appeal dismissed.

MacKinnon, Circuit Judge, dissented from denial of rehearing en banc and filed opinion in which Tamm, Robb and Wilkey, Circuit Judges, joined.

1. INJUNCTION # 22

Issues in suit brought by 13 members of House of Representatives against the President, Secretaries of State, Defense, Army, Navy, and Air Force, and the United States seeking injunction restraining defendants from prosecuting war in Indo-China and declaration that defendants were carrying on an unconstitutional war was not rendered moot by the President's formally purporting to end hostilities in Vietnam and Laos; in addition, a declaration respecting past actions could have legal import as regards plaintiffs' duty under the Constitution to consider whether in continuing hostilities defendants committed high crimes and misdemeanors so as to justify, impeachment. U.S.C.A.Const. art. 1, §8, cl. 11.

2. UNITED STATES # 135

The United States was required to be dismissed as party defendant in suit by 13 members of House of Representatives seeking to enjoin defendants from prosecuting war in Indo-China and declaration that defendants were carrying on an unconstitutional war where the sovereign had not consented to be sued. U.S.C.A.Const. art. 1, §8, cl. 11.

3. WAR AND NATIONAL DEFENSE # 2

There are some types of war which, without congressional approval, the President may begin to wage: for example, he may respond immediately without such approval to a belligerent attack, or in a grave emergency he may, without congresssional approval, take the initiative to wage war; were it otherwise, the country would be paralyzed before Congress could act. U.S.C.A.Const. art. 1, §8, cl. 11.

4. DECLARATORY JUDGMENT # 306

Since requested declaration whether actions of the President and Secretaries of State, Defense, Army, Navy, and Air Force in continuing hostilities in Indochina was beyond authority conferred on them by the Constitution would hear on constitutional duty of plaintiffs, 13 members of House of Representatives, as regards bringing of impeachment proceedings and on plaintiffs' duties to make appropriations to support hostilities or to take other legislative actions related thereto, such as raising an army or enacting other civil or criminal legislation, plaintiffs had standing to bring action. U.S.C.A.Const. art. 1, §8, cl. 11.

5. CONSTITUTIONAL LAW # 68(1)

It is not necessarily beyond judicial competence to determine the allocation, between the Executive and the Legislative branches, of the power to wage war; not every case raising such issue is necessarily beyond court's jurisdiction as presenting a "political question." U.S.C.A.Const. art. 1, §8, cl. 11.

6. WAR AND NATIONAL DEFENSE # 2

It is constitutionally permissible for Congress to use other means than a formal declaration of war to give its approval to a war already begun by a President acting alone; it is a discretionary matter for Congress to decide in what form, if any, it will give its consent to continuation of such a war. U.S.C.A.Const. art. 1, §8, cl. 11.

7. WAR AND NATIONAL DEFENSE # 2

The Constitution contemplates various forms of congressional assent to wage war; there is no authority vested in the courts to require Congress to employ one form rather than another form, if the form chosen by a Congress be in itself constitutionally permissible. U.S.C.A.Const. art. 1, §8, cl. 11.

8. WAR AND NATIONAL DEFENSE # 2

The appropriation, draft extension, and cognate laws enacted with direct or indirect reference in the Indo-China war do not serve as a valid congressional assent to the Vietnam war. U.S.C.A.Const. art. 1, §8, cl. 11.

9. CONSTITUTIONAL LAW # 72

Even if the necessary facts were to be laid before it, a court cannot substitute its judgment for that of a President who assumes office in midst of an allegedly unconstitutional war commenced by his predecessor; actions of the succeeding President, who has unusually wide measure of discretion in such area, should not be judicially condemned except in a case of clear abuse amounting to bad faith. U.S.C.A.Const. art. 1, §8, cl. 11.

10. CONSTITUTIONAL LAW # 68(1)

Complaint seeking declaration that President and Secretaries of State, Defense, Army, Navy, and Air Force were conducting an unconstitutional war in Indo-China was properly dismissed, as seeking adjudication of a "political question" beyond constitutional jurisdiction of the federal courts; the President, who along with individual defendants, were presented, on taking office, with a belligerent situation not of their creation was not to be judicially condemned in absence of clear abuse, amounting to bad faith, of his wide discretion in conducting the country's foreign affairs. U.S.C.A.Const. art. 1, §8, cl. 11.

Lawrence R. Velvel, Washington, D.C., with whom Stefan Tucker and Christopher Sanger, Washington, D.C., were on the brief, for appellants.

Gregory Brady, Asst. U.S. Atty. with whom Harold H. Titus, Jr., U.S. Atty., John A. Terry, Michael A. Katz, Asst. U.S. Attys. and Hermine Herta Meyer, Atty., Dept. of Justice, were on the brief, for appellees. Thomas A. Flannery, U.S. Atty. at the time the record was filed and Walter H. Fleischer, Atty., Dept. of Justice, also entered appearances for appellees.

Before Bazelon, Chief Judge, Tamm, Circuit Judge, and Wyzanski, Senior United States District Judge for the District of Massachusetts.

Wyzanski, Senior District Judge: April 7, 1971 thirteen members of the United States House of Representatives, as plantiffs, filed in the District Court a complaint against the President of the United States, the Secretaries of State, Defense, Army, Navy, and Air Force, and the United States of America. Plaintiffs alleged that for seven years the United States, by the named individual defendants and their predecessors, has been engaged in a war in Indo-China without obtaining "either a declaration of war or an explicit, intentional and discrete authorization of war" and thereby "unlawfully impair and defeat plaintiffs' Constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war." Plaintiffs prayed for first, an order that defendants be enjoined from prosecuting the war in Indo-China unless, within 60 days from the date of such order, the Congress shall have explicitly, intentionally and discretely authorized a continuation of the war, and, second, "a declaratory judgment that defendants are carrying on a war in violation of Article I, Section 8, Clause 11 of the United States Constitution.

The District Court dismissed the action as to the President, on the authority of Mississippi v. Johnson, 71 U.S. (4 Wall.) 475, 18 L.Ed. 437 (1866), and as to the other defendants, on the authority of Luftig v. McNamara, 126 U.S. App. D.C. 4, 373 F.2d 664 (1967), cert. denied 387 U.S. 945, 87 S.Ct. 2078, 18 L.Ed.2d 1332 (1967).

By somewhat different paths, the three judges who have heard this appeal from the District Court's judgment of dismissal have concluded unanimously that said appeal should be dismissed.

[1] The first issue presented is whether the case is now moot. Recently, the President has purported formally to end hostilities in Vietnam and Laos. There has been no similar action with respect to Cambodia, another part of Indo-China. The continuation of hostilities there precludes our holding that this case is moot. Furthermore, a declaratory judgment respecting past action might have legal import, inasmuch as though this point is not specifically pleaded, plaintiffs have a duty under the Constitution to consider whether defendants in continuing the hostilities did commit high crimes and misdemeanors so as to justify an impeachment of the individual defendants, pursuant to United States Constitution, Article I, Section 2, Clause 5.

[2] The second issue is whether the dismissal of the action against the United States was correct for a reason not given by the District Court. We are unanimously of the view that as to the government, the dismissal was correct because the sovereign has not consented to be sued.

The third issue is whether the dismissal of the action as to the remaining defendants was proper for another reason not given by the District Court: to wit, that plaintiffs have no standing to sue. None of the judges who heard his appeal is persuaded that plaintiffs are sound in their explicit reliance upon defendants' alleged duty not to interfere with what the complaint alleges is "plaintiffs' Constitutional right, as members of the Congress of the United States, to decide whether the United States should fight a war."

[3] Implicit in plaintiffs' contention is their assumption that the Constitution gives to the Congress the exclusive right to decide whether the United States should fight all types of war. Without at this point exhaustively considering all possibilities, we are unanimously of the opinion that there are some types of war which, without Congressional approval, the President may begin to wage: for example, he may respond immediately without such approval to a belligerent attack,or in a grave emergency he may, without Congressional approval, take the initiative to wage war. Otherwise the country would be paralyzed. Before Congress could act the national might be defeated or at least crippled. In such unusual situations necessity confers the requisite authority upon the President. Any other construction of the Constitution would make it self-destructive.

[4] However, plaintiffs are not limited by their own concepts of their standing to sue. We perceive that in respects which they have not alleged they may be entitled to complain. If we, for the moment, assume the defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Constitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, or to take other legislative actions related to such hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. Cf. First v. Cohen, 302 U.S. 83 S.Ct. 1942, 20 L.Ed.2d 947 (1968): Association of Data Processing Service Organizations, Inc. v. Camp, 397 U.S. 150, 90 S.Ct. 827, 25 L.Ed.2d 184 (1970); Barlow v. Collins, 397 U.S. 159, 90 S.Ct. 832, 25 L.Ed.2 192 (1970).

[5] The fourth issue is whether plaintiffs seek adjudication of a "political question" beyond the jurisdiction conferred upon the courts by Article III of the Constitution. Despite Luftig v. McNamara, supra, which admittedly indicates that it is beyond judicial competence to determine the allocation, between the executive and the legislative branches of the powers to wage war, we are now persuaded that there may be, in some cases, such competence. Massachusetts v. Laird, 451 F.2d 26 (1st Cir. 1971). aff'g s.c. 327 F.Supp. 378 (D. Mass. 1971); Orlando v. Laird, 443 F.2d 1039 (2nd Cir. 1971). Cf. Powell v. McCormack, 395 U.S. 486, 89 S.Ct. 1944, 23 L.Ed.2d 491 (1969).

Here the critical question to be initially decided is whether the hostilities in Indo-China constitute in the Constitutional sense a "war," both within and beyond the meaning of the term in Article I, Section 8, Clause 11. That the hostilities have been not merely of magnitude but also of long duration is plainly alleged in paragraph 4 of the complaint. It is there said that "For at least the last seven years . . . the Untied States . . . has been engaged in Indo-China in the prosecution of the longest and one of the most costly wars in American history. As of the present, one million human beings, including over 50,000 Americans have been killed in the war, and at least one hundred billion dollars has been spent by the United States in and for the prosecution of the war." There would be no insuperable difficulty in a court determining whether such allegations are substantially true. If they are, then in our opinion, as apparently in the opinion of President Nixon, as revealed by his use of the word "war" in his second Inaugural Address, delivered January 20, 1973, there has been a war in Indo-China. Nor do we see any difficulty in a court facing up to the question as to whether because of the war's duration and magnitude the President is or was without power to continue the war without Congressional approval.

But the aforesaid question invites inquiry as to whether Congress has given, in a Constitutionally satisfactory form, the approval requisite for a war of considerable duration and magnitude. Originally Congress gave what may be argued to have been its approval by the passage of the Gulf of Tonkin Resolution, 78 Stat. 384 (1964). See Orlando v. Laird, *supra*. However, that resolution cannot serve as justification for the *indefinite* continuance of the war since it was repealed by subsequent Congressional action, 84 Stat. 2055 (1971). Apparently recognizing that point, the Government contends that Congressional approval has been given by appropriation acts, by extension of the Selective Service and Training Act, and by other measures.

[6, 7] We are unanimously agreed that it is constitutionally permissible for Congress to use another means than a formal declaration of war to give its approval to a war such as is involved in the protracted and substantial hostilities in Indo-China. See Massachusetts v. Laird and Orlando v. Laird, both *supra*. Any attempt to require a declaration of war as the only permissible form of assent might involve unforeseeable domestic and international consequences, without any obvious compensating advantages other than that a formal declaration of war does have special solemnity and does present to the legislature an unambiguous choice. While those advantages are not negligible, we deem it a political question, or, to phrase it more accurately, a discretionary matter for Congress to decide in which form, if any, it will give its consent to the continuation of a war already begun by a President acting alone. See Massachusetts v. Laird, *supra*, aff'g a. c., 327 F.Supp. 378 (D. Mass. 1971); Orlando v. Laird, *supra*; Berk v. Laird, 317 F.Supp. 715 (E.D.N.Y. 1970). That is, we regard the Constitution as contemplating various forms of Congressional assault, and we do not find any authority in the courts to require Congress to employ one rather than another form, if the form chosen by Congress be in itself constitutionally permissible. That conclusion, however, leaves unanswered the further question whether the particular forms which the Government counsel at our bar refer to as having been used by Congress in the Indo-China war are themselves of that character which makes them *in toto*, if not

separately, a constitutionally permissible form of assent.

The overwhelming weight of authority, including some earlier opinions by the present writer, holds that the appropriation, draft extension, and cognaic laws enacted with direct or indirect reference to the Indo-China war, (and which have been acutely and comprehensively analyzed by Judge Judd in Berk v. Laird, *supra*) did constitute a constitutionally permissible form of assent. Massachusetts v. Laird, Orlando v. Laird, Berk v. Laird, all *supra*, and United States v. Sisson, 294 F.Supp. 511 (D. Mass. 1968). Judge Tamm is content to adhere to that line of authority.

[8] But Chief Judge Bazolon and I now regard that body of authority as unsound. It is, of course, elementary that in many areas of the law appropriation by Congress have been construed by the courts as involving Congressional assent to, or ratification of, prior or continuing executive action originally undertaken without Congressional legislative approval. Without a pause to cite or to examine in detail the vast body of cases involving such construction, it is more relevant to emphasize the special problem which is presented when one seeks to spell out from military appropriation acts, extension of selective service laws, and cognaic legislation the purported Congressional approval or ratification of a war already being waged at the direction of the President alone. This court cannot be unmindful of what every schoolboy knows: that in voting to appropriate money or to draft men a Congressman is not necessarily approving of the continuation of a war no matter how specifically the appropriation or draft act refers to that war. A Congressman wholly opposed to the war's commencement and continuation might vote for the military appropriations and for the draft measures because he was unwilling to abandon without support men already fighting. An honorable, decent, compassionate act of aiding those already in peril is no proof of consent to the actions that placed and continued them in that dangerous posture. We should not construe votes cast in pity and piety as though they were votes freely given to express consent. Hence Chief Judge Bazelon and I believe that none of the legislation drawn to the court's attention may serve as a valid assent to the Vietnam war.

Yet it does not follow that plaintiffs are entitled to prevail. When on January 20, 1969 President Nixon took office, and when on the same or even later dates the other individual defendants took their present offices, they were faced with a belligerent situation not of their creation. Obviously, the President could not properly execute the duties of his office or his responsibility as Commander-in-Chief by ordering hostilities to cease on the very day he took office. Even if his predecessor had exceeded their constitutional authority, President Nixon's duty did not go beyond trying, in good faith and to the best of his ability, to bring the war to an end as promptly as was consistent with the safety of those fighting and with a profound concern for the durable interests of the nation—its defense, its honor, its morality.

[9, 10] Whether President Nixon did so proceed is a question which at this stage in history a court is incompetent to answer. A court cannot procure the relevant evidence; some is in the hands of foreign governments, some is privileged. Even if the necessary facts were to be laid before it, a court would not substitute its judgment for that of the President, who has an unusually wide measure of discretion in this area, and who should not be judicially condemned except in a case of clear abuse amounting to bad faith. Otherwise a court would be ignoring the delicacies of diplomatic negotiation, the inevitable bargaining for the best solution of an international conflict, and the scope which in foreign affairs must be allowed to the President if this country is to play a responsibile role in the council of the nations.

In short, we are faced with what has traditionally been called a "political question" which is beyond the judicial power conferred by Article III of the United States Constitution. And on that ground the complaint was properly dismissed by the District Court.

Appeal dismissed.

Before Bazelon, Chief Judge, and Wright, McGowan, Tamm, Leventhal, Robinson, MacKinnon, Robb and Wilkey, Circuit Judges.

ORDER

Per Curiam.

The motion for rehearing *en banc* initiated by a member of the Court in regular active service is denied, a majority of the Circuit Judges who are in regular active service not having voted in favor of it (Rule 35, Federal Rules of Appellate Procedure).

Separate statement by Circuit Judge MacKinnon with whom Circuit Judges Tamm, Robb and Wilkey joint as to why they would grant rehearing *en banc, sua spoute.*

MacKinnon, Circuit Judge:

I would vote *sua sponte* for rehearing *en banc* of this case to correct the manifest error to which Judge Tamm also dissents in the above opinion. My objection runs to pages 615–616 of the slip opinion which state, *inter alia*, that appropriation, extensions of the draft and other legislation by Congress supporting the Indochina war do *not constitute assent* to the war. This statement, which is implicitly self-contradictory, fails to give full recognition to the so-called Gulf of Tonkin Resolution which was passed on August 10, 1964 by both Houses of Congress by a cumulative vote of 506 to 2. The Resolution declared *inter alia:*

"Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligation under the Southeast Asia Collective Defense Treaty, the United States is to be prepared, as the President determines, to take all necessary steps, *including the use of armed force*, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." (Emphasis added.)[2]

This Resolution clearly authorized and thereby approved and consented to "the use of armed force" in Southeast Asia. Congress terminated this Resolution effective January 2, 1971,[2] but it is impossible as a practical matter to "undeclare" a war in this manner. By subsequently appropriating money[3] for military forces and materiel with restriction on operations in Laos and Thailand but with no restriction on operations in Vietnam and Cambodia,[4] Congress impliedly recognized that the war could not be undone completely by terminating the Gulf of Tonkin Resolution. The appropriations thus indicate Congress' continuing assent to the prosecution of the war.

The basis stated by the opinion for the self-contradictory statement that Congress in passing measures to support the Vietnam war was not validly assenting thereto is that:

"This court cannot be unmindful of what every schoolboy knows[5]: that in voting to appropriate money or to draft men a Congressman is not necessarily approving the continuation of a war no matter how specifically the appropriation or draft act refers to that war. A Congressman wholly opposed to the war's commencement and continuation *might* vote for the military appropriations and for the draft measures because he was unwilling to abandon without support men already fighting. An honorable, decent, compassionate act of aiding those already in peril is no proof of consent to the actions that placed and continued them in that dangerous posture. We should not construe votes cast in pity and piety as though they were votes freely given to express consent. Hence Chief Judge Bazelon and I believe that none of the legislation drawn to the court's attention may serve as a valid assent to the Vietnam war." (Emphasis added.)

In my opinion, contrary to the above quotation, the annual multi-billion dollar appropriations over an eight-year period reflect a clear Congressional assent to the war. The appropriations were intended both for future activities, as with the regular annual appropriations, and for current activities, as with the supplemental appropriations[6] Congress was not acting blindly. The annual appropriations followed extensive bearings which disclosed precisely that the money was being used for military operations in the Vietnam conflict. Congress even went so far as to earmark some appropriations for "military activities is Southeast Asia"[7] and "to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam."[8] To state that Congress did not thereby assent to the war is to disregard the obvious Congressional intent on this very important matter. Continuing the war would have been impossible without the consent which Congress manifested in the only meaningful way that Congress acts—by formally adopted enactments.

The primary error in the panel opinion is that it confuses the expressed *intent* of Congress with what is completely court-created speculation as to *motive*. Intent and motive are not the same. Even if courts possessed authority and jurisdiction to inquire into the motives of Congress, which they do not,[8] the panel opinion only asserts a possible *speculative* motive, i.e., what "A Congressman [not even a majority of either House of Congress] * * * *might* vote." (Emphasis added.) This irrational and illusory base has no support in the record and is not proper support for a responsible judicial decision. I would thus excise the heretofore quoted portion of the opinion. As recently as April 2, 1973, the Supreme Court affirmed a decision which noted the "political nature" of the questions involved.[10] In view of the now complete removal of United States ground forces, the quoted language of the opinion is nothing more than a court-created *post hoc* rationalization, devoid of any support in the record, which is obviously so untimely, illogical and political that it should not form any part of a judicial opinion. Otherwise, I concur in the result reached by the opinion.

FOOTNOTES

[1] Public Law 88–108, Aug. 10, 1964, provides:

Joint Resolution

To promote the maintenance of International peace and security in southeast Asia.

Whereas naval units of the Communist regime in Vietman, in violation of the principles of the Charter of the United Nations and of International Law, have deliberately and repeatedly attacked United States naval vessels lawfully present in International waters, and have thereby created a serious threat to International peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and ban no territorial, military or political ambitions in that area, but desires only that those peoples should be left in peace to work out their own destinies in their own way: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of International peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by International conditions granted eroded by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Approved August 10, 1964. 78 Stat. 384.

[2] On January 12. 1974 the 91st Congress enacted a motion in Foreign Military Sales Act providing:

Sec. 12. The joint resolution entitled "Joint resolution to promote the maintenance of International peace and security in Southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88–408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

P.L 94–672. Jan. 12, 1974, 84 Stat. 2055. The Second Session of the 91st Congress last adjourned sine die on January 2, 1971 (116 Cong. Rec. 1–1640). Under the terms of the above section the Gulf of Tonkin Resolution became effective on January 2, 1971, which was ten days before the Act terminating it was approved.

[3] Pub. L. No. 92–204, Dec. 18, 1971, 85 Stat. 716.

[4] *Id.*, 85 Stat. at 735.

[5] This is not generally considered to be reliable authority.

[6] E.g. Act of March 26, 1966, 80, Stat. 79.

[7] Pub. L. 80–18 May 7, 1965, 79 Stat. 109; Orlando v. Laird 443 F.2d 1030, 1042 n. 2 (2d Cir. 1971).

[8] Pub. L. 90–5, March 16, 1967, 81 Stat. 5; Orlando v. Laird, *supra* at 1012 n. 2.

[9] Courts are not enpowered to pass upon the motives that cause legislative bodies to act upon legislation. Fletcher v. Peck, 10 U.S. (0 Crunch) 87, 129–131 3 L.Ed. 162 (1810); D.C. Federation of Civic Associations v. Volpe, 148 U.S. App. D.C. 207, 223, 450 F.2d 31211, 1247 (1971), cert. denied, 4105 U.S. 10310 92 S.Ct. 1200, 31 L.Ed.2d 480, (1072).

[10] Atlec v. Richardson, 411 U.S. 911, 93 S.Ct. 1545, 36 L.Ed.2d 301 (1973), affirming Atlec v. Laird, 339 F. Supp. 1347 (E.D.Pa. 1972).

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Speaker, I take the well this afternoon as an advocate of peace. I come to the well with a heart that is heavy but a spirit that is not broken.

Mr. Speaker, in that context I ask each of us in these Chambers to be neither fool nor naive for brilliant oratory, magnificent analyses notwithstanding, the decision we are about to make is tantamount to a declaration of war.

A decision of such gravity, of such magnitude that the leadership on both sides of the aisle have asked us, each of us, to arrive at this decision as a matter of conscience.

Conscience demands the highest test, for it asks the most difficult question: Is it right? What then is an appropriate test for the issue should not be whether we stand with the President, but whether we can live with ourselves in the aftermath of that decision.

What is an appropriate test? I would suggest that each and every one of us, Mr. Speaker, in these Chambers for this moment assume that we are parents, each with two children in the Persian Gulf, one daughter and one son.

And let us assume the worst, that we went to war and that in the aftermath of war one of our children died in the Persian Gulf and one of them came back with broken body, broken dreams, and broken spirits.

And when that one remaining child comes home and says to you, "Dad, Mom, was this necessary?" that you can answer, without blinking, that question.

I have answered that question for myself: No, this is not necessary; and, yes, there are alternatives.

I am but a humble Member of Congress, but if I were indeed the President of the United States, in order to save one life in the pursuit of peace, I would travel to the ends of the Earth, even Baghdad, to make sure that no one died. But I am a humble Member here.

So all I can do is register a vote. But I say as you go to that electronic device to vote, think of two children, one dead, one broken, that you will have to answer someday as a matter of conscience, as a matter of morality, "Was it necessary?" I believe it was not. If you too join in that belief, then let us stop beating the drums of war, let us oppose this march to violence and let us attempt to challenge risking war and have the audacity, as a civilized people evolving to a new and higher order of evolution of human life on this planet, to dare to seek peace.

I oppose the resolution before this body.

□ 1350

Mr. BROOMFIELD. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, this is certainly a very historic day in the history of the United States. It represents the culmination of some of the finest bipartisan efforts that I have seen by a number of distinguished leaders of this body.

I personally want to commend my distinguished leader, the gentleman from Illinois [Mr. MICHEL], my chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], specially commend the gentleman from New York [Mr. SOLARZ], and most important President Bush, who gave his strong support to this resolution.

The resolution we now bring before the House is a statement of national purpose. It is a vote of confidence in the President on our gulf policy and a confirmation that America is united. It does send a message to Saddam Hussein. It tells him the President's recent letter was not an idle threat, but a credible warning.

Mr. Speaker, this resolution is a credible warning because it is thoroughly bipartisan. It is supported by Democrats and Republicans, liberals and conservatives. It says that the President's policies carry the full backing of those who represent the American people.

Authorizing the use of force does not commit the President to waging war, but it does give him that option. This resolution gives him the muscle he needs to wage war, but probably, more importantly, it gives him the bargaining chip he needs to seek peace. It is based on the most recent U.N. Security Council resolution, and it puts Congress in step with the rest of the world.

Mr. Speaker, this is a step in the direction of lasting peace, but it is not, as we all know, an easy vote. We were not elected to make the easy votes. We were elected to take on the tough ones as well.

I believe we are really at the crossroads of history. The superpower standoff has ended. The world is searching for a better way to maintain true peace.

Now we can make a commitment, admittedly a difficult commitment, toward achieving that peace, or we can lose our nerve at this critical hour and thereby call down upon ourselves the judgment of history.

Should we fail to support this resolution, it will be a sign to others in the world that America is eager to praise the ideals of collective security, but shrinks from making the commitment to achieve it.

Today, Congress can take an important step toward attaining the goal of justice among nations and true world peace, and I urge our colleagues here to support the President of the United States by supporting this very, very important resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I thank the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], for yielding to me, and I have not had the opportunity to speak during this debate until now, and I wanted to characterize the debate, that it is a debate on patriots and national conscience. Patriots all in this room and national conscience.

Mr. Speaker, this debate is giving the opportunity to the Nation to think, to think, to think and for the Members to be able to think.

I strongly supported the President, continued to support the President, up to this particular juncture. Our greatest concern has been explained by so many Members who have spoken here today. We are concerned about Saddam Hussein, his army, his weapons, his chemical poison gas, his germ warfare and his nuclear weapons, and we want him to get out of Kuwait.

Mr. Speaker, we all want that, but what about the broader issue? I ask my colleagues, "What do you do if he gets out of Kuwait? How are you going to stop his chemical warfare and the other items involved?"

Mr. Speaker, there is a much broader issue involved, and the people of America wanted to know.

World oil supply has been part of the debate. There is no oil shortage. There is a glut of oil on the market. The people know there is no shortage. They want to know why this is so and why we would be considering fighting for an oil supply that is not factually correct in the minds of the people, and the people want to know.

It is because, in part, the moneychangers in the temple are plundering the world's treasuries is what is really involved, and the people want to know.

There is no particular point that I can add to this debate that has not been discussed, and perhaps it is prospective in part. Saddam Hussein, and I hope my colleagues listen, he would not have the technology, he would not have the expertise, he would not have the arms, had it not been for, in part, the United Nations, namely Germany, France, the Soviet Union, China, Japan, and, yes, the United States of America who have provided him the resources for war up until just a few months ago, and some are still doing it.

So, I hope whatever we decide, when it gets to that point, that we look ahead. It is not going to be over when these decisions are made.

Are we going to join with the other nations of the world and say to the people of the United Nations, "It's not good enough for you to give us money. You provided the resources, and you provided the arms, and, therefore, you owe the world, and you owe us a great deal more."

Let me close on this point so I do not, I say to the majority leader, run out of my time. Somebody said to me in the hall, "Well, you know, are you going to vote this way? Are you going to vote that way?"

I have been here for 22 years, and this is a vote I am casting for myself. I have earned that right, and I am voting for my people.

I went into the Army. I was 18 years old. I served for 3½ years in a combat infantry unit in World War II in Europe, as some other people in this House have done. The World War II veterans are becoming lesser and lesser in this House, and so, too, the corporate memory of what war really is all about. My God, it is so easy to say, "We got to get him. We got to get him." It is so easy to say that.

No aspersions on anybody in this House, but those kids are the ones that are going to be out there lonely, one by one, trying to stay alive. So, Mr. Speaker, I say to my colleagues, "If you have never been there, and you've never participated, it's impossible for you to understand what that means in commitment to a human soul."

So, I would hope, I would hope and pray, that the people of this House would think about that. Never mind the drum beatings and all the things we have heard today. It is those kids that are involved, those kids are involved, yours and mine. And is it worth it at this point without trying that much harder? I tell my colleagues it is not, and we live to see the day soon from here when we will come back again and lament the decision to vote for this particular amendment.

I hope we vote against this particular resolution.

□ 1400

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

As chairman of the Readiness Subcommittee during the 101st Congress let me speak to you for a moment about the readiness of our forces. I believe our Air Force and our naval forces are fully ready for any contingency, and our ground forces are very near full readiness. This is a tribute to the fine training within the Department of Defense. Additionally over the last 2 years the Readiness Subcommittee and the Congress have authorized $174 billion in operation and maintenance funds for these forces.

There have been times in our Nation's history when our forces were not as ready, when our aircraft weren't ready to fly and our tanks weren't ready to roll, but such is not the case today. Our equipment is well maintained and very capable of accomplishing the mission. All of the reports I have seen indicate that our forces are ready, morale is high, and the forces are well equipped.

By every account I have heard, there seems to be no doubt that our Air Force and Navy are fully ready and able to fight and win. Additional equipment and men and women are arriving daily from the United States and Europe. The force is building and will soon be in excess of 400,000.

No one in this Chamber wants war, but if it does come, I believe that the U.S. forces are prepared to carry out their military objective, and this is partly because this body has properly funded the readiness account.

Whatever we decide, and whatever the President must eventually do, our men and women in the gulf are prepared and well equipped for their mission.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the bipartisan U.N. resolution, which I am proud to cosponsor. I think it is important to support our President in this crisis. If we do not, we will never be able to get Saddam out of Kuwait.

George Bush is our Commander in Chief. He and Secretary of State Baker have put together a strong U.N. coalition against Iraq and now he is asking that the Congress approve U.N. resolution 678. He has all the diplomatic, intelligence, and military information that is not available to us as Members of Congress. I think we ought to leave the responsibility with the President to make the right decision when to use military force.

I worry that if the Gephardt resolution is adopted, and our forces have to stay longer in the Persian Gulf, and then 6 months from now we take offensive action, we are going to have more American casualties. The reason is that our forces now are at their peak of preparedness. The longer Americans stay in that desert, they lose their sharpness.

Even in Vietnam we rotated our troops after 12 months and the conditions in the desert are much harder to survive in than Vietnam. Because of the harsh living conditions in Saudi, we will have to start rotating our forces out in the next few months and when you rotate military forces, you weaken their effectiveness.

Most of our veterans organizations and military organizations are supporting the President's gulf policy.

Another reason not to delay is that it gives Iraq even more time to dig in and strengthen its defensive fortifications in Kuwait and Iraq. This is what could add to our casualty list.

Sanctions are not going to force Saddam out of Kuwait in my opinion and eventually war will start. No way will our forces be as prepared as they are now.

So I ask you to support the bipartisan U.N. resolution and let's get our American troops home as soon as possible.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, I rise today in support of the Bennett-Durbin resolution (H. Con. Res. 1) and the Solarz-Michel resolution (H.J. Res. 62).

The question before us is this, Will the United States of America stand with the vast majority of nations of the world in resisting Saddam Hussein's aggression?

Will the United States stand with the community of nations and demonstrate that the days of invasion, conquering, and looting of weaker nations by stronger nations are over?

Will the United States Congress stand behind the United Nations, which has formally and officially endorsed actions to force Iraq's surrender of occupied Kuwait?

Mr. Speaker, we dare not compromise or undercut this worldwide effort to remove Iraq from Kuwait.

We dare not send mixed messages to Mr. Hussein at this late hour, or we will find that the last chance for peace will evaporate like water in the desert.

Saddam Hussein stands alone—the United States stands with the rest of the world.

Saddam Hussein invaded Kuwait solely for greed and power, not for freedom; not for an overall Middle East peace settlement; not for human rights; and certainly not for the self-determination of peoples.

Every action taken by our President has been in concert with the resolutions of the United Nations. For the first time in a long time, we see the world's most prestigious organization acting as a leader in resisting aggression. We cannot afford to undercut this effort. If the League of Nations had shown this determination and resolve in the 1930's, who knows how world history would have changed—and, as we all know any change would have been better.

The time is to act now, not 6 months from now. I firmly believe that if we wait, we will be having this same debate again. We need to support our troops now. We need to support the rest of the world now. We need to send a clear message today to this greedy aggressor that the United States Congress is prepared to stand by the United Nations resolutions to use all possible means to free Kuwait and bring justice to its citizens.

Mr. Speaker, I have consistently supported a peaceful resolution to the Persian Gulf crisis. I have also consistently supported congressional participation in any decision to commit military action in the crisis. We have given sanctions an opportunity to work. We must stand with the United Nations, the President and our soldiers! I urge you to support the Bennett-Durbin and Solarz-Michel resolutions.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, I wish to commend the gentleman from Illinois [Mr. MICHEL] and the gentleman from New York [Mr. SOLARZ] for the job they have done.

Mr. Speaker, this is a serious debate—the most serious in my career—about a very painful decision. This is why every Member of Congress is here—to represent constituents who may be asked to give their very lives in pursuit of the national policy we are discussing today.

I want to commend the character of this debate. There are honest differences of opinion here that know no partisan boundaries. Each of us—the elected representatives of the American people—is sincerely trying to decide how to best promote peace and stability throughout the world. Each of us is motivated by a sense of duty and responsibility. We want to do what is right, what is in the best interest of this country and all humanity.

We all agree that the Iraqi invasion of Kuwait is abhorrent. We all agree that Iraq must leave Kuwait. We all know who the aggressor is—Iraqi President Saddam Hussein. This debate only illustrates our differences on how to respond to Iraq's naked aggression. But we agree totally and unanimously on the goal of the international community—the full restoration of the sovereignty of Kuwait.

Many of my colleagues say that this is the toughest vote they have ever had to cast because it is a decision involving war and peace, life, and death. It is for me, too. This is much more difficult for me than the Gulf of Tonkin resolution of 1964. Today's situation is clearer. The possibility of armed conflict, casualties, and even death is much more apparent.

I strongly believe that Congress can—indeed must—participate in such an important decision involving such a critical national commitment. But if Congress must make the decision on whether armed combat is an appropriate action, let me caution my colleagues that we cannot and should not attempt to decide how that war should be fought.

After long and difficult personal reflection, I have decided to vote for the Michel resolution. I will vote for it because I want to send a strong message to Iraq that aggression doesn't pay. And I will vote for it because I have full confidence that our President and my friend George Bush will act in a responsible and compassionate fashion.

President Bush does not seek war. He knows how horrible war is because he has served courageously in combat. He is a man of peace. He is a father and a grandfather who both reflects and respects family values. He is a diplomat who has learned that warfare is a last resort. No parent—and he is a parent—no veteran—and he is a decorated veteran—no person of conscience—and George Bush is certainly a person of conscience—would ever lightly decide to commit America's youth to war to resolve international conflicts. So my vote today is not a vote for war, although war may be the ultimate result. It is a vote of confidence in our President and his judgement.

The end of the cold war is a confusing time for all Americans and all citizens of the world. Our worries about a superpower nuclear war have been replaced by fears of regional conflicts that could escalate into international catastrophes. Such conflicts caused World War I and World War II. History has taught us that we must take such challenges seriously and respond quickly. Temporizing—vacillating—can prove to be devastatingly expensive.

For most of this century, America has worked for international peace, acknowledging that the pursuit of peace is more important than the cost in blood and treasure. In this instance, many others have joined us. The nations of the world are united against the Iraqi aggressor—as they belatedly united against Nazi aggression a half century ago.

Some would say that some nations are more committed than others when it comes to paying the bills of the Desert Shield Operation. That is an important question that deserves our attention. It is not surprising, however, that the United States is playing the largest role. But that is a question for another day.

It is a sad fact of history that peace does not come cheaply or painlessly. Achieving it is expensive. Maintaining it demands constant vigilance.

If there is a war in the Persian Gulf, it will be the first conflict carried on live television. It will truly be a living room war. Those of us at home will witness the carnage of war and be shocked. And properly so. War is hell.

But what has happened to Kuwait is also shocking and repugnant. Incredible atrocities to women and children have been confirmed by Amnesty International. What has happended in Kuwait must be undone because it violates all norms of moral behavior and international law.

There is another justification for our policy, equally important and that is to send a clear message about what standards of conduct in the post-cold-war world are to be. The international community must not and cannot tolerate criminal aggression—where the sovereignty of a nation is brutally violated with impunity.

That is why I will vote for the Michel resolution and support our President.

For each of us, this is a vote of conscience—a personal statement of principle. But when all our votes are cast and the last echo of our speeches has faded from this chamber, it is imperative that we again unite as Americans and support our President and the international community and reverse the aggression of Iraq and Saddam Hussein.

We will then send a clear message to tyrants everywhere that there's a very high price to be paid for such international criminality.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Speaker, I ask Members to support the Solarz-Michel resolution.

Today, an editorial in the Gleaner, the daily newspaper which serves Henderson, KY, lends further support to this plan of action.

To briefly quote the editorial:

> No cause is more noble than that of peace. But in our pursuit of peace in this crisis, we cannot ignore the nature of the beast that confronts us. We should not send a signal of weakness to a despot positioning himself to gain control of much of the world's oil reserves and the power that comes with it. We cannot reward this man's brutal aggression.

The publisher of the Gleaner is Walt Dear and the editor of the Henderson, KY, newspaper is Ron Jenkins.

I urge my colleagues to consider the views expressed by this highly regarded newspaper and vote to support the Solarz-Michel resolution.

The editorial is as follows:

[From the Gleaner (Henderson, KY) Jan. 12, 1991]

BUSH SHOULD HAVE POWER TO WAGE WAR

Even as we strongly support the continued pursuit of every reasonable effort for a peaceful solution to the gulf crisis, we believe it unwise to strip our president of support he deserves in dealing with Saddam Hussein.

Congress should grant President Bush the authority to wage war against Iraq.

Our nation and the international coalition have been confronted by a ruthless, power-hungry dictator of a country whose invasion of Kuwait had not relationship to the Palestinian problem he so loudly embraces.

While we remain hopeful that Saddam can be convinced to pull his troops from Kuwait under terms of the United Nations resolution, there is no indication that he will accept any diplomatic offers that mandate his compliance with the U.N. resolution.

Instead, Saddam defiantly waves his sword while obviously relishing the division of the American people and their elected representatives over this most troubling issue.

As agonizing as it is for all of us to conjure images of our young men and women in deadly combat, we as a nation should not give the Iraqi leader comfort by undermining our president and the international coalition.

No cause is more noble than that of peace. But in our pursuit of peace in this crisis, we cannot ignore the nature of the beast that confronts us.

We should not send a signal of weakness to a despot positioning himself to gain control of much of the world's oil reserves and the power that comes with it. We cannot reward this man's brutal aggression.

One person's appetite for power has created a very complex problem that has stirred legitimate debate the world over, including, of course, in our own community. With as many as 100 Henderson County sons and daughters already committed to Operation Desert Shield, the gravity of this crisis is ever so real to us. It is because of them and their comrades that we should exhaust every ounce of effort to resolve this crisis without war.

Still, we should not deny our president the support he deserves in facing up to this tyrant and the real threat he poses if he gets away with the invasion of Kuwait.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the very able and distinguished chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Speaker, like many of my colleagues who have spoken here in this well over the last 2 days, I, too, believe that the passage of the Solarz-Michel resolution is the last, best hope to a peaceful solution to this crisis.

But I recognize that if we pass this resolution and Saddam Hussein continues to stonewall us as his foreign minister did this week, then it means war.

We in the Armed Services Committee held hearings on the possibility of war and what it would look like.

Our Members are not unanimous in their conclusions—and I respect my colleagues and their views. Let me now give you my conclusions.

First, I believe we have a proper and limited objective—to get the Iraqi forces out of Kuwait. We do not seek to conquer Iraq and create further power vaccums in the region.

Second, we plan to fight the war in phases—beginning with air power and ending only if necessary with the use of ground troops. Those who think air power alone will win the war will have their chance. We do not want more American casualties than is absolutely necessary.

Third, our Arab allies will fight Iraqi forces, at least in Kuwait, and we have drawn up our battle plans accordingly.

Fourth, we have worked out an arrangement with Israel and our Arab allies to prevent any attempt by Saddam Hussein to break up the coalition by attacking Israel.

In short, I believe that our forces are capable of achieving our goals. Saddam Hussein must leave Kuwait. Peacefully if possible, by force if necessary.

But there is also the question of when we decide to use that force. Many of us, especially among those of us on the Democratic side of the aisle, have wanted a United States that acted with the United Nations in resolving world crises.

We have been acting with the United Nations. Most of us praised President Bush for working with the United Nations last August to set up and then enforce the economic sanctions.

Most of us thought it proper that before we used force we get a U.N. resolution to authorize it, which we did.

We now have that resolution and it sets January 15 as the date that Saddam Hussein must get out of Kuwait. It was not just a decision by the United States. It was a decision by the Security Council of the United Nations to bring things to a head on January 15.

What would happen now to the authority of the United Nations in the post-cold-war era if we backed the administration down and forced it to change time lines?

In the last analysis, we must mean what we say when we deal with the Saddam Husseins of the world.

If the United States is to be credible in the post-cold-war world, if the United Nations is to be a useful vehicle for collective security, then we cannot shrink from the use of force. A future aggressor can ignore the next U.N. deadline if we ignore this one.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise in sincere opposition to the Presidential Solarz-Michel resolution, pointing out the inconsistencies of 2 hours ago saying it is Congress' authority to declare war, and in this resolution now saying that we pass the authority to the President to declare war some day next week on his own.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I rise in strong opposition to the Solarz-Michel resolution of war.

Mr. Speaker, I had hoped to serve my political career without ever having to confront the awesome and immediate question of war and peace such as we face here today.

I had also hoped that humanity had reached the level of development that we could find alternative, more rational solutions to such international conflicts.

Strictly enforced international economic sanctions can be that alternative.

When we talk of a New World order in the post-cold-war era, we can find no better example than the universal revulsion and rejection of the brutal Iraqi aggression against its defenseless neighbor, Kuwait.

The quick and decisive action by the United Nations has ensured that Saddam Hussein has gained nothing from his occupation of Kuwait.

On the contrary, each day the international economic sanctions are allowed to work weakens Iraq—economically, diplomatically, and militarily.

Time is on our side in this conflict.

And if we continue to enforce the sanctions, the whole world will continue to be on our side.

But if we choose war at this time, America alone will bear the burden and pay the costs of that military action.

Let us more strictly enforce the international sanctions.

Let us use the multination military force in the region to impose an airtight naval, air, and land blockade of Iraq.

Let us use our highly capable electronic intelligence capabilities and rapid communication facilities to monitor compliance with the sanctions.

Let us punish countries and companies who violate the sanctions by denying them access to our American market.

Mr. Speaker, the Members of this body face no greater question than whether or not to commit American troops to the horrors of combat.

But if we take that momentous decision—let it be with a full understanding of the consequences.

Let us not assume it will be used only as a negotiating tactic.

With our votes, we are authorizing the President to lead this Nation into war.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I rise in regret that the previous motion did not carry, and in strong opposition to the Solarz resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I rise in strong opposition to the Solarz amendment.

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in strong opposition to the Solarz amendment. Even though it is tactfully worded, it amounts to a de facto declaration of war. Its significance is that it gives President Bush a green light to use any kind of military power in the gulf that he so chooses. Passage of this resolution would mean that, if the President wants to initiate a full-scale military offensive, there would be absolutely nothing that Congress could do to delay or restrain him. If this resolution passes, then henceforth, we are powerless in the question of America's response to Iraq's actions in the Gulf.

The idea of granting the President the authority to make war is not automatically unthinkable. But the problem is that, under the present circumstances, at the present time, it is wholly premature.

The United States has long been a pillar of justice and reason in the international community. The initiative for the League of Nations and United Nations originated with our Presidents. We regularly implore other nations to adhere to international law and utilize negotiation, arbitration and the international courts for peaceful resolutions of disputes. Why, then, are we rushing off to war?

Just as the schoolyard bully usually chooses that path due to a shortage of acuities that would facilitate reasonableness, the choice for war is one that involves a similar nearsightedness. Have all our intellectual resources been consumed? Have we tried everything imaginable in order to avert the severest of consequences? If war really is to be a last resort, have we fully exhausted all alternatives?

To each of these questions, I answer, "no." I firmly believe that we could try harder, try again, try a different approach, try with a new offer. We could do more, and I have faith that the President could still come up with a peaceful resolution of this conflict if he fully applied himself to that end.

Mr. Speaker, we are not yet on an irreversible path to war. Yet, I believe that if we vote for the Solarz resolution then we very possibly may be. I am not ready to accept that. I believe peace is still possible and so, I urge all my colleagues to oppose the Solarz resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Speaker, I rise in support of the Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, I oppose going to war, and I oppose this resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this amendment. We must not act on the lowest common denominator in terms of the Middle East.

Mr. Speaker, I rise in opposition to the Michel-Solarz resolution.

Our actions should be based in this House on our very special responsibilities, indeed our sacred trust.

Congress has but one option to state our view to have an impact upon the course of our national policy whether to wage war, to take offensive action or not against Iraq.

Our decision in the affirmative is not reversible, such decision and vote is a one way street. Once President Bush has this authority, our role to commit U.S. troops or not commit troops to war, the decision will be out of Congress' hands and the President has been clear as to his intention to use such military force.

We in Congress can take no comfort in the reasonableness of Iraq or of Saddam Hussein. We should well understand that the near decade long Iraq-Iran conflict resulted in over 1 million casualties. This Nation, the United States of America, should understand better than any other the importance of the individual life, the special meaning of life, because Iraq's Saddam Hussein doesn't. Because Saddam Hussein is willing to dump his nation into a meat grinder of war, should our policy for offensive military action, nearly unilateral U.S. troops and dollars, be geared to this common denominator, the lowest common denominator? I would plead with my colleagues to recognize the consequence of this conflict. In the Middle East we have the greatest concentration of military personnel and weapons arrayed since World War II, but armed with the expotentially more effective weapons of the 1990's.

I've repeatedly noted my colleagues intention and remarks geared to backing up our troops and military and the implication that the only way that we can do so is by voting to go to war.

Well the intention of my colleagues may be good but the logic is seriously flawed.

We in Congress have a responsibility, a sacred trust to be certain in placing our military service men and women into a war, to be certain as to the vital U.S. interests involved and that offensive military action is the last resort.

Maintaining the economic sanctions, the blockade of trade, and the defensive deployment of U.S. military are not actions exclusive of the use of military force, they are the appropriate and proportionate response today to the circumstances, not perfect but far preferable and much better suited to the needs of the Persian Gulf in January 1991. The new world order ought to be based upon what has been the greatest strength and success of the United States for over 200 years, that is our democratic values.

The Iron Curtain and the uncommon events in just the past 2 years within the Soviet Union were based on the strength of ideas and values not military might.

It was the scientists, the labor organizations, and workers the artists and poets that finally prevailed against a nation armed to the teeth to suppress its people but those weapons were of no use against the human spirit and the freedom of people to think. The new world order isn't based upon the mistakes of yesterday such as the intemperate decision to commit U.S. troops. To commit U.S. offensive military action without the broad support of the American people, the vast majority I believe have not focused upon the commitment and consequence of such action. In fact that minority who do support the President really believe that some how this last threat will avert war—the Members of this House should know better, but some have wrapped themselves in the same thought.

Mr. Speaker, the United States can do better, we can lead to a new world order by sharing the responsibilities of achieving the result, the objectives, with the global coalition supporting the U.N. resolutions. They should be doing far more than offering their uncertain vote to commit the United States to a conflict. Their votes in the United Nations would be much more meaningful if cast without the promises of U.S. assistance and debt relief and with a commitment of their troops, their sons and daughters and their financial resources.

Today we should take heed of the American people's views and our sacred trust and vote to continue diplomacy and the economic sanctions the blockade and defensive deployment of our military forces. We have not exhausted such efforts, they have scarcely had the opportunity to have had their full effect. The action to commit our Nation to war should be the last resort not precipitated by impatience, for a conclusion. The coalition of nations and the U.N. members would be better off if tempered by discipline and sacrifice rather than have their anxiety solved by a premature nearly unilateral U.S. military solution, the new world order begs for a better policy path.

Today it is Saddam Hussein and Iraq, but tomorrow it will be other Third World nations. Are we to respond again and again with the use of U.S. military force with all the human carnage and tragic consequences such entails. I would hope not and I fear for the opportunity lost in the Persian Gulf and cost in human life both United States and others and the hundreds of billions of dollars that will be expended, really dead-end spending today and tomorrow with no real solution but a throw-back to yesterday and all those conflicts and wars framed in the good intentions of achieving peace.

This joint resolution of war is a crucible that will not produce a new world order and peace will not come from the amalgam of elements and policies that are present here today—the base metal of premature war can't make the gold of peace that has proved so illusive in the 20th century. We must strive for peace, there is no easy path, no comfort, there are risks but such pushbutton solutions as the joint resolution before us if employed by the President will do much more harm than good, and therefore, I shall vote against it and ask my colleagues careful consideration to vote against this measure.

The SPEAKER pro tempore. The Chair, under its prerogative, would announce to those Members controlling the time of the debate that the gentleman from Missouri [Mr. GEPHARDT] has 23½ minutes remaining, the gentleman from New York [Mr. SOLARZ] has 10½ minutes remaining, and the gentleman from Michigan [Mr. BROOMFIELD] has 7 minutes remaining.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Flordia [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I said the other day in this debate that the Congress had declared war in my lifetime twice. I correct that statement now. The Congress is declaring war for the third time in my lifetime. If you doubt my word, ask Mr. SOLARZ; if you doubt my word, ask Mr. MICHEL. I have confirmed it with both of them. This is a declaration of war.

Think about it. I ask you to vote against it. I am not saying that I would never vote for a declaration of war, or a declaration of war in an event similar to this. But this is not the time. This country is not united in a declaration of war. If there is one thing we learned out of Vietnam, as the gentleman from Florida [Mr. PETERSON], who spent 7 years in a POW camp in Hanoi said, the people of the United States must be behind our Armed Forces and back them up, and our people are not ready for that.

Mr. Speaker, I think we must begin to face the future. This is perhaps the last act that this Congress will have to do with this gulf.

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Except we must raise taxes to pay for this. It has already cost us some $30 billion, and the best revenue estimates are that it will cost us around $1 billion a day to conduct this operation. Are you ready for that? If you are not ready to vote for those kinds of taxes, you are not ready to vote for this resolution.

We are going to need a draft. The recruitment for the Army has already dropped off significantly. There are not enough troops in the Armed Forces to rotate those that are in the desert. And who of you believes that a ruthless dictator like Saddam Hussein, who could take a million casualties before he declared an end, will not take a million casualties again before he declares an end.

And who of you can believe that we will not be called upon to occupy and to police that desert and those countries for the rest of my lifetime and perhaps for the rest of all of the lifetimes of the people that are in this Chamber today? If we win, we cannot come home. We must stay there, and our young people are not fools. They will go if drafted. Those who are there have signified their willingess to fight, but we do not have the manpower pool in the Armed Forces now to conduct the kind of war that I foresee and the kind of peace that faces us.

This is a terribly serious question. None of us know what kind of forces we are going to unlease in that part of the world. We know that Israel will be attacked and we know that if Israel is attacked it will respond.

As I count the votes, I can see that my side has lost. We have given up on patience and firmness, on an embargo that is working and will work, the best embargo that mankind has ever created. I hope that Michel-Solarz resolution will be defeated.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I rise in opposition to the resolution. First I would like to extend my appreciation to the majority leader, Mr. GEPHARDT, and my distinguished colleague from Michigan, of course, Mr. BROOMFIELD, my very dear friend, for the high level debate that has been achieved in the course of this discussion over the last several days. It is a credit to both of you, to this institution and to the Congress as a whole.

Mr. Speaker, from the very beginning I have publicly dissented from the policies our Nation is pursuing in the Persian Gulf. Neither the President nor the Congress has rethought what form our Nation's diplomatic and military policy ought to be in, in the postwar era. Sadly, we are still behaving as if we are the supercop of the world, and we are substituting Third World regional conflicts for the cold war with the Soviet Union.

Mr. Speaker, wise rulers never commit their nations to war, and this is a war resolution, never commit their nations to war unless it is overwhelmingly agreed that their nations' vital interests have been severely threatened. I cannot conclude that there are vital American interests at stake in the gulf.

The continuing appropriations to maintain our military power, not at this moment, but in the months and years to come, is going to sap the vital economic abilities of this Nation. Our vital national interests are no longer served by our continuing to be the world's policeman. We cannot afford it.

We are in the Persian Gulf today simply and plainly for one reason—there was a gentleman in the Senate who said it, he spelled it out, o-i-l, oil. We are defending the oil interests of the Middle East and other parts of the world, and make no mistake about it. That does not relate to our own national vital long-term interests.

We all know that this country could be energy independent if we chose to be. Just ask the American farmer.

The preservation of oil supplies for our economic competitors, our economic competitors is not the proper use of our military waning power. We cannot afford to strengthen our foreign rivals at our own economic expense. We must not send our sons and daughters into war for the preservation of our competitors' economies. Indeed, the warfare of the 1990's and the next century will be economic, not military. Every dollar we borrow from the Germans and the Japanese, the Middle East Arab Nations to finance this war and our continuing military buildup and national debt steals from our economy and our Nation's well-being and its future.

If war comes, we will be wasting our economic resources and our precious young people. We will most assuredly be weakening our ability to confront the urgent domestic problems facing our Nation.

We are a nation that quickly can deploy troops around the world, to the other side of the planet, yet we cannot afford to fix our roads and bridges? We cannot afford to improve our water and sewer systems? We cannot afford to restore our rail and our transportation infrastructure? We cannot do education, we cannot do health, and we will not be able to compete in the next century.

This is a de facto war resolution. I will not vote to go to war for the oil supplies of Europe and Asia.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of the Michel-Solarz resolution authorizing our President, if all else fails, to use whatever force is necessary to remove Saddam Hussein from Kuwait.

Mr. Speaker, I rise in strong support for this critically important resolution, House Joint Resolution 62, authorizing the President to use force to support the U.N. resolutions and I commend my distinguished colleagues on the Foreign Affairs Committee, Mr. SOLARZ, our Committee's distinguished chairman, Mr. FASCELL, our ranking minority member, Mr. BROOMFIELD, and our distinguished Republican leader, Mr. MICHEL, for their extensive work in drafting this timely, bipartisan measure.

Mr. Speaker, the wanton, brutal violations of international law by Iraq must not be allowed to stand. The rapes, the pillaging and the destruction of Kuwait by Iraqi occupation forces must be brought to an end. How do we make that happen? We bring that about best by fully supporting our President's initiatives and the 12 U.N. Security Council resolutions opposing Saddam Hussein's offensive actions in the Persian Gulf.

None of us want war, and particularly those of us in this body who have served, in combat.

Support of this measure can help us to avert war. If Saddam Hussein does not believe the Congress is behind our President and the multinational effort, and if he is not convinced that we are willing, as a last resort, after all other diplomatic, political, and economic means fail, to resort to the use of force, then, we will indeed be led into war.

The issue before us is not the authorization of U.S. offensive action. The offensive war was started by Saddam Hussein on August 2, 1990. What we are considering is not just the United States-United Nations defense of Kuwait, by all means, as spelled out in the U.N. resolution. What we are considering is ruthless aggression, the rule of law, of order and the world's collective security. This is no more offensive than our retaking the islands in the Pacific during the Second World War, or our invasion of Normandy, or our actions in Panama, Inchon, or Grenada.

Mr. Speaker, this resolution is, in the words of Secretary Baker, a last, best chance for peace. This resolution does not suggest that on January 15, 1991, we will attack Iraq. However, it does send a strong message to Saddam Hussein that if he does not leave Kuwait he will suffer. It also sends an important message to our allies throughout the world—to the 37 nations which are standing by us in this crisis, that the Congress is in agreement and supports the international community, and that we stand solidly with our men and women in uniform, who are courageously implementing our Nation's foreign policy. Let us stand firm sending a clear message that their efforts are not for naught.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, I rise to insert in the RECORD an analysis of why precisely this is not intended either in a historical or legal sense as a declaration of war.

Mr. Speaker, one of the more complex legal issues to arise in the context of this debate is whether—for the purposes of constituional law, as well as public and private international law—a congressional authorization of the use of force in an international police action of the kind contemplated today is equivalent to a declaration of war.

For the record, I would stress as an original cosponsor of the resolution before us, that I do not consider this approach to amount to a declaration of war in either a historical or legal sense, and, for reasons stipulated below, would oppose such a declaration in today's international context.

Not merely the theory but the history of international relations since the First World War embodies the distinction between just and unjust causes of war. The covenant of the League of Nations, the United Nations Charter, and the charter of the Military Tribunal at Nuremberg all reject the realpolitik doctrine of staatrason—the tyrannical notion that might makes right.

Instead, modern world politics are founded upon a conception of international society analogous to the laws and customs on coercion in domestic societies, that resort to violence in international affairs must be regarded either as lawful police action or crime. In other words, resort to armed force in international society is legitimate only if it is used on behalf or in service to the fundamental principles and purposes undergirding international law.

Thus the moral philospher Michael Walzer observes that, "aggression is the name we give to the crime of war." Indeed, the founders of the United Nations were determined, in the words of the charter, "to save succeeding generations from the scourge of war * * * and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest." Similarly, the U.N. General Assembly has defined aggression as "a crime against the peace, for which there is responsibility under international law." Specifically, the signatories to the charter undertook in article 2(4) to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

In postwar American diplomacy, the classic exposition of this principle was stated by President Truman in October 1945, when he declared that the fundamentals of American foreign policy would rest in part on the proposition "that the preservation of peace between nations requires a United Nations Organization comprised of all the peace-loving nations of the world who are willing to use force if necessary to insure peace."

The concept of international law enforcement through collective security, therefore, is embodied in the U.N. Charter and is an integral part of international law, as well as—through the supremacy clause in article VI of our own Constitution as applied to treaties—the law of the United States.

In other words, a congressional declaration of war in this circumstance would be contrary to the purposes of the United Nations. It might also frustrate our diplomacy by making it appear that it is the United States versus Iraq rather than the world community versus Saddam. In addition, it might needlessly prolong a potentially bloody and unpredictable conflict with Iraq, because of the legal and political complications associated with the problem of war termination. Indeed, as Americans understand, it is in part for such reasons that there have been only five declarations of war in our history and none since 1941. Rather than the declaration of war analogy, the apt legal comparison in the current circumstance would be closer to Korea than to Vietnam or World War II, though all historical analogies are to some extent imprecise and potentially misleading.

In some ways, the psychological dimension of a declaration of war is as important as the legal. Psychologically, a declaration of war implies that what is at issue in our confrontation with Iraq is traditional war and the instincts of patriotic nationalism on both sides which springs from such a circumstance. But from the American perspective what is actually at issue with this resolution before us is response to international criminality, not war, with sufficient grounds for cessation of hostilities, if they commence, being the removal of Iraqi troops from Kuwait and the possible holding of Saddam and his henchmen accountable before an international bar of justice, a Nuremberg-like tribunal, if apprehended.

The articulation of more limited intentions is of crucial importance because it makes clear to the Iraqi people that America would define victory as Iraqi acquiescence to the constraints of international law, without either the humiliation of surrender or the prospect of societal annihilation. Police actions imply force is authorized for limited, not total purposes.

Operating under Security Council resolutions, America therefore has an obligation to walk the extraordinarily difficult line of applying all force appropriate to protect our own forces but not so much as to wreak havoc on that part of Iraqi society which is unrelated to Saddam's aggression or war-making capacities.

While this Member is convinced that a congressional declaration of war is inappropriate under current circumstances, the constitutional duty of Congress is clear. Not only does the Constitution vest the power to declare war in the Congress, but it further contemplates that a status or condition fairly described by armed hostility between the United States and another state—whether declared or undeclared—must be legislatively authorized.

The Framers of the Constitution did not entrust the war power to Congress to protect Congressmen; they did so to protect the American public. They believed that the gravest of all governmental decisions—the making of war—should not be the responsibility of a single individual. It should be taken by a democratically elected, geographically and socially balanced legislature after careful debate and deliberation. It would either be tyrannical or irresponsible for a Congress of, by, and for the people to shirk its responsibility and transfer the power to make war to the Presidency. In America, after all, process is our most important product.

In this context, neither the Congress nor the Executive can duck the fundamental question of constitutional fidelity. Accordingly, I voted earlier today for the Durbin-Bennett resolution, despite my concerns for its legal and constitutional imprecision, and support the resolution before us giving the executive branch explicit approval for discretion to implement a spectrum of U.N. resolutions.

While the authorizing resolution before us has the effect of granting the Executive discretion to use American Armed Forces as constables enforcing international law in an international police action, it most emphatically is not tantamount to a declaration of war for the domestic legal purpose of triggering statutes which confer special powers on the executive branch in the event of a declaration of war or the existence of hostilities.

Most of the executive powers which are conditioned upon a declaration of war or a state of war relate to military administrative matters, such as term of service, leave of absence, promotions, retirement, compensation, and senior officer appointments. Some, however, relate to other important issues such as civil liberties, budgetary spending limits, commercial transactions, and international trade:

Civil liberties: Under 50 U.S.C. section 1811, the Attorney General, "for a period not to exceed 15 calendar days following a declaration of war by Congress," may authorize electronic surveillance to obtain foreign intelligence information without obtaining a court order.

International trade: Under the Trading with the Enemy Act, the President may, "[d]uring the time of war," control and prohibit banking, property, and other commercial transactions with an enemy foreign country and its nationals. (50 U.S.C. App. 5(b).)

Budgetary restraints: The Budget Enforcement Act of 1990 provides that "upon the enactment of a declaration of war," subsequent sequestration reports and orders are precluded—2 U.S.C. section 907a(b). In addition, the legislation prohibits parliamentary points of order regarding legislation that would exceed the level of budget authority and outlays set in the most recent concurrent resolution on the budget.

The bipartisan, bi-institutional approach to upholding international law and order implicit in the Solarz-Michel resolution does not automatically trigger any statutory provisions which are based upon the existence of a state of war. Nor does congressional authorization of the United States' use of force in an international police action have the same effect as a declaration of war for purposes of triggering such statutory authorities. Unlike a declaration of war, which creates the formal legal commencement of a state of war, the authorization this body contemplates today does not affirm that a state of war exists. Nor does it assume conflict is inevitable. Rather, it merely authorizes the President to use force if necessary pursuant to specifically designated Security Council resolutions.

In conclusion, it may be a paradox but I am convinced that the prospect of peace in this medieval Middle Eastern setting is clearly enhanced by preparation for war and the avoidance of political equivocation in Washington. It is my firmest conviction that the prospect of war looms more dangerously if Saddam concludes that he has punctured American resolve. Accordingly, it is my judgment that Congress best advances the imperative for peace by making Saddam aware that as concluded by Congress which is the reflection of the will and judgment of the American people a police action war with Iraq would be just, although undesired.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I rise in strong support of the resolution supporting the United Nations, and as requested by the President of the United States.

Mr. Speaker, I believe the time is now for the Congress to stand up and be counted in support of the principled stand that the U.N. Security Council has taken and the President has supported.

Can it possibly be in our interest to allow brutal dictators like Saddam Hussein to march into small, innocent neighboring nations?

Can it possibly be in our interest to allow a man who has already killed thousands of his own citizens with chemical weapons, who has already initiated one war that cost his nation some 1 million casualties, who has already made clear his desire to possess nuclear weapons, who has already iterated a radical, pan-Arab philosophy that would establish him as the Arab world's leader, who has already threatened America's other friends throughout the region with weapons of mass destruction, which he has certifiably used in the past—can it possibly be in our interest to risk giving such an individual control of more than half of the world's total proven oil reserves?

If we fail to back up the President and the U.N. Security Council's actions now, the coalition that stands poised to reverse Iraq's aggression will simply disintegrate. Like it or not, America is the only nation capable of leading this effort, and the failure of U.S. leadership in this regard will result in the coalition's failure, and I would suggest, a catastrophic change in the political order of the Middle East that would haunt us for years to come.

Some say that we should simply wait a bit longer to see if sanctions might work. I am persuaded that they will not. The Director of Central Intelligence has apprised us that the sanctions have taken a toll on Iraq, but that in his judgment, they will not succeed in removing Iraqi forces from Kuwait. While the Iraqi GNP has been reduced by some 50 percent, Iraq's per capita income still remains double that of our coalition ally, Egypt. Clearly, Saddam Hussein—a man who withstood 8 years of war with Iran, replete with 1 million casualties and missile attacks on Baghdad—surely, this man will survive economic sanctions for another 6 months.

Meanwhile, what will occur if we wait another 6 months for sanctions to take hold? First, it will expose our forces and their equipment to some of the harshest conditions on Earth, including daytime temperatures of 140 degrees. This would diminish morale and our ability to use force at a later time. It would impose an especially undue burden on our Reservists and Guardsmen in the gulf.

Second, knowing that an attack is not imminent would give Saddam Hussein the ability to cut back his own military exercises and would, in fact, minimize the toll that sanctions would take on his military.

Third, waiting would give Saddam the ability to improve further the military fortifications on his borders, meaning that, when sanctions are deemed to have failed, we will face a more entrenched foe and will put more American lives in jeopardy.

The same is true of Saddam Hussein's arsenal of weapons of mass destruction. Does it make sense to give him another 6 months, another year, to produce more chemical weapons, to develop more biological weapons, to continue his work to develop nuclear weapons, so that he can then confront our forces with these additional tools of death?

No. The time is now to put the Congress on record in support of the United Nations and the President. The time is now to oppose dictators.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I rise in support of the Michel-Solarz resolution.

Mr. Speaker, I believe that Saddam Hussein's aggression must be stopped and that is why I am supporting the Solarz-Michel resolution. As the President has said—it is not the United States against Iraq—it is Iraq against the world. Indeed, the U.N. Security Council voted unanimously in favor of economic sanctions, and then after hostages were taken, to approve use of force to support those sanctions.

Like all Americans, I want a peaceful resolution of this problem. All involved are hopeful that the current military buildup and threat of force will encourage Hussein to pull out of Kuwait without conflict. But in order for this strategy to succeed, we must continue the pressure on Saddam Hussein to get out of Kuwait.

Supporting this resolution clearly does not preclude negotiation. There is still time to negotiate a peaceful settlement, though such a settlement must include a complete withdrawal of Iraq from Kuwait. However, a time limit must be set or this standoff could go on for years, resulting in smaller countries who rely on Iraq oil lifting their sanctions, the continued plunder and starvation of the Kuwaiti citizens, and the escalation of costs. Nobody wants to go to war, but the only way to avoid it is to support the current aggressive stance which has brought results thus far.

If we fail to authorize use of force, Hussein will undoubtedly conclude he was won Kuwait forever. CIA Director William Webster has indicated that he believes Saddam Hussein is willing to endure economic hardship, even a subsistence economy, to outlast international efforts to make him leave Kuwait. Even if sanctions do bite, no one knows how long it will take or whether they will ever change Saddam's mind about being an aggressor. The CIA Director also made it clear that he feels Iraq can maintain its military power for an extended period even if the sanctions do work.

I do not want a war. None of us does. It is imperative, however, that we show Saddam Hussein and other potential aggressors that we and others in the world will not tolerate military solutions to their private problems. This resolution, and the U.N. resolution it so clearly supports, are necessary steps in convincing Saddam of that fact.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of the Michel-Solarz amendment because, in my judgment, it does not require the use of force, but offers the best hope for a diplomatic solution to the Persian Gulf crisis by backing the U.N. resolution and the position of the multinational coalition.

Mr. Speaker, the choice presented by the resolutions offered today requires the most difficult, wrenching choice of my 8 years in Congress. This matter has weighed heavily upon me for many months.

During the holiday season this year, I watched families celebrate together and could not put aside the enormity of this decision for our Nation. I have listened to the concerns of the families in my district; I have pondered the implications of my vote and the consequences of the action we are about to take.

Mr. Speaker, it is my judgment that the best chance for peace and stability not only in the Middle East but throughout the world lies in casting my vote in support of the world community's position on this crisis, as expressed in the U.N. Resolution 678. Of the two measures presented today regarding the use of force, only the Michel-Solarz resolution is consistent with the U.N. position.

I believe the United States and the other members of the multinational coalition opposing Iraq's utterly unconscionable, brutal aggression have exercised restraint. i believe we will continue to exercise restraint beyond January 15 as long as authentic diplomatic possibilities for resolving the crisis exist. Surely, though Saddam Hussein has refused our effort to present our position to him, we will not undercut genuine diplomatic efforts of the United Nations, other Arab States, the Soviet Union, or the nations of the European Community as long as they exist.

But, if we vote today to undercut U.N. Resolution 678, how will diplomatic efforts have the backing needed to bring about a peaceful resolution? If we now place new conditions on an already clear and firm international position, what urgency will there be for Saddam Hussein to participate in any substantive effort to end the occupation of Kuwait?

Make no mistake, the U.N. resolution was not a vote to start a war on January 15. Neither is our vote today reaffirming that resolution a vote for war. But the United Nation recognized that, for diplomacy to work, the threat of force must be credible and the absolute, resolute unanimity of world opposition to the continued occupation of Kuwait clear. While the gentleman from Missouri's resolution is offered with the best intentions, it undercuts both the credibility of our commitment and the unity among nations and so would make peace harder to achieve.

I believe we must stand together with the world community, not in support of war, but in support of the most effective means of achieving peace—the clearly expressed message to Saddam Hussein that he faces grave consequences by not complying with the world's call for his unconditional withdrawal from Kuwait.

Some of my colleagues have said that we must rely on waiting for economic sanctions to work. However, the embargo has thus far been at least 90-percent effective and still Saddam has not budged. Our best intelligence sources tell us that Iraq can weather the most effective embargo for many more months or even years, can increase its self-sufficiency over time, and will retain a per capita income far above that of neighboring nations. Both Egypt and Turkey continue to experience huge and painful economic disruptions as a result of participating in the embargo. The gentleman from New York who sponsored this resolution has pointed out that, even if sanctions are fully successful, Iraq's per capita income will still be twice that of Egypt and greater than Turkey's.

If we were to vote today to simply rely on sanctions not backed by the credible option of force, Saddam would have the luxury of ignoring diplomacy and concertating on fortifying both his economic and military strength and maximizing the price paid by our allies. Saddam can use time as a weapon if the failure of diplomacy does not carry with it the risk of multinational commitment to other means to dislodge him from Kuwait, as the United Nations intended.

And let us put to rest the notion that we have acted simply in the interests of cheap oil. Not one of us would put our service men and women at risk for such a narrow purpose, and even those among us who oppose the size of our deployment have no basis to attribute such a cynical position to the President. It is not cheap oil we seek to protect, but the functioning of the world's economy which is dependent upon the Middle East's oil. Were Saddam Hussein willing to control it for his own benefit, the economic impact on the world would be devastating. The cost of Desert Shield is enormous but it is a fraction of the worldwide economic disruption that would ensue if the Middle East's resources were under control of one so arbitrary and ruthless as Saddam Hussein.

As the Washington Post said yesterday, does anyone think Saddam would not take heart from a vote that denies the President the option of using force in conformity with both national policy and international mandate? Let me emphasize that the Gephardt resolution is not in conformity with international mandate and so would weaken the U.S. position not only with Saddam Hussein but with our allies in the world who have aligned with us against Saddam.

Diplomacy must continue because the search for a settlement of this crisis must succeed if the interests of the world community are to be served. Time is not our ally, unity is. If we are truly unified as a Congress and as a nation with the world position, we must step forward today and affirm it. Thereafter, I would hope that other problems be addressed through a regional peace conference and long-term stability and hope be the true legacy of this crisis for the Middle East. I urge my colleagues to stand together in support of the Michel-Solarz resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the Michel amendment. I believe that peace through strength really works and will work in this case for peace.

Mr. Speaker, I rise in strong support of the Michel-Solarz, peace through strength resolution. Contrary to the contentions of some, this resolution is not a declaration of war. This resolution authorizes the use of force against Iraq only if and when the President informs the leaders of both Houses of Congress that sanctions and all other diplomatic efforts have proven futile in convincing Saddam Hussein to quit Kuwait.

As the President has said, Iraq sorely miscalculated the response of the world community. The unity of the international response has been unprecedented. The Michel-Solarz resolution simply endorses United Nations Resolution 678, authorizing the use of force against Iraq, should it prove necessary. The United Nations took a courageous stand. The U.S. Congress should do no less.

I do not want war, and I do not believe that President Bush wants war. However, the world community has been clear that Saddam Hussein can avert armed conflict by leaving Kuwait. The United Nations has passed 12 resolutions in this regard, yet he continues his occupation of Kuwait.

Some have argued that economic sanctions will force Saddam to comply with U.N. resolutions. Unfortunately, sanctions rarely, if ever, work. A full-scale embargo against Nicaragua could not change its totalitarian policies under Daniel Ortega, and 2 years worth of sanctions could not bring Manuel Noriega to his knees in Panama. Certainly, Iraq is more economically self-sufficient than Nicaragua or Panama, and Saddam is more brutal and dangerous than Ortega or Noriega.

Others have suggested that the United States should not lead the effort against Iraq. Japan, Germany, and other nations are more reliant on foreign oil than are we. However, this suggestion ignores the fact that military units from 28 countries are now directly involved in Operation Desert Shield or in the enforcement of sanctions. A total of 250,000 coalition troops have joined the 360,000 American troops in the gulf region. Moreover, about 80 percent of U.S. expenses through December 31, 1990—over $6 billion—has been pledged or collected.

We have seen time and again during this century that appeasement will not buy lasting peace. We must not allow this body to become the Neville Chamberlain of the 1990's. And make no mistake, to give Saddam more months to consolidate his plunder of Kuwait without the threat of military force would be to appease him—but only temporarily. Like all tryants, Saddam Hussein's ambitions know only the boundary of vigorous military resistance. The language of force is the only language this bloodthristy dictator understands.

Teddy Roosevelt said that the United States should speak softly and carry a big stick. We have a big stick, and Saddam still has not heeded our warning. He has not, because he does not believe that we will use the stick. He is watching today, to see if we will confirm his belief. It is time we raised the stick over our heads.

It is time Saddam understands that we want peace, but not at any price. It we must, we will act to liberate Kuwait. We will enforce peace through strength.

Over the past 3 days, we have heard numerous speakers lament the awful precedent which would be set for the new world order if we used force to dispel Saddam from Kuwait. My friends, think of the terrible precedent which is set if Saddam's illegal annexation of Kuwait is allowed to persist.

Yes, peace through strength has served our Nation well for over 200 years and it will again. I ask for your support for the Michel-Solarz bipartisan resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, because I truly believe this is the best course for a peaceful resolution of the Persian Gulf crisis, I rise in strong support of the Michel-Solarz resolution.

Mr. Speaker, today I rise to cast what could very well be the most difficult vote I will ever face. As one who saw the lives of three friends taken by the Vietnam war, I cast this vote with a heavy heart.

I have agonized long and hard over the best course of action to preserve peace in the Middle East while getting Saddam Hussein to withdraw from Kuwait.

There is a consensus in this country that Iraq's naked aggression must not be rewarded. If left unchecked, Saddam Hussein's quest for power and heinous atrocities will only turn to other targets.

The real debate is over how to best check this imperial dictator's aggression. In an area as strategically and economically vital to the United States as the Middle East, our choice is either to thwart that aggression now, or be forced to face it later.

Since the Iraqi invasion, I have strongly supported economic sanctions and diplomatic efforts to bring this crisis to a peaceful resolution. I have not supported the use of military force because I believe that these sanctions alone would work.

At this point, however, I believe our last best chance for peace is for Saddam Hussein to fully appreciate that the President of the United States has the full support of Congress to use military force to remove Iraq from Kuwait should diplomacy fail.

After much thought and careful deliberation, I am convinced that a credible threat of force is essential to a peaceful resolution of the Persian Gulf crisis and a compete withdrawal of Iraq from Kuwait.

I have reached this conclusion following several briefings with the President, Secretary of Defense, Chairman of the Joint Chiefs of Staff, and a careful review of the testimony of the CIA Director. It is clear that neither diplomacy nor sanctions has a chance if the credible threat of military force is removed.

Accordingly, I have decided to support the bipartisan Michel-Solarz-Broomfield joint resolution which affirms Congress' support for the President and U.N. Resolution 678.

Unfortunately, we don't have unlimited time to rely exclusively on sanctions. Prolonging this crisis only works to the advantage of Saddam Hussein according to our intelligence, military, and diplomatic sources.

First, there are credible reports that Iraq could possibly have nuclear weapons in a matter of months. If we don't stop Hussein now, we will have to confront him later when the cost in American lives could be infinitely greater.

I cannot in good conscience vote to set the stage for our troops to become embroiled in a nuclear conflict when addressing this issue now could avoid it. We must not subject our Nation and the rest of the world to nuclear blackmail by Saddam Hussein.

Second, military sources tell us that delay will only allow Saddam Hussein to further develop his military capacity. This would also add to the potential loss of life should we have to take military action later.

And finally, diplomatic sources tell us that the unprecedented international coalition of support behind our policy will begin to erode if other nations begin to doubt the resolve of the United States to see this crisis through.

Like all Americans, I do not want America to go to war. But as ironic as it may seem, if we wish to vote today for peace, we must vote to threaten war.

If Congress were to vote down the Michel-Solarz-Broomfield joint resolution, it would send a message to Saddam Hussein that he faces no serious consequences if he ignores the January 15 deadline set by the United Nations. With that assurance, he clearly would not have any incentive to negotiate, much less withdraw peacefully from Kuwait.

My vote today is not a vote for war in the gulf. Rather, as the resolution itself mandates, the President will not be authorized by Congress to use offensive military force until "the United States has used all appropiate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions * * *."

I hope and pray there is no war. I firmly believe that a strong affirmative vote by Congress in support of the President will substantially improve the changes of achieving peace.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Speaker, I rise in strong support of the bipartisan Michel-Solarz resolution.

Mr. Speaker, I rise today in support of the bipartisan Solarz-Michel resolution. It is vital to the security of our troops in the Gulf and our Nation that the United States sends a clear message to Saddam Hussein—that we will not ignore his acts of aggression against Kuwait. If sanctions and other diplomatic efforts are to have a chance of working, Saddam Hussein must know that we have not closed any doors.

More importantly, Mr. Speaker, I believe that the most important goal of this special session of Congress is to ensure peace in the world. Our Nation must stand together with one clear and firm voice if we are to resolve this situation in a peaceful manner, and the Solarz-Michel resolution is our last best chance to achieve this goal.

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Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

Mr. Speaker, a wise soul once said something to the effect that those who forget history are doomed to repeat it. This remark weighs heavily on my mind as we consider the situtation before us. It prompts me to think of Neville Chamberlain who, so anxious for peace, came back from Munich where he had agreed to give in to Hitler's demands for a part of Czechoslovakia. Hitler had promised him that he wanted only this small part and nothing more. At the time, Chamberlain returned to wildly cheering crowds on the streets of London and in his own Parliament building, such as had never been heard there in some time. He had bought peace at the price of appeasement. His umbrella became the symbol of appeasement. A sadly, prophetic Winston Churchill remarked, "You were given the choice between war and dishonor. You chose dishonor and you will have war." That's history; and let not our action today be our umbrella of appeasement.

As we all know, Chamberlain's efforts for "peace in our time" and his policy of negotiation with authoritarian states, rather than a concerted show of strength, led the peaceful world into the greatest conflagration yet known. Chamberlain later came to realize that the aggressor could not be appeased. His biography attests to his conversion but it was too late. Appeasement only whetted the appetite for more, more, more.

Reflecting upon this lesson in history, how long are we willing to wait for it to catch up with us again. Granted, there are slight differences between 1939 and the current crisis, but should Hussein be successful in his land grab, he, too, will only want more. His position will have been strengthened and he will be confident, that having stolen Kuwait, he will be able to take more. The West, as with Hitler 50 years ago, will not have had the resolve to stand firm against aggression, thereby having missed the opportunity to save the very lives that they were trying to save.

The world cannot again make the same mistakes that it made a half century ago. It must stand firm now against another tyrant in order to preserve the peace that it so desperately values.

Mr. Speaker, we must pass the Solarz-Michel resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I rise in support of the Solarz-Michel bipartisan resolution.

Mr. Speaker, this is a unique time in world history. For the last 5 months, we have seen the world stand together and condemn the aggression of Saddam Hussein and the Iraqi Government. Never before has the world been so united against such a brutal transgression of the rights of a sovereign nation.

The resolutions before us today raise the question of whether Congress should grant the President the authority to use force if Saddam Hussein's forces do not leave Kuwait before January 15. I believe that in the effort for world peace this Congress must stand with the President and the world and support the U.N. Security Council resolution.

In light of Secretary Baker's disappointing meeting with Iraqi Foreign Minister Tariq Aziz in Geneva this week, when Iraq refused to participate in any negotiations for an unconditional and nonmilitary resolution to this situation, it is more important than ever that the United States present a united front with the rest of the world. I believe the Solarz-Michel resolution is the best approach for a peaceful solution. A vote against this resolution would most certainly be interpreted by Saddam Hussein as evidence of division and paralysis in the world coalition.

By demonstrating our confidence in the U.N. policies, we will grant the President the trump card he needs to bring about peace. We can only negotiate peace from strength. Saddam Hussein is a dictator and, therefore, only understands power. He must know we are serious and will take every step necessary to stop the destruction of an independent country and the murder of an innocent people.

This Congress must send Saddam Hussein a clear message that this country will not tolerate naked aggression. We cannot permit Saddam Hussein to benefit from his brutalities—because if he does, he will surely strike again.

Clearly, none of us wants to go to war. We all pray that this situation is resolved peacefully. However, this vote today is not one to declare war, but to decide which is the best path toward peace. I believe this bipartisan resolution will give the President the power he needs to force Iraq out of Kuwait and is the best course to prevent bloodshed of our young men and women stationed in the Persian Gulf.

For these reasons, I support the Michel-Solarz resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, because I believe it is the only opportunity we have for peace, I rise in strong support of the Solarz-Michel resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I rise in support of the Solarz-Michel resolution.

Mr. Speaker, this debate and the following votes will undoubtedly be the most important of this Congress. Despite the gravity of the issue, the right course of action is clear. The only reasonable decision Congress can make is to support the President, and endorse the Michel-Solarz resolution. I do not make this decision lightly with a nephew on the front lines and another ready to go. The best chance for peace, in this the 11th hour, is to make credible to Hussein the threat that he faces the destruction of his army, as well as his government, if he fails to withdraw from Kuwait.

Congress has demanded a say in our policy toward Iraq. Now we are making that decision with the whole world looking on. Do we stand with the President and the world community, or do we falter, and allow Saddam Hussein to tighten his grip on Kuwait? There are those who want to give sanctions more time. When this crisis started, we were told that sanctions would yield results in 6 months.

Now we are told it will take more months or a year, or 2, while he continues to sneer at the nearly unanimous condemnation of his actions and eventually lead to a draft of our young men and women. Our own CIA Director informed us that the sanctions have been ineffective. I find it hard to believe that Hussein will succumb to economic pressure when he now ignores the threat from the nearly half a million troops massed against him on his border.

Our troops have sat in the desert for 5 months. How much longer should we keep them there? We all know of the hardships they face, as well as the special problems for those serving in the National Guard and Reserves. We have given Iraq every opportunity to reconsider its invasion. President Bush invited the Iraqi Foreign Minister to meet with him, and offered to send Secretary of State Baker to talk with Hussein, but these moves were rebuffed. Only recently did Iraq agree to the meeting between their Foreign Minister and Secretary Baker, but Iraq refused to even consider the demands of an outraged world. It is now time to give our President the authority to act decisively.

We must recognize that the Middle East is vital to America's interests, and that Hussein's brutal actions pose a direct threat to them. We must also understand that America must protect these interests, even with force. As a former marine, I know what this could entail, and do not take this position lightly. However, we cannot allow international lawlessness to go unpunished, let alone rewarded. With adoption of the Michel-Solarz resolution, the decision between war or peace will solely be that of Iraq.

It is time to act as one, and provide a united front to Hussein. I urge my colleagues to join our military, the American people, and world opinion in supporting the President. Thank you.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, because I, too, honestly feel that it is the best chance for peace, I will support the Solarz-Broomfield-Michel bipartisan resolution.

Mr. Speaker, I rise today in firm support of the only resolution before us today that holds any chance of a peaceful solution—the Michel-Solarz resolution.

I would like nothing more than to put my faith in continued economic sanctions in the hope that they alone could force Saddam Hussein to withdraw his troops from Kuwait. However, the recent events in Geneva and the rhetoric from Baghdad have convinced me that this course cannot succeed.

I believe that Saddam still doubts the will of the international force on his borders to use armed force if necessary to liberate Kuwait, largely because he doubts the will of those of us in this Chamber to authorize the President of the United States to employ United States troops.

It is my deepest hope that passing the Michel-Solarz resolution today and giving the President that authority, will finally convince Saddam that we are, in fact, serious, that we are willing to stand up for the inviolability of recognized borders and the preservation of true, lasting peace.

I believe that Saddam understands only the language of power and strength; that he has no intention of giving up anything unless he is forced to do so and that diplomacy and sanctions mean nothing to this terror-monger and brutalizer of his own people, let alone those of other nations.

This authority, that contained in the Michel-Solarz resolution, speaks the language that Saddam understands. Furthermore, each day that we wait without sending this message to Saddam consigns the people of Kuwait to a living hell of near unimaginable proportions.

In a report of Iraqi human rights violations in Kuwait released by Amnesty International last month account after account of beatings, torture, and rapes are documented by eyewitnesses. The longer we wait, the less of Kuwait there will be to retrieve and rebuild. No, we must force Saddam to withdraw now.

Furthermore, it is important to recognize that this is not the last Congress will hear on this matter. Indeed, the Michel-Solarz resolution requires that before exercising the authority granted to him by the resolution, he shall provide the Speaker of the House and President pro tempore of the Senate a specific determination that all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the U.N. Security Council resolutions and that those means have not been and would not subsequently been successful.

The resolution further stipulates that the President shall submit to Congress a summary of his efforts in this regard every 60 days.

Mr. Speaker, it is only fair to point out that the President is not rushing to war. After all, he has tried again and again and again to meet with Saddam to try to come to a peaceful resolution and he has been ignored. Also, as we all know, the Iraqi Foreign Minister refused even to accept President Bush's letter in a last minute attempt for a peaceful solution.

The President will do all that he can to achieve our goals peacefully; that is plain. It is not our President who is rushing to war, but Saddam Hussein.

Finally, I would like to quote to you from a letter that I received yesterday. It was from Bob Radcliff, a good friend of mine who lives in Tampa, FL. In that letter, my friend included the words of his son, Roger, an Air Force colonel who files A–10 ground attack planes and is currently in Saudi Arabia with Operation Desert Shield. His son wrote the following to him:

> The machine that has been assembled here since August is unbelievable. No other nation in history could have pulled this off. You can't begin to appreciate the size of this effort unless you're here. Having said that, it will be one hell of a mess if this is allowed to drag on. We are not geared to sustain this effort over the long term. Even a draft won't get the people with the right training fast enough.
>
> In the meantime, urge our Congress to support the President. Let's get this over with when the time is right.

Mr. Speaker, for the sake of the Nation, for the sake of world peace, I urge my colleagues to support the Michel-Solarz resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I rise in strong support of the Solarz-Michel resolution as the last best hope for peace and a strong, strong message that Perez de Cuellar can bring to Baghdad in the days ahead.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I strongly support the President's policy in the Middle East and fully intend to vote in favor of a resolution authorizing the President to use military force against Iraq.

After careful consideration and based upon the opinions of knowledgeable foreign affairs specialists, I am persuaded that this resolution offers the best hope of averting armed conflict with the country of Iraq. I do not desire war and seek to avoid it. My vote is a vote for peace.

I have spoken personally with the President and have been briefed by his most senior advisors. Only by presenting a strong, unified front between the executive and legislative branches of our Government can we hope to avoid war. Congressional equivocation on this matter will induce Hussein to believe that President Bush is bluffing. He may then call the bluff, which would trigger the war.

The United States and the international community have responded to Iraq's aggression because of an alarming combination of dangers. First, there is the threat of terrorism against our own citizens. Because Hussein has threatened to retaliate against innocent Americans if there is U.S. military action in the Middle East, the State Department has issued a strong warning against American travel abroad, broader geographically than any warning since World War II.

Second, there is the chilling prospect of Saddam Hussein's domination of world oil supplies. If we do not repel him, he will gain control over almost half the world's oil. Regardless of price, we cannot risk such dominance by a regime which flagrantly ignores international rules of peaceful coexistence.

Third, there is the undeniable threat of greater Iraqi aggression, particularly against Israel. When asked if Iraq would attack Israel should Iraq be attacked by any nation, Iraq's Foreign Minister replied, "Absolutely, yes." Surely we cannot ignore such an explicit statement against such a good ally of the United States.

Hussein has made it clear that he is prepared to take great risks. It is now up to us in Congress to convince him that he has miscalculated and that this risk is too great for him to proceed with his plan to stay in Kuwait. By taking strong legislative action now, we may be able to avert strong military action later in the Middle east. Let's hope that congressional passage of this resolution causes Hussein to rethink his position.

In the meantime, my prayers are with the President and for our Armed Forces stationed in Saudi Arabia.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the bipartisan Solarz-Michel resolution. I think it is the last best home for peace.

Mr. Speaker, recent reports reveal that Iraq may have intended to invade Saudi Arabia and capture that oil-rich nation after its cruel seizure of Kuwait. We already know that he clearly intended to attack the United Arab Emirates. All of Iraq's threat against Kuwait included the U.A.E.

Yesterday's Financial Times newspaper reported that the Iraqi Government bought satellite photography of both Kuwait and Saudi Arabia just 3 months before Iraq's brutal invasion of Kuwait.

This new information seems to confirm earlier reports that Iraqi military units had crossed the Saudi Arabian border on three occasions after having seized Kuwait.

And, this new information shows that Iraq planned the invasion of Kuwait, and probably Saudi Arabia, well in advance of the August military operation, long before he promised King Fahd of Saudi Arabia, President Mubarak of Egypt, and others that he would not invade Kuwait.

The detailed photography provided Iraq with sensitive information about roads, infrastructure, and other facilities in Kuwait and Saudi Arabia.

It is likely that the Iraqi military strategists found the sensitive photos invaluable for assessing potential targets in both nations when they planned and carried out their invasion of Kuwait.

The Iraqi purchase of satellite imagery was made from Spot-Image, a privately owned French company with ties to the French Government.

Despite Saddam Hussein's claim that he invaded Kuwait because of historic claims to that country and a disagreement with Kuwait over oil production levels, the truth is that the Iraqi dictator probably intended to capture Saudi Arabia as well and thereby control 65 percent of the world's oil production capacity. It is clear also that his claim that he did all of it for Palestine is a bold-faced lie.

In light of this new information, it is clear that Saddam Hussein's decision to invade Kuwait was premeditated and may have included the intention to seize Saudi Arabia.

We now have additional justification for supporting the President's decision to stand firm against Iraqi aggression and defend Saudi Arabia.

Making satellite photography available to a dictator is unwise and may have contributed to the speed of Iraq's seizure of Kuwait. We should work with the French Government in an effort to better control such sensitive photography and further restrict the export of sensitive technology both by this country and our allies.

[From the Financial Times, Jan. 11, 1991]

IRAQ BOUGHT SATELLITE PICTURES OF KUWAIT

(By Lionel Barber)

Iraq bought high-definition satellite photographs of Kuwait and Saudi Arabia from a French company specializing in photo-reconnaissance three months before the August 2 invasion.

The pictures contained sensitive information about roads, infrastructure and other installations helpful to a potential aggressor. Despite this, Spot-Image, a Toulouse-based business with close links to the French government and the US department of defence, went ahead with the sale.

The last batch of photographs was delivered to Baghdad on May 2 last year, and formed part of a contract signed in 1988 to provide satellite data.

Mr. Gerard Brachet, Spot-Image's chairman, who was in Washington this week, defended the deal with Baghdad in an interview with the Financial Times: "Iraq was not an unusual customer or one which commanded special attention."

Spot-Image is the privately owned sales company for the French government's heavily subsidized satellite programme. It is supplying the Pentagon and other clients in the multinational coalition with photographs of the Gulf region.

Out of a total 20 pictures delivered by Spot, "five, three or seven" were deemed sensitive by the company.

These overlapping photographs of the targeted areas in the region, taken from two different perspectives, allowed the Iraqis to look at territory and installations to map a route for an invasion and identify potential points of resistance from Kuwaiti defences.

Satellite experts in Washington say that civil customers interested in exploring land for urban planning only require pictures from one angle. Military clients want pictures from two or three perspectives to gain an impression of the height of structures and the physical dimensions of potential targets.

This tends to confound Iraq's claim at the time of the invasion that its move was unpremeditated and was instead provoked by Kuwaiti intransigence on issues such as oil production levels and outstanding loans to Baghdad.

Spot was sufficiently alarmed by the Iraqi request for data on Kuwait and Saudi Arabia that it subsequently halted future deliveries to its customer in Baghdad, the National Remote Sensing Centre, a front organisation for the Iraqi government. Asked if he had passed on details of the Iraqi request to French or US authorities, both of whom would have viewed it as potentially critical intelligence, Mr. Brachet said: "I doubt that;

I am not aware of anything we did, but I am not saying anything against information you have."

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I rise in support of the Solarz-Michel resolution and congratulate its leadership as a united front with the President and the United Nations.

Mr. Speaker, I rise in support of the bipartisan Solarz-Michel resolution in an effort to strengthen our 11th-hour peace efforts in the Persian Gulf. The President, Congress, and the United Nations, solidly united at this moment in history, puts us on the best path for peace. As we approach the U.N. deadline for Iraq's withdrawal from Kuwait, it is important that the international community remain united in its support for the U.N. sanctions and the Security Council resolutions.

Solarz-Michel is the best means for keeping pressure on Saddam Hussein and, without that pressure, the chances of a peaceful withdrawal are unlikely. Support for President Bush's unprecedented accomplishment in putting together an international coalition calling for a peaceful solution, as well as support for the U.N. process and U.N. efforts, is critical at this late date. This resolution sends a message to Hussein that this weekend's meeting with the U.N. Secretary General may be his best chance for peace. It also strengthens any other international efforts toward a negotiated settlement—which remains our first priority.

Hussein's decision to act with force and dismember a sovereign Arab State comes at a critical time in world history, a time when post-cold-war relationships and alliances are being defined. During this crisis, the international community must stand united against acts of aggression like that carried out by Iraq.

Last Sunday I met with the families of Jackson's 1461st National Guard unit, now serving in Saudi Arabia. They know firsthand of the sacrifices being made. I remain deeply concerned about our brave men and women in uniform, as well as their families.

No one wants this crisis resolved through military conflict. Diplomacy is the preferred option. Unfortunately, Saddam Hussein will not respect diplomacy unless it is backed by our forceful resolve.

My prayer, like so many others, continues to be that our resolve will not be tested.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I rise in support of the Solarz-Michel resolution on the basis that this is our best way to proceed right now, and it is with a heavy heart that I do it right now.

Mr. Speaker, today I speak with a heavy heart after listening for many hours these past few days to my colleagues who have spoken so intensely and sincerely on the crisis that has unfolded over the past 5 months. After hearing all sides of the debate, I am firmly convinced that each and every Member of this body has spoken from his or her heart. During this period, I've been talking nonstop with my constituents, each one of which has a valuable pearl of wisdom to offer.

One constituent of mine who is opposed to military action is a World War II veteran who lost a brother in that war and whose son served honorably in Vietnam. There was another who voiced her support for using any and all available means of neutralize Saddam Hussein's war fighting capability. Others have expressed concern about the notion of extending sanctions indefinitely and what that would mean for our troops in the desert. Perhaps the most persuasive call that I received, however, was from a member of the National Guard associated with the 290th Military Police Unit, from my district—poised only a few miles from the Iraqi border. The message that he delivered from his colleagues in the gulf was that they wanted the Congress to support the President.

As such, Mr. Speaker, I plan to support the bipartisan joint resolution that is being offered today because in this hour, I believe it imperative that the Congress of the United States send our troops and Saddam Hussein a unified message of resolve and support.

I wish that Congress had engaged in a debate over this serious issue many months ago—but it never happened. We are now at a crossroads. This is not the time for Congress to speculate about armored tactics. Nor should this body offer pronouncements about who should or should not have blinked. With only 3 days to the deadline, this is not the appropriate time to be second guessing the President.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, I rise in support of the Solarz-Michel resolution. I want to commend in particular the Speaker and the majority leader for their commitment that today we leave this Chamber united.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I rise in strong support of the Solarz-Michel resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise in opposition to war and in strong support of President Bush and the bipartisan compromise to ensure that we do not have to go to war.

Mr. Speaker, the decision to commit America to war is one of the most difficult and painful votes that Congress will ever take. However, for a host of reasons, President Bush's policy in the gulf must be supported. This is not simply a question of protecting the world's oil supplies. Indeed, if it were, I could not support the President's position. It is also not just a question of defending an ally or stopping world aggression.

Instead, it is a combination of all of the above and more. One analyst has pointed out that "This is not just someone who wants a leading role in the Middle East, but someone trying to establish dominance of the Arab world." Today, Saddam Hussein is a threat to Saudi Arabia, Turkey, Israel, and all of the other countries in the region. If left unchecked, Saddam will pose a threat to the entire world because of his chemical and nuclear weapons coupled with missiles to deliver them around the globe. He is also responsible for some of the most heinous human rights violations ever.

Some have argued that sanctions will do the job. It is still possible that they may damage Iraq's economy. However, Iraq was able to suffer through 8 years of war with Iran and endure the chronic shortages and sacrifices that the effort entailed. We are fooling ourselves if we believe that 6 months or a year of sanctions alone would compel Saddam to give up his newly won prize.

In addition, news reports have suggested that Iraq is already circumventing the embargo. German companies have shipped chemicals and oil supplies through third countries. India has provided food aid to Iraq. And just Monday, a Soviet freighter loaded with military supplies was intercepted in the gulf.

The Associated Press reported this week that 1,000 Soviet advisers had decided to stay in Iraq because the economic conditions were so much better than in the U.S.S.R. What does this say for the effectiveness of the sanctions so far?

Mr. Speaker, I do not believe that war is inevitable. There is still time for Saddam Hussein to see the light. Like many of my colleagues, I held out hope that international sanctions against Iraq would succeed in forcing Saddam Hussein's military out of Kuwait. But I am no longer convinced that sanctions can work by themselves.

Given the outcome of Wednesday's meeting between Secretary Baker and the Iraqi foreign minister, it appears that the only way Saddam Hussein is going to leave Kuwait without going to war is if he is convinced that the United States and our coalition partners will use overwhelming force to achieve our objective. He must be convinced of our resolve. It does not mean that war is the only solution. It does not mean we are abandoning sanctions. Rather, we are giving the President the added leverage to achieve a diplomatic solution and reign in the maniacal ambitions of Saddam Hussein.

Mr. Speaker, I urge my colleagues to support this bipartisan package which provides us with the best hope for peacefully removing Saddam Hussein from Kuwait.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, it has often been said over the past few days that the votes we cast today will be the most significant any of us will have to make. There is no question that we have an awesome responsibility and one that strikes home for me. My grandson, Drew Miller, has been deployed to the Persian Gulf since August aboard the Navy hospital ship, U.S.S. *Comfort*. Having a family member in the gulf gives this decision a personal dimension that weighs heavily; at the same time, I know all of us here today value the lives of each and every one of those men and women who have volunteered to serve in our Armed Forces.

I will be voting for the Michel-Solarz resolution, and I do so because I believe it is the only way we can uphold our Nation's interests and achieve our objectives without going to war. Demonstrating that the Nation is united with the President in his determination that Iraq's aggression must be reversed, that the legislative branch will back the President in threatening the use of force, offers the best hope of convincing Saddam Hussein that he must withdraw from Kuwait. I do not believe my grandson, nor any of the other service men and women who have been sent to the gulf, would want to come home without accomplishing what they had been sent to do. We must give the President the authority he needs to implement the U.N. Security Council resolutions.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, this is possibly the most important moment of any of our careers in the Congress—it is a solemn, serious moment—these are perhaps the most important votes any of us will ever cast. What we do here today may well determine the prospects for war or peace now and for years to come. None of us wants war. It is not only the opponents of the bipartisan resolution who shudder at the image of young Americans losing their lives in the desert.

But the issue is not just what happens if we pass this resolution—the issue is also what happens if we do not pass it.

Saddam Hussein believes the Congress of the United States lacks the will to stop his aggression. This is our last hope to convince him that his only chance for survival is to pull his invading army out of Kuwait. Sanctions will not force him to pull out. The lack of fresh vegetables in the markets will not sway a dictator who has used chemical and biological weapons against his own people and who was willing to endure hundreds of thousands of casualties in the war with Iran. This—this show of resolve to stand against aggression—is our last chance to keep the peace.

We had the same opportunity when the Germans marched into Czechoslovakia and the world did nothing. Our wishful thinking led to an escalation of aggression and miscalculation which resulted in 12 million deaths.

My friends, you are distancing yourselves from the reality of what is happening in Kuwait—the torture too hideous to describe, the murders of parents in front of their children. We need to end the tyranny of this Iraqi dictator.

Let us not be the Neville Chamberlains of our day. Let us show that we have learned the lessons of history. Let us stop this cancer now before it spreads and the entire world is threatened by Iraq's nuclear and chemical weapons.

Let us in this Congress not show timidity and indecision while half a million brave young men and women in the Arabian desert show the courage and the will to stop aggression and to build a future in which dictators will know that free nations will not tolerate aggression and murder and rape and torture. Today we shape the future. Let us have the courage to do it wisely. We must vote for this resolution. Let us do so today and send a clear message to the world.

What message will we send? Opponents of this resolution refer to our troops as kids. Well, they certainly are young, as were the young soldiers who fought against Hitler. They are not kids. They are dedicated, committed young Americans who understand—and who have told many of us, in words far more eloquent than those spoken on this floor today—that Saddam Hussein cannot, must not, be allowed to get away with this aggression, and who fear for a world in which such aggression goes unanswered. They know far more of them will be at risk tomorrow if we do not act today. Today, let us live up to the trust they have put in us to share the ideals and the courage they exemplify so well.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in opposition to the Michel-Solarz substitute.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I rise in opposition to the resolution under consideration for many reasons, and particularly those stated so eloquently and analytically by my good friend, the gentleman form Florida [Mr. GIBBONS].

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise in opposition to the Solarz-Michel resolution.

Mr. Speaker, I am saddened and disappointed that we voted down the Hamilton-Gephardt resolution; we did not have the will to stay the course. We did not have the patience to put the screws on Iraq steadily, resolutely, and with strength. We did not have patience to exhaust all other options to achieve our goals before selecting the ultimate option: war. We were afraid that the morale of our men and women would be eroded, so we chose war.

Twenty-seven years ago, Congress approved the Gulf of Tonkin resolution that declared our goal, "To promote the maintenance of international peace and security in Southeast Asia." Today this body again adopting a resolution of war with the stated intent of bolstering the prospects for peace. We have given authority to one person—one person alone—to take this Nation into war. I can only hope the President will use this authority wisely, but I fear that we have learned nothing between then and now.

I fear that we are about to choose tears and pain and mangled bodies; I fear that we are choosing burned flesh and children losing their fathers—and yes, their mothers, too; I fear that we are choosing the putrid stench of death.

Dr. Martin Luther King, Jr., once said, "Violence never brings permanent peace. It solves no social problems; it merely creates new and more complicated ones." Peaceful means to force an Iraqi withdrawal remain, and I urge our President to explore them fully.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

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Ms. OAKAR. Mr. Speaker, I rise in opposition to this resolution. My friends, the moment of truth is here. Each Member can never go back. Make no mistake, a vote for this resolution places war as the first option, not the last option, and we abdicate the congressional checks of power our constitutional forefathers warned citizens about. We give one person supreme authority—the President—insulated by a handful of military advisers, all because a 6-hour meeting did not work out, and because of the lack of resolve to let the international sanctions work, to squeeze out Saddam politically and economically, and they are working.

So examine closely the U.N. resolution which these authors want Members to endorse. It authorizes all means of force. It requests all countries to provide appropriate support for these actions. But will all countries participate in military force and all means possible? The answer is no. Only a handful of countries are participating in Saudi Arabia right now.

I was not elected by Europe, Japan, or Saudi Arabia. I was elected by the American people. In reality, the President has personalized this and made this America against Iraq, and not the world against Iraq. Irrespective of what the U.N. resolution says, it is the American people who are picking up the tab. Essentially, the American taxpayer is paying to protect the world's oil, $2 billion a month, without a shot fired. It will go up as combat begins. This has led the United States into a recession, costing thousands of jobs of our own people. We cannot even get Japan and other countries to pay their pledged share.

And whose sons and daughters, fathers and mothers lives will be on the line when the war breaks out? American lives, and the lives of the middle-class and the moderate income people in this country. I visited the troops of Saudi Arabia. Let Members be honest:

The lion's share of those troops, 400,000 strong, are Americans. These young people are among our best and our brightest. They are loyal and patriotic. Can we afford to drain our country of its most valuable resource, its youth? Can we afford the estimated thousands of lives lost, when our goals are confused? And can we afford to destroy ourselves as a country, internally, with the loss of our people's lives?

The division in this country will be more insidious than the war itself. The divisions in this country have already begun. It is time we said "America first."

Finally, what are the consequences of war for America and the world? Today, with the deafening silence on the part of the administration about a national energy policy for our own energy security, we see the Soviet troops marching into Lithuania and the Baltic countries, the unrest in the Asian provinces of the Soviet Union, the civil unrest, unjust trials in China, the extreme tensions in the Middle East, the disparity of wealth, and poverty of the people in Africa and Central America.

If war breaks out, there will be no surgical strike for Saddam Hussein. There will be a world war of untold dimensions.

All of our dreams for world peace will have been shattered because of the failure to negotiate and let the sanctions work. The American people's future, the world's destiny is in your hands. It is essential that we understand that we are the people's House. It is appropriate that we have the last vote on this issue. Let Members uphold the Constitution and think of our people for a change. Vote "no" on the Solarz-Michel resolution which I believe will lead our country into war, and vote for the American people.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would like to begin by thanking our colleague, the gentleman from California [Mr. DELLUMS] and so many of our other colleagues, as well as the leadership of this House for bringing Members back to a constitutional form of government.

It has been said many times today that this is a historic day, and truly it is, but we must remember why it is. Because either we will declare a war or we will not, because the vote that we are about to cast is all that stands between war and peace.

This declaration of war is the final piece in a plan to rid the world of Saddam Hussein. For that is the intent, not just the liberation of Kuwait. That goal can only be achieved by war. War in Kuwait and war in Iraq. Not a war of surgical strikes, but a war requiring surgeons. A war in the air, and a war on the ground.

This is the beginning of a war and a burden that will not be shared by our allies. With this declaration of war on Iraq, the coalition is already weakening. This is an American declaration of war. No other member and no other parliament of the international coalition will take such action. This resolution is a declaration of war, is an admission of the utter and final failure of diplomacy. War cannot be chosen because of frustration, impatience or anger. War can be chosen only when all the hopes for alternative resolution have been exhausted. We have not reached that fateful division in the road.

The Solarz-Michel resolution slams the door on diplomacy by raising the provocation that will unquestionably necessitate Saddam Hussein's renewed resistance to the threat of war. Passage of this resolution gives one man, the President, the sole decision to take this Nation to war. He will never have to come to this Chamber to make the compelling argument that all economic sanctions and diplomatic efforts have failed. A compelling argument, a case that the soldiers and their families deserve, from the President. He has not made that case, and that compelling case cannot be made today.

Virtually every witness who testified before the House and Senate committees told Members that the sanctions are working, and that they are extracting a terrible price on the economy of the war-making capacity of Iraq. Diplomatic efforts have not been exhausted by a 6-hour meeting in Geneva.

The President has said he will defy public opinion, he will defy our allies, and he will defy this Congress. That he, alone, has the power to make that decision, when and where and how to initiate war, and this declaration of war gives him that authority. But we, we all will live with the results of that decision for a decade or more long after George Bush leaves the White House. A decision to expend tens of billions of tax dollars on a war, that we do not have; a decision to triple an already handicapped economy, with tens of billions of dollars in additional debt; a decision to forego the efforts to improve health care and crime prevention and drug prevention because we will not have the resources, even to consider these programs, because of this war; a decision, more importantly, to commit tens of thousands of young persons to an occupation and peacekeeping force in the Saudi sands, while the young talent and the young people of our economic competitors are fulfilling their ambitions and their aspirations, and expanding their competitive advantage over our Nation.

War may only last a few weeks or a few months. I can tell Members that 30 years ago John Kennedy stood 100 yards from this floor and warned Members to "Never fear to negotiate." Even when Soviet missiles just 90 miles away presented a true threat to our national security, endless, endless efforts were expended, both publicly and secretly, to stop war, to negotiate a settlement, so that all parties could participate privately, secretly, publicly, and successfully when missiles were 90 miles from the shores of this Nation.

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Today we have a crisis halfway around the world, backed by an unprecedented international alliance. We must not fear to give an opportunity to these current diplomatic efforts that will be crushed by a declaration of war and will be crushed by the war that ensues. By voting not to declare war today, we hold open the option for peace. By voting for war, we very well may preclude the possibility of peace. I would hope that we would reject this resolution.

Mr. SOLARZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in support of the Solarz-Michel resolution, which authorizes the President to use force, if necessary, to compel Saddam Hussein to withdraw from Kuwait. I believe that Congress must send Saddam Hussein a clear and unequivocal message that unless he complies with the United Nations resolutions he will pay a very heavy price. If Congress is willing to stand by the President and back up the international coalition confronting Saddam Hussein, peace remains possible.

If Congress fails to send a message of strength and solidarity, Saddam Hussein will be encouraged to dig in his heels and remain in Kuwait. He will continue his search for ways to fracture the international coalition so painstakingly assembled by President Bush. The disparate nature of the coalition makes it extremely fragile. We cannot guarantee that it will remain together for the indeterminate amount of time it might take for sanctions to work. And that's assuming Saddam Hussein can be compelled by the hardships sanctions impose upon his people to withdraw from Kuwait. Given the brutality of his rule, his complete contempt for human life, and his willingness to employ weapons of mass destruction against his own people, I doubt very much that the hardships experienced by the Iraqi people will force him from Kuwait.

We must also be concerned with Saddam Hussein's next move if he is allowed to keep Kuwait. Saddam Hussein's appetite for power and territorial aggrandizement will only be whetted by a success in Kuwait. His expressed desire to unite the Arab world under his leadership, his desire to control the wealth and resources of the Gulf States, and his clear willingness to use force to achieve these aims will undoubtably bring him into conflict with the United States sometime in the future. If we fail to act now, we may be forced to confront Saddam Hussein alone and when he has had the chance to expand his already awesome military arsenal to include nuclear weapons. The cost of confronting him then will be much higher than the cost we are contemplating today.

I would like to address an issue that has been raised by critics of the President's policy. They have suggested that by confronting Saddam Hussein with the threat of force, we will hand victory to the radical forces in the Middle East and America's long-term interests in the region will be jeopardized. My colleagues, Saddam Hussein and his terrorist allies are the radical forces of the Middle East. They are already challenging American interests in the Middle East. The moderate forces, like Egypt's President Hosni Mubarak, are part of the coalition confronting Saddam Hussein. If we permit Saddam Hussein to retain Kuwait, the forces that the President's critics fear will have already won.

Mr. Speaker, by supporting the President and sending a clear message to Saddam Hussein that America stands shoulder to shoulder with its allies against his aggression, we are preserving the last best chance for peace. I urge my colleagues to support the Solarz-Michel resolution.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. THOMAS].

Mr. THOMAS of Georgia. Mr. Speaker, I rise in support of the Michel-Solarz resolution.

It is my fervent hope that my vote will give the President one last tool to secure a peaceful solution on this crisis. But I fear that Saddam Hussein has made it clear he does not want peace. So I cast my vote with the understanding that it amounts to a declaration of war.

I have no illusion that war, if it comes, will produce a swift and happy ending. It will be a tragedy. It will cost lives abroad in the field of battle and quite likely cost lives at home through terrorism. The Arab world will not love us when this is over. Our allies will second-guess us. We will not be spared a financial burden in the future.

But I have had to ask myself two questions. What would happen if Saddam Hussein is allowed to dominate the wealth of the Middle East and thereby spend this decade shopping in the arms bazaar of the world? My answer is that he would become a strategic threat to my Nation and my State.

My second question is whether our young men and women in uniform would be in more or less danger if we allow the sanctions to work for another year or more. My answer is that Saddam Hussein will starve his people to feed his military, and a delay gives him time to win new allies and manufacture more nerve gas and biological weapons. So it we are to save American lives in the long term, we must move now.

I want to reiterate that this is not a war over oil. It is not a war over the price of a gallon of gas. It would be immoral for the President or the Congress to send the American military into combat for some degree of comfort at home or to boost our national economy. If I thought that was the President's motivation, I would vote to impeach him. If that were my motivation, I should resign my office in shame.

But the wealth that would flow from control over half the world's oil for years to come is what would transform Saddam Hussein from being just another petty tyrant into the unchecked commander of a nuclear arsenal. We decide today if we will stop him now when he is weak, or pass to my children or their children the task of stopping him when he is strong.

This has not been an easy decision for me because I have thousands of constituents and countless friends deployed in the desert. I hope and pray to God that I have made the right choice.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Speaker, I rise in strong support of the Michel-Solarz resolution, not to give the President the marching orders to go to war, but to strengthen his hand in negotiating for a peaceful solution.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise in support of the Solarz-Michel resolution and the U.N. Resolution 678. Saddam Hussein invaded Kuwait over 5 months ago. President Bush, in my opinion, acted decisively and wisely. He garnered the cooperation of 28 countries, and obtained the endorsement of the Security Council of the United Nations to use military force to expel Saddam Hussein and his forces by January 15, if he did not withdraw or initiate a withdrawal action by that date; 82 percent of Americans approved of his initial action according to polls.

There have been a number of initiatives to encourage Saddam Hussein's peaceful withdrawal before this January 15 deadline, and we remain hopeful that these will work. President Bush offered Iraq 15 different dates for a meeting in Baghdad, or elsewhere, between Secretary Baker and Saddam—none was accepted, and time is running out.

On January 3, President Bush made his last attempt to avoid war by inviting the Iraqi Foreign Minister, Tariq Aziz, to meet with Secretary Baker in Geneva. The meeting took place on Wednesday, January 9. This meeting was made subject to the same conditions, which are: No negotiations; no compromise; no attempts for an Iraqi face-saving; and no rewards for aggression.

To date, there has been little if any movement on Iraq's behalf. Minister Aziz even refused to take President Bush's letter back to Saddam Hussein, which was delivered in Geneva on January 9.

Secretary Baker and Secretary Cheney on Wednesday, January 2, briefed several Members and myself on the currrent status. Secretary Baker has publicly said that he is not optimistic about peace in the gulf. The leadership of the House and Senate had said that full scale debate should not occur until after the Baker-Aziz meeting and we are not engaging in that debate, which in my opinion is timely.

In this briefing, Secretary Cheney and Secretary Baker told the Congress that the coalition of 28 countries is holding together—currently there are 280,000 American troops and 150,000 prepared to embark or already underway, with 200,000 foreign troops in place. Our allies have committed $23 billion toward support in 1990, and Secretary Baker is requesting additional funding for 1991. I agree very strongly with the administration that America cannot and should not bear the major financial burden of this conflict.

On Friday, January 4, I was visited by former hostage Miles Hoffman from Columbus, GA. He was the only American wounded by Iraqi soldiers, held captive, and thankfully was released. In this meeting, Mr. Hoffman was accompanied by three other former hostages—Mr. and Mrs. Christopher Folsom of New York, and Mr. Cecil Brown of Atlanta, who were released in December.

I had a very interesting conversation with this group. The former hostages advised me:

First, that we should not drag the negotiations out. We should strike forcefully in Baghdad, or other areas of Iraq, and temporarily ignore Kuwait where Iraqi troops are amassed; we should destroy Iraq's communication and command centers, and cut off their supply routes—in effect, isolate Iraq's forces in Kuwait.

Second, it is their impression that the Iraqi troop morale is not high, and that they will largely collapse in the face of a massive strike—a small number have already defected. Intelligence sources have publicly repeated expectations that up to 200,000 Iraqi defections will occur.

Third, according to them, sanctions are not working—and will not work. Food and other supplies are entering Iraq unrestricted from Jordan and Iran, and goods are being smuggled in through Turkey. It is suspected that Libya and other sympathetic countries are sending hard currency to Saddam as a share of their oil profits. This money enables him to buy needed goods. In addition, Iraq does have an agricultural capability, which they are accelerating.

Mr. Speaker, there are those who want to give sanctions more time to work, and there are those who believe that if we were to wait for more time we would be giving up an essential edge to our strategy. In my opinion, each view on this very important matter is sincerely held, and debate on this issue should occur.

Miles Hoffman pointed out that Saddam will not understand the concept of democratic debate. Mr. Hoffman said that the people of Iraq do not understand the debate that goes on * * * because in Iraq, anything against Saddam Hussein is a death sentence. So it is very important for us on the floor today and tomorrow to show our resolve, and to show America's will to carry out the U.N. sanctions.

However, I would suggest to my colleagues who are raising the specter of thousands of U.S. casualties and body bags coming home that they are rendering a serious disservice to the families who have loved ones deployed in the Persian Gulf. My colleagues, I would urge that we refrain from the use of such rhetoric. Our service people and their loved ones know the risks—let us not make their lives even more uncomfortable than they already are.

My view is that the President has the authority to engage American troops in an offensive action without a declaration of war from Congress. There have been over 105 offensive military actions in our Nation's history and only 5 declarations of war.

However, I concur in the fact that the Congress should debate the issue as we are doing now, and at a minimum endorse the U.N. Security Council's action. That resolution, No. 678, authorizes an offensive action against Iraq after January 15 by United States and U.N. forces. I hope that such a measure is accepted here in the House, and it will be my intention to support the Solarz-Michel resolution and to work for a strong vote in support of the President.

I do believe, very strongly, that we should move positively after January 15, if Saddam has refused to cooperate. The perception of the constituents in the Third District of Georgia is that the President and the United Nations have drawn a line in the sand, and that this commitment must be respected. President Bush and the United Nations have not waivered from the statement that "Iraq must withdraw with no rewards for aggression," and I would support our carrying through on this demand.

If the Iraqi forces do withdraw, and this appears doubtful at this time, it is most likely that U.N. forces will remain in sufficient numbers indefinitely to assure that no further aggressive activity will occur by Saddam Hussein. There is no doubt that he will be up to further mischief in one form or another in the future. However, that issue will require debate on another day.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I rise in support of the Solarz-Michel resolution. It is the last best hope for a just peace.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I envy those who come to this well clear and certain about their vote. I am torn by mine. I understand that sanctions may not work their purpose, but for now, I think they work in our favor. I understand that diplomacy has not worked; but I am not persuaded that diplomacy has played out.

Mr. Speaker, I do not think we should rush to war.

But if Congress fails to give the President the authority the Security Council gave when it passed Resolution 678, we will weaken his hand just as diplomacy is getting dead earnest. Hamilton-Gephardt urges the President to apply "diplomatic pressure," and I wholeheartedly agree. But the President has made the only diplomatic concession he can make: he has promised not to attack if Iraq pulls out of Kuwait. The only pressure the President can now apply is the threat of war; and we will muffle that threat if we do not give approval to Resolution 678.

Like many, I am voting for Solarz-Michel because it urges the President to keep trying diplomacy, while giving him the authority he needs to make his diplomacy credible. I wish the resolution were stronger in this respect. I am opposed to immediate military action; I think January 15 should be a starting line, not a deadline, for serious diplomacy. But I have no illusions about the language of this resolution; as it is written, we can only trust that the President will use the power we grant him to step up diplomacy before stepping up to war.

This debate, like most debates, has stressed the differences in these two resolutions. In truth, they converge on every important point but one: Solarz-Michel gives the President the power to wage war without further action of the Congress; Gephardt-Hamilton makes the President obtain a declaration of war, but promises him an expedited vote. If Gephardt-Hamilton were to pass, and if diplomacy continued to fail, I am convinced the President would be back to us in a matter of weeks, seeking the authority to wage war. I think the President would win that vote. But I doubt the Iraqis will get that message. I think they will see it as a sign our will is weakening. And at this juncture, I do not think we should send that sign. I also do not think we should go to war yet; and I vote for this resolution hoping it will avert war, but fully appreciating the awesome power we are giving the President.

Mr. SOLARZ. Mr. Speaker, I yield 5 minutes to the very distinguished gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, the debate today has made me proud to be an American and proud to be a Member of the U.S. Congress House of Representatives. I thank my colleagues for the quality of the debate to this point.

The Bible tells us that there is a time for everything under the heavens, a time for peace and a time for war. I do not believe that it is time for war, and I pray that war will be avoided; but I do believe that the real threat of war, as paradoxical as it may seem, is our last best chance for peace in the Persian Gulf.

Saddam Hussein is a ruthless dictator. He has personally carried out the death sentences of his political opponents. The sad truth is that he understands but one thing, and that is force. He must be convinced that the threat of force is real. Otherwise, he will have no motivation to accept peace.

Edmund Burke once said that the only thing necessary for the triumph of evil is for good men to do nothing. I do not want history to say of us that we did nothing.

Only by giving the President the authority to use force pursuant to our Constitution do we make the threat of force real. If Saddam Hussein knows we will not use force to drive him from Kuwait, he can simply wait for the world coalition to collapse around him, and we all know that this coalition is very trenuous.

With the passage of this resolution, he must make a choice, either withdraw from Kuwait or face a reprisal from an outraged world community, and justly so. The choice is his.

I recently returned from the Persian Gulf. I left on that trip hoping that economic sanctions alone would work. I was inclined to deny the President the authority to use force at this time.

I returned with a strong view that economic sanctions are not working as I had hoped, and there are real dangers involved in an indefinite delay.

Several days ago a Soviet ship was intercepted carrying missile launchers to Jordan. Undoubtedly they eventually would have found their way into Iraq.

Imagine what would happen in the Persian Gulf if Soviet policy changes while we wait on economic sanctions to work.

Scientists and engineers from around the world, whose loyalty goes to whoever pays them the most, are working day and night as we debate here to help improve those god-awful weapons of mass destruction in Iraq.

I am absolutely convinced that by indefinitely delaying, we increase the dangers that young Americans will ultimately confront.

Few in this Chamber believe the United States can act as a policeman in the world. The primary question we must always ask is whether proposed military action is necessary to defend America's vital interests.

Saddam Hussein has the potential to develop and use chemical, biological, and nuclear weapons, and he has demonstrated the willingness to use them. He also has the potential to put an economic stranglehold on the world economy by manipulating the price of oil.

My colleagues, his threat is real to our vital interests, and to stop him our threat must also be real. Saddam Hussein will not see our threat as real until Congress gives the President the authority to use force.

It is difficult in a democracy such as ours, made up of people who cherish human life, to face the prospect of using force, even in the face of incredible brutal aggression.

But today is a defining moment in our history. It is time for us to stand together at the water's edge, Democrats and Republicans, liberals and conservatives, to deliver one clear message to Saddam Hussein. That message must be that the United States of America, the greatest democracy in the history of the world, wants peace, but is prepared to use our enormous military power as a last resort to force Iraq out of Kuwait and thereby make it clear to the world that naked, brutal aggression will not stand.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in opposition to the Michel-Solarz resolution.

Mr. SOLARZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I rise for patience and courage and oppose going to war for profits related to the control of Mideast oil, and oppose the Solarz-Michel resolution.

I consider these to be the most important set of votes that I will cast in my congressional career to date. I support the Gephardt-Hamilton resolution, and oppose the Solarz-Michel alternative. I am a Member who is not prepared to give the President a blank check in the situation in the Middle East.

Let me speak as one of the Members of Congress who grew up during the Vietnam era, whose friends fought and died in that battle where America lost over 50,000 of its finest young men and women in that conflict, and in an equal tragedy, since that time, another 50,000 have died here at home from war-related illnesses and suicide. Theirs is largely an untold story. They fought an undeclared war, one that split the Nation in two, and left our troops subject not only to the abuses of war, but the equal abuses of coming home to a Nation divided. This is today again a nation divided.

The State of Ohio and the district that I represent are patriotic beyond measure. We well understand the meaning of duty. Our Veterans of Foreign Wars, the VFW has the second largest membership in the United States, even though we are not the second most populous State. Ohio's American Legion sends more boys and girls to Boys' State and Girls' State than any other State in the Union, and we are not the most populous State in the Union.

We are home to Wright-Patterson Air Force Base and dozens of other Active and Reserve units. In fact, Ohio leads the Nation in the number of Active and Reserve members of the Armed Forces who have enrolled in the G.I. educational benefits program. Most of our medical and naval reserve units have already been called; others are on standby.

Our citizens have the experience and willingness to serve and fight, but they want to understand why. We as Members of Congress hold a sacred trust with our troops in the field as well as our citizenry here at home. There must be no doubt about why America moves to war. The reasons must be crystal clear and the objectives honorable. War must be the very last of resorts, not the first.

I appreciate our congressional leadership responding to the pleas inside this body to hold this debate and discussion prior to January 15. I wish it had come earlier, last year in fact. Because in many ways decisions made by the Executive have already placed us in a position that if we support our President fully now we automatically approve the deaths of hundreds and thousands of our own U.S. forces. What a position to be in.

Yet, the Constitution demands our involvement, and like the President, we also take on oath of office to protect our Constitution against all enemies, foreign and domestic. We must discharge our duties, and if Saddam Hussein is listening to this debate, let him understand that in America we allow for debate, even in our highest legislation bodies, for we fundamentally believe in the capacity of our people, through their elected representatives, to make their opinions known, to be represented.

That is why the United States is the most stable political republic on the face of the Earth. It is why we love this land and her remarkable people.

The American people have a right to a Congress that meets its constitutional responsibilities today and in the future. This branch of government is not an extension of the executive branch nor its handmaiden. Each of us is elected in our own right and is sworn to the very same oath as the head of the executive branch, our President. Each of us must uphold the oath to protect and defend the Constitution of the United States against all enemies, foreign and domestic.

When I was privileged to be sworn in as a Member of Congress, I promised myself that I would never be a party to any undeclared war. The Vietnam experience was too divisive and lacked the national will to carry forth national policy.

Today we are afforded our constitutional rights to debate war before it happens, and so we should.

I speak on behalf of every mother, every wife, every father, every husband and relative who has a loved one serving our Nation in the U.S. military. All of them must be assured by our actions here in the Congress and the President's actions that all diplomatic and peaceful means toward resolution of this conflict have been exhausted before the war option is triggered.

How can anyone in this body honestly say that all diplomatic means have been exhausted? Our Secretary of State spent all of 6 hours in a meeting the other day. One cannot even conclude that any negotiations even occurred. It was another press event at which ultimatums were delivered by both sides.

Our troops deserve finer and more committed efforts. Even as we speak, diplomats from around the world are trying to find a keyhole through which negotiations can begin. In the meantime, the economic sanctions are locked in place. They will take time to be fully felt. It is no secret, over one-half of Iraq's GNP is tied to its ability to sell its oil, and it is unable to do that. Sanctions will exact a heavy toll as the months proceed and allied cooperation on these sanctions is the one area where we can say our allies are helping us fully. They certainly are not helping us with the money to pay for this massive deployment, nor with significant troop strength, combat troop strength that is battle-hardened.

Letting the economic noose tighten slowly around Iraq is a much more credible posture for the United States at this juncture than becoming an aggressor nation ourselves to respond to Hussein's aggression. War should only be a last resort. The lives of our people and civilians in that region are much too precious.

During this debate, it is important to place on the record reasons about why America should be involved in this conflict. Of late I have become more and more concerned that the debate has centered on the how of it all. We read about perhaps air strikes will happen first, and then perhaps ground forces. And then we read estimates of how many will die, 500, 1,000, 10,000, perhaps more. The Department of Defense has ordered 50,000 caskets just in case, and now over 16,000 body bags. We see on TV our troops being immunized and donning gas masks. What we do not hear enough about is why we are there, and for how long and the causes for which we are fighting.

First, we heard that America was there to deter aggression and restore the legitimate Government of Kuwait. That did not ring to the American public; a new rhetoric was forthcoming. America, it was said, was there to preserve key resources. Oil was never mentioned outright, but other words were: Jobs, economic security, and then the real clincher, the American way of life; then later the administration began talking about Iraq's nuclear capability and its potential threat in the future.

I would like to examine each of these issues. The President says that America must stop aggression. If this is so and America is the world's policeman, why did not America intervene and stop aggression when the U.S.S.R. invaded Afghanistan or Hungary or Czechoslovakia in years past? If the Soviet Union soon occupies the Baltic States which long for democracy, will America stand up for those subjugated peoples, or how about when Turkey invaded Cyprus? Where was America then? Or when Israel invaded Egypt, or when China moved into Tibet, or, in fact, where was America during the Iran-Iraq war? We seemed to be on both sides of that one depending on what month it was. Or how about when Syria went into Lebanon as recently as a few days ago? Where was America then in standing up to aggressors? Why does America now see only this particular Iraqi aggression as in its vital interests?

There is only one common denominator that explains President Bush's rush to war, and that is oil, on which the Western World for too long has become increasingly dependent.

Although some of the oil companies have been nationalized, the distribution and marketing of Middle East oil is a Fortune 500 company activity. What are the interests of Aramco and British Petroleum and Shell and Exxon and Gulf and Texaco and Mobil and Chevron?

It is surprising how very little has been written about the role of the international oil companies, and the silence is deafening. Yet we can read very clearly in economic reports that come out. In December of last year, the New York Times reported that as a result of the Middle East situation there was an average fourth quarter gain of 64 percent in forecasted new profits for the 12 major oil companies. The companies included Amoco with a 57-percent increase in profits, Arco, a 61-percent increase in profits, British Petroleum, whose major interest is in Kuwait, a 112-percent increase in profits, Chevron, a 113-percent increase in profits, Exxon, a 41-percent increase in profits, Mobil, a 42-percent increase in profits, Phillips, a 265-percent increase in profits, Texaco, a 110-percent increase in profits, and Unocal, a 500-percent increase in profits.

Fourth quarter earnings for oil companies have significantly increased. Big oil companies have sold crude at about $30 a barrel in this quarter, or $10 a barrel more than in the corresponding quarter a year ago. That is a 50-percent increase.

The inter-Arab oil conflict inherent in this invasion of Kuwait by Iraq concerns control of oil and access to the Persian Gulf. In the book entitled "Oil Turmoil and Islam in the Middle

East," the author discusses the dominant role of Saudi Arabia looms over her neighbors as a source of potential envy, conflict, and unrest in the Arab world. To quote,

> Saudi Arabia's apparently boundless wealth fuels Saudi influence in the Arab world, often to the consternation of her neighbors. Saudi wealth and predominant share of the Organization of Arab Petroleum Exporting Countries' proven reserves give King Fahd control over any decision concerning the collective use of Arab oil. If the share of oil exporting nation's reserves controlled by Saudi Arabia's political allies is added to the Saudi share, the conservative bloc in that region controls fully 75 percent of all of those Middle Eastern countries' total reserves. In comparison, the so-called radical oil producers, which include Iraq, Libya and Algeria, control only 19 percent of Arab reserves, seventy-five percent versus nineteen percent. Production capacity also strengthens the conservative bloc's hand. From 1973 to 1975, the conservative bloc produced an average of 70.3 percent of the Arab exporting nations' total output. The Saudi share alone averaged nearly half. Saudi Arabia is the only member able to increase production significantly. At any time the Saudi fields could increase production by 3.5 to 4.5 million barrels per day. Out of their additional production capacity, all of the other nations' of 7.5 million barrels per day, the radical states combined can produce only 2 million barrels per day, only about one-third of it, which obviously weakens their bargaining position in their own inter-Arab union.

It is ironic that while the radical states have consistently advocated the use of the oil weapon, it is the conservative states which control the issue. The inter-Arab tension is historic and growing.

The Arab Petroleum Exporting Countries could never use politically their oil wealth without the cooperation of the Saudi-led conservatives. Without Saudi consent, the oil weapon is quite like a large artillery piece without ammunition. Therefore, the conservative bloc can render impotent any maverick attempt by the radicals to impose an oil policy similar to that of 1973.

The conservative members actually control the use of oil for itself and the other Arab States. The conservative bloc's influence on the use of the oil weapon is manifest in its foreign currency reserves. The reserves allow the petroleum exporting countries to cut production drastically for several months without significant loss or suffering.

If the radical states, Iraq, Libya, Syria, attempted to reduce production significantly, the consequent impact on their domestic economies would likely lead to civil unrest and to political instability.

The combination of factors such as oil production, reserves, surplus capacity and surplus capital makes Saudi Arabia and its conservative allies the only states capable of determining when, whether, how, and for how long oil could benefit Arab foreign policy.

It is not hard to understand what is at the base of the simmering unrest in the region of Saudi Arabia and her allies, and that unrest is all tied to oil money and the control of it.

If we look at maps of that part of the world and each of those nations, they are largely deserts with the population concentrated in the areas where oil is drawn, refined and ultimately shipped.

In fact, if we look at the eastern edge even of Saudi Arabia along the gulf, the largest concentration of United States citizens living outside the United States works for Aramco on Saudi Arabia's eastern border.

For the last several decades, America has become more and more dependent on Middle East oil. Germany and Japan are even more dependent, but it is interesting that these nations are nearly silent on the war option that this Congress is considering but quite vocal on using diplomatic and economic sanctions for a long period of time.

For our Nation which has failed to develop energy independence to now ask our troops to fight for continued access to a diminishing oil resource halfway around the world, in my judgment is morally wrong. I would rather take the billions of dollars the United States is investing in the deserts of the Middle East and judiciously bring money, our money, and our troops back home.

Our Nation that landed a man on the Moon in 10 years can be energy self-sufficient by the 21st century, just 10 years from now.

America saw this crisis coming. This is not news to us.

Senator Frank Church of Idaho, magnificent American, held hearings in the Senate on the role of multinational oil companies and concluded that if the world failed to set up international institutions capable of resolving Middle East oil-related disputes and distributing those profits fairly, the world was headed for armed conflict. Then, in the late 1970's, at the height of the U.S. energy crisis, President Carter warned the energy challenge was the "moral equivalent of war." Some Members may be old enough to remember that phrase. However, during the decade of the 1980's the Reagan-Bush administration failed to follow through on developing an energy policy for America. They did not lead this country for our people. They fought this Congress on filling the strategic petroleum reserve, and they fought Congress on developing alternative fuels. They resisted conservation efforts in everything from home construction to energy-efficient engines.

So now, our people, our neighbors, are being asked to send their relatives, America's troops to make up for political blindness at the highest levels of this Government. Oil is not worth the loss of life of one person from my district or any other district in this country. Let's spend those billions of dollars being wasted in the desert, let's spend them here in America to develop our clean coal technologies, our agriculture and alcohol fuels, hydrogen and solar power, and create thousands of jobs here at home in communities from coast to coast, where people are looking for work.

Even if the United States invaded Kuwait tomorrow and took all of it, all of its oil, how many years of oil lie under the ground of Kuwait? Only 30 years. While here in America we have over 1,200 years just in recoverable coal reserves that can be mined and separated into clean fuels with the new technologies available to us. Of course, the oil companies do not want to do that, but this is certainly within the capacity of the Nation which landed a man on the moon.

Now, this is a time of deepening recession in America, and we know that 75 percent of America's world trade deficit is due to oil and auto imports. Over half of our energy is imported. At the same time as we do that, we have States like Texas and Louisiana and Oklahoma, and Members can go all the way from Lorain, OH, and Denver, CO, and all the mining States around this country in deep recession where people are in need of work. The answer to the energy problem lies within our own borders. Not sending America's best to fight a desert war for a dwindling resource.

Even if America took control of Saudi Arabia, of Kuwait and Iraq, and all of their oil, we still have more recoverable, twice as much, just recoverable coal reserves underground in this Nation, if we but have the will to develop it. Our goal should be to take care of our business here at home as soon as possible. Let us put America back on a sound economic and energy footing so we can remain the standard bearer of liberty throughout the world, and do so not by the force of our arms, but by the greater power of the ideal of our democratic republic, the oldest functioning democracy on the face of the Earth.

Now, America has no treaty obligations in the Middle East akin to the Versailles Treaty which bound us to Western Europe's defense after the First World War. Rather than coveting oil, America rather must ask what is our proper role in a region where we have systematically seen the collapse of the old order—the oil-rich monarchies that kept the oil flowing from the Middle East for most of the century. Of late, we have seen much change. Recall with me, we have seen the Shah of Iran deposed, much to the surprise of most of the West. We have seen the President of Egypt, Anwar Sadat, assassinated. One week he was on the cover of Time magazine as Man of the Year, and shortly thereafter, dead in his own land. We have witnessed kings in that region overthrown in Libya and Iraq. Saddam Hussein overthrew a king. We have seen unrest in Sudan, and certainly in Israel, and we saw for 8 years in the 1980's Iran-Iraq war in which over 500,000 of their citizens died.

This is the time of America to recognize that the old order in the Middle East, based on kingdoms, not democracies, is being torn from within by power pressures for change. Before going to war, America must ask how deeply, and for how long does the United States intend to police inter-Arab politics to preserve the old order. What is America's obligation to bolster the power of monarchies in the Kingdom of Saudi Arabia, and for the Emirate of Kuwait?

Fundamentally, the Middle East needs an inter-Arab version of NATO to resolve the continuing disputes in the region which will continue whether America is there or not. America cannot be the sentry at the gate for all the upheavals that will be forthcoming in that region in years hence, but we can be a constructive force, with our allies, to forge a Middle East version of NATO.

Let me continue for the record.

The President likens this conflict to World War II. But unlike World War II, the United States has no Treaty of Versailles binding us to mutual security pacts in the region. In World War II, America fought to preserve democracies. In this instance, we are doing just the opposite. We are fighting to preserve kingdoms and emirates because of our dependence on their oil. We are fighting to preserve governments that have invested the bulk of their revenues outside the nations in which their leaders reside. Saddam Hussein is likened to a Hitler. But just last July our own government told him the United States would not intervene in inter-Arab border disputes, and just a few years ago the Reagan-Bush administration officially recognized the Government of Iraq, and the Bush administration fought the Congress as recently as last summer on trying to place sanctions on Iraq for its human rights abuses. During the Iran-Iraq war United States Arms were channeled to Iraq by the Reagan-Bush administration. So which Iraq is it that the administration now claims we must fight against? Did the Iraqi nation changes its stripes, or did we?

After World War II the United States waited in Europe and supported NATO for over 40 years—to stem the tide of Soviet expansion. Why must we now choose the war option rather than patient, deliberate sanctions? In World War II, Hitler systematically rolled over the industrialized nations adjoining him. Though Hussein is an aggressor, he has been turned back in his adventures, by Israel, by Iran, and will be turned back in Kuwait as well.

If he is a Hitler, he is certainly much less successful, and he is not an industrial power as Germany before and during World War II.

We know for the 8 years of the Iran-Iraq war, the Reagan-Bush administration supported Iraq and Saddam Hussein. In fact, up until last August. Members of this Congress tried to enlighten the Bush administration of the human rights abuses going on in Iraq, but our repeated warnings fell on deaf ears. Then, all of a sudden last August, the administration began calling Hussein a new Hitler. Why was he not a Hitler in July or a year ago, or when President Reagan and Vice President Bush recognized the nation of Iraq. When did he change? Within 1 month, we saw the administration trying to transform the desert dictator into a Hitler. Somehow it does not ring true when the United States Ambassador to Iraq, April Glaspie and our own Deputy Secretary of State John Kelly told Congress and Hussein both back in July that the United States would not interfere in inter-Arab border disputes, and then within hours, the United States had deployed 200,000 troops. Two months later, 200,000 more troops. And on a dime, the administration reversed itself and said the situation was vital for U.S. interests.

By contrast, the United States waited in Europe and NATO for over 40 years.

We withstood the insults of Stalin, Khrushchev, Brezhnev, and so many other dictators. The world loves America, not because of the strength of her arms, though security is essential in today's world, but more because of the force of the idea of freedom and our liberties. It is these ideas to which emerging nations aspire. Let us not be distracted by those who would use force as a first means in this most recent test of national wills. Those with the will to wait out sanctions will be victorious in the end, and thousands of lives will have been saved. This is a lesson for America to teach the world.

Now, on the nuclear threat, some say it is Iraq's nuclear threat that America should fear, but America has withstood nuclear threats to date, all of them. We acknowledge this is a dangerous world. We also know mutual assured destruction is the only answer other than total disarmament by all powers to withstand a nuclear threat. Our ultimate posture must be that nuclear detonation by one power will be met in equal or greater force by another. It is this mad system which holds the violence in check.

America cannot really stop Iraq, nor China, nor Pakistan, nor the dozens of nations that will seek to operationalize this terrible technology as we move into the 21st century.

We must be diligent in moving to limit and disarm where possible, but in the end our ultimate weapon is our own ability to wreak havoc on would-be aggressors. Such is the world we have helped to create.

As far as the importance of the U.N. resolution, let me commend the President and the Secretary of State for seeking allied support. This is essential and the first test of the new world order; but those nations who signed that commitment have a largely verbal commitment. They do not have combat troops in place in any manner similar to the U.S. deployment, nor have they committed real money. Even Japan and Germany, whose economies are chugging along, have not met their early obligations expected as of this month.

This Congress cannot fulfill its responsibility by approving a blank check resolution such as the U.N. resolution or the administration's proposal. It simply puts too much faith in an uncertain future that no one at this point can predict. We must preserve our congressional prerogatives.

Now, the President says that the United States must restore the legitimate governments in the region. We all desire this; but an equally important question is how legitimate are any of these governments in the eyes of each other when their borders were largely drawn by the colonial powers who physically vacated the region over the last 20 years and who were more interested in oil than in democracy. It was they who initially let the big oil companies draw the borders between these nations and then drained the oil fields for generations, ignoring the fact that the politics of the region might catch up to the economy someday.

One of the fundamental problems of the Middle East is that certain families became extremely wealthy and did not invest enough of their oil profits in their own homelands. They put their money in Western banks, they sent their children to frolic in the jet set capitals of the world while the vast majority of the people there remained poor.

Let us look at Kuwait, a most interesting nation to check the balance sheets on. Kuwait's economy, and some have called Kuwait a large oil well, is dominated by the Kuwait Petroleum Co., which is effectively a holding company with a large number of subsidiaries involved in the production and distribution of petroleum and natural gas.

Another source of Kuwait's power is the large worldwide investment portfolio which is believed to yield revenues equal, if not larger, than income from petroleum exports. And where is that portfolio invested? The Kuwait investment authority is located mainly in the United States and Great Britain. Thus we see Britains rush to join the gulf effort. The Kuwait investment authority holds nearly 10 percent of British Petroleum.

The New York Times reported back in December that the fourth quarter profits for B.P. are estimated to increase 112 percent this year.

Kuwait also holds investments in the United States which total nearly $50 billion in assets overall. These investments include a $3 billion portfolio of stocks and securities managed by Morgan Stanley. Undisclosed portfolios managed by Citibank and Chase Manhattan, gold reserves at the New York Federal Reserve Bank, a stake in the partnership led by the Gordon Investment Corp. that plans to buy Columbia Savings and Loan $3 billion junk bond portfolio.

Kuwait's investment in Britain includes 10.5 percent of the Midland Bank, 11 percent of Travel and Financial Services concern of Hogg Robinson. They are the owner of the St. Martins Property Corp., builders of London Docklands Development. They also hold gold reserves at the Bank of England.

Kuwait's investment authority holds $8 billion in stocks and securities in Japan, and the Kuwait Petroleum Corp. also has European holdings of more than 4,500 service stations in Hungary, Italy, Britain, Scandanavia, Belgium, Luxembourg, the Netherlands, and four oil refineries in Europe. Not bad for a nation of less than 2 million people of which only about one-third were ever allowed to vote within the nation of Kuwait in the first place.

Is it any wonder to use that revolutions, both religious and military, have plagued the region in most recent years. The region's indigenous politics is just emerging and subject to violent change. The world will not be able to contain those pressures.

The United Nations would best focus its efforts on how to create a Middle East multinational peacekeeping structure as part of the solution to this situation and to resolve other border disputes.

In talking with the citizens of my district, I have listened closely to what they have been saying to me. They want to support our President, but fundamentally they do not believe in an early rush to war. They want to give tough sanctions a chance to work.

Many have said to me, "MARCY, don't let America become the bad guy in the Middle East."

They say to me, "Why aren't our allies paying their fair share of the cost of this? Where are their troops?" They ask me.

Many have said that dying for oil is not worth the price.

In fact, I am getting these little canisters in my office now from citizens saying, "No blood for oil."

Many have asked me how they can conserve in their households, in their buying of automobiles, how they can cut down on their energy consumption per year. Frankly, more women have asked me that question than men, but I have been surprised at how many people in my district have asked me that question. They do not want their neighbors to die in the Middle East.

Others have said to me that they are willing to pay more for gas if it will save lives.

For the record, I will enter some of their other statements for history.

"Talk and negotiation are the only ways we can really solve problems. The President should temper his words and soften them. Otherwise, he will only create unnecessary tensions and risk an armed conflict."

"As a democracy we must have discourse and debate and it cannot be stifled because the Administration feels it will expose a divided or unsupportive American people. I am unsupportive and I expect the truth is that the nation would be deeply divided by war."

"He (President Bush) has not communicated to the American people the reasons why we are in Saudi Arabia. Regardless of the cause, I feel it is not worth losing American lives. Can the President go to war without a national debate? Without Congress' consent? And just what are the goals in the Gulf? I believe he has gone too far, too fast. I know I speak for the majority of Americans when I say our hope is for our service people to return home unharmed."

"I hope you and the other Congressmen and women will consider all of the alternatives to war. I wouldn't want my brother to get drafted and killed in another Vietnam. Would you?"

"According to the Constitution the power of declaring war belongs to Congress. I hope as a Member of the Congress you will remind the Executive Branch that they don't have the power to declare war. Tell George Bush we don't want another Vietnam."

"The statements that we do not want war, and yet the continued exchange of threats makes me wonder if we might not be looking for an excuse to engage the Iraqis in battle.

"As a father of three sons, ages 21, 19, and 18, I also have a deeply personal stake in the decisions you make."

"The irony is that both our own rhetoric and Iraq's rhetoric have fed upon the other and have consequently dragged us both further into the mire of non-communication and closer to military confrontation. Recent positive action by both countries (the call for face-to-face negotiations, the release of hostages) have lost momentum in the face of dogged insistence upon rhetoric."

"We should remember to try to give peace a chance. The military option should be the very last resort. The United States must exhaust all possible negotiations before ever rushing into war."

"Congress must be able to have a say in this matter. As the Constitution so clearly states, Congress represents the American people. Therefore, only Congress can express the will of the people. President Bush must consult with Congress before taking any other action. It is the only way we citizens can either provide or deny our support."

"Since Iraq invaded Kuwait I have not heard one person say we should go to war over it. I honestly do not believe that war would be supported by the U.S. population. A serious energy policy would get a lot more support."

"We feel that there has been an insidious movement to divert attention away from domestic problems by calling up the troops and sounding the call to battle. We can hardly afford the costs of maintaining our armed forces in Saudi Arabia and ought to withdraw. This President may need to lose face in order to establish once and for all that, while the President may be Commander-in-Chief of the Armed Forces after war has been declared, he or she may not threaten or attack another country without the consent of Congress."

"It appears that George Bush is single-handedly leading us into a war that is not what most citizens feel is justified or necessary . . . U.N. Security Council approval of the use of force does not make it right for us to take the offensive and attack Kuwait. War does not solve anything, and in this case, bombings would destroy the oil anyway."

"I hope that you as a Member of Congress will consider all alternatives to military force, and make sure that George Bush realizes that he does not have the authority or support of the citizens to declare war. This country cannot afford another situation like Vietnam. Diplomacy and withdraw should be the words rather than war."

In sum, let me say that I support our President so long as our troops remain in a defensive posture. But to oppose the Solarz-Michel resolution as too open-ended, too much of a blank check in a possible war where future events can not possibly be predicted today. Saddam Hussein must leave Kuwait and we should give tough economic sanctions sufficient time to work. But 4 months just is not realistic. In the meanwhile, America must develop our own energy-sufficiency. I await the President's State of the Union Address in this regard. We should set a national goal to make this Nation energy self-sufficient by the 21st century, and if we set our minds to it, we could do it.

We should work to transfer the Armed Forces currently in the Persian Gulf into an international peacekeeping force and downsize America's commitment slowly as the sanctions take effect and we are able to replace our troops with those from other nations as well.

And we should support the President in all diplomatic initiatives and other government-to-government efforts to reach settlement in the region.

I think that doing this we would exhibit to the best of our ability what President Dwight Eisenhower not so many years ago wisely counseled and described as "patient courage."

Mr. Speaker, I submit these additional comments.

WAR CANNOT HAPPEN WITHOUT BODY BAGS

The Washington Post-ABC Poll shows that 68% of the American public think the Congress should be more actively supporting the President's policies in the Persian Gulf. Of the same people interviewed for the poll their support for the use of force diminishes as soon as casualties are mentioned, when asked if they would support the use of force if it meant the loss of 1,000 American lives, 44% favor the use of force and 53% oppose. When asked if they would support war if it meant 10,000 casualties 35% favor the use of force and 61% oppose force. One is forced to conclude that support for the President is support for war. War does not take place without body bags.

Who is fooling who? The Defense Department just placed an order for 16,099 body bags with a company in Philadelphia. Why is the Defense Department not leveling with the American public and telling us how many casualties to expect.

JOBS

Secretary of State James Baker has stated that one of the reasons we are in the Persian Gulf is to protect jobs. It is estimated that 3,000 U.S. nationals were employed in Kuwait. Should President Bush risk the killing of 3,000 soldiers to save 3,000 workers? Does that make sense?

The cost of Operation Desert Shield is estimated to be $1 billion a month. A few months ago the Bush Administration claimed that we were involved in the Middle East to protect jobs. One billion dollars would be more appropriately invested in the United States to develop new jobs.

What is the point of fighting over oil fields when in a war they will be destroyed thus driving up the price of oil again.

KUWAIT INVESTMENT AUTHORITY

Kuwait's economy is dominated by the Kuwait Petroleum Company which is effectively a holding company with a large number of subsidiaries and partially owned companies involved, directly and indirectly, with petroleum and natural gas. Another source of economic power is the large and presumed worldwide, investment portfolio of Kuwait, which is believed to yield revenues equal if not larger than income from petroleum exports.

All main industrial activities in Kuwait are related to oil, natural gas, or the booming construction industry. Efforts to foster other industries have been hampered by the small size of the domestic market and lack of natural resources other than hydrocarbons.

The Kuwait Investment Authority is located mainly in the United States and Britain, thus we see Britain's rush to join the Gulf effort. Kuwait Investment Authority holds 9.8% of British Petroleum. The New York Times reported on December 26, 1990 that the fourth quarter profits for British Petroleum are estimated to increase 112%.

Kuwait also holds investments in the United States which total $45 billion to $50 billion in assets overall. These investments include a $3 billion portfolio of stocks and securities managed by Morgan Stanley; undisclosed portfolios managed by Citibank and Chase Manhattan; Gold Reserves at the New York Federal Reserve Bank; a stake in the partnership led by the Gordon Investment Corporation that plans to buy Columbia Savings and Loan's $3 billion junk bond portfolio. (Washington Post August 6, 1990)

Kuwait's investment in Britain includes 10.5% of Midland Bank; 11.3% of travel and financial services concern Hogg Robinson; Owner of St. Martins Property Corp., builders of London docklands development; Gold reserves at the Bank of England.

Kuwait investment authority holds $8 billion in stocks and securities in Japan; 72% of Torras SA, a Spanish industrial holding company with interests in 170 different companies in chemicals, paper, food and financial services; 37% of Dao Heng Holdings, holding company for one of the six biggest of 30 or so local Hong Kong Banks.

The Kuwait Petroleum Corporation also owns Santa Fe International, a California-based engineering and oil exploration company purchased in 1981 for $2.5 billion and has European holdings of more than 4,500 service stations in Hungary, Italy, Britain, Scandinavia, Belgium, Luxembourg, the Netherlands and 4 oil refineries in Europe.

OIL COMPANIES FOURTH QUARTER PROFITS

On December 26, 1990, the New York Times reported that as a result of the Middle East situation an average fourth quarter gain of

64% is forecast for 12 companies. The companies included Amoco (57%), Arco (61%), British Petroleum (112%), Chevron (13%), Exxon (41%), Mobil (42%), Phillips (265%), Texaco (110%), and Unocal (500%).

Fourth quarter earnings for oil companies have significantly increased. Big oil companies have sold crude at about $30 a barrel in this quarter, or $10 a barrel more than in the corresponding quarter a year ago. This is a 50 percent increase.

Mr. SOLARZ. Mr. Speaker, I yield such time as she may consume to the delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I rise in opposition to the Solarz-Michel amendment, in light of the fact that I represent more than 600,000 people in the District of Columbia, many of whom are serving in disproportionate numbers in the gulf today, even though their Representative in this body cannot cast a vote yea or nay for any of the resolutions before the body at this time.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I rise in opposition to this proposition. Members who vote for it are going to have to tell their constituents that we are dropping out of the process and from now on they are going to have to direct all their inquiries to the White House because we are abdicating our responsibilities.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I firmly believe that sanctions can work, that they can wipe out Saddam Hussein as a threat to the stability and peace of the Middle East, without firing a shot, and I therefore oppose the Solarz-Michel initiative.

More in sorrow than in anger, I regret that this body seems destined to choose a resolution tantamount to a declaration of war.

If it is done, we must link arms and support our decision—and our President—to show Saddam Hussein that a democracy, which listens to all its citizens, speaks and acts with one firm voice. E Pluribus Unum. From many comes one.

And we will have vested an awesome responsibility in the President. We will trust that he will draw on his wellsprings of wisdom and vision in leading this Nation through this critical juncture, so fraught with danger.

We hope and pray that from the depths of his character he will find the inner strength to exercise patience, to resist the temptation to act out of frustration, anger, and outrage to achieve instant gratification: the destruction of Saddam Hussein.

We pray he will act out of prudence and caution, to exhaust every acceptable peaceful option, to exhaust the potential of economic sanctions to achieve in peace—what could, perhaps, more swiftly be achieved in war: removal of Saddam Hussein as a 900-pound gorilla towering like an ominous, black cloud over the sand dunes of the Middle East, threatening and intimidating his neighbors, and destablizing the entire Arabian peninsula and the land of Israel as well.

Economic sanctions are working.

If you don't believe me ask seven out of the eight Secretaries of Defense. I'll quote two of them.

Secretary James Schlesinger:

> In effect, we can leave Iraq in isolation until it comes to its senses, the probability of success for the sanctions is very, very high * * * it seems rather illogical to express impatience with them (sanction) because they will not have produced the hoped-for results in six months time.

Secretary Robert McNamara:

> Surely we should be prepared to extend the sanctions over a 12- or 18-month period if that offers an opportunity to achieve our political objective without the loss of American lives. Who can doubt that a year of blockade will be cheaper than a week of war.

If that isn't good enough, ask the last two chairmen of the Joint Chiefs of Staff.

Adm. William Crowe testified that the embargo is "biting heavily" and that "it is the most effective peacetime blockade ever levied * * * he believes that "we should thoroughly satisfy ourselves that" sanctions will not work, and "that hostilities would best serve our interests before resorting to unilateral offensive action against Iraq."

Admiral Crowe, a man we entrusted with the defense of our Nation, is puzzled that "some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution."

Should not we all be puzzled as well?

Gen. David Jones:

> My main concern with this latest scheduled reinforcement isn't that we might choose to fight, but rather that the deployment might cause us to fight perhaps prematurely and perhaps unnecessarily.

And if that isn't good enough, ask the current Director of the CIA.

William Webster:

> Iraqi ground and air forces can probably maintain near-current levels of readiness for as long as nine months.

And what happens to Saddam Hussein's ground and air forces after that? He continues—

> Major repairs to sophisticated aircraft like the F-1 will be achieved with significant difficulty, if at all, because of the exodus of foreign technicians. Iraqi technicians, however, should be able to maintain current levels of aircraft sorties for three to six months.

And after that, what?

Admiral Crowe said "Give sanctions a fair shake," because even if we must go to war, it will be against an Iraqi military debilitated by the invisible weapon of sanctions.

Paradoxically, many of my colleagues who voted for Solarz-Michel, did not vote for war, but for peace.

It worries me that, in this high stakes game of confrontation and brinksmanship, we may back ourselves into war, prematurely.

If Saddam Hussein does not leave Kuwait immediately, will we have the courage to continue sanctions? Or will thousands, perhaps tens of thousands, die because we misjudged Saddam Hussein?

Or because we lost sight of what our truly top priority should be: removing Saddam Hussein not just from Kuwait, but from the map of the Middle East as a towering threat to his neighbors as well as to the peace and security of the region, and all, my colleagues, without firing a shot.

My distinguished colleague U.S. Congressman STEVE SOLARZ has stated several times that economic sanctions may not force Saddam Hussein to make the political decision to withdraw from Kuwait. Perhaps so, but sanctions can degrade and demean Iraq's economy and render Saddam's military machine impotent.

Historically, sanctions have changed a countries behavior when sanctions have reduced their economies by an average of 2.5 percent. Iraq's economy will shrink by a staggering 50 percent, perhaps as much as 70 percent according to the chairman of the Senate Armed Services Committee, U.S. Senator SAM NUNN.

Clearly, sanctions have the potential to squeeze Saddam Hussein inexorably, bloodlessly, bringing him, as a practical matter, to his knees.

There is another benefit to sanctions barely touched on in these 3 days of always deeply felt, sometimes emotional, and frequently heart wrenching debate; while economic sanctions against Iraq are in place, the climate is opportune to construct an international arms control regime.

As we sit on the precipice of war, we must ask ourselves, how we arrived at this point.

How is it that a ruthless, amoral dictator of a simple developing country with a primitive economy like Saddam Hussein, can sit on top of a horrifying state-of-the-art arsenal of conventional and nonconventional weapons of mass slaughter and destruction? And how could the very weapons we produced now be threatening American lives and global stability?

What madness, has led us to this point?

What greed has induced us to turn a blind eye to the law of unintended consequence.

What madness drove us to disperse these tools of death to countries and leaders who are demonstrably irresponsible and unstable? How come that Qadhafi, Homeini, Assad, Saddam Hussein, and other ruthless, amoral, vicious tyrants have had so little trouble satisfying their lethal shopping lists to terrorize and intimidate their neighbors, at best, and rain destruction and death on them, at worst?

There is a fundamental problem with a foreign policy that feeds war and instability, rather than peace and stability, a foreign policy that cannot accept that supplying brutal Third World dictators that focus power in one person and rule by force and terror, threats, and intimidation is desperately prejudicial to our interests—outrageously expensive and threatening to global peace and security.

For the developed, arms-supplying countries, these were the policies of the cold war. An era when both the United States and the Soviet Union, in pursuit of their bitter cold war confrontation, bought loyalty with whatever lethal weapons they had to offer, sell, or give away.

In an era when our defense against the menacing and oppressive Soviet Union was paramount and the arms race persisted at a dizzying pace, simple economics sent us looking for arms buyers, to reduce our cost of arms production in order to achieve economies of scale. Other arms producing countries, including the Soviet Union, did likewise.

Now we see the folly of those policies. We spent billions more developing weapons to counter the weapons we had sold to governments we should hardly have trusted in the first place, or to governments who would use those weapons against our friends.

The arms industry fuels the arms industry. And it does so at the cost of the lives of hundreds and thousands of people, billions and billions of dollars, great detriment to the environment and the erosion of the quality of life in America, and the world over.

Hindsight is irrelevant if we simply criticize and bemoan our mutual errors in arms production and sales. We must learn from our mistakes and shape future policy to avoid the pitfalls.

It is time for this Nation, and all civilized, developed nations of the world, to invest in our common security, and band together to form an arms denial regime that would end the folly once and for all of developed countries fueling the pitfall and tragic succession of regional conflicts—small and local perhaps, but all too lethal, and too threatening to world peace.

We have met the enemy and he is us.

The Simon Wiesenthal Center published a list of the companies and countries that have supplied Saddam Hussein with his awful chemical and biological weapons which he has used before on others, as well as on his own hapless Kurdish tribesmen, and which now menace our own troops in the desert of Saudi Arabia. This list also chronicles those who have helped aid his quest for nuclear weapons.

Ironically, this absurd, costly, immoral arms sales practice, fueling regional conflicts the world over, is what now threatens global stability, after we and the Soviets have mercifully, and at long last, consigned the cold war to history.

The developing nations must finally achieve a unanimous consensus to bury regional conflicts, as the United States and the Union of Soviet Socialist Republic have buried the decades old superpower conflict, simply by negotiating an ironclad, absolute prohibition on the sale or gift of weapons of mass destruction to any Third World country.

And this is the challenge that our diplomats and our statesmen must address in the post-cold-war era.

[Western suppliers of unconventional weapons and technologies to Iraq and Libya supplied by the Simon Wiesenthal Center and prepared by Kenneth R. Timmerman.]

Saddam's Foreign Suppliers (Companies suppling Iraq's unconventional weapons programs)

Country of domiciliation:	*Number of firms*
Argentina	3
Austria	17
Belgium	8
Brazil	1
Switzerland	11
Egypt	1
France	16
Federal Republic of Germany	86
Greece	1
Holland	2
India	1
Iraq	2
Italy	12
Japan	1
Jersey	1
Monaco	2
Poland	1
Spain	4
Sweden	1
United Kingdom	18
United States	18
Total	207

THE POISON GAS CONNECTION—IRAQ'S SOURCES OF UNCONVENTIONAL TECHNOLOGIES

Company	Country	Type	Equipment delivered	Source
Aerotech (Buenos Aires)	Argentina	MT	Consen group, missile tech	FT 20/11/89.
Conseltech SA	Argentina	MT	Consen group, missile tech	FT 20/11/89.
Intesa S.A. (Cordoba)	Argentina	MT	Consen group, missile tech	FT 20/11/89.
AST Consult Co	Austria	CW	Laboratory construction	Profil, 6/3/89.
Consultco	Austria	CW	SAAD 16 construction	Spiegel, 13/89.
Emmerich-Assman	Austria	CW	Owner of Hutter and Schrantz	Profil, 6/3/89.
Feneberg	Austria	CW	Construction planning	Profil, 24/4/90.
Lenhardt Metal Construction and Roofing	Austria	CW	Steel construction, CW plant	Kurier, 13/1/90.
Neue Berger	Austria	CW	Percursor chemicals	Austria State Radio, 4/1/89.
Swatek and Cerny	Austria	CW	Sanitary equipment	Profil, 6/3/89.
Consultco	Austria	MT	Saad 16 Engineering	Stern, 26/1/89.
Delta Consult Studien GmbH	Austria	MT	Electronics, plans (Consen)	Kurier, 13/5/90.
Delta System GmbH	Austria	MT	Consen group; missile tech	FT, 20/11/89.
Girozentrale Bank	Austria	MT	Financing of weapons lab	Profil, 6/3/90.
Hutter und Shranz	Austria	MT	Construction of weapons lab	Profil, 8/5/89.
Ibau	Austria	MT	Blow-out wall, missile plant	Profil, 8/5/89.
Denzel	Austria	WT	Helicopters from MBB	AFP.
Hirtenberger	Austria	WT	Percussion caps and traction machines	Profil, 13/8/90.
Steyer-Daimler-Puch	Austria	WT	Nonferrous-metal cartridge case facility	Profil, 24/4/90.
Voest-Alpine	Austria	WT	GC–45 Howitzers	The New York Times Magazine, 26/8/90.
Philips Petroleum	Belgium	CW	Thiodiglycol sold to KBS	BBC Panorama, 2/2/87.
Sebata	Belgium	CW	Built CW plant	The Washington Post, 25/8/90.
PRB (Poudrieres Reunies de Belgique)	Belgium	MT	Solid fuel, munitions/rockets	Groot Bijgaarden De Standard, 17/5/90, WSJ, 19/4/90, At Tayar 4/9/90.
Amalgamated Trading Ind. (ATI)	Belgium	WT	Super-gun	Groot Bijgaarden De Standaard, 18/5/90, Monde et Vie.
Cockerill	Belgium	WT	Super gun parts	
Forges de Zeebrugge Herstal	Belgium	WT	Super gun parts	
Six Construct	Belgium	WT	Air base construction	Mednews 3,21/22 (27/8/90).
Space Research Corp	Belgium	WT	Super-gun prime contractor	
Avibras	Brazil	MT	Joint missile R&D programs	Mednews 1,12 (12/11/88).
Companies Inc	CH	CW	Chemical percursors	New York Times, 31/1/89.
IFAT Corp Ltd	CH	CW	Engineering, Saad 16	Spiegel 18/89, Profil, 24/4/89.
Condor Projeki A.G.	CH	MT	Consen group, missile tech	FT 21/11/89.
Consen S.A. (Zug)	CH	MT	Missile technology; provided 150 electronics and computer engineers.	FT 20/11/89; NBC News 30/6/89, Kurier, (Austria) 13/5/90.
Desintec A.G. (Zug)	CH	MT	Consen group, missile tech	FT 20/11/89.
Schaeublin	CH	Nuclear	Tools for nuclear facility	Berliner Tagesspiegel 22/8/90.
Schmiedemeccanica	CH	Nuclear	Centrifuge assemblies	Tages Anzeiger 3/9/90, Berliner Tagesspiegel 22/8/90.
Georg Fischer	CH	WT	Tadji, casting molds, machinery for cannon plant	Spiegel 28/90, 11/7/90.
Space Research Corp	CH	WT	Super-gun procurement office	
Von Roll	CH	WT	Tadji, super-gun parts	Tribune de Geneve, 17/6/90, the New York Times Magazine 26/8/90.
VUF AG(Verwaltung und Finanzierung)	CH	WT	Middleman, financing	Mednews 2/4/90.
WTB International AG	Egypt	CW	Saad 16, controler	Spiegel 19/89.
Atochem	France	CW	Sarin precursors to Montedison	BBC Panorama 2/2/87.
Carbone Lorraine	France	CW	Subcontractor to Protec	Nouvel Observateur 20/9/90.
Le Vide Industriel	France	CW	Subcontractor to Protec	Nouvel Observateur 20/9/90.
Pirep	France	CW	Subcontractor to Protec	Nouvel Observateur 20/9/90.
Prevost	France	CW	Subcontractor to Protec	nouvel Observateur 20/9/90.
Protec SA	France	CW	French partner to Karl Kolb; purchased manufacturing equipment and Tabun precursors for Samarra plant.	Nouvel Observateur 20/9/90; IHT 21/9/90.
SVCM	France	CW	Subcontractor to Protec	Nouvel Observateur 20/9/90.
Sagem	France	MT	Missile guidance systems	Mednews No 1.17, 30/5/88, the New York Times 24/5/90.
SEP	France	MT	Rocket motors, nozzles	Mednews 3,21 (12/4/90); SEP denies.
SNPE	France	MT	Solid rocket fuel (w/Snia Bpd)	Mednews 3, 12 (12/4/90).
Framatome	France	Nuclear	Nuclear fuel for Osirak reactor	CEA.
St. Gobain	France	Nuclear	Nuclear Technologies	Mednews 2/4/90.
Technatome	France	Nuclear	Osiris nuclear reactor	CEA.
Usinor-Sacilor	France	Nuclear	Special steels for centrifuges	Spiegel, 8/90.
Intespace	France	WT	High resolution infrared cameras for observation satellites Via Brazil?.	Defence, Dec. 1989.

THE POISON GAS CONNECTION—IRAQ'S SOURCES OF UNCONVENTIONAL TECHNOLOGIES—Continued

Company	Country	Type	Equipment delivered	Source
Thomson-CSF	France	WT	Saad 13 electronics factory	Jane's Defense Weekly, 6/4/85.
Tesa	FRG	??	??	Monde et Vie 23/8/90.
Josef Kühn	FRG	BW	Mycotoxins TH–2, T–2	Spiegel 33/90.
Anton Eyerle	FRG	CW	Mobile toxological labs	Spiegel 4/89.
Aviatests (Rheinmetall subsidiary)	FRG	CW	Saad 16: wind tunnel for missile and aerodynamics research.	Spiegel 33/1990, Profil 6/3/89.
BP	FRG	CW	Military research	Spiegel 13/89, 33,90.
Carl Zeiss	FRG	CW	Equipment for Saad 16 CW lab	Spiegel 13/89, 33/1990.
Deutsch BP	FRG	CW	Military research	Spiegel 13/89, 33/1990.
Heberger Bau GmbH	FRG	CW	Buildings for CW plant	Blundestag, 20/12/88.
I.B.I.	FRG	CW	Construction, procurement	Spiegel 3/89, Stern 26/6/89.
Industriewerke Karlsruhe, Augsburg (IWKA)	FRG	CW	Machinetools, CW packing	Spiegel 24/6/89.
Infraplan	FRG	CW	Project 9230, nerve gas plant	Stern 1/89, NBC News.
Iveco/Magirus/Deutz	FRG	CW	Vehicule for mobile labs	Spiegel 4/89.
Karl Kolb	FRG	CW	Saad 16, laboratory equipment for material testing; biological agent equipment; Prime contractor of Samarra CW plant.	NYT 8/8/84, Spiegel 3/89, Stern 27/3/89, Christian Science Monitor 13/12/89.
MBB	FRG	CW	CW lab equipment for Saad 16	Stern 26/1/89.
Pilot Plant, dissolved	FRG	CW	Equipment for Samarra plant	Spiegel 3/89, NY Times.
Plato-Kuehn	FRG	CW	Toxins	Spiegel 30/1/89.
Preussag	FRG	CW	Water-treatment, buildings for Samarra CW facility	BBC Panorama 2/2/87, Spiegel 13/8/90.
Quast	FRG	CW	Reactor vessels for Sarin; corrosion-resistant alloy parts	BBC Panorama 2/2/87, Christian Science Monitor 13/1/89.
Rhein-Bayern Vehicle Construction	FRG	CW	Mobile toxicological lab	Spiegel 13/8/90.
Rhema-Labortechnik	FRG	CW	Inhalation system for toxic research	Spiegel 4/89.
Sigma Chemie	FRG	CW	Precursors for BW	Washington Times 31/1/89.
Sigma Chemie	FRG	CW	??	Monde et Vie.
W.E.T Engineering	FRG	CW	Precursors, production plant	Spiegel 34/90, NY Times.
WTB Walter Thosti Boswau	FRG	CW	Nerve gas plants	Stern 26/1/89.
AEG	FRG	MT	Weapons and ammunition production equipment	Spiegel 33/1990.
Blohm Maschinbau	FRG	MT	Saad 16, computer controlled grinding facilities	Spiegel 13/89, 33/1990.
Brown Boveri	FRG	MT	Electronics	Profil, 8/5/89.
Daimler-Benz	FRG	MT	Vehicules	Monde et Vie 23/8/90.
Degussa	FRG	MT	Saad 16, military research; unspecified equip at CW plant .	Spiegel 13/89, 33/1990.
Fritz Werner Industrie Ausrüstungen	FRG	MT	Machine-tools	Spiegel 13/89, Monde et Vie 23/8/90.
Gildemeister Projecta GmbH	FRG	MT	General contractor for Saad 16 missile programs, computer programs; supplied machine tools, test equipment.	Stern 26/1/89, 9/8/90 Spiegel 13/89, 24/90.
GPA	FRG	MT	Consen group	Financial Times 21/11/89.
Integral/Sauer Informatic/IC:E	FRG	MT	Saad 16, computer programs	Stern 26/6/89.
Leifeld & Co	FRG	MT	Rocket nozzles, via Nasr (GB)	Der Spiegel 28/90.
M.A.N	FRG	MT	Tadji, missile launcher parts	Financial Times 21/11/89, Spiegel 28/90.
Machinenfabrik Ravensburg	FRG	MT	Machine-tools	Spiegel 33/1990.
Mauser-Werke	FRG	MT	Saad 16, research	Spiegel 13/89, 33/1990.
MBB	FRG	MT	Training, engineering, R&D; electronic & testing of Condor II missile.	Stern 9/8/90.
Nickel GmbH (Hamburg)	FRG	MT	Climate control, missile plant	Vienna Profil, 8/5/89.
PBG (Freiburg)	FRG	MT	Consen group; missile tech	FT 20/11/89.
Promex Explorations GmbH	FRG	MT	Middleman, CW. missile tech	Mednews 3,12 (12/4/90)
Rheinmetall	FRG	MT	Tadji, missile propellants; parent firm of Aviatest	Spiegel 28/90, Monde et Vie, Profil 6/3/89.
Siemens	FRG	MT	Electronic rocket fuel mixers; precision lathes and computer control equipment; programming equipment for Tadju complex; non-echoing room for Saad 16 missile R&D.	(DS 27/3/89).
International Trade Consulting SA Transtechnica (MBB subsidiary).	FRG	MT	Main Saad 16 subcontractor, providing lab equipment for missile and CW R&D.	Stern 26/1/89; NBC News, 3/3/89, Spiegel 18/89, 19/89.
Waldrich-Siegen	FRG	MT	Machine-tools at missile plant	K. Timmerman; La Grande Fauche (Paris, Editions Plon, 1989).
Wegmann	FRG	MT	Tractor rocket launch system	Financial Times 20/11/89.
Weiss Technik	FRG	Nuclear	Hot and cold chambers	Vienna Profil, 8/5/89.
Dillinger Huette-Sarstahl	FRG	Nuclear	Special steels for centrifuges	Spiegel, 13/8/90.
Export-Union GmbH	FRG	Nuclear	Metal for production of gas centrifuges	Spiegel, 13/8/90.
Ferrostaal (MAN subsidiary)	FRG	Nuclear	Main contractor, Tadji	Spiegel, 28/90, 32/90, 33/90.
H+H Metalform GmbH	FRG	Nuclear	Rolling mill to manufacture centifuges, computer controlled facility for material checks, hardening of cannon barrels, cartridge cases, missile bodies.	Spiegel, 9/7/90, 13/8/90, 33/90, AFP.
Inwako GmbH	FRG	Nuclear	Ring magnets for uranium enrichment processing plant; SCUD-missile upgrade.	Spiegel, 35/90, 20/8/90.
KWU	FRG	Nuclear	Reactor core technologies	Mednews 2/4/90.
Leybold AG	FRG	Nuclear	Tadji, high-temperature furnace; recasting plants for cannon factory.	Nucleonics Week 9/8/90, Spiegel 6/8/90,32/90, 33/90.
M.A.N. Technologies Ltd	FRG	Nuclear	Middleman for H+H	Der Spiegel 18/12/89.
Nukem	FRG	Nuclear	U–235 fuel pins; blocked	Spiegel 33/1990; Energy Daily, 3/10/80.
Saarstahl	FRG	Nuclear	Maraging steel for centrifuge production at Tadji complex ..	Spiegel 33/1990.
TüV	FRG	Nuclear	Materials testing, Tadji	Spiegel 33/90.
ABB (Mannheim)	FRG	WT	Electrical equipment for furnaces at Tadji complex	Spiegel 28/90, 33/1990.
Buderus, Feldmühle subsidiary	FRG	WT	Casting technology for cannon plant at Tadji	Spiegel, 32/90, 33/1990.
Daimler Benz	FRG	WT	Security vehicles	Der Spiegel 27/3/89.
Dynamit Nobel (Troisdorf)	FRG	WT	Explosives	Spiegel 33/1990.
Faun	FRG	WT	Transportation facilities	Spiegel 13/8/90.
Hochtief (Essen)	FRG	WT	Construction, Tadji	Spiegel 28/90, 32/90, 33/1990.
Klöckner Industrie-Anlage GmbH	FRG	WT	Steel boiler, foundry, compressors, machine parts for Tadji .	Spiegel 9/8/90, 32/90, 33/1990.
Krauss-Kopf	FRG	WT	Unspecified equipment at weapons plant	International Herald Tribune 7-81/89.
Lasco Umformtechnik	FRG	WT	Weapon and ammunition manufacturing facilities	Spiegel 33/1990.
LOI Industrieofenanlagen	FRG	WT	Special furnaces for hardening steel at Tadji complex	SPIEGEL 32/90, 33/1990.
Ludwig Hammer	FRG	WT	Unspecified equipment at weapons plant	International Herald Tribune 7-8/1/89.
M.A.N. Roland	FRG	WT	Transportation equipment	Spiegel 13/8/90.
Mannesmann (Duisberg)	FRG	WT	Super gun components	Spiegel 33/1990.
Mannesmann Demag-Hüttentechnik	FRG	WT	Casting equipment for Tadji	Spiegel 28/90.
Mannesmann-Rexroth	FRG	WT	Components for super-gun	Groot Bijgaarden De Standaard (Belgium) 8/5/90.
Marposs (Krefeld)	FRG	WT	Weapons and ammunition production facilities	Spiegel 33/1990
Matuschka	FRG	WT	Parent of Leico (Leifeld & Co)	Spiegel 9/7/90.
MBB	FRG	WT	License for fuel-air explosives	BBC Panorama 3/9/90.
Ravensburg	FRG	WT	Boring equipment for cannon manufacturer at Tadji	Spiegel 32/90, 33/90.
Ruhrgas	FRG	WT	Tadji	Spiegel 32/90, 33/90.
Schirmer-Plate-Siempeklamp	FRG	WT	Weapon and ammunition production facilities	Spiegel 33/1990.
Schmidt, Kranz & Co	FRG	WT	Computer controlled facility for materials checks, hardening of artillery tubes.	Spiegel 33/90.
SMS Hasenclever	FRG	WT	Forgning press for Tadji	Spiegel 32/90, 33/1990.
TBT Tiefbohrtechnik	FRG	WT	Machine tools, Tadji complex	Spiegel 32/1990.
Thyssen	FRG	WT	??	Spiegel 33/1990 (13/8/90).
Züblin	FRG	WT	Steel plant at Tadji complex	Spiegel 28/90, 33/1990.
Dango & Dienenthal	FRG	WY	Molten metal treatment, Tadji	Spiegel 9/7/90, 33/1990.
Körber AG (parent firm of Blohm)	FRG	MT	Machine-tools for Saad 16	Spiegel 13/89.
Advanced Technology Institute	Greece	WT	Super-gun engineering w/SRC	NYT Mag 26/8/90; Figaro 1/6/90.
KBS	Holland	CW	Thiodiglycol	BBC Panorama, 2/2/87.
Melchemie	Holland	CW	Precursor chemicals	Spiegel 3/89, Christian Science Monitor 13/12/88.
Transpek India Ltd	India	CW	Trionyl chloride	Far Eastern Economic Review, 30/8/90.
Teco (German-owned)	Iraq	CW	Tadji, (middle-man??)	Spiegel 33/90.
Al-Arabi Trading company	Iraq	MT	State-owned front; owns TDG	MEED, 22/9/89.
Ausidet	Italy	CW	Sarin precursors for Montedison	BBC Panorama, 2/2/87.

THE POISON GAS CONNECTION—IRAQ'S SOURCES OF UNCONVENTIONAL TECHNOLOGIES—Continued

Company	Country	Type	Equipment delivered	Source
Montedison	Italy	CW	Sarin Precursors to Melchemie	BBC Panorama, 2/2/87.
Snia Techint (Fiat group)	Italy	CW	CW lab for Saad 16	Mednews 3,12 (2/4/90).
Technipetrole	Italy	CW	Nerve gas plant, Akashat	Libération 12/3/84.
Snia Bpd	Italy	MT	Solid rocket fuel	Mednews 3,12 (12/4/90).
Euromac (European Manufacturer Center)	Italy	Nuclear	Iraqi front; krytron triggers	AFP, AP, 29/3/90, Spiegel 9/7/90.
Snia Techint (Fiat group)	Italy	Nuclear	Hot Cells for Thuwaitha	L'Express 4/10/80.
BNL (Banco Nazional del Lavoro)	Italy	WT	Financing	
Danieli	Italy	WT	Tadji, steel rolling mill	Spiegel 28/90.
Ilva	Italy	WT	Forge equipment	Monde et Vie 23/8/90
Istuto per la Ricostruzione Industriale (IL VA).	Italy	WT	Owns Fucine; super-gun parts	Reuters 14/5/90.
Societa delle Fucine	Italy	WT	Super gun parts (IL VA)	Reuters 14/5/90, Financial Times, 15/5/90.
Minolta	Japan	WT	Duplicating equipment	NBC NEWS, Monde et Vie.
Transtechno Ltd	Jersey	MT	Consen group, missile tech	FT 20/11/89.
Consen Investment S.A.M.	Monaco	MT	Consent group, financing	FT 20/11/89.
Consen S.A.M.	Monaco	MT	Consen group; Missile tech	FT 20/11/89.
Chemadex	Poland	Nuclear	Repair work on uranium processing plant	Washington Post 25/8/90.
Int'l Trade Consulting SA	Spain	MT	Middleman for missile tech	Mednews 3,12 (12/4/90).
Casa	Spain	WT	Helicopters from MBB	AFP.
Trebelan	Spain	WT	Steel cradles for super-gun	Financial Times 26/5/90, Monde et Vie 23/8/90.
International Trade Consulting SA	Spain	MT	Middleman for misslie tech	Mednews 3/12 (12/4/90).
Bofors	Sweden	MT	Electronics; Missile launchers	Financial Times 26/5/90, Monde et Vie 23/8/90.
Canira Technical Corp	UK	MT	50 percent share owned by TDG; attempted buyout of Learfan, Belfast, to acquire carbon-carbon technology.	MEED, 22/9/89.
Matrix Churchill	UK	MT	Machine-tools, precision lathes (owned by Iraq)	WSJ, US News and World Report 4/6/90, MD.
Nasr Dependance Meed Int'l	UK	MT	Iraqi front; rocket nozzles	Der Spiegel 28/90.
SRC Composites	UK	MT	Joint venture SRC/TDG; attempted buy-out of Canira/Learjet factory in Ireland, 1989.	Financial Times 17/4/90.
TMG Engineering	UK	MT	Iraqi front (TDG); bought Matrix-Churchill	MEED 22/9/89.
Trade Development Group	UK	MT	Iraqi-owned front, MT and Wt purchases, finance of carbon-tipped machine tool plant.	BBC Panorama 3/9/90, Mednews 2/4/90.
Transtechno UK	UK	MT	Consen group, missile tech	FT 20/11/89.
Consarc Engineering	UK	Nuclear	High-temperature ovens	NY Times 16/7/90.
Astra Holdings	UK	WT	Super-gun parts, owner of PRE	WSJ 19/4/90, MD, AFP 5/5/90.
BSA	UK	WT	Machine-tools for weapons plants	BBC Panorama 3/9/90.
Eagle Trust	UK	WT	Owner of Halesowen (equipment for super gun)	Monde et Vie 23/8/90.
Global Technical & Management International	UK	WT	Mine detection, acoustic detonators for sea mines	London Press Association 30/3/90, Monde et Vie 23/8/90.
Halesowen	UK	WT	Parts for SRC supergun	London Press association 17/4/90.
Int'l Highway Transports	UK	WT	Transport of super-gun parts	TRT/TV 29/4/90; Monde et Vie 23/8/90.
Meed International	UK	WT	Iraqi front; machine-tools	BBC Panorama 3/9/90.
Sheffield Forge Masters	UK	WT	Super-gun barrils	Reuters, AP, 11/4/90.
Space Research Corp	UK	WT	Super-gun procurement office	Reuters, AP, 11/4/90.
Walter Somers	UK	WT	Hydralic equipment super-gun	Wall Street Journal 23/4/90.
Center for Disease Control	USA	BW	West Nile Fever virus	NBC News, 11/4/90.
Al Haddad Trading	USA	CW	Sarin Precursors	BBC Panorama 2/2/87.
Alcolac International	USA	CW	Precursor chemicals	US News and World Report 4/6/90.
Nu Kraft Mercantile Co	USA	CW	Precursor chemicals	New York Times 31/1/90.
United Steel and Strip Corporation	USA	CW	Precursor chemicals	New York Times 31/1/89
US Steel and Strip Corp	USA	CW	??	Monde et Viez 23/8/90.
Lummus Crest	USA	CW	Ethylene oxide	Washington Times 27/4/90.
Electronic Associates, Inc	USA	MT	Computers for missile R&D	ABC News 7/9/90.
Hewlett Packard	USA	MT	Computers for missile R&D	Mednews 3,12 (2/4/90), Washington Post 3/5/90.
Scientific Atlanta	USA	MT	Computer for missile R&D	Washington Post 3/5/89.
Wiltron Company	USA	MT	Computer equipment, scalar analyzer system	L'Express 7/9/90, Washington Post 3/5/89.
XYZ Options	USA	MT	Carbon-tool machine tool bits	Financial Times, 21/11/89.
Consarc	USA	Nuclear	High-temperature ovens	NY Times 16/7/90.
BNL (Banco Nazional Lavoro)	USA	WT	Atlanta branch of italian owned bank, financing	Chicago Tribune 6/5/90.
Centrifugal Casting	USA	WT	Machine-tools for gun barrels	ABC News, 20/8/90.
Sitico	USA	WT	Iraqi financed from for VUF AG	Mednews 2/4/90.
Tektronix, Inc	USA	WT	Computer graphic terminal	Washington Post 3/5/89.
Textronix	USA	WT	Computers for missile R&D	Mednews 3,12 (2/4/90).

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I rise in opposition to the Michel-Solarz resolution.

Mr. Speaker, obviously, voting to commit our American forces to war is the toughest vote any Member of Congress can cast—and that is as it should be. It is difficult to work one's way through the slogans, friendships, and political alliances to reach the hard basic facts and then weigh them carefully in making a decision.

In this case, I weighed carefully the stated goals as outlined by President Bush over the past few months—protecting our allies, releasing the hostages, halting the development of nuclear weapons, stopping a tyrannical dictator, protecting jobs and oil, as well as getting Iraqi forces out of Kuwait. These are all worthwhile goals. Some have already been achieved.

However, the resolution passed by the United Nations and the Solarz-Michel resolution authorize the use of whatever means are necessary to achieve one of the remaining goals—the removal of Iraqi forces from Kuwait.

At a breakfast I attended at the White House yesterday morning—Friday, Jan. 11—I asked President Bush whether he would approve—if hostilities should begin—the continuation of those hostilities until Saddam Hussein is removed from power. The President responded that he could not provide me with that assurance.

As I weigh the cost in lives—and military experts tell us a war will cost us several thousand American lives—it simply is not worth the cost to achieve the goal of pushing Iraqi forces out of Kuwait while possibly leaving Saddam Hussein in power. The source of the problems we are facing is Saddam Hussein. To leave the door open for him to remain in power after the loss of thousands of American lives is unacceptable. For this reason, I oppose the Solarz-Michel resolution.

If hostilities should begin, I strongly support allowing our military commanders to take whatever steps they determine are necessary to bring the conflict to a speedy conclusion with as little loss of American lives as possible. I hope that if a war begins, President Bush will see the wisdom of doing it right—not stopping our forces until Saddam Hussein is out of power. If History has taught us anything, it's that war is an all or nothing business.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise to oppose the Solarz-Michel resolution. Yesterday, I received this advice from the President—Vote with your heart. Let me speak from the heart. With my sincere respect, I will not be with you today, Mr. President, but maybe tomorrow, and many times in the future.

But today I rise as a freshman casting my first votes. I am one of the youngest members of this august body and come here with high hopes in my heart, prayer in my thoughts, idealism in my dreams, and a belief in the magnificence of America. Let us work a little longer with purpose toward peace and with patience and principle.

Mr. GEPHARDT. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I thought the previous resolution offered the best hope to gain some valuable time for negotiation—a week or 2 weeks. I hope that the President will nonetheless hear the message that we continue to hope and pray that a peaceful resolution to the Persian Gulf crisis can be found. A few days extension past January 15 is not a sign of indecision on the part of the President, nor grant of delay for Hussein.

Only three days remain until the January 15 deadline set forth by the U.N. Security Council for Saddam Hussein to withdraw his troops from Kuwait. As that date draws closer, I hope the President will bear foremost in his mind that January 15 is a deadline for Saddam Hussein alone. It is not a deadline for this country or our allies to initiate offensive military action to drive Iraqi troops out of Kuwait.

If this House votes to authorize the President to use offensive military force, it is my most fervent hope that he will not use it too quickly. It must remain as the ultimate and final alternative, to be used only after every other avenue to resolve this crisis peacefully has been completely exhausted. I'm confident the President feels the same way.

Once again, I call upon the President to continue to remain patient and flexible, and to consider any viable, responsible possibility to resolve this crisis peacefully. I know the hope grows dimmer with each passing hour, but I want to believe hope still exists for bloodshed to be averted.

If every hope for diplomacy and negotiation has expired, then so be it. We should close ranks and support the President. But I pray that such a conclusion is only considered after all others have failed. Help us Mr. President, if you can. Show the American public you will go the extra step if any possible settlement can be achieved.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine [Mr. ANDREWS].

□ 1454

Mr. ANDREWS of Maine. In a few minutes the Congress of the United States will vote to go to war. I will not.

Resolving conflict, standing up to brutality and aggression without rushing into war is and always will be the most difficult course. But it is and it always will be the right course.

It was a lesson that was taught to me by my parents and a lesson that I learned in the schoolyard. It is a lesson that we are all taught by the Bible. And, yes, it is indeed a very difficult lesson and it is a very difficult course.

But indeed it is the right course. That course, giving peace every possible chance to work before rushing into war, is about to be rejected by this Congress. Hundreds and hundreds of people from my district at home in Maine have called me in just the last few days. Some are angry. Many are scared. All are worried.

But just about every single one of them has asked me, "Why, why when we have such a powerful alternative to war, are we committing this Nation to war?"

Yesterday was the most difficult day, one of the most difficult days of my life, not because I struggled with how I was going to vote today but because I struggled to understand, myself, why, with the effective and real alternatives we have before us, why this Congress will vote today to go to war.

That question has haunted me every day of my young congressional career, and it haunts me as I stand before you today. But it will tear and it will rip at me when the mother or the father of a soldier from my district in Maine who has died in the desert in the Persian Gulf looks me in the eye and asks: "Why?"

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Speaker, I thank the distinguished majority leader for yielding time to me.

Mr. Speaker, I rise in opposition to the Solarz-Michel resolution. Our common goal is to remove Iraqi forces from Kuwait. Our differences exist on the tactics that get us there.

The choices before us today are clear: Either we bomb Iraq or starve it. The war option results in immediate sacrifices.

The economic option, in my opinion, is the wiser course because it will reduce the risk of American casualties and cost.

Since we are dealing with the issue of life and death, it is a mark of prudence to take the safer, wiser course.

Economic sanctions may not have the effect of toppling Saddam Hussein quickly from power. But they will work to further weaken Iraq militarily.

I don't question the use of the war option, but I do question using the war option at this time. We waited 40 years to win the cold war.

Why can't we show a little more prudence in letting the sanctions work to weaken Iraq militarily while the multinational military capability increases?

I don't question the comparison that many have made that Saddam Hussein is another Hitler. But let's not forget that for 10 years he was our Hitler. We were in bed with Saddam.

When Saddam Hussein unleased biological and chemical warfare against the Iranians, we assented.

When Saddam Hussien used biological and chemical warfare against his own people, the Kurds, we assented.

When some of us tried to block shipments of military spare parts, the administration said, no, Saddam Hussein is our friend.

When some of us urged the President to reduce subsidies of agricultural products to Iraq, the administration said, no, Saddam Hussein is our friend.

Now we are being asked to support this resolution because Iraq is on the brink of becoming a nuclear power. And what did this administration do to prevent that?

Shortly after our first deployment to the Persian Gulf, the Commerce Department approved an export application for a supercomputer shipment that would assist Iraq's goal in its nuclear program.

Mr. Speaker, this resolution is a product of an imprudent and failed policy of the past decade by this and the prior administration.

It further paints us into a corner of our own making and provides us with no real further options in dealing with the creature of our own making that we call Saddam Hussein.

This resolution leaves us with only a single isolating option—war.

It is our duty to explore every possible diplomatic and economic option available to us, and this resolution limits this Nation from considering a broader range of alternatives.

It is for these reasons, Mr. Speaker, that I cannot support the Solarz-Michel resolution.

□ 1500

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I ask a question. How long, Mr. Speaker; how long, Mr. President, will our economic, political, and military strategies be dependent on foreign oil?

I oppose the resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in opposition to the Michel-Solarz resolution. My colleagues, make no mistake about the meaning of this resolution and of this vote. This resolution amounts to an abdication of the Congress' exclusive responsibility to declare war. Let us be very clear: Our approval of this resolution will hand over to the President the ability to place the lives of American men and women at risk on January 16.

My friends, I am not convinced that we have reached that last resort. I am not persuaded that the President of the United States and the President of the United Nations have exhausted every last remedy short of war. And I am troubled by the possibility that the U.S. Congress may vote to allow one man, the President of the United States, to make that determination.

The Persian Gulf crisis is a critical test for the new world order. The leadership and the deeds of the United States and of the nations united against Iraq's aggression will determine whether we will enter the post-cold-war era in the last decade of the 20th century with a strong victory for collective international action or with yet another failure of the global community to discipline a lone outlaw. Yet peace may be preserved and aggression deterred without a shot being fired.

Mr. Speaker, I supported the President's initial response to Iraqi aggression, and, as I have said, I am just as determined as the next American to force Iraq out of Kuwait. My differences with the President are on our means toward that goal. It seems very clear to me that the administration has not walked that extra mile to pursue a peaceful, diplomatic resolution of this crisis. When thousands of lives are at risk, it ought to be incumbent upon the President to continue to seek out every avenue, every forum, every interlocutor to discuss means of resolving the crisis without bloodshed. Some have said that we cannot allow Iraq to "save face." My colleagues, I do not mind Iraq saving face if it saves the lives of 5,000 American citizens.

Much of our debate has centered on one question: Are the sanctions working? Two former Chairmen of the Joint Chiefs of Staff, former Secretaries of State and Defense and a former National Security Adviser have testified that the United States should maintain the sanctions well past that arbitrary deadline next week until Iraq does begin to suffer from the embargo and expresses a willingness to discuss its withdrawal or until it is clear to a majority of experts and the Congress that the sanctions will not be severe enough to force that concession. I am willing to give the sanctions time, with American lives at stake, and I would urge my colleagues to hold that line as well.

Every Member of this body agress that war should be the last resort. We have not reached the last resort. The most experienced and knowledgeable former members of our Defense, State and Intelligence agencies testify that sanctions have not been given a chance to work. U.N. diplomatic efforts have not been exhausted. And the lives of thousands of Americans hang in the balance. We gain nothing by handing over the Congress's assent to war at this early hour, and we have everything to lose by refusing to maintain a policy that is working very well. Give peace a chance for the sake of your countrymen on the front lines. Vote to preserve the Congress' prerogative to declare war, and vote against the Michel-Solarz resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. GEPHARDT], the majority leader, for recognizing me for 3 minutes.

Mr. Speaker, I rise today to speak against the Solarz-Michel resolution. I also rise to speak for peace.

The vote, this vote, this simple vote, this one little vote, that we are about to cast today has become a vote of conscience. However we vote, it says something about who we are as individuals and who we are as a people.

We used to call this resolution, for that is what it really is. By voting for this resolution my colleagues are voting for a declaration of war. The American people do not want war.

Mr. Speaker, people called my office this morning crying on the telephone saying, "Stop the war. We don't want war."

History will testify to the fact that wars are poor builders of a peaceful tomorrow. We should be prepared to cast our lot with sanctions. We have an opportunity; it is not too late to turn back the dark clouds of war. It is not too late.

What is wrong with being patient? Patience is not appeasement. Patience is not a dirty and nasty concept.

I ask my colleagues, "Are we ready to accept the burden of history? Will we fight a war that didn't have to be?"

As a nation, as a people, and as Members of this body, we must accept the idea that means and ends are inseparable. If we are going to make real the idea of a new world order, a world community at peace with itself, then the means by which we struggle must be consistent with the end we seek. If peace is the end we seek, then the means must be peaceful.

During the past few years we have witnessed a nonviolent revolution in Eastern Europe, a revolution of value, a revolution of ideas. We are seeking people in Africa, Asia, South America, moving toward democracy using the discipline and philosophy of nonviolence. These people were not inspired by bombs, or guns or missiles. They were inspired by our Constitution, our Declaration of Independence, and our Bill of Rights.

I say to my colleagues, "We have a chance, a last chance, a last opportunity to give peace a chance in the Middle East and not the tools of destruction and death."

Mr. Speaker, there is a better way, a more creative way, a more excellent way. I do not want the blood of American young men and women, nor the killing of tens of thousands of innocent people who call the Persian Gulf home to be on my hands, nor on my conscience. Whatever we do as a Congress, it will happen on our watch. Both the spirit and judgment of history will be on us.

Maybe we should all lay down the burden of war. I have made up my mind that I am going to follow the words of the old spiritual. "I am going to lay my burden down, down by the riverside. I ain't gonna study war no more."

We should also heed the words of the Scripture, "Blessed are the peace makers, for they should be called the children of God."

We should be the makers of peace, not war. Mr. Speaker, and my colleagues, let January 15 serve as our moral deadline by rejecting this resolution of war. Let us vote for peace. Give peace a chance in the Middle East.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. WEBER].

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, as an original cosponsor of Michel-Solarz, I rise in support as a last hope for peace.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise in strong support of our President and his constitutional capacity as Commander in Chief.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Speaker, I rise in support of the Michel-Solarz amendment.

Congress must send the signal, and not empty threats, to Saddam Hussein that the Nation stands behind the President and is serious and committed to enforcing the U.N. resolutions. To do otherwise would only encourage further Iraqi intransigence and Hussein's terrorism, brutality, and quest for military domination of the Middle East.

I believe that signal is best made with the passage of House Joint Resolution 62, the Solarz-Michel resolution, which authorizes the President to order our troops to free Kuwait from Iraqi occupation. The House accepted House Joint Resolution 62. I rejected the two nonbinding resolutions also debated by the House.

The first, as worded, House Concurrent Resolution 1, is confusing and has the wrong message for Saddam Hussein; however this resolution passed the House 302–131. This country must stand together against aggression, but sincerely, this resolution does not deal with the reality of the situation in the Persian Gulf.

This nonbinding resolution unnecessarily tries to reaffirm Congress' authority in declaring war. I believe the Constitution clearly stipulates that Congress has the sole and awesome responsibility to declare war. And Congress is deciding this issue and will have the opportunity to vote. House Concurrent Resolution 1 could not further define that burden.

The second resolution debated, the Hamilton-Gephardt resolution, House Concurrent Resolution 33 would have also sent a mixed signal to Iraq. While giving approval for the use of force to defend our troops and to enforce U.N. economic sanctions, this resolution also required further congressional approval of any military action. Signaling Hussein that we have more patience to offer, as this resolution proposed, was defeated 183 to 250.

Hussein has demonstrated time and time again that he does not respond to patience, diplomacy, or to our appeals on moral decency, with any movements toward peaceful settlement. He only uses our goodwill to strengthen his stranglehold on Kuwait and ready his military machine to bring down upon the peoples of the Persian Gulf and the world his most heinous and destructive weapons of war.

House Concurrent Resolution 33 would have tied the hands of our President, and of our troops in the gulf, with conditions that capitulate our responsibilities in defending what is right and defeating what is wrong.

I cannot fathom a more soul wrenching experience, nor am I likely to ever make a more difficult decision, than the votes I made today. I voted to give our President the authority, provided that diplomatic efforts and economic sanctions have failed, to commit our forces to battle in the event that Saddam Hussein's forces fail to leave Kuwait.

The President, as Commander in Chief of our Armed Forces, must be given the flexibility to meet the demands placed on our country and to preserve and protect our national interests.

Presidents have deployed our troops over 200 times in our country's history. Congress has declared war only five times. In this instance, and as a veteran, I believe that authorizing the President to commit our troops to battle in the Persian Gulf, fundamentally improves our chances of achieving peace and reaffirms Congress' role as described in our Constitution.

Mr. BROOMFIELD. Mr. Speaker, to close debate on this side I yield the balance of my time to the leader of the Republican Party, the gentleman from Illinois [Mr. MICHEL], principal sponsor of the resolution we are now considering.

□ 1510

Mr. MICHEL. Mr. Speaker, may I at the very outset compliment you for coming off the rostrum to become just the Member of your district from Washington and for the caliber and quality of your remarks, so appropriate for the occasion. Yes, I would have to say it was a fine hour for the House of Representatives, particularly in your dissertation that you gave.

I do not know what history will say about our debate, but I do know it will be said that during the crisis of the gulf, the Members of the 102d Congress stood up and were counted. The Constitution, the American people, and the cause of freedom have been well-served during these 3 days in January 1991.

Now the question of each of us is how best can I help to achieve a just peace? I believe it is far more preferable to pursue a long-term objective of real peace in the region by sharing with the President of the United States the risk of war in the short term. That is a question of high public policy, but it can be answered only in the private reaches of the heart, where the still small voice of conscience roars like thunder.

Mr. Speaker, I voted against the last resolution, one of those 250. Let me tell you why.

I guess younger Members are tired of hearing of World War II types always using the prelude to that war as a model for foreign policy. For so many Members, your war was the Vietnam war. That war shaped your thinking one way or the other. A different war, different lessons.

But allow me one last reference to the period with a Churchillian quote. He says:

> Those who procrastinated in the face of Nazi aggression, "were decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, and all powerful to be impotent."

It sounds like a critic's characterization of our own Congress in the past several years at times.

I, like so many other members of my generation, am haunted by the ghosts of Munich and the ghosts that Munich produced, and that is why I am so opposed to a policy of delay against aggression threatening our vital national interests.

At this point you might be saying all right, but that was then, and this is now. And I agree. There is not a perfect fit between the lessons of Munich and the problem of Kuwait. New problems demand new approaches.

All I could ask is that we at least consider that delay often can have more serious consequences later on than swift action. This is not just a theory. It happened once, to the horror of the world. What reason do we have to believe our time is immune from a similar disaster?

Mr. Speaker, President Bush has forthrightly and openly asked for our help. How can we at this time of crisis turn our backs on him before the entire world? Our American troops in the gulf have bound themselves by sacred ties of duty and honor and willingness to sacrifice. Cannot we at least be bound to a binding resolution that will give their Commander in Chief what he has requested?

This is, in the final analysis, a vote that transcends all the differences we may have, political, ideological, or generational. And, yes, as the Speaker so eloquently said in his remarks, this is a vote of conscience, and I am so proud to be associated with our distinguished array of bipartisan cosponsors. I want to thank them all, the Democratic side, the Republican side, for their great contributions to this effort. We hope that the contribution of your conscience will persuade you to vote with us on our resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise as I have several times over the last 2 days in opposition to the declaration of war and in opposition to Solarz-Michel.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I rise in strong opposition to the Solarz resolution.

As has been stated by the most respected Admiral Crowe among others, the consequences of war would be unpredictable.

The Pentagon's own casualty estimates for ground attacks on Kuwait show casualties could exceed 50 percent.

The President plans to attack under U.N. auspices. A U.N. Administrator in the Sudan laments that likely blockage of the Suez Canal and the Red Sea will bring famine of massive and biblical proportions for millions of Ethiopians and Sudanese.

And just think of the environmental catastrophe stemming from burning oil fields and oil-choked seas.

Let's not pretend we're going to easily control the consequences.

Vote against the Solarz resolution a declaration of war.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I rise in opposition to the Solarz resolution.

It is a premature and hazardous course to follow when we have not yet exhausted all of the diplomatic and economic avenues available to us.

Toughness, patience, and persistence pay off when economic sanctions are imposed. Five months are not enough. It will take until at least spring or early summer to weaken Saddam militarily and destroy his ability to effectively wage war.

There are those who feel that a quick-fix war will force Iraq out of Kuwait. I do not agree. The hoped-for quick-fix could easily lead to sending the world up in flames. It is easy to start a war, but difficult to stop it. And once started, there is no going back. And the price to pay will be devastating.

Are we ready to reimpose the draft on our young people?

Are we ready to raise taxes to pay for this war?

Are we ready for the certain death and destruction, and the loss of American lives that will come from this war?

Are we ready for the acts of terrorism and sabotage that will be unleashed on Americans?

I think not, and therefore, I urge that we exhaust every alternative before turning to war. I urge my colleagues to vote against the Solarz-Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise in strong opposition to the Solarz-Michel resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I came to this body as an advocate for jobs, justice, and peace. As the Member who introduced the first Martin Luther King holiday bill, I cannot tell you how disappointed I am that this resolution, an undated declaration of war, would go into effect on the birthday of this great leader of nonviolence. I conclude that our national interests are not at stake, and I will oppose this resolution.

Mr. Speaker, I rise in support of the Gephardt resolution calling for continued sanctions against Iraq, and I strongly oppose the throwback to the Gulf of Tonkin resolution, the Solarz-Michel resolution, which effectively gives the President a undated and cloaked declaration of war.

I came to Congress in the spirit of Dr. Martin Luther King, whose birthday and message of peace we celebrate next week. Dr. King taught us of the wisdom of dialog and peace, its possibilities for the ultimate enhancement not only of human rights but of our self-interests. He taught us of the dangers of the impetuous temptations toward violence, its unpredictable consequences and unanticipated costs. He taught us that peace is the ultimate civil right, that it is our incumbent obligation to ensure its survival to the greatest extent of our ability.

It was on this basis that I opposed the undeclared wars of Vietnam and Nicaragua, the military strikes in Grenada and Panama, the military support for paramilitary death squads in El Salvador. I believe they enhanced neither democratic rights nor ultimate U.S. interests. And it is on this basis that I oppose the Solarz-Michel resolution, giving the President a declaration of war.

The August 2 Iraqi invasion of Kuwait was, by any standards, a ruthless act of aggression. And the world's response to date has been a miraculous one: A Congress of nations made a virtually unanimous moral judgment in its first major cooperative undertaking in years, taking swift action against Saddam Hussein's military subjugation of his neighbor. In the face of this barbarism, old hatred and distrust was discarded, new alliances were forged, and many a speech was given by our President and others about the new world order, founded in the unprecedented events of 1990, were international frictions were relieved by means other than force. By passing the Solarz-Michel resolution, we threaten that new world order, the lives of thousands of young Americans, our domestic strength and the American Constitution.

Passage of the Solarz-Michel resolution is a declaration of war: It authorizes the President to take this Nation to war if he sees it necessary. Its wording—a modern day equivalent of a Gulf of Tonkin resolution—reveals two critical truths: That the President would lose critical votes by asking the Congress for a formal declaration of war, and that he will not concede to the fact that only the Congress has the power to declar war.

Intelligence reports tell us that a war in the Arabian desert is likely to be protracted over a period of many months, with hundreds of thousands of American troops caught in an unfamiliar desert, fighting a high-technology war with divided support around the world and at home.

While the world coalition is likely to maintain solidarity during the course of peaceful sanctions, its already unenthusiastic support for war is likley to further fracture in the course of an extended war. Europe and Japan are more likely to pursue their agendas of economic advancement in the coming year than they are to become embroiled in an inferno on the Saudi front. A United States war in the Arab Peninsula could be a very lonely one.

And whether the war lasts 10 days or ten months, whether it is fought with some of the allies or by ourselves, the decimation of Iraq and its rules will have geopolitical consequences—the creation of new power vacuums—that are being generally ignored. Therefore, even if we win, we still lose. Blowing away Saddam Hussein might give great satisfaction to even the most reasonable of men and fulfill a desire for an ultimate censure of a despot. But his removal would only fan the flames of this politically volatile region.

Regional security would be the first casualty of a gulf war. With Iraq removed as the dominant military power in the region, terrorist Syria and fundamentalist Iran will inherit the mantle of leadership among Arab countries. Arab masses, reacting to the specter of the loss of Arab lives, may become hostile to Arab regimes that endorsed military action and to the United States. Israel, threatened by an increasingly radicalized and hostile Arab world, may be more likely to resort to use of its nuclear weapons to impose its will on this region. American prestige, the critical multilateral balance of power in the region, and principle of collective security are therefore all likely to be casualties of the war.

And while we speak about the casualties of war what are we to tell the thousands of American parents and spouses—and the disproportionate number of African-Americans, still aching from the President's veto of the Civil Rights Act—when their loved ones come home bagged in plastic? That because the President ordered more than 400,000 troops to the desert he had to save face? If we attack, whose face do we save? The famed novelist E.L. Doctorow wrote this week that in the new world order, "A modern nation's honor is not the honor of a warrior, it is the honor of a father providing for his children."

Another cost of war would be our already faltering economy, the risks to which also argue for diplomacy. In December it was reported that the Pentagon estimated a $31 billion cost in fiscal 1991 for the gulf deployment—a figure that assumes that fighting will not break out—$31 billion that will be devoured by war costs. Even without a shooting war, it will cost $85 million a day to maintain Desert Shield. When it comes to war for ambiguous reasons in remote lands, cash flows freely. When it comes to the war against poverty, illiteracy, and despair in our inner cities, the eagerness is replaced with the rigidities and rhetoric of budget sequestration.

The entire 1990 Federal budget allocation received by Detroit—$291 million—would be eaten alive by Desert Shield in 3½ days. The entire 1990 budget for our Community Development Block Grant Program—$3 billion—is gone in a month for the gulf deployment. The entire $1.3 billion 1990 budget for Head Start dwindles to nothing after 15 days to support the President's war effort. All of these costs are occurring without a single shot fired. This Government would not even blink to commit these critical funds to war, but we see nothing but empty pockets when it is budget time for these critical programs.

Let us not delude ourselves that this will be a clean war. To those who talk about a quick victory against Iraq, I say there is room for doubt. Gen. Colin Powell, the Chairman of the Joint Chiefs, said that a quick, clean victory against Iraq is highly unlikely: there are too many variables in war and too many strategies to counter single-dimension initiatives like massive air strikes. Quick, massive strikes as well would claim thousands of Iraqi civilians but ensure no victory. The infliction of casualties a large number of the 1 million Iraqi troops would almost certainly ensure our own massive troop casualties.

However, we need not speculate on what might happen in a pitched battle with Saddam Hussein. We have already provided a military response. It is called a siege, and not only has history proven it to be the best of military strategies, it is working with great effectiveness and cost-efficiency today. Reports last week showed that since September, when sanctions were implemented, Iraq has suffered food prices seven times higher and declines in food rations of up to 50 percent. Already 40 percent of Iraqi domestic production has been cut and their economy is losing at a rate of $20 billion annually. Inarguably, sanctions are working. Without putting our children in harm's way, we are bringing slow but inevitable doom to Saddam Hussein. Because of the power of our sanctions, what we should be doing is giving sanctions an opportunity to complete their purpose, without the mass death and destruction of all-out war.

It took us 40 years to negotiate the end of World War II. So what if it takes us 1 year to negotiate the withdrawal of an isolated and despondent despot? Sanctions and strategic diplomacy—our collective willingness and strength to enter into a broad dialog to enhance, rather than wreck, the principle of collective security—may not bring the immediate gratification of military exploit that some of us think will enhance U.S. prestige, but will bring the results of peace, regional security, and the protection of U.S. lives that we all seek.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of our time to the distinguished deputy whip on the majority side, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, we have come to the closing moments of a long and wrenching debate. For the past 48 hours, the media have carried our deliberations live, gavel to gavel, into millions of our homes. Calls have been jamming the Capitol switchboard.

America, indeed, the world is watching us.

We are about to cast what so many Members have acknowledged may be the most important vote of our lives, whether or not to go to war.

Make no mistake about it—this resolution is tantamount to a declaration of war.

Before we cast this vote, each of us must ask ourselves: Do we really have no other choice?

War is the least predictable and most painful of our options. It must be the very last resort.

We support the goals of the President's policy. And Saddam Hussein must know that this country is united against his aggression, and determined that he will leave Kuwait.

We support the deployment of troops to enforce the sanctions and to maintain international pressure.

But January 15 is an arbitrary and unrealistic deadline.

The sanctions against Iraq are working. Now is too soon to declare this policy a failure and rush to war.

As we speak, over a million men and women face each other in the open desert, on the open seas. All the firepower of modern weaponry is ready to be unleashed. The cost in human lives could be enormous.

There are those who believe a war in the gulf will be a short war, that the casualties will be few, and the consequences contained.

But there are no short or easy wars. In fact, no war is ever really over. And for some men and women, war is an eternity.

Ask the families and friends and veterans of our last war. Their lives were forever changed.

America has 400,000 men and women on the front line. We are proud of them. And we stand behind them 100 percent.

But the best way to support them is to make sure that we do not ask them to make the ultimate sacrifice unless it is absolutely necessary.

Can we really say to those men and women in the desert today that we have given diplomacy a chance?

Will we just cast aside the testimony of Admiral Crowe and General Jones? Will we ignore the advice of six of the seven last Secretaries of Defense, all of whom have told us to stand firm with economic sanctions rather than use the military option?

Do we really want to go to war with this country so deeply divided? Have we learned nothing from the bitter experience of the last generation who went into battle?

I am aware, as is every one else in this Chamber, that this resolution will pass. And with its passage, the road to war opens before us.

Nearly a generation ago, we sent hundreds of thousands of our young to fight a war that no one wanted—in a land we did not know—against a foe we did not understand. We made the grave mistake at that time of failing to separate the warrior from the war.

To the men and women who carry our flag in the Persian Gulf today and in the weeks and months to come, let me say to you—we will not make that same mistake twice. You are our own; we draw strength from your courage and we will stand by you, regardless of how we cast our vote today.

To each of my colleagues here in this Chamber now, let me appeal to you one more time to pause before you cast this vote, and ask yourself the very same question that hundreds of thousands of families in America are having to face today. Is this the time? And is this the cause for which you would ask your son or your daughter to risk their life?

I urge you to vote against this resolution.

☐ 1520

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, I rise in support of the Solarz resolution.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in support of the Solarz-Michel resolution because I am persuaded that we do not advance the cause for peace by undercutting the President or repudiating U.N. Resolution 678. We advance it by strengthening the President's hand.

Mr. Speaker, these are difficult times. Our actions in the next few hours will shape history for decades to come, and will perhaps determine the fate of thousands of lives.

All of us want to see the crisis in the Persian Gulf resolved without any loss of life. I also fervently believe that war should be the option of last resort. But it will not occur because we wish it so.

Nothing will be served by a lengthy debate over the policy failures on the part of our Government that have led us to this unhappy chapter in history. Nevertheless, I feel compelled to make a few observations about policies which trouble me. The economic sanctions endorsed by the United Nations and enforced by the world community were undermined by the November decision to set a January 15 deadline for Saddam Hussein to withdraw from Kuwait.

Moreover, our range of options was seriously eroded by a decision to commit some 200,000 additional troops to Saudi Arabia as part of Operation Desert Shield.

I am also disturbed over the disproportionate number of American troops in the multinational force in the Persian Gulf. Those with the most at stake have committed the least. That's wrong.

I realize quite well, however, that we have to deal with the realities of the moment—not the way we would have it or the way it should have been. Leadership is attempting to shape events as they are evolving, not to sit back until a policy has been developed and then suddenly attempt to chart a new course at the last minute.

We should have come back into session last year to debate the events as they happened. I can tell you that I would not have supported a January 15 deadline which virtually assured that economic sanctions and diplomatic endeavors would not have a reasonable time to work. I would not have supported the additional deployment of some 200,000 American troops to Saudi Arabia when it was apparent that our allies were not making comparable commitments of manpower, and that we were raising the stakes and essentially going it alone on the battlefront.

Unfortunately, the time to debate those issues has come and gone. We are now at the end of a well-developed policy that leadership required us to challenge months ago, not today. It is up to us now to support this policy, to make the best of our limited options, and hope that it does indeed lead to peace, not war.

I have listened very closely to the debate in this Chamber this past 2 days. I find there is a remarkable consensus in the Congress about most of the critical issues we face.

Members on both sides of this issue are willing to authorize the use of force. Both Hamilton-Gephardt and Solarz-Michel are declarations of war, for they both approve the use of our military forces to enforce the economic embargo. The major difference in their effect is that Hamilton-Gephardt would require a second vote for an offensive against Iraq. Unfortunately, that works to the advantage of Saddam Hussein, not ours.

Most everyone on both sides of this debate agree that Saddam Hussein is an international renegade who the world will have to stop either now or in the future. It is uncertain whether it will be easier or more painful in the future. I fear it will be the latter.

Everyone argees that Saddam Hussein must be forced out of Kuwait and not benefit in any way for his rape and pillage of that small country. The only questions are how, when, and at what cost.

Most everyone in this Chamber agrees that economic sanctions will not guarantee the result that we seek—the removal of Saddam Hussein from Kuwait. We hope they will—and we should pursue that policy vigorously. But our intelligence is inconclusive, and not particularly helpful.

And most everyone agrees that a blockade is doomed to failure without a real and credible threat of force should sanctions fail.

But it must be a credible threat to use force. Credibility depends on whether by our words and deeds we have demonstrated clearly that we mean what we say about our willingness to use force to achieve our policy goals.

The President has worked hard to rally the international community behind a global position and strategy to compel compliance from Saddam Hussein. It set a deadline of January 15, and authorizes force should he fail to give up Kuwait.

Make no mistake about it, the Hamilton-Gephardt resolution seriously undercuts U.N. Resolution 678. It erodes the credibility of that threat to use force, cuts the legs out from our President, and sends the wrong message to Saddam Hussein and his kind.

Hamilton-Gephardt is tantamount to a repudiation of U.N. Resolution 678 at the very moment that U.N. Secretary Perez de Cuellar is meeting with Saddam Hussein to try to salvage peace. Instead of supporting this effort, Hamilton-Gephardt might very well trigger an unraveling of the international coalition now standing up to Saddam Hussein. At the very least, it will certainly shake their confidence in our leadership.

For those that want to rely upon continued sanctions, I can only say I do too. But they have to go hand-in-hand with a credible threat of force, and when you undercut that, you lessen the chance of its success.

Frankly, how can the President as our Commander in Chief persuade anyone—particularly Saddam Hussein—of our resolve and determination if we tie the President's hands as we approach these next few critical days of decisionmaking?

The Solarz-Michel resolution does not foreclose the continued use of sanctions. It does not foreclose the use of diplomacy after January 15. It does add an authorization to use force to the arsenal of tools afforded to the President. I do not give him that authority lightly or without a lot of reservation.

We cannot all be Secretaries of State; 535 Members of Congress cannot possibly carry out the day-to-day negotiating, consulting, and decisionmaking to deal with such difficult and complex matters of state.

I sincerely believe that the President wants peace, not war. He has persuaded me that he is our last best hope for peace. I cannot, in good conscience, tie the President's hands at this late moment and simply hope for the best. We've traveled too far down the road at this point to change the course.

In closing, I just want to point out that I, like everyone else in this Chamber, has deliberated, and indeed agonized over this decision. I have tried my best to listen to our President, to my constituents, and to my heart. In every instance I find that it is a close call.

In the final analysis, I sincerely believe that our last best hope for peace is to support our President and U.N. Resolution 678. I only hope and pray that I have made the right choice. Just as importantly, I hope and pray that the President will use the power we have granted him with great wisdom and care. He holds our country's last best hope for peace.

Mr. SOLARZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as we come to the close of this historic debate, I find myself in a somewhat anomalous position. It was almost 25 years ago that I got my start in politics as the campaign manager for one of the first antiwar candidates for Congress in the country. It never occurred to me then that I would be speaking on the floor of the House of Representatives a quarter of a century later in support of a bipartisan resolution that many whom I respect fear could lead to another Vietnam.

Yet, I believe there are some fundamental differences between the situation in which we found ourselves in Vietnam then and the situation we confront in the Persian Gulf today.

In Vietnam, vital American interests were never at stake. In the gulf, they are. In Vietnam, the cost in blood and treasure was out of all proportion to the expected benefits of a successful defense of South Vietnam. In the gulf, the enormous benefits of a successful effort to get Iraq out of Kuwait far exceed the admitted price we will have to pay if force must be used.

We have heard a lot of talk in this debate about the need for patience. We were patient when Japan invaded Manchuria in 1931. We were patient when Italy attacked Ethiopia in 1936. We were patient when Germany blitzkrieged Poland in 1939. We were patient when Germany overran France in 1940. We were patient, Mr. Speaker, right up to December 7, 1941, when Japan attacked us at Pearl Harbor, by which time Germany had conquered almost all of Europe and Japan controlled much of Asia.

The great lesson of our time is that evil still exists, and when evil is on the march, it must be confronted.

In the Persian Gulf, almost half a year after the brutal and unprovoked annexation of Kuwait, the time for patience has ended and the time for firmness has arrived. Saddam Hussein represents a clear and present danger, not only to the region, but to the world. He has gone to war twice in the last 10 years. He has used chemical weapons not only against his enemies, but against his own people, and he is well on his way toward acquiring nuclear weapons as well.

Driven by a megalomaniacal lust for power, he is determined to dominate the entire Middle East, and if he is not stopped now, we will have to stop him later under circumstances where he will be much more difficult and much more dangerous to contain.

None of us wants war. Yet the truth is that not until Saddam Hussein is stripped of any lingering illusions he may have about our willingness to use force will there be any real chance of a peaceful resolution of this crisis.

That is why, with only 3 days left before the expiration of the U.N. deadline, this bipartisan resolution, by confronting Saddam Hussein with a choice between leaving and living or staying and dying, represents the last best chance for peace.

The vote on the Gephardt-Hamilton resolution a short while ago demonstrates that a majority of the House believes that the protracted application of sanctions is a formula for failure rather than a strategy for success.

□ 1530

Judge Webster, the head of the CIA, does not believe the sanctions will be sufficient to get Iraq out of Kuwait. Nor do the British, nor the French, nor the Egyptians, nor the Saudis. Not one of our coalition partners believes that sanctions will be sufficient to get Iraq out of Kuwait.

The reason they do not believe sanctions will be sufficient is because they know that Saddam Hussein does not give a whit for the welfare of his own people. All he cares about is the maximization of his own power. However great the economic impact of the sanctions may be, they know, as we know, that Saddam Hussein does not have to run for reelection in 1992. He does not have to worry about a contentious Congress or a critical press. He will hunker down. He will wait. And while he waits, there is a very real possibility that this inherently fractious and fragile coalition will begin to unravel, and the sanctions will erode, and he will prevail.

With the adoption of the bipartisan resolution, however, we should be in a position to achieve our objectives by peaceful means if possible, but, yes, by the use of force if necessary.

If we prevail, as surely we will, we will have prevented a brutal dictator from getting his hands on the economic jugular of the world. We will have protected and stabilized the Arab governments courageous enough to have opposed him. We will have eliminated his weapons of mass destruction and greatly reduced his conventional military power. We will have enhanced the prospects for progress in the peace process between Israel and its Arab neighbors. And perhaps most importantly of all, by demonstrating that aggression does not pay, and that the international community will uphold the sanctity of existing borders, we will have established a precedent that could lead to the creation of a new world order governed by the rule of law rather than by the law of the jungle, and in which nations shall not make war against other nations anymore.

Mr. Speaker, I urge the adoption of the bipartisan resolution.

Mr. MURPHY. Mr. Speaker, 2 hours ago, this House, by an overwhelming majority, reaffirmed the sole right of Congress to declare war. Despite citations of over 200 instances of the use of force by the United States and its representatives without a congressional war declaration, when we assemble the largest concentration of military power in one location since the beginning of time, it is proper and fitting that Congress reaffirm its constitutional right to authorize the unleashing of these horrific forces.

It has been said here on this floor time and again over the past 20 hours of debate that we, this House must unite and support the President and his actions in the Persian gulf. But this support should not be the moral equivalent of a rubber stamp, or the blind leading the blind, or of the unquestioned obedience of a follower to a leader.

When we all took the oath of office, here in this Chamber 9 short days ago, we swore to uphold the Constitution of the United States, as members of the legislative branch, we have that right and that solemn obligation. Our vote shortly after noon this day confirms and reaffirms this responsibility and say to the President, "When you decide that there is no other alternative, when all other options are exhausted, come to and make your case and Congress will decide the appropriate time and place to wage war."

What a difference a few hours can make in the life of a democracy. After defeating a resolution which called upon the President to continue to use American forces to protect Saudi Arabia, to enforce the U.N. embargo and to protect our forces in the region, we spin 180 degrees and overwhelmingly pass the Presidential-Solarz-Michel resolution giving President Bush a virtual blank check to make war, perhaps within the next 72 hours.

The vote for the Presidential-Solarz-Michel resolution is a vote for inconsistency. It is a vote for impatience. It is a vote for the congressional equivalent of passing the buck and the responsibility for war to a President without the need for further legislative branch input or oversight for at least 60 days.

The overwhelming vote for the Presidential-Solarz-Michel resolution is a vote to diminish congressional power scarcely 3 hours after we so strongly reaffirmed it earlier today.

It is inconsistent to talk about the great costs of war without explaining how those financial costs will be paid. It is inconsistent to keep reminding America to remember the hundreds of thousands of American forces stationed there in the Mideast while forgetting that we have the obligation to see that they are used wisely, properly and only when there is no other alternative. But the greatest inconsistency of all, Mr. Speaker, is to boldly reaffirm a constitutional right to the sole power to declare war and then to turn around moments later and hand off this responsibility without any guarantee that it will be used only as a final step in a still unfinished search for a peaceful solution to this situation.

This is indeed a historic day for this Nation unfortunately, Congress has been less than spectacular in meeting the challenge and upholding its constitutional mandate to contribute to a peaceful solution to the crisis.

Mr. LEWIS of California. Mr. Speaker, I rise today to strongly support the Michel-Solarz resolution expressing the same sentiment as the U.N. Resolution 678.

After defeating the Hamilton-Gephardt resolution, which I opposed, I believe it is imperative that Congress reaffirm this Nation's resolve to do whatever necessary to remove Saddam Hussein from Kuwait.

It is important to remember, however, that this resolution is not an order to commence hostilities on January 15. It simply allows the President to have all options available to him after this date—a fact that will not go unnoticed by Saddam Hussein.

Again, let me state that, in my view, this resolution is the last, best hope for a peaceful resolution of this conflict. Only by giving the President adequate authority and bargaining power can we ensure that all diplomatic solutions have been attempted.

Mr. Speaker, we all want to avoid war. In my view, the Michel-Solarz resolution is the best method of accomplishing this goal.

Mr. McGRATH. Mr. Speaker, after careful thought, I intend to support the Michel-Solarz resolution. All three resolutions before us today recognize that force may be necessary to liberate Kuwait. Only the Michel-Solarz resolution has the force of law, and if we are condoning military action, the timing is best left to our Commander in Chief. I am confident that the President has listened closely to this debate and that he will navigate this incredibly complex and dangerous conflict with the use of force as an absolute last resort.

We simply cannot face the possibility of war with a cacophony of voices enunciating American policy. I recognize that this resolution may be viewed by history as a declaration of war in spite of the carefully drafted language. We will not be able to reverse our course once hostilities begin.

Economic sanctions have had some effect, but our ability to sustain combat readiness and international cooperation is limited by many factors.

In the time between our vote and any decision to commence hostilities, the United States should continue to actively seek substantially greater commitments of personnel and financial support by our allies in this effort. Many U.N. members have simply raised their hands to vote while we have sent our sons and daughters to a harsh and potentially bloody battlefield. If we are truly part of an undertaking of the entire international community, we should not be ashamed to demand their full participation.

This has unquestionably been the most heartwrenching decision of my career. Whether we all agree on the immediate issue, I urge every American to join me in praying that we can achieve a peaceful solution, and for the protection of the brave citizens of our Nation who face great danger on our behalf in the days ahead.

At this point, I ask to insert in the RECORD an editorial of New York Newsday, January 11, 1991, which very adequately reflects my views on this issue:

CONGRESS' DUTY: GIVE BUSH ROOM

The decision for Congress is clear: It is time to authorize the use of force in the Persian Gulf.

The vote is necessary not only to meet the constitutional requirement that Congress declare war, but to strengthen President George Bush's hand in trying to convince Iraq's Saddam Hussein that, unless he withdraws from Kuwait, he faces a war he cannot possibly win. The paradox holds true: To avoid war, there must be a credible threat of war.

War is not inevitable. Hussein is a consummate high-risk gambler who is likely to try for a last-second—or even overtime—deal. It could be that the diplomatic process really just began Wednesday in Geneva. If that is the case, then there is all the more reason to give Bush maximum support, to give him the strongest possible hand.

There might have been a time, even a few weeks ago, when it would have been appropriate to tell the administration not to use force and continue with economic sanctions. But events have overtaken that view. From the United Nations vote to authorize the use of force if Iraq did not begin to leave Kuwait by Jan. 15 to Iraq's stonewalling in Geneva, the terrain has changed.

Having brought Hussein face to face with the prospect of war, would waiting another year or more for sanctions to take hold have greater effect? It's not credible. It's more likely that the delicate international coalition that Bush stitched together would come apart at the seams long before sanctions hurt Iraq. It's more likely that domestic opinion will acclimate to the status quo and accept Hussein's monstrous devouring of Kuwait.

This is not an easy or a happy decision. An affirmative vote is clearly more than a tactical ploy. It diplomacy fails, there will be war and American soldiers will die. There is a lingering feeling that the administration has needlessly rushed into this position. And Congress deserves considerable blame as well. Action in November might have preserved U.S. options.

But that is past. Congress must deal with the reality before it. Bush has properly asked Congress for authorization to use force. It was essential he do so. Significantly, the major resolutions introduced in Congress all include authorizations for the use of force. The difference is in the matter of timing.

A group of prominent Democrats, including Rep. Lee Hamilton of Indiana and House Majority Leader Richard Gephardt, have offered a resolution that calls upon the president to pursue economic sanctions first and, if they fail, to return for an authorization to use force. This might have made perfect sense—two months ago. Not now.

The bipartisan resolution we support, sponsored by Rep. Stephen Solarz (D-Brooklyn) and House Minority Leader Robert Michel (R-Ill.) and backed by the White House, authorizes the use of U.S. armed forces pursuant to the U.N. resolutions, calls on Bush not to use force until he has determined all other appropriate avenues have been explored, and states that the War Powers Resolution applies to his actions.

We urge the President to pay particular attention to the last two parts of the resolution. If a war must be fought, it is essential that the American people believe that every reasonable alternative has been thoroughly explored. It could be that the authorization to use force will prove to be a more effective weapon than the use of force itself.

Mr. RITTER. Mr. Speaker, I rise in support of peace, and in support of the Solarz-Michel resolution that is the last best chance for peace.

I am convinced that when dealing with a bully like Saddam Hussein, peace can only come from a position of strength. Therefore, the threat of the use of force, along with sanctions, offers us the most hope for not having to use force. But if force must be used, and even the supporters of the Gephardt sanctions-only resolution do not rule out the use of force in the future, then sooner rather than later is safer for our servicemen and women in the field.

Our men and women in the desert fear what might happen in 6 months or 1 year while Saddam increases his capability to deliver weapons of mass destruction—chemical, biological, and possibly even nuclear. In the meantime, they cook in the desert.

In approving the Solarz-Michel resolution, the Congress joins 160 of the United Nations, the 28 allied nations active in the Persian Gulf deployment and the President in sending a strong message to Saddam that the U.N. resolutions must be adhered to by Iraq.

It is my sincere hope that this strong message of unity will help U.N. Secretary General Javier Perez de Cuellar convince Saddam that he must comply with the U.N. resolutions.

No one hoped more fervently than I that economic sanctions alone would force an Iraqi withdrawal from Kuwait. But in light of what we have witnessed in Iraq and Kuwait, and in light of my recent visit to the Mideast and Persian Gulf and my meetings with experts and officials there, it is obvious that sanctions alone will not get Saddam Hussein to withdraw.

I also feel strongly that the other members of the coalition deployed against Saddam, and the United Nations should have more forces on the ground beside our men and women. I also hope to see our richer allies like Germany and Japan share a far larger part of the financial burden of this operation. Japan's limited contribution thus far, given its far greater dependence on Mideast oil, is a scandal. All of this relates to working out the details of what constitutes the new world order.

But until such time as we have the details of the new world order worked out, we cannot stand by and allow Saddam to swallow up any country he chooses, to strike at the jugular of the world economy, to rape, torture, pillage, and murder, and to generally wreak havoc on the existing world order.

By showing our resolve to act if necessary, the Solarz-Michel resolution offers us the last best chance to stop Saddam peacefully.

I do not cast my vote lightly. This is a solemn occasion and the weight of responsibility is enormous. It is likely the most important vote I have cast in 12 years in Congress. Yet, in the search for real peace, where surrender to the forces of evil embodied by Saddam Hussein is unacceptable, it is the only alternative.

Mr. HANSEN. Mr. Speaker, for the past 2 days this body has been engaged in an interesting debate; a debate on a high plane of thought. I question no one's motive for this debate, but wonder why we are doing this when the United Nations, with our support and, indeed, the support of nearly every member nation has spoken: Iraq must leave Kuwait by January 15 or face being forced out.

The question has been raised, "Why must the United States bear the brunt of enforcing this decision." While it is true that the United States is shouldering a sizable burden, consider this: Of the forces united in the gulf against Saddam Hussein, more than a quarter million are from over a dozen nations, including sizable contingents from our British allies, from Egypt, and from Syria. NATO aircraft from Germany and Italy have moved into Turkey to protect that nation from retribution for their swift and decisive stand they took in the wake of the Kuwaiti invasion. The Kuwaiti Government in exile has offered to pay for one-half the cost of this operation. The Saudis have supplied our troops with food and fuel and our Government with money.

Yes, I agree, there are those nations who are not doing their fair share. It troubles me, particularly when I see those nations who not only have ample resources, but have the most to lose, being penny wise, but pound foolish.

I have listened with interest as my colleagues have discussed what message we would send Saddam Hussein if we vote to allow the sanctions more time. I am also concerned about the message such a vote would send to this fragile coalition President Bush has so skillfully drawn together. We not only show a lack of resolve to the Iraqis, we show it to our allies. How long will the coalition last in anything but name if we falter now? How long will the sanctions last in anything but name if we lack the conviction to enforce the very resolution we worked so hard to obtain? Friends, a vote to give the sanctions more time is nothing more than a vote to give Iraq more time. Time to circumvent the sanctions by dealing with greedy nations and unscrupulous rulers. Time to appeal to Arab unity to weaken the coalition against him. Time to build up his deadly arsenals of nuclear, chemical, and biological weapons, and a delivery system for those weapons which would threaten the whole world. Time to become a hero among Arabs for defying the entire Western world.

Diplomacy, another much bantered about word, has been, and is still, vigorously being pursued. As we debate this issue today, U.N. Secretary General Perez de Cuellar is pleading with Saddam Hussein to listen to the voice of reason, the voice of right, and leave Kuwait. But Hussein has shown little or no interest in listening to reason or doing what is right. His recent refusal to even see a letter offered by President Bush should be ample evidence of that.

This Nation sought and received the strongest sanctions from the United Nations possible. They have not worked. This Nation has sought to reason with Saddam Hussein. He has not listened. We sought and received a U.N. resolution calling for Iraq's removal, by force if necessary, from Kuwait. That resolution must work.

In closing, I would like to note the American people must be awfully confused by the vast amounts of conflicting data during this debate. We have all used the facts and figures which best suit our individual positions. Democracy is where everyone has his say, but not everyone has his way. But through this all I have detected a common thread, and that is a consensus that Iraq must leave Kuwait. I don't think there is a Member here who believes otherwise. And how should we do that? By giving the President the freedom to join with the United Nations in enforcing U.N. Resolution 678.

Mr. Speaker, I yield back the balance of my time.

Mr. ORTIZ. Mr. Speaker, I rise today in support of the Solarz-Michel resolution authorizing the use of force to implement the U.N. resolution not because I support war, but because I support peace. I strongly believe that our last and best hope in avoiding war in the Middle East is the diplomatic effort of the Secretary of the United Nations, Gen. Javier Perez de Cuellar.

I do not want war. I am concerned about the lives of our young soldiers and about their families and loved ones in the United States. But we are running out of options. Saddam Hussein has refused all reasonable attempts at a diplomatic solution, indicating a complete unwillingness to withdraw from Kuwait without force. Our greatest intelligence indicates that although economic sanctions are having an impact, they have not and will not cripple the Iraqi Army or force Saddam's withdrawal from Kuwait. Therefore, I am convinced that the only way to achieve a peaceful solution to the Persian Gulf crisis is the successful mission of General Perez de Cuellar.

General Perez de Cuellar has been called the world's last messenger for peace. He is planning today to present Iraq with two options: withdraw from Kuwait and there will be peace or remain in Kuwait and face forceful removal. In order for this message to have impact, it must be credible. The U.S. Congress today has the opportunity to strengthen the negotiating power of General Perez de Cuellar or weaken him. I believe we must allow him to negotiate from a position of strength and world unity.

The world community has spoken unanimously in its condemnation of the invasion of Kuwait by Iraq. The United Nations has warned that Iraq must withdraw from Kuwait by January 15. The deadline is not a U.S. imposed deadline, but a date agreed upon by the world. And the goal is not negotiable. Iraq must withdraw completely. There should be no prize for the aggressor.

My friends, today is a day on which we must make one of the most difficult decisions we will ever make in our political lives. Diplomatic efforts have failed us so far. We sit facing a dictator more brutal than any we have seen in recent history. Saddam is a man who has shown an exuberance for massive killings; the like of which we have not seen in five decades. We are a country in a community of nations who cannot be happy about war. And yet we must do the right thing now and avoid a much more massive amount of American casualties in the not-too-distant future.

As General Perez de Cuellar attempts today to negotiate a peaceful withdrawal of Iraqi troops from Kuwait, he must have the undivided support of the American people. Without the threat of force and possible destruction of his country, Saddam has no incentive to comply with the demands of the world that he completely withdraw from Kuwait. Saddam Hussein must be convinced. Secretary Perez de Cuellar must speak with authority, and this Congress must stand up now and make the difficult decision.

Only Congress has the power to make this decision. The Constitution gives Congress, and not the President, the power to declare war. Therefore, it is the Congress which must support the U.N. resolution. The vote today cannot and must not be a political issue. It is an American issue.

In closing, I am reminded of the words of a great American general and President, George Washington. Washington stood in the well of Statuary Hall and told the assembled Congress in 1780 that, "To be prepared for war is one of the most effectual means of preserving peace." Those words spoken so wisely almost 200 years ago are still true today.

I ask my constituents and all of the American people to pray for peace, and support the enforcement of the U.N. resolution.

Mr. HOPKINS. Mr. Speaker, the vote cast today will likely be among the most important that we as individual Members of this body will ever have to make.

We will not only have to account for this vote to our constituents and the American people, but also to our children and grandchildren.

For how we vote today will have a significant impact on how the post-cold-war takes shape and how nations settle their differences in the future.

We are at a turning point in history.

We can either look military aggression in the eye and stop it, or we can look the other way and pray that other would-be Saddam Husseins fail to notice that under the New World order aggression pays, and pays very well.

Mr. Speaker, we need to send a message today.

A message that the Congress stands united with the President and American people in our resolve to thwart his vicious invasion of Kuwait.

This message is truly the last and best hope of averting a costly and unwanted war.

Whether we like it or not, this Congress has always been viewed abroad as a credible and significant obstacle to our commitment to resort to force if necessary.

Unless we send a clear message that we, the Congress, also consider military force to be a legitimate and possibly necessary tool to achieve our objectives, I fear that, sanctions or no sanctions, diplomacy or no diplomacy, Saddam Hussein will simply hunker down and wear us out.

Wear out world opinion, the integrity of our coalition and the embargo. And in the end, he will keep Kuwait or some piece of it and have proven that aggression does pay, bullies do win and the prospects for a lasting world peace is nothing but an illusion.

What we are really debating today is not whether our objectives merit the use of force but when is the most prudent time to employ force.

Mr. Speaker, I submit that this is not an issue to debate on the floor of the House; when to use force is a tactical military decision best made by our President and his national security advisers.

If we have collectively agreed that the use of force is justified, then when we resort to war cannot be decided by a committee of 535.

But that is precisely what the democratic leadership resolution proposes to do.

It says to the President: While we agree with your conclusion that using force may be inevitable, the Congress, in its infinite wisdom, believes it knows better.

The Congress based on hearings, briefings, and a couple of trips to the area claims to have reached the more enlighted conclusion that waiting for a few more months is in our national interest and a more effective way to achieve our goals.

Mr. Speaker, if the Congress has reached the conclusion that our objectives are not worth going to war to achieve, then it should vote on this conclusion.

But we should try to direct the Commander in Chief on the tactical question of when is the most opportune time to use force.

I say to my colleagues, if you agree with the majority of Americans that the use of force to oust Iraq from Kuwait is justified and may be inevitable, then you only have one choice today—support the bipartisan joint resolution and defeat all the others which only serve to muddy the issue and undermine our objectives in the eyes of Hussein, the world, and the 300,000-plus young Americans waiting in the Saudi desert.

Mr. HOAGLAND. Mr. Speaker, my friends have said "You are voting for war."

I have said "No, I am voting for best hope for preserving peace."

After considerable soul searching, I have concluded that the best hope for preserving peace is a strong congressional vote of support for the President's policy.

Saddam Hussein must understand clearly the consequences of refusing to accede to international demands.

It he continues to refuse to cooperate, to brutalize people and nations, to violate every standard of international law and human decency, we must, given where we are at this moment, act decisively.

I have said before that it would be appealing to implement a 1990's containment policy, to dig in around Iraq, continue to isolate it, and settle in for the long haul, as we did along the Warsaw Pact border following World War II. That policy worked with the Soviet Union. It lasted over 40 years and cost virtually no American lives. This is the alternative, the policy that would let the sanctions work.

But the President has taken us down a different path. And Congress has chosen to address these issues too late in the game for that option. Such a dramatically different policy is no longer feasible.

With the President's determined leadership, the United Nations adopted the January 15 deadline. Over 25 nations have relied upon our actions and have committed troops, material, or money to the unprecedented international effort. Turkey and Egypt are under tremendous economic pressure because of the embargo. Saudi Arabia for its own reasons is urging a quick resolution. The Soviet Union has backed our hand in the Middle East fully, over the objections of the Soviet military, who have developed relationships with the Iraqis during arms sales, because of the leadership of Shevardnadze. Now he has resigned.

What would the consequences be if the Congress overruled the President on the use of force and nullified the January 15 deadline?

First, Saddam Hussein would surely take heart. Serious negotiations—such as there have been—would surely be out the window.

And what would the effect be upon the members of our coalition? Confusion and chaos. What would happen to our credibility? Why would other nations, friends or foes, rely upon U.S. representations again?

The administration has made mistakes along the way, leaving us with no other real option. Former American Ambassador to Iraq April Glaspie made a gross miscalculation when she told Hussein shortly before the invasion of Kuwait that America would not be concerned about border conflicts between Arab States.

And the administration did not seek the authorization it should have when, just after the election, it announced the massive troop buildup to over 400,000, and unilaterally changed America's strategy from a defensive one to an offensive one. This did not allow Congress and the Nation to debate whether to choose the containment option, the "let-the-sanctions-work" option, as an alternative. The President has been unnecessarily bellicose in many of his statements, and has excessively personalized the argument with Hussein.

But present reality is the President has committed our Nation to a schedule and to a clear course of action. The question is, where do we go from here?

With delay, Hussein will only become more dangerous. He has over 200 rockets capable of firing chemical and biological warheads of mass destruction on many nations in the Middle East. He is hard at work developing a nuclear capability. Once he acquires that, the costs of stopping him skyrocket.

I am convinced we must keep his feet to the fire. If he will not accede to our demands, we must recognize that if we delay confrontation, we are increasing the risks, not decreasing them.

In difficult times, we search history for guidance. At a similar time of crisis, the Cuban missile crisis in October 1962, President John F. Kennedy said:

> My fellow citizens, let no one doubt that this is a difficult and dangerous effort on which we have set out. No one can foresee precisely what course it will take, but the greatest danger of all would be to do nothing. The 1930's taught us a clear lesson: aggressive conduct, if allowed to go unchecked and unchallenged, ultimately leads to war.

We are here to make the tough decisions. None of our options are good. We must give the President the authority he seeks.

If war results, our military leaders tell us we will have a relatively quick victory, with fewer rather than more American casualties. Let us pray that that will be the case.

Mr. RAY. Mr. Speaker, I rise today in firm support of the United Nations Security Council Resolution No. 678 enacted on November 29, 1990, which authorizes military force against Iraq providing Saddam Hussein has not withdrawn his forces from Kuwait by January 15, 1991.

Mr. Speaker, I am against the Bennett-Durbin resolution. I believe extraordinary effort has been made by the United States and the United Nations in an effort to resolve the heinous acts committed by Iraq against Kuwait, a United Nations member and a United Arab Council member. The President's actions during the 5 months leading up to this debate have been very much in order. Further drawn out debate would not help, and, in my opinion, would even seem to be taking on a hint of begging and pleading to Tariq Aziz to accept the demands of:

No negotiations; no compromise; no attempts for an Iraqi face saving, and no rewards for aggression.

These demands have, on a number of occasions, been clearly spelled out.

To me, the insulting and unmovable stance of the Iraqi Government reached a level of intolerance which the American people should not accept. The ultimatum given to Iraq to be out of Kuwait by January 15 is a decisive one, and I concur with the perception of many who have contacted me that threats made by the United Nations and the administration must be followed through and not delayed.

The word "oil" has been used frequently—that is, "Is American blood worth shedding for oil?" I assume this means oil profits. I want to take a few minutes to comment on oil.

Oil is a major energy source. If in the hands of a manipulative country, oil could be the source of great power. A prime concern for the last 40 years of the NATO Alliance has been that the Soviet Union was posturing to take control of the oil and minerals of the world. If this had occurred with a substantial portion of the oil in the Persian Gulf region, the Soviet Union would have, without question, controlled Europe and possibly Japan. The end result could have been the isolation of the United States with severe economic demands and extreme energy costs, coupled with political concessions by the free world.

Oil is a resource which should be made available to all countries at an affordable market price, not by extortion or methods of intimidation. Oil should not be held hostage by thug countries such as Iraq.

There is no doubt in my mind that Saddam Hussein would be in Saudi Arabia today in control of its oil if the United Nations had not acted wisely and decisively. I suggest also that the current prices of oil at $27 to $35 per barrel would be rather modest compared to the world price that Saddam Hussein would be able to set under such conditions as a world power broker. Our staunch ally, Israel, would also be in an untenable situation which might jeopardize their survival.

Mr. Speaker, our economic and diplomatic alternatives have expired. Therefore, we must prepare ourselves for what likely remains our last option to expel Saddam Hussein from Kuwait unconditionally and unequivocally. I do not take lightly the notion of authorizing possible military force to get Iraq out of Kuwait. I have contemplated the consequences of such an action, and they are devastating. A military offensive will undoubtedly cause pain, suffering, and death. But Mr. Speaker, Saddam Hussein has already caused much pain, suffering, and death.

It is clear to me that Saddam Hussein is not interested in further negotiation. This was evident by his unwillingness to select one date for a meeting in Baghdad when presented with 15 dates by the Bush administration. This was also evident in Minister Aziz's failure to deliver President Bush's letter to Saddam Hussein.

While no one would advocate war over diplomacy, we find ourselves in a precarious situation. Our adversary is unwilling to budge, and we are unwilling to budge. At some point, we must draw the line.

Mr. IRELAND. Mr. Speaker, I rise in support of the Michel-Solarz resolution. In passing this resolution, we will be sending a strong message to Saddam Hussein: We Americans have the courage of our convictions. Just as our strength and resolve brought us a peaceful victory in the cold war, this vote is our last best chance for a peaceful solution to the crisis in the Persian Gulf. I hope and pray that Saddam heeds this message and pulls out of Kuwait.

Let me emphasize my sincere hope that offensive action by the United States is not needed to persuade Saddam to get out of Kuwait. No sane person ever wants armed conflict; I pray that we will not have to ask our young men and women in the military to risk their lives in a Persian Gulf war. But I believe that there are some things that we must as a nation be willing to fight—and even to die—for. Among those things, as our Founding Fathers declared more than 200 years ago, is the right to "* * * secure the blessings of liberty to ourselves and our posterity." That very basic constitutional right is what is currently at stake in the crisis the world faces in the Persian Gulf today.

President Bush has made a strong case for why we cannot afford to appease Saddam Hussein. Peace on Saddam's terms would only feed his "appetite for conquest," he tells us, and "would be paid many times over in greater sacrifice and suffering." I agree. We know that Saddam is ruthless: He has used chemical weapons against his own people, he invaded Kuwait without provocation, and would have continued into Saudi Arabia had he not been stopped by a military presence supported by the entire world—including all of his Arab neighbors.

In my judgment, the idea that economic sanctions will eventually force Saddam out of Kuwait is not a sound one. CIA Director William Webster recently laid out the reasons why econmic sanctions won't work in a letter to Armed Services Committee Chairman Les Aspin.

Mr. Webster notes that,

> Even if sanctions continue to be enforced for an additional 6 to 12 months, economic hardship alone is unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq * * * Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions, especially if the threat of war recedes significantly. He probably continues to believe that Iraq can endure sanctions longer than the international coalition will hold and hopes that avoiding war will buy him time to negotiate a settlement more favorable to him.

In other words, economic sanctions alone will not get Saddam out of Kuwait. That is why I voted against the resolution to preclude the President from taking offensive action in order to give the sanctions more time to work.

This standoff between Iraq and the rest of the world is not about oil or about restoring the emir to power in Kuwait. This is about Americans' ability to live our lives free from the constant threat of terrorism and unprovoked military aggression. If we appease Saddam today, we—and our children—will surely pay the price tomorrow.

So what should we do? For starters, we need to make clear to Saddam that, while we want a peaceful solution to this crisis, we are indeed ready and willing to use force to stop his unprovoked aggression. U.N. Resolution 678 sends just this message. It authorizes the use of force to compel Saddam Hussein to get out of Kuwait, it does not require the President or anyone else to start dropping bombs at 12:01 a.m. on January 16. That is why I am voting today to support that resolution.

I think it is extremely important that Saddam knows that President Bush has the authority to launch an offensive if he believes it is in the best interest of the United States to do so. I believe that, as Commander in Chief, the President already has that authority under the Constitution. But a strong message of support from Congress should make America's resolve that much more clear to Iraq's leader, and perhaps could help to convince him to pull his troops out of Kuwait voluntarily.

A voluntary withdrawal is the resolution we all hope and pray for. But if that is not to be, the President must have the authority to respond militarily.

Mr. DANNEMEYER. Mr. Speaker, deciding a position on the various Persian Gulf resolutions presented today is one of the most difficult decisions I have had to make as a Member of Congress. I have concluded that the United States does have vital interests at stake in engaging the conflict with Iraq. Our interests are defensive in nature and founded in the rule of law—not the law of some imagined new world order, but law to halt naked aggression.

I am convinced that Saddam Hussein seeks to dominate the region and its vast oil reserves. While we do not receive but about 10 percent of our imported oil from the Persian Gulf, much of the world relies heavily on it. The U.S. economy, domestic jobs, are at stake as we participate in the global economy.

However, oil alone is not reason enough for me to support military engagement in the Persian Gulf. I feel certain that Saddam Hussein would have combined against the entire Arab nations, moving on to Saudi Arabia after Kuwait, and then wherever his ego would take him were we not to make our presence felt.

Mr. Speaker, I have been extremely sensitive to divergent views throughout this debate. All sides have some merit, some views raise questions fundamental to the nature of American foreign policy. One of these views is proffered by a member of my own staff. I urge my colleagues to take notice, especially those colleagues who consider themselves political conservatives.

A REAL CONSERVATIVE POSITION ON THE PERSIAN GULF

(By Paul Mero)

Most conservatives defend the President's actions in the Persian Gulf, many call it heroic. I call it unwise. The true conservative position must address these points: (1) what is moral, (2) what is consistent, and (3) what is prudent as a long-term policy.

What is moral? No conservative consensus exists, as far as I am aware, in answer to the question, what is the national interest? Or, to put it a different way, for what causes are we willing to sacrifice American lives?

Some say the cause of "democracy." Notwithstanding a clear definition of democracy, no Arab nation involved in the Persian Gulf is even close to being considered a democracy. Some say "stability," as in Baker's comment that "instability is not in the best interests of the United States," but this policy simply puts American lives on the line for even non-democratic nations—American blood spilt in the name of defending an oligarchy? Socialism? Totalitarianism?

Some say the cause of "economics." That's right, some are actually willing to risk American lives over oil, a consumer product—a product we have an abundance of domestically and throughout the western hemisphere.

A simpler cause to die for, the only cause to die for, is a direct physical threat to the United States. Conservatives stand firm on the right to life of the unborn. Is this right diluted for adults in the name of war? I don't think so. Human lives are too precious, especially American lives, to be spent in anything less than a direct physical threat to their safety.

Iraq is not a direct physical threat to the United States. They are half way around the world. We are separated by vast oceans. They do not have a ballistic capability to reach the United States. They do not have nuclear capability. What threat are they as a nation to us?

Some conservatives say that Iraq's military capabilities are limited at present but are not long from being developed into a direct threat. They say, as they did in WW I, WW II, Korea, and Vietnam (wars that sacrificed over 426,000 American battle deaths), "better to take action now than to fight a stronger enemy later." This might be true were we not moral agents. A moral people would not kill someone because they perceived a potential threat. I would feel much more comfortable killing a rabid, adult pitbull than I would a pitbull puppy on the notion that it one day might grow up to attack me. Just think what the world would be like if we acted against anybody whom we perceived to be a potential threat.

Our life insurance policy as a nation is a strong national defense, based on a firm commitment to develop SDI, not a policy of preemption to kill all potential threats around us.

The moral position, as I see it, is to risk American lives only when faced with a direct physical threat. Iraq is not in this category. The day Hussein has nuclear ballistic capability to reach the United States, and the day he threatens the U.S. directly, is the day to engage the thought of war.

What is consistent? Another argument offered by interventionists to engage in conflicts such as the Persian Gulf is that the United States is obliged to help others in need—that we are such a prosperous nation and that we should spread our prosperity with others, even if that means fighting and dying to give them what we have, assuming they want what we have.

When that rhetoric was posed to me at a Heritage Foundation roundtable I chastised these esteemed conservatives for being "international liberals." Actually what I said was that that kind of rehetoric, when applied to domestic policy, would buy these conservatives a seat at the Democratic National Committee.

Consistent conservative public policy would not, on the one hand, support a domestic policy that encourages personal accountability, responsibility, preparedness, self-reliance, and the free market (including the right to fail) and then, on the other hand, support a foreign policy that makes the United States the guardian of the world, wreaking havoc on self-determination and accountability just because in our paternalism "we know what's best" for everyone else or because the State Department prefers "stability."

It is arrogant to believe that we know what is best for a world whose many communities are at varying stages of national progression. It is sad to see needless human suffering anywhere in the world. But an even greater tragedy is to intervene to not permit failure that can lead to true growth and progression. This is why most of the world remains unprepared and weak and relies so much upon our all-too-eager benevolence.

Conservatives understand this rule as it applies to domestic policy, but some fail to see how it applies, internationally. Some argue that Kuwait is being denied its self-determination by Iraq. I suggest Kuwait is living a reality it could have, but was not, prepared to meet. War is endemic to a prosperous nation with no desire to do what it takes to protect its prosperity from foreign aggressors. If tiny Israel can hold its own, so can a tiny emirate such as Kuwait.

What is a prudent, long-term American foreign policy? This is an America First policy. A policy that recognizes the value of human life, especially American lives. A policy that holds the virtue of example higher than intrusive good intentions. A policy that puts our national defense, not offense, as a priority of public policy. A policy that extends the hand of trade and diplomacy. A policy that acknowledges that we cannot rid the world of evil. A policy that allows foreign nations to live or die as they choose. A policy that allows a charitable people to privately assist distressed or ravaged nations, but that requires our government, a volatile power fueled by special interests, to resist the temptation.

An interventionist conservative is an oxymoron. When will conservatives understand this?

Mr. SMITH of Oregon. Mr. Speaker, I rise today in support of the resolution to authorize President Bush to use force, should it be necessary, to enforce U.N. Resolution 678.

I do not make this vote lightly, nor with any amusement. I recognize full well that the policy options before us are limited, and that the consequences of this action are potentially great.

I have three college-aged children, two sons and one daughter. So I understand in very real, human terms what is at stake in this decision.

But, Mr. Speaker, there is simply too much at stake for this Congress to walk away. President Bush has done an admirable job of marshaling international opposition to the Iraqi aggression. He has literally enlisted the entire world's support for sanctions and a united military threat against Iraq, and his statesmanship should be highly commended.

The United Nations is finally living up to its promise, and fulfilling the potential for true security so many of this body's Members espoused before the agenda became real. If you support collective security in the abstract, you ought to support it in this very real atmosphere, because for perhaps the first time ever, the United Nations is making collective security a credible policy option. We cannot walk away from that.

Mr. Speaker, I want peace. But that is Saddam's decision. His aggression will not stand. And if we present a united front to the aggressor—just as the United Nations has done—we will have the best hope of securing that peace.

United we stand, divided we fall—it is that simple. President Bush has acted boldly and responsibly to counter Iraqi aggression, protect Americans and American interest in the region, and mobilized an unprecedented international front.

This Congress is obligated to join the President and solidify that united front. If we do not—if we undermine the President, we undermine our policy and the strength of the international coalition and that, ultimately would place our troops in the gulf at greater risk. I won't do that.

I stand with the President and with the United Nations, and I urge my colleagues to join me.

Mr. SMITH of Texas. Mr. Speaker, if international law and rules of world order are not enforced, then there are no rules and chaos reigns.

Wednesday's meeting between Iraq's Foreign Minister Tariq Aziz and Secretary of State James Baker put us near the end of all reasonable efforts of achieving a peaceful solution in the Persian Gulf. Iraqi officials have consistently dodged meetings with Baker and have refused a letter stating President Bush's desire to achieve a peaceful withdrawal.

At the end of more than 7 hours of talks between Baker and Aziz, not one reference was made to Kuwait in Aziz's news conference. This shows their continued refusal to talk about peaceful withdrawal.

Iraq attacked Kuwait, a neighboring country, seized its resources, and brutalized and killed its citizens. The evidence shows that its military machine would have invaded Saudi Arabia if a peacekeeping force had not intervened.

To negotiate and allow Iraq to keep part of Kuwait would be to reward aggression.

Iraq has demonstrated that it is willing to unleash its military machine on neighboring countries. It has directly threatened world stability. Its actions are those of an outlaw nation and must be put down if we are to preserve world order in the years immediately ahead.

We must not give up hope. Many nations, including the United States, are interested in achieving a peaceful withdrawl of Iraqi troops.

Why not continue with the economic sanctions imposed by the United Nations, dropping the January 15 deadline?

Sanctions have been shown to help but are not a solution.

In a January 10 letter to Chairman LES ASPIN, CIA Director William Webster states, "Saddam currently appears willing to accept even a subsistence economy in a continued attempt to outlast the international resolve to maintain the sanctions." The letter further states that, "Iraq can easily maintain the relatively simple Soviet-style weaponry of its infantry and artillery units and can produce virtually all of the ammunition for these forces domestically."

Sanctions can only be used as a part of a larger plan to remove Hussein. They can not stand alone and be successful.

Furthermore, by dropping the deadline, we will only be saying to Hussein that we are now less serious about his leaving than before. If Hussein will not withdraw under the present circumstances—confronted by a clear deadline, 12 U.N. resolutions including a resolution authorizing force and a 28-nation peacekeeping force of more than 750,000 troops—then there is no reasonable hope that he will withdraw later because of economic sanctions alone.

As a totalitarian dictator, Hussein need not worry about reelection. He does not need to worry about confronting a disgruntled Congress. He does not have to face a critical press. Nor does he need to worry about protests being staged in front of his Presidential Palace.

The brutal gassing of his own citizenry demonstrates his conviction that civilians are disposable, secondary to the pursuit of political goals.

Members of Congress have introduced resolutions that attempt to limit the President's power of diplomacy. Congressional restrictions on when, where, or even if the President may use force are not what is needed. Such resolutions destroy the President's ability to conduct foreign policy. The President must retain his ability to call for the use of force as he deems necessary.

The role Congress should play in the current situation is to prevent the abuse of Presidential power. Congress should only interfere with Presidential authority if there is a consensus that the President is not acting in the best interests of the Nation. If Congress comes to the conclusion that the President's actions are an abuse of this power, then it could take action to infringe on the President's ability to use force.

Congress must give the President the authority to use force if necessary. An emergency military action requires a clear and direct chain of command culminating in a single Commander in Chief. The President serves in that position.

Mr. DEFAZIO. Mr. Speaker, I rise in strong opposition to the Solarz-Michel resolution. By this act, the United States will become the only member of the anti-Iraq coalition willing to make a declaration of war. I deeply fear that we also will be the only member of that coalition willing to sacrifice its economic well-being and the lives of thousands of its young people.

Time draws short, and a terrible dark night approaches. Yet it is not too late, if only because it must not be. This war will only be stopped by those who refuse to allow it.

It is not to late. It must not be.

Today is an unspeakably tragic day. For the sake of our Nation and the stability of the Middle East, I hope and pray that President Bush will have the wisdom to use restraint and allow sanctions time to do the job.

Mr. RIGGS. Mr. Speaker, as a new Congressman, I can't pretend to be an expert on foreign policy. I am a citizen-legislator deeply concerned about matters of war and peace, who has been given the grave responsibility to act on behalf of my constituents, and in some small way, the people of America. I cannot shirk this responsibility or my conscience in these matters of war and peace and of life and death.

President Bush is to be commended for stopping Saddam Hussein's ruthless advance in its tracks. He has quickly deployed United States forces and succeeded in protecting the borders of Saudi Arabia. He has rallied the nations of the world—including fractious Arab States and former enemies—to oppose aggression and to implement an international embargo against Iraq. He has breathed new life into a moribund United Nations, rekindling the hope of a world of peaceful international order.

The President has set four United States goals in Kuwait which have been repeatedly stated in U.N. resolutions. I stand with the President foursquare behind these goals, but I must differ on how they are implemented. I strongly believe that aggressive action by the United States at this time would not only result in the potential loss of thousands of American and civilian lives, it would undermine one of the President's and the U.S.'s principal goals: the creation of long-term stability in the Middle East.

Our own military is unable or unwilling to give us a worst case scenario of casualties, military and civilian. Five former Chiefs of Staff have warned against the dangers of a premature attack. Conservative opinion makers like Patrick Buchanan, George Will, and Paul Nitze have urged restraint. Why? A massive conflict in the Arab world could result in an explosion of factionalism, terrorism, and perhaps even an angry backlash of Islamic fundamentalism.

The prudent alternative is to stay the present course. We have cut off Iraq's sale of oil, resulting in a 50 percent cut of that country's GNP. Intelligence reports say that the international embargo has interdicted more than 90 percent of Iraq's imports and exports.

I am deeply concerned about the continuing threat of Saddam Hussein even if he is evicted from Kuwait. But I must respectfully submit that the administration has not convinced me that the immediate threat of this despot to U.S. security overrides the compelling reasons for caution in this incendiary situation. Iraq's economy is limping backward into scarcity. Hussein's military machine daily deconstructs because of the unavailability of spare parts. His development of nuclear capability is rendered impossible because of the embargo. The sanctions are tightening a noose around Hussein. They should be given more time.

Diplomatic efforts have not been exhausted. It may be possible that the United States and Iraq cannot negotiate, but there are third parties more than willing to make an effort for peace. The United Nations and especially the Arab countries should be given the time to seek a peace that ensures the liberation of Kuwait and sets the stage for further conflict resolutions in the region.

War now also ensures a tremendous financial burden on Americans. Even if we just hold the line in Saudi Arabia, we will have to maintain an expensive military presence sufficient to deter any further acts of aggression. If we go to war now those costs accelerate tremendously, and if we clobber Hussein, we will have to pay for the unwelcome task of occupying Iraq until a stable nonbellicose government can be established there. Dollars pale when compared to sanctity of life, but here we are talking about an action that can result in both the unnecessary emptying of our Treasury and the loss of life.

On one hand, we have a international embargo and a naval blockade that we know is working. On the other, military force promises a dice roll in the region, where even the best case promises immediate casualties and long-term instability in the region.

Make no mistake, Saddam Hussein did not invade Kuwait to free Palestine. There should be no linkage on these questions, and if there is justice in this world Hussein will have to pay for his brutality.

But we must have a wider vision of the future. We have come to the brink of war against a strongman whose power is derived from the anti-Western sentiment in the region. President Bush has worked a miracle in aligning former enemies against this despot. Now, if we are able to reach a peaceful solution to this problem, the stage has been set for a multilateral conference on the issues that threaten peace and stability in the region.

We need also to look toward a future not dependent on fossil fuels. Oil dependence is both a political and environmental liability. The message is clear: We must begin to work for energy independence and to develop sustainable energy resources.

This is a difficult time for me. I understand the strong feelings on both sides of this question, and I'm especially cognizant of the need to support our brave young men and women in the Saudi desert and the Persian Gulf. If war does break out, we must stand strongly behind them. But now even in this darkest hour, we must continue to search for a peaceful solution.

I have had to throw the normal course of politics to the wind in my search for truth and the correct course of action. In the end, I have not been convinced that diplomacy has been exhausted or that sanctions won't work. I can only conclude that if I must err, it must be on the side of caution.

Mr. DIXON. Mr. Speaker, this is the most important and difficult vote I have cast in my congressional career. The vote before the House today is whether we will authorize the President to go to war against Iraq or continue to support international economic sanctions and exhaust all available peaceful options in resolving the Persian Gulf conflict.

I rise in opposition to the resolution offered by Representatives STEPHEN SOLARZ and BOB MICHEL which would authorize the use of United States military force against Iraq. I cannot give the green light to the President to go to war. Instead, I am casting my vote for international sanctions in order to prolong peace and for continued diplomacy. I join my colleagues in voicing my strong support for the Hamilton-Gephardt concurrent resolution.

Hundreds of my constituents and concerned Americans from around the country have contacted my office to express their reservations regarding our vote today and their objections toward taking the path toward war. Many of them have sons, daughters, or family members in the Persian Gulf serving on board ships or in Saudi Arabia. They are patriotic Americans who love their country and are working hard to provide a decent life for their families.

I have heard from veterans who served in Vietnam, the Korean War and World War II. Others were students in the 1960's and remember how deeply our country was divided during that period. They come from all walks of life. Yet, the agony of their message is clear. Our country should not go to war against Iraq.

Mr. Speaker, I am torn by the heartfelt messages of my constituents, the global role of our country as a world leader, and the stark brutality of Iraq President Saddam Hussein with his weapons of mass destruction. President Hussein imposes a clear and present danger to the Middle East and world peace as long as he occupies Kuwait. You can be assured that I am firmly committed to reversing Iraq's brutal and illegal occupation of Kuwait. However, war is a grave and serious undertaking and inevitably, American lives will be lost and an untold number of our service men and women will return wounded. Yes, the vote today is a troubling one. But I believe we must stay the course for a little while longer.

At this time the wisest course of action to follow is to continue with international sanctions and diplomatic efforts to pressure Iraq to leave Kuwait. We must be patient and give sanctions every opportunity to work, while at the same time maintaining our military option. After all, sanctions are working.

Sanctions have completely shut off the flow of Iraqi oil to the world market and have denied Iraq the huge oil revenue that has financed its development. Iraq's GNP has already been reduced by 50 percent, and is expected to fall to about 70 percent within the coming months. Sanctions will continue to weaken Iraq's military capability, and the embargo is also very effective in blocking Iraq's effort to develop nuclear weapons and sophisticated delivery systems. Sanctions require some patience and do work. We learned this lesson well when we imposed economic sanctions against South Africa's apartheid government.

I commend President Bush for his leadership in putting together the international coalition resisting Iraqi aggression. But using military force now is the surest way to dismantle that coalition. We should wait longer for sanctions to squeeze Iraq further, and in turn, reduce United States and allied casualties if military force is used later.

The Hamilton-Gephardt resolution does support President Bush. The resolution endorses the actions the President has taken so far to secure an Iraqi withdrawal from Kuwait; authorizes the use of force to defend Saudi Arabia and enforce the embargo; and ensures that if the President should seek to use force against Iraq in the coming months, his request for authority will be given expeditious consideration in the Congress.

Mr. Speaker, I continue to hope that war can be avoided, and that the lives of our young people in the Persian Gulf will be spared. If sanctions prove unsuccessful, there may come a time when the President may make a compelling argument for taking more aggressive action. We stand at a moment in history that is so grave and the cost so great that we can ill afford to stop and consider every possible option. As William Jennings Bryan once said: "Destiny is not a matter of chance, it is a matter of choice." As we stand at this crossroad, we have a choice—let's give sanctions more time to work.

Mr. MAZZOLI. Mr. Speaker, first, I would like to extend congratulations to my colleague, LEE HAMILTON. Not only has the gentleman from Indiana been my friend, but our districts adjoin across the Ohio River, and so I have had the opportunity to observe his performance for many years. I am now happy that the merit that we knew he had, but was somewhat hidden under the bushel basket, is now for the entire country and the world to view because he is certainly bringing great dignity to this debate.

I would like to extend congratulations to the majority leader, who has shown his leadership on this issue, as well as the budget issue last autumn; Speaker FOLEY, because it is Speaker FOLEY who showed the courage and the tenacity to bring this issue up as it ought to be brought up; and certainly last, but not least, the President of the United States, who has these tremendous and weighty burdens on his shoulders which all of us join in praying God that they be discharged in a way that will bring the situation in the Mideast to a speedy and, we hope, peaceful conclusion.

I think there are some postulates that ought to be talked about here as we get the debate started. One is that all Members, whichever resolution of the three before us that Members would support, all Members are serious and have approached this with a great deal of thoughtfulness.

As one who has served in this body for over 20 years and having observed the debate for the last day or two, I think this is really going to be one of the high points of congressional service for all of us.

I think another postulate is that Saddam Hussein is a vile, mean, and evil man who ought not to be condoned in any fashion by any civilized nation of the world. I think I ought to say, as a veteran of the U.S. Army, back in the 1950's, that I believe wars need to be fought from time to time, that they are not totally avoidable. My belief is that this one ought not be fought now, but I believe many of us approach on the premise not that all wars are bad but that this war may not be necessary now.

Whatever is voted up at the end of the debate day after tomorrow, I think it is our responsibility as Members of the House to support the men and women in Operation Desert Shield, to be sure they have the material and all the support necessary to carry out their function.

Having said that, Mr. Speaker, I rise in very strong support of the gentleman's resolution. I intend, also, to support the resolution of our friend, the gentleman from Florida [Mr. BENNETT], which I think establishes correctly that the real power to declare war is vested in article I, section VIII of the Constitution, in the Congress, and not the President.

But the Hamilton-Gephardt resolution is a stay-the-course resolution. It allows that the sanctions currently in place be continued, and that those sanctions be tightened. It makes sure that all the diplomatic efforts which are under way are continued and strengthened. It keeps the forces we have in place so that they would be available to thwart any attack or to mount an offensive action if that is deemed necessary and voted up by the body at some time in the future.

However, unlike the Solarz-Michel resolution, this one before us does not give the President a blank check or a carte blanche authority to take an offensive action.

I have to ask these very simple questions, Mr. Speaker. Why would we need to go to war right now or at midnight on Monday night, the beginning of January 15? The President's objectives have largely been realized. Our hostages have been returned. The oil supplies are protected. Neither Saudi Arabia nor any other nation in the area is threatened. The area is stabilized.

The two other things the President desires to be done, that Kuwait be rid of Saddam Hussein and his forces, and that the Sabah family be returned to the throne in Kuwait, I do not think are needed at this actual moment in time—needed eventually, but not right now needed enough to warrant going to war.

I hear so much about this fragile coalition which might fall apart unless a war is fought at midnight Monday night or soon thereafter. If the coalition is that fragile, then maybe it is not really a coalition except in name only.

Many of the members of the coalition are not paying the money they pledged. Many of the members of the coalition are not sending their men and certainly not their women into this fight. So what is the coalition? Maybe that coalition is not really one anyway, and so it should not be the determining factor of whether we send our men and women to a sure death, in some cases, in order to preserve this coalition.

I liken this to: "We will hold your coat while you do the fighting". That is what this is. There are a number of nations in the so-called coalition that said, "Hey, we will hold your coat, but we want you guys to do the fighting, and we then want you to pay for the fighting." They have not ponied up the money. They are not going to. They do not send us their troops, and they are not going to. But they want the benefits of our war. I do not think that is fair. I do not think that is something this House and this Congress ought to do.

The whole idea is to demonize Saddam Hussein and deify Kuwait. We hear so much about Kuwait. We have got to restore the Al Sabah family; this is a great nation that has been run over by an aggressor.

I will sum up by saying that Kuwait is a feudal dictatorship, a feudal kingdom. Its people do not vote. The majority of the people who lived within the bounds of Kuwait before the takeover were not even Kuwaiti citizens. They were guestworkers or U.S. people who were there doing work for the oil companies.

The fact of the matter is there is nothing free and democratic. There is nothing devoted to human civil rights in the nation of Kuwait. Why, pray tell, should we sacrifice ourselves and our future to restore that?

Mr. Speaker, I think what we ought to do is continue the sanctions, make sure they do not leak, make sure these members of the coalition who are knowingly allowing these leaks to take place do not take those actions, and then let us see what happens.

If later down the road we have to take offensive action, we will do so. We should do it. But, it ought not be done now at this point in time.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of the bipartisan Solarz-Michel amendment. And I do so with a great sense of responsibility, as we all must feel here today. This is, indeed, one of those historic occasions when we are called upon to perform our ultimate duty, to our constituents, and to our Nation. The responsibility weighs heavy on our shoulders, but we cannot shrink from it.

This debate, and the votes we will cast, are momentous indeed. But the resolution I support is not a declaration of war. Let us be very clear about that. It is rather a vote to stand firm, stand tall, and stand together, as one Nation. It is a vote to give our President the support he has asked for, the support he deserves, the support he needs. At this critical moment for our country, and for the world, we have been called upon to give the President of the United States the authority he requires to meet this great challenge. Yes, Congress does have a constitutional prerogative. But we must exercise that prerogative soberly and responsibly.

If anything, a yes vote on Solarz-Michel is the best chance to avoid war. For only if Saddam Hussein sees unity and resolve on our side, will he finally understand that he has no choice. Only a credible threat will force him to yield. If we fail to send that unequivocal message, Iraq might miscalculate once again. Saddam may conclude that we lack the will to use force, and that if he stays put, his illegal occupation will stand. If you don't believe that, ask President Ozal of Turkey. He knows the Iraqis very well. He shares a border with them. His forces have 10 Iraqi divisions pinned down on that border. He is quoted in this morning's Washington Times as saying that it is crucial that we "send the right message * * * only * * * Congress can convince (Hussein) that the Bush administration is now authorized to use force to evict him." Mr. Speaker, that realization on the part of Saddam Hussein may be our best chance to avoid war. That's why it is so crucial that we do the right thing here, and give the President the support he asked us for.

During the past few months, we have heard much discussion centering on one small question: Why are we in the gulf?

The answer to this question is crucial in terms of this debate. What indeed is this conflict all about? Well, first let's determine what it is not about. Oil is certainly a consideration, but it is not the primary consideration. We have other sources of energy. And it is high time that we developed a real independence of Arab oil.

It is not even about Kuwait, and it is certainly not about democracy. Kuwait was a benevolent dictatorship, but it was a dictatorship. So is Saudi Arabia. It is not about human rights. Unfortunately, human rights abuses are rampant throughout the Arab world, and in so many other countries, like Cuba, Ethiopia, and Afghanistan.

The fact remains however, that we do have a vital stake in this confrontation. Our national interests really are at stake. For Kuwait is only the beginning. If Saddam Hussein is allowed to prevail, what kind of world will we live in? If Saddam stays in Kuwait, he will undoubtedly become the leader of the Arab world. His appetite for conquest and intimidation will grow. Other dictators will be encouraged. Instability in the world will be rampant.

We and our allies will be affected. Saddam Hussein will increase his arsenal of nuclear and chemical weapons, and he will use them, make no mistake about it. The threat lies not necessarily in what will happen tomorrow, but what will happen the day after tomorrow, if we do not act now. Winston Churchill put it best:

> Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.

Mr. Speaker, this is the history that we must avoid, because our children will pay the price.

I would just like to interject one note of caution into this debate—for those, whether in Europe, in the Arab world, or anywhere else, who think we should give something to Saddam, who think we should press Israel to make concessions. We must continue to categorically reject linkage. It is unconscionable that Israel be made a victim of this crisis. Of course, we want to solve the Palestinian problem. So do the Israelis. All the arabs have to do is accept. Israel's existence. Egypt recognized the State of Israel. In return, they got every inch of the Sinai Desert, although Israel won that territory in a war of self-defense. All problems in the Middle East can be addressed, but the solutions must be based on rationality and goodwill.

To those who oppose this bipartisan approach, I say this: I respect your view. I know we all want the same thing. But please, please, ask yourselves this question: What is the cost of waiting?

Ask yourselves these questions:

Can we afford to wait?

Can our men and women continue to sit in the desert, away from their loved ones, and in many cases away from their jobs and studies here at home?

Can our coalition stand the erosion of support that may come in the interim?

Can the Kuwaiti people continue to suffer from the horrible atrocities they have been subjected to?

Can our allies—Egypt, Israel, Turkey—continue to suffer the damage to their economies caused by the protraction of this crisis?

Can we wait around while a vicious, bloodthirsty dictator holds the world at bay?

Can we wait around while Saddam makes a mockery of civilized norms of behaviour?

Please ask yourselves these questions. Please be honest. Please vote your conscience.

Let's stand shoulder to shoulder with the President during this trying crisis.

With God's help, we may just be able to avoid a greater catastrophe later on.

Mr. DE LA GARZA. Mr. Speaker, arriving at this point in the discussion of this issue has been very difficult and painful. I would like to respectfully share with you my views at this time.

I support the President. I support the troops in Operation Desert Shield. But I am deeply disturbed at the events and the persons who have led us to this point in our history. I have and I will continue to support our troops and will support all efforts to give them the necessary tools to fulfill their mission. Having said that, the most important support we can give them is to do our utmost to keep them from having to use these tools.

I am not prepared at this time to accept the fact that all of the resources of the free world through the United Nations have failed in this instance and that the only recourse is war. What a shame and how sad if this is true that in 1991 the world admits failure for a peaceful, diplomatic resolution of the Kuwait affair. I support the U.N. resolutions—that's no problem—but do you know what they say? Get the Iraqi troops out of Kuwait. That's all they say.

I now ask, is that Emir of Kuwait worth dying for? No. Is the Emir of Kuwait worth one American life? No. I condemn the actions of Mr. Saddam Hussein, and I agree he is a menace to that area of the world and possibly beyond. I think that what he has done should not be the order of the day, but under the U.N. resolutions we drive him out of Kuwait. Again, that's all they say. What then, what have we gained? They do not speak of chemical weapons or nuclear weapons. All they say is he's a bad guy and should be driven out of Kuwait. Having done that, what have we gained, I respectfully ask?

The Hamilton-Gephardt resolution does not prohibit the President from acting. All it says is if should all else fail then Mr. President you tell us that's the case and we will act together. That's all it says, but let's do it together. Mr. President, as the elected representatives of the people, is that too much to ask? I support you Mr. President, but my conscience and my district demand that we give peace a chance first. Should that not be humanly possible and war is the ultimate need I would be with you and will pray that it be achieved with the least loss of life possible for it will be our young people in great part that will bear the burden. God bless and protect them.

With all my mind, body, and soul I pray that what we do here today be worthy of our service as representatives of the people of the United States, our troops, abroad, and our own conscience.

Mr. HOUGHTON. Mr. Speaker, I rise in support of the bipartisan resolution—backing the U.N. Security Council.

I wish, frankly, this were not the case. Because although through this resolution—war is not a fact on January 15, by any means—it does involve great risk. Risk is something we try to avoid, since it centers on something deep within every politician.

But, I am persuaded that now is the time to stand up, to take that risk. If we do not, I fear that we look straight into the barrel of higher risks for our children, our children's friends, and our grandchildren.

I did not set January 15, as a decision point. The United Nations did. I have no idea whether January 15 or February 15 or any other date is the right date. But, some date is, since without it, things will drag on and on, and it is we who will be bled dry by the costs—not Iraq.

If that happens, not only do we suffer, but two other things take place:

First, the so-called new world order following the end of the cold war would be pushed aside. There would be no order—no strengthening of the United Nations to evolve as the good cop, the strong balance wheel of the world.

The second thing to take place would be that Saddam Hussein would see without even a rap on the knuckles that he could bully and intimidate his part of the world—not unimportant to us in ways too long to list.

Mr. Speaker, the sanctions approach, as I understand it, pleads for time. This makes sense. I am sympathetic to the sanctions argument. I would like to see them work. I come from a world in which even a moderate economic squeeze can be brutal on people's lives. Sanctions are powerful tools. If pursued, certain questions would follow. Will Saddam Hussein be weaker? The answer would be yes. Will Saddam Hussein be less popular? Again, the answer would be yes. But, what I fear is that by going the sanctions route alone, you write off the military option. And, if you write off the military option, you cancel the one threat, the one message experts say Saddam Hussein understands.

Abraham Lincoln used to say that if the only tool you have is a hammer, soon everything begins to look like a nail.

This is the mindset of this cagey, wiley, back alley smart leader of Iraq, according to those with whom I talked recently in Cairo—Egyptians, Israelis, leaders of over 30 African nations—in other words, his neighbors.

Now, I know that this is not self-confession hour. But, I must say that I have tried to pray for peace, for wisdom in making my vote and other subsequent votes. The Lord gives no easy answers, and he didn't fail me in this case.

Yet, having been down here about 4 years, one point is clear: You can only do what you think is right for the greatest number, in the fullness of time, and not try to concoct the political decision.

Sometimes leaders have to do what is uncomfortable. The put-it-off, let-others-handle-it approach has its merits. There are times when no action is the best action.

But, I sense that this is not one of those times. As Richard Murphy, former Ambassador to Syria, told me today, it is a mean, brutal scene over there in Iraq. This is a man who already has killed 500,000—not of the enemy, but of his own people. It is reported by our Embassy in Cairo that in a not-so-distant dispute about military strategy, Saddam Hussein pulled out a revolver and shot dead one of his generals in front of all the other battalion commanders.

For us there is one lesson. If we want peace, we must put ourselves inside the head—not of the Marquis of Queensberry, but of a man who watches for any weakness, any sign of hesitation.

Make no mistake about it, through C–SPAN and CNN the eyes of Saddam Hussein are on us. Our talk and our action tomorrow will send the one signal he has been waiting for.

If we are resolute, unified with the rest of the world, he will move. If we stutter, he will hold.

I cannot be sure of any future event, but I am told that depending on the Saturday vote, Saddam Hussein is looking for a way to back down, yet not lose face.

He will not give us that satisfaction. More than probably he will not give it to the United Nations which he holds in contempt. He may give it to the Saudis, probably the PLO.

But, everything is on hold until we give the signal.

As proven by the Iranian war, this man has an obsession about not looking weak. He does not want to appear as if he had been pushed. But he will play the hand out right to the last card. I plead with you, then let us not fold prematurely.

I have had great difficulty coming to this decision, with great uncertainties having talked with hundreds of people in and out of the southern tier of New York—listening to their cries for peace.

But, you see, I cry for peace, too. I'm afraid this is not the issue.

The issue is how best to achieve it. And, I guess I come down on the side of standing tall rather than standing aside.

Good people differ, and I don't claim to have all the answers. I certainly don't claim to be a Middle Eastern psychologist, or a student of dictators. I just have a sense having come back only Thursday from Cairo, that now is the time to be firm.

If not, then conflict will fall, as it did after Mr. Chamberlain in the 1930's, on the shoulders of others at far, far greater cost.

I support our President. I support the United Nations of this world, arrayed for the first time in history—hand in hand—against a man who in time can only produce a holocaust. This we cannot allow to happen.

I now pray that what we do here helps to avoid, not promote conflict.

Mr. COSTELLO. Mr. Speaker, I rise in support of the Hamilton-Gephardt resolution. Before I explain my reasons for supporting this resolution, I would first like to commend the leadership of the House of Representatives on both sides of the aisle for bringing this issue to the floor for a full debate. Mr. FOLEY, Mr. MICHEL, and the Rules Committee have allowed ample time for all Members to be heard on this issue.

These are very difficult times for our country and for each and every Member of the U.S. Congress. The vote that we are to cast on Saturday will be the most important vote of our careers. I cannot imgaine a more difficult decision than one that may lay the lives of thousands of American soldiers on the line.

As you know, my son is a very proud 21-year-old infantry paratrooper with the 82d Airborne of the United States Army. He has been in Saudi Arabia since August of last year. He is not in Riyadh or tucked away in a safe place like some might imagine, he is in the sand in Saudi Arabia.

If we go to war it is almost certain that my son will be one of the first on the ground to see action.

My son enlisted in the U.S. Army and volunteered for the 82d Airborne Division, a first strike special forces unit. He left college to enter the U.S. Army. He is a very proud American and feels a sense of obligation to serve his country. He never intended to be a career soldier nor does he intend to stay in the Army past his 2-year enlistment. He told me when he enlisted that he wanted to do everything he could possibly do in a 2-year period.

God willing, he will return to southwestern Illinois to complete college and pursue a law career.

My son is proud to represent this country—he is proud to wear his uniform. He has been well trained, he is both physically and mentally prepared to go into combat. I hope and pray that my son and the 400,000 troops that are in the Persian Gulf never receive the order to go to war. But if they do, they are well prepared, well trained and ready for war. If we go to war, my son and thousands like him will win the war and make us very proud.

This debate is not just about the welfare of my son or any one soldier serving in the Persian Gulf. This debate is about how we best accomplish the goal of getting Saddam Hussein out of Kuwait. I have heard it said in this Chamber and in the media that some "liberal Democrats" will never vote for war. I have not ruled out war. I believe that we as Members of the House of Representatives—the people's Representatives—have an obligation to exhaust every available option before resorting to war.

In supporting the Hamilton-Gephardt resolution, I have not ruled out war and the Hamilton-Gephardt resolution does not rule out war. Hamilton-Gephardt simply gives economic sanctions and international diplomacy a reasonable period of time to work.

I have supported President Bush in the decisions he has made thus far in the Persian Gulf. I told him so in early December at a social function at the White House. I told him that I felt that he was doing a good job and that his administration should be commended.

The Department of Defense—the military and the Uniform Transportation Command/Military Airlift Command at Scott Air Force Base in my congressional district in Belleville, IL, has done a phenomenal job in moving people, troops, and supplies to the Middle East.

I intend to continue to support the President. However, I am not willing to abdicate my responsibility and give the President the authority to declare war when there is substantial evidence that economic sanctions and international diplomacy are working.

There is substantial evidence that economic sanctions and international diplomacy are in fact working. When President Bush asked the United Nations to support an economic blockade in August, the President said that it will take time and he asked the American people to be patient.

In every briefing here on the Hill and in the Middle East that I have attended, experts have stated that economic sanctions are working, the question is how long will it take for economic sanctions and international diplomacy to run Hussein out of Kuwait. No one has the answer to that question. Experts disagree but predict anywhere from 3 to 12 months. General Schwarzkopf stated in a briefing in Riyadh, Saudi Arabia that economic sanctions were working. He said the only question is how long do we want to wait. In fact, 97 percent of Iraq's exports have been cut off. Fifty percent of Iraq's GNP comes from the sale of oil. The sanctions in effect have cut the GNP of Iraq by 50 percent. When we have a 2- or 3-percent drop in our GNP in this country, there is a panic. I cannot imagine how the American people would react to a 50-percent reduction in our GNP.

It seems to me that we face two options to accomplish our goals in the Perisan Gulf:

First, we can either abdicate our responsibility and turn the decision over to President Bush to do whatever he chooses at anytime.

Second, we can give economic sanctions and international diplomacy a reasonable length of time to work.

There is no question in my mind that the only course to follow is the course of economic sanctions and international diplomacy.

If the President after a reasonable time can demonstrate to the Congress that economic sanctions and diplomacy have failed, we can always give the President the authorization to take this country to war.

If economic sanctions and international diplomacy are not given a reasonable time to work, we will never know if peace could have prevailed.

I am not willing to go back to southwestern Illinois in my congressional district and tell the families of those who have loved ones in the Middle East that economic sanctions were working but we did not have the patience to wait a reasonable length of time to give them a chance to succeed. Instead, we sent your sons, daughters, husbands, and wives into combat.

Finally, I want President Bush and my colleagues to know that when the debate concludes and the votes are counted that I will accept the will of the peoples' representatives and support the decision of this body.

I support the Hamilton-Gephardt resolution because I know that it is in the best interest of this country.

Mr. SCHUMER. Mr. Speaker, we are gathered here today to debate the most momentous decision any Member of this Congress will ever face—the decision whether to commit our Nation to war in the Persian Gulf, or to stay the course of economic sanctions in hope of a peaceful solution to the gulf crisis. As I listen to this debate, I am torn, because many Members of this House whose advice and opinions I respect on this issue are split between authorizing the immediate use of force and continuing to enforce the sanctions. There are, indeed, many sound arguments in favor of each option.

No one in this House believes in appeasement. All of us share the conviction that Saddam Hussein must remove his troops from Kuwait. But as we debate the means by which this withdrawal is to be affected, I come back again and again to what I believe is an inescapable fact—once we commit troops to combat in the Persian Gulf, there is no turning back to seek a peaceful, diplomatic resolution of this crisis. And because this is true, I believe we must make every effort, take every extra step, toward a peaceful solution in the gulf. Have we exhausted those efforts? I think not.

The decision to make war is an awesome one. I am moved by the words of Speaker FOLEY, who said that if a Member has any doubts about the wisdom of commiting our children to war, he or she should err on the side of peace. Though I am tempted by the desire we all share to remove Saddam Hussein from Kuwait by force of arms, I am not completely convinced that this is the path our Nation should follow. And so, I am supporting the Gephardt-Hamilton resolution to continue diplomatic efforts and the economic sanctions imposed by the United Nations upon Iraq.

Many of those Members who support authorization of the use of force in the region have evoked the notion of a "New World Order" to justify their vote for war. I, too, have a vision of our world in the post-cold war era. I believe in the rule of international law, in the peaceful resolution of international conflicts, and in the vital importance of the United Nations for the preservation of peace. Many people feel that unless we go to war, international law will never govern the actions of nations, that the United Nations will never be an effective instrument of international stability and peace. But I say to those Members, that the idea that we can enforce international law through peaceful means alone, without the horrors of war, is not a utopian goal to be reached some day in the future—that day is here, now.

Saddam Hussein is a ruthless dictator, whose actions against his own people and the people of Kuwait are infamous and reprehensible. I want him out of Kuwait as strongly as any other Member of this House. The time may come when this Nation must go to war to ensure the freedom of the Kuwaiti people, and further the rule of law and the preservation of peace in the region. But I believe the time has not yet come when we have no other option but the last, most horrible recourse of war.

Mr. DORNAN of California. Mr. Speaker, I rise today in strong support of House Joint Resolution 62, sponsored by my good friends Mr. MICHEL and Mr. SOLARZ. I am also proud that my name appears on this most important legislation as an original cosponsor.

My decision to vote to give President Bush the authority he may require to use armed force to evict Saddam Hussein from Kuwait is not taken lightly. None of us wants to send young men and women into battle. The fact that I have a nephew, Don Dornan Jr., serving on the U.S.S. *Ranger* as Naval flight officer, an AWACS controller, on an E2–C Hawkeye makes it even more difficult. And just let me say that everyone in my family is very proud of Don and the job he volunteered to tackle.

But frankly I now see no other way to accomplish our goals in the gulf. Let us hope that after this vote today Hussein gets the message and gets out of Kuwait forthwith, though I am not holding my breath. We seem to be dealing with an irrational man locked in the Dark Ages, at least by our standards. But I would venture to say that even by Middle Eastern standards Saddam, a secular dictator who seems bent on martyrdom, is somewhat unusual.

After countless briefings on the issue and a first-hand look at the situation on the ground in Saudi Arabia, I had been hopeful that sanctions alone would be enough to drive Hussein from Kuwait. I have come to conclude, however, that sanctions alone cannot do the job. President Bush needs the big stick and the flexibility the authority to use force will give him if we are to have any chance of solving this problem peacefully, without sacrificing our principles. If, however Saddam remains unconvinced in the face of a very real military threat and sanctions, then we must not shrink from our duty to impose the will of the United Nations by force. If it comes to that I know our military personnel will do their duty with courage and conviction, and they will get the job done quickly.

First let me address the question of sanctions. Now I know that most of those who oppose this resolution do so because they believe that sanctions are working and will continue to squeeze Hussein, eventually driving him out of Kuwait.

But there is absolutely no reason to believe that sanctions alone will be able to accomplish our objectives. Indeed, those advocating such a position cannot say with any certainty that the international coalition now arrayed against Iraq will be able to sustain sanctions.

Will Germany, given its costly obligations in the East, be willing to continue subsidizing those front line nations hurt by the embargo?

Will Japan, which sees this as an American problem, not a Japanese one? As a recent article in the Wall Street Journal said:

> Japan's security has been assured by somebody else for so long that security is like air; there isn't any sense that someone has to pay for it. The U.S. would have to be in the Middle East anyway, some say, so why should Japan pay the U.S. to act in the American interest?

And will those front line countries of Turkey, Egypt, and so forth, be able to sustain the embargo in the face of economic dislocations and mounting economic pressure? No one can say.

But we can all be pretty sure that the longer the embargo is in place, the more porous it will become. As one of the former American hostages in Iraq told me just a couple of days ago, smuggling is a way of life in that part of the world, and no amount of blockading will be able to stop it. Almost all the hostages I spoke with saw definite signs that there was severe leakage in the embargo.

In short, there is absolutely no reason to believe that sanctions will become more effective. In fact, it is likely sanctions will be less effective; the Iraqis will surely find ways around them and will make economic adjustments to minimize their impact.

If the threat of military annihilation combined with sanctions—the current policy—is not enough to convince Saddam Hussein of the error of this ways, what reason is there to believe that sanctions alone will be successful? And how long are those of you advocating sanctions willing to give your policy time to work? One year? Five years? Ten years? And what if sanctions break down and Hussein becomes stronger as a result? Will anyone want to use force then?

Now let me turn to the question of the morality of what we are about to do here. Many of the opponents of the Solarz-Michel resolution have made the case that the military option will needlessly result in casualties and that those of us authorizing the use of force will have the moral responsibility of that decision. But those opposed to the use of force must also be held to account for the moral decision should their side prevail. Let's not forget that Hussein already has the blood of half a million dead on his hands, not to mention the hundreds of thousands of other casualties directly caused by his actions. If he is allowed to remain in power, what reason is there to believe he won't kill another half a million before he is through? Which is likely to cost more lives, the use of force now, or an unchecked Hussein running amok in the Middle East.

This issue was thoughtfully addressed by George Weigel of the Ethics and Public Policy Center. Mr. Weigel is perhaps the leading American authority of the Catholic just-war tradition. In the case of Hussein, Weigel claims that armed resistance would fall within the just-war doctrine because "what is being determined in the gulf is whether there will be a minimum of political and economic order in international public life, or whether we will descend in Hobbes's war of all against all."

Weigel also eloquently makes a point that I have been making, to wit, that voting either way involves unpleasant moral choices.

> There is no escape from moral responsibility in these matters. Those who urge a proportional and discriminate use of armed force against Saddam Hussein take on the moral responsibility for their action; which will, tragically but certainly, include the killing of innocents.

This is my position and I accept that responsibility.

Weigel continues.

> But it should also be understood that those who reject the use of military force, in the

case of Saddam Hussein, have not been absolved from moral responsibility for what follows: which will, certainly, include the killing of innocents, and in large numbers.

Indeed, I think this is a critically important point. For in Vietnam, the antiwar left got its way in the end and we all know what followed: the killing fields, reeducation camps, boat people, new economic zones, the Vietnamese gulag, the Bamboo Curtain, and so forth. Well over a million people lost their lives because the United States was driven out of Indochina by the American left. The antiwar crowd, which thought itself so morally superior, has never been held to account for the ghastly outcome of its policy. So I think it is important to point it out before we make these decisions that both positions have moral consequences. And I think history has shown that confronting evil early and decisively will, in the end, save more lives. This is the policy we should have used against Hitler.

Which brings me to my next point, the comparison of Hussein to Hitler. Some believe it is an accurate comparison, others say it is absurd. Well, the answer really depends on which Hitler you are talking about. I happen to think it is a very accurate comparison of the Hitler of the midthirties. As Norman Podhoretz recently wrote:

> When Hitler occupied the Rhineland in 1936, a moment which roughly corresponds to the invasion of Kuwait by Iraq, he had not yet attained to the level of evil Saddam Hussein has already reached in launching a pointless war against Iran that resulted in a million casualities, in using poison gas against his own Kurdish citizens, and in the grisly atrocities he has committed in Kuwait. Nor was the Hitler of 1936 as powerful as he later became, which is why there is general agreement that he could have been stopped (and a larger war averted) by early resistance.

Indeed, the comparison doesn't end there. The Ba'ath Party's leading ideolog, Michel Aflaq, who remained closely associated with the Iraqi regime until his death in 1989, was, according to one historian, "full of enthusiasm for Hitler" and other German Fascists. Indeed, Aflaq saw in Nazi Germany a model for his ideas of a synthesis between nationalism and socialism.

The Hitlerian use of terror by Hussein to maintain control of the population has been well documented. Hussein personally conducted the war with Iran, much as Hitler took control of Germany's army in World War II. Hussein speaks of doomsday weapons that will "astonish our enemies and fascinate our friends," much as Hitler held out hope that his scientists would develop such weapons to save the Third Reich. And both are willing to lay waste to their countries in service of their megalomania.

When I was in Israel recently, I asked the Prime Minister and the Foreign Minister and many other elected officials if they were put off in any way by the comparison of Hussein and Hitler. To a man they said absolutely not, that it was a valid comparison.

I'll give Eliot A. Cohen of Johns Hopkins University the last word on this.

> Unless we crush (Saddam Hussein) and batter his war machine we will open the way to schemes of Iraqi hegemony in the Arab world fed by vast financial resources, a surprisingly sophisticated technological base, and absolute ruthlessness. The stakes are * * * the very nature of the world our children and grandchildren will inhabit. A world safe for Saddam Hussein is a world safe, ultimately, for nuclear, chemical, and biological warfare waged to feed or, in defensive desperation, to thwart the ambition of Saddam and his ilk. That world looms less than ten years ahead of us. The Hitler analogy may be overdone, but at the end of the day there is a good bit to be said for it.

Now I am sure most of my colleagues have received from some of the leftwing groups which have discovered a convergence of aims with Saddam Hussein these posters proclaiming "No Blood For Oil." Done in a sort of cross between Communist and Fascist art, the posters, as usual, ascribe the basest of motives for U.S. actions. Now I am not one of those who is going to come before you and claim that oil doesn't have a major role in this crisis, it clearly does. Oil is a vital national interest. But it is ludicrous to suggest that access to oil is any more vital to the United States than for other countries, especially Third World countries. For if the advanced industrial economies of the West suffer from oil disruptions, the poor countries of the Third World will suffer as well, perhaps even more, resulting in more instability in many emerging democracies, and more poverty and death. Oil, as vulgar as it sounds, is a vital commodity. Even Jimmy Carter understood that, which is why he said the gulf was within "the vital interests of the United States" and that he would go to war to protect hostile powers from dominating that region, the so-called Carter doctrine.

But oil is not the only reason, or the most important reason, that we are engaged in the gulf. In my view the most compelling reason for our intervention is to contain aggression, and Hussein's aggression is of a particularly vicious variety. Now I know many of my colleagues will make the case that aggression occurs all over the world without our intervention, for instance in Red China or the Baltics. Well I would reply that the United States cannot confront all aggression everywhere. But where we can confront aggression with acceptable losses and while maintaining our principles, we should do so—if all else fails. In the case of the gulf, we are the only ones who can do the job.

And as I said, Hussein is a particularly brutal man. Any doubts as to his brutality should have been dispelled with the Amnesty International report on the atrocities—no other word will do—committed in occupied Kuwait. Now many of my liberal colleagues have expressed surprise that conservatives have embraced the Amnesty International report because we are often at odds with that group because of its Socialist sympathies. In this case, however, there is so much corroborating evidence and so many eyewitness accounts that the Amnesty report is really nothing more than a compilation of what we already know. That is the reason conservatives can feel comfortable with Amnesty's report.

Having said that, the reports out of Kuwait are truly grisly. Hussein's torturers have learned their lessons well from the Soviets, the Cubans, the North Vietnamese, the Nazis, and the Rumanians. One of the thirty ex-hostages I recently spoke with said that he witnessed an entire Kuwaiti family—a husband, wife, and three young children, the oldest only about 7 years old—executed by Iraqi soldiers for hiding a British citizen in their apartment. This type of atrocity has been repeated God only knows how often all over Kuwait.

For Hussein's goal has been to destroy all traces of Kuwait and the Kuwaiti people. One of the first acts committed by Iraq after its conquest of Kuwait was to destroy the documentation of all Kuwaitis, the personnel files of the entire country, if you will. He then urged Iraqis to move into Kuwait in an effort to repopulate the country with Iraqis, thus truly making it the 19th Province of Iraq. This is a version of Hitler's policy of Lebensraum, or increasing the living space for Germans in the east. The Vietnamese have also attempted this in Cambodia. It is a policy which is, at its heart, genocidal.

This should surprise no one. Saddam and the men he surrounds himself with have a history of brutality that is truly extraordinary, even by the inflated standards of the 20th century. His inner circle consists of relatives and loyalists drawn from his hometown of Takrit. But they resemble a Mafia don and family more than a government. As one historian wrote:

> Iraq is run as a private preserve of Saddam and his inner clique. He distributes wealth, assigning sectors to his family and other close associates to control and to milk.

For example, those Scud missiles we are all concerned about were purchased by Husayn Kamil al-Majid, Saddam's son-in-law and the second most powerful man in Iraq, who pocketed a $60 million commission on the deal. Dick Cheney eat your heart out. The Hussein mob has its hands in almost every business in Iraq and they live high as a result. In short, it is a gangster state. Why President George Bush has to address this thug as Excellency is I'll never know. He is not a head of state, but a mass murderer.

Let me close by saying that I pray force won't be necessary to evict Saddam Hussein from Kuwait. But if war does come, I know our fighting men and women will cover themselves in glory, and that we will be victorious in a fairly short time.

Our cause is just. Our people are ready. The Nation is united. We are the only ones who can do the job. I know we will not fail.

It is always easy to vote against a resolution like this and lay claim to the title of peacemaker. But that would be a phony peace, and for future victims of Saddam Hussein it would be the peace of the grave. I, therefore, urge all my colleagues to support the Solarz-Michel resolution.

Mr. SWETT. Mr. Speaker, I stand before you today faced with the decision of whether or not I should vote in support of a resolution which authorizes the President, if necessary, to use force to end Iraq's occupation of Kuwait.

The crisis in the Persian Gulf is a deadly and explosive situation. Clearly, there is an enormous amount at stake. Already, two New Hampshire servicemen have given up their lives to this cause.

Air Force Capt. Michael Chinburg, 26, of Durham was killed on Jan. 8, 1991, when the fighter jet he was piloting crashed in Saudi Arabia. Captain Chinburg served heroically with the 388th Tactical Fighter Wing of the Air Force. He was a 1982 graduate of Oyster River High School.

Marine Capt. Gary Dillion, 29, of Concord died on Oct. 8, 1990, when his helicopter crashed in the Saudi Arabian desert during a night mission. Captain Dillion was a 1978 graduate of Concord High School.

It is important to their memory that we act with courage and conviction when facing the crisis before us.

As a new Member of Congress, I am being asked to help clean up a mess that was at least partially created by the past failure of U.S. foreign policy to deal in a timely and morally correct fashion with the terrorist regime of Saddam Hussein.

Because of our preoccupation with the power of Iran in the Persian Gulf, American foreign policymakers turned a blind eye to Iraq's atrocious record on human rights and its support of terrorism against United States citizens. Instead of imposing economic sanctions on Iraq for its senseless and brutal use of terror, the country was removed from the list of terrorist nations and soon became the second largest importer of United States grain products.

When an Iraqi plane fired a missile at a United States warship in 1987, killing 34 American seamen, administration policymakers accepted a half-hearted apology from Iraqi diplomats in order to maintain good relations between our countries.

Even 2 years ago, when Saddam Hussein used poison gas to kill 5,000 of his own people, the administration was not courageous enough to initiate economic sanctions against Iraq.

The failure to develop and implement an aggressive national energy policy has left us far too dependent on oil fields in the Middle East. Instead of encouraging the use of renewable and alternative energy sources—such as cogeneration and solar power—we have sat by idly, importing more and more foreign oil over the past decade.

If, during that time, we had invested even a fraction of what we are now spending on Operation Desert Shield into research and development of alternative energies, our increased energy independence would have made us considerably stronger.

Even today, 2 years into the current administration and 5 months after the brutal and bloody Iraqi invasion of Kuwait, the Department of Energy still has no formal energy policy. I stand before you, Mr. Speaker, 4 days before the January 15 deadline is due to expire, as an angry witness to the administration's failure to develop a framework for encouraging our Nation's independence from foreign oil.

Other Members of this House—some of whom have served in this body since before I was born—have said this is the most difficult vote they have had to cast in their entire congressional careers. It is even more difficult for me, being my first substantive vote and coming little more than a week after I was sworn in as a Member of this body.

Mr. Speaker, I have listened long and hard to the impassioned arguments made by my colleagues on both sides of the issues and have reflected on the feelings of my constituents in New Hampshire, many of whom have contacted me during the last 2 weeks. After truly anguished reflection, I have decided that only by authorizing the President to use force, if that becomes necessary, can we accomplish the vital and just objectives and achieve observance of the U.N. Security Council's resolutions in the Persian Gulf.

At this time in history, we are witnessing the birth of a new world order, where differences will be settled on diplomatic and economic playing fields, rather than on battlefields, and where the will of the people and the rule of law will be supreme.

Sadly, as the current crisis shows, some countries, like Iraq, are not willing to let diplomacy resolve disputes. Iraq seems incapable of understanding or responding to anything but the credible threat of force.

Mr. Speaker, I am voting for the Solarz-Michel resolution, not to give the President the marching orders for war, but to strengthen his negotiating hand. I am not voting for war, I am voting for a chance at a lasting peace. I implore the President to use the powers granted in the Solarz-Michel resolution with caution and great care.

I remind the President that he should not use force until the United States has first exhausted all appropriate peaceful diplomatic means to gain Iraq's compliance with the U.N. Security Council resolutions.

But while I urge the President to use restraint, I also firmly believe that the stakes are too high to sit by idly while Iraq thumbs its nose at the entire world and commits further atrocities against the people of Kuwait. Saddam Hussein should not doubt that we are united and committed to seeing his unconditional withdrawal from Kuwait.

Mr. Speaker, it is better that we stand with the President now in the face of Saddam Hussein's act of naked aggression, than to wait a year or two to authorize the use of force. If we wait, Iraq will continue to increase its stockpile of chemical and biological weapons.

Saddam Hussein will also continue his relentless pursuit of nuclear capability. We have learned from watching Saddam Hussein that once he has a weapon, he will use it. As he has demonstrated so often in the past, he will not let compassion for his fellow man get in the way.

Mr. Speaker, the choice is a difficult one for all of us, but at this time, I believe it is the right one. I urge my colleagues to join in support of the Solarz-Michel resolution.

Mr. WEBER. Mr. Speaker, while we hope for a peaceful resolution to the Persian Gulf crisis, we must prepare for the threat of war. And if it comes to war, we must know that we fight for a just cause.

Saddam Hussein's August 2 invasion of Kuwait changed the Middle East. The horrible depredation of the Kuwaiti people is already fact. However, Saddam's unprovoked aggression, his willingness to use chemical weapons, and his potential nuclear arsenal have jeopardized the security of the region and the rest of the world. Preserving the supply of oil or restoring the Kuwaiti monarchy are not sufficient reasons to get involved in a conflict, but by his behavior and intransigence in relinquishing Kuwait, Saddam has brutally given us the choice of stopping him now, or facing a stronger and more defiant challenge later.

Some have argued that the burden the United States is carrying is disproportionate to the burden on our allies. Of course we must work relentlessly to get all the support we can from our allies. The decision to go to war cannot, legitimately or morally, be based on economics or rest on the contribution of a particular ally. Either this war is justified or not.

The ultimate reason war would be necessary and morally justified is to stop Saddam's brutal aggression and eliminate the threat he poses. History shows the terrible cost of appeasing those bent on aggression, and we have seen Saddam's reckless disregard for international law and world sentiment.

The conclusion is obvious: Something must be done to stop Saddam's aggression and restore stability. Right now, we have the means to achieve this. The coalition, while not perfect, is determined and prepared to do what it needs to do to carry out U.N. resolutions. We pray that this can be done through peaceful means, but it is important that we not tie the hands of the President. He needs to have all options available to him. Most importantly, he needs the prayers and support of the Congress and the American people.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MICHEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 183, not voting 2, as follows:

[Roll No. 9]

YEAS—250

Ackerman
Allard
Anderson
Andrews (TX)
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Borski
Brewster
Brooks
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
Dickinson
Dingell
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Engel
Erdreich
Fascell
Fawell
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson

Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Jones (GA)
Jones (NC)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leach
Lehman (CA)
Lent
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Machtley
Madigan
Marlenee
Martin
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Myers
Nichols
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Petri
Pickett
Porter
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Whitten
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—183

Abercrombie
Alexander
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Beilenson
Bennett
Bonior
Boucher
Boxer
Brown
Bruce
Bryant
Bustamante
Cardin
Carr
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conte
Conyers
Costello
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Gray
Guarini
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Horn
Hoyer
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
LaRocco
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moody
Moran
Morella
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rangel
Reed
Richardson
Riggs
Roe
Roemer
Rose
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Taylor (MS)
Torres
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—2

Dymally
Udall

□ 1551

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DYMALLY. Mr. Speaker, because of medical reasons, I was unable to participate in the debate regarding the Persian Gulf crisis.

If I were present, I would have voted in the following way: "Yes" on Bennett-Dubin; "Yes" on Hamilton-Gephardt; and "No" on Solarz-Michel.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute so that I might inquire of the distinguished majority leader how he perceives the program to be in the coming week, or before the 23d when we are formally in session.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I appreciate the gentleman yielding to me.

Our intention is to stay in session now for a few more moments. We believe the Senate resolution, which we believe is worded exactly as our resolution is worded, will be coming here soon. We have to stay in session until that happens. We will have special orders until that happens.

When that happens, we will then adjourn until Monday noon and we will be in session each day next week in pro forma sessions meeting at noon each day.

Members will not expect there to be votes next week. I have no plans for bills or votes, but we felt that it was important that the Congress stay in pro forma session each day of next week.

The message from the Senate will be coming in a few moments.

Mr. MICHEL. Yes, and that, of course, will tell us for all practical purposes that the Senate will substitute the language of the House bill, which then will not require it coming back to this body.

Mr. GEPHARDT. That is correct. We expect no further action here.

Mr. MICHEL. So that we expect no further action today here.

Mr. GEPHARDT. That is right.

Mr. MICHEL. Mr. Speaker, might I inquire further of the distinguished majority leader, I do not know that we made it all that clear for next week with the pro forma sessions during the course of the week.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, again the sessions next week are pro forma sessions, no votes, pro forma sessions each day at noon.

Mr. MICHEL. And Mr. Speaker, may I have the liberty to convey our conservation that we might very well just have pro forma sessions up until the 23d?

The SPEAKER. The Chair has had discussions with the majority leader and with the Republican leader. Members should be advised that the probability is that votes will not occur, but that the House will be in session each day between now and the regular session January 23, beginning with each day next week, as the majority leader has announced.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just wanted to ask the majority leader, since we obviously are entering unchartered waters, can Members generally assume that if for some reason we do have to have votes, this being an unknown time, that Members would get say 24 hours' notice or some kind of minimum notice, particularly on the west coast, in order to get back in time. I just raise that issue since we do not really know what may happen.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, if there is a need to be here, we will give Members 24 hours' notice so that they can know when to be here.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman. If there are no other questions, I yield back the balance of my time.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Solarz-Michel joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that in accordance with the announcement of the leadership, we will be meeting on each day, Monday through Friday, except on January 21, which is the anniversary of the birthday of Dr. Martin Luther King, which is a Federal holiday, on which day the House will not be in session.

The Chair will receive a limited number of 1-minute requests.

RECESS

The SPEAKER. If there are no requests, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1622

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 22 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 77. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

A message also announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 2. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

The message also announced that, pursuant to Public Law 85-874, the Chair, as President of the Senate, appoints Mr. HATFIELD, to the Board of Trustees of the John F. Kennedy Center for the Performing Acts.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER. The Chair lays before the House the following communication from the Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 11, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 400DD(e)(2)(B), Public Law 100-494, I hereby appoint the gentleman from California, Mr. Lewis, to serve as a member of the United States Alternative Fuels Council.

Sincerely yours,
BOB MICHEL,
Republican Leader.

REAPPOINTMENT OF MEMBER TO U.S. ALTERNATIVE FUELS COUNCIL

The SPEAKER. Pursuant to the provisions of section 4 of Public Law 100-494, the Chair reappoints to the U.S. Alternative Fuels Council on the part of the House the gentleman from Arkansas [Mr. ALEXANDER].

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 77. Joint resolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

ADJOURNMENT

Mr. ECKART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 24 minutes p.m.) under its previous order, the House adjourned until Monday, January 14, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

294. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-228, "D.C. Emergency Overnight Shelter Amendment Act of 1990," and report, pursuant to D.C. Code, Section 1-233(c)(1); to the Committee on the District of Columbia.

295. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-289, "Assault Weapon Manufacturing Strict Liability Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

296. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-279 "District of Columbia Uniform Disclaimer of Property Interests Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

297. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-281, "District of Columbia Fire Prevention Code Outdoor Grill Safety Amendment Act of 1990," and report, pursuant to D.C. Code, Section 1-233(c)(1); to the Committee on the District of Columbia.

298. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-277, "Advisory Neighborhood Commission Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

299. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-266, "Task Force on Hunger Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

300. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-280, "Uniform Law on Notarial Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

301. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-278, "Smoking Regulation Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

302. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-268, "D.C. Family Support Act Federal Conformity Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

303. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-298, "General Obligation Bond Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

304. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-299, "Medicare Catastrophic Coverage Repeal Minimum Guidelines Temporary Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

305. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-262, "Washington Convention Center Management Act of 1979 Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

306. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-263, "Child Abuse and Neglect Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

307. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-292, "Paramount Baptist Church Equitable Tax Relief Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

308. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-291, "Petworth Methodist Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

309. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-293, "Jerusalem Baptist Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

310. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8-294, "Episcopal Church Home Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

311. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–295, "Mount Ephriam Baptist Church, Inc., Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

312. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–296, "Closing of a Public Alley in Square 67, S.O. 88–309, Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

313. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–297, "Closing of a Public Alley in Square 76, S.O. 89–46, Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

314. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–283, "Paper and Paper Products Recycling Incentive Amendment Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

315. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–284, "Real Estate Transaction Amendment Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–261, "D.C. Workers' Compensation Equity Amendment Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 8–282, "Real Property Improvements and Construction Tax Amendment Act of 1990," and report, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

318. A letter from the Chairman, Harry S. Truman Scholarship Foundation, transmitting the annual report for 1990, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and Labor.

319. A letter from the Acting Director, Defense Security Assistance Agency, transmitting by direction of the President a report that on January 4, 1990, at approximately 3 p.m., a United States UH–1H helicopter came under groundfire as it exited the landing lane at Canton Y Caserio San Francisco, El Salvador; to the Committee on Foreign Affairs.

320. A letter from the Chairman, Farm Credit Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

321. A letter from the Deputy Director, Federal Emergency Management Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

322. A letter from the Chairman, National Endowment for the Arts, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

323. A letter from the President, Overseas Private Investment Corp., transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512 (c)(3); to the Committee on Government Operations.

324. A letter from the Secretary of Commerce, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 11, 1991]

By Mr. WHEAT (for himself, Mr. Callahan, and Mr. Gephardt):

H.R. 520. A bill to encourage States to establish parents as teachers programs; to the Committee on Education and Labor.

[Introduced January 12, 1991]

By Mr. BEVILL:

H.R. 521. A bill to authorize the Secretary of Transportation to carry out a highway project to construct Appalachian highway corridor X from Appalachian highway corridor V near Fulton, MS, to Interstate route 59 at Birmingham, AL; to the Committee on Public Works and Transportation.

By Mr. ESPY (for himself and Mr. Emerson):

H.R. 522. A bill to transfer the personal property of the Lower Mississippi Delta Development Commission to the Lower Mississippi Delta Development Center and to authorize appropriations for the center; to the Committee on Government Operations.

By Mr. VOLKMER (for himself, Mr. English, Mr. Roberts, Mr. Stallings, Mr. Morrison of Washington, and Mr. Jontz):

H.R. 523. A bill to provide for the calculation of certain wheat deficiency payments on a calendar year basis; to the Committee on Agriculture.

By Mr. MICHEL (for himself, Mr. Solarz, Mr. Fascell, Mr. Broomfield, Mr. Montgomery, Mr. Aspin, Mr. Dickinson, Mr. Murtha, Mr. Ackerman, Mr. Edwards of Oklahoma, Mr. Berman, Mr. Gallegly, Mr. Levine of California, Mr. Gilman, Mr. McCurdy, Mr. Hunter, Mr. Skelton, Mr. Hyde, Mr. Stenholm, Mr. Leach of Iowa, Mr. Torricelli, Mr. Lewis of California, Mr. Solomon, Mr. Kyl, Mr. Laughlin, Mr. Dornan of California, Mr. McMillen of Maryland, Mr. Volkmer, Mr. Lantos, Mrs. Lloyd, Mr. McEwen and Mr. Blaz):

H.J. Res. 77. Joint resolution to authorize the use of U.S. Armed Forces pursuant to United Nations Security Council Resolution 678; considered and passed.

By Mr. BENNETT (for himself, Mr. Durbin, Mr. Annunzio, Mr. Miller of California, Mr. Roybal, Mr. Stark, Mr. Schumer, Mr. Towns, Mrs. Boxer, Mr. Mrazek, Mr. Sangmeister, Mr. Evans, Mr. Boucher, Mr. Hochbrueckner, Mr. McHugh, Ms. Slaughter of New York, Mrs. Unsoeld, Mr. Traxler, Mr. Dellums, Mr. Sanders, Mr. Costello, Mr. Mazzoli, Mr. Rangel, Mr. Yates, Mr. Kleczka, Mr. Nagle, Mr. Sabo, Mr. Gejdenson, Ms. Kaptur, Mr. Udall, Mr. Atkins, Mr. Waxman, Mr. Panetta, Mr. Mfume, Mr. Kostmayer, Mr. Poshard, Mr. Lewis of Georgia, Mr. Pease, Mr. Wyden, Mr. Matsui, Mr. Markey, Mrs. Collins of Illinois, Mr. Torres, Mr. Glickman, Mr. Kildee, Mr. McCloskey, Mr. Roe, Mr. Vento, Mr. DeFazio, Ms. Pelosi, Mr. Fazio, Mr. Jontz, Mr. Olin, Mr. Dorgan of North Dakota, Mr. Brown of California, Mr. McDermott, Mr. Neal of North Carolina, Mr. Moody, Mr. Wolpe, Mr. Coyne, Mr. Berman, Mr. Frank of Massachusetts, Mr. Foglietta, Mr. Owens of Utah, Mrs. Schroeder, Mr. Staggers, Mr. Neal of Massachusetts, Mr. Scheuer, Mrs. Lowey of New York, Mr. Mavroules, Mr. Perkins, Mr. Moakley, Mrs. Mink, Mr. Oberstar, Mr. Payne of New Jersey, Mr. Espy, Mr. Beilenson, Mr. Kanjorski, Mr. Bacchus, Mr. Traficant, Mr. LaFalce, Mr. Washington, Mr. Hughes, Mr. Reed, Mr. Sikorski, Mr. Russo, and Mr. Andrews of New Jersey):

H. Con. Res. 32. Concurrent Resolution to express the sense of Congress that Congress must approve any offensive military action against Iraq; considered and agreed to.

By Mr. GEPHARDT (for himself and Mr. Hamilton):

H. Con. Res. 33. Concurrent resolution regarding United States policy to reverse Iraq's occupation of Kuwait; considered and not agreed to.

By Mr. HUCKABY:

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that the President should develop a plan for increased financial contributions by nations allied with the United States which benefit from the commitment of United States military forces in the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. McEWEN:

H. Res. 31. Resolution to provide that the new franking requirements and procedures, as they pertain to the House of Representatives, be suspended pending the completion of a study and report thereon; jointly, to the Committee on House Administration and Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Ford of Michigan, Mr. Williams, Mr. Gaydos, Mr. Kildee, Mr. Miller of California, Mr. Hayes of Illinois, Mr. Owens of New York, Mr. Sawyer, Mr. Ackerman, Mr. Annunzio, Mr. Atkins, Mr. AuCoin, Mr. Beilenson, Mr. Bennett, Mr. Berman, Mr. Boehlert, Mr. Bonior, Mrs. Boxer, Mr. Brown, Mr. Bruce, Mr. Bryant, Mr. Campbell of California, Mr. Carper, Mr. Coleman of Texas, Mrs. Collins of Illinois, Mrs. Collins of Michigan, Mr. Conyers, Mr. Davis, Mr. DeFazio, Ms. DeLauro, Mr. Dellums, Mr. Downey, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Engel, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Feighan, Mr. Fish, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Gephardt, Mr. Gilman, Mr. Gonzalez, Mr. Gray, Mr. Green of New York, Mr. Guarini, Mr. Hertel, Mr. Hochbrueckner, Mr. Hoyer, Mr. Jefferson, Mr. Jontz, Mr. Kennedy, Mrs. Kennelly, Mr. Kleczka, Mr. Kolter, Mr. Kopetski, Mr. Kostmayer, Mr. Lantos, Mr. Lehman of Florida, Mr. Levine of California, Mr. Levin of Michigan, Mr.

Lewis of Georgia, Mr. Manton, Mr. Markey, Mr. Martin, Mr. Martinez, Mr. Matsui, Mr. McCloskey, Mr. McDermott, Mr. McGrath, Mr. McHugh, Mr. McNulty, Mr. Mineta, Mrs. Mink, Ms. Molinari, Mr. Moody, Mrs. Morella, Mr. Murtha, Mr. Neal of Massachusetts, Mr. Oberstar, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Poshard, Mr. Rahall, Mr. Reed, Mr. Roe, Mr. Roybal, Mr. Sabo, Mr. Scheuer, Mr. Schumer, Mr. Shays, Ms. Slaughter of New York, Mr. Smith of New Jersey, Ms. Snowe, Mr. Solarz, Mr. Staggers, Mr. Studds, Mr. Swett, Mr. Swift, Mr. Torres, Mr. Towns, Mr. Udall, Mrs. Unsoeld, Ms. Waters, Mr. Waxman, Mr. Weiss, Mr. Wheat, Mr. Wilson, Mr. Wise, Mr. Wolpe, Mr. Yates, Mr. Edwards of California, Mr. Lipinski, Mr. Perkins, and Mr. Dixon.

H.R. 5: Mr. Ford of Michigan, Mr. Dingell, Mr. Roe, Mr. Abercrombie, Mr. Annunzio, Mr. Applegate, Mr. Aspin, Mr. AuCoin, Mr. Bacchus, Mr. Berman, Mr. Bonior, Mrs. Boxer, Mr. Brown, Mr. Campbell of Colorado, Mr. Carper, Mr. Carr, Mrs. Collins of Michigan, Mr. Condit, Mr. Conyers, Mr. Costello, Mr. Coyne, Mr. Davis, Mr. DeFazio, Mr. Dellums, Mr. Dicks, Mr. Donnelly, Mr. Dorgan of North Dakota, Mr. Downey, Mr. Durbin, Mr. Dymally, Mr. Engel, Mr. Espy, Mr. Evans, Mr. Fascell, Mr. Fazio, Mr. Feighan, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Gilman, Mr. Glickman, Mr. Gonzalez, Mr. Guarini, Mr. Hayes of Illinois, Mr. Hertel, Mr. Hoagland, Mr. Hochbrueckner, Mr. Horton, Mr. Hoyer, Mr. Jefferson, Mr. Jontz, Mr. Kanjorski, Ms. Kaptur, Mr. Kennedy, Mrs. Kennelly, Mr. Kildee, Mr. Kleczka, Mr. Kolter, Mr. Kopetski, Mr. Lantos, Mr. Lehman of California, Mr. Levine of California, Mr. Lipinski, Ms. Long, Mrs. Lowey of New York, Mr. Manton, Mr. Markey, Mr. Martinez, Mr. Mavroules, Mr. McCloskey, Mr. McDermott, Mr. McHugh, Mr. McNulty, Mr. Mfume, Mr. Miller of California, Mr. Mineta, Mrs. Mink, Mr. Moakley, Mr. Mollohan, Mr. Moody, Mr. Mrazek, Mr. Murtha, Mr. Nagle, Ms. Oakar, Mr. Oberstar, Mr. Obey, Mr. Owens of New York, Mr. Owens of Utah, Mr. Pallone, Mr. Pease, Ms. Pelosi, Mr. Penny, Mr. Perkins, Mr. Poshard, Mr. Rangel, Mr. Roybal, Mr. Russo, Mr. Sabo, Mr. Savage, Mr. Scheuer, Mrs. Schroeder, Mr. Schumer, Mr. Serrano, Mr. Skaggs, Mr. Skelton, Mr. Slattery, Ms. Slaughter of New York, Mr. Smith of Florida, Mr. Staggers, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Torres, Mr. Torricelli, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Vento, Mr. Visclosky, Mr. Weiss, Mr. Wheat, Mr. Williams, Mr. Wilson, Mr. Wise, Mr. Wolpe, Mr. Wyden, Mr. Matsui, and Mr. Swift.

H.R. 233: Mr. Roybal, Mr. Miller of California, and Mr. Jontz.

H.R. 290: Mr. Miller of California, Mrs. Lowey of New York, Ms. Pelosi, Mr. Bruce, Mr. Dellums, Mr. Wise, Mr. Jontz, Mr. Murtha, Mr. Hughes, Mr. Owens of Utah, Mr. Serrano, Mr. Lipinski, Mr. Coleman of Texas, Mr. Foglietta, Mr. Durbin, and Mr. Poshard.

H.R. 292: Mr. Serrano and Mr. Frost.

H.R. 317: Mr. Regula, Mr. Lipinski, Mr. Poshard, Mr. Chapman, Mr. Rangel, Mr. Nowak, and Mr. Campbell of Colorado.

H.R. 346: Ms. DeLauro, Mr. Wilson, Mr. Rangel, Mr. Miller of Washington, and Mr. Chapman.

H.R. 426: Mr. Erdreich, Mr. Gibbons, Mr. Hefley, Mr. Horton, Mr. James, Mr. Machtley, Mr. Mrazek, Mr. Rangel, Ms. Ros-Lehtinen, and Mr. Wilson.

H.R. 469: Mr. Ravenel, Mr. Bacchus, Mr. Paxon, Mr. Stokes, Mr. McCurdy, Mr. LaFalce, Mr. Faleomavaega, Mr. Lewis of California, Mr. Oxley, Mr. Lowery of California, Mr. Campbell of Colorado, Mr. Smith of Florida, Mr. Goss, and Mr. Wilson.

EXTENSIONS OF REMARKS

SADDAM HUSSEIN: A HEAVY HITTER IN THE TERRORIST BIG LEAGUES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. BROOMFIELD. Mr. Speaker, our Government recently announced that it has evidence that terrorists supported by Iraq are planning attacks against United States interests around the world should the coalition use the military option to liberate Iraq.

I commend the administration for having taken seriously Saddam Hussein's initial threats to use terrorism against the United States, both here in this country, as well as overseas. I urge the President to continue to upgrade our Nation's antiterrorism capabilities. While I am unaware of any Iraqi-backed terrorist operations here in the United States, we should be well prepared for possible terrorist activities here. Iraq's past and present involvement in terrorism around the world, however, is well documented and reveals yet another facet of that dictator's strategy for intimidating our country.

In the past, Saddam Hussein has employed, supported, and trained international terrorist groups to include elements within the Palestine Liberation Organization [PLO], and other groups which advocated armed struggle against Israel and the West. The Hussein government has maintained ties with the radical Abu Nidal Organization, and its chief, Sabri Al-Banna, who is responsible for the Rome and Vienna airport massacres and a bloody attack on an Istanbul synagogue. The Iraqi Government also supported the Popular Front for the Liberation of Palestine-Special Command, and the 15 May Organization which was responsible for the bombing of a Pan Am flight in 1982.

Iraq reduced its terrorist activities during the 1980 to 1988 Iran-Iraq war, as part of an effort to improve relations with the West, but quickly returned to supporting terrorist activities in 1990. Prior to the August 2 invasion of Kuwait, the Iraqi leader invited various terrorist groups to return to Iraq. Elements of the Abu Nidal Organization, and the PLO, headed by Abul Abbas, are located in Baghdad. The Abbas organization seized the cruise ship *Achille Lauro*, and recently raided Israel's coast. Abul Abbas recently announced: "If America attacks Iraq, we will fight with our Iraqi brothers in our own way." Another infamous terrorist, Abu Ibrahim, is a recognized Palestinian explosives expert who lives in Baghdad. In addition, the notorious international terrorist, Carlos, known as "The Jackal", is reportedly back on Saddam Hussein's payroll. Saddam Hussein is back in the terrorist big leagues and has assembled a formidable lineup of heavy hitters for his team.

Given Saddam Hussein's part and current support of international terrorism, I am not surprised that our Government has detected the movements of Iraqi-backed terrorists. I am confident that the administration is doing everything possible to enhance security both in the United States and at our diplomatic missions overseas. Should the Iraqi leader unleash his legions of terrorists, he will pay a high price and should not forget what happened in Tripoli, Libya, in April 1986.

I want to share with my colleagues more background information from the Department of State concerning Saddam Hussein's support for international terrorism.

[From the U.S. Department of State Dispatch, Nov. 5, 1990]

IRAQ'S SUPPORT FOR TERRORISTS

Saddam Hussein has called for a *jihad* or "holy war" against those who support the UN condemnation of Iraq. On September 13, in response to President Bush's statement that he would hold Iraq responsible for terrorist attacks against the United States, the Iraqi Foreign Ministry warned that the US military presence in the Persian Gulf would "draw a natural reaction from the Arab and Islamic masses." Earlier, Iraqi Foreign Minister Tariq Aziz had said that Baghdad is under no moral obligation to refrain from terrorism if threatened by the French, British, or US governments.

Iraq has a worldwide network available to support terrorist operations. In the past, Baghdad has used civilian and military intelligence officers, diplomatic facilities, Iraqi Airways offices, and Iraqi cultural centers to support its own operations, as well as those of non-Iraqi groups, primarily against its regional rivals, Iran and Syria, and Iraqi dissident targets. Baghdad also offers its support to Palestinian terrorist groups. Many of these groups say they are willing to support Iraq by mounting terrorist attacks against Western, Israeli, and moderate Arab facilities and personnel.

Several hundred civilians—mostly from the United States, Western Europe, and Japan—have been dispersed to strategic locations throughout Iraq, and thousands of other civilians have been denied permission to leave the country. Some of those who have left Kuwait and Iraq report that they were forcibly removed from their homes and separated from their families.

STATE SPONSORED TERRORISM

Iraq's record shows that it regards terrorism as a legitimate means of striking its enemies, both foreign and domestic. During the 1970s, Baghdad gave logistical support to elements within the Palestine Liberation Organization (PLO) as well as to other groups which advocated armed struggle against Israel and the West. Baghdad has hosted elements of the PLO's security organization (Fatah), including Abdullah al-Hamid Labib (Colonel Hawari) who was linked to a wave of bomb attacks throughout Europe in the 1980s. In 1988, he was convicted *in absentia* by a French court for his part in assembling an arms cache in Paris.

Saddam Hussein has for years used acts of terrorism against political opponents of his regime. Baghdad sponsored three assassinations of exiled Iraqi dissidents, in the UK, Sudan, and Norway.

Iraq hosts dissident organizations which use terrorism against the governments of Syria and Iran, using these ties to increase pressure on his rivals during periods of increased tension. In late 1980, six Syrian dissident organizations operating out of Iraq formed the Syrian National Salvation Front which advocates the use of armed struggle against the Assad regime. The most prominent group within the Syrian National Salvation Front is the militant Muslin Brotherhood, which maintains armed cells inside Syria and reportedly attacked its diplomats overseas in 1989 and again in Brussels in early 1990. Iraq openly supports the Mojahedin-e Khalq, the Iranian dissident group most closely associated with terrorism, and supplies its national liberation army with weapons.

Iraq has historical ties to radical Palestinian groups, including the Abu Nidal Organization (ANO), and splinter factions of George Habbash's Popular Front for the Liberation of Palestine (PFLP), such as the Popular Front for the Liberation of Palestine-Special Command (PLFP-SC) and the 15 May Organization led by master bombmaker Abu Ibrahim. The 15 May group was responsible for a number of attacks, including the bombing of a Pan Am flight over Honolulu in 1982, several Israeli embassies and El Al offices, and of department stores in London, Paris, and Brussels. In 1979, the United States designated Iraq a state sponsor of terrorism under Section 6(j) of the Export Administration Act.

Iraq's interest in terrorism against Western targets waned during the 1980-88 war with Iran. In the early 1980s, Baghdad moved closer to the policies of its moderate Arab neighbors by reducing its support for non-Palestinian terrorists and placing restrictions on many Palestinian groups. Consequently, Iraq was removed from the US list of state sponsors of terrorism in 1982. As a further example of its changed policy, Iraq expelled the Abu Nidal Organization in 1983.

Saddam Hussein resumed pursuit of his wider ambitions in the Arab world once the fighting with Iran ended. In Lebanon, Baghdad increased aid to anti-Syrian groups (Lebanese militias and Syrian dissidents) as well as to Palestinian terrorist groups with historical ties to Iraq—the Palestine Liberation Front (PLF), and Colonel Hawari. In early August 1990, Iraq intensified contacts with several Palestinian terrorist groups; some have publicly threatened terrorist attacks against Baghdad's opponents. On September 1, 1990, in response to Iraq's renewed support for terrorist groups and its detention of foreign nationals, the US government returned Iraq to the list of state sponsors of terrorism.

PALESTINIAN TERRORIST GROUPS PLEDGE SUPPORT FOR IRAQ

Iraq has tried to justify its support for Palestinian groups, including those engaged in terrorism, as being consistent with its public policy of aiding the struggle for a Palestinian homeland. Iraq also views its assistance as a means of enhancing its regional prestige

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and, most importantly, preventing Syria from gaining control of the Palestinian movement. Over the years, most Palestinian factions reciprocated by offering Iraq political support in its war with Iran; some have helped Iraq oppose Syria.

In recent weeks, leaders of several Palestinian terrorist groups have paid tribute to Saddam Hussein and threatened operations against a wide variety of targets in the event of military action against Baghdad. Iraq's belligerence and promise of support have attracted those groups long favoring the use of force to solve the Arab-Israeli conflict.

Palestinian groups, including members of the PLO, have pledged to use "every means available" to remove US and other forces from Saudi Arabia. Palestine Liberation Front (PLF) leader Abu Abbas has been outspoken in his support for the Iraqis. Within days of Baghdad's invasion of Kuwait, he called for his men to "open fire on the American enemy everywhere. Quake the earth under the feet of the American and NATO invaders and the collaborators." On October 1, Abu Abbas threatened to down a US airliner if an Iraqi plane was downed as part of the UN-ordered air blockage. (The Abu Abbas-led faction of the PLF is the group which carried out the 1985 hijacking of the Italian cruse ship, *Achille Lauro*, and the unsuccessful May 1990 seaborne attack against civilians on Israeli beaches. Abu Abbas's claim of responsibility for that attack was broadcast from an Iraqi radio station.)

Some Syrian-based Palestinian groups have expressed their willingness to support Saddam Hussein in a conflict with the United States. Their reasons may have more to do with rallying enthusiasm within their own organizations than with support for Baghdad's regional ambitions. George Habbash, leader of the PFLP, has said publicly that he is opening an office in Iraq in support of Saddam Hussein. He has pledged that his organization will carry out attacks against the United States and others opposed to Iraq in the event of a military clash. In the 1970s and early 1980s, the PFLP killed civilians in attacks on airlines and buses in the Middle East and Europe.

Ahmed Jabril's staunchly pro-Syrian Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and the Abu Musa organization recently have pledged support for Saddam. In late September, Saddam Hussein received Shaikh Al-Tamimi, leader of the Palestinian Islamic Jihad (PIJ) movement, who declared his support for Iraq. The PIJ claimed responsibility for a February 1990 Egyptian bus attack which left 9 killed and 16 wounded.

THE ANO COMES FULL CIRCLE

The US believes the Abu Nidal organization—one of the most dangerous terrorist groups—is moving elements of its organization back to Baghdad from Libya. Since the ANO was founded in Iraq in 1974, its members have killed or wounded more than 900 people on 3 continents. Over the years, in return for safehaven, logistical support, and financial assistance, the organization conducted operations with the support of three state sponsors—Iraq, Syria, and Libya. In recent months, ANO leaders have killed scores of members in internecine struggles.

Sabri al-Banna, the leader of the ANO, was the PLO representative in Baghdad until 1974 when he and others broke from Fatah, denouncing the PLO leadership for its diplomatic efforts to resolve the Arab-Israeli conflict. During the 1970s, the ANO carried out attacks from its base of operations in Iraq—mostly against PLO, Syrian, and Jordanian targets. In 1980, Iraqi and ANO interests began to diverge. The ANO launched a series of vicious attacks againt synagogues in Europe that became a trademark of the organization. These attacks interfered with Baghdad's attempts to attract European support for its war with Iran. Probably because of pressure from the United States and Europe, Baghdad insisted the ANO move its base of operations out of Iraq.

Syria allowed Sabri al-Banna's group—sometimes with the helping hand of Syrian intelligence officers—to expand its operations in Europe and the Middle East. In the mid-1980's, the ANO carried out attacks in the Rome and Vienna airports, continued the bombings and machine guns attacks on synagogues in Europe and Turkey, and conducted over a dozen attacks against Jordanian targets, including diplomats in Ankara and Bucharest and Jordanian airline offices in Europe.

Following public revelations of Syrian involvement in terrorist operations in Europe, the cost of Syria of its support for terrorism began to outweigh the benefits. The British prosecution of Nezar Hindawi—the man who attempted to place a bomb on an El Al fight—implicated Syrian Air Force Intelligence officials, the Syrian national airline, and Syrian Embassy personnel. In response the UK broke diplomatic relations with Syria, the United States and the Federal Republic of Germany recalled their ambassadors, and the European Community agreed to various political and economic sanctions against Syria. Under pressure from the United States, European, and friendly Arab nations, the Syrians had ANO move its headquarters to Libya in June 1987. However, Syria continued to allow ANO gunmen to operate in the Syrian controlled Bekaa Valley in Lebanon.

The ANO, which receives substantial Libyan financial and logistical support (including weapons and travel documents) conducted an attack in July 1988 against the Greek cruise liner, City of Poros, in which 9 civilians were killed and 98 wounded. The ANO also killed 8 and wounded 21 in its attack on the Acropole Hotel and the British Sudan Club in Khartoum, Sudan in May 1988.

The ANO now has assets in Iraq, Lebanon, Libya, North Africa, and Europe, which could be used to conduct operations against those opposed to Iraq's invasion of Kuwait. There are credible reports that ANO operatives are heading for Europe and the Middle East where authorities are taking steps to prevent terrorist attacks.

AN INTERNATIONAL RESPONSE TO TERRORISM

President Bush and Secretary of State Baker have responded directly to Baghdad's aggression and threats to use terrorism against Americans and others. The US government also is working in cooperation with the international community to dissuade Iraq and the groups its supports from holding hostages and attacking civilians. That cooperation also includes requests through diplomatic channels that those who have influence with Baghdad and the Palestinian terrorist groups use that influence to assure that there is no outbreak of international terrorist violence.

The threat of terrorist attack is taken seriously. Both the Government of Iraq and the groups its supports have carried out operations in the past. They have the resources and infrastructure in place to do so again. The US government has issued travel warnings and threat advisories alerting the American public and others, including foreign governments, to the threat. In response, the international community is working to enhance counter-terrorism cooperation at the operational level—from information-sharing to tightening security to protect against terrorist attack.

The United States has made it clear that it holds Iraq responsible for terrorist attacks it carries out, as well as attacks carried out by those who act on its behalf. There can be no moral defense of terrorism. The United States will continue to work with other nations to exert legal, economic, and other pressure on Baghdad to abandon its holding of civilian hostages and to end its support for terrorist groups who threaten civilians with bombings, assassination, and other violence.

A PEACE TO END ALL WARS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. JACOBS. Mr. Speaker, two decades ago this appeared in the Washington Post. What is that quotation? "Déjà vu all over again."

Every war to end all wars just ends up on the list of all wars.

[From the Washington Post, May 28, 1971]

AN EX-MARINE SUGGESTS A PEACE TO END ALL WARS

(From a statement before the Senate Foreign Relations Committee yesterday by Rep. Andrew Jacobs, Jr. who served as a PFC in the First Marine Division in Korea.)

One hears it said that a continuation of intervention will mean a generation of peace—it will teach the Communists a lesson. Yet in the very midst of our mammoth effort in Southeast Asia did the Russians even so much as hesitate to invade Czechoslovakia?

Who would ever believe that the underdeveloped tip of the Asian tail could wag the world?

A generation of peace? A war to end all wars?

I was 13 when World War II ended all wars. And I knew that sort of thing was only for my father's generation. I would be spared. And so at 18 I was sent into hell with an M-1 rifle to help bring back a generation of peace.

My little sister's boyfriends would be spared—long enough to serve in another crusade this time with M-14 rifles and another promise of peace.

And next month my little sister's little boy will be 16.

A generation of peace? A war to end all wars? How about a peace to end all wars?

Mr. Chairman, if our country ever goes to war again it should be because we have to, not just because we have a chance to.

And we don't have to borrow the trouble of a war to protect freedom where there is no freedom to protect.

The only way to avoid future Vietnams is to recognize our error in becoming involved in this one.

And that recognition—that realization will not result from official government declarations that Vietnam has been "our finest hour."

THE GENUINE SUCCESS FOR U.S. FOREIGN POLICY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. LAGOMARSINO. Mr. Speaker, I believe most of us understood how former Secretary of State Shultz felt when he lamented that nothing is ever really over in this town. Consequently, when something really is over, and it represents a genuine success for United States foreign policy, we should stop and take note.

The State Department led an exceptional U.S. Government effort under Mr. Shultz's leadership to end a classic political and bureaucratic struggle that had outlasted every Secretary of State for the past two decades. That effort has been continued by, and now has yielded success for, Secretary Baker and the Bush administration. I am referring to the action of the U.N. Security Council on December 22, 1990, recognizing that the 1947 U.S. administered trusteeship ended for the peoples of the Marshall Islands, Micronesia and the Northern Mariana Islands on the basis of events which occurred in 1986.

On November 3, 1986, President Reagan signed Proclamation 5564, declaring that the United States had fulfilled its obligations under the 1947 trusteeship for the Pacific islands, and that the trusteeship agreement no longer applied to the islands. This action brought into full effect political status agreements which the Reagan administration, represented by Ambassador Fred M. Zeder II, had concluded with the democratically established constitutional governments of Micronesia and the Marshall Islands. The agreement with the Northern Mariana Islands was negotiated by Ambassador F. Haydn Williams on behalf of the Ford administration. Congress approved these agreements in two comprehensive pieces of legislation, Public Law 94–241 and Public Law 99–239.

These agreements, and the constitutions of the island governments, were approved by the peoples concerned in U.N. observed plebiscites, and the U.N. Trusteeship Council adopted resolutions—most notably Resolution 2183 of May 28, 1986—confirming that the islanders had freely expressed their wishes regarding self-government in valid acts of self-determination. U.N.T.C. Resolution 2183 specifically stated that the United States had satisfactorily discharged its obligations under the trusteeship.

Under its Covenant of Political Union with the United States, the Mariana Islands just north of Guam became the Commonwealth of the Northern Mariana Islands [CNMI] under the sovereignty of the United States. The Covenant extends United States citizenship to the people of the CNMI and partially applies the U.S. Constitution while bringing the islands of that chain into the U.S. for most legal and political purposes.

Under the unprecedented Compact of Free Association, the Federated States of Micronesia [FSM] and the Republic of the Marshall Islands [RMI] became sovereign, self-governing nations with separate and distinct citizenship. The RMI and FSM have full internal self-government and conduct their own foreign affairs and treaty relations. This includes control of all land and ocean resources in accordance with the international law of nations.

Under the Compact the U.S. retains authority and responsibility to provide for defense of the islands, a commitment which other micro-states may come to envy as they pursue economic prosperity and political stability in the post-1989 world order which is now evolving. The Compact of Free Association can be terminated by the islanders in favor of independence at any time, or in favor of another status involving the U.S. if mutually agreed. Thus, the duration of free association may be indefinite, although the current Compact has a term of 15 years, or it may result in transition to another form of self-government, depending on the wishes of the people concerned. This is a very creative arrangement, and other major powers may want to model relations with autonomous areas after the U.S. approach to free association.

The RMI and FSM already exchange ambassadors with Washington, as well as with the numerous other nations which recognized that self-determination, not the timing of Security Council action, was the controlling legal and political criteria under Article 76 of the U.N. Charter for achieving self-government. The Security Council's action on December 22 eliminates any pretext for impeding further the universal acceptance of the new status of the RMI and FSM, as well as the CNMI.

The language of Security Council Resolution 683 of December 22, 1990, is significant because it states that the applicability of the trusteeship has terminated based upon entry into force of the status agreements in 1986. In other words, it constitutes a determination by the Security Council that the process which took place in 1986 had the effect of satisfying the objectives of the trusteeship with respect to the peoples concerned. This confirms the position taken by the U.S. in numerous lawsuits and policy debates on the question of trusteeship termination.

It is also important to note what the resolution does not say. For example, it does not state in the present tense that the trusteeship is "hereby" terminated, or anything to that effect. This is noteworthy because during the process for approval and implementation of the Compact there were those who asserted categorically that the U.S. could not implement the agreements until the Security Council adopted a resolution approving U.S. actions and expressly terminating the trusteeship. While those who write law review articles and editorials critical of U.S. policy in the trust territory found that view irresistible, the U.S. quite properly insisted that interpretation and implementation of the U.N. Charter provisions relating to termination were matters to be determined through political, legal and moral persuasion between the member states. That is what diplomacy and the U.N. are supposed to be all about.

The theory that the United States and the governments of the trust territory could not implement the forms of self-government chosen by the people without first jumping through hoops in the Security Council to get a resolution would have given any permanent member of the Security Council the ability, by veto, to prevent the U.S. and the people concerned from bringing an end to the anachronistic trusteeship regime even though the people had spoken. In essence, it would have made realization of self-determination by the island peoples an entirely discretionary matter in the hands of any member of the Security Council with the veto under Article 27 of the Charter. Since the islanders, unlike the concerned member states of the U.N., never consented to be subject to the trusteeship, the notion of self-government being held hostage to U.N. formalities was perceived in the islands as a form of "international colonialism" being imposed by the United Nations. In this case, it could have led to abuse of the trusteeship system to frustrate rather than facilitate the form of self-government chosen by the people.

The proposition that a permanent member of the Security Council could veto implementation of acts of self-determination recognized by the Trusteeship Council and the international community as valid and consistent with the U.N. Charter simply was not acceptable to the United States. Indeed, in 1947, when he took the floor in the House of Representatives to argue in support of President Truman's proposed bill approving the trusteeship agreement, Representative Mike Mansfield from Montana explained to his colleagues that the very reason the Pacific islands trusteeship was being designated as "strategic" under Article 82 of the U.N. Charter was to prevent the U.N. from having a veto over U.S. actions. In fact, Mansfield cited the U.S. veto power as assurance that the U.S. could prevent the U.N. from, in his words, "* * * asserting effective control * * *" over administration of the islands. It was Mansfield's view that the onus of contending with the Security Council veto threat would be on any member state which might seek to prevent the U.S. from implementing a particular course of action or policy with respect to the trust territory. A member country opposed to U.S. activities would have to raise the issue in the Security Council and propose a resolution of disapproval.

Mansfield's analysis, while never popular at U.N. cocktail parties, was prophetic. Forty years of intervening U.N. practice may make his views unfashionable today, but until very recently it was a virtual certainty that the Soviet Union would have vetoed a resolution approving termination of the trusteeship regardless of the merit of the U.S. position. As to the U.N. itself, only in the last decade has the U.N. bureaucracy realized that it was making itself irrelevant by providing nothing more than a forum for propaganda and verbal violence against the United States. In recent years the members of that body, including the Soviet Union, began to recognize that the U.N. never could realize its potential to promote peace and prosperity in the world if it did not begin to address itself to the substance as well as politics on its agenda. It was only very recently that it became possible for the issue of trusteeship termination to be taken up in a rational and fair environment within the Security Council.

Those special interest groups here in the U.S., and those in our Government, who sought, for their own reasons, to prevent full and final implementation of the CNMI Covenant and the Compact of Free Association, after they exhausted all other means of pursuing their goal, were left with only one hope—that the U.S. could not implement the status agreements because it could not obtain a resolution of approval in the U.N. Security Council. Their principal ally in that hope was the Soviet Union at a time when its representatives gladly would have frustrated the democratically expressed aspirations of the Pacific island peoples in order to challenge U.S. leadership in the cause of self-determination. Everyone from career technocrats in matters Micronesian to special interest groups seeking to exploit problems in the islands to promote their own agendas joined in the chorus of those who urged delay.

It is to the everlasting credit of the Reagan Administration that it determined in 1986 that it would not be morally, politically or legally correct for the U.S. to withhold any longer its full recognition of the self-determination process in the CNMI, RMI and FSM in order merely to appease those critical of imperfections in the process. Overall, the Compact and the Covenant provided a sound framework for the peoples concerned to take control of their own destinies, and to address both those social problems inherent in island culture and those associated with their emergence from a century of foreign rule. The situation in Palau today demonstrates that the RMI, FSM and U.S. were correct in their calculation that the costs of delay were much greater than the benefits.

Thus, President Reagan's 1986 proclamation ending the trusteeship as a matter of U.S. law and policy was a bold stroke of foreign policy leadership. The people of the United States and their government will always be grateful to the other governments around the world which extended early recognition to these emerging democratic governments once both the elected leaders in the islands and the U.S. President took a firm stand in favor of self-government without delay.

It is also to the everlasting credit of the Bush administration that this matter now has been resolved to the satisfaction of at least the responsible stakeholders in the process—including our allies and all of the member nations of the Security Council except Cuba. Given Soviet support for the resolution, one only can wonder who was feeding the Cubans their lines and acting in cahoots with Castro's U.N. team.

With the support of Congress in the form of timely authorizing legislation, the Administration kept faith with our commitment to assist the RMI and FSM in achieving international recognition of their new status by, among other things, exchanging ambassadors and opening embassies. Now our State Department has acted effectively to take advantage of the first real opportunity to achieve closure on the procedural matter of the Security Council's formal acceptance of the fact that the purpose of trusteeship had been fulfilled in 1986 when the new status agreements took effect. This demonstration of the administration's credibility and skill in sensitive diplomatic transactions underscores the importance of continuity and competence in U.S. foreign policy.

The interests of the island peoples and the United States, as well as the cause of self-determination, were significantly advanced because the Bush administration comprehended and acted in a manner consistent with the historical sweep of U.S. policy running all the way back to the Nixon administration when the initiative to conduct political status negotiations began. The principal purposes of the trusteeship were to promote strategic stability and self-government for the peoples of the islands. That duality of purpose is embodied in Articles 82 and 83 of the U.N. Charter and Article 5 of the Trusteeship Agreement. The Ford, Reagan and Bush administrations delivered on both strategic goals and self-government, while their critics apologized for legitimate U.S. strategic policy and sought to delay self-government so that paternalistic welfare programs could be introduced into the island cultures.

It can be acknowledged that some of the arguments in favor of delaying implementation of the new status agreements in 1986 were plausible—if misguided. The U.S. record on administration of the trusteeship was not even close to perfect, the CNMI, RMI, and FSM are not island paradises free of social and economic problems, and the benefits of both the U.S. military presence and social welfare programs must be balanced against the associated social costs. For example, along with our defense activities came both prosperity and overcrowding in areas adjacent to our bases as islanders migrated in search of employment. The development of missile technology in the region was vital to the nuclear deterrence policy that prevented nuclear war for forty years and set the stage for disarmament, but we are still living with the legacy of injuries caused to four island communities by the nuclear testing program. Similarly, along with our educational and health care programs came welfare dependency and disincentives to the private sector economic development which would have given the islanders economic power and autonomy.

It is fair to say that for both responsible people concerned about the legitimate interests of the United States and the peoples of the islands, and among the "blame America first" malcontents, there were real problems which could be cited in arguing for delay. However, the Compact addresses those problems more effectively than pre-Compact policies and does so in the context of a form of government consented to by the governed.

On the issue of trusteeship termination, it also can be said that the U.N. Charter and Trusteeship Agreement created ambiguity by not precisely prescribing the procedure for termination. The word "termination" is only used once, in Article 15 of the Trusteeship Agreement, which states only that the agreement cannot be terminated without consent of the United States as the administering power. While that provision tends to reinforce the Mansfield theory of U.S. authority, over the years the enablement of the Security Council under Article 83 of the Charter to approve "alteration or amendment" of the agreement has been interpreted in the U.N. subculture to include termination. When weighed against the core objectives of the U.N. Charter and Article 6 of the Trusteeship Agreement relating to self-determination, these matters of procedure and legal interpretation became both quite critical and controversial. Despite recent uncharitable comments of the acting French Counsul General in Hawaii, we are particularly grateful to the governments of France and Great Britain for their patience and understanding as we worked through this difficult process.

Again, it is a tribute to the administration that it did not allow transient issues, including the inability of Palau to implement the will of the voters there, to paralyze our foreign policy. We acted in a manner which was as effective and final as circumstances allowed, but which also was not prejudicial to the position of our allies, and we preserved out ability to augment the process in the Security Council if the opportunity arose. It was masterful diplomacy based on a good faith belief that the U.N. system would ultimately respect the self-determination process.

The United States has not always acted with such clarity of purpose on trust territory political status matters. The Carter administration announced with considerable fanfare that it would seek to terminate the trusteeship by 1981. Unfortunately, that schedule was thrown off for the entire trust territory primarily because Carter's chief negotiator reacted to controversial provisions of Palau's proposed constitution by insisting that the constitution would have to be revised to be compatible with the Compact. Nothing could have done more to lock the Palauans into an inflexible position, and to make matters worse the U.S. position effectively created linkage between Compact approval in Palau and trusteeship termination.

While two-thirds of Palau's people have approved the Compact on several occasions, the constitution has been interpreted by the local courts to require 75 percent approval. The voters then satisfied the constitutional requirement to amend the constitution, but the courts threw that vote out because of defects in the legislature's procedure for calling the election. In my view, without blaming anyone or being angry about it, we need to recognize that the inability of Palau's elected leaders to take the legal and political measures required to approve the Compact or amend the constitution is a sort of negative act of self-determination. The will of the vast majority of the people is clear, but if the elected leaders do not feel compelled by popular sentiment to get the job done and put the Compact into effect, then maybe we need to reconsider our policy.

In both Palau and Washington it is time for some new thinking. The Compact would endow Palau's community of 15,000 people with 450 million dollars, most of the funding to be transferred to Palau's ownership and control in the first five years. But no amount of economic assistance can purchase the basic sense of shared values and common goals that made it possible for the FSM, RMI, CNMI and U.S. to put our differences into a broader perspective and get on with the business of establishing our partnerships.

In Palau, the U.S. responsibility under the Compact to defend the islands, and our contingency base rights, are viewed by some as a prize this nation covets, but which Palau opposes and will tolerate only if we pay more under the Compact for the privilege of protecting the islands. Even though U.S. exercise of military contingency options in Palau has always been unlikely, the Palauans were convinced by outside special interest groups to squander their bargaining leverage seeking increased payments for hypothetical bases. In reality, the Palauans benefitted from the contingency base rights because the Compact contains more funds for Palau than could be justified without the options. Given the remote chance the U.S. would ever deploy in Palau, the U.S. negotiators were being generous, but the Palauan leaders chose to trust those who told them otherwise.

There also appears to be some sentiment that 450 million dollars is not enough because U.S. military authority, along with defense responsibility, extends for fifty years. Well, we may have a misunderstanding because we never assumed the Palauans would depend exclusively on U.S. assistance, but that this huge grant would be the baseline for private sector economic development, and that foreign assistance from other friendly nations might augment the U.S. grant. I fear we have forgotten that the basic question is whether or not the free association relationship would be a sound framework within which Palau and the United States can make the transition from trusteeship to friendly relations in a post-trusteeship context.

The Bush Administration adopted precisely the correct approach by finally ending the vestiges of linkage between trusteeship termination for the FSM, RMI, CNMI and Palau's status process. That linkage actually was broken in 1986, but the U.N. action of December 22 makes that fact clear for those who did not get the message.

The Administration also kept its eye on the ball when elected leaders in the CNMI voiced opposition to termination. In the U.N. context, such communications properly were respected but understood by most as relating to an internal political and legal issue within a member country. On the issue of trusteeship termination, the controlling consideration was approval of the Commonwealth Covenant by 78 percent of the voters in a U.N. observed plebiscite in 1975. Questions of interpretation of the agreement are now within the cognizance of the CNMI and U.S. legal and political systems, including the courts. I would only add that I look forward to working with the Administration and the Governor of the CNMI to ensure that reasonable understandings are reached on interpretation of the Covenant.

Faced with somewhat vexatious issues such as Palau's status and the CNMI policy debate, the United States could have repeated the errors of those who allowed U.S. policy to become ensnared in the past. Instead, we have achieved an unqualified success for U.S. foreign policy and the sustained vision of those in the Administration and Congress who conceived and carried it out. I understand that the President personally discussed this matter with FSM and RMI leaders at the Pacific Islands Summit last October, and it is no coincidence that the issue was elevated to a priority matter in New York a few weeks later.

We have seen recently that the U.N. can be a powerful force for law and order in the international community. The Security Council's action ending the trusteeship is one more demonstration that respect for self-determination and the peaceful resolution of disputes is the duty, and must be the destiny, of civilized people. As the international community prepares to force one international outlaw to give up the fruits of aggression, with military action if he makes that necessary, we are reminded that the trusteeship system grew out of the concept embodied in the Atlantic Charter that nations should not be allowed to achieve territorial aggrandizement through aggression. Thus, termination of the trusteeship is the realization of the U.N. Charter objective that the status of disputed and non-self-governing areas be determined peacefully. As we ponder the great questions of war and peace in today's world the success of our policy in ending the trusteeship is a timely reminder that competent and sustained foreign policy can and does prevail on its merits.

A PROPOSAL TO PROVIDE ADDITIONAL LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES SERVING IN OPERATION DESERT SHIELD

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. ROYBAL. Mr. Speaker, the practice of insuring the lives of members of the Armed Forces is of relatively recent origin. During the early wars to which the United States was a party, the fact that life insurance was not used to provide financial protection for the families of members of the Armed Forces was not looked upon as unusual. By the time the United States became involved in World War I, however, the situation had changed, and it was generally recognized that some means was needed to provide such protection for the families of members of the Armed Forces fighting for their country. Commercial insurance companies were not used for this purpose. To fill the gap, the War Risk Insurance Act of 1917 created a program of "U.S. Government Life Insurance" [USGLI] that permitted service members to buy yearly renewable term life insurance. In 1940, and again in 1951, this program of insurance coverage was updated and limits were raised in accordance with financial realities of the day. A new insurance program, the "Servicemen's Group Life Insurance" [SGLI], was introduced in 1965. The SGLI Program has been modified several times since its inception, mostly raising coverage limits, while the majority of its fundamentals have remained intact. Reserve members were also included in coverage. Prior to this proposal, the last changes to the program were made by the Veterans' Administration Health-Care Amendments of 1985, with coverage limits set up to $50,000. All premium, enrollment requirements and general guidelines of coverage for this proposal are based on the same criteria as the Veterans' Administration Health-Care Amendments of 1985.

This proposed legislation seeks to amend current law, which presently offers $50,000 in life insurance to qualifying members of the Armed Forces of the United States, to include the ability for an additional $50,000 per person to become available automatically.

Qualified personnel are to include all members of the Armed Forces on active duty in the Persian Gulf region in connection with Operation Desert Shield.

Automatic coverage was chosen to avoid excessive paperwork and procedures in the course of military preparations. It was assumed that a majority of qualifying personnel would opt for this coverage, so if any inconvenience was to occur, it should be for the small number who might want to decline or limit this additional coverage.

Personnel choosing to decline this additional insurance must submit this request in writing, within such a time period as the Secretary of Veterans Affairs may require. They must also submit a request in writing to accept an amount of additional coverage less than the $50,000 offered, the amount being evenly divisible by $10,000.

If death, illness or injury relating to service in Operation Desert Shield does not occur, this policy shall terminate on the date which the member no longer is assigned to duty in the Persian Gulf region in connection with Operation Desert Shield.

If the member is suffering from an illness or injury incurred during the aforementioned duty, this insurance shall continue after that date to insure against death resulting from the same illness or injury until the earlier of the following: First, 1 year after the date on which the member no longer is assigned to duty in the Persian Gulf region in connection with Operation Desert Shield; or second, the date on which the member ceases to suffer from the illness or injury with service in the Persian Gulf region with Operation Desert Shield.

The effective date of this proposal shall occur on the date of enactment.

Application of this additional insurance shall apply to qualifying members with respect to periods of duty served after August 2, 1990, in the Persian Gulf region in connection with Operation Desert Shield.

IN SUPPORT OF THE PRESIDENT

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. BILIRAKIS. Mr. Speaker, Mr. Bob Radcliff, a good friend of mine who lives in Tampa, FL, sent a letter to me yesterday, and I only wish I had received it in time to include it in my floor statement on the Persian Gulf earlier in the day.

His son, Roger, is an Air Force colonel who flies A–10 ground attack planes and is currently in Saudi Arabia with operation Desert Shield. I would like to share with my colleagues Roger's comments that were included in that letter:

> The machine that has been assembled here since August is unbelievable. No other nation in history could have pulled this off. You can't begin to appreciate the size of this effort unless you're here. Having said that, it will be one hell of a mess if this is allowed to drag on. We are not geared to sustain this effort over the long term. Even a draft won't get the people with the right training fast enough.

In the meantime, urge our Congress to support the President. Let's get this over with when the time is right.

Then Roger's father added his own admonition:

Mike, I, too, urge Congress to quit sidestepping, waffling and cowering, and get on with it. Our country, our Armed Forces and our President need the support of the Congress.

Today, Mr. Speaker, we have the opportunity to do just that and we should.

THE FUTURE OF THE COMMON PEOPLE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, a cowboy poet from North Dakota named Rodney Nelson captured in poetry the struggle of the family farmers and livestock producers in the Northern Great Plains.

Rodney Nelson, in addition to being a wonderful poet, is a farmer near Almont, ND. I want to share with my colleagues his work entitled, "The Future of the Common People." It is reprinted below:

THE FUTURE OF THE COMMON PEOPLE

We often sit complaining that ranching's such a bitch
Money's often short out here and few folks made it rich.
Cattle markets often low, there's years it seldom rained . . .
Seems like there's always some catastrophe, that wipes out what we've gained!
But there is hope out on the prairie, the future's looking bright—
Those eastern dudes have made some plans that might just turn out right!
See, we've often been exploited, or abused to say the least . . .
And the profit from our labor has been siphoned by the East!
But now the tide is turning, the money will flow West—
The Great Wild Buffalo Commons will make our lives the best!
See, they're gonna take our land away and restore it like it was
I, for one—a native son—think it's a worthy cause.
We'll no longer have to struggle with the cattle and the wheat . . .
'Cause change brings opportunity and we'll be in the driver's seat!
There will be no angry exodus folks will laugh and jest—
It will be just milk and honey for the folks who live out West!
The compensations they'll allow us will lighten up our hearts . . .
'Cause we know what they pay for toilet seats and all those airplane parts!
Yes, the government will buy us out for lots and lots of dollars
They'll educate the ignorant and make them Eastern scholars.
Now, it won't happen overnight there's lots of work to do—
Unemployment won't be heard of as we start our lives anew.
We'll tear down all the fences and seed the farms to grass . . .
We'll have to seal up all those wells that produce the oil and gas!
Power plants will have to go, Pocketbooks will soon be fat from the wages we'll be earning as we bulldoze cities flat!
Bridges, dams, and highways will crumble from our hands
'Cause we must remove these blemishes as we restore the lands.
And when the project is complete that's when I'll make my mark.
As a GS5 or maybe higher in the greatest national park.
The government will employ me, and I will be among the rangers or technicians who maybe sample buffalo dung!
There will be no complaints of winter or blizzards from my mouth . . .
Cause I'll migrate with the buffalo, and spend my winters South!
Yes, I'll be living mighty high or good to say the least—
But my heart will sure be heavy for the folks who live out East.
The Poppers will be "eating crow", for they will have deduced, that a hungry nation sure has missed the products we produced!
They just might have to swallow hard and admit it would be great, to turn up their thermostat, or have protein on their plate!
Then they will admit their errors, and they'll concede defeat—
The Buffalo Common will be no treasure for folks who cannot eat!
And someday some great scholar will be acclaimed in modern theses that they need the Western produce, or they'll be an endangered species!
I think I'll still be young enough to see the nation's pains and I'll be among the settlers who re-populate the plains!
Yes, the future does look bright for us, for we will stand the test . . . and Eastern dudes will finally see the value of the West!!!

WAR WOULD CARRY HIGH PRICE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. JACOBS. Mr. Speaker, as can be seen in the following, Kevin Drawbaugh, the business editor of the Indianapolis News does what all business people should do: He thinks things through:

WAR WOULD CARRY HIGH PRICE—NO ONE WINS IF UNITED STATES TAKES ON IRAQ TO KEEP OIL FLOWING

If bombs and bullets start to fly next week in Kuwait, the price of oil soon will seem insignificant next to the price of American blood.

Unless we're ready to concede that the former is more important to us than the latter, we should stay out of war with Iraq.

If that means backing down and leaving the Middle East to its own violent devices, so be it.

If Saddam Hussein ran roughshod over the Middle East, oil prices would skyrocket and the economies of the industrialized world would suffer. But in the end, we'd be better off if it weaned us from oil dependency.

Let the Arabs tear themselves apart. They were at each other's throats centuries before anyone ever heard of the United States, and they'll still be at it when we're just a memory.

The bottom line is this: oil and temporary Arab stability are not worth the price of thousands of American lives.

Besides that, it's far from certain that U.S. and allied forces could defeat Iraq on the battlefield. It's an unpleasant thought. But what if we lost?

There's a lot of confusion about the situation in Iraq. War and edging toward it are always complicated. Abstractions become involved: national pride, combating aggression, protecting allies, upholding principles, setting an example.

In the case of Iraq, these are all sideshows that only distract from the main event. George Bush and Saddam Hussein are faced off across the line in the sand for one reason above all others: oil.

Almost 50 percent of the world's known oil reserves are in Saudi Arabia, Kuwait and Iraq. In the Age of Oil, that's a remarkably tight geographic concentration of economic power.

Saddam is a petty dictator. Like most of his kind, he is interested mightily in power and money. For this reason, he'd like to control Iraq, Kuwait, and probably Saudi Arabia, too.

Saddam's amibitions conflict with those of the industrialized world, whose self-appointed enforcer is the United States. The rich nations depend on the oil of the Arab states and would like to continue acquiring it on more or less favorable terms.

The flow of relatively cheap Mideast oil would be disrupted if Saddam were to gain control over enough reserves to manipulate the world market. The United States is in Saudi Arabia to try to prevent that.

Is this a cause worth fighting for? The answer is no.

First, the United States should not depend on Arab oil. The Middle East is a historically unstable region. We learned that in the 1970s, after the OPEC oil embargo. Why go to war to perpetuate a situation we know will only blow up again?

Second, we learned in the 1970s that we can easily reduce our dependence on Arab oil Engergy policies adopted after the OPEC oil shock decreased our annual Arab oil needs from 15 percent of total consumption in 1980 to only 3 percent in 1985. That figure today, thanks to the abandonment of national energy policy, is up to 14 percent. But with determination, it could be lowered. Why not declare war on Arab oil dependency, instead of on Iraq?

Third, Saddam Hussein is neither immortal nor invulnerable. Left to pursue his megalomaniacal course, he would inevitably self-destruct. Why not wait him out?

Finally, even if we did go to war, even if we did crush Saddam, what would come next?

Which nation would fill the resulting Mideast power vacuum? Syria? Iran? Saudi Arabia? Enlightened societies these are not in time, each could produce another Saddam, another crisis, another line in the sand.

IRAQ WAR POWERS RESOLUTION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. SPRATT. Mr. Speaker, when I learned that we were to debate and decide the President's war powers in the Persian Gulf, I drafted a resolution I could support, and I want to submit it for the RECORD.

This resolution would have affirmed our support for Resolution 678, but it would have urged the President to keep applying sanctions and to use the power given him to back up our threats while we step up our diplomatic efforts.

Although this resolution would have given the President the power to use "all necessary means," including military force, it would have urged him to wage war only as our final resort, and if he came to that resort, it would have enjoined him to come back to Congress for a resolution of war powers:

H.J. RES. ——

(To demonstrate the resolve of the United States to free Kuwait from occupation by Iraq, to authorize the deployment of the Armed Forces of the United States in a theater where hostilities may be imminent, to approve actions of the President and of the United Nations Security Council, and for other related purposes.)

Whereas, on August 2, 1990, the Government of Iraq invaded the State of Kuwait in flagrant violation of the United Nations Charter and fundamental principles of international law;

Whereas the President and Congress have condemned Iraq's aggression and brutality, and the United Nations Security Council has imposed upon Iraq an air and maritime embargo and other economic sanctions to compel Iraq to withdraw from Kuwait;

Whereas, the President, in response to requests from governments in the region and in accordance with the rights of individual and collective self-defense as specified in the Charter of the United Nations, has deployed the Armed Forces of the United States within and around the Arabian Peninsula as part of a multinational force;

Whereas such action has deterred Iraq from initiating hostilities against other states in the region, but thus far has not caused Iraq to withdraw from Kuwait;

Whereas the Security Council of the United Nations has authorized the use of military force against Iraq if Iraq does not withdraw from Kuwait on or before January 15, 1991, and hostilities may be imminent should Iraq fail to withdraw: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in the Congress assembled,

SECTION 1. SHORT TITLE.

This resolution may be referred to as the "Iraq War Powers Resolution."

SEC. 2. DECLARATION OF OBJECTIVES.

The objectives of the United States in the Persian Gulf, as stated by the President, are hereby affirmed by the Congress as follows—

(a) the immediate, complete, and unconditional withdrawal of all Iraqi forces from Kuwait;

(b) the restoration of the government of Kuwait;

(c) the promotion of a new order in the Persian Gulf region and the world in general, in which nations are secure from the threat of aggression.

SEC. 3. WAR POWERS FINDINGS.

The Congress finds that—

(a) the Security Council of the United Nations on November 29, 1990, adopted Resolution 678, which authorized member states cooperating with the Government of Kuwait to use all necessary means to achieve Iraqi withdrawal from Kuwait unless Iraq, on or before January 15, 1991, withdraws from Kuwait;

(b) Iraqi forces have not withdrawn from Kuwait;

(c) If Iraqi forces have not withdrawn from Kuwait by January 15, 1991, then as of January 16, 1991, the United States forces deployed in the theatre will be in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, as defined in section 4(a)1 of the War Powers Resolution of 1973;

SEC. 4. AUTHORIZATION OF MILITARY ACTION.

The Congress hereby approves and affirms its support for—

(a) Resolution 678 as adopted by the Security Council of the United Nations.

(b) Deployment of the armed forces of the United States to the Persian Gulf theater under section 5(b)(1) of the War Powers Resolution of 1973, for such time as is necessary to achieve their mission, which is to compel withdrawal of all Iraqi forces from Kuwait.

(c) Use of the armed forces of the United States to enforce the resolutions of the Security Council; to repel attack, to counter-attack, and to defend other nations in the region against aggression by Iraq; and to preempt imminent acts of aggression against the armed forces of the United States, allied forces, and other nations in the region.

SEC. 5. USE OF SANCTIONS AND DIPLOMACY TO ACHIEVE WITHDRAWAL OF IRAQ FROM KUWAIT.

The Congress commends the President for his diplomacy in developing international consensus and cooperation in response to Iraq's invasion of Kuwait. The Congress urges the President to continue his diplomatic efforts and the application of sanctions to achieve the objectives of the United States, and to make war upon Iraq as a final resort only if other means fail.

SEC. 6. CONSULTATION WITH CONGRESS.

To ensure the support of the Congress and of the people of the United States, the Congress calls upon the President before making war upon Iraq—

(a) to consult with and seek consensus among the leadership of Congress, including the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Majority and Minority leaders of the Senate and House of Representatives, and

(b) to request the adoption by Congress of a resolution approving a military offensive or declaration of war against Iraq.

SEC. 7. EXPEDITED CONSIDERATION.

The Congress shall vote on the President's request for approval of a military offensive or for a declaration of war against Iraq within three days after the President submits his request.

TRIBUTE TO BECKY L. ROBERTS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an exceptional individual. Becky Roberts, who has served as a dynamic force in the development of the San Fernando Valley, was honored by her peers recently as she completed her term as president of the San Fernando Valley Board of Realtors. During Becky's presidency, the board, one of the largest in the Nation, took major steps in expanding its commitment to the community. She was instrumental in the formation of a charitable foundation and a driving force in raising more than $30,000 for the valley's homeless. Becky's initiative and leadership as well as her never ending quest for excellence introduced new levels of professionalism to the real estate industry in southern California.

It was through Becky's encouragement and participation that more than 200 colleagues serving on 16 standing committees and several ad hoc committees researched, developed and implemented scores of programs and activities benefiting board members and the communities they serve. Becky instituted unique monthly training sessions for her executive committee, reviving skills long ignored. She upgraded the board's computerized MLS system to ensure that the highest level of service is available to the people of the San Fernando Valley. All of these innovations and improvements were made in the spirit of cooperation and goodwill, thanks to Becky's abilities to effectively work with and for people. Becky has been a popular and effective spokesperson for the board through its weekly president's columns in the local print and electronic media.

It is my distinct honor and pleasure to ask my colleagues to join me in saluting Becky L. Roberts, an invaluable member of my community.

END REPRESSION IN LITHUANIA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. PORTER. Mr. Speaker, the grave matter before us, the crisis in the Persian Gulf, has understandably commanded the attention of the Members of the House since the beginning of the 102d Congress. As this matter has dominated our energies, however, another crisis—less reported, but no less important—has developed in the tiny Republic of Lithuania.

Through timing too convenient to be an accident, the Soviet Union has stepped up its military domination of the Baltic States by sending paratroopers and tanks to repress the people of Lithuania while the eyes of the world are focused elsewhere.

Yesterday, Soviet troops using live ammunition stormed the Lithuanian Press Center and other official buildings. This oppressive action comes less than a day after Mikhail Gorbachev warned the Lithuanian Parliament that it must reaffirm the primacy of the Soviet constitution or accept the consequences.

So far seven Lithuanians have been injured in the crackdown, including a man who was crushed by a tank and a member of Lithuania's fledgling national guard named Tomas Luksis who was shot in the face while defending the Lithuanian Publishing House from being taken by Soviet troops.

In an effort to protect public buildings, especially the Lithuanian Parliament, a force of 2,500 Lithuanians have banded together to form a Lithuanian national guard to face the 95,000 Soviet troops currently stationed in Lithuania. "We have enough ammunition to make a symbolic resistance" said one man. "The point is not to defend the building against—Soviet—paratroopers. We know we can not do that. The point is to make some token resistance in order to show the world that we are not surrendering voluntarily."

As the violence escalated yesterday, Lithuanian President Vytautas Landsbergis placed an urgent call to President Gorbachev to ask him to issue a Presidential order to "stop the bloodshed." Landsbergis was told that President Gorbachev was busy having lunch and could not speak with him. Clearly, the military actions and violence are condoned and directed by Mr. Gorbachev, a man who only last year was awarded the Nobel Prize for peace.

The Soviet claim of sovereignty over Lithuania has always been without foundation. The freedom of the Lithuanian people was taken from them in 1940 when Lithuania was annexed into the Soviet Union as part of a secret deal between Hitler and Stalin. A puppet government in Vilnius, the Lithuanian capital, rendered up the country to the Soviets without a shred of popular support from the people of Lithuania.

The United States has never recognized this illegal annexation and has stood by the fiercely proud Lithuanian people through the more than 50 years of repression at the hands of the Soviets. In March 1990 Lithuania took responsibility for its own destiny and declared independence from the Soviet Union. Moscow responded aggressively by implementng economic sanctions on Lithuania last summer and threatening the use of force, a threat which it is apparently prepared to carry out.

Mr. Speaker, it is unconscionable that, while democracy and freedom make dramatic strides in Eastern and Central Europe, the Soviet Unon should regress and use military force to impose an unpopular regime on a peaceful people. This is the action of another time—a time when a cold war raged and an Iron Curtain snuffed out the light of freedom and self-determination in much of the world. This is not the action of a man or a nation dedicated to freedom and it draws into question the sincerity of Mr. Gorbachev's human rights reforms.

Members of Congress must make their voices heard on this issue and send a strong message to Mr. Gorbachev and the Soviet Union that military repression of the Baltics will not go unnoticed regardless of when it occurs and that actions like those in Lithuania will not be tolerated. The people of Lithuania, like those of the rest of the world, should and must have the right of self-determination and freedom from fear and domination. Mr. Gorbachev, pull out your troops, end the repression and let the Lithuanian people follow their consciences to a new era of freedom in the Baltics.

COST OF ENVIRONMENTAL REGULATION MAKES THE UNITED STATES MORE DEPENDENT ON FOREIGN ENERGY SOURCES

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. DANNEMEYER. Mr. Speaker, I have attached a short news story from the January 7, 1991 issue of the Oil Daily, which describes an upcoming study from the Department of Energy on the relationship between environmental regulation and domestic energy production. The authors of the study estimate that four environmental statutes—the Clean Air Act, the Resource Conservation and Recovery Act, the Clean Water Act, and the Safe Drinking Water Act—will cost the domestic oil industry between $2 and $7 billion annually and reduce the amount of recoverable oil by up to 43 percent.

This study represents the first time the Department of Energy has examined the cumulative impact of environmental laws on domestic production and goes a long way toward explaining why this Nation is so dependent on foreign sources of oil and natural gas. As we prepare to sacrifice the lives of our young men and women in the Persian Gulf to guarantee the unimpeded flow of oil to growing Western economies, we should consider the relationship between Operation Desert Shield and our energy policy here in America. An aggressive and coordinated policy to explore and develop domestic sources of oil and natural gas, coupled with nuclear licensing reform, would enable the United States to tolerate future instability in the Middle East without resorting to the use of force.

I commend the following article to my colleagues' attention:

ENVIRONMENTAL LAWS COULD COST OIL INDUSTRY $79 BILLION

(By Lynn Garner)

WASHINGTON.—Compliance with new and revised environmental statutes will cost the oil industry anywhere from $15 billion to $79 billion—depending on the price of oil—in additional exploration and production costs, a new Department of Energy study concludes.

The study also predicts that environmental legislation under consideration by Congress could accelerate the abandonment of the nation's remaining domestic oil reservoirs by as much as 10 years.

The DOE study has just been completed and is being distributed to Congress, state officials and the industry.

CUMULATIVE IMPACT

The two-volume report is unique in that it is the first time that DOE has looked at the cumulative effect of environmental legislation on future domestic oil production, rather than the effect of individual laws.

DOE studied the impact of four major environmental statutes that it says will cost the industry from $2 billion to $7 billion per year just to stay in compliance, after the initial compliance costs.

"These costs could reduce the amount of oil that can be recovered using advanced recovery technologies by 3 to 43 percent (at $20 per barrel)," said Robert H. Gentile, DOE assistant secretary for fossil energy.

The cost estimates vary so widely because DOE studied the impact at different oil price scenarios, from $16 per barrel to $34 per barrel.

"These and other estimates presented in the report are conservative," he added.

The four environmental statutes analyzed in the report include the Clean Air Act, the Resource Conservation and Recovery Act that governs hazardous waste, the Clean Water Act and the Safe Drinking Water Act.

SIGNIFICANT EFFECTS

"This report demonstrates the need to consider the cumulative impacts of new regulatory requirements in conjunction with other existing, proposed or contemplated regulatory requirements affecting oil supply," Gentile said.

"The environmental decisions we make in the coming months will have very significant impacts on this nation's domestic oil production," added Michael R. McElwrath, principal deputy assistant secretary for fossil energy.

Proposed changes in RCRA, the hazardous waste law, could cut Lower 48 oil production by nearly 20 precent by the year 2000, he said.

The addition of just $500 per well of new compliance costs, from whichever environmental law, could shut down virtually all oil production coming from Appalachia, McElwrath said.

The DOE study, "Potential Cumulative Impacts of Environmental Regulatory Initiatives," was prepared under contract by ICF Resources Inc. of Fairfax, Va., for DOE's Office of Fossil Energy.

The DOE study looks at future production from conventional production in the Lower 48 states; future infill drilling and waterflood projects in the Lower 48; future enhanced oil recovery projects in the Lower 48; and onshore and offshore crude oil fields remaining to be discovered in the Lower 48 and Alaska.

DOE estimates that after currently proved reserves are produced by conventional recovery methods, nearly two-thirds of the known U.S. oil resource (more than 300 million barrels) will remain untouched.

But the department has concluded that the United States will continue to face a rapid pace of abandonment of oil reservoirs.

SALUTING ENVIRONMENTAL REPORTER HAROLD SCARLETT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. FIELDS. Mr. Speaker, Houstonians long ago became accustomed to living and working in close proximity to the world's largest petrochemical industrial complex. We recognize the advantages of the many refineries and petrochemical plants along, or near, the Houston Ship Channel. Those advantages include good, high-paying jobs and financially significant additions to our local tax base.

But we also recognize that those industrial facilities are not without their risks. They pose potential threats to our local environment and to the communities in which we live and work.

For the last 20 years, Houstonians have benefited for the solid journalistic efforts of Harold Scarlett, the Houston Post's veteran environmental reporter who made it his business to keep Houstonians informed of issues affecting their environment. Harold Scarlett retired on January 1 after a long and distinguished career at the Post, and his dedication to providing Houstonians with understandable analyses of environmental issues will be sorely missed.

Harold Scarlett began his work at the Houston Post in 1952, but left 3 years later to join the editorial staff of the European edition of Stars and Stripes. He returned to the Houston Post in 1958, where he remained until his retirement. It was in 1970 that Texas Lieutenant Governor Bill Hobby, then the editor of the Post, assigned Harold to the newly formed environmental beat.

In my 10 years in Congress, I have had many opportunities to talk with Harold on a wide variety of environmental matters. During those conversations, it was evident that for him, the environment was more than just a beat to be covered. For Harold, the environment was more than just an issue. It was a passion about which he was personally concerned and about which he was extraordinarily well informed.

The rise of the environmental movement in the 1970's, congressional passage of the landmark 1970 Clean Air Act, enactment of the historic Clean Water Act in 1972, and subsequent Federal environmental laws provided Harold with the opportunity to explain the Nation's deepening environmental crisis to men and women in the Houston area. Similarly, several local issues—including a clean lakes demonstration program in Lake Houston, the proposed Wallisville Reservoir, the water quality of Galveston Bay, the widening and deepening of the Houston Ship Channel—provided Harold with ample opportunities to better educate Houstonians about the environment. While we have not always seen eye to eye on every story he covered, Harold's fairness and integrity was evident in every story for which he interviewed me.

In a news article announcing Harold's retirement, the journalist advised men and women concerned about the quality of the air we breathe, the water we drink, and the land on which we walk to "keep informed, keep alert. Don't get hysterical and don't ever feel one person can't make a difference."

Houstonians have taken that advice to heart. We have become far more knowledgeable about threats to our environment, and we have grown less tolerant of those who spoil our environment. Much of the credit for expanding our knowledge and deepening our concern can be traced to one man in the newsroom of the Houston Post: Harold Scarlett. His knowledge and expertise, his dedication and commitment, motivated thousands of Houstonians to consider more seriously what too many of us had taken for granted.

Mr. Speaker, I know you join with me in saluting the many accomplishments of this outstanding journalist, and wishing him well in all his future endeavors.

THE CHANCE FOR PEACE NOW UP TO SADDAM HUSSEIN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. BEREUTER. Mr. Speaker, as we prepare for bilateral votes on the Persian Gulf crisis today I urge my colleagues to consider the following very cogent editorial of January 9, 1991 in the Tremont, NE, Tribune:

HUSSEIN BLINDLY IGNORES INEVITABLE

It is painfully clear that changes of a peaceful end to the Persian Gulf crisis rest heavily on Saddam Hussein's shoulders.

Americans praying for a non-violent end to the standoff must consider with cautious optimism developments that indicate the United States' hard-line stance is working. Hussein has at no time shown himself to be any more than a ruthless dictator without sense to know when the world is against him and his defeat is inevitable.

A week before the United Nation's Jan. 15 deadline for Iraqi withdrawal from Kuwait, the United States, Britain and NATO are rightfully focused in demanding without compromise that Hussein withdraw completely from Kuwait or be driven out.

Clearly, Hussein has lost control of his sinister and criminal plan of conquest. Iraqis' support for this tyranny obviously is not as strong as he would have the United States and the rest of the world believe.

Much can happen during the next seven days, but one thing seems clear—the United States, with U.N. support, will hold true to its threat of force if necessary.

As Secretary of State James Baker III admitted Monday, the only chance for a peaceful conclusion to the Gulf crisis is if Hussein realizes—although belately—that the U.N. deadline is real and unchangeable.

Hussein reacts to the U.N. stance by calling the U.S.-led multinational force opposing him the aggressors and by claiming his goal is to liberate Palestine.

It's difficult to understand how an invasion of Kuwait brings Palestine any closer to liberation. Surely, if Hussein had his plans in order, he could have found a better way to achieve this only recently stated goal, seen by many as no more than a negotiation tool.

The United Nation's and Bush administration should be applauded for their no-deals approach to a situation in which bargaining only increases the chances that more, less desireable concessions will be sought by Hussein later.

Hussein, with his people starting to fall in behind the rest of the world, is in no position for compromise. He must realize one country cannot "trample and wipe out" another, then use the acquired nation-state as a bargaining chip.

IN SUPPORT OF THE PRESIDENT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 12, 1991

Mr. DUNCAN. Mr. Speaker, I am not enthusiastic about this predicament which our Nation finds itself today in the Middle East. I do not want war. My constituents in east Tennessee do not want war. No American wants war in the Persian Gulf.

However, we as a nation, have the awesome responsibility to help ensure stability in far-off regions of the world. Worldwide steadiness is vital to U.S. interests. This is why we are in the Middle East. If we do not stand up to Hussein's brutal and unprovoked aggression then what will be our response to other aggressors in the future.

History has proven that aggression unchecked inevitably expands. Like it or not, the United States is the only superpower in the world, and with this status comes responsibilities.

I believe that the bipartisan Michel-Solarz amendment is our last best hope for a peaceful resolution to the crisis in the gulf. The President has made repeated attempts at negotiation with Iraq. He has the unprecedented backing of the United Nations, as well as the majority of the American people. We must stand behind him. We must give creditbility to the President's policies if we are to exercise any control over future world events. A serious threat to Hussein could certainly lead him to consider a peaceful and positive resolution to the crisis in the gulf.

The President does not want war. He wants to negotiate peace through a position of strength. And it is our duty and responsibility, from a moral standpoint, to give President Bush the support needed to stop the tyranny and oppression that Hussein has forced upon not only Kuwait, but his own people as well.

The question of war lies in the hands of Saddam Hussein. I can only hope and pray that he will choose a peaceful settlement. Let us not repeat our mistakes of the past. Let us stand united, shoulder to shoulder with the President, so that we can signal Hussein that his immorality will not go unchecked.

HOUSE OF REPRESENTATIVES—*Monday, January 14, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We have known from our earliest days, O God, that we can lift up our voices in prayer and thanksgiving to You for Your good gifts to us. In the spirit of unity and as one body we pray today for the gift of peace.

As You have created each person of every land and culture with Your breadth of life and sustain every person with Your spirit, so cause the leaders of the nations to see ways to be peacemakers so that all people will experience the fullness of life and not the tragedy of conflict.

Bless all who serve—the diplomats and the armed services and all those in danger.

May Your mighty power for justice, O God, that created the whole world, be seen in the present strife and may Your good Word, which gives assurance and strength, be with us all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. LAGOMARSINO] come forward and lead the House in the Pledge of Allegiance.

Mr. LAGOMARSINO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A WARNING TO THE SOVIETS: HANDS OFF LITHUANIA

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, this is the moment to send a clear, strong, and unambiguous message to whomever is in charge of the Soviet Union. The civilized world can walk and chew gum at the same time. Our prayerful and serious focus on the Persian Gulf can not—and will not—prevent us from dealing with the outrage in Lithuania.

The blood of the 14 peaceful martyrs in Vilnius is a clear warning to the resurgent Soviet old guard. The choice they face is stark and inescapable. Desperately needed aid, trade, investment, technology, and contact with the West will cease if the Stalinist butchery continues. A disintegrating Soviet empire cannot afford the luxury of replaying the 1956 bloodshed of Budapest or the 1968 rape of Czechoslovakia.

The great accomplishments which we have seen in the Soviet Union over the past half decade—greater democracy, political reform, a more open press, contact with the outside world, increased international respect—stand in jeopardy.

This disgusting attempt to return to the Stalinist nightmare must stop—and it must stop now. The choice is clear. The Soviet leaders can take the path of Sakharov or the path of Stalin.

CONDEMNING SOVIET ACTIONS IN LITHUANIA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, while the very serious situation in the Persian Gulf remains on the forefront of our minds, where it should be, we must not ignore the outrage in Lithuania over this past weekend.

I condemn the Soviets' decision to use military might—tanks and bullets—to repress Lithuania's prodemocracy and proindependence forces. This is not peristroika or glasnost at work. Clearly, these events signal that the positive reforms that have occurred in the Soviet Union are not irreversible. These negative trends indicate that any aid we provide must have strings attached to ensure such help fosters real reforms, not subsidizes Communist terror.

Just as Iraq's aggression and repression threaten our national security interests and the promise for a more prosperous, peaceful future, so too do crackdowns in the Soviet Union. Gorbachev and other Soviet authorities need to know that we will not ignore the troubling actions in Lithuania. Soviet actions will directly affect our relations today and tomorrow.

The crisis in Lithuania begs the question, which is the real Mr. Gorbachev? The Gorbachev who continued—in fact expanded—the Afghanistan War, or the Gorbachev who began reforms and won the Nobel Peace Prize. I hope it is the latter. The terror in the Baltics must stop.

□ 1210

SOVIET ARMY MUST WITHDRAW FROM VILNIUS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, men and women of good will rise to protest the return of terror and tyranny to Lithuania at the hands of the Soviet Army. I add my voice to this chorus of anguish and anger.

The Soviet Army must withdraw from Vilnius, and a free press and the right to assemble freely in the Lithuanian Republic must be restored. The use of force in a feckless attempt to extinguish the spark of freedom in the Baltics will neither be sanctioned nor ignored in Washington, in the West, nor in the world.

At risk, in the short term, is any movement to provide aid to the Government of the Soviet Union. More important, the larger risk is to the changing tides of history.

Americans want to move beyond cold war confrontation. Freedom in Central Europe, the approval of important arms control agreements, the resolution of regional conflicts, and a new attitude of cooperation emerging from Moscow substantially changed our relations with the Soviet Union for the better. Now is not the time to slide backward.

We protest, and we demand an end, to the drift toward authoritarianism in the Soviet Union, an end to violence against the Lithuanian people, an end to brutality against their courageous drive toward freedom.

LITHUANIANS HAVE BEEN PERSECUTED FOR MANY YEARS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, let me add my voice to those who have spoken out this morning on the outrage and the violence that is happening to the brave Lithuanian people who have been persecuted for so many years. We certainly hope that sanity prevails on that issue.

The lead editorial in today's edition of the Washington Post suggests that the United States should extend formal diplomatic recognition to the free governments of Lithuania and the other two Baltic nations, Latvia and Estonia. That is an excellent place to start.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I also believe that the United States and the free countries of the world must urgently reconsider their plans to extend economic and technical assistance to the Soviet Union. The Kremlin should be put on notice that the free world will not stand idly by as the aspirations of the Baltic peoples are crushed.

We should not be party to any effort of bailing out a Soviet Union which is held together by force of arms. Lithuania, Latvia, and Estonia were annexed by the Soviet Union pursuant to a secret agreement between Hitler and Stalin. That was a crime against all humanity.

The very same principle which is today at stake in Kuwait has been at stake in the Baltic nations for 50 years: the right of small, independent nations to exist in peace along side larger and more powerful neighbors. A world in which the small, sovereign states are constantly at the mercy of ruthless, ambitious neighbors is a world which can degenerate into the law of the jungle.

COMMENDING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER

Mr. Speaker, may I also take this opportunity to thank you personally and to commend you, the majority leader, and the Republican leader, the gentleman from Illinois [Mr. MICHEL], for the high plane of debate that took place in the last 3 days on the Persian Gulf issue.

As John F. Kennedy has said, "Now is the time for the American people to rally together." I certainly hope that we all do that.

We hope that the threat of war will bring about peace in the Mideast, will bring some sanity to that man called Saddam Hussein.

And God bless our troops who are serving there today.

The debate in Congress last Thursday, Friday, and Saturday was worthy of the highest traditions of this House. It was a credit to every Member of this body, and it reflected the sense of gravity, anxiety, and responsibility that weighs so heavily upon all of us.

Again, I thank Speaker FOLEY, Mr. GEPHARDT, and Mr. MICHEL for their efforts to make sure this critical issue of war and peace was debated in an atmosphere of dignity, decorum, and nonpartisanship.

Now that the decision has been made—and Congress has chosen to stand with our President and our brave men and women in the field—I trust that we all unite as one. Politics does indeed stop at the water's edge. Let us go forward in unity.

We cannot control the future, but we can be prepared to deal with the challenges the future will bring. And while each and every one of us abhors war in all its forms, let us be mindful that strength, preparedness, and the courage of our convictions will never let us down—they are our only sure defense.

WE MUST WORK AS HARD AS WE CAN TOWARD PEACE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, this weekend at my office in Denver and still today, there are many people very concerned that have been camping outside and inside. They are very concerned because they are watching peace on Earth unravel.

They started with their deep concern about watching us pellmell down this superhighway to war on January 15 with more and more of the exit ramps being closed off by us as well as the other side and said, "Why? Why?" In the interim, they are now watching the Baltics all turn into a bloody terror as we see Gorbachev thinking he can get by with this because we are now all focused on the gulf, and we see China turning on many of the students that they figure now we will not be focused on.

I must say, too, that I think Gorbachev should either surrender his Peace Prize or that the Nobel Peace Committee should reclaim it, that President Bush should take back our aid and that we should also ask the Saudis and others to take back their aid if this continues.

I think we should be working as hard as we can for peace. I think that is what these people who are encamped in Denver, CO, are trying to say. They do not see us working toward peace. They see us pellmelling toward war.

VIOLENCE IN LITHUANIA CANNOT BE TOLERATED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, my remarks are directed to you and the Chair and to the Members of the House, but they are also directed to the Russian leaders.

Let them know that if the President ever sends down a waiver of the Jackson-Vanik amendment so that freer trade can exist with Russia there will immediately be introduced a resolution of disapproval and that it will probably pass.

I am deeply disturbed by the violence in the Baltic, particularly Lithuania. I think it is a tragic mistake for the Russian leaders to tolerate such, and they should immediately move to put an end to it.

It seems to me that if we have learned anything from the history of mankind it is that violence in this sort of thing cannot be tolerated, and that acquiescence in this sort of movement cannot be tolerated.

I want to add my strong voice and pledge to this House that if the President ever sends down any kind of waiver of Jackson-Vanik for freer trade with Russia, it will be seriously examined in light of what is going on now in Russia.

IN THE INFORMATION AGE THE BIG LIE IS OBSOLETE

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, the bloody crackdown in Lithuania has shocked the world at a time of global agony over events in the Persian Gulf, but cynical Soviet Communist hardliners seriously miscalculate if they believe they can somehow hide their actions behind the smokescreen of Persian Gulf turmoil.

Soviet tanks crushed Hungary in 1956 during the Suez crisis, they crushed Czechoslovakia in 1968 when there was turmoil at the Democratic Convention, they invaded Afghanistan in 1979, and shortly thereafter Christmas, and a crackdown on Poland in 1981 shortly before Christmas.

But in this contemporary world of instant telecommunications, electronic newspaper publishing, global television news and so much more, the Stalinist strategy of news suppression will not work. In the information age, the big lie is obsolete. The global outrage is enormous and will continue to be so.

Mikhail Gorbachev, in one way or another, has thrown in his lot with those who would turn back the clock. This is conduct unbecoming of a Nobel laureate.

According to prodemocracy forces, it is his policies that seek to suppress the independent movement. He is responsible for those who implement the policy.

Mr. Gorbachev, Mr. President Gorbachev, if you have any wish to retain any credibility, if you wish to be considered a Nobel Prize winner, you must speak out against these heinous crimes, otherwise return your Nobel Prize.

People all over the world are saying, "President Gorbachev, call back your armored KGB troops. Call back your tanks. Disband your phony salvation committee which is really a KGB army group. We are watching you, and our expectations are high."

CONDEMNING BRUTAL REPRESSION OF LITHUANIA

(Mr. ANNUNZIO asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I rise to condemn last weekend's brutal repression of unarmed protesters in Lithuania by Soviet troops.

I am now working with Congressman RICHARD DURBIN to introduce legislation that will formally condemn these acts of senseless violence. I am outraged that 13 people recently were killed in Vilnius. Some of these victims were mercilessly crushed under the tracks of Soviet tanks.

We as a Congress cannot stand by and allow this violent crackdown to continue. We must let Mikhail Gorbachev know that the future of United States relations with his country could hinge on his treatment of the Baltic republics.

Mr. Speaker, as I have pointed out in the past, the time is overdue for the United States to extend formal diplomatic recognition to the independent nations of Lithuania, Latvia, and Estonia. The United States must act now and leave no doubt as to where we stand on this crucial issue.

WE HOLD MIKHAIL GORBACHEV RESPONSIBLE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the attention of the American people is obviously very carefully riveted on the situation in the Middle East where 400,000 young Americans wait in the sands for a war that may now be unavoidable.

Perhaps the people in Moscow and the Kremlin thought that we would not pay attention, and that this was their opportunity to repress the people of Lithuania as well as the other Baltic States. Over the weekend they murdered 14 young Lithuanians and injured 150 in taking over the free radio station and other means of public communication.

We hold Mikhail Gorbachev responsible. We hold the people of the Soviet Union responsible.

The United States will not tolerate the deaths of people standing up for their individual human rights and for the independence and freedom of their own nation, and if the people in the Kremlin, whether it is Mr. Gorbachev or others, believe that the United States of America will provide aid in the way of food, will provide economic assistance and technological assistance to the Soviet Union while they kill innocent people striving for human freedom, they are wrong.

Unless immediately rectified, we must remove trade preferences and assistance, technical assistance and western credit without delay.

The world is watching what the Soviet leadership and people will do to rectify this terrible repression.

□ 1220

PROTEST TO MR. GORBACHEV

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I rise with a heavy heart to comment on these grotesque outrages by Mr. Gorbachev, a man that we were coming swiftly to know, respect, and admire for the rapid movement that he was leading his people toward peace, openness, glasnost, and perestroika. It is bitterly disappointing to all Members who had applauded that movement, and to all Members who looked forward to holding out the hand of friendship to Mr. Gorbachev and 290 million Soviet citizens.

What a sad day.

I feel that unless Mr. Gorbachev has a painful revelation of his conduct of the last few days or weeks, our country is going to have to reconsider the steady progress that we were making toward gradual disarmament, toward chucking off expensive weapon systems that we did not seem to need in the post-cold-war era.

Are we in the post-cold-war era, or are we not? We have been expressing deep satisfaction with the fact that perhaps, unwisely, we spent a trillion dollars in arms facing off the Soviet Union, and finally, defeated them. The power of an idea, the power of democracy, the power of freedom, the power of free market forces that can provide a far better way of life than anything the Soviets have seen in the last 70 years.

Now, are these hopes to be crushed, are we going to see a resurgence of demands for B-2 bombers, for MX missiles, for star wars? What a depressing sight that is.

Mr. Gorbachev, I hope and pray that you and your leadership will reassure the world that this replay of the invasion of Hungary in 1956 and Czechoslovakia in 1968 was just an aberrational blip on the radar screen, and that you will return to sanity, to collegiality, and to peace. And that you will help everyone continue diverting vast resources from war to peace, the resources that your country and our country desperately need to serve our people, to provide the standard of living that they yearn for, and to provide them the peace and serenity that they yearn for evermore.

Say it ain't so, Joe. Say it ain't so, Mikhail. Tell everyone that this was an irrational, arbitrary blip on the progress toward peace. Reassure everyone that all of our hopes have not been dashed.

SOVIET EMPIRE WILL NOT CRUSH DEMOCRACY

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the Soviets may believe that America is so focused on the Persian Gulf that we will not notice their brutal crimes in Lithuania. Let there be no mistake, we see the bloody treads of the Soviet tanks and we will not stand idly by and see the cause of democracy crushed in Lithuania or any of the captive nations of the Soviet empire.

The Soviet Union can not reverse the progress that has been made in the Soviet Union without drastic consequences in its relations with the United States. No credits, no wheat, no new commercial ties, and certainly no aid. We can have no normalization without democratization. The Communists cannot try to rebuild the Berlin Wall and restore Stalinism and expect it will be business as usual.

We are making a stand in the Persian Gulf but it will not diminish our commitment to the people who are building freedom in other parts of the world.

MAIL REFLECTS CONSTITUENTS' THOUGHTS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, this morning I received two very interesting letters in the mail. One came from representatives and presidents of nine different trade unions, representing millions of American workers. It was a copy of a letter that they sent to the President of the United States, and they said: "Mr. President, give sanctions an opportunity to work. Let's not rush into war."

The leaders of these unions understand very well that if, when a war breaks out, that it will be working people and poor people whose blood will be spilled in the Persian Gulf. They understand, also, that if a war breaks out and this Nation spends hundreds of billions of dollars in fighting that war, that it will be the tax dollars coming from the working people who will pay for that war, because the President and much of the Congress is not terribly interested in taxing those people who can best afford to pay.

Ironically, a few minutes later, we received a letter, also on the same issue, and that is in strong support of the President's position. The people who signed that letter are from the National Association of Manufacturers, from the American Bankers Association and from the National Association of Realtors, and the trade organizations of virtually every big business company in America.

Therefore, I think for those people who are wondering about the war, it might be interesting to understand who is supporting the President, and who is opposing the President.

LITHUANIAN ATROCITIES

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the idea of Soviet tanks crushing people in Lithuania is revolting to all Americans and all people in the free world. The Soviet Union is a country that we have sought to work with under the leadership of President Gorbachev, but it is impossible to work with a country that practices that kind of oppression. We must hold the Soviet leadership, and indeed, President Gorbachev himself responsible for the atrocities that are being committed there, and that he very clearly and very expressly disavows those atrocities, that he very clearly and expressly remove that kind of Soviet oppression from the Baltic States.

BALTIC PEOPLE DESERVE FREEDOM

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, Vilnius, 1940; Budapest, 1956; Prague, 1968; Tiananmen Square, 1989; Kuwait City, 1990, Vilnius, 1991.

Mr. Speaker, the rollcall of shame continues as Soviet tanks attempted yesterday to crush the flame of freedom in the Baltic States. It is time, Mr. Speaker, it is past time, for the faceless leadership in Moscow, or perhaps I should say the two-faced leadership in Moscow, to realize that the path to freedom is irrevocable, that it is time to bring the tanks and the troops home. It is time to understand, also, that United States-Soviet relationships, including economic aid, are inextricably linked to human rights in the Baltic States and elsewhere.

Mr. Speaker, the people of the Baltic States believe in freedom. The people of the Kremlin apparently do not. It is from that truth that we must speak as a Nation.

□ 1230

SOVIET REPRESSION IN THE BALTICS

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to express my strong concern over the events of this past weekend in Lithuania, Estonia, and Latvia.

The democratically elected Government of Lithuania has come under seige by the Red army, repressing their fledgling democracy.

Mr. Speaker, no one knows at this point whether President Gorbachev ordered these troops in. We do know that there are 13 Lithuanians who were killed and 140 wounded by the Soviet assault.

President Gorbachev deserves the support of the American people for initiatives in perestroika and glasnost, but if the Soviet Union wants to participate in the free world economy with greater commodity credits, financial assistance, and the waiver of Jackson-Vanik, then it must begin to act like a civilized nation.

The Soviet Union has repressed these democracies and the Baltic people deserve better.

GORBACHEV MUST LISTEN

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, all of us bring our particular personal perspectives and history to the way we view events in the world. My family and my wife's family came to this country from Lithuania many years ago.

I personally have applauded the efforts of the Soviet Union in recent years toward reform. That process has now come to an abrupt and bitter end.

Gorbachev must listen to the pleas of the Members of this body today if he is to expect the future cooperation and the future aid and assistance of the United States and of this Congress.

WHERE WAS GORBACHEV?

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, I just watched on television as Mikhail Gorbachev said, "I found out about it only afterward."

It seems noboby knew about it. That literally is the translation of what Mikhail Gorbachev had to say.

One wonders, where was Mikhail Gorbachev on March 27, 1990, when film footage of Soviet troops brutalizing Lithuanian citizens who had taken sanctuary in a Vilnius hospital was confiscated at gunpoint from an ABC television crew?

Where was Mikhail Gorbachev on January 2, 1991, when Soviet special Interior Ministry forces, known as the black berets, seized the press building in the Latvian capital of Riga and paralyzed the production of the Republic's independent newspapers?

And where was Mikhail Gorbachev on January 9, 1991, when seven armored personnel carriers and Soviet Interior Ministry troops surrounded the Lithuanian TV and radio tower?

The President of Lithuania, Vytautas Landsbergis, has tried to call Mikhail Gorbachev for days.

Gorbachev's response? He was having lunch.

I think it is time that Mr. Gorbachev gets up from his lunch, takes a look around him, and realizes that the international prestige he earned with the Nobel Peace Prize is now in tatters, and it is time the United States of America let him know that there will be no more aid or credit to the Soviet Union while this disrespect for democracy and human life continues.

SUPPORT OUR YOUNG MEN AND WOMEN IN THE PERSIAN GULF

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I rise today to express my support for the men and women serving our Nation and serving the international coalition in Saudi Arabia.

Speaker FOLEY said it well when he stated that as a nation we are extremely fortunate to have citizens willing to serve our Nation in combat at times such as this.

In September I had the opportunity to visit Saudi Arabia and to meet many of the courageous soldiers, sailors and marines serving our country in the gulf. Many come from my own district in the State of Washington. I want our servicemen and servicewomen to know that Congress has properly debated this issue and has decided to give President Bush authority to use force after January 15. Now that the debate is over and a decision has been made the Congress and the American people stand solidly behind you.

The Nation is proud of your courage and your determination to carry out the President's orders as Commander in Chief.

I still hope for a last minute diplomatic solution. If it does not come, the Congress and the American people will support you in the difficult days ahead.

Our prayers, thoughts, and hopes are with you.

THE BALTIC CRISIS

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I join in the statements that have been made about the current situation in the Baltics and intend to take a 5-minute special order in just a moment.

But the statement by the distinguished gentleman from Florida [Mr. GIBBONS] has prompted me to introduce a resolution that I have prepared for a later date, in which it codifies the statements that the President had made concerning aid to the Soviet Union. I invite my colleagues to join me in an expression of opposition to any further aid to the Soviet Union until there is a reduction in the Soviet intercontinental continental ballistic missiles, the ending of economic and military aid to the Government of Cuba, until there is a furtherance of economic and legal reforms in the Soviet Union and the oppressive Soviet troops are removed from the Baltic nations of Estonia, Latvia, and Lithuania.

Mr. Speaker, the Soviet Union stole those free nations without authority, except approval from the tyrant, Adolf Hitler.

The United States has never recognized the oppression that has been placed on those free nations. In fact, the Lithuanian consulate still represents that independent government prior to Stalin's overrunning it in 1939.

I shall discuss what happened to those free nations and why we in the free world have a responsibility to hear their cry now as Mikhail Gorbachev has the venom and vicious audacity to drive his tanks over the broken bodies of these people.

□ 1237

A COMBINATION OF BRUTALITY AND HYPOCRISY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, later on today there will be a special order, but I just wanted to rise publicly at the outset to condemn the actions taken by the Soviet Government. And it was the Soviet Government. And also by the Soviet military—and all you had to do was watch CNN, ABC, NBC, CBS. It was the Soviet military.

I heard an interview today on National Public Radio, where a reporter for Izvestia said basically it was a combination of brutality and hypocrisy. And it makes you think of the old Stalinist words and things that we thought we had no longer seen, like when the minister of interior went on, he said they did not know what was going on. Then they set up some National Salvation Front, which was nothing more than, as DON RITTER said, a KGB operation. So it was like the Keystone Cops, so obvious that it was the men in the military behind some loudspeaker. They expect us in the free world to believe that, to believe that.

So I just want to make sure that this Congress, Republicans and Democrats, the Bush administration, condemn unequivocally this. Then to have it go back to where you find the big lie, they go on radio and television and they lie about it when we know that what they are saying is not true.

Mr. Gorbachev has to know that there will be no opportunity, unless this change is immediately made, for most-favored-nation status, to change, for economic aid, for all the things the people in the West and the people in the United States wanted to do, particularly the United States.

It will be very, very difficult to do unless the tanks are pulled out, rolled back and there is a public apology and the people who did this are brought to trial.

OAKAR URGES STRONG CONDEMNATION OF SOVIET MASSACRE IN LITHUANIA

The SPEAKER pro tempore (Mr. DOOLEY). Under a previous order of the House the gentlewoman from Ohio [Ms. OAKAR] is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, this weekend tanks rolled into Vilnius and Soviet paratroopers killed at least 13 Lithuanians and wounded at least 140. Leaders in Latvia and Estonia have received reports that Soviet paratroopers will put down the democracy movements in their countries next.

So, Mr. Speaker, I rise in strong condemnation of the Soviet massacre in Lithuania yesterday and to urge President Bush to instruct our Ambassador to the United Nations to immediately raise the issue in the Security Council. The actions of the Soviet Union are a clear act of aggression aimed against a freely elected, democratic government that declared its independence less than a year ago. Our own country has never recognized the incorporation of Lithuania, nor indeed Latvia or Estonia, into the Soviet Union. Putting Soviet aggression before the U.N. Security Council will reaffirm our commitment to Baltic self-determination and underline our abiding opposition to their forced incorporation into the Soviet Union. It will also send a consistent message to the rest of the world that Soviet aggression against the Baltic States is no different, ultimately, than Iraqi aggression against Kuwait.

The people of the United States applauded President Gorbachev's policies to restore freedom of expression to the Soviet Union, to allow free enterprise to emerge, to respect democratic elections. Although we disagreed strongly with the Kremlin stand on self-determination for the Baltic States and other republics, we were still prepared to help their system reform itself because we believed in the general direction the Soviet Union was taking. This stems from our own bedrock belief that governments must take their just powers from the consent of those who are governed. This principle, enshrined in our own Declaration of Independence, has served us well. The energies of a free society bring bounty, prosperity and progress. The Soviet Union itself is the best illustration of what results when freedom is denied and government rules by force. President Gorbachev recognized the bankruptcy of such a system and launched the perestroika program that won him the Nobel Peace Prize last year. It is extremely tragic and heartbreaking that he now appears to be turning back the clock to the dark days of the Soviet past. If that is the case, we must let him know that our cooperation with him and with his government cannot help but end.

The proper forum for our concerns, as I indicated, is the U.N. Security Council. It is there that the Soviet Union—itself a permanent member of the Security Council and our so-called partner in confronting aggression in the Persian Gulf—can answer the questions that are raised about their actions. If the violence against the citizens of Lithuania was a rogue operation directed by the military or KGB, the Soviet Ambassador can repudiate it publicly. President Gorbachev, for his part, can remove those responsible from their positions. While we confront the question of yesterday's aggression, we should raise the issue of the removal of Soviet troops from Baltic soil. Their continued presence makes a mockery of our own nonrecognition policy and serves as an insurmountable impediment to Baltic self-determination.

Should the Soviets reject our position with respect to the armed aggression in Lithuania, there are steps we can take. Our own Export-Import Bank now has a $300 million credit facility to provide loan and trade guarantees to the Soviet Union. It is being utilized this very moment, with applications pending and approvals in the pipeline. This credit facility has been extended to encourage Soviet reforms and liberalizations. The President can order an immediate suspension of further applications subject to review of subsequent Soviet behavior in the Baltics. Other aid programs should be similarly suspended. Our allies could be encouraged to do the same.

What is at stake today is the shape of the New World order that the President has been talking about. Soviet actions seem to indicate that the new shape will look very much like the old. One cannot help but recall, of course, the brutal suppression of Hungarian Independence in 1956 under cover of the Suez crisis that year. We should also recall that the consequences of Soviet aggression against Hungary in 1956 were far more serious than Egypt's nationalization of the Suez Canal.

More than a decade later, in Czechoslovakia, we remember what the Soviet troops did in Czechoslovakia. And the list goes on and on. We need only think of the cold war and its horrendous costs and sacrifices. Today, as we confront another crisis in the Middle East, let us not forget that the reform movement in the Soviet Union has a long way to go. Our country cannot have a double standard; an invasion is an invasion whether it is Kuwait or Lithuania.

We should encourage their leaders to stay, with the same degree of vocalness, to stay the course of reform, but we must also be realistic. After all, President Gorbachev and those he relies on came up through the Communist Party structure. The secret police, the army, and their strategic missile force remain intact. We need evidence that the reform movement is dismantling those institutions. Yesterday's viciousness in Lithuania sends the opposite message.

The World Bank the International Monetary Fund, the Organization for Economic Cooperation and Development, and the new European Bank recently released an assessment of the Soviet economy. The economists who prepared the report had unprecedented access to Soviet sources. Their conclusion was blunt and very instructive: Any aid to the Soviet Union should be conditioned on sweeping reforms in that country. Otherwise, the aid would be wasted. Reform must begin with respect for human and political rights, what we commonly call freedom. Only then can the energies of the people be properly harnessed for economic well-being. This freedom must include the right for a nation like Lithuania to live as a separate, independent state. That is what the people want. It has been our policy to recognize this condition for decades. We must reaffirm it yet again to let President Gorbachev know that his Government is making a terrible mistake that will keep the people mired in the poverty that launched perestroika in the first place. We must let him know there is a better way and certainly by our own actions encourage him to take it. We should deal with him and the Soviet Union economically and warn him there will be no special deals. The President of our country should not have a double standard.

"What is your next move, Mr. President?"

Mr. Speaker, I here insert for the RECORD an article that appeared in the Washington Post National Weekly edition, entitled "The Kremlin's Economic Dilemma."

The article referred to is as follows:

THE KREMLIN'S ECONOMIC DILEMMA

While the West has known for some time that the Soviet economy is in serious trouble, the full extent of its failures is only now becoming visible. A new survey published a week ago by four international agencies now becomes the authoritative Western analysis. A product of the new Soviet openness, it was written by economists who have been given unprecedented access to Soviet sources. They report total Soviet output to be about one-tenth the United States—much lower than the previous consensus—and declining sharply. The Soviets are sliding into a real depression.

This report was commissioned to answer questions about aid for the Soviet Union and how it might be given most effectively. The leaders of the seven industrial democracries disagreed about that at their summit meeting last summer and asked for this joint assessment by the four agencies; the World Bank, the International Monetary Fund, the Organization for Economic Cooperation and Development and the New European Bank, which is being set up explicitly to provide Western help to the post-Communist economies.

Their answer is blunt. Aid ought to be strictly conditioned, they say, on sweeping reforms in the Soviet Union. Not only that, but these reforms are going to have to be carried out very fast if they are to have any hope of success. There's no way to do it gradually. Easier said than done, President Gorbachev might reply, as he thinks about Poland, where the government that tried precisely that strategy has just been overwhelmingly voted out of office. Radical reform isn't a painless treatment.

In terms of aid, at present most of the West is thinking above all about food. Those photographs of empty shelves in the Moscow stores as winter arrives have left a strong impression. The four agencies' report concedes that food aid could alleviate distress if it could be delivered to the regions most in need of it. But rapid reform could do more.

The Soviets have had a big harvest this year, and the present shortages arise largely from gross inefficiencies in processing and distribution (and, although the report doesn't mention it, hoarding). The Soviets' food imports, it observes, are roughly equal to their wastage and loss. The food shortages alone make a powerful case for reform. Wastage of perishables accounts for perhaps 40 percent of the crop. Food prices have been held constant since the early 1960s, through a quarter of a century of inflation and rising production costs. Returns to the producer are poor, while the subsidies required to keep prices low have built an uncontrollable deficit into the state budget, speeding up the inflation rate.

This report gives excellent advice, but it doesn't help Mr. Gorbachev much. He knows that reform is urgent. But he evidently thinks that economic necessity may not be politically possible. He fears an explosive reacton if he abolishes food subsidies, as the Poles did, and lets prices float up to market levels. The real threats to the Soviet economy are not, utlimately, a matter of economics.

Mr. Speaker, I urge the President to be more vocal than he already has been and to again bring this issue up today in the Security Council of the United Nations.

□ 1250

MR. GORBACHEV, WE KNOW WHAT YOU'RE UP TO

The SPEAKER pro tempore (Mr. DOOLEY). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes.

Mr. MCEWEN. Mr. Speaker, I rise very reluctantly today. I had no intention of speaking today on this issue until Mr. Gorbachev decided to unleash his tanks to run over the bodies of the free people of Lithuania.

I have before me a brief sketch and map of the Baltic region prior to 1938, along with a couple of dates that I think are important to consider when looking at this issue.

It was discussed a great deal last week, about Munich, in which the whole world was looking at the aggression of Adolf Hitler, who was apparently committed to making war upon Europe. And on March 7, as we see there, he violated the terms of the peace agreement of World War I and marched his tanks and armies into the Rhineland. On March 13, 2 years later, he then moved into Austria and took over that free country.

At that time Winston Churchill and others began to say very simply, "You see that he has Czechoslovakia surrounded on the north, he has them on the west, he has them on the south. He's going after Czechoslovakia."

An entire world said three words," "Czechoslovakia means war. If he goes after Czechoslovakia, it will mean war."

And so, as he prepared to go into Czechoslovakia, there was an agreement that was made which Neville Chamberlain went to Munich at Hitler's invitation and agreed that certain border changes would be made, that as a result the western nations would not declare war on Germany, and that we would have, quote, peace in our time.

Mr. Speaker, that agreement was signed at 2 o'clock on the morning of September 30. Mr. Chamberlain returned to London, was received by the House of Commons, as I described in my speech to this House on Saturday.

On March 15 of the following year Hitler moved into Czechoslovakia, as many predicted that he would. All during April, May, June, and July the question was, "When will he move against Poland, and, if he moves against Poland, what will be the response of Russia and the other nations?" We were hopeful that the Soviet Union, that Russia, would stand united against this aggression that was taking place in central Europe.

The world was stunned and shocked to discover on August 24, 1939, that the Soviet Union and Germany in secret negotiations that have since been named after their foreign ministers; the foreign minister of Germany's name was Ribbentrop, and the foreign minister of the Soviet Union was, as we all know, Mr. Molotov, for whom the Mototov cocktail is named, was used in the 1960's to bomb free installations around the world. That is where you have a gasoline bottle with a rag hanging out, a Molotov. The Soviet foreign minister, Mr. Molotov, and Mr. Ribbentrop entered a secret agreement that has since entered the annals of history called the Molotov-Ribbentrop Pact, a nonaggression pact in which it was agreed by that butcher, Adolf Hitler, along with the butcher, Joseph Stalin, that, if Hitler were to move into Poland, capture east Prussia and most of Poland, that Estonia, Latvia, Lithuania, and the border lands of Poland would forever be ceded to the black hole of the Soviet Union, and their independence would be wiped off the face of the map, and indeed this map is dated as the map of Europe for 1938, and one cannot find another map in which Lithuania, and Latvia and Estonia are identified as separate nations.

President Roosevelt refused to acknowledge this rape of these Baltic States. The United States to this day has not acknowledged that those independent nations belong behind the tyranny of the Soviet Union.

In recent months there has been an effort for them to attempt to assert some degree of independence to elect their own representatives. Stalin, of course, just as Hitler did, Stalin, when he marched his troops in there to capture these free nations, he immediately decapitated all the leadership. He murdered them en masse, he hauled them off to the Soviet Union and has done that now for 45 years.

There is a marvelous article, which unfortunately I do not have time to read at this point, but hopefully later on today I might, in which it points out what has happened to the leadership of these nations under Soviet rule, and I would encourage colleagues to make note of the November 1990 National Geographic in which it is pointed out here repeatedly how the leadership of these nations has been on a systematic basis moved out of the nation until it has been just left to be a total tool of the Soviet Union. It has been moved, the retired military Russians have been moved in, in order to offset the independent balance of those nations.

But now in the last 24 hours, as they were attempting to express their free will, Mr. Gorbachev in Stalinist fashion has rolled his tanks in. A week ago in Latvia they went in and ripped out all the independent presses. Anyone who has a Xerox machine, anyone who had any kind of press at all, was captured by the Soviet secret police, the KGB.

Last night in Vilnius, the capital of Lithuania, they rolled the tanks over the people that were surrounding the parliament building. They murdered at least 13 of them. The pictures in today's New York Times and Washington Post show the picture of the man lying beneath the tank tracks, and over 100 have been shunted off to various hospitals in an effort to maintain and keep their lives.

Mr. Speaker, in 1939 the world did not speak out adequately. We have learned from that mistake. Even though the world's eyes were turned toward Germany in 1939, Stalin thought he could accomplish it. Today the world's eyes are turned toward the Middle East, and I say, "Mr. Gorbachev, we know what you're up to, we see what you're doing, and we will not sit idly by."

ABSORPTION OF BALTIC STATES LEGALLY UNTENABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I follow the gentleman from Ohio [Mr. McEWEN]. The message today will be that the Congress on both sides of the aisle speak with one voice. We articulate, I believe, the united voice of the American public.

The previous speaker, the gentleman from Ohio [Mr. McEWEN] gave us a review of history. That is critical. It is critical that we remember what has happened in the past so that we are not condemned to relive it.

The gentleman from Ohio [Mr. McEWEN] mentioned a number of dates: August 23, 1939, Stalin and Hitler signed a nonaggression pact. As Mr. McEWEN indicated, 1 month later there were secret protocols which were signed to that pact giving Stalin a free hand in the Baltic States, independent, free peoples. Two dictators, two murderers, sat down at the table and divided up what they thought would be the spoils of war.

I will not repeat a number of other dates that went between, but on December 23, 1989, just a little over a year ago in the Soviet Union, newly emerging as a people that could discuss history with truth, a radical shift from the prior 50 years in the Soviet Union. On December 23, 1989, based on the Yakovlev committee's report, the Soviet Congress of People's Deputies, by a vote of 1,432 to 252, adopted a resolution condemning the secret protocols as, and I quote from the Soviet protocols, "legally untenable and invalid."

What conclusion could we draw from that? It was that the absorption of Lithuania, Latvia, and Estonia was legally untenable in the words of the Yakovlev committee's report as overwhelmingly supported and voted on by the Congress of the People's Deputies.

We went through, Mr. Speaker, a serious, somber difficult and, yes, for the Members of this Congress and this country, a gut-wrenching debate.

□ 1300

And what was that debate about just 24 hours ago? It was, in the final analysis, about the defense of freedom. It was, in the final analysis, about international law. It was, in the final analysis, as to whether people were going to be able to live free in the New World Order or live as they had so often in the past, under the heel of the dictator, the heel of the military dictator.

Mr. Speaker, I rise as chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission. In August 1975, Mr. Brezhnev and Mr. Ford and the leaders of 33 of the nations set their hands and seals to documents that said we will resolve differences in peaceful fashions.

That was, of course, subsequent to Hungary. That was subsequent to the Prague uprising. It was in affirmation of the U.N. Charter, which said that we will not by force of arms change the will of the people, change borders, or subject smaller nations to autocratic, illegal, avaricious invasion by larger and more militarily mighty neighbors.

That has happened, of course, in Kuwait and, as has been pointed out so dramatically, is happening in Lithuania. The tanks, the symbol in today's world of the ability to invade, were there. The picture on the front page of the Washington Post shows a human being, a Lithuanian, who speaks out only for freedom and for the rights that that citizen ought to enjoy under the Helsinki final act, under the United Nations Charter, and under that Yakovlev Committee finding that the taking of Lithuania was legally untenable, Mr. Gorbachev. It was legally untenable. Your Congress of People's Deputies, 1,400 to 200, said it was legally untenable. You should not be there. You should withdraw. You say you did not know. Legally untenable.

Mr. President, the Wall Street Journal on Friday, just 4 days ago, said this. I quote from the Wall Street Journal of January 11, 1991: "Mr. Gorbachev's statement urged the republic's government"—speaking of the freely elected government of Lithuania—"to abide by the Soviet constitution." Legally untenably imposed upon the free people of Lithuania. That is what Yakovlev and his committee said. That is what 1,400 members of the Congress of People's Deputies said, not Steny Hoyer, not the President of the United States, not this Congress, but the elected leaders of the Soviet Union said, "legally untenable."

Mr. Gorbachev said that nevertheless they should abide by the Soviet constitution—and listen to this—"and hinted that he was under pressure to introduce direct presidential rule in Lithuania. In a throwback to the rhetoric of the past, he accused Lithuania's leaders of 'hiding behind the mask of democracy and seeking to implement a policy, the goal of which is to reestablish a bourgeois regime and order.' "

I ask, my friends, could Joseph Stalin have said it any more chillingly or directly than that? Not only were the actions of 1939 legally untenable, but the actions of 1991 are legally untenable.

Mr. Gorbachev, withdraw your troops from Lithuania, from Latvia, and from

Estonia. Your Congress of People's Deputies has said they are there, legally untenable.

RECENT EVENTS IN THE BALTIC STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 60 minutes.

Mr. RITTER. Mr. Speaker, this special order is on the events in the Baltic States. It is with a sense of deep sadness and a sense of betrayal that I address the events that have taken place recently in Lithuania.

I arrived in Washington, DC, to note the pictures and the stories in our press, one of which was on the Lithuanian situation, showing the citizen who was crushed under the treads of a tank in Vilnius. And I said to myself, "What is happening in this world? What is happening to glasnost? What is happening to perestroika? Weren't we under the impression these kinds of horrors had ceased in the Soviet Union, that this kind of treatment of innocent people was behind us? Is Lithuania the new Afghanistan? Is this just the beginning of the unraveling of glasnost and perestroika?"

These are the kinds of questions that occurred to me.

As the ranking Republican on the Congressional Helsinki Commission, I had the honor to travel to the Paris meeting, along with the President, where he signed the historic CSCE agreements along with President Gorbachev and the heads of state of more than 30 countries in Europe and the region. I traveled with our distinguished chairman of the Helsinki Commission, Mr. STENY HOYER, and with Senator CLAIBORNE PELL, chairman of the Senate Foreign Relations Committee.

We felt that we were looking at the beginning of the new order, that this was at least the structure that would replace the old cold war structure to build a new kind of peace in the world.

President Gorbachev signed that agreement. But it seems that signing that agreement may just have been a cynical ploy to cover up what was even then starting to look like a crushing of the democratic movement inside the Soviet Union.

Did the Lithuanian people deserve such treatment? Were they rising up in arms against the Soviet power? Absolutely not. Of all the independence movements inside the Soviet Union, the Baltic independence movements were by far the most peaceful.

□ 1310

And when the Soviet KGB and Stalinist newspeak begin to define the rationale for the movement of Soviet tanks, that somehow they had to put down a rebellion, that people were shooting, and when these lies, Statinist lies appear across the length and breadth of the Soviet Union, on Soviet television, it makes you shudder. Perhaps we are witnessing a return to the dark days of Stalinism.

The Lithuanian people simply have declared their independence from the Soviet Union, and so, I might add, have the Russian people. The Lithuanian people did that in March of last year: demanded the independence that was stolen from them by Stalin in a treacherous deal with Hitler in 1939.

In December 1989, the Soviet legislature declared the Stalin-Hitler deal, "legally untenable and invalid." As the gentleman from Maryland has stated, this is the Soviet Congress of People's Deputies involved across the length and breadth of the Soviet Union, and containing large numbers of Communists and even officials of the Soviet Government, not just in our sense freely elected people. They declared incorporation of Lithuania legally untenable and invalid.

But instead of negotiating in good faith with the freely elected Lithuanian people on the issues of Lithuanian independence, Moscow in the beginning used economic boycotts and threats of force to keep this still-captive nation in its empire. Then Lithuania agreed to rescind its independence declaration in favor of negotiations with Moscow on what exactly the procedures for separation would be. They were met with cynical evasions and a refusal by Moscow to negotiate seriously.

Listen, this is important. One excuse that the Soviet Government has used to send troops into Lithuania and other Baltic States was the refusal of many young men in these countries to serve in the Red army. The Baltic States have declared that under the Geneva Conventions of 1949 their citizens are not required to serve in the occupying forces. Many of these young men have chosen to serve in the defense forces of their own country.

So I would ask: Is this difference of opinion on service in the great, large, enormous, multimillion man Red army on the part of Lithuanian young people, is this a reason to send in paratroopers, tanks, armor, to take key buildings, radio and television stations and to clamp down in a virtual coup of Lithuania? Is this a reason? Could this not have been negotiated peacefully as Boris Yeltsin, the President of the Russian Federated Republic, had asked?

Mr. Gorbachev says he wants to reduce his armed forces. What better way to reduce your armed forces than to allow the citizens of the Baltic States and of other very independence-minded republics the opportunity to serve in their own armed forces and not to serve in the Soviet armed forces? Do they think that these local, indigenous armed forces, basically police forces, are about to launch an attack on Leningrad or Novforod?

I would like to commend the statement made by the leader of the Russian republic, Mr. Boris Yeltsin, who has protested the use of armed force in Lithuania.

Mr. Speaker, perhaps we should be talking a lot more to Boris Yeltsin than to Mr. Gorbachev. Why? Because Mr. Yeltsin represents, in a freely elected fashion, the vast majority of the people in the Russian republic. Mr. Gorbachev does not have a constituency that has brought him to power in any way, shape, or form by democratic means.

Mr. Yeltsin has told Mr. Gorbachev that the use of troops "can cause the escalation of violence and launch full-scale civil conflict."

That brings us to another excuse that Moscow used to initiate armed action in the Baltic. Supposedly the civil authorities were losing control and it was necessary to restore order again. This is the big lie. But if we look at where violence has broken out, when it has broken out across the Soviet Union, it is usually violence that has been fomented and promoted by reactionary elements and KGB instigators and provacateurs. Read Bill Keller's story of crackdown in Azerbaijan. Bill Keller wrote a wonderful story in the New York Times documenting how the KGB infiltrated the most radical element of the Azerbaijanian independence movement and pushed for the violence so that it could come in and crack down, and, by the way, they came in and cracked down. It was 1 week after all of the violence had subsided and Dmitriy Yazov himself said that the troops were sent in not to quell the violence so much as to make sure that the independence movement was under control.

These are the stories behind the stories of violence inside the Soviet Union. President Bush has condemned the Soviet action and expressed his concern to Mr. Gorbachev. However, I believe it is time for stronger action. We must not be unduly influenced by what I believe is the overemphasized and overvalued Soviet support of our actions in the Middle East and the Persian Gulf. Their support for our actions in the Middle East and the Persian Gulf is important, it is essential to the U.N. Security Council support. But it just cannot be a blank check such that they can use their support for our actions in the Persian Gulf to destroy glasnost, perestroika, and democratization inside the Soviet Union.

Why? Because glasnost, perestroika, and democratization are in and of themselves not only important for the Baltic republics and other republics seeking independence; not only are they important for the people of the Soviet Union, they are absolutely essential to world peace.

A Soviet Union run in the fashion characterized by the kind of action we have witnessed in Vilnius over the weekend is a threat to world peace, democratization, pluralism, and elections. These are insurance policies for peace, and without these kinds of insurance policies, the Soviet Union itself and the potential for world peace are vastly diminished.

Why? Because the Soviet Union is still armed to the teeth with pinpoint-accurate, long-range ballistic missiles, with air and ground forces and armored forces and naval forces. If these forces are in the wrong hands, that is the kind of hands that we have seen in action in Vilnius over the weekend, it bodes ill for world peace.

I submit that the trade deals, the summit, the wheat deals, the commercial credits, all of these should be reviewed, and they should be made dependent upon appropriate Soviet treatment of their own people in terms of human rights. All of these agreements that we have out there should be reviewed, in addition to a Soviet-held human rights conference in Moscow in September—can you imagine holding or going forward with the preparation for a human rights conference in Moscow after the Soviet Union has cracked down on its own people?

□ 1320

Once again one must take a look at Vilnius in the context of the whole Soviet Union and progress toward democratization. Vilnius, if the world does not speak out, will be just the tip of an iceberg where democratization will be stifled, curtailed, and denied, with all of the implications that that would have for world peace.

Let me close with a couple of quotes from the Washington Post story, from the front-page story today:

> "What is at stake here is not Lithuania. Lithuania is just the pretext," said Algirdas Brazauskas, the Lithuanian Communist leader who won the majority wing of his party over to the pro-independence cause. "This is about the whole of the Soviet Union. This means dictatorship in the Soviet Union."
>
> Romualdas Ozolas, the republic's deputy prime minister, said: "What happened today is part of the last convulsions of a dying giant. It was an attempted coup supported by the military."
>
> Moving onward, Ilya Zaslavski, a Lithuanian legislator, said Elena Bonner, the widow of the late human rights campaigner Andrei Sakharov, has asked that Sakharov's name be removed from the list of Nobel Peace Prize winners "in order to avoid being on the same list as Gorbachev."

My colleagues, we are at the threshold of a new world order that must have a democratized, pluralistic, relatively speaking, Soviet Union. I must say that events that have taken place over the weekend that have precursors in the actions and activities of previous weeks that could move outward from Lithuania into Estonia, where Soviet paratroopers are poised to move, certainly do not bode well for this new world order. I think we in this Congress cannot allow this kind of thing to go forward without tremendous activity on our part in trying to convince not only President Gorbachev but our own President Bush that we must support the independence desires of free peoples who have been forcibly incorporated into an occupying state. This cannot stand, and this Congress has to be very active on behalf of the Baltics, the Baltic peoples.

We still have to deal with Moscow as a superpower, but let us not do back flips in trying to assuage their needs and potentially even appease them.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I am happy to yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. RITTER] and the gentleman from New York [Mr. SCHEUER] and others who have taken out this time.

Mr. Speaker, while the world's attention was focused this weekend on the situation in the Persian Gulf, the Soviet military sent thousands of paratroopers into the Lithuanian capital of Vilnius under the pretext of finding draft dodgers. Unfortunately, it seems that they may also be there because they are there to impose military rule over that country.

Yesterday evening, journalists videotaped Russian troops swinging their rifles to strike the heads of peaceful demonstrators who were attempting to block the Russian soldiers from taking over the television station in that city. Unfortunately, the Lithuanian demonstrators were no match for the rifles and tanks of the Russian soldiers.

At least 13 Luthuanians died trying to defend the television station, and many others were wounded, and at this very moment thousands of Lithuanians have surrounded the Parliament and other buildings in Vilnius trying to prevent these places from also falling into the hands of the Russian military.

All of this was done despite Mikhail Gorbachev's pledge to settle his government's disputes with the Baltic republics by peaceful means. Not only has the world been outraged by this action, but many members of the Soviet legislature, the Congress of People's Deputies, have questioned the action.

In response to questions from Congress, members of the Soviet Ministry of the Interior, Boris Pugo, and how Boris Pugo can sleep tonight knowing that he lied yesterday the way that he lied, when Boris Pugo blamed the whole incident on the Lithuanians who he claimed first opened fire on the soldiers despite eyewitness accounts to the contrary, and because they were "breaking Soviet laws," shame on you, Boris, you have been and told a lie.

What was even more amazing than these comments was that Mr. Pugo denied that anyone in the Central Government gave the orders for this crackdown. It is impossible for me to believe that this action took place without the knowledge and the approval of the Soviet leadership.

The announcement about this crackdown was made several days ago during which time President Gorbachev could have intervened, but he did not.

Mr. Speaker, the reason why our Government has not pressed the issue of Baltic independence more than it has recently was in large part because the Soviet Government pledged to settle this matter peacefully.

As the Washington Post pointed out in an editorial today,

> Now that this pledge has been broken, it is time for us to be less gentle in our objections and consider taking concrete steps to support the people of Lithuania and the other Baltic countries.

For the past 200 years, their country has stood as a model and often defender of freedom in the world. Do we now turn our backs on the Lithuanian people who are risking their lives for their freedom?

Just this morning on public radio, Mr. Gregory Krupnikov, vice president of the Latvian Popular Front, said that they and other Baltic independence groups are depending upon Western support in their efforts to prevent Moscow from imposing a military dictatorship in the countries.

Mr. Speaker, I am calling on my colleagues here in the House to join me and other Members of Congress in urging President Bush to suspend the $1 billion in relief assistance which he plans to send to the Soviet Union. The European Community is already considering doing the same because of this crackdown in Lithuania. They recognize, as I and others do here in Congress, that this action is absolutely unacceptable to the world community, and that if the Soviet Government wants Western assistance, it must not use old hard-line tactics to quash political dissent.

In closing, just a couple of quick comments. One, clearly this action, which is unacceptable, is a classic Stanlinist act. Joe Stalin would have given this his stamp of approval. This is a Stalinist act. So they have returned to their old ways.

Second, any American businessman who has booked one flight to Moscow to do business ought to cancel that flight today and tell the Soviet Government why they are no longer going. Any American law firm that has established a law practice in Moscow should put "Out of Business" on their door and return home in sympathy and solidarity with the Lithuanian people.

Third, this is a combination of brutality and hypocrisy that the whole world can see.

Fourth, this is the big lie, as Moscow has done in the past, and we had hoped they had stopped it now, and we all were just so enthusiastic about what was happening, but the big lie has come back, at least for the last 24 hours.

This is the Tiananmen Square for Gorbachev, and the reason that Tiananmen Square became such a pain and a problem for the Chinese government is they did not have the good sense to come in and rectify it immediately.

President Gorbachev has the opportunity to come in, apologize, withdraw the troops, prosecute and bring to justice the commander who did this, and the world would then say that things are the way that we thought that they would be.

Lastly, Congress would not and should not grant any assistance during this period of time, and as the gentleman from Pennsylvania [Mr. RITTER] has said:

> How do you hold a human rights conference in Moscow in September of this year with Soviet troops in Lithuania and poised to go into Estonia and other places.

☐ 1330

Lastly, I would say in the great sense of respect, is that Mr. Gorbachev should return the Nobel Peace Prize and certainly remove it from his mantlepiece until he asks and demands that the troops are withdrawn from Lithuania, they are restored, and have the opportunity to have their democratic process, and withdraw the calling of troops into any other region of the Soviet Union.

Again, I want to thank the gentleman from Pennsylvania [Mr. RITTER] for taking this time. I think it is important that the American people know, and certainly the Soviets are watching this because the Soviets do watch C-SPAN, and know what is going on, that this body would be filled today if it were not for the fact that after the vote on Saturday most Members of Congress went back to be in their congressional districts. By the fact that just a few Members are here ought not be seen that just a few Members are interested. This is something that I think all 435 Members are interested in.

Mr. RITTER. Mr. Speaker, I thank the gentleman for his eloquent statement. He has been a good soldier in the field on the issues of human rights, over the years. He is an active member of the Helsinki Commission, and he has done his constituents justice today, speaking out on this important issue at such a crucial time.

I yield to one of the generals in the cause of the human rights movement, the cochairman of the House human rights caucus, and one of the most eloquent Members of the House, in speaking out on behalf of repressed people all over the world, the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my good friend from Pennsylvania [Mr. RITTER] for taking leadership on this most critical issue, as well as the gentleman from New York [Mr. SCHEUER] and the Republican chairman of the congressional human rights caucus, my friend, the gentleman from Illinois [Mr. PORTER], and the gentleman who just spoke, who has been such a leader in the field of human rights.

Mr. Speaker, I spoke at the opening of this Congress on this issue. I would merely like to add a few words to my original remarks, because all Members here basically are saying in different words the same thing: The Soviet Union is at a hinge of history. It can turn back to the past to Stalinism, oppression, isolation by the civilized world, or it can reject this outrageous act that was perpetrated in Vilnius over the weekend, admit a horrendous mistake, and move on toward reform, liberalization, openness, rejoining the civilized community of nations.

Now, it is perfectly possible that the people who were perpetrating this outrageous act, in a very cynical fashion, timed it to coincide with the Persian Gulf crisis. We have seen this before when the bloodbath of Budapest coincided with the crisis in the Suez Canal. At that time, the Soviets thought that preoccupation with the Suez crisis would prevent the civilized world from resisting this suppression of the Hungarian uprising of 1956, and they were right. If that is their calculation now, it will be very wrong. This time the civilized world has learned how to walk and chew gum at the same time.

As our attention is somberly and prayerfully focused on the gulf, we have enough energy and enough resources to tell the Soviet butchers of Vilnius that this shall not pass. In time, the big lie will not work. The notion that it was the freedom loving and democratic and unarmed citizens, grandmothers and young women, surrounding their Parliament, and television and radio stations in Vilnius, who precipitated this bloodshed, is both too outrageous and too ludicrous to comment on.

Let me tell the perpetrators of this disgrace that we all watched them on television. We saw the blows. We saw the shots. We know who is guilty.

It would be so tragic that as the Soviet Union was moving toward the dawn of a new era, a group of fearful, vicious, dictatorial souls in the Soviet Union would attempt to turn the clock back, to return to the bloodbath of Budapest of 1956, and the rape of Czechoslovakia in 1968. They may prevail for the moment in specific places, but they cannot unscramble this onslaught. They cannot undo what has been unfolded in East Germany, and Poland, and Czechoslovakia, and Hungary, and even in Bulgaria, and Romania, and Albania, and certainly in the Baltics and other parts of the Soviet Union. They are fighting a losing cause. The sooner they understand that the future of all the peoples of the Soviet Union is at stake, as they make their choice between the path of Sakharov or the path of Stalin, the better off they and we all will be.

Mr. RITTER. Mr. Speaker, I thank the gentleman for his most eloquent statement.

I yield to the cochairman of the House caucus on human rights, the gentleman from Illinois [Mr. PORTER] who has been very active on these issues for so many years.

Mr. PORTER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding. I thank the gentleman from Pennsylvania also for his ongoing leadership on human rights matters and for taking the lead in directing our attention to the situation today in Lithuania. I also thank the cochairman of the congressional human rights caucus, the gentleman from California, for his articulate leadership on this and so many other human rights issues throughout the last decade, and the gentleman from Virginia [Mr. WOLF] for his ongoing leadership and commitment to human rights all over the globe.

Mr. Speaker, the situation in the Persian Gulf has understandably commanded our attention since the beginning of the 102d Congress. While our energies were focused elsewhere, a tragic and no less important situation has developed in the tiny and peaceful Republic of Lithuania. With timing too coincidental to be accidental, the Soviet Union has sent paratroopers and tanks to repress the peaceful people of Lithuania, while the eyes of the world have been focused elsewhere.

We are on the House floor today to send a strong and clear message to Mr. Gorbachev and the rest of the Soviet Union. Our eyes are now focused on Lithuania and the atrocities taking place there are not acceptable will not be tolerated.

On Friday, Soviet troops using live ammunition, attacked the Lithuania Press Center and other official buildings, injuring seven people, including one member of the Lithuania National Guard who was shot in the face with an AK-47 when he sprayed a Soviet colonel with a water hose, in an effort to prevent troops from entering.

☐ 1340

Then, early yesterday morning, Soviet paratroopers instigated a large scale assault on several sites in downtown Vilnius; 14 Lithuanians were killed and approximately 150 were injured. At least two of those dead, a 17-year-old boy and a 24-year-old woman, were crushed by a Soviet tank as they linked arms as part of a human chain in a peaceful effort to keep the Soviet army from advancing.

Mr. Speaker, my wife watched this on television with tears streaming down her face to watch the Soviet tanks crushing these poor and peaceful and the innocent human beings.

These oppressive cowardly actions come less than 3 days after Mikhail Gorbachev warned the Lithuanian Parliament that it must reaffirm the primacy of the Soviet Constitution or accept the consequences.

As the violence escalated on Saturday, Lithuanian President Vytautas Landsbergis, a man of good will and peace whom I had the honor, together with my wife Kathryn to have lunch with him and Mrs. Landsbergis in Leningrad not 6 months ago, the President placed an urgent call to President Gorbachev to ask him to issue a Presidential order to "stop the bloodshed." Landsbergis was told that President Gorbachev was busy having lunch and could not speak with him. Busy having lunch, as people were being crushed in Vilnius. Clearly, the military actions and violence are condoned and directed by Mr. Gorbachev, regardless of what he says.

In an effort to protect public buildings, especially the Lithuanian Parliament, a force of 2,500 Lithuanians had banded together Saturday to form a Lithuanian National Guard to face the 95,000 Soviet troops stationed in Lithuania. One man said:

> We have enough ammunition to make a symbolic resistance. The point is not to defend the buildings against Soviet paratroopers. We know we can't do that. The point is to make some token resistance in order to show the world that we are not surrendering voluntarily.

Make no mistake. The Lithuanian people do not want violence. They have done nothing more than declare their independence and hold free elections.

As of yesterday, however, most members of the Lithuanian National Guard have ceased carrying guns so that the Soviets will have no excuse to open fire. Thousands of unarmed Lithuanian people are now surrounding their Parliament building, using their bodies as a shield to protect the Members of Parliament and President Landsbergis from the Soviet troops.

The timing of this outrage is especially curious. In the past several months, the true dimensions of the Soviet economic dilemma have become apparent and the potential for a food shortage in the U.S.S.R. has become very real. The West, including the United States, has responded with great generosity and mobilized a massive program of economic assistance and food aid for the Soviets.

This willingness by the West to assist the Soviets is clearly and directly linked to Moscow's continued adherence to glasnost and perestroika. The recent actions in Lithuania—so reminiscent of the massacre in Tiananmen Square in 1989 and the occupation of Hungary in 1956, and of Czechoslovakia in 1968, will cause every Western nation to call into question the reasons it has extended aid to Moscow.

If anyone in the Soviet Union thinks that this generous assistance will continue to be forthcoming if the Soviets continue to perpetrate this outrage on the people of Lithuania, or of any other Soviet Republic, they can disabuse themselves of that notion immediately.

Mr. Speaker, the truth about the Soviet regime is becoming painfully obvious to the world. Democratization and liberalization of the Soviet economy will be accepted as long as the power of the ruling elite is not threatened. As soon as it became apparent to the Soviets that freedom for Lithuania could lead to calls for freedom and self-determination for other Soviet Republics and the possible political disintegration of the Soviet Union, the existing power structure began to look for a time and a method—peaceful or otherwise—to subjugate the Lithuanian people and send a message of fear to others who might be induced to strive for freedom.

Let me also indicate that it is reported that Soviet troops are poised on the borders of Estonia and Latvia with the intention also of invading.

The Soviet claim of sovereignty over Lithuania has always been without foundation. The freedom of the Lithuanian people was taken from them in 1939 when Lithuania was annexed into the Soviet Union as part of a secret deal between Hitler and Stalin. A puppet government in Vilnius, the people of Lithuania.

The United States has never recognized this illegal annexation and has stood by the fiercely proud Lithuanian people through the more than 50 years of repression at the hands of the Soviets. In March 1990, Lithuania took responsibility for its own destiny and declared independence from the Soviet Union. Moscow responded aggressively by implementing economic sanctions on Lithuania last summer and threatening the use of force, a threat which it is apparently prepared and has now carried out.

Mr. Speaker, speaking as the cochairman of the 200-member Congressional Human Rights Caucus and as a member of the Commission on Security and Cooperation in Europe, it is unconscionable that, while democracy and freedom make dramatic strides in Eastern and central Europe, the Soviet Union should regress and use military force to impose an unpopular regime on a peaceful people. This is the action of another time—as many Members have said this morning—a time when a cold war raged and an Iron Curtain shut out the light of freedom and self-determination in much of the world. This is not the action of a man or a nation dedicated to freedom, and it draws into deep question the sincerity of Mr. Gorbachev's human rights reforms.

We must make our voices heard on this issue and send a strong and clear message to Mr. Gorbachev and the Soviet military—repression of the Baltics will not go unnoticed and actions like those in Lithuania will not be tolerated. The people of Lithuania, like those of the rest of the world, should and must have the right of self-determination and freedom from fear and domination.

Mr. Gorbachev, pull out your troops, end the repression, and let the Lithuanian people follow their consciences to a new era of freedom in the Baltics.

Utimately, this is a question, Mr. Speaker, not only for Mr. Gorbachev, but a question of values for the people of the Soviet Union. Do they wish to engage in this kind of repression of what they claim to be one of their Republics, or will this repression be their lot in all the Soviet Union, emanating from Moscow and the policies of this regime?

The eyes of the world are upon the Soviet Union. We are not diverted in our purpose.

Mr. RITTER. Mr. Speaker, I thank the gentleman for his very significant statement and again thank him for his leadership on human rights issues. Time and time again the gentleman from Illinois is right in the front of the line when it comes to defending human rights the world over.

I just want to add a small comment. Listening to my colleagues, when you consider this kind of Soviet behavior, it reminds one of the death throes of an ancient dinosaur. It is kind of like the last striking out of a clawed foot of Tyrannosaurus Rex, angry that its time is over, but wanting, needing to get in one last blow.

This Tyrannosaurus rex is obsolete in today's world of the global electronic village. Communication by radio, by television, by electronic newspaper publishing, instantaneously transmits information all over the globe. In this kind of situation, you see the Stalinist communicators lying so obviously, with the TV pictures of the assaults of the troops, the lie that somehow they were antagonized by people shooting at them. It is almost hard to believe that Tyrannosaurus rex even has that kind of energy left.

The last point, on this creation of a National Salvation Committee. The story is now coming out in bits and pieces that this supposedly Lithuanian group is nothing more than army and KGB personnel, conceivably with some of their family members, who emanate out from the military base outside of Vilnius and come into town with signs and placards and slogans as if they were part and parcel of the political process.

□ 1350

Once again, in the global electronic village these kinds of lies may work for a 24-hour period, maybe a 48-hour period, but once they are uncovered they are extremely damaging to the perpetrators of these lies.

I yield to the distinguished gentleman from California [Mr. ROHRABACHER], who has been so active on key human rights issues, particularly on behalf of the Afghan freedom fighters.

Mr. ROHRABACHER. I thank the gentleman very much.

I would like to offer my thanks and appreciation to the gentleman from Pennsylvania [Mr. RITTER] for the leadership he has shown and shown here today and has shown in his entire career in the cause of human rights. Also, his sympathy and sensitivity to the suffering people throughout the world, people who are crying out for help who sometimes are not heard. His ears have never been closed to the sound of people crying out for help, people suffering under tyranny.

I think if we can note anything today, it is that this is not a partisan issue for this Congress. We have heard speaker after speaker from both sides of the aisle talking about the importance of what is going on in Lithuania today and how it will actually help them make up their decisions in the future as to what our relationship will be with the Soviet Union. Especially we heard from Congressmen PORTER and LANTOS, people who have spent so much time in the cause of human rights. They are, of course, the cochairmen of the human rights caucus, of which both of us are proud members. I have tried to do my best over my 2 years, and I know the gentleman from Pennsylvania has been a very active member of that caucus.

This bipartisanship is an expression of America's values. This bipartisanship goes to the heart of what America, what democracy, what this body is all about because America stands for freedom and human liberty.

If America does not stand for freedom, what does it stand for?

Today we are here, both Democrats and Republicans, reaffirming America's commitment to its ideals. We are telling the Soviet Union, telling those bosses in the Kremlin that if they permit this type of bloody repression to continue, and if they are participating in it and it goes on, that they cannot expect to have business as usual with the Members of this body, with the Government of the United States of America.

There will be no credit, there will be no new commercial deals, there will be the cancellation of commercial deals that are already on paper; there will certainly be no credit, no aid, no wheat. There will not be enough wheat sent to them to make one crust of bread.

No, there will be no normalization while this repression continues, no normalization without democracy.

Mr. RITTER. Mr. Speaker, to date the aid in food and wheat has been sent to the powers that be. It is being distributed by the Soviet military and the KGB.

In any event, that aid and that wheat, if ever it was going through, now, before, or in the future, it should be distributed to the Russian people, to the Ukrainian people, to the leadership in the Republics which stand with us on those basic values that the gentleman has so eloquently described.

Mr. Speaker, I yield again to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I believe that this is a move that this House should make immediately, because if there is anything that points out the dichotomy between the government and the people, it is Soviet tanks with bloody treads. The fact is those tanks are not being commanded by the people in that society. Those who govern in the Soviet Union are not governing with the will of the people.

Mr. RITTER. They are not governing; they are controlling. The people that govern are the people who were duly elected in the Republics. The people that control the army and the KGB and Mr. Gorbachev himself were never elected by anybody.

Mr. ROHRABACHER. I think that is a fine distinction, a distinction that we should make and something that we should point up. We do not believe that a government is just someone who holds a gun and is the strongest gangster in town. We believe that legitimate government is a reflection of the will of the people.

Obviously, when a group of individuals have to send tanks to do their bidding, to keep control of a certain area, then that is certainly not the legitimate government of that area or of those people.

But let us look at what they are trying to do. If they believe in the Soviet Union that they can have economic reform and they can enjoy the prosperity that we enjoy in the West and in the free countries without having political reform and without permitting people their democratic rights as enjoyed by most countries, then they are striving for something that has never been and never will be.

Mr. RITTER. The gentleman should qualify the use of "they." "They" is a very small fraction of Soviet society. "They" are the military, the KGB, the hard-line Communists; they are not the people.

Mr. ROHRABACHER. The gentleman is correct. There is no way that Western democracies, and especially the United States of America, are going to be able to pull their fat out of the fire. There is no way we are going to make that into a prosperous country as long as their tyranny represses the energies of their people and subdues the better spirit of their people. In fact, any aid from the United States would be like pouring money down a rat hole, and we know only the rats would be helped by that type of situation.

One last thought: Freedom's tide is sweeping the planet. This is something that we have seen and has given great joy.

I believe that no matter what happens in Lithuania, that what has happened is irreversible. We can all stand and applaud and remember the people of Lithuania and the other Soviet Republics that are now demonstrating their courage and their demands for freedom for their own people, because the tide of history is running in the direction of freedom and it will not be reversed and it cannot be reversed, for the days of the tyrant are numbered.

Americans today, as I said earlier, are united as never before, as we have been in this Hall. Republicans and Democrats alike, Republicans and Democrats of all persuasions, conservatives, liberals, are standing behind the idea that America must stand for freedom.

And as we are united together, we so too are united with all those peoples around the world, because if there is only one thing that is truly an American ideal, that is the cause of liberty. We are united together in that cause, as Americans, and are united with all those around the world over there, whether in Latvia, Lithuania, Estonia, Soviet Georgia, or in China, that we are united in one spirit with them.

So today I proclaim with the gentleman from Pennsylvania and other Members of the House my allegiance to those American ideals and express to those people who are suffering in Lithuania that they are not forgotten and that we indeed stand with them.

Mr. RITTER. I thank the gentleman for his stalwart, energetic, and active defense of the principles of America. I know I speak for all Members of this House when I call upon President Gorbachev to follow this great tide of freedom, to stay with the reformist movement, to hang his star on the prodemocracy forces. They are numerous, they constitute the real political power over time in the U.S.S.R.

Do not, please do not, hitch your wagon to the horses that are going backward in history.

Mr. Speaker, the gentleman from Ohio [Mr. MCEWEN] has also been an activist on behalf of freedom and human rights.

OPPRESSION IN THE BALTIC STATES

The SPEAKER pro tempore (Mr. JONES of Georgia). Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN], without objection, is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, the gentleman from Pennsylvania [Mr. RITTER] has made an excellent presentation, and I know he has obligations to tend to.

Mr. Speaker, as I pledged earlier, I just wanted to make a few quick references to an article from the National Geographic on this situation, which is most distressing to us.

□ 1400

Mr. Speaker, I will not read the entire article to which I made reference, but I would like to share in closing on this discussion of the Baltics a few paragraphs from the November issue of the National Geographic in which it says:

> Listen to one of Lithuania's parliamentarians, Emanuelis Zingeris, in Vilnius:
>
> "Ours is the struggle of 3.7 million people who have, since early childhood, been injected with fear and submission. We have lived in a system where no one could be different. Tens of thousands of our intellectuals were exiled to Siberia in the 1940s. We have a few capable leaders, but we are not used to speaking out, as other people are. This is why we value every person who hasn't been co-opted by the Soviet system—and there are not many of them."
>
> Listen to Estonia's new foreign minister, Lennart Meri, in Tallinn: "When you shut people's mouths so they cannot talk, when you close their eyes by forbidding them to travel, when you plug their ears by jamming airwaves, the population becomes very passive. In this condition, when people don't care, it seems as if nature herself reacts: Fields produce less wheat, forests die of pollution, fouled rivers catch fire. The entire society degrades. This catastrophe is so far unrecognized in the West, but it has been obvious here. Life expectancy has fallen, and the infant mortality rate has risen to its highest level.
>
> "Even the ability of students to learn has deteriorated. Today's technology is so exact and refined that only a person who thinks freely and critically can use it well—a person who has been taught since age four that he has individual worth, who has been taught by age eight that he has rights and responsibilities.
>
> "In our society this new person has been weeded out; people with capabilities, with intelligence, practically the entire educated class, went to jail. Farmers who did better work had their heads mowed off like grass.
>
> "The rest of the world has evolved, but we have gone backward. This is the tragic difference between the Soviet Union and the rest of the world."
>
> The Baltic republics, with their eight million people, intend to move as far away as possible from this failed experiment. They are not disgruntled "breakaway" states of some legitimate union, nor extremists trying to sabotage *perestroika*. They are nations that were strong-armed into the Soviet colonial empire, one orbit closer to the center than Eastern-bloc nations such as Hungary or Poland. They have suffered terribly for that closeness.

Mr. Speaker, there is much more that I would say, but this murderous oppression of these Baltic States, that we thought perhaps there was a glimmer of hope that they would be able to survive, is attempting at this moment, as we speak, to be crushed out, and we in the West and in the free nations of the world cannot sit idly by and ignore it. I say, "Mr. Gorbachev, if you want to go down in history as the butchers of Stalin, and Hitler and Deng Xiaoping, then continue your actions for another 48 hours, but, if you are worthy at all of the prize that was awarded you by the Nobel Commission, then stop it now."

WHAT WILL OUR RESPONSE BE?

The SPEAKER pro tempore (Mr. JONES of Georgia). Under a previous order of the House, the gentleman from New York [Mr. SCHEUER] is recognized for 60 minutes.

Mr. SCHEUER. Mr. Speaker, it has been a fascinating experience listening to these thoughtful remarks about the incredible events that have just taken place in the Baltic States, tanks and soldiers with guns at the ready mowing down innocent civilians who are desperately striving for freedom. It leads one to confirm the importance of some eternal verities, and one of those verities is, "You cherish your friends, and support your proven friends, and you are wary about accepting and clasping to your bosom in the international arena those leaders and nations who have only a murky record of support for your causes, and for your morality and for your ethics."

Surely it is strange in the last 72 hours to see the soldiers and the tanks of a state whose chief of state, Mr. Mikhail Gorbachev, was recently awarded the Nobel Peace Prize, reverting back to the days of Lenin and Stalin, the tyrants of old.

What will our response be?

Mr. Speaker, on June 4, 1989, we had the same kind of phenomenon in Tiananmen Square where Chinese tanks and soldiers with their automatic weapons at the ready moved on thousands of civilians who were reaching yearningly for freedom, and in the year and a half that has taken place since the butchers of Tiananmen Square mowed down innocent civilians, we have temporized with those ancient despotic mandarians who ordered the chinese military to fire on their youth. Yes, we treated them in a pusillanimous and faint-hearted manner. We sent the highest emissaries of this country to meet with them secretly; a nudge, a wink, a glance, telling them, well, it is OK. It may not be according to the standards that we publicly avow, but we will learn to live with it.

Are we going to tell the same thing to Mr. Gorbachev? Can we learn to live with the outrage of these perpetrators of death wreaked on their own citizens reaching for freedom in the last few days? I hope not.

Mr. Speaker, this certainly tells us to pick our friends carefully. Now we have just picked a new friend in the Middle East, President Hafiz al-Assad, Chief of State of Syria. He is part of our alliance. Our Secretary of State has met with him and figuratively has embraced him into the alliance fold. Yet, if memory serves, this is the same Hafiz al-Assad who murdered, assassinated, 250 U.S. marines in their barracks a couple of years ago, the same Hafiz al-Assad who is responsible for the downing of Pan Am 103, the same Hafiz al-Assad who is perhaps the outstanding proponent of State terrorism.

And yet we seem to suffer no embarrassment from welcoming him into our midst, the midst of the alliance States, most of them democratic, who are trying to end the rule of the Butcher of Baghdad.

Mr. Speaker, a lot of people could look at Mr. Hafiz al-Assad's history and call him with great credibility the Butcher of Damascus. Did he not mow down 20,000 citizens in the town of Hama because he felt they might be evidencing some insurgent attitudes? Did he not slaughter them in cold blood? Did he not pulverize that town—along with 20,000 people who lived there—with his artillery, pulverize it into dust? Yes, this is the Butcher of Damascus. And it concerns me that our country could identify and close ranks with him, that we do not choose our friends more carefully.

And how do we treat our friends who have been tried, and proven, and devoted, and consistent and reliable over the generations? Well, as events in the Middle East swirl about us, muddy and contradictory as they are, we must focus on our relations with the State of Israel now.

□ 1310

Now, after the Iraqi outrage of invading and conquering Kuwait last August 2, we counseled Israel, "Please keep a low profile." The Israelis did just that. They kept a low profile. We said with some understandable logic that we wanted to preserve this coalition and we did not want this grand alliance to be converted from a coalition of Arabs and Europeans and Americans against Hussein into an Iraqi-Israeli confrontation. We did not want that alliance to be converted into a war of all the Arab brothers and sisters, 100 million strong, against the United States and Israel.

So we asked Israel to maintain a low profile, and Israel did. And in recent weeks we have said to Israel, "Well, you might think it is appropriate at some point in time and to your strategic benefit to launch a preemptive attack after hearing Saddam Hussein say time and time and time again that if war breaks out, Israel will be the first point of attack. Please don't launch a preemptive attack even though Saddam Hussein has made it clear beyond the shadow of a doubt that Israel will be the first victim if war breaks out."

Israel did that. Israel acquiesced.

Now we are hearing an extension of that logic that is almost unbelievable. We are now saying to Israel. "Even if this butcher of Baghdad attacks you, please don't respond."

Mr. Speaker, I do not think in the history of human civilization one State has ever said to another friendly State, "If our common enemy attacks you, don't respond." That defies every known law of human behavior. It defies every known law of government behavior. And I did not hear any accompanying assurance that said, "Well, Israel, you won't have to react. You won't have to respond to an Iraqi threat or an Iraqi attack because the United States will be in there instantaneously with its overwhelming force in the Middle East to make massive retaliation against any attack against you, Israel, just as we would respond to any attack against our own American troops."

I did not hear that assurance. I heard a simple request: "If you are attacked, please don't respond."

History will wonder how such a request could conceivably have been made.

The irony is even more depressing. As Israel has restrained herself, as Israel has kept a low profile, as Israel now has agreed not to launch a preemptive strike, we see the United States undercutting and undermining Israel's security, her ability to face the extraordinarily perplexing forces of Intifada. The United States has voted repeatedly in the Security Council for resolutions that are biased and irresponsible, resolutions that serve to execerbate Palestinian violence, feeding the painful and ugly cycle of death and destruction. What those resolutions did was to say that Palestinian terrorism is acceptable, the knifings, the throwing of rocks, the dropping of chunks of cement on Israelis by Palestinians. But the Israelis' response was not.

These games are lethal games, adult games. These are not kids, Mr. Speaker. They are violent adults attacking the very fabric of Israeli society. According to the resolutions we supported. These manifestations of Palestinian violence were acceptable.

What the resolutions found unacceptable was the Israeli reaction. The result was evident: a continuation of stabbings and stonings that have killed many, many Israelis, and the Israeli response that, equally sadly, has claimed Palestinian lives.

We seem to have lost sight of an elementary law of physics: for every action there is an equal and opposite reaction. We cannot have stabbings and stone throwings against a nation without stimulating a violent reaction. It is very difficult under those circumstances, with thousands of kids participating in such violent, lethal activities, to fine tune one's reaction.

We were not able to fine tune our reaction in My Lai in Vietnam. The police in Chicago were not able to fine tune their reaction to the SLA; they shot them down in cold blood. The police in Philadephia were not able to fine tune their reaction to urban violence; they dropped a bomb on the house where they thought some of those perpetrators were located.

So we must never lose sight of the logic of terror producing a violent reaction. Yet, through a wink, a nod, and a nudge, with these repeated U.N. resolutions, we have sent a message to the Palestinians that their terrorism is acceptable, and we sent a message to the Israelis that their reaction to State-sponsored terrorism, sponsored from Damascus, by other Arab States and encouraged by the PLO, is unacceptable.

Mr. Speaker, I hope we will not continue to compromise democracy in the Middle East as we have in the last year and a half compromised our stand against the outrages that took place in Tiananmen Square. I hope that we will look into our national soul, and apply the basic values that have made this Nation great.

☐ 1430

Mr. Speaker, I would like to address a benefit of continuing economic sanctions barely touched in those inspiring 3 days of debate last week, debate that was always deeply felt, that was sometimes emotional, and frequently truly heart-rending, my colleagues, and that is to create the climate to construct an international arms control regime. We can use this year or two to do just that.

Mr. Speaker, as we approach the precipice of war, we must ask ourselves truly, how did we arrive at this point. How is it that a ruthless dictator of a simple developing country, with a primitive economy like Iraq's, could sit on top of a horrifying state-of-the-art arsenal of conventional and nonconventional weapons of mass destruction and slaughter? How could it be that the very weapons we have produced now are threatening the lives of Americans as well as global stability? What perverse myopia has led us to this point, my colleagues? What greed has induced us to turn a blind eye to the law of unintended consequences? What madness drove us to disperse these tools of death to countries and leaders who are demonstrably irresponsible and unstable?

Yes, how come Qadhafi, Khomeini, Assad, Saddam Hussein, and other ruthless immoral tryants have had such little trouble satisfying their lethal shopping list to terrorize and intimidate their neighbors at best, and to rain destruction and death on them at worst?

There is a fundamental problem with a foreign policy, my colleagues, that feeds war and instability rather than peace and stability, a foreign policy that cannot accept that supplying brutal, Third World dictators with weapons of mass destruction is gravely prejudicial to our interests. Is not such a foreign policy on the part of the United States and other developed nations of the world that produced these lethal arms flowing to these Third World despots, totally aberrational and destructive of all of our common goals?

It is obvious that the developed countries which sold or gave sophisticated arms to Third World tyrants were functioning under the logic of the cold war. This was an era when both the United States and the Soviet Union, in pursuit of their bitter cold war confrontation, bought loyalty with whatever lethal weapons they had to offer, sell, or to give away.

In an era when our defense against the menacing and oppressive Soviet Union was paramount and the arms race persisted at a dizzying pace, simple economics sent us, as well as the Soviet Union and other arms-producing developed countries, looking for arms buyers to reduce the cost of arms production in order to achieve the economies of scale, and benefit by the economy of mass production. All the arms-producing countries, ourselves, and the Soviet Union are joined in guilt.

Now, Mr. Speaker, we see the folly of these policies, born in the cold war. We spent billions more developing weapons to counter the weapons we had already sold to unstable governments that we should not have trusted in the first place, or to governments that would use those weapons against our friends. President Hafiz al-Assad of Syria, now a new member of our club, a member of the coalition, only a few days ago urged Saddam Hussein to withdraw from Kuwait. The reason that Hafiz al-Assad urged Saddam Hussein to get out of Kuwait was so that all of the Arab brothers and sisters could unite against the real enemy, namely, Israel. This is President Hafiz al-Assad, our ally, believe it or not.

Mr. Speaker, the arms industry fuels the arms industry, and it does so at the cost of lives of hundreds and thousands of people, billions upon billions of dollars, at enormous cost to the environment of the developing world, and—as well—at enormous cost to the environment of the Soviet Union, Eastern, and Central Europe, because they have so burdened their economies with military demands that they have had nothing left to pursue rational environmental and energy policies. And we did it at the cost of the erosion of the quality of life in America and the world over.

Mr. Speaker, hindsight may be irrelevant if all we do is criticize, bemoan our mutual errors in public policy in arms production and sales common to the developed world. We must learn from our mistakes and shape future policy to avoid the mistakes of the past. It is time for this Nation, Mr. Speaker, and all of the civilized, developed nations of the world to invest in our common global security, and band together to form an arms denial regime that would end the folly once and for all of developed countries fueling the tragic succession of regional conflicts. Yes, they may be small and local, Mr. Speaker, but they are all too lethal. They destroy the environment. They kill millions upon millions of people, and they threaten world peace.

Mr. Speaker, verily we have met the enemy, and he is us.

Mr. Speaker, the Simon Wiesenthal Center has published a list of the companies and countries that have supplied Saddam Hussein with his chemical and biological weapons which he has used before on his neighbors as well as on his own hapless Kurdish tribesmen, and which now menace our own troops in the desert of Saudi Arabia.

□ 1440

This list chronicles those who have helped aid his quest for nuclear weapons. Ironically, this absurd, costly, immoral arms sales practice fueling regional conflicts the world over is now what threatens global security and global stability.

Mr. Speaker, the Soviets and the Americans and all of the developed nations must finally achieve a unanimous consensus to bury regional conflict, just as the Soviet Union and the United States of America have seemingly buried the half century-old superpower conflict. We can do it together simply by negotiating an ironclad absolute prohibition on the sale or gift of weapons of mass destruction to Third World countries.

Mr. Speaker, this is the challenge that our diplomats and legislators must address in the post-cold war era. We could start considering these goals now even as we spend the next year or year and a half reducing Saddam Hussein's ability to terrorize his neighbors, and reduce his economy and military machine virtually to the vanishing point. This is the categorical imperative to which we must address ourselves, Mr. Speaker. This is the noble task that lies ahead of us in the decade of the 1990's.

Mr. Speaker, that terminates my remarks.

Mr. Speaker, I am including in the RECORD at this point a staff report of the Joint Economic Committee, on the hearings on economic sanctions against Iraq which I chaired a couple of weeks ago. I believe all of my colleagues would benefit from this staff report.

JOINT ECONOMIC COMMITTEE HEARINGS ON ECONOMIC SANCTIONS AGAINST IRAQ

On December 19, 1990, the Joint Economic Committee received testimony concerning "Economic Sanctions Against Iraq." The witnesses are experts in international economics, Middle East politics, and military strategy and represent a diversity of ideological viewpoints. The focus of the hearing was on the economics of the economic sanctions, their effectiveness, their likely consequences for Iraq's economy and military establishment, and their regional and global significance.

There was a strong consensus among the witnesses about a number of issues related to the Middle East crisis. The key areas of agreement are listed:

1. The sanctions against Iraq are extremely comprehensive, have a great amount of international support, and will do extensive harm to Iraq's economy and military in a relatively short time.
2. The chances are good that the sanctions will achieve their stated objectives including convincing Saddam Hussein to remove his military forces from Kuwait.
3. A long term sanctions policy would be more desirable than prompt military action.
4. Military action to force Iraq out of Kuwait would be far more costly financially and politically than the sanctions.
5. There should be greater burdensharing of the costs of the sanctions.
6. Military action would not assure political stability in the Middle East, survival of the government in Saudi Arabia, access to oil, or cohesion among the Western allies.
7. The crisis in the Middle East should be seen in the wider context of the transfer of arms to developing countries and the need for devising a strategy for slowing arms transfers and the proliferation of weapons of mass destruction.
8. The sanctions against Iraq could be a step towards construction of such a non-proliferation strategy.

Summaries of the testimony follow.

Gary C. Hufbauer.[1]—A study of 115 cases of international economic sanctions since the First World War, and the circumstances surrounding the Middle East crisis, provides considerable evidence that the sanctions against Iraq will succeed in achieving their stated objectives. Of the 115 cases, 34 percent were at least partially successful. They include the sanctions against the Ian Smith regime in Rhodesia, India's sanctions against Nepal, those against the Jaruzelski regime and martial law in Poland, and those against apartheid in South Africa.

One measure of the success of economic sanctions is the effects on the target country's economy. In the cases considered at least partially successful, the GNPs of the target countries were reduced by an average 2.4 percent over an average period of 2.9 years. The sanctions against Iraq are likely to reduce Iraq's GNP by nearly 50 percent at the end of the first 12 months. This result is 20 times the average economic impact in other successful cases, and 3 times the previous highest cost imposed on a target country. A continuation of the sanctions would also lead to a reduction of Iraq's military readiness and war making capability.

Based on the economic variable and others, there is almost a 100 percent probability that the Iraq sanctions will work. The historical evidence indicates that 1 to 2 years is a reasonable time to achieve a successful outcome. In the Iraqi case, the results would be achieved sooner rather than later because the sanctions are so much more Draconian than in prior cases. The sanctions would be totally successful if 3 conditions were met: release of all hostages, total withdrawal of all Iraqi troops from Kuwait, and restoration of a legitimate government in Kuwait.

The historical record shows that sanctions involving multilateral cooperation are most effective when:

The target country is much smaller than the countries imposing sanctions, economically weak, and politically unstable.

The countries imposing sanctions and the target country conduct substantial trade with one another.

The sanctions are imposed quickly and decisively to maximize their effects.

The countries imposing sanctions avoid high costs to themselves.

The Iraqi case meets all these criteria. The embargo is the most comprehensive ever imposed, was put into effect very quickly, has been adhered to by most of the world, and covers close to 100 percent of Iraq's trade and financial relations. There is no sign that another power will come to Iraq's assistance.

Steps have been taken to reduce the costs to the sanctioning alliance and to share the burden of the sanctions so that it does not become excessive to any one country. Although more burden sharing needs to occur, the Saudis and other oil exporters have increased production to make up for lost Iraqi and Kuwaiti output, some oil producers are using windfall profits to aid developing countries, and some Western countries are helping to offset the costs of the sanctions to developing countries and the costs of the military intervention to the U.S.

It is true that there is no guarantee that the sanctions will succeed. But there is also no guarantee that military action will succeed in protecting our long term interests. These include political stability in the Middle East, access to oil, survival of the Saudi government, and cohesion of the broader alliance. On balance, the imponderables of war are greater than the imponderables of sanctions.

The failed efforts by the League of Nations to force Mussolinni's troops out of Ethiopia in the 1930s became a symbol of the ineffectiveness of economic sanctions. Those efforts did not succeed because they were half-hearted and did not involve the U.S., which refused to participate. Most crucially, the trade embargoes did not cover exports of certain products to Italy including oil. Mussolini later told Hitler privately that if the League had imposed oil sanctions Italy would have withdrawn from Ethiopia. As a precedent, the Iraqi case will be for the present generation what Ethiopia was for that generation.

G. Henry Schuler.[2]—There have been 3 recent attempts by the U.S. to impose sanctions against an oil producing regime. All were against Libya—in 1971, 1981, and 1986, all were directed at cutting off Libya's oil exports, and all failed. The Libyan sanctions were marked by lack of cooperation from the international community and only a half-hearted commitment from the U.S. government and the business community. The stated goals, such as forcing the Libyan government to stop supporting international terrorism, were unrealistic.

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[1] Professor of International Financial Diplomacy, Georgetown University, and Visiting Fellow, Institute for International Economics; formerly Deputy Assistant Secretary for International Trade and Investment Policy, Department of the Treasury; coauthor "Economic Sanctions Reconsidered," 2nd ed., 1990.

[2] Director of energy security programs, Center for Strategic and International Studies.

The Libyan cases demonstrate that economic sanctions require 3 elements to succeed:

The political will to impose absolute prohibitions in pursuit of a well defined and verifiable goal.

The technical ability to monitor compliance and prove violations.

The diplomatic, legal, and military means to secure cooperation and enforce compliance.

These elements are present in the Iraqi sanctions. The Bush Administration moved with speed, skill, and determination following Iraq's invasion of Kuwait to put the sanctions in place with worldwide support. The goals are unambiguous, verifiable, and achievable. The sanctions can force an Iraqi withdrawal provided the military option does not undermine them.

A 3 tier defense against Iraqi exports has been constructed. It comprises a pipeline cut off, a boycott, and a naval blockade.

There are only 2 operable oil pipelines from Iraq. One goes to Turkey and one to Saudi Arabia. Both are blocked and significant shipments of oil by other means are not possible. It is feasible technically to monitor compliance and prove violations. Should oil leave Iraq, there are numerous commercial and intelligence sources of information on tanker movements. Oil truck movements through Jordan and attempts to construct new pipelines can also be identified and stopped. If oil leaks out from Iraq its origin can be identified through bills of lading and assays.

The boycott is binding on all United Nations members and can be enforced diplomatically and legally through local court systems. The U.N. can declare a secondary boycott to stop any leakage through other countries such as Iran. U.S. and allied warships can interdict Iraq's terminals in the Persian Gulf, the Red Sea, and the Mediterranean.

With regard to the effects of the actions that have been taken, it is clear that an economy as dependent upon oil revenues as is Iraq cannot long avoid collapse under the weight of the sanctions. Oil accounted for almost 95 percent of Iraq's foreign exchange earnings in 1989. In that year, it spent about $10 billion of its foreign exchange on imports, the rest for military goods. Foreign hard currency reserves had been severely drawn down during the war with Iran. Without hard currency earnings and with limited and dwindling reserves, Iraq has very limited ability to smuggle goods from abroad.

An assessment of Iraq's willingness to accept a cut-off of oil revenues must take into account the fact that the Iraqi people are or soon will be suffering a good deal of pain and that they are not accustomed to such deprivation. Even during the war with Iran the government was able to follow a guns and butter policy. Some $50-$60 billion in Arab financial assistance and Western credits was obtained in this period, enabling Saddam Hussein to do such things as build a showcase subway system in Baghdad.

Increased oil prices are causing some discomfort to the oil consuming nations. However, even Iraqi oil specialists know that there is a growing glut of oil in world markets that should soon reduce oil prices to pre-invasion levels. As a result of increased production by the Saudis, the United Arab Emirates, and the Venezuelans, oil markets are in balance.

Oil producers are earning considerable windfall profits as a result of the higher prices brought about by the crisis. Assuming oil prices average $25-$30 per barrel, the windfall profits for Saudi Arabia are estimated at about $50 billion on an annual basis.

Iraqi leaders must know that from an economic perspective, Saddam's foreign opponents will be able to outlast him and force a withdrawal to original borders. However, President Bush's November decision to double American forces and create an offensive military threat undermines the economic sanctions in several unintended ways.

It dilutes the singleness of purpose required to make the sanctions work and tends to subvert them by creating impatience among the military forces deployed in remote desert conditions. The threat of offensive actions causes the Iraqi public to rally around the regime. The exchanges of bellicose statements by the U.S. and Iraqi governments increases oil prices which defeats allied efforts to reduce costs to the alliance. Threats of unilateral American military action also create divisiveness among the allies and doubts about whether the Bush Administration would be satisfied with the stated objectives of the sanctions, or whether it will attempt to "decapitate" the Saddam regime and eliminate its war making capacity.

The argument that we cannot afford to wait for sanctions to work because the alliance will not hold together is incorrect. The alliance will hold as long as the oil balance is maintained. Non-Gulf countries in the region, such as Turkey and Egypt, will remain committed if their financial situation does not worsen. The Gulf countries will remain committed unless undermined by Iraqi propaganda and the American military presence. War would reduce future access to oil supplies. It would assure destruction of Kuwaiti oil facilities and some Iraqi and Saudi oil facilities as well. After the war, the growing demand for Middle East oil would have to wait until facilities are rebuilt.

Edward Luttwak.[3]—The blockade authorized by the United Nations have sealed some but not all of Iraq's borders. Those in mountain terrain, with the same ethnic minorities on both sides, are inherently leaky. Preemptive buying by the alliance could seriously diminish smuggling but would it be worth setting up such a system? Arguably it does not strengthen Iraqi authorities when Kurds and other border populations eat better. Some military items could get across the borders. But the more important constraint is imposed by the export blockade which eliminates Iraq's almost exclusive source of foreign currency and will eventually exhaust its ability to import.

To understand the real significance of the blockade we must distinguish between the hypothetical political effects and the actual physical effects. The importance attached to reports of food and other supplies in the shops of Baghdad rests on a false premise. The premise is that there is a relationship between the availability of food for the population and decisions of the Iraqi government. That relationship does not exist. The evidence is that the government creates public opinion, it does not react to it. If there was mass starvation in Iraq one could speculate about a popular uprising. But that is not the case.

On the other hand, the physical effects of the blockade on Iraq's military capabilities are beyond dispute. Iraq can no longer import large quantities of weapons, the machinery to produce weapons, chemical plants, laboratory equipment or components for its missile, chemical, biological and nuclear weapons programs. The growth of its military arsenal was the greatest danger for the region. Its weapons programs are being interrupted because they depended on costly imports. Now that Iraq cannot add to its weapons inventories they are slowly decaying and becoming obsolete. In this context, the blockade is highly effective.

Much of the imports which Iraq used to build up its military capabilities came from the West including the U.S. This points to the need to look beyond the immediacy of the Iraq problem to the larger problem of over militarization in the Third World. The blockade against Iraq should be continued, without war. The fact that it will take some time to work is not a defect but a virtue as it provides an opportunity to put in place a system of worldwide controls over the flow of weapons and military technologies to the Third World.

To achieve this, 2 steps are necessary. First, our overall security efforts have to be redirected from the struggle against the Soviet Union to a drastically enhanced effort against nuclear proliferation and the diffusion of other dangerous technologies. We are still locked into the priorities of the Cold War. Our intelligence organization still keeps track of the Czechoslovakian Army, the Hungarian Army, and the Polish Army. A large portion of the Armed Forces, our diplomacy, COCOM, and the national security bureaucracy are directed at the Soviet Union. It is time to reallocate these resources to the threat in the Third World.

Second, there must be a change in current policies that allow arms sales to lawless and unstable regimes. If international controls over proliferation are created it will not matter much if Iraq's present arsenal is not destroyed in war. If such a system is created, little will be gained by military destruction of Iraq's current holdings.

The argument that a worldwide coalition, with every member actively cooperating, is necessary to sustain the economic sanctions is false. To stop the oil flows you need only a handful of countries, including Turkey. But Turkey is experiencing substantial losses from the sanctions. Saudi Arabia could easily cover Turkey's losses with a small portion of its windfall gains, and should be requested to do so. Assuming Turkey's cooperation is secured, Saudi Arabia will have to stay in the coalition because if Saddam Hussein survives his first priority will be to deal with the Saudis.

The destabilizing effects of the U.S. presence in Saudi Arabia can be reduced if a long term sanctions policy is adopted and there is a build-down of U.S. forces in the region. Whatever are the destabilizing effects of a long term U.S. presence, they are worse under Islamic law if an attack is launched in alliance with non-Moslems against a sister Moslem state.

Paradoxically, the consequences of destroying Iraq's military machine would not be in our interests. One consequence would be to liberate Iran and allow it to resume its path of the worldwide spread of Islam and the "liberation" of Jerusalem. Any reduction of the Iraqi military threat achieved by war increases the threat from Iran proportionately. American forces stationed at the head of the Gulf, perhaps in Kuwait, following a war against Iraq, would be faced with a threat from Iran.

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[3] Holds the Arleigh Burke Chair in Strategy, Center for Strategic and International Studies; author of "Strategy: The Logic of War and Peace" and many other books.

Another consequence would be to release Syria from the Iraq threat, and to permit it to plan a war against Israel and pursue its quarrel with Turkey. According to the newspapers, the Syrians are purchasing missile technology from the Chinese. If this is correct, those missiles will be aimed at Israel and Turkey as well as Saudi Arabia.

Paul Warnke.[4]—Although Vice President Quayle and others have argued that the cost of waiting for economic sanctions to work is too great because delay will enable Saddam Hussein to build up his military forces, it is clear that the opposite would occur. Continuation of the blockade will seriously debilitate Iraq's military strength and lessen the cost of the use of force, should that prove necessary.

It is also argued that the plight of the Kuwaitis is so dire that humane considerations require the prompt application of military force. But military action would rain death and destruction on the Kuwaiti people and the Iraqi people, and result in the sacrifice of many American combatants.

No one knows what the consequences of military action would be on the coalition and the balance in the region. The coalition with the moderate Arab states would be easier to maintain under a sanctions policy than in a war where American soldiers would be seen as slaughtering Arabs.

We waited 45 years to get the Soviet Union out of Central Europe. We protested but took no action when the Soviets crushed efforts at democratic change in Czechoslovakia in 1968. We are still standing by while China maintains its brutal occupation of Tibet. The U.S. refrained from military action to roll back the Iron Curtain or to free Tibet because we did not want to precipitate a major war. Our interest in not getting into a major war is also present in the Middle East.

Time is on our side with respect to Iraq because of the inevitable weakening of its military position and the fact that it will be much harder for it to develop nuclear weapons with the sanctions in place. We need to recall that our nuclear deterrent has been adequate with respect to the Soviet Union and China. Instead of signaling impatience, we should persuade Saddam Hussein that we can wait him out.

We can continue to contain and punish Iraq, maintaining the military forces we have developed and the threat that we will use them while economic sanctions do their job. It would be possible for us to cut back our deployment and still preserve a credible threat. The importance of what we did initially in constructing the coalition and the sanctions is that it can serve as a model for future action. If this turns into a shooting war it will not be supported by the public and the public will not support a similar action in the future. The sanctions approach is something that can be done again.

At the same time, we need to develop effective controls over arms transfers to Third World countries, possibly through the cooperation of NATO and the Soviet Union. There was an effort to negotiate an agreement to do this in the conventional arms transfer talks in 1977, 1978, and 1979. The talks were futile but the situation is now changed and we ought to use the time the economic sanctions provide to try again.

Mr. BERMAN. Mr. Speaker, whatever the resolution of the current crisis in the Persian Gulf, it is clear that a key component of a successful future U.S. policy must be the development of a regionwide arms control policy. The raison d'etre for the cold war driven policy of arming regional clients has gone and it is time to construct a new approach to curtailing rather than fueling regional animosities.

Without a new approach, coordinated with our European allies, the U.S.S.R., China and other high-tech weapons exporting countries, we risk an ever spiralling influx of dangerous and destabilizing weaponry to the Middle East.

The administration speaks of the construction of a New World order yet appears to be pushing ahead with the same old pattern of weapons sales to regional allies based on outmoded cold war rationalizations.

One fact the events of recent months have proved is that it is possible for previously adversarial or nonparticipatory countries to successfully impose an arms embargo.

Of course a central tenet of the success of the embargo is that the Soviet Union has worked with the United States in supporting and maintaining that embargo. In fact, even before the Iraqi invasion, the U.S.S.R. had severely curtailed its weapons dealings with Syria.

Clearly, wider success with this kind of approach is dependent on the enhancement and formalization of U.S.-U.S.S.R. policy on regional arms control.

But not all arms exports emanate from the U.S.S.R. and, in fact, some of the more destabilizing weapons come from other sources.

Nevertheless, there is reason to hope that these countries can be encouraged to join in a regional arms control regime.

The gulf crisis has highlighted increasing internal controversy at the often indiscriminate sale of that technology to anyone with the cash to purchase in those relatively few Western European countries that can match the sophistication of U.S. weapons.

Other key arms exporting countries such as the Koreas, China, and Brazil, less susceptible to internal pressures, are clearly concerned at the possibility that unrelated exports could be affected by a refusal to abide by an international arms export policy.

The Congress took a major step toward imposing these type of sanctions and thus achieving this goal with the passage at the end of the last Congress of significant yet reasonable sanctions to punish proliferators of chemical and biological weapons and missile technology.

Yet the Bush administration, which talks so much about a New World order, vetoed this legislation because it could not stomach even minimal sanctions on the most egregious violators.

This brings me to my final point which is that for all its rhetoric, the administration has failed to back up its proclamation of a New World order with the actions that might lead to its establishment.

The Secretary of State, in testimony before the Foreign Affairs Committee, made much of a postcrisis security order, yet he has been at the forefront of administration efforts to thwart congressional action which might contribute to the establishment of such an order.

The inanity of current world practice is now starkly apparent. U.S. troops will face a much increased danger from Hawk antiaircraft missiles originally sold to Kuwait and which have now fallen into Iraqi hands and from French-German Roland missiles sold directly to Iraq.

When those sales were made, no one anticipated the end to which they would be put. Yet we are still talking about selling even more sophisticated weapons to a regime whose rule is guaranteed by U.S. troops and whose long-term survivability is an increasing concern.

The administration's proposed $15 billion arms sale to Saudi Arabia can lead only to demands from Israel to maintain its qualitative edge in the face of this transfer of a new generation of sophisticated missile and fighter technology. Once again we are dangerously escalating the regional arms race.

As long as the U.S.S.R. armed its clients the United States had to do likewise. That period appears to be at an end and a window of opportunity has opened. If there is to be a New World order, a primary goal must be the curtailment of the injection of ever more dangerous and destabalizing weapons into already contentious regions.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore (Mr. JONES of Georgia). Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LAGOMARSINO) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on January 15.

Mr. WELDON, for 60 minutes each day, on January 14, 15, 16, 17, and 18.

Mr. BURTON of Indiana, for 60 minutes each day, on January 14, 15, 16, 17, and 18.

Mr. BAKER, for 60 minutes, on January 17.

Mr. RITTER, for 60 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes each day, on January 15, 16, 17, and 18.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous material:)

Ms. OAKAR, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SCHEUER, for 60 minutes, today.

Ms. OAKAR, for 10 minutes each day, on January 22 and 23.

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[4] Partner, Clifford and Warnke; formerly Ambassador for the Strategic Arms Limitation Talks, Director of the Arms Control and Disarmament Agency, and Assistant Secretary of Defense for International Security Affairs.

Mr. EDWARDS of California, for 30 minutes, on January 15.

Mr. EDWARDS of California, for 60 minutes, on January 16.

Mr. GONZALEZ, for 60 minutes each day, on January 16, 18, and 22.

Ms. KAPTUR, for 60 minutes, on January 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LAGOMARSINO) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. RIGGS.

Mr. GILMAN.

(The following Members (at the request of Ms. OAKAR) and to include extraneous matter:)

Mr. SCHUMER.

Mr. HUBBARD.

Mr. NEAL of North Carolina.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a joint resolution of the House of the following title:

On January 12, 1991:

H.J. Res. 77. Joint reolution to authorize the use of U.S. Armed Forces pursuant to U.N. Security Council Resolution 678.

ADJOURNMENT

Mr. SCHEUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 15, 1991, at 12 noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GUARINI (for himself, Mr. ARMEY, Mr. RANGEL, Mr. LAFALCE, and Mr. ROE):

H.R. 524. A bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes; to the Committee on Ways and Means.

By Ms. MOLINARI:

H.R. 525. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls Clubs of America; to the Committee on the Judiciary.

By Mr. RICHARDSON (for himself, Mr. SCHIFF, and Mr. SKEEN):

H.R. 526. A bill to extend public land order 6403 relating to the waste isolation pilot plant, and for other purposes; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 527. A bill to authorize research and evaluation programs for monitoring, detecting, and abating lead based paint and other lead exposure hazards in housing, and for other purposes; to the Committee on Science, Space, and Technology.

H.R. 528. A bill to establish a national policy of no net loss of forests, to direct the President to work for a declaration of a state of emergency for global forests, to establish forest protection and forest restoration programs as a national priority, to support a global forest resource survey, to create an endangered forests research initiative, and to initiate a joint United States-Japan effort for global forest restoration; jointly, to the Committees on Agriculture; Foreign Affairs; Interior and Insular Affairs; and Science, Space, and Technology.

By Mr. MCEWEN:

H. Con. Res. 35. Concurrent resolution concerning United States assistance to the Soviet Union; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. OLIN, Mr. WILSON, and Mrs. LLOYD.

H.R. 414: Mr. GOODLING, Mr. GINGRICH, and Mr. ROBERTS.

H. Res. 10: Mr. DONNELLY, Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mrs. KENNELLY, Mr. HORTON, Mr. MOAKLEY, Mr. WOLPE, Mr. MAVROULES, Mr. BORSKI, Mr. NEAL of Massachusetts, Mr. DORNAN of California, Mr. OBERSTAR, Mr. DELAY, Mr. ROE, Mr. GREEN of New York, Mr. JONTZ, and Mr. WALSH.

SENATE—*Monday, January 14, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we reverence, O mighty God, the Supreme Judge of the world, we will be led in our prayer and our petition by the Senate Chaplain, the Reverend Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Behold, how good and how pleasant it is for brethren to dwell together in unity!—Psalm 133:1.

Father God, Author of peace and liberty, though our hearts are heavy with apprehension, we thank Thee for the great moments in the Senate last Friday and Saturday. Certainly they were among the Senate's finest hours in its 200-year history. Under the agonizing pressure of painful decision, midst deep and serious diversity, unity prevailed which transcended partisanship. We thank Thee for the strong sense of commitment to the Nation and the President, manifest despite wide differences politically and ideologically. Thank Thee, Lord, for this clear demonstration of the motto, "E Pluribus Unum—Out of Many One." Thank Thee that in spite of emotions which ran deep, rancor and disrespect were rare. Thank Thee that transcending everything a spirit of common purpose and allegiance prevailed.

Surely we were seeing the U.S. Senate at its best.

Thank Thee, gracious Father, in the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the leadership time will consist of 1 hour to be equally divided between the majority leader and the minority leader, the majority leader being in control of the first 30 minutes, the minority leader being in control of the subsequent 30 minutes.

The majority leader is recognized.

JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, under the provisions of a previous unanimous-consent agreement, today has been specifically set aside for bill introduction. Therefore, today the two leaders will each have 30 minutes for leader time to be followed by a period for morning business in which the two leaders will control 1 hour; the time between 1 p.m. and 2 p.m. under the control of the majority leader, the time between 2 p.m. and 3 p.m. controlled by the Republican leader.

At 3 p.m. there will be a continued period for morning business, with Senators permitted to speak therein for up to 10 minutes each. There will be no rollcall votes today.

THE AGENDA OF THE 102D CONGRESS

Mr. MITCHELL. Mr. President, the United States faces the possibility of war and the reality of economic recession. The first challenges our policy and our goals. The second challenges our priorities and our values.

We all pray that war will not become necessary. But if war does come, against our prayers and our hopes, then we will, of course, support fully the men and women in our Armed Forces.

As important as the gulf crisis is, we cannot turn our backs on the other business of the Nation. We are elected to put our own house in order, not only to seek a New World order. We cannot postpone that responsibility indefinitely because of crises abroad. We have crises here at home as well.

Senate Democrats believe we can best meet those crises when we provide for the well-being of the American family, because that is our great national strength. Our working families, the men and women who work in our industries and services, the children and students who are our future, are the true barometer of national vitality.

A New World order will mean little to Americans if their Nation is no longer economically strong. A New World order will mean little to families if their children face a bleaker future than their parents faced.

A New World order will not make up for an America whose infant mortality rate is 25th in the world and whose adult illiteracy rate threatens to become first among developed nations.

Today we introduce a package of bills which mark the path along which we will move. All of them carry through on commitments already made: They point to renewed priorities and better solutions. They change our course to meet American needs and American priorities.

S. 1, the first of these bills introduced today, keeps a commitment uniquely important today. Four hundred thousand young Americans stand ready to risk their lives in their Nation's service.

S. 1 keeps a commitment to those who served before them: It provides a cost-of-living increase in the compensation paid to veterans disabled by their service to the Nation and the survivors of those who died in service to the Nation.

Last year, every other American received Federal benefits—Social Security recipients, Federal retirees, the poor and disabled on Supplemental Security Income—all of them got a cost-of-living increase. Disabled veterans alone did not. The very least we can do for those now standing ready to serve is to show promptly that their Nation will honor its commitments for that service. We can do so best by honoring it for those who have already served.

In addition, I will be cosponsoring and giving my strongest support to the initiative proposed by the distinguished minority leader, Senator DOLE, which is designed to help our servicemen and reservists in the Desert Shield forces by extending their tax filing deadlines and making certain that the Government pays interest due to them on tax refunds.

I commend the Republican leader for taking that initiative. It will be given early consideration in the Senate.

S. 2, the second bill we introduce today, is the Strengthening Education for American Families Act. It stands for our continued commitment to our Nation's future, our commitment to education, the foundation on which this country is built. It will halt the decade-long erosion of educational standards and put us back on track.

In 1989, Senate Democrats, House Democrats, and Democratic Governors agreed on educational goals for our Nation. Later, the President and all the Governors agreed to similar goals at the education summit in Charlottesville.

S. 2 will let us measure our progress toward those goals. The concept developed by Senator BINGAMAN in this bill creates a Council to issue an annual report card to let the people know what progress we are making toward our education goals.

Those goals are not new. They have been announced repeatedly in the last 2 years. But an announcement is not a policy. We have to know if we are moving to those goals before the year 2000 unless we want another decade dominated by promises instead of performance.

A central element of S. 2 is Senator SIMON's illiteracy legislation. By the end of the decade, only 14 percent of new jobs will use high school skills; the rest will need higher-level skills. But 23 to 27 million Americans are functionally illiterate. Perhaps a third of all workers cannot fulfill some of their job demands. All these people face a future where jobs demand increasingly higher level skills. We cannot abandon them. No American should be condemned to the half-aware life that is the only lot of those who cannot read in the world of the 20th century.

If we do not identify where we want to go and what we want to achieve, we have no direction and we will fail. This legislation sets the path that we intend to follow.

S. 2 stands for the beginning of our education agenda. It is not the full agenda, but it is a good beginning.

We will reauthorize the Higher Education Act, the bill that keeps the promise that, in America, you do not have to be the child of a rich family to aspire to college.

No American high schooler who studies hard and achieves should ever feel that college is out of reach. No American family should ever fear that their child's hard work in school will go for nothing. If the goal is higher education for all qualified students by the year 2000, the needs of our economy demand that we reach that goal much before the year 2000. The Higher Education Act is central to that goal.

We will need 2 million new teachers between now and the year 2000. If we want our children to learn, we have to make sure those new teachers can teach. We will be working on teacher training legislation as well this year.

Everyone now understands that a skilled work force is the key to economic growth. We cannot have sustained economic growth, the only road to higher living standards, unless we have a skilled work force.

We begin today with a bill that makes our progress measurable. We will continue in this session by putting into place the programs to make that progress achievable.

S. 3, the third bill introduced today, reflects the commitment of Democratic Senators to serious election campaign finance reform.

It is a commitment we have made to the American people to dramatically reduce the influence of money in Senate election campaigns.

The bill is in virtually all essentials the same one that passed the Senate with 59 votes last year: It limits campaign spending overall. It eliminates all PAC contributions. It eliminates the influence of secret contributions—the so-called soft money.

It restores both the appearance and the fact of integrity to the financing of election campaigns to the Senate.

We know we do not have the President's support in reducing the influence of money in election campaigns. But we will, nonetheless, reform election campaign finances. Americans want us to do so; Americans expect us to do so. We think they are right. We want to keep our commitment to them.

S. 4, the Child Welfare and Preventive Services Act, the fourth bill introduced today, is directed to the Nation's overburdened foster care and child welfare services. It builds on the beginning made last year to provide health care coverage for every poor child. It is a signal of our commitment to ensure access to health care for every American.

Last year, we began with the most vulnerable: Children up to age 6 in poverty-income families. S. 4 fills some of the gaps in that coverage. It gives the States more flexibility, for example, in providing home care in place of hospitalization for chronically ill children.

The bill will ensure that every child under 6 years of age can stay on Medicaid for 6 months after becoming eligible. The good luck of a poor family in landing a short-term job in a recession ought not to be offset by the loss of health coverage for their infant.

It will let States direct Medicaid child coverage to those age groups and illnesses that pose the greatest need locally.

It will let hospitals recover some of the costs when they treat extremely ill children whose parents cannot pay for that treatment. It begins to meet the massive needs of a foster care system which has seen the national caseload skyrocket to 360,000 children in 1989, children who are at immediate and severe risk without help.

By filling some of the gaps in children's health coverage, S. 4 will stand for our continued commitment to meeting the single most serious challenge that every American family faces: The chaos that health care costs can wreak on a family's budget and on a family's future.

The United States spends more than any other nation in the world on health care, more than a tenth of our gross national product. And, in spite of the more than $600 billion spent on health care last year, more than twelve million children have no health insurance. In spite of rapidly rising costs to employers and employees, many working persons have no access to insurance because of a preexisting medical condition.

Most tragically and most unforgivably, our most defenseless people, our children, pay through illness, disease, and disability when their parents are not lucky enough to have good company insurance or rich enough to buy it themselves.

This Congress will take on the two most difficult health care problems.

First: Affordable access to care. We must make certain that every American can get health care. That is a minimal requirement. Second: Long-term care. Our population is getting older.

Too many working families and too many retirees face the prospect of poverty because we have no rational way to help older people who need it without pulling women out of the work force or forcing retirees to become paupers so they can qualify for Medicaid.

The stress on families is high. You should not have to be a rich person or an extremely poor person to know that if you need help in your later years, it will be there.

Working people should not have to choose between college for their children and decent care for their parents. Wage earners should not have to stay awake at night wondering what a job layoff will mean to the health of their children.

Despite our economic problems, we will find the funds for the emergency in the Persian Gulf. Is our health care system any less of an emergency?

We will, therefore, produce proposals for long-term care and for access to care. S. 4 is just the first step.

S. 5, the fifth numbered bill in our package, authorizes unpaid family and medical leave for working people who have responsibilities outside the workplace.

It is our commitment to American families that the birth of a baby, the illness of a child or a parent, should not be compounded by the fear of the loss of a job. It is a commitment we will keep.

It is also the President's commitment. Campaigning in 1988, he said:

> We also need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness. This is what I mean when I talk about a gentler nation. That isn't fair * * * it's not right, and we've got to do something about that.

We agree it is not fair. That is why we passed the bill last year. But despite his campaign promise, President Bush vetoed it.

We believe the veto was wrong. Every civilized country has wage and hour laws and workplace safety laws. Every other developed nation has a family leave policy. These are our economic competitors. Unpaid leave surely would not make us uncompetitive when our competitors have paid leave.

More than two-thirds of all mothers of children work outside the home. Almost two-thirds of married couples are working couples. They have families and the obligations that go with families.

If American families embody the values we all say we respect, if American families are the bedrock of the Nation, if we want to strengthen families, as so many say they do, why is the family and medical leave bill not law today?

We say it is time to make our public policy conform to our political speeches, and we say we are going to try again to pass this very modest workplace benefit this session of Congress.

Senate tradition allows the majority leader to designate only five numbered bills at the opening of each session. But those five bills and the priorities for which they stand do not exhaust the agenda of the 102d Congress. They do not preempt the work of the Democratic Policy Committee in this respect.

We have a great deal more work to do.

The most significant of those further priorities is the civil rights bill. Each year, millions of working women risk their jobs and lose income to take care of family duties. They are the great unpaid labor resource of this country—American women. Each year, black Americans suffer disproportionately from the failures of our schools. They are the last to see improvements and the first to suffer budget cutbacks.

We must end the success of tactics that win political points by pitting men against women, blacks against whites.

Working people of all races and both sexes face common problems.

We must break with the repeated appeals to resentment and fear and focus instead on those common problems.

Let me reiterate the facts of the civil rights bill: It puts workers and employers on an even legal platform before the courts when they are disputing the facts of the workplace. The bill gives no legal advantage to workers; it imposes no unfair legal burdens on employers. The decisions have always been the court's; they will remain with the courts.

The President says the even-handed application of American principles of justice will lead to quotas.

He is wrong. He vetoed the bill last year. One Senator short of two-thirds of all Senators from both parties said he was wrong when we voted to override his veto. Sixty-six Senators voted for this legislation, yet it is not law. We were one vote short of overriding the veto. We will pass the bill again. It is not a quota bill: It was not last year, and it will not be this year. I hope the President reconsiders his unwise veto.

Hard working men and women and the families who depend on their paychecks deserve a fair shake in the workplace. They deserve better. We will be fighting for their rights again this year.

One of those rights is the right to have our labor laws respected.

Workers must be able to deal with their employers at a level negotiating table, not under the threat of job loss at the first sign of disagreement. A century of experience has demonstrated that a fair deal for workers depends on fair laws.

The Congress will turn, as well, to significant environmental legislation. Resource recovery and conservation are essential as more and more of our communities reach the limit of their landfill space.

Conservation is just as important in restoring control over our destiny to our own hands. Today we are in the Persian Gulf because the Persian Gulf contains more oil than any other place in the world. We have an interest in the world's largest energy source. But we ought to have at least an equal interest in making our own country less dependent on the product of such an unstable region.

The amount of oil we imported from Kuwait and Iraq before the supply was stopped could have been equalled by conservation if the average fleet mileage on U.S. made autos were just 3 miles per gallon more.

Let me repeat that. We could have saved the amount of oil equal to all of the oil that we imported from Iraq and Kuwait prior to this conflict if the average fleet mileage on automobiles made in the United States were just 3 miles more.

Our economic competitors, Japan and West Germany, use half as much energy to produce a unit of gross national product as do Americans. No wonder they have an advantage.

There is a great deal we can to do to improve energy efficiency. A bill like Senator BRYAN's CAFE standards can help clean our air while it conserves oil. Household appliance energy standards can save families money and reduce power demands.

Energy conservation means energy efficiency. Efficiency is just another term for cost cutting. Every business in the country knows that a more efficent operation means higher productivity and higher profits in the long term. The President has treated energy conservation as a joke. But the joke is on the American people, and it is not very funny.

We have endured an oil embargo, two sets of massive price increases and now we risk war along with price increases, because of shortsightedness that verges on the irresponsible.

The President's long-awaited energy policy will be revealed in February, in the third year of his Presidency. We hope it will not treat conservation as a joke. It is serious business.

Another element of the Nation's economic infrastructure is our transportation system. We will reauthorize the highway bill this year. We will take up the Surface Transportation Act, to modernize our rail and mass transit systems. The value of our transportation system to our national economy is beyond calculation.

But we cannot live off the investments of the past forever. Highways need to be maintained. Bridges need repair. These needs cannot forever be subordinated to other pressing national emergencies lest they create their own national emergency.

The continuing savings and loan issue is just such an example of a problem that was permitted to become an emergency.

We will be taking up legislation this year to reform the bank insurance deposit system so as to protect the deposits of American savers with the minimum risk for American taxpayers.

We face a recession. The bills for a decade of borrow-and-spend policies are coming due. Last month's jobless rate was 6.1 percent. That is the 10th highest rate since 1950. Five of the highest 10 jobless rates have occurred since 1980.

Fewer than half of laid-off workers will qualify for unemployment compensation. As many as 30 States face bankruptcy of their unemployment insurance funds. We will be looking at the unemployment compensation system with those concerns in mind. Over a million Americans who had jobs less than 6 months ago are now without jobs. These people will need help to retrain in the new skills that employers seek. They deserve that chance.

Mr. President, there is a long and difficult agenda before us.

We remain a Nation of great opportunity. The American story is not yet told. Its shape is in our own hands. We Democratic Senators know that, given the chance, it will be the working men and women of this country who will write that story and whose families will play the leading roles.

It is our job to provide that chance. When the agenda of the Congress has been the agenda of the American family, the Nation has prospered. It is to that agenda that we must return.

That is what the 102d Congress will do.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I yield the floor, and I reserve all of the time of the distinguished Republican leader.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, the time of the Republican leader will be reserved.

The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader is recognized for 30 minutes.

THE CHANGING WORLD AND THE 102D CONGRESS

Mr. DOLE. Mr. President, the world has changed a great deal in the past 2 years; among other things, Eastern Europe is on the road to democracy and the two Germanies have become one. As a result of these dramatic and fundamental changes, one of the biggest challenges the United States faces today is to adapt its policies to meet the demands of this new emerging world.

Now, it is easy to adjust diplomatically—speeches and letters are easy to write. However, it is much more difficult to change the policies, rules, and regulations by which we act, even if the principles remain the same. And, it is extremely difficult to make these changes quickly.

In my view, U.S. foreign aid policy has lagged far behind in meeting the demands of the changing world. In particular, U.S. foreign aid policy lacks the flexibility to deal with developments in Eastern Europe and the Soviet Union. Last year, I raised the issue of reallocation of U.S. foreign aid resources so that Eastern Europe would get a fair share of our support, and I will address this issue again at a later date.

Today, however, I wish to introduce this bill which seeks to add flexibility to our foreign aid policy so that we can more effectively help build democracy and free market economies in other countries. It does so very simply: By amending our policy to permit the provision of direct assistance to democratic governments at the Republic level that exist within countries that still have a Communist ruling majority in other Republic governments and/or at the Federal level.

In my view, this bill would appropriately address one of the toughest situations we face in Eastern Europe: How to assist hybrid nations—in other words, countries whose governments include both democratic and Communist elements. A perfect example of this is Yugoslavia: four of its six Republics elected democratic governments into office last year. However, the largest Republic, Serbia, and its smaller ally, Montenegro, elected hardline Communists into government last December. And, Yugoslavia's Federal Government is still run by Communists, in addition to being dominated by Serbia.

Under the present system, to provide United States aid to Yugoslavia, we would have to go through the Central Government—the Government that has threatened to send troops into the fledgling democratic Republics in one week if those Republics refuse to disarm their national guard and militia units. However, if this bill is enacted, we would be able to bypass the Central Government and get U.S. aid directly to these democratic Republics. In addition, this provision would allow us to prevent aid from going to the Communist Government of Serbia, which for the past 2 years, has been systematically violating the rights of the 2 million Albanian people in the Province of Kosova. As I saw last August, the people of Kosova live under Stalinist conditions—in my view, the United States should not reward the Serbian Government for its actions.

This type of flexibility would also apply to the Soviet Union. Last weekend we witnessed the onset of a brutal crackdown against the Lithuanian people. Who knows how much more suffering they will have to endure—the Lithuanians and the Latvians and Estonians, face not only political and military oppression, but economic crises, food, and fuel shortages, as well. But, under today's foreign aid program if we wanted to send these poor people any type of humanitarian assistance we would have to send it through Moscow.

Well, I think I can say with some confidence after this weekend's events, Moscow wouldn't be sympathetic and wouldn't cooperate. Only a few weeks ago, in response to the critical food shortages across the Soviet Union, the United States agreed to provide grain credits to Gorbachev's government—a decision I strongly advocated. To my great disappointment, I learned last week from the Prime Minister of the Republic of Moldova, that Gorbachev has made it clear that the only Republics that will get the U.S. grain and feed are those who sign the Union Treaty. There is only one word for that tactic: blackmail.

Mr. President, I believe that the United States should not be a party to that blackmail. And, I have already stated that I believe a suspension of U.S. grain credits is in order until we get assurances from Gorbachev that all those who need grain and feed will get it.

Under today's foreign aid system, we are boxed in: help all or hurt all. In Yugoslavia, in the Soviet Union, we can only support the democrats, if we are willing to support the Communists. If we want to weaken the Communists, we can only do so by weakening the democrats.

Mr. President, these are the kinds of choices we don't want to make. As a result we tend to sit on the sidelines, hoping for democracy, but not helping it. But, I say to my colleagues today, this is not a time to sit on the sidelines, this is not the time to watch quietly while new democratic governments are coerced, threatened, and finally snuffed out. This is a historic opportunity to spread democracy and to make democracy permanent.

Sure, there are some who will say that directing aid to democratic Republics is impossible. In my view, that argument is simply a bureaucratic "out"—a reluctance to change the system because the bureaucracy is comfortable with the way things are being done now. Changing the foreign aid system, in their view, is inconvenient. Well, to me, inconvenience is not a compelling argument. What is compelling is the survival and growth of democracy.

Mr. President, the United States needs to do all it can to support democracy around the world. So, let us not make bureaucratic excuses, let us enact this bill.

LITHUANIA

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Mr. President, the United States needs to do all it can to support democracy around the world. So, let us not make bureaucratic excuses, let us enact this bill.

S. 10—SOCIAL SECURITY EARNINGS TEST

Mr. DOLE. Mr. President, on another fairness issue, 1991 should be the year we tell our senior citizens that Government-sponsored age discrimination is a thing of the past. It is time to repeal the outmoded and unfair Social Security earnings test, a Government mandate that pushes seniors out of the workplace and into the rocking chair by taking away one out of every three dollars earned by seniors making more than $9,700 a year.

This is one test that deserves an "F." It is time to repeal it, to send a clear and long overdue message to our senior citizens: You are welcome in our work force.

I would hope an overwhelming majority of my colleagues would support this measure, so that the earnings test finally gets the retirement it deserves.

HEALTH CARE: A NATIONAL PRIORITY

Even though we are not offering legislation in this area today, one of the top legislative priorities this year for our party and the Nation must be America's health care system. No doubt about it, solving the problems of long-term care and access to health care will not be easy—the recent debate on catastrophic care testifies to that; and the difficulty of meeting the health care challenge will be compounded by the need to do so in a responsible, cost-effective manner. Nevertheless, the American people are demanding that we tackle these issues, and we look forward to introducing proposals we feel will best meet America's need for quality health care. We also look forward to working vigorously with our Democrat colleagues and the White House to address this national priority.

No doubt about it, there are countless other issues that demand our attention, and I would like to quickly mention a few of them.

ENERGY—TIME FOR AMERICAN INDEPENDENCE

Tensions in the gulf, and the specter of war, have once again forced us to face a disturbing reality at home—we are still dangerously overdependent on foreign oil for our energy needs, even though foreign despots and fanatics continue to play the oil card in their high-stakes games of energy blackmail.

It is long past time for the United States to discover, develop, and market new energy resources, so we don't have to wince every time the blackmailers tighten the screws.

I am pleased the President is busy preparing an energy strategy, and I urge him to send it to Capitol Hill at the earliest possible date.

This country invented modern oil technology, and our industry still leads the world in discovering and refining technologies—it is time to use these American advances to our advantage.

Until alternate sources of energy become available at reasonable rates, we must boost domestic exploration and production, but under strict environmental restraints.

There is no question that energy legislation must be a priority for the 102d Congress—Americans expect no less: it is time we deliver.

BUDGET REFORM PACKAGE

On the economic front, last year's budget summit agreement was a deficit reduction milestone. Congress did manage to pass real and lasting spending cuts and, more importantly, made changes in Gramm-Rudman-Hollings to ensure the summit's spending caps are enforced. But in spite of our best efforts, the deficit has continued its climb toward greater and greater heights. Clearly, if we are going to get the budget back on track, this Congress needs to look toward even tighter spending restrictions.

Last April, President Bush sent Congress a budget reform package containing legislation essential to getting our fiscal house back in order: A line-item veto constitutional amendment, a legislative Line-Item Veto Act to enhance Presidential rescission authority, and a balanced budget constitutional amendment. Today, Senator THURMOND, Senator SYMMS, Senator McCAIN, and Senator COATS will take a firm stand for fiscal responsibility and jointly introduce the President's budget package. I hope each and every Senate Republican will join me in supporting the efforts of these four Senators to reduce government spending and balance the Federal budget.

WOMEN'S EQUAL OPPORTUNITY ACT OF 1991

Mr. President, I will also soon be introducing the Women's Equal Opportunity Act of 1991, a comprehensive package of reforms and initiatives designed to help women battle discrimination in the workplace, and to give them more weapons to fight back against domestic and street violence.

This act will enhance the available Federal remedies for sexual harassment, expand civil rights protections against racial discrimination, crack down hard on sex and drug offenders preying on women, and will establish a 21-member commission to investigate why women are not advancing in the corporate world commensurate with their talents and success.

It is time Congress and corporate America worked together to finally break the so-called glass ceiling so that qualified women can take their rightful place in the upper echelons of working America.

Mr. President, these are some of the challenges facing our Nation, as I see them.

Meanwhile, the world's greatest challenge is before us—securing peace in the Middle East. The whole world is watching—and it is watching Baghdad. It is now up to one man, Saddam Hussein, whether peace will prevail. He must know by now, the world wants peace. Let us hope he finally gets the message.

(The remarks of Mr. DOLE pertaining to the introduction of S. 6, S. 7, S. 8, and S. 10 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, in addition to S. 6 to S. 10, which I introduced and discussed already, I am also introducing a bill on behalf of Senator SIMPSON which provides for automatic cost-of-living adjustment for veterans receiving disability compensation.

(The remarks of Mr. DOLE pertaining to the introduction of S. 23 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Finally I am introducing legislation to increase the rate of special pensions payable to persons who received the highest award for valor, the Medal of Honor.

(The remarks of Mr. DOLE pertaining to the introduction of S. 32 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, I know of no further requests for time, and I know the distinguished Senator from South Dakota is waiting to speak.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE] will be recognized for 10 minutes.

COMMENDATION OF MAJORITY LEADER

Mr. DASCHLE. Mr. President, I rise this afternoon to commend the distinguished majority leader on his statement and on the priorities that he identified as he introduced S. 1 through S. 5 moments ago. I am sure I speak for virtually every Democratic Senator in articulating our unanimity in support for these priorities and certainly for the agenda he set out as he began to list those concerns we as Democrats have in the U.S. Senate today.

But I rise for a second reason and that is to address the first bill the majority leader introduced this afternoon. I would like to share with my colleagues some thoughts on that particular piece of legislation now.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 2 hours, with the majority leader controlling the first hour and the minority leader controlling the second hour.

CORRECTION OF ROLLCALL VOTE NO. 2

Due to a printing error, there is an incorrect listing of a Senator answering to rollcall vote No. 2 appearing on page S403 of the RECORD of Saturday, January 12, 1991. The permanent RECORD will be corrected to reflect the following tally:

[Rollcall Vote No. 2 Leg.]

YEAS—52

Bond
Breaux
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gore
Gorton
Graham
Gramm
Hatch
Heflin
Heinz
Helms
Jeffords
Johnston
Kassebaum
Kasten
Lieberman
Lott
Lugar
McCain
McConnell
Mack
Murkowski
Nickles
Packwood
Pressler
Reid
Robb
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—47

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Conrad
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Grassley
Harkin
Hatfield
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Wellstone
Wirth

NOT VOTING—1

Cranston

So the joint resolution (S.J. Res. 2) was passed.

Mr. DASCHLE. Mr. President, I note a quorum is not present.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the clerk will now call the roll, the time being charged against the two leaders equally, if there is no objection.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The time is under the control of the majority leader until 2 p.m. How much time would the Senator wish?

Mr. KENNEDY. Mr. President, I believe 10 minutes has been allocated to each of the Members who will be introducing legislation.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. KENNEDY pertaining to the introduction of S. 2 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. Who seeks recognition?

Mr. MOYNIHAN addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from New York [Mr. MOYNIHAN].

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 4 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. BOREN] is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN pertaining to the introduction of S. 3 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. Only 4 minutes remain under the majority leader's control.

Mr. FORD. I withdraw my request, Mr. President.

The PRESIDENT pro tempore. The Senator from Kentucky withdraws the request.

The senior Senator from Connecticut [Mr. DODD] is recognized.

Mr. DODD. Mr. President, in anticipation of needing a bit more time than I see remaining on the clock, I ask unanimous consent for an additional 10 minutes and ask that the Republican minority time be extended an equal amount of time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. DODD pertaining to the introduction of S. 5 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The time is under the control of the Republican leader. How much time does the junior Senator from Alaska require?

Mr. MURKOWSKI. I am sure, Mr. President, I can finish my statement in about 7 minutes.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is recognized for 7 minutes.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND addressed the Chair.

The PRESIDENT pro tempore. The time is under the control of the minority leader. How much time does the Senator require?

Mr. THURMOND. I will probably take 7 minutes, no more than 8 minutes.

The PRESIDENT pro tempore. The Senator from South Carolina will be recognized for not to exceed 8 minutes.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 67 and S. 68 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Indiana [Mr. COATS] is recognized.

Mr. COATS. Mr. President, it is my understanding that the Senator from Idaho has a time conflict and only desires 5 minutes. I would be happy to defer to him.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. Symms] will be recognized. How much time does the Senator need?

Mr. SYMMS. I thank the President pro tempore, and I thank the junior Senator from Indiana for his courtesy.

The PRESIDENT pro tempore. How much time does the Senator require?

Mr. SYMMS. Mr. President, I will try to condense several matters to within 5 minutes.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SUPPORT OUR TROOPS

Mr. SYMMS. Mr. President, I rise today to bring to the attention of my colleagues a critical point raised by Bill Rice, an Idahoan who has organized a "Support Our Troops" movement throughout Idaho, and a time of prayer and support at noon today, Idaho time.

Bill Rice has reminded Idahoans that the American soldiers, sailors, airmen, and marines presently stationed in and around Saudi Arabia are men and women who voluntarily serve our country and we should be thankful to them.

It's no secret that I support the President and believe he has shown great restraint in his skillful handling of Saddam Hussein's brutal and unwarranted occupation of Kuwait. However, that is not the reason I rise today.

Regardless of whether one agrees or disagrees with the President's gulf policy, the point remains that every American should be grateful that the men and women of our Armed Forces who are risking their lives to serve and defend our country and our interests.

Our soldiers, sailors, airmen, and marines do not set policy, they follow orders to enforce it.

While most people support the President's work in assembling the international coalition and the terms of U.N. Security Council Resolution No. 678, Mr. Rice and many others like him nationwide are working hard to make sure people understand that supporting our troops is a different issue than supporting the policy.

Bill Rice's son, William, is stationed in Saudi Arabia with the Army's 333d Field Artillery Division. Both men know how important it is that our troops know they have the support of the American people. In addition to today's time of prayer and support by churches, businesses, and schools, proclamations have been signed by the Governor of Idaho, and many of our mayors. I would ask unanimous consent that the proclamations, which have been sent to all major news sources and the League of American cities, be included in the RECORD at the conclusion of my remarks.

I have sent my colleagues copies of the proclamations and a ribbon which Mr. Rice had emblazoned at his expense with "S.O.T." for Support Our Troops as part of his commitment to the capable and generous people who have pledged to defend us.

EXHIBIT 1

PROCLAMATION BY THE MAYORS OF THE CITIES OF MINIDOKA AND CASSIA COUNTIES

To All Whom This Proclamation May Address:

Whereas, our citizens have recognized the strong commitment our sons and daughters have made in enlisting in the Armed Forces of United States of America; and

Whereas, many of our sons and daughters are in the Middle-East Region patrolling the Saudi Arabian Border in support of World Peace and Freedom and to prohibit further aggression;

Now, Therefore, We do declare Saturday, November 10th, 1990 as "Support the Troops in the Mid-East" Day in Cassia and Minidoka Counties.

Larry Wall, Mayor of the city of Acequia; Frank R. Bauman, Mayor of the city of Burley; Harold Hurst, Mayor of the city of Heyburn; Maxine Homer, Mayor of the city of Minidoka; M. Gene Hansen, Mayor of the city of Paul; Donald B. Danner, Mayor of the city of Albion; Jay Darrington, Mayor of the city of Declo; Bud Tracy, Mayor of the city of Malta; George Trombley, Mayor of the city of Oakley; W.F. Whittom, Mayor of the city of Rupert.

PROCLAMATION

Whereas, Idahoans have recognized the strong commitment our sons and daughters have made in enlisting in the Armed Forces of the United States of America; and

Whereas, many of our sons and daughters are in the Middle-East region patrolling and protecting the Saudi Arabian Border in support of world peace and freedom and to prohibit further aggression; and

Whereas, it is fitting that we set aside a special time to show our thanks and gratitude to the members of our Armed Forces who are serving Idaho and the United States at this critical location;

Now, therefore, I, Cecil D. Andrus, Governor of the State of Idaho, do hereby proclaim Monday, December 24, 1990, to be "Support the Troops in the Mid-East Day" in Idaho, and I encourage all our citizens to pause and give thanks for these men and women who are willing to make this sacrifice so that our nation and others may enjoy the freedoms, safety, and protection to which all mankind is entitled.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-fourth day of December, in the year of our Lord nineteen hundred ninety, and of the Independence of the United States of America the two hundred fifteenth, and of the Statehood of Idaho the one hundred first.

CEVIL D. ANDRUS,
Governor.

Mr. SYMMS. I thank the distinguished President pro tempore for his curtesies, and I thank the Senator from Indiana. I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Indiana [Mr. COATS], is recognized. How much time does he desire?

Mr. COATS. Mr. President, I do not think I would need more than 10 minutes. So I would request 10 minutes, if that is appropriate.

The PRESIDENT pro tempore. The Senator from Indiana is recognized for 10 minutes.

CRISIS IN MIDDLE EAST

Mr. COATS. Mr. President, issues that seem to take on such grave importance and on which we have all labored long and hard in past Congresses, hoping that they would be perhaps among those debated at length by this body and hopefully secured into law, almost seem to pale into insignificance given the gravity of the world situation that we face.

Clearly the hour of decision is drawing very near. The world waits with great anxiety over the course of events that are about to unfold.

We just finished this past weekend 3 days of historic debate and cast perhaps the most difficult vote any of us will ever be called upon to cast.

Our options appear to be exhausted. The report today of the failure of Secretary General de Cuellar in finding any movement at all from Saddam Hussein or Iraq is just one further step toward what appears to be inevitable movement toward conflict.

Watching an exhausted Secretary Baker on televison, realizing the enormity of his diplomatic efforts over the past several months, sobers all of us, and watching and observing the intrasigence of Saddam Hussein, the Iraqi Parliament, the defiance they exhibited, makes us feel that war is all but inevitable.

I suppose the only option left open to us is the miracle option. I am not a miracle maker. I am privileged to know the one who is, and I would hope that all Americans at this time would commit themselves to praying for a peaceful resolution of this conflict if at all possible, praying for guidance and direction for our President and Secretary of Defense, Secretary of State, those of us in Congress and those that are called upon to make extraordinarily difficult decisions in the days and hours ahead, that we have foresight and wisdom and guidance—all the strength that we need to make the decisions that need to be made, and make them wisely; that we pray for the safety and care of American men and women in the Middle East and the people of the world, surely many of which will be caught up in this conflict.

So it is with, I think, heavy hearts that we proceed today with what some would say is the normal business of the Senate. Nevertheless, that business also goes on. And with these thoughts in mind I would like to turn to the business that we are about here.

(The remarks of Mr. COATS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRAIG addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I seek 5 minutes for the purpose of introduction of legislation.

The PRESIDENT pro tempore. The Senator from Idaho will be recognized for not to exceed 5 minutes.

(Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduction Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested.

The Clerk will call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

What is the Senator's request?

Mr. PRESSLER. I request 5 minutes for the purpose of introducing some bills.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized for not to exceed 5 minutes.

(The remarks of Mr. PRESSLER pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SOUTH DAKOTA BLACK HISTORY MUSEUM

Mr. PRESSLER. Mr. President, an outstanding article depicting the role of black people in South Dakota history has come to my attention. The author of this article, Mr. Ted Blakey, has written several articles for the Yankton County Historical Society and other organizations. Recently his dream of establishing a black history museum in Yankton, SD, took a major step toward becoming a reality.

Ted Blakey's parents were lured to South Dakota in 1905 by the promise of "freedom like you've never witnessed anywhere in the United States." This freedom allowed Mr. Blakey to grow up in a State without segregated schools.

Mr. Blakey has been a valuable asset to the community of Yankton, as well as the entire State of South Dakota. During the 1960's he served as a member of the board for the Yankton County schools. He was one of a handful of elected black delegates at the 1980 National Republican Presidential Nominating Convention.

Ted Blakey's dedication to writing about the history of black people in South Dakota deserves the greatest recognition. He is an outstanding civic leader in our State and a good friend. I ask unanimous consent that the text of a pamphlet on the Black History Museum and two newspaper articles describing Mr. Blakey's activities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BLACK HISTORY MUSEUM, YANKTON, SD

THE CULTURE

African Americans settled in the Upper Midwest for many reasons; in order to find their own farmland, enjoying the region after serving in the military, to find better employment opportunities, and to just get away from that "lifestyle" down South.

The black community of Yankton established the Allen Chapel African Methodist Episcopal Church as a celebration of their religious commitment and of their new life. Built in 1885 by a bricklayer, who had been trained by his slavemaster, the chapel became a center of African American culture in the region. The church remains the site of religious and family celebrations. It has served over the years as the location of many regional African American events.

THE MUSEUM

The South Dakota and Upper Midwest Black History Museum was established to highlight the contributions of African Americans to the culture and life of the Upper Midwest through means of exhibits and programs.

The museum archives were established to preserve historical materials: including photographs, publications, correspondence, and artifacts.

It is our goal to document the cultural contributions of African Americans to Upper Midwest life through their families, literature, art, politics, music, sports, and cowboy culture.

The South Dakota and Upper Midwest Black History Museum is a non-profit organization affiliated with the Yankton County Historical Society. Contributions to the Museum are tax deductible under 501(C)3 of the Internal Revenue Code. Material contributed to the museum will be preserved under the most stringent archival conditions and will be made available to interested individuals for research in a properly supervised manner.

THE PEOPLE

Ted and Nate Blakey are lifelong members of the Allen Chapel African Methodist Episcopal congregation. Like their father, Henry before them they have been responsible for maintaining the chapel structure. The structure is listed on the National Register of Historic Places. Ted Blakey has spent many years documenting the African American history of the region. The creation of the museum will fulfill a long time goal of Ted, Nate and the Blakey family.

[From the Argus-Leader, Nov. 9, 1990]

PARENTS' LESSONS DRIVE BUSINESSMAN TO FULFILL DREAM—BLACK HISTORY MUSEUM TO BE BUILT IN YANKTON

(By Matt Cecil)

YANKTON.—As black migrant workers, Ted Blakey's mother and father took a chance and rode riverboats up the Missouri River to land here in 1905.

On their first morning, they awoke with $4.50 between them, got jobs picking corn out of the snow, and were paid the same wage as white workers.

"Here was their first lesson in real freedom," Blakey said, his voice cracking with pride.

Their experience was the philosophical springboard for a black history museum to be built in Yankton, which will have its ground-breaking in March.

Blakey, 65, a retired Yankton businessman, is leading the effort to bring the South Dakota and Upper Midwest Black History Museum to the grounds of the Allen Chapel African Methodist Episcopal Church. A fund-raiser for the project will be Sunday afternoon in Sioux Falls.

"Ive been thinking about this for years," he said. "I started planning in about 1980."

He's driven, in part, by his own family's experiences in Yankton.

They were lured to the state from Missouri by the promise of "freedom like you've never witnessed anywhere in the United States."

Blacks were free in 1905, but equal opportunity was a rare prize that has been largely fulfilled in South Dakota, Blakey said.

He has seen the ebb and flow of racism in South Dakota, and says, that in many cases, the State has been good to blacks. In 1980, he was one of a handful of black delegates to the 1980 National Republican Convention.

When he ran for the board of a Yankton-area country school in the early 1960s, whites put up two candidates to keep him out.

But Blakey won by one vote and was affectionately christened "Landslide" Blakey.

"Landslide" is anxious to get on with the museum project.

"It's like with anything I've done, let's just get busy," he said.

The cost will be about $48,000, to be raised through grants and private donations.

"It's going to be full of pictures and stories of the accomplishments that blacks have made in South Dakota," Blakey said. In addition, the cornerstone of another black church, now abandoned in Huron, will be on display.

The Allen Church, which Blakey's family has maintained for 80 years, will remain in place on the museum grounds.

The museum is a non-profit organization affiliated with the Yankton County Historical Society. The archives will preserve materials important to South Dakota blacks.

The fund-raiser will begin at 2 p.m. Sunday at the Sioux Falls Coliseum. It is sponsored by the Sioux Falls chapter of the National Association for the Advancement of Colored People, in conjunction with the museum. The program topic will be "The Integration of Sioux Falls."

MUSEUM IS BLAKEY'S DREAM

(By Angela Engel-Putnam)

A local man is working to turn his dream of forming a black history museum into a reality.

Ted Blakey started thinking about plans for the South Dakota and Upper Midwest Black History Museum after the Allen Chapel African Methodist Episcopal Church here celebrated its 100th anniversary in 1985.

"I've had this in the back of my mind ever since then, and I've been seriously working on it since May," Blakey said.

And part of that serious work is securing the funds necessary for building the museum. Blakey said the South Dakota Arts Council has given a $500 grant, and this money will be used for him and others to travel around the state and gather more information about blacks and their history in South Dakota. Blakey said he has applied for other grants as well.

The cost of the project will be about $48,000 which Blakey hopes to raise through grants and private donations. He hopes for a March ground-breaking.

"It's going to be full of pictures and stories of the accomplishments that blacks have made in South Dakota," he said.

As for the planned museum, a breezeway will connect the AME church to the 30-by-40 feet building, which will be climate-controlled so displays and papers won't be yellowed or damaged, he said.

The church was built by a bricklayer who had been trained by his own slavemaster. The ex-slaves settling in the Upper Midwest did so for many reasons. They were looking for their own farmland, enjoying the region after serving in the military, to find better employment opportunities and to just get away from the South, Blakey said.

Blakey's own parents, Henry and Mary (Fristoe) Blakey came from Missouri to South Dakota in the early 1990s. They were lured by the promise of "freedom like you've never witnessed anywhere in the United States," Blakey said.

"Some people have wondered how the blacks could stand it here because it was so cold, but my folks said the freedom was so good that they never noticed the cold," Blakey said.

His parents became acquainted with the Frick family, and were hired to pick corn on the Frick farm northwest of Yankton, Blakey said. He was born on his family's farm, located where Baggs & Tamisiea now stands, he said.

"I've always been a historian," Blakey explained, adding that he has traced his grandfather's history to when he was in Africa and eventually came to America, where he fought in the Civil War.

"My dad and my uncle would talk about things, and I was a great person for listening, and I asked questions, so I got interested in the history," Blakey said.

Along with being a historian, Blakey has also become an author, writing articles for the Yankton County Historical Society and other organizations.

"When historians talk about blacks, they usually talk about the derogatory things, and make it sound like blacks haven't accomplished anything. I just want to set the record straight."

He said some have asked him when the Yankton schools integrated black and white students, but Blakey said they were never segregated. "The children always went to school together here," he said.

Blakey said wherever he has visited in the Yankton area, people have made him feel welcome. "I've always said that the world's best people live within a 50-mile radius of Yankton," he said.

TRIBUTE TO RON LENZ AND MYLO HELLICKSON

Mr. PRESSLER. Mr. President, I recently read an article in the Brookings Daily Register honoring Ron Lenz and Mylo Hellickson of Brookings, SD, for their induction into the North Central Conference Hall of Fame. They are the only two men to receive the North Central Intercollegiate Athletic Conference Meritorious Service Award for 1990.

The devotion of Ron Lenz and Mylo Hellickson to South Dakota State University [SDSU] deserves recognition. As sports information director at South Dakota State University, Ron Lenz who I enjoyed meeting 2 years ago, oversees 16 sports programs, including all aspects of SDSU's sports media, press, books, and game programs. Ron's enthusiasm is the driving force behind the SDSU Sports Information Department's high quality and efficiency. All SDSU partisans should be proud of Ron's accomplishments.

Mylo Hellickson, with whom I had lunch that same year, is director of the Cooperative Extension Service at South Dakota State University and also chairs the athletic, intramural and recreation committee on campus. Mylo's dynamic personality explains why the athletic, intramural and recreation committee works so well at SDSU. The SDSU community is indeed fortunate to have him.

Mr. President, I ask unanimous consent that the Brookings Daily Register article to which I refer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Brookings Daily Register, December 1990]

HELLICKSON AND LENZ RECALL SPECIAL MEMORIES FOLLOWING NCC AWARD

(By Joe Sefrna)

An honor finally caught up with the busy schedule of South Dakota State University institutional representative Mylo Hellickson.

Hellickson, along with SDSU Sports Information Director Ron Lenz, received North Central Intercollegiate Athletic Conference Meritorious Service awards at a recent meeting of the NCC.

Hellickson, a native of Belfield, N.D., has been on the SDSU staff since 1969, serving as a professor in agricultural engineering until he was appointed head of the department during the summer of 1982. That lasted until he was named acting director of the Cooperative Extension Service at SDSU; he was named director July 1, 1989.

With all that background in agriculture, what is Hellickson doing in the NCC Hall of Fame? The governing of college athletics, as set up by the National Collegiate Athletic Association (NCAA) requires that each member appoint an "institutional representative" to vote on legislation. At SDSU, the institutional representative chairs the Athletic, Intramural and Recreation Committee on campus.

Hellickson's busy schedule is one that he enjoys. And it's busier because his duties as institutional representative require that he attend both North Central Conference and NCAA meetings as SDSU's official voting delegate.

"I am very lucky because I really like what I do. It's kind of a labor of love type thing. I am really busy but I get to meet and deal with a lot of different people and that makes it fun," says Hellickson.

Hellickson's duties start with the Athletic, Intramural and Recreation Committee on campus.

"It is an administrative committee that reports to SDSU President Robert Wagner. Our role is to provide advice, philosophy and counsel to the director of athletics and the president as to how we should operate our athletic, intramural and recreation programs to best serve the entire SDSU community.

"Students have to be a very important part of that along with our alumni and fans. The biggest thing is to be able to take thoughts of those people to the NCCA and NCAA meetings. We want to allow our students what they are looking for. Students need opportunities to have diverse ways to expend energy and have fun," Hellickson says.

"I have the official vote for South Dakota State University in North Central Conference and the NCAA meetings. Both organizations deal with rules, philosophy and procedures. We decide on many things such as increasing scholarships, when teams should play, and what is legal and not legal in recruiting," Hellickson says.

"It is an important vote because what you are doing is representing your institution. You are dealing with the integrity of your school and how you intereact with others in addition to recognizeing how to excel in athletics and academics to produce solid student-athletes."

Although Hellickson's specialty is in the area of livestock structures and environment with recent emphasis on solar energy use in agriculture, he also has a background in athletics. He played baseball for North Dakota State University, where he earned his bachelor's degree in agricultural engineering. He also coached American Legion baseball.

Hellickson received a master's degree in agricultural engineering from NDSU in 1966 and earned his doctorate from West Virginia University in 1969 before coming to SDSU that same year.

"I looked at three job openings at the time and if I could have written the job description. I would have written just what they had at South Dakota State. We came here and have really enjoyed it ever since," says Hellickson.

Hellickson took over as faculty representative when David Pearson retired in 1977. He says he has seen many changes and progress in athletics since that time.

"I feel we do an excellent job of policying what happens in college athletics. We have had difficulties along the way, but we feel we are doing a better job controlling them. Sometimes people under pressure don't always function the way they should, but I think it is better now," Hellickson says.

"I have had some very memorable experiences at those meetings. Just being able to rub shoulders with these people from big schools that have successful programs is memorable, but there are two things that stand out," he says.

"They both center around special recognitions presented at the NCAA honors luncheon. The first is the presentation of the Teddy Roosevelt Award. This award is given to a student athlete who has gone on to have a distinguished career. Award recipients have included Dwight Eisenhower, Bill Cosby and Gerald Ford. Other NCAA special recognitions have included honors to a Secret Service man that stood in front of President Reagan when he was shot. He was a student-athlete who had played football at the University of Illinois. Another time was when we recognized the hockey team which beat the Russians in the Olympics."

Hellickson adds that the NCAA will continue to develop, and he foresees many changes in the future.

"It is such a dynamic and democratic organization. Every issue is voted on and everyone is given equal opportunity to speak. I see a stronger involvement through the president's council. The trend looks like it is going to be reducing conflict with classroom attendance which may result in fewer contests. We really want to meet the needs of people," he says.

Hellickson says he has had to deal with many controversial issues over the years, but there are a couple that really stick out in his mind.

"The number of scholarships that we have in each and every sport is probably the most important one we have to deal with. We have had schools that have violated conference rules and we have had to penalize them," he says. "One big thing that has strengthened our conference was the addition of the women's programs. They really have added a lot to our conference and have come a long way."

How long will Hellickson continue to go at this pace?

"I really enjoy what I do, and as long as they are satisfied with the job that I do, I will stay with it for a while. As long as I have enough time to do it at the level that SDSU deserves, it is kind of an indefinite appointment."

Lenz, A Sisseton native, attended SDSU from 1962 to 1966, then was drafted into the U.S. Army before finishing his bachelor's degree in journalism in the summer of 1970.

After serving with the Fourth Infantry Division in Vietnam, he joined the staff at the

Watertown Public Opinion, where he was sports editor for nearly five years, earning South Dakota Sportswriter of the Year honors in 1971.

His career as sports information director actually began at the University of South Dakota. He joined the Coyote staff in November 1972 and stayed until August 1977, when he moved to SDSU.

"There have been a lot of changes in the role of the sports information director since I worked in the sports information office as a college student," says Lenz.

"There was a time when your main mission was to write releases. The newspapers would use them as you sent them. Now, the role is to provide background-type informaton because everyone is doing their own stories," he says.

As sports information director (SID), Lenz oversees the publicity for SDSU's 16-sport program—everything from press books to releases to statistics to game programs.

"An SID should make it as easy as possible for the media to cover your team and I hope we have succeeded in that," he says.

"At SDSU, we put considerable effort into making it an enjoyable experience to cover the Jackrabbits when they play at home. That requires help from a lot of people and we have been blessed with some excellent volunteer help over the years. It's the effort by those people who make my job easy," says Lenz. "I learned from Wayne Shaw when I worked in the sports information office, and have just tried to carry on the tradition."

SDSU has earned the "Press Box Merit Award" from the Football Writers Association of America four times, twice since Lenz has been SID (1987 and 1988). In 1988, SDSU was the only non-NCAA Division I school to receive the citation.

The role of the SID has changed, and so has technology.

"When I first started doing statistics, we used a book called 'One in a Million' to compute averages and percentages. The book listed every division problem from 1 to a million. If a team was 31 of 71 from the field, you looked it up in the book. Then came calculators, and man, did that simplify things. Now we're doing it on computers.

"Everyone in the sports information field spends a lot of time on the telephone. Now we have FAX machines. They actually cut a lot of phone time, but have also created more requests for information," says Lenz.

The day of the North Central Conference-NCAA regional cross country meet in Brookings, for example, SDSU faxed results to 41 different places—all the NCC sports information office, media, NCAA committee members, etc.

Memorable games? "There have been many when you talk about winning and losing, but there's one which is strictly work-related—Oct. 24, 1981. That's the day ABC televised a regional game of the week from Coughlin Alumni Stadium, and we had a 'Monday Night Football' production crew doing the game," says Lenz.

"I have always subscribed to the philosophy that the secret of happy living is not to do what you like but to like what you do, and I do. I like what I do and I love South Dakota State."

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The time until 3:10 p.m. will be under the control of the Republican leader, continuing after which, morning business will continue for 1 hour with each Senator to be recognized for not to exceed 10 minutes.

Mr. GORE. Mr. President, I was in error in remembering the earlier announcement that that period will begin at 3 p.m.

Mr. President, I wonder if it would be in order for me to ask unanimous consent to proceed for 10 minutes and reserve the remaining 10 minutes allocated to the Republican leader? If that is in order, I make that unanimous-consent request at this time.

The PRESIDENT pro tempore. That request is in order and without objection it is so ordered.

Mr. GORE. Mr. President, I would like to do as I believe every other Senator who has spoken today has done, and that is to acknowledge the heavy burden on all our hearts as we discuss other legislative matters here on this first day of the new session during which it is appropriate to introduce bills. It seems difficult to do that with the events in the Persian Gulf so near to unfolding and with the debate of last week so fresh in our memories. But, as with my other colleagues, I would ask the indulgence of the moment, to move from that subject which occupies our feelings and thoughts so much and nevertheless discuss legislative matters which will be on the agenda for this session of Congress.

(The remarks of Mr. GORE pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished majority leader.

SOVIET VIOLENCE AGAINST LITHUANIANS

Mr. MITCHELL. Mr. President, the Soviet use of force against unarmed Lithuanians is deeply alarming. It must be condemned by the international community.

It is impossible for the world to accept this unprovoked violence against peaceful demonstrators.

The action taken by Soviet troops cannot be squared with Soviet President Gorbachev's pledge to seek a nonviolent resolution to the question of Baltic independence.

The violence stands in stark contrast to President Gorbachev's stated commitment to openness and democracy in the Soviet Union.

This killing simply cannot be justified any more than the Chinese Government's slaughter of innocent people in Tiananmen Square, this simply cannot be justified.

The Lithuanian people, like those in the other Baltic States, are attempting to determine their own futures. They have freely elected their own governments. They are peacefully seeking their independence from Moscow.

The Soviet authorities appear determined to prevent them from achieving their goal of self-determination.

The disagreement belongs in the political realm.

The dispute cannot be resolved by use of force without threatening, if not reversing, the entire process of glasnost and democratization in the Soviet Union and drastically alerting Soviet relations with the international community.

The United States has never recognized the Soviet annexation of the Baltic States.

We support the desire of the Baltic States to regain their independence.

The United States must make clear to President Gorbachev that the resort to violence to suppress Baltic independence will have grave consequences for United States-Soviet relations.

President Gorbachev says that the local military commander made the decision to use force against innocent civilians.

President Gorbachev says that he was unaware of the attack until after it occurred.

I would have expected President Gorbachev to have learned from the tragic events in Georgia in April 1989. When Georgian demonstrators died at the hands of Soviet troops, President Gorbachev noted the harm done to perestroika and democratization and that the blood of innocent people had been shed. Soviet Foreign Minister Shevardnadze said he went to Georgia "to make sure that this sort of tragedy never happens again here or elsewhere in the Soviet Union."

Mr. Shevardnadze's December resignation was an ominous warning about the future direction of the Soviet Government. Some feared that Mr. Shevardnadze's resignation might foreshadow Moscow's action against the republics, action that Mr. Shevardnadze, as a Georgian, would strongly oppose.

But despite the debacle of having used force against Georgians, despite Mr. Shevardnadze's resignation, and despite the Federation Council's pledge on January 12 that the dispute would be resolved peacefully, the Soviet military has killed at least 13 Lithuanians for doing nothing more than peacefully supporting independence, peacefully exercising the new rights that President Gorbachev claimed belonged to all people.

If Mr. Gorbachev is being honest, if he truly knew nothing about this attack, if he had not approved the use of force in Lithuania, then he must immediately take several important steps.

He must bring to justice those responsible for the killings.

He must withdraw the new Soviet military forces from the Baltic Republics.

He must abandon the use of force and return to the process of negotiations about independence.

I am troubled by the statement of Soviet officials that the assault was requested by the "National Salvation Committee."

The world has not forgotten that requests from a fabricated opposition controlled by Moscow often have been the transparent excuse provided for Soviet action to extinguish the democracy and independence of its neighbors.

Mr. President, if the Soviet leadership does not act to immediately prevent further violence and return to a peaceful process, it is doubtful that the summit between the United States and the Soviet Union now scheduled for February can go forward, nor can the United States continue business as usual with the Soviet Union.

If President Gorbachev did not approve the use of force in advance he must immediately demonstrate his commitment to a peaceful resolution of the dispute and bring to justice those who sought the answer through violence.

I call upon President Gorbachev to bring the killers to justice, to withdraw Soviet troops from the Baltic States, and to return to negotiations to determine the future of Baltic independence.

Mr. President, I yield the floor.

CONDEMNING USE OF FORCE IN LITHUANIA

Mr. PELL. Mr. President, I am appalled and dismayed by the Soviet military's use of lethal force against the people of Lithuania. Like the Iraqi invasion of Kuwait, the Soviet action in Lithuania is a tragic and unnecessary violation of international law against a peaceful nation. The use of military repression in Lithuania is all the more reprehensible in that it is directed against a democratically elected government.

The Soviet Union must be put on notice that the international community will not accept further acts of aggression against the Baltic States. Our attention must not be diverted by the situation in the Middle East as it was by the Suez crisis in 1956 when Soviet tanks rolled into Hungary. I join President Bush in condemning the Soviet Union's actions in Lithuania. I sincerely hope that Moscow's differences with the Baltic States can be resolved through peaceful negotiations.

The PRESIDING OFFICER (Mr. GORE). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I note my distinguished Republican colleague, the Senator from Kentucky, is on the floor. Ordinarily we alternate. However, I was presiding. Senator GORE is temporarily taking the Chair for me. I thank the Senator for letting me continue.

LITHUANIA AT GUNPOINT

Ms. MIKULSKI. Mr. President, I acknowledge that every American and truly everyone in the world is now watching with bated breath the situation in the gulf. But as our eyes are fixed there, we have to acknowledge the fact that Lithuania is now at gunpoint. It seems that the Soviet leaders have taken advantage of world preoccupation with the gulf crisis to brutally suppress Lithuanian steps toward self-determination.

Watching this week's brutal attacks, I had the same terrible feeling I did as a college student watching the failed Hungarian uprising, the same sense of revulsion that I felt during the Prague spring of 1968, and the same horrors I did when Solidarity was the victim of a crackdown.

I now join with Boris Yeltsin in asking the United Nations to call an emergency international conference on the future of the Baltic Republics. I have also joined with several Members of the Senate in asking President Bush to push for Baltic participation in the Conference on Security and Cooperation in Europe, and I now also push strongly for a moratorium on all cooperative projects with the Soviet Union until the violence stops and the Baltic States are allowed to follow their own chosen form of government.

What does that mean? I am calling for a moratorium on technical assistance for the Soviet oil, gas and industry, no technical assistance on restructuring their private sector, no licenses for high-technology products, no credits, no trade agreements, no summit. We must hit them where it hurts and require our allies to do the same.

At the same time, we should send all necessary supplies to Lithuania by sea and through Poland.

Mr. President, we cannot let Lithuania stand alone. Our own Government, as we said in a recent Senate letter to the President, must make it absolutely clear to Moscow that our involvement in the gulf does not in any way diminish our commitment to Baltic freedom.

President Gorbachev and those in control of the Soviet Union today must know that the United States-Soviet relations will suffer with the suspension of economic benefits to their own country unless Moscow replaces its current aggressive tactics with good-faith negotiations on the restoration of Baltic independence. We today call for the protection of Lithuania and we also encourage the Soviet Union not to take any hostile or aggressive acts in Latvia, Estonia, and the Ukraine.

Last month President Landsbergis came to Washington to ask for help. So far, he hasn't gotten it. Aid to Lithuania was dropped from the foreign aid appropriations bill last fall. Aid to the U.S.S.R. was approved. The administration's condemnation of the last week's events has so far taken no concrete form.

The Soviets tried to tame Lithuanian by colonizing it with ethnic Russians; today they are using more direct methods.

Over the past several months we have seen calls by Moscow for direct rule of the Baltic States, bombings in Baltic cities, an economic blockade, the arrest of Baltic officials, beatings, and now the use of tanks against unarmed civilians.

Now, 14 Lithuanian patriots are dead. Some crushed by tanks, others shot at close range. At least 140 more have been injured. Why? Because they surrounded their government buildings to try to protect them from Soviet troops. Today's TV images bear a chilling resemblance to those broadcast in 1989 from Tiananmen Square.

Soviet puppets have imposed a curfew, taken over communications, banned public gatherings, prohibited the use of TV cameras or tape recorders, and authorized personal searches.

And after Lithuania, what? The same repression of Estonia, Latvia, Georgia, the Ukraine?

Whether or not President Gorbachev ordered the crackdown, we as a nation must make it clear to all Soviet policymakers that we won't stand for this return to the Brezhnev doctrine: Just because we need your help in the gulf, don't think we will stand for this attack on yet another democratic movement.

I think most Americans share a sense of guilt that we did nothing for Hungary in 1956. Here's our chance, 35 years later, to stand up for freedom.

And let us get a Nobel Peace Prize for President Landsbergis. He deserves it more than last year's winner.

Mr. President, I now yield back the floor.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

(Ms. MIKULSKI assumed the chair.)

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 23 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend, the Chair misheard. I thought I heard the Senator from Kentucky first. I misspoke.

The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. I thank the Chair. I yield briefly to the Senator from Oklahoma.

SOVIET CRACKDOWN IN LITHUANIA

Mr. NICKLES. I thank my friend.

Madam President, I will be very brief. I wish to speak out today in regard to the Soviet crackdown in Lithuania.

I am sure that all of my colleagues and all citizens across the United States and probably all across the free world who saw pictures where the Soviet tanks were rolling into Lithuania today were outraged. On the front page of the Washington Post today, it showed a picture of a tank actually running over a human being, a human being fighting for freedom.

I think it is vitally important that this country unite, speak out in a bipartisan fashion, and speak out strongly condemning this latest Soviet action. I do not know if Mr. Gorbachev knew of this incident or OK'd it, or not.

I mention that the crackdown has been continuing for the last several days. From January 3, Soviet troops occupied two Communist Party buildings in an ownership dispute between Moscow and the capital of Lithuania. On Tuesday, January 8, Soviet paratroopers rounded up Lithuanian draft dodgers from the Red army. On Wednesday, January 9, Soviet troops surrounded broadcast transmitters but did not take them under control. On Friday, January 11, Soviet troops occupied the national guard headquarters and the main printing plant. Then in the early morning hours on Sunday, January 13, Soviet paratroopers armed with tanks and machineguns, seized control of the state broadcast studios and transmitters, killing at least 13 people and wounding more than 100.

In addition, Soviet forces seized control of the radio stations in Kaunas, Lithuania's second largest city.

Madam President, the United States needs to speak out loudly, strongly, today. Not only is freedom at stake in Lithuania and the other Baltic States, but really in the other 14 Republics throughout the Soviet Union.

This action cannot be allowed to stand. We need to speak out, and we need to speak out loudly. The people who perpetrated this violence need to be punished. If they are not, if action is not taken, I hope that the President would indefinitely postpone his meeting, the scheduled summit, in February. I hope we would reconsider and withdraw the economic assistance that we have been generous enough to give to the Soviet people to help alleviate some of their food shortages.

I thank my friend and colleague from Kentucky for yielding.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair. (The remarks of Mr. McCONNELL pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

GOV. JOAN FINNEY: BEST WISHES TO KANSAS' NEW CHIEF EXECUTIVE

Mr. DOLE. Mr. President, on the steps of the State capitol in Topeka, a new Governor took the oath of office today and began the huge responsibility of leading our great State of Kansas.

On this her inauguration day, I want to wish Gov. Joan Finney—the first woman chief executive in Kansas history—all the best as she begins her newest public service challenge.

Although we happen to represent different political parties, we will always share the same bottom-line priority: Doing all we can for the people of Kansas.

Joan Finney is a long-time friend and there is no doubt we will work well together for our State. As our 42d Governor, Joan will be facing some tremendous challenges, but her dedicated career in State government should serve her well, especially the 16 years she spent working for one of our true political giants, U.S. Senator Frank Carlson.

I know the people of Kansas join me in congratulating her and wishing her good luck.

STRAIGHT TALK FROM ROSS PEROT

Mr. HOLLINGS. Mr. President, I know that many of my colleagues in this body share my opinion that Ross Perot is a national treasure—both as a superb, innovative businessman and innovator, and as a font of old-fashioned, hard-nosed common sense about the needs and priorities of this Nation. Ross Perot is one man who looks beyond party affiliation and parochial regional loyalties to address the true national interest of the United States of America.

The latest example of Ross Perot's uncanny knack for straight talk—straight talk that rings true and clear as a bell—was his speech before the National Press Club on December 6. The speech covers a broad range of issues, but is especially acute on the matter of the Persian Gulf. I urge every Member of the Senate to study this speech, to get a feel for what this man is saying. We ignore his counsel at our own risk.

Mr. President, I ask that the entire text of Mr. Perot's speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ROSS REPORT, PRESS CLUB SPEECH, DECEMBER 1990

I love this great country.

I love the principles on which it was founded.

I love its people.

Today, I would like to speak on behalf of millions of American citizens who—

Never get to speak at the National Press Club;

Or present their views to a national television audience.

I am deeply concerned that the most important people in our country are becoming disillusioned and cynical.

The people I am concerned about represent the majority of our nation's voters.

They elect our political leaders.

After elections, the people I am concerned about go back to their jobs and families.

They are not organized into special interest groups.

Their daily presence is not felt in Washington, the State Capitols or even at City Halls.

More and more, they feel they have no effective voice.

Who are these people?

These are people who

Work hard

Play by the rules.

Operate in the center of the field of ethical behavior—not on the sidelines:

Obey the law

Rear good children

They are patriots.

Are active in their schools and churches

They attend PTA meetings, teach Sunday School, lead the scout troops and coach the Little League teams.

They come from all races—all religions

They are the steel and concrete that hold our nation together.

They are givers in a world of takers.

They are the people de Tocqueville wrote about when he toured America to learn why we were such a great country. He concluded "America is great because her people are good."

The people I am concerned about represent the heart of this country's tax base. They pay the bills for our mistakes.

Today, they are spending hundreds of billions of their hard-earned dollars to make government work.

And, to clean up problems created by others.

They are the majority of the electorate.

And, finally and most importantly, these are the people—whose husbands, wives, sons and daughters make up the military forces in the deserts of Saudi Arabia.

Why are these people so frustrated?

They pay substantial taxes at the local, state and national level.

And yet they are receiving very poor services in return from their government.

Their money is being poorly spent—and they know it.

Let's look at the facts:

Just ten years ago, our great country was the largest creditor nation in the world.

Today, we are the largest debtor nation in the history of man.

Our country is the most violent, crime-ridden society in the industrialized world.

We have 450,000 men and women in the battlefield in the Middle East because of the rape, pillage and plunder in Kuwait, and yet we are unwilling to put the same emphasis on the same problems—yes, we have rape, pillage and plunder in our cities, and this city, Washington, D.C.—the murder capital of the United States.

Fifty-seven percent of our people are afraid to walk in their own neighborhoods at night.

Entire sections of our cities have been abandoned to crime.

Millions of the people I am talking about have been wrongfully put in jail—they have had to put bars on their windows and doors.

Our leaders are willing to commit billions to solve problems in the Middle East, but are content to hold press conferences about these same problems in our own country.

This country now ranks at the bottom of the industrialized world in academic achievement.

We have the largest number of functional illiterates in the industrialized world.

Our system of justice has failed the people.

We are the most litigious society in the industrialized world.

We have 5% of the world's population—⅔of the world's lawyers.

Yet, it takes years for a citizen to get through our court system.

And, an average citizen can't even afford to hire a laywer.

Judges are lowest paid members of the legal profession.

While lawyers just out of law school make $80,000/year.

Our prison system is a mess—it costs more to keep a person in prison for a year than to send him to Harvard for one year.

Our people live in a nation with 5% of the world's population and 50% of the world's cocaine use.

And yet we are willing to go to war in the Middle East because of Iraq's potential to produce chemical weapons, while we do little to solve the problem of chemical warfare that is being conducted every day against our children, on the streets of this country.

The people are frustrated that organized special interest groups have taken control of our political process.

The book, "Agents of Influence," tells the story. For example—

The Japanese spend $400 million/year lobbying—an amount equal to the cost of all elections for the House and Senate in 1988—to protect the $50 billion/year Japanese trade surplus—not a bad return.

The Japanese wanted their trucks declared as cars when they arrived in this country to reduce the imports fee from 25% to 2.5%.

Once they arrived at the dealer, the Japanese wanted them declared as trucks again to avoid paying the penalties for high emissions and low mileage.

The Japanese spent $3 million lobbying for this, over the opposition of the U.S. automobile manufacturers.

The Japanese won.

Their $3 million one time investment saves them $500 million per year in tariffs—not a bad return.

In a nation operating at a deficit, guess who picks up the $500 million tab—the ordinary citizen.

Congressional staffers routinely leak information to curry favor to position themselves for six figure income lobbying jobs later.

Between 1973 and 1990, ⅓ of the principal trade officials in the Office of the U.S. Trade Commission left to become foreign agents.

In 1990, during the trade talks on advanced technology, one senior State Department official who had:

Helped draft the position papers

Attended interagency meetings

Had access to confidential U.S. information

Knew the U.S. strategy

Left to become a foreign lobbyist.

A former President received a $2 million fee from the Japanese. The Presidency is not for sale—now or later.

This practice is corrupting the U.S. political and economic system. It corrupts our institutions. We have put U.S. integrity and national honor up for sale.

The people are disgusted—and they should be.

No wonder we are in a recession.

The first three words of the Constitution are "We the people". If we were drafting this great document today and if we were honest with ourselves, the first words would have to be—

"We the special interests", or

"We the big PAC contributors", or

"We the international lobbyists", or

"We the image makers, spin doctors and sound byte specialists", or

"We the arrogant White House staffers"

"Or, perhaps it should be, "We the summiteers".

We seem to have two-day summits on everything from education to spending—lots of talk—lots of press—lots of TV—no results.

Remember Lech Walesa's words to Congress—"words are plentiful, but deeds are precious." This is the core problem on domestic issues.

The people are frustrated that the business leaders of our country have allowed the job base to deteriorate.

Only a handful of people can create jobs.

As one hard-working citizen said after this company closed its doors, "I didn't quit my job—my job quit me."

In 1960, 75% of the vehicles made in the world were made in Detroit. Today that number is 25%.

Go home tonight and look at the brand names on your television, VCR, compact disc, and other electronics. We created this industry. The electronics industry and its jobs have gone overseas.

The two principal exports from New York harbor are scrap steel and scrap paper.

We are becoming a third world country, shipping lumber, iron ore, and other basic products across the world to be manufactured into finished products and returned to our country to be sold. The good jobs paying top salaries are in producing the finished products. They have gone overseas and our tax base is damaged.

Our people are disillusioned that the White House and Congress cynically covered up the savings and loan crisis until after the 1988 elections. It was obvious in 1986. The delay, driven by personal political ambitions, increased the size of this problem from $50 to $500 billion and the burden for paying for this mess rests squarely on the shoulders of the ordinary citizen.

Who was in charge of deregulation at this time? Vice President Bush.

These people are frustrated by a government that stood by idly allowing hundreds of thousands of jobs to be destroyed and countless companies to be wrecked by the junk bond fiasco.

It is difficult for the people to understand a system of justice that allows Michael Milken to illegally make over a billion dollars—pay a $600 million fine—but keep $400 million. They wonder if someone steals four hubcaps, will the judge let him keep two.

The people are disgusted by transactionslike RJR Nabisco, where the beautiful people of Wall Street made $900 million in up-front fees in a few weeks. They keep this money even if RJR Nabisco fails. This is not capitalism. This is piracy.

Sooner or later, the people will realize that the price of Cheese Ritz crackers has gone up 30% since the junk bond deal, and that they are paying the bill for this fiasco each time they buy a box of crackers.

Ask yourself, again, who was in charge of deregulation during the 1980's?

The ordinary citizen's frustration reached a new high during the budget and tax negotiations.

Whatever happened to, "Watch my lips—no new taxes"? This was a cynical campaign tactic first stated by Lenin when he said, "Tell the people what they want to hear."

It, also, worked in the United States, a free society.

The tax bubble, lowering the income tax rate for the wealthiest Americans, made no sense. Congress made the White House drop this one.

The 15% capital gains tax made no sense. Again, Congress refused to let this one slip through.

The deficit gets bigger each year, while our leaders campaign that they will control spending and get rid of waste in government. The people are tired of being used.

The people are frustrated by the budget shell game that forecasted unrealistic economic growth rates, and 4% interest rates at the recent budget summit. We won't grow that fast. Interest rates won't go that low. No wonder the people are cynical.

Only the most cynical at the budget summit would have suggested that by reducing future proposed expenditures, we were actually cutting expenses and saving *real* money. The average citizen is just now beginning to understand that we did not cut our current level of real expenditures at all.

We increased taxes and played a fool's game with the numbers, tricking the American people, serving special interests, and further weakening our economy.

The confrontational attitude of the White House staff during the tax and budget negotiations was unacceptable.

Our President blames the recession on the war in the Middle East. Don't be fooled. The recession is the result of ten years of gross excess spending and mismanagement in our country. Using the Middle East as an excuse is being untruthful with the people.

Who weakened the buying power of your dollars in 1987-88, after the Octoer 1987 stock market crash—to delay a recession—until after the 1988 election?

Look it up. What is this person doing today? Jim Baker. Then Secretary of Treasury—Today, Secretary of State.

These domestic issues are our real problems.

They should carry the highest priority.

Our single biggest problem is that we are going broke.

Bluntly stated, we can't afford to be in the Middle East.

The cost is $500 million day—$15 billion/month.

We have been so rich for so long that we just assume we can fund any program, or war, we can come up with.

But we have let it slip away.

This great engine created millions of jobs—millions of taxpayers.

We had this economic strength for so long that we continue to pretend we have it.

If we have any time or money left over, after we once again make our country work for the benefit of our people and pay our bills, I suggest that the highest priority should be:

To help Eastern Europe succeed in its revolution.

Getting involved with Iraq and the Middle East in such a dominant role wouldn't even make a rational priority list.

Our leaders don't give domestic problems the proper priority because:

They are controversial and difficult to resolve.

Working on them is comparable to cleaning out the barn, or taking out the trash.

It is far more exciting to leave the problems behind, and flit around the world, appearing briefly at summits, meeting with heads of state, and even putting hundreds of thousands of Americans in the desert as an expression of power.

The press loves it. Such sound byte activity is made for television. It is exciting to watch, until you think about the lives at risk and the cost.

While it may be entertaining, it does not serve the people's needs.

While these domestic issues are our real problems, all of these concerns have been temporarily swept aside by the people because of their concerns for members of their families in the Middle East.

This morning I visited the Vietnam Memorial. I urge you to go there and think about current events.

On many occasions over the past twenty years, I have promised:

The men and women of our Armed Forces;

The widows, children and parents of the men killed in action;

And the wounded who will never again lead normal lives;

That before this country goes to war again, I would use the resources at my disposal to see that we first commit the Nation and then commit the troops—that is the lesson of Vietnam.

I will keep that promise.

I hope that my years of service to this country have earned me the right to constructively criticize events occurring at this time.

Who is in the Middle East?

The sons and daughters of the people I am speaking about today are in the Middle East.

Since we deployed troops in August.

I have spoken to over 8,000 people.

Only 8 had immediate family members in the Middle East.

Only 2 members of Congress have family members in the Middle East.

The people who work *for* the business executives I spoke to have sons and daughters in the Middle East.

These people have worked hard and sacrificed for their children.

Many of these parents will only realize their personal dreams through their children's successes.

Their sons and daughters may be all they have—their children are their treasures.

A rich woman dressed in her jewelry and furs was walking down the street to the opera. She approached a poor woman with her two children—one in each hand.

As they met, the rich lady looked haughtily at the poor woman and asked, "And where are your pearls?"

The poor woman drew herself up proudly, pointed to her children and said, "These are my pearls."

Never forget—we have 450,000 lives—450,000 "pearls" in the Middle East.

We must not waste them. We must first commit the Nation.

Why are we in the Middle East?

In "The Charge of the Light Brigade," Tennyson wrote, "Theirs was not to reason why. Theirs was but to do or die."

That may apply to kings, but in our country, we have to know why.

We can't commit the Nation until we get that one straight.

Our Commander In Chief cannot make up his mind why we are there? Maybe we need some new image makers and speech writers.

At one time it was the price of oil.

We caused the price of oil to go up by imposing an embargo. Iraq would dearly love to sell its oil.

Never forget, if the devil himself controls the Middle East, oil is worthless until he sells it.

At another time, we were there for jobs.

Jobs are not worth dying for.

I would give up my job in an instant to keep one person from dying—millions of others would, too.

Each human life is precious. Sooner or later, somebody had better convince us that this is a cause worth dying for.

Still later, the reason was we are fighting for a new world order.

What is the new world order?

No one can explain it.

It is just another sound byte.

Then, our mission was to eliminate Hussein's nuclear and chemical capability and try him in a Nuremberg setting as a war criminal.

The earlier Israeli air strike on Iraq is a good example how to take care of this problem without putting 450,000 people in the desert.

Have we forgotten that we have already dealt with a dictator who created chemical warfare weapons?—Kaddafi.

It didn't take 450,000 people

We didn't clear it with the U.N.

We launched an air strike.

Kaddafi became a choir boy overnight.

Initially, we were told we were fighting for the American way of life—nobody bought that one. The Arabs must have laughed.

Lately it seems that it is a combination of all of the above.

I believe that, in fact, we have developed a pattern of fighting to cover up our past mistakes. We are erasing human errors with human lives.

For example, Noreiga was a sorry devil, but he was our sorry devil.

We gave him money and arms for years.

Our government let him deal drugs into our country, and brutally abuse his own people.

We thought we could control him.

We lost control.

We captured him using a Panamanian major—failed to pick him up—allowed him to execute the major and then, we were embarrassed.

We attacked Panama, took the country, arrested Noriega, destroyed certain areas, and abandoned Panama's people as soon as it was off the front pages.

Now, we won't let Noriega have access to his money to pay his lawyers.

Some element of our government had to be involved in passing the tapes to CNN. Our government controlled the tapes.

Those two actions help increase the probability that Noriega cannot be tried.

If Noriega does go to trial, some of our most senior officials will really be embarrassed because of their past dealings with him.

Noriega could go free.

Because we walked away from Panama and left it in ruins, and the people disillusioned, Noriega could, possibly, get re-elected in an honest election.

This would be a sad ending for the men and women who died and were wounded in Panama.

Who fired the missiles that struck the U.S.S. *Stark*—Hussein.

We supported him since 1982.

We gave him billions.

We ignored his atrocities.

We knew he was trying to build nuclear weapons—allies helped him.

State Department resisted any nuclear sanctions against Iraq until after the invasion of Kuwait.

We gave him $5 billion in agricultural support—he used $2 billion to buy arms. We winked.

Honeywell sold propane bomb materials to Iraq. Our government allowed it.

We didn't complain when our allies, France and Germany, assisted him in developing chemical and nuclear weapons.

According to Der Speigel, the German newspaper, the Germans are still operating the Iraq chemical warfare plants at this moment. Last year we were helping Germany to reunite. They have short memories.

The people certainly don't understand why our Ambassador to Iraq, with written approval from our Secretary of State, told Hussein that the U.S. had "no opinion on Arab-Arab conflicts, like your border disagreement with Kuwait."

When you negotiate with Arabs, always remember, they are smarter than we are—they will skin you.

I would like to read an excerpt from one of Kipling's poems regarding dealing with Arabs:

"The end of the fight is a tombstone white, And the name of the late deceased, And the epitaph drear—A fool lies here, Who tried to hustle the east."

Our State Department gave Hussein a green light to take part of Kuwait. The U.S. oil industry and the CIA warned the President that Iraq was about to attack Kuwait. Our leaders knew Hussein was going to take some of Kuwait and they did nothing.

When Hussein took the entire country, we were embarrassed. Now, like Noriega, Hussein is out of control and we must both defeat him and bring him to trial.

Do you see a pattern?

The people wonder why we gave Noriega and Hussein billions, knowing full well that they were sorry, worthless devils.

The people can't understand why we are now embracing Syria and its leader, Assad. They remember that Assad was involved in killing 250 Marines in Lebanon and in destroying Pan Am flight 103. How can this man possibly become our ally?

It is unthinkable that our President would meet with this terrorist who killed our people.

Assad of Syria, our new bad boy friend in the Middle East, has committed the same atrocities in Lebanon since August that Hussein has committed in Kuwait, and yet we ignore Assad's atrocities.

If we fight and win, Assad will be the new strong man of the Middle East.

The American people can't understand why their sons and daughters are preparing to fight for kings and emirs.

Americans don't fight and die for despots who think they can buy anything including million dollars a year blondes.

American's only fight for great causes.

If you have seen Arab royalty on the streets of New York and London, you can understand that they are a living definition of the phrase "absolute decadence".

Read the book, "The Mayflower Madam," with careful attention to the Arab stories. Talk to the managers of the luxury hotels throughout the world, and you will be appalled.

The Arabs should not be allowed to censor our fighting forces' mail.

If we are going fight and die in the Middle East for them, our forces ought to be able to practice their own religious beliefs.

They ought to be allowed to display the American flag.

They ought to be able to have Bibles.

They ought to be able to say a prayer of Thanksgiving with the President.

We ought to be able to send USO shows with girls to entertain them.

Having seen the beautiful people of the Arab world in New York and London, I can assure you, we don't need any lessons from them on morality.

The approach we are taking will not create a new world order or stabilize the Middle East.

In fact, if we had a total military victory over Iraq, we would destabilize the Middle East.

If you have questions on this, we can discuss them during the question and answer period.

The people ask—how do we commit the Nation?

Read the Constitution, Article I, Section 8.

Only Congress can declare war—and commit the Nation to death on the battlefield.

It is illegal and it is wrong for any one person in our country to put 450,000 lives at risk.

Our system of government is based on checks and balances.

If the President can't even appoint his cabinet or spend money without Congressional approval, do you think there is any possibility that the framers of the Constitution intended for the President to have the unilateral right to put lives at risk?

Of course not. The words of the Constitution are simple and plain. Here they are:

"The Congress shall have the right to declare war."

The lesson of Vietnam is:

First commit the Nation, then commit the troops.

It is Congress' job to commit the Nation and the troops.

The President's job is to lead the Nation and the troops—after Congress gives him the authority.

The people are disgusted that our leaders are running around the world using our money to literally buy the approval of the Security Council members so that we can go to war in the Middle East.

Why aren't our leaders seeking the permission of the American people through Congress to put 450,000 lives at risk.

I don't believe the American people are interested in having countries like China, Yemen, Columbia, Kuwait, Saudi Arabia, and even France, who sold uranium to Hussein and made it possible for him to create nuclear weapons, decide whether our fighting men live or die—this is our responsibility.

Congress must decide this matter. First commit the Nation, then commit the troops.

This conflict is a U.N. problem—not solely a U.S. problem.

We have 5% of the world's population, yet we are bearing most of the burden in the Middle East.

I can hear the Washington establishment whining now, but how would it look if the American people don't want to fight in the Middle East.

Let's stop worrying about how things look.

Nothing looks worse than American casualties lost in a war that the American people neither understand nor support.

The Declaration of Independence promises life, liberty and the pursuit of happiness.

Life is first.

One life is precious.

We are risking 450,000 lives and even the President can't tell us why.

Walk past the Vietnam Memorial and through Arlington Cemetery.

Ask yourself, would you be willing for one of your loved ones to die for this cause?

Congress has the Constitutional responsibility to declare war—It must first commit the Nation, then we can commit the troops.

Congress does not have to wait for a Presidential request.

Two days ago I spoke to 3,500 Mayors at their national convention.

I urged them to mobilize the people in their cities and towns.

To fully inform the people

To debate this issue

To include their Congressmen

And decide what we should do.

Here is what you can do—

Keep our commitment to our fighting men and women

Go to City Hall

Help organize town hall meetings

Involve your Congressman.

Get tapes of this speech from The National Press Club

Call or write me if you need help: Ross Perot, Box D, Dallas, Texas 75208.

You, the people, own this country.

The elected officials are your servants.

Decide what course of action we should take in the Middle East.

You hold 450,000 lives in the palms of your hands.

If you decide we must go to war, direct Congress to do it.

At that point, we will all face East—no whining—no dissension—total commitment—and get the job done.

You ask—

Can ordinary Americans really do this?

Remember Lech Walesa, a Polish shipyard worker. He changed Eastern Europe.

Of course you can do it!

First commit the Nation, then commit the troops.

I know the American people will make the right decision.

May God watch over our fighting forces.

God bless you all. God bless America.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ROBB). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, since this is the opening day for introduction of bills, I had a constitutional amendment for a balanced budget that I have introduced previously on the first day of each and every session when we have a right to introduce bills. I was going to proceed with that along with some other measures that I consider priority measures. But somehow, with the gripping matters that confront the country today, I did not think it was appropriate for me to make those introductions at this time, but I will at a later date.

However, there has been a matter that has once again been brought to my attention that I feel is very critical with regard to our national security and national defense that I felt even with the grave concerns on the minds of all of us today, I should address by introducing this bill to get it moving.

(The remarks of Mr. EXON pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

INTRODUCTION OF LEGISLATION ON BEHALF OF SENATOR CRANSTON

Mr. MITCHELL. Mr. President, I am today introducing several bills on behalf of the distinguished Senator from California [Mr. CRANSTON], who is unable to be here today on the first day for introduction of legislation in the Senate for the 102d Congress. As the Members of the Senate are aware, Senator CRANSTON is currently undergoing treatment for cancer at Stanford University Hospital in California. He has asked that these bills be introduced on his behalf today so that the various committees to which they are being referred can begin whatever actions may be appropriate relating to these measures.

I know that I speak for every Member of the Senate in wishing Senator CRANSTON a speedy recovery and return to this body.

ENVIRONMENTAL RISKS OF WAR IN GULF

Mr. KERRY. Mr. President, now that the President has secured the authorization he sought from the Congress which we hope will enable him to secure Iraqi withdrawal from Kuwait without war, I hope that the White House will take into consideration the potential risks to the environment of a cataclysm in the gulf.

An article by Dr. John Cox, a British chemical engineer, suggests that significant climatic changes could be caused should Saddam Hussein successfully ignite Kuwaiti oil wells during the course of a gulf war.

According to Dr. Cox, the environmental risks include regional climatic changes affecting some 1 billion people within 1,000 miles of Kuwait; the creation of an equatorial ozone hole in the stratosphere; the development of acid rain from the sulpher and nitrogen contained in the burned Kuwaiti crude oil, reducing crops in affected areas surrounding the gulf; and significant human casualties as a result of crop failures, ultraviolet radiation and other climatic changes caused by the possible burning of some 3 million barrels of Kuwaiti oil a day.

As the President proceeds further against Saddam Hussein, I hope that he will take such steps as are necessary to protect against environmental catastrophe in the gulf.

I ask unanimous consent that the article "Environmental Consequences of a Gulf War," by Dr. John Cox, appear in the RECORD at the conclusion of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL CONSEQUENCES OF A GULF WAR

(By Dr. John Cox, BSc, ARCS, DIC, MSc, PhD, CEng, MBCS, FIChemE, MConsE, FRSA, Consultant Chemical and Environmental Engineer, Talywaun, Gwent)

In his speech to the World Climate Conference in November, King Hussein warned that a Gulf War could lead to an environmental catastrophe. On this specific point he was right—but, unfortunately, by choosing to highlight Global Warming as a major consequence, he misdirected media attention to the periphery of the problem.

If, as is believed[1], Iraq has mined the Kuwaiti oil wells, the resulting fires could burn almost 3 million barrels/day. This adds under 5% extra CO_2 to worldwide emissions which—though undesirable—hardly rates as a global eco-catastrophe. In reality the main dangers arise from the major by-products of uncontrolled combustion—CO, SO_2, NO_x and, above all, smoke.

CLIMATIC CHANGES

The initial consequence of smoke is to obscure sunlight and reduce daytime temperatures. The magnitude of these changes can be inferred from 'natural' wildfires. For example, the 1982 Alberta wildfires reduced average daytime temperatures in the north-central United States by 1.5 °C to 4 °C. In 1987, a series of large wildfires in south Oregon and north California reduced some daytime temperatures by as much as 20 °C. The Kuwaiti oil wells could produce comparable quantities of smoke and soot.

Climatic effects have been studied in detail for several years[2,3] to predict the long-term consequences and after-effects of a variety of 'nuclear exchange' scenarios. It is now appreciated that the climatic aftermath of a medium to large-scale nuclear war could cause more casualties than the direct effects of nuclear explosions. These studies and simulations also have relevance to the potential consequences of a Gulf War.

Firstly, soot has been shown to be the most important component of a smoke-induced climatic change. Using a smoke emission factor of 6%[4] and assuming a discharge comparable to current output[5], fires from Kuwaiti oil wells could produce sooty smoke at about 5000 tonnes/day (as carbon).

Compared with nuclear war scenarios, which variously assume between 15–150 Tg of smoke and cause global climatic changes, this is not a high figure. At this rate it would take three years to produce 15 Tg and, allowing for depletion, dispersion and washout (all included in the computer simulations), the effects are likely to be very localised. From this calculation, it seems that a global eco-catastrophe is improbable.

But regional effects are less easily dismissed. Within 1000 miles of Kuwait the pall of smoke could be as great as predicted by nuclear war scenarios. These, almost without exception, predict failure[2,3] of the Asian monsoons—even though the smoke is assumed to have been generated in more northerly latitudes thousands of miles away. A prolonged conflagration[6] within this sensitive microclimatic region could influence the onset, duration and character of the monsoons.

Failure of the Asian monsoons is not an academic curiosity. Upwards of 1000 million people depend on these annual rains for their crops and could face starvation if they did not arrive when expected. Even a partial failure could cause more deaths than the total populations of Iraq, Kuwait and Saudi Arabia combined. Similarly, even a few degrees drop in day-time temperatures could cause crop failures on a massive scale.

OZONE SCAVENGING

Microclimatic change may not be the most serious consequence of uncontrolled burning. In a humid climate and with dispersed burning (as is the case for 'natural' forest fires), smoke stays in the troposphere before returning to earth as rainfall. The smoke from a Kuwaiti oil well conflagration could rise to a much greater height and, because soot and NO_x gases destroy ozone in the stratosphere, this phenomenon could create an equatorial 'ozone hole'.

Ozone depletion in these latitudes would be catastrophic for plant and animal life. Without the protection of stratospheric ozone, more UV light would reach the earth and many life forms would be endangered. Medical researchers have shown that percentage increases in UV light cause a proven pro rata increase in the incidence of cancers, cataracts and other medical complaints.

POLLUTION

Whereas stratospheric pollution is the 'worst-case' scenario, most of the smoke would remain in the troposphere before returning to earth, mainly with rainfall. The composition of this 'acid rain' may be estimated from the composition of Kuwaiti crude oil and the earlier assumptions concerning smoke emission factors.

Kuwaiti crude oil contains 2.44% sulphur and 0.14% nitrogen. So the daily SO_2 and NO_x emissions could be 10,000 and at least 750 tons respectively. Carbon as CO would be comparable in output to the soot emissions. All these chemicals would return to earth eventually—and could reduce agricultural output in the affected areas.

CASUALTIES

So, as with the studies of the aftermath of nuclear war, the casualties from the long-term effects could exceed those of the combatants, either directly by the impact of UV radiation or indirectly from the failure of crops. One hopes that those planning the military action are alive to these possible long-term effects as well as the more conventional military consequences.

After the dust of war has settled, it will take time to extinguish any fires. Although fire-fighting teams already are on call to restore Kuwaiti oil production as quickly as possible, it seems unlikely that 'normal' best efforts for dealing with single oil well fires will be adequate to cope with a conflagration involving well head fires only a mile apart[6]—which will make reignition a very serious problem.

To minimize the catastrophe, it may be necessary to act on the scale currently expended in preparing for possible conflict. In the aftermath of the Chernobyl disaster, helicopters were used to entomb the reactor under thousands of tons of cement. One must hope that something of this nature already is being planned or, if not, that the climatic simulations have been conducted and shown that my fears are groundless.

REFERENCES

[1] Edward Heath, Testimony to US Congressional Sub-Committee, December 1990.

[2] Environment, June 1988, Volume 30, No. 5.

[3] Science, *247*, pp. 166–176, 12th. January 1990.

[4] Uncontrolled flaming combustion results in 3-12% smoke, depending on the size of the fire and any oxygen deficiency. A similar proportion of carbon might become CO. See, for example: American Association of Aerosol Research Annual Meeting, Seattle WA, 14–17 September 1987, page 54.

[5] The 343 'flowing' (Opec Yearbook) wells would gush faster, the 22 'artificial' wells would slow and some hundreds of 'shut-in' wells also could be fired.

[6] Basil Butler, Managing Director of BP, estimated "6-9 months to put out 300-400 fires". This seems optimistic. It is equivalent to 12 independent fire-fighting teams each extinguishing fires at one a week—a rate higher than normally achieved in fighting *isolated* oil well fires.

RETIREMENT OF JEROME CAHILL

Mr. D'AMATO. Mr. President, recently one of the most distinguished journalists covering Washington, DC, and the Congress chose to retire. I refer to Jerome Cahill of the New York Daily News.

Jerry's long and noteworthy career in the Nation's Capital was typified by a determined pursuit of facts coupled with a strong sense of fairness and a commitment to his craft. He demonstrated an innate ability to grasp complex issues and turn them into informative and lively prose, which all New Yorkers could enjoy.

Covering business issues for a New York audience is demanding work. We are an informed and involved public. Jerry set a standard for us by regularly delving into areas other reporters missed and uncovering important stories that might have been ignored.

Whether the story concerned the budget, taxes, or the impact of Federal aid, Jerry told us in clear and concise language what the effect would be on our city and our State. He made a difference for many people by improving our understanding and broadening the public debate. The young journalists who follow him would do well to emulate the qualities and character of Jerry Cahill.

While I stand here wishing him all the very best things in his future endeavors, I do so with some regret. That is because without his voice, the public affairs of our State and our Nation will be less enlightened.

Mr. President, Godspeed to Jerome Cahill, newspaperman.

SOVIET AGGRESSION IN THE BALTIC STATES

Mr. RIEGLE. Mr. President, for the third time in the last 51 years, Moscow has begun to implement military occupation of the Baltic States.

This is the conclusion reached by the chargés d'affaires of Lithuania, Latvia, and Estonia in the face of the brutal military action taken against the Baltic citizens in recent days.

The Lithuanian Red Cross, which has appealed for international medical assistance, reported that, as of Sunday, 13 civilians have been killed and over 160 wounded.

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[1] Footnotes at end of article.

Mr. President, expectations are that the tragedy that is continuing in Lithuania, will also be played out in Latvia and Estonia. Soviet troop movements have occurred in both republics, and the Soviet Defense Ministry announced last week that Soviet paratroopers would be sent there as well.

As occurred in Lithuania, anti-independence groups in Latvia and Estonia are threatening to take over the democratically elected governments. These groups, which include the local Communist parties, Soviet military organizations and other anti-independence organizations in Latvia and Estonia, do not have the support of the Latvian and Estonian people.

Despite the risks, the Baltic people and their governments have made it clear that they will not retract their commitment to independence. They are, however, willing to negotiate the means of achieving independence with Moscow.

Tragically, Moscow has responded to their calls for good faith negotiations with a bloody show of force.

What is happening in the Baltic States is not an internal Soviet matter—it is not now, and never has been. Rather, the Soviet annexation of the Baltic States in 1940, like Iraq's annexation of Kuwait, is a blatant violation of international law.

As such, the United States for 51 years, has refused to recognize Soviet occupation of the Baltic States. In keeping with that policy United States opposition to this latest blatant display of Soviet aggression against the Baltic nations must be absolutely clear.

We must insist that the Soviets cease hostilities against the Baltic people, remove their troops from Baltic facilities and government buildings, and initiate good faith negotiations with the democratically elected Baltic governments.

Until that occurs, the Soviets cannot expect to reap the benefits of improved United States-Soviet relations.

Specifically, I believe the Congress should urge the President to halt, or not proceed further with, the issuance of Eximbank insurance coverage and credit guarantees; the consideration of Soviet associate membership status in the International Monetary Fund and the World Bank; or consideration of lifting restrictions on Soviet borrowing at the European Bank for Reconstruction and Development.

In addition, the United States must do everything possible to strengthen the hand of the democratically elected Baltic governments. We should open closer diplomatic ties with the Baltic governments to pave the way for official recognition of those governments. We should redirect the $900 million in agricultural credit guarantees, recently extended to the Soviet Union, away from the Central Soviet Government and into the Baltic States and other republics which are striving to assert their independence and sovereignty.

In this regard, Mr. President, I am deeply troubled by unconfirmed reports that Moscow has already threatened republics that U.S. grain would be withheld from areas not cooperating with the Kremlin.

In addition, Mr. President, the United States should provide urgently needed medical assistance to the Baltic governments. And, finally, our Government should ask that Soviet aggression against the Baltic people be raised as an urgent issue in the United Nations.

By using military force to assault the Baltic populations, Moscow is now threatening peace throughout the region and stability in Europe.

As stated by the chargés d'affaires of Lithuania, Latvia, and Estonia:

> The Baltic people have done nothing to warrant the use of force against their nations. Despite their status under international law as occupied countries, they followed the procedures of Soviet law in order to elect democratic governments. They have repeatedly sought to negotiate their differences with Moscow through dialogue. They have pursued their just aspirations for independence through peaceful means, and have maintained order and discipline in the face of provocations and threats. Their attempts to resolve conflicts through reason and dialogue have been met with tanks.

Mr. President, the people of Lithuania, Latvia, and Estonia must know that the gulf crisis has not weakened our commitment to them, and the Soviet leadership must have no doubt that the use of force against the Baltic people will cause grave damage to United States-Soviet relations.

CRISIS IN THE BALTIC STATES

Mr. MACK. Mr. President, we learned with anguish of Sunday's tragedy in Lithuania; 13 civilian demonstrators were brutally murdered by the Soviet Union. President Bush was right to condemn the killing of these prodemocracy Lithuanians by the Soviet Army. Even as we focus our attention on the crisis in the Persian Gulf, the free world must not turn its back on the Kremlin's desperate attempts to douse the flame of freedom shining in Lithuania and the other independence-minded republics.

It is time for the U.N. Security Council to denounce this most recent use of violence by the Soviet Union against innocent people.

I have today, therefore, sent a letter to Secretary of State James Baker requesting that the United States formally ask the Security Council to take a stand for freedom in Lithuania. The Security Council was decisive and clear in its resolve against Saddam Hussein's ruthless aggression in Kuwait. Now is the time for it to speak out against the Soviet Union's aggression in Lithuania. The Security Council must also demand that the democratically elected Government of Lithuania be restored to full power, and the Kremlin's puppet party, the National Salvation Committee, be denounced as nothing more than a cynical front for the Soviet Government.

Some have argued that the United Nations may not properly consider this issue because the action in the Soviet Union was strictly an internal political matter. I cannot agree. The United States has never recognized the inclusion of the Baltic republics into the U.S.S.R. The Kremlin's attacks against the Lithuanian people should inspire the same anger we display whenever a stronger nation brutally attacks a weaker one.

The United States should take other steps to let President Gorbachev know that we are deeply concerned he is leaning toward a return to the repressive policies that have darkened the Soviet Union's past. First, President Bush should immediately postpone his planned summit with Mr. Gorbachev. Second, the United States must also put on hold its recent agreement to provide the Soviet Union with food credits. The United States, the true beacon of the free world, must never reward efforts to crush human beings' God-given desire to be free.

Within the next few days, the Soviets' actions in Lithuania and the Baltic republics will tell the story behind their professed reforms. We will know whether Mikhail Gorbachev's perestroika merely leads to retrenchment and a return to aggression, or signals a fundamental shift to freedom and democracy; whether we have witnessed a change in principle or in public relations.

I can only hope that this weekend's tragic episode in Vilnius was a mistaken detour along the path to a more open Soviet society.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,130th day that Terry Anderson has been held captive in Lebanon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. Cranston, Mr. Daschle, Mr. Kerry, Mr. Wirth, Mr. Bingaman, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. DeConcini, Mr. Akaka, Mr. Baucus, Mr. Bryan, Mr. Burdick, Mr. Dixon, Mr. Durenberger, Mr. Gore, Mr. Harkin, Mr. Leahy, Mr. Riegle, Mr. Rockefeller, Mr. Sarbanes, and Mr. Shelby):

S. 1. A bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes; to the Committee on Veterans Affairs.

By Mr. KENNEDY (for himself, Mr. Simon, Mr. Pell, Mr. Bingaman, Mr. Mitchell, Mr. Daschle, Mr. Hollings, Mr. Metzenbaum, Mr. Dodd, Mr. Shelby, Mr. Adams, Mr. Burdick, Mr. Harkin, Mr. Fowler, Mr. Robb, Mr. Sanford, Mr. Bumpers, Ms. Mikulski, Mr. Graham, Mr. Kerry, and Mr. Levin):

S. 2. A bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD (for Mr. Boren (for himself, Mr. Mitchell, Mr. Byrd, Mr. Wirth, Mr. Kerry, Mr. Sanford, Mr. Dodd, Mr. DeConcini, Mr. Bingaman, Mr. Riegle, Mr. Lautenberg, Mr. Adams, Mr. Bradley, and Mr. Harkin)):

S. 3. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes; to the Committee on Rules and Administration.

By Mr. MOYNIHAN (for Mr. Bentsen (for himself, Mr. Mitchell, Mr. Riegle, Mr. Wirth, Mr. Daschle, Mr. Pryor, Mr. Rockefeller, Mr. Bingaman, Mr. Adams, Mr. Kohl, Mr. Gore, and Mr. Kerry)):

S. 4. A bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Wirth, Mr. Kennedy, Mr. Packwood, Mr. Mitchell, Mr. Jeffords, Ms. Mikulski, Mr. Hatfield, Mr. Metzenbaum, Mr. D'Amato, Mr. DeConcini, Mr. Pell, Mr. Simon, Mr. Adams, Mr. Bradley, Mr. Moynihan, Mr. Kerry, Mr. Inouye, Mr. Burdick, Mr. Biden, Mr. Rockefeller, Mr. Gore, Mr. Lieberman, Mr. Lautenberg, Mr. Reid, Mr. Sarbanes, Mr. Akaka, Mr. Bingaman, Mr. Cranston, Mr. Daschle, Mr. Exon, Mr. Harkin, Mr. Riegle, and Mr. Bryan):

S. 5. A bill to grant employees family temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. Simpson, Mr. Domenice Mr. Murkowski, and Mr. Chafee):

S. 6. A bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOLE (for himself and Mr. Simpson):

S. 7. A bill to amend the Federal Election Campaign Act of 1971 to increase competition and fairness in politics, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOLE (for himself, Mr. Mitchell, Mr. Glenn, Mr. Packwood, Mr. Bentsen, Mr. Warner, Mr. Inouye, Mr. Durenberger, Mr. Ford, Mr. Simpson, Mr. Cochran, Mr. Biden, Mr. Bingaman, Mr. Boren, Mr. Bradley, Mr. Brown, Mr. Bryan, Mr. Burdick, Mr. Cranston, Mr. D'Amato, Mr. Danforth, Mr. DeConcini, Mr. Fowler, Mr. Garn, Mr. Gorton, Mr. Graham, Mr. Grassley, Mr. Hatch, Mr. Helms, Mr. Hollings, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kohl, Mr. Lautenberg, Mr. Lieberman, Mr. Lott, Mr. Lugar, Mr. McCain, Ms. Mikulski, Mr. Murkowski, Mr. Nunn, Mr. Pell, Mr. Pressler, Mr. Pryor, Mr. Reid, Mr. Riegle, Mr. Sanford, Mr. Sarbanes, Mr. Simon, Mr. Specter, Mr. Thurmond, Mr. Wirth, Mr. Akaka, Mr. Shelby, Mr. Kerry, Mr. Robb, Mr. Baucus, Mr. Nickles, Mr. McConnell, Mr. Domenici, and Mr. Moynihan):

S. 8. A bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation; to the Committee on Finance.

By Mr. DOLE (for himself and Mr. Simpson):

S. 9. A bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. Simpson, Mr. Nickles, Mr. D'Amato, Mr. Helms, Mr. Cochran, Mr. Mack, Mr. Exon, Mr. Warner, Mr. McConnell, Mr. Durenberger, Mr. Jeffords, Mr. Lugar, Mr. Burns, Mr. Symms, Mr. Smith, Mr. Cohen, and Mr. Roth):

S. 10. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Hollings, Mr. Kasten, Mr. Pell, Mr. Hatch, Mr. Inouye, and Mr. Symms):

S. 11. A bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. Inouye, Mr. Hollings, Mr. Gore, Mr. Lieberman, and Mr. Metzenbaum):

S. 12. A bill to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 13. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain on certain sales of lands subject to ground leases; to the Committee on Finance.

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Warner, and Mr. Robb):

S. 14. A bill to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BIDEN (for himself, Mr. Cohen, Mr. DeConcini, Mr. Dodd, Mr. Inouye, Mr. Coats, Mr. Simon, Mr. Lieberman, Mr. Exon, Mr. Sarbanes, Mr. Reid, Mr. Harkin, Mr. Bryan, Mr. Akaka, Mr. Riegle, Mr. Pell, Mr. Adams, Mr. Packwood, Mr. Shelby, Mr. Kerry, Ms. Mikulski, Mr. Levin, Mr. Cranston, Mr. McConnell, Mr. Boren, and Mr. Rockefeller):

S. 15. A bill to combat violence and crimes against women on the streets and in homes; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. Kennedy, Mr. Specter, Mr. Adams, Mr. D'Amato, Mr. DeConcini, Mr. Simon, Mr. Bradley, Mr. Pryor, Mr. Metzenbaum, Mr. Heinz, Mr. Heflin, Mr. Baucus, Mr. Gorton, Mr. Moynihan, Mr. Cranston, and Mr. Akaka):

S. 16. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

By Mr. LOTT:

S. 17. A bill to provide for a study of the Corinth Battlefield in the State of Mississippi; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 18. A bill to establish constitutional procedures for the imposition of the death penalty for certain Federal offenses; to the Committee on the Judiciary.

S. 19. A bill to provide expedited procedures for the consideration of habeas corpus petitions in capital cases; to the Committee on the Judiciary.

By Mr. ROTH:

S. 20. A bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for Mr. Cranston):

S. 21. A bill to provide for the protection of the public lands in the California desert; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 22. A bill to regulate interstate commerce with respect to parimutuel wagering on greyhound racing, to maintain the stability of the greyhound racing industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for Mr. Simpson (for himself, Mr. Murkowski, Mr. Specter, Mr. Thurmond, Mr. Jeffords, Mr. Lautenberg, and Mr. Nickles)):

S. 23. A bill to amend title 38, United States Code, to index rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep pace with the cost of living; to the Committee on Veterans' Affairs.

By Mr. MOYNIHAN (for himself, Mr. Packwood, Mr. Heinz, Mr. Danforth, Mr. Baucus, Mr. Durenberger, Mr. Boren, Mr. Symms, Mr. Riegle, Mr. Cranston, Mr. Burdick, Mr. Dixon, Mr. Hollings, Mr. Hatfield, Mr. Sarbanes, Mr. Harkin, Mr. Lott, Mr. Kerry, Mr. Reid, Mr. McCain, Mr. Akaka, Mr. Gore, Mr. Kasten, Mr. Johnston, Mr. Lieberman, Ms. Mikulski, Mr. Simon, Mr. Burns, Mr. Glenn, Mr. Mack, Mr. Helms, Mr. Brown, Mr. Bingaman, Mr. Cochran, Mr. Lugar, Mr. D'Amato, and Mr. Sanford):

S. 24. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees; to the Committee on Finance.

By Mr. MITCHELL (for Mr. Cranston (for himself, Mr. Packwood, Mr. Metzenbaum, Mr. Kennedy, Mr. Adams, Mr. Bingaman, Ms. Mikulski, Mr. Pell, Mr. Simon, Mr. Akaka, Mr. Baucus, Mr. Bradley, Mr. Burdick, Mr. Chafee, Mr. Cohen, Mr. Glenn, Mr. Inouye, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Robb, and Mr. Wirth)):

S. 25. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. Packwood, Mr. D'Amato, Mr. Kasten, Mr. DeConcini, Mr. Chafee, and Mr. Lautenberg):

S. 26. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 27. A bill entitled the "Social Security Funds Management Act of 1991"; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Lautenberg):

S. 28. A bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. Akaka, Mr. Bradley, and Mr. Hatfield):

S. 29. A bill to amend title XIX of the Social Security Act to permit coverage of residential drug treatment for pregnant women and certain family members under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 30. A bill to mandate a study of the effectiveness of the National Drug Strategy and to provide for an accounting of funds devoted to its implementation; to the Committee on Labor and Human Resources.

S. 31. A bill to establish a national program to identify contaminated sediments in the Great Lakes and in coastal waters and to restore the quality of these sediments; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself and Mr. Warner):

S. 32. A bill to increase the rate of special pension payable to persons on the Medal of Honor Roll, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MOYNIHAN (for himself, Mr. Bentsen, Mr. Pryor, Mr. Riegle, Mr. Bradley, Mr. DeConcini, Mr. Hatfield, Mr. Sanford, and Mr. Conrad):

S. 33. A bill to establish the Social Security Administration as an independent agency, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 34. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

S. 35. A bill entitled "The Safe Bottled Water Act of 1991"; to the Committee on Environment and Public Works.

S. 36. A bill entitled the "New York City Zebra Mussel Monitoring Act of 1991"; to the Committee on Environment and Public Works.

S. 37. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency; to the Committee on Foreign Relations.

S. 38. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. Baucus, Mr. Chafee, Mr. Lieberman, Mr. Durenberger, Mr. Bradley, Mr. Gore, Mr. Moynihan, Mr. Leahy, Mr. Simon, Mr. Biden, Mr. Harkin, Mr. Kennedy, Mr. Metzenbaum, Mr. Kerry, Mr. Pell, and Mr. Lautenberg):

S. 39. A bill to amend the National Wildlife Refuge Administration Act; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 40. A bill to direct the Secretary of Health and Human Services to develop a prototype of a counterfeit-resistant Social Security card, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. Murkowski, Mr. Simpson, Mr. Thurmond, Mr. Jeffords, Mr. D'Amato, Mr. Warner, Mr. McCain, Mr. Packwood, Mr. Shelby, Mrs. Kassebaum, Mr. Craig, Mr. Gramm, Mr. Dole, Mr. Pressler, Mr. Symms, Mr. Cohen, Mr. Mack, Mr. Hollings, Mr. Lugar, Mr. Cochran, Mr. Kasten, Mr. Coats, Mr. Heinz, Mr. Bond, Mr. Smith, Mr. Durenberger, Mr. Hatfield, and Mr. Nickles):

S. 41. A bill to provide for a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MOYNIHAN:

S. 42. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of linear alkylbenzene sulfonic acid; to the Committee on Finance.

S. 43. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Finance.

S. 44. A bill to amend the Immigration and Nationality Act to admit to the United States for permanent residence aliens holding bachelor of science degrees or post-graduate degrees in natural science, engineering, or computer sciences; to the Committee on the Judiciary.

By Mr. JOHNSTON (for himself and Mr. Breaux):

S. 45. A bill to provide for Federal recognition of the Jena band of Choctows of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. INOUYE:

S. 46. A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 47. A bill to provide relief to shrimp fishermen from economic hardship caused by the mandatory use of turtle excluder devices under the Endangered Species Act, and for other purposes; to the Committee on Finance.

By Mr. SIMON:

S. 48. A bill to amend the Higher Education Act of 1965 to permit the awarding of minority scholarships, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS:

S. 49. A bill to establish an Ocean and Coastal Resources Enhancement Fund and a Coastal Zone Impact Assistance Fund, to require the Secretary of Commerce to provide States and local governments with block grants from moneys in the Funds, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself, Mr. Boren, Mr. Grassley, Mr. Heflin, Mr. Thurmond, Mr. Pryor, Mr. Nickles, Mr. Craig, Mr. Hatch, Mr. Burns, Mr. Helms, and Mr. Wallop):

S. 50. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 51. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture transfer or importation of .25 caliber, .32 caliber and 9 millimeter ammunition; to the Committee on the Judiciary.

S. 52. A bill to direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 53. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. DECONCINI (for himself and Mr. McCAIN):

S. 54. A bill to designate the Salt-Gila Aqueduct of the Central Arizona Project as the "Fannin-McFarland Aqueduct"; to the Committee on Energy and Natural Resources.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. ADAMS, Mr. HARKIN, Mr. BRADLEY, Mr. WELLSTONE, Mr. MOYNIHAN, Mr. BAUCUS, Mr. INOUYE, Mr. SARBANES, Mr. AKAKA, Mr. LEVIN, Mr. CRANSTON, Mr. RIEGLE, Mr. LAUTENBERG, Mr. WIRTH, Ms. MIKULSKI, Mr. DODD, Mr. GORE, Mr. BURDICK, and Mr. ROCKEFELLER):

S. 55. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

By Mr. DECONCINI:

S. 56. A bill to prohibit the receipt of honoraria by Senators; to the Committee on Governmental Affairs.

S. 57. A bill to remove the study and recommendation of pay increases for Members of Congress from the jurisdiction of the Citizens' Commission on Public Service and Compensation, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 58. A bill to establish a national policy for the conservation of biological diversity, to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collections, synthesis, and dissemination of information necessary for these purposes; to the Committee on Environment and Public Works.

S. 59. A bill to mandate a study of the impact on international trade of compliance with international environmental agreements and the justifiability of foreign nation environment, conservation and health laws, and to amend the Trade Act of 1974 and for other purposes; to the Committee on Finance.

S. 60. A bill to amend title IV of the Social Security Act to require States to develop plans for cases where the placement of certain children in foster care or transitional independent living may not be carried out immediately; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. RIEGLE):

S. 61. A bill to amend title IV of the Social Security Act to make improvements in the foster care maintenance payments program, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 62. A bill to amend title XIX of the Social Security Act to require States to provide coverage for mobile outreach units to identify and assist mentally ill homeless individuals; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. KASTEN):

S. 63. A bill to amend Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable in excess of $100 per year; to the Committee on Finance.

By Mr. KENNEDY (for Mr. BINGAMAN (for himself, Mr. PELL, and Mr. MITCHELL)):

S. 64. A bill to provide for the establishment of a National Commission on a Longer School Year, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NICKLES (for himself, Mr. BOREN, Mr. McCONNELL, Mr. REID, Mr. GRASSLEY, Mr. MACK, and Mr. MURKOWSKI):

S. 65. A bill to make the 65 miles-per-hour speed limit demonstration project permanent and available to any State; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 66. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professions loan programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself, Mr. HELMS, and Mr. GRASSLEY):

S. 67. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. INOUYE, and Mr. SHELBY):

S. 68. A bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces; to the Committee on Armed Services.

By Mr. LUGAR (for himself and Mr. COATS):

S. 69. A bill to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, Indiana; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 70. A bill to amend the Public Health Service Act to specify that health maintenance organizations may provide the services of clinical social workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 71. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 72. A bill to designate certain land on the Kootenai and Lolo National Forests in Montana as wilderness, to release other lands on those forests for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 73. A bill to amend title 10, United States Code, to exclude Nurse officers from the computation of authorized grade strength; to the Committee on Armed Services.

S. 74. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 75. A bill to amend the Public Health Service Act to ensure that social work students are eligible for support under the Health Careers Opportunity Program in title VII, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 76. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S. 77. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 78. A bill to provide a 5.4 percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes; to the Committee on Veterans Affairs.

By Mr. INOUYE:

S. 79. A bill to reinstate an oil and gas lease; to the Committee on Energy and Natural Resources.

By Mr. LOTT:

S. 80. A bill to establish a national military park to commemorate the Battle of Corinth in the State of Mississippi; to the Committee on Energy and Natural Resources.

S. 81. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. SHELBY:

S. 82. A bill to allow penalty-free withdrawals from retirement plans by individuals called to active duty in the Armed Forces for Operation Desert Shield; to the Committee on Finance.

By Mr. SYMMS:

S. 83. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures; to the Committee on Finance.

By Mr DURENBERGER:

S. 84. A bill to amend the Internal Revenue Code of 1986 to provide for establishment of a credit for the cost of long-term health care insurance, and for other purposes; to the Committee on Finance.

S. 85. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts withdrawn from individual retirement plans for payment of long-term health care insurance premiums; to the Committee on Finance.

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a uniform Federal tax treatment for employer-provided health care benefits for retired employees; to the Committee on Finance.

S. 87. A bill to amend the Internal Revenue Code of 1986 to provide for establishment of, and a credit for contributions to, long-term health care savings accounts; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. PRYOR, Mr. PACKWOOD, Mr. DOLE, Mr. BAUCUS, Mr. DANFORTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. SYMMS, Mr.

ROTH, Mr. GRASSLEY, Mr. COHEN, Mr. SANFORD, Mr. LUGAR, Mr. BURDICK, Mr. SIMON, and Mr. COCHRAN):

S. 88. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. PRYOR, Mr. PACKWOOD, Mr. BAUCUS, Mr. HEINZ, Mr. SYMMS, Mr. COHEN, Mr. BURDICK, and Mr. LUGAR):

S. 89. A bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BOREN, and Mr. SYMMS):

S. 90. A bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs; to the Committee on Finance.

By Mr. DOMENICI:

S. 91. A bill to provide a comprehensive congressional campaign financing reform to encourage grassroots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

By Mr. PRESSLER:

S. 92. A bill to authorize multiyear contracts in providing small community air service; to the Committee on Commerce, Science, and Transportation.

S. 93. A bill to authorize the Secretary of Transportation to carry out a highway bridge demonstration project to improve the flow of traffic between the States of Nebraska and South Dakota; to the Committee on Environment and Public Works.

S. 94. A bill to authorize the Secretary of Transportation to carry out a highway bridge demonstration project to improve the flow of traffic between the States of Nebraska and South Dakota; to the Committee on Environment and Public Works.

S. 95. A bill to authorize the Secretary of Transportation to carry out a highway demonstration project to improve traffic safety in South Dakota; to the Committee on Environment and Public Works.

S. 96. A bill to authorize the Secretary of Transportation to carry out a highway and bridge demonstration project to improve traffic safety in South Dakota; to the Committee on Environment and Public Works.

S. 97. A bill to amend the Agricultural Act of 1949 to increase the minimum established prices used to calculate deficiency payments for the 1991 through 1995 crops of wheat and feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 98. A bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989; to the Committee on Commerce, Science, and Transportation.

S. 99. A bill to reduce the pay of Members of Congress and certain Executive Officers corresponding to the percentage reduction of the pay of Federal employees who are furloughed or otherwise have a reduction of pay resulting from a sequestration order; to the Committee on Governmental Affairs.

By Mr. SANFORD (for himself, Mr. PELL, Mr. DODD, Mr. LUGAR, Mr. KERRY, Mr. MCCAIN, Mr. LEAHY, Mr. WARNER, Mr. BIDEN, Mr. ROBB, Mr. MOYNIHAN, Mr. GRAHAM, Mr. HARKIN, Mr. MCCONNELL, Mr. ADAMS, Mr. KENNEDY, Mr. DURENBERGER, Mr. WIRTH, Mr. MURKOWSKI, Mr. KOHL, Mr. LEVIN, Mr. BINGAMAN, and Mr. CRANSTON):

S. 100. A bill to set forth United States policy toward Central America and to assist the economic recovery and development of that region; to the Committee on Foreign Relations.

By Mr. SANFORD (for himself, Mr. ROBB, Mr. FORD, Mr. EXON, Mr. MOYNIHAN, Mr. FOWLER, Mr. WIRTH, Mr. DODD, Mr. ADAMS, Mr. GRAHAM, Mr. RIEGLE, and Mr. CONRAD):

S. 101. A bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other committee has thirty days to report or to be discharged.

By Mr. COHEN (for himself, Mr. AKAKA, Mr. BOREN, Mr. BURDICK, Mr. COCHRAN, Mr. GRASSLEY, Mr. HATFIELD, Mr. LIEBERMAN, Mr. LOTT, and Mr. SHELBY):

S. 102. A bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs; to the Committee on Labor and Human Resources.

By Mr. PRESSLER:

S. 103. A bill to entitled the "Corps of Engineers Mitigation Act"; to the Committee on Environment and Public Works.

S. 104. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid by a physician as principal and interest on student loans if the physician agrees to practice medicine for 2 years in a rural community; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. DECONCINI, Mr. THURMOND, Mr. MCCONNELL, Mr. HELMS, Mr. LOTT, Mr. HEINZ, and Mr. DOMENICI):

S. 105. A bill entitled the "The Drug Kingpin Death Penalty Act"; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. SYMMS):

S. 106. A bill to amend the Federal Power Act; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Ms. MIKULSKI, Mr. AKAKA, Mr. SHELBY, and Mr. MACK):

S. 107. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes; to the Committee on Veterans Affairs.

By Mr. PRESSLER:

S. 108. A bill to make a technical amendment to the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. HELMS, Mr. GARN, Mr. SYMMS, and Mr. NICKLES):

S. 109. A bill to amend the Mineral Lands Leasing Act of 1920 to authorize Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the North Slope of Alaska for oil and gas exploration, development, and production; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 110. A bill to remove certain barriers to the free exercise of, and to ensure equal respect for, and treatment of, traditional religious practices by Indians, Alaska Native and Native Hawaiians; to the Select Committee on Indian Affairs.

By Mr. THURMOND:

S. 111. A bill to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 112. A bill to amend the Public Health Service Act to permit the Secretary of Health and Human Services to make certain grants to Native Hawaiin health centers; to the Select Committee on Indian Affairs.

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 113. A bill to amend title 18 of the United Stated Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 114. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees for the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

S. 115. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

S. 116. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

S. 117. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Governmental Affairs.

S. 118. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

S. 119. A bill for the relief of Fanie Pohily Mateo Angeles; to the Committee on the Judiciary.

S. 120. A bill for the relief of Timothy Bostock; to the Committee on the Judiciary.

S. 121. A bill for the relief of Ms. Kinisimere Fonua Suschingg, sons, Georg Cagilaba Suschnigg and Dariush Anthony Suschnigg; to the Committee on the Judiciary.

S. 122. A bill for the relief of Marivic Neri and Miyoshi Neri; to the Committee on the Judiciary.

S. 123. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

S. 124. A bill for the relief of Mark Maio Fernandez; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 125. A bill to deem the strategic Target System program conducted at Kauai, Hawaii, to be a major Federal action for the purposes of the National Environmental Policy Act; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 126. A bill to exempt section 721 of the Defense Production Act of 1950 from termination; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL (for Mr. Cranston, (for himself, Mr. DeConcini, Mr. Graham, Mr. Boren, Ms. Mikulski, Mr. Simon, Mr. Bryan, Mr. Shelby, and Mr. Pell)):

S. 127. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes; to the Committee on Veterans Affairs.

By Mr. KERRY (for himself, Mr. Biden, and Mr. Bradley):

S. 128. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

By Mr. MITCHELL (for Mr. Cranston):

S. 129. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer; to the Committee on Finance.

By Mr. PRESSLER:

S. 130. A bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that no State may allow a low-level radioactive waste facility to be constructed within 50 miles of another State's border without the approval of that State's legislature to the Committee on Energy and Natural Resources.

S. 131. A bill to allow a host compacting State to contract with another compact for disposal of low-level radioactive waste; to the Committee on Energy and Natural Resources.

S. 132. A bill to amend the Low-Level Radioactive Waste Policy Act to require compact states transporting waste to a compact's disposal facility to use routes within that compact; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 133. A bill to provide for comprehensive reforms and to achieve greater equity in the compensation of attorneys pursuant to Federal statute in civil and administrative proceedings in which the United States, or State or local government, is a party; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. Biden):

S. 134. A bill to establish a United States Marshals association; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 135. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 136. A bill to extend public land order 6403 relating to the Waste Isolation Pilot Plant, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 137. A bill to direct the payment of claims against the United States arising out of damage caused to the vessel "Iver Chaser" arising out of the mining of the territorial waters of Nicaragua; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. 138. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers; to the Committee on Finance.

S. 139. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

By Mr. WIRTH (for himself, Mr. Domenici, Mr. Bingaman, Mr. Brown, Mr. Baucus, Mr. Reid, and Mr. Bryan):

S. 140. A bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself and Mr. Packwood):

S. 141. A bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. Hatch, Mr. Simpson, Mr. Grassley, Mr. Symms and Mr. Helms):

S. 142. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary

By Mr. McCONNELL (for himself, Mr. Dole, Mr. Simpson, Mr. Packwood, Mr. Cochran, Mr. Domenici, Mr. Murkowski, Mr. Roth, and Mr. Hatfield):

S. 143. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

By Mr. McCAIN (for himself, Mr. DeConcini, and Mr. Bradley):

S. 144. A bill to protect the natural and cultural resources of the Grand Canyon and Glen Canyon; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 145. A bill to amend chapter 3 of title 11, United States Code, to modify the compensation for private bankruptcy trustees; to the Committee on the Judiciary.

S. 146. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. Hatch, Mr. DeConcini, Mr. Grassley, Mr. D'Amato, Mr. Simpson, Mr. Domenici, Mr. Boren, Mr. Gramm, Mr. Reid, Mr. McCain, Mr. Kasten, Mr. Lott, Mr. McConnell, Mr. Symms, Mr. Burns, and Mr. Smith):

S. 147. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. Hatch, Mr. DeConcini, Mr. D'Amato, Mr. Helms, Mr. Grassley, Mr. Simpson, Mr. Domenici, Mr. Symms, Mr. Gramm, Mr. McCain, and Mr. Nickles):

S. 148. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 149. A bill to amend title 28, United States Code, to provide special habeas corpus procedures in capital cases; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. Danforth, Mr. Boren, Mr. Chafee, Mr. Pryor, Mr. Heinz, Mr. Daschle, Mr. Symms, Mr. Kerry, Mr. Kasten, and Mr. Sanford):

S. 150. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to government bonds; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. Hatch, Mr. DeConcini, Mr. Domenici, Mr. Helms, Mr. D'Amato, Mr. Grassley, Mr. Gramm, Mr. McCain, Mr. Nickles, and Mr. McConnell):

S. 151. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

By Mr. COATS:

S. 152. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000; to the Committee on Finance.

By Mr. COATS (for himself, Mr. McConnell, Mr. Boren, Mr. Domenici, Mr. Grassley, Mr. Ford, Mr. Burns, and Mr. Dole):

S. 153. A bill to authorize States to regulate certain solid waste; to the Committee on Environment and Public Works.

By Mr. NICKLES:

S. 154. A bill to amend the Internal, Code of 1986 to impose a fee on the importation of crude oil and refined petroleum products; to the Committee on Finance.

S. 155. A bill to amend the Internal Revenue Code of 1986 to eliminate Intangible Drilling Costs as Preference Items in the Alternative Minimum Tax; to the Committee on Finance.

By Mr. MITCHELL (for Mr. Cranston (for himself and Mr. Kennedy)):

S. 156. A bill to reform the international military education and training (IMET) program so as to empower civilians in the oversight and management of foreign militaries, and for other purposes; to the Committee on Foreign Relations.

By Mr. RIEGLE:

S. 157. A bill to amend title XVIII of the Social Security Act to waive the late enrollment penalty under Medicare part B for any disabled individual who was covered under his own or his spouse's private employment-related health insurance; to the Committee on Finance.

S. 158. A bill for the relief of Roger Eric Lord; to the Committee on the Judiciary.

S. 159. A bill for the relief of Maria Erica Bartski; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 160. A bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces; to the Committee on Armed Services.

By Mr. INOUYE (for himself and Mr. Akaka):

S. 161. A bill to amend titles XVIII and XIX of the Social Security Act to provide that nurse practitioner or clinical nurse specialist services are covered under part B of Medicare and are a mandatory benefit under Medicaid; to the Committee on Finance.

By Mr. INOUYE:

S. 162. A bill to amend the Public Health Service Act to permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 163. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for energy management improvement of Federal buildings, the acquisition and financing of public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 164. A bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS:

S. 165. A bill entitled the "Legislative Line Item Veto Separate Enrollment Authority Act"; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 166. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the period of time for which unemployment assistance is available in cases of major disasters; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. DURENBERGER, Mr. PELL, Mr. DANFORTH, Mr. SASSER, Mr. PRYOR, Mr. REID, Mr. LEVIN, Mr. DIXON, Mr. SARBANES, Mr. MCCAIN, Mr. SHELBY, Mr. COHEN, Mr. MOYNIHAN, Mr. DASCHLE, Mr. D'AMATO, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. LEAHY, Mr. SYMMS, Mr. SANFORD, Mr. FORD, Mr. BURDICK, Mr. AKAKA, Mr. COCHRAN, Mr. GORTON, Mr. STEVENS, Mr. PRESSLER, Mr. GRAHAM, Mr. GRASSLEY, Mr. THURMOND, Mr. GORE, Mr. CRANSTON, Mr. HOLLINGS, Mr. BOND, Mr. HARKIN, and Mr. BRYAN):

S. 167. A bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 168. A bill to implement certain recommendations of the Garrison Unit Joint Tribal Advisory Committee regarding the entitlement of the Three Affiliated Tribes and the Rock Sioux Tribe to additional financial compensation for the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HOLLINGS:

S. 169. A bill entitled the "Deficit and Debt Reduction Act of 1991"; to the Committee on Finance.

By Mr. THURMOND:

S. 170. A bill to amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

By Mr. ROTH:

S. 171. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 172. A bill to amend the U.S. Housing Act of 1937 to provide for a minimum annual payment to municipalities for providing services and facilities to Indian assisted public housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. BREAUX, Mr. STEVENS, Mr. BURNS, Mr. ADAMS, and Mr. COCHRAN):

S. 173. A bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 174. A bill to amend the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 175. A bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 176. A bill to amend title 38, United States Code, to provide for the payment of incentive special pay to Department of Veterans Affairs psychologists who obtain certain board certification in a professional specialty; to the Committee on Veterans Affairs.

S. 177. A bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes; to the Committee on Armed Services.

S. 178. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

S. 179. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 180. A bill to amend title XVIII of the Social Security to provide coverage for services of registered nurses as assistants at surgery; to the Committee on Finance.

By Mr. INOUYE:

S. 181. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

S. 182. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

By Mr. HELMS:

S. 183. A bill to amend title 18, United States Code, to establish fair competition between the private sector and the Federal Prison Industries; to the Committee on the Judiciary.

S. 184. A bill to make it a violation of right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; to the Committee on the Judiciary.

S. 185. A bill to control the spread of AIDS, and for other purposes; to the Committee on Labor and Human Resources.

S. 186. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; to the Committee on Labor and Human Resources.

S. 187. A bill to protect the lives of unborn human beings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THURMOND (for himself, Mr. BIDEN, and Mr. KENNEDY):

S. 188. A bill to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of supervised release; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, and Mr. BIDEN):

S. 189. A bill to amend title 18, United States Code, relating to the protection of officers and employees of the United States; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, and Mr. AKAKA):

S. 190. A bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran; to the Committee on Veterans Affairs.

By Mr. THURMOND:

S. 191. A bill to grant a Federal charter to the National Association of Women Veterans, Inc.; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. GRASSLEY, Mr. MCCONNELL, and Mr. COATS):

S. 192. A bill to provide criminal penalties for the mailing of unsolicited sexually oriented advertisements, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 193. A bill to provide for the restoration of certain Medicare catastrophic benefits, plus addition of colon cancer screening benefit; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. MACK, Mr. NICKLES, Mr. D'AMATO, Mr. HATCH, Mr. COCHRAN, Mr. GRASSLEY, Mr. HEFLIN, Mr. KASTEN, Mr. LUGAR, Mr. MCCONNELL, Mr. PRESSLER, Mr. ROTH, Mr. SHELBY, Mr. SIMPSON, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. GORTON, Mr. BURNS, Mr. DURENBERGER, Mr. CRAIG, Mr. JEFFORDS, Mr. BROWN, Mr. STEVENS, and Mr. GRAMM):

S. 194. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

By Mr. PRESSLER:

S. 195. A bill to reform the tort law doctrine of joint and several liability; to the Committee on the Judiciary.

By Mr. COATS (for himself, Mr. MCCAIN, Mr. DOLE, Mr. EXON, Mr. GRAMM, Mr. LUGAR, Mr. MCCONNELL, Mr. WALLOP, Mr. NICKLES, Mr. SIMPSON, Mr. BOND, Mr. MACK, Mr. SMITH, Mr. PRESSLER, Mr. WARNER, Mrs. KASSEBAUM, Mr. ROTH, Mr. HELMS, Mr. GARN, Mr. CHAFEE, Mr. SYMMS, Mr. LOTT, Mr. KASTEN, Mr. BROWN, Mr. CRAIG, Mr. THURMOND, and Mr. MURKOWSKI):

S. 196. A bill to grant the power to the President to reduce budget authority; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

By Mr. MCCONNELL (for himself, Mr. ROCKEFELLER, Mr. FORD, and Mr. COATS):

S. 197. A bill to authorize each of the several States to impose fees in connection with solid waste treated or disposed of in such State; to the Committee on Environment and Public Works.

By Mr. WALLOP (for himself and Mr. CRANSTON):

S. 198. A bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Bill of Rights; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL (for Mr. GLENN (for himself and Mr. MCCAIN)):

S. 199. A bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. HOLLINGS, Mr. RIEGLE, Mr. EXON, Mr. BOREN, Mr. BUMPERS, Mr. BURDICK, Mr. HELMS, Mr. WALLOP, Mr. COCHRAN, Mr. FOWLER, and Mr. DURENBERGER):

S. 200. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements; to the Committee on Finance.

By Mr. GORE (for himself and Mr. WIRTH):

S. 201. A bill to respond to the global environment degradation brought on by human activities by reversing the trends that are presently altering or destroying vast portions of the biosphere, and to ensure that United States policies provide for the protection of the world environment from future degradation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN:

S. 202. A bill to amend the Fair Labor Standards Act of 1938 to exempt from such act certain individuals involved in model garment programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MITCHELL (for Mr. GLENN (for himself and Mr. MCCAIN)):

S. 203. A bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986; to the Committee on Armed Services.

S. 204. A bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty; to the Committee on Armed Services.

S. 205. A bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service; to the Committee on Governmental Affairs.

By Mr. MCCONNELL:

S. 206. A bill to make available on a permanent basis a 65-mile-per-hour speed limit on certain qualifying highways in any State; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. KERREY, Mr. BOND, Mr. DODD, and Mr. HEINZ):

S. 207. A bill to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the United States financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE:

S. 208. A bill to provide Federal grants to States for programs to identify and aid individuals who have been exposed to the drug diethylstilbestrol [DES]; to the Committee on Labor and Human Resources.

S. 209. A bill to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. PACKWOOD, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. DASCHLE, Mr. DECONCINI, Mr. DURENBERGER, Mr. GORE, Mr. HARKIN, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. LEVIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, Mr. SARBANES, Mr. SIMON, Mr. SPECTER, Mr. WIRTH, Mr. ROCKEFELLER, Mr. GLENN, Mr. DODD, Mr. GRAHAM, Mr. HEINZ, Mr. ROBB, and Mr. WELLSTONE):

S.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 4. Joint resolution proposing a constitutional amendment to authorize the President to exercise a line-item veto over individual items of appropriation; to the Committee on the Judiciary.

S.J. Res. 5. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S.J. Res. 6. Joint resolution to designate the year 1992 as the "Year of the Wetlands"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. THURMOND, Mr. HATCH, and Mr. GRASSLEY):

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. BURDICK:

S.J. Res. 8. Joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. NICKLES, Mr. HELMS, Mr. DECONCINI, Mr. SYMMS, Mr. ROTH, Mr. MCCONNELL, Mr. GRAMM, Mr. HEFLIN, Mr. GARN, Mr. WALLOP, Mr. PRESSLER, Mr. BURNS, Mr. D'AMATO, Mr. STEVENS, Mr. BOND, Mr. CRAIG, Mr. KASTEN, Mr. LUGAR, and Mr. JOHNSTON):

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. SANFORD:

S.J. Res. 10. Joint resolution declaring the policy of the Congress that military force be used against Iraq only as a last resort and then only in a manner consistent with the Constitution of the United States; to the Committee on Foreign Relations.

By Mr. SYMMS (for himself, Mr. THURMOND, Mr. DOLE, Mr. HELMS, Mr. COATS, Mr. NICKLES, Mr. CRAIG, Mr. BROWN, Mr. SMITH, Mr. BURNS, Mr. MCCAIN, Mr. BOND, Mr. KASTEN, Mr. WALLOP, and Mr. LUGAR):

S.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. SYMMS):

S.J. Res. 12. Joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. DECONCINI):

S.J. Res. 13. Joint resolution to express the sense of the Congress regarding the removal of offensive sexual material for television broadcasting; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself, Mr. NICKLES, Mr. MCCAIN, Mr. HELMS, Mr. GRASSLEY, and Mr. BROWN):

S.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. SYMMS, Mr. MCCONNELL, and Mr. HELMS):

S.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 16. Joint resolution designating the week of April 21–27, 1991, as "National Crime Victims' Rights Week"; to the Committee on the Judiciary.

S.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. THURMOND, Mr. DECONCINI, Mr. HATCH, Mr. HEFLIN, Mr. SIMPSON, and Mr. GRASSLEY):

S.J. Res. 18. Joint resolution proposing an amendment to the constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. HEFLIN:

S.J. Res. 19. Joint resolution proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on the Judiciary.

By Mr. ADAMS (for himself and Mr. HARKIN):

S.J. Res. 20. Joint resolution providing statutory authorization for United States participation in multilateral efforts to restore the sovereignty of Kuwait and to deter and, if necessary, defend against further Iraqi aggression, and for other purposes; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. BRADLEY, Mr. SARBANES, Mr. RIEGLE, Mr. WIRTH, Mr. BINGAMAN, and Mr. GORE):

S.J. Res. 21. Joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S.J. Res. 22. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 23. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 24. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 25. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 26. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 27. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 28. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 29. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 30. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 31. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 32. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 33. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 34. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. DODD, Mr. DECONCINI, Mr. CRANSTON, Mr. SHELBY, Mr. BURDICK, and Mr. SANFORD):

S.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections; to the Committee on the Judiciary.

By Mr. PRESSLER:

S.J. Res. 36. Joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 13. Resolution to refer S. 46, entitled "A bill for the relief of Sascha Glade Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer" to the chief judge of the U.S. Claims Court for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. CRANSTON, Mr. DASCHLE, Mr. KERRY, Mr. WIRTH, Mr. BINGAMAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. DECONCINI, Mr. AKAKA, Mr. BAUCUS, Mr. BRYAN, Mr. BURDICK, Mr. DIXON, Mr. DURENBERGER, Mr. GORE, Mr. HARKIN, Mr. LEAHY, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. SHELBY):

S. 1. A bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' COMPENSATION COST-OF-LIVING INCREASE AND AGENT ORANGE ACT

Mr. MITCHELL. Mr. President, I am pleased to introduce as the first piece of legislation that will be considered by the Senate in the 102d Congress S. 1, the Veterans Compensation Cost-of-Living Increase and Agent Orange Act of 1991.

Joining me in this effort are three of the most active veterans advocates in the U.S. Senate, ALAN CRANSTON, the chairman of the Veterans' Affairs Committee, TOM DASCHLE, and JOHN KERRY.

S. 1 will improve Federal assistance to disabled veterans and the survivors of veterans who have died from service-connected disabilities by providing a full compensation cost-of-living adjustment or COLA to eligible veterans and their survivors.

As my colleagues know, the U.S. Government provides compensation benefits to service-disabled veterans and their survivors in order to compensate them for the loss of earning capacity due to those disabilities. The monthly compensation paid to each veteran is based on the degree of disability and the number of dependents. In the case of a veteran's survivors, compensation benefits are based on the veteran's service rank.

The compensation and DIC programs are not indexed to any inflation factor as are most other Federal entitlement programs. Veterans and their survivors depend on Congress to enact annual cost-of-living adjustments or COLA's to prevent the erosion of their benefits.

In the closing days of the 101st Congress, legislation that would have provided cost-of-living increase in the veterans disability compensation and survivors benefits programs were derailed in both Houses over controversy with agent orange.

In the Senate, the COLA's were included in S. 2100, the Veterans Benefits and Health Care Amendments of 1990, reported by the Senate Veterans' Affairs Committee in July.

There was no opposition to the compensation COLA provisions in S. 2100, but Senators who opposed other provisions, particularly those related to agent orange compensation and research, made it impossible to reach a unanimous consent agreement that would have allowed debate and votes on these issues.

As a result, S. 2100 was never brought to the Senate floor for consideration. Disabled veterans and their survivors were the only recipients of Federal entitlement programs who did not receive a COLA prior to the adjournment of the 101st Congress. That situation requires immediate correction by this Congress.

S. 1 will do that by increasing the monthly rates of disability compensation and of dependency and indemnity compensation [DIC] by 5.4 percent, effective retroactively to January 1, 1991.

In addition, and no less importantly, S. 1 will mandate an independent review of the health effects of veterans exposure to agent orange or other herbicides while serving in the Republic of Vietnam.

For more than a decade, Vietnam veterans and their families have pressed the Federal Government on three fronts related to exposure to agent orange and other herbicides in Vietnam. These individuals have demanded: First, compensation for their disabilities when they are related to exposure; second, answers to their questions about the adverse health effects of exposure and, third, access to VA health care for these disabilities.

Under the leadership of Senator CRANSTON and bolstered by the energy and advocacy of Senators DASCHLE and KERRY, the Senate has several times passed legislation addressing those issues.

In the 101st Congress, the Senate twice approved legislation to provide compensation for veterans suffering from three diseases associated with agent orange exposure and to help resolve the scientific questions about the health effects of veterans' exposure to agent orange or other herbicides.

The agent orange provisions which were at the heart of the dispute over S. 2100 were substantially similar to the agent orange legislation previously passed by the Senate. They are also the basis for the agent orange provisions included in S. 1. These provisions would:

First, codify administrative presumptions of service-connection for the following diseases by reason of service in the Republic of Vietnam: Non-Hodgkin's lymphoma; soft-tissue sarcoma other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma or mesothelioma; and chloracne becoming manifest within 1 year of service in the Republic of Vietnam;

Second, provide for the Secretary of Veterans Affairs to obtain a review by the National Academy of Science of the available scientific evidence regarding the health effects of exposure to dioxin or other chemicals herbicides used in the Vietnam war.

Third, establish a mechanism for the Secretary of Veterans Affairs to prescribe regulations to provide service-connection for other diseases when the Secretary determines, based on sound medical and scientific evidence, including the National Academy of Science's review, that an association exists between exposure and the occurrence of the disease in humans.

Fourth, reinstate through December 31, 1993, the recently expired authority for priority VA health-care for veterans exposed to agent orange or ionizing radiation.

As my colleagues are aware, there is some debate among veterans and their advocates over whether or not agent orange should be considered in conjunction with the retroactive cola or whether veterans are better served by putting off consideration of agent orange for some uncertain time and passing immediately a "clean COLA."

I am of the view that the two issues are important and deserving of immediate consideration.

In addition, Mr. President, the provisions related to agent orange in S. 1, based on provisions that have been twice passed in the last Congress, by themselves are not impediments to the timely passage of the retroactive cost-of-living adjustment if interested Senators work in good faith to reach agreement on the consideration of both issues.

Senator CRANSTON's Veterans' Affairs Committee staff is prepared to start immediately working with interested Senators and other parties to reach such an agreement. I very much hope that agreement can be reached in a short time.

Mr. President, no one questions that America has a special obligation to the men and women who have served the United States in the defense of our Nation. It is in large part their sacrifice and their suffering that has made this country great, which has kept this Nation free.

If for no other reason, this service entitles them to continuing support by the U.S. Government long after actual service has been completed. But, in addition, care for our veterans must be seen to be as important to our national defense as the newest missile or the smartest bomb.

Today, thousands of American troops are massed in Saudi Arabia. Congress has authorized the President to send these men and women into harm's way against a modern army of a brutal dictator. We have in the Middle East the best, most modern military hardware and technology.

But more important, we have the morale, the spirit and the courage of the American men and women who serve us in the Armed Forces, for it is they who operate the hardware and understand the technology. The fact is that every military organization, indeed every human society, rises or falls on human will, human resolve, human courage.

If our Nation fails to meet its obligation to those who served in times of crisis in the past, it will be unable to summon those needed to serve in times of crisis in the future.

So, in addition to providing a measure of economic relief and justice to those who have served before, enactment of S. 1 should also serve as a signal to those who serve in today's Armed Forces that this country recognizes and will meet it most fundamental and sacred obligation to them now and in years to come.

In closing, Mr. President, I hope swift enactment of S. 1 can be accomplished by this Senate. I encourage my colleagues to work with me to that end.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Cost-of-Living Increase and Agent Orange Act of 1991".

(b) REFERENCES TO TITLE 38.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION RATE INCREASES

SEC. 101. DISABILITY COMPENSATION.

(a) 5.4-PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$76" in subsection (a) and inserting in lieu thereof "$80";

(2) by striking out "$144" in subsection (b) and inserting in lieu thereof "$151";

(3) by striking out "$220" in subsection (c) and inserting in lieu thereof "$231";

(4) by striking out "$314" in subsection (d) and inserting in lieu thereof "$330";

(5) by striking out "$446" in subsection (e) and inserting in lieu thereof "$470";

(6) by striking out "$562" in subsection (f) and inserting in lieu thereof "$592";

(7) by striking out "$710" in subsection (g) and inserting in lieu thereof "$748";

(8) by striking out "$821" in subsection (h) and inserting in lieu thereof "$865";

(9) by striking out "$925" in subsection (i) and inserting in lieu thereof "$974";

(10) by striking out "$1,537" in subsection (j) and inserting in lieu thereof "$1,620";

(11) by striking out "$1,911" and "$2,679"in subsection (k) and inserting in lieu thereof "$2,014" and "$2,823", respectively;

(12) by striking out "$1,911" in subsection (l) and inserting in lieu thereof "$2,014";

(13) by striking out "$2,107" in subsection (m) and inserting in lieu thereof "$2,220";

(14) by striking out "$2,397" in subsection (n) and inserting in lieu thereof "$2,526";

(15) by striking out "$2,679" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,823";

(16) by striking out "$1,150" and "$1,713" in subsection (r) and inserting in lieu thereof "$1,212" and "$1,805", respectively; and

(17) by striking out "$1,720" in subsection (s) and inserting in lieu thereof "$1,812".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases authorized by subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$92" in clause (A) and inserting in lieu thereof "$96";

(2) by striking out "$155" and "$48" in clause (B) and inserting in lieu thereof "$163" and "$50", respectively;

(3) by striking out "$64" and "$48" in clause (C) and inserting in lieu thereof "$67" and "$50", respectively;

(4) by striking out "$74" in clause (D) and inserting in lieu thereof "$77";

(5) by striking out "$169" in clause (E) and inserting in lieu thereof "$178"; and

(6) by striking out "$142" in clause (F) and inserting in lieu thereof "$149".

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$414" and inserting in lieu thereof "$436".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$594	W–4	$852
E–2	612	0–1	752
E–3	629	0–2	776
E–4	668	0–3	831
E–5	686	0–4	879
E–6	701	0–5	969
E–7	735	0–6	1,094
E–8	776	0–7	1,181
E–9	[1]811	0–8	1,295
W–1	752	0–9	1,389
W–2	782	0–10	[2]1,524
W–3	805		

"[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

"[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,633.";

(2) by striking out "$65" in subsection (b) and inserting in lieu thereof "$68";

(3) by striking out "$169" in subsection (c) and inserting in lieu thereof "$178"; and

(4) by striking out "$83" in subsection (d) and inserting in lieu thereof "$87."

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC for Orphan Children.—Section 413(a) is amended—

(1) by striking out "$284" in clause (1) and inserting in lieu thereof "$299";

(2) by striking out "$409" in clause (2) and inserting in lieu thereof "$431";

(3) by striking out "$529" in clause (3) and inserting in lieu thereof "$557"; and

(4) by striking out "$529" and "$105" in clause (4) and inserting in lieu thereof "$557" and "$110", respectively.

(b) Supplemental DIC for Disabled Adult Children.—Section 414 is amended—

(1) by striking out "$169" in subsection (a) and inserting in lieu thereof "$178";

(2) by striking out "$284" in subsection (b) and inserting in lieu thereof "$299"; and

(3) by striking out "$144" in subsection (c) and inserting in lieu thereof "$151".

SEC. 106. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this title shall take effect as of January 1, 1991.

TITLE II—AGENT ORANGE EXPOSURE AND VIETNAM SERVICE

SEC. 201. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN VETERANS WHO SERVED IN VIETNAM.

Section 312 is amended by adding at the end the following new subsection:

"(d)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest as specified in such paragraph in a veteran who, during active military, naval, or air service, served in Vietnam during the Vietnam era shall be considered to have been incurred in or aggravated by such service in Vietnam notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

"(A) Non-Hodgkin's lymphoma becoming manifest to a 10-percent degree of disability or more.

"(B) Each soft-tissue sarcoma becoming manifest to a 10-percent degree of disability or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

"(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a 10-degree of disability or more within one year after the last date on which the veteran performed active military, naval, or air service in Vietnam during the Vietnam era.".

SEC. 202. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EFFECTS OF EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) Findings.—Congress makes the following findings:

(1) It is in the public interest to provide for an independent nonprofit scientific organization which has appropriate expertise and is not connected to the Department of Veterans Affairs to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides and to make judgments on the degree and probability of such associations, because there is no uniform body of scientific literature on such issues.

(2) The standard of proof required for a scientific conclusion of causation is higher than the standard of proof required for justification of a presumption, for purposes of veterans disability compensation laws, that an adverse health effect is connected, based on sound medical and scientific evidence, to active service in the Armed Forces of the United States.

(b) In General.—(1) Subchapter II of chapter 11 isseded by inserting after section 312 the following new section:

"§312A. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents

"(a) In General.—(1) For the purposes of section 310 of this title, and subject to section 313 of this title, in the case of a Vietnam veteran who, during Vietnam service, was exposed to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid or to any other herbicide agent, each disease (if any) listed in regulations prescribed by the Secretary in accordance with this section and identified in such regulations as having positive association with the biological effects of exposure to such herbicide agent shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) For the purposes of this subsection, a veteran who performed Vietnam service and has a disease referred to in paragraph (1) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish conclusively that the veteran was not exposed to any such agent during such service.

"(3) The Secretary may extend the applicability of paragraph (1) of this subsection to the case of any veteran who, during the performance of active military, naval, or air service outside Vietnam, was exposed to an agent of the same type as the herbicide agent referred to in paragraph (1) of this subsection.

"(b) Diseases to be Prescribed in Regulations.—(1) Whenever the Secretary determines pursuant to this section that there is positive association between any disease and the biological effects of exposure to an herbicide agent in Vietnam, the Secretary shall prescribe regulations listing each disease having such positive association. In the case of each disease listed in the regulations, the Secretary shall identify the herbicide agent that causes the biological effects with which the disease has positive association. After the Secretary prescribes regulations pursuant to this paragraph, the Secretary shall periodically revise such regulations, as appropriate, to reflect determinations periodically made pursuant to paragraph (2) of this subsection.

"(2) The Secretary shall periodically (not less often than biennially)—

"(A) determine whether any disease not listed in regulations under this section has positive association with such effects; and

"(B) determine whether any disease listed in such regulations does not have positive association with such effects.

"(3) The Secretary shall make determinations for the purpose of this subsection on the basis of reports received by the Secretary from a contract scientific organization pursuant to this section and all other relevant scientific evidence, information, or analyses available to the Secretary at the time of the determinations.

"(c) Utilization of Contract Scientific Organization.—In prescribing and revising regulations for the purposes of subsection (b), the Secretary shall obtain, by contract, the determinations and estimates of a contract scientific organization as provided in this section.

"(d) Required Activities of Contract Scientific Organizations.—(1) Each contract entered into under subsection (c) of this section shall provide for a contract scientific organization—

"(A) to determine, in the case of each herbicide agent—

"(i) which diseases (if any) have positive association with the biological effects of exposure to such agent, including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects;

"(ii) which diseases (if any) have limited positive association with such biological effects;

"(iii) which diseases (if any) have insubstantial association with such biological effects; and

"(iv) to the extent practicable, the biological basis for the positive, limited positive, and insubstantial associations of diseases referred to in subclauses (i), (ii), and (iii) of this clause with such biological effects; and

"(B) to estimate the extent of the association between each such disease and such biological effects using methods as quantitative and as objective as the relevant available data permit.

"(2) The contract scientific organization shall specifically determine whether there is positive, limited positive, or insubstantial association between the biological effects referred to in paragraph (1) of this subsection and the following diseases:

"(A) Lung cancer.

"(B) Each other cancer.

"(e) Required Provisions for First Contract.—(1) The first contract entered into under subsection (c) of this section shall provide for the contract scientific organization—

"(A) to conduct as comprehensive a survey and evaluation as is practicable of the completed and ongoing scientific studies of, and other scientific evidence or information regarding, the effects that herbicide agents have on humans or other animals that have been exposed to such agents; and

"(B) make its determinations and estimates on the basis of the results of such survey and evaluation.

"(2) The contract scientific organization shall conduct the survey and evaluation referred to in paragraph (1)(A) of this subsection through a panel composed of recognized experts in toxicology, medicine, epidemiology, statistics, biochemistry, and related fields. The conduct of such survey shall be subject to appropriate peer review.

"(f) REQUIRED CONTRACT PROVISIONS RELATING TO PERIODIC DETERMINATIONS OF THE SECRETARY.—A contract entered into under subsection (c) of this section in connection with the Secretary's periodic determinations under subsection (b)(2) of this section shall require a contract scientific organization—

"(1) to conduct as comprehensive a survey and evaluation as is practicable of the scientific studies, evidence, and information referred to in subsection (e)(1)(A) of this section that have become available since the last such survey and evaluation under this section; and

"(2) make its determinations and estimates on the basis of the results of such survey and evaluation and all other surveys and evaluations conducted for the purposes of this section.

"(g) REPORTS OF CONTRACT SCIENTIFIC ORGANIZATIONS.—(1) Each contract scientific organization making determinations and estimates under this section shall transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives a written report regarding its determinations and estimates.

"(2) Each report shall contain—

"(A) the name of each disease (if any) determined to have positive association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent;

"(B) the name of each disease (if any) determined to have limited positive association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent;

"(C) the name of each disease (if any) determined to have insubstantial association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent; and

"(D) with respect to each disease named pursuant to clauses (A), (B), and (C) of this paragraph—

"(i) a discussion of the biological basis for the association;

"(ii) the contract scientific organization's estimate of the statistical significance of the association;

"(iii) the contract scientific organization's estimate of the relative risk for such disease in veterans who, during Vietnam service, were exposed to an herbicide agent; and

"(iv) the probability that the estimates referred to in subclauses (ii) and (iii) are correct.

"(3) Estimates and probabilities are not required under clauses (ii), (iii), and (iv) of paragraph (2)(D) of this subsection when the available data do not permit meaningful estimates and probabilities.

"(4)(A) If a contract scientific organization determines that a disease has positive association with the biological effects of exposure to an herbicide agent used in Vietnam, such organization shall determine whether there is a reasonable basis for concluding that a Vietnam veteran with the highest level of exposure to that herbicide agent in Vietnam was exposed to such agent under the circumstances necessary for such biological effects.

"(B) If a contract scientific organization determines that there is no such reasonable basis, the organization shall state that determination in a report under this subsection and include in such report—

"(i) a description of the evidence that supports such determination;

"(ii) a description of the evidence (if any) that supports alternative conclusions; and

"(iii) a full discussion of the organization's reasons for such determination, including a discussion of the reasons for the organization's determination that the evidence referred to in clause (i) of this subparagraph outweighs the evidence (if any) referred to in clause (ii) of this subparagraph.

"(C) A determination with respect to reasonable basis is not required under subparagraph (A) of this paragraph when the available data do not permit a meaningful determination.

"(5) The first report under this subsection shall be transmitted to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives on or before the date one year after the date of the enactment of the Veterans' Compensation Cost-of-Living Increase and Agent Orange Act of 1991.

"(h) ACTIONS OF THE SECRETARY AFTER RECEIVING THE FIRST REPORT.—(1) Not later than 60 days after the date on which the Secretary receives the first report under subsection (g) of this section, the Secretary shall—

"(A) for the purpose of subsection (b)(1) of this section—

"(i) determine in accordance with subsection (b)(3) of this section whether there is positive association between any disease and the biological effects of exposure to an herbicide agent in Vietnam; and

"(ii) if so, issue proposed regulations listing each such disease and specifying such agent;

"(B) transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the scientific basis for including each disease listed in such proposed regulations, and

"(C) if any disease listed in the first report under subsection (g) of this subsection as having positive association is not listed in such proposed regulations—

"(i) include in the report to the Committees on Veterans' Affairs the scientific basis for not including that disease in the proposed regulations; and

"(ii) publish in the Federal Register a notice that such disease is not listed in the proposed regulations despite the report under subsection (g) and include in such notice a discussion of such scientific basis.

"(2) Not later than 60 days after the date on which the Secretary issues any proposed regulations pursuant to paragraph (1) of this subsection, the Secretary shall issue final regulations under subsection (b) of this section. Such regulations shall be effective on the date of issuance.

"(i) ACTIONS OF THE SECRETARY AFTER RECEIVING A PERIODIC REPORT.—(1) Upon receiving a contract scientific organization's report after a periodic survey and evaluation conducted for the purpose of subsection (b)(2) of this section, the Secretary shall—

"(A) determine in accordance with subsection (b)(3) of this section whether—

"(i) any disease named in such report not listed in regulations under subsection (b) of this section has positive association with the biological effects of exposure to an herbicide agent in Vietnam; and

"(ii) any disease listed in such regulations does not have positive association with such effects; and

"(B) promptly transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the Secretary's determinations under clause (A) of this paragraph and the scientific bases for such determinations.

"(2)(A) Not later than 60 days after transmitting a report to the Committees on Veterans' Affairs under paragraph (1)(B) of this subsection, the Secretary shall prescribe or revise regulations, as the case may be, pursuant to subsection (b) of this section as may be necessary to reflect the Secretary's determinations included in that report. The regulations or revisions of regulations, as the case may be, shall take effect 30 days after the date on which the Secretary issues the proposed regulations or revisions, as the case may be.

"(B) If any disease listed in a periodic report under subsection (g) of this section as having positive association is not listed in such regulations or revisions of regulations, as the case may be, the Secretary shall, not later than 60 days after transmitting a report under subparagraph (A) of this paragraph, publish in the Federal Register a notice that such disease is not listed in the proposed regulations despite such report and include in such notice a discussion of the scientific basis for not including that disease in such regulations or revisions.

"(j) EFFECT OF REMOVAL OF DISEASE FROM REGULATIONS.—Whenever a disease is removed from regulations pursuant to paragraph (2) of subsection (i) of this section as a result of a determination under paragraph (1)(A)(ii) of such subsection—

"(1) any veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) of this section before the effective date of the removal shall continue to be entitled to receive compensation on such basis; and

"(2) any survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

"(k) LIMITATION ON CONTRACT AUTHORITY.—The contract authority provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

"(l) TERMINATION OF EFFECTIVENESS OF THIS SECTION.—(1) Subsections (b) through (i) and (k) of this section shall cease to be effective 10 years after the first day of the fiscal year in which a contract scientific organization transmits to the Secretary the first report under subsection (g) of this section.

"(2) Paragraph (1) of this subsection shall not affect the continued effectiveness of—

"(A) subsection (a) of this section and the regulations referred to in such subsection; and

"(B) subsection (j) of this section.

"(m) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Vietnam veteran' means a veteran who performed Vietnam service.

"(2) The term 'Vietnam service' means active military, naval, or air service in Vietnam during the Vietnam era.

"(3) The term 'herbicide agent' means an agent in an herbicide used in support of

United States and allied military operations in Vietnam during the Vietnam era.

"(4) The term 'biological effect', with respect to exposure to an herbicide agent, means—

"(A) each known biological effect of such exposure on humans, including those biological effects resulting from relevant host and environmental factors; and

"(B) each biological effect of such exposure on humans that it is reasonable to infer on the basis of the known biological effects of such exposure on appropriate animal models.

"(5) The term 'positive', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(6) The term 'limited positive', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that the credible evidence against the association outweighs the credible evidence for the association but that there is substantial credible evidence for the association.

"(7) The term 'insubstantial', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that there is some credible evidence for the association but the evidence is not substantial.

"(8) The term 'relative risk', with respect to a report of a contract scientific organization for the purposes of subsection (g) of this section, shall have the meaning determined by such organization and specified in such report.

"(9) The term 'contract scientific organization', with respect to a contract under this section, means—

"(A) the National Academy of Sciences; or

"(B) in the event that the Secretary determines that the National Academy of Sciences is unwilling to enter into such contract, any other appropriate private nonprofit scientific organization which has appropriate expertise and has no connection with the Department of Veterans Affairs and which the Secretary identifies to the Committees on Veterans' Affairs of the Senate and the House of Representatives in a written notification received by such committees at least 90 days before the date on which such contract is entered into.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

"312A. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents.".

(c) Conforming Amendment.—Section 313 is amended by inserting "or 312A" after "section 312" each place it appears.

SEC. 203. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

(a) In General.—The Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in Vietnam during the Vietnam era.

(b) Annual Report.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary;

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in Vietnam during the Vietnam era; and

(7) the evaluation of such report submitted by the Director of the Office of Technology Assessment pursuant to subsection (c)(2).

(c) Consultation With OTA.—(1) The Secretary of Veterans Affairs shall consult with the Director of the Office of Technology Assessment before compiling and analyzing any information under this section and shall submit each annual report required by subsection (b) to the Director before submitting such report to the committees referred to in such subsection.

(2) The Director of the Office of Technology Assessment shall review each annual report submitted under paragraph (1) and transmit to the Secretary of Veterans Affairs the Director's evaluation of the content of the report.

(d) First Report.—The first report under subsection (b) shall be submitted one year after the date of the enactment of this Act.

SEC. 204. TISSUE ARCHIVING SYSTEM.

(a) Establishment of System.—For the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in Vietnam during the Vietnam era. The system may be administered by the Department of Veterans Affairs or under a contract awarded by the Secretary, whichever is more cost-effective.

(b) Security of Specimens.—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) Authorized Use of Specimens.—The Secretary may make blood and tissue available from the system for research referred to in subsection (a) in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) Limitations on Acceptance of Samples.—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in the first sentence of subsection (a).

(e) Consultation Requirements.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences, the Secretary shall consult with the National Academy of Sciences regarding the establishment and maintenance of the tissue archiving system under this section, including any limitation to be prescribed under subsection (d).

(2) In the event that the National Academy of Sciences does not enter into an agreement for consultation under paragraph (1), the Secretary shall consult with the Director of the Office of Technology Assessment on the establishment and maintenance of the tissue archiving system under this section, including any limitation to be prescribed under subsection (d).

(f) Contract Authority Subject to Appropriation.—The contract authority provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

SEC. 205. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) Establishment of Program.—The Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in Vietnam during the Vietnam era.

(b) Program Requirements.—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) Report.—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) Consultation With the National Academy of Sciences.—To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences (1) the Secretary shall consult with the National Academy of Sciences regarding the establishment and administration of the program under subsection (a) and (2) the National Academy of Sciences shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program. The agreement shall require the National Academy of Sciences to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the National Academy of Sciences considers appropriate regarding any studies reviewed under the agreement.

(e) AUTHORITY SUBJECT TO APPROPRIATION.—The authorities to enter into contracts and to furnish financial assistance provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

SEC. 206. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

(1) in clause (1), by striking out ", as such information on health risks becomes known";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting "(1)" after "PROGRAM.—"; and

(4) by adding at the end the following new paragraph:

"(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).".

SEC. 207. REPORT RELATING TO RESEARCH ON TREATMENTS FOR EXPOSURE TO DIOXIN AND OTHER TOXIC AGENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a discussion of the research being conducted to identify and develop treatments for physiological absorption of dioxin and other toxic agents similar to the toxic agents in herbicides used in support of United States and allied operations in Vietnam during the Vietnam era, including research relating to exposure to dioxin and other toxic agents outside Vietnam.

SEC. 208. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON AGENT ORANGE OR IONIZING RADIATION EXPOSURE.

Section 610(e)(3) is amended by striking out "December 31, 1990" and inserting in lieu thereof "December 31, 1993".

SEC. 209. DEFINITIONS.

In this title—

(1) the terms "veteran", "service-connected", "active military, naval, or air service", and "Vietnam era" shall have the meanings given those terms in paragraphs (2), (16), (24), and (29), respectively, of section 101 of title 38, United States Code;

(2) the term "disability" refers to a disability within the meaning of chapter 11 of such title; and

(3) the term "soft-tissue sarcoma" means any sarcoma other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma.

Mr. DASCHLE. Mr. President, this past Saturday the U.S. Congress authorized the President to send American troops to battle if necessary to achieve an Iraqi withdrawal from Kuwait. Our Nation is facing one of the most difficult times in our history, with over 400,000 American men and women poised to make whatever sacrifice is required of them. Regardless of the differences we may have about certain aspects of our policy in the Persian Gulf, one of the points on which we must all agree is that our men and women in the gulf deserve our unfailing support.

The need for us to support our troops means more than providing them the best weapons we have to offer. It means providing them the health care and assistance we have always promised them. It means ensuring service-disabled veterans receive timely cost-of-living adjustments. And it means giving veterans the benefit of the doubt if they are harmed by chemical or biological warfare.

If called to battle, many of our troops will come home wounded. Some of those wounds will be readily apparent, but there will be others we will not be able to see. It may be years before some of the wounds appear. Nevertheless, we must be ready and willing to address them.

This weighs heavily on the minds of some of us because we have not yet come to terms with the wounds of the last war, Vietnam—the wounds we could not see when American troops came home then. So far, we have failed to give agent orange and PTSD victims the total benefit of the doubt. As we contemplate the tragic possibility of sending a new generation of Americans to war, we need to rededicate ourselves to healing the wounds of previous wars. For if we fail to meet our commitments to the men and women who serve us in war, how can we expect them to fight the next one?

And if we believe the Vietnam-era issues of agent orange and post-traumatic stress disorder are controversial now, I suggest we start thinking about all the difficult issues surrounding chemical and biological warfare that could emerge from a war in the Persian Gulf.

Mr. President, one of my biggest disappointments during the 101st Congress came last October when it failed to enact S. 2100, the Veterans Benefits and Health Care Amendments of 1990, which included a 5.4-percent COLA for service-disabled veterans. S. 2100 also contained a number of other provisions, including an increase in VA physicians' and dentists' pay; a provision to protect the VA medical care budget from automatic budget cuts; compensation for veterans suffering as a result of their exposure to atomic radiation; improved treatment of veterans suffering from post traumatic stress disorder; and a package of compensation and scientific research to address the outstanding issues related to veterans' exposure to agent orange.

The failure to enact S. 2100 resulted from a silent filibuster in the closing days of the 101st Congress orchestrated by those who objected to some of the benefits authorized in the bill. Negotiations to break the impasse failed, and veterans became the only Federal beneficiaries whose COLA's were denied.

The legislation the majority leader, Senator CRANSTON, Senator KERRY, and I are introducing today will rectify this situation. S. 1 will ensure that service-disabled veterans receive a 5.4-percent COLA retroactive to January 1, 1991. If the House and Senate act quickly and responsibly, veterans will receive their first COLA check, including a catch-up lump sum payment, on March 1.

This COLA is critical, for many service-disabled veterans and their families depend on their disability checks to meet their basic needs. Withholding their COLA makes them the undeserving losers in a high-stakes political battle over which they have no control.

S. 1 will also ensure that we finally address some of the outstanding issues related to veteran's exposure to agent orange. The bill includes the agent orange provisions contained in S. 2100 and reported by the Veterans' Affairs Committee unanimously last year. Those provisions are almost identical to the agent orange bill the Senate passed twice in 1989, once by a vote of 92 to 8. They are also nearly identical to the agent orange provisions passed by the House Veterans' Affairs Committee and the full House last year.

In an effort to expedite smooth passage of agent orange legislation at the earliest possible date, the lead authors of last year's Senate bill are working with members of the House Veterans' Affairs Committee to reach an agreement that is satisfactory to all parties. I am optimistic about those negotiations and I sincerely hope in the next few days they can be successful. However, in the absence of an agreement, it will be necessary to press for timely passage of S. 1.

Every single Member of this body and of the other house professes to support the rights of veterans who were injured as a result of their service. Now is the time for us to demonstrate that support in real terms—to stand up and at long last resolve this very serious issue.

The first official agent orange spray mission flew in 1962. The United States left Vietnam in 1975. Since their return, Vietnam veterans have suffered disabilities they believe are related to their exposure to agent orange and many scientific studies substantiate that fact. Many believe their children are also suffering the effects of that exposure. As long as some of us have been in Congress, in my case since 1979, we have tried to ensure that the Government that sent these men and women to war acknowledges and treats their wounds, compensates them for their inability to work, and answers their questions honestly. We have worked for 4 years to pass this modest legislation compensating veterans suffering from two rare cancers and providing for an independent review of scientific evidence related to the health effects of exposure.

For many veterans it has been over 20 years, and they still have no help, no answers from their Government. It is time for that to change. Today we introduce this bill to send that loud, clear message. And to promise America's veterans—all service-disabled veterans, including those disabled by their exposure to agent orange—we will insist that they be treated with the respect and gratitude they deserve.

Mr. President, this legislation would not be possible were it not for four other Members of Congress. First, I want to thank Senator JOHN KERRY who has been my partner throughout the legislative process in the Senate, and Congressman LANE EVANS, who has led the agent orange fight in the House of Representatives. It has been a long struggle, and their dedication to agent orange victims has been unequaled.

Of course, I also want to thank Senator ALAN CRANSTON, the chairman of the Veterans' Affairs Committee, for the resolve he has shown to get this legislation enacted. He has weathered the stormy negotiations, and very few people will ever fully appreciate what a difficult task that has been. I am deeply grateful to him and to his staff for all of their diligent work.

Finally, I sincerely want to thank our majority leader, who has been a strong supporter of this legislation and has shown a tireless commitment to ensuring its consideration and enactment. That commitment has been demonstrated again today by his introduction of S. 1, by showing, as he has, his commitment and the priority Senate Democrats hold, to passing this very significant legislation.

I hope all my colleagues will join us in supporting the earliest possible enactment of this legislation. Our Nation's veterans should not be asked to wait any longer.

Mr. MITCHELL submitted the following statement on behalf of Mr. CRANSTON:

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I congratulate the majority leader, Mr. MITCHELL, on his selection of the proposed Veterans' Compensation Cost-of-Living Increase and Agent Orange Act of 1991 to be the very first bill, S. 1, of the 102d Congress. In making this choice, he acknowledged the very fundamental nature of the Nation's obligation to those who have incurred disabilities during service to the Nation, and their families, as well as to those whose exposure to certain chemicals during their service in Vietnam may have resulted in cancer or other very serious diseases.

This legislation—which is derived from S. 2100 from the 101st Congress, the proposed Veterans Benefits and Health Care Amendments of 1990, as reported by the Committee on Veterans' Benefits on July 12, 1990—would provide a 5.4-percent increase in the rates of disability compensation paid to the more than 2.1 million veterans who have service-connected disabilities and dependency and indemnity compensation [DIC] paid to 323,000 survivors of those who died from service-connected disabilities.

This bill would also provide for an independent scientific review—intended to be conducted by the National Academy of Sciences—of all relevant evidence of the health effects of Vietnam veterans' exposure to agent orange or other herbicides and would establish a procedure whereby VA must determine, using the report of forests independent review, whether presumptions of service-connection should be created for diseases of Vietnam veterans based on whether such diseases have a positive association with such exposure. In addition, the bill would, among other things, codify in title 38, United States Code, the administratively established presumptions of service-connection of chloracne, non-Hodgkin's lymphoma, and soft-tissue sarcoma.

Mr. President, as my colleagues are aware, final action on all of the provisions of this legislation should have been achieved last year. On October 15, 1990, the House passed very similar legislation in H.R. 5326, and, through either informal negotiations or formal conference, the differences between the House bill and S. 2100 as reported should have been resolved at that point. However, as my colleagues are aware, because of objections on the other side of the aisle, the Senate was unable to proceed to the consideration of the bill. As a result, service-disabled veterans and the survivors of those who died from service-connected causes did not receive COLA's in their VA compensation benefits. Likewise, the many other beneficial provisions in S. 2100, an omnibus veterans' bill, were not enacted last year.

As I stated at the time, in remarks beginning on page S17727 of the RECORD for October 27, 1990, the inability to enact the compensation COLA and the agent orange and other important veterans' provisions was a bitter disappointment to those of us who had worked so hard to achieve their enactment. More importantly, the non-enactment represented a unique breach in our Nation's commitment to disabled veterans and their families.

Mr. President, we must act as quickly as possible this year to enact these critically important and urgent COLA and agent orange provisions. The COLA provisions, which will take effect as of January 1, 1991, will provide for retroactive payment of the COLA, but it is still important to get the increased amounts into the hands of veterans and survivors as soon as possible. The effects of inflation already have been felt by these individuals.

Likewise, action on the agent orange provisions are overdue and we owe it to those who served in Vietnam to provide for this most important effort to resolve the scientific uncertainty regarding the adverse health effects that they may have suffered as a result of their exposure to dioxin or other chemicals in herbicides used in Vietnam.

Mr. President, to that end, extensive informal negotiations have been conducted since the 101st Congress adjourned to arrive at provisions that will be agreeable to the key leaders on this issue in both bodies and both parties. I am pleased to report that a cooperative spirit has prevailed in these discussions and that much progress has been made. For this I am very grateful to my counterpart on the House Veterans' Affairs Committee, Representative SONNY MONTGOMERY, the distinguished Senators from South Dakota [Mr. DASCHLE] and Massachusetts [Mr. KERRY], who have been leading advocates in the Senate for action on agent orange, and the ranking minority member of the House Committee, Mr. STUMP, along with others on the two committees. I am very hopeful that we will very soon have an agreement that will enable the Congress quickly to enact the COLA and agent orange provisions. We should also then be able to move swiftly to enact other important provisions—including those to improve and update VA physicians' and dentists' special pay, to revise VA's collective bargaining, discipline, and grievance rules for title 38 health-care personnel, and to improve veterans employment and education programs, and many others.

Mr. President, the need for immediate action on this COLA and agent orange legislation is a matter of great urgency. We must do all we can to make up for the ground we lost at the end of the 101st Congress. Also, through our actions on such important veterans' legislation, we must demonstrate to the American people and most especially our military personnel stationed in the Persian Gulf area, who stand at the ready in this time of great peril, that the Congress remembers all of those who have worn the uniform and that we will stand behind the brave men and women of Operation Desert Shield 100 percent.•

Mr. KERRY. Mr. President, last Thursday I came to the floor of the Senate to speak against the rush to war in the Middle East. I argued that too many questions remain unanswered about the ramifications of the looming battle.

Foremost among those questions is the issue of how our Nation treats its veterans.

I pointed out that our VA hospitals have been cutting staff and services these past several years. The hospitals cannot care for those already needing help. I asked my colleagues, if they were ready to spend the money on a new generation of patients?

I reminded my colleagues that cost in human lives is not limited to the battlefield. In the case of Vietnam, thousands of veterans have committed suicide since coming home. The human costs, pain and suffering do not end when the combat ends.

I asked my colleagues if they were ready for another generation of amputees, paraplegics, burn victims and whatever new term will be for combat fatigue, shell shock or PTSD.

I don't believe that we are ready.

I believe that we are a country that is still struggling with agent orange, outreach centers, post traumatic stress disorder and homeless veterans.

At no time was our struggle more apparent than in the final days of the session last year when Congress failed to pass a COLA bill.

That legislation, S. 2100, was critical because it provided the most fundamental of benefits, a cost-of-living increase.

S. 2100 was held up by certain Senators who refused to allow the Senate even to debate the merits of the legislation.

Mr. President, there are 2.2 million veterans with service-connected disabilities and 911,000 survivors of veterans who died from service-connected disabilities who depend on the COLA in order to keep pace with inflation. Because Congress failed to act these people undoubtedly suffered.

This is a new year and a new session and I am pleased to be cosponsoring S. 1, along with the majority leader, Senator MITCHELL; the chairman of the Veterans' Committee, Senator ALAN CRANSTON; and Senator TOM DASCHLE, who has been the most forceful leader on the issue of agent orange in the Congress.

S. 1 is a bill which contains only two of the provisions from last year's omnibus veterans' bill, but they are, in my opinion, the two most important provisions.

S. 1 provides a 5.4-percent COLA for service-disabled veterans retroactive to January 1, 1991. If Congress acts with haste, veterans should receive their COLA check, including retroactive payments, by March 1.

S. 1 also contains provisions relating to agent orange. These provisions are virtually identical to those which the Senate passed last year by a vote of 92-8 and which the House passed in committee. S. 1 will compensate veterans suffering from two rare cancers and provide for an independent review of scientific evidence related to the effects of exposure.

Mr. President, as we approach war in the Middle East, we must stand behind the veteran in this country. The passage of this bill will send a strong message that we value military service to our country. It will send a strong message that we are ready and willing to take care of those who have given so much to their country.

Ms. MIKULSKI. Mr. President, there are no honorary members among America's veterans. They are the heroes of our times. From the forests of Europe to the beachheads of the Pacific, from the mountains of Korea to the jungles of Vietnam, through the streets of Beirut and now in the sands of Saudi Arabia, our veterans have served with pride and distinction. Throughout our country's history, America's veterans have done what was needed to save our democracy and our way of life.

Those gallant men and women honored their pledge to our Nation. Now, they call upon the Congress to honor our commitment to them. Last year, in the rush to deal with budget battles and S&L scams, Congress set aside our disabled veterans. We adjourned without approving a cost-of-living adjustment for service-connected disabled vets and their families.

There is no group that deserves this modest raise more than these men and women and their families. In these tough economic times, when many of these families are just scraping by, a few extra dollars per paycheck means the difference between living in dignity and living in despair.

As we send so many young men and women over to Saudi Arabia, we must send a message to them and those who have already served so well: We remember you. We honor you. We won't abandon you.

Last session this bill got sidetracked. Today, I urge my colleagues to set aside their differences on unrelated matters and move quickly to give our Nation's severely disabled veterans, their families and their survivors a cost-of-living adjustment.

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. PELL, Mr. BINGAMAN, Mr. MITCHELL, Mr. DASCHLE, Mr. HOLLINGS, Mr. METZENBAUM, Mr. DODD, Mr. SHELBY, Mr. ADAMS, Mr. BURDICK, Mr. HARKIN, Mr. FOWLER, Mr. ROBB, Mr. SANFORD, Mr. BUMPERS, Ms. MIKULSKI, Mr. GRAHAM, Mr. KERRY, and Mr. LEVIN):

S. 2. A bill to promote the achievement of national education goals, to establish a National Council on Educational Goals, and an academic report card to measure progress on the goals, and to promote literacy in the United States, and for other purposes; to the Committee on Labor and Human Resources.

STRENGTHENING EDUCATION FOR AMERICAN FAMILIES ACT

Mr. KENNEDY. Mr. President, at the start of the 102d Congress, the Nation's attention is clearly and properly focused on the crisis in the Persian Gulf. All of us hope that in the few remaining hours before the deadline for war is passed, diplomacy will succeed and the world will be spared from war. But Americans are also suffering at home, and we must not forget our responsibilities here as well.

Too many families have already become victims of the recession. Too many citizens are out of work. Too many young people suffer in inadequate schools. Too many college students cannot obtain financial aid necessary to meet college expenses. Too many adults languish because they lack the literacy skills necessary to get and keep good jobs. Too many American families suffer from inadequate health care. Too many American children and families are already waging a battle against poverty, hunger, homelessness, and lack of opportunity.

So, while we properly focus on war abroad, we must not neglect the urgent needs of Amercia's hard-pressed families at home.

The priority legislation which the Labor and Human Resources Committee will report to the Senate this year covers key needs of these working families in four critical areas: Jobs, education, health care, and children. We will deal with the greatest urgency with the recession. We will focus on the changing work force, the importance of education, the crisis in health care, and the tragic consequences for our future if we fail to help our children develop into productive adults.

I am very pleased that Senator MITCHELL has identified many of these areas as priorities for the Senate Democratic leadership this year.

Today we begin the process of introducing several bills from the priority list of the Democratic leadership. Shortly, Senator DODD will introduce the Family and Medical Leave Act as S. 5. Later in the afternoon, Senator METZENBAUM will introduce the striker replacement legislation as S. 55. I am pleased to cosponsor each of these bills.

Now, however, I am here to focus on education and to introduce the Strengthening Education for American Families Act which Senator MITCHELL has designated as S. 2.

In doing so, I want to commend particularly Senator PELL, the chairman of our Education Subcommittee, who has been the principal architect of our education agenda, Senator SIMON, the chairman of our Employment and Productivity Subcommittee, who is the principal sponsor of the literacy initiative included in S. 2, Senator BINGAMAN, the principal sponsor of the education report card initiative in the bill, and of course Senator MITCHELL, who this morning by placing such a high priority on education legislation has signaled an intention to make the 102d Congress the Education Congress.

We all know where we are in education: Our schools are in a state of crisis.

A decade after the so-called effort to reform began, our schools have improved too little. Consider a few of the facts:

One out of four students drops out of school before graduation;

Nearly one-third of the Nation's secondary school students are enrolled in a math or science course taught by a teacher not qualified to teach that course;

In an international study of 13-year-olds, U.S. students ranked last in math proficiency—yet 68 percent of the students said they were "good at mathematics."

Nearly 30 million Americans are illiterate.

A year ago, the White House and the Governors set out an ambitious set of education goals for the Nation by the year 2000. These goals call for preparing children to be ready to start school. They call for increases in the high school graduation rate, for high levels of competency in challenging subjects, for making our students first in the world in math and science, for eliminating illiteracy, and for freeing our schools from drugs and violence.

Setting goals is the easy part. The hard part is achieving them. School districts cannot do this alone. Students cannot do it alone. States cannot do it alone. And the Federal Government cannot simply lay down "feel good" goals, wash its hands, and walk away.

We must identify effective education programs, and find efficient ways to pay for them. We must ensure that knowledge of our education goals is widespread, and that the commitment to achieve them is strong.

When he ran for President, George Bush said he wanted to be the "Education President." But since he took office in 1989, education has become the phantom of the domestic agenda. The summit meeting with the Governors in Charlottesville 1 year ago, and the establishment of the national goals were commendable, but there has been no followup.

It is not just a matter of money. It is also a question of political will. We must not falter. The Nation's commitment to these goals must be more than lip service. But so far, we have not really started to get down to work.

When he ran for President, George Bush promised to "wipe out illiteracy in 8 years." Despite the commitment of Barbara Bush to this key issue, progress has been slow. The President must move more aggressively to honor his commitment.

Today, I am introducing the Strengthening Education for America's Families Act of 1991. This legislation will strengthen our dedication to the national goals and expand our efforts to achieve them.

Title I of the bill codifies the goals that the President and the Governors agreed to last year. The legislation also specifies what the Federal Government will do to help achieve these goals.

Title II of this legislation establishes a mechanism to monitor the progress toward the goals. The Governors and the President established a monitoring commission to chart the Nation's progress. The commission is chaired by Colorado Gov. Roy Romer and he is making a commendable effort to carry out these responsibilities.

But the commission is making fitful progress at best. It has no staff. It has a tiny budget. It depends on the U.S. Department of Education for the meager resources it has.

In addition, the commission's decisions rest on the views of politically elected officials—all of whom have a stake in demonstrating that we are making progress. It is difficult to believe that this group will be able to provide the careful, independent view we need.

Finally, this legislation authorizes a series of literacy initiatives to improve coordination and service delivery at the Federal, State, and local levels. These provisions passed the Senate by a vote of 99 to 0 in the last Congress. Unfortunately, they were never enacted into law. Literacy is one of the Nation's principal education goals. These provisions are needed now, and they will help us meet those goals more quickly.

Today, we are introducing two other bills that we will consider in this Congress. The first is a bill authored by Senator PELL and myself that authorizes a number of activities designed to increase Federal support for teachers and teaching. This legislation was approved by the Labor Committee in the last Congress but was never enacted.

In addition, I am cosponsoring legislation introduced by Senators BINGAMAN and PELL that would establish a commission to study the possibility of extending the school year. Most other industrialized nations have a much longer school year than the United States and this commisson will consider whether or not an extended school year in the United States is desirable and feasible.

This is not the only education legislation we will consider in this Congress, but it ought to be the first. Before this Congress adjourns, we will also reauthorize the Higher Education Act. We will review Federal activities in research and statistics. We will consider the possiblity of encouraging a national education test. We will consider a comprehensive education reform bill. We will authorize programs for disabled infants and young children, and programs of vocational rehabilitation.

But the legislation we are introducing today is a good start. It addresses major concerns that are critical if we are serious about improving our schools.

I intend to give this initiative prompt consideration in the Labor Committee. I urge my colleagues to join me in supporting it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Education for American Families Act".

TITLE I—NATIONAL GOALS

SEC. 101. PURPOSE.

It is the purpose of this title to establish a plan of action for the initial steps that the Federal Government must take in order to assist State and local governments, organizations, and institutions in the joint effort of achieving the national education goals as outlined in this title.

SEC. 102. FAMILY LITERACY AND LIFELONG LEARNING.

(a) FINDINGS.—The Congress finds that—

(1) nearly 30,000,000 adults in the United States are lacking literacy skills which limits their ability to read, write, or speak in English or to compute or solve problems effectively; and

(2) the Federal Government has a responsibility to assist State and local governments in providing literacy services to those individuals in need of such services so that they may be full participants in society.

(b) POLICY.—It is the goal of the United States that, by the year 2000, every American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to provide increased funding for the Adult Education Act so that all eligible individuals who seek such services under such Act will receive such services; and

(2) to expand Federal assistance for literacy programs in order to assist State and local governments, public libraries, organizations and volunteers in providing all individuals lacking literacy skills the opportunity to acquire skills needed to function in society.

SEC. 103. SCHOOL READINESS.

(a) FINDINGS.—The Congress finds that the Federal Government has a long-standing commitment to ensuring that all physically and economically disadvantaged children are ready and able to begin school by providing them with the same opportunities to develop physically and mentally as their more advantaged peers.

(b) POLICY.—It is the goal of the United States that, by the year 2000, all children in America will start school ready to learn. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to provide Head Start services to every eligible child who needs such services;

(2) to provide sufficient funding for the special supplemental food program for women, infants, and children so that all potentially eligible women, infants, and children have access to the services provided by the program; and

(3) to expand funding for Even Start to allow programs to reach all parts of the United States and to allow each State to fund a sufficient number of programs throughout the State so that approaches are available for local educational agencies, the State educational agency, and other organizations to adopt and implement.

SEC. 104. SCHOOL COMPLETION.

(a) FINDINGS.—The Congress finds that in order for the Nation to regain its economic competitiveness, each individual in the United States must be educated to his or her greatest potential and must be encouraged to finish secondary school.

(b) POLICY.—It is the goal of the United States that, by the year 2000, the high-school graduation rate will increase to at least 90 percent. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to expand funding for secondary- school dropout prevention and reentry programs and basic skills programs to allow programs to reach all parts of the United States and to allow each State to fund a sufficient number of programs throughout the State so that approaches are available for local educational agencies, the State educational agency, and other organizations to adopt and implement; and

(2) to collect uniform, reliable data from the States with respect to school completion rates.

SEC. 105. STUDENT ACHIEVEMENT.

(a) FINDINGS.—The Congress finds that—

(1) American students are falling behind students in other industrialized nations on tests measuring abilities in all academic subject areas; and

(2) the United States, in seeking to increase student ability and achievement, has traditionally served special populations, such as disadvantaged individuals and individuals with disabilities.

(b) POLICY.—It is the goal of the United States that, by the year 2000, American students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to provide remedial assistance for all disadvantaged children in the United States by increasing the participation of eligible children in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965;

(2) to fulfill the commitment made by the United States in 1975 to provide 40 percent of the costs of educating children with disabilities;

(3) to reward successful programs in schools with concentrations of disadvantaged children; and

(4) to promote efforts that encourage all students to be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility.

SEC. 106. MATHEMATICS AND SCIENCE.

(a) FINDINGS.—The Congress finds that—

(1) students in the United States are falling behind students from other industrialized nations on tests measuring achievement in mathematics and science;

(2) the Federal Government has a significant role in promoting the study of mathematics and science in elementary and secondary schools by providing financial assistance to local educational agencies to improve the general quality of programs for the study of mathematics and science through authorized math and science education programs; and

(3) the Federal Government has indirectly assisted in the postsecondary study of mathematics and science by providing future scientists, mathematicians, and engineers with financial assistance to attend postsecondary institutions, but more incentives are needed to attract high-achieving students into these areas of study.

(b) POLICY.—It is the goal of the United States that, by the year 2000, United States students will be first in the world in mathematics and science achievement. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to expand funding for the Excellence in Mathematics, Science, and Engineering Act of 1990 to increase the number of individuals, particularly women and minorities, in graduate and undergraduate programs in mathematics, science, and engineering;

(2) to expand funding for the Dwight D. Eisenhower Mathematics and Science Education Act so that all elementary teachers and all secondary teachers of mathematics and science will have an opportunity for updating and improving their mathematics and science education skills;

(3) to expand funding for such Act so that all elementary school teachers have an opportunity for skill improvement; and

(4) to award scholarships to high-achieving students to pursue the study of mathematics, science, and related subjects at postsecondary institutions.

SEC. 107. SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS.

(a) FINDINGS.—The Congress finds that—

(1) use of illicit drugs and alcohol by the youths of the Nation continues to be a major problem that threatens the safety of the children of the Nation and impedes their ability to succeed in school and in their lives; and

(2) more Federal efforts are urgently needed in the areas of drug and alcohol abuse education and prevention.

(b) POLICY.—It is the goal of the United States that, by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take steps to ensure that all students receive drug abuse prevention education and counseling services.

SEC. 108. TEACHER RECRUITMENT AND RETENTION.

(a) FINDINGS.—The Congress finds that—

(1) the success of America's schools depends most heavily on the Nation's teachers;

(2) when teachers have the necessary skills to be highly motivated and committed to excellence, they succeed in not only imparting subject matter knowledge, but also in instilling in their students an appreciation of the value and importance of education;

(3) teachers are significant role models for our Nation's diverse student population; and

(4) teachers, and a diverse teaching faculty, are instrumental in the education of the children of the United States and are key to achieving the national education goals described in section 2(a)(8).

(b) POLICY.—It is the goal of the United States, that by the year 2000, there will be a well qualified and diverse teaching faculty in every school in the Nation. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to eliminate nationally identified areas of teacher shortages by assuring access to high quality education and training to individuals desiring to pursue a career in the teaching profession; and

(2) to expand Federal assistance for teacher training and other professional development programs in order to improve the skills of the teaching force and enhance the recruitment and retention of well-qualified professionals in the classroom.

SEC. 109. EQUAL OPPORTUNITY FOR POSTSECONDARY EDUCATION.

(a) FINDINGS.—The Congress finds that—

(1) it is essential to the economic well-being of the United States that all Americans be educated to their fullest potential;

(2) to bring this about, it is necessary to increase college participation by all Americans, especially minorities, and to reduce the imbalance between grants and loans in financing a college education, so that all Americans with the desire and the ability have an equal opportunity to participate in postsecondary education and training, from the undergraduate to the postgraduate level.

(b) POLICY.—It is the goal of the United States that, by the year 2000, no qualified student shall be denied the opportunity for postsecondary education because of financial or other barriers. As part of the joint effort of Federal, State, and local governments, organizations, and institutions in achieving this goal, it is the policy of the Federal Government to take consistent steps—

(1) to increase the participation of low-income, first-generation-in-college, and minority students in postsecondary education;

(2) to expand college assistance to middle income families;

(3) to reduce the reliance on loans as the principal means of financing postsecondary education for students and their parents by increasing the annual appropriations for the Pell Grant program so that the maximum grant provides substantial assistance towards the cost of attending an institution of higher education; and

(4) to enhance the capacity of postsecondary institutions to recruit and retain low-income, first-generation-in-college, and minority students, including graduate students, and to provide those students with a quality education, by increasing the annual appropriations for the TRIO programs to expand the percentage of eligible students served and to more effectively serve the students receiving services from these programs.

TITLE II—NATIONAL COUNCIL ON EDUCATIONAL GOALS

SEC. 201. SHORT TITLE.

This Act may be cited as the "National Academic Report Card Act of 1991".

SEC. 202. FINDINGS AND PURPOSE.

Congress finds that—

(1) the social well-being, economic stability, and national security of the United States depend on a strong educational system that provides all citizens with the skills necessary to become active members of a productive work force;

(2) despite the many reforms of the educational system that have been implemented since the National Council on Excellence in Education declared our Nation "at risk" in 1983, the United States remains at risk for educational failure;

(3) United States children and youth leave school unprepared to participate productively in the work force, suffer high rates of functional illiteracy, and often display a lack of understanding about the United States and the world, in both a historical and futuristic context;

(4) United States students currently rank far below students of many other countries in educational achievement, particularly in mathematics and the sciences;

(5) although States and localities bear the primary responsibility for elementary and secondary education, rapidly increasing international competitiveness requires that the United States increase efforts to make education a national priority;

(6) the Federal Government has played a vital, leading role in funding important educational programs and research activities and should continue to play the role;

(7) accurate and reliable mechanisms must be available to assess and monitor educational progress;

(8) many schools have shown considerable progress and success in improving achievement, including model schools and schools that have implemented innovative approaches to school structure;

(9) the mechanisms to assess and monitor educational progress, and the national information infrastructure needed to support the mechanisms, do not exist or must be strengthened;

(10) many factors contribute to the performance of a school, including school finance, resources, teaching conditions, and parental involvement, and an analysis of the factors, along with educational achievement, should be included in reports on school performance;

(11) there should be established an independent Council of highly respected, bipartisan, diverse experts to—

(A) study, make recommendations regarding, and monitor progress on meeting national goals for education; and

(B) make recommendations on the educational assessment and information system of the United States;

(12) the Council described in paragraph (11) should have the authority to—

(A) make such recommendations as the Council determines to be necessary to the President, Congress, and the States; and

(B) issue annual reports in the form of a national report card; and

(13) States require Federal assistance to conduct State Summits on Education.

(b) PURPOSE.—Pursuant to the establishment of the national education goals, it is the purpose of this title to establish a bipartisan independent council of highly respected and diverse experts to develop and implement methods to measure progress in attaining the national goals, to make recommendations concerning further progress in attaining such goals, and to annually report on the progress made in reaching such goals.

SEC. 203. NATIONAL COUNCIL ON EDUCATIONAL GOALS.

(a) ESTABLISHMENT.—There is established a National Council on Educational Goals (referred to in this Act as the "Council").

(b) COMPOSITION.—The Council shall be composed of 18 members (referred to in this Act as "members"), including—

(1) two members appointed by the President;

(2) six members, not more than three of whom shall be from the same political party, nominated by the Chairperson of the National Governor's Association in consultation with the Vice Chairperson of the Association, and appointed by the President;

(3) five members appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives; and

(4) five members appointed by the President Pro Tempore of the Senate on the recommendation of the Majority Leader and Minority Leader of the Senate.

(c) QUALIFICATIONS.—

(1) CONGRESSIONAL APPOINTEES.—Members appointed under paragraph (3) or (4) of subsection (b)—

(A) shall be appointed on the basis of—

(i) widely recognized experience in, knowledge of, and commitment to, education and educational excellence; and

(ii) training or experience in analyzing educational data;

(B) shall not include elected Federal public officials; and

(C) shall be appointed from among—

(i) individuals who are engaged in the professions of teaching and research;

(ii) individuals with experience in analyzing school performance data who are—

(I) engaged in school administration;

(II) members of school boards;

(III) parents; or

(IV) representatives of parents or parent organizations;

(iii) individuals who are representatives of nonprofit organizations or foundations and businesses that have demonstrated a commitment to the improvement of United States education; and

(iv) other individuals determined to be appropriate by the person appointing the individuals under subsection (b).

(2) NATIONAL GOVERNOR'S ASSOCIATION NOMINEES.—Members nominated under subsection (b)(2) shall be nominated from among—

(A) the Governors; or

(B) individuals with the qualifications described in paragraph (1), or other qualifications as determined to be appropriate by the Chairperson of the National Governor's Association.

(d) TERM.—

(1) PRESIDENTIAL APPOINTEES.—The President shall designate one of the members appointed under subsection (b)(1) to serve a 4-year term, and one to serve a 6-year term.

(2) NATIONAL GOVERNOR'S ASSOCIATION NOMINEES.—Among the members appointed under subsection (b)(2), the Chairperson and the Vice Chairperson of the National Governor's Association shall each designate one appointee to serve a 6-year term, one to serve a 4-year term, and one to serve a 2-year term.

(3) HOUSE APPOINTEES.—Among the members appointed by the Speaker of the House under subsection (b)(3)—

(A) the Speaker shall designate one appointee to serve a 6-year term, one to serve a 4-year term, and one to serve a 2-year term; and

(B) the Minority Leader shall designate one appointee to serve a 4-year term, and one to serve a 2-year term.

(4) SENATE APPOINTEES.—Among the members appointed by the President Pro Tempore of the Senate, under subsection (b)(4)—

(A) the President Pro Tempore of the Senate, in consultation with the Majority Leader of the Senate, shall designate one appointee to serve a 6-year term, one to serve a 4-year term, and one to serve a 2-year term; and

(B) the President Pro Tempore of the Senate, in consultation with the Minority Leader of the Senate, shall designate one appointee to serve a 4-year term, and one to serve a 2-year term.

(5) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(6) RETENTION.—In order to retain an appointment to the Council, a member must attend at least 50 percent of the scheduled meetings of the Council in any given year.

(d) CHAIRPERSON.—

(1) INITIAL SELECTION.—During the first 60 days after the date of the enactment of this Act, the members appointed under subsection (b)(2) shall select a Chairperson from among the members appointed under subsection (b)(2).

(2) SUBSEQUENT SELECTION.—If no individual described in paragraph (1) assumes the position of Chairperson of the Council within 60 days of the date of the enactment of this Act, the members shall select a Chairperson from among the members.

(e) VACANCIES.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(f) COMPENSATION AND TRAVEL.—Members shall serve without compensation, but each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(g) INITIATION.—The Council may begin to carry out the duties of the Council under this Act when—

(1) nine members have been appointed; or

(2) six members have been appointed under paragraph (3) or (4) of subsection (b).

SEC. 204. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) compile, inventory, and analyze existing information regarding the educational achievement of United States students and schools, including public and private elementary, secondary, and post-secondary schools;

(2) monitor and report on progress toward meeting national goals and the objectives of the goals, using appropriate and recognized indicators;

(3) establish benchmarks to meet long-term national goals by the year 2000;

(4) identify the information that would best advise the public about the state of schools in the United States;

(5) develop consensus about the indicators on which data will be collected and analyzed for the Report Card described in section 206, and identify data bases that provide the needed information;

(6) make recommendations about additional data that will be needed;

(7) through the interim Council report described in section 205 and the annual Report Card described in section 206, identify gaps in existing educational data and make recommendations for improvements in the methods and procedures of assessing attainment or realization of goals by the Department of Education and any other Federal governmental entity, including suggestions for such changes in laws and regulations as may be required to improve the assessment process, procedures, and organization of the Federal Government; and

(8) through information obtained in the hearing process described in section 207, develop recommendations regarding Federal, State, and local policymaking for meeting the national goals.

(b) PERFORMANCE OF FUNCTIONS.—In carrying out subsection (a)(2), the Council shall—

(1) consider the goals already set forth or recommended by the National Education Summit and other governmental and nongovernmental organizations;

(2) consider the goals of the States developed through the State Summits described in section 209;

(3) report on the progress toward achieving the goals at the national level, including appropriate comparisons of the educational achievement of the United States with other nations;

(4) consider relevant data that affect student performance, including data on—

(A) school readiness;

(B) student achievement in elementary, secondary, and post-secondary education;

(C) school financing and equalization;

(D) the degree and quality of parental involvement;

(E) availability of instructional resources;

(F) the degree of involvement of social service agencies;

(G) school and student performance, including—

(i) attendance and completion rates;

(ii) climate (vandalism, crime, and drugs);

(iii) conditions of teaching including salary and professional development training;

(iv) parent participation; and

(v) school financing;

(H) work force literacy and skills; and

(I) areas of teacher shortages, such as mathematics and science;

(5) report on progress comparing skill attainment or progress within similar bands of school resources; and

(6) consider alternative assessment instruments emphasizing mastery over skill areas rather than specific information.

(c) DATA COLLECTION.—

(1) CONTRACTS.—On the development of the timetable described in section 205(1), the Council shall contract with an eligible entity to generate or collect such data as may be necessary to appropriately assess progress toward the national goals, based on the recommendations of the Council.

(2) ELIGIBLE ENTITIES.—Entities eligible to enter into contracts under paragraph (1) include the National Center for Education Statistics and any entities that meet such eligibility criteria as the Council may establish.

SEC. 205. INTERIM COUNCIL REPORT.

Not later than 1 year after the Council concludes the first meeting of the Council, the Council shall prepare and submit a report to the President, the appropriate committees of Congress, the National Education Goals Panel, and the Governor of each State, that—

(1) establishes a timetable for reporting on progress toward achieving national education goals by the year 2000; and

(2) includes a series of reasonable steps for measuring the implementation and success of each recommendation of the Council.

SEC. 206. ANNUAL REPORT CARD.

(a) IN GENERAL.—Not later than 2 years after the date the Council concludes its first meeting of members, the Council shall prepare and submit to the President, the appropriate committees of Congress, and the Governor of each State a National Report Card, that—

(1) shall set forth an analysis of the progress of the United States toward achieving the national education goals; and

(2) may, as determined necessary by the Council based on the findings of the Council and an analysis of the views and comments of all interested parties, including the National Summit on Education and the State Summits, all relevant Federal entities, the National Governor's Association, Congress, and private organizations and citizens—

(A) describe modifications to existing goals;

(B) identify continuing gaps in existing educational data; and

(C) make recommendations for improvement in the methods and procedures of assessing educational attainment and strengthening the national educational assessment and information system by the Department of Education or any other appropriate Federal Government entity.

(b) CONTINUATION.—Based on the timetable established in section 205, the Council shall continue to issue a National Report Card on an annual basis for the duration of the existence of the Council.

(c) FORMAT.—National Report Cards shall be presented in a form that is understandable to parents and the general public.

SEC. 207. POWERS OF THE COUNCIL.

(a) HEARINGS.—

(1) IN GENERAL.—The Council may, for the purpose of carrying out this Act, conduct such hearings, sit and act at such times and places, take such testimony and receive such evidence, as the Council considers appropriate.

(2) CONDUCT.—In carrying out this Act, the Council shall—

(A) conduct public hearings in different geographic areas of the country, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on—

(i) the status and goals of the current educational system of the United States;

(ii) the need to redefine and redirect educational goals;

(iii) policy recommendations for pursuing the goals at the Federal, State, and local levels; and

(iv) methods that could be implemented to foster higher levels of educational attainment in United States schools; and

(B) receive testimony from—

(i) individuals such as practicing educators, parents, business persons, and elected and appointed public officials; and

(ii) representatives of public and private organizations and institutions with an expertise or interest in improving the quality of the educational system of the United States.

(b) INFORMATION.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this Act. On the request of the Chairperson of the Council, the head of the agency shall furnish the information to the Council.

(c) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(d) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE AND SUPPORTIVE SERVICES.—The Administrator of the General Services Administration shall provide to the Council on a reimbursable basis such administrative and support service as the Council may request.

SEC. 208. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Council shall meet on a regular basis, as necessary, at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—Nine members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the members attending a duly called and constituted meeting of the Council. No individual may vote or exercise any of the powers of a member by proxy.

(d) OFFICE OF CHAIRPERSON AND VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Council shall serve as Chairperson and Vice Chairperson until the expiration of the terms of the Chairperson and Vice Chairperson as members, or until resignation or removal by a majority of the members.

(e) STAFF.—The Chairperson of the Council, in consultation with the Vice Chairperson, shall appoint and fix the compensation of a staff administrator and such support personnel as may be reasonable and necessary to enable the Council to carry out the functions of the Council. The rate of compensation for each staff member shall not exceed the daily equivalent of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code for each day the staff member is engaged in the performance of duties for the Task Force. The Chairperson of the Council may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates.

(f) PERSONNEL DETAIL AUTHORIZED.—On the request of the Chairperson of the Council, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of the agency to the Council to assist the Council in carrying out the duties of the Council. The detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. STATE SUMMITS ON EDUCATION.

(a) ESTABLISHMENT.—The Secretary of Education shall make grants to States to pay for the Federal share of—

(1) conducting State Summits on Education;

(2) evaluating progress made toward implementing national goals; and

(3) evaluating the implementation process.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) FEDERAL SHARE.—The Federal share of grants made under this section shall be not more than 50 percent.

(d) REPORT.—Each State receiving a grant under this section shall, on completion of the State Summit, prepare and submit to the Council a report describing—

(1) the educational goals of the State, including changes or additions to the national goals;

(2) a plan for meeting the goals and a timetable for carrying out the plan; and

(3) a plan for evaluating the progress of the State in meeting the goals according to the timetable.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out sections 202 through 208 $2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001.

(b) STATE SUMMITS.—There are authorized to be appropriated to carry out section 209 $5,000,000 for the fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 2001.

TITLE III—LITERACY

SEC. 301. SHORT TITLE.

This Act may be cited as the "National Literacy Act of 1991".

SEC. 302. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) nearly 30,000,000 adults in the United States have serious problems with literacy (the ability to read, write, speak English, compute, and solve problems effectively);

(2) literacy problems are intergenerational and closely associated with poverty and pose a major threat to the economic well-being of the United States;

(3) present public and private literacy programs reach only a small portion of the population in need and often result in only minimal learning gains;

(4) the prevention of illiteracy is essential to stem further growth in national illiteracy rates;

(5) literacy programs generally lack adequate funding, adequate coordination with other literacy programs, and an adequate investment in teacher training and technology;

(6) access to better information about the best practices in the literacy field and more research in order to provide better diagnostic and instructional tools are essential for the improvement of literacy and employability in the United States;

(7) as many as 50,000,000 workers may have to be trained or retrained before the year 2000 while the supply of unskilled workers is increasing and the demand for unskilled labor is decreasing; and

(8) the Adult Education Act is the largest Federal program to provide direct literacy services in the United States and serves only 10 percent of eligible participants, while all public and private literacy programs serve only about 19 percent of those who need help.

(b) PURPOSE.—It is the purpose of this title to provide for a comprehensive effort to enhance and strengthen the nation's efforts to combat literacy to ensure that all Americans can become literate by the year 2000.

SEC. 303. DEFINITION.

For purposes of this title the term "literacy" means the ability to use printed and written information to function in society, to achieve one's goals, and to develop one's knowledge and potential.

PART A—LITERACY: STRATEGIC PLANNING, RESEARCH, AND COORDINATION

SEC. 311. INTERAGENCY TASK FORCE ON LITERACY.

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Literacy (in this section referred to as the "Task Force").

(b) COMPOSITION.—(1) The Task Force shall consist of—

(A) the Secretary of Education;

(B) the Secretary of Labor;

(C) the Secretary of Health and Human Services;

(D) the Director of the ACTION Agency; and

(E) any other head of an agency that the President considers appropriate.

(2) Each member shall be appointed for as long as such member serves as the head of the appropriate department or agency.

(3) The President is requested to appoint the Chairperson of the Task Force from among its members to serve as Chairperson at the President's discretion.

(c) QUORUM.—One more than ½ of the members of the Task Force shall constitute a quorum for the purpose of transmitting recommendations and proposals to the President, but a lesser number may meet for other purposes.

(d) ABSENCES.—Any member of the Task Force who is unable to attend a meeting of the Task Force shall appoint an appropriate Assistant Secretary from the department of which the member is the Secretary, or in the case of an agency, the second-ranking official of such agency, to represent the member for that meeting.

(e) DUTIES OF THE TASK FORCE.—The Task Force shall—

(1) devise, coordinate, and monitor existing and other government initiatives to—

(A) facilitate the elimination of illiteracy, and

(B) integrate the resources of literacy programs across various departments or agencies of the Federal Government;

(2) solicit information and advice from representatives and experts with experience in literacy-related programs, including members of State and local governments, individuals from education, labor, and business, national literacy organizations, State and local literacy organizations, volunteer organizations, service providers, and community-based organizations;

(3) ensure that appropriate Federal agencies set specific objectives and strategies for meeting the goals of this title and measure the progress of such agencies in meeting such goals;

(4) review and make recommendations regarding ways to achieve uniformity among reporting requirements, the development of performance measures, and the development of standards for program effectiveness for literacy-related Federal programs;

(5) advise the Director of the National Institute for Literacy established pursuant to section 313 on the activities of the Task Force; and

(6) issue a biennial report to Congress on the progress made by the Federal Government and the Nation toward enhancing the literacy skills of its people, including recommendations for legislation required to improve and expand Federal literacy programs.

(f) AVAILABILITY OF FUNDS.—Each department and agency that participates in the Task Force shall contribute to the support of the Task Force.

SEC. 312. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended by adding the following new subsection at the end thereof:

"(h) The Assistant Secretary for Vocational and Adult Education, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall—

"(1) coordinate the staff resources and the assistance provided to the Task Force;

"(2) assist in coordinating the related activities and programs of other Federal departments and agencies; and

"(3) assist the Secretary in carrying out the Secretary's responsibilities as a member of the Task Force.".

SEC. 313. NATIONAL INSTITUTE FOR LITERACY.

(a) PURPOSE.—It is the purpose of this section to enhance the national effort to eliminate the current problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) FINDINGS.—The Congress finds that—

(1) far too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is no reliable nor central source of information about the existing knowledge base in the area of literacy;

(3) a National Institute for Literacy would provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(4) such an Institute would facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) ESTABLISHMENT.—(1) There is established the National Institute for Literacy (in this section referred to as the "Institute"). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services (in this section referred to as the "Interagency Group"). The head of any other agency designated by the President may be involved in the operation of the Institute as fits the involvement of such agency in accomplishing the purposes of the Institute. The Secretary may include in the Institute any research and development center supported under section 405(d)(4)(A)(ii) of the General Education Provisions Act and any other center, institute, or clearinghouse established within the Department of Education and the purpose of which is determined by the Secretary of Education to be related to the purpose of the Institute.

(2) The Institute shall have offices separate from the offices of any agency or department involved in the operation of the Institute.

(3) The Institute shall be administered by the Interagency Group, which shall seriously consider the recommendations of the Board described in subsection (f) in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director. If the recommendations of the Board are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group has taken that includes the Interagency Group's reasons for not following the recommendations of the Board with respect to such actions.

(d) DUTIES.—(1) The Institute is authorized, in order to improve and expand the system for delivery of literacy services, to—

(A) conduct basic and applied research and demonstrations on literacy, including—

(i) how adults learn to read and write and acquire other skills;

(ii) how the literacy skills of parents affect the ability of children to learn literacy skills;

(iii) the assessment of literacy skills and the development of instructional techniques;

(iv) the best methods for assisting adults and families to acquire literacy skills, including the use of technology;

(v) the special literacy needs of individuals with learning disabilities and individuals with limited English proficiency;

(vi) how to effectively reach and teach the most educationally disadvantaged individuals;

(vii) the use of technology and other studies which will advance the literacy knowledge base, use and not duplicate the work of other research services, and build on such research efforts; and

(viii) how to attract, train, and retrain professional and volunteer teachers of literacy;

(B) assist Federal, State, and local agencies in the development, implementation, and evaluation of policy with respect to literacy by—

(i) establishing a national data base with respect to—

(I) literacy and basic skills programs (including programs in Federal departments, State agencies, and local agencies, and programs that are privately supported through nonprofit entities and for profit entities);

(II) assessment tools and outcome measures;

(III) the amount and quality of basic education provided in the workplace by businesses and industries; and

(IV) progress made toward the national literacy goals described in section 102; and

(ii) providing technical and policy assistance to government entities for the improvement of policy and programs relating to literacy and developing model systems for implementing and coordinating Federal literacy programs which can be replicated at the State and local level;

(C) provide program assistance, training, and technical assistance for literacy programs throughout the United States in order to improve the effectiveness of such programs and to increase the number of such programs, which assistance and training shall—

(i) be based on the best available research and knowledge; and

(ii) be coordinated with activities conducted by—

(I) regional educational laboratories supported under section 405(d)(4)(A)(i) of the General Education Provisions Act;

(II) curriculum centers assisted under section 251(a)(8) of the Carl D. Perkins Vocational and Applied Technology Education Act; and

(III) other educational and training entities that provide relevant technical assistance;

(D) collect and disseminate information to Federal, State, and local entities with respect to literacy methods that show great promise (including effective methods of assessment, effective literacy programs, and other information obtained through research or practice relating to adult and family learning that would increase the capacity and quality of literacy programs in the United States), using a variety of methods to ensure that the best information is received by State and local providers of literacy services;

(E) review and make recommendations regarding—

(i) ways to achieve uniformity among reporting requirements;

(ii) the development of performance measures; and

(iii) the development of standards for program effectiveness for literacy-related Federal programs; and

(F) provide a toll-free long-distance telephone line for literacy providers and volunteers.

(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private nonprofit institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

(e) LITERACY LEADERSHIP.—(1) The Institute is, in consultation with the Board, authorized to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy instruction, management, research, or innovation in adult education or literacy.

(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

(3) Individuals receiving fellowships pursuant to this subsection shall be known as "Literacy Leader Fellows".

(f) NATIONAL INSTITUTE BOARD.—(1) There is established the National Institute Board (in this section referred to as the "Board") which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate from individuals who are not otherwise officers or employees of the Federal Government and who are chosen from recommendations made to the President by representatives of—

(A) literacy organizations and providers of literacy services, including—

(i) providers of literacy services receiving assistance under the Adult Education Act; and

(ii) nonprofit providers of literacy services;

(B) businesses that have demonstrated interest in literacy programs;

(C) literacy students;

(D) experts in the area of literacy research;

(E) State and local governments; and

(F) organized labor.

(2) The Board shall—

(A) make recommendations concerning the appointment of the Director and staff of the Institute;

(B) provide independent advice on the operation of the Institute; and

(C) receive reports from the Interagency Group and the Director.

(3) The Interagency Group may carry out the duties of the Board until the expiration of the 180-day period beginning on the date of the enactment of this Act.

(4) Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act.

(5)(A) Each member of the Board shall be appointed for a term of 3 years. Any such member may be appointed for not more than 2 consecutive terms.

(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

(6) A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation may be passed only by a majority of its members present.

(7) The Chairperson and Vice Chairperson of the Board shall be elected by the members. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(8) The Board shall meet at the call of the Chairperson or a majority of its members.

(g) GIFTS, BEQUESTS, AND DEVISES.—The Institute and the Board may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Institute or the Board, respectively. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Institute or the Board, respectively.

(h) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(i) STAFF.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

(j) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(k) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(l) REPORT.—In the first 2 years in which the Institute receives assistance under this section, the Institute shall submit an annual report to Congress. In succeeding years, the Institute shall submit biennial reports to the Congress. Each report submitted under this subsection shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for such fiscal year;

(2) a description of how plans for the operation of the Institute for the succeeding fiscal year will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

(3) any additional, minority, or dissenting views submitted by members of the Board.

(m) NONDUPLICATION.—The Institute shall not duplicate any functions carried out by the Secretary of Education pursuant to section 384(a) of the Adult Education Act. This subsection shall not be construed to prohibit the Secretary of Education from delegating such functions to the Institute.

(n) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

(2) Any amounts appropriated to the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

SEC. 314. STATE LITERACY RESOURCE CENTERS.

(a) GRANTS FOR STATE LITERACY RESOURCE CENTERS.—Subpart 6 of part B of the Adult Education Act (20 U.S.C. 1208 et seq.) is amended by inserting at the end thereof the following new section 354:

"SEC. 354. STATE LITERACY RESOURCE CENTERS.

"(a) PURPOSE.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a new program of State literacy resource center grants to—

"(1) stimulate the coordination of literacy services,

"(2) enhance the capacity of State and local organizations to provide literacy services, and

"(3) serve as a reciprocal link between the National Institute for Literacy and service providers for the purpose of sharing information, data, research, and expertise and literacy resources.

"(b) ESTABLISHMENT.—From amounts appropriated pursuant to subsection (k), the Secretary is authorized to make grants for purposes of establishing a network of State or regional adult literacy resource centers.

"(c) ALLOTMENT.—(1) From sums available for purposes of making grants under this section for any fiscal year, the Secretary shall allot to each State having an approved application under subsection (k) an amount which bears the same ratio to such sums as the amount allotted to such State under section 313(b) for the purpose of making grants under section 321 bears to the aggregate amount allotted to all States under such section for such purpose.

"(2) Each State shall contract on a competitive basis with the State or local educational agencies, a State office on literacy, a volunteer organization, a community-based organization, institution of higher education, or another nonprofit entity to operate a State literacy resource center. If the State educational agency does not operate the center, the State educational agency shall be provided the opportunity to comment on the selection of the entity selected to operate the center.

"(d) USE OF FUNDS.—Funds provided under subsection (c)(1) to carry out this section shall be used to carry out activities to—

"(1) upgrade and promote the diffusion and adoption of state-of-the-art teaching methods, technologies and program evaluations;

"(2) develop innovative approaches to the coordination of literacy services within and among States and with the Federal Government and assist in coordinating the delivery of such services by public and private agencies;

"(3) encourage government and industry partnerships, including partnerships among small business, private nonprofit organizations, and community-based organizations;

"(4) encourage innovation and experimentation in literacy activities that will enhance the delivery of literacy services and address emerging problems;

"(5) provide technical and policy assistance to State and local governments and service providers to improve literacy policy and programs and access to such programs;

"(6) provide training and technical assistance to literacy instructors in reading instruction and in—

"(A) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

"(i) computer assisted instruction;

"(ii) video tapes;

"(iii) interactive systems; and

"(iv) data link systems; or

"(B) assessing learning style and screening for learning disabilities, and providing individualized remedial reading instruction; or

"(7) encourage and facilitate the training of full-time professional adult educators.

"(e) ALTERNATIVE USES OF EQUIPMENT.—Equipment purchases pursuant to this section, when not being used to carry out the provisions of this section, may be used for other instructional purposes if—

"(1) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this section;

"(2) the equipment is used after regular program hours or on weekends; and

"(3) such other use is—

"(A) incidental to the use of that equipment under this section;

"(B) does not interfere with the use of that equipment under this section; and

"(C) does not add to the cost of using that equipment under this section.

"(f) LIMITATION.—Not more than 10 percent of any grant received under this section shall be used to purchase computer hardware or software.

"(g) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may use not more than 5 percent of such funds to establish a State advisory council on adult education and literacy (in this section referred to as the 'State council') pursuant to the provisions of section 332.

"(2) Each State receiving funds pursuant to this section may use such funds to support an established State council to the extent that such State council meets the requirements of section 332.

"(3) Each State receiving funds pursuant to this paragraph to establish or support a State council pursuant to the provisions of section 332 shall provide matching funds on a dollar-for-dollar basis.

"(h) APPLICATIONS.—Each State or group of States, as appropriate, that desires to receive a grant under this section on a regional level, a State level, or both shall submit to the Secretary an application that has been reviewed and commented on by the State council, where appropriate, and that describes how the State or group of States will—

"(1) develop a literacy resource center or expand an existing literacy resource center;

"(2) provide services and activities with the assistance provided under this section;

"(3) assure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

"(4) address the measurable goals for improving literacy levels as set forth in the plan submitted pursuant to section 342; and

"(5) develop procedures for the coordination of literacy activities for statewide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

"(i) PAYMENTS; FEDERAL SHARE.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (h) the Federal share of the cost of the activities described in the application.

"(2) The Federal share—

"(A) for each of the first 2 fiscal years in which the State receives funds under this section shall not exceed 80 percent;

"(B) for each of the third and fourth fiscal years in which the State receives funds under this section shall not exceed 70 percent; and

"(C) for the fifth and each succeeding fiscal year in which the State receives funds under this section shall not exceed 60 percent.

"(3) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(j) REGIONAL CENTERS.—(1) A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center if the States determine that a regional approach is more appropriate for their situation.

"(2) Any State that receives assistance under this section as part of a regional center shall only be required to provide under subsection (i) 50 percent of the funds such State would otherwise be required to provide under such subsection.

"(3) In any fiscal year in which the amount a State will receive under this section is less than $100,000, the Secretary may designate that State to receive assistance under this section as part of a regional center.

"(4) The provisions of paragraph (3) shall not apply to any State which can demonstrate to the Secretary that the total amount of Federal, State, local and private funds expended to carry out the purposes of this section equals or exceeds $100,000.

"(5) In any fiscal year in which paragraph (2) applies, the Secretary may allow certain States that receive assistance as part of a regional center to reserve a portion of such assistance for State literacy services pursuant to this section.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for each of the fiscal years 1992, and 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.".

PART B—WORKFORCE LITERACY

SEC. 321. NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.

(a) ESTABLISHMENT.—There is established in the Department of Labor a National Workforce Literacy Assistance Collaborative (in this subsection referred to as the "Collaborative") to improve the basic skills of individuals, especially those individuals who are marginally employed or unemployed with low basic skills and limited opportunity for long-term employment and advancement, by assisting small and medium-sized businesses, business associations that represent small and medium-sized businesses, and labor organizations to develop and implement literacy programs tailored to the needs of the workforce.

(b) FUNCTIONS.—The Collaborative shall—

(1) develop and implement a plan for providing small and medium-sized businesses

with the technical assistance required to address the literacy needs of their workforce;

(2) monitor the development of workforce literacy training programs and identify best practices and successful small and medium-sized business program models;

(3) inform businesses and unions of research findings and best practices regarding exemplary curricula, instructional techniques, training models, and the use of technology as a training tool in the workplace;

(4) provide technical assistance to help businesses assess individual worker literacy skill needs, implement workforce literacy training programs, and evaluate training program effectiveness;

(5) promote cooperation and coordination among State and local agencies and the private sector to obtain maximum uses of existing literacy and basic skills training resources;

(6) conduct regional and State small business workforce literacy meetings to increase program effectiveness and accountability;

(7) establish cooperative arrangements with the National Institute for Literacy and other centers involved in literacy and basic skills research and development activities; and

(8) prepare and produce written and video materials necessary to support technical assistance and information dissemination efforts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $5,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 322. GRANTS FOR NATIONAL WORKFORCE LITERACY STRATEGIES.

Section 371 of the Adult Education Act (20 U.S.C. 1211) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting ", in consultation with the Secretary of Labor and the Administrator of the Small Business Administration," after "Secretary";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" and inserting a comma; and

(ii) by inserting after "agencies" the second place such term appears the following: "and any other entity described in paragraph (1) that receives a grant under this subsection"; and

(C) by inserting the following new paragraphs at the end:

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships which include small businesses.

"(6) The Secretary is authorized to award grants under this section for a period not to exceed 3 years.";

(2) in subsection (b)—

(A) in paragraph (1) by striking "subsection (c)" and inserting "subsection (e)";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" and inserting a comma; and

(ii) by inserting after "agencies" the second place such term appears the following: "and any other entity described in paragraph (1) that receives a grant under this subsection";

(3) by redesignating subsection (c) as subsection (e);

(4) by inserting after subsection (b) the following:

"(c) GRANTS FOR NATIONAL WORKFORCE LITERACY STRATEGIES.—(1) Whenever in any fiscal year, appropriations under subsection (e) are equal to or exceed $25,000,000, the Secretary shall reserve not more than $5,000,000 to establish a program of grants to facilitate the design and implementation of national strategies to assist small and medium-sized businesses and unions to effectively provide literacy and basic skills training to workers.

"(2) Grants awarded under this subsection shall provide funds to establish large-scale national strategies in workforce literacy, which may include the following activities:

"(A) Basic skills training that is cost-effective and needed by employees and required by their employers to establish a trainable workforce which can take advantage of further job specific training and advance the productivity of the labor force on an individual, industry, or national level.

"(B) Specific program offerings, which may include—

"(i) English as a second language instruction;

"(ii) communications skill building;

"(iii) reading and writing skill building; and

"(iv) computation and problem solving.

"(C) Appropriate assessments of individual worker's literacy and basic skills needs and appropriate assessments of the skill levels required by business.

"(D) Cooperative arrangements with other organizations involved in providing literacy and basic skills training, including adult education, vocational education, community and junior colleges, community-based organizations, State level agencies, and private industry councils.

"(E) The establishment as appropriate of technology-based learning environments, such as computer-based learning centers.

"(3) To receive a grant under this subsection, a proposal shall be submitted to the Secretary by partnerships described in subsection (a)(1), containing a plan specifying a strategy for designing and implementing workforce literacy and basic skills training for workers, and justifying the national, statewide, or industry-wide importance of this strategy. The proposal shall include—

"(A) a demonstration of need for literacy and basic skills training;

"(B) a description of the business or industry for which the strategy is to be established;

"(C) a statement of specific, measurable goals and participant outcomes;

"(D) a strategy for achieving the goals, including a description of the process to identify literacy and basic skills required by employers and the skills of individual workers, and a description of the specific services to be provided; and

"(E) a description of the costs of the activities to be undertaken.

"(4) The Secretary shall develop a formal process for the submission of proposals and publish an announcement with respect to that process and the availability of funds in the Federal Register.

"(5) Grants under this subsection may be used to fund 70 percent of the cost of programs which meet the requirements of this subsection.

"(6) The Secretary shall give priority to grant proposals described in paragraph (2)(D).

"(7) The Secretary may take into account geographic considerations (such as rural and urban) and national distribution, when awarding grants under paragraph (3) of this subsection.

"(8) The Secretary shall award annually, from amounts available under paragraph (1), no more than 10 grants of not less than $500,000 each.

"(d) EVALUATION.—The Secretary shall reserve not more than 2 percent of any amount appropriated under this section for the purpose of carrying out an independent evaluation of the effectiveness of programs assisted under this section in improving the literacy and basic skills of workers and the productivity of employees, including potential for the replicability or adaption of such programs."; and

(5) in subsection (e) (as redesignated by paragraph (3)) by striking paragraph (1) and inserting the following:

"(1) There are authorized to be appropriated $60,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994 and 1995 to carry out the provisions of this section.".

PART C—INVESTMENT IN LITERACY

SEC. 331. AMENDMENTS TO THE ADULT EDUCATION ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313 of the Adult Education Act (20 U.S.C. 1201b) is amended in subsection (a) by striking "and such sums" and all that follows through "1993" and inserting the following: ", such sums as may be necessary for fiscal year 1991, $280,000,000 for the fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994 and 1995".

(b) USE OF FUNDS.—Subsection (a) of section 322 of the Adult Education Act (20 U.S.C. 1203b(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Grants to States under this subpart shall be used in accordance with State plans (and amendments thereto) approved under sections 341 and 351, to pay the Federal share of the cost of the establishment or expansion of adult education programs to be carried out by local educational agencies, agencies responsible for corrections education, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions that have the ability to provide literacy services to adults and families. Each State educational agency receiving financial assistance under this subpart shall assure direct and equitable access to Federal funds to local educational agencies, public or private nonprofit agencies, community-based organizations, agencies responsible for corrections education, postsecondary educational institutions, and institutions which serve educationally disadvantaged adults. In determining which programs shall receive assistance under this paragraph, the State shall consider—

"(A) the past effectiveness of applicants in providing effective services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

"(B) the degree to which the applicant will coordinate and utilize other literacy and social services available in the community; and

"(C) the commitment of the applicant to serve individuals in the community that are most in need of literacy services.";

(2) in paragraph (3)—

(A) by striking the first sentence; and

(B) by inserting after "sources;" the following: "the projected goals of the applicant with respect to participant recruitment, retention, and successful completion of the literacy program";

(3) in paragraph (4)—

(A) by striking "(A)";

(B) by inserting after "adults" the following: ", particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent."; and

(C) by striking subparagraph (B);

(4) by redesignating paragraphs (3) and (4) (as amended by paragraphs (2) and (3) of this subsection) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following:

"(3)(A) Grants to States provided under this section shall also be used for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any grant provided under the preceding sentence shall be referred to as a 'Gateway Grant'.

"(B) The Secretary shall, not less often than every 2 years, evaluate any grants made under this paragraph and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

(c) STATE ADVISORY COUNCIL.—(1) The heading to section 332 of the Adult Education Act is amended by inserting "**and literacy**" before the period.

(2) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) in the first sentence of subsection (a)(1) by striking "adult education, appointed by the Governor" and inserting "adult education and literacy, appointed by, and responsible to, the Governor";

(B) in the second sentence of subsection (a)(1) by striking all beginning with "consist" through the end period and inserting "consists of—

"(i) representatives of public education;

"(ii) representatives of public and private sector employment;

"(iii) representatives of recognized State labor organizations;

"(iv) representatives of private, voluntary, and community-based literacy organizations;

"(v) the chief administrative officer of a State, or the designee of such individual; and

"(vi) representatives of each of the following State agencies:

"(I) the State educational agency;

"(II) the State job training agency;

"(III) the State human services agency;

"(IV) the State public assistance agency;

"(V) the State library program; and

"(VI) the State economic development agency.

The council shall also include officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the council. The council shall also include classroom teachers who have demonstrated outstanding results in teaching children or adults to read.";

(C) by striking the first sentence of subsection (d) and inserting "One member more than one-half of the members on the council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the Governor, but a lesser number of members may constitute a quorum for the other purposes.";

(D) in subsection (d) by inserting the following new sentence after the first sentence: "The State advisory council shall meet at least 4 times each year."; and

(E) in subsection (f)—

(i) by amending paragraph (1) to read as follows:

"(1) meet with the State agencies responsible for literacy training to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;";

(ii) by amending paragraph (2) to read as follows:

"(2) advise the Governor, the State educational agency, and other State agencies concerning—

"(A) the development and implementation of measurable State literacy and adult education goals consistent with section 342, especially with respect to—

"(i) improving levels of literacy in the State so that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

"(ii) improving literacy programs in the State; and

"(iii) fulfilling the long-term literacy goals of the State;

"(B) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

"(C) the improvement of the quality of literacy programs in the State by supporting integration of services, staff training, and technology-based learning along with the integration of resources of literacy programs across various agencies of State government; and

"(D) private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;";

(iii) by redesignating paragraph (3) as paragraph (7); and

(iv) by inserting after paragraph (2) the following new paragraphs:

"(3) review and comment on the plan submitted pursuant to section 354(h) and submit such comments to the Secretary;

"(4) track progress on meeting the goals and objectives set forth in paragraph (2);

"(5) recommend model systems for implementing and coordinating State literacy programs for replication at the local level; and

"(6) developing reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the Interagency Task Force on Literacy established by section 111 of the National Literacy Act of 1991.".

(d) STATE PLAN.—Subsection (c) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) describe and provide for the fulfillment of the literacy needs of individuals in the State;";

(2) by striking paragraph (9);

(3) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(4) by inserting after paragraph (1) the following:

"(2) set forth measurable goals for improving literacy levels, retention in literacy programs, and long-term learning gains of individuals in the State and describe a comprehensive approach for achieving such goals, including the expected outcomes of programs, services, and activities during the 4-year period;";

(5) in paragraph (4) (as redesignated by paragraph (3) of this section)—

(A) by striking "the use of" and inserting "coordination by";

(B) by striking "other than" and inserting "including"; and

(C) by striking "such as";

(6) in paragraph (9) (as redesignated by paragraph (3) of this section), by inserting before the semicolon the following: "and the progress the State has made toward achieving the goals set forth in each State plan subsequent to the initial State plan";

(7) by striking "and" at the end of paragraph (12);

(8) by striking the period at the end of paragraph (13) and inserting a semicolon; and

(9) by adding at the end the following new paragraphs:

"(14) report the amount of administrative funds spent on program improvements; and

"(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs, and to develop new programs for adults whose lack of basic skills—

"(A) renders such adults unemployable;

"(B) keeps employed or unemployed adults from functioning independently in society; and

"(C) severely reduces the ability of such adults to positively affect the literacy of their children.".

(e) EVALUATION.—Section 352 of the Adult Education Act (20 U.S.C. 1207a) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ", including—

"(A) the number and percentage of local educational agencies, community-based organizations, volunteer groups, and other organizations that are grant recipients; and

"(B) the amount each such grant recipient receives under this Act";

(2) in paragraph (2)—

(A) by striking "before the end" and all that follows through "shall consider" and inserting the following: "evaluate 15 percent of the grant recipients each year so that at the end of such period 60 percent of grant recipients shall have been evaluated once and such evaluations shall consider, at a minimum—";

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(C) by inserting before subparagraph (B) (as redesignated by subparagraph (B) of this paragraph) the following:

"(A) the projected goals of the grant recipient as described in its application under section 322(a)(3);";

(D) by amending subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) to read as follows:

"(D) the success of the grant recipient in recruiting, retaining, and assisting participants in reaching desired literacy goals and obtaining subsequent work experience; and"; and

(E) by striking "and" at the end;

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) biennially submit a report to the Interagency Task Force on Literacy established by section 311 of the National Literacy Act of 1991 describing—

"(A) how the State will or has met the literacy goals established in its State plan; and

"(B) progress being made in reaching its literacy goals, coordination of workplace literacy services, and building a high quality delivery system for adult literacy programs.".

(f) TEACHER TRAINING.—(1) Section 353 of the Adult Education Act (20 U.S.C. 1208) is amended by—

(A) striking "and" at the end of subsection (a)(1)(B);

(B) striking the period at the end of subsection (a)(2) and inserting a semicolon and "and"; and

(C) inserting at the end of subsection (a) the following:

"(3) training professional teachers, volunteers, and administrators, with particular emphasis on training—

"(A) full-time professional adult educators;

"(B) minority adult educators;

"(C) educators of adults with limited English proficiency; and

"(D) teachers to recognize and more effectively serve illiterate individuals with learning disabilities, and with a reading ability below the fifth grade level.".

(2) Section 353 of the Adult Education Act (20 U.S.C. 1208), as amended by paragraph (1) of this subsection, is further amended—

(A) in subsection (a) by striking "10" and inserting "15"; and

(B) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE.—At least ⅔ of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).".

SEC. 332. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2941) is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

"(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and related problems which place such students at risk for illiteracy in their adult years;".

SEC. 333. AMENDMENTS TO THE EVEN START PROGRAM.

(a) AMENDMENT TO PART HEADING.—The heading for part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) is amended to read as follows:

"PART B—EVEN START FAMILY LITERACY PROGRAM".

(b) STATE GRANT PROGRAM.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) in subsection (a), by striking "local educational agencies or consortia of such agencies" and inserting "eligible entities";

(2) in subsection (b)—

(A) by inserting "(1)" before "In"; and

(B) by adding at the end the following:

"(2) In any fiscal year in which this subsection applies, no State shall award a grant under this part for an amount less than $75,000.

"(3) In any year in which this subsection applies, each State that receives a grant under this part may use not more than 5 percent of assistance provided under the grant for costs of—

"(A) administration; and

"(B) the provision of technical assistance for program improvement and replication to eligible entities that receive grants under this part, which assistance may be provided through grant or contract.";

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting immediately after subsection (b) the following new subsection:

"(c) RESERVATION.—From amounts appropriated for purposes of carrying out this part, the Secretary may reserve an amount equal to not more than 2 percent of such amounts or the amount reserved for such purposes in the fiscal year 1991, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1058; and

"(2) providing technical assistance for program improvement and replication to eligible entities that receive grants under this part, which may be provided through grant or contract."; and

(5) by amending subsection (d) (as redesignated by paragraph (3)) to read as follows:

"(d) DEFINITIONS.—For the purpose of this part:

"(1) The term 'eligible entity' means—

"(A) a local educational agency applying in collaboration with a community-based organization, public agency, institution of higher education, or other nonprofit organization; or

"(B) a community-based organization, or other nonprofit organization of demonstrated quality applying in collaboration with a local educational agency.

"(2) The terms 'Indian tribe' and 'tribal organization' have the respective meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

"(3) The term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(c) ALLOCATION.—Section 1053 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2743) is amended by amending subsection (a) to read as follows:

"(a) RESERVATION FOR MIGRANT PROGRAMS AND TERRITORIES.—(1) In each fiscal year in which section 1052(a) applies, the Secretary shall first reserve for programs consistent with the purpose of this part—

"(A) for migrant children, an amount equal to 3 percent of the amount appropriated for purposes of carrying out this part, which programs shall be conducted through the Office of Migrant Education; and

"(B) for allocations to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and to Indian tribes and tribal organizations, an amount comparable to their relative need.

"(2) In each fiscal year in which section 1052(b) applies, the Secretary shall first reserve for programs consistent with the purpose of this part, an amount equal to 5 percent of the amount appropriated for purposes of carrying out this part, of which—

"(A) amounts shall be allocated for programs for migrant children, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and Indian tribes and tribal organizations, according to their relative need; and

"(B) in no case shall the amount reserved for programs for migrant children be less than the amount reserved for such programs in the preceding fiscal year.".

(d) FEDERAL SHARE LIMITATION.—Section 1054 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2744) is amended—

(1) in subsection (a), by striking "local educational agencies" and all that follows through "nonprofit organizations," and inserting "an eligible entity";

(2) in paragraph (2) of subsection (b), by inserting after "counseling," the following: "other developmental and support services,"; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving such subparagraphs 2 ems to the right so that they are indented 6 ems from the left margin;

(B) by striking "(c) FEDERAL SHARE LIMITATION.—" and all that follows through "may be—" and inserting the following:

"(c) FEDERAL SHARE.—

"(1) LIMITATION.—The Federal share under this part may be—";

(C) in subparagraph (A) (as redesignated by subparagraph (A) of this paragraph), by striking "local educational agency" and inserting "eligible entity";

(D) by moving the matter following subparagraph (D) (as redesignated by paragraph (1) of this subsection) 2 ems to the right, so that it is indented 4 ems from the left margin;

(E) by striking the last sentence and inserting the following: "The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this chapter."; and

(F) by adding at the end the following:

"(2) SPECIAL RULE.—The Secretary may waive, in whole or in part, the requirement that all or part of the remaining cost described in paragraph (1) be obtained from sources other than funds made available under this chapter if an eligible entity—

"(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

"(B) negotiates an agreement with the Secretary with respect to the amount of the remaining cost to which the waiver would be applicable.".

(e) ELIGIBLE PARTICIPANTS.—Section 1055 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2745) is amended—

(1) by striking "Eligible" and inserting the following: "(a) IN GENERAL.—Except as provided in subsection (b), eligible";

(2) in paragraph (2) of subsection (a) (as designated by paragraph (1)), by striking "(aged 1 to 7," and inserting "(from birth to age 7,"; and

(3) by adding at the end the following:

"(b) CONTINUATION OF ELIGIBILITY FOR CERTAIN PARTICIPANTS.—Any family participating in the program under this part that becomes ineligible for such participation as a result of 1 or more members of the family becoming ineligible for such participation, may continue to participate in the program until all members of the family become ineligible for participation, which—

"(1) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of 8, shall be when the parent or parents become ineligible due to educational advancement; and

"(2) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of 8.".

(f) APPLICATIONS.—Section 1056 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2746) is amended—

(1) in subsection (a), by striking "a local educational agency" and inserting "an eligible entity"; and

(2) in subsection (b), by striking "the local educational agency" and inserting "the eligible entity".

(g) SELECTION PROCESS.—Section 1057 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2747) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (F), respectively;

(B) by inserting "(1)" before "The";

(C) in paragraph (1) (as designated by subparagraph (B) of this paragraph)—

(i) by amending subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) to read as follows:

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and adults who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators.";

(ii) in subparagraph (E) (as redesignated by subparagraph (A) of this paragraph), by striking "the local educational agency's" and inserting "the eligible entity's"; and

(iii) by adding at the end the following:

"(2) The review panel shall give priority for grants under this subsection to proposals which—

"(A) make the demonstration described in paragraph (1)(B); and

"(B) demonstrate an ability to operate an effective program.";

(2) by amending subsection (c) to read as follows:

"(c) DISTRIBUTION OF ASSISTANCE.—(1) In approving grants under this part pursuant to section 1052(a), the Secretary shall ensure a representative distribution of assistance among the States and among urban and rural areas of the United States.

"(2) In approving grants under this part pursuant to section 1052(b), the review panel shall ensure a representative distribution of assistance between urban and rural areas of the State."; and

(3) in paragraph (1) of subsection (d), by striking "local educational agency" each place it appears and inserting "eligible entity".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1059 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2749) is amended to read as follows:

"There are authorized to be appropriated $60,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993 to carry out the provisions of this part.".

SEC. 334. FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized, subject to the availability of appropriations, to enter into a contract with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations (such as illiterate parents, economically disadvantaged parents, offenders and their families, unemployed parents, learning disabled parents, and non-English speaking parents) including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1992 to carry out the provisions of subsection (i), of which $100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

PART D—BUSINESS LEADERSHIP FOR EMPLOYMENT SKILLS

SEC. 341. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by inserting at the end thereof the following new section 373:

"SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

"(b) FEDERAL SHARE.—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

"(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include—

"(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

"(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

"(3) approved apprentice training programs; and

"(4) labor organizations, the memberships of which includes commercial drivers.

"(d) REFERRAL PROGRAM.—Grantees shall refer individuals who are identified as having literacy skill problems to appropriate adult education programs as authorized under this Act.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'approved apprentice training programs' has the meaning given such term in the National Apprenticeship Act of 1937.

"(2) The term 'eligible commercial driver' means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of fiscal years 1992 and 1993.".

PART E—BOOKS FOR FAMILIES

SEC. 351. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2963) is amended by—

(1) striking "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by adding the following new paragraph after paragraph (2):

"(3) beginning in fiscal year 1992 and each fiscal year thereafter, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, but not limited to—

"(A) low-income children (particularly such children in high poverty areas);

"(B) children at-risk for school failure;

"(C) disabled children;

"(D) emotionally disturbed children;

"(E) foster children;

"(F) homeless children;

"(G) migrant children;

"(H) children without access to libraries;

"(I) institutionalized or incarcerated children; and

"(J) children whose parents are institutionalized or incarcerated; and".

(b) STUDY.—Reading is Fundamental will report to the Secretary of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965.

SEC. 352. LIBRARY LITERACY PROGRAMS.

Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by inserting at the end thereof the following new subsection:

"(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

"(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

"(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

"(B) have low per capita income, unemployment or underemployment; and

"(2) coordinate with literacy organizations and community based organizations providing literacy services.".

PART F—VOLUNTEERS FOR LITERACY

SEC. 361. LITERACY CHALLENGE GRANTS.

(a) GENERAL AUTHORITY.—Part C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4991 et seq.) is amended by adding at the end thereof the following new section:

"LITERACY CHALLENGE GRANTS

"SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

"(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

"(1) describe the activities for which assistance is sought,

"(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

"(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

"(4) contain such other information and assurances as the Director may reasonably require.

"(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a nonprofit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

"(i) 80 percent in the first fiscal year;

"(ii) 70 percent in the second fiscal year; and

"(iii) 60 percent in the third fiscal year.

"(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

"(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

"(A) 90 percent in the first fiscal year;

"(B) 80 percent in the second fiscal year; and

"(C) 70 percent in the third fiscal year.

"(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(c) of the Domestic Volunteer Service Act of 1973) Act (42 U.S.C. 5081) is amended by—

(1) inserting "(1)" after the subsection designation; and

(2) inserting at the end thereof the following new paragraphs:

"(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated $2,500,000 for the fiscal year 1992 and such sums as may be necessary for 1993 for Literacy Challenge Grants under section 125.

"(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

"(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

"(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.".

PART G—LITERACY FOR INCARCERATED INDIVIDUALS

SEC. 371. MANDATORY EDUCATION FOR INCARCERATED ADULTS.

Section 321 of the Adult Education Act (20 U.S.C. 1203) is amended—

(1) by striking "From" and inserting the following:

"(a) PROGRAM AUTHORIZED.—Subject to subsection (b), from"; and

(2) by adding at the end the following:

"(b) MANDATORY LITERACY PROGRAM.—(1) Before the expiration of the 2-year period beginning on the date of the enactment of this subsection, each State correctional system and each local jail or detention center with an inmate population shall have in effect a mandatory functional literacy program in at least 1 major correctional facility.

"(2) Provided that adequate funds are available before the expiration of the 5-year period beginning on the date of the enactment of this Act, each State correctional system and each local jail or detention center with an over 150 inmate population shall have in effect a functional literacy program in each correctional facility.

"(3) Each mandatory functional literacy program required by paragraphs (1) and (2) shall include—

"(A) a requirement that each individual incarcerated in a State corrections system, or in a local jail or detention center with an over 150 inmate population, who is serving a sentence of at least 1 year, and who is not functionally literate participate in such program until such individual—

"(i) achieves functional literacy;

"(ii) is granted parole;

"(iii) completes his or her sentence; or

"(iv) is released pursuant to a court order;

"(B) a prohibition on granting parole to any individual described in subparagraph (A) who refuses to participate in such program;

"(C) adequate opportunities for appropriate educational services and testing of all inmates for functional literacy upon reception; and

"(D) an inmate participation incentive program which may include—

"(i) better housing opportunities;

"(ii) monetary incentives for achievement; and

"(iii) positive reports from the education department to the parole authorities for inmates who participate and progress in the literacy program.

"(4) For purposes of this subsection, the term 'functional literacy' means either—

"(A) an eighth grade equivalence in reading on a nationally recognized standardized test;

"(B) functional competency or literacy on a nationally recognized criterion-referenced test; or

"(C) a combination of subparagraphs (A) and (B).

"(5) Any individual serving a life sentence without parole, or who is terminally ill, or under a sentence of death shall not be required to participate in a mandatory functional literacy program.

"(6) The Secretary shall waive the application of paragraph (3)(B) in any case in which a court order requires early release of an individual due to a constitutional consideration.

"(7) Each State facility and jail required to participate in this program shall make an annual report to the Secretary on the results of its mandatory literacy program. Such report shall include the—

"(A) number of individuals tested for eligibility;

"(B) number of individuals eligible for the program;

"(C) number of individuals participating in the program;

"(D) numbers of hours of instruction per week; and

"(E) sample data on achievement of students.

"(8) Parole agencies are encouraged to make educational recommendations for those being released who do not have a marketable job skill or a high school diploma.

"(9) Jails with less than a 150 inmate population are encouraged to develop mandatory functional literacy programs as described in paragraph (3).".

Mr. MITCHELL. Mr. President, I am pleased to join my colleagues today in cosponsoring S. 2, the Strengthening Education for American Families Act.

Education is the foundation upon which this country was built. Yet since the National Council on Excellence in Education declared our Nation "at risk" in 1983, that foundation has eroded, placing this Nation at even greater risk.

A 1985 study of 8th graders in 20 countries found that the United States ranked 10th in arithmetic, 12th in algebra, 16th in geometry, and 18th in measurements.

A 1986 study of college-bound high school seniors in 13 industrialized countries found that American students ranked 9th in physics, 11th in chemistry, and last in biology.

A recent National Assessment of Educational Progress test found that half of American 17-year-olds cannot handle junior high level math problems and only 7 percent were ready for college science courses.

According to a report released last year by the National Assessment of Educational Progress, high school seniors lack the most basic understanding in geography.

The NAEP survey found that only 58 percent of high school seniors could locate Jerusalem on a regional map, only 42 percent could identify Nigeria on a map of Africa, and 64 percent of the students did not know that Saudi Arabia borders on the Persian Gulf and the Red Sea.

It is time we devoted more effort and more resources to strengthening education for American families. For this reason, education has been designated as a high priority in the 102d Congress.

In 1989, Senate Democrats, House Democrats, and Democratic Governors joined together in announcing national education goals. The President and the Nation's Governors have since announced similar goals as well.

Title I of S. 2 establishes eight national education goals. But goals alone cannot be the answer. We need to continually measure performance toward those goals and to let Americans know what progress is achieved in attaining those goals.

Title II of S. 2 establishes a National Council on Educational Goals based on the concepts developed by Senator BINGAMAN through hearings and meetings with academic experts. The Council will monitor the goals, analyze education data, and issue an annual report card on progress made.

Title III of S. 2 is of critical importance in attaining one of the eight goals. This section embodies legislation authored by Senator SIMON last year that will help this Nation end illiteracy by the year 2000.

Studies have found that by the end of the decade, people with less than a high school diploma will be able to fill only about 14 percent of all jobs, as opposed to 40 percent today. And, the jobs that are in the middle of the skill distribution today will be the least skilled occupations of the future.

But as many as 23 to 27 million Americans are functionally illiterate today. These people face a future where jobs will demand increasingly higher level skills. We cannot abandon them. No American should be left behind as we futher enter an age that is ever more technologically sophisticated.

S. 2 is the guideline for our education agenda. It is not the full agenda. It is the beginning. If we do not identify where we want to go and what we want to achieve, we have no direction and our efforts are empty. This legislation sets the path that we will follow.

For each of the national education goals established in title 1 of S. 2, we will work on legislation during this Congress.

Currently, about 20 percent of those children eligible to participate in Head Start are enrolled in a preschool program. Ensuring that all children start school ready to learn is one of the most important goals for this Nation. I hope that we can expand Head Start this year to involve more eligible children.

Another important goal involves substantially reducing the high school dropout rate. One out of every four high school students drops out today. I hope that we can expand current dropout demonstration programs and other programs designed to prevent high school students from dropping out.

A number of studies have estimated that we will need about 2 million new teachers before the year 2000. Other studies have found that 20 percent of new teachers leave during their first year of teaching and over half leave before their sixth year. For those teachers that stay, in a number of fields, they are not qualified to teach the courses for which they were hired.

If we want our children to learn, we have to make sure that teachers can teach. Along with the goal of ensuring a diverse teaching faculty and a well qualified teacher before every classroom, we will be working on teacher training and recruitment legislation this year.

One of the most controversial education issues that will be addressed this year involves the reauthorization of the Higher Education Act. It is no secret that the cost of obtaining a higher education has risen during this decade at over twice the rate of inflation.

We need to ensure that no qualified student is precluded from higher education because of the cost alone. No high school student who studies hard and achieves should ever feel that college is out of reach. No American family should ever fear that their child's hard work in school will go for nothing.

Given Federal budget constraints, the reauthorization of the Higher Education Act will be no easy task. However, following hearings and related studies, the Labor and Human Resources Committee will begin drafting legislation later this year.

Strengthening education for American families is not a partisan issue. Nor do I believe we should play partisan politics with it.

I hope that all of my colleagues will join with us today in supporting S. 2 which will make our progress measurable and put into place efforts to make all Americans literate.

Mr. SIMON. Mr. President, today I am pleased to join my distinguished colleagues, Senators KENNEDY, PELL, BINGAMAN, and our majority leader, in sponsoring S. 2, the Strengthening Education for American Families Act of 1991. I am particularly pleased that title III of this bill is the National Literacy Act, a bill I introduced in the 101st Congress, which received unanimous support in the Senate last February, with a vote of 99 to 0. The National Literacy Act will launch the first comprehensive and coordinated Federal effort to create, expand and improve the resources available to help millions of Americans learn to read.

President Bush, in his State of the Union address, announced six key education goals upon which he and the governors have agreed. One of those goals—"Every American adult must be a skilled, literate worker and citizen"—is a simple but important objective that we should have addressed long ago. Nevertheless, we now have a Presidential commitment toward ending illiteracy in our Nation. The National Literacy Act provides the structure, the strategies, and the means to put action behind our words. Indeed, the National Literacy Act provides the foundation necessary to mobilize a comprehensive national campaign for literacy.

Mr. President, the National Literacy Act includes: The creation of an Interagency Task Force for Literacy, the National Institute for Literacy, State Literacy Resource Centers, a Family Literacy Public Broadcasting Program, and a Literacy Challenge Grant Program in the ACTION Agency; and the expansion and improvement of the Adult Education Act, including the Workplace Literacy Program, and the Even Start Family Literacy Program.

NATIONAL INSTITUTE FOR LITERACY

While there are a number of existing Federal programs that help to address the problem of illiteracy, resources are scarce and dispersed among numerous Federal agencies. Furthermore, the programs that do exist are not coordinated and are delivered in a fragmented fashion. We simply have no national policy as it relates to literacy. There is no clear consensus on what works most effectively in literacy programs, and what we do know is not well disseminated or utilized, particularly because of a lack of sufficient training for the large number of part-time adult educators and volunteers.

To address these needs the National Literacy Act creates an Interagency Task Force on Literacy and the National Institute for Literacy. The Task Force is composed of the Secretaries of Labor, Education, and Health and Human Services, and the Director of the ACTION Agency. It will coordinate the various literacy functions of the Federal Government and monitor the progress in meeting the literacy goals of this act.

The National Institute for Literacy will serve as an important focal point for expertise and leadership in literacy. The Institute will coordinate literacy efforts with the State Literacy Resource Centers also created in this act. The Institute is authorized to conduct research and policy analysis, operate a toll-free hotline for literacy providers, develop a data base on literacy, disseminate information, and provide training and technical assistance to literacy providers. The Institute will be administered by an interagency group composed of the Secretaries of Education, Labor, and Health and Human Services. It is authorized at $10 million in fiscal year 1992.

ADULT EDUCATION PROGRAMS

The primary Federal program that exists to reduce illiteracy is the Adult Education Act. Currently, it is funded at about $200 million, about 1 percent of the Department of Education's total budget. It serves only 10 percent of those estimated to be in need. Across the country, all the public and private literacy programs combined provide services to about 19 percent of those who need help.

In an effort to meet more of the demand for literacy services, this bill increases the authorizations for the Adult Education Basic State Grant by $80 million over fiscal year 1991 appropriations. The existing program is also amended to ensure "direct and equitable access" to AEA funds by nonprofit and community-based organizations. Today, the majority of States in our country do not fund these organizations, irrespective of their success in serving illiterate populations. This change will allow these organizations in each State to compete for adult education funds based on the effectiveness of their programs.

WORKPLACE LITERACY PROGRAMS

The existing Workplace Literacy Program is amended to create a new section for "Programs of National Significance." The authorization for the Workplace Literacy Program will be increased to $60 million, and of this amount, $5 million will be set-aside for programs of national significance. The national significance grants will be funded at a minimum of $500,000 for large-scale projects intended to address literacy problems of national, statewide or industrywide importance. Also,

$5 million in technical assistance funds are included for the Department of Labor to work with businesses and unions to establish or improve workplace literacy programs.

EVEN START PROGRAM

In 1988, the Congress authorized the Even Start Program to target parents and their children who are in need of literacy services to break the cycle of generational illiteracy, poverty, and unemployment. Under this legislation, the title is changed to the Even Start Family Literacy Program, and the authorization for appropriations is increased. Legislative revisions to this program include: Strengthening the targeting provisions by placing a priority on grants to high poverty areas most in need of funding; increasing accessibility to funds by allowing nonprofit or community-based organizations to apply directly for funds; creating a set-aside for model program replication, grants to Indian tribes and tribal organizations, and the U.S. territories; and changes the eligible age for children to permit services to newborn children.

ACTION AGENCY CHALLENGE GRANTS

Within the ACTION Agency, a Literacy Challenge Grant Program is created to provide $2.5 million in matching funds to public-private partnerships that establish or expand community or employee literacy programs. An emphasis is placed on the use of volunteers, which is in keeping with the mission of ACTION.

Mr. President, we cannot underestimate the scope of the illiteracy problem. Roughly 30 million Americans in this country are being considered illiterate according to commonly used estimates. Of these 30 million, an estimated four million cannot read at all. Another 45 million adults read with only minimal comprehension. Extremely high rates of illiteracy are reported among the welfare population, the unemployed, drug users, criminals, and high school dropouts. It is reported that one-half of all the households that are classified below the poverty level by Federal guidelines cannot read an eighth grade level book.

A major goal of the National Literacy Act is to improve work force literacy. The literacy skills of our current and future work force must be improved if the United States is to remain competitive in domestic and international markets. Our newspapers are replete with dramatic examples of the difficulties American businesses are facing today in hiring literate workers.

The New York Telephone Co. had to test 60,000 people on an entry-level exam to hire just 3,000 people. Eighty-four percent of those tested failed the exam.

IBM offered free college-level algebra courses at a New York State plant and 280 workers signed up, but an achievement test revealed that only 30 workers could read and solve math problems at even the high school level.

Chrysler Corp. had to incorporate graphics on its assembly line because so many workers could not read the words "bad hood fit" on the button they were supposed to push when they detected an ill-fitting hood.

The American Society for Training and Development estimates that American businesses now spend about $1 billion a year on basic education in addition to the billions they spend on teaching specific occupational skills. Within a decade that figure is expected to increase at least tenfold.

The workplace is placing greater demands on employees. The average American worker today must have skills at the ninth through twelfth grade levels, not the fourth grade level typical after World War II. And the standards keep rising. The growth occupations have increasingly shifted to the service and retail sectors, which require high level problem-solving, communication, reading, writing, and math skills. By the year 2000, three out of four jobs will require educational training beyond ninth grade.

Changing demographics suggest that our future work force will rely increasingly on population groups that have disproportionately high rates of illiteracy. Women, immigrants, and blacks, Hispanics, Asians, and other races will account for over 80 percent of the work force growth from 1986 to the year 2000. Minorities, especially blacks and Hispanics, and persons with disabilities, dominate the pool of unskilled, and increasingly unused, labor. It is estimated that 44 percent of black and 56 percent of Hispanic adults are functionally illiterate. The proportion is roughly 16 percent for whites.

Fighting illiteracy is not just an issue of fairness and equity; it is an issue of economics. Our Nation's economic security is directly tied to the quality of the Nation's work force. Over the course of the next decade, some 21 million new labor market entrants, including those from minority groups, will require literacy and basic skills training to enable them to succeed in new jobs. The future growth and prosperity of our economy will be closely linked to our ability to educate and train these individuals.

Combating illiteracy allows us to combat crime. About 75 percent of adult prison inmates are functionally illiterate, and the average person in prison has a third or fourth grade reading level. While it costs only $4,200 a year to send a youth to school, the costs of school failure are much higher if these youth resort to crime and are incarcerated. In fact, it costs $14,000 per year to keep a prisoner in jail, and these costs are exacerbated by extremely high rates of recidivism. The high levels of illiteracy among the prison population virtually guarantees poor success in the job market after release. This is a particularly serious problem considering that about 90 percent of adults presently in prison will be released within the next 5 to 10 years.

One of the aims of the National Literacy Act is to expand literacy services to persons with learning disabilities and facilitate a better understanding of this learning disorder and how to address it. According to a 1987 study by the Federal Interagency Task Force on Learning Disabilities, five to ten percent of the total population have learning disabilities. This means that as many as 12 to 24 million Americans have learning disabilities that hinder their ability to read. Experts estimate that those with learning disabilities are disproportionately represented among high school dropouts, the unemployed, the illiterate, and offenders.

If one thing is clear it is that the problem of illiteracy in this country is of disturbing proportions. It is equally clear that solutions to the problem have been ignored for far too long at the national level.

There is a growing consensus that the national effort to promote literacy and combat illiteracy has been too weak and that more substantial and comprehensive Federal leadership is needed. The goal of substantially reducing illiteracy by the year 2000 is now viewed as a significant, and necessary, step toward ensuring educational and economic opportunity for all Americans, and enhancing our Nation's economic competitiveness. In some respects, the Federal effort in this area has lagged behind State involvement. Some 38 States have implemented literacy initiatives and committed State resources to attack the problem.

As a nation, I believe that we must ensure that all those who need and want literacy services will receive them—without being subjected to waiting lists, inaccurate assessments, overcrowded classrooms, or inferior programs taught by poorly trained adult educators. The National Literacy Act is intended to achieve these objectives.

Mr. President, I am pleased to note that the Literacy Act has received widespread support from most national literacy programs and from numerous State and local literacy programs across the country. A few of these organizations include: the Literacy Network, International Reading Association, Literacy Volunteers of America, United Way of America, ABC/PBS Project Literacy, the American Library Association, American Association of Community and Junior Colleges, American Vocational Association, Correctional Education Association, National Puerto Rican Forum, National Council of La Raza, Laubach Literacy Action, Association for Community Based Education, National Puerto Rican coalition, American Jail Association, Coalition on Human Needs, Council of Chief State School Officers, Association of State Literacy Directors, National Council of State Directors of Adult Education, National Conference of State Legislatures, National Urban League, American Association for Adult and Continuing Education, State Directors of Vocational Education, OIC's of America, Alternative Schools Network, and the Council of Great City Schools.

THE NATIONAL EDUCATION GOALS

Mr. President, in 1949, the Federal Government invested 9 percent of its budget in education. Now, only 2 percent goes for education, if you exclude the school lunch program. It is clearly time to renew the Federal commitment to America's young and old who want to learn.

The National Literacy Act is a beginning, but it is only that. Title I of the Strengthening Education for American Families Act also lays out a number of other actions that the Federal Government must take if the national education goals are going to be reached. For example, the goals call for all children to start school ready to learn by the year 2000. One of the Nation's best hopes for meeting this goal is the highly successful Head Start Program. Yet the program only serves about 20 percent of eligible 3-, 4-, and 5-year-olds.

Virtually all Head Start Programs have waiting lists. Recently, I was in Rock Island, IL, visiting a program in a poor area there. To deal with the demand, I found out that they have one group of children on Monday, another group on Tuesday, another on Wednesday, and so on. I asked the director what it would mean if she could serve all of the kids every day. She answered, "You can't believe what a difference that would make."

We must do better. This bill establishes our commitment to do just that, to "provide Head Start services to every eligible child who needs such services." Head Start funding increased in fiscal year 1991, but it must continue to increase substantially if, by the year 2000 all students truly will enter school ready to learn.

In other areas as well, this bill establishes specific Federal commitments to do our part to achieve the national goals. On school dropout prevention, student achievement, science and math, violence and drugs, and teacher recruitment, programs are cited as vehicles for making real progress towards goals that have so far been 99 percent rhetoric, particularly on the part of the Federal Government.

The bill also establishes goals for higher education, neglected for the most part by the Governors and the President. Over the past decade, our major grant program for poor students has lost half of its purchasing power, forcing these students to borrow, or, too often, to forgo their dreams. In the past, grants were the major form of Federal student aid, 75 percent in the mid-1970's. Now, two-thirds of Federal aid is loans. This trend must be reversed. Excessive loans not only discourage needy students from starting or finishing college, they pose an unreasonable hardship for those not entering high-paying professions, more often women and minorities. Furthermore, a large loan burden twists career goals, giving a student one more reason to become a lawyer instead of a teacher.

This legislation provides the foundation for our discussion this year on the reauthorization of the Higher Education Act: Increased enrollment and retention of low-income and minority students; assistance to middle income families; and reduced reliance on loans.

NATIONAL COUNCIL ON EDUCATIONAL GOALS

Mr. President, setting broad goals is not enough. If we are to succeed, there must be a concerted effort to involve the American people in the campaign to achieve the national education goals. My colleague from New Mexico [Mr. BINGAMAN] has been pressing this point home for the past year or so, and title II of this bill is an attempt to really involve the Nation in this effort.

This bill establishes a national council of education experts and leaders, to analyze the Nation's progress toward the national goals, and, perhaps more important, to make recommendations for action at the Federal, State, and local level. The council would work closely with State summits on education, designed to establish goals, plans, and timetables at that level.

The panel established by the National Governors Association, is, frankly, insufficient for the task at hand. The 10 voting members are three Democratic Governors, three Republican Governors, and four members of the administration. Neither the panel nor the administration has asked for any genuine participation by Members of Congress. There are no leaders of education organizations, no teachers, no outside education experts. Senator BINGAMANS' proposal would establish a credible, bipartisan panel of experts. It has a real chance of accomplishing more than just public relations.

Mr. President, when I was in maybe the fourth grade, I remember reading in a geography lesson that the United States has a high standard of living because we have such an abundance of natural resources. I believed that until a few years ago, when I realized that the countries that are increasing their gross national product much faster than we are, are countries with virtually no natural resources. They have invested in their people. That is what we have to do, and this legislation, the Strengthening Education for American Families Act, is an important start.

Mr. PELL. Mr. President, I am very pleased, as the chairman of the Education Subcommittee, to rise today as a cosponsor of the Strengthening Education for American Families Act of 1991. Its introduction as one of the first bills sends a strong signal that education is indeed among the top priorities of the Congress.

The legislation we are introducing today has three major components:

First, it defines a series of national goals in education for all Americans;

Second, it establishes a national academic report card on education that will bring educators, parents, and Congress to the table with Governors and the President in measuring our progress toward meeting the national education goals; and

Third, it reintroduces the National Literacy Act, legislation which passed the Senate last year 99 to 0, but which did not become law.

In higher education the task before us is great. In the decades of the sixties and seventies, our Nation committed itself to open the doors of higher education to every young American with the talent, desire, and drive to pursue a college education. How close we came. In 1980, a maximum Pell grant covered 41 percent of the average college cost. The passage of the Middle Income Student Assistance Act in 1978 meant that middle income American families could count on Federal student aid to help ease the tuition crunch.

But today, Mr. President, that dream is fading. A maximum Pell grant covers only 26 percent of the average cost of college. The student loan program is increasingly unavailable to those families for whom it was designed—the middle income. Instead, we now burden our Nation's poorest young people with enormous education debts. The result is a student aid program in trouble and disarray, the middle income increasingly unable to meet the costs of a higher education, and minorities and the poor for whom the dream of a college education remains just that—a dream.

This is a situation we must reverse. We must find a way to restore the opportunity for a college education to every American who has the talent, drive, and desire. That will be my overriding goal during the higher education reauthorization.

At all levels of education, it is without question that quality in education is our primary mission. In higher education, we must make sure that any student who receives Federal aid to attend an institution of higher learning need not worry about the quality of the education that he or she receives. Quality should be a given. And, if institutions do not provide a quality education, they should be ineligible to receive Federal aid.

In elementary and secondary education, the mission to achieve quality in education must be the same. And, through the reauthorization of the Office of Educationalal Research and Improvement, we have a golden opportunity to focus upon excellence in education as never before. We should charge the Office of Education Research and Improvement to identify proven models of educational excellence, and to develop mechanisms for translating that excellence into our Nation's schools. We should ask it as well to examine new ideas, such as fulfilling the human capacity to learn, extending the school year, and periodic testing of students to evaluate what they have learned in the classroom. To my mind this office should serve as the beacon of educational excellence, and it should be on the cutting edge of new, innovative, and even controversial educational ideas, concepts, and programs.

As we begin the 102d Congress, we must focus upon quality and access as a single, inseparable effort. To provide an excellent education without affording every American adequate access to that education runs counter to our democratic responsibilities. Conversely, to focus upon access without ensuring excellence does a disservice to our students, our people, and our Nation.

I want to commend the majority leader for his leadership in making education a priority for the 102d Congress. I want to commend the chairman of the Labor and Human Resources Committee, Senator KENNEDY, for his distinguished work in education over the years and for the leadership he is taking on this legislation. And, I want to commend Senator SIMON for his extraordinary work in fashioning a strong literacy bill, and Senator BINGAMAN for his tremendous contribution to the legislation on the national academic report card.

We have an ambitious agenda ahead of us, but our work is critical. For, in the words of John Kennedy:

> Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource.

Mr. BINGAMAN. Mr. President, I rise today to speak in support of Senate bill number 2, the Educational Improvement Act of 1991. I would particularly like to focus my remarks on title II, the National Academic Report Card Act of 1991.

Over the past decade, we have witnessed a growing concern about educational achievement in the United States. Improving the quality of education of American students has become a top priority of the Nation's Governors as well as the President of the United States. There has been an increasing acceptance that there needs to be a more sustained national effort if the quality of education offered to American students is to improve.

In September 1989, the President and the Governors met at an education summit in Charlottesville. They agreed upon six goals to be achieved by the year 2000:

> All children will start school ready to learn, Ninety percent of high school students will graduate, All students will master basic skills, U.S. students will be first in the world in science and mathematics achievement, Every adult American will be literate, Every school will be drug-free and safe.

These are laudable goals. But there was minimal participation by parents and organizations in setting these goals, in plans for monitoring progress, or implementing programs toward meeting these goals.

Senate bill S. 2, title I, expands significantly on the scope of the National Goals in at least two major areas by incorporating the goals of, "Providing every school in the Nation with a well qualified and diverse teaching faculty," and "Ensuring that no qualified student shall be denied the opportunity for postsecondary education because of financial or other barriers." In addition, the Educational Improvement Act of 1991 includes a title III which addresses improving national literacy. I fully support the efforts of my colleague Senator SIMON in designing a strategy for achieving universal adult literacy by the year 2000.

If we are to improve the quality of American education, there is no doubt that measuring student progress will play a critical role. A joint statement issued at the 1989 education summit stated,

> When goals are set and strategies for achieving them are accepted, we must establish clear measures of performance and then issue annual report cards on the progress of students, schools, the states, and the federal government.

Clearly, establishing national goals will have little meaning unless we are able to assess where we currently stand and to measure our progress in attaining these goals.

There was and is no effective mechanism for measuring individual school performance relative to the established national education goals. It is clear that we need more information about the quality of education as well as more information about the conditions under which education takes place and the conditions of children receiving that education. There is a need to establish effective and direct ways to measure progress toward the national education goals so that policy makers at the local, State, and the Federal levels can begin to effectively and substantively address the issue of improving the quality of American education.

In January 1990, I introduced S. 2034, the National Report Card Act. It established a National Council on Education composed of highly-respected, bipartisan experts to study, evaluate, and report on the progress of the Nation's ecducational achievement, from preschool through postsecondary education. Title II of S. 2 is an evolution of that bill, taking into account further input the Senate Labor Committee received in its hearings last year. It is essentially identical to the version S. 3095 reported by the Labor Committee last October.

Following an initial report analyzing existing information on the educational achievement of U.S. students and schools, the Council would issue annual report cards assessing U.S. educational attainment. Each report card would: First, assess progress toward the national goals; second, identify gaps in existing data and make recommendations for improving the methods of assessing educational attainment; and third, based on input from several sources involved in implementing the goals, make revisions in the strategies for achieving the national educational goals or identify new educational goals or objectives.

This past July, a full 7 months after introduction of my National Report Card Act, the Governors and some of the President's advisors met in Mobile, AL. One of the outcomes of this meeting was the establishment of a competing National Educational Goals Panel, which unfortunately falls well short of the mark for an independent report card. This panel was charged with overseeing the development and implementation of a national education progress reporting system. Their panel would develop and establish appropriate measures to assess progress toward the national education goals established in Charlottesville. Each year, the panel is to report the progress made toward these goals.

Unfortunately, the Governors and the President chose to ignore the need for independence as expressed originally in my Report Card Act. Instead, they set up a panel comprised of six Governors, four administration officials, and four ex-officio Members of Congress—all political office holders. In effect, as the people responsible for making and implementing national and State educational policy, they have made arrangements so that they, and no one else, would be the judge of their own work. This would serve the purpose of shielding those who set the goals from any accountability for achieving those goals.

An additional concern is that the Panel cannot act on any proposal or statement unless 75 percent or 8 out of the 10 Members agree. This effectively gives both the Governors and the administration independent vetoes over any reports issued. Another severely limiting factor in terms of carrying out the Panel's mission is that there is no budget for the Panel to conduct its business nor any mechanism for it to commission data collection, particularly any new data collection. The Department of Education has had the primary responsibility for collecting information on the condition and progress of education in the United States. However, the National Center for Education Statistics—the primary source for Federal data on American education—according to testimony heard over the past 2 years, has long been underfunded in comparison to other general purpose statistical agencies. In summary, the Governors and the President have set up a group—totally ignoring the concept developed in the Report Card Act—to monitor education progress, and this Panel is made up of political officials who will be monitoring their own achievement and do not have funding to carry out their mission.

This past July and September I chaired two hearings of the Labor and Human Resources Subcommittee on Education both of which focused on the National Report Card Act of 1990. Three major conclusions were drawn from these hearings: First, there is a need for a report card that would contain information about school indicators being used to achieve national goals; second, the general public should be meaningfully involved; and third, there should be an independent National Council to monitor progress toward the national goals.

I believe that there is no issue of greater long-term consequence to our Nation's future than the performance of our educational system. I do not believe that two separate groups attempting to assess education progress will benefit the education achievement of our students. Out of last year's hearings came a modified bill, S. 3095, which the Labor Committee reported by a vote of 12 to 4, last October. It is this version which is now incorporated as title II of S. 2, The Educational Improvement Act of 1991. There are three major substantive changes from the original bill introduced last January. These were designed to take into account the current state of affairs.

Instead of two separate panels this bill will create a single Council made up of education "stakeholders", "experts", and "policymakers". In effect the two panels, the one created by the administration and the Governors, and the one I originally envisioned, are combined without substantially affecting the integrity of either panel nor the mission of the Council.

Another change that would affect the collection of data, is a recommendation that after developing its long-range timetable, the Council contract with NCES or any other entity capable of generating and/or collecting the necessary data to appropriately assess the goals based on the Council's recommendations.

A third major change is the authorizing of matching funds for State summits of education. The Council will include in its initial report on recommended indicators, as well as on the subsequent annual reports, an analysis of the submitted State summaries. The state summits are, I believe, vitally important to the success of the long-term national goals. Long-term commitment will come only from a large-scale consensus. The state summit reports will help generate meaningful grassroots discussion about the national goals and will help the Council evaluate the level of local and State commitment to investing in strategies for improving schools. Funding ongoing grassroots deliberation will help keep public momentum behind the process.

This past year saw much wasted time as the administration sought to exercise political control over the assessment process. It was a battle of a policy that demanded administration control versus a bill that asserted the need for an independent council. Even discussions with the National Governors Association failed to reconcile the differences. It is still my very strong conviction that an independent council is of the utmost importance if we are to honestly and credibly assess and report on our success in attaining the national goals on education.

If this nation is to improve the quality of education offered to our students and to improve the quality of our work force it is crucial that we pay close attention to monitoring and measuring student progress and that we sustain this effort over a long period of time. Title II of the Educational Improvement Act of 1991 will set up a monitoring and measuring infrastructure for education that will have a broad base of participation. I urge your consideration and support of this entire bill.

Mr. ADAMS. Mr. President, although we are faced with immense challenges in the Middle East, we must not lose sight of the domestic challenges facing our Nation. Our domestic policy today is in crises—in fact, the Bush administration has abandoned the helm. Our health care, unemployment and recession, and our public education system, once the pride of this Nation, is failing America's children. The crises we face at home have serious implications for our future and the health of our Nation. Despite the crisis in the Persian Gulf, we cannot avoid our critical domestic needs such as health care, employment, and education.

For this reason, I am pleased to join my colleagues as a cosponsor of Strengthening Education for American Families Act. This bill sets education as one of our Nation's top priorities for the 102d Congress. The education system in the United States needs a dramatic infusion of attention, energy, and resources. Classrooms are overcrowded, teachers are seriously underpaid, materials are dated or in some schools nonexistent, and children are at risk of failing and dropping out of school. Schools are being called upon to be more than just educational institutions; they are being pressed to respond to the social and behavioral problems of at-risk children and their families.

America was founded on the principle of universal education. Public education is one of the main tenants of our democratic ideals and has distinguished us as a nation for over 150 years. Yet today, all children do not have the same educational opportunities, nor do they have an equal chance to go to college. Sadly, all Americans have yet to achieve literacy. It is time for the Federal Government to take responsibility for these failures and exert our leadership in this vital area of national concern. We should declare the 1990's the education decade, and be serious about achieving significant improvements.

In this bill, we set forth eight specific national education goals. These goals must be taken very seriously. We should demand nothing less than the achievement of these goals by the year 2000. Our success will ensure that:

All children in America will start school ready to learn;

The high school graduation rate will increase to at least 90 percent;

American students will leave grades 4, 8, and 12 having demonstrated competency in specific subject matters;

Our students will be first in the world in mathematics and science achievement;

Every American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship;

Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning;

There will be a well qualified and diverse teaching faculty in every school in the Nation; and

No qualified student shall be denied the opportunity for postsecondary education because of financial or other barriers.

These are ambitious goals, and rightly so. Nothing less than the future of our country is at stake. Although we have much to do, we have already made progress toward some of these objectives. Last year the 101st Congress adopted the Excellence in Math, Science and Engineering Education Act, the Vocational and Applied Technology Education Act reauthorization, and the National and Community Service Act, all of which will help us meet our educational challenges.

S. 2, in addition to setting forth goals for educational achievement, provides two tools necessary to move us closer toward meeting these objectives. Title II of the bill, the National Council on Education and Report Card, will ensure that we have the means to measure our progress toward achieving these goals. This section requires that data concerning educational achievement of the country's students be collected and analyzed, and it charges the Council to make recommendations for pursuing our education goals at the Federal, State, and local levels.

Title III of this measure is similar to the National Literacy Act of 1989 which I supported in the 101st Congress. Illiteracy affects between 23 and 27 million adult Americans. This means that one adult in five does not read well enough to meet their daily needs. These adults are seriously handicapped in the workplace and at home: They cannot read to their children or help them with their school work. Nor can they find decent paying jobs. Eliminating illiteracy is an issue of both social fairness and economics and will help improve our Nation's ailing economy.

The Strengthening Education for American Families Act is an important first step to improving our Nation's education system. We must keep in mind the goals set forth in title I as we consider all education initiatives this session. We must do all we can to meet these goals. To do otherwise would be to surrender to the "rising tide of mediocrity" predicted by the education critics. We must make sure that this prophecy does not come true. It is the greatest legacy we can give our children.

I urge my colleagues to lend their support to this measure.

By Mr. FORD (for Mr. BOREN (for himself, Mr. MITCHELL, Mr. FORD, Mr. BYRD, Mr. WIRTH, Mr. KERRY, Mr. SANFORD, Mr. DODD, Mr. DECONCINI, Mr. BINGAMAN, Mr. RIEGLE, Mr. LAUTENBERG, Mr. ADAMS, Mr. BRADLEY and Mr. HARKIN)):

S. 3. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes; to the Committee on Rules and Administration.

SENATE ELECTION ETHICS ACT

Mr. FORD. Mr. President, I join the distinguished majority leader, Senator MITCHELL, and the President pro tempore, Senator BYRD, the senior Senator from Oklahoma, Senator BOREN, along with Senator WIRTH, Senator KERRY of Massachusetts, Senator SANFORD, and Senator DODD in introducing S. 3, the Senate Elections Ethics Act of 1991.

Mr. President, with a few notable exceptions, the issue of campaign finance reform may be the most important matter debated in this year. I cannot think of an issue more central to the long-term interests of this institution. Our integrity and ability to function effectively in the future are clearly at stake.

Mr. President, this legislation is essentially the same bill which passed the Senate last year. It may very well not be the final solution, but it will begin the debate. Every issue is on the table. Every issue is subject to debate before the rules committee and the full Senate in the months ahead. And every issue, with one exception, must be negotiable.

Let me repeat what many others have said in the past: There simply can be no real reform without meaningful spending limits. Even the terms of these limits will remain negotiable. But the issue of whether to establish spending limits is not. Americans demand that we put an end to the money chase. Winning Senate campaigns now cost more than an average of $4 million. How many consecutive increases in the cost of running our Senate campaigns will it take before we are willing to impose meaningful spending limits?

I ask the question, Mr. President, how much is too much?

For those who fear the impact of spending limits, I challenge them to go back and look at the record. How many times would the proposed spending limits in this bill have hurt successful challengers? How many times would they have hurt successful incumbents? Go back and look at the record.

The record over the last several years is rather clear. More and more money does not produce competitive elections. Absolute spending levels alone do not produce competitive elections. How many times have comparative spending levels between candidates been more important than absolute spending levels? Go back and look at the record.

Americans are focusing on the way we spend our time and the money we raise more closely than ever before. Some may try to distinguish between the appearance of improper conduct and improper conduct itself. I say to my colleagues here is one issue where perception is reality. Whether or not you can justify the current system of campaign finance—and I do not know who can—the appearances created by the current system alone gives us incentive to change. Now is the time to take advantage of the opportunities before us.

Mr. President, I hope we can move quickly on this issue. I promise as chairman of the Rules Committee I plan to schedule hearings on the campaign finance legislation in early March and proceed to mark up of this bill promptly after the conclusion of the hearings. This is an issue where every Member of the Senate is an expert, and I urge my colleagues to join with me and others in drafting a fair solution in the months ahead.

Mr. President, I will not get into the intricate details of this legislation. Most of us have heard them and debated them. Now is the time to come together, in my opinion, for meaningful result as it relates to improving the integrity and the ability of this institution and its Members.

Mr. President, I send to the desk S. 3 and ask unanimous consent that a copy of S. 3, the Senate Elections Ethics Act of 1991, be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Election Ethics Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

Sec. 101. Senate spending limits and public benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Broadcast rates.
Sec. 104. Preferential rates for mail.
Sec. 105. Disclosure by noneligible candidates.
Sec. 106. Reporting requirements.
Sec. 107. Other definitions.

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

Sec. 201. Cooperative expenditures not treated as independent expenditures.
Sec. 202. Equal broadcast time.
Sec. 203. Attribution of communications.

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

Sec. 211. Personal contributions and loans.
Sec. 212. Extensions of credit.

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

Sec. 215. Limitations on contributions to State political party committees.
Sec. 216. Provisions relating to national, State, and local party committees.
Sec. 217. Restrictions on fundraising by candidates and officeholders.
Sec. 218. Reporting requirements.

Subtitle C—Contributions

Sec. 221. Limits on contributions by certain political committees.
Sec. 222. Contributions through intermediaries and conduits.
Sec. 223. Contributions by dependents not of voting age.

Subtitle D—Reporting Requirements

Sec. 231. Reporting requirements.

TITLE III—FEDERAL ELECTION COMMISSION

Sec. 301. Use of candidates' names.
Sec. 302. Reporting requirements.
Sec. 303. Provisions relating to the general counsel of the commission.
Sec. 304. Retention of fees by the commission.
Sec. 305. Enforcement.
Sec. 306. Penalties.
Sec. 307. Random audits.
Sec. 308. Attribution of communications.

Sec. 309. Fraudulent solicitation of contributions.

TITLE IV—MISCELLANEOUS

Sec. 401. Restriction of control of certain types of political committees by incumbents in or candidates for Federal office.

Sec. 402. Polling data contributed to a senatorial candidate.

Sec. 403. Mass mailings.

Sec. 404. Extension of time period when franked mass mailings are prohibited.

Sec. 405. Effective date.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of United States Senator;

"(2) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(3) the terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 506;

"(4) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(5) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(6) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B);

"(7) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

"(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of United States Senator;

"(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of United States Senator;

"(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

"(12) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

"(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"CANDIDATES ELIGIBLE TO RECEIVE BENEFITS

"SEC. 502. (a) IN GENERAL.—For purposes of this title, a candidate is an eligible candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Commission a declaration as to whether—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 503(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 503(a).

"(2) The declaration under paragraph (1) shall be filed on the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—(1) The requirements of this subsection are met if the candidate files a certification with the Commission under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 503(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of—

"(I) the amount of the general election expenditure limit under section 503(b), reduced by the amount of voter communication vouchers issued to the candidate; plus

"(II) the amount of contributions from State residents which may be taken into account under section 503(b)(4) in increasing the general election expenditure limit; plus

"(III) the amount which may be maintained in a legal and accounting compliance fund under section 503(c);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(E) the candidate intends to make use of the benefits provided under section 504.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 503(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 503(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Commission with respect to such period under section 304A(b) (relating to independent expenditures in excess of $10,000).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 10 percent of the general election expenditure limit under section 503(b).

"(2) For purposes of this section and section 504(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 504(b).

"(3) For purposes of this subsection and section 504(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 504(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of subsection (d), the base period shall be the calendar year in which the first general election after the date of the enactment of this title occurs.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) LIMITATION ON USE OF PERSONAL FUNDS.—The aggregate amount of expenditures which may be made during an election cycle by an eligible candidate or such candidate's authorized committees from the following sources shall not exceed $250,000:

"(1) The personal funds of the candidate and members of the candidate's immediate family.

"(2) Personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 502(f) (relating to indexing).

"(4)(A) The limitation under this subsection (without regard to this paragraph) shall be increased by the lesser of—

"(i) 25 percent of such limitation; or

"(ii) the amount of contributions described in subparagraph (B).

"(B) Contributions are described in this subsection if such contributions—

"(i) are made after the time contributions have been received in an amount at least equal to the threshold contribution requirement under section 502(e);

"(ii) are in amounts of $100 or less; and

"(iii) are made by an individual who was, at the time the contributions were made, a resident of the State in which the general election is held;

except that the total amount of contributions taken into account under subparagraph (A) with respect to any individual shall not exceed $100.

"(C) Except as otherwise expressly provided, any reference in any provision of law to the general election expenditure limit under this subsection shall be treated as a reference to such limit computed without regard to this paragraph.

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amount transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 504(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided after the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(C) Expenditures for the extraordinary costs of legal and accounting services provided in connection with the candidate's activities as a holder of Federal office other than costs for the purpose of influencing the election of such candidate to Federal office.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures exceed the limitation under paragraph (2)(B), the candidate may petition the Commission for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 509.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5)(A) A candidate shall terminate a legal and accounting compliance fund as of the earlier of—

"(i) the date of the first primary election for the office following the general election for such office for which such fund was established; or

"(ii) the date specified by the candidate.

"(B) Any amounts remaining in a legal and accounting compliance fund as of the date determined under subparagraph (A) shall be transferred—

"(i) to a legal and accounting compliance fund for the election cycle for the next general election;

"(ii) to an authorized committee of the candidate as contributions allocable to the election cycle for the next general election; or

"(iii) to the Senate Election Campaign Fund.

"(d) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

"BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE

"SEC. 504. (a) IN GENERAL.—An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3629 of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) AMOUNT OF PAYMENTS.—(1) For purposes of subsection (a)(3), except as provided in section 506(d), the amounts determined under this subsection are—

"(A) the independent expenditure amount; and

"(B) in the case of an eligible candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 503(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible candidate which are required to be reported by such persons under section 304A(b) with respect to the general election period and are certified by the Commission under section 304A(e).

"(3) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to two-thirds of such limit applicable to the eligible candidate for the election; plus

"(ii) if the excess described in paragraph (1)(B) equals or exceeds 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to one-third of such limit applicable to the eligible candidate for the election.

"(B) In the case of an eligible candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the threshold contribution requirement under section 502(e); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The Secretary of the Treasury shall issue nontransferable voter communication vouchers to eligible candidates as provided under section 506(b).

"(2) The aggregate amount of voter communication vouchers issued to an eligible candidate under paragraph (1) shall be equal to 50 percent of the general election expenditure limit under section 503(b) (25 percent of such limit if such candidate is not a major party candidate).

"(3) Voter communication vouchers shall be used by an eligible candidate to purchase broadcast time during the general election period subject to the same conditions under section 315(b) of the Communications Act of 1934 as apply to other broadcast time which may be purchased (without regard to the rates charged for such time), except that each such broadcast shall be at least 1 but not more than 5 minutes in length.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (2) and (3) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 503(b).

"(2) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 502(c)(1)(D) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponents who is not an eligible candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 133⅓ percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(3) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 502(c)(1)(D) if—

"(A) a major party candidate in the same general election is not an eligible candidate; or

"(B) any other candidate in the same general election who is not an eligible candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 503(b).

"(e) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(i), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 509.

"PAYMENTS RELATING TO ELIGIBLE CANDIDATES

"SEC. 506. (a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under sections 507(g) and 508(d)(3); and

"(iii) any other amounts which may be deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) VOUCHERS.—(1) Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary of the Treasury shall issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(2) Upon receipt of a voter communication voucher from a licensee providing broadcast time to an eligible candidate, the Secretary of the Treasury shall pay to such licensee from the Senate Election Campaign Fund the face value of such voucher.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 505 for payment, or issuance or a voucher, to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of such excess.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 505(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 percent of the amount of such benefit.

"(d) EXCESS EXPENDITURES.—(1) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditures.

"(2) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to three times the amount of the excess expenditures.

"(e) UNEXPENDED FUNDS.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(f) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(g) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"CRIMINAL PENALTIES

"SEC. 508. (a) VIOLATIONS.—(1) No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary and runoff expenditure limits under section 502(d); or

"(ii) the general election expenditure limit under section 503(b).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer, employee, or agent of any political committee who knowingly consents to any expenditure in violation of the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(b) USE OF BENEFITS.—(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, such benefit or such portion other than in the manner provided in this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) FALSE INFORMATION.—(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—(1) It is unlawful for any person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by any eligible candidate or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 509. (a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 509 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 511. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 as benefits available to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507 or 506(d)(2), and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated to the Commission such sums as may be necessary for the purpose of carrying out its functions under this title."

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1993, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1993, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1993, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such individuals certify that such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000"; and

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) the greater of—

(i) $375,000; or

(ii) 20 percent of the sum of the general election spending limit under section 503(b) of FECA plus the primary election spending limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is an eligible candidate (as defined in section 501(2)) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 and $375,000 amounts in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year in which the first general election after the date of the enactment of paragraph (3) occurs. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. BROADCAST RATES.

(a) PROVISIONS RELATING TO LOWEST UNIT COST.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended by adding at the end thereof the following new paragraph:

"(2) The charges made for the use of any broadcasting station by any person who is an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) for the United States Senate in connection with such candidate's campaign for nomination for election, or election, to such office shall not exceed—

"(A) during the forty-five days preceding the date of a primary or primary runoff election in which such person is a candidate, 100 percent, and during the general election period (as defined in section 501(5) of the Federal Election Campaign Act of 1971) in which such person is a candidate, 50 percent, of the lowest unit charge of the station, determined at the rate applicable to broadcasts of 30 seconds for the same time of day and day of week; and

"(B) at any other time, the charges made for comparable use of such station by other users thereof."

(b) PREEMPTION RULES; VOUCHERS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f) and by inserting after subsection (b) the following new subsections:

"(c)(1) In the case of a legally qualified candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971), a licensee shall not preempt the use, during any period the rates under subsection (b)(1)(A) or (b)(2) are in effect, of a broadcasting station by such candidate who has purchased such use pursuant to subsection (b).

"(2) Paragraph (1) shall not apply if the program during which the candidate's broadcast was to air is unavoidably preempted.

"(d) A licensee shall—

"(1) accept voter communications vouchers provided to an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act) under section 504(a) of such Act; and

"(2) shall, upon presentation of such vouchers, provide broadcast time to such candidate subject to the same conditions as apply to other broadcast time which may be purchased (without regard to the rates charged for such time), except that no time shall be required to be provided without at least 7 days advance notice."

(c) CONFORMING AMENDMENT.—Section 315(b) of the Communications Act of 1934 is amended—

(1) by striking "The charges" and inserting:

"(1) Except as provided in paragraph (2), the charges"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

SEC. 104. PREFERENTIAL RATES FOR MAIL.

(a) REDUCED RATES.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for certain Senate candidates

"(a) The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1).

"(b) Subsection (a) shall cease to apply to any candidate for any campaign when the total amount paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) of subsection (a) exceeds 5 percent of the amount of the general election expenditure limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971."

(b) AUTHORIZATION.—Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)-(h)" and inserting "3626(a)-(h), and 3629".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates."

SEC. 105. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Subparagraph (B) of section 318(a)(1) of FECA (2 U.S.C. 441d(a)(1)), as amended by section 308, is amended by adding at the end thereof the following:

"(iv) If a broadcast or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible candidate (as defined in section 501(2)), or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'."

SEC. 106. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Commission under section 502(c) shall file with the Commission a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible candidate under section 503(b). Such declaration shall be filed at the time provided in section 502(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible candidate under section 502; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 70 percent of the general election expenditure limit applicable to an eligible candidate under section 503(b),

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 133⅓ percent of such limit) with the Commission within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓ percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 503(b), shall certify, pursuant to the provisions of subsection (e), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled under section 504(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 503(b), certify (pursuant to the provisions of subsection (e)) to the Secretary of the Treasury such candidate's eligibility for payment of any amount under section 504(a).

"(b) INDEPENDENT EXPENDITURES.—(1)(A) Any person who makes, or obligates to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000 shall report to the Commission as provided in this subsection.

"(B) If 2 or more persons, in cooperation, consultation, or concert with each other, make, or obligate to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000, each such person shall report to the Commission as provided in this subsection with respect to the independent expenditures so made by all such persons.

"(2) Any person referred to in paragraph (1) shall report the amount of the independent expenditures made or obligated to be made not later than 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, such person shall report independent expenditures not later than 24 hours after each time the additional aggregate amount of such expenditures incurred or obligated (and not yet reported under this paragraph) exceeds $10,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii) of section 304; and

"(B) a statement under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat.

"(4)(A) A person may file a complaint with the Commission if such person believes the statement under paragraph (3)(B) is false or incorrect.

"(B) The Commission, not later than 3 days after the filing of a complaint under subparagraph (A), shall make a determination with respect to such complaint.

"(5) The Commission shall, within 24 hours of receipt of a report under this subsection, notify each eligible candidate (as defined in section 501(2)) in the election involved about such report.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any election for the United States Senate which in the aggregate exceed the applicable amounts under paragraph (2). The Commission shall notify each eligible candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (5) or (6) with respect to expenditures during a general election period, the Commission shall, pursuant to subsection (e), certify to the Secretary of the Treasury eligibility to receive benefits under section 504(a).

"(c) Reports on Personal Funds.—(1) Any candidate for the United States Senate who during the election cycle expends more than $250,000 during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible candidate in the general election involved about each such determination.

"(d) Candidates for Other Offices.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Commission the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(e) Certifications.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(f) Copies of Reports.—The Commission shall transmit a copy of any report received under this section to the Secretary of the Senate within 2 working days of receipt of such report.

"(g) Definitions.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V."

SEC. 107. OTHER DEFINITIONS.

(a) Election Cycle Defined.—Section 301 of FECA (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election."

(b) Identification.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

SEC. 201. COOPERATIVE EXPENDITURES NOT TREATED AS INDEPENDENT EXPENDITURES.

(a) Treatment of Cooperative Expenditures.—(1) Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "The term 'independent expenditure' shall not include any cooperative expenditure."

(2) Paragraph (9) of section 301 of FECA (2 U.S.C. 431(9)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as an expenditure made by the candidate on whose behalf, or for whose benefit, the expenditure was made."

(3) Paragraph (8) of section 301 of FECA (2 U.S.C. 431(8)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure was made."

(b) Cooperative Expenditure Defined.—Section 301 of FECA (2 U.S.C. 431), as amended by section 107(a), is amended by adding at the end thereof the following new paragraph:

"(21)(A) The term 'cooperative expenditure' means any expenditure which is made—

"(i) with the cooperation of, or in consultation with, any candidate or any authorized committee or agent of such candidate; or

"(ii) in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

"(B) The term 'cooperative expenditure' includes an expenditure if—

"(i) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;

"(ii) in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policy-making position; or

"(iii) the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(iv) the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office;

"(v) the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(vi) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(C) The term 'cooperative expenditure' includes an expenditure if such expenditure—

"(i) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that is established, administered, controlled, or financially supported, directly or indirectly, by a connected organization that is required to register, or pays for the services of a person who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(ii) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that has made a contribution to the candidate or authorized committee."

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates; and

"(iii) provide the licensee a copy of the statement described in section 304A(b)(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(3)(B)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of the Federal Election Campaign Fund pursuant to section 504(a)(3) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b)."

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response."

SEC. 203. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)), as amended by section 308, is further amended by adding at the end thereof the following new paragraph:

"(3) A communication described in paragraph (1) that is paid for through an independent expenditure—

"(A) in the case of a television broadcast, shall include during the entire length of the communication a clearly readable video statement covering at least 25 percent of the viewing area of a television screen stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

"(B) in the case of any audio broadcast (including a television broadcast), shall include an audio statement at the conclusion of the broadcast stating the information described in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located; and

"(C) in the case of a newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising, shall include a statement of—

"(i) the information required in paragraph (1)(B);

"(ii) the following sentence: "The cost of presenting this communication is not subject to any campaign contribution limits."; and

"(iii) the name of the person who paid for the communication including, in the case of a political committee, the names of its president and its treasurer, and the name of its connected organization (if any) and the city and State in which located."

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 211. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by inserting at the end thereof the following new subsection:

"(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family (as defined in section 501(6)) may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors."

SEC. 212. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by inserting at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mass mailings (including mass mail fund solicitations), or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period (not in excess of 60 days) for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished (the date of the mailing in the case of advertising by a mass mailing)."

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 215. LIMITATIONS ON CONTRIBUTIONS TO STATE POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees designated by State committees of a political party for purposes of paragraphs (1)(C) and (2)(C)."

SEC. 216. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures for activities described in section 325(b) (1) and (2) with respect to the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e)."

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (v) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;";

(B) in clause (xi)—

(i) by striking "direct mail" and inserting "mass mailing"; and

(ii) by striking the semicolon at the end thereof and inserting "and are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;"; and

(C) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clause (iv) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;"; and

(B) by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA, as amended by section 102, is amended by inserting after section 324 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 325. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on the date which is 60 days before the primary election for any regularly scheduled general election for Federal office; and

"(B) ending on the date of the general election.

"(c) TRANSFERS BETWEEN COMMITTEES.—(1) Except as provided in paragraph (2), the limitations on contributions contained in paragraphs (1) and (2) of section 315(a) shall apply to transfers between and among political committees described in subsection (a).

"(2)(A) A national committee may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Subparagraph (A) and paragraph (1) shall not apply to contributions that—

"(i) are to be transferred to a State committee for use directly for activities described in subsection (b)(3); or

"(ii) are to be used by the committee primarily to support such activities."

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 325(b) (1) and (2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)). This paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4). No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990."

(3) Paragraph (4) of section 315(a) (2 U.S.C. 441a(a)(4)) is amended by striking the first sentence thereof.

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 201(b), is amended by adding at the end thereof the following new paragraph:

"(22) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate."

SEC. 217. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 211, is amended by adding at the end thereof the following new subsection:

"(j) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, or are not from sources prohibited by this Act with respect to elections to Federal office.

"(2) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(3) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law."

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(k) TAX-EXEMPT ORGANIZATIONS.—(1) Except as provided in paragraph (2), if an individual—

"(A) established, maintains, or controls any organization described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) is a candidate for, or holds, Federal office at any time during any calendar year, such individual may not solicit contributions to, or accept contributions on behalf of, such organization from any person during such calendar year which, in the aggregate, exceed $5,000.

"(2) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns."

SEC. 218. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 325).

"(3) Any political committee to which section 325 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 325(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election (as determined by the Commission).

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a)."

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraphs (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported."

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraph (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported."

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end thereof the following:

"For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election."

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information."

(f) REPORTS BY LARGE CONTRIBUTORS.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (e), is amended by adding at the end thereof the following new subsection:

"(f) REPORTS BY LARGE CONTRIBUTORS.—(1) Any individual who makes contributions subject to the limitations of section 315(a)—

"(A) shall report to the Commission within 7 days after such contributor makes contributions aggregating $10,000 or more during any calendar year; and

"(B) thereafter, shall report to the Commission within 7 days after each time such contributor makes contributions (not yet reported) aggregating $5,000 or more.

Any report shall include identification of the contributor, the name of the candidate or committee to whom the contributions were made, and the amount of the contributions.

"(2) Any candidate for Federal office, any authorized committee of a candidate, or any political committee soliciting contributions subject to the limitations of section 315(a) shall include with such solicitation notice of—

"(A) the requirement to report under paragraph (1); and

"(B) the aggregate limitation on such contributions under section 315(a)(3)."

Subtitle C—Contributions

SEC. 221. LIMITS ON CONTRIBUTIONS BY CERTAIN POLITICAL COMMITTEES.

(a) LIMITATION ON AMOUNT OF CONTRIBUTIONS THAT MAY BE ACCEPTED.—Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by section 216, is amended—

(1) in paragraph (1) by striking "(2) and (3)" and inserting "(2), (3), (6), and (7)"; and

(2) by adding at the end thereof the following new paragraphs:

"(6) A congressional campaign committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which such committee may make pursuant to section 315(d)(3) during that election cycle.

"(7) A national committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed an amount equal to 2 cents multiplied by the voting age population of the United States, as certified under subsection (e).

"(8)(A)(i) Any expenditure made by a national or State committee of a political party, a congressional campaign committee, or any subordinate committee of the preceding committees, for general public political advertising which clearly identifies a candidate for Federal office by name shall be subject to the limitations of paragraphs (1) and (2).

"(ii) Clause (i) shall not apply to expenditures for mass mailings designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.

"(B) For purposes of paragraph (3), any expenditure by a committee described in subparagraph (A) for any solicitation of contributions which clearly identifies any candidate on whose behalf such contributions are being solicited shall be treated for purposes of this paragraph as an expenditure in connection with the general election campaign of such candidate, except that if more than 1 candidate is identified, such expenditure shall be allocated on a pro rata basis among such candidates."

(b) CONGRESSIONAL CAMPAIGN COMMITTEE.—Section 301 of FECA (2 U.S.C. 431), as amended by section 216(d), is amended by adding at the end thereof the following new paragraph:

"(23) The term 'congressional campaign committee' means the Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, the Democratic Congressional Campaign Committee, and the National Republican Congressional Committee."

(c) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 222. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is—

"(I) a political committee other than an authorized committee;

"(II) an officer, employee, or agent of such a political committee; or

"(III) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(IV) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C) For purposes of this section—

"(i) the term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, including contributions arranged to be made in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting; and

"(ii) the term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient."

SEC. 223. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 217, is amended by adding at the end thereof the following new subsection:

"(l) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them."

Subtitle D—Reporting Requirements

SEC. 231. REPORTING REQUIREMENTS.

(a) PERIODS FOR REPORTING.—(1) Section 304(b)(2) of FECA (2 U.S.C. 434(b)(2)) is amended by striking "for the reporting period and calendar year," and inserting "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(4) of FECA (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(3) Section 304(b)(3) of FECA (2 U.S.C. 434(b)(3)) is amended by inserting "(within the election cycle in the case of authorized committees)" after "calendar year" in subparagraphs (A), (F), and (G) thereof.

(4) Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "(within the election cycle in the case of authorized committees)" after "calendar year".

(5) Section 304(b)(6)(A) of FECA (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(b) PERSONAL AND CONSULTING SERVICES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

TITLE III—FEDERAL ELECTION COMMISSION

SEC. 301. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate."

SEC. 302. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS.—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end thereof;

(2) in subparagraph (B) by striking the period at the end thereof and inserting "; and"; and

(3) by inserting the following new subparagraph at the end thereof:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year."

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 303. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) ACTION BY THE COMMISSION THROUGH ITS GENERAL COUNSEL.—(1) Section 306(c) of FECA (2 U.S.C. 437c(c)) is amended to read as follows:

"(c)(1) Subject to paragraph (2), all decisions of the Commission with respect to the exercise of its duties and powers under this Act or under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be made by the affirmative vote of 4 members of the Commission.

"(2) On questions relating to—

"(A) the exercise of the Commission's authority under sections 307(a) (3) and (4);

"(B) a determination under section 309(a)(2) concerning whether there is reason to believe that a person may have committed or may be about to commit a violation of law; and

"(C) a determination to initiate or proceed with an investigation,

the general counsel of the Commission shall make a recommendation for action by the Commission, and such action shall be taken upon the affirmative vote of 3 members of the Commission.

"(3) A member of the Commission may not delegate to any person the member's power to vote or any other decisionmaking authority or duty vested in the Commission."

(2) Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking ", by an affirmative vote of 4 of its members,".

(b) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by inserting at the end thereof the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed."

(c) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence thereof; and

(2) by striking the third sentence thereof.

SEC. 304. RETENTION OF FEES BY THE COMMISSION.

Section 306 of FECA (2 U.S.C. 437c) is amended by inserting at the end thereof the following new subsection:

"(g) Fees collected by the Commission for copying and certification of records and provision of other materials to the public shall not be covered into the general fund of the Treasury of the United States, but shall be kept in a separate account and shall be available to the Commission, without necessity of an appropriation, for use in carrying out this Act."

SEC. 305. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 306. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986."

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation."

(c) TIME PERIODS FOR CONCILIATION.—Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by striking "30 days" and inserting "15 days";

(2) in clause (i) by striking "90 days" and inserting "60 days"; and

(3) in clause (ii) by striking "at least 15 days" and inserting "no more than 30 days".

SEC. 307. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), and subject to the provisions of section 507, the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process."

SEC. 308. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended to read as follows:

"(a)(1)(A) Except as permitted under paragraph (2), if—

"(i) any person makes an expenditure or independent expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or solicits a contribution by a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising; or

"(ii) an authorized committee registered under section 303 makes a communication of any kind,

the requirements of subparagraph (B) shall be met with respect to such communication.

"(B) For purposes of subparagraph (A), the requirements of this subparagraph are as follows:

"(i) In the case of a broadcast paid for by the candidate, an authorized committee of the candidate, any agent of either, or any other person authorized to make such payment by such candidate or committee, the broadcast shall include a full screen personal appearance by the candidate (or in the case of a radio broadcast, an audio statement by the candidate) in which the candidate states:

"(I) 'I am a candidate for (the office the candidate is seeking) and I have approved the contents of this broadcast'; and

"(II) that the broadcast has been paid for by the candidate, the candidate's authorized committee, or the agent of either, or that the broadcast has been paid for by such other person and authorized by such candidate or committee.

"(ii) In the case of any other communication paid for and authorized by a candidate, an authorized committee of a candidate, or its agents, or any other person authorized by such candidate or committee, the communication shall clearly state that the communication has been paid for by such candidate or authorized committee or by such other person and authorized by such candidate or authorized committee.

"(iii) If the communication is paid for by an independent expenditure, the communication shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's authorized committee.

"(2) The Commission may waive the requirements of paragraph (1) in circumstances in which the inclusion of the required information in a communication would be impracticable."

SEC. 309. FRAUDULENT SOLICITATION OF CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting "(a)" before "No"; and

(2) by inserting at the end thereof the following new subsection:

"(b) No person shall—

"(1) make a fraudulent misrepresentation that the person is authorized to solicit or accept a contribution to a candidate or political committee; or

"(2) solicit or accept a contribution to a candidate or political committee unless the person—

"(A) intends to, and does, pay over to the candidate or political committee any contribution received; and

"(B) inform the candidate or political committee of the name of the contributor."

TITLE IV—MISCELLANEOUS

SEC. 401. RESTRICTION OF CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY INCUMBENTS IN OR CANDIDATES FOR FEDERAL OFFICE.

Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end thereof the following new subsection:

"(j) An incumbent in or candidate for Federal office may not establish, maintain, or control a political committee, other than an authorized committee of the candidate or a committee of a political party."

SEC. 402. POLLING DATA CONTRIBUTED TO A SENATORIAL CANDIDATE.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 218, is amended by inserting at the end thereof the following new subparagraph:

"(E) A contribution of polling data to a candidate for the office of United States Senator shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made."

SEC. 403. MASS MAILINGS.

Section 301 of FECA (2 U.S.C. 431), as amended by section 221(c), is amended by adding at the end thereof the following new paragraph:

"(24) The term 'mass mailing' means newsletters and similar mailings of more than 100 pieces in which the content of the matter mailed is substantially identical, excluding—

"(A) mailings made in direct response to communications from persons to whom the matter is mailed;

"(B) mailings to Federal, State, or local government officials; and

"(C) news releases to the communications media."

SEC. 404. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II) by striking "fewer than 60 days immediately before the date" and inserting "during the year"; and

(2) in subparagraph (C) by striking "fewer than 60 days immediately before the date" and inserting "during the year".

SEC. 405. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1993.

Mr. FORD. Mr. President, I ask unanimous consent that a summary of the

Senate Elections Ethics Act of 1991 also be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF SENATE ELECTION ETHICS ACT OF 1991

VOLUNTARY FLEXIBLE SPENDING LIMITS

A system of voluntary flexible spending limits would be established, based on state voting age population, ranging from $950,000 to $5,500,000 for Senate general election campaigns. Primary spending limits amounting to 67% of the general election limit up to $2,750,000 would be established. The general election limit could be increased by up to 25 percent of the spending limit to the extent of $100 contributions received from individuals residing in the candidate's State.

BENEFITS FOR ELIGIBLE CANDIDATES

Candidates who raise a threshold amounting to 10% of the general election spending limit in individual contributions of $250 or less (50% in-State) and who agree to voluntarily abide by spending limits would be eligible to receive certain benefits:

A. Broadcast Vouchers: Vouchers amounting to 50% of the general election limit would be provided to purchase television advertising in segments of between one and five minutes.

B. Low Cost Mail: First class mail would be available at one quarter the regular rate for candidate mailings. Third class rates would be 2 cents lower than first class. Candidates would be permitted to spend up to 5 percent of the general election limit on such mailings.

C. Broadcast Rates: Current law lowest unit charge provisions would be modified to require broadcasters to charge eligible candidates during the general election no more than 50% of the lowest unit charge for the same amount of time for the same time of day and day of week. Eligible candidates would be entitled to the lowest unit charge during the 45 day period prior to a primary.

D. Independent Expenditures: Eligible candidates would receive public funds to respond to independent broadcast ads exceeding $10,000 from any source during the general election period.

E. Contingent Public Financing: Eligible candidates would receive additional public funding if an opposing candidate exceeds the spending limits.

PAC LIMITATIONS

Political Action Committees would be prohibited from making contributions or expenditures for the purpose of influencing elections for federal office.

SOFT MONEY

Political party committees would be prohibited from using soft money, not regulated under federal law, for any activities in connection with a federal election. Activities in connection with a federal election include get-out-the-vote activities, voter registration, generic and mixed election activities including general public advertising, and campaign materials, maintenance of voter files and other activities affecting a federal election during a federal election period. Party committee spending on mixed federal-state activities in connection with federal elections would be subject to overall limits.

State party contribution limits would be increased to the amount permitted to national parties. Frederal office holders and candidates would be prohibited from soliciting soft money contributions. The contribution/expenditure exceptions in current law that permit unlimited State party spending for "volunteer activities" that affect a federal election and GOTV for presidential elections would be repealed. State parties would be permitted to spend 4 cents per voter for presidential elections.

BUNDLING

Bundling in excess of the contribution limits would be prohibited by all political committees and lobbyists, and individuals acting on behalf of those entities or on behalf of corporations, labor unions, or trade associations.

BROADCAST RULES

A. Lowest Unit Rate: All eligible candidates would be entitled to purchase television broadcast time during a general election at 50% of the lowest unit charged for same amount of time for the same time of day and day of week. During the 45 day period prior to a primary eligible candiates would be entitled to purchase time at the lowest unit charge.

B. Candidate Accountability: All candidates would be required to appear at the end of their television advertisement conveying the message that the advertisement was paid for by the candidate.

C. Disclosure: Non-eligible candidates would be required to disclose in all advertisements that the candidate has not agreed to spending limits.

D. Vouchers: Vouchers amounting to 50 percent of the general election spending limit would be provided to eligible candidates to purchase prime time television advertisements of at least one minute but not more than five minutes. Broadcast stations would be required to make these longer time periods available to candidates.

INDEPENDENT EXPENDITURES

The types of activities and relationships which are expenditures in coordination, consultation or concept with a candidate—and therefore not independent—would be more broadly defined. Under this definition, expenditures by political committees required to register as lobbyists would not be independent and would count against the contribution limit.

Primary spending limits would increase by the amount of independent expenditures intended to assist opponents of a candidate. The general election spending limit would be increased and public funds made available to eligible candidates who are the target of more than $10,000 of independent expenditures from any one source. Broadcast stations would be required to make time available immediately after the independent broadcast for the candidate to respond.

PERSONAL LOANS

Candidates agreeing to spending limits would be prohibited from spending more than $250,000 of their own funds for election to the Senate. Contributions could not be received after an election to repay personal loans of the candidate.

501(C) ORGANIZATIONS

Federal office holders and candidates would be prohibited from raising contributions from any one contributor of more than $5,000 on behalf of any 501(c) organization they establish, maintain or control. Federal office holders and candidates would also be prohibited from raising any funds for 501(c)(3) organizations organized to conduct voter registration or get-out-the-vote drives.

MISCELLANEOUS

Leadership PACs would be prohibited. Individual contributions in excess of $10,000 would have to be reported to the FEC. Dependent children below voting age would not be permitted to contribute to federal election campaigns.

FEC REFORM

With respect to preliminary matters such as decisions to investigate violations the recommendation of the General Counsel would be sustained if supported by the votes of 3 Commissioners. Provisions are included to shorten time periods of FEC action, authorize the FEC to seek court injunctions, and increase minimum penalty amounts for violations of the law.

Mr. MITCHELL. Mr. President, this marks the fifth consecutive Congress that I have introduced legislation to reform the method by which Senate election campaigns are financed. And although these efforts have been unsuccessful I remain hopeful that legislation will soon be enacted. Certainly, I recognize that controversial legislation some times takes years from inception to final enactment. But eventually support builds up until we reach a point that there really is no choice but to act. That time is now.

Campaign finance reform has been much debated in the past without result. But the situation we face in this Congress is really quite different than anything we have faced in recent years. How many speechs have there been on the Senate floor over the last decade deploring the election finance system and warning ourselves that someday it would reach the point that the faith of the American people in their Congress would be severely undermined? To a far greater extent than in the past, that point has been reached and faith in this institution has been undermined.

In the last few years there has been a significant change in the way the public views this institution and the means by which we run for election. There is far greater public scrutiny of the campaign finance process. And if Members of this body are repulsed by the extent to which we must search for money to fund our campaigns, the process is even more distasteful to the American people.

They see a campaign finance process that with each election cycle is becoming ever more reliant on the endless pursuit of money. Their faith in Congress is eroding. Increasingly the American people have come to see their federal government as no longer responsive to their needs. They believe Congress acts to fulfill commitments to campaign contributors rather than to serve the interests of the people. And they believe we have created a campaign finance system that is stacked against challengers and designed especially to keep self-interested, incompetent incumbents in office forever.

I know the reality is quite different. The men and women who serve in the 102d Congress are as well educated, honest and hard working a group of legislators as have ever served this Nation. They are committed to representing the public interest and feel no more comfortable with the current system by which campaign money must be raised that does the average citizen. And although reelection rates have been high in recent elections in the House, the extent to which Senate and House membership turns over would probably surprise many Americans.

More than half of the Members of the House of Represenatives did not serve in the first year of the Reagan Presidency just a decade ago. And barely half the Senate today served in this body when Jimmy Carter was President.

But the actual integrity and quality of Members of Congress or the facts about their rate of turnover don't get through to the American people. Their perception is to the contrary. And it is understandable that many Americans do not have a favorable impression of this body or the means by which its Members are elected. They see a campaign finance system that places tremendous money demands on those who run for the Senate; a system that overwhelmingly benefits incumbents; and a system dominated by negative campaigning. Indeed, it would be extraordinary if in spite of this the American people still had a favorable impression of the Members who serve in this institution.

It is time to correct this situation.

S. 3, the legislation that is being introduced today by Senator BOREN, myself and others, is almost indentical to S. 137, the campaign finance reform legislation that passed the Senate last year by a vote of 59 to 41. Since this legislation has already garnered the support of a majority of the Senate I believe it is the best place to begin.

It includes the essential elements of true campaign finance reform: First, voluntary spending limits for Senate primary and general election campaigns; Second, limitations on political action committees; and third, prohibitions on the use of soft money to fund party activities that affect Federal elections. It also includes other restrictions on the ability of Federal office holders to raise unlimited amounts of money from interests with a role in Federal legislation.

One thing is clear: the only meaningful way to reform the Senate election finance system is to have limits on campaign spending. Anything less than that avoids the real issues and simply creates the appearance of reform.

In the 1988 Senate elections, incumbent candidates spent, on average, $4 million for their reelection campaigns. That requires raising $13,000 a week, 52 weeks a year, for 6 years. The final numbers have not year been tabulated for the 1990 elections, but the situation undoubtedly has not improved. Spending will continue to escalate still higher until reasonable limits are placed on compaign spending.

We could eliminate PAC's, reduce out-of-State individual contribution amounts, limit the participation of private organizations in the political process, impose special rules on broadcast stations, and make many other changes—but without spending limits we will not have addressed the real problem.

The legislation that is being introduced today directly addresses the problem by establishing a system of voluntary spending limits for Senate campaigns. Senate candidates will be encouraged to agree to such limits by the use of broadcast vouchers, low cost mailing and lower broadcast rates. In addition, contingent public financing will be available to candidates who agree to a spending limit if their opponent exceeds the limit. PAC's will be put out of business. Campaigns will be encouraged to directly address issues, rather than make negative attacks, by two provisions in this legislation. The first requires a candidate for the Senate to appear at the end of the ad to take responsibility for the broadcast. The second provides for broadcast vouchers to be made available to a candidate to be used to purchase air time of at least 1 minute but no more than 2 minutes.

This is a balanced approach that is fair to Democrat and Republican, challenger and incumbent alike. It is a comprehensive effort to restore Senate elections to the people by stopping the spiral of ever increasing spending and distancing wealthy individuals and political action committees from the process. This is real reform of a discredited system.

There are two signficant differences between this legislation and the leadership amendment that passed the Senate last year. First, the amount of the voucher provided to candidates to enable them to get their message across to the public is increased from 20 percent of the general election limit to 50 percent. I believe this is one of the most important elements of this legislation because it gives challengers the resources to mount an effective campaign. If we are truly serious about making Senate election campaigns competitive, candidates must be given access to television to broadcast their message.

I recognize there will be those who will be concerned that taxpayers could be asked to help pay for cleaner more competitive campaigns. But this isn't a novel idea; we have been doing it in Presidential elections since 1976. The cost of this is quite minor and like the presidential system would be financed by the voluntary checkoff on the tax return.

The second change is intended to reduce the single greatest and most rapidly escalating expense of Senate election campaigns—broadcast advertising. This legislation requires broadcast stations to provide broadcast time to eligible Senate candidates at a cost which is no more than 50 percent of the lowest unit rate charged to commercial advertisers for the same amount of time for the same time of day and day of week.

The cost of compaign advertising on television has skyrocketed in recent years—growing more than 10 fold between 1974 and 1988. In the typical competitive Senate campaign more than 50 percent of the cost is attributed to television advertising. Many candidates spend the last few weeks of the campaign in nonstop fundraising simply to turn the money over to television stations.

As the cost of television advertising has skyrocketed for Senate candidates, there has been growing interest in ways to reduce such costs. Many proposals have been made to require broadcast stations to give free time for Federal elections—either to the national parties to parcel out or to individual candidates.

The proposal in this legislation is more modest. It attempts to maintain market factors by relating the cost of election advertising to the cost of commercial time so that candidates still must pay based on the viewership of the programming. I expect this proposal will be resisted by many in the broadcast industry but campaign advertising is a very minor part of their overall advertising—less than 1 percent of total television ad revenues.

While we in Congress deplore the current campaign finance system and struggle to raise funds to mount competitive campaigns, it turns out that many in the broadcast industry have derived substantial benefits from Federal election campaigns. The Federal Communications Commission audited the industry last fall and found that 80 percent of all the television stations it audited had been overcharging political candidates for broadcast time. The law limits candidates to paying no more than the lowest rate paid by commercial advertisers for the same class of ad at the same time. However, in its audit the FCC discovered many candidates have been paying double or even triple that rate. The market has operated to force candidates to pay a premium to get the time they need before an election.

I expect most of the overcharging was inadvertent; the law is not clear and many stations have evidently been confused about what the law requires. Nevertheless, it makes sense to clean up campaigns, make it easier for challengers to reach the public, and reduce campaign costs by limiting what candidates can be charged to put their message on the publicly owned television and radio spectrums.

Although essentialy identical legislation passed the Senate last year, I recognize that many Republicans have strong differences with some of its provisions. We struggled mightily to bridge those differences last year but were unsuccessful. However, this issue is too important and I do not intend to give up until we can find a formula that can attract support from a majority of both Republicans and Democrats in the Senate.

The public is rapidly losing confidence in the Federal election campaign process. They question the integrity of this institution and its members. There is not a Member of this body who does not deplore this situation. Almost every Senator agrees that our campaign finance laws must be rewritten.

We must find a way to put aside our partisan differences to address the problems with the campagn finance system and restore the confidence of the American people in this institution. I intend to give this issue the highest priority in the 102d Congress.

Mr. BOREN. Mr. President, today on the first legislative day of the 102d Congress, I rise with the distinguished majority leader, the President pro tempore, and the chairman of the Rules Committee to propose a solution to the problem that is eating away at the heart of our democracy—campaign finance.

The year of 1990 will, I believe, go down in history as the year of democracy. Around the world, the people in countries long dominated by tyranny and authoritarianism struggled free to have their voices heard for the first time in decades, or even centuries. The 45-year cold war came to an end.

The significance of this worldwide, and spontaneous fight for democracy rivals the years of 1776 and 1789. In Germany over 77 percent of the people voted in the first election in a reunited country. In countries such as Poland and Nicaragua, people went to the polls to have their voices heard and change the direction of their countries.

Around the world people looked to our country as a model for their new system. The words of Thomas Jefferson were on the lips of democratic leaders from Prague to Managua.

But while all looked to us, our own electoral system—the heart of our democracy—continued to erode. Only 36 percent of the American people came out to vote last November. Why are the citizens of our country so disinterested in their own elected institutions?

The answer is simple. Our electoral system is being distorted by the way we finance campaigns. Overall, Members of Congress are as well entrenched as any dictator. Over 96 percent of the Congress was reelected last November, most facing token opposition. Today the incumbency nest is so well feathered with special advantages and perks that serious challengers are almost an endangered species.

Our process is sick and badly in need of reform. Let there be no doubt by anyone that the American people see the need for reform. Overwhelmingly, the public wants competition returned to elections by ending the spiraling cost of campaigns, and by removing special interests from the process.

No wonder. Today Senate candidates have to spend over $4 million to run for election. Last year, Senate candidates raised over $200 million. In race after race, incumbents could outspend challengers, with only one challenger defeating an incumbent—the lowest number of successful challengers since 1960. In the House of Representatives, incumbents outspent challenges by more than 8 to 1.

Who is in the driver's seat of this process? Not the voters, but special interests dominate today's elections. Special interest political action committees gave over $130 million to congressional candidates. These PAC's know how to play the Washington power game. Last year they gave $16 to House incumbents for every $1 given to challengers. Over half of House candidates received more than half of their campaign money from PAC's—PAC's that will be back asking for special favors now that Congress is in session.

Enough is enough. We have watched our system decline, and the public will not stand it for much longer. I hope all Members are on notice from the November election—if the people do not get reform, they will act to achieve reform themselves by ending permanent incumbency through limiting congressional terms.

But not all is bad news. While democracy sprouted around the world, there was a glimmer of hope here at home. For the first time in 14 years, the Congress passed campaign finance reform legislation. The Senate passed a strong bill with bipartisan support that would meet the public tests for reform: Ending the money chase, getting special interests out of the process, and improving the quality of political debate.

The bill we passed, the Senate Election Ethics Act of 1990, contained the very heart of reform by putting a cap on the runaway costs of campaigns. The bill set spending limits based on the number of voters in each state. Under Supreme Court restrictions from the Buckley versus Valeo case, spending limits must be voluntary, which we provided for with significant incentives to comply.

We also would cut special interest PAC's out of the process. They would no longer be allowed to pollute the political process.

The growing abuse of soft money, or huge contributions from wealthy individuals and organizations funneled through political parties, would be stopped.

Other abuses such as bundling, and special interest groups skirting the law through independent expenditures, would be ended.

We also want to improve the quality of political campaigns by getting away from negative 30 second attack ads that are causing voters to lose interest in our political process. Our bill provides vouchers for complying candidates that can only be used for 1 to 5 minute ads. Also, candidates must claim responsibility for their ads to make sure there are fingerprints on attack ads in the future. Voters will be better informed and hopefully participate more.

While we passed S. 137 last July and came close to resolving this fundamental problem, time ran out in the 101st Congress before we could pass a final House/Senate bill.

Today, I am proposing the bill we passed last year, beginning not anew, but with a bill that went through extensive committee hearings, caucus consideration, and full Senate debate. This is essentially what we passed, and what we should be able to pass again, with strong bipartisan support, very soon.

Mr. President, campaign reform is not an easy issue with simple answers. There is the ever present danger of partisan maneuvering for advantage. The bill we passed, and are proposing today, contains many provisions that Members from our side of the aisle do not want but are willing to accept in order to achieve a bipartisan solution. It also contains ideas and proposals of Republican Senators. In fact, the only change contained in the bill—providing vouchers for broadcast advertising at half the lowest unit rate for complying candidates—is a combination of proposals made by two Senate Republicans.

Our bill is fair; it is true comprehensive reform; and it deserves broad bipartisan support.

On this issue, Mr. President, we can not be Democrats or Republicans first. We are Americans who have been entrusted with the stewardship of this great institution. Everyone of us must accept the responsibility for repairing our electoral process for the good of the country, and to maintain our role as a model democratic system.

Our people are watching. The world is watching. It is time to act and act quickly so that another session of Congress will not pass without the enactment of true campaign finance reform.

By Mr. MOYNIHAN (for Mr. BENTSEN (for himself, Mr. MITCHELL, Mr. MOYNIHAN, Mr. RIEGLE, Mr. WIRTH, Mr. DASCHLE, Mr. PRYOR, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. ADAMS, Mr. KOHL, Mr. GORE, and Mr. KERRY)):

S. 4. A bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes; to the Committee on Finance.

CHILD WELFARE AND PREVENTIVE SERVICES ACT

Mr. BENTSEN. Mr. President, I believe that the bill we are introducing today will provide the foundation for major reform by the 102d Congress of the Nation's child welfare and foster care systems. Its purpose is to emphasize early intervention, and to provide necessary preventive services for families and children before serious damage is done. This bill reflects insights that have been gained through hearings, site visits, and consultation with experts and advocates over the last 2 years.

Today the Nation's child welfare and foster care systems are overwhelmed by a rising tide of reports of child neglect and abuse. Many, if not most, of these reports are the result of parental substance abuse, particularly the epidemic of crack cocaine that has swept the country. Faced with limited funds, but endless emergencies, States have been unable to provide the preventive services that are needed to keep families together, and avoid the need for foster care.

And despite major improvements in recent years in health programs for low income children, there are still far too many children who lack access to the services they need to prevent health problems before they occur.

Mr. President, when we look closely at what is happening to America's children today, we see a disturbing picture.

In 1989, there were more than 2.4 million reports of child abuse and neglect—more than twice the number reported in 1980. And if experience is any guide, we can expect this number to grow even faster as more and more families face the stress of job loss and long-term unemployment.

State foster care rolls are increasing at an alarming rate. New York's caseload increased from 27,000 to more than 60,000 between 1984 and 1989. California's caseload nearly doubled over the last 5 years. Nationally, it is estimated that at the end of 1989 there were 360,000 children living in foster care, 80,000 more than in 1986.

The children entering the child welfare system today are not only more numerous, they are more troubled and more seriously abused than a decade, or even 5 years ago. They are the victims of serious substance abuse, physical or sexual abuse, deprivation, and neglect. Many suffer from physical and mental disabilities as well.

The experts tell us that these increases are due in large part to an increase in substance abuse by pregnant women and parents of young children. According to the American Public Welfare Association, children from families with drug and alcohol problems and babies and infants with drug-addicted mothers pose the most serious problem facing child welfare agencies today.

A study by the GAO for the Finance Committee found that the phenomenon of drug-exposed boarder babies—babies exposed to drugs during pregnancy and left in hospitals by parents unwilling or unable to care for them—is having a profound impact on the child welfare system. Thirty percent of the infants identified by the GAO as drug exposed were placed in foster care. And those infants who go home from the hospital with their drug-abusing parents are at risk of future abuse and neglect. For example, in California the number of children with parental alcohol or drug dependency involved in child protective services cases increased from 67,000 in 1986 to 122,000 in 1988, an 83-percent increase in 3 years. In Illinois, between 1986 and 1988, the number of substance affected infants involved in child abuse and neglect reports increased by 400 percent.

And more than 9 million children lack any public or private health insurance coverage. Over two-thirds of these children live in families with incomes below 185 percent of poverty, or about $23,000 for a family of 4.

These facts do not rest easily on the American conscience. The American people know that if the United States is to continue as a humane, secure, and productive nation, we must commit ourselves to meeting the basic needs of our children. That fact in itself provides a powerful rationale for the measures we propose today.

Our bill has three major objectives.

First, it will redirect the Nation's child welfare system to emphasize the creation of a network of preventive child and family services that will assure help before a crisis develops.

Second, it will promote the creation of comprehensive substance abuse programs for pregnant women and mothers with children.

And third, it will give States the flexibility to provide further help to children whose health needs are currently unmet.

CHILD WELFARE/FOSTER CARE IMPROVEMENTS

First let me discuss our goals for the child welfare system.

Charles Hayward, Secretary of the Delaware Department of Services for Children, Youth, and Their Families, recently told the Committee on Finance:

> Child welfare programs "have become little more than emergency rooms responding—as we will continue to do—to reports of child abuse and neglect. We are using our limited resources to provide the most expensive treatment and intervention approaches in acute family crises. In short, we are doing too little too late. We need to do more. The future of America's children is at stake."

And children themselves know that the system is broken. A recent article in the New York Times told of a 12-year-old girl from Sacramento, CA, who took temporary refuge in a youth shelter last year from an alcoholic mother and a succession of her mother's abusive partners. The child told a reporter, "I don't want to become a system kid. They have no chance."

This bill provides a substantial Federal investment—more than $1.6 billion over 5 years in entitlement matching funds—to help States develop innovative preventive services programs that will give kids a chance. It will help States move away from the traditional approach of waiting until it's too late, when breaking up a family and placing a child in foster care is the only recourse to protect a child from serious harm.

Let me describe more precisely what we mean by this.

Across the country, State and local child welfare agencies are testing new family support programs that try to help families before serious trouble occurs.

As an example, the State of Maryland has set up Family Support Centers in low-income communities, where young men and women who want help in becoming better parents can come, on a voluntary basis, to get a variety of services—health and nutrition counseling, encouragement and assistance in completing their education, training in job skills, and perhaps most importantly—guidance in child-rearing skills so that they can give their children the kind of emotional and physical nurturing they need.

And many States, such as Texas, Oregon, Iowa, Tennessee, New York, Missouri, Michigan, and Pennsylvania, are also beginning to implement a program of family preservation services—intensive, sometimes round-the-clock services whose goal is to deal with family problems so as to prevent unnecessary family breakup through placement in foster care.

These services often include practical concrete services—such as help in finding housing or in paying the heating bill, as well as parent education and skills training, referral for other services, family therapy, and individual mental health support and counseling for both parents and children.

And although further evaluation is needed to help States determine exactly what form these family support and family preservation programs should take in order to be most effective, there is a growing consensus that they can help to prevent family breakup, and they can be less costly than removing children from their homes and placing them in foster care.

Another crucial need of the child welfare system is better integration and coordination with other services for families and children.

As an incentive for State action, the bill provides up to $3 million a year for each of 15 States to conduct pilot projects to improve program coordination—projects that will bring together a whole range of service agencies involved in providing services to families and children, from child welfare to mental health, to education, and even the new welfare reform JOBS program.

In addition, at the Federal level, the bill requires the Secretaries of HHS, Agriculture, and Education, and the Attorney General, to work together to review departmental policies, and to recommend to the Congress both legislative and nonlegislative changes that will remove some of the barriers to service delivery that States now must contend with.

A third major provision in the bill is for enhanced Federal matching—90 percent—for the costs of designing, developing, and installing a comprehensive data information and management system. The Congress and the administration currently lack any credible data that can be used to make decisions about national policy for children. And this is a critical need for elected officials, particularly if the Federal role in funding these programs is to be increased.

The bill also tightens up funding procedures for the foster care program. Under current law, States may claim reimbursement for foster care expenditures, including child placement and administrative costs, for a period of 2 years. Our bill will require States to submit all claims within 1 year of expenditure. Any claims submitted after the 1-year limit would not receive Federal matching.

In addition, the bill includes a number of other significant changes in the child welfare system, including provisions to promote the adoption of disabled and other special needs children, to improve the independent living program for youths who are aging out of foster care, and to improve training for staff who are employed or preparing for employment in state and local child welfare programs.

COMPREHENSIVE SUBSTANCE ABUSE PROGRAMS

The second major component of this bill is designed to promote the creation of comprehensive substance abuse programs for pregnant women and mothers with children.

Dr. Louis Sullivan, Secretary of Health and Human Services, told the Finance Committee last year that "Drugs and alcohol abuse are destroying families and long held American values, and they are even destroying what we had long thought was a natural bonding between mother and infant." "No caring person," he said, "can stand by and watch the devastation that drug abuse has brought upon us."

At the same hearing, Comptroller General Charles Bowsher of the General Accounting Office stated that drug-exposed infants "constitute a growing national problem necessitating medical and social services that will cost billions of dollars in the years to come. One estimate puts the cost of services for drug-exposed children who are significantly impaired to be as high as $750,000 for the first 18 years of life."

The Comptroller General also told the committee that, "despite the demonstrated ability of prenatal care and drug treatment to reduce the number of infants affected by drug abuse, there is a serious shortage of drug treatment capacity for pregnant women." Of the estimated 280,000 pregnant women nationwide in need of treatment, he observed, less than 11 percent receive care.

The problem of substance abuse is complex and extensive—and so cannot be solved simply. But this bill will help by providing additional resources to States for their efforts to aid some of the victims of substance abuse—pregnant women, women with children, and the infants and children who suffer directly or indirectly from this widespread problem.

The new entitlement funds that are provided in this bill will give Governors the flexibility they need to assure coordination of a wide array of essential family and child social services and medical services.

To receive funding, a comprehensive substance abuse program will be required to provide substance abuse prevention, treatment, and followup services, as well as prenatal and pediatric medical services; home visitation; nutritional services; transportation services; child care; and parenting education.

CHILD HEALTH IMPROVEMENTS

Substance abuse, however, is not the only preventable ill that puts children at risk for serious health problems, disability, or death. Diphtheria, whooping cough, tetanus, polio, measles, and mumps are totally preventable by simple inoculations. Yet despite the clear need for providing immunization, there is evidence that immunization rates are declining. Cases of measles, for example, have increased from 2,822 in 1985 to 17,850 in 1989. Cases of whooping cough more than doubled between 1980 and 1989. Childhood illnesses can also cause serious damage—not to mention discomfort—if gone untreated. Strep throat can lead to rheumatic fever and permanent heart damage; a swimmer's ear can be excruciatingly painful, but speedily relieved with antibiotics. If the family can afford the doctor's bill and medicine.

In 1988, nearly one in five American children under age 17 had no private health insurance or Medicaid coverage. In the past several years, I and others in Congress have worked to address this problem. We expanded Medicaid eligibility to more pregnant women and children in an effort to combat this country's appallingly high rate of infant mortality—higher than that of 18 other countries, and, for black children, higher than the infant mortality rate of much less developed countries, such as Bulgaria and Cuba. We have also expanded Medicaid eligibility to older children—those under age 6 are eligible if the family income is below 133 percent of the Federal poverty level. And, in our most recently enacted budget bill, OBRA 1990, we took a step toward improving adolescent health: Year by year, we will cover older children, over age 6, so that all children under age 19, in families with incomes below the Federal poverty level, will be eligible for Medicaid by the year 2003.

This most recent eligibility expansion was a very significant step in making health care available to children whose family incomes are below the poverty level. But some children will be a little too old to be covered under the phasein schedule; others will be disqualified because their family's income is a little too high—the Federal poverty level is $10,560 for a family of three. To help address these gaps, this bill will enable, but not require States to extend eligibility to older children at a faster rate, or to cover children in families with incomes up to 185 percent of the Federal poverty level.

As described in more detail in the bill summary, the bill also will reduce barriers to Medicaid eligibility for pregnant women by easing limitations on ownership of certain assets; for example, cars, household goods. In addition, the bill will provide greater continuity of coverage for certain children, enable States to pay for home care for children with AIDS or children who are ventilator-dependent, and enable States to cover home visitor services for medically fragile infants.

The bill will build on a provision included in OBRA 1990 prohibiting day limits on hospitalization and requiring reimbursement adjustments for disproportionate share hospitals for extremely long or costly hospital stays by children. After all, Medicaid eligibility is of little value if it does not cover hospitalization in cases of serious illness.

In recognition of the fiscal pressures facing States with deteriorating economic conditions, the bill also will require the Federal Government to use more recent economic data in calculating the Federal matching share for Medicaid.

Although Congress has taken important steps to address the problems of those too poor to afford needed health care, there is still much to be done. The health provisions in this bill are part of a continuing effort to improve access to health care for the Nation's most vulnerable children.

Finally, let me say that although there is no funding offset included in the bill at this point, I can assure Senators that when it is reported by the Committee on Finance all costs associated with the bill will be fully covered. it is my intention, and that of my cosponsors, to adhere to last year's budget agreement that requires the committee to operate on a pay-as-you-go basis. And we will do that.

This bill consolidates child welfare and child health provisions that were introduced last year into a comprehensive package of initiative's for children, adding a major new initiative dealing with substance abuse. Final cost estimates for the new substance abuse program are not yet available, and if we later find that the costs exceed what is financially feasible this year, modifications in the scope of benefits will have to be made. But the need for comprehensive substance abuse programs for pregnant women and mothers with young children is clear, and it is my intention to work toward meeting that need as quickly as possible.

In conclusion, Mr. President, let me say to my colleagues that during this 102d Congress I intend to do everything I can to enact legislation to meet the critical needs of America's children, and I hope they will join with me in this endeavor. This Congress faces enormous challenges, from the crisis in the Persian Gulf to the threat of debilitating economic recession here at home. But these challenges, awesome as they are, should not deter us from doing our part in assuring a more hopeful future for today's children, and those of generations to come.

I request unanimous consent that the text of S. 4 and a summary appear in the RECORD immediately following my remarks, and that the RECORD be left open at this point so that any Senators who may want to add their names as original cosponsors of the bill will be able to do so.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Welfare and Preventive Services Act".

TITLE I—PROVISIONS RELATING TO CHILD WELFARE AND FAMILY SUPPORT

SEC. 101. INNOVATIVE CHILD WELFARE AND FAMILY SUPPORT SERVICES PROGRAMS.

(a) IN GENERAL.—Part B of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"INNOVATIVE CHILD WELFARE AND FAMILY SUPPORT SERVICES

"SEC. 429. (a)(1) For the purpose of enabling States to plan, develop, or expand innovative programs of child welfare services and family support services in order to preserve and strengthen families and prevent the need for placement in foster care, there are authorized to be appropriated for each fiscal year, in addition to amounts otherwise appropriated under this part, such sums as may be necessary to carry out the purposes of this section.

"(2) In addition to the amounts authorized to be appropriated under paragraph (1), there is authorized to be appropriated for each of the fiscal years 1992, 1993, 1994, 1995, and 1996, the sum of $8,000,000 to carry out the purposes of subsection (c)(1).

"(b)(1) From the sums appropriated therefore, the Secretary shall, subject to the provisions of this section, pay to each State for each quarter an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total expenditures during that quarter for the purpose of planning, developing, or expanding an innovative program of child welfare and family support services (in accordance with the requirements of this section) to incorporate any of the following child welfare and family support services:

"(A) Intensive family preservation services designed to help children at risk of foster care placement remain with their families (including adoptive families), where appropriate.

"(B) Reunification services designed to help children return to the families (including adoptive families) from which they have been removed, where appropriate.

"(C) Follow up services designed to sustain and further strengthen families (including adoptive families) after a child has returned home from foster care placement.

"(D) Respite care to provide assistance for any foster care family or adoptive family and, to the extent determined appropriate by the State any other family, of a child with a medical condition or physical, mental, or emotional handicap that requires special assistance (as determined by the Secretary).

"(E) Family support services to strengthen the functioning of a family, including services designed to improve parenting skills.

"(2) The total amount paid to a State under paragraph (1) for a fiscal year may not exceed the sum of—

"(A) the State's allotment under paragraph (3) for the fiscal year; and

"(B) any unexpended portion of the State's allotment for the preceding fiscal year.

"(3)(A) The amount allotted to a State under this paragraph for a fiscal year shall be determined in the manner specified in section 421(a), except that the total amount allotted to all States under this paragraph may not exceed $150,000,000 for fiscal year 1992, $300,000,000 for fiscal year 1993, and $400,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(B) The amount allotted to a State under this paragraph for a fiscal year shall remain available for such fiscal year and the succeeding fiscal year.

"(4) Payments to a State under this subsection for any fiscal year shall be made in accordance with the procedures described in section 423(b).

"(5) As a condition of receiving a payment under this section, a State shall provide written assurance (in such form as the Secretary shall prescribe by regulation) that the aggregate amount of funds expended by the State and its political subdivisions from non-Federal resources for the purpose of providing child welfare services (excluding foster care maintenance and adoption assistance payments) shall be maintained at a level of funding that is equal to or exceeds the level of such funding for such services for fiscal year 1990.

"(c)(1)(A) The Secretary shall conduct evaluations of programs under this section according to criteria that the Secretary shall establish.

"(B) In developing the criteria described in subparagraph (A), the Secretary shall consult with—

"(i) individuals who administer programs under this part and part E of this title;

"(ii) private, nonprofit organizations with an interest in child welfare; and

"(iii) other individuals and organizations with recognized expertise in the evaluation of child welfare services programs or other related programs.

"(C) The Secretary may enter into a contract with one or more independent research organizations to carry out a program evaluation under this subsection.

"(2) Funds expended by a State to conduct evaluations of programs of child welfare and family support services administered by the State shall be deemed expenditures for which payment may be made under subsection (b)(1). Such evaluations shall be conducted in accordance with requirements that the Secretary shall prescribe by regulation.

"(3) Program evaluations conducted pursuant to paragraph (1) or (2) shall—

"(A) use methodologies to measure outcomes with respect to children and families who participate in the programs under this section that enable comparison with similar outcome measurements of children and families who have not received the services offered by the programs under this section; and

"(B) include an assessment of family functioning—

"(i) before the family receives the services offered by a program under this section; and

"(ii) after the family receives such services.

"(4) In carrying out the program evaluations described in paragraph (1), the Secretary shall ensure that an appropriate portion of such evaluations shall use experimental and control groups (of a sample size determined in accordance with appropriate statistical practices).

"(5)(A) The Secretary shall develop procedures to facilitate the coordination of evaluations conducted by the Secretary and by the States.

"(B) Upon request by a State, the Secretary shall provide technical assistance to facilitate the planning and design of program evaluations under this section.

"(6) Beginning with the fiscal year 1994, and annually thereafter, the Secretary shall issue a report to the Congress that includes—

"(A) information concerning the status of evaluations conducted by the Secretary under this subsection;

"(B) findings from the evaluations described in subparagraph (A);

"(C) information concerning the status of evaluations conducted by States under this subsection; and

"(D) a summary of the findings from the State evaluations described in subparagraph (C).

"(7) The Secretary shall, upon completion of a review of the evaluations conducted under this subsection by the Secretary and by States (but not later than February 1, 1996), submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that includes recommendations for legislation to improve child welfare and family support services provided under this title to strengthen families, to reduce the number of cases in which it is necessary to remove a child from home and place the child in foster care, and to promote the reunification of families of children who have been placed in foster care.".

(b) STATE PLANS AND REPORTS.—Section 422 of the Social Security Act (42 U.S.C. 622) is amended by adding at the end the following new subsections:

"(c) Not later than January 1, 1992 (with respect to fiscal year 1992), and not later than the July 1 preceding each fiscal year thereafter, each State with an innovative program of child welfare services and family support services (as described in section 429(a)) that intends to provide services that qualify for payments under section 429(b) shall submit to the Secretary for approval, as an amendment to the plan described in subsection (a), a detailed description of the services that such State intends to provide during such fiscal year.

"(d) Not later than July 1, 1992, each State with an innovative program of child welfare services and family support services (as described in section 429(a)) that intends to provide services under such program that qualify for payments under section 429(b), shall submit to the Secretary a report containing a statement of goals that the State expects to achieve during the 5-year period beginning with fiscal year 1992.

"(e) Not later than January 1, 1993, and annually thereafter, each State shall submit to the Secretary a report that summarizes activities carried out with funds made available under this title. Such report shall cover the most recently completed fiscal year, and shall be in such form and contain such information as the Secretary shall require by regulation.".

(c) CONFORMING AMENDMENTS.—Section 423(a) of the Social Security Act (42 U.S.C. 623(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) For the purposes of this section, the 'amounts expended under the plan' described in paragraph (1) shall not include amounts for which payment is made under section 429(b) for services described in section 429(a).".

SEC. 102. DEMONSTRATION PROJECTS TO IMPROVE COORDINATION OF SERVICES.

(a) IN GENERAL.—Title IV of the Social Security Act is amended by inserting after section 474 the following new section:

"DEMONSTRATION PROJECTS FOR THE COORDINATION OF CHILD AND FAMILY WELFARE FUNDING AND SERVICES

"SEC. 474A. (a) In order to improve the coordination of child and family welfare services, the Secretary shall authorize not more than 15 States to conduct demonstration projects, to be carried out in accordance with this section.

"(b) An application submitted by the Governor of a State shall include a description of the measures to be employed to improve the coordination of the services and benefits provided by child welfare services programs carried out under the State plan under this part with programs which provide services to families and children including some or all of the following programs and services:

"(1) The program of aid and services for needy families with children carried out under the State plan pursuant to part A.

"(2) The child support and spousal support enforcement program carried out under the State plan pursuant to part D.

"(3) The job opportunities and basic skills training program carried out under the State plan pursuant to section 402(a)(19) and part F.

"(4) The special supplemental food program for woman, infants, and children (the WIC program) authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(5) The maternal and child health block grant program under title V.

"(6) Medical assistance furnished under the State plan approved under title XIX.

"(7) Educational programs that provide services to children or families.

"(8) Drug treatment programs and other substance abuse programs.

"(9) Mental health services programs.

"(10) Juvenile justice programs.

"(11) Programs for developmentally disabled individuals.

"(12) Any additional services for children and families that the State determines necessary to meet the needs of all family members in order to carry out the purposes of this section that are approved by the Secretary.

"(c) A demonstration project conducted under this section may be conducted for a period of not more than 3 years.

"(d)(1) Each State that conducts a demonstration project authorized by the Secretary shall, as a part of such demonstration project, conduct an evaluation of the effectiveness of the demonstration project in improving the coordination and the funding of child and family welfare services.

"(2) Amounts expended by the State for the purposes of conducting an evaluation under this subsection shall be deemed amounts expended pursuant to subparagraph (C) of section 474(a)(3).

"(e) Upon completion of a demonstration project under this section, each State shall submit a report concerning the results of the evaluation described in subsection (d) to the Secretary.

"(f) Each State shall submit to the Secretary at such time as the Secretary may prescribe by regulation—

"(1) a description of administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the coordination of the delivery of the child and family welfare services described in subsection (b); and

"(2) a description of the measures that the State has taken or intends to take to eliminate or reduce impediments described in paragraph (1) that are attributable to administrative policies and laws of the State or a political subdivision of the State.".

(b) PAYMENTS TO STATES FOR DEMONSTRATION PROJECTS.—Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended—

(1) by striking the period at the end of paragraph (4)(B)(ii) and inserting "; plus"; and

(2) by adding at the end the following new paragraph:

"(5) if such State is authorized to conduct a demonstration project pursuant to section 474A, 50 percent of so much of such expenditures (not to exceed $750,000 for each quarter during the period of such demonstration project) to carry out the demonstration project.".

(c) REVIEW OF ADMINISTRATIVE POLICIES AND REGULATIONS.—(1) The Secretary of the Department of Health and Human Services, the Secretary of Agriculture, the Secretary of Education, and the Attorney General of the United States shall review the administrative policies and regulations relating to the funding and delivery of services for families and children (as described in section 474A(b) of the Social Security Act, as added by subsection (a) of this section) of the Department of Health and Human Services, the Department of Agriculture, the Department of Education, and the Department of Justice, respectively, to determine whether changes in such administrative policies and regulations may be made without statutory changes to improve the funding and delivery of such services.

(2) In conducting a review pursuant to paragraph (1), the heads of departments described in paragraph (1) shall consult with appropriate representatives of the governments of States and political subdivisions of States.

(3) Not later than July 1, 1992, the heads of the departments described in paragraph (1) shall collectively (or separately after consultation with the others) issue a report to the Congress that includes—

(A) recommendations for statutory changes, as well as changes in regulations and administrative policies, to improve the coordination of the funding and delivery of child and family welfare services;

(B) a description of the technical assistance that the heads of the departments will make available to the States to improve the coordination of the funding and delivery of child and family welfare services; and

(C) an analysis of the impediments identified pursuant to section 474A(f)(1) of the Social Security Act as they relate to Federal policies and laws.

SEC. 103. FOSTER CARE AND ADOPTION ASSISTANCE.

(a) REQUIREMENTS FOR DOCUMENTATION FOR ADOPTION PLACEMENT PROCEDURES.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by inserting at the end the following new subparagraph:

"(E) with respect to any child who is legally eligible for adoption, a court or administrative body that conducts a case review pursuant to subparagraph (C), shall determine and document—

"(i) the specific measures taken by the State agency responsible for the placement of the child in an adoptive family to make such a placement; or

"(ii) a finding that placement of the child in an adoptive family would be inappropriate.".

(b) DISRUPTED ADOPTIONS.—

(1) Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (1), by inserting "paragraph (18) and" before "section 473";

(B) by striking "and" at the end of paragraph (16);

(C) by striking the period at the end of paragraph (17) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(18) provides that, at the option of the State, a child whose adoption has been set aside by a court may, for purposes of sections 472 and 473, during any subsequent period of time during which such child would be eligible for assistance under this part as a child in foster care or an adoptive child (but for the adoption or the disruption of the adoption), be deemed to be eligible for such assistance.".

(2) Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following new subsection:

"(e) For purposes of subsection (a) of this section, a child with respect to whom a State exercises the option described in paragraph (18) of such subsection (a) shall be deemed an eligible child under sections 472 and 473 of this part.".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply to case reviews conducted on or after October 1, 1993.

(2) The amendments made by subsection (b) shall apply to payments under part E of title IV of the Social Security Act for expenditures made after March 1992.

SEC. 104. STUDY OF REASONABLE EFFORTS REQUIREMENT BY ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall establish an Advisory Committee on Foster Care Placement (hereafter in this section referred to as the "Advisory Committee") to study and make recommendations concerning the requirements under section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) for each State plan for foster care and adoption assistance.

(b) MEMBERSHIP.—(1) The Advisory Committee shall consist of no fewer than 9 members. In appointing members to the Advisory Committee, the Secretary shall include representatives of the following organizations and agencies:

(A) Private, nonprofit organizations with an interest in child welfare (including such organizations that provide child protective services, foster care services, or adoption services).

(B) Hospitals that treat a significant number of boarder babies (as determined by the Secretary).

(C) Agencies of States and political subdivisions thereof responsible for child protective services, foster care services, or adoption services.

(D) Judicial bodies of States and political subdivisions thereof responsible for adjudicating issues of family law (as defined and determined by the Secretary).

(2) Members of the Advisory Committee who are not full-time Federal employees shall, while engaging in the business of the Advisory Committee (including travel time) be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the daily rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

(3) While away from their homes or regular places of business and on the business and of the Advisory Committee, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(c) REPORT.—Not later than April 1, 1993, the Advisory Committee shall submit a report to the Secretary and to the Congress that includes recommendations for making improvements in the implementation of the requirements under section 471(a)(15).

SEC. 105. CASE REVIEW SYSTEM REQUIREMENT.

(a) IN GENERAL.—Subparagraph (A) of section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended by inserting "and most appropriate" before the end parenthesis after "most family like".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to case reviews conducted on or after April 1, 1992.

SEC. 106. DEMONSTRATION PROJECT TO FACILITATE THE REUNIFICATION OF A CHILD ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM WITH HIS OR HER FAMILY.

(a) IN GENERAL.—(1) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall enter into agreements with not more than 6 States with an approved plan under section 402 of the Social Security Act (42 U.S.C. 602) (hereafter in this section referred to as the "State plan") to conduct demonstration projects under this section.

(2) The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section, and shall approve up to 6 applications involving projects which appear likely to contribute significantly to the achievement of the purpose of this section.

(3) Demonstration projects under this section shall meet such conditions and requirements as the Secretary shall prescribe by regulation. No such project shall be conducted for a period of more than 3 years, and no such project may be conducted after January 1, 1996.

(b) EFFECT OF ACCELERATED AFDC ELIGIBILITY ON FAMILY REUNIFICATION.—For each State conducting a demonstration project under this section, notwithstanding any provision of title IV of the Social Security Act, in order to test the effect on facilitating the reunification of families with children for whom out-of-home placement was determined to be necessary, the Secretary shall establish rules under which the State may deem the family of any such child (who would otherwise be considered a dependent child, as defined in section 406(a) of the Social Security Act, but for the placement of the child outside of the home of the family) to be eligible to receive aid under the State plan (including aid that the State may elect to provide for meeting any special needs) for the month immediately preceding the month during which such child is reunited with the family.

(c) DEMONSTRATION PROJECT EVALUATIONS.—Each State that conducts a demonstration project under this section, shall, after such project has been carried out for one year and again when such project is completed, submit to the Secretary a detailed evaluation of the project and of the contribution of the project to the achievement of the purpose of this section.

(d) STATUTORY CONSTRUCTION.—Title IV of the Social Security Act and the regulations promulgated under such title shall apply to demonstration projects conducted under this section to the extent such title is not inconsistent with the purposes of the demonstration projects.

SEC. 107. DATA COLLECTION SYSTEMS.

(a) AUTOMATED DATA COLLECTION SYSTEMS.—Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (E); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

"(C) 90 percent of so much of such expenditures as are for the planning, design, development, or installation of such statewide mechanized data collection and information retrieval systems (including 90 percent of the full amount of expenditures for hardware components for such systems) that are designed by not later than October 1, 1993—

"(i) to meet the requirements for data collection systems provided in regulations issued pursuant to 479(b)(2); and

"(ii) to have the capability of interfacing with, and retrieving information from, the State data collection system that collects information relating to the eligibility of individuals under part A (for the purposes of facilitating the verification of the eligibility of foster children),

as the Secretary determines are likely to provide more efficient, economical, and effective administration of the programs carried out under the State plan approved under part B or the State plan approved under this part;

"(D) 50 percent of so much of such expenditures as are for the operation of a data collection and information system for the purposes of administering programs under the State plan under this part; and;".

(b) OPERATING COSTS.—Section 425(a) of the Social Security Act (42 U.S.C. 625(a)) is amended by adding at the end the following new paragraph:

"(3) Funds expended by a State for any calendar quarter with respect to the operation of a data collection and information system described in section 474(a)(3)(C) for the purposes of administering programs under this part, shall be deemed to have been expended for child welfare services.".

(c) CONFORMING AMENDMENT.—Section 474A(d)(2) of the Social Security Act, as added by section 102 of this title is amended by striking "subparagraph (C)" and inserting "subparagraph (E)".

(d) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply to expenditures made—

(1) after September 30, 1991; and

(2) with respect to section 474(a)(3)(C) of the Social Security Act, as added by such subsection, ending on or before September 30, 1993.

SEC. 108. INDEPENDENT LIVING.

(a) ACCUMULATION OF ASSETS.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) inserting after subsection (h) the following new subsection:

"(i) Notwithstanding any other provision of this title and of title XIX, with respect to a child who is included in a program established under subsection (a), an amount of the assets of the child which would otherwise be regarded as resources for the purposes of determination of eligibility for programs under this title or title XIX may be disregarded for the purpose of allowing such child to establish a household. Such amount may not exceed an amount determined by the State agency responsible for the administration of the program as reasonable for the purpose of establishing a household.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1991.

SEC. 109. DEADLINE FOR SUBMISSION OF STATE CLAIMS FOR REIMBURSEMENT.

(a) IN GENERAL.—Section 1132 of the Social Security Act (42 U.S.C. 1320b-2) is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)", and

(2) by adding at the end thereof the following new subsection:

"(c) In the case of claims submitted with respect to expenditures made in carrying out a State plan approved under part E of title IV, subsection (a) shall be applied by substituting 'one-year' for 'two-year' each place it appears.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments under part E of title IV of the Social Security Act after fiscal year 1992.

SEC. 110. TRAINING ACTIVITIES.

(a) CHILD WELFARE TRAINEESHIPS.—(1) Title IV of the Social Security Act is amended by inserting after section 426 the following new section:

"CHILD WELFARE TRAINEESHIPS

"SEC. 426A. (a) The Secretary shall approve an application for a grant to a public or nonprofit institution of higher learning to provide traineeships with stipends under section 426(a)(1)(C), only if the application—

"(1) provides assurances that each individual who receives a stipend with such traineeship (hereafter in this section referred to as a 'recipient') shall enter into an agreement with the institution of higher learning under which the recipient shall agree—

"(A) to participate in onsite training at a public or private child welfare agency on a regular basis (as determined by the Secretary) for the period of the traineeship;

"(B) to be employed for a period of years equivalent to the period of the traineeship in a public or private nonprofit child welfare agency in any State after completing the postsecondary education for which the traineeship was awarded (within such period of time as is determined by the Secretary by regulation);

"(C) to provide the institution of higher learning and the Secretary with evidence of compliance with subparagraphs (A) and (B); and

"(D) in the event that the conditions of subparagraph (A) or (B) are not complied with (except as provided in the exceptions to repayment provisions described in subsection (c)), to repay to the Secretary all or part of the amount of the stipend, plus interest, and if applicable, reasonable collection fees (in compliance with regulations that the Secretary shall promulgate);

"(2) provides that an agreement entered into with a recipient shall fully disclose the terms and conditions under which the traineeship with stipend is granted; and

"(3) provides assurances that the institution of higher learning shall—

"(A) provide appropriate support and supervision of recipients;

"(B) enter into agreements with child welfare agencies for the onsite training of recipients;

"(C) develop and implement a curriculum in the field of child welfare services that—

"(i) incorporates the most recent information concerning best practices for the delivery of child welfare services; and

"(ii) incorporates information relating to clause (i) supplied to the institution through consultation with child welfare agencies;

"(D) permit a student who is employed in the field of child welfare services (at the time such student applies for a traineeship) to apply for a traineeship with a stipend if such traineeship furthers the student's progress towards the completion of degree requirements; and

"(E) develop and implement a system that tracks for a period of 3 years, beginning on the date of completion of any student of a child welfare services program of study, the employment record of such student in the field of child welfare services (for the purpose of determining the percentage of students who secure employment in the field of child welfare services and remain employed in such field).

"(b) If the Secretary finds a recipient to be in noncompliance with an agreement entered into under subsection (a)(1)(B), the recipient shall be required to repay a pro rata amount of the stipend received, plus interest, and where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed by the Secretary by regulation.

"(c) A recipient shall not be considered in violation of the agreement entered into pursuant to subsection (a)(1) during any period in which the recipient satisfies repayment exceptions that may be prescribed by the Secretary by regulation.".

(2) Subparagraph (C) of section 426(a)(1) of the Social Security Act (42 U.S.C. 626(a)(1)) is amended by inserting "described in section 426A" after "including traineeships".

(3) The amendments made by this section shall apply to grants awarded on or after September 30, 1991.

(b) TRAINING FOR EMPLOYMENT IN CHILD WELFARE AGENCIES.—In order to improve the capacity of State and local child welfare agencies to administer the programs authorized under parts B and E of title IV of the Social Security Act and to provide services to families and children, the Secretary of Health and Human Services shall—

(1) not later than October 1, 1991, publish final regulations establishing detailed guidelines to assist States in using Federal matching funds authorized under Section 474(a)(3) for the purpose of providing training for individuals who are employed or preparing for employment by such agencies; and

(2) not later than January 1, 1992, develop and publish a model staff training program for use by such agencies.

SEC. 111. HEALTH CARE PLANS FOR FOSTER CHILDREN.

(a) IN GENERAL.—Section 475(1)(C) of the Social Security Act (42 U.S.C. 675(1)(C)) is amended—

(1) in clause (i) by striking "and addresses" and inserting ", addresses, and telephone numbers",

(2) in clause (vii) by striking "and", and

(3) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) a record indicating that the child's foster care provider was advised (where appropriate) of the child's eligibility for early and periodic screening, diagnostic, and treatment services under title XIX; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to case plans established or reviewed on or after October 1, 1991.

SEC. 112. CHILD WELFARE DEMONSTRATION PROJECTS.

Part E of title IV of the Social Security Act (42 U.S.C. 470 et seq.) is amended by adding at the end the following new section:

"SEC. 480. DEMONSTRATION PROJECTS.

"(a) IN GENERAL.—In order to grant States the flexibility and resources necessary to develop innovative policies and appropriate service networks to preserve and strengthen families with children at risk of needing placement outside their home, to reunite children with their families as promptly as possible if an out-of-home placement is found to be necessary, and to place children in adoptive homes or other permanent arrangements, including guardianships and placements with relatives, in a timely fashion if reunification with their families is impossible or is not in the best interest of any such child, and to provide for the evaluation of innovative State programs and the assessment of the impact of such programs on children and families, the Secretary may authorize not more than 10 States to conduct demonstration projects, which may be carried out throughout the State or in limited areas of the State, in accordance with this section.

"(b) CONSIDERATION OF APPLICATIONS.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section.

"(c) CONTENTS OF APPLICATIONS.—

"(1) GENERAL RULES.—Each application by a State to conduct a demonstration project under this section shall—

"(A) propose a project designed to—

"(i) provide, in accordance with paragraph (2), preventive services and assistance to families which have problems that may lead to the removal of a child from the family;

"(ii) promote, in accordance with paragraph (3), the treatment of family problems so as to achieve the reunification of children with their families as promptly as possible after the time it becomes necessary to remove the child from the family;

"(iii) facilitate, in accordance with paragraph (4), the timely and permanent placement of children who are in foster care or who have been abandoned at or shortly after birth;

"(iv) develop, in accordance with paragraph (5), community-based family support services that are provided by trained individuals who live in the community; or

"(v) address, in accordance with paragraph (6), any combination of child welfare services issues;

"(B) specify the area or areas of the State in which the project is to be conducted;

"(C) contain a commitment by the State—

"(i) to carry out the project during a period of not less than 2 and not more than 5 consecutive fiscal years beginning with fiscal year 1992; or

"(ii) if the State will not be able to properly plan the project before the beginning of fiscal year 1993, to plan the project during fiscal year 1993 and carry out the project during a period of not less than 4 consecutive fiscal years beginning with fiscal year 1994;

"(D) specify the provisions of part B and this part which, but for subsection (g)(1), would prevent the State from conducting the demonstration project;

"(E) identify who will receive services under the project;

"(F) provide assurances that payments to foster families will be sufficient to ensure an adequate number of foster parents; and

"(G) contain such other information as the Secretary may require by regulation.

"(2) PROJECTS TO PREVENT FAMILY DISSOLUTION.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(i) shall outline the services and procedures the State will offer to prevent family dissolution whenever possible. In addition, each such application by a State shall include the following:

"(A) CASE PLANS.—A commitment by the State to provide each child with a case plan, developed to the extent feasible, in consultation with family members.

"(B) MEASURES TO ASSIST FAMILIES IN ADDRESSING PROBLEMS THAT MAY LEAD TO RE-

MOVAL FROM THE HOME.—A description of the measures to be employed by the State to ensure that families are assisted in addressing the problems that may result in the removal of the child from the home.

"(C) MEASURES TO KEEP PARENTS REQUIRING DRUG OR ALCOHOL TREATMENT WITH THEIR CHILDREN.—A description of the measures to be employed by the State to keep parents and their young children together, where appropriate, while the parent participates in drug or alcohol treatment.

"(D) DRUG AND ALCOHOL TREATMENT MEASURES.—A description of the measures to be employed by the State to ensure that drug and alcohol treatment programs are made available to parents who are substance abusers.

"(E) MEASURES TO COORDINATE FAMILY WELFARE FUNDING AND SERVICES.—A description of the measures to be employed by the State to coordinate the funding of, and the services and benefits provided by, programs which provide services to families with children at risk of being placed in the care of a child welfare, mental health, or juvenile justice agency, including the following programs:

"(i) The State's child welfare services program carried out under the State plan approved under part B.

"(ii) The maternal and child health block grant program under title V.

"(iii) The job opportunities and basic skills training program carried out pursuant to section 402(a)(19) and part F.

"(iv) Medical assistance under the State plan approved under title XIX.

"(v) Drug and other substance abuse treatment programs.

"(vi) Mental health services programs.

"(vii) Any new services for children and families that the State deems necessary to meet the needs of all family members in order to carry out the purposes of this section.

"(viii) Such other programs as the State deems appropriate.

"(3) FAMILY REUNIFICATION PROJECTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(ii) shall include the following:

"(A) DESCRIPTION OF PROPOSED PROCEDURES TO ASSIST FAMILY REUNIFICATION.—A description of how the State will—

"(i) design a treatment plan for addressing the family problems that led to removal of the child from the home;

"(ii) to the extent feasible, involve all family members in executing the plan;

"(iii) coordinate the programs and resources necessary to address the problem that led to removal of the child from the home;

"(iv) reunify the child with the family as soon as possible (consistent with the best interests of the child); and

"(v) implement improvements in laws and procedures so as to ensure timely hearings and decisions.

"(B) REASONS WHY PROPOSED PROCEDURES WOULD RESULT IN EARLIER FAMILY REUNIFICATION.—A discussion of why the particular procedures proposed in the application are likely to result in earlier or more successful family reunification than is achieved under the present policies and procedures of the State.

"(4) PERMANENT PLACEMENT PROJECTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(iii) shall describe how the State will improve its laws and administrative procedures so as to provide, where appropriate, more expeditious, permanent placement of children who are in foster care, are boarder babies, were abandoned at or shortly after birth, have parents addicted to drugs, or were abused.

"(5) FAMILY SUPPORT DEMONSTRATION PROJECTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(iv) shall include a description of—

"(A) how the State will conduct innovative programs which train individuals who live in a community to provide family support services to other families in the community with children at risk of being placed in foster care, using services which are based on a self-help model; and

"(B) how such programs will be coordinated with other child welfare and family support services available in the area.

"(6) PROJECTS ADDRESSING OTHER CHILD WELFARE ISSUES.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(v) shall describe a project designed to test an innovative approach to any number of significant child welfare services issues, which may include—

"(A) avoiding out-of-home placements;

"(B) achieving, where appropriate, speedy reunification of families from which it has been necessary to remove a child;

"(C) reducing the time it takes to permanently place children who have been removed from their families when such placement is appropriate;

"(D) where appropriate, permitting children to remain with, or be quickly reunited with, their parents while their parents receive treatment for substance abuse; and

"(E) identifying risk factors which would allow child welfare agencies to identify and offer assistance to families that may need protective services.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) IN GENERAL.—Within 12 months after the date of the enactment of this section—

"(A) the Secretary shall transmit to each State a detailed explanation of the requirements for participation in the demonstration program established by this section;

"(B) any State interested in conducting a demonstration project under this section shall transmit to the Secretary a letter of intent containing a tentative description of the project; and

"(C) the Secretary shall, subject to paragraph (4), approve not more than 10 applications which meet the applicable requirements of subsection (c).

"(2) DISTRIBUTION OF DEMONSTRATIONS BY STATE POPULATION.—The Secretary, to the extent feasible (in view of the number of approvable applications received), shall provide that in approving applications to conduct demonstration projects under this section that—

"(A) at least 2 and not more than 4 of such applications approved are the applications of States with populations of less than 1.5 million;

"(B) at least 3 and not more than 5 of such applications approved are the applications of States with populations between 1.5 and 7 million; and

"(C) at least 2 and not more than 4 of such applications approved are the applications of States with populations over 7 million.

"(3) DISTRIBUTION OF DEMONSTRATIONS BY REGION.—The Secretary shall provide that in approving applications to conduct demonstration projects under this section that no more than 4 of such applications shall be approved for any one geographical region (as determined by the Secretary) of the country.

"(4) FREEDOM OF STATES TO SELECT AREAS IN WHICH TO CONDUCT DEMONSTRATION.—The Secretary may not, as a condition of approval, require any State to conduct a project under this section in any area of the State not specified in the application therefor.

"(5) CERTIFICATION REQUIRED.—The Secretary shall not approve the application of a State to conduct a demonstration project under this section unless the State certifies that all cost savings resulting from the project will be used to provide child welfare services (within the meaning of section 425(a)(1)) to families.

"(e) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants in accordance with this subsection to each State whose application to conduct a demonstration project under this section is approved by the Secretary, in accordance with a contract prepared by the Secretary (in consultation with the entity or entities selected pursuant to subsection (f)) which specifies the duties of the Secretary, the State, and the entity selected to evaluate the project in achieving the purpose described in subsection (a).

"(2) USE OF GRANTS.—Each State which receives funds under the demonstration program under this section may use such funds to improve the provision of child welfare, foster care, and adoption assistance services in any manner that the State deems appropriate.

"(3) ANNUAL GRANTS.—The Secretary shall make grants to States under paragraph (1) for each fiscal year for which the State is authorized to conduct a demonstration project under this section.

"(4) AMOUNT OF GRANT TO INCLUDE STATE DEMONSTRATION BONUS.—

"(A) CALCULATION OF AMOUNT OF GRANT.—The amount of the grant to be paid under paragraph (1) to a State for a fiscal year shall be an amount equal to the applicable percentage of the sum of—

"(i) the amounts paid to the State for fiscal year 1991 pursuant to sections 423 and 474 (other than for adoption assistance payments under section 473 and for expenses for the proper and efficient administration of the provisions of the State plan relating to adoption assistance);

"(ii) the portion of the amount (if any) by which the amounts appropriated for the fiscal year for payments to States under part B exceed the amounts so appropriated for fiscal year 1991, that would be payable to the State pursuant to such part if the State were not authorized to conduct a demonstration project under this section; and

"(iii) 20 percent of the amount that would have been payable to the State for the immediately preceding fiscal year pursuant to section 423 if the State were not authorized to conduct a demonstration project under this section.

"(B) APPLICABLE PERCENTAGE DEFINED.—

"(i) As used in subparagraph (A), the term 'applicable percentage' means, with respect to a State and a fiscal year, the quotient set forth in clause (ii) as determined by the Secretary after taking into account the estimates made under subsection (f)(2)(B) for the fiscal year with respect to the State.

"(ii) The quotient set forth in this clause is—

"(I) the number of children in the areas in which the State is conducting a demonstration project under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under this part for the fiscal year and the State were not authorized to conduct the project; divided by

"(II) the total number of children in the State with respect to whom the State would have so made such payments for the fiscal year.

"(5) NOTIFICATION TO STATES OF AMOUNT OF GRANTS.—On the 1st day of each fiscal year for which a State is to be made a grant under paragraph (1), the Secretary shall notify the State of the amount of the grant.

"(6) GRANTS TO BE PAID IN EQUAL QUARTERLY INSTALLMENTS.—The Secretary shall pay each grant under paragraph (1) in equal quarterly installments.

"(7) SUPPLEMENTARY PAYMENT.—Within 3 months after the end of each fiscal year with respect to which estimates are made under subsection (f)(2)(B) with respect to a State, the Secretary shall—

"(A) take such estimates into account in determining the amount that would have been payable to the State under section 474 for the fiscal year (other than for adoption assistance payments under section 473 and for expenses for the proper and efficient administration of the provisions of the State plan relating to adoption assistance) if the Secretary had approved the State plan under this part for the fiscal year and the State were not authorized to conduct a demonstration project under this section; and

"(B) pay the State the amount (if any) by which—

"(i) the amount determined under subparagraph (A); exceeds

"(ii) the amount paid to the State pursuant to section 474 for fiscal year 1991 (other than for adoption assistance payments under section 473 and for expenses for the proper and efficient administration of the provisions of the State plan relating to adoption assistance).

"(f) EVALUATION OF DEMONSTRATION PROJECTS.—

"(1) SELECTION OF EVALUATING ENTITY.—The Secretary shall—

"(A) publish in the Commerce Daily a request for applications from entities that are capable of, and interested in performing the functions described in paragraph (2); and

"(B) in time for such an entity to participate in the development of contracts under subsection (e)(1), enter into a contract with 1 or more entities to perform such functions.

"(2) FUNCTIONS OF EVALUATING ENTITY.—The functions of the entity or entities selected by the Secretary pursuant to paragraph (1) are—

"(A) to assist the Secretary and the States in devising a detailed plan for the evaluation of demonstration projects conducted under this section;

"(B) within 30 days after the end of each fiscal year, to submit a report to the Secretary, with respect to each such project, that estimates in accordance with the data collection provisions of the contract described in subsection (e)(1)—

"(i) the number of children in the areas in which the State is conducting a demonstration project under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under this part for the fiscal year and the State were not authorized to conduct the project; and

"(ii) the average length of time for which such payments would have been so made with respect to such children;

"(C) prepare in accordance with paragraph (3), and submit to the Secretary, with respect to each such project, interim reports that evaluate the costs and benefits of the project; and

"(D) prepare in accordance with paragraph (3), and submit to the Secretary, with respect to each such project, a final report that—

"(i) describes in detail, and documents, the ways in which the project has changed the provision of preventive services, reunification services, adoption assistance services, and other related child welfare and foster care services in the State; and

"(ii) evaluates the costs and benefits of the project.

"(3) EVALUATION REQUIREMENTS.—In evaluating a demonstration project conducted by a State under this section, the entity or entities selected by the Secretary to perform the evaluation shall—

"(A) collect such information as may be necessary to analyze the impact of the project on—

"(i) foster care placement rates;

"(ii) child development and behavior (including academic performance, intellectual development, and health); and

"(iii) family relationships;

"(B) collect such other information on outcomes as the Secretary or the State deems appropriate; and

"(C) use currently acceptable scientific methods.

"(4) DUTY OF STATES TO PROVIDE INFORMATION.—Each State which conducts a demonstration project under this section shall provide the entity or entities selected by the Secretary to evaluate the project with such information with respect to the project and the State programs carried out pursuant to part B and this part as the entity or entities may request under the contract described in subsection (e)(1) entered into by the Secretary, the entity, and the State.

"(5) COSTS OF EVALUATIONS.—The Secretary shall pay the costs incurred during each fiscal year by any State in assisting the evaluation of the demonstration project conducted by the State under this section, to the extent that such costs exceed the amount (estimated by the Secretary) that the State would have expended during the fiscal year to comply with the data reporting requirements of part B and this part if the Secretary had approved the State plans under such parts for the fiscal year and the State were not authorized to conduct the project.

"(g) APPLICABILITY OF PART B AND OTHER SECTIONS OF THIS PART.—During the period in which a State is conducting a demonstration project under this section—

"(1) part B (other than section 427) and the other provisions of this part (other than section 471(a)(1) requiring the State plan to provide for adoption assistance in accordance with section 473, paragraphs (8), (12), (13), (15), and (16) of section 471(a), sections 473, 474 (as it relates to adoption assistance under section 473), and section 479) shall not apply to the State; and

"(2) the State shall, for purposes of section 402(a)(20), be deemed to have in effect a State plan approved under this part.

"(h) PROHIBITION AGAINST IMPAIRMENT OF ENTITLEMENT TO FOSTER CARE BENEFITS.—A State may not carry out a demonstration project under this section in a manner which impairs the entitlement of any qualified child to foster care benefits under a State plan approved under this part.".

TITLE II—PROVISIONS RELATING TO COMPREHENSIVE SUBSTANCE ABUSE PROGRAMS FOR PREGNANT WOMEN AND CARETAKER PARENTS WITH CHILDREN

SEC. 201. COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAMS FOR PREGNANT WOMEN AND CARETAKER PARENTS.

(a) In General.—Part B of title IV of the Social Security Act, as amended by section 101 of this Act, is further amended by adding at the end thereof the following new section:

"PAYMENTS TO STATES FOR CERTAIN SERVICES FURNISHED UNDER COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAMS

"SEC. 430. (a) For the purpose of enabling States to establish comprehensive programs of substance abuse treatment for certain low-income pregnant women, caretaker parents, and their children, there are authorized to be appropriated for each of the fiscal years 1992, 1993, 1994, 1995, and 1996 such sums as may be necessary to carry out the purposes of this section.

"(b)(1) Subject to paragraphs (2) and (3), the Secretary shall pay to each State for each quarter, from the sums appropriated under subsection (a), an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended by the State for that quarter in planning, developing, and administering a qualified comprehensive substance abuse treatment program, and in providing non-medical substance abuse treatment support services for qualified individuals under such program.

"(2) The total amount paid to a State under paragraph (1) for a fiscal year may not exceed the sum of—

"(A) the State's allotment under paragraph (3) for the fiscal year; and

"(B) any unexpended portion of the State's allotment for the preceding fiscal year.

"(3)(A) The amount allotted to a State under this paragraph for a fiscal year shall be determined in the manner specified in section 421(a), except that the total amount allotted to all States under this paragraph may not exceed $75,000,000 for each of the fiscal years 1992 and 1993, $100,000,000 for each of the fiscal years 1994 and 1995, and $125,000,000 for fiscal year 1996.

"(B) The amount allotted to a State under this paragraph for a fiscal year shall remain available for such fiscal year and the succeeding fiscal year.

"(4) Payments to a State under paragraph (1) shall be made in the manner specified in section 423(b).

"(c) As a condition of receiving payment under subsection (b)(1) for a fiscal year, a State shall provide to the Secretary (in such form as the Secretary may prescribe) written assurances that the total amount of funds expended by the State (and any political subdivision thereof) from non-Federal sources for the fiscal year for the purpose of providing non-medical substance abuse treatment support services for the fiscal year will not be less than the total amount expended for such services from such sources for the immediately preceding fiscal year.

"(d) The Secretary shall require each State receiving payments under subsection (b)(1) to report (in such manner and form and at such time as the Secretary determines to be appropriate) such information as may be necessary to permit the Secretary and the Congress to evaluate the operation and effectiveness of comprehensive substance abuse treatment services under this section. Such information shall include the number of individuals participating in such program in the State, any limits imposed by the State on the number of individuals who may enroll in the program, and the number of individuals on any waiting list maintained by the State for participation in the program.

"(e) For purposes of this section:

"(1) The term 'non-medical substance abuse treatment support services' means--

"(A) home visitation services, nutritional services, child care, and parenting education;

"(B) substance abuse prevention and follow-up services (to the extent such services are not furnished under a State plan approved under title XIX); and

"(C) any other services (such as room and board at a residential substance abuse treatment facility for a qualified individual and, where appropriate, the individual's child) that are determined by the State (in accordance with regulations promulgated by the Secretary) to be necessary and appropriate to support the participation of a qualified individual in a qualified comprehensive substance abuse treatment program.

"(2) The term 'qualified individual' means an individual who is—

"(A) a pregnant woman or caretaker parent who is eligible for medical assistance under a State plan approved under title XIX;

"(B) at the option of the State, any other pregnant woman or caretaker parent whose income does not exceed an amount specified by the State; and

"(C) where appropriate, the children of an individual specified in subparagraph (A) or (B).

"(3) The term 'qualified comprehensive substance abuse treatment program' means a program, established by a State, that—

"(A) makes available to qualified individuals (either directly or under arrangements with others) at least the following services:

"(i) substance abuse prevention, treatment, and follow up services (on an outpatient basis and, at the option of the State, in a residential facility);

"(ii) prenatal, gynecological, and pediatric medical services;

"(iii) transportation; and

"(iv) non-medical substance abuse treatment support services;

"(B) provides for appropriate coordination of substance abuse treatment-related medical services furnished to individuals under the program (under title V or XIX) and non-medical substance abuse support services for which payment may be made under this section; and

"(C) is administered by an agency (or agencies) designated by the Governor of the State"

"(4) The term 'caretaker parent' means a parent who personally provides (or expects to provide) care for a child.".

(b) EXCEPTION TO IMD EXCLUSION.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (22)(B) by inserting "(other than care and services for any individual who is participating in a qualified comprehensive substance abuse treatment program under section 430 and who would be eligible for medical assistance under this title but for the application of this subparagraph)" after "institution for mental diseases"; and

(2) by adding at the end thereof the following new sentence: "Nothing in the parenthetical expression set forth in paragraph (22)(B) may be construed as authorizing payment for room and board.".

(c) WAIVER AUTHORITY.—The Secretary of Health and Human Services shall waive the requirements of section 1902(a)(1) of the Social Security (relating to statewideness) and section 1902(a)(10)(B) of such Act (relating to the amount, duration, and scope of benefits) to the extent the Secretary determines that a waiver of such requirements is necessary and appropriate to enable a State to establish a comprehensive substance abuse treatment program described in section 430 of such Act (as added by subsection (a) of this section.

TITLE III—PROVISIONS RELATING TO CHILD HEALTH

SEC. 301. OPTIONAL COVERAGE OF CHILDREN WITH INCOME BELOW 185 PERCENT OF THE POVERTY LEVEL.

(a) FLEXIBILITY ON INCOME LIMIT.—Section 1902 of the Social Security Act, as amended by section 4601(a) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in subclauses (VI) and (VII) of subsection (a)(10)(A)(i), by inserting "minimum" before "income level",

(2) in subsection (l)(2)(B), by striking "133 percent" and inserting "a percentage (established by the State, which is not less than 133 percent and not more than 185 percent)"; and

(3) in subsection (l)(2)(C), by striking "100 percent" and inserting "a percentage (established by the State, which is not less than 100 percent and not more than 185 percent)".

(b) FLEXIBILITY ON AGE.—Section 1902(l) of such Act is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (C),

(B) by inserting "and" at the end of subparagraph (D), and

(C) by adding at the end thereof the following:

"(E) at the option of the State, children born before October 1, 1983, who have attained 6 years of age but have not attained 19 years of age or a lesser age as selected by the State; and

(2) in paragraph (2)(C) by striking "subparagraph (D)" and inserting "subparagraph (D) or (E)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1992.

SEC. 302. OPTIONAL COVERAGE FOR FOSTER CHILDREN.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (X),

(2) by striking the semicolon at the end of subclause (XI) and inserting "; or"; and

(3) by adding at the end the following new subclause:

"(XII) who are described in subclause (IX) and subsection (z);".

(b) DESCRIPTION OF CHILDREN IN FOSTER HOMES, GROUP HOMES, OR PRIVATE INSTITUTIONS.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by sections 4604(a), 4701(b), 4713(a), 4724(a), 4751(a), 4752(a), and 4755(a) of the Omnibus Budget Reconciliation Act of 1990, is amended by adding at the end thereof the following new subsection:

"(z) Individuals described in this subsection are children who have been placed in foster care, including children placed under the auspices of a public child welfare agency, children placed by a private agency under contract to a public agency, and children placed by a licensed private child welfare agency.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1992.

SEC. 303. MODIFICATION OF ASSET TEST FOR PREGNANT WOMEN.

(a) IN GENERAL.—Section 1902(l)(3) of the Social Security Act (42 U.S.C. 1396a(l)(3)) is amended by inserting before the semicolon at the end of subparagraph (B) the following: "(except that, for purposes of this subparagraph, there shall be excluded from the term 'resources', without regard to the value thereof, any automobile, household goods, personal effects, burial spaces, and insurance policies)".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall become effective with respect to eligibility for medical assistance on or after January 1, 1992.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 304. CONTINUOUS ELIGIBILITY FOR CERTAIN CHILDREN.

(a) IN GENERAL.—Section 1902(e) of such Act (42 U.S.C. 1396a(e)) as amended by section 4402(c) of the Omnibus Budget Reconciliation Act of 1990, is amended by adding at the end thereof the following new paragraph:

"(12)(A) In the case of a child who has not attained 6 years of age and who is determined eligible for medical assistance under this title (other than a child eligible for such assistance because such child is receiving aid under part A or E of title IV or under title XVI), such child shall remain eligible for medical assistance under this title after each determination of eligibility for a period of 6 months and no redetermination of such child's eligibility shall take place for a period of 6 months from the determination of eligibility of such child, regardless of any change in income or resources of the family of which such child is a member.

"(B) With respect to a child who has not attained 19 years of age and who is receiving aid under part A or E of title IV or under title XVI and who is determined to be no longer eligible for such aid, the State may not discontinue medical assistance under this title for such child until the State has determined that such child is not eligible for medical assistance under this title on a basis other than the receipt of aid under such parts or title.".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall become effective with respect to eligibility determinations for medical assistance under title XIX of the Social Security Act on or after January 1, 1992.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires

State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 305. SECTION 209(b) STATES PROHIBITED FROM DENYING MEDICAL ASSISTANCE TO CHILDREN 18 YEARS OF AGE OR YOUNGER RECEIVING BENEFITS UNDER SSI.

(a) IN GENERAL.—Section 1902(f) of the Social Security Act (42 U.S.C. 1396a(f)) is amended—

(1) by striking "and section 1619(b)(3)," and inserting ", section 1619(b)(3) and paragraph (2) of this subsection,";

(2) by striking "(1)" and inserting in lieu thereof "(A)";

(3) by striking "(2)" and inserting in lieu thereof "(B)";

(4) by inserting "(1)" after "(f)"; and

(5) by adding at the end the following new paragraph:

"(2) Notwithstanding any other provision of paragraph (1), a State shall provide medical assistance to any individual who is eligible for and receiving benefits under title XVI and who has not attained the age of 18 years.".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall become effective with respect to eligibility determinations for medical assistance under title XIX of the Social Security Act on or after January 1, 1992.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 306. OPTIONAL STATE COVERAGE OF HOME OR COMMUNITY-BASED SERVICES TO CERTAIN CHILDREN.

(a) STATE OPTION PROVIDED.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by sections 4711(a) and 4712(a) of the Omnibus Reconciliation Act of 1990, is amended—

(1) by striking "and" at the end of paragraph (21),

(2) by redesignating paragraph (22) as paragraph (25);

(3) by striking the period at the end of paragraph (24) and inserting a semicolon;

(4) by redesignating paragraphs (23) and (24) as paragraphs (22) and (23), respectively, and transferring and inserting such paragraphs between paragraphs (21) and (25); and

(5) by inserting after paragraph (23) the following new paragraph:

"(24) home or community-based services (as described in section 1915(c)(1)) for children—

"(A) who have not attained the age of 19 years; and

"(B)(i) who have acquired immune deficiency syndrome, or

"(ii) who are medically dependent on a ventilator for life support; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished on or after January 1, 1992.

SEC. 307. OPTIONAL STATE COVERAGE OF HOME VISITOR SERVICES.

(a) STATE OPTION PROVIDED.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by sections 4711(a) and 4712(a) of the Omnibus Budget Reconciliation Act of 1990, and section 306 of this Act, is further amended—

(1) striking "and" at the end of paragraph (24);

(2) by redesignating paragraph (25) as paragraph (26); and

(3) by inserting after paragraph (24) the following new paragraph:

"(25) home visitor services as prescribed by a physician and furnished by a registered nurse to infants during their first 6 months of life who have medical conditions which require treatment with life sustaining medications or equipment or technologically assisted feeding; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished on or after January 1, 1992.

SEC. 308. HOSPITAL PAYMENTS.

(a) IN GENERAL.—Section 1902(s) of the Social Security Act (42 U.S.C. 1396a(s)), as added by section 4604(a) of the Omnibus Budget Reconciliation Act of 1990, is amended by striking "6" and by inserting "19" in the matter preceding paragraph (1).

(b) EFFECTIVE DATE.—(1) The amendments made by this section shall become effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning on or after January 1, 1992.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 309. USE OF MOST RECENT DATA IN CALCULATION OF FEDERAL MATCHING PERCENTAGE.

(a) IN GENERAL.—Section 1101(a)(8)(B) of the Social Security Act (42 U.S.C. 1301(a)(8)(B)) is amended—

(1) by striking "between October 1 and November 30" and inserting "between April 1 and May 31"; and

(2) by striking "promulgation: *Provided*" and all that follows, and inserting "promulgation. The Secretary shall publish in the Federal Register in October of each year a preliminary estimate for each State of the Federal percentage that will become effective in the following October.".

(b) EFFECTIVE DATE AND TRANSITION.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to payments for quarters beginning on or after October 1, 1992.

(2) In July 1991 the Secretary of Health and Human Services shall promulgate the Federal percentage in accordance with section 1101(a)(8)(B) of the Social Security Act as amended by subsection (a), using the most recent data that was available as of May 31, 1991, with respect to the 3 most recent calendar years. For quarters beginning on April 1, 1992, and on July 1, 1992, the Federal percentage for each State shall be the higher of the Federal percentage that became effective on October 1, 1991, or the Federal percentage calculated under this paragraph.

SEC. 310. EXTENSION OF FREEDOM OF CHOICE WAIVERS FOR SERVICES RELATED TO PREGNANCY.

(a) IN GENERAL.—Section 1915(b) of the Social Security Act (42 U.S.C. 1396n(b)) is amended by inserting after the matter at the end the following: "A waiver under this subsection for services related to pregnancy shall be for an initial term of 3 years and, upon request of a State, shall be extended for additional 5-year periods unless the Secretary, within 90 days after the date of its submission to the Secretary, either denies such request in writing or informs the State agency in writing with respect to any additional information which is needed in order to make a final determination with respect to the request. After the date the Secretary receives such additional information, the request shall be deemed granted unless the Secretary, within 90 days of such date, denies such request.".

(b) CONFORMING AMENDMENT.—Section 1915(h) of such Act (42 U.S.C. 1396n(h)) is amended by striking "subsection (c)" and inserting "subsection (b), (c)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective with respect to waivers granted on or after January 1, 1992.

SEC. 311. LIMIT ON NUMBER OF INDIVIDUALS ALLOWED TO PARTICIPATE IN HOME AND COMMUNITY-BASED PROGRAMS UNDER WAIVERS INCREASED.

(a) IN GENERAL.—Section 1915(c)(10) of the Social Security Act (42 U.S.C. 1396n(c)(10)) is amended by striking "200" and inserting "500".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to waivers granted or renewed under section 1915(c) of the Social Security Act on or after January 1, 1992.

SEC. 312. REPORTING REQUIREMENTS OF THE SECRETARY.

(a) DEFINITION OF MEDICALLY HIGH RISK PREGNANCY AND CHILDREN TO BE DEVELOPED.—(1) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall in consultation with appropriate professional health care related groups develop definitions of medically high risk pregnancy and children at a high risk of medical problems. In developing such definitions, the Secretary shall consider, among other factors, low birthweight and placement in foster care.

(2) The Secretary shall report to Congress on the definitions developed under paragraph

(1) along with such further information or comments as the Secretary may deem relevant not later than March 1, 1992.

(b) Definition of Medically Uninsurable Children To Be Developed.—(1) The Secretary shall in consultation with appropriate professional health care groups and health insurers develop alternative definitions of medically uninsurable children.

(2) The Secretary shall report to Congress on the definitions developed under paragraph (1) along with such further information or comments as the Secretary may deem relevant not later than March 1, 1992.

(c) Model Health Benefit Package for Pregnant Women and Children To Be Developed.—(1) The Secretary shall in consultation with appropriate professional health care groups and consumers develop a model health benefit package for pregnant women and children through age 18. The package developed by the Secretary shall include—

(A) coverage for appropriately timed primary care visits (including visits for prenatal care, immunizations, screening, and followup treatment of health problems); and

(B) protection against catastrophic expenses for inpatient hospital care.

(2) In developing the model health benefit package for pregnant women under paragraph (1), the Secretary shall consider whether substance abuse treatment (where appropriate) should be included in the benefit package.

(3) The Secretary shall report to Congress on the health benefit package developed under paragraph (1) along with such further information or comments as the Secretary may deem relevant not later than March 1, 1992.

SEC. 313. REPORTING REQUIREMENTS UNDER TITLE V.

(a) In General.—Section 506(a)(2) of the Social Security Act (42 U.S.C. 706(a)(2)), as amended by section 6504 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding a new subparagraph:

"(F) Information on—

"(i) the number of treatment slots available for substance abuse treatment for pregnant women;

"(ii) the number of pregnant women who received substance abuse treatment; and

"(iii) if the State maintains a waiting list for such services, the number of pregnant women who were placed on a waiting list (and the length of time they remained on the waiting list) to receive substance abuse treatment services.".

(b) Report by the Secretary.—Section 506(a)(3)(D) of the Social Security Act (42 U.S.C. 706(a)(3)(D)), as amended by section 6504(b) of the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) by striking "and (E)" and inserting "(E) and (F)" in the matter preceding clause (i);

(2) by striking "and" at the end of clause (iii); and

(3) by inserting after clause (iii) the following new clause:

"(iv) information (in the case of subclauses (I) and (II), by racial and ethnic group) on—

"(I) the number of treatment slots available for substance abuse treatment for pregnant women;

"(II) the number of pregnant women who received substance abuse treatment; and

"(III) if the State maintains a waiting list for such services, the number of pregnant women who were placed on a waiting list (and the length of time they remained on the waiting list) to receive substance abuse treatment services; and".

(c) Effective Date.—The amendment made by subsection (a) shall become effective with respect to annual reports for fiscal years beginning with fiscal year 1993.

SEC. 314. COMMISSION ON CHILDHOOD DISABILITY.

(a) Establishment of Commission.—The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall appoint a Commission on the Evaluation of Disability in Children (hereafter in this section referred to as the "Commission").

(b) Appointment of Members.—(1) The Secretary shall appoint 15 members to the Commission, including—

(A) recognized experts in the field of medicine, whose work involves—

(i) the evaluation and treatment of disability in children,

(ii) the study of congenital, genetic, or perinatal disorders in children, or

(iii) the measurement of developmental milestones and developmental deficits in children; and

(B) recognized experts in the fields of—

(i) psychology,

(ii) education and rehabilitation,

(iii) law, or

(iv) the administration of disability programs, and

(v) other fields of expertise that the Secretary determines to be appropriate.

(2) Members shall be appointed within 90 days after the date of the enactment of this Act, without regard to the provisions of title 5, United States Code, governing appointments to competitive service.

(3) Members appointed under this subsection shall serve for a term equivalent to the duration of the Commission.

(4) The Secretary shall designate a member of the Commission to serve as Chairman of the Commission for a term equivalent to the duration of the Commission.

(c) Administrative Provisions.—(1) Service as a member of the Commission by an individual who is not otherwise a Federal employee shall not be considered service in an appointive or elective position in the Federal Government for the purposes of any provision of title 5, United States Code.

(2) Each member of the Commission who is not a full-time Federal employee shall be paid compensation at a rate equal to the daily equivalent of the rate of basic pay in effect for Level IV of the Executive Schedule for each day (including travel time) the members attends meetings or otherwise performs the duties of the Commission.

(3) While away from their homes or regular places of business on the business of the Commission, each member who is not a full-time Federal employee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(d) Assistance to Commission.—The Commission may engage such technical assistance from individuals skilled in medical and other aspects of childhood disability as may be necessary to carry out the functions of the Commission. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out the functions of the Commission.

(e) Study by the Commission.—(1) The Commission shall conduct a study, in consultation with the National Academy of Sciences, of the meaning of the term "disability" under title XVI of the Social Security Act (42 U.S.C. 1382 et seq.) as it applies to determining whether a child under the age of 18 is eligible to receive benefits under such title XVI, including the appropriateness of the application of such term for such purpose, and the advantages and disadvantages of using any alternative definition of disability in determining whether a child under age 18 is eligible to receive benefits under titles XVI or XIX.

(2) The study described in paragraph (1) shall include issues of—

(A) recommendations for revision of the Childhood Listing of Impairments under regulations promulgated under Part B of Appendix 1 to Subpart P, 20 CFR 404;

(B) the validity of a presumption of disability for children under age 4 with a genetic, congenital, or perinatal disorder;

(C) whether the need by families for assistance in meeting high costs of medical care for children with physical or mental impairments might appropriately be met through expansion of Federal health assistance programs (including Medical Assistance under title XIX of this Act); and

(D) such other issues that the Secretary determines to be appropriate.

(f) Report.—Not later than September 1, 1993, the Commission shall prepare a report and submit such report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance in the Senate which shall summarize the results of the study described in subsection (e) and include any recommendations that the Commission determines to be appropriate.

(g) Termination of Commission.—The Commission shall terminate on September 30, 1993.

TITLE IV—PROVISIONS RELATING TO ADOPTION EXPENSE DEDUCTION

SEC. 401. ADOPTION EXPENSE DEDUCTION.

(a) In General.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 221 as section 222 and by inserting after section 221 the following new section:

"SEC. 221. SPECIAL NEEDS ADOPTION EXPENSES DEDUCTION.

"(a) Allowance of Deduction.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the individual for such taxable year.

"(b) Limitations.—

"(1) Maximum dollar amount.—The aggregate amount of adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $3,000.

"(2) Denial of double benefit.—

"(A) In general.—No deduction shall be allowable under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) Reimbursements.—If a taxpayer is reimbursed for any qualified adoption expenses for which a deduction was allowed under subsection (a), the amount of such reimbursement shall be includable in the gross income of the taxpayer in the taxable year in which such reimbursement was received.

"(c) Definitions.—For purposes of this section—

"(1) Qualified adoption expenses.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney's fees, and other expenses which—

"(A) are directly related to the legal adoption of a child with special needs by the taxpayer,

"(B) are not incurred in violation of State or Federal law, and

"(C) are of a type eligible for reimbursement under the adoption assistance program under part E of title IV of the Social Security Act.

"(2) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act.".

CHILD WELFARE AND PREVENTION SERVICES ACT—SUMMARY DESCRIPTION

CHILD WELFARE/FOSTER CARE IMPROVEMENTS

Innovative Services to Strengthen Families.—Federal matching funds will be provided under title IV-B of the Social Security act to enable States to develop and expand innovative programs of services to strengthen families, thereby avoiding family disruption and placement in foster care. States will be entitled to their share of $150 million in FY92, $300 million in FY93, and $400 million in FY94, FY95, and FY96. Funds will be allotted on the same basis as under the current child welfare program (reflecting the size of the State's population under age 21 and per capita income). Matching will be at the Medicaid rate (varying from 50 to 83 percent, depending on State per capita income).

Funds may be used for the following services: intensive family preservation, reunification, and followup services designed to enable children to remain or be reunited with their families; respite care for families with a child who has a medical condition, or physical, mental, or emotional handicap that requires special assistance; and family support services to strengthen family functioning, including services to help parents improve their parenting skills. Federal funds will also be provided to enable the Secretary of Health and Human Services to evaluate the effectiveness of these new services.

Measures to Improve Coordination of Services.—Up to 15 States will be allowed to conduct 3-year pilot projects to improve the coordination of the delivery of services for families and children. Federal matching for each project cannot exceed $3 million a year. Applications for projects must be submitted by the Governor. States conducting projects must conduct an evaluation and report the results to the Secretary.

In addition, the Secretaries of HHS, Agriculture, and Education, and the Attorney General, will be required to review Departmental policies to determine what changes in regulations and procedures can be made without legislative changes to improve coordination of services at the Federal, State, and local levels. They must issue a joint report including recommendations for both legislative and nonlegislative changes by July 1, 1992.

Independent Living.—The independent living program, designed to assist foster care youth in making the transition from foster care to independent living, will be modified to allow youths in independent living programs to accumulate assets sufficient to enable them to establish their own households.

Provisions to Facilitate Adoption.—The bill includes three provisions aimed at facilitating adoption:

(1) In conducting a periodic case review of a child who is legally free for adoption, a court (or administrative review) must determine and document for the child the specific steps being taken by the State child welfare agency to find an adoptive family for the child, or must make a finding that adoption placement would be inappropriate for the child.

(2) The Internal Revenue Code is amended to provide a tax deduction of up to $3,000 to help families with the one-time costs of adopting a disabled or other "special needs" child.

(3) States will be allowed to claim Federal matching (title IV-E) in the case of a child who has previously been determined to be eligible for adoption assistance payments under title IV-E, but who has returned to foster care because the adoption has been set aside by the court. The child will be eligible for foster care maintenance payments, as well as for adoption assistance to facilitate adoption by a second family.

Data Collection and Information Retrieval System for the Foster Care and Child Welfare Programs.—States will be allowed to claim 90 percent Federal matching for the costs of planning, designing, developing, or installing a statewide data collection and information retrieval system for purposes of administering the title IV-B child welfare and title IV-E foster care and adoption assistance programs.

Limit Federal Matching for Foster Care Placement and Administrative Costs.—Beginning with fiscal year 1992, States will be required to submit all claims for Federal reimbursement for title IV-E foster care expenditures within one year of the expenditure, rather than within two years, as under current law.

Study of "Reasonable Efforts".—The Secretary of HHS is required to establish an Advisory Committee to study the implementation of the current law requirement that States make "reasonable efforts" to prevent the need for removal of a child from his home, and to make it possible for the child to return home. A report with recommendations to improve the implementation of the requirement must be submitted to the Congress by April 1, 1993.

Require Placement in Least Restrictive, Most Appropriate Setting.—Language will be added to the statute to assure that a child who is placed in foster care is placed in a setting that is most appropriate for the child.

Strengthen Child Welfare Training Provisions.—Current law authority for Federal funding for child welfare training will be strengthened by (1) requiring students receiving stipends to participate in a related field placement and to commit to full-time post-graduation employment in a public or private non-profit child welfare agency; (2) requiring institutions receiving funds to have or develop curricula reflecting current knowledge about best practices in delivering child welfare services, to consult with child welfare agencies in developing such curricula, and to track students who receive training to determine how many secure and retain employment in the child welfare field; and (3) allowing those already working in the child welfare system to be eligible for stipends in order to complete degree requirements.

In addition, the Secretary of Health and Human Services will be required to publish regulations establishing guidelines to assist States in making use of the 75 percent Federal matching funds that are currently authorized under title IV-E for training individuals who are employed or preparing for employment in State and local child welfare agencies, and to develop a model training program for use by these agencies.

Other Child Welfare Provisions.—Other provisions in the bill include: (1) allowing up to 6 States to conduct demonstration projects to test and evaluate whether family reunification can be facilitated by allowing a family to receive AFDC for the month prior to the month in which a child returns home from foster care; (2) a provision requiring that a child's case record indicate that the child's foster care provider was advised of the child's eligibility under the early and periodic screening, diagnosis, and treatment program under title XIX; and (3) a provision giving up to 10 States more flexible spending authority to establish and evaluate specified types of demonstration projects.

COMPREHENSIVE SUBSTANCE ABUSE PROGRAM

Comprehensive Substance Abuse Programs for Pregnant Women and Caretaker Parents with Children.—Title IV-B of the Social Security Act will be amended to authorize $75 million for fiscal years 1992 and 1993, $100 million for fiscal years 1994 and 1995, and $125 million for fiscal year 1996 in entitlement matching funds to pay for non-medical services provided to pregnant women and caretaker parents with children who are participating in comprehensive substance abuse programs, and for the costs of developing and administering these programs.

Funds will be allocated to States under the same formula that is used for other title IV-B services (which reflects per capita income and child population). Matching will be at the Medicaid matching rate. The Governor will have the authority to determine which agency in the State will be the administering agency for these programs.

Medicaid-eligible pregnant women and caretaker parents and their children will be eligible for both medical services (funded through the Medicaid program) and non-medical services (funded through the new title IV-B program). The State may also use these new title IV-B funds to pay for non-medical services to other low income pregnant women and caretaker parents and their children, regardless of their eligibility for Medicaid.

In order to be eligible for funds, the Governor must provide the Secretary of HHS with assurances that services provided with these funds will be coordinated with services provided under the Medicaid and Maternal and Child Health programs, and must report annually on the status of the programs funded under this title.

To be eligible for Federal funding, a program must provide substance abuse prevention, treatment, and follow-up services, and must include prenatal, gynecological, and pediatric medical services; home visitation; nutritional services; transportation services; child care; parenting education; and such other social and medical services as are determined to be necessary by the State and are allowed under regulations of the Secretary. Services may be provided in either residential or non-residential facilities.

The creation of comprehensive substance abuse programs will be optional with the States. Programs may be established in those areas that the State determines have particular need for such programs. The Department of Health and Human Services will be authorized to waive Medicaid statewideness and comparability requirements were necessary and appropriate to enable a State to establish a comprehensive substance abuse treatment program.

CHILD HEALTH INITIATIVES

Optional Medicaid Coverage for Children with Incomes below 185% of the Federal Poverty Level.—States will have the option of providing Medicaid coverage to children up to age 19 in families with incomes below 185 percent of the Federal poverty level. This flexibility will provide States the option to more quickly phase in mandatory coverage of children in families below 100 percent of the Federal poverty level, or to set higher income thresholds for different age groups. Separate age and income thresholds for foster care children could also be established by States or eligibility could be expanded only for foster care children.

Other Medicaid Eligibility Improvements.—Children under age six who are eligible for Medicaid on the basis of family income will remain eligible for six months at a time, so that they do not lose and regain eligibility due to minor changes in income. Children under age 19 who would lose Medicaid eligibility due to loss of eligibility for other programs will remain eligible for Medicaid until the State determines that they are not otherwise eligible. In addition, Medicaid coverage will be extended to all children who are SSI recipients in the fourteen "209(b)" States. For pregnant women, the asset test will be modified so that the value of an automobile, household goods, and certain other assets will not be counted.

Improved Medicaid Benefits.—States will have the option to provide home and community-based services under Medicaid for children with AIDS and children who are ventilator-dependent. States also will have the option to cover physician-prescribed home visitor nursing services for infants up to age six months.

Improved Reimbursement for Hospitals.—Adjustments in payments will be required for disproportionate share hospitals when services are provided during exceptionally long and costly stays of children up to age 19 (increased from age six). In addition, the use of day limits will be prohibited during hospitalization of these children in disproportionate share hospitals.

Medicaid Administrative Improvements.—Annual Federal matching rates will be calculated with more recent data, to more accurately reflect a State's current economic situation. States will have the option to use freedom-of-choice waivers to provide innovative delivery of pregnancy-related services for an initial period of three, rather than two years, and the waiver could be extended for a period of up to five years. In addition, the discretionary cap on the number of people who can participate in a home and community-based services waiver will be raised to a minimum of 500.

Other Health Care Provisions.—The Department of Health and Human Services will be required to: develop definitions of medically high risk pregnancies, medically high risk children, and medically uninsurable children; and develop a model health benefit package for pregnant women and children. In addition, information on the availability of substance abuse treatment for pregnant women will be made a part of annual State reports under the Maternal and Child Health Block Grant program.

Definition of Childhood Disability.—An advisory commission will be created to study the appropriateness of the current definition of disability for children under the SSI program and to make any recommendations it determines to be appropriate. The commission will be composed of recognized experts in the evaluation and treatment of disability in children, other experts in related fields, and experts in the administration of disability programs and will be appointed by the Secretary.

Mr. MOYNIHAN. Mr. President, I have the high honor and distinct privilege to speak this afternoon on behalf of and in explication of S. 4, the Child Welfare and Preventive Services Act, which is the work of our distinguished and learned colleague, the chairman of the Committee on Finance, Senator BENTSEN.

Mr. President, the Child Welfare and Preventive Services Act, introduced as S. 4, that enviable rank in the first five bills chosen by the majority leader for the consideration of the 102d Congress, is pursuant to a long and fruitful involvement which Senator BENTSEN has had with the subject of child welfare, dependency, and health. He has been able to do this despite the extraordinary demands of the chairman of the Finance Committee with respect to finances of the Nation and trade relations with the world.

It is nonetheless the fact that the Social Security Act is the responsibility of the Committee on Finance. That is why we deal with these measures. The subcommittee, which I happen to chair, is called the Subcommittee on Social Security and Family Policy.

I might just say in the presence of our most eminent historian that it is quite by accident that the Social Security Act is part of the jurisdiction of the Finance Committee. The event that took place was a reception in 1934. I believe it may be the time, when President Roosevelt had determined he would try to establish a Social Security Program, the main attention being on retirement benefits and unemployment benefits. His Secretary of Labor, Frances Perkins, was responsible for drawing these matters up. She knew exactly what she wanted. She knew exactly why she wanted them. She knew what the program would be and what would be its results. A very great Cabinet officer was Frances Perkins.

What she did not know was how to get it past the Supreme Court, which one after another had rejected what would pass Congress and the President. Frances Perkins was also a person immensely skilled at letting strong men think she needed their help. She had learned this in Albany with the Tammany leaders under Al Smith, and she was practicing it down here.

At the reception she ran into a Justice of the Supreme Court, who said, "Now, tell me, my dear; what are you involved with?"

"Oh," she said, "We have this wonderful plan called Social Security, but I fear it will never survive the scrutiny of these great Justices."

He said, "Well, now, tell me more about it." It had been introduced in the Labor and Welfare Committee by Senator Wagner; it had been associated with him and the Wagner Act. The Justice listened for a while and then said, "You know, my dear, what you need is the taxing power. If this is going to be a contribution taken from payrolls, it is going to be a tax. I would suggest you proceed in that manner."

So in fact, while we all think of the Social Security Act as having originated in this Chamber with Senator Wagner, it was the chairman of the Ways and Means Committee, a still needlessly obscure gentleman named Dalton who introduced it in the House as a tax measure. It came over here; the Senate passed the tax measure, and it went to the Supreme Court, which looked at the Constitution, saying that Congress shall have the right to levy and collect taxes—fine. And that is how this most extraordinary social program ended in the Finance Committee.

That is how, also, our attention in these matters has turned more and more to the problem of family. In the Social Security Act of 1935, there was a tiny little provision called aid to dependent children, which simply picked up the widow's pensions which had been in place in the States for some 30 to 40 years. They came out of the progressive movement. There were no retirement benefits, and workmen's comp had begun, but only mildly. Widows needed benefits.

When asked about the aid to dependent children provision, in 1935, nobody paid any attention, but those who did would say that the beneficiary would be a West Virginia miner's widow. That was the symbol of a person destitute through no fault of her own, apparently no fault of her children or her husband who had died in the mine. There was no father. The man was in his grave.

As to this little program, there was no question, and no attention was paid to it. It gradually came to be, Mr. President, the most important governmental program affecting American children save only the public schools. We have now begun to acquire some longitudinal data about the impact of this program on children. We have just been able to establish, through the Institute of Social Science at the University of Michigan, the panel study of income dynamics which we began in the OEO program of 5,000 families—to follow them over time. We were just astonished that almost one-quarter of the children born in 1967 were on welfare before they reached age 18. That means, sir, they lived as paupers.

That is the condition of a welfare family and the aid to families with dependent children. Among minority children, sir, 72 percent receive AFDC benefits before reaching age 18. We now have good reason to infer that these rates are even higher or will turn out to be higher for children born in the eighties. We contrasted the incidence of dependency on welfare between zero, birth, to age 7, and the rates in the eighties were distinctly higher than in the sixties. So the figure might go over a quarter to a third.

That is not surprising. Last year, for the first time in our history, the history of our data, more than a quarter of American children were born out of wedlock; an unpromising beginning at the minimum. The fact is that a quarter of the children are born out of wedlock and a quarter are on welfare before they are age 18. There is a symmetry to those numbers that is not altogether coincidental, I would think.

In the eighties we also came upon a hideous epidemic of drug use. Crack cocaine appeared in the Bahamas in 1983 as a mutant, a new strain. It has swept through our inner cities such that if heroin in the 1960's helped give us the single-parent family, crack cocaine is giving us the no-parent children. Foster care admissions are at an unprecedented level. They rose, Mr. President, by one-third over the last 5 years. Foster caseloads grew from 270,000, just over a quarter million, to 360,000, just about one-third of a million, in 5 years, a one-third increase. We see every prospect for it to continue.

The single most important social problem we have in our country today, very simply, is the dissolution of family and the number of children being raised in economic situations where there are no authority structures available, no support structures available, random violence, and carelessness is epidemic. We have seen it arise in the phenomena of children murdering children with automatic weapons with the casualness of a child playing with a toy gun.

Senator BENTSEN is of the opinion that the time is apparent to address this problem. The problem of poverty in America today is overwhelmingly the problem of children. We are the first society in history in which the poorest people in the population are the children. There was a time when everybody was poor, for all practical purposes, but as industrialization developed, poverty became a problem of age, when you left the work force and had no income.

The Social Security Act took care of that with a combination of unemployment insurance, disability benefits, and retirement benefits. Truly poverty among the aged is minimal. It is frictional, as we say of unemployment. It is a residual phenomenon. We solved that problem.

Thirty years ago Sunday, President Kennedy was inaugurated, and very quickly in his administration we began addressing the Appalachian problems which he had encountered in his epic 1960 primary campaign in West Virginia where John F. Kennedy saw things he did not think existed any more. That mattered to him.

I was assistant Secretary of Labor and on the original body of the Commerce Department and the Labor Department which was planning what became the Appalachian Regional Development Program.

Those were problems of men who did not have good enough jobs or had no jobs, but give them good enough jobs and they do not need anything further from anybody.

There were the problems of the aged, and with health care in particular. Before the sixties were out, we had done a very great deal: The introduction of Medicare and increases in Social Security benefits. Out went the problem of poverty for the aged.

But, simultaneously, in came the problem of child poverty, a problem where a quarter of our children in the most affluent nation—or what was the most affluent nation—in the world are poor. That a quarter of the children should be paupers before they are aged 18 is an anomaly. We have not addressed it because it is new. It is, I think, a problem that could be described as postindustrial.

I report, Mr. President, that we are not the only nation in the world any longer where the largest poverty is concentrated among children. It is also true in Canada; it is also true in Sweden. They have very low levels of poverty in either of these countries, but the largest concentration of the poor are with children.

That it is the consequence of modern family arrangements I cannot doubt, but it is nonetheless with us. Senator BENTSEN's plan is to begin for the first time in any serious way to try to use social intervention in families before they break up, and before children end up in foster care.

The first title of his measure would add $1.65 billion for this over the next 5 years. Let us be clear, because Senator BENTSEN would wish me to be very clear in this matter; we are undertaking to do something we do not know how to do. If we knew how to do this, we would be doing it. We have not made any very large effort to do it, because it is a new problem.

Twenty-six years ago, I brought this matter to the attention of President Johnson. He very much agreed. But people did not know what he was talking about when he talked about it. "What do you mean?"

We were still thinking in terms of the social problems we associate with industrialization—unemployment, injury, age, the problems of the coal mines, steel mills, et cetera. Child poverty was not one of these problems; the fact itself was simply new.

In the main, the idea of dealing with this was rejected 25 years ago and, sir, we see the consequences of this on our streets today—dead children, murdered by children, children having children, families disappearing, foster care swelling.

We are going to put in a title for family preventive services to deal with an epidemic of abandoned children and children put out in foster care. We are going to move then to a second provision that provides one-half billion dollars over 5 years for the treatment of pregnant women, who are using illegal substances, primarily crack cocaine.

It would astound you, sir, and you would know this as chairman of Appropriations, but it is still an astounding fact that Medicaid does not provide for the reimbursement of treatment of pregnant women addicted to cocaine which affects children in utero, as the saying is. It is simple, sir, why this is so. It is so because we do not have a treatment. The Medicaid services are designed, as are Medicare, around specific medical procedures. You have appendicitis, you have your appendix out. You have the operation, and there are prescribed fees and so forth. And we have treatments for heroin abuse developed at Rockefeller University in New York by Vincent Dole—methadone treatment. If you come in to a hospital with heroin addiction symptoms, they treat you with methadone; you look it up in a Medicaid book, and it says methadone treatment so much per day or week. There is nothing in the book for crack cocaine, because we have no treatment.

The health care financing agency has come along and said that is crazy, that is nonsense, we will do something. Miss Walinski, a very able administrator, has given us a letter to that effect.

Now Senator BENTSEN wants us to provide for the actual treatment of the addicted females, so that whatever else they do, they do not give birth to an addicted child. I cannot doubt that there are Members of the Senate who have seen a crack baby, and if you have ever done that, you have never seen anything like it. You will not forget what you have seen—to hold those little infants, 3 pounds, in your hand and know it is life which is already spoiled and never to be complete. It is happening all over our cities.

We have not only to look after these particularly hideous misfortunes, but the general problem of health care. Title III of the Senator's bill provides for an improvement in health care for families with incomes up to 185 percent of the poverty level, and this is the beginning, basically, of health insurance for our children.

Mr. President, we have great expectations for this legislation, but we do know that we do not know enough. There is very careful evaluation measures provided here that will keep track of what we spend and what we get for it. This may be the most promising aspect of all.

So, Mr. President, I hope I am not taking too much of the Senate's time. I do not think one could do that in the cause of children. I know Senator BENTSEN feels the same way.

By Mr. DODD (for himself, Mr. WIRTH, Mr. KENNEDY, Mr. PACKWOOD, Mr. MITCHELL, Mr. JEFFORDS, Ms. MIKULSKI, Mr. HATFIELD, Mr. METZENBAUM, Mr. D'AMATO, Mr. DECONCINI, Mr. PELL, Mr. SIMON, Mr. ADAMS, Mr. BRADLEY, Mr. MOYNIHAN, Mr. KERRY, Mr. INOUYE, Mr. BURDICK, Mr. BIDEN, Mr. ROCKEFELLER, Mr. GORE, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. REID, Mr. SARBANES, Mr. AKAKA, Mr. BINGAMAN, Mr. CRANSTON, Mr. DASCHLE, Mr. EXON, Mr. HARKIN, Mr. RIEGLE and Mr. BRYAN):

S. 5. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY AND MEDICAL LEAVE ACT

Mr. DODD. Mr. President, I rise today to introduce S. 5, the Family Medical Leave Act of 1991. I am pleased to be joined in this effort by the distinguished majority leader, Senator MITCHELL; Senator KENNEDY, the chairman of the Labor and Human Resources Committee; Senator PACKWOOD; and more than 30 other cosponsors. A similar bill was introduced in the other body as H.R. 2.

Mr. President, as we look back at the accomplishments of the 101st Congress, I think few would argue that 1990 was the most successful year for America's working families in over a quarter of a century. The passage of the comprehensive child care legislation, which I might add not only did we pass the authorizing legislation but an appropriation of a significant amount of dollars in pressing times was also adopted, and I might point out that was done so with the tremendous support of the presiding President pro tempore of the Senate, and I thank him personally for that once again, we were able to pass that legislation and put some decent dollars in that program, a major extension of Head Start, and other human service programs, generous changes in Medicare eligibility criteria are just a few of the many accomplishments that we in this Congress in the 101st made on behalf of American families.

Unfortunately, one critical piece of legislation, the Family Medical Leave Act, never became law last year. Congress approved the Family and Medical Leave Act in June, but it was vetoed by President Bush shortly thereafter. The legislation that we are introducing today is virtually identical to the legislation which passed both Houses by wide bipartisan majorities in the previous Congress.

I believe that the American family, the children of this Nation, certainly have cause for optimism in the 102d Congress. Despite the President's veto last year, the President is on record in support of the need for family leave policies. And, as I just mentioned, both Houses have already approved this compromise legislation by wide margins. Many Members of both bodies who felt that our original bill went too far feel this compromise language is workable and fair to workers and employers alike. I believe that 1991 is the year that family medical leave legislation will become law.

We all know the demographics which make family leave such an urgent national priority. We also know we are one of only two industrialized places in the entire world without national family leave policies. All major competitors, including West Germany, Japan, Canada, as well as a dozen Third World nations have recognized there is a national interest in helping families balance work and family responsibilities.

The bottom line is this. Parents ought to be able to have jobs and their families as well, and parents ought to be able to deal with rare family crises without losing those jobs. As a nation, all of us have a stake in that: Morally, socially, economically, and politically.

What do American families do now when a crisis hits? The sad news, Mr. President, is that many working people are on their own, caught in a Hobson's choice between their families and their jobs.

Let us set aside the stories we heard from parents in nine hearings across the Nation in the past 4 years; good people and productive workers, losing their jobs because they have families, as well. Let's just look at the numbers.

According to a recent survey of Fortune 1,500 companies, only half the employers surveyed offered critical infant-mother bonding leave beyond the child birth related disability period. The U.S. Chamber of Commerce reported a survey which revealed that 82 percent of all employers provide no leave to care for sick children; 85 percent provide no leave for elder care; and 75 percent offer no leave for fathers. Only six States and about a quarter of employers offer leave time for adoption, which most adoption agencies absolutely require if you are going to adopt an infant.

A survey in my home State of Connecticut, Mr. President, one of the most progressive States in the Nation, revealed that fewer than 10 percent of the 750 firms surveyed offered infant care leave over and above normal sick leave policies. As a nation, Mr. Presidsent, I believe we can and must do a better job.

The Family and Medical Leave Act is a basic, simple idea and the cost is very, very small. The compromise version of the bill, which we are introducing today, would provide 12 weeks of unpaid leave for birth, adoption, or the serious illness of an immediate family member: Yourself, your child, your spouse, or your elderly parent; 12 weeks total for all these family emergencies, with no separate medical leave provision as in our original legislation. Job protection during the key family crises, which can remove the primary breadwinner from the labor force and cripple a family's economic security.

What is the cost of this legislation? Well, it does not cost the Federal Government 1 red cent. There will be no request of the Appropriations Committee for money for this particular proposition. And, according to the General Accounting Office study, the cost to American businesses will be less than $5.30 per covered worker per year.

Mr. President, the chamber of commerce estimates that a survey of businesses and their benefits amounts to something in excess of $8,000 a year; that is total benefit, the total benefit package. If we were to add it all up, that is what it amounts to. What we are talking about here is $5.30 in addition to the $8,000 in benefits already provided. Mr. President, that amounts to about 2 cents a day; 2 cents a day to cover families for 12 weeks unpaid leave during a serious family crisis.

Family leave is not a new issue. In over a dozen congressional hearings over the past 4 years, we have developed one of the most extensive legislative records ever in support of this legislation. We have before us today a compromise bill which provides job security for American parents in a way that is fair and affordable to American businesses.

We all want profamily policies which make it economically feasible for parents to be home with their children. That is what this legislation is all about. We all want adoption to expand a woman's pregnancy-related options. That is what this legislation is all about. We are all concerned about children, at risk of drug abuse, children whose future productivity as employees depends upon the early intervention which only parental bonding can provide. Mr. President, that is what this legislation is all about, as well.

I believe that now is the time to pass this legislation. Together, I think we can achieve the mutual goals we all espouse.

Mr. President, this is just a human decency piece of legislation. When we think of the various situations in which families find themselves, primarily birth, adoption, or serious illness of a child, there are many Members of this body who have been faced in the past with a similar family crisis. Colleagues of ours have had tragedies at home, of one kind or another. We all know how we feel when that occurs.

No one ever asks where a particular Senator may be if a vote or hearing occurs and they have a child who is in a hospital, in an emergency room. In fact, we would be horrified in some ways were that colleague to show up for a meaningless vote and not be with their families.

Mr. President, all we are asking is that average working families not be faced with the same kind of situation others find themselves in today; that is, where the employer says you have to choose between your family member or your job.

We ought to be able to say for a few weeks you are not going to get paid, but if you have that crisis at home, then spend time with your family.

Adoption, Mr. President, is a serious problem in this country. There are a lot of children who desperately need homes. They need love; they need caring. Yet, we also know it is very difficult for families to necessarily get time away from their jobs in order to be there for that period of bonding. Most families who adopt are not the most affluent in this country and they are not the poorest, out of necessity. Most of them are middle-income, hardworking families who take on the additional burden of an unloved child.

It ought to be part of our national agenda to see to it that those families have the opportunity to do that, to take a child that is not loved, that is not cared for, that can be brought into a family environment and given a chance, given an opportunity. For a few weeks, without being paid, for a family member to be away from his or her job without losing it ought to be something we are able to do here without significant debate or hardship.

Mr. President, for 2 cents a day, that is not an overly burdensome problem we lay off on American employers. So I urge the rest of my colleagues here—and I know many of them have expressed an interest in being supportive of this legislation—to take a look at the compromise bill we have introduced, go over it, see if there are some ideas or suggestions to add to it.

If we can accommodate you, we will. We will try to pass this as soon as possible, and hopefully the administration will take a different view than they did in the previous Congress and support us in this effort. We ought to be dedicated to do everything possible to make it a possibility that American families can stay together, can survive crises together. That is what this legislation is designed to do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1991".

(b) TABLE OF CONTENTS.—

Section 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Administrative enforcement.
Sec. 107. Enforcement by civil action.
Sec. 108. Investigative authority.
Sec. 109. Relief.
Sec. 110. Special rules concerning employees of local educational agencies and private elementary and secondary schools.
Sec. 111. Notice.
Sec. 112. Regulations.

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

Sec. 201. Leave requirement.

TITLE III—COMMISSION ON LEAVE

Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS.

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means any "employee", as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed by the employer with respect to whom leave is sought under section 102 for at least—

(i) 1,000 hours of service during the previous 12-month period; and

(ii) 12 months.

(B) EXCLUSIONS.—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(3) EMPLOY; STATE.—The terms "employ" and "State" have the same meanings given such terms in subsections (g) and (c), respectively, of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g) and (c)).

(4) EMPLOYEE.—The term "employee" means any individual employed by an employer.

(5) EMPLOYER.—

(A) IN GENERAL.—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(6) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits,

and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an "employee welfare benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(7) HEALTH CARE PROVIDER.—The term "health care provider" means—

(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(8) PARENT.—The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

(9) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(10) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means leave scheduled for fewer than the usual number of hours per workweek, or hours per workday, of an employee.

(11) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(12) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment or continuing supervision by a health care provider.

(13) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

SEC. 102. LEAVE REQUIREMENT.

(a) IN GENERAL.—

(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) shall expire at the end of the 12-month period beginning on the date of the birth or placement involved.

(3) INTERMITTENT LEAVE.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subsection (e), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

(b) REDUCED LEAVE.—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled.

(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave under subsection (a) may consist of unpaid leave.

(d) RELATIONSHIP TO PAID LEAVE.—

(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) SUBSTITUTION OF PAID LEAVE.—

(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subparagraphs.

(B) HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under paragraph (1)(D) of subsection (a) for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) FORESEEABLE LEAVE.—

(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with prior notice of such expected birth or adoption in a manner that is reasonable and practicable.

(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment or supervision, the employee—

(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and

(B) shall provide the employer with prior notice of the treatment or supervision in a manner that is reasonable and practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition; and

(4)(A) for purposes of leave under section 102(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee.

(c) SECOND OPINION.—

(1) IN GENERAL.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) RESOLUTION OF CONFLICTING OPINIONS.—

(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—

(1) IN GENERAL.—Any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) LIMITATIONS.—Except as provided in subsection (b), nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than that to which the employee was entitled to on the date the leave was commenced.

(4) CERTIFICATION.—As a condition of restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall super-

sede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to periodically report to the employer on the status and intention of the employee to return to work.

(b) MAINTENANCE OF HEALTH BENEFITS.—During any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section **[5000(b)(1)]** of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall issue such rules and regulations as are necessary to carry out this section, including rules and regulations concerning notice of foreseeable leave, service of complaints, notice of hearings, answers and amendments to complaints, and copies of orders and records of proceedings.

(b) CHARGES.—

(1) FILING.—Any person (including a class or organization, on behalf of any person) alleging an act that violates any provision of this title may file a charge respecting such violation with the Secretary. Charges shall be in such form and contain such information as the Secretary shall require by regulation.

(2) NOTIFICATION.—Not more than 10 days after the Secretary receives notice of a charge under paragraph (1), the Secretary—

(A) shall serve a notice of the charge on the person charged with the violation; and

(B) shall inform such person and the charging party as to the rights and procedures provided under this title.

(3) TIME OF FILING.—A charge shall not be filed more than 1 year after the date of the last event constituting the alleged violation.

(4) SETTLEMENT PRIOR TO DETERMINATION BY SECRETARY.—The charging party and the person charged with the violation under this section may enter into a settlement agreement concerning the violation alleged in the charge before any determination is reached by the Secretary under subsection (c). Such an agreement shall be effective unless the Secretary determines, not later than 30 days after the notice of the proposed agreement is received, that the agreement is not generally consistent with the purposes of this title.

(c) INVESTIGATION AND COMPLAINT ON NOTICE OF A CHARGE.—

(1) INVESTIGATION.—Not later than 60 days after the Secretary receives any charge respecting a violation of this title, the Secretary shall investigate the charge and issue a complaint based on the charge or dismiss the charge.

(2) DISMISSAL.—If, after conducting an investigation under paragraph (1), the Secretary determines that there is no reasonable basis for the charge that is being investigated, the Secretary shall dismiss the charge and promptly notify the charging party and the respondent as to the dismissal.

(3) COMPLAINT BASED ON CHARGE.—If, after conducting an investigation under paragraph (1), the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based on the charge and promptly notify the charging party and the respondent as to the issuance.

(4) SETTLEMENT WITH SECRETARY.—On the issuance of a complaint under paragraph (3), the Secretary and the respondent may enter into a settlement agreement concerning a violation alleged in the complaint. Any such settlement shall not be entered into over the objection of the charging party, unless the Secretary determines that the settlement provides a full remedy for the charging party.

(5) CIVIL ACTIONS.—If, at the end of the 60-day period referred to in paragraph (1), the Secretary—

(A) has not made a determination under paragraph (2) or (3);

(B) has dismissed the charge under paragraph (2); or

(C) has disapproved a settlement agreement under subsection (b)(4) or has not entered into a settlement agreement under paragraph (4) of this subsection;

the charging party may elect to bring a civil action under section 107. Such election shall bar further administrative action by the Secretary with respect to the violation alleged in the charge.

(6) COMPLAINT AND RELIEF ON INITIATIVE OF SECRETARY.—

(A) COMPLAINT.—The Secretary may issue and serve a complaint alleging a violation of this title on the basis of information and evidence gathered as a result of an investigation initiated by the Secretary pursuant to section 108.

(B) RELIEF.—On the issuance of a complaint under subparagraph (A), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for appropriate temporary relief or a restraining order. On the filing of any such petition, the court shall cause notice of the petition to be served on the respondent, and the court shall have jurisdiction to grant to the Secretary such temporary relief or restraining order as the court determines just and proper.

(d) RIGHTS OF PARTIES.—

(1) SERVICE OF COMPLAINT.—In any case in which a complaint is issued under subsection (c), the Secretary shall, not later than 10 days after the date on which the complaint is issued, cause to be served on the respondent a copy of the complaint.

(2) PARTIES TO COMPLAINT.—Any person filing a charge alleging a violation of this title may elect to be a party to any complaint filed by the Secretary alleging such violation. Such election must be made prior to the commencement of a hearing.

(3) CIVIL ACTION.—The failure of the Secretary to comply in a timely manner with any obligation assigned to the Secretary under this title shall entitle the charging party to elect, at the time of such failure, to bring a civil action under section 107.

(e) CONDUCT OF HEARING.—

(1) PROSECUTION BY SECRETARY.—The Secretary shall have the duty to prosecute any complaint issued under subsection (c).

(2) HEARING.—An administrative law judge shall conduct a hearing on the record with respect to any complaint issued under this title. The hearing shall be commenced not later than 60 days after the issuance of such complaint, unless the judge, in the discretion of the judge, determines that the purposes of this Act would best be furthered by commencement of the action after the expiration of such period.

(f) FINDINGS AND CONCLUSIONS.—

(1) IN GENERAL.—After a hearing conducted under this section, the administrative law judge shall promptly make findings of fact and conclusions of law, and, if appropriate, issue an order for relief as provided in section 109.

(2) NOTIFICATION CONCERNING DELAY.—The administrative law judge shall inform the parties, in writing, of the reason for any delay in making such findings and conclusions if such findings and conclusions are not made within 60 days after the conclusion of such hearing.

(g) FINALITY OF DECISION; REVIEW.—

(1) FINALITY.—The decision and order of the administrative law judge under this section shall become the final decision and order of the Secretary unless, on appeal by an aggrieved party taken not later than 30 days after the entry of the order, the Secretary modifies or vacates the decision, in which case the decision of the Secretary shall be the final decision.

(2) REVIEW.—Not later than 60 days after the entry of the final order of the Secretary under paragraph (1), any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

(3) JURISDICTION.—On the filing of the record of an order under this subsection with the court, the jurisdiction of the court shall be exclusive and the judgment of the court shall be final, except that the judgment shall be subject to review by the Supreme Court of the United States on writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

(1) POWER OF SECRETARY.—If an order of the Secretary is not appealed under subsection (g)(2), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the Secretary, by filing in such court a written petition praying that such order be enforced.

(2) JURISDICTION.—On the filing of a petition under paragraph (1), the court shall have jurisdiction to make and enter a decree enforcing the order of the Secretary. In such a proceeding, the order of the Secretary shall not be subject to review.

(3) DECREE OF ENFORCEMENT.—If, on appeal of an order under subsection (g)(2), the Unit-

ed States court of appeals does not reverse or modify such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the Secretary.

SEC. 107. ENFORCEMENT BY CIVIL ACTION.

(a) RIGHT TO BRING CIVIL ACTION.—

(1) IN GENERAL.—Subject to the limitations contained in this section, an eligible employee or any person, including a class or organization on behalf of any eligible employee, or the Secretary may bring a civil action against any employer (including any State employer) to enforce the provisions of this title in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) NO CHARGE FILED.—Subject to paragraph (3), a civil action may be commenced under this subsection without regard to whether a charge has been filed under section 106(b).

(3) LIMITATIONS.—No civil action may be commenced under paragraph (1) if the Secretary—

(A) has approved a settlement agreement or has failed to disapprove a settlement agreement under section 106(b)(4) or 106(c)(4), as appropriate, if such action is based on a violation alleged in the charge and resolved by the agreement; or

(B) has issued a complaint under section 106(c)(3) or 106(c)(6), if such action is based upon a violation alleged in the complaint.

(4) ENFORCEMENT OF SETTLEMENT AGREEMENTS.—Notwithstanding paragraph (3)(A), a civil action may be commenced to enforce the terms of any such settlement agreement.

(5) TIMING OF COMMENCEMENT OF CIVIL ACTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no civil action may be commenced later than 1 year after the date of the last event that constitutes the alleged violation.

(B) EXCEPTION.—In any case in which—

(i) a timely charge is filed under section 106(b); and

(ii) the failure of the Secretary to issue a complaint or enter into a settlement agreement based on the charge (as provided under section 106(c)(4)) occurs later than 11 months after the date on which any alleged violation occurred;

the charging party may commence a civil action not later than 60 days after the date of such failure.

(6) AGENCIES.—The Secretary shall not bring a civil action against any agency of the United States.

(7) EXCLUSIVE JURISDICTION ON COMPLAINT.—On the filing of a complaint with the court under this subsection, the jurisdiction of the court shall be exclusive.

(b) VENUE.—An action brought under subsection (a) in a district court of the United States may be brought—

(1) in any appropriate judicial district under section 1391 of title 28, United States Code; or

(2) in the judicial district in the State in which—

(A) the employment records relevant to such violation are maintained and administered; or

(B) the aggrieved person worked or would have worked but for the alleged violation.

(c) NOTIFICATION OF THE SECRETARY; RIGHT TO INTERVENE.—A copy of the complaint in any action by an eligible employee under subsection (a) shall be served on the Secretary by certified mail. The Secretary shall have the right to intervene in a civil action brought by an employee under subsection (a).

(d) ATTORNEYS FOR THE SECRETARY.—In any civil action under subsection (a), attorneys appointed by the Secretary may appear for and represent the Secretary, except that the Attorney General and the Solicitor General shall conduct any litigation in the Supreme Court.

SEC. 108. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 106.

(d) SUBPOENA POWERS, ETC.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

SEC. 109. RELIEF.

(a) INJUNCTIVE RELIEF.—

(1) CEASE AND DESIST.—On finding a violation under section 106, the administrative law judge shall issue an order requiring such person to cease and desist from any act or practice that violates this title.

(2) INJUNCTIONS.—In any civil action brought under section 107, the court may grant as relief against any employer (including any State employer) any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

(b) MONETARY DAMAGES.—

(1) IN GENERAL.—Any employer (including any State employer) that violates any provision of this title shall be liable to the injured party in an amount equal to—

(A) any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) an additional amount equal to the greater of—

(i) the amount determined under subparagraph (A), as liquidated damages; or

(ii) consequential damages, not to exceed 3 times the amount determined under such subparagraph.

(2) GOOD FAITH.—If an employer who has violated this title proves to the satisfaction of the administrative law judge or the court that the act or omission that violated this title was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this title, such judge or the court may, in the discretion of the judge or court, reduce the amount of the liability provided for under this subsection to the amount determined under paragraph (1)(A).

(c) ATTORNEY'S FEES.—A prevailing party in an action described under this section (other than the United States) may be awarded a reasonable attorney's fee as part of the costs, in addition to any relief awarded. The United States shall be liable for costs in the same manner as a private person.

(d) LIMITATION.—Damages awarded under subsection (b) shall not accrue from a date that is later than 2 years prior to the date on which a charge is filed under section 106(b) or a civil action is brought under section 107.

SEC. 110. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this Act shall apply to—

(1) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees; and

(2) any private elementary and secondary school and its employees.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary and secondary school shall not be in violation of the Education of the Handicapped Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this Act.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which an employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment or supervision and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment or supervision; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency or school:

(1) LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.—If the employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.—If the employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is of greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.—If the employee begins leave under paragraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an employee to an equivalent position), in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary and secondary school that has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in the discretion of the judge or court, reduce the amount of the liability provided for under section 109(b)(1) to the amount determined under subparagraph (A) of such section.

SEC. 111. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.

SEC. 112. REGULATIONS.

Not later than 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as are necessary to carry out this title (including regulations under section 106(a)).

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. LEAVE REQUIREMENT.

(a) IN GENERAL.—(1) Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—FAMILY LEAVE

"§ 6381. Definitions

"For purposes of this subchapter:

"(1) The term 'employee' means—

"(A) an 'employee', as defined by section 6301(2) of this title (excluding an individual employed by the government of the District of Columbia); and

"(B) an individual described in clause (v) or (ix) of such section;

who has been employed for at least 12 months and completed at least 1,000 hours of service during the previous 12-month period.

"(2) The term 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment, or continuing supervision, by a health care provider.

"(3) The term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

"(4) The term 'parent' means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

"§ 6382. Leave requirement

"(a)(1) An employee shall be entitled, subject to section 6383, to 12 workweeks of leave during any 12-month period—

"(A) because of the birth of a son or daughter of the employee;

"(B) because of the placement of a son or daughter with the employee for adoption or foster care;

"(C) in order to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

"(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

"(2) The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(3) Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employing agency agree otherwise. Leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary, subject to subsection (e).

"(b) On agreement between the employing agency and the employee, leave under this section may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

"(c) Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

"(d)(1) If an employing agency provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

"(2)(A) An employee may elect, or an employing agency may require the employee, to substitute for leave under subparagraph (A), (B), or (C) of subsection (a)(1) any of the accrued paid vacation leave, personal leave, or family leave of the employee for any part of the 12-week period of such leave under such paragraph.

"(B) An employee may elect, or an employing agency may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employing agency to provide paid sick leave or paid medical leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with prior notice of such expected birth or adoption in a manner that is reasonable and practicable.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment or supervision, the employee—

"(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee; and

"(B) shall provide the employing agency with prior notice of the treatment or supervision in a manner that is reasonable and practicable.

"§ 6383. Certification

"(a) An employing agency may require that a claim for leave under subparagraph (C) or (D) of section 6382(a)(1), be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employer, as appropriate. The employee shall provide a copy of such certification to the employing agency.

"(b) A certification under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the provider regarding the condition; and

"(4)(A) for purposes of leave under section 6382(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the employee's position.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require that the employee obtain subsequent recertifications on a reasonable basis.

"§ 6384. Job protection

"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position of employment held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any seniority or employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than that to which the employee was entitled to on the date the leave was commenced.

"(d) As a condition to restoration under subsection (a), the employing agency may have a policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to periodically report to the employing agency on the status and intention of the employee to return to work.

"§ 6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of the rights of the employee under this subchapter.

"(b) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6386. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 who is placed in a leave status under section 6382 may elect to continue the health benefits enrollment of the employee while in leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909) through the employing agency of the employee, the appropriate employee contributions.

"§ 6387. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1991.".

(2) The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.
"6382. Leave requirement.
"6383. Certification.
"6384. Job protection.
"6385. Prohibition of coercion.
"6386. Health insurance.
"6387. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended by striking out "53" and inserting in lieu thereof "53, subchapter V of chapter 63,".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereinafter referred to in this title as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave;

(B) the potential costs, benefits, and impact on productivity of such policies on employers; and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 110(a); and

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report that may include legislative recommendations concerning coverage of businesses that employ fewer than 50 employees and alternative and equivalent State enforcement of this Act with respect to employees described in section 110(a).

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) SENATORS.—One Senator shall be appointed by the majority leader of the Senate, and one Senator shall be appointed by the minority leader of the Senate.

(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the minority leader of the House of Representatives.

(C) ADDITIONAL MEMBERS.—

(i) APPOINTMENT.—Two members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the majority leader of the Senate;

(III) the minority leader of the House of Representatives; and

(IV) the minority leader of the Senate.

(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.

(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. On the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out the duties of the Commission.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out the duties of the Commission.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTI-DISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or handicapped status.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law that provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

SEC. 404. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), titles I and II and this title shall take effect 6 months after the date of the enactment of this Act.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date that occurs 12 months after the date of the enactment of this Act.

SEC. 405. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out this title not later than 60 days after the date of the enactment of this Act.

Mr. MITCHELL. Mr. President, I am pleased to join my colleagues today in cosponsoring S. 5, the Family and Medical Leave Act.

Job protection during times of childbirth and family illness ought to be one of the most basic rights for working American families. Especially now with the economy in recession, job protection is even more important to the stability of American families.

To know that a worker has the flexibility to take care of a new born child or take care of an ailing parent without the fear of job loss ought not be remarkable. It ought to be a matter of course.

For that reason, enactment of a family and medical leave policy is a high priority for this Congress.

As we have all heard on many occasions, President Bush has advocated a kinder and gentler Nation.

Before an Illinois Republican Women's group in the fall of 1988, then Vice President Bush made his position clear. He said, and I quote,

> We also need to assure that women don't have to worry about getting their jobs back after having a child or caring for a child during a serious illness. That is what I mean when I talk about a gentler nation. That isn't fair the other way, and it's not right, and we've got to do something about that.

I agree. Unfortunately, between the time President Bush was running for the Presidency and the time he assumed office, the President changed his mind.

While we all from time to time have changed our minds about one subject or another, very rarely do we change our mind about the underlying premise of an issue.

I hope Congress can work together with the President this year to enact a basic assurance of job security for men and women during times of family crisis. For this is the basic premise of a family and medical leave policy.

We ought not force women to choose between their jobs and their families. Too many women have been forced to make a painful choice between the economic imperative of working to supplement their families' income and the anxiety of caring for a seriously ill child.

Too many women have had no job to return to after recuperating from bearing a child.

S. 5, the Family and Medical Leave Act would provide unpaid leave. Unpaid leave for birth, adoption, or care of a sick child. It would also provide unpaid leave for an employee's own serious medical illness or to care for an employee's seriously ill parent.

The United States is the only major industrialized country without a family or medical leave policy. In fact, most other industrialized countries provide some type of paid leave. But we are not talking about paid leave here, we are simply talking about unpaid leave, with the guarantee of a job to which to return.

This is an important bill for American women. It will offer women equal economic opportunity.

The number of women working today is greater than ever before.

Many of these women are working out of necessity. They need to work to raise their family's income to a level that will provide them with decent and safe housing, utilities, food, and other basic necessities. An increasing number of women are single parents who have no other option to provide for their families. But, the fact remains that fully 65 percent of married women are also in the work force.

When a family crisis occurs, such as when a child is diagnosed with a life-threatening illness like cancer and needs treatment immediately, in the absence of a national leave law, a job loss compounds the family crisis.

Protecting jobs for those who must take leave to care for their families in times of crisis is not unreasonable. It is humane.

Women earn less than men. Women comprise a disproportionate share of the poor and working poor.

While all families would benefit from the Family and Medical Leave Act, it is primarily American women who would reap the most benefit from enactment of a family leave policy.

I reject the argument that the Family and Medical Leave Act is an unprecedented mandate.

Congress has mandated a minimum wage. Congress has mandated employer contributions to ensure a minimum standard of living for the elderly and the disabled. Congress has mandated minimum standards to ensure a safe and healthy workplace for all Americans.

Congress enacted these laws to provide uniformity in the basic protections for American workers. A law providing job protection for family and medical leave would be no different.

Enactment of a family leave law will not alleviate the stress a family feels when faced with a serious illness of a child or loss in earnings when a family member takes leave. But it will alleviate the stress on the family when there is no job to return to.

Enactment of the Family and Medical Leave Act will ensure the most basic of protections for American families. It will offer women an equal economic opportunity.

I hope that my colleagues will join us in supporting S. 5 this year to ensure that no American is forced to choose between job and family.

Mr. PACKWOOD. Mr. President, the President's veto of the Family and Medical Leave Act in the last Congress and the subsequent failure of the House to override that veto, while disappointing, has not lessened our resolve to ensure that working people are able to care for their families and meet basic economic needs.

Existing family leave policies in this country are wholly inadequate to meet the needs of today's workers. That is why, today, we are reintroducing the Family and Medical Leave Act. We are sending a signal that we stand firmly behind our Nation's families and our commitment to enact a comprehensive and sound family leave policy.

The bill we are introducing today is simple justice. It is a reasonable and fair answer to the need to provide job security to employees without undue hardship on employers. A single mother shouldn't be forced to lose her job to take care of a dangerously ill child. A father should be able to count on returning to work after taking care of his family's emergency at home.

Fairness in the workplace will pay off for employers, too. Understanding the problems that families face will bring dividends in the way workers feel about their work. Instead of losing valuable productivity on the job, employers with leave policies in place report gains in productivity and retention of a loyal and experienced work-force.

The demographic revolution in the American work-force is having a profound effect on the lives of working men and women and their families. Today, more than half of the 45.6 million children in two-parent families have both parents in the work-force. The number of women working outside the home has increased 178 percent since 1950. More than one-half of all mothers with infants under 1 year of age now work outside the home. Two-thirds of mothers of children under the age of 3 work outside the home.

We are not strangers to these statistics. We have heard them here before. It is time we face up to the changing reality of our economy—single parents and two wage-earning parents dominate the work-force. It is time now to take action, to ensure that no longer will American workers have to face difficult choices as they seek to balance family and workplace responsibilities. The dual goals of family and work are important to our Nation's well-being. It is time we support working parents by providing flexible leave options which promote family stability and job security.

The Family and Medical Leave Act of 1991 will help ease the tremendous pressures parents face in balancing workplace and family responsibilities. It is essentially the same bill passed by the Senate on June 14 last year. That bill was the result of months of effort and was a carefully tuned compromise which sought to take into consideration the concerns of business and the needs of our Nation's working families.

This legislation requires companies of 50 or more employees to allow their permanent workers 12 weeks of unpaid leave per year for the birth of a baby or serious family illness. Data from my own State of Oregon, which has a family leave standard of 12 weeks, finds that businesses have had little trouble in complying with the standard.

Under this bill, only workers who have been on the job for 1 year or more and who have worked an average of half time or more during that year would be eligible for unpaid leave. Employees would be assured of reinstatement to the same or equivalent job upon their return, and would continue to receive health care coverage during their absence. The General Accounting Office estimates the cost of the bill to be no more than $188 million per year, most of which will result from the continuation of health insurance coverage for employees.

This bill is a reasonable approach. It seeks to meet the needs of families while helping businesses plan for workers taking leave. An estimated 95 percent of all firms, those with fewer than 50 employees, would be exempt from the bill's requirements. The Family and Medical Leave Act is not antibusiness. Indeed, many firms that already have leave policies in place report improved employee loyalty, reduced turnover and absenteeism, and enhanced productivity.

It seems clear that business owners and their employees will benefit mutually from an unpaid leave policy such as envisioned in this bill. I urge my colleagues and the Nation to rally behind this long overdue policy to help our Nation's families strike a balance between the needs of their loved ones and the demands of the workplace.

Mr. KENNEDY. Mr. President, I am pleased to join Senator DODD in cosponsoring the Family Leave Act of 1991. The bill is virtually identical to legislation that was passed in the last Congress by both the House and Senate but vetoed by the President.

It is unfortunate that Congress must again begin the long process toward enactment of this legislation that is critical to working families across the country. It is time for this long overdue measure to be enacted into law—and I hope that the 102d Congress will meet its responsibility.

Family and medical leave is a matter of simple workplace justice. No workers in America should have to choose between the job they need and the child they love. No Americans should lose their job because they must care for an elderly parent. Yet these are the choices that face working men and women every day, and I regret that President Bush's veto last year prevented us from remedying this injustice.

The structural changes occurring in the workplace require policies that recognize the increasing pressures on families. The entry of women in the workplace kept their family incomes from falling during the 1980's, but put more pressure on their families. The rising cost of long-term care for elderly parents requires more individual care from children who have less time to give such care, because they are juggling jobs and families of their own.

The strain that comes when a spouse or child is seriously ill is exacerbated by the stress of meeting increased personal needs and professional demands. Despite the basic changes in family life, employers have made few accommodations to help families meet these pressures.

This legislation is a major step forward for working families across the country. It is a humanitarian approach to changing family structures—and it makes sound economic sense. When workers lose their jobs for lack of family leave, we all pay the bill for unemployment compensation, food stamps, Medicaid, and other social costs.

The most important but most difficult loss to quantify is the loss of morale and productivity when workers are unable to meet their family responsibilities without fear of losing their jobs.

Other countries across the world recognize the need to provide family leave to workers. The United States stands alone with South Africa among industralized nations that deny such leave to working men and women to care for a sick parent or child. If we are serious about regaining our international competitiveness, then we must begin by correcting this basic injustice in our workplace.

The administration cannot have it both ways. If it is serious about helping families across the country, then it should support this legislation and help us enact it into law this year.

Mr. BRADLEY. Mr. President, it is unfortunate that the Family and Medical Leave Act is again before us. Last year, similar legislation passed the House and Senate but was then vetoed by President Bush. In June 1990, the House voted to override the President's veto but failed to achieve a two-third's majority. I hope we can be successful this year in overcoming the reservations of the President.

This compromise measure provides up to 12 weeks per year of unpaid job-protected leave for employees for medical reasons, and for parents upon the birth or adoption of a child, or to care for a seriously ill parent or child up to the age of 18. Businesses with less than 50 employees would be exempt from the bill.

The increasing numbers of mothers of childbearing age who have entered the work-force—as well as the growing number of older Americans in need of care—has made parental leave an issue of growing concern. Since 1947, the number of women in the Nation's work force has increased by 173 percent. Nationally, nearly 50 percent of mothers of children under the age of 1 are in the labor force.

Mr. President, as more and more families become two worker families, I am increasingly concerned that we find ways to reconcile the need to help families care for their families with the need for working parents to remain productive members of the work-force. I believe that the Family and Medical Leave Act addresses the concerns of working parents and provides appropriate job security for these families. Working parents should not be forced to choose between their jobs and caring for their families.

By Mr. DOLE (for himself, Mr. SIMPSON, Mr. DOMENICI, Mr. MURKOWSKI, and Mr. CHAFEE):

S. 6. A bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes; to the Committee on Rules and Administration.

COMPREHENSIVE CAMPAIGN FINANCE REFORM AND ETHICS ACT

Mr. DOLE. Mr. President, for good reason the whole world is watching the Persian Gulf these days, and those of us in the Senate are no exception. We spent all of last week debating this crisis issue, and now, as the U.N. imposed deadline approaches, we will continue to watch the Persian Gulf, and we will continue to pray for peace.

Meanwhile, we have plenty of work ahead of us this year on the domestic front. As momentous as the confrontation in the Middle East is, there is still an American agenda that demands action; that is why on this first day open to legislation, I am introducing five bills—designated Senate bills 6, 7, 8, 9, and 10—all of them legislative initiatives that Senate Republicans believe are priority issues for the 102d Congress.

S. 6—CAMPAIGN FINANCE REFORM

Mr. President, today I am introducing Senate bill 6, the Comprehensive Campaign Finance Reform and Ethics Act of 1991.

If last year's elections taught us anything at all, it taught us it is time for reform: Incumbents are laughing all the way to reelection, while the cost of running for office is approaching the obscene.

This bill builds upon last year's Republican reform initiative by adding several new provisions—a provision on flexible fundraising targets, which were recommended by the Mitchell-Dole panel of campaign finance experts; a provision on ethics-in-government; and a provision requiring a partial ban on the roll-over of campaign funds.

ETHICS.

The Comprehensive Campaign Finance Reform and Ethics Act also contains a provision that will require the public disclosure of all congressional contacts with Federal agencies concerning enforcement matters.

Mr. President, if a Member or his staff intervenes with a Federal regulator, this intervention should be publicly disclosed. And if the intervention is publicly disclosed, it should be publicly defended.

Don't get me wrong. Members of Congress should go to bat on behalf of their constituents. That's their job. But if we do intervene with a Federal regulator on behalf of a constituent, we should be comfortable reading about the intervention on the front page of the newspapers. That is what a disclosure requirement is all about.

Mr. President, I ask unanimous consent that the full text of the Comprehensive Campaign Finance Reform and Ethics Act of 1991, and a section-by-section analysis, be included in the RECORD immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Campaign Finance Reform and Ethics Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—SENATE ELECTION FLEXIBLE FUNDRAISING TARGETS

Sec. 101. Senate election flexible fundraising targets.

TITLE II—ETHICS IN GOVERNMENT

Sec. 201. Public disclosure of congressional intervention in enforcement actions.

TITLE III—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Ban on Political Action Committees

Sec. 301. Ban on activities of political action committees in Federal elections.

Subtitle B—Ban on Soft Money in Federal Elections

Sec. 311. Ban on soft money.
Sec. 312. Restrictions on party committees.
Sec. 313. Protection for employees.
Sec. 314. Restrictions on soft money activities of tax-exempt organizations.
Sec. 315. Denial of tax-exempt status for certain politically active organizations.
Sec. 316. Contributions to certain political organizations maintained by a candidate.

Subtitle C—Other Activities

Sec. 321. Modifications of contribution limits on individuals.
Sec. 322. Political parties.
Sec. 323. Contributions through intermediaries and conduits.
Sec. 324. Independent expenditures.

TITLE IV—INCREASE OF COMPETITION IN POLITICS

Subtitle A—General Provisions

Sec. 401. Seed money for challengers.
Sec. 402. Opposition research fund.
Sec. 403. Campaign funds of candidates.
Sec. 404. State and local campaign funds.
Sec. 405. Truth-in-incumbency.
Sec. 406. Candidate expenditures from personal funds.
Sec. 407. Limitations on gerrymandering.
Sec. 408. Election fraud, other public corruption, and fraud in interstate commerce.

Subtitle B—Congressional Mass Mailings

Sec. 411. Definitions.
Sec. 412. Statement of costs and related expenses of congressional mass mailings.
Sec. 413. Restrictions on franked congressional mass mailings exceeding appropriated funds.
Sec. 414. Extension of time period when franked mass mailings are prohibited.
Sec. 415. Reporting and publication of franked mass mailings.
Sec. 416. Transfers of official mail costs.
Sec. 417. Use of official expense accounts and other sources of funds for mass mailings.

TITLE V—BROADCAST DISCOUNT RATES

Sec. 501. Broadcast discount.

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

Sec. 601. Elimination of reason to believe standard.
Sec. 602. Injunctive authority.
Sec. 603. Time periods.
Sec. 604. Knowing violation penalties.
Sec. 605. Court resolved violations and penalties.
Sec. 606. Private civil actions.
Sec. 607. Knowing violations resolved in court.
Sec. 608. Action on complaint by commission.
Sec. 609. Violation of confidentiality requirement.
Sec. 610. Penalty in attorney general actions.
Sec. 611. Amendments relating to enforcement and judicial review.
Sec. 612. Tightening enforcement.

Subtitle B—Telephone Voting by Persons with Disabilities

Sec. 616. Study of systems to permit persons with disabilities to vote by telephone.

Subtitle C—Other Provisions

Sec. 621. Disclosure of debt settlement and loan security agreements.
Sec. 622. Contributions for draft and encouragement purposes with respect to elections for Federal office.
Sec. 623. Severability.
Sec. 624. Effective date.

TITLE I—SENATE ELECTION FLEXIBLE FUNDRAISING TARGETS

SEC. 101. SENATE ELECTION FLEXIBLE FUNDRAISING TARGETS.

FECA is amended by adding at the end thereof the following new title:

"TITLE V—SENATE ELECTION FLEXIBLE FUNDRAISING TARGETS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of United States Senator;

"(2) the term "bipartisan commission" means the commission appointed pursuant to section 506;

"(3) the term 'eligible candidate' means a candidate for the Senate who has made a filing under section 502 and who has not exceeded the limitations described in section 504;

"(4) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(5) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"VOLUNTARY ACCEPTANCE OF TARGETS.

"SEC. 502. A candidate for the Senate shall be eligible to receive the benefits described in section 503 if the candidate files with the Commission, at any time prior to the date of the general election, a statement that the candidate has not exceeded the fundraising targets under section 504 for any primary or runoff election and will not exceed such targets for the general election.

"BENEFITS TO ELIGIBLE CANDIDATES

"SEC. 503. REDUCED BROADCAST RATES.—An eligible candidate shall be entitled to the reduced broadcast rates under section 315(b) of the Communications Act of 1934.

"FUNDRAISING TARGETS

"SEC. 504. (a) GENERAL ELECTION TARGET.—An eligible candidate shall not accept contributions for a general election in excess of the lesser of—

"(1) $5,500,000; or

"(2) the greater of—

"(A) $950,000; or

"(B) $400,000 plus

"(i) 30 cents multiplied by the voting age population in the candidate's State not in excess of 4,000,000; and

"(ii) 25 cents multiplied by the voting age population of the candidate's State in excess of 4,000,000.

"(b) PRIMARY ELECTION TARGET.—An eligible candidate shall not accept contributions for a primary election in excess of the lesser of—

"(1) 67 percent of the general election target under subsection (a); or

"(2) $2,750,000.

"(c) RUNOFF ELECTION TARGET.—An eligible candidate shall not accept contributions for a runoff election in excess of 20 percent of the general election target under subsection (a).

"(d) EXEMPT CONTRIBUTIONS.—There shall not be counted against the fundraising targets of an eligible candidate contributions by—

"(1) an individual who at the time a contribution is made is a resident of the candidate's State; or

"(2) an individual not described in paragraph (1) who makes contributions of no more than $250 in the aggregate to any one candidate for an election.

"(e) INDEXING.—The amount otherwise determined under subsection (a) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for the purposes of this section, the base period shall be the calendar year in which the first general election after the date of enactment of this Act occurs.

"ACTION BY THE COMMISSION

"SEC. 505. The Commission shall—

"(1) issue regulations implementing this title not later than 180 days after the date of enactment of this title; and

"(2) thereafter, provide to an eligible candidate an advisory opinion concerning the application of this title within 30 days after the date on which the eligible candidate submits a request for an advisory opinion.

"REPORT BY BIPARTISAN COMMISSION

"SEC. 506. (a) APPOINTMENT.—The majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate shall each appoint 2 persons to serve on a bipartisan commission to conduct the study and make the report required by subsection (b).

"(b) STUDY AND REPORT.—The bipartisan commission shall—

"(1) study the effects of this title on Senate election campaign spending and the cost of campaigns during the primary and general elections for the Senate in 1994 and 1996; and

"(2) report its findings to the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate on or before November 7, 1997.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 507. There are authorized to be appropriated to the Commission and to the bipartisan commission such sums as are necessary to carry out this title.

"EFFECTIVE DATES

"SEC. 508. (a) IN GENERAL.—This title shall be effective with respect to candidates for the Senate in 1994, 1996, and 1998.

"(b) CONTRIBUTIONS RECEIVED PRIOR TO DATE OF ENACTMENT.—Contributions made to or received by an eligible candidate on or prior to the date of enactment of this title shall not be counted against the targets specified in section 504.

"(c) RELATIONSHIP TO OTHER TITLES.—The provisions of titles I through VI shall remain in effect with respect to Senate election campaigns affected by this title except to the extent that those provisions are inconsistent with this title."

TITLE II—ETHICS IN GOVERNMENT

SEC. 201. PUBLIC DISCLOSURE OF CONGRESSIONAL INTERVENTION IN ENFORCEMENT ACTIONS.

(a) UNWRITTEN CONTACTS.—

(1) IN GENERAL.—Each department and agency of the executive branch of the United States shall compile a monthly list of all unwritten communications from any Member, employee, or agent of the Congress received by the department or agency with respect to—

(A) potential or ongoing enforcement matters before the department or agency; and

(B) any proceedings in the department or agency relating to the award of contracts.

(2) DETAILS OF LIST.—The list required by this subsection shall include—

(A) the source of the contact;

(B) the stated purpose of the contact;

(C) any information or actions requested; and

(D) any other pertinent information.

(3) FILING LISTS.—Not later than the 15th of each month, each department or agency of the United States Government shall submit the list required by this subsection for the preceding month to the committees of the House of Representatives and the Senate with jurisdiction over the department or agency. Each committee receiving lists pursuant to this subsection shall submit the lists to the Congressional Record on January 1st and July 1st of each year for publication on the next day the record is printed.

(b) WRITTEN CONTACTS.—Each department and agency of the executive branch of the United States shall—

(1) create a public file containing all written communications from any Member, employee, or agent of the Congress received by the department or agency and any written responses by the department or agency to the written communications with respect to—

(A) potential or ongoing enforcement matters before the department or agency; and

(B) any proceedings in the department or agency relating to the award of contracts; or

(2) include the information described in paragraph (1) in an appropriate existing public file.

TITLE III—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Ban on Political Action Committees

SEC. 301. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Subtitle B—Ban on Soft Money in Federal Elections

SEC. 311. BAN ON SOFT MONEY.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) Ban on Soft Money.—(1) It shall be unlawful for the purpose of influencing any election to Federal office—

"(A) to solicit or receive any soft money; or

"(B) to make any payments from soft money.

"(2) For purposes of paragraph (1), the term 'soft money' means any amount—

"(A) solicited or received from a source which is prohibited under section 316(a);

"(B) contributed, solicited, or received in excess of the contribution limits under section 315; or

"(C) not subject to the recordkeeping, reporting, or disclosure requirements under section 304 or any other provision of this Act."

SEC. 312. RESTRICTIONS ON PARTY COMMITTEES.

(a) Disclosure of Information by Political Committee.—(1) Subsection (c) of section 302 of FECA (2 U.S.C. 432(c)) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(6) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(2) Subsection (b) of section 304 of FECA (2 U.S.C. 434(b)) is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(9) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(b) Allocation of Expenditures for Mixed Activities.—Title III of FECA, as amended by section 301(a), is amended by adding at the end thereof the following new section:

"REQUIRED ALLOCATION OF CONTRIBUTIONS AND EXPENDITURES FOR MIXED ACTIVITIES BY POLITICAL PARTY COMMITTEES

"Sec. 325. (a) Regulations Requiring Allocation for Mixed Activities.—Not later than 180 days after the date of the enactment of this section, the Commission shall issue regulations providing for a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts.

"(b) Guidelines for Allocation.—(1) The regulations issued under subsection (a) shall—

"(A) provide for the allocation of contributions and expenditures in accordance with this subsection; and

"(B) require reporting under this Act of expenditures in connection with a mixed activity to disclose—

"(i) the method and rationale used in allocating the cost of the mixed activity to Federal and non-Federal accounts; and

"(ii) the amount and percentage of the cost of the mixed activity allocated to such accounts.

"(2) In the case of a mixed activity that consists of a voter registration drive, get-out-the-vote drive, or other activity designed to contact voters (other than an activity to which paragraph (3) or (4) applies), amounts shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than—

"(A) 33⅓ percent of the total amount in the case of the national committee of a political party; or

"(B) 25 percent of the total amount in the case of a State or local committee of a political party or any subordinate committee thereof.

"(3) In the case of a mixed activity that consists of preparing and distributing brochures, handbills, slate cards, or other printed materials identifying or seeking support of (or opposition to) candidates for both Federal offices and non-Federal offices, amounts shall be allocated on the basis of total space devoted to such candidates, except that in no event shall the amounts allocated to the Federal account be less than the percentages under subparagraph (A) or (B) of paragraph (2).

"(4)(A) In the case of a mixed activity by a national committee of a political party that consists of broadcast media advertising (or any portion thereof) that promotes (or is in opposition to) a political party without mentioning the name of any individual candidate for Federal office or non-Federal office, amounts allocated to the Federal account shall not be less than—

"(i) 50 percent of the total amount in the case of advertising in the national media market; and

"(ii) 40 percent in the case of advertising in other than the national media market.

"(B) In the case of a mixed activity by a State or local committee of a political party or any subordinate committee thereof that consists of broadcast media advertising (or any portion thereof) described in subparagraph (A), costs shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than 33⅓ percent of the total amount.

"(5) Overhead and fundraising costs of a political committee of a political party for each 2-calendar year period ending with the calendar year in which a regularly scheduled election for Federal office occurs shall be allocated to the Federal account on the basis of the same ratio which—

"(A) the aggregate amount of receipts and disbursements of such political committee during such period in connection with elections for Federal office, bears to .

"(B) the aggregate amount of receipts and disbursements of such political committee during such period.

"(c) Mixed Activity.—(1) For purposes of this section, the term 'mixed activity' means an activity the expenditures in connection with which are required under this Act to be allocated between Federal and non-Federal accounts because such activity affects 1 or more elections for Federal office and 1 or more non-Federal elections.

"(2) Activities under paragraph (1) include—

"(A) voter registration drives, get-out-the-vote drives, telephone banks, and membership communications in connection with elections for Federal offices and elections for non-Federal offices;

"(B) general political advertising, brochures, or other materials that include any reference (however incidental) to both a candidate for Federal office and a candidate for non-Federal office, or that urge support for or opposition to a political party or to all the candidates of a political party;

"(C) overhead expenses; and

"(D) activities described in clauses (v), (x), and (xii) of section 301(8)(B).

"(d) Accounts.—For purposes of this section—

"(1) the term 'Federal account' means an account to which receipts and disbursements are allocated to elections for Federal offices; and

"(2) the term 'non-Federal account' means an account to which receipts and disbursements are allocated to elections other than non-Federal offices."

SEC. 313. PROTECTION FOR EMPLOYEES.

(a) Contributions to All Political Committees Included.—Paragraph (2) of section 316(b) of FECA (2 U.S.C. 441b(b)(2)) is amended by inserting "political committee," after "campaign committee,".

(b) Applicability of Requirements to Labor Organizations.—Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended by adding at the thereof the following new paragraph:

"(8)(A) Subparagraphs (A), (B), and (C) of paragraph (2) shall not apply to a labor organization unless the organization meets the requirements of subparagraphs (B), (C), and (D).

"(B) The requirements of this subparagraph are met only if the labor organization provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(i) that an employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(ii) that no employee may be required actually to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization;

"(iii) that the amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment;

"(iv) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(v) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(vi) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(C) The requirements of this subparagraph are met only if, for purposes of verifying the cost of such labor organization's exclusive representation services, the labor organization provides all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a 'special report' as interpreted by the Association of Independent Certified Public Accountants.

"(D) The requirements of this subparagraph are met only if the labor organization—

"(i) maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (B); and

"(ii) if any person challenges the costs which may be properly charged as costs of exclusive representation—

"(I) provides a mutually selected impartial decisionmaker to hear and decide such challenge pursuant to rules of discovery and evidence and subject to de novo review by the National Labor Relations Board or an applicable court; and

"(II) places in escrow amounts reasonably in dispute pending the outcome of the challenge.

"(E)(i) A labor organization that does not satisfy the requirements of subparagraphs (B), (C), and (D) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(ii) For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 314. RESTRICTIONS ON SOFT MONEY ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) DENIAL OF TAX-EXEMPT STATUS FOR ACTIVITIES TO INFLUENCE A FEDERAL ELECTION.—An organization shall not be treated as exempt from tax under subsection (a) if such organization participates or intervenes in any political campaign on behalf of or in opposition to any candidate for Federal office."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any participation or intervention by an organization on or after September 1, 1991.

SEC. 315. DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax), as amended by section 314, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.—

"(1) IN GENERAL.—An organization shall not be treated as exempt from tax under subsection (a) if—

"(A) such organization devotes any of its operating budget to—

"(i) voter registration or get-out-the-vote campaigns; or

"(ii) participation or intervention in any political campaign on behalf of or in opposition to any candidate for public office; and

"(B) a candidate, or an authorized committee of a candidate, has—

"(i) solicited contributions to, or on behalf of, such organization; and

"(ii) the solicitation is made in cooperation, consultation, or concert with, or at the request or suggestion of, such organization.

"(2) CANDIDATE DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'candidate' has the meaning given such term by paragraph (2) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

"(B) MEMBERS OF CONGRESS.—The term 'candidate' shall include any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress unless—

"(i) the date for filing for nomination, or election to, such office has passed and such individual has not so filed, and

"(ii) such individual is not otherwise a candidate described in subparagraph (A)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to solicitations or suggestions by candidates made after the date of the enactment of this Act.

SEC. 316. CONTRIBUTIONS TO CERTAIN POLITICAL ORGANIZATIONS MAINTAINED BY A CANDIDATE.

(a) CONTRIBUTIONS BY PERSONS IN GENERAL AND BY MULTICANDIDATE POLITICAL COMMITTEES.—(1) Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(2) Section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(3) Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 301(c), is amended by inserting at the end thereof the following new paragraph:

"(10) For the purposes of paragraphs (1)(A) and (2)(A), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(b) CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—(1) Section 316(b)(2) of the FECA (2 U.S.C. 441b(b)(2)) is amended by striking "candidate, campaign committee" and inserting "candidate, political organization (other than an authorized committee) maintained by a candidate, campaign committee,".

(2) Section 316(b) of FECA (2 U.S.C. 441b(b)), as amended by section 313(b), is amended by inserting at the end thereof the following new paragraph:

"(9) For the purposes of paragraph (2), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(c) DATE OF APPLICATION.—The amendments made by subsections (a) and (b) shall apply to contributions described in sections 315 and 316 of FECA (2 U.S.C. 441a and 441b) made in response to solicitations made after January 14, 1991.

Subtitle C—Other Activities

SEC. 321. MODIFICATIONS OF CONTRIBUTION LIMITS ON INDIVIDUALS.

(a) INCREASE IN CANDIDATE LIMIT.—Subparagraph (A) of section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) APPLICABLE AMOUNT DEFINED.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 316(a)(3), is amended by adding at the end thereof the following new paragraph:

"(11) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or such candidate's authorized committees; or

"(II) any other candidate or such candidate's authorized committees if, at the time such contributions are made, such person is a resident of the State with respect to which such candidate seeks Federal office; and

"(ii) $500 in the case of contributions by any other person to a candidate described in clause (i)(II) or such candidate's authorized committees.

"(B) At the beginning of 1992 and each even-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percent difference between the price index for the preceding calendar year and the price index for calendar year 1990. Each of the dollar limits under subparagraph (A) shall be increased by such percent difference and rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which determined and the succeeding calendar year."

SEC. 322. POLITICAL PARTIES.

(a) ITEMS NOT TREATED AS CONTRIBUTIONS OR EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clauses (x) and (xii), by inserting "national," after "the payment by a"; and

(B) in clause (xii), by inserting "general research activities," after "the costs of".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clauses (viii) and (ix), by inserting "national," after "the payment by a"; and

(B) in clause (ix), by inserting "general research activities," after "the costs of".

(b) INCREASE IN LIMITS ON CONTRIBUTIONS TO POLITICAL PARTIES.—Section 315(a)(3) of FECA (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000 in any calendar year" and inserting "$50,000 in any calendar year, except that not more than $25,000 may be contributed in any calendar year to persons which are not political committees established and maintained by a national, State, or local political party."

SEC. 323. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

"(B) If a contribution is made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(C) No conduit or intermediary shall deliver or arrange to have delivered contributions from more than 2 persons who are employees of the same employer or who are members of the same trade association, membership organization, or labor organization.

"(D) No person required to register with the Clerk of the House of Representatives or the Secretary of the Senate under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), or an officer, employee or agent of such a person, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office."

SEC. 324. INDEPENDENT EXPENDITURES.

(a) ATTRIBUTION OF COMMUNICATIONS; REPORTS.—(1) Section 318 of FECA (2 U.S.C. 441d) is amended by adding at the end thereof the following new subsection:

"(c)(1) If any person makes an independent expenditure through a broadcast communication on any television or radio station, the broadcast communication shall include a statement—

"(A) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(B) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast,

setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization.

"(2) If any person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, the communication shall include, in addition to the other information required by this section—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization, and the name of the president or treasurer of such organization.

"(3) Any person making an independent expenditure described in paragraph (1) or (2) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission of the communication:

"(A) Effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate.

"(B) An exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication.

"(C) All dates and times when such communication will be publicly transmitted."

(2) Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended by striking "Whenever" and inserting "Except as provided in subsection (c), whenever".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended—

(1) by striking "(17) The term" and inserting "(17)(A) The term"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) For the purpose of subparagraph (A), an expenditure shall be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, authorized committee, or agent, if there is any arrangement, coordination, or direction by the candidate or the candidate's agent prior to the publication, distribution, display, or broadcast of a communication, and it shall be presumed to be so made when it is—

"(i) based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

"(ii) made by or through any person who is, or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(II) serving as an officer of the candidate's authorized committees; or

"(III) providing professional services to, or receiving any form of compensation or reimbursement from, the candidate, the candidate's committee, or agent."

(c) HEARINGS ON COMPLAINTS.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13) Within 3 days after the Commission receives a complaint filed pursuant to this section which alleges that an independent expenditure was made with the cooperation or consultation of a candidate, or an authorized committee or agent of such candidate, or was made in concert with or at the request or suggestion of an authorized committee or agent of such candidate, the Commission shall provide for a hearing to determine such matter."

(d) EXPEDITED JUDICIAL REVIEW.—Section 310 of the FECA (2 U.S.C. 437h) is amended by adding at the end thereof the following new sentence: "It shall be the duty of the courts to advance on the docket and to expedite to the greatest possible extent the disposition of any matter relating to the making or alleged making of an independent expenditure."

TITLE IV—INCREASE OF COMPETITION IN POLITICS

Subtitle A—General Provisions

SEC. 401. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 311, is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provision of this Act, the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) that in the aggregate do not exceed the lesser of—

"(A)(i) $150,000, in the case of a candidate for the House of Representatives; or

"(ii) $250,000, in the case of a candidate for the Senate; or

"(B) the aggregate qualified matching contributions received by the candidate and the candidate's authorized committees.

"(2) A contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection—

"(A) the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time the contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held; and

"(B) the term 'eligible candidate' means a candidate for election, or nomination for election, to Federal office (other than President or Vice President) who does not hold Federal office."

SEC. 402. OPPOSITION RESEARCH FUND.

Section 315(i)(1) of FECA, as added by section 311, is amended by adding at the end thereof the following flush sentence:

"In addition to a contribution under the preceding sentence, the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees), in an aggregate amount not exceeding $50,000, for the sole purpose of conducting research into the voting and other public records of the candidate's opponent to determine the opponent's views on issues relevant to the election."

SEC. 403. CAMPAIGN FUNDS OF CANDIDATES.

(a) IN GENERAL.—Section 313 of FECA (2 U.S.C. 439a) is amended to read as follows:

"USE OF CAMPAIGN FUNDS

"SEC. 313. (a) Amounts received as contributions by a candidate for the Senate or the House of Representatives and the authorized committees of such a candidate that are surplus campaign funds may be—

"(1) transferred to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;

"(2) refunded to contributors on a pro rata basis; or

"(3) paid into the Treasury of the United States and applied to the account to reduce the public debt described in section 3113(d) of section 31, United States Code.

"(b)(1) It shall be unlawful for a candidate or an authorized committee of a candidate or for any person acting as an agent of either to dispose of surplus campaign funds in any manner except as required by subsection (a).

"(2) It shall be unlawful for any person knowingly to accept or receive surplus campaign funds for purposes or in a manner other than those specified in subsection (a).

"(c) The disposition of surplus campaign funds shall be reported on the post-election semiannual report that is filed pursuant to section 304 on or before July 31 of the year following the election for which the funds were raised.

"(d) For purposes of this section, the term 'surplus campaign funds' means the amount (if any) after a general election by which—

"(1) the contributions made to the candidate and the candidate's authorized committees with respect to the election cycle for such election, exceed

"(2) the sum of—

"(A) the expenditures made by such candidate or authorized committees with respect to such election cycle; and

"(B) in the case of a candidate for the House of Representatives, $50,000, and in the case of a candidate for the Senate, $100,000."

(b) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to surplus campaign funds existing on November 9, 1994, and thereafter.

SEC. 404. STATE AND LOCAL CAMPAIGN FUNDS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end thereof the following new subsection:

"(k) It shall be unlawful for an individual who is a candidate for Federal office (or any authorized committee) to transfer campaign funds raised in connection with any campaign of such individual for State or local office for use in the campaign for such Federal office. The preceding sentence shall not apply to the extent such funds do not exceed $50,000 in the case of a candidate for the House of Representatives, or $100,000 in the case of a candidate for the United States Senate."

SEC. 405. TRUTH-IN-INCUMBENCY.

Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of paragraph (3), an expenditure by a State or local committee of a political party for a radio or television advertisement that—

"(A) is made for the purpose of publicizing the voting or other public record of an incumbent who is not a member of the political party of the committee that makes the expenditure;

"(B) does not indicate whether the incumbent is or will be a candidate for Federal office or whether a listener or viewer should vote against the incumbent; and

"(C) is made prior to the date on which a candidate of that party is nominated for election to the office held by the incumbent, is not an expenditure in connection with the general election campaign of a candidate. This paragraph shall only apply to advertisements that are at least 1 minute in length."

SEC. 406. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

(a) Section 315 of FECA (2 U.S.C. 441a), as amended by section 404, is amended by adding at the end thereof the following new subsection:

"(l)(1)(A) Not less than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend for the primary and general election an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), if a candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph an amount exceeding $250,000;

"(B) expends such funds in the primary and general election an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1),

the limitations on contributions under subsection (a), and the limitations on expenditures under subsection (d), shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general election—

"(i) the limitation under subsection (a)(1)(A) shall not apply;

"(ii) the limitation under subsection (a)(2) shall not apply to any political committee of a political party; and

"(iii) the limitation under subsection (d)(3) shall not apply.

The $5,000 amount under subparagraph (A) shall be adjusted each calendar year in the same manner as amounts are adjusted under subsection (a)(11)(B).

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(6) Contributions to a candidate or a candidate's authorized committees may be used to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office by a candidate or a member of the candidate's immediate family only to the extent that such repayment—

"(A) is limited to the amount of such expenditure or the principal amount of such loan (and no interest is paid); and

"(B) is not made from any such contributions received after the date of the general election to which such expenditure or loan relates.

"(7) For purposes of this subsection, the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B).

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to ensure compliance with this subsection."

SEC. 407. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end thereof the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled 'An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting', approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional district boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section."

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term "redistricting authority" means the officer or public body having initial responsibility for the congressional redistricting of a State."

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking "chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end thereof the following: "In circumstances in which this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census."

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

SEC. 408. ELECTION FRAUD, OTHER PUBLIC CORRUPTION, AND FRAUD IN INTERSTATE COMMERCE.

(a) ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.—(1) Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State, political subdivision, or Indian tribal government shall be fined under this title, or imprisoned for not more than 10 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(c) Whoever, being a public official or an official or employee of a State, political subdivision of a State, or Indian tribal government, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses or causes to use of any facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the twelve-month period immediately preceding or following the election or date of the offense.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than 10 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or any State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to 5 years or both.

"(g)(1) An employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee or official on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and shall be entitled to all relief necessary to make such employee or official whole. Such relief shall include reinstatement with the same seniority status that the employee or official would have had but for the discrimination, 3 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual shall not be entitled to relief under paragraph (1) if the individual participated in the violation of this section with respect to which relief is sought.

"(3) A civil action brought under paragraph (1) shall be stayed by a court upon the certification of an attorney for the Government, stating that the action may adversely affect the interests of the Government in a current criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meaning set forth in section 201 and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) includes any person who has been nominated, appointed or selected to be an official or who has been officially informed that he or she will be so nominated, appointed or selected;

"(4) the term 'under color of official authority' includes any person who represents that the person controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce."

(2)(A) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public Corruption.".

(B) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(C) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

(b) FRAUD IN INTERSTATE COMMERCE.—(1) Section 1343 of title 18, United States Code, is amended—

(A) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(B) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(2)(A) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§1343. Fraud by use of facility of interstate commerce".

(B) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

Subtitle B—Congressional Mass Mailings

SEC. 411. DEFINITIONS.

For the purposes of this title—

(1) the term "Commission" means the Commission on Congressional Mailing Standards of the House of Representatives; and

(2) the term "Sergeant at Arms" means the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 412. STATEMENT OF COSTS AND RELATED EXPENSES OF CONGRESSIONAL MASS MAILINGS.

(a) SENATE.—(1) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms shall send to each Senator a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senator during such quarter.

(2) A statement described in paragraph (1) shall—

(A) separately identify the cost of postage and paper and other costs;

(B) distinguish the costs attributable to newsletters and all other mass mailings; and

(C) include the total cost per capita in the Senator's State.

(3) The Sergeant at Arms shall submit to the Committee on Rules and Administration of the Senate a compilation of the statements sent to Senators under paragraph (1).

(4)(A) A summary tabulation of the information contained in the statements sent to Senators under paragraph (1) shall be published quarterly in the Congressional Record and included in the semiannual Report of the Secretary of the Senate.

(B) The summary tabulation shall set forth for each Senator—

(i) the Senator's name;

(ii) the number of pieces of mass mail mailed during the quarter;

(iii) the total cost of such mail; and

(iv) the number of pieces and the cost of such mail divided by the population of the Senator's State.

(b) HOUSE OF REPRESENTATIVES.—(1) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Commission shall send to each Member of the House of Representatives a statement of the cost of postage and paper and the other operating expenses incurred as a result of mass mailings processed for such Member during such quarter.

(2) A statement described in paragraph (1) shall—

(A) separately identify the cost of postage and paper and other costs;

(B) distinguish the costs attributable to newsletters and all other mass mailings; and

(C) include the total cost per capita in the Member's congressional district.

(3) The Commission shall submit to the Committee on House Administration of the House of Representatives a compilation of the statements sent to Members under paragraph (1).

(4)(A) A summary tabulation of the information contained in the statements sent to Members under paragraph (1) shall be published quarterly in the Congressional Record and included in the quarterly Report of the Clerk of the House of Representatives.

(B) The summary tabulations shall set forth for each Member—

(i) the Member's name;

(ii) the number of pieces of mass mail mailed during the quarter;

(iii) the total cost of such mail; and

(iv) the number of pieces and cost of such mail divided by the population of the Member's congressional district.

SEC. 413. RESTRICTIONS ON FRANKED CONGRESSIONAL MASS MAILINGS EXCEEDING APPROPRIATED FUNDS.

Section 3216(c) of title 39, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) If at any time during a fiscal year the Postal Service determines that the postage on and fees and charges in connection with matter mailed under the frank by the Senate during that year have exhausted the amount appropriated for use by the Senate, no more mass mailings (as defined in section 3210(a)(6)(E)) may be mailed by any Member of the Senate during the remainder of that fiscal year unless additional funds are appropriated for use by the Senate and paid to the Postal Service.

"(B) If at any time during a fiscal year the Postal Service determines that the postage on and fees and charges in connection with matter mailed under the frank by the House of Representatives during that year have exhausted the amount appropriated for use by the House of Representatives, no more mass mailings (as defined in section 3210(a)(6)(E)) may be mailed by any Member of the House of Representatives during the remainder of that fiscal year unless additional funds are appropriated for use by the House of Representatives and paid to the Postal Service.".

SEC. 414. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II) by striking "fewer than 60 days immediately before the date" and inserting "during the year"; and

(2) in subparagraph (C) by striking "fewer than 60 days immediately before the date" and inserting "during the year".

SEC. 415. REPORTING AND PUBLICATION OF FRANKED MASS MAILINGS.

Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall register such mass mailings annually with the Secretary of the Senate. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register such mass mailings annually with the Clerk of the House of Representatives. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

SEC. 416. TRANSFERS OF OFFICIAL MAIL COSTS.

(a) PROHIBITION OF TRANSFERS TO CANDIDATES.—(1) During any fiscal year in which appropriations for official mail costs of the Senate are allocated among offices of the Senate, no such office may transfer any of its allocation to the office of a Member of the Senate who is a candidate for Federal office.

(2) During any fiscal year in which appropriations for official mail costs of the House of Representatives are allocated among offices of the House of Representatives, no such office may transfer any of its allocation to the office of a Member of the House of Representatives who is a candidate for Federal office.

(b) REPORTING AND PUBLICATION.—(1)(A) Each office of the Senate that transfers or receives a transfer of an official mail cost allocation to or from another Senate office shall report to the Sergeant at Arms—

(i) the name of the office to which the transfer is made or from which the transfer was received;

(ii) the amount of the transfer;

(iii) the amount of the allocation made to the office for the fiscal year;

(iv) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

(v) the amount of the allocation remaining available to the office for the fiscal year.

(B) The information reported to the Sergeant at Arms pursuant to subparagraph (A) shall be published quarterly in the CONGRESSIONAL RECORD and included in the semiannual report of the Secretary of the Senate.

(C) Not later than 30 days after the date of enactment of this Act, all offices of the Senate that have transferred or received a transfer of official mail cost allocations to or from another office of the Senate during the portion of fiscal year 1991 preceding such date of enactment shall report to the Sergeant at Arms the information described in paragraph (A) with respect to such transfers, and such information shall be published in the CONGRESSIONAL RECORD.

(2)(A) Each office of the House of Representatives that transfers or receives a transfer of an official mail cost allocation to or from another office of the House of Representatives shall report to the Commission—

(i) the name of the office to which the transfer is made or from which the transfer was received;

(ii) the amount of the transfer;

(iii) the amount of the allocation made to the office for the fiscal year;

(iv) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

(v) the amount of the allocation remaining available to the office for the fiscal year.

(B) The information reported to the Commission pursuant to subparagraph (A) shall be published quarterly in the CONGRESSIONAL RECORD and included in the quarterly report of the Clerk of the House of Representatives.

(c) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Rule XL of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"7. (a) Each office of the Senate that transfers or receives a transfer of an official mail cost allocation to or from another Senate office shall report on the date of the transfer or receipt of the transfer to the Sergeant at Arms and Doorkeeper of the Senate—

"(1) the name of the office to which the transfer is made or from which the transfer was received;

"(2) the amount of the transfer;

"(3) the amount of the allocation made to the office for the fiscal year;

"(4) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

"(5) the amount of the allocation remaining available to the office for the fiscal year.

"(b) The information reported to the Sergeant at Arms pursuant to subparagraph (a) shall be published quarterly in the CONGRESSIONAL RECORD and included in the semiannual Report of the Secretary of the Senate."

(2) Not later than 30 days after the date of enactment of this Act, all offices of the Senate that have transferred or received a transfer of official mail cost allocations to or from another office of the Senate during fiscal year 1990 shall report to the Sergeant at Arms the information described in paragraph 7(a) of Rule XL of the Standing Rules of the Senate with respect to such transfers, and such information shall be published in the Congressional Record.

(3) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 417. USE OF OFFICIAL EXPENSE ACCOUNTS AND OTHER SOURCES OF FUNDS FOR MASS MAILINGS.

Section 506(a)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(3)) is amended by striking subparagraph (A).

TITLE V—BROADCAST DISCOUNT RATES

SEC. 501. BROADCAST DISCOUNT.

(a) FINDINGS.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by section 501, is amended—

(1) in subsection (b)(1)(A), by striking "class and";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting immediately after subsection (b) the following new subsections:

"(c) During any period specified in subsection (b)(1)—

"(1) a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1);

"(2) a licensee shall not deny the use of a broadcasting station by a legally qualified candidate for public office who seeks to purchase reasonable amounts of time in, around, or adjacent to any programs aired by the station; and

"(3) a licensee shall certify, under penalty of perjury, that the charges made for the use of a broadcasting station by a legally qualified candidate for public office are at the lowest unit charge of the station for the same amount of time for the same period.

"(d) The Commission shall monitor compliance with this section with timely auditing of licensees' records relating to use, and requests for use, of broadcast stations by candidates.".

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

SEC. 601. ELIMINATION OF REASON TO BELIEVE STANDARD.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by striking the first sentence and inserting the following: "Except as otherwise provided in subparagraph (B), if the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities determines, by an affirmative vote of 4 of its members, that an allegation of a violation or from pending violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 states a claim of violation that would be sufficient under the standard applicable to a motion under rule 12(b)(6) of the Federal Rules of Civil Procedure, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such vote shall occur within 90 days after receipt of such complaint."

SEC. 602. INJUNCTIVE AUTHORITY.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 601, is amended by adding at the end thereof the following new subparagraph:

"(B) The Commission may petition the appropriate court for an injunction if—

"(i) the Commission believes that there is a substantial likelihood that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) such expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction."

SEC. 603. TIME PERIODS.

Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by—

(A) striking ", for a period of at least 30 days,"; and

(B) striking "90 days" and inserting "60 days"; and

(2) in clause (ii) by striking "at least" and inserting "no more than".

SEC. 604. KNOWING VIOLATION PENALTIES.

Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, except that if the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has been committed during the 15-day period immediately preceding any election, a conciliation agreement entered into by the Commission under paragraph (4)(A) shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation."

SEC. 605. COURT RESOLVED VIOLATIONS AND PENALTIES.

Section 309(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(6)) is amended—

(1) in subparagraph (A) by—

(A) striking "Commission may" and inserting "Commission shall";

(B) striking "including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any"; and

(2) in subparagraph (B) by—

(A) striking "court may" and inserting "court shall"; and

(B) striking ", including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any".

SEC. 606. PRIVATE CIVIL ACTIONS.

Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)), as amended by section 605, is amended—

(1) by inserting "(i)" after "(6)(A)"; and

(2) by adding at the end thereof the following new clause:

"(ii) If, by a tie vote, the Commission does not vote to institute a civil action pursuant to clause (i), the candidate involved in such election, or an individual authorized to act on behalf of such candidate, may file an action for appropriate relief in the district court for the district in which the respondent is found, resides, or transacts business. If the court determines that a violation has occurred, the court shall impose the appropriate civil penalty. Any such award of a civil penalty made under this paragraph shall be made in favor of the United States. In addition to any such civil penalty, the court shall award to the prevailing party in any action under this paragraph, all attorneys' fees and actual costs reasonably incurred in the investigation and pursuit of any such action, including those attorneys' fees and costs reasonably incurred in bringing or defending the proceeding before the Commission."

SEC. 607. KNOWING VIOLATIONS RESOLVED IN COURT.

Section 309(a)(6)(C) of FECA (2 U.S.C. 437g(a)(6)(C)) is amended by striking "may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall impose a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation, except that if such violation was committed during the 15-day period immediately preceding the election, the court shall impose a civil penalty which is not less than the greater of $15,000 or an amount equal to 300 percent of any contribution or expenditure involved in such violation".

SEC. 608. ACTION ON COMPLAINT BY COMMISSION.

Section 309(a)(8)(A) of FECA (2 U.S.C. 437g(a)(8)(A)) is amended—

(1) by striking "act on" and inserting "reasonably pursue";

(2) by striking "120-day" and inserting "60-day"; and

(3) by striking "United States District Court for the District of Columbia" and inserting "appropriate court".

SEC. 609. VIOLATION OF CONFIDENTIALITY REQUIREMENT.

Section 309(a)(12)(B) of FECA (2 U.S.C. 437g(a)(12)(A)) is amended—

(1) by striking "$2,000" and inserting "$5,000"; and

(2) by striking "$5,000" and inserting "$10,000".

SEC. 610. PENALTY IN ATTORNEY GENERAL ACTIONS.

Section 309(d)(1)(A) of FECA (2 U.S.C. 437g(d)(1)(A)) is amended by striking "exceed" and inserting "be less than".

SEC. 611. AMENDMENTS RELATING TO ENFORCEMENT AND JUDICIAL REVIEW.

(a) TIME LIMITATIONS FOR AND INDEX OF INVESTIGATIONS.—Section 309(a) of FECA (2 U.S.C. 437g(a)), as amended by section 324, is amended by adding at the end thereof the following new paragraphs:

"(14) The Commission shall establish time limitations for investigations under this subsection.

"(15) The Commission shall publish an index of all investigations under this section and shall update the index quarterly."

(b) PROCEDURE ON INITIAL DETERMINATION.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 602, is amended by adding at the end thereof the following: "Before a vote based on information ascertained in the normal course of carrying out supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination."

(c) PROCEDURE ON PROBABLE CAUSE DETERMINATION.—(1) Section 309(a)(3) of FECA (2 U.S.C. 437g(a)(3)) is amended by adding at the end thereof the following: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent."

(2) Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end thereof the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law."

(d) ELIMINATION OF EN BANC HEARING REQUIREMENT.—Section 310 of FECA (2 U.S.C. 437h), as amended by section 124(d), is amended by striking ", which shall hear the matter sitting en banc".

SEC. 612. TIGHTENING ENFORCEMENT.

(a) REPEAL OF PERIOD OF LIMITATION.—Section 406 of FECA (2 U.S.C. 455) is repealed.

(b) SUPPLYING OF INFORMATION TO THE ATTORNEY GENERAL.—Section 309(a)(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(12)(A)) is amended by adding at the end thereof the following new subparagraph:

"(C) Nothing in this section shall be deemed to prohibit or prevent the Commission from making information contained in compliance files available to the Attorney General, at the Attorney General's request, in connection with an investigation or trial."

Subtitle B—Telephone Voting by Persons with Disabilities

SEC. 616. STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.

(a) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(b) CONSULTATION.—The Federal Election Commission shall conduct the study described in subsection (a) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(c) CRITERIA.—The system or systems developed pursuant to subsection (a) shall—

(1) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(2) propose procedures to identify persons who are so disabled; and

(3) describe procedures and equipment that may be used to ensure that—

(A) only those persons who are entitled to use the system are permitted to use it;

(B) the votes of persons who use the system are recorded accurately and remain secret;

(C) the system minimizes the possibility of vote fraud; and

(D) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(d) REQUESTS FOR PROPOSALS.—In developing a system described in subsection (a), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(e) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(f) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the date of enactment of this Act.

Subtitle C—Other Provisions

SEC. 621. DISCLOSURE OF DEBT SETTLEMENT AND LOAN SECURITY AGREEMENTS.

Section 304(b) of FECA (2 U.S.C. 434(b)), as amended by section 312, is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end thereof the following new paragraphs:

"(10) for the reporting period, the terms of any settlement agreement entered into with respect to a loan or other debt, as evidenced by a copy of such agreement filed as part of the report; and

"(11) for the reporting period, the terms of any security or collateral agreement entered into with respect to a loan, as evidenced by a copy of such agreement filed as part of the report."

SEC. 622. CONTRIBUTIONS FOR DRAFT AND ENCOURAGEMENT PURPOSES WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE.

(a) DEFINITION.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended by striking "or" after the semicolon at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and", and by adding at the end thereof the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office."

(b) DRAFT AND ENCOURAGEMENT CONTRIBUTIONS TO BE TREATED AS CANDIDATE CONTRIBUTIONS.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(12) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate."

SEC. 623. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 624. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, and shall apply to all contributions and expenditures made after that date.

SECTION-BY-SECTION ANALYSIS—THE COMPREHENSIVE CAMPAIGN FINANCE REFORM AND ETHICS ACT OF 1991

Section 1. Short Title.

This Act may be cited as "The Comprehensive Campaign Finance Reform and Ethics Act of 1991."

TITLE I—FLEXIBLE FUNDRAISING TARGETS

This Title adopts the "flexible" approach advocated by the Bipartisan Panel of Experts, which was commissioned in February 1990 by Senators Dole and Mitchell. The Title establishes aggregate state-by-state fundraising targets based on voting age population for the primary and general elections. The fundraising targets would cap contributions from political action committees (if the PAC-ban is declared unconstitutional), personal funds, and contributions from out-of-state individuals in excess of $250.

Flexible Component.—Exempts from the aggregate cap donations from in-state individuals. Exempts donations of $250 or less from out-of-state individuals.

Voluntary.—Acceptance of "flexible" fundraising targets would be voluntary. Participating candidates would be entitled to reduced broadcast rates (see section 501).

Application.—Applies to participating candidates for the Senate in 1994, 1996, and 1998.

Bipartisan Commission.—Establishes a Bipartisan Commission to review effects of "flexible" fundraising targets on campaign spending and the cost of campaigns during the 1994 and 1996 elections to the Senate. Requires the Bipartisan Commission to submit a report to Congress outlining its findings on or before November 7, 1997.

Sunset Provision.—This Title "sunsets" after the 1998 elections to the Senate. At that time, flexible fundraising targets would expire, unless re-enacted by Congress.

TITLE II—ETHICS-IN-GOVERNMENT

Section 201. Public Disclosure of Congressional Intervention in Enforcement Actions.

This section has two parts:

a. Part A requires all federal agencies (independent agencies and executive branch departments) to disclose unwritten (*i.e.* telephonic, personal, etc.) Congressional contacts with the agency concerning (a) potential or ongoing enforcement matters and (b) proceedings related to the award of agency contracts. The section requires each agency to compile a monthly list specifying (a) the source of the contact, (b) the stated purpose of the contact, (c) any information requested or actions suggested to the agency, and (d) any other pertinent information. The agencies are required to submit these lists to the Congressional committees of jurisdiction. The Congressional committees are then required to submit these lists for publication in the Congressional Record on a semi-annual basis.

Comment: Part A basically extends to all federal agencies the Banking Committee policy requiring the public disclosure of Congressional contacts with the FDIC.

b. Part B requires all federal agencies (independent agencies and executive branch departments) to incorporate all *written* Congressional communications into the appropriate Public File of (a) any potential or ongoing enforcement action, (b) any proceeding relating to the award of an agency contract. Agency responses to the Congressional communications must also be incorporated into the Public File.

Comment: Part B reflects the policy of the Federal Energy Regulatory Commission.

TITLE III—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Section 301. Ban on Activities of Political Action Committees in Federal Elections.

This section eliminates all "special interest" political action committees (corporate, union, and trade association PACs). This section also bans all non-connected or ideological PACs and all "leadership" PACs. [Note: if a ban on non-connected PACs is determined to be unconstitutional by the Supreme Court, the legislation will subject non-connected PACs to a $1000 contribution limit.]

Subtitle B—Ban on Soft Money in Federal Elections

Section 311. Ban on Soft Money.

This section *bans* all "soft" money from being used to influence a federal election. "Soft" money is the raising and spending of political money outside of the source restrictions, contributions limits, and disclosure requirements of the Federal Election Campaign Act and its regulations.

Section 312. Restrictions on Party Committees.

This section establishes new rules for political party committees to ensure that "soft" money is not used to influence federal elections, including:

(1) the requirement that national, state and local political parties establish a separate account for activities benefiting federal candidates and a separate account for activities benefiting state candidates;

(2) the requirement of full disclosure of all accounts by any political party committee that maintains a federal account; and

(3) the establishment of minimum percentages of federal funds which must be used for any party building program (*e.g.* voter registration, get-out-the-vote, absentee ballot, ballot security) which benefits both federal and state candidates.

Section 313. Protection for Employees.

This section codifies the Supreme Court decision in Beck and provides certain rights for employees who are union members. [S. 1645 (McConnell); S. 1727 (Bush); House Republican Task Force]

Section 314. Restrictions on Soft Money Activities of Tax-Exempt Organizations.

This section prohibits tax-exempt, 501(c) organizations from engaging in any activity which attempts to influence a federal election on behalf of a specific candidate for public office. This section accomplishes this goal by extending to all 501(c) organizations the current prohibition on campaign activity which applies to 501(c)(3) charities. [Note: the effective date for this provision will be September 1, 1991.]

Section 315. Denial of Tax-Exempt Status for Certain Politically Active Organizations.

This section restricts tax-exempt organizations from engaging in voter registration or GOTV activities (which are not candidate-specific) if a candidate or Member of Congress solicits money for the organization. [S. 2148 (McConnell)].

Section 316. Contributions to Certain Political Organizations Maintained by a Candidate.

This section restricts federal activities by state PACs created by Members of Congress [S. 2148 (McConnell)].

Subtitle C—Other Activities

Section 321. Modification of Contribution Limits on Individuals.

This section reduces from $1,000 to $500 the maximum allowable contribution by individuals residing outside of a candidate's state.

This section also indexes the individual contribution limit ($1,000 per election for in-state contributions or $500 per election for out-of-state contributions) for Congressional candidates using the Consumer Price Index; adjustments would be rounded to the nearest $100 [Mitchell/Dole Panel Recommendation (modified)]

Section 322. Political Parties.

This section exempts certain organizational activities (research, GOTV, voter registration) from coordinated or other limitations; requires disclosure and allocation for these activities; and retains the same coordinated expenditure limits for media expenditures. [Mitchell/Dole Panel Recommendation]

This section raises contributions to politcal parties from the $25,000 annual limit to $50,000 [Modified Mitchell/Dole Panel Recommendation]

Section 323. Contributions Through Intermediaries and Conduits.

This section prohibits "bundling" by registered lobbyists, unions, trade associations, corporations, and other employers. Bundled contributions which are permitted must be made payable to the candidate and disclosed to the candidate and the Federal Election Commission. [Mitchell/Dole Panel Recommendation; S. 1727 (Bush)]

Section 324. Independent Expenditures.

This section requires all independently-financed political communications to disclose the person or organization financing it; requires that disclosure be complete and conspicuous; and requires timely notice to all candidates of the communications' placement and content. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

This section also defines "independent expenditure" to prohibit consultation with a candidate or his agent; requires the FEC to hold a hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

Finally, this section creates an expedited cause of action in federal courts for a candidate seeking relief from expenditures which are not "independent." [Mitchell/Dole Panel Recommendation]

TITLE IV—INCREASE OF COMPETITION IN POLITICS

Subtitle A—General Provisions

Section 401. Seed Money for Challengers.

This section permits political party committees to use a special coordinated expenditure fund to "match" early, in-state contributions by challengers to help begin a campaign. Party committee matching funds would be permitted to a maximum of challengers. [Ornstein (modified)]

Section 402. Opposition Research Fund.

This section allows the Congressional campaign committees and the Senatorial campaign committees to establish an "opposition research fund" in connection with a primary or general election for Senate and House challengers. The "opposition research fund" would be financed by the committees up to $50,000. The purpose of the fund is to allow the recognized challenger of a Senate or House incumbent to establish an office and hire staff. Funds for the office and staff must be earmarked exclusively for research into the voting/public record of the incumbent.

Section 403. Ban on Roll-Over of Campaign Funds.

This section prohibits the roll-over of all surplus House and Senate campaign funds existing on November 7, 1994. Effective November 7, 1994, House Members may roll-over an amount not to exceed $50,000, and Senate Members may roll-over an amount not to exceed $100,000.

This section also prohibits State officials from rolling-over State campaign funds for use in a federal election. In the case of a candidate for the House of Representatives, surplus State campaign funds may be rolled-over in an amount not to exceed $50,000. In the case of a candidate for Senate, surplus State campaign funds may be rolled-over in an amount not to exceed $100,000.

Surplus campaign funds may be a) transferred to a tax-exempt 501(c)(3) organization, b) refunded to contributors on a pro rata basis, or c) paid into the Treasury of the United States and applied to the account to reduce the public debt.

Section 404. Use of Campaign Funds.

This section prohibits Members from supplementing their official office accounts with campaign funds. [S. 1727 (Bush)]

Section 405. Truth-in-Incumbency.

This section allows the State political parties to finance television and radio ads out of their federal accounts for the purpose of discussing the voting/public record of the Senate incumbent. These State-party financed ads may be aired at any time prior to the date of the primary election or the date on which the State party nominates its own candidate, whichever is earlier. The ads may not name or mention the State party's own prospective candidate. They may only discuss the voting/public record of the Senate incumbent. State-party financed ads must be at least 1 minute in length.

Section 406. Candidate Expenditures From Personal Funds.

This section requires congressional candidates to declare upon filing for an election whether they intend to spend or loan over $250,000 in personal funds in the race; raise the individual contribution limit to $5000 per election from $1000 for all opponents of a candidate who declares such an intention. No limits would apply to individual contributions and expenditures by party committees if a candidate spends more than $1 million in personal funds. [S. — (Domenici); S. 7 (Dole-McConnell-Stevens) (modified)]

This section also prohibits candidates from recovering personal funds or loans used in their race from contributions raised after the election. [S. 332 (McConnell)]

Section 407. Limitations on Gerrymandering.

This section requires new standards for Congressional reapportionment and redistricting, including the full and fair enforcement of the Voting Rights Act. This provision will: (1) codify current case law and maintain previous statutory requirements that Congressional districts be of equal population, and be contiguous and compact in form; (2) repeal current statutory provisions permitting multi-member Congressional districts; and (3) limit the division of county and political subdivision boundary lines, as well as redistricting egregious partisan gerrymandering. [S. 1727 (Bush); House Republican Task Force]

Section 408. Election Fraud and Other Public Corruption.

This section creates a new public corruption statute which codifies current case law and increases the authority of the U.S. Justice Department to combat election fraud at all levels of the government. [S. — (Biden-McConnell)]

Subtitle B—Congressional Mass Mailings

Section 411. Franked Communications.

This section prohibits Members of Congress from conducting franked mass mailings during an election year and prohibits franking transfers to a Member up for re-election. This section also requires the quarterly publication in the Congressional Record of 1) the total number of pieces of mass mail sent by each Member, 2) the total cost of the mailing, and 3) all franking transfers, including information related to a) the name of the office to which the transfer was received, b) the amount of transfer, c) the amount of the allocation made to the office for the fiscal year, d) the total amount of allocations that have been transferred by and to the office to date during the fiscal year, and e) the amount of the transfer remaining available to the office for the fiscal year. This section is based on an amendment offered last year by Senator Don Nickles.

TITLE V—REDUCTION OF CAMPAIGN COSTS

Section 501. Broadcast Discount.

This section allows Presidential and Congressional candidates to purchase nonpreemptible time at the lowest unit rate for preemptible time, in the last 45 days before a primary and the last 60 days before the general election. [S. 1009 (Danforth-Hollings); S. 744 (McConnell); S. 7 (Dole-McConnell-Stevens)]

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

Section 601. Elimination of Reason to Believe Standard.

This section eliminates the "reason to believe" standard. The Commission, upon receiving a complaint, will have to investigate a complaint if the identity of the complianant is known, and the complaint is sufficient on its face. [S. 16556 (McConnell-Reid)]

Section 602. Injunctive Authority.

This section provides the FEC the authority to seek injunctive relief to stop certain violations or an impending violation. [S. 1655 (McConnell-Reid)]

Section 603. Time Periods.

This section streamlines the administrative procedures for a complaint brought by the Commission by eliminating the minimum waiting period of 30 days and lowering the maximum period for post-probable cause conciliation bargaining to 60 days. [S. 1655 (McConnell-Reid)]

Section 604. Knowing Violation Penalties.

This section increases the penalties for knowing and willful violations which are resolved informally and requires these penalties to be mandatory. [S. 1655 (McConnell-Reid)]

Section 605. Court Resolved Violations and Penalties.

This section increases the penalty for violations that must be resolved in court and requires the penalty to be mandatory. [S. 1655 (McConnell-Reid)]

Section 606. Private Civil Actions.

This section permits a candidate, or a person authorized by a candidate, to sue on a complaint whenever the Commission declines to pursue an alleged violation by a tie vote. In such an action, the complainant may bring suit in U.S. District Court and any monetary award would be made in favor of the United States. The prevailing party would collect attorney's fees from the loser to discourage frivolous suits. [S. 1655 (McConnell-Reid)]

Section 607. Knowing Violations Resolved in Court.

This section increases the penalties for knowing and willful violations resolved in court. [S. 1655 (McConnell-Reid)]

Section 608. Action on Complaint by Commission.

This section reduces the time period by which the Commission must act on a complaint from 120 to 60 days. [S. 1655 (McConnell-Reid)]

Section 609. Violation of Confidentiality Requirement.

This section increases the fines for violations of the confidentiality requirement. [S. 1655 (McConnell-Reid)]

Section 610. Penalty in Attorney General Actions.

This section increases the penalties for violations of the election laws where the Attorney General separately prosecutes. [S. 1655 (McConnell-Reid)]

Section 611. Amendments Relating to Enforcement and Judicial Review.

This section implements several procedural recommendations proposed by the Mitchell/Dole Panel on Campaign Finance Reform. This section will:

provide the Commission with more authority to informally resolve both complaint- and internally-generated investigations before any determination by the Commission;

provide respondents with more access to documents provided by third parties in an investigation;

provide respondents with access to any report submitted to the Commission by the General Counsel after the respondent has filed his or her brief;

provide respondents with the right to present oral arguments before a Commission finding of probable cause;

eliminate the ability of the Commission to routinely require admissions by the respondent that a violation has occurred; and

establish time limits for investigations and require the Commission to publish an index of all investigations which have been concluded. [Mitchell/Dole Panel Recommendation]

Section 612. Tightening Enforcement.

This section repeals the shortened 3 year statute of limitations for violations of the Act and returns to the general 5 year statute of limitations. This section also permits the Attorney General to have access to FEC compliance files pursuant to a criminal investigation or trial. [S/ 1727 (Bush)]

Subtitle B—Telephone Voting by Persons with Disabilities

This Subtitle directs the Federal Election Commisison to conduct a feasibility study of telephonic voting by persons with disabilities who are physically unable to go to the polls. The FEC shall conduct the study in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public. The study must describe procedure and equipment that may be used to ensure that (1) only those persons who are entitled to use the system are permitted to use it, (2) the votes of persons who use the system are recorded accurately and remain secret, (3) the system minimizes the possibility of vote fraud, and (4) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

Subtitle C—Other Provisions

Section 621. Disclosure of Debt Settlement and Loan Security Agreements.

This section clarifies FEC rules on campaign credit, loans, and debt settlement. [House Republican Task Force]

Section 622. Contributions for Draft and Encouragement Purposes With Respect to Elections for Federal Office.

This section defines "contribution" to include donations made to draft or exploratory committees advocating that a clearly identified individual becomes a candidate for federal office. [House Republican Task Force]

Section 623. Severability.

This section provides that if any portion of this Act is found to be invalid, then the remaining portions of the Act shall continue in full force and effect.

Section 624. Effective Date.

This section requires the Act to be effective upon enactment, unless a specific section provides otherwise.

By Mr. DOLE (for himself and Mr. SIMPSON):

S. 7. A bill to amend the Federal Election Campaign Act of 1971 to increase competition and fairness in politics, and for other purposes; to the Committee on Rules and Administration.

FAIRNESS IN POLITICS ACT

Mr. DOLE. Mr. President, there is no doubt about it, with a reelection rate of 97 percent, congressional incumbents are living on "easy street." That is why we can't have truly competitive elections unless we go the extra mile to help the challengers who run against incumbents. Therefore, today I am introducing S. 7—a companion measure to the campaign finance reform package—that can help bring more competition to our election process.

Incumbents enjoy all kinds of advantages—the frank, large staffs, high name recognition, easy access to the media, and most importantly, a ready-made ability to tap into the special-interest money that fuels congressional campaigns. But when it comes to sharing these advantages, congressional challengers are most often left out in the cold, all but eliminating competition in politics.

Let me make one thing clear: Incumbents are not to blame for playing by the rules—the rules are the problem. What we need to do, is change some of the rules to level the playing field, and give challengers a fighting chance.

Free broadcast time, advertising discount to do that, we have to go where the campaign dollars go—for the cost of broadcast time. Television advertising accounts for nearly half of the cost of the average Senate campaign. Under S. 7, candidates would be entitled to a substantial discount for nonpreemptible television time, allowing challengers to get their message out to the voters at a significantly reduced cost.

Mr. President, I ask unanimous consent that the full text of the Fairness in Politics Act of 1991, and a section-by-section analysis, be included in the RECORD immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Politics Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—BAN ON POLITICAL ACTION COMMITTEES
Sec. 101. Ban on activities of political action committees in Federal elections.
TITLE II—SEED MONEY
Subtitle A—Challengers
Sec. 201. Seed money for challengers.
Subtitle B—Research
Sec. 211. Opposition research fund.
TITLE III—TRUTH-IN-INCUMBENCY
Sec. 301. Incumbent accountability.
TITLE IV—BAN ON ROLLOVER OF CAMPAIGN FUNDS
Sec. 401. Campaign funds of candidates.
Sec. 402. State and local campaign funds.
TITLE V—BROADCAST PROVISIONS
Subtitle A—Free Time
Sec. 501. Free time for Senate candidates.
Subtitle B—Broadcast Discount
Sec. 511. Broadcast discount.
TITLE VI—CONGRESSIONAL MASS MAILINGS
Sec. 601. Definitions.
Sec. 602. Statement of costs and related expenses of congressional mass mailings.
Sec. 603. Restrictions on franked congressional mass mailings exceeding appropriated funds.
Sec. 604. Extension of time period when franked mass mailings are prohibited.
Sec. 605. Reporting and publication of franked mass mailings.
Sec. 606. Transfers of official mail costs.
Sec. 607. Use of official expense accounts and other sources of funds for mass mailings.
TITLE VII—GERRYMANDERING
Sec. 701. Limitations on gerrymandering.
TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. Severability.
Sec. 802. Effective date.

TITLE I—BAN ON POLITICAL ACTION COMMITTEES

SEC. 101. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For the purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of FECA (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

TITLE II—SEED MONEY

Subtitle A—Challengers

SEC. 201. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding any other provision of this Act, the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) that in the aggregate do not exceed the lesser of—

"(A)(i) $150,000, in the case of a candidate for the House of Representatives; or

"(ii) $250,000, in the case of a candidate for the Senate; or

"(B) the aggregate qualified matching contributions received by the candidate and the candidate's authorized committees.

"(2) A contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection—

"(A) the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time the contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held; and

"(B) the term 'eligible candidate' means a candidate for election, or nomination for election, to Federal office (other than President or Vice President) who does not hold Federal office."

Subtitle B—Research

SEC. 211. OPPOSITION RESEARCH FUND.

Section 315(i)(1) of FECA, as added by section 201, is amended by adding at the end thereof the following flush sentence:

"In addition to a contribution under the preceding sentence, the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees), in an aggregate amount not exceeding $50,000, for the sole purpose of conducting research into the voting and other public records of the candidate's opponent to determine the opponent's views on issues relevant to the election."

TITLE III—TRUTH-IN-INCUMBENCY

SEC. 301. INCUMBENT ACCOUNTABILITY.

Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of paragraph (3), an expenditure by a State or local committee of a political party for a radio or television advertisement that—

"(A) is made for the purpose of publicizing the voting or other public record of an incumbent who is not a member of the political party of the committee that makes the expenditure;

"(B) does not indicate whether the incumbent is or will be a candidate for Federal office or whether a listener or viewer should vote against the incumbent; and

"(C) is made prior to the date on which a candidate of that party is nominated for election to the office held by the incumbent,

is not an expenditure in connection with the general election campaign of a candidate. This paragraph shall only apply to advertisements that are at least 1 minute in length."

TITLE IV—BAN ON ROLLOVER OF CAMPAIGN FUNDS

SEC. 401. CAMPAIGN FUNDS OF CANDIDATES.

(a) IN GENERAL.—Section 313 of FECA (2 U.S.C. 439a) is amended to read as follows:

"USE OF CAMPAIGN FUNDS

"SEC. 313. (a) Amounts received as contributions by a candidate for the Senate or the House of Representatives and the authorized committees of such a candidate that are surplus campaign funds may be—

"(1) transferred to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code;

"(2) refunded to contributors on a pro rata basis; or

"(3) paid into the Treasury of the United States and applied to the account to reduce the public debt described in section 3113(d) of section 31, United States Code.

"(b)(1) It shall be unlawful for a candidate or an authorized committee of a candidate or for any person acting as an agent of either to dispose of surplus campaign funds in any manner except as required by subsection (a).

"(2) It shall be unlawful for any person knowingly to accept or receive surplus campaign funds for purposes or in a manner other than those specified in subsection (a).

"(c) The disposition of surplus campaign funds shall be reported on the post-election semiannual report that is filed pursuant to section 304 on or before July 31 of the year following the election for which the funds were raised.

"(d) For purposes of this section, the term 'surplus campaign funds' means the amount (if any) after a general election by which—

"(1) the contributions made to the candidate and the candidate's authorized committees with respect to the election cycle for such election; exceeds

"(2) the sum of—

"(A) the expenditures made by such candidate or authorized committees with respect to such election cycle; and

"(B) in the case of a candidate for the House of Representatives, $50,000, and in the case of a candidate for the Senate, $100,000."

(b) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to surplus campaign funds existing on November 9, 1994, and thereafter.

SEC. 402. STATE AND LOCAL CAMPAIGN FUNDS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end thereof the following new subsection:

"(j) It shall be unlawful for an individual who is a candidate for Federal office (or any authorized committee) to transfer campaign funds raised in connection with any campaign of such individual for State or local office for use in the campaign for such Federal office. The preceding sentence shall not apply to the extent such funds do not exceed $50,000 in the case of a candidate for the House of Representatives, or $100,000 in the case of a candidate for the United States Senate."

TITLE V—BROADCAST PROVISIONS

Subtitle A—Free Time

SEC. 501. FREE TIME FOR SENATE CANDIDATES.

(a) IN GENERAL.—Section 315 of the Communications Act (47 U.S.C. 315) is amended—

(1) in subsection (b)—

(A) by striking "The" and inserting "(1) The";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(C) by adding at the end thereof the following new paragraph:

"(2)(A)(i) Except as otherwise provided in this paragraph, a licensee shall make available at no charge 5 hours of broadcast time during a Senate election cycle for the use of legally qualified candidates who have qualified for the general election ballot for a seat in the United States Senate.

"(ii) Unless a candidate elects otherwise, the broadcast time made available under this subparagraph shall be during the daytime and prime time.

"(B) If—

"(i) a licensee's audience with respect to any broadcast station is measured or rated by a recognized media rating service in more than 1 State; and

"(ii) during any Senate election cycle there is an election to the United States Senate in more than 1 of such States, the 5 hours of broadcast time under subparagraph (A) shall be allocated equally among the States described in clause (ii).

"(C)(i) In the case of an election between 2 candidates, the number of hours of broadcast time allocated to a State under subparagraph (A) shall be allocated equally between the 2 candidates.

"(ii) In the case of an election among more than 2 candidates, the broadcast time provided under subparagraph (A) shall be allocated as follows:

"(I) The amount of broadcast time that shall be provided to the candidate of a minor party shall be equal to the number of hours allocable to the State multiplied by the percentage of the number of popular votes received by the candidate of that party in the preceding general election for the Senate in the State (or if subsection (c)(4)(B) applies, the percentage determined under such subsection).

"(II) The amount of broadcast time remaining after assignment of broadcast time to minor party candidates under subclause (I) shall be allocated equally between the major party candidates.

"(iii) In the case of an election where only 1 candidate qualifies to be on the general election ballot, no time shall be required to be provided by a licensee under subparagraph (A).

"(C) Each candidate to whom free broadcast time is allocated under this section shall reserve at least two-thirds of the time for use during the period beginning September 1 of the year in which the general election occurs and ending on the date of the general election.

"(D) Free broadcast time provided under this subsection shall be used in segments of such duration as the candidate may select but shall not be shorter than 1 minute or longer than 1 hour.

"(E) The Federal Election Commission shall by regulation exempt from the requirements of this paragraph—

"(i) a licensee whose signal is broadcast substantially nationwide; and

"(ii) a licensee that establishes to the satisfaction of the Commission that such requirements would impose a significant economic hardship on the licensee."; and

(2) in subsection (c)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(3) the term 'major party' means, with respect to an election for the United States Senate in a State, a political party whose candidate for the United States Senate in the preceding general election for the Senate in that State received, as a candidate of that party, 25 percent or more of the number of popular votes received by all candidates for the Senate;

"(4) the term 'minor party' means, with respect to an election for the United States Senate in a State, a political party—

"(A) whose candidate for the United States Senate in the preceding general election for the Senate in that State received, as a candidate of that party, 5 percent or more but less than 25 percent of the number of popular votes received by all candidates for the Senate; or

"(B) whose candidate for the United States Senate in the current general election for the Senate in that State has obtained the signatures of at least 5 percent of the State's registered voters, as determined by the chief voter registration official of the State, in support of a petition for an allocation of free broadcast time under this subsection;

"(5) the term 'Senate election cycle' means, with respect to an election to a seat in the United States Senate, the 2-year period ending on the date of the general election for that seat; and

"(6) the term 'Senate general election period' means the period beginning on the day after the date of the primary election in which candidates for the United States Senate are nominated in a State and ending on the date of the general election for the Senate in the State.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to the general elections occurring in 1992 and 1994 (and the election cycles relating thereto).

(2) REPORT.—Not later than June 1, 1995, the Federal Election Commission, in consultation with the Federal Communications Commission, shall submit a report to the Congress analyzing the effects of the free broadcast time provided by the amendments made by this section, including an analysis of—

(A) the effect of such time on the cost of Senate election campaigns;

(B) the cost to the broadcast industry of providing such time; and

(C) any technical problems in providing such time.

Subtitle B—Broadcast Discount

SEC. 511. BROADCAST DISCOUNT.

(a) FINDINGS.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by section 501, is amended—

(1) in subsection (b)(1)(A), by striking "class and";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting immediately after subsection (b) the following new subsections:

"(c) During any period specified in subsection (b)(1)—

"(1) a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1), or is entitled to such use pursuant to subsection (b)(2);

"(2) a licensee shall not deny the use of a broadcasting station by a legally qualified candidate for public office who seeks to use reasonable amounts of time in, around, or adjacent to any programs aired by the station; and

"(3) a licensee shall certify, under penalty of perjury, that the charges made for the use of a broadcasting station by a legally qualified candidate for public office are at the lowest unit charge of the station for the same amount of time for the same period.

"(d) The Commission shall monitor compliance with this section with timely auditing of licensees' records relating to use, and requests for use, of broadcast stations by candidates.".

TITLE VI—CONGRESSIONAL MASS MAILINGS

SEC. 601. DEFINITIONS.

For the purposes of this title—

(1) the term "Commission" means the Commission on Congressional Mailing Standards of the House of Representatives; and

(2) the term "Sergeant at Arms" means the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 602. STATEMENT OF COSTS AND RELATED EXPENSES OF CONGRESSIONAL MASS MAILINGS.

(a) SENATE.—(1) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms shall send to each Senator a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senator during such quarter.

(2) A statement described in paragraph (1) shall—

(A) separately identify the cost of postage and paper and other costs;

(B) distinguish the costs attributable to newsletters and all other mass mailings; and

(C) include the total cost per capita in the Senator's State.

(3) The Sergeant at Arms shall submit to the Committee on Rules and Administration of the Senate a compilation of the statements sent to Senators under paragraph (1).

(4)(A) A summary tabulation of the information contained in the statements sent to Senators under paragraph (1) shall be published quarterly in the Congressional Record and included in the semiannual Report of the Secretary of the Senate.

(B) The summary tabulation shall set forth for each Senator—

(i) the Senator's name;

(ii) the number of pieces of mass mail mailed during the quarter;

(iii) the total cost of such mail; and

(iv) the number of pieces and the cost of such mail divided by the population of the Senator's State.

(b) HOUSE OF REPRESENTATIVES.—(1) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Commission shall send to each Member of the House of Representatives a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Member during such quarter.

(2) A statement described in paragraph (1) shall—

(A) separately identify the cost of postage and paper and other costs;

(B) distinguish the costs attributable to newsletters and all other mass mailings; and

(C) include the total cost per capita in the Member's congressional district.

(3) The Commission shall submit to the Committee on House Administration of the House of Representatives a compilation of the statements sent to Members under paragraph (1).

(4)(A) A summary tabulation of the information contained in the statements sent to Members under paragraph (1) shall be published quarterly in the Congressional Record and included in the quarterly Report of the Clerk of the House of Representatives.

(B) The summary tabulations shall set forth for each Member—

(i) the Member's name;

(ii) the number of pieces of mass mail mailed during the quarter;

(iii) the total cost of such mail; and

(iv) the number of pieces and cost of such mail divided by the population of the Member's congressional district.

SEC. 603. RESTRICTIONS ON FRANKED CONGRESSIONAL MASS MAILINGS EXCEEDING APPROPRIATED FUNDS.

Section 3216(c) of title 39, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) If at any time during a fiscal year the Postal Service determines that the postage on and fees and charges in connection with matter mailed under the frank by the Senate during that year have exhausted the amount appropriated for use by the Senate, no more mass mailings (as defined in section 3210(a)(6)(E)) may be mailed by any Member of the Senate during the remainder of that fiscal year unless additional funds are appropriated for use by the Senate and paid to the Postal Service.

"(B) If at any time during a fiscal year the Postal Service determines that the postage on and fees and charges in connection with matter mailed under the frank by the House of Representatives during that year have exhausted the amount appropriated for use by the House of Representatives, no more mass mailings (as defined in section 3210(a)(6)(E)) may be mailed by any Member of the House of Representatives during the remainder of that fiscal year unless additional funds are appropriated for use by the House of Representatives and paid to the Postal Service.".

SEC. 604. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II) by striking "fewer than 60 days immediately before the date" and inserting "during the year"; and

(2) in subparagraph (C) by striking "fewer than 60 days immediately before the date" and inserting "during the year".

SEC. 605. REPORTING AND PUBLICATION OF FRANKED MASS MAILINGS.

Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall register such mass mailings annually with the Secretary of the Senate. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register such mass mailings annually with the Clerk of the House of Representatives. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

SEC. 606. TRANSFERS OF OFFICIAL MAIL COSTS.

(a) PROHIBITION OF TRANSFERS TO CANDIDATES.—(1) During any fiscal year in which appropriations for official mail costs of the Senate are allocated among offices of the Senate, no such office may transfer any of its allocation to the office of a Member of the Senate who is a candidate for Federal office.

(2) During any fiscal year in which appropriations for official mail costs of the House of Representatives are allocated among offices of the House of Representatives, no such office may transfer any of its allocation to the office of a Member of the House of Representatives who is a candidate for Federal office.

(b) REPORTING AND PUBLICATION.—(1)(A) Each office of the Senate that transfers or receives a transfer of an official mail cost allocation to or from another Senate office shall report to the Sergeant at Arms—

(i) the name of the office to which the transfer is made or from which the transfer was received;

(ii) the amount of the transfer;

(iii) the amount of the allocation made to the office for the fiscal year;

(iv) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

(v) the amount of the allocation remaining available to the office for the fiscal year.

(B) The information reported to the Sergeant at Arms pursuant to subparagraph (A) shall be published quarterly in the Congressional Record and included in the semiannual report of the Secretary of the Senate.

(C) Not later than 30 days after the date of enactment of this Act, all offices of the Senate that have transferred or received a transfer of official mail cost allocations to or from another office of the Senate during the portion of fiscal year 1991 preceding such date of enactment shall report to the Sergeant at Arms the information described in paragraph (A) with respect to such transfers, and such information shall be published in the Congressional Record.

(2)(A) Each office of the House of Representatives that transfers or receives a transfer of an official mail cost allocation to or from another office of the House of Representatives shall report to the Commission—

(i) the name of the office to which the transfer is made or from which the transfer was received;

(ii) the amount of the transfer;

(iii) the amount of the allocation made to the office for the fiscal year;

(iv) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

(v) the amount of the allocation remaining available to the office for the fiscal year.

(B) The information reported to the Commission pursuant to subparagraph (A) shall be published quarterly in the Congressional Record and included in the quarterly report of the Clerk of the House of Representatives.

(c) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Rule XL of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"7. (a) Each office of the Senate that transfers or receives a transfer of an official mail cost allocation to or from another Senate office shall report on the date of the transfer or receipt of the transfer to the Sergeant at Arms and Doorkeeper of the Senate—

"(1) the name of the office to which the transfer is made or from which the transfer was received;

"(2) the amount of the transfer;

"(3) the amount of the allocation made to the office for the fiscal year;

"(4) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

"(5) the amount of the allocation remaining available to the office for the fiscal year.

"(b) The information reported to the Sergeant at Arms pursuant to subparagraph (a) shall be published quarterly in the Congressional Record and included in the semiannual Report of the Secretary of the Senate."

(2) Not later than 30 days after the date of enactment of this Act, all offices of the Senate that have transferred or received a transfer of official mail cost allocations to or from another office of the Senate during fiscal year 1990 shall report to the Sergeant at Arms the information described in paragraph 7(a) of Rule XL of the Standing Rules of the Senate with respect to such transfers, and such information shall be published in the Congressional Record.

(3) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 607. USE OF OFFICIAL EXPENSE ACCOUNTS AND OTHER SOURCES OF FUNDS FOR MASS MAILINGS.

Section 506(a)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(3)) is amended by striking subparagraph (A).

TITLE VII—GERRYMANDERING

SEC. 701. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end thereof the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled 'An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting', approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional district boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section."

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term "redistricting authority" means the officer or public body having initial responsibility for the congressional redistricting of a State."

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking 'chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end thereof the following: "In circumstances in which this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census."

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 802. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of the enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF THE FAIRNESS IN POLITICS ACT OF 1991

Section 1. Short Title.

This Act may be cited as the "Fairness in Politics Act of 1991."

TITLE I—BAN ON POLITICAL ACTION COMMITTEES

This Title eliminates all "special interest" political action committees (corporate, union, and trade association PACs). This section also bans all non-connected or ideological PACs and all "leadership" PACs. [Note: if a ban on non-connected PACs is determined to be unconstitutional by the Supreme Court, the legislation will subject non-connected PACs to a $1,000 contribution limit.]

TITLE II—SEED MONEY

Subtitle A—Challengers. This section permits political party committees to use a special coordinated expenditure fund to "match" early, in-state contributions to challengers. Party committee matching funds would be permitted to a maximum of $150,000 for House challengers and $250,000 for Senate challengers.

Subtitle B—Opposition Research Fund. This section allows the congressional campaign committees and the senatorial campaign committees to establish an "opposition research fund" in connection with a primary or general election for Senate and House challengers. The "opposition research fund" would be financed by the committees up to $50,000. The purpose of the fund is to allow the recognized challenger of a Senate or House incumbent to establish an office and hire staff. Funds for the office and staff would be earmarked exclusively for research into the voting/public record of the incumbent.

TITLE III—TRUTH-IN-INCUMBENCY

This Title allows the State political parties to finance television and radio ads out of their federal accounts for the purpose of discussing the voting/public record of the Senate incumbent. These State-party financed ads may be aired at any time *prior* to the date of the primary election or the date on which the State party nominates its own candidate, whichever is earlier. The ads may *not* name or mention the State party's *own* prospective candidate. They may only discuss the voting/public record of the Senate incumbent.

State-party financed ads authorized by this section must be at least 1 minute in length.

TITLE IV—BAN ON ROLL-OVER OF CAMPAIGN FUNDS

This Title prohibits the roll-over of all surplus House and Senate campaign funds existing on November 9, 1994. Effective November 9, 1994, House Members may roll-over an amount *not* to exceed $50,000, and Senate Members may roll-over an amount *not* to exceed $100,000.

This section also prohibits State officials from rolling-over State campaign funds for use in a federal election. In the case of a candidate for the House of Representatives, surplus State campaign funds may be rolled-over in an amount *not* to exceed $50,000. In the case of a candidate for Senate, surplus State campaign funds may be rolled-over in an amount *not* to exceed $100,000.

Surplus campaign funds may be (1) transferred to a tax-exempt 501(c)(3) organization, (b) refunded to contributors on a *pro rata* basis, or (c) paid into the Treasury of the United States and applied to the account to reduce the public debt.

TITLE V—BROADCAST PROVISIONS

Subtitle A—Free Time. This section requires television and radio broadcasters to provide, during every 2-year election cycle, 5 hours of free time to legally qualified Senate candidates. For purposes of this subtitle, legally qualified Senate candidates include the winners of the Democratic and Republican primaries, and the candidate of any third party that received 5% or more of the vote in the immediately preceding federal election. Legally qualified Senate candidates also include the candidate of any third party that did *not* receive 5% of the vote in the immediately preceding election but who was able to garner the signatures of at least 5% of the State's eligible voters in support of a free-time allocation. Third-party candidates are entitled to a *pro rata* share of the free-time pool.

If a radio or television station's audience is measurable in more than one State by a recognized national media rating service, the station must equally divide the free-time allotment among the candidates of both states. If there is no Senate election in one of the States, then the free time will be allotted to the two Senate candidates in the State holding an election.

One Candidate. A free-time allocation is *not* required if only 1 legally qualified Senate candidate is running in a State.

Exemption. The Federal Election Commission may exempt a broadcaster from the free-time requirement if the broadcaster can demonstrate that the requirement would impose a significant economic hardship.

September-November Period. This section requires that at least two-third of the free time must be made available during the September-November period immediately preceding the general election.

Length. Free-time spots must be between 1 minute and 1 hour in length, to be determined at the discretion of the Senate candidate.

Sunset and FEC/FCC Study. This section "*sunsets*" after the two general elections immediately following the date of enactment (1992 and 1994). No later than June 1, 1995, the Federal Election Commission and the Federal Communications Commission are required to submit a report to Congress analyzing a) the effect of free broadcasting time on the cost of Senate campaigns, b) any technical problems associated with allocating free time to legally qualified Senate candidates, and c) the cost of the free-time requirement to the broadcasting industry.

Subtitle B—Broadcast Discount. This section allows Congressional candidates to purchase non-preemptible time at the lowest unit rate for preemptible time, in the last 45 days before a primary and the last 60 days before the general election.

TITLE VI—CONGRESSIONAL MASS MAILINGS

This Title prohibits Members of Congress from conducting franked mass mailings during an election year and prohibits franking transfers to a Member up for re-election. This Title also requires the quarterly publication in the CONGRESSIONAL RECORD of 1) the total number of pieces of mass mail sent by each Member, 2) the total cost of the mailing, and 3) all franking transfers, including information related to a) the name of the office to which the transfer is made or from which the transfer was received, b) the amount of the transfer, c) the amount of the allocation made to the office for the fiscal year, d) the total amount of allocations that have been transferred by and to the office to date during the fiscal year, and e) the amount of the transfer remaining available to the office for the fiscal year.

This Title is based on an amendment offered last year by Senator Don Nickles.

TITLE VII—LIMITATIONS ON GERRYMANDERING

This Title requires new standards for congressional reapportionment and redistricting, including the full and fair enforcement of the Voting Rights Act. This provision will: 1) codify current case law and maintain previous statutory requirements that Congressional districts be of equal population, and be contiguous and compact in form; 2) repeal current statutory provisions permitting multi-member Congressional districts; and 3) limit the division of county and political subdivision lines, as well as redistricting egregious partisan gerrymandering. [S. 1727 (Bush); House Republican Task Force]

TITLE VIII—MISCELLANEOUS

Section 801. Severability. This section provides that if any portion of this Act is found to be invalid, then the remaining portions of the Act shall continue in full force and effect.

Section 802. Effective Date. This section requires the Act to be effective upon enactment, unless a specific section provides otherwise.

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. GLENN, Mr. PACKWOOD, Mr. BENTSEN, Mr. WARNER, Mr. INOUYE, Mr. DURENBERGER, Mr. FORD, Mr. SIMPSON, Mr. COCHRAN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BRADLEY, Mr. BROWN, Mr. BRYAN, Mr. BURDICK, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. FOWLER, Mr. GARN, Mr. GORTON, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. SANFORD, Mr. SARBANES, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WIRTH, Mr. AKAKA, Mr. SHELBY, Mr. KERRY, Mr. ROBB, Mr. BAUCUS, Mr. NICKLES, Mr. MCCONNELL, Mr. DOMENICI, and Mr. MOYNIHAN):

S. 8. A bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation; to the Committee on Finance.

RELIEF FROM CERTAIN INTERNAL REVENUE PROVISIONS FOR DESERT SHIELD PERSONNEL

Mr. DOLE. Mr. President, today I am introducing legislation to provide our Desert Shield Forces with relief from IRS tax filing deadlines during their service in the Persian Gulf and for 60 days thereafter.

Without this legislation, our service men and women would owe interest to the IRS on any taxes paid after April 15, and would be subject to penalties if their tax returns are not filed by June 15. I believe that our Government should not add to the rigors of Persian Gulf duty with impossible tax deadlines.

In addition, under this bill, those Desert Shield personnel who are owed refunds will receive interest on their money as of April 15, provided that their returns are filed within the 60-day grace period following their tour of duty. That way they will not suffer financially from any filing delay. Finally, this relief is extended to soldiers hospitalized as a result of their service in the Persian Gulf.

This legislation is plain common sense. Our men and women in the Saudi desert have more important things to worry about than compiling records, meeting paperwork deadlines or being penalized by the country they are serving.

Mr. President, this legislation will send an important signal of support to our soldiers and their families. I hope that it will be enacted quickly.

I ask consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by inserting after section 7508 the following new section:

"SEC. 7508A. EXTENSION OF TIME FOR DESERT SHIELD OPERATIONS.

"(a) GENERAL RULE.—For purposes of applying the internal revenue laws with respect to the tax liability (including any interest, penalty, additional amount, or addition to tax) of any individual who performed Desert Shield services, the period during which such individual performed such services, and the next 60 days thereafter, shall be disregarded in determining whether any of the acts referred to in paragraph (1) of section 7508(a) were performed within the time prescribed therefor.

"(b) SPECIAL RULE FOR OVERPAYMENTS.—

"(1) IN GENERAL.—Subsection (a) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

"(2) SPECIAL RULES.—In the case of any return filed by an individual entitled to the benefits of subsection (a) during the period disregarded under subsection (a), subsections (b)(3) and (e) of section 6611 shall not apply.

"(c) DESERT SHIELD SERVICE.—For purposes of this section—

"(1) IN GENERAL.—The term "Desert Shield service" means any service in a unit of the Armed Forces of the United States (as defined in section 7701(a)(15)) or in support of any such unit if—

"(A) such service is performed in the Persian Gulf area, and

"(B) such service is performed during the period that there is in effect a designation by the President that such unit is part of the Desert Shield operation.

"(2) PERIODS OF HOSPITALIZATION.—An individual shall be treated as performing Desert Shield services during any period of continuous hospitalization attributable to an injury received while performing Desert Shield services.

"(d) SPECIAL RULES.—

"(1) APPLICATION TO SPOUSE.—The provisions of this section shall apply to the spouse of any individual entitled to the benefits of subsection (a).

"(2) MISSING STATUS.—The period of service referred to in subsection (c) shall include the period during which an individual entitled to benefits under subsection (a) is in missing status, within the meaning of section 6013(f)(3).

"(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of section 7508(d) shall apply for purposes of this section."

"(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7508 the following new item:

"Sec. 7508A. Extension of time for Desert Shield Operation."

Mr. PACKWOOD. Mr. President, I am pleased to join the distinguished Republican leader in introducing legislation today to temporarily extend the time for the men and women serving our country in the Persian Gulf to file their Federal tax returns and pay their taxes.

To us, this may seem like a small gesture. But, I'm sure our men and women serving in the Desert Shield Operation will feel a sense of relief knowing that the paperwork back home can wait while they focus their attention on a more serious job.

The bill gives individuals—and their spouses—60 days after completing Desert Shield service to file their tax returns and pay their taxes. They will not be charged interest on taxes owed, but will receive interest on refunds. For individuals hospitalized for injuries sustained in Desert Shield operations, the 60-day period will begin upon being released from a hospital.

Mr. President, I would like to point out that this bill provides temporary relief from only Federal tax return filings and payments. Since Oregon follows the Federal rules, Oregonians serving in the Desert Shield Operation should automatically receive an extension for filing Oregon tax returns. But, some States do not follow Federal filing rules. I would hope that these States would enact similar legislation as quickly as possible.

Just as the men and women serving in the Persian Gulf have a duty and obligation to protect our national security, we have a responsibility to ease their burdens on the domestic front. I hope my colleagues will join us and pass the legislation immediately.

By Mr. DOLE (for himself and Mr. SIMPSON):

S. 9. A bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy; to the Committee on Foreign Relations.

ASSISTANCE TO DEMOCRATIC GOVERNMENTS AT THE REPUBLIC LEVEL

Mr. DOLE. Mr. President, the world has changed a great deal in the past 2 years; among other things, Eastern Europe is on the road to democracy and the two Germanies have become one. As a result of these dramatic and fundamental changes, one of the biggest challenges the United States faces today is to adapt its policies to meet the demands of this new emerging world.

Now, it is easy to adjust diplomatically—speeches and letters are easy to write. However, it is much more difficult to change the policies, rules, and regulations by which we act, even if the principles remain the same. And, it is extremely difficult to make these changes quickly.

In my view, U.S. foreign aid policy has lagged far behind in meeting the demands of the changing world. In particular, United States foreign aid policy lacks the flexibility to deal with developments in Eastern Europe and the Soviet Union. Last year, I raised the issue of reallocation of U.S. foreign aid resources so that Eastern Europe would get a fair share of our support, and I will address this issue again at a later date.

Today, however, I wish to introduce this bill which seeks to add flexibility to our foreign aid policy so that we can more effectively help build democracy and free market economies in other countries. It does so very simply: By amending our policy to permit the provision of direct assistance to democratic governments at the Republic level that exist within countries that still have a Communist ruling majority in other Republic governments and/or at the Federal level.

In my view, this bill would appropriately address one of the toughest situations we face in Eastern Europe: How to assist hybrid nations—in other words, countries whose governments include both democratic and Communist elements. A perfect example of this is Yugoslavia: four of its six Republics elected democratic governments into office last year. However, the largest Republic, Serbia, and its smaller ally, Montenegro, elected hardline Communists into government last December. And, Yugoslavia's Federal Government is still run by Communists, in addition to being dominated by Serbia.

Under the present system, to provide United States aid to Yugoslavia, we would have to go through the Central Government—the Government that has threatened to send troops into the fledging democratic Republics in one week if those Republics refuse to disarm their national guard and militia units. However, if this bill is enacted, we would be able to bypass the Central Government and get U.S. aid directly to these democratic Republics. In addition, this provision would allow us to prevent aid from going to the Communist government of Serbia, which for the past 2 years, has been systematically violating the rights of the 2 million Albanian people in the Province of Kosova. As I saw last August, the people of Kosova live under Stalinist conditions—in my view, the United States should not reward the Serbian Government for its actions.

This type of flexibility would also apply to the Soviet Union. Last weekend we witnessed the onset of a brutal crackdown against the Lithuanian people. Who knows how much more suffering they will have to endure—the Lithuanians and the Latvians and Estonians, face not only political and military oppression, but economic crises, food, and fuel shortages, as well. But, under today's foreign aid program if we wanted to send these poor people any type of humanitarian assistance we would have to send it through Moscow.

Well, I think I can say with some confidence after this weekend's events, Moscow wouldn't be sympathetic and wouldn't cooperate. Only a few weeks ago, in response to the critical food shortages across the Soviet Union, the United States agreed to provide grain credits to Gorbachev's government—a decision I strongly advocated. To my great disappointment, I learned last week from the Prime Minister of the Republic of Moldova, that Gorbachev has made it clear that the only Republics that will get the U.S. grain and feed are those who sign the Union Treaty. There is only one word for that tactic: Blackmail.

Mr. President, I believe that the United States should not be a party to that blackmail. And, I have already stated that I believe a suspension of U.S. grain credits is in order until we get assurances from Gorbachev that all those who need grain and feed will get it.

Under today's foreign aid system, we are boxed in; help all or hurt all. In Yugoslavia, in the Soviet Union, we can only support the democrats, if we are willing to support the Communists. If we want to weaken the Communists, we can only do so by weakening the democrats.

Mr. President, these are the kinds of choices we don't want to make. As a result we tend to sit on the sidelines, hoping for democracy, but not helping it. But, I say to my colleagues today, this is not a time to sit on the sidelines, this is not the time to watch quietly while new democratic governments are coerced, threatened, and finally snuffed out. This is a historic opportunity to spread democracy and to make democracy permanent.

Sure, there are some who will say that directing aid to democratic Republics is impossible. In my view, that argument is simply a bureaucratic "out"—a reluctance to change the system because the bureaucracy is comfortable with the way things are being done now. Changing the foreign aid system, in their view, is inconvenient. Well, to me, inconvenience is not a compelling argument. What is compelling is the survival and growth of democracy.

Mr. President, the United States needs to do all it can to support democracy around the world. So, let us not make bureaucratic excuses, let us enact this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION FOR DIRECT UNITED STATES ASSISTANCE TO DEMOCRATIC GOVERNMENTS AT THE REPUBLIC LEVEL.

An essential purpose of United States foreign assistance is to foster the development of democratic institutions and free enterprise systems. In regard to United States assistance to those nations which are in transition from communism to democracy, it is the policy of the United States to provide foreign aid, to the extent feasible, directly to democratic governments at the republic level that exist within countries which include a ruling communist majority in other republic governments and/or at the Federal level.

By Mr. DOLE (for himself, Mr. SIMPSON, Mr. NICKLES, Mr. D'AMATO, Mr. HELMS, Mr. COCHRAN, Mr. MACK, Mr. EXON, Mr. WARNER, Mr. MCCONNELL, Mr. DURENBERGER, Mr. JEFFORDS, Mr. LUGAR, Mr. BURNS, Mr. SYMMS, Mr. SMITH, Mr. COHEN, and Mr. ROTH):

S. 10. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY EARNINGS LIMITATIONS ACT

Mr. DOLE. Mr. President, at the outset of the last Congress, I noted that President Bush had called on us to harness the unused talent of the elderly. There is no better way for us to underscore our seriousness in this endeavor than to repeal the very law that discourages the elderly from remaining in the work force, and that is the Social Security earnings limitation.

The Senate has on two occasions in the last 8 years, in 1983 and again in 1990, passed legislation that either phased out or increased the amount our senior citizens could earn before seeing a reduction in their Social Security benefits.

It is time to see final action on legislation to repeal these restrictions.

Under current law, Social Security beneficiaries under age 70 face sharp reductions in their monthly benefit if their earnings exceed a specified amount. In 1990, these seniors lost $1 of benefits for every $3 of earnings above $9,360. In 1991, that amount is $9,720.

Simply stated, this law is unfair and counter productive. Senior citizens are actually penalized if they want to continue working.

Under the bill, the earnings limitation would be increased by $3,000 a year beginning in 1992 and eliminated entirely by the end of 1996 for beneficiaries above the normal retirement age, currently age 65. The legislation would also accelerate the effective date of the 8-percent delayed retirement credit contained in current law from 2009 to 1997.

It is rather ironic that we want our senior citizens to remain active, but present them with incentives to do exactly the opposite. Indeed, we explicitly recognize that senior citizens possess great stores of wisdom, the kind of knowledge and experience our Nation needs. Certainly it is neither justified nor just that we punish these worthy citizens. And that, my colleagues, is precisely what we do.

America's elderly have already borne the burden of decades of hard work. They have paid Social Security taxes throughout their working lives. Is it fair that they lose some of these benefits simply because they choose to continue offering their abilities to America?

The earnings limit effectively denies benefits to those retirees making more than a certain amount of money per year. It does not matter that these retirees contributed a significant portion of their income throughout their careers in order to enjoy these benefits.

At a time when our 41st President is calling for the continued contributions of our Nation's seniors, we are offering them a choice that cannot help but drive productive individuals to a full retirement or force them to forgo benefits they have worked for over a lifetime. With many economists predicting that shortages of workers will be one of the most severe economic problems we will face in the 1990's, it would certainly seem wise to reform policies which discourage workers who have a lifetime of experience.

If the earnings test is such a bad idea, some may ask, why was it part of earlier legislation? The answer to this question lies in the economic climate of our Nation at that point in history. Social Security was started in the wake of the Great Depression—a time when government wanted to make it more attractive for the elderly to leave the work force, thereby opening jobs to others. Toward that end, the earnings test was an important step. In this day and age, however, there is no social or economic excuse for this tax on senior citizens.

Finally, there is the all important issue of cost. Eliminating the earnings test immediately for all beneficiaries would cost $9.7 billion in the first year alone and approximately $65.6 billion over 5 years. By limiting repeal to those over age 65, delaying implementation until 1992 and phasing out the limit over 5 years, the cost of the proposal drops to $450 million in the first year and $5.9 billion over 5 years, a fraction of the projected trust fund surpluses during this period.

Moreover, there is good reason to believe the cost of this proposal would be much less than this since the estimate does not take into account additional revenues flowing to the Government as the result of a larger work force paying income and Social Security payroll taxes, higher wage levels subject to taxation for those no longer constrained by the earnings limit, and additional revenues derived from the existing tax on Social Security benefits.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIBERALIZATION OF EARNINGS TEST OVER THE PERIOD 1992–1996 FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Effective with respect to taxable years ending after 1991, subparagraph (D) of section 203(f)(8) of the Social Security Act is amended to read as follows:

"(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be increased by $3,000 in each taxable year over the exempt amount for the previous taxable year, beginning with any taxable year ending after 1991 and before 1993.".

(b) CONFORMING AMENDMENT.—The second sentence of section 223(d)(4) of such Act is amended by striking out "which is applicable to individuals described in subparagraph (D) thereof" and inserting in lieu thereof "which would be applicable to individuals who have attained retirement age (as defined in section 216(l)) without regard to any increase in such amount resulting from a law enacted in 1991".

SEC. 2. REPEAL OF EARNINGS TEST IN 1997 FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Effective with respect to taxable years ending after 1996—

(1) clause (B) in the third sentence of section 203(f)(1) of the Social Security Act is amended by striking out "age seventy" and inserting in lieu thereof "retirement age (as defined in section 216(1))"; and

(2) section 203(f)(3) of such Act is amended—

(A) by striking out "33½ percent" and all that follows through "other individual" and inserting in lieu thereof "50 percent of his earnings for such year in excess of the product of the applicable exempt amount as determined under paragraph (8)", and

(B) by striking out "age 70" and inserting in lieu thereof "retirement age (as defined in section 216(1))".

SEC. 3. CONFORMING AND RELATED AMENDMENTS.

Effective with respect to taxable years ending after 1996—

(1) section 203(c)(1) of the Social Security Act is amended by striking out "is under the age of seventy" and inserting in lieu thereof "is under retirement age (as defined in section 216(1))";

(2) the last sentence of subsection (c) of section 203 of such Act is amended by striking out "nor shall any deduction" and all that follows and inserting in lieu thereof "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.";

(2) paragraphs (1)(A) and (2) of section 203(d) of such Act are each amended by striking out "under the age of seventy" and inserting in lieu thereof "under retirement age (as defined in section 216(l))";

(3) section 203(f)(1) of such Act is amended by striking out clause (D) and inserting in lieu thereof the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or";

(4) subparagraph (D) of section 203(f)(5) of such Act is amended—

(A) by striking out "(D) In the case of" and all that follows down through "(ii) an individual" and inserting in lieu thereof the following:

"(D) An individual";

(B) by striking out "became entitled to such benefits" and all that follows and inserting in lieu thereof "became entitled to such benefits, there shall be excluded from gross income any such other income."; and

(C) by shifting such subparagraph as so amended to the left to the extent necessary to align its left margin with that of subparagraphs (A) through (C) of such section;

(5) section 203(f)(8)(A) of such Act is amended by striking out "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting in lieu thereof "the new exempt amount which is to be applicable";

(6) section 203(f)(8)(B) of such Act is amended—

(A) by striking out all that precedes clause (i) and inserting in lieu thereof the following:

(B) The exempt amount which is applicable for each month of a particular taxable year shall be whichever of the following is the larger—";

(B) by striking out "corresponding" in clause (i); and

"(C) by striking out "an exempt amount" in the matter following clause (ii) and inserting in lieu thereof "the exempt amount";

(7) section 203(f)(8)(D) of such Act (as amended by section 1(a) of this Act) is repealed;

(8) section 203(f)(9) of such Act is repealed;

(9) section 203(h)(1)(A) of such Act is amended by striking out "age 70" each place it appears and inserting in lieu thereof "retirement age (as defined in section 216(l)";

(10) section 203(j) of such Act is amended to read as follows:

"ATTAINMENT OF RETIREMENT AGE

"(j) For purposes of this section—

"(1) an individual shall be considered as having attained retirement age (as defined in section 216(l)) during the entire month in which he attains such age; and

"(2) the term 'retirement age (as defined in section 216(l))', with respect to any individual entitled to monthly insurance benefits under section 202, means the retirement age (as so defined) which is applicable in the case of old-age insurance benefits, regardless of whether or not the particular benefits to which the individual is entitled (or the only such benefits) are old-age insurance benefits.";

(11) section 202(w)(2)(B)(ii) of such Act is amended—

(A) by striking out "either"; and

(B) by striking out "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit"; and

(12) the second sentence of section 223(d)(4) of such Act (as amended by section 1(b) of this Act) is further amended by striking out "without regard to any increase in such amount resulting from a law enacted in 1991" and inserting in lieu thereof "but for the liberalization and repeal of the earnings test for such individuals in 1992".

SEC. 4. ACCELERATION OF 8 PERCENT DELAYED RETIREMENT CREDIT.

Effective with respect to taxable years ending after 1991, paragraph (6) of section 202(w) of the Social Security Act is amended—

(1) by striking out "2005" in subparagraph (C) and inserting in lieu thereof "1993"; and

(2) by striking out "2004" in subparagraph (D) and inserting in lieu thereof "1992".

Mr. NICKLES. Mr. President, I rise today in strong support of the reintroduction of legislation I cosponsored during the 101st Congress, the Older Americans' Freedom to Work Act. This bill does a very important and necessary service to the senior citizens of this Nation: It repeals the earnings limit on retirees aged 65–69.

It's hard to believe that we still have a Federal law that penalizes certain people who want to work, but that in fact is the case. While spending millions to prepare people for the work force, we charge one group of trained workers for the right to hold a well-paying job.

Currently, all Social Security recipients aged 65–69 who choose to work are required to give up $1 for every $3 they earn over the limit of $9,720.

People who want to work should be encouraged to work, not penalized by a 33-percent tax that applies only to them. They already pay income and Social Security taxes on these earnings. In fact, senior citizens between the ages of 65 and 69 who make $10,000 or more actually pay a marginal tax rate of up to 56 percent when you add their income tax, Social Security tax, and the earnings limit penalty.

More people are living longer and finding that the work place is the only place in which they can find the satisfaction they seek and the means for living a comfortable life. They should be applauded for their contributions, not penalized.

This year should be the year senior citizens are relieved of the discriminatory earnings tax. We should retire the earnings limit instead of productive workers.

Mr. D'AMATO. Mr. President, I rise today to join as an original cosponsor of two important measures—one offered by the distinguished Republican leader and the other by my colleague from Arizona, Senator McCAIN—which call for the elimination of the Social Security earnings test.

The earnings test is a patently unfair provision of the Social Security Act. Effective January 1, 1991, the earnings test denies workers age 65 to 69 $1 in Social Security benefits for every $3 they earn over $9,720 per year. This benefit reduction is a 33-percent effective tax, plain and simple, that when combined with Federal, State, and Social Security taxes, makes senior citizens the most heavily taxed group in our population.

Not only is this blatantly discriminatory against senior citizens; it also threatens our economy by discouraging vast numbers of senior citizens from remaining in the work force. At a time when our Nation faces a growing labor shortage, we cannot afford to let such an enormous pool of experienced and productive citizens simply fall by the wayside. We should be encouraging our seniors, not penalizing them.

Both measures we are introducing today would do away with this outdated policy. The measure offered by Senator DOLE would do so in stages, increasing the earnings limit $3,000 a year beginning in 1992 and eliminating it entirely in 1997. The measure offered by Senator McCAIN would simply repeal the earnings limit outright.

Both measures deserve the support of this body. In my view, there is no reason why we ought not to scrap the earnings test immediately. While some have said that repeal would be too costly, there is a strong current of opinion that repeal will not cost us anything. In fact, one recent study using dynamic revenue models projects that repealing the earnings test will actually net the Government $140 million in additional revenue.

I think our Nation's senior citizens have waited more than long enough for Congress to address the unfairness inherent in the earnings limit. There is no excuse for continued delay. We now have before us two measures that would correct this inequitable policy. One of these measures should become law in the 102d Congress.

ADDITIONAL STATEMENTS

WHEN IS IT GOING TO STOP?

• Mr. SMITH. Mr. President, the public debt currently stands at $3.4 trillion. The estimated Federal deficit for fiscal year 1991 is more than $300 billion. When is it going to stop?

Our system is broken, and it needs repair. The budget agreement of 1990 is not the answer. The Federal budget deficit will rise significantly in the upcoming fiscal year. Only in Washington can one claim victory when the problem gets worse.

We do not need another summit agreement, we need fundamental reform of our system.

Senator THURMOND's bill calls for a constitutional amendment that requires outlays not exceed receipts during any fiscal year—a balanced budget amendment. It is the simplest of principles but the most commonly ignored. The Federal Government should not spend more than it receives. The American people strongly support a balanced budget amendment, and so should every Member of Congress. The public debt is crippling our Nation; passage of this legislation would be a huge first step toward recovery.

The proposal by Senators COATS and McCAIN to increase the President's rescission authority is also long overdue. Perhaps if legislation of this nature had been enacted earlier, the Federal Government would not be spending money on a tribute to Lawrence Welk, or a ferryboat for American Samoa, or a convention center in Washington. The American people are sick of self-serving pork barrel projects. The legislative line-item veto act will provide the President with an effective tool for combating wasteful spending.

Last, I would like to express my strong support for Senator SYMMS' legislation that would provide for a line-item veto amendment to the Constitution. When our Founding Fathers drafted the Constitution, I am certain that they did not envision a reconciliation bill embodying child care legislation, tax increases, increased Medicaid benefits, et cetera. The President needs the ability to veto each new legislative initiative separately, and an amendment to the Constitution can put this issue to rest once and for all.

Federal spending is out of control. These intiatives can help reign it in.•

HARRODSBURG'S COMPANY D

• Mr. McCONNELL. Mr. President, today I rise to pay tribute to the 66 members of Company D, 192d Light Tank Batallion of the Kentucky Army National Guard from Harrodsburg, KY. I would like to insert into the RECORD their story, told in the December 5, 1990, issue of the Louisville Courier-Journal.

The courageous men of Company D were mobilized to the Philippine Islands, and became the first American force to engage the enemy in tank warfare in World War II. It is said that Gen. George Patton himself picked the outfit for duty in the Philippines. Later cited for outstanding performance in the war, the men endured many hardships when the Japanese overran the islands in early 1942.

Hardships for the survivors came in the form of the "Bataan Death March," forcing 37,000 wounded and weary soldiers to march 70 to 90 miles to prison camps, if they were not killed along the way. According to 70-year-old Bland Moore of Danville, credited with saving the lives of two comrades during the death march, "If you got too tired or got weak and had to sit down, they killed you."

Now, 50 years after the mobilization of the 192d, Moore is 1 of Company D's 17 living survivors. He and others endured repeated beatings and threats of execution, to come back and tell of their experiences. On Sunday, December 2, they did just that. And 250 Harrodsburg residents came to hear the story, to let them know they had not been forgotten, and to tell them they knew why an Army tank is parked on a little hill beside the American flag at the edge of town.

Mr. President, I salue the members of Company D, and congratulate them on their 50th anniversary. Their story is the story of the hard-fought battle for continued freedom, one none of us should ever forget.

The article follows:

HARRODSBURG'S TANK IS REMINDER OF WORLD WAR II HEROISM, TRAGEDY

(By Byron Crawford)

HARRODSBURG, KY.—Passers-by often wonder why a World War II Army tank is permanently parked on the outskirts of Harrodsburg, near the American flag and the sign proclaiming the town Kentucky's first settlement.

Most are probably going too fast to notice the bronze plaque encased in a stone marker beside the tank. It is inscribed with the names of 66 members of Company D, 192nd Light Tank Battalion of the Kentucky Army National Guard from Harrodsburg, which, in 1941, became the first American force to engage in tank warfare in World War II.

The 192nd had distinguished itself in maneuvers against regular Army tankers at Camp Polk, La., earlier that year, and Gen. George Patton Jr. himself is said to have picked the outfit for mobilization to the Philippine Islands.

The 192nd would later be cited for its outstanding performance in the war, but when the Japanese overran the islands in early 1942, members of the Harrodsburg Guard unit were among the outnumbered American troops who for four months withstood shortages of food, ammunition and medical supplies to beat back attacks on the Bataan Peninsula—only to be eventually surrendered.

The subsequent Bataan Death March, in which the Japanese marched approximately 37,000 battle-weary and wounded American and Filipino prisoners 70 to 80 miles to prison camps, killing many of the captives as they went, brought the horror of war home to Harrodsburg to stay.

Life Magazine's July 6, 1942, issue contained a seven-page picture story titled "Missing In Action" that stated: "Harrodsburg is one of the first towns in the entire country to taste the last full measure of war—loved ones reported 'missing in action.' By the next Fourth of July the U.S. will have a great many Harrodsburgs. For until it does this war cannot be won," Life said.

Twenty-nine men of Company D died, either on the Death March or in camps where the prisoners of war were held until September 1945.

Last Sunday about 250 people from Harrodsburg and the surrounding area showed up at the National Guard Armory to mark the 50th anniversary of the 192nd's mobilization, and to pay tribute to members of Company D. Eight of the company's 17 living survivors were in attendance—as was a doctor from another company of the 192nd.

Among them was Bland Moore, 70, of Danville, who is credited by his fellow soldiers with saving the lives of two of his buddies by helping them survive the Death March.

Moore told reporters that he considers it a miracle that he himself survived.

"If you got too tired or got weak and had to sit down, they killed you," he said. "I quit perspiring . . . and I couldn't get any salt, I was getting real weak and dizzy.

"We were going through a little town, and some of the Filipinos were throwing rice balls out to us. That was the last thing I wanted. All I wanted to do was stay on my feet. By that time, the men were a whole lot like animals.

"But . . . a little brown package landed in my hand, and it was salt. I ate that salt, and shared it with others, and finished the march. I wasn't reaching for anything when it fell in my hand. Nothing could tell me otherwise but that Jesus Christ had a hand in saving me."

Later, Moore and his fellow soldiers would face death many times, during repeated beatings, and many of their number were executed.

Once, Moore himself was scheduled to be executed after defying a Japanese officer.

Several of his teeth were knocked out with the hilt of a saber, he was forced to stand at attention for 13 hours and was tied to a tree for four days—and then he was brought out for execution before a squad of Japanese soldiers with bayonets.

"As I walked by Grover Brummett from Louisville, who still lives there, I said, 'Grover, tell my wife and my folks that I died like a man, and that I didn't beg for nothin'.'" Moore remembered.

As the Japanese officer snapped the soldiers to attention, "I just looked him in the eye," Moore said, "And you know, just at the snap of a finger, he told me—"Go to work."

"I was the first one on the truck."

Many such stories were exchanged Sunday when the handful of survivors of Company D met in Harrodsburg to be honored by the community and by other military personnel.

"The reason I was there was because of my love for the guys who didn't come back," said Moore. "I wish that everyone who has ever burned an American flag could go through the first three months of hell that these men went through."

Harrodsburg hasn't forgotten them. That is why a World War II Army tank is parked on a little hill beside the American flag at the edge of town.●

A SALUTE TO RHODE ISLAND SCOUTS

● Mr. CHAFEE. Mr. President, as we begin the year 1991 and a new session of Congress, I bring to your attention 44 young women and 105 young men of my State of Rhode Island who have distinguished themselves in 1990 through the Boy Scouts and the Girl Scouts of America.

Since 1910, Scouting has helped build the character and spirit of our youth by promoting the ability of young men and women to do for themselves, by teaching them patriotism, courage, self-reliance, and helping them realize the satisfaction earned through service to others.

It may be difficult for some to believe that there are youngsters in the United States who still believe in these ideals and live their lives accordingly. Yet, every year thousands of young girls and boys participate in Scouting activities.

The Eagle Scout Award is given to the Boy Scout who has earned 21 merit badges and it is the highest honor in Boy Scouting. The Silver Award is awarded to girls in junior high school upon completion of a service project. The highest honor for a Senior Girl Scout is the Gold Award, which is presented at the culmination of a major service project.

Scouting in America is stronger than ever.

So, it is with pride that I pay tribute today to these young boys and girls, to their Scout leaders, and to their families.

The list of Boy Scouts and Girl Scouts referred to follows:

GIRL SCOUT SILVER AWARD

Ashaway, RI

Tanya Del Bene, Steffany Lewandowski.

Bradford, RI

Lori Jean Kinsey.

Carolina, RI

Kelly McDonnell.

Charlestown, RI

Allison M. Hitte.

Coventry, RI

Robin L. Triggs.

Cranston, RI

Gillian Bell, Kate Cousins.

Cumberland, RI

Carrie Boucher, Annika Cantanzarro, Stephanie Fabrizio, Shannon Lancaster, Rebecca Lincoln.

East Providence, RI

Alexis Dubiel, Tennille Hervieux, Jessica Luciano, Gina Marabello, Debbie Paiva, Amy Wood.

Edgewood, RI

Maria Cimini.

Newport, RI

Patty Dvorak.

Pawtucket, RI

Heather Carroll, Amanda Young.

Portsmouth, RI

Christina Erwin, Sarah Emm McCarthy.

Providence, RI

Tabetha Bernstein, Jessica Blake, Denielle Cady, Jennifer Richmond.

Riverside, RI

Jaimie Desorcy, Roxanne Ferreira, Naomi Francis, Jennie Guertin, Crystal Prew.

West Kingston, RI

Meggan Gould, Jen McWeeney.

Wood River Junction, RI

Diedra Dieter.

Woonsocket, RI

Amy Cheever, Tracy L. Pelletier.

GIRL SCOUT GOLD AWARDS

Bradford, RI

Melissa Burdick.

Edgewood, RI

Carolyn Cimini.

East Greenwich, RI

Susanne Calvano.

Riverside, RI

Michelle Errington.

Warwick, RI

Behany Briggs.

BOY SCOUT EAGLE AWARD RECIPIENTS NARRAGANSETT COUNCIL

Arrowhead Valley District

Matthew F. Holmes, Troop 101 Foster.
Christopher W. Albro, Troop 39 Summit.
Steve G. Dubois, Troop 4 Conventry.
Kevin J. Chamberland, Troop 1 Arctic.
Christopher Leaman, Troop 11 Conventry.
Kenneth Barrette, Troop 17 Crompton.
Peter J. Gorman, Troop 1 Arctic.
Aaron M. Higley, Troop 7 Scituate.
Jeffrey Oates, Troop 31 Crompton.
Patrick P. Matarese, Troop 101 Foster.
Robert P. Bergantine, Troop 101 Foster.
Raymond R. Perry, Troop 11 Conventry.
Kevin L. Moffitt, Troop 1 Conventry.
Thomas W. Wilson, Troop 7 Scituate.
Roger A. Chattell, Troop 2 Arctic.
Jason P. Senerchia, Troop 2 Natick.
Peter E. Tondreau, Troop 1 Conventry.
John A. Sechio, Troop 17 Crompton.
Derek J. Leigh, Troop 17 Crompton.
James Onysko, Troop 31 Crompton.

Blackstone Valley District

Robert E. Sasso, Troop 1 Central Falls.
Raymond J. Gagne, Troop 85 Pawtucket.
Ronald K. Gagne, Jr., Troop 1 Pawtucket.
William A. Bramley, Troop 50 Cumberland.
Michael A. Kizlinski, Troop 1 Diamond Hill.
Jason A. Gardner, Troop 10 Berkeley-Ashton.
Brian T. Parker, Troop 10 Lincoln.
Mark S. Pawlitschek, Troop 12 Berkeley-Ashton.
Paul Ramos, Troop 76 Pawtucket.

Pokanoket District

Michael J. Ferreira, Troop 13 Rehoboth.
Anthony A. Fishel, Troop 2 Barrington.
Jeff Longo, Troop 1 Seekonk.
Richard T. Atkins, Troop 1 Newport.
Sean P. Cotta, Troop 82 Portsmouth.
Jonathan D. Barber, Troop 22 Newport.
John Crow, Troop 82 Portsmouth.
Craig T. Lasiewski, Troop 1 Seekonk.
Brian T. Massey, Troop 1 Portsmouth.
Christian Alteri, Troop 2 Barrington.
Robert D. Kulaga, Troop 3 Seekonk.
Ian Kohl, Team 1 Middletown.
Ronald P. Pelletier, Troop 8 Barrington.
Christopher E. Martin, Troop 3 Seekonk.
Thomas A. Benoit, Jr., Troop 1 Seekonk.
George Towlinson, Troop 5 East Providence.
Brian L. Lombardi, Troop 8 Barrington.
Michael F. Quirk, Troop 22 Seekonk.
Wayne M. Stepalavich, Troop 33 Newport.
Mark T. Barabe, Troop 5 Portsmouth.
Patrick J. Tracy, Troop 8 Barrington.
Blaine S. Felloney, Troop 1 Middletown.
Thomas J. Walsh, Jr., Troop 1 Riverside.
Peter Lincoln, Troop 22 Seekonk.
David M. Lomastro, Troop 8 Barrington.
Jeffrey Lonardo, Troop 8 Barrington.
Mark A. Strycharz, Troop 3 Seekonk.

Providence District

David M. DeSarro, Troop 89 Providence.
Michael V. O'Connell, Troop 82 Providence.
Daniel Ackroyd, Troop 82 Providence.
Michael T. Spadazzi, Troop 56 Providence.
David E. Gabrey, Troop 76 Providence.
Robert J. McAdam, Troopy 76 Providence.
Michael P. Sheridan, Troop 76 Providence.
John Abbruzzese, Troop 56 Providence.

Quequatuck District

Ram A. Narasimhan, Troop 1 Kingston.
Scott K. Smith, Troop 50 Narragansett.
Timothy M. Viveiros, Troop 1 Richmond.
Kenneth W. Lazarski, Troop 43 Wickford.
Daniel A. Norton, Troop 22 Davisville.
Aaron W. Way, Troop 1 Hope Valley.
Shawn P. Smith, Troop 2 Misquamicut.
Jason R. Ringer, Troop 15 Charlestown.

Sachem District

Eric M. Norberg, Troop 1 Greenville.
Robert O. DiGiulio, Troop 1 Greenville.
Gilbert B. Giles, Troop 3 Cranston.
Stephen Arcand, Troop 6 Cranston.
Norman M. Rogers, Troop 9 Cranston.
John F. Maguire, Troop 66 Garden City.
Ronald L. Valletta, Troop 20 Johnston.
Dennis J. Gasrow, Jr., Troop 5 North Providence.
Michael J. McGlynn, Troop 20 Johnston.
Joel A. Kahn, Troop 66 Garden City.
Michael A. Torregrossa, Troop 1 Greenville.

Thundermist District

Peter L. Pignolet, Troop 1121 Woonsocket.

West Shore District

Michael T. Plemmons, Troop 1 East Greenwich.
Justin D. Lambert, Troop 49 Lakewood.
Michael C. Denning, Troop 49 Lakewood.
Andrew M. Glucksman, Troop 10 Warwick.
Joseph M. Lariviere, Troop 4 Gaspee Plateau.
Todd M. Regine, Troop 7 Warwick.
Matthew T. Collins, Troop 1 Gaspee Plateau.
Stephen P. Keenan, Troop 49 Lakewood.
Elias J. Deeb, Troop 2 East Greenwich.
Joseph H. Fontaine, Troop 117 Warwick.
Matthew T. Rogan, Troop 49 Lakewood.
Jeffrey R. Zeiner, Troop 1 East Greenwich.
Andrew D. Boisvert, Troop 49 Lakewood.
James T. Doyle, Troop 2 East Greenwich.
C. Andrew Lundsten, Troop 2 East Greenwich.
Eric D. Thornton, Troop 18 Frenchtown.
David A. Ucci, Jr., Troop 1 East Greenwich.
Sean M. Flynn, Troop 18 Frenchtown.
Stephen E. Thompson, Troop 18 Frenchtown.
Timothy M. Rankin, Troop 117 Warwick.
Christian E. Smith, Troop 2 East Greenwich.•

By Mr. MOYNIHAN (for himself, Mr. HOLLINGS, Mr. KASTEN, Mr. PELL, and Mr. HATCH):

S. 11. A bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY TAX CUT ACT

• Mr. MOYNIHAN. Mr. President, I rise to introduce as S. 11 the Social Security Tax Cut Act of 1991, a bill to reduce Social Security contribution rates and return the program to traditional pay-as-you-go financing. It is a bill to strengthen the financing of the Social Security Program, stimulate the weakening economy, and provide a fair tax cut to 132 million workers and 6 million employers and self-employed individuals. I am introducing the measure in the company of my distinguished cosponsors, Senators HOLLINGS, KASTEN, PELL, and HATCH.

In S. 11 we propose to cut the Social Security tax rate from the current 6.2 percent for employees and employers each to 5.7 percent on July 1 of this year, and further cut it to 5.5 percent on January 1, 1994, and 5.2 percent on January 1, 1996.

We also propose increases in the maximum wage subject to the Social Security tax, from $53,400 this year to $60,600 next year and $82,200 by 1996. The maximum wage level has traditionally been set to cover about 90 percent of wages in the economy but presently covers only about 86 percent. I would note that workers with earnings at or above the proposed maximum wage levels would still, with the proposed tax rates, realize a tax cut compared to current law.

The proposal is designed, of course, to build and maintain a safe level of reserves in the Social Security trust funds. Before the first rate cut goes into effect we will have about a year's worth of benefits in reserve. We have not had a year's reserve in the trust funds since 1970. Reserve levels are estimated to continue to grow under the proposal to a year and a half's worth of benefits.

Maximum tax cut savings for an individual worker would be $134 for the last 6 months of this year, $279 next year, and $693 in 1996. Maximum cumulative tax cut savings for the individual worker would be about $2,300 over the 5-year transition to pay-as-you-go financing.

I think its about time the American worker got a break. In constant 1977 dollars, average weekly earnings in the United States in 1989 were about $3 higher than they were in 1959. After accounting for rising FICA taxes, the average worker actually made less in 1989 than he did 30 years ago. We have more working mothers now so that families can maintain the same living standard they had in 1973. Despite higher female labor force participation rates, real median family income has been virtually flat since then.

The basic arguments for going back to pay-as-you-go can be stated briefly. We are running large and growing surpluses in the Social Security trust funds and using the money as if it were general revenue—some $74 billion in the current fiscal year, $83 billion in the next, $126 billion in 1995, and over $225 billion in the year 2000. It is the dirty little secret of last year's budget summit agreement that we will spend $500 billion of Social Security tax revenue on general government expenses over the next 5 years. This practice violates the integrity of the Social Security trust funds and makes government finance more regressive.

The tax structure of the United States is fast becoming one of the most regressive of any Western nation. In the 1980's we cut income taxes for the better off and raised payroll taxes for low- and middle-income workers. Social Security tax revenue as a percent of total Federal revenue rose by 23 percent from 1980 to 1988, while personal and corporate income tax revenue as a percent of total Federal revenue declined by 6 percent and 23 percent, respectively. At the end of 1987, Senator GEORGE MITCHELL observed in the Wall Street Journal that "there has been a shift of about $80 billion in annual revenue collections from the progressive income tax to the regressive payroll tax." There have been two increases in the Social Security payroll tax rate since then. Last year the Social Security Administration estimated that in 1990 about 74 percent of taxpayers would pay more in FICA taxes—including the employer's share—than in income taxes.

Further, Mr. President, since I first introduced this bill a year ago, we have been presented with yet another, and urgent, reason to cut Social Security taxes. I speak, of course, of the economic recession that is upon us. We do not know how long it will last or how bad it will be. But we do know that we must do something about it. That is why voters send us here. Workers and businesses in this country are already being knocked hard by this economic downturn, and fear that it is going to get worse before it gets better. They would be helped by this measure. A Social Security tax cut is an anti-recession measure. It is a tax cut for both workers and businesses, in equal shares. It would stimulate the purchasing power of consumers and help create jobs for unemployed workers.

Professor Gary Hufbauer, a Georgetown University economist and former Treasury official in the Carter administration, has estimated that a Social Security tax cut would create a million jobs. Michael Boskin, now Chairman of the President's Council of Economic Advisers, has made similar statements in the past about the labor effects of the Social Security tax. Even before the recession, Nobel Laureate Franco Modigliani endorsed a Social Security tax cut as economically sound.

Mr. President, I said at the outset that this legislation would also strengthen the financing of the Social Security Program. Let me now explain how it would do so.

By way of background, I would note first that the Social Security Program was financed on a pay-as-you-go basis for decades prior to 1977. Under this financing method, Congress would schedule Social Security tax rates for the future that would produce the revenue needed to meet expected outlays. Generally, the goal was to keep the system in close actuarial balance over the long-term 75-year projection period.

In 1977 and again in 1983, in response to short-term financing problems, Congress accelerated the schedule for Social Security tax rate increases. The higher rates in the 1980's, together with better-than-estimated economic performance, produced the current surpluses.

But the Social Security system is not currently in close actuarial balance over the long term. That is because our current financing arrangements call for us to build up a huge reserve over the next 30 years and then draw it down over the following 20 years. The trust fund are expected to be exhausted in the early 2040's. How will we finance benefits then? Well, even though there are no more rate increases scheduled in current law, we would obviously have to raise the rate at that time. And it would be a pretty big jump, to around 8 percent.

This legislation calls for getting to that ultimate rate in a more rational fashion. We would schedule a series of rate increases for the next century as costs rise, consistent with pay-as-you-go financing. Significantly, we would not have to go back to the current rate of 6.2 percent until 2015, and would not have to go above that rate until 2020. The rate would ultimately rise to 8.1 percent in 2050. We would, then, in a sense, just smooth out, or fine tune the current arrangements. And in the process we would put the system back in close actuarial balance over the long term.

I have stated before but it bears repeating that this improvement in the financing of Social Security has been urged for years by Robert J. Myers, who served as chief actuary of Social Security for 23 years and was a member of that venerable group that created our Social Security system back in 1934. The proposal has also been endorsed by the American Academy of Actuaries.

Mr. President, I would make just one further point. Senators will recall that last October 9 and 10 we had a floor debate on this proposal. A budget point of order was raised against consideration of the bill. Sixty votes were needed to waive the point of order. We got 54, 42 Democrats and 12 Republicans. Not bad really—a majority of the Senate after all. And this even though our timing could not have been worse, with the debate coming on the heels of final agreement to a budget resolution based on the long-awaited budget summit agreement.

But here's the point. Senators should be aware that a Social Security tax cut can be passed with a simply majority. They should also be aware that under the law budget process rules, the Social Security tax is the one tax we can cut without offsets, without producing a sequester, and without making it harder to reach deficit reduction target. So no one need think that we are bound to repeat last year's outcome. We are in a much better position to pass the bill this year, and as I stated earlier, there are even more reasons to do so.

Let me conclude by saying this is not a partisan matter. This proposal has a broad base of bipartisan support. It is supported by organizations ranging from the AFL–CIO to the U.S. Chamber of Commerce, from the Democratic National Committee to the Heritage Foundation. Governor Mario Cuomo supports this proposal, as does former Gov. Pete du Pont. And support from political commentators comes from Michael Kinsley and Eleanor Clift as well as James Kilpatrick and George Will.

Mr. President, we must cut Social Security taxes. We don't need the money for Social Security, so let's give it back to the workers who earned it and need it. It's just not fair to keep it for other government expenses. A return to pay-as-you-go financing will strengthen the financing of Social Security, restore honesty and integrity to Federal finances, stimulate the economy, and provide a fair tax cut to 132 million Social Security taxpayers.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Tax Cut Act of 1991".

SEC. 2. RETURN SOCIAL SECURITY TO PAY-AS-YOU-GO FINANCING.

(a) FICA TAXES.—

(1) TAX ON EMPLOYEES.—The table in section 3101(a) of the Internal Revenue Code of 1986 (relating to rate of tax on employees for old-age, survivors, and disability insurance) is amended to read as follows:

"In the case wages received during:	The rate shall be:
January 1, 1991 through June 30, 1991	6.2 percent
July 1, 1991 through 1993	5.7 percent
1994 or 1995	5.5 percent
1996 through 2009	5.2 percent
2010 through 2014	5.6 percent
2015 through 2019	6.2 percent
2020 through 2024	6.8 percent
2025 through 2029	7.5 percent
2030 through 2039	7.8 percent
2040 through 2049	7.9 percent
2050 or thereafter	8.1 percent."

(2) TAX ON EMPLOYERS.—The table in section 3111(a) of such Code (relating to rate of tax on employers for old-age survivors, and disability insurance) is amended to read as follows:

"In the case wages received during:	The rate shall be:
January 1, 1991 through June 30, 1991	6.2 percent
July 1, 1991 through 1993	5.7 percent
1994 or 1995	5.5 percent
1996 through 2009	5.2 percent
2010 through 2014	5.6 percent
2015 through 2019	6.2 percent
2020 through 2024	6.8 percent
2025 through 2029	7.5 percent
2030 through 2039	7.8 percent
2040 through 2049	7.9 percent
2050 or thereafter	8.1 percent."

(3) REALLOCATION TO FEDERAL DISABILITY INSURANCE TRUST FUND.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 2000, and so reported, and (P) 1.42 per centum of the wages (as so defined) paid after December 31, 1999, and so reported" and inserting "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1992, and so reported, (P) 1.24 per centum of the wages (as so defined) paid after December 31, 1991, and before January 1, 2000, and so reported, (Q) 1.40 per centum of the wages (as so defined) paid on or after December 31, 1999, and before January 1, 2005, and so reported, (R) 1.60 per centum of the wages (as so defined) paid after December 31, 2004, and before January 1, 2015, and so reported, (S) 1.70 per centum of the wages (as so defined) paid after December 31, 2014, and before January 1, 2030, and so reported, and (T) 1.80 per centum of the wages (as so defined) paid after December 31, 2029, and so reported".

(b) TAX ON SELF-EMPLOYMENT INCOME.—

(1) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 (relating to rate of tax on self-employment income for old-age survivors, and disability insurance) is amended to read as follows:

"In the case of a taxable year

Beginning after:	And before:	Percent:
December 31, 1990	January 1, 1992	11.9
December 31, 1991	January 1, 1994	11.4
December 31, 1995	January 1, 2010	10.4
December 31, 2009	January 1, 2015	11.2
December 31, 2014	January 1, 2020	12.4
December 31, 2019	January 1, 2025	13.6
December 31, 1993	January 1, 1996	11.0
December 31, 2024	January 1, 2030	15.0
December 31, 2029	January 1, 2040	15.6
December 31, 2039	January 1, 2050	15.8
December 31, 2049		16.2."

(2) REALLOCATION TO FEDERAL DISABILITY INSURANCE TRUST FUND.—Section 201(b)(2)) of the Social Security Act (42 U.S.C. 401(b)(2)) is amended by striking "(O) 1.20 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 2000, and (P) 1.42 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999" and inserting "(O) 1.20 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 1992, (P) 1.24 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1991, and before January 1, 2000, (Q) 1.40 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999, and before January 1, 2005, (R) 1.60 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2004, and before January 1, 2015, (S) 1.70 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2014, and before January 1, 2030, and (T) 1.80 per centum of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 2029".

(c) OASDI TAXABLE WAGE BASE INCREASED.— Section 230(c)(2) of the Social Security Act (42 U.S.C. 430(c)(2)) is amended by striking subclauses (A), (B), (C), and (D) and inserting the following:

"(A) in 1992 shall be $60,600,

"(B) in 1993 shall be $64,200,

"(C) in 1994 shall be $70,200,

"(D) in 1995 shall be $73,800, and

"(E) in 1996 shall be $82,200."•

• Mr. **KASTEN**. Mr. President, although the hearts and minds of all Americans are focused on the situation in the Persian Gulf, I think it's important that we not lose sight of our dire economic troubles here at home.

It's painfully clear to most of us that the United States is headed for an economic slowdown—perhaps a full-blown recession. Economic growth has ground to a halt. Unemployment has jumped to 6.1 percent. The financial sector in the Northeast is teetering on the edge of collapse. Small business optimism is at its lowest level since 1982.

This economic slowdown has been caused, in part, by the Iraqi invasion of Kuwait and the subsequent rise in oil prices. I believe most of the blame, however, rests on the misguided policies inflicted on the economy by Washington.

Since 1986, capital gains and payroll taxes have gone up. New regulatory burdens are stifling entrepreneurial activity. And, perhaps most devastating of all, we are imposing the largest tax increase in U.S. history on consumers, savers, and producers this year.

I rise today to join Senator MOYNIHAN in introducing legislation that will jumpstart the economy and reduce taxes on working families as well. Our legislation would return Social Security to pay-as-you-go financing, returning the tax surplus to the working people who earned it.

Mr. President, I want to make a special appeal to my Republican colleagues to join us in sponsoring this important measure. Thanks to last fall's budget debate, Republicans are losing the so-called tax fairness debate.

A recent Harris Poll found that by a margin of 62 to 36 percent, Americans believe that Republicans were wrong to oppose tax increases on the wealthy; and by a 50-to-30 margin, they think congressional Democrats were more right on how to cut the deficit than Republicans.

This poses a critical challenge to me and my fellow Republicans. Unless we propose a politically attractive alternative, we will remain on the defensive—and eventually lose outright the political debate over taxes.

Fortunately, there is a way out. We can take the political and economic offensive again—by making Social Security payroll tax cuts a centerpiece of the economic empowerment agenda.

The currently controversial "empowerment" initiatives are aimed at giving individuals more control over their own lives. What could be more empowering than letting workers keep more of the wages they have earned?

The American Dream still eludes too many of today's working families. They are finding it harder to achieve the same standard of living that their parents enjoyed. And the chief cause is the skyrocketing of Federal taxes: Today's median-income families face an effective tax rate—income and payroll taxes combined—more than double what their parents faced in the 1950's.

Throughout the 1980's, Republicans worked to reduce that tax burden. The 1981 Reagan tax bill slashed income tax rates by 25 percent for middle-income Americans, and the 1986 tax reforms removed 4 million poor taxpayers from the tax rolls altogether. The people responded by giving three consecutive landslide victories to the GOP.

However, at the same time the Reagan-Bush tax cuts were reducing the burden of income taxes, the 30 percent increase in payroll tax rates legislated in 1977 under Jimmy Carter kept the middle-class tax burden excessively high. Today, three out of four workers pay more in payroll taxes than they do in income taxes.

This tax is punishing working-class Americans—and crippling the economy as well. It raises labor costs, inhibits job creation, cuts profits, and reduces the availability of capital. It is a direct tax on America's ability to compete.

And as if all this were not enough, Social Security is collecting more taxes than are needed to pay benefits to seniors. This revenue buildup—proceeding at a rate of more than $1 billion per week—is used to subsidize the rest of the Federal budget.

Last December, our colleague PAT MOYNIHAN proposed returning Social Security to a pay-as-you-go system in which income roughly matches expenses, leaving the money in the hands of the people who earned it. This isn't a new idea: In 1988, then-Congressman Jack Kemp and I introduced similar legislation to cut payroll taxes.

Under the plan we are introducing today, the payroll tax rate would be reduced from 6.2 to 5.2 percent in over the next 5 years. For a worker for an individual or a two-earner couple making $69,300, the annual savings would add up to $693 under pay-as-you-go financing.

In addition, the maximum taxable wage base would be increased modestly above what it would be under current law. Senator MOYNIHAN has argued that the wage base must be increased in order to maintain historic 90 percent of wages in the economy covered by the taxable maximum.

While I do have some concerns about the precedent that increasing the taxable maximum wage base may set, I think it's important to point out that, under the Moynihan-Kasten plan, all taxpayers will receive a tax cut.

Mr. President, in Wisconsin, $693 more in take-home pay will go a long way. This money can help build a nest egg for retirement. It can buy a new washer and dryer. It can pay for part of children's daycare. It can buy a year of parochial grammar school in Milwaukee. Overall, this tax cut plan will pump $3.8 billion into Wisconsin's economy over the 1992–96 period.

I ask unanimous consent that a table on the estimated tax cut savings, by State be printed at this point in the RECORD:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated Social Security tax cut savings by State, 1992–96

[In millions]

Alabama	$2,292
Alaska	573
Arizona	2,101
Arkansas	1,337
California	21,392
Colorado	2,483
Connecticut	3,438
Delaware	955
Florida	7,067
Georgia	4,011
Hawaii	764
Idaho	573
Illinois	9,932
Indiana	3,820
Iowa	1,910
Kansas	1,719
Kentucky	1,910
Louisiana	2,674
Maine	573
Maryland	3,438
Massachusetts	5,348
Michigan	8,404
Minnesota	3,820
Mississippi	1,146
Missouri	3,820
Montana	382
Nebraska	1,146
Nevada	573
New Hampshire	764
New Jersey	7,258
New Mexico	764
New York	20,055
North Carolina	4,202
North Dakota	382
Ohio	8,786
Oklahoma	2,101
Oregon	2,101
Pennsylvania	9,359
Rhode Island	764
South Carolina	1,910
South Dakota	382
Tennessee	3,247
Texas	11,651
Utah	955
Vermont	382
Virginia	3,820
Washington	3,056
West Virginia	955
Wisconsin	3,820
Wyoming	382

Mr. President, we can go ahead and tax millionaires all we want—but it won't do anything to reduce the burden on middle-income families.

I think it's also important to point out that Social Security is off-budget. Therefore, reducing the payroll tax will not effect our efforts to meet the statutory Gramm-Rudman deficit reduction mandates.

Also, the newly enacted budget reforms make it relatively easier to cut Social Security taxes than other kinds of taxes because they would not trigger and automatic reduction in spending to offset the revenue loss.

And from an economic standpoint, any negative impact of the rise in government borrowing will be offset by the stimulative impact of lower payroll taxes on wage earners and small business.

Now more that ever, our economy needs a shot in the arm. Payroll tax cuts are the best cure for recession because it shows up immediately in workers' paychecks. Former Treasury economist Gary Hufbauer estimates that this pro-growth tax cut would create 1 million new jobs over the next 4 years.

Even without the Social Security tax surplus, the deficit problem is manageable. According to the Congressional Budget Office, the non-Social Security budget deficit will decline from 5.6 percent to 1.9 percent of gross national product over the fiscal 1991–95 period.

House Majority Leader RICHARD GEPHARDT said recently that, to him, the key is "not to beat up on the rich, but try to get the poor and middle class moving up quickly." I agree. We ought to give working families the opportunity to move up the economic ladder. And cutting payroll taxes is the best way to do it.●

By Mr. DANFORTH (for himself, Mr. INOUYE, Mr. HOLLINGS, Mr. GORE, Mr. LIEBERMAN, and Mr. METZENBAUM):

S. 12. A bill to amend title VI of the Communications Act to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CABLE TELEVISION CONSUMER PROTECTION ACT

● Mr. DANFORTH. Mr. President, it is time for Congress to address the many constituent complaints about the cable television industry.

In 1984, I voted for legislation to deregulate cable. Like many others, I thought that developing competition could replace regulation. But since deregulation, consumers, cities, broadcasters, small cable operators, wireless distributors of video programming, and satellite dish owners have come to Congress for help. A poll conducted by Cable News Network [CNN] last summer demonstrates the widespread discontent with the unbridled cable industry. The CNN poll asked: "Should cable TV be regulated?" Did half of those polled say "yes, cable should be regulated"? Did three quarters? Mr. President, 92 percent responded that cable television should be regulated.

Today, cable is an unregulated monopoly. The results of an unregulated monopoly are predictable: high rates; indifferent service; cable operators who drop local broadcasters, or place them on high channels; discrimination in the pricing of programming; problems with access to cable systems.

That is why the Chairman of the Communications Subcommittee, Senator INOUYE, the Chairman of the Commerce Committee, Senator HOLLINGS, and others are joining me in introducing the Cable Television Consumer Protection Act of 1991 today. This cable reform bill is very similar to one that was reported out of the Commerce Committee last year by a vote of 18 to 1.

RATE REGULATION

Perhaps the most visible symptoms of our premature deregulation of cable has been the skyrocketing rates for cable service. As an example of the astounding rate increases, let me cite the testimony of Mr. Allen Garner, counsel to Jefferson City, MO, before the Commerce Committee last year. He testified that, in the preceding 3½ years, cable rates increased in Missouri's capital by 186 percent.

Where there is no true competition, States and cities should have the option of regulating cable rates. Under the Cable Television Consumer Protection Act, States or cities can regulate rates, within Federal Communications Commission [FCC] guidelines, if there is no effective competition from another cable system, a microwave system, or any other multichannel video provider and a sufficient number of broadcast signals.

Under today's rules, a cable operator's rates cannot be regulated if a certain number of broadcast stations serve the same area. But broadcast signals are not the same as cable service—that is why consumers are willing to pay for cable even where broadcast signals are available for free.

This bill's definition of effective competition as another multichannel video provider will protect consumers from monopoly pricing. This definition also provides an incentive for the cable industry to allow competiion to develop: if there is a second provider, the cable operator's rates are deregulated. Under this legislation, rate regulation sunsets automatically where there is effective competition.

FRANCHISE RENEWALS, LIABILITY, AND CUSTOMER SERVICE STANDARDS

This bill addresses the complaint of cities that they lack authority over cable operators who raise rates, give poor service, or fail to meet their franchise requirements. If a cable operator is not serving its community's interests, the city should be able to find an operator who will. The bill clarifies the renewal proceedings to ease the burden for a franchising authority to deny renewal of an unsatisfactory cable operator's franchise. Additionally, the bill provides that, if franchising authorities act pursuant to the Cable Act, they may only be subject to injunctive relief, declaratory relief, or attorneys' fees for claims asserting First Amendment rights. This bill also allows franchising authorities to enforce tougher customer service standards.

ACCESS TO PROGRAMMING AND PROGRAMMING DISTRIBUTION

This legislation addresses concerns raised by potential cable competitiors that they cannot obtain access to programming. Small cable operators, home satellite dish owners, wireless cable operators, and other potential distributors of video programming complain that they are denied programming or are charged more for programming than the large cable operators affiliated with cable programmers. They point out that cable programmers who are affiliated with cable system operators have an incentive to favor their cable operators over other distributors of video programming.

Mr. President, this bill addresses the problem by barring programmers affiliated with cable operators from unreasonably refusing to deal with video distributors. Such programmers are also barred from discriminating in the price, terms, and conditions if that action would impede retail competition.

The bill also requires those programmers to deal with purchasing groups, such as cable cooperatives, on terms similar to those given to cable systems. Additionally, the bill bars cable operators from requiring a financial interest in programming as a condition for carrying that programming.

These nondiscrimination provisions are essential to meaningful cable reform. Without access to popular programming, cable can keep programming locked up and prevent competition from developing. On the other hand, once competition is allowed to develop, we can let the market, rather than regulation, protect consumers. Policies aimed at promoting competition and preventing market abuses simultaneously advance diversity in the market place of ideas.

CABLE INDUSTRY CONCENTRATION

Mr. President, the cable industry has become highly concentrated. A few multiple system operators [MSO's] dominate the industry. The large MSOs have the market power to determine what programming services can succeed on cable. Concentration in the cable industry also means a reduction in the number of media voices available to consumers. This legislation requires the FCC to set a limit on the size of cable operators. Similar limits already apply to the broadcast industry. For example, one broadcaster may own no more than 12 television stations. To encourage diversity of programming, the bill also directs the FCC to limit the number of channels that can be occupied on a cable system by a single programmer.

CABLE OWNERSHIP OF POTENTIAL COMPETITORS

To prevent cable from warehousing its potential competition, the bill prohibits a cable operator from owning the microwave or satellite-delivery system in his cable area. A cable/direct broadcast satellite cross-ownership ban also would be applied after 10 percent of the Nation subscribes to direct broadcast satellite services.

LEASED ACCESS

Under current law, anyone who is interested may lease a channel from a cable company. The goal was to establish an electronic soapbox. But the right of access has been used infrequently and the goal has not been met, because the cable operator can set any price he wants for the leased channel. If he is affiliated with a cable programmer, the cable operator may have an incentive to price the channels out of reach. This bill therefore directs the FCC to set maximum rates for leased access.

TECHNICAL STANDARDS

One of the most frequent complaints by cable consumers is that the picture quality is poor. To address that problem, this legislation directs the FCC to establish minimum technical standards for the operation of cable systems.

MUST CARRY AND CHANNEL POSITIONING

Today, cable operators are free to act as gatekeepers who decide whether to carry local broadcasters on their systems and what channel number to give them. The bill we are introducing codifies "must carry" rules to ensure that cable subscribers have access to local broadcasting stations. It also requires cable companies to carry broadcasters on the channels assigned under the old must carry rules, on their over-the-air channel numbers, or on other channels by mutual agreement. The bill lets the FCC resolve disputes over channel positioning.

The must carry and channel positioning rules of this legislation promote three longstanding, substantial governmental interests: First, the public's first amendment right of access to diverse sources of information; second, the preservation of vigorous competition among communications services; and third, the promotion of a nationwide broadcasting service built upon local outlets—one of the statutory obligations of the FCC.

CONCLUSION

This bill is good government based on sound economics. Where there is neither competition nor regulation, the consumer is the loser. This legislation permits regulation where there is no competition, takes steps to encourage competition, and automatically sunsets rate regulation where there is competition. I urge my colleagues to stand up for consumers and support this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Cable Television Consumer Protection Act of 1991".

FINDINGS

SEC. 2. The Congress finds and declares the following:

(1) Pursuant to the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in approximately 97 percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same period. The average monthly cable rate has increased almost three times as much as the Consumer Price Index since rate deregulation.

(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems. Without a sufficient number of local television broadcast signals and without the presence of another multichannel video programming distributor, a cable system faces no local competition. The result is undue market power for the cable operator as compared to that of consumers and video programmers.

(3) There is a substantial governmental and First Amendment interest in promoting a diveristy of views provided through multiple technology media.

(4) There has been a substantial increase in the penetration of cable television systems over the past decade, with cable television services now available to 71.3 million of the 92.1 million households with televisions. Nearly 54 million households, over 58 percent of the households with televisions, subscribe to cable television, and this percentage is almost certain to increase. As a result of this growth, the cable television industry has become a dominant nationwide video medium.

(5) The cable industry has become highly concentrated. The potential effects of such concentration are barriers to entry for new programmers and a reduction in the number of media voices available to consumers.

(6) Cable television rates for video programming provided on other than the basic service tier should not be governmentally regulated except in extraordinary circumstances, which may include the need to control undue market power.

(7) The cable television industry has become vertically integrated; cable operators and cable programmers often have common ownership. As a result, cable operators have the incentive and ability to favor their affiliated programmers. This could make it more difficult for non-cable-affiliated programmers to secure carriage on cable systems. Vertically integrated program suppliers also have the incentive and ability to favor their affilitated cable operators over non-affiliated cable operators and programming distributors using other technologies.

(8) There is a substantial governmental and First Amendment interest in ensuring that cable subscribers have access to local noncommerical educational stations which

Congress has authorized, as expressed in section 396(a)(5) of the Communications Act of 1934 (47 U.S.C. 396(a)(5)). The distribution of unique noncommercial, educational programming services, including those transmitted by noncommerical educational television stations serving local communities or markets, advances that interest in providing for the further education of our citizens and encouraging "public telecommunications services which will be responsive to the interests of people both in particular localities and throughout the United States, which will constitute an expression of diversity and excellence, and which will constitute a source of alternative telecommunications services for all the citizens of the Nation".

(9) The Federal Government has a substantial interest in making all nonduplicative local public television services available on cable systems because—

(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of $10,800,000,000 since 1972, that provides public service programming that is responsive to the needs and interests of the local community;

(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than $3,000,000,000 in public broadcasting since 1969; and

(d) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

(10) A primary objective and benefit of our Nation's system of regulation of television and radio broadcasting is the local origination of programming. There is a substantial governmental interest in ensuring its continuation.

(11) Broadcast television stations continue to be an important source of local news and public affairs programming and other local broadcast services critical to an informed electorate.

(12) Broadcast television programming is supported by revenues generated from advertising broadcast over stations. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

(13) As a result of the growth of cable television, there has been a marked shift in market share from broadcast television to cable television services.

(14) Cable television systems and broadcast television stations increasingly compete for television advertising revenues. As the proportion of households subscribing to cable television increases, proportionately more advertising revenues will be reallocated from broadcast to cable television systems.

(15) A cable television system which carries the signal of a local television broadcaster is assisting the broadcaster to increase its viewership, and thereby attract additional advertising revenues that otherwise might be earned by the cable system operator. As a result, there is an economic incentive for cable systems to terminate the retransmission of the broadcast signal, refuse to carry new signals, or reposition a broadcast signal to a disadvantageous channel position. There is a substantial likelihood that absent the reimposition of such a requirement, additional local broadcast signals will be deleted, repositioned, or not carried.

(16) As a result of the economic incentive that cable systems have to delete, reposition, or not carry local broadcast signals, coupled with the absence of a requirement that such systems carry local broadcast signals, the economic viability of free local broadcast television and its ability to originate quality local programming will be seriously jeopardized.

(17) Consumers who subscribe to cable television often do so to obtain local broadcast signals which they otherwise would not be able to receive, or to obtain improved signals. Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services.

(18) Cable television systems often are the single most efficient distribution system for television programming. A government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the "A/B" input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

(19) The compulsory license was created by Congress as part of a delicate balance between cable television systems and broadcast television stations that included mandatory carriage obligations for cable systems. Cable systems are able to procure programming through the compulsory license at a cost substantially below the cost paid by the broadcast television stations. Cable systems, however, may rely upon the compulsory license as an alternative to negotiatiang for such programming in the marketplace, but are no longer subject to mandatory carriage obligations. This has created a competitive imbalance between the two industries.

(20) The Cable Communications Policy Act of 1984, in its amendments to the Communications Act of 1934, limited the regulatory authority of franchising authorities over cable operators. Franchising authorities are finding it difficult under the current regulatory scheme to deny renewals to cable systems that are not adequately serving cable subscribers.

(21) Given the lack of clear guidelines in applying the First Amendment to cable franchise decisions, cities are unreasonably exposed to liability for monetary damages under the Civil Rights Acts.

(22) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power stations creates and broadcasts, as a substantial part of its programming day, local programming.

STATEMENT OF POLICY

SEC. 3. It is the policy of the Congress in this Act to—

(1) promote the availability to the public of a diversity of views and information through cable television and other video distribution media;

(2) rely on the marketplace, to the maximum extent feasible, to achieve that availability;

(3) ensure that cable operators continue to expand, where economically justified, there capacity and the programs offered over their cable systems;

(4) where cable television systems are not subject to effective competition, ensure that consumer interests are protected in receipt of cable service; and

(5) ensure that cable television operators do not have undue market power vis-a-vis video programmers and consumers.

DEFINITIONS

SEC. 4. (a) Section 602 of the Communications Act of 1934 (47 U.S.C. 522) is amended by redesignating paragraph (1) as paragraph (2), by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively, by redesignating paragraphs (4) through (10) as paragraphs (7) through (13), respectively, by redesignating paragraphs (11) and (12) as paragraphs (16) and (17), respectively, by redesignating paragraph (13) as paragraph (19), by redesignating paragraphs (14) and (15) as paragraphs (22) and (23), respectively, and by redesignating paragraph (16) as paragraph (26).

(b) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended by inserting immediately before paragraph (2), as so redesignated, the following new paragraph:

"(1) the term 'activated channels' means those channels engineered at the headend of a cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use;".

(c) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended by inserting immediately after paragraph (2), as so redesignated, the following new paragraph:

"(3) the term 'available to a household' or 'available to a home' when used in reference to a multichannel video programming distributor means a particular household which is a subscriber or customer of the distributor or a particular household which is actively and currently sought as a subscriber or customer by a multichannel video programming distributor;".

(d) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended by inserting immediately after paragraph (5), as so redesignated, the following new paragraph:

"(6) the term 'cable community' means the households in the geographic area in which a cable system provides cable service;".

(e) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended by inserting immediately after paragraph (13), as so redesignated, the following new paragraphs:

"(14) the term 'headend' means the location of any equipment of a cable system used to process the signals of television broadcast stations for redistribution to subscribers;

"(15) the term 'multichannel video programming distributor' means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming;".

(f) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended by inserting immediately after paragraph (17), as so redesignated, the following new paragraph:

"(18) the term 'principal headend' means—

"(A) the headend, in the case of a cable system with a single headend, or

"(B) in the case of a cable system with more than one headend, the headend designated by the participating operator as the principal headend, except that such designation shall not undermine or evade the requirements of section 614;".

(g) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended by inserting immediately after paragraph (19), as so redesignated, the following new paragraphs:

"(20) the term 'qualified local commercial broadcast station' means any television broadcast station licensed and operating on a channel regularly assigned to its community by the Commission (except where such station would be considered a distant signal under section 111 of title 17, United States Code) that, with respect to a particular cable system—

"(A) is licensed to a comunity whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations, or any successor regulations thereto, is within 50 miles of the principal headend of the cable system, and which delivers to the cable system principal headend either a signal level of −45 dBm for UHF signals and −49 dBm for VHF signals at the input terminals of the signal processing equipment, or a baseband video signal, and

"(B) which is not a qualified noncommercial educational television station and is determined by the Commission to be a commercial station; such term shall not include low power television stations, television translator stations, and other passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto;

"(21) the term 'qualified noncommercial education television station' means any television broadcast station which—

"(A)(i) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and which is owned and operated by a public agency, nonprofit foundation, corporation, or association; or

(ii) is owned and operated by a municipality and transmits only noncommercial programs for educational purposes; and

"(B) has as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) (47 U.S.C. 396(k)(6)(B));

such term includes (I) the translator of any noncommercial educational television station with five watts or higher power serving the cable community, (II) a full service station or translator if such station or translator is licensed to a channel reserved for noncommercial educational use pursuant to section 73.606 of title 47, Code of Federal Regulations, or any successor regulations thereto, and (III) such stations and translators operating on channels not so reserved as the Commission determines are qualified as noncommercial educational stations".

(h) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is further amended—

(1) by striking "and" at the end of paragraph (23), as so redesignated; and

(2) by inserting immediately after such paragraph (23) the following new paragraphs:

"(24) the term 'usable activated channels' means activated channels of a cable system, except those channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as determined by the Commission;

"(25) the term 'video programmer' means a person engaged in the production, creation, or wholesale distribution of a video programming service for sale; and".

REGULATION OF CABLE RATES

SEC. 5. Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended to read as follows:

"REGULATION OF RATES

"SEC. 623. (a) Any Federal agency, State, or franchising authority may not regulate the rates for the provision of cable service, or for the installation or rental of equipment used for the receipt of cable service, except to the extent provided under this section and section 612. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

"(b)(1) If the Commission finds that a cable system is not subject to effective competition, the Commission shall ensure that the rates for the provision of basic cable service, including for the installation or rental of equipment used for the receipt of basic cable service, or charges for changes in service tiers, are reasonable; except that if fewer than 30 percent of all customers to that cable system subscribe only to basic cable service, the Commission also shall ensure that rates are reasonable for the lowest-priced tier of service subscribed to by at least 30 percent of the cable system's customers.

"(2)(A) Upon written request by a franchising authority, the Commission shall review the State and local laws and regulations governing the regulation of rates of cable systems under the jurisdiction of such franchising authority. The Commission shall authorize such franchising authority to carry out such regulation pursuant to paragraph (1) in lieu of the Commission if the Commission finds that—

"(i) such State and local laws and regulations conform to the procedures, standards, requirements, and guidelines prescribed under paragraph (4) and any interpretative rulings, decisions, and orders of the Commission that relate to rate regulation under this subsection; and

"(ii) such franchising authority will provide the level of protection to consumers required by the Commission and that carries out the national policy established in this title.

"(B) Upon petition by a cable operator or other interested party, the Commission shall review such regulation of cable system rates by a franchising authority authorized under this paragraph. If the Commission finds that the franchising authority has acted inconsistently with the requirements in subparagraph (A), the Commission shall grant appropriate relief. If the Commission, after the franchising authority has had a reasonable opportunity to comment, determines that the State and local laws and regulations are not in conformance with subparagraph (A)(i) or (ii), the Commission shall revoke such authorization.

"(3) A cable operator may add to or delete from a basic cable service tier any video programming other than retransmitted local television broadcast signals. Any obligation imposed by operation of law inconsistent with this subsection is preempted and may not be enforced.

"(4) Within 120 days after the date of enactment of the Cable Television Consumer Protection Act of 1991, the Commission shall prescribe by rule procedures, standards, requirements, and guidelines for the establishment of reasonable rates charged for basic cable service by a cable operator not subject to effective competition.

"(5) A cable operator may file with the Commission, or with a franchising authority authorized by the Commission under paragraph (2) to regulate rates, a request for a rate increase in the price of a basic cable service tier. Any such request upon which final action is not taken within 180 days after such request shall be deemed granted.

"(c)(1) When a franchising authority or a subscriber of any cable system found by the Commission not to be subject to effective competition files, within a reasonable time after a rate increase for cable programming service of that system, including an increase which results from a change in that system's service tiers or from a change in the per channel rate paid by subscribers for a particular video programming service, a complaint which establishes a prima facie case that rates for such cable programming service are unreasonable based on the criteria established by the Commission, the Commission shall determine whether such rates for cable programming service are unreasonable. In making its determination, the Commission shall inquire of the cable operator of such system as to the reasons for such rates. If the Commission finds that such rates cannot be justified under reasonable business practices, the Commission shall establish reasonable rates.

"(2) Within 180 days after the date of enactment of the Cable Television Consumer Protection Act of 1991, the Commission shall prescribe by rule—

"(A) the criteria for determining whether rates for cable programming service are unreasonable, and

"(B) criteria for determining that (i) a complaint described under paragraph (1) is filed within a reasonable period after a rate increase and (ii) the complaint establishes a prima facie case that rates for cable programming service are unreasonable.

"(3) In establishing the criteria for determining whether rates for cable programming service are unreasonable pursuant to paragraph (2)(A), the Commission shall consider, among other factors—

"(A) the extent to which service offerings are offered on an unbundled basis;

"(B) rates for similarly situated cable systems offering comparable services, taking into account, among other factors, similarities in facilities, regulatory and governmental costs, and number of subscribers;

"(C) the history of rates for such service offerings of the system;

"(D) the rates for all cable programming service offerings taken as a whole; and

"(E) the rates for such service offerings charged by cable systems subject to effective competition, as defined in subsection (d).

"(d) Under this section, a cable system shall be presumed to be subject to effective competition if—

"(1) fewer than 30 percent of the households in the cable community subscribe to the cable service of such cable system; or

"(2) the cable community is served by a sufficient number of local television broadcast signals and by more than one multichannel video programming distributor.

For purposes of paragraph (2), a cable community shall be considered as served by more than one multichannel video programming distributor if (A) comparable video programming is available at comparable rates to at least a majority of the households in the cable community from a competing cable operator, multichannel multipoint distribution service, direct broadcast satellite program distributor, television receive-only satellite program distributor, or other competing multichannel video programming distributor, and (B) the number of households subscribing to programming services offered by such competing multichannel video programming distributor, or by a combination of such distributors, is in the aggregate at least 15 percent of the households in the cable community. No competing multichannel video programming distributor serving households in a cable community which, directly or indirectly, is owned or controlled by, or affiliated through substantial common ownership with, the cable system in that cable community, shall be included in any determination regarding effective competition under this subsection.

"(e) Nothing in this title shall be construed as forbidding any Federal agency, State, or franchising authority from—

"(1) prohibiting discrimination among customers of cable service; or

"(2) requiring and regulating the installation or rental of equipment which facilitates the reception of cable service by hearing-impaired individuals.

"(f) For purposes of this section, the term 'cable programming service' means all video programming services, including installation or rental of equipment not used for the receipt of basic cable service, regardless of service tier, offered over a cable system except basic cable service and those services offered on a per channel or per program basis.

"(g) Within 120 days of enactment of this subsection, the Commission shall, by regulation, establish standards, guidelines, and procedures to prevent evasions of the rates, services, and other requirements of this section.".

NONDISCRIMINATION WITH RESPECT TO VIDEO PROGRAMMING

SEC. 6. Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 551 et seq.) is amended by adding at the end the following new sections:

"NONDISCRIMINATION WITH RESPECT TO VIDEO PROGRAMMING

"SEC. 640. (a) A video programmer in which a cable operator has an attributable interest and who licenses video programming for national or regional distribution—

"(1) shall not unreasonably refuse to deal with any multichannel video programming distributor;

"(2) shall not discriminate in the price, terms, and conditions in the sale of the video programmer's programming among cable systems, cable operators, or other multichannel video programming distributors if such action would have the effect of impeding retail competition.

"(b) A video programmer in which a cable operator has an attributable interest and who licenses video programming for national or regional distribution shall make programming available on similar price, terms, and conditions to all cable systems, cable operators, or their agents or buying groups: *Provided however*, That such video programmer may—

"(1) impose reasonable requirements for creditworthiness, offering of service, and financial stability;

"(2) establish different price, terms, and conditions to take into account differences in cost in the creation, sale, delivery, or transmission of video programming;

"(3) establish price, terms, and conditions which take into account economies of scale or other cost savings reasonably attributable to the number of subscribers served by the distributor; and

"(4) permit price differentials which are made in good faith to meet the equally low price of a competitor.

"(c) The Commission shall prescribe rules and regulations to implement this section. The Commission's rules shall—

"(1) provide for an expedited review of any complaints made pursuant to this section; and

"(2) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(d) Any person who encrypts any satellite cable programming for private viewing shall make such programming available for private viewing by C-band receive-only home satellite antenna users.

"(f) This section shall not apply to the signal of an affiliate of a national television broadcast network or other television broadcast signal that is retransmitted by satellite and shall not apply to any internal satellite communication of any broadcaster, broadcast network, or cable network.

"(g) For purposes of this section, any video programmer who licenses video programming for distribution to more than one cable community shall be considered a regional distributor of video programming. Nothing contained in this section shall require any person who licenses video programming for national or regional distribution to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"AGREEMENTS BETWEEN CABLE OPERATORS AND VIDEO PROGRAMMERS

"SEC. 641. Within one year after the date of enactment of this section, the Commission shall establish regulations governing program carriage agreements and related practices between cable operators and video programmers. Such regulations shall—

"(1) include provisions designed to prevent a cable operator or other multichannel video programming distributor from requiring a financial interest in a program service as a condition for carriage on one or more of such operator's systems;

"(2) include provisions designed to prohibit a cable operator or other multichannel video programming distributor from coercing a video programmer to provide exclusive rights against other multichannel video programming distributors as a condition of carriage on a system;

"(3) contain provisions designed to prevent a multichannel video programming distributor from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programmer to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation in the selection, terms, or conditions for carriage of video programmers;

"(4) provide for expedited review of any complaints made by a video programmer pursuant to this section; and

"(5) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.".

LEASED COMMERCIAL ACCESS

SEC. 7. (a) Section 612(a) of the Communications Act of 1934 (47 U.S.C. 532(a)) is amended by inserting "to promote competition in the delivery of diverse sources of video programming and" immediately after "purpose of this section is".

(b) Section 612(c) of the Communications Act of 1934 (47 U.S.C. 532(c)) is amended—

(1) in paragraph (1) by inserting "and with rules prescribed by the Commission under paragraph (4)" immediately after "purpose of this section"; and

(2) by adding at the end the following new paragraph:

"(4)(A) The Commission shall have the authority to—

"(i) determine the maximum reasonable rates that a cable operator may establish pursuant to paragraph (1) for commercial use of designated channel capacity, including the rate charged for the billing of rates to subscribers and for the collection of revenue from subscribers by the cable operator for such use; and

"(ii) establish reasonable terms and conditions for such use, including those for billing and collection.

"(B) Within 180 days after the date of enactment of this paragraph, the Commission shall establish rules for determining the maximum reasonable rate under subparagraph (A)(i) and for establishing terms and conditions under subparagraph (A)(ii).".

(c) Paragraph (5) of section 612(b) of the Communications Act of 1934 (47 U.S.C. 532(b)) is amended to read as follows:

"(5) For the purposes of this section, the term 'commercial use' means the provision of video programming, whether or not for profit.".

LIMITATIONS ON CONTROL AND UTILIZATION

SEC. 8. Subsection (f) of section 613 of the Communications Act of 1934 (47 U.S.C. 533) is amended to read as follows:

"(f)(1) In order to enhance effective competition, the Commission shall, within one year after the date of enactment of the Cable Television Consumer Protection Act of 1990, conduct a rulemaking proceeding to prescribe rules and regulations establishing—

"(A) reasonable limits on the number of cable subscribers a person is authorized to reach through cable systems owned by such person, or in which such person has an attributable interest; and

"(B) reasonable limits on the number of channels on a cable system that can be occupied by a video programmer in which a cable operator has an attributable interest.

"(2) In prescribing rules and regulations under paragraph (1), the Commission shall, among other public interest objectives—

"(A) ensure that no cable operator or group of cable operators can unfairly impede, either because of the size of any individual operator or because of joint actions by a group of operators of sufficient size, the flow of video programming from the video programmer to the consumer;

"(B) ensure that cable operators affiliated with video programmers do not favor such programmers in determining carriage on their cable systems or do not unreasonably restrict the flow of such programming to other video distributors;

"(C) take particular account of the market structure, ownership patterns, and other relationships of the cable television industry, including the nature and market power of the local franchise, the joint ownership of cable systems and video programmers, and the various types of non-equity controlling interests;

"(D) account for any efficiencies and other benefits that might be gained through increased ownership or control;

"(E) make such rules and regulations reflect the dynamic nature of the communications marketplace;

"(F) not impose limitations which would bar cable operators from serving previously unserved rural areas; and

"(G) not impose limitations which would impair the development of diverse and high quality video programming.".

CROSS-OWNERSHIP

SEC. 9. (a) Section 613(a) of the Communications Act of 1934 (47 U.S.C. 533(a)) is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) It shall be unlawful for a cable operator to hold a license for multichannel multipoint distribution service, or to offer satellite master antenna television service separate and apart from any franchised cable service, in any portion of the cable community served by that cable operator's cable system. The Commission—

"(A) shall waive the requirements of this paragraph for all existing multichannel multipoint distribution services and satellite master antenna television services which are owned by a cable operator on the date of enactment of this paragraph; and

"(B) may waive the requirements of this paragraph to the extent the Commission determines is necessary to ensure that all significant portions of the affected cable community are able to obtain video programming.".

(b) Section 613(c) of the Communications Act of 1934 (47 U.S.C. 533(c)) is amended—

(1) by inserting "(1)" immediately after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) If ten percent of the households in the United States with television sets subscribe to service provided by multichannel video programming distributors directly via satellite to home satellite antennae, the Commission shall promulgate appropriate regulations (A) limiting ownership of any such distributor by cable operators or any person having other media interests and (B) requiring access to such satellite service by unaffiliated video programmers.".

CUSTOMER SERVICE

SEC. 10. (a) Section 632(a) of the Communications Act of 1934 (47 U.S.C. 552(a)) is amended by inserting "may establish and" immediately after "authority" and in paragraph (1) by inserting immediately after "operator" the following: "that (A) subject to the provisions of subsection (e), exceed the standards set by the Commission under this section, or (B) prior to the issuance by the Commission of rules pursuant to subsection (d)(1), exist on the date of enactment of the Cable Television Consumer Protection Act of 1991".

(b) Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended by adding at the end the following new subsections:

"(d)(1) The Commission, within 180 days after the date of enactment of this subsection, shall, after notice and an opportunity for comment, issue rules that establish customer service standards that ensure that all customers are fairly served. Thereafter the Commission shall regularly review the standards and make such modifications as may be necessary to ensure that customers of the cable industry are fairly served. A franchising authority may enforce the standards established by the Commission.

"(2) Notwithstanding the provisions of subsection (a) and this subsection, nothing in this title shall be construed to prevent the enforcement of—

"(A) any municipal ordinance or agreement in effect on the date of enactment of this subsection, or

"(B) any State law,

concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section.

"(e) In the event that a particular franchising authority, pursuant to its authority under subsection (a), requires provisions for enforcement of customer service requirements of the cable operator that exceed the standards established by the Commission, the cable operator may petition the Commission for a declaration, after notice and hearing and based upon substantial evidence, that the particular franchising authority's requirements are not in the public interest. In determining whether a particular franchising authority's provisions for enforcement of customer service requirements are not in the public interest, the Commission shall consider the needs of the local area served by the particular franchising authority.".

FRANCHISE RENEWAL

SEC. 11.(a) Section 626(a) of the Communications Act of 1934 (47 U.S.C. 546(a)) is amended by adding at the end the following: "Submission of a timely written renewal notice by the cable operator specifically requesting a franchising authority to initiate the formal renewal process under this section is required for the cable operator to invoke the renewal procedures set forth in subsections (a) through (g); except that nothing in this section requires a franchising authority to commence the renewal proceedings during the 6-month period which begins with the 36th month before the franchise expiration.".

(b) Section 626(c)(1) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)) is amended—

(1) by inserting "pursuant to subsection (b)" immediately after "renewal of a franchise"; and

(2) by striking "completion of any proceedings under subsection (a)" and inserting in lieu thereof the following: "date of the submission of the cable operator's proposal pursuant to subsection (b)".

(c) Section 626(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 546 (c)(1)(A)) is amended by inserting "throughout the franchise term" immediately after "law".

(d) Section 626(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(B)) is amended—

(1) by striking "mix, quality, or level" and inserting in lieu therof "mix or quality"; and

(2) by inserting "throughout the franchise term" immediately after "needs".

(c) Section 626(d) of the Communications Act of 1934 (47 U.S.C. 546(d)) is amended—

(1) by inserting "which has been submitted in compliance with subsection (b)" immediately after "Any denial of a proposal for renewal"; and

(2) by striking all after "unless" and inserting in lieu thereof the following: "the operator has notice and opportunity to cure, or in any case in which it is documented that the franchising authority has waived in writing its right to object.".

(f) Section 626(e)(2)(A) of the Communications Act of 1934 (47 U.S.C. 546(e)(2)(A)) is amended by inserting immediately after "section" the following: "and such failure to comply actually prejudiced the cable operator".

(g) Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended by adding at the end the following new subsection:

"(i) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the initiation of renewal proceedings by the cable operator under this section.".

REQUIREMENT FOR CERTAIN EQUIPMENT ON TELEVISION SETS SEC. 12. SECTION 303(S) OF THE COMMUNICATIONS ACT OF 1934 (47 U.S.C. 303(S) IS AMENDED—

(1) by inserting ", and be equipped with an electronic switch permitting users of the apparatus to change readily among all video distribution media," immediately after "television broadcasting"; and

(2) by inserting immediately before the period at the end of the following: ", except that such electronic switch shall be required only if the Commission determines that the installation of the switch is technically and economically feasible".

LIMITATION OF FRANCHISING AUTHORITY LIABILITY

SEC. 13. Part III of title VI of the Communications Act of 1934 (47 U.S.C. 621 et seq.) is amended by adding at the end the following new section:

"LIMITATION OF LIABILITY

"SEC. 628.(a) In any court proceeding pending on the date of enactment of this section, or initiated after such date, involving any claim under the Civil Rights Acts asserting a violation of First Amendment constitutional rights by a franchising authority or other governmental entity or by any official, member, employee, or agent of such authority or entity, arising from actions expressly authorized or required by this title, any relief shall be limited to injunctive relief, declaratory relief, and attorney's fees and legal costs, except as provided in subsection (b).

"(b) The limitation required by subsection (a) shall not apply to actions that, prior to such violation, have been determined by a final order of a court of binding jurisdiction, no longer subject to appeal, to be in violation of constitutional rights under the First Amendment or of the Civil Rights Act.".

MINIMUM TECHNICAL STANDARDS

SEC. 14. Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e)(1) The Commission shall, within one year after the date of enactment of the Cable Television Consumer Protection Act of 1990, establish minimum technical standards to ensure adequate signal quality for all classes of video programming signals provided over a cable system, and thereafter shall periodically update such minimum standards to reflect improvements in technology.

"(2) The Commission may establish standards for technical operation and other signals provided over a cable system including but not limited to high-definition television (HDTV).

"(3) The Commission may require compliance with and enforce any standard established under this subsection, adjusted as appropriate for the particular circumstances of the local cable system and cable community.

"(4) The Commission shall establish procedures for complaints or petitions asserting the failure of a cable operator to meet the technical standards and seeking an order compelling compliance; except that nothing in this subsection shall be construed to limit the ability of a complainant or petitioner to seek any other remedy that may be available under the franchise agreement or State or Federal law or regulation.

"(5) After the establishment of technical standards by the Commission pursuant to this section, neither a State or political subdivision thereof, nor a franchising authority or other governmental entity of a State or political subdivision thereof, shall—

"(A) establish any technical standards described in this subsection;

"(B) enforce any such standards that have not been established by the Commission; or

"(C) enforce any such standards that are inconsistent with the standards established by the Commission.".

REQUIREMENT TO CARRY LOCAL BROADCAST SIGNALS

SEC. 15. Part II of title VI of the Communications Act of 1934 (47 U.S.C. 531 et seq.) is amended by inserting immediately after section 613 the following new sections:

"CARRIAGE OF LOCAL COMMERCIAL BROADCAST SIGNALS

"SEC. 614. (a) Each cable operator that relies upon compulsory licensing pursuant to section 111 of title 17, United States Code, for secondary transmissions by its cable system (hereafter in this section referred to as a 'participating operator') shall carry the signals of qualified local commercial broadcast stations in accordance with the provisions of this section.

"(b)(1) A participating operator of a cable system with 12 or fewer usable activated channels shall carry the signals of a minimum of three qualified local commercial broadcast signals.

"(2) A participating operator of a cable system with more than 12 usable activated channels shall carry the number of signals of qualified local commercial broadcast stations that is equal to one-third of the aggregate number of usable activated channels of such system.

"(c)(1) Whenever the number of qualified local commercial broadcast stations exceeds the minimum number of signals of such stations that a participating operator of a cable system is required to carry under this section, the participating operator shall have discretion in selecting which signals shall be carried on its cable system in order to meet the carriage requirements of this section; except that if the participating operator elects to carry an affiliate of a broadcast network entity, such operator shall carry the affiliate of such broadcast network entity whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations, or any successor regulations thereto, is closest to the principal headend of the cable system. The carriage of each signal of a qualified local commercial broadcast station shall be included in determining whether a participating operator of a cable system has complied with the requirements of this section, even if the signal of one such station substantially duplicates that of another station. For purposes of this paragraph, the term "broadcast network entity" means an organization which produces programs available for simultaneous transmission by 10 or more affiliated broadcast stations and which has distribution locality or circuits available to such affiliated stations at least 12 hours each day.

"(2) Each signal carried in fulfillment of carriage obligations of a participating operator of a cable system under this section shall be carried on the cable system channel number on which the qualified local commercial broadcast station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the broadcaster, or on such other channel number as mutually agreed upon by the broadcaster and the participating operator. Any disputes regarding the positioning of a qualified local commercial broadcast station shall be resolved by the Commission.

"(3) A participating operator of a cable system shall carry in its entirety the primary video and accompanying audio transmission of each of the qualified local commercial broadcast stations the operator selects to carry in accordance with this section. Retransmission of material in the vertical blanking interval or other enhancements of the primary video and audio signal (including multi-channel sound, teletext, and materials carried on subcarriers) shall be within the discretion of the participating operator.

"(4) The signals of a qualified local commercial broadcast station that are carried on the cable system of a participating operator shall be carried without material degradation.

"(5) A participating operator of a cable system shall not be required to carry the signal of any qualified local commercial broadcast station that substantially duplicates the signal of another qualified local commercial broadcast station that is carried by the operator.

"(6) Signals carried in fulfillment of carriage obligations of a participating operator under this section shall be available on the lowest priced tier of service separately available to each cable subscriber to which subscription is required for access to all other tiers of service. Such signals shall be viewable via cable on all television receivers of a subscriber connected to a cable system by a cable operator. If a participating operator of a cable system authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment or materials for such connections, the operator shall notify such subscribers in writing of all broadcast stations within 50 miles of the principal headend of the cable system that are not available without a cable converter box and shall offer to sell or lease such a converter box to such subscribers.

"(7) A participating operator shall identify, upon request by any person, those signals carried in fulfillment of the signal carriage obligations of the operator under this section.

"(8) A participating operator of a cable system shall provide written notice to a qualified local commercial broadcast station, the franchising authority of such cable system, and subscribers of such cable system at least 30 days prior to either deleting from carriage or repositioning the signal of that qualified local commercial broadcast station. No such deletion or repositioning shall occur during a sweeps period in which major television rating services measure the size of audience of qualified local commercial broadcast stations.

"(9) A participating operator of a cable system shall not accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local commercial broadcast station carried in fulfillment of signal carriage obligations of the operator under this section, except that any such station may be required to bear any cost associated with delivering to the headend of the cable system a signal of the quality defined in section 602(20).

"(d)(1) Whenever a qualified local commercial broadcast station believes that a participating operator of a cable system has failed to comply with the signal carriage requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such operator has failed to comply with such requirements and state the basis for such allegations.

"(2) The Commission shall afford such participating operator an opportunity to present data, views, and arguments to establish that the operator has complied with the signal carriage requirements of this section.

"(3) Within 120 days after the date a complaint is filed under this subsection, the Commission shall determine whether the participating operator has complied with the requirements of this section. If the Commission determines that the participating operator has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the participating operator has fully complied with such requirements, the Commission shall dismiss the complaint.

CARRIAGE OF NONCOMMERCIAL EDUCATIONAL TELEVISION SIGNALS

"SEC. 615. (a) In addition to the carriage requirements set forth in section 614, each operator of a cable system (hereafter in this section referred to as an 'operator') shall carry the signals of qualified noncommercial educational television stations in accordance with the provisions of this section. The provisions of this section apply without regard for whether the operator is a participating operator as defined in section 614(a).

"(b)(1) Subject to paragraphs (2) and (3) and subsection (e), each operator shall carry, on the cable system of that operator, each qualified local noncommercial educational television station requesting carriage.

"(2)(A) Notwithstanding paragraph (1), an operator of a cable system with 12 or fewer usable activated channels shall be required to carry the signal of only one qualified local noncommercial educational television station; except that an operator of such a system shall comply with subsection (c) and may, in its discretion, carry the signals of other qualified noncommercial educational television stations.

"(B) In the case of a cable system described in subparagraph (A) which operates beyond the presence of any qualified local noncommercial educational television station—

"(i) the operator shall carry on that system the signal of one qualified noncommercial educational television station;

"(ii) the selection for carriage of such a signal shall be at the election of the operator; and

"(iii) in order to satisfy the requirements for carriage specified in this subsection, the operator of the system shall not be required to remove any other programming service actually provided to subscribers on March 29, 1990; except that such operator shall use the first channel available to satisfy the requirements of this subparagraph.

"(3)(A) Subject to subsection (c), an operator of a cable system with 13 to 36 usable activated channels—

"(i) shall carry the signal of at least one qualified local noncommercial educational television station but shall not be required to carry the signals of more than three such stations, and "(ii) may, in its discretion, carry additional such stations.

"(B) In the case of a cable system described in this paragraph which operates beyond the presence of any qualified local noncommercial educational television station, the operator shall import the signal of at least one qualified noncommercial educational station to comply with subparagraph (A)(i).

"(C) The operator of a cable system described in this paragraph which carries the signal of a qualified local noncommercial educational station affiliated with a State public television network shall not be required to carry the signal of any additional qualified local noncommercial educational television station affiliated with the same network if the programming of such additional station is substantially duplicated by the programming of the qualified local noncommercial educational television station receiving carriage.

"(D) An operator of a system described in subparagraph (A) which increased the usable activated channel capacity of the system to more than 36 channels on or after March 29, 1990 shall, in accordance with the other provisions of this section, carry the signal of each qualified local noncommercial educational television station requesting carriage, subject to subsection (e).

"(c) Notwithstanding any other provision of this section, all operators shall continue to provide carriage to all qualified local noncommercial educational television stations whose signals were carried on their systems as of March 29, 1990. The requirements of this subsection may be waived with respect to a particular operator and a particular such station, upon the written consent of the operator and the station.

"(d) An operator required to add the signals of qualified local noncommerical educational television stations to a cable system under this section may do so by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

"(e) An operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry the signals of three qualified local noncommercial educational television stations shall not be required to carry the signals of additional such stations the programming of which substantially duplicates the programming broadcast by another qualified local noncommercial educational television station requesting carriage. Substantial duplication shall be defined by the Commission in a manner that promotes access to distinctive noncommercial educational television services.

"(f) A qualified local noncommercial educational television station whose signal is carried by an operator shall not assert any network non-duplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, to require the deletion of programs aired on other qualified local noncommercial educational television stations whose signals are carried by that operator.

"(g)(1) An operator shall retransmit in its entirety the primary video and accompanying audio transmission of each qualified local noncommercial educational television station whose signal is carried on the cable system, and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the operator.

"(2) An operator shall provide each qualified local noncommercial educational television station whose signal is carried in accordance with this section, with bandwidth and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

"(3) The signal of a qualified local noncommercial educational television station shall not be repositioned by an operator unless the operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes (A) assignment of a qualified local noncommercial educational television station to a cable system channel number different from the cable system channel number to which the station was assigned as of March 29, 1990, and (B) deletion of the station from the cable system.

"(4) Notwithstanding the other provisions of this section, an operator shall not be required to carry the signal of any qualified local noncommercial educational television station which does not deliver to the cable system's principal headend a signal of good quality, as may be defined by the Commission.

"(h) Signals carried in fulfillment of the carriage obligations of an operator under this section shall be available to every subscriber as part of the cable system's lowest priced service that includes the retransmission of local television broadcast signals.

"(i)(1) An operator shall not accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial educational television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good quality signal to the principal headend of the cable system.

"(2) Notwithstanding the provisions of this section, an operator shall not be required to add the signal of a qualified local noncommercial educational television station not already carried under the provision of subsection (c), where such signal would be considered as a distant signal for copyright purposes unless such station reimburses the operator for the incremental copyright costs assessed against such operator as a result of such carriage.

"(j)(1) Whenever a qualified local noncommercial educational television station believes that an operator of a cable system has failed to comply with the signal carriage requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such operator has failed to compy with such requirements and state the basis for such allegations.

"(2) The Commission shall afford such participating operator an opportunity to present data, views, and arguments to establish that the operator has complied with the signal carriage requirements of this section.

"(3) Within 120 days after the date a complaint is filed under this subsection, the Commission shall determine whether the operator has complied with the requirements of this section. If the Commission determines that the operator has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the operator has fully complied with such requirements, the Commission shall dismiss the complaint.

"(k) An operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(l) For purposes of this section, 'qualified local noncommercial educational television station' is defined as a qualified noncommercial educational television station—

"(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on March 29, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

"(B) whose Grade B service contour, as defined in section 73.683(a) of such title (as in effect on March 29, 1990), or any successor regulations thereto, encompasses the principal headend of the cable system.".

JUDICIAL REVIEW

SEC. 16. Section 635 of the Communications Act of 1934 (47 U.S.C. 555) is amended by adding at the end the following new subsection:

"(c)(1) Notwithstanding any other provision of law, any civil action challenging the constitutionality of section 614 of this Act or any provision thereof shall be heard by a district court of three judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

"(2) Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of three judges in an action under paragraph (1) holding section 614 of this Act or any provision thereof unconstitutional shall be reviewable as a matter or right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.".

HOME WIRING

SEC. 17. Section 624 of the Communications Act of 1934 (17 U.S.C. 544) is amended by adding at the end the following new subsection:

"(g) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules and regulations concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber.".

SEPARABILITY

SEC. 18. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application as to which it is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. Except as otherwise specified in this Act, the requirements of this Act shall be effective 60 days after the date of enactment of this Act. The Federal Communications Commission may promulgate such regulations as it determines necessary to interpret such requirements that are not inconsistent herewith.●

Mr. GORE. Madam President, I do not plan to speak today on the cable legislation that will be introduced by Senator DANFORTH and Senator HOLLINGS, except to say that I am proud to be a cosponsor of it and to make a brief statement.

New legislation to control rapidly increasing rates on cable television is still necessary. The situation is no better today than it was 2 years ago. In fact, it is worse. It is a monopoly that is neither regulated nor faces any competition, and no business in America should be in that situation. It is imperative that this Congress act this year to give some relief to people who are paying outrageous increases in their rates for cable television.

Mr. HOLLINGS. Mr. President, I rise in support of the Cable Television Consumer Protection Act of 1991. I have followed the communications industry for decades and am continually impressed by its progress and achievements. Who would have thought a decade ago that over half of the American public would be willing to pay to watch television? After all, we had the best television in the world, and you could receive it for free. Yet, it is clear that the public sees something special in cable television—over 57 percent of American homes now subscribe to cable—and people are willing to pay a significant amount to receive it.

This tremendous growth in the cable industry has produced much of value. Most cable subscribers have access to 36 channels, and this amount is steadily increasing. Many systems already offer twice as many channels as before enactment of the Cable Communications Policy Act of 1984. This increase in capacity has been accompanied by a great increase in the programming that is offered, and here too, more is on the horizon. That is an outstanding record.

This growth also has produced problems. The Commerce Committee has heard about undue rate increases, customer service problems, and various anticompetitive market practices. I know that many of these problems are the result of certain "bad actors". I can assure everyone that we will not set policy based on isolated events.

However, there is more here than isolated events. The cable industry is no longer a second-class video distributor that only retransmits broadcast programming. It now serves more than half of American homes, and that amount is increasing. Furthermore, it has de facto exclusive franchises. It appears well on its way to becoming the dominant video distributor.

I know that cable systems face some competition from over-the-air broadcasters and from video rental stores. However, most often there exists no multichannel competitor, and most people subscribe to cable because of the wide group of satellite-delivered signals. Cable systems thus have become important gatekeepers. They are to be commended for their growth, but they also must recognize that they have achieved a new status and have acquired new responsibilities. These new attributes will become even more important if cable continues its impressive growth.

Last Congress, under the leadership of Senator Inouye, the chairman of the Communications Subcommittee, the Commerce Committee began to examine what should be done to address the cable industry and the concerns raised by consumers. The committee carefully and deliberately compiled an extensive record through numerous hearings and meetings. The committee then drafted legislation that represented a true consensus of the committee's members. In fact, that legislation was reported by the committee by a vote of 18 to 1. The legislation we are introducing today is based on that same bill.

It reflects my concerns and those of my colleagues about the need to have some control over rates and to ensure that customers are properly served. We must prevent monopolistic practices. At the same time, we want to encourage the growth of programming, the increase in channel capacity, and the development of new technologies.

The bill we are introducing today seeks the proper balance among these competing objectives. It represents a substantial effort. I look forward to continuing to work with my colleagues, and with representatives of consumers, the cable industry, broadcasters and other interested parties to advance this legislation and ensure that it accomplishes its objectives.

Mr. GORE. Mr. President, with the introduction of S. 12, The Cable Television Consumer Protection Act of 1991, we renew the long-running debate on cable television policy. The bill is essentially the same as the legislation reported out of the Commerce Committee last year. But the fact that we are introducing this bill today—at the beginning of this Congress—should send a clear message that advocates of legislation are as determined as ever to act.

When S. 1880 died last October—largely at the instigation of an obstinate White House and some powerful forces in the cable industry—the issues and the problems that sparked these efforts did not disappear. The problems that beseiged this industry and its consumers last year are with us this year.

Mr. President, I want to be sure to note that not all cable executives worked to kill this bill last year. As the 101st Congress came to its end in October, several industry leaders were entirely forthcoming and cooperative in helping us reach important compromises designed to advance the bill. The so-called Gore-Wirth compromise on exclusivity was hammered out after weeks of good-faith negotiations with key representatives within the industry. While that compromise is not part of the new bill—and may not be included as this bill advances—I was pleased to work with these industry leaders who viewed legislation as a responsible course.

Passage of the bill last year would have put this issue to rest. None of us wanted to continue this drumbeat of criticism of an industry which, in fact, has brought many wonderful new forms of television entertainment and information to millions of families. We are all grateful to cable for its efforts to create and then support coverage of the Congress through C-SPAN, new educational programming services from local institutions, coverage of local government decision-making, innovative children's programming, and so much more.

But for the past 6 years, the question has been simple: when you have an industry that looks like a monopoly, acts like a monopoly, smells like a monopoly, and charges captive customers like a monopoly, what do we, as Federal policy makers do about it even while the industry is claiming it is not a monopoly?

The 1984 Cable Act took away the authority of local officials to control abuses, such as when franchises are bought and sold like the junk bonds that finance so many of these franchise takeovers.

Since deregulation consumers have faced alarming rate hikes—in some cases a doubling of rates overnight, as in 22 West Tennessee communities in 1988. In that example, a stable, locally based cable operator was providing essential services to small communities at a fair price. A go-go multi-system operation from Connecticut, MultiVision, using highly leveraged venture capital, paid far too much money to take over these rural systems. Left with a huge debt service, MultiVision had no choice but to jack up rates for basic service to meet their interest payments alone, while adding no new services whatsoever.

The now-infamous MultiVision case may have been one of the most glaring examples of abuse by the cable industry, but it was by no means unique. Practically every Congressional office has a fat file of complaints—in my case more than 4,000 letters—about unwarranted rate increases—and new complaints are added to this file every day.

While some rate adjustments in Tennessee and throughout the country were reasonable, and resulted in improved services and more cable channels, in far too many cases rate hikes were purely efforts to increase profits from captive consumers who have become increasingly dependent upon cable as a primary conduit for information services to their homes.

Clearly, some regulatory adjustments to the 1984 Cable Act were in order. Yet too many cable systems have gone too far in testing what the market will bear, and for too long have ignored their service responsibilities. Direct basic rate increases are not the only devices cable operators have used to enhance profits. More recently we have seen customers facing moderate basic rate increases, but new—and totally unjustified—rental charges for cable decoders already in place. Other disguised rate hikes were thrown at consumers in the form of basic rates held level only if customers purchase expensive premium services—HBO, Showtime, etc.—otherwise basic rates would be forced up.

S. 12 provides local communities with tools to keep precipitous rate hikes in check, while preserving the revenue flows so cable operators and programmers can improve services and add programming.

Unfortunately, the prospect of competition—which clearly can hold rates in check—is as elusive as ever. The most direct form of competition—local overbuilders of cable systems—is practically non-existent. Out of 9,000 cable franchises nationwide, consumers in fewer than 50 communities have the option of a competing system. Consumers' Research recently found that local cable rates were on average 18 percent lower in communities with overbuilds than those with only one system. But the prospect of this kind of competition is bleak to zero.

Other technological competitors are severely disadvantaged as well. The telephone companies are expressly prohibited from competing with cable. Wireless cable and home satellite dish program distributors often cannot get fair treatment from the companies selling cable programming, and are forced to pay much higher prices for programming, if they can get it at all. The long-awaited, high-powered direct-broadcast satellite systems [DBS] with small home dishes will never get up and running if they suffer the same fate as traditional home dish businesses. Some progress has been made—such as HBO's decision last year to make its services available to most distributors at non-discriminatory prices. But all too often this approach is rejected in favor of highly discriminatory behavior, such as ESPN's continued determination to keep process artificially high for satellite dish distributors.

Moreover, many cable programmers, especially those who are not owned by cable MSOs, fear that the major cable companies which represent their primary source of revenues will retaliate if they allow equal access to cable's competitors. Cable MSOs often have a life-or-death control over new programming services, and have at times exercised this control in devastating ways. Several years ago TCI Inc.—the country's largest cable operator—refused to grant access to NBC's startup cable news service, and NBC was forced to kill the new channel. And even when TCI agreed to take NBC's next cable effort, CNBC, it demanded that NBC buy Tempo, a worthless programming service from TCI.

Our legislative effort is designed to prevent such anticompetitive behavior by requiring that programming services not discriminate against non-cable distributors of programming. Similarly, cable MSOs would not be allowed to extract "exclusive" distribution deals from programmers as a condition of carrying their programming.

Preventing the abuse of exclusive distribution contracts in the cable industry will stimulate competition for cable—competition which can ultimately solve the spiraling rate problem now nearly out of control in this country.

We have been debating these issues since the 1984 Cable Act deregulated cable operators. The problem facing consumers—skyrocketing prices, anticompetitive program distribution, poor customer service—all began to occur immediately after deregulation. Advocates of deregulation said: "Let's let the Act work, the problems will go away." But the problems haven't been solved, the industry is still severely distorted, little has changed. And in fact, from the standpoint of many consumers it has gotten worse.

The goal of S. 12 is to give consumers of cable television services at least modest relief from skyrocketing rates and the pervasive anticompetitive practices within the cable/programming industry. There will again be powerful forces opposing the bill, but the tide clearly has turned in the favor of consumers when it comes to Federal cable policy.

Mr. President, I urge our colleagues to carefully review this new bill, and to join us in sending a message to consumers in their States that the Senate is prepared to finally bring some reason to the morass of regulatory problems in the cable marketplace.

Mr. INOUYE. Mr. President, I join today with Senator DANFORTH, Senator HOLLINGS and Senator GORE to support the Cable Television Consumer Protection Act of 1991. I want to thank these Senators for all of their work on this legislation. This bill should not come as a surprise. It is essentially the same bill that was approved by the Commerce Committee last June by a vote of 18 to 1 and which was authored by Senators HOLLINGS and DANFORTH and myself.

Until the 1984 act, there was no Federal policy for cable television. The FCC had only indirect authority to oversee the cable industry, which it obtained by virtue of its obligation to ensure that broadcasters served the public interest. About a dozen States had laws in effect controlling certain cable activities, and in those States where no law existed, the cities and other local government entities exercised control because cable systems had to pass through public rights of way. As a result, the cable industry was subjected to a crazy quilt of regulation, often to its detriment and to that of the subscriber.

The 1984 act changed this cable landscape significantly. It defined more precisely the roles of each governmental entity. The State or local authorities continued to regulate rates in the absence of effective competition and to control the franchising process, but under new constraints. The Federal Government controlled basic rate deregulation and technical standards. The 1984 act provided the cable industry with the potential to develop its systems and its programming. Actions by the FCC to implement the act further freed the industry from regulation, giving it the certainty to increase capital expenditures.

The 1984 act has achieved many of its objectives. Over the past 6 years, the cable industry has grown dramatically. Most of America is now wired to receive cable; almost 90 percent of the homes in the country are passed by cable systems, and over 60 percent of these homes subscribe to cable service. System capacity has increased; the average cable system offers about 36 channels, and this number is steadily increasing. Programming choices have also grown about 50 percent since the act was passed, with many more offerings now being planned. Cable television has become our Nation's dominant video distribution medium.

With this growth have come problems. In certain instances, rate increases have been excessive. For many systems, customer service has been abominable. Programmers have argued that they cannot get carried on cable systems without relinquishing control of their product. In addition, competing video distributors allege that these programmers refuse to deal with them. In general, it is argued that the cable industry now possesses undue market power which is used to the detriment of consumers, programmers, and competing video distributors. These concerns are addressed by this legislation.

As chairman of the Communications Subcommittee, I knew in the last Congress that we had to address these matters expeditiously, and I immediately began a series of hearings. My subcommittee held 10 hearings on cable-related issues. We listened to over 30 hours of testimony from about 75 different witnesses. Out of this exhaustive examination, virtually all members of the committee concluded that the 1984 Cable Act has been a success but has been accompanied by problems and that legislation was necessary to correct these problems. While we would prefer to remedy these problems through greater competition, such competition will not be forthcoming in the near future. Thus, it is necessary to impose greater regulation.

These conclusions are reflected in the legislation we are introducing today. This legislation addresses the concerns of consumers, programmers, and competitors about the market power of the cable industry. At the same time, it continues to permit the cable industry to grow and bring to the American public a new array of programming and other services. This bill represents a balanced package.

For the record, let me now summarize the major provisions of the legislation.

SUMMARY OF MAJOR PROVISIONS

SECTION 5—RATE REGULATION

The test for determining whether cable systems are subject to effective competition is made more stringent than existing FCC regulations. It requires that there be both a sufficient number of television signals and a multichannel video competitor prior to deregulation. If cable systems are not subject to competition, the FCC shall ensure that rates for basic cable service—the tier with retransmitted television signals—as well as the equipment used for the provision of that service, are reasonable. If fewer than 30 percent of a cable operator's customers subscribe to only the basic tier, the rates for the next tier can be regulated.

In addition, the FCC, upon complaint, shall ensure that rates for other—nonbasic and not offered on a per channel or per program basis—cable services and equipment used for the provision of those services are not unreasonable. Franchising authorities can obtain jurisdiction over basic rate regulation by certifying to the FCC that it will follow the FCC's procedures and standards. If the franchising authority does not follow these FCC requirements, its rate regulation authority can be revoked.

SECTION 6—PROGRAM DISTRIBUTION AND EXCLUSIVITY

National and regional cable programmers affiliated with cable operators cannot unreasonably refuse to deal with other video distributors. In addition, such programmers cannot discriminate in prices, terms, and conditions in the sale of programming to others if such discrimination would have the effect of impeding retail competition. Further, such a programmer must deal with cable operators and buying agents of cable operators on similar terms, but may take into account cost differentials as well as certain other factors. Cable operators cannot discriminate against unaffiliated cable programmers or require that a programmer give the operator a financial interest in the programmer as a condition of carriage. Finally, cable programmers who encrypt their satellite transmissions [C-Band] must make their programming available to home satellite dishowners.

SECTION 7—LEASED ACCESS

The FCC is given the authority to establish rates, terms, and conditions for access to these channels, including for billing and collection.

SECTION 8—LIMITATIONS ON CONTROL AND UTILIZATION

The FCC is required to conduct a rulemaking to prescribe reasonable limitations on first, the number of subscribers a cable operator can reach nationwide, and second, the number of channels that can be occupied on a cable system by programmers affiliated with a cable operator.

SECTION 9—CROSS-OWNERSHIP

A cable operator cannot own a multichannel multipoint distribution service [MMDS] system or a satellite master antenna television [SMATV] system in its franchise area, except that waivers can be granted. When approximately 10 percent of the Nation receives some form of direct satellite video service, the FCC is required to impose (A) limitations on the ownership of such services by cable operators and other persons having media ownership interests, and (B) access requirements for unaffiliated programmers.

SECTION 10—CUSTOMER SERVICE

The FCC is required to establish minimum customer service standards. Franchising authorities may set standards which exceed the FCC's standards. Cable operators may challenge a franchise authority's tougher standards at the FCC. Existing State laws, municipal ordinances and agreements that set customer service standards that are tougher than the FCC's are grandfathered.

SECTION 11—FRANCHISE RENEWAL

The legislation makes a series of changes to the procedural requirements in the current act.

SECTION 12—REQUIREMENTS FOR EQUIPMENT IN TELEVISION SETS

The FCC is given the authority—if it demonstrates technical and economic feasibility—to require television set manufacturers to include electronic switches to permit users to change readily among all video distribution media.

SECTION 13—LIMITATIONS ON FRANCHISING AUTHORITY LIABILITY

If franchising authorities act pursuant to the provisions of this act, they may be subject only to injunctive relief, declaratory relief, or attorneys' fees for claims asserting violations of first amendment rights.

SECTION 14—MINIMUM TECHNICAL STANDARDS

The FCC is required to establish minimum technical standards for the operation of cable systems.

SECTION 15—REQUIREMENT TO CARRY LOCAL BROADCAST SIGNALS

The bill requires carriage of local broadcasters and limits the discretion of cable systems to shift channel positions. It requires cable systems to devote up to one-third of their capacity to broadcast stations. The bill also includes the agreement reached between the public broadcasters and the cable industry.

SECTION 17—HOME WIRING

The FCC is required to prescribe rules concerning the disposition of cable-installed wires inside a home when the subscriber terminates service.

While this legislation is very similar to that approved by the Commerce Committee last Congress, we will be holding extensive hearings on this bill early in the year. It is our intention to move this legislation quickly, but not without providing all interested parties an opportunity to present their views.

Mr. LIEBERMAN. Mr. President, I am pleased to join again as a cosponsor of the Cable Television Consumer Protection Act of 1991, which Senators DANFORTH, HOLLINGS, and INOUYE are introducing today. Last year, under their leadership, we came extremely close to passing cable reform legislation. I sincerely hope that we can build on last year's efforts and secure passage of a strong, proconsumer cable reform bill.

The bill being offered today is much stronger than S. 1880, the bill reported out of the Commerce Committee last year. I am especially pleased that the sponsors of this bill have seen fit to incorporate the substance of two amendments I, along with Senator METZENBAUM, was prepared to offer last year if cable legislation came to the floor.

First, while this bill retains S. 1880 division of cable services into broadcast basic, expanded basic programming—such as ESPN, CNN, MTV, C-SPAN and Nickelodeon—and premium services—such as HBO, Showtime, and the Movie Channel—it has significantly strengthened the standards under which the FCC may review rates for expanded basic programming. Under S. 1880, the FCC could scrutinize rate increases for the tier of service including ESPN, CNN, C-SPAN, MTV, and Nickelodeon, but only to ensure that rates were not significantly excessive. This was a clear signal to cable operators that they could commit petty, but not grand larceny in structuring their rates. This year, Senators DANFORTH, HOLLINGS, and INOUYE have incorporated my and Senator METZENBAUM's proposed amendment which makes clear that cable operators cannot charge unreasonable rates for these services.

I am also pleased that the sponsors of this bill have incorporated my proposed amendment from last year to require the FCC to set minimum nationwide customer service standards, but to allow the States and franchising authorities to adopt tougher standards as their local needs dictate.

I believe this bill can and should be stronger. I will shortly be introducing, along with my friend Congressman

CHRIS SHAYS, the Cable Consumer Protection Act of 1991, which I believe better protects consumers, and I intend to work to strengthen the Cable Television Consumer Protection Act of 1991 as it works its way through Congress. Nevertheless, I also believe it is important to send a strong signal to the cable industry, and its friends and patrons in the administration, that the interests of the American consumer will not be denied this year.

Mr. McCAIN. Mr. President, I share Senator DANFORTH'S concerns about the state of the cable industry in this country. The core of this issue lies in the plight of consumers who have experienced skyrocketing rates and poor cable service since the deregulation of the industry under the 1984 Cable Act. The cable industry was deregulated with the expectation that competition would flourish as other technologies entered into the field. The competition intended to benefit consumers has not materialized, and the public has been left to deal with a monopoly. The competitive force operating now is a take it or leave it philosophy by which the cable industry is exploiting a captive market.

There is evidence of this nationwide as cable rates have increased dramatically. Increases in basic cable rates have been reported to be an average of 29 percent. In Tucson, AZ, for example, rates have risen an average of more than 68 percent since deregulation took effect in 1986, and over 120 percent since passage of the 1984 Cable Act. Rates in the city of Mesa, AZ, have risen over 73 percent.

The consumer is the ultimate victim of these anticompetitive activities. Would-be operators and competitors from other industries are locked out of the cable marketplace by the industry's abuse of concentrated ownership. In doing this, the cable industry is actively stifling competition through unfair business practices. The result is limiting buying power for the consumer who suffers the impact of rising subscription costs, limited program choices, and poor service. As it stands now, consumers have two choices: they can either subscribe to this kind of service, which consumers have come to rely on more and more, or, as in the case of viewers in rural areas, be totally isolated from information and entertainment services.

These concerns prompted me to cosponsor S. 1880, the Cable Television Consumer Protection Act of 1989 in the 101st Congress. Like S. 1880, the legislation introduced by Senator DANFORTH today offers swift solutions to stemming the abuses by the industry. I commend Senator DANFORTH for his unwavering commitment to bringing this issue to the forefront.

While I have been a strong supporter of this initiative in the past, I am encouraged by a recent proposed rulemaking by the Federal Communications Commission [FCC] which establishes a threshold standard for effective competition. I am awaiting further developments in the rulemaking process before determining whether or not legislation requiring reregulation is the only means available to level the playing field so that other competitors might enter the market. I realize that these are difficult times for consumers who rely on cable services and feel that they have few alternatives for information and entertainment services. Nonetheless, I believe that it is important to allow the expert agency in this field an opportunity to act.

Reregulation should be the solution of last resort. Once the rulemaking outcome is known, the answer will be clear as to which alternative best assists the consumer and nurtures a healthy marketplace from which he or she can choose. The cable industry is on notice that the Senate is able and willing to act, and that reregulation of the industry is a very real possibility. If the FCC is unable to provide the solution to this problem, I, for one, am prepared, as I have been in the past, to support legislation to require reregulation of the cable industry, and to actively promote its passage.

By Mr. INOUYE:

S. 13. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain on certain sales of land subject to ground leases; to the Committee on Finance.

TAX TREATMENT OF LAND SUBJECT TO GROUND LEASES

• Mr. INOUYE. Mr. President, I rise to introduce a bill to amend the Internal Revenue Code of 1986 to exclude from gross income, profits on lease fee conversions of residential properties. This exemption, available until 1995, would provide an incentive for landowners to sell their fee simple interests to those persons currently leasing the land. It specifically addresses the situation involving condominium and co-op owners who are currently leasing the land on which their buildings or houses are situated.

This bill would increase the chances of residential and condominium owners, who currently lease their land, to become homeowners in the true sense of the word by purchasing the land on which they live.

The impact of this bill would be tremendous. In Hawaii, an estimated 70,000 people would be affected by this legislation. Much of the land in Hawaii is owned by a few large estates. Allowing these estates to sell some of their fee simple interests would benefit the State and its residents by increasing the number of landowners and thereby redistributing the wealth.

The large landholding estates in Hawaii would welcome this legislation as an opportunity to dispose of some of their land. The current system addresses the goal of broadening the number of landowners by mandatory conversions. This is a costly procedure requiring government condemnation of the land as part of the transfer. This bill would create an incentive for voluntary lease fee conversions. This would effectively remove the need for the government's involvement in this process.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the full text of my bill be placed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 13

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. GAIN ON CERTAIN LAND SUBJECT TO GROUND LEASE.

"(a) GENERAL RULE.—Gross income shall not include any gain on a qualified sale of land.

"(b) QUALIFIED SALE.—For purposes of this section, the term 'qualified sale' means any sale or exchange of land if—

"(1) such land was subject to a ground lease on the date of the enactment of this section and at all times thereafter before the date of such sale or exchange,

"(2) such sale or exchange is to the lessee under such ground lease,

"(3) the only buildings on such land are residential buildings (or appurtenant structures), and

"(4) such sale or exchange is on or before December 31, 1995.

"(c) RESIDENTIAL BUILDING.—For purposes of this section, the term 'residential building' means—

"(1) any single-family house, and

"(2) any building containing 2 or more dwelling units (as defined in section 167(k)(3)(C)) if 80 percent or more of such building (other than common areas) consists of dwelling units (as so defined)."

(b) The table of sections of part III of subchapter B of chapter 1 of such code is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. Gain on certain sales of land subject to ground lease.

"Sec. 137. Cross references to other Acts."

(c) The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act in taxable years ending after such date.•

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 14. A bill to assist in restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

CHESAPEAKE BAY RESTORATION ACT

• Mr. SARBANES. Mr. President, today I am introducing S. 14, legislation to reauthorize and enhance the Chesapeake Bay Program. This bill, entitled the Chesapeake Bay Restoration Act of 1991, not only continues the tremendously successful program authorized in the 1987 Water Quality Act, but expands and strengthens cooperative efforts to restore and protect the Chesapeake Bay.

This bill was first introduced near the end of the 101st Congress in preparation for early consideration this year. I am pleased that my colleagues from Maryland and Virginia—Senators MIKULSKI, WARNER, and ROBB—are joining me today in reintroducing this important legislation and I want to note that a companion measure will be introduced in the House.

I spoke last October on the need for this legislation and I want to review the most compelling reasons today. First, the existing authorization for the Chesapeake Bay Program expired along with other Water Quality Act programs last September, at the end of fiscal year 1990. The program is being continued through authorities and funding in the appropriations process. However, there is still much more work that needs to be done on the bay and the need for a new authorization is perhaps greater now than ever before. Second, with the signing of the Chesapeake Bay Agreement in December 1987, the bay area jurisdictions and the Federal Government committed to an ambitious program to achieve improved water quality and living resources productivity. The bay area States have moved swiftly to enact legislation and dedicate funding to meet their commitments under the agreement. In order to assure effective implementation of the pact at the Federal level, it is essential that new authorities and resources be provided.

The Chesapeake Bay Restoration Act provides those much-needed resources. It authorizes $20 million a year for the next 4 years for the Chesapeake Bay Program—an increase of $7 million over the previously authorized level. It establishes a new initiative to address key issues such as toxic pollution, the decline of the bay's living resources, and population growth and land use. In my view, it represents the third leg of the three-legged stool on which the Chesapeake Bay Program must rest. The first two legs were established in the 1987 Water Quality Act authorization—a $3 million authorization for EPA to administer the program and a $10 million authorization for grants to the bay area States which has been used primarily for nonpoint source reduction efforts. The third leg, which this legislation would authorize, is this legislation which would provide the resources that are necessary for Federal agencies to begin implementing the strategies called for under the 1987 bay agreement.

The legislation has been carefully crafted with the assistance of the bay area States, the District of Columbia, the Chesapeake Bay Commission, the Citizens Advisory Committee, the Scientific and Technical Advisory Committee, the Local Government Advisory Committee, the Alliance for the Chesapeake Bay, the Chesapeake Bay Foundation, the bay area congressional delegation, and many others. It represents a consensus of the highest priority needs as identified by the agencies and organizations responsible for implementing the strategies and programs called for under the bay agreement. It is not intended as a catchall bill which addresses every aspect of every Federal agency's participation in the bay cleanup effort. Rather, it is intended to continue and improve upon the Chesapeake Bay Program that was authorized in the 1987 Clean Water Act.

We have come a long way since the first Chesapeake Bay Agreement was signed in December 1983 initiating the cooperative Federal-State effort to clean up the bay. Over the past 7 years, remarkable progress has been made in laying the groundwork for the restoration, protection and enhancement of the bay. An interstate and Federal-State management structure is in place, including memoranda of understanding between EPA and other major Federal agencies, outlining their responsibilities for the bay program. States have adopted far-reaching initiatives and activities that are now underway. The bay area congressional delegation has worked closely together and has been successful in protecting and even increasing funding for the Federal agencies involved in the bay program. There is strong public support and a high degree of cooperation and coordination among all parties. Indeed, the Chesapeake Bay Program has been heralded as a model for other estuaries throughout the country and around the world.

There are signs that the bay is improving. Since 1985, phosphorus discharges from municipal treatment plants, industry, and nonpoint sources into the bay have been reduced by 35 percent. This is a direct result of the phosphate detergent ban now in place in each State and the District of Columbia, new sewage treatment plant construction featuring processes for advanced phosphorus removal, and the bay program's unique nonpoint source controls. Submerged aquatic vegetation [SAV], which provides critical habitat for the bay's living resources, has made a slow but steady comeback from dramatic declines in the 1960's and 1970's. This can be directly traced to improved water quality. Striped bass have also made a significant recovery from the depleted stocks of the early 1980's. This success demonstrates that management controls can make a difference in the health of the bay's resources.

Despite these great efforts, it is clear that we have a long way to go before actual improvements to the bay's water quality and living resources will be apparent. Conditions over the past few years, including medical wastes washing up on the shores near Baltimore Harbor and Annapolis, oilspills that spread thousands of gallons across the bay, the spread of MSX and other deadly oyster diseases throughout the Chesapeake, as well as the toxic chemicals and nutrients that continue to pollute the bay's surface and bottom waters underscore the difficult problems continuing to face the bay.

Addressing these serious problems will require a significant and sustained effort on the part of all participants, as well as significant financial resources. My colleagues and I are hopeful that S. 14 will be incorporated in the Clean Water Act. Enactment of the provisions in our legislation would set the course of efforts to protect and restore our national treasure over the next several years.

Mr. President, I ask that letters and statements from Governors Schaefer, Wilder, and Casey; the Chesapeake Bay Commission, and the Chesapeake Bay Foundation, in support of this legislation be included in the RECORD following my statement. I also ask that the bill be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Chesapeake Bay Restoration Act of 1991".

SEC. 2. FINDINGS

The Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) the productivity and water quality of the Chesapeake Bay and its tributaries in recent years have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of growth and development of population in the watershed, and other factors;

(3) the Chesapeake Bay Agreement established an institutional framework, including Chesapeake Executive Council with oversight, to implement a series of goals, objectives, and commitments to protect, restore, and enhance the estuary's ecosystem;

(4) there is a need to expand and strengthen Federal support of research, monitoring, and management activities in the Bay in order to meet the goals, objectives, and commitments of the Chesapeake Bay Agreement, particularly in the areas of water quality; living resources; public information, education and participation; population growth, development, and governance;

(5) the United States Environmental Protection Agency should continue to lead a cooperative Federal initiative with the United States Army Corps of Engineers, United States Department of Agriculture, United

States Department of the Interior, Department of Defense, National Oceanic and Atmospheric Administration, United States Coast Guard, and other Federal agencies in the effort to attain the goals embodied in the Chesapeake Bay Agreement, working with State and local authorities;

(6) the National Oceanic and Atmospheric Administration has an important role in the Bay restoration program through participation in the Bay research, monitoring, assessment, and management studies and should continue these activities;

(7) the various research and monitoring programs related to the Chesapeake Bay should be closely coordinated to achieve improved water quality and living resources productivity;

(8) public information, education, and participation are essential to foster stewardship of the Bay's resources, to help identify and prioritize the Bay-related problems of each watershed or river basin, and to formulate goals and objective for addressing these problems;

(9) there is a clear correlation between population growth and development, and environmental degradation in the Chesapeake Bay system and accurate and timely land use data is essential to plan for and manage growth and development and associated impacts on the Chesapeake Bay system and its living resources;

(10) the Federal Government has a special responsibility to ensure that its activities and programs are consistent with State and local efforts to improve the health of the Chesapeake Bay, and Federal facilities and programs must achieve the highest standards of environmental sensitivity and protection;

(11) the local government and citizens' role in the Chesapeake Bay clean-up effort is a vital component for attaining the goals of the Chesapeake Bay Agreement;

(12) the productivity, diversity, and abundance of living resources are the best ultimate measures of the Chesapeake Bay's condition and research and assessment programs directed toward monitoring and enhancing the condition of these resources should be accorded a high priority; and

(13) the fisheries of the Chesapeake Bay provide hundreds of millions of dollars in annual economic activity and thousands of related jobs for the region, and proper management of these vital fisheries resources must include consideration of both biological, environmental, and socioeconomic factors.

SEC. 3. PURPOSE.

It is the purpose of this Act to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SEC. 4. MANAGEMENT OF CHESAPEAKE BAY PROGRAM.

Section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"(a)(1) The Administrator of the Environmental Protection Agency shall continue the Chesapeake Bay Program as a member of and in cooperation with the Chesapeake Executive Council. The Administrator shall continue to lead and coordinate Federal agency participation in the Federal program.

"(2) The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Liaison Office, which shall provide support to the Chesapeake Executive Council in the following areas:

"(A) providing support and coordinating Federal, State, an local efforts to improve the water quality and living resources of the Chesapeake Bay;

"(B) assisting the Bay program signatories as requested in developing and implementing specific action plans, in cooperation with appropriate Federal, State, and local authorities, to carry out the responsibilities under the Chesapeake Bay Agreement;

"(C) coordinating actions of the Environmental Protection Agency with the actions of other Federal agencies and State and local authorities in developing strategies to improve the water quality and living resources of the Bay and obtain the support of these agencies and authorities in achieving the objectives of such agreement;

"(D) collecting and making available, through publications and other appropriate means, information pertaining to the environmental quality and living resources of the Bay; and

"(E) continuing to coordinate the systemwide monitoring and data collection program to assess the impact of natural and man-induced environmental changes on the water quality, habitat, and living resources of the Bay with particular emphasis on toxic pollutants and nutrient loadings.".

SEC. 5. CHESAPEAKE BAY PROGRAM SCIENCE, RESEARCH, MONITORING, AND DATA COLLECTION.

(a) The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, in cooperation with the Chesapeake Executive Council, shall jointly implement comprehensive, coordinated science, research, monitoring, and data collection activities supporting the Chesapeake Bay Program.

(b) The Administrator of the National Oceanic and Atmospheric Administration shall direct relevant agency programs to be conducted in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement. The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) provide information about and insight into the processes that shape the Chesapeake Bay system and affect its living resources;

(2) consult with the Chesapeake Executive Council in establishing priorities for research, monitoring, modeling, other analysis and data gathering for programs that have applicability to the Chesapeake Bay system and its living resources; and

(3) consult with the Chesapeake Executive Council in assessing the abundance, health, harvest, and potential economic value of Chesapeake Bay fisheries and the socioeconomic costs and benefits of management alternatives; and

(4) establish and staff a local office for coordinating National Oceanic and Atmospheric Administration-wide activities related to the goals and objectives of the Chesapeake Bay Agreement.

(c) The Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration shall jointly ensure that any project for which funds have been requested has undergone appropriate peer review to determine that it has acceptable scientific and technical merit.

(d) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $3,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SEC. 6. BASINWIDE TOXICS REDUCTION.

(a) The Administrator of the Environmental Protection Agency shall, in cooperation with the Chesapeake Executive Council, implement the Comprehensive Basinwide Toxics Reduction Strategy which establishes basinwide goals and describes actions necessary to achieve a multijurisdictional approach for reducing toxic inputs to Chesapeake Bay and its watershed. The strategy addresses all pathways by which toxic substances can pollute the Chesapeake Bay's waters, habitats, and resources through basinwide implementation of innovative toxics reduction, prevention, and management actions.

(b) The Administrator shall undertake such research and monitoring activities as necessary to improve understanding of intermedia transfers, eventual fate and biological effects of toxics within the Bay watershed and shall develop and implement innovative toxics reductions and prevention programs.

(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated to the Administrator of the Environmental Protection Agency $2,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SEC. 7. POPULATION GROWTH AND DEVELOPMENT; LAND USE DATA INITIATIVE.

(a) The Administrator of the Environmental Protection Agency, in cooperation with the Chesapeake Executive Council and the National Oceanic and Atmospheric Administration, the United States Forest Service, the United States Soil Conservation Service, the United States Geological Survey, the Fish and Wildlife Service, and the Army Corps of Engineers, shall facilitate and expedite the development of a coordinated Chesapeake Bay watershed land use data base to provide information necessary to plan for and manage growth and development and associated impacts on the Chesapeake Bay system and its living resources.

(b) The data base shall incorporate resource inventories and analyses including the use of satellite and aerial imagery in conjunction with electronic geographic information systems for data storage, retrieval, and resource capability determination in order to evaluate different land use patterns on hydrological cycles, water quality, living resources, and other environmental features, and as an aid to making sound land use management decisions.

(c) The data base shall utilize a digital format that can be easily integrated into existing and developing planning and management programs and systems at Federal, State, and local agencies and institutions, so that it can have the greatest range of potential users and uses.

(d) The data base shall be approached as a model for application to the management of watersheds to protect aquatic environments, and its technical procedures shall be developed in a manner that will allow transfer to local and State governments and other areas of the nation and the world.

(e) Emphasis should be placed on the creation, maintenance, and use of an accessible, adaptable, and affordable data base in a manner that combines the best of available technology and data with the collective experience of the local, State, and Federal Governments and other major land use data suppliers and users.

(f) For the purposes of carrying out the provisions of this section, there is authorized to be appropriated $250,000 for fiscal year 1991, and $500,000 for each of the fiscal years 1992, 1993, and 1994.

SEC. 8. DEVELOPED LANDS INITIATIVE.

(a) The Administrator of the Environmental Protection Agency, in cooperation with the Chesapeake Executive Council, shall establish a demonstration program (hereafter called the "developed lands initiative") in order to address problems associated with urban and suburban runoff. The initiative shall—

(1) identify "developed areas" consisting of subwatersheds of urban and suburban land for the purpose of water quality monitoring;

(2) establish appropriate monitoring network responsive to storm events;

(3) ensure that data collected during the monitoring effort is compatible among the participating Bay States and the District of Columbia and is designed to support management decisions necessary to balance cost and technology for the benefit of the Chesapeake Bay cleanup;

(4) ensure that data collected identifies all major sources of pollution, including atmospheric deposition and pesticides, and shall be characterized according to their contribution to a watershed; and

(5) develop management strategies to address the identified stormwater impacts.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $500,000.

SEC. 9. CHESAPEAKE BAY COMPREHENSIVE LIVING RESOURCES PROGRAM.

(a) The Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, and the Director of the Fish and Wildlife Service, in cooperation with the Chesapeake Executive Council, shall implement a comprehensive, coordinated living resources program for the Chesapeake Bay and its watershed, to meet the commitments in the Chesapeake Bay Agreement.

(b) The program shall include monitoring, digital mapping, periodic assessments, development and implementation of management plans; and restoration and protection of habitats of commercially, recreationally, and ecologically valuable living resources.

(c) The program shall be designed as a national model for identifying, protecting, restoring, and managing estuarine living resources and the habitats upon which they depend.

(d) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SEC. 10. STUDY OF CHESAPEAKE BAY PROTECTION PROGRAM.

(a) Not later than January 1, 1994, the Administrator of the Environmental Protection Agency, in cooperation with the Chesapeake Executive Council, shall complete a study and prepare a report to the Congress which shall address at least the following issues:

(1) evaluating implementation of the Chesapeake Bay Agreement including activities of the Federal Government and State and local authorities;

(2) determining whether Federal environmental programs and other activities adequately address the priority needs identified in the Chesapeake Bay Agreement;

(3) assessing priority needs as required by the Chesapeake Bay Program management strategies and how the priorities are being met; and

(4) making recommendations for improved management of the Chesapeake Bay restoration program.

(b) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, to carry out this section, not to exceed $250,000.

SEC. 11. AUTHORIZATIONS.

(a) Section 117(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1267(d)(1)) is amended by deleting "and 1990" and inserting in lieu thereof "1990, 1991, 1992, 1993, and 1994".

(b) Section 117(d)(2) of the Federal Water Pollution Control Act is amended by deleting "and 1990" and inserting in lieu thereof "1990, 1991, 1992, 1993, and 1994".

(c) Moneys appropriated pursuant to the authorizations under this section shall remain available until expended.

SEC. 12. DEFINITIONS.

For the purposes of this Act the term—

(1) "Chesapeake Bay Program" means the regional, intergovernmental, cooperative effort to restore and protect the Chesapeake Bay system and its living resources. The Program is directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement;

(2) "Chesapeake Bay Agreement" means the formal, voluntary agreements reached to achieve the goal of restoring and protecting the Chesapeake Bay system and its living resources. The first Agreement was signed in 1983. The second agreement was signed in 1987, by the Governors of Maryland, Pennsylvania, and Virginia, the mayor of the District of Columbia, the chairman of the tri-State Chesapeake Bay Commission, and the Administrator of the United States Environmental Protection Agency for the executive branch of the Federal Government. As used in this section, the term shall mean the existing agreements and any subsequent agreements that may be reached; and

(3) "Chesapeake Executive Council" means the signatories of the Chesapeake Bay Agreement.

STATEMENT ON FEDERAL CHESAPEAKE BAY LEGISLATION BY GOV. WILLIAM DONALD SCHAEFER

I want to comment Senator Sarbanes and all the Members of Congress who seized the initiative and put together this new legislation. The bill being introduced today marks the beginning of an important new chapter in the Chesapeake Bay clean up effort.

The Chesapeake Bay program has been a model for saving estuaries around the country. We have been successful in the Bay program because we never stand still; because we are never satisfied with the status quo; because we are constantly forging ahead; and because we work together in a strong federal-state partnership.

The time has come to take the next step. We must match the rhetoric about the need to clean up the Bay with the resources necessary to do the job. This legislation will give the federal government the resources needed to keep its promises.

Our efforts to restore the Bay took a giant leap forward in 1987 with the signing of the historic Chesapeake Bay Agreement. That Agreement strengthened the partnership between the Chesapeake Bay states and the federal government. It also set out ambitious goals for reducing pollution in the Bay. We have made much progress since then, but we still have a long way to go.

This legislation is the next step in our long march to restore and protect our nation's greatest estuary. The federal government took on many new responsibilities in the 1986 Bay Agreement. While the EPA and other federal government agencies have worked hard to meet those responsibilities, they need additional resources to meet their commitments.

This legislation will bring the federal contribution in line with its commitments. It will increase federal funding for many important Bay projects. It will boost federal support for our toxics clean up effort. And it pulls the federal government into our fight against pollution caused by urban and suburban runoff—which is a major problem throughout the Bay watershed.

Just last weekend we held a statewide Community Service Day in Maryland. Citizens from around the state helped pull litter and trash out of the Anacostia River, Rock Creek, and other tributaries that empty into the Bay. Citizens from throughout the Chesapeake Bay watershed want to clean up the Bay and they want to do it now.

We can all take pride in the progress we have made in cleaning up the Bay, but we must not become complacent. We must not look back on how far we have come. We must look forward at how much farther we still have to go.

So we are here today to look ahead and to open the next chapter in the Bay clean up effort. The next chapter calls for an expanded federal role in our fight to save the Chesapeake Bay. This bill will bring the federal government's contribution under the Bay Agreement in line with its commitments and improve coordination within the Bay Program. I thank Senator Sarbanes and his Congressional colleagues for launching this initiative and I urge the quick adoption of this important legislation.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, October 15, 1990.

Hon. PAUL S. SARBANES,
Member, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: As a member of the Chesapeake Executive Council and as the Governor of the Commonwealth of Virginia, I am committed to cleaning up the Chesapeake Bay, and I endorse the reauthorization bill you are introducing.

The Chesapeake Bay system is a regional and national resource that can be restored and protected only if we work together. The principal cooperative mechanism through which we will be able to attain the goal of a permanently healthy and productive Bay is the Chesapeake Bay Program.

Congress' dedication to the Bay has been critical in the successful evolution of this unique regional enterprise. Your support for reauthorization of the program will greatly assist the challenging process of restoration and protection.

With best wishes, I am
Very truly yours,
LAWRENCE DOUGLAS WILDER.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, October 16, 1990.

Hon. PAUL S. SARBANES,
Member, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: I strongly support the proposed "Chesapeake Bay Restoration Act of 1990," to reauthorize the Chesapeake Bay Program. The proposed legislation is the product of extensive discussion and debate among all Chesapeake Bay states, including Pennsylvania.

The current federal mandate under section 117 of the Clean Water Act was enacted before the 1987 Chesapeake Bay Agreement was signed. The time has come to update that legislation and build upon the federal-state partnership we established in the Bay Agreement.

Substantial progress has been made in cleaning up the Chesapeake Bay under the existing program, but much more needs to be done. This legislation marks an important new phase in the Chesapeake Bay program. I have contacted Senator Heinz and Senator Specter to urge their support for the legislation.

Sincerely,

ROBERT P. CASEY.

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, October 12, 1990.
Hon. PAUL S. SARBANES,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Foundation's strong support for the Chesapeake Bay Restoration Act of 1990. As you know, CBF feels that the leadership of the State/Federal Chesapeake Bay Program is crucial for the restoration of the Bay. This legislation is essential to ensuring the continuation and enhancement of the Bay Program's efforts.

The legislation that has been drafted represents the consensus of the Bay community, including both government and non-government organizations; as a true consensus, it is a compromise among groups with different priorities and perspectives on the Bay and its problems. I view this bill as reflecting the best judgment of all of the participants in the Bay cleanup, and I am comfortable with it as it now stands. I do not see it as legislation reflecting any one senator or representative; I hope that the entire delegations of Virginia, Maryland, and Pennsylvania will sponsor it.

I am pleased the NOAA's role in the Bay cleanup will be explicitly recognized in this legislation. The establishment of a local NOAA office for the Chesapeake Bay is a necessary part of that commitment. Our view of the appropriations in this legislation is that they belong to the Chesapeake Bay, and not to any particular Federal or State agency. The Bay Program structure appears to be adequate for ensuring the wise use of the lands.

There is a tendency to consider environmental protection a luxury that the nation cannot afford during times of fiscal austerity. The Chesapeake Bay Restoration Act is not a luxury—it is our nation's recognition that if we cannot commit ourselves to Save the Bay, we will never learn how to live on this planet without destroying it. As important as the Bay is to those of us who live near it, it is also a critical national and international model for humanity's evolution from abuse to stewardship of our land and its resources. I urge you to co-sponsor and support this bill.

Very truly yours,

WILLIAM C. BAKER,
President.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, October 16, 1990.
Hon. PAUL S. SARBANES,
Senate Dirksen Office Building, Washington, DC

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Commission's strong support for the Chesapeake Bay Restoration Act of 1990. The Chesapeake Bay Commission is a tri-state legislative advisory commission created to assist the General Assemblies of Maryland, Virginia and Pennsylvania in addressing Chesapeake Bay-related issues which are of mutual concern to the three member states. This congressional reauthorization and enhancement of the Chesapeake Bay Program is certainly one such issue.

The federal-state partnership which has been established through the Chesapeake Bay Program has become a model for environmental management throughout the country. It is essential that this structure be maintained and enhanced. Over the past several months, our Commission staff in Annapolis have been active participants in developing a consensus of the entire Bay community concerning the future needs and direction of this important program.

We believe this legislation represents a true consensus of governmental and nongovernmental orgainzations that are integrally involved in the Chesapeake Bay restoration and protection efforts. The bill includes important new federal initiatives in the areas of living resources protection, toxics research and population growth and development. These represent major areas in which we, the states, require additional federal assistance.

This legislation is vital to the continued success of our efforts to protect this national treasure, the Chesapeake Bay. It is an issue which I believe warrants and receives the full backing of citizens throughout the Chesapeake Bay watershed. I urge you to sign on as original sponsor of this measure.

Sincerely,

KENNETH J. COLE,
Chairman.

CHESAPEAKE BAY RESTORATION ACT OF 1990—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title: Establishes the title of the bill, the "Chesapeake Bay Restoration Act of 1990."

Section 2. Findings.

Section 3. Purpose:

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

Section 4. Management of Chesapeake Bay Program:

Provides authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

Directs the Chesapeake Bay Liaison Office to provide support and coordinate Federal, state and local efforts in developing strategies and action plans and conducting systemwide monitoring and assessment to improve the water quality and living resources of the Bay.

Section 5. Chesapeake Bay Program Science, Research, Monitoring, and Data Collection:

Directs the Administrators of EPA and NOAA to jointly implement a comprehensive, coordinated program for science, research, monitoring and data collection of the Bay and its watershed. Establishes a local office for coordinating NOAA activities in the Bay. Directs that appropriate peer review be undertaken to ensure scientific and technical merit of projects funded by this section. Authorizes $3 million annually for the activities in this section.

Section 6. Basinwide Toxics Reduction:

Authorizes $2 million annually for EPA to implement the Comprehensive Basinwide Toxics Reduction Strategy called for under the Bay Agreement, in cooperation with the Executive Council.

Section 7. Population Growth and Development:

Provides for development of a coordinated Chesapeake Bay watershed land use database, incorporating resource inventories and analyses in a digital format, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system. Authorizes $250,000 in fiscal 1991 and $500,000 annually in fiscal years 1992-4.

Section 8. Developed Lands Initiative.

Establishes a demonstration program to address problems associated with urban and suburban runoff. Directs EPA to identify areas within subwatersheds for water quality monitoring, establish a monitoring network, identify all major sources of pollution, and develop management strategies to address the identified stormwater impacts. Authorizes $500,000 for this section.

Section 9. Comprehensive Living Resources Program.

Authorizes $1 million annually to implement the comprehensive, coordinated living resources plan called for under the Bay Agreement.

Section 10. Study of Chesapeake Bay Protection Program.

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program. Authorizes $250,000 for this study.

Section 11. Authorizations.

Continues the $13 million annual authorization under Section 117 of the Federal Water Pollution Control Act.

Section 12. Definitions.●

Mr. WARNER. Mr. President, I am pleased to join as an original cosponsor of the Chesapeake Bay Restoration Act of 1991. This important legislation, which, among other things would reauthorize the Chesapeake Bay Program, is supported by a broad range of groups from States bordering the Chesapeake Bay.

Mr. President, as we introduce this legislation, my colleagues will recall the history of our efforts to save the bay. It is worth reviewing that history at this time. Early in the eighties, research revealed that an increasing oxygen shortage had caused a decline in bay resources, including oysters, clams, and submerged aquatic vegetation. This discovery led to the signing of the first Chesapeake Bay Agreement in 1983, which was designed to meet this threat to the environment.

In subsequent years Virginia, Maryland, Pennsylvania, the District of Columbia, and the Environmental Protection Agency [EPA] have forged an enviable partnership to restore and protect the Chesapeake Bay. The commitment exhibited by officials from these entities has helped to establish a firm foundation for achieving the goal of significantly improving the management of the bay's resources.

On December 15, 1987, the Chesapeake Bay Executive Council, comprised of representatives from Virginia, Maryland, Pennsylvania, the District of Columbia, and EPA, signed the 1987 Chesapeake Bay Agreement. This agreement, which set specific goals and timetables for the bay's restoration, was designed to reverse the decline that has imperiled the Chesapeake Bay's status as a major source of jobs, seafood, recreation, and regional culture.

The agreement set an important goal requiring a 40-percent reduction in nitrogen and phosphorous by the year 2000. According to reports, the nutrient reduction plan is being implemented and progress is being made in improving the bay's management.

Despite all of the progress that has been made to date, it is clear that more action is required. The Chesapeake Bay Restoration Act of 1991 represents a crucial step in that process.

In particular, the bill would provide much-needed authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council. The bill also directs the Administrators of EPA and the National Oceanic and Atmospheric Administration [NOAA] together to implement a comprehensive, coordinated program for science research, monitoring and data collection of the bay and its watershed. In addition, the bill would authorize funds to implement the comprehensive basinwide toxics reduction strategy called for under the bay agreement, provide for development of a coordinated Chesapeake Bay watershed land use data base, and establish a demonstration program to address problems associated with urban and suburban runoff. Finally, EPA is directed to undertake an assessment of the Chesapeake Bay Program and evalute implementation of the bay agreement.

Mr. President, the legislation introduced today represents the consensus of many individuals who are knowledgeable about the methods of preserving the bay as a precious national resource: those in the bay community, Federal, State and local governments, and many others, including nongovernment organizations. As is the case with any consensus agreement, this bill serves to reflect the best judgment of all participants.

The Governor of the Commonwealth of Virginia has strongly endorsed the Chesapeake Bay Restoration Act. Virginia State officials were active participants in developing this proposal, and they tell me that they are pleased with the result.

Mr. President, I commend my Senate colleagues from Virginia, Maryland, and Pennsylvania for their work on this bill. In particular, I applaud the work of my colleague from Maryland, Senator Sarbanes, for his leadership in working with officials from all of the bay States to bring this legislation to this point. I look forward to working with the members of these delegations to enact this legislation.

Thank you, Mr. President.

By Mr. BIDEN (for himself, Mr. Cohen, Mr. DeConcini, Mr. Dodd, Mr. Inouye, Mr. Coats, Mr. Simon, Mr. Lieberman, Mr. Exon, Mr. Sarbanes, Mr. Reid, Mr. Harkin, Mr. Bryan, Mr. Akaka, Mr. Riegle, Mr. Pell, Mr. Adams, Mr. Packwood, Mr. Shelby, Mr. Kerry, Ms. Mikulski, Mr. Levin, Mr. Cranston, Mr. McConnell, Mr. Boren, and Mr. Rockefeller):

S. 15. A bill to combat violence and crimes against women on the streets and in homes; to the Committee on the Judiciary.

VIOLENCE AGAINST WOMEN ACT OF 1991

• Mr. BIDEN. Mr. President, I rise today to introduce Senate bill No. 15, the Violence Against Women Act of 1991, the first comprehensive legislation to address the growing problem of violent crime confronting American women. This bill was first introduced during the 101st Congress and was unanimously approved by the Senate Judiciary Committee. Today, 25 of my colleagues join me as original cosponsors of this important legislation.

Women are the victims of a growing crime epidemic in this country. The enormity of the problem is clear: During her lifetime, one in five women will be raped, and three out of four women will be the victim of some other violent crime. Last year, more women were battered by their spouses than were married.

The need for action is urgent:

From 1974 until 1987, the rate of assaults against young women skyrocketed by close to 50 percent.

In the first 6 months of 1990 alone, the rate of rapes reported to the FBI rose 10 percent—faster than any other increase in the decade.

That makes rape one of the fastest growing crimes in the country.

This is a national outrage. The Nation's criminal justice system is not only unwilling, but also unprepared, to deal with this spiraling gender gap in crime. If increasing violence against women amounts to a national outrage, then our efforts to date to solve that growing problem should count as a national shame.

Today, it is easier to convict a car thief than a rapist; authorities are more likely to arrest a man for parking tickets than for beating his wife; and lawyers still put victims of vicious assaults on the stand to ask what clothes they were wearing at the time of the attack.

There are still counties in this country where 200 rape complaints are ignored by prosecutors; courts where victims are blamed for their own attacks; and cities where authorities refuse to arrest attackers because the bleeding victim was beaten by her spouse.

The Violence Against Women Act is the first attempt by the Congress to address both the outrage and the shame—to make violence against women one of our top law enforcement priorities.

I first introduced this legislation shortly before the end of the last Congress. Frankly, I never anticipated, nor could I have imagined, the kind of overwhelming support and interest that it generated in the short 6 months since its original introduction in the 101st Congress.

Governors, attorneys general, mayors, and police chiefs have all offered their support;

A task force of over 150 groups has come together to offer suggestions and to focus attention on the issues;

People from every State across the country have called and written; letters of support have come from organizations, large and small, liberal and conservative; from women's groups and men's groups; from victims' advocates and professional associations; from battered women's shelters and rape crisis centers; and from far, far, too many survivors of crime.

Recently, one such survivor, who is now a prosecutor, told the Judiciary Committee that this legislation is a tremendous gift for the women of America. My response to her is this: It is not a gift—it is a necessity. And it is a necessity not only for the women of this country, but for our entire society.

Violence against women breeds violence and tragedy throughout this country:

A child is 1,500 times more likely to be abused if his mother is being abused;

Close to two-thirds of all juvenile boys who murder, murder their mother's attackers;

One out of every five rape victims attempts suicide;

And over half of all homeless women and children are on the street because they are fleeing violence in the home.

No American—male or female—can continue to tolerate the level of violence directed against the women of this country. Violence against women must be one of our Nation's highest priorities and it must be one of the Senate's highest priorities during the 102d Congress.

I have reason to hope that this will be one of the Senate's highest priorities. Indeed, I am pleased to note that today, the distinguished Republican leader, Senator Dole, is also introducing new legislation that targets violence against women. While I may disagree with some of his proposed solutions—and believe that his proposal is lacking some important elements—I know that we share the same overall goal. Together, I know we can secure swift passage of a bill that will benefit the women of this country.

The bill I introduce today, with the support of 25 of my colleagues, attacks violence against women in all its forms.

It addresses all violent crime against women, not just rape and domestic violence. It attacks the problems at all levels—from our streets to our homes, from squad cars to courtrooms, from schoolrooms to hospitals.

And it attacks the problem by offering a comprehensive solution: It makes violent crime against women a major law enforcement priority and, at the same time, it takes aim at the kind of attitudes that nurture violence; it creates new offenses and raises penalties and, at the same time, it provides new legal protections and desperately needed help to crime survivors.

Let me explain a few of the bill's key provisions in detail. The bill is divided into four main parts, best summarized by their titles: Safe Streets for Women; Safe Homes for Women; Civil Rights for Women; and Safe Campuses for Women.

TITLE I: SAFE STREETS FOR WOMEN

First, title I of the bill doubles penalties for Federal cases of rape and aggravated rape; creates new penalties for repeat sex offenders; and mandates restitution for victims of sex crimes.

Second, title I would significantly boost the number of police officers on the streets and prosecutors in courts—police and prosecutors targeting violent crimes against women. Of the $300 million authorized, $100 million will go to the hardest hit areas—areas of high intensity violence against women.

In addition to these grants, title I provides funds for more lights in parks and subway stations, authorizes new protections and services for rape victims, and makes significant changes in how Federal courts consider evidence so that irrelevant inquiries about clothing and past sexual history will be excluded.

TITLE II: SAFE HOMES FOR WOMEN

The second title of the bill addresses the crisis confronting the millions of women who are the victims of domestic violence.

Title II recognizes that we need national leadership on an issue that is indisputably of national proportion and seriousness: More than 1 million women a year need medical help because of injuries from battering.

Title II proposes that the Federal Government, for the first time, acknowledge its role in fighting crimes in the home. It creates the first Federal laws barring spouse abuse: For example, the bill declares that it is a Federal crime if an abuser follows his spouse across State lines and continues abuse or violates a stay-away order. And the bill protects women who flee their abusers by making protective court orders issued by one State valid in the 49 others. That way women won't lose protection if they happen to cross a State line.

Title II contains other provisions as well: It triples funding to shelter the abused; requires States to look at new legal protections; encourages States to increase arrest and prosecution rates; and, finally, incorporating provisions drafted by Senator COATS, it revamps existing laws and authorizes a national media campaign against spouse abuse.

TITLE III: CIVIL RIGHTS FOR WOMEN

The third title of the bill recognizes that violence against women is not only a question of criminal justice, but also of equal justice. It takes a dramatic step forward by defining gender-motivated crimes as bias or hate crimes and declaring, for the first time, that such crimes violate citizens' civil rights.

This society has long condemned, in the harshest of terms, hate beatings of blacks, Asians, or Hispanics. When the victim has been singled out because of his race or religion or the color of his skin, society condemns not only the crime but also the intentional deprivation of the survivor's civil rights.

This bill extends the same protection to the women of America. Crimes committed because of gender are not simply random acts of violence. Ninety-seven percent of all sex assaults in this country are committed against women. We all know this; indeed, we assume it; but we ignore the implications. Crimes committed because of gender should be condemned in the same terms as crimes committed because of race or religion—in terms as strong as this society can possibly muster—as violent deprivations of civil rights.

TITLE IV: SAFE CAMPUSES FOR WOMEN

The fourth title of this bill recognizes that young women are peculiarly at risk. Violence on our college campuses poses a special and growing problem: More college-age women will be raped this school year than will be struck by any other major crime.

This title addresses that problem by creating the first Federal program for college rape education and prevention, encouraging campuses across the Nation to inform their students of their rights, provide peer-to-peer counseling, and generally increase campus awareness of the dangers of rape and, in particular, acquaintance rape.

Finally, a fifth title, authored by Senator SIMON, creates a new program for educating judges about domestic violence and sexual assault.

Last year, the Judiciary Committee unanimously approved all of the provisions I have just explained. However, because of the pressures of other legislation, the bill was not brought to the floor for a vote.

Since the end of last Congress, I have continued to work to improve the legislation and, in response to comments from other Senators and interested groups, I have added three new provisions:

A new program calling for the education of young persons about domestic violence;

New protections for victims fleeing from abuse that insure the confidentiality of their whereabouts; and

An expanded campus rape program that requires colleges to prohibit and report all forms of sexual assault on-campus.

I will not take any further time to describe the contents of the bill. I ask unanimous consent that a summary and the complete text of the legislation appear in the RECORD following my remarks.

Let me close by urging my colleagues to join me in supporting this desperately needed legislation. Already, 25 Senators have indicated their support as original cosponsors. I hope that a significant number of others will be added so that we can ensure swift consideration of this legislation by the full Senate.

Let us not wait another year in silence, while rape rates skyrocket, while assault rates climb steadily for women but drop for men, and while more women are out on the streets because their only other choice is to suffer violence in their own homes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 1991".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

Subtitle A—Federal Penalties for Sex Crimes

Sec. 111. Repeat offenders.
Sec. 112. Federal penalties.
Sec. 113. Mandatory restitution for sex crimes.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

Sec. 121. Grants to combat violent crimes against women.

Subtitle C—Safety for Women in Public Transit and Public Parks

Sec. 131. Grants for capital improvements to prevent crime in public transportation.
Sec. 132. Grants for capital improvements to prevent crime in national parks.
Sec. 133. Grants for capital improvements to prevent crime in public parks.

Subtitle D—National Commission on Violent Crime Against Women

Sec. 141. Establishment.
Sec. 142. Duties of commission.
Sec. 143. Memberships.
Sec. 144. Reports.
Sec. 145. Executive Director and staff.
Sec. 146. Powers of commission.
Sec. 147. Authorization of appropriations.
Sec. 148. Termination.

Subtitle E—New Evidentiary Rules

Sec. 151. Sexual history in all criminal cases.

Sec. 152. Sexual history in civil cases.
Sec. 153. Amendments to rape shield law.
Sec. 154. Evidence of clothing.
Subtitle F—Assistance to Victims of Sexual Assault
Sec. 161. Education and prevention grants to reduce sexual assaults against women.
Sec. 162. Rape exam payments.
TITLE II—SAFE HOMES FOR WOMEN
Sec. 201. Short title.
Subtitle A—Interstate Enforcement
Sec. 211. Interstate enforcement.
Subtitle B—Arrest in Spousal Abuse Cases
Sec. 221. Encouraging arrest policies.
Subtitle C—Funding for Shelters
Sec. 231. Authorization.
Subtitle D—Family Violence Prevention and Services Act Amendments
Sec. 241. Expansion of purpose.
Sec. 242. Expansion of State demonstration grant program.
Sec. 243. Grant for public information campaigns.
Sec. 244. State commission on domestic violence.
Sec. 245. Indian tribes.
Sec. 246. Funding limitations.
Sec. 247. Grants to entities other than States; local share.
Sec. 248. Shelter and related assistance.
Sec. 249. Law enforcement training and technical assistance grants.
Sec. 250. Report on recordkeeping.
Sec. 251. Model State leadership incentive grants for domestic violence intervention.
Sec. 252. Funding for technical assistance centers.
Subtitle E—Youth Education and Domestic Violence
Sec. 261. Educating youth about domestic violence.
Subtitle F—Confidentiality for Abused Persons
Sec. 271. Confidentiality for abused persons.
TITLE III—CIVIL RIGHTS
Sec. 301. Civil rights.
TITLE IV—SAFE CAMPUSES FOR WOMEN
Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Grants for campus rape education.
Sec. 404. Disclosure of disciplinary proceedings in sex assault cases on campus.
TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1990
Sec. 501. Short title.
Subtitle A—Education and Training for Judges and Court Personnel in State Courts
Sec. 511. Grants authorized.
Sec. 512. Training provided by grants.
Sec. 513. Cooperation in developing programs in making grants under this title.
Sec. 514. Authorization of appropriations.
Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts
Sec. 521. Education and training grants.
Sec. 522. Cooperation in developing programs.
Sec. 523. Authorization of appropriations.

TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the "Safe Streets for Women Act of 1991".

Subtitle A—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 2247. Repeat offenders

"Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that any person who commits a violation of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact, is punishable by a term of imprisonment up to twice that otherwise provided in the guidelines, or up to twice the fine authorized in the guidelines, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2247. Repeat offenders.".

SEC. 112. FEDERAL PENALTIES.

(a) RAPE AND AGGRAVATED RAPE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide that a defendant convicted of aggravated rape under section 2241 of title 18, United States Code, or rape under section 2242 of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is at least 4 levels greater than the base offense level applicable to such offenses under the guidelines in effect on November 1, 1990, or otherwise shall amend the guidelines applicable to such offenses so as to achieve a comparable minimum guideline sentence. In amending such guidelines, the Sentencing Commission shall review the appropriateness of existing specific offense characteristics or other adjustments applicable to such offenses, and make such changes as it deems appropriate, taking into account the severity of rape offenses, with or without aggravating factors; the unique nature and duration of the mental injuries inflicted on the victims of such offenses; and any other relevant factors.

(b) EFFECT OF AMENDMENT.—If the sentencing guidelines are amended after the effective date of this section, the Sentencing Commission shall implement the instructions set forth in subsection (a) so as to achieve a comparable result.

(b) STATUTORY RAPE.—

(1) Section 2243(a) of title 18, United States Code, is amended by striking "5 years" and inserting "10 years".

(2) Section 2243(b) of title 18, United States Code, is amended by striking "one year," and inserting "two years,".

(3) Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to incorporate the increase in maximum penalties provided by this section for sections 2243(a) and 2243(b) of title 18, United States Code.

SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2248. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to paragraph (3); and

"(B) the United States Attorney enforces the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or his delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or his delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or his delegee) shall advise the victim that the victim may file a separate affidavit.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or his delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers. Notwithstanding any other provision of law, this section does not entitle the defendant to discovery of the contents of, or matters related to, any supporting documentation, including medical, psychological, or psychiatric records.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or his delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes any person who has suffered direct physical, emotional, or pecuniary harm as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2248. Mandatory restitution.".

Subtitle B—Law Enforcement and Prosecution Grants To Reduce Violent Crimes Against Women

SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part N as part O;

(2) redesignating section 1401 as section 1501; and

(3) adding after part M the following:

"PART N—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1401. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSES.— The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide additional personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, prosecutions, and convictions for the crimes of sexual assault and domestic violence; and

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

"(c) GRANTS FOR MULTIPLE USES.—Grants under this part must be used for at least 3 of the 5 purposes listed in subsection (b).

"Subpart 1—High Intensity Crime Area Grants

"SEC. 1411. HIGH INTENSITY GRANTS.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (hereafter in this part referred to as the 'Director') shall make grants to areas of 'high intensity crime' against women.

"(b) DEFINITIONS.—For purposes of this part, a 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1412.

"SEC. 1412. HIGH INTENSITY GRANT APPLICATION.

"(a) COMPUTATION.—Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping.

"(b) USE OF DATA.—In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on—

"(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

"(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

"(c) PUBLICATION.—After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

"(d) QUALIFICATION.—Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1401(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate program grants, with nongovernmental nonprofit victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(e) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must provide the certifications required by subsection (d) including documentation from nonprofit non-governmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds; and

"(C) expected results from the use of grant funds; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(f) DISBURSEMENT.—

"(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall ensure, to the extent practicable, that grantees—

"(A) equitably distribute funds on a geographic basis;

"(B) determine the amount of subgrants based on the population to be served; and

"(C) give priority to areas with the greatest showing of need.

"(g) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this part. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"Subpart 2—Other Grants to States to Combat Violent Crimes Against Women

"SEC. 1421. GENERAL GRANTS TO STATES.

"(a) GENERAL GRANTS.—The Director is authorized to make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be—

"(1) $500,000 to each State: and

"(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1401(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate, with nonprofit nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;

"(3) at least 25 percent of the amount granted shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds; and

"(C) expected results from the use of grant funds; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(e) DISBURSEMENT.—(1) No late than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will—

"(A) equitably distribute monies on a geographic basis including nonurban and rural areas, and giving priority to localities with populations under 200,000;

"(B) determine the amount of subgrants based on the population to be served; and

"(C) give priority to areas with the greatest showing of need.

"(f) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"SEC. 1422. GENERAL GRANTS TO TRIBES.

"(a) GENERAL GRANTS.—The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1401(b), and to reduce the rate of violent crimes against women in Indian country.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be awarded on a competitive basis to tribes, with minimum grants of $35,000 and maximum grants of $300,000.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for a least 3 of the purposes outlined in section 1401(b); and

"(2) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—(1) Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes' system of courts, including whether the tribal government operates courts of Indian offenses as defined in 25 U.S.C. 1301 or CFR courts under 25 CFR 11 et seq.

"(2) Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing services available in the Indian country where the grant will be used.

"(3) The term of any grant shall be for a minimum of 3 years.

"(e) GRANTEE REPORTING.—At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribal granted shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in acheiving the purposes of this subpart. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report.

"(f) DEFINITIONS.—(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'Indian country' has the meaning given to such term by section 1151 of title 18, United States Code.

"Subpart 3—General Terms and Conditions

"SEC. 1431. GENERAL DEFINITIONS.

"As used in this part—

"(1) the term 'victim services program' means any public or private nonprofit program that assists victims, including (A) nongovernmental nonprofit organizations such as rape crisis centers or battered women's shelters, including nonprofit nongovernmental organizations assisting victims through the legal process and (B) victim/witness programs within governmental entities;

"(2) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim; and

"(3) the term 'domestic violence' includes felony and misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, or any other person similarly situated to a spouse who is protected under the domestic or family violence laws of the jurisdiction receiving grant monies.

"SEC. 1432. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

"(b) BUREAU REPORTING.—No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress; and

"(3) a copy of each grantee report filed pursuant to sections 1412(g) and 1421(f).

"(c) REGULATIONS.—No later than 45 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year 1992, 1993, and 1994, $100,000,000 to carry out the purposes of subpart 1, and $190,000,000 to carry out the purposes of subpart 2, and $10,000,000 to carry out the purposes of section 1422 subpart 2.".

Subtitle C—Safety for Women in Public Transit and Public Parks

SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

Section 24 of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

"SEC. 24. (a) GENERAL PURPOSE.—From funds authorized under section 21, and not to exceed $10,000,000, the Secretary shall make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

"(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

"(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

"(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

"(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement, statistics shall be broken down by type of crime, sex, race, and relationship of victim to the offencer.

"(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transporation systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such project.

"(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

"(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to all the terms, conditions, requirements, and provisions applicable to grants and loans made under section 2(a).".

SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

The Act of August 18, 1970, the National Park System Improvements in Administration Act (90 Stat. 1931; 16 U.S.C. 1a-1 et seq.) is amended by adding at the end thereof the following:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, and not to exceed $10,000,000, the Secretary of the Interior is authorized to provide Federal assistance to reduce the incidence of violent crime in the National Park System.

"(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Services to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Funds provided under this section may be used for the following purposes—

"(1) to increase lighting within or adjacent to public parks and recreation areas;

"(2) to provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(3) to increase security or law enforcement personnel within or adjacent to public parks and recreation areas; and

"(4) any other project intended to increase the security and safety of public parks and recreation areas.".

SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-8) is amended by adding at the end thereof the following new subsection:

"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed $15,000,000 in total, for the following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) any other project intended to increase the security and safety of public parks and recreation areas.

"(2) In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Notwithstanding the terms of subsection (c), the Secretary is authorized to provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State.".

Subtitle D—National Commission on Violent Crime Against Women

SEC. 141. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Violent Crime Against Women (hereinafter referred to as "the Commission").

SEC. 142. DUTIES OF COMMISSION.

(a) GENERAL PURPOSE OF THE COMMISSION.—The Commission shall carry out activities for the purposes of promoting a national policy on violent crime against women, and for making recommendations for how to reduce violent crime against women.

(b) FUNCTIONS.—The Commission shall perform the following functions—

(1) evaluate the adequacy of, and make recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women;

(2) evaluate the adequacy of, and make recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluate the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crime;

(4) evaluate the adequacy of, and make recommendations regarding, the role of the Federal Government in reducing violent crimes against women;

(5) evaluate the adequacy of, and make recommendations regarding, national public awareness and the public dissemination of information essential to the prevention of violent crimes against women;

(6) evaluate the adequacy of, and make recommendations regarding, data collection and government statistics on the incidence and prevalence of violent crimes against women;

(7) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses; and

(8) evaluate the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on domestic violence and the need for a more uniform statutory response to domestic violence.

SEC. 143. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(A) Five members shall be appointed by the President—

(i) three of whom shall be—

(I) the Attorney General;

(II) the Secretary of Health and Human Services; and

(III) the Director of the Federal Bureau of Investigation,

who shall be nonvoting members, except that in the case of a tie vote by the Commission, the Attorney General shall be a voting member;

(ii) two of whom shall be selected from the general public on the basis of such individuals being specially qualified to serve on the Commission by reason of their education, training, or experience; and

(iii) at least one of whom shall be selected for their experience in providing services to women victims of violent crime.

(B) Five members shall be appointed by the Speaker of the House of Representatives on the joint recommendation of the Majority and Minority Leaders of the House of Representatives.

(C) Five members shall be appointed by the President pro tempore of the Senate on the joint recommendation of the Majority and Minority Leaders of the Senate.

(2) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments under subparagraphs (B) and (C) of paragraph (1), the Majority and Minority Leaders of the House of Representatives and the Senate shall duly consider the recommendations of the Chairmen and Ranking Minority Members of committees with jurisdiction over laws contained in title 18 of the United States Code.

(3) REQUIREMENTS OF APPOINTMENTS.—The Majority and Minority Leaders of the Senate and the House of Representatives shall—

(A) select individuals who are specially qualified to serve on the Commission by reason of their education, training, and experience, including experience in advocacy or service organizations specializing in sexual assault and domestic violence; and

(B) engage in consultations for the purpose of ensuring that the expertise of the ten members appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate shall provide as much of a balance as possible and, to the greatest extent possible, cover the fields of law enforcement, prosecution, judicial administration, legal expertise, victim compensation boards, and victim advocacy.

(4) TERM OF MEMBERS.—Members of the Commission (other than members appointed under paragraph (1)(A)(i)) shall serve for the life of the Commission.

(5) VACANCY.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(b) CHAIRMAN.—Not later than 15 days after the members of the Commission are appointed, such members shall select a Chairman from among the members of the Commission.

(c) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may be authorized by the Commission to conduct hearings.

(d) MEETINGS.—The Commission shall hold its first meeting on a date specified by the Chairman, but such date shall not be later than 60 days after the date of the enactment of this Act. After the initial meeting, the Commission shall meet at the call of the Chairman or a majority of its members, but shall meet at least six times.

(e) PAY.—Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

(f) PER DIEM.—While away from their homes or regular places of business in the performance of duties for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(g) DEADLINE FOR APPOINTMENT.—Not later than 45 days after the date of the enactment of this Act, the members of the Commission shall be appointed.

SEC. 144. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Commission is fully constituted under section 143, the Commission shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 145. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have an Executive Director who shall be appointed by the Chairman, with the approval of the Commission, not later than 30 days after the Chairman is selected.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable under GS-18 of the General Schedule as contained in title 5, United States Code.

(b) STAFF.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Commission appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 146. POWERS OF COMMISSION.

(a) HEARINGS.—For the purpose of carrying out this subtitle, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) DELEGATION.—Any member or employee of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any executive department or agency such information as may be necessary to enable the Commission to carry out his subtitle, except to the extent that the department or agency is expressly prohibited by law from furnishing such information. On the request of the Chairman of the Commission, the head of such a department or agency shall furnish nonprohibited information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 147. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, $500,000 to carry out the purposes of this subtitle.

SEC. 148. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 144. The President may extend the life of the Commission for a period of not to exceed one year.

Subtitle E—New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

The Federal Rules of Evidence are amended by inserting after rule 412 the following:

"Rule 412A. Evidence of victim's past behavior in other criminal cases

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

"(b) ADMISSIBILITY.—Notwithstanding any other provision of law, in a criminal case, other than a sex offense case governed by rule 412, evidence of a alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if—

"(1) the evidence is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the alleged victim and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence that the defendant seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

SEC. 152. SEXUAL HISTORY IN CIVIL CASES.

The Federal Rules of Evidence, as amended by section 151 of this Act, are amended by adding after rule 412A the following:

"Rule 412B. Evidence of past sexual behavior in civil cases

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other provision of law, in a civil case in which a defendant is accused of actionable sexual misconduct, as defined in subdivision (d), reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

"(b) ADMISSIBLE EVIDENCE.—Notwithstanding any other provision of law, in a civil case in which a defendant is accused of actionable sexual misconduct, as defined in subdivision (d), evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if—

"(1) admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of such evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the plaintiff and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence with the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence that the defendant seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

"(d) DEFINITIONS.—For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes, but is not limited to, sex harassment or discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title III of the Violence Against Women Act of 1991.".

SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.

Rule 412 of the Federal Rules of Evidence is amended—

(1) by adding at the end thereof the following:

"(e) INTERLOCUTORY APPEAL.—Notwithstanding any other provision of law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

"(f) RULE OF RELEVANCE AND PRIVILEGE.—If the prosecution seeks to offer evidence of prior sexual history, the provisions of this rule may be waived by the alleged victim."; and

(2) by adding at the end of subdivision (c)(3) the following: "In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance; and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

SEC. 154. EVIDENCE OF CLOTHING.

The Federal Rules of Evidence are amended by adding after rule 412 the following:

"Rule 413. Evidence of victim's clothing as inciting violence

"Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged.".

Subtitle F—Assistance to Victims of Sexual Assault

SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended as follows:

(1) by adding at the end thereof the following new section:

"§ 1910A. Use of allotments for rape prevention education

"(a) Notwithstanding the terms of section 1904(a)(1) of this title, amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, which programs may include—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals:

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault.

"(b) States providing grant monies must assure that at least 15 percent of the monies are devoted to education programs targeted for junior high school and high school students.

"(c) There are authorized to be appropriated under this section for each fiscal year 1992, 1993, and 1994, $65,000,000 to carry out the purposes of this section.

"(d) Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) States shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909.";

(2) striking section 1901(b); and

(3) striking section 1904(a)(1)(G).

SEC. 162. RAPE EXAM PAYMENTS.

No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1990 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical exams if it chooses to reimburse the victim after the fact unless the reimbursement program waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of forensic medical exams about how to obtain reimbursement.

TITLE II—SAFE HOMES FOR WOMEN

SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1990".

Subtitle A—Interstate Enforcement

SEC. 211. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following:

"Chapter 110A—Violence Against Spouses

"Sec. 2261. Traveling to commit spousal abuse.
"Sec. 2262. Interstate violation of protection orders.
"Sec. 2263. Restitution.
"Sec. 2264. Full faith and credit given to protection orders.
"Sec. 2265. Definitions for chapter.

"§ 2261. Traveling to commit spousal abuse

"(a) IN GENERAL.—Any person who travels or causes another (including the intended victim) to travel across State lines or in interstate commerce with the intent to injure a spouse or intimate partner, and who, during the course of any such travel or thereafter, does an act that injures his or her spouse or intimate partner in violation of a criminal law of the State where the injury occurs, shall be fined not more than $1,000 or imprisoned for not more than 5 years but not less than 3 months, or both, in addition to any fine or term of imprisonment provided under State law.

"(b) NO STATE LAW.—If no fine or term of imprisonment is provided for under the law of the State where the injury occurs, a person violating this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; where serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; where bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the offense was committed in the maritime, territorial or prison jurisdiction of the United States) by fine or term of imprisonment as provided for the applicable conduct under chapter 109A.

"(c) CRIMINAL INTENT.—The criminal intent of the offender required to establish an offense under subsection (b) is the general intent to do the acts that result in injury to a spouse or intimate partner and not the specific intent to violate the law of a State.

"§ 2262. Interstate violation of protection orders

"(a) IN GENERAL.—Any person against whom a valid protection order has been entered or any agent of that person who travels or causes another (including the intended victim) to travel across State lines or in interstate commerce with the intent to injure a spouse or intimate partner and who, during the course of such travel or thereafter, commits an act that injures his or her spouse or initimate partner in violation of a valid protection order issued by a State, with the intent to injure his or her spouse or intimate partner, shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; where serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both; where bodily injury results, by fine under this title or imprisonment for not more than 5 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than six months, or both.

"(5) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the conduct was committed in the special maritime, territorial or prison jurisdiction of the United States) by fine or term of imprisonment as provided for the applicable offense under chapter 109A.

"(b) CRIMINAL INTENT.—The criminal intent required to establish the offense provided in subsection (a) is the general intent to do the acts which result in injury to a spouse or intimate partner and not the specific intent to violate a protection order or State law.

"§ 226.3. Interim Protections.

"In furtherance of the purposes of this chapter, and to protect against abuse of a spouse or intimate partner, any judge or magistrate before whom a criminal case under this chapter is brought, shall have the power to issue temporary order of protection for the protection of an abused spouse or intimate partner pending final adjudication of the case, upon a showing of a likelihood of danger to the abused spouse or intimate partner.

"§ 2264. Restitution

"(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding the terms of section 3663 of this title, the court shall order restitution to the victim of an offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim the full amount of the victim's losses as determined by the court, pursuant to subsection (3); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation; and

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance.

"(4)(A) Notwithstanding the terms of paragraph (3),

the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(C) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or his delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or his delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or his delegee) shall advise the victim that the victim may file a separate affidavit.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or his delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers. Notwithstanding any other provision of law, this section does not entitle the defendant to discovery of the contents of, or related to, any supporting documentation, including medical, psychological, or psychiatric records.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or his delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

"(e) DEFINITIONS.—For purposes of this section, the terms 'victim' includes any person who has suffered direct physical, emotional, or pecuniary harm as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.

"§ 2265. Full faith and credit given to protection orders

"(a) FULL FAITH AND CREDIT.—Any protection order issued consistent with the terms of subsection (b) by the court of one State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

"(b) PROTECTION ORDER.—A protection order issued by a State court is consistent with the provisions of this section if—

"(1) such court has jurisdiction over the parties and matter under the law of such State; and

"(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) CROSS OR COUNTER PETITION.—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) if a cross or counter petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

"§ 2266. Definition for chapter

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a present or former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

"(B) any other person similarly situated to a spouse, other than a child, who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts by one spouse against his or her spouse or intimate partner, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion of an abused spouse or intimate partner;

"(3) the term 'act that injures' includes any act, except those done in self-defense, that results in physical injury or sexual abuse; and

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States.".

(b) TABLE OF CHAPTERS.—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following:

"110A. Violence against spouses .... 2261.".

Subtitle B—Arrest in Spousal Abuse Cases

SEC. 221. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10400) is amended by adding after section 311 the following:

"SEC. 312. ENCOURAGING ARREST POLICIES.

"(a) PURPOSE.—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary is authorized to make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

"(1) to implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse;

"(2) to centralize and coordinate police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges;

"(3) to educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—(1) Eligible grantees are those States, Indian tribes, municipalities or other local government entities that—

"(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers; and

"(B) certify that their laws or official policies—

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed or mandate arrest of spouses violating the terms of a valid and outstanding protection order; or

"(ii) permit warrantless misdemeanor arrests of spouse abusers and encourage the use of that authority; and

"(C) demonstrate that their laws and policies discourage 'dual' arrests of abused and abuser and the increase in arrest rates demonstrated pursuant to paragraph (1)(A) is not the result of increased dual arrests.

"(2) For purposes of this section, the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, including temporary and final orders issued by civil and criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

"(3) For purposes of this section, the term 'spousal or spouse abuse' includes abuse of a current or former spouse, a person who shares a child in common with the abuser, and person who cohabits with or has cohabited with the abuser as a spouse.

"(4) The eligibility requirements provided in this section shall take effect one year after the date of enactment of this section.

"(c) DELEGATION AND AUTHORIZATION.—The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section to the Attorney General. There are authorized to be appropriated not in excess of $25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

"(d) APPLICATION.—An eligible grantee shall submit an application to the Secretary. Such application shall—

"(1) contain a certification by the chief executive officer of the State, Indian tribes, municipality, or local government entity that the conditions of subsection (b) are met;

"(2) describe the entity's plans to further the purposes listed in subsection (a);

"(3) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) identify the nonprofit nongovernmental victim services programs will be consulted in developing, and implementing, the program.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a grantee that—

"(1) does not currently provide for centralized handling of cases involving spousal or family violence in any one of the areas listed in this subsection—police, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

"(f) REPORTING.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

"(g) REGULATIONS.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.".

Subtitle C—Funding for Shelters

SEC. 231. AUTHORIZATION.

Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended to read as follows:

"SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this title, $85,000,000 for fiscal year 1992, $100,000,000, for fiscal year 1993, and $125,000,000 for fiscal year 1994.

"(b) Of the sums authorized to be appropriated under subsection (a) of this section for any fiscal year, not less than 85 percent shall be used by the Secretary for making grants under section 303.

"(c) Of the sums authorized to be appropriated under subsection (a) of this section for any fiscal year, not more than 5 percent shall be used by the Secretary for making grants under section 314.".

Subtitle D—Family Violence Prevention and Services Act Amendments

SEC. 241. EXPANSION OF PURPOSE.

Section 302(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10401(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 242. EXPANSION OF STATE DEMONSTRATION GRANT PROGRAM.

Section 303(a)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(1)) is amended by striking "to prevent" and inserting "to increase public awareness about and prevent".

SEC. 243 GRANTS FOR PUBLIC INFORMATION CAMPAIGNS.

The Family Violence Prevention and Services Act is amended by adding at the end thereof the following new section:

"GRANTS FOR PUBLIC INFORMATION CAMPAIGNS

"SEC. 314. (a) The Secretary may make grants to public or private nonprofit entities to provide public information campaigns regarding domestic violence through the use of public service announcements and informative materials that are designed for print media, billboards, public transit advertising, electronic broadcast media, and other vehicles for information that shall inform the public concerning domestic violence.

"(b) No grant, contract, or cooperative agreement shall be made or entered into under this section unless an application that meets the requirements of subsection (c) has been approved by the Secretary.

"(c) An application submitted under subsection (b) shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register, including a description of how the proposed public information campaign will target the population at risk, including pregnant women;

"(2) include a complete description of the plan of the application for the development of a public information campaign;

"(3) identify the specific audiences that will be educated, including communities and groups with the highest prevalence of domestic violence;

"(4) identify the media to be used in the campaign and the geographic distribution of the campaign;

"(5) describe plans to test market a development plan with a relevant population group and in a relevant geographic area and give assurance that effectiveness criteria will be implemented prior to the completion of the final plan that will include an evaluation component to measure the overall effectiveness of the campaign;

"(6) describe the kind, amount, distribution, and timing of informational messages and such other information as the Secretary may require, with assurances that media organizations and other groups with which such messages are placed will not lower the current frequency of public service announcements; and

"(7) contain such other information as the Secretary may require.

"(d) A grant, contract, or agreement made or entered into under this section shall be used for the development of a public information campaign that may include public service announcements, paid educational messages for print media, public transit advertising, electronic broadcast media, and any other mode of conveying information that the Secretary determines to be appropriate.

"(e) The criteria for awarding grants shall ensure that an applicant—

"(1) will conduct activities that educate communities and groups at greatest risk;

"(2) has a record of high quality campaigns of a comparable type; and

"(3) has a record of high quality campaigns that educate the population groups identified as most at risk.".

SEC. 244. STATE COMMISSIONS ON DOMESTIC VIOLENCE.

Section 303(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) provides assurances that, not later than 1 year after receipt of funds, the State shall have established a Commission on Domestic Violence to examine issues including—

"(i) the use of mandatory arrest of accused offenders;

"(ii) the adoption of 'no-drop' or vertical prosecution policies;

"(iii) the use of mandatory requirements for presentencing investigations;

"(iv) the length of time taken to prosecute cases or reach plea agreements;

"(v) the use of plea agreements;

"(vi) the testifying by victims at post-conviction sentencing and release hearings;

"(vii) the consistency of sentencing practices;

"(viii) restitution of victims;

"(ix) the reporting practices of and significance to be accorded to prior convictions (both felonies and misdemeanors); and

"(x) such other matters as the Commission believes merit investigation.

In implementing this requirement, State grantees must certify to the Secretary that—

"(aa) no less than one-third of Commission members be victim advocates associated with non-profit shelters; and

"(bb) no more than 2 percent of the grant monies awarded shall be used to support the required Commission.".

SEC. 245. INDIAN TRIBES.

Section 303(b)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(b)(1)) is amended by striking "is authorized" and inserting "from sums appropriated shall make no less than 10 percent available for".

SEC. 246. FUNDING LIMITATIONS.

Section 303(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(c)) is amended by striking ", and" and all that follows through "fiscal years".

SEC. 247. GRANTS TO ENTITIES OTHER THAN STATES; LOCAL SHARE.

The first sentence of section 303(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(f)) is amended to read as follows: "No demonstration grant may be made under this section to an entity other than a State or Indian tribe unless the entity provides 50 percent of the funding of the program or project funded by the grant.".

SEC. 248. SHELTER AND RELATED ASSISTANCE.

Section 303(g) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(g)) is amended by—

(1) striking "not less than 60 percent" and inserting "not less than 75 percent"; and

(2) striking "immediate shelter and related assistance to victims of family violence and their dependents" and inserting "shelter and related assistance to victims of family violence and their dependents, including any, but not requiring all of the following—

"(1) food, shelter, medical services, and counseling with respect to family violence, including counseling by peers individually or in groups;

"(2) transportation, legal assistance, referrals, and technical assistance with respect to obtaining financial assistance under Federal and State programs;

"(3) comprehensive counseling about parenting, preventive health (including nutrition, exercise, and prevention of substance abuse), educational services employment training, social skills (including communication skills), home management assertiveness training; and

"(4) day care services for children who are victims of family violence or the dependents of such victims.".

SEC. 249. LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Section 311(b) of the Family Violence Protection and Services Act (42 U.S.C. 10410(b)) is amended by adding at the end thereof the following new subparagraph:

"(d) Training grants may be made under this section only to private nonprofit organizations that have experience in providing training and technical assistance to law enforcement personnel on a national or regional basis.".

SEC. 260. REPORT ON RECORDKEEPING.

Not later than 120 days after the date of enactment of this Act, the General Accounting Office shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine efforts to date of the FBI and Justice Department to collect statistics on domestic violence and the feasibility of, including a suggested timetable for, requiring that the relationship between an offender and victim be reported in Federal and State records of crimes of assault, aggravated assault, rape, and other violent crimes.

SEC. 251. MODEL STATE LEADERSHIP INCENTIVE GRANTS FOR DOMESTIC VIOLENCE INTERVENTION.

The Family Violence Prevention Services Act, as amended by section 103 of this Act, is amended by adding at the end thereof the following new section:

"MODEL STATE LEADERSHIP GRANTS FOR DOMESTIC VIOLENCE INTERVENTION

"Sec. 315. (a) The Secretary, in cooperation with the Attorney General, shall award grants to not less than 10 States to assist in becoming model demonstration States and in meeting the costs of improving State leadership concerning activities that will—

"(1) increase the number of prosecutions for domestic violence crimes;

"(2) encourage the reporting of incidences of domestic violence; and

"(3) facilitate 'arrests and aggressive' prosecution policies.

"(b) To be designated as a model State under subsection (a), a State shall have in effect—

"(1) a law that requires mandatory arrest of a person that police have probable cause to believe has committed an act of domestic violence or probable cause to believe has violated an outstanding civil protection order;

"(2) a law or policy that discourages 'dual' arrests;

"(3) statewide prosecution policies that—

"(A) authorize and encourage prosecutors to pursue cases where a criminal case can be proved, including proceeding without the active involvement of the victim if necessary; and

"(B) implement model projects that include either—

"(i) a 'no-drop' prosecution policy; or

"(ii) a vertical prosecution policy; and

"(C) limit diversion to extraordinary cases, and then only after an admission before a judical officer has been entered;

"(4) statewide guidelines for judges that—

"(A) reduce the automatic issuance of mutual restraining or protective orders in cases where only one spouse has sought a restraining or protection order;

"(B) discourage custody or joint custody orders by spouse abusers; and

"(C) encourage the understanding of domestic violence as a serious criminal offense and not a trivial dispute;

"(5) develop and disseminate methods to improve the criminal justice system's reponse to domestic violence to make existing remedies as easily available as possible to victims of domestic violence, including reducing delay, eliminating court fees, and providing easily understandable court forms.

"(c)(1) In addition to the funds authorized to be appropriated under section 310, there are authorized to be appropriated to make grants under this section $25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

"(2) Funds shall be distributed under this section so that no State shall receive more than $2,500,000 in each fiscal year under this section.

"(3) The Secretary shall delegate to the Attorney General the Secretary's responsibilities for carrying out this section and shall transfer to the Attorney General the funds appropriated under this section for the purpose of making grants under this section.".

SEC. 252. FUNDING FOR TECHNICAL ASSISTANCE CENTERS.

The Family Violence Prevention and Services Act is amended by inserting after section 308 the following:

"SEC. 308A. TECHNICAL ASSISTANCE CENTERS.

"(a) Purpose.—The purpose of this section is to provide training and technical assistance to State, Indian tribal, and local domestic violence programs and to other professionals who provide services to victims of domestic violence. From the sums authorized under this title, the Secretary shall provide grants or contracts with public or private nonprofit organizations, for the establishment and maintenance of six national resource centers serving defined geographic areas. One national resource center shall offer resource, policy, and/or training assistance to Federal, State, Indian tribal, and local government agencies on issues pertaining to domestic violence and serve a coordinating and resource-sharing function among domestic violence service providers, and maintain a central resource library. The other national resource centers shall provide information, training and technical assistance to State, tribal and local domestic violence service providers. In addition, each national center shall specialize in one of the following areas of domestic violence service, prevention or law:

"(1) Public awareness and prevention education;

"(2) Criminal justice response to domestic violence, including court-mandated abuser treatment;

"(3) Child abuse and domestic violence, including domestic violence and child custody issues;

"(4) Domestic violence victim self-defense;

"(5) Medical personnel training; and

"(6) Enhancing victims' access to effective legal assistance.

"(b) Eligibility.—Eligible grantees are private nonprofit organizations that—

"(1) focus primarily on domestic violence;

"(2) provide documentation to the Secretary demonstrating experience with issues of domestic violence, particularly in the specific area for which it is applying;

"(3) include on its advisory boards representatives from domestic violence programs in the region who are geographically and culturally diverse; and

"(4) demonstrate strong support from domestic violence advocates in the region for their designation as the regional resource center.

"(c) REPORTING.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described and containing such additional information as the Secretary may prescribe.

"(d) REGULATIONS.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section.

"(e) FUNDING.—From the sums appropriated under section 310 of this title, not in excess of $2,000,000 for each fiscal year shall be used for the purpose of making grants under this section.".

Subtitle E—Youth Education and Domestic Violence

SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate his powers to the Secretary of Education, hereinafter referred to as the "Secretary". The Secretary shall develop model programs for education of young people about domestic violence and violence among intimate partners.

(b) NATURE OF PROGRAM.—The Secretary shall develop three separate programs for three different audiences: primary and middle schools, secondary schools, and institutions of higher education. These model programs shall be developed with the input of educational experts, law enforcement personnel, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters. The participation of each of these groups or individual consultants from such groups is essential to the development of a program that meets both the needs of educational institutions and the needs of the domestic violence problem.

(c) REVIEW AND DISSEMINATION.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

(d) AUTHORIZATION.—These are authorized to be appropriated under this section for fiscal year 1992, $200,000 to carry out the purposes of this section.

Subtitle F—Confidentiality for Abused Persons

SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

No later than 90 days after the enactment of this Act, the Postmaster General shall promulgate regulations to secure the confidentiality of abused persons address's or otherwise prohibit the disclosure of an abused person's address consistent with the following guidelines:

(1) confidentiality shall be provided upon the presentation to an appropriate postal official of an existing and valid court order for the protection of an abused spouse;

(2) disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited; and

(3) compilations of addresses existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

TITLE III—CIVIL RIGHTS

SEC. 301. CIVIL RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) crimes motivated by the victim's gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender;

(2) current law provides a civil rights remedy for gender crimes committed in the workplace, but not for gender crimes committed on the street or in the home; and

(3) State and Federal criminal laws do not adequately protect against the bias element of gender crimes, which separates these crimes from acts of random violence, nor do they adequately provide victims the opportunity to vindicate their interests.

(b) RIGHTS, PRIVILEGES AND IMMUNITIES.—All persons within the United States shall have the same rights, privileges and immunities in every State as is enjoyed by all other persons to be free from crimes of violence motivated by the victim's gender, as defined in subsection (d).

(c) CAUSE OF ACTION.—Any person, including a person who acts under color of any State, ordinance, regulation, custom, or usage of any State, who deprives another of the rights, privileges or immunities secured by the Constitution and laws as enumerated in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive or declaratory relief, or such other relief as the court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means any crime of violence, as defined in this section, including rape, sexual assault, sexual abuse, abusive sexual contact, or any other crime of violence committed because of gender or on the basis of gender; and

(2) the term "crime of violence" means an act or series of acts that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be "motivated by gender" as defined in subsection (d).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the necessary elements of a cause of action under subsection (c).

SEC. 302. CONFORMINING AMENDMENT.

The Civil Right Attorney's Fees Awards Act of 1976 (42 U.S.C. 1988) is amended—

(1) in the last sentence, by striking "or" after "Public Law 92-318,"; and

(2) by adding after "1964," the following:", or title III of the Violence Aganist Women Act of 1991,".

TITLE IV—SAFE CAMPUSES FOR WOMEN

SEC. 401. SHORT TITLE

This title may be cited as the "Safe Campuses for Women Act of 1990".

SEC. 402. FINDINGS.

The Congress finds that—

(1) rape prevention and education programs are essential to an educational environment free of fear for students' personal safety;

(2) sexual assault on campus, whether by fellow students or not, is widespread among the Nation's higher education institutions: experts estimate that 1 in 7 of the women now in college have been raped and over half of college rape victims know their attackers;

(3) sexual assault poses a grave threat to the physical and mental well-being of students and may significantly impair the learning process; and

(4) action by schools to educate students may make substantial inroads on the incidence of rape, including the incidence of acquaintance rape on campus.

SEC. 403. GRANTS FOR CAMPUS RAPE EDUCATION.

Title X of the Higher Education Act of 1965 is amended to add at the end thereof the following:

"PART D—GRANTS FOR CAMPUS RAPE EDUCATION."

SEC. 1071. GRANTS FOR CAMPUS RAPE EDUCATION.

"(a) IN GENERAL.—(1) The Secretary of Education is authorized to make grants to or enter into contracts with institutions of higher education for rape education and prevention programs under this section.

"(2) The Secretary shall make financial assistance available on a competitive basis under this section. An institution of higher education or consortium of such institutions which desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require in accordance with regulations.

"(3) The Secretary shall make every effort to ensure the equitable participation of private and public institutions of higher education and to ensure the equitable geographic participation of such institutions. In the award of grants and contracts under this section, the Secretary shall give priority to institutions who show the greatest need for the sums requested.

"(4) Not less than 50 percent of sums available for the purposes of this section shall be used to make grants under subsection (c) of this section.

"(b) GENERAL RAPE PREVENTION AND EDUCATION GRANTS.—Grants under this section shall be used to educate and provide support services to student victims of rape or sexual assault. Grants may be used for the following purposes:

"(1) to provide training for campus security and college personnel, including campus disciplinary or judicial boards, that address the issues of rape, sexual assault, and other gender-motivated crimes;

"(2) to develop, disseminate, or implement campus security and student disciplinary policies to prevent and discipline rape, sexual assault and other gender-motivated crimes;

"(3) to develop, enlarge or strengthen support services programs including medical or psychological counseling to assist victims' recovery from rape, sexual assault, or other gender-motivated crimes;

"(4) to create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action; and

"(5) to implement, operate, or improve rape education and prevention programs, including programs making use of peer-to-peer education.

"(c) Model Grants.—Not less than 25 percent of the funds authorized under this section shall be available for grants for model demonstration programs to be coordinated with local rape crisis centers for the development and implementation of quality rape prevention and education curricula and for local programs to provide services to student rape victims.

"(d) Eligibility.—No institution of higher education or consortium of such institutions shall be eligible for a grant under this section unless—

"(1) its student code of conduct, or other written policy governing student behavior, explicitly prohibits not only rape but all forms of sexual assault; and

"(2) it has in effect and implements a written policy requiring the disclosure to the victim of any sexual assault the outcome of any investigation by campus police or campus disciplinary proceedings brought pursuant to the victim's complaint against the alleged perpetrator of the sexual assault: *Provided*, That nothing in this section shall be interpreted to authorize disclosure to any person other than the victim.

"(e) Applications.—(1) In order to be eligible to receive a grant under this section for any fiscal year, an institution of higher education, or consortium of such institutions, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) Each such application shall—

"(A) set forth the activities and programs to be carried out with funds granted under this part;

"(B) contain an estimate of the cost for the establishment and operation of such programs;

"(C) explain how the program intends to address the issue of acquaintance rape;

"(D) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purpose described in this part, and in no case to supplant such funds; and

"(E) include such other information and assurances as the Secretary reasonably determines to be necessary.

"(e) Grantee Reporting.—Upon completion of the grant period under this section, the grantee institution or consortium of institutions shall file a performance report with the Secretary explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this section. The Secretary shall suspend funding for an approved application if an appplicant fails to submit an annual performance report.

"(f) Definitions.—(1) Except as otherwise provided, the terms used in this part shall have the meaning provided under section 2981 of this title.

"(2) For purposes of this subchapter, the following terms have the following meanings:

"(A) The term 'rape education and prevention' includes programs that provide educational seminars, peer-to-peer counseling, operation of hotlines, self-defense courses, the preparation of informational materials, and any other effort to increase campus awareness of the facts about, or to help prevent, sexual assault.

"(B) The term 'Secretary' means the Secretary of Education.

"(g) General Terms and Conditions.—(1) Regulations.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulation implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.

"(2) No later than 180 days after the end of each fiscal year for which grants are made under this section, the Secretary shall submit to the committees of the House of Representatives and the Senate responsible for issues relating to higher education and to crime, a report that includes—

"(A) the amount of grants made under this section;

"(B) a summary of the purposes for which those grants were provided and an evaluation of their progress; and

"(C) a copy of each grantee report filed pursuant to subsection (e) of this section.

"(3) For the purpose of carrying out this subchapter, there are authorized to be appropriated $20,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.".

SEC. 404. REQUIRED CAMPUS REPORTING OF SEXUAL ASSAULT.

Section 204(f) of the Crime Awareness and Campus Security Act of 1990 is amended to read as follows:

"(F) Statistics concerning the occurrence on campus, during the most recent school year, and during the 2 preceding school years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

"(i) murder;

"(ii) rape or sexual assault;

"(iii) robbery;

"(iv) aggravated assault;

"(v) burglary; and

"(vi) motor vehicle theft.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1990

SECTION 501. SHORT TITLE.

This title may be cited as the "Equal Justice for Women in the Courts Act of 1991".

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

SEC. 511. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 512. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, $600,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent of model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

SEC. 521. EDUCATION AND TRAINING GRANTS.

(a) STUDY.—The Federal Judicial Center shall conduct a study of the nature and extent of gender bias in the Federal courts, including in proceedings involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender. The study shall be conducted by the use of data collection techniques such as reviews of trial and appellate opinions and transcripts, public hearings, and inquiries to attorneys practicing in the Federal courts. The Federal Judicial Center shall publicly issue a final report containing a detailed description of the findings and conclusions of the study, including such recommendations for legislative, administrative, and judicial action as it considers appropriate.

(b) MODEL PROGRAMS.—(1) The Federal Judicial Center shall develop, test, present, and disseminate model programs to be used in training Federal judges and court personnel in the laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

(2) The training programs developed under this subsection shall include—

(A) all of the topics listed in section 512 of subtitle A; and

(B) all procedural and substantive aspects of the legal rights and remedies for violent crime motivated by gender including such areas as the Federal penalties for sex crimes, interstate enforcement of laws against domestic violence and civil rights remedies for violent crimes motivated by gender.

SEC. 522. COOPERATION IN DEVELOPING PROGRAMS.

In implementing this subtitle, the Federal Judicial Center shall ensure that the study and model programs are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 523. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1992, $400,000 to carry out the purposes of this subtitle. Of amounts appropriated under this section, no less than 25 percent and no more than 40 percent shall be expended by the Federal Judicial Center on the study required by section 521(a) of this subtitle.•

BIDEN "VIOLENCE AGAINST WOMEN ACT"

TITLE I—SAFE STREETS FOR WOMEN

Creates New Penalties for Sex Crimes:

Doubles penalties for rape and aggravated rape.

Creates new penalties for repeat sex offenders.

Increases restitution for the victims of sex crimes.

Encourages Women to Prosecute Their Attackers:

Requires states to pay for women's medical examinations to determine if they have been raped.

Extends "rape shield law" protection to criminal and civil cases—other than sexual assault cases where it already applies—to bar embarrassing and irrelevant inquiries into a victim's sexual history at trial.

Authorizes $65 million in funds for rape prevention and education.

Bars the use of a women's clothing to show, at trial, that the victim incited or invited a sexual assault.

Targets Places Most Dangerous for Women:

Authorizes $300 million for law enforcement efforts to combat sex crimes, with $100 million targeted for the 40 metropolitan areas most dangerous for women.

Creates special units of police, prosecutors and victim advocates to fight crime against women.

Creates Safer Public Transit and Public Parks:

Funds increased lighting and camera surveillance at bus stops, bus stations, subways, and parking lots adjacent to public transit facilities.

Targets $25 million in existing park funds for increased lighting, emergency telephones, and police.

Establishes the "National Commission on Violent Crime Against Women":

Creates a commission to develop a national strategy for combating violence against women.

TITLE II—SAFE HOMES FOR WOMEN

Protects Women from Abusive Spouses:

Deters abusers from learning the whereabouts of a fleeing victim.

Creates federal penalties for spouse abusers who cross state lines to continue their abuse.

Requires all states to enforce any "stay away" order, regardless of which state issues it.

Promotes Arrests of Abusive Spouses:

Authorizes $25 million for prosecutors and courts to develop special spouse abuse units.

Provides additional grants to "model states" that promote the arrest and prosecution of abusive spouses.

Provides More Money for Shelters:

Triples funding for battered women's shelters.

Teaches Children about Domestic Violence:

Creates school-based programs designed to stop the cycle of family violence.

Educates Women about Their Rights:

Requires States to establish commissions to study domestic violence and authorizes a national media campaign against such violence. (Senator Coats)

TITLE III—CIVIL RIGHTS FOR WOMEN

Labels Sex Crimes as "Bias" or "Hate" Crimes:

Defines gender-motivated crimes as "bias" crimes that deprive victims of their civil rights.

Extends "Civil Rights" Protections to All Gender-Motivated Crimes:

Makes gender-based assaults a violation of federal civil rights laws.

Allows victims of all felonies "motivated by gender" to bring civil rights suits against their assailants.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Funds Rape Prevention Programs:

Creates a $20 million grant program for the neediest colleges to fund campus rape education and prevention programs and services.

Guarantees Victims' Right to Know:

Requires grantee colleges to disclose to rape victims the outcome of college disciplinary proceedings against their attackers.

Strengthens Campus Security:

Closes loophole in existing campus crime reporting law by requiring that campuses report not only "rape" but also any form of sexual assault.

Requires grantee colleges to expressly bar sexual assault as a violation of student disciplinary codes.

TITLE V—JUDICIAL EDUCATION ON VIOLENCE AGAINST WOMEN

Educates state and federal judges about domestic violence, sexual assault and gender bias.

• Mr. BOREN. Mr. President, I am very pleased to join my colleague, Senator BIDEN of Delaware, in introducing the Violence Against Women Act. This bill is the first piece of comprehensive legislation that directly addresses and alleviates the serious problem of violent crime against women in this country.

Violent crimes against women are rising at an alarming and unacceptable rate. During the last decade, the rate of rape rose four times as fast as the total crime rate. Today, with every minute that passes, over 4 women are beaten; and with every hour that passes, 10 women are raped.

While the statistics are alarming, they pale in comparison to the true numbers of female victims. It is estimated that less than half of all rapes, and even fewer domestic assaults, are ever reported. Violent crimes against women are not limited to the streets of the inner cities, but also occur in homes in the urban and rural areas across the country.

Violence against women affects not only those who are actually beaten and brutalized, but indirectly affects all women. Today, our wives, mothers, daughters, sisters, and colleagues are held captive by the fear generated from these violent crimes—held captive not for what they do or who they are, but solely because of their gender.

Mr. President, the Violence Against Women Act is not a panacea for this pervasive problem, but is a necessary first step in freeing all females from unnecessary risk and fear. The bill designates sex crimes as a violation of civil rights, allowing women to seek remedies under the Federal civil rights laws.

Additionally, the bill increases penalties for sex related crimes being tried in Federal court, and makes court restraining orders for women enforceable across State lines. The bill also provides $300 million in grants to State and local law-enforcement agencies to tailor programs to combat this problem at the local level.

Mr. President we can and must put an end to the spiraling escalation of violent crimes against women in this country. We must protect the rights of women in this country to feel safe on the street and in their homes. I strongly urge my colleagues to recognize the urgent need for this legislation and to join me in supporting the Violence Against Women Act.•

Mr. COHEN. Mr. President, today I am pleased to join Senator BIDEN in reintroducing the Violence Against Women Act. The first comprehensive legislation designed specifically to combat violent crime against women, this legislation was first introduced by Senator BIDEN last year and, subsequently, was favorably reported by the Judiciary Committee. Regrettably, the full Senate did not have the opportunity to consider the measure before adjournment.

Violence against women in this country has been rising at an alarming rate. Increases in the rate of rape, assaults, and murder of women are significantly higher than increases in the national crime rate or the rate of assaults and murder of men. Nationally, a woman is raped every 6 minutes and, every 18 seconds, a women is beaten. In my own State of Maine, a woman is raped every 38 hours and a domestic assault occurs every 3 hours.

While the statistics are shocking, the reality is even worse. It is estimated that less than half of all rapes and even fewer domestic assaults are ever reported. These crimes are not limited to the streets of our inner cities or to those few highly publicized cases that we read about in the newspapers or see on the evening news.

Women throughout the country, in our Nation's urban areas and rural communities, are being beaten and brutalized in the streets and in their homes. It is our mothers, wives, daughters, sisters, friends, neighbors, and coworkers who are being victimized; and, in many cases, they are being victimized by family members, friends, and acquaintances.

The physical and emotional toll on women who are the victims of violent crime is devastating. Compounding this tragedy is the fact that the law enforcement and judicial systems in this country, and society in general, often contribute to the victimization of women by their insensitivity, reliance on outmoded stereotypes, and failure to adequately protect victims.

Even those women who have not been touched directly by violent crime are not unaffected. How many women can walk home at night from the bus or subway without some thought of what is the safest route to take, or without pausing when they hear footsteps behind them. How many women have thought better of taking an evening stroll in their neighborhood or perhaps a local park because of a concern about crime. Regrettably, all women are victims of fear—the fear generated by the pervasiveness of violence directed against women not because of who they are or what they are doing or where they live but simply because they are women.

The Federal Government has an important role to play in reversing the trend of increasing violence against women. In addition to setting an example for the States to emulate by strengthening its own laws and enforcement efforts, the Federal Government can promote programs at the State and local level to prevent violence against women, and to more effectively prosecute and appropriately punish those individuals who commit violent crimes against women.

The Violence Against Women Act is not a cure to the growing incidence of violence but it is an important step in the right direction. The bill has five major titles: Safe Streets for Women; Safe Homes for Women; Civil Rights for Women; Safe Campuses for Women; and Equal Justice for Women in the Courts. A summary of the bill has been placed in the RECORD.

I want to take this opportunity to commend Senator BIDEN for his leadership in this area and his commitment to addressing the very difficult problem of violence against women, and I look forward to working with him to move this measure forward. I urge my colleagues to join in supporting this important legislation.

By Mr. BIDEN (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. ADAMS, Mr. D'AMATO, Mr. DECONCINI, Mr. SIMON, Mr. BRADLEY, Mr. PRYOR, Mr. METZENBAUM, Mr. HEINZ, Mr. HEFLIN, Mr. BAUCUS, Mr. GORTON, Mr. MOYNIHAN, Mr. CRANSTON, and Mr. AKAKA):

S. 16. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

DRUG EMERGENCY AREAS ACT

• Mr. BIDEN. Mr. President, today I am introducing the Drug Emergency Areas Act of 1991 to fight the spiraling problems of drug trafficking and violent crime in our Nation's cities and communities.

The drug and violent crime epidemics are taking their toll on U.S. cities unlike any natural disaster in modern history. Each year, thousands die in drug-related violence and overdoses. Tens of billions of dollars are lost in health costs and lowered productivity. The drug crisis has—literally—destroyed neighborhoods in every major city in this country.

Congress and the President recognized the need to provide emergency Federal aid to the hardest hit cities as far back as 1988, when the Anti-Drug Abuse Act was enacted. This law directed the President to designate certain areas of the country as "high intensity drug trafficking areas" and to provide immediate Federal aid to these areas. And to ensure that emergency aid was provided immediately, Congress appropriated $25 million in October 1989 for the areas to be designated by the President.

Unfortunately, the White House response has been plagued by bureaucratic delays and inefficiency.

More than 2 years after the high-intensity drug trafficking area legislation was signed into law, not a single Federal dollar—not a single extra police officer or treatment bed—had been delivered to these hard-hit areas.

That's why 16 of my colleagues and I are introducing the Drug Emergency Areas Act of 1991 as an alternative to the President's plan. Our legislation is simple and direct. It would:

Provide $300 million—six times the amount in the President's antidrug plan—in emergency Federal assistance to those areas of the Nation hardest hit by drug trafficking, abuse and related violence;

Direct that emergency Federal aid be available not only for big cities, but also to rural and suburban areas, where the drug crisis has overwhelmed the ability of State and local law enforcement agencies to respond; and

Allow funding for both law enforcement and prevention and treatment initiatives—to attack the problem at every possible level.

Mr. President, there is one additional—and perhaps the most critical—difference between this new initiative and the President's plan.

My bill offers direct Federal assistance to the cities and counties where the drug problem hits the hardest, and where emergency assistance is needed the most. Federal assistance to drug emergency areas should be delivered the same way we help areas affected by natural emergencies—directly to the local officials who know what needs doing, and how best to do it.

This bill is identical to legislation I introduced last year, S. 2313, which was endorsed by the former President of the U.S. Conference of Mayors, Richard Berkley, and the mayor of New York City, David Dinkins. The bill is also strongly supported by the National League of Cities and the Delaware League of Local Governments.

Mr. President, drug trafficking and abuse in our cities is a national emergency. We need an emergency response. I believe the Drug Emergency Areas Act is a major step in the right direction.

I ask unanimous consent that the bill, an explanatory factsheet, and a chart comparing this legislation with the President's plan be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Emergency Areas Act of 1990".

SEC. 2. DRUG EMERGENCY AREAS.

Subsection (c) of section 1005 of the National Narcotics Leadership Act of 1988 is amended to read as follows:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) PROCEDURE FOR DECLARATION.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may by regulation require. One or more cities, counties, or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under clause (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that effective response to save lives, and to protect property and public health and safety, that Federal assistance is necessary.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug use or drug-related violence, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) or chief executive officer(s) shall—

"(i) take appropriate response action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State and/or local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

"(E) The Director shall review any request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(iii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State and/or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Within 90 days after the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of such assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year 1991, 1992, 1993, 1994, and 1995, $300,000,000 to carry out the purposes of this subsection.".

DRUG EMERGENCY AREAS ACT OF 1991

BACKGROUND

Modeled closely on the Federal Disaster Assistance Act, the Drug Emergency Areas Act (DEAA) provides direct, emergency Federal aid to areas that are particularly hard hit by drug trafficking and violence—and where state and local agencies are overwhelmed and unable to respond effectively.

WHO WOULD GET HELP

The Drug Emergency Areas Act would allow any local official to apply directly for aid:

Any city (irrespective of its population) could receive aid if the President declares that the area is in need of Federal assistance due to a high level of drug trafficking, drug abuse or drug-related violence.

EXACTLY WHAT ASSISTANCE DOES THE DEAA PROVIDE

Funding: Up to $50 million in emergency relief aid would be available to a specific drug emergency area.

These funds would be provided directly to state or local governments.

Other: The Act also authorizes increases in the number of Federal agents in such areas and provides communications, intelligence and equipment.

WHAT ARE THE MAJOR DIFFERENCES WITH PRESIDENT'S PLAN

1. More aid. The DEAA would provide $300 million in new aid to the hardest-hit areas—up to a maximum of $50 million per city.

The Administration's plan provides a total of $10 million to each of five pre-determined areas.

2. More cities eligible. As mentioned above, any city could apply for and receive aid under the DEAA if designated an emergency area by the President.

The Administration's plan limits aid to five specific areas: New York, Los Angeles, Miami, Houston, and the Southwest Border.

3. Direct funding. The DEAA provides immediate and direct aid to local governments, designated drug emergency areas.

The Administration's plan provides no Federal aid to state or local governments; rather, all of the aid is earmarked solely for Federal agencies.

4. Use of funds for demand reduction. The DEAA directs that local governments spend emergency relief funds on both supply and demand reduction efforts, unless local conditions dictate otherwise.

The Administration's plan provides no funding for prevention or treatment.•

• Mr. KENNEDY. Mr. President, the 1988 Anti-Drug Abuse Act gave the Drug Director specific authority that Senator BIDEN and I authored to designate certain areas as high intensity drug areas. We left considerable discretion with the Drug Director in exercising that authority. Our concept was intended to provide a mechanism for the Federal Government to bring greater pressure to bear on areas of the country hardest hit by the drug problem.

The legislation we reintroduced today expands on this concept by authorizing the President to declare drug emergency areas. Currently, the Drug Director's authority is limited to reassigning existing resources. That authority is important, but it must be augmented. This new proposal will authorize the President, on the advice of the Drug Director to inject new resources directly to high intensity areas, instead of taking away important resources from other assignments. This legislation will provide an important and indispensable weapon in our fight against drug abuse. I have pursued similar authority to enable the President to direct emergency relief for areas with acute educational treatment needs.

A winning strategy against drug abuse involves three approaches: Law enforcement, prevention, and treatment. Each is vital, and none can be downgraded or ignored. On the enforcement side of the drug war, wiser policies and more resources are needed, especially at the State and local level—where the real war is fought every day on our streets and in our communities. We must learn to support our State and local police—and do it without abandoning fundamental constitutional guarantees or turning any local jurisdiction into a police state.

More important, Federal law enforcement officials must do a better job of coordinating Federal efforts, so that we direct drug enforcement resources in a way that focuses maximum pressure on drug trafficking organizations here and abroad.

We have enacted enhancements in State and local law enforcement authority, tougher asset forfeiture, quicker prosecutions of drug offenders, broader use of civil sanctions, high intensity drug trafficking area improvements, and additional Federal trial judges for areas of the country hardest hit by the drug crisis. Taken together, these provisions and the Drug Emergency Areas Act will provide substantial new assistance to all levels of our law enforcement and civil justice system.●

By Mr. LOTT:

S. 17. A bill to provide for a study of the Corinth Battlefield in the State of Mississippi; to the Committee on Energy and Natural Resources.

S. 80. A bill to establish a national military park to commemorate the Battle of Corinth in the State of Mississippi; to the Committee on Energy and Natural Resources.

CORINTH BATTLEFIELD LEGISLATION

● Mr. LOTT. Mr. President, I rise today to offer legislation which will ensure the preservation of a site in my home State or Mississippi which was the scene of one of the greatest campaigns during the War Between the States. Corinth, MS was the location of the Battle of Corinth which was the largest battle to take place in my State and the Siege of Corinth was, in terms of aggregate numbers of troops involved, one of largest in the history of the Western Hemisphere.

Possession of Corinth was the key to victory during the war because of the railroads. Corinth was the Confederacy's only east-west link; the Memphis and Charleston Railroad crossed the critical Mobile and Ohio Railway. These were the two longest railroads in the South. This junction was referred to as the vertebrae of the Confederacy and eventually acquired the nickname "crossroads of the Confederacy." It is interesting to note that the famous Battle of Shiloh was fought solely for the possession of Corinth. A National Military Park is located at Shiloh in commemoration of this battle.

The strategical value of Corinth was tremendous. With Corinth in Union hands, the roads to Vicksburg and Atlanta were open for Federal armies. The Confederacy certainly realized the importance of Corinth. Possession of Corinth was critical enough for the Confederacy to sacrifice New Orleans, the South's largest city and the coastal region from Mobile to Charleston. The Confederacy abandoned these cities in order to send the needed troops to protect the small village in northeast Mississippi, known as Corinth.

Of all the major civil war crusades, the Battle of Corinth and the Corinth Siege is indisputably the least known and definitely the least recognized. The Battle of Corinth is deserving of long-overdue national recognition. I am aware that these sites at Corinth are being considered for National Historic Landmark designation which, if seclected, would be officially named this summer. However, I am convinced that we must go one step further to ensure this notable site's place in American history; therefore my reason for introducing legislation.

Corinth is an ideal location for a National Military Park. If we act expeditiously we may easily preserve many battle and siege sites which are still vacant tracts of land. The urban setting is advantageous for the purposes of cost minimization in development and maintenance. Furthermore, the proximity of the Shiloh National Military Park offers the possibility of a combined administration.

Corinth and the Corinth Siege are the only sites in my State of Mississippi included on the Secretary of the Interior's list of Priority Civil War Battlefields and 2 of only 25 nationwide. My proposal is also consistent with the Secretary of the Interior's American Battlefield Protection Program established in July 1990.

We must safeguard our national heritage and protect this significant battlefield upon which our ancestors lost life and limb in pursuit of their most fundamental ideals. I believe Corinth is a natural location for a military park. The closeness of the Shiloh National Military Park, which is just 20 miles from Corinth, would be especially beneficial. The connection between the two battles, not to mention the convenience of location, convinces me that construction of a military park at Corinth is needed for proper interpretation of this important chapter in American history.

Mr. President, I ask my colleagues to support this important legislation and ask unanimous consent the full text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 17

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Battle of Corinth Study Act of 1991".

SEC. 2. STUDY OF THE BATTLE OF CORINTH.

(a) IN GENERAL.—(1) The Secretary of the Interior shall conduct a study of the events surrounding and lands involved in the Battle of Corinth, in the State of Mississippi, which was fought on October 3 and 4, 1862.

(2) The study described in paragraph (1) shall—

(A) determine the significance of the battle in illustrating and commemorating the "War in the West" of the War Between the States and

(B) include alternatives for the administration, protection, and interpretation of the battlefield and associated lands.

(b) COMPLETION OF STUDY.—The study described in subsection (a) shall be completed and transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 2 years after the date on which funds are made available for the study.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NATIONAL MILITARY PARK.

(a) IN GENERAL.—In order to commemorate and interpret the events of the Battle of Corinth, which was fought on October 3, and 4, 1862, the Corinth battleground, in the State of Mississippi, including such adjacent and contiguous lands, waters, and interests therein as may be useful and proper in effectively carrying out the purposes of this Act, is established as a national military park, to be known as Corinth National Military Park (referred to as the "national military park").

(b) DESIGNATION.—(1) The national military park shall consist of such lands, waters and interests therein, not to exceed 500 acres, as the Secretary of the Interior (referred to as the "Secretary") shall designate in furtherance of this Act.

(2) A map of the lands and interests in land designated paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and at the national military park.

(3) The Secretary may from time to time make minor revisions in the boundary of the national military park by publication of a revised map or other boundary description in the Federal Register, so long as the area of the national military park does not exceed 500 acres.

SEC. 2. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—Within the national military park the Secretary may, subject to subsection (b), acquire—

(1) lands, waters, and interests therein by donation, purchase and donated or appropriated funds, or exchange;

(2) or personal property for use in connection with the administration of the national military park.

(b) PUBLICLY OWNED LANDS.—Lands, waters, or interests therein owned by the State of Mississippi or a political subdivision thereof may be acquired by the Secretary only by donation.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the national military park in accordance with this Act and the law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 21, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(b) MANAGEMENT PLAN.—Not later than 3 years after funds are made available for the purpose, the Secretary shall prepare and submit a general management plan for the national military park to the appropriate committees of the Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. SPECTER:

S. 18. A bill to establish constitutional procedures for the imposition of the death penalty for certain Federal offenses; to the Committee on the Judiciary.

DEATH PENALTY ACT OF 1991

Mr. SPECTER. Mr. President, today I am introducing an omnibus bill providing for the death penalty for a series of crimes: Murder by terrorists against U.S. citizens anywhere in the world; major narcotics traffickers; hijacking; murder by kidnappers, hostage takers and bank robbers; train-wrecking and explosives causing death; acts of espionage; murder by a Federal prisoner; Presidential assassination attempts; genocide; murder of court officers and jurors; and retaliatory killings of witnesses, victims and informants. Last Congress, I introduced both a bill to impose the death penalty on drug traffickers as well as a bill to subject terrorist-murderers to the death penalty.

As we all well know, the drug kingpin and terrorist-murder provisions, the two I specifically championed last Congress, as well as all the other provisions in this bill were passed either by the House or the Senate or both in the 101st Congress. None of them, however, ever made it through the House-Senate conference on the omnibus crime bill. I was not a member of the Senate panel involved in that conference and thus was not privy to what took place. I understand that the crime bill conferees met only in the last few days of the session and thus placed themselves under enormous time pressures. One might well wonder how every single death penalty provision was excised from the bill given that both Houses had overwhelmingly approved them. Whatever happened, the time is long overdue for Congress to bring back the death penalty.

I continue to believe that the death penalty is a very important weapon in the war against violent crime, most particularly including the war against drugs and the war against terrorists. Most people would be surprised to know that there had not been an effective Federal law imposing the death penalty from 1972 until 1988 when Congress finally enacted legislation providing for the death penalty for major drug dealers when death results. Yet, to this day, many Federal offenses which traditionally had called for the death penalty—treason and espionage; murder; Presidential assassination; explosives causing death; train wrecks causing death—have never had their death penalty provisions reintroduced. This bill would do just that.

Mr. President, this is not an easy matter. There are many who have conscientious scruples against the death penalty, and I respect their views. Nevertheless, this is a democracy and the Representatives of the people have spoken time and time again through a series of votes in both Houses in support of reimposition of the death penalty.

The bill that I am introducing today is the product of the give and take of last Congress' debates and is designed to provide all the safeguards necessary to ensure that the death penalty is properly invoked only in the most egregious circumstances. Crimes committed by children under 18 cannot result in the death penalty. The bill also prohibits the mentally retarded or mentally disabled from being executed. The bill provides for appointment of competent counsel and a special hearing for determining whether the death penalty is appropriate. At that hearing, all relevant information may be considered and all mitigating and aggravating factors will be looked at. The bill also provides for de novo review of any death sentence by the court of appeals.

When I served as district attorney of Philadelphia, from 1966 through 1974, I reviewed personally every case where the death penalty was to be requested. Out of some 500 homicides a year in the city of Philadelphia, the death penalty was requested in a very limited number of cases. A strict standard was applied because I felt it was necessary to be very restrained in the use of the death penalty, as a matter of fairness.

The death penalty was upheld as constitutional in *Gregg* v. *Georgia*, 428 U.S. 153 (1976), and the views of Justice Stewart are illuminating in pointing out the very proper purposes of the death penalty. Justice Stewart wrote,

> Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death. * * *
>
> In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

Of course, the death penalty is not only an expression of society's moral outrage. I believe it also has a significant deterrent effect, although there are studies which go both ways. A very interesting study by Prof. Steven Gabison, an econometric analyst, comes to the conclusion, after studying some 7,092 executions between 1900 and 1985, that approximately 125,000 innocent lives have been saved by the death penalty. And, although there are studies going the other way, there are certain points at which the death penalty simply must serve as a deterrent. For example, I think it is hard to deny the necessity for an additional penalty for someone serving life imprisonment. Justice Stewart touched on this issue of deterrence in his opinion in Gregg versus Georgia:

> Although some of the studies suggest that the death penalty must not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evidence either supporting or refuting this view. We may, nevertheless, assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect. But for many others, the death penalty undoubtedly is a significant deterrent. There are carefully contemplated murders, such as murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by those serving life sentences where other sanctions may not be adequate.

I am personally convinced that the death penalty is a deterrent based upon substantial experience I have had as a prosecuting attorney in cases where criminals undertaking a robbery did not take along a weapon because they were worried about the possibility of the death penalty. In a case involving the death penalty, a dissenting opinion by California Supreme Court Justice McComb set forth some 14 cases where criminals stated that they did not take along a weapon or they were concerned about killing because they feared the death penalty. *People* v. *Love*, 16 Cal. Rptr. 777, 784-793 (1961). For example, one bank robber, Louis Joseph Turck, used a toy gun in the robbery precisely because he feared that he would get the death penalty if he used a real one:

> I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber.

Another criminal, Ramon Velarde, was apprehended while robbing a supermarket. Later on, he told investigators:

> I think I might have escaped at the market if I had shot one or more of them. I probably would have done it if it wasn't for the gas chamber. * * * I don't want to die no matter what happens, you want to live another day.

DRUG KINGPINS

Although this bill provides for the death penalty for a number of different crimes, I want to focus on two in particular: drug kingpins and terrorist-murderers. The bill provides for the death penalty or life in prison for major drug dealers who distribute large quantities of drugs or who take in $10 million from drug trafficking in any 12-month period as well as dealers who attempt to obstruct justice by threatening to kill witnesses and informants. Drugs are, by definition, addictive. The more people a drug dealer is able to "hook", then the better business will be. A major drug dealer increases the harm to society exponentially with each new regular customer. The harm comes about through overdose, the spreading of disease, families destroyed, and the increase in violence from addicts and the traffickers protecting their markets. The consequences are direct and foreseeable. The law recognizes that a person who fires a gun into a room that he knows is occupied by several people, who plays Russian roulette with another person, or who drives a car at high speed along a major street is engaging in conduct that involves a very high degree of unjustifiable homicidal dangers. It is time that major drug dealers, who have targeted every person in this country, will now have to face the ultimate for their conduct.

A good example of the type of major drug dealer we are talking about is Ricardo Melendez, recently found guilty of drug conspiracy, racketeering and money laundering in Federal court in Brooklyn, NY. According to the New York Daily News, dated December 24, 1990, Federal prosecutors report that Mr. Melendez dominated Brooklyn's heroin market. When Federal agents raided his Queens home and arrested Mr. Melendez 2 years ago, they found 300 pounds of cash—$2.38 million in 6-inch-high stacks of $10, $20, and $100 bills that blanketed the kitchen floor. They also found a jar of human teeth. Witnesses at the trial testified that those who double-crossed Mr. Melendez and his top lieutenants paid for it with maimings and mutilations—ice-pick stabbings, teeth pulled out, fingers chopped off. The teeth in the jar are believed to belong to a low-level worker of Mr. Melendez's accused of stealing money from his gang. Although I do not know the specifics of the charges against Mr. Melendez to know for certain whether he would face the electric chair if this bill were passed, Mr. Melendez, from the press reports, would appear to be the type of drug kingpin this bill is aimed at—a druglord who cannot be pinned with any particular murder but who, the evidence clearly shows, dealt in huge volumes of drugs. This bill is aimed at ensuring that druglords like Mr. Melendez get the ultimate punishment.

On September 19, 1989, during committee hearings on the death penalty, I engaged Assistant Attorney General Edward Dennis in a discussion of the constitutionality of the death penalty for major drug traffickers. As I stated to Mr. Dennis at the hearing, I believe that death is a natural and foreseeable consequence of massive sales of narcotics. I asked Mr. Dennis to study the issue and deliver an opinion. In a subsequent hearing on October 2, 1989, Mr. Dennis delivered the view of the Justice Department that:

> [I]mposition of the death penalty on the leaders of large-scale drug production and distribution operations would be consistent with the proportionality requirement of the Eighth Amendment.

A recent trilogy of cases provides additional support for the rationale behind my bill. In *Tison* v. *Arizona*, 107 S. Ct. 1676 (1987), *Cabana* v. *Bullock*, 474 U.S. 376 (1986), and *Enmund* v. *Florida*, 458 U.S. 782 (1982), the Supreme Court held that applying the death penalty to accomplices convicted of felony murder was not violative of the eighth amendment's prohibition against cruel and unusual punishment.

TERRORIST-MURDERERS

The other provision I have vigorously advanced would impose the death penalty on terrorists who murder U.S. citizens anywhere. This provision is limited to terrorists who are convicted of first degree murder only in order to ensure that only the most heinous of terrorist criminal acts will result in the death sentence. When we recall just a few of the atrocities committed against Americans by those seeking to kill innocent American citizens in order to sway our Government's foreign policy, I think it becomes very apparent why the death penalty is an appropriate here.

On December 21, 1988, Pan Am flight 103 was blown up by a terrorist bomb over Lockerbie, Scotland, and 259 passengers were brutally murdered—79 of those 259 passengers were women and children, with 189 United States citizens.

On September 5, 1986, another Pan Am plane, this time at the airport in Karachi, Pakistan, was held by terrorists for 17 hours and gunmen indiscriminately exploded grenades and sprayed hostages with machinegun fire. Twenty-one civilians died and 100 were wounded.

On April 2, 1986, a bomb exploded on TWA flight 840 en route to Athens, Greece. Four Americans, including a mother and her infant child and the child's grandmother, were sucked out of the aircraft and fell to their death.

On December 17, 1985, at the Rome airport, 15 people were killed, including 5 Americans, and 73 wounded in a grenade and machine gun attack by the Abu Nidal group.

On October 7, 1985, Leon Klinghoffer, who was confined to a wheelchair, was savagely beaten and dumped overboard by terrorists holding the cruise ship, the *Achille Lauro*.

On June 14, 1985, passengers on TWA flight 847 endured a 17-day ordeal, where three U.S. citizens were repeatedly beaten by terrorists. Robert Stethem, a Navy diver, was not only savagely beaten, but was shot in the head, his body dumped out of the plane onto the airfield.

I could go on with a list of the many other terrorist actions which emanate from the Middle East, including the Americans taken hostage years ago in Lebanon, many of whom are still held today and who fear for their lives every day. Although most terrorist attacks seem to occur in the Middle East these days, that region does not have a monopoly on attacks committed against U.S. citizens. On May 25, 1989, Jeffrey Ball and Todd Wilson, two young Mormons doing missionary work in Bolivia, were executed gangland style on their doorsteps by terrorists for "violations of our national sovereignty." On June 13, 1988, two USAID subcontractors, one of whom was an American, were executed by Sendero Luminoso terrorists in Peru. Both men were ordered to lie on the ground and then were shot in the back of the head.

Some individuals—including a few of my colleagues—have questioned whether invoking the death penalty against terrorists will serve any deterrent effect. Truly, many terrorists are motivated primarily by fanaticism and will not think twice if they knew they faced the death sentence. However, as long as there is at least one terrorist who thinks twice about killing an American citizen for fear that he will be brought to justice in an American court—and the remarkable interdiction of convicted terrorist Fawaz Yunis off the coast of Cyprus by the FBI shows terrorists that this is a distinct possibility, then this death penalty provision will have been successful. Moreover, let us not forget that enacting this provision will also express our society's moral outrage at terrorism committed against our people abroad.

In sum, I believe that this omnibus death penalty bill is a worthy one, long overdue for passage. The American people have voiced their continued support for the death sentence in appropriate and limited circumstances; it is time for Congress to enact this legislation.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death Penalty Act of 1991".

SEC. 2. DEATH PENALTY.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH PENALTY PROCEDURES

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.

"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381 of this title;

"(2) an offense described in section 1751(c) of this title if the offense, as determined beyond a reasonable doubt at a hearing under section 3593, constitutes an attempt to murder the President of the United States or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at a hearing under section 3593 either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held under section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) PREVIOUS ESPIONAGE OR TREASON CONVICTION.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of life imprisonment or death was authorized by statute.

"(2) RISK OF SUBSTANTIAL DANGER TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk to the national security.

"(3) RISK OF DEATH TO ANOTHER.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (6), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(A) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(10) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(11) TYPE OF VICTIM.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(D) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(i) while such public servant is engaged in the performance of the public servant's official duties;

"(ii) because of the performance of such public servant's official duties; or

"(iii) because of such public servant's status as a public servant.

For purposes of this paragraph, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(1) that the Government in the event of conviction will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors enumerated in section 3592 and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (a) of this section and the defendant is found guilty of an offense described in section 3591 of this title, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a)(2) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all of the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 of this title found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 of this title is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1) of this title, an aggravating factor required to be considered under section 3592(b) of this title is found to exist; or

"(2) an offense described in section 3591 (2) or (6) of this title, an aggravating factor required to be considered under section 3592(c) of this title is found to exist;

the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (e) of this section, shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e) of this section, shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon the recommendation under section 3593(e) of this title that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d) of this title.

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 of this title or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(1) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(2) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful or lacks the ability to convey such information to counsel or to the court.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"§ 3597. Use of State facilities

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"§ 3598. Appointment of counsel

"(a) FEDERAL CAPITAL CASES.—

"(1) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this subsection shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) of this title has occurred.

"(2) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this subsection shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(3) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this subsection for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order (A) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (B) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (C) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this paragraph shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(4) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this subsection, at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(5) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this subsection, the provisions of section 3006A of this title shall apply to appointments under this subsection.

"(6) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(b) STATE CAPITAL CASES.—The laws of the United States shall not be construed to impose any requirement with respect to the appointment of counsel in any proceeding in a State court or other State proceeding in a capital case, other than any requirement imposed by the Constitution of the United States. In a proceeding under section 2254 of title 28, United States Code, relating to a State capital case, or any subsequent proceeding on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Such appointment of counsel shall be governed by the provisions of section 3006A of this title.

"§ 3599. Collateral attack on judgment imposing sentence of death

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in section 3598(a)(3) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(a)(3) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(c) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(2) the failure to raise the claim is (A) the result of governmental action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.".

"(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 28, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

"228. Death penalty procedures .... 3591".

SEC. 3. CONFORMING AMENDMENT RELATING TO DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.

Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows and inserting a period.

SEC. 4. CONFORMING AMENDMENT RELATING TO ESPIONAGE.

Section 794(a) of title 18, United States Code, is amended by inserting before the period at the end the following: ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds beyond a reasonable doubt at a hearing under section 3593 of this title that the offense directly concerned nuclear weaponry, military spacecraft and satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; sources or methods of intelligence or counterintelligence operations; or any other major weapons system or major element of defense strategy".

SEC. 5. CONFORMING AMENDMENT RELATING TO TRANSPORTING EXPLOSIVES.

Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 6. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF FEDERAL PROPERTY BY EXPLOSIVES.

Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 7. CONFORMING AMENDMENT RELATING TO MALICIOUS DESTRUCTION OF INTERSTATE PROPERTY BY EXPLOSIVES.

Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

SEC. 8. CONFORMING AMENDMENT RELATING TO MURDER.

The second paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

SEC. 9. CONFORMING AMENDMENT RELATING TO KILLING OFFICIAL GUESTS OR INTERNATIONALLY PROTECTED PERSONS.

Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

SEC. 10. MURDER BY FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1118. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal prison under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of release or furlough.

"(b) For the purposes of this section—

"(1) 'Federal prison' means any Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least 15 years and a maximum of life, or an unexecuted sentence of death.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1118. Murder by a Federal prisoner.".

SEC. 11. DEATH PENALTY RELATING TO KIDNAPING.

Section 1201(a) of title 18, United States Code, is amended by inserting "and, if the death of any person results, shall be punished by death or life imprisonment" after "or for life".

SEC. 12. DEATH PENALTY RELATING TO HOSTAGE TAKING.

Section 1203(a) of title 18, United States Code, is amended by inserting "and, if the death of any person results, shall be punished by death or life imprisonment" after "or for life".

SEC. 13. CONFORMING AMENDMENT RELATING TO MAILABILITY OF INJURIOUS ARTICLES.

The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows and inserting a period.

SEC. 14. CONFORMING AMENDMENT RELATING TO PRESIDENTIAL ASSASSINATION.

Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to murder or kidnap any individual designated in subsection (a) of this section shall be punished—

"(1) by imprisonment for any term of years or for life, or

"(2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to murder the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

SEC. 15. CONFORMING AMENDMENT RELATING TO MURDER FOR HIRE.

Section 1958(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined under this title, or both".

SEC. 16. CONFORMING AMENDMENT RELATING TO VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Paragraph (1) of section 1959(a) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine in accordance with this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine in accordance with this title, or both;".

SEC. 17. CONFORMING AMENDMENT RELATING TO WRECKING TRAINS.

The second to the last paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and all that follows and inserting a period.

SEC. 18. CONFORMING AMENDMENT RELATING TO BANK ROBBERY.

Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

SEC. 19. CONFORMING AMENDMENT RELATING TO TERRORIST ACTS.

Paragraph (1) of subsection 2331(a) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

SEC. 20. CONFORMING AMENDMENT RELATING TO AIRCRAFT HIJACKING.

Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. APP. 1473), is amended by striking subsection (c).

SEC. 21. APPLICATION TO UNIFORM CODE OF MILITARY JUSTICE.

Chapter 228 of title 18 of the United States Code, as added by this Act, does not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801 et seq.).

SEC. 22. CONFORMING AMENDMENT RELATING TO GENOCIDE.

Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 and imprisonment for life" and inserting in lieu thereof "by death or imprisonment for life, or a fine of not more than $1,000,000, or both".

SEC. 23. CONFORMING AMENDMENT RELATING TO PROTECTION OF COURT OFFICERS AND JURORS.

Section 1503 of title 18, United States Code, is amended—

(1) by striking "Whoever corruptly" and inserting "(a) Whoever corruptly";

(2) in subsection (a) (as so designated), by striking "fined not more than $5,000 or imprisoned not more than five years, or both" and inserting "punished as provided in subsection (b)"; and

(3) by adding at the end the following:

"(b) The punishment for an offense under this section is—

"(1) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title;

"(2) in the case of an attempted killing, imprisonment for not more than 20 years; and

"(3) in any other case, imprisonment for not more than 10 years.".

SEC. 24. CONFORMING AMENDMENT RELATING TO PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS, AND INFORMANTS.

Section 1513 of title 18, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c) respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

"(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

"(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

shall be punished as provided in paragraph (2).

"(2) The punishment for an offense under this subsection is—

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112 of this title; and

"(B) in the case of an attempt, imprisonment for not more than 20 years.".

SEC. 25. APPLICATION TO DRUG KINGPINS.

Title II of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following:

"DEATH PENALTY FOR DRUG KINGPINS

"SEC. 408A (a) IN GENERAL.—A defendant who has been found guilty of—

"(1) an offense referred to in section 408(c)(1) (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section;

"(2) an offense referred to in section 408(c)(1) (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of an enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person; or

"(3) an offense constituting a felony violation of this Act (21 U.S.C. 801 et seq.), the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime-Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engaged in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation,

shall be sentenced to death if, after consideration of the procedures set forth in chapter 228 of title 18, United States Code, and subject to the consideration of the additional aggravating factors set forth in subsection (b), it is determined that imposition of a sentence of death is justified.

"(b) ADDITIONAL AGGRAVATING FACTORS.—In addition to the aggravating factors set forth in section 3592(c) of title 18, United States Code, the following aggravating factors shall be considered in determining whether a sentence of death is justified for an offense under this section:

"(1) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405 of this Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of title 18, United States Code.

"(2) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405A of this Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of title 18, United States Code.

"(3) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405B of this Act which was committed directly by the defendant or for which the defendant would be liable under section 2 of title 18, United States Code.

"(4) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.".

By Mr. SPECTER:

S. 19. A bill to provide expedited procedures for the consideration of habeas corpus petitions in capital cases; to the Committee on the Judiciary.

EXPEDITED HABEAS CORPUS PROCEDURES IN CAPITAL CASES

Mr. SPECTER. Mr. President, in the 101st Congress, the Senate passed, as part of S. 1970, an amendment I had offered to reform habeas corpus procedures in death penalty cases. After extensive debate, the Senate initially rejected my amendment, but adopted my motion to reconsider, 52 to 46. Thereupon, my amendment was adopted by voice vote. Unfortunately, upon the insistence of House conferees, this important provision of last year's Senate crime bill was dropped from the legislation approved by the Conference Committee. Therefore, I have today introduced the Federal Habeas Corpus Reform Act of 1991, S. 19, which is identical to the amendment adopted by the Senate on May 24, 1990.

This proposed legislation, "The Federal Habeas Corpus Reform Act of 1991", establishes a timeframe for imposition of the death penalty in State criminal cases that will again make that penalty meaningful. The scope of the problem is demonstrated by the fact that as of December 1, 1990, there were approximately 2,400 people on death row with 143 executions since the reinstatement of capital punishment in 1976.

When Chief Justice William H. Rehnquist said last year that the current system for handling death penalty in the Federal courts "verges on the chaotic", he was being charitable. The existing process makes a farce of the death penalty. Chief Justice Rehnquist was correct in calling for remedial legislation; but his proposal and the other pending measures do not go far enough in dealing with the core of the problem.

Today the death penalty is the laughing stock of the criminal justice system because endless delays in Federal court habeas corpus proceedings have rendered it meaningless. Cases involving capital punishment are dragged through the courts for as long as 17 years.

Before a case finds its way through the court system, intervening decisions by the Supreme Court of the United States frequently establish new constitutional rights which, in turn, causes the litigation process to begin anew. The great writ of habeas corpus is always available, so stays of proceedings repeatedly delay the imposition of the death penalty resulting in public scorn and criminals' contempt for a penalty which all know will probably never be imposed.

This legislative proposal is based on my experience in personally handling numerous State and Federal court habeas corpus proceedings as an assistant district attorney and chief of the appeals division in the district attorney's office and later supervising hundreds of such cases as district attorney of Philadelphia.

A PRACTICAL, JUST TIMETABLE

This proposed legislation establishes a timetable for imposition of the death penalty in almost all cases within 1 year from the time the State courts impose the death penalty. The essential provisions are:

First, elimination of State habeas corpus proceedings which involve enormous delays by providing for collateral attack on the judgment of sentence of death.

Second, a single Federal court review, through habeas corpus proceedings, where almost all cases will be decided within 1 year on this schedule:

(a) Federal habeas corpus petitions must be filed within 60 days from the final action in the State court proceeding resulting in the death penalty.

(b) A final decision must be made by the U.S. district court within 110 days from the filing of the habeas corpus petition.

(c) A final decision must be made by the U.S. court of appeals within 110 days after the final judgment of the U.S. district court.

(d) Final action on a grant or denial of certiorari by the Supreme Court of the United States must be made within 110 days from final judgment of the court of appeals.

Third, the statute would prohibit continuances on filing a petition except on the showing of good cause with a detailed specification of reasons by any court granting such continuance.

Fourth, no subsequent Federal court habeas corpus petition shall be entertained unless specific leave for such filing is granted by the court of appeals for the circuit with jurisdiction and then only for limited reasons.

Fifth, the proposed expedited treatment of Federal habeas corpus proceedings would apply only in States which agree to provide free, competent legal counsel for defendants throughout the legal process in capital cases.

This compressed timeframe is both just and practical because it eliminates the long delays occasioned by State habeas corpus proceedings and establishes Federal habeas corpus death penalty proceedings as the highest priority in the Federal judicial system.

For reasons discussed in this floor statement, the death penalty is sufficiently important to be accorded this priority on the Federal court calendar with the addition of such Federal judges as may be necessary to accomplish the stipulated timetable.

The essence of effectiveness of any criminal sentence is swiftness and certainty. Today the death penalty is exactly the opposite: lengthy delays and great uncertainty. Its deterrent effect is virtually totally vitiated. Society is unprotected. The inmates on death row are unfairly held in limbo in a system which exacts a high price from them even though obviously preferable to the ultimate imposition of the death penalty.

RETROACTIVE EFFECT TO NEWLY CREATED RIGHTS

My bill accommodates two vexing issues posed by other pending legislative proposals. Sharp disagreement has arisen as to whether rights created by intervening court rulings should be given retroactive effect to prisoners whose convictions were already final and who were in the process of seeking habeas corpus relief. Under existing law where the habeas corpus proceedings have taken years to complete, it has been a frequent occurrence for the courts to interpret new constitutional rights in the interim. On this proposed timetable for completion of Federal court habeas corpus actions within 1 year, that problem will be greatly reduced.

In my judgment it is neither conscionable nor realistic to carry out the death penalty where that result might be altered by a constitutional right created by an intervening judicial opinion. My proposed legislation would allow the defendant to benefit from any newly created rights, but would greatly minimize this problem by compressing the timetable.

STANDARD FOR NEW PETITION

My proposal would eliminate much of the controversy between the recommendation of the committee chaired by former Supreme Court Justice Lewis F. Powell, Jr. which had proposed permitting successive petitions only if there was reason to doubt the defendant's guilt contrasted with the approach of the judicial conference which would allow a subsequent petition if the Federal judge doubted the appropriateness of the sentence of death. By establishing the court of appeals as the gatekeeper before leave is granted to file a subsequent petition, there would be a much tighter rein on such repetitious provisions.

Here again, it is unwise, if not unconscionable, to impose a more restrictive provision where the death penalty will be carried out. Since the death sentence carries with it conclusions of both guilt and sufficient aggravated circumstances to warrant that penalty, it is my judgment that the standards for allowing a subsequent petition should be broad enough to consider the appropriateness of the death sentence. Requiring leave by the circuit court before the subsequent petition may be filed provides a strong check against unmeritorious repetitive petitions.

STATE HABEAS CORPUS PROCEEDINGS SHOULD BE ELIMINATED

State habeas corpus proceedings, which provide for collateral attack on State court death penalty cases, involve lengthy delays and accomplish virtually nothing in the administration of justice. Such State habeas corpus proceedings involve a petition for a writ of habeas corpus which means in Latin to produce the body of the defendant on a showing that some error has been committed in the preceding State trial.

For example, in Pennsylvania a defendant is indicated on the charge of murder in the first degree, which is then tried before a jury in the court of common pleas. If convicted of murder in the first degree, the jury then considers aggravating and mitigating circumstances to determine whether the appropriate penalty is life imprisonment or death in the electric chair. Where the jury imposes the death penalty, there is an appeal to the Supreme Court of the Commonwealth of Pennsylvania. If the conviction and death penalty are upheld by the Pennsylvania Supreme Court, the defendant may then petition the Supreme Court of the United States for a writ of certiorari which means that the U.S. Supreme Court then may, at its discretion, issue a writ to review the case. As a matter of practice, review by the U.S. Supreme Court occurs very, very infrequently.

After a denial by the Supreme Court of the United States of a petition for a writ of certiorari, Federal law requires the defendant to file a State habeas corpus proceeding in order to exhaust all State administrative remedies before the Federal court would have jurisdiction to review the case in a Federal habeas corpus action.

In the State court habeas corpus proceeding, the defendant then asks the court of common pleas in the same county where the defendant was convicted to review the trial record on a claim that the defendant's constitutional rights were violated in that trial. While the State habeas corpus proceeding is in the court of common pleas of the same county, it is customary before a different judge to handle the second proceeding. Although in some lesser populated counties where there is only one common pleas judge, the habeas corpus action comes before the same jurist.

Where questions of fact are raised in the petition, the Court will then hold an evidentiary hearing. Such hearings are virtually always perfunctory since the courts, realistically viewed, go through the motions on cases which have previously been argued and adjudicated. In virtually all cases, the petitions for a writ of habeas corpus are denied because most, if not all, of the issues have already been decided against the defendant by the State supreme court.

After the court of common pleas denies the petition for writ of habeas corpus, an appeal is then taken to the State supreme court which customarily affirms the lower court's denial of the petition because, here again, the State supreme court is reviewing a case and a defendant on which the court has already ruled. After the Supreme Court of the United States denies a petition for a writ of certiorari, the defendant then has standing to file a habeas corpus proceeding in the Federal courts.

This State habeas corpus proceeding frequently takes years because no one is in a hurry, the courts are clogged with other cases and it has become the common practice for such matters to languish since the defendant is in jail and other matters take precedence. At this juncture, the defendant may file a petition for a writ of habeas corpus in the U.S. district court and the habeas corpus process is repeated. Where issues of fact arise, a hearing is held. After an adjudication by the district court, an appeal is then taken to the U.S. Court of Appeals. After the decision by the court of appeals, a petition is filed for writ of certiorari with the Supreme Court of the United States. This Federal court process may again take years.

By the time the State and Federal court habeas corpus proceedings have been concluded, it frequently occurs that an intervening decision by the Supreme Court of the United States or other court has created—or at least the defendant may colorably argue—new defendants' rights which provides some basis for a new attack on the conviction and death sentence. Then the whole habeas corpus starts anew in the State courts to be followed by the Federal courts. At the end of that process, it again frequently occurs that some intervening decision has or appears to have established some new defendants' rights and the process can then be repeated virtually interminably.

This proposed legislation would eliminate the State habeas corpus proceeding as a precondition to the Federal habeas corpus proceeding because the State process is usually a formality; and, in any event, is unnecessary to determine any denial of constitutional right at trial. Any such legal issues can be adequately litigated in the Federal habeas corpus proceeding.

IMPORTANCE OF THE DEATH PENALTY-DETERRENCE

This proposed legislation would give the highest priority in the Federal courts to State capital cases because of their importance in our criminal justice system. It should really be unnecessary to prove that capital punishment is a deterrent in order to justify priority treatment in the Federal courts since 37 States impose the death penalty on their legislative judgments of its importance.

Beyond that strong statement of importance, it is my firm conclusion that the death penalty is a deterrent. My experience in this field started in 1959 when I was an assistant district attorney in the city of Philadelphia. From experience in the magistrates' courts, where I saw the full range of criminal conduct—robberies and burglaries and rapes and assaults and murders—I became convinced that the death penalty was an effective deterrent.

My later experience as district attorney further supported my judgment that the death penalty was a deterrent. Robbers, burglars and other professional criminals customarily do not carry weapons because of their concern that they may use those weapons and face possible imposition of the death penalty. They reconsider the use of weapons in the course of a robbery or burglary because they do not want to face the possibility of the death penalty.

One illustrative case from the Philadelphia Criminal Courts some 30 years ago involved three young hoodlums named Williams, Caters, and Rivers. Williams was 19, Caters was 18, and Rivers was 17. Williams chose Rivers, the 17-year-old, because he did not have a criminal record and, therefore, could open the door of the grocery store they planned to rob without leaving fingerprints.

As the statements of Williams and Rivers and Caters disclosed—and they were all in agreement on the underlying planning of the robbery which resulted in murder—Williams importuned the two younger men to join him. Williams had a gun. When Williams brandished his gun, Caters and Rivers said "they would not go along on the robbery if he took the gun, because they were afraid that there might be a killing and they would face the possibility of the death penalty."

So Williams put the revolver in a drawer and slammed it shut. Caters and Rivers got up and walked out of the room. Then, unbeknownst to Caters and Rivers, Williams pulled the gun out of the drawer, put it in his pocket, and, as you have suspected, Williams used the revolver on a storekeeper in north Philadelphia, and a murder resulted.

I argued the case on appeal in the Supreme Court of Pennsylvania, as an assistant district attorney in the early 1960's. Williams received the death penalty because of his calculated, malicious decision to carry the weapon in the course of a robbery which resulted in death and first-degree murder.

Caters and Rivers ultimately received life imprisonment because the facts showed that they did not have the degree of malice that Williams possessed, although technically, as a matter of law, any co-conspirator can be held to the same level of complicity.

The significant fact of this case is that a 17-year-old like Rivers and an 18-year-old like Caters, with marginal IQ's knew that the death penalty was a potential result of their robbery if a gun was carried. The prospect of the death penalty directly affected the conduct of Caters and Rivers.

An experienced ex-New York City police officer who serves on my staff, Tom Madine, commented about the increases in murder in New York State as a result of the death penalty having been eliminated there.

ILLUSTRATIVE CASES ON DETERRENCE

A dissenting opinion in a 1961 California case captioned People versus Love contains a summary of many cases which show the deterrent effect of capital punishment. These cases are worth citing here because the specific facts and the defendants' statements demonstrate human nature on deterrence much more vividly than dry statistics. Mr. Justice McComb wrote:

> Any prosecuting attorney or criminal defense attorney or any trial judge who has sat for a substantial period in a department of the superior court devoted to the trial of felony cases knows that many felons are careful to refrain from arming themselves with a deadly weapon because they do not want to take the chance of killing anyone and suffering death as a penalty.
>
> A few recent examples of the accuracy of this view are to be found in the following cases involving persons arrested by officers of the Los Angeles Police Department:[1]
>
> (i) Margaret Elizabeth Daly, of San Pedro, was arrested August 28, 1961, for assaulting Pete Gibbons with a knife. She stated to investigating officers: "Yeh, I cut him and I should have done a better job. I would have killed him but I didn't want to go to the gas chamber."
>
> (ii) Robert D. Thomas, alias Robert Hall, an ex-convict from Kentucky; Melvin Eugene Young, alias Gene Wilson, a petty criminal from Iowa and Illinois; and Shirley R. Coffee, alias Elizabeth Salquist, of California, were arrested April 25, 1961, for robbery. They had used toy pistols to force their victims into rear rooms, where the victims were bound. When questioned by the investigating officers as to the reason for using toy guns instead of genuine guns, all three agreed that real guns were too dangerous, as if someone were killed in the commission of the robberies, they could all receive the death penalty.
>
> (iii) Louis Joseph Turek; alias Luigi Furchiano, alias Joseph Farino, alias Glenn Hooper, alias Joe Moreno, an ex-convict with a felony record dating from 1941, was arrested May 20, 1961, for robbery. He had used guns in prior robberies in other states but simulated a gun in the robbery here. He told investigating officers that he was aware of the California death penalty although he had been in this state for only one month, and said, when asked why he had only simulated a gun, "I knew that if I used a real gun and that if I shot someone in a robbery I might get the death penalty and go the gas chamber".
>
> (iv) Ramon Jesse Velarde was arrested September 26, 1960, while attempting to rob a supermarket. At that time, armed with a loaded .38 caliber revolver, he was holding several employees of the market as hostages. He subsequently escaped from jail and was apprehended at the Mexican border. While being returned to Los Angeles for prosecution, he made the following statement to the transporting officers: "I think I might have escaped at the market if I had shot one or more of them. I probably would have done it if it wasn't for the gas chamber. I'll only do 7 or 10 years for this. I don't want to die no matter what happens, you want to live another day."
>
> (v) Orelius Mathew Stewart, an ex-convict with a long felony record, was arrested March 3, 1960, for attempted bank robbery. He was subsequently convicted and sentenced to the state prison. While discussing the matter with his probation officer, he stated: "The officer who arrested me was by himself, and if I had wanted, I could have blasted him. I thought about it at the time, but I changed my mind when I thought of the gas chamber".
>
> (vi) Paul Anthony Brusseau, with a criminal record in six other states, was arrested February 6, 1960, for robbery. He readily admitted five holdups of candy stores in Los Angeles. In this series of robberies he had only simulated a gun. When questioned by investigators as to the reason for his simulating a gun rather than using a real one, he replied that he did not want to get the gas chamber.
>
> (vii) Salvador A. Estrada, a 19-year-old youth with a four-year criminal record, was arrested February 2, 1960, just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officers: "I want to ask you one question, do you think they will repeal the capital punishment law. If they do, we can kill all you cops and judges without worrying about it".
>
> (viii) Jack Colevris, a habitual criminal with a record dating back to 1945, committed an armed robbery at a supermarket on April 25, 1960, about a week after escaping from San Quentin Prison. Shortly thereafter he was stopped by a motorcycle officer. Colevris, who had twice been sentenced to the state prison for armed robbery, knew that if brought to trial, he would again be sent to prison for a long term. The loaded revolver was on the seat of the automobile beside him and he could easily have shot and killed the arresting officer. By his own statements to interrogating officers, however, he was deterred from this action because he preferred a possible life sentence to death in the gas chamber.
>
> (ix) Edward Joseph Lapienski, who had a criminal record dating back to 1948, was arrested in December 1959 for a holdup committed with a toy automatic type pistol. When questioned by investigators as to why he had threatened his victim with death and had not provided himself with the means of carrying out the threat, he stated, "I know that if I had a real gun and killed someone, I would get the gas chamber".
>
> (x) George Hewlitt Dixon, an ex-convict with a long felony record in the East, was arrested for robbery and kidnapping committed on November 27, 1959. Using a screwdriver in his jacket pocket to simulate a gun, he had held up and kidnaped the attendant of a service station, later releasing him unharmed. When questioned about his using a screwdriver to simulate a gun, this man, a hardened criminal with many felony arrests and at least two known escapes from custody, indicated his fear and respect for the California death penalty and stated, "I did not want to get the gas".
>
> (xi) Eugene Freeland Fitzgerald, alias Edward Finley, an ex-convict with a felony record dating back to 1951, was arrested February 2, 1960, for the robbery of a chain of candy stores. He used a toy gun in committing the robberies, and when questioned by the investigating officers as to his reasons for doing so, he stated: "I know I'm going to the joint and probably for life. If I had a real gun and killed someone, I would get the gas. I would rather have it this way".
>
> (xii) Quentin Lawson, an ex-convict on parole, was arrested January 24, 1959, for committing two robberies, in which he had simulated a gun in his coat pocket. When questioned on his reason for simulating a gun and not using a real one, he replied that he did not want to kill someone and get the death penalty.
>
> (xiii) Theodore Roosevelt Cornell, with many aliases, an ex-convict from Michigan

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[1] The cases cited are taken from the records on file in the Los Angeles Police Department.

with a criminal record of 26 years, was arrested December 31, 1958, while attempting to hold up the box office of a theater. He had simulated a gun in his coat pocket, and when asked by investigating officers why an ex-convict with everything to lose would not use a real gun, he replied, "If I used a real gun and shot someone, I could lose my life".

(xiv) Robert Ellis Blood, Daniel B. Gridley, and Richard R. Hurst were arrested December 3, 1958, for attempted robbery. They were equipped with a roll of cord and a toy pistol. When questioned, all of them stated that they used the toy pistol because they did not want to kill anyone, as they were aware that the penalty for killing a person in a robbery was death in the gas chamber".

REALISTIC TIMETABLE

It is realistic to establish a timetable for the full range of Federal habeas corpus proceedings within 1 year. A key factor is the requirement that the States must provide competent free counsel to defendants in capital cases through all legal proceedings. It may be that the trial counsel would handle all stages of the case unless there is a allegation of incompetency of counsel in which event new counsel would obviously have to be provided to press that claim.

It is practical to require the Federal habeas corpus petition to be filed within 60 days from the appointment of post-conviction counsel. It would not be "business as usual"; but I know from my own experience in the criminal justice system that a lawyer can prepare the petition in that timeframe although it may require long hours, overtime effort or putting aside other legal matters.

If there are unusual circumstances, and it must be conceded that it is not possible in a statutory setting to anticipate every conceivable situation, the court may allow extra time on a showing of good cause with the specifications of the reasons.

Similarly, it is practical for the U.S. District Court to render a final decision within 110 days from the filing of the habeas corpus petition. That timeframe would allow 20 days for a responsive pleading by the public prosecutor and 90 days for hearings, briefings, argument, and a decision by the district court. Again, from my own experience in the field, I know that this timetable can be observed although it would require a Federal judge to give priority to such matters and the lawyers to be diligent in processing the case. It is customary when cases go to trial that lawyers are heavily engaged not only during the hours of trial in court, but in advance of the trial day in preparing witnesses, and after court hours on legal research and the preparation of legal memoranda.

It is further practical to require a decision by the court of appeals within 110 days after the final judgment of the district court. This is only slightly faster than existing rules on docketing and briefing. This timetable will give the appellate court an adequate opportunity for review, reflection, and decision. In the British courts, judges render immediate decisions and opinions after hearing appellate argument. As a practical matter, most decisions are made by an appellate judge within a relatively brief period of time after oral arguments or submission of briefs.

It is again realistic to require final action by the Supreme Court of the United States within 110 days. This would allow 20 days for the preparation of the petition for certiorari and 90 days for decision by the court. It is currently a common practice for the Supreme Court to deny certiorari in a much shorter period of time. Here again, our Nation's highest court would have to accord priority treatment to capital cases, but that is fair requirement in the face of the urgency of the issue as articulated by Chief Justice Rehnquist.

It is inevitable that some cases will not be completed within a 1-year timeframe. Some trials may be so long and so complex that this timetable will be too short. It should be noted, however, that this abbreviated timetable does not take effect until after the case has been tried in the State courts where no limitation is applied to the length of trial, time for post-trial motions or appellate review. During that process, most, if not customarily all, of the complex factual and legal issues will be organized, analyzed, and resolved.

Where this proposed timetable cannot be observed, extensions may be granted on a showing of good cause where the court will be obligated to specify the reasons for any delays. If delays are granted, the court will be under an obligation to monitor the proceeding and see to it that delays are held to a minimum.

CONCLUSION

No one can deny the seriousness of the problem of crime in America. Similarly, no one can deny the inadequacy of our criminal justice system.

At a minimum, powerful arguments support the conclusion that the death penalty is a deterrent. Even those who doubt the deterrent effect of capital punishment cannot deny the legitimacy of appropriate execution of the laws of 37 States which provide for the death penalty.

Currently, the Federal courts are "chaotic" in dealing with such cases and the death penalty in America has become a "farce".

This legislation, establishing a timetable of 1 year for the disposition of almost all Federal habeas corpus cases, would effectively reinstate the death penalty in America.

By Mr. ROTH:

S. 20. A bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL PROGRAM PERFORMANCE STANDARDS AND GOALS ACT

• Mr. ROTH. Mr. President, today I am introducing what I believe to be a much-needed and long overdue reform of the way the Federal Government operates—the "Federal Program Performance Standards and Goals Act of 1991."

I know that my colleagues share with me a growing sense of frustration at our seeming inability to prevent waste, fraud, and mismanagement in Federal programs. It has not been for lack of our trying. In recent years we have taken such steps as enacting the Federal Managers Financial Integrity Act, creating Inspectors General and virtually every agency, and, late last year, passing the Chief Financial Officers Act.

All of these efforts have been very important. However, as the scandals within our agencies mount, I have become concerned that our focus on improving financial management has caused us to over-look a big missing piece in the puzzle of how to prevent governmental waste and mismanagement. That missing piece is the need for measurable performance goals for all Federal programs.

I am convinced that we will not make significant progress in our fight against fraud, waste, and mismanagement in Federal agencies and programs, if all we do is focus on the dollars spent. We must begin to pay much more attention to the performance side of the equation: What are we actually getting for the dollars spent, compared to what we should be getting?

This is not to diminish the vital role of strong financial management. Making sure that Federal funds are properly accounted for is indeed of fundamental importance. But knowing that budgeted money was lawfully spent is not the same as knowing that it was well-spent. Good management is more than just the absence of fraud.

Fraud is an illegal act, defined in the law. But what is the definition of "waste" and of "mismanagement"? How do we know when a program is "inefficient" or "inefective"? And if these abuses are undefined, how can they be prevented? What should we tell the taxpayers when we spend their money—that they should be satisfied simply knowing that no serious fraud exists in a program?

No, I think we owe them more than that. I think we ought to be able to tell the American taxpayers what results they can expect when we spend their money, and then we ought to be able to tell them what results they actually got. And when we can do that, we will truly begin to define, identify, and eliminate waste and mismanagement in the Federal Government.

That is what lies behind my legislation. The Federal Program Performance Standards and Goals Act would require that the President's budget include—for each major expenditure category of every department and agency—measurable program performance goals. And each year's budget would include the previous year's actual program results compared with the original performance goals, integrated with program cost information. This performance-based budgeting is what changes a budget from being largely a political document, into a real policymaking and management tool.

In addition, this legislation would require every Federal department and agency to publish an annual performance report. These reports would show more detailed performance goals and actual results—also integrated with program cost information, so as to reveal costs per unit-of-output or unit-of-result.

This information would be reported for the past year and the three prior years, so that performance trends could be tracked. If, for example, the unit cost of delivering a particular level of service, or of achieving a particular result, is shown to be rising faster than the rate of inflation, we can ask why.

These annual agencywide performance reports would be a real boost to program oversight. The Office of Management and Budget, the General Accounting Office, the Inspectors General, and congressional committees would all find these reports invaluable.

I also believe that Congress should be held responsible for stating what results it expects when it creates programs and spends money. We have for too long ducked that responsibility. We fund programs without specifying what the measure of success should be. No wonder accountability is lacking. Therefore, my legislation would require all authorization and appropriation bills to include measurable program performance goals.

I would be the first to acknowledge that this legislation would result in a revolutionary change in the way we do business around here. Think of it—the sponsor of a new program actually having to say what the program is supposed to accomplish, in measurable terms, so that we can later see if we are getting our money's worth. I can hear the howls of protest already. And certainly within the agencies there will be, as there has been in the past, strong resistance to being held accountable for measurable results.

I first proposed this reform last May in an article in "Roll Call." Several days later a number of witnesses testifying before a Senate committee addressing the HUD scandal were asked whether this would help. Their responses are very interesting.

Mr. Richard Wegman, testifying on behalf of the National Academy of Public Administration, stated that—

> It's essential that there be clear and explicit performance goals for executive branch programs * * * Clarity is extremely important; otherwise it's very difficult for Congress to make a judgment about whether or not the agency is doing its job effectively.

In his written statement he emphasized that—

> Preventing more HUDs ultimately is a continuous process of improving program goals in law and testing agency performance against them * * *

And attached to Mr. Wegman's testimony was a list of recommendations from the Academy's Panel on Congressional Oversight. I'd like to read two of them. First, that—

> Congress should set performance goals * * * that provide a better match between those goals and the resources likely to be available for implementation. Similarly, the executive branch should suggest to Congress ways of better matching goals and resources."

And second, that—

> Congress should ensure that agencies engage in more thorough, systematic, and comprehensive evaulations of the programs they administer by: * * * providing in authorizing statutes criteria by which to measure program effectiveness; * * *

At that same hearing, GAO's Assistant Comptroller General for General Government, Mr. Richard Fogel, testified that—

> It would help if congressional committees could press some of the agencies to develop performance measures and output measures of what the agencies think are good measures of whether they are accomplishing program objectives. * * * That gives the Congress a basis for then going in and tracking and saying how well things are happening, what type of problems there may be, and if there are problems it gives you a basis for focusing the oversight. Unfortunately, most agencies do not want to develop those types of performance measures because it is easier not to be held accountable if you do not have them.

Mr. Bert Rockman of the Brookings Institute stated that—

> Within the agencies, people will want to know what it is that Congress defines as the indicators for how well a program is working.

To which Mr. Fogel added—

> Quite frankly, sometimes the Congress does not want to really clarify what the indicators are, either. It is easier to keep it somewhat confused. That creates additional problems for the agency.

In a followup letter, GAO wrote to the committee—

> In short, we believe that congressional and executive agency agreement on measures of program performance is a fundamental element for improved delivery of government service to the public.

It should be noted that in February 1985, GAO issued a two-part report entitled "Managing the Cost of Government," in which it repeatedly emphasized the need to establish program performance goals and to measure results. For example, it states—

> It is important, and possible, to measure how well government employees and programs are performing. Whether the goal is defending the nation or immunizing children against disease, government officials and the public need to know how well government is accomplishing its intended objectives. Assessing government accomplishments requires measuring employee and program performance. Though the size and complexity of the government make it difficult, developing effective performance measurement systems is clearly possible.

On another page the report urges that we—

> Measure output as well as input. A management system that can measure only the financial resources put into a process is incomplete. A truly effective system must also measure what is produced by using those resources. For all significant administrative functions and program activities, appropriate output measures should be identified, and acceptable performance levels must be established.

And perhaps most significant, is what the U.S. Comptroller General, Charles Bowsher, had to say in support of my proposal, during testimony before the Senate Governmental Affairs Committee last October 3—

> It would be very helpful, I think, to the Congress to have this information, and that is why I think you need an annual report from all these departments, just like you have in the private sector—where you actually tell what were your performance goals, what were you trying to achieve with these program objectives, and how well you did it. And it would help us immensely. We waste half our time in doing our program evaluation work and our financial audit work in trying to figure out what is the goal that was trying to be achieved and where is the information. We are always over there trying to gather the data. It should be brought together in an organized fashion by the agencies themselves.

This point was then underscored by GAO's Assistant Comptroller General for Accounting and Financial Management, Donald H. Chapin, who testified that if financial information is related to performance goals—

> * * * it is amazing when you do that what you can see about an agency's operations. You can see what the trends are. You can understand what the numbers mean. And if we can get the agencies to supply us with measurable goals, we can relate those to financial results and then you can see what you are spending your money on and whether that money is well spent. And that is my fond hope, that we can get that into our system of government and have it reported to the committees of Congress as a regular matter, so that they can see the effectiveness of the money that they appropriate. And you don't see this now, you really don't see that.

Mr. President, I am strongly convinced that we must put in place a process for establishing, monitoring, and reporting program performance. I know that establishing such a system will not be easy, but it can be done. It must be done. We owe it to the American taxpayers to begin this effort, and

I urge my Senate colleagues to join me in supporting this legislation.

I ask that a copy of the "Federal Program Performance Standards and Goals Act of 1991" be printed in the RECORD, along with a recent nationally syndicated column on the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Program Performance Standards and Goals Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) despite major efforts by the Congress and the Executive Branch to improve the financial management of the Federal Government, unacceptable waste and mismanagement persists in Federal programs;

(2) waste and mismanagement place an intolerable burden on the limited resources of important Federal programs, reducing the ability of such programs to adequately address vital needs;

(3) much of the public's opposition to increased taxes is based on a belief that taxpayers are not getting full value for their tax dollar;

(4) because financial management systems focus on how money is spent, but not on how well it is spent and the value received for it, the Federal Government is handicapped in its ability to identify wasteful or ineffective programs; and

(5) the Congress is further handicapped in its ability to conduct adequate and thorough oversight of Federal programs, because few programs have measurable goals against which to track and compare performance.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen Government accountability by showing the American taxpayers what results to expect for their tax dollars when a program is funded, and what results the taxpayers actually receive;

(2) to improve congressional oversight and the uncovering of waste and mismanagement, by requiring that measurable performance standards and goals be established for all Federal programs and that each Federal department and agency issue an annual program performance report showing program accomplishment;

(3) to free additional resources for vital Federal programs, by reducing waste, reforming or eliminating ineffective programs, and allowing the targeting of funds to those programs achieving the best results;

(4) to change the Federal budget from a political document into a policy-making and management tool, by requiring that the budget incorporate a performance standards and goals plan for Federal spending.

SEC. 3. PERFORMANCE STANDARDS AND GOALS PLANS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) a Federal performance standards and goals plan for the overall budget as provided for under section 1115.".

"(b) PERFORMANCE STANDARDS AND GOALS PLANS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections;

"§1115. Performance standards and goals plans

"(a) In carrying out the provisions of section 1105(a)(29), the Office of Management and Budget shall promulgate regulations requiring each department and agency to establish a performance standards and goals plan for each majority expenditure category of the budget of such department or agency. Such plan shall—

"(1) establish performance indicators to be used to define and measure the outputs, products, services, and results of each expenditure allocated;

"(2) establish performance standards and goals to define and measure the specific service or product to be achieved or produced for the expenditure allocated;

"(3) express such standards and goals in an objective, quantifiable, and measurable form unless permitted in an alternative form under subsection (b);

"(4) establish major expenditure categories of related functions of such agency or department for the analysis of performance standards and goals;

"(5) include actual program results compared with original performance standards and goals, integrated with program cost information, to show trends in costs per unit-of-result, unit-of-service, or other unit-of-output;

"(6) review the success of achieving the performance standards and goals of the preceding fiscal year; and

"(7) evaluate the performance standards and goals for the fiscal year relative to the results achieved for the performance standards and goals in the preceding fiscal year.

"(b) If the Office of Management and Budget determines that it is not feasible to express the performance standards and goals of a particular program in an expenditure category in an objective and quantifiable form, the Office of Management and Budget may authorize an alternative form. Such alternative form shall include separate descriptive statements of both—

"(1) minimally effective program, and

"(2) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program's performance meets the criteria of either description.

"(c) The Office of Management and Budget shall review and adjust the department and agency plans established under subsection (a) and establish an overall performance standards and goals plan for the Federal Government.

"§1116. Program performance reports

"(a) By December 31 of each year, the head of each department and agency shall prepare and submit to the President and the Congress, a report on the program performance for the previous fiscal year.

"(b) Each program performance report shall enumerate all performance indicators established in the departmental or agency performance standards and goals plan, along with the performance goals and the actual results achieved for the previous fiscal year and the three preceding fiscal years and the goals for the current fiscal year. Program costs and, where applicable, trends in costs per unit-of-result, unit-of-service, or other unit-of-output shall be shown. Where the performance standards and goals are specified by descriptive statements of a minimally effective program and a successful program, the results of such program shall be described in relationship to those categories, including whether the results failed to meet the criteria of either category.

"(c) Where a performance standard or goal has not been met, including when a program's results are not determined to have met the criteria of a successful program, the report shall explain—

"(1) why the goal was not met, including an indication of any managerial deficiencies or of any legal obstacles;

"(2) plans and schedule for achieving the established performance goal;

"(3) recommended legislative or regulatory changes necessary to achieve the goal; and

"(4) if the performance standard or goal is impractical or infeasible, why that is the case and what action is recommended, including whether the goal should be changed or the program altered or eliminated.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding at the end thereof:

"1115. Performance standards and goals plans.

"1116. Program performance reports.".

SEC. 3. CONGRESSIONAL ESTABLISHMENT OF PERFORMANCE STANDARDS AND GOALS.

(a) IN GENERAL.—It shall not be in order for either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides for the authorization of appropriations or for the appropriation of funds, unless such bill or resolution (or amendment thereto) specifies performance standards and goals for such authorization or appropriation.

(b) PERFORMANCE STANDARDS AND GOALS.—(1) The program performance standards and goals required under subsection (a) shall—

(A) specify either—

"(i) objective, quantifiable, and measurable standards and goals expected to be achieved, or

"(ii) separate descriptive statements of a minimally effective program and of a successful program, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program's performance meets the criteria of either description;

(B) include indicators of cost per unit-of-result, unit-of-service, or other unit-of-output, of the type specified in the legislation authorizing the appropriation or relevant program; and

(C) be established after review of the plan established under section 1115 of title 31, United States Code.

(2) An appropriation Act may specify a lesser amount of a performance standard or goal to be achieved than is provided by the authorizing legislation, but may not change the specific type of standard or goal.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn, and in the House of Representatives only as approved by the Committee on Rules.

[From the Copley News Service, Dec. 6, 1990]

YARDSTICK FOR THE BUDGET

(By Stephen Green)

The tax revolt has forced lawmakers to think twice before raising taxes. What's needed now is more assurance that the money collected from the taxpayers is spent wisely and not wasted. It's time for a new revolution—a performance revolt—to force the federal government to function effectively.

As matters now stand, there is no way to determine for certain whether the government is spending the public's money prudently. The president proposes spending for a government program, and if Congress agrees, the expenditures begin. In too many cases, the actual effect of the spending is difficult to determine. Lacking are specific criteria by which to measure a program's successes or failures.

This governmental deficiency is so glaring that it is mystifying why it has been tolerated for so long. Sheer expediency may be the explanation. Politicians find it desirable to promote pet programs, and program managers find it advantageous to expand their domains without real accountability for what has or hasn't been accomplished.

Whatever the reason, this deplorable state of affairs has continued for too long. Now, however, there is hope for change. A remedy has been offered by Sen. William V. Roth, Delaware Republican, in the form of so-called "performance-based budgeting."

Under a bill that Mr. Roth intends to introduce when Congress convenes, budget laws for the first time would contain clear and precise goals—stated in measurable terms—for various programs.

Instead of just setting aside millions of dollars for certain welfare programs, legislation would contain stated goals as to what the money is supposed to achieve.

One welfare program might promise, for instance, to place 100,000 welfare mothers in full-time employment. A Justice Department program might pledge to increase federal drug convictions by 15 percent. Such a method of budgeting would permit productivity to be traced and performance measured.

Launching the federal government into performance-based budgeting would not be a venture into unchartered territory. Performance-based budgeting does work. Its feasibility already has been demonstrated by a few local governments, most notably that of Sunnyvale, Calif.

Perusing the latest Sunnyvale municipal budget is edifying. It reveals that the city parks department has promised to repair all reported vandalism within three working days 90 percent of the time in return for an appropriation of $33,838. In law enforcement, the city police department has pledged to respond to all emergency calls in 5.6 minutes or less 90 percent of the time in return for an appropriation of $677,398.

In many ways, the complexity of the federal budget cannot be compared to Sunnyvale's. But, as Sunnyvale City Manager Tom Lewcock has been quoted as saying, the principle of performance-based budgeting "works regardless of the size of the government."

Performance-based budgeting permits taxpayers to determine what they receive for the money they spend and how the actual results compare to what should be occurring. Programs that fail to live up to promises can be altered—or terminated. Programs that do work can be expanded.

Despite the overwhelming logic in favor of performance-based budgeting, persuading the federal government to adopt it will not be easy. As Mr. Roth has explained, "There will be, as there has been in the past, strong resistance within the agencies to being held accountable for measurable results. Even some in the Congress may not relish the idea of having to tell the taxpayers upfront what result to expect for their tax dollars and then what actually was accomplished."

It will help that Mr. Roth appears to have support in the Bush administration for at least a pilot project. The White House Office of Management and Budget agrees that the concept is worth exploring. Clearly, it is. Performance-based budgeting could prove to be the long-sought-after key to making the vast federal bureaucracy accountable at last.•

By Mr. MITCHELL (for Mr. CRANSTON):

S. 21. A bill to provide for the protection of the public lands in the California desert; to the Committee on Environment and Natural Resources.

PROTECTION AND THE CALIFORNIA DESERT

• Mr. CRANSTON. Mr. President, today I submit for reintroduction the California Desert Protection Act, S. 21. I previously sponsored this measure in the 101st Congress as S. 11 and in the 100th Congress, as S. 7. Over time this bill has been refined to address various concerns. I ask unanimous consent that my statement of January 25, 1989, which describes the purpose of the bill as well as the changes made to it from the 100th to the 101st Congress be inserted in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a summary of additional changes incorporated into the version of the bill being introduced today also be printed in the RECORD.

Mr. President, the California Desert Protection Act is intended to protect the beauty, wilderness, and fragile resources of the California Desert. There in the desert of California is a diverse landscape, incredibly rich in its scenery, archeology, and wildlife. One can find looming sand dunes, extinct volcanoes, some 90 mountain ranges, over 100,000 archeological sites, the world's largest joshua tree forest, more than 760 wildlife species, and the oldest living organism—an 11,700-year-old creosote bush.

My bill would designated 4.5 million acres of BLM lands as wilderness. It would create the Mojave National Park, comprising 1.5 million acres now managed by the BLM. It would redesignate Death Valley National Monument and Joshua Tree National Monument as National Parks, and enlarge both areas by including contiguous BLM lands of national park quality. The time has come to give meaningful, lasting protection to the California Desert.

I ask unanimous consent that the text of S. 21 also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Jan. 25, 1989]

By Mr. CRANSTON:

S. 11. A bill to provide for the protection of the public lands in the California desert; to the Committee on Energy and Natural Resources.

CALIFORNIA DESERT PROTECTION ACT

Mr. CRANSTON. Mr. President, today I am reintroducing the California Desert Protection Act to provide lasting protection for the beauty and wildness of the California Desert.

In 1987 and 1988 I made three trips to the California desert accompanied by naturalists, environmentalists, and scientists. We camped out on the desert floor. We hiked mountains. We trekked up and through narrow desert wilderness canyons. We found snakes, lizards and other animals on huge, wild sand dunes. We looked at recreational sites for ORVs—dune buggies, ATVs, and motorcycles. We saw countless varieties of flowers and plants, including an 11,000 year-old creosote bush which may be the oldest living organism on the planet earth. We drove hundreds of miles over dirt and paved roads through Death Valley and Joshua Tree National Monuments and the East Mojave National Scenic Area. We flew over huge mining operations, water projects, military installations and miles of farming and ranching lands. We held lizards in our hands and saw nighttime skies of incredible beauty and the myriad stars of endless galaxies.

One sunset we climbed the Eureka Dunes, looming, awesome sand structures that are a miniature ecosystem of incredible complexity. The dunes are surrounded by towering mountain ranges of rugged, stark and massive igneous rocks whose antiquity and structure bespeak of geological aeons of long ago.

Climbing the 8,500 foot Last Chance mountain peak, we saw a sweeping, 360-degree view, the snow-capped Sierra Nevada in the west and, far to the south, Death Valley Sink, 280 feet below sea level.

The overwhelming presence of time and force surround you in the desert. There is an immense, almost incomprehensible beauty there that attracts people from all over the world, totalling some 16 million visitor days a year.

The desert is a land of many uses and many resources. And it is vast enough to support the varied demands being made upon it—by campers, hikers, tourists, the military, residents, energy developers, miners, rockhounds, hunters, ranchers, naturalists, scientists, and educators. The desert can support all these diverse interests, but only if the demands made upon it are in concert with the ecological and economic realities of the region.

In 1976, Congress enacted the Federal Land Policy and Management Act [FLPMA] which established the California Desert Conservation Area and started a process for protecting the resources of the California Desert. FLPMA also called the wilderness review of the public lands administered by the BLM, including those in the California Desert.

The California Desert Protection Act continues this process of providing for appropriate protection of significant resources of the public lands in the California Desert.

Like S. 7 which I sponsored in the 100th Congress, this bill designated 81 separate areas, comprising approximately 4.5 million acres of land in the California Desert, as wilderness to be administered by the Bureau of Land Management.

The BLM itself has identified 5.7 million acres in the California Desert as potential wilderness, and has designated these lands wilderness study areas to be managed to protect their wilderness values until Congress acts on the BLM wilderness recommendations.

Also like S. 7, the bill I am introducing today creates three new national parks in the California Desert—Death Valley, Joshua Tree, and Mojave.

For each of these parks, I have drawn from the recommendations of the Bureau of Land

Management's own desert plan staff and the 1977 and 1987 recommendations of the western regional office of the National Park Service.

However, in response to testimony presented on S. 7 at hearings of the Senate Energy and Natural Resources Committee Subcommittee on Public Lands, National Parks and Forests in July 1987 and information provided subsequently, I am making a number of significant changes in the California Desert Protection Act.

First, I have included new bill language regarding military activities in the California Desert.

As my colleagues may be aware, the areas proposed for addition to the national park and wilderness systems in this legislation are located in a region which is used extensively by the Department of Defense for training, research and development. These military activities have not impaired the natural and cultural values of the proposed parks and wilderness areas. However, the Department of Defense has expressed concern about the continued availability of these lands and airspace as there is a lack of alternative sites available for these military training, testing, and research activities.

I have, therefore, amended the California Desert Protection Act to clarify that the legislation has no impact on the military's existing use of airspace in the California Desert region.

I also have amended the legislation to provide for continued military use of public lands in the California Desert. The bill withdraws 1,100,000 acres for China Lake Naval Weapons Center and 227,369 acres for the Chocolate Mountain Aerial Gunnery Range. The lands are currently being used by the Department of the Navy, for research, development, testing and training purposes. However, the Engle Act provides that peacetime withdrawals of 5,000 acres or more of public land can only be accomplished by an Act of Congress. This legislation will meet the requirements of the Engle Act.

Additionally I have amended the boundaries of the parks and a number of the proposed wilderness areas to accommodate important non-wilderness uses and to correct map errors.

These changes in the following areas include:

Argus wilderness: Deletion of a road and limestone quarry;

Chuckwalla Mountains: Deletion of microwave site, road, and mine;

Clipper Mountains: Deletion of a road and pipeline;

Dead Mountains: Deletion of a road and rock quarry;

Inyo Mountains: Exclusion of mining claims;

Fish Creek: Exclusion of mine;

Hollow Hills: Deletion for utility corridor;

Jacumba: Deletion of transmission line and quarry;

Kelso Dunes: Deletion of gas pipeline;

Kingston Range: Deletion for utility corridor;

Malpais Mesa: Exclusion of mining claims;

Mecca Hills: Deletion of pipeline and map correction to complete boundary;

Mesquite: Deletion for utility corridor;

North Mesquite: Deletion of private property;

Orocopia: Exclusion for utility corridor;

Picacho Peak: Addition of lands;

Piper Mountains: Deletion for utility corridor;

Piute Mountains; Deletion of gas pipeline;

Resting Spring: Deletion of mining road;

Rodman: Deletion of gas pipeline;

Slate Range: Deletion of patented lands;

Soda Mountains: Exclusion for utility corridor;

South Algodones Dunes: Deletion of microwave tower;

Trilobite; Deletion of gas pipeline;

White Mountains WSA: Exclusion for utility corridor;

Mojave National park; Map correction;

Mojave Park wilderness: Deletion of gas pipeline in Granite Mountains portion, map correction and road deletion in Mid Hills portion, deletion of gas pipeline in Providence Mountains portion, map correction and utility corridor deletion in Clark Mountains portion;

Joshus Tree Park additions and wilderness: Deletion of mining claims in Eagle Mountains portion; and

Red Rock Canyon State park additions: Map clarification;

I have also amended the California Desert Protection Act to facilitate and expedite exchanges of lands with State and private property owners in the park and wilderness areas. The revised bill language should be particularly helpful in instances where mineral interests are involved. I intend to continue to work with the two major nonfederal owners of California Desert lands, the State of California and Santa Fe-Southern Pacific, in an effort to reduce conflicts and identify specific parcels for exchange.

Additionally, I have included new language to ensure that Native Americans will continue to have access to the park and wilderness areas for continued traditional cultural and religious use.

I have also included new language to clarify that the important research and educational activities of the University of California at its Granite Mountain Natural Reserve in the East Mojave will continue under a cooperative management agreement with the National Park Service.

Grazing in wilderness areas is a permitted activity and is not affected by this legislation. However, S. 7 provided that grazing in the new Mojave National Park be phased out as the current grazing permits expire. The 10 cattle ranching operations in the East Mojave are not a major contribution to the economy of the State or even the local area. However, the ranching families affected have made a strong case for continuation of their grazing activities beyond the expiration of the current permits. At the same time, I have received new information that the decline in bighorn sheep populations in the desert stems from diseases transmitted by domestic sheep and cattle. I want to study this issue further and review additional hearing testimony before crafting the final grazing provision in the legislation.

S. 7 also called for the establishment of the Indian Canyons National Historic Site, comprising 490 acres rich in archeological sites. This property is now under active threat of development. Last June 1988 the voters of California approved Proposition 70, the California Wildlife, Coastal and Park Land Bond Act which includes $19 million for acquisition of lands in the Indian Canyons region. It's my understanding the California Department of Parks and Recreation is particularly interested in purchasing the 490 acres, but it's unclear whether $19 million will be sufficient to acquire the entire property. No appraisal has yet been made. Thus, I am again including in the California Desert Protection Act a provision to establish the Indian Canyons National Historic Site. I will be following the California Department of Parks and Recreation's efforts to acquire the Indian Canyons and will modify my legislation at a future date as necessary based upon the State's actions.

Mr. President, I am aware that many people are interested in maintaining vehicular access to their favorite areas of the desert. In drawing the boundaries of the wilderness areas designated by this bill, I have been careful to exclude roads and areas receiving the heaviest ORV use. Unaffected by the legislation and available for vehicular use are 15,000 miles of unmaintained dirt routes—enough to go half way around the world. Another 15,000 miles of paved and maintained dirt roads also would remain open. Also the legislation does not affect 7,000 miles of vehicle accessible washes. In addition, over 430,000 acres of BLM open areas are outside the proposed parks and wilderness areas and remain available exclusively for ORV use. Additionally more than 30,000 acres on State and private lands in the desert are available to ORVers. Nonetheless, I will be reviewing the need for additional vehicular access. Mr. President, the time has come to protect the California Desert.

A September 1988 survey conducted by the Field Institute found that the vast majority of Californians support more parks and wilderness in the California Desert. Seventy-five percent of those polled said they want to see more protection for desert wildlife and ecology. Fifty-eight percent expressed a desire for more primitive areas and wilderness. And 67 percent said they want to see the creation of more national parklands in the desert. Only 17 percent said they favor more roads for four-wheel drive vehicles, while a third of the public said they want fewer roads for this purpose. Less than 17 percent said they want to see more open areas for the use of off-road vehicles like dune buggies and motorcycles. Also only a quarter of the respondents said they wanted to see more energy development such as gas and oil exploration and mining in the desert.

The major newspapers throughout the State of California have called for increased protection for the California Desert. Most have endorsed the California Desert Protection Act.

The Los Angeles Times says,

The Cranston bill would provide enhanced enjoyment of the desert by present visitors, and give it true lasting protection. (June 14, 1987).

The Sacramento Bee explains,

Cranston's bill wouldn't foreclose on any private property or terminate any current valid mining claims or even add very much to what the government is already spending to administer these lands. It would simply . . . ensure that the most important natural, scenic and scientific values of this complex, fragile resource would be preserved . . . Congress should support its basic purpose. (June 3, 1987)

The San Francisco Chronicle urges,

The passage of the California Desert Protection Act, one of the most important pieces of legislation affecting the state to be introduced in many years, should be one of Congress' top priorities. (April 9, 1987)

The Fresno Bee writes,

Much of the desert already has been put to use—and forever changed—by such things as mining operations, military bases, recreational uses and often abortive agricultural projects. A portion of it, close to its original state, must be preserved for future generations. This bill, introduced by Sen. Alan Cranston would do just that. (March 16, 1986)

I urge my colleagues to join me in supporting this important legislation.

CHANGES FROM S. 11 (101ST CONGRESS) INCORPORATED INTO S. 21 (102D CONGRESS) OFFERED BY SENATOR ALAN CRANSTON

1. On page 4, line 10 add a new section as follows:

"DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(b) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management."

Explanation: This amendment adds a new section providing definitions.

2. On page 5, strike line 21 and all that follows through line 2 on page 6.

Explanation: This amendment deletes the Avawatz wilderness, comprising 61,320 acres, in response to DOD concerns about possible expansion of Fort Irwin.

3. On page 7, strike line 24 and all that follows through line 5 on page 8 and insert a new subsection as follows:

"(10) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-five thousand nine hundred and fifty acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated September 1990, and which shall be known as the Cady Mountains Wilderness: "*Provided*, That the Secretary of the Interior may pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction, use, and maintenance of, an unpaved corridor not to exceed 100 meters in width within the area depicted as "nonwilderness road corridor" on the map entitled "Cady Mountains Wilderness—Proposed", if this route is determined to be otherwise the most feasible route as part of a corridor linking Marine Corps Air Ground Combat Center, Twentynine Palms and the National Training Center, Fort Irwin;"

Explanation: This amendment modifies the Cady Mountains wilderness, deleting 20 acres, in response to DOD interest in a possible road to connect Twentynine Palms Marine Corps Air Station and Fort Irwin.

4. On page 8, strike line 6 and all that follows through line 11 and insert a new subsection as follows:

"(11) certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated September 1990, and which shall be known as the Carrizo Gorge Wilderness;"

Explanation: This amendment corrects the map for the Carrizo Gorge wilderness to exclude Anza Borrego State Park land erroneously included.

5. On page 8, strike line 20 and all that follows through line 25 and insert a new section as follows:

(13) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately ten thousand seven hundred acres, as generally depicted on a map entitled "Chimney Peak Wilderness—Proposed", dated September 1990, and which shall be known as the Chimney Peak Wilderness.

Explanation: This amendment corrects the map for the Chimney Peak wilderness to exclude non-wilderness quality lands erroneously included.

6. On page 22, strike line 12 and all that follows through line 18 and insert a new subsection as follows:

"(61) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand six hundred and seventy acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated September 1990, and which shall be known as the Rice Valley Wilderness;"

Explanation: This amendment modifies the Rice Valley wilderness, deleting 150 acres, to exclude Metropolitan Water District's wasteway area.

7. On page 25, strike line 1 and all that follows through line 7 and insert a new subsection as follows:

"(70) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated September 1990, and which shall be known as the Slate Range Wilderness;"

Explanation: This amendment modifies the Slate Range wilderness, deleting 100 acres, to exclude Keystone Mine claims.

8. On page 25, strike line 8 and all that follows through line 14.

Explanation: This amendment deletes the Soda Mountains wilderness, comprising 80,430 acres, in response to DOD concern about possible expansion of Fort Irwin.

9. On page 25, strike line 22 and all that follows through page 26, line 3.

Explanation: This amendment deletes the South Avawatz wilderness, comprising 26,650 acres, in response to DOD concern about possible expansion of Fort Irwin.

10. On page 26, strike line 11 and all that follows through line 16 and insert a new subsection as follows:

"(75) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated September 1990, and which shall be known as the Stateline Wilderness;"

Explanation: This amendment modifies the Stateline wilderness, deleting 1,950 acres, to exclude utility corridor.

11. On page 29, line 13, after the word "Act" insert "except for CDCA 242, CDCA 221A, and CDCA 221"

Explanation: This amendment provides that Avawatz, South Avawatz, and Soda Mountains wilderness study areas retain their administrative WSA status.

12. On page 29, line 21, add a new subsection as follows:

"(b) Subject to valid existing rights, the federal lands identified as CDCA 242, CDCA 221 A, and CDCA 221 are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970."

Explanation: This amendment withdraws the Avawatz, South Avawatz, and Soda Mountains wilderness study areas from mineral entry.

13. On page 30, line 6, insert a new section as follows:

"GRAZING

"SEC. 107. Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 1133 note)."

Explanation: This amendment adds a new section regarding grazing in wilderness areas.

14. On page 30, insert a new section as follows:

"BUFFER ZONES

"SEC. 108. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area."

Explanation: This amendment adds a new section regarding buffer zones around wilderness.

15. On page 30, insert a new section as follows:

"WATER RIGHTS

"SEC. 109. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

"(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with the McCarraan Amendment, 43 U.S.C. 666.

"(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

"(d) The federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated by this Act. Nothing in this Act related to the reserved federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto."

Explanation: This amendment adds a new section regarding water rights in wilderness.

16. On page 37, line 11, delete "February 1986" and insert in lieu thereof "September 1990"

Explanation: This amendment modifies the Mojave National Park to exclude Interstate 15 and adjacent utility corridor.

17. On page 47, line 24, after the word "parks" insert "designated by this Act"

Explanation: Technical amendment.

18. On page 50, line 17, insert a new section as follows:

"FEE LANDS AND RIGHTS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

"SEC. 608. Nothing in this Act shall affect the lands and rights granted to the Metropolitan Water District of Southern California pursuant to the Act of June 18, 1932 (47 Stat. 324) or any rights to use public and reserved lands of the United States obtained by Metropolitan pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b): Provided, That none of the lands designated as wilderness or included in the national park system by this Act shall be granted to Metropolitan pursuant to the Act of June 18, 1932, nor shall the use of such lands be granted to Metropolitan pursuant to the Boulder Canyon Project Act after the date of enactment of this Act."

Explanation: This amendment clarifies that the lands and rights already obtained by the Metropolitan Water District of Southern California pursuant to the Act of June 18, 1932 and the Boulder Canyon Act are not affected by this Act and removes the 1928 and 1932 acts as a basis for Metropolitan to claim additional rights to lands designated as parks and wilderness by this Act.

19. On page 51, strike line 8 and all that follows through line 14 and insert a new section as follows:

"SEC. 702. Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act."

Explanation: This amendment modifies the military overflight language in response to DOD concerns.

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other federal lands, state parks and other state lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the federal government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congres that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features, and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.

(b) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps, appropriately referenced, dated February 1986, (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred ninty acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed", dated January 1989, and which shall be known as the Argus Range Wilderness;

(2) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand eight hundred seventy acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", and which shall be known as the Bigelow Cholla Garden Wilderness;

(3) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and within the San Bernadino National Forest, which comprise approximately thirty-three thousand eight hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", and which shall be known as the Bighorn Mountain Wilderness;

(4) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", and which shall be known as the Big Maria Mountains Wilderness;

(5) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirteen thousand nine hundred forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", and which shall be known as the Black Mountain Wilderness;

(6) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand two hundred acres, as generally depicted on a map entitled "Blackwater Well Wilderness—Proposed", and which shall be known as the Blackwater Well Wilderness;

(7) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated January 1989, and which shall be known as the Bright Star Wilderness;

(8) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-two thousand six hundred forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", and which shall be known as the Cadiz Dunes Wilderness;

(9) certain lands in the California Desert Conservation Area, of the Bureau of Land Mangaement, which comprise approximately eighty-five thousand nine hundred fifty acres, as generally depcited on a map entitled "Cady Mountains Wildernesss—Proposed", dated September 1990, and which shall be known as the Cady Mountains Wilderness; Provided, That the Secretary may pursuant to an application filed by the Department of Defense, grant a right-of-way, and authorize construction, use, and maintenance of, an unpaved corridor not to exceed 100 meters in width within the area depicted as "nonwilderness road corridor" on the map entitled "Cady Mountain Wilderness—Proposed", if this route is determined to be otherwise the most feasible route as part of a corridor linking Marine Corps Air Ground Combat Center, Twentynine Palms and the National Training Center, Fort Irwin;

(10) certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thou-

sand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated September 1990, and which shall be known as the Carrizo Gorge Wilderness;

(11) certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management and within the Havasu National Wildlife Refuge, which comprise approximately sixty-eight thousand three hundred acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", and which shall be known as the Chemehuevi Mountains Wilderness;

(12) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately ten thousand seven hundred acres, as generally depicted on a map entitled "Chimney Peak Wilderness—Proposed", dated September 1990, and which shall be known as the Chimney Peak Wilderness;

(13) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred sixty-three thousand nine hundred fifty acres, as generally depicted on a map entitled "Chuckwalla Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Chuckwalla Mountains Wilderness;

(14) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise fifty thousand six hundred sixty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", and which shall be known as the Cleghorn Lakes Wilderness: *Provided*, That the Secretary may pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on the map entitled "Cleghorn Lakes Wilderness—Proposed";

(15) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountains Wilderness—Proposed", dated January 1989, and which shall be known as Clipper Mountains Wilderness;

(16) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand eight hundred twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", and which shall be known as Coso Range Wilderness;

(17) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighteen thousand six hundred acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", and which shall be known as the Coyote Mountains Wilderness;

(18) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred forty acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", and which shall be known as the Darwin Falls Wilderness;

(19) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-nine thousand six hundred eighty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Dead Mountains Wilderness;

(20) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on a map entitled "Domelands Wilderness Additions—Proposed", dated January 1989, and which are hereby incorporated in, and which shall be deemed to be a part of the Domeland Wilderness as designated by Public Laws 93-632 and 98-425;

(21) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", and which shall be known as the El Paso Mountains Wilderness;

(22) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand three hundred acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Fish Creek Mountains Wilderness;

(23) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand two hundred forty acres, as generally depicted on a map entitled "Frog Creek Wilderness—Proposed", and which shall be known as the Frog Creek Wilderness;

(24) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand five hundred ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", and which shall be known as the Funeral Mountains Wilderness;

(25) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", and which shall be known as the Golden Valley Wilderness;

(26) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy thousand two hundred forty acres, as generally depicted on a map entitled "Granite Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Granite Mountains Wilderness;

(27) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", and which shall be known as the Grass Valley Wilderness;

(28) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", and which shall be known as the Great Falls Basin Wilderness;

(29) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated January 1989, and which shall be known as the Hollow Hills Wilderness;

(30) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand two hundred sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", and which shall be known as the Ibex Wilderness;

(31) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and the Imperial National Wildlife Refuge, which comprise approximately thirty-nine thousand one hundred twenty acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", and which shall be known as the Indian Pass Wilderness;

(32) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management and within the Inyo National Forest, which comprise approximately two hundred five thousand sixty acres, as generally depicted on a map entitled "Inyo Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Inyo Mountains Wilderness;

(33) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-five thousand one hundred sixty acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated January 1989, and which shall be known as the Jacumba Wilderness;

(34) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred twenty-nine thousand eight hundred twenty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed", dated January 1989, and which shall be known as the Kelso Dunes Wilderness;

(35) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred eighty acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed", and which shall be known as the Kiavah Wilderness;

(36) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred fifty thousand ten acres, as generally depicted on a map entitled "Kingston Range Wilderness—Proposed", dated January 1989, and which shall be known as the Kingston Range Wilderness;

(37) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-nine thousand four hundred eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Little Chuckwalla Mountains Wilderness;

(38) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management and within the Imperial National Wildlife Refuge, which comprise approximately thirty-nine thousand eight hundred sixty acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", and which shall be known as the Little Picacho Wilderness;

(39) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand two hundred forty acres, as generally depicted on a map enti-

tled "Malpais Mesa Wilderness—Proposed", dated January 1989, and which shall be known as the Malpais Mesa Wilderness;

(40) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand one hundred acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", and which shall be known as the Manly Peak Wilderness;

(41) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand seven hundred twenty acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated January 1989, and which shall be known as the Mecca Hills Wilderness;

(42) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated January 1989, and which shall be known as the Mesquite Wilderness;

(43) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand three hundred acres, as generally depicted on a map entitled "Middle Park Canyon Wilderness—Proposed" and which shall be known as the Middle Park Canyon Wilderness;

(44) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", and which shall be known as the Newberry Mountains Wilderness;

(45) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred eighty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", and which shall be known as the Nopah Range Wilderness;

(46) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated January 1987, and which shall be known as the North Algodones Dunes Wilderness;

(47) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand acres, as generally depicted on a map entitled "North Coso Range Wilderness—Proposed", and which shall be known as the North Coso Range Wilderness;

(48) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand eight hundred forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the North Mesquite Mountains Wilderness;

(49) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand one hundred ten acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed", and which shall be known as the Old Woman Mountains Wilderness;

(50) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand five hundred acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Orocopia Mountains Wilderness;

(51) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-five thousand six hundred forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed", dated January 1987, and which shall be known as the Owens Park Wilderness;

(52) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", and which shall be known as the Pahrump Valley Wilderness;

(53) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred fourteen thousand four hundred twenty acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed", and which shall be known as the Palen/McCoy Wilderness;

(54) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred twenty acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Palo Verde Mountains Wilderness;

(55) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated January 1989, and which shall be known as the Picacho Peak Wilderness;

(56) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-one thousand six hundred eighty acres, as generally depicted on a map entitled "Pinto Mountains Wilderness—Proposed", and which shall be known as the Pinto Mountains Wilderness;

(57) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated January 1989, and which shall be known as Piper Mountain Wilderness;

(58) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated January 1989, and which shall be known as Piute Mountains Wilderness;

(59) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred eighty acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated January 1989, and which shall be known as the Resting Spring Range Wilderness;

(60) certain lands in this California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand six hundred and seventy acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated September 1990, and which shall be known as the Rice Valley Wilderness;

(61) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-four thousand one hundred acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", and which shall be known as the Riverside Mountains Wilderness;

(62) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty thousand one hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness;

(63) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-two thousand six hundred acres, as generally depicted on a map entitled "Sacatar Trail Wilderness—Proposed", dated January 1987, and which shall be known as the Sacatar Trail Wilderness;

(64) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fourteen thousand eight hundred acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", and which shall be known as the Saddle Peak Hill Wilderness;

(65) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Laws 88-577 and 98-425;

(66) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-three thousand two hundred forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Santa Rosa Wilderness designated by Public Law 98-425;

(67) certain lands in the California Desert district, of the Bureau of Land Management, which comprise approximately thirty-five thousand four hundred acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", and which shall be known as the Sawtooth Mountains Wilderness;

(68) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-seven thousand acres, as generally depicted on a map entitled "Sheephole Valley Wilderness—Proposed", and which shall be known as the Sheephole Valley Wilderness;

(69) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-nine thousand seven hundred forty acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated September 1990, and which shall be known as the Slate Range Wilderness;

(70) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-one thousand nine hundred fifty acres, as generally depicted on a map entitled "South Algodoness Dunes Wilderness—Proposed", dated Jaunary 1989, and which shall be known as the South Algodoness Dunes Wilderness;

(71) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven hundred eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", and which shall be known as the South Nopah Range Wilderness;

(72) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand fifty acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", dated September 1990, and which shall be known as the Stateline Wilderness;

(73) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", and which shall be known as the Stepladder Mountains Wilderness;

(74) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand six hundred forty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", and which shall be known as the Surprise Canyon Wilderness;

(75) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", and which shall be known as the Sylvania Mountains Wilderness;

(76) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated January 1989, and which shall be known as the Trilobite Wilderness;

(77) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed", and which shall be known as the Turtle Mountains Wilderness; and

(78) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-five thousand five hundred acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", and which shall be known as the Whipple Mountains Wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under this title shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act: Provided, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 104. As soon as practicable after enactment of this title, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title: Provided, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 105. (a) The Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management not designated as wilderness or wilderness study areas by this Act except for CDCA 242, CDCA 221A, and CDCA 221 have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to the management of wilderness study areas in a manner that does not impair the suitablility of such areas for preservation as wilderness.

(b) Subject to valid existing rights, the federal lands identified as CDCA 242, CDCA 221 A, and CDCA 221 are hereby withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 106. In furtherance of the provisions of the Wilderness Act of 1964, certain lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated January 1989, are hereby designated the White Mountains Wilderness Study Area and shall be administered by the Secretary of the Interior in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act.

GRAZING

SEC. 107. Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 1133 note).

BUFFER ZONES

SEC. 108. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

WATER RIGHTS

SEC. 109. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(b) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with the McCarraan Amendment, 43 U.S.C. 666.

(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(d) The federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated by this Act. Nothing in this Act related to the reserved federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the wilderness with Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on a map entitled "Death Valley National Park", dated February 1986, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, and the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The areas added to the National Park System by this title shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated under this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 202. The legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 205. Subject to valid existing rights, the federal lands and interests therein added to the park system by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of any unpatented mining claims within the additions to the park system and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE III—JOSHUA TREE NATIONAL PARK

FINDINGS

SEC. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous federal lands essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the non-designated wilderness within Joshua Tree should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK

SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park", dated January 1989, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, and the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Monument.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The areas added to the National Park System by this title shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

MAPS AND LEGAL DESCRIPTION

SEC. 304. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated by this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 302. The legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 305. Subject to valid existing rights, federal lands and interests therein added to the park system by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 306. The Secretary shall not approve any plan of operation prior to determining the validity of any unpatented mining claims within the park and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE IV—MOJAVE NATIONAL PARK

FINDINGS

SEC. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national park; and

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF THE MOJAVE NATIONAL PARK

SEC. 402. There is hereby established the Mojave National Park, comprising approximately one million five hundred thousand acres, as generally depicted on a map entitled "Mojave National Park", dated September 1990, which shall be on file and available for inspection in the offices of the Director of the National Park Service, Department of the Interior.

TRANSFER OF LANDS

SEC. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION

SEC. 404. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated under this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 402. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA

SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994) and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

ADMINISTRATION OF LANDS

SEC. 406. The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

DISPOSITION UNDER MINING LAWS

SEC. 407. Subject to valid existing rights, federal lands within the park, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 408. The Secretary shall not approve any plan of operation prior to determining the validity of any unpatented mining claims within the park and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

REGULATION OF MINING

SEC. 409. Subject to valid existing rights, all mining claims located within the park shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with the protection of the scenic, scientific, cultural and other resources of the park, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

GRAZING RIGHTS

SEC. 410. The Secretary shall permit those persons holding currently valid grazing permits within the boundary of the park to continue to exercise such permits consistent with other applicable law: Provided, however, that upon expiration of the current term of such permits, the permits shall not be renewed.

UTILITY RIGHTS OF WAY

SEC. 411. Nothing in this title shall have the effect of terminating any validly issued right-of-way or right-of-use within the boundary of the park issued, granted, or permitted for

(a) systems for transmission or distribution of electric energy,

(b) pipelines for the transmission or distribution of natural gas or oil, and

(c) communication cables or lines.

PREPARATION OF MANAGEMENT PLAN

SEC. 412. Within three years of the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives a detailed and comprehensive management plan for the park. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational and scientific programs within the park.

GRANITE MOUNTAINS NATURAL RESERVE

SEC. 413. (a) There is hereby designated the Granite Mountains Natural Reserve within the park comprising approximately 9,000 acres as generally depicted on a map entitled "Granite Mountains Natural Reserve", dated January 1989.

(b) Upon enactment of this title, the Secretary shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of law generally applicable to units of the National Park System.

CONSTRUCTION OF VISITOR CENTER

SEC. 414. The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

ACQUISITION OF LANDS

SEC. 415. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange; and

(2) lands of interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 417. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with section (3) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred fifty-nine thousand seven hundred twenty acres, and potential wilderness additions comprising approximately twenty thousand four hundred acres, as generally depicted on a map entitled "Death Valley National Park Wilderness—Proposed", dated January 1987, and which shall be known as the Death Valley Wilderness;

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-three thousand five hundred acres, as generally depicted on a map entitled "Joshua Tree National Park Wilderness Additions—Proposed", dated January 1989, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567; and

(3) Mojave National Park Wilderness, comprising approximately seven hundred forty-seven thousand nine hundred forty acres, as generally depicted on a map entitled "Mojave National Park Wilderness—Proposed", dated January 1989, and which shall be known as the Mojave Wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. A map and description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title: Provided, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 503. Any lands (in section 501 of this title) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 504. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

SEC. 601. Upon enactment of this title, the Secretary shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on a map entitled "Red Rock Canyon State Park Additions", dated February 1986, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the state park system, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Santuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

INDIAN CANYONS NATIONAL HISTORIC SITE

SEC. 603. (a) There is hereby established the Indian Canyons National Historic Site, comprising approximately four hundred ninety acres, as generally depicted on a map entitled "Indian Canyons National Historic Site", dated February 1986.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into negotiations to acquire by exchange the privately owned lands or interests therein within the national historic site designated by subsection (a). The value of the properties so exchanged either shall be equal or, if they are not equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The Secretary shall enter into a cooperative management agreement with the Aqua Caliente Band of Cahuilla Indians for the purposes of managing the Indian Canyons National Historic Site. Upon execution of the management agreement, the Secretary shall transfer title of the land to be held in trust for the Aqua Caliente Band of Cahuilla Indians as part of the Aqua Caliente Indian Reservation and such transfer shall remain effective so long as the agreement remains in force and in effect.

LAND TENURE ADJUSTMENTS

SEC. 604. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating federal ownership within the national park units and wilderness areas designated by this Act.

STATE EXCHANGES

SEC. 605. (a) Upon the request of the State of California and pursuant to the provisions of this section, the Secretary shall exchange public lands or interests in lands elsewhere in the State of California of approximately equal value and selected by the State of California, acting through the State Lands Commission, for any lands or interests therein owned by the State located within the boundaries of the wilderness or the parks designated pursuant to this Act which the State wishes to exchange with the United States.

(b) Within six months from the date of enactment of this Act, the Secretary shall notify the Chairman of the State Lands Commission what state lands or interests therein are within the wilderness areas and national park units designated by this Act. The notice shall contain a listing of all public lands or interests therein within the boundaries of the State of California which have not been withdrawn from entry and which the Secretary, pursuant to the provisions of section 202 and 206 of the Federal Land Policy and Management Act of 1976, has identified as appropriate for transfer to the State in exchange for state lands. Such listing shall be updated at least annually.

(c) If the Chairman of the State Lands commission gives notice to the Secretary of the state's desire to obtain public lands so listed, the Secretary shall notify the Chairman in writing whether the Department of the Interior considers the state lands within the wilderness areas and national park units to be of equal value to the list of lands the chairman has indicated the State wishes to obtain. It is the sense of the Congress that the exchange of lands and interests therein with the State pursuant to this section should be completed within two years after the date of enactment of this Act.

MINERAL EXCHANGES

SEC. 606. (a) The Secretary is authorized to exchange the federal mineral interests in lands within the State of California for private mineral interests in lands located within the boundaries of the wilderness areas and national park units designated by this Act if—

(1) the owner of such private mineral interests has made available to the Secretary all information requested by the Secretary as to the respective values of the private and federal mineral interests to be exchanged; and

(2) on the basis of information obtained pursuant to paragraph (1) and any other information available, the Secretary has determined that the mineral interests to be exchanged are of approximately equal value; and

(3) the Secretary has determined—

(A) that except insofar as otherwise provided in this section, the exchange is not inconsistent with the Federal Land Policy and Management Act of 1976; and

(B) that the exchange is in the public interest.

(b) The Secretary shall file a legal description of the mineral interest areas exchanged pursuant to this section with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal descrition shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(c) It is the sense of the Congress that all exchanges pursuant to this section shall be completed no later than three years after the date of enactment of this Act.

NATIVE AMERICAN USES

SEC. 607. In recognition of the past use of the parks and wilderness areas by Indian people for traditional cultural and religious purposes, the Secretary shall insure nonexclusive access to the parks and wilderness areas by Indian people for such traditional cultural and religious purposes. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996).

FEE LANDS AND RIGHTS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

SEC. 608. Nothing in this Act shall affect the land and rights granted to the Metropolitan Water District of Southern California pursuant to the Act of June 18, 1932 (47 Stat. 324) or any rights to use public and reserved lands of the United States obtained by Metropolitan pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b): Provided, That none of the lands designated as wilderness or included in the national park system by this Act shall be granted to Metropolitan pursuant to the Act of June 18, 1932, nor shall the use of such lands be granted to Metropolitan pursuant to the Boulder Canyon Project Act after the date of enactment of this Act.

TITLE VII—MILITARY ACTIVITIES

MILITARY OVERFLIGHTS

SEC. 701. The Congress hereby finds that—

(1) The national parks and wilderness areas designated by this Act lie within a region critical to providing training, research, and development for the Armed Forces of the United States and its allies;

(2) there is a lack of alternative sites available for these military training, testing and research activities;

(3) continued use of lands and airspace in the California desert region is essential for military purposes; and

(4) these military activities in the California desert have not impaired the natural and cultural values of the areas designated as parks and wilderness by this Act.

SEC. 702. Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the new units of the National Park or Wilderness Preservation Systems (or any additions to existing units) designated by this Act.

MILITARY WITHDRAWALS

SEC. 703. (a) CHINA LAKE. (1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) use as a research, development, test, and evaluation laboratory;

(B) use as a range for air warfare weapons and weapon systems;

(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and

(D) subject to the requirements of section 4(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 704.

(b) CHOCOLATE MOUNTAINS.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation off the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and

(B) subject to the provisions of section 4(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 227,369 acres in Imperial and Riverside Counties, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Withdrawal" dated July 1987 and filed in accordance with section 704.

MAPS AND LEGAL DESCRIPTIONS

SEC. 704. (a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.

MANAGEMENT OF WITHDRAWN LANDS

SEC. 705. (a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection (g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 701 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this title.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 703 may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation;

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(F) geothermal leasing on the lands withdrawn under section 703(a) (relating to China Lake).

(3)(A) All nonmilitary use of such lands, including uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) the Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary of the Navy, after consultation with the Secretary of the Interior determines necessary or desirable to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the Interior shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 703 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such areas; and

(4) be developed not later than three years after the date of enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 703 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 703) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 703 if requested by the Secretary of the Navy.

(2) The duration of any memorandum shall be the same as the period of the withdrawal of the lands under section 703.

(f) ADDITIONAL MILITARY USES.—Lands withdrawn by section 703 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 703. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise/permitted nonmilitary uses of the withdrawn land or portions thereof.

(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may, except as provided in subsection (g)(4), assign the management responsibility for the lands withdrawn under section 703(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan.

(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 703(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 703(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.

(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 703(a). The Secretary of the Interior shall transmit such report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(4) Neither this title nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 703(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) but no such lease shall be issued without the concurrence of the Secretary of the Navy. Upon isssuance of such a lease, the Secretary of the Interior, consistent with his authority under applicable federal laws, shall be responsible for the administration of the lease and for the issuance of associated permits, rights-of-way, other authorizations and approval of required environmental impact mitigation measures within the leasehold.

(5) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 703(a).

DURATION OF WITHDRAWALS

SEC. 706. (1) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this title.

(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this title, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which the Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.

(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

ONGOING DECONTAMINATION

SEC. 707. (a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at lease at the level of decontamination activities performed on such lands in fiscal year 1986.

(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this title and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the United States Senate and to the Committees on Appropriations, Armed Services, and Interior and Insular Affairs of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:

(1) amounts appropriated and obligated or expended for decontamination of such lands;

(2) the methods used to decontaminate such lands;

(3) amount and types of contaminants removed from such lands;

(4) estimated types and amounts of residual contamination on such lands; and

(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

REQUIREMENTS FOR RENEWAL

SEC. 708. (a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 703 after the termination date of such withdrawal and reservation.

(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.

(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.

(c) ALTERNATIVES.—If the Secretary of the Interior, after consulation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, of if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior;

(3) state the date upon which the lands will be opened to the operation of some or all of the public land laws, including the mining laws.

DELEGABILITY

SEC. 709. (a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 708(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

HUNTING, FISHING, AND TRAPPING

SEC. 710. All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

IMMUNITY OF THE UNITED STATES

SEC. 711. The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 703 of this title.

EL CENTRO RANGES

SEC. 712. The Secretary of the Interior is authorized to permit the Secretary of the Navy to use until January 1, 1990 the public lands in Imperial County, California, generally depicted on the map entitled "El Centro Ranges" dated July 1987, for the same purposes and to no greater extent than such lands were used by the Secretary of the Navy as of July 1, 1987. Such permission shall be through a cooperative agreement or other appropriate means. Such use shall be subject to such terms and conditions as the Secretary of the Interior may require so as to protect the natural, environmental, scientific, cultural, and other resources and values of such lands and to minimize the extent to which such use by the Secretary of the Navy impedes or restricts use of such or other public lands for recreational and other purposes.•

By Mr. BREAUX:

S. 22. A bill to regulate interstate commerce with respect to parimutuel wagering on greyhound racing, to maintain the stability of the greyhound racing industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERSTATE GREYHOUND RACING ACT

• Mr. BREAUX. Mr. President, today I am introducing in the 102d Congress a bill that the Senate should have adopted in the 101st Session, the Interstate Greyhound Racing Act of 1991. This legislation, when enacted, will regulate interstate commerce with respect to interstate parimutuel wagering on greyhound racing. I say that we should have passed this bill, Mr. President, because it provides for greyhound owners the same protective system that has proven so successful for owners of racing horses. The dog racing industry is one of increasing interest and importance; this bill ensures fairness for dog owners, and it thereby ensures orderly growth and stability for the industry.

Eleven years ago nearly identical legislation, the Interstate Horse Racing Act of 1978, was considered by the U.S. Senate and passed by voice vote. I hasten to add that the House of Representatives also passed the Interstate Horse Racing Act of 1978 by voice vote. The major difference between my bill and that passed in 1978 is that I am asking today that we extend to greyhound owners the same protection given to horsemen in 1978.

Mr. President, my bill does not require that we spend Federal money. It does not create a new agency of government, and it does not legalize off-track betting. The States legalize off-track betting.

This legislation does provide that an interstate wager on a greyhound race taking place in one State may not be placed with an off-track betting office in another State without the consent of: First, the racetrack where the race is to be run, second, the racing commission of the State where the race is to be run, and third, the racing commission of the State where the off-track betting office is located.

Greyhound wagering across State lines will not take place without the agreement of these indispensable parties. State interests are protected, and the interests of greyhound owners cannot be disregarded by racetracks.

A host racetrack must have a written agreement with the greyhound owners' group. This agreement will specify terms and conditions under which the track will consent to an interstate wager with an off-track, out of State betting system.

Mr. President, no longer will greyhound races be simulcast to interstate off-track betting locations without the consent or agreement of greyhound owners. These owners have the same "proprietary" interest as horsemen. A horseman's interest is protected by law, and my bill offers that same protection to greyhound owners.

An icon of the Senate, the Honorable Walter D. Huddleston of Kentucky, with remarkable conciseness, spoke to the issue this way during the Senate floor consideration of the Interstate Horse Racing Act of 1978 when he said:

> In essence, this bill regulates the acceptance of an interstate off-track wager that is placed or accepted in one State on the outcome of a horse race taking place in another (State).
>
> The bill prohibits such wagering unless all the parties involved in racing—the track, the horsemen, the off-track betting interests, and the racing commissions of the States involved—agree, either directly or indirectly, regarding the terms and conditions of such wagering. This bill will prevent an off-track betting system in one State from using a race in another State without the permission of the parties that have a "proprietary" interest in that race.

This is an issue of considerable national interest, and I urge my colleagues to support the enactment of the legislation. It is a little-known fact that 26 million people visited the 46 greyhound race tracks in the United States in 1988. I remind us that greyhound racing contributed $225 million to 14 racing States and their county governments. Additionally, the sport generated millions of dollars in payroll taxes and sales taxes paid at the track and at local motels, restaurants, gasoline stations, and other greyhound-related businesses.

Few of us know that greyhound racing is the sixth largest spectator sport in America, and it's still growing. Ten new greyhound tracks are planned for construction in Kansas, Texas, and Wisconsin. A track that generates a "handle" of more than $500,000 will employ a minimum of 600 people.

The National Greyhound Association [NGA] is the sole registry for the racing greyhound on the North American Continent. The NGA, a voluntary nonprofit association, is located in the State of Kansas. It was organized in 1906, and has a membership today of over 6,000 owners and breeders of racing greyhounds. The NGA maintains a rigid identification system with records of all breeding, litters whelped, individual registrations, transfers, and leases. The NGA's exacting system is a major factor in maintaining greyhound racing's "clean as a hound's teeth" very admirable reputation as a major spectator sport. The NGA is an associate member of the World Greyhound Racing Federation and a charter and founding member of the World Alliance of Greyhound Registries and the American Greyhound Council.

Mr. President, this sport has a history that is worthy of veneration. As early as 4,000 years ago, the greyhound was the subject of art, lore, sport and entertainment in ancient civilizations of Egypt, Persia, Greece, Rome, and later in England and Ireland. Cleopatra loved greyhound hunting and racing. Queen Elizabeth I established the first formal rules of greyhound racing in the 1700's.

I urge my colleagues to join me in supporting the continued orderly development of this venerable "sport of queens."●

By Mr. DOLE (for Mr. SIMPSON, for himself, Mr. DOLE, Mr. MURKOWSKI, Mr. SPECTER, Mr. THURMOND, and Mr. JEFFORDS):

S. 23. A bill to amend title 38, United States Code, to index rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep pace with the cost of living; to the Committee on Veterans' Affairs.

VETERANS' AND SURVIVOR'S COMPENSATION INDEXING ACT

Mr. SIMPSON. Mr. President, earlier in the day the Republican leader introduced a bill, S. 23, that is a cost of living allowance adjustment bill for veterans. I rise to join in the introduction of that legislation that would remedy a very strange and unfortunate and unfair situation faced by many disabled veterans and their survivors in this country today. As I say, I am joined in this effort by the Republican leader, Senator DOLE, and by Senator MURKOWSKI, Senator SPECTER, Senator THURMOND, and Senator JEFFORDS.

Last fall, Mr. President, in our last minute extremity with regard to the budget, Congress failed to pass a cost-of-living adjustment for these veterans when the bill became loaded down with unnecessary and costly and burdensome provisions.

Several of us tried to remedy that situation. We were poised to pass a bill which would be defined as a clean bill that would have provided only the cost-of-living adjustment, only the COLA adjustment. But that effort was stymied by an objection raised in the House of Representatives, and the bill went nowhere amid a great clatter about somebody or various groups being antiveteran. About the last thing I have ever noticed in this body is that anybody is antiveteran.

But there is, of course, a limit somewhere when we deal with those veterans who have never left the United States, maybe have been involved in service for 6 months or 1 year. That is a distinction I have always made and will continue to make.

We give veterans $31½ billion, and there are 27½ million of us. I am proud to be one of that number. I was overseas with the army of occupation after the war in Europe. No shells were flying when I was there. I have related that before, but in some sensible way, we have to emphasize that our first care is to the service-connected disabled veteran, the combat veteran, and that is something we have to do; not get caught in the emotion of the issue.

In any event, there is not anyone that would not indicate that the veterans, these veterans covered in the legislation, deserve to have their COLA without having to depend on Congress to pass separate legislation authorizing it in each and every year. That is something you do not want to miss. It is what has happened over the years.

Some of the veterans groups got together years ago and decided it would be better for them if they had a separate COLA, if you dealt with it separately, and not let it get tied to any other form of index. The reason for that was that they would get more. That worked pretty well except for 1 year.

Yet, that is something that certainly did not work last year. That is why I am introducing this legislation today, which provides for an automatic cost-of-living adjustment for veterans receiving disability compensation, and for their surviving spouses and children who receive dependency and indemnity compensation.

It would also automatically increase the clothing allowance for those veterans who have service-connected disabilities that require them to use prosthetic devices that may cause their clothing to wear. The unstoppable freight train is what stopped the bill last year.

Madam President, the Senate was never given the opportunity to vote on a bill that would simply have assured disabled veterans received the cost-of-living adjustment. I supported and tried to secure consideration of such a measure. I supported and tried to secure consideration of a more streamlined and responsible Senate bill.

I worked with a fine chairman in the House, SONNY MONTGOMERY, who is "Mr. Veteran" and "Mr. Veterans' Affairs" as to what he has done for many years in this Congress. But there were Senators who felt more strongly that it would be a fine opportunity to hook it up; to hook the old freight up with everything you could get on it including a caboose; that it was more important to mandate another study of the health effects of Agent Orange than it was for disabled veterans to have their COLA.

They put a stop to that effort and through their auspices in the House, they achieved that. They also had other items on their mind, things that have been rejected by the full Veterans' Affairs Committee in a bipartisan fashion. But since the freight train was going through the building, they thought they would tack it all on, and it failed for them, I hope we will not see that again. This bill will assure that we do not. So let us assure that disabled veterans and their survivors never again have to be faced with that particular uncertainty.

I also want to bear my efforts to secure rapid consideration and passage of the bill to provide that cost-of-living adjustment, a bill that is assured of rapid passage because it contains only the veterans cost-of-living adjustment, the COLA bill.

But I trust that we will then make this effort under this bill, S. 23, to assure that the COLA for veterans each year becomes automatic and not subject to the whims of Congress. It is a fun and games that should not go on. Let us just do a COLA and let the other thing rise or fall on their worth. Certainly Agent Orange is a very complex issue, and will remain ever so. But it need not ever be tied again to a COLA.

Mr. NICKLES. Will the Senator yield?

Mr. SIMPSON. Certainly.

Mr. NICKLES. I compliment the Senator for his leadership on this issue, and I ask that he be kind enough to add me as a cosponsor.

Mr. SIMPSON. I thank the Senator from Oklahoma very much, and indeed will include him as a cosponsor.

I will conclude my remarks, and say I am very much looking forward to working with the leadership on these bills. We have heard today a great discussion on the Democratic agenda and their bills, and the Republican agenda and their bills.

I must say I was a bit surprised with the intensity of the majority leader as he talked about the education measure as if George Bush were really not the education President. He did not say that in those words. The education bill passed the Senate and passed the House, and died in the last hours of the night before we exited here in October. It had nothing to do with George Bush—child care, these issues of parental activity, civil rights—to indicate somehow that George Bush, the President, had a lesser commitment to civil rights. Those things are balderdash.

If we are going to start off on this bright Monday, after dealing with a very serious issue Saturday—and I commend the majority leader and the minority leader for their work. None of us have any satisfaction from that tough vote. We did it. We did what we had to do, and we will see whether it does what all of us hope it will do, and that is increase the prospects for peace by showing that we are ready to use another option in our activities.

But I do not think it is really very appropriate to simply lay out every bill on the Democratic agenda as if it were somehow saving the world from George Bush. I think we can do a little better than that.

Thank you.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES

SECTION 1. (a) This Act may be cited as the "Veterans' and Survivors' Compensation Indexing Act."

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES

SEC. 2. Section 3112 is amended by redesignating subsection (c) as subsection (d) and inserting the following new subsection:

"(c)(1) Effective December 1 of each year, each rate of disablity compensation under sections 314 and 315, dependency and indemnity compensation under sections 411, 413, and 414, and the clothing allowance under section 362 shall be increased by the percent change in the price index for the base quarter of such year over the price index for the base quarter of the immediately preceding year, adjusted to the nearest 1/10 of 1 percent.

"(2) For the purpose of this section—

"(A) 'price index' means the Consumer Price Index published monthly by the Bureau of Labor Statistics;

"(B) the term 'base quarter,' as used with respect to a year, means the calendar quarter ending on September 30 of such year; and

"(C) the price index for a base quarter is the arithmetical mean of such index for the three months comprising such quarter."

SEC. 3. The redesignated subsection (d) of section 3112 is amended by redesignating paragraph (2) as paragraph (3) and inserting the following new paragraph:

"(2) Whenever disability compensation, dependency and indemnity compensation, and clothing allowance rates are increased under subsection (c) of this section, the Secretary shall publish new rates in the Federal Register as soon as practicable."

SEC. 4. The Secretary may, consistent with the increases authorized by this title, administratively adjust the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable under chapter 11 of title 38, United States Code. Notice of any adjustments made under this section will be published in accordance with section 3, above.

By Mr. MOYNIHAN (for himself, Mr. PACKWOOD, Mr. HEINZ, Mr. DANFORTH, Mr. BAUCUS, Mr. DURENBERGER, Mr. BOREN, Mr. SYMMS, Mr. RIEGLE, Mr. CRANSTON, Mr. BURDICK, Mr. DIXON, Mr. HOLLINGS, Mr. HATFIELD, Mr. SARBANES, Mr. HARKIN, Mr. LOTT, Mr. KERRY, Mr. REID, Mr. MCCAIN, Mr. AKAKA, Mr. GORE, Mr. KASTEN, Mr. JOHNSTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. SIMON, Mr. BURNS, Mr. GLENN, Mr. MACK, Mr. HELMS, Mr. BROWN, Mr. BINGAMAN, Mr. COCHRAN, Mr. LUGAR, Mr. D'AMATO, and Mr. SANFORD):

S. 24. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees; to the Committee on Finance.

EMPLOYEE EDUCATIONAL ASSISTANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Employee Educational Assistance Act of 1991, legislation that will make permanent section 127 of the Internal Revenue Code. This bill ensures that employees will be able to continue to receive up to $5,250 annually in tuition reimbursements or similar educational benefits from their employers on a tax-free basis. I am pleased to be joined in introducing this legislation by 35 of my distinguished colleagues. We have had similar levels of support for this measure in past years. Such continued support is indicative of the importance that so many of us attach to tax-free treatment of educational assistance, and to the need to make it a permanent part of the Tax Code.

First enacted in 1978, section 127 has enabled over 7 million working men and women to advance their education and improve their job skills without incurring additional income tax liabilities and a reduction in take-home pay. Without this provision, an employee would owe taxes on the value of any educational benefits provided by an employer that do not directly relate to the current job held. For example, a clerical worker pursuing a college diploma who earns $21,000 annually and who receives tuition reimbursement for two semesters of night courses—worth approximately $4,000—would owe additional Federal income and payroll taxes of over $1,000 on this educational assistance. If the educational benefits are accepted, the employee incurs a loss of over $1,000 in take-home pay. The effects are even more severe if he or she lives in a State that uses the Federal definition of income for State tax purposes. It is shortsighted to impose such a tax burden on employees seeking to further their education. For many low- and moderate-income employees, this cut in take-home pay is simply prohibitive, preventing them from enrolling in courses that would upgrade their job skills and improve their future career prospects. Without this investment in our employees' education, the ability of our work force to compete in the global economy erodes. By removing the requirement that educational assistance be job related, section 127 eliminates a tax burden on workers seeking to further their education and improve their career prospects.

Moreover, section 127 removes a tax bias against lesser skilled workers because they have greater difficulty proving that educational benefits are directly related to their current job, due to narrower job descriptions.

Congress has until now only enacted section 127 for temporary periods. It has repeatedly allowed the provision to lapse, only to reextend it on a retroactive basis for another temporary period. Since 1978, there have been 5 extensions of this provision. Most recently the Omnibus Budget Reconciliation Act of 1990 provided for a 15-month extension of section 127, retroactive from its September 30, 1990, expiration date through December 31, 1991. Without further action by Congress, the provision will agian expire on that date.

It is time for this cliffhanger approach to stop. Employees cannot plan sensibly for their educational goals, not knowing the extent to which accepting educational assistance may reduce their take-home pay. And for employers, the fits and starts of the legislative history of section 127 have been a serious administrative nuisance. If section 127 is in force, then there is no need to withhold taxes on educational benefits provided; if not, the job-relatedness of the educational assistance must be ascertained, a value assigned, and withholding adjusted accordingly. And we leave everyone to guess until late in the year whether Congress will extend the provision, or reenact it retroactively if it has already expired. This needless uncertainty and inefficiency reflects badly on the legislative process; it must cease.

The Employee Educational Assistance Act of 1991 would restore certainty to section 127, by extending it on a permanent basis. The 1990 Budget Reconciliation Act, in addition to extending the tax-free treatment for undergraduate assistance, restored tax-free treatment for assistance provided for graduate level studies. Tax-free graduate assistance had been eliminated in 1988. The Employee Educational Assistance Act of 1991 will permanently extend the tax-free status for both undergraduate and graduate assistance.

Mr. President, I introduced similar legislation in the 101st Congress, S. 260 and S. 2988, which enjoyed wide bipartisan support. Encouraging workers to further their education and to improve their job skills is an important national priority, crucial for preserving our competitive position in the global economy. Permitting employees to receive educational assistance on a tax-free basis, without incurring significant cuts in take-home pay, is a demonstrated cost-effective means to achieve these objectives.

Employee educational assistance is not an extravagant fringe benefit for highly paid executives. It largely benefits low- and moderate-income employees seeking access to higher education or further job training. A recent survey undertaken by the American Society for Training and Development indicated that over 70 percent of recipients of section 127 benefits in 1986 earned less than $30,000. In fact, lower income employees are more likely to participate in educational assistance programs than those on the higher end of the income scale. Employees making less than $30,000 participate at a much higher rate than those making above that income, and participation rates decline as salary levels increase. Moreover, employees making less than $15,000 participate at almost twice the rate of those who earn over $50,000.

Further, section 127 makes an important contribution to simplicity in the Tax Code. Without it, employers and the IRS would be required to determine on a case-by-case basis which employer-provided educational benefits are sufficiently related to the job to avoid treatment as taxable income.

Today, American workers are the most productive in the industrialized and developing world. Yet pressures from international competition and the pace of technological change require continual adjustment by our work force. Retraining will thus be necessary to maintain and strengthen American industry's competitive position in the global economy. Section 127 permits employees to adapt and retrain without incurring additional tax liabilities and a reduction in take-home pay. By removing the tax burden from workers seeking retraining, section 127 will enable employees displaced by foreign competition or technological change to learn new job skills. Retraining will take on an increasing importance in this decade, given that approximately 85 percent of those who will make up the work force in the year 2000 are already working today. Work force growth in the next decade is expected to barely match that during the Great Depression.

The American Electronics Association has reported that the United States is experiencing an acute shortage of engineers—some 20,000 engineers between 1981 and 1985. The association further notes the troubling fact that the United States produces fewer engineers per capita than many of our major trading partners and has relatively smaller numbers of workers in research and development. To counter this trend, almost half of America's largest electronic firms have initiated educational assistance programs under section 127 to encourage employees to pursue advanced degrees in electronics. Without section 127, employees participating in this important effort to maintain our competitive position in high technology will incur a penalty of additional taxes. The Tax Code should not hinder such an effort, and section 127 is designed to make sure that it does not.

Section 127 has also helped to improve the quality of America's public education system, at a fraction of the cost of direct-aid programs. It has enabled thousands of public school teachers to obtain advanced degrees, augmenting the quality of instruction in our schools. A survey by the National Education Association a few years ago found that almost half of all American public school systems provide tuition assistance to teachers seeking advanced training and degrees. Again, the Tax Code should not impose obstacles to this kind of shared effort at improvement. This legislation, by making section 127 permanent, for both graduate and undergraduate assistance, will ensure that it does not.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 24

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL ASSISTANCE EXCLUSION MADE PERMANENT.

(a) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 is amended by striking subsection (d).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

Mr. DIXON. Mr. President, I rise today to join my distinguished colleague, the Senior Senator from New York, Senator MOYNIHAN, in introducing the Employee Educational Assistance Act of 1991. This important legislation would permit an employee to receive educational benefits, such as tuition reimbursement or outside training, from their employers on a tax-free basis. In addition, this bill would make section 127 a permanent provision of the Internal Revenue Code.

Educational assistance is not a fringe benefit for highly paid executives. Rather, it is a program that directly benefits students, employees seeking to better themselves, and employers needing to retrain their work force.

Educational assistance is designed to help young students meet the soaring costs of education in this country, enabling them to pursue their studies. Without the benefit of this program, graduate students would be forced to pay taxes on their tuition waivers and stipends. Taxing these meager stipends places unbearable demands upon our Nation's youth.

In addition, this assistance allows employers to provide their employees with a prescribed amount of tax-exempt tuition payments in order to advance in studies which are related to their jobs. This program is particularly important for workers who want to upgrade their skills and vocational opportunities, and for retraining employees whose current skills have become technologically obsolete.

Mr. President, since 1979, Congress has recognized the important benefits derived from this provision. Unfortunately, section 127 is not a permanent provision of the Code. Thus, over the years, continuation of this worthy provision has been left to temporary and piecemeal extensions. On several occasions, this provision actually lapsed, only to be reextended on a retroactive basis for another temporary period. Such uncertainty has hampered the effectiveness of section 127.

I encourage and applaud incentives that will improve our nations work force, and increase our competitiveness in the world market. It is vital to the competitiveness of the United States business that Congress act to create an environment that encourages productivity improvement in the workplace, as well as individual opportunity for personal growth.

I urge my colleagues to support this important legislation.

By Mr. MITCHELL (for Mr. CRANSTON, for himself, Mr. PACKWOOD, Mr. METZENBAUM, Mr. KENNEDY, Mr. ADAMS, Mr. BINGAMAN, Ms. MIKULSKI, Mr. PELL, Mr. SIMON, Mr. AKAKA, Mr. BAUCUS, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. COHEN, Mr. GLENN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. ROBB, and Mr. WIRTH):

S. 25. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF CHOICE ACT

• Mr. CRANSTON. Mr. President, I am pleased to have reintroduced today S. 25, the proposed Freedom of Choice Act, which I introduced in the last Congress with the distinguished Senator from Oregon [Mr. PACKWOOD] and the Senator from Ohio [Mr. METZENBAUM], as S. 1912 following the Supreme Court's 1989 decision in Webster versus Reproductive Health Services. Although the Webster decision did not directly overturn the landmark Roe versus Wade decision, it gave State legislatures an open invitation to begin meddling with the rights of women to make their own decisions regarding the issue of abortion. The Freedom of Choice Act is intended to codify as a Federal right the holding of the Roe versus Wade decision and thereby prevent the erosion of individual rights threatened by the Webster decision.

The legislation being introduced today has broad bipartisan support. I am very pleased to be joined in introducing this legislation by Members of both sides of the aisle who are strongly committed to protecting freedom of choice for all women, regardless of where they may reside. A companion measure, H.R. 25, was introduced in the House of Representatives on January 3 by my good friend and colleague from California, Representative DON EDWARDS. During the last Congress, a number of hearings were held on this legislation in both the House and the Senate. The Freedom of Choice Act was also favorably reported by the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee shortly before the 101st Congress adjourned.

At the time that the Freedom of Choice bill was first introduced in the Senate on November 17, 1989, I submitted a lengthy statement outlining its purpose and explaining certain terms included in the legislation. The text of the bill being introduced today is identical to the text of the bill, S. 1912, in the 101st Congress, and the legislative intent described in that statement is fully applicable to the current bill, S. 25.

Mr. President, the vast majority of Americans believe that decisions in this difficult area should be made by individuals, free from government intrusion or control. The Freedom of Choice Act is designed to help ensure that access to safe and legal abortion remains a protected right, secured by the laws of the United States, as it has been since Roe versus Wade was decided almost two decades ago.

I ask unanimous consent that a copy of my 1989 statement detailing the provisions of the bill be printed in the RECORD at the conclusion of these remarks along with the text of S. 25.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

By Mr. CRANSTON (for himself, Mr. PACKWOOD, Mr. METZENBAUM, Mr. ADAMS, Mr. SIMON, Mr. PELL, Ms. MIKULSKI, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. WILSON, Mr. INOUYE, Mr. CHAFEE, Mr. GLENN, Mr. COHEN, Mr. KERRY, Mr. STEVENS, Mr. WIRTH, Mr. BURDICK, Mr. ROBB, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 1912. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on Labor and Human Resources.

FREEDOM OF CHOICE ACT

Mr. CRANSTON. Mr. President, I am proud to introduce today with the Senator from Oregon [Mr. PACKWOOD] and the Senator from Ohio [Mr. METZENBAUM] and other Members of the Senate the proposed Freedom of Choice Act of 1989. This bipartisan legislation is designed to codify the holding of the 1973 Roe versus Wade decision.

We are joined in introducing this legislation by the Senator from Washington [Mr. ADAMS], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from California [Mr. WILSON], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maine [Mr. COHEN], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. WIRTH], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Massachusetts [Mr. KENNEDY].

Companion legislation is being introduced in the House of Representatives by my good friend and colleague from California, Representative DON EDWARDS and the co-Chair of the Congressional Caucus on Women's Issues, the Representative from Colorado, PAT SCHROEDER.

Mr. President, this legislation is intended to accomplish one simple goal: Preserve the rights of pregnant women to make their own individual decision regarding whether or not to terminate a pregnancy. These rights which were guaranteed by the Supreme Court in the landmark decision in Roe versus Wade almost 17 years ago are in grave jeopardy today.

BACKGROUND: ROE VERSUS WADE

Mr. President, in 1973 the United States Supreme Court held in *Roe* v. *Wade*, 40 U.S. 113, that the Constitution protects a woman's decision whether or not to terminate her pregnancy. The Court noted that its prior decisions had found a right to personal privacy embedded in the Constitution's protection of personal liberty and concluded that right of privacy encompassed a woman's decision whether or not to carry a pregnancy to term. The Court further concluded that since the right of personal privacy is a fundamental right, only a "compelling state interest" could justify its limitation by a state. In a related case, *Doe* v. *Bolton*, 410 U.S. 179, handed down at the same time, the Court explicitly stated that a State may not interfere in a significant way with the exercise that prohibit or substantially limit access to the means of effectuating that decision.

The Roe decision set forth a number of basic principles by which State regulation of abortion rights were to be measured. Balancing competing interests at different stages of a pregnancy, the Court found that the stage of fetal viability was the point at which the State's interest arises. It held that following viability, the State's interest permits it to regulate and even proscribe an abortion except when necessary for the preservation of the life or health of the mother. Prior to viability, the State's powers were limited to promoting its interest in the health of mother by regulating the abortion procedure in ways that are reasonably related to maternal health. During the first trimester, the Court held that the abortion decision and its effectuation must be left solely to the woman and her physician.

In the intervening years, the Court on numerous occasions, rigorously enforced its 1973 holding, striking down attempts by States to interfere with a woman's right to decide whether or not to terminate a pregnancy.

On July 3, 1989, however, the Court sent a shockwave through the country when it handed down its decision in Webster versus Reproductive Health Services. The Webster decision gave State legislatures an open invitation to begin meddling with the freedom of individual women to make their own decisions in this difficult area. Although the decision did not directly overturn Roe, it signaled the Court's willingness to apply a less stringent standard of review to State restrictions concerning a woman's right to an abortion.

Mr. President, after the Webster decision, Americans can no longer assume that access to safe and legal abortions will remain a guaranteed right. The Webster decision was a blow to all Americans who look to the Court to protect and preserve fundamental rights and liberties.

There is ample evidence to indicate that this legislation is sorely needed. Freedom of choice is already under assault in the State legislatures.

Shortly after the Webster decision, the Louisiana legislature passed a non-binding resolution urging State district attorneys to enforce a long-standing law outlawing abortions and requiring jail terms for doctors who provide them.

In Florida, an effort was made by the antichoice Governor to force the State legislature to enact restrictions in a special session called for that purpose. That ill-conceived effort failed, but there is little doubt that there will be further attempts in Florida in the coming year.

Only a few days ago, the Pennsylvania legislature won the distinction of making that State one of the most restrictive in the Nation by passing sweeping antichoice legislation. That legislation included provisions such as 24-hour waiting periods and spousal consent requirements which had previously been declared unconstitutional under Roe.

The purpose of the legislation we are introducing today is to create a statutory basis for the rights established under the Roe decision in order to prevent the States from undermining those rights. It is our intention to codify the state of the law established under Roe prior to Webster.

It has long been recognized that Congress has the authority, under section 5 of the 14th amendment and other provisions of the Constitution to enact legislation to restrain States from denying due process and equal protection rights to individuals or interfering with fundamental rights.

OUTLINE OF LEGISLATION

Mr. President, the Freedom of Choice Act of 1989 is very simple. Section 2(a) provides that a State may not restrict the right of a woman to choose to terminate a pregnancy before fetal viability or at any time if such termination is necessary to protect the life or health of the woman. As I indicated earlier, that is the basic principle established under the Roe decision.

Section 2(b) provides that a State may impose only those restrictions on a woman's right to an abortion prior to viability that are medically necessary to protect the woman's life or health—a concept established in Roe. This provision allows a limited exception to the general rule that a State may not interfere with a woman's fundamental right to choose whether or not to have an abortion. To meet this exception, the State would have to demonstrate that a rule or procedure was designed to protect the life or health of the woman, was medically necessary, and consituted the least restrictive means of furthering the State's interest in the woman's health.

Thus, under Roe versus Wade, it has been held that a State could not impose requirements which are not medically necessary such as a requirement that all abortions be performed in a hospital. Similarly, spousal consent requirements and waiting requirements have been held to be not medically necessary and therefore unconstitutional under Roe. On the other hand, statutes requiring that abortions be performed by licensed physicians have been upheld.

Mr. President, Roe versus Wade and its progeny clearly barred States from devising ingenious statutory schemes to deny women the right to exercise the basic right of freedom of choice. To the extent that Webster both invites and approves erosion of the Roe rights, this legislation is intended to reverse the impact of that decision.

There are several specific aspects of this legislation which should be noted.

First, the bill refers to the concept of fetal viability which the Court held in Roe to be the point where the State's interest in the fetus arises. In Roe, the Court defined viability as the point at which the fetus is "potentially able to live outside the mother's womb, albeit with artificial aid," 410 U.S. at 160. Such potentiality, however, must be for "meaningful life" and this cannot encompass simply momentary survival, 410 U.S. at 163. Finally, and most importantly, Roe stressed the central role of the pregnant woman's doctor in determining viability, emphasizing that "the abortion decision in all its aspects is inherently, and primarily, a medical decision," 410 at 160. In a subsequent case, *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976), the Court reemphasized that viability is "a matter of medical judgment, skill, and technical ability." In that decision, the Court also held that "it is not the proper function of the legislature or the courts to place viability, which is essentially a medical concept, at a specific point in the gestation period. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the attending physician", 428 U.S. at 64. The physician's central role in determining viability, and the lack of such definitional authority in the legislatures was reaffirmed by the Court in *Colautti* v. *Franklin*, 439 U.S. 379 (1979).

Another important issue relates to the question of funding of abortion services for low-income women. Roe versus Wade did not address the issue of public funding for abortion services and subsequent Supreme Court decisions involving Medicaid funding distinguished the right to terminate a pregnancy from the right to have government funding. Since this bill is designed simply to codify the basic rights established under Roe, it does not include any requirement for public funding of abortion services. However, separate legislation, the Reproductive Health Equity Act, which has previously been introduced in the House of Representatives, will be introduced in the Senate. That measure would have the effect of repealing the numerous restrictions on funding for abortion services in various programs, like Medicaid which have been enacted in the past decade.

Although the measure is totally separate and distinct from the legislation we are introducing today, many of the supporters of freedom of choice feel strongly that a two-tiered system which protects only the rights of women who can afford to pay for an abortion is unconscionable. Hopefully, in the not-so-distant future we will be able to assure all women, regardless of economic status, equal access to safe and legal abortion services.

Finally, the bill we are introducing, like Roe versus Wade itself, does not specifically address the issue of parental consent or notification requirements. The sponsors of this measure may have differing views as to whether a specific provision dealing with this issue is either necessary or appropriate. In the intervening years since the Roe decision, although that holding has clearly been applied to pregnant minors, the specific issue of the constitutionality of parental consent or notification statutes has not been clearly settled. Two of the three cases pending before the Supreme Court directly address the over-all question of whether a State can impose any type of restriction on minors' access to abortions.

My own view is that carving out an exception which would result in denying minors access to abortion would be unacceptable and would only serve to drive desparate teenagers into the hands of back-ally butchers or deadly efforts to induce their own abortions. Access to safe, legal abortions for all women who make that choice ought to remain an over-riding goal. The specific issues of parental consent or notification statutes will undoubtedly be addressed during the consideration of this legislation once the Supreme Court has acted in the pending cases.

CONCLUSION

Mr. President, I believe that when future historians write the book on the progress of expansion of individual rights in the last quarter of the 20th century, they will mark the introduction of the Freedom of Choice Act of 1989 as one the milestones in the steady progress of our society towards securing the rights of women, and all Americans, to live their own lives, free from unwarranted governmental intervention.

The vast majority of Americans support the right of an individual woman to make her own decision regarding whether or not to terminate a pregnancy and don't support government intervention.

Individual freedom is a value Americans have always held dear. We neither want nor need government by "big brother".

Nor do most Americans want to see the clock turned back and a return to the days when unskilled, illegal abortionists preyed upon desperate women.

Abortion is a very emotional and controversial issue. There are strong feelings on both sides, often based upon deeply felt religious convictions and beliefs. The central issue, however, is a simple one: who decides. The sponsors of this legislation believe that decisions regarding abortions are deeply personal, profound matters best made by the individual woman herself, guided by her own personal beliefs and convictions, free from governmental interference. That approach is consistent with the most deeply cherished values in our society—individual liberty and personal freedom.

This bill is designed to help ensure that access to safe and legal abortion remains a protected right, secured by the laws of the United States. It is designed to help ensure that women, whatever State they may reside in, continue to have the freedom of choice which was guaranteed by the Roe versus Wade decision.

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Choice Act of 1991".

SEC. 2. RIGHT TO CHOOSE.

(a) IN GENERAL.—Except as provided in subsection (b), a State may not restrict the right of a woman to choose to terminate a pregnancy—

(1) before fetal viability; or

(2) at any time, if such termination is necessary to protect the life or health of the woman.

(b) MEDICALLY NECESSARY REQUIREMENTS.—A State may impose requirements medically necessary to protect the life or health of women referred to in subsection (a).

SEC. 3. DEFINITION OF STATE.

As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

• Mr. BAUCUS. Mr. President, I am pleased to join as an original cosponsor to the Freedom of Choice Act in the 102d Congress. I was a cosponsor in the 101st Congress, and I have done so again this year because I firmly support the right to privacy, including the principles embodied in Roe versus Wade.

The decision of whether or not to have an abortion is one of the most personal decisions a woman can make. Women should be able to make this decision according to their own circumstances and beliefs—without unnecessary interference from the government or politicians.

Unfortunately, the Supreme Court has been retreating from Roe versus Wade and the right to privacy which was reaffirmed in that case. The 1989 Webster decision, in particular, undermined privacy rights significantly. The Freedom of Choice Act is designed to end this retreat and reaffirm Americans' fundamental right to privacy. To do so, the act would codify the Supreme Court's basic holding in Roe, as elaborated upon in subsequent pre-Webster decisions.

Concerns have been raised about whether the Act would permit laws that encourage parental involvement before a young woman makes her decision. Under Roe, the Supreme Court has upheld such laws, so long as they contain a "bypass" procedure for cases—such as incest—where special circumstances make parental involvement inappropriate. A legal analysis by the congressional research service concludes that, by incorporating the Roe standard, the Freedom of Choice Act would continue to permit such laws. "It is likely," the report says, that:

> The courts would interpret the otherwise unexplicated language of the [Act], if enacted, in a way as to make it compatible with the surrounding body of law into which it must be integrated. That body of law includes, under the regime of Roe versus Wade . . . the permissibility of state laws mandating parental notification or consent, subject to an alternative bypass.

I feel the Freedom of Choice Act is necessary to send a clear message that the constitutional right to privacy should be maintained.

• Mr. PACKWOOD. Mr. President, I rise today to introduce the Freedom of Choice Act along with Senator CRANSTON and a number of our colleagues on both sides of the aisle.

The Freedom of Choice Act was first introduced in the 101st Congress, in response to the assaults on a woman's right to choose which resulted from the Supreme Court's decision in Webster versus Reproductive Health Services in 1989. Accepting the invitation to restrict women's access to safe and legal abortion which was recognized in Roe versus Wade in 1973, many States have passed or attempted to pass laws varying from mandating the consent of the woman's husband to subjecting medical facilities which perform abortions to unreasonable or unnecessary regulations. In the U.S. territory of Guam, abortion has actually been outlawed. Most of these restrictions are being challenged in court—a costly and time-consuming process to secure a right recognized nearly 20 years ago.

The basic principles of Roe versus Wade have been relied upon by women and by the medical profession since 1973. In Roe the Court addressed the issue of abortion by balancing the competing interests involved. During the first trimester of pregnancy, the abortion decision is left to the woman and her doctor. During the second trimester, a State may regulate abortion in ways that are reasonably related to maternal health. After fatal viability, a State may regulate and even proscribe abortion except where abortion is necessary to preserve the life or health of the woman.

We have endeavored to codify the reasonable framework of Roe versus Wade in the Freedom of Choice Act. Basically, the act says that States may not restrict a woman's right to terminate a pregnancy before fetal viability, or at any time during pregnancy if such termination is necessary to protect the woman's life or health. It further allows States to impose requirements which are medically necessary to protect the life or health of the woman.

As simple and straightforward as this bill is, I have been amazed at the misinterpretations and off-base legal analyses being put forth by those who oppose the right to choose. For instance, an antichoice lobby group is distributing literature which says that under the Freedom of Choice Act, States' ability to regulate abortion would be so severely curbed that midwives would be allowed to perform abortions. However, the Court in Roe specifically resolved this question. It held that a State may proscribe any abortion by a person who is not a physician.

The flier I just mentioned also said that our bill would prevent States from requiring ordinary medical recordkeeping and pathology testing for abortions. These allegations ignore the "medically necessary" clause of the bill. Any restriction which has a legitimate relationship to protecting the life or health of the woman would be permitted. The States have traditionally regulated the safety of medical procedures and we fully intend that they continue to do so pursuant to sound medical practice.

Another area of confusion about the freedom of choice act is "viability." Under the act, States could regulate or even proscribe abortion after fetal viability. A fetus becomes viable when it is able to live outside the mother's womb, with or without artificial aid. The Court in Roe quoted this definition from a medical textbook. Fetal viability is a medical determination which only a trained medical professional is capable of making. Opponents of the Freedom of Choice Act charge that we are somehow giving doctors more leeway to determine viability than they have under Roe. However, in using viability as the point at which a State may begin to regulate abortion to protect the fetus, our bill parallels Roe. Roe did not really use a pure trimester analysis. Under Roe a State could regulate abortion to protect the woman's health beginning at the second trimester, or 12 weeks. However, the Court drew its second line at viability rather than between the second and third trimester: Under Roe a State may regulate abortion beginning at viability to preserve the fetus's potential for life. Therefore physicians have been making viability determinations in this regard ever since Roe was decided. The Freedom of Choice Act will not alter the ability of doctors to continue this practice.

These are examples of the misinformation Senators may hear about this bill. I would like to ask my colleagues who are not already cosponsors of the Freedom of Choice Act to take the time to read S. 25. It will only take a minute—the bill is less than a page long. There is no hidden agenda. What you see is what the bill does. If you have a question or a concern, please direct it to me or to Senator CRANSTON or our staffs. We invite you to join us in enacting the Freedom of Choice Act in the 102d Congress.

• Mr. CHAFEE. Mr. President, I am pleased to be an original cosponsor of the Freedom of Choice Act. This is a very important piece of legislation which will protect the rights and privacy of American women.

The Supreme Court ruled in Roe versus Wade that States cannot restrict the right of a woman to obtain a safe and legal abortion prior to fetal viability. This landmark decision in 1973 afforded women the same rights as all other members of American society—namely to make their own decisions about their reproductive health care. This was the law for seventeen years. Then, in 1989, in Webster versus Reproductive Health Services, the Supreme Court undermined this principle. The so-called Webster decision marked the beginning of the gradual erosion of this fundamental right, and indeed, since Webster, we have seen a great deal of legislative activity in many States attempting to restrict choice.

We must respond to this alarming decision by the Supreme Court in Webster versus Reproductive Health Services by reaffirming our commitment to choice. The Freedom of Choice Act is such a response. The bill is a simple codification of the Supreme Court's decision in Roe versus Wade, guaranteeing a woman's right to choose to terminate her pregnancy as part of the constitutional right to privacy. Women in America fought long and hard to attain this right. It is unconscionable to think that the government would take this basic right away, sending American women back down the road of State-by-State battles that they have already rightfully won. Indeed, Mr. President, we cannot let this happen. Enactment of the Freedom of Choice Act will ensure that it does not. I urge my colleagues to push for swift passage of this important legislation.●

By Mr. MOYNIHAN (for himself, Mr. PACKWOOD, Mr. D'AMATO, Mr. KASTEN, Mr. DECONCINI, and Mr. CHAFEE):

S. 26. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer; to the Committee on Finance.

TAX FREE TREATMENT OF MASS TRANSIT EMPLOYEE BENEFITS

Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill that will help eliminate what can only be characterized as an irrational environmental and transportation policy that has crept into the Tax Code. Current tax law produces a significant bias against the use of mass transit: an employer can provide unlimited free parking to employees without tax consequences to them, but if the same employer wants to provide subway, bus or other mass transit benefits, any benefit over $15 a month produces a tax liability for the employee. In short, you get a better deal under the Tax Code if you drive to work.

Despite the fact that the streets and highways of almost every major city are nearly overwhelmed by the crush of rush hour traffic, and that automotive exhaust from this deluge is the primary cause of urban air pollution, the tax code encourages use of single occupant vehicles during commuting hours. Parking benefits—which are worth $250 a month in New York City; in Boston, $245; in Los Angeles, $120—can be provided tax-free, while mass transit or van pooling benefits are mostly taxed. Current law permits up to $15 is exceeded, the entire amount becomes taxable. Van pooling benefits have been fully taxable since 1986, when the statutory tax exclusion for them was allowed to expire. The juxtaposition of unlimited employee tax benefits for parking and very limited or nonexistent tax benefits for mass transit produces a tax policy encouraging automobile use. As the Urban Mass Transportation Administration concluded in a February 1989 report on commuting behavior, "Federal tax policy appears to favor solo auto usage over other commuting modes. By providing economic incentives for free parking as opposed to transit, auto usage is encouraged."

The effects of this policy are clear enough. In 1984, the Port Authority of New York and New Jersey conducted a survey of drivers commuting into Manhattan during the morning rush hour. Sixty-four percent of those drivers reported receiving some form of automobile-related subsidy from their employers, the most common—84 percent—being a free parking space. In the same survey, 26 percent of these automobile commuters reported that they would switch to mass transit if significant transit benefits were provided.

A Federal tax policy that encourages single occupant vehicle commuting flies in the face of sensible environmental policy. Automobile emissions are the primary cause of most urban air pollution. In New York City, 90 percent of the carbon monoxide and 50 percent of the ozone in the air can be traced to automotive exhaust.

Current law also raises concerns about tax equity. Is it fair for a highly-paid executive to receive tax-free parking benefits worth as much as $3,000 a year, while a clerical worker owes tax on transit passes or the value of a ride in a company-provided van pool?

The legislation that I introduce today will make some progress in eliminating the tax bias encouraging commuting to work by car. The bill will raise the current amount of mass transit benefits that may be provided by an employer on a tax-free basis from $15 per month to $60 per month, which is the average cost nationwide for monthly mass transit commuting. In this manner, the tax treatment of parking and mass transit benefits will be brought into closer parity. In addition, the tax-free treatment of van pool transportation provided by an employer will be reinstated in the tax code.

While $60 per month is the national average, many mass transit commuters incur transit fares which significantly exceed that amount, including in my own State a typical worker taking a commuter train into Manhattan. For these commuters, the bill does provide that the first $60 in monthly mass transit benefits will not be taxed, regardless of the total amount of benefits received. This repeals the arbitrary "cliff" effect of current law, under which the first $15 of tax-free benefits becomes fully taxable if the total monthly benefit exceeds $15.

Mr. President, local governments and private industry are making commendable efforts to address the very pressing problem of urban traffic congestion and attendant air quality deterioration. In the New York City metropolitan area, the Port Authority of New York and New Jersey, together with the New York Metropolitan Transportation Authority and New Jersey Transit, have formed the TransitCenter, a public-private alliance to promote transit. TransitCenter has created the TransitChek, a low-cost and administratively simple means for private employers to provide transit benefits to encourage mass transit use by employees. Since October 1987, almost 1,000 companies have joined the TransitChek program. This is a good start, certainly, but only 0.5 percent of the companies in the region. No doubt the meager $15 per month benefit has dampened employers' enthusiasm for undertaking the burdens of participation in the program. Federal tax policy should get behind these efforts.

Employers across the country are also developing many innovative employee van and car pooling arrangements. Again, Federal tax policy should not hamper these efforts.

Mr. President, I urge my colleagues to join me in supporting this legislation to get the Tax Code on the right side of sensible environmental and transportation policy.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 26

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUALIFIED TRANSPORTATION FRINGE BENEFIT.

(a) EXCLUSION.—Section 132(a) is amended by striking "or" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", or", and by adding at the end thereof the following new paragraph."

"(5) qualified transportation fringe."

(b) QUALIFIED TRANSPORTATION FRINGE.—Section 132 is amended by redesignating subsection (k) as subsection (1) and inserting after subjection (j) the following new subsection.

"(K) QUALIFIED TRANSPORTATION FRINGE.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified transportation fringe' means—

"(A) transportation in a commuter highway vehicle between the employee's residence and place of employment, and

"(2) LIMITATION ON EXCLUSION FOR TRANSIT PASSES.—In the case of a qualified transportation fringe described in paragraph (1)(B), the amount excluded from gross income under subsection (a)(5) shall not exceed $60 per month.

"(3) BENEFIT NOT IN LIEU OF COMPENSATION.—Paragraph (1) shall not apply to any qualified transportation fringe unless—such benefit is provided in addition to (and not in lieu of) any compensation otherwise payable to the employee.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) TRANSIT PASS.—The term 'transit pass' means any pass, token, farecard, voucher, or similar item entitling a person to transportation on mass transit facilities (whether or not publicly owned).

"(B) COMMUTER HIGHWAY VEHICLE.—The term 'commuter highway vehicle' means any highway vehicle—

"(i) the seating capacity of which is at least 7 adults (not including the driver), and

"(ii) at least 80 percent of the mileage use of which can reasonably be expected to be—

"(I) for purposes of transporting employees between their residences and their place of employment, and

"(II) on trips during which the number of employees transported for such purposes is at least ½ of the adult seating capacity of such vehicle (not including the driver).

"(C) TRANSPORTATION PROVIDED BY EMPLOYER.—Transportation referred to in paragraph (1)(A) shall be considered to be provided by an employer if such transportation is furnished in a commuter highway vehicles operated by or for the employer.

"(D) EMPLOYEE.—The term 'employee' does not inlcude an individual who is an employee within the meaning of section 401(c)(1).".

(c) CONFORMING AMENDMENT.—Section 132(h)(1) is amended by striking "and (2)" in the text and heading and inserting ", (2), and (5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague from New York in introducing a bill to encourage the use of our country's mass transit systems. This bill provides commuters an added incentive to use public transportation by increasing from $15 to $60 per month the amount of transit passes an employer can provide tax-free to employees. Greater use of public transportation will make a significant contribution toward solving traffic gridlock and environmental problems. I know in my State, the city of Portland has been working to reduce the number of automobiles in the downtown area by imposing restrictions on new parking spaces. This bill should help Portland in achieving this goal. Reducing vehicle emissions through the use of public transportation is an important step toward improving air quality in our cities. I urge my colleagues to join me in promoting the use of our mass transit systems as we continue our efforts to address the Nation's air polution and traffic problems.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor to the mass transit/van pool commuter benefit legislation introduced by my senior colleague from New York, Senator MOYNIHAN. This bill would establish an employer provided tax-free benefit of $60 per month to working people who commute by train, bus, subway or van pools.

This legislation advances an equitable commuter policy that I have promoted for several years and will continue to support. At a time when congestion and pollution are choking many of our urban and suburban areas, we must make every effort to encourage the use of mass transit and other high occupancy modes of transportation.

Current tax laws clearly discriminates against mass transit and van pool users. A partner in a law firm who drives and parks at work can receive free parking as a tax-free fringe benefit. A secretary who commutes by train, bus, or subway can receive only $15 a month from an employer. This commuter most likely receives no subsidy at all. The return to administer a $15 benefit program is often viewed by employers as too small to justify operating a program, leaving the bias in favor of automobile use.

In our Nation's cities, where smog is a major problem, the current tax inequity is tantamount to subsidizing pollution. Automobiles are the largest single contributor to the ozone and carbon monoxide problems in New York and in the entire Northeast. Recent analysis shows that in 1987, motor vehicles accounted for anywhere between 50 and 70 percent of the hydrocarbon, nitrogen oxide, and carbon monoxide emissions in the Northeast. Each time a commuter chooses mass transit over driving to work he is making a significant contribution to reducing air pollution.

Mr. President, I encourage my colleagues to consider the lack of equity and fairness surrounding the current commuter-benefit tax policy. This year, as Congress reauthorizes the Surface Transportation Act, we will have the opportunity to address a number of transportation issues. This issue is not within the scope of the reauthorization but it is relevant and it does deserve our attention.

Thank you, Mr. President.

By Mr. MOYNIHAN:

S. 27. A bill entitled the "Social Security Trust Funds Management Act of 1991"; to the Committee on Finance.

SOCIAL SECURITY TRUST FUNDS MANAGEMENT ACT

Mr. MOYNIHAN. Mr. President, on this first day of legislation in the 102d Congress, I rise to offer the Social Security Trust Funds Management Act of 1991, legislation to reform current investment practices governing the Social Security trust funds. The intent of this bill is to prevent from happening again what never should have happened at all: The disinvestment in 1984 and 1985 of Social Security trust fund assets in order to keep the Federal Government running.

The facts about the disinvestment are well-known, but they bear repeating. In the fall of 1985, the Federal Government's ability to borrow additional funds to finance the budget deficit temporarily expired because the Government had reached its statutory debt limit. In order to drop the Federal debt below the statutory ceiling, the Secretary of the Treasury, acting in his role as managing trustee of the Social Security trust funds, disinvested, or prematurely redeemed, $25.4 billion of Social Security's long-term securities. As a result, the trust fund reserves were drawn down by November 12, 1985 to about $11 billion—a level insufficient to pay 1 months' worth of benefits. The interest that the trust funds could have lost by such premature redemptions was estimated by the Social Security Office of the Actuary to be some $857 million.

Moreover, the Treasury Department took a similar step the previous year, during the September–October 1984 debt limit impasse. At that time, $5.1 billion of Social Security's long-term bonds were prematurely cashed in, which could have resulted in a $382 million loss of interest to the trust fund.

The Senate did later adopt an amendment offered by myself and Senator RIEGLE to make the trust funds whole. Lone-term bonds were restored to the trust funds, as was lost interest. But a more precious commodity could not be so easily restored—public trust.

In the wake of the trust fund disinvestments, public confidence plummeted. Social Security recipients became concerned about whether they could continue to receive their benefits.

Another aspect of the trust fund disinvestments troubles me: the concealment that surrounded it. Neither the congressional committees with jurisdiction over the program nor the public trustees of the Social Security system received any notification of these extraordinary steps. During a November 7, 1985 hearing on the issue held before the Senate Finance Subcommittee on Social Security and Public Assistance, the Treasury Department witness, former Deputy Assistant Secretary John J. Niehenke, demonstrated an extraordinary lack of candor. He was loathe to divulge such basic information as the total amount of long-term investments held by the trust funds on November 7, the day of the hearing, because such information would have revealed the disinvestments of early that month. Nor was he forthright about admitting to the disinvestment that occurred in 1984.

Mr. President, I remain deeply disturbed by this concealment. Why were we in the Congress not informed about these disinvestments in a timely manner? Why weren't all of the trustees informed? Why were we left to our own devices to find out just what was being done with such large amounts of public money?

The bill I am reintroducing today would address the problems caused by disinvestment. It would help restore public confidence in Social Security by assuring that the trust funds are properly managed. It would force the Treasury to be more candid about its practices by putting into statute reporting requirements. Specifically, the bill would:

Prohibit the disinvestment of OASDI trust fund assets during a debt ceiling crisis for anything other than the timely payment of Social Security benefits and administrative expenses;

Mandate that uninvested Social Security tax receipts be invested in interest-bearing U.S. Government obligations as soon as the debt ceiling is increased;

Make a permanent appropriation to restore to the trust funds any amounts that may be lost in future debt limit crises; and

Require the Managing Trustee to notify the Social Security Board of Trustees and the Congress 15 days in advance of an anticipated disinvestment and to report monthly to the trustees on the operation and status of the trust funds.

Mr. President, I remind my colleagues in the Senate that during the 99th and 100th Congresses they thrice accepted identical language, but the House thrice rejected it. Why? Because the House insisted on prohibiting disinvestment for any purpose even if this resulted in Social Security checks not being mailed during a debt limit crisis. My bill would allow the assets of the Social Security trust funds to be disinvested in order to pay Social Security benefits, but never in order to fund, or temporarily float, other Government expenses. The Treasury Department has endorsed this approach over that taken by the House.

I urge my colleagues to once again support this important legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Social Security Trust Funds Management Act of 1991".

SEC. 2. INVESTMENT AND RESTORATION OF TRUST FUNDS.

(a) Subsection (d) of section 201 of the Social Security Act (42 U.S.C. 401(d)) is amended—

(1) by striking out "(1) on original issue" and inserting in lieu thereof "(A) on original issue",

(2) by striking out "(2) by purchase" and inserting in lieu thereof "(B) by purchase";

(3) by striking out "It shall be" and inserting in lieu thereof "(1) It shall be", and

(4) by adding at the end thereof the following new paragraphs:

(2) If—

"(A) any amounts in the Trust Funds have not been invested solely by reason of the public debt limit, and

"(B) the taxes described in clause (3) or (4) of subsection (a) with respect to which such amounts were appropriated to the Trust Funds have actually been received into the general fund of the Treasury of the United States,

such amounts shall be invested by the Managing Trustee as soon as such investments can be made without exceeding the public debt limit and without jeopardizing the timely payment of benefits under this title or under any other provision of law directly related to the programs established by this title.

"(3)(A) Upon expiration of any debt limit impact period, the Managing Trustee shall immediately—

"(i) reissue to each of the Trust Funds obligations under chapter 31 of title 31, United States Code, that are identical, with respect to interest rate and maturity, to public debt obligations held by such Trust Fund that—

"(I) were redeemed during the debt limit impact period, and

"(II) as determined by the Managing Trustee on the basis of standard investment procedures for such Trust Fund in effect on the day before the date on which the debt limit impact period began would not have been redeemed if the debt limit impact period had not occurred, and

"(ii) issue to each of the Trust Funds obligations under chapter 31 of title 31, United States Code, that are identical, with respect to interest rate and maturity, to public debt obligations which—

"(I) were not issued during the debt limit impact period, and

"(II) as determined by the Managing Trustee on the basis of such standard investment procedures, would have been issued if the debt limit impact period had not occurred.

"(B) Obligations issued or reissued under subparagraph (A) shall be substituted for obligations that are held by the Trust Fund, and for amounts in the Trust Fund that have not been invested, on the date on which the debt limit impact period ends in a manner that will ensure that, after such substitution, the holdings of the Trust Fund will replicate to the maximum extent practicable the obligations that would be held by such Trust Fund if the debt limit impact period had not occurred.

"(C) In determining, for purposes of this paragraph, the obligations that would be held by a Trust Fund if the debt limit impact period had not occurred, any amounts in the Trust Fund which have not been invested, and any amounts required to be invested under paragraph (2), shall be treated as amounts which were required to be invested upon transfer to the Trust Fund.

"(4) The Managing Trustee shall pay, on the first normal interest payment date that occurs on or after the date on which any debt limit impact period ends, to each of the Trust Funds, from amounts in the general fund of the Treasury of the United States not otherwise appropriated, an amount determined by the Managing Trustee to be equal to the excess of—

"(A) the net amount of interest that would have been earned by such Trust Fund during such debt limit impact period if—

"(i) amounts in such Trust Fund that were not invested during such debt limit impact period solely by reason of the public debt limit had been invested, and

"(ii) redemptions and disinvestments with respect to such Trust Fund which occurred during such debt limit impact period solely by reason of the public debt limit had not occurred, over

"(B) the sum of—

"(i) the net amount of interest actually earned by such Trust Fund during such debt limit impact period, plus

"(ii) the total amount of the principal of all obligations issued or reissued under paragraph (3)(A) at the end of such debt limit impact period that is attributable to interest that would have been earned by such Trust Fund during such debt limit impact period but for the public debt limit.

"(5) For purposes of this section—

"(A) The term 'public debt limit' means the limitation imposed by subsection (b) of section 3101 of title 31, United States Code.

"(B) The term 'debt limit impact period' means any period for which the Secretary of the Treasury determines that the issuance of obligations of the United States sufficient to orderly conduct the financial operations of the United States may not be made without exceeding the public debt limit.".

(b) Subsection (a) of section 201 of the Social Security Act is amended by adding at the end thereof the following new sentence: "All amounts so transferred shall be immediately available exclusively for the purpose for which amounts in the Trust Fund are specifically made available under this title or under any other provisions of law directly related to the programs established by this title.".

SEC. 3. FAITHFUL EXECUTION OF DUTIES BY MEMBERS OF BOARD OF TRUSTEES OF TRUST FUNDS.

Section 201(c) of the Social Security Act is amended by striking the last sentence and inserting the following: "A person serving on the Board of Trustees (including the Managing Trustee) shall not be considered to be a fiduciary, but each such person shall faithfully execute the duties imposed on such person by this section. A person serving on the Board of Trustees (including the Managing Trustee) shall not be personally liable for actions taken in such capacity with respect to the Trust Funds.".

SEC. 4. REPORTS REGARDING THE OPERATION AND STATUS OF THE TRUST FUNDS.

Subsection (c) of section 201 of the Social Security Act is amended—

(1) by striking "once" in the fourth sentence and inserting "twice",

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(3) by redesignating paragraphs (3), (4), and (5) as subparagraphs (D), (E), and (F), respectively,

(4) by inserting after subparagraph (B) (as redesignated by paragraph (2) of this section) the following:

"(C) Report to the Congress as soon as possible, but not later than the date that is 30 days after the first normal interest payment date occurring on or after the date on which any debt limit impact period for which the

Managing Trustee is required to take action under paragraph (3) or (4) of subsection (d) ends, on—

"(i) the operation and status of the Trust Funds during such debt limit impact period, and

"(ii) the actions taken under paragraphs (3) and (4) of subsection (d) with respect to such debt limit impact period;",

(5) by striking out "in paragraph (2) above" and inserting in lieu thereof "in subparagraph (B) above",

(6) by inserting "(1) after "(c)", and

(7) by adding at the end thereof the following:

"(2) The Managing Trustee shall report monthly to the Board of Trustees concerning the operation and status of the Trust Funds and shall report to Congress and to the Board of Trustees not less than 15 days prior to the date on which by reason of the public debt limit, the Managing Trustee expects to be unable to fully comply with the provisions of subsection (a) or (d)(1), and shall include in such report an estimate of the expected consequences to the Trust Funds of such inability.".

SEC. 5. ELIMINATION OF UNDUE DISCRETION IN THE INVESTMENT OF TRUST FUNDS.

(a) Section 201(d) of the Social Security Act is amended, in the first sentence—

(1) by inserting "immediately" after "to invest"; and

(2) by striking ", in his judgment,".

(b)(1) Paragraph (2) of section 201(d) of the Social Security Act, as added by section 2 of this Act, is amended to read as follows:

"(2) If any amount in either of the Trust Funds is not invested solely by reason of the public debt limit, such amount shall be invested as soon as such investment can be made without exceeding the public debt limit and without jeopardizing the timely payment of benefits under this title or under any other provision of law directly related to the programs established by this title."

(2) The amendment made by paragraph (1) shall take effect on July 1, 1992.

SEC. 6. SALES AND REDEMPTIONS BY TRUST FUNDS.

Section 201(e) of the Social Security Act is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2)(A) The Managing Trustee may effect any such sale or redemption with respect to either Trust Fund only for the purpose of enabling such Trust Fund to make payments authorized by this title or under any other provisions of law directly related to the programs established by this title. If either of the Trust Funds holds any amounts which are not invested by reason of the public debt limit, the Managing Trustee is nevertheless directed to make such sales and redemptions if, and only to the extent, necessary to assure timely payment of benefits and other payments authorized by this title or by any other provisions of law directly related to the programs established by this title, but the principal amount of obligations sold or redeemed pursuant to this sentence shall not exceed the principal amount of obligations that would have been sold or redeemed under normal operating procedures in order to make such payments.".

SEC. 7. EFFECTIVE DATE.

Except as otherwise provided by this title, the amendments made by this title shall take effect on the date of enactment of this Act.

By Mr. MOYNIHAN (for himself and Mr. LAUTENBERG):

S. 28. A bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population date collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes; to the Committee on Governmental Affairs.

DECENNIAL CENSUS IMPROVEMENT ACT

Mr. MOYNIHAN. Mr. President, today I am introducing the Decennial Census Improvement Act of 1991. It is the same legislation I introduced in the 101st Congress, and it is more vital, more justified, than ever. The 1990 census is nearing completion—249,632,692 heads were counted. The Bureau of the Census went to great effort to count as much of the population as possible. But the Bureau did not get everyone. Growth and changes in the Nation have made this task more difficult than ever. Fewer people responded by mail than 10 years ago. More are homeless.

In 1980 the Bureau itself estimated that it missed 1.5 percent of the population. In most statistical endeavors this would be considered a success, but the census is too important to strive for anything less than a complete count. The most disturbing aspect of this undercount is that it disproportionately includes minorities. Blacks were undercounted by an estimated 5.9-percent nationally. With congressional representation and the distribution of Federal funds so reliant on census data, and with a solution at hand, this differential undercount cannot be tolerated. This legislation will ensure the fair representation of the people,[1] Edmund Randolph's words, in the House of Representatives, and the equitable distribution of Federal funds.

EQUAL REPRESENTATION AND THE CENSUS

Article I, section 2, clause 3 of the Constitution requires the Federal Government to conduct a decennial census. A national census was and is necessary to implement the terms of the "Great Compromise", which, for all practical purposes, based the allocation of Congressmen in the House of Representatives solely on population. Indeed, only an accurate and honest census could accomplish this goal. As the Supreme Court stated in Wesberry versus Sanders (1964):

> While it may not be possible to draw congressional districts with mathematical precision, that is no excuse for ignoring our Constitution's plain objective of making equal representation for equal numbers of people the fundamental goal for the House of Representatives.[2]

Otherwise, the weight of some citizen's votes is diluted, while others are strengthened.

THE UNDERCOUNT

A census is never exact. Invariably, some persons are missed. An undercount is, to some degree or other, inevitable. Nonetheless, the Census Bureau has made considerable progress in reducing it over the years. In 1940, for example, the undercount for the population as a whole was 5.6 percent; by 1980, the total undercount had been reduced to between 1.4 and 1.6 percent. Despite this improvement, the Bureau of the Census continues to miss a significant portion of the population, particularly the nonwhite population, and those living in central cities across the country.

In 1955 the demographer Ansley J. Coale established that the 1950 census missed a substantial proportion of the black population.[3] Subsequently, Jacob Siegel, senior demographic statistician at the Census Bureau, estimated the minority undercount for the 1950 census at 11.5 percent. Though the 1960 census did somewhat better, Siegel has concluded that 9.5 percent of blacks were missed and that the differential between whites and blacks remained pronounced.[4]

In 1966 when I became director of the Joint Center for Urban Studies at MIT and Harvard I asked Prof. David Heer of the Harvard School of Public Health to work with me in planning a conference to publicize the nonwhite undercount in the 1960 census and to foster concern about the problem of obtaining a full enumeration, especially of the urban poor. It was our hope that the public airing of this issue would lead to greater public support for the Census Bureau to obtain the resources to deal with this problem in the 1970 census.

In his introduction to the published report of the conference, Social Statistics and the City (1968), Professor Heer described our planning:

> Daniel P. Moynihan, then Assistant Secretary of Labor, became aware of the findings concerning the underenumeration of nonwhites in the census while preparing his now famous report "The Negro Family: The Case for National Action," which was published in 1965.[5] In the fall of 1966 Moynihan became director of the Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University. In December of that year he asked me if I would plan a conference that would (1) publicize the fact that many Negroes had not been counted in the 1960 census and (2) attempt to arouse national concern about the matter. In further discussion we decided that the proposed conference should be broadened to include not only census underenumeration of Negroes but the adequacy of all official social statistics for Negroes, Puerto Ricans and Mexicans in the United States. In January 1967 the Carnegie Corporation of New York informed us that it was willing to provide financial support for the conference.
>
> A prime aim of the conference was to stimulate public interest in the importance of social statistics for Negroes, Puerto Ricans and Mexicans so that the chief agencies concerned with gathering such statistics—the

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Footnotes at end of article.

U.S. Bureau of the Census and the National Center for Health Statistics—might obtain a more adequate budget from Congress to improve the quality and quantity of data for these groups. With this goal in mind we decided that the conference would have to be held before the fall of 1967, since the Bureau of the Budget was to decide upon the recommended appropriations for the 1970 Decennial Census at that time. The final dates established were June 22 and 23, 1967, and the conference was to be held in Washington, DC.

Among those providing invaluable assistance in planning the conference were Dr. A. Ross Eckler, director of the U.S. Bureau of the Census; Dr. Conrad Taeuber, Assistant Director for Demographic Fields, U.S. Bureau of the Census; and Dr. Anders Lunde, Assistant Director of the Division of Vital Statistics, National Center for Health Statistics, U.S. Public Health Service. It was decided that six papers should be presented on the first day of the conference. On the morning of the second day, the participants would divide into three workshops to discuss recommendations with respect to each of the following topics: First, ways of improving coverage of Negroes, Puerto Ricans, and Mexicans in the census; second, ways of improving vital statistics for those groups; and third, needed additions in available social statistics for the three groups. On the afternoon of the second day, the rapportuers from each of the morning sessions would report the recommendations of their respective panels, and the conference as a whole would then adopt a general series of recommendations.[6]

Since the report was published, the decline in the undercount of minorities has continued. Still, in 1980 it remained disproportionately high. While the undercount for whites and nonblacks in 1980 was an estimated 0.7 percent, a much higher 5.9 percent of all blacks were not counted. Other estimates of the black undercount are even higher. In that census, the Bureau estimates it missed some 1.5 million whites, and 1.67 million blacks. Thus, in 1980, blacks constituted 53 percent of all people missed in the census, even though they made up less than 12 percent of the total population—the official population. Moreover, 1980 was the first time in the history of the census that more blacks than whites were missed.

Some estimates also indicate that perhaps 5.9 percent of all Hispanics are not being counted. And the undercount rates among our central city population are estimated to be the highest. Possibly 6 percent of all central city inhabitants were missed in the 1980 count; 11.3 percent of black central city residents, and 10.3 percent of such Hispanic residents.

Merely increasing the resources available to the Census Bureau is not likely to remedy this differential undercount. The 1990 census was the most expensive in history, but there was still not sufficient money or time to completely train the army of enumerators hired. Finding people qualified to go into some ubran areas remains a difficult problem.

Moreover, the National Academy of Sciences has determined that further coverage improvement programs are likely to be extremely expensive, costing as much as $75 per capita. Prof. Everett S. Lee of the University of Massachusetts forecast this situation when he wrote in our 1968 conference report, "Social Statistics and the City" that:

> [M]ore money will not in itself greatly improve the situation. Traditional census procedures, while highly effective, cannot be expected to provide the additional or better data needed in our effort to deal with the numerous problems posed by the disadvantaged. The Census Bureau has gone about as far as it can go with traditional procedures.[7]

Some analysts even suggest that increasing resources can actually worsen the differential undercount. In 1980, additional resources helped to increase the count of whites more than the count of minorities, thus exacerbating the differential. At a conference held on the 1970 census post enumeration program in October of that year, Bureau Director Vicent Barabba admitted—

> [Y]ou could reduce the 1970 undercoverage level (by augmenting resources), but perhaps increase the differential.[8]

At the same conference, Professor Nathan Keyfitz of Harvard University also stated:

> [A]s the census pushes harder and reduces the undercount it is almost certain to increase the differential of the undercount.[9]

Finally, Jacob Siegel, who also participated in our 1967 conference, remarked:

> Don't be surprised if you get something like an overcount of whites and an undercount of blacks with therefore an impossible-to-compute differential except in absolute terms or something that might go far beyond the 4 to 1 of 1970.[10]

IMPACT OF THE UNDERCOUNT

Estimates vary as to the impact of past undercounts on various communities, and there are divergent views about how an adjustment of the undercount would benefit different areas. But scholars agree that those groups which tend to be undercounted—namely, minorities, the poor, and the homeless—generally reside in the largest cities, and in poor or remote rural areas.

New York State officials estimate that the 1980 census left between 500,000 and 860,000 New Yorkers uncounted; others estimate that a large undercount in New York City was mitigated by a substantial overcount in other parts of the State, leaving a net undercount of some 250,000 people. Double counting of students, individuals with two homes, residential mobility, et cetera, all contribute to the undercount, which is most likely to occur in rural and more affluent areas.

There is general agreement, however, that New York City suffered a substantial undercount—of at least a half million people—and lost one congressional seat as a result.

City officials, extrapolating from 1980 Census Bureau data, estimate the total city undercount at 7.4 percent, with the worst discrepancies in the black and Hispanic counts; 15.2 percent of black New Yorkers were missed, and 12.4 percent of Hispanics in the city may have been missed.

After the 1980 census the city and State of New York obtained a court order requiring the Census Bureau to accept "Were You Counted?" forms, distributed by the Census Bureau but not received within the Bureau's deadline. City officials claim that as a result of this action somewhere between 12,000 and 20,000 additional individuals were included in the final count. This balance, said city officials, saved a congressional seat for New York. Correction of the undercount does matter.

In addition to almost losing a second seat in Congress, city officials believe New York loses annually between $26 and $52 million in Federal and State dollars distributed on the basis of population. Among other cities, Chicago, Detroit, Kansas City, and Los Angeles have each alleged substantial undercounts in the 1980 census, with resulting loss of Federal aid and representation in Congress.

FEASIBILITY OF ADJUSTMENT

Statistical adjustments to remedy this situation are quite feasible. For example, in 1970, the Bureau of the Census imputed almost 5 million additional people into apparently occupied housing, and into the official count. In 1980 over half a million were imputed. Yet, the Department of Commerce—with jurisdiction over the Census Bureau—decided not to adjust the 1990 census for the undercount. Announcing the Department's decision, Dr. Robert Ortner, Under Secretary for Economic Affairs, stated on October 30, 1987:

> Adjustment would be controversial, even among statisticians. Techniques are available to adjust, but there are questions about the validity of their results . . . Different statisticians would employ different models and get different results.[11]

Notwithstanding the Department's official position, the Census Bureau's former Associate Director for Statistical Standards and Methodology, Barbara Bailar, in her capacity as president of the American Statistical Association, stated this:

> [T]he consensus of the statisticians—statisticians from government, industries, and academia, statisticians who have carefully reviewed all the work in this area—is that an adjustment will provide more accurate data on the size, location, and demography of the minority population in this country. It's time to get on with the job.[12]

After making that statement, Ms. Bailar resigned her post in protest over Mr. Ortner's decision. While she opposed adjusting the 1980 census because suitable methodology did not exist, she is now convinced that it does and that the adjustment should be made.

Moreover, a panel of five Census statisticians—Dan Childers, Gregg Diffendal, Howard Hogan, Nathanial Schenker, and Kirk Wolter—published a monograph titled, "The Technical Feasibility of Correcting the 1990 Census," substantiating Bailar's view that adjustment is feasible. Expressing their collective views, and not those of the Census Bureau per se, they concluded:

> [A coverage measurement program exists] in which some weakness remain and must be addressed * * * However, none of the weaknesses or errors are so large as to invalidate the adjustment * * * On this basis, we conclude that it is technically feasible to correct the 1990 census for differential coverage.[13]

A CONSTITUTIONAL OBLIGATION

Since the feasibility of adjustment is widely admitted, the Bureau really does not have a choice about whether to undertake it. In 1967, I wrote in the foreword to "Social Statistics and the City" that:

> [T]he full enumeration of the American population is not simply an optional public service provided by the Government for the use of sales managers, sociologists, and regional planners. It is, rather, the constitutionally mandated process whereby political representation in the Congress is distributed as between different areas of the Nation. It is a matter not of convenience but of the highest seriousness, affecting the very foundations of sovereignty. That being the case there is no lawful course but to provide the Bureau with whatever resouces are necessary to obtain a full enumeration.[14]

After the 1980 census some 50 lawsuits were filed challenging its validity, primarily on the basis of the undercount. The Bureau argued that the words "actual enumeration" restricted it to a literal headcount. Though the Supreme Court has not yet had the opportunity to address the issue, these lower court cases clearly establish, assuming technical feasibility, the constitutional permissibility, if not requirement, of utilizing statistical adjustments to improve the accuracy of census figures used for both apportionment and funding purposes. As the Federal district court in Michigan stated in Young versus Klutznick (1980):

> With the modern knowledge and the scientific techniques available to adjust for the known undercount differentials, and to bring about official population counts that are closer to the truth than those derived from the raw, unadjusted headcount, surely the framers of the Constitution would have intended that such an adjustment be made.[15]

The district court in Young further noted that if an adjustment is necessary in order to obtain a figure that more accurately reflects the actual population, article 1 of the Constitution and the 14th amendment would mandate such an adjustment. Thus, in response to the question of whether a headcount unadjusted for an acknowledged undercount could be used for apportionment and distribution of Federal funds, the district court stated, "The answer is clearly no" and ordered the 1990 census figures to be adjusted.

In 1981, the Sixth Circuit Court of Appeals reversed this decision for unrelated procedural reasons. However, as Judge Keith of the sixth circuit emphasized in his dissent, the district court's "formulation of the law governing this controversy is unassailable." He further noted that:

> Since the sole constitutional function of the decennial census is to provide a population base for reapportionment of congressional districts, the Census Bureau is bound by the Constitution to count people as accurately as possible.[16]

In Carey versus Klutznick (1980), the Federal district court for the southern district of New York held that statistical adjustments to improve the accuracy of the count were:

> [R]equired to prevent an unwarranted dilution of the votes of New York City and New York State residents. *The Constitution requires no less.* (emphasis supplied).[17]

The second circuit reversed the district court on procedural grounds, but in so doing stated "we also agree with the district court that the appellees [the City and State of New York] have demonstrated a likelihood of success on the merits."[18] Specifically, the second circuit affirmed that the Constitution required the Bureau to determine the population as accurately as possible and that statistical adjustments were not prohibited. In so doing, the court restated a principle laid down in 1832 by Daniel Webster in discussing the subject of apportionment:

> That which cannot be done perfectly, must be done in a manner as near perfection as can be. If exactness cannot, from the nature of things, be attained, then the greatest practicable approach to exactness ought to be made.[19]

Most recently, the city and State of New York, joined by several other municipalities and organizations, filed suit on November 7, 1988, to require the Secretary of Commerce to adjust the 1990 census for the undercount. As the case was going to trial, the Secretary agreed to take a fresh, unbiased look at the issue, aided by an eight-member panel of experts. He has until July 15 of this year to announce his decision.

I believe it is time Congress settles the matter appropriately and with statute. It must not be left to the discretion of future Secretaries of Commerce. The Constitution provides that the census shall be made "in such manner as [Congress] shall by law direct." If we do not exercise our constitutional responsibility, the courts will be forced to resolve the undercount problem. However, the prospect of another 50-plus lawsuits challenging the 1990 census is not likely to satisfy either the Bureau or its critics. As the Federal district court in City of Philadelphia versus Klutznick (1980) observed, allowing the courts to address this issue on an ad hoc basis "sacrifice[s] the national [census] program to the exact dangers of local manipulation and bias, no matter how well intentioned, the framers sought to avoid."[20]

THE NEED FOR LEGISLATION

We in Congress and city and State officials concerned about the differential undercount were hoping this problem could be resolved without Federal legislation. Once the 1980 undercount levels were determined, the Census Bureau agreed to study the possibility of undertaking an automatic adjustment of the 1990 census to correct for the inevitable undercount, and to undertake a post enumeration survey, used to estimate the size of the undercount. However, the Bureau has not received the Secretary's permission to actually adjust the count, based on the survey findings, and I do not want to rely on the scales falling from his eyes.

Thus, I see no alternative but to mandate a correction through statute. The purpose of the legislation I offer today is most straightforward: to improve the overall accuracy of the population data collected in the decennial census. It would require the Secretary of Commerce to adjust this and all subsequent decennial censuses to correct for any undercounts or overcounts, using "the most accurate methods available." This corrected data will be the only set of census data, and will be used for all purposes for which such data are needed. As such, this data will be the basis for apportionment of seats in Congress, as well as distribution of Federal aid based on population. The Secretary would be required to notify Congress of his or her plans to adjust at least 6 months prior to each decennial census.

It is up to Congress. A constitutional obligation exists, and the methodology is sufficiently understood. Will we meet this challenge and ensure that each and every citizen receives equal representation and a fair share of Federal funds, or will we allow the courts to do this for us?

I urge the support of my colleagues in this important matter of fairness and equity as provided by our Constitution.

Mr. President, I ask that the text of the bill, and my foreward to "Social Statistics and the City" be inserted in the RECORD following my remarks. I thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL STATISTICS AND THE CITY

FOREWORD

At one point in the course of the 1950's John Kenneth Galbraith observed that it is the statisticians, as much as any single group, who shape public policy, for the simple reason that societies never really become effectively concerned with social problems until they learn to measure them. An unassuming truth, perhaps, but a mighty one, and one that did more than he may know to sustain morale in a number of Washington bureaucracies (hateful word!) during a period when the relevant cabinet officers had on their own reached very much the same conclusion—and distrusted their charges all the more in consequence. For it is one of the ironies of American government that individuals and groups that have been most resistant to liberal social change have quite accurately perceived that social statistics are all too readily transformed into political dynamite, whilst in a curious way the reform temperament has tended to view the whole statistical process as plodding, overcautious, and somehow a brake on progress. (Why must every statistic be accompanied by detailed notes about the size of the "standard error"?)

The answer, of course, is that this is what must be done if the fact is to be accurately stated, and ultimately accepted. But, given this atmosphere of suspicion on the one hand and impatience on the other. It is something of a wonder that the statistical officers of the federal government have with such fortitude and fairness remained faithful to a high intellectual calling, and an even more demanding public trust.

There is no agency of which this is more true than the Bureau of the Census, the first, and still the most important, information-gathering agency of the federal government. For getting on, now, for two centuries, the Census has collected and compiled the essential facts of the American experience. Of late the ten-year cycle has begun to modulate somewhat, and as more and more current reports have been forthcoming, the Census has been quietly transforming itself into a continuously flowing source of information about the American people. In turn, American society has become more and more dependent on it. It would be difficult to find an aspect of public or private life not touched and somehow shaped by Census information. And yet for all this, it is somehow ignored. To declare that the Census is without friends would be absurd. But partisans? When Census appropriations are cut, who bleeds on Capitol Hill or in the Executive Office of the President? The answer is almost everyone in general, and therefore no one in particular. But the result, too often, is the neglect, even the abuse, of an indispensable public institution, which often of late has served better than it has been served.

The papers in this collection, as Professor Heer's introduction explains, were presented at a conference held in June 1967 with the avowed purpose of arousing a measure of public concern about the difficulties encountered by the Census in obtaining a full count of the urban poor, especially perhaps the Negro poor. It became apparent, for example, that in 1960 one-fifth of nonwhite males aged 25–29 had in effect disappeared and had been left out of the Census count altogether. Invisible men. Altogether, one-tenth of the nonwhite population had been "missed." The ramifications of this fact were considerable, and its implications will suggest themselves immediately. It was hoped that a public airing of the issue might lead to greater public support to ensure that the Census would have the resources in 1970 to do what is, after all, its fundamental job, that of counting all the American people. As the reader will see, the scholarly case for providing this support was made with considerable energy and candor. But perhaps the most compelling argument arose from a chance remark by a conference participant to the effect that if the decennial census were not required by the Constitution, the Bureau would doubtless never have survived the economy drives of the nineteenth century. The thought flashed: The full enumeration of the American population is not simply an optional public service provided by government for the use of sales managers, sociologists, and regional planners. It is, rather, the constitutionally mandated process whereby political representation in the Congress is distributed as between different areas of the nation. It is a matter not of convenience but of the highest seriousness, affecting the very foundations of sovereignty. That being the case, there is no lawful course but to provide the Bureau with whatever resources are necessary to obtain a full enumeration. Inasmuch as Negroes and other "minorities" are concentrated in specific urban locations, to undercount significantly the population in those areas is to deny residents their rights under Article I, Section 3 of the Constitution, as well, no doubt, as under Section 1 of the Fourteenth Amendment. Given the further, more recent practice of distributing federal, state, and local categorical aid on the basis not only of the number but also social and economic characteristics of local populations the constitutional case for full enumeration would seem to be further strengthened.

A sound legal case? Others will judge: and possibly one day the courts will decide. But of one thing the conference had no doubt: the common-sense case is irrefutable. America needs to count all its people. (And reciprocally, all its people need to make themselves available to be counted.) But if the legal case adds any strength to the common-sense argument, it reamins only to add that should either of the arguments bring some improvement in the future, it will be but another instance of the generosity of the Carnegie Corporation, which provided funds for the conference and for this publication.

DANIEL P. MOYNIHAN,
Director, Joint Center for Urban Studies.

S. 28

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Decennial Census Improvement Act of 1991".

SEC. 2. AMENDMENTS RELATING TO THE DECENNIAL CENSUS OF POPULATION.

(a) IN GENERAL.—Section 141(a) of title 13, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out "1980" and inserting in lieu thereof "1990";

(3) by striking out "date'," and all that follows thereafter through "surveys." and inserting in lieu thereof "date. Subject to paragraph (2) of this subsection, each such census shall be taken in such form and content as the Secretary may determine, including the use of sampling procedures and special surveys."; and

(4) by adding at the end the following:

"(2) In taking any census under this subsection, including the 1990 census, the Secretary shall adjust the population data to correct for any undercounts or overcounts, using the most accurate methods available. The adjusted population data shall constitute the official census data for all purposes for which decennial census data are used, whether under this title or any other provision of law.".

(b) REPORTING REQUIREMENT.—Section 141(f) of title 13, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking out "paragraph (1) or (2) of this subsection" in subparagraph (C) (as so redesignated by paragraph (2) of this subsection) and inserting in lieu thereof "subparagraph (A) or (B) of this paragraph"; and

(4) by adding at the end the following:

"(2) With respect to each decennial census conducted under subsection (a) of this section, the Secretary shall submit to the committees of Congress having legislative jurisdiction over the census—

"(A) not later than June 30 of the year preceding the appropriate decennial census date, a report containing the Secretary's proposed plan for adjusting population data to correct for any undercounts or overcounts, as required by subsection (a)(2) of this section, including a description of any surveys, sampling, or other statistical procedures proposed to be used, as well as the projected timetable for carrying out any such procedures; and

"(B) after submission of a report under subparagraph (A) of this paragraph, if the Secretary finds new circumstances exist which necessitate that any matter contained in such report be modified, a report containing the proposed modifications, including a detailed statement of justification therefor.".

SEC. 3. CLARIFYING AMENDMENT RELATING TO THE USE OF SAMPLING.

Section 195 of title 13, United States Code, is amended to read as follows:

"§195. Use of sampling

"The Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out this title. In taking a decennial census of population, the use of sampling shall be governed by applicable provisions of section 141 of this title.".

FOOTNOTES

[1] Vol. I, "The Records of the Federal Convention of 1787," (Farrand, Ed. 1911 at p. 580. (Cited in *Westbury* v. *Sanders, U.S. 1, 13 (1964).*

[2] *Westberry* v. *Sanders, 376 U.S. at 18.*

[3] Ansley J. Coale, "The population of the U.S. in 1950 Classified by Age, Sex and Color—A Revision of Census Figures," Journal of the American Statistical Association, (March, 1955), pp. 16–54.

[4] Jacob S. Siegel, "Completeness of Coverage of the Nonwhite Population in the 1960 Census and Current Estimates," in David M. Heer, Ed., "Social Statistics and the City," 1968.

[5] Daniel Patrick Moynihan, Washington, DC: Government Printing Office.

[6] Heer, (Ed.) "Social Statistics in the City," at 2–3.

[7] Everett S. Lee, "Needed Improvements in Census Data Collection Procedures with Special Reference to the Disadvantaged," in Heer (Ed.) at 99.

[8] Eugene P. Ericksen, in the testimony before the Senate Committee on Government Affairs, Subcommittee on Energy, Nuclear Proliferation and Government Processes, (September 4, 1986,) p. 12.

[9] Id.

[10] Id.

[11] Statement by Dr. Robert Ortner, Under Secretary for Economic Affairs, on the 1990 census, October 30, 1987.

[12] Dr. Barbara Bailer, President, American Statistical Association, in speech to the Association's 1987 Meeting: "Statistical Practice and Research: The Essential Interactions," August 1987.

[13] D. Childers; G. Diffendal; H. Hogan; N. Schenker and K. Wolter, Bureau of the Census, "The Technical Feasibility of Correcting the 1990 Census," (1987).

[14] Heer, (Ed), "Social Statistics and the City," at v.

[15] 497 F. Supp. 1318, 1334 (E.D. Mich. 1980).

[16] *Young* v. *Klutznick*, 652 F.2d 617, 636 (6th Cir. 1981).

[17] *Carey* v. *Klutznick*, 508 F. Supp. 420, 432–433 (S.D. N.Y. 1980).

[18] *Carey* v. *Klutznick*, 637 F. 2d 834, 839 (2d Cir. 1980).

[19] Senate Report, 22d Congress, 1st session, Doc. No. 119, pp. 4, 7, (1832).

[20] 503 F. Supp. 663, 674 (E.D. Pa. 1980).

By Mr. MOYNIHAN (for himself, Mr. AKAKA, Mr. BRADLEY, and Mr. HATFIELD):

S. 29. A bill to amend title XIX of the Social Security Act to permit coverage of residential drug treatment for pregnant women and certain family members under the Medicaid program, and for other purposes; to the Committee on Finance.

MEDICAID DRUG TREATMENT FOR FAMILIES ACT

Mr. MOYNIHAN. Mr. President, today I rise to introduce the Medicaid Drug Treatment for Families Act of 1991, legislation that would permit coverage of residential drug treatment for pregnant women and certain family members under the Medicaid Program. My distinguished colleagues, Mr. AKAKA, Mr. BRADLEY and Mr. HATFIELD join me as original cosponsors.

For some time now, we in Congress have been about the business of redefining our approach to the crack epidemic. We need to balance our resources between reducing drug demand and reducing drug supply. In the Anti-Drug Abuse Act of 1988, we put into statute that our goal was to provide treatment to all those requesting it. For too long we relied only upon law enforcement to cope with what is also a medical emergency.

Treatment is what is most needed by pregnant women and mothers. Their drug problems are particularly insidious, affecting not only themselves, but also their children. Addiction is passed from one generation to another. Hundreds of thousands of children in the United States are prenatally exposed to illicit drugs. And drug-exposed children face overwhelming problems. Brain damage, premature delivery, low birthweight and withdrawal symptoms, to name a few. Saddest of all, these misfortunate children are being abandoned by their mothers in growing numbers. Where the heroin epidemic of the 1960's gave us the single parent family, the "crack" epidemic of the 1980's has given us the no-parent child.

Unfortunately, there are few avenues of help open to drug-addicted mothers and mothers-to-be. A recent survey conducted by the National Association of State Alcohol and Drug Abuse Directors found that of the estimated 4 million women needing drug abuse treatment, only about one-seventh receive it. Of the quarter million pregnant women needing treatment, only one-eighth receive it.

Mr. President, I would call attention to a recent study prepared by the General Accounting Office entitled "Drug Exposed Infants: A Generation at Risk," which stated:

> With additional federal funding, the large gap between the number of women who could benefit from drug treatment and the number of residential and outpatient slots available could be reduced. . . . These include:
>
> Requiring states to include substance abuse treatment as part of the package of services available to pregnant women under Medicaid.

Our bill would do just that. It would permit, at State option, Federal Medicaid reimbursement for certain case-managed, substance abuse treatment services provided in residential settings for pregnant women whose incomes are below 185 percent of the Federal poverty line. Substance abuse treatment services would continue for 12 months post partum. And not only could pregnant women receive Federally reimbursable substance abuse treatment, but also Medicaid-eligible parents and children.

Residential drug treatment programs would be required to provide certain services including: individual, group, and family substance abuse counseling; substance abuse education and treatment provided pursuant to individualized treatment plans; HIV prevention education; family support services; parenting skills training and, where appropriate, domestic violence counseling and sexual abuse counseling; child care, either onsite or off through contract; room and board with onsite supervision 24 hours per day; counseling services to assist in the transition to independent living; and staff training programs on a continuing basis. In addition, programs would be required to refer clients to other service providers, when necessary.

All required services would be reimbursed through Medicaid, except child care which would be paid for under title IV of the Social Security Act. For pregnant women, services would be reimbursable for 1 year post partum. For everyone else, for no more than 12 months.

While we believe it is important that facilities be limited in size and scale, we also recognize that providers as well as States must have the flexibility to determine, with the approval of the Secretary of Health and Human Services, the size of the residential centers. Our bill limits the size of residential treatment facilities to no more than 40 beds unless the States assure the Secretary that the requisite services will be provided in larger facilities.

If we intend to eliminate the pathology associated with drug addiction, then we must invest our energies in solutions that work. There is no better place to start than with pregnant women. Treatment of them helps two lives.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Drug Treatment for Families Act of 1991".

SEC. 2. MEDICAID COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN AND FAMILY MEMBERS.

(a) OPTIONAL COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by the Omnibus Budget and Reconciliation Act of 1990, is further amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (21),

(B) in paragraph (24) by striking the comma at the end and inserting a semicolon;

(C) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23) respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(D) by inserting after paragraph (23) as redesignated the following new paragraph:

"(24) alcoholism and drug dependency treatment services (as defined in subsection (t) and alcoholism and drug dependency residential treatment services (as defined in subsection (u)); and";

(2) in the matter following paragraph (25), as so redesignated—

(A) in subparagraph (A), by striking "or"

(B) in subparagraph (B)—

(i) by inserting "(other than services described in paragraph (22))" after "care or services"; and

(ii) by striking the period and inserting "; or", and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) any such payments with respect to alcoholism and drug dependency residential treatment services under paragraph (24) for individuals not described in subsection (u)(6)"; and

(3) by adding at the end the following new subsections:

"(t) The term 'alcoholism and drug dependency treatment services' means—

"(1) inpatient alcoholism and drug dependency treatment services (including counseling) provided by a hospital or by any other entity authorized by the State to provide such treatment; and

"(2) outpatient alcoholism and drug dependency treatment services (including counseling) provided by a hospital or by any other entity authorized by the State to provide such treatment.

"(u)(1) The term 'alcoholism and drug dependency residential treatment services' means (subject to the limitations described in paragraph (5) of this subsection), the required services described in paragraph (3), which shall be provided in a coordinated manner either—

"(A) directly, or

"(B) by contract by a residential treatment facility that meets the requirements of paragraph (3).

"(2) For purposes of this title, alcoholism and drug dependency residential treatment services shall be considered to be pregnancy-related prenatal care services.

"(3) For purposes of paragraph (1), the required services described in this paragraph are as follows:

"(A) Individual, group, and family counseling, including—

"(i) addiction education and treatment, provided pursuant to individualized treatment plans (including opportunity for involvement in Alcoholics Anonymous and Narcotics Anonymous;

"(ii) parenting skills training,

"(iii) education concerning prevention of HIV infection, and

"(iv) domestic violence counseling and sexual abuse counseling (in cases where such counseling is appropriate).

"(B) Room and board in a structured environment with on-site supervision 24 hours-a-day.

"(C) Therapeutic child care (as defined by the Secretary), where appropriate.

"(D) Assisting parents in obtaining access to—

"(i) developmental services (to the extent available) for the pre-school age children of such parents;

"(ii) public education for the school-age children of such parents (including providing assistance in enrollment in school); and

"(iii) public education (with respect to such parents who have not completed a high school education).

"(D) Facilitating access to health and social services, where appropriate and to the extent available, including—

"(i) services provide under title V,

"(ii) services and nutritional supplements provided under section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)),

"(iii) services provided by Federally qualified health centers, outpatient pediatric services, well-baby care, and early and periodic screening, diagnostic, and

"(iv) treatment services (as defined in subsection (r)).

"(E) Planning for and counseling to assist reentry into society, including—

"(i) to the extent such programs are available, referrals to appropriate educational, vocational, and other employment-related programs (including the Job Opportunities and Basic Skills Training Program under part F of title IV),

"(ii) referrals to appropriate outpatient treatment and counseling, and

"(iii) referrals to transitional housing, and assistance in obtaining suitable affordable housing and employment upon discharge.

"(F) Continuing specialized training for the staff members of residential treatment facilities with respect to the special needs of residents of such facilities and the children of such residents, designed to inform such staff members of the most recent and most effective treatment techniques.

"(4)(A) The requirements of this paragraph with respect to a facility are as follows:

"(i) Each State agency that administers alcohol and drug abuse prevention and treatment activities and programs has certified to the single State agency under section 1902(a)(5) that the facility—

"(I) is able to provide, either directly or by contract, the services described in paragraph (3); and

"(II) meets the State licensing or certification requirements applicable to the facility.

"(ii) The facility that provides the residential services described in paragraph (3) is not licensed as a hospital, and—

"(I) has no more than 40 beds, or

"(II) has more than 40 beds the State provides assurances in an approved State plan demonstrating that—

"(aa) such facilities are capable of providing the services described in paragraph (3); and

"(bb) the State shall ensure that such services are provided by such facilities.

"(B) A facility may restrict the age of children who may receive services in the facility described in paragraph (5)(B) or (5)(C) and may restrict the number of such children that may accompany each mother or caretaker parent (except that the facility may not restrict the number of such children so as to prohibit one child from accompanying each mother).

"(5)(A) Subject to subparagraph (B), services described in paragraph (3) shall be covered in the amount, duration and scope medically required for each eligible individual in need of such services (as defined and determined by the Secretary).

"(B) Except as provided in subparagraph (C), with respect to an individual covered under a State plan, such State plan shall provide coverage of alcoholism and drug dependency residential treatment services for a period, if the period is not less than 12 months.

"(C) Nothing in this subsection shall be construed so as to prevent a State from requiring prior authorization and utilization review with respect to alcoholism and drug dependency residential treatment services to ensure that such services are appropriate and medically necessary.

"(6) A State plan shall limit coverage under the plan of alcoholism and drug dependency residential treatment services under subsection (a)(22) to the following individuals (who are otherwise eligible for medical assistance under this title):

"(A) Women during pregnancy, and until the end of the 1-year period following the end of the pregnancy.

"(B) Children of a woman described in subparagraph (A).

"(C) At the option of a State, the caretaker parent of a child of a woman described in subparagraph (A).

"(7) Notwithstanding any other provision of this title, a State plan for medical assistance may provide for medical assistance for alcoholism and drug dependency residential treatment services with respect to an individual described in subparagraph (B) or (C) of paragraph (5) who—

"(A) is the child or spouse of a woman described in subparagraph (A) of such paragraph; and

"(B) is not otherwise eligible for medical assistance under the plan during the period of time described in subparagraph (A) of such paragraph.".

(b) Optional Coverage of Caretaker Parents.—Section 1902(a)(10) of such Act as amended by the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1396a(a)(1)) is further amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by adding "and" at the end of subparagraph (F); and

(3) by inserting before the matter at the end thereof the following new subparagraph:

"(G) that the medical assistance made available to individuals who are parents of a child eligible for medical assistance under a State plan and who are eligible for medical assistance under subclause (I), (III), or (V) of clause (i) of subparagraph (A), under subclause (I), (II), or (III) of clause (ii) of such subparagraph, or under subparagraph (C), may include alcoholism and drug dependency residential treatment services (as defined in section 1905(u)) notwithstanding the exclusion from coverage for individuals in institutions for mental diseases under section 1905(a), without making such alcoholism and drug dependency residential treatment services available to other groups covered by the State plan (notwithstanding subparagraph (B));".

(c) Payment on a Cost-Related Basis.—Section 1902(a)(13) of such Act (42 U.S.C 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subparagraph (E),

(2) by adding "and" at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

"(G) for payment for alcoholism and drug dependency residential treatment services that—

"(i) the State determines (and provides assurances satisfactory to the Secretary) to be reasonable and adequate to meet the cost of efficiently and economically operating facilities to provide services that conform with applicable State and Federal laws and regulations, including any quality and safety standards; and

"(ii) to assure that individuals eligible for such services have reasonable access to such services;".

(d) Case Management Services.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended—

(1) by striking "and" at the end of paragraph (54);

(2) in paragraph (55) inserted by section 4602(a)(3) of the Omnibus Budget Reconciliation Act of 1990, by striking the period at the end and inserting a semicolon;

(3) by redesignating paragraph (55) inserted by section 4604(b)(3) of the Omnibus Budget Reconciliation Act of 1990 as paragraph (56), by transferring and inserting it after paragraph (55) inserted by section 4602(a)(3) of such Act, and by striking the period at the end and inserting a semicolon;

(4) by placing paragraphs (57) and (58), inserted by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990, immediately after paragraph (56), as redesignated by paragraph (3);

(5) in paragraph (58) inserted by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990, by striking the period at the end and inserting a semicolon;

(6) by redesignating paragraph (58) inserted by section 4752(c)(1)(C) of the Omnibus Budget Reconciliation Act of 1990 as paragraph (59), by transferring and inserting it after paragraph (58) inserted by section 4751(a)(1)(C) of such Act and by striking the period at the end and inserting "; and"; and

(7) by inserting after paragraph (59) as so redesignated the following new paragraph:

"(60) if the State plan includes, as medical assistance, alcoholism and drug dependency residential treatment services, provide—

"(A) with respect to each eligible individual who requests such services, for a case management evaluation of the needs of the eligible individual and the family of the eligible individual (as determined by the Secretary), to be conducted prior to the provision of such services, including—

"(i) an assessment of the necessity and desirability of providing the alcoholism and drug dependency residential treatment services;

"(ii) the adequacy of the services described in clause (i) to meet the health needs of the individual at the time of such case management evaluation and to promote the maximum level of physical, psychological, and emotional well-being with respect to such individual;

"(iii) the feasibility of meeting such needs through alternative institutional or non-institutional services, as defined by the Secretary, (to be provided as medical assistance to the extent that such alternative services are included as medical assistance under the State plan); and

"(iv) upon completion of the initial case management evaluation, referral to the alternative services in the case where a determination is made that such services meet the needs of the individual and the family of such individual; and

"(B) with respect to each eligible individual who receives such alcoholism and drug dependency residential treatment services, for a regular program of periodic case management review of the continued need for such services, including—

"(i) an assessment of the necessity and desirability of continuing to provide such services;

"(ii) the adequacy of such services in meeting the health needs of the eligible individual at the time of such review to promote the maximum level of physical, psychological, and emotional well-being with respect to such individual;

"(iii) the feasibility of meeting such needs through alternative institutional or non-institutional services, as defined by the Secretary, (to be provided as medical assistance to the extent that such alternative services are included as medical assistance under the State plan); and

"(iv) upon completion of the case management review, referral to the alternative services in the case where a determination is made that such services meet the needs of the individual and the family of such individual.".

(e) CHILD CARE UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Section 402(g)(1)(A)(i) of such Act (42 U.S.C. 602(g)(1)(A)(i)) is amended—

(1) by striking "and" at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(III) for each individual described in paragraph (6) of section 1905(u), who receives alcoholism and drug dependency residential treatment services (as defined in paragraph (1) of such section) for which medical assistance is made available under a State plan under title XIX, to the extent the State agency (described in section 1902(a)(5)) determines such services to be necessary for a member of the family of such eligible individual.".

(f) CONFORMING AMENDMENTS.—

(1) CLARIFICATION OF CONTINUATION OF ELIGIBILITY FOR 12 MONTHS FOLLOWING END OF PREGNANCY.—Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(A) in subsection (e)(5), by inserting before the period at the end the following: ", and, with respect to alcoholism and drug dependency residential treatment services (if covered under the plan), through the end of the month in which the 1-year period (beginning on the last day of her pregnancy) ends"; and

(B) in subsection (l)(1)(A), by inserting "and, with respect to alcoholism and drug dependency residential treatment services (if covered under the plan) through the end of the month in which the 1-year period, beginning on the last day of her pregnancy, ends" after "last day of pregnancy".

(2) REDESIGNATIONS.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended—

(A) in subsection (a)(10)(C)(iv), by striking "(21)" and inserting "(24)", and

(B) in subsection (j), by striking "(22)" and inserting "(25)".

(f) EFFECTIVE DATE; TRANSITION.—

(1) The amendments made by this section apply to alcoholism and drug dependency residential treatment services furnished on or after January 1, 1992, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State under title XIX of the Social Security Act in regards to alcoholism and drug dependency residential treatment services (as defined in section 1905(t)(1) of such Act) made available under such title on or after January 1, 1992, before the date the Secretary issues final regulations to carry out the amendments made by this section, if the services are provided under its plan in good faith compliance with such amendments.

By Mr. MOYNIHAN:

S. 30. A bill to mandate a study of the effectiveness of the National Drug Strategy and to provide for an accounting of funds devoted to its implementation; to the Committee on Labor and Human Resources.

STUDY OF THE NATIONAL DRUG STRATEGY

Mr. MOYNIHAN. Mr. President, last fall, I noted that the Congress has never mandated a comprehensive examination of our anti-drug efforts to identify the most useful, cost-efficient methods. Today, I reintroduce a bill to require such a study.

In 1988 I co-chaired a Democratic Working Group on drug policy with our esteemed colleague Senator NUNN. The Group developed a comprehensive approach which was written into law as the Anti-Drug Abuse Act of 1988. This bill distinguished between the problems of supply and demand for illegal drugs. Significantly, it emphasized demand.

I have long been skeptical of anti-drug programs that place their primary emphasis on an attempt to interrupt the supply of drugs. To be sure, anti-supply programs have their place, but as long as there is significant demand, restricting the supply has the adverse effect of making the drug business more profitable for those who succeed in circumventing the law. There will always be those who try.

The point here is that the plan proposed by the Democratic Working Group embodied a broad approach. It included law enforcement and interdiction, but also emphasized the importance of providing treatment on request or application.

Last year the administration issued a White Paper which, for all intents and purposes, rejects the specific, legislatively mandated goal of providing treatment on request. Former Director Bennett said that he thinks it is not sensible to put those seeking treatment in the driver's seat. Never mind the fact that Congress wrote that goal into the law.

The administration's hostility toward treatment on request is all the more reason that we should conduct a thorough, non-partisan, scientific review of what actually works—dollar for dollar—and what does not. As we approach and perhaps exceed the $10 billion level in annual drug program appropriations, it is high time that we ask the simple question: "What works?"

Research is an important part of the President's drug strategy, for which I commend him. But we need a comprehensive review of all of our efforts. If we are to succeed—especially in this time of fiscal constraint—in reducing the level of epidemic drug addiction in the United States, then we need to compare the various possible approaches and make intelligent, informed choices among the competing priorities. As I said last October, the study mandated by this legislation in the sine qua non of making these choices in an intelligent manner.

This legislation would require the Secretary of Health and Human Services to arrange for the National Academy of Sciences to conduct this study. It also provides for an annual audit report of our drug programs by the General Accounting Office.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) there is great disagreement concerning the causes of the problem of epidemic drug addiction in the United States and about the most effective way to reduce it;

(2) one of the factors which most inhibits an effective response to the problem of epidemic drug addiction in the United States is the lack of accurate information concerning both the problem and the specific effectiveness of each individual element of the Nation's anti-drug effort;

(3) evaluating the effectiveness of the individual elements of the Federal program to reduce epidemic drug abuse requires accurately establishing cause and effect relationship concerning drug addiction;

(4) the United States has promulgated a National Drug Strategy pursuant to the requirements of the 1988 Anti-Drug Abuse Act and will devote many billions of dollars to anti-drug programs for many years to come; and

(5) it is in the interests of the Nation that these funds be spent as effectively as possible and that a permanent mechanism exist to audit their expenditure.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) require a study of the effectiveness of federally funded anti-drug programs; and

(2) create a permanent auditing mechanism for federally funded anti-drug programs.

SEC. 3. STUDY OF ANTI-DRUG PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to as the "Secretary") shall enter into appropriate arrangements with the National Academy of

Sciences to conduct a comprehensive study and investigation of the effectiveness in reducing drug addiction of the various components of the Federal anti-drug program, including—

(1) crop eradication;

(2) crop substitution;

(3) support for foreign law enforcement;

(4) interdiction, including a separate analysis of the effectiveness of the military services in the interdiction effort;

(5) education;

(6) treatment;

(7) support for local law enforcement;

(8) criminal justice system reforms; and

(9) research, including a separate analysis of effectiveness of pharmacological research and research into other types of medical treatments for drug addiction.

(b) METHODOLOGY.—The study described in subsection (a) shall to the maximum extent possible—

(1) control for the effects of broad societal changes unrelated to specific anti-drug initiatives, such as changing demographic patterns;

(2) separate the effects of such component of the Federal anti-drug program from the effects of other anti-drug initiatives;

(3) consider the extent to which the expenditure of Federal funds on job training, education, and other health, education, and welfare programs contribute to reducing epidemic drug addiction;

(4) study the cost-effectiveness of each component of the Federal anti-drug program, as well as the programs described in subsection (b)(3); and

(5) take into account the social and demographic factors which influence rates and forms of epidemic drug addiction and provide, where possible, information on the effectiveness of the various components of the Federal anti-drug program on various demographic subgroups within the population.

(c) REPORTING.—In conducting the study described in subsection (a), the National Academy of Sciences shall provide to the Secretary and the Congress—

(1) not later than 6 months after the date of enactment of this Act a detailed written description of the manner in which the study will be conducted, including a specific set of goals for the study;

(2) not later than 18 months after the date of enactment of this Act the preliminary results of the study; and

(3) not later than 2 years after the date of enactment of this Act the final results of the study.

(d) UPDATE OF STUDY.—The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to update the results of the study described in subsection (a) every 2 years following the initial report.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—Agencies of the Federal Government shall provide to the National Academy of Sciences such information as it may reasonably request for the purpose of conducting the study described in subsection (a).

SEC. 4. AUDIT BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall provide to the Congress on an annual basis an audit report concerning the management and expenditures of the component parts of the Federal anti-drug program.

(b) SEPARATE COMPONENTS.—The report described in (a) shall contain a separate section on each of the component parts of the Federal anti-drug program.

(c) ACCESS TO RECORDS.—In order to carry out the purposes of this section, the Comptroller General shall have such access to records, files, personnel, and facilities of the Federal agencies involved in the Federal anti-drug program, including the military and intelligence services, as he considers necessary.

By Mr. MOYNIHAN:

S. 31. A bill to establish a national program to identify contaminated sediments in the Great Lakes and in coastal waters and to restore the quality of those sediments; to the Committee on Environment and Public Works.

GREAT LAKES AND COASTAL SEDIMENT ASSESSMENT AND RESTORATION ACT

Mr. MOYNIHAN. Mr. President, I rise today to reintroduce a bill entitled "The Great Lakes and Coastal Sediment Assessment and Restoration Act." A long name for a bill that addresses a complex subject. I originally introduced this bill in the last Congress. Hearings were held in the Environment and Public Works Committee, but unfortunately, Congress adjourned before final action on the bill could occur.

I believe this bill to be the first serious effort to address the matter of sediment contamination. Such sites have been identified in a number of States, although very little has been done about them. In a few, cleanups have been planned, but none has progressed very far. The sites that have received attention have been treated as Superfund cases. In large part, the structure of Superfund is unsuited to underwater contamination, and no cleanup has been done.

To get these sites cleaned up, we must determine the extent to which sediment pollution problems are present and may be affecting water quality in the Nation's lakes, rivers, harbors, and other water bodies. We have a lot to learn. To date, there has not been a comprehensive survey of contaminated aquatic sediments.

The problem is staggering given the historic use of waterways as disposal areas. The United States have 39.4 million acres of lakes, 1.8 million miles, and hundreds of thousands of square miles of near-shore, Continental Shelf habitat. Even if only a small percentage of these have polluted sediments, and we suspect many do, we will need a major effort to correct them.

More than any other, one serious problem has obstructed attempts to deal with contaminated sediments. This is what to do with contaminated material once it is found. Do we move it? Try to treat it in place? Leave it alone? The truth of the matter is we just don't know. To fill the gaps in our understanding, this bill proposes to establish a program of research and development for the management of contaminated sediments. We have the ability to do these things. We have made some progress toward the understanding of toxic waste sites on land. Let us do the same for those under water.

Mr. President, the Clean Water Act has set standards for ongoing toxic pollution discharge into our waters. The Superfund Program and its site designation system has focused on direct human health hazards on land. Unfortunately, neither deals directly with the problems caused by contaminated sediments, and neither helps to document or mitigate them. Many standards exits for acceptable water quality, but none are in place to defend unacceptable sediment quality. My bill would correct this situation by directing the Administrator of the Environmental Protection Agency to develop sediment quality criteria and standards.

With the start of industrialization, the simplest and most common method of disposal for any particular industrial waste product was to dump it into the nearest body of water. Out of sight was truly out of mind, and this has left us with an unknown number of underwater slag heaps.

The U.S. Army Corps of Engineers and the Environmental Protection Agency need to develop guidelines for sediment restoration. Once those guidelines are established, the corps should be directed to implement restoration techniques on identified projects. The corps has a long history of maintaining the harbors and channels, and it would not seem unreasonable that while conducting maintenance work, the corps addresses contaminated work, the corps addresses contaminated sediment problems, as well.

Mr. President, contaminated sediments can be cleaned up. This is a worthy effort and one we ought not delay.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the business was ordered to be printed in the RECORD, as follows:

S. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Great Lakes and Coastal Sediment Assessment and Restoration Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. National Sediment Contamination Task Force.
Sec. 5. Sediment survey and monitoring.
Sec. 6. Sediment restoration research.
Sec. 7. Sediment quality criteria and standards.
Sec. 8. Sediment restoration guidelines.
Sec. 9. Sediment restoration project identification.
Sec. 10. Sediment restoration project statements.
Sec. 11. Contaminated sediment account.
Sec. 12. Intergovernmental coordination.
Sec. 13. Authorizations.

PURPOSE

SEC. 2. The purposes of this Act are to—

(a) establish a national program of research and technology development for the management, removal, and restoration of contaminated sediment;

(b) provide for a comprehensive national survey of sediment contamination in Great Lakes and coastal waters of the United States;

(c) direct the Environmental Protection Agency to develop sediment quality criteria and standards to clearly identify sediments which are contaminated;

(d) direct the Environmental Protection Agency and the Army Corps of Engineers to develop guidelines for the implementation of contaminated sediment restoration projects; and

(e) to direct the United States Army Corps of Engineers to implement contaminated sediment restoration projects in certain areas.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Secretary" means the Assistant Secretary of the Army for Civil Works.

(3) The terms "coastal waters" or "coastal waterbody" refer to estuaries, waters of the estuarine zone, and any other waters seaward of the historic height of tidal influence to the outer boundary of the territorial sea.

(4) The term "Great Lakes" has the meaning established in subparagraph 118(a)(3)(B) of the Federal Water Pollution Control Act.

(5) The term "Great Lake and coastal sediment" refers to sediments underlying Great Lake and coastal waters.

(6) The term "contaminant" means any solid, liquid, semisolid, dissolved solid, gaseous material or disease causing agent which upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

(7) The term "Great Lakes and coastal States" means States which border on waters of the Great Lakes or coastal waters.

(8) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

(9) The terms "release", "remedial action", and "hazardous substance" shall have the meaning provided in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act as amended.

NATIONAL CONTAMINATED SEDIMENT TASK FORCE

SEC. 4. (a) ESTABLISHMENT.—There is established a National Contaminated Sediment Task Force.

(b) FUNCTIONS.—The Task Force shall—

(1) advise the Administrator and the Secretary in the implementation of this Act;

(2) review and comment on reports concerning the extent and seriousness of sediment contamination throughout the Nation;

(3) oversee programs for the research and development of sediment restoration methods, practices, and technologies;

(4) monitor the selection of contaminants for development of sediment criteria and standards and the schedule for the development of such criteria and standards;

(5) advise appropriate officials in the development of guidelines for restoration of contaminated sediment; and

(6) oversee the implementation of sediment restoration projects.

(c) MEMBERSHIP.—(1) The membership of the Task Force shall include representatives of—

(A) the Environmental Protection Agency;

(B) the Army Corps of Engineers;

(C) the National Oceanic and Atmospheric Administration;

(D) the Fish and Wildlife Service;

(E) the Geological Survey; and

(F) the Department of Agriculture.

(2) Ex officio members of the Task Force shall be selected by the Administrator, with the concurrence of the Secretary, and shall include—

(A) not less than three representatives of Great Lakes and coastal states;

(B) not less than three representatives of Great Lakes and coastal ports and harbors; and

(C) not less than three representatives of environmental organizations with a demonstrated interest in sediment contamination.

(3) The Administrator and the Secretary shall serve as cochairmen of the Task Force.

(d) SUPPORT.—Such clerical and technical assistance as may be necessary to discharge the duties of the Task Force shall be provided for by personnel of the Environmental Protection Agency and the Army Corps of Engineers.

(e) COMPENSATION.—The ex officio members of the Task Force shall, while attending meetings or conferences of the Task Force, be compensated at a rate to be fixed by the co-Chairmen, but not to exceed the daily equivalent of the base rate of pay in effect for grade GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Task Force. While away from their homes or regular places of business in the performance of services for the Task Force such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

SEDIMENT SURVEY AND MONITORING

SEC. 5. (a) NATIONAL SEDIMENT CONTAMINATION SURVEY.—Section 115 of the Federal Water Pollution Control Act (33 U.S.C. 1265) is amended by—

(1) inserting "(a)" following "Section 115"; and

(2) adding at the end thereof the following:

"NATIONAL SEDIMENT CONTAMINATION SURVEY

"(b)(1) The Administrator of the Environmental Protection Agency shall conduct a comprehensive national survey of data regarding bottom sediment contamination in Great Lakes and coastal waters of the United States. The administrator shall compile all existing information on the quantity, chemical and physical makeup, and geographic location of contaminated sediments, including the probable source of contamination.

"(2) Not later than twenty-four months after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall report to Congress the findings of such survey.".

(b) AUTHORITY.—The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with the Secretary, shall conduct a program to further identify and monitor contaminated sediments in the Great Lakes and coastal waters.

(c) PROGRAM ELEMENTS.—The monitoring program conducted pursuant to this section shall, at a minimum—

(1) identify the location of contaminated sediments in Great Lakes and coastal sediments;

(2) identify the extent of contamination of sediments and whether contaminants are present in concentrations in excess of standards adopted pursuant to section 7 of this Act;

(3) establish the methods and protocols for monitoring the physical, chemical, and biological effects of contaminated sediments;

(4) develop a system for the management, storage, and dissemination of data concerning sediment quality;

(5) provide an assessment of sediment quality trends over time; and

(6) identify locations where contaminated sediments may pose a threat to the quality of drinking water supplies.

SEDIMENT RESTORATION RESEARCH

SEC. 6. (a) AUTHORITY.—The Administrator and the Secretary shall conduct research related to the restoration of contaminated sediments.

(b) AREAS OF INVESTIGATION.—The Administrator and the Secretary shall conduct or assist research, investigations, studies, surveys and demonstrations with respect to, but not limited to—

(1) the range of contaminants found in sediments and the location of such contaminated sediments;

(2) the effects of sediment contaminants on aquatic ecosystems, and aquatic life;

(3) the effect of sediment contaminants on human health as a result of direct exposure, exposure through the food chain, and any other exposure;

(4) the effects of sediment contaminants on water quality;

(5) methods for the measurement and assessment of contaminants in sediments including sediment classification methodologies;

(6) processes effecting sediment cohesion, resuspension and deposition and modeling of sediment transport;

(7) transport of sediment in aquatic environments, including partitioning of contaminants among sediments, soils, water, organisms, and atmosphere;

(8) practices, methods, techniques, and processes for removal of contaminants in sediment;

(9) practices, methods, techniques, and processes for in place management of contaminants in sediment; and

(10) practices, methods, techniques, and processes for treatment of contaminants in sediment including bioremediation, chemical treatment, and thermal destruction.

(c) RESEARCH PLAN.—Within one year of the date of enactment of this Act, and biennally thereafter, the Administrator and Secretary, in consultation with the Task Force established pursuant to section 4 of this Act, shall prepare and submit to the Congress a report describing research conducted under this section in the previous three fiscal years and identifying research priorities for the following three fiscal years.

SEDIMENT CRITERIA AND STANDARDS

SEC. 7. (a) CRITERIA.—(1) The Administrator shall publish criteria and information for contaminants in Great Lake and coastal sediment.

(2) Criteria documents published pursuant to this section shall provide information on the impacts of the contaminant on human health and the aquatic environment and shall be sufficient to support the promulgation of sediment standards pursuant to this section.

(3) In the case of any pollutant for which criteria and information are published pursuant to subsection 304(a) of the Federal Water Pollution Control Act, the Administrator shall, within twelve months of the date of enactment of this Act, revise and republish such criteria and information as necessary to support the development of sediment standards pursuant to this section.

(4) In the case of a pollutant for which criteria and information have not been published, any person may petition the Administrator to develop and publish such criteria for Great Lake and coast sediment. Any petitioner shall provide evidence of the negative effect of the pollutant on human health and the aquatic environment. The Administrator shall approve the petition if he determines that the pollutant is preventing the attainment of a balanced, indigenous population of fish, shellfish, and wildlife or preventing recreation in and on the Great Lakes or coastal waters of three or more States. Within Six months of the receipt of a petition, the Administrator shall publish a notice in the Federal Register approving or denying the petition. If the Administrator fails to announce a decision pursuant to this paragraph, such petition shall be deemed approved. In the case of approval of a petition pursuant to this paragraph, the Administrator shall, within twenty-four months of the date of such decision publish criteria and information for such pollutant pursuant to this section.

(b) SEDIMENT QUALITY STANDARDS.—(1) The Administration shall promulgate numerical standards for Great Lake and coastal sediment quality.

(2) Standards promulgated pursuant to this section shall assure the protection of human health and the protection and propagation of a balanced, indigenous population of fish, shellfish and wildlife and provide for recreation in and on the water.

(3) The Administrator shall promulgate sediment standards for contaminants for which sediment criteria are published pursuant to this section at the time such criteria are published, but in one case later than three months of the date of publication of such criteria.

(4) The Administrator may establish by regulation, and in consultation with the Task Force established pursuant to section 4 of this Act, a method of assessing the extent and seriousness of sediment contamination which recognizes the cumulative effect of individual contaminants and provides a comprehensive perspective on the ecological and human health impacts of such contaminants. Such methods shall be applied in addition to, and not in place of, numerical contaminant standards established pursuant to this section.

SEDIMENT RESTORATION GUIDELINES

SEC. 8. (a) AUTHORITY.—The Administrator, in cooperation with the Secretary, shall within twenty-four months of the date of enactment of this Act, publish guidelines for restoration of contaminated sediment.

(b) RESTORATION ALTERNATIVES.—(1) Guidelines published pursuant to this section shall address methods and practices of contaminated sediment restoration and management.

(2) At a minimum, guidelines shall be published addressing—

(A) removal of contaminated material and disposal at an upland site;

(B) removal of contaminated sediment and disposal of such material at an aquatic disposal site;

(C) in-place management of contaminated sediment including capping, sediment solidification, and sediment stabilization;

(D) chemical treatment of contaminated sediment;

(E) bioremediation of contaminated sediment; and

(F) thermal destruction of sediment contaminants.

(3) The Administrator may develop and publish guidelines for additional sediment restoration methods.

(c) CONTENTS.—Guidelines published pursuant to this section shall—

(1) describe the best available technique for the implementation of the restoration method or practice;

(2) identify practices to mitigate impacts on other environmental media;

(3) identify the expected period of effectiveness of the restoration practice or method;

(4) identify the expected costs of implementing the restoration practice or method in a range of circumstances; and

(5) establish minimum standards for determining the short and long term effectiveness of the practice or method.

(4) REVIEW AND REVISION.—The Administrator shall review and revise guidelines published pursuant to this section not less often then every five years.

SEDIMENT RESTORATION PROJECT IDENTIFICATION

SEC. 9. (a) CONTAMINATION ASSESSEMENT.—(1) In the case of any project to be conducted by the Secretary in waters of the Great Lakes or coastal waters in whole or in part with funds from the Harbor Maintenance Trust Fund established pursuant to section 9505 of subchapter A of chapter 98 of the Internal Revenue Code of 1954, the Secretary shall conduct tests of sediment to determine whether there are present in sediment to be dredged contaminants in concentrations in excess of standards adopted pursuant to section 7 of this Act.

(2) In any case in which the Secretary determines, pursuant to paragraph (1) of this subsection, that material to be dredged is contaminated, the Secretary shall conduct such additional surveys and tests as necessary to determine, pursuant to section 7 of this Act, the extent and degree of contamination in sediment in the area adjacent to any sediment to be dredged and, at a minimum, shall determine the degree of contamination of sediment in the area within two thousand five hundred feet of the outer boundry of the area to be dredged.

(3) In any case in which the Secretary determines that sediment adjacent to sediment to be dredged or within two thousand five hundred feet of the outer boundary of the area to be dredged is contaminated pursuant to section 7, the Secretary shall expand the project scope and boundary of the project to include the area of contamination.

(4) In any case where the Secretary determines pursuant to paragraph (1) of this subsection that sediment is contaminated, the Secretary shall prepare a Sediment Restoration Project Statement pursuant to section 10 of this Act and shall implement such project in accordance with such statement.

(b) DEMONSTRATION PROJECTS.—(1) Within one year of the date of enactment of this Act and in each of the following four years, the Administrator, in consultation with the Secretary, shall identify a sediment restoration project which will demonstrate the development of innovative and effective sediment restoration technology, measures, and practices including technology, measures, and practices developed pursuant to section 6 of this Act.

(2) Projects identified pursuant to this section shall be in the water of the Great Lakes or coastal waters and shall be at sites other than sites at which a project funded with funds from the Harbor Maintenance Trust Fund may be implemented.

(3) The Administrator shall assure that, of the sediment restoration demonstration sites identified pursuant to this subsection, not less than one site shall be—

(A) in the waters of the Great Lakes,

(B) in coastal waters of the Gulf of Mexico, and

(C) Onondaga Lake, New York.

(4) Within one year of the identification of a project pursuant to this subsection, the Secretary shall complete a Sediment Restoration Project Statement pursuant to section 11 of this Act. The Secretary shall begin implementation of the Sediment Restoration Project Statement within one year of approval of such statement.

SEDIMENT RESTORATION PROJECT STATEMENTS

SEC. 10. (a) AUTHORITY.—The Secretary, in consultation with the Administrator, shall develop Sediment Restoration Project Statements in which contaminated sediment is identified pursuant to section 9 of this Act.

(b) ELEMENTS.—Statements prepared pursuant to this section shall include, at a minimum—

(1) identification of the contaminants present in the sediments and a statement of the standard of clean up to be achieved for the contaminant;

(2) assessment of restoration, treatment, and management alternatives applicable to the site, including an assessment of environmental impacts expected to be caused by implementation of an alternative;

(3) selection of the restoration and management practices which will assure attainment of applicable sediment quality standards at the least cost;

(4) monitoring necessary to determine the long term effectiveness of the restoration project; and

(5) identification of sources of contaminants in the sediment and recommendations for revisions to pollution control programs, including any permits issued pursuant to section 402 of the Clean Water Act or any nonpoint pollution control programs approved pursuant to section 319 of the Clean Water Act, which are necessary to assure that contamination in the sediment does not exceed the standards established pursuant to section 8 of this Act.

(c) MINIMUM REQUIREMENTS.—Any restoration program developed pursuant to this section shall, at a minimum—

(1) be consistent with the guidelines developed pursuant to section 8 of this Act;

(2) assure the attainment and maintenance of sediment quality standards established pursuant to section 8 of this Act;

(3) assure that, following project completion, sediments will not cause the violation of any water quality standard adopted pursuant to section 303 of the Federal Water Pol-

lution Control Act, or where no such standard has been adopted for such contaminant, the criteria for a contaminant published pursuant to section 304 of such Act; and

(4) be consistent with all applicable Federal laws and regulations, including requirements for land disposal of wastes.

(d) SELECTION.—In selecting a contaminated sediment restoration option, the Secretary shall—

(1) give preference to restoration options in which treatment which will permanently and significantly reduce the volume, toxicity and mobility of contaminated sediment is a principal element; and

(2) provide for a cost-effective response, taking into account the total short and long-term costs of such actions, including the costs of operation and maintenance for the entire period for which such activities will be required.

(e) PUBLIC REVIEW.—The Secretary shall provide for public review and comment on draft Sediment Restoration Project Statements. At a minimum, the Secretary shall—

(1) hold not less than one public hearing in the State in which the project is located to hear comments on the draft statement; and

(2) include in the statement a summary of the comments on the draft statement and any changes made to the statement in response to the comments.

(f) CONSISTENCY.—A project implemented pursuant to a Sediment Restoration Project Statement shall be deemed to be consistent with the National Contingency Plan of the Comprehensive Environmental Response, Compensation, and Liability Act for the purposes of determining liability for the costs of restoration.

(g) APPROVAL.—The Secretary shall provide a copy of a final proposed Sediment Restoration Project Statement to the Administrator and the Governor of the affected State.

(2) The Administrator shall, within ninety days, approve such statement or make such amendments or revisions to such statement which, in the judgement of the Administrator, are necessary to assure the protection of human health and the environment and to comply with the requirements of this section and the objectives of this Act. If the Administrator has not acted pursuant to this paragraph within the prescribed time, such statement shall be deemed approved.

(3) The Governor of a State shall, within ninety days, approve such statement or make such amendments or revisions to such statement which, in the judgement of the Governor, are necessary to assure protection of human health and the environment and to comply with the requirements of State law. If the Governor has not acted pursuant to this paragraph within the prescribed time, such statement shall be deemed approved.

CONTAMINATED SEDIMENT ACCOUNT

SEC. 11. (a) Section 210(a) of the Water Resources Development Act of 1986 is amended by—

(1) striking out "and" at the end of paragraph (1);

(2) striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof; and

(3) adding a new paragraph (3), as follows:

"(3) from the Contaminated Sediment Account, 100 percent of the costs of implementing the Great Lakes and Coastal Sediment Assessment and Restoration Act.".

(b) Section 9505 of the Internal Revenue Code of 1986 is amended by—

(1) inserting "which shall contain a separate 'Contaminated Sediment Account'," in subsection (a) before "consisting";

(2) inserting ", provided that the Secretary shall deposit 8 percent of amounts received from the Treasury in the Contaminated Sediment Account" before the period at the end of subsection (b); and

(3) by striking from subsection (c) the portion in parenthesis.

INTERGOVERNMENTAL COORDINATION

SEC. 12. (a) STATE CERTIFICATION.—Projects conducted pursuant to this Act shall be considered a Federal activity requiring a permit or license for the purposes of state certification pursuant to section 401 of the Federal Water Pollution Control Act.

(b) STATE REQUIREMENTS.—Nothing in this Act shall prevent or preclude a State from establishing a more stringent standard or limitation with respect to the removal, disposal, or management, or contaminated sediment.

(c) OTHER LAWS.—Nothing in this Act shall preempt or preclude authorities to restore the quality of sediment pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) There are hereby authorized to be appropriated to the Administrator from the Contaminated Sediment Account—

(1) $2,000,000 for the purposes of implementing subsection 5(a), relating to a National Contaminated Sediment Survey; and

(2) $10,000,000 for the purpose of implementing sections 4, 5 [other than subsection (b)], 6, 7, 8, 9, and 10.

(b) There are hereby authorized to be appropriated to the Secretary from the Contaminated Sediment Account—

(1) $10,000,000 for the purposes of carrying out sections 4, 5, 6, 8, and 9; and

(2) such sums as may be available in such account for the purposes of carrying out section 10.

By Mr. DOLE (for himself and Mr. WARNER):

S. 32. A bill to increase the rate of special pension payable to persons on the Medal of Honor Roll, and for other purposes; to the Committee on Veterans' Affairs.

SPECIAL PENSION FOR THOSE AWARDED THE MEDAL OF HONOR

Mr. DOLE. Mr. President, I rise today to introduce the bill that will increase the special pension for those living members of the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll.

This special roll is unique in our Nation. It is a register of those awarded our Nation's highest military honor. They are Americans that come from every part of the country and from all walks of life.

They are truck drivers and corporate presidents. They are doctors and farmers. They are our neighbors and our associates, such as our distinguished colleague from Nebraska, Senator BOB KERREY, who was awarded the Medal of Honor for his action in Vietnam. The Medal of Honor roll represents the values of courage and service to our Nation that is above and beyond the call of duty.

These men did not ask what was in it for them when the crisis appeared. They did not look for a way out. They will explain that they were only doing their duty, or that they were reacting to the situation.

They will give credit to those that were with them and will tell you to remember those that they left behind. But each one of them found the moral strength and physical courage to make the supreme sacrifice when confronted with a choice of personnel safety or death. That decision was made for many reasons and in many different situations. But when that moment came, they did what had to be done. There is no record of the lives saved through their action and courage, but it is clear to anyone who reads the names on the honor roll, what the cost was to those heros—for the fact is that the vast majority of the Medal of Honors are awarded posthumously.

Today, there are only 211 survivors whose names appear on that honor roll. It is unfortunate fact that over 60 of them are actually living below the poverty line. In my view, that is wrong, and I believe that it is time we correct it.

Under title 38 of the United States Code, surviving members of the Medal of Honor receive a nontransferable pension of $200 per month. That pension has not been adjusted in over 10 years and that $200 is equivalent to about $50 a month in today's economy. The cost of this new pension will be approximately $2 million more to the Federal Government then the old plan. In these times of tight budgets, there may be some who feel that the cost is to high—but Mr. President, I don't. These 211 Americans heros have not asked for a thing. It is the nature of those that have the courage to be listed on the Medal of Honor roll that they would not ask of the Nation that they gave so much to.

I believe that it is our responsibility to remember that those 211 Americans answered the call when our Nation demanded the supreme sacrifice. I ask my colleagues to join with us to take this opportunity for our Nation to show its appreciation.

By Mr. MOYNIHAN (for himself, Mr. BENTSEN, Mr. PRYOR, Mr. RIEGLE, Mr. BRADLEY, Mr. DECONCINI, Mr. HATFIELD, Mr. SANFORD, and Mr. CONRAD):

S. 33. A bill to establish the Social Security Administration as an independent agency, and for other purposes; to the Committee on Finance.

ESTABLISHMENT OF SOCIAL SECURITY ADMINISTRATION AS AN INDEPENDENT AGENCY

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Social Security Administrative Reform Act of 1991, legislation to remove the Social Security Administration from the Department of Health and Human Services and establish it as an independent agency in the executive branch. The new independent agency would be responsible for administering the Old-Age, Survivors and Disability Insurance Program and the Supplemental Security Income Program. It would be governed by a commissioner, appointed by the President for a 4-year term. The bill also provides for a bipartisan, part-time advisory board to make recommendations on policy issues. Two other positions would be created: those of beneficiary ombudsman and chief administrative law judge.

Independence is not a new idea—just one lately forgotten. The original Social Security Act of 1935 established an independent Social Security Board to administer the Old-Age Insurance Program. In 1939, the Social Security program was made part of the Federal Security Agency, where it remained until 1953. At that time, the Social Security Administration was brought under the aegis of the newly formed Department of Health, Education and Welfare which in 1977 became the Department of Health and Human Services. There it has remained.

Placing Social Security into a larger Federal agency may have made sense when the Social Security program was still small. But the program has grown dramatically over the years. Today, Social Security is responsible for monthly payments to almost 40 million beneficiaries and maintains records for more than 125 million contributors. It has more than 1,300 offices around the country. Its annual budget accounts for 20 percent of all federal outlays.

Simply put, the Social Security Administration has outgrown the Department of Health and Human Services. Indeed, Social Security represents 57 percent of Health and Human Services' staff, 62 percent of its expenditures. By budget outlays, Social Security is the second largest agency in the Federal Government, after only the Pentagon. It is time Social Security were made independent.

Independence under this bill would offer several advantages. First, by providing a statutory term for the Commissioner, we would provide sorely needed stability in leadership. In the 14 years I have been on the Finance Committee, there have been 10 Commissioners at the Social Security Administration. This instability at the top has been disruptive and hampered effective management of policy development. Also, the bipartisan advisory board provided for in the bill would help insulate the Social Security Administration from just the sort of political and budget-drive ideology that plagued it during the past decade. Such problems included: the wrongful termination of hundreds of thousands of disability benefits, excessive staff cuts, backlogs in administrative appeals, and violations of the privacy of Social Security numbers, to name a few.

Further, the proposed structure would improve administrative efficiency by eliminating layers of review. In 1989, Robert J. Myers, former Chief Actuary of the Social Security Administration, and former Deputy Commissioner, testified that a remedy he proposed in 1981 for the nettlesome "notch" problem "never surfaced from the layers of review" at the Social Security Administration. With fast action on his proposal, the notch problem might have been circumvented. Instead, it became the so-called "issue from Hell" during the Iowa presidential primary.

Perhaps most importantly, independent agency status, by correcting the problems that have recently hurt the Social Security Administration, would help restore the agency's reputation for efficiency and fairness, and would help rebuild public confidence in the system.

The idea to make the Social Security Administration independent is a good one. It was endorsed in the January 1982 report of the bipartisan National Commission on Social Security Reform, on which I served with with the distinguished Republican leader, Senator DOLE. The Finance Committee approved this identical legislation in 1989, following hearings before the Social Security Subcommittee.

I urge my colleagues to join with me in support of this important initiative, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 33

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF SOCIAL SECURITY ACT; SHORT TITLE.

(a) AMENDMENT OF SOCIAL SECURITY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(b) SHORT TITLE.—This Act may be cited as the "Social Security Administrative Reform Act of 1991.".

TITLE I—ESTABLISHMENT

SEC. 101. ESTABLISHMENT OF SOCIAL SECURITY ADMINISTRATION AS A SEPARATE, INDEPENDENT AGENCY.

Section 701 (42 U.S.C. 901) is amended to read as follows:

"SOCIAL SECURITY ADMINISTRATION

"SEC. 701. There is hereby established, as an independent agency in the executive branch of the Government a Social Security Administration (hereafter in this title referred to as the 'Administration'). It shall be the duty of the Administration to administer the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI.".

SEC. 102. COMMISSIONER OF SOCIAL SECURITY AND OTHER OFFICERS.

Section 702 (42 U.S.C. 902) is amended to read as follows:

"COMMISSIONER AND OTHER OFFICERS

"Commissioner of Social Security

"SEC. 702. (a)(1) There shall be in the Administration a Commissioner of Social Security (hereinafter in this title referred to as the 'Commissioner') who shall be appointed by the President, with the advice and consent of the Senate.

"(2) The Commissioner shall be compensated at the rate provided for level I of the Executive Schedule.

"(3) The Commissioner shall be appointed for a term of 4 years coincident with the term of the President, or until the appointment of a qualified successor.

"(4) The Commissioner shall be selected on the basis of proven competence as a manager.

"(5) The Commissioner shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

"(6) The Commissioner may prescribe such rules and regulations as the Commissioner determines necessary or appropriate to carry out the functions of the Administration. The regulations prescribed by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

"(7) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Administration as the Commissioner considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit, component, or provision provided for by this Act.

"(8) The Commissioner may, with respect to the administration of the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(9) The Commissioner and the Secretary shall consult, on an ongoing basis, to ensure—

"(A) the coordination of the programs, administered by the Commissioner, as described in section 701, with the programs administered by the Secretary under titles XVIII and XIX of this Act; and

"(B) that adequate information concerning benefits under such titles XVIII and XIX shall be available to the public.

"Deputy Commissioner of Social Security

"(b)(1) There shall be in the Administration a Deputy Commissioner of Social Security (hereafter in this title referred to as the 'Deputy Commissioner') who shall be appointed by the President, with the advice and consent of the Senate.

"(2) The Deputy Commissioner shall be appointed for a term of 4 years coincident with the term of the Commissioner, or until the appointment of a qualified successor.

"(3) The Deputy Commissioner shall be compensated at the rate provided for level III of the Executive Schedule.

"(4) The Deputy Commissioner shall perform such duties and exercise such powers as the Commissioner shall from time to time assign or delegate. The Deputy Commissioner shall be Acting Commissioner of the Administration during the absence or disability of the Commissioner and, unless the President designates another officer of the Government as Acting Commissioner, in the event of a vacancy in the office of the Commissioner.

"Solicitor

"(c)(1) There shall be in the Administration a Solicitor, who shall be appointed by and serve at the pleasure of the Commissioner. The Solicitor shall be the principal legal officer in the Administration.

"(2) The Solicitor shall be compensated at the rate provided for level IV of the Executive Schedule.

"(3) The Solicitor shall be responsible for managing the litigation of the Administration.

"Inspector General

"(d)(1) There shall be in the Administration an Office of the Inspector General. Such Office shall be headed by an Inspector General appointed in accordance with the Inspector General Act of 1978.

"(2) The Inspector General shall be compensated at the rate provided for level IV of the Executive Schedule.

"Beneficiary Ombudsman

"(e)(1) There shall be in the Administration an Office of the Beneficiary Ombudsman, to be headed by a Beneficiary Ombudsman appointed by the Commissioner.

"(2) The Beneficiary Ombudsman shall be appointed for a term of 5 years, except that the individual first appointed to the office of Beneficiary Ombudsman shall be appointed for a term ending September 30, 1996. An individual appointed to a term of office as Beneficiary Ombudsman after the commencement of such term may serve under such appointment only for the remainder of such term. An individual may, at the request of the Commissioner, serve as Beneficiary Ombudsman after the expiration of the term of such individual for not more than 1 year until a successor has taken office. An individual may be appointed as Beneficiary Ombudsman for additional terms.

"(3) The duties of the Beneficiary Ombudsman are as follows:

"(A) to represent within the decision-making process of the Administration the interests and concerns of beneficiaries (and potential beneficiaries) under the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI;

"(B) to review the policies and procedures of the Administration for possible adverse effects on such beneficiaries and potential beneficiaries;

"(C) to recommend within the decision-making process of the Administration changes in policies which have caused problems for such beneficiaries and potential beneficiaries;

"(D) to help resolve the problems under such programs of individual beneficiaries and potential beneficiaries in unusual or difficult circumstances as determined by the Commissioner; and

"(E) to represent within the decision-making process of the Administration the views of beneficiaries in the design of forms and the issuance of instructions.

"(5) The Commissioner shall ensure that the Office of the Beneficiary Ombudsman has staff sufficient to enable the Beneficiary Ombudsman to efficiently carry out the duties of the Office.

"(6) The annual report of the Commissioner under section 705 shall include a description of the activities of the Beneficiary Ombudsman.

"Chief Administrative Law Judge

"(f)(1) There shall be in the Administration an Office of the Chief Administrative Law Judge (hereinafter referred to as the 'Office'). The Office shall be headed by a Chief Administrative Law Judge. All functions in the Administration relating to hearings before an administrative law judge conducted in the Administration shall be under the operational control of the Chief Administrative Law Judge.

"(2) The Chief Administrative Law Judge described in paragraph (1) shall be appointed by the Commissioner in accordance with the procedures under this subsection, and shall oversee the activities of administrative law judges that conduct business in the Administration to ensure that such administrative law judges conduct hearings and any other administrative activities for the Administration in accordance with applicable laws and regulations.

"(3) To be eligible for appointment as Chief Administrative Law Judge, an individual shall have completed not less than 3 years of employment as an administrative law judge.

"(4) Prior to the appointment of a Chief Administrative Law Judge under this subsection, the Commissioner shall appoint a Nominating Panel (hereinafter referred to as the 'Panel') not less than 90 days before such appointment. Each Panel shall be comprised of such individuals as the Commissioner determines to be appropriate and the Commissioner shall offer an appointment to the Panel to each of the following:

"(A) The Chairman of the Administrative Conference of the United States, or an individual representing the interests of the Administrative Conference of the United States.

"(B) The President of the American Bar Association, or an individual representing the interests of the American Bar Association.

"(C) The President of the Federal Bar Association, or an individual representing the interests of the Federal Bar Association.

"(D) Other individuals whom the Commissioner determines to be appropriate.

"(5) Members of the Panel shall be appointed for a term which shall terminate as specified under paragraph (13). A vacancy of the Panel shall be filled in the same manner as the initial appointment was made.

"(6) Members of the Panel who are not full-time Federal employees shall, while engaging in the business of the Panel (including travel time) be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the daily rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

"(7) While away from their homes or regular places of business on the business of the Panel, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(8) To the extent allowed by law, the head of each department and agency of the United States Government shall, upon the request of the Commissioner, provide information, assistance, and support to assist the functions of the Panel.

"(9) The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Panel.

"(10) The Commissioner shall supply such necessary office facilities, office supplies, support services, and related expenses as necessary to carry out the functions of the Panel.

"(11) The Panel shall submit to the Commissioner a list of 3 individuals who meet the requirements under paragraph (3) and whom the Panel determines to be qualified to serve as Chief Administrative Law Judge. Such list shall be submitted to the Commissioner as follows:

"(A) For the initial appointment of the Chief Administrative Law Judge, such list shall be submitted within 30 days after the appointment of the Panel under paragraph (4) and, notwithstanding the 90-day time period described in paragraph (4), such initial appointment may be made at any time thereafter.

"(B) For an appointment to fill a vacancy that occurs before the completion of a term of the office of the Chief Administrative Law Judge, such list shall be submitted not more than 60 days after the Panel receives notice from the Commissioner of such vacancy.

"(C) For an appointment upon the expiration of a term of office of the Chief Administrative Law Judge, such list shall be submitted not less than 60 days before the date of expiration of such term of office.

"(12) The Commissioner may accept or reject a list submitted under paragraph (11). If the Commissioner rejects such list, the Commissioner shall appoint a Chief Administrative Law Judge, and send to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a written explanation of such decision to select an individual not included on such list to serve as Chief Administrative Law Judge.

"(13) A Panel appointed under this subsection shall cease to exist upon the selection by the Commissioner of an individual for appointment as Chief Administrative Law Judge.

"(14) For purposes of a reappointment of a Chief Administrative Law Judge by the Commissioner, paragraphs (4), (11), and (12), of this subsection shall not apply.

"(15) The Chief Administrative Law Judge shall report directly to the Commissioner, and shall serve for a term of 5 years, or until the reappointment of such Judge, or the appointment of a qualified successor.

"(16) Except as provided in paragraph (17), such Chief Administrative Law Judge shall not be removed from office by the Commissioner before the completion of the term of the appointment.

"(17) The Chief Administrative Law Judge may be removed from office by the Commissioner before completing the term of appointment if—

"(A) the Commissioner makes a finding, with respect to the Chief Administrative Law Judge, of neglect of duty or malfeasance in conducting the duties of the office; and

"(B) the Commissioner transmits such finding to the Speaker of the House and to the President pro tempore of the Senate.

"(18) The Chief Administrative Law Judge shall be compensated at the rate provided for level V of the Executive Schedule.

"Chief of Computer Systems Operations

"(g)(1) There shall be in the Administration a Chief of Computer Systems Operations, who shall be appointed by and serve at the pleasure of the Commissioner.

"(2) The Chief of Computer Systems Operations shall be compensated at the rate provided for level IV of the Executive Schedule.

"Chief Actuary

"(h)(1) There shall be in the Administration a Chief Actuary.

"(2) The position of Chief Actuary shall be a Senior Executive Service Position under the provisions of subchapter 2 of chapter 31 of title V, United States Code.

"(3) The Chief Actuary shall consult, on an ongoing basis, with the following:

"(A) the Commissioner.

"(B) the Chairman of the Committee on Finance in the Senate; and

"(C) the Chairman of the Committee on Ways and Means in the House of Representatives,

concerning the financial status of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

SEC. 103. SOCIAL SECURITY ADVISORY BOARD.

Section 703 (42 U.S.C. 903) is amended to read as follows:

"SOCIAL SECURITY ADVISORY BOARD

"Establishment of Board

"SEC. 703. (a) There shall be established a Social Security Advisory Board (hereinafter referred to as the 'Board').

"Functions of the Board

"(b) The Board shall advise the Commissioner on policies related to the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and on operations in the Administration. Specific functions of the Board shall include—

"(1) studying and making recommendations as to the most effective methods of providing economic security through Federal old-age, survivors, and disability insurance benefits under title II and supplemental security income benefits under title XVI;

"(2) studying and making recommendations relating to the coordination of other programs that provide economic and health security with programs described in paragraph (1);

"(3) making an independent assessment of the annual report issued by the Board of Trustees, as described in section 201, and issuing a report to the President and to the Congress summarizing such assessment;

"(4) making recommendations to the President of candidates to consider in selecting nominees for the position of Commissioner and Deputy Commissioner;

"(5) reviewing and assessing the quality of service that the Administration provides to the public;

"(6) making an annual assessment of the adequacy of computer technology of the Administration for support of program operations;

"(7) reviewing and assessing the progress of the Administration in developing needed improvements in the management of programs;

"(8) increasing public understanding of the social security system;

"(9) in consultation with the Commissioner, reviewing the development and implementation of a long-range research and program evaluation plan for the Administration;

"(10) reviewing and assessing any major studies of social security as may come to the attention of the Board; and

"(11) conducting such other reviews and assessments that the Board determines to be appropriate.

"Structure and Membership of the Board

"(c) The Board shall be composed of 9 members who shall be appointed as follows:

"(1) 5 members shall be appointed by the President, with the advice and consent of the Senate. Not more than 3 of such members shall be from the same political party.

"(2) 2 members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Senate Committee on Finance.

"(3) 2 members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the House Committee on Ways and Means.

"Terms of Appointment

"(d) Each member of the Board shall serve for a term of 6 years, except that—

"(1) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

"(2) the terms of service of the members initially appointed under this section shall expire as follows:

"(A) The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

"(i) 2 years;

"(ii) 3 years;

"(iii) 4 years;

"(iv) 5 years; and

"(v) 6 years.

"(B) The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

"(i) 4 years; and

"(ii) 6 years.

"(C) The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

"(i) 3 years; and

"(ii) 5 years.

"Chairman

"(e) A member of the Board shall be designated by the President to serve as Chairman for a term of 4 years.

"Compensation

"(f) Members of the Board shall be compensated as follows:

"(1) Members shall be paid at a rate equal to 25 percent of the rate for level III of the Executive Schedule.

"(2) For days when the Board or any authorized subcommittee of the Board meets, members who attend meetings on such days shall receive additional compensation in an amount equal to the daily equivalent of the rate for level III of the Executive Schedule.

"(3) Service on the Board shall not be treated as Federal service or employment for purposes of receiving any benefits under chapters 83, 84, 87, and 89 of title 5, United States Code.

"Meetings

"(g) The Board shall meet not less than 6 times each year to consider a specific agenda of issues.

"Federal Advisory Committee Act

"(h) The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"Personnel

"(i)(1) The Board shall, without regard to title 5, United States Code, appoint a Staff Director who shall be paid at a rate equivalent to the rate for the Senior Executive Service.

"(2) The Board is authorized, without regard to title 5, United States Code, to appoint and fix the compensation of such additional personnel as the Board determines to be necessary to carry out the functions of the Board.

"(3) In fixing the compensation of additional personnel under paragraph (2), the Board shall not authorize that any individual appointed under such paragraph be compensated at a rate that is greater than the rate of compensation of the Staff Director described in paragraph (1)."

"Authorization of Appropriation

"(j) There are authorized to be made available for expenditure, out of the Federal Disability Insurance Trust Fund and the Federal Old Age and Survivors Insurance Trust Fund such sums as the Congress may deem appropriate to carry out the purposes of this section."

SEC. 104. PERSONNEL; BUDGETARY MATTERS; FACILITIES AND PROCUREMENT; SEAL OF OFFICE.

(a) IN GENERAL.—Title VII is amended by redesignating sections 704 through 711 as sections 705 through 712, respectively, and by inserting after section 703 the following new section:

"ADMINISTRATIVE DUTIES OF THE COMMISSIONER

"Personnel

"SEC. 704. (a)(1) The Commissioner shall appoint such additional officers and employees as the Commissioner considers necessary to carry out the functions of the Administration under this Act. Except as otherwise provided in any other provision of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

"(2) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(3) Notwithstanding any requirements of section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Administration a total number of Senior Executive Service positions which is substantially greater than the number of such positions authorized in the Social Security Administration in the Department of Health and Human Services as of immediately before the date of the enactment of the Social Security Administrative Reform Act of 1991 to the extent that the greater number of such authorized positions is specified in the comprehensive work force plan as established and revised by the Commissioner under subsection (b)(1). The total number of such positions authorized for the Administration shall not at any time be less then the number of such authorized positions as of immediately before such date.

"(4) The authority and functions of the Office of Personnel Management under section 4703 of title 5, United States Code (relating to demonstration projects), to the extent such section relates to the demonstration project described in subsection (b) of section

104 of the Social Security Administrative Reform Act of 1991, shall be exercised jointly by the Commissioner and the Director of the Office of Personnel Management.

"Budgetary Matters

"(b)(1) Appropriations requests for staffing and personnel of the Administration shall be based upon a comprehensive work force plan, which shall be established and revised from time to time by the Commissioner.

"(2) Appropriations for administrative expenses of the Administration are authorized to be provided on a biennial basis.

"(3) Funds appropriated for the Administration to be available on a contingency basis shall be apportioned upon the occurence of the stipulated contingency, as determined by the Commissioner and reported to each House of the Congress.

"Employment Restriction

"(c) The number of positions in the Administration which may be excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of such positions may not exceed at any time the equivalent of 10 full-time positions.

"Seal of Office

"(d) The Commissioner shall cause a seal of office to be made for the Administration of such design as the Commissioner shall approve. Judicial notice shall be taken of such seal.".

(b) Demonstration Projects Relating to Personnel Matters.—As soon as practicable after June 30, 1992, the Commissioner of Social Security and the Director of the Office of Personnel Management shall jointly implement one or more demonstration projects under this subsection. Under each such project, for the period of its duration (which shall not exceed 6 years)—

(1) the Commissioner of Social Security may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical and professional employees who possess specific knowledge in the field of computer systems and such other fields as the Commissioner and the Director of the Office of Personnel Management consider appropriate whose compensation may be fixed by the Commissioner without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that such employees may not be paid at a rate in excess of the rate payable for level IV of the Executive Schedule;

(2) the Director of the Office of Personnel Management shall delegate to the Commissioner of Social Security (pursuant to section 1104 of title 5, United States Code, and subject to applicable limitations under such title relating to delegations under such section) functions relating to—

(A) recruitment and examination programs for entry level employees; and

(B) classificiation and standards development systems and pay ranges for these job categories identified by the Commissioner in assuming such delegation; and

(3) the Commissioner may increase the rates of pay under the General Schedule for certain employment positions in the Administration in certain geographic regions if the Commissioner determines that in such geographic regions, with respect to the national average for the Administration—

(A) the level of difficulty of recruiting qualified individuals to fill such employment positions is higher than average; and

(B) the rate of retention of such qualified individuals is lower than average.

The Comptroller General of the United States, the Director of the Office of Personnel Management, and the Commissioner of Social Security shall each issue a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than December 31, 1995. Such reports shall include an evaluation of the readiness of the Commissioner of Social Security to assume permanent and full authority over the functions described in paragraphs (1), (2), and (3).

(c) Demonstration Projects Relating to Delegation From Administrator of General Services.—As soon as practicable after June 30, 1992, the Commissioner of Social Security and the Administrator of General Services shall jointly implement one or more demonstration projects under this subsection. Under each such project, for the period of its duration (which shall not exceed 6 years), the Commissioner of Social Security shall have—

(1) all authorities permitted to be delegated under the provisions of Federal law codified under title 40 of the United States Code, relating to the acquisition, operation, and maintenance of the facilities needed for the administration of programs for which the Commissioner is given responsibility under the Social Security Act;

(2) all authorities permitted to be delegated under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), relating to the lease, purchase, or maintenance of automated data processing equipment; and

(3) the authority to contract for any automated data processing equipment or services which the Commissioner considers necessary for the efficient and effective operation of such programs.

The Comptroller General of the United States, the Administrator of General Services, and the Commissioner of Social Security shall each issue a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than December 31, 1995. Such reports shall include an evaluation of the readiness of the Commissioner of Social Security to assume permanent and full authority over the functions described in paragraphs (1), (2), and (3).

SEC. 105. TRANSFERS TO THE NEW SOCIAL SECURITY ADMINISTRATION.

(a) Functions.—There are transferred to the Social Security Administration all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Administration by reason of this Act and the amendments made thereby. The Commissioner of Social Security shall allocate such functions in accordance with sections 701, 702, 703, and 704 of the Social Security Act.

(b) Personnel, Assets, Etc.—(1) There are transferred from the Department of Health and Human Services to the Social Security Administration, for appropriate allocation by the Commissioner of Social Security in the Social Security Administration—

(A) the personnel employed in connection with the functions transferred by this Act and the amendments made thereby; and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(3) Any individual who is an employee of the Department and who was not employed on January 1, 1991, in connection with functions transferred by this Act to the Administration, but who was so employed on June 30, 1992, may be transferred from the Department of Health and Human Services to the Social Security Administration by the Commissioner under subparagraph (A) of paragraph (1), after consultation with the Secretary of Health and Human Services, if the Commissioner determines such transfer to be appropriate.

(4) Any individual who is an employee of the Department and who was employed on July 1, 1990, in connection with functions transferred by this Act to the Administration shall be transferred from the Department of Health and Human Services to the Social Security Administration.

(c) Abolishment of Office of Commissioner in the Department of Health and Human Services.—Effective upon the appointment of a Commissioner of Social Security pursuant to section 702 of the Social Security Act (as amended by this Act)—

(1) the position of Commissioner of Social Security in the Department of Health and Human Services is abolished; and

(2) section 5315 of title 5, United States Code, is amended by striking the following:

"Commissioner of Social Security, Department of Health and Human Services.".

SEC. 106. TRANSITIONAL RULES.

(a) Interim Authority for Appointment and Compensation.—At any time on or after the date of enactment of this Act—

(1) any of the officers provided for in section 702 of the Social Security Act (as amended by this Act) may be nominated and appointed, as provided in such section; and

(2) the Commissioner of Social Security may prescribe regulations providing for the orderly transfer of proceedings before the Secretary of Health and Human Services to the Commissioner of Social Security.

Funds available to any official or component of the Department of Health and Human Services, functions of which are transferred to the Commissioner of Social Security or the Social Security Administration by this Act, may with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this seciton until such time as funds for that purpose are otherwise available.

(b) Continuation of Orders, Determinations, Rules, Regulations, Etc.—All orders, determinations, rules, regulations, permits, contracts, collective bargaining agreements (and ongoing negotiations relating to such collective bargaining agreements), recognitions of labor organizations, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or the Secretary's delegate), and (B) which relate to functions which, by reason of this Act, the amendments made thereby, and regulations prescribed thereunder, are vested in the Commissioner of Social Security; and

(2) which are in effect immediately before July 1, 1992,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Commissioner.

(c) CONTINUATION OF PROCEEDINGS.—The provisions of this act (including the amendments made thereby) shall not affect any proceeding pending before the Secretary of Health and Human Services immediately before July 1, 1992, with respect to functions vested (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) in the Commissioner of Social Security, except that such proceedings, to the extent that such proceedings relate to such functions, shall continue before such Commissioner. Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Commissioner, by a court of competent jurisdiction, or by operation of law.

(d) CONTINUATION OF SUITS.—Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to July 1, 1992; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in such officer's official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this Act. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Administration, or such official of such Administration as may be appropriate, and, in any litigation pending immediately before July 1, 1992, the court may at any time, on the court's own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties.)

(e) CONTINUATION OF PENALTIES.—This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) is vested in the Commissioner of Social Security.

(f) JUDICIAL REVIEW.—Orders and actions of the Commissioner of Social Security in the exercise of functions vested in such Commissioner under this Act (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders had been made and such actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately before July 1, 1992. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Commissioner shall continue to apply to the exercise of such function by such Commissioner.

(g) EXERCISE OF FUNCTIONS.—In the exercise of the functions vested in the Commissioner of Social Security under this Act, the amendments made thereby, and regulations prescribed thereunder, such Commissioner shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of such functions in such Commissioner, and actions of such Commissioner shall have the same force and effect as when exercised by such Secretary.

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title, and the amendments made by such title shall take effect July 1, 1992.

(b) TRANSITIONAL RULES.—Section 106 of this subpart shall take effect on the date of the enactment of this Act.

Title II—Conforming Amendments

SEC. 201. AMENDMENTS TO TITLES II and XVI OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Title II (42 U.S.C. 401 et seq.) (other than section 201, section 218(d), section 231 (c), section 226, and section 226A) and title XVI (42 U.S.C. 382 et seq.) are each amended—

(1) by striking, wherever it appears therein, "Secretary of Health and Human Services" and inserting "Commissioner of Social Security";

(2) by striking, wherever it appears therein, "Department of Health and Human Services" and inserting "Social Security Administration";

(3) by striking, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health and Human Services", and only if it is used in reference to the Department of Health and Human Services) and inserting "Administration";

(4) by striking, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services): "Secretary", "Secretary's", "his", "him", "he", "her", and "she", and inserting (in the case of the word "Secretary") "Commissioner of Social Security", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", and (in the case of the words "she" or "he") "the Commissioner"; (in the case of the word "her") "the Commissioner" or "the Commissioner's", as may be appropriate; and (in the case of the words "she" or "he") "the Commissioner"; and

(5) by striking, wherever it appears herein, "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

(b) AMENDMENTS TO SECTION 201.—(1)(A) Sections 201(a)(3), 201(a)(4), 201(b)(1), and 201(b)(2) (42 U.S.C. 401(a)(3), 401(a)(4), 401(b)(1), and 401(b)(2), respectively) are each amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security"; and

(B) Sections 201(a)(3) and 201(b)(1) (42 U.S.C. 401(a)(3) and 401(b)(1), respectively) are each amended by striking "such Secretary" and inserting "such Commissioner".

(2) Section 201(c) (42 U.S.C. 401(c)) is amended—

(A) in the first sentence, by striking "shall be composed of" and all that follows down through "ex officio" and inserting the following: "shall be composed of the Commissioner of Social Security, the Secretary of the Treasury, and the Secretary of Health and Human Services; all ex officio"; and

(B) by striking "The Commissioner of Social Security shall serve as Secretary of the Board of Trustees.".

(3) Section 201(g)(1)(A) (42 U.S.C. 401(g)(1)(A)) is amended—

(A) in clause (i), by striking "by him and the Secretary of Health and Human Services" and inserting "by him, the Commissioner of Social Security, and the Secretary of Health and Human Services", and by striking "by the Department of Health and Human Services and the Treasury Department" and inserting "by the Social Security Administration, the Department of Health and Human Services, and the Department of the Treasury";

(B) in clause (ii), by striking, "method prescribed by the Board of Trustees under paragraph (4)" and inserting "applicable method prescribed under paragraph (4)", by striking, "the Secretary of Health and Human Services" and inserting "the Commissioner of Social Security and the Secretary of Health and Human Services", and by striking, "the Department of Health and Human Services" and inserting "the Social Security Administration and the Department of Health and Human Services"; and

(C) by striking, the last sentence and inserting the following: "There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the adminstration of this title and title XVI for which the Commissioner of Social Security is responsible, the costs of title XVIII for which the Secretary of Health and Human Services is responsible, and the costs of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 other than those referred to in clause (i) of the first sentence of this subparagraph.".

(4) Section 201(g)(1) (42 U.S.C. 401(g)(1)) is further amended by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) After the close of each fiscal year—

"(i) the Commissioner of Social Security shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of this title and title XVI and of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Cose of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)), which should have been borne by the General Fund in the Treasury, (II) the portion of such costs which should have been borne by the Federal Old-Age and Survivors Insurance Trust Funds, and (III) the portion of such costs which should have been borne by the Federal Disability Insurance Trust Fund, and

"(ii) the Secretary of Health and Human Services shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of title XVIII which should have been borne by the General Fund in the Treasury, (II) the portion of such costs which should have been borne by the Federal Hospital Insurance Trust Fund, and (III) the portion of such costs which should have been borne by the Federal Supplementary Medical Insurance Trust Fund,

except that the determination of the amounts to be borne by the General Fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the applicable method prescribed under paragraph (4) of this subsection.

"(C) After the determinations under subparagraph (B) have been made for any fiscal year, the Commissioner of Social Security and the Secretary of Health and Human Services shall each certify to the Managing Trustee the amounts which should be transferred from each of the Trust Funds to the General Fund in the Treasury and from the General Fund in the Treasury to each of the Trust Funds, in order to ensure that each of the Trust Funds and the General Fund in the Treasury have borne their proper share of the costs, incurred during such fiscal year, for (i) the part of the administration of this title and title XVI for which the Commissioner of Social Security is responsible, (ii) the part of the administration of this title and title XVIII for which the Secretary of Health and Human Services is responsible, and (iii) carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee shall transfer any such amounts in accordance with any certification so made.".

(5) Section 201(g)(2) (42 U.S.C. 401(g)(2)) is amended, in the second sentence, by striking "established and maintained by the Secretary of Health and Human Services" and inserting "maintained by the Commissioner of Social Security", and by striking, "Secretary shall furnish" and inserting "Commissioner of Social Security shall furnish".

(6) Section 201(g)(4) (42 U.S.C. 401(g)(4)) is amended to read as follows:

"(4) The Commissioner of Social Security shall utilize the method prescribed pursuant to this paragraph, as of immediately before the date of the enactment of the Social Security Administrative Reform Act of 1991 for determining the costs which should be borne by the General Fund in the Treasury of carrying out the functions of the Social Security Administration, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1986 (other than those referred to in clause (i) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Board of Trustees considers such action advisable, the Board of Trustees may modify the method of determining such costs.".

(7) Section 201(i)(1) (42 U.S.C. 401(i)(1)) is amended to read as follows:

"(i)(1) The Managing Trustee may accept on behalf of the United States money gifts and bequests made unconditionally to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund or to the Social Security Administration, the Department of Health and Human Services, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds.".

(8) Subsections (j) and (k) of section 201 (42 U.S.C. 401) are each amended by striking "Secretary" each place it appears and inserting "Commissioner of Social Security".

(9) Section 201(l)(3)(B)(iii)(II) (42 U.S.C. 401(l)(3)(B)(iii)(II)) is amended by striking "Secretary" and inserting "Commissioner of Social Security".

(10) Section 201(m)(3) (42 U.S.C. 401(m)(3)) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(11) Section 201 (42 U.S.C. 401) is amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(c) AMENDMENTS TO SECTION 218.—Section 218(d) (42 U.S.C. 418(d)) is amended by striking "Secretary" each place it appears in paragraphs (3) and (7) and inserting "Commissioner of Social Security".

(d) AMENDMENT TO SECTION 231.—Section 231(c) (42 U.S.C. 431(c)) is amended by striking "Secretary determines" and inserting "Commissioner of Social Security and the Secretary jointly determine".

SEC. 202. OTHER AMENDMENTS.

(a) AMENDMENTS TO TITLE VII.—(1) Section 705, as redesignated by section 104(a) of this Act, is amended to read as follows:

"REPORTS

"SEC. 705. The Secretary and the Commissioner of Social Security shall make full reports to Congress, not less than 120 days after the beginning of each regular session, of the administration of the functions with which they are charged under this Act. In addition to the number of copies of such reports authorized by other law to be printed, there is hereby authorized to be printed not more than 5,000 copies of each such report for use by the Secretary and the Commissioner of Social Security for distribution to Members of Congress and to State and other public or private agencies or organizations participating in or concerned with the programs provided for in this Act.".

(2) Section 710(b)(2), as redesignated by section 104(a) of this Act, is amended by striking "(as estimated by the Secretary)" and inserting ", as estimated by the Commissioner of Social Security or the Secretary (whichever administers the program involved),".

(3) Title VII (42 U.S.C. 701 et seq.) is amended by adding at the end thereof the following new section:

"DUTIES AND AUTHORITY OF SECRETARY

"SEC. 713. (a) The Secretary shall perform the duties imposed upon the Secretary by this Act. The Secretary is authorized to appoint and fix the compensation of such officers and employees, and to make such expenditures as may be necessary for carrying out the functions of the Secretary under this Act".

(4) Section 707, as redesignated by section 104(a) of this Act, is amended to read as follows:

"ADVISORY COUNCIL ON SOCIAL SECURITY

"SEC. 707. (a) During 1993 (but not before February 1, 1993) and every fourth year thereafter (but not before February 1 of such fourth year), the Commissioner shall appoint an Advisory Council on Social Security for the purposes of reviewing—

"(1) the status of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in relation to the long-term commitments of the old-age, survivors, and disability insurance program; and

"(2) such programs, including the scope of coverage and the adequacy of benefits under such programs, and the relationship of such programs to other programs providing income security, health benefits, and social services.

"(b) Each such Council shall consist of a Chairman and 12 other individuals, appointed by the Commissioner without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(c) Members appointed to each such Council under this section shall, to the extent possible, represent organizations of employers and employees in equal numbers, and represent self-employed persons and the public.

"(d)(1) Members of each such council who are not full-time Federal employees, while serving on business of the Council (including travel time), shall receive compensation at rates fixed by the Commissioner, but not to exceed the daily rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

"(2) While serving on business of the Council away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(e) Each such Council shall submit reports (including any interim reports such Council may have issued) of the findings and recommendations of such Council to the Commissioner not later than January 1 of the second year after the year in which such Council is appointed. The Commissioner shall thereupon transmit such reports and recommendations to the Congress and to the Board of Trustees of each of the Trust Funds described in subsection (a).

"(f) A Council appointed under this section shall cease to exist on the date immediately following the date prescribed for the transmittal to the Commissioner the reports described in subsection (e).".

(5) Title VII is amended by inserting after section 707, as redesignated by section 104(a) of this Act, the following new section:

"ADVISORY COUNCIL ON HOSPITAL AND SUPPLEMENTARY MEDICAL INSURANCE

"SEC. 707A. (a) During 1993 (but not before February 1, 1993) and every fourth year thereafter (but not before February 1 of such fourth year), the Secretary shall appoint an Advisory Council on Hospital and Supplementary Medical Insurance for the purposes of reviewing—

"(1) the status of the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Fund in relation to the long-term commitments of the programs under parts A and B of title XVIII; and

"(2) such programs, including the scope of coverage and the adequacy of benefits under such programs, and the relationship of such programs to other programs providing income security, health benefits, and social services.

"(b) Each such Council shall consist of a Chairman and 12 other individuals, appointed by the Commissioner without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(c) Members appointed to each such Council under this section shall, to the extent possible, represent organizations of employers and employees in equal numbers, and represent self-employed persons and the public.

"(d)(1) Members of each such council who are not full-time Federal employees, while serving on business of the Council (including travel time), shall receive compensation at rates fixed by the Commissioner, but not to exceed the daily rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5, United States Code.

"(2) While serving on business of the Council away from their homes or regular places of business, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

"(e) Each such Council shall submit reports (including any interim reports such Council may have issued) of the findings and recommendations of such Council to the Commissioner not later than January 1 of the second year after the year in which such Council is appointed. The Commissioner shall thereupon transmit such reports and recommendations to the Congress and to the Board of Trusteees of each of the Trust Funds described in subsection (a).

"(f) A Council appointed under this section shall cease to exist on the date immediately following the date of the transmittal to the Congress of the reports described in subsection (e).".

(6) Paragraph (2) of section 710(b), as redesignated by section 104(a) of this Act, is amended by striking "(as estimated by the Secretary)" and inserting "(for amounts which will be paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as estimated by the Commissioner, and for amounts which will be paid from the Federal Hospital Insurance Trust and the Federal Supplementary Medical Insurance Trust Fund, as estimated by the Secretary)".

(7) Sections 710 and 711, as redesignated by section 104(a) of this Act, are amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(b) AMENDMENTS TO TITLE XI.—Section 1101(a) (42 U.S.C. 1301(a)) is amended by adding at the end thereof the following new paragraph:

"(10) The term 'Administration' means the Social Security Administration, except where the context requires otherwise.".

(2) Section 1106(a) (42 U.S.C. 1306(a)) is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking "Department of Health and Human Services" each place it appears and inserting "applicable agency";

(C) by striking "Secretary" each place it appears and inserting "head of the applicable agency"; and

(D) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection and subsection (b), the term 'applicable agency' means—

"(A) the Social Security Administration, with respect to matter transmitted to or obtained by such Administration or matter disclosed by such Administration, or

"(B) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department.".

(3) Section 1106(b) (42 U.S.C. 1306(b)) is amended—

(A) by striking "Secretary" each place it appears and inserting "head of the applicable agency"; and

(B) by striking "Department of Health and Human Services" and inserting "applicable agency".

(4) Section 1106(c) (42 U.S.C. 1306(c)) is amended—

(A) by striking "the Secretary" the first place it appears and inserting "the Commissioner of Social Security or the Secretary"; and

(B) by striking "the Secretary" each subsequent place it appears and inserting "such Commissioner or Secretary".

(5) Section 1107(b) (42 U.S.C. 1307(b)) is amended by striking "the Secretary of Health and Human Services" and inserting "the Commissioner of Social Security or the Secretary".

(6) Section 1110 (42 U.S.C. 1310) is amended—

(A) in subsection (a)(2), by inserting "(or the Commissioner, with respect to any jointly financed cooperative agreement or grant concerning titles II or XVI)" after "Secretary";

(B) in subsection (b)—

(i) by striking "Secretary" each place it appears and inserting "Commissioner", and

(ii) by striking "the Secretary's" each place it appears and inserting "the Commissioner's"; and

(C) by striking "he", "his", "him", and "himself" each place they appear (except in subsection (b)(2)(A)) and inserting "the Commissioner", "the Commissioner's", "the Commissioner", and "himself or herself", respectively.

(7) Subsections (b) and (c) of section 1127 (42 U.S.C. 1320a-6) are each amended by striking "Secretary" and inserting "Commissioner of Social Security".

(8) Section 1128(f) (42 U.S.C. 1320a-7(f)) is amended by inserting after "section 205(g)" the following: ", except that, in so applying such sections and section 205(1), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(9) Section 1131 (42 U.S.C. 1320b-1) is amended—

(A) by striking "Secretary" each place it appears and inserting "Commissioner of Social Security";

(B) in subsection (a)(1)(A), by adding "or" at the end thereof;

(C) in subsection (a)(1)(B), by striking "or" at the end thereof;

(D) by striking subsection (a)(1)(C);

(E) by redesignating subsection (a)(2) as subsection (a)(3);

(F) by inserting after subsection (a)(1) the following new paragraph:

"(2) the Secretary makes a finding of fact and a decision as to the entitlement under section 226 of any individual to hospital insurance benefits under part A of title XVIII, or"; and

(G) by striking "he" in the matter in subsection (a) following paragraph (3) (as so redesignated) and inserting "the Commissioner of Social Security".

(10) Section 1155 (42 U.S.C. 1320c-4) is amended by striking "(to the same extent as is provided in section 205(b))" and all that follows and inserting "(to the same extent as beneficiaries under title II are entitled to a hearing by the Commissioner of Social Security under section 205(b)). For purposes of the preceding sentence, subsection (1) of section 205 shall apply, except that any reference in such subsection to the Commissioner of Social Security or the Social Security Administration shall be deemed a reference to the Secretary or the Department of Health and Human Services, respectively. Where the amount in controversy is $2,000 or more, such beneficiary shall be entitled to judicial review of any final decision relating to a reconsideration described in this subsection.".

(11) Sections 1101, 1106, 1107, and 1137 (42 U.S.C. 1301, 1306, 1307, and 1320b-7, respectively) are amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(c) Amendments to Title XVIII.—(1) Subsections (a) and (f) of section 1817 (42 U.S.C. 1395i) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(2) Section 1840(a) (42 U.S.C. 1395s(a)) is amended—

(A) in paragraph (1), by striking "Secretary" and inserting "Commissioner of Social Security", and by adding at the end thereof the following new sentence: "Such regulations shall be prescribed after consultation with the Secretary."; and

(B) in paragraph (2), by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(3) Section 1872 (42 U.S.C. 1395ii) is amended by inserting after "title II" the following: ", except that, in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(4) Section 1869(b)(1) (42 U.S.C. 1395ff(b)(1)) and the last sentence of section 1876(c)(5)(B) (42 U.S.C. 1395mm(c)(5)(B)) are amended by inserting after "section 205(g)" the following: ", except that, in so applying such sections and section 205(1), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(5) Sections 1817, 1862, and 1886 (42 U.S.C. 1395i, 1395y, and 1395ww, respectively) are amended by striking "Internal Revenue Code of 1954" each place it appears and inserting "Internal Revenue Code of 1986".

(d) AMENDMENT TO TITLE XIX.—Section 1910(b)(2) (42 U.S.C. 1396i(b)(2)) is amended, in the first sentence, by inserting after "section 205(g)" the following: ", except that, in so applying such sections and section 205(1), any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively".

(e) AMENDMENT TO TITLE XX.—Section 2002(a)(2)(B) (42 U.S.C. 1397a(a)(2)(B)) is amended by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

(f) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) by adding at the end of section 5311 the following new items:

"Commissioner, Social Security Administration.

(2) by adding at the end of section 5314 the following new items:

"Deputy Commissioner, Social Security Administration.

(3) by adding at the end of section 5315 the following new items:

"Solicitor, Social Security Administration.

"Inspector General, Social Security Administration.

"Chief of Computer Systems Operations, Social Security Administration.";

(4) by adding at the end of section 5316 the following new item:

"Chief Administrative Law Judge, Social Security Administration."; and

(5) by striking "Secretary of Health Education, and Welfare" each place it appears in section 8141 and inserting "Commissioner of Social Security".

(g) AMENDMENT TO FOOD STAMP ACT OF 1977.—Section 6(c)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(3)) is amended by inserting "the Commissioner of Social Security and" before "the Secretary of Health and Human Services".

(h) AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 707 of title 14, United States Code, is amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(i) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—(1) Subsections (c)(1), (c)(2)(E), (g)(1), (g)(2)(A), and (g)(2)(B) of section 1402 of the Internal Revenue Code of 1986 (26 U.S.C. 1402) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(2) Section 3121(b)(10)(B) of such Code (26 U.S.C. 3121(b)(10)(B)) is amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(3) Subsections (d) and (f) of section 6057 of such Code (26 U.S.C. 6057) are amended by striking "Secretary of Health and Human Services" each place it appears and inserting "Commissioner of Social Security".

(4) Section 6103(1)(5) of such Code (26 U.S.C. 6103(1)(5)) is amended—

(A) by striking "Department of Health and Human Services" and inserting "Social Security Administration"; and

(B) by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(5) Section 6511(d)(5) of such Code (26 U.S.C. 6511(d)(5)) is amended by striking "Secretary of Health and Human Services" and inserting "Commissioner of Social Security".

(j) AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Section 3005 of title 38, United States Code, is amended by striking "Secretary of Health and Human Services" and "Secretary" each place they appear and inserting "Commissioner of Social Security".

(k) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 9(a)(1), by striking "and" at the end of subparagraph (U), and by adding at the end thereof the following new subparagraph:

"(V) of the Social Security Administration (to the extent provided in the Social Security Administration Reform Act of 1991), the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and of the supplemental security income program under title XVI of such Act; and";

(2) in section 11(1), by striking "or" after "Commission" and inserting a semicolon, and by inserting after "Board;" the following: "or the Commissioner of Social Security;"; and

(3) in section 11(2), by striking "or" after "Information Agency,", and by inserting after "Veterans' Administration" the following: ", or the Social Security Administration;".

SEC. 203. RULES OF CONSTRUCTION.

(a) REFERENCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the oldage, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Administration.

(b) REFERENCES TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under such programs, such reference shall be considered a reference to the Commissioner of Social Security.

(c) REFERENCES TO OTHER OFFICERS AND EMPLOYEES.—Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee's functions under such programs, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Administration.

SEC. 204. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall take effect July 1, 1992.

(b) EXCEPTIONS.—

(1) Subsection (a)(4) of section 202 of this title shall take effect on January 1, 1993.

(2) Subsections (f)(1), (f)(2), (f)(3), and (k) of such section 202 shall take effect on the date of the enactment of this Act.

By Mr. MOYNIHAN:

S. 34. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS

Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to reauthorize the Economic Development Administration and the Appalachian Regional Commission. Although funded each year through the appropriations process, neither agency has been reauthorized since 1979. The Reagan administrations proposed that these programs be abolished. President Bush, however, included $50 million for the ARC program in his last budget. Perhaps the need to promote infrastructure investment and assist capital investment in the Nation's poorer regions has once again been recognized in the White House.

A bit of history: During the 1960 Kennedy campaign, people campaigning out in Appalachia could not believe the squalor and poverty they encountered. Dirt poor were the people, lacking in education, health, and basic infrastructure. The region had been left behind when the rest of the Nation began to enjoy the fruits of the Industrial Revolution. In 1960 it had an industrial work force without any semblance of an industrial infrastructure. Net migration from Appalachia in the 1950's exceeded 2 million, 13 percent of the total population. In 1960, only one-third of the region's population had a high school education. Unemployment was 40 percent above the national average. There were few highways. Sewage and water systems were primitive. It is a simple proposition that you would not want to build a business in areas so lacking in resources.

What role for the Federal Government? Presidents Kennedy and Johnson, and my distinguished predecessors on this committee, Senator Jennings Randolph of West Virginia and Senator John Sherman Cooper of Kentucky, saw a clear and constructive role for the Federal Government in Appalachia: Public works.

INFRASTRUCTURE

Not just public works as an excuse to create temporary jobs, but coordinated efforts to build a comprehensive infrastructure and attract private resources. The lack of infrastructure was a regionwide problem. The Federal Government, with the ability to address regionwide problems at the regionwide level, could promote regionwide development.

The mission with the Economic Development Administration is much the same. With the Public Works and Economic Development Act of 1965, we again recognized that certain areas have persistently lagged behind the rest of the Nation, experiencing chronic unemployment, underemployment, low income. These areas are caught as well in a Catch-22, an economic downward spiral as President Johnson called it. EDA provides grants for public works and technical assistance to ensure planned, coordinated infrastructure development, the cornerstone for further economic growth.

Some would argue today that the need for a Federal role no longer exists, or that Federal efforts are ineffective and should be ended. Yet, Federal efforts have played a vital role in successes to this date. In Appalachia, unemployment has been reduced to 15 percent above the national average. Almost two-thirds of the population has at least a high school degree. Most importantly, in the last 10 years the outflow of migration was slowed to less than 1 percent. Contrary to 30 years ago, there is now something worth staying for in Appalachia.

Even with these successes, there is much left to be done. 122 Appalachian counties in 1990 had unemployment rates at least 50 percent above national levels. Job growth between 1980 and 1990 was only half the national average, and most of that was clustered in counties with either Appalachian corridor or interstate highway systems.

Neither the ARC nor the EDA have been reauthorized in over 10 years. It is time to our commitment to these programs. There is nothing worse, nothing more wasteful, than running a program with the instruction to dismantle it. It just doesn't make much for morale. Indeed, the ARC has continued to function based on the enthusiasm of its member States, in spite of Federal antagonism. There must be some rationale for the continued interest of the beneficiaries of these programs.

And there is as well a rationale beyond considerations of morale, for reauthorizing these agencies. As the critics asssert, there are some problems that might be addressed. One concern is that 86.1 percent of the Nation's population currently qualifies for aid under the EDA. This bill would reduce the number of eligibility criteria for EDA support from 13 to 4, cutting the eligible portion of the Nation to less than 42 percent of the population. The bill would also force applicants to requalify each time they applied for aid, removing the existing permanent qualification loopholes.

Further, the labor force participation rate, the fourth of the proposed eligibility criteria, measures the percentage of the population so disillusioned that they have dropped out of the labor force completely. The labor force participation rate improves over previous unemployment measures by catching those people so disillusioned that they have dropped out of the labor force. This is especially important to many of our Nation's inner cities, which suffer high numbers of labor force dropouts.

In reauthorizing the Appalachian Regional Commission and the Economic Development Administration we reaffirm support for our own programs. And we renew for the first time in a decade a Federal determination to provide the infrastructure necessary for these regions to generate economic development and share in the affluence of the rest of the Nation. I urge my colleagues to support passage of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL DEVELOPMENT INVESTMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Public Works and Economic Development Act Amendments of 1991".

SEC. 102. AMENDMENT TO PUBLIC WORKS AND ECONOMIC ACT OF 1965.

The Public Works and Economic Development Act of 1965 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'National Development Investment Act'.

"(b) TABLE OF CONTENTS.—

"TITLE I—DEVELOPMENT INVESTMENT ASSISTANCE

"Sec. 101. Findings and purposes.
"Sec. 102. Development investment assistance.
"Sec. 103. Qualifying applicants and limitations on locations of projects.
"Sec. 104. Application for grant.
"Sec. 105. Distress requirements.
"Sec. 106. Development investment strategy.
"Sec. 107. Limitations on revolving loan funds.
"Sec. 108. Federal share.
"Sec. 109. Limitations.
"Sec. 110. Community development corporations.
"Sec. 111. Congressional mandated projects.
"Sec. 112. Obligation of funds.
"Sec. 113. Authorization of appropriations.

"TITLE II—INVESTMENT STRATEGY, PLANNING, EVALUATION, AND DEMONSTRATION

"Sec. 201. Investment strategy and planning.
"Sec. 202. Evaluation and demonstration.
"Sec. 203. Federal share.
"Sec. 204. Obligation of funds.
"Sec. 205. Authorization of appropriations.

"TITLE III—ADMINISTRATION

"Sec. 301. Definitions.
"Sec. 302. Appointment of assistant secretary.
"Sec. 303. Consultation with other persons and agencies.
"Sec. 304. Administration of assistance.
"Sec. 305. Powers of the Secretary.
"Sec. 306. Certification.
"Sec. 307. Savings provisions.
"Sec. 308. Annual report.
"Sec. 309. Prevailing rate of wage.
"Sec. 310. Record of applications.
"Sec. 311. Records and audit.
"Sec. 312. Nondiscrimination requirements.
"Sec. 313. Authorization of appropriations.

"TITLE I—DEVELOPMENT INVESTMENT ASSISTANCE

"SEC. 101. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) A prerequisite for economic development is the presence of modern and adequate infrastructure. Such infrastructure includes local and regional economic planning capability; roads, bridges, and other transportation systems; wastewater treatment systems; communications linkages; solid and hazardous waste treatment, storage, and disposal facilities; other public resources necessary to facilitate the conduct of business and to ensure the long-term economic stability and health of the communities of this nation.

"(2) Since federal initiatives to combat the Great Depression were begun in the 1930s, the government has provided financial assistance to regions, States, and local communities to construct, operate, and maintain such infrastructure. As the post-World War II economic boom waned, prospects for certain parts of the country that had not shared in that prosperity became less and less hopeful. For such pockets of economic distress it became increasingly clear that a fundamental obstacle to economic growth was the lack of capital. An effective role for the federal government: undertake projects to provide public capital to distressed regions.

"(3) The federal government's commitment to infrastructure ought be focused on regions, States, and local communities which have suffered persistent economic distress. Urban centers, suffering persistent economic distress, have deteriorated over the last three decades. Crumbling infrastructure; deteriorating buildings, roads, and access; unhealthy sewer systems, and drinking water; only contribute to the economic distress of these areas.

"(4) The federal government's commitment to infrastructure in these distressed regions is invaluable in contributing to long-term economic stability. Indicators of distress include unemployment, underemployment, low per capita income, and low labor force participation.

"(5) The availability of capital for private business investment is also a prerequisite for long-term economic development.

"(6) Such capital resources are not always available at terms favorable to business investment, particularly in areas that have suffered persistent economic distress.

"(7) The federal government should provide financial assistance to States and local communities to ensure the availability of adequate capital for business investment. Such assistance may take the form of grants and loans for the establishment of State and local revolving loan funds and other financial instruments, as well as direct loans and loan guarantees for local business investment.

"(b) PURPOSE.—The Congress declares that the purpose of this Act is to promote economic growth and development in regions suffering persistent economic distress, by providing federal aid to regions, States, and local communities for the financing, construction, operation, and maintenance of infrastructure, and to ensure the availability of capital for business investment on the regional, State, and local levels.

"SEC. 102. DEVELOPMENT INVESTMENT ASSISTANCE.

"(a) GRANTS.—Upon application of an applicant qualifying under section 103 and subject to the provisions of this title, the Secretary is authorized to make a grant to such applicant for one or more of the following:

"(1) CONSTRUCTING AND IMPROVING PUBLIC FACILITIES.—Construction, repair, rehabilitation, and improvement of public facilities, including demolition of existing structures and other site preparation measures, and the acquisition of land and other public works improvements to encourage and support private development.

"(2) REVOLVING LOAN FUNDS.—Establishment of revolving loan funds to promote establishment and growth of small businesses and to retain firms and entrepreneurs which contribute to the creation, retention, and expansion of private sector jobs.

"(3) EMPLOYEE STOCK OWNERSHIP PLANS.—Establishment of revolving loan funds to promote establishment of qualified employee ownership organizations which prevent economic dislocation, facilitate economic adjustment, or contribute to economic diversification and long-term economic vitality.

"(b) TECHNICAL ASSISTANCE.—Upon application of an applicant qualifying under section 103 and subject to the provisions of this title, the Secretary may provide technical assistance for improving and enhancing economic development.

"SEC. 103. QUALIFYING APPLICANTS AND LIMITATIONS ON LOCATIONS OF PROJECTS.

"(a) APPLICANTS FOR DISTRESSED LOCAL GOVERNMENTS.—The following entities may apply for assistance under section 102 for projects and activities to be carried out in the jurisdictional area of a unit of local government which meets the requirements of section 105:

"(1) STATE GOVERNMENT.—The State in which the unit of local government is located may apply if—

"(A) such unit has a population of less than 50,000; and

"(B) such unit is located outside the boundaries of an economic development district.

"(2) Local government.—The unit of local government may apply; except that—

"(A) in any case in which the unit of local government has a population of less than 50,000 and is located outside the boundaries of an economic development district, such unit must consult the State in the preparation of the grant application; and

"(B) in any case in which the unit of local government is located within the boundaries of an economic development district, such unit must consult such district in the preparation of the grant application.

"(3) Economic development district.—The economic development district in which the unit of local government is located may apply.

"(4) Economic development organization.—A private or public nonprofit organization established for economic development purposes and representing an area within the jurisdictional area of the unit of local government may apply if—

"(A) such unit has a population of 50,000 or more;

"(B) such unit is located outside the boundaries of an economic development district; and

"(C) the grant application has been approved by such unit.

"(b) Applications for Indian Lands.—An Indian tribe may apply for assistance under section 102 for projects and activities to be carried out on lands owned by, or held in trust for, such tribe if such lands meet the requirements of section 105.

"(c) Applications for Pockets of Poverty.—The following entities may apply for assistance under section 102 for projects and activities to be carried out in an area which meets the requirements of section 105 and is located in the jurisdictional area of a unit of local government which has a population of 50,000 or more and does not meet such requirements:

"(1) Local government.—The unit of local government may apply; except that in any case in which the unit of local government is located within the boundaries of an economic development district, such unit must consult such district in the preparation of the grant application.

"(2) Development organization as applicant.—A private or public nonprofit organization established for economic development purposes and representing the area meeting the requirements of section 105 may apply if such organization consults the unit of local government in the preparation of the grant application.

"SEC. 104. APPLICATION FOR GRANT.

"(a) Contents.—An application for assistance under this title shall include, but need not be limited to—

"(1) A certification that the area over which the applicant has jurisdiction meets the requirements of section 105; except that—

"(A) in any case in which the applicant is a State, economic development district, or an organization described in section 103(a)(4), the certification must be for the area over which the concerned unit of local government has jurisdiction;

"(B) in any case in which the applicant is an Indian tribe, the certification must be for lands owned by, or held in trust for, such Indian tribe; and

"(C) in any case in which the applicant is an organization described in section 103(c)(2), the certification must be for the area such organization represents;

"(2) a certification relative to the performance of any responsibilities which the Secretary has agreed to accept under section 306; and

"(3) a development investment strategy prepared in accordance with section 106.

"(b) Factors To Be Considered in Approval Process.—In approving applications for assistance under this title, the Secretary shall give consideration to—

"(1) the severity of distress in the area for which the grant is to be made;

"(2) the extent to which the grant will result in increased, or more stabilized, permanent employment in such area;

"(3) the ratio of private sector investments committed in such area to the amount of the grant applied for;

"(4) the extent to which the appropriate State and local governments have undertaken or agree to undertake other related actions to encourage economic development and the expansion of employment opportunities;

"(5) the effectiveness of the development investment strategy and the degree to which the proposed project contributes to its implementation (including the strategy's relationship to economic problems identified in the strategy), expands employment opportunities in the existing labor market, provides incentives to retain private businesses, expands or improves public facilities, and encourages private investment; and

"(6) the extent to which the strategy and activities are consistent with State and local goals and contribute to long-term economic growth and private sector employment opportunities and establish an overall strengthened economic and business environment which will be self-sustaining.

"(c) Limitation on Assistance Facilitating Relocations.—No assistance may be provided under this title for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation would not significantly and adversely affect employment in, or the economic base of, the area from which the industrial or commercial plant or facility would be leaving.

"SEC. 105. DISTRESS REQUIREMENTS.

"(a) Certification.—In order to be eligible for assistance under this title, the applicant must certify that the area which is required by section 103 to meet the requirements of this section meets one or more of the following criteria:

"(1) The area has a per capita income of 80 percent or less of the national average.

"(2) The area has an unemployment rate 1 percent above the national average percentage for the most recent 24-month period for which statistics are available.

"(3) The area has experienced or is about to experience a sudden economic dislocation resulting in job loss that is significant both in terms of the number of jobs eliminated and the effect upon the employment rate of the area.

"(4) The area has a Labor Force Participation rate of 90 percent or less of the national average.

"(b) Documentation of Distress.—Documentation of distress shall be supported by Federal data, when available, and in other cases by data available through the State government. Such documentation shall be accepted by the Secretary unless it is determined to be inaccurate. The most recent statistics available must be used.

"SEC. 106. DEVELOPMENT INVESTMENT STRATEGY.

"(a) Preparation and Contents.—Except as provided in subsection (b), an applicant for assistance under this title shall prepare a development investment strategy for the area which is required by section 103 to meet the requirements of section 105. The development investment strategy must—

"(1) identify the economic development problems sought to be addressed by the grant;

"(2) identify past, present, and projected future economic development investments in such area and public and private participants and sources of funding for such investments;

"(3) identify the extent to which the development investment strategy takes into account—

"(A) availability of developable land and space in the area;

"(B) public works, public service, and development facilities in the area;

"(C) availability of low-cost capital;

"(D) tax policy on investments in the area;

"(E) level of skill of the labor force; and

"(F) ability of State and units of local government to provide financial assistance in the management and implementation of the strategy;

"(4) set forth a strategy for addressing the economic problems identified in paragraph (1) and discusses the manner in which the strategy will solve such problems;

"(5) provide a description of the projects necessary to implement the strategy, an estimate and analysis of the costs and anticipated benefits of implementing the strategy, and an estimate of the timetables for completion of such projects;

"(6) provide a summary of public and private resources which are expected to be available for such projects; and

"(7) provide a comprehensive plan which demonstrates participation in all phases of the development and implementation of the development investment strategy by a representative percentage of small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

"(b) Consultation of State or Economic Development District.—In any case in which a unit of local government is the eligible applicant under section 103(a)(2), the unit of local government shall consult the State or economic development district, respectively, in the preparation of a development investment strategy.

"(c) Approval of Development Organization's Strategy.—In any case in which a private or public nonprofit development organization within a unit of local government is the eligible applicant under section 103(c)(2), the organization must consult the unit of local government in the preparation of the organization's development investment strategy.

"SEC. 107. LIMITATIONS ON REVOLVING LOAN FUNDS.

"(a) Purposes and Uses of Grants.—Grants under section 102(a) shall be for the purposes of stimulating small business development and promoting economic growth which contributes to an improved local tax base and the creation of permanent employment opportunities. Such grants may only be made to establish or recapitalize a revolving loan fund which will be used only—

"(1) for making loans or guaranteeing loans to small businesses for initial or working capital, or the purchase, rehabilitation or expansion of facilities or equipment; and

"(2) for making loans or guaranteeing loans to businesses if a relatively small amount of capital is needed to complete financing necessary to retain the business in the area.

"(b) DISTRESS REQUIREMENTS.—A grant made under section 102(a)(2) shall be made on the condition that the revolving loan fund established or recapitalized pursuant to such grant shall be used only for providing assistance described in subsection (a) in areas which meet the requirements of section 105.

"(c) LIMITATION ON AMOUNT OF GRANT.—No grant for the establishment or recapitalization of a revolving loan fund under section 102(a)(2) shall be made for more than $1,000,000.

"(d) CREDIT ELSEWHERE TEST.—No loan or guarantee shall be made from a revolving loan fund established or recapitalized pursuant to a grant under section 102(a)(2) unless the financial assistance applied for is not otherwise available from private lenders on terms which in the opinion of the administrator of the revolving loan fund will permit the accomplishment of the project.

"(e) TERMS OF GRANTS.—

"(1) USE ASSURANCES.—Any applicant for a grant for establishment or recapitlization of a revolving loan fund under section 102(a)(2) shall give assurances that amounts of any loan which are repaid to the fund will be available only for the purposes set forth in subsection (a).

"(2) REPAYMENT ASSURANCES.—No loan or guarantee may be made from a revolving loan fund established or recapitalized pursuant to a grant under section 102(a)(2) unless the applicant for such loan or guarantee provides reasonable assurance of repayment of the loan.

"(3) GRANTEE AS ADMINISTRATOR.—The grantee of any grant for establishment or recapitalization of a revolving loan fund under section 102(a)(2) shall administer the fund.

"(f) CONSIDERATION OF PAST PERFORMANCE.—In determining whether or not to make a grant for recapitalization of a revolving loan fund established or recapitalized pursuant to a grant under section 102(a)(2), the Secretary shall consider past performance of such fund.

"SEC. 108. FEDERAL SHARE.

"(a) CONSTRUCTION AND IMPROVEMENT PROJECTS.—The amount of any grant for a project described in section 102(a)(1) shall be that amount which when added to amounts available from all other sources is sufficient to complete such project. In no event shall the amount of any such grant exceed 50 percent of such cost of completing the project as determined at the time of the grant application. The Secretary may increase the maximum percentage of a grant from 50 percent to not more than 80 percent of the costs of completing a project described in section 102(a)(1) for an area which the Secretary determines is one of the most distressed of the areas meeting the distress requirements of section 105; except that the Secretary may not increase such percentage for more than 25 percent of the grants made in any fiscal year. In developing guidelines for determining which areas are the most distressed, the Secretary shall consider whether (1) the median family income for the area for the most recent 24-month period for which data is available is less than or equal to 75 percent of the national average median family income for such period, or (2) the average unemployment rate for the area such period is greater than or equal to 2 times the national average unemployment for such period. No additional funds shall be granted or otherwise made available under this Act for any project described in section 102(a)(1) for which a grant has been made under this Act.

"(b) ESTABLISHMENT OF REVOLVING LOAN FUNDS.—The amount of any grant for the establishment of a revolving loan fund under section 102(a) shall not exceed an amount which is equal to the amount of funds available from all other sources for the establishment of such revolving loan fund. The amount of any additional grant for the recapitalization of a revolving loan fund previously established with a grant under section 102(a)(2) shall not exceed an amount which is equal to ⅓ of the amount of funds available from all other sources for such recapitalization.

"(c) INDIAN TRIBES.—In the case of a grant to an Indian tribe under section 102(a), the Secretary may reduce or waive any non-Federal share required by this section.

"SEC. 109. LIMITATIONS.

"(a) OBLIGATIONS IN A STATE.—Except for expenditures to Indian tribes, not more than 15 percent of the appropriations made for a fiscal year pursuant to this title may be expended in any one State.

"(b) OBLIGATIONS TO A PERSON.—The Secretary shall not obligate more than $4,000,000 in any fiscal year to any person (including any State or local government or public organization) for grants under this title, other than grants for establishment of qualified employee ownership organizations.

"SEC. 110. COMMUNITY DEVELOPMENT CORPORATIONS.

"(a) GRANTS.—The Secretary may make grants to community development corporations to assist small businesses by reducing the interest rates for economic development activities to be carried out by such businesses in areas meeting the distress requirements of section 105.

"(b) AGGREGATE AMOUNT.—The aggregate amount of grants under this section may not exceed $10,000,000 in any fiscal year.

"SEC. 111. CONGRESSIONALLY MANDATED PROJECTS.

"Any Economic Development Administration project mandated by Congress must meet the eligibility criteria as defined by The Public Works and Economic Development Act of 1965 as amended.

"SEC. 112. OBLIGATION OF FUNDS.

"(a) BY MAY 31.—Not later than May 31 of each fiscal year, the Secretary shall obligate for grants under this title not less than 50 percent and not more than 60 percent of the funds appropriated for such year pursuant to this title.

"(b) BY SEPTEMBER 30.—Not later than September 30 of each fiscal year, the Secretary shall obligate for assistance under this title the remaining funds appropriated for such fiscal year pursuant to this title.

"SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title, to be available until expended, $200,000,000 per fiscal year for each of fiscal years 1992, 1993, and 1994. Not more than 25 percent of the amount appropriated pursuant to this section for any fiscal year shall be expended to carry out section 102(a)(2).

"TITLE II—INVESTMENT STRATEGY, PLANNING, EVALUATION, AND DEMONSTRATION

"SEC. 201. INVESTMENT STRATEGY AND PLANNING.

"(a) GRANTS FOR ECONOMIC DEVELOPMENT PLANNING.—The Secretary is authorized to make grants for economic development planning, including the preparation of development investment strategies under section 106 and the payment of administrative expenses, to—

"(1) any State,

"(2) any economic development district,

"(3) any Indian tribe,

"(4) any county if the jurisdictional area of such county meets the requirements of section 105 and is located outside of the boundaries of an economic development district, and

"(5) any other unit of local government with a population of 50,000 or more if the jurisdictional area of such unit meets such requirements and is located outside of the boundaries of an economic development district.

The Secretary is also authorized to make grants for preparation of a development investment strategy under section 106 to any unit of local government with a population of 100,000 or more if the jurisdictional area of such unit meets the requirements of section 105 and, in any case in which such unit is located within the boundaries of an economic development district, such unit consults the district in the preparation of the investment strategy.

"(b) COMPREHENSIVE PLANNING REQUIREMENT.—Planning carried out under this section shall be a part of a comprehensive planning process and shall be a continuous process involving public officials and private citizens in analyzing local economies, defining development goals, determining project opportunities, and formulating and implementing a development program.

"(c) PREPARATION OF STATE PLANS.—Any State economic development plan prepared with assistance under this section shall be prepared by the State with the active participation of units of local government and economic development districts located in whole or in part within such State and shall set goals for economic development within such State.

"(d) ANNUAL STATE REPORTS.—Each State receiving assistance under this section shall submit to the Secretary an annual report on the planning process assisted under this section.

"(e) DISTRICT AND LOCAL PLANS CONSISTENT WITH STATE PLAN.—Any economic development planning by an economic development district or a unit of local government for which a grant is made under this section shall be consistent with the State economic development plan for the State in which such district or unit is located.

(f) COORDINATION OF RESOURCES.—Grants under this section shall be used, to the maximum extent possible, to provide coordination of investment for community facilities, economic development, manpower training, and transportation services.

"(g) ENCOURAGEMENT OF ASSISTANCE.—Each applicant for assistance under this section is encouraged to provide project planning, financial analysis, marketing, management, feasibility studies, and other technical and financial assistance to communities and neighborhoods within its boundaries.

"SEC. 202. EVALUATION AND DEMONSTRATION.

"(a) EVALUATION OF DEVELOPMENT INVESTMENT EFFORTS.—The Secretary is authorized to conduct a program of evaluation of Federal, State, and local development investment efforts in order to—

"(1) assist in determining the causes of unemployment, underemployment, severe economic adjustment problems, and chronic distress in areas and regions of the United States; and

"(2) assist in formulating, implementing, or improving programs at the National, State, or local levels which are designed to increase employment in private firms, assist depressed industry sectors, or otherwise promote economic development or adjustment.

"(b) Demonstration Programs.—

"(1) In General.—The Secretary is authorized to conduct demonstration programs to test the feasibility of new ways to increase productivity and growth designed to make the steel industry and related industries more competitive, to encourage the use and development of innovative technology and research in economic development, to match the labor force with projected labor markets, to improve United States competitiveness, and to encourage economic diversity and regional balance.

"(2) Reports.—Not later than 90 days after completion of each demonstration program conducted under this subsection, the Secretary shall transmit to Congress a report on the results of such program.

"(c) Administration.—Programs authorized under subsections (a) and (b) of this section may be carried out by the Secretary acting through the staff of the Department of Commerce, in cooperation with or by the provision of funding to other departments or agencies of the Federal Government, or by contract.

"(d) Grants for Management and Technical Assistance.—The Secretary is authorized to make grants to colleges, universities, and other organizations to establish and support ongoing programs which provide to businesses and units to local government management and technical assistance for the purposes of promoting productivity, economic development, and employment opportunity.

"SEC. 203. FEDERAL SHARE.

"(a) Economic Development Planning.—The amount of any grant under section 201 may not exceed 75 percent of the cost of economic development planning or of the preparation of a development investment strategy.

"(b) Management and Technical Assistance.—The amount of any grant under section 202(d) may not exceed 75 percent of the cost of establishing and supporting the ongoing management and technical assistance program.

"(c) Determination of Non-Federal Share.—In determining the amount of the non-Federal share of costs under this section, the Secretary shall give consideration to all contributions both in cash and in kind, including space, equipment, and service.

"(d) Indian Tribes.—In the case of a grant to an Indian tribe under section 201, the Secretary may reduce or waive any non-Federal share required by this section.

"SEC. 204. OBLIGATION OF FUNDS.

"Not later than December 31 of each fiscal year, the Secretary shall obligate for grants under section 201, 90 percent of the funds appropriated for such fiscal year pursuant to this title, other than those funds made available for purposes of section 202. The remainder of such funds shall be obligated during such fiscal year only for making grants under section 201 in areas meeting the criteria set forth in section 105(a)(3).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There is authorized to be appropriated to carry out this title, to be available until expended, $50,000,000 per fiscal year for each of fiscal years 1992, 1993, and 1994.

"(b) Limitation on Amount for Section 202.—Of sums authorized to be appropriated under subsection (a) of this section, not to exceed $13,000,000 in fiscal year 1992 and not to exceed $15,000,000 in each of fiscal years 1993 and 1994 shall be available for purposes of section 202.

"TITLE III—ADMINISTRATION

"SEC. 301. DEFINITIONS.

"For purposes of this Act—

"(1) Economic development district.—The term 'economic development district' means—

"(A) an economic development district designated on or before January 1, 1991, under section 403(a)(1) of the Public Works and Economic Development Act of 1965; and

"(B) any district within a State which is designated by the Secretary, which district is of sufficient size or population and contains sufficient resources to foster economic development on a scale involving more than one county and does not contain within its boundaires any part of another economic development district designated under subparagraph (A) or under this subparagraph.

"(2) Jurisdiction area.—The term 'jurisdictional area' means the area over which a unit of local government has jurisdiction.

"(3) Indian tribe.—The term 'Indian tribe' means the governing body of an Indian tribe, an Indian authority or tribal organization or entity, an Alaska Native village, or any Indian group which is recognized as an Indian tribe by the Secretary of the Interior, except that the term 'Indian tribe' shall also include those bodies, authorities, organizations, entities, or groups not recognized by the Secretary of the Interior, if such body, authority, organization, entity, or group is recognized as a tribe or other similar appropriate entity by the State in which it is located and such State holds land in trust on behalf of such tribe or other similar appropriate entity.

"(4) Qualified employee ownership organization.—The term 'qualified employee ownership organization' includes a qualified employee trust as defined in section 3(c)(2) of the Small Business Act, except that—

"(A) such term shall not be limited to plans maintained by small business concerns or to loans guaranteed under such Act;

"(B) in the case of any form of financial assistance, the principles of section 3(c)(2)(B) of such Act shall apply under regulations prescribed by the Secretary; and

"(C) there shall be periodic reviews of the role, in the management of the concern involved, of employees to whose account stock is allocated.

"(5) Secretary.—The term 'Secretary' means the Secretary of Commerce.

"(6) Small business concern.—The term 'small business concern' means a business that is independently owned and operated, is not dominant in its field of operations, and meets such other criteria as the Secretary, after consultation with the Administrator of the Small Business Administration, may by regulation establish, including numbers of employees and dollar volume of business by industrial classes.

"(7) State.—The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Marianas.

"(8) Unit of local government.—The term 'unit of local government' means any city, county, town, parish, village, or other general purpose political subdivision of a State.

"SEC. 302. APPOINTMENT OF ASSISTANT SECRETARY.

"The Secretary shall administer this Act with the assistance of an Assistant Secretary of Commerce, established by section 601 of the Public Works and Economic Development Act of 1965. Such Assistant Secretary shall perform such functions as the Secretary may prescribe.

"SEC. 303. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"The Secretary is authorized from time to time to call together and confer with any persons, including representatives of labor, management, agriculture, and government, who can assist in meeting the problems of area and regional unemployment or underemployment. The Secretary may make provisions for such consultation with interested departments and agencies as he may deem appropriate in the performance of the functions vested in him by this Act.

"SEC. 304. ADMINISTRATION OF ASSISTANCE.

"No grant shall be approved under this Act unless the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"SEC. 305 POWERS OF THE SECRETARY.

"(a) List of Powers.—In performing his duties under this Act, the Secretary is authorized to do the following:

"(1) Adopt, alter, and use a seal, which shall be judicially noticed.

"(2) Hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary may deem advisable.

"(3) Request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act. Each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

"(4) Acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized by this Act.

"(5) Procure by contract the temporary or intermittent services of experts and consultants or organizations therefor as authorized by section 3109(b) of title 5, United States Code, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) in accordance with section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(6) Sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne, or final, shall be issued against the Secretary or property of the Secretary.

"(7) Establish such rules, regulations, and procedures as the Secretary may deem appropriate in carrying out the provisions of this Act.

"(b) Limitation on Statutory Construction.—Nothing in this Act (including subsection (a)(6)) shall be construed to except the activities under this Act from the application of sections 517, 547, and 2679 of title 28, United States Code.

"SEC. 306. CERTIFICATION.

"(a) Acceptance.—The Secretary may discharge any of his responsibilities relative to a project for which a grant may be made under title I of this Act by accepting a certification by the applicant of the applicant's performance of such responsibilities.

"(b) RESCISSION OF ACCEPTANCE. Acceptance by the Secretary of an applicant's certification under this section may be rescinded by the Secretary at any time if, in the opinion of the Secretary, it is necessary to do so.

"(c) REGULATION.—The Secretary shall issue such guidelines and regulations as may be necessary to carry out this section.

"SEC. 307. SAVINGS PROVISIONS.

"(a) AFFECT ON PROCEEDINGS.—No suit, action, or other proceeding lawfully commenced by or against the Secretary or Assistant Secretary or any other officer in his or her official capacity or in relation to the discharge of his or her official duties under the Public Works and Economic Development Act of 1965, shall abate by reason of the taking effect of the amendment by section 102 of the Public Works and Economic Development Act Amendments of 1991, but the court may, on a motion or supplemental petition filed at any time within 12 months after the effective date of such amendment, showing a necessity for the survival of such suit, action, or proceeding to obtain a settlement of the questions involved, allow such suit, action, or proceeding to be maintained by or against the Secretary or Assistant Secretary or such other officer of the Department of Commerce as may be appropriate.

"(b) EXISTING REGULATIONS AND PROCEEDINGS.—All rules, regulations, orders, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to applicable law, before the effective date of such amendment, by any agency, officer, or office pertaining to any functions, powers, and duties under the Public Works and Economic Development Act of 1965 shall continue in full force and effect after such effective date until modified or rescinded by the Secretary or such other officer of the Department of Commerce as, in accordance with applicable law, may be appropriate.

"SEC. 308. ANNUAL REPORT.

"The Secretary shall make a comprehensive and detailed annual report to Congress of operations under this Act for each fiscal year beginning after the year ending September 30, 1991. Such report shall be printed and shall be transmitted to Congress not later than February 1 of the year following the fiscal year with respect to which such report is made.

"SEC. 309. PREVAILING RATE OF WAGE.

"(a) GENERAL RULES.—All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, commonly known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a–276a–5).

"(b) ASSURANCE.—The Secretary shall not extend any financial assistance under this Act for any project without first obtaining adequate assurance that the standards required by subsection (a) will be maintained upon the construction work.

"(c) FUNCTION OF SECRETARY OF LABOR.—The Secretary of Labor shall have, with respect to the standards required by subsection (a), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. App.), and section 2 of the Act of June 13, 1934 (48 Stat. 948; 40 U.S.C. 276c).

"SEC. 310. RECORD OF APPLICATIONS.

"The Secretary shall maintain as a permanent part of the records of the Department of Commerce a list of each application approved for a grant under this Act, which shall be kept available for public inspection during the regular business hours of the Department of Commerce. The following information shall be posted in such list as soon as each application is approved:

"(1) The name of the applicant.

"(2) The amount and duration of the grant for which application is made.

"(3) The purposes for which the proceeds of the grant are to be used.

"SEC. 311. RECORDS AND AUDIT.

"(a) GENERAL RULES.—

"(1) RECORDS.—Each recipient of a grant under this Act shall keep such records as the Secretary shall prescribe, including records which—

"(A) fully disclose the amount and the disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplies by other sources; and

"(B) review the efficiency, economy, and effectiveness of the project carried out under this Act.

"(2) REPORTS TO SECRETARY.—Not later than January 11 and July 11 of each year, each recipient shall transmit a report to the Secretary containing all information prescribed under paragraph (1) which relates to all activities carried out during the preceding period relating to grants made to it under this Act. Each report submitted in January of each year shall include an audited statement of all funds spent on the project or undertaking during the preceding fiscal year. Such statement shall be prepared in accordance with chapter 75 of title 31, United States Code, or agency regulations governing the audit of nonprofits.

"(b) ACCESS TO INFORMATION.—For the purpose of reviewing the efficiency, economy, and effectiveness of programs carried out under the provisions of the Act, including audit and examination, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of any recipient, subrecipient, contractor, or subcontractor that are pertinent to assistance received under this Act.

"SEC. 312. NONDISCRIMINATION REQUIREMENTS

"In administering this Act, the Secretary may not—

"(1) discriminate in favor of or against any qualified applicant based on the fact that the area in which the project would be located is either rural or urban in character.

"(2) create separate allocations of funds to provide assistance for urban and rural areas unless such allocations are based on objective findings of relative levels of distress in areas qualified for assistance under this Act; or

"(3) deny assistance to a qualified applicant based on the fact that the project area is located in a State which has a low level of unemployment.

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for salaries and administrative expenses to carry out the provisions of this Act $26,000,000 per fiscal year for each of fiscal year 1992, 1993, and 1994. Appropriations under this Act shall remain available until expended. Any contract entered into pursuant to this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.".

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Appalachian Regional Development Act Amendment of 1991".

SEC. 202. FINDINGS AND PURPOSES.

Section 2 of the Appalachian Region Development Act of 1965 is amended—

(1) in subsection (a) by striking out the period at the end of the 6th sentence and inserting in lieu thereof "and in severely distressed and underdeveloped counties and areas lacking resources for basic services."; and

(2) by adding at the end of such section the following new subsection:

"(c) The Congress further finds and declares that while there has been significant improvement in the Appalachian region in the last 25 years, the region still does not share equally in the Nation's prosperity. In 1965 unemployment in the Appalachian region was 40 percent above the national average. In 1965 only 33 percent of the population in the region had completed high school. One in three families in the region were below the poverty level in 1963.

The region lacked modern infrastructure—few roads, fewer sewers and water systems. The lack of modern infrastructure severely handicapped opportunities for economic growth.

In the intervening 25 years the federal government has contributed $3 billion in federal dollars for the Appalachian Regional Development Highway System. Two-thirds of the highway system has been built. And we have achieved some degree of success. By 1990 the region's unemployment rate had been cut to only 15 percent above the national average. By 1980 57 percent of the population had completed high school. And further improvements are expected.

However, 122 Appalachian region counties in 1990 had unemployment rates of at least 150 percent of the national average. 14 percent of the region's families remained below the national poverty rate in 1980. Between 1980 and 1986, 81 percent of the new jobs created in the region—560,000—were in counties with either completed Appalachian corridor or interstate highway systems.

It is therefore, further the purpose of this Act to continue and intensify joing Federal/State efforts toward completion of a regionwide infrastructure. These efforts should be rededicated to assisting in the achievement of such a viable, comprehensive infrastructure. These efforts will create a stable base upon which to generate employment opportunities, and better health and education opportunities for the people of the region. The federal government ought facilitate the continued economic development of the region in this matter in order to assist the region in attaining prosperity.".

SEC. 203. AUTHORIZATIONS FOR ADMINISTRATIVE EXPENSES.

Section 105(b) of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and not to exceed $3,500,000 per fiscal year for each of fiscal years 1992, 1993, and 1994. Of amounts appropriated pursuant to the preceding sentence for each of fiscal years 1992, 1993, and 1994, not to exceed $1,000,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff.".

SEC. 204. EXTENSION OF LEASE TERMS.

Section 106(7) of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1993".

SEC. 205. HIGHWAY SYSTEM.

(a) AUTHORIZATION OF APPROPRIATIONS. Section 201(g) of the Appalachian Regional Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; and $341,500,000 per fiscal year for each of fiscal years 1992, 1993, and 1994.".

(b) FEDERAL SHARE.—

(1) GENERAL RULE.—Section 201(h)(1) of such Act is amended by striking out "70 per centum" and inserting in lieu thereof "80 percent".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to projects approved after March 31, 1979.

SEC. 206. DEFINITIONS.

(a) UPDATING OF COVERED FEDERAL GRANT-IN-AID PROGRAMS.—The first sentence of section 214(c) of the Appalachian Regional Development Act of 1965 is amended by striking out "December 31, 1980" and inserting in lieu thereof "October 1, 1994".

(b) LIMITATION ON COVERED ROAD PROJECTS.—The second sentence of such section is amended by inserting "authorized by title 23, United States Code" after "road construction".

SEC 207. PROGRAM DEVELOPMENT CRITERIA.

Section 224(a) of the Appalachian Regional Development Act of 1965 is amended by inserting before the semicolon at the end of paragraph (1) the following: "or in a severely distressed and underdeveloped county or area lacking resources for basis services".

SEC. 208 REMOVAL OF LIMITATION.

Section 224(b) of the Appalachian Regional Development Act of 1965 is amended—

(1) by striking out "(2) to finance" and all that follows through "(3)" and inserting in lieu thereof "(2)"; and

(2) by striking out "(4)" and inserting in lieu thereof "(3)".

SEC. 209. MAXIMUM FEDERAL SHARE.

Section 224 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) MAXIMUM FEDERAL SHARE.—Notwithstanding any other provision of this Act, after September 30, 1991, grants made with funds authorized under this Act shall not exceed 50 percent of the costs of any project approved under this Act (except projects under section 201); except that, notwithstanding any limitation of any other Federal law, such grants may increase the Federal contribution to any project being carried out under such other law and eligible for financial assistance under this Act to such percentage as the Commission determines appropriate within the limitations of this Act. The Commission may increase the maximum percentage of a grant from 50 percent to not more than 80 percent of the costs of a project approved under this Act for a county which the Commission determines is one of the most distressed counties in the Appalachian region; except that the Commission may not increase such percentage for more than 25 percent of the grants made in any fiscal year.".

SEC. 210. GRANTS FOR ADMINISTRATIVE EXPENSES AND DEMONSTRATION PROJECTS.

(a) GENERAL RULE.—Section 302(a)(3) of the Appalachian Regional Development Act of 1965 is amended—

(1) by inserting after "technical assistance" the following: "(including technical assistance for business development and stabilization and application of technologies and productivity improvement)";

(2) by inserting after "training programs" the following: "(including on-site employee training and programs to upgrade employability of the region's perople)"; and

(3) by inserting after "demonstrations" the following: "(including demonstrations of service consolidations and other methods of increasing efficiency of local governments, the establishing and operation by States, public agencies, or nonprofit development organizations of revolving funds for business assistance loans, and establishment and operation of business incubators and the provision of industrial facilities and equipment by public agencies and non-profit organizations on such terms (including terms of reasonable recovery of grant funds upon resale) as are approved by the Commission, and the acquisition and development of land)."

(b) LIMITATIONS ON DEMONSTRATION GRANTS.—Subsection (b)(1) of such section is amended—

(1) by striking out ", (3), or (4)" and inserting in lieu thereof "or (4),";

(2) by inserting "or economic" after "energy"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "Funds in energy enterprise development loan funds established with grants previously approved by the Commission under this section may, upon approval of the Commission pursuant to section 303, after the date of the enactment of the Appalachian Regional Development Act Amendments of 1991, be made available for the purposes authorized in subsection (a)(3).".

SEC. 211. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Section 401 of the Appalachian Regional Development Act of 1965 is amended by adding at the end thereof the following: "In addition to the appropriations authorized in section 105 for administrative expenses and in section 201(g) for the Appalachian development highway system and local access raods, there is authorized to be appropriated to the Commission, to be available until expended, to carry out this Act, $37,500,000 per fiscal year for each of fiscal years 1992, 1993, and 1994.".

SEC. 212. EXTENSION OF TERMINATION DATE.

Section 405 of the Appalachian Regional Development Act of 1965 is amended by striking out "1982" and inserting in lieu thereof "1994".

TITLE III—COAL MINE MOUTH PLANT TECHNOLOGY

SECTION 301. SHORT TITLE.

This Title may be cited as the "Coal Mine Mouth Plant Technolgy Improvement Act of 1991".

SEC. 302. PURPOSE.

To encourage the development of energy plants at the mouth of coal mines, with a specific focus on the economically depressed Appalachian region, by improving the technologies for coal separation and power transmission using superconductivity.

SEC. 303. STUDY BY THE APPALACHIAN REGION COMMISSION.

(a) STUDY.—The Appalachian Region Commission shall conduct a study of the economic and environmental impacts of locating coal fired power plants utilizing technologies developed pursuant to this Act near coal mines in the Appalachian region. The study shall include criteria for selecting appropriate mines and a list of appropriate mines.

(b) REPORT.—Not later then two years after the date of enactment of this Act, the Appalachian Region Commission shall report to Congress the findings and conclusions of the study conducted pursuant to subsection (a).

SEC. 304. RESEARCH OF TECHNOLOGIES TO IMPROVE COAL MINE MOUTH PLANT FEASIBILITY AND MAGNETIC SEPARATION TECHNIQUES USING SUPERCONDUCTIVITY.

(a) AUTHORIZATION TO CONDUCT RESEARCH.—The Secretary of Energy shall—

(1) conduct research and development through the Department of Energy; and

(2) enter into cooperative research and development agreements with public and private researchers, to promote the development of high temperature superconductivity technologies to be utilized for the production of power at coal mine mouth plants and the development of clean coal technologies as provided in subsection (b).

(b) TECHNOLOGIES.—The research and development authorized by subsection (a) shall focus on two specific technologies as follows:

(1) High temperature superconductivity transmission cables to be used to conduct reserve or active power to cities.

(2) Magnetic Coal separation techniques to be utilized to develop and improve magnetic coal separation and magnetic emissions control technology

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) APPALACHIAN REGION COMMISSION STUDY.—There are hereby authorized to be appropriated such sums as are necessary to carry out the study authorized in section 2.

(b) RESEARCH OF TECHNOLOGIES.—There are hereby authorized to be appropriated—

(1) for research described in section 3(b)(1), $2,000,000 for each fiscal year 1993 through 1997; and

(2) for research described in section 3(b)(2), $2,000,000 for each fiscal year 1993 through 1997.

By Mr. MOYNIHAN:

S. 35. A bill entitled the "Safe Bottled Water Act of 1991"; to the Committee on Environment and Public Works.

SAFE BOTTLED WATER ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Safe Bottled Water Act of 1991. In doing so, I hope to establish a better system of regulating bottled water. Bottled water should receive the same protections as public water supplies. That it does not is surely an anomaly of the law, one we can and should correct.

There are almost 500 water plants in the United States producing over 600 different brand names of bottled water. There are over 75 imported brands of bottled water. The estimated value of imported and domestic bottled water sold in the United States in 1988 was approximately $2 billion. Almost 1 out of every 15 households nationwide consumes bottled drinking water as their primary source of drinking water. In southern California, one out of every three households uses bottled water. In fact California accounts for almost half of the bottled water consumed in the United States. In 1988, Californians consumed 565 million gallons of bottled water, New Yorkers 110 million gallons, Texans 105 million gallons, and Floridians 92 million gallons.

Why do people buy bottled water at 500 to 1,000 times the price of public water? Taste, fashion, safety. It is perhaps a fad. Yet, in the last decade, the bottled water industry has grown some 400 percent, so it would seem bottled water is here to stay. That in itself is fine. If an individual chooses to buy a bottle of water, he or she assumes that it is at least as safe as that provided through the public water supplies. Mr. President, the truth is, this may not be the case at all. That bottle of water may actually contain levels of contaminants in excess of those found in our public water supplies. And the reason for this is worth noting.

Attempts to regulate public drinking water supplies have existed in one form or another since the turn of the century. In 1974, Congress passed the Safe Drinking Water Act and began regulating and enforcing tougher standards for drinking water. Congress again addressed public drinking supplies in 1986 by amending and strengthening the Safe Drinking Water Act and is scheduled to do so again in the Congress. Many believe that the Environmental Protection Agency must go further in its enforcement of the act, and this may be so. As with anything, there is always room for improvement.

In 1988, almost 2 billion gallons of bottled water was sold in the United States. Under the Safe Drinking Water Act, the Environmental Protection Agency, the agency of the Federal Government with the expertise in regulating drinking water, did not regulate a drop of this water. Bottled drinking water is considered a food and thus regulated by the Food and Drug Administration.

Bottled water is regulated under one small section of the Food, Drug and Cosmetic Act. The provision simply requires that the Administrator of the Food and Drug Administration consult with the Administrator of the Environmental Protection Agency whenever EPA issues new primary drinking water regulations. The Food and Drug Administrator then has 180 days in which to make the standard applicable to bottled water or explain why he or she is not doing so. The Food and Drug Administration is not required to apply the EPA standards. But if the FDA decides to adopt the EPA standards, it must promulgate separate regulations, putting bottled water at least 2 years behind public water. Furthermore, FDA does not require bottled water to be tested or monitored for unregulated contaminants as public water facilities are currently required to do.

Mr. President, there are presently no regulations requiring a bottler of water to disclose its source. As much as one-third of all bottled water comes from public water supplies. My bill requires that the bottler clearly identify its source. If a consumer is going to pay 1,000 times the price of public water, he or she is entitled to know for what they are paying.

There are no regulations concerning what an approved source of water is. There currently exist no criteria concerning minimum well construction standards, distance separation from upstream wastewater discharges, or minimum distance separations from a variety of potential contamination sources such as abandoned wells, septic tanks, waste impoundments or landfills. My bill does this.

Mr. President, this is a rather simple measure. It requires that the standards for public drinking water also be applied to bottled water. The bill requires simple labeling procedures and expands the monitoring, testing, and reporting procedures for bottled water. It requires standard definitions for drinking water, natural water, spring water, well water, distilled water, purified water, soda water, seltzer water, and mineral water, so that a consumer might have a better idea of what is being purchased.

In introducing this bill it is not my intention to burden a growing industry with excessive Federal regulations but rather, to insure that bottled water at least be as stringently regulated as public water supplies.

Mr. President, I ask unanimous consent that the text of the bill be entered into the RECORD at the appropriate place.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 101. SHORT TITLE.

This title may be cited as the "The Safe Bottled Water Act of 1991".

SEC. 102. PURPOSE.

To amend the Safe Drinking Water Act to require that bottled water be subject to health standards applicable to public water supplies.

SEC. 103. FINDINGS.

The Congress finds that—

(1) Consumption of bottled water has increased markedly in recent years with approximately one out of every fifteen households currently consuming bottled drinking water as their source of drinking water;

(2) U.S. sales of bottled water increased by almost 500 percent during the decade of 1977 through 1987, creating a $1.9 billion dollar industry;

(3) Consumers are paying premium prices for bottled water based on the assumption that it is of superior quality to their tap water;

(4) Industry representatives report that sixty to seventy percent of all bottled water sold in the United States is left unregulated by the federal government;

(5) There exist confusion and ambiguities in the law leading to the consumption of bottled water that is not as stringently regulated as municipal water supplies;

(6) An estimated one-third of bottled water brands are taken from community water supplies and municipal tap water and commonly sold at 500 to 1000 times the cost of tap water, and

(7) There currently exist no requirement that a bottler of water reveal the original source of its product.

SEC. 104. DEFINITIONS.

For the purposes of this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Secretary" means the Secretary of Health and Human Services.

SEC. 105. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR BOTTLED WATER.

(a) The Safe Drinking Water Act is amended by adding the following new section at the end thereof:

"Maximum Contaminant Level for Bottled Water"

"SEC. 1452. (a)(1) When the Administrator of the Environmental Protection Agency promulgates interim or revised national primary drinking water regulations concerning maximum contaminant levels, such regulations shall be applicable to all bottled drinking waters, including mineral, spring, natural sparkling water and vended water.

(2) Not later than twelve months after the date of enactment of this section, the Secretary shall establish separate quality standards and definitions for mineral water and carbonated water which include—

(A) limits for total dissolved solids, sulfate, sodium, and trihalomethane content;

(B) the Secretary shall insure that standards for mineral water and carbonated beverages meet all Environmental Protection Agency established health-based drinking water standards.

(b)(1) SOURCE PROTECTION.—Not later than twelve months after the date of enactment of this section, the Administrator shall—

(A) define "approved sources" of bottled water;

(B) establish criteria to determine the adequacy as well as the protection of "approved sources" of bottled water including but not limited to—

(i) minimum well construction standards;

(ii) minimum distance separation from upstream wastewater discharges;

(iii) minimum distance separations from abandoned wells, septic tanks, waste impoundments, and landfills.

(c) MONITORING, REPORTING AND INSPECTION.—Not later than twelve months after the date of enactment of this section, the Administrator shall—

(1) establish a bottled water monitoring program which at a minimum—

(A) is as stringent as that used for public water supplies and provides for yearly testing and monitoring for 51 unregulated contaminants for which public water utilities must test, and

(B) requires that any analyses or testing be performed in a State or EPA approved and certified laboratory.

(2) establish a bottled water reporting program that includes—

(A) time tables and procedures for timely reporting to EPA,

(B) provide public notification procedures should a bottled water be found to be in exceedence of health based standards,

(C) establish a national registry of bottled water facilities and their most current reporting information, and

(D) require that records of sampling and analysis be maintained at the plant for not less than two years and shall be available for official review upon request of State or Federal regulatory agency.

(3) establish a bottled water facility inspection program which includes at a minimum two scheduled inspections a year and one unscheduled inspection a year.

(e) RECALL REGULATIONS.—Not later than six months after the date of enactment of this section, the Administrator shall—

(1) establish procedures and public notification guidelines for recall of a bottled water product if exceedence of any health based standards occurs.

(2) require each bottler to develop and submit individual recall notification and recall procedures.

(f) PROHIBITION ON DUAL USE OF BOTTLED WATER EQUIPMENT.—Not later than twelve months after the date of enactment of this section—

(1) the Administrator shall prohibit the processing and bottling of noncarbonated water with equipment used to process milk, fruit juice or other food products likely to contribute nutrients for microbiological growth.

(g) BOTTLING, PACKAGING, AND STORAGE STUDY.—The Administrator shall conduct a comprehensive study of contaminants and the extent to which they contribute to the degradation of bottled water from the unique processing and storage of bottled water. The Administrator shall pay particular attention to contamination problems which may arise from the bottling, packaging or storage of bottled water products.

SEC. 106. LABELING.

Not more than six months after the date of enactment of this section the Secretary shall—

(a) establish and enforce clear, concise, and un-coded uniform source labeling requirements for all bottled water products which at a minimum includes—

(1) the original source of the water,
(2) type of water,
(3) type of treatment, if any,
(4) the date of bottling,
(5) the address of the bottler, and
(6) provide numerical specification of sodium content.

(b) Define—

(1) mineral water, spring water, naturally carbonated, naturally sparkling, well water, natural well water, artesian water, natural artesian water, purified water, distilled water, drinking water, and require that the definition for the appropriate product be placed on the bottle.

SEC. 107.

Section 349 of the Federal Food, Drug and Cosmetic Act is amended by striking section 349.

SEC. 108.

There are hereby authorized to be appropriated to the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, such sums as may be necessary to carry out the purposes of this act.

By Mr. MOYNIHAN:

S. 36. A bill entitled the "New York Zebra Mussel Monitoring Act of 1991"; to the Committee on Environment and Public Works.

NEW YORK ZEBRA MUSSEL MONITORING ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce the New York City Zebra Mussel Monitoring Act of 1991. This is a simple but necessary measure. New York City receives 95 percent of its water from upstate reservoir systems. The current system is in reasonably good condition but the stress that zebra mussel infestation might produce could seriously jeopardize public water supplies for those living in the New York City area.

Last year the Senate Committee on Environment and Public Works, Subcommittee on Water Resources, Infrastructure, and Transportation, of which I am chairman, conducted several hearings concerning Dreissena polymorpha, or more commonly known as the zebra mussel.

During those hearings, it became clear that the zebra mussel, a nonindigenous mollusk native to Soviet Central Asia which arrived in the ballast water of a ship from Europe in 1986, was a serious threat to public water supplies throughout the Nation. Experts testified that within the coming two decades, the zebra mussel will have infested the entire surface water system of the United States. Accordingly, I introduced a bill which established a grant program to assist States and localities in keeping their public infrastructure facilities free of zebra mussels. I am pleased that this became law.

Zebra mussels will likely enter the New York City water supply system. When they do, it will be essential to know of their presence and have in place a system to maintain water flows to the New York City area. The bill I introduce today does just that.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the appropriate place.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 101. SHORT TITLE.

This title may be cited as the "New York City Zebra Mussel Monitoring Act".

SEC. 102. DEFINITIONS.

For the purposes of this Act—

(a) The term "Secretary" means the Assistant Secretary of the Army for Civil Works.

(b) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(c) The term "Zebra Mussel" means the species Dreissena polymorpha.

SEC. 103. FINDINGS.

The Congress finds that—

(1) New York City has operated a public water supply system since the late 1700's;

(2) The current water supply system supplies over 95 percent of all water used in New York City, providing service to millions of residents;

(3) the water supply system obtains its water from three upstate reservoir systems: the Croton, Catskill, and Delaware systems, which include 18 reservoirs and three controlled lakes;

(4) it is likely that within the coming two decades, the zebra mussel will have infested the entire surface water system of the United States and Canada and that this migration is irreversible and cannot be quarantined; and

(5) introduction of the zebra mussel into the New York City water supply system poses a unique public health threat to millions of citizens.

SEC. 104. PURPOSE.

The purpose of this Act is to establish a program of monitoring and technological development to prevent the introduction and subsequent infestation of Zebra Mussels into the New York City water supply system.

SEC. 105. MONITORING AND PREVENTION.

(a) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the United States Fish and Wildlife Service, the Governor of the State of New York, and the Mayor of the City of New York, shall—

(1) develop a prevention monitoring program for zebra mussels throughout the New York City water supply system.

(2) develop appropriate zebra mussel prevention and removal technologies for the New York City water supply system; and

(3) provide technical assistance to the State of New York and the City of New York on alternative design and maintenance practices for the New York City water supply system in the event of zebra mussel infestation.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) For the purposes of carrying out section 105 of this Act, there is authorized to be appropriated to the Secretary of the Army $2,000,000 for each fiscal year 1991, 1992, 1993, 1994, and 1995. Such sums shall remain available until expended.

By Mr. MOYNIHAN:

S. 37. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency; to the Committee on Foreign Relations.

EMERGENCY HUMANITARIAN ASSISTANCE TO LITHUANIA

Mr. MOYNIHAN. Mr. President, I rise today to reintroduce a bill to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people. I first introduced a similar bill on June 19, 1990.

Last year, the Soviet blockade of Lithuania induced a serious shortage of medical supplies. Hospitals lacked insulin, anesthesia, penicillin, disinfectants, and other indispensable items. Both Houses passed legislation to authorize assistance, but the funds were never appropriated. Some questioned the need for this assistance because the Soviet Union had lifted its economic blockade. Others argued that the negotiations between Lithuania and the Soviet Union would be upset by providing this help. I argued that Lithuania had no reserves and that the Soviets could plunge the state into crisis in a moment's notice. That these were not appropriate terms for negotiating Lithuanian independence.

Perhaps that moment of crisis has arrived. On Friday, January 11, we passed Senate Resolution 12 calling on

President Gorbachev to refrain from further use of force against the democratically elected governments of the Baltic States. Yesterday, we learned of Soviet troops storming a radio station in Vilnius and 13 plus casualties.

Once again, I argue, there is a very real need to support Lithuania in its struggle to be free. The incorporation of Lithuania into the Soviet Union was blatantly illegal. Its forceful suppression is also illegal. President Bush condemned the crackdown and noted, "the United States and the West will redouble our efforts to strengthen and encourage peaceful change in the Soviet Union." We have championed Lithuanian efforts rhetorically. Now we have the opportunity to offer tangible support. To strengthen and encourage peaceful change.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. LITHUANIAN EMERGENCY RELIEF.—(a) The Congress recognizes that prompt United States assistance is necessary to help alleviate the emergency existing in the Republic of Lithuania which has caused great suffering among the Lithuanian people, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

"(A) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Lithuanian people during the existing emergency;

"(B) solicit private sector donations of humanitarian assistance for Lithuania; and

"(C) cooperate with private relief agencies attempting to provide humanitarian aid to Lithuania.

"(2) The Commander-in-Chief of United States Transportation Command is authorized to provide all airlift and sealift necessary, throughout the course of the Lithuanian blockade, to transport United States public and private donations of medical supplies to Lithuania on a regular basis.

"(c)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President $10,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(d) Assistance may be provided under this section notwithstanding any other provision of law other than laws referred to in section 503(b) of the Support for East European Democracy (SEED) Act of 1989.

"(e) The Congress urges the President to begin negotiations with the nations surrounding Lithuania, including Latvia, Estonia, the Union of Soviet Socialist Republics, and Poland, regarding the importation of critical humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Lithuanians begin to receive critical humanitarian assistance immediately.

"(f) For purposes of this section, the term 'humanitarian assistance' includes—

"(1) oil, gas, and fuel for emergency vehicles and medical facilities;

"(2) water purification supplies, materials for immunization, and other materials, needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(3) medical supplies; and

"(4) food and clothing.".

By Mr. MOYNIHAN:

S. 38. A bill to deny the People's Republic of China most-favored-nation trade treatment; to the Committee on Finance.

DENIAL OF MOST-FAVORED-NATION TRADING STATUS TO THE PEOPLE'S REPUBLIC OF CHINA

• Mr. MOYNIHAN. Mr. President, today I reintroduce a bill to revoke most-favored-nation status for China. I first introduced this same bill in the 101st Congress on June 22, 1989.

Nearly two decades ago Senator Henry Jackson proposed what he termed "an unprecedented measure to bring the blessings of liberty to these brave men and women who have asked only for the chance to find freedom in a new land." The Jackson-Vanik amendment to the Trade Act of 1974 tied the provision of most-favored-nation status to a nation's willingness to permit emigration. In doing so, it established a relationship between MFN and human rights. Indeed, the purpose of Jackson-Vanik was expressed clearly in its text:

To assure the continued dedication of the United States to fundamental human rights.

Extension of most-favored-nation status has been used since to buttress America's defense of human rights around the world. In 1982, the President suspended Poland's MFN status after its government outlawed Solidarity. In 1987, Poland's MFN status was restored in recognition of positive political changes. Similarly, in 1986 the President revoked Afghanistan's MFN status. I do not need to recount to my colleagues the horrors that led to that decision.

Ten years ago, China was opening to the world, and the United States responded by waiving Jackson-Vanik and granting China MFN status. Supporters of the decision, Senator Jackson among them, cited China's progress in the area of human rights. Deputy Secretary of State Christopher Warren told the Ways and Means Committee on November 1, 1979, that "it should be a source of gratification to us that the Chinese Government is determined to develop a legal system that would prevent the unchecked exercise of official authority." Senator Jackson reminded the committee that Deng Xiaoping had told a Chinese-American audience earlier that year of his desire to loosen travel restrictions. To wit:

> Many of you have relatives living on the mainland and wish they may come over for a family reunion, and others may wish to go back to China to visit their relatives. This is quite natural and understandable. The Chinese government will treat these legitimate wishes favorably and with sympathy and will adopt effective measures to satisfy these wishes. You may rest assured on this score.

Well, we rested assured. Then Tiananmen Square. And on June 19, 1989, a Washington Post headline declared: "Chinese Government Issues New Restrictions on Foreign Travel." On November 28, 1990, a Washington Post headline declared: "China Files Formal Charges, Begins Prosecuting Dissidents Jailed in '89." Just last week, we see: "China Sentences 7 Activists to Prison; 4 Students on 'Most Wanted' List Among Those Tried, Convicted." And we read, in an editorial in today's Post by Jerome Alan Cohen of New York University, of the troubling reality of China that lacks any independent judiciary. They don't think the world is watching. But we are.

The totalitarian idea is dead. But as we see in Beijing, the totalitarian practice is alive and well, stripped of its ideological pretensions, and wielded, now as always, to defend the power of an elite. China's students refused to submit. They have joined the ranks of the martyrs of the 20th century; and their grace has touched us.

Of course such brutal repression of democratic dissent is not new in China. Ask any Tibetan. Chinese behavior in Tibet approaches genocide. It is within serious estimates of responsible people that if matters proceed as they do a distinctive Tibetan civilization, a rich culture for over a millennium, will have vanished in 20 years' time. And China has now become the principal supplier of weapons to the brutal junta in Burma, which also wages genocide against its minority peoples.

Upon receiving MFN status Chinese imports increased from $600 million in 1980 to $12 billion in 1989, a factor of 20. The Soviet Union, in comparison, experienced a drop in imports, from $873 million to $703 million during that same period. Through October 1990 Chinese exports to the United States totaled $4.1 billion. We have our third largest bilateral trade deficit with China. Only those with Japan, and Taiwan are larger.

This trade is so important to China that they violate trade agreements with the U.S. in order to increase exports to the U.S. Just before the new year, our Customs Service announced that China has been illegally shipping textile products into the U.S. through third countries. Indeed, they have been illegally shipping products since 1988. China's textile quota was reduced accordingly. But this is a truly minor inconvenience. U.S. consumption of Chinese goods represents a treasure the Chinese Government wants to preserve. We must consider this treasure worth denying.

Clearly, the conditions under which China received most-favored-nation status have changed. We would not have offered MFN status to China had the events in Tiananmen Square occurred in 1979, rather than 1989. We cannot ignore what happened in China. And we cannot avoid calling it by its name: an armed revolt by the Chinese Army against what we must recognize to be the legitimate authority of the Chinese people.

The United States has for almost two decades made most-favored-nation treatment conditional on political and human rights, in the Soviet Union, China and the rest of the world. We have denied it to the Soviet Union and much of Eastern Europe until they adopted fundamental political and human rights reforms. Happily, Hungary and Czechoslovakia have not fulfilled the requirements of the Jackson-Vanik law. East Germany is no more. We still await further positive change in Romania and Bulgaria before granting MFN. We have not, to this day, actually granted MFN status to the Soviet Union, even though 400,000 people freely emigrated from the country in 1990. We insist upon formal passage of an emigration law by the Soviet Government before we will grant MFN treatment. And the most recent Soviet actions in Lithuania certainly will raise new obstacles. Yet, we continue to confer MFN treatment on an unreconstructed, unrepentant, unchangeable totalitarian regime in Beijing.

This is a double standard. It is a double standard, in support of naked totalitarianism, that surely cannot have been our purpose. We cannot forget, and I ask for the support of my colleagues in making it clear to the Chinese Government that the U.S. will not look the other way as they continue to repress democracy and trample human rights. I urge swift passage of this legislation and ask unanimous consent that the text of the bill and three articles from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF MOST-FAVORED-NATION TRADE TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA.

Notwithstanding any other provision of law—

(1) the President shall terminate or withdraw any portion of any trade agreement or treaty that relates to the provision of nondiscriminatory (most-favored-nation) trade treatment to the People's Republic of China.

(2) the People's Republic of China shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of the People's Republic of China shall be subject to the rates of duty set forth in column number 2 of the Harmonized Tariff Schedule of the United States, and

(3) the People's Republic of China may not be provided nondiscriminatory (most-favored-nation) trade treatment under any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431, et seq.).

SEC. 2 EFFECTIVE DATE.

The provisions of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.

[From the Washington Post, Nov. 28, 1990]

CHINA FILES FORMAL CHARGES, BEGINS PROSECUTING DISSIDENTS JAILED IN '89

(By Lena H. Sun)

BEIJING, November 27.—China is taking advantage of world preoccupation with the Persian Gulf crisis to prosecute of some prominent dissidents accused of being ringleaders in last year's democracy movement, according to Chinese sources and Western diplomats.

China's resolve to maintain a "tough position" on internal dissent has been strengthened by the gulf crisis and the gradual lifting of economic and political sanctions against it in recent months by the European Community, Japan and to some degree the United States, according to a Chinese intellectual, who cited such assessments in internal Communist Party documents.

In this view, China no longer sees the need to free political prisoners to win foreign economic assistance, especially at a time when its vote as one of the five permanent members of the U.N. Security Council is critical for passage of a U.S.-led resolution authorizing use of force against Iraq.

"U.S. attention is on the Persian Gulf, and a lot of the pressure on China has been lightened," said a Chinese with a relative who has been jailed without formal charges for nearly 17 months.

Earlier this month, Premier Li Peng indicated to some visiting U.S. congressmen that the cases of many of those jailed would be resolved quickly. The delegation stressed the longstanding U.S. position that detainees should be released or formally charged.

Human rights organizations estimate that hundreds of people remain imprisoned for their roles in the democracy movement, which was crushed by the army in June 1989.

In recent days, at least four jailed individuals whom authorities have branded core agitators have been charged with counterrevolution or sedition, according to Chinese sources.

In addition, Wang Dan, one of the most prominent student leaders, is likely to be formally charged in the next few weeks, according to reliable Chinese sources. Authorities also have drawn up indictments against about 10 other student leaders and intellectuals who took leadership roles in last year's protests, according to one Western diplomat, although he could not identify them.

Some university students who took part in the protests but were not jailed have been punished by their schools in recent weeks, sources said. The punishments range from verbal warnings to more serious written warnings that are placed in their secret personnel files.

At Beijing University, which was in the forefront of the protests, 137 students have been labeled political offenders within the last month for their participation in the demonstrations and have been issued warnings by the university's party committee, according to sources. Over 60 percent of those students received warnings that were serious enough to be recorded in their personnel files, the sources said.

At the Central Academy of Drama, another school active in last year's demonstrations, 11 students reportedly have been issued severe warnings for refusing food and water during a hunger strike at Tiananmen Square during the protests. A school spokesman called the reports of the warnings "sheer fabrication."

According to the sources, the Communist Party leadership has instructed university officials to complete investigations of those involved in the protests and to mete out punishments by the end of this year.

Although individual dissidents have been released from jail over the last several months, there has been no mass release of political prisoners since May. Since then, one Chinese said, "China has gained a lot without doing much in the way of human rights."

Although many participants in last year's protests have been tried, none of the accused student or intellectual ringleaders had been formally charged and taken to court until last weekend, when two intellectuals were charged with plotting to overthrow the government.

The charges against Wang Juntao and Chen Ziming, editor and publisher of the now-banned Economic Studies Weekly, are the most serious to be brought so far against intellectuals in the movement.

In addition, Liu Xiaobo, 34, a controversial literary critic, faces trial on a charge of spreading counterrevolutionary propaganda, one Chinese source said today. Authorities have accused Liu of "instigating and participating in the rioting" and of supporting armed resistance.

According to sources quoted by United Press International, Liu Suli, an assistant professor at the University of Politics and Law in Beijing, faces the same charge. Liu reportedly led the liaison group among students, workers and intellectuals in the democracy movement.

All four intellectuals, as well as student leader Wang Dan, are being held at Qincheng prison, where China detains many political prisoners.

It had been rumored that student leader Wang, 22, was going to be released earlier this year. But according to Chinese sources, he remains in prison, and Beijing University's party committee has been notified that Wang will be formally charged before next month's elections for local representatives to the National People's Congress, China's rubber-stamp legislature.

Until now, the party leadership has acted as though afraid of the reaction—at home and abroad—to the formal charging of Wang. But according to the sources, the party is now more afraid that Wang, who would retain his political rights if not formally charged, might be nominated as a people's deputy.

[From the Washington Post, Jan. 6, 1991]

China Sentences 7 Activists to Prison, 4 Students on "Most Wanted" List Among Those Tried, Convicted

[By Lena H. Sun]

BEIJING, Jan. 5.—Authorities today sentenced seven activists, including four student leaders on the government's "most wanted" list, to prison terms ranging from two to four years for involvement in the 1989 democracy movement.

The sentences are considered relatively lenient by Chinese standards. In addition, several intellectuals and some students have been released from custody in recent days in what some Chinese sources said was another indication of leniency by the Communist government.

But those intellectuals whom authorities have accused of playing key roles in the demonstrations are expected to be punished much more severely to give legitimacy to the government's claim that the 1989 protests were a "counter revolution," according to Chinese and Western sources.

Several of those intellectuals, apprehended after the Chinese army crushed the demonstrations in June 1989, have been formally charged in recent weeks and are awaiting trial. Chief among them are scholars Wang Juntao and Chen Ziming, who have been charged with sedition, a crime punishable by death.

The four students sentenced today by the Beijing Municipal Intermediate People's Court are the first on the list of 21 most wanted student ringleaders to be tried. Wang Dan, No. 1 on the list, is still awaiting trial, and at least four others among the most wanted are also in jail. Several of those named on the list escaped to the West.

"I think it's pretty obvious that they tried to go easy on the students because there's a lot of public attention focused on this around the world," said Robin Munro, a China specialist with Asia Watch, a New York-based human rights organization.

Just last month, Assistant Secretary of State Richard Schifter, Washington's top official for human rights, held talks here with officials and asked for the release of 150 Chinese political prisoners.

Today's sentences ranged from two to four years, and included deprivation of political rights for some of the defendants, according to the official New China News Agency. It said the defendants were tried separately, made confessions and were represented by lawyers or relatives who argued on their behalf.

Despite repeated requests, court authorities refused to allow foreign journalists to attend any part of the proceedings, some of which began in November. However, the news agency said more than 60 Beijing residents were present when the sentences were announced.

The court said the defendants were guilty of inciting subversion against the government, organizing attacks against martial law forces, or gathering crowds to disrupt public order. The news agency did not specify the crimes with which each individual was charged.

Many of the "crimes," such as making public speeches or joining in peaceful protest marches, would be protected in the United States under constitutional guarantees of free speech and assembly.

Among the student leaders, the stiffest sentence—four years)—was given to Wang Youcai, No. 15 on the most wanted list.

Wang, 25, a Beijing University physics student, was a member of the Beijing Autonomous Students Federation, the group that organized and coordinated most of the student protests. He was accused of attempting to organize continued student resistance in Shanghai after the army crushed the protests on June 4, 1989, leaving hundreds of people dead.

Two other student leaders also active in the students federation, Zhang Ming, from Qinghua University, No. 19 on the most wanted list, and Ma Shaofang, a Beijing Film Academy student, No. 10 on the list, were each sentenced to three years in jail. Student leader Zheng Xuguang, a Beijing Aerospace University student, No. 9 on the list, was sentenced to two years.

Three activists whose backgrounds were not known were also sentenced to prison terms. They were Zhang Qianjin and Xue Jianan, sentenced to two years, and Kong Xianfeng, who was sentenced to three years.

In addition to the seven who were sentenced to jail time, two others, Li Yugi, a Qinghua University student, and Pang Zhihong, whose background was not known, were "exempted from criminal punishment" because they "committed minor crimes and showed willingness of repentance," the news agency said.

[From the Washington Post, Jan. 14, 1991]

China: Clinging to Courts on a Marxist Model

[By Jerome Alan Cohen]

Deng Xiaoping has always been more interested in Marx than in Montesquieu. Despite his student sojourn in France, Deng has repeatedly rejected the French political philosopher's theory of the separation of powers—so influential in the United States and in other countries the People's Republic of China seeks to catch up with. Thus China lacks a judiciary that is independent of political authority, even though its constitution creates a contrary illusion. In China's courts, as in all of her other government institutions, "politics is in command."

Not only the Chinese people but also their Communist leaders have paid a high price for this system. The transitional figure Hua Guofeng, Chairman Mao Zedong's original successor, discovered this in 1979, when, prior to trial of the "Gang of Four," he assured the world that the Supreme People's Court would not sentence to death Mao's widow. Instead of being credited for a humane gesture, Hua was pilloried and mocked by Chinese reformers as well as foreign observers for usurping the role of the judiciary.

By choosing to continue with Communist Party control of the courts during the new era they brought to China in the 1980s, Deng and his colleagues guaranteed themselves some headaches they could have been spared. Dictating to judges is tempting, as any politician can testify, but it is also costly, as only dictators can confirm. One of its costs—sometimes overlooked in analysis of totalitarian systems—is that it saddles already overburdened political leaders with other important and contentious issues that might have been left to the judiciary.

Recent events in Beijing underscore this truth, for it is the highest party leaders and not the judges who must decide how to dispose of the cases of the advocates of democracy still in detention more than 18 months after the Tiananmen Square tragedy. The trials of some dissidents have just been concluded, but over 50 more will soon be dealt with, including the most prominent persons accused.

Undoubtedly, even Qiao Shi, member of the Politburo standing committee responsibile for what the Chinese accurately call their "political-legal system," cannot himself decide the sensitive and complex questions involved. Convicting workers and unemployed persons who had committed acts of violence was an easy matter on which to gain agreement in the months immediately after Tiananmen. But bringing to trial well-known intellectuals and students for engaging in "counterrevolutionary propaganda" and similar verbal activity has proved to be more controversial for Deng & Co.

Some leaders, eager for formal vindication of their decision to allow the wanton use of force on June 4th, are pushing for the condemnation and harsh punishment of certain dissident intellectuals as the "black hands" behind a supposedly conspiratorial rebellion. Others, recognizing that such actions would compound the damage to their reputations at home and abroad, would like to drop the charges and get on with modernization. Many leaders in the middle would welcome a face-saving way to get this hot potato off the leadership's hands.

An independent, impartial court system would provide the way out, as it does in bourgeois countries. As things stand, however, China's leaders have had to debate not only who will be tried, which changes will be alleged and what the sentences will be, but also other thorny questions. Will the accused be allowed to select their own defense counsel? Will counsel be permitted to make a genuine defense and given the time and facilities to prepare? Will the trials be open to the public as required by law? Will the press, including foreign journalists, be allowed to attend and report on the proceedings? And will China for the first time grant, as many other repressive regimes have done, the requests of international human rights organizations to send representatives to monitor the proceedings?

Thus far the answer appears to be no to all these questions, but they must be provoking great controversy among an elite that was already badly fractured over Tiananmen and its consequences and that has been surprised at the extent of foreign concern about the trials despite the diversion caused by Iraq and the accompanying relaxation against China. Most of this time consuming, enervating divisiveness could have been avoided if China, instead of importing the Marxist model of the judiciary from Moscow, had more carefully considered the advantage of the separation of powers. If Deng is too old and set in his ways to reread Montesquieu, surely some younger colleagues may wish to rummage around in Beijing's still tightly controlled libraries to find a copy.

[The writer, a visiting professor of law at New York University, has long studied the state of law in China and has advised U.S. corporations operating there.]●

By Mr. ROTH (for himself and Mr. BAUCUS, Mr. CHAFEE, Mr. LIEBERMAN, Mr. DURENBERGER, Mr. BRADLEY, Mr. GORE, Mr. MOYNIHAN, Mr. LEAHY, Mr. SIMON, Mr. BIDEN, Mr. HARKIN, Mr. KENNEDY, Mr. METZENBAUM, Mr. KERRY, Mr. PELL and Mr. LAUTENBERG):

S. 39. A bill to amend the National Wildlife Refuge Administration Act; to the Committee on Environment and Public Works.

NATIONAL WILDLIFE REFUGE ADMINISTRATION ACT AMENDMENT

• Mr. ROTH. Mr. President, as this distinguished body addresses the issues and challenges of good government, we often find that the process is a challenge in and of itself. It's a challenge because often the lines of distinction between what is good, better, and best for the American people are blurred by deep convictions and strong emotions from all parties concerned.

Mr. President, there are few things of value that we can leave to posterity with the confidence that they will endure beyond our lifetime. Undisturbed land is one of these. We become more certain about the importance of wilderness areas as time passes—realizing that once the land is stripped it is impossible to return it to the way it was. However, as time passes, we also receive greater pressure from those who feel we need to develop the precious resources on that land. Frightened by the energy crush, by the situation in the Middle East, or motivated by economic gain, either way their collective voices demand development. This is the situation today as we find ourselves confronted with the decision to drill or not to drill in the coastal plain of the Arctic Refuge.

I have always believed that we must weigh our competing national interests with care—after all, the need to develop and use our domestic resources is part of America too. In order to meet our Nation's energy requirements, we must continue to proceed on two fronts. We must continue to reduce the demand for energy through conservation. As a matter of fact, the Department of Energy has reported that conservation has done more than any other source to improve the United States' energy situation. This is important, but we must also increase domestic supplies of energy through alternate sources that will result in long-term solutions.

I ask unanimous consent that the legislation be printed in the CONGRESSIONAL RECORD in its entirety at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions of the National Wildlife Refuge Administration Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,556,793 acres, as generally depicted on a map entitled "Arctic Coastal Plain Wilderness—Proposed", dated June, 1986, and available for inspection in the offices of the Secretary of the Interior, is hereby designated as a component of the National Wilderness Preservation System.•

• Mr. CHAFEE. Mr. President, I am pleased to join Senator ROTH and 14 of my colleagues in sponsoring legislation to provide permanent protection for the Arctic National Wildlife Refuge.

Introduction of this bill, which would designate the coastal plain of the Arctic Refuge as a wilderness area, sends an important message to those who would use the tragic turn of events in the Middle East as an excuse to begin drilling for oil in the Arctic National Wildlife Refuge—one of the remaining wild and pristine expanses of our Nation. Although the coastal plain may appear to be an arctic wasteland, it is actually a fertile ecosystem rich with the vegetation and wildlife of the fierce arctic tundra.

The coastal plain of the Arctic National Wildlife Refuge has long been recognized as a unique and important arctic habitat. The Alaska National Interest Lands Conservation Act of 1980 stated the purposes for which the refuge was established. Foremost among these is: To conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd, polar bears, grizzly bears, muskox, Dall sheep, wolves, wolverines, snow geese, peregrine falcons, and other migratory birds and Arctic char and grayling. Protection of the coastal plain is critical to fulfilling this national goal.

I am concerned that Federal lands which have been set aside for their natural beauty and national significance are being exploited for commercial purposes. Too often, the development that takes place is done in a manner that damages and degrades those public lands.

Until we have developed and implemented a national energy strategy that includes all available conservation and efficiency policies, looking to development of the Arctic Refuge to fulfill our energy needs is irresponsible and shortsighted.

In 1986, the Department of the Interior estimated that chances were only one in five that there is economically recoverable oil present in the coastal plain. In other words, the odds are four to one that drilling in the refuge will not produce enough oil to justify the cost. It is important to keep in mind that the Interior Department's 1986 report also stated—this time without assigning odds—that long-term losses in fish and wildlife resources, subsistence uses, and wilderness values are inevitable consequences of oil and gas development.

This brings me to the crux of the issue. That is, are we willing to sacrifice the long-term integrity of this unique arctic coastal ecosystem for the possibility of a short-term injection of oil into our energy supply? Those who support the ROTH bill answer this query with a resounding "No".•

Mr. PELL. Mr. President, I am joining in introducing S. 39, a bill to amend the National Wildlife Refuge Administration Act, to increase our protection of the fragile Arctic Coastal Plain Wilderness—one of the world's richest ecosystems.

As an original cosponsor of the Alaska lands bill, I enthusiastically support this measure. The Alaska lands bill provides the limited protection that the Arctic Wilderness now enjoys.

I am pleased to join the Senior Senator from Delaware [Mr. ROTH], the Senior Senator from Montana [Mr. BAUCUS], and many of our colleagues in seeking permanent protection for the Arctic Wilderness.

Our legislation would designate the Arctic coastal plain as part of the National Wilderness Preservation System. It would take one of our country's last great wilderness areas and put it clearly off limits to development interests.

I hope the Senate will take a commonsense approach to the Arctic coastal plain, but I am concerned that we may become embroiled in a highly emotional confrontation between wilderness preservation and energy development interests.

Such a debate is likely to obscure what I consider the most fundamental facts: Our Nation must not risk a globally irreplaceable wilderness for the long odds of finding enough oil reserves for a short-term energy fix.

The catastrophic *Exxon Valdez* oil spill effectively curbed any efforts to open the Arctic Wilderness to drilling during the 101st Congress. That tragic spill had the ironic effect of buying a brief respite from development interests.

Now, however, the situation in the Persian Gulf has focused attention on our dependence upon foreign oil. The advocates of drilling are marshaling their significant forces to argue in the 102d Congress for exploitation of the Arctic Wilderness.

Exploration for oil is a gamble and, anyone who says otherwise is not to be trusted. We should be particularly careful because the stakes we may be asked to offer are literally priceless and irreplaceable.

Let's look at the odds. The Department of the Interior estimates there is less than one chance in five of finding an economically available supply of oil in the arctic coastal plain. Such long-shot odds are not justified, especially when we consider the treasure we would be surrendering.

Let's look at what's in the pot. Estimates vary widely, but the mean estimate of the recoverable oil in the arctic coastal plain is about 3.2 billion barrels. That's about a 6-month supply of oil for the United States.

Let's look at the payoff. Oil industry experts agree it would take 7 years to see the first oil production if any is found, and as many as 15 years to hit full production.

Let's look again at our stake. The abundance and diversity of wildlife on the arctic coastal plain, focuses in an area only slightly larger than my home State of Rhode Island, makes it one of the richest ecosystems in the world.

In my view, especially as one who is concerned about the need to preserve our wilderness areas in public trust, this is a sucker's bet. Others, with the very best of motives, will argue that the risk may not be as great and the payoff may be greater.

I respect their views and understand their desire for energy reserves, but I cannot support them. We must remember the earlier assurances of safety that were exposed to the world as wishful thinking by the *Exxon Valdez*.

Although the glaring headlines of that vast spill have faded into history, the legacy of that tragedy remains. It could have been worse and, along the arctic coastal plain, such an ecological disaster could be even more devastating.

Instead of risking our wilderness heritage and our children's legacy, I believe the administration and the Congress should work harder and longer to develop a clear and effective national energy policy.

We should be fostering greater energy efficiency and actively encouraging the development of innovative, alternative energy sources. We must not let these needs fall by the wayside in a blind rush for more oil from any source, regardless of risks, to feed our profligate energy habits.

By Mr. MOYNIHAN:

S. 40. A bill to direct the Secretary of Health and Human Services to develop a prototype of a counterfeit-resistant Social Security card, and for other purposes; to the Committee on Finance.

DEVELOPMENT OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD

• Mr. MOYNIHAN. Mr. President, today I am introducing a bill that would require the Secretary of Health and Human Services to develop a prototype of a plastic, counterfeit-resistant Social Security card, and submit that prototype to the Senate Finance and House Ways and Means Committees for review. The bill would also require the Secretary to study and report to Congress on ways to improve the Social Security card application process so as to make it more difficult for individuals to obtain Social Security cards fraudulently.

Let me make it clear. The bill does not require issuance of new cards, only the development of a prototype for congressional review. We could then decide whether issuance of such a card to new applicants is desirable.

Personally, I think it a rather simple proposition that a plastic, counterfeit-proof Social Security card would reduce fraud and enhance public confidence in our Social Security system.

The current paper card is easily counterfeited. A New York Times reporter purchased one at a Houston supermarket for the not-so-hefty sum of $6.90. He used a fake name and contrived number. He received a card on the spot.

Use of such counterfeit Social Security cards is costly to the public. According to estimates by the Department of Health and Human Services and the Department of Transportation, crimes based on false identification, which frequently involve counterfeit and fraudulently obtained Social Security cards, cost Americans more than $15 billion annually. Misuse of the cards is so widespread that the Domestic Mail Manual of the U.S. Postal Service directs postal employees not to accept Social Security cards as identification for purposes of cashing a money order.

The mere fact of such unfettered misuse of the Social Security card compromises the integrity of the Social Security system. But there is another problem with the card: As a symbol of Social Security, it would not appear to instill much confidence in the system.

It is flimsy. Printed on paper stock, it is easily worn, torn, or, worse, thrown away. Get it wet, and it disintegrates. It is commonly lost.

The card seems even flimsier when compared to its peers, the colorful plastic cards that adorn the wallets of most Americans: Gold tinted cards, cards bearing silverized holograms. I speak, of course, of credit and bank cards—the currency of our generation. Next to these flashy cards, the drab Social Security variety seem second-rate.

The flimsiness of the card suggests not the importance of Social Security, but a lack thereof; not value, but worthlessness. The card is in the league with the sort of temporary, hand-written paper cards that expire after 30 days, or with business cards that are replaced when the bearer changes job or title. It is hardly a symbol designed to boost public confidence.

And such a boost is sorely needed. According to a December 1989 Gallup Poll on public attitudes about Social Security, 51% of nonretired adults believe that Social Security will not be able to pay them benefits when they retire. More than half.

It is time to develop a new card that enhances public confidence in Social Security. I have tried to do so in the past. In 1979, I first introduced legislation for the development of a counterfeit-resistant Social Security card, and after a few tries at passage I finally got bill language included in the Social Security amendments of 1983. What a disappointment when late that year the Social Security Administration began issuing the new card. It looked much like the old card, in fact much like the original card issued back in 1936.

There has been resistance to the idea of developing a new card. Some think it would cost too much. This is not so. According to Visa International, a plastic card with a hologram costs about 2½ cents to produce.

Some fear the card would become a national identity card and would compromise individual privacy. Let me assure you that this is not what I suggest. Far from it. This bill requires only the development of a prototype card. And even if we would go to the issuance of such a card, it would simply be the same card we have now, but made of plastic and more secure against counterfeiting. The Canadians have been using such Social Security cards for years.

The time has surely come to develop a new Social Security card. We need a better symbol for this most important domestic program. Let us try again.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at the conclusion of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 40

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) IN GENERAL.—(1) The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant Social Security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester, and

(B) employ features that provide security against counterfeiting, such as holograms.

(2) The Comptroller General of the United States shall provide such information and assistance as the Secretary deems necessary to achieve the purposes of this Act.

(b) STUDY AND REPORT.—(1) The Secretary shall conduct a study and issue a report to Congress which examines different methods of reducing fraud in the current Social Security card application process.

(2) Copies of the report described in this subsection along with the prototype card as described in subsection (a) of this section shall be submitted to the House Ways and Means Committee and the Senate Finance Committee within 1 year of the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

(d) EFFECTIVE DATE.—The provisions of this section shall become effective upon the date of enactment of this Act.•

By Mr. SPECTER (for himself, Mr. MURKOWSKI, Mr. SIMPSON, Mr. THURMOND, Mr. JEFFORDS, Mr. D'AMATO, Mr. WARNER, Mr. MCCAIN, Mr. PACKWOOD, Mr. SHELBY, Mrs. KASSEBAUM, Mr. CRAIG, Mr. GRAMM, Mr. DOLE, Mr. PRESSLER, Mr. SEYMOUR, Mr. COHEN, Mr. MACK, Mr. HOLLINGS, Mr. LUGAR, Mr. COCHRAN, Mr. KASTEN, Mr. COATS, Mr. HEINZ, and Mr. BOND):

S. 41. A bill to provide a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and to rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS COMPENSATION RATES COST-OF-LIVING ADJUSTMENT ACT

Mr. SPECTER. Mr. President, I am introducing legislation today to provide a 5.4-percent cost-of-living adjustment in the rates of compensation for veterans with service-connected disabilities and their dependents.

As my colleagues are aware, in the closing days of the 101st Congress, an unfortunate series of events prevented 2.5 million disabled veterans and their survivors from receiving a modest cost-of-living adjustment for calendar year 1991. As a result, our Nation's disabled veterans, their widows, and children were the only category of Federal beneficiaries who did not receive a 1991 COLA.

The bill I am introducing today, is designed to provide a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. The legislation would be retroactive to January 1, 1991.

I am informed by the Congressional Budget Office that because the cost-of-living adjustment for disabled veterans is assumed in the Congressional Budget Office's baseline prepared under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, this bill would have no cost relative to the baseline.

Disabled veterans, who have given so much for their country, should rightly expect that the Congress stand ready to provide them with the services they deserve. The 5.4-percent cost-of-living adjustment that I propose today for disabled veterans is the same percentage increase as Social Security recipients and Federal and military retirees received on January 1, 1991. Congress cannot provide COLA's for some groups and then discriminate against others, especially against a group as deserving as our Nation's disabled veterans.

Mr. President, I thank my colleagues who have joined me in introducing this bill today and urge the Senate to give expeditious consideration to this important legislation. The hour has arrived for us to restore equity and send a strong message to our veterans that this body is working hard and standing strong to preserve and protect all benefits which are so richly deserved.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Compensation Rates Cost-of-Living Adjustment Act of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever is this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 5.4-PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$76" in subsection (a) and inserting in lieu thereof "$80";

(2) by striking out "$144" in subsection (b) and inserting in lieu thereof "$151";

(3) by striking out "$220" in subsection (c) and inserting in lieu thereof "$231";

(4) by striking out "$314" in subsection (d) and inserting in lieu thereof "$330";

(5) by striking out "$446" in subsection (e) and inserting in lieu thereof "$470";

(6) by striking out "$562" in subsection (f) and inserting in lieu thereof "$592";

(7) by striking out "$710" in subsection (g) and inserting in lieu thereof "$748";

(8) by striking out "$821" in subsection (h) and inserting in lieu thereof "$865";

(9) by striking out "$925" in subsection (i) and inserting in lieu thereof "$974";

(10) by striking out "$1,537" in subsection (j) and inserting in lieu thereof "$1,620";

(11) by striking out "$1,911" and "$2,679" in subsection (k) and inserting in lieu thereof "$2,014" and "$2,823", respectively;

(12) by striking out "$1,911" in subsection (l) and inserting in lieu thereof "$2,014";

(13) by striking out "$2,107" in subsection (m) and inserting in lieu thereof "$2,220";

(14) by striking out "$2,397" in subsection (n) and inserting in lieu thereof "$2,526";

(15) by striking out "$2,679" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,823";

(16) by striking out "$1,150" and "$1,713" in subsection (r) and inserting in lieu thereof "$1,212" and "$1,805", respectively; and

(17) by striking out "$1,720" in subsection (s) and inserting in lieu thereof "$1,812".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs shall adjust administratively, consistent with the increases authorized by subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$92" in clause (A) and inserting in lieu thereof "$96";

(2) by striking out "$155" and "$48" in clause (B) and inserting in lieu thereof "$163" and "$50", respectively;

(3) by striking out "$64" and "$48" in clause (C) and inserting in lieu thereof "$67" and "$50", respectively;

(4) by striking out "$74" in clause (D) and inserting in lieu thereof "$77";

(5) by striking out "$169" in clause (E) and inserting in lieu thereof "$178"; and

(6) by striking out "$142" in clause (F) and inserting in lieu thereof "$149".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$414" and inserting in lieu thereof "$436".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$594	W-4	$852
E-2	612	O-1	752
E-3	629	O-2	776
E-4	668	O-3	831
E-5	686	O-4	879
E-6	701	O-5	969
E-7	735	O-6	1,094
E-8	776	O-7	1,181
E-9	[1]811	O-8	1,295
W-1	752	O-9	1,389
W-2	782	O-10	[2]1,524
W-3	805		

"[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

"[2]If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,633.";

(2) by striking out "$65" in subsection (b) and inserting in lieu thereof "$68";

(3) by striking out "$169" in subsection (c) and inserting in lieu thereof "$178"; and

(4) by striking out "$83" in subsection (d) and inserting in lieu thereof "$87".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$284" in clause (1) and inserting in lieu thereof "$299";

(2) by striking out "$409" in clause (2) and inserting in lieu thereof "$431";

(3) by striking out "$529" in clause (3) and inserting in lieu thereof "$557"; and

(4) by striking out "$529" and "$105 in clause (4) and inserting in lieu thereof "$557"; and "$110", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$169" in clause (a) and inserting in lieu thereof "$178";

(2) by striking out "$284" in clause (b) and inserting in lieu thereof "$299"; and

(3) by striking out "$144" in subsection (c) and inserting in lieu thereof "$151";

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect as of January 1, 1991.

(b) ADMINISTRATIVE ADJUSTMENTS.—The adjustments made pursuant to section 2(b) shall take effect as of January 1, 1991.

Mr. D'AMATO. Mr. President, I rise to join my colleague, Senator SPECTER, as an original cosponsor of legislation authorizing a 5.4-percent cost-of-living adjustment for our Nation's disabled veterans. Our prompt action on this measure is of vital importance to over 2.5 million veterans and their survivors.

No group is more deserving of our respect and gratitude than those individuals who so bravely fought for and defended our way of life. Yet, implausibly, it was this very group which, in the closing days of the last Congress, was denied a cost-of-living adjustment to its compensation benefits.

Certainly, this was not the intent of Congress. In fact, both the House and Senate Veterans' Affairs Committees had earlier voted to award a 1991 COLA. Rather, it was an insistence by Members in both Houses that the COLA remain coupled with unrelated veterans' legislation that effectively killed the COLA.

We can avoid a similar impasse in the 102d Congress by acting quickly in passing a clean COLA bill, one unencumbered by potentially controversial provisions. Moreover, we can redress our failure to award a COLA in the last Congress by passing legislation that is retroactive to January 1, 1991.

The measure we are introducing today is such a bill. It is legislation that has strong support among our veterans. And it is legislation that, at a time when our troops are prepared to sacrifice their lives in the Persian Gulf, sends a clear message that we will stand firmly behind those who have responded to their Nation's call.

Mr. President, I urge my colleagues to join me in supporting this critical legislation, and I urge its immediate passage.

By Mr. MOYNIHAN:

S. 42. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of linear alkylbenzene sulfonic acid; to the Committee on Finance.

LINEAR ALKYLBENZENE SULFONIC ACID

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to amend the Harmonized Tariff Schedule of the United States. Linear Alkylbenzene Sulfonic Acid, or LAS is a chemical agent used in many household detergents and other cleaning agents. When the new Harmonized Tariff Schedule was implemented, on January 1, 1989, LAS was converted to a new classification. Under this new classification the tariff on LAS was cut in half.

I introduce this bill to restore the LAS tariff to its previous level.•

By Mr. MOYNIHAN:

S. 43. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Finance.

TARIFF RATE OF CERTAIN BICYCLES

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to amend the Harmonized Tariff Schedule of the United States. Imports of adult bicycles, those with front and back wheels larger than 65 centimenters, or 26 inches, are assessed a tariff rate of 5.5 percent. Imports of children's bicycles, either with wheel sizes of less than 65 centimeters or with different sized front and rear wheels, pay a 15-percent rate. Certain bicycles designed specifically for women are designed with smaller front wheels in order to provide proper handling along with a comfortable fit for women under 5 feet 4 inches. These bikes are indeed designed for adults, having standard-sized rear wheels.

Because of their unequal wheel size these special bikes are currently classified as children's bikes, subject to the 15-percent duty. Yet they are intended for and used by adults, and should be assessed rates as such. I am therefore introducing legislation to reduce the tariff on bikes with standard rear wheels and smaller front wheels to the 5.5 percent rate assessed other adult bicycles. The act is retroactive to January 1, 1989, as is appropriate. I urge my colleagues to join me in supporting this legislation, correcting a discriminatory provision of the Harmonized Tariff Schedules.•

By Mr. MOYNIHAN:

S. 44. A bill to amend the Immigration and Nationality Act to admit to the United States for permanent residence aliens holding bachelor of sciences degrees or postgraduate degrees in natural science, engineering, or computer sciences; to the Committee on the Judiciary.

IMMIGRATION STATUS FOR HOLDERS OF CERTAIN BACHELORS DEGREES

• Mr. MOYNIHAN. Mr. President, the purpose of this bill is to accord immigrant status to foreign students who attain a bachelor of science or postgraduate degree in the natural sciences, computer science, or engineering.

This bill addresses the concerns raised by Richard Atkinson in his presidential address at the American Association for the Advancement of Science [AAAS] annual meeting. Atkinson states that the supply of scientists and engineers at the baccalaureate level will almost certainly decline over the coming decade. The size of the college-age population will continue to decrease and it is unlikely that the precentage of college students who are awarded baccalaureate degrees in science and engineering will increase fast enough to compensate for that decrease.

These facts, combined with growing demand for scientists and Ph.D.'s in science and engineering due to other demographic trends, portend an increasing annual shortfall in the needed supply of Ph.D.'s Atkinson estimates that this shortfall may be as high as 10,000 by the year 2010.

The Immigration Act of 1990 takes some valuable steps to address these concerns. The act provides 40,000 visas for priority workers and an additional 40,000 visas for persons with exceptional ability, advanced degrees, or the equivalent. The act, however, fails to make use of the most valuable, most available supply of foreign-born scientists and engineers: Foreign students who have received science and engineering degrees from American universities.

This bill will directly address the anticipated shortfall of scientists and engineers by allowing students who have been educated in the United States to remain here if they so desire. Dr. Dorothy Zinberg of Harvard's John F. Kennedy School of Government states that 360,000 foreign students were attending schools in the United States in 1989, and 81 percent of these students were in graduate schools or baccalaureate programs. Census Bureau data suggest that approximately 30 percent of these students are in science and engineering fields. Allowing these students to remain in this country, where they have forged strong personal and community bonds, will afford our Nation access to thousands of the world's finest, American-educated scientists.

Mr. President, I urge my colleagues to support this measure, and look forward to its prompt passage.

I ask unanimous consent that a copy of the bill be printed in the RECORD after my statement along with a letter by Dr. Zinberg appearing in Science on August 10, 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Science, Aug. 10, 1990]

PH.D. SUPPLY AND DEMAND

(By Dorothy S. Zinberg)

In his AAAS presidential address "Supply and demand for scientists and engineers: A national crisis in the making" (27 Apr., p. 425), Richard Atkinson analyzes a number of projections, almost all of which appear dire. The major hopes, he believes, are (i) to encourage high school students who are qualified, but are not choosing science, to do so and (ii) to cut back on the numbers of students who drop out of science and engineering majors in college. These are worthy recommendations and should be vigorously pursued.

However, as someone who has spent more than a decade as an undergraduate adviser to talented freshmen students, I can attest to the onerousness of the task of trying to interest nonscience students in the field, or of convincing those who have discovered the joys of the Gothic novel or 19th-century philosophy that they should not shift out of their science concentrations. The former use their considerable intellects to devise excuses for why they should be allowed to substitute "soft" science for a "hard" science requirement. The latter, rightfully, explain that they had never encountered sophisticated thinking in literature or philosophy in high school, where the science teaching had been first rate. They were simply enlarging their horizons. The many "physics-for-poets" and now the largely nonscientific environmental courses that have sprung up in recent years have allowed many students to satisfy their science requirements, but rarely convert them.

The most promising opportunity to alleviate the predicted shortage is not mentioned by Atkinson, namely, the Immigration and Naturalization Service. Were every foreign science and engineering student in the United States, whether in a baccalaureate, masters, or Ph.D. program, awarded a green card at graduation, the immediate problem would be solved. At present, the rules and regulations are so complicated, and the procedures for granting resident status so confusing, that prospective employers attempt to avoid becoming enmeshed in the red tape and often negative results. This solution would provide the country with some of the best scientific talent in the world.

S. 44

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C 1101(a)(27)) is amended—

(1) by striking out the period at the end thereof and inserting in lieu thereof "; or"; and

(2) by adding at the end thereof the following:

"(J) an immigrant who who has attained a bachelor of science degree or a post-graduate degree in the natural sciences, engineering, or computer science.".

(b) Section 212(c) of such Act (8 U.S.C. 1182(e)) is amended by inserting before the period at the end thereof the following: "*Provided further,* That this subsection shall not apply to an alien who has attained a bachelor of science degree or a post-graduate degree in the natural sciences, engineering, or computer science".

(c) Section 244(f) of such Act (8 U.S.C. 1254) is amended by inserting after "section 101(a)(15)(J)" the following: "(other than an alien who has attained a bachelor of science degree or a post-graduate degree in the natural sciences, engineering, or computer science)".●

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 45. A bill to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

FEDERAL RECOGNITION OF THE JENA BAND OF CHOCTAWS OF LOUISIANA

● Mr. JOHNSTON. Mr. President, I rise today to introduce legislation which would extend Federal recognition to the Jena Band of Choctaw of Louisiana. As you may know, I introduced a similar measure last year in the 101st Congress, and the bill I now submit is identical to the amended version of Senate bill 1918 which was unanimously approved by the Senate on October 19, 1990.

To be more precise, Mr. President, this is a bill of reinstatement rather than an extension of recognition. In 1936, the Jena Band of Choctaw was recognized by the U.S. Congress and the Department of the Interior when funds were appropriated by the Congress and specifically designated by the Bureau of Indian Affairs for the education of the Jena Band. This funding, which provided support for a separate Indian school to be operated under the direction of Mrs. Charles Penick, was continued until 1938. At that time, authority was granted for the transfer of members of the Jena Band to the Pearl River area in Mississippi. The Bureau of Indian Affairs, however, reneged on this offer, and the subsequent abrogation of funds for the Jena Band was not only wrong, but unlawful. As the Congress is the only body granted the authority to revoked Federal recognition and since no such action has been taken, the relationship between the Federal Government and the Jena Band of Choctaw remains intact.

Given their unique case, it would be an injustice to require the Jena Band of Choctaw to undergo the current recognition procedure supervised by the Bureau of Indian Affairs. This procedure is lengthy, cumbersome, and expensive. While I understand that this process is necessary and appropriate in determining the proper status of many Indian groups, I assure you that the Jena Band is not such a group. The Jena case is unique in that clear and concise documentation exists which demonstrates previous recognition and acknowledges the authorization of Federal funds for the Penick Indian School. With such convincing proof, there is no reason for the Jena Band to be subjected to the standard acknowledgment process. There is simply no need to waste more time and more money. The established acknowlegment procedure, however well-intentioned and necessary in most cases, will simply serve as an impediment to justice in this instance.

Unfortunately, extensive efforts to secure administrative action on behalf of the Jena Band have been unsuccessful, and it appears our last recourse is to seek resolution through legislation. As I mentioned, this measure is identical to Senate bill 1918, which was unanimously approved by the Senate in the 101st Congress, and I hope my colleagues will join me once again in an attempt to rectify a previous injustice to the Jena Band of Choctaw.

I ask unanimous consent that the full text of this measure be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as folllows:

S. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Jena Band of Choctaw Recognition Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "Tribe" means the Jena Band of Choctaw of Louisiana.

(2) The term "Secretary" means the Secretary of the Interior or the designated representative of the Secretary of the Interior.

(3) The term "Interim Council" means the Board of Directors of the Jena Band of Choctaw, Inc.

(4) The term "member" means an individual who is enrolled on the membership roll of the Tribe.

(5) The term "State" means the State of Louisiana.

FEDERAL RECOGNITION

SEC. 3. Federal recognition is hereby extended to the Jena Band of Choctaw of Louisiana. All Federal laws of general application of Indians and Indian tribes (including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461, et seq.), popularly known as the Indian Reorganization Act, shall apply with respect to the Tribe and to the members.

RESTORATION OF RIGHTS

SEC. 4. (a) All rights and privileges of the Tribe, and members thereof, which may have been abrogated or diminished before the date of enactment of this Act are hereby restored.

(b) Nothing in this Act may be construed to diminish any rights or privileges of the Tribe, or of the members, that existed prior to the date of the enactment of this Act.

(c) The Secretary shall accept any real property that is transferred to the Secretary for the benefit of the Tribe. Such real property shall be accepted by the Secretary (subject to any rights, liens, or taxes that exist prior to the date of such transfer) in the name of the United States in trust for the benefit of the Tribe and shall be exempt from all taxes imposed by the Federal Government or any State or local government after such transfer.

(d) Except as otherwise specifically provided in any other provision of this Act, nothing in this Act may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract,

(3) any hunting, fishing, trapping, gathering, or water rights of the Tribe or the members, or

(4) any obligation to pay a tax levied before the date of enactment of this Act.

SERVICES

SEC. 5. The Tribe, and the members, shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as Federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act of the Tribe, and to the members, without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

INTERIM GOVERNMENT

SEC. 6. Until such time as a constitution for the Tribe is adopted in accordance with section 8(a) and tribal officials are elected under section 8(b), the Tribe shall be governed by the Interim Council.

MEMBERSHIP ROLL

SEC. 7. (a) The membership list submitted to the Secretary by the Tribe on May 2, 1985, shall constitute the base roll of the Tribe, subject to the approval of the Secretary.

(b)(1) Until a constitution is adopted in accordance with section 8, an individual shall be eligible for membership in the Tribe, and the name of the individual shall be placed on the membership roll of the Tribe, if—

(A) the individual is living and is not an enrolled member of another Indian tribe that is recognized by the Federal Government, and

(B) the individual—

(i) was included on the membership list submitted to te Secretary on May 2, 1985,

(ii) was entitled to be included on such list but was not included, or

(iii) is a lineal descendant of an individual, living or deceased, who is included on such list.

(2) Any individual who is excluded from the membership roll of the Tribe by the Interim Council may appeal to the Secretary for a determination of the eligibility of the individual for membership in the Tribe. The Interim Council shall include on the membership roll any such individual that the Secretary determines in such an appeal to be eligible for membership in the Tribe.

TRIBAL CONSTITUTION

SEC. 8. (a) Upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election to adopt a constitution for the Tribe. Such constitution shall be submitted by the Interim Council to the Secretary no later than one year following the date of enactment of this Act. The election shall be held according to section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

(b) Not later than one hundred and twenty days after the Tribe adopts a tribal constitution, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution. Such election shall be conducted according to the procedures stated in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

(c) Notwithstanding any other provision of law, the governing body of the Tribe established under the constitution of the Tribe that is adopted under subsection (a) shall be treated as an Indian tribal government for purposes of the Internal Revenue Code of 1986, and all our Federal laws of general application to Indians and Indian tribes (including the Act of June 18, 1934, 25 U.S.C. 461 et seq).

REGULATIONS

SEC. 9. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

REAL PROPERTY

SEC. 10. (a) Real property acquired by or for the Tribe shall be taken by the Secretary in the name of the United States in trust for the benefit of the Tribe.

(b) Any real property taken in trust by the Secretary shall be subject to—

(1) all legal rights and interests in such land held by any person at the time of acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax; and

(2) foreclosure or sale in accordance with the laws of the State of Louisiana pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) any real property transferred pursuant to this Act shall be exempt from Federal, State, and local taxation of any kind.•

By Mr. JOHNSTON:

S. 47. A bill to provide relief to shrimp fishermen from economic hardship caused by the mandatory use of turtle excluder devices under the Endangered Species Act, and for other purposes; to the Committee on Finance.

TRAWLERS RELIEF AND WORKING LIVELIHOOD ACT

• Mr. JOHNSTON. Mr. President. I am here today, Mr. President, because my home State of Louisiana will soon be thrust once again into a state of emergency. A perceived threat to endangered or threatened sea turtles has caused Federal lawmakers to restrict shrimp trawling practices by requiring a shrimper's net to be equipped with a turtle excluder device, or TED. A TED allows a turtle to escape in the unlikely event that one becomes entangled in a net. The law requires that all shrimp trawlers put the cage-like device in their nets or face stern civil and criminal penalties. As was evidenced by last summer's events, enforcement of this law has been Draconian. Most of the shrimpers arrested and thrown in jail with drug dealers and murderers during the 1990 shrimping season never even caught a turtle in their nets.

The law is the law. The shrimpers know that. I know that. What I also know is that our shrimp fishermen are drowning in a sea of debt because of the diminished harvest of wild shrimp, and diminished income, when pulling a TED. It is a matter of life or death for our shrimpers. They simply cannot survive under the status quo.

I am not saying that the TEDs regulations should be suspended or repealed. I am not saying that sea turtles should be de-listed from endangered or threatened status because of the exorbitant costs to shrimpers. What I am saying is that something must be done. Something must be done to relieve the severe economic burden the shrimpers alone are bearing. Something must be done to help these hardworking, law-abiding people put food on their tables and pay their bills. Something must be done to ensure that our shrimpers do not suffer the same fate as the endangered sea turtles at the heart of this controversy have suffered in the past. Mr. President, I think the bill I am offering today can do just that.

My bill prohibits the Secretary of Commerce from shortening or otherwise restricting the shrimping season in the Gulf of Mexico and the South Atlantic until 90 days after the Secretary has presented findings to Congress demonstrating the need for additional restrictions. We cannot afford to have the Secretary imposing even more drastic restrictions on law-abiding shrimpers without sufficient proof that such measures are absolutely necessary.

This legislation also provides for a sea turtle conservation tax credit. The tax credit is intended to offset the loss of income by shrimpers using turtle excluder devices. The conservation loss is calculated as 15 percent of the total dollar amount received by a shrimper for the sale of shrimp caught in areas where TEDs are required. The key is that the tax credit is only available to a shrimper who has not been convicted of civil or criminal violations of the Endangered Species Act that involve the failure to use, or improper use of, a TED during that tax year.

The bill also removes criminal penalties for violation of the Federal requirements concerning the use of turtle excluder devices. Mr. President, I was raised to respect the law. My daddy taught me to obey the law even when I didn't agree with it. But Mr. President, the law has never come and taken my livelihood away. The law has never told me I must do something that would threaten my ability to put food on the table for my family. So I can understand, though not condone, the refusal of shrimpers in South Louisiana to obey the Federal regulations on TEDs. It seems to me, Mr. President, that given the desperation of normally law-abiding shrimp fishermen, it would not be just to throw them in jail with murderers and drug dealers. That just adds misery to pain. The stringent civil penalties and fines for violation of the Endangered Species Act are a strong enough deterrent. And for those who are nevertheless moved to violate the TED requirements, little purpose is served by throwing them in jail as well.

The final provision of my bill furthers the intent of the Endangered Species Act to ensure the conservation and recovery of endangered and threatened species, including sea turtles, by directing the Secretary of Commerce to establish and implement a comprehensive sea turtle headstart program. Under the program, endangered and threatened sea turtle eggs are removed from the wild, hatched in captivity, and the young sea turtles are released months later into the wild after the greatest period of vulnerability to predation has passed.

Up to now, everyone has viewed this situation as a direct conflict between shrimper and sea turtle. As a choice between shrimpers feeding their families or turtles bouncing back from near extinction. As a decision on whether our commercial shrimping industry will die off or an endangered species will die off. With this bill, we do not have to choose. With this bill, we can save not one but two endangered species with a single stroke of the legislative pen—sea turtles and shrimpers.•

By Mr. SIMON:

S. 48. A bill to amend the Higher Education Act of 1965 to permit the awarding of minority scholarships, and for other purposes; to the Committee on Labor and Human Resources.

MINORITY SCHOLARSHIPS

• Mr. SIMON. Mr. President, I rise to introduce a bill that will eliminate the confusion caused by the Department of Education's unfortunate statement regarding minority scholarships.

In what was perhaps the single most harmful and misguided action ever taken by the Education Department, its Office for Civil Rights [OCR] on December 4, 1990, issued a press release announcing a new interpretation of Title VI of the Civil Rights Act of 1964, effectively banning minority scholarship programs. This was a bureaucratic decision that does not reflect policy statements by Congress, the courts, or prior opinions of OCR. I doubt that there was a single Member of Congress who voted for the Civil Rights Act of 1964 who thought that law could or should ever be used to outlaw scholarships for minority students.

This new OCR opinion was issued without justification, without an evaluation of the effects of the decision, and without consultation with Congress or civil rights experts. The ensuing uproar brought another statement from OCR which seemed to be intended to clarify and perhaps partially reverse the policy, but which only resulted in further confusion.

There should be no need for this legislation, and I am hopeful that it will turn out that we do not need to pass this bill. I have been encouraged by and impressed with Governor Lamar Alexandar, the President's selection for Secretary of Education, and I hope that he will steal my thunder and reverse the Department's movement in this harmful direction.

Nevertheless, I am introducing this bill as a starting point for discussion of the legislative options, if that proves necessary. Under current law it is clear that minority scholarships and other student aid programs to encourage diversity are valid and appropriate ways to promote campus diversity and reverse the effects of past discrimination. But the Department of Education ruling has caused unnecessary confusion for millions of students and thousands of colleges and universities. If the Department's policy requires a legislative response to clarify what the law already says, we must be prepared to act.

MINORITIES AND WOMEN IN HIGHER EDUCATION

Minority enrollment in college lags significantly behind white enrollment. While 38 percent of white high school graduates (aged 18–24) enroll in college, only 28 percent of African Americans and 31 percent of Hispanics enroll. And these figures mask the fact that a much larger percentage of these minorities enroll in two-year programs, rather than traditional 4-year colleges. Furthermore, the rate of minority enrollment has dropped in the past 10 to 15 years.

College completion rates show even more disparity. While African Americans make up 7.9 percent of the enrollment at 4-year colleges, they only receive 5.7 percent of the bachelor's degrees awarded. That's more than a 25 percent drop-off. Hispanics are 3.6 percent of enrollment, but only 2.7 percent of degrees awarded, also 25 percent drop-off.

When you look at particular disciplines, the lack of women and minorities is especially alarming. In science and engineering, according to the Task Force on Women, Minorities, and the Handicapped in Science and Technology, created by Public Law 99-383, African Americans are 12 percent of the general population, but are only 2 percent of employed scientists and engineers. Hispanics comprise 9 percent of the population, but only 2 percent of employed scientists and engineers. White women, 43 percent of our population, are only 10 percent of all scientists and engineers. While the number of women and minorities in science and engineering is increasing—thanks to recruitment and financial aid programs aimed specifically at women and minorities—the number earning advanced degrees continues to lag behind.

A National Academy of Sciences panel reports that the number of science, engineering and technical jobs requiring competence in math will increase 36 percent by the year 2000—but the number of college graduates geared to those types of majors and careers will not meet that demand. The only way to fill that need is to bring more women and minorities into science and engineering, because over the next decade, women and minorities will represent more than two-thirds of the new entrants into the work force.

Another important area where minority participation is crucial, but declining, is in the teaching profession. While any teacher can be a good role model, it is natural for minority students, bombarded with negative racial stereotypes in the mass media, to look for a teacher who looks like them, and who might feel the way they do about being a minority. It is equally important that students who are not minorities have minority teachers to counter those stereotypes. Yet in Illinois, where a third of the students are minorities, only 15 percent of the teachers are minorities. In Chicago, with an almost 25 percent Hispanic student population, less than 6 percent of the teachers are Hispanic. Even these numbers are deceptive, however. When you again look at particular academic areas, the numbers are more disturbing. In Illinois—according to the State Board of Education's report for the 1986–87 school year—while nearly 23 percent of the students are African American, only 8 percent of the science teachers and 7 percent of the social studies teachers are African American. Furthermore, there is not one Hispanic physics teacher in all of Illinois, and only one in every 157 math teachers is Hispanic. These numbers are shocking.

THE IMPORTANCE OF MINORITY SCHOLARSHIPS

Minority scholarships are the only door many young people have to higher education. Dr. Donald Stewart, president of the college board, testified that, "[u]nquestionably, one of the reasons for the success achieved with regard to minorities in higher education has been the growing availability of minority scholarships at institutions that are predominantly white. We have found that nearly 700 colleges and universities nationwide have scholarships designated for minorities." The number of colleges considering race when awarding non-need-based scholarships has increased 60 percent in the past 4 years.

If the statement in the OCR press release stands, colleges and universities, particularly the most expensive schools, will become white bastions, further segregating higher education on the basis of race and income. A St. Louis Post-Dispatch survey of seven schools in Illinois and Missouri found minority scholarship to be an important part of the overall student aid programs, affecting hundreds, perhaps thousands, of students at just those few schools. The largest program cited, at the University of Illinois, awards $5 million a year to outstanding African American, Hispanic, and American Indian students. I will ask that the article and chart be included in the RECORD at the conclusion of my remarks.

More than wrongfully questioning the legality of these programs, the OCR press release—especially combined with other statements from the administration—sends the message that the Federal Government hopes to actively discourage colleges and universities from increasing minority enrollment and promoting diversity on their campuses. Indeed, even though the press release was not an official ruling of any sort, much damage has already been done. According to an article in the most recent edition of the Chronicle of Higher Education, January 9, 1991—

> Educators say the controversy over the legality of minority scholarships has seriously damaged higher education. Regardless of how the legal issue is resolved, they predict that * * * [m]any minority students, thinking money for their education has been lost, will be discouraged from applying to college.

The confusion caused by this controversy has caused many financial aid officers to put their plans on hold. At this time when millions of students are applying for college and for financial aid, it is irresponsible to needlessly dash the hopes and opportunities of minority youth.

As a nation, we cannot afford to lose the progress we have made with women and minorities in higher education. I am hopeful that the Department will reverse its statement and take actions to restore confidence in the student aid system. But if legislation proves necessary to restore minority scholarship programs, this bill is a starting point.

Mr. President, I ask unanimous consent that the text of this bill, and the article and chart from the St. Louis Post-Dispatch, be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINORITY SCHOLARSHIPS.

Title 12 of the Higher Education Act of 1965 (20 U.S.C. 1141 et seq.) is amended by adding at the end the following new section:

"SEC. 1214. MINORITY SCHOLARSHIPS.

"Nothing in this Act or any other Act shall be construed to prohibit any eligible institution, including an institution of higher education, from awarding or administering minority scholarships or other scholarships or awards designed to promote diversity or remedy the effects of past discrimination, regardless of the source of funding.".

[From the St. Louis Post-Dispatch, Dec. 23, 1990]

SCHOLARSHIP DEBATE HAS REGIONAL IMPACT

(By Virginia Hick)

Rose Thomas, 48, says she "loved school" when she was young, but her family was poor and could barely support her through high school. One of 11 children, Thomas went to work instead of college.

But Thomas' daughter, Venus Harry, is going to St. Louis University, thanks to a scholarship program aimed at talented black students.

Harry will get to finish college under the Ernest Calloway Scholarship. But that program and others like it across the country are in the cross hairs of the Department of Education, which says such programs violate civil rights laws and should be changed.

After the department's explanation of its position at a press conference Dec. 12 prompted a furor, the department backtracked to a degree, saying it would approve of minority scholarships funded by private donations. But it contended that universities receiving federal funds should not use their operating funds to back such scholarships.

A Post-Dispatch survey of colleges in the region shows that millions of dollars in programs affecting hundreds of students are vulnerable, because they are partly supported by university funds.

They range from relatively modest programs like one at the University of Missouri at St. Louis—worth $800 for six students each year—to the $5 million Presidential Awards program at the University of Illinois, which serves 1,700 minority scholars.

The good news for those programs is that Education Department officials have offered a four-year phase-in period, so that present recipients like Harry will not be affected.

That also gives legislators time to intercede. Sen. John Danforth, R-Mo., strongly supports minority scholarships and predicts that legislation will be introduced in January to prevent the change from taking effect.

Black students are watching the political maneuvering with dismay and defensiveness.

"It's not like they're just giving it to us," Harry said. "It was not easy to get at all. We had to go through two interviews, and our grades had to be really good. I have seen scholarships for boys, for veterans—nobody is saying anything about those."

Harry, a freshman and a graduate of Ritenour High school, said she had applied for a half-dozen scholarships besides the Calloway. She was offered athletic scholarships to play basketball at Mississippi State and at UMSL. But the Calloway was her only academic scholarship.

She wonders if one of the other scholarships she applied for had hidden biases against members of racial minorities.

"I really do think that, depending on where a scholarship is coming from, some of them are biased behind closed doors," Harry said. "It looks on the up-and-up on the outside. They supposedly went through your credentials. But I don't think it went that way."

Others, including blacks, express misgivings about scholarships aimed at minorities. With the money comes a stigma, some believe.

Delores Townsend has mixed feelings about her scholarship. Townsend, 40, has been going to college in several cities off and on since 1971. She often had to drop out for a semester or two, to make enough money to continue. She has used food stamps, financial aid, part-time and full-time jobs to support herself and her four children. Two of her children are in college now, too.

For her last semester of undergraduate work, Townsend received the first Marion Oldham Scholarship, which is named after the former long-time University of Missouri curator. The scholarship was established by former UMSL Chancellor Marguerite Ross Barnett.

"I appreciated it," Townsend said. "I needed the money. But I would have finished anyway. It's sort of like food stamps—stereotypically associated with blacks. You need them. But you hate to take them.

"As a black student, you can feel you're good at something. But there's always this lingering doubt: Was it 'good' for a black person or 'good' for anybody? Sometimes that bothers me.

"I think when you separate money like that, you're saying,'We will give this to you, stepchild, poor pitiful thing.' Does that carry over to the way they think when they grade you?"

Sharifah Sims of East St. Louis is a senior at the University of Missouri at Columbia. She sees scholarships for minorities as a way of making life more fair.

"They've been giving scholarships to Irish Catholics, the DAR [Daughters of the American Revolution]. I don't fit those categories; I can't apply for those." She is a recipient of the George C. Brooks minority scholarship.

The way I understand it, these programs are to give us a chance to catch up, where we had been legally discriminated against for so many years," Sims said.

K.C. Morrison, vice provost for minority affairs at Mizzou, said the university appeared to be exempt from the ban on publicly funded scholarships, because it has been cited for past discrimination.

Michael Middleton, a Mizzou law professor and a former Department of Education official, sees a change in the government's approach.

"The law says that the use of race is inappropriate where there has not been prior discrimination, "Middleton said. In the past, the department had interpreted it to mean that logically, nearly every predominantly white institution would fall under the definition of past discrimination, he said.

Now the department is saying, in effect, that institutions must prove that they had discriminated in the past or they will lose federal funds.

"That says to me if I'm a college official, 'Why stick my neck out?'" Middleton said. "The message they're sending is extremely discouraging."

But college officials and students say that such scholarships hold advantages for the schools—and for society as well.

"These scholarships are an investment," Sims said. "I see my friends, who made good grades like I did, have to stay at home and work 40 hours a week while they go to school. Without help, they will be in school until I don't know when. You hear about Japan . . . and Germany burning us in economic competition—they're investing in their college student."

College officials say the investments are paying off. Washington University awards 10 academic scholarships a year to black students, in addition to 600 academic scholarships open to the general population.

MINORITY SCHOLARSHIPS

Scholarship	Students	Each award	Annual total
University of Missouri at Columbia:			
George Brooks (undergraduate)	88	$5,000–$8,000	$428,770
Gus T. Ridgel (graduate)	45	9,000	405,000
Knight Foundation (journalism)	50	500	25,000
V. Ponder (business)	15	varies	5,700
Inroads (leaderships)	26	650–1,300	26,500
School of Medicine	6	1,000–12,000	36,500
University of Missouri of St. Louis:			
Minority	6	800	4,800
Interco	6	1,500	9,000
Monsanto	1	1,542	1,542
Oldham	1	1,000	1,000
Mark Twain	2	2,500	5,000
George Dewey Ross	1	1,376	1,376
St Louis University: Ernest A Calloway Jr	25	1,000–6,000	117,000
Washington University: Ervin Scholarship	43	17,300	750,000
Southern Illinois University-Edwardsville: Minority Scholarship Program	[1]50	1,461–3,141	80,000
University of Illinois, Urbana-Champaign: Presidents Awards	1,700	NA	5,000,000
St. Louis Community College:			
Emerson Electric (engineering)	15	[3]1,380	20,700
Citicorp[2]	2	1,400	2,800
Police Scholarship/Loan	5	1,400	7,000
Black Law Enforcement	4	500	2,000
Dental Services	3	1,200	3,600
Mound City Medical (nursing)	4	1,200	4,800
State of Illinois:			
Illinois Consortium for Education	111	[4]10,000	1,000,000
Illinois Minority Graduate	33	NA	400,000

[1] Includes non-minority women.

[2] Also open to disabled students.

[3] Average.

[4] Plus tuition.

These scholarships are offered to minority students and contain at least some university funds. According to the Department of Education's latest policy announcement, they would have to be changed or the sponsoring university would lose federal funds. The policy is still under discussion. All of the universities and colleges mentioned and the state of Illinois also offer scholarship programs to students according to academic merit, financial need or other criteria that are not based on race.

Minorities and women are represented among the general academic scholarships, said Dennis Martin, director of financial aid and assistant provost.

But the university felt the need for an additional program for black students. The scholarship attracts black students and creates a "multiethnic experiences for all students," Martin said.

The program has brought the university "10 wonderful students" in the program and "an increase in the number of black applicants," Martin said. "Many are well-served by regular financial aid and come even if they don't get a scholarship."

The University of Illinois has had a similar experience on a larger scale. The President's Award program there offers scholarships to outstanding black, Hispanic and American Indian students—a total of $5 million, said Robert W. Resek, vice president for academic affairs.

> Blacks and Hispancs still are under-represented on campus. Resek said. But those populations are "growing significantly" and not just in the upper echelon. "These programs have created a foundation that makes it comfortable for these students to attend the university," Resek said.•

By Mr. STEVENS (for himself and Mr. TURKOWSKI):

S. 49. A bill to establish an Ocean and Coastal Resources Enhancement Fund and a Coastal Zone Impact Assistance Fund, to require the Secretary of Commerce to provide States and local governments with block grants from moneys in the funds, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OCEAN AND COASTAL RESOURCES ENHANCEMENT ACT

• Mr. STEVENS. Mr. President, today I introduce S. 49, the Ocean and Coastal Resources Enhancement Act. The measure, which is similar to legislation I introduced in the mideighties, is designed to give coastal states and communities the tools they need to minimize the impacts energy development can bring coastal areas. The bill directs the Secretary of Commerce to distribute 4½ percent of all OCS revenues to coastal areas impacted by a wide spectrum of energy development ranging from refineries to pipelines. All coastal areas would be eligible including the Great Lakes States.

The bill uses many of the concepts established in the Coastal Zone Management Act, and is intended to complement the provisions of that Act. For States and local governments directly impacted by OCS leasing activities, the Commerce Department would share one-third of OCS revenues derived off the coast of that particular state. The Secretary of Commerce would pass half the sum to the States and half to local governments.

The funds would be used to help state and local governments participate meaningfully in the permitting process. The moneys would also enable them to undertake their own projects to enhance and protect the environment. In addition, local governments most directly impacted by energy development could use their funds to increase police and fire protection, sewer and water facilities, and provide needed government services for the increased population that energy development can bring.

Mr. President, twice the Senate approved similar legislation, but unfortunately because of administration opposition, we were not successful in getting it enacted into law. When he announced his decision on OCS development off the coasts of California and Florida, President Bush hinted that his Administrtion might support a revenue sharing concept. I look forward to working with the administration to develop a fiscally responsible bill that addresses the concerns of coastal states and communities. •

By Mr. SYMMS (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. HEFLIN, Mr. THURMOND, Mr. PRYOR, Mr. NICKLES, Mr. CRAIG, Mr. HATCH, and Mr. BURNS):

S. 50. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible; to the Committee on Governmental Affairs.

PRIVATE PROPERTY RIGHTS ACT

Mr. SYMMS. Mr. President, today, I join with the senior Senator from Oklahoma, Mr. BOREN, and Messrs. GRASSLEY, HEFLIN, PRYOR, THURMOND, NICKLES, CRAIG, HATCH, BURNS, HELMS, and WALLOP in introducing the Private Property Rights Act of 1991.

This bill establishes procedural safeguards to better protect one of the basic civil rights guaranteed by the Bill of Rights: The right to own private property free from the threat of it being taken by government for public use without just compensation. We have volumes of law in America designed to prevent government from infringing on most of our civil rights. Free speech, assembly, worship—these are all protected under various statutes. But basic private property rights currently have little or no statutory protection.

During America's first 200 years, the need for such protection of private property was not as evident as it is today. There are two reasons for this: First, the concept of private property is so intrinsic to our society that government has, in the past, been somewhat restrained purely through societal conscience, and second, the courts have left the issue of what is and is not an infringement on private property somewhat vague—at least until recently.

But now, as Robert Meltz, an attorney-adviser with the Congressional Research Service pointed out in a Federal Bar Journal article in February of last year,

> Looking back, it seems so obvious. Relentless growth of population and industry beget increasing environmental impact, which begets ever more pervasive regulation of property use, which begets collision with constitutional property rights. In particular, it was inevitable that the "taking issue" should have emerged from the constitutional wings and moved to center stage, as it has now done.

Furthermore, the Supreme Court has recently spoken very clearly about the fundamental principles that prevent government from usurping private property from individuals. It was these cases, First English Evangelical Lutheran Church of Glendale versus County of Los Angeles and Nollan versus California Coastal Commission that prompted another CRS legal analyst to identify "a court trend supporting increased protection of private property against government controls."

Mr. Mark Pollot, an attorney and former official in the Natural Resources Division of the Department of Justice, recently wrote this about the current status of regulatory infringement on private property in the United States:

> [In 1987] there was approximately $1 billion in outstanding takings claims against the United States Government in one section of one division of the Justice Department alone. This figure did not account for previous claims which were resolved by settlement or otherwise. It did not account for claims which may not have reached the point of litigation. It did not account for potential future claims, nor did it consider the interest that would have to be paid for successful claims which even at a simple rate of legal interest could be staggering. Some claims have been around for years. (And, of course, since the requirement is just compensation, the courts have held that simple interest at the "legal" rate is not necessarily acceptable.) Furthermore, these figures do not account for the administrative and litigation costs the government spends just to assess these claims, much less to litigate them. The likelihood that more claims will be successfully brought was increased by the Supreme Court's 1987 decisions in Nollan, First English, and even Keystone. That this increased risk was actual has been shown by recent state and federal takings cases in lower courts.
>
> In California, for example, approximately one-half of the takings claims which have reached the intermediate appeals courts since 1987 have resulted in takings rulings favoring the property owner, a remarkable state of affairs in California. Similarly, in other states, like Florida, takings claims have been upheld in areas where they would not have been in the last 50 or more years. See, e.g., Florida Department of Agriculture versus Midflorida Growers Inc.
>
> At the federal level, for example, even very recently, the United States Claims Court has issued three decisions finding regulatory takings in the wetlands regulation and mining contexts (Whitney Benefits, Loveladies Harbor, and Florida Rock). Three other wetlands cases in the Claims Court have rejected claims by the United States that its wetlands regulations cannot cause takings (Formanek, Ciampetti, and Beure-Co.). In the Whitney Benefits case, the award was for approximately $60 million plus interest, which, because of the time involved, will be considerable [possibly in excess of $100 million itself]. Both the risk that a takings will be found and the potential for a broad amount of liability have been shown by post-1987 experience to be on the increase.

Frankly, I was shocked by what Mr. Pollot had to say. Obviously there is a virus eating away at American freedoms. The simple fact is that the private property that Americans own is coming under increasing control by the Government.

Take, for example, the case of John Pozsgai from Morrisville, PA, a Hungarian immigrant and self-employed mechanic. John decided to exercise a right that had been denied him in Hungary, and in 1987, he purchased a few acres next to his mechanic's shop. The acreage had been used for 30 years as an illegal dump, filled with old tires and rusted auto bodies. He removed the refuse, and replaced it with clean fill in order to improve the appearance "and value" of his property.

John is now serving a portion of his 3-year prison sentence, while his family is strapped by a $200,000 fine. His crime? That garbage dump that he cleaned up was found to be a "wetland", and, by filling in the area with clean dirt without a permit from the U.S. Government, he violated Clean Water Act regulations.

This is what Mr. Pozsgai had to say in his defense: "We thought this was a free country here—you buy a piece of land; you use it."

Unfortuntely, John Pozsgai's case is not isolated. We are facing a number of very similar cases in Idaho, where property owners are being told that their land really isn't theirs because the Federal Government has decided it "has an interest in it." And it isn't just land, either. Private property has been defined to include your house, your car, your rifle, your dog, your marketplace, your clientele, and yes, even your innovative thoughts and ideas. All of these are your private property—things that our Constitution prohibits the Government from denying you (along with life and liberty) without due process. That document also declares that your private property should not be "taken for public use without just compensation." And yet, on nearly every front, we see government imposing regulations that "deny" people their property, from the elderly couple whose home is devalued by land use controls, to the small businessman whose shop is closed down for failures in government paperwork and reporting.

Supposedly, there is a system of checks and balances established to keep the Federal Government in line—if constitutional rights are being denied, the courts should recognize it and demand compensation. But as John Pozsgai found out early on, the cost of a decent attorney is $30,000 to $40,000 up front. Can we ask Americans to spend what is 1, maybe 2 years entire salary, just to defend their basic constitutional rights.

Mr. President, the time has come for perestroika in America. Private property is an essential part of America's strength. The Soviet Union realizes this, Eastern Europe realizes this. The world is coming to understand this. So why don't we, in America, do something to preserve our private property heritiage.

Well, we intend to. Working with the White House Counsel, the President's Council on Competitiveness, and the Justice Department, we have drafted the Private Property Rights Act of 1991. The bill has won strong support from grassroots constituencies: from farmers, ranchers, home builders, small businessmen, realtors and even county commissioners (who see an attack on private property as an attack on their revenue base.

The Private Property Rights Act of 1991 forces the Government to respect private property, and requires that regulations be assessed for their potential to deny such rights. The goal of these assessments would be to redirect the regulation so as to accomplish its goal while imposing on private property to the smallest degree possible. And if such an imposition is unavoidable, then the constitutionally required "just compensation" must be considered in the Agency's budget.

Private property ownership is stewardship. And strengthening America's commitment to private property can only enhance that stewardship. As Alexander Hamilton described it in the Federalist:

> It is a general principle of human nature, that a man will be interested in what ever he possesses, in proportion to the firmness or precariousness of the tenure by which he holds it; will be less attached to what he holds by a momentary or uncertain title, than to what he enjoys by a durable or certain title; and, of course, will be willing to risk more for the sake of the one, than for the sake of the other.

Hamilton's point should not be lost today. If we wish people to care for their property, to sacrifice for the environment, to forego immediate self-interest for longer-term interests shared with society, then we cannot abandon the private property incentives that justify that sacrifice.

Mr. President, I ask that a letter further explaining the details of this legislation by the Assistant Attorney General for Natural Resources, a letter from 22 State and national organizations endorsing the Private Property Rights Act, a letter from a Georgia homebuilder's association, one from "Stop Taking Our Property"—an Indiana-based organization, a resolution adopted by the Greater Yellowstone Association of Conservation Districts, and the text of the bill appear in the RECORD immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 50

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Act of 1991".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "agency" means all executive branch agencies which engage in activity with the potential for taking private property, including any military department of the United States Government, any United States Government corporation, United States Government controlled corporation, or other establishment in the Executive Branch of the United States Government.

(2) The term "taking of private property" means an activity wherein private property is taken such that compensation to the owner of that property is required by the Fifth Amendment to the Constitution of the United States.

SEC. 3. PROTECTION OF PRIVATE PROPERTY.

No regulation promulgated after the date of enactment of this Act by any agency shall become effective until the issuing agency is certified by the Attorney General to be in compliance with Executive Order 12630 or similar procedures to assess the potential for the taking of private property in the course of Federal regulatory activity, with the goal of minimizing such where possible.

SEC. 4. JUDICIAL REVIEW.

(a) Judicial review of actions taken pursuant to this Act shall be limited to whether the Attorney General has certified the issuing agency as in compliance with Executive Order 12630 or similar procedures, such review to be permitted in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons adversely affected or grieved by agency action shall have standing to challenge that action as contrary to this Act. In no event shall such review include any issue for which the United States Claims Court has jurisdiction.

(b) Nothing in this section shall affect any otherwise available judicial review of agency action.

U.S. DEPARTMENT OF JUSTICE, ENVIRONMENT AND NATURAL RESOURCES DIVISION,
Washington, DC, October 1, 1990.

Hon STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I am writing in response to your letter of July 30, 1990, regarding your amendment to S. 2830. The Vice President's Council on Competitiveness and the affected agencies, including the Department of Agriculture, the Department of the Interior, the U.S. Army Corps of Engineers, and the Environmental Protection Agency, have reviewed this issue and fully support the objectives of your amendment.

We applaud your initiative in seeking statutory endorsement for Executive Order 12630, which seeks to ensure that federal agencies consider the impacts which their policies might have on private property rights. The Fifth Amendment to the United States Constitution requires that the federal government pay just compensation for taking private property. This requirement reflects an important commitment to private property, which agencies should heed.

The Administration is prepared fully to support your amendment, provided that two changes are made. First, we believe that the amendment should be extended to include all federal agencies subject to the Executive Order. Second, the availability and scope of judicial review pursuant to the amendment should be clarified in order to avoid potentially creating extensive, burdensome new litigation that would clog the courts. These changes are explained more fully in the attached letter, which sets forth our views in greater detail.

Sincerely,

RICHARD B. STEWART,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
LAND AND NATURAL RESOURCES DIVISON,
Washington, DC, October 1, 1990
Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: Thank you for your letter of July 30, 1990, asking the Department to respond to certain comments made regarding your amendment to S. 2830, relating to protection of private property. In addition, you have asked for the Department's position on this amendment.

As the Justice Department official designated by the Attorney General to assure implementation compliance with Executive Order 12630, which seeks to ensure that federal agencies consider the impacts which their policies might have on private property rights, I fully support the Order's provisions and compliance with it throughout the Executive Branch. The Fifth Amendment to the United States Constitution requires that the federal government pay just compensation for taking private property. This requirement reflects an important commitment to private property, which agencies should heed. Also, fiscal accountability dictates that potential government liability for payment of compensation should be considered before choosing an action which may result in a taking. Agencies should carefully consider alternatives to proposed actions that risk taking private property. The Executive Order is designed to implement these principles.

We support and encourage your efforts to obtain congressional endorsement of the goal of the Executive Order. The Council on Competitiveness and all of the affected agencies have also reviewed this issue and support the objectives of your amendment. We stand willing to work with you and other members of Congress to refine the amendment where necessary to ensure that it carefully, specifically, and effectively assures that due consideration is given to consequences of governmental action which may impact on private property rights, without improperly infringing on the constitutional prerogatives of the President to manage the Executive Branch or the statutory responsibilities of government agencies.

We strongly object to any suggestion that a choice must be made between protecting private property rights, and protecting public health and welfare. Neither the Fifth Amendment, nor the Executive Order requires such a choice. The Fifth Amendment provides, simply: "[N]or shall private property be taken for public use, without just compensation."

It presumes that the action which is said to have taken the property is lawful and authorized. Nothing in its terms prevents any agency from promulgating regulations to protect health, welfare or the environment. Indeed, the Executive Order assumes that agencies will, on occasion, be required to carry out lawful and authorized responsibilities which have the effect of taking private property. Its goal is to: ". . . ensure that government actions are undertaken on a well-reasoned basis with due regard for fiscal accountability, for the financial impact of the obligations imposed on the Federal government by the Just Compensation Clause of the Fifth Amendment . . ."

The Order further states that agencies "should account in decision making for those takings that are necessitated by statutory mandate," E.O. §1(b), and "need only address takings implications under the Order to the extent permitted by law."

When, in the course of fulfilling its mission, an agency's action effects a taking of private property payment to the property owner is made from the Treasury.[1] Thus, all taxpayers share in this cost. The Executive Order directs agencies to consider such potential costs before they take action and look carefully at alternative actions to avoid unnecessary infringments on individual rights in private property. This analysis is designed to introduce into agency decisionmaking the broader government-wide concerns that might otherwise be overlooked. It is not designed to negate or supersede an agency's statutory responsibilities.

With these basic principles in mind, we offer the following comments on objections to your proposal.

I. OPERATION OF THE AMENDMENT

A. Scope

We do not understand the proposed language as codifying all of the provisions of E.O. 12630 or the Attorney General's Guidelines. Specifically, the amendment provides that "[n]o *regulation* promulgated after the date of enactment of this Act by . . . the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, or the Administrator of the Environmental Protection Agency . . . ." The Executive Order, in contrast, applies to proposed federal legislation, comments on proposed federal legislation, other federal policy statements, and other proposed federal actions, as well as federal regulations. *See* E.O. 12630 §2.

In addition, this amendment applies to only four executive branch agencies, while the Executive Order applies to many more: "[E]cept as provided in Section 2 of the Executive Order and Section II(b) herein, to any executive department, agency, or military department of the United States Government, and to any United States Government corporation, United States Government controlled corporation, or other esablishment in the Executive Branch of the United States Government other than those entities defined as "independent regulatory agencies" in 44 U.S.C. §3502(10).

Attorney General's Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings §III [hereinafter Guidelines].

Recent judicial decisions holding that "regulatory" takings occurred, involved programs administered by three of the four named agencies. *See e.q., United Nuclear Corporation v. United States*, No. 89-1727 (Fed. Cir.) (slip. op., Aug. 24, 1990); (cancellation of leases constitutes a taking); *Whitney Benefits v. United States*, 20 Cl. Ct. 324 (1990) (prohibition of surface mining in an alluvall valley floor creates compensable taking), appeal pending, No.——, Fed. Cir., *Loveladies v. United States*, No. 243-83L (July 23, 1990) (denial of 33 U.S.C. §1344 permit found to be a taking), and *Florida Rock v. United States*, No. 266-82L (July 23, 1990) (denial of 33 U.S.C. §1344 permit found to be a taking). The federal program under 33 U.S.C. §1344, of course, involves both the Corps of Engineers and the Environemtnal Protection Agency. It is noteworthy that the monetary judgments against the United States in those cases total in excess of $120 million dollars.[2]

The Administration believes, however, that the application of the amendment must be expanded to all executive branch agencies which engage in activity with potential "takings" implications. Such a change in scope would not alter our observation that the bill is not a codification of the existing Executive Order.

B. The Executive Order's Requirements and The Amendment

It has been suggested that this amendment goes beyond the Executive Order by adding a new requirement that the Department of Justice "certify" agency compliance with the Executive Order. Such a suggestion demonstrates a misunderstanding of how the Executive Order has operated for the past two years.

Under E.O. 12630, both the Director of the Office of Mangement and Budget (OMB) and the Attorney General have implementation responsibilities. On June 30, 1988 and after consultation with affected Executive Branch agencies and OMB, the Attorney General (pursuant to §1(c), EO 12530) issued government-wide guidelines ("Guidelines") setting a basic framework for implementing the order. Both the Order (§5(e)(2)) and the Guideline (§VI (D)) encourage development of agency-specific guidance beyond those issued by the Attorney General. Informed an agency's particular internal procedures and program portfolio with the Order's obligations.

Under the Executive Order, the Attorney General, in close consultation with individual agencies, may promulgate these supplemental guidelines. As a practical matter, this process involves an agency developing its proposed supplemental guidelines, followed by the Attorney General's review and approval.

Development of supplemental guidelines requires an inventory of an agency's responsibilities, including promulgation of regulations, which affect, or may affect, the use or value of private property. This inventory determines the content of the agency's supplemental guidelines. Program elements having no takings risks can be excluded from further analysis. Those elements prone to takings challenges remain subject to completion of takings implication assessments (TIA) for particular policies or actions. Implementation of the Order is accordingly streamlined. In accordance with this strategy of focusing administrative attention on matters of special concern, supplemental guidelines are vital to an effective E.O. 12630 process. An agency which does not seek to develop supplemental guidelines remains subject to those issued by the Attorney General.

The Attorney General has already approved supplemental guidelines for the Departments of the Army, Commerce, Housing and Urban Development, Interior, Justice and for the Agencies of the Small Business Administration and National Aeronautics and Space Administration. Active consultations are now underway with other agencies, including the Environmental Protection Agency and the Departments of Health and Human Services, Labor, and Agriculture.

We understand the language in your proposal, referring to certification by the Attorney General, is designed to be consistent with the current process, and thus contemplates issuance by the Attorney General of supplemental guidelines for an agency or determination that an agency has elected to follow the government-wide guidelines. However, your proposal might be amended to make this intent more explicit.

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[1] Whether a particular regulation or regulatory action results in a constitutionally compensable taking of private property depends on the nature of the regulation and the specific factual circumstances of the case. *See e.g., Keystone Bituminous Coal Assn v. DeBenedictis*, 480 U.S. 470 (1987); *see also Kaiser Aetna v. United States*, 444 U.S. 164 (1979).

[2] Our dicussion of these decisions should in no way be construed as a change in the Department's legal position in each case.

Moreover, it is also inaccurate to suggest that this proposal would require that each regulatory action must be reviewed by the Attorney General for compliance with the guidelines. The specific language of the amendment calls for the "issuing agency", not each specific regulation, to be "certified" by the Attorney General for compliance with the Executive Order. This focus on the agency process is consistent with current practice under the Executive Order.

Neither your amendment nor the Executive Order requires that the Attorney General review and approve each TIA that an agency performs in accordance with its supplemental guidelines. As outlined above, each agency may develop generic supplemental guidelines which govern its entire program inventory, or it may simply follow the Attorney General's guidelines. The agency must perform a TIA for each proposed set of regulations which are not excluded in the supplemental guidelines, or the Attorney General's guidelines. Specific analyses performed pursuant to these guidelines are not "certified" by the Attorney General. On occasion, this Department is informally consulted by the agency conducting these analysis for information on current applicable case law.

Moreover, by including the language "Executive Order 12630 or similar *procedures*" your amendment makes clear that its coverage is limited to agency procedures, not the substantive result in a particular case. Accordingly, nothing in the amendment would support a suggestion that review of procedures includes review of particular substantive decisions, and so the role of the Attorney General remains as it is under Executive Order.

Finally, the phrase "or similar procedures" has no effect on the authority of the Attorney General. Clearly, this phrase modifies the phrase "Executive Order", thus indicating that these other procedures refer to those that might be issued by the President in the future to modify the Executive Order, not to any action by the Attorney General.

II. ANALYSIS OF CRITICISMS OF THE AMENDMENT

A. Need for Takings Review

It has been suggested that this amendment is unnecessary because the Claims Court provides as adequate remedy for vindication of private property rights taken through governmental action, that most claims stating that agency action will result in a constitutional taking are overblown and unsuccessful in any event, and that agencies with special missions such as protection of the environment and public health should not be required to deal with this issue.

Several responses are appropriate. the amendment, like the Executive Order, is not designed to supersede or prejudge possible takings remedies available in the Claims Court, nor do either the amendment or the Executive Order imply that particular agency actions will result in compensable takings. To suggest, however, that sensitivity to Fifth Amendment rights is "someone else's job" incorrectly implies that a congressional mandate to a particular federal agency to carry out a particular mission precludes that agency from considering anything else, including the potential Constitutional consequences of its action. The fact that only a minority of "takings" claims are successfully litigated is hardly a basis for objecting to legislation which might serve to minimize even that minority of claims. Indeed, the function of the "takings" clause is to assure that burdens placed on individuals which, in fairness and justice should be borne by society at large, are in fact borne by the latter. *See Armstrong v. United States*, 364 U.S. 40, 49 (1960). Before this burden is shifted to taxpayers generally, an agency should carefully consider whether the imposition of any such burden is necessary and whether less burdensome alternatives exist. Such a planning process is designed to encourage consideration of regulatory alternatives which meet statutory goals or requirements but do not *unnecessarily* infringe on individual rights in private property and increase taxpayer burdens.

B. Alleged Effects on Agency Mandates and Enforcement

It is suggested that this proposal would add a bureaucratic roadblock to executive enforcement of some laws. This is incorrect. The plain language of your amendment limits its application to regulations, not enforcement actions. This is consistent with the Executive Order, as interpreted by the Attorney General's Guidelines, which does not cover individual enforcement actions, *e.g.*, "[p]olicies and actions taken in furtherance of pending or immiment litigation . . . (and) . . . judicial and administrative adjudicatory actions brought pursuant to federal law seeking penalties, collection of debts, or the like." E.O. 12630, § II(B)(9).

Moreover, the amendment does not preclude an agency from meeting its statutory obligations, including enforcement responsibilities. In fact, by including the phrase, "in the course of federal regulatory activity", the amendment recognizes the ongoing statutory responsibilites of each agency, and preserves them. This is consistent with the Executive Order, which expressly notes that agencies "should account in decision making for those takings that are necessitated by statutory mandate," E.O. § 1(b), and "need only address takings implications under the Order to the extent permitted by law." E.O. § 5(b).

For similar reasons, it is inaccurate to suggest that this proposal would afford the Office of Management and Budget "yet another basis" to challenge agency performance of their statutory responsibilities by creating an "additional bureaucratic roadblock." As noted above, OMB has been and continues to be involved in accepting and evaluating information submitted in connection with an agency's takings assessments. This includes submitting information to OMB regarding takings claims and awards, and submitting to OMB along with proposed regulatory actions information on potential takings implications of such actions. *See* E.O. § 5(b), (c), (d), and (e)(1). To our knowledge, this process, which would not be affected by your proposed amendment, has never resulted in any obstruction of any agency's performance of its statutory responsibilities. In short, nothing in the amendment you have proposed would create additional burdens for agencies currently complying with the Executive Order. Because the amendment does not alter the current involvement of OMB in regulatory review, it would be inaccurate to suggest that this amendment somehow reassigns OMB functions to the Department of Justice, or any other agency.

It would also be incorrect to suggest that this amendment effectively blocks agency action because it renders a regulation ineffective until the issuing agency complies with the Executive Order or otherwise precludes an agency from promulgating a regulation. The limited remedy provided under the amendment is the deferral of implementation of regulations until supplemental guidelines are approved. The simple solution to avoiding delay in the effective date of the regulation is, as many agencies have already done, to secure approved supplemental guidelines. We stand ready to assist this process in an expeditious manner.

C. Effect on Executive Prerogatives

It has been suggested that this amendment would create an unwarranted and unprecedented legislative intrusion into executive branch functions. We might have concerns about this issue, if your amendment was not so carefully drafted to assure that the Executive Branch can utilize those procedures it finds suitable, now and in the future; use of the language "Executive Order or similar procedures" recognizes that the President retains his authority to change the Executive Order and the Attorney General retains the discretion to modify the guidelines. It might be appropriate to make this point completely free from doubt, and we are prepared to work with you in this regard.

D. Judicial Review

The amendment does not expressly provide for judicial review of either the procedures governing takings assessments or the assessments themselves.[3] The Executive Order expressly states that no such review is available, noting that these procedures do not: "create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person."
See E.O. § 6.

Nonetheless, questions have been raised regarding whether, by referencing the Executive Order in legislation, certain decisions become judicially reviewable action, *i.e.*, an agency's supplemental guidelines, the Attorney General's approval of such supplemental guidelines, and the policy or decision-specific takings assessments performed by the agency pursuant to those guidelines.

In order for the Administration to support this amendment the availability and extent of judicial review must be clarified. Specifically, the amendment must specify that such review be limited to the fact of whether or not the Attorney General has certified supplemental guidelines for the issuing agency. Neither the Attorney General's decision whether or not to issue such certification nor an agency or department's compliance with such guidelines shall be subject to review. Of course, notwithstanding Section 6 of the Executive Order, the individual takings analysis or other documents developed by a department or agency pursuant to applicable guidelines would be part of the administrative record and would, in accordance with generally applicable principles of administrative review, be considered by a reviewing court in deciding whether agency action complies with the requirements of other applicable statutes, including the Administrative Procedure Act.

This review should be provided in a way which does not create additional undue delay in the promulgation or implementation of programs. To that end, such review should take place in the forum which might otherwise have review of the substantive decision itself (*i.e.*, the promulgation of regulations). Review of whether certification occurred would take place simultaneously with the underlying review of the regulations, in strict accordance with the relevant statutory provisions governing such review. We also believe that review should be limited to persons whose property is potentially threatened by a taking.

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[3] Whether or not a particular agency action constitutes a taking would, of course, be reviewable in the Claims Court, as is the case today.

Such review of the agency action should not be a forum for determining whether a "taking" occurred or, if so, what compensation is due. That forum already exists in the Claims Court. Finally, judicial review of the procedural validity of the agency TIA should have no effect whatsoever on a subsequent action in the Claims Court alleging that a specific agency action resulted in a taking.[4]

Finally, your amendment by its terms applies to regulations "promulgated after the date of enactment of this Act" thus making it clear that regulations currently in effect are neither subject to a takings assessment nor subject to judicial review based upon an alleged failure to conduct such an assessment. This is a sound provision because no administrative record would exist upon which judicial review could focus. By applying this provision prospectively, agencies are afforded the opportunity as they develop regulations, to conduct taking assessments, and develop adminstrative records of their decisions. In contrast, for regulations issued after the effective date of this amendment, an administrative record containing the takings assessment would be developed, and review of that record would be subject to general principles of administrative review.

III. CONCLUSION

In conclusion, the Administration fully supports the principles and procedures enunciated in Executive Order 12630. With the changes we have noted above, the proposed amendment you offered embodies the fundamental principles expressed in that Executive Order, and is carefully crafted to address a very specific and important concern: the need to recognize in the course of developing regulations, the impact which those regulations might have on private property rights. By recognizing the need to consider the effect of regulatory actions on private property, and the possibility that such actions may effect a taking of private property, the amendment ensures that agencies will attempt, in carrying out their statutory functions, to prevent unnecessary takings, thereby protecting rights of individuals in private property, reducing the fiscal burden on all taxpayers from unnecessary takings and related litigation, while protecting the environment as well.

We have an excellent relationship with a broad range of government agencies, assisting in the implementation of Executive Order 12630 and the principles which undergird it. We are confident that relationship would continue with the amendment which, as we understand it, shares those principles. Thus, with the addition of these requested changes, we support the amendment and look forward to working with you toward achieving those goals.

Sincerely,

RICHARD B. STEWART,
Assistant Attorney General.

AN OPEN LETTER OF MEMBERS OF THE UNITED STATES SENATE

January 13, 1991.

DEAR SENATOR: We write to urge you to join Senator Symms, Senator Boren, and others as a cosponsor of legislation extremely important to our members and to your constituents: S. 50, the Private Property Rights Act of 1991.

This bill will ensure that impacts on private property rights is duly considered in the federal agencies' regulatory activities. It in no way limits federal agencies' authority to regulate or to fulfill any legislative mandate. However, the bill will require federal decision makers to assess the potential impact of their regulatory actions on private property rights and to minimize transgression of private rights whenever possible. Compliance with this act will help avoid inadvertent "takings" of constitutionally guaranteed rights and thus reduce the federal government's financial liability for such compensable "takings."

The Private Property Rights Act of 1991 will give statutory endorsement to procedures like those stipulated in Executive Order #12630. After a careful review by the Department of Justice, the Administration (including the President's Council on Competitiveness, the EPA, the U.S. Army Corps of Engineers, and the USDA) "strongly supports" this legislation.

Our organizations have been staunch defenders of private property rights which are the foundation of U.S. agricultural production and the individual liberties which we all enjoy. Your past leadership in protecting those rights is greatly appreciated. The Private Property Rights Act of 1991 provides a strategic method for balancing government's necessary action and protecting private rights.

Please communicate your support for this important legislation by enlisting as a cosponsor as soon as possible. You may contact Trent in Senator Symms' office (4-6142), or Dan in Senator Boren's office (4-4732) for more information.

Sincerely.

American Environmental Foundation, American Farm Bureau Federation, Americans Forest Council, American Forest Resource Alliance, American Sheep Industry Association, Blue Ribbon Coalition, Citizens for a Sound Economy, Competitive Enterprise Institute, Environmental Conservation Organization, Fairness to Land Owners Committee, Land Improvement Contractors Association, National Cattlemen's Association, National Farmers Organization, National Forest Products Association, National Grange, National Inholders Association, National Milk Producers Association, National Water Resources Association, Pennsylvania Land Owners Association, S.T.O.P. of Indiana, U.S. Chamber of Commerce, Washington Property Owners Coalition.

Brunswick, GA, October 12, 1990.

Hon. STEVE SYMMS,
U.S. Congress,
Washington, DC.

DEAR SENATOR SYMMS: I strongly support your Private Property Rights Bill which you are to introduce in the coming days in Congress.

I am a local member of the Fairness to Landowners' Committee, (F.L.O.C.) whose headquarters is in Cambridge, Maryland.

With the way things are going, we need your bill to strengthen the Fifth Amendment of the Constitution.

Very truly yours,

JIMMIE ANN ABNER,
Brunswick/Golden Isles Homebuilders' Association.

THE FLOC,
Cambridge, MD, October 15, 1990.

DEAR SENATOR: I am the founder and Chairman of the FLOC—Fairness to Land Owners Committee. Our policy statement is included in our written testimony on the "No Net Loss" Policy to the Wetlands Coordination Team of the Domestic Policy Council, and can be obtained from Teresa Gorman.

On behalf of our 7,000+ members in the State of Maryland and our growing chapters from Maine to Georgia and as far West as Washington State, I Applaud Senator Symms efforts and offer him our strongest support for the passage of the "Private Property Rights Act of 1990".

The growth and out-reach of our citizens' organization, in less than four months and with limited resources and volunteer staff, is tangible testimony to Federal government agencies' blatant abuse of power resulting in the deprivation of the rights of land owners.

I would like to emphasize a few relevant quotes from our "no net loss" testimony:

Our principles are very basic—We want our rights under the law and a balance in the scales of environmental sensitivity and property ownership.

It's time for this Administration to stop the loss of land owners' rights, the devaluation of private property, and land "takings" due to those (non-tidal wetlands) changes.

It's time for all of us with a vested interest in private property rights to pull out all the guns and fight those who want to tell what we can not do with our land.

This act must pass as a firm reminder to government agencies that they must consider private property and the cost of "takings" when they regulate. At this very moment, we are aware of an enormous number of law firms that are preparing class action and individual cases against Federal government agencies involved in land "takings" due to the changes in the non-tidal wetlands definitions and policies. The claims of these cases are beyond quantification and the damages are far beyond the ability of we the taxpayers to pay. Perhaps if the litigation cost and damages came out of the agencies' budgets, they might not be so cavalier in holding our land hostage and in "taking" private property.

Sincerely,

MARGARET ANN REIGLE,
Chairman.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: Recently, the STOP Organization of Northwest Indiana became aware of the Private Property Rights Act of

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[4] A provision encompassing these principles could be added to the end of your amendment, as follows: Judicial review of actions taken pursuant to this section shall be limited to a determination of whether the Attorney General has certified the issuing agency as in compliance with the Executive Order or similar procedures. Such review shall be permitted in the same forum and at the same time as the issued regulations are otherwise subject to judicial review. Only persons with property potentially threatened by an agency taking shall have standing to challenge action as contrary to this section. In no event shall such review include any issue for which the Claims Court has jurisdiction.

1990. As a grassroots organization currently fighting federal legislation which includes condemnation, we realize the need and importance of legislation such as this. The support which we have received from homeowners, farmers, local elected officials, and businesses reinforces the fact that private property protection rights are sorely needed.

We commend you for the initiative that you have shown in drafting this act and pledge our support for the Private Property Rights Act of 1990. It is heartening to see that you have already received the support of small business, farm, civil rights, and free market environmentalist groups. We hope that support such as this will make your proposal a reality in the near future. Please do not hesitate to contact us if we may be of any assistance to you.

Sincerely,

THE STOP STEERING COMMITTEE.

RESOLUTION OF THE GREATER YELLOWSTONE ASSOCIATION OF CONSERVATION DISTRICTS

Resolution: To encourage conservation districts who are members of the Greater Yellowstone Association of Conservation Districts to support the concept of the "Private Property Rights Act of 1991" as authored by Sen. Steve Symms (R-ID) and cosponsored by Sen. David Boren (D-OK).

Whereas, the Greater Yellowstone Association of Conservation Districts was formed in February, 1990 to present a three state unified conservation district voice on natural resource issues in the Greater Yellowstone area, and

Whereas, the Association's membership is 35 conservation districts surrounding Yellowstone National Park, and

Whereas, the intention of the Association is to protect the rights of those individuals and organizations currently involved in business and personal endeavors surrounding the Yellowstone National Park,

Therefore be it Resolved, that conservation districts and members of those districts who belong to the Greater Yellowstone Association of Conservation Districts be encouraged to support the concept of the "Private Property Rights Act of 1991." This bill, if passed, will add statutory endorsement to executive orders issued by both Presidents Reagan and Bush, requiring federal agencies to consider the impact of their rules and regulations on private property under the "Taking" clause of the 5th Amendment to the U.S. Constitution.

Submitted by: Caribou Conservation District, Soda Springs, Idaho.

Mr. BOREN. Mr. President, I am pleased to join my colleague, Senator SYMMS of Idaho, in introducing the Private Property Rights Act. This bill is a response to the growing phenomenon where a citizen is essentially deprived of his property rights by the enforcement of a Federal regulation. The fifth amendment to the United States Constitution requires "just compensation" when private property is taken for public use. The U.S. Supreme Court has often noted that "if regulation goes too far it will be recognized as a taking."

Regulations of several Federal agencies, most notably the Interior Department, the Agriculture Department, the Environmental Protection Agency, and the Corps of Engineers, have been found by the courts to amount to fifth amendment takings. These aggressive regulations not only rob the owner of the use of his property, but expose the taxpayers to multimillion-dollar lawsuits in order to compensate the property owners. Currently, the Federal Government faces over $1 billion in outstanding "takings" claims.

Mr. President, the costs of these "takings" suits are far beyond those budgeted for these agencies and the laws and programs they administer. Worse yet, these costs can often be avoided if one hand of the Federal Government will communicate with the other. This communication is the function of the Private Property Rights Act.

This legislation requires that new regulations promulgated by any agency of the Federal Government be certified by the U.S. Attorney General that an assessment has been made as to their potential for governmental exposure to takings claims. Instead of codifying a standard, this mechanism will allow the Justice Department to apply the current standard used by the Federal courts to determine when a regulation amounts to a taking. Therefore, if the Supreme Court refines the takings test over time, the Justice Department's analysis changes with it.

Critics of this proposal charge that it will add a new and burdensome layer of bureaucracy to the already slow process of implementation of regulations. However, the Justice Department has responded by pointing out the fact that most Federal agencies already comply with a similar practice. Further, any short delay caused by the certification process will be worth the savings from a reduction of takings claims against the Government.

Mr. President, this legislation has been endorsed by the agencies I've mentioned and is strongly supported by several farm and business organizations. I urge my colleagues to consider the value of the certification process it would require and to join Senator SYMMS and myself as cosponsors of the bill.

By Mr. MOYNIHAN:

S. 51. A bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber, .32 caliber, and 9 millimeter ammunition; to the Committee on Finance.

VIOLENT CRIME PREVENTION ACT

• Mr. MOYNIHAN. Mr. President, I rise to introduce the Violent Crime Prevention Act of 1991 to ban the manufacture, importation, and transfer of .25 caliber, .32 caliber, and 9 millimeter ammunition. I propose this not as an alternative to gun control efforts, which I support, but rather as something of an interim complementary measure while the prolonged debate on gun control continues. The bill targets these particular rounds of ammunition because .25 and .32 caliber bullets are used in Saturday Night Specials, the street criminal's weapon of choice, and 9-millimeter bullets are used in the deadly assault weapons favored by drug lords.

Handguns exact a deadly price on our Nation. Of that there is no question. According to the Bureau of Justice statistics, more than 4 in 10 murder victims between 1984 and 1988 were killed with handguns, an average of 9,200 per year.

Law enforcement officials must contend with the sheer number of guns available on the streets. About 70 million handguns and 200 million firearms of all types are in private hands, more than triple the number two decades ago. New York City police estimate there are 2 million guns in the city, despite the fact that permits have been issued for only 50,000 of them. One police officer recently told the New York Times, "If you're asking me if every 14-year-old has a gun, the answer is no. Does every other 14-year-old have a gun? The answer is yes." One Brooklyn teenager declared, "It's not just want, it's need. Everybody's got one, so I got to have one."

As the drug war grows ever deadlier in our inner cities, military-style firearms have become plentiful and fashionable. I recently paid a visit to the NYPD Police Academy and saw some of these guns, such as the TEC–9. What chilled me is that some of the 9-millimeter semiautomatics are "street dude" stuff. They have comic strip chromium that makes them look like space guns. But they are absolutely deadly, and they consume an enormous amount of ammunition.

How did we find ourselves in this situation? Handgun control as it is conventionally offered has not worked. The Gun Control Act of 1968 has been evaded by foreign imports. The Firearms Owners Protection Act of 1986 repealed provisions of the Gun Control Act restricting the sale of guns. The debate continues to focus exclusively on how to control the availability of guns: Should they be banned? Registered? Should there be a waiting period before purchasing it? Should certain people be prohibited from obtaining them, or should certain guns be seized or bought from individuals?

Mr. President, these efforts are admirable, and I shall continue to support measures which are aimed at keeping guns out of the hands of those who are a threat to public safety. But with 200 million guns available, each with a longer lifespan than you or I, even if we were to ban all further manufacture and importation of firearms, we would have enough to last us well into the 22d century. Clearly another tack must be taken.

A story from my days as Ambassador to India illustrates my point. Admission to the legendary Indian Civil Service ultimately turned on a grueling oral examination. A favorite question asked the examinee to imagine himself a district officer on a 2-day trek from his main base to an outlying village. As his party is preparing to make camp for the night he is struck on the forearm by a Malay King Cobra. What does he do?

The correct answer is that he dies. The young men who thought of slashing and sucking their wound or sending runners for a doctor, or whatever, were deemed to have an insufficient hold on reality. A man struck on the arm by a Malay King Cobra as dark descends on the Indian jungle does exactly one thing—he dies.

This is our problem with handgun control. We somehow don't grasp the significance of the fact that guns are out there, in our streets, 70 million of them and 2 million more each year. There is no getting rid of them. But this conundrum does give us a way out. Supposing the cobra had been defanged? Supposing the supply of bullets were restricted or eliminated?

There are enough firearms to last well into the 22d century, but only enough ammunition for those guns to last about 4 years. Of the 7.5 billion rounds in factory, commercial, and household inventory in this country, about 2 billion are used each year. Were we to ban from today additional rounds from entering the market, existing ammunition supplies would soon run out. And what good is a gun without bullets?

The exact numbers are sketchy because the Bureau of Alcohol, Tobacco and Firearms does not have the authority to track the supply of ammunition in the same way it tracks firearms. But even so, the point is the same: guns don't kill people, bullets do. If efforts to stem the supply of guns are failing, it is time to look for another alternative. I ask you today as I asked you 2 years ago: Is it not a more realistic hypothesis to control ammunition as a means of controlling violent crime than it is to control handguns?

This is not the first time that Congress has been called upon to ban a particular round of ammunition. In 1986, the same year this body passed the Firearms Owners Protection Act, Congress passed legislation banning the so-called cop-killer bullet. This round, jacketed with tungsten alloys, steel, brass, or any number of other metals, had been demonstrated to penetrate no fewer than four police flak jackets and an additional five Los Angeles Country phone books at one time. In 1982 the New York Policy Benevolent Association came to be and Representative Biaggi and asked us to do something about the ready availability of these bullets. The result was the Law Enforcement Officers Protection Act, which we introduced in 1982, 1983, and for the last time during the 99th Congress. In the end, with the tacit support of the National Rifle Association the measure passed the Congress and was signed by the President as Public Law 99-408 on August 28, 1986.

In this Congress we have the opportunity to ban three other cop-killer bullets: the .25 caliber, .32 caliber and 9 millimeter. As I stated earlier, the first two, the .25 and .32 caliber, are used in guns commonly known as Saturday Night Specials, a phrase coined by Detroit police to describe the weekend traffic in cheap guns from Ohio. Saturday Night Specials, or snubbies, are easily concealed. So easily, in fact, that last December one Brooklyn 3-year-old brought a .25 Raven automatic to school in his coat pocket. The New York Daily News reported that an alert teacher noticed the gun and, unsure whether it was a toy, took it from the "gun-totin' tot." Police discovered it carried four live rounds. The child had taken the gun from the front seat of family friend's car as he was driven to school that morning. This was not the first time a member of the Sesame Street set brought a loaded Saturday Night Special to school. Nor will it be the last until we do something about it.

As Cox Newspapers documented in 1981, Saturday Night Specials are the overwhelming choice of criminals. Of handguns fired at New York City police officers between 1975 and 1985, one-quarter were .25 or .32 caliber. They are concealable guns, and they are deadly. Saturday Night Specials are used in convenience store and liquor store hold-ups, teenagers take them to school to settle arguments, and gunrunners carry them from State to State in the hundreds. There are more than 350,000 .25 caliber and .32 caliber firearms manufactured each year in this country.

In each of the last three Congresses I have sponsored a bill that would ban .25 and .32 caliber ammunition. In this Congress I offer a bill which would also ban 9-millimeter ammunition. The drug war is a war, with military-style weapons used by drug dealers and traffickers. Fourteen- and 15-year-olds can be seen proudly displaying their 9-millimeter Tec-9, Mac-10 or Glock-17 plastic frame pistols. "It used to be that when kids had problems with one another, they took it out with their fists or maybe zip guns," New York City Police Commissioner Lee Brown said in November. "But now they consider the gun a badge of honor. And now the 9-millimeter is the weapon of choice."

In an editorial entitled "Every Other 14-Year-Old, Armed," the New York Times wrote less than a week later that teenagers now carry powerful 9-millimeter semiautomatics, machine pistols or military assault rifles worth hundreds of dollars affordable with drug money. Guns bought elsewhere for $500 regularly go for more than $1,000 on the streets of New York City, spawning a new domestic illicit gun trade in military assault weapons. And with nearly 200,000 9-millimeter firearms manufactured in this country each year, in many places police find themselves outgunned by gang members and drug dealers. In 1987, 10 law enforcement officers were killed by .25 and .32 caliber and 9-millimeter guns, and in 1988 another 10 lost their lives by these guns.

If we ban the manufacture, importation and transfer of the ammunition for these weapons, and here I speak specifically of .25 and .32 caliber and 9-millimeter rounds, before we reach the new millenium a large number of the guns used to commit crimes in this country will be out of commission. Will there be others? Of course. But President Reagan survived a .22 caliber chest wound. President Ford very likely would not have survived the .32 round that was fired at him. President McKinley, Huey Long and George Moscone did not. The .22 is too small to be deadly, the .45 too large to conceal and is used by Alaskan guides to protect themselves from grizzly bear attacks. In between we could save a couple thousand lives each year.

This is no permanent solution to the problem of handgun violence, but I believe it is a step in the right direction. It might just save the lives of a few children. It is our chance to make sure that the deadliest guns on our streets no longer pose us a threat. It is time to defang our cobra. I urge my colleagues to support this bill and ask unanimous consent that the text be printed in the RECORD in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 51

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Violent Crime Prevention Act".

SEC. 2. Section 922(a) of title 18, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (7);

(2) striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) adding at the end thereof the following:

"(9) for any person to manufacture, transfer, or import .25 or .32 caliber or 9 millimeter ammunition, except that this paragraph shall not apply to—

"(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof; and

"(B) any manufacture or importation for testing or for experimenting authorized by the Secretary; and

"(10) for any manufacturer or importer to sell or deliver .25 or .32 caliber or 9 millimeter ammunition, except that this paragraph shall not apply to—

"(A) the sale or delivery by a manufacturer or importer of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof; and

"(B) the sale or delivery by a manufacturer or importer of such ammunition for testing or for experimenting authorized by the Secretary.".

SEC. 3. Section 923(a)(1)(A) of title 18, United States Code, is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices, armor piercing ammunition, or .25 or .32 caliber or 9 millimeter ammunition, a fee of $1,000 per year;".

SEC. 4. Section 923(a)(1)(C) of title 18, United States Code, is amended to read as follows:

"(C) of ammunition for firearms other than destructive devices, or armor piercing or .24 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $10 per year.".

SEC. 5. Section 923(a)(2) of title 18, United States Code, is amended to read as follows:

"(2) If the applicant is an importer—

"(A) of destructive devices, ammunition for destructive devices, or armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing or .25 or .32 caliber or 9 millimeter ammunition for any firearm, a fee of $50 per year.".

SEC. 6. Section 923 of title 18, United States Code, is amended by adding at the end thereof the following:

"(l) Licensed importers and licensed manufacturers shall mark all .25 and .32 caliber and 9 millimeter ammunition and packages containing such ammunition for distribution, in the manner prescribed by the Secretary by regulation.".

SEC. 7. Section 929(a)(1) of title 18, United States Code, is amended by—

(1) inserting ', or with .25 or .32 caliber or 9 millimeter ammunition" after "possession of armor piercing ammunition"; and

(2) inserting ", or .25 or .32 caliber or 9 millimeter ammunition," after "armor-piercing handgun ammunition".

SEC. 8. This Act and the amendments made by this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the enactment of this Act.●

By Mr. MOYNIHAN:

S. 52. A bill to direct the Secretary of the Interior to prepare a national historic landmark theme study on American labor history; to the Committee on Energy and Natural Resources.

STUDY OF HISTORIC SITES IN THE LABOR MOVEMENT

● Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that would direct the Secretary of the Interior to conduct a nationwide study of sites significant to the history of the American labor movement and other less formal, but still important, historical events involving workers; the laying of the transcontinental railroad and the industrial revolution, for example.

The impact of the labor movement on business, industry, and the standard of living of millions of workers has been great. Its influence starts with paychecks and job security for union members in every State, and reaches here to Washington, where their unified voice is heard.

The history of the labor movement goes back nearly to the birth of the Nation. In 1799, the Franklin Typographical Society of Journeymen Printers of New York formulated a complete wage scale and went on strike to enforce it. In these early years, such organizations dissolved once their goal was accomplished.

Recognizing and preserving the history of American labor will involve recognizing and preserving an idea. No easy task. But it can be done, and, in fact, the Park Service is already doing it at sites that commemorate other ideas. For example, at the Women's Rights National Historical Park in Seneca Falls, NY. Here in 1848, five women drafted a declaration of sentiments and assembled a convention of 300 people. Two weeks later another was held in Rochester. Soon they were being held across the country.

The preservation of several buildings in Seneca Falls and the interpretive center enable many thousands of visitors to better understand the idea that was born there 143 years ago. This study will enable the Park Service to identify other sites that should be similarly recognized and preserved.

Such sites are found throughout the country. The birthplaces of leaders such as William Sylvis, a Philadelphia ironworker who founded the National Union of Iron Molders in 1859 and the National Labor Union in 1866, for example. Or the home of Samuel Gompers, who founded the Federation of Organized Trades and Labor Unions, which became the American Federation of Labor. He was its president for 37 years.

There are the sites of the first meetings of the unions that came to be household names, such as the United Mine Workers in Columbus, OH, in 1890. And there are sites that have largely been forgotten, but still have their place in history, such as Tyronza, AR, where the Southern Tenant Farmers Union formed during the depression.

There are also the sites of strikes, some of which are known for their violent outcomes. They were, in a real sense, battlefields in the fight for fair wages and working conditions. Haymarket Square in Chicago, where workers met in 1886 to protest police actions against strikers, for example. A bomb went off, several people died, and seven labor leaders were sentenced to death. Or the 1917 strike led by the Wobblies in the copper mines of Bisbee, AZ that ended when the sheriff and 1,800 deputies deported 1,200 strikers to New Mexico.

Mr. President, the home of one of the most influential 19th century American painters is being offered as a donation. I believe we owe it to him, and to the many people who admire the Hudson River School and explore its origins, to accept this offer and designate it a national historic landmark.

I regret that none of Thomas Cole's work hangs in the Capitol, although two works of Bierstadt can be found in the stairwell outside the Speaker's lobby. Perhaps Cole's greatest work is the four part "Voyage of Life," an allegorical series that depicts man in the four stages of life. It can be found in the National Gallery, along with two other Cole paintings. The National Gallery currently has a major exhibition of works by Church, who was Cole's first student.

I urge my colleagues to seek out these and other works from the Hudson River School. They are proof enough of Cole's importance and the need to add his home to the list of national historic landmarks.

Mr. President, I ask that the text of the bill be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEME STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to as the "Secretary") shall prepare and transmit to the Congress a national historic landmark theme study on American labor history (referred to as the "theme study").

(b) PURPOSE.—The purpose of the theme study shall be to identify the key sites in American labor history including the history of workers and their work organizing, unions, and strikes, of the impacts of industrial and technological change, and the contributions of American labor to American history

(c) NOMINATION OF LANDMARKS.—In the theme study the Secretary shall identify, evaluate, and nominate as national historic landmarks the districts, sites, buildings, and structures that best illustrate or commemorate American labor history in its fullest variety.

(d) LIST OF POSSIBLE SITES.—On the basis of the theme study, the Secretary shall—

(1) Identify possible new park units appropriate to the theme of American labor history; and

(2) prepare a list, in order of importance or merit, of the most appropriate sites, including a discussion of the feasibility and suitability of their inclusion in the National Park System.

SEC. 2. CONSULTATION.

The Secretary shall prepare the theme study in consultation with the Secretary of Labor and with workers, workers' representatives, scholars of labor history, and historic preservationists.

SEC. 3. COOPERATIVE AGREEMENT.

(a) IN GENERAL.—The Secretary shall enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(1) prepare the theme study; and

(2) ensure that the theme study is prepared in accordance with scholarly standards that are generally acceptable in the scholarly community.

(b) QUALIFICATIONS.—The scholarly and public historic organization or organizations described in subsection (a) shall be—

(1) knowledgeable of American labor history; and

(2) recognized in the scholarly community as adhering to scholarly standards that are generally acceptable in the scholarly community.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $250,000 to carry out this Act.•

By Mr. DECONCINI:

S. 53. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

SENATE ELECTION REFORM ACT

• Mr. DECONCINI. Mr. President, I am pleased to introduce today a bill to reform our system of financing Senate campaigns. This is an issue which the Senate dealt with in depth in the last Congress, and the Congress before that. I believe it is well known that this is an issue which I have pursued vigorously since I was first elected to the Senate in the 95th Congress. I supported public financing of Senate elections back in 1977. Throughout my career in the Senate I have cosponsored numerous pieces of legislation to reform Senate elections: Provisions to provide public financing and limit spending, to increase disclosure of PAC activity, limit PAC contributions, reverse Buckley versus Valeo, end the practice of converting left-over campaign funds to private use, combat negative advertising, enhance voter registration, the list goes on. I have spoken on the Senate floor again and again the same concerns I have discussed today, and I've voted again and again to pass solid reforms.

With the passage of a reform bill in the Senate last year, I was hopeful that we might actually see campaign finance reform enacted, and although we fell short last year, I am still hopeful that we will see reform in the near future. I am more hopeful because the American people are calling loudly and clearly for a major overhaul in the way we run Senate campaigns. With voter turnout at about 50 percent, it is clear that many citizens no longer believe in the power of their vote. The people are disillusioned by the perceived power of PACs and special interest groups that make large contributions to campaigns. They are disillusioned by the inordinate amount of time candidates must spend raising money, and they are disillusioned by the evolution—maybe more accurately, disintegration—of political campaigns into catchy 30-second sound bites.

The bill I am introducing today is the same bill I introduced on this issue last year. It varies in some important aspects from the final form of the campaign finance reform legislation that this body passed last year. I have no doubt that the intense debate on this issue will be repeated in an effort to pass campaign reform again, and I am not unalterably committed to every provision in my bill. Ideally, I would like to propose even tougher and stricter provisions than what I am proposing today. I realize that when we do pass campaign reform in the Senate, it will not contain every provision in my bill. But this is a solid approach to this pressing issue, and it contains the elements that I believe must be included to achieve true reform: Spending limits, partial public financing of Senate campaigns, an emphasis on small grassroots contributions, reduction of incumbent advantage, and the means of reducing the high media costs that have made political campaigns a multimillion dollar endeavor.

First and most importantly, this bill sets voluntary limits on total campaign spending through a formula based on the voting age population (VAP) of a candidate's State: For a general Senate election, the limit would be $400,000 plus 25 cents for each voter up to 4 million, plus 20 cents for each voter over 4 million, with minimum and maximum limits of $400,000 and $5.5 million respectively. The spending limit for primary elections would be 50 percent of the general limit. This is a fair means of controlling the cost of these campaigns equally for all candidates while allowing flexibility for the obviously different makeup of our diverse States. My bill has lower limits than previous proposals. Under my bill, fully half of the Senate races would be kept below $1.5 million for the total spending cycle. This still seems high to me, but with the average Senate race ringing up at $3.7 million in 1988, it is clearly a great improvement. I have prepared a table that shows the key numbers for every State under this bill—spending limits, PAC limits, qualifying thresholds, and the amount of funding grants—and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Second, this bill would cut PAC contributions in half, limiting them to $2,500 per election per candidate, as opposed to $5,000 per election in current law. Additionally, candidates would have to limit their aggregate acceptance of PAC contributions to 10 percent of their total cycle spending limit. These limits provide ample opportunity for people to contribute to political action committees that will help promote the causes they feel are important while preventing PAC's from overshadowing small individual contributors. The limits make a candidate more dependent on small contributors, but this in turn makes the public more confident in the integrity of their representatives, and this is the key to a more representative government.

This legislation also provides a variety of mechanisms for reducing the costs of Senate campaigns so that the spending limits and contribution limits do not hinder a candidate's success. First, it limits the campaign period to the period beginning 6 months prior to the primary election. With the campaign period restricted to a reasonable length of time, costs will immediately be reduced simply by virtue of not having to purchase as much media time. Limiting the campaign period also restores grassroots interest and participation in the election—long, drawn out campaigns result in vote burnout and apathy at the polls. Second, participating candidates would receive both preferred mail rates and the lowest unit broadcast rate—essentially, non-preemptable time at pre-emptable rates, based on the lowest rate over the past 12-month period. In addition, the media would be required to provide free and equal time for a candidate to counter independent expenditures made for the benefit of his or her opponent.

One of the most significant provisions of this legislation is the implementation of partial public financing of Senate races. This would most effectively reduce the amount of time a candidate is forced to spend on fundraising and would return the focus of a campaign to substantive issues. In order to qualify for this and other benefits, a candidate would have to garner broad grassroots support, as demonstrated by raising a threshold of funds made up of small contributions primarily from in-State sources. Upon reaching the threshold and agreeing to comply with the various limitations, the candidate would receive a flat grant of one-third of the remaining general election spending limit amount. For the remaining two-thirds of the amount above the threshold, the candidate would be eligible to receive matching grants for small contributions of $250 or less, and grants equal to $250 for contributions between $251 and $1,000. No matching grants would be made for PAC contributions in any amount. This financing mechanism accomplishes several of our goals. It eases the candidate's fundraising burden without putting the entire burden upon the Federal Government, and it encourages the candidate to focus on small contributions—the kind made by individuals. This is by no means the highest level of public financing which I believe we should consider. A greater level of public financing would do even more to level the playing field between incumbents and challengers and to eliminate the perception of monied influence on Senate elections. I am open to proposals of higher levels of public funding, but the plan I am proposing today is a fair and responsible way to start.

This bill would do a few other things that warrant mention at this time. It would prohibit franked mass mailings of over 250 pieces during the period beginning 6 months prior to the primary election through the general election, including newsletters, notices of town meetings, and opinion surveys. It has been noted that our current campaign system provides an unfair advantage to incumbents. The limit on franked mailings is simply one more step in assuring that Senate races are not biased in favor of established office-holders.

Finally, this legislation prohibits Member PACs and contains limits and disclosure requirements on bundling contributions and on so-called soft money expenditures from State political party committees.

Mr. President, it is time to restore public confidence in our election process and in our Government's representation of the people. This bill does just that. I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 53

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senate Election Reform Act of 1990".

SEC. 2. SPENDING LIMITS.

The Federal Election Campaign Act of 1971 (referred to as "the Act") is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE GENERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For the purposes of this title—

"(1) the term 'authorized committee' means, with respect to a candidate for election to a seat in the United States Senate, a political committee that is authorized in writing by the candidate to accept contributions or make expenditures on behalf of the candidate to further the election of the candidate;

"(2) the term 'candidate' means an individual who is seeking nomination for election, or election to a seat in the United States Senate, and such an individual shall be deemed to be seeking nomination for election, or election, if the individual meets the criteria stated in subparagraph (A) or (B) of section 301(2);

"(3) the term 'eligible candidate' means a candidate who has made the filings prescribed by section 502 (a) and (b);

"(4) the term 'election cycle' means, with respect to an election to any Senate seat—

"(A) in the case of a candidate or the authorized committee of a candidate, the period beginning on the day after the date of the most recent general election for the seat that the candidate seeks and ending on the date of the next general election; or

"(B) in the case of other persons, the period beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'general election' means an election that will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(6) the term 'general election period' means the period beginning on the day after the date of a primary or runoff election, whichever is later, and ending on the first of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(7) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B);

"(8) the term 'major party' has the meaning stated in section 9002(6) of the Internal Revenue Code of 1986 (the Presidential Election Campaign Fund Act), provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the selection of the candidate and at least one other candidate for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(9) the term 'primary election', with respect to an election for any Senate seat, means an election that may result in the selection of a candidate for the Senate on the ballot of in a general election;

"(10) the term 'primary election period', with respect to an election for any Senate seat, means the period beginning on the day following the date of the last Senate election for that seat and ending on the first of—

"(A) the date of the first primary election for that seat following the last Senate election for that seat; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(11) the term 'runoff election', with respect to an election for any Senate seat, means an election held after a primary election for that seat, prescribed by State law as the means for determining the candidates that will be certified as nominees for the Senate;

"(12) the term 'runoff election period', with respect to an election for any Senate seat, means the period beginning on the day following the date of the most recent primary election for that seat and ending on the date of the runoff election for that seat;

"(13) the term 'Senate Account' means the Senate Election Campaign Account maintained, pursuant to section 506, by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(14) the term 'voting age population' means the resident population, 18 years of age or older, as certified for a State pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, a candidate shall make the filings required by subsections (b) and (c).

"(b) To become an eligible candidate, a candidate shall, on the day that the candidate files as a candidate for the primary election, file with the Commission a declaration whether—

"(1) the candidate and the candidate's authorized committees agree to make expenditures for the primary election in an amount greater than the lesser of—

"(A) 50 percent of the general election spending limit applicable to the candidate under section 503(b); or

"(B) $2,750,000;

"(2) the candidate and the candidate's authorized committees agree to make expenditures for a runoff election, in an amount equal to no more than 20 percent of the general election spending limit applicable to the candidate under section 503(b); and

"(3) the candidate and the candidate's authorized committees agree to make expenditures for the general election in an amount equal to no more than the general election spending limit applicable to the candidate under section 503(b).

"(c) To become an eligible candidate, a candidate shall, not later than 7 days after qualifying for the general election ballot under State law or, if the candidate's State is one that has a primary election to qualify for the general election ballot after September 1, not later than 7 days after the date such candidate wins in such primary, whichever occurs first, file a certification with the Commission under penalty of perjury stating that—

"(1) during the period beginning on January 1 of the calendar year preceding the year of the general election, or in the case of a special election for the seat of a United States Senator, during the period beginning on the day on which the seat was vacated, and ending on the day the certification is made, the candidate and the candidate's authorized committees have received contributions in an amount at least equal to the lesser of—

"(A) $650,000; or

"(B) the greater of—

"(i) $150,000; or

"(ii) 10 cents multiplied by the voting age population of the State;

"(2) all contributions received for purposes of paragraph (1) have come from individuals, and no contribution received from an individual, when added to all contributions to or for the benefit of the candidate from the individual, was taken into account to the extent that the contributions from that individual exceed $250;

"(3) the candidate and the candidate's authorized committees have not expended for the primary election more than the amount described in subsection (b)(1);

"(4) the candidate and the candidate's authorized committees have not expended for any runoff election more than the amount described in subsection (b)(2);

"(5) at least 80 percent of the amount of contributions received for purposes of paragraph (1) have come from individuals residing in the candidate's State;

"(6) at least one other candidate has qualified for the same general election ballot under State law;

"(7) the candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures for the general election that exceed the general election spending limit applicable to the candidate under section 503(b), unless permitted to do so under section 504(a)(2);

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election except to the extent that the contribution is necessary to defray expenditures for the general election that in the aggregate do not exceed the general election spending limit applicable to the candidate under section 503(b), unless permitted to do so under section 504(a)(2);

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission;

"(F) will cooperate in any audit and examination conducted by the Commission pursuant to section 507; and

"(G) will not make any expenditures until the date that is 6 months before the date of the primary election, or use payments received under this section for expenses incurred prior to such date for media advertising, direct mail, and telephone banks unless such expenses for mail or telephones are directly related to raising funds or recruiting volunteers for that election; and

"(8) the candidate and the candidate's authorized committees will not use a broadcast station, pursuant to section 315 of the Communications Act of 1934 (47 U.S.C. 315), for a political advertisement or broadcast communication on a television broadcast station until the date that is 6 months before the date of the primary election in which such candidate is involved; and

"(8) the candidate intends to make use of the benefits provided in section 504.

"(b) For the purposes of subsection (c)(1) and section 504(a)(2)(B), in determining the amount of contributions received by a candidate and the candidate's authorized a committees—

"(1) no contribution other than a gift of money made by a written instrument that identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from a person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to all other contributions made by that individual to or for the benefit of such candidate since the date specified in paragraph (4); and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election is held or received after the date on which the general election is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the seat was vacated or received after the date on which the general election is held shall be taken into account.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate shall—

"(1) make expenditures from the personal funds of the candidate or the funds of a member of the immediate family of the candidate; or

"(2) incur personal debt,

in excess of $100,000 in connection with the candidate's campaign for the Senate during an election cycle.

"(b) No candidate may make expenditures for a general election in excess of the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) $400,000 plus 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000,

plus any amount permitted under section 504 (b) and (c).

"(c) No candidate who is otherwise eligible to receive benefits under this title for use in a general election may receive such benefits if the candidate make expenditures for the primary election in excess of the lesser of—

"(1) $2,750,000; or

"(2) the amount equal to 50 percent of the limitation on expenditures for the general election determined under subsection (b).

"(d) No candidate who is otherwise eligible to receive benefits under this title for use in a general election may receive such benefits if the candidate makes expenditures for a runoff election in excess of an amount equal to 20 percent of the limitation on expenditures for the general election determined under subsection (b).

"(e)(1) The limitation stated in subsection (b) shall not apply to expenditures by a candidate or the candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act, if—

"(A) the compliance fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act, and does not contain any funds received by the candidate pursuant to section 504(a);

"(B) the amount of contributions to and expenditures from the compliance fund do not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers are made from the compliance fund to any other accounts of the candidate's authorized committees.

"(2) If, after a general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from a compliance fund in excess of the limitation stated in paragraph (1), the candidate may petition the Commission for a waiver of such limitation up to any additional amount that the Commission may authorize, the determination of which shall be subject to Federal review under section 508.

"(3) Any money remaining in a compliance fund when a candidate decides to terminate or dissolve the compliance fund shall be—

"(A) contributed to the United States Treasury to reduce the budget deficit; or

"(B) transferred to any fund of a subsequent campaign of that candidate.

"(f) If during a primary election period or runoff election period preceding a general election, independent expenditures aggregating more than $10,000 are made or obligated to be made in opposition to a candidate or for the opponent of a candidate, the limitations stated in subsections (c) and (d), as they apply to such candidate, shall be deemed to be increased for that primary or runoff election in an amount equal to the amount of such independent expenditures made during the primary election period or runoff election period.

"(g) No candidate who receives a benefit under this title for use in a general election campaign shall receive any such benefits if the candidate makes any expenditure before the date that is 6 months before the date of the primary election in which the candidate is a candidate.

"(h) No candidate who receives a benefit under this title shall make any expenditure, directly or indirectly, for any political advertisement or broadcast communication on a television broadcast until after the date that is 6 months before the date of the primary election in which such candidate is a candidate.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under subsections (b) and (d)(3) of section 315 of the Communications Act of 1934 (47 U.S.C. 315);

"(2) mailing rates provided in section 3629 of title 39, United States Code; and

"(3) a payment equal to the greater of—

"(A) $250,000; or

"(B) one-third of the difference between—

"(i) the general election spending limit applicable to the candidate under section 503(b); and

"(ii) the threshold amount applicable to the candidate under section 502(b)(1),

to the extent that such payment will not result in the candidate's having received contributions and payments under this subparagraph and subparagraph (D) aggregating an amount in excess of the general election spending limit applicable to the candidate under section 503(b);

"(D) payments equal to the sum of—

"(i) all contributions that the candidate has received from contributors (excluding multicandidate political committees) who have made contributions for the general election aggregating no more than $250 each; and

"(ii) $250 times the number of contributors (excluding multicandidate political committees) from whom the candidate has received contributions for the general election aggregating more than $250,

to the extent that such payment will not result in the candidate's having received contributions and payments under this subparagraph and subparagraph (C) aggregating an amount in excess of the general election spending unit applicable to the candidate under section 503(b); and

"(E) payments under section 506 equal to the total amount of independent expenditures made or obligated to be made in the general election by any person in opposition to, or on behalf of an opponent of, the eligible candidate, as such expenditures are reported by such person or determined by the Commission under section 304(f);

"(2) if an eligible candidate's opponent who is not an eligible candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed the general election spending limit applicable to the eligible candidate under section 503(b)—

"(A) in the case of an eligible candidate who is a major party candidate a payment under section 506 (in addition to payments to which the candidate is entitled under paragraph (1)) in an amount equal to—

"(i) two-thirds of the amount of the general election spending limit applicable to the eligible candidate under section 503(b) in a case in which the opponent either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 100 percent of the applicable general election spending limit; and "(ii) one-third of the amount of the general election spending limit applicable to the eligible candidate under section 503(b) in a case in which the opponent either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 133⅓ percent of the applicable general election spending limit; and

"(B) in the case of an eligible candidate who is not a major party candidate matching payments under section 506 (in addition to payment to which the candidate is entitled under paragraph (1)) equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) section 502(b) shall apply; and

"(ii) threshold contributions required to be raised under section 502(b)(1) shall not be matched,

to the extent that aggregate payments to a candidate under this subparagraph do not exceed 50 percent of the amount of the general election spending limit applicable to the candidate under section 503(b).

"(b) An eligible candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the general election spending limit applicable to the candidate under section 503(b).

"(c)(1) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponent who is not an eligible candidate either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 133⅓ percent of the general election spending limit applicable under section 503(b).

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to subparagraph (C) of section 502(a)(7) if a major party candidate in the same general election is not an eligible candidate, or if any other candidate in the same general election who is not an eligible candidate raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 75 percent of the general election spending limit applicable to the candidate under section 503(b).

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such benefits shall not be used—

"(1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate,

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. Such request shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation;

"(2) a certification that the candidate has raised contributions in the applicable threshold amount states in section 502(b)(1) and has met all other requirements to become an eligible candidate; and

"(3) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and full satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Account'. The Secretary shall deposit into the Senate Account, for use by eligible candidates, the amounts available after the Secretary determines that the amounts in the fund, plus the amounts of revenue the Secretary projects will accrue to the fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the amount in the Senate Fund, and determine whether that amount, plus the amount of revenue the Secretary projects will accrue to the Senate Account (based on the computation made by the Secretary with respect to the fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Account during that period. If the Secretary determines that an excess amount exists, the Secretary shall transfer the excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate named in the certification, out of the Senate Account, the amount certified by the Commission.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible candidates of each major party and 10 percent of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that the candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any part of a payment benefit made to a candidate under this title was not used as required by this title, the Commission shall so notify the candidate and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount of the benefit that was used otherwise than as permitted by this title.

"(d) If the Commission determines that a candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less the general election spending limit applicable to the candidate under section 503(b), the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that a candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent general election spending limit applicable to the candidate under the limitation set forth in section 503(b), the Commission shall so notify the candidate, and the candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for no more than 60 days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during the general election period. At the end of 60 days any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than 3 years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Account.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which the candidate is entitled or knowingly or willfully use such benefits for any purpose other than one permitted by this title or knowingly or willfully make expenditures from the candidate's personal funds, or the personal funds of the candidate's immediate family, in excess of the general election spending limit applicable to the candidate under section 503(b).

"(b) A person who violates subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to the making of an expenditure in violation of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by a candidate, or an authorized committee of a candidate who receives benefits under this title.

"(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by a candidate or an authorized committee of a candidate pursuant to the provisions of this title shall pay to the Secretary for deposit in the fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any action by the Commission made under this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in that court not later than 30 days after the Commission action for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Chapter 7 of title 5, United States Code, applies to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission may appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission may, through attorneys and counsel described in subsection (a), institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission may, through attorneys and counsel described in subsection (a), petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission deems appropriate) made by each eligible candidate and the authorized committees of that candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each such repayment; and

"(4) the balance in the fund, the Senate Account and any other account maintained in the fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission may prescribe such rules and regulations in accordance with subsection (c), conduct such examinations and investigations, and require the keeping and submission of such books, records, and information, as it deems necessary to carry out its functions and duties under this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATION

"SEC. 511. There are authorized to be appropriated to the Commission such sums as are necessary for the purpose of carrying out the Commission's functions and duties under this title.".

SENATE ACCOUNT

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1" each place it appears in that subsection and inserting "$2"; and

(2) by striking "$2" each place it appears in that subsection and inserting "$4".

BROADCAST RATES

SEC. 4. Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a) by striking "section" and inserting "subsection";

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively; and

(3) by inserting immediately after subsection (a) the following new subsection:

"(b)(1) If any licensee permits a person to utilize a broadcasting station to broadcast material which either endorses a legally qualified candidate for any Federal elective office or opposes a legally qualified candidate for that office, such licensee shall, within a reasonable period of time, provide to any eligible candidate opposing the candidate endorsed (or to an authorized committee of such eligible candidate), or to any eligible candidate who was so opposed (or to an authorized committee of such eligible candidate), the opportunity to utilize, without charge, the same amount of time on such broadcasting station, during the same period of the day, as was utilized by such person.

"(2) For purposes of this subsection, the term 'person' includes an individual, partnership, committee, association, corporation, or any other organization or group of persons, but such term does not include a legally qualified candidate for any Federal elective office or an authorized committee of any such candidate.

"(c) A licensee shall not preempt the use, during any period specified in subsection (d)(1), of a broadcasting station by a legally qualified candidate for Federal office who has purchased such use pursuant to such subsection (d)(1).";

(4) by amending subsection (d)(1), as redesignated by paragraph (2), to read as follows:

"(1) during the 6 months preceding the date of a primary, runoff, general, or special election in which such person is a candidate, the lowest unit charge of the station over the preceding 12-month period for the same class and amount of time for the same period, except that in the case of candidates for the United States in a general election, as such term is defined in section 501(5) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of that Act;"; and

(5) by amending subsection (e), as redesignated by paragraph (2) to read as follows:

"(e) For purposes of this section—

"(1) the term 'authorized committee' means, with respect to any candidate for nomination for election, or election, to any Federal elective office, any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000 and which is authorized by such candidate to accept contributions or make expenditures on behalf of such candidate to further the nomination or election of such candidate;

"(2) the term 'broadcasting station' includes a community antenna television system; and

"(3) the term 'license' and 'station licensee', when used with respect to a community antenna system, mean the operator of such system.".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as that term is defined in section 501(5), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration whether the candidate intends to make expenditures in excess of the general election spending limit applicable to the candidate under section 503(b).

"(2) A declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of the declaration, and may not be further amended or changed.

"(e)(1) A candidate for the United States Senate who qualifies for the ballot for a general election, as that term is defined in section 501(5)—

"(A) who is not eligible to receive benefits under section 502; and

"(B) who either raises aggregate contributions or makes or becomes obligated to make aggregate expenditures for the general election that exceed 75 percent of the general election spending limit applicable to the candidate under section 503(b) for such Senate election, shall file a report with the Commission not later than 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or not later than 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. Thereafter such candidate shall file additional reports with the Commission not later than 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made, which aggregate an additional 5 percent of such limit. A candidate shall continue to file such reports until the candidate has raised aggregate contributions or made or has become obligated to make aggregate expenditures equal to 133⅓ percent of the general election spending limit applicable to the candidate under section 503(b).

"(2) The Commission, not later than 24 hours after such a report has been filed, shall notify each candidate in an election who is eligible to receive benefits pursuant to this title of the filing of such report, and after an opposing candidate has raised aggregate contributions or made or has become obligated to make aggregate expenditures in excess of the applicable general election spending limit, the Commission shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(5), who is not eligible to receive benefits under section 504, has raised aggregate contributions or has made or has become obligated to make aggregate expenditures for such election that exceed general election spending limit applicable to a candidate under section 503(b). The Commission, not later than 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about the making of such determination, and shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which any such candidate is entitled.

"(f)(1) All independent expenditures, if any (including those described in subsection (b)(6)(B)(iii)), made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(5), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person referred to in paragraph (1) shall be reported not later than 24 hours after the aggregate amount of such expenditures incurred or obligated exceeds $10,000. Thereafter, independent expenditures referred to in paragraph (1), made by the same person in the same election, shall be reported not later than 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii); and

"(B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat.

The Commission shall, not later than 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C), about the making of each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which any such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(5), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, not later than 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about the making of each determination under subparagraph (A), and shall certify, pursuant to subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by a person shall constitute an expenditure in coordination, consultation, or concert with another person when—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same 2-year election cycle, 1 of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities that may influence an election to any Federal office include—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising that includes references, however, incidental, to clearly identify Federal and non-Federal candidates for public office, or that does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities that require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor (except donors whose aggregate donations do not exceed $200 in a calendar year) together with the amount and date of each donation with regard to the receipts of the non-Federal account that comprise disbursements reported under subparagraph (A).

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, if such donations or disbursements are governed solely by such State laws and not subject to paragraph (1).

"(i) The certifications required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding section 505(a).

"(j) Not later than 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission a declaration stating whether or not such candidate agrees to expend from the candidate's personal funds, or the funds of the candidate's immediate family, or incur personal loans, in connection with the candidate's campaign for such office, in the aggregate of $100,000 or more, for the election cycle.

"(k)(1) A candidate for the United States Senate who expends from the candidate's personal funds or the funds of the candidate's immediate family, or incurs personal loans, in connection with the candidate's campaign for such office, in the aggregate in excess of $100,000, for the election cycle, shall file a report with the Commission not later than 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported not later than 24 hours after each time the aggregate of additional expenditures or loans exceeds $10,000.

"(2) Not later than 24 hours after a report has been filed under paragraph (1), the Commission shall notify each candidate in the election who is eligible to receive payments under section 504 of the filing of each such report.

"(3) Nothwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of a candidate's immediate family or incurred personal loans in connection with the candidate's campaign aggregating in excess of $100,000, or thereafter in increments of $10,000 during the election cycle. Not later than 24 hours after making such determination, the Commission shall notify each candidate in the general election who is eligible to receive benefits under section 504 of the making of each such determination.".

(b) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"Whether a committee, club, association, or other group of persons has received contributions within the meaning of this paragraph shall be determined by the Commission on the basis of facts and circumstances, in any combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election."

(c) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following new paragraph:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or an authorized committee of a candidate, the period beginning on the day after the date of the most recent election for the seat that the candidate seeks and ending on the date of the next general election; or

"(B) in the case of other persons, the period beginning on the first day following the date of the most recent general election and ending on the date of the next election.".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking "or" at the end of subparagraph (B);

(2) striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) adding at the end thereof the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 (or $125,000 if at least two candidates qualify for the ballot in the general or special election and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and the candidate's authorized political committees with respect to such general or special election (including any primary election convention, or caucus relating to such general or special election) exceeds an amount equal to 10 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 10 percent of the limitation on expenditures provided in section 315(j) for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds the greater of—

"(i) 2 cents multiplied by the voting age population of the State of such State committee; or

"(ii) $25,000.

The limitation of subparagraph (F) shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

"(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2) U.S.C. 441a) is amended by adding at the end thereof the following new subsections:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation for the election cycle shall be an amount equal to the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) 50 percent of the sum of—

"(I) $400,000; and

"(II) 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation for the election cycle shall be an amount equal to the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $900,000; or

"(ii) 20 percent of the sum of—

"(I) $400,000; and

"(II) 25 cents multiplied by the voting age population of 4,000,000 or less, plus 20 cents multiplied by the voting age population over 4,000,000.

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1) by striking "subsection (b) and subsection (d)" and inserting "subsections (b), (d), (i), and (j)"; and

(B) in paragraph (2)(B) by inserting before the period at the end thereof "as applied in subsections (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senate Election Reform Act of 1990, as applied in subsections (i) and (j)".

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "(2) and (3)" and inserting "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following new paragraphs:

"(4) No congressional campaign committee may accept contributions from multicandidate political committees and separate segregated funds, during two-year election cycle, which, in the aggregate, exceed 30 percent of the total expenditures that may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during two-year election cycle, which, in the aggregate, are in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which—

"(A) clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for the Federal office of President, Senator or Representative; and

"(B) does not constitute a direct mail communication designed primarily for fundraising purposes that makes only incidental reference to a Federal candidate.".

(d) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$2,500"; and

(2) in subparagraph (C), by striking "$5,000" and inserting "$2,500".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8)(A) For purposes of this subsection—

"(i) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(ii) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(I)(aa) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(bb) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(II) the conduit or intermediary is required to register as a lobbyist or lobby organization as defined under the Federal Regulation of Lobbying Act (2 U.S.C. 266), or an officer, employee or other agent of such an organization.

"(B) the limitations imposed by this subsection shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by—

"(I) two or more candidates;

"(II) two or more national, State, or local committees of a policital party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by either two or more candidates or one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate when—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(ii) serving as an officer of the candidate's authorized committees; or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with—

"(i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, if the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURES BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by striking the period at the end thereof and inserting the following: ", except that when a person makes an independent expenditure through a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization, and when a person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 10. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking "may refer" and inserting "shall refer".

EXTENSION OF CREDIT

SEC. 11. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by adding at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 12. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

subject to the condition that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the general election spending limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

DISCLOSURE

SEC. 13. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) by striking the period at the end of paragraph (3) and inserting "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has NOT agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has NOT agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

EXCESS CAMPAIGN FUNDS

SEC. 14. Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by inserting "(a)" after the section designation;

(2) by striking "political party;" through the end of the paragraph and inserting "political party."; and

(3) by adding at the end thereof the following new subsection:

"(b) The authorized committee of a Senator or Representative in, Delegate or Resident Commissioner to, or candidate for, the Congress, may not make any contribution, either directly or indirectly, to any other Senator or Representative in, Delegate or Resident Commissioner to, the Congress, or, to any State or local elected official or any candidate (or any authorized committee for the candidate) for such office, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit (including any political committee) to the Senator, Representative, Delegate, Resident Commissioner, or candidate.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 15. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

SOFT MONEY

SEC. 16. (a) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end thereof the following new paragraph:

"(4) A State committee of a political party, including any subordinate committee of a political party, may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 4 cents multiplied by the voting age population of that State (as certified under subsection (g) of this section).".

(b) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by repealing the following clauses: clause (x) and clause (xii) of section 301(8)(B) and clause (viii) and clause (ix) of section 301(9)(B).

(c) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), is amended by adding at the end thereof the following new subsection:

"(k)(1) Any amount solicited, received or spent by a national, State or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 301(b)(9)(B)(viii).

"(2) For purposes of this subsection, the term 'in connection with a Federal election' includes any activity that may affect a Federal election including but not limited to the following:

"(A) voter registration and get out the vote activities;

"(B) generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising; and

"(C) campaign materials which identify a federal candidate, regardless of any other candidate who may also be identified.".

FEDERAL ELECTION COMMISSION REFORM

SEC. 17. (a) Section 306(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437e(a)(1)) is amended—

(1) by striking "6 members" and inserting "7 members"; and

(2) by amending the last sentence thereof to read as follows: "No more than 4 members of the Commission appointed under this paragraph may be affiliated with the same political party, and such appointments shall be made in a manner to assure that the same political party shall not have 4 or more members affiliated with such party on such Commission for two succeeding years.".

(b) Section 306(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)) is amended to read as follows:

"(2)(A) Members of the Commission shall serve for terms of 7 years, except that of the members appointed after April 30, 1989—

"(i) one of the two members appointed for the term beginning May 1, 1991, shall be appointed for a term of 6 years;

"(ii) one of the two members appointed for the term beginning May 1, 1993, shall be appointed for a term of 6 years; and

"(iii) one of the two members appointed for the term beginning May 1, 1995, shall be appointed for a term of 6 years;

"(B) One additional member of the Commission shall be appointed for a term beginning May 1, 1989, and shall be appointed for a term of 5 years.".

FRANKED MAIL

SEC. 18. (a) Section 3210(a)(6) of title 39, United States Code is amended—

(1) in subparagraph (A), by striking "60 days" each place it appears and inserting "6 months";

(2) in subparagraph (C), by striking "60 days" and inserting "6 months"; and

(3) in subparagraph (E), by—

(A) inserting ", town meeting notices, opinion surveys," after "news-letters"; and

(B) striking "five hundred" and inserting "250".

(b) Paragraph 1 of Rule 40 of the Standing Rules of the Senate is amended by striking "sixty days" and inserting "6 months".

ONE CAMPAIGN COMMITTEE ALLOWED

SEC. 19. (a) Section 301(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(6)) is amended by inserting ", other than a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress," after "a candidate".

(b) Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended—

(1) in subsection (e)(1) by inserting ", other than a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress," after "A candidate"; and

(2) by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other law, no candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress shall have any authorized committee or campaign committee other than one committee which shall be the principal campaign committee for such individual.".

SEVERABILITY

SEC. 20. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 22. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1992 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

STATE-BY-STATE BREAKDOWN DeCONCINI CAMPAIGN REFORM BILL

State	VAP	Cycle limit	General limit	Primary limit	Threshold	Automatic grant	PAC limit
Alabama	3,012,000	$1,729,000	$1.153,000	$576,500	$301,200	$283,933	$172,950
Alaska	346,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Arizona	2,514,000	1,543,000	1,028,000	514,000	251,400	258,867	154,000
Arkansas	1,771,000	1,350,000	900,000	450,000	177,100	250,000	135,000
California	20,678,000	7,103,000	4,736,000	2,368,000	650,000	1,362,000	710,000
Colorado	2,421,000	1,508,000	1,005,000	503,000	242,000	254,000	151,000
Connecticut	2,482,000	1,531,000	1,020,000	510,000	248,000	257,000	153,000
Delaware	494,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Florida	9,581,000	3,774,000	2,516,000	1,258,000	650,000	622,000	377,000
Georgia	4,624,000	2,287,000	1,525,000	762,000	462,000	354,000	229,000
Hawaii	806,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Idaho	695,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Illinois	8,542,000	3,463,000	2,308,000	1,154,000	650,000	553,000	346,000
Indiana	4,114,000	2,134,000	1,423,000	711,000	411,000	337,000	213,000
Iowa	2,120,000	1,395,000	930,000	465,000	212,000	250,000	139,000

STATE-BY-STATE BREAKDOWN DeCONCINI CAMPAIGN REFORM BILL—Continued

State	VAP	Cycle limit	General limit	Primary limit	Threshold	Automatic grant	PAC limit
Kansas	1,834,000	1,350,000	900,000	450,000	183,000	250,000	135,000
Kentucky	2,740,000	1,627,000	1,085,000	542,000	274,000	270,000	163,000
Louisiana	3,123,000	1,771,000	1,181,000	590,000	312,000	289,000	177,000
Maine	903,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Maryland	3,497,000	1,911,000	1,274,000	637,000	350,000	308,000	191,000
Massachusetts	4,539,000	2,262,000	1,508,000	754,000	454,000	351,000	226,000
Michigan	6,845,000	2,953,000	1,969,000	984,000	650,000	440,000	295,000
Minnesota	3,186,000	1,795,000	1,196,000	598,000	319,000	293,000	179,000
Mississippi	1,846,000	1,350,000	900,000	450,000	185,000	250,000	135,000
Missouri	3,827,000	2,035,000	1,357,000	678,000	383,000	325,000	203,000
Montana	583,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Nebraska	1,178,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Nevada	794,000	1,350,000	900,000	450,000	150,000	250,000	135,000
New Hampshire	822,000	1,350,000	900,000	450,000	150,000	250,000	135,000
New Jersey	5,888,000	2,666,000	1,778,000	889,000	589,000	396,000	267,000
New Mexico	1,060,000	1,350,000	900,000	450,000	150,000	250,000	135,000
New York	13,543,000	4,963,000	3,309,000	1,654,000	650,000	886,000	496,000
North Carolina	4,889,000	2,367,000	1,578,000	789,000	489,000	363,000	237,000
North Dakota	480,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Ohio	8,048,000	3,314,000	2,210,000	1,105,000	650,000	520,000	331,000
Oklahoma	2,379,000	1,492,000	995,000	497,000	238,000	252,000	149,000
Oregon	2,056,000	1,371,000	914,000	457,000	206,000	250,000	137,000
Pennsylvania	9,179,000	3,654,000	2,436,000	1,218,000	650,000	595,000	365,000
Rhode Island	765,000	1,350,000	900,000	450,000	150,000	250,000	135,000
South Carolina	2,544,000	1,554,000	1,036,000	518,000	254,000	260,000	155,000
South Dakota	518,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Tennessee	3,665,000	1,974,000	1,316,000	658,000	150,000	389,000	197,000
Texas	11,796,000	4,439,000	2,959,000	1,480,000	650,000	769,733	444,000
Utah	1,061,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Vermont	414,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Virginia	4,527,000	2,258,000	1,505,000	753,000	453,000	351,000	226,000
Washington	3,430,000	1,886,000	1,257,000	629,000	343,000	306,000	189,000
West Virginia	1,406,000	1,350,000	900,000	450,000	150,000	250,000	135,000
Wisconsin	3,585,000	3,241,000	1,297,000	648,000	358,000	312,000	324,000
Wyoming	330,000	1,350,000	900,000	450,000	150,000	250,000	135,000

VAP=1988 voting age population provided by FEC.
General limit=$400,000 + $.25 × (VAP up to 4 million) + $.20 × (VAP over 4 million); (minimum: $900,000; maximum: $5.5 million).
Primary limit=50% of general limit.
Cycle limit=general limit + primary limit.
Threshold=$.10 × VAP; (minimum: $150,000; maximum: $650,000).
Automatic grant=33% × (General limit–Threshold); minimum: $250,000.
PAC Limit=10% of cycle limit.•

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 54. A bill to designate the Salt-Gila Aqueduct of the central Arizona projects and the "Fannin-McFarland Aqueduct;" to the Committee on Energy and Natural Resources.

FANNIN-MCFARLAND AQUEDUCT

• Mr. DECONCINI. Mr. President, today I join with my colleague from Arizona, Senator MCCAIN, in reintroducing legislation to redesignate the Salt-Gila Aqueduct of the central Arizona project [CAP] as the Fannin-McFarland Aqueduct. We are introducing this bill to recognize the outstanding achievements of these statesmen and their heroic efforts to get Arizona's lifeline, the central Arizona project, on line.

For my colleagues in the Chamber who are not familiar with the central Arizona project, I would like to take a few minutes to explain the purpose and importance of the project. The central Arizona project was authorized by Congress in 1968 to bring our State's Colorado River allocation to the rural and metropolitan communities of central and southern Arizona. The water supply in this desert region of the Southwest consists almost entirely of ground water. Because of growth and development in this area, the overdraft of ground water is nearing a critical stage. The CAP will enable Arizona to put its allotment of Colorado River water to beneficial use while at the same time reducing the overdrafting of our precious ground water supplies. The CAP is, in my opinion, the most important Federal project in Arizona.

In 1988, Congress redesignated the first stretch of the project, the Granite Reef Aqueduct, as the Hayden-Rhodes Waterway. This was a fitting tribute to two men who served their State so ably in their respective congressional bodies. The legislation we are introducing today renames the next stretch of the project after Ernest W. McFarland and Paul Fannin, two of Arizona's outstanding leaders who played a key role in the realization of this dream.

Paul Fannin served as Governor of Arizona from 1958 to 1964. In 1964 he was elected to the U.S. Senate and served in this body until 1976. As Governor of Arizona, Paul Fannin directed State water agencies and was instrumental in shaping Arizona's water policy. He called for an information and education campaign on the CAP to help Arizonans realize the great importance of the project to the State's future. While in the U.S. Senate, he cosponsored and aggressively pressed for the adoption of the legislation that finally authorized the CAP.

Ernest McFarland also had a distinguished career in public service, serving Arizona as both a Governor and Senator. He served in the Senate from 1941 to 1952. From 1951 to 1952 he served as the majority leader of this body. In 1947, Senator McFarland introduced the first bill calling for the authorization of the CAP. While in the Senate, he was known as the Chief Strategist for the CAP. In 1954, he was successfully elected as Governor and served in that position for one term where he continued his diligent efforts on behalf of the CAP.

It is only appropriate that we in Arizona honor these men and their great contributions not only to our State, but to the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, and I urge my colleagues on the Senate Energy and Natural Resources Committee to take timely action on this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Salt-Gila aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".•

By Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. ADAMS, Mr. HARKIN, Mr. BRADLEY, Mr. WELLSTONE, Mr. MOYNIHAN, Mr. BAUCUS, Mr. INOUYE, Mr. SARBANES, Mr. AKAKA, Mr. LEVIN, Mr. CRANSTON, Mr. RIEGLE, Mr. LAUTENBERG, Mr. WIRTH, Ms. MIKULSKI, Mr. DODD, Mr. GORE, Mr. BURDICK, AND Mr. ROCKEFELLER):

S. 55. A bill to amend the National Labor Relations Act and the Railway

Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

PREVENTION OF DISCRIMINATION DURING AND FOLLOWING LABOR DISPUTES

Mr. METZENBAUM. Mr. President, I rise to introduce a bill that will restore one of the fundamental principles of Federal labor law—the right to strike without fear of being permanently replaced. I am pleased and proud to be joined in this bipartisan effort by more than 20 original cosponsors.

The ability to hire permanent replacements for striking workers has threatened the entire collective-bargaining system and created undue hardship on workers and their communities. Simply put, hiring permanent replacements transforms every labor dispute into a bitter struggle for economic survival.

That turns more than 50 years of Federal labor policy on its head. Federal regulation of labor-management relations is premised on the understanding that collective bargaining will further industrial peace. The right to strike is an integral part of that policy. A strike or the possibility of a strike is often the primary force driving both parties to settle their contractual dispute at the bargaining table.

A strike of course involves substantial economic risks for each side. Employers face reduced quantity and quality of production, which may have a lasting negative impact on valuable customers in a competitive market. Workers face not only severe economic loss, but great emotional strain that can tear apart communities, families, and friendships.

That is why a strike is a last resort that no one undertakes lightly. But these substantial risks, of roughly equal magnitude, have tended to produce a desire for compromise aimed at resolving economic differences.

Mr. President, hiring permanent replacements does not further industrial peace. Instead, by gutting the right to strike, it guarantees industrial turmoil. That is not in the best interest of workers or employers.

Moreover, hiring permanent replacements threatens the well-being of local communities. It does so both by jeopardizing economic welfare and by destroying the fabric of local community life. Hiring permanent replacements is an inherently provocative act. It creates great anger in the community that can sometimes lead to frustration and desperation. This tinderbox situation, usually heightened by the presence of outside security forces retained by the employer, poses a real threat to public safety. It is no surprise, therefore, that the mayor of New York City and the Governor of New York State have gone on record supporting the principles of this legislation.

How have we arrived at this situation where, in the last decade, workers who exercised their right to strike were fired and permanently replaced at an unprecedented rate?

The Supreme Court opened the door in its 1938 Mackay Radio decision, where it stated that an employer should be able to hire permanent replacements in order to protect his business.

But in the 40 years following the Mackay decision, employers did not hire permanent replacements. Employers knew it was wrong to fire the employees who had spent years helping them build their companies over a mere temporary dispute.

Some employers still know that such tactics are wrong. In testimony before the Labor Subcommittee last year, John Cardinal O'Connor, archbishop of the diocese of New York, the head of one of the Nation's largest private social service systems, and the employer of thousands of unionized employees, stated that he would consider himself "immoral" if he ever hired permanent replacements for striking workers.

Cardinal O'Connor's powerful statement addressed the heart of this issue. He declared,

> It is useless to speak glowingly in either legal or moral terms about the rights to bargain and to strike as a last resort or even the right to unionize if either party, management or labor, bargains in bad faith, or, in the case of management, with the foreknowledge of being able to permanently replace workers who strike on the primary basis of the strike itself.

As Cardinal O'Connor's statement demonstrates, right-thinking employers do not hire permanent replacements. Instead, they rely on temporarily replacements, or use supervisors and managers, or subcontract or transfer the work.

But in the last 10 years, we have seen the rise of a new breed of employer in this country. Employers, like the owners of the New York Daily News, who advertised for permanent replacements months before there was a labor dispute and who then brought in permanent replacement workers within minutes of a minor disagreement. Employers, like Frank Lorenzo and the owners of the Greyhound Bus Co., who rush into bankruptcy court to shed their union contracts.

It is also no coincidence that these destructive labor tactics are used for the first time in many companies that were purchased in the merger mania of the 1980's. The new employers who had no loyalty to workers, their communities or even their companies. These new onwers, overloaded with debt and obsessed with short-term performance, regard workers as mere assets, to be used and discarded.

But this new breed of employers needed a signal that hiring permanent replacements was an acceptable option. They got that signal, loud and clear, in 1981. That was when President Reagan, shortly after he took office, fired and permanently replaced 12,000 striking air traffic controllers. The President not only dismissed striking workers, he barred these employees from ever regaining their jobs. A life sentence—more than we give to bank robbers, embezzlers, and other hardened criminals. President Reagan's action in effect made strikers into criminals. This legitimized a much more aggressive and even hostile employer strategy during labor disputes.

The United States is virtually alone among industrialized nations in permitting the permanent replacement of strikers. Our economic competitors—Japan, France, West Germany—categorically reject the idea of dismissing striking workers. Even in the nations of Eastern Europe, which we applaud for their emerging democratic unionism, workers who strike do not lose their jobs.

The time has come for us to live up to our ideals of fair play. The right to strike, without the crippling threat of permanent replacement, is fundamental if we are to have free and healthy trade unions. By restoring that right, we can take a significant step toward restoring a level playing field for labor relations in this country.

I urge my colleagues to support this important, bipartisan legislation. I ask unanimous consent that the bill, S. 5, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 55

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(6)(i) to offer, or to grant, the status of a permanent replacement employee to an individual for performing bargaining unit work for the employer during a labor dispute; or

"(ii) to otherwise offer, or grant, an individual any employment preference based on the fact that such individual was employed, or indicated a willingness to be employed, during a labor dispute over an individual who—

"(A) was an employee of the employer at the commencement of the dispute;

"(B) has exercised the right to join, to assist, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection through the labor organization involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the employer.".

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth."; and

(2) by adding at the end the following:

"(b) No carrier, or officer or agent of the carrier, shall—

"(1) offer, or grant, the status of a permanent replacement employee to an individual for performing work in a craft or class for the carrier during a dispute involving the craft or class; or

"(2) otherwise offer, or grant, an individual any employment preference based on the fact that such individual was employed, or indicated a willingness to be employed, during a dispute over an individual who—

"(A) was an employee of the carrier at the commencement of the dispute;

"(B) has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through the labor organization involved in the dispute; and

"(C) is working for, or has unconditionally offered to return to work for, the carrier.".

Mr. ADAMS. Mr. President, I am pleased to join my distinguished colleague, Senator HOWARD METZENBAUM, in once again proposing legislation that will correct a glaring flaw in our current Federal labor law. I wish that we had addressed this issue in the 101st Congress, but S. 2112 was never brought to the Senate floor for a vote. Our reintroduction of this legislation in the early days of the 102d Congress will, I hope, provide ample time for whatever additional hearings, debates, and votes are needed before this critically needed bill becomes law.

I find it bitterly ironic that a little-cited, relatively obscure Supreme Court decision from 1938 called Labor Board versus Mackay would become the cornerstone of the union busting strategy pursued by a number of employers during the decade of the 1980's. It has been often stated that bad cases make bad law, and the Mackay decision is a classic in that respect. Ignoring the National Labor Relations Act's clearly defined purpose stating, "nothing in this act shall be construed so as to interfere with or impede or diminish in any way the right to strike," the Supreme Court made passing reference to an employer's right to hire permanent replacement workers during a strike. Scholars and labor law experts who have analyzed Mackay over the ensuing years observe that the issue was neither fully briefed before the Court hearing, nor adequatedly debated or discussed in oral argument.

Over the four decades that followed the Mackay decision, the "right" to hire permanent replacements for striking workers was rarely invoked by employers, because the vast majority of them recognized that the general public interest was best served by negotiations with striking employees, leading to a mutually acceptable contract. The American experience with collective bargaining demonstrates that management and labor are capable of working together, even during a strike, to achieve settlements to labor disputes. For nearly a half century, the idea that issues of wages, hours, and working conditions were incapable of resolution through good faith negotiations was considered a radical and unacceptable position.

Mr. President, the genesis of the current climate of hostility toward the rights of striking workers came with President Ronald Reagan's decision to fire, and blacklist, the 12,000 striking air traffic controllers shortly after he assumed the Presidency in 1981. President Reagan thus became the modern day father of the permanent replacement of striker strategy, legitimizing a decade of bad-faith labor negotiating techniques intended to provoke strikes. With that kind of signal from the White House, numerous employers considered replacement of their current work force to be a legitimate cost-saving strategy.

Thousands of hard working and loyal employees have fallen victim to this confrontation rather than negotiation climate ushered in during the Reagan era. Meatcutters and lumber workers in Everett and Spokane, WA, flight attendants, paper workers, steelworkers, over a 1,000 UAW employees, 1,300 Magic Chef workers and 180 Teamster workers from local 829 in Boston know only too well what impact this new era has had on their lives. For many of these workers, the permanent replacement tactic has spelled the loss of financial security, jeopardized home mortgages, caused repossession of autos and damaged family credit-worthiness. All of these symptoms result from a new attitude on the part of some management who feel that strikebreaking is acceptable conduct. If we fail to act in correcting this deficiency in Federal labor law, the list of displaced union workers will continue to grow.

Perhaps the most shocking and graphic example of the perverse use of the Mackay doctrine came during the fruitless negotiations being conducted between the New York Daily News and the Allied Printing Trades Council of Greater New York. According to recent testimony before the Subcommittee on Labor of the Senate Committee on Labor and Human Resources, George McDonald, president of Mailers' Union No. 6, Communications Workers of America was at the bargaining table with the management representative of the Daily News when the unions announced they would not strike when the current contract expired. Management's negotiator chose to taunt Mr. McDonald, stating, "What kind of union leader are you that you don't want to strike?" My question in response would be, "What kind of management negotiator would deliberately try to provoke a strike if he did not have the Mackay ruling to hide behind?"

Mr. President, working men and women in this country do not chose to strike because they enjoy being on the picket line, or because they want to inflict pain on the very companies that pay their salaries. American workers strike as a last resort, in the continuing struggle to secure decent wages for the work they do in providing profits for the companies for which they labor. The last 10 years have shown us numerous examples of a new style of management negotiating tactics that use bankruptcy court, junk bond financed takeover deals, and union busting to achieve their goals. This tactic is unfair, and should be made illegal.

Mr. President, the very integrity of the National Labor Relations Act and our country's commitment to the collective bargaining process is at stake. I urge my colleagues to review the recent history of the striking worker replacement issue, and to join with those of us who believe the Mackay ruling must be legislatively reversed. I hope we will do so early in this 102d Congress. This Nation's ability to compete in a world economy depends upon a collective bargaining system that is fair, balanced, and sensitive to the right of workers to exercise their rights without sacrificing their careers.

Mr. KENNEDY. Mr. President, once again I am pleased to be a sponsor of the bill to ban the permanent replacement of strikers and prohibit employers from discriminating against workers who exercise their statutory right to strike by giving employment preference after a strike to nonstrikers and strikebreakers.

Since Congress enacted the National Labor Relations Act in 1935, a fundamental goal of national labor policy has been the protection of workers' rights to engage in collective bargaining with their employers.

Today, those rights are being steadily undermined by an increasing number of employers who view the collective bargaining process as an annoying obstacle to their ability to dictate work conditions, not as a means of achieving compromise between the conflicting interests of management and labor.

Too many businesses today are refusing to resolve their differences with labor at the bargaining table. Instead, they are trying to rid themselves of their bargaining obligation altogether. The use of permanent strike replacements has become a powerful tool to break employee unions and sabotage collective bargaining.

Resort to this unfair antiworker tactic is based on the 50-year-old decision by the Supreme Court in the Mackay Radio case. In that ruling, the Court stated in passing that the National Labor Relations Act did not prohibit employers from replacing strikers or require strikers to be reinstated after the dispute was over. That issue had not been briefed or argued in the Court, and the Court did not discuss or attempt to justify its curtailment of the right to strike expressly guaranteed by the NLRA. After the Courts casual remarks, few employers resorted to the tactic of hiring permanent replacements.

But the union-busting climate of the 1980's has emboldened a new breed of hardline employers to dust off the Supreme Court dicta as a justification for their antilabor union busting tactics. They are seeking not just a way to maintain company operations while a strike goes on, but a way to oust the union and its supporters from the workplace.

At Phelps Dodge, at Continental Airlines, at International Paper plants in Maine, Wisconsin, and Pennsylvania, and most recently at Eastern Airlines, Greyhound, and the New York Daily News, thousands of workers have lost their jobs because of this arrogant and unfair business practice of hiring permanent strike replacements.

As these disputes have demonstrated, the permanent replacement of strikers virtually forecloses the possibility of settling the underlying labor dispute, since no striking worker who has been permanently replaced will have a job to return to, even if the other issues are resolved.

In each of these cases, the use of permanent replacements has prolonged strikes which might well have been resolved through the collective bargaining process.

The tactic of permanent strike replacements has become so pervasive that only Congress can redress the imbalance. I commend Senator METZENBAUM for his leadership in the effort to end this unacceptable management practice, and I look forward to early and successful consideration of this bill.

By Mr. DECONCINI:

S. 56. A bill to prohibit the receipt of honoraria by Senators; to the Committee on Governmental Affairs.

S. 57. A bill to remove the study and recommendation of pay increases for Members of Congress from the jurisdiction of the Citizens' Commission on Public Service and Compensation, and for other purposes; to the Committee on Governmental Affairs.

PAY OF MEMBERS OF CONGRESS

• Mr. DECONCINI. Mr. President, I rise today to reintroduce two bills which address the American public's justifiable outrage about the pay of Members of Congress. One bill removes the consideration of pay raises for Members of Congress from the Citizen's Commission on Public Service and Compensation. The other bans Senators from accepting honoraria.

In 1989, when the median American family income grew by 1.4 percent annually, Congress voted itself a substantial pay raise; the House of Representatives received a 25-percent pay increase and the Senate received a 9.9-percent increase. There is no doubt that the buying power of the dollar has eroded since Congress last received a pay increase, but it has not eroded just for Members of Congress. It has eroded for teachers, nurses, plumbers, architects and other working Americans.

I voted against the congressional pay raise because I believed then, and continue to believe, that it is unconscionable for Congress to consider a pay increase in times when many worthy Federal health, veteran, child nutrition and other programs are suffering the effects of deep budget cuts, when many working families are supporting their families at or near the minimum wage and when our Nation is crippled with astronomical Federal deficits and when the country is heading into a recession. With the median family income at $25,226 in 1989, I could not vote to give Members of Congress salaries above $100,000.

The current method by which Congress receives its pay raises was devised by Congress so that it would not have to actually consider raises. It created a commission to report to the President who then reports to Congress. This system must be changed. We must ensure that if Congress feels that it deserves a pay raise, Congress debates the issue and decides the amount it merits and is held accountable for its decision.

My legislation will return the discussion of the issue to Congress. Congress must not be allowed to hide behind the recommendations of a commission. Congress will have to determine whether or not it deserves a raise and how much that raise will be. Members of Congress are adults who must shoulder many responsibilities in their role as public servants. Senators pass laws and consent to nominations and ratify treaties involving war and peace. Certainly we can shoulder the responsibility of determining our rate of pay.

The second bill I am introducing today would ban Members of the Senate from receiving honoraria. Honoraria, payments made to Senators by corporations and special interest groups for speeches given on any number of topics, have become a major supplement to Senate salaries. The amount of honoraria which Senators will be allowed to earn in 1991 beyond their $101,900 salary, approaches what the Census Bureau estimates to be the national median family income—$25,226.

I do not believe that we, as public officials, should be paid to speak to a group about issues before Congress. This is wrong for two reasons. First, there is a great potential for conflict of interest when corporations and special interests are allowed to pay large amounts of money to hear Senators speak. Second, one of our duties as elected officials is to educate and inform the public. The people who listen to me when I make speeches have already paid me through their taxes. Therefore, when I go back to Nogales, AZ, for example, and talk about legislation, I do not believe we should charge the listeners a second fee. Likewise, I believe a group in another State which requests my views on issues of concern to them and over which I have legislative jurisdiction should not be charged. For these reasons, I have never accepted honoraria and strongly believe they should be banned.

In conclusion, Mr. President, the bills I am introducing are simple and direct. One would clarify the way Congress addresses future pay raises and the other would ban Senators from receiving honoraria. I ask unanimous consent that the bills be printed in the RECORD following my remarks and I urge my colleagues to join me in congressional house cleaning by cosponsoring these measures.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 56

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, on and after the date of enactment of this Act, a Member of the Senate shall not accept honoraria for or on account of any service performed on or after such date.

(b) For the purposes of this Act—

(1) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed; and

(2) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNCTIONS OF COMMISSION.

Section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356) is amended to read as follows:

"(f) FUNCTIONS OF COMMISSION.—(1) The Commission shall conduct, in each of the respective fiscal years referred to in subparagraphs (A) and (B) of subsection (b)(8), a review of the rates of pay of—

"(A) justices, judges, and other personnel in the judicial branch referred to in section

403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88-426) and magistrates and the judges of the United States Claims Court;

"(B) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code; and

"(C) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39, United States Code.

"(2) Such review by the Commission shall be made for the purpose of determining and providing—

"(A) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review; and

"(B) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

"(3) In reviewing the rates of pay of the offices or positions referred to in paragraph (1)(B) of this subsection, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions.".

SEC. 2. CONFORMING AMENDMENTS.

(a) REPORT TO PRESIDENT.—Section 225(g) of the Federal Salary Act of 1967 (2 U.S.C. 357) is amended in the first sentence by striking out "subparagraphs (A), (B), (C), and (D)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(b) RECOMMENDATIONS OF THE PRESIDENT TO CONGRESS.—Section 225(h) of the Federal Salary Act of 1967 (2 U.S.C. 358) is amended by striking out "subparagraphs (A), (B), (C), and (D)" and inserting in lieu thereof subparagraphs (A) and (B)".•

By Mr. MOYNIHAN:

S. 58. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; to the Committee on Environment and Public Works.

NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to initiate a research program to better understand and conserve biological diversity. The bill was first introduced last year, in the House of Representatives, by my friend, Congressman JAMES SCHEUER.

Biological diversity is a term which we did not hear until just a few years ago. Biological diversity refers to the full range of all living organisms, plants and animals alike, and to the ecological communities in which they live. Diversity is defined as the number of different items and their relative frequency. We are concerned with the diversity of all levels of biological resources, from the molecular composition of genetic material, to individual species, to complete ecosystems.

Only recently have we begun to recognize fully the often subtle biological impacts of our activities—how we can upset delicate ecological balances. Often, the losses of biological diversity are unintended. Sadly, many of the losses may even go unnoticed. There are about 1.4 million species of plants and animals which have been identified and given scientific names. But scientists think there are actually between 5 and 80 million species. Quite a range—we do not even know the amount of biological diversity on the planet to the nearest order of magnitude.

I would not say that we can, or should even try to, prevent all losses of biodiversity. Clearly there have been many natural extinctions over the history of the Earth. Biological systems are dynamic—they are always evolving and changing. But the things that we do, we should do with understanding. The National Science Board estimates that the rate of extinction over the next few decades is likely to rise to at least 1,000 times the normal background rate of extinction—that being the term we use to describe typical and expected patterns of extinction. Scientists estimate that from one-quarter to one-half of the Earth's species will become extinct in the next 30 years. We are losing these plants and animals even before we can learn their potential value or how they fit into their ecological niche.

The bill which I am introducing today will help us understand the magnitude and impact of the loss of biological diversity. It establishes conservation of biological diversity as a national goal. A goal, I might mention, which is strongly endorsed by the U.S. Environmental Protection Agency's Science Advisory Board. In its recent report, "Reducing Risk," the SAB ranked "species extinction and overall loss of biological diversity" as one of our greatest environmental problems.

The bill also establishes a National Center for Biological Diversity and Environmental Research. This center will be the focal point for research, data compilation, and dissemination of information on biological diversity. Since biological diversity is, by its scope, a multidisciplinary, multiagency issue, the bill also creates an interagency working committee to develop a coordinated Federal strategy for biodiversity conservation. A National Scientific Advisory Committee is established to oversee the implementation of the national strategy.

Mr. President, I very much hope that we can rapidly consider this bill, and I urge my colleagues to join with me in the effort to enact it. I ask unanimous consent that the text of my legislation be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Biological Diversity Conservation and Environmental Research Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Earth's biological diversity is being reduced at a rate without precedent in human history;

(2) most losses of biological diversity caused by human activity are unintended and largely avoidable;

(3) while the most rapid loss of biological diversity is occurring outside the United States, it is also a serious problem within this country;

(4) reduced biological diversity may have serious consequences for human welfare as resources for research and agricultural, medicinal, and industrial development are irretrievably lost;

(5) reduced biological diversity may also endanger the functioning of ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants;

(6) reduced biological diversity will diminish the raw materials available for scientific and technical advancement, including the development of improved varieties of cultivated plants and domesticated animals;

(7) existing information regarding the abundance and distribution of biological diversity is inadequate, often inaccessible, and frequently inapplicable to conservation management, thus hampering the efficiency of resource policy and management decisions;

(8) existing conservation laws focus on the protection of individual species that have already suffered declines, rather than emphasizing ecosystem management to sustain diversity across a range of species;

(9) existing laws and programs relevant to the loss of biological diversity in the United States are largely uncoordinated and inadequate, and sometimes result in duplication of efforts, conflicts in goals, and gaps in geographic and taxonomic coverage;

(10) a comprehensive and coordinated Federal strategy is needed to arrest the loss of biological diversity and also, where possible, to restore biological diversity both through natural recovery and active management;

(11) increased biological and ecological research is needed to provide the knowledge to maintain biological diversity, to protect and manage ecosystems, and to ensure the sustainable use of natural resources; and

(12) maintaining biological diversity through habitat preservation is often less costly and more effective than efforts to save species once they become endangered.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "biological diversity" means the full range of variety and variability within and among living organisms and the ecological complexes in which they occur, and encompasses ecosystem or community diversity, species diversity, and genetic diversity;

(2) the terms "conserve", "conserving", and "conservation" refer to protective measures for maintaining existing biological diversity and active measures for restoring di-

versity through management efforts, in order to protect, restore, and enhance as much of the variety of native species and communities as possible in abundances and distributions that provide for their continued existence and functioning, including, at a minimum, the viability of existing populations;

(3) the term "ecosystem or community diversity" means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world;

(4) the term "genetic diversity" means the difference in genetic composition within and among populations of a given species;

(5) the term "regional ecosystem" means an area which is sufficiently large that it is capable of sustaining multiple biological communities and associated species;

(6) the term "species diversity" means the richness and variety of native species in a particular location of the world; and

(7) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 4. PURPOSES.

It is the purpose of this Act—

(1) to conserve biological diversity;

(2) to require explicit assessment of effects on biological diversity in all environmental impact statements required to be prepared pursuant to the National Environmental Policy Act of 1969;

(3) to establish a Federal strategy for the conservation of biological diversity;

(4) to establish mechanisms for encouraging and coordinating Federal, State, and private efforts to conserve biological diversity and natural environments;

(5) to undertake a nationally coordinated effort to collect, synthesize, and disseminate adequate data and information for—

(A) the understanding of biological diversity;

(B) assessing the rate and scale of the depletion of biological diversity; and

(C) identifying elements of biological diversity that are in significant decline or otherwise warrant special attention;

(6) to support basic and applied research necessary for the conservation of biological diversity; and

(7) to promote better understanding of the importance of biological diversity and foster actions that prevent biological impoverishment and conserve biological diversity and natural resources.

SEC. 5. NATIONAL BIOLOGICAL DIVERSITY AND ENVIRONMENTAL POLICY.

(a) POLICY.—It is the public policy of the United States that conservation of biological diversity is a national goal, and conservation efforts are a national priority.

(b) CONSISTENCY OF FEDERAL ACTION.—The actions, policies, and programs of all Federal agencies shall be consistent with the goal of conservation of biological diversity, to the maximum extent practicable.

(c) CONSERVATION OF BIOLOGICAL DIVERSITY OR FEDERAL LANDS AND WATERS.—All Federal lands and waters shall be managed to conserve biological diversity within the context of the purposes for which those areas were established.

(d) ENVIRONMENTAL IMPACT STATEMENTS.—

(1) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Council on Environmental Quality shall issue regulations which establish requirements for agencies to assess the impacts of Federal agency actions on biological diversity in preparing environmental impact statements under section 102 of the National Environmental Policy Act of 1969.

(2) IDENTIFICATION OF COMMUNITIES, SPECIES, AND POPULATIONS IN SIGNIFICANT DECLINE.—In preparing the regulations required under paragraph (1), the Council on Environmental Quality shall identify, in consultation with the National Center for Biological Diversity and Conservation Research established under section 9 (hereafter in this Act referred to as the "Center") those biotic communities, species, and populations that appear to be in significant decline or in imminent danger of loss of viability, or are otherwise of special concern.

(e) AGENCY REVIEW PROCESS.—Each Federal department or agency shall, with the advice and assistance of the Council on Environmental Quality, within 1 year after the date of the enactment of this Act—

(1) review its programs, both individually and cumulatively, for consistency with the conservation of biological diversity in accordance with this Act, paying particular attention to biotic communities, species, and populations identified under subsection (d)(2); and

(2) report the results of such review to the President, the Council on Environmental Quality, and the Congress.

(f) REVIEW OF ENVIRONMENTAL IMPACT STATEMENT BY EPA.—In reviewing environmental impact statements under the National Environmental Policy Act of 1969, the Administrator of the Environmental Protection Agency shall take into account the impacts of the proposed action on biological diversity.

SEC. 6. EFFECT ON OTHER LAWS.

Nothing in this Act shall be construed to amend or otherwise alter any requirement to maintain biological diversity under any other Act.

SEC. 7. INTERAGENCY WORKING COMMITTEE ON BIOLOGICAL DIVERSITY.

(a) ESTABLISHMENT.—There is established an Interagency Working Committee on Biological Diversity (hereafter in this Act referred to as the "Interagency Committee").

(b) MEMBERSHIP.—The Interagency Committee shall consist of 1 representative each from—

(1) the Bureau of Land Management;

(2) the National Park Service;

(3) the Fish and Wildlife Service;

(4) the Forest Service;

(5) the Department of Defense;

(6) the National Oceanic and Atmospheric Administration;

(7) the Environmental Protection Agency;

(8) the Department of Energy;

(9) the Center;

(10) the Council on Environmental Quality; and

(11) any other agency or department of the United States that the President, or the Chairman of the Interagency Committee, considers appropriate.

Each such representative shall be designated by the head of the entity named.

(c) CHAIRMAN.—The member of the Interagency Committee representing the Council on Environmental Quality shall serve as Chairman of the Interagency Committee.

(d) FUNCTION.—The function of the Interagency Committee shall be to prepare a coordinated Federal strategy for conservation of biological diversity described in section 8.

(e) DISSOLUTION.—The Interagency Committee shall be dissolved after the submission to the Congress of the Federal strategy required under section 8.

SEC. 8. FEDERAL BIOLOGICAL DIVERSITY STRATEGY.

(a) DEVELOPMENT.—The Interagency Committee shall develop a coordinated Federal strategy for the conservation of biological diversity (hereafter in this Act referred to as the "Strategy").

(b) CONTENTS.—The Strategy shall contain—

(1) A coordinated interagency plan for conserving biological diversity in the United States, particularly on federally-managed lands, including a specific description of the roles and responsibilities of each agency represented on the Interagency Committee for implementing the plan;

(2) the identification of regional ecosystems within the United States, and an interagency plan for coordinating Federal management of such ecosystems for the purpose of conserving biological diversity;

(3) a comprehensive set of criteria (including time frames and objective measures) for evaluating the progess of the agencies represented on the Interagency Committee in implementing the Strategy;

(4) specific management measures to be taken by each agency represented on the Interagency Committee pursuant to plans and criteria developed under paragraph (1), (2), and (3) with respect to—

(A) conservation through protective measures to maintain existing biological diversity, and through active measures to restore biological diversity;

(B) provisions for the long-term viability of ecosystems and ecosystem processes;

(C) maintenance of gene pools through a combination of in situ and ex situ techniques;

(D) use of demonstration areas, such as biosphere reserves;

(E) consistency of policies in international actions of Federal agencies;

(F) the identification of priorities for conservation;

(G) economic incentives to encourage the conservation of biological diversity;

(H) the development of broad-based education programs on the importance of biological diversity and the necessity of conservation;

(I) cooperation and coordination with non-Federal sectors; and

(J) training and education of agency personnel in ecological research, monitoring, and systematics; and

(5) an interagency plan for conducting research on biological diversity, identifying the roles and responsibilities of each agency represented on the Interagency Committee, other Federal agencies, and the Center, including—

(A) the identification of research priorities which affect more than one agency;

(B) the development of coordinated research programs for the conservation and restoration of biological diversity;

(C) enhancement of scientific knowledge through improved biological surveys;

(D) research to identify factors limiting population viability or persistence;

(E) improvements of management techniques based on scientific knowledge; and

(F) the identification of habitats of special concern, and the development of plans to protect those areas.

(c) PUBLIC PARTICIPATION.—The public shall be provided with opportunities to participate in the preparation of, and to comment on, the Strategy and any regional ecosystem management plans.

(d) Reports.—(1) Within two years after the date of the enactment of this Act, the Secretary shall be submitted to the President and the Congress by the Chairman of the Interagency Committee.

(2) At least once every two years after the submission of a report under paragraph (1), the head of each agency represented on the Interagency Committee shall submit to the Congress a report detailing progress in the implementation of the Strategy, including written comments by the public.

SEC. 9. NATIONAL CENTER FOR BIOLOGICAL DIVERSITY AND CONSERVATION RESEARCH.

(a) Establishment and Purpose.—There is established within the Smithsonian Institution, in cooperation with the Environmental Protection Agency, a National Center for Biological Diversity and Conservation Research (the Center), whose purpose shall be to set research priorities; to provide leadership and coordination for the understanding and promotion of knowledge of the biota and the effect of human activities on the biota, and to make this knowledge accessible to the people of the United States and others working to conserve biological diversity throughout the world. The Center shall be administered by a Director.

(b) Functions.—The functions of the Center shall be—

(1) to summarize and enhance the knowledge of the distribution, status, and characteristics of the biota in a manner that can be used in conservation and management;

(2) to prepare, with the assistance of agencies and other sources, lists and, where appropriate, maps of—

(A) biotic communities, species, and populations that appear to be in significant decline or in imminent danger of loss of viability, or are otherwise of special concern;

(B) areas of outstanding ecological or biotic importance; and

(C) factors, including ownership status and applicable laws, affecting the protection of such communities, species, and populations;

(3) to publish information, such as floral and faunal treatises, resource inventories, vegetation maps, atlases, and guides for practical use of biological information, and especially publications that synthesize information relevant to national goals of understanding and conserving biological diversity;

(4) to identify taxonomic groups, ecological communities, and geographical areas in need of study, and to develop a strategic plan for, initiate, and provide financial support toward an ongoing survey of the biota;

(5) to provide for the conducting of research, through grants, contracts, or otherwise, by Federal, State, and private agencies, institutions, organizations, and individuals;

(6) to provide information useful to the Interagency Committee in the preparation of the Strategy;

(7) to make recommendations to Federal agencies and others on the technical management of data collection, storage, and retrieval;

(8) to provide training and technical assistance to Federal agencies and others regarding collection and interpretation of biological data; and

(9) to raise additional funds as necessary to support the activities of the Center.

(c) Structure and Membership.—

(1) Advisory board.—The Center shall have an advisory board, which shall independently assist in setting the policies for and directing the Center.

(2) Membership.—(A) the advisory board shall consist of 17 members, including—

(i) 1 representative of the Smithsonian Institution;

(ii) 1 representative of the Fish and Wildlife Service;

(iii) 1 representative of the National Oceanic and Atmospheric Administration;

(iv) 1 representative of the National Park Service;

(v) 1 representative of the Department of Energy;

(vi) 1 representative of the National Science Foundation;

(vii) 1 representative of the Agricultural Research Service;

(viii) 1 representative of the Environmental Protection Agency;

(ix) 1 representative of the Forest Service;

(x) 1 representative of the Bureau of Land Management;

(xi) 1 representative of the Army Corps of Engineers;

(xii) 1 representative of the State biological surveys;

(xiii) 1 representative of private organizations that maintain large data bases oriented toward biological conservation;

(xiv) 2 scientists from nonprofit research institutions or universities; and

(xv) 2 representatives from institutions with collections of biological specimens.

(B) Members listed under clauses (xii) through (xv) of subparagraph (A) shall be appointed by the President from a list of nominees recommended by the National Academy of Sciences.

(3) Terms—Members of the advisory board shall serve for terms of 5 years, and may serve more than one term.

(4) Compensation of members.—

(A) Nongovernment members.—Each member of the advisory board that is not otherwise in the service of the Federal Government shall, to the extent provided for in advance in appropriations Acts, be paid actual travel expenses and per diem in lieu of subsistence expenses in accordance with section 5703 of title 5, United States Code, when such member is away from the member's usual place of residence.

(B) Government members.—Each member of the advisory board that is otherwise in the service of the Federal Government shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Advisory Board, such member shall, to the extent provided for in advance in appropriations Acts, be paid actual travel expenses, and per diem in lieu of subsistence expenses in accordance with subchapter I of chapter 57 of title 5, United States Code, when away from the member's usual place of residence.

(5) Chairman.—The members of the advisory board shall select 1 member to serve as chairman.

(6) Funding arrangements.—The Director of the Center shall make appropriate arrangements for necessary administrative and clerical support of the advisory board, in consultation with the chairman of the advisory board.

(7) Authorization of appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1991, $10,000,000 for fiscal year 1992, and $10,000,000 for fiscal year 1993, to be derived from funds otherwise authorized for the Federal agencies represented on the advisory board, and to remain available until expended as specified in appropriations Acts.

SEC. 10. NATIONAL ACADEMY OF SCIENCES.

The Council on Environmental Quality shall retain the National Academy of Sciences—

(1) to provide scientific and technical advice and counsel in the preparation of the Strategy to ensure that the best possible information is used in developing the Strategy; and

(2) to provide a general reference and scientific and technical advisory resource for the Nation in matters relating to conservation of biological diversity.

SEC. 11. BUY-AMERICAN REQUIREMENT.

(a) Determination by Administrator.—If the Administrator, with the concurrence of the Secretary of Commerce and the United States Trade Representative, determines that the public interest so requires, the Administrator is authorized to award to a domestic firm a contract made pursuant to the issuance of any grant made under this Act that, under this use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) Limited Application.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) Limitation.—This section shall apply only to contracts made related to the issuance of any grant made under this Act for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) Report to Congress.—The Administrator shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal year 1990 and 1991 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Administrator shall also report to the Congress on the number of contracts covered under this Act and awarded based upon the parameters of this section.

(e) Definitions.—For purposes of this section—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(3) the term "foreign firm" means a business entity not described in paragraph (2).

SEC. 12. INTERNATIONAL CONSERVATION ACTIVITIES.

(a) The Agency for International Development, Department of State, Fish and Wildlife Service, National Park Service, National Marine Fisheries Service, Environmental Protection Agency, Forest Service, and Department of Agriculture are directed to encourage conservation of biological diversity globally through—

(1) fully supporting and coordinating implementation of existing obligations and programs that contribute to the conservation of biological diversity globally, including—

(A) Convention on Trade in Endangered Species (CITES);

(B) World Heritage Convention;

(C) Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(D) Convention on Wetlands of International Importance, Especially as Waterfowl Habitat (Ramsar); and

(E) Man and the Biosphere Program—United States;

(2) supporting basic and applied research towards understanding ecological systems and applying that knowledge for sustainable development and the conservation of biological diversity internationally, including cooperative research and scientific exchange with governmental, educational and research institutions;

(3) increasing training, education, and technical assistance related to conservation of biological diversity and sustainable development;

(4) providing assistance that promotes sustainable development and global environmental stability including research on and implementation of—

(A) alternative land use practices in areas adjacent to natural areas of significant ecological value;

(B) measures to increase productivity of degraded and altered lands and waters in order to relieve the pressures on natural ecosystems; and

(5) cooperating with one another and with appropriate international organizations and governments in developing and in implementing these obligations, research, and conservation programs.

(b) The Agency for International Development is directed to hire, as opportunity permits through attrition or otherwise, United States direct-hire technical staff in environmental and natural resources with extensive formal training in conservation of biological diversity and sustainable development.

(c) The Congress finds that sections 118 and 119 of the Foreign Assistance Act provide a significant basis for addressing the problems of tropical deforestation and loss of biological diversity. The Congress reaffirms its support for these provisions and directs that AID give high priority to their implementation.•

By Mr. MOYNIHAN:

S. 59. A bill to mandate a study of the impact on international trade of compliance with international environmental agreements and the justifiability of foreign nation environment, conservation and health laws, and to amend the Trade Act of 1974, and for other purposes; to the Committee on Finance.

GENERAL AGREEMENT ON TARIFFS AND TRADE FOR THE ENVIRONMENT ACT

Mr. MOYNIHAN. Mr. President, over the last decades, numerous environmental treaties have been implemented that rely upon international trade restrictions for their enforcement. The title of one such treaty makes the point: the Convention on International Trade in Endangered Species. Known as CITES, it is this 1973 treaty which prohibits the trade of wildlife threatened with extinction.

The most recent environmental treaty to control trade is the 1985 Vienna Convention for the Protection of the Ozone Layer, and its Montreal protocol. The import and export of CFC's by member parties is banned, as is the trade in products containing CFC's and products made with processes that use them.

One of the great difficulties of these environmental treaties is enforcement. International enforcement has been weak. The Montreal protocol leaves open entirely the method for enforcement.

It is this weakness that has led many of us to urge unilateral action. In the 100th Congress, I introduced a bill to make actionable under section 301 of the Trade Act of 1974, foreign country practices that diminish the effectiveness of international environmental agreements. I introduced the same bill, S. 261, on the first day of the 101st Congress. Indeed the same concern of enforceability led the Senate Committee on Environment and Public Works to include in the Clean Air Act amendments language providing for the unilateral enforcement of the CFC trade prohibitions contained in the Montreal protocol.

At the same time that environmental treaties are making use of trade restrictions, the General Agreement on Tariffs and Trade has also found itself confronting environmental issues. Some of these have involved the United States. Consider the United States complaint about Canadian regulations requiring Canadian fish to be processed in Canada. Canada claimed it was for conservation purposes. Likewise, the United States has banned the import of small lobsters from Canada, again the rationale is conservation. Both of these actions were considered by dispute resolution panels, the first a GATT panel the second a panel under the Free Trade Agreement with Canada. There is a legal framework under the GATT that can adjudicate such disputes, and usually enforce the results. Indeed, article XX of the GATT permits trade restrictions to protect human, animal, and plant health and to conserve natural resources. On this, trade law has a clear advantage over environmental law.

That is what has led me to call for a "GATT for the Environment." As early as July 25, 1988, I wrote to then-USTR Clayton Yeutter asking that he work to get environmental concerns onto the Uruguay round agenda. As might be expected, he considered the agenda already overloaded. And, indeed, I was raising a new subject for which USTR was unprepared. Not because they are not capable of handling such subjects, just because they had never been asked to.

To begin the process of understanding, on November 15, 1989, the Finance Committee, at my request, asked the International Trade Commission to undertake a section 332 investigation of environmental treaties that make use of trade restrictions. There is simply no survey of such agreements existing or details on their implementation. It was at this time that I first urged that we get down to the business of negotiating a "GATT for the Environment."

The importance of the issue has grown, as we have come to better recognize the trade consequences of different national environment, conservation, and health laws. We ought to move toward some international harmonization. But again, we have no data on the impact of differences in these laws and enforcement between nations on U.S. trade flows. That is why on March 22, 1990, we asked the General Accounting Office to begin to consider this problem, and to report to us.

This is a new area of inquiry and we have much to learn. Certainly, the United States Trade Representative has to do the same. We will do so together and in cooperation. Since I believe that we must have a GATT for the environment, and be prepared to negotiate one, I today introduce a bill to require the USTR and other agencies to pursue this matter.

This bill has three elements. First, we ought make it, by statute, an objective of the United States to negotiate in the GATT framework a new agreement to harmonize environmental, conservation, and health laws and enforcement. A GATT for the environment.

Second, legislation is needed to create the data in the U.S. Government. Building upon the work of the ITC and GAO, we will institutionalize a mechanism for the collection of information on environmental agreements and domestic environmental laws of our trade partners. A yearly compilation of the enforcement of each agreement and the domestic laws of our trade partners is needed. And we must learn how to quantify the trade impact of these differences.

Third, we need to find both carrots and sticks for developing nations to encourage their adherence to environmental treaties and stronger domestic laws. Just as the International Labor Organization was begun to assure that nations did not gain a trade advantage through labor exploitation, so too should the GATT begin to assure that no competitive advantage is tolerated by environmental exploitation.

I ask unanimous consent that the text of the bill be printed in the RECORD, and that the ITC and GAO request letters be printed in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the "General Agreement on Tariffs and Trade for the Environment Act of 1991."

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is a growing relationship between international environmental agreements and international trade;

(2) numerous international environmental agreements depend upon trade measures for compliance purposes;

(3) foreign nation environment, conservation and health laws have international trade impacts;

(4) there are no adequate data on compliance with international environmental agreements or the extent to which differences in foreign nation environment, conservation and health laws influence trade flows;

(5) the General Agreement on Tariffs and Trade is the primary international institution to enforce rules on international trade measures; and

(6) the Nation has an interest in assuring compliance with international environmental agreements and an interest that foreign nation environment, conservation and health laws are not arbitrary, unjustifiable or a disguised restriction on international trade.

SEC. 3 PURPOSES.

The purposes of this Act are to—

(1) require a study of compliance with international environmental agreements and the justifiability of foreign nation environment, conservation and health laws;

(2) create a permanent review mechanism of foreign nation compliance with international environmental agreements and the justifiability of foreign nation environment, conservation and health laws; and

(3) require that United States trade policy reflect the interest of the Nation in establishing within the General Agreement on Tariffs and Trade and/or other appropriate institutions as mechanism to monitor and enforce compliance with international agreements on the environment that use trade measures and the interest of the Nation in an improved mechanism within the General Agreement on Tariffs and Trade and/or other appropriate institutions to ensure that foreign nation environment, conservation and health laws are not arbitary, unjustifiable or a disguised restriction on international trade.

SEC. 4. STUDY OF INTERNATIONAL TRADE AND THE ENVIRONMENT.

(2) IN GENERAL.—The United States Trades Representative and the Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of Health and Human Services, shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the impact on international trade of international environmental agreements and foreign nation laws on the environment, conservation and health including—

(1) a compilation of such international agreements that have a trade impact or use trade measures for their implementation;

(2) the adequacy of compliance by foreign nations with such international agreements and the trade impact thereof;

(3) the enforcement and dispute settlement mechanisms that exist in such international agreements and their effectiveness;

(4) a compilation of foreign nation environment, conservation and health laws that restrict international trade and the impact thereof;

(5) an assessment of the scientific basis of foreign nation environment, conservation and health laws that restrict international trade;

(6) an analysis of the impact on the competitive position of specific industries in the United States of differences between United States environment, conservation and health laws and those of other foreign nations;

(7) recommendations to harmonize international compliance with environmental agreements and to harmonize United States and foreign laws that restrict international trade; and

(8) a statement of the efforts by the United States Trade Representative to establish a GATT for the Environment.

(b) METHODOLOGY.—The study described in subsection (a) shall include a global country-by-country analysis.

(c) REPORTING.—

(1) The study described in subsection (a) shall be submitted to the Congress not later than 2 years after the date of enactment of the Act.

An update of the study described in subsection (a) shall be submitted every 12 months following the initial report.

SEC. 5. TREAT ACTS OR PRACTICES OF FOREIGN COUNTRIES THAT DIMINISH THE EFFECTIVENESS OF INTERNATIONAL AGREEMENTS ON THE ENVIRONMENT OR THE CONSERVATION OF ANIMALS OR PLANTS AS UNJUSTIFIABLE FOR THE PURPOSES OF APPLYING CHAPTER 1 OF TITLE III OF THE TRADE ACT OF 1974.

IN GENERAL.—Subparagraph (A) of section 301(d)(4) of the Trade Act of 1974 (19 U.S.C. 2411(d)(4)) is amended—

(1) by striking out the period and by adding at the end thereof the following: ", or diminishes the effectiveness of any international agreement on the environment or the conservation of animals or plants."

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, November 15, 1989.
Hon. ANNE BRUNSDALE,
Chairman, U.S. International Trade Commission, Washington, DC.

DEAR MADAM CHAIRMAN: A substantial number of international agreements aimed at protecting the environment have entered into force; many of these agreements made use of trade restrictions to achieve their goals. Treaties such as the Convention on International Trade in Endangered Species, the International Tropical Timber Agreement, and conventions regulating the taking of whales and the depletion of the ozone layer are examples of agreements which address the problems of conservation through trade-related provisions. Moreover, article XX of the General Agreement on Tariffs and Trade recognizes and permits national adoption and enforcement of such provisions, within specified standards. There is, however, no comprehensive and systematic source of information identifying these international agreements, or explaining their implementation mechanisms.

Therefore, the Committee on Finance requests the Commission to initiate an investigation, pursuant to section 332(g) of the Tariff Act of 1930, to identify international agreements to protect the environment that are made effective through trade restrictions. Specifically, the Commission should identify the agreements and their signatories (and significant nonsignatories), their dispute settlement and enforcement mechanisms, and procedures for the exchange of information. In particular, the Commission should discuss the actions to implement these agreements taken by the United States and other major signatories, and identify the Government agencies having responsibilities for such implementation. In addition, the Commission should suggest a methodology for conducting a periodic evaluation of these and future treaties.

The Commission is authorized to hold a hearing and to seek the views of interested parties. It is likewise requested to seek the views of the Departments of Commerce, State, and Interior, the Office of the United States Trade Representative, the Environmental Protection Agency, and other Government entities. The Commission's report should include these views along with suggestions received by the Commission as to actions or proposals the U.S. Government could initiate. The report should be submitted to the Committee no later than one year after the Commission's formal initiation of the investigation.

Sincerely,

LLOYD BENTSEN.

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, March 22, 1990.
Hon. CHARLES A. BOWSHER,
Comptroller General of the U.S. General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: Environmental problems are of increasing concern both in their growing number and severity. Many of these are international in scope, as actions within one nation affect the environment of another. This is evident, for example, in the emission of greenhouse gases that may cause global warming, depletion of stratospheric ozone, waste management, deforestation, marine pollution, desertification, and loss or endangerment of biological resources.

Numerous multilateral, regional, and bilateral agreements have been signed over the past seventy years that reflect a wide range of these international environmental concerns. However, such agreements are of little use unless they are successfully implemented. Unfortunately, it is not clear that agreements are indeed being adequately implemented as data collected on implementation is often itself inadequate. Furthermore, parties attempting to implement international environmental agreements face significant obstacles to full implementation, such as economic disincentives, inadequate technology or professional expertise, insufficient financing, or domestic legislation. International implementation seems to work best when the economic and ecological interests of all parties are aligned.

Given the urgency of adequate implementation of international environmental agreements, immediate action should be taken to determine how well such agreements are being implemented and, if appropriate, to take steps to improve implementation. Therefore, I am writing to request that the General Accounting Office undertake a comprehensive study of implementation of international environmental agreements including:

(a) The principal international environmental concerns and the extent to which these are addressed within the existing framework of international environmental agreements, and the effectiveness of this framework.

(b) The adequacy of implementation of international environmental agreements including identification of common criteria for successful implementation and obstacles to adequate implementation.

(c) A comparison of implementation efforts in the United States with those of major U.S. trading partners, including Japan, the European Community, Canada, Mexico, Brazil, Taiwan, Korea, Hong Kong, China, the Soviet Union, Singapore, Thailand, India, and others as appropriate.

(d) An assessment of the impact of differing implementation efforts between the United States and its major trading partners on American international competitiveness and U.S. manufacturing employment.

(e) Recommendations to improve the implementation of international environmental agreements and the impact thereof on the U.S. competitive position.

Sincerely,

QUENTIN N. BURDICK.
DANIEL PATRICK
MOYNIHAN.•

By Mr. MOYNIHAN:

S. 60. A bill to amend title IV of the Social Security Act to require States to develop plans for cases where the placement of certain children in foster care or transitional independent living may not be carried out immediately; to the Committee on Finance.

PLANS FOR PLACEMENT OF CERTAIN CHILDREN

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill that would require States to develop plans for certain children who cannot be placed in foster care or transitional or independent living immediately.

To understand the need for such legislation, we must go back a few years, to the autumn of 1985, when a new drug appeared on the streets of the Bronx. Crystallized, smokable cocaine. It became the drug of choice.

In an instant, the crack epidemic had hit.

The consequences of it are not hard to tell: A more than sixfold increase in child neglect and abuse cases coming before the New York City family courts; an increase in the number of children who are abandoned; escalating family violence, and, ultimately, family disintegration.

In response, our foster care system has burgeoned. Nationwide, the number of children in foster care grew from 270,000 to 360,000 in the last 5 years, a 33-percent increase. And in New York, the situation is worse. A rise from 27,000 to 62,000—a more than doubling of the caseload—in the same time period.

Even more troubling, the number of available foster homes has dwindled. Nationwide, foster care families dropped by a third, from some 150,000 to 100,000 in the last 3 years. In major U.S. cities, where critical shortages of such families have been reported, children have doubled up in existing homes. Worse, they have found no homes at all. In New York, I witnessed children living on cots and desks at the human resources administration offices because families could not be found for them.

Children who are not immediately placeable in permanent foster care facilities are left in legal limbo. It can take two or more years to place them.

This is unacceptable. Children who come to the foster care system are already damaged. Many were drug-exposed in utero and now suffer the effects of that exposure. Many have been removed from homes too violent or neglectful to support them. Many were simply abandoned. They need our help—placement in a nurturing and stable home. Instead we give them more limbo.

Children in limbo, raised outside of a family structure, never learn to form attachments to other human beings. The consequences to society of such social maladjustment are frightening. As I said some 25 years ago with respect to males:

> . . . there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, . . . never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, disorder—most particularly the furious, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near inevitable. And it is richly deserved.

I wish I could inform my colleagues that the undersupply of foster care facilities is a temporary phenomenon that will correct itself. Unfortunately, the opposite is true. The crack epidemic with all its consequences for the family and for the foster care system, shows few signs of abating.

We must think carefully about how we are to handle this. The bill I am introducing today would require States to develop plans for children who are not immediately placeable in foster care, and this planning is vital. For as the absence of family structure imperils the well-being of our children, so it does our future.

Mr. President, I urge my colleagues to support this measure, and look forward to its prompt passage. I ask unanimous consent that a copy of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLANS FOR PLACEMENT IN FOSTER CARE OR TRANSITIONAL INDEPENDENT LIVING.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(18) provides that the State agency will develop plans for the placement of any child described in section 470 (where appropriate) in foster care or transitional independent living in the case where the placement of the child may not be carried out immediately (as determined by the State).".•

By Mr. MOYNIHAN (for himself and Mr. RIEGLE):

S. 61. A bill to amend title IV of the Social Security Act to make improvements in the foster care maintenance program, and for other purposes; to the Committee on Finance.

FOSTER CARE MAINTENANCE PROGRAMS

• Mr. MOYNIHAN. Mr. President, today I am introducing legislation with Senator RIEGLE that would expand the foster care and adoption assistance programs to provide services for abandoned and drug-exposed children.

When I first introduced this bill last session, I was shocked by the problems faced by so-called "crack babies," the 100,000 to 400,000 children born each year who were prenatally exposed to cocaine. Their life stories read like studies in tragedy. In utero, crack babies can suffer from brain-damaging strokes and hemorrhages. They are often born prematurely and underweight, and as they grow, they experience behavorial and developmental problems.

It is now 6 months later, and the picture is no brighter. In a December 26, 1990 news release, the New York State division of substance abuse services reported that births to mothers who used cocaine during pregnancy more than quadrupled between 1985 and 1989. A striking increase.

And there is more alarming news. In hearings that were held this past December before the Senate Finance Subcommittee on Social Security and Family Policy, of which I am the chairman, we learned about another drug that is imperiling children. Alcohol.

Because of its social acceptance, alcohol is not often classified with crack or heroin as a potentially teratogenic drug. But it is. Ms. Kathleen J. Tavenner gave a movingly personal testimony about the potency of alcohol. She said, "I would stop using hard drugs when I became pregnant and would substitute with the legal drug, alcohol. In my mind I would minimize alcohol use, and felt as if it were perfectly alright to drink. My 17-year-old daughter is a victim of my disease today. She suffers from Fetal Alcohol Syndrome (FAS) directly secondary to my alcohol use."

Children afflicted with Fetal Alcohol Syndrome suffer from the same range of educational, emotional and social problems that crack babies do. They are often mentally retarded, scoring an average of two standard deviations below the mean on I.Q. tests. By the time they reach adulthood, they cannot perform such basic tasks as following a television program or cashing a paycheck.

What happens to these drug- and alcohol-damaged babies? Up to one-half of crack babies enter foster care or are put up for adoption, as are up to three-fourths of Fetal Alcohol Syndrome children. But there is no room for such children in the overburdened foster care system. In many cities, critical shortages of foster care families have been reported, especially for children with special needs. In New York, I witnessed a poignant reminder of this problem: children sleeping on cots and even desks at the Human Resources Administration offices, because beds could not be found for them in foster homes. For these children, home was a makeshift shelter in an airless office building. We can provide better.

We ought to encourage the adoption of these damaged babies. Yet we do not. Federal adoption assistance is available for certain "special needs" children now defined in terms of their ethnic background, age, membership in a sibling group, or mental or physical handicap. Drug- and alcohol-exposed children are not considered to have special needs. But of course they do. They are not eligible for Federal adoption assistance. They very much should be.

A second, related tragedy has emerged: an increase in the number of abandoned children. In New York City some 500 children are abandoned each month. Six thousand each year. These are most commonly children who were born to drug-addicted mothers too impaired to care for them. And FAS-afflicted children fare no better. In one study of eleven Fetal Alcohol Syndrome children, the mothers of three of the children died from alcoholism before the children had reached age six. The no-parent family has arrived.

Parentless children are doubly abandoned. Not only have their mothers foresaken them, but so has the Federal Government. Under current law, abandoned children are often ineligible for Federal foster care payments, adoption assistance and Medicaid. They are left to languish, often in the hospitals of their birth.

Mr. President, the bill I am introducing today with Senators CHAFEE and RIEGLE would provide some modest help. The bill would expand the definition of "special needs" children to include those who, because of prenatal exposure to drugs or alcohol, suffer from medical problems or physical, mental or emotional handicaps. Under this legislation, children suffering from the effects of prenatal drug exposure would become eligible for Federal adoption assistance programs. We would also make abandoned children eligible for federally matched foster care payments and, if the children were determined to have "special needs," for federally matched monthly adoption assistance payments. As a result of this eligibility, children would qualify for Medicaid.

The bill also includes a proposal to authorize up to 10 States to conduct child welfare demonstration projects. Participating States would receive their Federal funds in equal quarterly installments and could use them to design and administer new child welfare programs. The programs would ideally emphasize such services as: family preservation, family reunification, and timely adoption assistance for children with unresolvable family problems. The results of these demonstrations would give us information about how best to improve child welfare services, foster care and adoption assistance.

In closing, Mr. President, I ask once again that the needs of our most vulnerable children not be overlooked. For, as drug and alcohol exposure and abandonment imperil our children, so they do our Nation. I ask unanimous consent that a copy of the bill be printed after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FOSTER CARE MAINTENANCE PAYMENTS FOR ABANDONED CHILDREN.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or with respect to a child who is an abandoned child," after "(specified in section 406(a)),";

(2) in paragraph (1)—

(A) by inserting "(A)" after "(1)", and

(B) by inserting ", or (B) in the case of an abandoned child, a judicial determination has been made that no parent or legal guardian has maintained any contact with the child" before the semicolon; and

(3) in paragraph (4)—

(A) by striking "or" at the end of subparagraph (A),

(B) by striking the period at the end of subparagraph (B) and inserting ", or"; and

(C) by adding at the end of the paragraph the following new subparagraph:

"(C) is an abandoned child, and a judicial determination has been made that the financial circumstances of any parent or legal guardian of the child cannot be determined because of the abandonment.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on October 1, 1991.

SEC. 2. ADOPTION ASSISTANCE FOR ABANDONED CHILDREN.

(a) IN GENERAL.—Paragraph (2) of section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended—

(1) in subparagraph (A)—

(A) by striking "or" at the end of clause (ii),

(B) by inserting "or" at the end of clause (iii); and

(C) by adding at the end of the subparagraph the following new clause:

"(iv) is an abandoned child, and the judicial determinations described in paragraphs (1)(B) and (4)(C) of section 472(a) were made at the time the adoption proceedings were initiated, and"; and

(2) in subparagraph (B)(iii), by striking "subparagraph (A)(ii) or (A)(iii)" and inserting "clause (ii), (iii), or (iv) of subparagraph (A)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on October 1, 1991.

SEC. 3. DRUG EXPOSED CHILDREN INCLUDED IN DEFINITION OF SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(c)(2)(A) of the Social Security Act (42 U.S.C. 673(c)(2)(A)) is amended by inserting ", including medical conditions or physical, mental, or emotional handicaps due to drug or alcohol exposure before birth" after "physical, mental or emotional handicaps".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1991.

SEC. 4. CHILD WELFARE DEMONSTRATION PROJECTS.

Part E of title IV of the Social Security Act (42 U.S.C. 470–479) is amended by adding at the end the following:

"SEC. 480. DEMONSTRATION PROJECTS.

"(a) IN GENERAL.—In order to grant States the flexibility and resources necessary to develop innovative policies and appropriate service networks to preserve and strengthen families with children at risk of needing placement outside their home, to reunite children with their families within 2 years if an out-of-home placement is found to be necessary, and to place children in adoptive homes or other permanent arrangements, including guardianships and placements with relatives, in a timely fashion if reunification with their families is impossible, and to provide for the evaluation of innovative State programs and the assessment of the impact of such programs on children and families, the Secretary may authorize not more than 10 States to conduct demonstration projects, which may be carried out throughout the State or in limited areas of the State, in accordance with this section.

"(b) CONSIDERATION OF APPLICATIONS.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this section.

"(c) CONTENTS OF APPLICATIONS.—

"(1) GENERAL RULES.—Each application by a State to conduct a demonstration project under this section shall—

"(A) propose a project designed to—

"(i) provide, in accordance with paragraph (2), preventive services and assistance to families which have problems that may lead to the removal of a child from the family;

"(ii) promote, in accordance with paragraph (3), the treatment of family problems leading to the reunification of children with their families within 2 years after the time it becomes necessary to remove the child from the family;

"(iii) facilitate, in accordance with paragraph (4), the timely and permanent placement of children who are in foster care or who have been abandoned at or shortly after birth; or

"(iv) address, in accordance with paragraph (5), any combination of child welfare services issues;

"(B) specify the area or areas of the State in which the project is to be conducted;

"(C) contain a commitment by the State—

"(i) to carry out the project during a period of not less than 5 consecutive fiscal years beginning with fiscal year 1993; or

"(ii) if the State will not be able to properly plan the project before the beginning of fiscal year 1993, to plan the project during fiscal year 1993 and carry out the project during a period of not less than 4 consecutive fiscal years beginning with fiscal year 1994;

"(D) specify the number of children in foster care in the State, the average length of stay of children in such care, and the types of placements;

"(E) specify the provisions of part B and this part which, but for subsection (g)(1), would prevent the State from conducting the demonstration project;

"(F) identify who will receive services under the project; and

"(G) contain such other information as the Secretary may require by regulation.

"(2) PROJECTS FOCUSING ON PROVIDING CHILD WELFARE SERVICES TO FAMILIES.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(i) shall outline the services and procedures the State will offer to prevent family dissolution whenever possible. In addition, each such application by a State shall include the following:

"(A) CASE PLANS.—A commitment by the State to provide each child with a case plan developed in consultation with family members.

"(B) MEASURES TO INFORM FAMILIES ABOUT HOW TO MAINTAIN PROGRESS TOWARD ADDRESSING PROBLEMS THAT CAUSED REFERRAL.—A description of the measures to be employed by the State to ensure that families are informed about what they must do to maintain satisfactory progress in addressing the problems that caused the family situation to be reported to the State.

"(C) MEASURES TO KEEP SINGLE PARENTS REQUIRING DRUG OR ALCOHOL TREATMENT WITH THEIR CHILDREN.—A description of the measures to be employed by the State to keep single parents and their young children together while the single parent participates in required drug or alcohol treatment.

"(D) DRUG AND ALCOHOL TREATMENT MEASURES.—A description of the measures to be employed by the State to ensure that drug and alcohol treatment programs are made available to parents who are substance abusers.

"(E) MEASURES TO COORDINATE FAMILY WELFARE FUNDING AND SERVICES.—A description of the measures to be employed by the Governor of the State to coordinate the funding of, and the services and benefits provided by programs which provide services to families with children at risk of being placed in the care of a child welfare, mental health, or juvenile justice agency, including the following programs:

"(i) the State's child welfare services program carried out under the State plan approved under part B;

"(ii) the maternal and child health block grant program under title V;

"(iii) the job opportunities and basic skills training program carried out pursuant to section 402(a)(19) and part F;

"(iv) medical assistance furnished to pregnant women and children under the State plan approved under title IX;

"(v) the drug treatment programs of the State;

"(vi) the mental health services programs of the State;

"(vii) any new services for children and families that the State deems necessary to meet the needs of all family members in order to carry out the purposes of this section; and

"(viii) such other programs as the State deems appropriate.

"(3) FAMILY REUNIFICATION PROJECTS.—

"(A) APPLICATION REQUIREMENTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(ii) shall include the following:

"(i) DESCRIPTION OF PROPOSED PROCEDURES TO ASSIST FAMILY REUNIFICATION.—A description of how the State will—

"(I) design a treatment plan for addressing the family problems that led to removal of the child;

"(II) involve all family members in executing the plan;

"(III) coordinate the programs and resources necessary to address the problem that led to removal of the child;

"(IV) reunify the child with the family within 2 years; and

"(V) implement administrative and judicial review of foster care and for termination of parental rights, and any planned changes to laws and procedures that would ensure timely hearings and decisions leading to permanent placements within 2 years.

"(ii) REASONS WHY PROPOSED PROCEDURES WOULD RESULT IN EARLIER FAMILY REUNIFICATION.—A discussion of why the particular procedures proposed in the application would be likely to result in earlier family reunification than is achieved under the present policies and procedures of the State.

"(iii) ASSURANCE OF INCREASED PAYMENTS TO FOSTER FAMILIES.—An assurance that payments to foster families will be increased sufficiently to ensure an adequate number of foster parents.

"(B) COMMITMENT BY STATE TO PERMANENTLY PLACE WITHIN 2 YEARS A NEGOTIATED PERCENTAGE OF CHILDREN IN FOSTER CARE.—

"(i) IN GENERAL.—The Secretary shall not approve an application to conduct a demonstration project under this section of the type described in paragraph (1)(A)(ii) unless the State has made a commitment to permanently place a percentage of the children entering or already in foster care, as negotiated between the State and the Secretary, within 2 years after such children first receive services under the demonstration project.

"(ii) WAIVER.—The Secretary may waive the application of clause (i) to a State if the State documents that the average length of time that children are in temporary arrangements has been reduced.

"(4) PERMANENT PLACEMENT PROJECTS.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(iii) shall describe how the State will expeditiously permanently place children who are in foster care, are boarder babies, were abandoned at or shortly after birth, have parents addicted to drugs, or were severely abused. In addition, each such application by a State shall include the following:

"(A) PROCEDURES FOR FOSTER CARE REVIEW AND TERMINATION OF PARENTAL RIGHTS.—A description of the laws and procedures in effect in the State for administrative and judicial review of foster care and for termination of parental rights, and any planned changes to such laws and procedures that would ensure timely hearings and decisions, including laws and procedures that would achieve permanent placement of children in foster care within 2 years, and of boarder babies before they attain the age of 4 months.

"(B) INTERPRETATION OF 'REASONABLE EFFORTS'.—A statement that the State does not interpret section 471(a)(15) as limiting the authority of the State to initiate procedures to terminate in a timely manner the parental rights of the parents of foster children.

"(5) PROJECTS ADDRESSING OTHER CHILD WELFARE ISSUES.—Each application by a State to conduct a demonstration project under this section of the type described in paragraph (1)(A)(iv) shall describe a project designed to test an innovative approach to any number of significant child welfare services issues, which may include—

"(A) avoiding out-of-home placements;

"(B) achieving speedy reunification of families from which it has been necessary to remove a child;

"(C) reducing the time it takes to permanently place children who have been removed from their families;

"(D) permitting children to remain with, or be quickly reunited with, their parents while their parents receive treatment for substance abuse; and

"(E) identifying risk factors which would allow child welfare agencies to identify and treat families that are likely to have children who require protective services.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) IN GENERAL.—Within 12 months after the date of the enactment of this section—

"(A) the Secretary shall prepare and transmit to each State a detailed explanation of the requirements for participation in the demonstration project established by this section;

"(B) any State interested in conducting a demonstration project under this section shall transmit to the Secretary a letter of intent containing a tentative description of the project; and

"(C) the Secretary shall, subject to paragraph (4), approve not more than 10 applications which meet the applicable requirements of subsection (c).

"(2) SPECIAL PREFERENCE RULE.—Subject to paragraph (4), the Secretary shall approve applications submitted to conduct demonstration projects under this section which meet the applicable requirements of subsection (c) so that at least 50 percent of such applications propose projects described in subsection (c)(1)(A)(ii).

"(3) DISTRIBUTION OF DEMONSTRATIONS BY STATE POPULATION.—The Secretary shall provide that in approving applications to conduct demonstration projects under this section that—

"(A) at least 2 and not more than 4 of such applications approved are the applications of States with populations of less than 1.5 million;

"(B) at least 3 and not more than 5 of such applications approved are the applications of States with populations between 1.5 and 7 million; and

"(C) at least 2 and not more than 4 of such applications approved are the applications of States with populations over 7 million.

"(4) DISTRIBUTION OF DEMONSTRATIONS BY REGION.—The Secretary shall provide that in approving applications to conduct demonstration projects under this section that no more than 4 of such applications shall be approved for any one geographical region (as determined by the Secretary) of the country.

"(5) FREEDOM OF STATES TO SELECT AREAS IN WHICH TO CONDUCT DEMONSTRATION.—The Secretary may not require any State to conduct a project under this section in any area of the State not specified in the application therefor.

"(6) CERTIFICATION REQUIRED.—The Secretary shall not approve the application of a State to conduct a demonstration project under this section unless the State certifies that all cost savings resulting from the project will be used to provide child welfare services (within the meaning of section 425(a)(1)) to families.

"(e) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants in accordance with this subsection to each State whose application to conduct a demonstration project under this section is approved by the Secretary, in accordance with a contract prepared by the Secretary (in consultation with the entity or entities selected pursuant to subsection (f)) which specifies the duties of the Secretary, the State, and the entity selected to evaluate the project in achieving the purpose described in subsection (a).

"(2) USE OF GRANTS.—Each State which receives funds under the demonstration project under this section may use such funds to improve the provision of child welfare, foster care, and adoption assistance services in any manner that the State deems appropriate.

"(3) ANNUAL GRANTS.—The Secretary shall make grants to States under paragraph (1) for each fiscal year for which the State is authorized to conduct a demonstration project under this section.

"(4) AMOUNT OF GRANT TO INCLUDE STATE DEMONSTRATION BONUS.—

"(A) CALCULATION OF AMOUNT OF GRANT.—The amount of the grant to be paid under paragraph (1) to a State for a fiscal year shall be an amount equal to the applicable percentage of the sum of—

"(i) the amounts paid to the State for fiscal year 1992 pursuant to sections 423 and 474 (other than for adoption assistance payments under section 473 and for expenses for the proper and efficient administration of the provisions of the State plan relating to adoption assistance);

"(ii) the portion of the amount (if any) by which the amounts appropriated for the fiscal year for payments to States under part B exceed the amounts so appropriated for fiscal year 1992, that would be payable to the State pursuant to such part if the State were not authorized to conduct a demonstration project under this section; and

"(iii) 20 percent of the amount that would have been payable to the State for the immediately preceding fiscal year pursuant to section 423 if the State were not authorized to conduct a demonstration project under this section.

"(B) APPLICABLE PERCENTAGE DEFINED.—

"(i) As used in subparagraph (A), the term 'applicable percentage' means, with respect to a State and a fiscal year, the quotient set forth in clause (ii) as determined by the Secretary after taking into account the estimates made under subsection (f)(2)(B) for the fiscal year with respect to the State.

'(ii) The quotient set forth in this clause is—

"(I) the number of children in the areas in which the State is conducting a demonstration project under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under this part for the fiscal year and the State were not authorized to conduct the project; divided by

"(II) the total number of children in the State with respect to whom the State would have made such payments for the fiscal year.

"(5) NOTIFICATION TO STATES OF AMOUNT OF GRANTS.—On the first day of each fiscal year for which a State is to be made a grant under paragraph (1), the Secretary shall notify the State of the amount of the grant.

"(6) GRANTS TO BE PAID IN EQUAL QUARTERLY INSTALLMENTS.—The Secretary shall pay each grant under paragraph (1) in equal quarterly installments.

"(7) SUPPLEMENTARY PAYMENT.—Within 3 months after the end of each fiscal year with respect to which estimates are made under subsection (f)(2)(B) with respect to a State, the Secretary shall—

"(A) take such estimates into account in determining the amount that would have been payable to the State under section 474 for the fiscal year (other than for adoption assistance payments under section 473 and for expenses for the proper and efficient administration of the provisions of the State plan relating to adoption assistance) if the Secretary had approved the State plan under this part for the fiscal year and the State were not authorized to conduct a demonstration project under this section; and

"(B) pay the State the amount (if any) by which—

"(i) the amount determined under subparagraph (A); exceeds

"(ii) the amount paid to the State pursuant to section 474 for fiscal year 1992 (other than for adoption assistance payments under section 473 and for expenses for the proper and efficient administration of the provisions of the State plan relating to adoption assistance).

"(f) EVALUATION OF DEMONSTRATION PROJECTS.—

"(1) SELECTION OF EVALUATING ENTITY.—The Secretary shall—

"(A) publish in the Commerce Daily a request for applications from entities that are capable of, and interested in performing the functions described in paragraph (2); and

"(B) in time for such an entity to participate in the development of contracts under subsection (e)(1), enter into a contract with 1 or more entities to perform such functions.

"(2) FUNCTIONS OF EVALUATING.—The functions of the entity or entities selected by the Secretary pursuant to paragraph (1) are—

"(A) to assist the Secretary and the States in devising a detailed plan for the evaluation of demonstration projects conducted under this section;

"(B) within 30 days after the end of each fiscal year, to submit a report to the Secretary, with respect to each such project, that estimates in accordance with the data collection provisions of the contract described in subsection (e)(1)—

"(i) the number of children in the areas in which the State is conducting a demonstration project under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under this part for the fiscal year and the State were not authorized to conduct the project; and

"(ii) the average length of time for which such payments would have been so made with respect to such children;

"(C) prepare in accordance with paragraph (3), and submit to the Secretary, with respect to each such project, interim reports that evaluate the costs and benefits of the project; and

"(D) prepare in accordance with paragraph (3), and submit to the Secretary, with respect to each such project, a final report that—

"(i) describes in detail, and documents, the ways in which the project has changed the provision of preventive services, child welfare, foster care, reunification services, and adoption assistance services in the State; and

"(ii) evaluates the costs and benefits of the project.

"(3) EVALUATION REQUIREMENTS.—In evaluating a demonstration project conducted by a State under this section, the entity or entities selected by the Secretary to perform the evaluation shall—

"(A) collect such information as may be necessary to analyze the impact of the project on—

"(i) foster care placement rates;

"(ii) child development and behavior (including academic performance, intellectual development, and health); and

"(iii) family relationships;

"(B) collect such other information on outcomes as the Secretary or the State deems appropriate; and

"(C) use currently acceptable scientific methods.

"(4) DUTY OF STATES TO PROVIDE INFORMATION.—Each State which conducts a demonstration project under this section shall provide the entity or entities selected by the Secretary to evaluate the project with such information with respect to the project and the State programs carried out pursuant to part B and this part as the entity or entities may request under the contract described in subsection (e)(1) entered into by the Secretary, the entity, and the State.

"(5) COSTS OF EVALUATIONS.—The Secretary shall pay the costs incurred during each fiscal year by any State in assisting the evaluation of the demonstration project conducted by the State under this section, to the extent that such costs exceed the amount (estimated by the Secretary) that the State would have expended during the fiscal year to comply with the data reporting requirements of part B and this part if the Secretary had approved the State plans under such parts for the fiscal year and the State were not authorized to conduct the project.

"(g) APPLICABILITY OF PART B AND OTHER SECTIONS OF THIS PART.—During the period in which a State is conducting a demonstration project under this section—

"(1) part B (other than section 427) and the other sections of this part (other than the provision of section 471(a)(1) requiring the State plan to provide for adoption assistance in accordance with section 473, paragraphs (8), (12), (13), (15), and (16) of section 471(a), and sections 473 and 479) shall not apply to the State; and

"(2) the State shall, for purposes of section 402(a)(20), be deemed to have in effect a State plan approved under this part.

"(h) PROHIBITION AGAINST IMPAIRMENT OF ENTITLEMENT TO FOSTER CARE BENEFITS.—A State may not carry out a demonstration project under this section in a manner which impairs the entitlement of any qualified child to foster care benefits under a State plan approved under this part.".•

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 62. A bill to amend title XIX of the Social Security Act to require States to provide coverage for mobile outreach units to identify and assist men-

tally ill homeless individuals; to the Committee on Finance.

HOMELESS MENTALLY ILL OUTREACH ACT

• Mr. MOYNIHAN. Mr. President, I rise today to introduce with Senator DANFORTH the Homeless Mentally Ill Outreach Act of 1991.

It has been just over 25 years now since President Kennedy signed the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, a legislative effort to close those massive institutional fortresses that had come to house so many victims of mental disorders. Prior to that, caring for the mentally ill had been, for well over 100 years, a responsibility of the Government. Indeed, patients were the wards of the State. Then began our efforts in the 1950's and early 1960's to change that situation. It would not be an overstatement to say that these efforts got started in New York.

There is something of a history here. In 1953, Dr. Nathan S. Kline, working at Rockland State Hospital, set out to isolate the active ingredient in serpent-wood—Rauwolfia serpentina—a root used from antiquity in Vedic medicine to calm people. When Dr. Kline was done, he had the chemical reserpine, one of the first tranquilizers. He published his findings in 1954.

That was the year W. Averell Harriman was elected Governor. It was a time when mental illness was seen as perhaps the most pressing problem New York State faced—bond issue followed bond issue to build institution after institution. On taking office, with much encouragement for his secretary, Jonathan B. Bingham, and Paul H. Hoch, Commisssioner of Mental Hygiene, Harriman began to consider the implications of Dr. Kline's discovery.

As Jonathan Bingham's assistant, I was present at the meeting in the Governor's office in the spring of 1955 when it was decided to provide the tranquilizer when appropriate to all patients systemwide. It was a $1.5 million bet.

Almost immediately the population of State mental institutions began to decline. It peaked in Harriman's first year at 93,314. In 1988, it was down to 18,699. A few weeks after the meeting in the Governor's office in Albany, a law was enacted in Washington setting up a joint Commission on Mental Illness and Health. The Commission's report was finished in 1960, the year John F. Kennedy was elected President. The Commission proposed that tranquilizers be used nationwide and that new community based mental health care arrangements be made for patients who responded. In time, we had a name for this new institution, the Community Mental Health Center. President Kennedy set up a task force to propose a program to establish community based systems of mental health care delivery. As an Assistant Secretary of Labor, with a New York background, I was a working member of that task force and did much of the drafting of our report to the President, who thereupon proposed legislation. The task force report outlined a Federal program to facilitate improvement and progress in the treatment of the mentally ill. Our object was the elimination of the State mental hospital in the course of a generation. Community based services to the mentally ill was the model for appropriately and successfully treating the large incidence of illness in society.

As of 1980, the population of State hospitals and residential care facilities nationwide was down to 255,000 patients. Many of these individuals will continue to be deinstitutionalized or will be in and out of the hospital. Some will become homeless without followup care. The problems of deinstitutionalization and "noninstitutionalization"—persons in need of psychiatric services but never institutionalized—persist and the will to accomplish at a minimum the goals of the 1963 Community Mental Health Act legislation appears lacking. Patients ready to be integrated back into the community as well as those nonpatients in need of care have no place to go.

The legislation we are introducing today will provide immediate help to the estimated 25 to 40 percent of the homeless population that is mentally ill. It will ensure that States identify, evaluate, and develop a plan of care for the mentally ill homeless population. Mobile outreach activities will be undertaken in metropolitan areas to the homeless mentally ill as a condition of participation in the Medicaid Program. Outreach teams composed of mental health professionals and others will identify mentally ill persons in need of medical treatment, and provide transportation to assessment/referral centers. The assessment/referral centers will provide emergency psychiatric intervention, psychiatric evaluations, medical treatment necessary to achieve stabilization, temporary room and board, assistance in applying for entitlement programs, referral services, an individualized treatment plan and case management. A National Commission for the Homeless Mentally Ill will also be established to study the availability, accessibility and composition of mental health services for this population. The Commission will specifically review the implementation of the Community Mental Health Center Act of 1963, Public Law 88-164, examining the need to complete the implementation of that law. Based on these findings, recommendations will be made to Congress for the overall improvement of services to this targeted population.

This bill is not a perfect one. But no one piece of legislation can be reasonably expected to correct problems that have been made more than 30 years in the making. There are difficulties with treating the mentally ill homeless population. We attempt here to address the most pressing ones. What, for instance, should we do about those people who, though they need our help, refuse it? In our bill, we defer to State laws on involuntary commitment. This may be the best answer.

We as a society can no longer tolerate having our homeless mentally ill who live among us remain out of the reach of our services and care. We can provide better for them, and we must. So let us, with this modest step, begin.•

• Mr. DANFORTH. Mr. President, it is often said that a nation is judged by the way it treats the frail and vulnerable members of its society.

Most homeless mentally ill are unfortunately not treated at all. They have been granted the right to live a tortured life on the streets, in shelters, and in prisons. Tonight, more than 2,000 mentally ill persons will sleep on the streets or in the shelters of Washington, DC. A 1986 study by the National Institute of Mental Health found that 56 percent of the shelter and street population in St. Louis is mentally ill. Other studies have found that from 25 percent to 40 percent of homeless people are mentally ill.

It is tragic that it has become so commonplace to see these vulnerable people literally lying in the streets, ignored and neglected. Every morning on my way to work, I pass women and men sleeping on grates, on benches, on cardboard boxes, wrapped in layers and layers of old clothes, muttering and gesturing to themselves. They have become a permanent feature. I have asked myself about each person: Who is she? What happened to him? Who is taking care of this person? Why doesn't somebody do something?

Mr. President, I want to do something. The past 30 years have seen raging debates between lawyers, psychiatrists, and other mental health professionals, families, and others as to what should be done for the mentally ill. Some argue that we need more community mental health centers, others say we need to build more small psychiatric hospitals, others argue for changing State civil commitment laws to make it easier to treat chronically mentally ill people, and still others argue for a combination of these and other proposals. But in the meantime, there are thousands of people living, and dying, on the streets waiting for us to resolve this debate. The least that can be done is to reach out to them, find out who they are, and offer to help them.

Senator MOYNIHAN and I today are introducing legislation, the Homeless Mentally Ill Outreach Act of 1991, which would require all States through their Medicaid Program to develop and implement mobile outreach teams that would bring homeless mentally ill people to assessment and referral centers. The assessment and referral center would serve as their door to the mental health system, as a safe place, a warm place, a place where they could receive psychiatric treatment and evaluations, referral services, assistance receiving their SSI and Medicaid, and an individualized treatment plan. It would be a temporary stopping place, for no longer than 30 days, where the focus would be on the medical and other needs of each individual. The Medicaid Program will provide for this outreach and assessment, regardless of whether the individuals helped meet any eligibility requirements. Medicaid will also provide for the individualized treatment plan, on a presumptive eligibility basis, for any medical treatment allowable under the State plan for medical assistance.

Outreach to the homeless mentally ill is a first step toward fulfilling an obligation to help the most marginal segment of our population. They are not, I am told, an easy population to help. Some may be distrustful and suspicious. Others are convinced that they do not need help. But there are success stories, and committed mental health professionals who are engaged daily in the task of reaching out to this population are hopeful.

In my State of Missouri, there are several successful programs underway. In St. Louis, the Community Advocacy and Support Alliance [CASA] has been successfully operating a shelter outreach program, which provides short-term intensive case management to homeless mentally ill in shelters and the streets. The Shamrock Mobile Outreach Program in St. Louis provides food, counseling, and transportation to 1,755 annually. In Kansas City, the Swope Parkway Clinic has a mobile unit that drives through the neighborhoods in an effort to provide the mentally ill homeless with access to the mental health system and housing services. And in West Plains, MO, the Good Samaritan Homeless Shelter does outreach to this population. This systematic outreach can provide the link that homeless mentally ill people need to obtain care.

It is now winter. There will inevitably be the usual reports in the newspapers describing "unidentified homeless man" who froze to death. It is unconscionable that our only response would be that he was to hard to help.

Mr. President, these people can be helped and they will be helped. There can be no argument against it. I anticipate that some will argue against this legislation because it will cost money to provide medical treatment to this mentally ill population. The costs of health care have, indeed, escalated, but there is something seriously wrong with our health care system if we cannot afford to provide care to those most acutely and obviously in need of it. Others will maintain that these people are self-sufficient; they do not need or want any help, and it is their right to live on the streets. But what kind of freedom is it when one's brain is trapped by a horrible, debilitating disease? How can we say a homeless mentally ill chooses this life, when so many of them have lost any capacity for rationality?

Mr. President, we cannot continue to stand by, to walk by, while people live and die on the streets. I encourage my colleagues to join with Senator MOYNIHAN and myself in working for passage of this legislation.●

By Mr. INOUYE (for himself and Mr. KASTEN):

S. 63. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions in excess of $100 per year; to the Committee on Finance.

DEDUCTION FOR CHARITABLE CONTRIBUTIONS

● Mr. INOUYE. Mr. President, today Senator KASTEN and I offer a bill to amend the Internal Revenue Code to allow a tax deduction for charitable contributions to taxpayers who do not itemize their deductions. This allowance would apply to contributions in excess of $100. Passage of this bill will increase fairness, promote a worthwhile social policy, and allow charitable organizations to recoup losses incurred due to a decrease in governmental aid.

From fiscal years 1982–88, Federal spending in the six budget functions of greatest concern to nonprofit organizations, exclusive of Medicare and Medicaid, declined. A cumulative total of $100.1 billion was foregone, compared to what would have been spent had earlier spending levels been maintained. This, in turn, reduced Federal support to private, nonprofit organizations by an estimated total of $26.7 billion over the same period. I feel that it is important to support charitable and nonprofit organizations at a time in which Federal support is diminishing. President Bush speaks highly of our Nation's charitable organizations, referring to them as the "thousand points of light." We must at least support charitable organizations by not hindering their efforts to raise funds privately. Without such support, these thousand points of light will go out.

America's most generous contributors to charity are low-income individuals. Studies have shown that taxpayers with incomes under $10,000 a year gave 2.8 percent of their household income while taxpayers with incomes of $75,000–$100,000 gave 1.5 percent of their household income. In fact, two-thirds of all charitable contributions come from families with annual incomes under $40,000. Many of these families cannot deduct their charitable contributions because they do not itemize their tax. Seven out of ten taxpayers, about 77 million people, do not itemize their income tax. The majority of nonitemizers are lower- and middle-income taxpayers. Ninety-one percent of all nonitemizers have incomes under $30,000 a year. Ninety-seven percent have incomes under $40,000 a year.

The Tax Code has allowed charitable deductions to itemizers since 1917. As the number of taxpayers who itemize their deductions declined in the late 1970's, the charitable contributions deduction was extended to nonitemizers to maintain a broad base of support for charitable organizations. The 1986 Tax Reform Act ended all deductions for charitable contributions by people who do not itemize their tax forms. Mr. President, the bill Senator KASTEN and I introduce for consideration today would allow both nonitemizers and itemizers to take a charitable contributions deduction. It is only fair to treat itemizers and nonitemizers alike.

Permitting low- and moderate-income taxpayers to take a deduction for their charitable contributions serves important social needs. Nonitemizers give to causes which serve low- and middle-income taxpayers such as food programs for the homeless, drug prevention programs, aid to the elderly, the disabled, and victims of crime. They give to schools, churches and synagogues, and the Boy Scouts.

Mr. President, these worthy causes and others deserve more encouragement and consideration than the present tax policy allows. I urge my colleagues to support our measure.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIRECT CHARITABLE DEDUCTION.

(a) IN GENERAL.—Subsection (i) of section 170 of the Internal Revenue Code of 1986 (relating to rule for nonitemization of deductions) is amended to read as follows:

"(i) RULE FOR NONITEMIZATION OF DEDUCTIONS.—In the case of an individual who does not itemize deductions for the taxable year, the amount allowable under subsection (a) for the taxable year shall be taken into account as a direct charitable deduction under section 63 to the extent it exceeds $100."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.".

(2) Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.".

(3) Subsection (h) of section 63 of such Code is amended to read as follows:

"(h) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(i).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.●

By Mr. KENNEDY (for Mr. BINGAMAN, for himself, Mr. PELL, and Mr. MITCHELL):

S. 64. A bill to provide for the establishment of a National Commission on a Longer School Year, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL COMMISSION ON A LONGER SCHOOL YEAR

Mr. BINGAMAN. Mr. President, throughout our Nation, Governors, State legislators, educators and parents are struggling to find new and innovative achievement. The amount of quality instructional time spent in our schools is, I believe, a key variable in attaining greater educational achievement.

The National Commission on Excellence in Education—1983—clearly stated that American students spend less time on school work, both at school and at home, then their counterparts, and as a result lagged behind them in testing and achievement rates. Seven years later this scenario has not changed.

American students continue to lag behind their international counterparts. Our nation's schools and children continue to remain at risk of failure. Large numbers of students continue to drop out of high school, while still others graduate without ever grasping the basic skills and knowledge necessary to succeed in college and the workplace.

In 1983, "A Nation At Risk" was published. Based on that report the Nation has witnessed an ever rising number of local, district, State and Federal initiatives for restructuring and reforming our education system. Despite all of the reform efforts, scant attention has been paid to the recommendations of extending the number of days spent in school each year. Two recommendations made by the "Nation At Risk" report were that States adopt a 7-hour school day and that the academic year be extended from an average of 180 days to 200-220 days.

The bill I am introducing today, The National Commission On An Extended School Year Act, is a straight-forward attempt to help States determine the advisability and feasibility of lengthening school days and years, increasing teacher salaries correspondingly, and thus increasing our children's chances for gaining a quality education. The study mandated under the act is intended to be a first step toward returning to the traditional and practical basics of education.

I believe that the length of quality instruction offered at our schools is an essential component of any systemic educational reform or restructuring of our educational system. And as we all realize all too well, we must make a serious commitment to improving our educational system now if we are to achieve educational excellence by the year 2000, as outlined in the national goals.

Approximately one fourth of our high school students drop out and many of those who continue on to obtain a high school diploma are ill-prepared to either attend post-secondary schools or to successfully participate in the workplace. Almost half of the Mexican-American and Puerto Rican students who enroll in public schools drop out. In Philadelphia, the drop-out rate is 38 percent, and in Boston, the drop-out rate is 43 percent. In Chicago, in 1984, over half of the students failed to graduate. Of those who did only one-third were reading at the twelfth grade level. Yet without their active participation in the U.S. workforce, our future social and economic security is at grave risk. The simple fact is that if we are to be a competitive force in the global marketplace of the 21st century, we must commit ourselves now to improving our children's chances of succeeding and achieving educational excellence.

In my home State of New Mexico, and throughout the United States, the average school year lasts about 180 days. In comparison, European students spend up to 230 days a year in class. German and British schools start in early September and extend through mid-July. In South Korea, the school year lasts 220 days. Japanese students attend schools 243 days a year. Our elementary and secondary students do less well in educational achievement than these countries, our primary competitors in the marketplace. Our students also attend school for a far lesser amount of time during the school year.

As a nation, over the past decade, we have attempted to address the issue of quality of instruction by intensifying the efforts of the current system through legislation and regulation of tougher standards and tougher course requirements. Education initiatives have addressed such things as course content, teacher recruitment and training, and organizational structure at the local and district levels. The emphasis was centralizing of power at the State level but there was very little that the Governors could do about implementing the changes they mandated. As a result, the Governors emphasized accountability through the issuance of State report cards to measure local progress in implementing the changes they had mandated and they tied State money to the results of these efforts. These changes to our educational system were not systemic or substantive and have borne little in the way of success.

Few initiatives, however, have attempted to change the basic structure of American education in any substantive way. Today, I rise to offer legislation that would not only affect the basic structure of our educational system but would also simplify, and could greatly enhance, the efforts to ensure educational excellence.

When looking at statistics with respect to only 2 of the 6 national goals, a 1986 study of college-bound high school seniors in 13 industrialized countries reported that American students were 9th in physics, 11th in chemistry and last in biology. Among industrialized and less-developed nations, U.S. students ranked 10th in arithmetic, 12th in Algebra, 16th in geometry, and 18th in measurements. We must, indeed, make some dramatic changes and improvements if we are going to surpass—or even meet—the economic challenges from many of the other industrialized countries of the world.

This bill would establish a National Commission to study the impact of a longer school year. It is, I believe, extremely important to close the gaps in educational achievement between ourselves and the rest of the countries with which we compete in the international market. If we do not, the educational—and competitive—gaps will continue to grow and our children will continue to fall further and further behind their international peers. Under this legislative proposal, a 9-member commission would make specific recommendations to the President, the Congress, and the Nation's Governors regarding:

First, the advisability of establishing a model "length of school day and school year" for U.S. public schools;

Second, the feasibility of determining an appropriate minimum number of hours per day and days per year of instruction for U.S. public schools, and a model plan for reaching those numbers, and compensating teachers accordingly, before the end of the decade;

Third, an estimate of the average additional costs, including the additional costs in terms of teacher salary enhancement, that the States and local districts would incur if longer schooldays and longer years are adopted;

Fourth, and a model plan for meeting the additional costs.

The Commission's final report, due 1 year after the date of the Commission's first meeting, would include its recommendations for administrative and legislative action.

This type of systemic change will require national leadership, and to date we simply have not had any. National leadership is required because ours is a national economy, and countless corporate and personal decisions—from television programming to vacation planning—are based upon expectations involving the length of the school year. Without national leadership, without a national vision, without a national commitment, needed systemic changes simply will not occur.

We spent the 1980's telling ourselves that we must first dramatically improve the quality of education before we looked at major change efforts. We spent the decade tinkering with our educational system when what was needed was a major overhaul of the system. Only recently have States such as Tennessee and Kentucky taken the obvious next step and attempted major systemic reform.

A study such as I propose in this legislation does involve systemic change in our educational system. We acknowledge that the 3-month recess in the summer adversely affects many of our students and in particular the growing number of "at risk" students. How much instructional time is wasted in September in review of material from the previous year? How much instructional time is wasted each year in closing down schools in June and then reopening them in September?

Isn't it about time we moved away from an education system that was created when our society was basically an agrarian one? Isn't it about time we, as a nation, moved our educational system into the 21st century? Clearly, this will not be any easy task and should not be taken lightly. But at the same time we should not shirk our responsibility. We are faced with obvious and endemic problems within our educational system. We at the Federal level have a responsibility to support those States and local schools and school districts who have already faced up to the obvious and who on their own have initiated systemic reform in their schools.

We all recognize that improvements in our children's educational achievement levels will not happen in the 1990's merely because we would like it to happen. For our part, we need to get on with the debate—not just of goals for educational instruction—but also of the means of reaching those goals. One of those means—painful as it may be—is substantially more quality instructional time for our students. We can no longer afford to avoid commitments to significant, albeit controversial and complicated, changes to our educational system that go beyond mere tinkering with the system.

It is my view that one of the cornerstones of any strategy to improve the achievement level of our students must include a realistic plan to increase the amount of quality time that our children spend learning. The current timetable for instructional supervision is outdated and is clearly adversely affecting an increasing number of our students. A systemic change is needed. We need to determine how best to increase the amount of quality instruction given to our students. This need is why I am before you today, asking for your support for this legislation.

Mr. PELL. Mr. President, I am pleased to join Senator BINGAMAN in cosponsoring the National Commission on a Longer School Year Act.

For several years I have carried with me a chart showing how the United States ranks with other nations when comparing the length of the school year. We do not fare well in such a comparison. The average length of the school year in the United States is 180 days. In Japan, it is 243. In South Korea, it is 220. In Italy, 216. In the Soviet Union, 210. In Thailand, 200. In the United Kingdom, 196. In Canada, 196. And in France, 190.

I believe deeply that American students should be in school for a longer period of the year. To my mind, students have an enormous capacity to learn, and we should take advantage of their thirst and interest by requiring them to spend more time in school. I freqently take an informal poll when I speak to student groups. I ask them whether they feel that they are sufficiently challenged to the full extent of their capabilities, or whether they believe they could learn more. Invariably, and perhaps surprisingly, the vast majority of students raise their hands to signify that they in fact could learn more. Therefore, we need to examine the impact that a longer school year might have on increasing student achievement levels.

At the same time, I also believe that no study of this kind can proceed without a clear recognition that it is predicated upon an increase in teacher pay. Very simply, we cannot entertain increasing the length of the school year without recognizing up front that this will and must involve a pay increase for teachers. Any Commission that went forth without such a recognition would not be worth its salt.

There are also other costs that are associated with a study of this nature, costs such as administration and service salaries, physical plant costs, and increased costs of books and materials. These, too, must be examined.

Mr. President, the need to enhance the education and preparation of our young people is without question. We must seek to achieve an education of excellence for all. How we achieve it is of concern to not only to every Member of the Senate but to every American throughout our land. Most certainly, one of the areas we should carefully examine is that of extending the school year.

As we enter this last decade of the 20th century and as we seek to secure a position of leadership in the world economy, we must be willing to examine many different alternatives or ways of strengthening American education. This is surely one of those ways, and one that merits the attention it is given in this important legislation.

By Mr. NICKLES (for himself, Mr. BOREN, Mr. MCCONNELL, Mr. REID, Mr. GRASSLEY, Mr. MACK, and Mr. MURKOWSKI):

S. 65. A bill to make the 65-mile-per-hour speed limit demonstration project permanent and available to any State; to the Committee on Environment and Public Works.

65-MILE-PER-HOUR SPEED LIMIT

• Mr. NICKLES. Mr. President, I rise today to offer legislation that would continue to allow States the authority to apply higher speed limits on certain qualified highways. Unless Congress acts by October 1, 1991, States will lose the authority provided them in 1987 to post 65 miles-per-hour speed limits on noninterstate highways that meet interstate standards.

As a bit of background, in 1986 Congress provided States permanent authority to set speed limits up to 65 miles-per-hour on rural highways that were a part of the Interstate Highway System. However, the structure of the 1986 law failed to recognize the significant number of noninterstate highways that were built to the same construction design and safety standards as the interstates.

To remedy this situation, I introduced legislation which became law in 1987. The provision, section 329(a) of Public Law 100-202, created a 4-year demonstration project allowing the first 20 States to apply the opportunity to raise the speed limit to 65 on noninterstate highways that met or exceeded interstate standards.

Since passage, 16 States have taken advantage of this authority. In those States, 15 percent of the total highway miles posted at 65 miles-per-hour is on noninterstate highways under the 1987 authority. In my State of Oklahoma, 36 percent of our 65 miles-per-hour highways are on section 329 qualified highways. Oklahomans strongly support a 65 miles-per-hour limit for roads that meet interstate standards, and to let the provision sunset without being permanently renewed would be met with strong opposition. I would also mention that the Oklahoma Department of Public Safety, the agency that oversees the Oklahoma Highway Patrol, also supports the legislation as does the National Motorists Association.

Therefore, the bill that I am introducing today would continue to allow States the authority to post 60 miles-per-hour or 65 miles-per-hour speed limits on our safest highways. It continues to be my strong belief that appropriate speed limits can best be determined by each State, not the Federal Government, and that the States are the best authority and should be the final authority in determining the speeds traveled within their boundaries.

Therefore, I urge my colleagues to support my legislation and would encourage its timely consideration and passage before the impending deadline.•

• Mr. McCONNELL. Mr. President, today I rise to introduce legislation which would allow for the permanent change of the 65 mile-per-hour speed limit on highways that meet interstate standards and are not currently on the national system of interstate and defense highways.

During the 100th Congress Senator NICKLES and I were successful in obtaining legislation giving States the authority to increase their speed limit to 65 miles per hour on divided, four lane, fully controlled access highways located outside of an urbanized area with a population of less than 50,000 people. Our efforts at that time were simply to correct an oversight in the law dealing with the 65 mile-per-hour speed limit. Specifically, Mr. President, the 1986 highway bill only allowed States the option to raise the speed limit on Federal interstates. Unfortunately, this option did not apply to State highways or parkways which met Federal interstate standards. This indeed was an unfair inconsistency that needed to be changed.

Because this demonstration project only applies for the fiscal years of 1988, 1989, 1990 and 1991, and applies to only the first 20 States who requested the 65 mile-per-hour speed limit on rural parkways, I feel it is the appropriate time to make the 65 mile-per-hour speed limit permanent and available to all States who have highways that meet current interstate standards. There are nearly 6,000 miles of noninterstate highways nationwide. In my own State of Kentucky, we have close to 700 miles of these highways built at State expense. Since the 65 mile-per-hour change to Federal interstates was permanent and available to all States, I believe that it is only fair to permit States to continue or in some instances adjust their speed limit on eligible State highways/parkways.

Clearly, this is an issue which should be determined by the individual State. A State should not be penalized for constructing and maintaining a high-quality road system between rural communities. For the 16 States, who chose to raise their speed limit to 65 miles per hour, it is unfair to allow the law to revert back to the old speed limit after 1991. I believe rural and small urban areas not located on the Interstate System should have the same advantage as do Interstate Systems between major population areas.

Furthermore, it will be terribly confusing to motorists if the speed limit is allowed to revert back to 55 miles per hour. We will once again face a real enforcement problem if we return to two different standards on highways built to similar standards. It certainly does not make sense to force a return to 55 miles per hour on roads which are just as safe if not safer than our interstate roads. In most cases, the only discernible difference between the two highways is the red, white, and blue Federal interstate sign.

Mr. President, I strongly urge my colleagues to support this important effort. It is my hope that action will be taken on this legislation before the current 65 mile-per-hour authority expires after the end of this year.•

By Mr. INOUYE:

S. 66. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in clinical psychology eligible to participate in various health professional loan programs; to the Committee on Labor and Human Resources.

PARTICIPATION ON HEALTH PROFESSIONAL LOAN PROGRAMS

• Mr. INOUYE. Mr. President, I am introducing legislation today to modify title VII of the U.S. Public Health Service Act to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Mr. President, given the growing awareness and importance of behavioral science expertise, I believe that it is time to allow these students the opportunity to apply for grants under these health education loan programs.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) HEALTH PROFESSIONS STUDENT LOANS.—

(1) LOAN AGREEMENTS.—Section 740 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(A) in subsection (a), by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "veterinary medicine";

(B) in subsection (b)(4), by striking out "or doctor of veterinary medicine or an equivalent degree" and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or a graduate degree in clinical psychology"; and

(C) in subsection (c)(1), by inserting ", or schools that offer graduate programs in clinical psychology" after "veterinary medicine".

(2) LOAN PROVISIONS.—Section 741 of such Act (42 U.S.C. 294n) is amended—

(A) in subsection (b)(1), by striking out "or doctor of veterinary medicine or an equivalent degree" and inserting in lieu thereof "doctor of veterinary medicine or an equivalent degree, or a graduate degree in clinical psychology";

(B) in subsection (f)—

(i) by striking out "or doctor of podiatric medicine or an equivalent degree" in subparagraph (A), and inserting in lieu thereof "doctor of podiatric medicine or an equivalent degree, or a graduate degree in clinical psychology"; and

(ii) by inserting ", or a school that offers graduate programs in clinical psychology" after "podiatry"; and

(C) in subsection (l)—

(i) by striking out "or podiatry" and inserting in lieu thereof "podiatry, or clinical psychology" in the matter preceding paragraph (1); and

(ii) by striking out "or podiatric medicine" in paragraph (4), and inserting in lieu thereof "podiatric medicine, or clinical psychology".

(b) EXCEPTIONAL FINANCIAL NEED SCHOLARSHIPS.—Section 758(a) of such Act (42 U.S.C. 294z(a)) is amended by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "veterinary medicine".

(c) AREA HEALTH EDUCATION CENTER PROGRAM.—Section 781 of such Act (42 U.S.C. 298g–1) is amended—

(1) in subsection (a)—

(A) by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "osteopathic medicine" in paragraph (1);

(B) by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "osteopathic medicine" in paragraph (2)(A); and

(C) by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "osteopathic medicine" in paragraph (2)(C); and

(2) in subsection (f)—

(A) by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "osteopathic medicine" in paragraph (1); and

(B) by inserting ", or any public or nonprofit schools that offer graduate programs in clinical psychology" after "osteopathic medicine" in paragraph (6).

(d) GRANTS FOR MINORITY EDUCATION.—Section 782(a) of such Act (42 U.S.C. 295g–2(a)) is amended by inserting "including any public or nonprofit schools that offer graduate programs in clinical psychology" after "grants to health professions schools".

(e) FINANCIAL ASSISTANCE FOR DISADVANTAGED STUDENTS.—The third sentence of section 787(c) of such Act (42 U.S.C. 295g–7(c)) is amended by inserting ", or at public or nonprofit schools that offer graduate programs in clinical psychology" before the period.•

By Mr. THURMOND (for himself, Mr. HELMS, and Mr. GRASSLEY):

S. 67. A bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax; to the Committee on Finance.

EXEMPTION OF CERTAIN FUNDS FROM UNEMPLOYMENT TAX

Mr. THURMOND. Mr. President, I rise today to introduce legislation which would remove an inequity in the current Federal Unemployment Tax Act [FUTA] and in the State unemployment acts which are directly patterned after this act. I am pleased that

Senators HELMS and GRASSLEY have joined me as original cosponsors.

In enacting FUTA, Congress exempted from coverage employees of churches, and religious organizations operated by churches. The Supreme Court in St. Martin Evangelical Lutheran Church versus South Dakota held that this exemption extends to schools which are operated by a churches.

However, no exemption exists in current law for those elementary or secondary schools which are operated primarily for religious purposes, but which are not operated by or otherwise controlled by a church or association of churches. These nonchurch schools are as pervasively religious as the church-operated schools and would not exist except for their religious mission. They are, in every way except church affiliation, religiously indistinguishable from the exempt schools. Technically, the nonchurch religious schools are not exempt under the terms of the statute. Further, the Secretary of Labor has notified State unemployment compensation offices that they may not treat this class of schools as exempt.

These nonchurch-affiliated religious schools are not numerous in the United States. However, they do constitute about 20 percent of the membership of the Protestant evangelical schools in the country. There are some Catholic and Jewish schools, as well as other Protestant schools, which are not operated by churches but are governed by religious lay boards.

The tax plight of these schools is very threatening to them. In 1979, a group of religious schools attempted to litigate the issue of nonexemption of these schools on constitutional grounds, and won a favorable decision from the U.S. District Court in Los Angeles. The Supreme Court refused to review the case on jurisdictional grounds and did not reach the merits. This left the schools to pursue litigation in State courts. These schools simply do not have the major financial resources necessary to pursue new litigation in hopes of eventually bringing the case before the Supreme Court. Such litigation could take years, with no certainty that the Supreme Court would hear the case. Therefore, it is imperative that we pass exemptive legislation.

This measure is similar to S. 1797 which I introduced in the 100th Congress and is identical to an amendment which was unanimously adopted by the Senate during consideration of the tax technical corrections bill in 1988. Unfortunately, this provision was dropped in conference. I reintroduced this measure in the 101st Congress; however, no action was taken.

This legislation will enable nonchurch operated religious schools, now threatened by unemployment compensation tax debt, to continue their fine service to the country in producing good young citizens. Passage of this bill will be welcomed by friends of religous liberty.

In closing, I ask my colleagues to give careful consideration to this important measure. I ask unanimous consent that the text of the legislation appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM UNEMPLOYMENT TAX.

(a) IN GENERAL.—Section 3309(b)(1) of the Internal Revenue Code of 1986 (relating to exemption from unemployment tax) is amended by inserting before the semicolon at the end thereof the following: ", or (C) an elementary or secondary school which is operated primarily for religious purposes, which is described in section 501(c)3), and which is exempt from tax under section 501(a)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services performed after December 31, 1991.

By Mr. THURMOND (for himself, Mr. INOUYE, and Mr. SHELBY):

S. 68. A bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces; to the Committee on Armed Services.

APPOINTMENT OF CHIROPRACTORS AS OFFICERS IN THE ARMED FORCES

Mr. THURMOND. Mr. President, I rise today to introduce legislation which would allow doctors of chiropractic to be appointed commissioned officers in the armed services. I am pleased that Senators INOUYE and SHELBY have joined me as original cosponsors.

Currently, some members of the health care profession including doctors of medicine, doctors of osteopathy, dentists, optometrists, pharmacists, psychologists, physical therapists, occupational therapists, dieticians and physician assistants may serve as commissioned officers in the armed services. However, doctors of chiropractic, whose educational credentials match or exceed some of the above-listed groups, are noticeably absent from this list.

Commissioning doctors of chiropractic in the armed services would give our service members the opportunity to receive chiropractic treatment from persons trained in this specialty. Further, commissioning of doctors of chiropractic would help to ease the current shortage of health care professionals in the armed services.

This legislation I am introducing today will serve to ensure that members of the armed services have a full range of health care services available. I am aware that some are opposed to the commissioning of doctors of chiropractic. I hope that introduction of this bill, which is identical to S. 2590 that I introduced in the 101st Congress, will serve to bring about a full discussion on this important issue. I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS.

(a) ARMY.—Section 3068 of title 10, United States Code, is amended—

(1) by inserting "(a) MEDICAL SERVICE CORPS.—" before "There is";

(2) in paragraph (5)—

(A) by striking out "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) the Chiropractic Section; and"; and

(3) by adding at the end the following new subsection:

"(b) APPOINTMENT OF CHIROPRACTORS.—Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Medical Service Corps of the Army.

(b) NAVY.—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

"§5139. Appointment of chiropractors in the Medical Service Corps

"Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

"5139. Appointment of chiropractors in the Medical Service Corps.".

(c) AIR FORCE.— (1) Section 8067 of such title is amended—

(A) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) Chiropractic functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary and who are designated as chiropractic officers.".

(2) Section 8579 of such title is amended—

(A) by striking out "or biomedical sciences officer" and inserting in lieu thereof "biomedical sciences, or chiropractic officer"; and

(B) by striking out "or (i) of section 8067" and inserting in lieu thereof "(g), or (j) of section 8067".

(3) Section 8848(b) of such title is amended by striking out "section 8067 (a)-(d) or (g)-

(i)" and inserting in lieu thereof "any of subsections (a) through (d) or (g) through (j) of section 8067".

SEC. 2. SPECIAL PAY FOR CHIROPRACTIC OFFICERS.

(a) SPECIAL PAY REQUIRED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302e the following new section:

"§ 302f. Special pay: chiropractors

"(a) VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—(1) An officer is entitled to special pay in accordance with this subsection if the officer is—

"(A) designated as a chiropractic officer in the Medical Service Corps of the Army or Navy or designated as a chiropractic officer in Air Force; and

"(B) on active duty under a call or order to active duty for a period of not less than one year.

"(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade 0-7 is entitled to variable special pay at the following rates:

"(A) $1,200 per year, if the officer is undergoing chiropractic internship training or has less than 3 years of creditable service.

"(B) $2,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing chiropractic internship training.

"(C) $4,000 per year, if the officer has at least 6 but less than 10 years of creditable service:

"(D) $6,000 per year, if the officer has at least 10 but less than 14 years of creditable service.

"(E) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(F) $3,000 per year, if the officer has 18 or more years of creditable service.

"(3) An officer described in paragaph (1) of this subsection who is serving in a pay grade above pay grade 0-6 is entitled to variable special pay at the rate of $1,000 per year.

"(4) Subject to subsection (b), an officer who is entitled to variable special pay under this subsection is entitled to additional special pay for any 12-month period during which the officer is not undergoing chiropractic internship training. Such additional special pay shall be paid at the following rates:

"(A) $6,000 per year, if the officer has at least 3 but less than 14 years of creditable service.

"(B) $8,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

"(C) $10,000 per year, if the officer has 18 or more years of creditable service.

"(5) An officer who is entitled to variable special pay under this subsection and who is board certified is entitled to additional special pay at the following rates:

"(A) $2,000 per year, if the officer has less than 12 years of creditable service.

"(B) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

"(C) $4,000 per year, if the officer has 14 or more years of creditable service.

"(b) ACTIVE DUTY AGREEMENT.—(1) An officer may not be paid additional special pay under subsection (a)(4) for any 12-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the special pay authorized by subsection (a)(4). If such entitlement is terminated, the officer concerned is entitled to be paid such special pay only for the part of the period on active duty that the officer served, and the officer may be required to refund any amount in excess of the entitlement.

"(c) REGULATIONS.—Regulations prescribed by the Secretary of Defense under section 303a(a) of this title shall include standards for determining—

"(1) whether an officer is undergoing internship training for purposes of paragraphs (2) and (4) of subsection (a); and

"(2) whether an officer is board certified for purposes of paragraph (5) of that subsection.

"(d) FREQUENCY OF PAYMENTS.—Special pay payable to an officer under paragraphs (2), (3), and (5) of subsection (a) of this section shall be paid monthly. Special pay payable to an officer under paragarph (4) of that subsection shall be paid annually at the beginning of the 12-month period for which the officer is entitled to such payment.

"(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a)(4) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (b) of this section if the final decree of the discharge in bankruptcy was issued within a period of 5 years after the last day of a period which such period had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1990.

"(g) DETERMINATION OF CREDITABLE SERVICE.—For purposes of this section, creditable service of an officer is computed by adding—

"(1) all periods which the officer spent in chiropractic internship training during which the officer was not on active duty; and

"(2) all period of active service—

"(A) in the Medical Service Corps of the Army or Navy as a chiropractic officer; or

"(B) as an officer of the Air Force designated as a chiropractic officer.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302e the following new item:

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code, is amended—

(1) by striking out "and 303" both places it appears and inserting in lieu thereof "302f, and 303"; and

(2) by inserting "302f," after 302e," in subsection (b).

SEC. 3. REGULATIONS

Regulations under section 303a of title 37, United States Code, shall be prescribed not later than 180 days after the date of the enactment of this Act for the administration of the amendments made by this Act.

SEC. 4. EFFECTIVE DATE

The amendments made by this Act shall take effect on October 1, 1991, and shall apply only with respect to duty performed on or after that date.

By Mr. LUGAR (for himself and Mr. COATS):

S. 69. A bill to authorize the Secretary of Transportation to release the restrictions, requirements, and conditions imposed in connection with the conveyance of certain lands to the city of Gary, IN; to the Committee on Commerce, Science, and Transportation.

CONVEYANCE OF CERTAIN LANDS TO GARY, IN

• Mr. LUGAR. Mr. President, as the 102d Congress convenes, I am once again pleased to join with my colleague, Senator COATS, to reintroduce legislation we sponsored during the last Congress which will lift obsolete land use restrictions at the Gary Regional Airport in Gary, IN.

These restrictions were imposed upon the city of Gary more than 40 years ago when the airport was transferred from Federal to municipal ownership. The restrictions are hindering local efforts to establish a foreign trade zone at the airport. The foreign trade zone designation is a key component of local airport development efforts.

It was my hope that this provision would be able to be attached to another piece of legislation prior to the end of the 101st Congress. Unfortunately, this was not possible. I intend to work with the Commerce Committee to insure its passage during the 102d Congress.

Mr. President, I ask unanimous consent that the full text of my legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) RELEASE.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, county of Lake, Indiana, dated May 29, 1947.

(b) DESCRIPTION OF PROPERTY.—Those lands incorporated in Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the East One Half (E½) of Section Thirty-five (35), Township Thirty-seven (37), Range Nine (9) West, of the Second Principal Meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the West One Half (W½) of Section Thirty-six (36), Township Thirty-seven (37), Range Nine (9) West, lying between the U.S. Highway No. 12 and the Grand Calumet River, and that part of the Southeast Quarter (SE¼) of Section Thirty-six (36), Township Thirty-seven (37), Range Nine (9) West, lying between U.S. Highway No. 12 and the

Grand Calumet River, and that part of the Southeast Quarter (SE¼) of Section Twenty-six (26), Township Thirty-seven (37), Range Nine (9) West, lying between the C.L.S. & E. Railroad and U.S. Highway No. 12, all in the City of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain Warranty Deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as Document No. 742127, in Book No. 666, Page 278, and that certain Warranty Deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as Document No. 82584, in Book 670, Page 68.•

• Mr. COATS. Mr. President, today, I am pleased to join with my colleague, Senator LUGAR, to reintroduce legislation we sponsored last Congress to foster development of the Gary Regional Airport.

The Gary Airport is well situated to provide immediate relief to the air capacity crisis facing northwest Indiana and northeast Illinois. We have much to offer the business and traveling communities. Our access to downtown Chicago is second to none. Our airport operates in a marketplace in desperate need of expanded services.

I was pleased to work closely with the Department of Transportation to win funds last spring to upgrade the runways and taxiways. The work will enable the airport to accommodate the weight loads of cargo planes as well as begin to expand air passenger service.

Our legislation will complement our determination to attract new air services. It will lift obsolete land use provisions and allow the Gary Airport to seek a Foreign Trade Zone designation. Obviously, this designation will assist in attracting cargo hubs by allowing the airport to develop warehouses and other facilities necessary to promote economic development.

A strong viable airport in Gary is key to expanded economic opportunities in northwest Indiana. And a strong northwest Indiana helps all Hoosiers.

I am pleased to join my colleague today to advance our efforts on behalf of the Gary Regional Airport.•

By Mr. INOUYE:

S. 70. A bill to amend the Public Health Service Act to specify that health maintenance organizations may provide the services of clinical social workers, and of other purposes; to the Committee on Labor and Human Resources.

SERVICES OF CLINICAL SOCIAL WORKERS AT HEALTH MAINTENANCE ORGANIZATIONS

• Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, Senator AKAKA and I are introducing legislation to ensure that social workers are recognized as a profession under the Public Health Services Health Maintenance Organization Act. This recognition merely codifies their current practice and reflects the modification in the Medicare HMO legislation that the Congress has already enacted into public law.

Mr. President, the social workers have provided great services to our Nation and have been at the forefront of establishing innovative programs to serve the disadvantaged population of our Nation. We believe that it is time to provide them with the proper recognition of their profession that they have clearly earned and deserve.

We request unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e-1) is amended—

(1) in paragraphs (1) and (2), by inserting "clinical social worker," after "psychologist," each place it appears;

(2) in paragraph (4)(A), by striking "and psychologists" and inserting "psychologists, and clinical social workers"; and

(3) in paragraph (5), by inserting "clinical social work," after "psychology,".•

By Mr. INOUYE:

S. 71. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a clinical social worker; to the Committee on the Judiciary.

MENTAL EXAMINATIONS CONDUCTED BY A CLINICAL SOCIAL WORKER

• Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 18 of the United States Code in order to allow our Nation's clinical social workers to provide their mental health expertise to the Federal judiciary.

Mr. President, I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (b) of section 4247 of title 18, United States Code, is amended by—

(1) striking out "or" after certified psychiatrist" and inserting a comma; and

(2) inserting after "clinical phsychologist," the following: "or clinical social worker,".•

By Mr. BAUCUS:

S. 72. A bill to designate certain lands on the Kootenai and Lolo National Forests in Montana as wilderness, to release other lands on those forests for multiple use management, and for other purposes; to the Committee on Energy and Natural Resources.

KOOTENAI AND LOLO NATIONAL FOREST MANAGEMENT ACT OF 1991

• Mr. BAUCUS. Mr. President, today I am pleased to begin this Congress by introducing the Kootenai and Lolo National Forest Management Act of 1991. This bill is identical to S. 2832, a bill I introduced on July 10 of last year.

While I would be proud to claim credit for authorship of this bill, I cannot do that—the credit belongs to the people of northwest Montana. Unlike any other wilderness bill I know of, this bill is the product of a grassroots democratic process that took hold last year in Montana; it is a "Made in Montana" product.

Mr. President, for over a decade, the roadless lands issue has deeply divided Montanans. Yet this bill represents a growing and unprecedented consensus between many of the workers, conservationists, and businesses dependend upon the Kootenai and the Lolo National Forests. Onetime enemies have now become allies.

These folks just plain got tired of fighting. The got tired of waiting for Washington to do its job. So they decided it was time to sit down and work together toward mutual agreements on wilderness and release designations for Montana's two largest timber producing forests.

The result is a remarkable balance that protects both the environment and jobs. Some of the finest wild country remaining in the United States would be formally designated wilderness. In return, approximately 98 percent of the timber base on both forests would be available for nonwilderness multiple use management—and that means jobs in Montana's precarious timber industry.

I believe these landmark agreements, known in Montana as the "Kootenai and Lolo Accords," should be enacted as a first step toward a resolution of my State's roadless lands debate.

Furthermore, I believe it is possible and desirable for Montanans to reach similar agreements on other forests. It is with the hope of building upon the consensus behind the accords that I introduce them as legislation today.

Thank you.•

By Mr. INOUYE:

S. 73. A bill to amend title 10, United States Code, to exclude Nurse Officers from the computation of authorized grade strength; to the Committee on Armed Services.

EXCLUSION OF NURSE OFFICERS FROM COMPUTATION OF AUTHORIZED GRADE STRENGTH

• Mr. INOUYE. Mr. President, on behalf of our Nation's military nurse officers, I am introducing legislation that would allow for the restructuring of the nurse officer communities.

This legislation will permit the nurse officer grade structure to be shaped in such a way that it should generate a variable career path with reasonable upward mobility. It should, further, facilitate the recruitment and retention of highly skilled nurses in meeting the needs of the Department of Defense.

Mr. President, the nationwide shortage of nurses places the Department of Defense in a critical position of proactively addressing the increased competition for nurses with specialized skills. Accordingly, I believe that it is only appropriate to allow the Department of Defense a competitive posture in recruiting nurse specialists.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF NURSE OFFICERS FROM COMPUTATION OF AUTHORIZED GRADE STRENGTH.

Section 523(b) of title 10, of United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Officers in the Army Nurse Corps, officers in the Nurse Corps of the Navy, and officers in the Air Force designated as nurses.".•

By Mr. INOUYE:

S. 74. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

TAX CREDIT FOR PURCHASE OF AUTOMOBILE CHILD RESTRAINT SYSTEMS

• Mr. INOUYE. Mr. President, today, I am introducing legislation to provide for a tax credit for those families who purchase a child restraint system for their automobiles.

Mr. President, accidents and injuries continue to cause almost half of the deaths of children between the ages of 1 to 4, more than half of the deaths of children between 5 to 15, and continue to be the leading cause of death among children and young adults. Further, it is my understanding that although the Department of Transportation has made injury prevention among children a top priority, a significant number of parents, perhaps even more than half of us, when we have installed seat belts, do not have them installed properly.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by adding at the end thereof the following new section:

"SEC. 25A. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year in purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of title 49 of the Code of Federal Regulations.

"(2) CHILD.—The term 'child' has the meaning given to such term by section 151(c)(3).".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Purchase of child restraint system.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 75. A bill to amend the Public Health Service Act to ensure the social work students are eligible for support under the Health Careers Opportunity Program in title VII, and for other purposes; to the Committee on Labor and Human Resources.

AID FOR SOCIAL WORK STUDENTS

• Mr. INOUYE. Mr. President, I am introducing legislation today, together with Senator AKAKA, to modify the U.S. Public Health Service Act to provide clinical social workers with the opportunity to apply for scholarships under the Health Careers Opportunity Program—title VII.

Mr. President, the clinical social workers of our Nation have an outstanding track record in serving deprived segments of our society that are in need, in particular our Nation's minorities. We believe that it is only appropriate to provide these individuals with the opportunity to obtain advanced degrees in social work if they so desire.

We ask unanimous consent that the text of our bills be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOCIAL WORK STUDENTS.

Section 787 of the Public Health Service Act (42 U.S.C. 295g-7) is amended—

(1) in subsection (a)(1), by striking "which offer graduate programs in clinical psychology" and inserting "that offer graduate programs in clinical psychology or offer programs in social work";

(2) in subsection (a)(2)(A), by inserting ", including education and training of social work students" before the comma at the end; and

(3) in subsection (b)(1), by inserting "or offer programs in social work" before "that receive a grant".•

By Mr. INOUYE:

S. 76. A bill to amend title VII of the Public Health Service Act to establish a psychology postdoctoral fellowship program, and for other purposes; to the Committee on Labor and Human Resources.

GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY

• Mr. INOUYE. Mr. President, I am introducing legislation today to amend title VII of the Public Health Service Act in order to establish a psychology postdoctoral fellowship program.

Mr. President, over the years the medical community has strongly supported the psychology profession. In my judgment, given the growing awareness and importance of behavioral science, the time has come to establish additional assistance scholarship programs for our Nation's psychologists.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 76

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part F of the Public Health Service Act is amended by inserting after section 782 (42 U.S.C. 295g-2) the following new section:

"SEC. 783. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

"(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

"(b) ELIGIBLE ENTITIES.—

"(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

"(A) has received a doctrol degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

"(B) will provide services in a medically underserved population during the period of such grant;

"(C) will comply with the provisions of subsection (c); and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

"(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

"(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (2);

"(C) will not use in excess of 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

"(D) will provide any other information or assurance as the Secretary determines appropriate.

"(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for at least 1 year after the term of the grant or fellowship has expired.

"(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' or 'medically underserved populations'.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1992 through 1994.".•

By Mr. HELMS:

S. 77. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers; to the Committee on the Judiciary.

VOLUNTARY SCHOOL PRAYER ACT

Mr. HELMS. Mr. President, I am again introducing a bill to restore voluntary school prayer to our children in the public schools their fundamental right to pray in school—without interference or prohibition by school officials and the Federal courts.

The language of this bill is identical to bills I introduced during the 98th, 99th, 100th, and 101st Congresses. I shall press this matter until the Supreme Court's unwarranted decisions regarding school prayer are reversed.

Mr. President, during every election we hear a great deal from all candidates—liberals and conservatives, Democrats and Republicans—proclaiming the importance of traditional values in solving the myriad problems confronting our society today. Obviously, it has finally dawned on the politicians that the American people have been correctly saying all along: Regardless of how many Federal programs you create, none can solve fundamentally moral problems unless there is a moral base among the American people.

Consider, Mr. President, the havoc wrought by a tidal wave of abortion, pornography, incest, illegitimacy, poverty, teenage suicide, AIDS—to name just a few. All have a common thread: A massive breakdown of America's moral fiber.

The vast majority of Americans understand that this collapse is a predictable result of discarding moral principles that deserve to survive—which must survive if our Nation is to survive. The American people understand that the abandonment of principles and values was in large part due to a series of decisions by unelected, elitist liberals on the Supreme Court who, in 1962, outlawed prayer in public schools.

Mr. President, the Court's decisions not only deny America's spiritual heritage—they forsake the Constitution itself, supplanting in its stead constitutional "interpretations" solely supported by the Supreme Court's selective revision of American history. Instead of engendering an official attitude of neutrality toward religion in the schools as the public was led to believe they would, those decisions have in fact fueled the flames of Government intolerance of Christianity in the public schools.

How far have these decisions taken us? Let's examine a few examples:

In Florida, a school principal felt personally compelled by the Supreme Court's decisions to remove pictures of the school's Bible Club from the high school annual with his scissors.

A teacher in North Carolina was similarly prohibited from privately and silently reading her Bible during her lunch hour.

Students have been prohibited from praying in their cars and even from carrying their personal Bibles on school premises.

Three separate studies, Mr. President, have noted that textbooks in the public schools systematically shun the role of religion in molding the Nation and motivating our leaders because publishers believe Supreme Court decisions require such censorship.

In Schuylerville, NY, a Federal judge ordered the removal of a former student's painting of Jesus' crucifixtion that had hung on a school wall for 25 years. The judge stated that the painting conveyed a message of "government endorsement of Christianity." Yet the Federal courts have had absolutely nothing to say about the message of "government intolerance of Christianity" conveyed by the use of Federal taxes by the National Endowment for the Arts to honor an artist for putting a crucifix in a vat of urine.

Mr. President, such incidents contradict Supreme Court assurances in 1962 when it outlawed school prayer, in Abington School District against Schemp, that:

> The state may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to a religion, thus preferring those who believe in no religion over those who do.

However, Mr. President, Justice Stewart correctly foresaw that such intolerance of religion would—on the contrary—be the natural and precise effect of the Court's decision to ban school prayer. Dissenting from the majority, he declared that:

> A compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism.

Mr. President, barring God from our classrooms was not the intent of our Founding Fathers who wrote the U.S. Constitution. Their sole intent was to prohibit the establishment of a national church; all remaining issues concerning church-State relations were left strictly with the States.

A mere 15 years before banning school prayer, Mr. President, the Nation's highest court itself stated that:

> A manifestation of [governmental] hostility to [religion or religious teachings] would be at war with our national tradition as embodied in the First Amendment's guaranty of the free exercise of religion.

Mr. President, the problem in the matter of school prayer, as in so many areas of constitutional law, is that in the last two and a half decades activist Federal judges, with lifetime appointments and no accountability, elitists posing as egalitarians, have overstepped their bounds under the Constitution and usurped the power of Congress and the States, imposing their own personal views of good public policy on the American public, irrespective of the Constitution. Congress and the states no longer make the Nation's policy decisions. They do not do it on abortion, on busing, on prayer, on a whole host of other things.

Mr. President, we as a people are willing to trust the deliberative legislative process to set fundamental national policies. We do not want elitists doing it from behind the Federal bench with no accountability to the people.

Mr. President, potential encroachment by the Supreme Court is precisely why the Constitution's drafters enabled Congress to limit the Supreme

Court's appellate jurisdiction in article III, which states in section 2 that:

> In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Our Founding Fathers would not have granted Congress such authority, Mr. President, unless they intended Congress to exercise it when necessary.

Mr. President, I believe most Americans agree that the time is long overdue for Congress to use its constitutional authority to restore voluntary prayer to the public schools of America. My bill would do that by exercising Congress' clear perogative under article III of the Constitution to remove from the Federal courts the jurisdiction over cases involving voluntary school prayer, Bible reading, or religious meetings in schools.

Under my bill, Mr. President, State courts would be free to continue strict adherence to the Supreme Court's restraints on the free exercise of religion. Indeed, the State courts could even choose to extend the Supreme Court's rationale and thus prohibit public school students from praying outside as well as inside the classroom. However, I believe many States' courts, instead, will uphold the constitutionality of prayer in schools.

Would that result be such a terrible thing, Mr. President? We are talking about Supreme Court decisions which would be—in the judgment of the elected representatives of the people and the President—so erroneous as to constitute usurpations of power from the other two branches of Government by the Supreme court. As constitutional scholar Charles Black observes, "the rock on which rests the legitimacy of the judicial work in [our] democracy" is Congress' power over the jurisdiction of Federal courts, including the Supreme Court.

Mr. President, it would be a healthy corrective of the Supreme Court's erroneous religion decisions for the people to trust for a time in the State courts once again—the courts in which the Constitution's Framers primarily placed their trust—and thus protect ourselves from further excesses in this area by the Supreme Court. In the process, the Supreme Court might learn a salutary lesson that it should avoid future excursions beyond its proper constitutional bounds—and cease rewriting the Constitution under the guise of "interpreting" it.

Finally, Mr. President, because a statute rather than a constitutional amendment is involved, the jurisdiction of the Supreme Court and the lower Federal courts could be readily restored should the need for it become apparent. My legislation would simply ensure that for as long as necessary, the Supreme Court would receive no opportunity to further extend its errors on the subject of school prayer.

Mr. President, this legislation would effectively replace the nonsense of Federal judges on school prayer over the past two decades with the commonsense and practical experience of the American people over the past 170 years. George Washington's final counsel to the Nation warned us that:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute to patriotism who should labor to subvert these great pillars of human happiness.

We, in Congress, have tolerated the usurpation of constitutional powers and the subversion of religion and morality by an elitist Federal judiciary long enough, especially in the area of school prayer. It is time—particularly since we seem to be on the brink of war—to put a stop to it Mr. President. I hope that in this Congress, we will finally have the courage to take action.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 77

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary School Prayer Act".

SEC. 2. LIMITATION ON JURISDICTION OF SUPREME COURT.

(a) IN GENERAL.—Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1260. Appellate jurisdiction; limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter and in accordance with section 2 of Article III of the Constitution, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any act interpreting, applying, enforcing, or effecting any State statute, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.

"(b) For purposes of this section, the term 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) CONFORMING AMENDMENT.—The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1260. Appellate jurisdiction; limitations.".

SEC. 3. LIMITATION OF JURISDICTION OF DISTRICT COURTS.

(a) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1365. Limitations on jurisdiction

"Notwithstanding any other provision of law and in accordance with section 2 of Article III of the Constitution, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1260 of this title.".

(b) CONFORMING AMENDMENT.—The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"1365. Limitations on jurisdiction.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

By Mr. DOMENICI:

S. 78. A bill to provide a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS COST-OF-LIVING ADJUSTMENT ACT

• Mr. DOMENICI. Mr. President, I rise today to introduce the Veterans Cost of Living Adjustment Act of 1991, a bill that will address a grave oversight committed last year, when Congress failed to authorize a cost of living adjustment for our Nation's veterans. This wrong was imposed because of Congress' lack of activity, and it's time Congress did something about it.

During the budget talks in the last session of Congress, there was a lot of discussion about where the cutbacks should be made that would help reduce our national deficit. At that time, I heard from thousands of New Mexicans who were willing to do their part in our efforts to reduce the budget, but who pleaded for Congress to please leave their COLA's intact.

I have always been a strong supporter of COLA equity. In fact, I authored legislation during the last Congress to ensure that Federal and military retirees would receive the COLA's to which they are entitled by law. Consequently, I'm very pleased that COLA's were left intact for 1991. Based on the Consumer Price Index, those retirees receiving Government-sponsored pensions—whether Social Security, or a Federal or military pension—will receive a 5.4-percent COLA.

However, the veterans have not received their much-needed COLA yet, despite the fact that the money to fund it is provided for in the budget, because the bill containing the provision to give veterans their COLA never came to the Congress for a vote.

Now, there's been some finger-pointing going on to try to figure out who's responsible for dropping the ball on this one, and there's been a lot of discussion as to what really happened. Frankly, Mr. President, at this point what really happened or who's responsible for it is not all that important. What is important is that veterans were treated unfairly, and it is time to remedy that injustice.

I must admit that I'm amazed at this inaction. What sort of message does this send to both present and future veterans? We currently have nearly 500,000 men and women defending America's interests in the Persian Gulf. These men and women are the veterans of tomorrow, and we must prove to them that our commitment to them is as strong as their own commitment to our country. Providing a COLA for veterans says to those who have already served, and to those who are currently serving, that we recognize the sacrifices you have made, and we understand the obligations we have to take care of you.

Our veterans have already served this Nation well, and we have an obligation to serve them well in return. They deserve their COLA, they need their COLA, and the Congress must act immediately to provide it to them.

The bill I am introducing will provide the veterans with a 5.4-percent COLA—that's the same amount that other recipients of Government-sponsored pensions are receiving for 1991. This is a clean COLA bill, with no controversial provisions, and will provide immediate benefits for the veterans while we work out the differences in the other bills.

Let me point out that all provisions in this bill are retroactive. I do not believe the veterans should lose one cent of benefits because of congressional inaction, so my bill compensates for the lost time.

Mr. President, we cannot wait to address this inequity. The veterans of this country—and their families—have done their part in serving their country, and now it is time for us to do our part. I urge swift passage of this bill. Let us not wait another day to give the veterans their well-deserved COLA.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Cost-of-Living Adjustment Act of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 5.4-PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$76" in subsection (a) and inserting in lieu thereof "$80";

(2) by striking out "$144" in subsection (b) and inserting in lieu thereof "$151";

(3) by striking out "$220" in subsection (c) and inserting in lieu thereof "$231";

(4) by striking out "$314" in subsection (d) and inserting in lieu thereof "$330";

(5) by striking out "$446" in subsection (e) and inserting in lieu thereof "$470";

(6) by striking out "$562" in subsection (f) and inserting in lieu thereof "$592";

(7) by striking out "$710" in subsection (g) and inserting in lieu thereof "$748";

(8) by striking out "$821" in subsection (h) and inserting in lieu thereof "$865";

(9) by striking out "$925" in subsection (i) and inserting in lieu thereof "$974";

(10) by striking out "$1,537" in subsection (j) and inserting in lieu thereof "$1,619";

(11) by striking out "$1,911 and "$2,679" in subsection (k) and inserting in lieu thereof "$2,014" and "$2,823", respectively;

(12) by striking out "$1,911" in subsection (l) and inserting in lieu thereof "$2,014";

(13) by striking out "$2,107" in subsection (m) and inserting in lieu thereof "$2,220";

(14) by striking out "$2,397" in subsection (n) and inserting in lieu thereof "$2,526";

(15) by striking out "$2,679" each place it appears in in subsections (o) and (p) and inserting in lieu thereof "$2,823";

(16) by striking out "$1,150" and "$1,713" in subsection (r) and inserting in lieu thereof "$1,212" and "$1,805", respectively; and

(17) by striking out "$1,720" in subsection (s) and inserting in lieu thereof "$1,812".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs shall adjust administratively, consistent with the increases authorized by subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(l) is amended—

(1) by striking out "$92" in clause (A) and inserting in lieu therof "$96";

(2) by striking out "$155" and "$48" in clause (B) and inserting in lieu thereof "$163" and "$50", respectively;

(3) by striking out "$64" and "$48" in clause (C) and inserting in lieu thereof "$67" and "$50", respectively;

(4) by striking out "$74" in clause (D) and inserting in lieu thereof "$77";

(5) by striking out "$169" in clause (E) and inserting in lieu thereof "$178"; and

(6) by striking out "$142" in clause (F) and inserting in lieu thereof "$149".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$414" and inserting in lieu thereof "$436".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$594	W–4	$582
E–2	612	O–1	752
E–3	629	O–2	776
E–4	668	O–3	831
E–5	686	O–4	879
E–6	701	O–5	969
E–7	735	O–6	1,094
E–8	776	O–7	1,181
E–9	[1]811	O–8	1,295
W–1	752	O–9	1,389
W–2	782	O–10	[2]1,524
W–3	805		

"[1] If the veteran served as sergeant major of the Army, senior enlisted of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,633.";

(2) by striking out "$65" in subsection (b) and inserting in lieu thereof "$68";

(3) by striking out "$169" in subsection (c) and inserting in lieu thereof "$178"; and

(4) by striking out "$83" in subsection (d) and inserting in lieu thereof "$87".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$284" in clause (1) and inserting in lieu thereof "$299";

(2) by striking out "$409" in clause (2) and inserting in lieu thereof "$431";

(3) by striking out "$529" in clause (3) and inserting in lieu thereof "$557"; and

(4) by striking out "$529" and "$105" in clause (4) and inserting in lieu thereof "$557" and "$110", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$169" in subsection (a) and inserting in lieu thereof "$178";

(2) by striking out "$284" in subsection (b) and inserting in lieu thereof "$299"; and

(3) by striking out "$144" in subsection (c) and inserting in lieu thereof "$151".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect as of December 1, 1990.

(b) ADMINISTRATIVE ADJUSTMENTS.—The adjustments made pursuant to section 2(b) shall take effect as of December 1, 1990.●

By Mr. INOUYE:

S. 79. A bill to reinstate an oil and gas lease; to the Committee on Energy and Natural Resources.

REINSTATEMENT OF AN OIL AND GAS LEASE

● Mr. INOUYE. Mr. President, this private relief bill that I am introducing today relates to a noncompetitive oil and gas lease in Alaska, that was originally issued on October 4, 1984. This lease, AA 67276, was formally owned by Mr. Antone Soares.

This bill would allow the Bureau of Land Management to reinstate this lease, which was terminated April 1, 1990, because of an honest miscalculation in the payment of the lease rent. I note that the relief proposed by this legislation does not call for any specific funding.

Mr. President, I urge my colleagues to join me in support of this private relief bill.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to reinstate oil and gas lease AA67276 effective as of April 1, 1990, upon payment by the lessee to the appropriate office of the Bureau of Land Management of $266.67 within 60 days following the date of enactment of this Act. No penalty shall be assessed against the lessee.•

By Mr. LOTT:

S. 81. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

OLDER AMERICANS FREEDOM TO WORK ACT

• Mr. LOTT. Mr. President, today I am introducing the Older Americans Freedom to Work Act of 1991.

As the Social Security Act is designed, the Government seems to give little thought to older Americans' ability to contribute to the work force.

Older Americans are subject to the Federal Contributions Act [FICA], even in situations where they are receiving Social Security benefits. Additionally they are subject to Federal, State, local taxes, taxes on tax exempt income, and taxes on the Social Security benefits they receive.

This brings me to the biggest outrage: The Social Security retirement earnings limit. Beginning January 1, 1990, this limit reduced benefits to persons between ages 65 and 69 who earn more than $9,720 per year. These reductions amount to $1 in reduced benefits for every $3 in earnings above the aforementioned limit.

Because of that limit, senior workers earning $12,000 annually, who should be in the lowest tax bracket, end up keeping only 36.85 cents of every dollar earned, while a younger worker making the same wage takes home 77.35 cents from every dollar he earns.

The earnings test is not only an outrage because it is unfair. It also poses a serious threat to the labor workforce. Demographers tell us that between the years 2000 and 2010 the baby boom generation will be in their retirement years. With fewer babies being born to replace them, this Nation is looking at a severe labor shortage.

During previous consideration of the Minimum Wage Restoration Act, the Senate overwhelming agreed to an amendment, which would have begun to phase out the Social Security earnings limit. This one action would have relieved over 1 million working older Americans of excessive tax rates. Over my vehement opposition, however, it was dropped from the final version of the minimum wage bill.

An earnings limit for Social Security beneficiaries is an ill conceived idea and an administrative nightmare for the Social Security Administration [SSA]. SSA spends more than $200 million and devotes a full 8 percent of its employees to police the income levels of its retirees. For beneficiaries, the income limit is a frustrating experience of estimating and reporting income levels to SSA.

I am sponsoring legislation in the Senate to abolish the retirement earnings test. It begins the process of providing employment opportunities for older Americans without punishing them for their efforts.

In the 1930's, when the earned income limit was devised, encouraging the elderly to leave the workplace was seen as a positive act, designed to increase job opportunities for younger workers. Today, with our shrinking labor force, such a policy is absurd. We need the skills, wisdom, and experience of our older workers. My proposal will encourage them to remain in the labor force.

I urge my colleagues to join me in supporting this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD below my statement. Thank you.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans' Freedom to Work Act of 1991".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excesss of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)), is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of such Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act (42 U.S.C. (F)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) CONTINUED APPLICATION OF RULE GOVERNING ENTITLEMENT OF BLIND BENEFICIARIES.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by inserting after "subparagraph (D) thereof" where if first appears the following: "(or would be applicable to such individuals but for the amendments made by the Older Americans' Freedom to Work Act of 1991)".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years ending after December 31, 1991.•

By Mr. SHELBY:

S. 82. A bill to allow penalty-free withdrawals from retirement plans by individuals called to active duty on the Armed Forces for Operation Desert Shield; to the Committee on Finance.

PENALTY-FREE WITHDRAWALS FROM PENSION PLANS BY RESERVISTS ACTIVATED FOR OPERATION DESERT SHIELD

• Mr. SHELBY. Mr. President, I rise today to introduce legislation made imperative as this country stands poised on the brink of military conflict in the Persian Gulf. More than 150,000

Americans, members of the Armed Forces Reserves and the National Guard, have been summoned for active duty. These citizens have been summoned from their regular jobs, forces to disrupt their lives and put families and careers on hold as they answer the call of their country.

For many of these Americans, active service will pose an economic hardship. For those with employers unwilling or unable to make up the difference in compensation, callup notices represent a dramatic loss of income. Families in which the only working parent has been called for active service may face a devastating economic crunch, exacerbated by the shortage of jobs available for the remaining parent during this time of recession.

For this reason, I introduce legislation that will permit those patriotic Americans answering our Nation's call to active duty, to withdraw money from their retirement plans, such as individual retirement accounts, without penalty. Individuals ordered to active duty after August 1, 1990, in connection with Operation Desert Shield will be exempt from the usual 10 percent penalty for early use of funds in a qualified retirement plan. The spouses of individuals summoned to active duty may also receive penalty-free distributions from their qualified retirement programs.

Unfortunately, this exemption is not for all military personnel but for those summoned to active duty in connection with this crisis. Those who were serving on active duty before this crisis have not suffered the sudden change in income that reservists and Guard members have and therefore do not need this exemption.

Mr. President, the brave and patriotic Americans willing to serve our country in this time of need should not be penalized unnecessarily by our Government. While the income of a guard or reserve member may represent helpful additional income in time of peace, it provides very little for a family suddenly forced to live on this income. This legislation is a necessary effort to assist service men and service women recently summoned to active duty. I urge its expeditious consideration and passage.●

By Mr. SYMMS:

S. 83. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures; to the Committee on Finance.

TAX TREATMENT OF CERTAIN CONSERVATION FUNDS

Mr. SYMMS. Mr. President, what could be more absurd than to impose income tax on a rebate earned by a utility customer for energy and water conservation, while, at the same time, not taxing the rebate for purchasing a new car?

It sounds crazy, but that is exactly what happens. The problem, of course, is not that a rebate for a new car should be taxed, but, that no true rebate should ever be taxed. Taxing rebates is akin to imposing a sales tax to be paid only when a consumer pays less than full price.

There was a time when conservation rebates were excluded from a utility customer's taxable income thanks to a provision in the National Energy Conservation Policy Act (NECPA]. On June 30, 1989, however, the NECPA was allowed to sunset and, along with it, one of the more sensible provisions of the Tax Code. On that day, the rug was pulled out from under conservation efforts nationwide.

The electric utility industry spends over $1 billion each year to promote energy efficiency and at present involves more than 15 million residential customers in some type of energy program. These programs enable the customer to save money and enable the utility to reduce demand for energy.

Many commercial and industrial customers, relying on prior law, have used incentives paid by the utility to acquire more efficient capital equipment. Under current law, these customers must include the incentive in their taxable year, turning the incentive into a disincentive, and driving many commercial and industrial customers out of the utility's conservation program. Why do we choose to punish people who are obviously doing what is in the best interest of our Nation?

Utility conservation programs serve to reduce the rate of growth in the demand for electricity. By reducing demand for electricity, utilities are able to burn less fuel. This reduces the amount of pollution generated, reduces the amount of precious national resources consumed, and reduces our national demand for imported energy, particularly oil. Also, by reducing the rate of growth in the demand for electricity, utilities are able to postpone or even avoid the construction of new generating facilities, thereby saving money for all of the utility's customers.

However, conserving natural resources and preserving the environment go beyond reducing the demand for electricity. Future water conservation, for example, is of particular importance to my home State of Idaho and most of the Western States. Water is the lifeblood of the West and water conservation technology is becoming more and more marketable. At some point, farmers may actually be able to sell saved water to a variety of interests, including environmental organizations, that want to improve stream flows for wildlife and fisheries. It is counterproductive to tax the rebates earned by water company customers through conservation efforts.

Likewise, the benefits of cleaner-burning natural gas are becoming more and more important in those areas of the country adversely affected by air pollution. Here again, our energy policy ought to be encouraging the use of natural gas.

The overwhelming consensus at the Secretary of Energy's National Energy Strategy public hearings held from August 1989 to April 1990 was that there is a great need to improve energy conservation. At a time when energy conservation has become an important national goal, it makes no sense to discourage Americans from investing in energy conservation. The taxation of utility customers' rebates is yet another example of how the confusion created by the Tax Code leads to distortionary and irrational policies. The Tax Code should encourage, not discourage, the conservation of electricity, water, and natural gas.

To put these important conservation programs back on track, I am introducing legislation which will once again allow utility customers to exclude from their taxable income any rebate received from a utility for the conservation of the use of electricity, water, and natural gas. This is the kind of sensible environmentalism I think we can all support.

I ask unanimous consent that the entire bill be reprinted in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. ENERGY AND WATER CONSERVATION SUBSIDIES.

"(a) GENERAL RULE.—Gross income shall not include the value of any subsidy provided by a public utility to a customer for the purchase or installation of any energy or water conservation measure.

"(b) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure to the extent of any subsidy excluded under subsection (A) which was provided with respect to such expenditure. The adjusted basis of any property shall be reduced by the amount of any subsidy excluded under subsection (a) which was provided with respect to such property.

"(c) ENERGY OR WATER CONSERVATION MEASURE.—For purposes of this section, the term 'energy or water conservation measure' means—

"(1) any residential energy conservation measure described in section 210(11) of the National Energy Conservation Policy Act (42 U.S.C. 8211(11)), "(2) any commercial energy conservation measure described in section 710(b)(5) of the National Energy Conservation Policy Act (as in effect on the day before the date of the enactment of the Conservation Service Reform Act of 1986),

"(3) any specially defined energy property (as defined in section 48(1)(5) of this title, as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), and

"(4) any device designed to reduce water consumption.

"(d) Public Utility.—For purposes of this section, the term 'public utility' means any person, corporation, State agency or local unit of government, or Federal agency engaged in the sale of electrical energy, gas, or water.".

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 136 and inserting:

"Sec. 136. Energy and water conservation subsidies.
"Sec. 137. Cross reference to other Acts.".

(c) The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

By Mr. DURENBERGER:

S. 84. A bill to amend the Internal Revenue Code of 1986 to provide for establishment of a credit for the cost of long-term health care insurance, and for other purposes; to the Committee on Finance.

S. 85. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts withdrawn from individual retirement plans for payment of long-term health care insurance premiums; to the Committee on Finance.

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a uniform Federal tax treatment for employer-provided health care benefits for retired employees; to the Committee on Finance.

S. 87. A bill to amend the Internal Revenue Code of 1986 to provide for establishment of, and a credit for contributions to, long-term health care savings accounts; to the Committee on Finance.

LONG-TERM CARE ALTERNATIVES

• **Mr. DURENBERGER.** Mr. President, today I am introducing four bills that address one of the most difficult choices confronting many millions of families in this country—financing long-term health care. The issue of how we as a society pay for long-term health care poses one of the most difficult challenges for our society. As our population ages, as medical technology advances allow people to live into their 80's and 90's, the issue of long-term care looms in every family in America.

The four bills I am today introducing approach the issue of financing long-term care from different perspectives. The first bill allows individuals to annually withdraw, tax-free, up to $2,000 from an individual retirement account [IRA] in order to purchase long-term health care insurance. As private long-term health care insurance becomes more readily available, it seems to this Senator that we should use the current tax incentives associated with IRA's to encourage the development of this market.

The second bill would create a new type of tax-favored savings account for long-term care. Contributions to a long-term care account would be eligible for a 10-percent tax credit, with a maximum credit of $2,000. What this bill does is to give younger individuals an opportunity to plan for their future health care security in the same way that IRA's encourage individuals to plan for their retirement income security.

The third bill encourages employers to offer long-term care benefits as a tax-favored fringe benefit. The rules established for this benefit were designed to parallel the coverage and benefits rules developed over the years for private pension plans.

The last bill I am introducing addresses the problems that families face today in caring for elderly and disabled parents. This legislation provides a $300 tax credit for the purchase of long-term care insurance to cover a taxpayer, the spouse of a taxpayer or a parent of a taxpayer.

Mr. President, one thing each of these bills share in common is that they rely upon the individual and the private sector to be responsible for long-term care. These bills symbolize the public-private partnership that must evolve if we are to fairly deal with the issue of long-term care. The Federal Government, by itself, should not be saddled with financing the entire cost of long-term care. Instead, the private sector, and the individual—encouraged by special tax provisions—should take on this responsibility.

I urge my colleagues to consider these approaches to long-term care as a first step toward evolving a national solution to this growing issue.

I ask unanimous consent that the full text of these bills be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LONG-TERM HEALTH CARE INSURANCE

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25, the following new section:

"SEC. 25A. LONG-TERM HEALTH CARE INSURANCE.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable percentage of the long-term health insurance costs paid by such individual during such taxable year for a qualifying individual.

"(2) Applicable percentage defined.—

"(A) General rule.—For purposes of paragraph (1), the term 'applicable percentage' means 15 percent of the cost of long-term health care insurance incurred by a taxpayer during any taxable year which does not exceed—

"(i) $300 if such insurance covers 1 qualifying individual, or

"(ii) $600 if such insurance covers 2 or more qualifying individuals.

"(B) Phase out of 15 percent credit.—In accordance with tables developed by the Secretary, the applicable percentage shall be reduced ratably in the same manner and over the same amount as the 15-percent rate is phased out for taxable income in excess of the applicable dollar amount under section 1(g).

"(b) Qualifying Individual.—

"(1) Definition.—The term 'qualifying individual' means the beneficiary of long-term health care insurance if such individual is—

"(A) the taxpayer,

"(B) the spouse of the taxpayer, or

"(C) the parent of the taxpayer or of the taxpayer's spouse (in the case of a joint return under section 6013).

"(2) Parent need not be dependent.—For purposes of paragraph (1), a parent of the taxpayer or of the taxpayer's spouse need not qualify as a dependent under section 152.

"(3) Insurance costs paid by more than 1 person.—If more than 1 individual contributes to the long-term health care insurance costs for a parent, the amount of such costs shall be allocated proportionately among all individuals contributing to such costs during that year on the basis of the amounts contributed by such individual.

"(c) Definitions of Long-Term Health Care Insurance and Long-Term Health Care.—For purposes of this section—

"(1) Long-term health care insurance.—The term 'long-term health care insurance' means an insurance contract through which long-term health care benefits are provided and the renewal of such contract is guaranteed.

"(2) Long-term health care.—

"(A) In general.—For purposes of this section, the term 'long-term health care' means providing necessary diagnostic, preventive, therapeutic, and rehabilitative services, or maintenance or personal care services, required by a chronically ill individual in a qualified facility by a qualified provider.

"(B) Definitions.—For purposes of subparagraph (A)—

"(i) Qualified facility.—The term 'qualified facility' means—

"(I) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility, intermediate care facility, or similar institution, licensed under State law, or

"(II) an individual's home if a physician, licensed under State law, certifies that without home care the individual would have to be cared for in a facility described in subclause (I), except that such home shall be treated as a qualified facility only to the extent the cost of such services is not greater than the cost of similar services provided in a facility described in subclause (I).

"(ii) Chronically ill individual.—The term 'chronically ill individual' means an individual who has been certified by a physician, licensed under State law, as requiring assistance with eating, toileting, mobility, bathing, or dressing.

"(iii) MAINTENANCE OR PERSONAL CARE SERVICES.—The term 'maintenance or personal care services' means any service the primary purpose of which is to provide needed assistance with any of the activities of daily living described in clause (ii).

"(iv) QUALIFIED PROVIDER.—The term 'qualified provider' means a medical practitioner licensed under State law, registered nurse, licensed registered nurse, qualified therapist, trained home health aid employed by a licensed home health agency, or trained home health aid licensed under State law, but does not include a relative or other person who ordinarily resides in the home.

"(3) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 213(d)(4).".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 25 the following new item:

"Sec. 25A. Long-Term Health Care Insurance.".

SEC. 2. DEDUCTION FOR NON-DEPENDENT PARENT LONG-TERM HEALTH CARE EXPENSES.

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended by adding at the end thereof the following new subsection:

"(f) SPECIAL RULE FOR NON-DEPENDENT PARENT.—A taxpayer may treat as a deductible expense for purposes of subsection (a), any expense incurred by a taxpayer during the taxable year for long-term health care (as defined by section 25A(c)(2)) if such expense is incurred for a non-dependent parent of the taxpayer or the taxpayer's spouse (in the case of joint return under section 6013).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

S. 85

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS FOR LONG-TERM HEALTH CARE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to tax treatment of distributions from individual retirement plans) is amended by adding at the end thereof the following new paragraph:

"(7) DISTRIBUTIONS FOR QUALIFIED LONG-TERM HEALTH CARE INSURANCE PREMIUMS.—

"(A) IN GENERAL.—No amount (which but for this paragraph would be includible in the gross income of the payee or distributee under paragraph (1)) shall be included in gross income during the taxable year if—

"(i) the payee or distributee has attained age 59½ on or before the date of the distribution, and

"(ii) the distribution is used during such year to pay premiums for any qualified long-term health care insurance policy for the benefit of the payee or distributee or the spouse of the payee or distributee if such spouse has attained age 59½ on or before the date of the distribution.

"(B) DOLLAR LIMITATION.—

"(i) IN GENERAL.—The amount excluded from gross income under subparagraph (A) shall not exceed **$2,000** (**$1,000** in the case of a separate return by a married individual).

"(ii) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust the dollar amounts under clause (i) for taxable years beginning in calendar years after 1989 in the same manner as under section 1(f), except that only increases in the medical component of the Consumer Price Index shall be taken into account.

"(C) DEFINITION OF LONG-TERM HEALTH CARE INSURANCE.—For purposes of this paragraph, the term 'long-term health care insurance' means an insurance contract through which long-term health care benefits are provided and the renewal of such contract is guaranteed.

"(D) LONG-TERM HEALTH CARE.—For purposes of this paragraph, the term 'long-term health care' means providing necessary diagnostic, preventive, therapeutic, and rehabilitative services, or maintenance, or personal care services, required by a chronically ill individual in a facility by a qualified provider.

"(E) OTHER DEFINITIONS.—For purposes of subparagraph (D)—

"(i) QUALIFIED FACILITY.—The term 'qualified facility' means—

"(I) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility, intermediate care facility, or similar institution, licensed under State law, or

"(II) an individual's home if a physician, licensed under State law, certifies that without home care the individual would have to be cared for in a facility described in subclause (I), except that such home shall be treated as a qualified facility only to the extent the cost of such services is not greater than the cost of similar services provided in a facility described in subclause (I).

"(ii) CHRONICALLY ILL INDIVIDUAL.—The term 'chronically ill individual' means an individual who has been certified by a physician, licensed under State law, as requiring assistance with eating, toileting, mobility, bathing, or dressing.

"(iii) MAINTENANCE OF PERSONAL CARE SERVICES.—The term 'maintenance or personal care services' means any service the primary purpose of which is to provide needed assistance with any of the activities of daily living described in clause (ii).

"(iv) QUALIFIED PROVIDER.—The term 'qualified provider' means a medical practitioner licensed under State law, registered nurse, licensed registered nurse, qualified therapist, trained home health aid employed by a licensed home health agency, or trained home health aid licensed under State law, but does not include a relative or other person who ordinarily resides in the home.

"(v) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 213(d)(4).".

(b) EFFECTIVE DATE.—The amendment made by this Act shall apply to taxable years beginning after December 31, 1991.

S. 86

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retiree Health Protection and Long-Term Care Insurance Act of 1989".

SEC. 2. TREATMENT OF EMPLOYER-PROVIDED HEALTH CARE BENEFITS FOR RETIRED EMPLOYEES.

(a) IN GENERAL.—Subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended by adding at the end thereof the following new part:

"PART III—VOLUNTARY RETIREE HEALTH PLANS

"Sec. 431. Deduction for employer contributions.
"Sec. 432. Benefits excluded from gross income, etc.
"Sec. 433. Plan qualification requirements.
"Sec. 434. Qualified retiree health care trust.
"Sec. 435. Voluntary retiree health accounts.
"Sec. 436. Preemption; special rules.

"SEC. 431. DEDUCTION FOR EMPLOYER CONTRIBUTIONS.

"(a) GENERAL RULE.—Amounts paid by an employer under a qualified voluntary retiree health plan—

"(1) shall not be allowable as a deduction under this chapter, but

"(2) if they would otherwise be deductible, shall be allowed as a deduction under this section for the taxable year in which paid.

"(b) LIMITATION.—The amount allowed as a deduction under subsection (a) for the taxable year shall not exceed the limitation under section 433(e) for plan years ending with or within such taxable year.

"(c) AMOUNTS MUST BE PAID TO QUALIFIED TRUST.—A payment may be taken into account under subsection (a) for any taxable year only if it is made to a qualified retiree health care trust which is exempt from tax under section 501(a) for the taxable year of such trust in which or with which the taxable year of the employer ends.

"(d) PAYMENTS AFTER CLOSE OF TAXABLE YEAR.—For purposes of subsection (a), a payment made after the close of a taxable year shall be treated as made on the last day of such year if the payment is made—

"(1) on account of such year, and

"(2) not later than the time prescribed by law for filing the return for such year (including extensions thereof).

"SEC. 432. BENEFITS EXCLUDED FROM GROSS INCOME, ETC.

"(a) IN GENERAL.—Except as otherwise provided in this section, no amount shall be included in the gross income of an individual or his spouse by reason of—

"(1) any employer contribution under a qualified voluntary retiree health plan, or

"(2) the receipt of any post-retirement long-term health care benefit under such a plan.

"(b) INCLUSION IN INCOME WHERE MORE THAN 1 ACCOUNT.—

"(1) IN GENERAL.—If—

"(A) an individual is a participant or beneficiary under 2 or more qualified voluntary retiree health plans or voluntary retiree health accounts, and

"(B) such individual does not (within a reasonable period) consolidate the present value of the individual's nonforfeitable accrued benefit in all such plans and the assets of all such voluntary retiree health accounts into 1 such plan or into 1 voluntary retiree health account,

then an amount equal to the sum of the present value of such benefits and the fair market value of such assets shall be treated as distributed in cash to such individual at the close of the plan year for the plan or account involved and such distribution shall be included in gross income.

"(2) SPECIAL RULES.—

"(A) EMPLOYEE MUST CONSOLIDATE INTO PLAN OF CURRENT EMPLOYER.—In the case of an employee who is employed by an employer maintaining a qualified voluntary retiree health plan, a consolidation satisfies paragraph (1) only if such consolidation is into a qualified voluntary retiree health plan maintained by such employer.

"(B) MORE THAN 1 CURRENT EMPLOYER.—If an individual is a participant in more than 1 qualified voluntary retiree health plan by reason of being currently employed by more than 1 employer, such plans shall be treated as 1 plan for purposes of paragraph (1).

"(C) EMPLOYEE WITH NO CURRENT EMPLOYER MAINTAINING PLAN.—In the case of an employee who is currently not employed by an employer maintaining a qualified voluntary retiree health plan, a consolidation satisfies paragraph (1) only if such consolidation is into—

"(i) a qualified voluntary retiree health plan maintained by his most recent employer maintaining such a plan, or

"(ii) a voluntary retiree health account of the individual.

"(3) AMOUNT TRANSFERRED NOT INCLUDIBLE IN INCOME.—No amount shall be includible in gross income by reason of any transfer which is part of a consolidation required under this subsection.

"(c) INCLUSION IN INCOME WHERE PLAN CEASES TO BE QUALIFIED.—If a retiree health care trust is not exempt from tax under section 501(a) for any taxable year of such trust, the present value of the nonforfeitable accrued benefit of any beneficiary under the plan of which such trust is a part shall be treated as distributed (at the close of such taxable year) in cash to the beneficiary and such distribution shall be included in gross income.

"(d) INCLUSION IN INCOME WHERE INTEREST IN PLAN ASSIGNED, ETC.—If during any taxable year an individual assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a qualified voluntary retiree health plan, such portion shall be treated as having been received by such individual as a distribution in cash and such distribution shall be included in gross income.

"(e) EXCESS BENEFITS PENALTY.—

"(1) IN GENERAL.—If—

"(A) the benefits with respect to a participant, when expressed as an annual benefit, exceed

"(B) the maximum amount which may be provided under section 433(h)(2) for a taxable year,

such excess shall be included in gross income for the taxable year and the participant's tax under this chapter for such taxable year shall be increased by the applicable percentage of such excess.

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable percentage' means 20 percent.

"(B) INDIVIDUALS OTHER THAN EMPLOYEES AND SPOUSES.—In the case of an individual other than an employee or spouse of the employee, the applicable percentage is 100 percent.

"(3) ANNUAL BENEFIT.—For purposes of this subsection, the annual benefit shall be determined in such manner as the Secretary may prescribe.

"(f) SPECIAL RULES.—

"(1) AMOUNTS TAXED ONLY ONCE.—An amount shall not be includible in gross income under this section for any taxable year if such amount was includible in gross income under this section for a prior taxable year.

"(2) CERTAIN RULES TO APPLY.—For purposes of subsection (c), rules similar to the rules of the last 2 sentences of section 402(b)(1) and the rules of section 402(b)(2)(A) shall apply.

"SEC. 433. PLAN QUALIFICATION REQUIREMENTS.

"(a) IN GENERAL.—For purposes of this part, the term 'qualified voluntary retiree health plan' means any defined benefit plan (as defined in section 414(j))—

"(1) which meets the requirements of paragraph (1) of section 89(k), and

"(2) which meets the requirements of each of the following subsections of this section.

"(b) PLAN MUST PROVIDE ONLY HEALTH BENEFITS TO RETIRED EMPLOYEES.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the only benefits provided by the plan are post-retirement long-term health care benefits, and

"(B) such benefits are provided only through 1 or more of the following:

"(i) insurance acquired by the plan,

"(ii) self-insurance by the employer or the plan, or

"(iii) reimbursement of expenses paid by a former employee or his spouse for insurance providing long-term health care benefits for such employee or spouse.

"(2) POST-RETIREMENT LONG-TERM HEALTH CARE BENEFITS.—

"(A) IN GENERAL.—For purposes of this part, the term 'post-retirement long-term health care benefits' means long-term health care benefits provided to a former employee (or the spouse of such employee) after the former employee has attained age 70 or is disabled (within the meaning of section 72(m)(7)).

"(B) BENEFITS PROVIDED TO SPOUSE OF DECEASED EMPLOYEE.—For purposes of subparagraph (A), the spouse of a deceased employee shall be treated—

"(i) as a former employee, and

"(ii) as satisfying the requirements of subparagraph (A) if such spouse was receiving benefits under the plan immediately before the death of the employee.

"(C) QUALIFIED DOMESTIC RELATIONS ORDERS.—In the case of benefits payable under a qualified domestic relations order (as defined under rules similar to the rules of section 414(p)) to a former spouse of an employee, except as provided in regulations, such former spouse shall be treated as a former employee for purposes of subparagraph (A).

"(D) LONG-TERM CARE BENEFITS.—For purposes of this section, the term 'long-term health care' means providing necessary diagnostic, preventive, therapeutic, and rehabilitative services, or maintenance or personal care services, required by a chronically ill individual in a facility by a qualified provider.

"(E) OTHER DEFINITIONS.—For purposes of subparagraph (D)—

"(i) QUALIFIED FACILITY.—The term 'qualified facility' means—

"(I) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility, intermediate care facility, or similar institution, licensed under State law, or

"(II) an individual's home if a physician, licensed under State law, certifies that without home care the individual would have to be cared for in a facility described in subclause (I), except that such home shall be treated as a qualified facility only to the extent the cost of such services is not greater than the cost of similar services provided in a facility described in subclause (I).

"(ii) CHRONICALLY ILL INDIVIDUAL.—The term 'chronically ill individual' means an individual who has been certified by a physician, licensed under State law, as requiring assistance with eating, toileting, mobility, bathing, or dressing.

"(iii) MAINTENANCE OR PERSONAL CARE SERVICES.—The term 'maintenance or personal care services' means any service the primary purpose of which is to provide needed assistance with any of the activities of daily living described in clause (ii).

"(iv) QUALIFIED PROVIDER.—The term 'qualified provider' means a medical practitioner licensed under State law, registered nurse, licensed registered nurse, qualified therapist, trained home health aid employed by a licensed home health agency, or trained home health aid licensed under State law, but does not include a relative or other person who ordinarily resides in the home.

"(v) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 213(d)(4).

"(F) FORMER EMPLOYEE.—For purposes of this paragraph, an individual shall not be treated as a former employee of the employer if such individual is a current employee of such employer.

"(3) BENEFITS PROVIDED THROUGH INSURANCE OR SELF-INSURANCE MUST BE UNDER GUARANTEED RENEWABLE CONTRACTS, ETC.—A plan shall not be treated as meeting the requirements of this subsection unless—

"(A) the renewal of the insurance contract (if any) through which the long-term health care benefits are provided (including any contract for which a reimbursement described in paragraph (1)(B)(iii) is made) is guaranteed,

"(B) the renewal of coverage by covered individuals is guaranteed,

"(C) the cost to covered individuals on renewal of the insurance will not vary by reason of the medical condition of the covered individuals, and

"(D) the annual cost of coverage for each covered individual is the same.

"(c) NO EMPLOYEE CONTRIBUTIONS.—A plan meets the requirements of this subsection if the only contributions permitted under the plan are—

"(1) nonelective employer contributions, and

"(2) transfers which are part of a consolidation referred to in section 432(b).

"(d) CONTRIBUTIONS AND BENEFITS MAY NOT DISCRIMINATE IN FAVOR OF HIGHLY COMPENSATED EMPLOYEES.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the contributions and benefits provided under the plan do not discriminate in favor of highly compensated employees, and

"(B) no participant in the plan is a participant in any other qualified voluntary retiree health plan maintained by the employer.

"(2) UNIFORM RATE OF ACCRUAL OF BENEFITS.—

"(A) IN GENERAL.—Except as provided in this paragraph, a plan shall not be treated as meeting the requirements of this subsection unless the rate at which benefits accrue during a plan year is the same for all participants.

"(B) SPECIAL RULES FOR CERTAIN INDIVIDUALS AGE 55 AND OVER.—A plan shall not be treated as failing to meet the requirements of this subsection if the plan provides that an employee who as of the close of the plan year in which he attains age 55 has accrued less than 30 percent of the maximum amount of benefits which may be accrued under the plan, may accrue benefits during succeeding plan years at a greater rate than the rate for other employees (but not in excess of 125 percent of such other rate).

"(C) MINIMUM HOURS OF SERVICE.—For purposes of subparagraph (A), an employee shall not be treated as a participant for any plan year unless such individual completes more than 500 hours of service during such year.

"(3) INTEGRATION WITH BENEFITS CREATED UNDER OTHER LAWS NOT PERMITTED.—A plan shall not meet the requirements of this subsection unless such plan meets such requirements without regard to contributions or benefits under chapter 2 or 21, the Social Security Act or other Federal law, or any State or foreign law or under any other plan.

"(e) FUNDING LIMITATIONS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if the plan meets—

"(A) the minimum funding requirement of paragraph (2), and

"(B) the maximum funding limitation of paragraph (3).

"(2) MINIMUM FUNDING STANDARD.—A plan meets the requirements of this paragraph if the value of the plan assets as of the close of the plan year are not less than the termination liability as of such time.

"(3) MAXIMUM FUNDING LIMITATION.—A plan meets the requirements of this paragraph if the employer contributions to the plan for the plan year do not exceed the excess (if any) of—

"(A) 110 percent of the termination liability of the plan as of the close of the plan year, over

"(B) the value of the plan assets as of such time (without regard to employer contributions for such year).

"(4) CORRECTIONS MAY BE MADE WITHIN 2½ MONTHS.—A plan shall not be treated as failing to meet the requirements if within 2½ months following the close of the plan year—

"(A) in the case of a failure under paragraph (2), employer contributions are made to the plan as are necessary to meet the requirements of such paragraph, or

"(B) in the case of a failure under paragraph (3)—

"(i) the plan distributes to the employer the excess contributions (and any earnings thereon), and

"(ii) no deduction was allowed with respect to such contributions.

Any amount distributed under subparagraph (B) shall be includible in income in the taxable year for which the contribution was made.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) TERMINATION LIABILITY.—The term 'termination liability' means the present value of the benefits of the plan determined on the basis of actuarial assumptions each of which is reasonable.

"(B) CONTINGENT BENEFITS.—In computing termination liability, there shall not be taken into account any benefit which is contingent on an event other than completion of years of service.

"(C) VALUE OF PLAN ASSETS.—The value of the plan assets means the actuarial value (within the meaning of section 412(c)(2)) of such assets, except that such valuation shall not be based on a range of other than market value.

"(f) MINIMUM PARTICIPATION STANDARDS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if the plan meets the requirements of—

"(A) subparagraphs (A) and (B) of paragraph (2) (relating to participation requirements), and

"(B) subparagraphs (A) and (B) of paragraph (3) (relating to minimum coverage requirements).

"(2) PARTICIPATION REQUIREMENTS.—

"(A) MINIMUM AGE AND SERVICE CONDITIONS.—A plan meets the requirements of this subparagraph if the plan does not require, as a condition of participation in the plan, that an employee complete a period of service with the employer maintaining the plan extending beyond the later of—

"(i) the date on which the employee attains age 21, or

"(ii) the date on which the employee completes 1 year of service.

For purposes of the preceding sentence, a rule similar to the rule of section 410(a)(1)(B)(i) shall apply.

"(B) MAXIMUM AGE CONDITIONS.—A plan meets the requirements of this subparagraph only if the plan does not exclude from participation (on the basis of age) employees who have attained a specified age.

"(C) CERTAIN RULES TO APPLY.—For purposes of subparagraphs (A) and (B), rules similar to the rules of paragraphs (3), (4), and (5) of section 410(a) shall apply.

"(3) MINIMUM COVERAGE REQUIREMENTS.—

"(A) 70 PERCENT TESTS.—A plan meets the requirements of this subparagraph if on each day of the plan year—

"(i) the plan benefits at least 70 percent of employees who are not highly compensated employees, or

"(ii) the plan benefits—

"(I) a percentage of employees who are not highly compensated employees which is at least 70 percent of

"(II) the percentage of highly compensated employees benefiting under the plan.

"(B) 40 PERCENT TEST.—A plan meets the requirements of this subparagraph if on each day of the plan year the plan benefits the lesser of—

"(i) 50 employees of the employer, or

"(ii) 40 percent or more of all employees of the employer.

"(C) EXCLUSION OF CERTAIN EMPLOYEES.—For purposes of this paragraph, there shall be excluded from consideration employees described in paragraphs (3)(A) and (3)(C) of section 410(b).

"(D) CERTAIN RULES TO APPLY.—

"(i) For purposes of this paragraph, rules similar to the rules of paragraphs (4) and (6)(C) of section 410(b) shall apply.

"(ii) For purposes of subparagraph (A), rules similar to the rules of section 410(b)(5) shall apply.

"(4) SPECIAL RULES.—

"(A) APPLICATION OF PARTICIPATION STANDARDS TO CERTAIN PLANS.—A plan described in a subparagraph of section 410(c)(1) shall be treated as meeting the requirements of this subsection if such plan meets requirements similar to the requirements such plan is required to meet under section 410(c)(2); except that no other plan or trust may be taken into account in determining whether the requirements of this subparagraph are met.

"(B) ELECTION BY CHURCH TO HAVE CERTAIN RULES APPLY.—An election similar to the election under section 410(d) shall apply for purposes of this section.

"(g) MINIMUM VESTING STANDARDS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if the plan satisfies the requirements of—

"(A) paragraph (2) (relating to accrued benefit), and

"(B) paragraph (3) (relating to special rules).

"(2) ACCRUED BENEFIT.—

"(A) IN GENERAL.—A plan meets the requirements of this paragraph if an employee has a nonforfeitable right to 100 percent of the employee's accrued benefit.

"(B) FORFEITURE ON ACCOUNT OF DEATH.—A right to an accrued benefit shall not be treated as forfeitable solely because the plan provides that it is not payable—

"(i) with respect to the participant if the participant dies and has no spouse, or

"(ii) with respect to the spouse of the participant if such spouse dies.

"(C) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of—

"(i) subparagraphs (A), (C), and (D) of section 411(a)(4), and

"(ii) paragraphs (3)(B), (3)(C), (5), (6), (7)(A)(i), and (10) of section 411(a),

shall apply for purposes of this paragraph.

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—For purposes of this subsection, rules similar to the rules of section 411(b)(1) shall apply.

"(B) CERTAIN FORFEITURES.—This subsection shall not be applied to preclude forfeitures described in paragraph (2)(B) or forfeitures of benefits which, under the provisions of the plan adopted pursuant to rules prescribed by the Secretary to preclude the discrimination prohibited by subsection (d), may be used for designated employees in the event of early termination of the plan.

"(C) CERTAIN OTHER RULES TO APPLY.—For purposes of this paragraph, rules similar to the rules of paragraphs (1), (2), and (6) of section 411(d) shall apply.

"(4) APPLICATION OF VESTING STANDARDS TO CERTAIN PLANS.—A plan described in a subparagraph of section 411(e)(1) shall be treated as meeting the requirements of this subsection if such plan meets requirements similar to the requirements such plan is required to meet under section 411(e)(2).

"(h) DISTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the plan meets the requirements of paragraphs (2) and (3) with respect to each former employee under the plan, or

"(B) the plan provides that as of any date specified by the employee (after attaining age 70 or becoming disabled) the present value of the employee's nonforfeitable accrued benefit as of such date will be used to acquire paid-up insurance which—

"(i) will provide long-term health care benefits for such employee (or in the case of an employee who is married and who elects to provide coverage for his spouse, for such employee and his spouse) for each year such employee could (but for this subparagraph) receive a distribution from such plan, and

"(ii) does not provide benefits for any year in excess of the maximum amount for such year under paragraph (2).

"(2) MAXIMUM ANNUAL BENEFIT.—

"(A) IN GENERAL.—A plan meets the requirements of this paragraph if the plan provides that the amount of benefits accrued under the plan on behalf of any employee during any plan year may not exceed the lesser of—

"(i) $2,000, or

"(ii) the earned income of the employee derived from the trade or business with respect to which such plan is established.

"(B) ACTUARIAL ADJUSTMENTS.—The benefit provided to any participant under the plan shall be actuarially adjusted to reflect—

"(i) any commencement of benefits before or after age 70, or

"(ii) the providing of benefits to the spouse of a participant.

"(C) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the dollar amount in subparagraph (A) for increases in the medical component of the Consumer Price Index (as defined in section 1(f)(5)), using as a base period the calendar quarter beginning October 1, 1989.

"(3) MINIMUM ANNUAL DISTRIBUTION.—

"(A) IN GENERAL.—A plan meets the requirements of this paragraph if the plan provides that the amount distributed with respect to a former employee during any plan year does not exceed the amount which would be distributed each year if the former employee's accrued benefit were distributed in substantially equal periodic payments (not less frequently than annually)—

"(i) over the life (or life expectancy) of the former employee, or

"(ii) over the joint lives (or joint life expectancies) of the former employee or his spouse.

"(B) COST-OF-LIVING ADJUSTMENT.—The amount determined under subparagraph (A) shall be adjusted each year at the same time and in the same manner as under paragraph (2)(C).

"(i) PLAN MAY NOT PERMIT LOANS.—A plan meets the requirements of this subsection if the plan does not permit any participant or beneficiary to receive (directly or indirectly) any amount as a loan from such plan.

"(j) PLAN MAY NOT PERMIT SELF-DIRECTED ASSETS.—A plan meets the requirements of this subsection if the plan does not permit any participant or beneficiary to exercise control over the assets under the plan.

"(k) PLAN MUST PERMIT TRANSFERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a plan meets the requirements of this subsection if, in accordance with procedures determined by the Secretary, at the request of an individual who is a participant or former participant under the plan—

"(A) the plan transfers the present value of the nonforfeitable accrued benefit of the individual under the plan to another qualified voluntary retiree health plan or to a voluntary retiree health account, and

"(B) the plan accepts transfers under subparagraph (A) from any other qualified voluntary retiree health plan or from any voluntary retiree health account.

"(2) SPECIAL RULES.—

"(A) NO TRANSFERS FROM PLAN OF CURRENT EMPLOYER EXCEPT ON PLAN TERMINATION.—A plan maintained by an employee's employer shall be treated as not meeting the requirements of this subsection if such plan permits any transfer under the plan except in the case of a termination of such plan.

"(B) TRANSFERS MUST BE TO PLAN MAINTAINED BY EMPLOYER OR FORMER EMPLOYER OR TO VOLUNTARY RETIREE HEALTH ACCOUNT.—

"(i) IN GENERAL.—A plan shall not be treated as meeting the requirements of this subsection if such plan permits any transfer under the plan to any plan or account not described in clause (ii) if there is a plan or account described in clause (ii) with respect to such individual.

"(ii) PLANS AND ACCOUNTS DESCRIBED.—For purposes of clause (i), a plan or account is described in this clause with respect to an individual if such plan is—

"(I) a qualified voluntary retiree health plan maintained by an employer of such individual, or

"(II) if the employer of such individual does not maintain such a plan, a qualified voluntary retiree health plan maintained by a former employer of such individual, or except as provided in subparagraph (E), a voluntary retiree health account of such individual.

"(C) TRANSFERS PERMITTED AMONG MEMBERS OF CONTROLLED GROUP, ETC.—Section 414 shall not apply for purposes of determining under this subsection from which plan and to which plan a transfer may be made.

"(D) SPOUSE OF DECEASED EMPLOYEE TREATED AS FORMER PARTICIPANT.—For purposes of paragraph (1) and this paragraph, the spouse of a deceased employee shall be treated as a former participant.

"(E) NO TRANSFERS TO HEALTH ACCOUNTS AFTER AGE 55.—A plan shall not meet the requirements of this subsection if it permits the transfer of any benefit to a voluntary retiree health account of an individual after such individual attains age 55.

"(l) PLAN YEAR AND TRUST YEAR MUST BE THE SAME.—A plan meets the requirements of this subsection if the plan year of such plan and the taxable year of the trust of which such plan forms a part are the same.

"(m) LIMITATION ON HOLDINGS OF EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the plan does not hold any employer security which is not a readily tradable employer security,

"(B) the plan does not hold any employer real property which is not qualifying employer real property, and

"(C) the plan does not acquire any readily tradable employer security or qualifying employer real property if, immediately after such acquisition, the aggregate fair market value of readily tradable employer securities and qualifying employer real property held by the plan exceeds 10 percent of the fair market value of the assets of the plan.

"(2) READILY TRADABLE EMPLOYER SECURITY.—For purposes of this subsection, the term 'readily tradable employer security' means any employer security which is readily tradable on an established securities market.

"(3) EMPLOYER SECURITY.—For purposes of this subsection, the term 'employer security' means—

"(A) any stock or other equity interest in the employer, and

"(B) any bond, debenture, note, or certificate, or other evidence of indebtedness issued by the employer.

"(4) EMPLOYER REAL PROPERTY; QUALIFYING EMPLOYER REAL PROPERTY.—For purposes of this subsection, the term 'employer real property' and 'qualifying employer real property' have the respective meanings given such terms by section 407 of the Employee Retirement Income Security Act of 1974.

"(n) ACTUARIAL ASSUMPTIONS.—A plan meets the requirements of this subsection if each actuarial assumption used by the plan is reasonable.

"(o) CERTAIN OTHER RULES TO APPLY.—A plan meets the requirements of this subsection if the plan meets—

"(1) requirements similar to the requirements of—

"(A) paragraph (12) of section 401(a), and

"(B) paragraph (13) of section 401(a) (other than the material following the 1st sentence in subparagraph (A)), and

"(2) requirements prescribed by the Secretary with respect to the duties of any fiduciary with respect to the plan.

"SEC. 434. QUALIFIED RETIREE HEALTH CARE TRUST.

"(a) IN GENERAL.—For purposes of this part, the term 'qualified retiree health care trust' means any trust created or organized in the United States and forming part of a qualified voluntary retiree health plan of an employer for the exclusive benefit of his employees or their spouses if—

"(1) contributions are made to the trust by such employer for the purposes of distributing to such employees or their spouses the corpus and income of the fund accumulated by the trust in accordance with such plan, and

"(2) under the trust instrument it is impossible, at any time before the satisfaction of all liabilities with respect to employees and their spouses under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their spouses.

"(b) CERTAIN REVERSIONS PERMITTED.—A trust instrument shall not be treated as failing to satisfy the requirements of subsection (a)(2) solely by reason of the fact that the trust instrument permits distributions described in section 4976A(c)(2).

"SEC. 435. VOLUNTARY RETIREE HEALTH ACCOUNTS.

"(a) VOLUNTARY RETIREE HEALTH ACCOUNT.—For purposes of this part, the term 'voluntary retiree health account' means a trust created or organized in the United States for the exclusive benefit of an individual or of an individual and his spouse, but only if the written governing instrument creating the trust meets the following requirements:

"(1) No contributions to the trust will be accepted other than transfers under this part from a qualified voluntary retiree health plan or from another voluntary retiree health account.

"(2) The trustee is a bank (as defined in section 408(n)) or such other person who demonstrates to the satisfaction of the Secretary that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

"(3) No part of the trust funds will be invested in life insurance contracts.

"(4) The interest of an individual in the balance of his account is nonforfeitable.

"(5) The assets of the trust will not be commingled except in a common investment fund.

"(b) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if any amount is paid or distributed out of a voluntary retiree health account, such amount shall be included in the gross income of the payee or distributee for the taxable year in which the payment or distribution is made.

"(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to any payment or distribution which—

"(A) is used exclusively to pay post-retirement long-term health care benefits of the individual for whose benefit the account is established, or

"(B) is part of a transfer required under section 432(b).

"(c) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—A voluntary retiree health account is exempt from taxation under this subtitle unless such account has ceased to be such an account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be a voluntary retiree health account, paragraph (1) of subsection (b) shall apply as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—If during any taxable year an individual for whom a voluntary retiree health account is established engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be a voluntary retiree health account as of the first day of that taxable year.

"(4) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit a voluntary retiree health account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(d) EXCESS BENEFITS PENALTY.—

"(1) IN GENERAL.—If—

"(A) the benefits with respect to a participant, when expressed as an annual benefit, exceed

"(B) the maximum amount which may be provided under section 433(h)(2) for a taxable year,

such excess shall be included in gross income for the taxable year and the participant's tax under this chapter for such taxable year shall be increased by the applicable percentage of such excess.

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable percentage' means 20 percent.

"(B) INDIVIDUALS OTHER THAN EMPLOYEES AND SPOUSES.—In the case of an individual other than an employee or spouse of the employee, the applicable percentage is 100 percent.

"(3) ANNUAL BENEFIT.—For purposes of this subsection, the annual benefit shall be determined in such manner as the Secretary may prescribe.

"(e) MINIMUM DISTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—An account shall not be treated as a voluntary retiree health account unless the plan provides that the amount which is distributed with respect to an individual during any taxable year—

"(A) may not be less than 100 percent of the pro rata amount with respect to such individual, or

"(B) if a lesser amount is specified by the individual, shall be the amount specified by the individual.

The Secretary shall prescribe regulations which specify the circumstances under which the failure of an individual to specify an amount under subparagraph (B) shall be treated as a specification of a zero amount.

"(2) PRO RATA AMOUNT.—For purposes of this subsection, the pro rata amount with respect to any individual for any taxable year is the amount (determined as of the beginning of each taxable year during which a distribution from such account to the employee is permitted) equal to—

"(A) the individual's account balance at such time, divided by

"(B) the life expectancy of such individual at such time.

The life expectancy of each individual shall be redetermined annually.

"(f) CERTAIN REQUIREMENTS FOR HEALTH PLANS MADE APPLICABLE.—An account shall not be treated as a voluntary retiree health account unless, under regulations, the requirements of subsections (b), (h), (i), (j), and (k) of section 433 are met.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) REPORTS.—The trustee of a voluntary retiree health account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

"SEC. 436. PREEMPTION; SPECIAL RULES.

"(a) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this part shall supersede all State laws insofar as they may now or hereafter relate to any health plan for former employees and their spouses.

"(2) EXCEPTIONS.—

"(A) BANKING AND SECURITIES LAWS.—

"(i) Except as provided in clause (ii), nothing in this part shall be construed to exempt or relieve any person from any law of any State which regulates banking or securities.

"(ii) Any qualified voluntary retiree health plan qualified retiree health care trust, or voluntary retiree health account shall not be deemed to be a bank, trust company, or investment company or to be engaged in the business of banking for purposes of any law of any State purporting to regulate banks, trust companies, or investment companies.

"(B) GENERALLY APPLICABLE CRIMINAL LAWS.—Paragraph (1) shall not apply to any generally applicable criminal law of a State.

"(C) QUALIFIED DOMESTIC RELATIONS ORDERS.—Paragraph (1) shall not apply to qualified domestic relations orders (as defined in section 414(p)).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) STATE LAW.—The term 'State law' includes all laws, decisions, rules, or regulations (or other State action having the effect of law) of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

"(B) STATE.—The term 'State' means a State, any political subdivision of a State, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.

"(4) LAWS OF THE UNITED STATES.—Nothing in this part shall be construed to alter, amend, modify, invalidate, impair, or supersede any law of the United States or any rule or regulation issued under any such law.

"(b) HIGHLY COMPENSATED EMPLOYEE DEFINED.—For purposes of this part, the term 'highly compensated employee' has the meaning given such term by section 414(q).

"(c) CERTAIN RETROACTIVE CHANGES IN PLAN.—Rules similar to the rules of section 401(b) shall apply for purposes of this part.

"(d) RULES RELATING TO SELF-EMPLOYED INDIVIDUALS.—Rules similar to the rules of subsections (c) and (d) of section 401 (other than subsection (c)(6)) shall apply for purposes of this part.

"(e) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of section 414 (other than subsections (f), (h), (i), (k), and (s)) shall apply for purposes of this part.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this part, including regulations requiring reports from individuals having accounts in qualified voluntary retiree health plans to employers and the Secretary.".

(b) TAX ON DISTRIBUTIONS OTHER THAN POST-RETIREMENT MEDICAL BENEFITS.—

(1) IN GENERAL.—Chapter 43 of such Code (relating to qualified pension, etc., plans) is amended by inserting after section 4976 the following new section:

"SEC. 4976A. TAXES WITH RESPECT TO QUALIFIED VOLUNTARY RETIREE HEALTH PLANS AND VOLUNTARY RETIREE HEALTH ACCOUNTS.

"(a) GENERAL RULE.—If—

"(1) an employer maintains a qualified voluntary retiree health plan or an individual maintains a voluntary retiree health account, and

"(2) there is a disqualified benefit provided during any taxable year,

there is hereby imposed on such employer or individual, as the case may be, a tax equal to 50 percent of such disqualified benefit.

"(b) QUALIFIED VOLUNTARY RETIREE HEALTH PLAN; VOLUNTARY RETIREE HEALTH ACCOUNT.—For purposes of subsection (a)—

"(1) QUALIFIED VOLUNTARY RETIREE HEALTH PLAN.—The term 'qualified voluntary retiree health plan' has the meaning given such term by section 433. Such term includes any plan which, at any time, has been determined by the Secretary to be a qualified voluntary retiree health plan.

"(2) VOLUNTARY RETIREE HEALTH ACCOUNT.—The term 'voluntary retiree health account' has the meaning given such term by section 435.

"(c) DISQUALIFIED BENEFIT.—For purposes of subsection (a)—

"(1) IN GENERAL.—The term 'disqualified benefit' means any distribution or deemed distribution (other than a transfer required under section 432(b)) which is not a post-retirement long-term health care benefit (as defined in section 433(b)).

"(2) EXCEPTIONS.—The term 'disqualified benefit' shall not include any distribution to the employer—

"(A) by reason of mistake of fact, the failure of the plan to initially qualify, or the failure of contributions to be deductible, or

"(B) after such employer ceases to have employees.

"(d) EMPLOYER.—In the case of a plan which provides contributions or benefits for employees some or all of whom are self-employed within the meaning of section 401(c)(1), the term 'employer' means the person treated as the employer under section 401(c)(4).".

(2) CLERICAL AMENDMENT.—The table of sections for such chapter 43 is amended by inserting after the item relating to section 4976 the following new item:

"Sec. 4976A. Taxes with respect to qualified voluntary retiree health plans and voluntary retiree health accounts."

(c) QUALIFIED RETIREE HEALTH CARE TRUST EXEMPT FROM TAX.—Subsection (a) of section 501 of such Code (relating to exemption from tax on corporation, certain trust, etc.) is amended by inserting "or a qualified retiree health care trust under section 434" after "or section 401(a)".

(d) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR VOLUNTARY RETIREE HEALTH ACCOUNTS.—An individual for whose benefit a voluntary retiree health account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a voluntary retiree health account by reason of the application of section 435(c)(3) to such account.", and

(2) by inserting "or a voluntary retiree health account described in section 435" in subsection (e)(1) after "described in section 408(a)".

(e) Failure To Provide Reports on Voluntary Retiree Health Accounts.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "or a voluntary retiree health account" after "annuities" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 435(h) to file a report regarding a voluntary retiree health account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause.".

(f) Clerical Amendment.—The table of parts for subchapter D of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part III. Voluntary Retiree Health Plans.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to plan years beginning after December 31, 1991.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LONG-TERM HEALTH CARE SAVINGS ACCOUNTS.

(a) In General.—Subpart A of part IV of subchapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25, the following new section:

"SEC. 25A. LONG-TERM HEALTH CARE SAVINGS ACCOUNT.

"(a) Credit Allowed.—In the case of an individual who makes a contribution to a qualified long-term health care savings account, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) 10 percent of such contribution for the taxable year, or

"(2) $200.

"(b) Limitations.—

"(1) Account may not be established for benefit of more than 1 individual.—A long-term health care savings account may not be established for the benefit of more than 1 individual.

"(2) Amount of contribution.—With respect to any individual, no contribution under subsection (a) shall be allowed for the taxable year in excess of $2,000.

"(3) No other long-term health care plan available.—No credit shall be allowed under subsection (a) in the case of an individual for whom an employer provides a long-term health care plan during the taxable year if such plan provides substantially the same benefits as defined in paragraphs (5) and (6) of subsection (c).

"(4) Individual may not be beneficiary of more than 1 account.—If an individual is the beneficiary of more than 1 long-term health care savings account during any calendar year, no credit shall be allowed under subsection (a) for any amount paid or transferred for such calendar year to any account established for the benefit of such individual.

"(c) Definitions and Special Rules.—

"(1) Long-term health care savings account.—For purposes of this section, the term 'long-term health care savings account' means a trust created or organized in the United States exclusively for the purpose of paying only 1 individual's long-term health care expenses, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market.

"(B) No contribution will be accepted unless it is from the individual for whose benefit the trust is established.

"(C) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(D) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is the trust and the face amount of which does not exceed the amount by which the maximum amount which can be contributed to the account exceeds the sum of the amounts contributed to the account for all taxable years).

"(E) The assets of the account may be invested in accordance with the direction of the individual contributing to the account.

"(F) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) Time when contributions deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a calendar year if the contribution is made on account of such calendar year and is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) with or within which the calendar year ends.

"(3) Stock, etc., to be valued as of transfer date.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(4) Long-term health care expenses.—The term 'long-term health care expenses' means—

"(A) the cost of insurance that provides long-term health care benefits, or

"(B) the cost of long-term health care benefits.

"(5) Definition of long-term health care insurance.—For purposes of this section the term 'long-term health care insurance' means an insurance contract through which long-term health care benefits are provided and the renewal of such contract is guaranteed.

"(6) Long-term health care.—

"(A) In general.—For purposes of this section, the term 'long-term health care' means providing necessary diagnostic, preventive, therapeutic, and rehabilitative services, or maintenance or personal care services, required by a chronically ill individual in a facility by a qualified provider.

"(B) Definitions.—For purposes of subparagraph (A)—

"(i) Qualified facility.—The term 'qualified facility' means—

"(I) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility intermediate care facility, or similar institution, licensed under State law, or

"(II) an individual's home if a physician, licensed under State law, certifies that without home care the individual would have to be cared for in a facility described in subclause (I), except that such home shall be treated as a qualified facility only to the extent the cost of such services is not greater than the cost of similar services provided in a facility described in subclause (I).

"(ii) Chronically ill individual.—The term 'chronically ill individual' means an individual who has been certified by a physician, licensed under State law, as requiring assistance with eating, toileting, mobility, bathing, or dressing.

"(iii) Maintenance or personal care services.—The term 'maintenance or personal care services' means any service the primary purposes of which is to provide needed assistance with any of the activities of daily living described in clause (ii).

"(iv) Qualified provider.—The term 'qualified provider' means a medical practitioner licensed under State law, registered nurse, licensed registered nurse, qualified therapist, trained home health aid employed by a licensed home health agency, or trained home health aid licensed under State law, but does not include a relative or other person who ordinarily resides in the home.

"(7) Physician.—The term 'physician' has the meaning given to such term by section 213(d)(4).

"(d) Tax Treatment of Distributions.—

"(1) In general.—Any amount received from a long-term health care savings account shall be included in gross income of the recipient for the taxable year in which the amount is received, except to the extent that paragraph (2) or (3) applies to such amount.

"(2) Exception for distributions for long-term health care expenses.—Paragraph (1) shall not apply to any payment or distribution which is used exclusively to pay for long-term health care expenses incurred by the individual for whose benefit the account is established.

"(3) Excess contributions returned before due date of return.—Paragraph (1) shall not apply to the distribution of any contribution paid during a taxable year to long-term health care savings account to the extent that such contribution exceeds the amount allowable under subsection (b)(2) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no credit is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(e) Tax Treatment of Long-Term Health Care Savings Accounts.—

"(1) Exemption from tax.—Each long-term health care savings account shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations).

"(2) Effect of engaging in prohibited transaction.—

"(A) Disqualification of trust.—If the individual for whose benefit a long-term health care savings account is established or any individual who contributes to such account engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be a long-term health care savings account as of the first day of the taxable year of such individual during which such prohibited transaction begins.

"(B) Assets treated as distributed.—In any case in which any account ceases to be a long-term health care savings account by reason of subparagraph (A) on the first day of any taxable year, subsection (d)(1) shall apply as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) Effect of pledging account as security.—If, during any taxable year, the individual for whose benefit a long-term health care savings account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(f) Additional Tax on Certain Amounts Included in Gross Income.—

"(1) Distribution not used for long-term health care expenses.—Except as provided in paragraph (2), if a distribution—

"(A) is made from a long-term health care savings account, and

"(B) is not used in connection with the payment of long-term health care expenses of the individual for whose benefit the account was established,

the tax liability (for the taxable year in which such distribution is received) of the individual who contributed to the account shall be increased by an amount equal to—

"(A) 25 percent of the amount of the distribution which is includable in the gross income of such individual for such taxable year if such individual has not attained age 59 before the close of such individual's taxable year, or

"(B) 20 percent of the amount of such distribution if such individual has attained age 59 before the close of such individual's taxable year.

"(2) Disqualification cases.—If an amount is includable in the gross income of an individual for a taxable year under subsection (e), the tax liability of such individual under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) Death of individual for whom account established.—Paragraphs (1) and (2) shall not apply if the payment or distribution is made after the individual for whose benefit the long-term health care savings account dies.

"(g) Community Property Laws.—This section shall be applied without regard to any community property laws.

"(h) Reports.—The trustee of a long-term health care savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individual at such time and in such manner as may be required by those regulations.".

(b) Tax on Excess Contributions.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended—

(1) by inserting "**LONG-TERM HEALTH CARE SAVINGS ACCOUNTS,**" after "**ACCOUNTS,**" in the heading of such section,

(2) by striking out "or" at the end of paragraph (1) of subsection (a),

(3) by redesignating paragraph (2) of subsection (a) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) a long-term health care savings account (within the meaning of section 25A(c)), or", and

(4) by adding at the end thereof the following new subsection:

"(d) Excess Contributions to Long-Term Health Care Savings Accounts.—For purposes of this section, in the case of a long-term health care savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable under section 25A(b)(2) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the long-term health care savings account in a distribution to which section 25A(d)(3) applies shall be treated as an amount not contributed.".

(c) Tax on Prohibited Transactions.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) Special rule for long-term health care savings accounts.—An individual for whose benefit a long-term health care savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a long-term health care savings account by reason of the application of section 25A(e)(2)(A) to such account.", and

(2) by inserting ", a long-term health care savings account described in section 25A(c)," in subsection (e)(1) after "described in section 408(a)".

(d) Failure To Provide Reports on Long-Term Health Care Savings Accounts.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "**OR ON LONG-TERM HEALTH CARE SAVINGS ACCOUNT**" after "**ANNUITIES**" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 25A(h) to file a report regarding a long-term health care account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(e) Exclusion From Gross Income.—

(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. LONG-TERM HEALTH CARE SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, gross income does not include distributions from a long-term health care savings account used exclusively for the payment of long-term health care expenses of that individual (within the meaning of section 25A(c)(4)).".

(2) The table of sections for such part III is amended by striking out the item relating to section 135 and inserting in lieu thereof the following new items:

"Sec. 136. Long-term health care savings account distributions.

"Sec. 137. Cross references to other Acts.".

(f) Conforming Amendments.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Long-term health care savings accounts.".

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, long-term health care savings accounts, certain 403(b) contracts, and certain individual retirement annuities.".

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting "or on long-term health care savings accounts" after "annuities" in the item relating to section 6693.

(g) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.•

By Mr. DURENBERGER (for himself, Mr. Pryor, Mr. Packwood, Mr. Dole, Mr. Baucus, Mr. Danforth, Mr. Moynihan, Mr. Heinz, Mr. Symms, Mr. Roth, Mr. Grassley, Mr. Cohen, Mr. Sanford, Mr. Lugar, Mr. Burdick, Mr. Simon, Mr. Cochran, and Mr. Mack):

S. 88. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. Pryor, Mr. Packwood, Mr. Baucus, Mr. Heinz, Mr. Symms, Mr. Cohen, Mr. Burdick, and Mr. Lugar):

S. 89. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals; to the Committee on Finance.

HEALTH INSURANCE FOR THE SELF-EMPLOYED

• Mr. DURENBERGER. Mr. President, at the end of this year, the current 25-percent deduction that is allowed for self-employed individuals—farmers, small business owners, independent small contractors—will expire. Today I am introducing legislation that would make this modest tax deduction permanent. I am also introducing legislation that would expand the 25-percent deduction to 100 percent, thereby putting independent business people on a somewhat more equal footing with their counterparts in the corporate sector.

I want to thank my colleagues on both sides of the aisle who have joined me in cosponsoring these bills.

Mr. President, given the choice between these two bills, I would prefer that Congress adopt the legislation expanding the health insurance deduction from 25 percent to 100 percent. I believe that it is fundamentally unfair that we allow corporate business owners to deduct 100 percent of the cost of their health insurance while allowing sole proprietors, farmers, and other small business owners a mere 25-percent deduction. This unfairness is compounded by that fact that small business owners must pay higher health insurance premiums than their counterparts in the large corporate sector because small businesses cannot take advantage of group pricing structures offered by the insurance industry.

Yet, Mr. President, I recognize that the constraints of a $300 billion Federal deficit make some of my colleagues hesitant about supporting an expansion of the 25-percent deduction. Because of these budgetary constraints, and because it would be fundamentally inequitable to allow the modest 25-percent deduction to expire at the end of this year, I am therefore introducing this extender legislation.

But I will not be satisfied until the day comes when we equalize the tax subsidy for the self-employed with the subsidy we provide the corporate community.

Mr. President, last year, the Joint Committee on Taxation estimated that extending the 25-percent deduction for the self-employed would cost $374 million in 1991, and $2.7 billion over 5 years. With health care costs continuing to rise at more than 12 percent per year, this revenue loss will likely increase this year and over the next 5 years. It is probably fair to say that if we expanded the deduction from 25 percent to 100 percent, the 1-year cost would likely exceed $1.1 billion, and the 5-year cost could go as high as $8 billion. Certainly, these are revenue costs that cannot be ignored, especially at a time when the budget deficit is so devastatingly high.

Yet, the revenue losses associated with the deduction for the self-employed, whether a 25-percent deduction or a 100-percent deduction, should not be viewed in isolation. In comparison with the tax subsidy we provide to the corporate sector, the deduction for the self-employed is a mere drop in the bucket.

For 1991, the 100-percent income tax exclusion for corporate health insurance is estimated to cost the Treasury $33 billion. That is nearly 100 times as costly as the deduction for the self-employed. Over 5 years, the income tax exclusion will cost the Treasury more than $212 billion. But just considering the size of the income tax exclusion for corporate employees does not provide a fair picture of the true cost of this corporate benefit. Health insurance provided to corporate employees is not subject to income tax, nor is it included in determining the wage base for FICA taxes. The 1-year cost of the FICA tax exclusion adds another $22 billion to the subsidy provided to corporate employees. And the 5-year cost is $135 billion. By contrast, the 25-percent cost of health insurance that is deductible by self-employed individuals does not reduce the income base for the self-employed individual's FICA tax.

So, if we are comparing true costs, it would be fair to say that the Treasury is subsidizing the cost of corporate health insurance to the tune of $55 billion in 1991 and $347 billion over 5 years. That compares to less than $3 billion over 5 years for the self-employed.

However, Mr. President, there is one further cost that must be considered in determining the size of the subsidy provided to the corporate sector for providing health insurance. And that cost is the tax savings to corporations resulting from being entitled to deduct 100 percent of the cost of health insurance. The Joint Tax Committee estimates that cost at $43 billion in 1991, and $260 billion over 5 years.

Mr. President, the bottom line is that in 1991, the taxpayer is subsidizing health care provided by corporations at a cost of $98 billion. And over 5 years, the true corporate subsidy is more than $600 billion. When compared with these figures, the modesty of the deduction for the self-employed pales.

Mr. President, I hope I can convince my colleagues on both sides of the aisle of the fairness of raising the deduction for the self-employed to 100 percent. However, if I fail this year, I will return next year and the year after until fairness is achieved. In the meantime, the integrity of the 25-percent deduction must be preserved.

Mr. President, I ask unanimous consent that the text of both of these bills be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.88

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS MADE PERMANENT.

(a) In General.—Section 162(1) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

S.89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT INCREASE IN DEDUCTIBLE HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS MADE PERMANENT.

(a) In General.—Paragraph (1) of section 162(1) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "100 percent."

(b) Permanent Deduction.—Section 162(1) of such Code is amended by striking paragraph (6).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.•

• Mr. COHEN. Mr. President, I am very pleased to join my colleague from Minnesota, Senator Durenberger, in introducing two bills that will greatly assist self-employed persons meet the escalating cost of health insurance for themselves and their families.

Under current tax law, self-employed persons are allowed to deduct for Federal income tax purposes 25 percent of the amounts they pay for health insurance for themselves, their spouses and their dependents. This deduction provides valuable help to the millions of self-employed persons nationwide who are finding it increasingly difficult to bear the cost of health insurance premiums.

Unfortunately, there are two flaws in the current tax deduction for the self-employed. First, this provision is scheduled to expire at the end of this year. Although the Congress extended this provision temporarily in the Omnibus Reconciliation Act of 1990, self-employed persons will still lose this valuable deduction at the end of this year unless Congress extends the sunset date further, or makes this deduction permanent.

Second, under current law, self-employed persons are allowed to deduct only 25 percent of the costs of their health insurance, while incorporated companies are allowed to deduct the full cost of providing health insurance as an ordinary and necessary business expense. Further, the employees of corporations do not have to include the value of those benefits in their income for tax purposes, while self-employed persons are not given this tax benefit. This is, in my opinion, one of the most egregiously discriminatory provisions in our Federal tax laws. It is simply not fair to give the millions of self-employed small businesspersons and farmers of this country only a partial deduction for the costs of their health insurance while we allow corporations to write off totally the cost of providing health care to their executives and employees.

The bills that I am joining Senator Durenberger in introducing today will correct both of these flaws in our tax laws. The first bill will make the current 25 percent deduction permanent and the second bill will increase the deduction to 100 percent, thus equalizing the treatment of corporations and the self-employed.

It is crucial that the Congress take action immediately to address the health care crisis facing our country today. As many as 37 million people—

at least 1 in every 8 Americans—are without health insurance and therefore denied access to even basic health care. At least 2 million of the uninsured in America are self-employed. In addition, unincorporated small businesses are about half as likely to provide health care coverage to owners and workers of a comparable size. Enactment of a full 100 percent deduction for health care costs is an important step toward expanding the insurance coverage of these persons, thus increasing access and reducing overall costs of our Nation's health care system.

I urge my colleagues to demonstrate their strong support for millions of small businesses and farmers across the country by supporting this legislation. These proposals are also included in larger health care legislation that I will be introducing shortly, The Comprehensive Health Care Act of 1991, that sets forth a national agenda for health care reform.•

By Mr. DOMENICI (for himself, Mr. BOREN, and Mr. SYMMS):

S. 90. A bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs; to the Committee on Finance.

ENVIRONMENTAL INFRASTRUCTURE ACT OF 1991

• Mr. DOMENICI. Mr. President, every person in this Chamber understands that America faces a major challenge with the state of our infrastructure.

Whether it concerns New York City bridges in decay or rural water systems that lack sufficient pressure, America faces a problem, a huge problem.

To many, it seems an overwhelming problem. What can we do? It seems so overwhelming that we may be tempted to simply walk away from the challenge.

America cannot afford that response. While this Senator has no magic wand to solve the problem, but I believe that the legislation I am introducing today, the Environmental Infrastructure Act of 1991, offers a major start toward augmenting our infrastructure.

I am delighted that my good friend, the Senator from Oklahoma [Mr. BOREN], has once again joined me as the lead cosponsor of this bill, and that my friend from Idaho [Mr. SYMMS] is an original sponsor. Their sponsorship, I should point out to my colleagues, is particularly important as both serve on the Committee on Finance.

This legislation has been before the Senate for several years now. Senators BOREN and SYMMS and I sponsored it as S. 700 during the 101st Congress, a bill that, in turn, grew from legislation I sponsored during the 100th Congress as S. 2311.

I am convinced that our approach is gathering momentum. A number of important organizations endorsed this bill under its earlier number, S. 700, organizations such as the American Consulting Engineers Council and the National Association of Home Builders. Mr. President, I ask that a partial list of groups that endorsed S. 700 last year be printed at the conclusion of my remarks.

Hearings were held a year ago in the House Ways and Means Committee at which I testified on this bill. Frankly, I was most pleased by the warm response the bill received from our colleagues in the House.

The purpose of this bill is clear and direct: To encourage investment in those portions of our Nation's infrastructure that enhance our environment. The bill seeks to make these public works improvements less costly as investments, both to local government and to the private sector, by assuring that these investments will receive favorable treatment in the Tax Code.

The tax-exempt status of State and local bonds is sound national policy. It serves as an intregal component of a strong partnership between the Federal Government and other levels of government. We should build upon that sound policy.

This bill is a relatively narrow one, designed to benefit four basic types of public works, each related to improving the American environment:

Water supplies;

Sewage treatment;

Solid and hazardous waste disposal; and

Facilities needed to meet EPA standards. This final category would include such things as mass transit investments in those regions of the Nation where air pollution problems exist.

By focusing the bill on a narrow group of public needs, I am not ignoring other pressing needs in America's infrastructure, such as bridges and highways. But America has a good program in place to rebuild our highways and bridges through the use of gasoline taxes.

I believe that environmentally related investments need to be encouraged in every way we can. In New Mexico, many unmet needs exist, ones that this bill would assist. We have serious drinking water problems in the area known as the South Valley, outside Albuquerque. We have similar problems in the Espanola Valley in northern New Mexico and in other rural areas experiencing rapid growth. As new industry moves into New Mexico, or any State, the need for a state-of-the-art hazardous waste disposal facility will become increasingly necessary.

This bill will help New Mexicans meet these needs, at a price we can pay.

What this bill does is to encourage the construction of such facilities through the bond market. Frankly, I can't see how we can meet future needs without greater reliance on the bond market.

This bill will make these public works improvements less costly as investments, both to local government and to the private sector, by ensuring that these investments receive fair and favorable treatment in the Tax Code.

I do not need to tell the Senate that the ease with which local governments finance public facilities through bonds is governed directly by the Tax Code. In turn, local utility rates are determined by how local capital investments are financed.

And large sums are at stake. The Public Securities Association found that over the period from 1984 through 1988, State and local jurisdictions issued an average of $137.2 billion annually in municipal bonds for public purposes.

Assuming that average annual interest rates remain constant, the PSA concluded that if those 5 years of bonds had all been taxable, the added burden by the end of this century on communities and States would have been $283 billion.

The added burden for a State such as New Mexico would be $1.6 billion.

To help build for our future, the legislation Senators BOREN and SYMMS and I are introducing today creates a new category of tax-exempt bond, an infrastructure bond. An infrastructure bond would be an obligation, issued by a State or local government, that is used to finance any of the four types of public facilities I have cited.

These public infrastructure bonds will be freed from constraints imposed on tax-exempt bonds in recent tax law. These bonds would not be subject to a cap. These bonds will not be subject to the alternative minimum tax. These bonds may be refunded at any time.

This bill, I should point out, is based directly upon the recommendations in two important recent studies on America's infrastructure.

The initial study came from a distinguished panel of public officials and private citizens, the Private Sector Advisory Panel on Infrastructure Financing. That Panel was established several years ago to advise the Senate Budget Committee on techniques the Congress might use to increase public investments in roads, dams, airports, bridges, water systems, and waste disposal.

The second report—"Fragile Foundations: A Report on America's Public works"—was released 3 years ago by an equally distinguished group, the National Council on Public Works Improvement.

Both reports concluded that America faces a great challenge in reviving our decaying public works investment. Both reports deserve careful attention.

Since then, the Congressional Budget Office's study, "New Directions for the Nation's Public Works," suggested greater non-federal responsibility in targeting infrastructure investments.

Infrastructure bonds are one area of concern to me. Another is public-private partnerships, which have taken on new importance as we seek capital to meet public needs.

So the second major thrust of this legislation encourages private investments in public facilities. This bill extends to all types of environmental infrastructure facilities the same tax treatment the Tax Code now gives only to solid waste facilities.

To attract private investment, sewage, solid and hazardous waste, and water facilities must hold the promise of profitability. Projects of this sort are long-term investments. They do not generate a quick profit; the return is low and spread over many years. The cost-recovery rules now in the Tax Code lessen the economic feasibility of such arrangements.

I think the National Council may have set the correct tone when it said America needed "a national commitment shared by all levels of government and the private sector, to increase capital spending by as much as 100 percent above current levels."

The Joint Committee on taxation has examined the version of this bill that I introduced during the 100th Congress. The Joint Committee estimated the cost in lost revenues at around $350 million per year—a modest revenue loss in comparison with the benefits and need.

Mr. President, the Environmental Infrastructure Act of 1991 is but one step forward in a comprehensive program to meet America's infrastructure needs. The Private Sector Advisory Panel and the National Council on Public Works Improvement made many recommendations to improve our infrastructure.

I shall continue to examine these recommendations in these reports, possibly introducing further legislation in this important area.

To aid in a broader understanding of this proposal, I ask unanimous consent that a copy of this bill be printed at this point in the RECORD, together with a brief section-by-section analysis of the bill.

In addition, Mr. President, the Environmental Protection Agency has undertaken a number of important studies into the broad question of infrastructure financing.

One of these initiatives produced a series of papers published under the title of "Paying for Progress: Perspectives on Financing Environmental Protection." Because of the importance of this EPA document, I ask unanimous consent, Mr. President, that the Overview written by EPA Administrator William K. Reilly also be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DOMENICI-BOREN-SYMMS INFRASTRUCTURE BILL SECTION-BY-SECTION OUTLINE

Section 1 cites the bill as the "Environmental Infrastructure Act of 1991," and declares that amendments in the bill are to the Internal Revenue Code of 1986.

Section 2 creates a new category of tax-exempt bond, the "infrastructure bond."

Subsection (a) amends the Tax Code definition of "private activity bond" to exclude the new "infrastructure bond." This change means that "infrastructure bonds" will be treated as "governmental bonds," and be free from the constraints imposed on tax-exempt bonds by the 1986 Tax Reform Act. These infrastructure bonds would not be subject to the existing cap, nor the alternative minimum tax. These bonds may be refunded at any time.

Subsection (b) defines "infrastructure bond" as any state or local bond where 95 percent of the proceeds are used to provide "infrastructure facilities." "Infrastructure facilities" are defined as sewage facilities, solid waste and hazardous waste disposal facilities, facilities for the furnishing of water, and facilities needed for state and local government to achieve compliance with Federal environmental statutes and regulations. This subsection also includes a definition of "hazardous waste."

Subsection (c) makes a series of conforming amendments to make subsections (a) and (b) consistent with the remainder of the Tax Code.

Subsection (d) specifies that this section applies to bonds issued after December 31, 1991.

Section 3 modifies the arbitrage rebate requirements to provide local governments with greater latitude in managing the proceeds of bond issues, minimizing local costs. This permits state and local governments to retain earnings from the temporary reinvestment of bond proceeds.

Paragraph (1) of subsection (a) provides that reasonable reserve funds are not included in the gross proceeds that must be spent within a certain period to avoid the rebate requirements.

Paragraph (2) extends the temporary period for holding bond proceeds. Under current law, all funds must be spent within 6 months, or investment profits must be rebated to the Treasury. Under this paragraph, rebate can be avoided if at least 20 percent of the proceeds are spent for construction, reconstruction, or rehabilitation one year after the bonds are issued, at least 50 percent by two years, and at least 95 percent by three years. If the bond is not issued for the purpose of construction, reconstruction, or rehabilitation, the proceeds must be spent in one year.

Subsection (b) specifies that this section applies to bonds issued after December 31, 1991.

Section 4 places all infrastructure facilities, as defined in this bill, within the 7-year Accelerated Cost Recovery Class, which means these facilities will be depreciated in the same manner as solid waste facilities under current law. Municipal wastewater treatment plants are now in the 15-year class, while municipal sewers and water supply facilities are in the 20-year class.

Subsection (a) specifies that an infrastructure facility will be classified a 7-year property.

Subsection (b) assigns the infrastructure facilities a 10-year depreciation period as an alternative if the property is financed with tax-exempt bonds, or if it is leased to a tax-exempt entity. Currently, municipal wastewater treatment plants financed with tax-exempt bonds are depreciated over 24 years, water supply facilities over 30 years, and municipal sewers over 50 years.

Subsection (c) specifies that infrastructure facilities will not be included in the term "tax-exempt use property" and thus are not subject to the restrictions imposed on property leased to tax-exempt entities.

Subsection (d) amends other references to section 168(h) to reflect the renumbering required by this section.

Subsection (e) specifies that section 4 applies to property placed in service after December 31, 1991.

PARTIAL LIST OF GROUPS AND ORGANIZATIONS SUPPORTING THE DOMENICI-BOREN-SYMMS BILL OR THE CONCEPT AND PURPOSES OF THE LEGISLATION

American Consulting Engineers Council.
American Public Works Association.
American Society of Civil Engineers.
American Water Works Association.
Association of General Contractors.
Council of Infrastructure Financing Authorities.
Government Finance Officers Association.
National Association of Home Builders.
National Association of Water Companies.
National Rural Water Association.
National Society of Professional Engineers.
National Utility Contractors Association.
Public Securities Association.

OVERVIEW

(By William K. Reilly)

When I became Administrator of EPA, I was struck by how the United States and much of the world seemed poised to make a significant commitment to the protection and restoration of the environment. Over the twenty years since EPA was founded, the country has learned several lessons, including the fact that the money we spend on sound environmental programs makes an indispensable contribution to the nation's well-being. We have realized enormous benefits from our pollution control investments. We recognize, too, that environmental improvements must keep pace with economic growth, for our prosperity is inextricably linked to our nation's environmental health; from our national wealth comes the wherewithal to pay for environmental protection.

Today, the question is no longer whether we will take action on environmental problems, but how. This new context, taking shape at a time of scarce resources and competing priorities, makes the pursuit of environmental goals in the most economically efficient manner all the more important.

Paying for environmental programs presents us with one of the major challenges of the 1990s. The cost of environmental protection will continue to grow significantly in the coming years. And consequently, the country needs to make the effort, starting now, to look past daily problems and crises to develop long term funding strategies. Protecting public health and assuring the continued productivity of our natural resources are not the sole responsibility of any one sector or any one level of government. The effort must be shared. And, thus, new thinking and innovative approaches are required in both the public and private sectors.

For this reason, I invited leaders from different levels of government, conservation groups, the financial world, industry, and academia to contribute their thoughts on the nature of the funding challenge and creative solutions to it. Their essays are collected in this document. The key issues that they address are the changing roles of federal, state, and local governments; creative approaches to environmental funding; and barriers to and incentives for alternative financing, including public-private partnerships.

NATURE OF THE CHALLENGE

To set the stage for this discussion, background on the nature and status of the environmental funding challenge and what EPA is doing may be helpful.

It is my privilege to lead EPA at a time when environmental protection has moved from the margins to the mainstream of the public policy agenda. Over the past twenty years, the United States has made great strides in controlling pollution and enhancing the environment. We have passed about a dozen major laws and many minor ones to address particular environmental problems.

As a result, most conventional air pollutants have been reduced significantly since 1970. For example, emissions of particulates have declined by 64 percent and lead by 96 percent. On balance, the quality of the nation's waters have held their own. We've also added large acreage to our national parks and wilderness areas.

These environmental gains were made during a period when the real gross national product increased about 70 percent. Of course, environmental problems are still with us—some longstanding, like runoff from agricultural lands; other newly recognized, like the pervasive spread of toxic contamination.

In 1990, as we celebrate the twentieth anniversary of both Earth Day and the founding of EPA, the environmental movement has come of age in this country as well as around the world. In public opinion polls, U.S. citizens consistently rank environmental protection as one of their highest priorities. Time magazine recently recognized the importance of the global environment by hailing Earth as the "Planet of the Year". This reflected heightened concern over the loss of tropical forests and endangered wildlife, threats to the earth's ozone layer and climate, ocean pollution, and other global environmental problems. President Bush, demonstrating his commitment to environmental progress, has proposed the creation of a Cabinet-level Department of the Environment.

Yet meeting public expectations for faster action comes at a steep price. Congress has expanded EPA's old programs and created new ones to respond to environmental concerns and to reflect the growing understanding of pollution. At the same time, constrained federal resources have limited the traditional means of environmental funding.

Gone are the days when the federal government directly provided large blocks of money to deal with these needs.

One result has been that the state and local governments are assuming more of the responsibilities for implementation, while EPA is moving toward a support role. Local governments often find themselves under a regulatory layer cake, with layer upon layer of environmental mandates from the federal and state levels. Although in general they are not opposed to the goals, they quite understandably want a say in the process and more flexibility in spending the money to achieve compliance.

In response to the difficulty of financing environmental protection, EPA sponsored a series of studies examining the resource impacts of environmental programs. One of these reports, although preliminary, indicates that the public and private sectors will need an additional $61 billion per year to meet current and new environmental mandates by the year 2000. This requires greatly increased levels of capital that may be difficult for small- and medium-sized cities to raise.

WHAT IS EPA DOING ABOUT THIS SITUATION?

The political and economic realities of the 1990s suggest that public resources will not keep up with environmental needs. The Agency's response must be to seek and support creative ways to leverage available resources while achieving the level of environmental protection the citizens of this country are demanding. To this end, we are pursuing several directions at EPA that will deliver results and make environmental protection more cost effective.

At the core of many of our new policy initiatives is the concept of sustainable, environmentally sound development. By this, we mean an approach to economic growth that cuts waste, improves efficiency, and conserves natural resources for the use of this and future generations. It recognizes the need to secure the ecological base upon which long term economic prosperity and environmental well-being depend. To use an investment analogy, it means keeping the natural resource capital intact, while living off the interest.

This is where pollution prevention, one of our Agency's major new thrusts, comes into play. This has become a priority throughout our programs. Strong environmental programs that encourage the prevention of pollution before it is generated can help increase efficiency, productivity, competitiveness, and community goodwill, while reducing environmental contamination and the burden on our nation's landfills.

Another means we are employing to maximize our effectiveness in the face of scarce resources is to build on our traditional regulatory programs by incorporating market-based incentives whenever we can. For example, in his clean air proposals the President sought to harness the forces of the marketplace to improve air quality. The bills that passed the Senate and House (and at the time I write is before a conference committee of the Congress) apply tough standards for sulfur dioxide and air toxics reductions, yet give the private sector flexibility as well as responsibility in deciding how to cut harmful emissions while meeting overall targets. I expect that this approach will be utilized in other environmental initiatives as well.

We are also using strategic planning to target the most serious risks and allocate scarce Agency resources; total quality management to improve our operating efficiency; geographic targeting and multi-media approaches to protect public health and the most vulnerable productive ecosystems; aggressive enforcement to assure compliance; environmental education to foster a sense of individual and collective stewardship; and community right-to-know laws to empower citizens and private groups to help tackle environmental problems.

At some point, Congress may entertain the notion of an integrated, multi-media approach to reducing health and environmental risk through consolidation of environmental laws into a single new statute. The potential of reducing risks and costs simultaneously makes it an idea worth contemplating.

Our Cooperative Environmental Management effort focuses on providing states and localities with the tools they need to implement required environmental programs by stimulating the development and use of new techniques and technologies that will reduce the cost of compliance. It fosters cooperative approaches to solving environmental problems and expands the use of technology transfer through training and information dissemination.

The Agency's Public-Private Partnerships Initiative was set up specifically to help state and local governments develop new ways to finance required environmental improvements. One of the main goals of the initiative is to increase private sector participation in all phases of environmental infrastructure development, from financing to outright ownership of facilities. The effort also encompasses promoting other alternative financing methods such as state revolving funds.

An early accomplishment of this Initiative was the establishment of the Environmental Financial Advisory Board. This independent Board, comprised of prominent representatives from the public and private sectors, is charged with suggesting innovative environmental financing techniques as well as working to identify legislative and regulatory barriers to alternative financing. The members are experienced in municipal financing, so their advice will be directly applicable to state and local situations.

A NEW FEDERAL STATE-LOCAL PARTNERSHIP IN ENVIRONMENTAL FINANCE

All of these approaches to environmental protection acknowledge that reinvigorating our environmental infrastructure will require an unprecedented degree of communication and cooperation among all levels of government, the private sector, conservation groups, and citizens. The job is big, new money is hard to find. And, thus, it has never been more important to challenge the creativity and dynamism of all these parties to contribute new, vitally needed ideas and energy to solve America's environmental problems.•

• Mr. BOREN. Mr. President, I am proud to join my colleague, Senator DOMENICI of New Mexico, in introducing the Environmental Infrastructure Act. One of the greatest hurdles facing our Nation's economic strength is its decaying infrastructure. No one can dispute that we have a massive need for infrastructure investment. By conservative estimates, our need to build, upgrade, and restore basic facilities totals in the hundreds of billions of dollars. However, serious steps toward addressing the problem must function within the constraints of current budget pressures.

The Environmental Infrastructure Act is a sensible way to begin to address the problem. The bill does not set up a new bureaucracy. It does not establish a new and expensive grant program that would never be fully funded. Instead, it provides a way to make investment in these certain facilities both easier and cheaper for State and local governments by making limited changes in the Tax Code.

Specifically, the bill creates a new category of tax-exempt bond—the infrastructure bond. These bonds, issued by State and local governments, could be used to finance a variety of environmental public works including facilities for wastewater treatment, solid or hazardous waste disposal, and water supply. The bonds could also finance projects required for compliance with Federal air or water quality regulations.

The bill will also attract more private dollars to these needed facilities by making favorable changes in the depreciation schedule for certain areas of environmental investment. I believe this is sound policy. I have long believed in the use of our Tax Code as a means to channel private funds to needs that serve the public interest.

Mr. President, our Nation's infrastructure is the key to its economic productivity. Neglecting these investments in our future will truly threaten our standing in the international marketplace. I urge my colleagues, especially those on the Senate Finance Committee, to study this legislation and join Senator DOMENICI and myself as cosponsors.•

By Mr. DOMENICI:

S. 91. A bill to provide a comprehensive congressional campaign financing reform to encourage grassroots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

GRASSROOTS CAMPAIGNING AND ELECTION REFORM ACT OF 1991

• Mr. DOMENICI. Mr. President, I send to the desk a bill that I believe has already added—and will continue to add—constructively to the Senate's debate over the important issue of campaign financing reform.

I am greatly honored that portions of this bill passed the Senate during its debate last year, and portions will appear in various other bills to be introduced today by Senators on both sides of the aisle.

I believe this bill needs to be considered by the Senate in the context of the others, because this bill offers the truest and purest reform—reform that takes us back to our constituents.

There is no doubt among those in this Chamber that our system of campaign financing requires change. We passed a bill last year, one that gave me grave concern, a bill I voted against because it was a partisan document, not a document of change.

But we acted then, and I expect we will act again this year—hopefully in a bipartisan manner so that we can give the American public a cleaner deal on campaign financing.

As I have studied the continuing debate over spending limits, political action committees [PAC's], and soft money, I have come to the conclusion that we clearly need to remove public doubts over undue influence from PAC's and other big-spending institutions. We ought to be able to agree on the value of the political process of returning campaign financing to the grassroots.

That is what this bill is all about.

Some in this Chamber, as well as outside it, have argued that the answer is spending limits. Other state that the American taxpayers must be bullied into financing us with their tax dollars.

I reject both notions.

The problem is not the dollars spent; the problem is the source of those dollars.

Let me restate that: The American people are worried about contributions—not how contributed money is later spent.

Has anyone in this Chamber heard the American people say "Spend my tax dollars on political campaigns"? The American people reject that idea.

In fact, fewer and fewer Americans are checking off contributions to the Presidential campaign, a fact that should tell us something about how the American people feel about federally financed elections.

Nor do the American people insist on spending limits. Some special interests may like that idea—since it will strengthen their clout—but the American people are not saying that.

In the view of this Senator, we need to encourage more, not fewer, individuals to participate in the financing of elections. We particularly need to encourage our own constituents to contribute to us and—yes—to our opponents.

In other words, we need to send all candidates back into retail politics.

While many of the proposals that will come before the Senate seek to achieve the goal of reform, many will do so in a fashion that we all know is unfair and partisan.

The approach I am sending to the desk today gives no party or individual an inherent advantage. It certainly will not give incumbents an advantage, since incumbents are the ones who do best in raising large sums of money from PAC's and out-of-State donors.

It is a proposal that will inherently wring a lot of money out of the process, but in a manner that leaves everyone playing on a level field.

That is what the American public wants, and that is what we must give them.

My bill makes four very specific changes in the law, each of which I believe the American people will support with enthusiasm;

My bill imposes a flat-out prohibition on House and Senate candidates raising money outside their home State;

My bill effectively eliminates PAC's;

My bill creates a strong disincentive to super-wealthy candidates throwing masses of family money into a campaign; and

My bill eliminates the evil of "soft money," used by some groups to circumvent present controls on fund raising.

Last year, I introduced S. 2265, which essentially is identical to this bill. With that outline, let me describe the specifics of this legislation.

Section 1 of our bill is the short title, and a most accurate one: The Grassroots Campaigning and Election Reform Act of 1991.

IN-STATE GIVING

Section 2 is the heart and soul of this omnibus approach to campaign reform.

First of all, section 2 leaves in place the existing $1,000 limit on individual donations, then places new, restrictive guidelines on those donations.

Section 2 says that, as of the date of enactment of this act, no candidate for the Congress—either the Senate or the House of Representatives—may raise any funds from outside the State in which that candidate is running.

If you are a candidate for the U.S. Senate in New Mexico, you must henceforth raise your money from contributors who live in Albuquerque, Farmington, Las Cruces, and Roswell. You can no longer raise funds from persons or organizations in New York, Los Angeles, or Dallas.

I am pleased that this idea is catching on. The Senate last year adopted the Domenici amendment that set the out-of-State giving limit at $250. And tighter limits on out-of-State contributions are contained in some of the leadership bills.

Obviously, such an out-of-State prohibition—or even a sharp limitation—would make it far tougher to raise large sums of campaign money. Therefore, this section will inherently reduce spending, which is the goal of so many in this Chamber.

But this section restrains campaign spending not with some arbitrary, partisan, federally imposed ceiling—one giving incumbents a great advantage. Nor does my approach use tax dollars to underwrite our campaigns.

Section 2 simply requires that Members of the Congress return to our own constituents for our full support.

To this Senator, that represents a fair and reasonable approach.

PAC'S

Section 3 of the bill is also vitally important. It essentially eliminates PAC's. My view is that if individuals want to give, let them give directly to their home State candidate.

When the American people are asked about campaign financing, there is no doubt that they state their strongest concerns over the role of PAC's, political action committees.

We must listen to the American people.

I have voted in the past to prohibit PAC's. Section 3 prohibits PAC's established by banks, businesses, and labor unions. That is a flat-out prohibition.

And because of the constitutional problems involving other types of PAC's, my bill reduces to $500—from $5,000—the amount that any other PAC can give to a candidate. I believe that will render such contributions relatively ineffective, particularly in conjunction with section 2 of the bill, which says a PAC must be headquartered in the candidate's State in order to give a legal contribution.

So section 3, in combination with section 2, eliminates PAC's as a player in the political effort to elect Members of the House and Senate. That is a wise course for the Congress to take. It is one the American people will applaud.

WEALTHY CANDIDATES

A growing problem in congressional politics, we know, is the specter of the super-wealthy candidate buying a seat in this body, or the other body. There is no doubt that the danger of such a "buy" would be magnified under the contribution constraints of section 2.

So I have included section 4 to ensure fairness when a big-spending candidate runs against a candidate of more modest means.

As my colleagues recall, I introduced S. 597 in 1989. Section 4 of this bill is a modified version of S. 597.

When I introduced S. 597, I included a detailed anlaysis and justification for that legislation. I shall not repeat all those arguments now, but I do want to make a few specific points.

We all know the tremendous advantages available to the very wealthy candidate, when that candidate decides to spend large sums of his or her own money on the campaign.

Under the provisions of section 4, the current dollar limits on contributions—$1,000, plus the in-State limit—remain in effect and unchanged, so long as all candidates in a race restrain personal spending to certain limits: $250,000 when running for the Senate—or $100,000 for a House campaign—totals that include personal loans to the campaign.

But should a wealthy candidate unleash the family treasury, section 4 gives the opponent a chance to compete. In that case, section 4 eliminates the in-State requirements of section 2 in this bill, and it raises the individual giving limit for that specific race to $10,000.

These limits would be loosened for the opponent or opponents of the wealthy candidate, not the wealthy candidate.

Thus a wealthy candidate would cross that big-spending threshold at his or her great peril. But that is his or her choice.

But let me reiterate: If all candidates hold to the family contribution limits I have cited, all other contribution limits will be maintained, and this section would have no impact whatsoever on that race.

Section 4 also deals with the problem of a last-minute deluge of money. It prohibits any—I repeat, any—personal contributions or loans by any candidate or the candidate's family during the final 90 days before any election, regardless of whether the candidate has breached the personal limitations prior to that date.

Thus, the wealthy candidate must make his or her play known by early August at the lastest, giving the opposition time to compete in the political money markets.

Under this approach, every candidate can be assured that he or she will never confront a last minute avalanche of family money, money the poorer opponent could never offset with last-minute contributions.

SOFT MONEY

Section 5 controls another very pervasive problem in our political system, what has come to be called soft money—contributions for voter registration drives and other forms of spending designed to assist one party or one candidate.

We all know that huge sums of money are spent outside the regular process, but in full coordination with many candidates. That is money the public never hears about, but it is spending that often shows up in far larger chunks than anything an individual or a PAC can otherwise contribute.

This is money that truly distorts the system, and we need to bring it into the open, so it either disappears or becomes a contribution directly to the candidate, and reported to the public. Let the public judge to whom a candidate might stand beholden.

Section 5 says that banks, businesses, and labor unions no longer can distort the system with soft money. They won't like that, but the American people will.

Mr. President, I am convinced this bill respresents an effective way to reform campaign financing, rebuilding that link candidates for the Congress should have with those we serve, our constituents.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Grassroots Campaigning and Election Reform Act of 1991".

RELIANCE ON IN-STATE CONTRIBUTIONS

SEC. 2. (a) Chapter 2, section 441 of title 2, United States Code, is amended by inserting a new subsection (h), and relettering subsequent sections appropriately:

"(h)(1) It shall be unlawful for any candidate for the Senate of the United States or the House of Representatives of the United States to solicit or accept any funds for the purposes of election to the Senate or the House of Representatives from any individual, organization, or political action committee that does not reside or have its headquarters within the State from which such candidate seeks election.

"(2) Each contributor to a candidate under the terms of paragraph (1) of this subsection shall provide evidence of the State of residence of such contributor, pursuant to limits described in paragraph (3) of this subsection.

"(3)(A) For the purposes of determining the accuracy of any declaration of residence by a contributor, each candidate for the Congress of the United States shall maintain records of the home State of each contributor.

"(B) It shall be presumed that a contributor is a resident of the candidate's State if the contribution is made in the form of a check drawn on a bank within such State, and if the contribution is physically presented to the candidate or his agent in such State or mailed in an envelope postmarked in such State.

"(C) For any contribution in cash in excess of $99, such name and address shall be accompanied by a notarized statement attesting to the accuracy of such name and address.

"(D) Notwithstanding the provisions of subparagraph (B) of this subsection, any contribution in excess of $499 shall be accompanied by a notarized statement attesting to the accuracy of the name and address of the contributor.

"(E) Any contribution from a political party to a candidate shall be accompanied by a notarized statement as to the residence of the contributors of such funds.

"(4) Any contribution that fails to meet the criteria described in paragraph (3) of this subsection shall, within ten days of receipt, be returned to the contributor, if known, or given to a nonpolitical health or educational charitable organization of the candidate's choice within the candidate's State.

"(5) Each violation of this section shall subject the candidate to a civil penalty of $1,000".

(b)(1) As of January 31, 1993, each Member of the Senate of the United States elected in 1992 and each Member of the House of Representatives of the United States shall rebate to each Member's contributors, on a pro rata basis, all campaign funds retained as of January 1, 1993, or donate such funds to a nonpolitical health or educational charitable organization of the Member's choice within the Member's State.

(2) As of January 31, 1993, each Member of the Senate of the United States who was not a candidate for election in 1992 shall rebate to the each Member's contributors, on a pro rata basis, all campaign funds raised as of such date, or donate such funds to a nonpolitical health or educational charitable organization of the Member's choice within the Member's State.

(3) Any funds not rebated or contributed pursuant to this subsection shall subject the Member to a civil penalty equal to twice the sums involved.

LIMITATIONS ON POLITICAL ACTION COMMITTEES

SEC. 3. (a) Chapter 2, section 441b of title 2, United States Code, is amended by deleting all of the text following subsection (b)(2)(B).

(b) Chapter 2, section 441a(a)(2) of title 2, United States Code, is amended by striking out "5,000" and inserting in lieu thereof "500" in subsection (A), and by placing a period after the word "committee" and striking all that follows in subsection (C).

(c) Chapter 2, section 441b of title 2, United States Code, is amended by inserting the following as a new subparagraph "(c)":

"(c) It is unlawful for any bank, labor organization, or corporation referred to in subparagraph (a) of this section to make any contribution or expenditure for the establishment, administration, or solicitation of contributions to any political committee.".

USE OF PERSONAL WEALTH FOR CAMPAIGN PURPOSES

SEC. 4. Chapter 2, section 441 of title 2, United States Code, is amended by inserting a new subsection (i), and relettering subsequent sections appropriately:

"(i)(1)(A) Within fifteen days after a candidate qualifies for the ballot, under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend, in the aggregate:

"(i) At least $250,000, if a candidate for the Senate of the United States, or

"(ii) At least $100,000, if a candidate for the House of Representatives of the United States,

from his personal funds, and the funds of his immediate family, and incur personal loans in excess of such amount, in connection with his campaign for such office.

"(B) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate, and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of any such person.

"(C) The statement required by this subsection shall be in such form, and shall contain such information, as the Commission may, by regulation, require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares that he intends to expend more than the limits described in subparagraph (A) of paragraph (1), or does expend and incur loans in excess of such limits, or fails to file the declaration required by this subsection, the limitations on contributions in subsection (h) of this section, as they apply to all other candidates in such election in such State, shall be waived and the limitations on contributions in subsection (a) of this section, as they apply to all other individuals running for such office, shall be increased for such election as follows:

"(A) The limitations provided in subsection (a)(1)(A) shall be increased to an amount equal to 1000 per centum of such limitation, and

"(B) The limitations provided in subsection (a)(3) shall be increased to an amount equal to 150 per centum of such limitation, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in subparagraph (A).

"(3) If the limitations described in paragraph (2) of this subsection are increased pursuant to paragraph (2) for a convention or a primary election, as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of paragraph (2) shall no longer apply.

"(4) Any candidate who—

"(A) declares, pursuant to subparagraph (1) of this paragraph that he does not intend to expend, in the aggregate, more than the limits described in subparagraph (1)(A); and

"(B) subsequently does expend and incur loans in excess of such amounts, or intends to expend and incur loans in excess of such amounts,

such candidate shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within twenty-four hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested. Failure to so notify and so file shall subject such candidate to a civil penalty equal to twice the funds so expended.

"(5) Any candidate who incurs personal loans in connection with his campaign under this Act shall not repay, either directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candi date, if such contribution was made following the date of such election.

"(6) Notwithstanding any other provision of law, no candidate under this title may make expenditures from his personal funds or the personal funds of his immediate family, or incur personal loans in connection with his campaign for election to such office at any time after ninety days before the date of such election, or twenty-four hours after the primary election for such office, whichever date shall later occur. The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in paragraph (1) of this subsection. Violation of this paragraph shall subject such violator to a civil penalty three times the funds so expended.

"(7) The Commission shall take such actions as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

SOFT MONEY

SEC. 5. (a) At the appropriate place in Federal Election Campaign Act of 1971 (2 U.S.C. 441), insert the following new section:

"( )(A) Any amount solicited, received or spent by a national, State, or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received, or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 431(b)(B)(viii) of title 2.

"(B) For purposes of this section, the term "in connection with a Federal election" includes any activity that may affect a Federal election, including but not limited to the following:

"(1) Voter registration and get-out-the-vote activities;

"(2) Generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising;

"(3) Campaign materials which identify a Federal candidate, regardless of any other candidate who may also be identified.".

SEVERABILITY

SEC. 6. If any provision of this Act, or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances, shall not be affected thereby.

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall, unless otherwise stated, become effective upon the date of enactment of this Act, and shall apply to all activities, contributions, and expenditures made following such date.•

By Mr. PRESSLER:

S. 92. A bill to authorize multiyear contracts in providing small community air service; to the Committee on Commerce, Science, and Transportation.

AIR SERVICE MULTIYEAR CONTRACTS BILL

Mr. PRESSLER. Mr. President, today I am proud to introduce legislation to protect the Essential Air Service Program's ability to enter into multiyear contracts with air carriers. This bill would ensure air service to small cities for a longer time than is now possible.

Just as it name implies, the Essential Air Service Program is essential to the growth and development of small cities. Reliable and affordable air service often is a smaller community's most important link to the outside world. It also is a vital element in every State's economic development program and is necessary for industial expansion.

The bill I am introducing protects the authority of the EAS Program to enter into multiyear contracts with small cities. Smaller cities should not be required to fight every year to maintain this service. To attract new businesses to their cities, these small communities must have some kind of assurance that they will have air service for the foreseeable future.

Mr. President, the Essential Air Service Program is the lifeblood of a number of airports in small States like my home State of South Dakota. Essential Air Service supports the South Dakota cities of Mitchell, Brookings, Pierre, Yankton, Huron, Aberdeen, and Watertown.

However, the Essential Air Service Program is not limited to a few States. This program provides funding for small airports in 39 States across the Nation.

Yankton, SD, is a particularly good example of the importance of the EAS Program to a small community. In December of 1989, Yankton's Essential Air Service carrier declared bankruptcy and discontinued all service to and from Yankton. For the first half of 1990, the entire city was without air service. We worked with the City of Yankton to successfully locate a new EAS carrier, Great Lakes Aviation, which is now providing service to that community. Without this air service, Yankton's economic development program and basic transportation needs would have suffered greatly. Many small cities around the country similarly depend heavily on EAS.

Mr. President, the 1990's will bring great changes to our national transportation system. As we move into the 21st century, we must not neglect smaller cities and rural areas. With assurances that they will have air service for the forseeable future, these smaller cities would be given the opportunity to engage in long-term economic planning and to attract new businesses to their area. This bill would give smaller cities that opportunity, and I urge its adoption.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 9113(b)(1) of title IX of the Omnibus Budget Reconciliation Act of 1990 is amended by adding at the end thereof the following new sentence: "Any such agreement may cover the entire period commencing October 1, 1991, through fiscal year 1998, or any part thereof.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect October 1, 1991.

By Mr. PRESSLER:

S. 93–S. 96. Bills to authorize the Secretary of Transportation to carry out a highway bridge demonstration project to improve the flow of traffic between the States of Nebraska and South Dakota; to the Committee on Environment and Public Works.

COMPREHENSIVE TRANSPORTATION PACKAGE

Mr. PRESSLER. Mr. President, today I am pleased to introduce a package of bills dealing with the transportation needs of my State of South Dakota.

This package includes bridge projects, two of them across the Missouri River between South Dakota and Nebraska, and highway demonstration projects in eastern and southwestern South Dakota.

I have not prioritized these transportation projects, and do not consider them to be in competition with each other. However, I realize that decisions may have to be made depending on availability of funds, availability of planning and background information and local support. The introduction of this legislation at this time is an important step in initiating the decision-making process.

Mr. President, I and many other Senators continually have stressed the need for economic development in rural areas of the Nation. Accessible transportation within and between States is an obvious first step in promoting rural development. The legislation I am introducing today would expand the business labor pool, stimulate economic growth, and increase the flow of tourists and travelers through the area.

Over the years, I have received many requests from my constituents to do something about the lack of accessible transportation across the Missouri River in the Springfield and Vermillion areas. In some cases, people must drive 90 miles out of their way to reach a bridge spanning the Missouri River between South Dakota and Nebraska.

For years, I have worked with Springfield and Vermillion area residents and South Dakota transportation officials to find better alternatives.

For example, in the 1987 highway bill, I sponsored an amendment directing a feasibility study of ferry service across the Missouri River. That study determined that reestablishing a ferry service in the Springfield area would not be economical and was logistically unfeasible. Furthermore, the ferry service would cost nearly as much as a bridge.

Efforts to establish a river crossing in the Vermillion, SD, and Newcastle, NE, area have faced similar obstacles. However, a bridge committee formed in this area has made considerable progress, both in obtaining a feasibility study and gathering local support for the project.

The highway demonstration project planned for Route 37 between Huron and Mitchell, SD, would widen to four lanes a two-lane section of a major thoroughfare in South Dakota. Huron and Mitchell, two of South Dakota's major cities, depend on this highway for their economic well-being and stability.

Jewel Cave National Monument is one of South Dakota's natural treasures. However, visitors wishing to enjoy it must travel on a narrow, winding road through some of the roughest topography in South Dakota. I am proposing a demonstration project to grade, surface, and build a bridge over Hell Canyon in this area of southwestern South Dakota.

The legislation I am introducing today calls for demonstration projects that would be 80-percent funded by the Federal Government. The States of South Dakota and Nebraska already have made commitments of $1 million each toward the Springfield/Niobrara bridge project, and I am hopeful that similar commitments to the other projects soon will follow.

My State of South Dakota has serious transportation infrastructure needs. The bills I am introducing as a package confirm my determination to help address those needs.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 93

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEBRASKA-SOUTH DAKOTA BRIDGE DEMONSTRATION PROJECT.

(a) PROJECT DESCRIPTION.—The Secretary of Transportation is authorized to carry out a highway project, to plan, engineer, and construct a bridge across the Missouri River, connecting a Federal-aid highway in the vicinity of Niobrara, Nebraska, with a Federal-aid highway in the vicinity of Springfield, South Dakota, for the purpose of demonstrating methods of improving the interstate flow of traffic, relieving present and projected traffic burdens on an existing highway network, and improving economic development of this rural area.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated out of the Highway Trust Fund (other than Mass Transit Account) $5,000,000 per fiscal year for each of fiscal years 1992 and 1993 to carry out this section.

(c) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 per centum and such funds shall remain avaialble until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(d) STATE SHARE.—The States of Nebraska and South Dakota or political subdivisions of such States shall each provide for the project under this section 10 per centum of the cost of such project.

S. 94

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEBRASKA-SOUTH DAKOTA BRIDGE DEMONSTRATION PROJECT.

(a) PROJECT DESCRIPTION.—The Secretary of Transportation is authorized to carry out a highway project, to plan, engineer, and construct a bridge across the Missouri River, connecting a Federal-aid highway in the vicinity of Newcastle, Nebraska, with a Federal-aid highway in the vicinity of Vermillion, South Dakota, for the purpose of demonstrating methods of improving the interstate flow of traffic, relieving present and projected traffic burdens on an existing highway network, and improving economic development of this rural area.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated out of the Highway Trust Fund (other than Mass Transit Account) $5,080,000 per fiscal year for each of fiscal years 1992 and 1993 to carry out this section.

(c) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as it such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 per centum and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(d) STATE SHARE.—The States of Nebraska and South Dakota or political subdivisions of such States shall each provide for the project under this section 10 per centum of the cost of such project.

S. 95

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOUTH DAKOTA HIGHWAY DEMONSTRATION PROJECT.

(a) PROJECT DESCRIPTION.—The Secretary of Transportation is authorized to carry out a highway project, to reconstruct and widen South Dakota Routes 37 and 34 on a segment from 3 miles east of Woonsocket to Davison County line, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment to four.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated out of the Highway Trust Fund (other than Mass Transit Account) $5,240,000 per fiscal year for each of the fiscal years 1992 and 1993 to carry out this resolution.

(c) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 per centum and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(d) STATE SHARE.—The State of South Dakota or political subdivisions of such State shall provide for the project under this section 20 per centum of the cost of such project.

S. 96

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOUTH DAKOTA HIGHWAY DEMONSTRATION PROJECT.

(a) PROJECT DESCRIPTION.—The Secretary of Transportation is authorized to carry out a highway and bridge demonstration project to provide grading, surfacing, and structural work over Hell Canyon on United States Route 16 in South Dakota from the South Dakota-Wyoming State line, east 11 miles, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated out of the Highway Trust Fund (other than Mass Transit Account) $9,120,000 per fiscal year for each of the fiscal years 1992 and 1993 to carry out this section.

(c) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the project under this section shall be 80 per centum and such funds shall remain available until expended. Funds authorized by this section shall not be subject to any obligation limitation.

(d) STATE SHARE.—The State of South Dakota or political subdivisions of such State shall provide for the project under this section 20 per centum of the cost of such project.

By Mr. PRESSLER:

S. 97. A bill to amend the Agricultural Act of 1949 to increase the minimum established prices used to calculate deficiency payments for the 1991 through 1995 crops of wheat and feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL ACT AMENDMENT

Mr. PRESSLER. Mr. President I voted against the 1990 farm bill because it inadequately protected our farmers and ranchers. Target prices are frozen for the next 5 years in the 1990 farm bill. This freeze, Mr. President, follows target price reductions in every year since 1986.

The target price is the dollar amount per bushel the Commodity Credit Corporation [CCC] guarantees a producer will receive if he enrolls his farm in the Federal Farm Program and abides by the regulations mandated under the program. Unlike the European Community, which pays its farmers high subsidies for crops planted fence row to fence row, our U.S. farmers are required to idle a percentage of their cropland in order to be eligible for guaranteed target prices. To make matters worse, the budget reconciliation bill passed last year requires that a farmer will not receive deficiency payments on an additional 15 percent of his cropland. This can be viewed only as a cut in pay and another deadly blow to the future of the American family farmer and rural America.

Mr. President, Members of Congress received a pay increase effective January 1 of this year. Federal employees received a pay increase. The supporters of these pay raises say they are necessary because the cost of living has increased. Transportation, food, and clothing costs have risen since last year and the dollar just doesn't go as far. More money is needed, they say, just to maintain their present standard of living. But Mr. President, the cost of living increases for everyone, including farmers. It is only fair that if some are to be compensated with cost-of-living increases, then all should be.

What did our farmers and ranchers receive as a reward for providing the safest, cleanest, most inexpensive food supply in the world? They saw their target prices frozen for the next 5 years at 1990 levels. They are selling grain for the lowest prices in years. And what has happened to their expenses to produce their crops and livestock? Expenses have risen dramatically, especially since last fall. Fuel prices have risen by more than 20 percent. Fertilizer prices are sure to follow. Something must be done.

Mr. President, I am introducing a bill today to give our wheat and feed grain producers adjustments for inflationary production cost increases. My bill raises target prices on wheat and feed grains by 5 percent each year, beginning with the 1992 crop year. I don't think that anyone can say this is unnecessary or unfair. It is crucial to rural America and our family farmers that they receive adequate income for their crops. Passage of this bill would be a small step toward giving our farmers and ranchers the price protection and economic stabilization they need to survive. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 97

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM ESTABLISHED PRICES FOR DEFICIENCY PAYMENTS.

(a) WHEAT.—Section 107B(c)(1)(B)(iii) of the Agricultural Act of 1949 (as added by section 301 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624)) is amended by striking "$4.00 per bushel for each of the 1991 through 1995 crops" and inserting "$4.00 per bushel for the 1991 crop, $4.20 per bushel for the 1992 crop, $4.41 per bushel for the 1993 crop, $4.63 per bushel for the 1994 crop, and $4.86 per bushel for the 1995 crop".

(b) FEED GRAINS.—Section 105B(c)(1)(b)(iii) of the Agricultural Act of 1949 (as added by section 401 of the Food, Agriculture, Conservation, and Trade Act of 1990) is amended—

(1) in subclause (I), by striking "$2.75 per bushel for each of the 1991 through 1995 crops of corn" and inserting "$2.75 per bushel for the 1991 crop, $2.89 per bushel for the 1992 crop, $3.03 per bushel for the 1993 crop, $3.18 per bushel for the 1994 crop, and $3.34 per bushel for the 1995 crop";

(2) in subclause (II), by striking "$1.45 per bushel" and inserting "$1.45 per bushel for the 1991 crop, $1.52 per bushel for the 1992 crop, $1.60 per bushel for the 1993 crop, $1.68 per bushel for the 1994 crop, and $1.76 per bushel for the 1995 crop:"; and

(3) in subclause (III), by striking "$2.61 per bushel" and inserting "$2.61 per bushel for the 1991 crop, $2.74 per bushel for the 1992 crop, $2.88 per bushel for the 1993 crop, $3.02 per bushel for the 1994 crop, and $3.17 per bushel for the 1995 crop".

By Mr. PRESSLER:

S. 98. A bill to amend the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989; to the Committee on Commerce, Science, and Transportation.

NATIONAL WEATHER SERVICE MODERNIZATION ACT

Mr. PRESSLER. Mr. President. I am pleased to introduce legislation requiring a certification that changes in weather service operations due to proposed modernization not affect the overall performance and quality of the forecasting and warning capability of the National Weather Service [NWS]. This legislation is an adaptation of the amendment which Senator DANFORTH and I offered last year and was passed by the Commerce, Science, and Transportation Committee.

This bill ensures that any decision to require the closing, consolidation, automation or relocation of an existing weather service office or weather services forecasting office will receive a fair and impartial review by the National Academy of Sciences [NAS]. In particular, my bill ensures a safe modernization program by examining on a case-by-case basis, new technologies and deletion of manpower through automation. These changes should not be allowed to adversely affect this vital national service. Subject to the National Academy of Sciences report, this legislation guarantees that no "degradation in services" would occur. It requires the impartial NAS to assess information from the NWS and the National Weather Service Employees Organization—the operators of existing and new equipment and instruments. Using the information and recommendations provided by NAS, Congress would have a period of 1 year in which to review the recommendations and to enact necessary legislation. Last year the Commerce Committee acted correctly in adopting my amendment to utilize an independent source for the evaluation of Weather Service facilities. My legislation would guarantee that existing weather warning services are not downgraded through modernization, consolidation or deletion of manpower.

My interest in this matter stems from the situation in my home State of South Dakota. Under a proposed modernization plan, South Dakotans were in danger of losing a vital weather service station at Huron. According to information supplied by the National Weather Service, without the Huron Weather Service Station, the NEXRAD doppler system would not be capable of providing adequate coverage for an area in central South Dakota near our State Capital of Pierre. This inadequacy clearly would produce a "degradation in services." The loss of the Huron station would create weather-related safety problems for aviation and the people who live in the affected area.

South Dakota is not unique in this regard. Many other States face similar situations. For example, Senator WALLOP has expressed important concerns regarding "degradation in services" in Wyoming if the weather station at Casper is closed as planned. In reviewing the National Weather Service modernization plan, the NEXRAD doppler system located at Riverton would fail to provide adequate coverage of the northeastern portion of Wyoming. This is an area known for severe thunderstorms and tornadoes. Pilots and other weather service information users are concerned with the loss of vital service. My bill would ensure that these groups could voice their concerns to NAS and, if necessary, to Congress. Modernization can be safely accomplished only through a case-by-case review of each proposed station closure. I am confident that this independent review process would benefit a large number of other States in addition to South Dakota and Wyoming.

The National Weather Service modernization plan is a good idea, provided that services are truly enhanced and there truly is no degradation of service. To ensure this requires thorough evaluation of the effects of that modernization, including independent information and on-site, case-by-case analysis by the NAS. The new, higher technology weather warning system can become a useful tool, but we cannot safely give machines all the responsibility for weather prediction and warning. We will still need human beings in many instances.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 98

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CLOSE, CONSOLIDATE, AUTOMATE, OR RELOCATE WEATHER SERVICE OFFICES AND WEATHER SERVICE FORECAST OFFICES.

Section 408(b) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (15 U.S.C. 313 note), is amended to read as follows:

"(b)(1) The Secretary may not close, consolidate, automate, or relocate any such Office unless—

"(A) the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives that such action will not result in any degradation of weather services provided to the affected area; and

"(B) at least one year has elapsed following the date of such certification.

"(2) The certification referred to in paragraph (1) shall be based upon an independent review by the National Academy of Sciences which shall include—

"(A) a detailed comparison of the services provided to the affected area and the services to be provided after such action;

"(B) any recent or expected modernization of National Weather Service operations which will enhance services in the affected area;

"(C) an identification of any areas within any State which would be adversely affected by the loss of manned weather stations;

"(D) an identification of any area within any State which would not receive complete and total coverage (at 10,000 feet) by the NEXRAD doppler network; and

"(E) a statement of all evidence, based upon operational demonstration of modernized National Weather Service operations, which was considered in reaching the conclusion that no degradation in services will result from such action.".

By Mr. PRESSLER:

S. 99. A bill to reduce the pay of Members of Congress and certain Executive Officers corresponding to the percentage reduction of the pay of Federal employees who are furloughed or otherwise have a reduction of pay resulting from a sequestration order; to the Committee on Governmental Affairs.

CONGRESSIONAL AND EXECUTIVE BRANCH SEQUESTRATION ACT OF 1991

Mr. PRESSLER. Mr. President, today I am introducing legislation to ensure that Members of Congress and certain high-level members of the executive branch share in the Federal pay cuts which could occur from automatic sequestration under the Gramm-Rudman-Hollings Act of 1985 and subsequent deficit control laws. Budget cuts that would directly affect the pay of Federal workers and the services available to the American people should also apply to those who make the budget decisions.

The pay cuts resulting from sequestration would impose a great burden upon many hardworking Federal employees and their families. Congress and the executive branch should not be exempt from sharing that burden. My bill would cut the pay of Senators, Congressmen, the Vice President, and all executive officers at the position of level V or above by a percentage equal to the largest of either: the across-the-board uniform percent reduction under Gramm-Rudman-Hollings; or the highest percentage pay cut of any civil service or other Federal employee whose salary is affected by sequestration.

My bill is simply a matter of equity. Those who make the budgetary decisions should not be exempt from their own actions.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 99

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION OF PAY OF MEMBERS OF CONGRESS AND EXECUTIVE OFFICERS.

(a) REDUCTION IN PAY.—For each month during fiscal year 1991 in which, by reason of a furlough or other employment action necessitated by a sequestration order under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902), the total amount of the pay paid to any Federal employee is projected to be less than the monthly equivalent of the annual rate of pay established for such Federal employee pursuant to law, the rate of pay payable to a Member of Congress or an Executive Officer shall be reduced to the rate of pay established for such Member or Officer pursuant to law.

(b) COMPUTATION OF REDUCED PAY.—The rate of pay payable to a Member of Congress or an Executive Officer for any month referred to in subsection (a) shall be equal to the amount determined by multiplying the rate of pay established for such Member or Officer pursuant to law by the percentage reported to Congress for such month under subsection (c)(1)(D).

(c) DETERMINATION OF PERCENTAGE FOR COMPUTATION OF REDUCED PAY.—(1) No later than the first day of each month in fiscal year 1991, the Director of the Office of Management and Budget shall—

(A) determine whether, for a reason described in subsection (a), the total amount of the pay paid to any Federal employee in that month is projected to be less than the monthly equivalent of the annual rate of pay established for such Federal employee pursuant to law;

(B) estimate the average of the percentages that would result by dividing the monthly equivalent of the annual rate of pay established for each such Federal employee pursuant to law into the total amount projected to be paid such Federal employee for such month;

(C) aggregate the percentages determined under subparagraph (B) for Federal employees for each agency and determine the highest average percentage for any agency; and

(D) transmit to Congress a written report containing the average computed under subparagraph (C).

(2) The Office of Management and Budget may use a statistical sampling method to make the estimates and determinations under paragraph (1).

(3) For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code.

(d) APPLICATION TO OTHER FEDERAL LAWS.—For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposed any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(e) EXECUTIVE OFFICER DEFINED.—For purposes of this section, "Executive Officer" means—

(1) the President,

(2) the Vice President,

(3) any executive officer at a position of level I of the Executive Schedule under section 5312 of title 5, United States Code; and

(4) any executive officer or employee in the Executive Office of the President who on the date of enactment of this section is paid at a pay rate equal to or above the pay rate for a position at such level I of the Executive Schedule.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this section and shall apply to the first applicable pay period of Members of Congress and Executive Officers occurring on or after such date of enactment.

By Mr. SANFORD (for himself, Mr. PELL, Mr. DODD, Mr. LUGAR, Mr. KERRY, Mr. MCCAIN, Mr. LEAHY, Mr. WARNER, Mr. BIDEN, Mr. ROBB, Mr. MOYNIHAN, Mr. GRAHAM, Mr. HARKIN, Mr. MCCONNELL, Mr. ADAMS, Mr. KENNEDY, Mr. DURENBERGER, Mr. WIRTH, Mr. MURKOWSKI, Mr. KOHL, Mr. LEVIN, Mr. BINGAMAN, and Mr. CRANSTON):

S. 100. A bill to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region; to the Committee on Foreign Relations.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

Mr. SANFORD. Mr. President, among the tumultuous changes that the world has witnessed over the last decade, there has been a transformation right here in the Americas that presents us with the opportunity to chart a new course in U.S. policy toward Central America.

For the first time, there are five freely elected Presidents in Central America, with unifying values, complementary goals and a vision for development of the region as a whole. They recognize that as each individual nation works for its growth, interdependence as a region will foster sustainable political and economic benefits to Central America.

Fragile democratic institutions in Central America are being challenged by prolonged economic decline, deep social and economic inequities, and a long history of conflict between military and civilian authorities. The greatest risk to the democratic advances in Central America is the gradual erosion of the new public confidence in elected governments if they are unable to address the fundamental issues of economic viability and prosperity. Central Americans want prosperity and peace. Our purposes and their purposes coincide and overlap. Their hopes and our needs are rooted in their sustainable economic development based on a foundation of political democracy in a climate of peace and justice.

Our policy toward Central America must adhere to the following two principles: That Central Americans can discern for themselves and must implement their own solutions to Central American problems; and that our assistance must address, through the recently created regional forums, the central issues of economic, political and social advancement. The role of the United States is, succinctly, to assist not to intervene, to encourage not to impose.

It is a clear attitudinal shift in approach and policy to allow Central Americans to assume responsibility for their own affairs. The United States should assist the implementation and strengthening of effective democratic and development institutions, should improve access to trading incentives and opportunities through programs like the Caribbean Basin Initiative, and should in all ways possible promote economic self-sufficiency and sustainable growth in Central America.

Mr. President, today I reintroduce the "Central American Democracy and Development Act" on behalf of myself and Mr. PELL, Mr. DODD, Mr. LUGAR, Mr. KERRY, Mr. MCCAIN, Mr. LEAHY, Mr. WARNER, Mr. BIDEN, Mr. ROBB, Mr. MOYNIHAN, Mr. GRAHAM, Mr. HARKIN, Mr. MCCONNELL, Mr. ADAMS, Mr. KENNEDY, Mr. DURENBERGER, Mr. WIRTH, Mr. MURKOWSKI, Mr. KOHL, Mr. LEVIN, Mr. BINGAMAN, and Mr. CRANSTON, which sets forth just such a policy. Our distinguished colleague, DANTE FASCELL, chairman of the Foreign Affairs Committee, is introducing companion legislation in the House.

I introduced this legislation in the last session of Congress, and was pleased to have the cosponsorship of a bipartisan group of 23 Senators. The Senate Foreign Relations Committee held hearings on this bill in September, and unanimously reported the bill out of committee on September 14, 1989. All the Central American countries endorse the legislation. The State Department and the Agency for International Development also support this bill. Last fall, the rush of the impending adjournment, the budget crisis, and crucial appropriations bill demanded our full attention, so I decided not to push the bill through at that time and have its import lost in the shuffle. While our attention is rightly focused on another region of the world, I feel that it is appropriate to take note of the goings on of our own hemisphere at the same time. I hope this legislation will move rapidly through the proper channels.

There is already ample basis for a new U.S. policy, initiatives already in existence through the efforts of Central American leadership. At their June 1990 summit in Antigua, Guatemala, the five Central American Presidents focused their efforts on the economic recovery and development of the region. Reaffirming the Esquipulas Accords, they agreed to work together to protect human rights, coordinate economic policies, and ease the social effects of economic adjustments. Their declaration states:

> We reiterate that there are Central American paths leading to peace and development. We are willing to travel along those paths with our own strength, but the task would be easier with the generous support of the international community.

This bill represents a basic turnaround in the conduct of our foreign policy toward Central America. This is not a plea for additional foreign aid. This is a plan for a reassessment of our perspective toward that region. The people of Central America need our help and our commitment. It is in our self-interest to give both. We need a stable and prosperous Central America.

All the countries of the Americas, individually and in cooperation, must establish sustainable economic programs that will renew investment, improve productivity, alleviate the debt burden, and create employment to adjust the inequities that persist in our region. This is an historic opportunity for us to confront the poverty and turmoil that undermines our stability and growth as a hemisphere. Let us take the baton that the people of Central America want to pass us. Let us extend our hand to move democratic advancements to tangible economic and social improvements for all the people of the Americas.

By Mr. SANFORD (for himself, Mr. ROBB, Mr. FORD, Mr. EXON, Mr. MOYNIHAN, Mr. FOWLER, Mr. WIRTH, Mr. DODD, Mr. ADAMS, Mr. RIEGLE, Mr. GRAHAM, and Mr. CONRAD):

S. 101. A bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes; pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committees have 30 days to report or be discharged.

HONEST BUDGET/BALANCED BUDGET ACT

Mr. SANFORD. Mr. President, the most disturbing part of my service on the Budget Committee was coming face to face with the proposition that the real deficits were being covered up to appear much smaller than they in fact were. After serving 4 years on the Senate Budget Committee, I regret to say this practice of hiding deficit continues. I am, therefore, introducing legislation again, legislation I introduced 2 years ago, that was reported to the Senate floor last year by the Senate Budget Committee with bipartisan support.

S. 101 proposes to stop the deficit coverup. Budget enforcement legislation that passed during the last days of the 101st Congress requires a small amount of our real deficits to be hidden from public view by no longer allowing Social Security funds to be misused, but much of the coverup continues.

What are our real deficits? Our real deficits reflect the amount we add to our massive Federal debt each year. But our new budget enforcement rules allow us to turn our back on this debt and what we add to each year. The new rules focus attention on deficit reduction that is extremely misleading. Deficit reduction suggests to me that our deficits will get smaller, not larger. Under the new rules we have it both ways. Now we can claim successful deficit reduction at the same time our deficits are leaping to larger and larger amounts each year.

Deficit reduction under the new budget rules means that if we abide by these rules, our deficits will be somewhat smaller than they would have been without these new deficit reduction rules. This does not mean that our deficit this year will be smaller than last year, or for that matter, that our deficit in 5 years will be smaller than last year's deficit. It is very misleading to the American people.

Mr. President, under the rules of Gramm-Rudman we saw our real annual deficits climb from a quarter of a trillion dollars in fiscal year 1985, to well in excess of $300 billion in fiscal year 1990. That number could exceed $400 billion during this fiscal year. If we have a shooting war in the Middle East, that number will increase substantially, and could even double.

Mr. President, we can no longer afford to conceal any of our real deficits from public view. More than ever before, the United States of America is living on borrowed time. The coverup must stop now. We need an honest budget.

The Honest Budget/Balanced Budget Act has been crafted to require full disclosure of deficit to reflect the annual increase in the public debt subject to the limit. S. 101 will lay the right foundation, promoting needed action to bring our annual deficits under control, and facilitate reductions in the Federal debt.

S. 101 is quite simple. It divides the unified Federal budget into three parts: the retirement budget, the opening budget, and the debt and interest budget.

The retirement budget includes receipts and expenditures for all Federal retirement programs, including transfers of employer contributions from the operating budget. This also includes interest paid by Treasury to these trust funds for securities held in trust.

The operating budget includes all receipts and expenditures of Federal entities other than those in the two other budgets. It reflects current receipts and current appropriations, and is required to be balanced. It also requires that spending greater than the budget agreement must be paid for in the operating budget next considered by Congress.

The savings and loan bailout is what I consider a special, unanticipated problem that I propose to account for in a special way. This legislation includes a new provision in the operating budget called "unanticipated expenditures" to account for the annual cost of the Federal deposit insurance problems. This spending is separate from the rest of the operating budget, excluded from that portion that must be balanced.

Finally, the debt and interest budget includes changes in the public and interest on the public debt, and defines deficit as simply the increase in the debt. Interest displayed here includes payments to the retirement trust funds and other accounts, and cannot be treated as income to mask the total amount of (gross) interest actually paid.

The debt and interest budget also creates a trust fund for the reduction of the public debt subject to the limit, and provides for enactment of dedicated debt-reduction taxes, if called for by the President. Any new revenue must be solely dedicated to the reduction of deficit and debt through this trust fund.

This is my plan. When you examine the numbers in each account, the bottom line numbers in each account, our problem becomes clear. Our problem is the interest we are paying to service our mounting debt.

Mr. President, I am pleased to have Senators ROBB, FORD, EXON, MOYNIHAN, FOWLER, WIRTH, DODD, ADAMS, and GRAHAM join me in cosponsoring this legislation that I today introduce.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honest Budget/Balanced Budget Act."

TITLE I—OPERATING BUDGET, RETIREMENT FUNDS BUDGET, AND DEBT AND INTEREST BUDGET

SEC. 101. OPERATING BUDGET, RETIREMENT FUNDS BUDGET, AND DEBT AND INTEREST BUDGET IN THE PRESIDENT'S BUDGET.

(a) UNIFIED BUDGET.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Operating budget, retirement funds budget, and debt and interest budget

"(a) The budget of the United States Government submitted by the President under section 1105 of this title shall be a unified budget composed of—

"(1) an operating budget;

"(2) a retirement funds budget; and

"(3) a debt and interest budget.

The President's budget submission shall present these three budgets separately.

"(b) For the purposes of this section—

"(1) the unified budget shall include all receipts and expenditures for Federal funds and trust funds consolidated to display totals for the Federal Government as a whole;

"(2) the operating budget shall include—

"(A) all receipts and expenditures of all Federal entities, other than those in the retirement funds budget and the debt and interest budget;

"(B) receipts and expenditures for unanticipated expenses (which shall include only the costs of Federal deposit insurance and shall not be counted against the operating budget deficit); and

"(C) and any expenditures from the preceding fiscal year in excess of the maximum deficit amount:

"(3) the retirement funds budget shall include receipts and expenditures for—

"(A) the Federal Old-Age and Survivors Insurance Trust Fund;

"(B) the Federal Hospital Insurance Trust Fund;

"(C) the Civil Retirement and Disability Fund;

"(D) the Military Retirement Fund;

"(E) the Federal Supplementary Medical Insurance Trust Fund;

"(F) the Federal Disability Insurance Trust Fund;

"(G) the Railroad Retirement Fund; and

"(H) such other funds or accounts that the Director of Management and Budget (in cooperation with the Comptroller General, the Director of the Congressional Budget Office, and the Chairmen of the Banking Minority Members of the Committees on the Budget of the Senate and the House of Representatives) determines should be classified as retirement trust funds in order to fulfill the purposes of this section; and

"(4) the debt and interest budget shall include receipts and expenditures for—

"(A) reductions or increases in the public debt;

"(B) interest on the public debt; and

"(C) in times of declared war or declared recession pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, inter-fund transfers to the operating budget.".

(b) AMENDMENT TO THE CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding after the item for section 1105 the following:

"1105a. Operating budget, retirement funds budget, and debt and interest budget.".

SEC. 102. REPORTING OF TRANSFERS AMONG BUDGETS.

Section 1105(a) of title 31, United States Code, is amended by inserting at the end thereof:

"(28) Interfund transfers between the operating budget and the debt and interest budget.".

SEC. 103. OPERATING BUDGET, RETIREMENT FUNDS BUDGET, AND DEBT AND INTEREST BUDGET IN THE CONGRESSIONAL BUDGET.

Section 301(a) of the Congressional Budget Act of 1974 is amended by inserting after "ensuing fiscal years," the following: "for the operating budget, the retirement funds budget, and the debt and interest budget (as defined in 31 U.S.C. section 1105a), respectively,".

SEC. 104. CONFORMING CHANGE.

Section 710(a) of the Social Security Act is amended by inserting "operating" after "the totals of the".

TITLE II—BALANCED OPERATING BUDGETS

SEC. 201. POINT OF ORDER AGAINST UNBALANCED OPERATING BUDGETS.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"(j) POINT OF ORDER AGAINST UNBALANCED OPERATING BUDGETS.—

"(1) Except as provided in paragraph (2), it shall not be in order in either the House of Representatives or the Senate to consider any concurrent resolution on the budget for a fiscal year under this section, or to consider any amendment to such a concurrent resolution, or to consider a conference report on such a concurrent resolution, if the level of operating budget outlays for such fiscal year that is set forth in such concurrent resolution or conference report exceeds the recommended level of operating revenues set forth for that year, or if the adoption of such amendment would result in a level of operating budget outlays for the fiscal year that exceeds the recommended level of operating revenues for that fiscal year.

"(2) In the House of Representatives the point of order established under subparagraph (A) with respect to the consideration of a conference report or with respect to the consideration of a motion to concur, with or without an amendment or amendments, in a Senate amendment, the stage of disagreement having been reached, may be waived only by a vote of three-fifths of the Members present and voting, a quorum being present.

"(3) This subsection shall not apply if a declaration of war by the Congress is in effect.

"(k) BUDGET LEVELS DETERMINED BY THE BUDGET COMMITTEE.—For the purposes of this section, the levels of new budget authority, spending authority as described in section 401(c)(2), outlays, and new credit authority for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as the case may be.".

SEC. 202. POINT OF ORDER AGAINST LEGISLATION THAT WOULD CAUSE AN OPERATING DEFICIT.

Section 311(a) of the Congressional Budget Act of 1974 is amended by inserting before ", except in the case that a declaration of war" the following: "or would cause operating budget outlays to exceed operating budget revenues".

SEC. 203. PRESIDENT'S OPERATING BUDGET MUST BE BALANCED.

Section 1105(f) of title 31, United States Code, is amended—

(1) by designating the existing text as paragraph (1); and

(2) by adding at the end thereof the following:

"(2) In the operating budget in the budget so transmitted for any fiscal year, revenues shall equal outlays, with revenues and outlays at such levels as the President may consider most desirable and feasible. To the extent that gross revenues exceed gross outlays, the President shall indicate such surplus as an inter-fund transfer to the debt and interest budget.".

SEC. 204. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this title with respect to fiscal year 1992 and all subsequent fiscal years.

TITLE III—TRUST FUND FOR THE REDUCTION OF THE DEFICIT AND PUBLIC DEBT

SEC. 301. DEFICIT AND PUBLIC DEBT REDUCTION POLICY.

It is the policy of the United States that—

(1) not later than September 30, 1991, the Congress shall amend the Internal Revenue Code to establish a special deficit and debt retirement account dedicated to the reduction of the deficit and the public debt;

(2) the revenues collected for the deficit and debt retirement tax shall be especially titled so that citizens may be aware of their purpose;

(3) the revenues collected for the deficit and debt retirement tax shall be deposited to a separate trust fund account;

(4) the trust fund shall be used only for the reduction of the deficit and the retirement of the public debt;

(5) the Secretary of the Treasury shall administer the account with the advice of a bipartisan board consisting of the Secretary of the Treasury, as chairman, the Chairman and Ranking Minority Members of the Committee on Finance, the Committee on Ways and Means, and the Committees on the Budget of the Senate and the House of Representatives, and the Chairman of the Federal Reserve Board; and

(6) any deficit reduction and debt retirement tax enacted shall expire upon the elimination of the deficit and the reduction of the public debt to a target level of not more than 20 percent of the average Gross National Product over the previous 3 years.

TITLE IV—DEFINITION OF DEFICIT

SEC. 401. DEFINITION OF "DEFICIT".

Section 3 of the Congressional Budget Act of 1974 is amended by striking paragraph (6) and inserting in lieu thereof:

"(6) The term "deficit" means, with respect to any fiscal year, the amount by which combined budget outlays for the operating and debt and interest budgets for such fiscal year exceed combined revenues for the operating and debt and interest budgets for such fiscal year. Amounts paid by the Federal Financing Bank for the purchase of loans made or guaranteed by any department, agency, or instrumentality of the Government of the United States shall be treated as outlays of such department, agency, or instrumentality.".

By Mr. COHEN (for himself, Mr. AKAKA, Mr. BOREN, Mr. BURDICK, Mr. COCHRAN, Mr. GRASSLEY, Mr. HATFIELD, Mr. LIEBERMAN, Mr. LOTT, and Mr. SHELBY):

S. 102. A bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of title IV student loans while completing accredited resident training programs; to the Committee on Labor and Human Resources.

RESIDENT PHYSICIAN STUDENT LOAN DEFERMENT ACT

Mr. COHEN. Mr. President, I rise today to offer legislation that will not only provide a measure of relief for our Nation's aspiring physicians, but will also help to ensure that medicine remains a career that is open to all members of society and that Americans in underserved or low-income areas of the country have access to a supply of competent, well-trained primary care physicians.

No one needs to remind Americans with college-age children that the costs of higher education are rising at a frightening rate. Educating a son or a daughter at a college or university can be a daunting prospect. Assisting a child through postgraduate studies can be financially devastating. For an individual without family support or resources, higher education of any kind would be impossible without financial assistance.

Of all the postsecondary degrees, medical school is, by far, the most expensive. As a result, most medical students have turned to federally supported loans to help defray the costs of their educations. By the time they graduate, most are carrying a staggering loan of debt.

The average indebtedness of medical students has significantly increased during the post decade, from $19,700 in 1981, to $33,500 in 1986, and $40,000 in 1988. In 1989, the American Association of Medical Colleges [AAMC] determined that 81 percent of all medical graduates had incurred an average debt of $42,374. Further, 29 percent of medical graduates had incurred debts in excess of $50,000. The level of indebtedness is even more dramatic for minority and underprivileged students. In these groups, the AAMC found that 91 percent were indebeted with an average debt of $48,168, and that 41 percent had debts in excess of $50,000, just to complete their 4 years of medical school training.

The problem of student indebtedness does not end here. Upon leaving school, all student borrowers must begin repaying their student loans, usually after 6 months. The Omnibus Budget Reconciliation Act provided that these student loan payments can be deferred for a maximum of 2 years if the student is completing an internship or residency program.

In most cases, this deferment solves the financial crunch graduates face. However, in the case of physicians, the internship and residency requirements do not end after 2 years. Residencies for 87 percent of medical school graduates are in excess of 3 years. Many residencies last for as many as 7 or 8 years, during which time the resident's salary is relatively low. While a typical annual loan repayment of $4,500 to $7,000 on medical school indebtedness may seem small when compared with the average physician's earnings, for the resident physician, it is a different story.

Nationwide, the average salary for a first year resident is $24,000, with annual increases of between $1,000 to $1,500 per year. Resident stipends in my home State of Maine appear to fall pretty much in line with the national average. For example, a first year resident at the Mid-Maine Medical Center in Waterville, ME, is paid an annual stipend of $24,702 the first year, rising to $28,281 in the third. This salary is certainly not low by Maine standards, and should be sufficient to make ends meet. Unless, of course, the resident must also pay back medical school loans. Deduct $700 each month from that salary—a figure many Maine students must pay to keep their loans out of default—and nearly a third of the resident's gross pay is gone.

In fact, a recent study in the Journal of the American Medical Association [JAMA] shows that most medical graduates go even further into debt during their residencies. The JAMA study shows that even a resident training in a below-average cost-of-living area who is struggling to pay off a relatively low level of indebtedness—$20,000—would add $3,000 to $13,000 to his or her indebtedness during the course of a 5-year residency. A highly-indebted resident—$120,000—training in an above-average cost-of-living area could add as much as $100,000 to his or her indebtedness over the same 5-year period.

By requiring medical graduates to begin repayment of their loans before they have completed their residencies, we are not only driving them further into debt, but we are also forcing them to make career choices solely on the basis of financial considerations. The burden of indebtedness discourages physicians from practicing in low-income rural and urban areas. While the need is great, practice in these areas often does not provide sufficient income for physicians to service their debt. The burden of debt also discourages physicians from selecting underserved primary care specialties and encourages the selection of the more lucrative specialties or subspecialties. Finally, it encourages the medical graduate to cut training short to pursue private practice and discourages the pursuit of academic medicine. The research community's loss of qualified and talented physicians will ultimately shorten the strides of progress made by American medicine in recent decades.

The legislation I am introducing today will lighten the medical graduate's burden of debt by allowing resident physicians to defer their student loan repayments while they are completing their residency programs. By extending loan deferments, we will make the cost of a medical education more affordable. This is essential if we are to ensure that medicine is not just a career reserved for the rich and privileged. The deferment will also allow individuals in needed primary care specialties, such as internal medicine, pediatrics, and family medicine, to complete their training before payment is required. This will enhance primary care specialization and improve access to important health care services for all Americans.

Mr. President, I urge my colleagues to join me in supporting this legislation and ask unanimous consent that the text of the bill be included at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resident Physician Student Loan Deferment Act".

SEC. 2. RESIDENT PHYSICIAN DEFERMENTS.

(a) Federally Insured Student Loans.—Section 427(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(i)) is amended—

(1) by striking "or" before subclause (III);

(2) by striking "except" and all that follows through "residency program"; and

(3) by inserting before the semicolon at the end the following: "or (IV) is serving in a medical internship or residency program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association".

(b) Federal Payments To Reduce Student Interest Costs.—Section 428(b)(1)(M)(i) of the Act (20 U.S.C. 1078(b)(1)(M)(i)) is amended—

(1) by striking "or" before subclause (III);

(2) by striking "except" and all that follows through "residency program"; and

(3) by inserting before the semicolon at the end the following: "or (IV) is serving in a medical internship or residency program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association".

(c) Loan Agreements.—Section 464(c)(2)(A)(i) of the Act (20 U.S.C. 1087dd(c)(2)(A)(i)) is amended—

(1) by striking "except" and all that follows through "residency program"; and

(2) by inserting before the semicolon at the end the following: "or serving in a medical internship or residency program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association".

(d) Effective Date.—The amendments made by this Act shall apply to any loan made, insured, or guaranteed under part B or part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087aa et seq.), including a loan made before the date of enactment of this Act.

By Mr. PRESSLER:

S. 103. A bill to allow an impacted State or tribe to make a written request to the Secretary of the Army for corrective Missouri River water management action; to the Committee on Environment and Public Works.

CORPS OF ENGINEERS MITIGATION ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation which would allow an impacted State or tribe to make a written request to the Secretary of the Army for corrective Missouri River water management action.

This legislation requires the Secretary of the Army to make operation changes within 5 days of written request if he determines that the environmental and economic impacts on a State or tribe outweigh any potential adverse impacts arising from the implementation of the preventive or mitigative action requested.

This legislation also authorizes a $100 million general appropriation to be used for mitigating impacts in the Missouri River Basin States when Corps of Engineers water management policy causes damage.

The Missouri River is depended on for a multitude of uses. These include: rural water system intakes for pipelines which carry water to thousands of city and rural residents; irrigation system intakes; recreation; and navigation.

The U.S. Army Corps of Engineers is responsible for managing Missouri River water flows for power generation and downstream navigation. Years of drought and questionable corps water management policy have caused the water levels in some Missouri River reservoirs to drop to all-time lows. This, in turn, has deprived many of the water they need. Rural water systems, irrigators, recreationalists, and navigation interests have all suffered.

Mr. President, it seems that the Corps of Engineers is accountable to no one for its water management policy on the Missouri River. This situation desperately needs to be changed. Missouri River water users must have assurances in the future that corps water management policy will be fair. The Corps of Engineers must be held accountable in the future for its water management actions. I urge my colleagues to support this important legislation and ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. Insofar as it does not conflict with section 1(b) of the Flood Control Act of 1944, the Secretary of the Army shall, in operating the Missouri River mainstem reservoirs, operate the system to minimize adverse environmental and economic impacts to all existing and future authorized uses on the Missouri River and mainstem reservoir system. If an authorized use is being threatened with adverse impact, or is being adversely impacted by the operation of the system, the Secretary shall, within five days of a written request by a threatened or an impacted State or tribe, take action through operation changes to prevent or mitigate the threatened or actual adverse impacts if he determines that the environmental and economic impacts to the State or tribe outweigh any potential adverse impacts arising from the implementation of the preventive or mitigative action requested. If the Secretary denies the request, he shall document in detail, in writing, within the five-day response time, the reasons why the adverse impact to the use cannot be prevented, minimized or mitigated through operational changes.

SEC. 2. The Secretary's actions under section 1 and section 3 of this Act constitute a final action for purposes of section 704 of title 5, United States Code. The district courts shall have jurisdiction under section 706 of title 5, United States Code, to review determinations made pursuant to section 1 and section 3 of this Act.

SEC. 3. There is hereby authorized a general appropriation in the amount of $100,000,000 to be deposited into a Missouri River Basin States damage fund for the purpose of mitigating impacts in the Missouri River Basin States incurred when operational adjustments have been denied or implemented pursuant to section 1 of this Act. The damage fund shall be disbursed by the Secretary of the Army within thirty days to the impacted States or tribes as mitigation for damages incurred and in addition, for the construction of facilities including, but not limited to, public and private irrigation, domestic and industrial water supply intakes; boat ramp extensions, marinas and other recreational facilities; fisheries facilities; stream bank protection; navigation facilities; and other associated facilities.

By Mr. PRESSLER:

S. 104. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid by a physician as principal an interest on student loans if the physician agrees to practice medicine for 2 years in a rural community; to the Committee on Finance.

RURAL PHYSICIANS INCENTIVES ACT

Mr. PRESSLER. Mr. President, today I am reintroducing legislation that would provide incentives for physicians who agree to practice in a rural community for 2 years or more.

It deeply concerns me that physicians in rural areas such as South Dakota currently are struggling just to provide barely adequate access to health care. Every individual in this country has a right to health care and there are simply not enough physicians in rural America to meet the demands.

My legislation would amend the Internal Revenue Code to allow a deduction for principal and interest paid on student loans in the amount of $5,000 per year as a business expense. In return, physicians would agree to practice for a minimum of 2 consecutive years in a community of 5,000 or fewer individuals and with a per capita income of $15,000 or less.

The cost of medical education is excessive for physicians who begin their practices in rural communities with a poor economic base. The expense of developing a practice in such localities, coupled with high student loan repayments, is an immediate disincentive for recruiting physicians to rural America.

According to the 1990 report of the National Association of Community Health Centers, my state of South Dakota ranks 49th in the percentage of the population that is served per primary care physician. This 1990 data book further indicates that there is one physician per 1,465 South Dakotans and that roughly 24 percent of the State's population resides in a Health Manpower Shortage Area. There are 37 health manpower shortage areas in South Dakota.

I hope that my colleagues will join in supporting this bill. It would help to alleviate the extreme health manpower shortages in my State and many other rural areas of the Nation. By increasing the supply of physicians in small, rural areas and assisting them in building stable medical practices, this legislation would play a part in helping to resolve the health care crisis in rural America.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR STUDENT LOAN PAYMENTS BY PHYSICIANS PRACTICING IN RURAL AREAS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) STUDENT LOAN PAYMENTS OF PHYSICIANS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—In the case of an individual with respect to whom services are performed under a qualified rural medical practice agreement during the taxable year, there shall be allowed as a deduction under this section an amount equal to the amount which bears the same ratio to the principal and interest paid on qualified education loans during the taxable year as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount of the deduction under subsection (a) for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees, upon completion of the individual's residency (or intership if no residency is required), to perform full-time services as a medical doctor in the applicable rural community for a period of 24 consecutive months.

"(B) 24-MONTH PERIOD.—An individual shall be treated as meeting the 24 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within such period, the individual performs full-time services as a medical doctor in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means any political subdivision of a State or an Indian reservation which—

"(i) has a population of 5,000 or less, and

"(ii) has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of this subsection for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of this subsection) for all preceding taxable years."

(b) 2-PERCENT FLOOR NOT TO APPLY.—Section 67(b) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", and", and by inserting after paragraph (13) the following new paragraph:

"(14) the deduction allowable by reason of section 162(m) (relating to student loan payments of physicians practicing in rural areas)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. DECONCINI, Mr. THURMOND, Mr. MCCONNELL, Mr. HELMS, Mr. LOTT, Mr. HEINZ, and Mr. DOMENICI):

S. 105. A bill to impose the penalty of death for drug kingpins; to the Committee on the Judiciary.

THE DRUG KINGPIN DEATH PENALTY ACT

Mr. D'AMATO. Mr. President, together with Senators DOLE, DECONCINI, THURMOND, MCCONNELL, HELMS, LOTT, and HEINZ, I am reintroducing the Drug Kingpin Death Penalty Act. The Senate passed this legislation as an amendment to S. 1970, the omnibus crime bill, by the overwhelming margin of 66 to 32 on June 28, 1990. The House approved similar legislation as an amendment to the crime bill by an equally decisive margin. Unfortunately, delaying tactics by death penalty opponents prevented either measure from becoming law last year.

The deaths, disease, and misery caused by drugs are devastating to every community in this Nation, our inner cities, our small towns, and our suburban and rural areas. According to the 1990 survey conducted by the National Institute on Drug Abuse, among youth—12 to 17 years old—15.9 percent used an illicit drug in the past year and 8.1 percent used an illicit drug at least once in the past month. The most recent Department of Justice criminal statistics show that in 1989, 15,583 people were convicted for drug offenses in U.S. District Courts. The drug czar's office states that in 1989, there were a total of 1,075,728 drug arrests in Federal, State, and local jurisdictions, an increase of 26.5 percent from 1988 levels. The drug czar's office also estimates that there are 100,000 babies born each year harmed by the drug use of their mothers.

The Drug Kingpin Death Penalty Act provides for the death penalty for major drug dealers who distribute huge quantities of drugs; for example, over 66 pounds of heroin or 330 pounds of cocaine. It also applies to those who take in $10 million from drug trafficking in any 12-month period.

The second category of offenders eligible for capital punishment consists of drug kingpins who attempt to obstruct the investigation or prosecution of their activities by attempting to kill persons involved in the criminal justice process, or knowingly directing, advising, authorizing, or assisting another to attempt to kill such a person.

The defendant would have to be a continuing criminal enterprise principal organizer, administrator, or leader, but would not necessarily have to traffic in the huge quantities that a "super kingpin" traffics in.

This aspect of the bill is a response to the flagrant and growing problem of extreme violence against witnesses in drug cases, as well as the increasing threat and reality of violence directed against criminal justice professionals.

The third category of death-eligible drug offenders fills a gap in existing law. The Anti-Drug Abuse Act of 1988 enacted provisions authorizing capital punishment for certain drug-related killings, but did not cover killings resulting from aggravated recklessness, or the death of users resulting from the knowing distribution of bad drugs.

The Drug Kingpin Death Penalty Act fills this gap by authorizing the death penalty where the defendant, intending to cause death or acting with reckless disregard for human life, engages in a Federal drug felony, and a person dies in the course of the offense or from the use of drugs involved in the offense.

This bill is virtually identical to death penalty language submitted in the last Congress by the drug czar. The only change I make in the drug czar's proposal is to make it clear that if those who commit these crimes are not sentenced to death, they will be sentenced to life in prison.

The drug traffickers know how dangerous their crimes are. They know that others will die as a result of their illegal activities. It is not one death, but tens of thousands of deaths, that result from their crimes. The drug traffickers are killing our kids. They are destroying our quality of life. It is time for them to face the punishment they deserve, and that punishment is the death penalty.

I ask unanimous consent that the full text of the Drug Kingpin Death Penalty Act, together with a section-by-section analysis, be printed in their entirety immediately following my remarks.

THE DRUG KINGPIN DEATH PENALTY ACT—SECTION-BY-SECTION ANALYSIS

This act authorizes capital punishment for major drug dealers and provides the standards and procedures for imposing and carrying out the death penalty, which are required by the Constitution.

In 1988, as part of the Anti-Drug Abuse Act, we authorized capital punishment for certain drug-related killings. This proposal goes a step farther. It provides for the death penalty for major drug dealers, even without proof of a specific killing.

The constitutionality of this proposal has been fully analyzed by the administration. See statements of Assistant Attorney General William P. Barr and Assistant Attorney General Edward S.G. Dennis, Jr., before the Subcommittee on Crime Legislation (March 14, 1990); and statement of Assistant Attorney General Edward S.G. Dennis, Jr., before the Senate Judiciary Committee concerning the death penalty (October 2, 1989).

The procedural provisions of the act are largely the same as the death penalty procedures proposed in title II of the President's violent crime bill (S. 1225 and H.R. 2709). It also incorporates new provisions concerning appointment of counsel and collateral review, which are modeled on the recommendations of the Ad Hoc Committee of the Judicial Conference on Federal Habeas Corpus in Capital Cases—the Powell Committee—to ensure that the effectiveness of the Federal death penalty is not undermined by dilatory and repetitive litigation.

The section-by-section analysis below describes and explains the various provisions of this amendment.

DEATH PENALTY AUTHORIZATIONS AND PROCEDURES

This Act adds a new chapter 228 to title 18 of the United States Code, consisting of sections 3591 through 3599, and makes necessary technical amendments. These sections provide that the punishment for certain drug crimes may, in specified circumstances, extend to the death penalty and set forth procedures for imposing and carrying out the death penalty.

The Act sets forth the offenses for which the death penalty may be imposed if, after consideration of the mitigating and aggravating factors applicable to the case in a post-verdict hearing (described in subsequent sections), it is determined that the imposition of death is justified. The specific categories are as follows:

Section 3591(a). The first category of drug offenders who would be potentially eligible for capital punishment—described in proposed 18 U.S.C. 3591(a)—are offenders who are currently subject to a mandatory term of life imprisonment under 21 U.S.C. 848(b). This is the highest category of major traffickers recognized under Federal law.

Under the general provisions of 21 U.S.C. 848, a person is guilty of engaging in a Continuing Criminal Enterprise (CCE) if he commits a Federal drug felony as part of a continuing series of Federal drug violations which are undertaken in concert with at least five other persons, where the defendant is an organizer, supervisor, or manager in relation to such persons and derives substantial income or resources from the enterprise.

To be subject to mandatory life imprisonment under section 848(b), a CCE violator must, in addition, be a principal organizer, leader, or administrator of such an enterprise, and must either commit a violation involving enormous quantities of drugs—e.g., 30 kilograms of heroin or 150 kilograms of cocaine—or be a principal organizer, leader, or administrator of a CCE that has gross receipts of at least $10 million in a twelve-month period.

Thus, in essence, the offenders potentially subject to capital punishment under proposed section 3591(a) consist of principal organizers, administrators, and leaders of drug enterprises including at least five subordinates where transactions involving enormous quantities of drugs are involved (e.g., 30 kilograms of heroin, 150 kilograms of cocaine) or the enterprise has annual revenues of at least $10 million.

The inclusion of the very largest traffickers in the class of persons potentially eligible for the death penalty, as proposed in section 3591(a), is a response to the human and social devastation that is threatened and actually caused by their activities. In the past, Congress has prescribed the death penalty for treason, *see* 18 U.S.C. 2381, nuclear and other forms of espionage, *see* 10 U.S.C. 906a, and aircraft piracy, *see* Act of September 5, 1961, 75 Stat. 466 (1961). The proposal reflects a recognition that the current scourge of drug abuse and of drug-related crime and violence represents a comparable threat to the security and well-being of the public, and that the use of the ultimate sanction should be available in this context.

Section 3591(b). The second category of offenders who would be potentially eligible for capital punishment—described in proposed 18 U.S.C. 3591(b)—consists of a somewhat more broadly defined class of drug kingpins who attempt to obstruct the investigation or prosecution of their activities by attempting to kill persons involved in the criminal justice process, or knowingly directing, advising, authorizing, or assisting another to attempt to kill such a person. To fall within the death-eligible class, the defendant would have to be a CCE principal organizer, administrator, or leader as defined in 21 U.S.C. 848, but would not necessarily have to satisfy the specific criteria for mandatory life imprisonment under section 848(b). Including a more broadly defined class of major traffickers who also engage in actual attempted murders to obstruct justice is justified by the flagrant and growing problem of extreme violence against witnesses in drug cases, as well as the increasing threat and reality of violence directed against criminal justice professionals.

The extension of the death penalty to attempted murders, in this limited context, even where death does not actually result, would send a strong message concerning the system's resolve to deal forcefully and effectively with this problem.

The applicability of proposed section 3591(d), as noted above, would be conditioned on an attempted murder by a drug kingpin to obstruct justice, committed against any public officer—such as a police officer, judge, or prosecutor—juror, or witness, or a member of the family or household of such a person. Family members (i.e., parents, spouses, children and siblings) and members of the households of such person are included because of their exposure to victimization as targets of efforts at intimidation or reprisal by drug offenders.

Section 3591(c). The third category of potentially death-eligible drug offenders—described in proposed 18 U.S.C. 3591(c)—fills a gap in existing law. The Anti-Drug Abuse Act of 1988 enacted provisions authorizing capital punishment for certain international drug-related killings, *see* 21 U.S.C. 848(e), but did not cover killings resulting from aggravated recklessness, such as killings of innocent bystanders during a shoot-out among traffickers, or the death of users resulting from the knowing distribution of bad drugs.

Proposed section 3591(c) would fill this gap by authorizing the death penalty where the defendant, intending to cause death or acting with reckless disregard for human life, engages in a federal drug felony (not necessarily a continuing criminal enterprise offense), and a person dies in the course of the offense or from the use of drugs involved in the offense.

The specific standard of reckless disregard for human life in proposed section 3591(c) refers to the very high level of culpability—i.e., knowingly creating a grave risk of death to another—that the Supreme Court approved as adequate to support the imposition of capital punishment in *Tison* v. *Arizona*, 481 U.S. 137 (1987). *Tison* involved defendants who did not personally kill the victims or intend to cause their death, but who created a situation that resulted in death by freeing two highly dangerous inmates from prison, arming them, and assisting them in waylaying and handling the victims, who were actually killed by the inmates. The court stated that "the reckless disregard for human life implicit in knowingly engaging in criminal activities known to carry a grave risk of death represents a highly culpable mental state, a mental state that may be taken into account in making a capital sentencing judgment. . . ." *Id.* at 157–58.

The death penalty provisions of President Bush's violent crime bill (S. 1225 and H.R. 2709) include the general principle that killings resulting from aggravated recklessness, pursuant to the *Tison* standard, may be punished by death. Proposed section 3591(c) in this bill would extend the application of this principle to drug-related killings. Moreover, in relation to deaths resulting from drug use, current law (21 U.S.C. 841) generally authorizes or requires life imprisonment where serious bodily injury results from the use of drugs distributed by an offender. This proposal would extend this approach, authorizing the possibility of a death sentence (rather than life imprisonment) where the harm resulting from the use of drugs distributed by the offender is death (rather than serious injury).

SECTION 3592 (FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED)

This section sets forth the statutory mitigating and aggravating factors to be considered by the jury or judge in determining whether a sentence of death is justified upon conviction of a crme described in proposed section 3591. The section also allows, consistent with Supreme Court decisions, for the consideration of any other aggravating or mitigating factor, not listed in the section, which might affect such a determination. See *Skipper* v. *South Carolina*, 476 U.S. 1 (1986); *Lockett* v. *Ohio*, 438 U.S. 586 (1978); *Barclay* v. *Florida*, 463 U.S. 939 (1983); *Zant* v. *Stephens*, 462 U.S. 862 (1983).

Subsection (a) sets forth three mitigating factors which must be considered. They are (1) that the defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired, although not so impaired as to constitute a defense to the charge; (2) that the defendant was under unusual and substantial duress although not such as to constitute a defense; and (3) that the defendant was an accomplice whose participation in the offense was relatively minor, even though he may still be charged as a principal. Subsection (a) further states that the jury or judge shall also consider any other aspect of the defendant's character or record or any other circumstance of the offense that the defendant may offer in mitigation. While the Supreme Court has held that no limitation may be placed on the defendant's introducing evidence of mitigating factors, some linkage must be established between the evidence offered in mitigation and the defendant's persona or the offense. For example, the catch-all provision in subsection (a) is not intended to allow such irrelevant evidence as that on the night of the murder in New York City, unusually heavy rain had fallen in Los Angeles.

Subsection (b) sets forth aggravating factors to be considered. These factors are tailored to the conditions of drug trafficking and identify features of a defendant's conduct or background that provide particularly strong evidence of dangerousness, incorrigibility, or indifference to human life. The jury would have to find at least one of these additional factors to impose a death sentence:

Paragraphs (1)—(4) of subsection (b) set out general criminal record aggravating factors. These are prior convictions of a homicide punishable by life imprisonment, and prior conviction of at least two violent or drug felonies.

The factor in paragraph (5) of subsection (b) is prior conviction of a drug offense punishable by five or more years of imprisonment. This is nearly the same as one of the aggravating factors in the Anti-Drug Abuse Act death penalty provisions (21 U.S.C. 848(n)(10)).

The factor in paragraph (6) of subsection (b) is using or knowingly directing, advising, authorizing, or assisting another to use a firearm to threaten, intimidate, assault, or injure a person in committing the drug offense, or in furtherance of a continuing criminal enterprise (as defined in 21 U.S.C. 848) of which the offense was a part. Mere possession of a firearm in connection with drug activities would not be covered; the defendant would actually have to engage in or sanction the hostile use of a firearm against a person.

The factors in paragraphs (7)—(9) of subsection (b) involve a violation in committing the drug offense, or in furtherance of a continuing criminal enterprise, of the provisions that define aggravated offenses where trafficking is carried out in a manner that exploits or jeopardizes young people. This includes distribution to persons under twenty-one (21 U.S.C. 845), distribution near schools (21 U.S.C. 845a), and using minors in trafficking (21 U.S.C. 845b). The 1988 Anti-Drug Abuse Act death penalty provisions similarly have an aggravating factor (21 U.S.C. 848(n)(11)) for distribution to persons under twenty-one in violation of 21 U.S.C. 845. These factors would apply where the defendant directly committed such an offense, or would be liable as an accomplice in such an offense under the normal standards of 18 U.S.C. 2 (by aiding, abetting, counseling, commanding, inducing, procuring, or willfully causing the commission of the offense).

Factor (10) of subsection (b) covers cases where the offense involves importing, manufacturing, or distributing drugs that are mixed with a potentially lethal adulterant, and the defendant is aware of the presence of the adulterant. This is designed to reach situations in which the manufacturer or distributor cuts drugs with another toxic substance, such as household detergent.

SECTION 3593 (SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED)

This section sets out the procedure for a special hearing to determine whether a sentence of death is justified. At the conclusion of the hearing the jury (except in those unusual cases where the sentencing hearing is before the judge alone) will return a binding recommendation as to whether the sentence of death is justified. If the jury returns a recommendation of the death penalty as opposed to some lesser punishment, the court must impose a sentence of death.

Subsection 3593(a) provides that if the attorney for the government believes that the circumstances of one of the offenses for which the death penalty is authorized under section 3591 justify the imposition of the death penalty, he or she must file with the court and serve on the defendant a notice of the conclusion and set forth the aggravating factors (including any other statutorily enumerated) the government proposes to show at the hearing. The notice must be filed and served on the defendant a reasonable time before trial or the accepting of a guilty plea or at such time thereafter as the court may permit upon a showing of good cause. The provision is intended to give adequate notice to the defendant so he can prepare for the post-conviction sentencing hearing and to ensure an appropriate *voir dire* that comports with applicable Supreme Court cases.

Subsection 3593(b) provides that if the attorney for the government has filed the notice required by subsection (a) and if the defendant is found guilty, a sentencing hearing shall be conducted by the judge who presided at trial or accepted the guilty plea or by another judge if the first one is unavailable. No presentence report is to be prepared in such a case inasmuch as the issue at the hearing is the existence of aggravating or mitigating factors and the justifiability of imposing a death sentence, and the issue is to be determined on the basis of the information presented at the hearing. The hearing is to be conducted before the jury that determined on the basis of the information presented at the hearing. The hearing is to be conducted before the jury that determined the defendant's guilt, except that a jury may be impaneled for the purpose of the sentencing hearing in a case in which the defendant was convicted on a trial to the court or on a plea of guilty, in a case in which the original jury was discharged for good cause, or in a case where reconsideration of the sentence is necessary. This subsection also provides that the defendant may move that the sentencing hearing be conducted before the court alone but that the attorney for the government must concur. In the absence of this concurrence by the government, the sentencing hearing is before a jury.

Subsection 3593(c) deals with proof of the aggravating and mitigating factors. Any information relevant to the sentence may be presented. Information concerning any mitigating factor or factors, both those listed in section 3592 and those not so listed, may be introduced. Evidence of at least one aggravating factor listed in section 3592 must be introduced. As explained, the government must give the defendant notice of which aggravating factors it will seek to establish. If evidence of a statutory aggravating factor is introduced, the government may also introduce evidence of any other aggravating factor, again providing the government has given notice as to the nature of such a nonstatutory factor.

The information may include trial transcripts and exhibits or relevant parts thereof. Other evidence relevant to any mitigating of previously identified aggravating factor may be presented regardless of its admissibility under the rules of evidence, except that the court may exclude information if its probative value is outweighed by the danger of its creating unfair prejudice, confusing the issues, or misleading the jury. The burden of establishing an aggravating factor is on the government and the standard of proof for such a factor is beyond a reasonable doubt. The defendant has the burden of establishing any mitigating factor but this burden is satisfied if the defendant proves such a factor by a preponderance of the evidence.

Subsection 3593(d) deals with the return of special findings required in the sentencing hearing. It provides that the jury, or if there is no jury, the court, must consider all the information received at the sentencing hearing. The jury, or if there is no jury, the court, must return a special finding identifying each aggravating factor (both statutory and nonstatutory) which it has found. Once again, it can only find the existence of an aggravating factor for which notice was provided. The finding with respect to an aggravating factor must be unanimous. If no aggravating factor is found, the death penalty cannot be imposed and the court must impose some other sentence authorized by statute.

With the respect to mitigating factors, subsection 3593(d) reflects the holding of the Supreme Court in *Mills* v. *Maryland*, 486 U.S. 367 (1988), that individual jurors may not be precluded from considering mitigating evidence regardless of the number of jurors who agree on a particular factor. Consequently, subsection (d) provides that a finding with respect to a mitigating factor may be made by one or more members of the jury.

As used throughout section 3593, the term "mitigating factor" is meant to include all mitigating evidence which the sentencer must consider with such cases as *Eddings* v. *Oklahoma*, 455 U.S. 104 (1982). Nevertheless, the jury may only consider evidence presented at trial or at the sentencing hearing. It may not speculate on the existence of some factor completely unsupported by any evidence. See *California* v. *Brown*, 479 U.S. 538 (1987). Any member of the jury who is persuaded by a preponderance of the evidence—the standard set out in subsection (c)—that a particular mitigating factor exists may consider such a factor established. That juror (even if he or she is the only one who believes the evidence and has concluded that such a factor has been established) may then weigh that evidence against any aggravating factors which have been found unanimously beyond a reasonable doubt—again, the requirement of subsection (c)—in deciding, under subsection (e), whether to return to binding recommendation for a sentence of death.

Subsection 3593(e) provides that if one or more of the statutorily required aggravating factors is found to exist (a constitutional requirement under *Zant* v. *Stephens* and *Barclay* v. *Florida*, *supra*) the jury, or the court if there is no jury, must then consider whether the aggravating factor of factors which it has found outweigh the mitigating factor or factors. It is the intent of this subsection that jurrors be instructed that they are to weigh and balance the aggravating factor or factors found against any mitigating evidence. As discussed above, findings of aggravating factors would require a formal determination of the whole jury, but the individual members of the jury would make their own determinations concerning the existence of mitigating factors.

If each juror found no mitigating factors or found that any mitigating factors were outweighed by the aggravating factor or factors, then the jury would be required to make a binding recommendation to impose the death penalty. This reflects the judgement that the death penalty is presumptively the appropriate penalty for the crimes described in section 3591, under the aggravated circumstances described in section 3592, and that the death penalty should be imposed in such cases unless the aggravating factors are balanced or outweighed by mitigating circumstances. The Supreme Court upheld rules requiring that the dealth penalty be imposed under these conditions in *Blystone* v. *Pennsylvania*, No. 88-6613 (Feb. 28, 1990), and *Boyde* v. *California*, No. 88-6613 (March 5, 1990). This approach promotes equal justice and avoids the potential for arbitrariness that would exist under an approach that gave the jury or court less guidance in imposing the dealth penalty.

Subsection (e) also requires an instruction to the jury that it is not to be influenced in its decision whether to recommend the death penalty by sympathy, sentiment, passion, prejudice, or any other arbitrary factor, and should make such a recommendation as the instruction warrants. This is substantially the same as the instruction upheld by the Supreme Court in *Saffle* v. *Parks*, No. 88-1264 (March 5, 1990). *See also California* v. *Brown* 479 U.S. 538 (1987) (approving similar instruction). The requriements of such an instruction serves to improve equal justice by emphasizing that capital sentencing decision are not to be influenced by legally inadmissible considerations or personal whim or caprice. Rather, what is called for is a reasoned factual and moral assessment by the jury based on the evidence presented at the trial and sentencing hearing and its conclusions concerning the existence and relative weight of pertinent aggravating and mitigating factors.

Section 3593(f) is designated as a special precaution against discrimination by the jury against the defendant on the basis of the defendant's or the victim's race, color, national origin, religious beliefs, or gender. It provides that in a sentencing hearing in which the death penalty is sought, the jury shall be specifically instructed that it must not consider these factors and that the jury is not to make its binding recommendation for a sentence of death unless it would recommend such a sentence no matter what the race, color, national origin, religious beliefs, or sex of the defendant or any victim may be. Moreover, the jury must return to the court a certificate signed by each juror stating that consideration of these factors was not involved in his or her individual decision, and that he or she would have made the same binding recommendation as to the sentence no matter what these particular characteristics of the defendant or victim might be.

SECTION 3594 (IMPOSITION OF A SENTENCE OF DEATH)

This section provides that if the jury recommends a sentence of death, the court must sentence the defendant to death. If the court, rather than the jury, is the fact finder at the sentencing hearing, section 3594 requires the court to follow its own recommendation and impose the death penalty. If, however, the jury, or if these is no jury, the court, does not recommend the sentence of death, the court shall impose any sentence other than death authorized by law.

This section also provides that notwithstanding any other provision of law, life imprisonment without the possibility of release or temporary furlough is an authorized sentence for a conviction of an offense punishable by death if the maximum term of imprisonment for such an offense is life.

SECTION 3595 (REVIEW OF A SENTENCE OF DEATH)

This section sets out the rules applicable to appeals from the imposition of the death sentence. *Subsection (a)* provides that a sentence of death shall be subject to review by the court of appeals upon an appeal of the sentence by the defendant. Notice of appeal of the sentence must be filed within the time specified for filing an appeal of the judgment of conviction and the court may consolidate the appeal of the sentence and the appeal of the conviction. The review of a case in which the death sentence has been imposed must be given priority over all other cases.

Subsection 3595(b) provides that the court of appeals must consider the entire record including the evidence submitted at trial, the information submitted during the sentencing hearing, the procedures employed at the sentencing hearing, and the special findings returned at the sentencing hearing as to the existence of the aggravating factors.

Subsection 3595(c) states that the court of appeals must affirm the sentence if it finds that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, and the evidence and information support the special findings of the existence of an aggravating factor or factors. See *Zant* v. *Stephens, supra* (death sentence valid even if an aggravating factor is invalidated or found inapplicable on appeal, provided at least one valid statutory aggravating factor remains). Proportionality review with other death cases is not part of the review process. *Pulley* v. *Harris*, 465 U.S. 37 (1984). In all other cases, the court of appeals must remand the case for recoonsideration under section 3593 or for imposition of another authorized sentence, as appropriate. The court of appeals must state in writing the reasons for its disposition of an appeal of a sentence of death.

SECTION 3596 (IMPLEMENTATION OF A SENTENCE OF DEATH)

This section is concerned with the implementation of a sentence of death. *Subsection 3596(a)* provides that a person sentenced to death shall be committed to the custody of the Attorney General pending completion of the appeal and review process. When the sentence is to be implemented, custody of the person would be given to a United States Marshal who would then supervise the implementation of the penalty in accordance with the law of the State in which the sentence is imposed. If that State has no death penalty, the court would designate another State which does have such a penalty and the execution would be carried out in the manner prescribed in that State. This subsection generally reinstates a portion of the provisions of former section 3566 of title 18 which was repealed as of November 1, 1987, by P.L. 98-473.

Subsection 3596(b) states that a sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed, or upon a woman who is pregnant. The latter limitation is to spare the unborn. Following the conclusion of the pregnancy, the sentence of death would be implemented. The former limitation is intended to implement the constitutional bar on execution of a person who is mentally incompetent but who was sane at the time of the offense and who was competent to stand trial. See *Ford* v. *Wainwright*, concurring opinion of Justice Powell, 477 U.S. at 425 and footnote 5: "The only question raised is not *whether* but *when* his execution may take place. [Emphasis in original.] [I]f petitioner is cured of his disease, the State is free to execute him."

SECTION 3597 (USE OF STATE FACILITIES)

This section reinstitutes other parts of former section 3566 not contained in subsection 3596(a) by authorizing the United States Marshal charged with implementing the sentence of death to use State facilities and to pay the costs thereof.

Mr. President, I ask unanimous consent that the entire text of the bill and a section-by-section analysis be printed in its entirety following the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. . SHORT TITLE.

This Act may be cited as the "Drug Kingpin Death Penalty Act."

SEC. . DEATH PENALTY AUTHORIZATIONS AND PROCEDURES.

Title 18 of the United States Code is amended—

(a) by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH PENALTY

"Sec.
"3591. Sentence of death.
"3592. Factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of sentence of death.
"3597. Use of State facilities.
"3598. Appointment of counsel.
"3599. Collateral attack on judgment imposing sentence of death.

"SEC. 3591. SENTENCE OF DEATH.

"A defendant who has been found guilty of—

"(a) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section;

"(b) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or member of the family or household of such a person; or

"(c) an offense constituting a felony violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), where the defendant, intending to cause death or acting with reckless disregard for human life, engages in such a violation, and the death of another person results in the course of the violation or from the use of the controlled substance involved in the violation;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified: *Provided*, That no person may be sentenced to death who was less than eighteen years of age at the time of the offense: *and provided further*, That if a defendant described in section 3591 (b) or (c) is not sentenced to death, said defendant shall be sentenced to life in prison.

"SEC. 3592. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for an offense described in section 3591, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirement of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstance of the offense that the defendant may proffer as a mitigating factor exists.

"(b) AGGRAVATING FACTORS.—In determining whether a sentence of death is justified for an offense described in section 3591, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist—

"(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(2) PREVIOUS CONVICTIONS OF VOILENT OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(3) PREVIOUS CONVICTIONS OF DRUG OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(4) PREVIOUS CONVICTIONS OF VIOLENT AND DRUG OFFENSES.—The defendant has previously been convicted of a Federal or State offense, punishable by a term of imprisonment of more than one year, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person, and has previously been convicted of a Federal or State offense, committed on a different occasion and punishable by a term of imprisonment of more than one year, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(5) SERIOUS DRUG FELONY CONVICTION.—The defendant has previously been convicted of another Federal or State offense involving the manufacture, distribution, importation, or possession of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which a sentence of five or more years of imprisonment was authorized by statute.

"(6) USE OF FIREARM.—In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was a part, the defendant used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm, as defined in section 921 of this title, to threaten, intimidate, assault, or injure a person.

"(7) DISTRIBUTION TO PERSONS UNDER TWENTY-ONE.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405 of the Controlled Substances Act (21 U.S.C. 845) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(8) DISTRIBUTION NEAR SCHOOLS.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405A of the Controlled Substances Act (21 U.S.C. 845a) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(9) USING MINORS IN TRAFFICKING.—The offense, or a continuing criminal enterprise of which the offense was a part, involved a violation of section 405B of the Controlled Substances Act (21 U.S.C. 845b) which was committed directly by the defendant or for which the defendant would be liable under section 2 of this title.

"(10) LETHAL ADULTERANT.—The offense involved the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) mixed with a potentially lethal adulterant, and the defendant was aware of the presence of the adulterant.

The jury, or if there is no jury, the court, may consider whether any other aggravating factors exist.

"SEC. 3593. SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED

"(a) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in section 3591, the attorney for the government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(1) that the Government in the event of conviction will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors enumerated in section 3592 and any other aggravating factor not specifically enumerated in section 3592, that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—When the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

"(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(1) any matter relating to any mitigating factor listed in section 3592 and any other mitigating factor; and

"(2) any matter relating to any aggravating factor listed in section 3592 for which notice has been provided under subsection (a)(2) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under section 3592(b) is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"SEC. 3594. IMPOSITION OF A SENTENCE OF DEATH.

"Upon the recommendation under section 3593(e) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

"SEC. 3595. REVIEW OF A SENTENCE OF DEATH.

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this section.

"SEC. 3596. IMPLEMENTATION OF SENTENCE OF DEATH.

"(a) A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(b) A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"(c) No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"SEC. 3597. USE OF STATE FACILITIES.

"A United States Marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"SEC. 3598. APPOINTMENT OF COUNSEL.

"(a) FEDERAL CAPITAL CASES.—

"(1) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this subsection shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in section 3599(b) of this title has occurred.

"(2) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this subsection shall have counsel appointment for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(3) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the district court that imposed the sentence. Within 10 days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this subsection for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order: (A) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (B) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (C) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this paragraph shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(4) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this subsection, at least one counsel appointment for trial representation must have been admitted to the bar for at least five years and have at least three years of experience in the trial of felony cases in the federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least five years and have at least three years of experience in the litigation of felony cases in the federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(5) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this subsection, the provisions of section 3006A of this title shall apply to appointments under this subsection.

"(6) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(b) STATE CAPITAL CASES.—The laws of the United States shall not be construed to impose any requirement with respect to the appointment of counsel in any proceeding in a state court or other state proceeding in a capital case, other than any requirement imposed by the Constitution of the United States. In a proceeding under section 2254 of title 28, United States Code, relating to a state capital case, or any subsequent proceeding on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Such appointment of counsel shall be governed by the provisions of section 3006A of this title.

"SEC. 3599. COLLATERAL ATTACK ON JUDGMENT IMPOSING SENTENCE OF DEATH.

"(a) TIME FOR MAKING SECTION 2255 MOTION.—In any case in which a sentence of death has been imposed for an offense against the United States and the judgment has become final as described in section 3598(a)(3) of this title, a motion in the case under section 2255 of title 28, United States Code, must be filed within 90 days of the issuance of the order relating to appointment of counsel under section 3598(a)(3) of this title. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this section shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"(b) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(1) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subsection (a), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court; or

"(2) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (A) the time for filing a petition for certiorari has expired and no petition has been filed; (B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(c) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (b) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings; and

"(2) the failure to raise the claim is (A) the result of governmental action in violation of the Constitution or laws of the United States; (B) the result of the Supreme Court recognition of a new federal right that is retroactively applicable; or (C) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of quilt on the offense or offenses for which the death penalty was imposed. "; and

(b) in the chapter analysis of part II, by adding the following new item after the item relating to chapter 227:

"228. Death penalty .... 3591".

By Mr. CRAIG (for himself and Mr. SYMMS):

S. 106. A bill to amend the Federal Power Act; to the Committee on Energy and Natural Resources.

FEDERAL POWER ACT

Mr. CRAIG. Mr. President, I wanted to be sure that the first piece of legislation that I introduced as a freshman Senator was of real importance to my State of Idaho, one which would significantly improve on or protect the rights and values of those who sent me here to represent them.

I did not have to wait very long, Mr. President.

Today I am pleased to have the support of my senior Senator, STEVE SYMMS, to introduce just that piece of legislation. This bill speaks to water and to the issue of who should control it. There is, perhaps, no issue of greater importance in Idaho, and to my colleagues from the West, who have arid agricultural production areas, than water.

But this is more than simply a bill about water. It is a bill about who controls water. This is a bill about the rights of States and State governments acting independently of Washington, to determine their own futures. It would ensure that State governments, and not the Federal Government, would be the principal authority over streamflow decisions.

This legislation, which I introduced last year in the House and was introduced here in the Senate by Senator SYMMS and my former colleague, Senator McClure, speaks specifically to a Supreme Court decision of last year in relation to California versus Federal Energy Regulatory Commission, also known as the Rock Creek decision, which threatens a century-old standard of State water control.

The ability of a State to make the principal and critical water allocation and appropriation decisions has been at the heart of Idaho law since we were admitted to the State of the Union 100 years ago this past year. That principle is now in jeopardy, and this bill's principal purpose is to safeguard that issue that we have held to and identified with, as I have mentioned, for well over 100 years.

It is my belief that rulings like the Rock Creek decision are based on an incorrect interpretation of the Federal Power Act. Congress never intended to give the Federal Government such far-reaching powers over waters that run through States. Our legislation will clarify that act to ensure that the States have no diminished decision-making authority when it comes to water allocation decisions.

Specifically, the legislation would amend section 9 and section 27 of the Federal Power Act to clarify that an application for a license must comply with procedural and substantive requirements of State law in acquiring water rights and in the administration of the use of water.

Let me again emphasize how critical this legislation is to Idaho and to the entire West, for that matter, as it relates to those States who have found it necessary to control and manage water for a balanced use of its resource base and for the vital maintenance of human vitality and livelihood within those States.

Without adequate water and the ability to control it, the economy of my entire State would be in jeopardy. Recent drought years in the West speaks clearly to that issue.

Idahoans understand that water issues will be the most pressing they will face during the coming decade, as we have debated it and discussed it for years up in my State. This decision by the courts, as it relates to the Federal Power Act, sent shock waves across my State that they might no longer have the authority they have had for well over 100 years now to make those kinds of determinations.

So it is with real concern in mind, Mr. President, that this introduction of legislation is my first. I ask unanimous consent, Mr. President, that the bill appear in the RECORD immediately following my statement.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(a) of the Federal Power Act is amended by adding a new paragraph (3) at the end thereof as follows:

"(3) No license may be granted for any project subject to the provisions of this Act unless the applicant complies with all procedural and substantive requirements of the laws of the State or States in which the project is located with respect to the acquisition of water rights and administration of the use of water. Any such license shall be subject to the applicant obtaining any water rights needed for such project in accordance with such requirements.".

SEC. 2. Section 27 of the Federal Power Act is amended—

(1) by deleting "used in irrigation or for municipal or other uses"; and

(2) by deleting "therein" and inserting in lieu thereof "therein; and no license granted pursuant to this Act shall relieve any licensee or applicant for a license from complying with all procedural and substantive requirements of the laws of the State in which the project is located with respect to any water rights needed for such project, including any terms, conditions, limitations, or other restrictions attached to such rights. Nothing in this Act nor in any other Act may be construed to constitute a preemption or intent to preempt the procedural and substantive requirements of State law with respect to the acquisition of water rights and administration of the use of water or with respect to any terms, conditions, limitations, or other restrictions which a State may attach to any such water rights for such project.".

Mr. SYMMS. Mr. President, I am proud to rise today in support of legislation being introduced by my colleague from the Great State of Idaho, Senator CRAIG. His bill will clarify that the States control flowing waters within their borders, not the Federal Government.

In the United States Supreme Court decision, California versus FERC, it was determined that the Federal Energy Regulatory Commission [FERC] can establish bypass streamflow conditions at dams or other water projects. This decision sets a potentially disastrous precedent.

A time-honored concept of water law is that States have primary jurisdiction over ground water, rivers, and lakes within their borders. This premise of law can now be challenged from a variety of legal angles. Environmentalists might someday use States to overrule State water plans, State water quality laws, and even perhaps State-recognized water rights.

As they do this, they will contend that the Federal Government knows best how to protect the Nation's water. This is ridiculous. It is a fundamental truth that Idaho's water can be better managed from the banks of the Snake River than from the banks of the Potomac River. I will continue to fight for Idaho and all of the States to continue to have the right to control their waters.

Senator CRAIG'S legislation is an important first step to bring that right back to the States and to keep that right from being challenged in the future. I commend him for his effort in this fight and I look forward to continuing to work with him for State control of water. I strongly urge my colleagues to cosponsor this legislation.

Thank you, Mr. President.

By Mr. GRAHAM (for himself, Ms. MIKULSKI, Mr. AKAKA, Mr. SHELBY, and Mr. MACK):

S. 107. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes; to the Committee on Veterans's Affairs.

COST-OF-LIVING INCREASES FOR VETERANS

Mr. GRAHAM. Madam President, it is my pleasure today to offer for introduction legislation on behalf of the Presiding Officer and Senators, AKAKA, SHELBY, and MACK. This legislation which we introduce would authorize a cost-of-living increase in benefits for service-connected veterans and certain survivors for 1991.

Madam President, Congress made a serious mistake at the end of the last session. The mistake was in allowing a deadlock over unrelated issues to stand in the way of authorizing a cost-of-living increase for disabled veterans.

Social Security recipients, military retirees and Federal retirees and civil servants were all afforded a 5.4-percent increase in benefits. But the 2.2 million service-connected veterans and the over 300,000 families of those servicemen who died in combat were not.

This bill will correct that failure. We are increasing the rate of compensation for veterans with service-connected disabilities and the rate of indemnity compensation for the survivors of disabled veterans by the same amount, 5.4 percent, as the increase received by Social Security beneficiaries and retired military and Federal personnel. Because we failed to enact this legislation before the end of 1990, this bill is retroactive to January 1, 1991.

Madam President, at a time when we stand on the possible brink of asking over 400,000 American men and women to put themselves at risk in the Middle East, we should not forget those who have gone before them in defense of freedom and liberty?

When the U.S. Government does not provide veterans proper compensation for their service, we send the wrong message to today's troop's and to those who may be considering a career in the voluntary armed services.

Madam President, this bill is a simple issue of fairness. It is a matter of providing to veterans what they justly deserve.

I have been asked if this legislation would increase the Federal deficit. The answer is "No." The issue in this particular debate is fairness and fulfilling the Nation's moral obligation. However, I want to make clear that Congress provided for the cost-of-living increase in the reconciliation package last year, and therefore will not count as new spending.

I was disappointed that the Senate failed in the final hours of last session to enact S. 2100, the legislation which would have provided the cost of living and other improvements in veterans' programs. I do not believe that we should altogether abandon the meritorious other provisions of that bill, especially those related to compensating victims of agent organge exposure. I have joined the distinguished chairman of Senate Veterans' Affairs Committee in cosponsoring a revised version of the omnibus veterans' benefits bill.

However, I do believe that controversial, unresolved issues on other veterans' programs should not doom or delay the cost-of-living legislation.

Disabled veterans should not pay the price of our inability to reach agreement on other veterans' services.

Madam President, veterans are not political pawns; they are people. They are people who made a contract with their Government to support and defend the United States at great risk and they paid a price under that contract. We must live up to our part of that contract.

This bill will provide a 5.4-percent cost-of-living increase, retroactive to January 1, 1991. I am pleased that our distinguished Presiding Officer has joined—and I urge my other colleagues to join—in securing timely passage of this important legislation.

Madam President, I ask for the introduction of this legislation and, immediately after my remarks, to have printed in the RECORD a summary of provisions relative to veterans' programs from the Omnibus Budget Reconciliation Act of 1990, and a Congressional Budget Office cost estimate of this legislation dated January 4, 1991.

The being no objecetion, the material was ordered to be printed in the RECORD, as follows:

S. 107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Compensation Rates Adjustment Act of 1991".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 5.4-PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$76" in subsection (a) and inserting in lieu thereof "$80";

(2) by striking out "$144" in subsection (b) and inserting in lieu thereof "$151";

(3) by striking out "$220" in subsection (c) and inserting in lieu thereof "$231";

(4) by striking out "$314" in subsection (d) and inserting in lieu thereof "$330";

(5) by striking out "$446" in subsection (e) and inserting in lieu thereof "$470";

(6) by striking out "$562" in subsection (f) and inserting in lieu thereof "$592";

(7) by striking out "$710" in subsection (g) and inserting in lieu thereof "$748";

(8) by striking out "$821" in subsection (h) and inserting in lieu thereof "$865";

(9) by striking out "$925" in subsection (i) and inserting in lieu thereof "$974";

(10) by striking out "$1,537" in subsection (j) and inserting in lieu thereof "$1,619";

(11) by striking out "$1,911" and "$2,679" in subsection (k) and inserting in lieu thereof "$2,823", respectively;

(12) by striking out "$1,911" in subsection (l) and inserting in lieu thereof "$2,014";

(13) by striking out "$2,107" in subsection (m) and inserting in lieu thereof "$2,220";

(14) by striking out "$2,397" in subsection (n) and inserting in lieu thereof "$2,526";

(15) by striking out "$2,679" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,823";

(16) by striking out "$1,150" and "$1,713" in subsection (r) and inserting in lieu thereof "$1,212" and "$1,805", respectively; and

(17) by striking out "$1,720" in subsection (s) and inserting in lieu thereof "$1,812";

(b) (b) SPECIAL RULE.—The Secretary of Veterans Affairs shall adjust administratively, consistent with the increases authorized by subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(l) is amended—

(1) by striking out "$92" in clause (A) and inserting in lieu thereof "$96";

(2) by striking out "$155" and "$48" in clause (B) and inserting in lieu thereof "$163" and "$50", respectively;

(3) by striking out "$64" and "$48" in clause (C) and inserting in lieu thereof "$67" and "$50", respectively;

(4) by striking out "$74" in clause (D) and inserting in lieu thereof "$77";

(5) by striking out "$169" in clause (E) and inserting in lieu thereof "$178"; and

(6) by striking out "$142" in clause (F) and inserting in lieu thereof "$149".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$414" and inserting in lieu thereof "$436".

SEC 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E–1	$594	W–4	$852
E–2	612	O–1	752
E–3	629	O–2	776
E–4	668	O–3	831
E–5	686	O–4	879
E–6	701	O–5	969
E–7	735	O–6	1,094
E–8	776	O–7	1,181
E–9	[1]811	O–8	1,295
W–1	752	O–9	1,389
W–2	782	O–10	[2]1,524
W–3	805		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,633.";

(2) by striking out "$65" in subsection (b) and inserting in lieu thereof "$68";

(3) by striking out "$169" in subsection (c) and inserting in lieu thereof "$178"; and

(4) by striking out "$83" in subsection (d) and inserting in lieu thereof "$87".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$284" in clause (1) and inserting in lieu thereof "$299";

(2) by striking out "$409" in clause (2) and inserting in lieu thereof "$431";

(3) by striking out "$529" in clause (3) and inserting in lieu thereof "$557"; and

(4) by striking out "$529" and "$105" in clause (4) and inserting in lieu thereof "$557" and "$110", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$169" in subsection (a) and inserting in lieu thereof "$178";

(2) by striking out "$284" in subsection (b) and inserting in lieu thereof "$299"; and

(3) by striking out "$144" in subsection (c) and inserting in lieu thereof "$151".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect as of January 1, 1991.

(b) ADMINISTRATIVE ADJUSTMENTS.—The adjustments made pursuant to section 2(b) shall take effect as of January 1, 1991.

SUMMARY OF PROVISIONS—H.R. 5835: OMNIBUS BUDGET RECONCILIATION ACT OF 1990 (AS PASSED BY CONGRESS)

Title VIII of the fiscal year 1991 budget reconciliation measure, H.R. 5835, as passed by the Senate and House of Representatives, contains provisions that will:

COMPENSATION AND PENSION

1. Suspend payment of service-connected disability compensation to an incompetent veteran without dependents whose estate exceeds a value of $25,000 and resume compensation payments when the value of the estate reaches $10,000. Veterans would receive a lump-sum payment of withheld compensation 90 days after being found competent. Section 8001 would expire on September 30, 1992. (Section 8001.)

2. Eliminate the presumption of permanent and total disability for veterans over age 65 for purposes of pension eligibility and provide a presumption of permanent and total disability for veterans of any age who become unemployable as a result of disability reasonably certain to continue throughout the life of the disabled person. VA regulations currently provide that non-working veterans aged 55-59 are considered permanently and totally disabled if they have disabilities rated 60 percent or more or are 60-64 years old and rated at least 50-percent disabled. The Committee, and the conferees on this provision, expect that VA would extend this system of presumptions for veterans age 65 and older, and the CBO savings estimate is based on this expectation. (Section 8002.)

3. Limit monthly pension payments to $90 for Medicaid-eligible recipients of VA pension who are in nursing homes, other than State veterans homes, that participate in the Medicaid program. Section 8003 would expire on September 30, 1992. (Section 8003.)

4. Eliminate dependency and indemnity compensation and pension benefits for surviving spouses who have remarried and again become single and for married children who again become single. (Section 8004.)

5. Require that the FY 1991 cost-of-living adjustment for disability compensation and DIC be rounded down to the next lowest dollar, that the COLA not take effect until January 1, 1991, and provide for the delayed December 1990 increase be repaid with the regular monthly payment for January 1992. (Section 8005).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: None.

2. Bill title: Veterans' Compensation Amendments of 1991.

3. Bill status: Draft language as provided by the House Committee on Veterans' Affairs, December 19, 1990.

4. Bill purpose: To increase rates of disability compensation and dependency and indemnity compensation (DIC).

5. Estimated cost to the Federal Government: Because the compensation cost of living allowance (COLA) is assumed in the CBO baseline prepared under Section 257 of the Blanced Budget and Emergency Deficit Control Act of 1985, this bill would have no cost relative to that baseline. The costs of this bill relative to current law are shown in the table below.

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Budget authority	455	651	600	598	597	596
Outlays	406	651	600	646	597	548

The cost of this bill would fall in budget function 700.

BASIS OF ESTIMATE

This bill would increase the monthly rates of disability compensation and of dependency and indemnity compensation (DIC) by 5.4 percent, except that in calculating the new rates all amounts of less than a dollar would be rounded down to the next lower dollar. The new rates would be effective retroactively to January 1, 1991.

This estimate was calculated by multiplying the average costs in each year for all disability compensation and DIC cases by the COLA percentage in the draft bill. The resulting average increase in costs per year were then multiplied by the estimated number of cases in each program each year to calculate the annual cost. Future average cost and caseload levels were projected according to historical trends for recipients by period of service.

The effect of rounding down the benefit calculation was estimated by determining the payment rates that otherwise would have been rounded up. The sum of the payments made at each affected rate was then multiplied by the loss of $1 per month. The cost of the COLA was reduced by the resulting amount.

The budget authority and outlays for 1992 include the cost of one month of the 1991 benefit increase, estimated to be $50 million. In previous years, the disability compensation and DIC cost-of-living increases have been effective on December 1. This bill would make the increased rates effective on January 1, 1991. Nevertheless, pursuant to section 8005 of the Omnibus Budget Reconciliation Act of 1990 the benefits to be paid on January 1, 1992 must include an additional payment equal to the amount of the monthly increase on January 1, 1991.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The benchmark against which changes in direct spending or receipts are measured is the baseline as described in Section 257 of the 1985 law. The spending increases shown above are included in that baseline. For this reason, this draft bill has no pay-as-you-go implications.

7. Estimated cost to state and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Sandra Clark.

11. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year in millions of dollars]

	1991	1992	1993	1994	1995
Change in outlays	0	0	0	0	0
Change in receipts	0	0	0	0	0

By Mr. PRESSLER:

S. 108. A bill to make a technical amendment to the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress; to the Committe on Banking, Housing, and Urban Affairs.

TECHNICAL AMENDMENT TO THE COMMEMORATIVE COIN ACT

Mr. PRESSLER. Mr. President, on July 4 of this year, we will celebrate the golden anniversary of the Mount Rushmore National Memorial. My State of South Dakota is proud to be the home of America's "Shrine of Democracy."

On July 16, 1990, the President signed into law a bill directing the Secretary of the Treasury to mint a set of commemorative coins in recognition of Mount Rushmore's golden anniversary. A portion of the proceeds will be used to improve, enlarge, and renovate Mount Rushmore and its facilities.

The bill I am introducing today makes a technical change involving the timing of the coin proceeds distribution. To ensure a successful golden anniversary celebration in July, Mount Rushmore must receive its portion of the proceeds as quickly as possible.

I would stress to my colleagues that this legislation does not change the substance of the Mount Rushmore Coin Act, which enjoyed overwhelming support here in the Senate. Indeed, it received the cosponsorship of nearly 50 other Senators. The bill I am introducing today simply delivers Mount Rushmore's portion of the coin proceeds in time for the golden anniversary celebration in July.

Mr. President, our country, and especially the State of South Dakota, are very fortunate to have a masterpiece like Mount Rushmore. As its keepers, we are obligated to do everything in our power to preserve, protect, and enhance it for the countless generations to come.

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[1] An estimate of a bill to increase the rates of disability compensation and dependency and indemnity compensation provided to the Congressional Budget Office in draft form on December 19, 1990. This estimate was transmitted by the Congressional Budget Office on January 4, 1991.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks, I further ask that a letter from the Mount Rushmore National Memorial Society that addresses the society's pressing need for the timely receipt of their portion of the coin proceeds be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OF SURCHARGES.

Section 8 of the Mount Rushmore Commemorative Coin Act (104 Stat. 314; 31 U.S.C. 5112 note) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) the first $18,750,000 shall be promptly paid by the Secretary to the Society to assist the Society's efforts to improve, enlarge, and renovate the Mount Rushmore National Memorial; and

"(2) the remainder shall be returned to the Federal Treasury for purposes of reducing the national debt.".

SEC. 2. RETROACTIVE EFFECT.

If, prior to the enactment of this Act, any amount of surcharges have been received by the Secretary of the Treasury and paid into the United States Treasury pursuant to section 8(1) of the Mount Rushmore Commemorative Coin Act, as in effect prior to the enactment of this Act, that amount shall be paid out of the Treasury to the extent necessary to comply with section 8(1) of the Mount Rushmore Commemorative Coin Act, as in effect after the enactment of this Act.

MOUNT RUSHMORE NATIONAL
MEMORIAL SOCIETY,
Rapid City, SD, January 11, 1991.

Hon. LARRY PRESSLER,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: The National Park Service has provided to the Mount Rushmore National Memorial Society a construction schedule and cost estimates to begin the improvements at the Memorial. Copies are enclosed.

Current estimates require the expenditure of approximately $35,000,000 through 1996. In 1991 over $16,000,000 is necessary to keep the improvements on schedule, which does not include the cost for the structural stabilization of the sculpture itself. This could easily bring the 1991 total to nearly $20,000,000 and we cannot begin any construction project under National Park Service rules until the money is on hand.

We shall greatly appreciate any assistance you can provide to facilitate the immediate distribution of the coin revenues to the Society as funds are received for surcharges as provided in the Act. The designs have been accepted by the National Park Service and will provide a magnificent experience to the visitors at the Memorial.

We greatly appreciate your continued support. Best regards.

Very truly yours,

RAY J. ALDRICH,
Executive Vice President.

PROJECTED CAPITAL IMPROVEMENT EXPENDITURES

Project	1991		1992		1993		1994	
	Date	Amount	Date	Amount	Date	Amount	Date	Amount
Amphitheater:								
Design development	Feb. 15	$65,000						
Construction documents	Apr. 15	130,000						
Construction	Aug. 1	2,165,000						
Information center:								
Design development	Feb. 15	30,000						
Construction documents	Apr. 15	57,000						
Construction	Aug. 1	940,000						
Administration/maintenance:								
Schematic design	Feb. 15	75,000						
Design development	Apr. 1	135,000						
Construction documents	June 1	270,000						
Construction	Sept. 1	4,520,000						
Roads/parking:								
Design development	Feb. 15	250,000						
Construction documents	Apr. 1	500,000						
Construction	Aug. 15	6,732,000	Aug. 1	$5,508,000				
Hall of records:								
Mapping/modeling	Mar. 15	25,000						
Schematic design								
Design development								
Construction documents								
Construction								
Sculpture stabilization:								
Modeling	Jan. 1	30,000						
Engineering	May 1	50,000						
Construction								
Studio rehabilitation:								
Historic structure rpt	May 1	50,000						
Schematic design	Oct. 1	25,000						
Design development	Dec. 1	35,000						
Construction documents			Mar. 1	65,000				
Construction			Aug. 1	1,065,000				
Concession facility:								
Design development			Jan. 15	150,000				
Construction documents			Apr. 1	325,000				
Construction								
Concession dorm:								
Schematic design			Apr. 1	30,000				
Design development			June 1	65,000				
Construction documents			Sept. 15	115,000				
Construction					Feb. 1	$1,900,000		
Interpretive center:								
Interpretive plan			Nov. 1	25,000				
Design development					Oct. 1	240,000		
Construction documents							Mar. 1	$480,000
Construction							Aug. 1	7,940,000
Rates:								
Design development					Apr. 1	10,000		
Construction documents					Sept. 1	20,000		
Construction							Feb. 1	325,000
Yearly total		16,084,000		7,348,000		2,170,00		8,745,000
Grand total								34,347,000

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 109. A bill to amend the Mineral Lands Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the Arctic National Wildlife Refuge [ANWR] on the North Slope of Alaska for oil and gas exploration, development, and production; to the Committee on Energy and Natural Resources.

ARCTIC COASTAL PLAIN PUBLIC LANDS LEASING ACT OF 1991

Mr. MURKOWSKI. Mr. President, I rise today on behalf of the senior Senator from Alaska and myself to introduce the Arctic Coastal Plain Public Lands Leasing Act of 1991. This bill would amend the Minerals Leasing Act of 1920 to authorize the Secretary of the Interior to lease the public lands of the Coastal Plain of the Artic National Wildlife Refuge [ANWR] on the North Slope of Alaska for oil and gas exploration, development, and production.

At the same time, this bill would require that all oil and gas exploration, development, production, and transportation activities would be conducted in an environmentally sound manner.

I believe the passage of this act is vitally important to the people of the United States.

I ask my colleagues to reflect for a moment and consider the United States as a body, a living human body. Visualize for a moment different sectors of our Nation as different parts of the body. Agriculture, fishing, mining, and forestry are the foods the body consumes. Industry and manufacturing turn those foods into powerful muscles. Air, land, and sea transportation are the bones that support the body. Education, creative agencies, and government are the mind and conscience. Mr. President, in America today, oil is the blood. Oil moves the food that we eat and the clothes that we wear. Oil powers our mills and factories. Oil heats our offices and homes. Oil moves us to work and to our play. Can you imagine our Nation without oil? Without oil, we would cease to function.

Let me now state an indisputable and disconcerting fact—United States oil production is in deep decline. Every major oil field in the United States is declining. In my own State of Alaska, the Prudhoe Bay Field, which supplies 24 percent of our Nation's oil production is declining at a rate of 10 percent per year.

Department of Energy projections state that a decline of 10 percent per year will result in a shut down of the Trans Alaska Pipeline System within 10 years.

Because of declining domestic oil production and continued high oil demand, nearly one-half of our Nation's oil supply must be imported. This transfusion of foreign oil is excessive and we have become overly dependent on other countries to solve our energy problems. Imported oil accounts for nearly one-half of our annual trade deficit, and imports from Japan accounts for most of the remaining half.

I need not dwell on the dangers of excessive imports of foreign oil and dependence on other countries.

Last week, the fervent chant "No blood for oil!" echoed off the walls of this chamber. I understand the concern behind the sentiment. However, the best way to address the dangers of a war over oil is not through disruptive protest, but through increased domestic oil production and other domestic energy savings measures to reduce our chronic dependence on foreign oil.

The Alaska delegation has advocated opening the ANWR Coastal Plan for more than a decade now—it did not take the aggression of Saddam Hussein and the threat to the world oil supply for us to recognize that our country is overly dependent on foreign oil.

Congress' failure in the past to act on ANWR exploration leaves the United States in a position of not knowing the extent of the oil reserves oil of the Coastal Plain. We have soldiers in the Persian Gulf defending foreign oil reserves when we do not even know the extent of our own oil reserves.

Mr. President, do we not have a responsibility to those soldiers and their families to do all that we can to explore and develop our own country's oil potential and reduce our country's dependence in the Persian Gulf?

Alaska is not alone in the view that this is the time to open the Coastal Plain. There is a growing national awareness that the time is right to allow oil and gas exploration, development, and production in the Coastal Plain.

In 1987 Charles Krauthammer wrote in the Washington Post:

> There may soon be dead Americans in the Persian Gulf. And in the final analysis, when Americans die there, they die for oil. Domestic American oil production is declining. The Prudhoe reserves will be gone within 10 to 20 years. The Arctic Refuge holds the promise of replacing that flow.

On January 9, 1991, a Wall Street Journal editorial titled "Oil and Caribou Can Mix" states:

> Opening up a small sliver of Alaska's tundra for oil exploration simply recognizes that the welfare of human beings should also be a factor in environmental policy.

The cover article of the January 28, 1991, issue of Fortune magazine is entitled "It's Time To Drill Alaska's Refuge." The cover article states:

> America needs more domestic energy. The risks of exploring the Arctic wildlife preserve are far fewer—and the potential rewards vastly greater—than most people realize . . . Eskimo leader Jacob Adams says, 'There's enough refuge.'

Mr. President, I ask unanimous consent these three articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Sept. 4, 1987]

WILDLIFE OR OIL?

(By Charles Krauthammer)

While 3,000 American sailors steamed up and down the Persian Gulf last month, 10 congressmen headed for a cooler August on the Arctic tundra. Both missions had to do with securing oil supplies. The congressmen's task was to check out the Arctic National Wildlife Refuge. The administration wants to explore it for oil. According to current estimates, there is a 20 percent chance of finding an oil field there as huge as the one at Prudhoe Bay, 60 miles to the west, which now provides Americans with one out of every five domestically produced barrels of oil.

Ecologists, however, worry about the damage that oil exploration might do to the wildlife refuge. Their fears have been heard before. When Prudhoe was discovered, environmentalists protested that the pumping and the pipeline would shatter the delicate "ecosystem."

They were wrong. Even the foremost congressional opponent of Arctic exploration, Rep. Morris Udall, admits it. "We've had 15 years or so with Prudhoe and we came out pretty good," Udall concedes. "The people who talked about ecological disaster have been proven wrong." So? "But 15 years isn't very long in terms of something as fragile and precious as this Northern Slope."

How many years do we wait? Fifty? The question is important and the issue pressing because, even after a decision to explore is taken, it will be between 10 and 15 years before any oil starts to flow. During a future oil shortage, we will not be able just to turn an Alaskan spigot. That capacity has to be built now.

The main concern of environmentalists is the Porcupine caribou herd, which numbers about 180,000 and migrates to the coastal plain for calving. But caribou concern was raised about Prudhoe 15 years ago. And it turns out that the caribou did very well, thank you. Their numbers have tripled since the pipeline was installed. It is a paradox of the ecology movement that its central theme is the astonishing creative adaptability of an interdependent Nature, yet its central task is to prevent man from disturbing the current natural balance lest Nature collapse from the strain.

One obvious way to reconcile national security with environmental concerns is strictly to regulate development. No drilling during caribou calving season, if you like. One proponent of the environmental view, writing in The New York Times, warns against such compromises, citing "precautions gone for nought" at the Arctic National Wildlife Refuge.

One incident, it seems, "occurred in March 1986. Glenn Elison, manager of the wildlife refuge, reported that a female polar bear had been routed from and abandoned her den when an oil company crew inadvertently transported equipment through the restricted area. Again, elaborate precautions proved faulty."

What to say to those who rank energy independence with polar-bear housing on the national agenda? Ultimately, sentimental environmentalists are concerned less about the real environment than about the environment of the imagination. People want to know that pristine places exist—somewhere—even if they will never see them. No doubt, such inaccessible preserves are a soothing social asset.

But Alaska consists of, 375,296,000 acres. The Arctic National Wildlife Refuge contains 19,000,000 acres. The area proposed for exploration is 15,000 acres, or less than 1 percent of that. It is hard to see how the lower-48 urban dweller's idea of the Great North is noticeably damaged by the existence of gravel pits and oil rigs in this dot in the wilderness. Has our idea of the Great North been diminished by the fact that some 5,000 acres of Prudhoe Bay have been given over to industry?

Environmentalists correctly point out that the Reagan administration, now touting Arctic exploration in the name of energy independence, has prevented other steps toward that goal. It resisted energy-efficiency standards in electrical appliances. It slackened fuel-efficiency standards in cars. It steadfastly opposes oil-import fees and gas taxes. And as part of its budget balancing flimflam last year, it proposed slowing down filling the Strategic Petroleum Reserve.

But the fact that the administration has been lax on conservation does not refute the argument for development. Administration sincerity is irrelevant to the case for exploration. The facts remain: American energy dependence has grown dramatically during the 1980s oil glut lull. Almost half of American oil (45.6 percent in July) is now imported. There may soon be dead Americans in the Persian Gulf. And in the final analysis, when Americans die there, they die for oil. Domestic American oil production is declining. The Prudhoe reserves will be gone within 10 to 20 years. The Arctic National Wildlife Refuge holds the promise of replacing that flow.

Apocalyptic predictions about the caribou were wrong before. The weight of the evidence is that they are wrong again. But even if they are right and one has to choose between caribou and country, it is hard to see how there is a choice.

[From the Wall Street Journal, Jan. 9, 1991]

Oil and Caribou Can Mix

There is an easy way to separate reasonable environmentalists from ecological extremists. Ask them if they believe in opening up a small strip in land on Alaska's remote northeast coast to oil exploration and drilling. The issue may well set off the most contentious debate of the year in Congress.

The 20-by-100-mile coastal plain of the Arctic National Wildlife Refuge is basically a frozen desert, wind-swept and bleak even in summer. There are no trees, few flowers, and a lot of mosses and lichens. Yet this area may well conceal the last major oil reservoir in North America, one that could rival the nearby Prudhoe Bay discovery that now produces 25% of the nation's domestic oil. The Interior Department puts the chances of a major find at one in five as against the oil industry's typical success rate of one in 50.

Some 92% of the Maine-sized ANWR area is already off-limits to development. The rest was specifically set aside by Congress in 1980 for possible oil exploration. But this hasn't stopped environmental groups from trying to slap a wilderness label on even this small remainder. The area is used by migrating caribou and other wildlife.

Alaska officials and local Eskimo leaders almost unanimously back development of the coastal strip. They say the Prudhoe Bay field shows that a balance can be struck between the needs of environmental protection and economic growth. In the 12 years since drilling began there, the local caribou herd has tripled in size to 18,000 animals. The 800-mile-long Alaska pipeline has had a superb safety record.

Nor would oil exploration and production disturb much of ANWR. With Prudhoe Bay as a guide, the best estimates are that less than 23 square miles—0.1% of ANSR's total area—would be affected by drilling pads, roads and other facilities. All would be removed carefully and the ground reseeded once exploration or drilling was completed.

Bills that would have allowed exploration in ANWR's coastal plain were passed by both House and Senate committees in 1989. Then the Exxon Valdez disaster wiped ANWR off the legislative map. The Gulf crisis has brought the issue front and center again. Last August, the Senate passed an amendment that would open up ANWR and other non-wilderness federal lands to oil and gas development if oil imports rise above 50% of domestic demand. They are now 45%.

But development of ANWR makes sense regardless of how much oil America imports, and Congress will take up the issue in earnest early this year. The Beltway environmental groups are fighting to keep all of it in perpetual cold storage. A Wilderness Society official says there is a "need to protect the land not just for wildlife and human recreation, but just to have it there."

That is environmental overreaching. It ignores the needs of real Americans, many with low incomes, who have to drive to work every day to support their families and will probably never have the means or the desire to fly 800 miles north of Anchorage, Alaska, and appreciate the stark, wind-swept terrain of ANWR.

Sensible conservationists believe that opening up a small sliver of Alaska's tundra for oil exploration simply recognizes that the welfare of human beings should also be a factor in environmental policy.

[From Fortune Magazine, Jan. 28, 1991]

Let's Hunt for Oil—It's Time to Drill Alaska's Refuge

(By Peter Nulty)

America needs more domestic energy. The risks of exploring the Arctic wildlife preserve are far fewer—and the potential rewards vastly greater—than most people realize.

The Arctic National Wildlife Refuge is almost as big as Indiana. It begins as a phalanx of magnificent rocky peaks high in the Brooks Range in Alaska's northeast corner, from there tumbling down a broad expanse of rolling foothills to a tundra plain scored by streams and gullies beside the Beaufort Sea. In all: 30,000 square miles, or 19 million acres. With only about 210 permanent residents—mostly Eskimo whalers in the coastal village of Kaktovik—the Arctic refuge is as unaltered by man as any wilderness can be at a time when human footprints mark even the moon.

Powerful forces may soon clash over whether the refuge stays that way. A small corner of it represents America's best chance of discovering major new oil reserves. Geology even hints that within the refuge lies a rare opportunity to uncover Saudi Arabia-size oil fields. The chance is miniscule, but a chance nonetheless. And the stakes are huge: If major reserves turn up, they could in the long run hobble OPEC, substantially improve America's balance of payments, and make the U.S. more energy independent.

The most tantalizing oil-prospecting territory in the U.S. is a strip of the flat coastal plain about 80 miles long and 20 miles wide that runs along the Beaufort Sea and makes up 8% of the refuge. This region is known by its bureaucratic name—the "1002 area"—after the clause in a 1980 federal law that directed the Interior Department to study the geology, flora, and fauna of the area and then advise Congress whether it should be explored for oil and gas or designated a wilderness closed to development. After exhaustive study the Interior Department concluded in 1987 that the coastal plain was "the Nation's best single opportunity to increase significantly oil production" and recommended leasing it to oil companies.

Some environmental groups, such as the Wilderness Society and the Sierra Club, would like to ban oil activity in the refuge permanently. Their cause has been aided mightily by the grounding in March 1989 of the tanker *Exxon Valdez* in Prince William Sound, which had the effect of sinking several bills in Congress that would have opened the 1002 area for exploration. But with U.S. oil production down 15% in the past two years, oil imports accounting for 55% of the foreign trade deficit and rising, and the oil-rich states of the Persian Gulf in danger of all-out war, the environmentalists' case for not exploring the coastal plain is being overwhelmed by economic and geopolitical imperatives. If a war in the Gulf damages Middle East oil fields or drives prices to the heavens—or both—then the debate over exploring the refuge, usually known as ANWR (pronounced AN-war), will get white hot. Even without war, this latest experience of Mideast turmoil will intensify concern about domestic energy sources—although developing ANWR, if it does contain commercial amounts of oil, would take15 or 20 years.

Why not start drilling now? "The refuge is the last Arctic ecosystem untouched by man," says Don Hellman of the Wilderness Society. "To go in solely to satisfy our insatiable appetite for oil is a disgrace." Most environmentalists similarly focus on several emotionally compelling but inaccurate concepts, particularly that the coastal plain is unique and pristine. It is not quite either. The 1002 area is only two-thirds of the refuge's coastal plain, which itself is a small slice of the Arctic refuge. And the refuge is hardly America's only wilderness. The whole of ANWR makes up just 5% of Alaska's land area and 25% of the land in federal wildlife refuges in that state alone. The Interior Department estimates that oil production here, assuming oil is discovered, might require 12,700 acres of installations, or about 0.07% of ANWR's territory. Such facilities would look impressively large if you were standing in their midst, but in relation to all of ANWR they would be no more significant than a mosquito on a moose's rump.

Nor is the coastal plain virginal. The Eskimos travel in skimobiles and outboard motorboats, hunt with rifles, and watch television during the eight-month winters, when temperatures can reach −50° F. and the sun doesn't rise for 65 days. In the brief summer season, which lasts as long as six weeks, about 150 adventurers show up annually to hunt musk oxen or grizzly bears or to ride the rivers in rubber rafts. As part of an electronic warning system against Soviet attack, the Department of Defense built three installations along the coast. Two are abandoned, their buildings empty shells. The third, a radar station and airstrip at Kaktovik, is still in use.

The most important human artifact may turn out to be a steel pipe six inches in diameter and five feet tall that sticks out of the tundra about 15 miles east-southeast of Kaktovik. The pipe is almost impossible to find without an expert guide, but it is at the center of the biggest mystery in the petroleum industry: How much oil is in ANWR?

The pipe marks a well, KIC–1, drilled in 1985 and 1986 by a joint venture of Chevron and British Petroleum, headed by Chevron, on land leased from the Eskimos. (The Eskimo land is inside ANWR and, like the refuge proper, cannot be drilled without permission from Congress.) KIC–1 is called a "tight hole" because Chevron won't reveal what was found in the well.

No one else has much information, since the Chevron venture has leased all the available land in the area. Tom Cook, a geologist with Chevron in Alaska, will only say coyly: "That's a pretty oily place around there." Arlen Ehm, an independent consulting geologist in Anchorage, says, "The scuttlebutt is that it's a great well, but what's a rumor worth?" Still, Chevron is lobbying hard to get the coastal plain opened for development, and the consortium recently renewed its leases with the Eskimos—four years before the leases were due to expire.

Why is this lonely stretch of tundra so alluring? The Geological Survey conducted seismic studies of the 1002 area in the early Eighties and found 26 geologic structures capable of trapping oil and gas. Not only is that a large number of traps for an area this size, but also two of the traps are bigger than the one in Prudhoe Bay that may eventually yield at least nine billion barrels of oil. "These two structures have Middle East-size capacity," says Ozzie Girard of the U.S. Geological Survey, "but they are probably dry as a bone." That's because oil may not have migrated into the traps. Many structures capable of capturing oil are empty or only partially full, or they may contain water.

No one can be certain that the traps in ANWR have much, if any oil. (They may hold natural gas, which at today's low prices would probably be uneconomic to develop, though it could be valuable in the future.) But they are also gargantuan and, in the extremely unlikely event that even one is full, it would alter history. Assuming conditions that are not unusual in the region, the bigger of the two, known only as No. 18, could yield 300 billion barrels of oil or more if it is full. That is more than Saudi Arabia's present proved reserves of about 254 billion barrels. The odds of a monster like No. 18 being full of oil are incalculably small. But if it were full, the U.S. would once again be the world's greatest oil power, and OPEC would become moribund.

Finding out is of little risk to the environment: Exploratory wells are drilled when the tundra is frozen and nearly immune to damage. And someone may already have taken a peek. KIC–1, Chevron's mystery well, was directly over structure No. 18. (At best, KIC–1 would be only a peek because a single well rarely tells the full story of how much oil is or isn't in a reservoir.)

The history of oil exploration shows that even when prospects are as enticing as this, the odds are still against the explorer. In ANWR the odds are not good, but they are better than average. The Interior Department sees a 19% chance that the refuge holds commercial quantities of oil, compared with the norm of 5%. Turned around, that means the odds are 4 to 1 against finding anything exploitable at present prices, instead of the usual 19 to 1 against. If exploitable reserves are there, says Interior, they most likely will amount to 3.2 billion barrels, enough to provide 8% of U.S. production and reduce imports 9% by 2005. But oddsmakers don't create oil, nature does. Maybe ANWR holds untold riches, or maybe it holds nothing. The only way to find out is to drill.

Alaskans are eager to begin. Oil accounts for 80% of the state's total revenue, and Prudhoe Bay, the state's golden goose, is in long, slow decline. All three gubernatorial candidates in the recent election, including winner Water Hickel, who ran as an independent but had been a Republican governor of Alaska and Interior Secretary under Richard Nixon, favor exploring the coastal plain. They differed only on the question of who could drive the best bargain with Congress to split the royalties. William Noll, mayor of Seward, a fishing village on Prince William Sound, says, "It's a tragedy, or comedy of a high order, to put ANWR on the back burner because of the accident in Prince William Sound," Noll believes the cleanup is progressing "okay." (For the scientific community's assessment, see box.)

The Arctic Slope Regional Corp., one of 13 Alaskan native regional corporations established by Congress to manage the resources of native lands, favors opening the 1002 area. ASRC holds title to most of the native lands on the north slope, including the site where Chevron drilled KIC–1. The president is Jacab Adams, 44, an Eskimo whaling captain who hunts bowhead whales with a crew of about six men and hand-held harpoons out of a 20-foot boat. His view: "I love life in the Arctic. But it is harsh, expensive, and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abondoned. It means sod huts and deprivation. We exist on nature, on the caribou and the whales. But we can take the measures required to protect the environment from the risks posed by oil development."

Hellman of the Wilderness Society protests that "it's been proven time and again that oil is an inherently messy business." Yet the environmental record of Prudhoe Bay is one reason Alaskans believe ANWR can be developed safely. "It's a real marvel," says a manager with the U.S. Fish and Wildlife Service in Alaska. "You could eat off the floors up there, but to say that publicly is heresy in the temple."

When Prudhoe was being developed, the biggest environmental worry was that it might harm the wildlife, particularly the Central Arctic caribou herd that give birth to most of their young in calving grounds near the oil fields. But the caribou have adapted nicely to the fields. Seeking to escape the dense clouds of mosquitoes that infest the marshy tundra, the caribou often congregate on the raised gravel roads that connect the oil wells, industrial plants, and living quarters at Prudhoe Bay. And the Central Arctic herd has grown from about 3,000 in 1972 to roughly 15,000 now, perhaps because natural predators like bears and wolves that attack and eat young calves are more wary of man's works than are the caribou, even though the oilmen at Prudhoe Bay are forbidden to hunt or carry firearms.

ANWR is seasonal home to the Porcupine herd of caribou, which numbers about 180,000. The herd migrates across the Porcupine River in Canada to ANWR in the brief spring and summer seasons to bear young and feed on tundra grasses. Again environmentalists are expressing concern for the herd's safety, but the Prudhoe experience suggests that in some ways the works of man offer more refuge than the wilderness.

Technologies that the industry has developed in the Prudhoe region, partly in response to relentless pressure from environmentalists, would make producing oil in ANWR even more compatible with the environment. Using the latest drilling techniques, the industry can space wellheads ten feet instead of 100 feet apart, reducing the area needed for, say, a 50-well production complex from 60 acres to ten.

ANWR will also pose new problems. Drilling uses a lot of fresh water, and the region's coastal plain has less of it than the Prudhoe area. An environmentally benign collection and storage system may be needed, or the pace of drilling could simply be restricted. With vigilance, such obstacles can be overcome.

A tougher nut to crack may be the philosophical question of whether the industry should enhance the ecosystem wherever possible, as it may have done inadvertently for the Central Arctic herd of caribou. For instance, the industry built thick gravel roads and drilling pads because running vehicles directly over the tundra would melt the permafrost and create impassable bogs. These additions, permanently dry, have created a more diverse habitat in the Prudhoe area. Some gravel quarries, connected by channels to rivers, have filled with fresh water and become favorite wintering quarters for fish, like the arctic char, which take refuge from the ice in deep pools. Their numbers may be increasing. Birds such as the common eider that need dry land for nesting might multiply if gravel roads and pads are revegetated rather than removed when their usefulness has ended.

Roger Herrera, an executive of BP in Alaska, asks, "Is biological value or aesthetic value more important here? Should the gravel be put back in the quarries to restore the environment or left to create new habitat?" Merely to have that choice suggests that development in remote areas has progressed a long way and that humans need suffer little guilt about pursuing their own ends in a corner of this wilderness.

Mr. MURKOWSKI. Mr. President, my colleagues may ask, "How much refuge is there?". ANWR is 19 million acres, the size of the State of South Carolina. It already contains 8 million acres of designated wilderness. This is larger than the State of Massachusetts. Over 9.4 million acres of the refuge are in nonwilderness normal refuge management. The Coastal Plain which we seek to open to oil and gas leasing makes up only 8 percent of the total refuge and under current development projections, less than 1 percent of the refuge would actually be impacted by oil development. This is an area smaller than Dulles International Airport!

I also agree that the risks of exploring in ANWR are fewer and the potential rewards are greater than people realize. I am concerned that this is true even within the Senate. Therefore, I will soon be speaking every week in morning business on this topic. I will present "The ANWR Series." This will be a series of floor statements about the refuge, its environment, its people, the oil and gas potential, the extent and impact of possible development.

If large reserves of oil are found in the Coastal Plain, it would have a dramatic effect on the economy of the United States. We spent some $50 billion on imported oil last year. Consider the boost to the American economy if we could reduce that by half and invest it in American energy production. It could create thousands of jobs and stimulate many sectors of our economy.

Finally, Mr. President, those who oppose opening the Coastal Plain to oil leasing contend that ANWR oil reserves would only supply a 200-day supply of oil for our nation. This statement does not reflect the real world situation. Oil does not just spring from the ground, it takes years to extract and produce oil from major fields. Under similar theoretical assumptions Prudhoe Bay, the largest domestic oil field, which has been producing for 20 years, would only supply a 600-day supply of oil. The fact is the potential oil reserves of the ANWR Coastal Plain could be the third largest American oil field ever—or next only to the Prudhoe Bay field and the east Texas field—and continue to supply needed domestic oil for the next 20 years.

Exploration, development, and production of the potential oil reserves of the ANWR Coastal Plain alone will not solve our Nation's energy problems, and we all know this. We must strive for more energy conservation. We must increase our energy efficiency. We must continue to develop alternative energy sources.

But conservation, efficiency, and alternative sources are not yet sufficient to solve the problems we face today or over the next 20 to 30 years.

These are important actions and worthy goals for the future. They are fundamental steps of a long-term process to prepare for the day when many of our nonrenewable resources are depleted.

America needs continuing domestic production of oil and gas. The Coastal Plain of ANWR is the single most promising onshore area for the discovery of significant oil reserves in the United States.

Mr. President, the environmentally sound oil and gas leasing of the Coastal Plain of ANWR has the support of the entire Alaska delegation, the Governor of Alaska, the people of Alaska, and the President of the United States.

Hard working families from one end of this country to the other support it.

It is time for the Congress to act.

Mr. President, I am pleased to submit the Arctic Coastal Plain Public Lands Leasing Act of 1991.

Mr. STEVENS. Mr. President, I am pleased to join Senator MURKOWSKI in introducing legislation authorizing exploration and development of a tiny segment of the Arctic National Wildlife Refuge, the Arctic Coastal Plain.

When the Arab nations imposed their embargo in 1973, we were importing 36 percent of our oil from foreign sources. The embargo sent oil prices spiraling upward and thrust us into a devastating recession. History offered us an important lesson—don't become dependent on foreign oil.

That same year we took positive action to reverse our perilous reliance on foreign oil. Congress authorized construction of the trans-Alaska pipeline which has now delivered some 8 billion barrels of oil to American consumers. The Prudhoe Bay field now represents 25 percent of American production.

That additional oil coupled with conservation measures helped reduce our energy dependence even though the economy was growing by leaps and bounds. But now Prudhoe Bay production is on a rapid downward turn. By the end of this decade, production will be cut in half.

And while Alaska's production is declining, we are also shutting down the OCS. The President's recent decision on the OCS removed 3 billion barrels of oil from exploration and production. Congressionally imposed drilling bans have removed even more areas from development. Although I support the President's decision, it has left us even more vulnerable to foreign powers, particularly in light of the 6-percent annual decline in American production.

While we imported only 31 percent of our oil in 1973, today the United States imports over half of its energy needs from overseas. A large portion of our supply comes from the volatile Middle East, leaving us precariously tied to the fate of that region. Unless we take dramatic steps now to reverse our dependence on the Middle East and other outside powers, we are inviting an economic Pearl Harbor. There is only one answer—open ANWR.

Interior Department estimates project an oil reserve of from 3 to 9 billion barrels in the refuge's 1.5-million acre coastal plain. That's enough oil to replace every drop of oil we imported from Kuwait and Iraq for as long as 27 years.

The environmental community, up until now, has opposed leasing in the refuge. But with our national security at stake and American lives on the line in the Persian Gulf, we must take bold action.

Let's look at the facts. Roughly the size of South Carolina, the refuge is larger than 11 of our States. Nearly half of the 19-million-acre refuge has already been designated as wilderness. Together with another 48 million acres of wilderness, Alaska contains nearly two-thirds of the Nation's entire wilderness system—some 56 million acres. To put that in perspective, 80 Senators don't represent States as large as Alaska's wilderness system.

Some have claimed that oil and wildlife are not compatible, but the facts don't bear that out. Since Prudhoe Bay was developed caribou populations have tripled and then doubled. There are six times more caribou today than there were in 1968 when oil was discovered.

Our bill would authorize exploration of 8 percent of the refuge or about 1.5 million acres. Of that 1.5 million acres, only 15,000 to 20,000 acres would ever be developed—an area the size of Dulles International Airport. And that area would be subject to stringent environmental safeguards.

Mr. President, last week the Wall Street Journal published an editorial supporting development of the coastal plain. The editors conclude that failure to open ANWR "ignores the needs of real Americans." I couldn't agree more. Like it or not, our economy is fueled by oil. Our farmers, our factories, and our families all depend on oil. Mr. President, I ask unanimous consent that the Wall Street Journal editorial titled "Oil and Caribou Can Mix" be printed at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL AND CARIBOU CAN MIX

There is an easy way to separate reasonable environmentalists from ecological extremists. Ask them if they believe in opening up a small strip of land on Alaska's remote northeast coast to oil exploration and drilling. The issue may well set off the most contentious debate of the year in Congress.

The 20-by-100-mile coastal plain of the Arctic National Wildlife Refuge is basically a frozen desert, wind-swept and bleak even in summer. There are no trees, few flowers, and a lot of mosses and lichens. Yet this area may well conceal the last major oil reservoir in North America, one that could rival the nearby Prudhoe Bay discovery that now produces 25% of the nation's domestic oil. The Interior Department puts the chances of a major find at one in five as against the oil industry's typical success rate of one in 50.

Some 92% of the Maine-sized ANWR area is already off-limits to development. The rest was specifically set aside by Congress in 1980 for possible oil exploration. But this hasn't stopped environmental groups from trying to slap a wilderness label on even this small remainder. The area is used by migrating caribou and other wildlife.

Alaska officials and local Eskimo leaders almost unanimously back development of the coastal strip. They say the Prudhoe Bay field shows that a balance can be struck between the needs of environmental protection and economic growth. In the 12 years since drilling began there, the local caribou herd has tripled in size to 18,000 animals. The 800-mile-long Alaska pipeline has had a superb safety record.

Nor would oil exploration and production disturb much of ANWR. With Prudhoe Bay as a guide, the best estimates are that less than 23 square miles—0.1% of ANWR's total area—would be affected by drilling pads, roads and other facilities. All would be removed carefully and the ground reseeded once exploration or drilling was completed.

Bills that would have allowed exploration in ANWR's coastal plain were passed by both House and Senate committees in 1989. Then the Exxon Valdez disaster wiped ANWR off the legislative map. The Gulf crisis has brought the issue front and center again. Last August, the Senate passed an amendment that would open up ANWR and other non-wilderness federal lands to oil and gas development if oil imports rise above 50% of domestic demand. They are now 45%.

But development of ANWR makes sense regardless of how much oil America imports, and Congress will take up the issue in earnest early this year. The Beltway environmental groups are fighting to keep all of it in perpetual cold storage. A Wilderness Society official says there is a "need to protect the land not just for wildlife and human recreation, but just to have it there."

That is environmental overreaching. It ignores the needs of real Americans, many with low incomes, who have to drive to work every day to support their families and will probably never have the means or the desire to fly 800 miles north of Anchorage, Alaska, and appreciate the stark, wind-swept terrain of ANWR.

Sensible conservationists believe that opening up a small silver of Alaska's tundra for oil exploration simply recognizes that the welfare of human beings should also be a factor in environmental policy.

By Mr. INOUYE:

S. 110. A bill to remove barriers to the free exercise of, and to ensure equal respect for, and treatment of, traditional religious practices by Indians, Alaska Natives, and native Hawaiians; to the Select Committee on Indian Affairs.

AMENDMENT OF AMERICAN INDIAN RELIGIOUS FREEDOM ACT

Mr. INOUYE. Mr. President, I am introducing legislation today that would amend the American Indian Religious Freedom Act.

Mr. President, when Congress passed the American Indian Religious Freedom Act in 1978 (P.L. 95–341), it established the policy of the United States to protect and preserve the right of American Indian, Eskimo, Aleut, and native Hawaiian people to believe, express, and exercise their traditional religions.

Pursuant to the provisions of the act, Federal agencies are required by law to respect the customs, ceremonies, and traditions of native American religions. The act provided that within one year of the law's enactment, Federal agencies would examine their policies and procedures, and work with native traditional and tribal leaders to assure minimal interference with the religious practices of native people. In August 1979, the Federal Agencies Task Force charged with this responsibility submitted its report to Congress.

The report concluded that due to ignorance and attitudes, Federal policies and practices were directly or indirectly hostile toward native traditional religions or simply indifferent to their religious values. There were indications that Native American people were denied access to sacred sites on Federal land for the purpose of worship and in cases where they did gain access, they were often disturbed during their worship by Federal officials and the public. In addition, some sacred sites were needlessly put to other uses which have desecrated them. Native Americans have been denied the opportunity to gather natural substances which have a sacred or religious significance, and have been disturbed in their use of these natural substances. Finally, native American beliefs involving care and treatment for the dead have not been respected by public officials and restrictions have been imposed by public institutions, such as schools and prisons, on the rights of native Americans to practice their religious beliefs. Although many recommendations regarding legislative action were made in the report, none was forthcoming from the administration to Congress on the issue of removal of the identified barriers to Indian religious freedom.

In recent years, a number of court cases have emerged involving the right of native Americans to engage in traditional religious practices. In a case decided by the U.S. Supreme Court in 1988, involving the construction of a road and allowing timber operations in a part of a national forest used for religious purposes by various Indian tribes (Lyng versus Northwest Indian Cemetery Protective Association), the Court held that the first amendment's protection of free exercise of religion did not prohibit the Federal activity. The Court viewed the case as one in which the "government action would interfere significantly with private persons' ability to pursue spiritual fulfillment according to their own religious beliefs," but not as a case in which affected individuals would be "coerced by the Government's action into violating their religious beliefs."

This ruling has the potential effect of requiring the courts to use a more difficult test than the balancing test that most courts have used in dealing with native American free exercise claims. Since most claims are already being denied by the courts, use of an even more stringent test may defeat even more claims.

It is clear that there must be a rebalancing of governmental interests against native American religious interest. The legislation I am introducing today would create this new balance. The rights of native Americans have not been adequately protected or respected, and as the trustee of the native peoples of this land it is incumbent upon Congress to correct this deficiency. I look forward to congressional attention to this important issue in the 102d Congress.

By Mr. THURMOND:

S. 111. A bill to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

Mr. THURMOND. Mr. President, I am pleased to introduce a joint resolution which "designates the month of May 1991 as National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in, the ever-growing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities. Personally, I have benefited greatly from the effects of physical exercise. Each morning, I do calisthenics for a half hour, lift weights, and I swim one-half a mile three times a week.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care.

Last year during May, as part of the celebration of National Physical Fitness and Sports Month, 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Bush to declare May 1991 as National Physical Fitness and Sports Month.

Mr. President, I urge my colleagues to join with me and support this resolution.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas there is an increase in the number of adults in our country who regularly participate in exercise and sports;

Whereas the number of physically active men and women continues to grow rapidly, especially since the 1970s;

Whereas there is great support for the importance of daily exercise for youth and children regardless of physical capabilities or limitations;

Whereas there is continued growth in senior citizens' physical activity participation which increases their enjoyment and quality of life;

Whereas today we recognize that physical activity is an important part of daily life for children, adults, and senior citizens of both sexes;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available in the schools, at the workplace, and during leisure time so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1991 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

By Mr. INOUYE:

S. 112. A bill to amend the Public Health Service Act to permit the Secretary of Health and Human Services to make certain grants to native Hawaiian health centers; to the Select Committee on Indian Affairs.

NATIVE HAWAIIAN HEALTH CENTERS

Mr. INOUYE. Mr. President, I am introducing legislation today to amend the Public Health Service Act to include native Hawaiian health centers as eligible entities for certain grant programs.

Mr. President, when the Native Hawaiian Health Care Improvement Act passed Congress and became law in 1988, it authorized the establishment of native Hawaiian health centers on each of the major Hawaiian Islands. These centers are intended to be able to provide a variety of health services to native Hawaiians, among other activities. It is therefore appropriate that these centers have access to Federal funds for programs that are available to other health centers and similar entities.

I look forward to the approval of this legislation during this next session of Congress.

By Mr. BIDEN (for himself and Mr. THURMOND):

S. 113. A bill to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle; to the Committee on the Judiciary.

INCREASES IN THE TERM OF IMPRISONMENT FOR DRIVING WHILE INTOXICATED WHEN A MINOR IS PRESENT

Mr. BIDEN. Mr. President, today I am introducing the Drunk Driving Child Protection Act of 1991. Simply put, this bill stiffens the penalty for drunk and drugged driving when a child is in the car.

Drunk driving is one of the most serious public health problems in the country.

Each year, more than 24,000 people are killed in alcohol-related crashes—in others words, one person is killed every 20 minutes by a drunk driver.

More than a million alcohol and drug related accidents occur on our highways every year, causing half a million injuries.

More than 40 percent of all teenage deaths result from car accidents—half of these involve drinking.

Children are among the most vulnerable victims of this type of violent crime:

According to one study, 56 percent, more than half, of the children killed by drunk drivers were passengers in their own vehicles.

Unlike adults, children can't just say no when a parent or other adult who is drunk tells them to get into the car.

All drunk drivers should face stiff and certain punishment, but when a drunk driver puts a helpless child at a risk, such reckless acts should be punished even more severely.

That's why I am introducing the Drunk Driving Child Protection Act to increase the penalty for drunk driving whenever a child is in the car. If there is a minor present—defined by the bill as anyone less than 18 years of age—my amendment allows a judge to impose an additional 1 year in prison and an extra fine of $1,000 on top of the punishment of the current penalty for drunk driving.

My bill will attack the problem of drunk driving with children in the car on two fronts. First, the bill will boost the penalty for drunk driving on Federal lands. There are more than 200,000 miles of roads on Federal land, more than in any single state in the country. Second, the bill will increase the penalty for drunk drivers, who are behind the wheels of buses, trains and other common carriers that operate on our highways.

The bill I am introducing today is identical to S. 2545, which was approved by the full Senate late last year. I am confident that the Senate will once again take prompt action on this bill and that the House of Representatives will move similar legislation.

I ask unanimous consent that a copy of the legislation, an explanatory factsheet, and a letter from the President of Mothers Against Drunk Driving in support of last year's bill be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drunk Driving Child Protection Act of 1990".

SEC. 2. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to the provisions of paragraph (2) and for purposes"; and

(2) adding at the end thereof the following:

"(2) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than one year and an additional fine of not more than $1,000, or both, if—

"(A) a non-driving minor was present in the motor vehicle when the offense was committed; and

"(B) the law of the State, territory, possession, or district applicable to the offense does not provide an additional term of imprisonment for an act described in subparagraph (A).".

SEC. 3. COMMON CARRIERS.

Section 342 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever"; and

(2) adding at the end thereof the following;

"(b) In addition to any term of imprisonment imposed of an offense under subsection (a), the punishment for such offense shall include an additional term of imprisonment of not more than one year and an additional fine of not more than $1,000, or both, if a non-driving minor was present in the common carrier when the offense was committed.".

MOTHERS AGAINST DRUNK DRIVING,
Hurst, TX, April 27, 1990.

Senator JOSEPH BIDEN,
Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: Mothers Against Drunk Driving is delighted to stand with you in support of the "Drunk Driving Child Protection Act of 1990" Bill which will enhance the criminal sanctions for individuals who choose to drive drunk with minor children in the vehicle.

No one should choose to ride with an intoxicated driver. However, minor children rarely have the opportunity to choose. For example, MADD gets calls almost daily from divorced parents, ordered to send their children for visitation with the non-custodial parent, knowing that that parent drives drunk with the child.

An enhancement of up to one year of additional incarceration and up to $1,000 additional fine for each minor child, we believe, will have a deterrent effect.

We trust that this federal legislation will serve as an incentive for the states to follow in enacting similar criminal statutes. We also believe this legislation will encourage states to specifically consider patterns of drinking and driving in determining the best interest of the child in civil suits affecting the parent-child relationship.

As always, MADD remains extremely grateful for your prompt attention to our legislative goals regarding drinking and driving.

Respectfully,

MICKY SADOFF,
National President.

FACTSHEET: DRUNK DRIVING CHILD PROTECTION ACT OF 1991

CURRENT FEDERAL LAW

Drunk driving is punishable under two provisions of the federal criminal code. Under the Assimilative Crimes Act, crimes committed on federal lands that are not specifically punishable under the federal criminal code are punishable under the state law in which the federal land is located. Thus, when a federal judge sentences a person for drunk driving on federal land, the judge applies the state penalties.

Also, the 1986 drug bill made it a federal crime to operate a common carrier (e.g., bus, rail train, airplane) under the influence of alcohol or drugs, punishable by up to 5 years in prison and a fine of $10,000.

THE BIDEN DRUNK DRIVING PROTECTION ACT OF 1990

The Drunk Driving Child Protection Act amends both provisions of federal law to increase the penalty when a minor is in the vehicle. First, under the Assimilative Crimes Act, the bill allows federal judges to impose an additional penalty beyond the applicable state law of up to one year imprisonment and an additional fine of not more than $1,000 where a minor is in the care. These provisions will extend to the more than 200,000 miles of roads on federal lands—more than in any single state.

Second, the bill amends the common carrier provisions to increase the penalty for operating a common carrier under the influence of drugs or alcohol when a child is in the vehicle by up to one year imprisonment and an additional $1,000 fine.

In addition, this legislation—developed in cooperation with the Delaware and national offices of Mothers Against Drunk Driving—will serve as a model for states to follow in enacting tough drunk driving laws.

By Mr. INOUYE:

S. 114. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

PRISONER OF WAR MEDALS FOR CIVILIAN DETAINEES

Mr. INOUYE. Mr. President, all too often we find that our nation's civilians who have been captured and forcibly detained by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner-of-war medal for civilian employees of the Federal Government.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) AUTHORITY TO ISSUE PRISONER-OF-WAR MEDAL.—Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

"CHAPTER 25—MISCELLANEOUS AWARDS

"2501. Prisoner-of-war medal: issue.

"§ 2501. Prisoner-of-war medal: issue

"(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government was forcibly detained or interned, not as a result of such person's own willful misconduct—

"(1) by an enemy government or its agents, or a hostile force, during a period of war; or

"(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

"(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

"(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or such Secretary, as the case may be.

"(d) For a person eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

"(e) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the President.

"(f) Under regulations to be prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.".

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

"25. MISCELLANEOUS AWARDS .... 2501".

SEC. 2. EFFECTIVE DATE.

Section 2501 of title 5, United States Code, as added by section 1, applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.

By Mr. INOUYE:

S. 115. A bill to restore the traditional observance of Memorial Day and Veterans Day; to the Committee on the Judiciary

OBSERVANCE OF MEMORIAL DAY AND VETERANS DAY

Mr. INOUYE. Mr. President in our effort to accommodate many Americans by making the last Monday in May, Memorial Day, we have lost sight of the significance of this day to our nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half-mast on that day. In addition, this legislation would authorize the President to issue a proclamation making both Memorial Day and Veterans Day as days for prayers and ceremonies. This legislation would help to restore the recognition our veterans deserve for the sacrifices they have made in behalf of our nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) effective one year following the date of enactment of this Act—

(1) section 6103(a) of title 5, United States Code, is amended by striking out—

"Memorial Day, the last Monday in May." and inserting in lieu thereof—

"Memorial Day, May 30."; and

(2) section 2(d) of the joint resolution entitled "An Act to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 174(d)), is amended by striking out—

"Memorial Day (half-staff until noon), the last Monday in May;"

"Memorial Day (half-staff until noon), May 30;".

(b) The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe Memorial Day and Veterans Day as days for prayer and ceremonies showing respect for American veterans of wars and other military conflicts.

By Mr. INOUYE:

S. 116. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary stores and post and base exchanges; to the Committee on Armed Services.

AUTHORIZATION FOR FORMER PRISONERS OF WAR TO USE DEPARTMENT OF DEFENSE COMMISSARY STORES AND POST AND BASE EXCHANGES

Mr. INOUYE. Mr. President, today I am introducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated to have a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize that it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel that this gesture is both meaningful and important to those concerned. It also serves as a reminder that our Nation has not forgotten their sacrifices.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Use of commissary stores and post and base exchanges by certain disabled former members of the armed forces

"(a) In this section—

"(1) 'former prisoner of war' has the same meaning as provided in section 101(32) of title 38; and

"(2) 'service-connected' has the same meaning as provided in section 101(16) of such title.

"(b)(1) Under regulations prescribed as provided in paragraph (2), a former prisoner of war who—

"(A) has been separated from active service in the Army, the Navy, the Air Force, or the Marine Corps under honorable conditions, and

"(B) has a service-connected disability rated by the Secretary concerned or the Administrator of Veterans' Affairs at 30 per centum or more,

shall be permitted to use commissary stores and post and base exchanges operating under the Department of Defense.

"(2)(A) The Secretary of Defene shall prescribe regulations to carry out paragraph (1) in the case of commissary stores.

"(B) The Secretary of the military department concerned shall prescribe regulations to carry out paragraph (1) in the case of post or base exchanges operating under the jurisdiction of such military department.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Use of commissary stores and post and base exchanges by certain disabled former members of the armed forces.".

By Mr. INOUYE:

S. 117. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Governmental Affairs.

REDUCED POSTAGE RATES FOR CERTAIN MAIL SENT TO MEMBERS OF CONGRESS

Mr. INOUYE. Mr. President, I rise today to reintroduce a bill to provide for the issuance of a special 1-cent postage stamp to be used for correspondence with Members of Congress.

Mr. President, ours is a democratic government—a representative government—and thus, by definition, one dependent on the continuing operation of a two-way communication system between the people of this country and their elected Representatives.

Each Member of the Congress is directly responsible to those people in his State or district whom he represents. He must not only keep communication channels open but, more importantly, he must be responsive to the concerns he receives through these channels. The most practical means of transmitting these constituent concerns is through the mail. It is most difficult for many of us to imagine ourselves in a situation where the desire to express an opinion is frustrated because we must think twice about spending money on a postage stamp. Unfortunately, we must face the fact that many of our Nation's citizens are forced to consider the purchase of a 20-cent postage stamp for the purpose of expressing a grievance, or opinion or idea, as something beyond their means.

The issuance of a 1-cent stamp for this purpose would effectively remove this prohibition and allow all citizens to apprise their Representatives and Senators of their individual thoughts and position on the issues facing our Nation. This measure would amend the Postal Reform Act of 1970 to provide for the issuance of these 1-cent stamps to be sold at U.S. post offices. The bill also authorizes appropriations necessary to account for the difference in postal revenue resulting from the sale of 1 cent stamps as opposed to prevailing postage rates for mail matter addressed to Congressmen which does not exceed 4 ounces in weight.

Recognizing the necessity of open communication between elected officials and people, Congress adopted the franking system allowing congressional communication between elected officials to constituents. We have neglected, however, to provide our constitutents with a convenient and affordable means of access to their Senators and Congressmen. It is difficult to overstate the importance of this concept of individual expression. Each and every citizen has the right and the responsibility to participate in the democratic system, through both the ballot box and through correspondence with their Representatives between elections.

Because the effective operation of our political system is dependent upon open communication, I am hopeful that this bill will receive the early approval of the Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 32 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3221. Mail matter sent to Members of Congress

"(a) Any person may send any piece of mail matter, not exceeding four ounces in weight, for postage of 1 cent to (1) any member of the Senate representing the State, and (2) the Member of the House of Representatives representing the district, in which such person resides, if that person uses a special stamp issued by the Postal Service for any such matter. The Postal Service shall issue special 1-cent stamps to be used in sending such matter, and such stamps shall only be sold at post offices.

"(b) For the purposes of this section—

"(1) 'district' includes Puerto Rico and the District of Columbia;

"(2) 'Member of the House of Representatives' includes a Representative, Delegate, and Resident Commissioner; and

"(3) a Member of the House of Representatives elected at large from a State having more than one district shall be considered a Member elected from each district of that State.".

(b) The analysis of such chapter is amended by adding after the item relating to section 3220 the following new item:

"3221. Mail matter sent to Members of Congress.".

(c) Section 2401(c) of such title is amended by inserting "3221," after "3217,".

(d) This Act shall take effect January 1, 1988.

By Mr. INOUYE:

S. 118. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

TRAVEL AUTHORIZATION FOR DISABLED FORMER MEMBERS OF THE ARMED FORCES

Mr. INOUYE. Mr. President, today, I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the military airlift command. My bill would provide the same benefits for 100-percent, service-connected disabled veterans.

Surely we owe these heroic men and women who have given so much for our country a debt of gratitutde. Of course, we can never repay them for the sacrifice they have made on behalf of all of us but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress amended, That chapter 53 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

"§ 1032. Travel privileges on military aircraft for certain former members of the armed forces.

"A former member of the armed forces who is entitled to compensation from the Veterans' Administration for a service-connected disability rated total in degree by the Veteran's Administration is entitled, in the same manner and to the same extent as retired members of the armed forces are entitled to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command.".

SEC. 2. The table of sections, at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1031 the following new item:

"1032. Travel privileges on military aircraft for certain former members of the armed forces.".

By Mr. EXON:

S. 126. A bill to exempt section 721 of the Defense Production Act of 1950 from termination; to the Committee on Banking, Housing, and Urban Affairs.

EXEMPTION OF SECTION 721 OF THE DEFENSE PRODUCTION ACT OF 1950

Mr. EXON. Mr. President, I rise to introduce legislation which requires immediate attention. In the closing hours of the 101st Congress, the so-called holds registered by six Republican Senators prevented the passage of the compromise extension of the Defense Production Act. An unintended victim of the lapse of that legislation, has been the Exon-Florio law which has enjoyed virtually unanimous support in the Congress and the administration.

The Exon-Florio law gives the President the power to investigate and if necessary, stop a foreign merger, takeover or acquistion of an American company when the national security is threatened.

The Congress enacted the Exon-Florio law in August of 1988 as a part of the comprehensive trade bill. The final version won the broad support of Congress, business and the administration. It stands as a national security break wall against the rising tide of foreign investment.

The law grants the President broad authority to protect the national security in foreign takeover situations. Under the statute, the President has authorized the Interagency Committee on Foreign Investment in the United States, also known as CFIUS to administer the statute. Since its enactment over 400 transactions have filed an Exon-Florio notice with CFIUS, 13 full investigations have been initiated and the President used his full power to order a divestment in one case.

The success of the Exon-Florio law goes well beyond the statistics just listed. Because the statute relies on national security as a last resort to stop a transaction, the Exon-Florio process has created a level of scrutiny and compliance with other laws unknown prior to the enactment of the statute. In essence, the Exon-Florio law has required the administration to subject each filed transaction to a check list of concerns including compliance with the Export Administration Act, the Munitions Control Act, the foreign owned and controlled regulations of the Department of Defense and other security measures designed to protect the national security, even when a transaction is approved.

The very existence of the Exon-Florio statute has resulted in transactions being crafted in a way that they do not run afoul of the law. In several instances, national security operations have been spun-off into separate American-owned companies prior to a merger and most notably in the case of the Perkin-Elmer sale, the very threat of an Exon-Florio investigation is credited with making the sale of this high technology company to an American consortium possible. In addition, in a number of cases, the Exon-Florio process has produced concessions to American security concerns which would have not been made but for the statute.

In spite of the many successes of the Exon-Florio law, I have had some serious disagreements with the Bush administration about their ultimate decisions in individual cases. This disagreement is not, however, with the structure of the law, but with the structure of the Bush administration policy. The legislative history of the Exon-Florio law is chock full of references to the broad application of the term "national security."

Before introduction of this measure today I have spoken by telephone with former Congressman Jim Florio, now Governor of New Jersey. The Governor agrees completely with my action this date as the House leader on our bill; he concurs with my views on our legislation that I am expressing.

The Exon-Florio law is not only limited to cases which deal solely with defense contractors. National security as a broader term than national defense. To put the term into context, the preexisting Executive order which created CFIUS gave the interagency group the power to investigate foreign investment affecting the national interest and the pre-Exon-Florio Defense Production Act repeatedly uses the term "national defense". The term "national security" then is broader than national defense but not as all encompassing as national interest.

National security is intentionally a flexible term. The statute gives the President broad latitude to determine what is and is not within the realm of national security. I have frequently said in a somewhat humorous view, that if the President determined that tiddily winks were critical to the morale of our troops, he could stop a takeover of an American tiddily wink manufacturer in the name of national security. The point is that the statute was drawn to afford broad interpretation on the part of the President as opposed to restrictive provisions.

The national security standards in Exon-Florio is indeed broad enough to encompass machine tools, energy, semi-conductors' and other high technologies, as well as the more obvious case of weapons production and weapons components. To stop a transaction, the statute requires that the President make two findings that there is:

> Credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security. That other provisions of law, other than the International Emergency Powers Act "do not in the President's judgment provide adequate and appropriate authority * * * to protect the national security".

Mr. President, the action which a foreign interest might take to threaten the national security does not have to be hostile in nature. The President's power under the Exon-Florio law extends even to cases where the acquiring company holds no ill will toward the United States, but through the exercise of control may, in the President's judgment, take action which adversely affects American national security.

In short, on the issue of national security, it is the President's call. I am convinced that transactions filed with CFIUS are receiving careful scrutiny. I am aware of a number of instances where transactions have sparked heated debate among and between the various CFIUS agencies. And I know well that the professional staff at CFIUS works long and hard to carry out their duties and meet the intentionally tight timetables of the statute.

My disagreement with the administration comes at the policy level when they weigh the national security interest against the administration's interest in maintaining a so-called open investment policy. I believe, too often, the administration put too much weight on the open investment side of the scale when evaluating high technology transactions.

But, make no mistake, it is the President, not the statute which is responsible for the outcome of the balancing test.

When the Congress enacted the Exon-Florio law, it clearly did not anticipate a lapse due to an unrelated dispute on the Defense Production Act to interfere with the smooth operation of the Nation's foreign investment policies. The legislation I introduce today would simply remove the Exon-Florio law from the sunset provisions of the Defense Production Act. This legislation should be noncontroversial and would contribute to the efficient operation of international commerce. In fact, one interpretation of the present sunset provision supports a conclusion that the Exon-Florio law, in fact, had not expired with the lapse of the Defense Production Act.

I congratulate the Bush administration for already indicating that to the extent possible, it will carry out its duties under the Exon-Florio law in anticipation of a swift reauthorization.

Mr. President, I introduce this legislation to eliminate and avoid any future confusion about the permanent nature of the Exon-Florio law.

Mr. President, I urge my colleagues and especially the chairman of the Senate Banking Committee to give this matter swift attention.

I ask unanimous consent that an article written by Kevin Kearns be introduced into the RECORD as read. While my present remarks rebut some of the assertions of Mr. Kearns as to the interpretation of the Exon-Florio law, the article underlines the present urgency of resolving any controversy about the lapse of the statute.

From the beginning I have sought to keep strictly economic considerations from coming routinely under Exon-Florio evaluations. Unless we see more innovative interpetations of our statute by the administration the need for expansion of its powers will become more of a possibility.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 13, 1991]

WHO WILL BUILD AMERICA'S NUCLEAR ARMS?

(By Kevin L. Kearns)

Foreign takeovers of America's entertainment giants are arguably benign, but you'd think that someone would draw the line at a company involved in our nuclear weapons program. Unfortunately, you'd be wrong. Just such a takeover is imminent, and the hands-off attitude being adopted in Washington illustrates graphically the nations abysmal lack of a sensible policy on foreign buyouts of U.S. businesses.

The acquisition target is Moore Special Tool Company, of Bridgeport, Conn., the world's best maker of ultra-precise machine tools, and one of America's industrial crown jewels. The prospective buyer is Fanuc, a major Japanese player in the machine tool field. Moore is the only U.S. supplier of high-precision machine tools that can meet Department of Energy needs. The components fabricated with these tools directly affect critical variables such as the explosive force of a nuclear weapon and the risk of accidental detonation.

The United States will now be totally dependent on foreign machines (German, Swiss and Japanese) for the most sensitive operations in maintaining the arsenal that has anchored its defense for almost 50 years. A double irony is that the most precise tools (from Moore) would be provided by Fanuc, whose home country has forsworn nuclear weapons as a matter of principle.

How did we wind up in such a fix? In general, it's the fault of the business environment in which U.S. companies operate. Our cost of capital is too high, partly as a result of government borrowing; our tax laws penalize investment and reward consumption; our piecemeal regulatory structure is insensitive to effects on international competitiveness. Moore also has specific problems of its own. The company has worked for the U.S. government on projects that were neither profitable nor applicable elsewhere. As a niche-market producer. Moore must depend on exports (more than 50 percent of sales) to generate enough volume to stay profitable. But because of the strategic value of Moore's machines, the Departments of Defense and Energy have blocked or delayed approval of key overseas sales.

Even so, the existence of alternative foreign suppliers has frustrated U.S. export control. Foreign customers, aware of Moore's problems in getting export licenses, have often settled for second-best, but still satisfactory, products from other sources. The net result: Sales and profits dwindle for Moore but worrisome technology continues to spread as foreign competitors supported by their governments rush to fill the gap.

Concern that the machines might be misused or fall into the wrong foreign hands is valid, but the application of our export control laws often serves neither national security nor business interests. Ultimately, we can only influence the flows of technologies if we are a technology leader. If our companies are put out of business or sold to foreign concerns, then we have little leverage over the actions of others.

The lack of a coherent national economic strategy, where business decisions, government procurement, export control, antitrust and tax policy are all linked, has produced this situation.

Washington's mechanism for reviewing sales of U.S. companies to foreign entities is CFIUS, the interagency Committee on Foreign Investment in the U.S. The committee's guidelines, known as the Exon-Florio provisions, say that the acquiring company must be shown to pose a national security risk for a sale to be denied. But how should national security be defined? Is it military security only or should it encompass economic security as well?

To date CFIUS has chosen to define security only in narrow military terms. Of some 480 takeovers reviewed, the process has blocked only one sale—to a company owned by the Chinese government. A bill to make economic security an explicit criterion in the decision-making process failed to pass in the last Congress. Indeed, Congress failed to renew the entire Defense Production Act, of which Exon-Florio is a part. As a result, the world's greatest economy currently has no guidelines whatsoever on foreign takeovers.

Operating in a legal vacuum, CFIUS last week voted informally to recommend that the president approve the sale of Moore to Fanuc. Although many CFIUS agencies were uneasy, none was courageous enough to recommend denial. But if ever there was a clear national security case, even according to the narrow definition, the Moore case is it. What could be more deeply involved in national security than the machines that produce the nation's nuclear arsenal?

The United States has a long history of controlling exports for political reasons. What if the Japanese, Germans or Swiss decide not to sell to or service the DOE's nuclear program? After all, Switzerland is a neutral, Germany does not possess nuclear weapons and has a large, politically active anti-nuclear movement, and sensitivity to things nuclear is integral to modern Japan. Can we rely on these governments never to respond to political considerations and to continue to sell to DOE? The grudging cooperation we have received from Germany and Japan in the Persian Gulf crisis, as well as the stalled GATT negotiations, demonstrates vividly that these countries often do not view their respective national interests as coincident with ours, even on critical issues.

Further, will these countries tightly control the technologies involved and keep them out of the hands of the Saddam Husseins of the world? German companies have been heavily involved in the Iraqi chemical, missile and nuclear-weapons programs. The Arab blacklist for years has influenced Japan's relations with Israel, and Japanese companies have sold restricted technologies—the most famous case being Toshiba Machine's sales of nuclear submarine propeller-quieting technology to the Soviets.

Moore's plight is far from unique. Another current CFIUS case, for example, is also mired in policy confusion: the sale of SemiGas Systems to its Japanese competitor, Nippon Sanso. SemiGas is the key supplier of specialized gas cabinets to Sematech, the government-business consortium established to help our computer chip industry become competitive again. Although the Japanese would stand to gain valuable insight into the technology of their U.S. competitors by acquiring SemiGas, CFIUS approved the sale in August. But last week, the Department of Justice, which did not object in the CFIUS process, announced it would go into court to block the sale on anti-trust grounds.

With respect to the impending sale of Moore, ordinarily, the president would have 15 days to act on the case. But the normal rules have lapsed thanks to Congress's inaction. Moreover, the president has plenty on his plate currently. Yet critical cases like Moore cannot be allowed to slide through even when the White House is caught up in an immediate crisis. A way must be found to keep Moore and companies like it in U.S. hands and to help them to prosper.

The problem is that such measures would look like "industrial policy"—a taboo to some key White House economic policy makers. Yet export controls, which they accept, are also a form of industrial policy. Such controls certainly hurt Moore financially. The real problem is not that we might wander into industrial policy but that we already have too many industrial policies, too many uncoordinated laws and regulations that sandbag our companies in their competition with foreign rivals.

We desperately need a more strategic approach to our national economy. Decisions to block the Moore sale and fully support the Justice Department's suit against the SemiGas acquisition are the places to start.

By Mr. MITCHELL (for Mr. CRANSTON, for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. MITCHELL, Mr. BOREN, Ms. MIKULSKI, Mr. SIMON, Mr. BRYAN, Mr. SHELBY, and Mr. PELL):

S. 127. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health care, education, housing, and insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS BENEFITS AND HEALTH CARE AMENDMENTS OF 1991

• Mr. CRANSTON. Mr. President, I am very pleased that the majority leader today introduced for me as chairman of the Committee on Veterans' Affairs, S. 127, the proposed Veterans Benefits and Health Care Amendments of 1991. I am pleased to be joined in sponsoring this measure by committee members Mr. DeConcini, Graham, and Mitchell, and by Senators Boren, Mikulski, Simon, Bryan, Shelby, and Pell.

This is a comprehensive measure with provisions covering a wide range of subjects, including those providing for the following: A cost-of-living adjustment [COLA] in the rates of compensation for veterans with service-connected disabilities and dependency and indemnity compensation [DIC] for the survivors of those who died from service-connected causes; improvements in and extension of benefits for veterans who were exposed to radiation during service and later developed certain cancers; the exemption of VA's medical care account from sequestration; authority to provide procreative services for certain service-disabled veterans; improvements in VA's programs for furnishing prosthetics to disabled veterans; assessments and needed expansion of services to homeless veterans; new and expanded programs to meet the transitional housing and other needs of veterans recovering from substance abuse; enhancements in various VA mental health care programs, including programs to assists veterans suffering from posttraumatic stress disorder and to expand mental health research; new collective bargaining, disciplinary, and grievance procedures for VA title 38 health care personnel; the updating and improvement of special pay for VA physicians and dentists; extensions and improvements of veterans' education and employment programs; expansion of the pilot program of transition assistance for service members nearing separation from active duty; increases in certain insurance coverage for service-disabled veterans; a pilot program of enhanced-use leases of VA properties; and improvements in VA efforts to provide benefits and services to minority veterans.

BACKGROUND

Mr. President, this legislation is the successor to S2100, the bill reported by the Veterans' Affairs Committee on July 12, 1990. The Senate—most regrettably and unfortunately—was unable to consider and act upon it last year because two Senators on the other side of the aisle objected to the majority leader's unanimous-consent request on October 10, to proceed to the consideration of the bill.

My comments on their having blocked action on that measure, of such great importance and urgency to our Nation's veterans, appear in the Record for October 27, 1990, beginning on page S. 17727. I would simply note at this point that, as a result of the Senate having been unable to consider S. 2100 and any amendments to it, more than 2.1 million veterans who have service-connected disabilities and 323,000 survivors of those who died from service-connected causes did not receive COLA's in their VA compensation benefits. In addition, many other provisions to improve Va health care and benefits programs on which the House and Senate could have reached swift agreement last fall following Senate passage of S. 2100, if that had been achieved, were not enacted.

ACTION IN 102D CONGRESS

Mr. President, the Senate's inability last fall to act on S. 2100 thus left many urgent provisions that must be acted upon as soon as possible this year. These provisions include, among others, the overdue compensation COLA; agent orange legislation, which is similar to provisions that the Senate passed in August 1989, by a vote of 92 to 8; the improvement and updating of VA physician's and dentist's special pay; the revision of collective bargaining, disciplinary, and grievance policies and procedures applicable to VA's title 38 health care personnel; and certain other health and benefits matters.

If we can reach agreement with the House on the crucial agent orange legislation, we will be in a position to enact the compensation COLA, effective retroactively to January 1, 1991, and a great deal of other critically important legislation on which there have been extensive, informal negotiations and will, I believe, be acceptable in both bodies. I am very hopeful that this can be done and, together with others, will be doing all that I can to achieve the swift passage of this most urgently needed legislation.

BILL PROVISIONS

Mr. President, this measure consists of the provisions of S. 2100 as reported by the committee on July 12, 1990, as it would have been amended by a committee modification that I was authorized and prepared to offer if the Senate had proceeded to consider that bill last year and with certain other modifications that I will describe briefly. First, however, I note that the provisions of the bill as reported are described and explained in the committee's report on S. 2100 (S. Rept. No. 101-379). In addition, at the conclusion of my remarks, I will ask unanimous consent that a summary of the provisions of our bill be printed in the Record.

The provisions of the committee modification of the bill as reported last year and as reflected in our bill amend the bill as reported in the following ways:

ELIGIBILITY OF FORMER PRISONERS OF WAR FOR OUTPATIENT MEDICAL SERVICES

First, the committee amendment would entitle ex-prisoners of war to outpatient VA medical care. This provision, which is derived from S. 1860 as introduced by the distinguished Senator from Oklahoma [Mr. Boren] in the 101st Congress would change current law governing entitlement to VA health-care services. Public Law 99-272, enacted in 1986, established categories of entitlement and eligibility for VA inpatient services. In 1988, Public Law 100-322 created somewhat different entitlement and eligibility groupings for outpatient care. Ex-prisoners of war, along with certain other groups of veterans, are in the category of mixed entitlement, that is, they are entitled to necessary inpatient care and are only eligible for outpatient services.

VA asserts that, since the enactment of Public Law 100-322, it has treated virtually all ex-POW's who have sought outpatient care at VA facilities. However, isolated incidents of denial of outpatient care to some have caused many ex-POW's to express concern that VA medical centers might refuse to treat them on an outpatient basis should budget constraints become more severe. This provision would ensure that they are not denied needed treatment.

Mr. President, I congratulate Senator Boren for his leadership on this issue.

EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS

Next, the committee amendment included a provision, derived from the administration-requested bill, S. 1818, which I introduced on October 31, 1989, which would require the licensure, certification, or registration of social workers appointed to positions in VA facilities in States which regulate social workers.

In Secretary Derwinski's October 19, 1989, transmittal letter accompanying this proposed legislation, he noted that, over the last several years, the regulation of social workers has become standard practice. Currently, 45 States regulate the practice of social work through licensure, certification, or registration requirements. VA also noted that the Joint Commission on Accreditation of Health Organizations designates as a "key factor" in the accreditation process the licensure, registration, or certification of social workers.

I have long supported efforts to improve the quality of care provided in VA health care facilities, and I agree with VA that requiring the licensure of social workers in VA facilities would help to ensure that high-quality care is provided in the VA health care system.

CHILD CARE SERVICES

Mr. President, the committee amendment contained a provision, proposed by my distinguished colleague from Florida and fellow committee member [Mr. Graham], which would require annual assessments of VA employees' needs for child care services. S. 2100 as reported would have encouraged the provision of child care, first, by changing reimbursement requirements for child care centers operated by the Veterans Canteen Service and, second, by authorizing VA to establish a dependent care assistance program. This provision would further these efforts by requiring the director of each VA medical enter and VA regional office to assess the needs of its employees for child care services and submit an annual report to the Secretary containing the director's findings and proposals for fulfilling any unmet needs. In making such an assessment, a director would be required to consult with appropriate representatives of the center's or office's employees.

Mr. President, the systematic and periodic evaluations which would be mandated by this provision would enhance VA's ability to provide those child care services which best meet the needs of its employees.

ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING

Mr. President, the committee amendment also contained a provision, proposed by my good friend the Senator from South Dakota [Mr. DASCHLE] that would replace the existing Secretary of Labor's Committee on Veterans Employment and Training with an Advisory Committee on Veterans Employment and Training.

The voting membership of the current committee is composed primarily of representatives of various Federal agencies. In contrast, voting membership of the new committee would include representatives of veterans' organizations and individuals who are recognized authorities in fields related to employment, training, rehabilitation, labor, and business. Representatives of appropriate Federal agencies would have nonvoting positions on the new committee. The non-Federal character of the new committee would allow for a wider perspective and increased objectivity in assessing Labor Department programs and making recommendations to the Secretary.

LOCATION OF PTSD TREATMENT UNITS

Mr. President, another committee amendment provision proposed by Senator DASCHLE would require the Secretary, to the extent practicable, to ensure that there are PTSD treatment units in locations that are readily accessible to veterans living in rural areas.

The 1988 RTI study of Vietnam veterans found that 479,000 veterans currently have full-blown PTSD and that another 350,000 suffer from some symptoms of PTSD. This provision is designed to ensure that VA's allocation of resources for PTSD treatment will be apportioned in such a way that rural veterans can gain access to needed care for the disorder.

DELETIONS FROM COMMITTEE-REPORTED BILL

Finally, Mr. President, this modification would strike a number of provisions from S. 2100 as reported because such provisions—or provisions dealing with the same subject—have since been enacted in another form in the Department of Veterans Affairs Nurse Pay Act of 1990, Public Law 101-366, which was signed on August 15, 1990, or in the Omnibus Budget Reconciliation Act of 1991 [OBRA], Public Law 101-508, which was signed on November 5, 1990.

OTHER MODIFICATIONS

Mr. President, the other differences between our bill and S. 2100 as reported last July reflect the requirements in section 8005 of the OBRA that the compensation COLA take effect no earlier than January 1, 1991, and that all increases be rounded down to the next lower dollar; changes in certain effective dates in light of the passage of 6 months since S. 2100 was reported; and the fact that I have decided against carrying forward into this bill the provisions that would have required VA to provide assistive monkeys to certain quadriplegic veterans under a mandatory 4-year pilot program. In this latter regard, I note that in extensive informal negotiations on S. 13 and S. 2100 in 1989 and 1990, we reached a stalemate with the House Veterans' Affairs Committee with respect to the shape of the legislation regarding the furnishing of primates. I also have reservations regarding the advisability of the pilot program. Thus, instead of mandating that VA furnish any animals, today's measure, in section 223, contains a provision, derived from sections 223 and 224 of S. 2100 as reported, authorizing the furnishing of service dogs to assist quadriplegic veterans who have service-connected disabilities and signal dogs to assist veterans who have service-connected hearing impairments.

CONCLUSION

Mr. President, I urge all of my colleagues to support this vitally important legislation containing so many beneficial provisions that I believe are necessary in meeting the Nation's obligations to our veterans.

I ask unanimous consent that the text of the bill and a summary of the provisions of this measure be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits and Health Care Amendments of 1991".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION

PART A—GENERALLY

Sec. 101. Disability compensation and dependency and indemnity compensation rate increases.
Sec. 102. Authority to make readjustments in the disability rating schedule prospective only.

PART B—RADIOGENIC DISABILITIES

Sec. 111. Extension of presumption of service connection for certain radiation-exposed reservists.
Sec. 112. Expansion of list of diseases presumed to be service-connected for certain radiation-exposed veterans and elimination of latency-period limitations.
Sec. 113. Adjudication of claims based on exposure to ionizing radiation.

PART C—AGENT ORANGE EXPOSURE AND VIETNAM SERVICE

Sec. 121. Short title.
Sec. 122. Presumption of service connection for certain veterans who served in Vietnam.
Sec. 123. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents.
Sec. 124. Results of examinations and treatment of veterans for disabilities related to exposure to certain herbicides or to service in Vietnam.
Sec. 125. Tissue archiving system.
Sec. 126. Scientific research feasibility studies program.
Sec. 127. Outreach services.
Sec. 128. Report relating to research on treatments for exposure to dioxin and other toxic agents.
Sec. 129. Extension of health-care eligibility based on Agent Orange or ionizing radiation exposure.
Sec. 130. Definitions.

TITLE II—HEALTH CARE

PART A—MENTAL HEALTH

Sec. 201. Care for combat-theater veterans with service-related post-traumatic stress disorder.
Sec. 202. Eligibility for services at Vet Centers.
Sec. 203. Mental illness research, education, and clinical centers.
Sec. 204. Special Committee on Post-Traumatic Stress Disorder.
Sec. 205. Funding for post-traumatic stress disorders programs.
Sec. 206. Selection of locations for new post-traumatic stress disorder treatment units.

PART B—GENERAL HEALTH

Sec. 211. Eligibility for prosthetic devices and certain other medical items.
Sec. 212. Eligibility for outpatient dental care.
Sec. 213. Increase in maximum limitations on home health services.
Sec. 214. Contract authority for alcohol or drug-abuse treatment.
Sec. 215. Extension of authority to make contracts and grants to the Veterans Memorial Medical Center, Republic of the Philippines.
Sec. 216. Community-based housing for certain veterans who are homeless or recovering from substance abuse or mental illness disabilities.
Sec. 217. Expanded services for homeless veterans.
Sec. 218. Extension of pilot program of mobile health care clinics.
Sec. 219. Advisory Committee on Prosthetics and Special-Disabilities Programs.
Sec. 220. Services to overcome service-connected disabilities affecting procreation.

Sec. 221. Compensated work therapy and therapeutic residence pilot program.
Sec. 222. Preventive medicine.
Sec. 223. Assistive dogs for certain disabled veterans.
Sec. 224. Prosthetic services report.
Sec. 225. Requirement for second opinion for fee-basis outpatient dental care reimbursement.
Sec. 226. Repeal of authority to furnish tobacco to veterans receiving hospital or domiciliary care.
Sec. 227. Development of recommended legislation for the elimination of inconsistencies in certain veterans benefits laws.
Sec. 228. Eligibility of former prisoners of war for outpatient medical services.

PART C—HEALTH-CARE PERSONNEL

Sec. 241. Short title.
Sec. 242. Pay enhancements for certain health-care personnel.
Sec. 243. Special rates cap.
Sec. 244. Coverage of Veterans Health Services and Research Administration personnel by Federal employees' collective bargaining procedures.
Sec. 245. Disciplinary actions and grievances.
Sec. 246. Dependent care assistance program.
Sec. 247. Assistance to health-personnel educational institutions.
Sec. 248. Pilot program of pay and personnel management practices.
Sec. 249. Rates of pay for certain psychologists.
Sec. 250. Educational and licensure requirements for social workers.
Sec. 251. Child-care services.

PART D—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

Sec. 261. Short title.
Sec. 262. Revision and reorganization of special pay for physicians and dentists.
Sec. 263. Conforming and technical amendments.
Sec. 264. Reimbursement of continuing professional education expenses for physicians and dentists.
Sec. 265. Effective date and transition.
Sec. 266. Election for crediting of special pay for retirement annuity and insurance purposes.

TITLE III—EDUCATION AND EMPLOYMENT

Sec. 301. Postponement of time limitation on counting of Vietnam-era veterans in disabled veterans outreach program specialists funding formula.
Sec. 302. Expansion of employment and training information program.
Sec. 303. Vocational rehabilitation for disabled service persons pending discharge.
Sec. 304. Extension of the period preceding automatic disenrollment under chapter 32.
Sec. 305. Provision for certain individuals to eliminate an overpayment by performing work-study services.
Sec. 306. Educational assistance for flight training.
Sec. 307. Committee on veterans' employment.

TITLE IV—HOUSING

Sec. 401. Permanent extension of financial information and counseling assistance for certain veterans with guaranteed loans.
Sec. 402. Sale of vendee loans.
Sec. 403. Extension of lender review of appraisals.
Sec. 404. Default procedures and property management.
Sec. 405. Exemption from lobbying reporting requirements.
Sec. 406. Certificates of veteran status for National Housing Act benefits.
Sec. 407. Waiver of indebtedness.

TITLE V—INSURANCE.

Sec. 501. Supplemental service disabled veterans' insurance for totally disabled veterans.
Sec. 502. Increase in amount of veterans' mortgage life insurance.

TITLE VI—MINORITY AFFAIRS

Sec. 601. Assignment of minority issues to an Assistant Secretary of Veterans Affairs.
Sec. 602. Reestablishment of the Advisory Committee on Native American Veterans.

TITLE VII—MISCELLANEOUS

Sec. 701. National cemeteries.
Sec. 702. Clarification of prohibition on payment of attorneys' fees.
Sec. 703. Modification of administrative reorganization requirements.
Sec. 704. Enhanced-use leases and special disposition of property.
Sec. 705. Court of Veterans Appeals.
Sec. 706. Treatment of Department of Veterans Affairs' Medical Care account under sequestration.
Sec. 707. Technical corrections.
Sec. 708. Suspensions of payment of pension to institutionalized veterans receiving pension.
Sec. 709. Security services.
Sec. 710. Expansion of selection commissions.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION

PART A—GENERALLY

SEC. 101. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective January 1, 1991, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 314, 315(1), 362, 411, 413, and 414 of title 38, United States Code, that were increased by the amendments made by title XI of the Veteran's Benefits Improvement Act of 1988 (Public Law 100-687; 102 Stat. 4123). The increase shall be made in such rates and limitations as in effect on November 30, 1990, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective January 1, 1991, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of any fraction of a dollar shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1990, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

SEC. 102. AUTHORITY TO MAKE READJUSTMENTS IN THE DISABILITY RATING SCHEDULE PROSPECTIVE ONLY.

Section 355 is amended—

(1) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary";

(2) by designating the first three sentences as subsection (a);

(3) by designating the last sentence as subsection (b); and

(4) by adding at the end the following new subsection:

"(c) In making a readjustment under subsection (b) of this section, the Secretary may provide that the readjustment shall not have the effect of reducing any ratings in effect on the date that the readjustment takes effect.".

PART B—RADIOGENIC DISABILITIES

SEC. 111. EXTENSION OF PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

(a) IN GENERAL.—Section 312(c) is amended in paragraph (4)—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C);

(2) by inserting before subparagraph (B) (as redesignated by subparagraph (A)) the following new subparagraph:

"(A) The term 'active duty' includes active duty training and inactive duty training."; and

(C) in subparagraph (B) (as redesignated by subparagraph (A)), by striking out "a veteran" and inserting in lieu thereof "an individual".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of May 1, 1988.

SEC. 112. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS AND ELIMINATION OF LATENCY-PERIOD LIMITATIONS.

(a) IN GENERAL.—Section 312(c) is amended—

(1) in paragraph (1), by striking out "to a degree" and all that follows through "subsection)";

(2) in paragraph (2), by adding at the end the following new clauses:

"(N) Cancer of the salivary gland.

"(O) Cancer of the urinary tract.";

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1991.

SEC. 113. ADJUDICATION OF CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION.

The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended—

(1) in section 5(a)(1)—

(A) by striking out "or" at the end of subclause (A);

(B) by striking out "; and" at the end of subclause (B) and inserting in lieu thereof ", or"; and

(C) adding at the end the following new clause—

"(C) in connection with such veteran's participation in an activity listed pursuant to section 10, to ionizing radiation; and";

(2) in section 5(b)(2)(B)—

(A) by striking out "or" after the comma at the end of clause (i);

(B) by striking out the period at the end of clause (ii), and inserting in lieu thereof ", or"; and

(C) by adding at the end the following new clause:

"(iii) a connection to exposure to ionizing radiation, in the case of a veteran who participated, or a category of veterans who participated, in an activity listed pursuant to section 10."; and

(3) in section 5(b)(3)(B)—

(A) by inserting "or from participation in an activity listed pursuant to section 10" after "device"; and

(B) by striking out "during active military, naval, or air service" and inserting in lieu thereof "while serving on active duty, active duty for training, or inactive duty training"; and

(4) by adding at the end the following:

"OTHER ACTIVITIES INVOLVING EXPOSURE TO IONIZING RADIATION

"SEC. 10. (a) IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE.—(1) Not later than 210 days after the date of the enactment of the Veterans Benefit and Health Care Amendments of 1991, the Secretary of Veterans Affairs (hereafter in this section referred to as the 'Secretary'), in consultation with the Secretary of Defense, shall identify not less than three activities (other than the activities described in paragraph (3)(B) of section 312(c) of title 38, United States Code) in which individuals serving on active duty, active duty for training, or inactive duty training have participated and which likely would have exposed such individuals to levels of ionizing radiation above background levels. In identifying the activities, the Secretary shall to the extent feasible consider the number and level of exposure of individuals and shall—

"(A) describe the times and places at which exposure to each listed activity may have occurred;

"(B) specify the maximum level of radiation to which participants or categories of participants in each listed activity may have been exposed;

"(C) provide information sufficient to make possible the identification of the individuals who, while so serving, participated in each of the activities; and

"(D) estimate the maximum number of individuals who participated in each of the activities.

"(2) Not later than October 1 of each of the fiscal years 1991, 1992, and 1993, the Secretary shall identify not less than three additional activities determined in the manner prescribed in paragraph (1).

"(b) EVALUATION BY THE ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS.—Immediately after the Secretary identifies an activity pursuant to subsection (a), the Secretary shall direct the Advisory Committee (established under section 6) to evaluate, and make a finding as to, whether participation by any veteran or category of veterans in the activity resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans who participated in a 'radiation-risk activity' as defined in section 312(c) of title 38, United States Code. Evaluations and findings made pursuant to this subsection shall be made on the basis of available scientific evidence.

"(c) REPORT OF EVALUATION.—The Advisory Committee promptly shall make the evaluation required by subsection (b) with respect to each activity identified pursuant to subsection (a) and, not later than 120 days after receiving a direction under subsection (b), submit to the Secretary a report regarding the results of the evaluation. The Advisory Committee shall include in the report its findings and such recommendations as it considers appropriate to assist the Secretary in carrying out subsection (d).

"(d) DETERMINATIONS.—The Secretary shall, within 60 days after receiving a report of an evaluation under subsection (c), list each activity identified pursuant to subsection (a) unless the Secretary determines (based on the report of the Advisory Committee under subsection (c) and all other relevant scientific evidence, information, and analysis available to the Secretary at the time of the determination) that the activity did not result in an opportunity for exposure to ionizing radiation comparable to that of veterans who participated in a 'radiation-risk activity', as defined in section 312(c) of title 38, United States Code.

"(e)(1) REPORTS TO CONGRESSIONAL COMMITTEES.—Within five days after the first activity is identified pursuant to subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report of the activity and provide the information specified in subsection (a)(1) (A) through (D). Thereafter, whenever an activity is so identified, the Secretary shall immediately report that fact to such committees.

"(2) Within 120 days after receiving a report of an evaluation under subsection (c), the Secretary shall submit to such committees a copy of that report and a report of the actions that the Secretary has taken and is planning to take with respect to the matters pertaining to the evaluation.

"(f) DEFINITIONS.—For the purpose of this section, the terms 'active duty', 'active duty for training', and 'inactive duty training' shall have the meanings provided in paragraphs (21), (22), and (23), respectively, of section 101 of title 38, United States Code.".

PART C—AGENT ORANGE EXPOSURE AND VIETNAM SERVICE

SEC. 121. SHORT TITLE.

This part may be cited as the "Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1991".

SEC. 122. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN VETERANS WHO SERVED IN VIETNAM.

Section 312 is amended by adding at the end the following new subsection:

"(d)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest as specified in such paragraph in a veteran who, during active military, naval, or air service, served in Vietnam during the Vietnam era shall be considered to have been incurred in or aggravated by such service in Vietnam notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

"(A) Non-Hodgkin's lymphoma becoming manifest to a 10-percent degree of disability or more.

"(B) Each soft-tissue sarcoma becoming manifest to a 10-percent degree of disability or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

"(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a 10-percent degree of disability or more within one year after the last date on which the veteran performed active military, naval, or air service in Vietnam during the Vietnam era.".

SEC. 123. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EFFECTS OF EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the public interest to provide for an independent nonprofit scientific organization which has appropriate expertise and is not connected to the Department of Veterans Affairs to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides and to make judgments on the degree and probability of such associations, because there is no uniform body of scientific literature on such issues.

(2) The standard of proof required for a scientific conclusion of causation is higher than the standard of proof required for justification of a presumption, for purposes of veterans disability compensation laws, that an adverse health effect is connected, based on sound medical and scientific evidence, to active service in the Armed Forces of the United States.

(b) IN GENERAL.—(1) Subchapter II of chapter 11 of title 38, United States Code, is amended by inserting after section 312 the following new section:

"§312A. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents

"(a) IN GENERAL.—(1) For the purposes of section 310 of this title, and subject to section 313 of this title, in the case of a Vietnam veteran who, during Vietnam service, was exposed to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid or to any other herbicide agent, each disease (if any) listed in regulations prescribed by the Secretary in accordance with this section and identified in such regulations as having positive association with the biological effects of exposure to such herbicide agent shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) For the purposes of this subsection, a veteran who performed Vietnam service and has a disease referred to in paragraph (1) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish conclusively that the veteran was not exposed to any such agent during such service.

"(3) The Secretary may extend the applicability of paragraph (1) of this subsection to the case of any veteran who, during the performance of active military, naval, or air service outside Vietnam, was exposed to an agent of the same type as the herbicide agent referred to in paragraph (1) of this subsection.

"(b) DISEASES TO BE PRESCRIBED IN REGULATIONS.—(1) Whenever the Secretary determines pursuant to this section that there is positive association between any disease and the biological effects of exposure to an herbicide agent in Vietnam, the Secretary shall prescribe regulations listing each disease having such positive association. In the case of each disease listed in the regulations, the Secretary shall identify the herbicide agent that causes the biological effects with which the disease has positive association. After the Secretary prescribes regulations pursuant to this paragraph, the Secretary shall periodically revise such regulations, as appropriate, to reflect determinations periodically made pursuant to paragraph (2) of this subsection.

"(2) The Secretary shall periodically (not less often than biennially)—

"(A) determine whether any disease not listed in regulations under this section has positive association with such effects; and

"(B) determine whether any disease listed in such regulations does not have positive association with such effects.

"(3) The Secretary shall make determinations for the purpose of this subsection on the basis of reports received by the Secretary from a contract scientific organization pursuant to this section and all other relevant scientific evidence, information, or analyses available to the Secretary at the time of the determinations.

"(c) UTILIZATION OF CONTRACT SCIENTIFIC ORGANIZATION.—In prescribing and revising regulations for the purposes of subsection (b), the Secretary shall obtain, by contract, the determinations and estimates of a contract scientific organization as provided in this section.

"(d) REQUIRED ACTIVITIES OF CONTRACT SCIENTIFIC ORGANIZATIONS.—(1) Each contract entered into under subsection (c) of this section shall provide for a contract scientific organization—

"(A) to determine, in the case of each herbicide agent—

"(i) which diseases (if any) have positive association with the biological effects of exposure to such agent, including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects;

"(ii) which diseases (if any) have limited positive association with such biological effects;

"(iii) which diseases (if any) have insubstantial association with such biological effects; and

"(iv) to the extent practicable, the biological basis for the positive, limited positive, and insubstantial associations of diseases referred to in subclauses (i), (ii), and (iii) of this clause with such biological effects; and

"(B) to estimate the extent of the association between each such disease and such biological effects using methods as quantitative and as objective as the relevant available data permit.

"(2) The contract scientific organization shall specifically determine whether there is positive, limited positive, or insubstantial association between the biological effects referred to in paragraph (1) of this subsection and the following diseases:

"(A) Lung cancer.

"(B) Each other cancer.

"(e) REQUIRED PROVISIONS FOR FIRST CONTRACT.—(1) The first contract entered into under subsection (c) of this section shall provide for the contract scientific organization—

"(A) to conduct as comprehensive a survey and evaluation as is practicable of the completed and ongoing scientific studies of, and other scientific evidence or information regarding, the effects that herbicide agents have on humans or other animals that have been exposed to such agents; and

"(B) make its determinations and estimates on the basis of the results of such survey and evaluation.

"(2) The contract scientific organization shall conduct the survey and evaluation referred to in paragraph (1)(A) of this subsection through a panel composed of recognized experts in toxicology, medicine, epidemiology, statistics, biochemistry, and related fields. The conduct of such survey shall be subject to appropriate peer review.

"(f) REQUIRED CONTRACT PROVISIONS RELATING TO PERIODIC DETERMINATIONS OF THE SECRETARY.—A contract entered into under subsection (c) of this section in connection with the Secretary's periodic determinations under subsection (b)(2) of this section shall require a contract scientific organization—

"(1) to conduct as comprehensive a survey and evaluation as is practicable of the scientific studies, evidence, and information referred to in subsection (e)(1)(A) of this section that have become available since the last such survey and evaluation under this section; and

"(2) make its determinations and estimates on the basis of the results of such survey and evaluation and all other surveys and evaluations conducted for the purposes of this section.

"(g) REPORTS OF CONTRACT SCIENTIFIC ORGANIZATIONS.—(1) Each contract scientific organization making determinations and estimates under this section shall transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives a written report regarding its determinations and estimates.

"(2) Each report shall contain—

"(A) the name of each disease (if any) determined to have positive association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent;

"(B) the name of each disease (if any) determined to have limited positive association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent;

"(C) the name of each disease (if any) determined to have insubstantial association with the biological effects of exposure to an herbicide agent in Vietnam and the identity of such agent; and

"(D) with respect to each disease named pursuant to clauses (A), (B), and (C) of this paragraph—

"(i) a discussion of the biological basis for the association;

"(ii) the contract scientific organization's estimate of the statistical significance of the association;

"(iii) the contract scientific organization's estimate of the relative risk for such disease in veterans who, during Vietnam service, were exposed to an herbicide agent; and

"(iv) the probability that the estimates referred to in subclauses (ii) and (iii) are correct.

"(3) Estimates and probabilities are not required under clauses (ii), (iii), and (iv) of paragraph (2)(D) of this subsection when the available data do not permit meaningful estimates and probabilities.

"(4)(A) If a contract scientific organization determines that a disease has positive association with the biological effects of exposure to an herbicide agent used in Vietnam, such organization shall determine whether there is a reasonable basis for concluding that a Vietnam veteran with the highest level of exposure to that herbicide agent in Vietnam was exposed to such agent under the circumstances necessary for such biological effects.

"(B) If a contract scientific organization determines that there is no such reasonable basis, the organization shall state that determination in a report under this subsection and include in such report—

"(i) a description of the evidence that supports such determination;

"(ii) a description of the evidence (if any) that supports alternative conclusions; and

"(iii) a full discussion of the organization's reasons for such determination, including a discussion of the reasons for the organization's determination that the evidence referred to in clause (i) of this subparagraph outweighs the evidence (if any) referred to in clause (ii) of this subparagraph.

"(C) A determination with respect to reasonable basis is not required under subparagraph (A) of this paragraph when the available data do not permit a meaningful determination.

"(5) The first report under this subsection shall be transmitted to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives on or before the date one year after the date of the enactment of the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1991.

"(h) ACTIONS OF THE SECRETARY AFTER RECEIVING THE FIRST REPORT.—(1) Not later than 60 days after the date on which the Secretary receives the first report under subsection (g) of this section, the Secretary shall—

"(A) for the purpose of subsection (b)(1) of this section—

"(i) determine in accordance with subsection (b)(3) of this section whether there is positive association between any disease and the biological effects of exposure to an herbicide agent in Vietnam; and

"(ii) if so, issue proposed regulations listing each such disease and specifying such agent;

"(B) transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the scientific basis for including each disease listed in such proposed regulations, and

"(C) if any disease listed in the first report under subsection (g) of this subsection as having positive association is not listed in such proposed regulations—

"(i) include in the report to the Committees on Veterans' Affairs the scientific basis for not including that disease in the proposed regulations; and

"(ii) publish in the Federal Register a notice that such disease is not listed in the proposed regulations despite the report under subsection (g) and include in such notice a discussion of such scientific basis.

"(2) Not later than 60 days after the date on which the Secretary issues any proposed regulations pursuant to paragraph (1) of this subsection, the Secretary shall issue final regulations under subsection (b) of this section. Such regulations shall be effective on the date of issuance.

"(i) ACTIONS OF THE SECRETARY AFTER RECEIVING A PERIODIC REPORT.—(1) Upon receiving a contract scientific organization's report after a periodic survey and evaluation conducted for the purpose of subsection (b)(2) of this section, the Secretary shall—

"(A) determine in accordance with subsection (b)(3) of this section whether—

"(i) any disease named in such report not listed in regulations under subsection (b) of this section has positive association with the biological effects of exposure to an herbicide agent in Vietnam; and

"(ii) any disease listed in such regulations does not have positive association with such effects; and

"(B) promptly transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the Secretary's determinations under clause (A) of this paragraph and the scientific bases for such determinations.

"(2)(A) Not later than 60 days after transmitting a report to the Committees on Veterans' Affairs under paragraph (1)(B) of this subsection, the Secretary shall prescribe or revise regulations, as the case may be, pursuant to subsection (b) of this section as may be necessary to reflect the Secretary's determinations included in that report. The regulations or revisions of regulations, as the case may be, shall take effect 30 days after the date on which the Secretary issues the proposed regulations or revisions, as the case may be.

"(B) If any disease listed in a periodic report under subsection (g) of this section as having positive association is not listed in such regulations or revisions of regulations, as the case may be, the Secretary shall, not later than 60 days after transmitting a report under subparagraph (A) of this paragraph, publish in the Federal Register a notice that such disease is not listed in the proposed regulations despite such report and include in such notice a discussion of the scientific basis for not including that disease in such regulations or revisions.

"(j) EFFECT OF REMOVAL OF DISEASE FROM REGULATIONS.—Whenever a disease is removed from regulations pursuant to paragraph (2) of subsection (i) of this section as a result of a determination under paragraph (1)(A)(ii) of such subsection—

"(1) any veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) of this section before the effective date of the removal shall continue to be entitled to receive compensation on such basis; and

"(2) any survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

"(k) LIMITATION ON CONTRACT AUTHORITY.—The contract authority provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

"(l) TERMINATION OF EFFECTIVENESS OF THIS SECTION.—(1) Subsections (b) through (i) and (k) of this section shall cease to be effective 10 years after the first day of the fiscal year in which a contract scientific organization transmits to the Secretary the first report under subsection (g) of this section.

"(2) Paragraph (1) of this subsection shall not affect the continued effectiveness of—

"(A) subsection (a) of this section and the regulations referred to in such subsection; and

"(B) subsection (j) of this section.

"(m) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Vietnam veteran' means a veteran who performed Vietnam service.

"(2) The term 'Vietnam service' means active military, naval, or air service in Vietnam during the Vietnam era.

"(3) The term 'herbicide agent' means an agent in an herbicide used in support of United States and allied military operations in Vietnam during the Vietnam era.

"(4) The term 'biological effect', with respect to exposure to an herbicide agent, means—

"(A) each known biological effect of such exposure on humans, including those biological effects resulting from relevant host and environmental factors; and

"(B) each biological effect of such exposure on humans that it is reasonable to infer on the basis of the known biological effects of such exposure on appropriate animal models.

"(5) The term 'positive', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(6) The term 'limited positive', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that the credible evidence against the association outweighs the credible evidence for the association but that there is substantial credible evidence for the association.

"(7) The term 'insubstantial', with respect to association between a disease and the biological effects of exposure to an herbicide agent in Vietnam, means that there is some credible evidence for the association but the evidence is not substantial.

"(8) The term 'relative risk', with respect to a report of a contract scientific organization for the purposes of subsection (g) of this section, shall have the meaning determined by such organization and specified in such report.

"(9) The term 'contract scientific organization', with respect to a contract under this section, means—

"(A) the National Academy of Sciences; or

"(B) in the event that the Secretary determines that the National Academy of Sciences is unwilling to enter into such contract, any other appropriate private nonprofit scientific organization which has appropriate expertise and has no connection with the Department of Veterans Affairs and which the Secretary identifies to the Committees on Veterans' Affairs of the Senate and the House of Representatives in a written notification received by such committees at least 90 days before the date on which such contract is entered into.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

"312A. Presumption of service connection for diseases associated with effects of exposure to certain herbicide agents.".

(c) CONFORMING AMENDMENT.—Section 313 of title 38, United States Code, is amended by inserting "or 312A" after "section 312" each place it appears.

SEC. 124. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in Vietnam during the Vietnam era.

(b) ANNUAL REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary;

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in Vietnam during the Vietnam era; and

(7) the evaluation of such report submitted by the Director of the Office of Technology Assessment pursuant to subsection (c)(2).

(c) CONSULTATION WITH OTA.—(1) The Secretary of Veterans Affairs shall consult with the Director of the Office of Technology Assessment before compiling and analyzing any information under this section and shall submit each annual report required by subsection (b) to the Director before submitting such report to the committees referred to in such subsection.

(2) The Director of the Office of Technology Assessment shall review each annual report submitted under paragraph (1) and transmit to the Secretary of Veterans Affairs the Director's evaluation of the content of the report.

(d) FIRST REPORT.—The first report under subsection (b) shall be submitted one year after the date of the enactment of this Act.

SEC. 125. TISSUE ARCHIVING SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—For the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in Vietnam during the Vietnam era. The system may be administered by the Department of Veterans Affairs or under a contract awarded by the Secretary, whichever is more cost-effective.

(b) SECURITY OF SPECIMENS.—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) AUTHORIZED USE OF SPECIMENS.—The Secretary may make blood and tissue available from the system for research referred to in subsection (a) in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in the first sentence of subsection (a).

(e) CONSULTATION REQUIREMENTS.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences, the Secretary shall consult with the National Academy of Sciences regarding the establishment and maintenance of the tissue archiving system under this section, including any limitation to be prescribed under subsection (d).

(2) In the event that the National Academy of Sciences does not enter into an agreement for consultation under paragraph (1), the Secretary shall consult with the Director of the Office of Technology Assessment on the establishment and maintenance of the tissue archiving system under this section, including any limitation to be prescribed under subsection (d).

(f) CONTRACT AUTHORITY SUBJECT TO APPROPRIATION.—The contract authority provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

SEC. 126. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in Vietnam during the Vietnam era.

(b) PROGRAM REQUIREMENTS.—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) REPORT.—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences (1) the Secretary shall consult with the National Academy of Sciences regarding the establishment and administration of the program under subsection (a) and (2) the National Academy of Sciences shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program. The agreement shall require the National Academy of Sciences to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the National Academy of Sciences considers appropriate regarding any studies reviewed under the agreement.

(e) AUTHORITY SUBJECT TO APPROPRIATION.—The authorities to enter into contracts and to furnish financial assistance provided in this section shall be effective for a fiscal year to such extent or in such amount as is provided for in an appropriation Act.

SEC. 127. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

(1) in clause (1), by striking out ", as such information on health risks becomes known";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting "(1)" after "PROGRAM.—"; and

(4) by adding at the end the following new paragraph:

"(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).".

SEC. 128. REPORT RELATING TO RESEARCH ON TREATMENTS FOR EXPOSURE TO DIOXIN AND OTHER TOXIC AGENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a discussion of the research being conducted to identify and develop treatments for physiological absorption of dioxin and other toxic agents similar to the toxic agents in herbicides used in support of United States and allied operations in Vietnam during the Vietnam era, including research relating to exposure to dioxin and other toxic agents outside Vietnam.

SEC. 129. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON AGENT ORANGE OR IONIZING RADIATION EXPOSURE.

Section 610(e)(3) is amended by striking out "December 31, 1990" and inserting in lieu thereof "December 31, 1993".

SEC. 130. DEFINITIONS.

In this title—

(1) the terms "veteran", "service-connected", "active military, naval, or air service", and "Vietnam era" shall have the meanings given those terms in paragraphs (2), (16), (24), and (29), respectively, of section 101 of title 38, United States Code;

(2) the term "disability" refers to a disability within the meaning of chapter 11 of such title; and

(3) the term "soft-tissue sarcoma" means any sarcoma other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma.

TITLE II—HEALTH CARE

PART A—MENTAL HEALTH

SEC. 201. CARE FOR COMBAT-THEATER VETERANS WITH SERVICE-RELATED POST-TRAUMATIC STRESS DISORDER.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—(1) Section 602 is amended—

(A) by inserting "(a)" before "For"; and

(B) by adding at the end the following new subsections:

"(b)(1) Any veteran—

"(A) who, as determined by the Chief Benefits Director of the Department of Veterans Affairs in accordance with paragraph (2) of this subsection, served on active duty in a theater of combat operations (as defined by the Secretary) during World War I, World War II, the Korean conflict, or the Vietnam era or in any other area during a period in which hostilities (as defined in subsection (c) of this section) occurred in such area, and

"(B) whom a mental health professional designated by the Chief Medical Director has diagnosed, following an examination of such veteran by such professional, to be suffering from post-traumatic stress disorder related to such service,

shall be furnished care and services for such disorder pursuant to sections 610(a)(1)(A) and 612(a)(1)(A) of this title even though such disorder has not been determined to be service-connected.

"(2) In the case of a veteran who is diagnosed as suffering from post-traumatic stress disorder, a determination of whether the veteran satisfies the service requirement related to such disorder set out in paragraph (1) of this subsection shall be made by the most expeditious means practicable.

"(c) For the purposes of subsection (b) of this section, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

(2)(A) The heading of such section is amended to read as follows:

"§ 602. Special provisions relating to mental illness disabilities".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"602. Special provisions relating to mental illness disabilities.".

(b) TIMELINESS OF EVALUATION AND VERIFICATION OF STATUS.—Section 612A is amended—

(1) in subsection (h)—

(A) by striking out "Administrator" and "Veterans' Administration" each place it appears and inserting in lieu thereof "Secretary" and "Department", respectively; and

(B) in paragraph (5), by striking out "the Secretary considers" and inserting in lieu thereof "such Secretary considers";

(2) by redesignating subsection (i) as subsection (j) and, in such subsection, by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department"; and

(3) by inserting after subsection (h) the following new subsection (i):

"(i) Whenever a veteran is referred by a center to a Department general health-care facility for a determination regarding such veteran's eligibility for care and services under section 602(b) of this title, the veteran shall be evaluated for diagnostic purposes within 7 days after the date on which the referral is made.".

SEC. 202. ELIGIBILITY FOR SERVICES AT VET CENTERS.

Subsection (a) of section 612A is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Upon the request of any veteran who served on active duty in a theater of combat operations (as defined by the Secretary) during World War I, World War II, or the Korean conflict or in any other area during a period in which hostilities (as defined in subparagraph (B) of this paragraph) occurred in such area, the Secretary may furnish counseling to such veteran in order to assist the veteran to overcome any psychological problems associated with such service. The counseling shall include a general mental and psychological assessment to ascertain whether the veteran has mental or psychological problems associated with such service.

"(B) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.".

SEC. 203. MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) IN GENERAL.—Section 4101 is amended by adding at the end the following new subsection:

"(g)(1) The purposes of this subsection are (A) to improve and expand the capability of Department of Veterans Affairs health-care facilities to respond with the most effective and appropriate services possible to the needs of veterans suffering from mental illness, especially from service-related conditions, and (B) to advance scientific knowledge regarding mental illness, especially service-related conditions, and regarding such needs and the methods of meeting them by facilitating higher quality care for eligible veterans suffering from mental illness, especially from service-related conditions, through research, the education and training of health personnel in the provision of health care to such veterans, and the development of improved models of clinical services for eligible veterans suffering from mental illness.

"(2)(A) In order to carry out the purposes of this subsection, the Secretary, upon the recommendation of the Chief Medical Director and pursuant to the provisions of this subsection, shall designate not more than five health-care facilities of the Department of Veterans Affairs (at least one of which shall be designated before January 1, 1992) as the locations for centers of mental illness research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this subsection.

"(B) In designating facilities as the locations for centers under subparagraph (A) of this paragraph, the Secretary, upon the recommendation of the Chief Medical Director, shall ensure appropriate geographic distribution of such facilities.

"(C) The Secretary may not designate any health-care facility as a location for a center under subparagraph (A) of this paragraph unless the Secretary, upon the recommendation of the Chief Medical Director, determines that the facility has (or may reasonably be anticipated to develop)—

"(i) with an accredited medical school which provides education and training in psychiatry and with which such facility is affiliated, an arrangement under which residents receive education and training in psychiatry through regular rotation through such center so as to provide such residents with training in the diagnosis and treatment of mental illness;

"(ii) with an accredited graduate school of psychology which provides education and training in clinical or counseling psychology or both and with which the facility is affiliated, an arrangement under which students receive education and training in clinical or counseling psychology or both through regular rotation through such center so as to provide such students with training in the diagnosis and treatment of mental illness;

"(iii) an arrangement under which nursing, social work, or other allied health personnel receive training and education in mental health care through regular rotation through such facility;

"(iv) the ability to attract the participation of scientists who are capable of ingenuity and creativity in research into the causes, treatment, and prevention of mental illness and into models for furnishing care and treatment to veterans suffering from mental illness;

"(v) a policymaking advisory committee composed of appropriate mental health care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center; and

"(vi) the capability to conduct effectively evaluations of the activities of such center.

"(3) There are authorized to be appropriated for the basic support of the research and education and training activities of the centers established pursuant to paragraph (1) of this subsection $3,125,000 for fiscal year 1992 and $6,250,000 for each of the next three fiscal years. The Chief Medical Director shall allocate to such centers from other funds appropriated generally for the Department of Veterans Affairs medical care account and medical and prosthetics research account such amounts as the Chief Medical Director determines appropriate.

"(4) Activities of clinical and scientific investigation at each center shall be eligible to compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for mental illness.

"(5) The Chief Medical Director shall ensure that research activities carried out through such centers include an appropriate emphasis on the psychosocial dimension of mental illness and on models for furnishing care and treatment to veterans suffering from mental illness.

"(6) The Chief Medical Director shall ensure that useful information produced by the research, education and training, and clinical activities of such centers is disseminated throughout the Veterans Health Services and Research Administration through the development of programs of continuing medical and related education provided through regional medical education centers under subchapter II of chapter 73 of this title and other means.

"(7) The official within the Central Office of the Veterans Health Services and Research Administration responsible for mental health and behavioral sciences matters shall be responsible for the supervision of the operation of the centers established pursuant to paragraph (1) of this subsection.".

(b) REPORTS.—Not later than February 1 of each of 1993, 1994, and 1995, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience during the prior fiscal year under the centers established pursuant to the amendment made by subsection (a). Each such report shall contain—

(1) descriptions of (A) activities carried out at each center and the funding provided for such activities, (B) the advances made at each center in research, education and training, and clinical activities, and (C) the efforts to disseminate throughout the Veterans Health Services and Research Administration useful information produced by such activities; and

(2) the Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of subsection (g) of section 4101 of title 38, United States Code, as added by subsection (a).

SEC. 204. SPECIAL COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

(a) EVALUATION OF STUDY OF POSTWAR PSYCHOLOGICAL PROBLEMS OF VIETNAM VETERANS.—(1) Not later than February 15, 1991, February 15, 1992 and February 15, 1993, the Special Committee on Post-Traumatic Stress Disorder (hereinafter in this section referred to as the "Special Committee") established pursuant to section 110(b)(1) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2691) shall submit concurrently to the Secretary of Veterans Affairs and the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this section referred to as the "Committees") a report setting forth the Special Committee's evaluation of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983 (Public Law 98-160; 97 Stat. 994). Such report shall include the Special Committee's—

(A) overall evaluation of the conduct, validity, and meaning of the study;

(B) assessment of the capability of the Department of Veterans Affairs to meet the need for diagnosing and treating veterans for post-traumatic stress disorder and for other psychological problems in readjusting to civilian life, as estimated in the results of such study;

(C) evaluation of the Secretary's report on the study; and

(D) recommendations for any further or follow-up research on the matters addressed in the study.

(2) Not later than 30 days after receiving the Special Committee's report under paragraph (1), the Secretary shall submit to the Committees any comments concerning the report that the Secretary considers appropriate.

(b) UPDATES OF REPORTS UNDER SECTION 110(c) OF PUBLIC LAW 98-528.—(1) Not later than February 1 of each of 1991 and 1992, the Special Committee shall concurrently submit to the Secretary and the Committees a report containing information updating the reports submitted to the Secretary under section 110(e) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2693), together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life.

(2) Not later than 60 days after receiving each of the Special Committee's reports under paragraph (1), the Secretary shall submit to the Committees any comments concerning the report that the Secretary considers appropriate.

SEC. 205. FUNDING FOR POST-TRAUMATIC STRESS DISORDER PROGRAMS.

In the documents providing detailed information on the budget for the Department of

Veterans Affairs that the Secretary of Veterans Affairs submits to the Congress in conjunction with the President's budget submission for fiscal year 1992 and for fiscal year 1993 pursuant to section 1105 of title 31, United States Code, the Secretary shall identify the amounts in the appropriations requests for Department accounts that are estimated to be obligated for—

(1) the payment of compensation to veterans for disabilities resulting from post-traumatic stress disorder (hereinafter in this section referred to as "PTSD") that is service-connected;

(2) the treatment of veterans by or at the expense of the Department for PTSD related to their active-duty service, including specific designation of funds for the treatment of PTSD—

(A) in PTSD programs designated pursuant to section 110(a)(1) of Public Law 98–528;

(B) in inpatient psychiatric programs and outpatient mental health programs other than such designated PTSD programs;

(C) in readjustment counseling programs pursuant to 612A of title 38, United States Code; and

(D) under contract through non-Department sources furnishing (i) readjustment counseling services pursuant to section 612A(e) of such title, (ii) mental health services pursuant to such section 612A(e), or (iii) mental health services pursuant to other authority, and described in the first annual report submitted pursuant to section 110(e)(1) of Public Law 98–528 as having been proposed by the Special Committee on Post-Traumatic Stress Disorder;

(3) education, training, and research at—

(A) the National Center on Post-Traumatic Stress Disorder established under section 110(c) of Public Law 98–528;

(B) any centers of mental illness research, education, and clinical activities that may be established at Department medical centers; and

(C) other Department research facilities; and

(4) the operation of the National Center on Post-Traumatic Stress Disorder.

SEC. 206. SELECTION OF LOCATIONS FOR NEW POST-TRAUMATIC STRESS DISORDER TREATMENT UNITS.

(a) Accessibility of PTSD Treatment Units to Veterans in Rural Areas.—(1) Subchapter I of chapter 81 is amended by adding at the end the following new section:

"§ 5017. Locations of PTSD treatment units

"The Secretary shall to the extent practicable ensure that there are Department post-traumatic stress disorder treatment units in locations that are readily accessible to veterans residing in rural areas of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5017 the following new item:

"5017. Locations of PTSD treatment units.".

(b) Implementation.—In determining where to locate post-traumatic stress disorder units which may be established after the date of the enactment of this Act, the Secretary of Veterans Affairs shall give strong consideration to locations referred to in section 5017 of title 38, United States Code, as added by subsection (a).

PART B—GENERAL HEALTH

SEC. 211. ELIGIBILITY FOR PROSTHETIC DEVICES AND CERTAIN OTHER MEDICAL ITEMS.

(a) In General.—Section 601(6)(A)(i) is amended by striking out "(except under the conditions described in section 612(f)(1)(A)(i) of this title)".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date on which the Secretary of Veterans Affairs submits to the Committees on Veterans' Affairs of the Senate and the House of Representatives copies of the Secretary's written determination that implementation of that amendment will not result in substantial delay, or contribute substantially to delays, in the furnishing of prosthetic items in connection with the treatment of disabilities that are service connected (within the meaning provided in section 101(16) of title 38, United States Code) or in the denial of such items in connection with the treatment of such disabilities.

SEC. 212. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

Paragraph (1) of section 612(b) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) medically necessary in preparation for hospital admission or for a veteran otherwise receiving care or services under this chapter.".

SEC. 213. INCREASE IN MAXIMUM LIMITATIONS ON HOME HEALTH SERVICES.

Section 617(a)(2) is amended—

(1) in subparagraph (A), by striking out "$2,500" and inserting in lieu thereof "$5,000"; and

(2) in subparagraph (B), by striking out "$600" and inserting in lieu thereof "$1,200".

SEC. 214. CONTRACT AUTHORITY FOR ALCOHOL OR DRUG-ABUSE TREATMENT.

Section 620A is amended by striking out subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f).

SEC. 215. EXTENSION OF AUTHORITY TO MAKE CONTRACTS AND GRANTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

Section 632 is amended—

(1) in subsection (a), by striking out "1990" and inserting in lieu thereof "1995"; and

(2) in subsection (b)(1)—

(A) by striking out "1990" and inserting in lieu thereof "1995"; and

(B) by adding at the end the following new sentence: "Of the amount appropriated for such purpose for each fiscal year after fiscal year 1991, $50,000 shall be used for the purpose of educating and training personnel of the Veterans Memorial Medical Center.".

SEC. 216. COMMUNITY-BASED HOUSING FOR CERTAIN VETERANS WHO ARE HOMELESS OR RECOVERING FROM SUBSTANCE ABUSE OR MENTAL ILLNESS DISABILITIES.

(a) Extension and Expansion of Authority To Sell Acquired Properties for Occupancy by Homeless and Certain Other Veterans.—Section 9 of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (Public Law 100–198; 38 U.S.C. 1820 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "and to provide transitional housing for veterans recovering from substance abuse or mental illness disabilities" after "shelter";

(B) in paragraphs (2) and (3)(B)(iii), by striking out "best interests of homeless veterans" each place it appears and inserting in lieu thereof "best interests of veterans who are to occupy the property"; and

(C) in paragraph (3)(B)(i), by inserting "or as transitional housing for veterans who, at the time of entering the housing, are being furnished services by the Secretary, directly or by contract, for alcohol or drug dependence or abuse disabilities or mental illness disabilities or who, at any time within 90 days preceding the date of entering the housing, have been furnished such services by the Secretary for such purpose" after "families";

(2) in subsection (c) by striking out "October 1, 1990" and inserting in lieu thereof "December 31, 1993"; and

(3) in subsection (d)—

(A) by inserting "and March 1 of each of the next three years" after "March 1, 1990," and

(B) by striking out ", through December 31, 1989," and inserting in lieu thereof "through December 31 of the preceding year" after "section".

(b) Transitional Group Residences For Veterans Recovering From Substance Abuse Disabilities.—(1) Section 620A is amended by adding at the end the following new subsections:

"(g)(1) To assist veterans in recovering from alcohol or drug dependence or abuse disabilities, there is hereby established in the Treasury of the United States a revolving fund to be known as the 'Transitional Housing Fund'. The Secretary shall use the proceeds of the Fund to make loans authorized under subsection (i) of this section to nonprofit entities for the purpose of assisting such entities in meeting the costs of establishing programs for the provision of transitional residences for recovering veterans.

"(2) For the purposes of this paragraph, the term 'recovering veterans' means veterans who, at the time of entering the residences, are being furnished services by the Secretary, directly or by contract, for alcohol or drug dependence or abuse disabilities or who, at any time within 90 days preceding the date of entering the residences, have been furnished such services by the Secretary for such purpose.

"(h) On July 1, 1991, the Secretary of the Treasury shall transfer $100,000 from the revolving fund established pursuant to section 4204 of this title to the Transitional Housing Fund. After that date, the Secretary of the Treasury shall transfer from the revolving fund established pursuant to that section to the Transitional Housing Fund such amounts, not to exceed a total of $900,000, as the Secretary of Veterans Affairs may specify.

"(i) The Secretary shall make loans from the Transitional Housing Fund for the purpose described in subsection (g)(1) of this section. In making loans under this subsection, the Secretary shall ensure that—

"(1) each loan is repaid within two years after the date on which the loan is made;

"(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

"(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

"(A) the use of alcohol or any illegal drug in the residence will be prohibited;

"(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

"(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

"(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the conditions of residence, including the manner in which applications for residence are approved; and

"(E) the residence will be operated solely as a residence for not less than six veterans.

"(j) No loan may be made under this section for more than $4,000 and not more than $4,000 in total loans may be made for the establishment of any particular transitional residence.

"(k) All loan repayments and penalties collected under this section shall be deposited to the credit of the Transitional Housing Fund.

"(l) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidelines for the operation of residences described in subsection (g)(1) of this section.

"(m) The Secretary may enter into contractual agreements with private nonprofit corporations for the purposes of collecting on behalf of the Secretary payments on the loans described in subsection (g)(1) of this section.".

(2) The amendment made by paragraph (1) shall take effect on July 1, 1991.

SEC. 217. EXPANDED SERVICES FOR HOMELESS VETERANS.

(a) ASSESSMENT AND PLAN.—(1)(A) The Secretary shall require the director of each medical center or the director of each regional benefits office to make an assessment of the needs of homeless veterans living within the area served by the director of the medical center concerned or the region of the director of the region concerned, as the case may be.

(B) Such assessments shall identify the needs of homeless veterans with respect to the following areas:

(i) Health care.

(ii) Education and training.

(iii) Employment.

(iv) Shelter.

(v) Counseling.

(vi) Outreach services.

(C) Such assessments shall also indicate the extent to which the needs referred to in clauses (i) through (vi) of subparagraph (B) are being met adequately by the programs of the Department of Veterans Affairs, of other departments and agencies of the Federal Government, of State and local governments, and of nongovernmental organizations.

(D) Such assessments shall be made in consultation with all facilities of the Department of Veterans Affairs serving veterans in the appropriate service area and with community-based organizations that have experience working with homeless persons in that area.

(E) Such assessments shall be carried out in accordance with uniform procedures and guidelines prescribed by the Secretary.

(2)(A) The director of each medical center shall develop a plan for each of the fiscal years 1991, 1992, and 1993 for the provision of outreach services and other services to meet the needs that are identified in the assessment referred to in paragraph (1)(B) on the part of homeless veterans in the area served by the medical center concerned. The director of each medical center shall develop such plans in consultation with the director of the appropriate regional benefits office, the heads of other facilities of the Department of Veterans Affairs, and the Director for Veterans Employment and Training within the State concerned.

(B) Each plan developed pursuant to subparagraph (A) shall—

(i) describe the steps to be taken by the Department of Veterans Affairs to meet, directly or otherwise, those needs of homeless veterans that are identified in the assessment referred to in paragraph (1) as not being adequately met by existing programs, and

(ii) provide that the director of the medical center concerned or other official of the Department of Veterans Affairs will take appropriate action to meet those needs, to the maximum extent practicable, through existing programs and available resources.

(C) The director of each medical center shall coordinate the development of the plan for the area served by the medical center concerned with other programs of the Department of Veterans Affairs, other departments and agencies of the Federal Government, State and local governments, and community-based organizations and other private entities that provide services to homeless persons.

(D) Each plan shall include a list of all public and private programs that provide assistance to homeless persons or homeless veterans in the area concerned and shall describe the services offered by those programs.

(3) The director of each medical center shall be responsible for carrying out the plan developed with respect to the area served by that medical center. In carrying out such plan, the director shall take appropriate steps to seek to inform each homeless veteran, and each veteran who is at risk of becoming homeless, of the services available to the veteran within the area served by the medical center.

(4) The director of each medical center shall disseminate to other departments and agencies of the Federal Government, all State and local governments, and all private entities that provide services to homeless persons or homeless veterans within the area served by the medical center information regarding the services provided to homeless veterans by the medical center or other facility of the Department of Veterans Affairs.

(b) PILOT PROGRAM FOR PROVIDING DOMICILIARY CARE FOR HOMELESS VETERANS.—(1) The Secretary shall conduct a pilot program to determine the effectiveness of providing, through existing community-based organizations, domiciliary care (including medical services) to homeless veterans eligible for such care from the Department of Veterans Affairs under other provisions of law. In carrying out the program, the Secretary may enter into contracts with community-based organizations that have demonstrated effectiveness in providing relevant services to homeless persons. The Secretary shall conduct the program at not more than 15 locations throughout the United States.

(2) In entering into contracts under this section, the Secretary shall give preference to community-based organizations that offer the most comprehensive services, particularly services that meet needs identified in the assessments referred to in subsection (a)(1) as not being adequately met by existing programs.

(3) There is authorized to be appropriated to carry out this subsection $1,500,000 for each of fiscal years 1991, 1992, and 1993.

(4) If the Secretary determines that the pilot program conducted pursuant to paragraph (1) is effectively meeting the domiciliary care needs of homeless veterans and that additional funds are needed for that program, the Secretary may transfer funds appropriated to carry out section 801 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3257), as amended by subsection (e), to the account available to carry out the pilot program provided for in this subsection, except that no amount may be transferred in any fiscal year that would reduce the amount available for expenditure under such section 801 below an amount equal to the amount expended under that section in the preceding fiscal year. Funds transferred under this paragraph shall be available for the same period for which originally appropriated.

(c) AUTHORITY TO ACCEPT DONATIONS FOR CERTAIN PROGRAMS.—The Secretary may accept donations of funds and services for the purposes of providing one-stop, non-residential services and mobile support teams and for expanding the medical services to homeless veterans eligible for such services from the Department of Veterans Affairs.

(d) DEFINITIONS.—As used in subsections (a), (b), and (c):

(1) The term "Secretary" means the Secretary of Veterans Affairs.

(2) The term "medical center" means a medical center of the Department of Veterans Affairs.

(3) The term "regional benefits office" means a regional benefits office of the Department of Veterans Affairs.

(4) The term "veteran" has the same meaning given such term by section 101(2) of title 38, United States Code.

(5) The term "homeless" has the same meaning given such term by section 103(a), as limited by section 103(c), of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77; 101 Stat. 485).

(e) EXTENSION OF CERTAIN PROGRAMS FOR HOMELESS VETERANS.—(1) Section 801 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3257) is amended—

(A) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Veterans Affairs $30,000,000 for each of the fiscal years 1989 and 1990; $50,000,000 for fiscal year 1991; $57,500,000 for fiscal year 1992; and $65,000,000 for fiscal year 1993. Funds appropriated pursuant to this section shall be in addition to any funds appropriated pursuant to any other authorizations (whether definite or indefinite) for such fiscal years.";

(B) in subsection (b)—

(i) by inserting "(1)" after "DOMICILIARY CARE.—";

(ii) by striking out "50 percent" and inserting in lieu thereof "the amounts specified in paragraph (2)";

(iii) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(iv) by adding at the end the following new paragraph:

"(2) The amounts available for the purposes referred to in paragraph (1) are as follows:

"(A) For fiscal year 1989, $15,000,000.

"(B) For fiscal year 1990, $15,000,000.

"(C) For fiscal year 1991, $20,000,000.

"(D) For fiscal year 1992, $22,500,000.

"(E) For fiscal year 1993, $25,000,000."; and

(C) in subsection (c)—

(i) by inserting "(1)" after "HOMELESS VETERANS.—";

(ii) by striking out "50 percent" and inserting in lieu thereof "the amounts specified in paragraph (2)"; and

(iii) by adding at the end the following new paragraph:

"(2) The amounts available for the purposes referred to in paragraph (1) are as follows:

"(A) For fiscal year 1989, $15,000,000.

"(B) For fiscal year 1990, $15,000,000.

"(C) For fiscal year 1991, $30,000,000.

"(D) For fiscal year 1992, $35,000,000.

"(E) For fiscal year 1993, $40,000,000.".

(2) EXTENSION OF PROGRAM FOR MENTALLY ILL HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 612 note) is amended by striking out "1992" and inserting in lieu thereof "1993".

(f) REPORT.—Not later than February 1, 1993, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing an evaluation of the programs referred to in subsections (a), (b), and (c).

SEC. 218. EXTENSION OF PILOT PROGRAM OF MOBILE HEALTH CARE CLINICS.

Section 113(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 500) is amended—

(1) by striking out "and 1990" and inserting in lieu thereof a comma and "1990, and 1991"; and

(2) by adding at the end the following new sentence: "Funds appropriated to carry out the pilot program authorized by this section shall remain available until expended.".

SEC. 219. ADVISORY COMMITTEE ON PROSTHETICS AND SPECIAL-DISABILITIES PROGRAMS.

(a) ESTABLISHING OF ADVISORY COMMITTEE.—Chapter 3 is amended—

(1) by redesignating sections 223 and 224 as sections 224 and 225, respectively; and

(2) by inserting after section 222 the following new section 223:

"§ 223. Advisory Committee on Prosthetics and Special-Disabilities Programs

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Prosthetics and Special-Disabilities Programs (hereinafter in this section referred to as the 'Committee').

"(2) The members of the Committee shall be appointed by the Secretary and shall include—

"(A) appropriate representatives of veterans who use prosthetic devices;

"(B) individuals who are recognized experts in the fields of prosthetics engineering;

"(C) individuals engaged in prosthetics research;

"(D) individuals engaged in rehabilitative medicine;

"(E) individuals engaged in the clinical treatment of individuals who are users of prosthetic devices;

"(F) individuals engaged in clinical treatment in the Department's special-disabilities programs; and

"(G) such other individuals with pertinent expertise or experience as the Secretary may determine appropriate.

"(3) The Committee may also include, as ex officio members, individuals appointed from the Department.

"(4) The Secretary shall determine the total number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of office of any such member may not exceed three years.

"(b)(1) It shall be the function of the Committee to advise the Secretary and the Chief Medical Director on all matters related to—

"(A) prosthetics and special-disabilities programs administered by the Secretary;

"(B) the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetic devices;

"(C) the coordination of Department and non-Department programs that involve the development and testing of prosthetic devices; and

"(D) the adequacy of funding for the prosthetics and special-disabilities programs of the Department.

"(2) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee on the matters described in paragraph (1) of this subsection.

"(c) Not later than January 15 of 1991, 1992, and 1994, the Committee shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the effectiveness of the prosthetics and special-disabilities programs administered by the Secretary during the preceding fiscal year. Not more than 30 days after the date on which any such report is received by the Secretary, the Secretary shall submit a report to such committees commenting on the report of the advisory committee.

"(d) As used in this section, the term 'special-disabilities programs' includes all programs administered by the Department for spinal-cord-injured veterans, blind veterans, veterans who have lost or lost the use of extremities, hearing-impaired veterans, and other veterans with serious incapacities in terms of daily life functions.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 is amended by striking out the items relating to sections 223 and 224 and inserting in lieu thereof the following:

"223. Advisory Committee on Prosthetics and Special-Disabilities Programs.
"224. Rulemaking: procedures and judicial review.
"225. Administrative settlement of tort claims.".

SEC. 220. SERVICES TO OVERCOME SERVICE-CONNECTED DISABILITIES AFFECTING PROCREATION.

(a) DEFINITION OF "MEDICAL SERVICES".—Clause (A) of section 601(6) is further amended to read as follows:

"(A)(i) surgical services, (ii) services to achieve pregnancy in a veteran or a veteran's spouse when such services are necessary to overcome a service-connected disability impairing a veteran's procreative ability (but only if such services are furnished by contract, except for services which the Chief Medical Director determines that Department of Veterans Affairs facilities are fully capable of furnishing in a cost-effective manner), (iii) dental services and appliances as described in sections 610 and 612 of this title, (iv) optometric and podiatric services, (v) (in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title, (vi) wheelchairs, artificial limbs, trusses and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as the Secretary determines to be reasonable and necessary, and (vii) travel and incidental expenses pursuant to the provisions of section 111 of this title; and".

(b) ADVISORY COMMITTEE.—The Chief Medical Director of the Department of Veterans Affairs shall appoint an advisory committee to advise the Chief Medical Director on the exercise of authority to furnish services described in subclause (ii) of section 601(6)(A) of title 38, United States Code, as added by subsection (a). Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee appointed under this subsection.

SEC. 221. COMPENSATED WORK THERAPY AND THERAPEUTIC RESIDENCE PILOT PROGRAM.

(a) AUTHORIZED SOURCES FOR PROVISION OF THERAPEUTIC WORK.—Section 618(b)(1) is amended by striking out "contractual arrangements with private industry or other sources outside the Veterans' Administration" and inserting in lieu thereof "a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)".

(b) USE OF REVOLVING FUND.—The first sentence of section 618(c)(1) is amended by inserting before the period at the end "(including defraying the costs of travel and related expenses necessary to train and educate employees in the administration of services under such subsection)".

(c) PILOT PROGRAM.—(1) Subchapter II of chapter 17 is amended by inserting after section 618 the following new section:

"§ 618A. Compensated work therapy and therapeutic residence pilot program

"(a) During fiscal years 1991 through 1995, the Secretary shall conduct a compensated work therapy and therapeutic residence pilot program. The pilot program shall have two components as follows:

"(1) A component, under subsection (b) of this section, which provides for contracting with nonprofit corporations to furnish compensated work therapy in conjunction with the operation of therapeutic residences.

"(2) A component, under subsection (c) of this section, which provides for the direct operation of therapeutic residences in conjunction with the furnishing of compensated work therapy.

"(b)(1) Under the pilot program, the Secretary shall encourage and participate in the establishment of nonprofit corporations for the purpose of contracting with such nonprofit corporations to conduct compensated work therapy programs under the pilot program at not less than ten and not more than fifteen Department of Veterans Affairs medical centers operating such programs.

"(2) The Secretary may enter into a contract with a nonprofit corporation under the pilot program only if the corporation provides assurances satisfactory to the Secretary that it will operate a therapeutic residence for eligible veterans in conjunction with an existing compensated work therapy program at a medical center. The contract may remain in effect only as long as the corporation operates the therapeutic residence for eligible veterans in connection with the pilot program.

"(3) A contract with a nonprofit corporation under this subsection may provide for the Secretary to furnish the corporation (with or without consideration) in-kind services, including—

"(A) technical and clinical advice;

"(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as a therapeutic residence under the contract and for possible later sale as a private residence; and

"(C) minor maintenance of and minor repairs to such a therapeutic residence.

"(4)(A) In order to assist a nonprofit corporation to purchase or lease any real property for the purpose of operating a therapeutic residence under the pilot program or to operate such a residence, the Secretary may lend the corporation up to the maximum amounts specified in subparagraphs (C) and (D), respectively, of this paragraph.

“(B) Loans authorized by this paragraph shall be paid out of sums in the fund.

“(C) The amount of a loan under this paragraph for the purchase or lease of real property may not exceed—

“(i) in the case of a purchase of real property for such use, the amount equal to 25 percent of the purchase price; or

“(ii) in the case of a lease of real property for such use, the amount of the rent for one year.

“(D) The amount of a loan under this paragraph for the operation of a therapeutic residence may not exceed an amount equal to the estimated amount, as approved by the Secretary, necessary for the operation of the residence for a period of six months.

“(E) A loan made to a nonprofit corporation under this paragraph—

“(i) shall be payable on demand;

“(ii) shall not bear interest for the first five years;

“(iii) after the first five years, shall bear a rate of interest specified by the Secretary, in consultation with the Secretary of the Treasury; and

“(iv) shall be subordinate to any mortgage loan entered into for purchase of the residence.

“(5) In the case of each nonprofit corporation to which a loan is made under paragraph (4) of this subsection for the purchase of real property, the pilot program contract with such corporation shall include a provision that requires the corporation—

“(A) to sell the real property if the corporation does not operate or ceases to operate a therapeutic residence on that property;

“(B) to pay the fund the sum of the unpaid balance of the loan and the amount equal to 50 percent of the excess, if any, of the sale price over the total amount paid by the corporation for the purchase and improvement of such real property; and

“(C) to use the proceeds of the sale of the property to pay the obligations imposed by clause (B) of this paragraph.

“(6)(A) The Secretary shall deposit in escrow any sums to be loaned to a nonprofit corporation under paragraph (4) of this subsection until the corporation demonstrates to the satisfaction of the Secretary that at least 25 percent of the net annual operating expenses of the corporation will be paid out of funds obtained from sources other than the Department of Veterans Affairs or will be satisfied by in-kind services obtained from such sources, or both. For the purpose of this subparagraph, the term ‘net annual operating expenses’ means the amount equal to the excess of the estimated amount of the annual expenses of operating the therapeutic residence or therapeutic residences to be acquired or operated with such escrow sums over the estimated annual rental income from eligible veterans residing in such residence or residences.

“(B) If, in the case of a corporation for which any amount is held in escrow pursuant to subparagraph (A) of this paragraph in connection with a contract awarded under the pilot program, the corporation fails to meet the requirements of such subparagraph within 18 months after the award of that contract, the corporation shall forfeit all rights to the amount so held in escrow, the escrow shall be terminated, and that amount shall be credited to the fund.

“(7)(A) Subject to subparagraph (B) of this paragraph, the Secretary shall transfer to the Veterans Health Services and Research Administration not less than 10 residences acquired by the Department of Veterans Affairs in the administration of chapter 37 of this title.

“(B) Each property so transferred under this paragraph—

“(i) shall be located in an area suitable for meeting the need of the Department for a therapeutic residence under the pilot program; and

“(ii) shall be leased, in accordance with subparagraph (C) of this paragraph, to a nonprofit corporation for operation as a therapeutic residence under the pilot program.

“(C) A lease of property under this paragraph—

“(i) shall provide for a lease period of not less than one and not more than three years and may include one or more options for renewal at the option of both parties for up to three additional years;

“(ii) shall require that the property be operated as a therapeutic residence during the lease period;

“(iii) shall require that the residents of the therapeutic residence pay to the nonprofit corporation such reasonable rent as the Secretary shall prescribe;

“(iv) shall require the lessee to pay to the medical center benefiting from the operation of such therapeutic residence 60 percent of the rent received each month during the lease period from eligible veterans residing in a therapeutic residence on such property;

“(v) shall provide for return of the property to the Secretary upon termination of the lease; and

“(vi) shall include such other terms and conditions, consistent with this subsection, as the Secretary considers appropriate for protection of the interests of the United States.

“(8) The director of a medical center shall hold the sums received pursuant to paragraph (8)(C)(iii) of this subsection until such sums are transferred pursuant to this paragraph. The Secretary shall periodically transfer such sums to the appropriate loan guaranty fund. The Secretary, in consultation with the Secretary of the Treasury, shall prescribe regulations to carry out this paragraph.

“(9) In the case of a nonprofit corporation that, on September 30, 1990, is conducting a compensated work therapy program pursuant to a contract awarded by the Department of Veterans Affairs, the operations of such corporation not covered by a contract awarded under the pilot program shall not be affected by the provisions of this subsection.

“(10) In-kind services furnished to a nonprofit corporation by the Department of Veterans Affairs under the pilot program shall be considered as part of a pass-through account under the Department's resource allocation methodology and any other methodology used by the Department to allocate resources to its health-care facilities.

“(11)(A) Any nonprofit corporation established to operate a therapeutic residence or therapeutic residences under the pilot program shall be established in accordance with the nonprofit corporation laws of the State or States in which the therapeutic residence or residences are to be operated and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State or States, as the case may be.

“(B) A nonprofit corporation participating in the pilot program shall be established solely for the purpose of conducting one or more compensated work therapy programs and operating therapeutic residences in conjunction with such programs.

“(C) Except as otherwise provided in this paragraph or under regulations prescribed by the Secretary, a nonprofit corporation participating in the pilot program, and its directors and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives which apply generally to private nonprofit corporations.

“(D) The board of directors of each nonprofit corporation participating in the pilot program shall include employees of the Department, but the total number of such employees on the board must be less than one-half of the total number of directors. An employee of the Department of Veterans Affairs directly responsible for the conduct of compensated work therapy programs at the medical center benefiting from the operation of a therapeutic residence by the corporation shall be a member of the board.

“(E) A nonprofit corporation participating in the pilot program may—

“(i) accept gifts and grants from, and enter into contracts with, individuals and public and private entities solely to carry out the purpose specified in subparagraph (B) of this subsection;

“(ii) employ such employees as it considers necessary for such purpose and fix the compensation of such employees; and

“(iii) in the discretion of the corporation board of directors, transfer gifts and grants accepted under clause (i) of this subparagraph to the fund.

“(F) The records of a nonprofit corporation participating in the pilot program shall be available to the Secretary.

“(G) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a nonprofit corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

“(H) Such a nonprofit corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

“(I) Each such nonprofit corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

“(J) Each member of the board of directors of a nonprofit corporation participating in the pilot program, each employee of such a corporation, and each employee of the Department involved in the functions of the corporation during any year—

“(i) shall, with respect to such functions, be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

“(ii) shall, with respect to such functions, submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as is required of Federal employees.

“(K) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and locations of nonprofit corporations participating in the pilot program and the amount loaned and the value of in-kind services furnished by the Secretary to each such corporation under the pilot program.

"(c)(1) Under the pilot program, the Secretary, in connection with the conduct of compensated work therapy programs at not less than ten and not more than fifteen Department of Veterans Affairs medical centers, shall operate residences as therapeutic residences for the furnishing of transitional housing solely for veterans who are furnished compensated work therapy pursuant to section 618(b) of this title.

"(2) Notwithstanding any other provision of law, the Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this subsection as the Secretary considers appropriate to expedite the opening and operation of therapeutic residences and to protect the interests of the United States.

"(3) A therapeutic residence may be operated for veterans described in paragraph (1) of this subsection under the following conditions:

"(A) That only veterans described in such paragraph and a house manager reside in such residence.

"(B) That each resident, other than the house manager, pay the Department rent for the period or periods of residence in such residence.

"(C) That, in the establishment and operation of such therapeutic residence in a community, the Secretary consult with appropriate representatives of such community and comply with zoning requirements, building permit requirements, and similar requirements applicable to other real property used for similar purposes in such community.

"(D) That the residence meet the State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the therapeutic residence is located.

"(4)(A) The Secretary may provide for free room and subsistence for a house manager in addition to or instead of payment of a fee for the house manager's services.

"(B) The total amount of the compensation paid and otherwise provided for a house manager (taking into consideration the value of any free room and subsistence under subparagraph (A) of this paragraph) may not be less than the equivalent of the total amount that would be payable to the house manager for the house manager's services if the house manager were paid the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)).

"(5) The Secretary may operate as a therapeutic residence under this subsection—

"(A) any suitable residential property (i) acquired by the Secretary as the result of a default on a loan made, guaranteed, or insured under chapter 37 of this title, or (ii) purchased for the pilot program; and

"(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

"(6) In the case of the purchase of any property referred to in paragraph (5)(A) of this subsection, the Secretary shall transfer from unobligated amounts in the fund to the appropriate loan guaranty fund the amount equal to the amount that the Secretary would charge for the sale of such property to a nonprofit organization or a State pursuant to section 9 of Public Law 100–198 (101 Stat. 1320).

"(7) Subject to the authority, direction, and control of the Secretary, the Chief Medical Director shall be responsible for the management, maintenance, and disposition of property acquired for the purpose of this subsection.

"(8) The Secretary shall prescribe—

"(A) a procedure for establishing reasonable rental rates for persons residing in therapeutic residences; and

"(B) appropriate limits on the period for which such persons may reside in therapeutic residences.

"(9) The Secretary may dispose of any property acquired for the purpose of carrying out this subsection when such property is no longer used for such purpose. The proceeds of disposition of such property shall be credited to the fund.

"(d)(1) There is authorized to be appropriated to the fund for the purposes of carrying out this section, a total of $5,000,000 for fiscal years 1991 through 1995.

"(2) To the extent that less than $5,000,000 is appropriated pursuant to paragraph (1) of this subsection, the Secretary may transfer to the fund, from unobligated amounts in the General Post fund of the Department of Veterans Affairs medical center that will contract for the operation of or operate a therapeutic residence under this section, such amounts as the Secretary determines are necessary, in addition to any amounts so appropriated, to carry out this section.

"(e)(1) Not later than February 1, 1995, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under the pilot program.

"(2) The report shall include—

"(A) the Secretary's assessment of the effects that transfers of housing to Veterans Health Services and Research Administration under the pilot program have on the Loan Guaranty Revolving Fund established under section 1824(a) of this title and the Home Loan Guaranty Fund established under section 1824A(a) of this title; and

"(B) such recommendations as the Secretary considers appropriate.

"(f) For the purposes of this section—

"(1) the term 'appropriate loan guaranty fund' means (i) in the case of a lease or purchase of a property that had secured a loan that was guaranteed, insured, or made under chapter 37 of this title and was closed or assumed after September 30, 1989, the Home Loan Guaranty Fund established by section 1824A(a) of this title, or (ii) in the case of any other property, the Loan Guaranty Revolving Fund established under section 1824(a) of this title;

"(2) the term 'eligible veteran' means a veteran eligible to receive therapeutic and rehabilitative services under this section;

"(3) the term 'existing compensated work therapy program' means a compensated work therapy program that is being conducted under section 618(b) of this title by a Department of Veterans Affairs medical center on the date of the enactment of the Veterans Benefits and Health Care Act of 1989;

"(4) the term 'fund' means the Special Therapeutic and Rehabilitation Activities Fund established by section 618(c)(1) of this title;

"(5) the term 'nonprofit corporation' means a corporation recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

"(6) the term 'therapeutic residence' means a residential facility in which eligible veterans may reside while participating in a compensated work therapy program conducted pursuant to section 618 of this title and includes real property associated with such facility.

"(g) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 618 the following new item:

"618A. Compensated work therapy and therapeutic residence pilot program.".

(d) NONPROFIT CORPORATIONS FOR VETERANS COMPENSATED WORK THERAPY PROGRAMS.—(1) Chapter 73 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VII—NONPROFIT CORPORATIONS FOR VETERANS COMPENSATED WORK THERAPY PROGRAMS

"§ 4171. Authority to establish; status

"(a) The Secretary may authorize the establishment of one or more nonprofit corporations to provide a flexible funding mechanism for the conduct of Department compensated work therapy programs for veterans (including homeless veterans) in such community or communities as the Secretary may designate. Except as otherwise required in this subchapter or under regulations prescribed by the Secretary, any such corporation, and its directors and employees, shall be required to comply only with those Federal laws, regulations, and executive orders and directives which apply generally to private nonprofit corporations.

"(b) Any corporation established under this subchapter shall be established solely to facilitate the conduct of compensated work therapy programs for veterans.

"(c) If, by the end of the three-year period beginning on the date of the establishment of a corporation under this subchapter, the corporation is not recognized as an entity the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, the Secretary shall dissolve the corporation.

"§ 4172. Funds received by corporations

"(a) Except for sums used as provided in subsection (b) of this section, funds received by a corporation established under this subchapter for the conduct of compensated work therapy programs shall be transferred to the Special Therapeutic and Rehabilitation Activities Fund established under section 618(c) of this title and shall be administered by the Secretary for conducting such programs.

"(b)(1) Subject to paragraph (2) of this subsection, the corporation may use funds referred to in subsection (a) of this section to defray the administrative and fundraising expenses of the corporation.

"(2) Expenditures of the corporation shall be approved in advance in accordance with procedures prescribed by the Secretary.

"§ 4173. Board of directors; executive director

"(a) The Secretary shall provide for the appointment of a board of directors for each corporation established under this subchapter. The board shall include—

"(1) an officer or employee of the Department who—

"(A) is in a field office of the Department in or near the community or communities for which the corporation is established; and

"(B) is involved in the administration of section 618 of this title; and

"(2) representatives of the community or communities for which the corporation is established who are not officers or employees of the Federal Government.

"(b) Each such corporation shall have an executive director who shall be appointed by the board of directors with the concurrence of the Secretary. The executive director of a corporation shall be responsible for the operations of the corporation and shall have such specific duties and responsibilities as the board may prescribe.

"§ 4174. General powers

"A corporation established under this subchapter may—

"(1) accept gifts and grants from, and enter into contracts with, individuals and public and private entities solely for the purpose of facilitating the conduct of compensated work therapy programs;

"(2) employ personnel to carry out such purpose; and

"(3) fix the compensation of such personnel.

"§ 4175. Applicable State law

"Any corporation established under this subchapter shall be established in accordance with the nonprofit corporation laws of the State or States in which the community or communities for which the corporation is established are located and shall, to the extent not inconsistent with any Federal law, be subject to the laws of such State or States, as the case may be.

"§ 4176. Accountability and oversight

"(a)(1)(A) The records of a corporation established under this subchapter shall be available to the Secretary.

"(B) For the purposes of sections 4(a)(1) and 6(a)(1) of the Inspector General Act of 1978, the programs and operations of such a corporation shall be considered to be programs and operations of the Department with respect to which the Inspector General of the Department has responsibilities under such Act.

"(2) Such a corporation shall be considered an agency for the purposes of section 716 of title 31 (relating to availability of information and inspection of records by the Comptroller General).

"(b) Each such corporation shall submit to the Secretary an annual report providing a detailed statement of its operations, activities, and accomplishments during that year. The corporation shall obtain a report of independent auditors concerning the receipts and expenditures of funds by the corporation during that year and shall include that report in the corporation's report to the Secretary for that year.

"(c) Each member of the board of directors of a corporation established under this subchapter, each employee of such a corporation, and each employee of the Department who is involved in the functions of the corporation during any year—

"(1) shall be subject to Federal laws and regulations applicable to Federal employees with respect to conflicts of interest in the performance of official functions; and

"(2) shall submit to the Secretary an annual statement signed by the director or employee certifying that the director or employee is aware of, and has complied with, such laws and regulations in the same manner as is required of Federal employees.

"(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the number and location of corporations established and the amount of the contributions made to each such corporation.

"§ 4177. Report to Congress

"Not later than February 1, 1993, the Secretary shall submit to Congress a report on the experience through the end of fiscal year 1992 under this subchapter. The report shall include such recommendations as the Secretary considers appropriate.

"§ 4178. Expiration of authority

"No corporation may be established under this subchapter after September 30, 1993.

"§ 4179. Definition

"For the purposes of this section, the term 'compensated work therapy program' means any program of therapeutic and rehabilitative activities conducted under section 618 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—NONPROFIT CORPORATIONS FOR VETERANS COMPENSATED WORK THERAPY PROGRAMS

"4171. Authority to establish; status.
"4172. Funds received by corporations.
"4173. Board of directors; executive director.
"4174. General powers.
"4175. Applicable State law.
"4176. Accountability and oversight.
"4177. Report to Congress.
"4178. Expiration of authority.
"4179. Definition.".

(e) AVAILABILITY OF THE SPECIAL THERAPEUTIC AND REHABILITATION ACTIVITIES FUND FOR CERTAIN ACTIVITIES.—Section 618(c), as amended by subsection (b), is further amended—

(1) in paragraph (1), by inserting "and for the purpose of carrying out section 618A(c) of this title" before the period at the end of the first sentence; and

(2) in paragraph (2)—

(A) by inserting "and all funds received by the Department as rent under section 618A(c) of this title," in the first sentence after "paragraph (2) of such subsection,"; and

(B) by adding at the end the following: "The Secretary may also distribute out of unobligated amounts in the fund such amounts as may be necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out section 618A of this title."

(f) CONFORMING AMENDMENT.—Section 618(b) is amended by striking out "therapeutic work" both places it appears and inserting in lieu thereof "compensated work therapy".

SEC. 222. PREVENTIVE MEDICINE.

(a) EXTENSION OF PILOT PROGRAM.—Paragraph (1) of section 663(a) is amended to read as follows:

"(1) In order to carry out the purpose of this subchapter, the Secretary, through fiscal year 1995—

"(A) shall furnish annually at least two preventive health-care services that the Secretary determines to be feasible and appropriate to any veteran being furnished care or services under section 610(a)(1) or 612(a) (1) or (2) of this title; and

"(B) shall implement annually at each Department of Veterans Affairs health-care facility a major preventive health-care and health-promotion initiative for such veterans.".

(b) LIMIT ON EXPENDITURES.—Section 663(c) is amended—

(1) by striking out "or" after "1983,"; and

(2) by striking out the period at the end and inserting in lieu thereof ", more than $16,000,000 in fiscal year 1991, more than $17,000,000 in fiscal year 1992, more than $18,000,000 in fiscal year 1993, more than $19,000,000 in fiscal year 1994, or more than $20,000,000 in fiscal year 1995.".

(c) DIRECTOR OF PREVENTIVE HEALTH-CARE AND HEALTH-PROMOTION PROGRAMS.—Section 663 is amended by adding at the end the following new subsection:

"(d)(1) The Chief Medical Director shall designate an official in the Veterans Health Services and Research Administration to act as the Director of Preventive Health-Care and Health-Promotion Programs.

"(2) The Director of Preventive Health-Care and Health-Promotion Programs shall prepare guidance regarding and be responsible for coordinating and evaluating, and advising the Chief Medical Director on, all activities carried out under this subchapter.".

(d) REPORTS.—Section 664 is amended to read as follows:

"(a) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives—

"(1) not later than February 1, 1993, an interim report on the experience under the program provided for by this subchapter; and

"(2) not later than February 1, 1995, a final report on the experience under the program.

"(b) Each report submitted pursuant to subsection (a) of this section shall include, with respect to the experience under the program through September 30 of the year preceding the deadline for submission of such report specified in subsection (a) of this section—

"(1) a description of the types of services that have been furnished pursuant to section 663(a)(1)(A) and the number of veterans who received such services;

"(2) a description of the preventive health-care and health-promotion initiatives that were implemented pursuant to section 663(a)(1)(B) of this title and the number of veterans who have been served through such initiatives;

"(3) a description of the types of preventive health-care services that have been furnished pursuant to sections 610, 612, and 601(6) of this title and the number of veterans who received such services;

"(4) a description of activities conducted pursuant to section 663(a)(2) of this title;

"(5) an assessment of the results of the program; and

"(6) any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.".

(e) CONFORMING AND CLARIFYING AMENDMENTS.—(1) Section 661(1) is amended by striking out ", including veterans with service-connected disabilities rated at 50 per centum or more and veterans being furnished care or services involving a service-connected disability under this chapter,".

(2) Clauses (1) and (2) of section 662 are amended to read as follows:

"(1) periodic medical and dental examinations (including screenings for high blood pressure, glaucoma, colorectal cancer, and cholesterol);

"(2) patient health education (including education about nutrition, stress management, physical fitness, and smoking cessation);".

SEC. 223. ASSISTIVE DOGS FOR CERTAIN DISABLED VETERANS.

(a) AUTHORITY TO PROVIDE ASSISTIVE DOGS.—Section 614 is amended by adding at the end the following new subsection:

"(c)(1) The Secretary may provide—

"(A) a service dog to a quadriplegic veteran who has a service-connected disability, and

"(B) a signal dog to a veteran who has a service-connected hearing impairment and is in need of the assistance of such a dog.

"(2) The Secretary may pay travel and incidental expenses to veterans referred to in paragraph (1) of this subsection, under the terms and conditions set forth in section 111 of this title, for travel to and from their homes that are incurred in becoming adjusted to the service dogs and signal dogs referred to in such paragraph.

"(3) For the purposes of this subsection:

"(A) The term 'service dog' means a dog trained to assist quadriplegic individuals in the performance of daily living tasks.

"(B) The term 'signal dog' means a dog trained to provide hearing assistance to deaf persons.".

(b) TECHNICAL CORRECTIONS.—Section 614(b) is amended by striking out "(under the terms and conditions set forth in section 111 of this title) to and from their homes and" and inserting in lieu thereof ", under the terms and conditions set forth in section 111 of this title, for travel to and from their homes that are".

SEC. 224. PROSTHETIC SERVICES REPORT.

Not later than January 15, 1992, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's evaluation of the reasons for the backlog that occurred in the procurement of prosthetic appliances in fiscal year 1989, and for the failure to furnish prosthetic appliances in accordance with the priority established in section 612(i) of title 38, United States Code; and

(2) a description of the actions that the Secretary has taken and plans to take to prevent a recurrence of—

(A) the failure to furnish prosthetic appliances in accordance with such priority, including a schedule for any such planned actions; and

(B) the accumulation of a significant backlog in the procurement of prosthetic appliances.

SEC. 225. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

Section 612(b)(3) is amended by striking out "$500" and inserting in lieu thereof "$1,000".

SEC. 226. REPEAL OF AUTHORITY TO FURNISH TOBACCO TO VETERANS RECEIVING HOSPITAL OR DOMICILIARY CARE.

(a) IN GENERAL.—Section 615 is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking out the item relating to section 615.

SEC. 227. DEVELOPMENT OF RECOMMENDED LEGISLATION FOR THE ELIMINATION OF INCONSISTENCIES IN CERTAIN VETERANS BENEFITS LAWS.

(a) REQUIREMENT TO ESTABLISH TASK FORCE.—The Secretary of Veterans Affairs shall establish a task force to recommend policies and legislation for the elimination of inconsistencies among provisions of law relating to veterans' eligibility for certain health-care benefits.

(b) COMPOSITION OF TASK FORCE.—The task force shall be composed of the following:

(1) Employees of the Department of Veterans Affairs involved in the administration of programs affected by the inconsistencies in law referred to in subsection (a).

(2) Representatives of organizations concerned with the administration of such programs, as determined by the Secretary.

(c) RESPONSIBILITIES OF TASK FORCE.—The task force shall—

(1) identify inconsistencies among sections 601(6), 612, 614, 617, and 619 of title 38, United States Code, and the implementation of such sections;

(2) after consultation with appropriate representatives of veterans, develop policy recommendations and legislative proposals for the elimination of any such inconsistencies; and

(3) not later than the date specified by the Secretary, submit to the Secretary a report containing (A) descriptions of the inconsistencies identified by the task force, (B) the policies and legislative proposals recommended by the task force for the elimination of such inconsistencies, and (C) the reasons for each such recommendation.

(d) ACTION BY THE SECRETARY.—The Secretary shall—

(1) review the report submitted by the task force; and

(2) either (A) approve the recommendations for legislation contained in the report, or (B) with respect to any such recommendations that the Secretary does not approve, recommend, or decline to recommend alternative legislative proposals that the Secretary considers appropriate for the elimination of the inconsistencies identified by the task force.

(e) SUBMISSION OF RECOMMENDATIONS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives—

(1) the report submitted to the Secretary by the task force; and

(2) a report containing—

(A) any legislation recommended by the Secretary for the elimination of the inconsistencies identified by the task force;

(B) an analysis of any legislation recommended by the Secretary; and

(C) the reasons for any differences between any legislation recommended by the Secretary and the legislation recommended by the task force.

SEC. 228. ELIGIBILITY OF FORMER PRISONERS OF WAR FOR OUTPATIENT MEDICAL SERVICES.

Section 612(a)(1) is amended—

(1) at the end of clause (B), by striking out "and";

(2) at the end of clause (C), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(D) to any former prisoner of war for any disability.".

PART C—HEALTH-CARE PERSONNEL

SEC. 241. SHORT TITLE.

This part may be cited as the "Veterans Health-Care Personnel Act of 1991".

SEC. 242. PAY ENHANCEMENTS FOR CERTAIN HEALTH-CARE PERSONNEL.

Section 4107(f) is amended by striking out "or occupational therapists," and inserting in lieu thereof "occupational therapists, or any other health-care personnel furnishing direct care to patients or providing services incident to the furnishing of direct care to patients,".

SEC. 243. SPECIAL RATES CAP.

Section 4107(g)(3) is amended—

(1) by inserting "(A)" after "(3)";

(2) by inserting "by two times" after "exceed" the first place it appears; and

(3) by inserting at the end the following new subparagraph:

"(B) Whenever the amount of an increase under paragraph (1) of this subsection results in a rate of basic pay for a position being equal to or greater than the amount that is 94 percent of the maximum amount permitted under subparagraph (A) of this paragraph, the Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the increase and the amount thereof.".

SEC. 244. COVERAGE OF VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION PERSONNEL BY FEDERAL EMPLOYEES' COLLECTIVE BARGAINING PROCEDURES.

Section 4108 is amended—

(1) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary";

(2) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs";

(3) by striking out "Department of Medicine and Surgery" each place it appears and inserting in lieu thereof "Veterans Health Services and Research Administration";

(4) in subsection (a), by inserting "except as provided in subsection (f) of this section," after "Notwithstanding any law, Executive order, or regulation,";

(5) in subsection (c)(2), by striking out "non-Veterans' Administration" and inserting in lieu thereof "non-Department of Veterans Affairs";

(6) in subsection (d), by inserting "except as provided in subsection (f) of this section," after "Notwithstanding any other provision of law,"; and

(7) by adding at the end the following new subsection:

"(f) The provisions of chapter 71 of title 5 shall apply to the exercise of the Secretary's authority under this section except with respect to—

"(1) the prohibitions set out in paragraphs (1) through (6) of subsection (a) of this section; and

"(2) the matters covered by section 4110 of this title.".

SEC. 245. DISCIPLINARY ACTIONS AND GRIEVANCES.

Section 4110 is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) The Chief Medical Director, under regulations prescribed by the Secretary, shall from time to time appoint disciplinary boards to determine, upon notice and fair hearing, the charges in any disciplinary action brought against a person employed in a position listed in paragraph (1) of section 4104 of this title (hereafter in this section referred to as the 'respondent') on the basis of the performance or conduct of the respondent during employment with the Department of Veterans Affairs.

"(2) A disciplinary board appointed in the case of any respondent shall consist of not less than three nor more than five employees of the Veterans Health Services and Research Administration who are senior in grade to the respondent. The majority of the members of such board shall be employed in the same category of position as the respondent.

"(3) The Chief Medical Director may delegate the performance of the function of appointing a disciplinary board to an employee of the Veterans Health Services and Research Administration who is not involved in deciding whether to file charges to be determined by the board and who is not subordinate to any official involved in making such decision.";

(2) in subsection (b), by striking out "Administrator" and inserting in lieu thereof "Secretary";

(3) in subsection (d)—

(A) in the first sentence, by striking out "Administrator" and all that follows and inserting in lieu thereof "Secretary that the proposed disciplinary action be sustained or modified within limitations prescribed by the Secretary.";

(B) in the second, third, and fourth sentences, by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary";

(4) in subsection (e), by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary"; and

(5) by adding at the end the following:

"(f)(1) A disciplinary board is not required in the case of a disciplinary action if the proposed action is suspension for 14 days or less, reassignment without a reduction in basic pay, reduction in rank without a reduction in basic pay, reprimand, or admonishment.

"(2) An employee against whom a disciplinary action described in paragraph (1) of this subsection is proposed to be taken shall be entitled to—

"(A) an advance written notice stating the specific reasons for the proposed action;

"(B) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

"(C) representation by an attorney or other spokesperson; and

"(D) a written decision and the specific reasons for the decision at the earliest practicable date.

"(3) Disciplinary actions described in paragraph (1) of this subsection shall be subject to review under either the provisions of section 4110A of this title (in the case of employees appointed under authority of this title who are members of a unit determined appropriate under section 7112 of title 5) or an agency review procedure to be established by the Secretary (in the case of such employees who are not members of such a unit). Any such agency review procedure established by the Secretary shall include—

"(A) an informal review of the decision on the disciplinary action by an official of a higher level than the official who made the decision;

"(B) a prompt decision by such higher level official and a right to formal review by an impartial examiner within the Department of Veterans Affairs;

"(C) a prompt report of the findings and recommendations by the impartial examiner; and

"(D) a prompt review of the examiner's findings and recommendations, together with any comments by the employee and the Department on such findings and recommendations, by an official of a higher level than the official who conducted the review pursuant to clause (A) of this paragraph.".

(b) GRIEVANCES.—(1) Subchapter I of chapter 73 is amended by inserting after section 4110 the following new section:

"§ 4110A. Grievances and certain disciplinary reviews

"(a)(1) The Secretary shall authorize review of Department of Veterans Affairs actions on the following matters under procedures established by collective bargaining in accordance with the provisions of chapter 71 of title 5:

"(A) Grievances of employees appointed under authority of this title who are members of a unit determined appropriate under section 7112 of title 5.

"(B) Subject to paragraph (2) of this subsection, disciplinary actions described in subsection 4110(f)(1) of this title involving such employees.

"(2) In the case of a review of a disciplinary action involving any question of clinical competence, as determined by either party, any person selected to serve as an arbitrator in such case under procedures established as provided in paragraph (1) of this subsection must be qualified as an arbitrator and must also be (A) qualified as a physician, dentist, or nurse, or (B) otherwise qualified, by specialized experience or training or both, in examining and adjudicating health-care issues.

"(b) For the purpose of resolving grievances of supervisors and employees appointed under authority of this chapter who are not members of a unit determined appropriate under section 7112 of title 5, the Secretary shall authorize review of action of the Department on such grievances pursuant to a Department review procedure established by the Secretary under section 4110(f)(3) of this title.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 4110 the following new item:

"4110A. Grievances and certain disciplinary reviews.".

SEC. 246. DEPENDENT CARE ASSISTANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subchapter I of chapter 73, as amended by section 264, is further amended by inserting after section 4120A the following new section:

"§ 4120B. Dependent care assistance

"The Secretary shall establish and conduct a dependent care assistance program, which meets the requirements of section 129 of the Internal Revenue Code of 1986, for the care of dependents of employees in the Veterans Health Services and Research Administration.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 201, is further amended by inserting after the item relating to section 4120A the following new item:

"4120B. Dependent care assistance.".

(c) IMPLEMENTATION REQUIREMENT.—The Secretary of Veterans Affairs shall implement the program provided for in section 4120B of title 38, United States Code (as added by subsection (a)), not later than June 1, 1991.

SEC. 247. ASSISTANCE TO HEALTH-PERSONNEL EDUCATIONAL INSTITUTIONS.

(a) DEVELOPMENT OF NEW HEALTH CAREERS.—Section 5091 is amended by inserting "(in collaboration with representatives of the professions the members of which are currently responsible for carrying out the duties involved)" after "paramedical personnel, and".

(b) AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.—(1) Subchapter III of chapter 82 is amended by adding at the end the following new section:

"§ 5094. Authorization of appropriations

"(a) There is authorized to be appropriated for the purpose of making grants under this subchapter $5,000,000 for each of fiscal years 1991 and 1992 and $6,000,000 for each of fiscal years 1993 and 1994.

"(b) The sum appropriated for a fiscal year pursuant to subsection (a) of this section shall remain available until the end of the fifth fiscal year following the fiscal year for which the sum is appropriated.

"(c) Of the funds appropriated for each fiscal year pursuant to the authorization in subsection (a) of this section, an amount not to exceed 10 percent of the sum so appropriated may be expended for the purpose described in section 5096(2) of this title.".

(2) The table of sections at the beginning of chapter 82 is amended by inserting after the item relating to section 5093 the following new item:

"5094. Authorization of appropriations.".

(c) IMPLEMENTING REGULATIONS.—(1) The Secretary of Veterans Affairs shall prescribe interim final regulations for implementation of the amendment made by subsections (a) and (b) not later than February 1, 1991.

(2) For the purposes of paragraph (1), the term "interim final regulations" means regulations that are in effect until the effective date of final regulations issued for implementation of the amendment made by paragraph (1).

SEC. 248. PILOT PROGRAM OF PAY AND PERSONNEL MANAGEMENT PRACTICES.

(a) IN GENERAL.—The Chief Medical Director of the Department of Veterans Affairs shall conduct a pilot program at not less than five Department medical centers or independent outpatient clinics during calendar years 1991, 1992, and 1993, in order to determine—

(1) the effects of pay and personnel management practices of the Veterans Health Services and Research Administration on the ability of the Department to recruit and retain persons qualified to provide direct patient-care services or services incident to direct patient-care services in Department health-care facilities as employees in employee position categories in which the Department is experiencing recruitment and retention problems;

(2) whether it is desirable to establish programs which foster interdisciplinary professional collaboration and collegial relationships between physicians, registered nurses, and other employees providing direct patient care, and what effects such programs would have on the ability of the Department to recruit and retain registered nurses;

(3) whether it is desirable to create new alternatives for utilizing the skills and knowledge of registered nurses and other health-care professionals in furnishing direct patient care and services incident to the furnishing of such care, and what effects such alternatives would have on (A) the ability of the Department to recruit and retain persons qualified to provide such care and services, and (B) the cost of providing such care and services; and

(4) whether increasing the pay differential for evening and night shifts will attract adequate numbers of qualified workers for such shifts and result in more permanent day-shift assignments.

(b) CONDUCT OF PILOT PROGRAM.—In conducting the pilot program under subsection (a), the Chief Medical Director shall—

(1) at not less than one site, establish a collaborative practice committee involving physicians, nurses, and, as appropriate, other direct health-care personnel;

(2) at not less than one site, significantly increase the pay differential for evening and night service; and

(3) at not less than three sites, implement new alternatives for utilizing the skills and

knowledge of registered nurses and other health-care professionals in furnishing direct patient care and services incident to the furnishing of such care.

(c) Reports.—(1)(A) Not later than May 1, 1992, the Chief Medical Director shall submit to the Secretary of Veterans Affairs a report on the experience under the pilot program during the first 12 months such program is conducted. The report shall contain—

(i) the Chief Medical Director's evaluation of the effect of each management practice undertaken in the pilot program on the ability of the Department of Veterans Affairs to recruit and retain health-care employees;

(ii) information on the cost factors associated with each such management practice;

(iii) an evaluation of the functioning and productivity of the employees involved in or affected in any substantial way by such practices;

(iv) a discussion of any effects on the quality and timeliness of care provided to veterans; and

(v) any planned administrative actions and any recommendations for legislation or administrative action that the Chief Medical Director considers appropriate to include in the report on the basis of the results of such pilot program.

(B) Not later than 60 days after receiving the report under subparagraph (A), the Secretary shall submit a copy of the report, together with any comments on the report and any recommendations for legislation that the Secretary considers appropriate, to the Committees on Veterans' Affairs of the Senate and House of Representatives.

(2)(A) Not later than May 1, 1994, the Chief Medical Director shall submit to the Secretary a final report on the pilot program required by subsection (a). In such report the Chief Medical Director shall—

(i) update all information contained in the report submitted pursuant to paragraph (1)(A) of this subsection;

(ii) make a final assessment of the pilot program based on the experience under the program during the 36 months for which the program was conducted; and

(iii) make any recommendations for legislation or administrative action that the Chief Medical Director considers appropriate.

(B) Not later than 60 days after receiving the report under subparagraph (A), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report together with—

(i) any comments on the report that the Secretary considers appropriate;

(ii) the Secretary's final assessment of the pilot program based on the experience under the program during the 36 months for which the program was conducted; and

(iii) any recommendations for legislation that the Secretary considers appropriate.

SEC. 249. RATES OF PAY FOR CERTAIN PSYCHOLOGISTS.

Notwithstanding any other provision of law, the Secretary of Veterans Affairs, not later than 90 days after the date of the enactment of this Act, shall utilize the authority provided in section 4107(g) of title 38, United States Code, to increase the rates of pay for clinical or counseling psychologists who hold diplomas as diplomates in psychology from an accredited authority recognized by the Secretary unless the Chief Medical Director of the Department of Veterans Affairs determines that such psychologists are not needed to furnish appropriate quality of psychological services for veterans. The amount by which such rate of pay shall be increased shall be the amount determined by the Secretary, upon the recommendation of the Chief Medical Director, to be necessary to make the pay for such psychologists competitive with the pay of psychologists with the same qualifications and credentials serving in non-Department of Veterans Affairs capacities comparable to the Department capacities in which the Department psychologists are serving.

SEC. 250. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) Social Worker Licensure Requirement.—Section 4105(a) is amended by adding at the end the following new paragraph:

"(10) Social Worker—

"hold a master's degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed three years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State.".

(b) Exemption.—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

SEC. 251. CHILD-CARE SERVICES.

(a) Conversion of Space for Child-Care Centers.—Section 4209(c) is amended—

(1) by redesignating clauses (2), (3), (4), and (5), as clauses (3), (4), (5), and (6), respectively;

(2) in clause (3), as redesignated by paragraph (1), by striking out "may, on a reimbursable basis, convert space furnished under clause (1) of this subsection for use as the child care center and" and inserting in lieu thereof "may provide, on a reimbursable basis,"; and

(3) by inserting after clause (1) the following new clause (2):

"(2) may convert space furnished under clause (1) of this subsection for use as the child care center without reimbursement.".

(b) Assessments of Employee Needs for Child-Care Services.—(1) In order to provide for adequate planning for the availability of child-care services for children of Department of Veterans Affairs employees, the Secretary of Veterans Affairs shall require the director of each Department of Veterans Affairs medical center and regional office to—

(A) assess the needs of such employees for child-care services; and

(B) submit an annual report to the Secretary containing—

(i) the director's findings relating to the needs of such employees for such services and the extent to which such services are available to meet such needs, and

(ii) a proposal (including a schedule) for meeting fully any unmet needs or, if the director determines that it is impracticable to meet such needs fully, then a detailed explanation of the reasons for such determination and a proposal (including a schedule) for meeting as many of such needs as is practicable.

(2) In making the assessment referred to in paragraph (1), the director shall consult with appropriate representatives of the employees at the center or office.

(3) The annual report referred to in this subsection shall be submitted not later than March 1 of each year.

PART D—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 261. SHORT TITLE.

This part may be cited as the "Department of Veterans Affairs Physicians' and Dentists' Compensation Act of 1991".

SEC. 262. REVISION AND REORGANIZATION OF SPECIAL PAY FOR PHYSICIANS AND DENTISTS.

(a) Redesignation of Subchapters.—Chapter 73 is amended—

(1) by redesignating subchapters II and III as subchapters III and IV, respectively;

(2) by redesignating sections 4121 through 4124 as sections 4131 through 4134, respectively; and

(3) by redesignating sections 4131 through 4134 as sections 4141 through 4144, respectively.

(b) New Special Pay Authority.—Chapter 73 is further amended by inserting after subchapter I the following new subchapter:

"SUBCHAPTER II—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§ 4121. Special pay: authority

"(a)(1) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Services and Research Administration, the Secretary may pay special pay to physicians and dentists as provided in this subchapter. Special pay under this subchapter shall be paid under regulations prescribed by the Secretary after the Secretary has received the recommendations of the Chief Medical Director.

"(2) The Secretary may delegate the authority to prescribe the regulations required under paragraph (1) only to the Chief Medical Director. The Chief Medical Director may not redelegate that authority.

"(b) Special pay may be paid to a physician or dentist under this subchapter only pursuant to a written agreement entered into by the physician or dentist with the Department under section 4122 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of that obligated service, except that, at the discretion of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during all or any portion of those three years.

"(d)(1) The Chief Medical Director may designate categories of positions of physicians and dentists in the Veterans Health Services and Research Administration with respect to which the Chief Medical Director determines there is no significant recruitment or retention problem. Physicians or dentists serving in a category of positions so designated shall not be eligible for special pay under this subchapter.

"(2) The Chief Medical Director shall review each year each category of positions that has been designated as ineligible for special pay under this subchapter with a view to determining whether the category continues to present no significant recruitment or retention problem. The Chief Medical Director may withdraw the designation made with respect to any category of positions if the Chief Medical Director determines, on the basis of the review, that such category represents a significant recruitment or retention problem. Upon the withdrawal of a designation with respect to a category of positions, physicians or dentists serving in that category become eligible for special pay under this subchapter. The specification of categories of positions for purposes of this subchapter shall be made in accordance with regulations prescribed under subsection (a) of this section.

"§ 4122. Special pay: agreements

"(a) A physician or dentist who enters into an agreement under this subchapter shall agree to serve in the Veterans Health Services and Research Administration for a period of one to four years in exchange for special pay for the period of the obligated service.

"(b) A physician or dentist who voluntarily, or because of misconduct, fails to complete at least one year of obligated service pursuant to an agreement entered into under this subchapter shall be required to refund the total amount of special pay received under this subchapter unless the Chief Medical Director determines, in accordance with regulations prescribed under section 4121(a) of this title, that the failure was the result of circumstances beyond the control of the physician or dentist. 049060

"(c) A physician or dentist who entered into an agreement under this subchapter and has refunded the full amount, if any, which the physician or dentist became obligated to refund under the agreement shall be eligible to enter into a subsequent agreement under this section.

"(d) Each agreement entered into under this subchapter shall specify the terms under which the Secretary and the physician or dentist may terminate the agreement.

"§ 4123. Special pay: full-time physicians

"Special pay under this subchapter for physicians employed on a full-time basis shall be based on the following special-pay factors and annual rates:

"(1) For full-time status, the annual rate shall be $9,000.

"(2)(A) For length of service as a physician within the Veterans Health Services and Research Administration, the annual rates shall be as follows:

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years.	$4,000	$6,000
4 years but less than 8 years	6,000	12,000
8 years or more	12,000	25,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of eight years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a medical specialty with respect to which the Chief Medical Director has determined (on a nationwide or other geographic basis or, subject to section 4127(d)(2) of this title, on an individual-facility basis) that there are extraordinary difficulties in the recruitment or retention of qualified physicians, the annual rate shall be not less than $4,000 and not more than $40,000.

"(B) For service by a physician who serves only a portion of a year in a position for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the position for which the special pay is paid.

"(4)(A) For service in an executive position or grade specified in the table below, the annual rate shall be within the range specified for that position or grade as follows:

"Position or Grade	Rate	
	Minimum	Maximum
Chief of Staff or Executive Director Grade.	$14,500	$25,000
Service Chief (or a comparable position as determined by the Chief Medical Director)	4,500	15,000

"(B) For service in an executive position specified in the table below, the annual rate shall be rate specified for that position as follows:

"Position	Rate
Chief Medical Director	$45,000
Deputy Chief Medical Director	40,000
Associate Deputy Chief Medical Director	35,000
Assistant Chief Medical Director (or a comparable position as determined by the Chief Medical Director)	30,000
Deputy Assistant Chief Medical Director	27,500
Service Director	25,000
Deputy Service Director	22,500

"(C) For service by a physician who serves only a portion of a year in an executive position listed in subparagraph (B) of this paragraph or who serves a portion of a year in that position and also serves a portion of the same year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, the annual rate shall be $2,000, and for subspecialty certification or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which the Chief Medical Director has determined that there are extraordinary difficulties in the recruitment or retention of qualified physicians generally, or in the recruitment or retention of a specific category of physicians, the annual rate shall be not less than $2,000 nor more than $15,000.

"(7)(A) For service by an individual physician with exceptional qualifications within a specialty, the annual rate shall be not more than $15,000.

"(B) Special pay under this paragraph may be paid only if personally approved by the Chief Medical Director on a case-by-case basis and only to the extent that the amount paid under this paragraph, when added to the total of the amounts paid to the physician under paragraphs (1) through (6) of this section, does not exceed the total amount that may be paid under those paragraphs to a physician with the same length of service, specialty, and position as the physician concerned.

"§ 4124. Special pay: part-time physicians

"(a) Subject to section 4127(e) of this title and subsection (b) of this section, special pay under this subchapter for physicians employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 4123 of this title.

"(b) The annual rate of special pay paid to a physician employed on a part-time basis shall bear the same ratio to the annual rate that the physician would be paid under section 4123 (other than for full-time status) if the physician were employed on a full-time basis as the amount of part-time employment by the physician bears to full-time employment.

"§ 4125. Special pay: full-time dentists

"(a) Special pay under this subchapter for dentists employed on a full-time basis shall be based on the following special pay factors and annual rates:

"(1) For full-time status, the annual rate shall be $3,500.

"(2)(A) For length of service as a dentist within the Veterans Health Services and Research Administration, the annual rates shall be as follows:

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years.	$1,300	$2,000
4 years but less than 8 years.	2,000	4,000
8 years or more	4,000	8,300

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of eight years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a dental specialty with respect to which the Chief Medical Director has determined (on a nationwide or other geographic basis or, subject to section 4127(d)(2) of this title, on an individual facility basis) that there are extraordinary difficulties in the recruitment or retention of qualified dentists, the annual rate shall be not less than $2,000 nor more than $30,000.

"(B) For service by a dentist who serves only a portion of a year in a position for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the position for which the special pay is paid.

"(4)(A) For service in an executive position or grade specified in the table below, the annual rate shall be within the range specified for that position or grade as follows:

"Position or Grade	Rate	
	Minimum	Maximum
Chief of Staff or Executive Director Grade	$3,500	$8,000
Service Chief (or a comparable position as determined by the Chief Medical Director)	3,000	5,000

"(B) For service in an executive position specified in the table below, the annual rate shall be the rate specified for that position as follows:

"Position	Rate
Assistant Chief Medical Director (or a comparable position as determined by the Chief Medical Director)	$10,000

Deputy Assistant Chief Medical Director	10,000
Service Director	9,000
Deputy Service Director	8,000

"(C) For service by a dentist who serves only a portion of a year in an executive position listed in subparagraph (B) of this paragraph or who serves only a portion of a year in that position and also serves a portion of the same year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, the annual rate shall be $2,000, and for subspecialty certification or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which the Chief Medical Director has determined there are extraordinary difficulties in the recruitment or retention of qualified dentists generally, or in the recruitment or retention of a specific category of dentists, the annual rate shall be not less than $1,750 nor more than $5,000.

"(7)(A) For service by an individual dentist with exceptional qualifications within a specialty, the annual rate shall be not more than $5,000.

"(B) Special pay under this paragraph may be paid only if personally approved by the Chief Medical Director on a case-by-case basis and only to the extent that the amount paid under this paragraph, when added to the total of the rates paid to the dentist, under paragraphs (1) through (6) of this section, does not exceed the total of the rates that may be paid under those paragraphs to a dentist with the same length of service, specialty, and position as the dentist concerned.

"§ 4126. Special pay: part-time dentists

"(a) Subject to section 4127(e) of this title and subsection (b) of this section, special pay under this subchapter for dentists employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 4125 of this title.

"(b) The annual rate of special pay paid to a dentist employed on a part-time basis shall bear the same ratio to the annual rate that the dentist would be paid under section 4125 of this title (other than for full-time status) if the dentist were employed on a full-time basis as the amount of part-time employment by the dentist bears to full-time employment.

"§ 4127. Special pay: general provisions

"(a)(1)(A) Except as provided in subparagraph (B) of this paragraph—

"(i) a physician may not be paid special pay under paragraph (3) of section 4123 of this title for any period for which the physician is paid special pay for service in an executive position under paragraph (4)(B) of that section; and

"(ii) a dentist may not be paid special pay under paragraph (3) of section 4125 of this title for any period for which the dentist is paid special pay for service in an executive position under paragraph (4)(B) of that section.

"(B) A physician may be paid special pay under paragraph (3) of section 4123 of this title and a dentist may be paid special pay under paragraph (3) of section 4125 of this title if the Chief Medical Director determines that the specialty skills of the physician or dentist for which the special pay is provided are necessary in order for the physician or dentist to carry out effectively the executive position in which the physician or dentist serves.

"(2) Scarce specialty pay may be paid under section 4123(3), 4124(b), 4125(3), or 4126(b) of this title to a physician or dentist serving as a Chief of Staff only if the Chief Medical Director (A) determines that such pay is necessary for the purpose of recruitment and retention of highly qualified physicians or dentists to serve as Chiefs of Staff in the Veterans Health Services and Research Administration, and (B) personally approves the payment of such pay in the case of such physician or dentist.

"(b) The following determinations shall be made pursuant to regulations prescribed under section 4121(a) of this title:

"(1) A determination that there are extraordinary difficulties (on a nationwide or other geographic basis or on an individual facility basis) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

"(2) A determination of whether there are extraordinary difficulties in the recruitment or retention of qualified physicians generally, or in the recruitment or retention of a specific category of physicians in a specific geographic location or in the recruitment or retention of qualified dentists generally, or in the recruitment or retention of a specific category of dentists, in a specific geographic location.

"(c)(1) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, with regard to the needs of an individual medical facility may be made only upon the request of the director of that facility.

"(2)(A) If the director of a Department of Veterans Affairs medical facility determines that the facility is unable to recruit or retain physicians or dentists in a specific category for that facility under paragraphs (3) and (6) of section 4123, section 4124(b), paragraphs (3) and (6) of section 4125, or section 4126(b) of this title, the director shall notify the Chief Medical Director and recommend the payment of special pay or an increase in the payment of special pay, as appropriate, for that category of physicians or dentists.

"(B) The special pay (or the increase in special pay) recommended by the director shall become effective with respect to that facility 45 days after the date on which the Chief Medical Director receives the notification of the director unless, before the expiration of the 45 days, the Chief Medical Director disapproves the recommendation of the director. The recommended special pay may become effective before the expiration of the 45 days, at the discretion of the director of the facility, if the Chief Medical Director approves the recommendation before the expiration of the 45 days.

"(C) The approval or disapproval under this subsection of the recommendation of a director of a facility may be delegated or redelegated to any officer or employee of the Veterans Health Services and Research Administration who holds a position in the direct line of authority between the Chief Medical Director and the director of the facility higher than the one held by the director making the recommendation, as determined by the Chief Medical Director.

"(d)(1) Except as provided in paragraph (2) of this subsection, if special pay under paragraph (3) of section 4123 of this title is paid to physicians or dentists on a nationwide, other geographic, or individual-facility basis, all physicians or dentists, as the case may be, with the same specialty serving in the geographic area or facility concerned shall be paid the same rate of such pay.

"(2)(A) Special pay for service in a specialty may be paid to a physician or dentist under section 4123(3), 4124(b), 4125(3), or 4126(b) of this title (as the case may be) on an individual-facility basis only if—

"(i) the maximum amount of special pay permitted under the section 4123(6), 4124(b), 4125(6) or 4126(b) of this title for service in a specific geographic location is being paid physicians or dentists, as the case may be, at the facility concerned, and

"(ii) the Chief Medical Director, upon the request of the facility director determines that such maximum amount is insufficient to meet the needs of that facility for qualified physicians or dentists in that specific category of physicians or dentists, as the case may be.

"(B) If special pay under this paragraph is paid to a physician or dentist on as individual-facility basis, all physicians or dentists, as the case may be, with the same specialty serving at the facility concerned shall be paid the same rate of such pay.

"(e)(1) Except as provided in paragraph (2) of this subsection, special pay may not be paid under this section to a physician or dentist who—

"(A) is employed on less than a half-time basis or on an intermittent basis;

"(B) occupies an internship or residency training position; or

"(C) is a reemployed annuitant.

"(2) If the Chief Medical Director determines that payment of special pay to a physician or dentist who is employed on a less than half-time basis is the most cost-effective way available for providing needed medical or dental specialist services at a Department facility, the Chief Medical Director may authorize the payment of special pay for factors other than for full-time status to that physician or dentist at a rate computed on the basis of the proportion that the part-time employment of the physician or dentist bears to full-time employment.

"(f)(1) A physician or dentist who—

"(A) is employed on a full-time basis in the Veterans Health Services and Research Administration,

"(B) was employed as a physician or dentist on a full-time basis in the Veterans Health Services and Research Administration on the day before the effective date of this subchapter, and

"(C) was being paid only for the special-pay factors of primary, full-time, and tenure of service,

shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title on the day before such effective date.

"(2) A physician or dentist who—

"(A) is employed on a part-time basis in the Veterans Health Services and Research Administration,

"(B) was employed as a physician or dentist on a part-time basis in the Veterans Health Services and Research Administration on the day before the effective date of this subchapter, and

"(C) was being paid only for the special-pay factors of primary and tenure of service,

shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title on the day before such effective date.

"(g) Special pay under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

"(h) In no case may the total amount of compensation paid to a physician or dentist under this title in any year exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"§ 4128. Special pay: coordination with other benefit laws

"(a) Special pay under this subchapter shall be in addition to any other pay or allowances to which a physician or dentist is entitled.

"(b)(1) A physician or dentist who has no section 4118 service and has completed not less than 15 years of service as a physician or dentist in the Veterans Health Services and Research Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84 of title 5, as appropriate.

"(2) A physician or dentist who has section 4118 service and has completed a total of not less than 15 years of service as a physician or dentist in the Department of Medicine and Surgery of the Veterans' Administration and the Veterans Health Services and Research Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 as follows:

"(A) In an amount equal to the amount that would have been so considered under section 4118 of this title on the day before the effective date of this section based on the rates of special pay the physician or dentist was entitled to receive under that section on the day before such effective date.

"(B) With respect to any amount of special pay received under this subchapter in excess of the amount such physician or dentist was entitled to receive under section 4118 of this title on the day before the effective date of this section, in an amount equal to 20 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Services and Research Administration after the effective date of this section.

"(3) All special pay paid under this subchapter shall be included in average pay (as defined in sections 8331(4) or 8401(3) of title 5, as appropriate) for purposes of computing benefits paid under section 8337, 8341 (d) or (e), 8443, or 8351 of such title.

"(4) Special pay paid under section 4118 of this title, as in effect before the effective date of this section, to a physician or dentist who has section 4118 service shall be credited to the physician or dentist for the same purposes and in the same manner and to the same extent that such special pay was credited to the physician or dentist before such effective date.

"(5) For purposes of this subsection:

"(A) The term 'physician or dentist who has no section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Services and Research Administration who has no previous service as a physician or dentist in the Department of Medicine and Surgery of the Veterans' Administration or in the Veterans Health Services and Research Administration before the effective date of this section.

"(B) The term 'physician or dentist who has section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Services and Research Administration who has previous service as a physician or dentist in the Department of Medicine and Surgery of the Veterans' Administration or in the Veterans Health Services and Research Administration before the effective date of this section.

"§ 4129. Periodic review of pay of physicians and dentists; quadrennial report

"(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing a high quality of care for eligible veterans, it is the policy of Congress to ensure that the levels of total pay for physicians and dentists of the Veterans Health Services and Research Administration are set at levels reasonably comparable—

"(1) with levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government; and

"(2) with the incomes received by non-Federal sector physicians and dentists for the performance of services as physicians or dentists.

"(b)(1) To assist Congress and the President in carrying out the policy stated in subsection (a) of this section, the Secretary shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Veterans Health Services and Research Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

"(B) obtain measures of income from the employment or practice of physicians and dentists outside the Department, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the rates of special pay for Department physicians and dentists.

"(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1992, and once every four years thereafter, recommending appropriate rates of special pay to carry out the policy set forth in subsection (a) of this section with respect to the pay of physicians and dentists of the Veterans Health Services and Research Administration. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

"(A) such Administration is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists because the total income and other employment benefits received by physicians and dentists for the performance of services as physicians and dentists outside such Administration who perform comparable types of duties is significantly in excess of the levels of total compensation (including basic pay, special pay, and other employment benefits) of physicians and dentists of such Administration; or

"(B) other extraordinary circumstances are such that special pay levels need to be modified in order to recruit and retain a sufficient number of well-qualified physicians and dentists.

"(c) The President shall specify in the budget next transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) of this section the exact rates of special pay recommended for physicians and dentists under this subchapter and the cost of those rates compared with the cost of the special-pay rates in effect under this subchapter at the time the budget is transmitted.

"§ 4130. Annual report

"The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report on the use of the special pay authority provided in this subchapter. The Secretary shall submit the report each year as part of the budget justification documents submitted in support of the budget submitted for that year pursuant to section 1105 of title 31. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this subchapter (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this subchapter) during the fiscal year preceding the fiscal year in which the report is submitted and for so much of the current fiscal year as may be practicable.

"(2) The Department's plans for the use of the authorities provided in this subchapter for the current and next fiscal years.

"(3) A description of the amounts of special pay paid in each category of special pay during the preceding fiscal year, shown by category of pay.

"(4) A list of the geographic areas and the scarce medical and dental specialties for which special pay was paid during the preceding fiscal year, a list of the geographic areas and scarce specialties for which special pay is being paid during the current fiscal year, and a list of the geographic areas and scarce specialties for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among the three lists.

"(5) The number of physicians and dentists—

"(A) who left employment with the Veterans Health Services and Research Administration during the preceding fiscal year,

"(B) who changed from full-time status to part-time status during the preceding fiscal year, and

"(C) who changed from part-time status to full-time status during the preceding fiscal year,

and a summary of the reasons for such actions.

"(6) The number of positions, by specialty, created and the number of positions, by specialty, abolished during the preceding fiscal year, and a summary of the reasons for such actions.

"(7) The number of unfilled physician and dentist positions in each specialty in the Veterans Health Service and Research Administration, the average and maximum lengths of time that such positions have been unfilled, and a summary of the reasons that such positions remain unfilled and, in the case of any specialty not designated as a scarce specialty for purposes of special pay under this subchapter, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated.

"(8) An assessment of the need for periodically adjusting the rates of special pay of physicians and dentists of the Veterans Health Services and Research Administration to reflect cost-of-living increases as a means of recruiting and retaining high quality medical personnel.".

SEC. 263. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEAL OF SECTION 4118.—Section 4118 is repealed.

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 73 is amended—

(1) by redesignating the subchapter designation pertaining to subchapter II as subchapter III and redesignating the section numbers pertaining to sections 4121 through 4124 as sections 4131 through 4134, respectively;

(2) by redesignating the subchapter designation pertaining to subchapter III as subchapter IV and by redesignating the section numbers pertaining to sections 4131 through 4134 as sections 4141 through 4144, respectively; and

(3) by inserting after the matter relating to subchapter I the following:

"SUBCHAPTER II—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"4121. Special pay: authority.
"4122. Special pay: agreements.
"4123. Full-time physicians.
"4124. Part-time physicians.
"4125. Full-time dentists.
"4126. Part-time dentists.
"4127. General provisions.
"4128. Coordination with other benefit laws.
"4129. Periodic review of pay of physicians and dentists; quadrennial report.
"4130. Annual report.".

(c) CROSS-REFERENCE AMENDMENTS.—(1) Section 4107 is amended—

(A) in subsection (c), by striking out "section 4118 of this title" and inserting in lieu thereof "subchapter II of this chapter"; and

(B) in subsection (d), by striking out "sections 4118 and 4120 of this title" and inserting in lieu thereof "section 4120 of this title and subchapter II of this chapter".

(2) Section 4120(f) is amended by striking out "section 4118 of this title" and inserting in lieu thereof "subchapter II of this chapter".

(d) TECHNICAL AND CONFORMING AMENDMENTS TO REDESIGNATED SUBCHAPTERS.—(1) Subchapters III and IV (as redesignated by section 262) and subchapters V and VI of chapter 73 are each amended—

(A) by striking out "Administrator" and "Administrator's" each place they appear and inserting in lieu thereof "Secretary" and "Secretary's", respectively;

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department"; and

(C) by striking out "Department of Medicine and Surgery" each place it appears and inserting in lieu thereof "Veterans Health Services and Research Administration".

(2) Sections 4141 and 4143(b) (as redesignated by section 262) are each amended by striking out "section 4134" and inserting in lieu thereof "section 4144".

(3) Section 4142 is amended by striking out "section 4134" and inserting in lieu thereof "section 4144".

(4) Section 4144 (as redesignated by section 262) is amended—

(A) in subsection (a), by striking out "section 4131", "section 4132", and "section 4133" and inserting in lieu thereof "section 4141", "section 4142", and "section 4143", respectively; and

(B) in subsection (c)—

(i) by striking out "sections 4131, 4132, and 4133" and inserting in lieu thereof "sections 4141, 4142, and 4143"; and

(ii) by striking out "section 4132(b)(2)(C)" and inserting in lieu thereof "section 4142(b)(2)(C)".

(5) Sections 629(d) and 653(b) are each amended by striking out "4132" and inserting in lieu thereof "4142".

SEC. 264. REIMBURSEMENT OF CONTINUING PROFESSIONAL EDUCATION EXPENSES FOR PHYSICIANS AND DENTISTS.

(a) IN GENERAL.—Section 4113 is amended—

(1) by inserting "(a)" before "The" at the beginning; and

(2) by adding at the end the following:

"(b) The Chief Medical Director shall reimburse any full-time board-certified physician or dentist appointed under section 4104(1) of this title, and may reimburse any other physician or dentist serving in the Veterans Health Services and Research Administration, for expenses incurred for continuing professional education activities approved under criteria prescribed by the Chief Medical Director. The maximum amount of the reimbursement may not exceed $1,000 per year, except as otherwise determined by the Chief Medical Director.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 4113. Travel expenses of certain employees; continuing professional education of physicians and dentists".

(2) The table of sections at the beginning of chapter 73 is amended by striking out the item relating to section 4113 and inserting in lieu thereof the following:

"4113. Travel expenses of certain employees; continuing professional education of physicians and dentists.".

SEC. 265. EFFECTIVE DATE AND TRANSITION.

(a) EFFECTIVE DATES.—(1) The amendments made by sections 262 and 263 shall apply with respect to pay periods beginning more than 180 days after the date of the enactment of this Act.

(2) The amendments made by section 264 shall apply with respect to expenses incurred after September 30, 1990.

(b) SAVINGS PROVISION.—Except as provided in subsection (c), an agreement entered into under section 4118 of title 38, United States Code, before the effective date of the repeal of that section shall remain in effect in accordance with the terms of that agreement and the provisions of such section shall continue to apply to such agreement as if such section had not been repealed.

(c) TRANSITION FOR CERTAIN MULTIYEAR AGREEMENTS.—(1) The Secretary of Veterans Affairs shall terminate an agreement that was entered into under section 4118 of title 38, United States Code, before the effective date of the repeal of that section if—

(A) the agreement covers a period in excess of one year;

(B) the agreement expires more than one year after that effective date;

(C) the physician or dentist concerned requests termination of the agreement; and

(D) the agreement is terminated for the purpose of permitting the physician or dentist concerned to enter into a new agreement under subchapter II of chapter 73 of title 38, United States Code, as added by section 262.

(2) The termination of an agreement under paragraph (1) may take effect only after the physician or dentist has completed the first year of service under the agreement.

(d) PROHIBITION OF RETROACTIVE AGREEMENTS.—An agreement entered into under subchapter II of chapter 73 of title 38, United States Code, as added by section 262, may not provide special pay with respect to a period before the date on which the agreement is entered into.

SEC. 266. ELECTION FOR CREDITING OF SPECIAL PAY FOR RETIREMENT ANNUITY AND INSURANCE PURPOSES.

(a) Each employee of the Department of Veterans Affairs (or its predecessor) described in paragraph (1) of section 103(b) of the Veterans' Administration Health-Care Amendments of 1980 (Public Law 96-330; 94 Stat. 1035) who elected not to have compensation provided such employee as special pay under section 4118 of title 38, United States Code (as in effect on the day before the effective date of the repeal of such section by section 263 of this Act), included as basic pay for purposes of chapter 83 or 84 of title 5, United States Code, appropriate, may elect to have special pay paid to such employee under subchapter II (as amended by section 262 of this Act) of chapter 73 of title 38, United States Code, on and after the effective date of the amendments made to that chapter by this Act considered basic pay for purposes of chapter 83 or 84, as appropriate, of title 5, United States Code, and included in average pay for the purposes of sections 8331(4) or 8401(3) of such title (as appropriate) in the same manner and to the same extent as provided in section 4128 of title 38, United States Code (as added by section 262 of this Act). An election under this section must be made in writing by the physician or dentist at the time the physician or dentist first enters into an agreement under such subchapter. An election under this section is irrevocable.

TITLE III—EDUCATION AND EMPLOYMENT

SEC. 301. POSTPONEMENT OF TIME LIMITATION ON COUNTING OF VIETNAM-ERA VETERANS IN DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS FUNDING FORMULA.

Section 2001(2) is amended by inserting before the period at the end ", except that a veteran may be considered to be a veteran of the Vietnam era for the purposes of this chapter until December 31, 1993".

SEC. 302. EXPANSION OF EMPLOYMENT AND TRAINING INFORMATION PROGRAM.

(a) PROGRAM EXPANSION.—In order to address more effectively the needs of increasing numbers of members of the Armed Forces being separated from active duty, and notwithstanding section 408(b) of the Veterans' Benefits Amendments of 1989 (38 U.S.C. 2000 note), the Secretary of Labor (hereafter in this section referred to as the "Secretary") may expand the pilot program provided for in section 408 of that Act so as to furnish employment and training information and services under that program in more than 10 geographically dispersed States. Any expansion of the pilot program shall be made subject to subsection (b).

(b) REQUIREMENTS.—The Secretary may expand the pilot program referred to in subsection (a) only if the Secretary determines, after consultation with the Secretary of Veterans Affairs and the Secretary of Defense, that—

(1) the program has been successful in providing beneficial information and training to members separated from the Armed Forces;

(2) the expansion is necessary to address more effectively an increase in the number of such members who will be separated from the Armed Forces in the future;

(3) the program has received sufficient funds, personnel, and other resources from the Departments of Labor, Defense, and Veterans Affairs to achieve the purposes for which the program was established;

(4) the program, if expanded, will continue to receive such sufficient funds, personnel, and other resources to achieve the purposes for which the program was established; and

(5) the expansion will not interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of such services or benefits.

(c) NOTIFICATION TO COMMITTEES ON VETERANS' AFFAIRS.—(1) Not less than 60 days before initiating any expansion under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the expansion. The report shall specify the location of the site or sites designated for such expansion and set forth the bases for the determinations made under subsection (b).

(2) Upon the request of the Secretary of Defense, the Secretary of Labor may waive the provisions of paragraph (1) in cases in which the Secretary determines that a waiver is necessary in order to respond to an urgent need for expansion as a result of a major demobilization. In the case of such a waiver, the Secretary, not later than the date on which the expansion is initiated, shall provide a report providing the information described in paragraph (1) and the reasons for the waiver.

(d) UTILIZATION OF RESOURCES.—Section 408(c) of the Veterans' Benefits Amendments of 1989 (38 U.S.C. 2000 note) is amended to read as follows:

"(c) RESOURCES.—(1) The Secretary of Labor shall request resources and participation necessary to support the pilot program referred to in this section from the Secretary of Defense and the Secretary of Veterans Affairs. The Secretary of Labor shall provide for the coordination of the resources and participation so provided.

"(2) The Secretary may request resources and participation necessary to support the pilot program referred to in this section from, to the extent feasible, representatives of veterans' service organizations.

"(3) The Secretary shall utilize disabled veterans' outreach program specialists or local veterans' employment representatives, to the maximum extent feasible, to furnish employment and training information and services under the pilot program.".

SEC. 303. VOCATIONAL REHABILITATION FOR DISABLED SERVICE PERSONS PENDING DISCHARGE.

(a) IN GENERAL.—Section 1502(1)(B) is amended by striking out "for a service-connected disability" and all that follows through "determines" and inserting in lieu thereof "or is receiving outpatient medical treatment, for a service-connected disability pending discharge from active military, naval, or air service, and the Secretary determines that (i) the facility providing the hospitalization or treatment either is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary concerned, and (ii) the person is suffering from a disability which".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1990.

SEC. 304. EXTENSION OF THE PERIOD PRECEDING AUTOMATIC DISENROLLMENT UNDER CHAPTER 32.

Section 1632(b)(1) is amended by inserting before the comma "and at the end of one year thereafter has not filed a claim for utilizing such entitlement".

SEC. 305. PROVISION FOR CERTAIN INDIVIDUALS TO ELIMINATE AN OVERPAYMENT BY PERFORMING WORK-STUDY SERVICES.

(a) IN GENERAL.—(1) Section 1685 is amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into with an individual an agreement under this section, or a modification of such an agreement, whereby the individual agrees to perform services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, 35, or 36 (other than an education loan under subchapter III) of this title, or chapter 106 of title 10.

"(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

"(B) For the purposes of this subsection, the Secretary may—

"(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of hours and periods during which services can be performed by the individual and the provisions of subsection (b) of this section requiring the individual's pursuit of a program of rehabilitation, education, or training;

"(ii) in accordance with such terms and conditions as may be specified in the agreement under this subsection, waive or defer charging interest and administrative costs pursuant to section 3115 of this title on the indebtedness to be satisfied by performance of the agreement; and

"(iii) notwithstanding the indebtedness offset provisions of section 3114 of this title, waive, adjust, or defer until the termination of an agreement under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 3114 of this title.

"(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions of the agreement which are consistent with this subsection.

"(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual's indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, if the Secretary finds that an individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

"(4) The Secretary shall promulgate regulations to carry out this subsection.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 1685(a) is amended in paragraph (2) by inserting "and subsection (e) of this section" after "subsection".

(2) Section 1685(b) is amended by inserting before "utilize" in the first sentence ", subject to the provisions of subsection (e) of this section,".

(3) Section 3114(a) is amended by inserting before the comma "and section 1685(e) of this title".

(4) Section 3115(a) is amended by striking out "section 3102" and inserting in lieu thereof "sections 1685(e) and 3102".

SEC. 306. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE.—Section 1641 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(b) BENEFIT AMOUNT AND ENTITLEMENT CHARGE.—Section 1631 of such title is amended by adding at the end the following new subsection:

"(f)(1) Notwithstanding any other provision of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved, as meeting the requirements of section 1641(b) of this title shall be paid a monthly benefit under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No monthly benefit payment may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The number of months of entitlement charged in the case of any individual for a program of education described in paragraph (1) of this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such program by the monthly rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a) of this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 1991.

SEC. 307. COMMITTEE ON VETERANS' EMPLOYMENT.

(a) IN GENERAL.—(1) Section 2010 is amended to read as follows:

"§2010. Advisory Committee on Veterans Employment and Training

"(a)(1) There is established within the Department of Labor an advisory committee to be known as the 'Advisory Committee on Veterans Employment and Training'.

"(2) The advisory committee shall—

"(A) assess the employment and training needs of veterans;

"(B) determine the extent to which the programs and activities of the Department of Labor are meeting such needs; and

"(C) carry out such other activities that are necessary to make the reports and recommendations referred to in subsection (f) of this section.

"(b) The Secretary of Labor shall, on a regular basis, consult with and seek the advice of the advisory committee with respect to the matters referred to in subsection (a)(2) of this section.

"(c) The Secretary of Labor shall appoint at least 12, but no more than 18, individuals to serve as members of the advisory committee, including—

"(1) representatives nominated by veterans' organizations chartered by Congress having a national employment program; and

"(2) not more than 6 individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.

"(d) The following, or their designees shall be ex officio, nonvoting members of the advisory committee:

"(1) The Secretary of Veterans Affairs.

"(2) The Secretary of Defense.

"(3) The Secretary of Health and Human Services.

"(4) The Secretary of Education.

"(5) The Director of the Office of Personnel Management.

"(6) The Assistant Secretary of Labor for Veterans' Employment and Training.

"(7) The Assistant Secretary of Labor for Employment and Training.

"(8) The Chairman of the Equal Employment Opportunity Commission.

"(9) The Administrator of the Small Business Administration.

"(10) The Postmaster General.

"(11) The Director of the United States Employment Service.

"(12) Representatives of (A) other Federal departments and agencies requesting a representative on the advisory committee, and (B) nationally based organizations with a significant involvement in veterans employment and training programs, as determined necessary and appropriate by the Secretary of Labor.

"(e)(1) The advisory committee shall meet at least quarterly.

"(2) The Secretary of Labor shall appoint the chairman of the advisory committee who shall serve in that position for not more than 2 consecutive years.

"(3)(A) Members of the advisory committee shall serve without compensation.

"(B) Members of the advisory committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the responsibilities of the Board.

"(4) The Secretary shall provide staff and administrative support to the advisory committee through the Veterans Employment and Training Service.

"(f)(1) Not later than July 1 of each year the advisory committee shall submit to the Secretary of Labor a report on the employment and training needs of veterans. Each such report shall contain—

"(A) an assessment of the employment and training needs of veterans;

"(B) an evaluation of the extent to which the programs and activities of the Department of Labor are meeting such needs; and

"(C) any recommendations for legislation, administrative action, and other action that the advisory committee considers appropriate.

"(2) In addition to the annual reports made under paragraph (1), the advisory committee may make recommendations to the Secretary of Labor with respect to the employment and training needs of veterans at such times and in such manner as the advisory committee determines appropriate.

"(g) Within 60 days after receiving each annual report referred to in subsection (f)(1), the Secretary of Labor shall transmit to Congress a copy of the report together with any comments concerning the report that the Secretary considers appropriate.".

(2) The table of sections for chapter 41 is amended by striking out the item relating to section 2010 and inserting in lieu thereof the following:

"2010. Advisory Committee on Veterans Employment and Training.".

(b) APPOINTMENT REQUIREMENT.—The Secretary of Labor shall make the appointments referred to in section 2010(c) of title 38, United States Code (as amended by subsection (a)), not later than 60 days after the date of the enactment of this Act.

(c) FIRST ANNUAL REPORT.—The Advisory Committee on Veterans' Employment and Training shall submit to the Secretary of Labor the first annual report under section 2010(f)(1) of title 38, United States Code (as amended by subsection (a)), not later than July 1, 1991.

TITLE IV—HOUSING

SEC. 401. PERMANENT EXTENSION OF FINANCIAL INFORMATION AND COUNSELING ASSISTANCE FOR CERTAIN VETERANS WITH GUARANTEED LOANS.

Section 1832(a)(4) is amended by striking out subparagraph (C).

SEC. 402. SALE OF VENDEE LOANS.

Subparagraph (A) of section 1833(a)(3) is amended by striking out "Before October 1, 1990," and inserting in lieu thereof "Subject to subparagraph (C) of this paragraph,".

SEC. 403. EXTENSION OF LENDER REVIEW OF APPRAISALS.

Section 1831(f)(3) is amended by striking out "1990" and inserting in lieu thereof "1992".

SEC. 404. DEFAULT PROCEDURES AND PROPERTY MANAGEMENT.

(a) REPEAL OF TERMINATION DATE ON CERTAIN DEFAULT PROCEDURES.—Section 1832(c) is amended by striking out paragraph (11).

(b) REPEAL OF TERMINATION DATE ON CERTAIN PROPERTY MANAGEMENT PROCEDURES.—Section 1833(a) is amended—

(1) by striking out paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6).

SEC. 405. EXEMPTION FROM LOBBYING REPORTING REQUIREMENTS.

IN GENERAL.—Chapter 37 is amended by inserting after section 1821 the following new section:

"§ 1822. Exemption from lobbying reporting requirements

"An application for or the obtaining of a loan guaranteed, insured, or made under this chapter shall not be considered as a request for or the receipt of a Federal contract, grant, loan, loan guaranty, loan insurance, or cooperative agreement for purposes of any other law that requires persons requesting or receiving a Federal contract, grant, loan, loan guaranty, loan insurance, or cooperative agreement to report or declare payments made to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1821 the following new item:

"1822. Exemption from lobbying reporting requirements.".

SEC. 406. CERTIFICATES OF VETERAN STATUS FOR NATIONAL HOUSING ACT BENEFITS.

(a) IN GENERAL.—Chapter 37 is further amended by inserting after section 1834 the following new section:

"§ 1835. Certificates of veteran status under the National Housing Act

"The Secretary, at the request of the Secretary of Housing and Urban Development, shall certify to the Secretary of Housing and Urban Development whether an applicant for assistance under the National Housing Act or any other law administered by the Secretary of Housing and Urban Development is a veteran. The Secretary shall issue certifications under this section without charge.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1834 the following new item:

"1835. Certificates of veteran status under the National Housing Act

SEC. 407. WAIVER OF INDEBTEDNESS.

Section 3102 is amended—

(1) in subsection (a), by adding at the end the following new sentence: "The Secretary shall include in the notification to the payee a statement of the right of the payee to submit an application for a waiver under this subsection and a description of the procedures for submitting the application."; and

(2) in subsection (b)—

(A) by striking out "101 and 1801" and inserting in lieu thereof, "101, 1801, and 1802(a)(2)(C)(ii) of this title"; and

(B) by adding at the end the following: "An application for relief under this subsection must be made within one year after the date on which the Secretary notifies the payee of the indebtedness. The Secretary shall include in the notification a statement of the right of the payee to submit an application for a waiver under this subsection and a description of the procedures for submitting the application.".

TITLE V—INSURANCE

SEC. 501. SUPPLEMENTAL SERVICE DISABLED VETERANS' INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 19 is amended by inserting after section 722 the following new section:

"§ 722A. Supplemental service disabled veterans' insurance for totally disabled veterans

"(a) Any person insured under section 722(a) of this title who qualifies for a waiver of premiums under section 712 of this title is eligible, as provided in this section, for supplemental insurance in an amount not to exceed $10,000.

"(b) To qualify for supplemental insurance under this section a person must file with the Secretary an application for such insurance not later than the end of (1) the one-year period beginning on the first day of the first month following the month in which this section is enacted, or (2) the one-year period beginning on the date that the Department notifies the person that the person is entitled to a waiver of premiums under section 712 of this title.

"(c) Supplemental insurance granted under this section shall be granted upon the same terms and conditions as insurance granted under section 722(a) of this title, except that such insurance may not be granted to a person under this section unless the application is made for such insurance before the person attains 65 years of age.

"(d) No waiver of premiums shall be made in the case of any person for supplemental insurance granted under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item relating to section 722 the following new item:

"722A. Supplemental service disabled veterans' insurance for totally disabled veterans.".

SEC. 502. INCREASE IN AMOUNT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 806(b) is amended in the first sentence—

(1) by striking out "initial"; and

(2) by striking out "$40,000" and inserting in lieu thereof "$90,000".

TITLE VI—MINORITY AFFAIRS

SEC. 601. ASSIGNMENT OF MINORITY ISSUES TO AN ASSISTANT SECRETARY OF VETERANS AFFAIRS.

(a) POSITION AND FUNCTIONS OF ASSISTANT SECRETARY.—Section 4 of the Department of Veterans Affairs Act (Public Law 100–527; 102 Stat. 2638) is amended by adding at the end of subsection (b) the following new paragraph:

"(11) The review and assessment of the effects of policies, regulations, and programs and other activities of the Department on minority veterans and the coordination and monitoring of policies facilitating access of such veterans to services and benefits provided under laws administered by the Secretary.".

(b) "MINORITY VETERANS" DEFINED.—Section 4 of such Act is further amended by adding at the end the following new subsection:

"(g) DEFINITIONS.—As used in this section:

"(1) The term 'minority veterans' means veterans who are—

"(A) black individuals;

"(B) Native Americans;

"(C) Hispanic-Americans;

"(D) Asian-Americans;

"(E) Pacific-Islander-Americans; and

"(F) women.

"(2) The term 'veteran' has the meaning given that term in section 101(2) of title 38, United States Code.

"(3) The term 'Native American' means an Indian, a Native Hawaiian, or an Alaska Native.

"(4) The term 'Indian' has the meaning given that term in section 4(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(a)).

"(5) The term 'Native Hawaiian' has the meaning given that term in section 815(3) of the Native American Programs Act of 1974 (42 U.S.C. 2992c(3)).

"(6) The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(7) The term 'Asian-American' means any citizen or permanent resident of the United States, other than a Native American, whose ancestral origin is in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent of Asia.

"(8) The term 'Pacific-Islander-American' means any citizen or permanent resident of the United States, other than a Native American, whose ancestral origin is in any of the original peoples of the Pacific Islands.".

SEC. 602. REESTABLISHMENT OF THE ADVISORY COMMITTEE ON NATIVE AMERICAN VETERANS.

(a) ESTABLISHMENT.—Effective October 1, 1990, the Advisory Committee on Native-American Veterans established by section 19032 of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99–272; 100 Stat. 388) is reestablished.

(b) INCORPORATION OF PROVISIONS OF PRIOR LAW.—Subsections (b) through (e) and (g) of section 19032 of the Veterans' Health-Care Amendments of 1986 shall apply to the Advisory Committee on Native-American Veterans reestablished by subsection (a).

(c) REPORTS.—(1) Not later than March 31, 1991, and March 31, 1992, the Committee shall submit to the Secretary of Veterans Affairs a report containing the findings and any recommendations of the Committee regarding the matters described in section 19032(b) of the Veterans' Health-Care Amendments of 1986, and the matters described in section 603 of this Act, that were examined and evaluated by the Committee during the fiscal year preceding the fiscal year in which the report is submitted.

(2) Not later than 60 days after receiving each such report, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

(d) TERMINATION.—The Committee shall expire 90 days after the date on which the second report is transmitted by the Committee pursuant to subsection (c).

TITLE VII—MISCELLANEOUS

SEC. 701. NATIONAL CEMETERIES.

(a) DEFINITION OF MINOR CHILD.—Section 1002(5) is amended by adding at the end the following new sentence: "For purposes of this paragraph, the term 'minor child' includes a child under 21 years of age or under 23 years of age if the person is pursuing a course of instruction at an educational institution".

(b) FLORIDA NATIONAL CEMETERY.—Notwithstanding section 1004(c)(2) the Secretary of Veterans Affairs may provide for flat grave markets in that section of the Florida National Cemetery in which, as of July 29, 1988, preplaced graveliners had been installed.

SEC. 702. CLARIFICATION OF PROHIBITION ON PAYMENT OF ATTORNEYS' FEES.

(a) IN GENERAL.—Section 3404(c) is amended—

(A) by inserting "(A)" after "(c)(1)";

(B) by redesignating paragraph (2) as subparagraph (B);

(C) in subparagraph (B) (as redesignated by clause (B)), by striking out "paragraph (1)" and inserting in lieu thereof "subparagraph (A)"; and

(D) by adding at the end the following new paragraph:

"(2) The provisions of this subsection shall apply only to cases involving a claim for benefits submitted by any person applying for benefits under the laws administered by the Department of Veterans Affairs, and such provisions shall not apply in cases in which the Government is proceeding against a person to collect an indebtedness or in which other attorneys' fees statutes apply.".

(b) APPLICATION OF PROHIBITION.—Section 3404(c) of title 38, United States Code, as in effect on November 17, 1988, shall apply only to cases involving a claim for benefits submitted by any person applying for benefits under the laws administered by the Department of Veterans Affairs, and shall not apply with respect to cases in which the Government is proceeding against a person to collect an indebtedness or in which other attorneys' fees statutes apply.

SEC. 703. MODIFICATION OF ADMINISTRATIVE REORGANIZATION REQUIREMENTS.

Section 210(b)(2) is amended—

(1) in subparagraph (A), by striking out the second sentence and inserting in lieu thereof the following: "Any such report shall be submitted not later than April 1 of the year preceding the fiscal year in which the administrative reorganization is to be implemented.";

(2) by redesignating subparagraph (D) as subparagraph (E);

(3) by inserting after subparagraph (C) the following new subparagraph (D);

"(D) Subparagraphs (A), (B), and (C) shall not apply to any administrative reorganization at a Department of Veterans Affairs medical and regional office center if there is no reduction in the number of full-time equivalent employees employed at that center below the number of such employees employed at that center in the fiscal year immediately preceding the fiscal year in which the administrative reorganization is to be implemented."; and

(4) in clause (E), as redesignated by paragraph (2), strike out clause (iii) and insert in lieu thereof the following:

"(iii) The term 'covered field office or facility' means a Department of Veterans Affairs office or facility outside the Department of Veterans Affairs Central Office that is the permanent duty station for 25 or more employees and that is a regional office, medical center, medical and regional office center, freestanding outpatient clinic, insurance center, or similar field office or facility which has as its primary mission providing care or services to veterans.".

SEC. 704. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) AMENDMENT TO CHAPTER 81.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—SPECIAL LEASES OF REAL PROPERTY

"§ 5061. Definitions

"For the purposes of this subchapter:

"(1) The term 'enhanced-use lease' means a written agreement for the lease of designated property at a Department facility for a use that (A) will, at least in part, contribute in a cost-effective manner to the mission of the Department, and (B) will be consistent with and not adversely affect that mission.

"(2) The term 'designated property' means any real property under the jurisdiction or control of the Secretary and identified by the Secretary in a notice of designation.

"(3) The term 'notice of designation' means a written notice by the Secretary to the Committees identifying designated property with respect to which the Secretary proposes to enter into a enhanced-use lease.

"(4) The term 'Committees' means the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"§ 5062. Enhanced-use leases

"(a)(1)(A) Notwithstanding section 5022 of this title, section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484), and any other provision of law inconsistent with this section, the Secretary may enter into enhanced-use leases with respect to any designated property and may dispose of such property in accordance with section 5064 of this title.

"(B) The Secretary may enter into an enhanced-use lease under this subchapter only if the Secretary determines that the proposed lease—

"(i) will provide, at least in part, a cost-effective means of carrying out or providing appropriate space for an activity contributing to the mission of the Department; and

"(ii) will be consistent with and not adversely affect the mission of the Department.

"(2) The provisions of the Act of March 3, 1931 (46 Stat. 1494; 40 U.S.C. 276a et seq.), section 421 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 552), Federal laws relating to environmental and historic preservation, and title 31, United States Code, shall not, by virtue of this section, become inapplicable to a designated property.

"(3) A designated property shall not be considered unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) The selection of a lessee under an enhanced-use lease shall be made pursuant to competitive procedures prescribed, after consultation with the Administrator of General Services, by the Secretary.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years in the case of a lease not described in subparagraph (A) of this paragraph.

"(3)(A) Each enhanced-use lease entered into under this subchapter shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in cash or in-kind, or a combination of the two.

"(B) Consideration in-kind may include goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4)(A) In determining whether the consideration provided for in an enhanced-use lease is fair consideration, the Secretary shall take into account the value of any goods or services to be provided by the Federal Government to or for the benefit of the lessee.

"(B) Any authority for the Secretary to make a cash payment to the lessee under an enhanced-use lease shall be provided for in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2) of this subsection, a designation by the Secretary of any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 552) as a designated property shall be considered to be a prohibited action under that section to dispose of the land or improvement.

"(2) A designation by the Secretary of any land or improvement described in such section 421(b)(2) for an enhanced-use lease shall not be considered to be a prohibited action under that section if, under the lease—

"(A) the designated property may be used solely for child-care services;

"(B) such services must be provided exclusively for the benefit of employees of the Department, individuals employed on the premises of such land, and employees of a health-personnel educational institution that is affiliated with a Department facility;

"(C) the majority of the employees benefited by such services must be employed by the Department; and

"(D) the majority of the children served must be the children of employees of the Department.

"§ 5063. Requirements relating to designation of a property

"(a) Before the Secretary designates a property for an enhanced-use lease, the Secretary shall conduct, in the local community in which the property is located, a public hearing to receive the views of veterans service organizations, local commercial enterprises, and other interested parties regarding the proposed lease and the possible effects of the lease, including the effects of the lease—

"(1) on local commerce and other aspects of the local community;

"(2) on programs administered by the Department; and

"(3) on services to veterans in the local community.

"(b) Before conducting any public hearing referred to in paragraph (1) of this subsection, the Secretary shall provide veterans, residents, and businesses in the local community with reasonable notice of the proposed lease, including—

"(1) the time and place of the hearing;

"(2) identification of the property proposed to be leased;

"(3) a description of the proposed uses of the property;

"(4) a description of the proposed lease, and

"(5) a description of how the proposed lease—

"(A) will contribute cost-effectively to, be consistent with, and not adversely affect the mission of the Department; and

"(B) will affect services to veterans.

"(c)(1) If, following the conduct of a hearing under subsection (b) of this section, the Secretary intends to designate the property involved, the Secretary shall notify the Committees of the Secretary's intention to designate the property, and shall publish a notice of such intention in the Federal Register.

"(2) An enhanced-use lease may not be entered into with respect to any property unless the notice required under paragraph (1) of this subsection is provided to the Committees and published in the Federal Register—

"(A) at least 90 days before the date on which the Secretary provides the Committees with notice of the designation of the property pursuant to paragraph (4) of this subsection if the notice is submitted to the Committees during the period beginning January 1 and ending March 31; or

"(B) at least 180 days before such date if the notice is submitted to the Committees during the period beginning April 1 and ending December 31.

"(3) Each notice of intention to designate shall include the following:

"(A) Identification of the property involved.

"(B) An explanation of the background, rationale, and economic factors in support of the proposed lease.

"(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation together with a summary of the Secretary's response to those views.

"(D) A general description of the proposed lease.

"(E) A description of how the proposed lease—

"(i) will contribute cost-effectively to, be consistent with, and not adversely affect the mission of the Department; and

"(ii) will affect services to veterans.

"(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall provide the Committees a report thereon containing (A) updated information with respect to the matters described in paragraph (3) of this subsection, (B) a summary of a cost-benefit analysis of the proposed lease, (C) a description of the provisions of the proposed lease, and (D) a notice of the designation of the property.

"(5) Not less than 10 days before entering into an enhanced-use lease, the Secretary should provide the Committees with copies of the proposed lease.

"§ 5064. Special dispositions of leased properties

"(a) If, during the term of an enhanced-use lease or within 30 days after the expiration of the term of the lease, the Secretary determines that the leased property is not needed by the Department in the discharge of its responsibilities, the Secretary may initiate action for the disposal of leased property to the lessee by requesting the Administrator of General Services to carry out a special disposition of the property pursuant to subsection (b) of this section. The Administrator, upon request of the Secretary, shall take appropriate action under this title to dispose of property of the Department that is or has been subject to an enhanced-use lease.

"(b) A special disposition under this section may be made for cash or such other consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Administrator considers appropriate. In carrying out a special disposition of property under this section, the Administrator may utilize any other authority available to the Administrator under any other provision of law.

"(c) Not less than 90 days before a special disposition of property is made under this section, the Secretary shall notify the Committees of the Secretary's intent to dispose of the property and publish notice of the proposed disposition in the Federal Register. The notice shall describe the background, rationale, and economic factors in support of the proposed special disposition (including a cost-benefit analysis summary), the intended consideration, and the method, terms, and conditions of the proposed disposition.

"§ 5065. Disposition of proceeds

"Funds received by the Department under an enhanced-use lease or from a special disposition of leased property shall be deposited in the nursing home revolving fund established under section 5016 of this title and shall be administered as part of that fund. An amount sufficient to pay for any expenses incurred by the Secretary in connection with any enhanced-use lease entered into by the Secretary under this subchapter shall be deducted from the proceeds of the lease and used by the Secretary to reimburse the account from which the funds were used to pay such expenses, and an amount sufficient to pay any expenses incurred by the Administrator of General Services in connection with the special disposition of any property shall be deducted from the proceeds of the sale and used by the Administrator to reimburse the account from which funds were used to pay such expenses.

"§ 5066. Construction standards

"Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of any property that is the subject of an enhanced-use lease shall comply with all standards applicable to construction of Federal buildings, but shall not be subject to any State or local law relating to building codes, permits, or inspections. When Federal construction standards are applicable to such property, the Secretary shall conduct periodic inspections of the construction for the purpose of ensuring that the standards are met.

"§ 5067. Exemption from state and local taxes

"The Department's interest in any enhanced-use lease and in any property subject to such an agreement shall not be subject, directly or indirectly, to any State or local laws relative to taxation, fees, assessments, or special assessments, except sales taxes associated with the construction, alteration, repair, remodeling, or improvement carried out under this title.

"§ 5068. Limitations on number of agreements

"(a) Not more than 30 enhanced-use leases may be entered into under this title and not more than 10 such leases may be entered into in any fiscal year.

"(b) A lease entered into by the Secretary shall not be considered an enhanced-use lease for the purposes of the limitations provided in subsection (a) of this section if the primary use made of the leased premises is the provision of child-care services for employees of the Department.

"§ 5069. Expiration

"No enhanced-use lease may be entered into under this subchapter after September 30, 1994.".

(b) CLERICAL AMENDMENTS.—(1) The chapter heading for chapter 81 of such title is amended by adding at the end the following: "; SPECIAL LEASES OF REAL PROPERTY".

(2) The table of chapters at the beginning of such title and at the beginning of part VI of such title are each amended by striking out the period at the end of the item relating to chapter 81 and inserting in lieu thereof the following: "; Special Leases of Real Property.".

(3) The table of sections at the beginning of chapter 81 of such title is amended by adding at the end the following:

"SUBCHAPTER V—SPECIAL LEASES OF REAL PROPERTY

"5061. Definitions.
"5061. Definitions.
"5062. Enhanced-use leases.
"5063. Requirements relating to designation of a property.
"5064. Special dispositions of leased properties.
"5065. Disposition of proceeds.
"5066. Construction standards.
"5067. Exemption from state and local taxes.
"5068. Limitations on number of agreements.
"5069. Expiration.".

SEC. 705. COURT OF VETERANS APPEALS.

Section 4064 is amended by adding at the end the following:

"(c) Section 455 of title 28 shall apply to judges and proceedings of the United States Court of Veterans Appeals.".

SEC. 706. TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS' MEDICAL CARE ACCOUNT UNDER SEQUESTRATION.

Section 113(b) is amended by adding at the end the following:

"(3) Notwithstanding any other provision of law, the following appropriation account: Veterans Health Services and Research Administration, Medical Care (36–0160–0–1—703), including administrative expenses incurred by the Department.".

SEC. 707. TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO CHAPTER 30.—(1) Section 1418(b)(4) is amended—

(A) by striking out the comma after "service" and inserting in lieu thereof "(i)"; and

(B) by inserting ", or (ii) has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree" before the semicolon.

(2) Section 1432(f)(3) is amended by striking out "or (c)" and inserting in lieu thereof "(c), or (d)(1)".

(3) Section 1433(b) is amended by striking out "section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note)," and inserting in lieu thereof "chapter 109 of title 10".

(b) AMENDMENTS TO CHAPTER 32.—Section 1685(a)(1) is amended—

(1) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively; and

(2) in clause (E), as so redesignated, by inserting ", Coast Guard, or National Guard" after "Department of Defense".

(c) AMENDMENTS TO CHAPTER 36.—Chapter 36 is amended

(1) in sections 1732(c)(3), 1732(e), and 1733(a)(1), by striking out "Secretary of Veterans Affairs" and inserting in lieu thereof "Secretary"; and

(2) in section 1774(a)(1), striking out "chapters 106 and 107" and inserting in lieu thereof "chapter 106".

(d) HOME LOAN PROGRAM.—(1) Section 1803(a)(1)(A)(i) is amended—

(A) in subclause (III)—

(i) by inserting "except as provided in subclause (IV) of this clause," after "(III)"; and

(ii) by striking out "but not more than $144,000,"; and

(B) in subclause (IV), by striking out "or (6)" and inserting in lieu thereof "(6), or (8)";

(2) Section 1805(a) is amended by striking out "approved" each place it appears and inserting in lieu thereof "appraised".

(3) Any actions of the Secretary of Veterans Affairs in carrying out the provisions of section 1829 of title 38, United States Code, by contract or otherwise, with respect to loans closed during the period beginning on December 1, 1989, and ending on the date of the enactment of the Veterans' Benefits Amendments of 1989 (Public Law 101–237) are hereby ratified.

(e) ADJUDICATIONS AND APPEALS.—(1) The heading of section 3004 is amended to read as follows:

"§ 3004. Notice of decisions".

(2) The table of sections at the beginning of chapter 51 is amended by striking out the item relating to section 3004 and inserting in lieu thereof the following:

"3004. Notice of decisions.".

(3) The chapter heading of chapter 71 is amended to read as follows:

"CHAPTER 71—BOARD OF VETERANS APPEALS".

(4) The table of sections at the beginning of chapter 71 is amended by striking out the item relating to section 4001 and inserting in lieu thereof the following:

"4001. Composition of Board of Veterans Appeals.".

(5) The heading of section 4001 is amended to read as follows:

"§ 4001. Composition of Board of Veterans Appeals".

(6) The text of chapters 71 and 72 is amended—

(A) by striking out "Board of Veterans' Appeals" each place it appears and inserting in lieu thereof "Board of Veterans Appeals";

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department"; and

(C) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

SEC. 708. SUSPENSIONS OF PAYMENT OF PENSION TO INSTITUTIONALIZED VETERANS RECEIVING PENSION.

(a) DURATION OF INSTITUTIONALIZATION.—Section 3203(a)(1) is amended—

(1) in subparagraph (A), by striking out "third" and inserting in lieu thereof "twelfth"; and

(2) in subparagraph (B), by striking out "third" and inserting in lieu thereof "twelfth".

(b) PAYMENT OF WITHHELD AMOUNTS.—Section 3203(a)(1) is further amended by adding at the end the following new subparagraph:

"(E) Upon the discharge of a veteran from domiciliary care or nursing home care furnished by the Department, the veteran shall be paid a lump sum equal to the amount the veteran would have been paid except for subparagraph (A), (B), or (C), as the case may be, of this paragraph. Under regulations prescribed by the Secretary, so much of such amount may be paid to the veteran before the veteran is discharged from such care as is necessary to enable the veteran to make living arrangements in a location or facility other than a Department facility. In no event may the amount paid to the veteran under this subparagraph exceed $10,000.".

(c) ESTATE LIMITATION.—(1) Section 3203(b)(1)(A) is amended—

(A) by striking out "$1,500" and inserting in lieu thereof "$6,000"; and

(B) by striking out "$500" and inserting in lieu thereof "$2,000".

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect with respect to veterans who are being furnished care by the Department of Veterans Affairs on or after the first day of the first month that begins after the date of enactment of this Act.

(2) The amendments made by subsection (c) shall take effect with respect to veterans who are so being furnished care on or after March 1, 1991.

SEC. 709. SECURITY SERVICES.

(a) SECURITY AND LAW ENFORCEMENT FUNCTIONS.—Section 218 is amended by adding at the end the following new subsection:

"(f) The Secretary may not delegate the functional and technical supervision of the performance of security and law enforcement functions under this section to any official outside the Office of the Secretary.".

(b) REPORT ON SECURITY AND LAW ENFORCEMENT MATTERS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's plan for improving the training, recruitment, retention, and pay of security and law enforcement personnel of the Department of Veterans Affairs; and

(2) the Secretary's assessment of—

(A) the need, after considering potential alternatives, for establishing a policy on the issuance of weapons to such personnel assigned to medical centers of the Department located in high-crime areas and the use of weapons by such personnel;

(B) various options available to the Secretary for providing improved protection for such personnel assigned to medical centers referred to in subclause (A);

(C) various options available to the Secretary for providing improved protection for such personnel assigned to medical centers of the Department not located in high-crime areas;

(D) the adequacy of the number and deployment of security and law enforcement personnel at each of the Department medical centers.

SEC. 710. EXPANSION OF SELECTION COMMISSIONS.

Section 3 of the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2635) is amended—

(1) in subsection (b)(2)(B)—

(A) by striking out "Two" in clause (ii) and inserting in lieu thereof "Four"; and

(B) by adding at the end the following new clause:

"(vii) one person, selected by the Secretary in the Secretary's discretion, from among persons in categories described in clauses (i), (ii), (iii), and (vi)."; and

(2) in subsection (c)(2)(B)—

(A) by striking out "Two" in clause (ii) and inserting in lieu thereof "Four"; and

(B) by adding at the end the following new clause:

"(vii) one person, selected by the Secretary at the Secretary's discretion, from among persons in categories described in clauses (i), (ii), (iii), and (vi).".

SUMMARY OF PROVISIONS OF VETERANS' BENEFITS AND HEALTH CARE AMENDMENTS OF 1991

TITLE I—COMPENSATION

Part A—Generally

Part A of title I contains freestanding provisions and amendments to title 38, United States Code, that would:

1. Require the Secretary of Veterans Affairs to increase, effective January 1, 1991, the rates and limitations for compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) paid to certain service-connected-disabled veterans' survivors by 5.4 percent—the same percentage provided to Social Security recipients and VA pension beneficiaries on that same date. (Sec. 101.)

2. Clarify that VA has authority to apply only to new claims a change in evaluation methods or standards of the VA disability rating schedule. (Sec. 102.)

Part B—Radiogenic disabilities

Part B of title I contains amendments to title 38 and to the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98-542, that would:

1. Expand the presumption of service connection for radiation-exposed veterans to cover reservists who were serving on active duty for training or inactive duty training during on-site participation in a nuclear weapons test. (Sec. 111.)

2. Eliminate the requirements that, in order to be presumptively service connected for radiation-exposed veterans, the disease lised in section 312(c) of title 38 must become manifest within certain time periods and add to the list of presumptively service-connected diseases cancer of the salivary gland and cancer of the urinary tract. (Sec. 112.)

3. Require the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, to identify at least three military activities in each of the next four years that involved exposure to radiation but are not "radiation-risk activities" under section 312(c) of title 38. (Sec. 113.)

4. Require the VA Advisory Committee on Environmental Hazards to evaluate, and make recommendations concerning, whether the participation of veterans or categories of veterans in activities so identified as involving exposure to radiation resulted in an opportunity for exposure comparable to exposure from participation in the nuclear-weapons test program or in the post-war occupation of Hiroshima or Nagasaki. (Sec. 113.)

5. Require the Secretary to list each such identified radiation-risk activity, unless the Advisory Committee report and other credible scientific evidence demonstrate that participation did not result in exposure comparable to exposure from a radiation-risk activity. (Sec. 113.)

6. Make all activities so listed by the Secretary subject to the scientific review, regulatory, and adjudication procedures in Public Law 98-542, the Veterans' Dioxin and Radiation Exposure Compensation Standards Act. (Sec. 113.)

Part C—Veterans' agent orange exposure and Vietnam service benefits

Part C of title I contains freestanding provisions and amendments to chapters 11 and 17 of title 38 that would:

1. Codify presumptions that chloracne which became manifest within one year after a veteran's last service in Vietnam, non-Hodgkin's lymphoma (NHL), and soft-tissue sarcoma (STS) are connected to military service in Vietnam. (Sec. 122.)

2. Make certain Congressional findings regarding presumptions of service connection for diseases associated with exposure to dioxin and other chemical compounds in herbicides used in military operations. (Sec. 123(a).)

3. Create a mechanism pursuant to which VA must determine—based on an independent scientific review and biennial follow-up reviews of all relevant evidence and on all other available scientific information—whether presumptions of service-connection for purposes of disability benefits should be accorded for diseases based on whether they have positive association with exposure to Agent Orange or other herbicides in Vietnam. (Sec. 123(b).)

4. Provide that the National Academy of Sciences (NAS) would conduct the scientific review referred to in the previous paragraph unless NAS declines, in which case another independent scientific organization would do so. (Sec. 123(b).)

5. Require VA to gather, analyze, and report annually to the Congressional Committees on Veterans' Affairs on data gathered from the record of Vietnam veterans who seek VA treatment for conditions they believe are related to exposure to Agent Orange or other herbicides in Vietnam. (Sec. 124.)

6. Require VA to establish an archive system for voluntarily contributed blood and tissue samples from Vietnam veterans for use in future research. (Sec. 125.)

7. Require VA to fund appropriatee, independent studies designed to determine the feasibility of future scientific research on diseases or disabilities possibly related to exposure to Agent Orange or other herbicides or to health hazards related to Vietnam service. (Sec. 126.)

8. Require the Secretary of Health and Human Services to submit, within 180 days after enactment, a report on research being conducted to identify and develop treatments for exposure to dioxin and other toxic agents similar to those in herbicides used in Vietnam. (Sec. 128.)

9. Extend from September 30, 1990, to December 31, 1993, veterans' entitlement to, and eligibility for, VA health care based on exposure to Agent Orange in Vietnam or radiation from nuclear detonations. (Sec. 129.)

10. Make technical changes in provisions of Public Law 100-687 that established VA outreach requirements related to Agent Orange. (Sec. 127.)

TITLE II—HEALTH CARE

Part A—Mental health

Part A of title II includes amendments to chapters 17 and 73 of title 38 that would:

1. Require VA (a) to provide treatment for post-traumatic stress disorder (PTSD) once (1) a diagnosis of the PTSD related to the veteran's service in a combat theater has been made by a mental-health professional designated by the Chief Medical Director, and (2) the veteran's combat-theater service has been verified, with verification required by the most rapid means possible; and (b) to accomplish an evaluation of a veteran within 7 days after the referral of the veteran to a VA medical center by a Vet Center. (Sec. 201.)

2. Authorize VA to expand eligibility, currently provided to only Vietnam-era veterans, for readjustment counseling and follow-up mental health care to include veterans of service in theaters of operations of any prior periods of war and veterans of service in areas in which United States personnel were subjected to danger from armed conflict comparable to that of battle with any enemy during a period of war. (Sec. 202.)

3. (a) Require the Secretary to designate not more than five VA health-care facilities as the locations for centers of mental illness research, education, and clinical activities (MIRECCs), with at least one to be designated by July 1, 1991; (b) provide that, to have a MIRECC, a facility must maintain arrangements with a health-professional school under which residents or students would regularly rotate through the VA facility; and (c) authorize the appropriation of $3.125 million in fiscal year 1991 and $6.25 million for each of fiscal years 1992, 1993, and 1994 for MIRECCs. (Sec. 203.)

4. Extend for 3 years the reporting requirements of VA's Special Committee on PTSD and require the reports to be submitted concurrently to VA and the Congressional Committee on Veterans' Affairs. (Sec. 204.)

5. Require VA to specify in its FY 1992 and 1993 budget documents the type and amount of resources proposed to be spent in the coming fiscal year on PTSD-related activities. (Sec. 205.)

6. Require the Secretary, to the extent practicable, to ensure that there are PTSD

treatment units in locations that are readily accessible to veterans living in rural areas. (Sec. 206.)

Part B—General health

Part B of title II includes freestanding provisions and amendments to chapter 17 of title 38 and to Public Law 100-322 that would:

1. Authorize VA to provide prosthetic appliances to certain veterans with non-service-connected disabilities if the provision of such appliances would obviate the need for hospitalization. (Sec. 211.)

2. Authorize outpatient dental care that is medically necessary in preparation for hospital admission or for a veteran otherwise receiving VA medical treatment. (Sec. 212.)

3. Increase from $2,500 to $5,000 the maximum amount of a one-time grant for structural home modifications as part of home health services furnished under section 612(a)(1) of title 38 to any veteran for a service-connected disability rated at 50 percent or more; and from $600 to $1,200 in the case of services furnished under any other provision of section 612 of title 38. (Sec. 213.)

4. Make permanent the program of community-based contract alcohol and drug treatment, which is scheduled to expire on September 30, 1991. (Sec. 214.)

5. Extend for 5 years, through FY 1995, VA's authority to provide contract care to United States veterans in the Veterans Memorial Medical Center (VMMC) in the Philippines and the authorization of appropriations for annual grants to $1 million to the VMMC. (Sec. 215.)

6. Extend for 3 years VA's authority to sell acquired properties for use as shelters primarily for homeless veterans and their families and extend that authority so as to authorize the sale of properties for use as transitional housing for veterans furnished care by VA for alcohol, drug, or mental illness disabilities. (Sec. 216(a).)

7. Establish a revolving fund—by transfer of $100,000 initially from the Canteen Service Revolving Fund—from which loans may be made to assist in the establishment of transitional residences for veterans furnished care by VA for alcohol or drug disabilities, or who have recently been furnished such services by VA. (Sec. 216(b).)

8. Require each VA medical center or regional benefits office (a) to make an assessment with respect to the needs of homeless veterans living within that facility's catchment area and the extent to which their needs are being met by VA programs, other government programs, and private programs, (b) to develop an annual plan for each of FYs 1991, 1992, and 1993 for outreach and the provision of comprehensive services to homeless veterans in that catchment area, and (c) in developing such a plan, to attempt, to the maximum feasible extent, to meet, within existing authorities and available resources, those needs identified in the assessment as unmet and to coordinate with other Federal, State, and local programs that provide services to homeless persons or homeless veterans. (Sec. 217(a).)

9. Extend the VA Domiciliary Care for Homeless Veterans (DCHV) program's authorization of appropriations in that Act, increasing it from $15 million in FY 1990 to $20 million for FY 1991, $22.5 for FY 1992, and $25 million for 1993. (Sec. 217(e).)

10. Authorize $1.5 million to be appropriated for each of FYs 1991, 1992, and 1993 for a pilot program at up to 15 sites at which VA would be authorized to contract with existing community-based organizations for domiciliary care (including medical services) for veterans eligible for such care and authorize VA, if it is determined that the pilot domiciliary-care programs are demonstrating effectiveness, to expend on these pilot programs funds appropriated for the HCMI program or the DCHV program above the amount expended for those programs in the preceding fiscal year. (Sec. 217(b).)

11. Authorize VA to accept donations for the purposes of establishing one-stop, nonresidential service centers and mobile support teams and expanding the health services available to homeless veterans eligible for VA benefits and services. (Sec. 217(c).)

12. Extend VA's Homeless Chronically Mentally Ill (HCMI) program's authorization of appropriations, increasing it from the FY 1990 $15-million level to $30 million for FY 1991, $35 million for FY 1992, and $40 million for FY 1993. (Sec. 217(e).)

13. Extend for one year, through FY 1991, the authorization for VA's mobile health clinic pilot program and provide that all funds appropriated for the program shall remain available until expended. (Sec. 218.)

14. Require the Secretary to establish an advisory committee on VA's prosthetics programs comprised of representatives of prosthetics user groups and recognized experts in the fields of engineering, prosthetics research, rehabilitative medicine, and clinical treatment, and to require annually, for the next 3 years, advisory committee reports beginning on January 15, 1991. (Sec. 219.)

15. Require VA (a) to furnish services to a service-connected-disabled veteran or the spouse of such a veteran to achieve pregnancy in cases in which the veteran's service-connected disability impairs procreative ability; (b) to establish an interdisciplinary task force to advise VA's Chief Medical Director (CMD) on the implementation of this provision; and (c) to furnish these services on a contract basis only, except for services that the CMD determines VA clearly can provide directly. (Sec. 220.)

16. Authorize VA compensated work-therapy (CWT) programs to contract with elements of VA, as well as other private or governmental sources, to provide for the work involved. (Sec. 221(a).)

17. Authorize the use of funds from the Special Therapeutic Rehabilitation Activities Fund (STRAF), which is used for the operation of CWT programs, to defray the costs of travel and related expenses necessary to train and educate VA employees to administer CWT programs. (Sec. 221(b).)

18. Require VA to conduct a 5-year, two-part CWT and therapeutic residence (TR) pilot program at not more than 25 VA health-care facilities, under which VA would be required (a) at not less than 10 nor more than 15 of these sites, to promote and participate in the establishment of nonprofit corporations with which VA would contract to run CWT programs as long as the nonprofit runs a TR, and (b) directly to acquire and operate TRs for veterans participating in CWT programs at not less than 10 nor more than 15 of these sites. (Sec. 221(c).)

19. (a) Extend until September 30, 1995, the requirement for VA to conduct a pilot program of preventive health-care services; (b) expand the categories of veterans to whom VA is required to furnish such services to include all veterans who are entitled to receive the care they are receiving; (c) require that those veterans annually be offered a minimum of two preventive health-care services when they are otherwise receiving care; (d) require that each VA health-care facility annually implement a major preventive health-care and health-promotion initiative; (e) expressly provide that the permissible scope of preventive health-care services under the pilot program includes stress management, smoking cessation, physical fitness, and screening for high blood pressure, glaucoma, colorectal cancer, and cholesterol; (f) require reports on the experience under the pilot program; (g) limit pilot-program expenditures to $16 million in FY 1991, $17 million in FY 1992, $18 million in FY 1993, $19 million in FY 1994, and $20 million in FY 1995; and (h) require the CMD to designate a Director of Preventive Health and Health Promotion Programs. (Sec. 222.)

20. Authorize VA (a) to provide service dogs to quadriplegic veterans who have service-connected disabilities, (b) to provide signal dogs to veterans who have service-connected hearing impairments and are in need of the assistance of such a dog, and (c) to pay a veteran's expenses for necessary travel in connection with the veteran becoming adjusted to the dog. (Sec. 223.)

21. Require the Secretary to submit to the Congressional Committees on Veterans' Affairs a report by January 15, 1991, containing (a) an evaluation of the reasons for the accumulation of the backlog in VA's provision of prosthetic appliances that grew to $10.6 million in FY 1989 and for the failure to observe, in connection with the provision of prosthetic appliances, the statutory priorities established for the treatment of many of the veterans involved; and (b) a description of the actions that the Secretary has taken, and is planning to take, to prevent such a recurrence of the accumulation of such a significant backlog and of failure to observe such priorities. (Sec. 224.)

22. Increase from $500 to $1,000 the amount which a fee-basis dentist can charge prior to VA's requiring a second opinion. (Sec. 225.)

23. Repeal the Secretary's authority to provide free tobacco products to veterans receiving hospital or domiciliary care. (Sec. 226.)

24. Require VA to establish a task force to recommend policies and legislation for the elimination of inconsistencies among provisions relating to eligibility for medical devices and certain other rehabilitative health-care benefits. (Sec. 227.)

25. Provide veterans who are former prisoners of war with entitlement to outpatient health-care services. (Sec. 228.)

Part C—Health-care personnel

Part C of title II includes freestanding provisions and amendments to chapters 73, 76, and 82 of title 38 that would:

1. Authorize VA to pay Saturday premium pay, on the same basis as it is paid to registered nurses, to health-care personnel employed under title 5 or the title 5/38 "hybrid" appointment authority who furnish direct patient care or services incident to care. (Sec. 242.)

2. Increase the cap on special salary rates so as to permit the rates to exceed by two times the difference between the minimum and maximum of the applicable grade and require the Secretary to notify the Committees on Veterans' Affairs when a special salary rate becomes 94 (or more) percent of the maximum amount permitted. (Sec. 243.)

3. Make the labor-management rights of Federal employees generally (under chapter 71 of title 5) applicable to the Secretary's authority under section 4108(a) to establish the hours and conditions of employment and leaves of absence of title 38 employees (except with respect to the prohibitions set out in paragraphs (1) through (6) of that section, which pertain to potential conflict-of-interest situations arising in the context of health care). (Sec. 244.)

4. (a) Remove from the coverage of the provisions governing disciplinary actions against title 38 employees (section 4110 of title 38) certain lesser proposed penalties—specified as suspension for 14 days or less, reassignment or reduction in rank without a reduction in basic pay, reprimand, or admonishment; (b) provide that, in such cases, a title 38 employee would be entitled, in lieu of a section 4110 proceeding, to a process which would include (1) advance written notice setting forth the specific reasons for the proposed action, (2) a reasonable time to answer the notice, either in writing or orally, including time to furnish affidavits and other documentary evidence in support of the answer, (3) a chance to be represented by an attorney or some other representative, and (4) a written decision, including the reasons for the decision, at the earliest practicable time; (c) provide two methods by which title 38 employees could gain a review of a decision on such a specified lesser disciplinary matter or of a decision on a grievance: (1) for those title 38 employees who are not members of bargaining units, an agency review procedure established by the Secretary, and (2) for those employees who are members of such a unit, a negotiated grievance procedure which would include binding arbitration; and (d) provide that any agency review procedure established by the Secretary with respect to proposed disciplinary actions and grievance resolution regarding title 38 employees who are not covered by collective bargaining agreements would have to include (1) an informal review of the decision on the disciplinary action by a VA official of a higher level than the official who made the original decision and a prompt decision following that review, (2) a right to have the matter reviewed further by a impartial examiner from within VA who would have to submit a prompt report of findings and recommendations, and (3) a prompt review of those findings and recommendations, as well as any comments the employee or the Department or both wish to make on the findings and recommendations, by a Department official at a higher level than the one who carried out the first informal review. (Sec. 245.)

5. Authorize the Secretary to establish and operate a dependent care assistance program for the care of dependents of VHS&RA employees that meets the requirements of section 129 of Internal Revenue Code. (Sec. 246.)

6. (a) Reinstitute a program of VA funding for the expansion or improvement of programs in post-secondary schools to educate health-care professionals with authorizations of appropriation of $5 million for each of FYs 1991 and 1992 and $6 million for each of FYs 1993 and 1994; (b) require that the development of new health careers, interdisciplinary approaches, and career-advancement opportunities with this VA assistance occur in collaboration with professionals carrying out the duties involved; and (c) authorize VA to expand up to 10 percent of each year's appropriation under this provision on VA programs designed to develop or initiate improved methods of education and training for health-care personnel. (Sec. 247.)

7. Require VA during calendar years 1991, 1992, and 1993 to conduct, and submit periodic reports on, a pilot program at not less than five VA medical facilities to determine the desirability of: (1) establishing programs which foster interdisciplinary professional collaboration and collegial relationships among physicians, registered nurses, and other personnel furnishing direct patient care; (2) creating new alternatives for utilizing the skills and knowledge of registered nurses and other health-care personnel in furnishing direct patient care or services incident to direct patient care; and (3) increasing the pay differential for evening and night service. (Sec. 248.)

8. Require the Secretary to increase rates of pay for VA psychologists who have board certification by using the "hybrid" title 5/title 38 appointment authority unless the Chief Medical Director certifies, within 90 days after the date of enactment, that an increase of board-certified psychologists is not necessary for VA to furnish the appropriate quality of psychological services to veterans. (Sec. 249.)

9. Require licensure, certification, or registration of social workers appointed to positions in VA facilities in states which regulate social workers. (Sec. 250.)

10. Authorize VA medical centers to convert space at their facilities for child-care purposes without requiring reimbursement for the cost of conversion from the provider of the child-care services. (Sec. 251(a).)

11. Require the director of each VA medical center and VA regional office to (A) make annual assessments of its employees' needs for child-care service and report to the Secretary the director's findings and proposals for fulfilling any unmet needs, and (B), in making the assessment, consult with appropriate representatives of the center's or office's employees. (Sec. 251(b).)

Part D—Special pay for physicians and dentists

Part D of title II includes amendments to chapter 73 of title 38 and freestanding provisions that would:

1. Revise special pay for physicians and dentists, effective as to pay periods beginning more than 180 days after the date of enactment, in the following manner: (a) replace the existing cap on special pay, $22,500 for a full-time physician and $10,000 for a full-time dentist, with a cap that would prohibit VA from paying any physician or dentist more than the amount specified in 3 U.S.C. 102; (b) increase the amount of special pay for a physician in full-time employment status from $6,000 to $9,000 and for a dentist from $1,000 to $3,500; (c) increase the amounts of special pay for varying lengths of service of more than two years for full-time physicians from an overall range of $1,000 to $3,000 to a range of $4,000 to $25,000 and for full-time dentists from an overall range of $500 to $1,000 to a range of $1,300 to $8,300; (d) increase the maximum amount of special pay for specialties for which VA has extraordinary difficulty in recruiting and retaining qualified doctors for full-time physicians from a range of $4,000 to $15,500 to a range of $4,000 to $40,000, and for full-time dentists from a range of $2,000 to $7,500 to a range of $2,000 to $30,000; (e) eliminate primary special pay but provide that those employed by VA on the day prior to the effective date of this measure whose special pay consists only of primary, full-time, and tensure pay would not suffer any reduction in total special pay; (f) establish special pay for specialty certification for full-time dentists—$2,000 for the first certification and an additional $500 for the second—and continue such pay for physicians; (g) increase the amount of special pay for full-time physicians in geographic locations with exceptional recruitment and retention difficulties from a range of $2,000 to $5,000 to a range of $2,000 to $15,000, and for full-time dentists from a range of $1,750 to $2,500 to a range of $1,750 to $5,000; (h) establish a new category of special pay, called "Exceptional Qualifications," under which VA may pay up to $15,000 to a full-time physician and up to $5,000 to a full-time dentist, to the extent that the overall total pay allowed for all other applicable factors—full-time status, longevity, scarce specialty, service in specific geographic area, board certification, and service in an Executive Medicine position—is not exceeded; (i) direct that a physician or dentist working at least half-time but less than full-time be paid special pay on the basis of the same factors as apply to those working full-time (except for full-time service) in direct proportion to hours worked; (j) authorize the CMD to pay a physician or dentist employed less than half-time special pay (except for full-time pay) in proportion to hours worked when that is shown to be the most cost-effective alternative for VA to acquire the services in question; (k) revise the rates of executive medicine special pay for physicians and dentist Service Chiefs and Chiefs of Staff, replacing fixed rates with ranges of rates providing specific minimums other than zero; (l) increase the rates of executive medicine special pay for physicians and dentists serving in VA Central Office as Deputy Service Directors, Service Directors, Deputy Assistant Chief Medical Directors, Assistant Chief Medical Directors (ACMDs) Associate Deputy Chief Medical Director, Deputy Chief Medical Director, and Chief Medical Director; (m) expand the provision for executive medicine special pay for ACMDs in VA Central Office ($30,000 for phyisicans, $10,000 for dentists) to include comparable positions as determined by the CMD; (n) provide for calculation of special pay for physicians or dentists assigned to executive medicine positions in VA Central Office who are also placed in field positions, and for others serving in dual positions, in proportion to the amount of time devoted to each position; (o) give the CMD discretion to pay scarce specialty pay to a VA Central Office executive physician or dentist upon the determination that those special skills are necessary in order for that executive to carry out the assigned VA Central Office job; (p) include special pay in retirement calculations for part-time physicians and dentists in proportion to the amount received; (q) provide that the use of the new special pay rates in the calculation of retirement benefits would apply only in the case of those who serve at least 15 years in VHS&RA and that that calculation be phased in increments of 20 percent at the end of every 2 years; (r) require the Secretary to include in the annual report to the Veterans' Affairs Committees (1) a review of the use of the authorities provided; (2) the Department's plans for the use of the authorities in the current and next fiscal year; (3) a description of the amounts paid in each category of special pay; (4) a list of the geographic areas and the scarce specialties for which special pay was paid in the previous fiscal year, is being paid in the current fiscal year, and is expected to be paid in the following fiscal year; (5) the numbers of physicians and dentists who changed from full-time to part-time employment status, from part-time to full-time, or left VHS&RA employment; (6) the number of positions abolished and created, by specialty, and summaries of the reasons for such actions; (7) the number of unfilled positions in each specialty, the length of time unfilled, a summary of the reasons and, in the case of any specialty not designated as a scarce specialty, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated; and (8) a discussion of whether provision for periodical COLAs is needed to implement these special pay provisions in order

to recruit and retain high-quality physicians and dentists. (Sec. 262-63.)

2. Provide that (a) VA physicians' and dentists' special pay agreements that were entered into before the effective date of the new provisions would remain in effect under the terms and conditions that originally applied; but (b) permit VA and a physician or dentist mutually to agree to terminate such an agreement if (1) the agreement expires more than one year after that effective date, (2) the termination is for the purpose of permitting the physician or dentist to enter into a special-pay agreement under the new provisions; and (c) such a termination would not take effect until the physician or dentist has completed at least the first year of service under the old agreement. (Sec. 265.)

3. In the case of a VA physician or dentist who was a full-time VA employee on October 1, 1980, and elected under section 103(b) of Public Law 96-330 not to have special pay counted as basic pay for retirement and insurance purposes, permit him or her to make an irrevocable election, at the time of entering into a special-pay agreement under the new provisions, to have special pay under the new provisions considered as basic pay for those purposes. (Sec. 266.)

4. (a) Require the CMD to reimburse full-time, board-certified physicians and dentists, and authorizes the CMD to reimburse other VHS&RA physicians and dentists, for up to $1,000 of expenses for continuing education; and (b) authorize the CMD to reimburse amounts greater than $1,000 if the CMD deems appropriate. (Sec. 264.)

TITLE III—EDUCATION AND EMPLOYMENT

Title II contains freestanding provisions and amendments to chapters 30, 31, 32, 35, 36, and 41 of title 38, United States Code, and chapter 106 of title 10 that would:

1. Extend through the end of calendar year 1993 the inclusion of veterans of the Vietnam era as an element of the statutory formula for the Federal funding of disabled veteran's outreach program specialists (DVOPs). (Sec. 301.)

2. (a) Authorize the Secretary of Labor under certain circumstances to expand beyond the current 10-State limit the transition assistance program of employment and training assistance and information established in section 408 of the Veteran's Benefit Amendments of 1989, Public Law 101-237; (b) permit such an expansion only if the Secretary determines, after consultation with the Secretaries of Veterans Affairs and Defense, that (1) the program has been successful, (2) the expansion is necessary to address the needs of increasing numbers of persons being separated from the Armed Forces, (3) the program has received sufficient resources from the Departments of Labor, Veterans Affairs, and Defense, (4) the program, if expanded, will continue to receive sufficient resources, and (5) the expansion will not interfere with the provision of services to eligible veterans and other eligible persons; (c) require that notice of an expansion be submitted to the Congressional Committees on Veterans' Affairs 60 days in advance of an expansion unless the Secretary of Labor, upon the request of the Secretary of Defense, waives the requirement that the notice be provided in advance; (d) require the Secretary of Labor to request resources for the programs from the Secretaries of Veterans Affairs and Defense; and (e) authorize the Secretary of Labor to request support for the program from veterans' service organizations. (Sec. 302.)

3. Expand, effective October 1, 1990, eligibility for rehabilitation services and assistance under chapter 31 of title 38 for servicemembers being treated for service-connected disabilities pending discharge from active duty, to include persons who are (a) receiving outpatient medical treatment, or (b) receiving inpatient care at Department of Defense (DoD) expense in a non-DoD facility. (Sec. 303.)

4. Extend by 1 year the date on which a participant in the Post Vietnam-Era Veterans Educational Assistance Program (VEAP) who has unused VEAP entitlement is automatically disenrolled from the program. (Sec. 304.)

5. Permit an individual who is indebted to the United States as the result of participation in a program of VA-administered educational assistance or rehabilitation to perform work-study services and have the work-study allowance credited to his or her indebtedness. (Sec. 305.)

6. Extend, effective October 1, 1990, to participants in VEAP the same opportunity currently available on a trial basis, through fiscal year 1994, to Montgomery GI Bill participants to use education benefits for the pursuit of flight training. (Sec. 306.)

7. Replace the Secretary of Labor's Committee on Veterans Employment and Training with an Advisory Committee on Veterans Employment with a voting membership consisting of representatives of veterans organizations and individuals who are recognized authorities in fields related to employment, rehabilitation, labor, and business. (Sec. 307.)

TITLE IV—HOUSING

Title IV contains amendments to chapter 37 of title 38 that would:

1. Make permanent the requirement for VA to inform and counsel a veteran about the impact of, and alternatives to, foreclosure when the veteran defaults on a VA-guaranteed home loan. (Sec. 401.)

2. Allow VA to sell vendee loan assets without recourse only if the amount received by VA is at least equal to the unpaid balance of the loan. (Sec. 402.)

3. Extend for two years, through FY 1992, the authority for certain lenders to review appraisals. (Sec. 403.)

4. Make permanent the "no-bid" formula in section 1832(c) of title 38 and the vendee-loan and property-management provisions in section 1833(a) of title 38. (Sec. 404.)

5. Exempt individuals obtaining VA-guaranteed loans from the requirement that individuals obtaining federally guaranteed loans of more than $150,000 disclose their lobbying activities. (Sec. 405.)

6. Require VA, at the request of the Secretary of Housing and Urban Development and without charge, to issue certification of veteran status to veterans seeking certain benefits under laws administered by HUD. (Sec. 406.)

7. Limit the time during which a veteran may apply to VA for waiver of a home-loan debt to one year after the date VA notified the debtor of the indebtedness. (Sec. 407.)

TITLE V—INSURANCE

Title V contains amendments to chapters 19 and 21 of title 38 that would:

1. Authorize VA to provide supplemental coverage, at standard premiums, of up to $10,000 in Service Disabled Life Insurance to certain veterans who are eligible for a waiver of premiums due to total disability. (Sec. 501.)

2. Increase from $40,000 to $90,000 the maximum amount of coverage under veterans' mortgage life insurance policies. (Sec. 502.)

TITLE VI—MINORITY AFFAIRS

Title VI contains a freestanding provision and an amendment to the Department of Veterans Affairs Act (Public Law 100-527) that would:

1. Require the Secretary to assign to an Assistant Secretary responsibility for assessing the effects of VA policies and activities regarding minority veterans, including women veterans, and for coordinating and monitoring policies facilitating the access to such minority veterans to VA benefits and services. (Sec. 601.)

2. Reestablish the Advisory Committee on Native American Veterans for an additional 2 years. (Sec. 602.)

TITLE VII—MISCELLANEOUS

Title VII contains amendments to various chapters of title 38, section 3 of the Department of Veterans Affairs Act (Public Law 100-527), and section 6103(1) of the Internal Revenue Code of 1986, that would:

1. Clarify the eligibility of certain minors for burial in national cemeteries and authorize the use of flat grave markers in a section of Florida National Cemetery. (sec. 701.)

2. Clarify that the prohibition on the payment of attorneys' fees in connection with VA benefits applies only where the individual is applying for benefits and not to debt-collection cases. (Sec. 702.)

3. Modify the probition against certain VA administrative reorganizations that close, or reduce personnel at, VA facilities or offices during any given fiscal year unless VA has provided the Congressional Committees on Veterans' Affairs with notice of the reorganization not later than the date on which the President transmits the budget for that fiscal year by (a) postponing the reporting deadline to the April 1 preceding that fiscal year; (b) exempting any consolidation or redistribution of functions between components at a VA medical and regional office center (VAM&ROC) if the same number of full-time employees equivalents would continue to perform the affected functions of that VAM&ROC; and (c) limiting the scope of the provision to offices of facilities which have as their primary mission providing care or services to veterans. (Sec. 703.)

4. Establish, effective October 1, 1990, a 4-year "enhanced-use lease" pilot program under which (a) VA would be authorized to enter into extended leases of selected VA-owned properties and accept in-kind consideration in lieu of or in combination with cash if (1) the Secretary determines that the proposed lease will provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and will be consistent with and not adversely affect that mission, (2) selection is made pursuant to competitive procedures, (3) the term of the lease does not exceed (A) 35 years if construction of a new building or the substantial rehabilitation of an existing building is involved, or (B) 20 years otherwise, (4) a local, public hearing is conducted after prescribed notice is given (5) the Secretary provides to the Congressional Committee on Veterans' Affairs and publishes in the Federal Register advance notice of VA's intention to designate the property for an enhanced-use lease (with the deadline for the notice being not less than 90 days before entering into the lease if notice is given in the first 3 months of a calendar year or not less than 180 days before entering into the lease if notice is given at any other time, and (6) a second, updated notice containing a cost-benefit analysis is provided to the Committee not less than 30 days before the lease is entered into; (b) special disposition of a

leased property would be authorized if (1) during the term of the lease or within 30 days after its expiration the Secretary determines that the leased property is not needed by VA and initiates action for the disposal to the lessee, (2) the Administrator of General Services is requested to carry out a special disposition, and (3) 90 days advance notice is provided to the Committees and published in the Federal Register; (c) funds received by VA under the lease or from a special disposition of leased property would be deposited in the Nursing Home Revolving Fund; and (d) the number of enhanced-use leases would be limited to not more than 30 under the pilot program and not more than 10 in any fiscal year, not counting any lease the primary purpose of which is the provision of child-care services for VA employees. (Sec. 704.)

5. Make applicable to judges of the Court of Veterans Appeals the provisions of section 455 of title 28, United States Code, relating to disqualification. (Sec. 705.)

6. Make all funds in VA's Medical Care account, including administrative expenses, exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985. (Sec. 706.)

7. Make a series of technical corrections. (Sec. 707.)

8. (a) Extend, effective October 1, 1990, from three to twelve months the period during which a veteran with no spouse or dependent children may be furnished domiciliary or nursing-home care by VA before the veteran's VA pension is reduced; (b) provide, effective October 1, 1990, that when a veteran's pension is reduced for veterans receiving VA domiciliary or nursing-home care, up to $10,000 of the benefits withheld would be repaid to the veteran upon discharge from the facility; and (c) increase from $1,500 to $6,000 the maximum value of the estate of an incompetent veteran who has no dependents and is being furnished institutional care at government expense that is allowed before VA suspends the veteran's compensation or pension benefits, and increase from $500 to $2,000 the amount to which the veteran's estate must be reduced before suspended compensation or pension payments are resumed. (Sec. 708.)

9. (a) Specify that the Secretary may not delegate the functional and technical supervision of the performance of security and law enforcement functions within VA to any official outside the Office of the Secretary; (b) require the Secretary, within 120 days after enactment, to submit a report containing the Secretary's plan for improving the training, recruitment, retention, and pay of VA security personnel, as well as an assessment of (1) the need for establishing a policy on the issuance of weapons to security personnel assigned to medical centers located in high-crime areas and the use of weapons by such personnel, (2) the various options available to the Secretary for providing improved protection for security personnel assigned to medical centers in high-crime areas, and those not located in high-crime areas, and (3) the adequacy of the number and deployment of security and law enforcement personnel at each VA medical center. (Sec. 709.)

10. Expand the memberships of VA Chief Medical Director and Chief Benefits Director search commissions to include two additional representatives of veterans and one at-large member. (Sec. 710.)•

By Mr. KERRY (for himself, Mr. BIDEN, and Mr. BRADLEY):

S. 128. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; to the Committee on Rules and Administration.

SENATE ELECTION CAMPAIGN ETHICS ACT

• Mr. KERRY. Mr. President, on behalf of Senator BIDEN, Senator BRADLEY, and myself, I am sending to the desk a comprehensive campaign finance reform bill, setting forth a system of voluntary public funding for Senate elections and spending limits.

We are filing this legislation today, because money continues to distort the American political process. The fact that this is the first day one can file legislation and this is my choice for the first day should not be lost on anyone. For years I have been pushing for reform, and I will continue that fight this session.

There is a growing gap between the representative and the represented. The reason is an increasing perception that only those with access to huge sums of money can run for high office—and only those with huge sums of money can affect what happens in the Halls of Congress.

Now that we've passed a clean air bill, it is time to pass a clean campaign bill. A voluntary public funding system and spending caps are essential to stem the loss of faith and confidence and growing cynicism among many in our Nation's electorate.

It is clear to most of us that an important factor in that cynicism has been the perception that money has come to dominate the process of how laws get made—that the system is rigged—that special interests get special favors, because they contribute money to politicians—and that some elected officials spend so much time and energy raising money that they aren't doing the jobs they were elected to do.

Without spending caps and a system for public funding, no matter what kinds of limits are placed on PAC money, candidates for office will be condemned to spend an ever-increasing amount of time and resources on raising funds from individuals for their campaigns.

The Kerry-Biden-Bradley bill modifies the Mitchell-Boren-Ford-Kerry campaign finance bill that passed the Senate last year by restoring to that package of reforms a system for full voluntary public funding of Senate general elections. Unlike this year's Mitchell-Boren campaign finance bill, also introduced today, the Kerry-Biden-Bradley bill combines vouchers for broadcast communication and a system of voluntary public funding to essentially eliminate the impact of large contributions from private individuals for general election campaigns.

In accord with the recommendations of the bipartisan Campaign Reform Commission issued last year, for flexible spending limits, the Kerry-Biden-Bradley bill permits campaigns to raise funds from individuals in the amount of $100 or less from those living within the State involved which could be spent in addition to the spending cap. And it provides for reduced rates for campaigns for broadcast advertising and postage.

Voluntary public funding provides a powerful incentive to candidates to agree to spending limits. Such limits would for the first time put all serious candidates on an equal and fair footing in the general election, prevent soaring campaign costs from favoring persons of personal wealth over those without such wealth, and insure that candidates have equal access in getting their message before the public.

This bill meets all the tests of reform.

This legislation recognizes that the sources and amounts of money are the problem that we must address. Our bill goes the greatest distance possible to reduce them.

A system of voluntary public funding would dramatically reduce the degree that we leave ourselves open to charges of conflicts of interest between our responsibilities to the public at large and our acceptance of contributions from alleged special interests.

It is the approach which most frees up our time from fundraising and which requires us to raise the least money.

It is the approach which most cleans up the problems of perception and that which most distances us from large donations, PAC's, and most encourages small contributions.

Likewise, the combination of spending limits and a system for voluntary public funding stop the mindless arms race of fundraising in any contested election and help to diminish some causes of legislative gridlock on certain issues.

Relying on a voluntary public funding system for general elections would simultaneously reduce by 75 percent the amount of time and effort we today have to devote to fundraising, and protect us from being perceived as beholden to big contributors and PAC's. In 34 States, Senators would have to raise less than $1 million in all for an election. In only four States, would Senators have to raise more than $2 million. By contrast, today the average amount raised in a Senate race—including noncontested races—is more than $4 million.

The cost for full voluntary public funding of Senate elections would be approximately $120 million for each election cycle, or $60 million a year, if all candidates participated in the voluntary public funding system. That is only one-quarter of the funds the United States previously allocated to subsidize campaign contributions under the tax laws prior to 1986. This expenditure would only take place if citizens decided they wanted to pay for it. Unlike all other Federal spending, this public funding would be truly voluntary. The system would be funded either through an earmark by citizens, or a tax credit, or through a positive checkoff, but in no case other than through voluntary participation by citizens.

Let's review this substitute provision by provision:

First, public funding provides the most comprehensive means of enforcing spending caps. Without spending caps, there will always be a constant drive to find new ways to raise ever greater sums of money for campaigns. The drive to raise dollars has caused all kinds of damage to this institution—and is directly related to the loss of public trust in us. Without spending caps, we will remain forever engaged in an ever escalating campaign arms race. This legislation instead calls for parity, at low levels.

It is interesting that last spring, former President Richard Nixon, endorsed the concept of spending caps. President Nixon told Bryant Gumbel on "NBC Today" that "the costs of campaigning have become completely out of sight * * * there should be spending caps."

Second, voluntary public funding for general elections under a 70–20–10 percent formula mixing grants, vouchers, and individual contributions. Under this plan, 20 percent of general election funds for a candidate would come in the form of vouchers to be used in broadcast advertising. Seventy percent would come in payments made directly to the campaigns of candidates from major parties who have qualified for the ballot and reached their threshold of 10 percent from individual small contributions, half in State.

This voluntary public funding plan means no more reliance on big money and PAC's to finance campaigns. Instead, campaigns will be funded for general elections through a voluntary tax checkoff like the Presidential elections. Citizens will choose to share in the cost of elections— rather than permit high-dollar donors and special interests to claim special access.

And if citizens don't choose to pay for it, then candidates would not take funds from the Treasury. Instead, candidate would be notified by the FEC that they have to go back to the current system of raising the funds from individuals to the extent that the funds are not available from the checkoff.

Public funding to clean up Federal elections was first proposed by Republican President Teddy Roosevelt. It has been supported in the past by such prominent Republicans as Henry Cabot Lodge, who once held the seat I hold today.

Indeed, four members of the minority in this body today have voted for public funding for Senate elections in the past. So this is a concept that has had bipartisan support over the decades.

The combination of spending caps and public funding means more democracy. Today about half of all Senate races have not been real contests, because one party or the other has not been able to field a candidate who can raise enough money to be competitive.

This bill helps challengers by providing them with public funds so long as they reach reasonable, achievable thresholds of support from contributors. The bill in effect guarantees that both parties will have fully funded nominees in almost every race in the country. That means two candidates, with two messages, to give the voters a real choice in every race. This is democracy. This is real reform.

The bill also retains a ban on PAC contributions to candidates, and limits contributions to parties. I have urged the Congress to do something about its dependence on PAC money since I began rejecting PAC money myself when I ran for Senate in 1984 and we made Massachusetts the first PAC-free Senate race in the country.

Citizens are right to be concerned when candidates are seen to be beholden to special interest organizations that have narrow economic agendas. Citizens have to wonder whether those organizations are gaining undue influence in return for their contributions. They have to wonder whether their participation in the electoral process even counts anymore.

Ending PAC contributions to individual candidates, combined with spending limits, is real reform.

The bill deals with soft money by turning it into hard money. Everything is disclosed. Nothing is under the table. And everything becomes hard dollars, kept within hard dollar limits.

The bill eliminates bundling as a means of circumventing contribution limits.

And the bill takes steps to prevent circumvention of spending and contributions caps by candidates through their relationships with outside groups, by terming any expenditures by such groups as "cooperative expenditures" which will be counted toward the cap of the candidates they support.

There is no area we have left out—no area of contributions or expenditures left outside the system.

For real reform, we need to endorse the basic principle of a democracy—that a race should not be determined by how much money a candidate can raise and spend, but by the quality of his message and candidacy. We should create a system of campaign finance based on the principle that an elected official should represent the voters who put him in office and not those people with the largest checkbooks.

Our bill does that. It ensures fairness to incumbents and challengers alike, to Republicans and Democrats and minor parties alike. It operates like the Presidential system, under which voluntary earmarks by taxpayers are used to provide public funds to candidates who raise a threshold amount of funds from small contributions and agree to spending limits.

Senator DOLE knows that system works. He accepted funds from it when he ran for President.

In the past, we gave a tax deduction or tax credit to people who contributed to political campaigns, at $50 per tax return, costing the Treasury as much as $260 million a year. That was in place for a decade, with bipartisan support, and eliminated only with the Tax Simplification Act.

Statements have also been made on the Senate floor that this legislation is unconstitutional, citing the seminal case of Buckley versus Valeo.

These statements are ill-informed.

As Buckley explicitly states:

> Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding. (*Buckley* at 57, n. 65.)

That is precisely how this legislation is structured. Moreover, the legislation contains explicit congressional findings about how the current system has led to a perception of corruption. These findings demonstrate that without controls on expenditures, as well as contributions, that perception cannot be controlled.

Last year, we passed a bill which though not perfect, would have created real reform. I personally had concerns about the constitutionality of certain aspects of that bill, which I have sought to correct in the bill filed today. I am not certain that the elimination of PAC's completely, as contemplated by last year's bill, would have survived Supreme Court scrutiny, especially in the absence of explicit findings about PAC's corruptive influence. Also, I have some doubts about the propriety of certain content-specific directives as to communications by independent expenditures contained in last year's bill, although those directives could also be construed as legitimate time-place-manner, rather than content restrictions.

In any case, last year's reforms died when the President vowed to veto the Senate bill should it have been enacted by the House.

This year, I hope that partisan political concerns will not derail the real reforms that are critical to finally free the Congress from the money chase, and to restore the public trust in this increasingly maligned public institution.

I ask unanimous consent that the full text of the bill and a summary of this legislation appear in full at the conclusion of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Election Campaign Ethics Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.
Sec. 2. Findings and declarations.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

Sec. 101. Senate spending limits and public benefits.
Sec. 102. Ban on contributions to Senate candidates by political action committees.
Sec. 103. Broadcast rates.
Sec. 104. Preferential rates for mail.
Sec. 105. Disclosure by noneligible candidates.
Sec. 106. Reporting requirements.
Sec. 107. Other definitions.

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

Sec. 201. Cooperative expenditures not treated as independent expenditures.
Sec. 202. Equal broadcast time.
Sec. 203. Attribution of communications.

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

Sec. 211. Personal contributions and loans.
Sec. 212. Extensions of credit.

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

Sec. 215. Limitations on contributions to State political party committees.
Sec. 216. Provisions relating to national, State, and local party committees.
Sec. 217. Restrictions on fundraising by candidates and officeholders.
Sec. 218. Reporting requirements.

Subtitle C—Contributions

Sec. 221. Limits on contributions by certain political committees to political parties.
Sec. 222. Contributions through intermediaries and conduits.
Sec. 223. Excess campaign funds.
Sec. 224. Contributions by dependents not of voting age.

Subtitle D—Reporting Requirements

Sec. 231. Reporting requirements.

TITLE III—FEDERAL ELECTION COMMISSION

Sec. 301. Use of candidates' names.
Sec. 302. Reporting requirements.
Sec. 303. Provisions relating to the general counsel of the commission.
Sec. 304. Retention of fees by the commission.
Sec. 305. Enforcement.
Sec. 306. Penalties.
Sec. 307. Random audits.
Sec. 308. Attribution of communications.
Sec. 309. Fraudulent solicitation of contributions.

TITLE IV—PROVISIONS RELATING TO CONGRESSIONAL MASS MAILINGS

Sec. 401. Restrictions on franked congressional mass mailings exceeding appropriated funds.
Sec. 402. Extension of time period when franked mass mailings are prohibited.
Sec. 403. Reporting and publication of franked mass mailings.
Sec. 404. Transfers of official mail costs.
Sec. 405. Use of official expense accounts and other sources of funds for mass mailings.
Sec. 406. Amendment of FECA.

TITLE V—MISCELLANEOUS

Sec. 501. Restriction of control of certain types of political committees by incumbents in or candidates for Federal office.
Sec. 502. Polling data contributed to a senatorial candidate.
Sec. 503. Effective date.

SEC. 2. FINDINGS AND DECLARATIONS.

(a) NECESSITY FOR SPENDING LIMITS.—The Congress finds and declares that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) permitting candidates for Federal office to raise and spend unlimited amounts of money constitutes a fundamental flaw in the current system of campaign finance, and has undermined public respect for the Congress as an institution;

(3) the failure to limit campaign expenditures has caused individuals elected to the Senate to spend an increasing proportion of their time in office as elected officials raising funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(4) the failure to limit campaign expenditures has damaged the Senate as an institution, due to the time lost to raising funds for campaigns; and

(5) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to limit campaign expenditures, through a system which provides public benefits to candidates who agree to limit campaign expenditures.

(b) NECESSITY FOR LIMITS ON POLITICAL ACTION COMMITTEES.—The Congress finds and declares that—

(1) contributions by political action committees to individual candidates have created the perception that candidates are beholden to special interests, and leave candidates open to charges of corruption;

(2) contributions by political action committees to individual candidates have undermined public confidence in the Senate as an institution; and

(3) to prevent the appearance of corruption and to restore public trust in the Senate as an institution, it is necessary to ban contributions by political action committees, while allowing such committees to continue to participate in the political process through other means, such as through independent expenditures.

(c) NECESSITY FOR ATTRIBUTING COOPERATIVE EXPENDITURES TO CANDIDATES.—The Congress finds and declares that—

(1) public confidence and trust in the system of campaign finance would be undermined should any candidate be able to circumvent a system of caps on expenditures through cooperative expenditures with outside individuals, groups, or organizations;

(2) cooperative expenditures by candidates with outside individuals, groups, or organizations would severely undermine the effectiveness of caps on campaign expenditures, unless they are included within such caps; and

(3) to maintain the integrity of the system of campaign finance, expenditures by any individual, group, or organization that have been made in cooperation with any candidate, authorized committee, or agent of any candidate must be attributed to that candidate's cap on campaign expenditures.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of United States Senator;

"(2) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(3) the terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 506;

"(4) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(5) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(6) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B);

"(7) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

"(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of United States Senator;

"(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of United States Senator;

"(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

"(12) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

"(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"CANDIDATES ELIGIBLE TO RECEIVE BENEFITS

"SEC. 502. (a) IN GENERAL.—For purposes of this title, a candidate is an eligible candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration as to whether—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 503(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 503(a).

"(2) The declaration under paragraph (1) shall be filed on the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 503(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of—

"(I) the amount of the general election expenditure limit under section 503(b), reduced by the amount of voter communication vouchers issued to the candidate; plus

"(II) the amount of contributions from State residents which may be taken into account under section 503(b)(4) in increasing the general election expenditure limit; plus

"(III) the amount which may be maintained in a compliance and official expense fund under section 503(c);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(E) the candidate intends to make use of the benefits provided under section 504.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 503(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 503(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate or Commission with respect to such period under section 304A(b) (relating to independent expenditures in excess of $10,000).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 10 percent of the general election expenditure limit under section 503(b).

"(2) For purposes of this section and section 504(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 504(b).

"(3) For purposes of this subsection and section 504(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 504(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of subsection (d), the base period shall be the calendar year in which the first general election after the date of the enactment of this title occurs.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) LIMITATION ON USE OF PERSONAL FUNDS.—The aggregate amount of expenditures which may be made during an election cycle by an eligible candidate or such candidate's authorized committees from the following sources shall not exceed $250,000:

"(1) The personal funds of the candidate and members of the candidate's immediate family.

"(2) Personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) General Election Expenditure Limit.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 502(f) (relating to indexing).

"(4)(A) The limitation under this subsection (without regard to this paragraph) shall be increased by the amount of contributions that—

"(i) are made after the time contributions have been received in an amount at least equal to the threshold contribution requirement under section 502(e);

"(ii) are in amounts of $100 or less; and

"(iii) are made by an individual who was, at the time the contributions were made, a resident of the State in which the general election is held,

except that the total amount of contributions taken into account under this subparagraph with respect to any individual shall not exceed $100.

"(B) Except as otherwise expressly provided, any reference in any provision of law to the general election expenditure limit under this subsection shall be treated as a reference to such limit computed without regard to this paragraph.

"(c) Compliance and Official Expense Fund.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures or qualified official expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a compliance and official expense fund meeting the requirements of paragraph (2).

"(2) A compliance and official expense fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amount transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 504(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection—

"(A) The term 'qualified legal and accounting expenditures' means the following:

"(i) Any expenditures for costs of legal and accounting services provided in connection with—

"(I) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(II) the preparation of any documents or reports required by this Act or the Commission.

"(ii) Any expenditures for legal and accounting services provided after the general election for which the compliance and official expense fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(iii) Expenditures for the extraordinary costs of legal and accounting services provided in connection with the candidate's activities as a holder of Federal office other than costs for the purpose of influencing the election of such candidate to Federal office.

"(B) The term 'qualified official expenditures' mean expenditures described in section 313(b).

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures exceed the limitation under paragraph (2)(B), the candidate may petition the Commission by filing with the Secretary of the Senate for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation, reduced by the amount of qualified official expenditures. Such determination shall be subject to judicial review under section 509.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5)(A) A candidate shall terminate a compliance and official expense fund as of the earlier of—

"(i) the date of the first primary election for the office following the general election for such office for which such fund was established; or

"(ii) the date specified by the candidate.

"(B) Any amounts remaining in a compliance and official expense fund as of the date determined under subparagraph (A) shall be transferred—

"(i) to a compliance and official expense fund for the election cycle for the next general election;

"(ii) to an authorized committee of the candidate as contributions allocable to the election cycle for the next general election; or

"(iii) to the Senate Election Campaign Fund.

"(d) Payment of Taxes.—The limitation under subsection (b) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

"BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE

"Sec. 504. (a) In General.—An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3629 of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) Amount of Payments.—(1) For purposes of subsection (a)(3), except as provided in section 506(d), the amounts determined under this subsection are—

"(A) the public financing amount;

"(B) the independent expenditure amount; and

"(C) in the case of an eligible candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 503(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the public financing amount is—

"(A) in the case of an eligible candidate who is a major party candidate, an amount equal to the general election expenditure limit applicable to the candidate under section 503(b) (without regard to paragraph (4) thereof) reduced by—

"(i) the threshold contribution requirement under section 502(e); and

"(ii) the amount of voter communication vouchers issued to the eligible candidate;

"(B) in the case of an eligible candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the threshold contribution requirement under section 502(e); or

"(ii) 50 percent of the amount determined under subparagraph (A) with respect to a candidate of a major party.

"(3) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible candidate which are required to be reported by such persons under section 304A(b) with respect to the general election period and are certified by the Commission under section 304A(e).

"(4) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to two-thirds of such limit applicable to the eligible candidate for the election; plus

"(ii) if the excess described in paragraph (1)(B) equals or exceeds 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to one-third of such limit applicable to the eligible candidate for the election.

"(B) In the case of an eligible candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the threshold contribution requirement under section 502(e); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The Secretary of the Treasury shall issue nontransferable voter communication vouchers to eligible candidates as provided under section 506(b).

"(2) The aggregate amount of voter communication vouchers issued to an eligible candidate under paragraph (1) shall be equal to 20 percent of the general election expenditure limit under section 503(b) (10 percent of such limit if such candidate is not a major party candidate).

"(3) Voter communication vouchers shall be used by an eligible candidate to purchase broadcast time during the general election period subject to the same conditions and rates under section 315(b) of the Communications Act of 1934 as apply to other broadcast time a candidate may purchase, except that—

"(A) each such broadcast shall be at least 1 but not more than 5 minutes in length; and

"(B) each such broadcast shall be aired during the 5-week period preceding the general election.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (2) and (3) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 503(b).

"(2) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 502(c)(1)(D) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponents who is not an eligible candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 133⅓ percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(3) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 502(c)(1)(D) if—

"(A) a major party candidate in the same general election is not an eligible candidate; or

"(B) any other candidate in the same general election who is not an eligible candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 503(b).

"(e) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(i), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible candidate files a request with the Secretary of the Senate to receive benefits under section 506, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 509.

"PAYMENTS RELATING TO ELIGIBLE CANDIDATES

"SEC. 506. (a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

"(i) any contributions by persons which are specifically designated as being made to the Fund;

"(ii) amounts collected under sections 507(g) and 508(d)(3); and

"(iii) any other amounts that may be appropriated to or deposited into the Fund under this title.

"(B) The Secretary of the Treasury shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

"(C) Amounts in the Fund shall remain available without fiscal year limitation.

"(3) Amounts in the Fund shall be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(4) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) VOUCHERS.—(1) Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary of the Treasury shall issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(2) Upon receipt of a voter communication voucher from a licensee providing broadcast time to an eligible candidate, the Secretary of the Treasury shall pay to such licensee from the Senate Election Campaign Fund the face value of such voucher.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 505 for payment, or issuance or a voucher, to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under subparagraph (A) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of such excess.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments or vouchers were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 505(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the payments and vouchers received under this title.

"(c) Misuse of Benefits.—If the Commission determines that any amount of any benefit made available to an eligible candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 percent of the amount of such benefit.

"(d) Excess Expenditures.—(1) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditures.

"(2) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to three times the amount of the excess expenditures.

"(e) Unexpended Funds.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(f) Limit on Period for Notification.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(g) Deposits.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"CRIMINAL PENALTIES

"Sec. 508. (a) Violations.—(1) No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary and runoff expenditure limits under section 502(d); or

"(ii) the general election expenditure limit under section 503(b).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer, employee, or agent of any political committee who knowingly consents to any expenditure in violation of the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(b) Use of Benefits.—(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, such benefit or such portion other than in the manner provided in this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) False Information.—(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) Kickbacks and Illegal Payments.—(1) It is unlawful for any person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by any eligible candidate or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"Sec. 509. (a) Judicial Review.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) Application of Title 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) Agency Action.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"Sec. 510. (a) Appearances.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 509 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) Institution of Actions.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) Injunctive Relief.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) Appeals.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"Sec. 511. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 as benefits available to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507 or 506(d)(2), and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) Rules and Regulations.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Statement to Senate.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 512. There are authorized to be appropriated to the Commission such sums as may be necessary for the purpose of carrying out its functions under this title."

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1993, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1993, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1993, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all other provisions of, and amendments made by, this Act shall be treated as valid.

SEC. 102. BAN ON CONTRIBUTIONS TO SENATE CANDIDATES BY POLITICAL ACTION COMMITTEES.

(a) IN GENERAL.—Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) No contributions may be made to a candidate for the office of United States Senator or such candidate's authorized committees other than contributions made by—

"(1) individuals; or

"(2) a political committee of the political party with which such candidate is affiliated."

(b) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after the date of the enactment of this Act.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. BROADCAST RATES.

(a) PROVISIONS RELATING TO LOWEST UNIT COST.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended by adding at the end thereof the following new paragraphs:

"(2) In the case of a candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971)—

"(A) paragraph (1)(A) shall be applied without regard to the phrase 'class and'; and

"(B) if the broadcast time exceeds 30 seconds, the lowest unit cost for such time shall not be greater than the rates for broadcasts of 30 seconds.

"(3)(A) In the case of candidates for United States Senator in a general election (as defined in section 501(4) of such Act), this subsection (other than paragraph (2)(A)(iii)) shall apply to a broadcast of such candidate only if such candidate is an eligible candidate (as defined in section 501(2) of such Act).

"(B) In the case of any eligible candidate for United States Senator, the rates under paragraph (1)(A) shall apply to any broadcast during the general election period (as defined in section 501(5) of such Act) rather than the 60-day period referred to in such paragraph."

(b) PREEMPTION RULES; VOUCHERS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f) and by inserting after subsection (b) the following new subsections:

"(c)(1) In the case of a legally qualified candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971), a licensee shall not preempt the use, during any period the rates under subsection (b)(1)(A) are in effect, of a broadcasting station by such candidate who has purchased such use pursuant to subsection (b).

"(2) Paragraph (1) shall not apply if the program during which the candidate's broadcast was to air is unavoidably preempted.

"(d) A licensee shall—

"(1) accept voter communications vouchers provided to an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act) under section 504(a) of such Act; and

"(2) shall, upon presentation of such vouchers, provide broadcast time to such candidate subject to the same conditions and rates as apply to other broadcast time such candidate may purchase, except that—

"(A) no time shall be required to be provided without at least 7 days advance notice; and

"(B) in the case of broadcast time in the licensee's prime time, the licensee shall be required to provide—

"(i) not more than 5 minutes of such time during each of the weeks in the 5-week period ending on the date of the general election; and

"(ii) only one broadcast per day per candidate in such time.

(c) CONFORMING AMENDMENT.—Section 315(b) of the Communications Act of 1934 is amended—

(1) by inserting "(1)" before "The charges"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

SEC. 104. PREFERENTIAL RATES FOR MAIL.

(a) REDUCED RATES.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"(a) The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1).

"(b) Subsection (a) shall cease to apply to any candidate for any campaign when the total amount paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) of subsection (a) exceeds 5 percent of the amount of the general election expenditure limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971."

(b) AUTHORIZATION.—Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)-(h)" and inserting "3626(a)-(h), and 3629".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates."

SEC. 105. DISCLOSURE BY NON-ELIGIBLE CANDIDATES.

Subparagraph (B) of section 318(a)(1) of FECA (2 U.S.C. 441d(a)(1)), as amended by section 308, is amended by—

(1) striking "and" at the end of clause (ii);

(2) striking out the period at the end of clause (iii) and inserting in lieu thereof "; and"; and

(3) adding at the end thereof the following:

"(iv) if paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible candidate (as defined in section 501(2)), or the authorized committee of such candidate, such communication shall contain a statement, in compliance with such rules as the FCC shall issue, in consultation with the FEC, from time to time, disclosing that this candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.

SEC. 106. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 502(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible candidate under section 503(b). Such declaration shall be filed at the time provided in section 502(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible candidate under section 502; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 70 percent of the general election expenditure limit applicable to an eligible candidate under section 503(b),

shall file a report with the Secretary of the Senate within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 133⅓ percent of such limit) with the Secretary of the Senate within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓ percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or

(2), notify each eligible candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 503(b), shall certify, pursuant to the provisions of subsection (e), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled under section 504(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 503(b), certify (pursuant to the provisions of subsection (e)) to the Secretary of the Treasury such candidate's eligibility for payment of any amount under section 504(a).

"(b) INDEPENDENT EXPENDITURES.—(1)(A) Any person who makes, or obligates to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000 shall report as provided in this subsection.

"(B) If 2 or more persons, in cooperation, consultation, or concert with each other, make, or obligate to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000, each such person shall report as provided in this subsection with respect to the independent expenditures so made by all such persons.

"(2) Any person referred to in paragraph (1) shall report the amount of the independent expenditures made or obligated to be made not later than 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, such person shall report independent expenditures not later than 24 hours after each time the additional aggregate amount of such expenditures incurred or obligated (and not yet reported under this paragraph) exceeds $10,000.

"(3) Each report under this subsection shall be filed with the Secretary of the Senate, or with the Commission in the case of political committees required to register and report to the Commission under other provisions of this Act and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii) of section 304; and

"(B) a statement under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat.

"(4)(A) A person may file a complaint with the Commission if such person believes the statement under paragraph (3)(B) is false or incorrect.

"(B) The Commission, not later than 3 days after the filing of a complaint under subparagraph (A), shall make a determination with respect to such complaint.

"(5) The Commission shall, within 24 hours of receipt of a report under this subsection, notify each eligible candidate (as defined in section 501(2)) in the election involved about such report.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any election for the United States Senate which in the aggregate exceed the applicable amounts under paragraph (2). The Commission shall notify each eligible candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (5) or (6) with respect to expenditures during a general election period, the Commission shall, pursuant to subsection (e), certify to the Secretary of the Treasury eligibility to receive benefits under section 504(a).

"(c) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than $250,000 during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible candidate in the general election involved about each such determination.

"(d) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual, shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate to the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(e) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this Act to the Commission as soon as possible (but no later than 4 working hours) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 438(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 438(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V."

SEC. 107. OTHER DEFINITIONS.

(a) ELECTION CYCLE DEFINED.—Section 301 of FECA (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election."

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

SEC. 201. COOPERATIVE EXPENDITURES NOT TREATED AS INDEPENDENT EXPENDITURES.

(a) TREATMENT OF COOPERATIVE EXPENDITURES.—(1) Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "The term 'independent expenditure' shall not include any cooperative expenditure."

(2) Paragraph (9) of section 301 of FECA (2 U.S.C. 431(9)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as an expenditure made by the candidate on whose behalf, or for whose benefit, the expenditure was made."

(3) Paragraph (8) of section 301 of FECA (2 U.S.C. 431(8)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure was made."

(b) COOPERATIVE EXPENDITURE DEFINED.—Section 301 of FECA (2 U.S.C. 431), as amended by section 107(a), is amended by adding at the end thereof the following new paragraph:

"(21)(A) The term 'cooperative expenditure' means any expenditure which is made—

"(i) with the cooperation of, or in consultation with, any candidate or any authorized committee or agent of such candidate; or

"(ii) in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

"(B) The term 'cooperative expenditure' includes an expenditure if—

"(i) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;

"(ii) in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policy-making position; or

"(iii) the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(iv) the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office;

"(v) the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(vi) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(C) The term 'cooperative expenditure' includes an expenditure if such expenditure—

"(i) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that is established, administered, controlled, or financially supported, directly or indirectly, by a connected organization that is required to register, or pays for the services of a person who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(ii) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that has made a contribution to the candidate or authorized committee."

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates; and

"(iii) provide the licensee a copy of the statement described in section 304A(b)(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(3)(B)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of the Federal Election Campaign Fund pursuant to section 504(a)(3) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b)."

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response."

SEC. 203. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)), as amended by section 308, is further amended by adding at the end thereof the following new paragraph:

"(3) A communication described in paragraph (1) that is paid for through an independent expenditure—

"(A) in the case of a television broadcast, shall include a prominent display in compliance with such rules as the FCC shall issue, in consultation with the FEC, from time to time, stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

"(B) in the case of any audio broadcast (including a television broadcast), shall include an audio statement at the conclusion of the broadcast in compliance with such rules as the FCC shall issue, in consultation with the FEC, from time to time, stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

"(C) in the case of a newspaper, magazine, outdoor advertising facility, mass mailing or other type of general public political advertising, shall include a prominent display in compliance with such rules as the FCC shall issue, in consultation with the FEC, from time to time, stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 211. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 102, is amended by inserting at the end thereof the following new subsection:

"(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family (as defined in section 501(6)) may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors."

SEC. 212. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by inserting at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mass mailings mail (including mass mail fund solicitations) or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period (not in excess of 60 days) for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished (the date of the mailing in the case of advertising by a mass mailing)."

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 215. LIMITATIONS ON CONTRIBUTIONS TO STATE POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees designated by State committees of a political party for purposes of paragraphs (1)(C) and (2)(C)."

SEC. 216. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures for activities described in section 325(b) (1) and (2) with respect to the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e)."

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (v) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;";

(B) in clause (xi)—

(i) by striking "direct mail" and inserting "mass mailing"; and

(ii) by striking the semicolon at the end thereof and inserting "and are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;"; and

(C) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clause (iv) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;"; and

(B) by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA, as amended by section 102, is amended by inserting after section 324 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 325. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on the date which is 60 days before the primary election for any regularly scheduled general election for Federal office; and

"(B) ending on the date of the general election.

"(c) TRANSFERS BETWEEN COMMITTEES.—(1) Except as provided in paragraph (2), the limitations on contributions contained in paragraphs (1) and (2) of section 315(a) shall apply to transfers between and among political committees described in subsection (a).

"(2)(A) A national committee may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Subparagraph (A) and paragraph (1) shall not apply to contributions that—

"(i) are to be transferred to a State committee for use directly for activities described in subsection (b)(3); or

"(ii) are to be used by the committee primarily to support such activities."

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 325(b) (1) and (2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)). This paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4). No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990."

(3) Paragraph (4) of section 315(a) (2 U.S.C. 441a(a)(4)) is amended by striking the first sentence thereof.

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 201(b), is amended by adding at the end thereof the following new paragraph:

"(22) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate."

SEC. 217. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 211, is amended by adding at the end thereof the following new subsection:

"(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, or are not from sources prohibited by this Act with respect to elections to Federal office.

"(2) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(3) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law."

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(l) TAX-EXEMPT ORGANIZATIONS.—(1) Except as provided in paragraph (2), if an individual—

"(A) established, maintains, or controls any organization described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) is a candidate for, or holds, Federal office at any time during any calendar year, such individual may not solicit contributions to, or accept contributions on behalf of, such organization from any person during such calendar year which, in the aggregate, exceed $5,000.

"(2) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns."

SEC. 218. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 325).

"(3) Any political committee to which section 325 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 325(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election (as determined by the Commission).

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a)."

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraphs (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported."

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraph (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported."

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end thereof the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election."

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information."

(f) REPORTS BY LARGE CONTRIBUTORS.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (e), is amended by adding at the end thereof the following new subsection:

"(f) REPORTS BY LARGE CONTRIBUTORS.—(1) Any individual who makes contributions subject to the limitations of section 315(a)—

"(A) shall report to the Commission within 7 days after such contributor makes contributions aggregating $10,000 or more during any calendar year; and

"(B) thereafter, shall report to the Commission within 7 days after each time such contributor makes contributions (not yet reported) aggregating $5,000 or more.

Any report shall include identification of the contributor, the name of the candidate or committee to whom the contributions were made, and the amount of the contributions.

"(2) Any candidate for Federal office, any authorized committee of a candidate, or any political committee soliciting contributions subject to the limitations of section 315(a) shall include with such solicitation notice of—

"(A) the requirement to report under paragraph (1); and

"(B) the aggregate limitation on such contributions under section 315(a)(3)."

Subtitle C—Contributions

SEC. 221. LIMITS ON CONTRIBUTIONS BY CERTAIN POLITICAL COMMITTEES.

(a) LIMITATION ON AMOUNT OF CONTRIBUTIONS THAT MAY BE ACCEPTED.—Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by section 216, is amended—

(1) in paragraph (1) by striking "(2) and (3)" and inserting "(2), (3), (6), and (7)"; and

(2) by adding at the end thereof the following new paragraphs:

"(6) A congressional campaign committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which such committee may make pursuant to section 315(d)(3) during that election cycle.

"(7) A national committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed an amount equal to 2 cents multiplied by the voting age population of the United States, as certified under subsection (e).

"(8)(A)(i) Any expenditure made by a national or State committee of a political party, a congressional campaign committee, or any subordinate committee of the preceding committees, for general public political advertising which clearly identifies a candidate for Federal office by name shall be subject to the limitations of paragraphs (1) and (2).

"(ii) Clause (i) shall not apply to expenditures for mass mailings designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.

"(B) For purposes of paragraph (3), any expenditure by a committee described in subparagraph (A) for any solicitation of contributions which clearly identifies any candidate on whose behalf such contributions are being solicited shall be treated for purposes of this paragraph as an expenditure in connection with the general election campaign of such candidate, except that if more than 1 candidate is identified, such expenditure shall be allocated on a pro rata basis among such candidates."

(b) CONGRESSIONAL CAMPAIGN COMMITTEE.—Section 301 of FECA (2 U.S.C. 431), as amended by section 216(d), is amended by adding at the end thereof the following new paragraph:

"(23) The term 'congressional campaign committee' means the Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, the Democratic Congressional Campaign Committee, and the National Republican Congressional Committee."

(c) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 222. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is—

"(I) a political committee other than an authorized committee;

"(II) an officer, employee, or agent of such a political committee; or

"(III) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(IV) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C) For purposes of this section—

"(i) the term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, including contributions arranged to be made in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting; and

"(ii) the term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient."

SEC. 223. EXCESS CAMPAIGN FUNDS.

(a) IN GENERAL.—Section 313 of FECA (2 U.S.C. 439a) is amended by inserting "(a)" before "Amounts", and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding subsection (a), amounts described in subsection (a) that otherwise may be used to defray the costs of any ordinary and necessary expenses incurred in connection with an individual's duties as a holder of the office of United States Senator shall not be used to defray such costs which are expenditures with respect to such individual.

"(2) For purposes of subsection (a), ordinary and necessary expenses for the travel of the spouse or children of an individual holding the office of United States Senator between Washington, D.C. and the State from which such individual holds such office shall be treated as in connection with such individual's duties as a holder of Federal office unless such expenditures are expenditures with respect to such individual.

"(3) For purposes of this subsection, the term 'expenditure' has the meaning given such term by section 501(13)."

(b) CONTRIBUTIONS TO OFFICIAL OFFICE ACCOUNTS.—Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) A political committee (other than the principal campaign committee of a holder of Federal office) shall not make any contribution, expenditure, or disbursement, or transfer any amount, for the purpose of defraying expenses incurred by the holder of Federal office in connection with the officeholder's official duties.

SEC. 224. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 217, is amended by adding at the end thereof the following new subsection:

"(m) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them."

Subtitle D—Reporting Requirements

SEC. 231. REPORTING REQUIREMENTS.

(a) PERIODS FOR REPORTING.—(1) Section 304(b)(2) of FECA (2 U.S.C. 434(b)(2)) is amended by striking "for the reporting period and calendar year," and inserting "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(4) of FECA (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(3) Section 304(b)(3) of FECA (2 U.S.C. 434(b)(3)) is amended by inserting "(within the election cycle in the case of authorized committees)" after "calendar year" in subparagraphs (A), (F), and (G) thereof.

(4) Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "(within the election cycle in the case of authorized committees)" after "calendar year".

(5) Section 304(b)(6)(A) of FECA (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(b) PERSONAL AND CONSULTING SERVICES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

TITLE III—FEDERAL ELECTION COMMISSION

SEC. 301. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate."

SEC. 302. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end thereof;

(2) in subparagraph (B) by striking the period at the end thereof and inserting "; and"; and

(3) by inserting the following new subparagraph at the end thereof:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year."

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 303. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) ACTION BY THE COMMISSION THROUGH ITS GENERAL COUNSEL.—(1) Section 306(c) of FECA (2 U.S.C. 437c(c)) is amended to read as follows:

"(c)(1) Subject to paragraph (2), all decisions of the Commission with respect to the exercise of its duties and powers under this Act or under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be made by the affirmative vote of 4 members of the Commission.

"(2) On questions relating to—

"(A) the exercise of the Commission's authority under sections 307(a) (3) and (4);

"(B) a determination under section 309(a)(2) concerning whether there is reason to believe that a person may have committed or may be about to commit a violation of law; and

"(C) a determination to initiate or proceed with an investigation,

the general counsel of the Commission shall make a recommendation for action by the Commission, and such action shall be taken upon the affirmative vote of 3 members of the Commission.

"(3) A member of the Commission may not delegate to any person the member's power to vote or any other decisionmaking authority or duty vested in the Commission."

(2) Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking ", by an affirmative vote of 4 of its members,".

(b) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by inserting at the end thereof the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed."

(c) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence thereof; and

(2) by striking the third sentence thereof.

SEC. 304. RETENTION OF FEES BY THE COMMISSION.

Section 306 of FECA (2 U.S.C. 437c) is amended by inserting at the end thereof the following new subsection:

"(g) Fees collected by the Commission for copying and certification of records and provision of other materials to the public shall not be covered into the general fund of the Treasury of the United States, but shall be kept in a separate account and shall be available to the Commission, without necessity of an appropriation, for use in carrying out this Act."

SEC. 305. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 306. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1986."

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation."

(c) TIME PERIODS FOR CONCILIATION.—Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by striking "30 days" and inserting "15 days";

(2) in clause (i) by striking "90 days" and inserting "60 days"; and

(3) in clause (ii) by striking "at least 15 days" and inserting "no more than 30 days".

SEC. 307. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), and subject to the provisions of section 507, the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process."

SEC. 308. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended to read as follows:

"(a)(1)(A) Except as permitted under paragraph (2), if—

"(i) any person makes an expenditure or independent expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or solicits a contribution by a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising; or

"(ii) an authorized committee registered under section 303 makes a communication of any kind,

the requirements of subparagraph (B) shall be met with respect to such communication.

"(B) Subject to section 315(b)(2)(A)(iii) of the Communications Act of 1934, for the purposes of subparagraph (A)—

"(i) if the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or its agents, the communication shall clearly state that the communication has been paid for by such candidate or authorized committee;

"(ii) if the communication is paid for by other persons but authorized by a candidate, an authorized committee of a candidate, or its agents, the communication shall clearly state that the communication is paid for by such other persons and authorized by such candidate or authorized committee; and

"(iii) if the communication is paid for by an independent expenditure, the communication shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's authorized committee.

"(2) The Commission may waive the requirements of paragraph (1) in circumstances in which the inclusion of the required information in a communication would be impracticable."

SEC. 309. FRAUDULENT SOLICITATION OF CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting "(a)" before "No"; and

(2) by inserting at the end thereof the following new subsection:

"(b) No person shall—

"(1) make a fraudulent misrepresentation that the person is authorized to solicit or accept a contribution to a candidate or political committee; or

"(2) solicit or accept a contribution to a candidate or political committee unless the person—

"(A) intends to, and does, pay over to the candidate or political committee any contribution received; and

"(B) inform the candidate or political committee of the name of the contributor."

TITLE IV—PROVISIONS RELATING TO CONGRESSIONAL MASS MAILINGS

SEC. 401. RESTRICTIONS ON FRANKED CONGRESSIONAL MASS MAILINGS EXCEEDING APPROPRIATED FUNDS.

Section 3216(c) of title 39, United States Code, is amended by inserting "(1)" after "(c)" and by adding at the end thereof the following new paragraph:

"(2)(A) If, at any time during a fiscal year, the Postal Service determines that the postage on and fees and charges in connection with matter mailed under the frank by the Senate during that year have exhausted the amount appropriated for use by the Senate, then no more mass mailings (as defined in section 3210(a)(6)(E)) may be mailed by any Member of the Senate during the remainder of that fiscal year, unless additional funds are appropriated for use by the Senate and paid to the Postal Service.

"(B) If, at any time during a fiscal year, the Postal Service determines that the postage on and fees and charges in connection with matter mailed under the frank by the House of Representatives during that year have exhausted the amount appropriated for use by the House of Representatives, then no more mass mailings (as defined in section 3210(a)(6)(E)) may be mailed by any Member of the House of Representatives during the remainder of that fiscal year, unless additional funds are appropriated for use by the House of Representatives and paid to the Postal Service.".

SEC. 402. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

(a) AMENDMENT OF TITLE 39.—(1) Section 3210(a)(6)(A) of title 39, United States Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II), by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(2) Section 3210(a)(6)(C) of title 39, United States Code, is amended by striking "fewer than 60 days immediately before the date" and inserting "during the year".

SEC. 403. REPORTING AND PUBLICATION OF FRANKED MASS MAILINGS.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register annually with the Clerk of the House of Representatives such mass mailings. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

SEC. 404. TRANSFERS OF OFFICIAL MAIL COSTS.

(a) PROHIBITION OF TRANSFERS TO CANDIDATES.—(1) During any fiscal year in which appropriations for official mail costs of the Senate are allocated among offices of the Senate, no such office may transfer any of its allocation to the office of a Member of the Senate who is a candidate for Federal office.

(2) During any fiscal year in which appropriations for official mail costs of the House of Representatives are allocated among offices of the House of Representatives, no such office may transfer any of its allocation to the office of a Member of the House of Representatives who is a candidate for Federal office.

(b) REPORTING AND PUBLICATION.—(1)(A) Each office of the Senate that transfers or receives a transfer of an official mail cost allocation to or from another Senate office shall report to the Sergeant at Arms and Doorkeeper of the Senate—

(i) the name of the office to which the transfer is made or from which the transfer was received;

(ii) the amount of the transfer;

(iii) the amount of the allocation made to the office for the fiscal year;

(iv) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

(v) the amount of the allocation remaining available to the office for the fiscal year.

(B) The information reported to the Sergeant at Arms and Doorkeeper of the Senate pursuant to subparagraph (A) shall be published quarterly in the Congressional Record and included in the semiannual report of the Secretary of the Senate.

(C) Not later than 30 days after the date of enactment of this Act, all offices of the Senate that have transferred or received a transfer of official mail cost allocations to or from another office of the Senate during fiscal year 1990 shall report to the Sergeant at Arms and Doorkeeper of the Senate the information described in paragraph (A) with respect to such transfers, and such information shall be published in the Congressional Record.

(2)(A) Each office of the House of Representatives that transfers or receives a transfer of an official mail cost allocation to or from another office of the House of Representatives shall report to the Commission on Congressional Mailing Standards of the House of Representatives—

(i) the name of the office to which the transfer is made or from which the transfer was received;

(ii) the amount of the transfer;

(iii) the amount of the allocation made to the office for the fiscal year;

(iv) the total amount of allocations that have been transferred by and to the office to date during the fiscal year; and

(v) the amount of the allocation remaining available to the office for the fiscal year.

(B) The information reported to the Commission on Congressional Mailing Standards of the House of Representatives pursuant to subparagraph (A) shall be published quarterly in the Congressional Record and included in the quarterly report of the Clerk of the House of Representatives.

SEC. 405. USE OF OFFICIAL EXPENSE ACCOUNTS AND OTHER SOURCES OF FUNDS FOR MASS MAILINGS.

Section 506(a)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(3)) is amended by striking subparagraph (A).

SEC. 406. AMENDMENT OF FECA.

Section 301 of FECA (2 U.S.C. 431), as amended by section 221(c), is amended by adding at the end thereof the following new paragraph:

"(24) The term 'mass mailing' means newsletters and similar mailings of more than 100 pieces in which the content of the matter mailed is substantially identical, excluding—

"(A) mailings made in direct response to communications from persons to whom the matter is mailed;

"(B) mailings to Federal, State, or local government officials; and

"(C) news releases to the communications media."

TITLE V—MISCELLANEOUS

SEC. 501. RESTRICTION OF CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY INCUMBENTS IN OR CANDIDATES FOR FEDERAL OFFICE.

Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end thereof the following new subsection:

"(j) An incumbent in or candidate for Federal office may not establish, maintain, or control a political committee, other than an authorized committee of the candidate or a committee of a political party."

SEC. 502. POLLING DATA CONTRIBUTED TO A SENATORIAL CANDIDATE.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 218, is amended by inserting at the end thereof the following new subparagraph:

"(E) A contribution of polling data to a candidate for the office of United States Senator shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.

SEC. 503. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1993.

ANALYSIS OF THE KERRY-BIDEN-BRADLEY CAMPAIGN SPENDING REFORM BILL OF 1991

The Kerry-Biden-Bradley bill is based on the Mitchell-Boren-Ford-Kerry substitute to S. 137 passed by the Senate last year.

The bill reforms current federal election laws by setting forth spending limits and a system for voluntary public funding of general Senate elections, according to a formula of a 10 percent threshold of individual contributions of $250 or less, half from the candidate's state; 20 percent vouchers for broadcast communications; and 70 percent funds, voluntarily designated by the public.

In addition, to promote participation by voters within a candidate's state, the bill creates an exemption from spending caps for contributions of $100 or less from those voters, for a system of "flexible spending limits," such as recommended by the bipartisan commission on campaign reform last spring.

The bill also provides that broadcast advertisements by eligible candidates may not be pre-empted for other advertisements, while insuring that they pay the lowest or pre-emptible rate.

Like the bill passed last year by the Senate, this bill establishes a voluntary system of spending limits tied to public benefits for candidates to the United States Senate in general elections, including public funding of general elections, beginning in the first election held in 1992. The bill establishes a number of conditions to which a candidate must agree as a condition of eligibility for public benefits.

To be eligible for public benefits, a candidate must have received contributions from individuals in an amount based on the population of the State from which the candidate seeks office. The qualifying threshold of contributions would range from $150,000 in the less populated States to $650,000 in the States with the highest populations based on the formula of 10 cents multiplied by the voting age population of the State. Such contributions must be raised from individuals in amounts of $250 or less, with at least 55 percent from in-state donors.

All candidates who wish to receive public benefits must agree to limit expenditures in the general election campaign to $400,000, plus 30 cents times the voting age population of the State up to four million population, plus 25 cents times the voting age population in excess of four million, but in no case less than $950,000, nor more than $5.5 million. Participating candidates would also be limited in expenditures or loans of their personal and immediate family's funds to $250,000; in expenditures in a primary election to the lesser of $2,750,000 or 67 percent of the State's general election limit; and in expenditures in a runoff election to 20 percent of the general election spending limit. All such limits will be annually adjusted to account for inflation, and an additional 15 percent of the general election limit will be allowed for legal and accounting fees spent to insure compliance with the Act.

A participating candidate will be entitled to receive in the general election: vouchers to 20 percent of the amount of the spending cap, public funds to the amount of 70 percent of the spending cap; lowest unit rates for broadcast advertising; lower postal rates for first- and third-class mailings (up to 5 percent of the general election limit); and direct payments equal to the total independent expenditures made against that candidate or for his opponent in the general election.

The Supreme Court in *Buckley* v. *Valeo*, 424 U.S. 1, 57 (n.65) 85-76 (1976) has upheld as constitutional voluntary expenditure limitations on campaign spending by candidates who receive public benefits. While those candidates who do not accept public benefits may not be subject to such limitations, they are required by this bill to file certain reports.

In light of Buckley, the bill contains explicit findings by the Senate as to the necessity for limiting expenditures by candidates, PAC contributions to candidates, and cooperative expenditures, in order to reform effective and restore confidence in the Congress.•

By Mr. MITCHELL (for Mr. CRANSTON):

S. 129. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer; to the Committee on Finance.

EXCLUDING FROM GROSS INCOME THE VALUE OF CERTAIN TRANSPORTATION FURNISHED BY AN EMPLOYER

• Mr. CRANSTON. Mr. President, right now, much of the problem we experience dealing with air pollution, traffic congestion, global warming, and oil dependency directly relates to our national love affair with the automobile. Trying to get people out of their cars and into other forms of transportation has proved to be difficult at best.

Unfortunately, under current law, we place other forms of transportation, such as mass transit, van pooling, buses, et cetera, at a disadvantage when it comes to competing with the automobile. Our Tax Code discourages the use of these alternate forms of transportation by taxing employees on the value of employer-provided benefits like van pools and transit passes while at the same time promoting the use of automobiles by allowing an employee to exclude the value of employer-provided free parking from his or her gross income.

An employee who receives transit passes from an employer may only exclude up to $15 each month. If the employee receives $1 more than this amount then the entire amount of the pass becomes taxable—this is known as the tax cliff.

My bill would rectify this inequitable situation by raising the value of the transit pass exclusion to $30 per month and eliminate the tax cliff.

In California, traffic congestion is a fact of life. Part of the problem stems from the absence of viable alternatives to the car and the sheer number of vehicles on the road. These same factors have also contributed to the deteriorating air quality in many California cities. Over the next decade, the population will continue to increase, further aggravating these problems.

We need to implement policies aimed at getting people out of their cars. We do this by establishing incentives and providing workable alternatives. We must not penalize, as we do now, people who take advantage of the alternatives that exist today. As a first step, we must correct the current inequity in the Tax Code which promotes free parking and the use of the automobile and discourages mass transit, van pooling and buses.

Good transportation, environmental and energy policy requires that at the very least, we place van pooling, mass transit, buses and other forms of transportation on a level playing field with the automobile.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUALIFIED TRANSPORTATION BENEFITS PROVIDED BY EMPLOYER.

(a) IN GENERAL.—Section 132(a) of the Internal Revenue Code of 1986 (relating to certain fringe benefits) is amended—

(1) by striking "or" at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting ",or", and

(3) by adding at the end thereof the following new paragraph:

"(5) qualified transportation benefit."

(b) QUALIFIED TRANSPORTATION BENEFIT.—Section 132 of such Code is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

"(k) QUALIFIED TRANSPORTATION BENEFIT.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified transportation benefit' means—

"(A) transportation in a commuter highway vehicle between the employee's residence and place of employment, and

"(B) any transit pass.

"(2) LIMITATION ON EXCLUSION FOR TRANSIT PASSES.—In the case of qualified transportation benefit described in paragraph (1)(B), the amount excluded from gross income under subsection (a) shall not exceed $30 per month.

"(3) ADDITIONAL REQUIREMENTS.—Subsection (a) shall not apply to the value of any qualified transportation benefit unless—

"(A) such benefit is provided under a separate written plan of the employer which does not discriminate in favor of employees who are officers, shareholders, or highly compensated employees, and

"(B) the plan provides that such benefit is provided in addition to (and not in lieu of) any compensation otherwise payable to the employee.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) TRANSIT PASS.—The term 'transit pass' means any pass, token, farecard, voucher, or similar item entitling a person to transportation on mass transit facilities (whether or not publicly owned).

"(B) COMMUTER HIGHWAY VEHICLE.—The term 'commuter highway vehicle' means any highway vehicle—

"(i) the seating capacity of which is at least 7 adults (not including the driver), and

"(ii) at least 80 percent of the mileage use of which can reasonably be expected to be—

"(I) for purposes of transporting employees between their residences and their place of employment, and

"(II) on trips during which the number of employees transported for such purposes is at least ½ of the adult seating capacity of such vehicle (not including the driver).

"(C) TRANSPORTATION PROVIDED BY EMPLOYER.—Transportation referred to in paragraph (1)(A) shall be considered to be provided by an employer if such transportation is furnished in a commuter highway vehicle operated by or for the employer.

"(D) EMPLOYEE.—The term 'employee' does not include an individual who is an employee (within the meaning of section 401(c)(1)."

(b) CONFORMING AMENDMENT.—Section 132(h)(1) of such Code is amended by striking "and (2)" and inserting ", (2), and (5)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.●

By Mr. PRESSLER:

S. 130. A bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that no State may allow a low-level radioactive waste facility to be constructed within 50 miles of another State's border without the approval of that State's legislature; to the Committee on Energy and Natural Resources.

S. 131. A bill to allow a host compacting State to contract with another compact for disposal of low-level radioactive waste; to the Committee on Energy and Natural Resources.

S. 132. A bill to amend the Low-Level Radioactive Waste Policy Act to require compact States transporting waste to a compact's disposal facility to use routes within that compact; to the Committee on Energy and Natural Resources.

LOW-LEVEL RADIOACTIVE WASTE POLICY IMPROVEMENTS LEGISLATION

● Mr. PRESSLER. Mr. President, I rise today to introduce three bills addressing the disposal of low-level radioactive waste. I first introduced these bills at the end of the 101st Congress. Unfortunately, time did not permit us to act on those bills. That is why I am reintroducing them today.

In 1980 and again in 1985, Congress passed major legislation laying out a plan for States to dispose of their low-level radioactive waste. These bills encouraged the formation of multistate compacts for the purpose of disposing of low-level radioactive waste generated within each compact's borders. These compacts are congressionally approved and therefore can exclude waste from other States not part of the compact without violating the interstate commerce clause of the Constitution.

In South Dakota we are facing a unique and very serious problem. The Central States Low-Level Radioactive Waste Compact, comprised of Nebraska, Oklahoma, Louisiana, Arkansas, and Kansas, has selected a site for its compact disposal facility in Boyd County, NE, roughly 5 miles from the South Dakota border. Many South Dakotans will be affected by the placement of the disposal facility virtually on its border, but they have no say in the siting process. This is not fair. In my view, placing a disposal facility on a neighboring State's border flies in the face of the intent of the Low-Level Radioactive Waste Policy Act. Recognizing that the problems South Dakota faces may well be shared by many other States across the country, I am today reintroducing three bills addressing various aspects of this problem.

My first bill would prohibit a State hosting its compact's disposal facility from placing that facility within 50 miles of another State's border without the approval of that State's legislature. This is simply a question of fairness. The potential effects of a disposal facility do not stop at a State border. My bill ensures that the citizens of border States, like South Dakota, have a voice in siting decisions.

The second bill I am reintroducing today would allow a compact host State to contract with another compact for disposal of its low-level radioactive waste. There are some who maintain that we will not need as many disposal facilities as are planned currently, with nine multistate compacts and eight unaffiliated States. We should allow the compact host States to enter into an agreement with another compact if they so choose. Obviously, both sides must agree. This is beneficial to all parties.

I have worked closely with the State of South Dakota officials on this issue. I received the original drafts of these two bills from our Governor and commend him for his work on this important matter.

My third bill addresses the transportation aspect of low-level radioactive waste. It would amend the Low-Level Radioactive Waste Policy Act to require States, to the greatest extent practicable, to use routes within their own compact when shipping waste to a compact disposal facility. Obviously, some compacts are not contiguous; therefore, my bill would not apply in such cases. However, as a matter of responsibility, whenever safe routes are available within a compact, they should be used. It simply is not right that South Dakota roads could be used to haul the Central States Compact's waste to its disposal facility in Nebraska, if safe routes are available within the compact's borders.

In the final days of the 101st Congress, an amendment I proposed was adopted to the Independent Safety Board Authorization bill that requires the Department of Transportation to conduct a thorough study on several aspects of the transportation of low-level radioactive waste. The results of this study will be extremely beneficial in determining the current practices and problems associated with shipping low-level waste to disposal sites. I am pleased Congress passed my amendment and look forward to seeing the results of the study.

Mr. President, I am fully aware of the controversial nature of radioactive waste policy all over the country. Many in Congress would rather not deal with the issue at all. They would rather not reopen this can of worms. But the problems will only get worse if we ignore them. The bills I am introducing today represent an attempt to improve and clarify current law and avoid future misunderstandings. I certainly understand that we must develop responsible ways of disposing of our Nation's low-level radioactive waste. However, when a multistate compact places its disposal facility in its farthest corner, virtually on another State's border, this is a blatant attempt to export the risks associated with it. That is not responsible and should not be allowed without the formal approval of the bordering State.

Mr. President, I urge my colleagues to join me in sponsoring these bills and ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL OF REGIONAL DISPOSAL FACILITIES LOCATED NEAR STATE BORDERS.

Section 4 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d) is amended by adding at the end the following new subsection:

"(e) APPROVAL OF REGIONAL DISPOSAL FACILITIES LOCATED NEAR STATE BORDERS.—No State may, after the date of enactment of this subsection, license a regional disposal facility for low-level radioactive waste to be located within its borders if the facility is to be located within 50 miles of another State's border, until the bordering State's legislature approves the site for the facility.".

S. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTRACTS FOR THE DISPOSAL OF WASTE.

Section 4 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding the prior congressional approval of any regional compact for disposal of low-level radioactive waste, no compact formed under the authority of subsection (a)(2) shall be construed to restrict the authority of a host State to contract with another compact for the disposal of low-level radioactive waste that the host State is responsible for disposing of during its tenure as a host State.".

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSPORATION OF LOW-LEVEL RADIOACTIVE WASTE TO REGIONAL DISPOSAL FACILITIES.

Section 4 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d) is amended by adding at the end thereof the following new subsection:

"(e) States transporting low-level radioactive waste to a regional disposal facility established and operated under an interstate compact pursuant to this section shall, to the maximum extent practicable, use routes which are within the geographic borders of the States that are party to the compact.•

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 134. A bill to establish a U.S. Marshals Association; to the Committee on the Judiciary.

UNITED STATES MARSHALS ASSOCIATION

Mr. THURMOND. Mr. President, I am pleased to introduce today, along with Senator BIDEN, legislation which would establish a United States Marshals Association.

In 1989, the U.S. Marshals Service celebrated its bicentennial anniversary. Created by the First Congress in the Judiciary Act of 1789—the U.S. Marshals and the Federal judicial system were established in the same legislation. George Washington appointed the first 13 marshals, and for the next 150 years the Marshals were the only Federal agency authorized to make arrests and enforce Federal law.

Though best known as the frontier lawmen, U.S. marshals were the first Secret Service men and even took the population census every 10 years until 1870. Because they perform general purpose law enforcement duties, Marshals are often confused with the CIA, FBI, the county sheriff, and other law enforcement agencies.

U.S. marshals, appointed by the President, are under the jurisdiction of the Justice Department. Last year, the 2,694 marshals—including 94 marshals and 2,600 sworn deputies—arrested 15,000 Federal fugitives and approximately 10,000 State fugitives—more than all other Federal law enforcement agencies combined. They protected 505 judicial facilities and 1,611 judges and magistrates. Their responsibilities include not only ensuring security and proper decorum in the courtroom, but also providing personal protection for judges, U.S. attorneys, jurors, and witnesses while away from the court facilities when warranted. Their court security officers detected 55,970 weapons at courthouse checkpoints, and they administered the Witness Security Program with its 5,500 protected witnesses and 6,000 witness family members. The Marshals' National Prisoner Transportation Network transported 92,000 defendants to 333,987 court appearances, and last year the marshals managed more than $1 billion in property seized from alleged lawbreakers in the National Asset Seizure and Forfeiture Program.

I feel it is only appropriate to elevate and strengthen public knowledge of law enforcement in general, and the U.S. Marshals Service in particular by introducing this legislation to establish a U.S. Marshals Association. The legislation is modeled after similar legislation which established the National Fish and Wildlife Foundation and the National Park Foundation. Governed by a board of directors, the association would be a charitable and nonprofit corporation and would not be an agency or establishment of the United States. The directors would serve for terms of 4 years, and the legislation requires that they be knowledgeable and/or experienced in law enforcement matters.

I urge my colleagues to support this worthwhile legislation.

By Mr. THURMOND:

S. 135. A bill to provide that a justice or judge convicted of a felony shall be suspended from office without pay; to the Committee on the Judiciary.

SUSPENSION WITHOUT PAY OF CERTAIN JUDGES

Mr. THURMOND. Mr. President, today I am introducing legislation which provides that a justice or judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings.

I believe that the citizens of the United States will agree that those who have been convicted of felonies should not be allowed to continue to occupy positions of trust and responsibility in our Government. Nevertheless, under current constitutional law it is possible for judges to continue to receive a salary and to still sit on the bench and hear cases even after being convicted of a felony. If they are unwilling to resign, the only method which may be used to remove them from the Federal payroll is impeachment.

Currently, the Congress has the power to impeach officers of the Government who have committed treason, bribery, or other high crimes and misdemeanors. Even when a court has already found an official guilty of a serious crime, Congress must then essentially retry the official before he or she can be removed from the Federal payroll. The impeachment process is typically very time consuming and can occupy a great deal of the resources of Congress.

Mr. President, one way to solve this problem would be to amend the Constitution. Today, I am also introducing a Senate resolution providing for forfeiture of office by Government officials and judges convicted of felonies. While I believe that a constitutional amendment may be the best solution to the problem, I am also introducing this statutory remedy to address the current situation.

This legislation will provide that a judge convicted of a felony shall be suspended from office without pay pending the disposition of impeachment proceedings. The Framers of the Constitution could not have intended convicted felons to continue to serve on the bench and to receive compensation once they have violated the law and the trust of the people.

Mr. President, I urge my colleagues to carefully consider this legislation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 136. A bill to extend public land order 6403 relating to the Waste Isolation Pilot Plant, and for other purposes; to the Committee on Energy and Natural Resources.

EXTENSION OF PUBLIC LAND ORDER 6403

• Mr. DOMENICI. Mr. President, I rise today to introduce, along with Senator BINGAMAN, legislation to prevent the Department of the Interior from moving forward with the Department of Energy's application for an administrative withdrawal of the waste isolation pilot plant [WIPP] site in New Mexico.

Our Nation's nuclear defense program has generated large quantities of transuranic waste. This waste, which primarily consist of objects contaminated by plutonium and other manmade radioactive elements, are currently being stored at interim storage sites around the country, including Los Alamos National Laboratory in New Mexico.

The United States has pursued a policy to develop a method to permanently dispose of transuranic waste generated by national defense facilities at a site where they can be safely isolated from the environment. The waste isolation pilot plant is designed to test that policy.

From the beginning, it has been understood that WIPP is to be an experimental facility.

Before any tests with transuranic waste can commence at WIPP, the DOE must have the land on which WIPP is located rewithdrawn from the public domain, as the land withdrawal that permitted WIPP to be constructed at the site expires in June and does not permit tests with transuranic wastes at the site. The land withdrawal can either be done administratively by the Department of the Interior or legislatively by an act of Congress.

Because of my concern for the health and safety of New Mexicans, I oppose DOE's application for an administrative withdrawal of the land on which WIPP is located.

DOE's administrative land withdrawal application is unacceptable because it does not provide adequate health and safety protections for the citizens of New Mexico.

For instance, DOE's administrative land withdrawal application allows DOE to self-certify its compliance with EPA regulations, permits DOE alone to decide whether to conduct an operations demonstration at WIPP, allows DOE to bring up to 10 percent of the waste to WIPP during the test phase, permits DOE to bring remote-handled transuranic waste to WIPP for experiments, and does not provide an oversight role for the environmental evaluation group.

In addition, the proposed administrative land withdrawal does not contain an authorization for needed road improvements and compensation to the State of New Mexico.

Without these provisions, the public cannot be assured that DOE will proceed with WIPP in the safest possible manner.

I, therefore, oppose DOE's administrative land withdrawal application because the administrative land withdrawal does not provide all the protections that are necessary to assure that the citizens of New Mexico are adequately protected.

Only a legislative land withdrawal—with a number of mandated safeguards—can guarantee that the residents of New Mexico are adequately protected.

The legislation that Senator BINGAMAN and I are introducing today would prevent the Department of the Interior from finalizing DOE's administrative land withdrawal application for WIPP and, thus, give Congress the opportunity to enact legislation withdrawing the site, legislation that would mandate a variety of health and safety protections at WIPP.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 136

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WIPP Administrative Land Withdrawal Extension Act of 1991".

SEC. 2. EXTENSION.

Public land order 6403 relating to the land withdrawal for the Waste Isolation Pilot Plant is extended until June 29, 1993.

SEC. 3. REVOCATION OF APPROVAL.

Any approval granted by the Secretary of the Interior on or before the date of the enactment of this Act to an application by the Secretary of Energy—

(1) to make a land withdrawal relating to the Waste Isolation Pilot Plant (other than public land order 6403); or

(2) to modify public land order 6403 relating to the Waste Isolation Pilot Plant;

is hereby revoked and the legal effect of such approval nullified.

SEC. 4. PROHIBITION.

(a) IN GENERAL.—Notwithstanding section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714), and except as provided in section 4 of this Act, the Secretary of the Interior may not after the date of the enactment of this Act issue, modify, extend, or revoke any land withdrawal order relating to the Waste Isolation Pilot Plant unless Congress by law consents to such action.

(b) EMERGENCY WITHDRAWALS.—The prohibition described in subsection (a) includes any emergency withdrawal or other action otherwise permitted under section 204(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714(e)).

SEC. 5. DEFINITION.

As used in this Act, "Waste Isolation Pilot Plant" means the research and development facility authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96-164, 93 Stat. 1265) to demonstrate the safe disposal of radioactive waste materials generated by defense programs.●

● Mr. BINGAMAN. Mr. President, I rise today to join my distinguished colleague from New Mexico in introducing the WIPP Administrative Land Withdrawal Extension Act of 1991. This legislation is necessary in the event the Secretary of Interior approves the application by the Secretary of Energy to withdraw lands in southeastern New Mexico for the waste isolation pilot plant [WIPP]. This legislation would revoke any such action taken by the Secretary of Interior. WIPP was authorized under section 213 of the Nuclear Energy Authorization Act of 1980 as a defense activity of the Department of Energy for the purpose of providing a research and development facility to demonstrate the safe disposal of low level and transuranic radioactive waste from defense activities.

Mr. President, any administrative land withdrawal approved by the Secretary of Interior is premature, inadequate and contrary to the interests of New Mexicans and the nation at large. If WIPP is to open for the receipt of radioactive wastes, we must ensure that WIPP is safe and its operations present no threat to the health of our citizens. An administrative withdrawal provides no such assurances.

My position has always been that prior to any waste being brought to WIPP, the Department of Energy [DOE] must meet its commitment to provide necessary health and safety protections to the people of New Mexico and the Nation as a whole. Unfortunately, an administrative land withdrawal would allow these radioactive wastes to be brought to WIPP before those health and safety requirements are met. This action is not acceptable.

Many important items remain to be completed before the land can be withdrawn and waste begins moving to WIPP. Some of these items include completion of: The WIPP Performance Assessment Plan, the Final Safety Analysis Report [FSAR], the Waste Characterization Plan, final designation of WIPP Routes in New Mexico, and compliance with the conditions contained in the DOE No-Migration Variance Petition approved by the Environmental Protection Agency on October 31, 1990. Without completion of action on these and other important items, New Mexicans cannot be assured that WIPP is ready to receive wastes. Any withdrawal of land at WIPP must be legislative—not administrative. A legislative withdrawal must deal with each of the above issues as well as include restrictions on the amount of waste that can be brought to WIPP for testing, an independent safety oversight role for the Environmental Evaluation Group, an independent group set up under a 1981 consent decree between the State of New Mexico and the Department of Energy, compensation and money for the State of New Mexico to improve the roads leading to WIPP transportation safeguards, and a ban on any high level waste at the site.

I hope the Secretary of Energy will move as expeditiously as possible to resolve all remaining issues and that the Secretary of Interior will refrain from any premature action in withdrawing the land at WIPP before the facility is ready to open for the receipt of waste. Any action to the contrary will surely result in legal action being taken by the State to protect its interests and those of its citizens. I will support such action by the State of New Mexico if the application for the administrative land withdrawal is approved and I will ask the entire New Mexico delegation to join me in that effort.

I urge my colleagues to support this important legislation.●

By Mr. MOYNIHAN:

S. 137. A bill to direct the payment of claims against the United States arising out of damage caused to the vessel *"IVer Chaser"* arising out of the mining of the territorial waters of Nicaragua; to the Committee on the Judiciary.

PAYMENTS OF CLAIMS ARISING FROM THE MINING OF THE TERRITORIAL WATERS OF NICARAGUA

● Mr. MOYNIHAN. Mr. President, on March 28, 1984, a Norwegian freighter struck a mine in the harbor of Corinto, Nicaragua. It is now well known that it was the United States which arranged to have this and other mines placed in Nicaraguan waters. The International Court of Justice has condemned this act as violating both customary international law and a treaty between the United States and Nicaragua. It probably represents the nadir of respect for international law within the counsels of our Government.

I believe that the U.S. Government should acknowledge that this illegal act caused serious damage to a vessel registered under the flag of one of its NATO allies and pay for that damage. Today I am introducing legislation to do just that. The cold war is over. The process of repairing and paying for all of the damage which the cold war mentality wrought will take a long, long time. We can at least begin by compensating these American allies for the damage which this illegal act caused.●

By Mr. THURMOND:

S. 133. A bill to provide for comprehensive reforms and to achieve greater equity in the compensation of attorneys pursuant to Federal statute in civil and administrative proceedings in which the United States, or a State or local government is a party; to the Committee on the Judiciary.

LEGAL FEES EQUITY ACT

Mr. THURMOND. Mr. President, I rise today to introduce the Legal Fees Equity Act of 1991. This bill will modify the compensation method for attorneys involved in Federal proceedings in which either the United States, a State or local government is a party. This legislation will also provide a more equitable balance for the payment of attorneys for legal services rendered in litigation involving the Government.

Specifically, this bill sets a $75 per hour maximum attorney fee and eliminates the use of bonuses and multipliers which escalate fee awards. This new rate is intended to accomplish two purposes. First, it will provide an incentive to attract competent counsel in actions against the Government. Second, it will serve to limit large fee awards.

Furthermore, the bill allows for the recovery of attorney's fees only when the litigant prevails on the merits or secures a favorable settlement agreement. In the event that an attorney has unreasonably protracted the litigation or performed excessive services, this legislation grants the court the authority to reduce or deny the fee.

Mr. President, I believe that this bill strikes a careful balance between the need to control escalating legal fees in suits against the Government and the need to attract competent counsel to represent litigants in these suits. I urge my colleagues to support this legislation.

● By Mr. WIRTH (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. BROWN, Mr. BAUCUS, Mr. REID, and Mr. BRYAN):

S. 140. A bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes; to the Committee on Energy and Natural Resources.

INCREASE PAYMENTS IN LIEU OF TAXES

● Mr. WIRTH. Mr. President, today I am reintroducing legislation to increase the authorization for the Department of the Interior's Payments-in-Lieu-of-Taxes [PILT] Program and to index the PILT Program for inflation.

This bill amends the Payments-in-Lieu-of-Taxes Act of 1976, which was designed to compensate local governments for the presence of tax-exempt Federal lands within their boundaries.

For 14 years, PILT has been authorized at the same level of funding, resulting in payments that in constant dollars are worth less than half of what they were when the program was originally enacted. This bill would increase the authorization to match the value it had when first passed, and would guard against the value of the payments diminishing in the future.

More than 1,700 counties in 49 States benefit from this program. Most of these are rural counties, the jurisdictions within which our vast system of national parks, national forests, national wildlife refuges and lands administered by the Bureau of Land Management are located.

The PILT payments enable these counties, whose tax base is limited by the presence of nontaxable Federal lands, to meet the real and growing needs of their citizens for education, transportation, health care, police protection, and all the other essential services local governments provide.

PILT also helps reimburse local governments for services that they provide to the users of our public lands, whether they are from the local area or from afar. Those services include law enforcement, road maintenance, search and rescue, fire protection, health and hospital services, and other vital services.

The issue is simple and straightforward. Inflation has caused the cost of providing government services to the citizens who live in public land areas and those who visit, to rise dramatically. But PILT payments have not. PILT is not an entitlement program and I am not proposing to make it one. But in the interests of equity and in meeting a vital concern of our locally elected officials, I am proposing to authorize additional funding so that the value of the program is restored to the level originally contained in the 1976 legislation.

Local governments rely heavily on property taxes to raise revenues. For the counties affected by the PILT Program, the presence of tax-exempt Federal land in their jurisdictions has put them into a box.

Many of these counties in the West, and some in the East, have a majority of their land base in Federal land ownership. They have increased their taxes on private lands—but these public land counties don't have the taxable base they need to keep up with growing demand for services. In addition, more and more Americans are coming to our public lands for recreation, placing an additional burden on already stressed local governments.

These counties now face a new and even more important challenge. In the past, they could count on revenues from the extraction of resources from our public lands. The Federal Government shares timber receipts, mineral leasing receipts, and other natural resource development revenues, with local jurisdictions. But the days of unlimited developments of those resources are passing. We can no longer count on frontier economies which rely on our continuing to reap our resources forever at the same rate we have in the past.

The consequences of past overexploitation of public resources, tough international competition in resource markets, and growing emphasis on recreation uses and environmental protection in public land management have limited the expansion of logging, mining and other resource development which have provided jobs and revenue-sharing payments to rural counties.

An increased PILT Program is needed to establish a stable source of income for these counties from public lands, to enable them to meet the increased demands for the services they provide, and to help them successfully make the economic transformations they are facing.

Mr. President, the elected officials who run our county and local governments are as aware of, and concerned about the Federal deficit as we are. They have been extremely reluctant to seek expansion of this program, despite growing awareness of the need. But the growing costs of providing necessary services has caught up with them.

Now, in the face of increasing burdens on local governments, and in the face of dramatically changing policies in the management of the Nation's public lands, these counties are asking the Federal Government to increase this relatively modest program, which currently represents less than 1 percent of the Bureau of Land Management's Budget for fiscal year 1991.

I want to thank my colleague, Senator DOMENICI of New Mexico, for joining me in this effort, and I hope that all my colleagues will join us in supporting this legislation. I also want to again thank Peter Kenney, a county commissioner from Clear Creek County, CO, who as chairman of the National Association of Counties' Public Lands Steering Committee, has been instrumental in bringing this issue forward and putting together the proposal I am introducing today.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PAYMENTS FOR ENTITLEMENT LANDS.

(a) INCREASE BASED ON CONSUMER PRICE INDEX.—Section 6903(b)(1) of title 31, United States Code, is amended—

(1) by striking "75 cents for each acre of entitlement land" and inserting "$1.65 for each acre of entitlement land"; and

(2) by striking "10 cents for each acre of entitlement land" and inserting "22 cents for each acre of entitlement land".

(b) INCREASE IN POPULATION CAP.—Section 6903(c)(1) of title 31, United States Code, is amended—

(1) by striking "$50 times the population" and inserting "$110 times the population"; and

(2) by amending the table at the end thereof to read as follows:

If population equals—	The limitation is equal to the population times—
5,000	110.00
6,000	103.00
7,000	97.00
8,000	90.00
9,000	84.00
10,000	77.00
11,000	75.00
12,000	73.00
13,000	70.00
14,000	68.00
15,000	66.00
16,000	65.00
17,000	64.00
18,000	63.00
19,000	62.00
20,000	61.00
21,000	60.00
22,000	59.00
23,000	59.00
24,000	58.00
25,000	57.00
26,000	56.00
27,000	56.00
28,000	56.00
29,000	55.00
30,000	55.00
31,000	54.00
32,000	54.00
33,000	53.00
34,000	53.00
35,000	52.00
36,000	52.00
37,000	51.00
38,000	51.00
39,000	50.00
40,000	50.00
41,000	49.00
42,000	48.00
43,000	48.00
44,000	47.00
45,000	47.00
46,000	46.00
47,000	46.00
48,000	45.00
49,000	45.00
50,000	44.00

SEC. 2. INDEXING OF PILT PAYMENTS FOR INFLATION.

Section 6903 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) For each fiscal year beginning after the date of enactment of this subsection, the Secretary of the Interior shall, not later than July 1 of that year, adjust the amount of payments made under subsection (b) (1) or (2) to reflect changes in the rate of inflation as measured by the Consumer Price Index".●

By Mr. THURMOND (for himself, Mr. HATCH, Mr. SIMPSON, Mr. GRASSLEY, Mr. SYMMS, and Mr. HELMS):

S. 142. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

DEFINITION OF EXTORTION UNDER THE HOBBS ACT

Mr. THURMOND. Mr. President, I am introducing legislation to amend the Hobbs Anti-Racketeering Act to reverse the Supreme Court's decision in United States versus Enmons, and to address a serious, long term, festering problem under our Nation's labor laws. The United States regulates labor relations on a national basis and our labor management policies are national policies. These policies and regulations are enforced by laws such as the National Labor Relations Act that Congress which preempts comparable State laws.

The Enmons decision involved the Hobbs Anti-Racketeering Act which is intended to prohibit extortion by labor unions. It provides that: "Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any person or property * * *" commits a criminal act. This language was designed to outlaw extortion and violence by labor unions.

In a case of statutory interpretation, the Supreme Court in Enmons created an exemption to the law which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective bargaining objectives, no violation of the act will be found. This bill will make it clear that the Hobbs Act is intended to punish the actual or clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me discuss the Enmons case.

In that case, the defendants were indicted for firing high powered rifles at property, causing extensive damage to the property, owned by a utility company—all done in an effort to obtain higher wages and other benefits from the company for striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act did not prohibit the use of violence in obtaining "legitimate" union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages. By its focus upon the motives and objectives of the property claimant, who uses violence or force to achieve his goals, the Enmons decision has had several unfortunate results. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor management context. Although other Federal statutes prohibit the use of specific devices or the use of channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate to address the full effect of the Enmons decision.

The Enmons decision affords parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make it clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether the extortionist has a colorable claim to such property, and without regard to his status as a labor representative, businessman, or private citizen.

Mr. President, attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was intended to repudiate the decision. Over the next several years, attempts were made to come up with language which was acceptable to organized labor and at the same time restored the original intent of the Hobbs Act.

In 1978, S. 1437, a bill which was substantially the same as the bill I am introducing today, passed the Senate; however the bill died in the House. In the 101st Congress, I introduced S. 92, a bill which is identical to this legislation, yet no action was taken on the bill. It is time for the Senate to re-examine this issue and restate its opposition to violence in labor disputes. Encouraged by their exemption from prosecution for acts of violence committed in pursuit of "legitimate" union objectives, union officials who are corrupt routinely use terror tactics to achieve their goals.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated.

I ask unanimous consent that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF EXTORTION UNDER HOBBS ACT.

Paragraph (2) of section 1951(b) of title 18, United States Code, (commonly known as the "Hobbs Act") is amended to read as follows:

"(2)(A) The term 'extortion' means the obtaining of property of another—

"(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

"(ii) under color of official right.

"(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based on conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendence, at the time of such conduct, of a labor dispute (as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9))) the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence that property was obtained 'by' such conduct.".

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. SIMPSON, Mr. PACKWOOD, Mr. COCHRAN, Mr. DOMENICI, Mr. MURKOWSKI, Mr. ROTH, and Mr. HATFIELD):

S. 143. A bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes; to the Committee on Rules and Administration.

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT

Mr. MCCONNELL. Madam President, the 102d Congress is faced with many challenges, not the least of which is ensuring the credibility of this institution and the electoral process of our Nation.

To that end, I, along with the Republican leader, Senator DOLE, and Senators SIMPSON, PACKWOOD, COCHRAN, DOMENICI, MURKOWSKI, and ROTH, am introducing the Comprehensive Campaign Finance Reform Act. This bill, which 36 Senators cosponsored in the last Congress, is the most sweeping legislation ever put forth on this issue. It bans political action committees, cuts in half to $500 the contribution limit for out-of-State individuals, eliminates all soft money, protects union members from being forced to contribute to partisan political activities, provides a broadcast discount to reduce campaign costs, prohibits tax-exempt groups from engaging in political activities; bans using the franking privilege for mass mailings during an election year; strengthens election fraud laws; prohibits bundling of contributions; provides new standards for jerrymandering in congressional districts; mandates disclosure of independent expenditures; constricts the millionaires' loopholes; Federal activities by State PAC's created by Members of Congress; and promotes political competition, while allowing political parties to provide challengers with seed money to get their campaigns off of the ground.

Madam President, the Comprehensive Campaign Reform Act would restore integrity and competitiveness to our electoral process while preserving constitutional rights and our 200-year-old democratic freedoms.

Last year we saw considerable progress on this issue as the Senate engaged in a spirited floor debate, during which several amendments were voted on. Regretfully, partisan politics prevailed, and the Senate passed a bill the President had said in advance he would veto. The House and Senate conferees never even met. The issue fell by the wayside as Congress turned to other more important matters.

Nevertheless, I was encouraged by the substantive debate, and I believe it set the stage for passage of a bill in this coming Congress, a bill that both sides of the aisle could agree on, and that the President would sign, and that would serve the interests of the American people.

We have before us an historic opportunity, a great responsibility. Short of amending the Constitution, nothing we can do will have a more profound effect on our democratic system than changing the laws governing the electoral process. Some of the laws we have passed in this area have had troublesome and even disastrous consequences. For example, the last reform package, promoted by Common Cause, created PAC's. Now most everyone, including Common Cause, thinks we should eliminate PAC's.

Contribution limits have the positive effect of pushing out the fat cats, but they also make it a lot more time-consuming to raise campaign funds.

Presidential spending limits, which the other side wants to impose, have created a regulator's nightmare and a lawyer's paradise. No one obeys the law, and new loopholes are discovered every election.

The current broadcast discount law that has been in place for 20 years was intended to reduce the costs of campaigns. Quite the opposite was the effect. A loophole allowed the establishment of different classes of time. The candidates must now purchase the most expensive class of time, so campaign costs, and consequently spending, increased dramatically. These are instances where even the most well-intentioned attempts at reform, in practice, distorted the practices.

Spending limits, once again, are the centerpiece of the majority party's campaign finance proposal. Such arbitrary limits would seriously deform the electoral process. I will not delve into that debate at this time. I refer my colleagues, staff, and observers to the August 1, 1990, Congressional Record, page S 11622, where to some length I discussed spending limits and cited the views of noted scholars in the field.

Realistically, we must recognize that campaign finance is a partisan issue. That was evident in past actions by both parties and the partisan split on many of the votes during last year's debate. The laws could be altered to favor one party over another. It does not necessarily follow, however, that we must do it that way. Nor must we deadlock over this issue. We could start out working from the areas where we agree.

Last year both the Republican and Democratic bills banned PAC's. Both bills provided a broadcast discount. While I believe we can find more areas of agreement, just these two would go a long way toward lowering the costs of campaigns and addressing the real scandal, which is special interest sources of campaign funds. The principal problem and concern of the American people is not how much money candidates spend. Most of campaign spending is to communicate with voters. The problem is where the money comes from. Therein lies the potential for corruption, both real and perceived. Constituents, understandably, do not like it that so much of our campaign funds come from PAC's the personification of special interest influence. Constituents do not like it that so much of their representatives' campaign funds come from out of State. We can address these by banning PAC's and by adjusting the contribution limits for individuals who are not constituents. The Comprehensive Campaign Finance Reform Act does just that. We must not allow meaningful campaign finance reform to be blocked by a single provision in the bill. No single provision is the be all or end all of reform.

I propose that we take these provisions we can agree on and pass a bill to ensure the integrity of our electoral process and restore confidence in government. The American people and our soldiers in the Persian Gulf and the world are looking to us for leadership in a very difficult time. We need to get our own house in order. With the confidence and support of the American people, we will be better able to get about the business of achieving enduring peace and prosperity.

Madam President, I ask unanimous consent at this point that the bill in its entirety appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Campaign Finance Reform Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Sec. 101. Ban on activities of political action committees in Federal elections.

Subtitle B—Ban on Soft Money in Federal Elections

Sec. 111. Ban on soft money.
Sec. 112. Restrictions on party committees.
Sec. 113. Protections for employees.
Sec. 114. Restrictions on soft money activities of tax-exempt organizations.
Sec. 115. Denial of tax-exempt status for certain politically active organizations.
Sec. 116. Contributions to certain political organizations maintained by a candidate.
Sec. 117. Contributions to State and local committees.

Subtitle C—Other Activities

Sec. 121. Modifications of contribution limits on individuals.
Sec. 122. Political parties.
Sec. 123. Contributions through intermediaries and conduits.
Sec. 124. Independent expenditures.

TITLE II—INCREASE OF COMPETITION IN POLITICS

Sec. 201. Seed money for challengers.
Sec. 202. Use of campaign funds.
Sec. 203. Candidate expenditures from personal funds.
Sec. 204. Franked communications.
Sec. 205. Limitations on gerrymandering.
Sec. 206. Election fraud, other public corruption, and fraud in interstate commerce.

TITLE III—REDUCTION OF CAMPAIGN COSTS

Sec. 301. Broadcast discount.

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

Sec. 401. Elimination of reason to believe standard.
Sec. 402. Injunctive authority.
Sec. 403. Time periods.
Sec. 404. Knowing violation penalties.
Sec. 405. Court resolved violations and penalties.
Sec. 406. Private civil actions.
Sec. 407. Knowing violations resolved in court.
Sec. 408. Action on complaint by Commission.
Sec. 409. Violation of confidentiality requirement.
Sec. 410. Penalty in Attorney General actions.
Sec. 411. Amendments relating to enforcement and judicial review.
Sec. 412. Tightening enforcement.

Subtitle B—Other Provisions

Sec. 421. Disclosure of debt settlement and loan security agreements.
Sec. 422. Contributions for draft and encouragement purposes with respect to elections for Federal office.
Sec. 423. Severability.
Sec. 424. Effective date.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

SEC. 101. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Subtitle B—Ban on Soft Money in Federal Elections

SEC. 111. BAN ON SOFT MONEY.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) BAN ON SOFT MONEY.—(1) It shall be unlawful for the purpose of influencing any election to Federal office—

"(A) to solicit or receive any soft money; or

"(B) to make any payments from soft money.

"(2) For purposes of paragraph (1), the term 'soft money' means any amount—

"(A) solicited or received from a source which is prohibited under section 316(a);

"(B) contributed, solicited, or received in excess of the contribution limits under section 315; or

"(C) not subject to the recordkeeping, reporting, or disclosure requirements under section 304 or any other provision of this Act."

SEC. 112. RESTRICTIONS ON PARTY COMMITTEES.

(a) DISCLOSURE OF INFORMATION BY POLITICAL COMMITTEE.—(1) Subsection (c) of section 302 of FECA (2 U.S.C. 432(c)) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(6) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(2) Subsection (b) of section 304 of FECA (2 U.S.C. 434(b)) is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(9) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account."

(b) ALLOCATION OF EXPENDITURES FOR MIXED ACTIVITIES.—Title III of FECA, as amended by section 101(a), is amended by adding at the end thereof the following new section:

"REQUIRED ALLOCATION OF CONTRIBUTIONS AND EXPENDITURES FOR MIXED ACTIVITIES BY POLITICAL PARTY COMMITTEES

"SEC. 325. (a) REGULATIONS REQUIRING ALLOCATION FOR MIXED ACTIVITIES.—Not later than 180 days after the date of the enactment of this section, the Commission shall issue regulations providing for a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts.

"(b) GUIDELINES FOR ALLOCATION.—(1) The regulations issued under subsection (a) shall—

"(A) provide for the allocation of contributions and expenditures in accordance with this subsection; and

"(B) require reporting under this Act of expenditures in connection with a mixed activity to disclose—

"(i) the method and rationale used in allocating the cost of the mixed activity to Federal and non-Federal accounts; and

"(ii) the amount and percentage of the cost of the mixed activity allocated to such accounts.

"(2) In the case of a mixed activity that consists of a voter registration drive, get-out-the-vote drive, or other activity designed to contact voters (other than an activity to which paragraph (3) or (4) applies), amounts shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than—

"(A) 33⅓ percent of the total amount in the case of the national committee of a political party; or

"(B) 25 percent of the total amount in the case of a State or local committee of a political party or any subordinate committee thereof.

"(3) In the case of a mixed activity that consists of preparing and distributing brochures, handbills, slate cards, or other printed materials identifying or seeking support of (or opposition to) candidates for both Federal offices and non-Federal offices, amounts shall be allocated on the basis of total space devoted to such candidates, except that in no event shall the amounts allocated to the Federal account be less than the percentages under subparagraph (A) or (B) of paragraph (2).

"(4)(A) In the case of a mixed activity by a national committee of a political party that consists of broadcast media advertising (or any portion thereof) that promotes (or is in opposition to) a political party without mentioning the name of any individual candidate for Federal office or non-Federal office, amounts allocated to the Federal account shall not be less than—

"(i) 50 percent of the total amount in the case of advertising in the national media market; and

"(ii) 40 percent in the case of advertising in other than the national media market.

"(B) In the case of a mixed activity by a State or local committee of a political party or any subordinate committee thereof that consists of broadcast media advertising (or any portion thereof) described in subparagraph (A), costs shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than 33⅓ percent of the total amount.

"(5) Overhead and fundraising costs of a political committee of a political party for each 2-calendar year period ending with the calendar year in which a regularly scheduled election for Federal office occurs shall be allocated to the Federal account on the basis of the same ratio which—

"(A) the aggregate amount of receipts and disbursements of such political committee during such period in connection with elections for Federal office, bears to

"(B) the aggregate amount of receipts and disbursements of such political committee during such period.

"(c) MIXED ACTIVITY.—(1) For purposes of this section, the term 'mixed activity' means an activity the expenditures in connection with which are required under this Act to be allocated between Federal and non-Federal accounts because such activity affects 1 or more elections for Federal office and 1 or more non-Federal elections.

"(2) Activities under paragraph (1) include—

"(A) voter registration drives, get-out-the-vote drives, telephone banks, and membership communications in connection with elections for Federal offices and elections for non-Federal offices;

"(B) general political advertising, brochures, or other materials that include any reference (however incidental) to both a candidate for Federal office and a candidate for non-Federal office, or that urge support for or opposition to a political party or to all the candidates of a political party;

"(C) overhead expenses; and

"(D) activities described in clauses (v), (x), and (xii) of section 301(8)(B).

"(d) ACCOUNTS.—For purposes of this section—

"(1) the term 'Federal account' means an account to which receipts and disbursements are allocated to elections for Federal offices; and

"(2) the term 'non-Federal account' means an account to which receipts and disbursements are allocated to elections other than non-Federal offices."

SEC. 113. PROTECTION FOR EMPLOYEES.

(a) CONTRIBUTIONS TO ALL POLITICAL COMMITTEES INCLUDED.—Paragraph (2) of section 316(b) of FECA (2 U.S.C. 441b(b)(2)) is amended by inserting "political committee," after "campaign committee,".

(b) APPLICABILITY OF REQUIREMENTS TO LABOR ORGANIZATIONS.—Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Subparagraphs (A), (B), and (C) of paragraph (2) shall not apply to a labor organization unless the organization meets the requirements of subparagraphs (B), (C), and (D).

"(B) The requirements of this subparagraph are met only if the labor organization provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(i) that an employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(ii) that no employee may be required actually to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization;

"(iii) that the amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment;

"(iv) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(v) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(vi) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(C) The requirements of this subparagraph are met only if, for purposes of verifying the cost of such labor organization's exclusive representation services, the labor organization provides all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a 'special report' as interpreted by the Association of Independent Certified Public Accountants.

"(D) The requirements of this subparagraph are met only if the labor organization—

"(i) maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (B); and

"(ii) if any person challenges the costs which may be properly charged as costs of exclusive representation—

"(I) provides a mutually selected impartial decisionmaker to hear and decide such challenge pursuant to rules of discovery and evidence and subject to de novo review by the National Labor Relations Board or an applicable court; and

"(II) places in escrow amounts reasonably in dispute pending the outcome of the challenge.

"(E)(i) A labor organization that does not satisfy the requirements of subparagraphs (B), (C), and (D) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(ii) For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office."

SEC. 114. RESTRICTIONS ON SOFT MONEY ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) DENIAL OF TAX-EXEMPT STATUS FOR ACTIVITIES TO INFLUENCE A FEDERAL ELECTION.—An organization shall not be treated as exempt from tax under subsection (a) if such organization participates or intervenes in any political campaign on behalf of or in opposition to any candidate for Federal office."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any participation or intervention by an organization on or after September 1, 1992.

SEC. 115. DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax), as amended by section 114, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.—

"(1) IN GENERAL.—An organization shall not be treated as exempt from tax under subsection (a) if—

"(A) such organization devotes any of its operating budget to—

"(i) voter registration or get-out-the-vote campaigns; or

"(ii) participation or intervention in any political campaign on behalf of or in opposition to any candidate for public office; and

"(B) a candidate, or an authorized committee of a candidate, has—

"(i) solicited contributions to, or on behalf of, such organization; and

"(ii) the solicitation is made in cooperation, consultation, or concert with, or at the request or suggestion of, such organization.

"(2) CANDIDATE DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'candidate' has the meaning given such term by paragraph (2) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

"(B) MEMBERS OF CONGRESS.—The term 'candidate' shall include any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress unless—

"(i) the date for filing for nomination, or election to, such office has passed and such individual has not so filed, and

"(ii) such individual is not otherwise a candidate described in subparagraph (A)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to solicitations or suggestions by candidates made after the date of the enactment of this Act.

SEC. 116. CONTRIBUTIONS TO CERTAIN POLITICAL ORGANIZATIONS MAINTAINED BY A CANDIDATE.

(a) CONTRIBUTIONS BY PERSONS IN GENERAL AND BY MULTICANDIDATE POLITICAL COMMITTEES.—(1) Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(2) Section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(3) Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 101(c), is amended by inserting at the end thereof the following new paragraph:

"(10) For the purposes of paragraphs (1)(A) and (2)(A), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(b) CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—(1) Section 316(b)(2) of the FECA (2 U.S.C. 441b(b)(2)) is amended by striking "candidate, campaign committee" and inserting "candidate, political organization (other than an authorized committee) maintained by a candidate, campaign committee,".

(2) Section 316(b) of FECA (2 U.S.C. 441b(b)), as amended by section 113(b), is amended by inserting at the end thereof the following new paragraph:

"(9) For the purposes of paragraph (2), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution."

(c) DATE OF APPLICATION.—The amendments made by subsections (a) and (b) shall apply to contributions described in sections 315 and 316 of FECA (2 U.S.C. 441a and 441b) made in response to solicitations made after January _____, 1991.

SEC. 117. CONTRIBUTIONS TO STATE AND LOCAL COMMITTEES.

Section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end thereof the following new subparagraph;

"(D) to the political committees established and maintained by a State or local political party, in connection with any activity that may influence an election for Federal office, in any calendar year which, in the aggregate, exceed the lesser of

"(i) $50,000; or

"(ii) the difference between $50,000 and the amount of contributions made by such person to any political committees established and maintained by a national political party.".

Subtitle C—Other Activities

SEC. 121. MODIFICATIONS OF CONTRIBUTION LIMITS ON INDIVIDUALS.

(a) INCREASE IN CANDIDATE LIMIT.—Subparagraph (A) of section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) APPLICABLE AMOUNT DEFINED.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 116(a)(3), is amended by adding at the end thereof the following new paragraph:

"(11) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or such candidate's authorized committees; or

"(II) any other candidate or such candidate's authorized committees if, at the time such contributions are made, such person is a resident of the State with respect to which such candidate seeks Federal office; and

"(ii) $500 in the case of contributions by any other person to a candidate described in clause (i)(II) or such candidate's authorized committees.

"(B) At the beginning of 1991 and each odd-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percent difference between the price index for the preceding calendar year and the price index for calendar year 1989. Each of the dollar limits under subparagraph (A) shall be increased by such percent difference and rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which determined and the succeeding calendar year."

SEC. 122. POLITICAL PARTIES.

ITEMS NOT TREATED AS CONTRIBUTIONS OR EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clauses (x) and (xii), by inserting "national," after "the payment by a"; and

(B) in clause (xii), by inserting "general research activities," after "the costs of".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clauses (viii) and (ix), by inserting "national," after "the payment by a"; and

(B) in clause (ix), by inserting "general research activities," after "the costs of".

SEC. 123. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

"(B) If a contribution is made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(C) No conduit or intermediary shall deliver or arrange to have delivered contributions from more than 2 persons who are employees of the same employer or who are members of the same trade association, membership organization, or labor organization.

"(D) No person required to register with the Clerk of the House of Representatives or the Secretary of the Senate under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), or an officer, employee or agent of such a person, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office."

SEC. 124. INDEPENDENT EXPENDITURES.

(a) ATTRIBUTION OF COMMUNICATIONS; REPORTS.—(1) Section 318 of FECA (2 U.S.C. 441d) is amended by adding at the end thereof the following new subsection:

"(c)(1) If any person makes an independent expenditure through a broadcast communication on any television or radio station, the broadcast communication shall include a statement—

"(A) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(B) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast,

setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization.

"(2) If any person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, the communication shall include, in addition to the other information required by this section—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization, and the name of the president or treasurer of such organization.

"(3) Any person making an independent expenditure described in paragraph (1) or (2) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission of the communication:

"(A) Effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate.

"(B) An exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication.

"(C) All dates and times when such communication will be publicly transmitted."

(2) Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended by striking "Whenever" and inserting "Except as provided in subsection (c), whenever".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended—

(1) by striking "(17) The term" and inserting "(17)(A) The term"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) For the purpose of subparagraph (A), an expenditure shall be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, authorized committee, or agent, if there is any arrangement, coordination, or direction by the candidate or the candidate's agent prior to the publication, distribution, display, or broadcast of a communication, and it shall be presumed to be so made when it is—

"(i) based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

"(ii) made by or through any person who is, or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(II) serving as an officer of the candidate's authorized committees; or

"(III) providing professional services to, or receiving any form of compensation or reimbursement from, the candidate, the candidate's committee, or agent."

(c) HEARINGS ON COMPLAINTS.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13) Within 3 days after the Commission receives a complaint filed pursuant to this section which alleges that an independent expenditure was made with the cooperation or consultation of a candidate, or an authorized committee or agent of such candidate, or was made in concert with or at the request or suggestion of an authorized committee or agent of such candidate, the Commission shall provide for a hearing to determine such matter."

(d) EXPEDITED JUDICIAL REVIEW.—Section 310 of the FECA (2 U.S.C. 437h) is amended by adding at the end thereof the following new sentence: "It shall be the duty of the courts to advance on the docket and to expedite to the greatest possible extent the disposition of any matter relating to the making or alleged making of an independent expenditure."

TITLE II—INCREASE OF COMPETITION IN POLITICS

SEC. 201. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 111, is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding subsection (a)(2), the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) which in the aggregate do not exceed the lesser of—

"(A) $100,000; or

"(B) the aggregate qualified matching contributions received by such candidate and the candidate's authorized committees.

"(2) Any contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection, the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time such contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held.

"(4) For purposes of this subsection, the term 'eligible candidate' means a candidate for Federal office (other than President or Vice President) who does not hold Federal office."

SEC. 202. USE OF CAMPAIGN FUNDS.

Section 313 of FECA (2 U.S.C. 439a) is amended by inserting "(a)" before "Amounts" and inserting at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), a holder of Federal office may not transfer any amounts received as contributions or other campaign funds to any account maintained for purposes of defraying ordinary and necessary expenses in connection with the duties of such Federal office."

SEC. 203. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

(a) Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end thereof the following new subsection:

"(k)(1)(A) Not less than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend for the primary and general election an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), if a candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph an amount exceeding $250,000;

"(B) expends such funds in the primary and general election an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1),

the limitations on contributions under subsection (a), and the limitations on expenditures under subsection (d), shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general election—

"(i) the limitation under subsection (a)(1)(A) shall not apply;

"(ii) the limitation under subsection (a)(2) shall not apply to any political committee of a political party; and

"(iii) the limitation under subsection (d)(3) shall not apply.

The $5,000 amount under subparagraph (A) shall be adjusted each calendar year in the same manner as amounts are adjusted under subsection (a)(11)(B).

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(6) Contributions to a candidate or a candidate's authorized committees may be used to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office by a candidate or a member of the candidate's immediate family only to the extent that such repayment—

"(A) is limited to the amount of such expenditure or the principal amount of such loan (and no interest is paid); and

"(B) is not made from any such contributions received after the date of the general election to which such expenditure or loan relates.

"(7) For purposes of this subsection, the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B).

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to ensure compliance with this subsection."

SEC. 204. FRANKED COMMUNICATIONS.

(a) AMENDMENT OF TITLE 39, UNITED STATES CODE.—(1) Section 3210(a)(6)(A) of title 39, United States Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II), by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(2) Section 3210(a)(6)(C) of title 39, United States Code, is amended by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(3) Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register annually with the Clerk of the House of Representatives such mass mailings. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed."

(b) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Paragraph 1 of Rule XL of the Standing Rules of the Senate is amended by striking "less than sixty days immediately before the date" and inserting "during the year".

(2) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 205. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end thereof the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled 'An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting', approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional district boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section."

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term "redistricting authority" means the officer or public body having initial responsibility for the congressional redistricting of a State."

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking 'chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end thereof the following: "In circumstances in which this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census."

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

SEC. 206. ELECTION FRAUD, OTHER PUBLIC CORRUPTION, AND FRAUD IN INTERSTATE COMMERCE.

(a) ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.—(1) Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State, political subdivision, or Indian tribal government shall be fined under this title, or imprisoned for not more than 10 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title or imprisoned for not more than 10 years, or both.

"(c) Whoever, being a public official or an official or employee of a State, political subdivision of a State, or Indian tribal government, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses or causes to use any facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the twelve-month period immediately preceding or following the election or date of the offense.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than 10 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or any State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to 5 years or both.

"(g)(1) An employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee or official on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and shall be entitled to all relief necessary to make such employee or official whole. Such relief shall include reinstatement with the same seniority status that the employee or official would have had but for the discrimination, 3 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual shall not be entitled to relief under paragraph (1) if the individual participated in the violation of this section with respect to which relief is sought.

"(3) A civil action brought under paragraph (1) shall be stayed by a court upon the certification of an attorney for the Government, stating that the action may adversely affect the interests of the Government in a current criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meaning set forth in section 201 and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) includes any person who has been nominated, appointed or selected to be an official or who has been officially informed that he or she will be so nominated, appointed or selected;

"(4) the term 'under color of official authority' includes any person who represents that the person controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce."

(2)(A) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

"225. Public Corruption.".

(B) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(C) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

(b) FRAUD IN INTERSTATE COMMERCE.—(1) Section 1343 of title 18, United States Code, is amended—

(A) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(B) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(2)(A) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(B) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

TITLE III—REDUCTION OF CAMPAIGN COSTS

SEC. 301. BROADCAST DISCOUNT.

(a) FINDINGS.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1), by striking "class and";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) A licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1)."

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

SEC. 401. ELIMINATION OF REASON TO BELIEVE STANDARD.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by striking the first sentence and inserting the following: "Except as otherwise provided in subparagraph (B), if the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities determines, by an affirmative vote of 4 of its members, that an allegation of a violation or from pending violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 states a claim of violation that would be sufficient under the standard applicable to a motion under rule 12(b)(6) of the Federal Rules of Civil Procedure, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such vote shall occur within 90 days after receipt of such complaint."

SEC. 402. INJUNCTIVE AUTHORITY.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 401, is amended by adding at the end thereof the following new subparagraph:

"(B) The Commission may petition the appropriate court for an injunction if—

"(i) the Commission believes that there is a substantial likelihood that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) such expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction."

SEC. 403. TIME PERIODS.

Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by—

(A) striking ", for a period of at least 30 days,"; and

(B) striking "90 days" and inserting "60 days"; and

(2) in clause (ii) by striking "at least" and inserting "no more than".

SEC. 404. KNOWING VIOLATION PENALTIES.

Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, except that if the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has been committed during the 15-day period immediately preceding any election, a conciliation agreement entered into by the Commission under paragraph (4)(A) shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation."

SEC. 405. COURT RESOLVED VIOLATIONS AND PENALTIES.

Section 309(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(6)) is amended—

(1) in subparagraph (A) by—

(A) striking "Commission may" and inserting "Commission shall";

(B) striking "including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any"; and

(2) in subparagraph (B) by—

(A) striking "court may" and inserting "court shall"; and

(B) striking ", including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any".

SEC. 406. PRIVATE CIVIL ACTIONS.

Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)), as amended by section 405, is amended—

(1) by inserting "(i)" after "(6)(A)"; and

(2) by adding at the end thereof the following new clause:

"(ii) If, by a tie vote, the Commission does not vote to institute a civil action pursuant to clause (i), the candidate involved in such election, or an individual authorized to act on behalf of such candidate, may file an action for appropriate relief in the district court for the district in which the respondent is found, resides, or transacts business. If the court determines that a violation has occurred, the court shall impose the appropriate civil penalty. Any such award of a civil penalty made under this paragraph shall be made in favor of the United States.

In addition to any such civil penalty, the court shall award to the prevailing party in any action under this paragraph, all attorneys' fees and actual costs reasonably incurred in the investigation and pursuit of any such action, including those attorneys' fees and costs reasonably incurred in bringing or defending the proceeding before the Commission."

SEC. 407. KNOWING VIOLATIONS RESOLVED IN COURT.

Section 309(a)(6)(C) of FECA (2 U.S.C. 437g(a)(6)(C)) is amended by striking "may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall impose a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation, except that if such violation was committed during the 15-day period immediately preceding the election, the court shall impose a civil penalty which is not less than the greater of $15,000 or an amount equal to 300 percent of any contribution or expenditure involved in such violation".

SEC. 408. ACTION ON COMPLAINT BY COMMISSION.

Section 309(a)(8)(A) of FECA (2 U.S.C. 437g(a)(8)(A)) is amended—

(1) by striking "act on" and inserting "reasonably pursue";

(2) by striking "120-day" and inserting "60-day"; and

(3) by striking "United States District Court for the District of Columbia" and inserting "appropriate court".

SEC. 409. VIOLATION OF CONFIDENTIALITY REQUIREMENT.

Section 309(a)(12)(B) of FECA (2 U.S.C. 437g(a)(12)(A)) is amended—

(1) by striking "$2,000" and inserting "$5,000"; and

(2) by striking "$5,000" and inserting "$10,000".

SEC. 410. PENALTY IN ATTORNEY GENERAL ACTIONS.

Section 309(d)(1)(A) of FECA (2 U.S.C. 437g(d)(1)(A)) is amended by striking "exceed" and inserting "be less than".

SEC. 411. AMENDMENTS RELATING TO ENFORCEMENT AND JUDICIAL REVIEW.

(a) Time Limitations For and Index of Investigations.—Section 309(a) of FECA (2 U.S.C. 437g(a)), as amended by section 124, is amended by adding at the end thereof the following new paragraphs:

"(14) The Commission shall establish time limitations for investigations under this subsection.

"(15) The Commission shall publish an index of all investigations under this section and shall update the index quarterly."

(b) Procedure on Initial Determination.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 402, is amended by adding at the end thereof the following: "Before a vote based on information ascertained in the normal course of carrying out supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination."

(c) Procedure on Probable Cause Determination.—(1) Section 309(a)(3) of FECA (2 U.S.C. 437g(a)(3)) is amended by adding at the end thereof the following: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent."

(2) Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end thereof the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law."

(d) Elimination of En Banc Hearing Requirement.—Section 310 of FECA (2 U.S.C. 437h), as amended by section 124(d), is amended by striking ", which shall hear the matter sitting en banc".

SEC. 412. TIGHTENING ENFORCEMENT.

(a) Repeal of Period of Limitation.—Section 406 of FECA (2 U.S.C. 455) is repealed.

(b) Supplying of Information to the Attorney General.—Section 309(a)(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(12)(A)) is amended by adding at the end thereof the following new subparagraph:

"(C) Nothing in this section shall be deemed to prohibit or prevent the Commission from making information contained in compliance files available to the Attorney General, at the Attorney General's request, in connection with an investigation or trial."

Subtitle B—Other Provisions

SEC. 421. DISCLOSURE OF DEBT SETTLEMENT AND LOAN SECURITY AGREEMENTS.

Section 304(b) of FECA (2 U.S.C. 434(b)), as amended by section 112, is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end thereof the following new paragraphs:

"(10) for the reporting period, the terms of any settlement agreement entered into with respect to a loan or other debt, as evidenced by a copy of such agreement filed as part of the report; and

"(11) for the reporting period, the terms of any security or collateral agreement entered into with respect to a loan, as evidenced by a copy of such agreement filed as part of the report."

SEC. 422. CONTRIBUTIONS FOR DRAFT AND ENCOURAGEMENT PURPOSES WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE.

(a) Definition.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended by striking "or" after the semicolon at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and", and by adding at the end thereof the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office."

(b) Draft and Encouragement Contributions To Be Treated as Candidate Contributions.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(12) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate."

SEC. 423. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 424. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on November 10, 1992, and shall apply to all contributions and expenditures made after that date.

• Mr. PACKWOOD. Mr. President, I rise today to once again join with my colleagues in introducing a very far-reaching, comprehensive campaign finance reform bill. This measure, the subject of extensive debate in the last Congress as well, goes farther than any other reform proposal we've had before us. It achieves what I believe should be the goals of campaign finance reform. As I have stated here on more than one occasion, I believe those goals to be twofold.

First, if the perception is that PAC's are an evil, then ban PAC contributions altogether. If the special interest spending is troublesome, and more and more people across the Nation seem to think it is, then we can do something about it. That something is, in my view, doing away with PAC contributions. Whatever may have been the public perception of campaign financing in the past, there is today widespread feeling that elections are principally financed by groups who have a very narrow interest as opposed to a broad public interest. In a democracy, the public must perceive the law to be fair or confidence is severely undermined. The obvious way to respond to the growing perception that Members of Congress are bought and paid for by the special interests is to eliminate all PAC contributions—corporate, labor, trade association, and independent. The bill we are introducing today does this.

Second, any campaign finance reform bill should encourage massive participation in campaigns. You don't accomplish this with expenditure limits. Such limits simply drive a candidate to raise money in the least expensive, quickest way possible and with the least effort. The candidate contacts a minimal number of contributors who are able to give the largest amount until the contribution limits are reached. I don't think this is what we want to achieve. Our goal should be to encourage millions of people to give small financial contributions directly to campaigns. If we can encourage 10 to 20 million people to give $5, $10, or $50 directly to a campaign, we will ensure the massive voter participation we are trying to achieve. While the bill before us does not go as far as I would like in this regard, it is a good start. We cut in half—from $1,000 to $500—the individual contribution limit for out-of-State contributions. The in-state individual contribution limit is left unchanged at $1,000.

I do not believe most candidates have explored the extent to which they can finance a campaign through small contributions. In every instance where candidates have tried to collect small contributions, they have succeeded. In my campaign for reelection in 1986, I had over 161,000 contributions—95 percent of those were contributions of $50 or less.

The challenge, then, is to create a device that will seek to make congressional campaigns more competitive, less dependent on large contributors, and financed by a broader segment of the population. This bill provides the means by which to accomplish this. If we force candidates to finance their campaigns with thousands and thousands of small contributions, then the candidate will have to go door to door; they will have to be involved at the grassroots level.

Ironically, the candidates this will favor the most are not incumbent U.S. Senators or Representatives, who of necessity must spend most of the year in Washington, DC. Rather it will favor their challengers, who can stay in the State all year long, who will have a good base of support, and who will have hundreds of followers who believe in them and will help them raise money through small donations. The link between voters and candidates is strengthened by this grassroots approach. Candidates are made aware of voters' concerns and are hence more responsive once elected. The bill we are introducing today puts people back into the political process.

In addition, the bill contains a number of other sweeping and, I believe, very necessary reforms. We get rid of soft money contributions. We limit bundling and independent expenditures. We eliminate the millionaire's loophole. A candidate should work hard to get elected. He or she should earn the seat.

The effect of these provisions, the inevitable result, is that spending will go down. Under this bill, candidates will have to go out and raise money in smaller amounts from many, many more people. Congress to this point has taken the easy route to raising money, that is to raise it in large contributions from relatively few people or PAC's. Under this bill, we will have to broaden our base. Instead of $5,000 PAC contributions from one source, we will have to seek much smaller contributions from many sources.

What we really want to accomplish with campaign reform legislation is voter participation, a galvanization of grassroots volunteers, and money raised in small amounts. This would be good for the voters, good for our States, good for politics, and good for challengers who are in local politics in our home States. You then have every benfit without having to resort to PAC's, soft money, or bundling. What you have then is a de facto reduction in spending. At the same time, you are able to run a successful campaign without one penny of public funds.

The real stumbling block in all our discussions on campaign finance reform has been over the issue of spending limits. That is a touchstone difference, and make no mistake, spending limits are dependent on some form of public funds, of Federal largesse. It may not necessarily be money directly from the Treasury, but it will be some form of Federal largesse, nonetheless, in exchange for agreeing to spending limits: It will be in the form of reduced mail rates or free television time or free something else if you agree to spending limits. Public financing of campaigns, whether it be direct or indirect, is not in this bill. Republicans are very averse to asking the taxpayers to fund our campaigns when we are running $300 billion deficits. Whether it is direct money from the Treasury, as in Presidential campaigns, or subsidized mailing rates, it is still money from the Government. When we are running $300 billion deficits, we should not be asking on top of that for taxpayers to fund our campaigns, either fully or partially.

I contend, and I repeat, when you have gotten rid of PAC's and sewer money, when you have gotten rid of bundling and lower the out-of-State contribution limit to $500 or less, the effect will be to drive campaign spending down. So I would hope that the Senate would accept this. Apart from this spending limit issue, I think most people of good conscience can say these reforms go in the right direction. I would hope that these reforms will not get hung up on the sole issue of spending limits and the assertion that if there are no spending limits, there will be no reform at all.

Mr. President, it is time to put aside partisan differences and ambitions and correct the flaws in our campaign finance system. There is genuine bipartisan agreement on a number of the proposed solutions. It is my hope that this session of Congress will see a real breakthrough in the negotiations between Republicans and Democrats. The time has come, and I believe we have the commitment, to enact comprehensive, meaningful reform—reform which will foster competition and encourage broadbased individual participation in our Nation's political process.•

By Mr. McCAIN (for himself, Mr. DECONCINI, and Mr. BRADLEY):

S. 144. A bill to protect the natural and cultural resources of the Grand Canyon and Glen Canyon; to the Committee on Energy and Natural Resources.

GRAND CANYON PROTECTION ACT

Mr. McCAIN. Mr. President, today, on behalf of myself, Senator DECONCINI and Senator BRADLEY I rise to introduce or, more accurately, to reintroduce the Grand Canyon Protection Act. This bill was passed by the Senate last year, and I had anticipated that it would become law at that time. While the bill enjoyed widespread support in Congress, regrettably, it fell victim to last minute politics and final passage could not be secured before the conclusion of the 101st Congress.

While I was disappointed that the bill was not enacted in the last Congress, I am privileged nonetheless to reintroduce this vital legislation and to work for its rapid approval in the 102d Congress.

Mr. President, this legislation seeks to remedy a critical environmental problem—a problem facing our Nation's most precious natural treasure—the Grand Canyon. The problem I refer to is the continued degradation of natural resources within the canyon due to current operational practices at Glen Canyon Dam—a structure located on the Colorado River, 30 miles upstream from Grand Canyon National Park.

In a report released in January 1988, the Department of the Interior determined that certain aspects of dam operations, particularly the irregular release of water to produce hydroelectric peaking power, have a substantial adverse impact on a variety of downstream environmental and recreational resources, including resources within Grand Canyon National Park. These impacts include the irreparable erosion of Colorado River beaches, the impairment of habitat for endangered fish species, and ill effects on recreational fishing and white water river rafting.

The question of whether we should act to protect the crown jewel of our National Park System is beyond debate. The answer is unequivocally yes. The question is how do we accomplish our aims? The Grand Canyon Protection Act contains the answer. It provides the means to remedy these adverse impacts, and to preserve the park's resources for the enjoyment of this and future generations. First, the bill requires the Secretary of the Interior, as manager of the dam, to operate the dam in a manner that protects the natural resources of the Grand Canyon.

Second, the bill provides for the timely completion of an environmental impact statement on the dam operations. This study will provide the Secretary with the scientific date he needs to make responsible operational decisions and to fulfill his duty to protect the canyon.

Third, because the EIS process is expected to take up to 2 more years to complete, the bill calls on the Secretary to implement protective interim flows to mitigate adverse environmental impacts while the search for long term solutions is underway. Finally, the bill requires the Secretary to develop and implement a long-term monitoring program to ensure we continue to meet our stewardship responsibilities in the future.

I've explained in general terms what the legislation does, now let me explain in greater depth why I believe it's necessary.

Mr. President, I know many of my colleagues have been to the Grand Canyon and appreciate what a special place it is. I will refrain from trying to describe its inspiring beauty and its timeless significance as the crown jewel of our Nation's natural heritage. Frankly, I've found such an endeavor an impossible task. I doubt whether there are words in the English language to capture its true essence. Anyone who has beheld a sunrise at Navajo Point, hiked the backcountry on the Tanner Trail or run the rapids at Lava Falls understands the frustration of trying to describe the indescribable, so I shall not try.

Suffice it to say the Grand Canyon is a unique and irreplaceable gift which we have a moral duty to preserve, protect and to hold in trust for our children. That duty is why this legislation is necessary.

The impact of Glen Canyon Dam on the Grand Canyon has been the focus of enormous attention over the past several years. Constructed in 1963, the dam is a major component of the Colorado River storage project. The structure impounds water critical to meeting the needs of the Colorado River Basin States. It provides flood control, generates clean and economical hydroelectricity and offers recreational opportunities to millions of Americans every year. This multipurpose facility provides many benefits, but the impacts of the operating regimen we have established risk a priceless part of our natural heritage. We are just now beginning to truly appreciate and properly address those impacts.

What exactly are these costs? Eight years ago, when concern about the impact of dam operations on the canyon was first raised, then Secretary of the Interior, James Watt initiated the Glen Canyon environmental studies to analyze and quantify the extent of the problem. Phase I of the studies was concluded in 1988. The study indicates that power operations at the dam are, indeed, having a substantial adverse impact on three important downstream Colorado River resources: beaches, endangered fish, and recreation.

I would like to briefly describe, in general terms, the correlation between dam operations and the degradation identified by the Department of the Interior. For those interested in a more detailed scientific analysis, I would recommend reading the reports published by the Department on phase 1 of the Glen Canyon environmental studies.

First, let's address the beaches. The Glen Canyon environmental studies found that widely fluctuating water releases from the dam, primarily for the maximum generation of hydroelectric peaking power, are contributing to the erosion of river beaches. It's critical to recognize that river beaches are not merely convenient resting spots for river rafters, hikers, and Grand Canyon campers. The beaches are extremely valuable biological resources which support riparian vegetation and diverse forms of wildlife. They are precious and fragile ecosystems which are as vital a part of the canyon as a view from the South Rim and just as deserving of protection.

Some maintain that there is no problem with beach erosion. They assert that the river beaches are actually better off because of the dam. They cite the fact that, historically, predam flood flows raging down the river would, occasionally, scour the canyon leaving little in their wake, and that taming the river has put an end to such events. There is no doubt that certain flood flows inflicted enormous damage on beaches and drastically reduced their size and number. No responsible student of the river would suggest otherwise.

It must be pointed out, however, that before the dam was constructed, sediment was permitted to flow down the Colorado River unimpeded. That sediment would typically collect forming new beaches, enabling the river to repair itself naturally as it had over the millenia.

The conditions today, however, are different. The dam restricts sediment transport and seriously reduces the building blocks necessary for beach formation. Without the natural transportation of sediment, the widely fluctuating flows from Glen Canyon Dam along with very high water flows are gradually and irreversibly eroding canyon beaches. I'm sure most of my colleagues would agree, we simply cannot sit idly by and watch a vital part of the Grand Canyon environment wash away into oblivion.

Another resource affected by dam operations is native fish species, including the endangered humpback chub. Postdam changes in water temperature and fluctuating releases have changed the environment in which these species are expected to survive. The exact impact of current operations and the potential benefits of operational changes will continue to be examined during the environmental impact statement currently underway. Clearly, we have an obligation to assist these species in their fight for survival. If changes in dam operations can promote their recovery, as suggested by the Glen Canyon studies, then we must do what we can to assist.

Finally, we must consider the impact of dam operations on recreation—including river rafting and the world-class trout fishery at Lee's Ferry. There is no doubt that without the dam there would be no trout fishery, and Glen Canyon Dam has had some positive effects on white water boating including extending the boating season. Those factors should not mean, however, that these recreational activities should receive second rate status, nor does it mean that we should disregard opportunities to improve the conditions of these resources as dam operations are developed.

According to the GCES final report, fluctuating releases during the winter months reduce the natural reproduction of trout by exposing spawning beds and denying access of reproducing adults to tributaries. Furthermore, fluctuations and low minimum flows have an adverse impact on river rafting. Operational changes can be made to improve these recreational resources, and it's time they receive the consideration they deserve in the decisionmaking process.

While, in sum, the impact of current Glen Canyon Dam operations on the canyon is generally bad news, the good news is that the dam can be operated in a manner which will better protect the environmental and recreational resources of the Grand Canyon. Exactly how that will be accomplished is up to the dictates of science and the findings of the environmental impact statement.

With an EIS underway some might wonder why legislation is necessary. I, along with Senator DECONCINI, wrote to the Secretary urging him to order the environmental impact statement, and subsequently we called on the Secretary to implement protective interim flows. I support the Secretary's decision to pursue those important courses of action. The Grand Canyon Protection Act, however, is necessary because its enactment will place us irreversibly on the road to making lasting and critical decisions on how the Grand Canyon fits into Glen Canyon Dam operations. Statutorily defining our standards will leave no doubt, now and in the future, about the Secretary's responsibility to protect the natural resources of the Grand Canyon and the will of Congress in that regard.

The environmental impact statement is obviously a critical undertaking.

Whether we can successfully turn our good intentions into meaningful and measurable benefits to the canyon environment depends upon the quality of the EIS. That's why I hope that as hearings are conducted on the Grand Canyon Protection Act, we will have the opportunity to review the progress and status of the environmental impact statements being prepared by the Department of the Interior, and the western area power authority. An oversight hearing on the process would prove very informative and useful to all concerned.

Let there be no mistake, Glen Canyon Dam has provided and will continue to provide many benefits—clean and dependable energy to help power the region's tribal, municipal and industrial growth, water for people to survive and for our crops to grow, and recreational opportunities for millions. The mighty Colorado and the Glen Canyon Dam have provided us with very special gifts indeed—supporting a wide array of interests and uses. This legislation does not suggest that we forego these benefits. In fact, the bill states categorically that the dam's water storage and delivery functions shall not be disrupted.

This legislation merely ensures that we put our priorities back into perspective. It will see that we don't allow our constructive use of one important resource to become an abuse of another—particularly the Grand Canyon.

Mr. President, I want to clearly state that I understand the importance of affordable electrical power to our economy and to the welfare of our people. I'm confident that we can find viable and cost-effective alternatives for any peaking power potential which might be lost from Glen Canyon Dam. I urge the Secretary of the Interior and the Secretary of Energy to work together and with power developers and users in the region to help identify and develop those alternatives.

I'd like to note that the legislation now before the Senate is somewhat different than the bill I originally introduced along with Senators DECONCINI and BRADLEY last year. Following the introduction of that bill, we heard from a variety of individuals and groups who expressed concerns and suggested improvements to the legislation. In response, last August, I convened a meeting in my Phoenix office with representatives of the various parties including environmental organizations, and representatives of public power and water interests.

At the meeting all parties had the opportunity to express their views about the bill. Many valid points were made and I asked these groups to work together to achieve a consensus which would ensure the highest standards of protection for the Grand Canyon Trust, the Sierra Club, the Colorado River Energy Distributors Association, the American Public Power Association, and water representatives from the Upper and Lower Basin, meet that very formidable challenge. Together they worked out an agreement which, as I said, was approved by the Energy Committee and passed by the Senate last year.

Their task was not any easy one. Many diverse and sometimes contradictory interests were at stake. But through cooperation and commitment, they succeeded. Those who participated deserve our gratitude and congratulations. As I said, the bill upholds the highest standards of canyon protection, but ensures that decisions on how to accomplish that end will be made in a manner which is equitable and fair.

My colleagues will notice that the bill I'm introducing today does delete one provision of the legislation as passed by the Senate during the last Congress. This provision was added last year as an amendment during the Energy Committee markup. It tells the Department of the Interior how to finance the Glen Canyon Dam scientific studies and the power revenues lost due to the changes in dam operations required by the law. The question of who pays for environmental impact statements and the economic impacts of conducting them is a policy question with far reaching implications well beyond the scope of this legislation. The administration expressed its strong opposition to the financing provision saying that "it violates long standing congressional and executive branch policy."

Selectively altering current administrative procedures in this one case is neither appropriate nor is it fair and doing so could imperil passage of the legislation. The generally applied policies should apply in this case. Any deficiencies or inequities which may exist in those policies would be better redressed administratively or legislatively in a manner that will apply to all cases of this nature, rather than micromanaging the financing question in the Grand Canyon Protection Act. With that one exception, the bill we introduce today is identical to the bill which the Senate passed unanimously last year.

Before leaving the topic of financing, I would like to say that I believe fairness and equity should be observed in allocating costs for environmental impact statements. We should strive to distribute the costs as fairly as possible among all the project purposes and beneficiaries rather than singling out any one group to solely bear the burden.

In conclusion, I would like to recall the words of Theodore Roosevelt, one of the first and most dedicated supporters of the Grand Canyon. It was almost 90 years ago, that President Roosevelt stood at the edge of the Grand Canyon and marvelled at the magnificence he beheld. Moved by its grandeur, the President admonished those assembled. He said:

> Leave the Canyon as it is. You cannot improve on it the ages have been at work on it, and man can only mar it. What you can do is to keep it for your children, your children's children, and for all who come after you.

Those simple words define the responsibility with which we—the present day stewards of the Grand Canyon—have been vested. Passage of this legislation will enable us to fulfill that responsibility faithfully. Let us do so with resolve and dispatch.

I ask unanimous consent that the bill and letters of support for the Grand Canyon Protection Act be printed immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Canyon Protection Act of 1990".

SEC. 2. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary shall operate Glen Canyon Dam in accordance with the additional criteria and operating plans specified in section 4 and exercise other authorities under existing law in such a manner as to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and Glen Canyon National Recreation Area were established, including, but not limited to, natural and cultural resources and visitor use.

(b) COMPLIANCE WITH EXISTING LAW.—The Secretary shall implement this section in a manner fully consistent with and subject to the Colorado River Compact, the Upper Colorado River Basin Compact, the Water Treaty of 1944 with Mexico, the decree of the Supreme Court in Arizona v. California, and the provisions of the Colorado River Storage Project Act of 1956 and the Colorado River Basin Project Act of 1968 that govern allocation, appropriation, development, and exportation of the waters of the Colorado River basin.

(b) RULE OF CONSTRUCTION.—Nothing in this Act alters the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established or affects the authority and responsibility of the Secretary with respect to the management and administration of the Grand Canyon National Park and Glen Canyon National Recreation Area, including natural and cultural resources and visitor use, under laws applicable to those areas, including, but not limited to, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 3. INTERIM OPERATION OF GLEN CANYON DAM.

(a) PLAN.—The Secretary shall—

(1) as soon as practicable after the date of enactment of this Act develop a plan for operating Glen Canyon Dam on an interim basis to protect, mitigate adverse effects to, and improve the condition of the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area; and

(2) implement the plan on the earlier of—

(A) September 1, 1991; or

(B) the cessation of research flows used for preparing the environmental impact statement ordered by the Secretary on July 27, 1989, whichever is sooner.

(b) Criteria.—The interim plan described in subsection (a) shall be designed to—

(1) not interfere with the water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating the allocation of the Colorado River;

(2) minimize, to the extent reasonably possible, the adverse environmental impact of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam;

(3) adjust fluctuating water releases used for the production of peaking hydroelectric power and adjust rates of flow changes for fluctuating flow that will minimize, to the extent reasonably possible, adverse down stream impacts;

(4) minimize flood releases, consistent with section 2;

(5) maintain sufficient minimum flow releases from Glen Canyon Dam to minimize, to the extent reasonably possible, adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreational Area downstream of Glen Canyon Dam, and protect fishery resources; and

(6) limit maximum flows released during normal operations to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam, and protect fishery resources.

(c) Consultation.—The Secretary shall develop and implement the interim plan described in this section in consultation with—

(1) appropriate agencies of the Department of the Interior, including the Bureau of Reclamation, United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) Indian tribes; and

(5) the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) Best Available Data.—The Secretary shall develop and implement the interim plan referred to in this section using the best and most recent scientific data available.

(e) Termination of Interim Plan.—The interim plan described in this section shall terminate upon compliance by the Secretary with section 4.

(f) Deviation From Interim Plan.—The Secretary may deviate from the interim plan referred to in this section upon a finding that deviation is necessary and in the public interest to—

(1) comply with the requirements of section 4(a);

(2) respond to hydrologic extremes or power system operating emergencies; or

(3) reduce adverse effects on downstream Colorado River natural, recreational, or cultural resources.

SEC. 4. GLEN CANYON DAM ENVIRONMENTAL IMPACT STATEMENT; LONG-TERM OPERATION OF GLEN CANYON DAM.

(a) Final Environmental Impact Statement.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a final Glen Canyon Dam environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Audit.—The Comptroller General shall—

(1) audit the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the environmental impact statement described in subsection (a); and

(2) report the results of the audit to the Secretary and the Congress.

(c) Adoption of Criteria and Plans.—(1) Based on the findings, conclusions, and recommendations made in the environmental impact statement prepared pursuant to subsection (b), the Secretary shall—

(A) adopt criteria and operating plans separate from and in addition to those specified in section 602(b) of the Colorado River Basin Project Act of 1968 and

(B) exercise other authorities under existing law,

so as to ensure that Glen Canyon Dam is operated in a manner consistent with section 2.

(2) Each year after the date of the adoption of criteria and operating plans pursuant to paragraph (1), the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act of 1968 on the preceding year and the projected year operations undertaken pursuant to this Act.

(3) In preparing the criteria and operating plans described in section 602(b) of the Colorado River Basin Project Act of 1968 and in this subsection, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including—

(A) representatives of academic and scientific communities;

(B) environmental organizations;

(C) the recreation industry; and

(D) contractors for the purchase of Federal power produced at Glen Canyon Dam.

(d) Report to Congress.—Upon implementation of long-term operations under subsection (c), the Secretary shall submit to the Congress the environmental impact statement described in subsection (a) and a report describing the long-term operations and other reasonable mitigation measures taken to protect, mitigate adverse impacts to, and improve the condition of the natural, recreational, and cultural resources of the Colorado River downstream of Glen Canyon Dam.

SEC. 5. LONG-TERM MONITORING.

(a) In General.—The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with section 2.

(b) Research.—Long-term monitoring of Glen Canyon Dam shall include any necessary research and studies to determine the effect of the Secretary's actions under section 4(c) on the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area.

(c) Consultation.—The monitoring programs and activities conducted under subsection (a) shall be established and implemented in consultation with—

(1) the Secretary of Energy;

(2) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(3) Indian tribes; and

(4) the general public, including representatives of academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act is intended to affect in any way—

(1) the allocations of water secured to the Colorado River Basin States by any compact, law, or decree; or

(2) any Federal environmental law, including the Endangered Species Act (16 U.S.C. 1531 et seq.).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Grand Canyon Trust,
Washington, DC, January 14, 1991.

Senator John McCain,
Senator Dennis DeConcini,
Senator Bill Bradley,
U.S. Senate, Washington, DC.

Dear Senator McCain, Senator DeConcini, and Senator Bradley: I am writing to express the Grand Canyon Trust's support for the Grand Canyon Protection Act of 1991, a bill which will halt the ongoing, irreversible damage which Glen Canyon Dam operations are inflicting on Grand Canyon National Park.

The Grand Canyon Protection Act of 1991 accomplishes several important objectives. First, the bill requires the Secretary of the Interior to protect the downstream environmental and recreational resources in the Grand Canyon when making decisions about Glen Canyon Dam operations. Second, the bill provides clear and unequivocal guidance to the Secretary of the Interior and to the Western Area Power Administration ("WAPA") as these two federal agencies prepare Environmental Impact statements on policies and actions which affect Glen Canyon Dam operations. Third, the bill requires the Secretary of Interior to set interim operating criteria for Glen Canyon Dam which will protect the downstream environment in the Grand Canyon during preparation of the Bureau of Reclamation and WAPA's Environmental Impact Statements. Fourth, the bill provides for a long term scientific research and monitoring program to evaluate the effect of dam operations over time so that adjustments can be made to operating procedures based on the most up-to-date, accurate information. Finally, the legislation establishes an open public process for annual and periodic review of operating criteria for Glen Canyon Dam.

The Grand Canyon Trust looks forward to working with you to secure the Grand Canyon Protection Act's expeditious passage. We respectfully request that a hearing on the legislation be held as soon as possible. In July 1989, the Secretary of the Interior directed the Bureau of Reclamation to prepare an Environmental Impact Statement on Glen Canyon Dam operations. We believe that the Bureau of Reclamation's EIS process suffers from a lack of clear objectives and direction. Accordingly, the Grand Canyon Protection Act is critical to ensuring that the Secretary of Interior protects the downstream resources in the Grand Canyon when establishing annual and long term operating criteria for Glen Canyon Dam.

We also wish to express our appreciation for your leadership and for your commitment to protecting the crown jewel of our National Park System, Grand Canyon National Park.

Cordially,
EDWARD M. NORTON, Jr.,
President.

By Mr. THURMOND:

S. 145. A bill to amend chapter 3 of title 11, United States Code, to modify the compensation for private bankruptcy trustees; to the Committee on the Judiciary.

BANKRUPTCY ADMINISTRATION IMPROVEMENTS ACT

• Mr. THURMOND. Mr. President, today I am introducing a bill to amend the compensation method for private bankruptcy trustees.

Under current law, private trustees in a chapter 7 bankruptcy proceedings are paid $45 out of the debtors case filing fee and are also paid a commission from the estate funds based on the amount of money disbursed to creditors. Unfortunately, in the vast majority of chapter 7 cases there are no assets of sufficient value to warrant liquidation. Therefore, the trustee receives only $45.

The Justice Department strongly believes that enhancing the compensation for bankruptcy trustees will provide them with the "increased resources and incentive to recover assets concealed by unscrupulous debtors and to liquidate them for the benefit of creditors." By improving the compensation method, the trustees will be motivated to carefully consider each bankruptcy case, and ensure that the system is not being abused.

This legislation will require that a portion of the payment for bankruptcy trustees be mandatory, and an additional discretionary compensation may be awarded in certain cases. It is important to note that the cost of this enhancement will not be borne by the Treasury, but rather by the users of the bankruptcy system.

I believe this bill will be very helpful in improving the administration of bankruptcy cases and providing for competent trustees.•

By Mr. THURMOND:

S. 146. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

REMEDIAL JURISDICTION OF INFERIOR FEDERAL COURTS

Mr. THURMOND. Mr. President, I rise today to introduce legislation to prohibit Federal judges from ordering new taxes or ordering increases in existing tax rates as a judicial remedy.

Last year the Supreme Court decided in Missouri versus Jenkins to allow Federal judges to order new taxes or tax increases as a judicial remedy. It is my firm belief that this narrow 5 to 4 decision permits Federal judges to exceed their proper boundaries of jurisdiction and authority under the Constitution.

Mr. President, this ruling and congressional response raises two constitutional issues which warrant discussion. First, I mentioned earlier is whether Federal courts have authority under the Constitution to inject themselves into the legislative area of taxation. The second constitutional issue arises in light of the Judicial Taxation Prohibition Act which I am now introducing to restrict the remedial jurisdiction of the Federal courts. This narrowly drafted legislation would prohibit Federal judges from ordering new taxes or ordering increases in existing tax rates. I believe it is clear under article III that the Congress has the authority to restrict the remedial jurisdiction of the Federal Courts in this fashion.

First I want to speak on the issue of judicial taxation. Not since Great Britain's ministry of George Grenville in 1765 have the American people faced the assault of taxation without representation as now authorized in the Jenkins decision.

As part of his imperial reforms to tighten British control in the colonies, Grenville pushed the Stamp Act through the Parliament in 1765. This act required excise duties to be paid by the colonists in the form of revenue stamps affixed to a variety of legal documents. This action came at a time when the colonies were in an uproar over the Sugar Act of 1764 which levied duties on certain imports such as sugar, indigo, coffee, linens and other items.

The ensuing firestorm of debate in America centered on the power of Britain to tax the colonies. James Otis, a young Boston attorney, echoed the opinion of most colonists stating that the Parliament did not have power to tax the colonies because Americans had no representation in that body. Mr. Otis had been attributed in 1761 with the statement that "taxation without representation is tyranny."

In October 1765, delegates from nine States were sent to New York as part of the Stamp Act Congress to protest the new law. It was during this time that John Adams wrote in opposition to the Stamp Act:

> We have always understood it to be a grand and fundamental principle * * * that no freeman shall be subject to any tax to which he has not given his own consent, in person or by proxy.

A number of resolutions were adopted by the Stamp Act Congress protesting the acts of Parliament. One resolution stated:

> It is inseparably essential to the freedom of a people * * * that no taxes be imposed on them, but with their own consent, given personally or by their representatives.

The resolutions concluded that the Stamp Act had a "manifest tendency to subvert the rights and liberties of the colonists."

Opposition to the Stamp Act was vehemently continued through the colonies in pamphlet form. These pamphlets asserted that the basic premise of a free government included taxation of the people by themselves or through their representatives.

Other Americans reacted to the Stamp Act by rioting, intimidating tax collectors, and boycotts directed against England. While Grenvill's successor was determined to repeal the law, the social, economic, and political climate in the colonies brought on the American Revolution. The principles expressed during the earlier crisis against taxation without representation became firmly imbedded in our Federal Constitution of 1787.

Yet, the Supreme Court has overlooked this fundamental lesson in American history. The Jenkins decision extends the power of the judiciary into an area which has traditionally been reserved as a legislative function within the Federal, State, and local governments. In The Federalist No. 48, James Madison explained that in our democratic system, "the legislative branch alone has access to the pockets of the people."

This idea has remained steadfast in America for over 200 years. Elected officials with authority to tax are directly accountable to the people who give their consent to taxation through the ballot box. The shield of accountability against unwarranted taxes has been removed now that the Supreme Court has sanctioned judicially imposed taxes. The American citizenry lacks adequate protection when they are subject to taxation by unelected, life tenured Federal judges.

There are many programs and projects competing for a finite number of tax dollars. The public debate surrounding taxation is always intense. Sensitive discussions are held by elected officials and their constituents concerning increases and expenditures of scarce tax dollars. To allow Federal judges to impose taxes is to discount valuable public debate concerning priorities for expenditures of a limited public resource.

Mr. President, the dispositive issue presented by the Jenkins decision is whether the American people want, as a matter of national policy, to be expected to taxation without their consent by an independent and insulated judiciary. I most assuredly believe they do not.

This brings us to be second constitutional issue which we must address in light of the Jenkins decision. That issue is congressional authority under the Constitution to limit the remedial jurisdiction of lower Federal courts established by the Congress. Article III, section 1, of the Constitution provides jurisdiction to the lower Federal courts as the "Congress may from time to time ordain and establish." There is no mandate in the Constitution to confer equity jurisdiction to the inferior Federal courts. Congress has the flexibility under article III to "ordain and establish" the lower Federal courts as it deems appropriate. This basic premise has been upheld by the Supreme Court in a number of cases including Lockerty versus Phillips, Lauf versus E.G. Skinner and Co., Kline versus Burke Construction Co., and Sheldon versus Sill.

This legislation would preclude the lower Federal courts from issuing any order or decree requiring imposition of "any new tax or to increase any existing tax or tax rate." I firmly believe that this language is wholly consistent with congressional authority under article III, section 1 of the Constitution.

There is nothing in this legislation which would restrict the power of the lower Federal courts from hearing constitutional claims. It accords due respect to all the provisions of the Constitution and merely limits the availability of a particular judicial remedy which has traditionally been a legislative function. The objective of this legislation is straightforward, to prohibit Federal courts from increasing taxes. The language in this bill applies to the inferior Federal courts and does not deny claimants judicial access to seek redress of any Federal constitutional right.

Mr. President, how long will it be before a Federal judge orders tax increases to build new highways or prisons? I do not believe the Founding Fathers had this type of activism in mind when they established the judicial branch of Government. The role of the judiciary is to interpret the law. The power to tax is an exclusive legislative right belonging to the Congress and the individual States. We are accountable to the citizens and must justify any new taxes.

The American people deserve a timely response to the Jenkins decision and we must provide protection against the imposition of taxes by an independent judiciary.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. DECONCINI, Mr. GRASSLEY, Mr. D'AMATO, Mr. SIMPSON, Mr. DOMENICI, Mr. BOREN, Mr. MCCONNELL, Mr. SYMMS, Mr. BURNS, and Mr. SMITH):

S. 147. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

FEDERAL DEATH PENALTY ACT

Mr. THURMOND. Mr. President, as the 102d Congress convenes, I am introducing a bill that establishes constitutional procedures for the imposition of the death penalty and provides the death penalty for certain Federal offenses. The death penalty is not a new issue for the Senate. In the 101st Congress, the Senate overwhelmingly passed a major crime reform measure which contained a comprehensive death penalty measure. Efforts on the Senate floor to weaken or strip the death penalty from this bill were soundly defeated. That death penalty provision was the direct result of the comprehensive death penalty bill I introduced last Congress, S. 32. The House of Representatives passed a similar measure as part of their comprehensive crime bill. Unfortunately, during the closing days of last Congress, death penalty opponents in conference stripped the crime bill of this important and urgently needed measure.

Regarding constitutional procedures, this bill provides procedures similar to those put in place by the death penalty included in the drug bill. Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the death penalty cannot be imposed because constitutional procedures for imposing such a sentence have not existed. The 1972 Supreme Court decision of Furman versus Georgia rendered the Federal death penalty procedures unconstitutional. Subsequently, in a series of landmark decisions handed down in 1976, the Supreme Court determined that the death penalty was constitutional when imposed under certain procedures specifically designed to guard against the jury using its "unfettered discretion." The Supreme Court has subsequently handed down numerous decisions clarifying the circumstances and means by which the death penalty may be implemented.

In the past, I have undertaken numerous efforts in the Senate to establish procedures which satisfy the constitutional standards set by the Supreme Court—including my efforts last year. The bill I am offering today comports with the constitutional requirements outlined by the Supreme Court and establishes the procedures for the imposition of the death penalty for the numerous Federal crimes that currently authorize a sentence of death.

Briefly, I will discuss these procedures. The bill mandates a bifurcated process which the factfinder must follow when determining whether a sentence of death is justified. This process consists of a first hearing to determine the guilt or innocence of the defendant and a second hearing to determine whether the death penalty should be imposed if the defendant is found guilty.

Additionally, this bill requires that in order to seek a sentence of death, the Government must give notice to the defendant within a reasonable time before trial is initiated. The Government must also identify in that notice the statutory aggravating factors it intends to prove. As well, the sentencing hearing would be held before the same jury which determined the guilt of the defendant, unless the defendant requests and the Government agrees to have the hearing before the trial judge alone.

The factfinder, whether the jury or judge, in its deliberation following the sentencing hearing, would have to make a series of determinations before a sentence of death could be imposed. First, depending upon the crime involved, the factfinder must detemine that special threshold requirements exist, such as the defendant intentionally killed the victim or the defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person. If none are found to exist, a sentence other than death would have to be imposed. Second, if the required threshold factors are found to exist, the factfinder would have to make a special finding as to the existence of a statutory aggravating factor presented at the sentencing hearing. All members of the jury must find the existence of at least one aggravating factor, although they need not agree upon the same one, in order to move onto a final weighing process. If any one member of the jury fails to find the existence of an aggravating factor, a sentence other than death would have to be imposed. Only those aggravating factors found to exist by a majority of the jury may be considered in the final weighing process.

Finally, the deliberation moves to the third step, the final weighing process. Here the jury or judge will weigh all of the aggravating factors against all the mitigating factors to determine whether the aggravating factors sufficiently outweigh the mitigating factors. During this final process, any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of the final weighing as to whether the death penalty should be applied, regardless of the number of jurors who believe the factor has been established. If the jury or judge does in fact determine that the aggravating factors sufficiently outweigh the mitigating factors, a death sentence could then be appropriately imposed.

In addition, this bill also contains provisions which prohibit the imposition of a sentence of death on a person who was less than 16 years of age at the time of the offense.

As well as applying these constitutional procedures to crimes where the death penalty is already authorized, this bill authorizes the death penalty for the following offenses: First, certain attempts to assassinate the President; second, murder by a Federal prisoner serving a life term in a Federal correctional institution; third, hostage taking situations where death results to the hostage, or to a person attempting to rescue a hostage or apprehend the hostage takers; fourth, murder for hire and murder in aid of racketeering activity; and fifth, genocide where death results. With the exception of the genocide provision, these provisions were all contained in similar bills introduced in the 99th, 100th, and 101st Congress.

Without question, the death penalty is a familiar issue to the Senate. Last year, the Senate approved a death penalty similar to this measure as part of the crime bill debate. An effort to strip it from the bill was defeated by a vote of 73 to 25. In the 98th Congress, the Senate approved a death penalty bill which is essentially the same as the bill I offer today. That bill passed by an overwhelming vote of 63 to 32. In the 100th session, Congress considered and passed these much needed procedures as part of the drug bill. This action on the part of the 100th Congress was a valuable first step. However, we did not go far enough. The legislation enacted only permits imposition of the death penalty for those who murder law enforcement officers and for those who commit certain drug related murders.

In conclusion, last year, both Houses of Congress passed measures similar to this bill as part of the crime bill debate. Death penalty opponents in conference stripped these provisions from the bill. Congress must broaden the category of offenses for which the death penalty should be applied such as the killing or attempted killing of the President, certain acts of treason and espionage, and the crime of genocide. We should not hesitate any longer. The law-abiding citizens and this Nation demand action and they demand it now. I urge my colleagues to take swift action on this vital legislation.

Mr. President, I ask that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Act of 1991".

SEC. 2. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.

"3591. Sentence of death.

"3592. Factors to be considered in determining whether a sentence of death is justified.

"3593. Special hearing to determine whether a sentence of death is justified.

"3594. Imposition of a sentence of death.

"3595. Review of a sentence of death.

"3596. Implementation of a sentence of death.

"3597. Use of State facilities.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(a) an offense described in section 794 or section 2381 of this title;

"(b) an offense described in section 1751(c) of this title, if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(c) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(1) intentionally killed the victim;

"(2) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(3) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(4) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified; provided that no person may be sentenced to death who was less than 16 years of age at the time of the offense.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(2) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(3) the defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(a), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the defendant has previously been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute:

"(2) in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security; and

"(3) in the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (b) or (c), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft privacy);

"(2) the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(3) the defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person;

"(4) the defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(5) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(6) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(7) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(8) the defendant committed the offense after planning and premeditation to cause the death of a person or commit an act of terrorism;

"(9) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance;

"(10) the victim was particularly vulnerable due to old age, youth, or infirmity;

"(11) the defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise;

"(12) the defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purpose of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified.

"(a) Notice by the Government.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter. He shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) Hearing Before a Court or Jury.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. the hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good causes; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) Proof of Mitigating and Aggravating Factors.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) Return of Special Findings.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under section 3592. The jury must find the existence of an aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific or aggravating factor if a majority of the jury finds the existence of such a specific factor. A finding with respect to a mitigating factor may be made by one or more members of the jury and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this section, regardless of the number of jurors who consider that the factor has been established.

"(e) Return of a Finding Concerning a Sentence of Death.—If, in the case of—

"(1) an offense described in section 3591(a), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (b) or (c), an aggravating factor required to be considered under section 3592(c) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(f) Special Precaution To Assure Against Discrimination.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"§ 3594. Imposition of a sentence of death.

"Upon a finding under section 3593(e) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under section 3593(e) that a sentence of death is not justified, or under section 3593(d) that no aggravating factor required to be found exists, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§ 3595. Review of a sentence of death.

"(a) Appeal.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) Review.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) Decision and Disposition.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of an aggravating factor required to be considered under section 3592;

it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death.

"A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"§ 3597. Use of State facilities.

"(a) In General.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) Excuse of an Employee on Moral or Religious Grounds.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

(b) Repeal.—Sections 3566 and 3567 of title 18, United States Code, are hereby repealed.

(c) Amendments to Chapter Analysis.—(1) The chapter analysis of part II of title 18, United States Code, is amended by adding the following new item after the item relating to chapter 227:

"228. Death sentence .... 3591".

(2) The section analysis of chapter 227 of title 18, United States Code, is amended by amending the items relating to section 3566 and 3567 to read as follows:

"3566. Repealed.
"3567. Repealed.".

SEC. 3. CONFORMING CHANGES IN TITLE 18.

(a) Aircraft and Motor Vehicles.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(b) Espionage.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(c) Explosive Materials.—(1) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(2) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(3) Section 844(i) of title 18, United States Code, is amended by striking the words "as provided in section 34 of this title".

(d) Murder.—(1) The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(2) Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(e) Kidnapping.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(f) Nonmailable Injurious Articles.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(g) Presidential Assassinations.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

(h) Wrecking Trains.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the section.

(i) Bank Robbery.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(j) Hostage Taking.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(k) Racketeering.—(1) Section 1952A(a) of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(2) Section 1952B(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both:".

(l) Genocide.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, a fine of not more than $1,000,000, or imprisonment for life or a sentence of death.".

SEC. 4. CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.

Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1473), is amended by striking subsection (c).

SEC. 5. CONTROLLED SUBSTANCES ACT.

Section 408 of the Controlled substances Act (21 U.S.C. 848) is amended by striking subsections (g) through (r).

SEC. 6. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

The provisions of chapter 228 of title 18, United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 7. MURDER BY A FEDERAL PRISONER.

(a) In General.—Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

§ 1118. Murder by a Federal prisoner.

"(a) Whoever, while confined in a Federal correctional insitution under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

"(b) For the purposes of this section—

"(1) the term 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house:

"(2) the term 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death; and

"(3) the term 'murders' means committing first degree or second degree murder as defined by section 1111 of this title.".

(b) Amendment to Chapter Analysis.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following:

"1118. Murder by a Federal prisoner.".

By Mr. THURMOND (for himself, Mr. Hatch, Mr. DeConcini, Mr. D'Amato, Mr. Helms, Mr. Grassley, Mr. Simpson, Mr. Domenici, Mr. Symms, Mr. Gramm, Mr. McCain, and Mr. Nickles):

S. 148. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS ACT

Mr. THURMOND. Mr. President, the bill I am introducing today would reform Federal habeas corpus and collateral attack procedures. This legislation will minimize Federal judicial interference with State criminal convictions, and deal with common abuses typical of habeas prisoner petitions. In the 97th Congress, the Senate passed a bill identical to the one I am introducing today by a vote of 67 to 9. I introduced that bill in the 98th, 99th, 100th, and 101st Congress and no floor action was taken on these bills. However, Congress came very close to passing a major habeas corpus reform measure last year. As part of the Biden-Thurmond crime bill, the Senate passed a compromise habeas reform proposal. While I was willing to accept this proposal, I believe a tougher proposal is necessary. The Senate passed proposal was drafted in the spirit of compromise, but was still opposed by death penalty opponents. Therefore, I have decided to reintroduce this legislation which is the most comprehensive and effective proposal. Without question, this measure embodies the truest habeas corpus reform possible.

This bill proposes amendments to various sections of chapter 153 of title 28 of the United States Code, and a related rule of appellate procedure. Its objectives are to establish a more appropriate scope and function for Federal habeas corpus for State prisoners, accord more appropriate weight to State procedures in criminal adjudication, improve the efficiency of habeas corpus litigation and appellate review of such litigation, and effect certain corresponding improvements in the operation of collateral remedies for Federal prisoners. The proposed amendments would change the operation of Federal collateral remedies in several respects.

First, the proposed amendments would preclude granting relief with respect to matters that have been full and fairly adjudicated in State proceedings. This important change would enhance the finality of State criminal adjudications and avoid duplicative litigation of claims that have already been adequately considered and decided.

Second, the proposed amendments would generally bar the consideration of claims that have not been properly raised in State proceedings, provided the State has afforded the petitioner an opportunity, consistent with the requirements of Federal law, to raise his claims in the State proceedings.

Third, the proposed amendments would establish a 1 year limitation period for the filing of habeas corpus petitions by State's prisoners, which would generally run from the time the prisoners exhaust his State remedies. This limitation period would bar petitions in cases in which the passage of time has made reliable adjudication of the petitioner's claim, or retrial of the petitioner, difficult or impossible. The limitation period would also advance the policies supporting the finality and repose in criminal adjudication.

Fourth, the proposed legislation would clearly state that a Federal habeas court can deny a petition on the merits without requiring prior exhaustion of State remedies. This would avoid the waste of judicial resources that result when a person presenting a frivolous petition is sent back to the State system to exhaust State remedies.

Fifth, the proposed amendments would vest in the; judges of the courts of appeals exclusively authority to issue certificates of probable cause for appeal in habeas corpus proceedings. This would entrust the decision concerning the propriety of an appeal to the judges who are in the best position to determine if there is a realistic likelihood for reversal. It would also avoid duplicative consideration of the suitability of a case for appeal, first by a district judge and then by a circuit judge.

Finally, the proposed amendments would make similar changes in the law governing applications for collateral relief by Federal prisoners pursuant to 28 U.S.C. 2255 in the areas of appeal, procedural default, and time limitation.

Federal habeas corpus and collateral attack procedures are in dire need of reform. This is evidenced by the glut of habeas petitions in the Federal system and by both Houses of Congress' action last year to pass habeas reform measures. This Congress, we must not permit a handful of death penalty opponents stand in the way of what the American people truly demand—real habeas corpus reform. The families of murder victims demand action on our part. It is time for Congress to reform this abused process.

I ask unanimous consent that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reform of Federal Intervention in State Proceedings Act of 1991".

SEC. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules of procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"RULE 22

"HABEAS CORPUS AND § 225 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by redesignating subsection "(d)" as subsection "(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(c) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States;

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

By Mr. THURMOND:

S. 149. A bill to amend title 28, United States Code, to provide special habeas corpus procedures in capital cases; to the Committee on the Judiciary.

HABEAS CORPUS PROCEDURES IN CAPITAL CASES

Mr. THURMOND. Mr. President, I rise today to introduce the legislative recommendations of the ad hoc committee on Federal habeas corpus in capital cases chaired by former Associate Supreme Court Justice Lewis Powell. This committee, commonly referred to as the Powell committee, was formed by Chief Justice William Rehnquist in June 1988. The Powell committee was charged with inquiring into the "necessity and desirability of legislation directed toward avoiding delay and the lack of finality" in capital cases in which the prisoner had or had been offered counsel. Pursuant to the Chief Justice's request, the Powell committee has made its recommendations and has proposed a legislative remedy to the problem of habeas corpus review in capital cases. It is these recommendations I introduce today. This bill is identical to a bill I introduced last Congress.

This Nation is facing a crisis in its criminal justice system. Federal habeas corpus and collateral attack procedures are in dire need of reform. This is evidenced by the glut of habeas petitions in the Federal system. The large increases in the number of habeas corpus filings, many of which are frivolous and used as a delaying tactic, require that legislation be enacted to address this problem.

Habeas petitions have grown by vast numbers in recent years. Last year, Federal district courts received over 10,000 habeas petitions. The problem of these numerous filings is compounded by the extraordinary delay in habeas corpus filings. The result is a criminal justice system which is overburdened with piecemeal and repetitious litigation and years of delay between sentencing and a final judicial resolution of the criminal matter.

Today, I am also introducing legislation, as I have since the 97th Congress, which would appropriately address this problem. That bill is a much broader bill than this measure as it applies to all criminal cases, not just capital offenses.

I anticipate the other Senators will introduce measures which modify the Powell recommendations. Yet, since the Powell committee spent a significant time formulating its recommendations, since the Chief Justice has expressed a belief that the need for strong habeas reform is urgently needed, and since the House of Representatives passed this proposal last year, I believe there should be a Senate vehicle which fully embodies the Powell committee recommendations.

Mr. President, it is appropriate that the Powell committee recommendations be before the Senate for consideration. This legislation I am introducing today proposes new statutory procedures for Federal habeas corpus review of capital sentences. The Powell committee proposal is aimed at achieving the following goal: Capital cases should be subject to one complete and fair course of collateral review in the State and Federal system, free from the time pressure of impending execution, and with the assistance of competent counsel for the defendant. Once this appropriate, fair review is completed, the criminal process should be brought to a conclusion.

This proposal allows a State to bring capital litigation by its prisoners within the new statute by providing competent counsel for inmates on State collateral review. Participation in the new procedures is optional with the States. This legislation also provides for a 6-month period within which a Federal habeas petition must be filed. This 6-month period begins to run on the appointment of counsel for the prisoner and is tolled during the pendency of all State court proceedings. In addition, this legislation provides for an automatic stay of execution, which is to remain in place until Federal habeas proceedings are completed. This provision ensures that habeas claims not be considered by a court under the time pressure of an impending execution.

In summary, this proposal balances the need for finality in death penalty cases with the requirement that a defendant have a fair examination of his claims. Thereafter, if the conviction and sentence are found to be appropriate, judicial proceedings will be at an end, absent any exceptional developments in the defendants case.

In closing, we cannot continue to delay action on legislation to correct the growing problem in habeas corpus cases. Criminal cases must be brought to a close. Endless consideration of issues that have no merit in criminal cases and are filed only for purposes of delay must be eliminated from our judicial system. The principles of justice, upon which our criminal system is based, demands that we take action to address the habeas problem.

For these reasons I urge my colleagues to carefully consider this measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

(a) Title 28, United States Code, is amended by inserting the following new chapter immediately following chapter 153:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions;

"2258. Filing of habeas corpus petition; time requirements; tolling rules.

"2259. Evidentiary hearings; scope of Federal review; district court adjudication.

"2260. Certificate of probable cause inapplicable.

"§ 2256. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 of this title brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State to have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner—

"(A) is indigent and has accepted the offer; or

"(B) is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing, if necessary, that the prisoner has rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal collateral post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under this chapter or section 2254 of this title. This subsection shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

"§ 2257. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order pursuant to section 2256(c) of this title, a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed pursuant to section 2254 of this title. The application must recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus petition under section 2254 of this title within the time required in section 2258 of this title; or

"(2) upon completion of district court and court of appeals review under section 2254 of this title, the petition for relief is denied and—

"(A) the time for filing a petition for certiorari has expired and no petition has been filed;

"(B) a timely petition for certiorari was filed and the Supreme Court denied the petition; or

"(C) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254 of this title, in the presence of counsel and after having been advised of the consequences of making the waiver.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution or grant relief in a capital case unless—

"(1) the basis for the stay and request for relief is a claim not previously presented in the State or Federal courts;

"(2) the failure to raise the claim—

"(A) was the result of State action in violation of the Constitution or laws of the United States;

"(B) was the result of a recognition by the Supreme Court of a new Federal right that is retroactively applicable; or

"(C) is due to the fact that the claim is based on facts that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State or Federal post-conviction review; and

"(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the jury's determination of guilt on the offense or offenses for which the death penalty was imposed.

"§ 2258. Filing of habeas corpus petition; time requirements; tolling rules

"(a) Any petition for habeas corpus relief under section 2254 of this title must be filed in the appropriate district court not later than 180 days after the filing in the appropriate State court of record of an order issued in compliance with section 2256(c) of this title. The time requirements established by this section shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner seeks review of a capital sentence that has been affirmed on direct appeal by the court of last resort of the State or has otherwise become final for State law purposes;

"(2) subject to subsection (b), during any period in which a State prisoner under capital sentence has a properly filed request for post-conviction review pending before a State court of competent jurisdiction; and

"(3) during an additional period not to exceed 60 days, if counsel for the State prisoner—

"(A) moves for an extension of time in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus petition under section 2254 of this title; and

"(B) makes a showing of good cause for counsel's inability to file the habeas corpus petition within the 180-day period established by this section.

"(b)(1) The time requirement established by subsection (a) shall be continuously tolled under paragraph (2) of that subsection from the date the State prisoner initially files for post-conviction review until the date of final disposition of the case by the highest court of the State so long as all State filing rules are timely met.

"(2) Tolling shall not occur under subsection (a)(2) during the pendency of a petition for certiorari before the Supreme Court following State post-conviction review.

"§ 2259. Evidentiary hearings; scope of Federal review; district court adjudication

"(a) When a State prisoner under a capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall—

"(1) determine the sufficiency of the evidentiary record for habeas corpus review based on the claims actually presented and litigated in the State courts, unless the prisoner shows that the failure to raise or develop a claim in the State courts—

"(A) was the result of State action in violation of the Constitution or laws of the United States;

"(B) was the result of a recognition by the Supreme Court of a new Federal right that is retroactively applicable; or

"(C) is due to the fact that the claim is based on facts that could not have been discovered through the exercise of reasonable diligence in time to present the claim for State post-conviction review; and

"(2) conduct any requested evidentiary hearing necessary to complete the record for habeas corpus review.

"(b) Upon the development of a complete evidentiary record, the district court shall rule on the merits of the claims properly before it.

"§ 2260. Certificate of probable cause inapplicable

"The requirement of a certificate of probable cause in order to appeal from the district court to the court of appeals does not apply to habeas corpus cases subject to this chapter except when a second or successive petition is filed.".

By Mr. MOYNIHAN (for himself, Mr. DANFORTH, Mr. BOREN, Mr. CHAFEE, Mr. PRYOR, Mr. HEINZ, Mr. DASCHLE, Mr. SYMMS, Mr. KERRY, Mr. KASTEN, and Mr. SANFORD):

S. 150. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to governmental bonds; to the Committee on Finance.

HIGHER EDUCATION TAX-EXEMPT BOND REFORM ACT OF 1991

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation that will undo what ought never have been done: The classification of bonds of private nonprofit higher education institutions and other nonprofit organizations as those of a private activity. I am joined by my distinguished colleague, Senator DANFORTH, and nine other original cosponsors: Senators BOREN, CHAFEE, PRYOR, HEINZ, DASCHLE, SYMMS, KERRY, KASTEN, and SANFORD.

The Tax Reform Act of 1986 imposed the private activity label on bonds issued on behalf of nonprofit institutions, collectively known as section 501(c)(3) organizations, thereby obscuring the longstanding recognition in the Internal Revenue Code of the public purposes served by these private institutions. Prior to 1986, the tax law treated private nonprofit colleges and universities essentially the same as governmental entities. Governmental units and section 501(c)(3) organizations were both classified as exempt persons, and accorded the benefits of tax-exempt bonds on the same basis. This represented an explicit recognition in the Tax Code of the public purposes served by private nonprofit institutions of higher learning.

The 1986 act's elimination of the exempt person category and the classification of section 501(c)(3) organizations bonds as private activity bonds has put private higher education institutions in a lesser status, with their tax-exempt financings vulnerable to restrictions devised for commercial undertakings. Most significant among the restrictions imposed in the 1986 act was the $150 million limitation on the amount of bonds that any nonprofit institution—other than a hospital—may have outstanding. We were successful in 1986 in keeping other private activity bond strictures from being imposed on nonprofits—the minimum tax and statewide volume caps, for example.

But the classification of nonprofit institutions' bonds as involving a private activity is the heart of the matter. A distinguishing feature of American society is the singular degree to which we maintain an independent sector—private institutions in the public service, if I may paraphrase the motto of New York University. This is no longer so in most of the democratic world; it never was so in the rest. It is a treasure; a distinguishing feature of the American democracy. It is a liberty—if I could use a term a medieval lawyer might have used—not to be lost in the interstices of the Tax Code. But mark, it will be if we do not act.

In the age of capital intensive science, to name but one aspect of the matter, a generation of financing under the present restrictions will profoundly change the distribution of major research among the leading institutions in this country. If you accept the judgment of the Association of American Universities that its 58 members represent the ranking research facilities of North America, then you will note that just about half, 28, are private. Restricting private research institutions' access to capital financing in relation to public institutions will have a predictable, inevitable impact over a generation. In an age of big science, as scientists say, if we were to continue in this mode, we would soon not recognize the higher education sector. If I can use an example from California, with this kind of differential in capital costs, we would look up one day and find Stanford to be an institution of the greatest quality as an undergraduate teaching facility—with a fine law school and excellent liberal arts degree program—but with all the big science projects at Berkeley, the State institution.

The legislation that we introduce today will restore the status of private nonprofit institutions of higher learning, making their access to tax-exempt financing equal to that of their public counterparts.

Prior to 1986, this parity of status had long been embodied in the Internal Revenue Code, in recognition of the public purposes served by private educational, charitable, religious, and other section 501(c)(3) nonprofit institutions. In 1968, when Congress first enacted provisions designed to limit the use of tax-exempt financing by private, nongovernmental enterprises, a critical distinction was made. The new restrictions were to apply to the activities of all entities except "exempt persons." An "exempt person" was thereupon defined as:

> (A) A governmental unit, or
>
> (B) An organization described in section 501(c)(3) * * *
>
> (Section 107(a) of the Revenue Adjustment Act of 1968, amending section 103 of the Internal Revenue Code of 1954.)

Now here we had something important. Private educational, charitable and other nonprofit institutions are said to be imbued with a public purpose such that they were specifically equated for tax-exempt bond purposes with sovereign institutions of government in our Federal system. This was an immunity, if you like, of the largest consequence. And this deemed equivalence of 501(c)(3) organizations and governmental units was preserved in all critical respects in subsequent revisions of the law in this area—perhaps most significantly in 1984, when statewide volume limits were imposed on most nongovernmental tax-exempt bonds.

But the principle of permitting tax-exempt bonds for private nonprofit colleges, universities and hospitals on a parity with their public counterparts has never been embraced by tax theorists. Stanley Surrey, and others, were dismayed to see the right to tax-exempt financing extended beyond a very limited range of core governmental undertakings. Indeed, the very concept of tax-exempt finance is objectionable to many tax theorists, as an inefficient means of delivering a Federal subsidy to State and local governments. Faced with the impossibility of eliminating tax-exempt bonds, the task for the theoretician had been to contain their growth. This thinking was evidenced in the tax reform proposals advanced by the Reagan administration. Both the initial Treasury Department tax reform plan of November 1984 and the revised plan endorsed by the President in May 1985 would have cut back on bond volume by completely eliminating tax-exempt financing for 501(c)(3) organizations.

The Senate Finance Committee version of the Tax Reform Act of 1986 rejected this idea, opting to preserve the essential equivalency of 501(c)(3) organizations and governmental units in their access to tax-exempt financing. The House Ways and Means Committee version took a different view, imposing substantial new restrictions on tax-exempt bonds for 501(c)(3) organizations. The House bill placed 501(c)(3) bonds under the statewide volume cap for the first time, made them subject to the alternative minimum tax, and imposed a $150 million cap on the amount of bonds that any single institution could have outstanding—the per institution cap. While the final version settled in, the conference rejected the first two House restrictions, the per institution cap and other lesser restrictions were accepted. Alas, the longstanding equivalency of private nonprofit educational institutions and their public counterparts was compromised—a fundamental mistake, which today we set out to correct.

Our goal is to restore equal access to capital financing between public and private institutions serving in the fields of education and research. To that end, the bill repeals the $150 million per institution cap of current law, which provides that private institutions can have no more than $150 million in tax-exempt bonds outstanding. Under the bill, private institutions, like their public counterparts, will not be subject to the cap.

Another central goal of the legislation is to reestablish recognition in the Tax Code of the essential public purposes served by private nonprofit institutions. The bill does so by modifying the tax-exempt bond provisions of the Internal Revenue Code to restore the "exempt person" categorization for both 501(c)(3) organizations and governmental entities. The practical result of these changes is that private nonprofit organizations will generally be treated the same as governmental entities for tax-exempt bond purposes. The cost of these changes is modest, given their importance. The staff of the Joint Committee on Taxation has estimated the revenue loss at less than $15 million in the first 2 years, rising to a total of $79 million over the first 5 years.

Restoring parity of treatment for tax-exempt finance is fundamentally important, for the extent of the private nonprofit sector's contributions in higher education and research in this country is unique. The beginnings of higher education in America were private sector initiatives. It was almost two centuries before State-sponsored institutions appeared. In time State institutions would enroll the greater proportion of students, but private colleges and universities continue to be vigorous and typically growing institutions. American higher education is unique in the degree to which its major research institutions are private—about an even split—and to the extent that the private sector contains so many of the most sought after small undergraduate institutions.

Preservation of equal access to tax-exempt financing is a critical element in maintaining the vigor of private initiatives in higher education and research, for the sciences are now capital intensive undertakings. A recent National Science Foundation study of the country's private Ph.D.-granting universities estimated that more than 26 percent of these institutions' needed capital expansion for research facilities between now and 1991 will have to be financed through tax-exempt bonds. Moreover, of the 19 private universities that rank in the top 50 in research undertaking, 13 have been foreclosed from tax-exempt financing as a result of the $150 million per institution limit. The need for capital for university research facilities is acute and critical. The National Science Foundation estimates that in 1990, for every $1 spent for maintenance of university research facilities, an additional $4.25 was deferred. As for new construction, the Foundation reports that for every $1 spent, another $3.11 in needed new construction was deferred in 1990.

Mr. President, the capital needs of private universities merit the very serious attention of this body. The most recent report from the Council for Aid to Education, summarizing giving patterns to higher education in 1987–88, notes that capital gifts are down by $546 million, or 13.4 percent. To address this shortfall of capital gifts, Senator Boren, Senator Danforth, myself and several other of my distinguished colleagues are also working to modify the tax rules affecting gifts of appreciated property to nonprofit institutions. The bill I introduce today is another initiative in our efforts to insure adequate capital investment by our institutions of higher learning.

Mr. President, we are perhaps the only democratic Nation left in which private institutions, not controlled by Government, not financed by Government, are deeply involved in activities vital to the public good. The legislation that we introduce today will insure that tax-exempt financing remains available to these most important institutions on a parity with their public counterparts.

Mr. President, I ask unanimous consent that the text of the bill and an explanation of the bill appear in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Tax-Exempt Bond Reform Act of 1991".

SEC. 2. TAX TREATMENT OF 501(c)(3) BONDS SIMILAR TO GOVERNMENTAL BONDS.

(a) In General.—Subsection (a) of section 150 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by striking paragraphs (2) and (4), by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Exempt person.—

"(A) In general.—The term 'exempt person' means—

"(i) a governmental unit, or

"(ii) a 501(c)(3) organization, but only with respect to its activities which do not constitute unrelated trades or businesses as determined by applying section 513(a).

"(B) Governmental unit not to include federal government.—The term 'governmental unit' does not include the United States or any agency or instrumentality thereof.

"(C) 501(c)(3) organization.—The term '501(c)(3) organization' means any organization described in section 501(c)(3) and exempt from tax under section 501(a)."

(b) Repeal of Qualified 501(c)(3) Bond Designation.—Section 145 of such Code (relating to qualified 501(c)(3) bonds) is repealed.

(c) Conforming Amendments.—

(1) Paragraph (3) of section 141(b) of such Code is amended—

(A) by striking "government use" in subparagraph (A)(ii)(I) and subparagraph (B)(ii) and inserting "exempt person use",

(B) by striking "a government use" in subparagraph (B) and inserting "an exempt person use",

(C) by striking "related business use" in subparagraph (A)(ii)(II) and subparagraph (B) and inserting "related private business use",

(D) by striking "RELATED BUSINESS USE" in the heading of subparagraph (B) and inserting "RELATED PRIVATE BUSINESS USE", and

(E) by striking "GOVERNMENT USE" in the heading thereof and inserting "EXEMPT PERSON USE".

(2) Subparagraph (A) of section 141(b)(6) of such Code is amended by striking "a governmental unit" and inserting "an exempt person".

(3) Paragraph (7) of section 141(b) of such Code is amended—

(A) by striking "government use" and inserting "exempt person use", and

(B) by striking "Government use" in the heading thereof and inserting "Exempt person use".

(4) Section 141(b) of such Code is amended by striking paragraph (9).

(5) Paragraph (1) of section 141(c) of such Code is amended by striking "governmental units" and inserting "exempt persons".

(6) Section 141 of such Code is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Certain Issues Used To Provide Residential Rental Housing for Family Units.—

"(1) In general.—Except as provided in paragraph (2), for purposes of this title, the term 'private activity bond' includes any bond issued as part of an issue if any portion of the net proceeds of the issue are to be used (directly or indirectly) by an exempt person described in section 150(a)(2)(A)(ii) to provide residential rental property for family units.

"(2) Exception for bonds used to provide qualified residential rental projects.—Paragraph (1) shall not apply to any bond issued as part of an issue if the portion of such issue which is to be used as described in paragraph (1) is to be used to provide—

"(A) a residential rental property for family units if the first use of such property is pursuant to such issue,

"(B) qualified residential rental projects (as defined in section 142(d)), or

"(C) property which is to be substantially rehabilitated in a rehabilitation beginning within the 2-year period ending 1 year after the date of the acquisition of such property.

"(3) Substantial rehabilitation.—

"(A) In general.—Except as provided in subparagraph (B), rules similar to the rules of section 47(c)(1)(C) shall apply in determining for purposes of paragraph (2)(C) whether property is substantially rehabilitated.

"(B) Exception.—For purposes of subparagraph (A), clause (ii) of section 47(c)(1)(C) shall not apply, but the Secretary may extend the 24-month period in section 47(c)(1)(C)(i) where appropriate due to circumstances not within the control of the owner.

"(4) Certain property treated as new property.—Solely for purposes of determining under paragraph (2)(A) whether the 1st use of property is pursuant to tax-exempt financing—

"(A) In general.—If—

"(i) the 1st use of property is pursuant to taxable financing,

"(ii) there was a reasonable expectation (at the time such taxable financing was provided) that such financing would be replaced by tax-exempt financing, and

"(iii) the taxable financing is in fact so replaced within a reasonable period after the taxable financing was provided,

then the 1st use of such property shall be treated as being pursuant to the tax-exempt financing.

"(B) Special rule where no operating state or local program for tax-exempt financing.—If, at the time of the 1st use of property, there was no operating State or local program for tax-exempt financing of the property, the 1st use of the property shall be treated as pursuant to the 1st tax-exempt financing of the property.

"(C) Definitions.—For purposes of this paragraph—

"(i) Tax-exempt financing.—The term 'tax-exempt financing' means financing provided by tax-exempt bonds.

"(ii) Taxable financing.—The term 'taxable financing' means financing which is not tax-exempt financing."

(7) Section 141(f) of such Code, as redesignated by paragraph (6), is amended—

(A) by adding "or" at the end of subparagraph (E),

(B) by striking ", or" at the end of subparagraph (F), and inserting in lieu thereof a period, and

(C) by striking subparagraph (G).

(8) The last sentence of section 144(b)(1) of such Code is amended by striking "(determined" and all that follows to the period.

(9) Clause (ii) of section 144(c)(2)(C) of such Code is amended by striking "governmental unit" and inserting "exempt person".

(10) Section 146(g) of such Code is amended—

(A) by striking paragraph (2), and

(B) by redesignating the remaining paragraphs after paragraph (1) as paragraphs (2) and (3), respectively.

(11) The heading of section 146(k)(3) of such Code is amended by striking "GOVERNMENTAL" and inserting "EXEMPT PERSON".

(12) The heading of section 146(m) of such Code is amended by striking "GOVERNMENT" and inserting "EXEMPT PERSON".

(13) Subsection (h) of section 147 of such Code is amended to read as follows:

"(h) CERTAIN RULES NOT TO APPLY TO MORTGAGE REVENUE BONDS AND QUALIFIED STUDENT LOAN BONDS.—Subsections (a), (b), (c), and (d) shall not apply to any qualified mortgage bond, qualified veterans' mortgage bond, or qualified student loan bond."

(14) Section 147 of such Code is amended by striking paragraph (4) of subsection (b) and redesignating paragraph (5) of such subsection as paragraph (4).

(15) Subparagraph (F) of section 148(d)(3) of such Code is amended—

(A) by striking "or which is a qualified 501(c)(3) bond", and

(B) by striking "GOVERNMENTAL USE BONDS AND QUALIFIED 501(C)(3)" in the heading thereof and inserting "EXEMPT PERSON".

(16) Subclause (II) of section 148(f)(4)(B)(ii) of such Code is amended by striking "(other than a qualified 501(c)(3) bond)".

(17) Clause (iv) of section 148(f)(4)(C) of such Code is amended—

(A) by striking "a governmental unit or a 501(c)(3) organization" each place it appears and inserting "an exempt person", and

(B) by striking "qualified 501(c)(3) bonds,".

(18) Subparagraph (A) of section 148(f)(7) of such Code is amended by striking "(other than a qualified 501(c)(3) bond)".

(19) Paragraph (2) of section 149(d) of such Code is amended—

(A) by striking "(other than a qualified 501(c)(3) bond)", and

(B) by striking "CERTAIN PRIVATE" in the heading thereof and inserting in lieu thereof "PRIVATE".

(20) Section 149(e)(2) of such Code is amended—

(A) by striking "which is not a private activity bond" in the second sentence and inserting "which is a bond issued for an exempt person described in section 150(a)(2)(A)(i)", and

(B) by adding at the end thereof the following new sentence: "Subparagraph (D) shall not apply to any bond which is not a private activity bond but which would be such a bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person."

(21) The heading of subsection (b) of section 150 of such Code is amended by striking "TAX-EXEMPT PRIVATE ACTIVITY BONDS" and inserting "CERTAIN TAX-EXEMPT BONDS".

(22) Paragraph (3) of section 150(b) of such Code is amended—

(A) by inserting "owned by a 501(c)(3) organization" after "any facility" in subparagraph (A),

(B) by striking "any private activity bond which, when issued, purported to be a tax-exempt qualified 501(c)(3) bond" in subparagraph (A) and inserting "any bond which, when issued, purported to be a tax-exempt bond, and which would be a private activity bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person", and

(C) by striking the heading thereof and inserting "BONDS FOR EXEMPT PERSONS OTHER THAN GOVERNMENTAL UNITS.—".

(23) Paragraph (5) of section 150(b) of such Code is amended—

(A) by striking "private activity" in subparagraph (A),

(B) by inserting "and which would be a private activity bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person" after "tax-exempt bond" in subparagraph (A),

(C) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) such facility is required to be owned by an exempt person, and", and

(D) by striking "GOVERNMENTAL UNITS OR 501(C)(3) ORGANIZATIONS" in the heading thereof and inserting "EXEMPT PERSONS".

(24) Section 150 of such Code is amended by adding at the end thereof the following new subsection:

"(f) CERTAIN RULES TO APPLY TO BONDS FOR EXEMPT PERSONS OTHER THAN GOVERNMENTAL UNITS.—

"(1) IN GENERAL.—Nothing in section 103(a) or any other provision of law shall be construed to provide an exemption from Federal income tax for interest on any bond which would be a private activity bond if the 501(c)(3) organization using the proceeds thereof were not an exempt person unless such bond satisfies the requirements of subsections (b) and (f) of section 147.

"(2) SPECIAL RULE FOR POOLED FINANCING OF 501(C)(3) ORGANIZATION.—

"(A) IN GENERAL.—At the election of the issuer, a bond described in paragraph (1) shall be treated as meeting the requirements of section 147(b) if such bond meets the requirements of subparagraph (B).

"(B) REQUIREMENTS.—A bond meets the requirements of this subparagraph if—

"(i) 95 percent or more of the net proceeds of the issue of which such bond is a part are to be used to make or finance loans to 2 or more 501(c)(3) organizations or governmental units for acquisition of property to be used by such organizations,

"(ii) each loan described in clause (i) satisfies the requirements of section 147(b) (determined by treating each loan as a separate issue),

"(iii) before such bond is issued, a demand survey was conducted which shows a demand for financing greater than an amount equal to 120 percent of the lendable proceeds of such issue, and

"(iv) 95 percent or more of the net proceeds of such issue are to be loaned to 501(c)(3) organizations or governmental units within 1 year of issuance and, to the extent there are any unspent proceeds after such 1-year period, bonds issued as part of such issue are to be redeemed as soon as possible thereafter (and in no event later than 18 months after issuance).

A bond shall not meet the requirements of this subparagraph if the maturity date of any bond issued as part of such issue is more than 30 years after the date on which the bond was issued (or, in the case of a refunding or series of refundings, the date on which the original bond was issued)."

(25) Section 1302 of the Tax Reform Act of 1986 is repealed.

(26) Subparagraph (C) of section 57(a)(5) of such Code is amended by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(27) Paragraph (3) of section 103(b) of such Code is amended by inserting "and section 150(f)" after "section 149".

(28) Paragraph (3) of section 265(b) of such Code is amended—

(A) by striking clause (ii) of subparagraph (B) and inserting the following:

"(ii) CERTAIN BONDS NOT TREATED AS PRIVATE ACTIVITY BONDS.—For purposes of clause (i)(II), there shall not be treated as a private activity bond any obligation issued to refund (or which is part of a series of obligations issued to refund) an obligation issued before August 8, 1986, which was not an industrial development bond (as defined in section 103(b)(2) as in effect on the day before the date of the enactment of the Tax Reform Act of 1986 (or a private loan bond (as defined in section 103(o)(2)(A), as so in effect, but without regard to any exemption from such definition other than section 103(o)(2)(A)"; and

(B) by striking "(other than a qualified 501(c)(3) bond, as defined in section 145)" in subparagraph (C)(ii)(I).

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

(2) SPECIAL RULE FOR CERTAIN BONDS ISSUED AFTER DATE OF ENACTMENT.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any bond which—

(i) is issued after the date of the enactment of this Act, and

(ii) is part of an issue which is subject to any transitional rule under subtitle B of title XIII of the Tax Reform Act of 1986.

(B) ELECTION OUT.—This paragraph shall not apply to any issue with respect to which the issuer elects not to have this paragraph apply.

(3) DELAYED EFFECTIVE DATE WITH RESPECT TO SMALL ISSUER RULES.—For purposes of section 148(f)(4)(D) of the Internal Revenue Code of 1986, the amendments made by this section shall apply to bonds issued in calendar years beginning after the date of the enactment of this Act.

EXPLANATION OF S. 150, THE HIGHER EDUCATION TAX-EXEMPT BOND REFORM ACT OF 1991

PRESENT LAW

The Internal Revenue Code of 1986 ("the Code") generally excludes from income interest on State and local government bonds if the bonds are issued to finance direct activities of these governments (Code sec. 103). Interest on bonds issued by these governments to finance activities of other persons; for example, private activity bonds, is taxable unless a specific exception is included in the Code. One such exception is for private activity bonds issued to finance activities of charitable organizations described in Code section 501(c)(3) ("section 501(c)(3) organizations") when the activities do not constitute an unrelated trade or business (Code sec. 141(e)(1)(G)).

Classification of section 501(c)(3) organization bonds as private activity bonds

Before enactment of the Tax Reform Act of 1986, State and local governments and section 501(c)(3) organizations both were defined as "exempt persons, under the Code bond provisions, and their bonds generally were subject to the same requirements. As exempt persons, section 501(c)(3) organizations were not treated as "private" persons, and their bonds were not "industrial development bonds" or "private loan bonds" (the predecessor categories to current private activity bonds).

Under present law, a bond is a private activity bond if its proceeds are used in a manner violating either (i) a private business test or (ii) a private loan test. The private business test is a conjunctive two-pronged test. First, the test limits private business use of government bonds to no more than 10 percent of the proceeds.[1] Second, no more than 10 percent of the debt service on the bonds may be derived from private business users of the proceeds. The private loan test limits to the lesser of five percent of $5 million the amount of governmental bonds proceeds that may be used to finance loans to persons other than governmental units.

Special restrictions on tax-exemption for section 501(c)(3) organization bonds

As stated above, present law treats section 501(c)(3) organizations as private persons; thus, bonds for their use may only be issued as private activity "qualified 501(1)(3) bonds," subject to the restrictions of Code section 145. The most significant of these restrictions limits the amount of outstanding bonds from which a section 501(c)(3) organization may benefit to $150 million. In applying this "$150 million limit," all section 501(c)(3) organizations under common management or control are treated as a single organization. The limit does not apply to bonds for hospital facilities, defined to include only acute care, primarily inpatient, organizations. A second restriction limits to no more than five percent the amount of the net proceeds of a bond issue that may be used to finance any activities (including all costs of issuing the bonds) other than the exempt purposes of the section 501(c)(3) organization.

Legislation enacted in 1988 imposed low-income tenant occupancy restrictions on existing residential rental property that is acquired by section 501(c)(3) organizations in tax-exempt-bond-financed transactions. These restrictions require that a minimum number of the housing units comprising the property be continuously occupied by tenants having family incomes of 50 percent (60 percent in certain cases) of area median income for periods of up to 15 years. These same low-income tenant occupancy requirements apply to for-profit developers receiving tax-exempt private activity bond financing.

Other restrictions

The Code imposes several restrictions on private activity bonds generally that do not apply to bonds used to finance State and local government activities. Many of these restrictions also apply to qualified 501(c)(3) bonds.

No more than 2 percent of the net proceeds of a bond issue may be used to finance the costs of issuing the bonds, and these monies are not counted in determining whether the bonds satisfy the requirement that at least 95 percent of the net proceeds of each bond issue be used for the exempt activities qualifying the bond for tax-exemption.

The weighted average maturity of a bond issue may not exceed 120 percent of the average economic life of the property financed with the proceeds.

A public hearing must be held and an elected public official must approve the bonds before they are issued (or the bonds must be approved by voter referendum).

If property financed with private activity bonds is converted to a use not qualifying for tax-exempt financing, certain loan interest penalties are imposed.

Both governmental and private activity bonds are subject to numerous other Code restrictions, including the following:

The amount of arbitrage profits that may be earned on tax-exempt bonds is strictly limited, and most such profits must be rebated to the Federal Government.

Banks may not deduct interest they pay to the extent of their investments in most tax-exempt bonds.

Finally, interest on private activity bonds, other than qualified 501(c)(3) bonds, is a preference item in calculating the alternative minimum tax.

DESCRIPTION OF THE BILL

The bill would amend the tax-exempt bond provisions of the Code to conform generally the treatment of section 501(c)(3) organization bonds to that provided for bonds issued to finance direct State or local government activities. Certain restrictions, described below, that have been imposed on section 501(c)(3) organization bonds (but not on governmental bonds) since 1986, and that address specialized policy concerns, would be retained.

Repeal of private activity bond classification for section 501(c)(3) organization bonds

The concept of an "exempt person" that existed under the Code bond provisions before 1986, would be reenacted. An exempt person would be defined as (i) a State or local governmental unit or (ii) a section 501(c)(3) organization, when carrying out its exempt activities under Code section 501(a). Thus, bonds for section 501(c)(3) organizations would no longer be classified as private activity bonds. Financing for unrelated business activities of such organizations would continue to be treated as a private activity for which tax-exempt financing is not authorized.

As exempt persons, section 501(c)(3) organizations would be subject to the same limits as States and local governments on using their bond proceeds to finance private business activities or to make private loans. Thus, no more than 10 percent of the bond proceeds[2] could be used in a business use of a person other than an exempt person if the Code security interest test were satisfied, and no more than five percent ($5 million if less) could be used to make loans to such "nonexempt" persons. By classifying governmental units and section 501(c)(3) organizations into a single category, the bill would eliminate present-law impediments to common financings by eliminating the present-law need for separate bond issues—even when the activities of the parties are closely affiliated.

Repeal of most additional restrictions on section 501(c)(3) organization bonds

Present Code section 145, which establishes additional restrictions on qualified 501(c)(3) bonds, would be repealed, along with the restriction on bond-financed costs of issuance for section 501(c)(3) organization bonds (Code sec. 147(h)). This repeal of Code section 145 would eliminate the $150 million per institution limit on nonhospital bonds for section 501(c)(3) organizations.

Retention of certain specialized requirements for section 501(c)(3) organization bonds

As stated above, certain specialized restrictions on bonds for section 501(c)(3) organizations would be retained. First, the bill would retain the requirement that existing residential rental property acquired by a section 501(c)(3) organization in a tax-exempt-bond-financed transaction satisfy the same low-income tenant requirements as similar housing financed for for-profit developers. Second, the bill would retain the present-law maturity limitations applicable to bonds for section 501(c)(3) organizations, and the public approval requirements applicable generally to private activity bonds. Third, the bill would continue to apply the penalties on changes in use of tax-exempt-bond-financed section 501(c)(3) organization property to a use not qualified for such financing.

EFFECTIVE DATE

The bill would apply generally to bonds issued after the date of enactment.

An exception would permit bonds for which a transitional exception was provided in the Tax Reform Act of 1986 to be issued under the rules currently applicable to those bonds, unless the issuers elected to be subject to the bill's provisions. Such an election would be made on an issue-by-issue basis before the bonds were issued, and would be irrevocable once made.

In addition, the bill provides a special delayed effective date with respect to small issuer rules. For purposes of section 148(f)(4)(D) of the Code, the amendments made by the bill would apply to bonds issued in calendar years beginning after the date of enactment.●

By Mr. THURMOND (for himself, Mr. HATCH, Mr. DECONCINI, Mr. DOMENICI, Mr. HELMS, Mr. D'AMATO, Mr. GRASSLEY, Mr. GRAMM, Mr. MCCAIN, Mr. NICKLES, and Mr. MCCONNELL):

S. 151. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

EXCLUSIONARY RULE LIMITATION ACT

Mr. THURMOND. Mr. President, today, I rise to introduce a bill which would codify the good faith exception to the exclusionary rule that has been recognized by the Supreme Court.

The legislation that I am offering today is similar to a measure that overwhelmingly passed the Senate by a vote of 63 to 24 in the 98th Congress. I reintroduced that bill in the 99th, 100th, and 101st Congresses. Although the House passed similar legislation during the 100th Congress by a vote of 259 to 134 and last October 5 by a vote of 264 to 157, no action was taken in the Senate.

The exclusionary rule is a judicially created remedy for violations by law enforcement officers of the fourth amendment prohibition against illegal searches and seizures. More simply, if evidence is obtained by a law enforcement officer in violation of the fourth amendment then that evidence will be excluded in a criminal trial. The exclusionary rule is an important principle since it helps to insure that law enforcement officers should not be allowed to randomly enter our homes or private places and search without just cause.

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[1] No more than 5 percent of bond proceeds may be used in a private business use that is unrelated to the governmental purpose of the bond issue. The 10-percent debt service test, described below, likewise is reduced to 5 percent in the case of such "disproportionate" private business use.

[2] This limit would be reduced to five percent in the case of disproportionate private use as under the present-law governmental bond disproportionate private use limit.

However, since the creation of the exclusionary rule remedy in 1914, in Weeks versus California, the Supreme Court has recognized exceptions when the exclusionary rule should not apply. This measure addresses one of those exceptions. This legislation codifies the Court's holding in United States versus Leon to provide that evidence obtained pursuant to a warrant which is later found to be defective will not be excluded if the law enforcement officer acted in objective good faith. Objective good faith would be established if the circumstances surrounding the search justify an objectively reasonable belief that it was in conformity with the fourth amendment. This bill also extends this exception to warrantless searches.

Mr. President, the bill that I am introducing today neither authorizes nor encourages law enforcement officers to disregard the fourth amendment and randomly search a person's home. What it does is address the legal loophole that often allows a criminal to go free, irrespective of guilt or innocence, when evidence crucial to a criminal proceeding is suppressed. The goal of the exclusionary rule is to deter law enforcement conduct that violates the fourth amendment. Therefore, if a law enforcement officer's conduct in executing a search is in conformance with the fourth amendment, applying the exclusionary rule does not serve as a deterrent. It should be noted that the determination as to whether the officer conducted the search in objective good faith would be made by the Court based on the circumstances surrounding the search. Of course if the officer's conduct did not exhibit objective good faith, the evidence would not be allowed. This amendment is a reasonable extension of the exception currently recognized by the Supreme Court.

We are well aware of the fact that the exclusion of evidence most often results in the release of the accused. This is a high price to pay for nonconstitutional violations. Therefore, I think it wise to preclude the use of the exclusionary rule in these situations unless Congress so provides. This legislation will aid in the apprehension and prosecution of criminals without sacrificing the principles of the fourth amendment.

In an effort to work toward a bipartisan comprehensive crime bill last Congress, I agreed to not pursue passage of this measure. However, efforts failed to produce a tough crime bill that would punish vicious criminals. This Congress, I plan to strongly pursue this, and other, vital criminal law reform measures which will ensure that vicious criminals are appropriately punished. I strongly urge my colleagues to support this vital measure and hope that we will act without delay.

I ask unanimous consent that the full text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Exclusionary Rule Limitation Act of 1989".

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding the following two sections:

"§ 3508. Limitation of the fourth amendment exclusionary rule.

"Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was undertaken in an objectively reasonable belief that it was in conformity with the fourth amendment. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable belief, unless the warrant was obtained through international and material misrepresentation.

"§ 3509. General limitation of the exclusionary rule.

"Except as specifically provided by statute or rule of procedure, evidence which is otherwise admissible shall not be excluded in a proceeding in a court of the United States on the ground that the evidence was obtained in violation of a statute or rule of procedure, or of a regulation issued pursuant thereto.".

(b) The table of sections of chapter 223 of title 18, United States Code, is amended by adding at the end thereof:

"3508. Limitation of the fourth amendment exclusionary rule.
"3509. General limitation of the exclusionary rule.".

By Mr. COATS:

S. 152. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000; to the Committee on Finance.

INCREASE IN PERSONAL EXEMPTION

• Mr. COATS. Mr. President, I rise to day to introduce a bill which I believe will accomplish the very worthy goal of improving the standard of living for the American family—lower income families in particular—and providing a contribution to our Nation's economic recovery.

I seek to nearly double the personal tax exemption from its current level of $2,150 for 1991 to $4,000—an amount that will thereafter be annually indexed for inflation.

With the coming recession, I expect that those on Capitol Hill who endorse the old fashioned tax and spend vision of America will be focused on creating new programs to sustain American families through times of hardship. In my view, economic opportunity will better allow us to counter the effects of the recession, not just Government programs. By putting money directly back into the hands of the American family we provide them the power to make their own choices. We provide them the ability to better care for themselves and their loved ones. We encourage economic growth.

Some of my colleagues may be unaware of the fact that the personal tax exemption has steadily lost its value since the adoption of the Federal income tax in 1913. In 1917 the personal exemption was worth the equivalent of $10,000 in 1990 dollars. Today, despite significant changes in the personal exemption after 1986 which I helped to move forward through my introduction of the Tax Fairness for Families Act of 1985 and my support of the Tax Reform Act of 1986, it is now worth only 20 percent of that amount.

The American people know that a disproportionate amount of their paycheck is withdrawn by the Federal Government each year. To add insult to injury, they are forced to stand helplessly by while Congress approves budgets that waste exorbitant amounts of money on projects that the Federal Government has no business funding.

A family of four earning $20,000 per year with no other deductions currently pays about $1,774 in taxes. Under my plan, this family would pay less than $600 in Federal income tax. These savings will go far in paying for basics that they would otherwise do without. In addition, the bill will waive an additional number of low-income people from having to pay any taxes.

Instead of providing higher Government subsidies to improve the standard of living of Americans living in the lower income brackets, this bill will have the effect of returning hard-earned dollars to the people to better allow them to provide for themselves and their families.

Middle-income families would also benefit. A family of five earning $40,000 per year now pays about $5,500 in taxes with no other deductions. Under my plan, this family would save about $2,500.

Because an income cap on 1991 filings will limit those who may take advantage of the personal exemptions, couples who earn over $150,000 per year—adjusted gross income—and file jointly, single wage earners making over $100,000, and single heads of households earning over $125,000, will not be directly affected by my bill.

The personal exemption has steadily lost its value and Americans are seeing a greater portion of their paycheck disappear into the Federal Government's coffers. A $4,000 personal exemption is not only fair, it is overdue. It will empower the American family to make their own choices and not be beholden to the latest Government program.

I urge my colleagues to cosponsor this bill and ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN PERSONAL EXEMPTION.

(a) IN GENERAL.—Paragraph (1) of section 151(d) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'exemption amount' means $4,000."

(b) COST-OF-LIVING ADJUSTMENT.—

(1) IN GENERAL.—Section 151(b)(3) of such Code is amended by striking "1989" each place it appears in the text and heading thereof and inserting "1991".

(2) CONFORMING AMENDMENT.—Section 151(d)(3)(B) of such Code is amended by striking "1988" and inserting "1990".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.●

By Mr. COATS (for himself, Mr. MCCONNELL, Mr. BOREN, Mr. DOMENICI, Mr. GRASSLEY, Mr. FORD, Mr. BURNS, and Mr. DOLE):

S. 153. A bill to authorize States to regulate certain solid waste; to the Committee on Environment and Public Works.

● Mr. COATS. Mr. President, I rise today to introduce, along with my colleagues, Senators MCCONNELL, BOREN, DOMENICI, GRASSLEY, FORD, and BURNS, legislation, S. 153, that would give States the necessary tools to regulate the interstate transportation of certain solid waste.

Last fall, the U.S. Senate sent a strong, clear message to States unwilling to dispose of their own garbage. The days of playing pass-the-trash are numbered. By an overwhelming, bipartisan majority, the Senate approved my amendment which grants States the authority they deserve to control the influx of out-of State trash. With the introduction of my bill today, I am putting this body on notice that I fully intend to pursue legislation to grant States the fundamental right of controlling their own environmental destinies.

The need for Federal legislation is clear. In increasing numbers, States across the Nation are becoming the unwilling respositories of other States' waste. Shipping waste out of State is often more politically expedient than making tough waste facility siting decisions near home. The practice of interstate shipments is not only policitically popular in the sender States, it is also judicially protected under the auspices of free flow of commerce.

Less than 1 month ago, the Federal courts struck down an Indiana law designed to offer some protection to our citizens. Ruled violative of the commerce clause of the Constitution were provisions requiring the following of sender States: Certification that imported waste contain no hazardous or infectious wastes, provision of manifests of place of origin, and payment of disposal fees to the importing States equal to those in the State of origin.

While States cannot independently regulate interstate commerce, Congress obviously maintains that constitutional mandate. And the Senate has demonstrated its willingness to strengthen each States ability to protect responsibly its own environment. I, along with many of my colleagues representing importing States, am determined to ensure that this issue remain in the forefront of our deliberations during the 102d Congress.

Action on the Resource Conservation and Recovery Act has been delayed for too long. I hope that my colleagues on the Environment and Public Works Committee have taken note of the intensity of the opposition to long hauls of trash and have seen the groundswell of grassroots support for limiting this offensive practice. While I am hopeful that we can work together to fashion solutions, our patience in importing States is thin. Congress simply cannot ask States to handle their own waste disposal needs responsibly without granting them the ability to control their borders.

I expect that RCRA will be considered in a timely fashion and that it will contain provisions as I have proposed offering immediate relief to importing States. Our public policy needs to reflect simple equity and sound public policy. No State should be the unwilling dumping ground for other States' waste.

The amendment which I brought before the Senate last fall and which I have reintroduced today reflects this principle. It authorizes States to impose immediate differential fees on imported trash. The revenue raised could be applied toward ground water monitoring and environmental restoration in the recipient States. In addition, if a State has demonstrated that it has taken responsible steps to manage its own solid waste, as evidenced through a 20-year management plan, it would allow States to ban or otherwise regulate out-of-State waste. The bill also authorizes interstate compacts for mutual cooperation in waste management.

Solid waste management has traditionally been a local and State responsibility. Interstate trafficking of trash is a relatively recent and reprehensible trend. Because this trend is growing, congressional action is needed now to restore to the States the authority historically theirs. Our neighborhoods and States must plan to reduce and dispose of their trash in environmentally sound ways. Simply shipping it across State lines for others to deal with will not be tolerated.

I ask that the full text of the bill be printed in the RECORD.

The text of the bill follows:

S. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOLID WASTE DISPOSAL

The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by adding at the end of subtitle D the following:

"SEC. 4011. (a) AUTHORIZATION OF STATES TO REGULATE SOLID WASTE IN INTERSTATE COMMERCE.—(1) Each State is authorized to enact and enforce laws imposing and collecting fees or other charges in connection with the treatment and disposal within such State of solid waste generated in another State. Any State imposing and collecting any such fee or charge may, in connection therewith, differentiate between two or more States in which solid waste is generated, and may differentiate between any such State of origin and the fees or charges which it enforces and collects, if any, in connection with the treatment and disposal of waste generated within its geographical boundaries.

"(2) On and after the submission to the Administrator of the Environmental Protection Agency of a certification in accordance with paragraphs (3) and (4), each State is authorized to enact and enforce laws regulating the treatment and disposal of solid waste within such State, including laws imposing a ban on the importing into such State or any part thereof, of solid waste for its treatment or disposal, or laws otherwise regulating the importing into such State of solid waste for its treatment or disposal.

"(3) Any State, either directly or through regional or local planning units as may be established under section 4002(a)(1) of this Act, which has adopted a 20-year solid waste management plan may submit a statement to the administrator certifying the solid waste treatment and disposal capacity of such State pursuant to paragraph (4). The solid waste management plan shall include, at a minimum the following:

"(A) the amount of municipal and commercial solid waste by waste type, and waste residuals, which are reasonably expected to be generated within the State or accepted for treatment or disposal from another State during the ensuing 20-year period;

"(B) a statement of the volumes of solid waste expected to be reduced by the State submitting such plan through source reduction and recyling;

"(C) the State's existing capacity to manage such amount of waste by treatment or disposal facilities which meet existing environmental standards; and

"(D) the methods by which the State plans to have new capacity available by its planning dates.

"(4) The Governor of each State which has adopted a 20-year management plan pursuant to paragraph (3) of this section, may certify to the Administrator that such State, based on its plan, or on agreements made with any State or States, has identified adequate capacity to manage all solid waste generated in that State with the plan, and received pursuant to any such agreement, for the next following 60-month period.

"(b) LIMITATION.—Nothing in this section shall apply to—

"(1) any waste identified or listed as hazardous waste by the Administrator pursuant to section 3001 of this Act (42 U.S.C. 6921);

"(2) any solid waste, hazardous waste, hazardous substance, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9604 and 9606, respectively) or a corrective action taken under this Act;

"(3) any hazardous chemical substance or mixture regulated under section 6(e) of the Toxic Substance Control Act (15 U.S.C. 2605(e));

"(4) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or otherwise diverted from solid waste, and that has been transported into such State for the purposes of recycling or reclamation;

"(5) any nonhazardous solid waste produced by an industry that is transported for the purpose of treatment, storage, or disposal to a facility owned or operated by the original generator of the waste.

"(c) INTERSTATE COMPACTS.—The consent of Congress is given to 2 or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for cooperative efforts and mutual assistance for the management of solid waste, and the approval of Congress is given to any such agreement or compact so entered into.

"(d) EPA AUTHORITY.—The Administrator of the Environmental Protection Agency shall have the authority to propose and promulgate regulations exempting waste types or recycling practices from the authority granted in this section, if the Administrator determines that such action promotes the development of an interstate market for recyclable materials or is necessary to promote environmentally sound waste disposal practices. Any person may petition the Administrator to propose such regulations and the Administrator shall solicit and consider public comments before making any final determination under this subsection."•

• Mr. DOMENICI. Mr. President, I am pleased to stand with my good friend from Indiana, Mr. COATS, in introducing a bill, S. 153, to address the serious problem of interstate transport of solid waste.

This issue is not new to the Senate. We debated it in the last Congress when Senator COATS offered an amendment to the District of Columbia appropriations bill that was identical to the bill being introduced today. That amendment overwhelmingly passed the Senate by a vote of 68 to 31, only to be dropped in conference.

The Senate is well aware of my strong support for this legislation. I have stood here on the Senate floor on a number of occasions to argue for its adoption.

My State of New Mexico has been threatened with the possibility of huge landfills being located within our borders; landfills that will be filled with solid waste generated, not by New Mexicans, but by residents of New Jersey, of Pennsylvania, of New York, and of other States.

The people of New Mexico have made it perfectly clear to me that they do not want to be the dumping ground for the east coast. Can we blame them, Mr. President?

Senator COATS has fashioned a provision that will force all of the States to initiate a better planning process, thus making every State deal with the question of what to do about their mounting trash problem.

It also gives States authority to establish differential fee structures—thereby allowing those communities to recover costs and receive economic incentives if they agree to accept wastes from other States.

I do not pretend that this is an easy issue. The entire debate on our solid waste crisis is grim. We are a nation that needs to move away from generating so much waste; we are a nation that needs to embrace recycling and any other programs that will significantly reduce the amount of trash being sent to landfills.

We have no choice.

As reauthorization of the Resource Conservation and Recovery Act [RCRA] moves forward, I look forward to working closely with the members of the Environment and Public Works Committee, and other interested members, to move this bill or similar legislation through the Senate.•

REGULATION OF SOLID WASTE

Mr. FORD. Mr. President, the legislation Senator COATS has introduced today will go a long way toward curing a nationwide problem that has gotten out of hand, particularly in the Commonwealth of Kentucky—the dumping of garbage across State lines. I rise in strong support of this measure and sincerely hope both Houses will pass it in the 102d Congress. As you know, on September 18, identical language passed the Senate by an overwhelming vote of 68 to 31, only to meet an untimely death at the end of the session. But this time we have 2 years ahead of us.

Senator COATS' bill could not be more timely: today is the first day of a special session of the Kentucky General Assembly called by Governor Wilkinson to deal specifically with solid waste disposal and interstate dumping. Along with a handful of other States, Kentucky is taking the lead in an effort to create a statewide plan to deal with the siting and content of landfills, recycling, waste reduction, cleanup of old dumps, and the question of universal collection. Kentucky is also trying to figure out a way to deal with the massive amounts of "foreign" garbage that are ending up in its landfills.

The Coats legislation is just what the doctor ordered and what the States need. Every State would be required to develop a 20-year management plan for its solid waste that includes certain goals of source reduction and recycling. Any State whose plan meets with approval of the Environmental Protection Agency would be given the authority to ban or otherwise regulate the importation of solid waste. A State could flat out ban foreign garbage or it could merely impose a disposal fee that differed from disposal fees imposed on waste generated from within its own borders.

In other words, Mr. President, with passage of the Coats legislation, States will have the authority to regulate solid waste in interstate commerce—something they cannot do now no matter what plans they have in place and what good efforts they have made.

Everyone in this body can recite horror stories involving other people's garbage. Last year, approximately 488,000 tons of out-of-State garbage were dumped in Kentucky landfills. On any given day in northern Kentucky, for example, 50 semitrailers will be lined up on country roads leading to existing landfills. Enough is enough!

I urge the Senate to consider this bill as soon as possible and grant those States who are trying to be responsible the right to protect their borders from the onslaught of foreign garbage.

By Mr. NICKLES:

S. 154. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil and refined petroleum products; to the Committee on Finance.

DOMESTIC PETROLEUM SECURITY ACT

• Mr. NICKLES. Mr. President, today I am introducing the Domestic Petroleum Security Act of 1991. This bill imposes a variable tariff on imported oil that phases out once the landed price reaches $25.00 a barrel. This will have the effect of establishing a price floor on imported crude of $25.00 per barrel. The purpose of the measure, which is similar to bills I introduced in the past two Congresses, is to stimulate and maintain a reasonable level of investment in domestic oil production.

Immediately following the invasion of Kuwait by Iraq, world and domestic crude prices rose substantially, peaking at $40 a barrel in October, double the preinvasion price. However, since early December domestic prices have hovered around the mid-twenties. If there is the peaceful settlement of the gulf crisis, as we all hope and pray, most oil pricing experts estimate the world price of crude to drop to the low-twenties, and perhaps even to the teens until Saudi Arabia cuts back on the 2 million barrels per day in surge capacity it brought on line last fall.

It is this uncertainty of the long-term price of crude oil—with the spector that it could drop into the mid- or even-low teens again—that has kept oilmen and banks from making investment decisions in domestic exploration and production based on $25-$40 oil prices. Even though October and November domestic crude prices were 150 to 200 percent of the prices of October and November of 1989, the domestic drilling rig count increased only about 10 percent. During the 1980's, the oil industry and banks learned the hard way about the imprudence of making drilling decisions based on projections of $30 crude. The most devastating of the oil drops culminated in August of 1986, when domestic crude sold for less than $10 a barrel. However, even last July, crude dipped as low as $15 a barrel.

Since the mid-1980's, we in the oil patch have been relucant witnesses to the tragedies of friends losing productive jobs, banks failing, expertise and capital equipment permanently disappearing, and marginal wells prematurely shut-in and the remaining oil forever lost.

As a Nation, too, we have suffered dearly for this cheap oil. Since 1985, domestic production, excluding Alaska, has dropped by almost 19 percent, or 615 million barrels a year. The American Petroleum Institution announced on Friday that domestic oil production has dropped to the lowest level since 1961. Every barrel of lost domestic production must be made up by spending more money for foreign oil—which is already over half of our trade deficit. And, today we are all too aware of the national security implications of heavy reliance on Middle East oil.

Congress can do something about this perilous decline in domestic oil production and rapid increase in oil imports. We can dampen the risks associated with world oil price declines that can be orchestrated at will by foreign governments by stopping the world oil price slides at $25 per barrel. There are plenty if risks inherent in finding oil in the ground without continuing to subjecting U.S. businessmen and banks to the risks of more foreign price manipulation.

Moreover, the money raised by the tariff imposed when world prices fall below $25 would go into the Federal Treasury, as would increased revenues from Federal oil royalties and lease bonuses. This new revenue could be used for deficit reduction.

The bill I introduce today would impose a tariff on imported crude oil and products that is calculated by the Secretary of the Treasury to be the difference between $25 and the average international price of crude oil during the preceding 4 weeks. If the 4-week average international price of crude oil is $25 or more, then the tariff would be zero. The tariff would be adjusted each week to reflect changes in the average international price during the preceding four weeks.

For imported petroleum products, the bill adds an additional $3 per barrel to the tariff calculated by the Secretary. This surcharge to the crude oil tariff will ensure that the imposition of the tariff will not inadvertently encourage importation of petroleum products by making them proportionately less expensive than importing and refining crude oil. The bill also provides that the tariff would not apply to crude oil or refined products that are subsequently exported.

I first introduced this floor price tariff approach in September 1986. If the Congress had passed that measure we would have prevented much of the economic hardships and increases in petroleum imports that we have seen in the last 2 years. That first bill and the one I introduced at the beginning of the 100th Congress both set a floor price of $20 per barrel. However, I introduce today's measure with a floor price target of $25 per barrel in keeping the current spot prices and the undeniable need for this Nation to rebuild as strong a domestic oil producing industry as possible.

One of the best investments we can make in the energy sector of this country is by placing a floor price on domestic crude oil. With a floor price, we will maintain energy conservation and oil production during periods of world oil overproduction, yet not add to the burdens on the American consumer when world prices climb above $25 per barrel.

I hope that now with the gulf crisis squarely focusing our attention on the importance of oil to our economy and spot prices above the floor price level in this bill, the Congress will have the courage to pass a measure that will contribute to the long-term vitality of our petroleum industry.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Petroleum Security Act of 1991".

SEC. 2. FEE ON IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1954 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 54—IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS

"Sec. 5881. Imposition of tax.
"Sec. 5882. Definitions.
"Sec. 5883. Registration.
"Sec. 5884. Procedures; returns; penalties.

"SEC. 5881. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of—

"(A) any crude oil, or

"(B) any refined petroleum product, that has been imported into the United States, and

"(2) the use within the United States of—

"(A) any crude oil, or

"(B) any refined petroleum product, that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) RATE OF TAX.—

"(1) CRUDE OIL.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax shall be the excess, if any, of—

"(i) $25, over

"(ii) the energy policy price per barrel of crude oil.

"(2) REFINED PETROLEUM PRODUCT.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax shall be equal to—

"(i) $3.00, plus

"(ii) the tax determined under paragraph (1) of this subsection.

"(3) FRACTIONAL PARTS OF BARRELS.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) DETERMINATION OF ENERGY POLICY PRICE.—

"(1) IN GENERAL.—For purposes of this section, the energy policy price with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) BASIS OF DETERMINATION.—For purposes of paragraph (1), the energy policy price for any week is the weighted average international price of a barrel of crude oil for the preceding 4 weeks as determined by the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, pursuant to the formula for determining such international price as used in publishing the Weekly Petroleum Status Report and as in effect on the date of the enactment of this section.

"(d) LIABILITY FOR PAYMENT OF TAX.—

"(1) SALES.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil or refined petroleum product within the United States.

"(2) USE.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil or refined petroleum product.

"(3) TAX-FREE EXPORTS.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, no tax shall be imposed under this chapter on the sale of crude oil or refined petroleum products for export or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT.—Where any crude oil or refined petroleum product has been sold free of tax under subparagraph (A), such subparagraph shall cease to apply with respect to the sale of such crude oil or refined petroleum product, unless, within the 6-month period which begins on the date of the sale, the seller receives proof that the crude oil or refined petroleum product has been exported.

"SEC. 5882. DEFINITIONS.

"FOR PURPOSES OF THIS CHAPTER.—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than domestic crude oil (within the meaning of chapter 45).

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) EXPORT.—The term 'export' includes shipment to a possession of the United States; and the term 'exported' includes shipment to a possession of the United States.

"SEC. 5883. REGISTRATION.

"Every person subject to tax under section 5881 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5884. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, any reference (other than in chapter 45 or section 6429) to the tax imposed by section 4986 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, as a reference to the tax imposed by section 5881.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"Chapter 54. Imported crude oil or refined
petroleum products.".

(c) DEDUCTIBILITY OF IMPORTED OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil taxes imposed by section 5881.".

SEC. 3. EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales and use of imported crude oil or imported refined petroleum products on or after the date of enactment. •

By Mr. NICKLES:

S. 155. A bill to amend the Internal Revenue Code of 1986 to eliminate Intangible Drilling Costs as Preference Items in the Alternative Minimum Tax; to the Committee on Finance.

ELIMINATION OF IDC'S AS A PREFERENCE ITEM

• Mr. NICKLES. Mr. President, today I am introducing a bill to eliminate provisions in the Tax Code that treat intangible drilling cost for oil and gas wells as preference items for purposes of calculating a taxpayer's alternative minimum tax obligation.

Including intangible drilling costs as a preference item in 1986 was a mistake. It has been referred to by some Americans trying to increase oil production here in the United States as a drilling penalty tax for independents. Last fall, we made a change to these provisions by reducing the amount of intangible drilling costs that independents must include in the alternative minimum tax by 75 percent for exploratory wells and 15 percent for nonexploratory wells. But the penalty is still 25 percent there for exploratory wells and 85 percent there for nonexploratory wells, including all developmental wells. We should have eliminated IDC's entirely from the alternatives minimum tax, and that is what the bill I am introducing today will do.

IDC's are the only out-of-pocket business expense in any industry or profession that are treated as preference item in the alternative minimum tax. Inclusion of IDC's was unfair, and another example of treating the domestic oil industry as a cash cow to be milked every time revenue is needed.

Taking IDC's back out of the alternative minimum tax is appropriate not simply because it it a unique penalty on oil and gas producers, but because in practice these provisions have been both anticompetitive and regressive, and have had the effect of significantly reducing drilling activity in the United States. As we find ourselves on the verge of a terrible conflict in the Persian Gulf, we should be correcting mistakes that have contributed to our 19-percent decline in domestic oil production since 1985, and the resulting dependence on foreign oil for half of our petroleum needs.

Including IDC's in the alternative minimum tax has been anticompetitive because approximately 75 percent of all independent oil and gas producers are in alternative minimum taxpayers, while it is believed that the majority of major oil and gas companies are regular taxpayers. For any type of domestic drilling investment, an independent producer who will pay the AMT will always receive a lower rate of return on his investment than will a major producer who pays a regular tax. This happens because the AMT creates a new definition of income, requiring the payment of taxes in excess of what would ordinarily be paid, with the excess credited to the taxpayer in future years. In practice, most independent producers can expect to wait years to get their money back from the Treasury—money that a regular taxpayer is permitted to deduct from the income earned in the year the expenses are incurred.

The inclusion of IDC's is regressive because the tax obligation of taxpayer increases as his price of oil or profit margin decrease. The effect on this has been that independents drilling for oil or gas in the United States have been forced to pay alternative minimum income taxes despite sustaining real economic losses as defined under traditional income tax principles. Many independents in my State of Oklahoma have had to stop drilling—to stop looking for new oil supplies to help this Nation in its struggle against the growing tide of oil imports—because to drill another foot would directly increase his or her tax liability without necessarily increasing income.

The measure I am introducing today is a simple repeal of all the provisions in the Internal Revenue Code that include intangible drilling costs in the alternative minimum tax.•

By Mr. MITCHELL (for Mr. CRANSTON, for himself and Mr. KENNEDY):

S. 156. A bill to reform the International military education and training [IMET] program so as to empower civilians in the oversight and management of foreign militaries, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL MILITARY EDUCATION AND TRAINING REFORM ACT

• Mr. CRANSTON. Mr. President, I am pleased to introduce S. 156, the International Military Education and Training Reform Act, which is being cosponsored by the distinguished Senator from Massachusetts [Mr. KENNEDY].

The purpose of this bill is to extend training in defense and national security issues to qualified civilians in emerging democracies, thus increasing the ability of elected officials in these countries to oversee their own military establishments.

Mr. President, the International Military Education and Training [IMET] Program, a little understood but important government effort, already provides important linkages with foreign militaries.

The bill I am introducing today seeks to expand upon IMET's strengths, assigning it the task of helping empower civilian managers in national defense and security issues. Its passage will help ensure in practice the implementation of stated U.S. policy goals of support for emerging democracies and the civilian control of military establishments.

It is clear that civilian control of the military is little more than a pipe dream, if elected officials and their staffs are not conversant in defense and national security issues. In many emerging democracies long-term patterns of political instability and military takeovers have meant that civilians have little practical experience or expertise in these subjects.

Mr. President, one of the shining successes of our own democratic experiment has been the successful managing of our own civil-military relationship. Indeed, the democratic institutions and practices that have made this success possible provide an invaluable model for those foreign citizens—civilian and military—who are seeking to craft their own nations' foundations for liberty.

The bill I submit today reflects a reorientation in security assistance whose growing acceptance reflects the new realities of the 1990's.

Recently a workshop was held at the Pentagon. Sponsored jointly by the Strategic Concepts Development Center of the National Defense University and the Strategic Plans and Policy Directorate [J-5] of the Joint Staff, it focused on Latin America. However, some of its recommendations could be applied in nations throughout the developing world.

Included among the workshop recommendations was the following:

> For the U.S., there is the need for new strategies and tactics to strengthen the forces of the democratic transition. The U.S. should immediately modify the Inter-American Defense College to make it half civilian

and half military, expand the training of civilians in the oversight and control of military matters, expand the training of militaries in support of civilian democracies, and assure that U.S. military activities are conducted in a way that they serve to enhance the control of civilian authorities exercise over the military.

Mr. President, as I said on the Senate floor last year, for more than 200 years we have enjoyed a democratic government which has worked unfettered by the fear of military threat or interference. It is an admirable record, and one that bears imitation.

If we are committed to sustaining our links to foreign militaries while showing our seriousness in supporting emerging democracies, a restructured IMET can provide needed support for both efforts.

I ask unanimous consent that a copy of my two 1990 statements concerning IMET reform be printed in the RECORD, as well as various letters and other material, at the conclusion of these remarks along with the text of S. 156.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Military Education and Training Reform Act of 1991".

SEC. 2. STATEMENT OF FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) one of the most important changes that must occur in newly emerging democracies is that a Nation's military is fully under the control of civilian authority;

(2) the success and prestige of the United States Armed Forces and those of many other democracies have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty;

(3) the American model has an important array of lessons in the proper management of civil-military relations, such as—

(A) the clear and unequivocal direction provided by civilian political leaders of the military structure and forces;

(B) the control of the military budget by Congress provides essential oversight by elected officials responsible to the people;

(C) the existence of close interaction and contact between civilians and military, and between the four services, throughout the command and control structure;

(D) civilian-run nongovernmental agencies help inform and shape defense policy; and

(E) the United States military, which has no law enforcement functions except in extreme and unusual circumstances, has, therefore, remained at the margins of partisan politics;

(4) in many emerging democracies the corps of civilian managers that forms an integral part of military management in the United States does not exist;

(5) the lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training, and an absence of personal ties between military officers and civilians which sustain good will in times of crisis; and

(6) there are professional ethics, strictures, and responsibilities that are essential to democratic control of a nation's military, such as the following:

(A) That the military does not play a partisan political role.

(B) That it is the duty of the military, both individually and collectively, to prevent human rights abuses of civilians or captured or surrendered military personnel.

(C) That illegal orders should not be obeyed.

(D) That power must not be misused to further personal goals.

(b) Recognizing that democratic control over the military cannot be established without empowering civilian managers in defense and security issues and without circumscribing the role of the armed forces to that of national defense functions, it is the purpose of this Act to revise and reform the existing international military education and training (IMET) program so as to provide support for emerging democracies and the civilian control of military establishments.

SEC. 3. USE OF IMET FUNDS.

(a) The expenditure of no less than 10 percent of the total funds appropriated under chapter 5 of part II of the Foreign Assistance Act of 1961 shall be available for developing, initiating, conducting, and evaluating courses and other programs for training foreign civilian officials in managing and administering military establishments and budgets, and for training foreign military and civilian officials in creating and maintaining effective military judicial systems and military codes of conduct, including the observance of internationally recognized human rights.

(b) Funds under chapter 5 of part II of the Foreign Assistance Act of 1961 shall be available for expenditure for "nation-building" training (other than map making) only in those countries in which no civilian agency or individual could reasonably be expected to carry out such activities and in which a freely elected head of government has requested such "nation-building" training.

(c) After March 31, 1992, all trainees under the international military education and training program shall receive instruction specifically designed to promote adherence to the universal military responsibilities of protecting civilians and prisoners from harm and intimidation, reporting to the proper military and legal authorities all abuses of human rights by military forces, and accepting the authority of elected civilian officials.

(d) Section 541 of the Foreign Assistance Act of 1961 is amended by inserting the following sentence immediately after the first sentence: "Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense, as well as members of national legislatures and their staffs, if the military education and training would (a) contribute to responsible defense resource management, (b) foster greater respect for and understanding of the principle of civilian control of the military, or (c) improve military justice systems and procedures in accordance with internationally recognized human rights.".

[From the Congressional Record, Oct. 22, 1990]

Mr. CRANSTON. Mr. President, I rise to offer an amendment to the international military education and training, or IMET, section of the foreign operations bill.

Let me first say, I congratulate my distinguished colleague and friend Senator LEAHY and the other members of the committee for the work they have already done on IMET.

It is clear from the legislation before us, that the International Military Education and Training Program, a little understood but important Government effort, is receiving an important reorientation, and one that will make it more suited for the 1990's.

IMET, which already provides important linkages with foreign militaries, is being assigned the task of helping empower civilian managers in national defense and security issues.

This is an enormous step forward. Obviously, one cannot talk about civilian control of the military without helping civilians become more conversant in issues of national defense. In the past, this lack of concern for civilian training put other countries' political leadership at a distinct disadvantage, given the amounts of time and money we invested in their militaries.

I also want to express my appreciation for the generosity of Senator LEAHY and members of the Foreign Operations Subcommittee staff in taking the ideas of other Members not on the committee into account in drafting this bill.

Mr. President, there are five further changes that I would like to offer to the bill that would help ensure in practice the implementation of these most important U.S. foreign policy goals: Support for emerging democracies, and the civilian control of military establishments.

The first change would give voice to the new direction IMET is taking by changing its name to Democratic Military Education and Training, or DMET.

IMET [International Military Education and Training Program] may have been an acceptable title before the great debates of the 1970's and 1980's put human rights and democratization at the head of American foreign policy concerns. Today, however, it is the name Democratic Military Education and Training that best puts the program's title in sync with its purpose.

The second change would allow up to $2.5 million to be spent on the new initiatives designed to empower civilians in the oversight of the military. The bill currently allows at least $1 million, or slightly more than 2 percent of the IMET total to be spent.

Given the scope and recognized importance of the new task, however and the number of countries that could use such training. I believe that the larger figure, just slightly more than 5 percent of the total, is more appropriate.

The third change would explicitly include members of national legislatures and their staffs in the training process.

I should point out that in many emerging democracies long-term patterns of political instability and military takeovers have meant that parliaments have little practical experience in military oversight.

Frequently those legislative bodies serve as little more than rubber stamps on questions of defense, a self reinforcing trend given their lack of expertise or experience in military issues.

The fourth change mandates that, after March 31, 1991, all trainees shall receive instructions specifically designed to promote adherence to the universal military responsibilities of protecting civilians and prisoners from harm and intimidation, reporting to the proper military and legal authorities all abuses of human rights by military force, and accepting the authority of elected civilian officials.

Mr. President, one would assume that these values and practices are already part of our military training curriculum. But as the report of the Foreign Operations Subcommittee, the IMET Program currently suffers from a lack of clear objectives and the absence of a means to evaluate [its] accomplishments. This provision, I hope, will give IMET some clear objectives.

The final change would require that nation-building training be offered to foreign military personnel only if the recipient country does not have any civilian agencies or organization that could absorb such training.

Mr. President, I believe that the reasons for the first two changes are clearly evident and need no further elaboration.

However, I would like to discuss a little further the reasons for opening up the Democratic Military and Education and Training Program to members of parliament and their staffs, as well as the importance of limiting nation-building training to specific conditions.

Mr. President, our more than 200-year history has been one of successfully managing our civilian-military relationship. In few, if any, countries in the world is the prospect of a military intervention in political life more remote than it is here. Indeed, the possibility seems the stuff of a far-fetched novel.

However, it is that very improbability that perhaps makes it easy to lose sight of the democratic institutions and practices that has made this success possible. It is that accumulated knowledge that is a virtual treasure drove of information and an object lesson for those who seek to craft their own viable democracies.

The American model has an important array of lessons in the proper management of civil-military relations:

The control of the military budget by Congress ensures a close collaborative relationship between civilian political authority and leadership of the armed forces; there is close interaction and contact between civilians and military, and between the four services, throughout our command and control structure; scores of civilian-run non-governmental agencies help to inform and to shape military policy; and the military has remained at the margins of partisan politics in large part because its role in Internal security has always been sharply circumscribed.

Mr. President, as I said in this Chamber a few weeks ago, by seeking to train significant numbers of civilians over time, we will be both empowering civilian managers and assuring an instance of democratic oversight which is sadly lacking in many of these nations.

It is my hope that we take advantage of the much we have to offer, and offer it to those political leaders who might most benefit, members of parliaments and their staffs. I can think of few greater single contributions to the cause of civilian control over the military than that of helping foreign legislators become effective players in the formulation of defense and security policy.

The issue of nation-building, too, ought to be fully addressed.

Mr. President, let us first be clear what we mean by nation building training. Generally speaking, nation building involves the construction of public works and other activities that might be seen as helpful to economic and social development. On the surface, these activities would appear unobjectionable.

In fact, however, nation building can, and usually does, have several negative consequences when it is carried out by the military in countries that have an uncertain civilian control over their armed forces.

Military nation building can help tip the balance of power away from elected civilian leaders and toward unelected military rulers.

By encouraging militaries to take on nation-building activities, the United States is in practice giving the militaries legitimacy in assuming roles that put them in direct competition with civilian authorities.

The military often ends up carrying out attractive, big-ticket items such as roads, schools, bridges, health clinics, with the corresponding public relations boon. Meanwhile cash strapped political lenders are left with less resources to do a lot less exciting, but absolutely vital projects.

It is often forgotten, but one of the most successful—and at the same time most sinister—military nation-building efforts was conducted by the Panamanian Defense Forces under Gen. Manuel Antonio Noriega. While this is albeit one of the most extreme examples, it is worth pointing out that once the military started down this road, there was virtually no area of governance which was left untouched by them.

Mr. President, today in El Salvador, democratic political leaders are struggling to consolidate their own democracy. Not surprisingly, the major stumbling block to this effort is the debate over the future role of the armed forces.

Recently El Salvador's Christian Democrats—our political ally of choice during the difficult decade of the 1980's—issued their own manifesto on the steps needed to be taken in order for democracy to prosper. Among the specific recommendations they made was the following:

The elimination of all military participation in civil affairs of whatever type, including activities such as propaganda, civic action, engineering, etc. * * *

Mr. President, for too long the United States has sought to give the armed forces in the developing world tasks which have little to do with traditional roles of protecting a nation's borders and its political sovereignty.

During the cold war, these militaries' mission was inward-looking, focusing on internal security, with the often all too-tragic results that are well known to us.

Now, with the winding-down of the East-West conflict, other roles outside the boundaries of traditional military conduct and missions are being sought. Without persuasive military threats on their borders, the political establishments of many countries are now faced with the question: What to do with these large standing armies that are seemingly without mission or purpose?

In some countries, such as those in the Andean region, the enemy has changed from "international communism" to multinational drug cartels. This new internal security function, to my mind, continues to put democratic institutions at risk.

And, in other emerging democracies, nation building has again become an attractive alternative, particularly when given the alternative—armed forces' resistance to demilitarization.

Mr. President, I believe that the case of Argentina is instructive. Inasmuch as it helps give insight to the practical effects of searching for nontraditional military roles, rather than maintaining armed forces at the level at which they are needed.

In 1962, then Agency for International Development contract employee James Theberge interviewed Argentina Brig. Gen. Carlos J. Rosas. Rosas, who was commander of the third infantry division, was one of the prime ideologues in bringing French dirty war techniques used in Algeria and Indochina to Argentina.

According to a U.S. State Department memorandum of conversation from the time, Theberge reported:

General Rosas does not believe Argentina needs a conventional army to fight foreign wars. The period in which Argentina needed an army to protect its frontiers or repulse attack in international wars is past. In a world war its army would be useless.

He advocates training the army for defensive counter-revolutionary warfare developed by the French in Indo-China and Algeria. Influenced by French military theorists, he believes that the Argentine military must understand the social, economic and psychological problems of the country in order to prevent the conquest of foreign-inspired ideologies.

The recommendation of the U.S. Embassy at the time:

General Rosas' interest in anti-guerrilla warfare is one which we propose to cultivate.

During a 25-year period, from 1950 to 1975, 2,766 Argentine military men were trained at U.S. Institutions. Six hundred of them attended the U.S. Army School of the Americas at Fort Gulick in the Panama Canal Zone, at which counterinsurgency operations were an important component of the curriculum.

In 1976, the military took power in a coup and proceeded to carry out one of the most vicious antiterrorist campaigns conducted in the Western World in modern times. The regime was also one of the most corrupt in recent memory, and its legacy of financial mismanagement left the incoming civilian administration in 1983 strapped with an enormous foreign debt. As Latin sociologist Jose Enrique Miguens pointed out, the Argentine military shattered the myth that military governments were efficient, rather they were only brutal.

As I pointed out, the counterinsurgency techniques that were used were copied from those used by the French in Algeria and Indochina. However, there was also an underlying dynamic at work which directly affects that debate here today.

One of the most intractable problems in trying to exert civilian control over the military in Argentina, El Salvador, Chile and other less developed nations is the idea held by many officers that they are different and better than their civilian counterparts. And, the reasoning runs if they are different and better, the question inevitably arises: why should they accept the command and control of civilian authorities?

The problem is that nation building, by its very nature, helps reinforce that spirit. It gives the military a taste for bureaucratic power, for immersion into politics, without forcing officers to share the difficult choices that have to be made by civilian political authorities. By giving the military training in counterinsurgency, nation-building and multisector development training, as we have in the past, we whet appetites within the armed forces of other nations that we would not accept in our own country.

It seems to me we ought to be very careful about encouraging foreign militaries to take on nontraditional missions, especially those which would be much questioned if they were taken on by the U.S. military.

Recently, Adm. Argimiro Fernandez, retired, the former head of Argentine naval intelligence, spoke about the practical effect these kinds of nation-building courses had in his country. The planning ideology inculcated by Argentine military colleges, Fernandez said, and the quantity of superficial general knowledge students received there, gave the armed forces the idea they had a great capacity for solving the nation's problems. As we know, the superficiality of their knowledge did not keep the generals from seizing power.

Mr. President, before scarce training resources are used for nation building by the military, I would suggest we ask what kind of nations do we want built. Recently, the General Accounting Office conducted a study of the IMET Program in six countries. It pointed out, in at least two of the countries, officials of both the Agency for International Development and the U.S. Information Agency said national building should be undertaken by the civilian sector, and that their agencies were capable of providing such training to civilians.

In redesigning DMET, I hope the administration will call on civilian government agencies, such as AID and USIA to offer their expertise and help. I also urge that nongovernmental organizations with experience in improving civilian military relations in foreign countries be consulted. Among these NGO's I hope will be drawn into the process are the American University: the National Endowment for Democracy and its core grantees the National Democratic Institute for International Affairs [NDI]; the Center for Democracy, and the Institute for Representative Government.

Mr. President, for more than 200 years we have enjoyed a democratic government which has worked unfettered by the fear of military threat or interference. It is an admirable record, and one that bears imitation. If we are committed to sustaining our links to foreign militaries, and at the same time show our seriousness in supporting the spread and maintenance of democracy, DMET can provide needed support for both efforts.

Mr. President, I appreciate the opportunity to make these points. I now withdraw my amendment.

Mr. President, I ask unanimous consent that the amendment I am withdrawing be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Strike out "International Military Education and Training" and all that follows up to but not including the paragraph entitled "Foreign Military Financing Program" and insert in lieu thereof the following:

DEMOCRATIC MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, $47,196,000: *Provided,* That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,340 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further,* That not less than $1,000,000 and up to $2,500,000 of the funds appropriated under this heading shall be made available for developing, initiating, conducting and evaluating courses and other programs for training foreign civilian and military officials in managing and administering military establishments and budgets, and for training foreign military and civilian officials in creating and maintaining effective military judicial systems and military codes of conduct, including observance of internationally recognized human rights: *Provided further,* That none of the funds appropriated under this heading shall be available for Malaysia, Zaire, Liberia, and Somalia: *Provided further,* That chapter 5 of part II of the Foreign Assistance Act of 1961 is amended by striking out "International Military Education and Training" and inserting in lieu thereof "Democratic Military Education and Training": *Provided further,* That any reference in law to international military education and training shall hereafter be deemed to be a reference to democratic military education and training: *Provided further,* That funds appropriated under this heading shall be available for "nation-building" training (other than map making) only in a country in which no civilian agency, or individual could reasonably be expected to carry out such activities and in which a freely elected head of government has requested such "nation-building" training: *Provided further,* That after March 31, 1991, all trainees shall receive instruction specifically designed to promote adherence to the universal military responsibility of protecting civilians and prisoners from harm and intimidation, reporting to the proper military and legal authorities all abuses of human rights by military forces, and accepting the authority of elected civilian officials: *Provided further,* That section 541 of the Foreign Assistance Act of 1961 is amended by inserting the following sentence immediately after the first sentence: "Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense, as well as member of national legislatures and their staffs, if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, or (iii) improve military justice systems and procedures in accordance with internationally recognized human rights.

[From the CONGRESSIONAL RECORD, Oct. 2, 1990]

REFORMING IMET WILL HELP FORTIFY EMERGING DEMOCRACIES

Mr. CRANSTON. Mr. President, I rise today to urge the substantive reform of the International Military Education and Training [IMET] program.

The task is an urgent one, given the current scarcity of funds and the fact that, up to now, programs such as IMET have not always fully reflected U.S. policy concerning democratization and the civilian control of the military.

A remarkable transition to democracy is now underway in Eastern Europe, Latin America, and other parts of the globe.

Autocrats and totalitarian systems are being swept away and replaced by citizens eager to participate in the public life of their nations.

Fully aware that democracy is the result of more than just a collective desire for freedom, the new leaders of these countries are painstakingly crafting practices and institutions to ensure that liberty endures, a process that harkens back to the early years of our own democracy.

To ensure that the trend toward democracy continues, one of the most important changes that must occur is that a nation's military is fully under the control of civilian authority.

At the same time, the Armed Forces must develop a professional mission that prepares them to defend the Nation's territorial sovereignty, while keeping them at the margins of partisan politics.

Since its inception the IMET Program has provided important linkages between U.S. and foreign military forces. However, as a recent study by the General Accounting Office has noted, the content and impact of the training currently provided has not sufficiently promoted the consolidation of democracy.

It seems to me that what is needed is a program that promotes healthier civil-military relations by empowering representatives of elected civilians with the skills and techniques needed to exercise informed oversight and direction over military forces.

Mr. President, in many—if not most—emerging democracies the corps of civilian managers that forms an integral process of military management in the United States simply does not exist.

In some countries, particularly in Latin America, this is due to seemingly unending pendular movement from military regimes, to elected governments, then back again.

In others, such as in Eastern Europe, the cadre of civilian democratic managers does not exist because what oversight there was came from the Communist party apparatus.

As former Vice President Walter F. Mondale noted in a recent book, "Towards a New Relationship: The Role of the Armed Forces in a Democratic Government":

"The lack of continuity in democratic political institutions can mean a loss of historical memory, gaps in technical training and an absence of personal ties between military officers and civilians which sustain good will in times of crisis."

Elected legislators, their staffs, members of nongovernmental organizations and personnel from Finance, Foreign Relations, Defense and Presidential ministries should be among the civilian participants of the new IMET Program.

At the same time, a reformed IMET Program would effectively promote the concept of national defense of territory and sovereignty as the sole military mission, thereby discouraging their performance of police functions.

Mr. President, I believe that the IMET curriculum should emphasize that the success and prestige of the American Armed Forces and those of many other nations have been immeasurably advanced by their unquestioned subordination to civilian political authority and their strict adherence to a mission of national defense of territory and sovereignty.

Several initiatives might be taken in this regard, such as the use of exchange programs, joint studies and structured visits to the United States by military and civilian personnel to learn how this country has successfully managed its own civil military relationship.

There are also professional military ethics and responsibilities that are universal and particularly appropriate for inclusion in IMET training if the 1990's are to be an era in which democracy continues to expand.

First, that the military does not play a partisan political role, and follows the orders of freely elected civilian authority;

Second, that it is a military officer's duty to prevent human rights abuses of civilians or captured or surrendered military personnel, and

Lastly, that professional military strictures are incorporated into their daily routine concerning the constitutional limits on military authority; the proper response to illegal orders, and the misuse of power to further personal goals.

Mr. President, I believe that in the next fiscal year it is important that testing methods should be developed that would help evaluate IMET trainees' attitudes toward professional military ethics and responsibilities. One component would be an evaluation of the program's impact on these attitudes during instruction and in later careers. These testing efforts should be refined as time goes on in order to improve the curriculum.

The GAO study also raises serious questions about the possible negative effect on civilian authority in developing countries of the training of military forces in so-called nation-building skills. It specifically suggests that in one country surveyed the use of military forces in nation-building was undesirable because of a tenuous civil-military relationship.

The GAO study also pointed out that officials in both the Agency for International Development and the United States Information Agency in two of the six nations studied indicated that nation-building should be undertaken by the civilian sector, and that their agencies were capable of providing nation-building training to civilians.

Mr. President, this issue is more than an academic debate or a bureaucratic turf-battle. The GAO analysis hearkens back to the 1960's and early 1970's, when the strengthening of foreign militaries' nation-building missions appeared to help tip the balance of power away from elected civilian leaders and toward unelected military rulers in many nations.

According to a 1971 Rand Corp. study by Luigi Einaudi and Alfred Stepan III:

"A rationale sometimes used for certain U.S. military assistance programs is that 'professionalism' contributes to lessened political involvement on the military's part, and to their concentration on exclusively military affairs. Logic, however, suggests that to the extent that military expertise, or professionalism, is increased in areas of counter-insurgency, nation-building and multisector development planning, the military would tend to become more rather than less involved in politics."

By encouraging militaries to take on greater civic action, or nation-building, responsibilities, the United States gives the militaries legitimacy in assuming roles that put them in direct competition with civilian authorities. As Panama City Mayor Cochez has noted:

"By assigning the military a civic action role the U.S. strengthens their hand. When they build a bridge, the military will get the credit. If a road is constructed, the billboard says, 'your National Guard is working for you.' Meanwhile, we cash-strapped politicians cannot get financing for our own projects, but are sure to get the blame when things, a lot of times less exciting things, don't get done."

Mr. President, I hope that in structuring the IMET curriculum in the coming years, these views are taken into consideration. It is clear that nation-building studies conflict with the broader U.S. policy goals of support for democractic leadership. Therefore, I would suggest that, with the exception of mapmaking, such courses should be curtailed.

Further, I would urge that—before scarce training resources are used for nation-building—we are certain that within the country in question there are no civilians qualified for such training, and that no civilian agency, governmental or private, could reasonably expect to undertake the specific task.

Mr. President, because the United States has a highly successful experience in the civilian control of the military, it can provide a valuable model for study for officers and others coming from newly emerging democracies.

For this reason, I urge that immediate action be taken to ensure that a significant part of the IMET curriculum be devoted to the study of democratic institutions and practices.

Among the issues upon which the curriculum should focus are the close interactions and contract between civilians and military throughout our command and control structure; the scores of nongovernmental agencies which help to inform and to shape military policy and how they operate, and the role played by Congress and other governmental agencies in policy formulation.

The importance of the Posse Comitatus Act, which has helped keep our military from involving itself in partisan political activity by keeping it at the margins of internal security, should also be stressed.

At the same time, I believe it is vital that a certain number of the IMET training slots, 20 percent in the first year, should be earmarked for civilians broadly representative of the political community and nongovernmental organizations in the countries in which IMET is offered.

By seeking to train significant numbers of civilians over time, we will be both empowering civilian managers and assuring an instance of democratic oversight which is sadly lacking in many of these nations.

In expanding the scope of IMET training, I believe that it is important that the administration seek to contract the services of nongovernmental entities to assist both in the training of civilians and in rounding out the curriculums offered to the military.

A variety of these—such as the Center for Democracy, the National Democratic Institute for International Affairs [NDI], and the Institute for Representative Government—have experience in studying or improving civil military relations in foreign countries. They should be consulted with during the process of reformulation of IMET.

Similarly, certain countries have an urgent need for this type of training. Certainly the nations of Eastern Europe are candidates, given the heavy legacy of Soviet-trained security forces and domination by local communist parties. Countries such as Argentina, Bolivia, Chile, Brazil, El Salvador, Thailand, the Philippines, Korea, and Nicaragua should also be considered for Democratic military education and training.

The United States has had the good fortune to have enjoyed more than 200 years of Democratic Government. Part of the strength of our system has been the undeniable success with which we have handled our own civil-military relationship. This is perhaps one of the most important lessons we can provide a world still struggling to find its own democratic institutions and procedures. We must do so, and quickly.

Mr. President, I know my good friend and distinguished colleague, Senator Leahy, chairman of the Foreign Operations Subcommittee with jurisdiction over IMET, has been looking into the issue of reforming IMET as well. I look forward to working with him on this.

THE PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES,
THE JOHNS HOPKINS UNIVERSITY,
Washington, DC, January 14, 1991.

Senator ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: I am writing to offer my unqualified support for your proposal to amend the International Military Education and Training Act.

The lessons of contemporary Latin American history make plain the need for more effective civilian control of military institutions. Indeed, the very survival of legitimate, democratically elected governments throughout the hemisphere depends on the continued strengthening of civilian-military ties and the assertion of civilian control over military establishments.

Though recent years have seen the emergence of numerous democratically elected governments in Latin America, the hemisphere continues to face the threat of a return to dictatorships. As recently as this past autumn, the presidents of Argentina and Chile have faced veiled or actual challenges to their power by military officers in their countries. The government of El Salvador, while facing the threat of armed revolutionaries, simultaneously faces the menace of a military establishment often unaccountable to civilian authority. Likewise, governments throughout the region do not enjoy the longstanding, secure and amicable subordination of military to civilian authority which is the mainstay of our country's democratic system.

The education, guidance and institutional support envisioned by the IMET Reform Bill, I believe, can contribute substantially to fostering more healthy relationships between the civilian and military establishments in the rest of the hemisphere.

Sincerely,

RIORDAN ROETT.

U.S. SENATE,
Washington, DC, December 13, 1990.

Hon. RICHARD CHENEY,
Secretary of Defense,
Pentagon, Washington, DC.

DEAR DICK: As you know, the issue of civil-military relations continues to be one of paramount importance in Argentina, a nation that returned to democratic rule less than a decade ago.

Last week's bloody uprising by ultra-rightist military officers—the fourth in less than four years—was quickly quashed by troops loyal to President Carlos Menem. The rapidity with which Menem acted, and the unflinching decision by the overwhelming majority within the armed forces to support constitutional rule, help ameliorate the awful impact this latest act of armed sedition had on Argentina's international image.

The latest revolt came as the Menem government was about to embark on an ambitious program to modernize and restructure the armed forces. In the aftermath of the military mutiny, President Menem courageously announced he was pressing forward with plans to reduce the size of the armed forces, while at the same time giving those who remain the tools with which they could adequately prepare for the national defense.

Included in this reform are far-reaching changes in troop deployments—moving manpower from populous areas where they once acted more like occupation forces and out to frontier areas of strategic significance.

I personally applaud these efforts. I believe they will help Argentine democrats gain a surer footing in their quest for civilian control over the military. And I also believe that they will lead to a more professional and capable armed forces in a country whose ties to the United States are ever stronger.

I am concerned, however, that U.S. military policy fully reflect the changes within Argentina, and those relevant factors within the changing international context, so that we might help to fortify these new directions taken under the stewardship of President Menem.

There have been press reports that continuing pressure from Great Britain on the Administration is having the effect of blocking even modest military sales by the United States to Argentina.

British officials have opposed arms sales to Argentina since the 1982 war over the Falkland/Malvinas Islands. U.S. acquiescence to these pressures made sense in the past, particularly on human rights grounds. However, since President Menem took office, diplomatic relations with Great Britain have been restored; the Argentina government has sent a military contingent to the Gulf to bolster international efforts against Iraqi aggression, and the three Argentine armed services have proven their loyalty—under fire—to the constitutional government.

Even as budgetary restraints would keep Argentine purchases to a minimum, surely the Menem government ought to be allowed access to American arms sales and know-how in its effort to professionalize its forces. Argentine officials have said that spare parts, training materials and the possibility of acquiring A-4 Skyhawk fighter aircraft would help make the transition complete. It has also been brought to my attention that the Menem government is seeking Defense Department cooperation in the establishment of a training school for helicopter pilots.

I hope that progress can be made on some or all of these requests. The criteria used in judging such aid, I believe, ought to be concerns for the consolidation of Argentine democracy and the net gain for hemispheric security, not worries about official reactions in post-Thatcher Britain.

I would also like to take this opportunity to urge that Argentina be given a greater number of training slots in the international Military Education and Training (IMET) program. This year for the first time Congress authorized IMET training for civilians working in posts in defense and related ministries. Currently 29 Argentine military officers are slated to be trained in technical and management subjects in the following year.

The existence of an important group of civilian managers in defense and security issues is, I am sure you would agree, a key element in the success of our own civil-military relationship. In Argentina, that core of civilian expertise—almost non-existent several years ago—is still dangerously thin. Therefore, I would urge you to include Argentine civilians in upcoming IMET training opportunities.

I appreciate the chance to share my thoughts with you on this important matter. If you have any questions, please do not hesitate to contact me, or have a member of your staff contact Martin Edwin Andersen, my legislative assistant for defense, at 224-8114.

Sincerely,

ALAN CRANSTON.

EMBASSY OF THE
ARGENTINE REPUBLIC,
Washington, DC, December 18, 1990.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I am writing in reference to your letter of December 13, addressed to the Secretary of Defense in which you express your support of our country in the International Military Education and Training Program and on other military matters.

I want to convey the gratitude of the Argentine Government and mine, for your comments regarding the diligent manner with which the President of Argentina, Dr. Carlos Saúl Menem handled the military crisis on December 3d.

At the same time, I would like to thank you for your personal endorsement of the military reform in Argentina through your proposal for the modifications of the current appropriations to IMET. This will ensure a more just distribution of the foreign military aid and will consolidate the democratic process that is taking place in Latin America and other parts of the world.

Sincerely,

GUIDO DI TELLA,
Ambassador.

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, January 2, 1991.

In Reply Refer to: I-90/70564.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: It is a pleasure to respond to your 13 December letter to Secretary Cheney regarding Argentine civil-military relations. The strengthening of civil-military cooperation and civilian control of the military form the cornerstone of our policy objectives in Argentina.

The firm response by President Menem and loyal members of the Armed Forces to crush the violent actions by "Carapintada" supporters on 3 December was affirmation of their commitment to democracy. The severe economic crisis in Argentina, however, will continue to pose a challenge to the democratic process. Fortunately, the non-democratic views of the few "Carapintadas" are not shared by the broad civilian and military sectors.

Because of its importance to the Administration, Argentina's commitment to the consolidation of democracy and the development of an internationalist, pro-western foreign policy is being closely monitored. The recent reestablishment of relations with Great Britain and the decision to support the international effort in the Persian Gulf, as well as their continued presence in the Gulf of Fonseca supporting UN efforts to verify the Central American peace process, are evidence of a changing Argentine philosophy. We are hopeful that with the full realization of these changes, reinforced by the momentum from President Bush's recent visit, greater opportunities for enhanced relations with Argentina will be afforded.

Officials from the Department of Defense and Department of State recently traveled to Argentina to identify possible areas for future cooperation. Our immediate goal is to be responsible to Argentine queries related to their consolidation and restructuring efforts. We hope to exchange ideas with senior Ministry of Defense officials and share the lessons learned from our own experiences in these areas. We will supplement this activity with funds made available this year for the training of Defense and related ministry officials in defense management. We are also working with the Department of State to secure additional IMET monies, as well as a modest amount of FMF, to assist Argentine equipment modernization and training efforts.

On behalf of Secretary Cheney, I thank you for your continued interest in our military-to-military relations with Argentina. Please do not hesitate to contact me if I may be of further assistance or answer any specific questions you may have on this subject.

Sincerely,

CARL W. FORD, Jr.

U.S. SENATE,
Washington, DC, January 9, 1991.

Hon. RICHARD CHENEY,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR DICK: As you know, I am very interested in the modernization of the International Military Education and Training (IMET) program.

Last year, I introduced IMET reform legislation designed to make the program more fully address the issue of civilian control of the military—a subject of vital importance in newly-emerging democracies. Last month, following the fourth military uprising in Argentina in as many years, I wrote to you urging that civilians from that country be included in IMET training so as to help empower them in their efforts to modernize their armed forces. I plan to push ahead in these efforts again this year.

More recently I came across the minutes of a workshop held at the Pentagon on September 26 and 27 that may have already crossed your desk. They underscore the need to reformulate U.S. security assistance along the lines I have suggested.

The workshop was sponsored jointly by the Strategic Concepts Development Center of the National Defense University and the Strategic Plans and Policy Directorate (J-5) of the Joint Staff. Although the event focused on Latin America, I believe some of its recommendations bear keeping in mind in programs throughout the developing world.

Included among the recommendations made at the workshop was the following passage:

"For the U.S., there is the need for new strategies and tactics to strengthen the forces of the democratic transition. The U.S. should immediately modify the Inter-American Defense College to make it half civilian and half military, expand the training of civilians in the oversight and control of military matters, expand the training of militaries in support of civilian democracies, and assure that U.S. military activities are conducted in a way that they serve to enhance the control of civilian authorities exercise over the military."

I am delighted to find that there appears to be an emerging consensus on the need to fortify security assistance programs in this direction. The idea of reformulating the mission of the Inter-American Defense College to include the training of qualified civilians is one I have held for some time. I understand Gen. Colin Powell has also expressed an interest in making such a change.

Obviously, these changes cannot happen overnight. But given the fact we are starting a new legislative session I will be most happy to work with you to make the start necessary. Please let me know what assistance you might need from me, or have a member of your staff call Martin Edwin Anderson, my legislative assistant for defense and international relations, at (202) 224-8114.

I look forward to hearing from you.

Sincerely,

ALAN CRANSTON.●

By Mr. RIEGLE:

S. 157. A bill to amend title XVIII of the Social Security Act to waive the late enrollment penalty under Medi-

care part B for any disabled individual who was covered under his own or his spouse's private employment-related health insurance; to the Committee on Finance.

WAIVER OF MEDICARE LATE ENROLLMENT PENALTY FOR CERTAIN INDIVIDUALS

• Mr. RIEGLE. Mr. President, today I am reintroducing a bill which will eliminate an inequity which exists in the Medicare Program for Social Security Disability Insurance [SSDI] beneficiaries.

There is a small number of SSDI beneficiaries who are eligible for Medicare but who have failed to enroll because they have health coverage though the extension of their work-related health insurance or a spouse's employment-related health care plan. If these individuals ever need to enroll in the Medicare Part B Program, they will be subjected to a 10-percent penalty for each year they delay enrollment. The bill will address this inequity.

Mr. President, as you know Medicare was first enacted in 1965 to provide financial access to vital health care services to our elderly population. In 1973, Medicare coverage was extended to disabled individuals entitled to Social Security disability insurance for 24 months or more. Since its inception, the program has experienced enormous growth. In 1990, it is estimated that 30 million elderly and 3.3 million disabled individuals will receive benefits in the Medicare Program. It is clear that this program is serving a vital source of access to health care services.

When Medicare was first enacted, a 10-percent annual surcharge was assessed against those who delayed their enrollment in the voluntary part B supplemental medical insurance of Medicare. This provision was enacted to create a disincentive for individuals who were planning to delay enrollment until they became ill and in need of health care services. The provision was based on sound actuarial accounting and was designed to assure a sufficient amount of premiums to assist in the funding of the program. At that time, there was a maximum of a 30-percent penalty because the enrollment period for the part B of Medicare was limited to 3 years. In 1972, the limited enrollment period was abolished. Congress, however, failed to repeal or cap the part B surcharge. We now have a small population of individuals who have incurred a substantial penalty for late enrollment, and for whom assessing the penalty does not make sense.

The bill I am introducing today would address another circumstance where individuals are being inappropriately penalized. A small number of disabled individuals who are qualified for Medicare as a result of their eligibility for SSDI, receive their health care coverage through a spouse's employment-related health care plan or through the continuation of their own work-related health plan. They are reducing the Federal Government health care costs and they should not be penalized for their efforts. This bill will eliminate the part B premium penalty for the disabled person and/or disabled spouse who are enrolled in a group health care plan provided by the beneficiary's former employment or a spouse's current or former employment.

Mr. President, those individuals who choose to enroll in Medicare part B insurance at a later date because for some reason their previous insurance coverage was terminated should not be penalized unfairly. These disabled individuals have to pay an additional 10-percent surcharge yearly for each year they delay entrance into Medicare part B during which time they were actually saving the Federal Government money because they were using work-related coverage.

Congress recently addressed this problem and rectified a similar circumstance where old age and survivors beneficiaries were being inappropriately penalized. Included in Public Law 97–248, the Tax Equity and Fiscal Responsibility Act of 1982 [TEFRA], was the working aged provisions which made Medicare the secondary payer for certain elderly workers. The provisions amended the Federal Age Discrimination Employment Act [ADEA] to require employers to offer their employees aged 65 to 69 and their dependents the equivalent health care coverage as their younger employees. It became clear that it would be inappropriate to penalize these individuals and subject them to the part B premium surcharge if enrollment in the part B program would simply duplicate their work-based health care coverage. This inequity was corrected with the passage of Public Law 98–369, the Deficit Reduction Act of 1984 [DEFRA] which exempted these individuals from the surcharge.

I urge all my colleagues to support this piece of legislation and help to eliminate this inequitable and unfair situation. We must persist in our efforts of making Medicare affordable, accessible, and fair in its design and implementation.

Mr. President, I ask unanimous consent that the bill text be printed in the Record upon the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF LATE ENROLLMENT PENALTY UNDER PART B OF MEDICARE FOR CERTAIN DISABLED INDIVIDUALS.

(a) In General.—The second sentence of section 1839(b) of the Social Security Act is amended by striking the period at the end of thereof and inserting in lieu thereof the following: ", and months in which the individual was entitled to a disability insurance benefit under section 223 or to a benefit under subsection (d), (e), or (f) of section 202 by reason of a disability (as defined in section 223(d)), and can demonstrate that the individual was enrolled in such a plan by reason of the individual's (or the individual's spouse's) current or former employment".

(b) Effective Date.—The amendment made by subsection (a) shall apply to premiums for months beginning after the date of enactment of this Act.•

By Mr. McCAIN:

S. 160. A bill to extend the period of unemployment compensation for individuals involuntarily separated from the the Armed Forces; to the Committee on Armed Services.

VETERANS' UMEMPLOYMENT COMPENSATION ACT

• Mr. McCAIN. Mr. President, I rise today to address the need for equality in the treatment of our men and women in our Armed Forces.

We now face the most urgent crisis in the way we treat our military personnel since the days in which we carried out massive personnel cuts following World War II. Last year we mandated that our Armed Forces must be reduced by upward of 500,000 personnel. Even given the exigencies surrounding the current crisis in the Persian Gulf, we still must reduce those forces.

At the very moment we ask them to risk their lives, military men and women are bewildered and confused about their future careers. They know that the coming cuts in the all volunteer military are going to be large, but they have no idea of how their lives and those of their families will be affected.

These men and women are volunteers. They joined to serve their country. Most joined to make the military a career. We must act to protect them. Now of all times, we need to show them that we care. We must show them that their service and sacrifices are appreciated by a grateful country.

This is why I believe we must fully address the need to protect the men and women of our volunteer military force. Our current system still does not provide the needed protection. Many elements are based on the assumption that virtually all military personnel will either leave military service at a time of their own choosing, or retire with substantial benefits after making the military their career. The reality is that tens of thousands of fully qualified personnel will be forced to leave military service years before they planned to do so, and often with only limited notice.

We have already made an important beginning in dealing with this situation. Last year, we passed legislation that will take account of this new reality. We required the development of a transition plan that will provide improved separation pay, unemployment compensation, relocation and outplacement services, priorities in Federal hiring, benefits under the G.I. bill, and medical insurance. However, through inaction by a few, our gallant men and women are still being treated as second class citizens in one important respect:

Unemployment compensation now available to military personnel is different than that offered to other workers. This is not fair. Unemployment compensation should provide the same 26 weeks of compensation available to civilians, and should be available after one week. Currently, former military personnel are eligible for only 13 weeks of compensation and have to wait 4 weeks before they become eligible to receive unemployment compensation. The bill I am introducing today will remedy that injustice.

I realize that fairness has a price tag, and some feel our budget deficit is more important than our obligation to those who are involved in Operation Desert Shield, operations off Liberia, and many other troubled areas of the world. I do not believe this is the case. For the last 17 years, the United States has successfully executed its global mission without a peacetime draft. It has done so only because we have asked a small fraction of our citizens to assume the risks and responsibilities of national defense, and we have built an All Volunteer Force of men and women who planned to make the military their profession.

It is thanks in large part to their dedication and sacrifice that we have seen free governments being formed in eastern Europe, and the threat of a major war in Europe decreased to minimal levels. It is thanks to them, that Saudi Arabia was not overrun by the forces of Saddam Hussein.

Unless we provide these dedicated men and women with all of the elements of a comprehensive protection plan, uniformed personnel who are forced to leave the service will do so with few of the options and protections available to those who retire or voluntarily leave the military. Tens of thousands of fully qualified personnel and their families from every state will not get the unemployment compensation they deserve.

Mr. President, we need to be able to deal with this situation so that every man and woman currently serving in the U.S. Armed Forces can be certain that they will be fully protected. The legislation I am introducing sets forth specific proposals to improve unemployment compensation to assist those who are involuntarily separated. This bill will complete the comprehensive transition plan that we enacted last year.

Mr. President, we must act as quickly as we can to assure the men and women in the military, that Congress is not ignoring them, and that efforts are underway to ensure that they will be treated property if they are forced to end their chosen career. These men and women met their obligation to us, and I will do everything in my power to ensure that we will meet our obligations to them.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. THIS ACT MAY BE CITED AS THE "VETERANS UNEMPLOYMENT COMPENSATION ACT OF 1991."

SEC. 2. PERIOD OF UNEMPLOYMENT COMPENSATION FOR EXSERVICEMEN EXTENDED.

(a) IN GENERAL.—Subsection (c) of section 8521 of title 5, United States Code, is amended to read as follows:

"(c) The aggregate amount of compensation payable on the basis of Federal service (as defined in subsection (a)) to any individual with respect to any benefit year shall not exceed 26 times the individual's weekly benefit amount for total unemployment.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to claims for unemployment compensation made by individuals discharged or released on or after the date of the enactment of this Act.●

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 161. A bill to amend titles XVIII and XIX of the Social Security Act to provide that nurse practitioners of clinical nurse specialist services are covered under part B of Medicare and are a mandatory benefit under Medicaid; the Committee on Armed Services.

COVERAGE OF NURSE PRACTICTIONER OR CLINICAL NURSE SPECIALIST SERVICES

● Mr. INOUYE. Mr. President, I am introducing legislation to provide for the direct reimbursement under Medicare and Medicaid for our Nation's nurse practitioners and clinical nurse specialists. My proposal would also make these services a mandated benefit under ever State's Medicaid plan, in a manner similar to that currently in public law for services of nurse midwives.

Mr. President, for a number of years Department of Defense CHAMPUS Program has recognized these practitioners as autonomous providers and we have been most pleased by both the cost effectiveness of their care as well as the quality of the services that they render.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COVERAGE OF NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST SERVICES UNDER PART B OF MEDICARE.

(a) COVERAGE OF SERVICES.—Section 1861 (s)(2) of the Social Security Act (42 U.S.C. 1395x(c)(2)), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended—

(1) by redesignating subparagraph (Q) as subparagraph (P);

(2) by adding "and" at the end of subparagraph (P) as redesignated; and

(3) by adding at the end thereof the following new subparagraph:

"(Q) nurse practitioner or clinical nurse specialist services;".

(b) DEFINITION.—Section 1861 of such Act (42 U.S.C. 1395x), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended—

(1) by redesignating subsection (jj) as added by section 4163(a) of the Omnibus Budget Reconciliation Act of 1990 as subsection (kk); and

(2) by adding at the end thereof the following new subsection:

"NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST SERVICES

"(ll)(1) The term 'nurse practitioner or clinical nurse specialist services' means services performed by a nurse practitioner or clinical nurse specialist (as defined in paragraph (2)) which the nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'nurse practitioner or clinical nurse specialist' means an individual who—

"(A) is a registered nurse and is licensed to practice nursing in the State in which the nurse practitioner or clinical nurse specialist services are performed; and

"(B)(i) holds a master's degree in nursing or a related field from an accredited educational institution, or

"(ii) is certified as a nurse practitioner or clinical nurse specialist by the duly recognized professional nurses association.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

SEC. 2. COVERAGE OF NURSE PRACTITIONER OR CLINICAL NURSE SPECIALIST SERVICES AS A MANDATORY MEDICAID BENEFIT.

(a) COVERAGE OF SERVICES.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended—

(1) by striking "and" at the end of paragraph (21);

(2) in paragraph (24) by striking the comma at the end and inserting a semicolon; and

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively, and by transferring and inserting paragraph (25) after paragraph (23), as so redesignated; and

(4) by inserting after paragraph (23) as redesignated the following new paragraph:

"(24) nurse practitioner or clinical nurse specialist services (as defined in section 1861(ll)(1)); and".

(b) CONFORMING CHANGES.—

(1) Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (10)(A), by striking "and (21)" and inserting "(21), and (24)"; and

(B) in paragraph (10)(C)(iv), by striking "paragraphs (1) through (5) and (17) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (20)" and inserting "paragraphs (1) through (5), (17), and (24) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (24)".

(2) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "(21)" and inserting "(24)".

(c) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), the amendments made by this section shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.•

By Mr. INOUYE:

S. 162. A bill to amend the Public Health Service Act to permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and for other purposes; to the Committee on Labor and Human Resources.

GERIATRICS TRAINING PROJECTS

• Mr. INOUYE. Mr. President, I am reintroducing legislation today that will authorize schools of social work to apply for grants under the title 7, U.S. Public Health Service geriatric training initiatives.

Mr. President, the clinical social workers of our Nation have long been working closely with the elderly and have been at the forefront of innovative home health care and day care services. Accordingly, I believe that it is only fair to provide them with quality training and education by allowing their institutions to apply for these important Federal funds.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GERIATRICS TRAINING PROJECTS.

Section 789(b)(1) of the Public Health Service Act (42 U.S.C. 295g-9(b)(1)) is amended by inserting "schools offering degrees in social work," after "teaching hospitals,".•

By Mr. MOYNIHAN:

S. 163. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for energy management improvement of Federal buildings, the acquisition and financing of public buildings, and for other purposes; to the Committee on Environment and Public Works.

EFFICIENT ENERGY MANAGEMENT PRACTICES

• Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to promote the more efficient management of the public building service of the General Services Administration. This bill provides incentives for GSA to utilize energy efficient practices and technologies. By permitting GSA to place the rebates and other incentives offered by many of the Nation's utility companies in the Federal building fund we encourage the General Services Administration to adopt a rational and efficient energy management program. This program has already been passed in last year's appropriation bill. This bill would simply clarify Congress intended that this be a permanent program.

This bill would also provide GSA the authority to borrow directly from the Federal Financing Bank. Since 1987, Congress has authorized 13 lease-purchase projects. At a hearing on March 20, 1990, before the Subcommittee on Water Resources, Transportation and Infrastructure of the Committee on Environment and Public Works on the administration's building policy, I was informed by the Office of Management and Budget's Deputy Director, William Diefenderfer III, that OMB had decided to change its policy on lease-purchase projects. Their decision, in fact, was that there will be no lease-purchase financing for the 13 lease-purchase projects already authorized by different public laws between 1987 and 1989.

OMB's decision to change their policy on lease-purchase financing comes after an OMB-General Services Administration joint task force recommendation in September 1989, that GSA employ lease-purchase financing for the construction of 21 additional new buildings. Their report concluded that sufficient funds were not available for the direct construction of these projects and that continued leasing would be an inefficient and expensive way to provide the space. However, OMB has now said that new buildings ought to be built by direct Federal construction rather than through lease-purchase financing. We don't appear to have the funds, so my guess is that we will continue to lease—an inefficient policy, but I suppose a politically acceptable one for OMB.

To assure that those 13 previously authorized building projects are built, OMB has proposed that they be financed by the Federal Financing Bank. The Federal Triangle project in Washington and the Foley Square project in New York City have already begun to receive FFB funds. Unfortunately, the General Services Administration currently does not have the authority to borrow directly from the FFB. Thus, a legal fiction must be created to borrow these funds for GSA, at a cost to the taxpayer. This bill will permit GSA to borrow directly from the FFB, and save hundreds of thousands of dollars in so doing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FEDERAL BUILDING FUND.

Section 210(f)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(1)) is amended by inserting after "a fund" the following "(to be known as the 'Federal Buildings Fund')".

SEC. 2. ENERGY MANAGEMENT.

Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collections, or other income received in the form of rebates, cash incentives or otherwise, related to energy savings, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary; *Provided*, That the General Services Administration shall provide the House and Senate Committees on Appropriations with a plan to ensure a balanced and equitable approach for the relocation of Federal agencies in the Washington, D.C. metropolitan area by March 31, 1991.

SEC. 3. ACQUISITION AND FINANCING OF PUBLIC BUILDINGS AND OTHER FACILITIES.

Section 3 of the Public Buildings Act of 1959 (40 U.S.C. 602) is amended to read as follows:

"ACQUISITION AUTHORITY

"SEC. 3. (a) The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which the Administrator determines to be necessary to carry out the duties of the Administrator under this Act.

"(b)(1) The Administrator may borrow directly from the Federal Financing Bank such sums as may be necessary to finance or refinance the acquisition or construction of public buildings, including related services and property, through installment purchase agreements which are specifically authorized by any other law.

"(2) If the Administrator borrows funds under this subsection, the Administrator may—

"(A) expend the funds for acquisition or construction of the facilities for which the funds are borrowed;

"(B) invest the funds in obligations of the United States or obligations the principal and interest of which are guaranteed by the United States pending their use for such acquisition or construction; and

"(C) request the Secretary of the Treasury to invest the funds in obligations of the United States pending their use for such acquisition or construction.

"(3) The Administrator may transfer from the Federal Buildings Fund such amounts as may be necessary to repay any obligation incurred under paragraph (1). Repayment may be made by installment payments, but the repayment period may not exceed—

"(A) 35 years from the date the obligation is incurred; and

"(B) 30 years from the date the building is acquired or construction is completed.

"(4) Title to property acquired with funds obtained under paragraph (1) shall be in the United States.".•

By Mr. INOUYE:

S. 164. A bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTS OF FRESH PAPAYA TO MEET ALL REQUIREMENTS AS DOMESTIC

• Mr. INOUYE. Mr. President, I rise to introduce a bill to amend section 8e of the Agricultural Adjustment Act, hereafter referred to as the "Act", as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to require that imports of Hawaii Solo-type papaya meet all requirements imposed on domestic fresh Hawaii Solo-type papaya.

Under section 8e, whenever any marketing order issued by the Secretary of Agriculture:

> * * * contains any terms of conditions regulating the grade, size, quality, or maturity of tomatoes, raisins, olives (other than Spanish-style green olives), prunes, avocadoes, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, filberts, or eggplants produced in the United States the importation into the United States of any such commodity * * * shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder. * * *

This bill would add "Hawaii Solo-type papayas" to this list of imported commodities that must meet minimum quality standards of domestically produced fruits, vegetables, and specialty crops.

Hawaiian Solo-type papayas are currently marketed under the provisions of marketing order, 7 CFR part 928, as amended, regulating among other things grade, size, quality, and maturity. The purpose of this marketing order, as with other similar orders, is to protect the interests of our domestic consumers and provide them with high-quality commodities, whether the product is foreign or domestic. Oftentimes, however, the efforts of the domestic industries to market high-quality products are undercut by imports of a like commodity that is of inferior quality.

Since 1972, U.S. papaya growers have been fighting to get the equal treatment they deserve, but have been continually turned back by Congress under the pretext that such a measure would in effect be posing as a trade barrier against papaya exporting countries like the Dominican Republic and Mexico. Mr. President, all my bill does is guarantee equal treatment to both domestic and international producers.

Papaya producers and consumers certainly deserve the benefits of fair market treatment and quality control, respectively, as is currently provided for all these commodities under section 8e of the act.

In closing, Mr. President, I believe that the inclusion of Hawaii Solo-type papayas under section 8e of the act would result in higher quality produce for our Nation's consumers. The question here is not one of competition or protectionism, but rather of quality and taste. The bill I am introducing today would ensure that Hawaii Solo-type papayas produced in foreign countries and marketed in the United States meet the same minimum quality standards of Hawaii Solo-type papayas produced and marketed domestically.

I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting "Hawaii Solo-type papayas," between "filberts," and "or eggplants".•

By Mr. HOLLINGS:

S. 165. A bill entitled the "Legislative Line-Item Veto Separate Enrollment Authority Act"; to the Committee on Rules and Administration.

LEGISLATIVE LINE ITEM VETO SEPARATE ENROLLMENT AUTHORITY ACT

• Mr. HOLLINGS. Mr. President, on July 20, 1990, the Budget Committee, by a 13-to-6 bipartisan vote, reported favorably my statutory line-item veto proposal. Currently, 43 States have, in one form or another, a line-item veto which allows the Chief Executive to limit legislative spending. As a former Governor who inherited a budget deficit in a poor State, I can testify that a line-item veto is invaluable in imposing fiscal restraint.

The fiscal problems confronting this country are well known, and are, in fact, surging, not receding. We face actual deficits in excess of $400 billion. For years, we have been toying with freezes, asset sales, and sham summits, but the deficit and debt continue to grow. The taxpayers, as well as the Congress, have grown weary of the smoke and mirrors, and it is time to enact a serious deficit-reduction measure. If ever there was a problem that needed to be attacked from every possible angle, it is this deficit. The President has said he will take the heat and make the tough decisions with a line-item veto. Let's hold him to that commitment and give him a line-item veto on a trial basis.

The bill I am introducing is a statutory, separate enrollment line-item veto with a 2-year sunset provision that is identical to a bill considered by the Senate in the 99th Congress. It provides that each item shall be enrolled as a separate bill and sent to the President for his approval. Therefore, each item of an appropriations bill would be subject to veto or approval just like any other bill, and the override provisions found in article I of the Constitution would apply in the case of a veto.

Item is defined as "any numbered section and any unnumbered paragraph" of an appropriations bill. The enrolling clerk would merely break an appropriations bill down into its component parts and send each separately enrolled provision to the President.

The bill also contains a 2-year sunset provision. This will allow for a reasonable testing period and require an evaluation of how well the line-item veto has worked. I have no question but that it will be demonstrated to be a modest, but effective, method of restraining fiscal profligacy.

Finally, I would like to make a part of the record a history of the line-item veto found in the June-July issue of Congressional Digest. It provides a thorough discussion of the origins and development of the concept at the Federal level. And, Mr. President, I ask that the bill be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

TITLE XI—LEGISLATIVE LINE ITEM VETO SEPARATE ENROLLMENT AUTORITY LEGISLATIVE LINE ITEM VETO

SEC. 1101. (a)(1) Notwithstanding any other provision of law, when any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations passes both Houses of the Congress in the same form, the Secretary of the Senate (in the case of a bill or joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a bill or joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House of enroll each item of such bill or joint resolution as a separate bill or joint resolution, as the case may be.

(2) A bill or joint resolution that is required to be enrolled pursuant to paragraph (1)—

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this Act), and

(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

(b) A bill or joint resolution enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

(c) For purposes of this concurrent resolution, the term "item" means any numbered section and any unnumbered paragraph of—

(1) any general or special appropriation bill, and

(2) any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

(d) The provisions of this Act shall apply to bills and joint resolutions agreed to by the Congress during the two-calendar-year period beginning with the date of the enactment of this Act.

LINE ITEM VETO

*He Who Decides a Case Without Hearing the Other Side * * * Tho He Decide Justly, Cannot Be Considered Just.*—Seneca.

FOREWORD

The United States Constitution provides that the President may sign a measure into law or veto it in its entirety. The proposed line item veto would grant authority to the President to veto specific items within appropriations bills while approving the remainder. With this alternative, the President could remove one or more features of a particular bill.

The question of whether or not the President should be given such power has been the subject of a longstanding controversy. The line item veto first appeared in the Constitution of the Confederate States in 1861. Later, Ulysses S. Grant became the first President to call for such an expansion of the veto. Since then, hundreds of line item veto measures have been introduced in Congress, but none has been approved.

Discussion of the line item veto has persisted, especially in light of the mounting concern over the size of the Federal deficit. Along with proposals to balance the Federal budget, the line item veto has been promoted by many as an essential means of bringing Federal spending under control.

The appropriations process begins in the House. Each year, the 13 House appropriations subcommittees prepare spending bills to meet the budget needs of the agencies within their jurisdictions. These include "Defense," Interior," "Labor, Health and Human Services and Education," and other broad areas. Appropriations bills start with the budget requests submitted to the Congress by the agencies themselves. The subcommittees review these requests, assess the programs involved and reported their bills with any recommended changes to the full Appropriations Committee, which then reports the bills to the full House. Following House passage, each appropriations bill is referred to the Senate, where the process of committee review and floor action is repealed.

If action has not been completed on one or more regular appropriations bills by the start of the fiscal year, Congress may pass a "continuing resolution" to provide temporary budget authority for the affected agencies. Congress can also pass a supplemental appropriations bill at any time to provide budget authority beyond the original estimates for certain programs.

More and more, Congress has been criticized for formulating omnibus appropriations measures that cover wide areas and comprise much detail. In addition, the appropriations "rider" (a provision amending existing law) increasingly has become a device for changing Federal programs through the appropriations process.

The proponents of the line item veto, therefore, argue that the President's authority has been thwarted by these practices, and that expanded veto power would help to keep Congress in check. They further contend that the line item veto is needed to help reduce Federal spending and lower the deficit.

Opponents argue against the line item veto on the grounds that it would lessen congressional responsibility for making budgetary decisions and heighten the President's legislative role—leading to an unwarranted expansion of the power of the Executive over Congress. They also express concern that the line item veto in effect would give the President the ability to punish or coerce individual Members into supporting his policies, and that this might damage a Member's ability to properly represent the interests of his or her constituents in matters of local interest.

The two proposals reported by the Senate Judiciary Committee call for a constitutional amendment to grant line item veto authority to the President. Thus, either would require passage by two-thirds of both the House and Senate as well as ratification by three-fourths of the States.

EVOLUTION OF FEDERAL BUDGET POLICY

The current budget process has evolved from a set of informal procedures during the early years of the Republic into the complex system in use today. The addition of Presidential line item veto authority would constitute still another significant change in our Federal financial policy.

Early Federal Debt Policy

A major controversy in the First Congress was over whether the new U.S. Government should assume the debts contracted by the States during the War of Independence. The State debts were assumed. Together with other Federal debts owed to both foreign and domestic lenders, they comprised a total of under $100 million.

The banking system and the amount of Federal revenue to be raised were principal issues of the pre-Civil War era. The main source of Federal revenue was from import duties.

Income Tax and The Depression

The national debt had remained at some $1 billion from the turn of the century until World War. I. By 1919, wartime expenditures has raised it to $25 billion. The adoption in 1913 of an amendment to the Constitution authorizing the income tax opened a new source of Federal revenue.

The Bureau of the Budget was created by an act of Congress in 1921. It was located in the Treasury Department, but under the immediate direction of the President. The Act established the procedure for creating a budget consisting of revenue and expenditure estimates, to be submitted annually by the President to the Congress.

The national debt was reduced by some $1 billion annually in the 1920s until 1930 when it became $16 billion. International and national financial policy was drastically altered by the global depression. Central to the controversies during the Roosevelt era were the New Deal "pumping-priming" programs intended to improve the economy. The National debt rose to $51 billion by 1940.

President Roosevelt transferred the Bureau of the Budget from the Treasury to the White House in 1939. Federal finance had, in effect, become an instrument of policy beyond administering governmental expenses.

Post World War II

By 1946, war expenditures had forced the Federal debt to $271 billion.

Under a Nixon Administration reorganization plan, the Bureau of the Budget was designated the Office of Management and Budget in 1970. The expansion of the Federal Government and strains between a Democratic-controlled Congress and the Republican Nixon Administration led to the enactment of legislation creating the present budget process. By the early 1980s, the expenditures of the Vietnam war, combined with those of the "Great Society" programs, established an annual level of expenditures over $200 billion.

The 1974 Budget Act

The purpose of the Congressional Budget and Impoundment Act of 1974 was "to provide Congress with the procedures, analytical capabilities and the authority to make the Federal budget a more useful tool of national economic policy." The Act provided for congressional overview of the Federal budget and curtailed the power of the President to impound or rescind funds for Federal programs. Under the Act the Congress focuses on overall budget totals and relates individual appropriations actions to one another within a general set of spending priorities.

THE PRESIDENTIAL VETO

The following language from the Constitution of the United States of America grants veto power to the President.

The Constitution of the United States Article I, Section 7

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively.

"If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in the manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

"Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

THE VETO RECORD OF U.S. PRESIDENTS, 1969–88

[Number of Vetoes]

President	Regular	Pocket	Total	Number overriden
Nixon, R	26	17	43	7
Ford, G	48	18	66	12
Carter, J	13	18	31	2
Reagan, R	39	39	78	9
Total	126	92	218	30

Source: Congressional Research Service, Library of Congress.

THE BUDGET PROCESS AND THE PRESIDENT

The following is excerpted from an April 1990 report of the Library of Congress' Congressional Research Service on "The President and the Budget Process."

Summary

Conflicting budget priorities, along with concern over the size of the Federal deficit, have accentuated the institutional tensions between the Executive and Legislative branches inherent in the Federal budget process.

Congress exercises its "power of the purse" by enacting appropriations measures, but the President has broad authority as chief executive in the implementation stage of the budget process. It is at this stage that the budget authority provided by Congress is actually spent by the Federal Government.

Impoundment, whereby the President withholds or delays the spending of appropriated funds, provides one important mechanism for budgetary control during the execution stage, but Congress retains oversight responsibilities at this stage as well.

The Impoundment Control Act of 1974 established two categories of impoundments: deferrals, or temporary delays in funding availability; and rescissions, or permanent cancellation of the designated budget authority.

The 1974 law also stipulated different procedures for congressional review and control of the two types of impoundment. With a rescission, the funds must be made available for obligation unless both Houses of Congress take action to approve the rescission request (forwarded in a message from the President) within 45 days of "continuous session."

Consideration of impoundment reform has become increasingly joined with that of an item veto for the President.

The Constitution provides that the President may sign a bill into law or veto the measure in its entirety. Depending on specific provisions, rescission may be viewed as approaching a functional equivalence with an item veto; the President identifies certain items in an appropriations law for possible elimination by sending an impoundment message to Congress.

Background and Analysis

The recent report of the National Economic Commission, among other commentaries, has suggested that the "balance of power on budget issues has swung too far from the Executive toward the Legislative branch."

Debate about the appropriate relationship between the branches in the Federal budget process seems endemic, given the constitutional necessity of shared power in this sphere.

Under the Constitution, Congress possesses the "power of the purse" ("No money shall be drawn from the Treasury but in consequence of appropriations made by law"), but the President enjoys broad authority as the chief executive who "shall take care that the laws be faithfully executed."

Federal budget documents refer to three main stages in the budget process: (1) executive formulation and transmittal of the President's budget recommendations; (2) congressional action and (3) budget execution and control.

Budget execution involves the actual spending of funds as appropriations laws are implemented. Impoundment for funds by the President represents an important component in budget execution.

History of Impoundment

Impoundment of Federal funds refers to Executive action to withhold or delay the spending of appropriated funds.

A variety of occurrences come under the impoundment rubric.

One useful distinction among impoundment actions, which received statutory recognition in the 1974 Impoundment Control Act, focuses on duration, whether the President's intent is permanent cancellation of the funds in question (rescission) or merely a temporary delay in availability (deferral).

Another useful contract distinguishes impoundment for routine administrative reasons from impoundment for deliberate policy motives.

Virtually all Presidents have impounded funds in a routine manner as an exercise of Executive discretion to accomplish efficiency in management. The creation of budgetary reserves as a part of the apportionment process required by the Antideficiency Acts provided formal structure for such routine impoundments, which originated with an administrative regulation issued in 1921 by the Bureau of the Budget, and then received a statutory base in 1950. Impoundments for policy reasons, whether short-term or permanent, have proved far more controversial.

In the 1950s and 1960s, disputes over the impoundment authority resulted from the refusal of successive Presidents to fund certain weapons systems to the full extent authorized by Congress.

These confrontations between the President and Congress revolved around the constitutional role of Commander-in-Chief and tender to focus on relatively narrow issues of weapons procurement. President Johnson made broader use of his power to impound by ordering the deferral of billions of dollars of spending during the Vietnam war in an effort to restrain inflationary pressure in the economy. While some of these impoundment actions before the time of President Nixon were motivated by policy concerns, they typically involved temporary spending delays, with the President acting in consultation with congressional leaders, so that a protracted conformation between the branches was avoided.

Conflict over the use of impoundments greatly increased during the Nixon Administration, and eventually involved the courts as well as Congress and the President. In the 92nd and 93rd Congresses (1971–1974), the confrontation intensified as the President sought to employ the tool of impoundment to reorder national priorities and alter programs previously approved by Congress.

Following President Nixon's reelection in 1972, the Administration announced major new impoundment actions, affecting a variety of domestic programs.

For example, a moratorium was imposed on subsidized housing programs, community development activities were suspended and disaster assistance was reduced. Several farm programs were likewise targeted for elimination.

Perhaps the most controversial of the Nixon impoundments involved the Clear Water Act funds. Court challenges eventually reached the Supreme Court, which in early 1975 decided *Train* v. *City of New York*, on narrower grounds than the extent of the president's impoundment authority.

During these impoundment conflicts of the Nixon years, Congress responded not only with ad hoc efforts to restore individual programs, but also with gradually more restrictive appropriations language. Arguably, the most authoritative response was the enactment of the Congressional Budget and Impoundment Control Act of 1974 (ICA).

In order to effect compromise in conference, the ICA differentiated two categories of impoundments: deferrals, or temporary delays in funding availability; and rescissions, or permanent cancellations of designated budget authority.

The 1974 law also required the President to inform Congress of all proposed rescissions and deferrals and to submit specified information regarding each action.

The ICA further requires the Comptroller General to oversee Executive compliance with the law and to notify Congress if the President failed to report an impoundment or improperly classifed an action. Before 1974, the "rescission" and "deferral" terms did not appear central to the impoundment debate.

While the accumulation of budgetary reserves under the Antideficiency Act provided an antecedent to deferrals, the earlier laws limited deferrals to routine administrative functions.

Congressional Review Rescissions

In the case of a rescission, the ICA provided that the funds must be made available for obligation unless both Houses of Congress take action to approve the rescission request with 45 days of "continuous session" (recesses of more than three days not counted).

In practice, this usually means that funds proposed for rescission not approved by Congress must be made available for obligation after about 60 calendar days, although the period can extend to 75 days or longer.

Congress may approve all or only a portion of the funds requested for rescission. Congress may also choose after the 45-day period to rescind funds previously requested for rescission by the President.

It is also possible for Congress to rescind funds never proposed for rescission by the President, but such action is not subject to the ICA procedures. The ICA makes no mention of procedures for congressional disapproval of a rescission request during the 45-day period. However, some administrations have voluntarily followed a policy of releasing funds before the expiration of the review period, if either the House or the Senate authoritatively indicates that it does not intend to approve the rescission.

In the fall of 1987, as a component of legislation to raise the limit on the public debt (P.L. 100–119), Congress enacted several budget process reforms. Section 207 involved the rescission authority of the President. It provides a statutory prohibition against the practice, sometimes used by Presidents when Congress failed to act on a rescission proposal within the allotted period, of resubmitting as new rescission proposal covering identical or very similar matter.

By using such resubmissions repeatedly, with accompanying delays of 45 days or more, the President might continue to tie up funds even though Congress, by its inaction, had already rejected virtually the same proposal. The prohibition against such seriatim rescission proposals (contained in the 1987 law) applies for the duration of the appropriation, so that it may remain in effect for two or more fiscal years.

Reviews of Deferrals

The original provisions of Title X allowed a deferral to continue in effect for the period proposed by the President (not to extend beyond the end of the fiscal year so as to become a de facto rescission), unless either the House or the Senate took action to disapprove it. This procedure, known as a one-House legislative veto, was invalidated by the 1983 Supreme Court decision in *I.N.S.* v. *Chadha*.

Initially, however, the impact of the 1983 decision on impoundment control appeared modest. For one thing, Congress had previously adopted the practice of rejecting deferrals through language in appropriation bills, subject to the full legislative process, rather than by one-House resolutions.

Another factor facilitating accommodation between Congress and the President was the restraint exercised by the Office of Management and Budget in the initial aftermath of the *Chadha* decision. However, the President's budget for Fiscal Year 1987, submitted early in 1986, proposed substantial amounts for deferral, especially targeting housing programs.

The National League of Cities, joined by several other organizations and four Members of Congress, challenged the legality of such "policy" deferrals (as distinguished from deferrals for routine administrative purposes previously authorized by the Antideficiency Act).

In May of 1986, a Federal district court ruled that the President's deferral authority under the ICA was no longer available, since it was inseverable from the one-House veto provision in the law, previously held unconstitutional by the Supreme Court; in January of 1987, the decision was affirmed on appeal (*City of New Haven* v. *United States*).

Section 206 of the Balanced Budget Reaffirmation Act of 1987 (P.L. 100-199) served to codify the Appeals Court decision in the *New Haven* case. The provisions in the ICA as amended no longer sanction policy deferrals.

Rather, deferrals are now permissible only for contingencies, for efficiency or as specifically provided for by law. Section 206 also reaffirmed certain provisions of the 1974 law relating to enforcement responsibilities of the Comptroller General, who is empowered to sue the Executive for violations of the ICA. Early in 1990, the use of deferrals again engendered controversy when the President submitted to Congress an impoundment message covering 19 deferrals, amounting to over $2.19 billion, in the DOD budget for FY 1990. The justification for each deferral cited "changes in requirements in view of promising developments in the Soviet Union and Eastern Europe." Most deferrals involved congressional "add ons" to the Administration's budget request; the President favored the transfer of funds being deferred to other accounts.

After reviewing the deferral actions, GAO reported to Congress March 6, 1990, that 17 of the 19 deferrals (involving almost $1.77 billion) were made for policy reasons and were not authorized under the Impoundment Control Act. In a letter dated March 28, 1990, the OMB Director informed Congress that the Administration no longer intended to withhold the funds included in these deferrals. Thereupon the funds became available for obligation, and a possible confrontation in the courts was avoided.

GAO is empowered to sue for release of funds withheld without authority by the Executive Branch.

VETO PROCEDURES IN THE STATES

The following is based on an appraisal of the line item veto prepared by the House Committee on the Budget.

Currently, some 43 States allow item vetoes in appropriations bills. Several States, including Indiana, Maine, Nevada, New Hampshire, Rhode Island and Vermont, authorize general vetoes of bills but do not authorize item vetoes. North Carolina does not permit its governor to veto any legislative bills.

Many States revised their constitutions after the Civil War to respond to the practice of adding legislative riders to appropriations measures and to provide their governors more power to fulfill State constitutional mandates for State budgets to be in balance.

State practices

Although most States have amended their constitutions to include line item power for their chief executive, the practices adopted vary widely.

In Alabama, for example, the governor may veto a major budget bill entirely or offer executive amendments, which may delete or add figures and language. In Illinois, the governor has reduction veto power on a particular line item. The amount he or she may approve becomes law unless his or her veto is overriden by the State legislature. In Indiana, on the other hand, a court has ruled that the governor—in vetoing items—must veto a complete section and only in an appropriations bill.

Mechanisms differ

The mechanisms used by States also differ with respect to legislative language accompanying appropriations.

In Colorado, for example, the governor can veto accompanying language only if he or she deems it unconstitutional. In Illinois, the State constitution prohibits substantive language in an appropriations measure.

In Michigan, the governor may veto distinct items of appropriations. The rule has been that when a line item is vetoed, the language accompanying that line item is also vetoed. In Wisconsin, substantive program language contained in the budget bill can be item vetoed apart from appropriation figures.

Constitutional provisions

Constitutional provisions again differ widely from State to State, especially with regard to the manner in which executive vetoes may be overridden by the legislature.

The vetoes required in each house to pass appropriations and revenue bills or items over the governor's veto include: majority elected (e.g. Arkansas), three-fifths elected (Maryland), two-thirds present (Texas), and two-thirds elected (Mississippi).

State and Federal differences

There are certain areas of distinction between the Federal and State budgetary processes. The comparisons are cited by both proponents and opponents of the proposal to give the President line item veto authority.

Balanced budget: A balanced budget is required in 49 States. The 43 governors authorized to veto items in State bills all operate in this context. Since it is an accepted practice, the balanced budget concept is not a prominent issue in the States.

Although a balanced Federal budget is a sought-after goal, there have been times when the Federal budget has been used for purposes of impacting the national economy, a usage beyond the function of financing government operations. In addition, such items as national defense, for example, are Federal, not State, responsibilities.

GOVERNORS' ITEM VETO AUTHORITY OVER APPROPRIATIONS

State	Governor can veto amount	Governor can reduce amount	Governor can veto language	Votes needed in each house to override
Alabama	X		X	Majority elected.
Alaska	X	X		Two thirds elected.[1]
Arizona	X			Do.
Arkansas	X			Majority elected.
California	X	X		Two-thirds elected.
Colorado	X		X	Do.
Connecticut	X			Do.
Delaware	X			Three-fifths elected.
Florida	X		X	Two-thirds elected.
Georgia	X			Do.
Hawaii	X	X		Do.
Idaho	X			Do.
Illinois	X	X		Three-fifths elected.[1]
Indiana	X			Majority elected.
Iowa	X		X	Two-thirds elected.
Kansas	X			Do.
Kentucky	X			Majority elected.
Louisiana	X		X	Two-thirds elected.
Maine	X			Two-thirds present.
Maryland	X[2]		X	Three-fifths elected.
Massachusetts	X	X	X	Two-thirds present.
Michigan	X		X	Two-thirds elected and serving.
Minnesota	X			Two-thirds elected.
Mississippi	X		X	Do.
Missouri	X	X		Do.
Montana	X		X	Two-thirds present.
Nebraska	X[3]			Three-fifths elected.
Nevada	X			Two-thirds elected.
New Hampshire	X			Do.
New Jersey	X	X		
New Mexico	X			Two-thirds present.
New York	X			Two-thirds elected.
North Carolina[4]	X			
North Dakota	X	X	X	Do.
Ohio	X		X	Three-fifths elected.
Oklahoma	X			Two-thirds elected.[5]
Oregon	X		X	Two-thirds present.
Pennsylvania	X	X		Two-thirds elected.
Rhode Island	X			Three-fifths present.
South Carolina	X		X	Two-thirds present.
South Dakota	X		X	Two-thirds elected.
Tennessee	X	X		Majority elected.
Texas	X			Two-thirds present.
Utah	X			Two-thirds elected.
Vermont	X			Two-thirds present.
Virginia	X		X	Two-thirds present.[6]
Washington	X		X	Do.
West Virginia	X	X	X	Majority elected.[5]
Wisconsin	X		X	Two-thirds present.
Wyoming	X			Two-thirds elected.

[1] Different number of votes required for revenue and appropriation bills. Alaska—¾ elected. Illinois—appropriations reductions, majority elected. Oklahoma—emergency bills, ¾ vote.

[2] Item veto on supplementary appropriations bill and capital construction bills only.

[3] No appropriation can be made in excess of the recommendations contained in the Governor's budget except by a ⅗ vote. The excess is not subject to veto by the Governor.

[4] The Government has no veto power.

[5] Different number of votes required for revenue and appropriations bills. West Virginia—budget and supplemental appropriations, ⅔ elected.

[6] Must include majority of elected members.

Source: The Book of States 1988–89 by the Council of State Governments.●

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 166. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify the period of time for which unemployment assistance is available in cases of major disasters; to the Committee on Labor and Human Resources.

CLARIFYING PERIODS OF UNEMPLOYMENT ASSISTANCE DURING MAJOR DISASTERS

• Mr. INOUYE. Mr. President, this legislation that I am introducing together with Senator AKAKA relates to the ongoing eruption of the Kilauea Volcano on the big island and its devastating impact on the communities that are located near the ongoing lava flow.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) provides for payment of disaster unemployment assistance [DUA] for individuals for as long as the individual's unemployment is caused by a major disaster, but no longer than 26 weeks after the disaster is declared. The President declared the Puna District of the county of Hawaii a major disaster area, due to the damages to public and private property by the lava flowing directly from the Kilauea Volcano. The date of this declaration (FEMA 864-DR-HI) was May 13, 1990. Therefore, in accordance with the act, all DUA payments ceased on November 17, 1990.

Under a normal disaster situation involving an event of relatively short duration, the 26-week eligibility period would be reasonable. However, this particular disaster is unique in that it is ongoing with no projected end. Since 1983, homes continue to be destroyed, and a full range of disaster assistance programs are still being provided by Federal, State and local agencies as losses continue to occur. The only exception is the DUA Program. Because of the November 17, 1990 time restriction imposed by the act, those individuals who have or will become unemployed since that time due to this disaster are not eligible to receive any disaster unemployment assistance. Employees of a country store in Kalapana, HI only received 8 weeks of DUA. Other residents and businesses will fall victim to the lava's destruction well beyond the imposed deadline, even though they are otherwise eligible to receive assistance.

Mr. President, the legislation does not extend the DUA Program beyond 26-weeks for any individual, it merely ensures that individuals and businesses affected by this particular, unique, and continuous disaster are eligible to receive the same 26 weeks of benefits that individuals of other disasters receive.

I am pleased to note that my colleague, Senator AKAKA, chaired a hearing of the Senate Governmental Affairs Committee in Hawaii County, on the Kilauea disaster.

Mr. President, I urge my colleagues to join me in support of this legislation. I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)) is amended by striking "after the major disaster is declared" in the second sentence and inserting "after the date the individual became unemployed as a result of the major disaster".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who are unemployed or become unemployed as a result of a major disaster declared by the President on or after May 18, 1990.•

By Mr. RIEGLE (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. DURENBERGER, Mr. PELL, Mr. DANFORTH, Mr. SASSER, Mr. PRYOR, Mr. REID, Mr. LEVIN, Mr. DIXON, Mr. SARBANES, Mr. MCCAIN, Mr. SHELBY, Mr. COHEN, Mr. MOYNIHAN, Mr. DASCHLE, Mr. D'AMATO, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. LEAHY, Mr. SYMMS, Mr. SANFORD, Mr. FORD, Mr. BURDICK, Mr. AKAKA, Mr. COCHRAN, Mr. GORTON, Mr. STEVENS, Mr. PRESSLER, Mr. GRAHAM, Mr. GRASSLEY, Mr. THURMOND, Mr. GORE, Mr. CRANSTON, Mr. HOLLINGS, Mr. BOND, Mr. HARKIN, and Mr. BRYAN):

S. 167. A bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds; to the Committee on Finance.

PERMANENT EXTENSION OF QUALIFIED MORTGAGE BONDS

• Mr. RIEGLE. Mr. President, today I am introducing legislation to make mortgage revenue bonds [MRB's] and mortgage credit certificates [MCC's] a permanent provision of the Tax Code. I am pleased to be joined in offering this legislation by Senators CHAFEE, MITCHELL, DURENBERGER, PELL, DANFORTH, SASSER, PRYOR, REID, LEVIN, DIXON, SARBANES, MCCAIN, SHELBY, COHEN, MOYNIHAN, DASCHLE, D'AMATO, MCCONNELL, LIEBERMAN, LAUTENBERG, LEAHY, SYMMS, SANFORD, FORD, BURDICK, AKAKA, COCHRAN, GORTON, STEVENS, PRESSLER, GRAHAM, CRANSTON, GORE, THURMOND, GRASSLEY, HOLLINGS, BOND, HARKIN, and BRYAN.

Over the past 50 years, partnerships between Federal, State, and local governments and the American housing industry have made America the best housed Nation in the world. This is a partnership that has successfully aided millions of families in becoming homeowners. Yet, recent evidence indicates that the dream of homeownership is increasingly slipping beyond the grasp of many American families:

The rate of homeownership has been declining every year since 1980 after having risen steadily since the end of World War II. This is the first decade-long decline in homeownership since the 1930's.

It is estimated that some 2 million more households would own homes today if homeownership rates remained at 1980 levels. Ironically, this decline has occurred at a time when the baby boom generation is at prime home buying age and during the most sustained and vigorous economic growth periods on record.

Increasing numbers of American families—most of them young—cannot afford to purchase a home. A recent Harvard University study indicated that even with a 10-percent downpayment, only 20 percent of white renters and 4 percent of black renters have the income to purchase a typical starter home.

Mortgage revenue bonds are issued by State and local housing agencies to provide funds for home mortgages for first time home buyers at rates below the market. This in turn, assists home-buyers purchasing a home by making the mortgage more affordable.

The Mortgage Revenue Bond [MRB] Program is the only Federal assistance generally available to first-time home buyers. During the past 20 years, MRB's have financed more than 1.2 million mortgages totaling more than $75 billion. MRB's currently finance 100,000 new loans a year.

MRB's are targeted to families with the greatest need. In 1989, the average income of an MRB borrower was 45 percent lower than the conventional first time borrower. Furthermore, the National Council of State Housing Agencies reported that the average purchase price on an MRB-assisted home was approximately $59,000 as compared to a conventional first time buyer average of $95,000.

This bill will also permanently extend the Mortgage Credit Certificate [MCC] Program, which is part of the MRB Program. Like MRB's, MCC's are also issued by State and local housing agencies to provide financial assistance to first-time home buyers. With an MCC, a home buyer may take a credit each year against his or her tax liability for a portion of mortgage interest paid. I am very proud to say that my home State of Michigan has been an innovator in making MCC's an invaluable tool in promoting affordable housing opportunities.

Michigan's MRB and MCC programs have helped 36,000 persons to become first time home buyers. The average income of persons assisted under the MCC program is $25,000 and the average income of persons assisted under the MRB single family program is $23,000. Michigan's program provides a good illustration of how these tools can increase opportunities among low and moderate income persons to realize the dream of homeownership.

Current authority for Mortgage Revenue Bonds and Mortgage Credit Certificates expires on January 1, 1992. The legislation I am introducing today will make these vitally important programs permanent.

I urge my colleagues in the Senate to support this bill and retain two valuable programs that promote first time homeownership throughout the nation.

Mr. President, I ask unanimous consent that the full text of S. 167 be presented in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF QUALIFIED MORTGAGE BONDS.

(a) PERMANENT EXTENSION.—

(1) MORTGAGE BONDS.—Paragraph (1) of section 143(a) of the Internal Revenue Code of 1986 (relating to qualified mortgage bonds) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BOND DEFINED.—For purposes of this title, the term 'qualified mortgage bond' means a bond which is issued as a part of a qualified mortgage issue.".

(2) MORTGAGE CREDIT CERTIFICATES.—Section 25 of such Code (relating to interest on certain home mortgages) is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a)(1) shall apply to bonds issued after December 31, 1991.

(2) CERTIFICATES.—The amendment made by subsection (a)(2) shall apply to elections for periods after December 31, 1991.●

● Mr. CHAFEE. Mr. President, I am pleased to join Senator Riegle in the introduction of this bill to permanently extend the authorization for the Mortgage Revenue Bond Program in the Internal Revenue Code from the current expiration date of December 31, 1991.

The dream of homeownership continues to become more and more difficult to achieve for many Americans. The Nation's homeownership rate is at its lowest level in almost two decades. This decline has occurred at a time when members of the baby boom were at the prime homebuying age and during one of the most sustained and vigorous housing recoveries on record.

Homeownership is an important part of the American dream and I believe we must continue to provide tax incentives for programs that assist low-income Americans in acquiring their first home. We must reverse the declining homeownership trend that has existed in this country since 1980. In many States, such as Rhode Island, where housing is very expensive when compared to median incomes, we must provide tax incentives for programs that assist low-income Americans in acquiring their first home.

The Mortgage Revenue Bond [MRB] Program authorizes States to issue tax-exempt mortgage revenue bonds to provide below market-rate financing for the purchase of homes by citizens in those States. This below market-rate financing allows first-time homebuyers to purchase a home, when they would not be able to buy a house with any of the conventional financing methods.

In 1986, we adopted a States volume cap which placed a limit on the total amount of private purpose tax-exempt bonds that could be issued by a State. The MRB Program expands the types of private-purpose bonds that can be issued by a State within its volume cap. I believe it is vitally important that we allow States to utilize the volume cap in the most beneficial way for each State's citizens.

The Mortgage Revenue Bond Program is an important part of the State Housing Program in my home State and its efforts to address the large affordability gap that exists in Rhode Island. Rhode Island Housing, the manager of our MRB Program, utilizes State resources to provide second mortgages and interest rate buydowns combined with the MRB Program to assist citizens of Rhode Island in the purchase of a home.

In the 17 years that Rhode Island Housing and Mortgage Finance Corp. [RIHMFC] has existed, over 38,400 families have been able to purchase a home utilizing mortgages from the MRB Program totaling almost $1.7 billion. The managers of the MRB Program have calculated that approximately 80 percent of the families served by the MRB Program would not have been able to qualify for a conventional mortgage.

In 1990, RIHMFC issued $220 million in Mortgage Revenue Bonds and assisted over 2,000 Rhode Island families with the purchase of a first home by providing over $188 million in mortgages. The median family income of the participants in the Rhode Island MRB Program last year was $30,267—about 83 percent of Rhode Island's statewide median income for 1990. The average loan amount issued to these participants was $93,431 on an average purchase price of $105,583 compared to a statewide average sales price of $147,780 for all homes sold in Rhode Island during 1989.

The average age of all the recipients who have received mortgages provided by RIHMFC is 31.5 years, which indicates that the program is not assisting only young people right out of college. In fact, it is helping young families who may have been in the work force for 10 or more years before they could afford to buy a first home.

The experiences of Rhode Island housing illustrate the vital importance of this program to fulfilling the homeownership dreams of low-income Americans. It is imperative for us to extend the authority of the States to issue tax-exempt bonds to provide Mortgage Revenue Bond financing to our young families who would not otherwise be able to fulfill the American dream by purchasing a first home.●

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 168. A bill to implement certain recommendations of the Garrison Unit Joint Tribal Advisory Committee regarding the entitlement of the Three Affiliated Tribes and the Standing Rock Sioux Tribe to additional financial compensation for the taking of reservation lands for the site of the Garrison Dam and Reservoir and the Oahe Dam and Reservoir, and for other purposes; to the Select Committee on Indian Affairs.

THREE AFFILIATED TRIBES AND STANDING ROCK SIOUX TRIBE EQUITABLE COMPENSATION ACT

● Mr. CONRAD. Mr. President, I rise today to reintroduce legislation that Senator BURDICK and I introduced in the final days of the 101st Congress. Our legislation redresses a wrong that was perpetrated upon the people of two North Dakota Indian reservations, Standing Rock and Fort Berthold, by the Federal Government.

Mr. President, the lives of members of the Standing Rock Sioux Tribe and the Three Affiliated Tribes of the Fort Berthold Indian Reservation were changed forever by the construction during the middle of this century of two large dams on the Missouri River. When the Garrison and Oahe dams were constructed, more than 300,000 acres of tribal land were lost. Infrastructure, such as bridges, homes, hospitals, and the like, was destroyed, and families were uprooted from precious Missouri River bottomlands that had been their home for generations.

The Federal Government took this land from the tribes, and from many non-Indian families as well, to provide for the construction of the Pick-Sloan flood control project on the Upper Missouri River Basin. This plan was developed by the U.S. Army Corps of Engineers and the Bureau of Reclamation in 1944, to help control flooding in the lower Missouri. States like Missouri and Nebraska were the beneficiaries. But States like North and South Dakota were the losers. And those who were forced to make the largest sacrifice were Indians.

The first group forced to deal with the Army Corps of Engineers was the Three Affiliated Tribes. Fort Berthold lost its land in 1949. The Garrison Dam took one quarter of the reservation's land base. Three hundred twenty-five families—80 percent of the tribal membership—were forcibly relocated. And the remainder of the reservation was segmented into five water-bound areas. Ninety-four percent of the agricultural lands of these farmers and ranchers were destroyed. Their way of life was literally wiped out.

At Standing Rock, things were not much different. The tribe lost 56,000 acres of land. Ninety percent of the timbered area on the reservation was demolished. And thousands of acres of exceptional grazing land and rangeland were eliminated. Sixty percent of the ranchers at Standing Rock saw their land disappear.

While the Fort Berthold agency headquarters at Elbowoods was destroyed, most of the Standing Rock agency at Fort Yates survived. Twenty-five percent of the people at Standing Rock had to relocate, versus the 80 percent at Fort Berthold. But Standing Rock suffered incredible isolation resulting from the Oahe reservoir that flooded the reservation. Fort Yates became separated from the remainder of the reservation. And a bridge that had formerly crossed the Missouri River, which completely bounds the reservation to the east, was destroyed. That bridge has yet to be replaced.

Today, someone who visits Standing Rock can still see tree stumps jutting out of the Oahe reservoir. The tribe was not even allowed to salvage this timber to use in stoves and to build homes. Unemployment rates on both reservations often exceed 50 percent. And alcoholism is destroying the minds and futures of many promising individuals, in large part because these tribes have so few resources.

All the people of Fort Berthold and Standing Rock want is a chance to rebuild. They pray for a better life for their children. And they demand justice from the Government that has treated them so brutally.

The Indians residing on the Fort Berthold and Standing Rock reservations were offered a take-it-or-leave-it proposition. The Federal Government was going to take their land, so they could accept the compensation the Government decided to offer or they would receive nothing. The reservations were finally forced to accept about $12 million each in compensation for their losses. They were given absolutely no choice.

The bill Senator BURDICK and I are introducing today is an apology. It tells the people of Fort Berthold and Standing Rock that we understand they have been wronged. And it represents a new beginning. The bill authorizes the buildup of a substantial trust fund, the interest from which the tribes will use to sew the seeds of their futures.

Mr. President, a report entitled "Final Report of the Garrison Unit Joint Tribal Advisory Committee," a special committee created by former Interior Secretary Hodel, acknowledged the need to compensate these tribes. The JTAC report provided ranges of compensation to which each of the reservations is entitled—between $181.2 and $349.9 million for Standing Rock and between $178.4 and $411.8 million for Fort Berthold. The levels of compensation proposed in the bill, which are below those recommended in JTAC, are the result of years of work and a great deal of compromise. In addition, the bill calls for the return of certain lands taken in exceess from the tribes and non-members of the tribes.

Mr. President, the bill that Senator BURDICK and I are introducing today is virtually identical to the bill we introduced last year. The only modifications that have been made are technical in nature.

We intend to vigorously pursue passage of this legislation during the 102d Congress. And we hope to begin hearings in the Indian Affairs Committee at the earliest date possible. We continue to welcome suggestions from all parties affected by our measure to ensure that the final product is reasonable, equitable and just. And we urge our colleagues to look favorably on this proposal to provide a better future for the children at Fort Berthold and Standing Rock.•

• Mr. BURDICK. Mr. President, today I join Mr. CONRAD in cosponsoring a bill that would provide compensation to the Three Affiliated Tribes and the Standing Rock Sioux Tribe for land taken during the flooding of the Garrison and Oahe Reservoirs. The dams were authorized under the Flood Control Act of 1944.

The catalyst for this bill was a series of recommendations of the Department of the Interior's Garrison Unit Joint Tribal Advisory Committee [JTAC]. Secretary Hodel established this committee on May 19, 1985, responding to the findings of the Garrison Diversion Unit Commission's Final Report that, "The tribes of the Standing Rock and Fort Berthold Indian Reservations bore an inordinate share of the cost of implementing Pick-Sloan Missouri Basin Program mainstream reservoirs." The committee was instructed, quote, "to find ways to resolve inequities" borne by the tribes.

In 1987 the Select Committee on Indian Affairs held an oversight hearing on the final report of the Garrison Unit Joint Tribal Advisory Committee [JTAC] with the Senate Energy and Natural Resources Committee and the Water and Power Subcommittee of the House Interior and Insular Affairs Committee. The report documented the devastating effects the tribes suffered as a result of their forced removal from their homes and communities located in prime tracts of the Missouri River bottom lands. The JTAC report stated, quote:

> That the bottom lands in the Taking Area were not just land owned by the tribes. They were the economic and social base of the tribes. The uplands offered as in lieu lands could not be counted as equivalent to the bottom lands, for they couldn't support the same type of ranching and agricultural economy which the bottom lands had provided.

It should be noted that the tribes inhabited these lands when the first white explorers traveled through the Missouri Basin in the early 1800's.

The Commission report unraveled a disturbing historical record of the negotiations the U.S. Government had with the tribes. The Flood Control Act of 1944, required the Indians to sacrifice traditionally occupied homes and communities and lands totalling over 300,000 acres. Though they objected, the tribes finally signed an unacceptable agreement after the Government threatened to use the power of eminent domain to force the tribes to move off their homelands. Although white settlers in the valley were also forced to leave their homes, their situation was different, in that they had obtained their land from the Government, whereas the Indians, as the original possessors of the soil, had certain rights guaranteed by treaty with the United States.

The compensation Congress provided the Indians failed to accord the tribes the standard of compensation under the terms of the settlement act, Public Law 81-437. This law provides that tribes should receive the cash equivalent of their lost economic and social base using the principal of substitute or replacement value.

The bill we are introducing today attempts to redress this disregard for treaty rights and human rights. I believe that passage of this bill would start the healing process for the Indian men, women, and children who feel the Government unfairly destroyed their ancestral lands.•

By Mr. HOLLINGS:

S. 169. A bill aimed at enacting a 5 percent value added tax to reduce the Federal deficit; to the Committee on Finance.

THE DEFICIT AND DEBT REDUCTION ACT OF 1991

• Mr. HOLLINGS. Mr. President, I rise to introduce in the Senate a bill aimed at enacting a 5-percent value-added tax. I do so knowing full well that, as a revenue bill, this measure must find an appropriate legislative vehicle in the other body. Nonetheless, it is urgently important that this proposal be on the table and under discussion in the Senate.

Likewise, Mr. President, I introduce this bill knowing full well that the VAT is a tax that everyone loves to hate. But I am convinced that this measure is our best bet for reining in America's self-destructive borrowing binge and returning the Federal budget to balance.

Before discussing the virtues of VAT, let us bear in mind the fiscal realities that make this new revenue initiative so imperative. For 10 years now we have listened to the gospel of no new taxes and economic growth will balance the budget. But the fact is that the deficit picture is getting worse, not better. Last year's deficit was supposed to be $64 billion. Now, all of sudden, the 1991 deficit projection has exploded to $400 billion.

The Republican President and Democratic Congress are bipartisan to a fault on spending—and taxes. Both are eager to spend more for child care, education, the environment, fighting drugs, et cetera. And despite last years' public and pathetic hand wringing, neither is willing to raise taxes—or cut spending—to pay for it. Under the cloak of bipartisanship, the President and Congress are ready, willing, and able to spend more and pay less.

Now the rude awakening. Yes, we have cut domestic programs over the last 10 years. But by opposing taxes, by refusing to pay for the increases in defense and entitlement programs, the national debt has tripled to nearly $3.3 trillion. Annual interest costs are now $190 billion more annually than when President Reagan took office in 1981.

In other words, Mr. President, we have begun a permanent new $190 billion spending program that buys not even a paperclip for the American people—indeed, some 30 percent of the interest on our national debt goes to foreigners, most of them Japanese. The days of Rome have returned whereby we in government are buying the votes of the people with bread and circuses—and debt.

What exactly is a VAT? In a nutshell, a VAT is a consumption tax very similar to a retail sales tax. The difference is that, instead of being collected at the cash register, it is collected at each stage in the production and distribution process. Consider, for example, a simple loaf of bread. The farmer, miller, baker, trucker, and grocer are all involved in growing the ingredients, producing the bread, and delivering it to the consumer. A VAT would be assessed on the value added by each firm that is involved in the production and distribution of the loaf of bread. Lest there be any misunderstanding, let's be clear that we are talking about a 5-percent tax strictly on the added increment of value at each stage of production. The net effect, then is an overall 5-percent tax on the total value of the product or service.

The VAT I have introduced is based on the Model Statute drafted by the American Bar Association. It is a broad-based consumption tax levied on goods and services without any exemptions. In past years, I have provided exemptions for food, housing and medical care, but I have become convinced that exempting broad categories of economic activity is an inefficient way to achieve the goal of minimizing the impact of the tax on those who can least afford to pay it. These inequities can be dealt with in other parts of the tax code or through other initiatives. I intend to dedicate the additional revenue gained by eliminating those exemptions to health care. Senator ROCKEFELLER's study of health care in this country provided some excellent suggestions on what is needed and I intend to look at the possibility of using part of the VAT proceeds to mitigate the cost of the part of our economy—health care—that is experiencing the highest rate of inflation.

VAT's are currently in place throughout the industrialized world. European nations average a 16-percent VAT; in Korea, it's 25 percent. As their experience demonstrates, a VAT fosters higher savings, lower interest rates and, after the first year, lower inflation. It does this by giving people an incentive to cut back on their consumption of nonnecessities. Bear in mind, too, that a VAT poses no threat whatsoever to economic prosperity. A recent study compared 12 industrialized nations that levy a VAT with 12 nations that do not; the study found no difference in overall growth rates between the VAT and non-VAT nations.

Mr. President, a VAT would also serve to reduce the United States' huge trade deficit. After all, many of those nonnecessities are luxury consumer goods imported from abroad. Even more important, under international agreements, a VAT is the only kind of tax that can be legally rebated on exported items. In other words, when Mercedes-Benz exports a car to the United States, the German Government rebates the VAT to the manufacturer; this saves Mercedes-Benz on its tax bill, and it makes German cars less expensive and more competitive on the United States' market. As Lester Thurow, dean of the business school at MIT, says:

> The rules of international trade are structured to make you stupid if you don't have a value-added tax.

Of course, the best rationale for a VAT is that, even at a low percentage rate, it raises one heck of a lot of money. A 5-percent VAT will bring in $125 billion. We need every penny of it. We can't afford another round of the old game of cutting and pasting, selling assets and adopting marginal revenue enhancements to raise $15 billion; meanwhile, interest costs will jump $30 billion and nullify our efforts.

Mr. President, there is no free lunch. Nobody likes to raise taxes just like nobody likes to discipline a child, but every year that we delay facing reality on the Federal budget, we deepen the harm to our Nation and further mortgage our children's future. I urge my colleagues' support for this important bill.●

By Mr. THURMOND:

S. 170. A bill to amend title 10, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis; to the Committee on the Judiciary.

BANNING CONTINGENCY FEES FOR LOBBYING ACTIVITIES

Mr. THURMOND. Mr. President, today, I am introducing a bill which would prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis. This measure is virtually identical to S. 91, a bill I introduced on the first day of last Congress. In fact, it is identical to an amendment I offered, along with 52 cosponsors, to last year's Department of Defense authorization bill. This legislation takes an important step toward ensuring integrity in the administration of the Federal Government.

The underlying goal of this measure is to help ensure integrity in Government procurements. Congress has a great responsibility to ensure integrity in the administration of the Federal Government at all levels.

This legislation would make contingency fee arrangements to influence Government action a criminal offense under Federal law. Any person who violates the provisions of this section shall be fined up to $50,000, or imprisoned not more than 2 years, or both. Moreover, the Attorney General is empowered to bring a civil action to recover twice the proceeds obtained by that person due to such conduct. This act is prospective in nature and would only apply to contracts entered into after enactment.

Without question, lobbyists often provide expertise and helpful information which may not otherwise be available to Members of Congress or executive branch officials. However, contingency fee arrangements are inappropriate because they introduce improper incentives into the system. In fact, the Supreme Court, in the case of Crocker versus United States, ruled on the character of contingency fee arrangements. The Court found that they tend to introduce personal solicitation and personal influence as elements in the procurement of contracts; and thus directly lead to inefficiency in government service and to the unnecessary expenditure of public funds.

Recognizing the improper incentives contingency fees for lobbyists have injected into government, 40 States have laws on the books which prohibit payment for lobbying on a contingent fee basis. My home State of South Carolina has prohibited this type of lobbying since 1935.

Mr. President, I have heard reports of certain lobbying activities which greatly disturb me. Specifically, I was informed that one lobbyist approached an institution and inquired as to how much Federal money was needed to fund a particular project. When the response was $12 million, the lobbyist responded that he would ask Congress for

$14 million. If successful, he would be paid $2 million. If he was unsuccessful, only a base fee would be charged. When our Nation is bridled with such a huge debt, we certainly cannot afford to borrow more money to provide such suspect incentive payments which work to further increase the deficit.

At the Federal level, contingency fee arrangements are addressed to some extent in the executive branch. Two laws covering contracts awarded by the executive departments—41 U.S.C. 254(a) and 10 U.S.C. 2306(b)—restrict the use of "commission, percentage, brokerage or contingent fee" arrangements to secure these contracts. However, the scope of these statutes is deficient in two respects. First, the violation of these provisions carries little penalty. The Government can only annul the contract secured by a contingency fee arrangement, or deduct from the contract the full amount of the contingency fee. They carry no criminal penalties. Second, these statutes only apply to the executive branch and not to activities involving Congress.

The law has long recognized that contingency fees are not appropriate in some areas while appropriate in others. For instance, contingency fees in tort actions provide the poor with access to the courts and are viewed favorably. In other areas, such as criminal and domestic law, such fees are inappropriate because they introduce improper incentives into the system. Similar principles should apply to contingency fees for lobbying.

Mr. President, I urge my colleagues to support this legislation and I look forward to hearings on this important issue. The public deserves action on the part of Congress.

I ask unanimous consent that this bill be printed in its entirety following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States, to any department, agency, court, House of Congress, or Commission of the United States, for compensation if such compensation has knowingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the House of Representatives or the Senate, or any committee or member thereof, or the passage or defeat of any proposed legislation;

"(B) upon the securing of an award, or upon the denial of an award, of a contract or grant by establishment of the Federal Government; or

"(C) upon the securing, or upon the denial, of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more than $50,000 or imprisoned not more than 2 years, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and, upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within six years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred.";

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

SEC. 2. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

By Mr. ROTH:

S. 171. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes; to the Committee on Government Affairs.

FEDERAL EMPLOYEES OPTIONAL EARLY RETIREMENT ACT

• Mr. ROTH. Mr. President, I rise to introduce legislation to establish an early retirement window for Federal employees. In light of the increasing Federal deficit and the need for innovative solutions, I am hopeful that this legislation will receive serious consideration during the 102d Congress. The use of computers, word processors, and other technological advances within the workplace provides a unique opportunity for productivity gains. These advantages should be maximized while permitting a slimming down of the number of employees we need to fulfill our Governments mission.

I remain steadfastly committed to this bill because I envision a Government-wide retirement option as a transition for the Federal work force—a transition to a leaner, but better paid work force. Having successfully enacted comprehensive pay reform legislation last year, the Congress and the executive branch took a strong step toward improving our ability to recruit and retain high quality employees. However, in order to ultimately pay Federal employees a higher salary in times of increasing budget deficits, I believe we are going to have to slim down somewhat the Federal work force.

As part of the pay reform law, the Office of Personnel Management is required to review and report on the size, structure, and composition of the Federal work force. I strongly believe that as we move through the 1990's, the Federal Government must begin to take advantage of the technological advances in the workplace, to help improve worker productivity. I am hopeful that OPM will take this into consideration during their study. I believe the early retirement bill could provide the transition to this move productive, better paid work force.

At the same time as technological improvements can be made within the work force, we will have shifts within the Federal Government. Some departments will be increasing their work force, while others, like Defense, will be slimming down. Given the fact that our resources are limited, we must focus our personnel resources in those areas with the greatest needs. Shifts within the work force and in the departments provide us with the opportunity to advance the goal of a leaner, better paid, more productive work force.

It is clear that Department of Defense civilian staffing levels will be declining. According to Secretary Cheney, civilian personnel needs could decline by more than 100,000 during the next 5 years if military personnel is reduced by 25 percent. Obviously, events in the Persian Gulf will affect this, but the trend is clear. Instead of relying on reductions in force or layoffs, or the more limited early out authority in law, a governmentwide early retirement authority could reduce staff levels in a more compassionate manner. Those in the Department of Defense could be offered opportunites in other agencies in the event of early retirements.

Mr. President, as we move through the 1990's and the age of improved technology and communications, the Federal Government is going to need the best trained work force possible. We must take advantage of advanced technology to improve productivity within the workplace. We must look forward to a smaller, more highly skilled work force. By slimming down and improving productivity within the work force now, and will be in a better position to better compensate Federal employees.

There are many reasons for this legislation: To invite employees to accelerate their retirement to avoid possible adverse effects of budgetary decisions. This bill will accommodate employees who are ready to retire but fall short of current age and service requirements. It will provide job security and career opportunities for women, minorities, and younger workers. I have heard from a number of younger employees who are ready, willing, and able to take more responsibility in their jobs, but are limited in their opportunities—this bill would give them an opportunity. Finally, Mr. President, this bill will help reduce civilian payrolls on a voluntary basis at a time when payrolls are going to be reduced. This legislation follows the lead established by private industry, which uses early retirement as a way to slim down.

Since introducing this legislation several years ago, I have heard from thousands of Federal employees hoping to take advantage of this kind of opportunity. Under this legislation, a 2-month window period is established beginning 30 days after the start of the fiscal year following enactment. Civilian employees may qualify under any of the following four standards:

Any age with 25 years of service.

Age 50 with 20 years of service.

Age 55 with 15 years of service.

Age 57 with 5 years of service.

Employees retiring below age 55 take a benefit reduction of 2 percent for each year they are below age 55 just as in current law. I would like to emphasize to my colleagues, under this legislation, employees would not receive any extra benefits other than the opportunity to leave early. Their retirement annuity will be based on their years of service and salary base—nothing extra will be provided. Other legislation has been introduced which would provide certain additional benefits for employees, but in light of increasing Federal obligations, this legislation simply provides a retirement opportunity earlier than under current law.

There has been a great deal of concern expressed that this bill would hurt the Government's ability to do its work—that we would lose our most skilled, productive, and experienced members of the Federal work force. Despite these concerns, I am confident that those employees who do not take advantage of the early retirement window will perform admirably with their increased responsibility. Testimony during the 100th Congress on this bill by a Federal employee faced with increased responsibility because of early retirements confirmed my belief that members of the Federal work force eagerly await the increased responsibility and promotional opportunities which will accompany an early out.

In addition, the legislation has built into it a number of provisions to ensure that the efficiency of the Federal Government is not hurt. These include a provision which provides that the President or his designee may exempt up to 25 percent of the agency's eligible early retirees. Exemptions shall be designated by occupational categories deemed to be critical to the mission of the agency. In addition, the exemptions may be made for a particularly critical project or geographic location under the 25-percent rule.

In addition, departments may also holdover, for up to 6 months, an employee who has elected early retirement to ensure the continuous performance of a responsibility or project.

In order to capture the savings from this plan, the department may not replace a worker who retires during the 60-day window period for 5 year beginning at the start of the window period. The department could obviously promote individuals into positions of those who retired, and could fill the positions of those who quit or left the department for other reasons.

To assure the orderly continuation of Government services, the President or Secretary may waive hiring restrictions for occupations critical to the agency's mission. The agency cost of rehiring may not exceed the cost savings resulting from implementation of the legislation.

Savings from this legislation may not be used for other purposes. The Director of the Office of Management and Budget shall determine the amount equal to the savings resulting from the implementation of this act for the agency and shall notify the President. The President shall cancel an amount of the budget authority of each agency equal to the amount determined by the OMB Director. This will ensure that savings will result from enactment of this legislation.

I would like to point out that this idea has been adopted by many of America's largest corporations—IBM, AT&T, and General Motors to name a few, and an increasing number of States facing budget crunches—including Utah, Alaska, West Virginia, and Rhode Island. As I mentioned earlier, I think this idea is particularly pertinent to the Department of Defense. While the Department of Defense authorization law provides for lower civilian personnel levels in fiscal year 1991, it provided no specific plan to reach these levels. In addition, without specifying a plan, the law requires the Secretary of Defense to reduce senior civilian personnel by more than 20 percent over the next 5 years. The early retirement option could serve as a basis for the reduction.

Current law permits the Office of Personnel Management to authorize early optional retirements for employees of an agency or segment of an agency when it is determined that a major reduction-in-force, reorganization, or transfer of function is underway. While this authority is used by the department, this bill will widen the scope of those eligible by making it available throughout the Government and could thus result in more retirements.

Mr. President, I strongly encourage this early retirement plan because it is governmentwide and it is an active rather than reactive plan. This bill provides an alternative to reductions-in-force or periodic layoffs. It will provide an opportunity to open up positions in some areas of the Government not slated for reductions which will then provide space for individuals who want to continue to work for Government but whose missions have been changed.

Mr. President, I would like to state, as I have before, that I am fully open to any suggestions which individuals or Federal employee groups may have. During previous sessions of Congress, the Committee on Governmental Affairs has held hearings on this bill and I have incorporated suggestions made during those hearings. I will persist in my pursuit of this legislation, because like my idea to reduce personal tax rates in the early 1980's, it may take several congressional sessions for an idea to receive full consideration, but I believe that the day for an early retirement option will come.

Mr. President, I ask unanimous consent that a section-by-section analysis of the legislation of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees' Optional Early Retirement Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reduce Federal Government civilian payrolls in an orderly and voluntary manner;

(2) to accommodate the personal plans of certain Federal Government employees who desire to retire but have not satisfied the applicable age and service requirements;

(3) to allow current Federal Government employees to retire early in order to avoid possible adverse effects of Federal budgetary conditions; and

(4) to provide increased job protection and career opportunities for Federal Government employees, especially women, members of minority groups, and young workers.

SEC. 3. TEMPORARY VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection (m):

"(m)(1) Except as provided in paragraph (2) of this section, an employee who—

"(A) during the 60-day period beginning 30 days after the beginning of the fiscal year next following the date of the enactment of the Federal Employees' Optional Early Retirement Act, is separated from the service, except by removal for cause on charges of misconduct of delinquency—

"(i) after completing 25 years of service;

"(ii) after becoming 50 years of age and completing 20 years of service;

"(iii) after becoming 55 years of age and completing 15 years of service; or

"(iv) after becoming 57 years of age and completing 5 years of service; and

"(B) is not entitled to an annuity under section 8337 of this title or subsection (a), (b), (d), (f), (h), or (j) of this section,

is entitled to an annuity.

"(2) Paragraph (1) of this subsection shall not apply to a bankruptcy judge, a judge of the United States Court of Military Appeals, or any law enforcement officer, firefighter, or air traffic controller who is not in a supervisory or administrative position, as determined by the Director of the Office of Personnel Management.".

SEC. 4. COMPUTATION OF ANNUITY.

The first sentence of section 8339(h) of title 5, United States Code, is amended by striking out "or (j)" and inserting in lieu thereof ", (j), or (m)".

SEC. 5. APPLICATION OF AMENDMENTS TO OTHER FEDERAL GOVERNMENT RETIREMENT SYSTEMS.

The President shall extend the application of the amendments made by sections 3 and 4—

(1) to participants in the Central Intelligence Agency Retirement and Disability System and their survivors under section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note);

(2) to participants in the Foreign Service Retirement and Disability System and their survivors under section 827 of the Foreign Service Act of 1980 (94 Stat. 2124; 22 U.S.C. 4067);

(3) to each employee of the Federal Government who is subject to chapter 84 of title 5, United States Code, by reason of an election under section 301 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 599), except that section 302 of such Act (100 Stat. 601) shall apply in the case of such employee; and

(4) if determined appropriate by the President, in like manner to employees of the Executive branch who are participants in any other Federal Government retirement system and their survivors.

SEC. 6. EXEMPTION FOR ESSENTIAL OCCUPATIONAL CATEGORIES.

(a) IN GENERAL.—An officer or employee in the Executive branch retiring under section 8336(m) of title 5, United States Code (as added by section 3 of this Act), or pursuant to section 5 of this Act is not entitled to an annuity under or pursuant to such section if, immediately before the retirement, the officer or employee—

(1) is serving in a position in an exempt occupational category,

(2) is working on an exempt project, or

(3) is serving in a position in an exempt location,

designated under subsection (b).

(b) EXEMPTION AUTHORITY.—The President or his designee may, for the purposes of this section, designate—

(1) as an exempt occupational category any occupational category in an Executive agency that is essential for the continuous performance of a critical mission of the Executive agency;

(2) as an exempt project any project carried out by an Executive agency that is an essential project in the interests of the Federal Government; and

(3) as an exempt location any location at which a responsibility of an Executive agency is carried out if, because of the undesirability of such location, it is difficult to fill employee vacancies at the location by voluntary transfers of other employees.

(c) LIMITATIONS ON AUTHORITY.—(1) A designation under subsection (b) shall be effective for the purposes of this section only if it is made in writing not later than the day before the optional early retirement period commences.

(1)(A) The authority provided in subsection (b) may not be exercised in a manner that precludes more than 25 percent of the eligible officers and employees in an Executive agency from being entitled to an annuity under section 8336(m) of title 5, United States Code, or pursuant to section 5 of this Act.

(B) For the purpose of subparagraph (A), the term "eligible officers and employees" means the officers and employees of the Federal Government who, without regard to subsection (a), would be entitled, upon separation from Federal Government employment, to an annuity under section 8336(m) of title 5, United States Code, or pursuant to section 5 of this Act.

SEC. 7. HOLDOVER OF ESSENTIAL EMPLOYEES.

(a) IN GENERAL.—(1) An officer or employee in the Executive branch is not entitled to an annuity under section 8336(m) of title 5, United States Code (as added by section 3(2) of this Act), or pursuant to section 5 of this Act if, immediately before separating from Federal Government employment, the officer or employee is serving as an essential employee designated under subsection (b) of this section.

(2) An officer or employee of an Executive agency who—

(A) separates from Federal Government employment immediately upon the termination of a designation under subsection (b); and

(B) during the optional early retirement period, has given such Executive agency appropriate notice of his intention to separate from Federal Government employment under section 8336(m) of title 5, United States Code, or pursuant to section 5 of this Act, as the case may be,

shall be entitled to an annuity under or pursuant to such section notwithstanding that the separation becomes effective after the expiration of such period.

(b) HOLDOVER AUTHORITY.—The head of an Executive agency may designate, for the purposes of this section, any officer or employee in such Executive agency as essential for (1) the continuous progress of a critical project under the responsibility of the Executive agency, or (2) the continuous performance of a critical responsibility assigned to such officer or employee by the Executive agency.

(c) LIMITATION ON AUTHORITY.—A designation under subsection (b) may not be effective for more than 6 months.

SEC. 8. LIMITATION ON REPLACEMENT OF RETIREES.

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), (c), (d), (e), or (f), an appointment may not be made to a position of civilian employment in the Executive branch on any day during the hiring limitation period, unless the full-time employee equivalent of the total number of civilian employees in the Executive branch (other than the United States Postal Service and the Postal Rate Commission) after such appointment on such day does not exceed the maximum authorized full-time employee equivalent number determined for such day, as provided in subsection (h)(2).

(b) WAIVER.—(1) The President or his designee may waive the application of subsection (a) in the case of a position or a category of positions in the Executive branch if the President (or his designee) determines that—

(A) the position or positions are essential for the performance of an Executive responsibility; or

(B) the estimated aggregate cost of such position or positions during the hiring limitation period does not exceed the estimated aggregate amount of user fees that will be collected by the Federal Government for services performed under a Federal Government program or programs during such period by an employee in such position or employees in such positions.

(2) The President (or his designee) may not exercise the waiver authority provided in paragraph (1) in a manner that results in increased pay and other personnel costs in any Executive agency that exceed the amount of the cost savings which result from the implementation of this Act and the amendments made by this Act in the case of such Executive agency.

(c) INAPPLICABILITY OF LIMITATION TO THE POSTAL SERVICE AND THE POSTAL RATE COMMISSION.—Subsection (a) does not apply to positions in the United States Postal Service or under the Postal Rate Commission.

(d) INAPPLICABILITY OF LIMITATION TO CERTAIN REINSTATEMENTS.—Subsection (a) does not apply in the case of an individual who is reinstated to a position of employment the individual formerly held in the Executive branch by order of a court of the United States having jurisdiction to issue such order or by reason of an action of the Merit Systems Protection Board or the Special Counsel of the Merit Systems Protection Board authorized by law.

(e) INAPPLICABILITY OF LIMITATION TO CERTAIN TRANSFERS.—Subsection (a) does not prohibit the transfer of employees in the Executive branch for the purpose of filling a vacancy in an Executive branch position.

(f) INAPPLICABILITY OF LIMITATION DURING A PERIOD OF WAR OR NATIONAL EMERGENCY.—Subsection (a) shall not apply during a period of war declared by the Congress or a period of national emergency declared by the Congress or the President.

(g) LIMITATION ON PROCUREMENT OF PERSONAL SERVICES.—The President shall take appropriate action to ensure that there is no increase in the procurement of personal services by contract by reason of the enactment of this section except in cases in which it is to the financial advantage of the Federal Government to increase the procurement of such services.

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "employee" has the same meaning as provided in section 2105 of title 5, United States Code;

(2) the term "maximum authorized full-time employee equivalent number" means the excess of—

(A) the full-time employee equivalent number that describes the total number of civilian employees employed in positions in the Executive branch (other than the United States Postal Service and the Postal Rate Commission) on the day before the optional early retirement period commences, over

(B) the full-time employee equivalent number that describes the total number of—

(i) such employees who, on or before the day for which the maximum authorized number is computed, have retired during such period entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, or any other Federal Government retirement system for officers and employees of the Federal Government; and

(ii) such employees who, on or before such day, have retired after such period entitled to such an annuity as provided in section 7(a)(2) of this Act; and

(3) the term "hiring limitation period" means the period beginning on the date 60 days after the date of the enactment of this Act and ending at the end of the fifth fiscal year which begins on or after the first day of such period.

SEC. 9. REGULATIONS.

The President or his designee may prescribe regulations to carry out sections 6, 7, and 8.

SEC. 10 LIMITATION ON USE OF SAVINGS.

(a) IN GENERAL.—(1) Beginning in the quarter of the fiscal year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall determine the amount equal to the savings resulting from the implementation of the provisions of this Act for each agency and shall notify the President. The Director shall make such determinations and notifications in each applicable quarter of such fiscal year.

(2) At the beginning of each applicable quarter of the fiscal year next following the date of the enactment of this Act, the President shall cancel an amount of the budget authority of each agency equal to the amount determined by the Director of the Office of Management and Budget under paragraph (1).

(3) The total amount of budget authority and outlays saved under the provisions of this section shall be credited against any amount of pay and other personnel costs required to be sequestered in such fiscal year under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

(b) AUDITS.—The Comptroller General of the United States may audit the records of any agency of the Federal Government to determine the level of compliance with the requirements of subsection (a).

(c) NOTICE OF NONCOMPLIANCE.—The Comptroller General of the United States shall notify Congress, in writing, of each noncompliance with the requirements of subsection (a).

SEC. 11. PROGRAM REPORT.

(a) IN GENERAL.—Not later than one year after the first day of the optional early retirement period, the Director of the Office of Personnel Management shall transmit to Congress a report containing an evaluation of the optional early retirement program and the limitation on replacement of retireees provided in this Act.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include the following matters:

(1) The number of employees who have retired under the optional early retirement program, stated by employing agency, by age group of the retirees, and by grade or other position classification of the retirees.

(2) The number and description of the exempt occupational categories, projects, and locations designated under section 6(b) and the reasons such categories, projects, and locations have been so designated.

(3) The number of employees who have been designated as essential employees under section 7(b) and the reasons such employees have been so designated.

(4) The number of employees appointed under the waiver authority provided in section 8(b) (stated as a full-time employee equivalent number) and the reasons for the appointments.

(5) The amount of the savings in pay and other personnel costs that have resulted, before the date of the report, from the implementation of this Act and the amendments made by this Act.

(c) ADMINISTRATIVE PROVISION.—The Director of the Office of Personnel Management may obtain from any agency of the Federal Government such information as the Director determines necessary to prepare the report required by subsection (a).

SEC. 12. DEFINITIONS.

For purposes of this Act—

(1) the term "Executive agency" has the same meaning provided in section 105 of title 5, United States Code, and includes the military departments specified in section 102, but does not include—

(A) the United States Postal Service; and

(B) the Postal Rate Commission; and

(2) the term "optional early retirement period" means the 60-day period provided in section 8336(m) of title 5, United States Code, or pursuant to section 5 of this Act.

SEC. 13. REVISIONS IN BUDGET ALLOCATIONS AND AGGREGATES.

(a) REPORTS BY COMMITTEES ON THE BUDGET.—Upon the enactment of this Act, the Committees on the Budget of the Senate and the House of Representatives shall report to their respective Houses revised allocations, pursuant to section 302(a) of the Congressional Budget Act of 1974, and revised budget aggregates to carry out this Act and the amendments made by this Act.

(b) REPORTS BY OTHER COMMITTEES OF CONGRESS.—Upon the reporting of revised allocations under subsection (a), the appropriate committees of the Senate and the House of Representatives shall report revised allocations, pursuant to section 302(b) of the Congressional Budget Act of 1974, to carry out this Act and the amendments made by this Act.

(c) TREATMENT OF REPORTED REVISIONS.—Revised allocations and budget aggregates reported under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates contained in the latest concurrent resolution on the budget.

OPTIONAL EARLY RETIREMENT FOR FEDERAL EMPLOYEES—SECTION-BY-SECTION ANALYSIS

The first section designates the title of the legislation as "Federal Employees' Optional Early Retirement Act."

Section 2 states the purposes of the act: (1) to reduce Federal government civilian payrolls in an orderly and voluntary manner; (2) to accommodate the personal plans of certain Federal employees who desire to retire but have not satisfied the applicable age and service requirements; (3) to allow current Federal employees to retire early in order to avoid possible adverse effects of Federal budgetary conditions; and (4) to provide increased job protection and career opportunities for Federal employees, especially women, members of minority groups, and young employees.

Section 3 amends section 8336 of title 5, United States Code, to establish a one time 60-day early retirement window beginning 30 days after the beginning of the fiscal year following enactment of the legislation. This section states that employees may be eligible to retire during this 60-day window under any of the following four standards: (1) any age with 25 years of service; (2) age 50 with 20 years of service; (3) age 55 with 15 years of service; or (4) age 57 with 5 years of service. This section shall not apply to non-supervisory or administrative law enforcement agents, air traffic controllers, and firefighters, who currently have their own early retirement rules. Also excluded are Members of Congress and certain judges.

Section 4 amends section 8339 of title 5, United States Code, to establish that employees retiring below the age of 55 take a benefit reduction of two percent for each year they are below the age of 55.

Section 5 mandates that in addition to employees in the Civil Service Retirement System, the President will extend the early retirement window to employees in the Federal Employees Retirement System, the Central Intelligence Agency Retirement System, the Foreign Service Retirement System, and any other Federal employee retirement system the President determines is appropriate.

Section 6 provides that the President, or his designee, may exempt up to 25% of an agency's eligible early retirees from the early retirement window. Exemptions shall be designated by occupational categories deemed to be critical to the mission of the agency. In addition, the President may exempt a particularly critical project or geographic location under the 25% rule established in this section. Any exemptions under this section must be in writing prior to the commencement of the early retirement window.

Section 7 provides that the head of an Executive agency may hold over, for up to six months, an employee who has elected early retirement to ensure the continuous performance of a responsibility or project.

Section 8 provides that no agency may replace an employee who retires during the 60-day window period for five years beginning at the start of the window period. To assure the orderly continuation of government services, the President may waive the hiring restrictions for occupations critical to an agency's mission or those agencies whose activities are funded through user fees. The Postal Service is exempt for the re-hiring restrictions. The agency cost of re-hiring may not exceed the cost savings resulting from the implementation of this legislation.

Section 9 mandates that the President or his designee may prescribe regulations to carry out the provision of sections 6, 7, and 8.

Section 10 requires that savings from this legislation may not be used for other purposes. The Director of the Office of Management and Budget shall determine the amount equal to the savings resulting from the implementation of this act for each agency and shall notify the President on a quarterly basis. The President shall then cancel an amount of the budget authority of each agency equal to the amount determined by the OMB Director. The Comptroller General may audit the records of any agency to determine the level of compliance with this section.

Section 11 requires that the Director of Personnel Management transmit to the Congress a report containing an evaluation of the early retirement program and the limitation on replacement of retirees provided in this legislation.

Section 12 sets forth certain definitions of terms contained in the legislation.

Section 13 requires that upon enactment of this legislation, the Budget Committees of the House and Senate allocations to carry out the amendments made by this Act. Upon the reporting of the revised budget allocations, the appropriate committees shall report revised allocations. Revised allocations and budget aggregates reported under this section shall be considered for the purposes of the 1974 Budget Act as aggregates contained in the latest concurrent resolution of the budget.

OPTIONAL EARLY RETIREMENT WINDOW

PURPOSE

To accommodate employees who are ready to retire but fall short of current age and service requirements.

To invite employees to accelerate their retirement to avoid possible adverse effects of budgetary decisions.

To provide job security and career opportunities for women, minorities, and younger workers.

To reduce civilian payrolls on a voluntary basis.

WINDOW PERIOD

Two month window beginning 30 days after the beginning of the fiscal year following enactment of the legislation.

ELIGIBILITY

Employees may qualify under any of the following 4 standards:

Any age with 25 years of service.

Age 50 with 20 years of service.

Age 55 with 15 years of service.

Age 57 with 5 years of service.

Non-supervisory or administrative law enforcement agents, air traffic controllers, and firefighters, who currently have their own special early retirement rules, are excluded; also, Members of Congress and certain judges.

BENEFIT AMOUNTS

Employees retiring below age 55 take a benefit reduction of 2 percent for each year they are below age 55.

EXEMPTIONS

The President may exempt up to 25% of any agency's eligibility early retirees. Exemptions shall be designated by occupational categories deemed to be critical to the mission of the agency. In addition, the President may exempt a particularly critical project or geographic location under the 25 percent rule.

HOLD-OVER AUTHORITY

Agency heads may hold-over, for up to six months, an employee who has elected early retirement to ensure the continuous performance of a responsibility or project.

RESTRICTIONS OF RE-HIRING

No agency may replace a worker who retires during the 60 day window period for five years beginning at the start of the window period.

To assure the orderly continuation of government services, the President may waive hiring restrictions for occupations critical to an agency's missions or agencies whose services are financed through user fees. The Postal Service is exempt from the re-hiring restrictions. The agency cost of re-hiring may not exceed the cost savings resulting from implementation of the legislation.

AUTHORITY

The President or his designee is in charge of the early out process for the executive branch.

SAVINGS

Savings from this legislation may not be used for other purposes. The Director of the Office of Management and Budget shall determine the amount equal to the savings resulting from the implementation of this act for each agency and shall notify the President. The President shall cancel an amount of the Budget Authority of each agency equal to the amount determined by the OMB Director. This will ensure that savings will result from enactment of this legislation.•

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 172.•A bill to amend the United States Housing Act of 1937 to provide for a minimum annual payment to municipalities for providing services and facilities to Indian assisted public housing; to the Committee on Banking, Housing and Urban Affairs.

INDIAN ASSISTED PUBLIC HOUSING

• Mr. CONRAD. Mr. President, today I rise to introduce legislation that is essential to the viability of small towns throughout the country that provide services to Indian housing.

The Department of Housing and Urban Development uses an antiquated formula to determine the amount that towns should be reimbursed for providing services such as water and sewer, garbage pickup, road construction, and community facilities. Under the formula, towns receive an amount equal to 10 percent of shelter rents minus utilities.

But HUD Indian housing units are often poorly insulated. And since this results in extremely high utility payments, subtracting those payments from the shelter rent calculation results in a negative number. Consequently, many towns don't receive a dime in compensation.

Last year I introduced S. 1934, which would have required HUD to reimburse towns in an amount equivalent to the loss in their property tax base that results when Indian housing units are taken from the tax rolls. HUD opposed my proposal, taking the position that it called for a wholesale modification in the philosophy of its Payment-in-Lieu-of-Taxes Program. Therefore, this new measure does not touch the PILT issue. Rather, it modifies a formula that already exists, but is completely inadequate.

The Select Committee on Indian Affairs last year held a hearing that highlighted the needs of small rural communities that should be receiving payments from HUD. Because HUD's formula does not work, those communities are faced with cutting back basic services ranging from road repair to the community swimming pool. Parshall, ND, a town of 1,079 residents has 20 percent of its land in trust. It is easy to see the economic burden this places on such a small town, especially given the condition of our economy. Few small towns find themsleves with such a large percentage of their property tax base in Federal ownership. And the Federal Government's failure to pay its due only exacerbates the situation.

Mr. President, my proposal calls for fairness—pure and simple. While I recognize that the formula is not meant to completely reimburse towns for the services they provide, it is equally evident that the purpose of the formula is to provide towns with at least some level of reimbursement. Therefore, my bill guarantees that these towns will receive at least a minimum payment for the services they provide. That payment will amount to be least $100 per unit of Indian rental housing each year.

There are only 25,000 units of Indian rental housing throughout the country. Therefore, the maximum possible cost of my proposal is $2.5 million.

Some might suggest that the same should be done for public housing overall. However, Indian housing is unique. Indian housing exists in small, isolated rural communities. While it is true that some small communities might support some degree of general public housing, few such communities must contend with large housing authorities that may be comprised of hundreds of units. These entities have an undeniable impact on the fiscal posture of small towns.

I urge HUD to look upon this proposal with an open mind. It is a genuine effort to find a solution fair to all concerned. And it will have a tremendous impact on many small towns throughout rural America.•

Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. BREAUX, Mr. STEVENS, Mr. BURNS, Mr. ADAMS, and Mr. COCHRAN):

S. 173. A bill to permit the Bell Telephone Cos. to conduct research on, design, and manufacture telecommunications equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS EQUIPMENT RESEARCH AND MANUFACTURING COMPETITON ACT OF 1991

Mr. HOLLINGS. Mr. President, the U.S. communications equipment manufacturing industry is on the brink of disaster. The U.S. leadership in high-technology products is under siege by a host of Japanese, European, and other multinational firms. These foreign companies recognized some time ago what the United States has not—the market for communications equipment is now a global one, and we are not in it. The United States is losing its leadership position across the board in communications and consumer electronics equipment. Our smug self-satisfaction has become blind ignorance of international trends. We have sat around talking about our domestic rules while these foreign companies have made tremendous inroads in the third world and also right here in our own backyard. Unless we get in the game now, we will lose our opportunities forever.

It is for this reason that today I am reintroducing the Telecommunications Equipment Research and Manufacturing Competition Act of 1991. This bill lifts the restriction that currently bars the Bell Operating Cos. from conducting research on, manufacturing or providing all types of communications equipment. If the United States is to regain its leadership position in the international manufacturing market, it must be willing to make use of the full panoply of resources available to the telecommunications industry. Nothing less than this Nation's economic future and security is at stake.

This is essentially the same bill that I introduced in the last Congress. The bill garnered enormous momentum last year. After 2 days of hearings, the bill was reported by the Committee on Commerce, Science, and Transportation by voice vote. Only a crowded floor schedule, primarily due to the debate over last year's budget, prevented this bill from coming to a vote before the full Senate last year.

We cannot delay considering this bill any longer. Over the past decade, the United States has sat by and watched as foreign companies have increased their share of U.S. patents in sophisticated electronics, have spent over twice as much as U.S. companies on basic research and development [R&D], and have invested heavily in the United States and around the world. We simply cannot continue to live by our business-as-usual attitude.

Let me point to some basic facts. Seven years ago there were 15 major equipment manufacturers in the world market, 3 of them American. Today there are eight—three from Japan, three from Europe, one from Canada, and only one from the United States, AT&T.

AT&T and GTE, which have a long-term joint venture agreement, lead the world in market share with about 13 percent. But Alcatel, of The Netherlands, is a close second with 10.8 percent. There is not a single American company among the remainder of the top 10 companies. Four of the top 10 are European, 3 are Japanese, and 1 is Canadian.

Total U.S. spending on research and development lags far behind other developed nations. According to the National Science Foundation, the United States spent 1.8 percent of its GNP on nondefense R&D last year, while West Germany spent 2.6 percent and Japan spent 2.8 percent. In communications, the largest European and Japanese firms have increased their research and development spending by 22 to 25 percent per year. AT&T has increased its spending by about 6 percent per year.

Annual foreign investment in the U.S. high-technology industries has increased from $214 million in 1985 to $3.3 billion in 1988. In the 6 years since the divestiture of AT&T, 66 different U.S.-based computer and telecommunications equipment companies have been bought by foreign firms.

A quick look at the market for semiconductors is even more striking. The press recently widely reported 2 weeks ago that the U.S. chip manufacturing industry eked out a gain of 1.6 percent in the world market. This is the first increase in the U.S. world market share for semiconductors since 1979. Since that time, the U.S. share has dropped from 58 to 36.5 percent. Meanwhile, Japanese companies have increased their share from 26 to 49.5 percent. In a market the United States formerly dominated, the 3 largest producers, and 6 of the top 10, are now Japanese.

A similar story is told by the U.S. Patent and Trademark Office. The U.S. share of electrical U.S. patents has declined from 58 percent in 1980 to 46 percent in 1989. The share of United States patents awarded to Japanese companies has increased from 19 to 33 percent in the same time period. Today, more patents in electrical products are awarded to foreign companies than are awarded to U.S. companies.

We can fully expect these trends to continue. The Japanese already have demonstrated their lead in two new technologies that were originally invented in the United States. On December 23, the Washington Post reported that five Japanese companies are dominating the market for this year's hot new technology—consumer electronics based on fuzzy logic. No American company has been able to turn this idea into a product. The Japanese also have taken the lead in developing flat-panel displays, a technology to improve laptop and desktop computers and to allow for the development of high definition televisions. This technology was originally invented in the United States by a scientist at RCA, but American companies today cannot find the capital to develop this technology into a commercial product.

Whatever lead the United States might retain in pure research itself may be gone before too long. The New York Times reported in December that the Massachusetts Institute of Technology Media Lab, one of the prime research labs devoted to future communications technology and television, is now working with a Japanese university to create a replica of the lab in Japan.

Where are the Bell Cos. in this picture? The answer is nowhere. The Bell Cos. control over one-half of the Nation's telecommunications assets, earn over $77 billion in annual revenues, and employ 1.2 percent of this Nation's entire workforce. But they cannot use any of these assets to manufacture communications equipment, the business in which they have greater expertise than almost anyone.

Nor can they conduct the full range of research and development activities. The Bell Cos. are not just barred from fabricating equipment; they are also barred from engaging in the design or development of communications equipment. This restriction inhibits the Bell Cos. from engaging in any research whatsoever. First, the uncertainty of the line between "pure" research—what is permitted— and "design" research—what is forbidden—is so unclear that it discourages any research at all. Further, the Bell Cos. have no incentive to engage in the small amount of R&D which they are permitted. If they cannot turn the fruits of that research into a marketble product, they have no means of profiting from the research and thus, little reason to spend their money on such endeavors. The result? On average, the Bell Cos. spend 1.4 percent of their revenues on R&D; the average equipment manufacturer spends 6-8 percent.

This manufacturing restriction not only retards investment in the United States but in fact actually encourages overseas investment. The restriction does not apply to work carried on beyond the jurisdictional boundaries of the United States. Thus, the Bell Cos. are completely free to do overseas what they cannot do in the United States. To no one's surprise, the Bell Cos. are buying up cable television franchises in the United Kingdom, cellular franchises in Eastern Eurpoe and the Soviet Union, and telephone companies in New Zealand and Mexico. I do not know who would prefer to have U.S. companies investing their capital in foreign countries instead of right here in the United States of America. But that is exactly the perverse effect that this manufacturing restriction has on Bell Cos. investment decisions.

The Bell Cos. have the expertise, the capital, and most important, the desire to enter the manufacturing market. How can we tolerate restrictions that bar these companies from manufacturing when the entire technological base of this country is at risk? Unless we can put to use the tremendous assets held by these Bell Cos., America's telecommunications industry is likely to go the way of our consumer electronics industry—overseas.

Let there be no mistake, however, about the premises on which this bill is based. I fully understand that these Bell Cos. continue to exercise a substantial degree of market power over local telephone services and over the equipment market. Their dominance of these markets could give them incentives to engage in unlawful cross-subsidization and self-dealing.

For these reasons, I have included in my bill a host of safeguards designed to prevent any kind of unlawful and anticompetitive activity. The BOC's are barred from cross-subsidizing their manufacturing activities with ratepayer revenues. Any equipment that a Bell Co. purchases from its manufacturing affiliate must be purchased at the open market price. The Bell Cos., must conduct all their manufacturing out of separate affiliates, and these affiliates must keep books of account separate from the telephone companies. I believe these safeguards are important and necessary, and I fully intend to oversee the FCC's efforts to enforce these safeguards fully.

This bill is virtually identical to the bill that was reported by the Commerce Committee. There is one significant change, however, that I call to the attention of my colleagues. This bill includes a provision to require the Bell Cos., to conduct all their manufacturing activities within the United States and to employ a percentage of U.S.-domestic components in the products they manufacture. This provision was negotiated by the Bell Cos., and the Communications Workers of America and has the complete support of both groups. I believe that a domestic content provision such as this is essential to ensuring that the Bell Cos.' potential manufacturing activities benefit the U.S. worker and economy. I applaud the representatives of both organizations for reaching this agreement and have included their agreement in this bill.

In my view, lifting this manufacturing restriction is vitally important. This bill is critical to the future of the Nation's telecommunications industry and this Nation's economic future. I expect to move this bill quickly in this session of Congress and look forward to the continued support of my colleagues in passing this critical piece of legislation.

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 174. A bill to amend the Solid Waste Disposal Act (U.S.C. 6901 et seq.), and for other purposes; to the Committee on Environment and Public Works.

SOLID WASTE DISPOSAL ACT AMENDMENTS ACT OF 1989

Mr. SPECTER. Mr. President, today I introduce legislation to devise a fair and workable solution for the Nation's solid waste disposal problems.

Across the country States are experiencing the acute impact of dwindling landfill capacity and limited means to provide adequate alternative methods of disposal. As a consequence, some States no longer possessing adequate capacity, have opted for the more economical solution of shipping large quantities of their solid waste to cheaper out-of-State landfills, instead of incurring the increased costs associated with establishing new local facilities. This has given rise to the significant legal challenge of finding equitable procedures for the regulation of interstate transportation of solid waste. If a solution is not found soon, landfill shortages very likely will begin emerging throughout entire regions of this country with dire social and environmental results.

For this reason, Mr. President, I am introducing legislation which provides incentives for States to devise realistic long-term plans for handling the disposal of solid waste.

This bill requires States to update their present solid waste management plans and provide estimates as to the amount of municipal and commercial waste they expect to generate in the next 20 years. The new plans also must contain a comprehensive review of existing landfill capacity and methods, including export of garbage, for disposing of excess waste. Each State will have 24 months, after the date of enactment, to file an amended plan with the Environmental Protection Agency in which it will certify that based on its plan, or on agreement made with any State or States, that it has made adequate provisions to manage its solid waste disposal for the next 20 years.

The legal precedent for such an approach is clear. If a State has an approved plan for complying with minimum waste disposal requirements as set forth in the Resource Conservation and Recovery Act [RCRA], then the State has a priority obligation to ensure that it adheres to its plan. Local landfills receiving out-of-State waste jeopardizes the State's ability to operate within its plan, and in turn risks noncompliance with Federal standards. Federal legislation would serve the purpose of imposing penalties on those States circumventing RCRA requirements and encourage them to find solutions which do not inhibit other States' abilities to adhere to their plans.

This bill contains what I believe to be a sensible approach to the challenge of finding penalties and incentives which are fair to all States. Accordingly, I advocate giving States the authority to impose differential fees on the owner or operator of a solid waste treatment facility or on any person who ships, transports, or causes the shipping and transporting of solid waste for treatment in another State. The purpose of such a fee is to offset the discrepancy in tipping fees at landfills which range from an average of $45.48 in the Northeast to $17.95 in the Midwest and $13.06 in the West. Such differences are even more dramatic when we consider that tipping fees at Fresh Kill's landfill, New York City's principal waste disposal site, according to a story in the New York Times, have been raised to $80 per ton as capacity continues to dwindle.

Differential fees, which amount to a surcharge on imported garbage, are designed to equalize disposal costs for the shipping States by making out-of-State facilities less economical. The fees will also provide an incentive for States to find local solutions for their trash problem.

Mr. President, we face a serious problem. Yet it is a problem which does not lack solutions. I applaud the laws and regulations already enacted by States such as Pennsylvania that are resulting in an environmentally sound and economically efficient combination of recycling, landfilling, and incineration in much the same manner as recommended by the Environmental Protection Agency as national policy.

That being the case, why is it necessary to propose legislation to set national standards for waste disposal? This legislation is necessary, Mr. President, because Pennsylvania and similarly situated States find that implementation of their own carefully constructed waste management plans is threatened by the burden imposed on them by disproportionate amounts of solid waste being transshipped from other States.

According to Commonwealth of Pennsylvania reports, approximately 9 million tons of municipal solid waste are generated in the State per year, of which 1 million tons are shipped out-of-State. Pennsylvania landfills now receive approximately 5.5 million tons of solid waste per year from out-of-State sources. At this rate, Pennsylvania estimates State landfills have approximately 9.5 years of capacity remaining. These alarming statistics reflect the difficulty Pennsylvania faces in implementing the recycling legislation enacted in the State last year to provide for solid waste planning.

The State legislation mandates recycling by counties and provides State funding for municipalities to achieve their recycling goals. Under the new law, at least 25 percent of all municipal waste in the Commonwealth must be recycled by January 1, 1997. Yet, how can the State of Pennsylvania, and States in similar situations, have confidence in these plans when their goals and guidelines are being undermined by the increasing accumulation of out-of-State garbage?

Mr. President, I am personally familiar with the anxiety that the landfill crisis provokes in local communities. On several occasions I have met with Lackawanna County officials, environmental group representatives, and many area residents in northeastern Pennsylvania to discuss the solid waste issue. During these meetings I have heard firsthand the deep concerns expressed by area residents and their desire for immediate solutions to this solution.

One approach I have put forward is the creation of an interstate compact involving Pennsylvania, New York, and New Jersey to address the tristate area's trash disposal problems. The legislation I introduce today authorizes States to form compacts to address their long-term waste disposal needs.

After circulating a draft compact proposal to local interested parties in 1989, I received an analysis later that year from representatives of a local environmental group, Citizens Alert Regarding the Environment [CARE]. CARE reported that the "compact proposal is fine and every proposal that is made is a step forward," while urging that the concept be expanded to place the responsibility for waste disposal on those States exporting solid waste. Thus, the bill we introduce today not only incorporates the original interstate compact initiative, but also includes a broader approach to better define the States' individual responsibilities in addressing the solid waste disposal problem.

Today, approximately 76 percent of the Nation's garbage is deposited in landfills while 11 percent is recycled and 13 percent is burned in waste-to-energy plants or incinerators. While these source reduction efforts are helpful, we must face the fact that landfills are and will be a necessary part of our future because not all waste can be recycled or burned. The formation of interstate compacts can help States collectively plan for the most efficient mix of source reduction methods and landfills.

One example of the use of compacts, as my colleagues are aware, was the enactment of Low-Level Radioactive Waste Policy Act amendments implemented in 1985 to tackle similar problems associated with the disposal of low-level radioactive waste. The advantage of such an approach is that States ultimately would see it as more economical, and also manageable, for regional groupings of States collectively to devise solid waste disposal programs than for States to follow independent plans. Given the many differences in solid waste generation and available landfills from State to State, I believe this to be the only reasonable approach.

As my colleagues are aware, previous attempts to regulate trash disposal have not been very successful. For example, the Supreme Court in *City of Philadelphia* v. *New Jersey* (437 U.S. 617 (1978)) found that it was unconstitutional for States to adopt statutes that closed their borders to the importation of solid waste. The Court held that trash, although it has no inherent value, constitutes a commodity. Thus, it would be a violation of the commerce clause for States to restrict access to their landfills from out-of-State municipalities. Nevertheless, the theory behind this decision is that States should not enact laws to isolate themselves from national problems, which points to the need for Federal guidelines and procedures for solid waste disposal that are monitored by a Federal agency. In the bill I am introducing today, the Interstate Commerce Commission will be charged with oversight authority to monitor States' compliance with Federal guidelines.

Mr. President, some of my colleagues from States less affected by trash disposal problems may question the need for a Federal solution to what they see as a local problem. The facts, however, clearly reflect the rapidly worsening situation arising from insufficient landfill capacity and its threat to the environment.

The Environmental Protection Agency estimates that there were almost 6,000 municipal solid waste landfills in operation nationwide in 1988. Of those, more than 2,000, or one-third, are scheduled to be closed within 4 years. The U.S. Conference of Mayors also estimated that more than half of our cites will have exhausted their landfill capacity within the next 10 years.

Information obtained from the National Solid Waste Management Association [NSWMA] cities three cases in densely populated Northeastern States which further highlight the problem:

By 1995, according to the New York State Legislative Commission on Solid Waste Management, all landfills currently operating within that State will reach their capacity and close. Since 1982, in fact, the number of facilities has declined from 500 to fewer than 270, while only one iterim site has been opened.

Since 1976, the number of landfills in New Jersey has decreased from more than 300 to fewer than 100, 12 of which provide over 90 percent of the State's remaining capacity. Faced with what the National Solid Waste Management Association terms "an acute shortage of disposal space," 11 counties must send their garbage to out-of-State facilities. Over half the State's refuse is presently exported to other regions.

Officials at the Connecticut Department of Environmental Protection have calculated that most of the State's landfills can operate for only 2 more years. Already, 50 percent of all solid waste in the State is deposited in only nine major facilities.

This impending shortage appears even more problematic given trends in the composition of household refuse—increased use of nonbiodegradable plastics and other artificial materials which take up valuable disposal space. Records indicate that Americans throw away almost 160 million tons of trash each year, or nearly 3.6 pounds per person daily. Some experts predict that this trend will increase to 6 pounds per day by the end of the century.

Mr. President, it would not be productive to point a finger at other States and municipalities with solid waste disposal problems. As I described earlier, Pennsylvania faces acute landfill shortages of its own. The pervasive national dimension of this impending crisis suggests that a passive response which assumes the problem will work itself out on the State level is patently insufficient. Current national capacity is so limited that one State's crisis today will most certainly become its neighbor's tomorrow. One solution is to encourage States to coordinate their solid waste disposal plans, which is the basis of the legislation we propose today.

Accordingly, I urge my colleagues to join in support of this legislation so we can address the serious national problem of solid waste disposal.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Solid Waste Disposal Act Amendments Act of 1989".

SEC. 2. PLANS, CERTIFICATION AND FEES, DELEGATION.

(a) PLANS.—Section 4003(a) of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following new paragraph:

"(7) The plan shall include provisions setting forth—

"(A) the amount of municipal and commercial solid waste and waste residuals, which will be generated in such State for the next 20 years, including the types of waste;

"(B) a clear statement of the degree to which recycling and source reduction will affect such amount so generated;

"(C) the State's existing capacity to manage such amount of waste by treatment or disposal facilities which meet existing environmental standards;

"(D) the methods by which the State plans to have new capacity available by its planning dates; and

"(E) the amount of solid waste the State will accept from other States or send to other States.

(b) CERTIFICATION AND FEES.—Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following new subsection:

"(e) CERTIFICATION AND FEES.—(1)(A) Within 24 months following the date of the enactment of this subsection, each State shall certify to the Administrator that such State, based on its plan, or on agreements made with any State or States, or both, will have adequate capacity to manage all solid waste generated in that State for the next following 20 calendar year period following the date of such certification.

"(B) For the purposes of this paragraph, a State shall be considered to have failed to manage its solid waste in accordance with its plan and certification, if such State, during any calendar year, is required to transport to another State, for disposal or treatment, an amount of its solid waste generated during such calendar year which is in excess of 20 percent of the aggregate amount of solid waste generated within such State within such year.

"(2)(A)(i) Each State that provides the certification required under paragraph (1) of this subsection is authorized to establish, by law, a program for the imposition and collection of fees in connection with the disposal or treatment of solid waste within the State.

"(ii) The fees described in clause (i) may be imposed on solid waste generated within or outside of the State.

"(iii) Each State described in clause (i) of this subparagraph may require the following persons to be subject to the fees described in such clause:

"(I) the owner or operator of a solid waste treatment facility; and

"(II) any person who ships, transports, or causes the shipping or transporting of solid waste for treatment or disposal in interstate commerce or intrastate commerce.

"(iv) Each State that imposes fees described in clause (i) of this subparagraph may, under the program authorized in such subparagraph, establish—

"(I) the amount of any such fee;

"(II) the frequency of collection of any such fee; and

"(III) such conditions as the State require.

"(v) In establishing the amount of any fee described in clause (i) of this subparagraph, each State described in such clause (i) may take into consideration whether the solid waste for disposal was generated within the State or outside of the State.

"(B) Nothing in this paragraph shall be construed so as to authorize a State to impose a feeon the following:

"(i) Solid waste which is brought into the State solely for the primary purpose of recycling, including reclamation prior to such recycling, (except that for the purposes of this paragraph, the physical separation of recyclable material from municipal solid waste shall not constitute recycling or reclamation), or for conversion into a usable fuel or energy source.

"(ii) Any non-hazardous solid waste that is sent to a facility owned or operated by the original generator of the solid waste for the purpose of treatment (including incineration, storage, or disposal).

"(iii) Any non-hazardous solid waste that is sent to facilities authorized or permitted to treat, store, or dispose of hazardous waste under this Act.

"(3) To the extent allowable by law, a State may delegate the authority to assess fees authorized under this subsection to a political subdivision of the State.".

SEC. 3. REPORTING.

(a) IN GENERAL.—(1) Not later than 270 days after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency (hereafter in this section referred to as the "Administrator") shall propose, and after notice and comment, establish by regulation, a program that shall require each person who transports, ships, or causes to be transported or shipped in interstate commerce, any solid waste in excess of 500 pounds to prepare and submit to the Administrator, on an annual basis, a registration statement.

(2) The registration statement described in paragraph (1) shall include—

(A) the name and principal place of business of the person submitting the registration statement;

(B) the location of each activity associated with the handling of such solid waste; and

(C) a complete list of such solid waste transported or shipped in interstate commerce during the calendar year immediately preceding the date of such registration statement.

(b) PUBLIC INFORMATION.—In establishing the program described in subsection (a), the Administrator shall make available to the public the registration statement described in such subsection.

(c) DEFINITIONS.—As used in this section, the term—

(A) "solid waste" shall have the same meaning as that set forth for such term in section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6902(27)), but shall not include—

(i) waste identified or listed as hazardous waste by the Administrator pursuant to section 3001 of the Resource Conservation and Recovery Act (42 U.S.C. 6921);

(ii) contaminated media, including contaminated soil and debris resulting from a response action taken under section 104 or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 and 9607, respectively), or a corrective action taken under the Resource Conservation and Recovery Act (42 U.S.C 1857 et seq.); and

(iii) any hazardous chemical substance or mixture regulated under section 6(e) of the Toxic Substance Control Act (15 U.S.C. 2605(e));

(B) "interstate commerce" shall have the same meaning as that set forth for such term in section 10 of title 18, United States Code; and

(C) "person" shall include any individual, corporation, State, political subdivision of a State, or other legal or governmental entity.

SEC. 4. UNLAWFUL TRANSPORTATION OF WASTE.

(a) IN GENERAL.—It is unlawful for any state generating solid waste to transport or cause to be transported such waste in interstate or foreign commerce (as defined in section 10 of title 18, United States Code), unless such generating State is transporting or causing the transportation of such waste under a written agreement with another State pursuant to which agreement such state agrees to accept the waste for treatment or disposal.

(b) PENALTIES, CIVIL ACTIONS.—(1) The Administrator may issue an order assessing a civil penalty for any violation of subsection (a) in an amount not to exceed $50,000.

(2) The Administrator may commence a civil action for any violation of subsection (a) in any appropriate United States district court for appropriate ruling, including a temporary or permanent injunction.

(c) AGREEMENTS AND COMPACTS.—The consent of the Congress is given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative efforts and mutual assistance for the management of solid waste, and the approval of Congress is hereby given to any such agreement or compact so entered into.

SEC. 5. INTERSTATE COMMERCE COMMISSION JURISDICTION.

The Interstate Commerce Commission, in consultation with the Department of Justice, shall have the responsibility to investigate and review from time to time, interstate operations and agreements involving the transportation, treatment and other disposition of solid waste for the purpose of ensuring lawful operations and agreements.

SEC. 6. SANITARY LANDFILLS.

(a) IN GENERAL.—On and after September 20, 1989, no sanitary landfill shall thereafter be established—

(1) within a 50-year floodplain;

(2) within wetland; or

(3) within 2 miles of a State or national park boundary or a State or national forest boundary, or a State or national wild and scenic river or river study area.

(b) LANDFILLS SITED UNDER RCRA.—Landfills sited under authority of the Solid Waste Disposal Act shall be required—

(1) to have in place methods to detect and prevent leakage, leaching, or contamination of soils and waters beyond its boundaries;

(2) to show financial responsibility capabilities for damages resulting from its operations;

(3) to have appropriate requirements for source separation and recycling prior to disposal; and

(4) to have appropriate requirements for closure and postclosure care of landfills.

By Mr. BINGAMAN:

S. 175. A bill to amend the Resources Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes; to the Committee on Environment and Public Works.

SOLID WASTE COMPACT ACT OF 1991

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would greatly enhance the states' ability to address substantively and responsibly our growing solid waste problem. With the upcoming reauthorization of the Resource Conservation and Recovery Act [RCRA], now is the time to develop a comprehensive plan for handling this increasingly serious problem. I believe my legislation, the Solid Waste Compact Act of 1991, is a crucial step toward providing a solution to the solid waste disposal problem in the nation.

Americans generate over 160 million tons of solid waste each year. This is more than one-half ton per person. There are several alternatives available to communities for managing solid waste. Landfills have become the preferred method in many areas, such as New Mexico, where the costs of landfill disposal are cheaper than other options. However, many areas of the Nation are now experiencing shortfalls of permitted landfill capacity as the amount of waste increases. The Environmental Protection Agency estimates that 80 percent of existing permitted landfills will close within 20 years. The problems associated with the disposal of solid waste are rapidly becoming evident across the country, causing local communities major difficulties.

New Mexico has not escaped this crisis. I have heard from local, county, and State officials on the tremendous challenge facing our State in dealing with the waste dilemma. The declining number of landfills has caused communities in New Mexico and throughout the United States to transport their wastes greater distances for disposal which has increased disposal costs. Siting new landfills is difficult because of the potential environmental risks involved. As siting becomes more difficult and as the volume of waste increases, solid waste disposal, once considered a local problem, has become a national concern.

I hope the development of compacts will assist States such as New Mexico by focusing needed attention on other alternatives for solid waste management, including recycling and incineration. Recycling is one area that clearly deserves increased attention and Federal support. Recycling saves energy and conserves natural resources by reducing the use of raw materials.

My legislation would amend the Resource Conservation and Recovery Act to provide a mechanism for States to enter into whatever compacts that may be necessary to provide for the disposal of solid waste which can be most safely and effectively managed on a regional basis. Each State would be responsible for providing, either by itself or in cooperation with other States, a plan to satisfactorily dispose of all solid waste that is generated within their State. Within 12 months of the enactment of the Solid Waste Compact Act of 1991, each State would submit its plan to the U.S. EPA for approval. Each compact that is developed must be approved by Congress. Compacts must be ratified every five years. Additionally, the Environmental Protection Agency would be required to identify potential alternative management programs for the control of solid waste, and establish and publish technical guidance regarding the implementation of such programs.

With the reauthorization of RCRA, we in Congress have a great opportunity to take a creative approach to answering the serious problems associated with solid waste. This legislation represents an important effort to develop comprehensive strategy for solid waste management. I am pleased that Congressman KANJORSKI has introduced similar legislation in the House. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as the "Solid Waste Compact Act of 1991".

SEC. 102. AMENDMENT TO THE RESOURCE CONSERVATION AND RECOVERY ACT.

(a) The Resource Conservation and Recovery Act (42 U.S.C. 6903) is amended by inserting at the end of Section 6903 the following:

"(40) COMPACT.—The term 'compact' means a compact entered into by two or more States pursuant to this act.

"(41) COMPACT COMMISSION.—The term 'compact commission' means the regional commission, committee, or board established in a compact to administer such compact.

"(42) COMPACT REGION.—The term 'compact region' means the area consisting of all States that are members of the compact.

"(43) SOLID WASTE DISPOSAL.—The term 'solid waste disposal' means the recycling, incinerating, depositing into landfills, or burning of solid waste pursuant to the requirements established by the Environmental Protection Agency, or any State environmental agency in which a compact is physically located.

"(44) NONSITED COMPACT REGION.—The term 'nonsited compact region' means any compact region that is not a sited compact region.

"(45) REGIONAL DISPOSAL FACILITY.—The term 'regional disposal facility' means a non-Federal municipal or solid waste disposal facility in operation January 1, 1991, or subsequently established and operated under a compact.

"(46) SOLID WASTE.—The term 'solid waste' pertains to any nonhazardous waste generated by a municipality, industry, or community.

"(47) STATE.—The term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(b) The Resource Conservation and Recovery Act (42 U.S.C. 6904) is amended by striking subsections (a) and (b) and inserting in lieu thereof the following:

"(a) STATE RESPONSIBILITIES.—Each State shall be responsible for providing, either by itself or in cooperation with other States, a plan to adequately dispose of all solid waste that is generated within their State. Within twelve months of the enactment of the Solid Waste Compact Act of 1989 each State shall submit their plan to the United States Environmental Protection Agency for approval.

"(b) REGIONAL COMPACTS FOR SOLID WASTE DISPOSAL.—

(1) IN GENERAL.—

"(A) FEDERAL POLICY.—It is the policy of the Federal Government that the responsibilities of the States under section (a) for the disposal of solid waste can be most safely and effectively managed on a regional basis.

"(b) INTERSTATE COMPACTS.—To carry out the policy set forth in paragraph (A) the States may enter into such compacts as may be necessary to provide for the establishment and operation of regional disposal facilities for solid waste.

"(2) APPLICABILITY TO FEDERAL ACTIVITIES.—

"(A) EFFECT OF COMPACTS ON FEDERAL LAW.—Nothing contained in this Act or any compact may be construed to confer any new authority on any compact commission or State—

"(i) to regulate the packaging, generation, treatment, storage, disposal, or transportation of solid waste in a manner incompatible with the regulations of the Environmental Protection Agency or inconsistent with the Department of Transportation;

"(ii) to regulate health, safety, or environmental hazards from source or byproduct material.

"(B) FEDERAL AUTHORITY.—Except as expressly provided in this Act, nothing contained in this Act or any compact may be construed to limit the applicability of any Federal law or to diminish or to otherwise impair the jurisdiction of any action taken pursuant to any compact.

"(C) STATE AUTHORITY PRESERVED.—Except as expressly provided in this Act, nothing contained in this Act expands, diminishes, or otherwise affects State law.

"(3) RESTRICTED USE OF REGIONAL SOLID WASTE DISPOSAL FACILITIES.—Any authority in a compact to restrict the use of regional solid waste disposal facilities under the compact to the disposal of solid waste generated within the compact region shall not take effect before each of the following occurs:

"(A) January 1, 1992; and

"(B) the Congress by law consents to the compact.

"(4) CONGRESSIONAL REVIEW.—Each compact shall provide that every five years after the compact has taken effect the Congress may by law withdraw its consent.

"(c) ALTERNATIVE SOLID WASTE DISPOAL METHODS.—

"(1) Not later than twelve months after the date of enactment of the Solid Waste Compact Act of 1991, the Environmental Protection Agency shall, in consultation with the States and other interested persons, identify potential alternative management programs for the control of solid waste, and establish and publish technical guidance regarding the implementation of such programs.

"(2) Not later than twenty-four months after the date of the enactment of the Solid Waste Compact Act of 1991, the Environmental Protection Agency shall, in consultation with the States and other interested persons, identify and publish all relevant technical information regarding the technologies pursuant to subsection (1) that a State or compact must provide to the Agency in order to pursue such programs, together with the requirements that such facilities must meet, in the judgment of the Agency, if pursued as an alternative to traditional solid waste management.".•

By Mr. INOUYE:

S. 176. A bill to amend title 38, United States Code, to provide for the payment of incentive special pay to Department of Veterans Affairs psychologists who obtain certain board certification in a professional specialty; to the Committee on Veterans' Affairs.

INCENTIVE SPECIAL PAY FOR VETERANS AFFAIRS DEPARTMENT PSYCHOLOGISTS

• Mr. INOUYE. Mr. President, I am introducing legislation today to make mandatory the incentive pay bonus to the Department of Veterans Affairs psychologists, who obtain their board certification.

Mr. President, in 1984, the veterans health care amendments required that the Veterans' Administration implement an incentive pay bonus for VA physicians who obtained their certification. My legislation would essentially treat psychologists in the same manner as their physician colleagues.

Mr. President, given the aging nature of the Veterans' Administration beneficiary population, I sincerely hope that we will be able to ensure them with the highest quality behavioral science expertise.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCENTIVE SPECIAL PAY FOR DEPARTMENT OF VETERANS AFFAIRS PSYCHOLOGISTS.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by inserting after section 4118 the following new section:

"§4118A. Incentive special pay for psychologists

"(a) The Secretary shall pay incentive special pay to any psychologist appointed under this chapter who—

"(1) executes an agreement with the Secretary to complete a specified period of service in the Veterans Health Services and Research Administration; and

"(2)(A) is awarded a diploma as a Diplomate in Clinical Psychology or as a Diplomate in Counseling Psychology by the American Board of Professional Psychology; or

"(B) obtains an additional advanced academic degree, such as a masters degree in public health, with the Secretary determines is in the best interest of the Department of Veterans Affairs.

"(b)(1) The amount of incentive special pay which the Secretary pays to any psychologist under this section may not exceed—

"(A) $2,500 per annum in the case of any full-time psychologist; and

"(B) a proportional amount of $1,500 per annum in the case of any part-time psychologist, as provided under paragraph (2) of this subsection.

"(2) The proportional amount of the incentive special pay payable under paragraph (1)(B) of this subsection shall be calculated on the basis of the ratio which the part-time employment of such psychologist in the Veterans Health Services and Research Administration bears to full-time employment.

"(c)(1) Any agreement entered into by a psychologist under subsection (a)(1) of this section shall specify a period of one year of service in the Veterans Health Services and Research Administration or such longer period of service, not exceeding four years, as the psychologist requests. Any psychologist who has entered into an agreement under this section and has not failed to refund any amount which such psychologist became obligated to refund under any such agreement shall be eligible to enter into a subsequent agreement under this section.

"(2)(A) Any agreement entered into by a psychologist under subsection (a)(1) of this section shall provide that the psychologist, in the event that such psychologist voluntarily, or because of misconduct, fails to complete at least one year of service, or such longer period of service as is provided for in the first sentence of paragraph (1) of this subsection, pursuant to such agreement, shall be required to refund the total amount received under this section, unless the Chief Medical Director determines, in accordance with regulations prescribed under subsection (f) of this section, that such failure is necessitated by circumstances beyond the control of the psychologist.

"(B) Any such agreement shall specify the terms under which the Department of Veterans Affairs and the psychologist may elect to terminate such agreement.

"(3) Any psychologist who enters into an agreement under this section is eligible to receive incentive special pay beginning on the date on which the agreement is entered into, or the date on which the psychologist becomes employed, whichever date is later.

"(d) Any amount of incentive special pay payable under this section shall be paid in biweekly installments.

"(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, any additional compensation provided as incentive special pay under this section shall not be considered as basic pay for the purposes of sections 5551, 5552, and 5595 of title 5, chapters 81, 83, and 84 of such title, or any other provision of law creating an entitlement to benefits based on basic pay.

"(2) Additional compensation paid as incentive special pay under this section to any full-time employee shall be included in basic pay for the purposes of chapters 83 and 84 of title 5. Notwithstanding the preceding sentence, special pay paid to any full-time employee shall be included in average pay (as defined in section 8331(4) or 8401(3), as the case may be, of such title) for the purposes of computing the amount of any benefit under either such chapter only if—

"(A) the benefit is paid under section 8337 of such title, subsection (d) or (e) of section 8341 of such title, subchapter V of chapter 84 of such title, or section 8442(b), 8443(a), or 8445 of such title; or

"(B) the employee has completed not less than 15 years of full-time service in the Veterans Health Services and Research Administration (except that, regardless of the length of such employee's service, no incentive special pay may be included by reason of this clause in average pay in computing an annuity that commences (or any lump-sum payment that is payable) before October 1, 1991 and only one-half of any incentive special pay paid under this section may be included by reason of this clause in average pay in computing an annuity that commences (or any lump-sum payment that is payable) on or after October 1, 1991 but before October 1, 1996).

"(3) Any additional compensation provided as incentive special pay under this section shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"(f) The Secretary shall prescribe regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 4118 the following:

"4118A. Incentive special pay for psychologists.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on October 1, 1991.●

By Mr. INOUYE:

S. 177. A bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes; to the Committee on Armed Services.

AMENDMENT TO THE CHAMPUS PROGRAM

● Mr. INOUYE. Mr. President, today, I am introducing legislation to amend title 10 of the United States Code in order to have the Department of Defense CHAMPUS Program serve as a second payer to Medicare for those services which CHAMPUS beneficiaries require and are not covered by the Medicare Act.

Mr. President, I feel that it is very important for our Nation that we continue our firm commitment to those individuals and their families who have served in the Armed Forces and made us the great Nation that we are today. As this population becomes older, they are unfortunately finding that they need a wide range of health services, some of which are simply not available under Medicare. The bill that I am recommending today, would ensure the highest possible quality care for these dedicated citizens and their families.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE CHAMPUS PROGRAM.

(a) REPEAL OF PROHIBITION ON CERTAIN PAYMENTS.—Section 1086(c) of title 10, United States Code, is amended by striking out the sentence following paragraph (3).

(b) AUTHORIZATION FOR PAYMENT TO EXTEND BENEFITS NOT PAYABLE UNDER ANOTHER PROGRAM.—Section 1086(d) of such title is amended to read as follows:

"(d)(1) The provisions of section 1079(j) of this title shall apply to a plan covered by this section, except that a benefit may be paid under such plan for items and services for which payment is made under title XVIII of the Social Security Act.

"(2)(A) The amount payable under a plan covered by this section for items or services for which payment is made under title XVIII of the Social Security Act shall be reduced by the sum of—

"(i) the amount of the payment made for such items or services under such title XVIII; and

"(ii) the amount of payments, if any, made in connection with such items and services under subsection (b).

"(B) A plan covered by this section shall not be considered a group health plan for the purposes of paragraph (2) or (3) of section 1862(b) of the Social Security Act.

"(C) A person claiming a benefit under a plan covered by this section by reason of the application of this subsection shall certify the cost charged for the items or services to which the claim relates and the amounts referred to in subparagraph (A)(i) that relate to such items or services. A certification made under this subparagraph may be accepted for the purposes of determining the benefit payable under this section.".

SEC. 2. CONFORMING AMENDMENT.

Section 613(d) of title 38, United States Code, is amended by striking out "the second sentence of section 1086(c) of title 10 or".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to health care items or services provided on and after the date of enactment of this Act.●

By Mr. INOUYE:

S. 178. A bill to amend title 10, United States Code, to authorize the appointment of health care professionals to the positions of the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force; to the Committee on Armed Services.

APPOINTING HEALTH CARE PROFESSIONALS TO VARIOUS DEFENSE DEPARTMENT POSITIONS

● Mr. INOUYE. Mr. President, I am introducing legislation today that would authorize the appointment for health care professionals to various policymaking positions within the Department of Defense. My legislation would allow qualified individuals from a range of health professions such as medicine, dentistry, osteopathy, nursing, and psychology to fill the Army, Navy, and Air Force Surgeon General positions.

I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURGEON GENERAL OF THE ARMY.

Section 3036 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the third sentence the following: "and shall be appointed as prescribed in subsection (f)"; and

(2) by adding at the end the following new subsection (f):

"(f) The President shall appoint the Surgeon General from among commissioned officers in any corps of the Army Medical Department who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists.".

SEC. 2. SURGEON GENERAL OF THE NAVY.

Section 5137 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking out "in the Medical Corps" and inserting in lieu thereof "who are educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists"; and

(2) in subsection (b), by striking out "in the Medical Corps" and inserting in lieu thereof "who is qualified to be the Chief of the Bureau of Medicine and Surgery".

SEC. 3. SURGEON GENERAL OF THE AIR FORCE.

The first sentence of section 8036 of title 10, United States Code, is amended by striking out "designated as medical officers under section 8067(a) of this title" and inserting in lieu thereof "educationally and professionally qualified to furnish health care to other persons, including doctors of medicine, dentistry, and osteopathy, nurses, and clinical psychologists".•

By Mr. INOUYE:

S. 179. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

INCREASE CERTAIN ROLES OF THE SECRETARY OF TRANSPORTATION

• Mr. INOUYE. Mr. President, the legislation I am introducing today would centralize authority in the Secretary of Transportation for administering our cargo preference laws. The background of these laws, the need for them, and the problems which, in my view, necessitate the legislation are succinctly stated in a Journal of Commerce article dated November 18, 1988. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CARGO PREFERENCE

What it is.—A series of statutes, going back to 1904, intended to assure U.S.-flag ships a minimum share of cargoes produced by U.S. government programs. It is the oldest U.S. maritime promotional program and while subsidies and financing aids have shrunk over the years, preference has survived.

Background.—The preference laws began by tracking this country's extension of its military and naval power, starting with the Spanish-American War. More recently, they have come to reflect the expansion of government programs extending U.S. economic power and interest abroad.

The Military Transportation Act of 1904 was the first of the preference statutes and its requirement for U.S.-flag vessel use, 100 percent, is the highest.

In 1934 Congress adopted Public Resolution 17 to require that half of the exports financed by the Reconstruction Finance Corp. were to move in U.S.-flag vessels. Later that resolution was made to apply to financing of the Export-Import Bank established originally to facilitate trade with the Soviet Union.

In the early postwar period, Congress acted each year to apply the resolution's 50 percent U.S.-flag share to foreign aid shipments. It permanently inserted the requirement into the 1954 Agricultural Trade Development and Assistance Act, better known as "Food for Peace" and Public Law 480.

Public Law 664 in 1961 made clear that preference should benefit and protect all U.S.-flag vessels, not just liners, and that all U.S. programs, including those where nonmilitary agencies procured equipment, materials or commodities for themselves or foreign governments, had to use U.S. flags to the extent of 50 percent.

Importance to carriers.—In the last year for which statistics are available, calendar 1986, U.S.-flag carriers hauled more than 33 million metric tons of preference cargo, somewhat more than the 28.5 million tons of commercial shipments carried that year. As an industry, the revenue amounted to about $502 million.

Necessity for preference.—Preference statutes are formally predicated on the need for assured cargoes to encourage the existence of a U.S.-flag merchant fleet to act as a military auxiliary in times of national emergencies.

Past efforts to apply preference to commercial cargoes have failed, reflecting U.S. governmental sensitivity to objections by this country's trading partners as well as stern opposition from U.S. exporters, importers and agricultural interests. The availability of preference cargoes has unquestionably kept some U.S. carriers in business but critics argue that preference has encouraged keeping obsolete vessels in operation long after they should have been scrapped.

Extent of program.—The Defense Department, the Agriculture Department and the Agency for International Development are the agencies most heavily involved in utilizing shipping and observing cargo preference. But there are at least 10 others with the same cargo preference responsibilities although smaller volumes. The Export-Import Bank in 1987 reported an unusually high, 98 percent rate of U.S.-flag vessel use. It brought participating carriers some $14.5 million in revenue.

Problems.—The Maritime Administration is responsible for monitoring other government agencies to try to make sure they live up to preference requirements. In fiscal year 1987, those agencies met the cargo share minimums for the most part. Among the exceptions were cases in which the cargo origins and destinations were such that U.S.-flag vessels were simply not available.

Despite administrative pledges to honor cargo preference requirements, the Navy and the Agriculture Department have had a number of preference fights with the maritime industry.

One produced an agreement by which the carriers agreed to forgo preference claims on new Agriculture Department-supported export program with commercial-like terms in return for increasing to 75 percent their share of "giveaway" relief food shipments.

In another such dispute, the Navy and the U.S. State Department were forced to negotiate a cargosharing agreement with Iceland for military shipments there. Iceland threatened the future of U.S. bases in that country if the United States didn't agree to a departure from 100 percent U.S.-flag carriage of defense shipments.

There have been other, largely budget-driven attempts to bypass preference, but carriers and their supporters in Congress generally have managed to forestall them.

Comment.—Budgetary austerity and the Defense Department's strict insistence of competitive procurement have combined to make for increasing carrier dissatisfaction, especially with the Navy's Military Sealift Command.

Efforts already are under way to change the competitive procurement system the command uses. Carriers hope generally, to end the pressures they believe force rates downward to depressed levels.

The presidentially appointed Commission on Merchant Marine and Defense has recommended that all U.S.-flag preference requirements programs be raised to 100 percent but the tight budget and such interests as farmers and traders will work against such a step. Agricultural interests have tried unsuccessfully to have existing preference removed from government programs in the belief that they inhibit U.S. farm exports.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)), is amended to read as follows:

"(2) The Secretary of Transportation shall have the sole responsibility for determining and designating those programs which are subject to the requirements of this subsection. Every department or agency having responsiblity for the programs so designated by the Secretary of Transportation shall administer such programs with respect to this subsection under regulations issued by the Secretary of Transportation. The Secretary of Transportation shall review such administration and shall annually report to the Congress with respect thereto.".•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 180. A bill to amend title XVIII of the Social Security Act to provide coverage for services of registered nurses as assistants at surgery; to the Committee on Finance.

PROVIDING COVERAGE FOR SERVICES OF REGISTERED NURSES AS ASSISTANTS AT SURGERY

• Mr. INOUYE. Mr. President, the bill that I am introducing would provide for the reimbursement of registered nurses [RN's] serving as assistants at surgery in a hospital. This would correct the current disparity between RN's and physician assistants [PA's], who also serve as assistants at surgery.

The Sixth Omnibus Budget Reconciliation Act, Public Law 99-509, provided direct Medicare reimbursement to the employer of a PA who serves as an assistant at surgery in a hospital under physician supervision. The payment is set at a rate not to exceed 65 percent of what a physician serving as an assistant at surgery would have received. The PA reimbursement provision provides hospital and physician employers with the option to bill Medicare part B directly for the services of a PA who serves as an assistant at surgery. If a hospital or physician chooses to bill Medicare part B for PA services, then a reduction in the surgical payment by an equivalent amount would occur. However, if hospitals and physicians want to avoid the administrative burden of billing for the PA services under Medicare part B, they can simply choose not to do so.

Unfortunately, the PA reimbursement provision has subsequently created a financial incentive for hospitals and physicians to utilize the services of PA's, rather than operating room nurses, as assistants at surgery. This economic bias toward the utilization of PAs has jeopardized the employment of RN's as assistants at surgery. It is this bias that must be corrected.

There are numerous examples where nurses were denied employment as assistants at surgery because there is no Medicare payment for their services. Unless a provision similar to the PA reimbursement provision is enacted for RN's who serve as assistants at surgery, RN's will remain at a competitive disadvantage.

This is not a substantial change in Federal reimbursement policy, but it is an important step for achieving a fair and equitable payment system for registered nurses.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) SERVICES COVERED.—Section 1861(s)(2)(K)(i) of the Social Security Act (42 U.S.C. 1395x(s)(2)(K)(i)) is amended—

(1) by striking "and" at the end of clause (iii);

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following new clause:

"(iv) services which would be physicians' services if furnished by a physician (as defined in subsection (r)(1)) and which are performed by a registered nurse under the supervision of a physician (as so defined) in a hospital, skilled nursing facility, or nursing facility (as defined in section 1919(a)), and which the registered nurse is legally authorized to perform by the State in which the services are performed, and".

(b) PAYMENT AMOUNT.—Section 1842(b)(12)(A) of such Act (42 U.S.C. 1395u(b)(12)(A)) is amended by striking "and nurse practitioners" and inserting ", nurse practitioners and registered nurses".

(c) PAYMENT OF EMPLOYER.—Section 1842(b)(6)(C) of such Act (42 U.S.C. 1395u(b)(6)(C)) is amended by striking "or registered nurse" and inserting ", nurse practitioner or registered nurse".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after date of enactment.

(e) BUDGET NEUTRALITY.—The Secretary shall issue such rules and regulations which will ensure that this provision is implemented in a budget neutral manner.•

By Mr. INOUYE:

S. 181. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Armed Services.

DETERMINATIONS BY THE SECRETARY OF THE ARMY

• Mr. INOUYE. Mr. President, I am introducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Mr. President, our Filipino veterans fought side by side and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans' benefits that, I believe, they are entitled to. As this population becomes older, it is important for our Nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great Nation today.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) available to the Secretary, including information and evidence submited by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary shall issue a certificate of service to each person determined by the Secretary to have performed service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period prior to the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary shall issue regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE ADMINISTRATOR OF VETERANS' AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Veterans' Administration pursuant to regulations issued by the Administrator of Veterans' Affairs.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946; and

(2) the term "Secretary" means the Secretary of the Army.•

By Mr. INOUYE:

S. 182. A bill to amend title 10, United States Code, to provide for jurisdiction, apprehension, and detention of members of the Armed Forces and certain civilians accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

• Mr. INOUYE. Mr. President, the purpose of this bill is to fill certain jurisdictional voids involving offenses committed by U.S. nationals abroad. The Supreme Court has held that, at least in peacetime, civilians may not be tried by courts martial for offenses against military law that they may have committed abroad when they were members of the U.S. Armed Forces or when they were serving with, employed by, or accompanying the Armed Forces. Further, under existing statutes, acts committed by U.S. nationals abroad generally do not constitute offenses against any U.S. law even though they would constitute such offenses if they had been committed in this country. Thus, civilian nationals of the United States are generally not accountable to U.S. courts for their conduct abroad.

This bill would remedy this situation for conduct abroad by civilians who, at the time of the acts in question, were members of the Armed Forces or were serving with, employed by, or accompanying the Armed Forces. The bill would generally provide that such conduct would be subject to the same civilian criminal proscriptions that apply in areas under Federal jurisdiction.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Subtitle A of title 10 of the United States Code is amended by inserting after chapter 49 the following new chapter:

“CHAPTER 50—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

“Sec.

“991. Definitions.

“992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States.

“993. Delivery to authorities of foreign countries.

“§991. Definitions

“In this chapter:

“(1) The term ‘United States’ includes the special maritime and territorial jurisdiction of the United States.

“(2) The term ‘special maritime and territorial jurisdiction of the United States’ has the same meaning as is provided in section 7 of title 18.

“(3) The term ‘criminal offense’ means an offense classified in section 1 of title 18 as a felony or a misdemeanor (not including a petty offense).

“§992. Criminal offenses committed by a member of the armed forces or by any person serving with, employed by, or accompanying the armed forces outside of the United States

“(a) Except as otherwise provided in this section, any person who, while serving as a member of the armed forces outside the United States, or while serving with, employed by, or accompanying the armed forces outside the United States, engages in conduct which would constitute a criminal offense if the conduct were engaged in within the special maritime and territorial jurisdiction of the United States shall be quilty of a like offense against the United States and shall be subject to the same punishment as is provided under the provisions of title 18 for such like offense.

“(b) A member of the armed forces may not be tried pursuant to an indictment or information charging an offense described under subsection (a) while such member is subject to trial by court-marital for the conduct charged in such indictment or information.

“(c) A person employed by the armed forces outside the United States is not punishable under subsection (a) of this section for conduct described in such subsection if such person is not a national of the United States and was appointed to his position of employment in the country in which such person engaged in such conduct.

“(d)(1) Except in the case of a prosecution approved as provided in paragraph (2), prosecution of a person may not be commenced under this section for an offense described in subsection (a) if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted such person for the conduct constituting such offense.

“(2) The Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or an Assistant Attorney General of the United States may approve a prosecution which, except for this paragraph, is prohibited under paragraph (1). An approval of prosecution under this paragraph must be in writing. The authority to approve a prosecution under this paragraph may not be delegated below the level of Assistant Attorney General.

“(e)(1) The Secretary of Defense may designate and authorize any member of the armed forces serving in a law enforcement position in a criminal investigative agency of the Department of Defense to apprehend and detain, outside the United States; any person described in subsection (a) who is reasonably believed to have engaged in conduct which constitutes a criminal offense under such subsection.

“(2) A person apprehended and detained under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless (A) such person is delivered to authorites of a foreign country under section 993 of this title, or (B) such person is pending court-martial under chapter 47 of this title for such conduct.

“§993. Delivery to authorities of foreign countries

“(a) Any member of the armed forces designated and authorized under subsection (e) of section 992 of this title may deliver any person described in subsection (a) of such section to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in such subsection (a) if—

“(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

“(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

“(b) The Secretary of Defense may confine or otherwise restrain a person whose delivery is requested under subsection (a) until the completion of the trial of such person by the foreign country making such request.

“(c) The Secretary of Defense shall determine what officials of a foreign country constitute appropriate authorities for the purposes of this section.”.

(b) TECHNICAL AMENDMENT.—The tables of chapters at the beginning of such title and such subtitle are each amended by inserting after the item relating to chapter 49 the following:

“50. Criminal Offenses Outside the United States .... 991”.●

By Mr. HELMS:

S. 183. A bill to amend title 18, United States Code, to establish fair competition between the private sector and the Federal Prison Industries; to the Committee on the Judiciary.

FEDERAL PRISON INDUSTRIES REFORM ACT

Mr. HELMS. Mr. President, I am once again offering legislation to reform the Federal prison industries, also known as UNICOR, by amending the statute which presently allows prisons to borrow money from the U.S. Treasury and receive a preference when selling prison-made products to the Federal Government.

Mr. President, Federal prison industries is, in fact, a very large corporation. It is engaged in the business of making chairs, tables, desks, and other office products. It uses Federal prisoners to manufacture these items. It borrows money from the Government to finance its activities then sells the products to the Federal Government.

John Sloan, the president of the National Federation of Independent Business, points out in a statement on this subject, that what had originally started out as a teaching program for prisoners has now become a corporate giant.

Mr. President, what Congress has created is a government operated company which has a clear competitive edge over private companies. As Mr. Sloan observes, because of the preference given to it by the Congress, prison industries can even keep the Government from giving contracts to private manufacturers.

If that weren't enough Mr. President, prison products need not even meet the same quality standards which are required of the private sector. This is a multimillion dollar industry making furniture that the Government must buy without adherence to the high quality expected of products purchased from the private producers.

Mr. President, we must get rid of the preference which prison industries receives in securing Government contracts. In other words, Federal prison industries get a special Government benefit at the expense of a lot of hard working people across the country. That does not make sense.

When borrowing authority is extended, small businesses across the country could be destroyed. Prisons hold a clear advantage over any business they care to compete with because they receive preference on all Government contracts they choose to bid on. That is to say prisons are given a right of first refusal.

Mr. President, as I said earlier this is not a small corporation. In 1989, UNICOR sales represented 23 percent of Federal office furniture purchases. In the same year total sales of prison furniture to the Government went up 14 percent while private sector sales to the Government increased only 0.7 percent.

In fiscal year 1989, metal and wood product sales of prison industries were $136.5 million. This would make prison industries as the 16th largest U.S. furniture manufacturer in terms of sales.

In addition to the competition from UNICOR, the furniture industry also faces competition from prison systems at the State level, as well as billions of dollars entering our Nation from abroad.

Mr. President we are talking about an industry which claims a net worth over $250 million. Despite that the Bureau of Prisons continues to add factories to its already enormous industrial plant. How many corporations can boast of a capacity like that?

Nobody is opposed to prisoner training. Certainly, Mr. President, I am not, but this corporation goes far beyond the intent of the original training program. For example, one-quarter of the furniture in this country is manufactured in North Carolina. Prison industries is out there competing with North Carolina furniture and textile companies which are already under assault from foreign competition. Think about it: Men and women in North Carolina, and Michigan, and South Carolina, are being put out of work by an agency of their Federal Government—the Federal Bureau of Prisons. We must not allow this to continue.

This legislation institutes four simple reforms designed to bring some fairness to our domestic industries:

It sunsets the borrowing authority in 3 years which will allow us to study the effect this measure has had on business competing with prison industries.

It does away with the prison industries contract preference so that all of our businesses may compete for Federal contracts on an equal footing.

It requires prison industries to comply with GSA standards. The public should know that its tax dollars buy only the best products.

It requires the President to appoint a representative of the effected industries, the people who speak for the furniture and textile companies, to sit on the board of directors. We need to make sure that prison industries do not undercut the private sector.

Mr. President, I cannot emphasize how important these reforms are. This legislation has received the support of the U.S. Chamber of Commerce, the American Furniture Manufacturers Association and the National Federation of Independent Business. They understand the illogic of having the Federal Prison System get special treatment in the marketplace. We cannot continue to penalize the hard working, law abiding people of our country. I urge Senators to support this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Federal Prison Industries Reform Act".

SEC. 2. FEDERAL PROCUREMENT STANDARDS.

Section 4124 of title 18, United States Code, is amended—

(1) by striking "shall" and inserting "may" in the first sentence; and

(2) by inserting after the first sentence the following: "In no event shall such a purchase involve a product which does not otherwise meet the same or equivalent quality standards which would be applied by the General Services Administrator to a comparable product if purchased from a private sector source or vendor.".

SEC. 3. BOARD OF DIRECTORS COMPOSITION.

Section 4121 of title 18, United States Code, is amended by inserting at the end thereof the following:

"Not later than 120 days after the date of enactment of this sentence, the President shall appoint one additional member of the Board of Directors of Federal Prison Industries from a list of not more than 5 persons provided by the following organizations: the Chamber of Commerce of the United States, the National Federation of Independent Business, the American Furniture Manufactures Association, the Printing Industries of America, and the National Association of Wholesale Distributors.".

SEC. 4. EXPIRATION OF BORROWING AUTHORITY.

Section 4129 of title 18, United States Code, is amended in the second sentence by striking "authorized" and inserting "authorized, for 3 years after the date of enactment of this amendment,".

SMALL BUSINESS ANGLE

(By John Sloan)

MINORITY RULES, SMALL FIRMS SUFFER

Last month, in cleaning out tie closets, lawmakers swept some dirt onto the drug bill, increasing unfair government competition against private-sector companies.

Big, popular bills have always been targets for pet provisions, but this action is particularly maddening because the House defeated a similar measure, considered on its own merits, just a month earlier—by nearly 100 votes!

Undeterred by that margin, supporters inserted the same language into the drug bill, the final piece of legislation hustled through the 100th Congress. The measure allows Federal Prison Industries Inc., known as UNICOR, to borrow money from the federal treasury to expand. UNICOR uses federal prisoners to manufacture chairs, desks, parachutes, paint brushes. Then, it sells the goods to federal, state and local governments.

The original intent of the corporation was to teach prisoners marketable skills, but with $250 million in sales in 1986, members of the House realized that UNICOR had changed from teacher to business executive.

The amendment that allows UNICOR to bank with the federal treasury, tightens the grip that this government-supported company has over federal procurement. Prison Industries' built-in advantages, such as the use of government buildings and cheap labor, give it a hefty competitive edge. The bidding process further stacks the deck.

UNICOR has the first shot at federal contracts. Its bids do not have to be the lowest, and it is exempt from the government standards that private firms must follow. The clincher, Prison Industries even can keep the government from offering contracts to private companies!

Continuing budget resolutions, the usual magnet for these dust balls, didn't surface this year, because Congress passed separate appropriations bills. Omnibus bills like the drug bill are the next best thing to a continuing resolution. Safety tucked away in a bill better measured in pounds than pages, no one discovers the mischief until it becomes law.

The National Federation of Independent Business, the nation's largest advocacy organization for small business, opposes this expansion of unfair government competition, which favors government-run industries over taxpaying small businesses.

Legislators let their guard down and let down their small-business constituents. But it is difficult for even the most vigilant legislator to review these gigantic bills before a vote.

The 100th Congress proved that it could kick the continuing resolution habit. Let us hope the 101st Congress pares omnibus bills to manageable pieces and cleans them up in the process.

Let us also hope that undoing the damage of UNICOR will be high on the priority list for the next Congress.

(John Sloan is President of the National Federation of Independent Business, representing more than half a million small-business men and women.)

By Mr. HELMS:

S. 184. A bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes; to the Committee on the Judiciary.

CIVIL RIGHTS OF INFANTS ACT

Mr. HELMS. Mr. President, in 1989 our distinguished former colleague from New Hampshire (Mr. HUMPHREY) brought to the attention of the Senate a new and particularly offensive form of discrimination in America.

A page from the December 25, 1988, edition of the New York Times details what Senator HUMPHREY was talking about. The title of the article was, "Fetal Sex Test Used as Step to Abortion."

> In a major change in medical attitudes and practices, many doctors are providing prenatal diagnoses to pregnant women who want to abort a fetus on the basis of sex alone. * * *
>
> Geneticists say that the reasons for this change in attitude are an increased availability of diagnostic technologies, a growing disinclination of doctors to be paternalistic, deciding for patients what is best, and an increasing tendency for patients to ask for the tests. Many geneticists and ethicists say they are disturbed by the trend.

Prof. George Annas of the Boston University School of Medicine is quoted in the article with this profound statement:

> I think the profession should set limits and I think most people would be outraged and properly so at the notion that you would have an abortion because you don't want a boy or you don't want a girl. If you are worried about a woman's right to an abortion, the easiest way to lose it is to not set any limits on this technology.

Mr. President, the focus of this legislation addresses Professor Annas' argument—set a limit on discriminatory abortion. Sex-selection abortion is as cruel and inhuman a practice as can be imagined. Every year in this Chamber the cries go out for equal rights for one group or another, no matter how offensive. What about equal rights for these children who are killed solely for being a gender which the parents don't happen to prefer.

Then, Mr. President, let us ponder an article published in USA Today on February 2, 1989:

> In a break with past medical attitudes more geneticists are open to identifying gender for parents early—so they can decide whether to abort.
>
> The change has ethicists debating where a parent's right to information ends and the rights of the unborn begin.
>
> A recent national survey of 212 medical geneticists found 20 percent approved of performing prenatal testing for sex selection; in a 1973 survey, only 1 percent approved.
>
> "Probably 99 percent of nonmedical requests for prenatal diagnosis are made because people want a boy," says Dr. Mark Evans, an obstetrician and geneticist at Wayne State University, Detroit. Some experts are concerned about the social impact.
>
> Evans turns down nonmedical sex selection requests. "Being female," he says, "is not a disease."

Mr. President, it is astonishing that the radical feminist movement in this country has not lifted one finger to halt the wanton destruction of female infants. We can't follow the path of India where it was disclosed that a survey in Bombay showed that of 8,000 abortions, 7,999 were female. You see, in India it is considered a liability to have female children.

The point is clear: The umbrella of equal rights must be expanded to cover the unborn. There is no moral justification for a sex-selection abortion.

This legislation amends title 42 of the United States Code, the law which governs civil rights. Anyone who administers an abortion for the sake of choosing the sex of the infant will be subject to the same laws which protect any other citizen who is the victim of discrimination.

I urge my colleagues to speak out for the unborn.

I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights of Infants Act".

SEC. 2. DEPRIVING PERSONS OF THE EQUAL PROTECTION OF LAWS BEFORE BIRTH.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) by inserting "(a)" before "Every person"; and

(2) by adding at the end thereof the following new subsection:

"(b) For purposes of subsection (a), and for purposes of other provisions of law, it shall be a deprivation of a 'right' secured by the laws of the United States for an individual to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely because of the gender of the fetus. No pregnant woman who seeks to obtain an abortion solely on the basis of the gender of the fetus shall be liable in any manner under this section.".

By Mr. HELMS:

S. 185. A bill to control the spread of AIDS, and for other purposes; to the Committee on Labor and Human Resources.

AIDS CONTROL ACT

Mr. HELMS. Mr. President, I am today introducing the AIDS Control Act of 1991 a comprehensive bill designed to treat AIDS as the public health issue it is rather than the civil rights issue that some want it to be. I have no doubt that if we take this vital step, the spread of this lethal disease can be substantially reduced, if not curbed entirely.

Mr. President, the AIDS Control Act of 1991 is similar, but not identical to, a bill I introduced on January 25, 1989.

Let me first address the distorted priorities which guided AIDS legislation in the 101st Congress. The Labor/HHS appropriations bill alone contained over $2 billion in AIDS research, education, and treatment programs. In fact, AIDS spending is so far out of control that it is now the only disease which had its own chapter in the committee report. The report states that the number of AIDS cases in America rose 9 percent over last year, yet the AIDS budget has grown 37 percent in 1 year.

In 1989, 731,000 people died of heart disease, and $219 million was spent on research. That same year, 494,000 people died from cancer; we spent $1.24 billion on research.

Now let's look at funding for AIDS. During 1989, AIDS was responsible for 22,500 deaths, less than half of the number of Americans who died of diabetes and less than one-third of the number who died of flu.

Yet we spent more on AIDS related research than we spent on research for heart disease and cancer combined.

In 1990, 36.2 percent of the Federal health research, education, and prevention budget was spent on AIDS. Yet AIDS accounts for only 1.3 percent of all deaths in America.

Mr. President, the AIDS lobby says such out of control and unfair spending is warranted because of the greed and indifference of our society. The AIDS lobby also argues that we have to take into account the years of lost productivity as justification for such spending.

Well let's examine that argument for a moment. In 1988, cancer caused 24,052 deaths among people under 45; prenatal conditions caused 18,527 deaths; heart disease, 17,520 deaths; and AIDS—12,912 deaths.

Mr. President, in this country, approximately 39,000 children die before the age of 1 each year. That is 64 years of lost productivity from the most helpless, most innocent segments of society.

The National Commission on AIDS says that the disease deserves more funding because it is contagious while diabetes, cancer, and heart disease are not. In fact, AIDS is contagious through behavior. A change in behavior among two high-risk populations, homosexual men and IV drug users, would reduce the spread of this disease without one more dime of Federal money or the discovery of a cure.

In fact Mr. President, AIDS is such an isolated disease that a homosexual male who lives outside of such areas as New York, Los Angeles, and San Francisco, has less a chance of getting AIDS than he does of dying of cancer or heart disease.

The unwarranted concentration of Federal resources on AIDS has created problems for other diseases such as Alzheimers, the cruel, devastating killer of senior citizens, which afflicts 4 million Americans and takes more lives in 10 months than AIDS has taken in 10 years.

The American people are often accused a being indifferent to the suffering of the AIDS community. A look at this appropriations bill says otherwise.

We are spending more money on AIDS education than we are spending on Alzheimers. As the Washington Times said on June 28, 1990.

> It is past time for AIDS Activists to acknowledge that greed and indifference (such as they are) do not kill, but irresponsible behavior does.

Unfortunately, Mr. President, our efforts to treat AIDS as a public health concern have been thwarted by a vocal, militant minority which has used the AIDS issue to promote a political agenda it has failed to achieve in its own right. Of course, I am referring to the homosexual lobby. Members of this militant movement have masterfully manipulated the American public. By feeding America's compassion, they have turned the AIDS epidemic to their political advantage by using it to promote something they have never achieved before—homosexual rights.

Mr. President, just listen to a quote from an article entitled, The Overhauling of Straight America, which appeared in the November 1987 issue of Guide magazine:

> In any campaign to win over the public, gays must be cast as victims in need of protection so that straights will be inclined by reflex to assume the role of protector. If gays are presented, instead, as a strong and prideful tribe promoting a rigidly nonconformist and deviant lifestyle, they are more likely to be seen as a public menace that justifies resistance and oppression. For that reason, we must forego the temptation to strut our "gay pride" publicly when it conflicts with the Gay Victim image.

I commend some members of this movement for one thing, Mr. President. At least some admit they are using the AIDS issue to convert straight America. In an August 2, 1985, Washington Post article, Gary McDonald, executive director of the AIDS Action Council summed it up this way:

> We have to wear down the old stereotypes, and it is a burning irony that it will take AIDS to do that * * * But after thousands of men like Rock Hudson, men you thought you knew, go on TV, it's going to get harder to tell those old faggot jokes about swishy limp-wristed men. I'm sorry it's going to take so many dead men to make that point.

If anyone doubts the power of this movement, they should read the Hate Crimes Statistics Act and the American Disabilities Act to determine just how fast the homosexual lobby is moving.

Mr. President, if someone even suggests that traditional public health measures should be taken, such as testing and contact tracing, there are outcrys of "homophobia."

Mr. President, for the sake of our children and grandchildren, we must begin treating AIDS as the public health concern it is. While some are using the AIDS issue to promote political and societal acceptance of an anti-Christian lifestyle, thousands of innocent Americans are dying.

My bill, Mr. President, will move us in the right direction. It addresses five major areas: AIDS education; testing and contact tracing; record-keeping on the prevalence of the HIV infection; protection of the organ, semen and blood supply; AIDS testing in the military, in prisons and federally operated hospitals.

Mr. President, let me now review in detail the provisions of the legislation.

Section 2 would simply require the Centers for Disease Control [CDC] to keep records of those individuals infected with the human immunodeficiency virus. Currently the CDC records only individuals with AIDS.

Mr. President, by keeping records only of those individuals with AIDS and ignoring the numbers of those infected, we will never be able to grasp the magnitude of this epidemic. The Centers for Disease Control keeps track of all stages of syphilis. It should certainly do so for all stages of AIDS as well.

Section 3 requires all blood banks to test individuals for the AIDS virus. Mr. President, although I am sure that most blood banks are testing for the AIDS virus, it is not a condition of licensing. This section will simply ensure the highest standard of safety in our blood supply.

Mr. President, section 4 changes the rules for blood banks. All collectors and distributors of blood must be federally licensed. Under this provision, in order to obtain a license, the entity must provide the patient with the option of using his or her own blood for elective surgery and also provide the patient with the option of using a designated donor's blood.

Despite assurances from experts that the public has nothing to fear, Mr. President, many medical professionals are skeptical about the safety of the blood supply. In a survey of 4,000 doctors, nearly half—45 percent—of the doctors in private practice who responded to the survey said that if a family member were about to have elective surgery, they would shun publicly donated blood and would make arrangements to have their own blood or that of other family members used instead.

Mr. President, some blood banks and blood suppliers are openly opposed to autologous and directed blood donations. However, in high risk areas, such as San Francisco and New York City, some blood suppliers have bowed to public pressure and are now allowing autologous and directed blood donations. In San Francisco, the rate of individuals wanting autologous blood donations reached 17.5 percent in 1988. In Chicago, 12 percent of the elective surgery patients in 1988 chose to reserve a supply of their own blood. In New York City, officials at Columbia Presbyterian Medical Center reported that the number of patients who asked to store their own blood jumped 50 percent in a few short years.

In areas where the AIDS epidemic has not reached the proportions found in San Francisco or New York City, autologous or directed blood donations are much more difficult to obtain.

The earlier opposition to autologous donations is now waning. The AMA and NIH have recently endorsed autologous blood donations. At a July 1986 symposium sponsored by NIH, an expert panel concluded that autologous blood is the safest form of transfusion therapy. Blood banks and blood centers should make this option available to all qualified healthy people. The panel did not take a position on directed blood donations.

The opposition to directed donations has deteriorated as well. In many institutions, however, directed donations are not encouraged and, in some cases, discouraged. Some State legislatures have legislatively counteracted this opposition. California, for instance, has enacted a bill mandating that all blood banks within California allow directed blood donations.

Unfortunately, Mr. President, it is my understanding that some blood banks still refuse to allow directed donations. I find it alarming that a person going into a hospital for elective surgery may not be able to take his wife's compatible blood, or his child's or his neighbor's. Individuals should have the freedom to choose whose blood they will receive and should not be held hostage by the blood banks.

Section 4, modeled after the California law, will allow patients to receive blood from a compatible donor of his or her choice.

Section 5 of the bill amends title X of the Public Health Service Act—the so-called family planning program—to require grantees of the title X program to notify clients about the risk of contracting AIDS and that contraceptives—including condoms—will not provide full protection against the AIDS infection.

As of November 1990, Mr. President, 2,627 children under the age of 13 had been reported as having AIDS and 585 children between the ages of 13 and 20 have been reported to have AIDS. Obviously, this is the tip of the iceberg since these figures represent children who have developed full-blown AIDS, not children who are infected with the AIDS virus.

It is a fact, Mr. President, over one-third of the title X clientele are sexually promiscuous teenagers. It is imperative that if the Federal Government is going to be involved in what some have called the "safe sex business," we owe it to the recipients of these services to tell them the truth about how safe certain measures are.

Section 6 of the bill would require States who want to participate in the

Federal venereal disease program or other programs for AIDS prevention, treatment, or counseling to take legislative or administrative action to require reporting of all cases of HIV infection to the State health officials.

Mr. President, in order to contain the spread of the HIV virus, it is imperative for States to treat HIV infection in the same manner that they treated the syphilis epidemic of the 1930's. At that time, because of public health concerns, States enacted laws to contain the spread of the disease including mandatory reporting of cases to the State public health departments and premarital testing.

The majority of States have mechanisms in place to require reporting of other venereal diseases and almost one half the States still require premarital testing for syphilis or rubella, both with adequate confidentiality laws. In light of the fatal nature and rapid spread of the AIDS virus, it is imperative that States take similar precautions with respect to AIDS.

The States can then send these figures to the Centers for Disease Control, giving the Federal Government better statistics on the growth of the epidemic.

Mr. President, section 7 would require that those States receiving moneys for AIDS education and prevention take legislative or administrative steps to ensure that spouses of individuals infected with the AIDS virus are promptly notified.

Mr. President, this section should sound familiar to most Senators. The language is similar to, but not identical, to language I proposed to be added to the fiscal year 1989 Labor/HHS appropriations bill. As Senators will recall, that amendment failed by one vote.

Senators will recall the reason I proposed this amendment. During the summer of 1987 I received a call from a young woman whose mother wanted to come by and thank me for what I have done on the AIDS issue. As is the case with all Senators, I meet dozens of people each day, but the face to face meeting with that lovely lady and her daughter is something I will never forget as long as I live.

The meeting did not last long. After the usual amenities, the three of us began to discuss why this lady had come to see me. Tears began to well up in the woman's eyes as she began her painful story. She told me that she had AIDS and was dying. Her bisexual husband had infected her with the AIDS virus. He had not told her he was infected and State law prohibited his doctor from telling her.

Mr. President, we hear so much about protecting the confidentiality of the AIDS-infected patient. Yet, we hear nothing about the 'fatal consequences of iron-clad confidentiality laws. We see the homosexuals march in Washington for their rights. Yet, we are blind to the rights of this woman and the thousands like her who through no fault of their own have become infected with the deadly AIDS virus.

As one Senator, I hear the cries of that woman and the thousands like her. She deserves to live. She has a right to know that she is exposing herself to the deadly AIDS virus.

Section 7 does not require States to initiate a spousal notification program. It simply says that if a State wants hard-earned tax dollars to combat the AIDS virus, that State must make a serious effort to protect a spouse from exposing himself or herself to the AIDS virus.

Section 8 would simply require States receiving Federal moneys to combat AIDS to close all homosexual bathhouses.

Mr. President, traditionally, this country's Federal and State health authorities have taken action to eliminate sources of contagion. Public health authorities routinely inspect restaurants, hotels, public swimming pools, beauty salons, barbershops and other facilities to make sure they are safe for public use. If they are found to be spreading a disease or there is evidence that they pose a serious health threat to patrons, they are shut down.

Mr. President, I agree with this traditional health measure. The health and safety of our Nation is paramount. Facilities which pose a health threat to patrons should be closed.

Closing bathhouses makes good sense, Mr. President. As of November 1990 there were 149,498 cases of AIDS in this country. Almost 65 percent of those cases are among homosexual or bisexual men—another 25–35 percent are IV drug users.

Many communities have closed bathhouses because of the health threat, but the sessions of the last World AIDS Conference in San Francisco determined that the baths are slowly working their way back as a breeding ground for AIDS.

This section will turn off the spigot, so to speak, Mr. President. Just as public health officials are quick to close other facilities which pose a health threat to the American people, we should not provide an exception for homosexual bathhouses.

Section 9 would prohibit Federal dollars from being used for so-called needle exchange programs.

Yet, Mr. President, when we talk about the AIDS epidemic, the mood seems to change. Some of this Chamber believed, and still do, that distributing clean needles in exchange for dirty ones is a good thing, despite the hard facts that such programs have not significantly reduced the spread of the AIDS virus.

Mr. President, this section would ensure that hard-earned tax dollars are not used to fund illegal and deadly behavior.

Section 10 would prohibit Federal dollars from being used to distribute condoms or pay for printed, visual, or audio advertising recommending condom use.

Mr. President, despite what the self-proclaimed experts want you to believe, not a single study shows that condom use will prevent AIDS transmission. While condom use may reduce your chances of contracting the virus, it certainly is not 100 percent effective.

Mr. President, the condom's dismal record as a contraceptive should give the American public some cause for alarm. According to most studies condoms fail to prevent pregnancy 10 percent of the time. A woman can conceive a child only a few days each month. In contrast, a person can contract the AIDS virus every minute of every day of every month. This fact suggests that condom failure is even higher in preventing the spread of the AIDS virus.

Advocating condom use has accomplished one thing, Mr. President. It has put this Government's stamp of approval on the anti-Christian ideals of the sexual revolution, a revolution that can be credited with family breakups, rising abortions, rising out-of wedlock births, rising VD rates, and rising school dropout rates.

This section would prevent further Federal funding of this misdirected approach to the AIDS problem.

Section 11 would prohibit any Federal moneys from being used to promote homosexuality and would require that all AIDS education emphasize abstinence from sexual activity outside a monogamous marriage.

Mr. President, despite what the homosexual lobby wants you to believe, there is absolutely no credible evidence showing that explicit, pornographic AIDS education has reduced the spread of the AIDS virus. Just like the condom campaign, the AIDS education campaign has pointed this Nation down the improper path of discarding a moral ethic in public health policy. Until we return to the ethic, we will never solve the AIDS epidemic.

Section 12 would require states receiving Federal moneys for AIDS education and treatment to take administrative or legislative action to require premarital testing.

Mr. President, despite all the hemming and hawing to the contrary, mandatory premarital testing for a contagious disease is a good idea. Traditionally, States have required premarital testing for syphilis, rubella, tuberculosis, and so forth, especially during epidemic periods. About one-half the States still require testing for these diseases despite the fact that these diseases are no longer epidemics and there are now known cures. If we can test for these diseases, I see no reason why we shouldn't test for AIDS, a disease which is far deadlier for parents and for unborn children than any disease in history.

Section 13 addresses the problem of AIDS transmission through tainted organs, semen, and blood. It would codify a 1985 recommendation by the Public Health Service that individuals who have AIDS or who are at high risk of contracting it should refrain from donating blood, semen, or organs. My bill would simply insure compliance with this recommendation by imposing a fine of $10,000, a term of 10 years, or both for those at high risk or those with AIDS who donate or attempt to donate blood, semen, and organs.

Section 14 of my bill would impose mandatory testing in Federal prisons.

As more AIDS prone populations enter Federal penitentiaries, the virus will certainly spread. A study of homosexual activity and sexual assault in Federal prisons revealed that overall, 12 percent of those surveyed had engaged in homosexual activity while in prison. In penitentiaries, where more dangerous offenders have longer incarceration periods, 20 percent of the penitentiary inmates state they had a homosexual experience in their current Federal institution. In response to the question, "Have you had a homosexual experience in a prison as an adult?" 30 percent responded, "yes."

The study also showed that some Federal inmates were victims of sexual assault. Nine percent responded positively when asked if anyone had forced or attempted to force the inmate to perform sex against his will while in a prison. Two percent of the Federal inmates were targets in a Federal institution; 0.6 percent of Federal inmates were forced to perform an undesired sex act in Federal prison; 0.3 percent of Federal inmates were sodomized in a Federal institution.

Section 15 of the bill would impose mandatory testing of members of the Armed Forces. Specifically, this provision would require testing prior to entrance and annual testing thereafter.

Mr. President, since I first proposed annual testing in the military, the Navy and the Marine Corps have begun yearly testing. The Army and the Air Force, unfortunately, test only every 2 years.

Mr. President, for the health and well-being of our Armed Forces, I believe it is imperative for all military personnel to be tested annually for infection with human immunodeficiency virus.

I am also concerned about blood transfusions in times of crises. In those situations, soldiers are assigned a blood partner and blood is not tested prior to transfusions. In cases where a member of the military is unaware that he is infected with the virus, he may be the recipient of blood tainted with the lethal AIDS virus.

Mr. President, we owe it to our soldiers, who risk their lives to protect our freedom, to protect them from the deadly AIDS virus.

Section 16 would require routine testing of all veterans under the age of 40 seeking inpatient treatment in VA hospitals.

Unfortunately, Mr. President, the numbers of AIDS patients in the VA system have skyrocketed. As of November 1990, over 8,000 people have been diagnosed with AIDS and cared for in our 172 VA medical centers. Of course, this probably represents only the tip of the iceberg since these are people with AIDS rather than people infected with the AIDS virus.

AIDS testing is necessary. It will ensure an accurate diagnosis. It gives the veterans an opportunity to obtain the most up-to-date care in AIDS treatment, and it will provide a valuable opportunity to educate the veteran about AIDS, whether or not he decides to be tested for the disease.

Mr. President, the AIDS test will ensure optimum care for the veteran infected with the AIDS virus. Research suggests that early detection and treatment of individuals infected with the AIDS virus or those with AIDS-related Complex [ARC] reap more favorable results than treatment of patients with full-blown AIDS.

Routinely testing during an epidemic is nothing new, Mr. President. We did it during the syphilis epidemic and we should do it today with a disease which is far more lethal and spreading far more rapidly than the syphilis epidemic of the 1930's.

Furthermore, this bill would also require officials of the Veterans' Administration to notify all spouses and sexual partners discovered during counseling about their potential AIDS infection.

Section 17 would require routine testing of individuals seeking treatment for tuberculosis at federally funded tuberculosis centers.

Tuberculosis, Mr. President, is the latest of the known diseases associated with the AIDS epidemic. Unlike other opportunistic infections, however, it is an air-born virus and, as far as current research shows, is far more easily contracted than the other opportunistic infections associated with AIDS.

Make no mistake about it, Mr. President. Cases of TB have increased at alarming rates. In New York City tuberculosis incidence rates have increased 60 percent since 1980.

According to some research AIDS is largely to blame for the rise in TB. According to an April 1987 study by Dr. Arthur E. Pitchenik:

> Tuberculous-infected patients who develop T-cell immunodeficiency are at increased risk of contracting tuberculosis, and this disease appears to occur with increased frequency among patients with acquired immunodeficiency syndrome.

Numerous other studies have found a direct correlation between AIDS and tuberculosis.

AIDS testing of patients suspected of having TB is wise health policy, Mr. President. It will guarantee an accurate diagnosis. A number of doctors, including the Public Health Service, have recommended dual testing because immunosuppression can result in a false negative test result.

Mr. President, routine AIDS testing for those infected with the tuberculin virus will ensure an accurate diagnosis and proper treatment for an individual infected with the tuberculin virus.

Section 18 requires routine testing in federally funded drug treatment centers.

Mr. President, intravenous drug use is the primary transporter of the AIDS virus into the heterosexual community.

Section 19 would require that federally funded sexually transmitted disease centers to routinely test incoming patients for the AIDS virus.

Mr. President, it is no secret in public health circles that an alarming percentage of men and women attending STD clinics are also infected with the AIDS virus.

In a January 1988 article which appeared in the New England Journal of Medicine, researchers concluded:

> In particular, we are concerned by the equal rates of HIV infection in young heterosexual men and women, and the close association of HIV infection with sexually transmitted diseases such as syphilis, genital herpes, and genital warts.

Researchers are also finding that clinic attendees who are infected with the virus are not at high risk of contracting AIDS. In a report released by the National Institute for Allergies and Infectious Diseases, researchers stated:

> Among the most significant of the study's finding was that one-third of the infected men and one half of all the infected women were either unaware of or did not acknowledge behavior considered to be at high-risk for HIV exposure.

Realizing the strong correlation between an STD infection and infection with the AIDS virus, the Centers for Disease Control have recommended AIDS testing in STD centers. This section would require AIDS testing in all those centers receiving Federal dollars.

Section 20 would return the United States to a sound public health-based immigration policy.

On June 2, 1987, the U.S. Senate voted 96-0 to protect the health of the American people by adding the human immunodeficiency virus to the list of "dangerous contagious diseases" for which an immigrant can be excluded from entry into this Nation.

In 1987, the Senate unanimously approved my AIDS immigration amendment because it was, and is, good public health policy. In fact, I offered my amendment on the recommendation of the then Surgeon General Dr. Koop and other officials of the Public Health Service. I agreed with General Koop, as did every one of my colleagues, liberal and conservative, Democrat and Republican, that the public health of this Nation will be at risk if the United States continued to allow immigrants with AIDS into this country.

Incredibly, Mr. President, it has come to my attention that officials at the Department of Health and Human Services will now remove the AIDS immigration prohibition as well as the prohibitions now placed on all people with sexually transmitted diseases who attempt to enter this country.

I had assumed that every possible political concession had been made to the AIDS lobby, and to the homosexual rights movement which fuels it, but what is now going on at HHS is beyond belief.

Is it not enough that the public health agenda of America has been torn apart by the AIDS movement, and that innocent children—like Ryan White—continue to die because the lobby and its allies promote civil rights rather than public safety? Apparently not, because some in the administration are bowing to the incessant cries of the homosexual rights movement to throw open the floodgates which our sensible immigration restrictions have previously kept shut.

The administration at first attempted to appease the homosexual rights fanatics by creating a special immigration waiver policy. Under this policy people with HIV may enter the country for up to 30 days to attend medical conferences, receive medical treatment, or vistit family members. In order to gain this waiver, however, the infected individuals must answer question about their medical condition, including whether or not they are infected with HIV.

Of course, the homosexuals were not happy—and they will never be until homosexuality is elevated to the civil rights equivalent of race and religion—they cried discrimination. They claimed that America is stigmatizing homosexuals and that everyone should be allowed to come into this country without disclosing his or her medical condition.

At the behest of the President's Commission on AIDS and HHS Secretary Louis Sullivan, legislation was introduced in the House to allow HHS to remove the HIV immigration restriction. In addition, on April 13, 1990, the administration issued a special 10-day visa to allow anyone who wants to attend so-called medical conferences, such as the AIDS conferences in San Francisco last year, to come into the country.

What is the logic in treating HIV differently from other dangerous diseases when the great differences between AIDS and the others is that AIDS kills every time?

Mr. President, the Department of Health and Human Services is not promoting a health agenda. It is promoting an agenda skewed to placate the appetite of a radical and repugnant political movement. Once again the politics of AIDS is given priority over common sense and the public good.

Let's once and for all set the record straight: The Helms amendment, as my colleagues affirmed in 1987, is sound policy. And it works.

In late 1989 the House of Delegates of the American Medical Association made it perfectly clear that the AIDS immigration policy makes medical sense. The AMA resolution said:

> Immigrants have historically undergone a health assessment before admission into the citizenship process. To exclude HIV infection from the health assessment of those seeking United States citizenship would be a change in long standing U.S. policy and difficult to justify on medical, scientific, or economic grounds.

Although the delegates opposed mandatory testing of all visitors, it is important to note that the Immigration and Naturalization Service does not require AIDS testing for nonimmigrants. Rather, it asks visitors if they have any of the diseases which are on the list of dangerous contagious diseases.

An article in the August 25, 1989, issue of Morbidity and Mortality Weekly Reports [MMWR], a publication of the Centers for Disease Control, documents cases of HIV-2 infection which have been discovered by public health authorities as a result of the Helms amendment. For the information of Senators, HIV-2, according to the CDC, is rare in the United States, but it is prevalent outside of our borders. In fact the CDC credits the mandatory medical screening process for the detection of the HIV-2 cases.

In other words the Helms amendment works.

Mr. President, let no one assume that the AIDS lobbyists will stop here. Each day they grow more strident. Each day they clamor for more special rights and more and more money to be funneled to AIDS programs. There is not a corresponding call for a measured and sensible public health response to this disease.

Congress should put the Department of Health and Human Services, and the AIDS lobby, on notice. The existing immigration law works for the good of all the American people; it must not be treated like a special interest football to be kicked around at the whim of any militant group and its apologists in government. I intend to do everything I can to see that the AIDS immigration prohibition remains in place. If I lose, the American people will lose also.

As I stated at the outset of my remarks, Mr. President, I believe the AIDS issue should be addressed as a public health problem not as a civil rights one. Strides have been made in the right direction but a long journey lies ahead. Research to discover more about the virus and how it spreads is mandatory if we are ever going to discover a vaccine. Education and counseling are laudable efforts but more needs to be done. The government, State and Federal, should not be afraid to take steps to contain the AIDS virus. This bill serves as a vital first step.

Mr. President, I ask unanimous consent that the full text of my legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "AIDS Control Act of 1991."

SEC. 2. RECORDKEEPING.

Part B of title III of the Public Health Service Act is amended by inserting after section 318 (42 U.S.C. 247c) the following new section:

"SEC. 318A. RECORDKEEPING OF CASES OF ACQUIRED IMMUNE DEFICIENCY SYNDROME, ACQUIRED IMMUNE DEFICIENCY RELATED COMPLEX, AND HUMAN IMMUNODEFICIENCY VIRUS INFECTIONS.

"The Director of the Centers for Disease Control shall keep records of cases of individuals who are infected with the human immunodeficiency virus.".

SEC. 3. TESTING OF BLOOD.

Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended by adding at the end thereof the following new paragraph:

"(3) Not later than 180 days after the date of enactment of the AIDS Control Act of 1990, the Secretary shall promulgate regulations to require that, as a condition of receiving a license under this section, any entity that collects or distributes blood or blood components or derivatives shall test all donors of such blood for the presence of the human immunodeficiency virus prior to accepting a contribution of such blood.".

SEC. 4. PERMITTING DIRECTED AND AUTOLOGOUS BLOOD DONATIONS.

Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) (as amended by section 3) is further amended by adding at the end thereof the following new paragraphs:

"(4) Not later than 180 days after the date of enactment of the AIDS Control Act of 1990, the Secretary shall promulgate regulations to require that, as a condition of receiving a license under this section, any entity that collects or distributes blood or blood components or derivatives—

"(A) permit blood donations made by a donor to be used directly for blood transfusions for such donor or for an individual designated by the donor;

"(B) permit a donor of blood to direct that any blood donated by such donor be used in a blood transfusion for such donor or for an individual designated by such donor if the blood type of such donated blood is compatible with the blood type of such donor or the blood type of the designated individual, as the case may be, and the use of such donated blood is not contraindicated, as determined by the physician of such donor or such designated individual, as the case may be; and

"(C) permit blood donated in accordance with subparagraphs (A) or (B) to be used for an individual other than the donor or an individual designated by a donor, as the case may be, if—

"(i) the physician of such donor or such designated individual determines that there is a more immediate need for such blood; or

"(ii) the donor consents to the use of such blood for an individual other than the donor or such designated individual.

"(5) Regulations promulgated by the Secretary to carry out paragraph (4) shall provide that any entity to which such paragraph applies is only required to permit the donations of blood described in such paragraph during the normal business hours of such entity.".

SEC. 5. REQUIREMENTS FOR RECIPIENT OF SERVICES AUTHORIZED UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT.

Section 1006 of the Public Health Service Act (42 U.S.C. 300a-4) is amended by adding at the end thereof the following new subsection:

"(e) A grant may be made or a contract entered into under this title only after the intended recipient provides assurances satisfactory to the Secretary that such recipient of the grant or contract will, prior to providing to any individual any services with amounts appropriated under this title, inform the individual—

"(1) of the effectiveness of the particular contraceptive method provided to the individual by the recipient as a method to prevent infection with the human immunodeficiency virus and a comparison of such effectiveness with the effectiveness of sexual abstinence;

"(2) that many individuals who are infected with the human immunodeficiency virus will develop acquired immunodeficiency syndrome, which is a fatal disease; and

"(3) that the most effective way to avoid becoming infected with the human immunodeficiency virus is to abstain from homosexual relations, from heterosexual relations outside of a monogamous marriage, and from the sharing of needles used to administer intravenous drugs.".

SEC. 6. CONDITIONS ON GRANTS FOR THE PREVENTION, TREATMENT, AND CONTROL OF ACQUIRED IMMUNE DEFICIENCY SYNDROME.

Title XXV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"Part C—Prohibition on Awarding of Grants

"SEC. 2531. PROHIBITION ON AWARDING OF GRANTS.

"The Secretary may not make a grant under this title to any State or political subdivision of any State to support a project for education, testing, or counseling concerning acquired immune deficiency syndrome unless the State has taken administrative or legislative action to require that—

"(1) any physician practicing in the State report to the appropriate State public health authorities the name and address of any individual residing in the State who is treated by such physician and known by such physician to be infected with the human immunodeficiency virus;

"(2) any physician or medical technician who analyzes the results of clinical tests performed in the State report to the appropriate State public health authorities the name and address of any individual residing in the State who is determined as a result of an analysis conducted by such physician or medical technician to be infected with the human immunodeficiency virus; and

"(3) reporting under the laws described in paragraphs (1) and (2) to be carried out in accordance with State laws regulating the confidentiality of records maintained by the State or individuals with sexually transmitted diseases.".

SEC. 7. SPOUSAL NOTIFICATION.

Part C of title XXV of the Public Health Service Act (as added by section 6) is amended by adding at the end thereof the following new section:

"SEC. 2532. SPOUSAL NOTIFICATION.

"(a) Prohibition on Use of Funds.—The Secretary may not make a grant under this title to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that, within 30 days of diagnosis, a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

"(b) Effective Date.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

"(c) Definitions.—As used in this section:

"(1) AIDS-infected patient.—The term 'AIDS-infected patient' means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

"(2) State.—The term 'State' means a State, the District of Columbia, or any territory of the United States.

"(3) Spouse.—The term 'spouse' means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

"(4) Good Faith Effort—A 'good faith' effort includes, but is not limited to, a certified letter sent to the last known address of the spouse.".

SEC. 8. BATHHOUSES.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by section 7) is further amended by adding at the end thereof the following new section:

"SEC. 2533. BATHHOUSES.

"(a) Prohibition.—None of the funds made available under this title shall be obligated or expended in any State if such State does not close all bathhouses where a pattern of continuous homosexual sexual activity or continuous illegal intravenous drug use occurs.

"(b) Homosexual Activity.—The homosexual activity described in subsection (a) means any sexual activity between two or more males as described in section 2256(2)(A)) of title 18, United States Code.

"(c) Illegal Drugs.—The illegal drug use described in subsection (a) means and includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

"(d) Bathhouse.—The term 'bathhouse' means any business that charges a fee for admission and for that fee offers the use of one or more of the following—

"(1) a swimming pool;

"(2) a spa or whirlpool; or

"(3) a communal bath.

"(e) State.—The term 'State' means any State, the District of Columbia, or territory of the United States.

"(f) Failure to Act.—If on January 1 of the calendar year following the first regular session that is convened following the date of enactment of this Act, such State fails to take the action as described in subsection (a), it shall refund to the Federal Government by that date such sums as it received in accordance with this section.".

SEC. 9. PROHIBITION ON USE OF FUNDS FOR NEEDLES AND SYRINGES.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7 and 8) is further amended by adding at the end thereof the following new section:

"SEC. 2534. PROHIBITION ON USE OF FUNDS FOR NEEDLES AND SYRINGES.

"None of funds made available under this title shall be used to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs, or to distribute bleach for the purpose of cleansing needles for such use.".

SEC. 10. PROHIBITION ON USE OF FUNDS FOR CONDOMS.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7, 8, and 9), is further amended by adding at the end thereof the following new section:

"SEC. 2535. PROHIBITION ON USE OF FUNDS FOR CONDOMS.

"None of the funds made available under this title shall be used in any manner to provide persons with condoms. Furthermore, none of the funds made available under this title shall be used to promote condoms as a method to prevent the spread of AIDs.".

SEC. 11. PROHIBITION ON PROMOTION OF HOMOSEXUAL ACTIVITY.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7, 8, 9, and 10) is further amended by adding at the end thereof the following new section:

"SEC. 2536. PROHIBITION ON PROMOTION OF HOMOSEXUAL ACTIVITY.

"(a) In General.—None of the funds made available under this title shall be used to provide AIDS education, information, or prevention materials and activities that promote or encourage, directly or indirectly, homosexual sexual activities.

"(b) Requirement.—Education information, and prevention activities and materials paid for with funds appropriated under this Act shall emphasize—

"(1) abstinence from sexual activity outside a sexually monogamous marriage (including abstinence from homosexual sexual activities); and

"(2) abstinence from the use of illegal intravenous drugs.

"(c) Homosexual Activity.—The homosexual activity referred to in subsection (b) includes any sexual activity between two or more males as described in section 2256(2)(A) of title 18, United States Code.

"(d) Illegal Substances.—The illegal drugs referred to in subsections (a) and (b) includes any controlled substance as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)).

"(e) Failure to Comply.—If the Secretary of Health and Human Services finds that a recipient of funds under this Act has failed to comply with this section, the Secretary shall notify the recipient, if the funds are paid directly to the recipient, or notify the

State if the recipient receives the funds from the State, of such finding and that—

"(1) no further funds shall be provided to the recipient;

"(2) no further funds shall be provided to the State with respect to noncompliance by the individual recipient;

"(3) further payment shall be limited to those recipients not participating in such noncompliance; and

"(4) the recipient shall repay to the United States, amounts found not to have been expended in accordance with this section.".

SEC. 12. HIV TEST AND NOTIFICATION AS A CONDITION OF MARRIAGE LICENSES.

Part C of title XXV of the Public Health Service Act (as added by section 6 and amended by sections 7, 8, 9, and 10) is further amended by adding at the end thereof the following new section:

"SEC. 2535. HIV TESTING AND NOTIFICATION AS A CONDITION OF MARRIAGE LICENSES.

"(a) IN GENERAL.—None of the funds made available under this title shall be available for use in any State, the District of Columbia, or any territory of the United States unless such State, District or territory requires, as a condition for the granting of a marriage license, a test to determine whether the individuals applying for such a license are infected with the human immunodeficiency virus and that both individuals seeking such license shall be notified of each test result.

"(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State, District, or territory on January 1 of the calendar year following the first regular session of the legislative body of the State, District, or territory that is convened following the date of enactment of this Act.".

SEC. 13. PROTECTING THE NATION'S BLOOD AND TISSUE SUPPLY.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 89 the following new chapter:

"CHAPTER 90—PUBLIC HEALTH PRESERVATION

"Sec.
"1831. Contamination of blood and tissue supply.

"§ 1831. Contamination of blood and tissue supply

"(a) It shall be unlawful for any individual to knowingly donate, or to knowingly attempt to donate blood, semen, or organs, if such individual—

"(1) knows, on the basis of clinical or laboratory evidence, that such individual is infected with the human immunodeficiency virus;

"(2) is a male individual who has had sexual intercourse with another male individual at any time on or after January 1, 1977;

"(3) is an individual who, on or after January 1, 1977, is or has been a user of any intravenous drug the sale, distribution, or use of which is prohibited under Federal or State law at the time the individual injected the drug;

"(4) is an individual who has emigrated to the United States from Haiti, the Central African Republic, Zaire, Rwanda, Burundi, the Congo, Chad, or Uganda on or after January 1, 1977;

"(5) is an individual who has hemophilia and has received a clotting factor concentrate on or after January 1, 1977;

"(6) is an individual who has engaged in prostitution on or after January 1, 1977;

"(7) is an individual who has had sexual intercourse with an individual described in paragraph (1), (2), (3), (4), (5), (6), (8), or (9);

"(8) is an individual who has used a needle for an intravenous drug injection that the individual knows has previously been used for an intravenous drug injection by an individual described in paragraph (1), (2), (3), (4), (5), (6), (7), or (9);

"(9) knows such individual is at high risk of contracting acquired immune deficiency syndrome (as defined by the Director of the Centers for Disease Control); or

"(10) is an individual who has engaged in an activity that such individual knows places such individual at a high risk of contracting such syndrome (as defined by such Director).

"(b) Any person who violates the provisions of subsection (a) shall be subject to a fine of $10,000 or imprisonment for not more than 10 years, or both.

"(c) For purposes of this section, the term 'sexual intercourse' includes the acts described in section 2255(2)(A) of this title.".

(b) CHAPTER ANALYSIS.—The chapter analysis at the beginning of part I of title 18 is amended by inserting after the item for chapter 89 the following:

"90. Public Health Preservation .... 1831".

SEC. 14. TESTING OF FEDERAL PRISONERS.

(a) IN GENERAL.—Chapter 305 of part III of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4087. AIDS testing

"(a) The Director of the Bureau of Prisons shall test each person incarcerated in a Federal penal or correctional institution for infection with the human immunodeficiency virus—

"(1) on the date such person enters a Federal penal or correctional institution;

"(2) every 12 months after the date described in paragraph (1); and

"(3) at such other times as the Director determines are appropriate.

"(b) The Director of the Bureau of Prisons shall report to the Director of Centers for Disease Control the incidence of each individual who tests positively for infection with the human immunodeficiency virus.

"(c) Not later than 180 days after the date of enactment of the AIDS Control Act of 1989, the Director of the Bureau of Prisons shall promulgate regulations requiring that each individual tested under this section who tests positively for infection with the human immunodeficiency virus—

"(1) be placed in separate residential facilities in a penal or correctional institution, if possible; and

"(2) be restricted from holding any employment in a penal or correctional institution which involves duties that may increase the transmission of the human immunodeficiency virus, such as assignments in blood services, the barber shop, or medical and dental services in any capacity.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 305 of part III of title 18, United States Code, is amended by adding at the end thereof the following:

"4087. AIDS testing.".

SEC. 15. DISQUALIFICATION OF PERSONS FOR INDUCTION OR RETENTION IN THE ARMED FORCES ON THE BASIS OF INFECTION WITH THE HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 983. Disqualification of persons for induction or retention on the basis of infection with the human immunodeficiency virus

"(a) Except as provided in subsection (d)(2), no person may be inducted into or retained in the armed forces (other than in a retired status) if it is determined, on the basis of a test or tests administered to such person under subsection (b), that such person is infected with the human immunodeficiency virus.

"(b) Under regulations prescribed by the Secretary concerned—

"(1) each person examined for induction and re-enlistment into the armed forces shall be tested for infection with the human immunodeficiency virus before induction,

"(2) each member of the armed forces shall be tested for infection with the human immunodeficiency virus at least once each year;

"(3) each time a member of the armed forces is admitted to any medical facility of the uniformed services or of the Veterans' Administration in order to receive in-patient care in such facility, such member shall be tested for infection with the human immunodeficiency virus; and

"(4) each member of the armed forces shall be tested for infection with the human immunodeficiency virus at such times (other than the times specified in paragraphs (2) and (3) of this subsection) as the Secretary concerned considers appropriate.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 49 of such title is amended by adding at the end thereof the following:

"9830. Disqualification of persons for induction or retention on the basis of infection with the human immunodeficiency virus.".

SEC. 16. VETERANS' ADMINISTRATION.

(a) TESTING.—Section 124(b) of Veterans' Benefits and Services Act of 1988 (38 U.S.C. 4133note) is amended to read as follows:

"(b) TESTING.—(1) The Administrator shall provide for a program under which the Veterans' Administration routinely tests each patient to whom the Veterans' Administration is furnishing health care or services, as described in paragraph (2), for the human immunodeficiency virus to determine whether such patient is infected with the virus.

"(2) Patients referred to in paragraph (1) are—

"(A) patients who are receiving treatment for intravenous drug abuse;

"(B) patients who are receiving treatment for a disease associated with the human immunodeficiency virus;

"(C) patients who are receiving treatment for a sexually transmitted disease;

"(D) patients who are otherwise at high risk for infection with such virus; and

"(E) patients seeking in-patient treatment who are 40 and under.

"(3) The Administration shall provide pre- and post-test counseling to each patient described in paragraph (2).".

(b) DISCLOSURE TO SPOUSE OR SEXUAL PARTNERS.—Section 4132 of title 38, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f)(1) Notwithstanding subsection (a), and subject to paragraph (2) of this subsection, a physician or a professional counselor shall disclose information or records indicating that a patient or subject is infected with the human immunodeficiency virus if the disclosure is made to—

"(A) the current spouse of the patient;

"(B) any other person who at any time since December 31, 1976 has been the marriage partner of the patient; or

"(C) to any individual whom the patient or subject has, during the process of professional counseling or of testing to determine whether the patient or subject is infected with such virus, identified as being a sexual partner of such patient or subject.

"(2) A disclosure under paragraph (1) may be made by a physician or counselor other than the physician or counselor referred to in paragraph (1)(A) if such physician or counselor is unavailable to make the disclosure by reason of absence or termination of employment.".

SEC. 17. USE OF PREVENTIVE HEALTH SERVICES APPROPRIATIONS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations requiring the recipient of moneys appropriated under section 317 of the Public Health Service Act (42 U.S.C. 247b) to—

(1) routinely test each person receiving treatment for tuberculosis to determine if such person is infected with the human immunodeficiency virus; and

(2) provide pre- and post-test counseling on acquired immunodeficiency syndrome to each such person.

(b) CONFIDENTIALITY.—In promulgating regulations under subsection (a), the Secretary shall ensure that confidentiality shall be provided to those tested under such regulations in accordance with section 552(a) of title 5 of the United States Code.

SEC. 18. REQUIREMENT OF TESTING BY BLOCK GRANT RECIPIENTS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations requiring the recipient of grant moneys under subpart 1 of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) to—

(1) routinely test each person receiving treatment for substance abuse through funds provided under such subpart for substance abuse to determine if such person is infected with the human immunodeficiency virus; and

(2) provide pre- and post-test counseling on acquired immunodeficiency syndrome to each such patient.

(b) CONFIDENTIALITY.—In promulgating regulations under subsection (a), the Secretary shall ensure that confidentiality shall be provided to those tested in accordance with section 552(a) of title 5 of the United States Code.

SEC. 19. PROGRAMS FOR THE PREVENTION OF THE SPREAD OF AIDS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations requiring the recipient of grant moneys appropriated under section 318 of the Public Health Service Act (42 U.S.C. 247c) to—

(1) routinely test each person receiving treatment for a sexually transmitted disease from the recipient to determine if such person is infected with the human immunodeficiency virus; and

(2) provide pre- and post-test counseling on acquired immunodeficiency syndrome to each such person.

(b) CONFIDENTIALITY.—In promulgating regulations under subsection (a), the Secretary shall ensure that confidentiality shall be provided to those tested under such regulations in accordance with section 552(a) of title 5 of the United States Code.

SEC. 20. IMMIGRATION REFORM.

Notwithstanding any other provision of law or any decision of the Secretary of Health and Human Services or any other Federal official, the President shall, pursuant to section 212(a)(6) of the Immigration and Nationality Act, add infection with the human immunodeficiency virus and syphillis to the list of dangerous contagious diseases contained in title 42 of the Code of Federal Regulations.

By Mr. HELMS:

S. 186. A bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL ADOPTION SERVICES ACT

Mr. HELMS. Mr. President, I am today introducing the Federal Adoption Services Act of 1991. This legislation, which was originally proposed by our former able colleague from New Hampshire, Mr. Humphrey, would amend title X of the Public Health Services Act to allow family planning services to provide adoption services.

This legislation provides that family planning clinics may offer adoption services based on their understanding of the needs of the community as well as the ability of the individual clinic to provide those services.

As we discovered during the debate on title X there was excessive attention paid to the prevention or spacing of pregnancies and the limiting of the size of the American family. But the debate should have been about much more. It should have been about the affirmation of life. That is why adoption should be a part of family planning—the benefits are obvious for parents unable to care for children as well as for parents who are unable to have children.

More importantly, Mr. President, adoption is the alternative to abortion.

Mr. President, more than one third of the women who use title X services are teenagers. If a young single teenager finds herself pregnant she may not be aware that adoption is an option. The employees of the family planning clinic may be as poorly informed. The Helms bill would change that.

Let me be clear: No woman would be threatened or cajoled into giving up her child for adoption but she would be allowed to make an informed, compassionate, judgment based on all available options.

This legislation is written to provide family planning clinics a new option. It is not my intent to force family planning clinics to provide adoption services which they are unable to offer. This legislation merely makes it clear that Federal policy will allow and hopefully encourage the use of adoption as a means of family planning.

Mr. President, adoption was called by a wise man, the loving option. I have seen the joy that it has brought to my family and to many others. In a world where hundreds of children are murdered each day—some simply because their parents do not like the sex of the child—why not give life a chance.

It is the responsibility of Government to stand for the most innocent among us. Let us take up that responsibility.

I urge my colleagues to support this effort to ensure that adoption does not become a forgotten weapon in the war to protect our children.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 186

Be it enacted by the Senate and House Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Adoption Services Act of 1991".

SEC. 2. ADOPTION SERVICES.

Section 1001(a) of the Public Health Service Act (42 U.S.C. 300(a)) is amended by inserting after the first sentence the following new sentences: "Such projects may also offer adoption services. Any adoption services provided under such projects shall be nondiscriminatory as to race, color, religion, or national origin.".

By Mr. HELMS:

S. 187. A bill to protect the lives of unborn human beings, and for other purposes; to the Committee on Governmental Affairs.

UNBORN CHILDREN'S CIVIL RIGHTS ACT

Mr. HELMS. Mr. President, I am today introducing again a bill entitled, the Unborn Children's Civil Rights Act. If enacted, this bill would take a first step in overcoming the Roe versus Wade decision.

Specifically, this bill would accomplish four things.

First, it would put Congress clearly on record as finding that abortion takes the life of an unborn child, that the Constitution sanctions no right to abortion and that Roe versus Wade was erroneously decided.

Second, it would prohibit congressional appropriations from being used to pay for or promote abortion. In this regard, it permanently defunds abortion, thereby relieving Congress of annual fights over abortion restrictions in appropriations bills.

Third, it would end certain indirect funding for abortion by prohibiting discrimination at federally funded institutions against individuals who object in conscience to abortion and by curtailing attorneys' fees in abortion-related cases.

Fourth, it would provide for appeals to the Supreme Court as a right if a Federal court declares State restrictions on abortion unconstitutional. As a practical matter, this provision will assure Supreme Court reconsideration of the abortion issue in the future.

Mr. President, this is one of those times, and certainly the issue, to remember, "Those who cannot remember the past are condemned to repeat it." All of us have heard this wise adminition but many in our Government have refused to heed it. A half century after thousands of German Jews died at the hands of Hitler's Nazis, we have forgotten the critical lesson of those atrocities—that all human life is sacred regardless of the color, race, religion, or physical or mental capabilities.

Mr. President, we are today reliving the Holocaust. We know it by a different name. It is called abortion. Yet, the same fate that was met by millions of Jews is being met by millions of unborn children right here in this country. At latest count, over 22 million unborn children—the most innocent of human life—have been murdered.

Abortion has become a tool of convenience, Mr. President. We have slipped so far down the slippery slope that now children are being aborted because they do have the desired hair color, sex, physical attributes, or mental capabilities. The same excuses for murdering countless Jews are now being used to justify the murder of the most innocent and helpless of humanity.

Mr. President, Roe versus Wade was, simply put, an unconstitutional decision. It has no foundation whatsoever in the text or history of the Constitution. It was invented out of whole cloth. As Justice White said in his dissent, Roe was an exercise in raw judicial power.

How has it endured for 17 long years? Why do we permit some 4,000 unborn babies to perish every day through legalized abortion?

The answer is woefully simple, Mr. President. Even though Roe versus Wade is an unconstitutional decision, Congress has been unwilling to right the wrong—to exercise its powers to check and balance a usurping Supreme Court which has destroyed the right to life of the most defenseless among us. The powers exist, but Congress has nonetheless permitted Roe to stand because many Members of Congress are apparently committed to legalized abortion. These Members share the same antihistorical, secularized, liberal view of law and public order as those justices who who gave us Roe versus Wade in the first place.

In their view—with which I disagree—the Ten Commandments are not the eternal rules of Almighty God which give authority to human law, but the transitory precepts of a bygone age in need of periodic updating by wiser heads here on earth. Of course, human nature being what it is, there is never any shortage self-declared "wiser heads."

Mr. President, for these reasons, Roe versus Wade stands and the holocaust continues. It is not the Constitution or our system of government which is at fault. Ample means exist within them, even apart from a constitutional amendment, to overturn Roe. The fault, on the part of Members of Congress, lies in a failure of intellect to perceive the true nature of abortion and a failure of will to do something about it. These are the ingredients which perpetuate the travesty of Roe versus Wade.

But, Mr. President, the Senator from North Carolina is ever hopeful that, with God's help and human effort, hearts and minds—even in Congress—will change. Enactment of the Unborn Children's Civil Rights Act, certainly would be a step in the right direction.

Mr. President, I ask unanimous consent that the text of the Unborn Children's Civil Rights Act be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unborn Children's Civil Rights Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) scientific evidence demonstrates that abortion takes the life of an unborn child who is a living human being;

(2) a right to abortion is not secured by the Constitution; and

(3) in the case of *Roe* v. *Wade* (410 U.S. 113) and *Doe* v. *Bolton* (410 U.S. 179) the United States Supreme Court erred in not recognizing the humanity of the unborn child and the compelling interest of the States in protecting the life of each person before birth.

SEC. 3. PROHIBITION ON USE OF FUNDS FOR ABORTION.

No funds appropriated by Congress shall be used to take the life of an unborn child, except that such funds may be used only for those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 4. PROHIBITION ON USE OF FUND TO ENCOURAGE OR PROMOTE ABORTION.

No funds appropriated by Congress shall be used to promote, encourage, counsel for, refer for, pay for (including travel expenses), or do research on any procedure to take the life of an unborn child, except that such funds may be used in connection with only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 5. PROHIBITION ON ENTERING INTO CERTAIN INSURANCE CONTRACTS.

Neither the United States, nor any agency or department thereof shall enter into any contract for insurance that provides for payment or reimbursement for any procedure to take the life of an unborn child, except that the United States, or an agency or department thereof may enter into contracts for payment or reimbursement for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

SEC. 6. LIMITATIONS ON RECIPIENTS OF FEDERAL FUNDS.

No institution, organization, or other entity receiving Federal financial assistance shall—

(1) discriminate against any employee, applicant for employment, student, or applicant for admission as a student on the basis of such person's opposition to procedures to take the life of an unborn child or to counseling for or assisting in such procedures;

(2) require any employee or student to participate, directly or indirectly, in a health insurance program which includes procedures to take the life of an unborn child or which provides counseling or referral for such procedures; or

(3) require any employee or student to participate, directly or indirectly, in procedures to take the life of an unborn child or in counseling, referral, or any other administrative arrangements for such procedures.

SEC. 7. LIMITATION ON CERTAIN ATTORNEY'S FEES.

Notwithstanding any other provision of Federal law, attorney's fees shall not be allowable in any civil action involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child.

SEC. 8. APPEALS OF CERTAIN CASES.

Between the first and second paragraphs of section 1252 of title 28, United States Code, insert the following new paragraph:

"Notwithstanding the absence of the United States as a party, should any State or any subdivision of any State enforce or enact a law, ordinance, regulation, or rule prohibiting procedures to take the life of an unborn child, and such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal such case to the United States Supreme Court, notwithstanding any other provision of law.".

By Mr. THURMOND (for himself, Mr. BIDEN, and Mr. KENNEDY):

S. 188. A bill to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of supervised release; to the Committee on the Judiciary.

TITLE 18, UNITED STATES CODE, AMENDMENT OF PROVISIONS

Mr. THURMOND. Mr. President, today, I rise to introduce legislation which will implement various technical and clarifying proposals related to the revocation of supervised release and probation. This important measure is cosponsored by Senator BIDEN and Senator KENNEDY. These proposals were suggested to me by the United States Sentencing Commission with the desire that they might be promptly enacted so that the supervised release component of sentences will function as Congress intended.

Regarding the history of the U.S. Sentencing Commission, in 1984, I worked with Senator BIDEN, Senator

KENNEDY, and other colleagues on the Judiciary Committee and in the Senate to formulate the Sentencing Reform Act which was enacted into law as part of the Comprehensive Crime Control Act of 1984. The Sentencing Reform Act focused on two major problems in the Federal criminal justice system: First, the disparity in sentences imposed on individuals convicted of similar crimes; and second, the actual time served by those convicted of crimes which was often much less than the sentence imposed. In an effort to address these problems, the Sentencing Reform Act created the U.S. Sentencing Commission. Its purpose is to formulate guidelines to be used by judges in the sentencing process. As a result of the Commission's efforts, people now convicted of similar crimes will serve similar sentences and the sentences imposed will reflect the actual time that must be served.

Despite the success of the Sentencing Commission and its guidelines, steps must be taken to ensure that it is free to carry out its duties and responsibilities. The legislation I am introducing today will enhance the Commission's ability to carry out its mandate.

Briefly, this legislation would make the following changes to current law. First, it would clarify that Federal courts retain the flexibility to order an additional period of supervised release following the imposition of a term of imprisonment for a violation of a condition of supervised release. This measure would also grant the Sentencing Commission greater flexibility in drafting sentencing guidelines for the sanctioning of offenders who, while on supervised release, are found in possession of a controlled substance. This greater flexibility will enable the Commission to draft guidelines and policy statements that best achieve the goals of consistency and proportionality that the Sentencing Reform Act was intended to cover.

Finally, this bill provides that decisions to revoke supervised release should be based upon sentencing guidelines and policy statements issued by the Commission specifically for that purpose. The effect of this change would be to settle a split among the Federal courts on the issue of whether the guidelines applicable to initial sentencing of defendants also apply to probation revocation decisions.

In closing, the technical changes embodied in this legislation are consistent with original congressional intent under the Sentencing Reform Act. I believe this legislation will further the goals of the Sentencing Reform Act to provide uniformity in sentencing as well as assure that sentences will be served in their entirety.

For these reasons, I strongly urge my colleagues to closely review this legislation.

Mr. President, I ask unanimous consent that the text of this legislation appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPOSITION OF SENTENCE.

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

"(4) the kinds of sentence and the sentencing range established for—

"(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

"(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing Commission pursuant to section 994(a)(3) of title 28, United States Code;".

SEC. 2. REVOCATION OF PROBATION.

Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "of" and inserting "or"; and

(2) in paragraph (2) by striking "impose any other sentence that was available under subchapter A at the time of the initial sentencing" and inserting "resentence the defendant under subchapter A".

SEC. 3. SUPERVISED RELEASE AFTER IMPRISONMENT.

Section 3583 of title 18, United States Code, is amended—

(1) in section (e)—

(A) in paragraph (3) by striking "supervised release without credit" and inserting "supervised release authorized by statute for the offense of which the defendant was convicted without credit"; and

(B) by redesignating paragraph (5) as paragraph (4); and

(2) by striking subsection (g) and inserting the following:

"(g) POSSESSION OF CONTROLLED SUBSTANCES.—If the defendant is found by the court to be in the unlawful possession of a controlled substance, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

"(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense of which the defendant was convicted, less any term of imprisonment that was imposed upon revocation of supervised release.".

By Mr. THURMOND (for himself and Mr. BIDEN):

S. 189. A bill to amend title 18, United States Code, relating to the protection of officers and employees of the United States; to the Committee on the Judiciary.

TITLE 18, UNITED STATES CODE, AMENDMENT

Mr. THURMOND. Mr. President, I rise today to introduce legislation which would amend Federal law to ensure the safety of our Nation's public defenders. Currently, section 1114 of title 18 makes it a Federal offense to attempt to kill a broad range of employees of the Federal Government. Among those protected under current law are Federal judges, prosecutors, law enforcement officers, and a number of other employees of the Federal criminal justice system. Unfortunately, Federal public defenders are not protected by the statute. This bill would amend current law to include Federal public defenders and assistant public defenders within those persons protected under current law. In addition, it would also make it a crime to threaten to "kill" or "do serious bodily injury" to those persons protected under the statute. This bill is virtually identical to a bill which I introduced last Congress.

Recently, a man convicted in Federal court of threatening a Federal magistrate viciously threatened to kill his public defender in a letter which he had delivered. The letter contained threats too cruel and heinous to repeat here. These threats were made against the lawyer who had worked tirelessly to protect his rights. Unfortunately, the Federal Government has no course of action against this individual making this serious threat.

The role public defenders serve in the criminal justice system is an important one. Threats against them should not be taken lightly. It is important that current law be amended to provide for their protection.

Mr. President, this legislation can only strengthen the integrity of our judicial system. I urge swift action on this bill and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 1114 of title 18, United States Code, is amended—

(1) by deleting "Whoever kills or attempts to kill" and inserting in lieu thereof "Whoever kills or does serious bodily harm, attempts to kill or do serious bodily harm, or threatens to kill or do serious bodily harm"; and

(2) by inserting immediately after "Federal Bureau of Investigation of the Department of Justice," the following: "any Federal Public Defender or Assistant Federal Public Defender," and

(3) by inserting immediately after "twenty years" the following: and except that any such person who is found guilty of causing

serious bodily harm or threatening to kill or cause serious bodily harm shall be imprisoned for not more than twenty years".

By Mr. THURMOND:

S. 191. A bill to grant a Federal charter to the National Association of Women Veterans, Inc.; to the Committee on the Judiciary.

CHARTER FOR THE NATIONAL ASSOCIATION OF WOMEN VETERANS, INC.

Mr. THURMOND. Mr. President, today, I am introducing legislation to grant a Federal charter to the National Association of Women Veterans, Inc.

Mr. President, in regard to the American service women currently serving in the Middle East, I feel it is especially timely to honor all women veterans who have served in the military since the inception of this Nation. To date, women have served in every capacity except that of direct combat soldiers.

The women of World War II were pioneers, leaving distinct and lasting footprints for their successors to follow. These women were present in every theater of war and worked in every occupation, from clerk to truck driver, to cryptographer, to pilot, to nurse. Three hundred and fifty thousand women served in the military during World War II in the Army, Navy, Marine Corps, Coast Guard, merchant marines, and Women's Auxiliary Service pilots. Seventeen thousand members of the Women's Army Corps [WAC] served in every combat area overseas. Five hundred sixty-five WAC's in the Pacific won combat decorations. More than 1,600 Army nurses won combat and noncombat decorations, including Distinguished Service Medals, Silver Stars, Bronze Stars, Air Medals, Legions of Merit, Commendation Medals, and Purple Hearts. More than 2,500 women in the Armed Forces won combat and noncombat decorations during World War II. More than 110 women were held captive for almost 37 months after the fall of Bataan and Corregidor.

During Korea, women again came voluntarily to the service of this Nation. From truck drivers to nurses in MASH units, women served proudly and with distinction.

The Vietnam Memorial bears the names of eight women who died in the service of our country during the Vietnam war. Thousands of other women voluntarily entered military service in order to support our national war effort. Nurses and women of all branches of the military served proudly in Vietnam and many still bear the scars of that war.

Today women comprise approximately 10 percent of the military forces which stand ready to defend our country's peace and security. They serve in a volunteer Armed Forces, but their history as volunteers extends back to the Revolutionary War. It is most appropriate during these trying times in the Middle East—where American service men and women are proudly serving—that women be counted proudly among our veteran population. Until recently women were invisible veterans, but they must now be given the full status to which they are entitled.

In closing, I call upon the Congress of the United States to act upon this legislation and grant to the National Association of Women Veterans a charter as a fully recognized veterans service organization. The National Association of Women Veterans will serve all veterans but will offer a special sensitivity to women veterans and women's issues. I know that many Members of Congress served with dedicated and courageous women in World War II, Korea, the Dominican Republic, Vietnam, or Grenada. I call upon you now to remember and honor these valiant members of our Nation's Armed Forces by supporting this legislation to grant the National Association of Women Veterans a Federal charter.

Mr. President, I ask unanimous consent that the full text of my remarks and the full text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The National Association of Women Veterans, Inc., a nonprofit corporation organized under the laws of the State of Georgia, is hereby recognized as such and is granted a Federal charter.

CORPORATE POWERS

SEC. 2. The National Association of Women Veterans, Inc. (hereinafter in this Act referred to as the "corporation") shall have only those powers granted to it through its articles of incorporation filed in the State in which it is incorporated and its constitution and bylaws, and subject to the laws of such State.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those stated in its articles of incorporation, consitution, and bylaws, and include a commitment to—

(1) uphold and defend the Consitution of the United States;

(2) promote and teach the American way of life;

(3) conduct and publish research on a nonpartisan basis concerning the contributions of women veterans and women currently serving in the military;

(4) compile and publish the history of women in military service and to keep that history current;

(5) honor outstanding women veterans and outstanding women currently in the military;

(6) encourage young women to choose a career in the military;

(7) sponsor meetings and seminars for women veterans;

(8) improve conditions for women veterans and develop channels of communications to assist women veterans;

(9) assist women veterans and other veterans in need of assistance; and

(10) consecrate the efforts of the members of the corporation and women veterans generally to mutual helpfulness and service to their country.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Except as provided in section 8, eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS

SEC. 6. Except as provided in section 8, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

OFFICERS

SEC. 7. Except as provided in section 8, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

NONDISCRIMINATION

SEC. 8. In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

RESTRICTIONS ON CORPORATE POWERS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority by virtue of this Act for any of its activities.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 10. The corporation shall be liable for acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 11. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 12. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by inserting after paragraph (72) the following new paragraph:

"(73) The National Association of Women Veterans, Inc.".

ANNUAL REPORT

SEC. 13. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1102). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER

SEC. 14. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 15. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 16. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

EXCLUSIVE RIGHT TO NAMES

SEC. 17. The corporation shall have the sole and exclusive right to use the name "National Association of Women Veterans, Inc", "The National Association of Women Veterans, Inc.", and "National Association of Women Veterans", and any such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

FAILURE TO COMPLY WITH RESTRICTIONS OR PROVISIONS

SEC. 18. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. GRASSLEY, Mr. MCCONNELL, and Mr. COATS):

S. 192. A bill to provide criminal penalties for the mailing of unsolicited sexually oriented advertisements, and for other purposes; to the Committee on the Judiciary.

PENALTIES FOR UNSOLICITED SEXUALLY ORIENTED ADVERTISEMENTS

Mr. THURMOND. Mr. President, I rise today to introduce legislation which will protect Americans from the continued invasion of sexually oriented advertisements. This measure is identical to S. 534 which I introduced last Congress.

I have received several letters from constituents informing me of the fact that they have been mailed unsolicited sexually explicit advertisements. After researching this matter, I found that mailing of unsolicited, graphic sexually oriented advertising is occurring on a daily basis throughout this country. What is even more disgusting is that much of this material is addressed to young children. In addition, parents with young, impressionable children are being forced to confront and discuss sensitive, private subjects such as sex, pornography, and obscenity with their young children well before they deem it appropriate. The fact that children and adults go to their mailboxes and have such unsolicited material forced upon them is simply not acceptable.

Under current law, anyone who does not want to receive such material can request that the Post Office add his or her name to a list which would prohibit mailing such advertisements to them. The addressee must go to the Post Office and fill out a form in order to be put on the list. Those who mail sexually oriented advertisements would only then be subject to criminal prosecution.

Regarding the current procedures, they simply do not work. The Postal Service is having serious trouble keeping up with the thousands of people requesting that their names and addresses be put on this list. Not only is this an unreasonable burden on the Post Office, it is an unreasonable burden on the citizens. Why should the burden be on every American to request that he or she be taken off these pornography merchants mailing lists? According to U.S. Postal Service officials, there are currently over 465,000 people on this list and over 130,000 of them are children. In addition, despite the efforts of an addressee to have himself put on the list, he or she may still receive such material for 30 days after the form has been filed with the Post Office. Furthermore, these smut pushers often change single letters in the spelling of names or simply address the material to resident to avoid prosecution.

This legislation being introduced today would ban the mailing of any unsolicited sexually oriented advertisements or any unsolicited obscene matter to any individual at their place of residence or business. Any person who does so will be subject to a term of imprisonment of up to 5 years, a fine of up to $100,000, or both. In addition, this bill will give the Attorney General the authority to bring a civil action and recover up to $100,000 from those who violate the restriction.

Regarding the restrictions, all materials and products may be advertised so long as the advertisement itself is not sexually oriented. Only the manner of advertising to the unsolicited postal patrol is addressed. No concerns should exist over what constitutes sexually oriented material since this bill uses the narrowly drafted definition already in current law.

The constitutionality of this legislation is an issue which has been raised in the past. I am confident that this bill stands up to constitutional scrutiny.

Since the Supreme Court case of Miller versus California, it is clear that obscenity is not protected speech under the first amendment of the Constitution. Based upon this decisions and others, Congress has passed legislation to prohibit the production and proliferation of obscene material. Recently, Congress continued this effort when it passed the Child Protection and Obscenity Enforcement Act of 1988, legislation I introduced.

Obscenity is not the only form of speech which may be regulated. Speech is regulated every day. The most obvious and most noted example is the common prohibition against yelling "Fire!"; in a crowded movie theater. Indecent speech, like many other forms of nonobscene speech, may be regulated. The Supreme Court has consistently allowed the regulation of indecent nonobscene speech based upon subject matter and context. An example is the Court's decision in Rowan versus United States Post Office Department in which the current law banning the mailing of sexually oriented materials at the request of the postal patrol was upheld. Other examples are Young versus American Mini Theaters where the Court upheld zoning restrictions on adult theaters and Bethel School District No. 403 versus Fraser where the Court upheld a restriction on indecent sexually suggestive language in a political speech by a high school student.

The Court in the Rowan case found that a mail sender's right to communicate is not the absolute. The right of the addressee must be considered. The Court stated that "* * * the right of every person 'to be let alone' must be placed in the scales with the right of others to communicate." The Court went on to note that nothing in the Constitution compels people to listen to or to review any unwanted communication, despite its merit.

In numerous cases, the Supreme Court has ruled that the Constitution accords less protection to commercial speech than to other protected forms of speech. The protection available for this form of expression depends upon the nature of the expression and the governmental interest served by the regulation of the expression. The regulation must be found to directly advance this governmental interest without being more extensive than necessary. This test was applied in Bolgers versus Young Drug Products Corp. when the Supreme Court found a Federal statute prohibiting the unsolicited mailing of advertisements for contraceptives to be unconstitutional.

Although the advertisements were arguably offensive to some addressees and the prohibition itself may have aided parents' efforts to control the manner in which the children were educated on the subject of birth control, the Court found the statute to be an unconstitutional infringement upon the rights of contraceptive manufacturers. This was because the proscribed information was related to the important decision of whether to have children which amounted to a restriction on the free flow of truthful information.

At this point, I would like to point out the key differences between the statute which was struck down in the Bolger case and this bill. In Bolger, the statute prohibited the unsolicited mailing of all commercial materials dealing with contraception. Relevant ideas, viewpoints, and education were not allowed to be communicated through the mail. This bill, however, would allow a manufacturer to advertise the same materials, unsolicited, so long as the initial, unsolicited advertisement itself was not sexually oriented. The form or manner of the advertisement to an unsuspecting addressee is the subject of the proposed legislation, rather than the material or product advertised. The proposed restriction is far less excessive than the restriction in Bolger. This restriction is not a complete restriction on advertising for those companies which sell sexually oriented materials. The company may still reach the general population so long as the advertisement in and of itself is not sexually oriented.

In summary, this legislation will protect the right of all Americans to receive mail which is not repulsive and disgusting. It will prevent sexually oriented material from being forced upon those who have no desire to receive it, thereby protecting the legitimate right to be left alone. It will protect our children from those who do not care that they will be exposed to this smut. Finally, it will aid parental efforts to maintain control over the manner in which their children are educated about important and sensitive subjects relating to private matters. This legislation directly advances these important interests without being more restrictive than necessary.

In closing, enactment of this legislation is overdue. I strongly urge each of my colleagues to consider this measure carefully. Its adoption is important and I urge swift consideration.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF UNSOLICITED SEXUALLY ORIENTED ADVERTISEMENTS AND OTHER MATTERS.

Chapter 83 of title 18, United States Code, is amended by adding the following section:

"§ 1735A. Prohibition of unsolicited sexually oriented advertisements and other matter

"(a) Any person who—

"(1) for himself, or by his agents or assigns, knowingly uses the mails for the mailing, carriage in the mails or delivery of—

"(A) any unsolicited sexually oriented advertisement; or

"(B) any unsolicited obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance;

to any individual or group of individuals; or

"(2) violates any regulation of the postal service issued pursuant to subsection (e),

shall be imprisoned not more than 5 years, or fined not more than $100,000, or both for the first offense, and shall be imprisoned not more than 10 years, or fined not more than $200,000, or both, for any second or subsequent offense.

"(b) Whenever, on the basis of any information available to it, the Postal Service believes that a violation of this section has occurred, the Postal Service shall inform the Attorney General. The Attorney General may commence a civil action to recover a civil penalty not to exceed $100,000. Any such action shall be brought in the district court of the United States within the jurisdiction of which the advertisement or other mail matter involved shall have been sent or received.

"(c) All criminal fines or civil penalties collected under this section shall be paid into the Treasury of the United States.

"(d) For purposes of this section, 'sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"(e) The Postal Service shall prescribe such regulations as may be necessary to carry out this section.".

SEC. 2. AMENDMENT TO RICO.

Paragraph (1) of section 1961 of title 18, United States Code, is amended by inserting after "section 1513 (relating to retaliating against a witness, victim, or an informant)" the following: ", section 1735A (relating to mailing of obscene matter or sexually oriented advertising)".

By Mr. McCAIN:

S. 193. A bill to provide for the restoration of certain Medicare catastrophic benefits, plus addition of colon cancer screening benefit; to the Committee on Finance.

MEDICARE ENHANCED BENEFITS ACT

Mr. McCAIN. Mr. President, I rise today to introduce the Medicare Enhanced Benefits Act of 1991. This bill will restore the remaining core benefits that the seniors are still being denied following Congress' full repeal of the Medicare Catastrophic Coverage Act.

As my colleagues well remember, in response to the firestorm among seniors over the passage of the Medicare Catastrophic Coverage Act, there was a lengthy debate about how best to proceed in addressing the seniors concerns about this act. On October 5, 1989, the Senate debated this issue for nearly 11 hours—with the final action being a vote of 99 to 0 in support of S. 1726, a proposal I offered which would protect the core benefits of the act and eliminate the controversial surtax and a number of benefits that were not of highest priority to the elderly.

Mr. President, in spite of all of our efforts in this body, to eliminate the surtax and pare the Catastrophic Act back to the core benefits, in the end the House insisted on repeal.

There is no doubt that the surtax had to go. But, full repeal went way beyond the will of most of this Nation's seniors.

We in this body knew it.

The majority of the seniors knew it. Lest there be any doubt, one only need consider that all of the major seniors organizations in this country ended up endorsing the Senate's action over that of the House. I don't think I need to remind my colleagues of the litany of groups that supported the Senate's proposal.

Following the repeal of the Medicare Catastrophic Coverage Act, we saw a number of things.

First, the rates for Medigap policies rose sharply. This had quite a severe impact on someone trying to make ends meet on a fixed income.

Some argued that the rate increases were evidence of a systemic problem within the Medigap industry. While I agree there is a need to shut down the hucksters and ripoff artists that prey on our Nation's elderly and perhaps some standardization of policies is in order—a step which was taken by Congress last year in undertaking Medigap reform, I saw something else in these rate increases.

First, many in Congress argued—in defense of their pushing for full repeal—that seniors already had the necessary coverage and that the act was duplicative. This just was not so. Most Medigap policies wrap themselves around what Medicare covers—paying a portion of the copayments. Hence, if Medicare provides no coverage, then most Medigap policies provide none.

Second, if they were already covered, then I ask why it is that at least 50 percent of the rate increases are being attributed to the full repeal of the act.

And, third, and undoubtedly most important, I saw seniors losing a core of valuable benefits that were embodied in the Catastrophic Coverage Act, only to find that the cost of their insurance is getting way out of reach. So far out of reach for some, in fact, that they are being faced with a choice between paying for food or for their health care coverage. What a horrible catch-22 to have put them in.

Then there were the health consequences of the full repeal of the Medicare Catastrophic Coverage Act.

Five thousand elderly women would needlessly lose their lives to breast cancer each year as a result of not having access to mammograms.

Those caring for chronically dependent indivdiuals at-home would continue to endure the tremendous hardship of not having occassional relief from the round-the-clock care demands of a spouse or loved one.

Many individuals would be unable to receive health care services at home, and would have to go to the hospital at a much higher cost to the patient, their family, and the taxpayer—not to mention the loss of this often more appropriate modality of care.

Those with terminal illnesses would suffer needlessly, and would be denied access to adequate care options and counseling support.

Those merely in need of intravenous drug therapies would have to stay in a hospital, rather than receive the care at home—also at a much higher cost to the patient, their family, and the taxpayer, not to mention the loss of this often more appropriate modality of care.

Those in need of expensive immunosuppressive drugs, for cancer or as a followup to transplants, would once again be without coverage.

Those requiring hospitalizations would have their coverage limited to 90 days, as opposed to the unlimited hospitalization benefits contained in the act.

The examples go on and on.

Last year, I had occasion to visit the home of an elderly man who was caring for his elderly wife, who was stricken with both Alzheimer's and Parkinson's disease.

As I left Chris and Vivian Schaal's home, I was struck by the toll that the full repeal of catastrophic has taken on their lives. Where there was once hope of relief—there is now no hope in sight. The rug was ripped right out from underneath them.

In 1988, Chris Schaal retired from the Phoenix Electric Motor Co. to care for his ailing wife. A humble man, of incredible integrity and modest means, fighting to carry out his deeply held lifelong commitment to his wife. He cares for her needs every 2 hours—around the clock. He showed me the log that he keeps in order to not forget when he has last cared for her, giving her medication and tending to her needs. He told me, he no longer uses an alarm clock—it is his heart that wakes him every 2 hours.

This is not a physically, nor emotionally, easy task. His wife, Vivian, of 39 years, lay incommunicable—in a fetal position, her feet and hands gnarled and drawn tight from inactivity.

He was his wife's care-giver, having only occassional help from a visiting nurse.

Chris could not even get away for an occasional afternoon to see his friends, or go shopping. He could not go away for a weekend to see grandkids, who are growing up quickly, and on the other side of the country.

Chris is a very proud individual—one who asks and expects little from others. The one he loves, and has spent his life with—who has borne his children, is in need, so he is caring for her needs. And, as a result of caring for her needs, in a compassionate manner and at less expense to the health care delivery system and taxpayer, he has been robbed of the ability to try and address his needs.

Visiting the Schaal's house was one of the most heart-wrenching experiences I have ever had.

The Schaal's, in my view, stand as a vivid example of just how wrong Congress was last year in fully repealing the benefits under the Catastrophic Coverage Act—rather than restructuring the act by eliminating the surtax and preserving its important core benefits.

Mr. President, Congress went in the wrong direction when it lacked the will to look beyond the rhetoric and to the facts. The facts were that the vast majority of our Nation's seniors were upset, and quite rightly so, that Congress had imposed a seniors-only surtax to finance the more expensive benefits.

They were not, however, calling into the question the value of the core benefits—such as mammography, home health, respite, hospice, and Mitchell drugs—benefits which filled a gap in the coverage which they are able to purchase through the private sector, and met a very legitimate need.

I am sure, Mr. President, that there are tens of thousands of couples just like the Schaal's around this country who had the legs knocked right out from under them by Congress' action. Had the Senate's will prevailed on this issue, this would not have been so.

Mr. President, lest there be any doubt about how strongly the seniors themselves feel about the benefits I am discussing, I would like to share with my colleagues the result of a survey I performed of a representative cross-section of the seniors in the State of Arizona.

Eighty thousand seniors were surveyed regarding whether they felt Medicare ought to provide coverage of a number of benefits. There was a response rate of 15 percent. The following represents the response:

Mammography: 79 percent, yes; 17 percent, no.

Colon cancer: 76 percent, yes; 17 percent, no.

Home health: 72 percent, yes; 19 percent, no.

Respite: 74 percent, yes; 18 percent, no.

Hospice: 71 percent, yes; 24 percent, no.

Mitchell drugs: 51 percent, yes; 28 percent, no.

I think these results are pretty telling.

While certainly these benefits do not meet the elderly's greatest coverage need—which is long-term care, they do fill a very real void. And, Mr. President, it has been my opinion that they ought to be restored.

Last year, I offered legislation to do just that.

I am pleased that Congress restored two of these core benefits—mammography screening coverage and the expanded hospice benefit.

There are still a number of core benefits that remain to be restored, and that is why I am offering this bill today. This bill, the Medicare Enhanced Benefits Act of 1991 is both aca prevention and a home health bill.

PREVENTION

As I stated, this past year, we restored the mammography screening benefit. This will be of great assistance to elderly women by giving them a valuable tool in the fight against breast cancer.

The Medicare Enhanced Benefits Act of 1991 would provide Medicare eligible males with a colon-screening benefit. Just as breast cancer is a big problem among women, and colon cancer is a big problem among men. Both mammography screening and colon cancer screening are effective preventative measures to take against these diseases, and ought to be benefits under the Medicare Program.

HOME HEALTH

Also, as I stated, last year Congress restored the expanded hospice benefit. This is an important benefit to our Nation's terminally ill, and I am pleased we were able to restore this essential benefit.

There are a number of other benefits, however, in the home health area that I also believe need to be restored. These benefits include: the expanded home health care benefit, respite care, and Mitchell drugs.

With the exception of the colon cancer-screening benefit, these are among the very benefits contained in S. 1726, which was adopted by the Senate on October 5, 1989, by 99 to 0.

These benefits will be fully paid for with an increase in the monthly Medicare part B premium of $1 in 1992, $1.15 in 1993, $1.30 in 1994, and $1.45 in 1995.

There is one particular population that could have truly benefited from full restoration of these core benefits last year, and that is those beneficiaries who enroll in Medicare HMO programs—as repeal of the core benefits did not go into effect for them until December 31, 1990. Unfortunately, that didn't happen. But, by restoring these additional core benefits, they too will benefit, as these benefits will also be restored for them under my proposal.

Mr. President, it is my hope that we will be able to muster the political courage to restore these additional vital benefits for Medicare beneficiaries and I look forward to working with my colleagues to see this bill through to passage.

I ask unanimous consent that the text of the bill be printed in the Record immediately following my remarks.

There being no objection, the bill was order to be printed in the Record, as follows:

S. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Enhanced Benefits Act of 1991".

SEC. 2. COVERAGE OF COLON-RECTAL SCREENING EXAMINATIONS.

(a) In General.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended by inserting after subsection (c) the following new subsection:

"(d) Frequency and Payment Limits for Screening Stool-Blood Tests and Screening Flexible Sigmoidoscopies.

"(1) Screening stool-blood test.—

"(A) Payment limit.—In establishing fee schedules under section 1833(h) with respect to screening stool-blood test provided for the purpose of early detection of colon cancer, except as provided by the Secretary under paragraph (3)(A), the payment amount established for tests performed—

"(i) in 1992 shall not exceed $5, and

"(ii) in a subsequent year, shall not exceed the limit on payment amount established under this subsection for such tests for the preceeding year increased by the percentage increase in the MEI for that subsequent year.

"(B) Frequency limit.—Subject to revision by the Secretary under paragraph (3)(B), payment may be made under this part for a screening stool-blood test provided to an individual for the purpose of early detection of colon cancer only—

"(i) if the individual is eligible for benefits under this title and over 50, and

"(ii) if payment has not been made under this title for a test performed within 11 months from the previous screening stool-blood test.

"(2) Screening flexible sigmoidoscopies.—

"(A) Payment limit.—In establishing the payment basis (under section 1842(b) or under a fee schedule under section 1848) with respect to screening flexible sigmoidoscopies provided for the purpose of early detection of colon cancer, except as provided by the Secretary under paragraph (3)(A), the payment basis established for such procedures performed.

"(i) in 1992 shall not exceed $150, and

"(ii) in a subsequent year, shall not exceed the limit on payment basis established under this subsection for such procedures for the preceding year increased by the percentage increase in the Medical Economic Index for that subsequent year.

"(B) Frequency limit.—Subject to revision by the Secretary under paragraph (3)(B), payment may be made under this part for a screening flexible sigmoidoscopy provided to an individual for the purpose of early detection of colon cancer only—

"(i) if the individual is Medicare eligible, and

"(ii) if Medicare has not paid for the procedure within the 59 months after a previous screening flexible sigmoidoscopy.

"(3) Reductions in payment limits and adjustment in frequency.—

"(A) Reductions in payment limits.—The Secretary shall review from time to time the appropriateness of the amount of the payment limits established (2)(A). The Secretary may, with respect to tests and procedures performed in a year after 1993, reduce the amount of such a limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that such tests and procedures of an appropriate quality are readily and conveniently available during the year.

"(B) Revision of frequency.—

"(i) Review.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening stool-blood tests and screening flexible sigmoidoscopies based on age and such other factors as the Secretary believes to be pertinent.

"(ii) Revision of frequency.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which such tests and procedures may be paid for under this subsection, but no such revision shall apply to tests or procedures performed before January 1, 1994.

"(4) Limiting charges for nonparticipating physicians.—

"(A) In general.—In the case of a screening flexible sigmoidoscopy provided to an individual for the purpose of early detection of colon cancer for which payment may be made under this part, if a nonparticipating physician provides the procedure to an individual entitled to benefits under this part, the physician may not charge the individual more than the limiting charge (as defined in subparagraph (B), or, if less, as defined in section 1848(g)(2)).

"(B) Limiting charge defined.—In subparagraph (A), the term 'limiting charge' means, with respect to a procedure performed—

"(i) in 1992, 125 percent of the applicable limit in payment basis established under this subsection with respect to a procedure performed—

"(ii) in 1993, 120 percent of such applicable limit, or

"(iii) after 1994, 115 percent of such applicable limit.

"(C) Enforcement.—If a physician or supplier knowingly and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(b) Conforming Amendments.—Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking "and" at the end,

(B) in subparagraph (F), by striking the semicolon at the end and inserting "; and" and

(C) by adding at the end the following new subparagraphs:

"(G) in the case of screening stool-blood tests and screening flexible sigmoidoscopies provided for the purpose of early detection of colon cancer, which are performed more frequently than is covered under section 1834(d);"; and

(2) in paragraph (7), by inserting "or under paragraph (1)(G)" after "(1)(F)".

(d) Effective Date.—The amendments made by this section shall apply to screening stool-blood tests, and screening flexible sigmoidoscopies performed on or after January 1, 1992.

SEC. 3. EXTENDING HOME HEALTH SERVICES.

(a) In General.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided or needed on an 'intermittent' basis if they are provided or needed less than 7 days each week and, in the case they are provided or needed for 7 days each week, if they are provided or needed for a period of up to 38 consecutive days."

(b) Payment Under Part B.—Section 1833(d) of the Social Security Act (42 U.S.C. 13951(d)) is amended—

(1) by striking "(d) No payment" and inserting "(d)(1) Except as provided in paragraph (2), no payment"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of home health services furnished to an individual enrolled under part B for which payment is made only as a result of the application of the last sentence of section 1861(m), payment shall be made under part B.".

(c) Effective Date.—The amendments made by this section shall apply to those services for which initial periods of delivery commence on or after January 1, 1992.

SEC. 4. IN-HOME RESPITE CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS.

(a) In General.—Section 1832(a) of the Social Security Act (42 U.S.C. 1395k(a)) as amended by the Omnibus Budget Reconciliation Act of 1990 is further amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "(A)", and

(B) by inserting before the semicolon at the end the following: ", and (ii) in-home respite care for up to 80 hours in any period described in section 1861(ll)(4), but not to exceed 80 hours in any calendar year"; and

(2) by adding at the end the following new sentence: "In the case of in-home respite care (described in paragraph (2)(A)(ii)) provided on any day, such care provided for 3 hours or less shall be counted as 3 hours.".

(b) Definition of In-Home Respite Care for Chronically Dependent Individual.—Section 1861 of such Act (42 U.S.C. 1395x) as amended by the Omnibus Budget Reconciliation Act of 1990 is amended by—

(1) redesignating subsection (jj), as added by section 4163(a) of the Omnibus Budget Reconciliation Act of 1990, as subsection (kk); and

(2) by inserting after subsection (kk) as so redesignated the following new subsection:

"(ll)(1) The term 'in-home respite care' is defined as the following items and services furnished in a place of residence used as the individual's 'home', under the supervision of a registered professional nurse, to a chronically dependent individual (as defined in paragraph (2)) during the period described in paragraph (4) by a home health agency or by others providing such care under arrangements made with such agency:

"(A) Service of a homemaker/home health aide (who has successfully completed a training program approved by the Secretary).

"(B) Personal care services.

"(C) Nursing care provided by a licensed professional nurse.

"(2) The term 'chronically dependent individual' is defined as an individual who—

"(A) is dependent on a daily basis on a primary caregiver living with the individual and assisting the individual in the performance of at least 2 of the activities of daily living (described in paragraph (3)) without monetary compensation, and

"(B) unable to perform such activities of daily living without such assistance.

"(3) The 'activities of daily living', referred to in paragraph (2), are as follows:

"(i) Eating.

"(ii) Toileting.

"(iii) Transferring in and out of a bed or in and out of a chair.

"(iv) Bathing.

"(v) Dressing.

"(4)(A) The period described in this paragraph begins on the date that the Secretary determines that a chronically dependent individual has incurred out-of-pocket Medicare part B cost sharing (as defined in paragraph (5)(A)) in an amount equal to the part B limit (as determined under paragraph (5)(B)) for the specific calendar year.

"(B) In the case of an individual who qualifies under subparagraph (A), if the hour limitation for the calendar year applies, the period described in subparagraph (A) shall begin on the first day of the succeeding calendar year.

"(5) For purposes of this subsection—

"(A) The term 'out-of-pocket part B cost sharing' is defined as the amount of expenses an individual covered under part B incurs that are attributable to—

"(i) the deductions established under section 1833(b), and

"(ii) the difference between the payment amount provided under part B and the payment amount that would be provided under part B if '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, in each place either appears in sections 1833(a), 1833(i)(2), 1834(c)(1)(C), 1835(b)(2), 1866(a)(2)(A), 1881(b)(2), and 1881(b)(3).

"(B)(i) The part B limit for 1991 is $1,780. The part B limit for any succeeding year shall be such an amount (rounded to the nearest multiple of $1) as the Secretary estimates, for that succeeding year, reflecting a level of out-of-pocket part B expenses that only 5.5 percent of the average number of individuals enrolled under part B (other than individuals enrolled with an eligible organization under section 1876 or an organization described in section 1833(a)(1)(A) will equal or exceed in that succeeding year.".

(c) PAYMENTS.—Section 1833(a) of such Act (42 U.S.C. 1395l(a)) as amended by the Omnibus Budget Reconciliation Act of 1990 is further amended—

(1) in paragraph (2), by inserting "(A)(ii)," after "subparagraphs" the first place it appears,

(2) in paragraph (3), by striking "(D)" and inserting "(A)(ii) and (D),", and

(3) by adding at the end the following: "Payments for in-home respite care for chronically dependent individuals shall be paid on the basis of each hour such care is provided. In applying paragraph (2) in the case of an organization receiving payment under subparagraph (A) of paragraph (1) or under a reasonable cost reimbursement contract under section 1876 and providing coverage of in-home respite care, the Secretary shall provide for an appropriate adjustment in the amount of payments to reflect the aggregate increase in payments that would otherwise be made with respect to enrollees in the organization if payments were made other than under such clause or such a contract and if payments were to be made on an individual-by-individual basis.

(d) CERTIFICATION.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by adding "and" at the end; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of in-home respite care provided during a period described in section 1861(ll)(4), the individual was chronically dependent for 3 months immediately preceding the beginning of the period described in such section.".

(e) STANDARDS FOR UTILIZATION.—

(1) Section 1862(a) of such Act (42 U.S.C. 1395y(a)) as amended by section 2(b) of this Act is further amended—

(A) in paragraph (1)—

(i) in subparagraph (F), by striking "and" at the end,

(ii) in subparagraph (G), by striking the semicolon at the end and inserting ", and", and

(iii) by adding at the end the following new subparagraph:

"(H) in the case of in-home respite care, which is not reasonable and necessary to assure the health and condition of the individual is maintained in the individual's noninstitutional residence;"; and

(B) in paragraph (6), by inserting "and except, in the case of in-home respite care, as is otherwise permitted under paragraph (1)(H)" after "paragraph (1)(C)".

(2) The Secretary of Health and Human Services shall take appropriate steps to monitor and be assured that quality of in-home respite care is being delivered under the amendments made by this section and to provide for appropriate utilization of said services.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1992.

SEC. 5. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES.

(a) IN GENERAL.—Section 1832(a)(2)(A) (42 U.S.C. 1395k(a)(2)(A)) as amended by section 4(a)(1) of this Act, is further amended—

(1) by striking ", and (ii)" and inserting ", (ii)"; and

(2) by striking "calender year" and inserting ", calendar year, and (iii) home intravenous drug therapy services".

(b) DEFINITION OF HOME INTRAVENOUS DRUG THERAPY SERVICES.—Section 1861 (42 U.S.C. 1395x) as amended by section (4)(b) of this Act, is further amended by adding at the end the following new subsection:

"(oo)(1) The term 'home intravenous drug therapy service' is defined as the items and services described in paragraph (2) furnished to an individual who is under the care of a physician—

"(A) in a place of residence used as the individual's 'home';

"(B) by a qualified home intravenous drug therapy provider (as defined in paragraph (4)) or by others under arrangements made with them by such provider; and

"(C) under a plan established and periodically reviewed by a physician.

"(2) The items and services described in this paragraph include such nursing, pharmacy, and related services (including medical supplies, intravenous fluids, delivery and equipment) as are necessary to safely and effectively conduct an intravenously administered drug regimen through use of a covered home intravenous drug.

"(3)(A) The term 'covered home intravenous drug' is defined as a drug dispensed to an individual that—

"(i) is an antibiotic drug for which the Secretary has not determined, for the specific drug or for the use which it is applied, that the drug is unable to be administered safely and effectively in a home setting, or,

"(ii) is not an antibiotic drug for which the Secretary had determined, for the specific drug and use for which the drug is being supplied, that the drug can generally be administered safely and effectively in a home setting.

"(B) Not later than January 1, 1992 (and periodically thereafter), the Secretary shall publish a list of home intravenous drugs which shall be covered for home intravenous drug therapy under this title.

"(4) The term 'qualified home intravenous drug therapy provider' is defined as any entity the Secretary determines to meet the following requirements:

"(i) Is capable of providing or arranging for the items and services described in paragraph (2) and covered home intravenous drugs.

"(ii) Maintains clinical records on all patients.

"(iii) Adheres to written protocols and policies with respect to the provision of items and services.

"(iv) Makes services available (as needed) 7 days a week on a 24-hour basis.

"(v) Coordinates all services with the patient's physician.

"(vii) Assures that only trained personnel provide covered home intravenous drugs (and any other service for which training is required to safely provide the service).

"(viii) Assumes responsibility for the quality of services provided by others under arrangements with the agency or entity.

"(ix) In the case of an entity in any State in which State or applicable law provides for the licensing of entities of this nature, the entity is licensed pursuant to such law, or is approved by the agency of such State or locality responsible for licensing entities of this nature as meeting the standards established for such licensing.

"(x) Meets such other requirements as the Secretary may determine are necessary to assure the safe and effective provision of home intravenous drug therapy services and the efficient administration of the home intravenous drug therapy benefit.".

(c) PAYMENT.—

(1) IN GENERAL.—Part B of such Act is amended—

(A) in subsection (a)(2)(B) of section 1833 (42 U.S.C. 1395l), by striking "or (E)" and inserting "(E), (F), or (G)";

(B) in subsection (a)(2)(D) of such section, by striking "and" at the end;

(C) in subsection (a)(2)(E) of such section, by striking the semicolon and inserting "; and";

(D) by inserting after subsection (a)(2)(E) of such section the following new subparagraph:

"(F) with respect to home intravenous drug therapy services, the amounts described in section 1834(d)(1);"

(E) in subsection (b) of such section, by striking "services, (3)" and inserting "services and home intravenous drug therapy services, (3)"; and

(F) by inserting after subsection (c), of section 1834, the following new subsection:

"(d) Home Intravenous Drug Therapy Services.—

"(1) In general.—With respect to home intravenous drug therapy services, subject to paragraph (3), payment under this Act shall be made in an amount equal to the lesser of the actual charges for such services or the fee schedule established under paragraph (2).

"(2) Establishment of fee schedule.—The Secretary shall establish by regulation before the beginning of calendar year 1992, and each succeeding calendar year, a fee schedule for home intravenous drug therapy services for which payment is made under this section. The fee schedule established under this subsection shall be on a per diem basis.

"(3) Limitation on acceptance of, and payments for, certain referrals.—

"(A) In general.—Except as provided in subparagraph (B), a home intravenous drug therapy provider may not provide home intravenous drug therapy services under this section to an individual if the individual's referring physician (as defined in subparagraph (D)), or an immediate family member of the physician—

"(i) has an ownership interest in the provider, or

"(ii) receives compensation from the provider.

"(B) Exceptions.—

"(i) Subparagraph (A)(i) shall not apply—

"(I) if the ownership interest is the ownership of stock traded over a publicly regulated exchange and was purchased on terms generally available to the public, or

"(II) if the provider is a sole home intravenous drug therapy provider (as defined by the Secretary) in a rural area.

"(ii) Subparagraph (A)(ii) shall not apply if the compensation if reasonably related to items or services actually provided by the physician and does not vary in proportion to the number of referrals made by the referring physician, but such exemption shall not apply to compensation provided for direct patient care services.

"(iii) Subparagraph (A) shall not be construed to apply to a referring physician whose only ownership or financial relationship with the provider is as an uncompensated officer or director of the provider.

"(iv) Subparagraph (A) also shall not apply in such cases, established by the Secretary in regulations, in which the nature of the ownership or compensation does not pose a substantial risk of program abuse.

"(C) Sanctions.—

"(i) Denial of payment.—No payment may be made under this part for home intravenous drug therapy services which are provided in violation of subparagraph (A).

"(ii) Civil money penalty for improper claims.—Any person (including a home intravenous drug therapy provider or physician) that knowingly, or should have known, presents or causes to be presented a claim for an item or service for which payment may not be made under subparagraph (A) shall be subject to a civil money penalty of not more than $15,000 for each such item or service. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil monetary penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(D) Referring physician defined.—In this paragraph, with respect to providing home intravenous drug therapy services to an individual the term 'referring physician' is defined as a physician who—

"(i) prescribed the covered home intravenous drug for which the services are to be provided, or

"(ii) established the plan of care for such services.".

(2) Propac study.—The Prospective Payment Assessment Commission shall conduct a study, and make recommendations to Congress and the Secretary of Health and Human Services by not later than June 1, 1993, concerning appropriate adjustment to the payment amounts provided under section 1886(d) of the Social Security Act for inpatient hospital services to account for reduced costs to hospitals resulting from the amendments made by this section.

(3) Inspector general report on potentially abusive ownership or compensation arrangements.—The Inspector General of the Department of Health and Human Services shall study and report to Congress, by not later than July 1, 1992, concerning—

(A) physician ownership of, or compensation from, an entity providing items or services to which the physician makes referrals and for which payment may be made under the Medicare program;

(B) the range of such arrangements and the means by which they are marketed to physicians;

(C) the potential of such ownership or compensation to influence the decision of a physician regarding referrals and to lead to inappropriate utilization of such items and services; and

(D) the practical difficulties involved in enforcement actions against such ownership and compensation arrangements that violate current anti-kickback provisions.

Report shall include such recommendations as may be appropriate to strengthen current law provisions to prevent program abuse.

(d) Certification.—

(1) In general.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) as amended by section 4(d) of this Act, is further amended—

(A) by striking "and" at the end of subparagraph (f);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) in the case of home intravenous drug therapy services, (i) such services are or were required because the individual needed such services or the administration of a covered home intravenous drug, (ii) a plan for furnishing such services have been established and is reviewed periodically by a physician, (iii) such services are or were furnished while the individual is or was under the care of a physician, (iv) such services are administered in a place of residences used as such as the individual's home, and (v) with respect to such services initiated before January 1, 1994, such services have been reviewed and approved by a utilization and peer review organization under section 1154(a)(16) before the date such services were initiated (or, in the case of services first initiated on an outpatient basis, within 1 working day (except in exceptional circumstances) of the date of initiation of the services).".

(2) Peer review organization prior approval required.—Section 1154(a) of such Act (42 U.S.C. 1320c-3(a)) as amended by the Omnibus Budget Reconciliation Act of 1990 is amended by adding at the end the following new paragraph:

"(17) The organization shall perform the review described in paragraph (1) with respect to home intravenous drug therapy services (as defined in section 1861(oo)(1)) initiated before January 1, 1994, within 1 working day of the date of the organization's receipt of a request for such review. The Secretary shall establish criteria to be used by such an organization in conducting reviews with respect to the appropriateness of home intravenous drug therapy services under this paragraph.".

(e) Certification of Home Intravenous Drug Therapy Providers; Intermediate Sanctions for Noncompliance.—

(1) Treatment as provider of services.—Section 1861(u) of such Act (42 U.S.C. 1395x(u)) is amended by inserting "home intravenous drug therapy provider," after "hospice program,".

(2) Consultation with state agencies and other organizations.—Section 1863 of such Act (42 U.S.C. 1395z) is amended by striking "and (dd)(2); and inserting "(dd)(2), and (oo)(4)".

(3) Use of state agencies in determining compliance.—Section 1864(a) of such Act (42 U.S.C. 1395aa(a)) is amended—

(A) in the first sentence, by inserting "or a home intravenous drug therapy provider," after "hospice program", and

(B) in the second sentence, by striking "or hospice program" and inserting "hospice program, or home intravenous drug therapy provider".

(4) Application of intermediate sanctions.—Section 1846 of such Act (42 U.S.C. 1395w-2), as amended by the Omnibus Budget Reconciliation Act of 1990, is further amended—

(A) in the heading, by adding "And For Qualified Home Intravenous Drug Therapy Providers" at the end;

(B) in subsection (a), by inserting "or that a qualified home intravenous drug therapy provider that is certified for participation under this title no longer substantially meets the requirements of section 1861(oo)(4)" after "under this part"; and

(C) in subsection (b)(2)(A)(iv) by inserting "or home intravenous drug therapy services" after "clinical diagnostic laboratory tests".

(f) Use of Regional Intermediaries in Administration of Benefit.—Section 1816 of such Act (42 U.S.C. 1395h) is amended by adding at the end thereof the following new subsection:

"(k) With respect to carrying out functions relating to payment for home intravenous drug therapy services and covered home intravenous drugs, the Secretary may enter into contracts with agencies or organizations under this section to perform such functions on a regional basis.".

(g) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1992.

SEC. 6. FINANCING THROUGH INCREASE IN MEDICARE PART B PREMIUM.

(a) Increase in Premium.—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended by adding at the end the following new subsection:

"(g)(1) Except as provided in subsection (f), the monthly premium for each individual enrolled under this part otherwise determined, without regard to this subsection, shall be increased (for months occurring in 1992 through 1995) by the following additional premium or (for months after December 1995) by such an additional premium determined in accordance with paragraph (2):

"(A) For months in 1992, $1.00.

"(B) For months in 1993, $1.15.

"(C) For months in 1994, $1.30.

"(D) For months in 1995, $1.45.

"(2)(A) The Secretary shall, during September of 1995 and September of each year thereafter, determine and promulgate the additional premium under this subsection for months in the succeeding year. Such premium amount shall be equal to the amount the Secretary estimates to be necessary so that the aggregate amount of premiums collected under this subsection for months in the year will equal the total of the benefits and administrative costs which the Secretary estimates will be payable in such year from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund that are attributable to the amendments made by the Medicare Enhanced Benefits Act of 1991. In calculating such an additional premium, the Secretary shall include an appropriate amount for a contingency margin, and shall adjust such premium to take into account the amounts by which the additional premiums established under this subsection with respect to months in any year are greater or less than the amounts required to pay for benefits paid and such administrative costs incurred in such year that are attributable to the Medicare Enhanced Benefits Act of 1991.

"(B) If any premium increase for a month under this paragraph is not a multiple of 10 cents, the Secretary shall round the increase to the nearest multiple of 10 cents.".

SEC. 7. ADJUSTMENT OF CONTRACTS WITH PREPAID HEALTH PLANS.

The Secretary of Health and Human Services shall—

(1) modify contracts under sections 1833(a)(1)(A) and 1876 of the Social Security Act, for portions of contract years occurring after December 31, 1988, to take into account the amendments made by this Act; and

(2) require such organizations to make appropriate adjustments (including adjustments in premiums and benefits) in the terms of their agreements with Medicare beneficiaries to take into account such amendments.

The Secretary shall also provide for appropriate modifications of contracts with health maintenance organizations under section 1876(i)(2)(A) of the Social Security Act (as in effect before February 1, 1985), under section 402(a) of the Social Security Amendments of 1967, or under section 222(a) of the Social Security Amendments of 1972, for portions of contract years occurring after December 31, 1988, so as to apply to such organizations and contracts the requirements imposed by the amendments made by this Act upon an organization with a risk-sharing contract under section 1876 of the Social Security Act.

By Mr. McCAIN (for himself, Mr. MACK, Mr. NICKLES, Mr. D'AMATO, Mr. HATCH, Mr. COCHRAN, Mr. GRASSLEY, Mr. HEFLIN, Mr. KASTEN, Mr. LUGAR, Mr. MCCONNELL, Mr. PRESSLER, Mr. ROTH, Mr. SHELBY, Mr. SIMPSON, Mr. SYMMS, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. GORTON, Mr. BURNS, Mr. DURENBERGER, Mr. CRAIG, Mr. JEFFORDS, Mr. BROWN, Mr. STEVENS, and Mr. GRAMM):

S. 194. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Finance.

OLDER AMERICANS' FREEDOM TO WORK ACT

• Mr. McCAIN. Mr. President, I am pleased to be joined by my colleagues, Senators MACK, NICKLES, D'AMATO, HATCH, COCHRAN, GRASSLEY, HEFLIN, KASTEN, LUGAR, MCCONNELL, PRESSLER, ROTH, SHELBY, SIMPSON, SYMMS, THURMOND, WARNER, COATS, GORTON, BURNS, DURENBERGER, CRAIG, JEFFORDS, BROWN, STEVENS, and GRAMM in introducing this bill, the Older Americans' Freedom to Work Act, to fully repeal the Social Security earnings test for older Americans between the ages of 65 and 69. This legislation would provide freedom, opportunity and fairness for our Nation's senior citizens.

Most people are amazed to find that older Americans are actually penalized for their productivity. For every $3 earned by a retiree over the $9,720 limit, they lose $1 in Social Security benefits. Due to this cap on earnings, our senior citizens, many of whom exist on limited incomes, are effectively burdened with a 33.3 percent tax. Combined with Federal, State, and other Social Security taxes, it will amount to a shocking 70-percent tax bite, and sometimes even more—Federal tax—15 percent, FICA—15.3 percent, earnings test penalty—33.3 percent, State and local tax—5 percent. Obviously, this earnings cap is a tremendous disincentive to work. No one who is struggling along at $10,000 a year wants to face an effective marginal tax rate of 70 percent.

Mr. President, this is unquestionably an issue of fairness. No American should be discouraged from working. Unfortunately, as a result of the earnings test, Americans over the age of 65 are being punished for attempting to be productive. The earnings test doesn't take into account an individual's desire or ability to contribute to society. It arbitrarily mandates that a person retire at age 65 or face losing benefits. It is plainly age discrimination; it is plainly wrong.

There are more than 40 million Americans age 60 or older who have over 1 billion years of cumulative work experience—all going to waste. Three out of five of these people do not have any disability that would preclude them from working. Furthermore, almost half a million elderly individuals who do work earn annual incomes within 10 percent of the earnings limit. They are struggling to get ahead without hitting the limit. If not for the earnings test, many more would work, but the system is coercing them into retirement and idleness.

Perhaps most importantly, the earnings cap is a serious threat to the welfare of low-income senior citizens. Once the earnings cap has been met, a person with a job providing just $5 an hour would find the after tax value of that wage dropping to only $2.20. A person with no private pension or liquid investments—which, by the way, are not counted as "earnings"—from his or her working years may need to work in order to meet the most basic expenses, such as shelter and food. Health care costs, rising at an astronomical rate, are another expense many elderly Americans have trouble meeting. There is also a myth that repeal of the earnings test would benefit only the rich. Nothing could be farther from the truth. The highest effective marginal rates are imposed on the middle income elderly who must work to supplement their income.

Finally, it is simply outrageous to pursue a policy that keeps people out of the work force who are experienced and want to work. We have been warned to expect a labor shortage. Why should we discourage our senior citizens from meeting that challenge? As the U.S. Chamber of Commerce, which strongly supports this legislation, has pointed out, "retraining older workers already is a priority in labor intensive industries, and will become even more critical as we approach the year 2000."

We have a massive Federal deficit. Studies have found that repealing the earnings test could net $140 million in extra Federal revenue. Furthermore, the earnings test is costing us $15 billion a year in reduced production. Taxes on that lost production would go a long way toward reducing the budget deficit. Nor, as it continues to become tougher to compete globally, can America afford to pursue any policy that adversely affects production or effectively prevents our citizens from working.

Repeal would also save the taxpayer over $200 million a year in reduced compliance costs. According to the Social Security Administration, the earnings test is its largest administrative burden. Sixty percent of all overpayments and 45 percent of benefit underpayments are attributable to the earnings test.

Several of our Nation's largest senior's organizations strongly support this particular bill: The National Alliance of Senior Citizens, the Seniors Coalition, the Retired Officers Association, the National Association of Retired Federal Employees, and the National Committee to Preserve Social Security and Medicare. Their comments are telling, and I would like to read you a few quotes from their letters supporting the Older Americans Freedom to Work Act.

From the National Alliance of Senior Citizens—

> The Social Security earnings limit places an unfair burden squarely on the backs of our older citizens who can least afford it * * * the earnings test frustrates those who

need the additional income for expenses that fixed incomes cannot support.

From The Seniors Coalition—

> Every now and then a piece of legislation is introduced that makes one realize there actually is a sense of fairness and justice in Congress.

From the Retired Officers Association—

> I need not tell you of the vast storehouse of experience that is laying untapped across our great land because of the inane prohibitions in the Social Security law.

From the National Association of Retired Federal Employees—

> It is the middle-income tax-paying retiree who very often needs a postretirement salary to meet unanticipated expenses caused by family illness or other economic pressures who need this help and would most benefit. At the same time, these older workers will continue to contribute to the Nation's economy with their continuing income and Social Security taxes.

And finally from the National Committee to Preserve Social Security and Medicare—

> Of most importance to the National Committee is simple fairness * * *. Such a tax penalty is clearly unfair and should be eliminated.

Mr. President, we need the skill and experience of older Americans. The earnings test is outdated, unjust, and discriminatory. By punishing our productive senior citizens, I believe it sends a dangerous message to all Americans. It is time to eliminate this policy, and I urge my colleagues to join me in cosponsoring the Older Americans' Freedom to Work Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record, immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans' Freedom to Work Act of 1991".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(a))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) Uniform Exempt Amount.—Section 203(f)(8)(A) of the Social Security Act is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) Conforming Amendments.—Section 203(f)(8)(B) of such Act is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) Repeal of Basis for Computation of Special Exempt Amount.—Section 203(f)(8)(D) of such Act is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) Elimination of Redundant References to Retirement Age.—Section 203 of the Social Security Act is amended—

(1) in the last sentence of subsection (c), by strking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became also entitled prior to attaining age 60, or

(b) Conforming Amendment to Provisions for Determining Amount of Increase on Account of Delayed Retirement.—Section 202(w)(2)(B)(ii) of such Act is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) Continued Application of Rule Governing Entitlement of Blind Beneficiaries.—The second sentence of section 223(d)(4) of such Act is amended by inserting after "subparagraph (D) thereof" where it first appears the following: "(or would be applicable to such individuals but for the amendments made by the Older Americans' Freedom to Work Act of 1990)".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years beginning after December 31, 1991.●

Mr. HATCH. Mr. President, I rise to urge my colleagues to carefully consider the looming disincentive many of our working senior citizens are facing in the form of the Social Security retirement earnings limitation. It is past time that we eliminated this restrictive policy. This limitation, which reduces the Social Security benefits of retirees under age 70, in effect sends a negative message to working recipients of Social Security. This message is that the Federal Government does not value their continued contribution to the work force. The reality of the situation, Mr. President, is that we need those contributions in the workplace now more than ever.

Many in our senior work force not only want to keep working after age 65, but because of their economic situations, these people may need to keep working. Do we want to discourage them?

The current system which punishes seniors for working, was developed in the Great Depression years when jobs were scarce. It is foolish for our Government to now have such a restrictive policy, which results in effective marginal tax rates of 56 percent and higher. This is for a low-income retired worker, supposedly in the lowest tax bracket. This means that, should this worker exceed the earnings limitation, he or she keeps only 44 cents of each dollar earned. Subtract from this 44 cents the State tax on those earnings, and you can see the tremendous disincentive these retired workers face. After a lifetime of believing that hard work pays off, it is extremely frustrating to face an economic situation where more work leads to so little additional pay.

Many of our workers turning 65 are faced with a difficult dilemma. Either they must continue working full time and give up all or part of their well-earned Social Security benefits, or they must retire and accept a lower standard of living. Either choice leads to the feeling that one is being cheated.

It is ironic and unfair that those retirees with large amounts of unearned income from interest, dividends, and pensions do not face a reduction of Social Security benefits, no matter how much of this income they enjoy. Those retirees who struggle to get by on their Social Security, and would like to supplement their income by continuing to work, however, are discouraged from doing so. This is poor public policy and goes against American ideals.

Mr. President, our Nation is beginning to face shortages of skilled workers. While these shortages are presently more visible in some regions of the Nation than others, the lack of experienced labor will prove to be one of our biggest challenges as we enter the new century. One solution to this problem lies with our senior citizens. In many ways, this group represents the best America has to offer. They have the skills; they have the experience; they have the work ethic. We cannot afford to discourage members of this group who wish to continue working.

This legislation represents a turn in the right direction, a signal that we believe our work force between the ages of 62 and 70 are a much-needed and integral part of our economy. These individuals have much to contribute. We need their experience, and we need their wisdom. Let's not discourage them from making this contribution by taxing away most of their earnings.

I urge my colleagues to support this bill.

Mr. PRESSLER. Mr. President, today I join our distinguished colleague, Senator McCain, in supporting legislation to remove the earnings limitation for Social Security recipients who are between 65 and 70 years of age. Those older Americans who want or need to work should be able to do so without losing Social Security benefits.

The current law allows a person receiving Social Security benefits to earn a maximum of $7,080 from ages 62 to 65 and $9,720 from age 65 to 70 without losing benefits. However, if a person is under age 65, $1 of benefits is withheld for every $2 of income earned over the limit. If a person is 65 to 70 years of age, $1 is withheld from monthly Social Security checks for every $3 of income over the limit.

Approximately 30,000 South Dakotans could benefit from the enactment of this legislation to remove the earnings limitation. Many of these senior citizens need extra income to pay the increasing costs of housing, utilities, food and medical care. Aside from these basic needs, I feel that older Americans who have the drive and desire to earn money for extras such as vacations or automobiles they could not afford to pay for from savings or Social Security payments, should not have their incomes reduced. Why shouldn't all hard-working Americans be allowed to profit from their contributions to the work force? There is no reason to penalize a healthy 72-year-old for earning extra income from work and be forced to cut his or her standard of living in order to pay for essentials. It is discriminatory to limit the incomes of Americans who fall into certain age brackets when other Americans are free to earn what they choose without penalty.

On October 9, 1990, I joined in sponsoring an amendment to eliminate the earnings test and voted to waive the Budget Act in order to consider this and other important Social Security legislation. Unfortunately, we were able to obtain only 54 of the 60 votes necessary at that time. I hope that during this Congress we will gain enough support to eliminate this disincentive for the senior citizens who play such an important part in our work force.

The earnings test is outdated. Many elderly citizens, while ready to reduce their work activity, either cannot afford to do so or do not wish to withdraw completely from the work force. Many desire to work simply because they enjoy it. I encourage my colleagues to join in this effort to repeal the Social Security earnings limitation. At a time when the American economy could use the wisdom, skill and dedication of our older citizens, it is bad public policy to keep penalizing them for their productive efforts.

Mr. SYMMS. Mr. President, I am pleased to join the distinguished Senator from Arizona in introducing the Older Americans' Freedom to Work Act. This legislation will amend the Social Security system by removing the limitation on the amount of outside income which beneficiaries below the age of 70 may earn, thus eliminating a terrible inequity for the elderly.

Under the current system, individuals between the ages of 63 and 70—retirement age—lose $1 in Social Security benefits for every $3 they earn above $9,360. This applies to earned income only; there is no reduction for earnings from investments or pensions. So, the wealthier people having investment income are not penalized. Clearly, this is an unfair bias against the middle class.

This earnings test creates a tremendous disincentive for people who want to work. With the current labor shortage and the state of the economy, it is ridiculous to penalize some of our most productive citizens by taking away benefits they deserve just because they get a job to help pay the bills. The elderly are a vast underutilized resource for this country and should be treated accordingly.

Moreover, these individuals are subject to taxation of over 60 percent of their income if the 33 percent Social Security penalty is added to the potential 33 percent Federal income tax, not to mention the additional State and local taxes.

Eliminating the earnings test will increase labor and capital income, thereby increasing tax revenues and the amount of Social Security benefits paid and withheld. This legislation will benefit the elderly, the economy, and the country as a whole.

This issue has been a concern of mine for many years, and I would encourage my colleagues to give this bill their support.

By Mr. PRESSLER:

S. 195. A bill to reform the tort law doctrine of joint and several liability; to the Committee on the Judiciary.

JOINT AND SEVERAL LIABILITY REFORM ACT

Mr. PRESSLER. Mr. President, I am pleased to introduce the Joint and Several Liability Reform Act of 1991. Today the doctrine of joint and several liability is in need of serious reform. The doctine, as it currently stands, is an illogical system that affects both the competitiveness of American business and the pocketbooks of American consumers.

Originally, the doctrine was applied when two or more defendants had conspired together in a manner that resulted in an injury to a plaintiff. They were, in effect, equally at fault and equally to blame for the harm inflicted. Later, however, the doctrine was expanded to hold responsible all parties involved in causing the harm, regardless of whether they acted in concert or independently of each other. Today that doctrine has been taken to the extreme. A party who is determined only 1 percent at fault can be, and often is, held liable for 100 percent of damages. The parties causing the harm often get off scot-free. We no longer punish the wrongdoers. Parties with the deepest pockets are often the target of such litigation.

There are a number of real problems with this doctrine.

First, local governments continue to be a popular target for plaintiffs. Plaintiffs view local government as a source of unlimited compensation. The average citizen ends up paying the claim through increased taxes or a loss of essential public services.

Second, the doctrine is a primary cause of skyrocketing insurance rates. Businesses and local governments with the best safety records must pay the same insurance premiums as high-risk customers. They must insure against not only their own actions, but the actions of everyone with whom they come in contact.

Third, the doctrine inhibits American competitiveness and innovation. Total liability insurance costs in the United States are 20 times higher than in European nations. These costs raise the price of American goods and services making it tougher for them to compete on the international market.

Fourth, those who are free of fault are being sued for no reason other than that they have money or have access to money. This sort of system is unjust by any measure.

To use the present doctrine of joint and several liability in an attempt to compensate the plaintiff makes no more sense than to send the witness to a robbery to jail because we cannot find the robber. My legislation would require parties to pay in proportion to their degree of fault.

Mr. President, this legal doctrine no longer is useful or desirable. It is unjust. It ignores who is really at fault and simply focuses upon those who can pay. The time has come to restore some justice to our legal system by reforming the doctrine of joint and several liability.

Mr. President, I ask unanimous consent that the text of my bill appear in the Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Joint and Several Liability Reform Act of 1991".

SEC. 2. SEVERABLE LIABILITY FOR DAMAGES.

SEC. 2. (a) IN GENERAL.—

(1) Except as provided in paragraph (2) of this subsection, in any civil action alleging injury to a person, damage to property, or death of a person, the liability of each defendant for damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(2) In any case where the parties are found to have engaged in concerted action, the liability of each defendant shall be joint and several.

(b) PORTION OF RESPONSIBILITY.—For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) DEFENDANTS NOT PARTIES.—

(1) If a claimant has released any defendant or potential defendant from liability for the claimant's harm, or if a defendant is unable (despite exercising all practicable means) to join any other person as a defendant in such action the trier of fact shall, in determining the proportion of responsibility under subsection (b) of this section, consider the liability of any person not a party to the action if the defendant is able to prove that any such person caused the claimant's harm.

(2) If a claimant has released any defendant or potential defendant from liability for the claimant's harm, the total amount of responsibility for the claimant's harm shall be reduced by the proportion of responsibility of any such released defendant or potential defendant.

(d) DEFINITION.—As used in this section, the term "concerted action" means any action consciously and intentionally taken by two or more defendants which resulted in the harm alleged in such civil action. Such term does not mean consciously parallel action.

By Mr. COATS (for himself, Mr. MCCAIN, Mr. DOLE, Mr. EXON, Mr. GRAMM, Mr. LUGAR, Mr. MCCONNELL, Mr. WALLOP, Mr. NICKLES, Mr. SIMPSON, Mr. BOND, Mr. MACK, Mr. SMITH, Mr. PRESSLER, Mr. WARNER, Mrs. KASSEBAUM, Mr. ROTH, Mr. HELMS, Mr. GARN, Mr. CHAFEE, Mr. SYMMS, Mr. LOTT, Mr. KASTEN, Mr. BROWN, Mr. CRAIG, Mr. THURMOND, and Mr. MURKOWSKI):

S. 196. A bill to grant the power to the President to reduce budget authority; pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with the instructions that if one committee reports, the other committees have 30 days to report or be discharged.

LEGISLATIVE LINE ITEM VETO ACT

Mr. COATS. Mr. President, I thank the distinguished minority leader for his very hard work in introducing a budget reform package.

There is no clearer message that some dramatic changes are needed in our budget process than the worsening economic outlook that we face and the tremendous troubles that we had at the end of the 101st Congress in putting together a budget plan.

I fully support Senator DOLE's package and commend him for his leadership on this issue, and also want to thank him for including an item that I led the effort on in the last Congress and which I think is an important component of that package—the Legislative Line-Item Veto Act.

I do not know how appropriate it is for me to be talking about that with the President pro tempore sitting in the Chair, because I know what a worthy adversary he is on this particular issue. I want to let him know that I intend once again to introduce that issue, and suspect that I will be seeing him on the floor well armed and well prepared to debate me on this subject.

I do introduce that bill today along with several of my colleagues, Senators MCCAIN, DOLE, MCCONNELL, WALLOP, NICKLES, SIMPSON, BOND, MACK, SMITH, PRESSLER, WARNER, KASSEBAUM, ROTH, GARN, HELMS, CHAFEE, KASTEN, Senator BROWN from Colorado, Senators CRAIG, SYMMS, LOTT, THURMOND, and MURKOWSKI, and hopefully others to join us.

It is a sad failure, Mr. President, after last year's protracted effort and bitter debate, that the Congress remains the subject and sometimes the spectacle of overspending and waste. Despite the passage of a budget which was promoted as a measure which would secure the Nation's future, a budget which was supposed to be "the most significant deficit reduction package ever presented," a budget which increased the tax burden on the American public in the name of reducing our deficit—in spite of all that, we find ourselves facing a shortfall this year which may well exceed $320 billion and, by some estimates, even higher.

Clearly the budget package was more deception than discipline, because changes in the budget process that were enacted in the closing hours of the 101st Congress will in many ways make it harder for the public to discern just exactly how its money is being spent and easier for the Congress to conceal what many consider pork barrel projects and unnecessary spending.

Already we have seen the other body enact changes in that package, changes which some feel were made not in accordance with the agreement entered into by both parties.

The problem is rooted ultimately in our unending appetite for popular spending, an addiction to largesse without limits. But our difficulties also have deep roots in the budget process itself.

The Budget Impoundment and Control Act as it now stands does not allow Presidential budget rescissions to go into effect until Congress votes to support them. By simple inaction, Congress perpetuates projects that we cannot afford. Inertia is rewarded with scarce funds and pet projects are shielded by indecision.

The Coats-McCain Legislative Line-Item Veto Act intends one thing: To shed the light of debate on questionable spending. I am pleased that my colleague from Arizona, Senator MCCAIN, will join me in introducing this and being an original cosponsor; we worked together on it last year and we will be working together on it in this Congress.

It will require proponents of certain projects to justify to the American taxpayer why those projects are needed and why the public should pay for them.

In short, it can help take congressional spending deals out of the back room and expose them to the full light of public discussion and public scrutiny. This would be accomplished by amending the Budget Impoundment and Control Act with a new section, leaving intact the rest of the bill as originally passed. This section states that Presidential line-item vetoes or rescissions which the President must propose within 20 days after signing an appropriations bill or at the time he submits his annual budget at the beginning of the year will take effect unless Congress votes by a simple majority to overturn them. Congress will have 20 days to reject the Presidential rescission.

In amending the current rescission law and adding a requirement that Congress pass a resolution of disapproval to stop the President's rescissions, we believe we avoid many of the constitutional questions that have been raised by some of our colleagues. In fact, it is my hope that the very presence of this section in the Budget and Impoundment and Control Act will discourage Members of Congress from pursuing projects that cannot be justified in full light of public debate.

It is appropriate for us to carefully examine appropriations bills that we send to the President and raise questions about pork barrel projects that time and time again tarnish Congress' already blackened fiscal image.

This bill has had the support of a number of distinguished Senators from both parties, including our minority leader, Senator DOLE. It also has the strong backing of the administration and a number of organizations that make up the coalition for fiscal restraint. I will just list some of them: Citizens for a Sound Economy, Farm Bureau, National Association of Manufacturers, the U.S. Chamber of Commerce, and there are many others.

The line-item veto proposal won strong support on the Senate floor of the 101st Congress. I believe there is a very real opportunity to see the Legislative Line-Item Veto Act signed into law in the 102d Congress.

I urge the close consideration and support of all my colleagues. Let us show the American people that we are serious about balancing the budget. Let us show them that we can present appropriations bills without embarrassment and let us send the message to taxpayers that under our guidance their dollars will be spent wisely and efficiently, and will not be wasted.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto of 1991".

SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.

The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"PART A—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"GRANT OF AUTHORITY AND CONDITIONS

"SEC. 1101. (a) IN GENERAL.—(1) Notwithstanding part B of title X and subject to part B of this title, the President may rescind all or part of any budget authority, if the President—

"(A) determines that—

"(i) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

"(ii) such rescission will not impair any essential Government functions; and

"(iii) such rescission will not harm the national interest; and

"(B)(i) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturday, Sundays, or holidays) after the date of enactment of a regular or supplement appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or

"(ii) notifies the Congress of such rescissions by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

"(2) The President shall submit a separate rescission message for each appropriations bill under paragraph (1)(B)(ii).

"(b) RESCISSION EFFECTIVE UNLESS DISAPPROVED.—(1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless, during the period described in subparagraph (B), a rescission disapproved bill making available all of the amount rescinded is enacted into law.

"(B) The period referred to in subparagraph (A) is—

"(i) a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproved bill and present such bill to the President for approval or disapproval;

"(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

"(iii) if the President vetoes the rescission disapproval bill during the period described in clause (ii), an additional 5 calendar days of session after the date of the veto.

"(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B)—

"(A) the rescission shall not take effect;

"(B) the message shall not be deemed to have been retransmitted on the first day of the succeeding Congress, and

"(C) the review period described in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

"DEFINITIONS

"SEC. 1102. For the purposes of this title, the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

"PART B—CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS

"PRESIDENTIAL SPECIAL MESSAGE

"SEC. 1111. When the President rescinds any budget authority as provided in section 1101, the President shall transmit to the House of Representatives and to the Senate a special message specifying—

"(1) the amount of budget authority rescinded;

"(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

"(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

"(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

"TRANSMISSION OF MESSAGES; PUBLICATION

"SEC. 1112. (a) DELIVERY TO HOUSE AND SENATE.—(1) Each special transmitted under sections 1101 and 1111 shall be transmitted to the House and Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session.

"(2) Each special message transmitted pursuant to paragraph (1) shall be referred to the appropriate committees of the House of Representatives and the Senate and shall be printed as a document of each House.

"(b) PRINTING IN FEDERAL REGISTER.—A special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

"PROCEDURE IN SENATE

"SEC. 1113. (a) REFERRAL.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

"(2) Any rescission disapproval bill received in the Senate from the House of Representatives shall be considered in the Senate pursuant to this section.

"(b) FLOOR CONSIDERATION IN THE SENATE.—

"(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, with the time equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(2)(A) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to 1 hour equally divided between, and controlled by, the mover and the manager of the bill, except that if the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or the minority leader's designee.

"(B) Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(3) A motion to further limit debate shall not be debatable, and a motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 1, not counting any day on which the Senate is not in session) shall not be in order.

"(c) POINT OF ORDER.—(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any amendments to a rescission disapproval bill.

"(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.".

• Mr. MCCAIN. Mr. President, I am delighted to again join with Senator COATS and Minority Leader DOLE in cosponsoring the Legislative Line-Item Veto Act of 1991.

I have made this legislative proposal a priority of mine for quite a while. This proposal represents years of hard work of many fine Senators who support our unified effort to enact a legislative line-item veto. It represents the synthesis of many different line-item veto bills, and achieves the goals that anyone who supports the line-item veto or enhanced rescission has in mind. It is a focused and balanced proposal which will add needed credibility to our much maligned budget process.

This proposal would enhance budget process credibility by addressing taxpayer disgust with pork barrel spending. We, as a nation, can no longer fiscally endure massive budget deficits and wasteful pork barrel spending. The time for budget process reform has long since passed. The time for concerted action is now.

We are all well aware of pork barrel projects. The most memorable project to surface from the 101st Congress was the study of bovine flatulence. Wasteful spending of this nature can no longer be tolerated. There is no justification for projects of this sort when we raise the tax burden of the average American family by $300 per year over the 5-year period covered by last years agreement. There is no justification for wasteful spending when Congress foists an estimated $480 billion tax and spend increase on America. Pork barrel spending is simply fiscally irresponsible. It must end.

Unfortunately, the President does not have an effective mechanism to combat congressional pork. The Legislative Line-Item Veto Act of 1991 will provide the President with a statutorily defined and limited mechanism to restore credibility to the budget process. This mechanism will add discipline to a hopelessly chaotic process. It will add discipline without altering the subtle balance of power between Congress and the President. Congress will still maintain and fervently protect its constitutional right to raise and levy taxes as well as to appropriate funds. But, it's time that we restore sanity to the process of profligacy known as the budget process. The President must be given this well-defined mechanism to put an end to wasteful spending. The American taxpayer can no longer be expected to finance congressional extravagance.

Yes, Mr. President, we revel in extravagance. We cannot resist the temptation of pork. We lack discipline.

We are addicted to the free flow of tax revenue from hard-working Americans. It is the riches of their lives we steal to finance our pork barrel projects, Mr. President.

We are spending addicts, and we are incapable of admitting it.

We cannot say no.

This is a sad commentary on the effectiveness of Government, and the leadership qualities of Members of Congress.

While other Members may not be able to say no to wasteful spending.

Mr. President, I can, and I will until a line-item veto is enacted by Congress.

And, I will do this because I feel that it is imperative that Congress quit squandering the taxpayers' money. In case anyone is in doubt about the things on which we squander the taxpayers' money, let me list some of the unnecessary, outrageous, and just plain strange items we have approved. The list includes Army trucks that the Army does not want, sonar catfish counters, belgian endive research, studies on peach trees, studies on beaver damage to trees, and to studies on bovine flatulence.

The list could go on and on, but I will not beg the indulgence of my colleagues.

However, I will implore the Senate to end the time-tarnished process of congressional pork.

How can we justify reducing Medicare benefits while we continue to finance wasteful spending?

How can we rationalize raising taxes on all Americans while failing to eliminate pork barrel spending?

How can we tell the young couple, both of whom work long hours and who are trying to save for that down payment on their first home, that we are raising their taxes so that we can fund a $17 million road project to bypass the town of Corning? And to fund a $10.6 million soldier support center at Fort Gordon? Or to earmark $500,000 to convert the birthplace of Lawrence Welk into a German-Russian museum? How about $3 million for the Mid-Atlantic Aviation Training and Education Center in Clarksburg, WV?

I opposed last year's budget because I could not tell my constituents that I believed their tax dollars were being spent prudently. I could not in good conscience confiscate the sweat of their brows while so much wasteful spending continued in complete disregard of their wants, needs, desires, and plights.

Who raised taxes to fund wasteful spending?

Not I, Mr. President. Not I!

I am here to offer an alternative to the imprudent tax and spending policies of those who claim to be interested in the average American, but who are only truly interested in their money.

The American people need help, Mr. President, and the measure we are introducing today is exactly what we need to help us say "no" to pork barrel spending.

Let me explain the measure we are now presenting. It is based on the idea that has been a household term for most of this decade—the line-item veto. The majority of Americans support the line-item veto because it enables the President to get to the very line items of wasteful special interest spending that embarrass and outrage us whenever we pass an appropriations bill. It enables the President to strike at the very line item of wasteful special interest spending that taxes the young couple out of home ownership.

Now, let me explain how this works. Very simply, it gives the President two opportunities every year to strike out wasteful spending. First, he can line-item veto pork within 20 days after signing a spending bill. Second, he can submit rescissions with his budget proposal at the beginning of the year, just in case there are provisions that he misses in the first go around.

In either case, Congress has 20 days to decide whether to overturn those line-item vetoes or accept them. If we feel the spending is meritorious, we can adopt a joint resolution disapproving the rescissions. If Congress does not act, the waste that the President has identified is eliminated—and the taxpayers' money is saved.

A President armed with the legislative line-item veto embodied in this bill can force Congress to face up to the responsibilities of the power of the purse.

A President so armed can make a profligate Congress a responsible Congress.

Mr. President, that is what the American people want, and we owe it to them to give this bill our wholehearted support. I strongly urge the rest of my colleagues—if they are serious about combating unnecessary spending, to join Senator COATS and me in support of this legislation.

Mr. NICKLES. Mr. President, last May, after American taxpayers experienced the annual joy of filing their Federal income taxes, it was reported that the average taxpayer had to work more than 4 months until he was free of his tax obligation. I say this because tax freedom day did not occur until May 5, some 125 days into 1990.

It is easy to see that taxpayers work long and hard to provide our Government with the financial resources it needs. Unfortunately, our Government frequently does not work as diligently to utilize those resources in the most responsible manner.

Mr. President, today I rise to support and cosponsor legislation which will keep those hard-earned tax dollars from being wasted. The legislation I refer to is the Legislative Line-Item Veto Act.

Congress' abuse of discretionary spending power reminds me of a mother and child shopping at the local supermarket. The wide-eyed child continually slips candy and other goodies into the shopping cart. Fortunately for the mother, she is not obligated to pay for everything the child wants. She can put the unnecessary extras back on the shelf. The Federal appropriations process is similar to a congressional supermarket, full of expensive goodies coveted by Members and their constituencies. Unfortunately, the American taxpayer is forced to pay for every last project and program the Congress wants because the taxpayer has not been able to shelve the extras.

The legislative line-item veto would give the President the authority to stand up for American taxpayers and restrict this unnecessary, wasteful spending.

In 1974, Congress curbed the President's power to impound or cancel appropriated funds in exchange for Congress setting up its own budget process. We are all acutely aware of the progress, or lack thereof, that we have had under this arrangement. Under current law, the President sends his proposed rescissions to Congress, and Congress can avoid them through inaction, which is exactly what Congress has done.

In the years following the loss of Presidential authority to impound or cancel appropriated funds, discretionary spending subject to the appropriations process increased nearly 25 percent. Over the last 30 years, discretionary spending has increased an average of 2.4 percent per year, after adjustment for inflation, while spending on national defense has increased an average of 1.2 percent per year.

Item-veto power is used today by Governors in 43 States. Contrary to some economists who criticize its effectiveness, a recent study indicates that States with an effective item veto have significantly slowed the growth of spending. This study, conducted by economist Mark Crain and former OMB Director James Miller, concludes that if the President had this power between 1982 and 1989, real Federal spending growth would have been cut in half, saving American taxpayers about $450 billion in 1988 dollars.

The American public has not faltered in its support of this legislation. The time has come for Congress to support it as well.

By Mr. McCONNELL (for himself, Mr. ROCKEFELLER, Mr. FORD, and Mr. COATS):

S. 197. A bill to authorize each of the several States to impose fees in connection with solid waste treated or disposed of in such State; to the Committee on the Environment and Public Works.

SOLID WASTE TREATMENT AND DISPOSITION FEE ACT

• Mr. McCONNELL. Mr. President, I rise today to introduce legislation designed to give States control over out-of-State garbage.

Like last year, my efforts are prompted by the solid waste crisis facing our States. Shrinking landfill capacity, public opposition to new landfills, ground water contamination, and lack of funding to upgrade and modernize landfills are big problems. The inability to regulate or control out-of-State waste makes the problem almost untenable for States like Kentucky and Indiana.

In my State of Kentucky, the Governor has called the legislature into special session to deal with the issue. Unfortunately, any action taken to limit the inflow of out-of-State garbage is likely to be in vain. In the absence of affirmative congressional action, the courts have consistently struck down efforts by States to limit garbage flows. They did so recently in Indiana, and they will do so again in Kentucky. Indeed, in the face a growing and serious problem, the States' hands are tied. It is imperative, therefore, that Congress act to grant authority to the States, and that we act now.

It is obvious why Congress should allow States to control imported garbage. Out-of-State waste brings with it costs in the form of road wear, loss of landfill capacity, visual pollution, odor, and ground water contamination. These costs, Mr. President, are borne by Kentuckians and Hoosiers, not the residents of the exporting States and not the people generating the waste.

My bill grants States the simple authority to distinguish between in-State and out-of-State garbage by charging higher fees on such garbage. Under my bill, fees are imposed on the hauler bringing the waste into the State or the landfill operator accepting the waste. Ultimately, though, the cost is passed back to the generator of the waste in the form of higher fees to dump in the receiving State.

This approach ensures that if other States want to send their garbage to Kentucky, the residents of those States, and not Kentuckians, pay the true costs of disposing of it. It does not raise the cost of waste disposal for Kentuckians. In fact, my bill creates a useful revenue source for county governments.

This is an approach now being considered by the current special session of Kentucky's Legislature, and I personally believe it is the best approach for my State. However, I recognize that each State has a different situation and I support any congressional efforts that will grant more authority, in any form, to the States to deal with out-of-State waste.

I am also pleased, therefore, to join today with my distinguished colleague and good friend from Indiana to introduce legislation which, in addition to allowing States to charge higher fees on out-of-State garbage, would also authorize States to ban imported garbage if they have in place certain solid waste management plans. This bill passed this body last year, but died in the other Chamber.

Since last year's action, many of my colleagues have expressed to me their interest in and concern with the inability of their State's to control out-of-State garbage. These Senators are committed to getting this bill through the legislative process and into law and I am encouraged that 102d Congress will act affirmatively on the issue.

As I have said many times before, we are attempting to help States handle an immediate problem: out of State waste. We recognize our approach is not a total solution to the Nation's garbage crisis, nor is it intended as such. The Federal and State governments must continue to work together to develop a responsible, comprehensive strategy which combines source reduction, recycling, combustion, and landfilling. In the meantime, we can provide immediate relief to States and give them some breathing room to get their own waste management problems under control.•

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I ask that a copy of the bill be printed in the RECORD.

The text of the bill follows:

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solid Waste Treatment and Disposition Fee Act of 1991."

SEC. 2. SOLID WASTE TREATMENT AND DISPOSAL FEE.

(a) Each of the several States is authorized to establish, by law, a program for the imposition and collection of fees in connection with the disposal or treatment of solid waste with such State. Fees under such program may be imposed on such waste generated within or outside of the geographical boundaries of such State.

(b) Any fee imposed pursuant to State law in accordance with subsection (a) may be imposed against any landfill operator or solid waste treatment facility, or any or all of the persons shipping or transporting, or causing the shipping or transporting, either in interstate commerce or intrastate commerce, of such solid waste for treatment or disposal.

(c) Any fee imposed pursuant to this Act shall be imposed in such amounts, at such time, and subject to such conditions as the affected State may require. In establishing the amount of any such fee, a State is authorized to take into consideration whether such waste was generated within or outside its geographical boundaries.

SEC. 3. LIMITATION.

Nothing in this Act shall be construed as authorizing any State to impose a fee on:

(a) any solid waste which is brought into the State (solely) for the primary purpose of recycling, including reclamation prior thereto, (such waste), or for the conversion of such waste to a usable fuel or energy source. Physical separation of recyclable materials from municipal solid waste, however, does not constitute recycling or reclamation of the solid waste, and is thus not subject to this limitation.

(b) any non-hazardous solid waste that is sent to facilities owned or operated by the original generator of the waste for the purpose of treatment (including incineration), storage or disposal.

(c) any nonhazardous solid waste that is sent to facilities authorized or permitted to treat, store or dispose of hazardous waste under the Resource Conservation and Recovery Act.

SEC. 4. INTERSTATE COMPACTS.

The consent of Congress is given to 2 or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for cooperative efforts and mutual assistance for the management of solid waste, and the approval of Congress is given to any such agreement or compact so entered into.

SEC. 5. REPORTING.

(a) Within the 270-day period following the date of the enactment of this Act, the Administrator or the Environmental Protection Agency, shall propose and, after notice and comment, promulgate (by regulation, shall establish) a program pursuant to which each person who transports or ships or causes to be transported or shipped in interstate commerce any solid waste in excess of 500 pounds shall be required to prepare and submit to the Administrator, on an annual basis, a registration statement. Such statement shall include such persons' name, principal place of business, the location of each activity handling solid waste, and a complete list of all solid waste transported or shipped in interstate commerce during the calendar year preceding such statement.

(b) The Administrator shall make such registration statement available, upon request, to the public.

SEC. 6. DEFINITIONS.

As used in this Act, the term—

(1) "solid waste" shall have the same meaning as that set forth for such term in section 1004(27) of the Solid Waste Disposal Act, but does not include: (A) waste identified or listed as hazardous waste by the Administrator pursuant to section 3001 of the Resource Conservation and Recovery Act, (B) contaminated media including contaminated soil and debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act, or a corrective action under the Resource Conservation and Recovery Act or (C) any hazardous chemical substance or mixtures regulated under section 6(e) of the Toxics Substance Control Act.

(2) "interestate commerce" shall have the same meaning as that set forth for such term in section 10 of title 18, United States Code;

(3) "landfill" includes a dump site, and

(4) "person" includes any individual, corporation, State, political subdivision of a State, or other legal or governmental entity.

SEC. 7. DELEGATION OF AUTHORITY.

Each State is authorized to delegate, in whole or in part its authority under section 2 of this Act to any or all of its political subdivisions.●

By Mr. MITCHELL (for Mr. GLENN, for himself and Mr. MCCAIN):

S. 199. A bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area; to the Committee on Finance.

S. 203. A bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986; to the Committee on Finance.

S. 204. A bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty; to the Committee on Armed Services.

S. 205. A bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service; to the Committee on Governmental Affairs.

BENEFITS FOR MILITARY PERSONNEL IN THE PERSIAN GULF

● Mr. GLENN. Mr. President, last year, I introduced legislation to provide certain benefits to military personnel deployed to the Persian Gulf in Operation Desert Shield. I took this action because it was obvious to me after returning from a trip to Saudi Arabia, that there were certain compensation and benefit authorities that were needed to take adequate care of our military personnel.

I am gratified to note that most of the benefits I proposed were enacted last year in the Defense Authorization Act for Fiscal Year 1991. Among the provisions enacted were:

The authority for free mailing for our troops in the Persian Gulf;

The authority for the retroactive payment of imminent danger pay—$110 per month—to the start of Operation Desert Shield in August for military personnel deployed in the Persian Gulf;

The authority to pay reservists, National Guardsmen, and retirees who were activated for Operation Desert Shield for unused accrued leave when they are deactivated;

The authority to pay to activated Reserve and National Guard medical personnel the same medical special pays authorized for active component personnel;

The authority for the payment to activated Reserve and National Guard personnel the same variable housing allowances authorized for active component personnel; and

The authority for implementation of a savings plan that would allow military personnel deployed in the Persian Gulf to invest their pay in the United States Treasury and an interest rate not to exceed 10 percent per year.

Mr. President, all of these provisions have been implemented by the Department of Defense, although I might note that DOD implemented the savings plan only today, and then only after prodding from my office.

As most of my colleagues know, many of our military personnel deployed to the Persian Gulf were sent over on very short notice. They did not have a lot of time to think about or make banking arrangements that would return them a favorable yield. I'm talking here mainly about our single military personnel who may not have anyone they can turn to to help them put their money away prudently. It would be very difficult, if not impossible, for many of these personnel in fox holes in the desert to buy certificates of deposit or money market certificates for themselves as some have suggested. Therefore, I believe the Department of Defense was entirely correct, if somewhat late, in implementing the savings plan we authorized last year.

In this regard, and in recognition of other concerns I have about the fair treatment of our men and women in uniform deployed in the Persian Gulf, I am introducing with Senator McCain a set of four bills today. I hope the committees of jurisdiction will act expeditiously on these bills so that they can be enacted early in this session of the Congress.

The first bill would exclude the military earnings accrued by a member while serving in the Persian Gulf in Operation Desert Shield from Federal income taxes. The exclusion would apply to the entire amount of military income for enlisted personnel and to the first $2,000 of monthly military income for officers. Current law provides this exclusion for members in combat zones, and I think our military personnel in the Persian Gulf are as close as you can get to combat without the bullets flying and deserve this exclusion. I introduced a similar bill (S. 3027) last year. The bill was referred to the Finance Committee; however, time ran out in the last session before the committee could take action on it. I urge the Finance Committee to act expeditiously on this bill so that we can vote on it early in this session.

The second bill would permit military personnel serving in the Persian Gulf to delay filing a 1990 Federal income tax return until 6 months after their deployment ends without any penalty. I know that Senator Dole and Senator Mitchell have introduced a similar bill that would provide an extension of 60 days, and I have signed up as a cosponsor on that bill because I believe that Federal income tax filing relief is necessary.

Obviously, I believe that a longer period of time is preferable and that is why I am introducing this bill. I want to point out that current law provides for a 6-months delay for military personnel in combat zones. The bill I am introducing would extend that coverage to military personnel serving in the Persian Gulf in Operation Desert Shield for tax year 1990. Since this bill will in all likelihood be referred to the Finance Committee, I would ask the committee to act expeditiously on this bill so that we can vote on it early in this session.

I know there is some concern about the delay in receipt of revenue the longer the period of extension for filing. However, I think we need to recognize that many of our returning military personnel will be going through a very turbulent transition. For example, returning reservists have to readjust to civilian employment, and in some cases find housing; active component personnel who may be returning for separation may be hunting for jobs and a place to live; and returning active component personnel may be transferring to other units and all that entails. So it seems to me that these considerations argue for a 6-month extension, notwithstanding the delay in receipt in revenues.

The third bill would provide flexibility to the Department of Defense to recall retired military personnel to active duty in the highest grade they held while previously on active duty. Under current law, the Department of Defense can recall retired military personnel to active duty only in the grade in which they retired. Within the retired military community, there are a number of individuals who voluntarily retired in a grade lower than they held while on active duty.

For example, there are a number of medical personnel who are under retired recall orders who chose to retire in a lower grade because they chose not to serve the 3 years in grade required to retire in their serving grade. I think that as a matter of fairness, we should provide the flexibility to the Department of Defense to recall these personnel in the highest grade they served in satisfactorily while on active duty. Because some of these personnel are already under recall orders, my bill would make this authority retroactive to the beginning of Operation Desert Shield.

Finally, the fourth bill would equalize the unemployment compensation between separated military personnel who are unemployed and civilian personnel who are unemployed. Under current law, military personnel are entitled to 13 weeks of unemployment compensation if they are unemployed 1 month after separating from service. On the other hand, civilian personnel are entitled to 26 weeks of unemployment compensation if they are unemployed 1 week after job separation. My bill would make the military entitlement the same as the civilian entitlement. The provisions of this bill were included in the Defense authorization bill for fiscal year 1991 that the Senate passed last year. The provision was part of a transition package to aid military personnel who would be separating because of active duty military strength reductions by the military service over the next 5 years.

Because of jurisdictional concerns raised by the House Ways and Means Committee in our conference on the Defense Authorization Act for fiscal year 1991 last year, this particular provision was not adopted. I believe we have a commitment from our Finance Committee to consider this matter early on in this session and I hope we can get this passed.

This provision is needed even more now because many military personnel who had intended to separate at the end of their service obligation have been involuntarily extended under the stop loss authority implemented by the Department of Defense. I expect that once the stop loss is lifted, there will be a relatively large exodus from the military. Many of these people have lost their prospective employment and will be entering the job market at ground zero. So I think we need to keep this in mind as we consider this proposal.

Mr. President, that summarizes the content of the four bills I am introducing today. I believe these bills provide for their fair and responsible treatment of our men and women in uniform deployed to the Persian Gulf in Operation Desert Shield. I think it is fair to say that all of them are certainly in harm's way and that we should support them fully.

Mr. President, I hope we can bring a just settlement in the Persian Gulf without going to war. That is my fervent hope. But, if we have to go to war, then I think we must do everything we can to make sure our forces prevail at the lowest cost in casualties. I have the highest confidence that our men and women in uniform will prevail if we go to war, and I think they deserve our full support as they stand prepared to do so.●

By Mr. GORE (for himself and Mr. Wirth):

S. 201. A bill to respond to the global environmental degradation brought on by human activities by reversing the trends that are presently altering or destroying vast portions of the biosphere, and to ensure that U.S. policies provide for the protection of the world environment from future degradation, and for other purposes; to the Committee on the Environment and Public Works.

WORLD ENVIRONMENT POLICY ACT

Mr. GORE. Mr. President, I rise today to introduce for myself and for my distinguished colleague from Colorado, Senator WIRTH, the World Environment Policy Act of 1991.

I will be pleased to cosponsor another measure which my colleague will describe at another opportunity here. But I would like to talk about the World Environment Policy Act of 1991 and urge my colleagues to cosponsor it, consider adopting its provisions, and place it high on the list of priorities during this session of Congress.

The bill I am introducing today builds upon legislation, S. 201, that I presented to my colleagues in the first legislative session of the 101st Congress.

In the 2 years that have passed since that time we have made important progress. Several provisions of that bill, for example, the provisions calling for a phaseout of chlorofluorocarbons, and other substances destroying our protective ozone shield; provisions regulating toxic and smog-forming emissions from utilities and cars and factories were incorporated into the historic clean air legislation this body passed last year.

I would like to commend the majority leader, Senator MITCHELL; the chairman of the Environmental Protection Subcommittee, Senator BAUCUS; Senator CHAFEE; Senator DURENBERGER; and many others who labored long and hard to secure passage of that landmark law. Through their efforts we will indeed have a cleaner and healthier America.

I was proud to have been able to make a small contribution to the work which took place under their leadership.

Other provisions of S. 201 have also helped to form the basis of action in the last Congress. But, obviously, we still have a great deal to do. We and the rest of the world have barely begun even to consider what will be involved in order to really confront not only the problem of global warming but the deeper, underlying crisis in the relationship between our civilization and the global environment.

On February 4, historic negotiations on climate change will begin here in the United States as the world starts to move in the direction of confronting the issue of global warming. With regard to that issue, which I believe is the single most serious manifestation of the global environmental crisis and represents the single greatest environmental threat that our planet has ever faced, the agenda being pursued by President Bush, who described himself as the environmental President, I have to say is long on rhetoric but woefully short on substance and on commitment.

Many of us have noted the President's resolve—whether or not we agree with the way in which he has made decisions in foreign policy—in standing up to threats that may not have been readily apparent without leadership pointing out what is involved. I wish there were the same kind of resolve in the White House to confront this threat to the global environment.

We here in Congress, in numerous subcommittees and committees, have explored the nature of this problem. I have worked on it before with the Subcommittee on Science, Space, and Technology as well as at international meetings with counterparts from around the world who are extremely concerned about the consequences of global warming.

I have heard that, at many of those meetings, spokesmen of the administration have made statements that have left other participants incredulous. The excuses offered by the administration for their inaction on global warming were really empty and hollow.

Just last week we saw the release of the new figures showing that world temperatures in 1990 made 1990 the hottest year since records have been kept. The present occupant of the chair was one of 15 Senators who joined me in sending a letter to the President, noting that fact and asking for a bolder response to this problem.

Of course scientists for a long time have been telling us about the relationship between increased emissions of greenhouse gases and rising world temperatures. It was in 1979 that the National Academy of Sciences reported that, "if CO_2 continues to rise, there is no reason to believe that these changes will be negligible." And the academy warned that "A wait and see policy may mean waiting until it is too late."

This legislation that I introduce today—and I ask unanimous consent to put a summary of the legislation in the RECORD following my remarks is intended to confront this problem.

I might say also, Madam President, that in November, the Second World Climate Conference took place in Geneva. The administration's position became unquestionably apparent there. Reviewing a decade of work done under the auspices of the World Climate Program, the First Assessment Report of the Intergovernmental Panel on Climate Change, and the early stages of the International Geosphere-Biosphere Program, the scientists—some 750 from more than 100 countries—issued an unequivocal and unanimous warning. They said, "If the increase of greenhouse gas concentrations is not limited, the predicted climate change would place stresses on natural and social systems unprecedented in the past 10,000 years." We simply cannot afford to ignore warnings any longer.

And it seems that the administration knows that it can no longer doubt the science. But, it is not yet out of excuses. As described in a recent New York Times article, the administration is now relying on an EPA study to show that the United States, in fact, is acting to counter global warming. But, let us read the fine print.

What their so-called stabilization plan actually provides for is an increase of carbon dioxide emissions of some 15 percent.

So much for an aggressive strategy of response. The legislation I am introducing today calls on the administration to quit its obstructionist delay tactics. Very shortly, with the beginning of the climate negotiations in February, we will have an opportunity to begin developing solutions to this problem. I think that it is incumbent upon the administration to come to the table at those negotiations fully prepared to help devise effective solutions because the truth is that the United States, created and exacerbated many of the environmental problems the world faces.

Moreover, because we, in comparison with many of the countries of the world, are blessed with impressive scientific and technical resources, the effectiveness of any strategy will depend not only upon our cooperation but also upon our leadership. This bill I am introducing today calls on the White House, in full recognition of our responsibilities, to work with the world community to ensure that the worst consequences of global warming—drought, massive crop failure, severe storm systems, chronic famine and flooding—are not realized.

While the intensified greenhouse effect is a global problem that demands a global solution, it is imperative that each nation get its own house in order. In that regard, the bill I am introducing today prescribes several measures that I believe can effectively contribute to our efforts to combat global warming. Among the policies described in the bill is a system to curb greenhouse emissions by creating a tradeable emissions scheme. I will talk more about that in a moment.

The bill also requires methane emissions to be controlled, especially from landfills, and sets up a scheme to make recycling a No. 1 priority for the Federal Government, especially in Federal procurement activities. The bill also places a penalty on gas guzzlers and offers a rebate on so-called gas sippers.

Madam President, in light of recent disturbing reports that the administration will not fulfill its promise with regard to energy policy—and why not, incidentally, open up a brand new energy policy as part of the responses to the dangerous events in the Persian Gulf—the proposal calls on the White House to present such a policy. Aggressive measures to develop and implement renewable energy and conservation technologies, such as those put forward by my friend from Colorado, Senator WIRTH, in the last Congress, are absolutely essential if we are, in the President's own words, to "bequeath a legacy to the next century of a cleaner, more prosperous, and, yes, more secure America."

To elaborate further on the carbon dioxide emissions trading scheme—this proposal builds on the market concept that we first incorporated into environmental legislation last year in the Clean Air Act. The sources of greenhouse gas emissions are many—utilities, automobiles, appliances, land use practices—all contribute to the problem. The beauty of the marketable permit scheme, I believe, is that it allows us to control emissions from the worst contributors, while giving other sectors a strong incentive voluntarily to improve their performance.

Simply put, the proposal described in my bill does just that. New utilities, or those expanding their capacity, are required to offset their carbon dioxide emissions. At the same time, those manufacturers who, for example, outperform Federal appliance efficiency standards or current Federal fuel efficiency requirements, will receive emissions permits that they can sell to the new or expanding utility. A particularly attractive aspect of this system is that, because it does not prescribe methods or compliance—that is, it is not following the "command-and-control" concept—it allows the market to determine the most cost-effective way for the bill's requirements to be met. I understand that the distinguished Senator From Connecticut [Mr. LIEBERMAN] is working on a similar proposal, and I look forward to his contribution and working with him. In addition, I would like to acknowledge the work of my good friend and colleague from the other body, Representative JIM COOPER of Tennessee, who is working to secure passage of the measure in the House.

I would like to acknowledge that he introduced a similar measure on the last day of last year's session and has been a leader in promoting this concept.

As I mentioned, the bill also amends the Solid Waste Disposal Act to require the States to design and operate landfills and sewage treatment facilities to minimize emissions of methane and other pollutants. Molecule for molecule, methane is some 20 times more effective than carbon dioxide at trapping radiation near the earth's surface. And the adverse effect of methane is even greater than its global warming potential suggests. In indirect ways, too, methane intensifies the greenhouse problem. When in the atmosphere, methane reacts with oxygen to produce still more carbon dioxide and water vapor; methane also helps form tropospheric ozone (smog) which—in addition to causing severe respiratory problems—is also a powerful greenhouse gas; and finally, methane enhances the heating effect of other gases because it disrupts the primary mechanism nature uses to wash them from the atmosphere. I look foward to working with the Environment and Public Works Committee on this important issue when it turns its attention to the reauthorization of the Resource Recovery and Conservation Act.

The bill also incorporates a strong recycling provision. The benefits of recycling are, of course, many. In directing secondary materials toward productive uses, landfill space is spared and our air and water are relieved of the toxic emissions produced by degraded waste; using recycled materials is also often much less energy-intensive than processing new materials, so by recycling we simultaneously improve both our environment and the competitiveness of the products we produce. We at the Federal level have ignored these benefits, however. The Environmental Protection Agency, charged with leading our campaign, has—to put it mildly—fallen down on the job. State and local governments have been active, however, and their experience provides us valuable insight and guidance. It is clear from their efforts that the availability of vital markets for recycled materials is the key to the success of recycling initiatives. The primary objective of my proposal, therefore, is to create markets for recycled commodities. This objective is achieved by requiring the Federal Government, in all of its massive procurements, to buy recycled products in preference to those products produced from raw materials. Last year, my colleagues on the Commerce Committee joined me in support of this initiative. I thank them for their support and look forward to working with them again to bring the measure to the full Senate for consideration.

Briefly, Mr. President, it is my hope that this bill will help us develop national and international policy responses to world environmental problems. The provisions of the bill are many. In addition to those I have described, there are measures calling for the protection and preservation of the world's rain forests as well as for the better protection of the many species that inhabit our own land. There are provisions to facilitate the export of environmentally sound technologies produced in this country, and there is a title in support of the activities of international family planning organizations.

Many of my distinguished colleagues—my cosponsor Senator WIRTH, Senator MITCHELL, Senator CHAFEE, Senator HEINZ, and others—have contributed to the ideas expressed in this bill. I would like to thank them for their leadership and express my admiration for their commitment to these issues. I look forward to working with them and my other distinguished colleagues in this Congress and I hope that, together, we can take important steps toward the preservation of the planet's delicate resources.

Before leaving the floor, I would like to mention one other related matter because I see the majority leader on the floor and I want to take this opportunity to congratulate him on the recent publication of a book entitled "World on Fire."

I had an opportunity to read this recently. Senator MITCHELL's work presents a powerful and insightful discussion of precisely the issues that I have been discussing in this legislation, a discussion of the environmental tragedies that increasingly put our planet at risk. For example, the discussion of rain forest destruction, ozone depletion, and global warming is accessible and engaging. I commend it to all of our colleagues and to the public generally. It also offers a discussion of the battles waged to shepherd the Clean Air Act amendments into law, a battle which I referred to earlier in my statement.

I hope this publication will receive very wide attention so that more people will be informed about exactly how serious these problems are and exactly how they can be solved.

Mr. MITCHELL. Madam President, I thank my colleague for his kind comments. They are very deeply appreciated.

By Mr. COCHRAN:

S. 202. A bill to amend the Fair Labor Standards Act of 1938 to exempt from such act certain individuals involved in model garment programs, and for other purposes; to the Committee on Labor and Human Resources.

EXEMPTION OF SEWING OF MODEL GARMENTS

• Mr. COCHRAN. Mr. President, today I am introducing a bill to allow retail fabric stores to reinstate their model garment programs under the Fair Labor Standards Act.

As I pointed out when I introduced similar legislation in the last Congress, the Department of Labor's definition of "model garments" as "women's apparel" under its rules that prohibit certain types of industrial homework, has effectively eliminated model garment programs from retail fabric stores.

Prior to the current industrial homework rules, employees of retail fabric stores voluntarily sewed model garments at home for display in the stores. After a brief display period, the employee was allowed to keep the garment. Employees considered this practice to be an employee benefit, as the fabric, notions, and patterns used in the construction of the model garments were provided to the employee without charge.

Mr. President, for several years I have attempted to find an administrative remedy to this problem through the Wage and Hour Division of the Department of Labor. Given the complexity of the industrial homework regulations and the Department's reluctance to open them up, it appears the only means to correct this regulatory mistake, is to exempt the voluntary sewing of model garments by fabric store employees from the Fair Labor Standards Act. The legislation I am introducing today will provide that exemption and restore the benefits of model garment programs to employees of retail fabric stores.•

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. KERREY, Mr. BOND, Mr. DODD, and Mr. HEINZ):

S. 207. A bill to amend the Commodity Exchange Act to authorize appropriations for and enhance the effectiveness of the Commodity Futures Trading Commission, to curb abuses in the making of trades and the execution of orders at designated contract markets, to provide greater representation of the public interest in the governance of such contract markets, to enhance the integrity of the U.S. financial markets by providing for Federal oversight of margins on stock index futures, clarifying jurisdiction over innovative financial products and providing mechanisms for addressing intermarket issues, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

COMMODITY EXCHANGE ACT AMENDMENT

• Mr. LEAHY. Mr. President, I am pleased to join my colleagues, Senator LUGAR, Senator KERREY, Senator DODD, and Senator HEINZ, in introducing the Futures Trading Practices Act of 1991.

Last week, a Federal jury in Chicago convicted 10 soybean futures traders of criminal fraud in the handling of customer orders on the floor of the largest Chicago futures exchange. Eight were also convicted on racketeering charges. Nine other soybean traders in this case had already pled guilty. Of the 48 traders indicted in the 1989 FBI sting of the Chicago trading pits, 33 have now been convicted or pled guilty, or no contest. Twelve more are currently on trial in the Japanese yen case.

The problem of trading abuse in the futures markets is real. Even if these abuses are limited to a small number, they cast a long, dark shadow over the entire industry and raise serious public concern over the integrity of the markets.

The time for action is now.

The Futures Trading Practices Act contains three elements:

First, a major strengthening of the Commodity Futures Trading Commission, including a 5-year funding reauthorization and authority to impose industry service fees;

Second, the trading abuse reforms approved unanimously by the Committee on Agriculture, Nutrition, and Forestry in November 1989; and

Third, "Intermarket Coordination Act of 1991," a compromise on jurisdictional issues reached by leaders of the Committee on Agriculture and the Committee on Banking, Housing, and Urban Affairs in October 1990.

The American public—producers, consumers, farmers, investors, and market professionals—all suffered a major set-back last year when Congress failed to pass a meaningful futures trading practices bill.

The case for tighter regulation had been made most dramatically by the 1989 Chicago indictments, but this case did not stand alone. A May 1989 CFTC-led sting on the New York City futures markets has led so far to formal disciplinary charges against eight traders and two firms. That same summer, an emergency and possible corner of the Chicago soybean market raised a storm of concern among farm producers.

The solutions are well-known: tighter regulatory enforcement by a toughened CFTC; better audit trails; stricter policing by the exchanges and more public involvement in exchange decisionmaking. The Senate was well on its way toward passing such reforms in late 1989 in the Futures Trading Practices Act of 1989 (S.1729). This legislation was backed by a broad consensus in Congress, the public, and much of the futures industry itself.

Final action on the 1989 legislation was blocked by last year's intense conflict over whether to shift jurisdiction for stock-index futures contracts from the CFTC to the Securities and Exchange Commission—a debate stemming from the stock market crashes of 1987 and 1989. Treasury Secretary Nicholas Brady had asked that this divisive issue be resolved at the same time as futures trading practice legislation. The result was a parliamentary deadlock.

I opposed the jurisdiction transfer proposal because I felt that it would weaken the CFTC at a time when we most needed to strengthen it and because it would have placed stock-index futures under an agency without the resources or program in place to oversee them effectively. The ongoing battle created a dangerous element of instability in our financial regulatory structure. We needed to put this jurisdictional war behind us and get on with doing business.

Last October, Senator LUGAR and I joined Senator BOND, Senator DODD, and Senator HEINZ—a group representing the Senate committees with oversight responsibility for both futures and securities—in proposing a compromise addressing three major policy concerns underlying the jurisdictional debate in a responsible, limited manner: Federal oversight of margin for stock-index futures, treatment of innovative new financial instruments, and coordination among Federal futures and securities regulators.

The failure of the securities and the futures sides to resolve their arguments—especially on questions of margin oversight and the treatment of new products—gave them both a black eye. The compromise represents a fair and reasonable outcome. It protects the public while maintaining the competitive balance between these two highly-aggressive industries.

The Futures Trading Practices Act of 1991 combines the trading practice reforms of S. 1729 and the jurisdictional compromise of October 1990 in a single package.

The trading abuse and CFTC-strengthening provisions—contained in titles I and II—are unchanged from the 1989 bill reported unanimously from committee. Let no one think that our intention to reform the futures trading floors has been weakened one bit by the passage of time. The CFTC and the exchanges have taken some important steps since 1989 to improve their own regulatory programs, but these are no substitute for congressional action.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I intend to move this legislation quickly through hearings and markup so that the full Senate can debate it early in the year before the agenda becomes crowded with other items. The issues addressed in this bill all have been argued intensely over the past two years. The major interest groups have had many months to study the key provisions. There is no excuse for delay.

Last year, we were prevented from raising this legislation on the Senate floor by parliamentary holds and objections to time agreements. This year, I will ask the Senate leadership to take up the bill with or without a time agreement. If any Senator wants to filibuster, I will ask for cloture. No small group of Senators on either side should be permitted to block consideration of these vital reforms.

The need for futures trading practice reform is critical. We cannot tolerate white-collar crime, be it on Wall Street, Main Street, or LaSalle Street. Futures markets are too important to our country to allow them to be damaged by the wrongful actions of a small minority.

Without objection, I ask that a summary of the Futures Trading Practices Act of 1991 be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FUTURES TRADING PRACTICES ACT OF 1991

SUMMARY OF MAJOR PROVISIONS

The "Futures Trading Practices Act of 1991" contains three basic ingredients:

A. a major strengthening of the Commodity Futures Trading Commission, including a 5-year funding authorization and authority to impose service fees;

B. the trading practice reform package from S. 1729, the "Futures Trading Practices Act of 1989," as approved unanimously by the Committee on Agriculture, Nutrition, and Forestry in November 1989; and

C. the "Intermarket Coordination Act of 1991," a compromise on intermarket and jurisdictional issues reached by leaders of the Committees on Agriculture, Nutrition, and Forestry and Banking, Housing, and Urban Affairs in October 1990.

A. STRENGTHENING THE COMMISSION

The legislation authorizes appropriations for the Commodity Futures Trading Commission for five years, mandating a 50 percent budget increase for the Commission over this period (adjusted for inflation). Authorized funding rises to $71.9 in fiscal year 1996.

The bill authorizes the Commission to establish a pay system comparable with federal banking regulators. This would help the Commission to retain skilled personnel, particularly in regional offices suffering high turnover. The new system could not become effective until after a period for Congressional review.

Service fees

To help finance this increase in authorized spending, the bill expands the Commission's authority to charge service fees reflecting its cost of monitoring trading floors and insuring compliance by contract markets and other registrants with regulatory standards. The Commission could consider phasing in fee increases to accommodate other up-front costs required by this bill, particularly with regard to new audit trail systems. These fees can total no more than $3.9 million in fiscal year 1992, $7.8 million in fiscal year 1993, and $13.8 million in fiscal year 1994, $20.8 million in fiscal year 1995, and $21.7 million in fiscal year 1996.

B. TRADING PRACTICE REFORM

I. Next Generation Audit Trail Technology

The bill requires futures exchanges to implement within three years new audit trails capable of capturing transaction times and data independently and precisely as proposed by the General Accounting Office.

The bill requires the Commission, with GAO comments, to report to Congress within two years on the progress of exchanges in installing the new systems, including their advice on whether the statutory timetable or standards need adjustment.

The bill mandates that, for customer orders, the audit trail system must precisely and securely record the time the order is received on the exchange floor, is received by the floor broker for execution, and is reported from the floor as executed. For these order-routing data, the exchange must comply to the extent practicable as determined by the Commission. The Commission is authorized to grant limited exemptions to these audit trail requirements for small exchanges which otherwise demonstrate substantial compliance with the objectives of this provision, and for categories of orders sent to and reported from the trading pit in an extremely rapid manner.

II. Exchange Accountability

The bill expands the Commission's power to direct a contract market to improve its trade practice oversight and disciplinary systems.

The bill requires the Commission to assess each contract market's system—including the audit trail and other floor oversight and compliance efforts—on a two-year cycle. If the Commission finds flaws at any time, it can issue a proposed "deficiency order"—which becomes final under procedures similar to those applicable to informal agency rule-making—requiring that corrections be made under a Commission-set timetable. If the contract market violates this order, it becomes subject to Commission enforcement action aimed at suspension or revocation of its designation as a contract market and to penalties of fines up to $500,000 per violation and a cease and desist order; if it violates the cease and desist order, fines can escalate up to $500,000 per day.

Under this system, the Commission could require a contract market—

1. to institute improvements in its trade monitoring, compliance, or disciplinary systems needed to correct identified deficiencies;
2. satisfy objective performance criteria;
3. upgrade technology or commit added resources to floor surveillance;
4. suspend dual trading where appropriate; or
5. remove particular officers, directors, staff or committee members after a hearing on the record if they have willfully violated relevant statutes, rules, or regulations, abused their authority, or, without reasonable justification, failed to enforce compliance with the contract market rules.

The bill permits the Commission to delay approval of new contracts for a contract market while a deficiency order is in effect or pending before the Commission.

Dual trading

The bill requires the Commission, during the first 18 months after enactment, to initiate "deficiency order" proceedings to suspend dual trading at any contract market unless it finds that the contract market's trade oversight system, including the audit trail, can and does detect and discipline dual trading-related abuses. If deficiencies do exist but there is substantial likelihood that a dual trading suspension would harm the public interest, then the Commission would impose other deficiency order remedies. The Commission can fashion the dual trading suspension to the particular circumstances of the affected exchange.

The bill in no way limits or affects the Commission's existing authority to ban or regulate dual trading under Section 4j of the Commodity Exchange Act.

III. Exchange Sunshine

The bill requires each contract market and registered futures associations to open its governing procedures to a broad cross-section of market and public interests and take specified steps to prevent conflicts of interest and insider deals.

Board of Directors

The bill requires exchange boards to include meaningful representation of such interests as brokerage firms, producers and consumers of commodities traded on the exchange, floor traders and brokers. At least 20 percent of the board must be qualified nonmember public directors.

The bill further requires that no less than 10 percent of the members of a governing board be comprised of farmers, producers, merchants, or exporters.

Disciplinary panels

The bill requires that major disciplinary panels be diverse enough to ensure fairness and prevent special treatment or preference in disciplinary proceedings and assessment of penalties. Where appropriate for fairness—such as where an exchange director or disciplinary committee member is the subject of a proceeding or where price manipulation is alleged—non-members of the exchange must be included.

Conflict of interest

The bill requires that, to prevent conflicts of interest: (1) Exchange directors must abstain from any matter where they, or a close associate, are a named party in interest. (2) Before any emergency deliberation, the board or committee—acting directly or through a designated member or staff counsel—must review the market positions of each member for possible conflict of interests, including positions held in accounts at affiliated firms. The board would then take full, knowing responsibility for deciding whether the "interested directors" may participate. Exchange also must prevent insiders from exploiting official access to nonpublic information for personal gain.

Members with disciplinary records

The bill requires that members having violated federal commodity laws or other rules reflecting on their fitness be barred from serving on exchange oversight or disciplinary panels for an appropriate time as defined by the Commission.

IV. Civil Liability/Punitive Damages

The bill allows customers harmed by floor brokers committing willful and intentional violations to sue for recovery of actual damages *plus* punitive damages of up to double the actual losses (triple damages altogether) in private lawsuits or reparations claims. Arbitration systems established by the National Futures Association (NFA) and the exchanges must also provide for punitive damages under similar conditions.

Accountability of brokerage firms

The bill clarifies that in a lawsuit brought by an aggrieved customer, a retail brokerage firm (futures commission merchant) can be responsible to the customer for losses caused by the malfeasance of an independent floor broker it selects to execute that customer's order on the exchange floor. The bill provides that, if the brokerage firm willfully and intentionally selected the floor broker with the intent to assist in or facilitate the violation, it could be required to pay punitive damages as well.

Customer notification

The bill requires a contract market, when it takes final disciplinary action against a member-floor broker or trader for floor trading violations resulting in financial harm to a customer, to notify the victimized customer's brokerage firm. Such firm is then required to notify the customer.

Class action suits

The bill authorizes the Commission to adopt rules providing for class action suits under the reparations system if it decides that it can manage the resource burden involved in such complex cases and that it can provide a useful forum for these actions compared with federal court.

V. Penalties

The bill stiffens penalties for violations of the Act by:

1. Authorizing the Commission to assess fines against rule violators of the higher of $100,000 (the current ceiling) *or* triple the monetary gain per violation;
2. Extending criminal penalties to those who willfully provide false information to self-regulators (such as by making fraudulent audit trail entries) or who willfully and knowingly violate Commission rules;
3. Raising top civil penalties against contract markets from $100,000 to $500,000 per violation;

4. Including restitution to customers as a penalty which the Commission can impose against defendants in Commission enforcement actions;

5. Authorizing the Commission to suspend or modify the registration of persons indicted of certain felony crimes under expedited procedures;

6. Authorizing the Commission to assess penalties based solely on the gravity of the offense, and providing for automatic registration suspensions against those who fail to pay fines in a timely manner.

Penalties study/guidelines

The bill requires the Commission, within one year, to report to Congress on a study of penalties assessed for trade practice violations. The study would—

a. Analyze whether systematic differences exist in penalties assessed by different contract markets and why, and

b. Propose guidelines to assure that contract market and Commission penalties are consistent, including possibly minimum penalties or penalty ranges for various offenses.

VI. Broker Associations

The bill requires disclosure to the exchange and the Commission of all trade, business, or financial partnerships, cost-, profit-, or capital-sharing agreements, or other known, formal arrangements among or between floor brokers and traders. Beginning in 270 days, trading among broker-group members involving customer order-executions is barred unless either the Commission adopts rules governing such trading which it certifies to Congress will inhibit abuses or the contract market implements remedial rules.

Oral orders

The bill provides that, within 270 days, the Commission must adopt rules requiring a contemporaneous written record be made for all member-for-member orders for execution on the floor.

VII. Undercover Investigations

The bill authorizes the Commission to conduct limited undercover investigations where it has reason to believe that violations of the Commodity Exchange Act may be taking place and the Justice Department has declined to do so. The bill further requires the Commission to inform the Department of Justice before initiating any such investigation and that, in conducting the investigation, the Commission would work with other relevant law enforcement officials as appropriate.

VIII. Floor Trader Registration

The bill defines the term "floor trader" and requires registration of such floor traders with the Commission. The registration process would include fingerprinting and FBI background investigations.

IX. Assistance to Foreign Futures Authorities

The bill authorizes the Commission to assist futures authorities of foreign countries by conducting investigations on their behalf without regard to whether the facts stated in their request constitute a violation of U.S. law.

The bill defines the term "foreign futures authority." The bill also provides the authority for the Commission to provide investigative assistance to foreign futures authorities including the collection of information and evidence. The Commission may accept payment and reimbursement for necessary expenses incurred in carrying out any investigation pursuant to this authority.

X. GAO Access to Information

The bill provides the Comptroller General of the United States with the authority to gain access to any information within the control of any contract market, clearinghouse or registered futures association that currently is available to the Commission. GAO may gain access to records relating to open position data only pursuant to a request of either the House or Senate Agriculture Committees.

XI. Interests of Agricultural Producers

The bill requires the Commission to consider and endeavor to serve the interests of agricultural producers in discharging its duties and functions under the Act.

XII. Suspension of Registrants Charged With Felonies

The bill modifies section 8a to authorize the Commission, pursuant to rules, regulations or orders as may be adopted, to suspend or modify the registration of any person under the Act who is charged with a violation of the Act or a violation of any Federal or State law punishable by imprisonment for a term exceeding one year that would reflect on the honesty or fitness of the person to act as a fiduciary.

The bill requires the registrant to be afforded an opportunity for a hearing prior to such suspension or modification of registration.

XIII. Insider Trading

The bill establishes as a felony, for an employee, board member or member of any committee of a board of trade, contract market or registered futures association, in violation of Commission rules, to trade upon or disclose for purposes inconsistent with such persons official duties, any material nonpublic information gained through the performance of such official duties.

XIV. International Competitiveness of Electronic Trading

The bill directs the Commission, consistent with its responsibilities under section 18, to facilitate computerized trading as an adjunct to open outcry auctions systems.

The bill also directs the Commission to cooperate with the office of the U.S. Trade Representative, the Treasury Department, the Department of Commerce and the Department of State to remove foreign trade barriers to the international use of electronic trading systems.

XV. Telemarketing Fraud

The bill amends section 17(p) to require registered futures associations to adopt guidelines concerning the solicitation by telephone of new futures or options accounts.

XVI. Venue; Service of Process

The bill amends section 22(c) to authorize for private actions under section 22(a) service of process in any district where the defendant is an inhabitant or is found. Any action under section 22(a) may be brought in any district the defendant is found, is an inhabitant, or transacts business; or in the district in which any act or transaction constituting the violation occurred.

XVII. Information Procedures for Persons Affiliated with Certain Registered Persons

The bill directs the Commission to consult with the Securities Exchange Commission in the development of information procedures with respect to persons affiliated with registered persons.

XVIII. Study of Delivery Points

The bill directs GAO to conduct a study of delivery points regarding contracts of sale for future delivery of agricultural commodities.

XIX. Other Provisions

The legislation requires that futures industry professionals attend periodic ethics training sessions and mandates a GAO study of delivery points, including an examination of the feasibility and relative merits of cash delivery for agricultural contracts and the special concerns raised by the presence of multinational firms with global delivery needs in these markets.

Finally, the legislation incorporates two proposals by the National Futures Association to tighten registration standards and to allow NFA to appeal certain rulings of the Commission.

C. INTERMARKET COORDINATION

Title III of the bill, the "Intermarket Coordination Act of 1991," contains four principal elements:

1. Federal oversight of margin for stock-index futures is assigned to the Board of Governors of the Federal Reserve System;

2. The CFTC's "exclusive" jurisdiction for futures products is modified to allow certain hybrid securities to trade either under the futures or the securities regulatory system;

3. The CFTC is granted exemptive power to allow certain new products to trade outside the futures regulatory system, and is directed to use that power with respect to swap agreements and certain bank certificates of deposit; and

4. The SEC and CFTC, in consultation with the Federal Reserve Board and Treasury, are directed to develop solutions to such intermarket issues as coordinated circuit breakers, intermarket fraud, and cross-margining.

I. Margin Authority for Stock-Index Futures Products

The bill directs the Board of Governors of the Federal Reserve System to prescribe rules with respect to margin that may be initially required and subsequently maintained on contracts of sale for future delivery of a group or index of equity securities (and options thereon).

The Board of Governors of the Federal Reserve System currently has authority to prescribe rules and regulations with respect to margin for securities (other than exempted securities) and options on such securities under the Securities Exchange Act of 1934 and has other important responsibilities with respect to credit, banking, and finance. Thus, the Board of Governors of the Federal Reserve System is well placed to—

(A) exercise margin authority with respect to each segment of the overall inter-dependent market system for establishing prices for equity securities and related products—equity securities, futures, and related options;

(B) assess the prudential impact of margin levels on the participants and institutions within each such segment;

(C) assess the potential for systemic risk which may arise as a result of margin levels in any such segment;

(D) take account, in any such assessment, of the respective roles and structure of margin in each segment and its impact on prudential risk; and

(E) apply a consistent viewpoint on the nature and magnitude of systemic and prudential risk in making judgments with respect to margin in each such segment and its effect on the maintenance of orderly markets.

Congress therefore finds that it is appropriate and in the public interest to assign authority over margin for contracts of sale for future delivery of groups or indices of equity securities (and options thereon) to the Board of Governors of the Federal Reserve System, consistent with the authority which Congress has assigned to the Board to prescribe rules and regulations with respect to margin for securities (other than exempted securities) and options on such securities.

Standards

In adopting margin rules for stock-index futures contracts and related options, the Board must consider—

(A) the protection of the financial integrity of clearing organizations, contract markets, futures commission merchants, or related firms or financial institutions from default by participants in such markets on their payment or performance obligations;

(B) the purposes of this section; and

(C) the national public interests of futures trading set forth in section 3 of the Commodity Exchange Act.

The Board may, consistent with the standards and purposes of this provision, make appropriate provision—including special or different margin requirements—for transactions or positions engendering a lesser degree of prudential risk. These could include hedges, positions held by members of contract markets who have other forms of collateral available to cover their performance or payment obligations, spread or arbitrage positions, and other appropriate positions.

Any failure to assess margin in accord with Board rule or regulation would be deemed a violation of the Commodity Exchange Act, subject to penalties and enforcement tools available under the Act.

Delegation

The Board, at its sole discretion and subject to such conditions as it may determine, is authorized to adopt rules under this provision under which the margin required may be the amount specified by the rules of the respective designated contract market, provided that all such rules have been approved or amended by such Board or, again at the Board's sole discretion and subject to such conditions as the Board may determine but no sooner than 30 months after the date of enactment, by the CFTC.

II. Hybrid Instruments—New Products

The bill takes two significant steps to facilitate the introduction of innovative new financial products. First, it modifies the CFTC's "exclusive jurisdiction" for futures products to allow certain hybrid securities to trade either under the futures exchange or the securities regulatory systems. Second, it provides the CFTC with authority to exempt certain new products to trade outside the futures regulatory system.

Exclusivity

The bill provides that certain securities-hybrid instruments may trade either on a futures exchange or a securities exchange. These would include securities-based products which—

1. do not impose mutual executory obligations between the parties;

2. are not options on an instrument which imposes mutual executory obligations between the parties;

3. are listed or traded on a national securities exchange or quoted through an automated inter-dealer quotation system operated by a securities self-regulatory organization;

4. are not futures contracts (or options thereon) on single stocks or municipal securities;

5. are not futures contracts (or options thereon) on narrow-based stock indices;

6. are not leverage contracts of the type currently regulated by the CFTC; and

7. are either the subject of an effective registration statement under federal securities statutes or have been determined to be securities by the Securities and Exchange Commission.

Transactions excluded from the jurisdiction of the Commodity Futures Trading Commission under this provision will not be considered to be contracts of sale for future delivery (or options thereon) nor be regulated under the Commodity Exchange Act.

This provision thus reverses *American Stock Exchange v. Chicago Mercantile Exchange*, 883 F.2d 537 (7th cir. 1989) by allowing index participations and other hybrid financial instruments meeting the criteria of this provision to trade on securities exchanges or through NASDAQ under the regulatory umbrella of the SEC.

The phrase "mutual executory obligations" means an unconditional, legally binding contract between two parties. Thus, the phrase refers to the reciprocal, mirror image payment obligations of a traditional futures contract. Among other things, this phrase does not refer to the settlement obligations that exist as the result of normal settlement or when-issued trading in the securities markets or the determination to offset securities options, index participations or similar products.

Leverage contracts of the type defined in the CFTC's Part 31 rules remain within the CFTC's exclusive jurisdiction. The reference to the "type" of leverage contract is designed to ensure that formalistic changes in the nature, structure, or characteristics of a contract—such as changing the duration from 10 years to 9 years—would not exempt the instrument from regulation as a leverage contract so long as the instrument is the functional equivalent of a leverage contract as regulated by the CFTC on the date of enactment of this bill.

This provision is not intended to diminish the scope of the so-called "Treasury amendment" which exempts certain transactions from coverage of the Commodity Exchange Act. For instance, transactions in government securities falling within the scope of the Treasury amendment would continue to be exempt from the Act by virtue of the Treasury amendment and without any need to meet the requirements of new section 2(a)(1)(B)(vi)(I).

Exemptive authority

The bill authorizes the CFTC, in order to promote responsible economic or financial innovation and fair competition, to exempt from any provision of the Commodity Exchange Act (other than the Johnson-Shad Accord restrictions) any new product or group of products, either unconditionally or upon stated terms or conditions or for stated periods. Before acting, the Commission must determine after notice and comment that the exemption is necessary or appropriate in the public interest and that the new product:

(A) Would be limited to appropriate parties like banks, institutional investors, or other persons having the financial and other qualifications to fulfill the relevant obligations;

(B) Would be entered into for commercial or non-speculative purposes; and

(C) Would not preclude the Commission or any contract market from discharging its regulatory or self-regulatory duties.

Swap agreements and certificates of deposit

In addition to the CFTC's general exemptive authority, the CFTC is directed to exempt swap agreements and certain hybrid bank products. To the extent that these instruments or any subclasses of these instruments may be considered futures contracts and such action is not contrary to the public interest, the amendment requires the Commission to exempt—

1. swap agreements that are subject to individual negotiation as to substantive terms beyond price and undertaken in connection with a line of business including financial intermediation or the hedging activities of the parties to the agreements, and

2. demand deposits, time deposits, or transaction accounts offered by insured, regulated financial institutions.

III. Directives for SEC-CFTC Cooperation

The bill requires the CFTC and the SEC, not later than 1 year after the effective date of this Act, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, to take the steps needed to address a number of pressing inter-market issues—

(1) appropriate coordinated "circuit breaker" mechanisms and similar requirements;

(2) sharing price, trading, and enforcement data for the detection of intermarket front-running and other fraudulent activity;

(3) the establishment of linked or coordinated facilities for the clearance and settlement of transactions;

(4) the cross-margining of intermarket positions among specialists, market makers, and others and the use of such intermarket positions as security interest for loans and other extensions of credit;

(5) the development of international regulatory agreements and standards involving intermarket issues; and

(6) other intermarket issues which the agencies identify.

The SEC and CFTC must report to Congress on their actions under this section within 15 months.●

● Mr. LUGAR. Mr. President, I rise today as an original sponsor of the Futures Trading Practices Act of 1991. The bill we are introducing today will assist the CFTC to meet widely reported difficulties and to build much more substantial public confidence.

This bill, which in most respects parallels S. 1729—the Futures Trading Practices Act of 1989—reauthorizes and provides the Commodity Futures Trading Commission significant new regulatory powers to detect and deter trading abuses on U.S. commodity futures exchanges. The bill provides for an enhanced and improved agency and calls for industry user fees to pay for the increased costs of such improvements.

The bill also contains provisions not included in S. 1729. Title III of the bill creates a new jurisdictional arrangement for hybrid financial trading instruments and for margins on stock index futures.

Mr. President, the CFTC was last formally reauthorized in 1986 for a 3-year term. In January 1989, the Senate Agriculture Committee began a typical reauthorization process to extend the authorization for appropriations and to make minor changes to the Commodity Exchange Act. However, the Chicago undercover "sting" operation and subsequent indictments of futures traders brought the committee to consideration of wholesale reform in the futures regulatory scheme. I note for Senators that last Thursday a Federal jury in Chicago found 10 soybean traders guilty of fraud, 8 of whom were also found guilty of racketeering under the RICO statutes.

The focus of that reform was to address the trading abuses identified in the "sting" operation and through subsequent inquiry and study conducted by the General Accounting Office. The "soybean emergency" in July 1989 heightened the desire of members of the Agriculture Committee to craft a comprehensive reform of the futures regulatory structure. In November 1989, the Committee on Agriculture, Nutrition, and Forestry unanimously reported S. 1729.

Mr. President, that bill was never considered by the full Senate. That effort languished because of a trifurcated jurisdictional dispute between the Department of the Treasury, the Securities and Exchange Commission, and the CFTC. The controversy, which was over the jurisdictional framework of stock index futures and other hybrid financial instruments, delayed and ultimately derailed consideration of that measure. The result of that inaction—since October 1989, the CFTC has been operating on the basis of continued appropriations and without the benefit of the significant regulatory improvements that were contained in S. 1729.

Mr. President, the bill introduced today is an important legislative initiative inasmuch as it embodies the most significant reform of the Commodity Exchange Act in the 15-year history of the CFTC. Because the U.S. futures markets are vital to American commerce and competitiveness, Congress must take action to ensure that the most valuable aspect of those markets, their integrity, does not slip away.

This legislation was developed during the last session of Congress in an environment of investor distrust and dissatisfaction with the operation of the futures markets and their regulator the CFTC. In crafting the framework of this measure, the Senate Agriculture Committee recognized the value of increasing investor confidence in the markets and the necessity to establish a framework from which the U.S. markets can continue their international preeminence in futures trading.

This legislation, by greatly expanding the CFTC's power to force exchanges to improve their trade practice oversight and disciplinary systems, provides the CFTC with the regulatory and enforcement tools to foster and police integrity in the futures markets. It requires futures exchanges to develop and to implement "audit trail" technology to monitor, capture and record trades occurring on their trading floors. This audit trail requirement will provide the data for exchanges and regulators to quickly detect unusual and potentially illegal trading practices and patterns.

The bill also: requires exchanges to take actions to prevent conflicts of interest and insider trading, provides for increased civil and criminal penalties, requires CFTC action to deal with trading abuses attributable to the practice of dual trading; and, requires CFTC monitoring of broker associations. To cover the costs of this increased regulatory activity, the budget of the CFTC, over the 5-year life of the bill, is increased by 60 percent. The increase is covered in significant measure by the imposition of fees for services provided by the CFTC to the various commodity exchanges.

In title III, the legislation: assigns margin oversight authority on stock index futures to the Federal Reserve System Board of Governors, establishes a regulatory framework under which certain "hybrid" instruments such as Index Participations [IP's] can trade under either the futures or securities regulatory regime, and provides the CFTC with exemptive authority to permit certain instruments that have the characteristics of futures contracts to trade outside of the futures regulatory system. The provisions in this title are crafted very narrowly and are designed to maintain, for the most part, existing regulatory boundaries.

Mr. President, the futures exchanges of this Nation play an indispensable role in the commerce of the United States by providing producers, merchants, processors, financial managers the means through which they can engage in price discovery and risk transfer. The exchanges are of the primary cornerstones of American competitiveness. As such, the Members of this body cannot afford to delay implementing the important reforms contained in this legislation.

I strongly urge my colleagues to join with me in cosponsoring this measure and to help foster a swift consideration of the bill by the full Senate.•

• Mr. HEINZ. Mr. President, just over a year ago the distinguished chairman and ranking member of the Agriculture Committee stood in this Chamber to detail the scandals that rocked our Nation's futures markets throughout 1989. Senators LEAHY and LUGAR reported that the Commodity Futures Trading Commission suffered a loss of credibility and that the Federal regulation of our futures markets had suffered a "nervous breakdown."

The Agriculture Committee, after an extensive examination of trading abuses, market manipulation, conflicts of interest, inadequate surveillance and poor regulatory oversight of the futures markets, reported out the Futures Trading Practices Act. Senator LEAHY summed up the purpose of this legislation best when he stated:

> The events [in the futures markets] add up to one inescapable conclusion—the system is not working. * * *. These markets are simply too essential a part of our economy for us to stand by and allow this to happen. Without the public's trust, the markets can no longer function. They can no longer serve the needs of our country. Today, that trust is damaged. * * * [This legislation] is a bipartisan, comprehensive package of reforms designed to restore faith in futures markets.

Mr. President, while I supported those fundamental reforms to ensure strong, efficient and fair futures markets, I believed that the Futures Trading Practices Act could be significantly improved by adding reform measures designed to enhance public confidence in our Nation's capital markets as well. The capital markets—which are critical to channeling the savings of millions of Americans to help thousands of large and small businesses meet the competitive challenges confronting our Nation—are made up of linked and interdependent markets which trade stocks, stock options and stock index futures.

Last June, President Bush submitted comprehensive legislation—the Capital Markets Competition, Stability and Fairness Act—to strengthen our capital markets by addressing weaknesses in our regulatory structure that were evident in the wake of the stock market crash in October 1987. Lest we forget, on a day now known as Black Monday—the Nation's stock markets plunged into their steepest single decline in American history. The Dow Jones Industrial Average dropped a record 508 points—a loss of 23 percent of its value. In just 4 trading days between October 14 and October 19, 1987 the stocks traded in this Nation's markets lost almost a third of their value—almost a trillion dollars vanished from our markets virtually overnight.

While the Nation escaped total economic devastation on Black Monday, aftershocks are still being felt. Two years after the crash, in October 1989, the Dow Jones Industrial Average dropped 190 points—and the specter of another major crisis was before the Nation.

Mr. President, I supported the Capital Markets Competition, Stability and Fairness Act, and, along with colleagues on both sides of the aisle, sought to incorporate those reforms into the Futures Trading Practices Act.

During Securities subcommittee hearings last year on the administration's proposal, Senator LEAHY, as the chairman of the Agriculture Committee, appeared and pledged to work with the leadership of the subcommittee to implement those reforms necessary to strengthen our capital markets.

Consequently, as the ranking member of the Securities Subcommittee I joined Senators LEAHY and LUGAR, respectively the distinguished chairman and ranking member of the Agriculture Committee, Senator DODD, the chairman of the Securities Subcommittee, and Senator BOND, the only member of this body privileged to serve on both the Agriculture and Banking Committees, in formulating a comprehensive amendment to the Futures Trading Practices Act designed to increase the safety, competitiveness and harmony of our financial markets.

The legislation that the five of us developed would—

Enhance the safety of financial markets by consolidating margin setting authority over stocks, stock options, and stock index futures in the Federal Reserve Board;

Increase the competitiveness of our markets by permitting new innovative financial instruments with attributes of both securities and futures to trade in either market; and

Promote stability by directing the SEC and CFTC to coordinate and harmonize regulations with respect to issues that cut across securities and futures markets.

Regrettably, Senate consideration of this legislation was blocked in the waning hours of the 101st Congress. However, today, I am pleased to join Senators LEAHY, LUGAR, DODD, and BOND as an original cosponsor of the Futures Trading Practices Act which includes essential capital market reform legislation as title III—the Intermarket Coordination Act.

Mr. President, I would like to make clear that the Intermarket Coordination Act reflects a compromise among the leaders of the Agriculture Committee and the Securities Subcommittee. For those who support the administration's Capital Markets Competition, Stability and Fairness Act—this compromise does not go far enough. However, for those who staunchly oppose any reforms to strengthen our capital markets—the Intermarket Coordination Act goes much too far.

I believe I speak for all of the authors of the Intermarket Coordination Act when I state that these measures are the minimum reforms necessary to address the most critical issues confronting our markets—Federal oversight of margins, open competition among futures and securities markets, and regulatory coordination by the SEC and CFTC of vital intermarket issues. We agree that in order to strengthen our capital markets these reforms should not—and cannot—be weakened.

There may be those who will seek to use this legislation to divide market against market, regulator against regulator, and even committee against committee. However, those of us who have worked hard in developing this legislation, know that Congress is not being asked to choose sides. We have strong securities markets and strong futures markets. But they can be made better. This legislation strengthens our markets by resolving those issues that currently divide and weaken the regulation of our securities and futures markets and undermine investor confidence in our securities markets.

Mr. President, I am confident that my colleagues will agree that our financial markets must work in harmony. These reforms deal with national markets, with participants in every part of the country, which serve the capital needs of companies in every corner of the United States. When it comes to addressing problems that affect our financial markets—a vital national asset—I am equally confident that our colleagues will join the leadership of the Agriculture Committee and the Securities Subcommittee in standing firmly on common ground.•

By Mr. RIEGLE:

S. 208. A bill to provide Federal grants to States for programs to identify and aid individuals who have been exposed to the drug diethylstibestrol [DES]; to the Committee on Labor and Human Resources.

EXPOSURE TO DES

Mr. RIEGLE. Mr. President, today I am reintroducing legislation that will help bring to the forefront the plight of those women and their children who have been exposed to the synthetic hormone diethylstilbestrol [DES].

The hormone DES was first synthesized in 1938. From 1941 to 1971, this hormone was used to help reduce the risk of miscarriages. Despite studies in the early 1950's demonstrating that the drug was ineffective, the distribution and use continued for another 20 years. It was not until 1971, with the establishment of the definitive link between the development of a rare form of cancer of the cervix and vagina in young women and their exposure to DES of their mothers during pregnancy, that its use was finally discontinued. It is estimated that during this 30-year span of time 4 million sons and daughters were exposed in utero. Since 1971, a stream of reports related to the medical side effects of DES exposure have become known. I will briefly summarize these findings and describe them as they relate to DES mothers, daughters, and sons, respectively.

A study by the Dartmouth Medical School has demonstrated an increased risk of breast cancer in women exposed to DES during pregnancy. A significant aspect of this discovery was the finding that the increased risk did not become clinically evident until 20 years after the actual exposure. As these women age, this risk may become even more pronounced.

With regard to DES daughters, an association between DES exposure during pregnancy and the rare clear cell adenocarcinoma of the cervix and vagina has been well documented and studied. Over 400 cases have been reported and approximately 1 out of every 1,000 DES daughters will develop this rare cancer before age 32. Twenty-five percent of these cancer victims may die as a result of their exposure. Because of their cancer risk, DES daughters must have special screening examinations by doctors trained in the techniques needed to detect this rare form of cancer. DES daughters also have twice the rate of dysplasia as nonexposed women: in some women, dysplasia is a precancerous condition. For this reason, DES daughters should be especially careful to have regular examinations.

Pregnancy problems are affecting the greatest number of DES daughters. Up to half of all DES daughters will have some kind of problem, including ectopic-tubal-pregnancy, miscarriage, and premature labor and delivery. Because of their pregnancy risks, DES daughters must be seen more frequently during pregnancy.

The new findings of a study conducted at the Michigan State University College of Human Medicine creates even greater concern about the health effects of DES. Researchers have found that not only are the first and second generations affected by DES exposure, but the third generation as well. The risk of developing cancer among the DES granddaughters is no less than that of the DES daughters. What this means is a significant increase in the number of people who will, because of DES exposure, develop this rare form of cancer. Even with increasing age women can no longer consider themselves safe from cancer associated with exposure to DES.

The health risks for DES sons have been less well studied. However, some studies have shown an increased risk of genital problems and infertility among DES sons. Current research is investigating risks associated with testicular cancer.

This legislation would provide support to States for efforts to identify individuals who were exposed to DES and to help these individuals lessen the serious health risks resulting from exposure to DES. Grants to States would be used to identify women who took DES during pregnancy and the children of these women and to educate the public about the importance of medical care to detect and treat conditions resulting from DES exposure. The establishment of a voluntary State registry would be used for the dissemination of information about DES. The bill also provides for the creation of State programs to help in the development of screening and diagnostic services and dissemination of information to health care providers.

It is clear that individuals exposed to DES will require regular and periodic evaluation for the rest of their lives. This bill will greatly increase available support for educational activities and the delivery of adequate health services to those in need. With this increase in support we will begin to reduce the serious health risk to DES mothers and their children.

DES Action is a national organization devoted to helping those exposed to DES. This volunteer group should be commended for their efforts as a national educational, advocacy, and referral center on behalf of individuals who have been exposed to DES. DES is currently authorized for use to treat certain types of cancer, as an "estrogen replacement therapy" for menopausal women. It is not authorized for use to suppress lactation in women who choose not to breast feed, as a postcoital contraceptive, or in animal feed. Nevertheless, these uses sometimes continue, without evidence of safety. Only through a greater public awareness of the DES problem will we be able to ascertain the extent and scope of the problem and implement the appropriate care.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary") shall establish a program of grants to States to assist States in establishing programs—

(1) to identify women who took diethylstilbestrol while pregnant;

(2) to identify the children of such women who were exposed to diethylstilbestrol in utero;

(3) to establish a voluntary registry of such individuals to facilitate informing them of new developments related to diethylstilbestrol;

(4) to provide public education regarding the health effects associated with diethylstilbestrol and the importance of medical care to detect and treat such effects;

(5) to provide information to health professions personnel on the necessity of identifying exposed individuals, the health effects associated with diethylstilbestrol, and the provisions of medical care of the detection and treatment for such health effects; and

(6) to provide screening and diagnostic services for exposed individuals for the health effects associated with diethylstilbestrol.

(b) SUBSEQUENT GRANTS.—Any State receiving a grant to operate programs under subsection (a) may operate such programs directly or make grants to public or private organizations within such State to operate such programs.

SEC. 2. APPLICATION.

(a) IN GENERAL.—No grant may be made under section 1 unless an application therefor has been submitted to and approved by the Secretary. Such an application shall—

(1) contain such information and be submitted in such form and manner as the Secretary shall prescribe; and

(2) demonstrate to the satisfaction of the Secretary that in each year of participation in the grant program the applicant will obtain the following percentages of its projected budget from non-Federal sources of funding:

(A) At least 25 percent in the first and second years.

(B) At least 50 percent in the third year.

(C) At least 65 percent in the fourth and fifth years.

(b) ELIGIBILITY.—No State shall be eligible for more than 5 years of funding under this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

For each fiscal year there is authorized to be appropriated $6,000,000 to carry out this Act. Amounts appropriated under this Act shall remain available until expended.

SEC. 4. EFFECTIVE DATE.

This Act shall become effective on October 1, 1989.

By Mr. RIEGLE:

S. 209. A bill to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

MICHIGAN WILD AND SCENIC RIVERS ACT

Mr. RIEGLE. Mr. President, I rise today to introduce the Michigan wild and scenic rivers bill. This bill will protect some of the most beautiful and pristine rivers in Michigan. It is vitally important that a small part of Michigan's priceless river resources remain in their free-flowing, natural form. I feel very strongly that we should protect the natural qualities that make those regions so attractive so that future generations can enjoy them as we do. Today we take a major step in that direction.

The legislation I introduced today truly reflects the original purpose of the National Wild and Scenic Rivers Act. The bill protects the most important natural values of these rivers, while maintaining the rights of the people who live on or near the river corridors. Wild and scenic designation will help promote this region across the Nation as a destination for fishing, canoeing, and camping. River enthusiasts will recognize northern Michigan as one of the premier natural river areas in the Eastern United States. The bill was specifically designed to make sure that a large majority of the protected river corridors are within the boundaries of Michigan's three national forests. Under the National Wild and Scenic Rivers Act, no private lands in the designated corridors may be acquired by Forest Service condemnation if a majority of designated area is within the National Forest. I strongly support this approach as a protective measure for those landowners affected by this bill. My aim is to assure that those few designated areas outside of the National Forest remain in the control of the private landowners. The intention of my bill is to promote the true value of this unique region, with minimum change in the relationship between the people and the land they have lived on for years. In almost every case, the private landowners of Michigan have been responsible stewards of the land. I believe this bill seeks to maintain that heritage without restricting current uses of those river corridors.

Last year the Michigan rivers bill generated vigorous debate. Public hearings were held in Washington as well as in Michigan. Local residents, environmental groups, hunting, trapping, and fishing groups and local units of government were all consulted. Numerous changes to the original bill were made as a result of those hearings and I now believe we can move ahead with this important environmental legislation this year.

I would like to thank the many residents of northern Michigan and the Upper Peninsula who have been involved in the development of the Michigan rivers bill. Their input, as well as the analysis of the timber industry, has been vital to my understanding of all the issues involved with this legislation. This bill is supported by the Michigan United Conservation Clubs, the largest sportsmen's organization in the State, the Mackinaw Chapter of the Sierra Club, the Upper Peninsula Environmental Council, and many other conservation groups. I look forward to working with everyone who has an interest in the Michigan rivers bill. I hope we will be able to move this legislation forward so Michigan can receive recognition as home to some of the Nation's most valuable wild rivers.

I ask unanimous consent that the full text of the bill be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Michigan Scenic Rivers Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the State of Michigan possesses many outstanding free-flowing rivers which with their adjacent lands have resource values of national significance, such as outstanding wildlife and fisheries, ecological and recreational values, and historic and prehistoric sites;

(2) many of these rivers have been found to be eligible for inclusion in the national wild and scenic rivers system by the United States Forest Service while others possess outstanding values that make them eligible for wild and scenic river designation; and

(3) the conservation of these river areas and their outstanding natural, cultural, and recreational values is important to the heritage of Michigan and to its tourism and outdoor recreation industry and long-term economic development.

SEC. 3. WILD, SCENIC, AND RECREATIONAL RIVER DESIGNATION.

(a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) Big Bear Creek, Michigan.—The 6.5-mile segment from Coates Highway to the Main Manistee River, to be administered by the Secretary of Agriculture as a scenic river.

"( ) Black, Michigan.—The 14-mile segment from the Ottawa National Forest boundary to Lake Superior, to be administered by the Secretary of Agriculture as a scenic river.

"( ) Carp, Michigan.—The 35.4-mile segment from its origin at the confluence of outlets of Frenchman Lake and Carp Lake in section 26, township 44 north, range 6 west, to Lake Huron, to be administered by the Secretary of Agriculture in the following classes:

"(A) The 9.9-mile segment from its origin at the confluence of outlets of Frenchman Lake and Carp Lake in section 26, township 44 north, range 6 west, to Forest Development Road 3458 in section 32, township 43 north, range 5 west, as a scenic river.

"(B) The 6.5-mile segment from the Forest Development Road 3458 in section 32, township 43 north, range 5 west, to Michigan State Highway 123, as a scenic river.

"(C) The 7.5-mile segment from Michigan State Highway 123 to one quarter of a mile upstream from Forest Development Road 3119, as a wild river.

"(D) The 0.5-mile segment from one quarter of a mile upstream of Forest Development Road 3119 to one quarter mile downstream of Forest Development Road 3119, as a scenic river.

"(E) The 4.9-mile segment from one quarter of a mile downstream of Forest Development Road 3119 to McDonald Rapids, as a wild river.

"(F) The 6.1-mile segment from McDonald Rapids to Lake Huron, as a scenic river.

"( ) Indian, Michigan.—The 51-mile segment from Hovey Lake to Indian Lake to be administered by the Secretary of Agriculture in the following classes:

"(A) The 12-mile segment from Hovey Lake to Fish Lake, as a scenic river.

"(B) The 39-mile segment from Fish Lake to Indian Lake, as a recreational river.

"( ) Manistee, Michigan.—The 26-mile segment from the Michigan DNR boat ramp below Tippy Dam to the Michigan State Highway 55 bridge, to be administered by the Secretary of Agriculture as a recreational river.

"( ) Ontonagon, Michigan.—Segments of certain tributaries, totaling 142.4 miles, to be administered by the Secretary of Agriculture as follows:

"(A) The 46-mile segment of the East Branch Ontonagon from its origin at Spring Lake to the Ottawa National Forest boundary in the following classes:

"(i) The 20.5-mile segment from its origin at Spring Lake to its confluence with an unnamed stream in section 30, township 48 north, range 37 west, as a recreational river.

"(ii) The 25.5-mile segment from its confluence with an unnamed stream in section 30, township 48 north, range 37 west, to the Ottawa National Forest boundary, as a wild river.

"(B) The 59.4-mile segment of the Middle Branch Ontonagon, from its origin at Crooked Lake to the northern boundary of the Ottawa National Forest in the following classes:

"(i) The 20-mile segment from its origin at Crooked Lake to Burned Dam, as a recreational river.

"(ii) The 8-mile segment from Burned Dam to Bond Falls Flowage, as a scenic river.

"(iii) The 8-mile segment from Bond Falls to Agate Falls, as a scenic river.

"(iv) The 6-mile segment from Agate Falls to Trout Creek, as a scenic river.

"(v) The 17.4-mile segment from Trout Creek to the northern boundary of the Ottawa National Forest, as a wild river.

"(C) The 37-mile segment of the Cisco Branch Ontonagon from its origin at Cisco Lake Dam to its confluence with Ten-Mile Creek south of Ewen in the following classes:

"(i) The 10-mile segment from the origin of Cisco Branch Ontonagon at Cisco Lake Dam to the County Road 527 crossing, as a recreational river.

"(ii) The 27-mile segment from the Forest Development Road 527 crossing to the confluence of the Cisco Branch and Ten-Mile Creek, as a scenic river.

The Secretary is authorized to acquire fee title to lands which, as of August 1, 1990, were owned by Upper Peninsula Energy Corporation without regard to any acreage limitation set forth in subsection (b) of this section or subsection (a) or (b) of section 6 of this Act.

"( ) Paint, Michigan.—Segments of the mainstream and certain tributaries, totaling 51 miles, to be administered by the Secretary of Agriculture as follows:

"(A) The 6-mile segment of the main stem from the confluence of the North and South Branches Paint to the Ottawa National Forest boundary, as a recreational river.

"(B) The 17-mile segment of the North Branch Paint from its origin at Mallard Lake to its confluence with the South Branch Paint, as a recreational river.

"(C) The 28-mile segment of the South Branch Paint from its origin at Paint River Springs to its confluence with the North Branch Paint, as a recreational river.

"( ) Pine, Michigan.—The 25-mile segment from Lincoln Bridge to the east 116th line of section 16, township 21 north, range 13 west, to be administered by the Secretary of Agriculture as a scenic river.

"( ) Presque Isle, Michigan.—Segments of the mainstream and certain tributaries, totaling 57 miles, to be administered by the Secretary of Agriculture as follows:

"(A) The 23-mile segment of the mainstream, from the confluence of the East and West Branches of Presque Isle to Minnewawa Falls, to be classified as follows:

"(i) The 17-mile segment from the confluence of the East and West Branches Presque Isle to Michigan State Highway 28, as a recreational river.

"(ii) The 6-mile segment from Michigan State Highway 28 to Minnewawa Falls, as a scenic river.

"(B) The 14-mile segment of the East Branch Presque Isle within the Ottawa National Forest, as a recreational river.

"(C) The 7-mile segment of the South Branch Presque Isle within the Ottawa National Forest, as a recreational river.

"(D) The 13-mile segment of the West Branch Presque Isle within the Ottawa National Forest, as a scenic river.

"( ) Sturgeon, Hiawatha National Forest, Michigan.—The 43.9-mile segment from the north line of section 26, township 43 north, range 19 west, to Lake Michigan, to be administered by the Secretary of Agriculture in the following classes:

"(A) The 21.7-mile segment from the north line of section 26, township 43 north, range 19 west, to Forest Highway 13 as a scenic river.

"(B) The 22.2-mile segment from Forest Highway 13 to Lake Michigan as a recreational river.

"( ) Sturgeon, Ottawa National Forest, Michigan.—The 25-mile segment from its entry into the Ottawa National Forest to the northern boundary of the Ottawa National Forest, to be administered by the Secretary of Agriculture in the following classes:

"(A) The 16.5-mile segment from its entry into the Ottawa National Forest to Prickett Lake, as a wild river.

"(B) The 8.5-mile segment from the outlet of Prickett Lake Dam to the northern boundary of the Ottawa National Forest, as a scenic river.

"( ) East Branch of the Tahquamenon, Michigan.—The 13.2-mile segment from its origin in section 8, township 45 north, range 5 west, to the Hiawatha National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

"(A) The 10-mile segment from its origin in section 8, township 45 north, range 5 west, to the center of section 20, township 46 north, range 6 west, as a recreational river.

"(B) The 3.2-mile segment from the center of section 20, township 46 north, range 6 west, to the boundary of the Hiawatha National Forest, as a wild river.

"( ) Whitefish, Michigan.—Segments of the mainstream and certain tributaries, totaling 35.6 miles, to be administered by the Secretary of Agriculture as follows:

"(A) The 11.1-mile segment of the mainstream from its confluence with the East and West Branches of the Whitefish to Lake Michigan in the following classes:

"(i) The 9-mile segment from its confluence with the East and West Branches of the Whitefish to the center of section 16, township 41 north, range 21 west, as a scenic river.

"(ii) The 2.1-mile segment from the center of section 16, township 41 north, range 21 west, to Lake Michigan, as a recreational river.

"(B) The 15-mile segment of the East Branch Whitefish from the crossing of County Road 003 in section 6, township 44 north, range 20 west, to its confluence with the West Branch Whitefish, as a scenic river.

"(C) The 9.5-mile segment of the West Branch Whitefish from the National Forest boundary in section 5, township 44 north, range 21 west, to its confluence with the East Branch Whitefish in the following classes:

"(i) The 2-mile segment from the National Forest boundary in section 5, township 44 north, range 21 west, to County Road 444, as a recreational river.

"(ii) The 7.5-mile segment from County Road 444 to its confluence with the East Branch Whitefish, as a scenic river.

"( ) Yellow Dog, Michigan.—The 4-mile segment from its origin at the outlet of Bulldog Lake Dam to the boundary of the Ottawa National Forest, to be administered by the Secretary of Agriculture as a wild river.

"( ) Brule, Michigan and Wisconsin.—The 33-mile segment from the Brule Lake in the northeast quarter of section 15, township 41 north, range 13 east, to the National Forest boundary at the southeast quarter of section 31, township 41 north, range 17 east, to be administered by the Secretary of Agriculture as a recreational river.".

SEC. 4. WILD AND SCENIC RIVER STUDIES.

(a) Study Rivers.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) Little Manistee, Michigan.—The 42-mile segment within the Huron-Manistee National Forest.

"( ) White, Michigan.—The 75.4-mile segment within the Huron-Manistee National Forest as follows:

"(A) The 30.8-mile segment of the main stem from U.S. 31 to the Huron-Manistee National Forest boundary at the north line of section 2, township 13 north, range 15 west, 1.5 miles southwest of Hesperia.

"(B) The 18.9-mile segment of the South Branch White from the Huron-Manistee National Forest boundary east of Hesperia at the west line of section 22, township 14 north, range 14 west, to Echo Drive, section 6, township 13 north, range 12 west.

"(C) The 25.7-mile segment of the North Branch White from its confluence with the South Branch White in section 25, township 13 north, range 16 west, to McLaren Lake in section 11, township 14 north, range 15 west.

"( ) Ontonagon, Michigan.—The 47-mile segment of the Ontonagon as follows:

"(A) The 27-mile segment of the West Branch from the Michigan State Highway 28 crossing to Victoria Reservoir.

"(B) The 20-mile segment of the South Branch from the confluence of the Cisco Branch and Tenmile Creek to the confluence with the West Branch Ontonagon.

"( ) Paint, Michigan.—The 70-mile segment as follows:

"(A) 34 miles of the mainstream beginning at the eastern boundary of the Ottawa National Forest in section 1, township 44 north, range 35 west, to the city of Crystal Falls.

"(B) 15 miles of the mainstream of the Net River from its confluence with the east and west branches to its confluence with the mainstream of the Paint River.

"(C) 15 miles of the east branch of the Net River from its source in section 8, township 47 north, range 32 west, to its confluence with the mainstream of the Net River in section 24, township 46 north, range 34 west.

"(D) 14 miles of the west branch of the Net River from its source in section 35, township 48 north, range 34 west, to its confluence with the mainstream of the Net River in section 24, township 46 north, range 34 west.

"( ) Presque Isle, Michigan.—The 13-mile segment of the mainstream from Minnewawa Falls to Lake Superior.

"( ) Sturgeon, Ottawa National Forest, Michigan.—The 36-mile segment of the mainstream from the source at Wagner Lake in section 13, township 49 north, range 31 west, to the eastern boundary of the Ottawa National Forest in section 12, township 48 north, range 35 west.

"( ) Sturgeon, Hiawatha National Forest, Michigan.—The 18.1-mile segment from Sixteen Mile Lake to the north line of section 26, township 43 north, range 19 west.

"( ) Tahquamenon, Michigan.—The 103.5-mile segment as follows—

"(A) the 90-mile segment of the mainstream beginning at the source in section 21, township 47 north, range 12 west, to the mouth at Whitefish Bay; and

"(B) the 13.5-mile segment of the east branch from the western boundary of the Hiawatha National Forest in section 19, township 46 north, range 6 west, to its confluence with the mainstream.

"( ) Whitefish, Michigan.—The 24-mile segment of the West Branch Whitefish from its source in section 26, township 46 north, range 23 west, to the National Forest boundary in section 5, township 44 north, range 21 west.".

(b) Study Provisions.—Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(8) The study of segments of the Little Manistee, White, Paint, Presque Isle, Ontonagon, Sturgeon (Hiawatha), Sturgeon (Ottawa), Whitefish, and Tahquamenon Rivers in Michigan under subsection (a) shall be completed by the Secretary of Agriculture and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph. For purposes of such river studies, the Secretary shall consult with each River Study Committee authorized under section 5 of the Michigan Scenic Rivers Act of 1990, and shall encourage public participation and involvement through hearings, workshops, and such other means as are necessary to be effective.".

SEC. 5. RIVER STUDY COMMITTEES.

(a) Establishment and Membership.—At the earliest practicable date following the date of the enactment of this Act, the Secretary of Agriculture (hereinafter in this section referred to as the "Secretary"), in consultation with the Michigan Department of Natural Resources, shall establish for each river identified in section 4 a River Study Committee (hereinafter in this section referred to as "Committee"). Membership on each Committee shall consist of members appointed as follows:

(1) Two members appointed by the appropriate Secretary.

(2) Two members appointed by the Secretary from recommendations made by the Governor of the State of Michigan from the Department of Natural Resources.

(3) Two members appointed by the Secretary from among representatives of local or State conservation and environmental groups.

(4) One member appointed by the Secretary from among representatives of each of the towns included in the study area.

(5) Two members appointed by the Secretary from commercial timber interests in the State of Michigan.

(6) One nonvoting member who shall be an employee of the Forest Service.

(b) Administrative Provisions.—(1) A vacancy in a Committee shall be filled in the manner in which the original appointment was made.

(2) The Chair of a Committee shall be elected by the members of the Committee.

(3) The members of the Committee who are not full-time officers or employees of the United States shall serve without compensation.

(c) Technical Assistance From the Secretary.—The Secretary shall provide such technical and financial assistance to each such committee as the Secretary deems necessary.

(d) State and Local Services.—Each such committee may accept services and other assistance from State and local governments.

(e) Study Process.—Each river study committee shall advise the Secretary in the preparation of the report to Congress required by section 4 of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a)) for the rivers specified in section 4 of this Act.

(f) Termination.—Each such committee shall terminate upon submission of the report to Congress referred to in subsection (e) for the river concerned.

SEC. 6. MISCELLANEOUS

(a) Hunting, Fishing, and Trapping.—Consistent with section 13(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), nothing in this Act shall be construed to enlarge, diminish, or modify the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife, including hunting, fishing, and trapping on any lands administered by the Secretary of Agriculture pursuant to this Act.

(b) Sea Lamprey Control.—Notwithstanding any other provision of law, the installation and operation of facilities or other activities within or outside the boundaries of those river segments designated by this Act for the control of the lamprey eel shall be permitted subject to such restrictions and conditions as the Secretary of Agriculture may prescribe for the protection of water quality and other values of the river, including the wild and scenic characteristics of the river: *Provided*, That the Secretary shall determine in the river management plan for each such designated river that such facilities or activities are necessary for control of the lamprey eel.

(c) Access.—The Secretary shall maintain traditional public access to the river segments designated by this Act, except that the Secretary, in consultation with the Director of the Michigan Department of Natural Resources, shall provide in the river management plan for each designated river segment for maintenance, closure, relocation, stabilization, improvements, or other appropriate adjustments as may be necessary for the management of such river segments.

(d) Rule of Construction.—Nothing in this Act shall be construed as enlarging, diminishing, or modifying the limitations on the acquisition of lands within a designated river segment contained in section 6(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1271(b)).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

By Mr. KENNEDY (for himself, Mr. Packwood, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bradley, Mr. Burdick, Mr. Chafee, Mr. Cohen, Mr. Conrad, Mr. Cranston, Mr. Daschle, Mr. DeConcini, Mr. Durenberger, Mr. Gore, Mr. Harkin, Mr. Hatfield, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mrs. Kassebaum, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Lieberman, Mr. Levin, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Riegle, Mr. Sarbanes, Mr. Simon, Mr. Specter, and Mr. Wirth):

S.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

PROPOSED EQUAL RIGHTS AMENDMENT

Mr. KENNEDY. Mr. President, I am pleased to join with Senator Packwood today, on behalf of myself and my colleagues, to reintroduce the equal rights amendment, and to reaffirm my strong commitment to making ERA part of the Constitution of the United States.

As we mark the birth of the Bill of Rights in this final year of our commemoration of the bicentennial of our

Constitution, it is appropriate that we once again strive to achieve the noble purposes of our founding document. The great advances we have made over the past 200 years toward true equality for all Americans can be continued and enhanced by including equality for women in the Constitution.

Enactment and ratification of the ERA is essential to ensure equality for women in both the law and the life of this land. The need for a constitutional guarantee of equal rights for all citizens remains compelling. Existing statutory prohibitions against sex discrimination have failed to give women basic educational and employment opportunities equal to those available to men in our society. An unconscionable wage gap between the earnings of men and women persists in the work force. In 1987 women earned only 70 cents for every dollar earned by men. By 1990 that figure had changed by only 1 cent.

Depressingly little change has occurred since we last wrote you about the ERA in 1989. Sex discrimination continues to permeate many areas of the economy. Women are still clustered in a very narrow range of traditionally female, traditionally low paying occupations, such as clerical jobs, waiting on tables, sales, nursing, and elementary schoolteaching.

Female-headed households continue to dominate the bottom rungs of the economic ladder. More women than ever before live in poverty. While only 12 percent of families headed by single fathers were below the poverty level in 1989, 32 percent of families headed by single mothers were below the poverty level. Over half of all families in poverty were headed by a women.

Almost 20 percent of all American children live below the poverty line. Two years ago, 54 percent of those children lived in families headed by women; that figure has now increased to 57 percent.

Thus, the dismal record of progress in achieving equality for women has alarming consequences not only for women, but for children and for the future of our country. While enactment of the equal rights amendment alone cannot undo generations of economic injustice, it will encourage all women in their efforts to win redress under the Nation's laws and within the courts.

Experience in past Congresses shows that the road to ratification will not be easy. But the extraordinary importance of the effort gives us the strength to persevere. With hard work, we can act in this Congress to approve the equal rights amendment, so that, as we commemorate the 200th anniversary of the Bill of Rights, we can look forward to the ERA at last having its rightful place in America's founding document.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SECTION 3. This amendment shall take effect two years after the date of ratification.".

Mr. PACKWOOD. Mr. President, I am pleased to join today with Senator KENNEDY to introduce the equal rights amendment.

The U.S. Constitution is the cornerstone of our Nation. It aims to ensure freedom and equality for all Americans. As citizens and contributing members of society, women should be given equal protection under the Constitution.

Women have made great strides toward attaining equal rights with men. More women are in the military, in the work force, and are educated than ever before. Still, gender discrimination persists.

According to the Department of Defense, women represent 11 percent of the Armed Forces. About 21,600 of those women are putting their lives on the line for their country in the deserts of Saudi Arabia. Yet, they are not guaranteed equal rights with their male counterparts under the Constitution.

In 1990, women represented 45.3 percent of the U.S. labor force. Despite these impressive numbers, an invisible barrier sometimes called the "glass ceiling" is preventing the female work force from reaching the upper echelon in the workplace where professional and management positions are highly compensated. Women are often passed by for promotions to these jobs because of social stereotypes and preconceptions. Many women who bump into the glass ceiling on their way up the corporate ladder end up leaving their jobs, because they feel there is no chance for advancement.

According to the world's largest executive search firm, Korn/Ferry International, women hold an average of 3 percent of the top management positions in the largest companies. And astonishingly, despite all the media attention on the advancement of women, the Department of Labor reports that over half of the Fortune 1000 companies still lack a single female member on their board of directors.

Gender discrimination in the workplace perpetuates pay inequity between men and women. Those in jobs traditionally held by women typically receive less compensation than men employed in traditional male jobs. Because women's positions are associated with unpaid work in the home or secondary incomes, women are not seen as important economic providers.

According to the Bureau of Labor Statistics, in 1990 women made 71.7 cents for every dollar earned by men. The wage gap has closed by less than 2 cents since 1987. Additionally, female college graduates who worked full time for all of 1987 actually earned less, on average, than fully employed men with no more than a high school diploma. These pay disparities are inexcusable.

More women than ever are earning college diplomas and advanced professional degrees. In 1986 women were awarded nearly one-third of all medical degrees. Today half of all graduate students and more than half of all undergraduate students are women. Although women have enthusiastically taken advantage of the relatively new educational opportunities offered them, they still face major career obstacles to overcome before achieving their full potential.

Women are also discriminated against in the marketplace. For instance, insurance companies charge two prices for the same product: women's and men's policies. Because insurers are allowed to use sex discrimination as a basis for rates and benefits, typical coverage for a lifetime of auto, life, health, and disability insurance costs women $16,000 more than men, according to the National Organization for Women.

Gender discrimination affects even the everyday, and more mundane aspects of women's lives. For instance, a recent lawsuit was brought against local District of Columbia drycleaners because they charged women more than men for the same service. Drycleaning can cost women up to 250 percent more than men for garments of comparable fabric and design. Professional women are confronted with discrimination not only at work but in the services they need to perform that work, and they have no current protection under the law.

Our present approach to remedying sex discrimination is legislating one statute at a time. Progress has been steady, but slow and arduous. And as we all know, statutes we pass to protect women against discrimination can be repealed or weakened. This is why I urge senators to take a decisive step toward guaranteeing equal rights for women by amending the U.S. Constitution. This is the only way to permanently guarantee these rights.

Senator KENNEDY and I have been joined by a number of our colleagues in the Senate and House who understand the significance of the equal rights amendment. In the 102d Congress, I hope one of our priorities is to secure a constitutional guarantee of equal rights for over half of our population.

After over 200 years of inequality in America, now is the time to include women in the U.S. Constitution.

Mr. MITCHELL. Mr. President, I submit the following statement by Mr. SARBANES to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Mr. SARBANES. Mr. President, I rise to join with a number of my colleagues in reintroducing the equal rights amendment. In 1971, while serving my first term as a U.S. Representative, I had the privilege of serving on the House Judiciary Committee subcommittee which reported to the full committee House Joint Resolution 208, the equal rights amendment.

Pursuant to reporting this resolution to the full committee on April 29, the subcommittee completed 6 days of exhaustive hearings. I still recall Representative Martha Griffiths, the distinguished Congresswoman from Michigan and sponsor of House Joint Resolution 208, speaking as the first witness on behalf of the equal rights amendment before the subcommittee. Mrs. Griffiths' testimony in support of House Joint Resolution 208 was most persuasive, and I joined with 14 members of the Judiciary Committee in emphasizing this point in views appended to the committee report, as follows:

> The basic premise of House Joint Resolution 208 in its original form is a simple one. As stated by Professor Thomas Emerson of Yale University, one of the Nation's foremost authorities on Constitutional law, the original text is based on the fundamental proposition that sex should not be a factor in determining the legal rights of women or of men.
>
> The existence of a characteristic found more often in one sex than the other does not justify legal treatment of all members of that sex different from all members of the other sex. The same is true of the functions performed by individuals. The circumstance, that in our present society, members of one sex are more likely to be engaged in a particular type of activity than members of the other sex, does not authorize the Government to fix legal rights or obligations on the basis of membership in one sex. The law may operate by grouping individuals in terms of existing characteristics or functions, but not through a vast overclassification by sex.
>
> The main reason underlying the basic concept of the original text derives from both theoretical and practical considerations. The equal rights amendment as proposed by Mrs. Griffiths embodies a moral value judgment that a legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality.

Mr. President, Mrs. Griffiths' testimony remains as persuasive today as it was originally, just as the equal rights amendment remains an urgent item on the national agenda. Despite the improvement in some areas over the past two decades, substantial discrimination remains. It may be less immediately obvious and more subtle, but its effects are no less injurious or unfair to those affected by it.

Women have entered the work force and assumed financial responsibility for their families to an unprecedented degree, and this makes the burden of discrimination even more difficult to bear. The arbitrary denial of equality is not only a loss to those individuals who suffer from it, but a tremendous loss to a society which denies itself the full benefits of each individual's potential.

Mr. President, ours is not a male society or a female society, but an American society; and a society that can ill-afford to let languish the abilities of any of its citizens. It is especially appropriate that the effort for the equal rights amendment continue as our Nation marks the 200th anniversary of the Bill of Rights, and I welcome the opportunity to join once again in the reintroduction of the equal rights amendment.•

Mr. SPECTER. Mr. President, I am pleased today to cosponsor once again introduction of the equal rights amendment. Doubtless the last 30 years of legislative initiatives and judicial interpretation of the 14th amendment have contributed greatly to the reduction of discrimination against women. And doubtless, too, social, economic, and political forces at work have contributed greatly to a fundamental change in the way American society views women. But so much more needs to be done and that is why we still need this constitutional amendment.

Discrimination continues to haunt women in employment. In 1989, full-time working women's paychecks were only 70 percent that of men's. This results in part from the fact that women are overrepresented in low-wage industries. A 1982 U.S. Bureau of Statistics report, "The Female-Male Earnings Gap: A Review of Employment and Earnings Issues," documents that fact. But not only are women concentrated in low-paying industries, they also earn less than men regardless of industry. The U.S. Bureau of Statistics report reveals that women suffer from a 24-percent wage gap in service industries and a 36-percent wage gap in manufacturing industries. And a 1985 Carnegie Foundation report rejects the view that occupational segregation and income disparities have resulted solely from the free choices women make in an open market. Rather, the evidence suggests that "women face discrimination and institutional barriers in their education, training, and employment. Often the opportunities some encounter constrain their choices to a narrow set of alternatives."

Moreover, despite great improvement, women face discrimination in other areas as well, most especially in our family court systems and divorce courts. Will the ERA change all this? Perhaps not, but it will send a powerful and permanent message that this country will not discriminate on the basis of sex by enshrining that very message in the Constitution. It will also ensure that legislative and judicial developments which have so helped eradicate discrimination against women are not left to the vagaries of judicial interpretation and shifting legislative majorities. I look forward to doing everything possible to see that this long battle for the ERA is finally won in the 102d Congress.

Mr. COHEN. Mr. President, today I am proud to join in reintroducing the equal rights amendment. It is my hope and my goal that this will be the last time I cosponsor the ERA in that passage of the amendment by the 102d Congress and its subsequent ratification by the States will make its reintroduction in the 103d Congress unnecessary. The passage and ratification of the equal rights amendment is long overdue.

In 1923, the first equal rights amendment was introduced in the Congress. The amendment stipulated that "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." Today, history will record another introduction of the same idea, that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Once again, we will repeat the words of Elizabeth Cady Stanton and Susan B. Anthony, that "Men, their rights and nothing more; women, their rights and nothing less."

Lord Macauley once described our Constitution as "all sail and no anchor." I disagree with him, but I fear that we may find his description applicable to the fight for equal opportunities and equal rights for women. I believe that the Constitution is the anchor to the laws of the land. Perhaps more than that, it is the Constitution that charts where our laws should point. Without the ERA, whatever laws are passed to further the equality of women will be all sail and no anchor.

Since 1972, when Congress first approved the ERA, there have been many changes in the laws of the land, passed by Congress and State legislatures, or mandated by the courts. Yet, there is nothing in the Constitution to secure these laws. A persistent argument against the ERA has been that the amendment is unnecessary, that the rights which it would grant have been or are being granted by judicial decision or statute. Others have argued that expanded interpretations of the 14th amendment would guarantee the rights to women which the ERA would guarantee.

The perception of legal necessity for ratification of the ERA has diminished among many since 1972. Yet what if we discover that the changes made over the last two decades are like Lord Macauley's sails? Where will they take us when the tack changes? We must remember that despite changes in the law, what we seek through ratification of the ERA is the guarantee of fundamental rights, and the anchor for those laws.

For the past 200 years, American women have been struggling to secure the basic constitutional rights that are guaranteed to men, ones that we accept as self-evident. It is written in the Declaration of Independence that "We hold these truths to be self-evident, that all men are created equal." Regretably, we have learned through the painful experiences of history, including a bloody Civil War, that not all men were created equal in the eyes of the law and it took the 13th and 14th amendments to declare that the color of one's skin was not a rational or fair determination of one's rights.

I submit that the equal rights amendment will be no more redundant for women than the 13th and 14th amendments were for ethnic or racial minorities. The ERA is much more than a symbolic gesture, but if it were only symbolic it would be no less important. Our lives, our values, our social conscience are strongly influenced by symbols.

The heart of the matter is that not just for years, not just for generations, but for centuries, women have been regarded as being less deserving of full and equal rights and responsibilities. Because of their sex, a majority of the citizens in our society, regardless of their physical or intellectual ability, regardless of their potential for social contributions, are granted different rights, are stereotyped and suffer greater prejudices.

Centuries of discriminatory policies have denied women the right to equal participation and responsibility in our society. Without passage of a constitutional amendment, these inequalities will continue. Women will not achieve equality under the law.

The need for the equal rights amendment to signal that sex discrimination is no longer acceptable in our Nation's laws, policies, and practices is no less urgent today than it was in 1923 when the first equal rights amendment was introduced in Congress. Women are entitled to nothing less than full equality of rights in the Constitution.

When the ERA is finally ratified, and I am confident that it will be, it will provide the long awaited guarantee to women and men of equal justice under the law. It is my fervent hope that we will see the equal rights amendment in place as the 27th amendment to the Constitution in the very near future.

By Mr. SPECTER:

S.J. Res. 4. Joint resolution proposing a constitutional amendment to authorize the President to exercise a line-item veto over individual items of appropriation; to the Committee on the Judiciary.

LINE-ITEM-VETO CONSTITUTIONAL AMENDMENT

Mr. SPECTER. Mr. President, I introduce today a proposed constitutional amendment that would authorize the President to veto or reduce individual items of appropriation in bills and resolutions. The line-item veto or reduction authority is, I believe, a necessary step in helping to bring the chronic budget deficit under control, and I have long supported it. Together with the budget reforms enacted last year in the budget agreement between the President and the Congress, the authority of the President to veto or reduce specific items of appropriation provides a realistic opportunity to stanch the deficits from which we have suffered recently.

The budget process has run amok in recent years. A line-item veto would provide a valuable institutional check on unfettered spending and trade-off pork-barrel projects that do not serve the national interest but are buried in lengthy appropriations bills. Currently, the President cannot do anything to control this form of congressional excess. Standing alone, the veto will not solve our deficit problem, but it will help by allowing the President to stop or reduce funding should he deem the programs too expensive or unnecessary.

I believe that it is preferable to grant to the President not only the authority to veto completely individual items of appropriation, but also to grant him enhanced rescission authority. Studies in States whose Governors exercise line-item veto authority suggest that while a straight line-item veto, an up or down on a specific item of appropriation, have little effect on spending and budget deficits, enhanced rescission authority does have a significant effect on spending. Therefore, my proposal contains both a veto provision and a provision to allow the President to reduce individual items of appropriation.

Many claim that the line-item veto would result in an intolerable shift of power from the Congress to the Executive and undermine the carefully crafted balance of power established by the Founding Fathers. Mr. President, no one is more sensitive than I am to the respective roles of the Legislature and the Executive and the need to retain a balance of authority between the two branches. While it is a peculiarly legislative function to decide how much money to spend on Government programs, there is no reason for a line-item veto to be considered any more of an infringement on the separation of powers than the President's ability to veto bills at all. The veto power serves a crucial function in our system. As Alexander Hamilton recognized in Federalist 73, the veto provides "an additional security against the enaction of improper laws * * * to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of [the legislative] body." The purpose for enacting a line-item veto fits squarely within this reasoning.

The ultimate authority of the Congress to decide how to allocate and spend the Federal Government's money is protected by my proposal. Under this proposal, the Congress could override the President's veto or reduction of any specific item of appropriation by simple majority vote. This override by simple majority, rather than by the two-thirds majority needed to override a veto of an entire bill, provides adequate protection for congressional spending authority. Any item of appropriation that cannot command the support of either the President or a simple majority of the Congress is simply bad policy and should not be approved at all.

Mr. President, the issue of the line-item veto has been pending for several years. In the 101st Congress, the Judiciary Committee favorably reported two different versions of the line-item veto amendment, although the full Senate never considered the matter. I hope that this is the year in which we finally enact this worthwhile idea.

I ask unanimous consent that my resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission for ratification:

"ARTICLE —

"SECTION 1. The President may reduce or disapprove any items of appropriation in any Act of joint resolution. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not reduced or disapproved shall become law.

"SECTION 2. The President shall return with his objections any items of appropriation reduced or disapproved to the House in which the Act or joint resolution containing such item originated.

"SECTION 3. The Congress may, in the manner prescribed under section 7 of Article I for acts disapproved by the President, reconsider any item reduced or disapproved under this article, except that only a majority of each

House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or Joint resolution.".

By Mr. SPECTER:

S.J. Res. 5. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. SPECTER. Mr. President, for the past several years the Congress has considered various amendments to require a balanced budget. In the 97th Congress, this body passed such an amendment, Senate Joint Resolution 58, by the necessary two-thirds majority, but, the House failed to do so, despite a substantial majority vote of 236–187. In 1986, we failed by one vote to pass another balanced budget amendment, Senate Joint Resolution 225. In the 101st Congress, the Judiciary Committee favorably reported Senate Joint Resolution 183 by an 11–3 vote, although the amendment was never considered by the full Senate.

According to the Congressional Research Service, the Federal Government has been operating at a deficit since 1961. In recent years, the problem has gotten worse. A survey of recent deficit figures demonstrates the severity of the problem and their apparently chronic nature. Since 1986, the smallest deficit was $149.7 billion. Recent estimates for the fiscal year 1990 deficit run to about $220 billion, and the 1991 deficit has been estimated to be as high as $325 billion.

In the face of these ever-increasing budget deficits, last session of Congress produced a historic agreement to bring these deficits under control. Painful cuts were made in many programs and taxes were increased, even as the Nation's unprecedented economic growth rate is slowed significantly. Obviously, it is not considered sound economic policy to cut spending and increase taxes as the economy weakens, but such is the nature of chronic deficit spending that it forces us to contort economic policy to such a degree.

While the budget agreement should help bring the deficit under control, I strongly believe that the Nation needs the safeguards of a constitutional prohibition against deficit spending if the Federal Government is ever to rid itself of the plague of deficits. Thus, I have supported a balanced budget amendment since I came to the Senate.

Since 1961, the Federal Government has shown itself unwilling or unable to heed Thomas Jefferson's warning of the dangers of deficit spending in a republican democracy. Where political vicissitudes cannot be overcome, the answer is clearly to fix the system through a constitutional amendment. It is the basic purpose of the Constitution to fix the powers of the respective branches of Government and define the processes under which they exercise these powers, and establish the limits of their powers. In so doing, the Constitution takes certain core values and principles and removes them from the vagaries of shifting political influences. Deficit spending puts at risk many of the balanced safeguards intended to limit factional Government. It makes Government a spoils system and little else. When the fundamental nature of the Government is at issue, a constitutional amendment is the proper remedy. The balanced budget amendment reflects a necessary value designed to preserve the fundamental structural values reflected in the Constitution.

My proposed amendment would require the President to transmit a proposed balanced budget to the Congress for its consideration. This requirement will put the initial onus on the President to propose a balanced budget. The amendment requires a balanced budget to be enacted by the Congress, unless three-fifths of the whole number of both Houses provide for a specific excess of outlays over receipts. Thus, even though the amendment would allow for a deficit, no deficit could exist unless a super majority of both Houses approves it, and even then the extent of the deficit would be limited to a specific amount authorized by the Congress. The provisions of the balanced budget amendment could be waived by the Congress on request of the President during any fiscal year in which a declaration of war was in effect.

Obviously, a constitutionally mandated balanced budget would require additional spending cuts and revenue increases. To require a balanced budget as soon as the amendment is enacted would result in severe economic dislocation. Therefore, the amendment would not take effect until the third fiscal year after its ratification, thereby allowing sufficient time to prepare for its application.

Mr. President, political will is the best answer to the problem of the budget deficit. Our institutions have not been able to come up with the political will necessary to solve the problem. When a problem as fundamental to the Nation's future as this one is proves to be politically intractable, the answer, it seems to this Senator, is to enshrine the core value in the Constitution, to remove it from the political arena. This is what a balanced budget amendment would accomplish. It is an idea whose time has finally come, and I hope that the Congress will recognize that fact and approve and send to the States for ratification a balanced budget amendment this year.

Mr. President, I ask unanimous consent that a copy of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 5

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

ARTICLE —

"SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that fiscal year, unless three-fifths of the whole number of both Houses of Congress shall provide for a specific excess of outlays over receipts.

"SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 3. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except for those for repayment of debt principal.

"SECTION 4. Upon request of the President, the Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 5. This article shall take effect with the third fiscal year beginning after its ratification."

By Mr. JOHNSTON:

S.J. Res. 6. Joint resolution to designate the year 1992 as the "Year of the Wetlands"; to the Committee on the Judiciary.

YEAR OF THE WETLANDS

• Mr. JOHNSTON. Mr. President, I rise today to reintroduce legislation requesting the President to proclaim the year 1992 as "Year of the Wetlands." In the 101st Congress, Senate Joint Resolution 299 passed the Senate with 52 cosponsors on June 18, 1990, but the House never acted on this resolution. This debate is continuing and the need for education on this issue is just as great during this Congress.

We, in Louisiana, have long understood the importance of wetlands to our environmental and economic health. Blessed with more wetlands—including forested or inland as well as coastal wetlands—than any other State, Louisiana also has faced greater threats to and losses of these important areas than any other State. In 1900, we had over 14 million acres of wetlands. Today, we have only half as many. Some 37 percent of our forested wetlands have disappeared since 1937 and today we are losing between 40 and 60 square miles of our coastal wetlands each year. We understand the serious impact these losses, if unchecked, will have on the 5 million migratory birds and many other species of wildlife, and we also recognize the importance of these areas to water quality, flood control, erosion control, recreation, our food supply including the production of commercial seafood, energy production, and many aspects of our daily lives.

It is important to recognize that conserving our dwindling wetlands base is important to us all. Wetlands are a national resource: They exist in every State and in every State these important areas are in decline. According to the U.S. Fish and Wildlife Service, at the time of the European settlement of the North American Continent the lower 48 States had over 200 million acres of wetlands. By 1975, less than half remained. And over the past two decades, this loss has continued at an average rate of 400,000 to 500,000 acres annually. During these same two decades a variety of public and private programs have been devised to preserve these areas. In Louisiana alone, for example, over $120 million in Federal appropriations have been spent to acquire particularly valuable and threatened wetlands wildlife habitat. State and private efforts have also helped us acquire and restore critical habitat areas. But acquisition alone is not the answer. Three out of four acres of wetlands in the continental United States are in private ownership. If we are truly serious about reversing the trend of increasing losses, we must develop incentives for landowners to manage and conserve this valuable resource. The key to this is increasing our awareness and understanding of the importance of wetlands to our future, and developing an understanding of what steps we can take individually as well as nationally to conserve this resource.

The need to increase public awareness was recognized by the National Wetlands Policy Forum in 1988 in the final report that group issued. Indeed, the report found that:

> Much of the public, including many landowners, continues to lack information and understanding of the functions and value of wetlands, the appropriate techniques for protecting and managing them, the economic and other advantages of protecting them, and even where such information can be found.

The report recommended that a major outreach effort be undertaken by public and private groups to expand education programs about the location of our wetlands, the diversity of values these areas hold, and how to protect them. For such an outreach program to be effective, we must have a central focal point. Designating the year 1992 as the "Year of the Wetlands" will provide that focus and will give us the impetus to get started in earnest.

The next decade presents us with opportunities and challenges as we seek a coordinated, thoughtful strategy for the environment. No challenge is greater than finding a way to conserve our national wetlands resources, and we will only be successful if we understand the complexity of this issue and develop a consensus on the need to protect this resource. This resolution and the opportunities it presents can help us take the first step in meeting this challenge.•

By Mr. DECONCINI (for himself, Mr. THURMOND, Mr. HATCH, and Mr. GRASSLEY):

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

• Mr. DECONCINI. Mr. President, I rise today to introduce a constitutional amendment to balance the Federal budget. For nearly 14 years I have sought the support of my fellow Senators in passing the balanced budget amendment. Last year's budget summit and debate clearly demonstrate the need for a balanced budget amendment. Unless we act, future generations will be forced to address a problem neglected by our generation. A slow but definite erosion of economic power is currently taking place and it is our sons and daughters who will suffer the consequences of our misdeeds.

Estimates for the 1991 deficit range from $300 to $425 billion depending on whether or not the large surpluses that exist in Social Security and other retirement trust funds and funding for the resolution trust corporation are considered. Interest on the national debt now consumes an alarming 14.87 percent of our national budget, money which should be spent on education and antidrug programs for our children, housing and nutrition programs for the needy, health care for our veterans and elderly, clean air and water, and a strong national defense, not to pay for poor fiscal management.

Last Congress, the Senate Judiciary Committee agreed to a balanced budget amendment which was the result of a bipartisan compromise. Unfortunately, the matter was never brought to the Senate floor for debate. I intend to work diligently to see the balanced budget amendment move quickly through the committee process and be considered by the Senate. This is a matter of vital concern to the health of our economy and should not be neglected. The stakes are too high to put aside the matter for another day.

Under the resolution I introduce today, total outlays of the United States for a given fiscal year cannot exceed total receipts unless three-fifths of the Members of the House and the Senate agree to a specific excess of expenditures over income. This provision will hold Members of Congress accountable for voting to increase the deficit. Accountability will also be imposed by requiring a rollcall vote of both Houses of Congress on any bill raising taxes. Bills which raise taxes will require a majority of both Houses for approval.

My resolution also requires the President to submit a balanced budget to Congress each fiscal year. Since it is the President who initiates the budget process each year, it is imperative that he send the Congress a balanced budget. The executive branch complains about the inability of the Congress to balance the budget, yet they are unable to provide a balanced blueprint to start the process. In order to overcome the deficit hurdle created by many years of loose spending, all parties to the budget process must become active participants.

The short-term socioeconomic byproducts of budget deficit spending are easily seen. The already massive trade deficit grows larger each reporting period. Foreign investments crowd domestic investment markets and manufacturing declines as our economy depends more on service-orientated businesses. But as we focus on the immediate effects of budget irresponsibility, the most disheartening and severe result of our frivolous expenditures is often overlooked. It is the effect the deficit will have on future generations.

The time is now. Delay can no longer be justified. I urge my colleagues to join with me and lend their support to the effort to swiftly pass a constitutional amendment requiring a balanced budget.•

By Mr. BURDICK:

S.J. Res. 8. Joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991 and November 22, 1992, as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. BURDICK. Mr. President, I am proud to be the key Senate sponsor of legislation to designate a week each year as "National Family Week." I send a joint resolution to the desk authorizing the President to proclaim that the week of Thanksgiving both this year and next shall honor families.

Families deserve special recognition in this country. The first Presidential proclamation of National Family Week in 1972 said "no institution can ever take the family's place in giving meaning to human life and stable structure to society." Families are not only a building block for society, they are an important resource for improving education and literacy and preventing such problems as drug abuse, crime, and teenage pregnancy.

Many modern families no longer fit old definitions. With more women working full time, demand for day care increases. With a high divorce rate, there is more need for family counseling. Recognizing the changes to families is important in addressing the current and future needs of our society.

We often talk about the importance of family values, family farms and our own family members, but we tend to ignore this most basic institution. Thanksgiving week as "National Family Week" is an example of a tradition that should continue, and I hope that someday National Family Week will be made a permanent commemorative.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD at this point, and I urge my colleagues to sign on as cosponsors.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities to honor the family.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. NICKLES, Mr. HELMS, Mr. DECONCINI, Mr. SYMMS, Mr. ROTH, Mr. MCCONNELL, Mr. GRAMM, Mr. HEFLIN, Mr. GARN, Mr. WALLOP, Mr. PRESSLER, Mr. BURNS, Mr. D'AMATO, Mr. STEVENS, Mr. BOND, Mr. CRAIG, Mr. KASTEN, Mr. LUGAR, and Mr. JOHNSTON):

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. THURMOND. Mr. President, I rise today in support of the budget reform package that President Bush has called on the Congress to enact as a means of ensuring fiscal responsibility in the Federal Government. I am today introducing a proposed balanced budget amendment and have joined as an original cosponsor to the other measures that the President feels are necessary for effective budgetary reform. In addition to my balanced budget amendment, they include the Legislative Line-Item Veto Act, and a proposed constitutional amendment granting the President line item veto authority.

I am introducing today along with Senators HATCH, GRASSLEY, DECONCINI, NICKLES, HELMS, SYMMS, ROTH, MCCONNELL, GRAMM, GARN, COCHRAN, HEFLIN, WALLOP, PRESSLER, BURNS, D'AMATO, STEVENS, BOND, and CRAIG, legislation to amend the United States Constitution to require the Federal Government to achieve and maintain a balanced budget. I send the bill to the desk and ask for its appropriate referral.

This legislation is the same as Senate Joint Resolution 12 which I introduced in the 101st Congress as well as being similar to an earlier bill which in March 1986 received 66 of 67 votes needed for Senate approval. Simply stated, this legislation calls for a constitutional amendment which requires that outlays not exceed receipts during any fiscal year. Also, the Congress would be allowed by three-fifths vote to adopt a specific level of deficit spending. Further, the Congress could waive the amendment during time of war. The amendment would additionally require that any bill to increase taxes be approved by a majority of the whole number of both houses by a rollcall vote.

Incidentally, Mr. President, this constitutional amendment passed the Senate in 1982. It went to the House, and the speaker of the House and the majority leader got up and lead a movement to kill it at that time.

It is clear that the budget deficit is a top priority with the American people and the Bush administration. It must become a priority with this Congress. The interest and involvement by our colleagues, the American citizens, and President Bush speaks volumes as to the necessity of addressing our Nation's runaway fiscal policy.

Our Constitution has been amended only 26 times in 200 years. Amendment of our supreme law is a serious endeavor and should be reserved to protect the fundamental rights of our citizens or to ensure the survival or effectiveness of our system of government.

Mr. President, I believe that the effectiveness, indeed, the very survival of our system of government has become jeopardized by an irrational and irresponsible pattern that has developed and become entrenched in Federal fiscal policy over the last half-century. Because of this fiscal policy, the liberties and opportunities of our present and future citizens, which we have come to regard as sacred, are seriously threatened.

The deficit for fiscal year 1990 will reach $220 billion. Recently, the Office of Management and Budget projected the deficit for fiscal year 1991 to possibly reach $400 billion. An effective solution to the deficit problem must address spending by the Congress.

For many years, I have believed, as have many other Members of Congress, that the way to reverse this misguided direction of the fiscal government is by amending the Constitution to mandate, except in extraordinary circumstances, balanced Federal budgets. We need this addition to our Constitution which establishes balanced budgets as a fiscal norm, rather than a fiscal abnormality.

In the past, we have been told by the opponents of the balanced budget constitutional amendment that self-imposed congressional restraint is what is needed to solve our fiscal woes—not a constitutional amendment. The fact, is, however, it is not capable of such restraint. Congress has balanced the Federal budget only once in the last 30 years.

The level of annual budget deficits has grown enormously over this period of time. Since 1970, the United States incurred the largest peacetime deficits in the history of the Nation. Continued deficit spending by the Federal Government will undoubtedly lead the Nation into new periods of economic stagnation and decline. The tax burdens which today's deficits will place on future generations of American workers is staggering. We must reverse the fiscal course of the Federal Government, and I believe that a constitutional amendment is the best way to do it.

Mr. President, the balanced budget amendment proposal has the support of many of our colleagues in the Congress, a Congress which holds widely varying political views. Its supporters share an unyielding commitment to restoring sanity to a spending process which is out of control and hurling our Nation headlong toward economic disaster.

I urge my colleagues to support this proposal so we may submit this important constitutional amendment to the States for ratification.

• Mr. NICKLES. Mr. President, today I am pleased to join a veteran budget reformer, Senator THURMOND, in sponsoring legislation to create a balanced budget amendment to the U.S. Constitution.

As in previous years, this legislation enjoys the overwhelming support of the American people. A recent poll concluded that over 70 percent of all Americans support this legislation, yet the Senate has not even voted on the proposal since 1986. A vote last year in the House of Representatives even fell short of passage.

Mr. President, when the Senate passed a balanced budget amendment in 1982, we had an annual deficit of $120 billion and a national debt of $1.15 trillion. When the Senate considered a similar amendment in 1986, the deficit was $237 billion and our debt equaled $2.2 trillion.

Today, our deficit is projected to reach nearly $400 billion. The time has come to take real, decisive action. Although the Senate passed a balanced budget amendment in 1982 and nearly passed it again, in 1986, the failure of the House of Representatives to do the same has directly contributed to the enormous growth of our national debt, the interest on which is devouring us day by day.

Already, last year's deficit reduction agreement is coming apart at the seams. If Congress is allowed to continue taxing and spending at their current rate, the Federal budget will probably not be balanced for another 50 years.

I do not believe the American taxpayer should be required to wait that long. We must provide a constitutional change in the way we do business. If every prudent household in America and most States set stringent requirements to balance their budgets, it is certainly right for the U.S. Government to do the same. I urge adoption of this legislation.●

By Mr. SANFORD:

S.J. Res. 10. Joint resolution declaring the policy of the Congress that military force be used against Iraq only as a last resort and then only in a manner consistent with the Constitution of the United States; to the Committee on Foreign Relations.

USE OF MILITARY FORCE AGAINST IRAQ

Mr. SANFORD. Mr. President, on Saturday, January 12, the Senate voted on two resolutions related to the situation in the Middle East.

Although I was a cosponsor of the Nunn-Mitchell-Boren resolution, Senate Joint Resolution 1, which was unfortunately defeated, I would like to clearly state my own position on what our policy should be and offer for the RECORD a resolution that I had prepared pending the congressional debate. I feel strongly that the approach of the majority leader and the distinguished chairmen of the Senate Armed Service and Intelligence Committees would have been the right one. However, the debate about how future acts of aggression will be handled is not over.

This resolution, Mr. President, deals with three points.

The first provision was included in a number of other resolutions. It deals with the exclusive right of the Congress to declare war. This constitutional provision is so clear that I find it incredible that reasonable people would contend that the President, by his own lengthy deliberation, with time in no manner of the essence, can commit the Nation to war. My resolution insists that it is the sole right of the people, through their elected representatives, to decide to go to war. The President has now fulfilled his obligation and the Congress has granted him the authority to use force, however the vote was by a slim margin indicating the hesitations of the American people to be committed to a war that may not need to be fought.

Second, the resolution acknowledges that the U.N. embargo has cut off Iraq's export of oil, cut off the principal source of income for Iraq, and cut off the import of industrialized military material. This economic pressure, a number of experts have testified, is having a profound economic effect on Iraq. The resolution provides that we would continue to rely on the embargo, not on military force, for a period of up to a year, unless Saddam Hussein takes action justifying our military action.

The third purpose of the resolution is more significant. It suggests that a new policy be developed by the United States for resolution of conflicts around the world, that we rely on a multinational effort, that we utilize the United Nations and that we first use sanctions and diplomatic measures to contain and reverse aggression and other offenses against the world community. Military action, in the future, should be employed only as a last resort.

This is a time, as President Bush has suggested, for the perfection of a "new world order", an ambition of the United States most of this century, throughout two world wars and countless other military ordeals. Iraq's illegal aggression can be a positive springboard to a more orderly world.

Finally, Mr. President, I want to reiterate the fact that, despite differences as to the strategy to be employed, my support for the men and women of our Armed Forces serving in the Persian Gulf remains unwaivering. We owe them our respect and gratitude, and they have both.

By Mr. SYMMS:

S.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT GRANTING LINE-ITEM VETO AUTHORITY

Mr. SYMMS. Mr. President, the Congress has been struggling for years with budget deficits, the budget process, and, above all, with controlling spending. Statistics abound to show that the Congress has failed in this struggle year in and year out.

And now, after last year's brutal budget battle which left us with major tax increases, continued growth in spending, and some modest budget process reforms, we are faced with projections of by far the largest budget deficits in our Nation's history.

To get a handle on spending, the Congress has passed a series of budget reform measures in the past few years starting with Gramm-Rudman-Hollings I, trying again with Gramm-Rudman-Hollings II, and ending with last year's budget summit agreement. Each of these reforms was just a Band-aid on a fatally flawed system. The flaws need to be addressed, not just overcome.

Even with all its faults, the currrent process poses too great a threat to the big spenders' plans. The ink is barely dry on last year's budget deal and the Democrats in the House of Representatives are trying to weaken it.

Under last year's budget bill, the scoring of all final legislation must be done by the Office of Management and Budget. The House Democrats have proposed transferring final scorekeeping responsibilities to the Congressional Budget Office. And I would not be a bit surprised if somebody on this side of the Capitol tried the same ploy. I would hope the Senate would show some responsibility and defeat any effort to weaken these budget reforms.

The central flaw in the current budget process is that there is no mechanism or procedure which can be relied on to force the Congress to set detailed spending priorities. Every person who runs for legislative office promises to face up to the tough choices. Typically, as soon as they take office they learn and apply every trick in the book to avoid making the tough choices. This is especially true when favored programs are on the chopping block. Even with all the budget process reforms, special interest spending continues by the billions. But now, instead of the famous smoke-filled room, budget bills whose pages number in the hundreds are used to camouflage spending that would never survive a public debate.

If the Congress cannot, or will not set spending priorities, then the President, becomes the taxpayer's last line of defense. But Congress sends up these massive spending bills to the President on a take-it-or-leave-it basis. The President is faced with the choice of signing a bill which may be 25 percent overweight, or vetoing the entire bill and possibly sacrificing an important piece of legislation. In fact, the more important the bill, the more likely it is that Congress stuffed it with wasteful spending.

Such a system is irrational. It reduces the ability of the President to set budget priorities. It reduces the demands on the Congress to make difficult choices. And, most important, such a system is tailor-made for slipping the most absurd spending initiatives into the budget, as we have seen happen every year.

Why do I care so much about spending? In most households, we figure out how much money we have and we set our spending priorities accordingly. If we want a new TV and there is just no money for it, we cut back where we can. We go to the movies less often. We eat at home rather than going out. And, eventually, we have saved enough money for the TV.

The Congress does just the opposite. It figures how much spending it can pass, and then raises the taxes needed to pay for the spending and meet whatever deficit target exists. In other words spending drives taxes. The only way to keep taxes down is to keep spending down.

And higher taxes means families have even less money available to buy a TV, to buy a new home, to care for their parents, or to put their kids through college. And higher taxes means fewer jobs and lower paying jobs.

Keeping taxes as low as possible is caring for people. Not in the way the big spenders like, with big, flashy programs which waste much of their funding on government bureaucracy, but in ways that really count: with better jobs, a sound economy, and a future full of opportunity because you get to keep what you earn.

That is why I fight increases in spending. That is why I believe we absolutely must get spending under control. To do that, fundamental changes are needed in the way we set our spending priorities. The reforms of the past were band-aids where major surgery was needed. And this is what we are proposing today—major surgery.

I am introducing a joint resolution proposing an amendment to the Constitution of the United States granting the President a line-item veto. The Governors of 43 States are empowered with some form of line-item veto. Many of us believe the Framers of the Constitution granted the President this authority under article I, section 7 of the Constitution. With this joint resolution I am introducing today, this authority is made explicit and undeniable.

The resolution has three main sections. The first section gives the President the power to veto a provision of a bill if the bill contains spending items. This section also allows the President to divide the bill into separate parts and treat each part as a bill that he can sign, reduce, or veto. Parts which are reduced or vetoed may then be reconsidered by the Congress and an attempt made to override the veto. Finally, the item veto power applies to any part of a bill that contains spending authority, even those parts which are not themselves spending items.

The second section of the resolution defines items of spending authority to include any item which appropriates money from the Treasury, or otherwise authorizes or limits the withdrawal of money from the Treasury. Spending authority includes appropriations, spending authorization, authority to borrow money on the credit of the United States or otherwise, dedication of revenues, entitlements, uses of assets, insurance, guarantees of borrowing, and any authority to incur obligations.

The third section of the resolution imposes a 7-year time limit on ratification by providing that the amendment shall not be operative if it is not ratified by the requisite number of States within 7 years of its submission by Congress.

Some in Congress have opposed the line-item veto in the past because it limits the Congress' authority over the Nation's purse strings. In other words, they are turf conscious. Well, the Congress has shown itself to be utterly irresponsible with the taxpayers' money. It is exactly because a line-item veto would clip the Congress' spending powers that I have introduced this resolution.

A line-item veto would allow the President to expose the individual items found in massive omnibus spending packages to public scrutiny and debate. Those items the President believes are wasteful or unneeded would be returned to the Congress with a Presidential veto. A line-item veto would force the Congress to stand up and be counted, if it chose to do so, to override the veto of a spending item.

Along with the joint resolution introduced by Senator THURMOND proposing a balanced budget amendment to the Constitution, and the bill introduced today by DAN COATS and JOHN MCCAIN to enhance the President's ability to rescind spending, the line-item veto will force the Congress and the President to make spending choices and to defend those choices before the American people.

Mr. NICKLES. Mr. President, today I am joining my friend and colleague Senator STEVE SYMMS in sponsoring a bill to create a line-item veto amendment to the U.S. Constitution. This legislation has been requested by President Bush to help restore the balance of power between the executive and legislative branches with regard to the outlay of taxpayer dollars.

Mr. President, the American taxpayer works long and hard to provide our Government with the financial resources it needs. Unfortunately, our Government frequently does not work as diligently to utilize those resources in the most responsible manner. The line-item veto authority would give the President the authority to stand up for American taxpayers and restrict unnecessary, wasteful spending.

In the years following the loss of Presidential authority to impound or cancel appropriated funds, discretionary spending subject to the appropriations process increased nearly 25 percent. Over the last 30 years, discretionary spending has increased an average of 2.4 percent per year, after adjustment for inflation, while spending on national defense has increased an average of 1.2 percent per year.

Item-veto power is used today by Governors in 43 States. Contrary to some economists who criticize its effectiveness, a recent study indicates that States with an effective item veto have significantly slowed the growth of spending. This study, conducted by economist Mark Crain and former OMB Director James Miller, concludes that if the President had this power between 1982 and 1989, real Federal spending growth would have been cut in half, saving American taxpayers about $450 billion in 1988 dollars.

Mr. President, many persons believe the President may already have line-item veto authority under one interpretation of the Constitution's current provisions. I hope President Bush will test this authority. In the meantime, however, I urge the enactment of this legislation, which will end the debate on that question. I urge my colleagues to support it.

By Mr. DECONCINI (for himself and Mr. SYMMS):

S.J. Res. 12. Joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

• Mr. DECONCINI. Mr. President, I rise today with my colleague, Senator SYMMS, to introduce a constitutional amendment to limit the terms of Members of Congress. I have introduced this particular constitutional amendment at the beginning of every Congress since I entered the Senate in 1977. But unlike prior Congresses, where intransigent opposition to this idea prevented any meaningful debate or progress, this Congress is accompanied by a groundswell of national support for a limitation of congressional terms.

A Gallup poll taken last year showed that 70 percent of a nationwide sample of American voters favor congressional term limitations. Further proof that this is an idea whose time has come is evidenced by recent elections in several States where voters adopted amendments to their State constitutions limiting the terms of their State representatives. Several other States have legislative resolutions already pending calling on Congress to initiate this amendment.

The American people have begun to understand that limiting terms will enhance equality of representation in our Government. It will put an end to a system which makes our Congress less, rather than more, democratic. I do not deny that term limitations would require sacrificing the experience and wisdom that accompany long years of service. But in return, term limitations would assure a consistent influx of new members bringing new ideas and innovative plans.

Most important, term limitations would terminate the seniority system by which Congress operates. The seniority system awards Members of Congress, merely for length of service, with chairmanships of committees. Junior members, no matter how qualified or talented, have less input into congressional policymaking, denying residents of States or districts without longserving Members their constitutional right to equal representation in Congress.

We are all well aware of the incredibly high reelection rates for Members of Congress. Constituents continue to reelect their current representatives in overwhelming numbers. No one doubts the advantages that an incumbent has over his challenger. Our entrenched system empowers incumbents with the ability to produce for their States and districts. Coupled with this fact are our campaign laws that give incumbents a distinct edge over their challengers. Indeed, campaign finance reform is another important issue that I intend to vigorously pursue this Congress as I have in the past. Through term limitations and campaign finance reform, Members of Congress will be able to dedicate their time to policy and not fundraising.

When I first ran for the Senate, I intended to serve only two terms. After deciding to run for a third term in 1988, a few political pundits commented that it appeared to them to be a contradiction for a Senator to support a two-term limitation while at the same time running for a third term. They left the impression that a self-imposed term limitation would serve as the solution to unequal representation. But the fact of the matter is that it would increase the inequality.

What would have been achieved had I left the Senate after two terms? Other States would continue to reelect their Senators, increasing their seniority status and thus the representative political clout of their respective States. My State would have suffered as it would have been left with two Senators with a combined seniority of 2 years.

A self-imposed two-term limit, while the present seniority system continues to operate, is empty symbolism that further erodes the opportunity to pass this amendment. Former Senators can neither propose nor vote for a constitutional amendment. The present system will continue until the rules of the game are changed. Quite frankly, in the past this constitutional amendment has not garnered wide-support in either body. No one should be under the impression that its support will increase because one Senator leaves after a two-term commitment.

I did not run for a third term for the sole purpose of passing this amendment. Like my colleagues, I chose to run because of my commitment to public service and because I cherish the honor of representing my State's interests in this body. Yet, even as a third-term Senator, my interest in and pursuit of two-term limitation have not diminished.

Mr. President, our Founding Fathers constructed one of the greatest governmental systems in history. It has lasted over 200 years. It is not only the oldest Constitution, but also a model for aspiring representative democracies throughout the world. But as great as this document is, our Framers realized that changing circumstances would necessitate constitutional modifications. Realizing the need to adapt to unforeseen circumstances, the Framers included within the Constitution the ability to amend that great charter.

Over its 200-year span, the Constitution has been amended rather infrequently. Neither the American people nor we in Congress consider amendments to the Constitution lightly. The history of constitutional amendments demonstrates that most amendments were given considerable thought and were subject to great debate before their adoption. I hope to stimulate that debate for this amendment in this Congress. It is clear that the time for a congressional term limitations has arrived.

The constitutional amendment Senator SYMMS and I are proposing would limit Senators to two full 6-year terms and Members of the House to six full 2-year terms. The amendment would authorize an additional period of service beyond the term limitation to accommodate circumstances when Members are elected or appointed to complete an unfulfilled term. Thus, Senators elected after ratification of this amendment would be limited to 14 years total service and future House Members to 13 years total service. The amendment would not apply to Members of Congress who were elected before ratification of the amendment. Thus, a current Member could still serve two additional Senate terms and six additional House terms under this measure.

Mr. President, term limitation is an idea whose time has come. As one might expect, it is not a popular issue in Congress. But with the support of the American people, I now believe that my colleagues will be persuaded that term limitations will restore representative democracy to our system of government.•

• Mr. SYMMS. Mr. President, on this first day of the first session of the 102d Congress, I am pleased to join my colleague, Senator DECONCINI, in introducing Senate Joint Resolution 12, proposing an amendment to the Constitution limiting the number of terms a person may serve in Congress. Senate Joint Resolution 12 is exactly the text of the term limitation resolution sponsored last Congress by Senators Humphrey and DECONCINI, in which I and 13 of our colleagues joined as cosponsors.

The proposed amendment to the Constitution would limit Senators to two full terms and Members of the House to six full 2-year terms. In instances where Members are elected or appointed to complete an unfulfilled term, Senators would be allowed to serve an additional 2 years beyond the term limitation—for a total of 14 years service—and House Members an additional 1 year beyond the term limitation—for a total of 13 years service.

The term limitations take effect beginning with elections occurring after the constitutional amendment is adopted, so the past and current terms served by sitting Members of Congress are excluded from the limitation. No matter how many terms a sitting Member of Congress may already have served, he or she could still serve two additional terms in the Senate and six in the House.

I believe this resolution offers us a true remedy to the serious flaws that have developed in our system of representative democracy. I have no doubt that had the Framers of our Constitution envisioned a time when 95 to 99 percent of Congress would be returned to office, election after election, because of the mammoth financial and institutional advantages of incumbents over their challengers, the Framers would certainly have adopted a term limitation provision in the original text of the Constitution. We can keep working at campaign finance reform, limiting or eliminating the franking privilege, reducing the size of congressional staffs, and other such measures to restrict the advantages of incumbency, but there can be no more certain means to reinvigorate our Republican institutions of government than to adopt congressional term limitations.

It is an interesting paradox of modern American politics that 69 percent of the electorate disapprove of Congress, but 51 percent approve of their own Congressman. Morris P. Fiorina, a political scientist at Harvard University, has analyzed that paradox and concluded that it arises from Congress' transformation from a body of national policymakers to a body of ombudsmen. Mark Liedl, director of the Heritage Foundation's U.S. Congress Assessment Project, agrees and summarizes the evolution of our political system as follows:

> * * * before the advent of big government in Washington a congressman's representative role was to reflect the values of his constituents. Under our current centralized welfare-state system of government, serving constituents means securing federal aid or relief from inept or onerous government action. And while in the past conflicting constituent interests tended to create a balance in Congress, today all constituents are united by the single interest of securing the largest possible piece of the federal pie.

I believe these analysts are exactly right. Members of Congress know job security in elective office is greatly enhanced by focusing on our role as ombudsmen and deemphasizing our responsibility as national policymakers. The problem grows worse as the Federal budget, or pie, and the scope of Federal regulatory powers grow, and it results today in a shocking and debilitating lack of political courage in Congress.

Polls show more than 70 percent of the American people support term limitations, and with overwhelming constituent support, three States—California, Colorado, and Oklahoma—have now adopted term limitations for State legislators. I am told approximately two dozen States are expected to consider term limitations in their next legislative session or in a referendum during the 1992 elections. This proposition has justly garnered the attention and support of the American people, and it may well become the most powerful call to arms in support of representative democracy this country has seen since its founding days.

I urge my colleagues on the Judiciary Committee to give the resolution a fair and timely hearing and report the measure so the full Senate can debate this fundamental, but most desirable, change in our electoral process. Let us debate the issue fully and in public, and then let us adopt this resolution, so the proposed amendment to the Constitution can be carried to the State legislatures for their consideration. Let the voice and will of the people be heard on this most important Constitutional question.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD and that an article by Mark Liedl, entitled "The Case for Limiting Congressional Terms," be printed in the RECORD following the joint resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CASE FOR LIMITING CONGRESSIONAL TERMS

(By Mark B. Liedl)

The 1990 congressional elections could not have demonstrated a more compelling case for term limits. With public outrage and disgust with Congress at all-time highs, voters reelected incumbents at a rate exceeding 96 percent. The result demonstrates that congressional elections no longer serve as a mechanism for voters to express their opinions about Congress. The choice offered in the election gave voters who disapproved of Congress no real option but to stay home—and 65 percent of them did just that.

The high incumbent reelection rate in 1990 certainly is consistent with recent election trends, but it seems surprising given the clear public displeasure with Congress. During the two years between the 1988 and 1990 elections Congress was subject to more scrutiny and public displeasure than at any time in recent history: the Jim Wright and Tony Coelho scandals, the savings and loan scandal, the pay raise that touched a raw nerve in voters, wide-scale reporting of franking abuses, the largest tax increase in history, and a complete collapse of the congressional budget process. Why were none of these debacles translated into a "throw the bums out" result?

The answer is suggested by the great disjuncture in American politics today: voters hate Congress but love their own congressman. A national survey two days before the election showed that while 69 percent of the public disapproved of Congress, 51 percent approved of their own congressman.

THE 1990 CONGRESSIONAL ELECTIONS: SEND AN OMBUDSMAN TO WASHINGTON

The key to understanding the 1990 congressional elections is to understand the nature of government today and how members of Congress—largely since the Great Society—have successfully transformed their role from national legislators to narrowly focused constituent ombudsmen. Now you might say that congressman quite properly should represent the narrow interest of their constituents. True enough, but before the advent of big government in Washington a congressman's representative role was to reflect the values of his constituents. Under our current centralized welfare-state system of government, serving constituents means securing federal aid or relief from inept or onerous government action. And while in the past conflicting constituent interests tended to create a balance in Congress, today all constituents are united by the single interest of securing the largest possible piece of the federal pie.

In his 1978 book Congress: Keystone of the Washington Establishment, Morris P. Fiorina, a liberal political scientist from Harvard University, identified the transformation of congressmen from national policy makers to ombudsmen. Fiorina examined the extraordinary increase since the 1960s in noncompetitive congressional districts. He found that if congressmen focused their activities on national policy their chances of reelection would be less likely. But if instead they concentrated on casework and other nonpartisan, nonideological service-oriented activities their reelection was almost guaranteed. Not surprisingly therefore, Fiorina found that more and more congressmen forsake policy-making for ombudsmanship, and are being rewarded with corresponding increases in incumbency reelection rates.

Powerful Message.—Representative Newt Gingrich's election close call this year demonstrates this phonomenon. Here is a congressman who focusses on national policy-making, who takes stands on issues, and clearly represents a distinct set of values. His constituents said, "That's great, but what have you done for us lately?" And now Gingrich has told his constituents that he's gotten the message, which presumably means less national policy-making and more local casework. Close calls like Gingrich's are not lost on the other members of Congress. They send a powerful message: Why take the risk? Concentrate on casework and be safe.

Fiorina showed how the growth of big government in Washington has enabled congressmen to substitute casework for ideology. He described the "iron triangle" of congressmen, interest groups, and the federal bureaucracy, a symbiotic relationship that promotes congressmen's role as ombudsmen for constituents. Congress, for example, protects and preserves the bureaucracy, which in turn responds to congressional demands for constituent service. Fiorina explains that, because of this relationship, Congress has a perverse incentive to create a large, complex, and inefficient bureaucracy so that constituents will turn to congressmen as their saviors from the inept federal monstrosity. Congressmen take credit for creating a federal program to solve a perceived problem and then take credit for intervening on behalf of constituents when the program fails to produce as promised. As Fiorina put it, congressmen take credit coming and going, they are the alpha and the omega.

It is important to note that this system of governing creates a powerful dynamic for preserving the status quo. Innovative policy changes are impossible because Members of Congress eschew policy controversies in favor of casework. Wide-scale reform of failed government programs makes no sense when congressmen stand a much better chance of reelection simply by keeping the programs in place and responding to the complaints of beneficiaries who are not being served by the bureaucrats.

Magic Formula.—This current approach to governing is a panacea for incumbents because it is a system in which, if both congressmen and voters act rationally, incumbents will be reelected. Congressmen pursuing their rational interest of getting reelected naturally will focus on casework and preserving the welfare state system that allows them to do so. Voters who pay taxes and, therefore, expect service and benefits from government rationally will reelect incumbents who, after all, are better able to work the Washington system to constituent's benefit.

The magic of this formula is not lost on liberals, who generally are more inclined and skilled than conservatives in playing the ombudsman role. This is why Michael Dukakis, in his 1988 acceptance speech at the Democratic Convention announced that the election would be about "competence, not ideology." He attempted to inject into the presidential race the incumbent's winning formula in congressional races. But since Presidents don't do casework, presidential elections remain referendums on ideology.

HOW TERM LIMITS CAN REFORM CONGRESS

Congressional elections never will be competitive if Members focus on casework instead of policy-making. As long as broad policy questions fail to play a major role in congressional elections, incumbents will continue to be reelected.

But we saw during the 1980s how difficult it is to break the current dynamic. Ronald Reagan, despite his immense electoral mandates, was unable to do it. In eight years, he barely made a dent in the iron triangle. That's why Reagan dedicated his last speech as President to the subject of Washington's iron triangle and its power to thwart policy change. Since the Great Society, the Washington establishment has remained virtually unchallenged by congressional elections. And it is no coincidence that the growth of big government in Washington has resulted in Democrat dominance of Congress. Liberals thrive as ombudsmen, although obviously not as policy makers.

Term limitations can break the current dynamic in two ways. First, term limits, unlike other congressional reforms, will make it rational for congressmen to focus on national policy rather than casework. The overriding force that drives the congressional focus on casework is reelection. If terms are limited, members no longer will have the incentive to build the casework operations that guarantee a lifetime career in Congress. Congressmen serving only a limited time will have more of a motive to concentrate on policy-making in order to make their mark on Washington. Some Members may still concentrate on casework, but term limits will introduce a new dynamic affecting their behavioral decisions that does not exist now.

Critics of term limits warn that Members facing a set term in office will be induced to "make hay while the sun shines," which invariably means doing all of the bad things they do now, but with more intensity. I disagree. There certainly will be an incentive for Members to make hay, but it is more likely than now to be in the form of policy-making, since the value of casework will be significantly diminished. True, a legislature of liberals bent on making policy changes may not be a delight for conservatives. But making laws is what the Constitution says Congress is supposed to do. And congressional elections are supposed to be referendums on those policies. So if the voters decide they support liberal policies, conservatives may not be elected to Congress. But at least conservatives will have the opportunity to make their case in congressional elections that focus on policy rather than casework.

Breaking the Iron Triangle.—The second way in which term limits can dramatically reform Congress is by creating a rational interest among congressmen to limit the size and complexity of the federal bureaucracy. Term limit critics claim that limits would increase the power of the bureaucracy. Without seasoned veterans in Congress, they argue, bureaucrats will run roughshod over Capitol Hill. True enough, but newly elected members of Congress, facing a complex and unresponsive bureaucracy, also will have an incentive that doesn't now exist to limit the power of bureaucracy. They will have a rational interest and the constitutional power to pass laws that reign in and simplify the bureaucracy. Congressmen now have an incentive to keep the bureaucracy large and complex. With term limits, the interests of the bureaucracy and congressmen no longer will be compatible. The iron triangle could finally be broken.

So term limits is the only reform that addresses the core of the problem—the rational self-interest of voters and congressmen.

OBJECTIONS TO TERM LIMITS

(1) Constitutional.—A common objective to term limits is that the Founding Fathers considered, but rejected writing it into the Constitution. But certainly, if Washington, Jefferson, and Madison saw Congress today they would favor term limits. The framers thought that elections would reflect the political values of citizens and check the power of government. But government has been totally transformed from the days of the founding. Our centralized Washington government has polluted the original system of limited federalist government established by the Constitution. In the founders' framework there was a 10th Amendment that said all powers not expressly granted in the Constitution to the federal government are reserved to the states and to the people. There was also a commerce clause that was just that—a clause giving Congress power over commerce between the states, and not the blank check it has become for the government to regulate nearly every aspect of economic life.

To suggest that term limits today are inconsistent with the Constitution is to ignore what the Constitution says—not what the Supreme Court since FDR has said it says, but what it actually says.

(2) Choice.—Another objection to term limits is that it limits voters' ability to support candidates of their choice. The first response to this claim is that voters currently have no choice. That is what the 1990 congressional elections demonstrated. It is why only 36 percent of the voters participated. Only 7 percent of the congressional races this year were financially competitive. And a record 74 House members and 4 Senators ran unopposed. The only choice voters have now is more of the same, or don't vote.

The second response to the choice argument is, what is choice? Is it the ability to vote for a particular person or the ability to vote for a set of ideas and values? The heart of voting is really the latter—to vote for someone who shares your beliefs. Limiting terms does not restrict that fundamental choice. It limits voters' ability to pick a particular person, but not their ability to elect congressmen who share their policy views.

(3) Separation of Powers.—Some critics of term limits argue that such a reform would tilt powers to the President at the expense of Congress. This argument fails to account for the fact that the balance already has been tilted toward Congress by the 22nd Amendment. By limiting the terms of the President, the amendment enhanced congressional power, and particularly its control over the bureaucracy. Bureaucrats are far more responsive to congressmen, who likely will remain in office long after the President and his team have left town. Congress and the President are coequal powers under the Constitution. If the terms of one are limited, the terms of the other should be also.

(4) Experience.—Another objection to term limitation is that it will deplete from government the valuable experience of long-time members of Congress. It is difficult to take this argument seriously. What kind of experience will be lacking? The ability to raise taxes? The ability to increase federal spending while convincing the public that spending is being cut? The ability to get re-elected in the face of wide-scale public hostility? The most important thing we need is congressmen inexperienced in the ways of government—people who don't understand how the federal government works so they can radically reform it so it makes sense to ordinary people. The whole notion of the "experience" argument is an elitist one resting on the premise that the definition of good government is one which is totally incomprehensible to normal people. It is just the opposite.

Another element of the experience argument is that term limits would force good Members of Congress out of office. Yet a lifetime of government service in elective office still would be possible if congressional terms were limited. Members who reach their term limit in one house of Congress could then run for a seat in the other house, for President, or return home to run for state or local office. History is full of examples of prominent legislators who served long careers but no more than two terms in one house of Congress.

(5) Staff.—Critics of term limits also claim that unelected congressional staff will become too powerful if terms are limited. A study this year by the Congressional Management Foundation showed that staff turnover on Capitol Hill is quite high. There is nothing to suggest that this will change if terms are limited. Even so, such an effect could be prevented by limiting the number of congressional staff and their pay. A provision to that effect was included in the term limit law approved in California last Tuesday.

(6) Symptoms, not disease.—Another criticism of term limits is that it is a cure only for symptoms and not the disease that has beset Congress. According to this line of reasoning, the disease is congressional perks, the frank, campaign finance laws, the budget process, Congress exempting itself from laws, and so forth. But it is just the opposite. These congressional weaknesses and abuse of power are symptoms of an underlying disease. The disease is that Congress is unaccountable to the voters. And the reason Congress is unaccountable is that elections no longer serve as an effective check of congressional power. And the reason elections no longer check Congress is that congressmen have transformed their role from legislators to ombudsmen. That is the disease, and it can only be combatted by term limits.

It may help to think of congressmen as addicts—they are addicted to power, to preserving the system that keeps them in office. Now, rarely does an alcoholic voluntarily check himself into a rehabilitation center. Alcoholics don't admit that they have a problem. It takes someone who loves them to grab them by the arm throw them in a gunny sack and take them into treatment. In dependency treatment language this is called "intervention"—when the loved ones of an addict force him into receiving treatment.

Term limitation is the equivalent to intervention. It is those of us who love Congress—who love the institution created by the Constitution, the world's most representative legislature uniquely constructed within a system of separated powers—stepping in to save that institution. Term limitation is the intervention that will put Congress on the road to recovery.●

By Mr. THURMOND (for himself and Mr. DECONCINI):

S.J. Res. 13. Joint resolution to express the sense of the Congress regarding the removal of sexual material from television broadcasting; to the Committee on Commerce, Science, and Transportation.

REMOVAL OF SEXUAL MATERIAL FROM TELEVISION

Mr. THURMOND. Mr. President, I rise today, along with Senator DECONCINI, to introduce a resolution to express the sense of the Congress regarding the removal of offensive sexual material from television broadcasting.

It is readily apparent that through thinly veiled innuendo or with unbridled candor, sexually explicit material is growing by leaps and bounds on network television. I have received calls and letters from many citizens who feel the networks have pushed much of its programming beyond that which a reasonable viewing audience would find respectable as family entertainment.

Why have the standards changed so rapidly? Why have the boundaries shifted drastically with regard to what the networks find as suitable broadcast material? I believe there are several reasons for increased broadcasting of sexually explicit material.

DISMANTLING OF NETWORK CENSORS

It is widely acknowledged that the three major networks have reduced or eliminated their "Standards and Practices" departments. These departments within the networks have traditionally reviewed programming for objectionable material prior to broadcasting. Newsweek has reported that the standards and practices at CBS and NBC no longer exists as a separate department within these networks. Also, ABC has made deep cuts in the standards and practices department.

Heretofore, the standards and practices departments served to defend audience sensibilities. The composition of the broadcast audience was given due consideration with regard to programming content. Over the years, objectionable material has increased dramatically and has crept into our homes through television. Unfortunately, much of this type of programming is viewed as commonplace.

Too many TV programs portray a casual image of sexual activity which would earlier not have been considered suitable for broadcast.

However, recently there have been individuals and vigilant citizens' groups who are demanding more responsible broadcasting. They are writing producers and sponsors as well as organizing product boycotts to make their views known.

ADVERTISING

One minute of advertising on a prime time television program costs about $375,000 for the sponsor. Companies that can afford to advertise on television want to reach the largest possible number of potential customers. Also, the networks are eager to produce programs that attract a large viewing audience to entice a potential sponsor. For whatever reason, risque programming tends to produce higher ratings and of course this is a prime concern for sponsors with a limited number of advertising dollars.

Yet, what we may be seeing now is that television producers are offending and alienating more viewers than they attract. Again, this revulsion to offensive programming could be attributed to parents, individuals, and citizens' groups who have reached their tolerance level for objectionable TV shows.

COMPETITION

It has not been too long ago that the major networks were in competition solely among themselves. But with the advent of cable television, pay television, and VCR's, the landscape of broadcast television has been forever changed. Competition for audience share is ferocious among the players in broadcast medium. The three major networks are now in the unfortunate position of competing with cable television, music videos, independent stations, and movie rentals which offer a wide variety of programming.

This type of environment is much of the reason networks choose to air more explicit programs on network television. Lorne Michaels, the well-known executive producer of "Saturday Night Live"—one of the racier late night programs—was quoted earlier this year as saying, "My competition isn't the Late Show anymore, its cable and VCR's."

Mr. President, I believe that quote gives a good indication that the networks are under a great deal of pressure to appeal by aggressive means to a large viewing audience. All too often, their response is to air programs with sexually explicit material.

The above reasons are what I believe to be the primary causes for much of the objectionable material which is being broadcast today. However, I believe there is a quiet majority across our country who have witnessed and been offended at the casual and cavalier manner in which sexual activity is portrayed on network television. What message is this image sending to our young children? Are American teenagers to believe that network television sets the standard for determining proper behavior and if they do not conform then they are an oddity? I sincerely hope that is not the case. Yet, we continue to see an unfortunate downward spiral in television programming.

I encourage all of my colleagues to join us in swiftly passing this resolution which would express the sense of the Congress that sexually offensive material should be removed from television. We have an opportunity to send a clear message to the networks that public officials representing families all across America want to see more responsible programming. Television is a prevelant fixture in almost every home in America and this body should be on record that boundaries must be drawn as to what is acceptable for network television.

I ask unanimous consent that the resolution be printed in the RECORD following these remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 13

Whereas the physical attributes of the broadcast medium are such that it is reasonable to assume that minors are likely to be in the broadcast audience during most of the broadcast day;

Whereas, based on contemporary community standards, there is concern over a growing number of television broadcast programs which at times constitute indecency;

Whereas there are instances in network broadcast television programming which involve the depiction of sexual activity directly or by inuendo which is patently offensive under contemporary community standards;

Whereas broadcast television programs that depict sexual matters in ways which are obscene, indecent, or profane erode our sense of traditional American values; and

Whereas the three major networks have reduced or eliminated their "Standards and Practices" departments which have traditionally reviewed programming for objectionable material: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the television networks and producers should increase their activity to monitor and remove offensive sexual material from their television broadcast programming.

By Mr. THURMOND (for himself, Mr. NICKLES, Mr. MCCAIN, Mr. HELMS, Mr. GRASSLEY, and Mr. BROWN):

S.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriations; to the Committee on the Judiciary.

PROPOSED PRESIDENTIAL VETO AMENDMENT.

Mr. THURMOND. Mr. President, I rise today, along with Senators NICKLES, MCCAIN, HELMS, and BROWN, to introduce a proposed constitutional amendment which would give authority to the President to disapprove specific items of appropriation on any act or joint resolution submitted to him. This authority is commonly referred to as line-item veto.

Last year during the budget debate, most of the discussion focused on ways to enhance revenues. The Congress must address runaway spending if we are truly going to establish a sound fiscal policy for this Nation.

The Federal debt exceeds $3 trillion and payment of interest on the debt is the second largest item in the budget. While the recently adopted budget plan will reduce the Federal deficit—which exceeded $150 billion for fiscal year 1989, and $220 billion fiscal year 1990—we must take strong, disciplinary action to ensure fiscal responsibility. The Office of Management and Budget projects the deficit for fiscal year 1991 to possibly reach $400 billion.

The Congress regularly enacts appropriations measures, totaling billions and billions of dollars. Too often there are items tucked away in these bills that represent millions of dollars and they would have very little chance of passing on their own merit. Yet, the President has no discretion to weed out these unnecessary expenditures and must approve or disapprove the bill in its entirety.

Presidential authority for line item veto is a badly needed fiscal tool which would provide a valuable means to reduce and restrain excessive appropriations.

Forty-three Governors currently have, in one form or another, the power to reduce or eliminate items or provisions in appropriation measures. Surely, the President should have the same discretionary authority that 43 Governors now have to check unbridled spending.

Last year, the Senate Judiciary Committee, of which I am ranking member, approved this vital legislation but it was not acted on by the full Senate.

It is my hope that this Congress will swiftly approve line-item veto and send a clear message to the American people that we are making a serious effort to get our Nation's fiscal house in order.

I urge my colleagues to support this proposal and our efforts to make it part of the Constitution.

Mr. President, I ask unanimous consent that this proposal be printed in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 14

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House *concurring therein),* That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE —

"The President may disapprove any item of appropriation in any Act or joint resolution. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of article I for Acts disapproved by the President, reconsider any item of appropriation disapproved under this article.".

By Mr. THURMOND (for himself, Mr. SYMMS, Mr. MCCONNELL, and Mr. HELMS):

S.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

PROPOSED VOLUNTARY SCHOOL PRAYER AMENDMENT

Mr. THURMOND. Mr. President, today, I am introducing the voluntary school prayer constitutional amendment. This bill is identical to Senate Joint Resolution 73 which I introduced in the 98th Congress at the request of the President and reintroduced in the 99th, 100th, and 101st Congress.

This proposal has received strong support from our colleagues on both sides of the aisle and is of vital importance to our Nation. It would restore the right to pray voluntarily in public schools—a right which was freely exercised under our Constitution until the 1960's, when the Supreme Court ruled to the contrary.

Also, in 1985, the Supreme Court ruled an Alabama statute unconstitutional which authorized teachers in public schools to provide "a period of silence * * * for meditation or voluntary prayer" at the beginning of each school day. As I stated when that opinion was issued and repeat again—the Supreme Court has too broadly interpreted the establishment clause of the first amendment and, in doing so, has incorrectly infringed on the rights of those children—and their parents—who wish to observe a moment of silence for religious or other purposes.

Until the Supreme Court ruled in the Engel and Abington School District decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular religious faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what had originally caused many colonial Americans to emigrate to this country—an official, State religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without Government interference or restraint. In their wisdom, they recognized that true religious liberty precludes the Government from both forcing and preventing worship.

As Supreme Court Justice William Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we, as a nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a nation "under God." Our currency is inscribed with the motto, "In God We Trust." In this body, we open the Senate and begin our work with the comfort and stimulus of voluntary group prayers—such a practice has been recently upheld as constitutional by the Supreme Court. It is absurd that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. This situation simply does not comport with the intentions of the framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It should be changed, without further delay.

The Congress should swiftly pass this resolution and send it to the States for ratification. This amendment to the Constitution would clarify that it does not prohibit vocal, voluntary prayer in the public schools and other public institutions. It emphatically states that no person may be required to participate in any prayer. The government would be precluded from drafting school prayers. This well-crafted amendment enjoys the support of an overwhelming number of Americans. During the 98th Congress, we were only 11 votes short of the 67 necessary for approval in Senate.

I strongly urge my colleagues to support prompt consideration and approval of this bill during this Congress and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE—

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

By Mr. THURMOND:

S.J. Res. 16. Joint resolution designating the week of April 21–27 as "National Crime Victims' Week"; to the Committee on the Judiciary.

NATIONAL CRIME VICTIMS' WEEK

Mr. THURMOND. Mr. President, I am pleased to introduce today a joint resolution which designates the week of April 21–27, 1991, as "National Crime Victims' Rights Week."

It is a sad legacy that over the past few years, nearly 35 million Americans were victimized annually by criminal acts; 6 million individuals per year are raped, robbed, beaten, or murdered. The impact of crime is devastating to innocent victims and their families. In addition to the physical injuries and the financial losses, the victim is further scarred with the emotional loss of one's sense of dignity, security, and trust in other human beings. It is disturbing that the likelihood of becoming a victim of violent crime is now greater than that of being injured in an automobile accident.

Further compounding the pain and anguish victims must endure has been an historical insensitivity to their plight. The criminal justice system has often times ignored the rights of victims before making crucial decisions regarding their cases or failed to notify them that a defendant had been released on bail. While the system offered legal representation and other forms of aid to the accused, it offered minimal assistance to the victim in recovering from the tremendous burden resulting from victimization.

Although much progress is being made to help the victims adjust, much more needs to be done. The 1982 President's Task Force on Victims of Crime focused national attention on the numerous inequities in the system. Since then, the Federal Government has been working hard with the States to encourage the development and expansion of programs for crime victims. Two years ago, the Victims of Crime Act of 1984, which established a Crime Victims Fund in the U.S. Treasury that is financed by penalty assessments on all convicted Federal defendants, was reauthorized for 6 more years. Through the continued efforts of all levels of governments and private organizations and concerned citizens, the trauma suffered by the innocent victims of crime will be eased.

Mr. President, I urge my colleagues to join with me and support this resolution and ask unanimous consent to have it printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 16

Whereas thirty-five million individuals in the United States are victimized by crime each year, with six million falling prey to violence;

Whereas the Department of Justice estimates that five out of six individuals will be the victim or intended victim of crime during their lifetimes;

Whereas many victims suffer severe psychological, physical, and emotional hardships as a result of victimizations;

Whereas the Nation must commit its collective energies to improving the criminal justice and social services response to victims;

Whereas, as a Nation committed to justice and liberty for all, efforts must be continued to remove the inequities victims face and to protect and restore individual rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Resolved, That April 21 through April 27, 1991, is designated as "National Crime Victims' Rights Week', and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

By Mr. THURMOND:

S.J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PROPOSED AMENDMENT RELATING TO OFFICERS CONVICTED OF FELONIES WHO WERE APPOINTED BY THE PRESIDENT WITH THE ADVICE AND CONSENT OF THE SENATE

Mr. THURMOND. Mr. President, today I am introducing a proposed amendment to the Constitution which would require Federal judges and certain other officers of the United States to forfeit their office upon conviction of a felony.

I believe that the citizens of the United States will agree that those who have been convicted of felonies should not be allowed to continue to occupy positions of trust and responsibility in our Government. Nevertheless, under current constitutional law it is possible for certain officers of the United States to continue to receive a salary even after being convicted of a felony. If they are unwilling to resign, the only method which may be used to remove them from the Federal payroll is impeachment, a process which can occupy a great deal of valuable time and resources of the Congress.

Currently, the Congress has the power to impeach officers of the Government who have committed treason, bribery, or other high crimes and misdemeanors. However, when a court has found an official guilty of a serious crime, it should not be necessary for Congress to then essentially retry the official before he or she can be removed from the Federal payroll.

The constitutional amendment which I am introducing will provide that any officer of the United States who is appointed by the President and confirmed by the Senate, upon conviction of a felony and exhaustion of all direct appeals, shall be removed from office and shall lose all salary and benefits arising from service in such office.

Mr. President, I urge my colleagues to carefully consider this proposal and ask that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the State for ratification:

"ARTICLE —

"Any officer of the United States appointed by the President with the advice and consent of the Senate, upon conviction of a felony, shall forfeit office and all prerogatives, benefits, or compensation thereof.".

By Mr. SIMON (for himself, Mr. THURMOND, Mr. DECONCINI, Mr. HATCH, Mr. HEFLIN, Mr. SIMON, and Mr. GRASSLEY):

S.J. Res. 18. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO A BALANCED FEDERAL BUDGET

• Mr. SIMON. Mr. President, today I am pleased to introduced again a joint resolution to approve a balanced budget amendment to the Constitution.

While Congress and the President have the ability to balance the Federal budget, we seem to lack the discipline to make the difficult choices that must be made. The national debt is now well over $3 trillion, three times what it was 10 years ago. There are no popular solutions to the deficit problem. Yet the spree of deficit spending by our Federal Government must be curbed. We cannot continue to run staggering deficits year after year.

When we run such enormous deficits, we are living on a giant credit card and sending the bill to our children and grandchildren. Our children will pay not only our bills, but the interest on them. Interest payments on the national debt are now the second largest expenditure in the entire budget—higher than Social Security. Before long it may be the largest. In the current fiscal year the Federal Government will spend an estimated $286 billion on interest. That's close to $800 million each day that the Government throws away. For this we get nothing: No education, no health care, nor resources for the battle against drugs and crime, no job training, no housing. Furthermore, those billions of dollars of interest payments go to those who are wealthy enough to invest in T-bills. Increasingly, these are foreign investors. Instead of paying off the rich, we should be investing in our Nation's resources.

The constitutional amendment I am introducing today requires the Federal Government to balance the budget. It charges the President to share in this responsibility by proposing a balanced budget to Congress each year. An excess of outlays over receipts may be approved only be a three-fifths vote of both the House and the Senate. During wartime, the balanced budget requirement may be waived. These provisions provide both the flexibility and the strong mandate required to ensure a fiscally responsible path for our Nation.

This idea has been around for a long time, and support for it has grown steadily. The Nation's fiscal crisis has reached such a level that I believe the time has come for us to pass this amendment. In the last Congress, a House bill with language identical to mine received 43 more votes than similar measures had ever received before, and came within 7 votes of the required two-thirds vote. In 1986, the last time this measure came before the Senate for a vote, we came within one vote of the required two-thirds majority in the Senate.

Support for this measure is bipartisan. I am joined by my distinguished colleagues Senators THURMOND, DECONCINI, HATCH, HEFLIN, SIMPSON, and GRASSLEY, and I invite other Senators to sign on a well.

This legislation is the same measure that passed out of the Judiciary Committee last year by a vote of 11 to 3. This Congress I hope to be able to move this bill through the Judiciary Committee and to the floor for a vote. Forty-eight States already mandate balanced State budgets under their constitutions, and a majority of States have called for a constitutional convention to enact a Federal balanced budget amendment. Just as States have lived with their balanced budgets, so can the Nation.

My proposal provides a livable constitutional mandate worthy of our children and grandchildren. We must balance the budget in order to ensure them an effective Federal Government and the freedom to find a job, buy a home, and pursue the American dream. A balanced budget amendment to the Constitution would be an important step toward responsible fiscal planning and protecting our freedom for the generations that follow.

Mr. President, I ask unanimous consent that the text of this resolution be included in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year, unless Congress approves a specific excess of outlays over receipts by three-fifths of the whole number of each House on a rollcall vote.

"SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that year in which total outlays do not exceed total receipts.

"SECTION 3. Any bill to increase revenue shall become law only if approved by a majority of the whole number of each House by a rollcall vote, unless such bill is approved by unanimous consent.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except those for repayment of debt principal.

"SECTION 6. This article shall take effect beginning with the second fiscal year beginning after its ratification.".●

By Mr. HEFLIN:

S.J. Res. 19. Joint resolution proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. HEFLIN. Mr. President, I rise today to introduce legislation requiring the Federal Government to achieve and maintain a balance budget.

Throughout my tenure as a U.S. Senator, every Congress the first bill I have introduced has been legislation proposing a constitutional amendment to balance the Federal budget, and I have dedicated myself to work with my colleagues to curb Federal spending. That dedication has not changed—if anything, it has grown stronger in the wake of the Federal budget debacle of the 101st Congress. In fact, I voted against that budget agreement because, among the things, it failed to go far enough in restraining Federal spending. All in all, the fiscal irresponsibility demonstrated over the years has convinced me that the only way to achieve and maintain a balanced Federal budget is by an amendment to the Constitution.

For much of our Nation's history, a balanced Federal budget was the status quo and part of our "unwritten Constitution." For our first 100 years, this country carried a surplus budget, but in recent years this Nation's spending has gone out of control.

Members of Congress have made efforts to bring the budget under control. While in office, I have supported and advocated efforts which have come close to moving a balanced budget amendment through Congress. During the 97th Congress, a measure was passed in the Senate but failed to gain passage in the House.

In fact, it got 69 votes. As you know, a constitutional amendment requires a two-thirds vote, so there was more than the two-thirds vote needed in the Senate for a constitutional amendment requiring a balanced budget.

In the 99th Congress, after extensive debate, passage of a balanced budget amendment by the Senate failed by 1 vote. It got 66 votes on that occasion.

Last Congress, I supported a measure which passed the Judiciary Committee, but it was never considered by the full Senate. However, we are beginning a new Congress, and again I call on my colleagues to support this crucial initiative.

My amendment contains five brief but critical provisions. Section 1 of the amendment requires a three-fifths vote of each House of Congress before the Federal Government can engage in deficit spending. This requirement establishes the norm that spending will not exceed receipts in any fiscal year. If the Government is going to spend money, it should have the money on hand to pay its bills. Under this section, Congress would be required to adopt an initial statement in each fiscal year in which outlays do not exceed receipts.

Section 2 of the amendment addresses the enforcement issue. It provides that there will be no increases in the public debt to fund any excess of outlays over receipts, unless Congress shall by law and by a vote of three-fifths of the whole number of each House of Congress provide for such an increase.

Section 3 requires a majority vote of the whole number of each House of Congress any time Congress votes to increase revenues. This holds public officials responsible, and puts elected officials on record for any tax increase which may be necessary to support Federal spending.

Section 4 provides for the submission by the President of a balanced budget to the Congress; or if the President cannot submit a balanced budget, this section requires that the President submit a statement explaining why the budget is unbalanced.

My greatest concern with past proposed constitutional amendments to balance the budget has been the restrictive nature of the provisions when America is involved in military conflict. My proposal automatically waives the requirement of a balanced budget when a declaration of war is in effect. Past proposals on the part of other Senators do not. They require a waiver vote.

The United States has engaged in only five declared wars, yet the United States has engaged in hostilities abroad that required no less commitment of human lives or American resources than declared wars. In fact, our Nation has been involved in approximately 200 instances in which the United States has used military forces abroad in situations of conflict. Not all of these would move Congress to seek a waiver of the requirement of a balanced budget, but Congress should have the constitutional flexibility to provide for our Nation's security.

We are currently in a situation where Congress has authorized the use of force in the Persian Gulf—not formally declared war. If the provisions of a balanced budget amendment offered by other Senators were in effect today, absent a formal declaration of war, a three-fifths vote of Congress would be required in order to adopt a budget to operate the Federal Government, since our country will undoubtedly be in a deficit situation for fiscal year 1992.

In contrast, however, section five of my amendment not only automatically waives the provisions for any fiscal year in which a declaration of war is in effect, but also contains a waiver provision in cases of less than an outright declaration of war—where the United States is engaged in military conflict which causes an imminent and serious threat to national security, and is so declared by a joint resolution. Under this scenario, a majority of the whole number of each House of Congress may waive the requirement of a balanced budget amendment.

To illustrate my point, consider the following: Given our current military situation, other Senators' balanced budget proposals would require 60 votes in the Senate to waive the requirement of a balanced budget, notably more than the 52 votes which recently authorized the President to use force in the Persian Gulf if necessary, pursuant to U.N. Resolution 678. On the other hand, my amendment would allow for a waiver with just 51 Senate votes or with 50 Senate votes, provided the Vice President broke the tie.

Mr. President, the future of our Nation's economy is not a partisan issue. Furthermore, the problem of deficit spending cannot be blamed on one branch of Government or one political party. Similarly, just as everyone must share part of the blame for our economic ills, everyone must be united in acting to attack the growing problem of deficit spending. I recognize that a balanced budget amendment will not cure our economic problems overnight, but it will act to change the course of our future and lead to responsible fiscal management by our national Government. This issue is not new, and this issue is not flashy, but it is critically important to the future economic strength of this Nation.

By Mr. ADAMS (for himself and Mr. HARKIN):

S.J. Res. 20. Joint resolution providing statutory authorization for United States participation in multilateral efforts to restore the sovereignty of Kuwait and to deter and, if necessary, defend against further Iraqi aggression, and for other purposes; to the Committee on Foreign Relations.

COLLECTIVE SECURITY IN PERSIAN GULF RESOLUTION

Mr. ADAMS. Mr. President, along with Senator TOM HARKIN, I am introducing today a resolution authorizing the use of U.S. Armed Forces for defensive purposes in the Persian Gulf. This resolution authorizes U.S. participation in multilateral efforts to restore the sovereignty of Kuwait and to deter, and, if necessary, defend against further Iraqi aggression. I introduced a similar measure, Senate Joint Resolution 386, at the end of the 101st session.

Last Saturday, the Senate, by a narrow margin, approved United Nations Security Council Resolution 678, which authorizes the use of force after January 15 if Iraq fails to withdraw its troops from Kuwait by that date. Let there be no mistake, that vote was the moral and practical equivalent of a declaration of war. As a result, we are now in a state of war with Iraq.

Last week's debate was truly historic, and Saturday's vote marked only the sixth time in its history that Congress declared war. It was a painful and difficult vote but a necessary one. And I am proud to have joined with Senator HARKIN on the first day of the session to have interrupted the Senate's routine schedule and forced the Congress to decide whether our Nation should go to war, before the first bullets start to fly in the Persian Gulf.

Although the Senate has spoken, it is the right of individual Senators to lend their voices to the choir of those opposed to going to war in the gulf. The resolution I am introducing today outlines a policy of containment, not invasion, in the gulf. I'm proud that significant portions of this measure, which is similar to the one I introduced last year, were incorporated into Senator MITCHELL'S and NUNN'S resolution, Senate Joint Resolution 1, which went down to narrow defeat on Saturday.

I supported the President's original policy goals in the gulf. I support the defense of Saudi Arabia. I condemn the invasion and subsequent destruction of Kuwait. And I strongly oppose Saddam Hussein's cynical ploy to link his invasion of Kuwait with the Arab-Palestinian conflict.

But I do not believe that the solution to Iraqi aggression is an invasion by United States-led forces. I cannot endorse the U.N. Security Council resolution setting the January 15 deadline for the use of force to remove Iraq from Kuwait. And I oppose President Bush's offensive policy provoked by the rapid escalation in the number of U.S. troops in the gulf, which was announced when Congress was out of session and initiated without our approval.

I know I speak for all my colleagues when I state that there are significant points of agreement on both sides of the aisle as well as among the American people on U.S. policy in the Persian Gulf. We all oppose Iraq's invasion of Kuwait. We are all seeking the withdrawal of Iraqi troops from that country. And we are all united in support of the courageous men and women of the U.S. armed services now stationed in the gulf.

However, the narrowness of Saturday's vote reflects a deep division over the President's offensive policy in the gulf. That division is just as profound among the American people. And I expect that if war begins, and I pray that it does not, policy differences will continue both in Congress and in the American public over the correct course of action our Nation should take in the Persian Gulf.

Today, we face solemn and troubling times. We are praying for peace, but we are expecting war. On Saturday, we voted our conscience on whether to go to war. Today, we devote our prayers for those Americans in the gulf whom our Nation will ask to fight that war.

I ask unanimous consent that the text of my resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Collective Security in the Persian Gulf Resolution".

SEC. 2. GOALS OF UNITED STATES POLICY.

(a) IMMEDIATE GOALS.—The immediate goals of United States policy in the Persian Gulf region are—

(1) unconditional withdrawal of Iraqi forces from Kuwait;

(2) restoration of the sovereignty of Kuwait; and

(3) protection of the lives of American citizens held hostage in Iraq and Kuwait.

(b) LONG-TERM GOALS.—Over the long-term, United States policy in the Persian Gulf region shall seek to achieve:

(1) the security and stability of the region; and

(2) by unprecedented and effective use of the mechanisms of collective security action, the promotion of a new world order.

SEC. 3. AUTHORIZATION FOR PARTICIPATION IN COLLECTIVE SECURITY ACTIONS.

(a) AUTHORIZATION.—The President is authorized to use United States Armed Forces in hostilities in the Persian Gulf region—

(1) for purposes of United States participation in collective security actions—

(A) to implement United Nations Security council resolutions intended to restore the sovereignty of Kuwait; or

(B) to deter and, if necessary, to defend against further Iraqi aggression; and

(2) to respond as may be necessary, proportionate, and effective to any acts of intended harm to American citizens or nationals.

(b) PURPOSE.—Congress intends this joint resolution to constitute specific statutory authorization for continued United States military participation in collective security actions in the Persian Gulf region.

(c) REFERENCE TO UNITED NATIONS SECURITY COUNCIL RESOLUTIONS.—The United Nations Security Council Resolutions referred to in subsection (a) include—

(1) United Nations Resolution 660, demanding immediate and unconditional withdrawal of Iraqi forces from Kuwait and restoration of the sovereignty, independence, and territorial integrity of that nation;

(2) United Nations Resolution 661, imposing economic sanctions against Iraq;

(3) United Nations Resolution 662, declaring null and void Iraq's annexation of Kuwait;

(4) United Nations Resolution 664, the release and safe passage of innocent civilians;

(5) United Nations Resolution 665, authorizing appropriate measures to halt maritime shipping to and from Iraq and Kuwait as necessary to enforce economic sanctions;

(6) United Nations Resolution 667, regarding the treatment by Iraq of diplomatic and consular personnel;

(7) United Nations Resolution 669, regarding requests for assistance under Article 50 of the Charter of the United Nations;

(8) United Nations Resolution 670, regarding an embargo on air transportation to Iraq and Kuwait; and

(9) United Nations Resolution 674, demanding the end to hostage-taking by Iraq.

(d) COLLECTIVE RESPONSIBILITY.—The United States shall continue to emphasize, and take all necessary steps to secure, adequate sharing by countries of the region and of the industrialized world, of the responsibilities, associated with collective security actions in the Persian Gulf region, including the costs of military deployments and participation in economic sanctions.

(e) EMPHASIS ON UNITED NATIONS.—The United States shall continue to emphasize and rely upon the procedures and instrumentalities of the United Nations system in order to sustain effective multilateral support for collective security actions in the Persian Gulf region.

SEC. 4. REPORTS TO CONGRESS.

Not later than January 31, 1991, and every 3 months thereafter for so long as United States Armed Forces continue to participate in collective security actions in the Persian Gulf region, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report providing a detailed description of such participation, the circumstances requiring the continuation of such participation, and the results of United States efforts undertaken in accordance with the goals set forth in section 2.

SEC. 5. CONGRESSIONAL LEADERSHIP GROUP.

(a) ESTABLISHMENT AND COMPOSITION.—To facilitate congressional deliberation and Executive-Legislative consultation on critical decisions relating to United States participation in collective security actions pursuant to this joint resolution, there are established, in each respective House of Congress, the Senate Leadership Group and the House

Leadership Group, which shall be composed as follows:

(1) In the case of the Senate Leadership Group:

(A) The President pro tempore of the Senate, who shall serve as chairman.

(B) The President pro tempore of the Senate and the minority leader.

(C) The chairmen and ranking minority members of the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence.

(D) Not less than two or more than four other Members of the Senate as the chairman of the Group may designate.

(2) In the case of the House Leadership Group:

(A) The Speaker of the House of Representatives, who shall serve as chairman.

(B) The Majority Leader and the Minority Leader.

(C) The chairmen and ranking minority members of the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence.

(D) Not less than two or more than four other Members of the House of Representatives as the chairman of the Group may designate.

(b) Combined Meetings.—Whenever the chairmen of the two Leadership Groups established under subsection (a) determine that it would be appropriate and practical for purposes of congressional deliberation or Executive-Legislative consultation, the chairmen shall arrange for the two Leadership Groups to assemble as a Combined Congressional Leadership Group, of which the two chairmen shall act as cochairmen.

(c) Consultation Regarding the Use of Force.—The President shall, unless urgent circumstances do not permit, consult with, and seek advice from, the Congressional Leadership Groups or the Combined Congressional Leadership Group described in this section regarding developments in the involvement of United States Armed Forces in hostilities in the Persian Gulf region.

(d) Exercise of Congressional Rulemaking Powers.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, and it supersedes other rules only to the extent that it is consistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. CONGRESSIONAL ACTION.

(a) Introduction of Legislation.—(1) Joint resolutions described in paragraph (2) and introduced in a House of Congress in accordance with paragraph (3) shall be entitled to the congressional priority procedures described in section 8.

(2) A joint resolution referred to in paragraph (1) is a joint resolution which would require that the President disengage such forces from such hostilities within —— days after the date of enactment of that joint resolution.

(3) The chairmen of the Senate Leadership Group and the House Leadership Group may, on the same calendar day, introduce a joint resolution described in paragraph (2) in their respective Houses of Congress or, if Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the joint resolutions to be introduced by the chairmen of the two Leadership Groups and take appropriate action.

(b) Construction.—Nothing in this section alters or modifies the right of any Member of Congress to introduce a joint resolution or bill in a House of Congress which would require that the President disengage such forces from such hostilities.

SEC. 7. PROHIBITION ON USE OF FUNDS.

(a) Compliance with Law.—No funds appropriated or otherwise made available under any law may be obligated or expended for any activity which would have the purpose or effect of violating any provision of law enacted pursuant to sections 6 and 8.

(b) Construction.—Nothing in this section prohibits the use of funds to remove the United States Armed Forces from hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

SEC. 8. CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTIONS.

(a) Definitions.—For purposes of this section—

(1) the term "joint resolution" means a joint resolution described in section 6(a); and

(2) the term "session days" means days on which the respective House of Congress is in session.

(b) Referral of Resolutions.—A joint resolution introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(c) Committee Action.—(1) If the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 7 calendar days after its introduction, such committee shall be discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

(2) After a committee reports or is discharged from a joint resolution described in section 6(a), no other joint resolution under such section with respect to the same hostilities, or the same situation in which imminent involvement in hostilities is clearly indicated by the circumstances, may be reported by or be discharged from such committee while the first joint resolution is before the respective House of Congress (including remaining on the calendar), a committee of conference, or the President.

(d) Consideration of Resolutions.—(1)(A) When the committee to which a joint resolution is referred has reported, or has been discharged under subsection (c) from further consideration of such joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution and, except as provided in subparagraph (B) of this paragraph or paragraph (2) of this subsection (insofar as it relates to germaneness and relevancy of amendments), all points of order against the joint resolution and consideration of the joint resolution are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall be in order, except that such motion may not be entered for future disposition. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House, to the exclusion of all other business, until disposed of, except as otherwise provided in subsection (e)(1).

(B) Whenever a point of order is raised in the Senate against the privileged status of a joint resolution that has been laid before the Senate and been initially identified as privileged for consideration under this section upon its introduction pursuant to section 6 (a), such point of order shall be submitted directly to the Senate. The point of order, "The joint resolution is not privileged under the Collective Security in the Persian Gulf Resolution," shall be decided by the yeas and the nays after four hours of debate, equally divided between, and controlled by, the Member raising the point of order and the manager of the joint resolution, except that in the event the manager is in favor of such point of order, the time in opposition thereto shall be controlled by the Minority Leader of his designee. Such point of order shall not be considered to establish precedent for determination of future cases.

(2)(A) Consideration in a House of Congress of the joint resolution, and all amendments and debatable motions in connection therewith, shall be limited to not more than 12 hours, which, except as otherwise provided in this section, shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or by their designees. The Majority Leader or the Minority Leader or their designees may, from the time under their control on the joint resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(B) Only amendments which are germane and relevant to the joint resolution are in order. Debate on any amendment to the joint resolution shall be limited to 2 hours, except that debate on any amendment to an amendment shall be limited to 1 hour. The time of debate for each amendment shall be equally divided between, and controlled by, the mover of the amendment and the manager of the joint resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(C) One amendment by the Minority Leader is in order to be offered under a one-hour time limitation immediately following the expiration of the 12-hour time limitation if the Minority Leader has had no opportunity to offer an amendment to the joint resolution prior thereto. One amendment may be offered to the amendment of the Minority leader under the preceding sentence, and debate shall be limited on such amendment to one-half hour which shall be equally divided between, and controlled by, the mover of the amendment and the manager of the joint resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(D) A motion to postpone or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is in order, except that such motion may not be entered for future disposition, and debate on such motion shall be limited to 1 hour.

(3) Whenever all the time for debate on a joint resolution has been used or yielded back, no further amendments may be proposed, except as provided in paragraph (2)(C), and the vote on the adoption of the joint resolution shall occur without any intervening motion or amendment, except that a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House may occur immediately before such vote.

(4) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be limited to one-half hour of debate, equally divided between, and controlled by, the Member making the appeal and the manager of the joint resolution, except that in the event the manager is in favor of any such appeal, the time in opposition thereto shall be controlled by the Minority Leader of his designee.

(e) TREATMENT OF OTHER HOUSE'S RESOLUTION.—(1) Except as provided in paragraph (2), if, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii)(I) the joint resolution of the other House shall be considered to have been read for the third time; and

(II) the vote on final passage shall be on the joint resolution of the other House, if such joint resolutions are identical, or on the joint resolution of the other House if not identical, with the text of the joint resolution of the first House inserted in lieu of the text of the joint resolution of the second House, and such vote on final passage shall occur without debate or any intervening action.

(C) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(2) If one House receives from the other House a joint resolution before any such joint resolution is introduced in the first House, then the joint resolution received shall be referred, in the case of the House of Representatives, to the Committee on Foreign Affairs and, in the case of the Senate, to the Committee on Foreign Relations, and the procedures in that House with respect to that joint resolution shall be the same under this section as if the joint resolution received had been introduced in that House.

(f) TREATMENT OF IDENTICAL RESOLUTIONS.—If one House receives from the other House a joint resolution after the first House has disposed of an identical joint resolution, it shall be in order to proceed by nondebatable motion to consideration of the joint resolution received by the first House, and that received joint resolution shall be disposed of without debate and without amendment.

(g) RESOLVING DIFFERENCES BETWEEN HOUSES OF CONGRESS.—(1)(A) The time for debate in a House of Congress on all motions required for the disposition of amendments between the Houses shall not exceed 2 hours, equally divided between, and controlled by, the mover of the motion and the manager of the joint resolution at each stage of the proceedings between the two Houses, except that in the event the manager is in favor of any such motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee. In the case of any disagreement between the two Houses of Congress with respect to a joint resolution which is not resolved, any Member of Congress may make any motion or motions referred to in this subparagraph within 2 session days after action by the second House or before the appointment of conferees, whichever comes first. In the event the conferees are unable to agree within 72 hours after the second House is notified that the first House has agreed to conference, they shall report back to their respective House in disagreement.

(B) Notwithstanding any rule in either House of Congress concerning the printing of conference reports in the Congressional Record of concerning any delay in the consideration of such reports, such report, including a report filed or returned in disagreement, shall be acted on in the House of Representatives and the Senate not later than 2 session days after the first House files the report or, in the case of the Senate acting first, the report is first made available on the desks of the Senators. Debate in a House of Congress on a conference report or a report filed or returned in disagreement on any such joint resolution shall be limited to 3 hours, equally divided between, and controlled by, the majority leader and the minority leader, and their designees.

(2) If a joint resolution is vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 20 hours in each House of Congress, equally divided between, and controlled by, the majority leader and the minority leader, and their designees.

(h) EXERCISE OF CONGRESSIONAL RULEMAKING POWERS.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(i) SUPERSEDING EXISTING LAW.—The congressional priority procedures of this section shall apply, in lieu of section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a), with respect to the removal of United States Armed Forces from hostilities in the Persian Gulf region.

SEC. 9. DEFINITION.

For purposes of this joint resolution, the term "Persian Gulf region" shall be considered to include areas in or around the Arabian Peninsula.

By Mr. SASSER (for himself, Mr. BRADLEY, Mr. SARBANES, Mr. RIEGLE, Mr. WIRTH, Mr. BINGAMAN, and Mr. GORE):

S.J. Res. 21. Joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 census to the Committee on Governmental Affairs.

FAIR AND ACCURATE 1990 CENSUS

• Mr. SASSER. Mr. President, we are only a few days into the 102d Congress and already there are a great number of issues that we must address. The challenges are many, the times difficult and complex, both at home and abroad.

Foremost on our minds are events in the Persian Gulf and the issue of world peace and security. No less so, Mr. President, America should strengthen its resolve in the pursuit of domestic security. I believe that a key component to this Nation's future will be a renewed commitment to a strong Federal, State, and local alliance.

In the 1980's, the face of federalism changed, the Federal, State, and local partnership that once formed the core of this Nation's innovative and progressive spirit has eroded. One area in which this has become increasingly evident is the decennial census process.

Mr. President, on December 26, 1990, the Census Bureau released the unofficial results of the 1990 census process. According to this data, the Nation's population now stands at 249,632,692 people, an increase of 10.2 percent from 1980. But, while the numbers say that our population has grown, the recently released population totals do not begin to tell the story of the real-life, day-to-day problems of millions of men, women, and children who depend on some form of assistance.

On a larger scale, cities, towns, and counties, and indeed, the various States, are increasingly locked in an economic battle for survival. Jurisdictions all over this country are being confronted with the difficult decision to cut back and drastically reduce vital social services. All too frequently, Mr. President, it is not uncommon that important education programs must now compete for limited dollars with long overdue and much needed public works improvement projects.

As we prepare to meet the challenges and problems of the 1990's, we should set among our priorities a renewed commitment to the Federal, State, and local partnership. We must be ever mindful that now, more than ever, shared problems will require shared solutions. We must aggressively seek to implement intergovernmental solutions to our Nation's problems. The decade of the 1980's need not have the last word on hunger, homelessness, epidemic drug use, rampant crime, unemployment, or illiteracy.

Mr. President, the stakes are much higher at a time in which our resources are limited. This has been evident in the ongoing 1990 census process. The final results of the 1990 census will have a profound impact on the quality of life of those millions of Americans who depend on Federal assistance. The population data compiled in the 1990 census process will determine the apportionment of roughly $45 billion in critical Federal funding. These dollars will be used to fund such diverse programs as transportation, health, education, housing, community development, and job training initiatives.

I believe that we must take every necessary step to ensure that the 1990 census process is both fair and accurate. The Census Bureau has submitted its unofficial numbers, but, many experts believe that those numbers fall short of an accurate representation of our Nation's total population. Some experts have placed the Nation's potential undercount at 5 million. Unfortunately, the persons most likely to have been missed in the census process are those most in need of assistance. Before these numbers become final, I believe that we must continue in our efforts to achieve a fair and accurate 1990 census.

That is why I, along with my colleagues Senators BRADLEY, SARBANES, WIRTH, RIEGLE, and BINGAMAN, am introducing this Senate joint resolution. The resolution calls upon the Secretary of Commerce to statistically adjust the unofficial population numbers in order to achieve a census that is truly fair and and accurate.

This resolution is similar to legislation that we sponsored late last year. However, unlike the legislation we introduced last year, this joint resolution, upon approval by both Houses of Congress, will be sent to the President for his signature into law. This is important because I believe that a fair and accurate 1990 census can be an important first step toward renewing our commitment to federalism in the 1990's. A fair and accurate 1990 census sends an important message early on to cities, towns, and counties across this Nation that the 1990's will be a time of shared commitment to our Nation's problems as well as our future progress. More importantly, this Senate joint resolution reaffirms the very essence upon which this Nation was founded, namely, that everyone counts.

Mr. President, I urge my colleagues to join us in our efforts to ensure that the 1990 census is both fair and accurate. I urge my colleagues to join us in the expeditious approval of this important joint resolution.●

By Mr. INOUYE:

S.J. Res. 22. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 23. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 24. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 25. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 26. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 27. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 28. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 29. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 30. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 31. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 32. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 33. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

S.J. Res. 34. Joint resolution to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

CONSENT TO CERTAIN AMENDMENTS TO THE HAWAIIAN HOMES COMMISSION ACT

● Mr. INOUYE. Mr. President, I am introducing 13 resolutions today to consent to each of 13 amendments to the Hawaiian Homes Commission Act, 1920, that have been approved by the State of Hawaii. These amendments include amendments that have been made to the act since 1986. During the last Congress the Senate passed Senate Joint Resolution 154, to adopt four amendments that were made during 1986 and 1987. Congress adjourned before the House of Representatives had an opportunity to act on this measure.

I am introducing a joint resolution for each amendment to the act to assure that full consideration is given to each proposal and that each resolution may be considered on its own merit.

The 13 amendments include: Act 16 of the session laws of Hawaii, 1986, to authorize the Department of Hawaiian Home Lands to participate in any Federal or State program that permits the establishment of enterprise zones on Hawaiian homes; act 85 of the session laws of Hawaii, 1986, to expand the authority of the Department of Hawaiian Home Lands with respect to the financing of improvements on homestead lands and for infrastructure development; act 249 of the session laws of Hawaii, 1986, to reduce from 15 to 7 the number of fiscal accounts that the Department of Hawaiian Home Lands is required by law to maintain; act 36 of the session laws of Hawaii, 1987, to repeal a previous law when it was replaced by a new method of calculating the amount due in the event of surrender or cancellation of a lease, or the death of a lessee who had no qualified heir; act 265 of the session laws of Hawaii, 1989, act 265, 1989 session laws, to increase the number of members of the Hawaiian Homes Commission from 8 to 9; act 56, 1990 session laws, to require the Department of Health to convene an interagency task force consisting of representatives from the departments of health, DHHL, State archives, and the Office of Hawaiian Affairs to develop a plan for a Hawaiian genealogy project; act 28, 1989 session laws, to repeal the $50,000 maximum for an authorized loan or loan guarantee by DHHL and in its place impose a maximum amount of loan not to exceed 50 percent of the maximum single residence loan amount allowed in Hawaii by FHA; act 283, 1989 session laws, to allow DHHL to undertake and carry out the development of any home lands available for lease by assembling these lands in residential developments and providing for the construction, reconstruction, improvement, alteration or repair of public facilities to service improvements on the lands and to allow DHHL to develop available lands for homestead, commercial and multipurpose projects as a developer or with a developer agreement and to allow DHHL to issue revenue bonds for these developments; act 24, 1990 session laws, to reserve to DHHL the right to use any Government-owned water which DHHL deems necessary to supply agriculture operations on homestead tracts, if the water is not covered by a water license issued by DLNR; act 305, 1990 session laws, allow year term and any extension granted shall not be for more than 199 years; act 14, 1990 session laws, to allow DHHL to manage and dispose of any acquired lands, or any interest therein, in the same manner and for the same purposes as Hawaiian home lands; act 150, 1990 session laws, to authorize the Hawaii State Department of Land and Natural Resources to negotiate and enter into long-term residential leases, not exceeding 65 years, with persons who reside on Kalawahine Lands, O'ahu, or have valid permits allowing them to reside on such land, or are descendants of persons who lawfully resided on such land before 1934; act 349, 1990 session laws, to declare that the policy of the Hawaiian Homes Commission Act shall be to enable native Hawaiians to fully support self-sufficiency and self-determination and the preservation of the Hawaiian culture. This declaration includes as purposes of the act the establishment of a permanent land base, expediting the placement of native Hawaiians on the land, assuring long-term tenancy to beneficiaries, preventing alienation of the lands, providing adequate amounts of water and supporting infrastructure, and providing financial support and technical assistance to beneficiaries. The U.S. Government and the State of Hawaii acknowledge this public trust and affirm their fiduciary duty to administer the act.

Mr. President, I ask unanimous consent that the text of the joint resolutions be printed in the RECORD.

There being no objection, the joint resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 349 of the Session Laws of Hawaii, 1990.

S.J. RES. 23

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 305 of the Session Laws of Hawaii, 1990.

S.J. RES. 24

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 150 of the Session Laws of Hawaii, 1990.

S.J. RES. 25

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 56 of the Session Laws of Hawaii, 1990.

S.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 24 of the Session Laws of Hawaii, 1990.

S.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 14 of the Session Laws of Hawaii, 1990.

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 283 of the Session Laws of Hawaii, 1989.

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 265 of the Session Laws of Hawaii, 1989.

S.J. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 28 of the Session Laws of Hawaii, 1989.

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 36 of the Session of Laws of Hawaii, 1987.

S.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 249 of the Session of Laws of Hawaii, 1986.

S.J. RES. 33

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 85 of the Session of Laws of Hawaii, 1986.

S.J. RES. 34

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States hereby consents to the following amendments to the Hawaiian Homes Commission Act, 1920, as amended, adopted by the State of Hawaii in the manner required for State legislation: Act 16 of the Session of Laws of Hawaii, 1986.•

By Mr. HOLLINGS (for himself, Mr. DODD, Mr. DECONCINI, Mr. CRANSTON, Mr. SHELBY, Mr. BURDICK, and Mr. SANFORD):

S.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect Congressional and Presidential elections; to the Committee on the Judiciary.

PROPOSED CONGRESSIONAL AND PRESIDENTIAL ELECTIONS AMENDMENT

• Mr. HOLLINGS. Mr. President, Robert Bennett, chief counsel to the Senate Ethics Committee's "Keating Five" inquisition, has the swaggering disposition of a hound dog who knows he's treed the coon. But what about the big ones that got away? When the committee finishes its work and the coonskins are duly nailed to the wall, let's not deceive ourselves that we have seriously addressed the scandal of Federal campaign financing.

The real story isn't the "Keating Five" so much as the "non-Keating 95"—all the other U.S. Senators, Fritz Hollings and Strom Thurmond included, who pride themselves on going to bat for ordinary constituents and campaign contributors alike—of course, many of the latter are major industries and employers in our home States. One thing the Keating Five and the non-Keating 95 have in common: A driving need to raise money to cover the astronomical, ever-escalating costs of winning a campaign for the U.S. Senate. Next door in North Carolina, Harvey Gantt recently spent $5 million losing a Senate campaign; it took Jesse Helms, $10 million to just squeak by. Simply put, there is too much money.

To that end, for the last 5 years, I have pushed legislation to amend the Constitution as follows:

> Congress shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election for federal office.

Oh, and by the way, I have heard all the arguments about a constitutional amendment: It takes too long, it is overkill, the President will never agree to it. That is all just so much eyewash—or perhaps hogwash is a better word. We have been working on a statutory solution to our campaign finance excesses for 20 years, and we are farther apart than ever.

As for the overkill argument, pick up the Constitution and read it. The 17th amendment, the 19th amendment, the 20th amendment, the 22d amendment, the 23d amendment, the 24th amendment, the 25th amendment, and the 26th amendment all dealt with our electoral process. The average time from the proposal of the amendment to ratification was 17½ months. Finally, the amendment does not even require the President's approval. It goes directly from the Congress to the States.

Meanwhile, Democratic and Republican reformers have gotten bogged down in a catfight over whether to restrict political action committees or to allow public financing of campaigns. Both sides utterly miss the point. The challenge is not to find fairer or less corrupting ways to raise the obscene sums that fuel Federal campaigns. The challenge is to impose strict limits on how much total money a candidate may spend.

Of course, this was precisely the bipartisan objective of the Federal Election Campaign Act Amendments of 1974, which were passed by a Democratic Congress and signed by a Republican President. Regrettably, this legislation was gutted by the Supreme Court's 1976 ruling in Buckley versus Valeo. In the face of spirited dissents, the Court drew a bizarre distinction between campaign spending and campaign giving. For first amendment reasons, the Court struck down limits on campaign spending. But it upheld limits on campaign contributions on the grounds that "the governmental interest in preventing corruption and the appearance of corruption" outweighs considerations of free speech."

Now, why that same test—"the governmental interest in preventing corruption and the appearance of corruption"—does not overwhelmingly justify limits on campaign spending is something I have never understood. The Court committed an even graver error by striking down spending limits as a threat to free speech. The fact is, spending limits in Federal campaigns would act to restore the free speech that has been eroded by Buckley.

After all, as a practical reality, what Buckley says is: Yes, if you have personal wealth, then you have the ability to get on television, you have freedom of speech. But if you do not have personal wealth or ready access to big money, then you are denied the ability to mount an effective paid-media campaign. Instead of freedom of speech, you have only the freedom to shut up.

Buckley created a double bind. It upheld restrictions on campaign contributions, but struck down restrictions on how much candidates with deep pockets can spend. The Court ignored the practical reality that if my opponent has only $100,000 to spend in a race and I have $1 million, then I can dominate the airwaves and dictate the terms of the election debate.

Our urgent task is to right the injustice of Buckley by empowering Congress to impose caps on Federal campaign spending. All of us on Capitol Hill are painfully aware of the uncontrolled escalation of campaign spending, with the average cost of a Senate race skyrocketing from $1.1 million in 1980 to more than $4 million in 1990. To come up with that $4 million, a Senator must raise money at the rate of nearly $12,000 a week every week of this 6-year term. Fundraisers used to be arranged around the Senate schedule; nowadays, the Senate schedule is arranged to accommodate fundraisers. This obsession with money distracts us from the people's business. At worst—as the Keating caper illustrates—it appears to, and often does, corrupt and degrade the entire political process.

Unlike the various partisan alternatives being debated, my constitutional amendment approach—which garnered 53 votes in the 100th Congress—attacks the root of the campaign finance mess and not just the branches. Once we clamp down with overall spending limits, then it matters little whether you get campaign money from industry groups, from PAC's, from individuals, or from your own pocket. It will be a controlled—and presumably reasonable—amount any way you cut it. And we will be able to account for every dollar coming in and every dollar going out.

In Buckley, the Supreme Court prescribed a bogus "if you have the money you can talk" version of free speech. My constitutional amendment would ensure equal freedom of expression for all who seek Federal office. At the same time, it would ensure that the rich could not buy public office; it would create a more level playing field for challengers; and it would rein in candidates' run-amok obsession with raising bucks.

I will renew my fight for spending limits in the 102d Congress, and the conditions are ripe for success this time around. For Members of Congress who are fed up, its time to put up or shut up.●

By Mr. PRESSLER:

S.J. Res. 36. Joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

NATIONAL ALZHEIMER'S DISEASE MONTH

Mr. PRESSLER. Mr. President, today I have the privilege of introducing a joint resolution designating the month of November in 1991 and 1992, as National Alzheimer's Disease Month.

Alzheimer's disease is becoming more and more common. Four million Americans and nearly half of all nursing home residents suffer from Alzheimer's. Estimates indicate that by the next century approximately 14 million Americans will have Alzheimer's disease. This means that one in every three families will be affected by Alzheimer's disease.

Encouraging progress was made during the 101st Congress in the fight against Alzheimer's disease. Funding for Alzheimer's disease research was increased by approximately $100 million, to a level of $247 million for fiscal year 1991. This represented a 67-percent increase from previous funding levels. The Home Health Care and Alzheimer's Disease Amendments of 1990, signed into law on November 15, 1990 enacted important provisions from the Comprehensive Alzheimer Assistance, Research and Education [CARE] bill which I worked on for many years. This legislation will expand Alzheimer's disease research centers, authorize a State matching grant program to provide services to Alzheimer's victims and their families, and make certain university medical centers eligible for grants from the National Institute on Aging.

Alzheimer's disease costs our Nation $90 billion every year just to provide long-term care for its victims. Unfortunately, public programs such as Medicare and private insurance do not provide coverage for most of the afflicted families. Thousands of families in my State of South Dakota and across the country must cope with caring for a loved one who has Alzheimer's disease. Our only hope is to find a treatment of cure through research findings. The substantial increase in 1991 appropriations should help to offset the tremendous costs associated with Alzheimer's disease.

National Alzheimer's Disease Month is intended to create a national awareness of the extent to which Alzheimer's disease adversely affects our society. Alzheimer's disease is a brain disorder that is not a normal part of the aging process. It affects more and more people in our society and costs us billions of dollars every year.

This resolution also allows us to recognize and pay tribute to all of the organizations that have developed support networks and research projects across the country dedicated to combating all aspects of Alzheimer's disease. These organizations are the key to a medical breakthrough which could cure this horrible disease once and for all.

Many of my colleagues joined me in sponsoring this resolution in previous years. If the recent progress made on Alzheimer's-related legislation is any indication, I hope there will be as much or more support again this year. Our elderly population is rapidly increasing. Because of this, it is essential that we continue to progress in our efforts to fight Alzheimer's disease. Let us again dedicate the month of November as Alzheimer's Disease Month to the researchers who are striving to understand the mystery of Alzheimer's disease.

Mr. President, I ask unanimous consent that the text of the resolution appear in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 36

Whereas over 4 million United States citizens are affected by Alzheimer's disease, a surprisingly common degenerative disease which attacks the brain, impairs memory and thinking, alters behavior, and renders its victims incapable of self care;

Whereas it is estimated that by the middle of the 21st century, Alzheimer's disease will strike 14 million United States citizens, affecting one in every three families;

Whereas Alzheimer's disease is not a normal consequence of aging, but a disorder of the brain for which no cause has been determined and no treatment or cure has been found;

Whereas Alzheimer's disease is the quintessential long-term care problem, requiring constant full-time care for its victims, who can suffer from the disease for 3 to 20 years, at a total annual cost to the Nation of at least $90 billion;

Whereas families of Alzheimer's patients bear the overwhelming physical, emotional, and financial burden of care, and neither public programs, including medicare, nor private insurance provide protection for most of these families;

Whereas 80 percent of all Alzheimer's patients receive care in their own homes;

Whereas nearly half of all residents of nursing homes suffer from Alzheimer's disease or some other form of dementia; and

Whereas increased national awareness of Alzheimer's disease and recognition of national organizations such as the Alzheimer's Association may stimulate increased commitment to long-term care services to support Alzheimer's patients and their families and a greater investment in research to discover methods to prevent the disease, delay its onset, and eventually to find a cure for the disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of November 1991, and November 1992, are designated as "National Alzheimer's Disease Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such months with appropriate ceremonies and activities.

SENATE RESOLUTION 13—TO REFER THE BILL S. 46 TO THE COURT OF CLAIMS

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 13

Resolved, That the bill (S. 46) entitled "A bill for the relief of Sascha Glade Weinzheimer, Jean Weinzheimer Jansen, Doris Alexa Weinzheimer, Walter Richard Weinzheimer, and the estate of Walter Weinzheimer" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate complete its business today it stand in recess until 2:30 p.m. Tuesday, January 15; that following the time for the two leaders, there be a period for routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 2:30 P.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 5:52 p.m., recessed until Tuesday, January 15, 1991, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate January 14, 1991:

DEPARTMENT OF COMMERCE

JAMES EDWARD DENNY, OF MARYLAND, TO BE AN ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, VICE RENE DESLOGE TEGTMEYER, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JIM E. TARRO, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CLAIRE E. FREEMAN, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MIKISO HANE, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1996, VICE LEON RICHARD KASS, TERM EXPIRED.

WILLIAM E. STRICKLAND, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE PHYLLIS P. BERNEY, TERM EXPIRED.

EXTENSIONS OF REMARKS

FOR THE SAKE OF THE CHILDREN

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. KOSTMAYER. Mr. Speaker, the world's children are our future and among its most vulnerable citizens. However, these young people suffer from profound poverty, hunger, and illness.

In an article printed in the Philadelphia Inquirer, Kenneth L. Klothen, the executive director of the Philadelphia based advocacy group Children's Rights International, discusses the futility of addressing the needs of the world's children as an isolated group. Instead, he argues the need for solutions that address head-on the larger problems facing their societies.

Mr. Klothen's article is reprinted below, and I commend it to my colleagues:

NOW LET'S DO SOMETHING ABOUT THE WORLD'S CHILDREN

(By Kenneth L. Klothen)

The World Summit for Children ended last month with an unprecedented commitment by world's leaders to improve the quality of life for tens of millions of children beset by hunger, illness, neglect and continual poverty. But the summit left unasked three particularly troubling questions for the United States, given our frequent and generous support for regimes with appalling records in caring for their own children.

WHERE WILL THE MONEY COME FROM?

The summit declaration speaks vaguely of "international cooperation" in a worldwide effort for child survival, protection and growth, along with a "broad and durable solution to the external debt problem" of the Third World. But this flies in the face of demands made by the United States and other creditor countries for austerity measures in developing nations—spending cuts that reduce governmental support for the kind of education, public health and other programs called for by the summit.

The two goals of increased austerity to assure continued debt services and a solution to the debt crisis that assists rather than punishes children, are simply incompatible. Without substantial economic adjustment in the form of actual debt forgiveness, the promises made to the world's children in New York will prove empty.

Instead of compelling price increases for basic market basket goods, massive layoffs from public-sector jobs and diminished government involvement in public welfare, international creditors could forgive debt in return for investment in programs targeting children's needs. Such a "debt for investment in children" swap was recently proposed by Defence for Children International, an advocacy group.

But it makes little sense to only forgive debt for new initiatives, or to limit qualifying programs to those aimed solely at children. We will not solve the problem by promoting material assistance to children whose parents' jobs, housing and ability to purchase basic foodstuffs have been simultaneously eliminated. The developed nations must simply bite the bullet and begin to credit against debt all legitimate programs that support minimal living, educational and health standards for people in the developing world.

HOW WILL THE MONEY BE DISTRIBUTED?

Without tackling distribution issues, much of this aid will never reach the children who need it. We must build in mechanisms to assure that acid reaches its targets.

In many countries supported by the United States, food and other aid is used for political purposes and distributed by the military. In El Salvador, for example, the Army distributes food and medical aid as part of its Civic Action Campaign, designed to win the loyalty of—or, failing, that to monitor and control—the rural population. In Guatemala the situation is similar. These institutions have their agendas, which have nothing to do with children's welfare. They cannot be relied upon to funnel new assistance to children's needs.

Instead, international and non-governmental organizations (NGOs) should be tapped. In assessing the results of programs accepted for debt relief, creditors should employ organizations such as UNICEF as independent monitors.

In countries where the problem is as much the repressiveness of the government as its inefficiency, NGOs should be designated to receive portions of our foreign aid funds. In Latin America, for example, the Catholic Church has extensive grass-roots community development programs, as do many of the Protestant denominations.

Major non-denominational relief organizations, as well as U.N. agencies, are also likely to have distribution systems in place that do not exact cooperation with a repressive regime as the price of nutritional, medical or educational help.

The United States should immediately set aside 10 percent of the economic aid to developing countries it targets for children's welfare to be distributed through such NGOs. An even larger percentage of aid to countries with poor human rights records should be reserved for NGOs.

In addition, any debt relief plan for countries identified as human rights violators should require a similar set-aside by the offending government. In this way, we can avoid making the new children programs cash cows to be milked by corrupt and repressive governments and militaries.

WHAT ABOUT CHILD SOLDIERS?

In poor rural villages and urban slums in El Salvador and Guatemala, the military often recruits soldiers by pulling up to a school or dance hall, grabbing young boys and throwing them onto a waiting truck. Children as young as 15 may be inducted, often because their parents are so afraid of the military that they will not come forward with proof of the child's age. Insurgent groups may not be any better—children as young as 12 have been seen serving as combatants in El Salvador's FMLN guerrillas.

Tragically, this assault on children was ratified in Article 39 of the recently adopted Convention on the Rights of the Child, which permits countries to draft children as young as 12 years old into their armed forces. Shamefully, the United States was a principal proponent of this shockingly low age limitation, which the convention's original drafters set at 18.

If the world is serious about protecting children, there can be no room in it for 15-year-old soldiers. An international effort to promote children's welfare ought to start by plugging this gaping hole in the convention. There is no point in producing healthier, better-educated teenagers to further swell the ranks of militaries that are already too big and too powerful. Aid should be conditioned on a country's forswearing the induction of children into armed service.

The sight of hundreds of world leaders gathered at the United Nations to pledge action to improve children's lives was moving and heartening. The focus must now shift from the pomp and circumstance of world summitry to the dollars and cents of debt relief and foreign aid. It is in that forum that the questions not asked in New York must be raised, and in which the answers to these questions will count so much.

TOXIC LEAD POLLUTION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. SCHEUER. Mr. Speaker, since the early 1970's, the Federal Government has taken a variety of steps to reduce sources of toxic lead pollution. The total amount of lead used as an additive to gasoline and interior paint has been significantly decreased.

Unfortunately, there is still a tremendous amount of lead dust in the environment. The combustion of leaded gasoline has left the soil in our cities highly contaminated with lead. Similarly, peeling and deteriorating paint in our housing stock provides a continued source of lead exposure for our Nation's children.

We lack readily available, effective ways to abate lead contamination in houses. In cases where well intended but unskilled persons have attempted to remove lead-based paint by burning or sanding, the result has been to actually increase the available lead dust in the environment.

Returning lead-poisoned children to an improperly abated environment actually puts them at greater threat for increased neurological impairment.

The American Academy of Pediatrics has testified that small shifts in the distribution of intelligence scores in relation to lead exposure, quadruple the number of children scoring below the normal level. Adolescents who received low lead exposures some 11 years prior showed a sevenfold greater high school

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dropout rate than their peers' and were six times more likely to have reading disabilities.

This is a matter of paramount importance to the future of our Nation.

The bill which I am introducing authorizes research and evaluation programs for monitoring, detecting, and abating lead based paint and other lead exposure hazards in housing. This research will advance our ability to deal with the totally preventable problem of childhood lead poisoning.

I urge my colleagues to support this measure.

SOVIET CRACKDOWN IN LITHUANIA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. FASCELL. Mr. Speaker, I rise to condemn the tragic events in Lithuania this weekend when Soviet troops, under the guise of maintaining order, attempted to impose Soviet rule over the demoncratically elected government there. This brutal military crackdown, which resulted in the deaths of a least 13 Luthuanian civilians and left at least 140 wounded, is deplorable and represents the most serious setback for the efforts of the Lithuanian people to assert their independence after 50 years of Soviet occupation.

I welcome President Bush's condemnation of the Soviet action and urge him to convey to President Gorbachev, in the strongest possible terms, American support for the independence of Lithuania, as well as Latvia and Estonia. This support is premised on the long-held American policy of nonrecognition of the Soviet annexation of the Baltic States in 1941, a policy which I fully support. We should remain steadfast in our commitment to self-determination for the Lithuanian, Latvian and Estonian people. I urge the Soviet leadership, in compliance with their Helsinki obligations, to resolve their disputes with Lithuania and the other Baltic States peacefully and refrain from the further use of military force.

I am alarmed that the Soviet policy of reform initiated by President Gorbachev may be in the process of being stalled and, indeed reversed, but I am heartened by the fact that the newly constituted Council of the Federation, at an emergency session on Saturday, resolved that the Baltic question should be resolved through peaceful means, not the use of force. While President Gorbachev has maintained that he did not order the use of military force in Lithuania, as President of the U.S.S.R. he must use his political and moral authority to ensure that this crisis is resolved peacefully.

Mr. Speaker, how ironic that this crackdown has occurred now when, for the first time in modern history, the world community, including the Soviet Union, has taken a principles stand against naked aggression. The Soviet Union has rightly joined the international coalition in its condemnation of the brutal Iraqi invasion and annexation of Kuwait and, at the same time, apparently ordered troops to violently impose Soviet rule in Lithuania, a country that the U.S.S.R. invaded and occupied 50 years ago. Just as we will not remain silent in the fact of Iraqi aggression, we must not allow these latest Soviet acts to go unchallenged.

Despite the many different internal problems facing the Soviet Union and the instability such problems generate, the Soviet Government continues to be bound, under the Helsinki Final Act and international law, to respect human rights and self-determination and to refrain from the use of force against peaceful demonstrators. We in the United States will continue to hold Soviet leaders accountable to these international obligations and invite the world community to do so as well.

THE SUPPORT OF AMERICANS FOR WAR IN MIDDLE EAST IS SOFT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. HUBBARD. Mr. Speaker, by votes of 52 to 47 in the Senate and 250 to 183 in the House of Representatives, a divided Congress last Saturday voted to give President George Bush the power to initiate an attack on Iraq if it fails to withdraw from Kuwait by tomorrow at midnight.

I was one of the House Members speaking and voting to give our President that authority.

I grew up in Ashland, KY, and attended Condit Elementary School, Putnam Junior High School and Ashland High School—1945–53. The newspaper I grew up reading was the Daily Independent in Ashland.

An editorial yesterday in Ashland's Sunday newspaper, the Sunday Independent, is a very well-written viewpoint which expresses the opnions of many Americans as we approach tomorrow's deadline.

The editorial represents the opinon of the Sunday Independent's editorial board, composed of president and publisher, John W. Del Santo; editor Wickliffe R. Powell; managing editor, Mike Reliford; local news editor, Paul Gottbrath, and editorial page editor, John Cannon II.

The editorial follows:

While Congress has approved a resolution that, in effect, is a declaration of war against Iraq, the closeness of the votes in the House and the Senate reflects the feelings of this nation about the possibility of war in the Middle East. As a people, we are divided on the necessity of abandoning sanctions and going to war—and we are likely to become more divided if large numbers of young American men and women begin losing their lives in the desert.

The support of the American people for war in the Middle East is soft. While an Associated Press poll found that 90 percent of Americans see at least one good reason for going to war against Iraq, only 44 percent of the respondents favored going to war after Tuesday's deadline. Half the respondents favored giving sanctions more time to work.

Americans historically have little taste for war, and support can be expected to drop dramatically soon after the fighting begins. Let's not confuse Iraq with Granada or Panama—if fighting breaks out, this will be a bloody battle.

Despite the United Nations' ultimatum for Iraq to get out of Kuwait by Jan. 15, and despite the approval by Congress for President Bush to use force if necessary, we find no compelling reason for the U.S. and its allies to abandon hope for a peaceful solution and go to war after Tuesday.

During the congressional debate, many members who supported the war resolution compared Saddam Hussein to Adolf Hitler. If Hussein is not stopped now, they argued, he will have to be stopped later; the world must not make the mistake with Hussein that it did with Hitler.

But the analogy is not entirely accurate. The United States did nothing while the German army consumed most of Europe and Japan's army attacked Manchuria. Up until the day Pearl Harbor was attacked Dec. 7, 1941, a majority of Americans believed World War II was not America's concern.

When Saddam Hussein's army marched into Kuwait on Aug. 3, the United States and the rest of the world reacted immediately. At the urging of President Bush, the United Nations imposed the most complete and effective economic sanctions against an aggressor nation that the world has ever known. The first American troops arrived in the Saudi Arabian desert within days after the Kuwaiti invasion. If Saddam Hussein had visions of attacking Saudi Arabia, the mutlinational military force amassed against Iraq curtailed those plans. The nation's reaction to German and Japanese aggression in the late 1930s was to do nothing; its reaction to Iraqi aggression was immediate, forceful and effective.

The status quo has changed little in the Middle East since August. Iraq has not taken any more territory than it held just hours after it invaded Kuwait. Most military experts agree that the Iraqi army poses no threat to Saudi Arabia.

Meanwhile, the economic sanctions have stopped the flow of goods in and out of Iraq. Saddam Hussein no longer receives the billions of dollars his nation once earned from the sale of oil to western nations. He no longer receives either the food necessary to feed his people or the military equipment needed by his army.

Only two things have changed significantly since August. One is that the foreign hostages held in Iraq and Kuwait have been released. The other is that the United Nations, at the urging of President Bush, has established an artificial deadline for Iraq to pull out of Kuwait.

Why did the United States—with the support of the United Nations—suddenly decide sanctions would not work? The administration realized when it adopted that policy in August that sanctions would take time. Why has it lost patience? There is nothing magical about Jan. 15 that requires this nation to abandon diplomacy and the time needed for a peaceful solution and to choose war.

President Bush has talked much about the end of the Cold War bringing about a "new world order." But there is nothing new about nations settling their differences on the battlefield. That approach is as old as history itself. If there is a "new world order," our hope is that it will bring about a world where differences among nations are settled peacefully.

War always should be the last option. Giving sanctions time to work will mean American soldiers will have to spend more time in the Arabian desert, but it also may mean they all will come home alive.

Perhaps congressional approval of the war resolution will convince Saddam Hussein that he has little choice but to pull out of Kuwait or face destruction, but we're not counting on it. Saddam Hussein may have started the Gulf crisis, but the decision whether it becomes a bloody war now rests with President Bush.

George Bush, a former fighter pilot whose plane was shot down during World War II, knows firsthand the horrors of war. We pray that he will not send young American men and women to die for oil in the Middle East until it becomes abundantly clear that sanctions will not work. Now, that is far from certain. Until there is an answer to that question, President Bush must practice patience and diplomacy—he must give peace a chance.

WIPP LAND WITHDRAWAL EXTENSION ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. RICHARDSON. Mr. Speaker, I rise to introduce legislation of extreme importance to the health and safety of New Mexicans and the Nation as a whole concerning the disposal of nuclear waste.

The Department of the Interior may soon approve the Department of Energy's 1989 application to modify Public Land Order 6403 concerning the "Waste Isolation Pilot Plant" [WIPP]—a DOE facility in Carlsbad, NM, for the disposal of transuranic waste produced and stored at its defense facilities in 10 States. The proposed modification would allow DOE to begin transporting transuranic waste to the WIPP site without appropriate safeguards. The legislation I am introducing today would extend without modification Public Land Order 6403, which removed 10,000 acres of public land in Carlsbad for research and development purposes in connection with WIPP and which specifically prohibited the use or occupancy of the lands for the transportation, storage, or burial of any radioactive materials. Public Land Order 6403 expires June 29, 1991.

I am introducing this legislation for several reasons. First, my No. 1 concern has always been that WIPP be safe and that the health and safety of New Mexicans be protected. In my support of WIPP I have consistently demanded that two conditions be met:

First, full compliance with EPA standards before any waste is brought to WIPP; and second, that adequate funds be appropriated to ensure safe transportation routes and emergency response preparedness.

Under an administrative land withdrawal, the citizens of New Mexico have no guarantee that such safety conditions or transportation needs will be met. This bill would give Congress the chance to ensure that adequate health and safety provisions are mandated and transportation funds are authorized through legislation.

Second, the Department of the Interior simply does not have the expertise and must not be allowed to make a decision of such magnitude and public consequence concerning the transport and disposal of nuclear waste—this is a decision that should be made by the U.S. Congress. This bill would give Congress sole authority to proceed with WIPP land withdrawal.

Third, Congress has a responsibility to protect the health and safety of the Nation's citizens through WIPP land withdrawal legislation. Congress should not and must not forsake this responsibility by leaving such a decision to the administrative branch. This legislation would give Congress an opportunity to maintain its legislative prerogative.

Fourth, the existing administrative land withdrawal, Public Land Order 6403, is due to expire June 29, 1991. This will would extend without modification Public Land Order 6403, thereby ensuring that the WIPP site is protected until Congress completes action on WIPP land withdrawal legislation.

Finally, the Department of Energy would be breaking faith with the New Mexico congressional delegation and the State government by proceeding with an administrative withdrawal. The DOE stated on several occasions that it would prefer legislative land withdrawal and would proceed with administrative withdrawal only as a last resort. The fate of WIPP should not be decided by last resort measures and the DOE must complete several items on its safety checklist before Congress can responsibly consider legislative withdrawal.

In view of the safety issues left unresolved and other critical issues, the DOE should willingly withdraw its application to modify Public Land Order 6403. This legislation will mandate an extension of Public Land Order 6403 without any modifications. I urge my colleagues to support and take swift action on this legislation. For the RECORD, I have attached letters of support from major environmental organizations:

SOUTHWEST RESEARCH AND
INFORMATION CENTER,
Albuquerque, NM, January 11, 1991.

Hon. BILL RICHARDSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RICHARDSON: Southwest Research and Information Center (SRIC) and the Environmental Defense Fund (EDF) support legislation to prohibit any administrative land withdrawal that would allow radioactive wastes to be transported to or stored at the WIPP site in New Mexico at this time. SRIC and EDF believe that only Congress has the authority to enact a land withdrawal that would allow wastes to come to WIPP. The administrative withdrawal that the Department of Energy (DOE) has requested cannot be justified on legal, scientific, or public policy grounds.

SRIC and EDF have a long history of support for full compliance with all environmental and health and safety standards at DOE facilities. The organizations oppose bringing any wastes to WIPP until the site is shown to be in compliance with Environmental Protection Agency standards for radioactive waste disposal (40 CFR 191, Subparts A and B). All other health and safety requirements, including compliance with the Resource Conservation and Recovery Act and transportation safety measures, should be in place before land withdrawal is enacted and before wastes are brought to WIPP.

Extending the existing administrative withdrawal (Public Land Order 6403) beyond its expiration date of June 29, 1991, would continue the protection of the site. Moreover, it would give DOE the time to demonstrate compliance with all applicable requirements. There is no justification for allowing any expansion of the existing activities at the site or for extending DOE's Exclusive Use Zone.

Thank you for your efforts on this important matter.

Sincerely,

DON HANCOCK,
Director, SRIC Nuclear Waste Safety Project.

MELINDA KASSEN,
Senior Attorney, Environmental Defense Fund.

NATURAL RESOURCES,
DEFENSE COUNCIL,
Washington, DC, January 11, 1991.

Hon. BILL RICHARDSON,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I am writing to indicate NRDC's strong support of legislation you are introducing to counter the recent attempt by the Department of the Interior to allow radioactive waste to be disposed of at the Waste Isolation Pilot Plant (WIPP) in New Mexico without Congress's approval. As I understand it, your legislation would extend the existing Public Land Order (#6403) that permits development of the WIPP facility but specifically prohibits the storage or disposal of radioactive materials there pending further approval.

NRDC strongly believes that the Interior Department should not be in the position of determining whether WIPP is ready for the receipt of radioactive wastes. The Interior Department simply does not have the capability to determine that WIPP is safe for waste disposal. Nor is the Department in a position to impose the broad range of requirements that will be necessary to ensure the safe and efficient operation of WIPP. These include, among other things, compliance with EPA standards prior to receipt of waste, availability of adequate funding to ensure safe waste transportation and emergency response, and resolution of a number of significant technical issues.

Congress must face up to these and other vital issues in a full and open manner before any decision is made to allow the emplacement of wastes at WIPP. This is especially critical given that wastes disposed of at the facility may not be retrievable for technical or political reasons.

NRDC would be pleased to assist in your efforts to secure adoption of this vital legislation.

Sincerely,

DAN W. REICHER,
Senior Attorney.

CONCERNED CITIZENS FOR
NUCLEAR SAFETY,
January 10, 1991.

Hon. BILL RICHARDSON,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: Concerned Citizens for Nuclear Safety (CCNS) is in full support of your legislation, entitled the WIPP Land Withdrawal Extension Act of 1991, to prohibit an administrative land withdrawal relating to the Waste Isolation Pilot Plant (WIPP).

The Department of Energy has yet to address a lengthy list of safety prerequisites in regard to WIPP, the Environmental Evaluation Group (EEG) has identified at least fourteen major items which remain unresolved at this time. The EEG has termed the WIPP Retrievability Plan as "unacceptable," the Final Safety Analysis Report as "not complete," and cites persistent malfunctions of the Continuous Air Monitoring System, to name just a few of the outstanding problems with WIPP.

In addition, CCNS would like to point out that the DOE is still refusing to demonstrate compliance with the EPA standards 40 CFR 191(b) until after radioactive waste has been "tested" underground at WIPP for five years—despite testimony before you on May 8, 1990, by both the EEG and the National Academy of Sciences conceding that compliance with these standards is not dependent upon "testing." CCNS demands compliance with 40 CFR 191(b) at WIPP before any waste is transported to WIPP. And finally, due to safety problems, no tests which the DOE originally proposed to conduct underground at WIPP remain possible except for the Dry Bin Tests; the EEG and others have pointed out that these tests do not have to be conducted at the WIPP site.

The WIPP Land Withdrawal Extension Act would extend the current land withdrawal to allow the DOE time to complete the necessary safety requirements at WIPP, thereby alleviating the sense of urgency the DOE has created to try and force premature—and unnecessary—legislative action on WIPP. Congress must take action now to maintain its oversight authority on this precedent-setting project. An administrative transfer of the public lands on which WIPP has been constructed would bypass Congress, avoiding Congressional scrutiny of the safety requirements at WIPP, ignoring financial commitments to the State of New Mexico for necessary road improvements and bypasses, and allow the DOE to self-certify compliance with safety standards. This is totally unacceptable.

We applaud your leadership in this matter and thank you for your steadfast dedication to protecting the people and the environment of New Mexico.

Very truly yours,

MICHELE MEROLA,
Executive Director.

DESERT SHIELD A BUDGET BOMB?

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. WOLPE. Mr. Speaker, I strongly believe that the rush to war in the Persian Gulf is premature. We must have a much clearer understanding of the costs, both in human casualties and in costs to our already weakened economy, before any offensive military action is undertaken in the gulf. I would like to commend to you a recent study conducted by Dr. James Anderson for the Employment Research Associates, a Lansing, MI, based economic consulting firm. The report pointedly outlines the dangerous impact that a war in the gulf could have on the economic viability of our States, counties, and cities.

DESERT SHIELD: A BUDGET BOMB?

In the face of deepening recession, Operation Desert Shield threatens to become a budget bomb for U.S. states and cities.

With the needs of states, counties, and cities mounting, Federal grant program aid diminishing, and tax revenues shrinking, the Bush Administration has found a way to make a dangerous situation worse. It is spending a minimum of $30 billion for a war buildup in the sands of Saudi Arabia and the Persian Gulf in FY 1991. If war breaks out, the costs will go to $1 billion a day, $30 billion a month, or $60 billion for two months.

Each $30 billion of war expenditures costs an average $600 million per state. Nine states, headed by California, will pay over $1 billion each for a $30 billion desert buildup. The pockets of California taxpayers will be drained of $3.8 billion, followed by New York ($2.6 billion), Texas ($1.9 billion), Illinois ($1.6 billion), Florida ($1.55 billion), Pennsylvania ($1.5 billion), New Jersey ($1.4 billion), Ohio ($1.3 billion), and Michigan ($1.2 billion).

At $60 billion, two months of war, the Desert Shield budget bomb costs each state an average of $1.2 billion, and twenty states experience tax losses of $1 billion or more. At this level, the combination of recession and direct war costs threatens to make Philadelphia's bankruptcy a pattern instead of an isolated problem.

The major costs at the $60 billion level would be borne by California taxpayers, who would see $7.7 billion sink into the sands of Saudi Arabia, followed by those of New York, ($5.3 billion), Texas ($3.7 billion), Illinois ($3.1 billion), Florida ($3.1 billion), Pennsylvania ($2.9 billion), New Jersey ($2.7 billion), Ohio ($2.5 billion), Michigan ($2.3 billion), and Massachusetts ($1.9 billion).

The magnitude of these sums can be indicated in a single statistic. If each state's share of only a $30 billion buildup were instead credited to its budget, every one of the twenty-seven state budget deficits currently reported for fiscal year 1991 would be eliminated and replaced with a surplus. The cumulative deficits for these 27 states, ranging from Arizona to Wisconsin, total almost $8.7 billion as of December 15, 1990, according to the National Conference of State Legislatures.

THE COST TO STATES OF GULF EXPENDITURES

[In millions of dollars]

States	$30,000,000,000	$60,000,000,000
Alabama	366	732
Alaska	78	156
Arizona	372	744
Arkansas	198	396
California	3,840	7,680
Colorado	393	786
Connecticut	609	1,218
Delaware	96	192
Florida	1,551	3,102
Georgia	687	1,374
Hawaii	126	252
Idaho	87	174
Illinois	1,569	3,138
Indiana	597	1,194
Iowa	291	582
Kansas	285	570
Kentucky	330	660
Louisiana	381	762
Maine	126	252
Maryland	672	1,344
Massachusetts	930	1,860
Michigan	1,158	2,316
Minnesota	534	1,068
Mississippi	189	378
Missouri	588	1,176
Montana	72	144
Nebraska	168	336
Nevada	135	270
New Hampshire	159	318
New Jersey	1,374	2,748
New Mexico	132	264
New York	2,640	5,280
North Carolina	657	1,314
North Dakota	66	132
Ohio	1,260	2,520
Oklahoma	312	624
Oregon	294	588
Pennsylvania	1,455	2,910
Rhode Island	129	258
South Carolina	309	618
South Dakota	63	126
Tennessee	492	984
Texas	1,860	3,720
Utah	138	276
Vermont	60	120
Virginia	762	1,524
Washington	558	1,116
West Virginia	153	306
Wisconsin	540	1,080
Wyoming	48	96
District of Columbia	105	210

THEY WERE THERE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. DANNEMEYER. Mr. Speaker, John and Michelle Richert, like many other Americans, were caught in Kuwait when Saddam Hussein invaded on August 2, 1990. For the next 4 months they were hostages in hiding. While in hiding, Michelle wrote several letters to her father, Bill Weller, which had to be smuggled out of Kuwait before they were mailed to him here in the United States.

Shortly before their release, Mr. Weller shared these letters with my office. I believe their story must be heard by the American people and Congress before any decision is reached regarding military action against Iraq:

STATEMENT BY JOHN AND MICHELLE RICHERT, DECEMBER 21, 1990

John was employed as a metallurgical engineer by Kuwait Santa Fe Braun. In the 3½ years prior to the Iraqi invasion, we frequently travelled throughout the Middle East. All of that changed on August 2, 1990, when Saddam Hussein invaded our new home of Kuwait. From that time on, we were *Hostages in Hiding*.

We lived in a small town called Abu Halifa, which is located about 15 miles outside of Kuwait City. Our 5 story apartment building had 20 units, of which, 4 were occupied. Ours, which was located on the 2nd floor became our hiding place for the next 4½ months, except for a brief period of time when we had to flee for our safety.

We were uncertain as to our survival, yet the friendship and companionship of our American friends, Dennis and Mary Ann Mosher, helped us immensely. John and Dennis really worked hard to build barricades in our building, and towards the end of our stay, they built a bombshelter. The "can-do" attitude of Americans is incredible!

"John and I are fine and are more worried about all of you back home than we are about us. We are still in our apartment and have plenty of food . . . All of us in our apartment complex have organized. We must be very careful with our food and water. And we also formed night guard duty . . . I will admit that we are tired; the emotional, psychological strain of 'not knowing' is very exhausting." Letter of August 22, 1990.

Several weeks into this ordeal, Saddam offered the infamous "freedom flight" for all women and children left in Kuwait and Iraq. This was hailed in the media as "a great humanitarian gesture." In reality, it was a way for Saddam to flush out all of the American and British men.

"They were picking up the men—primarily Americans. They said that women and children could go free, but once they leave, their husbands are subsequently picked up. I will not leave John. As long as we are together we can cope with anything. Letter of September 5, 1990.

"If I had left on one of the "freedom flights", John would have been taken. All of the men whose wives left are now "guests" in Baghdad in a military camp." Letter of October 8, 1990.

The "authorities" interrogated the taxi drivers, who delivered the women and childen to the airports. In addition, a "bounty" in the amount of 5,000 Iraqi dinar (which is equal to approximately 2 years wages for the average Iraqi worker) was offered by Saddam for the capture of any American or British citizen. This certainly added to the ordeal.

"We have had a lot of close calls though—very close. We have also managed to escape the attention of the looters—also a miracle. I don't know how much longer our luck will last though with respect to evading detection by the soldiers and the secret police." Letter of October 8, 1990.

Throughout our ordeal, we were assisted by many Arab friends. But because of the risk to their lives, they had to stop.

"We have been fortunate (up till now) that our Arab friends have been able to bring us food, but know it is much too dangerous for them. They will be shot for helping a Westerner for not revealing his location to the "authorities." Letter of October 8, 1990.

The letters which we sent out to my father, Bill Weller, had to be smuggled out of the country, at great risk, by several of our friends.

"An Arab friend of our—a doctor—plans on leaving soon and will post this letter to you. I pray that he doesn't get caught. If the Iraqi's discover that he is carrying mail for/from Americans, he will be killed!" Letter of Ocotber 8, 1990.

We were not entirely cut off from the outside world.

"Bahrain T.V. hooks up to CNN at 11pm every night for an hour. It's great." Letter of October 8, 1990.

It was a lifesaver for us, emotionally, to have contact with the Mosher's cat, Melo. He was a gift to them from an Iranian friend, so he is an authentic white, Persian cat. When we left Kuwait, we were able to say that "Melo was smarter than any'ole Iraqi soldier."

In the final weeks, food became scarce.

"We still have electricity, water, and food. Arabs are still keeping us supplied with food but it is becoming more and more difficult for them. Food is becoming scarce and very expensive. All of Kuwait's food has been shipped—i.e. trucked—to Iraq and only a little bit is allowed to trickle back into Kuwait." Letter of November 9, 1990.

It became apparent that we would survive this ordeal, no matter how long it took.

"Well, we're still in hiding; not a Baghdaddy or a Bahette yet!! We're Americans and are therefore cleaverer than any'ole Iraqi." Letter of November 9, 1990.

Now that we have been released, what advice do we have for the American people? To abandon sanctions.

"Sanctions will not hurt Iraq. Also, there are more and more soldiers arriving every day. Saddam will never leave on his own accord. Things are bad here. The stories of the atrocities are true." Letter of November 9, 1990.

When all is said and done, and the Kuwaiti people have their country back, we plan to return.

"We also look forward to helping rebuild Kuwait which is home to us now. After all that we've been through we could not leave when they will be needing us so desperately. Our Good friends, Dennis and Mary Ann Mosher, also Americans, feel the same way as us." Letter of November 9, 1990.

GLOBAL FOREST EMERGENCY ACT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. SCHEUER. Mr. Speaker, today I am introducing the Global Forest Emergency Act, a bill aimed at reversing the catastrophic decline of the world's forests. The Global Forest Emergency Act sets a national policy of no net loss of forests. It directs the President to work with international leaders for a declaration of a global forest emergency and for a global policy of no net loss of forests. The bill directs the President to invite Japan to join with us in a joint United States-Japan Commission on Global Forest Restoration. Because precise figures on deforestation are not available, the bill directs U.S. participation in a global survey of forests and forest resources. Because present knowledge of forests is inadequate, the bill also creates an endangered forest research initiative to study forest ecology, sustainable yield forestry, and forest restoration.

Our forests are becoming disaster areas. Overcutting, acid rain, nonnative pests, and creeping development are devastating our forest resources. Forests worldwide are in critical condition—a state of emergency.

We are now aware of the destruction of the rich tropical rainforests with their treasure chests of biological diversity. Yet, we perceive this as a problem that could only occur far from the shores of the United States. This is not true. The rainforests of Hawaii are being turned into woodchips. Rightly, we decry the destruction of the Amazon forests. But we fail to note that the rate of deforestation in Florida exceeds that of Brazil.

Ancient North American forests are being destroyed before our eyes as they are logged at unsustainable rates in the Pacific Northwest and in the Tongass National Forest of Alaska. In the eastern United States and in Europe, forests are being ruined by acid rain and nonnative pests such as gypsy moths, hemlock woolly adelgids, pear thrips, and red pine scales. It is time for a national policy of no net loss of forests in the United States.

Just as the President's policy of no net loss of wetlands has directed action toward these valuable ecosystems, we need similar action in forest conservation.

Once we have a national policy of no net loss of forests, then we can carry that policy throughout the world. The situation is desperate in the nonindustrialized world where people deplete their forests in a daily search for cooking and heating fuel. They engage in unsustainable practices of deforestation to fulfill needs for agricultural lands and to produce export commodities to fight a crushing debt burden. In degrading the land for short-term gains, they deplete their biological capital.

We are now aware of the importance of forests in the fight against global warming, one of the most serious threats facing our planet. Forests are the lungs of the world, removing carbon from the atmosphere. We need to take dramatic steps to conserve existing forests, restore degraded forests, and plant more trees to counteract global warming.

Forests protect watersheds, prevent erosion, and provide the vast majority of natural products used by humans. All of these virtues are threatened by forest destruction. The costs of deforestation are staggering. We must plant trees to meet local needs for fuel wood in nonindustrialized countries. We must also support intensive use of industrial forests to take the pressure off the world's endangered virgin forests. According to British ecologist Norman Myers, if we made full use of the lands that have already been deforested or degraded, we would not have to cut another acre of forest primeval.

The July summit of industrialized nation's ratified the economic importance of global forestry resources. The industrialized nations must work together to help less developed countries ensure a sustainable supply of wood and other forest products. This bill would create a joint United States-Japan Commission to conduct reforestation projects around the world. I have discussed this idea with Japanese officials and industrialists. They are eager to participate in such an effort.

We know that world forest acreage has been decreased by at least 15 percent in this century and that this rate is accelerating. Deforestation has reached critical proportions in many parts of the world. However, precise figures on forest cover and forest loss are not available. We need this information to target our efforts. My bill calls for U.S. participation in a global forest survey that will combine the use of satellite imagery and ground-based surveys. This will provide much better information than is currently available.

In order to conserve our forests and use them as renewable resources, we must increase our understanding of forests. The bill also calls for the Office of Science and Technology Policy to organize an endangered forest research initiative in forest ecology, sustainable yield forestry, and forest restoration.

The Global Forest Emergency Act will provide the leadership necessary to save our endangered forests. It provides the global perspective that is needed to save the forest for the trees, as a weapon against global climate change, and for the other values that make forests indispensible to human existence. This bill will create the American example of wise use of our forest resources that is vital as we lead the world toward forest conservation.

I urge my colleagues to support the Global Forest Emergency Act.

TRIBUTE TO THE LATE RABBI J.J. HECHT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. SCHUMER. Mr. Speaker, I am very proud to have the opportunity to commemorate the passing away of a good friend of mine and of our community, Rabbi J.J. Hecht. At occasions like this, we gather not in sorrow but in joy, celebrating the gifts that a great teacher and leader has left to our community.

Rabbi Hecht led a life of total dedication to the Jewish people. His ceaseless effort on behalf of Camp Emunah, and for the National Committee for Furtherance of Jewish Education, are well known. He was a famed radio personality, a world-renowned Torah scholar, and a leading lecturer and teacher in our community.

As we all know, he also served as the personal emissary, translator, and close friend of the Lubavitcher Rebbe, Rabbi Schneerson, Shlita.

For those of us who shared the rare privilege of working with Rabbi Hecht, however, it is his great and forceful personality no less than his tremendous accomplishments which will remain with us always. He was a humble and thoughtful man who enriched many lives with his advice, his concern, and his wisdom.

His presence was always an inspiration, with his flashing eyes, carefully tended red beard, and a rich, powerful voice which carried to every member or his audience, no matter how large a group had gathered. I believe that all of us who heard Rabbi Hecht will always remember the power of his learned yet moving teaching, his elevated commentary which always ended with a good joke and a piece of advice from the Torah. Indeed, the loss to our community of such a great teacher cannot be remedied.

Rabbi Hecht's gifts and accomplishments cannot be treated adequately in such short time, for he touched the lives of so many people with his integrity, his faith, and his devotion to others. He cannot be replaced, in our lives, in our community, or in our hearts. He was an inspiration to us all, a constant measure by which our own lives should be judged. And while we mourn his passing, we must also remember the joy and the wisdom which he brought into our lives.

A DAY OF PRIDE IN GUATEMALA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. LIVINGSTON. Mr. Speaker, as this House convenes to discuss further the weighty matters in the Persian Gulf, I ask us to pause for a moment to salute a remarkable—indeed a historical—event to our south.

Today, the proud country of Guatemala will inaugurate a new President, Mr. Jorge Serrano Elias. This marks the first time in Guatemalan history that the people will transfer power from one elected civilian to another.

I had the privilege of chairing a 47-member observer group during Guatemala's elections last November. What I and every member of my delegation saw on that election day was a heartening display of civic and national pride.

Guatemalans were standing in lines nearly 100 yards long at some stations. In the hinterlands, many of them, including old men and women, had walked a dozen kilometers or more through the sun and mountains in order to vote.

I hope and pray that Guatemala's tradition of military and repressive government is over. Economic and human rights problems persist, and many in both categories are serious.

But the country as a whole is now on the right track.

I insert into the RECORD an editorial entitled "A Translucent Election" from 21st Century, one of the leading independent newspapers in Guatemala.

A TRANSLUCENT ELECTION

EDITORIAL FROM SIGLO VEINTEUNO (GUATEMALA)

If there is one thing the Guatemalan people can be satisfied with, it is the cleanliness of the Presidential election this past Sunday.

Only six hours were enough after the voting tables closed in the country for the President of the Supreme Tribunal of Elections, Arturo Herbruger Asturias, to announce at midnight that he "can say with absolute security that the President of the [Guatemalan] Republic will be Jorge Serrano."

The voting process was so clear that, even before midnight, the candidate of the UCN, Jorge Carpio, recognized the triumph of the head of MAS [Mr. Serrano].

For us to inform that which Guatemala has advanced in electoral substance in the last years, it is enough to cast a look backward and to remember the elections in recent past: From six in the afternoon, all the radio transmitters were obligated to chain themselves to the TGW, so that they could not give independent news. And there commenced an interminable marimba concert. From the time Guatel broadcast drop-by-drop the results that would favor the official candidate, until his victory announcement three days later, to the frustration of the electorate.

In an occasion easy to remember, handlers lost control of the vote count that marked a favorable tendency to the opposition. They arrived at the point of suspending the count in the basement of the Municipal Building in Guatemala City. When it was restarted, already the votes gave the win, as always, to the government's candidate.

Referring to the election between Serrano and Carpio, the Ambassador from the United States, Thomas Stroock, called it "crystalline." Kaleb McCarri, from the American Center for Democracy, declared a good impression. Ricardo Gjvoje, a representative of the Secretary-General of the Organization of American States, Joao Baena Soares, emphasized that the elections were "a step forward for the democratic process." Cass Ballenger, a North American Congressman, said that the vote "was clean."

The vote additionally provided indications that ought to be taken into account, such as the absenteeism, which denotes the necessity of revising of operations of the political system.

In sum, the experience validates the thesis that the fraudulent elections in Guatemala are already history.

Our congratulations to the people of Guatemala and to the conduct of the vote by the Supreme Tribunal of Elections.

ILL-CONSIDERED COSTS OF VOLUNTEERING TO BE THE WORLD POLICEMEN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. JACOBS. Mr. Speaker, one last thought before President Bush releases the devil of war on the American people.

One of the principle reasons stated by the administration for going after Iraq was that it held American hostages.

If the President orders a military attack on Iraqi forces, inevitably American military personnel will be taken prisoner by the Iraqis. So, in effect, the President will be serving on a platter to Hussein a whole new batch of hostages.

One more of the ill-considered costs of volunteering to be the world policemen.

IN GRATITUDE FOR AMERICAN SERVICE MEN AND WOMEN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. PORTER. Mr. Speaker, we are now 36 hours away from the January 15 deadline set by the U.N. Security Council and by the President and the Congress for Iraq's unconditional withdrawal from Kuwait and the possibility of military action to force such withdrawal.

The United States has stationed in Saudi Arabia upward of 350,000 troops ready to launch such a military action upon order of President Bush. These courageous and capable young American men and women represent our country and its unprecedented commitment to face down aggression and to protect the rights of all people to human freedom and self determination. These are our values, values that lie at the very foundation of our Nation and the rock upon which our entire existence and institutions rest.

These young Americans have our entire commitment and support and our prayers for their safe return and the success of their mission. If aggression can be halted in the Middle East, after the commitment to do so by the U.N. Security Council, for the first time since its founding, the relations between states—mired throughout human history in war and subjugation—can perhaps be forever changed.

Even at this late hour we hold out hope that Saddam Hussein will see the hopelessness of his position and will seek a way to avoid military confrontation. We pray that this is so. But whatever may happen, we want our American service men and women to know how grateful we are to each one of them, for their dedication to our country and to its values, for their bravery in confronting evil, and for presenting to the world the strength of moral purpose and hope that is the essence of America.

IN MEMORY OF PRESIDENT CHIANG CHING-KUO OF THE REPUBLIC OF CHINA

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. ESPY. Mr. Speaker, yesterday, January 13, 1991, marked the third anniversary of the passing of one of the world's greatest leaders: President Chiang Ching-kuo of the Republic of China. The eldest son of Generalissimo Chiang Kai-shek, Chiang Ching-kuo was born on March 18, 1910, and died on January 13, 1988. He was elected the sixth President of the Republic of China in May 1978, and was reelected for a second term on May 20, 1984. During his second term in office, unprecedented political and economic reforms were implemented, making Taiwan one of the freest and richest countries in the world.

In the last 3 years since Chiang's death, under the leadership of President Lee Teng-hui, Taiwan has continued on its path of political and economic progress. Taiwan's major opposition party, the Democratic Progressive Party, has competed fairly and squarely with the ruling Kuomintang at all elections; senior Kuomintang lawmakers elected on the mainland have been urged to retire and many have; travel restrictions to mainland China have been considerably eased; an unofficial organization to handle Taiwan-mainland affairs has been established; and more informal dialog between Taiwan and mainland China will be forthcoming. Economically, Taiwan has maintained its predominance in Asia, being the 13th largest economic entity in the world and having more than $70 billion in foreign reserves.

Taiwan is a major economic power, to say the least. When I visited Taiwan last August with four of our colleagues, I tried very hard to find the key to Taiwan's continuing success. I believe I have found part of the key: Taiwan's success lies in a superb team assembled by President Lee Teng-hui. This Cornell University scholar and statesman is a man of vision. He sees the Republic of China as a happy citizenry exercising individual rights to pursue their best economic interests. To help him reach that goal, he has Vice President Li Yuan-zu, a distinguished German-educated jurist and educator, to articulate the views of both government and people. Then there is Premier Hau Pei-tsun with whom my delegation and I met last August. A former military man, Hau is committed to democratic ideals while insisting that there can't be democracy without law and order. A no-nonsense pragmatist, he has implemented many needed political reforms since assuming the role of Premier last summer. We urged his continued efforts in that regard.

Mr. Speaker, perhaps no one better projects President Lee's world vision than my friend, Foreign Minister Fredrick Chien. This true-blue Yale man was Taiwan's former representative in Washington, DC. In my conversations with him, I have always found him personally engaging and politically insightful. To assist his President in projecting Taiwan's proper role in the world, Chien, for instance, has strongly supported an ROC overseas development fund to help Third World and developing countries to help themselves. Chien and his associates, namely Vice Ministers Johnny Chang and C.J. Chen, have also offered support to the United States, Jordan, and other Arab States during the current Persian Gulf crisis, Through thick and thin, President Lee Teng-hui, Foreign Minister Fredrick Chien, and his colleagues have always been friends to America.

Taiwan's pro-American stance has also been ably articulated by its top Washington envoy, Minister Ding Mou-shih. Tirelessly, Representative Ding has singled out his country's efforts in reducing its trade surpluses with us. And in recent days Representative Ding has analyzed for us why it is in everyone's interest to have Taiwan as a member of GATT and other international organizations.

Mr. Speaker, Taiwan's success is no fluke. It is the end result of its leader's vision, teamwork, and industry. As we honor the late President Chiang Ching-kuo on the third anniversary of his death, I believe President Chiang would be happy to know that the seeds he had sown many years ago on a barren island have now borne rich fruits for the world to see, to admire, and to share.

EVENTS IN LITHUANIA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. MARKEY. Mr. Speaker, a tragic event took place in Lithuania this weekend. I am deeply saddened by the violence unleashed on peaceful protestors and deplore the needless loss of life that has occurred.

Deeply troubling questions are raised by the events in Lithuania: Was this an isolated incident, or does it represent a turn toward repression? Was the crackdown ordered by President Gorbachev or by an overzealous local military commander? To what extend did President Gorbachev set the stage for the tragic deaths by threatening to impose direct rule from Moscow? Did the Soviet Government wait until world attention was focused on the Persian Gulf in the hopes that their crackdown would go unnoticed?

America must press for answers as to why and how these terrible events occurred and urge in the strongest possible terms that the Soviet Union return to the path of expanded human rights and freedom embodied in the policies of glasnost and perestroika. Instead of violent confrontations, both Lithuania and the Soviet Union should seek to establish dialog and political compromise.

While all Americans hope that the Soviet Union continues its transition from authoritarianism to a more democratic system, we must not close our eyes to the possibility that Soviet Foreign Minister Eduard Shevardnadze's warnings of dictatorship could come true. If this incident is, in fact, the beginning of a more repressive era in the Soviet Union, it will have a negative effect on our relations with that country. It is now up to the Soviet Government and the leaders of Lithuania to take action during the coming days to reduce tensions in Lithuania and return to the path of dialog and political compromise.

BLOODSHED IN LITHUANIA

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. MACHTLEY. Mr. Speaker, the savage force used by the Soviet security forces in Lithuania yesterday offers frightening evidence that the Soviet Union may be moving in one of two nightmarish directions—its leadership headed for either chaos or dictatorship.

There is no justification for the brutal attack initiated against the peaceful and democratic Lithuanian people. The reaction to this sudden and violent offensive against the citizens of Lithuania has drawn both shock and outrage from the international community. The Lithuanian people have responded with bravery and integrity, and the hearts of the American people are with them as they meet this difficult challenge.

The Soviet Union has for several years progressed on a course of democratic and peaceful change. The actions taken yesterday in Vilnius are completely at odds with that progression, and put at risk the new era of mutual understanding which has been steadily growing between our two nations.

The issue of Gorbachev's involvement in this crisis is critical for determining the future course of the Soviet Union, and will play a pivotal role in deciding the fate of all of the Baltic nations. However, whether President Gorbachev ordered the Vilnius assault or has lost control, and become subject to the will of his army generals and KGB security officials, Gorbachev must take responsibility for the immediate crisis. It is up to Gorbachev to return to diplomatic negotiations and dialog with the legitimate governments of the Baltic States, and to take immediate steps to ensure no further injury or loss of life.

That the attention of the world is drawn to the crisis unfolding in the gulf does not mean that the eyes of the international community are not also riveted to the events in Lithuania and the other Baltic States. The events of yesterday have posed a powerful threat to the ability of the Soviet Union to participate successfully in a new world order based on democratic and human rights. I firmly hope that President Gorbachev will take heed of our President's statement on the Lithuanian crisis:

> Legitimacy is not built by force. It's earned by the consensus of the people, by openness, and by the protection of basic human and political rights.

THE CHINESE LANGUAGE JOURNALIST ASSOCIATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. GREEN of New York. Mr. Speaker, it is with great pride that I rise today to recognize the Chinese Language Journalist Association, Inc., an organization whose membership is highly represented in newspapers, weekly magazines, radio, and television stations throughout New York City, on the occasion of its 10th anniversary.

The Chinese Language Journalist Association is renowned throughout the Chinese communities in North and South America for its efforts to promote the professional ethics of journalism among the Chinese language media, and also for its efforts to link the exchange of information between the Chinese community and society at large. The association also organizes conferences and panel discussions on grave issues in Chinese communities throughout the New York City area.

On the eve of the Chinese Language Journalist Association's 10th anniversary, it looks forward to a proliferation of its activities. The association hopes to attain a more important role in the community as the number of Chinese immigrants arriving in New York increases each year.

At this time, I should like to join my colleagues in commending and thanking the Chinese Language Journalist Association of New York for its valiant work. I should also like to extend my best wishes to the association on its anniversary and for many more years of success.

SPEAK OUT FOR THE BALTIC STATES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mrs. KENNELLY. Mr. Speaker, this past weekend we all spoke out against violence and repression. Democrats and Republicans alike, though differing in their view for future action, denounced the brutal dictator, Saddam Hussein, and decried his violent takeover of Kuwait. In repeated floor statements it was made amply clear, big ruthless countries have no right to usurp their smaller, peaceful neighbors. Independent people deserve to live independently and peacefully.

Yet, as we were debating the all important next step in this crisis in the Middle East, innocent people of another nation were being terrorized. While all eyes were on the Middle East, Soviet tanks rolled into Lithuania. And so far, 13 Lithuanians have been killed and another 140 wounded. In action similar to that in Tiananmen Square, China 2 years ago, innocent peaceful peoples defending their right to freedom and democracy died under the wheels of Communist tanks. I am saddened and I am angry.

The bloodshed in Vilnius, Lithuania and the fear of additional military violence in Latvia and Estonia is ominous indeed. Did President Mikhail Gorbachev give the orders? Or is he a victim of the actions of the Soviet military? Either scenario offers little hope for an easy solution. Neither scenario offers an excuse for inaction or silence on our part.

We must stand up and be counted. The violence in Lithuania is an outrage. It must be communicated that such violence will have a devastating effect on United States/Soviet relations. The United States has never recognized the illegal annexation of the Baltic States. Now we must speak out. Before it is too late.

DESIGNATION OF THE MRS. ZORA LEAH S. THOMAS MEMORIAL POST OFFICE

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. NEAL of North Carolina. Mr. Speaker, on behalf of the family of Mrs. Zora Leah Thomas and at the recommendation of Raeford A. Thomas, chief executive officer of the Alexander County Chamber of Commerce, a good friend and constituent of mine, I have introduced legislation to name the new post office in Hiddenite, NC, after the late Mrs. Zora Leah S. Thomas.

Zora Leah Thomas served as the postmaster in Hiddenite for 42 years. She was a lifelong member of the Hiddenite community and a valued and active citizen.

Mrs. Thomas was born on August 15, 1907, on a farm in Rocky Springs just north of Hiddenite to Hayne N. and Leah Lackey Sharpe. She taught for 2 years before joining the Postal Service as a clerk in December 1933.

On April 26, 1935, Mrs. Thomas succeeded her father, the late Hayne N. Sharpe, as postmaster. She acted as postmaster in Hiddenite for 42 years until her retirement on August 12, 1977. Mrs. Thomas was an active member of the Hiddenite Methodist Church her entire life.

Mrs. Thomas died in Hiddenite on August 12, 1990. She is survived by a brother, John Robert Sharpe, and a sister, Mrs. J. H. Sauer.

Mr. Speaker, I am pleased to have the opportunity to honor this outstanding citizen and lifelong public servant, as well as the city of Hiddenite with the introduction of this legislation.

IN COMMEMORATION OF UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 14, 1991

Mr. GILMAN. Mr. Speaker, I rise to pay tribute to the Ukraine and the aspirations of its people on the 73d anniversary of Ukraine's short-lived independence, which was declared on January 22, 1918.

It has been 2 years since the advent of glasnost and perestroika in the Soviet Union, and recent events in the Baltic Republics suggest that the forces of democratization are retracting. The use of the military to squelch the yearning for freedom in Lithuania, and the killing of 13 civilians in Vilnius is indicative of the harsh reality that confronts us—enhancing democratic values and advocating the cause of freedom has historically been a very costly endeavor.

From the time of the Mongols to the Tzars, the Ukraine has been viewed as a coveted prize of aggressors. The Soviet Communists view the Ukraine as a link in their ability to perpetuate the myth of an integrated nation, linking the diverse Soviet Socialist Republics.

In 1917, the Russian autocratic government disintegrated and the Ukrainian National Republic proclaimed its independence from foreign domination and declared its existence. With this declaration, the Ukrainians demonstrated to the world that Moscow, the Soviet central government, not the Russian Republic, which itself desires autonomy, cannot effectively represent the ethnic heterogeneity that is present within the artificially configured borders of the Soviet Union. Kiev represented the democratic concept of government based on respect of human rights and the dignity of man. Moscow represented totalitarianism and G-dless forces of destruction.

After the Ukrainian Declaration of Independence, the bloody Russian—Ukrainian War lasted for 4 terrible years. The Ukrainian freedom fighters were crushed by the Soviet Red army. Since the Soviet occupation of that land, over 10 million Ukrainians have died in the defense of their country.

Today, let us pay special tribute to the brave women and men of the Ukraine, who are carrying forth, at great personal sacrifice, the struggle for independence and freedom. The spirit of the Ukrainian people is as strong today in 1991 as it was in 1918.

Let me also take this opportunity to pay tribute to the millions of Ukrainian Americans who have done so much to make the United States the great Nation it is today. They have toiled in the farms and fields, and sweated in industry. Many have even made the ultimate sacrifice—their lives in defense of liberty and democracy throughout the world.

Mr. Speaker, although many years have passed since January 22, 1918, the will to be free remains universal, and humankind's quest for freedom and dignity cannot be snuffed out by humankind's ability to perpetrate the most barbarous of acts against itself. We pray during this coming year that in 1991, the battle between Athens and Sparta will finally be won, and the citizens of the Ukraine will hear the words of their own national anthem being sung.

Mr. Speaker, in my 22d Congressional District of New York, Ukrainian Independence Day will be commemorated by many Ukrainian-Americans. In Glen Spey, NY, the Association of Ukrainian-Americans of Glen Spey will be conducting commemorative services on January 22. In Rockland County, NY, the Ukrainian-American Veterans of Post No. 19 will be conducting appropriate ceremonies in the county legislative chambers memoralizing the many Ukranians who died on the battlefield both in the Ukraine and throughout the world to achieve independence and liberty.

Mr. Speaker, I invite my collegues to salute a proud people and join with them in praying for the day that Ukrainian independence will finally be achieved.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 15, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 16

9:30 a.m.

Select on Ethics

To continue hearings to examine various allegations made against certain Senators.

SH-216

10:00 a.m.

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To hold hearings to examine the state of the American family, focusing on children's health, child welfare reform, early childhood development, and State and local programs designed to aid working parents.

SD-430

JANUARY 17

10:00 a.m.

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To continue hearings to examine the state of the American family, focusing on children's health, child welfare reform, early childhood development, and State and local programs designed to aid working parents.

SD-430

10:30 a.m.

Budget

To hold hearings to examine the state of the economy and the budgetary outlook for 1991.

SD-608

JANUARY 18

10:00 a.m.

Budget

To hold hearings to examine the state of the economy, focusing on the views of the Federal Government.

SD-608

JANUARY 23

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on agricultural trade and agricultural reform in the Soviet Union, focusing on their effect on U.S. agriculture.

SR-332

JANUARY 29

9:30 a.m.

Energy and Natural Resources

To hold an organizational business meeting.

SD-366

JANUARY 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD-366

Rules and Administration

To hold an organizational meeting to consider committee's rules of procedure, committee's budget for 1991, Joint Committee on Printing and the Joint Committee on the Library membership, and other pending legislative and administrative business.

SR-301

FEBRUARY 6

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to revise the staff honoraria provision of the Ethics in Government Act of 1989 which bans the receipt of money or anything of value for work performed outside the Government.

SD-342

FEBRUARY 21

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Procurement Integrity Act.

SD-342